



Oregon

Theodore R. Kubongski, 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

4/26/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment
DLCD File Number 005-09

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, May 07, 2001

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

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

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Anjanette Simon, City of Beaverton
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM

2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE
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DEPT OF

APR 19 2010

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **Beaverton** Local file number: **ZMA2009-0003/CPA2009-0005**

Date of Adoption: **3/23/2010** Date Mailed: **4/16/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 08/25/09

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 is a City initiated Comprehensive Plan Map Amendment and a Zoning Map Amendment to eliminate an existing split zone and to bring the zoning into conformity with current development on the 12.88 acre subject property. The applicant proposes the Comprehensive Plan designation Corridor and a Zoning Map designation of General Commercial; both currently exist on-site and with these amendments will bring the entire site into uniformity.

Does the Adoption differ from proposal? No.

Plan Map Changed from: **Employment** to: **Corridor**

Zone Map Changed from: **Light Industrial** to: **General Commercial**

Location: **11850 SW Allen Boulevard** Acres Involved: **12.80**

Specify Density: Previous: **n/a** New: **n/a**

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD File No. 005-09 (17328) [16093]

DLCD file No. _____

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

Local Contact: Anjanette Simon

Phone: (503) 526-2419 Extension: none

Address: PO Box 4755

Fax Number: 503-526-3720

City: Beaverton

Zip: 97005

E-mail Address: asimon@ci.beaverton.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS [197.615](#) and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see [ORS 197.615](#)).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see [ORS 197.830 to 197.845](#)).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see [ORS 197.615](#)).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 4538

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND AMENDING ORDINANCE NO. 2050, THE ZONING MAP, FOR PROPERTY LOCATED AT 13700 SCIENCE PARK DRIVE; FOR CPA2009-0005 & ZMA2009-0003 (13700 SCIENCE PARK DRIVE, HOME DEPOT, ZONE MAP AND COMPREHENSIVE PLAN AMENDMENTS)

WHEREAS, on February 10, 2010, the Planning Commission held a public hearing to consider a City-initiated application request to amend Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map designation and to amend Ordinance No. 2050, Zoning Map designation on a split-zoned parcel as identified in Section 3. The proposed amendment assigns the Corridor (COR) designation, which is consistent with rezoning of the entire site to General Commercial (GC). The Planning Commission voted to approve the request as submitted; and

WHEREAS, the Comprehensive Plan Land Use Map and the Zone Map Amendment is to bring the property into consistency and uniformity with surrounding properties; and

WHEREAS, the Council adopts as to criteria applicable to this request and findings thereon the Planning Division Staff Report dated February 10, 2010, and Planning Commission Land Use Order No. 2188. Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to redesignate the parcel identified in Section 3, to the land use designation Corridor (COR) on the Comprehensive Plan Land Use Map;
- Section 2.** and Ordinance No. 2050, the Zoning Map, is amended to redesignate the parcel identified in Section 3 to the zoning designation General Commercial
- Section 3.** The property affected by this ordinance is depicted in the attached map, marked Exhibit "A" and incorporated herein. The property is more specifically described on the records of the Washington County Department of Assessment and Taxation as Tax Lot No.1N133CA01000, Beaverton, Washington County, Oregon.

First reading this 8th day of March, 2010.

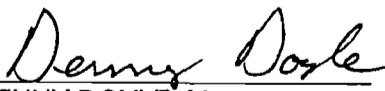
Passed by the Council this 22nd day of March, 2010.

Approved by the Mayor this 23rd day of March, 2010.

ATTEST:


SUE NELSON, City Recorder

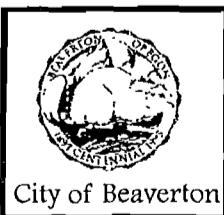
APPROVED:


DENNY DOYLE, Mayor

VICINITY MAP

BEAVERTON
MAPBOOK
PAGE 41

Exhibit A
Ordinance No. 4538



CPA2009-0005 / ZMA2009-0003
Science Park Dr / Murray Blvd

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

10/19/09 N
Tax Lot
1N113CA01000

SITE ADDRESS
13700 NW
SCIENCE PARK WY

STAFF REPORT

HEARING DATE: February 10, 2010

TO: Planning Commission

STAFF: Anjanette Simon, Associate Planner

PROPOSAL: **CPA2009-0005 & ZMA2009-0003 (13700 Science Park Drive Home Depot Zone Map and Comprehensive Plan Amendments)**

LOCATION: 13700 NW Science Park Drive
Map 1N133CA, Lot 01000

SUMMARY: This is a City initiated proposal to amend the City's Comprehensive Plan Land Use Map and Zoning Map to apply appropriate designations to a parcel with split zoning. The subject parcel is currently designated under the Comprehensive Plan as both Employment (EMP) and Corridor (COR) and the designated zones under the Development Code are currently Light Industrial (LI) and Community Service (CS) respectively.

The proposal is to amend both land use and zoning designations to Corridor and General Commercial, respectively, for consistency on the entire site. No new development is proposed as a part of this application. The subject property is located at the intersection of NW Science Park Drive and NW Murray Boulevard.

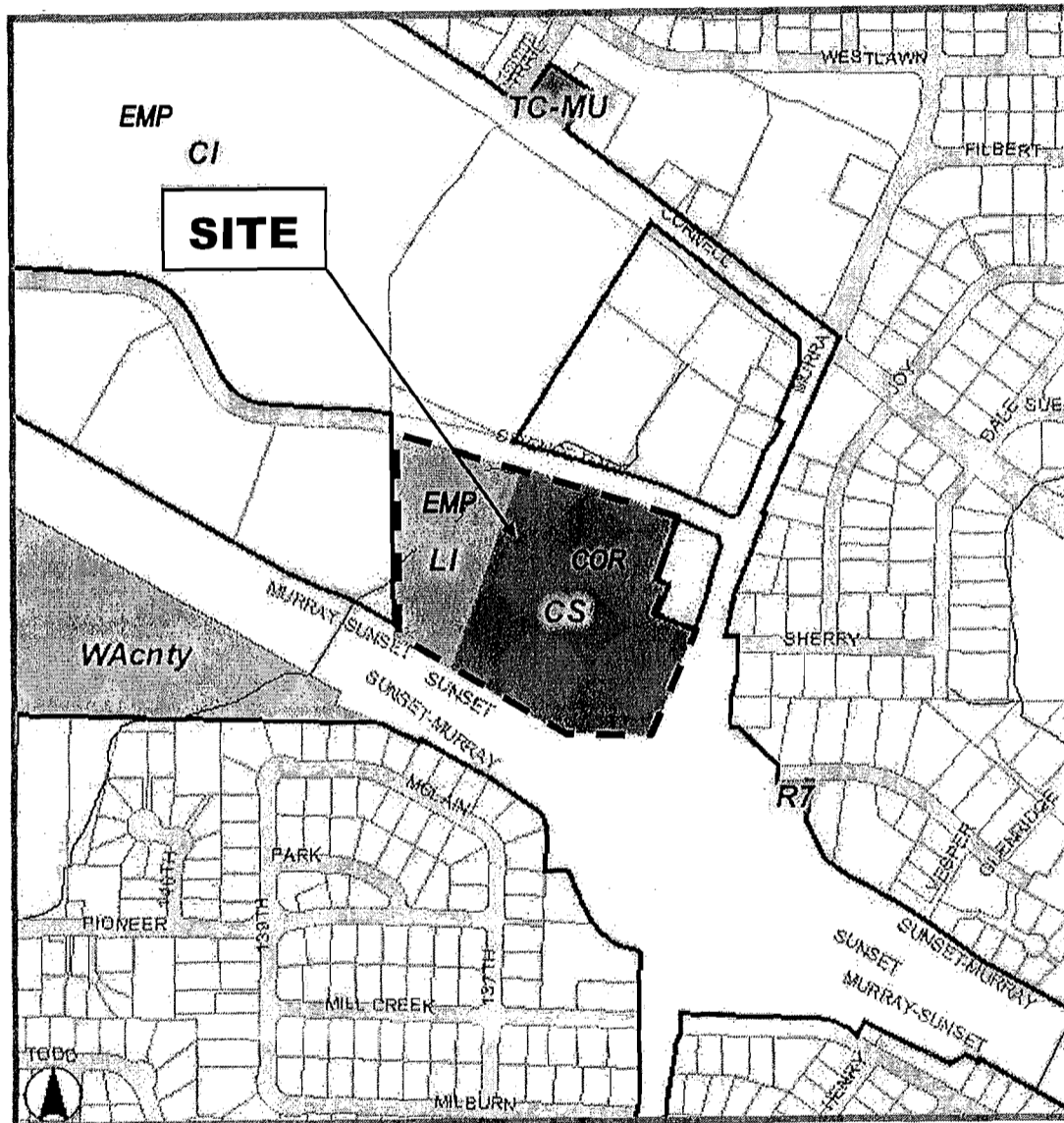
APPLICANT: City of Beaverton: Community Development Director
4755 SW Griffith Drive
Beaverton, OR 97076

DECISION CRITERIA: Development Code Section 40.97.15.1.C *Quasi-Judicial Zoning Map Amendment*, Comprehensive Plan Policy 3.10. and Section 1.5.1 of the Comprehensive Plan.

RECOMMENDATION: **Approval of CPA2009-0005 & ZMA2009-0003 (13700 Science Park Drive, Home Depot Zone Map and Comprehensive Plan Amendments), with no associated conditions of approval.**

Exhibit 1

Vicinity Map



13700 Science Park Drive Home Depot
Zone Map and Comprehensive Plan Amendments

(CPA2009-0005 & ZMA2009-0003)

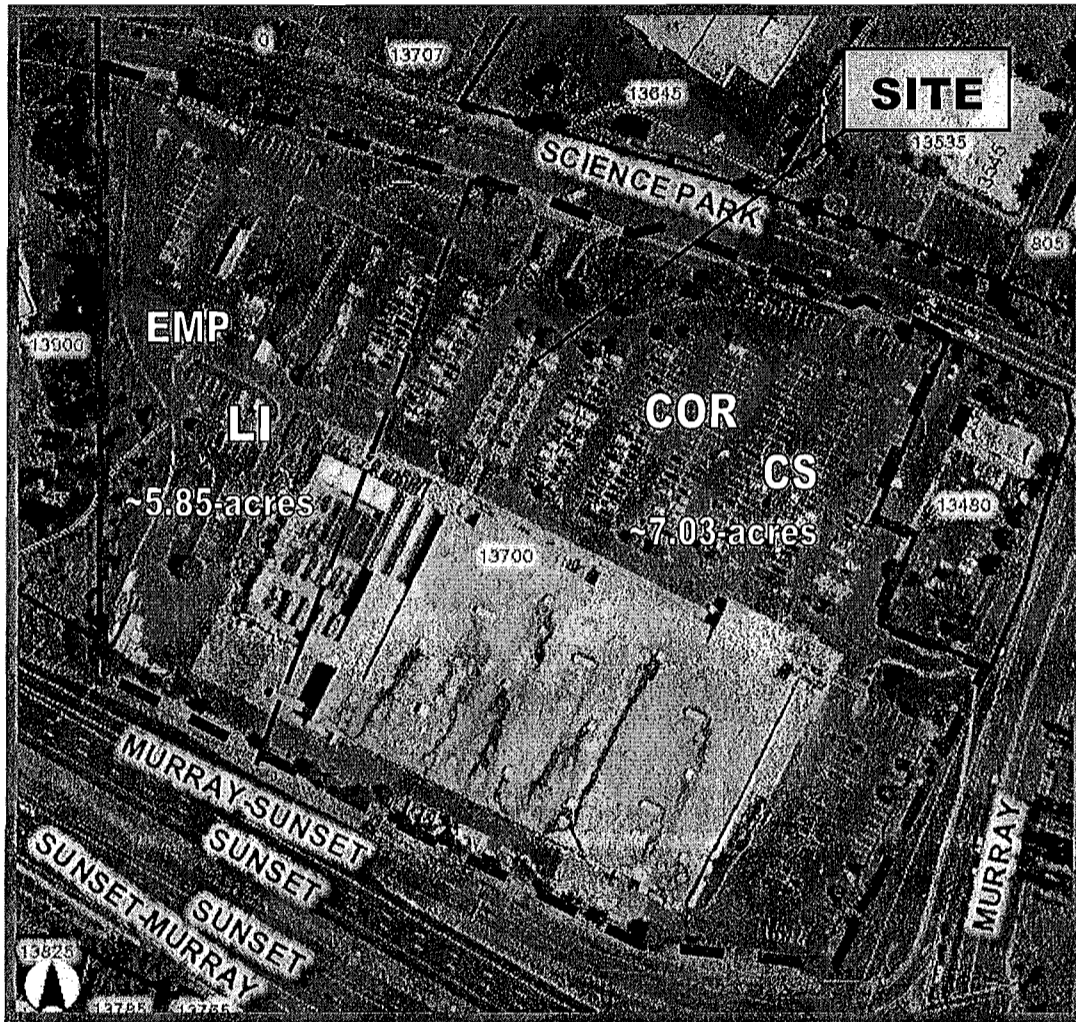
Aerial Photo



13700 Science Park Drive Home Depot
Zone Map and Comprehensive Plan Amendments

(CPA2009-0005 & ZMA2009-0003)

Site Designations Detail Map



13700 Science Park Drive Home Depot
Zone Map and Comprehensive Plan Amendments

(CPA2009-0005 & ZMA2009-0003)

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Submittal Complete	Final Written Decision Date	240-Day*
CPA2009-0005	8/18/2009	8/18/2009	N/A	N/A
ZMA2009-0003	8/18/2009	8/18/2009	N/A	N/A

* 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	Light Industrial & Community Service	
Current Development	Home Depot	
Site Size	12.88 acres	
NAC	Five Oaks Triple Creek	
Comprehensive Plan	<p>Land Designations: Employment and Corridor</p> <p>Street Functional Classification Plan: NW Science Park Drive is classified as a Collector and NW Murray Boulevard as an Arterial.</p> <p>Street Improvement Master Plan: The Transportation System Plan Street Improvement Master Plan identifies improvements adjacent to the subject site along NW Murray north of NW Science Park Drive to widen the road to 5 lanes. This improvement is currently under construction.</p> <p>Pedestrian & Bicycle Master Plan and Action Plans: The Pedestrian Master Plan identifies improvements in place along NW Murray Boulevard and NW Science Park Drive. Bicycle Master Plan does not indicate improvements proposed along NW Science Park Drive. However, a proposed THPRD trail is shown to run adjacent to the site along the west property line.</p>	
Surrounding Uses	<p>Zoning:</p> <p>North: City of Beaverton and Washington County</p> <p>South: Washington County</p> <p>East: Washington County</p> <p>West: Washington County</p>	<p>Uses:</p> <p>North: Commercial and THPRD Recreation Center</p> <p>South: Single Family Residences</p> <p>East: Single Family Residences</p> <p>West: Commercial/Industrial Offices</p>

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS	PAGE
Attachment A: ZMA2009-0003 13700 Science Park Drive Home Depot Zone Map Amendments	ZMA1-ZMA13
Attachment B: CPA2009-0005 13700 Science Park Drive Home Depot Comprehensive Plan Amendments	CPA1-CPA15

History of Site

Current development began on this site in 1994-95 with the construction of a hardware-home improvement retail store under Washington County jurisdiction. In April of 1999, the property was part of an annexation application processed by City staff on behalf of the property owners (Ordinance No. 4042). The site was part of a Comprehensive and Zoning Map Amendment applications in September of 1999 (CPA99-00011 and RZ99-00007) in order to bring the parcel into conformance with the City's zone and land use designations. The Urban Planning Area Agreement (UPAA) required that the City convert the existing County Plan Designations and Zoning Districts of annexed parcels to comparable City Plan Designations and Zoning Districts. As noted under CPA99-00011 and RZ99-00007, the property was zoned (Exhibit 2) within Washington County as Industrial with a land use designation of Community Business District.

The site was developed that included an outdoor lumber and building material sales area on the west side of the building, making the implementation of a zone that would comply with both the UPAA and the current land use problematic to resolve. The City's implementation of the UPAA resulted in a split for both the zoning and land use designations in order to be consistent with the plan and zoning that were available designations under the UPAA recognizing the particular uses of the site. The westerly portion of the property; which is approximately 4.63-acres in size was approved under Light Industrial/Employment to allow for a combination retail/wholesale lumber and/or building materials yard which is the primary use of that section of property, with the remainder of the property zoned Community Service/Corridor for the more commercial uses on site. The site was intended by the City to be rezoned at a later time to bring the hardware/home improvement retail store as a whole into compliance.

The City's request for a single Plan and Zoning designation is an approach to bring the entire site into zoning and land use consistency and uniformity with the current use. The proposed Corridor and General Commercial designations would provide opportunities for the creation and maintenance of diverse commercial types and densities without the complications of split zoning and designations, to provide clarity and efficiency for administrative procedures should redevelopment take place in the future.

Exhibits

Exhibit 1. Vicinity Map (page 2 of report), **Aerial Photo** (page 3 of report) and **Site Designations Detail Map** (page 4 of report)

Exhibit 2. Site Plan includes Washington County zoning and land use designations.

Exhibit 3. Site Plan includes the site as it is currently developed.

Public Comments Received

None received at time of writing.

**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.***

Facts and Findings:

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.”

The City is requesting a zoning map amendment to one approximately 12.88-acre parcel, identified as Map and Tax Lot 1N1-33CA01000 from the current zoning designation of Light Industrial (LI) and Community Service (CS) to the zoning designation of General Commercial (GC).

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

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

Facts and Findings:

The City, as the applicant, is not required to submit any fees associated with an application for Quasi-Judicial Zoning Map Amendments.

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

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

These applications includes a proposed Comprehensive Plan designation amendment to 'Corridor Development' in order to bring the entire site into a unified designation; therefore, staff finds the following Comprehensive Plan policies to be applicable to the proposal:

Corridor Development 3.10.1:

- a. *Regulate new development in Corridors to provide a mix of commercial and residential uses with pedestrian amenities.*
- b. *Apply the Corridor land use designation consistent with the Metro 2040 Regional Urban Growth Concept Map.*
- c. *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.*
- d. *The community shall endeavor to improve the appearance of commercial areas.*
- e. *Commercial facilities shall be allocated in a reasonable amount and in a planned relationship to the people they will serve.*

Action 1: *Adopt land use regulations in the Development Code providing criteria for rezones in compliance with subsection 3.14 Comprehensive Plan and Zoning District Matrix. Recommended criteria include, but are not limited to, minimum and maximum zoning district sizes; minimum floor area ratios and housing densities; minimum distances between other similar zoning classifications, uses, and schools; frontage on specific functional classifications on the Functional Classification of Streets Map (Figure 6.7).*

COMPREHENSIVE PLAN AND ZONING DISTRICT MATRIX	
Comprehensive Plan Designation	Zoning District
Regional Center	RC-E, RC-OT, RC-TO
Station Community	SC-HDR, SC-MU, SA-MDR, SA-MU
Town Center	TC-HDR, TC-MU, TC-MDR
Main Street	Office Commercial, Neighborhood Service, Convenience Service Center, R1, R2
Corridor	General Commercial, Convenience Service Center, Office Commercial, Community Service, Neighborhood Service, Corridor-Multiple Use, R1, R2, R3.5, R4
Employment Areas	Campus Industrial
Industrial	Industrial Park, Light Industrial, Campus Industrial
Neighborhood Residential (equivalent to Metro's Inner and Outer Neighborhood Design Types)	
Low Density	R10
Standard Density	R7, R5
Medium Density	R4, R3.5, R2
High Density	R1
Any of the plan designations cited above	Institutional

This site explicitly corresponds to the goals and policies of the proposed Corridor

Development designation as the site is located along an arterial street and adjacent to Highway 26 with good access. The Corridor Development section Policy under 3.10.1 further stipulates that: *“Because of the high visibility of this type of commercial area, these areas are limited to parcels with frontage along arterials or freeways. Also, commercial areas serving the immediate neighborhood with pedestrian, bicycle and auto accessibility are provided within the Corridor land use designation provided the market area for the commercial district is within a 2-3 mile radius (i.e. neighborhood scale).”* Staff find that both transit and commercial services are located at the intersection of NW Science Park Drive and NW Murray Boulevard. Furthermore, this commercial development serves the nearby residential neighborhood to the east and the site is surrounded with recent bicycle, pedestrian, and auto accessibility due to the improvements as part of the County’s NW Murray Boulevard and Barnes Road projects.

The site is currently developed with a hardware-home improvement retail service that includes extensive outdoor display area of building and plant materials. The zoning and land use language found in the Development Code and Comprehensive Plan states that areas for businesses that require extensive outdoor storage and/or display of merchandise, equipment or inventory uses on site should be considered for the Corridor and General Commercial designation.

The site is currently split zoned as Light Industrial and Community Service. The approval of the Zoning Map Amendment would result in the GC (General Commercial) designation on the site, thus bringing cohesive zoning and uniformity with the proposed Corridor Development designation. The Comprehensive Plan and Zoning District Matrix (under Policy 3.14) shows that the GC zone is the only compatible and functional zone under the Corridor Development that will coincide with current location and vicinity description while allowing for the existing development on site that features an substantial outdoor display of materials. The LI zone, although existing, does not meet Policy 3.14 because it cannot implement the existing EMP plan designation, now can it be permitted to implement the proposed CIR designation.

New development is not proposed at this time; however with the zoning designation of GC, any future development proposed will be compatible with the surrounding area allowing for a wide range of potential development options, including residential development, with the proposed land use designation of Corridor Development. Any future development will be reviewed through the Design Review process at a minimum for improvement to the appearance of the site, density, pedestrian connections, access, and land use impacts.

Summary Facts and Findings:

Staff finds the proposed General Commercial (GC) zone to be in conformance with all the applicable policies of the Comprehensive Plan.

Therefore, 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:

Chapter 90 of the Development Code defines “critical facilities” to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. City engineering staff has reviewed the proposal and there are no public utility service provision issues of significance. Tualatin Valley Water district is the designated provider of water for this site. The City is the immediate sanitary sewer and storm drainage service provider.

Public utility master plans (water, sanitary sewer, and storm) are all provide on the property and , and upon future redevelopment will be reviewed again to address service demands. Additionally, the subject site is insignificant in size in terms of master planning for public utilities. Therefore, staff find that there are adequate public facilities to support the maximum intensity of development of the General Commercial zoning designation.

This zoning map amendment will not change the level of services to the site, which staff finds to be sufficient to serve the current use and any of the listed permitted uses of the General Commercial (GC) zone. At the time when an expansion or new development occurs, staff will evaluate the capacity of the site’s critical facilities and services with the demands anticipated with each new development application.

Therefore, 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:

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way.

The commercial building on this site was constructed in 1995 and is served by essential facilities and services including schools, public transportation, police services, and public pedestrian and bicycle facilities. This zoning map amendment will not change the level of services to the site, which staff finds to be satisfactory to serve the current use. At the time when an expansion or new development occurs, staff will reevaluate the adequacy of the site’s essential facilities and services with the associated development application.

Therefore, 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:

Staff cites Sections 20.10.15 and 20.10.50 of the Development Code, as being the relevant Code sections in the review of this zone change. Staff identifies these code sections as being relevant for review because the sections contain the list of permitted, conditional, and prohibited land uses and the site development regulations that are specific to the General Commercial (GC) zone.

Review of Section 20.10.15 shows that the retail development on site would be permitted use in the proposed General Commercial (GC) zone without specific restrictions.

The site is currently developed with an approximate 101,000 square-foot retail building. Staff has evaluated the existing development's compliance with Chapter 20 Site Development requirements and finds that the building complies with both the current zones (LI and CS) and the proposed zone (GC). Under GC zoning, the minimum amount of land required per lot is 7,000-square-feet, which the lot size complies at 12.88 acres in size. In addition, the development complies with all setbacks for current and proposed zones. Should the property owner wish to undertake new development on the subject site, such development would be required to meet the land use related Site Development Standards 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 City does not request a zone designation of CV.

Therefore, staff finds the criterion to be 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. [ORD 4302; May 2004]*
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. [ORD 4302; May 2004]*

Facts and Findings:

The City's Engineering Division, Transportation Planning staff, has reviewed the rezone of this site from Light Industrial (LI) and Community Service (CS) to General Commercial (GC) and has found that it meets the traffic analysis requirement in Section 40.97.15.1.C.8 of the Development Code. The Development Code allows the use of Section 40.97.15.1.C.9 as an alternative to Section 40.97.15.1.C.8, which requires a full traffic analysis. Section 40.97.15.1.C.9 allows the applicant to provide evidence that the potential traffic impacts under the proposed zoning area are no greater than potential impacts from development under existing zoning. Staff's review has found that the potential traffic impacts from potential worst case trip generation for the General Commercial zone on the entire site is no greater in the p.m. peak hour than potential impacts from the worst case generator under the current LI/CS zoning.

The 12.88 acre site is divided into an approximate 4.63-acre LI portion and an 8.25-acre CS portion. The entire site is being used for a large, hardware/home improvement store. Garden sales are in the LI portion. This occurred due to changes between County zoning and Beaverton zoning at the time of annexation and changes in the Beaverton zoning code since 1997 when the site was last rezoned. The CS and GC classifications are identical, except GC allows temporary living quarters and self storage facilities, therefore, worst case trip generation is identical. The rezone of the 4.63-acre LI portion, worst case of lumber and/or building materials yard at 4.49 trips per 1,000 sq ft in the p.m. peak hour, to GC, worst case of Specialty Retail Center (ITE classification 814) at 2.71 trips per 1,000 sq ft in the p.m. peak hour, will be a reduction of potential future trips. The major intersections in the influence area of the site would continue to operate at acceptable levels of service under the rezoning, based on Beaverton's Capacity Standards (Development Code Sec 60.55.10.7).

For comparison, the current site use is a Home Improvement Superstore (ITE use classification 862) at 2.37 trips generated per 1,000 sq ft in the p.m. peak hour. The rezoning application does not propose any new construction at this time. Any proposed new uses or conditional uses will require approval from the city. Street mitigation improvements may be required of future development on this site, as identified by future required traffic analysis.

Therefore, the rezoning the site from Light Industrial (LI) and Community Service (CS) to General Commercial (GC) meets the traffic analysis requirement of the Development Code and the proposed GC uses and densities of the GC zoning will not have a significant effect on the surrounding transportation system as defined in Transportation Planning Rule (Oregon Administrative Rule 660-012-0060(4)) and that the rezoning complies with the Transportation Planning Rule. Therefore, staff finds that the development meets the requirements of Development Code Section 40.97.15.1.C.9.

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

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 following zoning districts are identified in Chapter 3 of the Comprehensive Plan as implementing zones of the Corridor Land Use designation: General Commercial, Convenience Service Center, Office Commercial, Community Service, Neighborhood Service, Corridor-Multiple Use, R1, R2, R3.5, and R4.

According to Chapter 3 of the Comprehensive Plan,

Within the Corridor land use designation, commercial zoning is intended to provide for a variety of shopping and service needs. Corridor areas include commercial areas requiring extensive outdoor storage and or display of merchandise, equipment or inventory. Because of the high visibility of this type of commercial area, these areas are limited to parcels with frontage along arterials or freeways. Also, commercial areas serving the immediate neighborhood with pedestrian, bicycle and auto accessibility are provided within the Corridor land use designation provided the market area for the commercial district is within a 2-3 mile radius (i.e. neighborhood scale).

Residential development within Corridors is intended to provide for single family attached and detached and multi-family developments. Generally, housing density will range from 8 to 43 units per acre. Where possible, residential and commercial uses should be part of integrated mixed use development.

The historic and continuing use of the subject site is commercial in nature. Accordingly, staff finds that the residential designations, R1, R2, R3.5, R4, and Planned Unit Developments are not appropriate for the site only in the context of the existing development. However, should residential redevelopment be requested, any of the residential zoning districts listed would be compatible with the property in terms of complying with Chapter 20 of the Development Code's Site Development requirements.

The following zones listed are commercial zones which are potentially compatible under

the Corridor designation: (Convenience Service (CV), Neighborhood Service (NS), Community Service (CS), Corridor-Multiple Use (C-MU), and General Commercial (GC). Staff finds that the General Commercial zoning will allow for a wide range of potential development options, including residential. In addition, designating the entire site GC would provide clarity and efficiency in the administration of the Development Code should redevelopment take place in the future. Consequently, the GC zone reflects the existing character of development and will be adequate to serve as an appropriate zone district.

Therefore, staff finds that the General Commercial (GC) zone is the zone best suited to the subject site. Staff concludes that given the intent of this zone (to provide for, "an area for businesses that require extensive outdoor storage and/or display of merchandise, equipment or inventory."), compatibility with abutting zones and conformity with the existing development, the General Commercial (GC) zone is the most appropriate implementing zone meeting district requirements for the subject site.

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 City submitted the application on August 18, 2009 and was deemed complete on August 18, 2009. In the review of the application materials, staff finds that all applicable submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, staff finds that 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 City has submitted this Zoning Map Amendment application in order to change the zone of a specific site. No associated development activities are proposed. The City is also the applicant for CPA2009-0005. Action on the CPA is necessary prior to taking action on the ZMA2009-0003. Approval of the ZMA is contingent on the approval of the CPA.

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

Conformance with Metro Titles

Title 1: Requirements of Housing and Employment Accommodation

Section 3.07.830 of the Urban Growth Management Functional Plan (UGMFP) requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:

For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map...” The 2040 Growth Concept Plan map designates the parcel included in this proposal under Town Center. Section 3.07.130 of the UGMFP describes Town Centers as follows: “Local retail and services will be provided in town centers with compact development and transit service.”

This application proposes to apply a zoning designation of GC to replace the existing split zone of LI and CS zoning designations. The property is designated a “Town Center” by the UGMFP. The zone change proposal will increase the allowed density of the subject site, complying with Title 1’s intent.

This title of the UGMFP requires the City to ensure that its Comprehensive Plan and zoning regulations accommodate certain amounts of housing and employment potential for the horizon year 2017. Under Town Centers - 40 persons per acre is the recommendation for either employment or housing potential. The size of the subject site is 12.88 acres; which has the potential to easily meet this threshold of housing density. Although staff has not conducted an employment survey of the site, if calculated for this specific site the current commercial development may support, at the minimum, 40 employees per acre as the size of the building is 101,000-square-feet and maintains an extensive inventory. In any case, the requirement of Title 1 do not require specific, lot by lot density calculations, but provide for density targets to be met-wide, over the entirety of the Town Center.

Any future development will include a specific review as to whether the proposal meets the Development Code’s minimum and maximum density standards. Development Code land use requirements have already been determined satisfactorily implemented growth targets, depending on the size and location of met designations. Approval of the proposed provide a similar employment density on the eastern portion of the lot (currently zoned CS), but will increase density on the western portion of the lot (currently zoned LI). Therefore, GC supports the ability of the City to meet Metro’s Functional Plan and specifically Title 1. Staff find that the requirements of this title have been met.

Title 2: Regional Parking Policy

The City has an established minimum and maximum parking ratio related to zones A and B. The subject property is within Parking Zone A. The current Maximum Permitted Parking Spaces per Zone A (5.1 spaces per 1,000-sqft. of building) applies to the subject property with a previously approved number of approximately 535-parking spaces under the Washington County review in 1995. The proposed zone change does not change the City’s conformance with Title 2. Neither would this amendment change Zone A parking maximums or the Development Code’s Off-Street Parking Standards in relation to the site.

Title 3: Water Quality and Flood Management Conservation

In concert with other local governments in Washington County, the City partnered with Clean Water Services to enact legislation acknowledged to comply with Title 3.

Title 4: Industrial and Other Employment Areas

This site is not identified as an Industrial or Employment area on the Title 4 map, therefore; this title is inapplicable to the proposed amendment.

Title 5: Neighbor Cities and Rural Reserves

Title 5 concerns Neighbor Cities and Rural Reserves. The proposal is within the City of Beaverton; therefore, this Title does not apply.

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

Title 6 predominantly focuses on local government strategies to improve implementation of Centers. The subject property is not within the Beaverton designations of Regional Center, Town Center or Station Community. Therefore; this Title is inapplicable to the proposed amendment.

Title 7: Affordable Housing

The Zone Change is not expected to provide for low cost housing. The site's current zoning does not provide for residential development. The site contains an existing commercial development and no redevelopment is proposed at this time.

Title 8: Compliance Procedures

Information about the proposal was sent to the Chief Operating Officer on August 18, 2009, 45 days prior to the first evidentiary hearing as required by Metro Code Section 3.07.820.

Title 9: Performance Measures

Title 9 directs Metro to measure the progress of the region in implementing the Urban Growth Management Functional Plan. This title is not relevant to the proposal.

Title 10: Functional Plan Definitions

Title 10 provides definitions for use in Metro's administration of the UGMFP and is, therefore, irrelevant to the compliance of this proposal to the UGMFP.

Title 11: Planning for New Urban Areas

Title 11 concerns planning for new urban areas. This proposal is within the Urban Growth Boundary and is within the corporate limits of the City of Beaverton. This Title does not apply to the amendment.

Title 12: Protection of Residential Neighborhoods

Protection of residential neighborhoods is a key to success of the 2040 Growth Concept. Existing development on the subject property is a commercial in nature. Through this amendment, any future redevelopment occurring on the property would retain or increase the density.

Title 13: Coordination

The City, as a member of the Tualatin Basin Coordinating Committee, complies with Title 13.

Regional Transportation Plan (RTP)

Section 6.4.4: Regional transportation system analysis is required for amendments to local plans or the addition of significant single occupancy vehicle capacity to regional facilities.

This section applies to city and county comprehensive plan amendments or to any local studies that would recommend or require an amendment to the Regional Transportation Plan to add significant single occupancy vehicle (SOV) capacity to the regional motor vehicle system, as defined by Figure 1.12. This section does not apply to projects in local TSPs that are included in the 2000 RTP. For the purpose of this section, significant SOV capacity is defined as any increase in general vehicle capacity designed to serve 700 or more additional vehicle trips in one direction in one hour over a length of more than one mile. This section does not apply to plans that incorporate the policies and projects contained in the RTP.

The City's Transportation System Plan (TSP) has been adopted for consistency with, and implementation of, the 2000 RTP. Therefore; the Regional Transportation Plan is not required to be used in the review of to the proposed zoning map amendment.

Staff cites the findings of conformance with the State Transportation Planning Rule (TPR), found on page 11 of this report, as applicable to conformance with the RTP.

Finding: The proposed zoning map designation is compatible with the UGMFP (by the review of Metro Titles) and the RTP.

Conformance with Statewide Planning Goals

City staff will not be addressing statewide planning goals because that review is not necessary for proposed local amendments in jurisdictions that have acknowledged Comprehensive Plans and land use plan maps. The process leading up to local adoption of the City's Plan and acknowledgement is summarized below.

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps in a three-part report (Ordinance 1800) along with implementation measures, including implementation of the Development Code (Ordinance 2050) in the late 1980's. The City adopted a new Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The proposed Plan, including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before adoption. The adopted Plan and findings supporting adoption were deemed acknowledged pursuant to a series of Approval Orders from the Department of Land Conservation and Development, effective December 31, 2003, with a final set of acknowledgement findings adopted April 27, 2004. Therefore, the land use planning processes and policy framework described in the Development Code and Comprehensive Plan form the basis for decisions and actions on amendments to the Plan and Code, including the subject zoning map amendment.

Conformance with the State Transportation Planning Rule

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

The City's Transportation System Plan (TSP) is based on Metro's modeling of projected transportation system impacts based on growth that is assumed for Metro's Urban Growth Management Function Plan (UGMFP) (the "2040 Growth Concept"). As refined within the City's study area, the TSP's transportation modeling is based on the assumed growth projections, and implementation of, the City's Land Use Map (Figure III-1 of the Comprehensive Plan). The City's Plan Map includes all 2040 Growth Concept design types. The TSP provides adequate system-wide traffic analysis so that an additional traffic analysis is not necessary for the current zoning map amendment.

To the extent that the TSP cannot anticipate all impacts of future specific development proposals on the area transportation system, the TSP establishes a level of service standard and the Development Code establishes standards for traffic analysis of development. To assure that transportation facilities are not significantly affected by future development, the TSP requires that development proposals are subject to meeting a level of service maximum, specifically the volume to capacity ratio of 0.98, identified in the City's Engineering Design Manual (EDM).

At the time that development is proposed, Section 60.55.20 of the City Development Code requires a traffic analysis that is consistent with the EDM. At the time of future development proposals, the City will review conformance with the level-of-service standards, and may establish conditions of approval requiring necessary transportation improvements based upon the impacts of development. Therefore, to the degree that the TSP cannot anticipate all future traffic impacts, the Development Code's requirement for traffic analysis can be relied upon to address the transportation impacts of the proposed zoning map amendment, should redevelopment be proposed.

Summary: Staff finds that through the implementation of the transportation system improvements planned in the TSP, reliance on the City's maximum level-of-service standard, and the City's ability to mitigate traffic impacts through future conditions of approval, the proposed rezoning will not significantly affect transportation facilities. Staff finds that this zoning map amendment is consistent with the land use assumptions of the TSP, and will be consistent with land use and transportation planning requirements contained in the TPR and the UGMFP, without unanticipated impacts.

SUMMARY OF ZMA FINDINGS: For the reasons identified above, staff finds that the Zoning Map Amendment satisfies the approval criteria for Zoning Map Amendment approval pursuant to Section 40.97.15.1.C.1 through 13 of the Development Code, in addition to compliance with applicable State and Metro requirements.

ZONING MAP AMENDMENT- QUASI JUDICIAL CONCLUSION

Based on the facts and findings presented, staff concludes the proposal, **ZMA2009-0003 (13700 NW Science Park Drive Zone Amendment)** meets the criteria for approval.

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **ZMA2009-0003 (13700 NW Science Park Drive Zone Amendment)**. There are no recommended conditions of approval.

ANALYSIS AND FINDINGS FOR
COMPREHENSIVE PLAN MAP AMENDMENT –QUASI-JUDICIAL

Section 1.5.1. Approval Criteria:

In order to approve a Comprehensive Plan 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:

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

Of the 19 Statewide Planning Goals, staff finds Goals 1, 2, 6, 9, 10, 11, 12, 13, and 16 are applicable to the proposed map amendment.

Goal 1: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. (Public Involvement)

The proposed amendment is subject to the public notice requirements of the Comprehensive Plan Section as follows:

Section 1.4.2(A) of the Comprehensive Plan prescribes the notice requirement to be provided for these types of applications. Notice must be mailed to the State Department of Land Conservation and Development (DLCD), Metro, Washington County, the Chair of any City-recognized Neighborhood Association Committee (NAC) or County-recognized Citizen Participation Organization whose boundaries include the property for which the change is contemplated, and the Chair of the Committee for Citizen Involvement (CCI) at least 45 days prior to the initial hearing. Between 20 and 40 days from the hearing, notice must be mailed to the subject property owners and surrounding property owners within 500 feet, posted in City Hall, posted in the City Library, posted on the City's Web site, and published in a local newspaper.

In response to these requirements:

1. The required inter-agency DLCD notice was mailed to DLCD, Metro, and Washington County on August 18, 2009 - at least forty-five (45) calendar days prior to the initial hearing;
2. The required inter-agency DLCD notice was also mailed to the chair(s) of the West Beaverton Neighborhood Association Committee (NAC) whose boundaries include the property for which the change is contemplated, and the Chair of the Committee for Citizen Involvement on October 21, 2009, at least forty-five (45) calendar days prior to the initial hearing;
3. Legal notice was published in the Beaverton Valley Times on October 29, 2009.
4. Notice was mailed to property owners included in the proposed change area, and to the owners of property within 500 feet of the subject property for which the change is proposed on October 27, 2009.

5. Notice was mailed to the owner of the subject property on October 21, 2009.
6. Notice was posted in City Hall, in the City Library, and on the City's website on October 27, 2009.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above. Therefore, staff finds the notice requirements for this CPA have been met.

At the hearing, the Planning Commission considers written comments and oral testimony before they make a decision. The procedures outlined in Comprehensive Plan Section 1.4.2 allow for proper notice and public comment opportunities on the proposed Comprehensive Plan amendment as required by this Statewide Planning Goal. As noted above, these procedures have been followed.

Goal 2: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. (Land Use Planning)

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

Previously, the subject property was under Washington County jurisdiction with the construction of the hardware-home improvement retail store in 1995. At that time, the properties were assigned zoning and land use designations as County Industrial and Community Business District, which is the equivalent of today's Light Industrial and Community Service zones accompanied by the Employment and Corridor land use designations. Through the annexation process in 1999, the Employment Comprehensive Plan designation was chosen with the Light Industrial zone on the western portion of the property which was the similar with the UPAA to bring consistency with outdoor uses.

The result was a split for both the zoning and land use designations in order to be consistent with the allocated designations under the UPAA while at the same time, allowing for the particular use of the site. The site was slated to be rezoned at a later time to create uniformity on the lot. The General Commercial zone would bring uniformity to the entire site, allow for a wide range of potential development options and allow for clarity and efficiency for administrative procedures should redevelopment take place in the future, as well as be compatible with the current use. The GC zone is not an

implementing zone of the Employment land use designation; therefore, staff has applied for a Comprehensive Plan Amendment with this request.

Staff has assessed the appropriate choice of City Comprehensive Plan land use designation for the subject property as Corridor. This assessment was guided by provisions in Section 3.14 (the Comprehensive Plan and Zoning District Matrix) of the City's Comprehensive Plan. The Comprehensive Plan has undergone state scrutiny and been acknowledged by the State of Oregon to comply with Goal 2. The intent of this proposal is to bring the entirety of the lot into uniformity so that the Corridor designation will be compatible with Section 3.14 of the Comprehensive Plan as acknowledged by the State. Staff has followed the CPA procedure to assure that the decision is consistent with the intent of Goal 2.

Goal 6: To maintain and improve the quality of the air, water and land resources of the state.

There is a fragmented wetland and stream corridor located along the west portion of the property that is a tributary to Willow Creek, generally flowing from northeast to southwest. This wetland and stream corridor was addressed by Clean Water Services and Washington County during the previous processing of the development on site. Landscaped areas were designed to conserve and maintain the fragmented stream corridor through the site. There is also a water quality facility along the Science Park Drive frontage. Upon redevelopment, additional updated Clean Water Services standards will be applied to further preserve or enhance the wetland function.

Staff finds that applying the City's Corridor Designation to the subject property satisfies the provisions expressed in Oregon's Goal 6.

Goal 9: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. (Economic Development)

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

The proposal assists in maximizing the economic potential of commercial uses to encourage the generation of commerce and jobs. Staff concludes the proposal to apply the City's Corridor plan designation to the subject property complies with the aims expressed in Goal 9.

Staff finds that the proposal will help promote opportunities for economic activities vital to the health, welfare, and prosperity of Oregon's citizens. This amendment complies with Goal 9 of the Statewide Planning Goals.

Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. (Public Facilities and Services)

The City of Beaverton is located within the Urban Growth Boundary (UGB) for the Portland metropolitan region. Metro is the regional governing body that determines the regional need for UGB expansions and in doing so, works with local governments to determine the highest and best use of lands within the UGB in order to reduce the need for UGB expansion into rural lands. The subject property is developed with a retail hardware-home improvement store, landscaping, and associated parking. Availability of public facilities and services to serve the property had been addressed at the time of development through Washington County's review process and through the subsequent annexation into the City without an issue of significance. If redevelopment of this parcel is proposed, site specific issues related to public facilities and services will be addressed in the development review process.

Staff finds that applying the City's Corridor designation to the subject property satisfies the provisions expressed in Oregon's Goal 11.

Goal 12: To provide and encourage a safe, convenient and economic transportation system. (Transportation)

Oregon Administrative Rules (OAR) 660-012-000 through 660-012-0070, referred to as the Transportation Planning Rule (TPR), provide guidance on compliance with Statewide Planning Goal 12. A Transportation System Plan (TSP), adopted pursuant to OAR Division 12, fulfills the requirements for public facilities planning required under Oregon Revised Statutes (ORS 197.712(2)(e)), Goal 11 and OAR Chapter 660, Division 12 as they relate to transportation facilities. Volume 4 of the Comprehensive Plan contains the City's adopted TSP, effective June 6, 2003. OAR 660-012-0060 requires local governments to review Comprehensive Plan and land use regulation amendments with regard to the effect of the amendment on existing or planned transportation facilities. This section is cited as follows:

"A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

- (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.”

The City's Comprehensive Plan designations are descriptive tools assigned to individual properties. These designations are in turn implemented through the specific zones. While the role of the plan designation is perceived as qualitative, zoning provisions apply specific criteria applicable to new development. As specified in Section 3.14, the City's Comprehensive Plan and Zoning District Matrix, specific zones correlate with specific plan designations. However, zoning ultimately controls the use and residential and employment density in development standards. This density in turn influences the scale of traffic generation that will affect local transportation facilities.

Staff proposes an amendment to redesignate the property to the Corridor land use designation in order to bring uniformity to the site. Because the property's zoning is the principle instrument used to control the level of traffic generation derived from a development, and because the status of the property zoning will not be affected by the proposed amendment, staff contends that the proposed amendment will not significantly affect the local transportation facilities as defined by OAR 660-012-0060 cited above.

Staff finds that applying the City's Corridor designation to the subject property satisfies the provisions expressed in Oregon's Goal 12 and OAR 660-012-000 through 660-012-0070.

Goal 13: To conserve energy. (Energy Conservation)

The proposal involves the application of a City plan designation to be applied to the subject property to bring the entire lot into consistent uniformity. The permitted uses currently on site were subject to compliance with the Statewide Planning Goals, are not proposed to change.

The proposed land use designation for the entire site to Corridor may result without increase or lesser energy impacts with any future development. Because adoption of this designation had previously been assessed for Goal 13 compliance on the easterly portion of the site, the entire property is found to comply with the Goal.

Staff finds that applying the City's Corridor Designation to the subject property satisfies the provisions expressed in Oregon's Goal 13.

Goal 16: To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands. To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

There is a fragmented wetland and stream corridor located along the west portion of the property that is a tributary to Willow Creek, generally flowing from northeast to southwest. This wetland and stream corridor was addressed by Clean Water Services and Washington County during the previous processing of the development on site. Landscaped areas were designed to conserve and maintain the fragmented stream corridor through the site. Upon redevelopment, additional updated Clean Water Services standards will be applied to further preserve or enhance the wetland function.

Staff finds that applying the City's Corridor Designation to the subject property satisfies the provisions expressed in Oregon's Goal 16.

Remaining Goals

Goal 3: Agricultural Lands

Goal 4: Forest Lands

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

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

Goal 7: Areas Subject To Natural Disasters and Hazards

There are no natural resources located within the subject area determined to be of special significance. Therefore, these goals are not applicable to this proposal.

Goal 8: Recreational Needs

The proposal does not involve recreational facilities which include destination resorts or opportunities to satisfy the recreational needs to visitors and the citizens of the state. Therefore, this goal is not applicable.

Goal 10: Housing

The proposal does not include residentially zoned lands on site. The site has been consistently industrial and commercial designated without housing.

Goal 14: Urbanization

The proposal does not include a request to establish or change the Urban Growth Boundary. Therefore, this goal is not applicable.

Goal 15: Willamette Greenway

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

*Goal 17: Coastal Shorelands,
Goal 18: Beaches And Dunes,
Goal 19: Ocean Resources*

Apply to oceanic or coastal resources. The City of Beaverton is over 80 miles from coastal resources; therefore, these goals do not apply in the City of Beaverton.

Summary Finding: Staff finds that for the reasons identified above, the proposed amendment complies with Goals 1, 2, 6, 9, 10, 11, 12, 13, and 16 and finds that Goals 3, 4, 5, 7, 8, 10, 14, 15, and 17 through 19 are not applicable. Criterion 1.5.1.A is met.

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

Facts and Findings:

Title 1: Requirements of Housing and Employment Accommodation

Section 3.07.830 of the UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:

“For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map...” The 2040 Growth Concept Plan map designates the property included in this proposal under the Town Center design types subject to local interpretation of the Growth Concept Map. Section 3.07.130 of the UGMFP describes Town Centers as follows: “Local retail and services will be provided in town centers with compact development and transit service.” The property is near one major street, is in the immediate vicinity of commercial businesses and transit lines, all pedestrian and bicycle improvements are in place and the property is commercially developed. Because of these features, staff suggests that the appropriate 2040 Growth Concept Plan designation is Town Center.

This title of the UGMFP requires the City to ensure that its Comprehensive Plan and zoning regulations accommodate certain amounts of housing and employment potential for the horizon year 2017. Under Town Centers - 40 persons per acre is the recommendation for either employment or housing potential. The size of the subject site is 12.88 acres; which has the potential to easily meet this threshold of housing density. Although staff has not conducted an employment survey of the site, if calculated for this specific site the current commercial development may support, at the minimum, 40 employees per acre as the size of the building is 101,000-square-feet and maintains an extensive inventory. In any case, the requirement of Title 1 do not require specific, lot by lot density calculations, but provide for density targets to be met-wide, over the entirety of the Town Center.

The City's Corridor plan designation corresponds to Metro's Inner Neighborhood design type. Due to the fact that the proposed amendment does not involve actual development of the subject property, staff believes that it does not pose a conflict of any regional significance to the modeling or policies that are the basis for the Regional Transportation Plan.

Title 2: Regional Parking Policy

The City has an established minimum and maximum parking ratio related to zones A and B. The subject property is within Parking Zone A. The current Maximum Permitted Parking Spaces per Zone A (5.1 spaces per 1,000-sqft. of building) applies to the subject property with a previously approved number of approximately 535-parking spaces under the Washington County review in 1995. The proposed amendment does not change the City's conformance with Title 2. Neither would this amendment change Zone A parking maximums or the Development Code's Off-Street Parking Standards in relation to the site.

Title 3: Water Quality and Flood Management Conservation

In concert with other local governments in Washington County, the City partnered with Clean Water Services to enact legislation acknowledged to comply with Title 3.

Title 4: Industrial and Other Employment Areas

The City and Metro established long-term Industrial and Employment Areas on the Title 4 map. This area is not shown as Industrial Area on the Metro Title 4 Industrial and Employment Areas Map.

Title 5: Neighbor Cities and Rural Reserves

Title 5 concerns Neighbor Cities and Rural Reserves. The proposal is within the City of Beaverton; therefore, this Title does not apply.

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

Title 6 predominantly focuses on local government strategies to improve implementation of Centers. The subject property is not within the Beaverton designations of Regional Center, Town Center or Station Community. Therefore; this Title is inapplicable to the proposed amendment.

Title 7: Affordable Housing

This proposal is not expected to provide for low cost housing. The site contains an existing commercial development and no redevelopment is proposed at this time.

Title 8: Compliance Procedures

Information about the proposal was sent to the Chief Operating Officer on August 18, 2009, more than 45 days prior to the first evidentiary hearing as required by Metro Code Section 3.07.820.

Title 9: Performance Measures

Title 9 directs Metro to measure the progress of the region in implementing the Urban

Growth Management Functional Plan. This title is not relevant to the proposal.

Title 10: Functional Plan Definitions

Title 10 provides definitions for use in Metro's administration of the UGMFP and is, therefore, irrelevant to the compliance of this proposal to the UGMFP.

Title 11: Planning for New Urban Areas

Title 11 concerns planning for new urban areas. This proposal is within the Urban Growth Boundary and is within the corporate limits of the City of Beaverton. This Title does not apply to the amendment.

Title 12: Protection of Residential Neighborhoods

Protection of residential neighborhoods is a key to success of the 2040 Growth Concept. Existing development on the subject property is a commercial in nature. Through this amendment, any future redevelopment occurring on the property, would retain and increase the density.

Title 13: Coordination

The City, as a member of the Tualatin Basin Coordinating Committee, complies with Title 13.

Regional Transportation Plan (RTP)

Section 6.4.4: Regional transportation system analysis is required for amendments to local plans or the addition of significant single occupancy vehicle capacity to regional facilities.

"This section applies to city and county comprehensive plan amendments or to any local studies that would recommend or require an amendment to the Regional Transportation Plan to add significant single occupancy vehicle (SOV) capacity to the regional motor vehicle system, as defined by Figure 1.12. This section does not apply to projects in local TSPs that are included in the 2000 RTP. For the purpose of this section, significant SOV capacity is defined as any increase in general vehicle capacity designed to serve 700 or more additional vehicle trips in one direction in one hour over a length of more than one mile. This section does not apply to plans that incorporate the policies and projects contained in the RTP."

The City's Transportation System Plan (TSP) has been adopted for consistency with, and implementation of, the 2000 RTP. Therefore; the Regional Transportation Plan does not apply to the proposed Comprehensive Plan map amendment.

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

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

Facts and Findings:

The following Comprehensive Plan Chapters are addressed below: 1, 2, 3, 4, 5, 6, 7, 8, and 9. Staff finds that no other local plans are applicable to this proposal.

Chapters 1 and 2: Procedures and Public Involvement Elements, respectively

The procedures for amending the Comprehensive Plan found within Chapter 1 have been complied with, including appropriate noticing. The Planning Commission will hold an initial hearing where public testimony and evidence will be entered into the record and used for the Planning Commission's deliberations. The Planning Commission will make a recommendation to City Council, who will follow appropriate procedures for adopting an ordinance implementing the Planning Commission's recommendation and incorporating their findings, unless an appeal of the Planning Commission decision is filed, in which case the Council will conduct a hearing on the appeal.

Finding: Staff finds that the proposal is a quasi-judicial amendment. Staff finds that the appropriate procedures in Chapter 1 and summarized in Chapter 2 of the Comprehensive Plan have been met. Thus, this proposal is in compliance with Chapters 1 and 2.

Chapter 3: Land Use Element.

Section 3.10.1 contains policies that govern Corridor development. Although the equivalent designation for the subject property was previously assessed and deemed applicable when it was initially adopted, staff assessed the application policies in Section 3.10.1 to determine the appropriateness of the designation to the entirety of the subject property.

Corridor Development 3.10.1:

- a. *Regulate new development in Corridors to provide a mix of commercial and residential uses with pedestrian amenities.*
- b. *Apply the Corridor land use designation consistent with the Metro 2040 Regional Urban Growth Concept Map.*
- c. *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.*
- d. *The community shall endeavor to improve the appearance of commercial areas.*
- e. *Commercial facilities shall be allocated in a reasonable amount and in a planned relationship to the people they will serve.*

Action 1: Adopt land use regulations in the Development Code providing criteria for rezones in compliance with subsection 3.14 Comprehensive Plan and Zoning District Matrix. Recommended criteria include, but are not limited to, minimum and maximum zoning district sizes; minimum floor area ratios and housing densities; minimum distances between other similar zoning classifications, uses, and schools; frontage on specific functional classifications on the Functional Classification of Streets Map (Figure 6.7).

COMPREHENSIVE PLAN AND ZONING DISTRICT MATRIX	
Comprehensive Plan Designation	Zoning District
Regional Center	RC-E, RC-OT, RC-TO
Station Community	SC-HDR, SC-MU, SA-MDR, SA-MU
Town Center	TC-HDR, TC-MU, TC-MDR
Main Street	Office Commercial, Neighborhood Service, Convenience Service Center, R1, R2
Corridor	General Commercial, Convenience Service Center, Office Commercial, Community Service, Neighborhood Service, Corridor-Multiple Use, R1, R2, R3.5, R4
Employment Areas	Campus Industrial
Industrial	Industrial Park, Light Industrial, Campus Industrial
Neighborhood Residential (equivalent to Metro's Inner and Outer Neighborhood Design Types)	
Low Density	R10
Standard Density	R7, R5
Medium Density	R4, R3.5, R2
High Density	R1
Any of the plan designations cited above	Institutional

Staff contends that the proposed amendment complies with the aforementioned policies contained in Section 3.10.1 in the following respects:

- The subject property is proposed to be amended to Corridor, which fulfills the stated policy of providing opportunities for potential mix of commercial or residential development as part of the overall policy of providing opportunities for the creation and maintenance of diverse commercial types and densities without the administrative complications of split zoning and designations. As part of this request, the proposed General Commercial zone also allows for a variety of commercial and of housing types.
- The *2040 Growth Concept Plan* map designates the property included in this proposal under the Town Center design types subject to local interpretation of the Growth Concept Map. Section 3.07.130 of the UGMFP describes Town Centers as follows: "Local retail and services will be provided in town centers with compact development and transit service."
- The property could be described under the Comprehensive Plan designation of Corridor because the neighborhood contains a mix of single-family residential homes with commercial development along NW Murray Boulevard. The Corridor designation, which would be implemented by the General Commercial zone, would

permit future development designed in a way that is compatible in scale and setbacks to the surrounding commercial, residential, industrial and institutional uses.

- The site is located along an arterial street and adjacent to Highway 26 with good access. Both transit and commercial services are located at the intersection of NW Science Park Drive and NW Murray Road. Furthermore, this commercial development serves the immediate single-family neighborhood to the east and the site is surrounded with up-to-date pedestrian, bicycle and auto accessibility.
- Staff concludes, because these points are consistent with the policies specified in Section 3.10.1 above, the Corridor designation is appropriate for the subject property.

Therefore, approval of the amendment is needed to meet Policies 3.10.1.

Finding: Staff finds that for the reasons specified above, the policies found in Chapter 3 are met.

Chapter 4: Housing Element.

Discussion under Goal 10 assists in the understanding of the applicability of the Housing Element to this amendment.

The City adopted a Housing Element into its Comprehensive Plan (Ordinance 4187) in January of 2002 pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). Part of that process involved development of a buildable lands inventory, a housing type needs analysis, and a housing density assessment. Based upon the findings of those studies, the City adopted policies to encourage a broad mix of housing types at density levels designed to maximize development potential. Policies that are particularly relevant to this proposal include the following:

Section 4.2.1.1.a) Allow development of a wide variety of housing types in the City.

Section 4.2.2.1.a) Increase residential capacity in the City to substantially comply with requirements of Title 1 of the Metro Urban Growth Management Functional Plan.

The existing site does not contain residential zoning and so residential zones are proposed under the CPA.

Finding: Staff finds that policies found in Chapter 4 are not applicable.

Chapter 5: Public Facilities and Services Element.

As noted in the Goal 11 discussion, the proposal does not physically affect the landscape, or affect corporate boundaries, or the City's public facility plans. The use on the subject property is subject to the split zoning currently in place. The proposed CPA will bring the entire property into a uniform plan designation, implemented by one zone. This proposal would not affect the City's ability to implement the Public Facilities Plans, Capital Improvement Plan, Urban Planning Area Agreement (UPAA), Urban Service Area, Storm Water and Drainage System, Potable Water System, Sanitary Sewer System, Parks and Recreation, or Police and Fire and Emergency Medical Services.

Because there is no redevelopment proposed with this request, the policies, plans and actions found in this chapter are not applicable to the proposed amendment.

Finding: Staff finds that the policies found in Chapter 5 are not applicable to the

Chapter 6: Transportation Element.

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

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

Discussion addressing the amendment's compliance with *OAR 660-012-0060* was provided under the section addressing Goal 12 compliance above. As pointed out in that section, the proposal seeks to amend the plan designation assigned to the subject property from Employment to Corridor. Because the property's zoning is the principal instrument used to control the level of traffic generation derived from a development, and because the status of the property's zoning will not be affected by the proposed amendment, staff concludes that the proposed amendment will not significantly affect the degree of traffic generation on local transportation facilities.

It should also be noted that any redevelopment of the subject property will require that a traffic impact assessment be prepared by the applicant to demonstrate that traffic generation deriving from the development will not impose excess constraints upon the system. If the impacts of development are forecast to degrade the system beyond the 0.98 demand to capacity ratio, mitigation measures to alleviate the impact may be required. The analysis of the impact of development would be triggered at the time when development of the property is proposed rather than with the amendment being proposed here.

Finding: Staff finds that for the reasons specified above, the proposal is consistent with the policies found in Chapter 6 of the City's Comprehensive Plan.

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

Staff reviewed the provisions contained in the Chapter 7 of the City's Comprehensive Plan and concluded that the proposal does not involve areas designated in the Goal 5 inventory. The City of Beaverton depicts its significant natural resources related to Goal 5 on its Significant Tree Inventory Map, Local Wetland Inventory Map, and Habitat Benefit Area Map. There is a fragmented wetland and stream corridor located along the west portion of the property that is a tributary to Willow Creek, generally flowing from northeast to southwest. The Habitat Benefit Area Map identifies Riparian Wildlife Habitat Class 4 on the subject site. No development is proposed at this time and any future development will be reviewed for compliance with Chapter 7 of the Comprehensive Plan.

Staff finds that the proposal does not impact resources subject to the protection Goal 5 compliance. Therefore, staff finds that the amendment complies with Chapter 7 of the Comprehensive Plan.

Finding: Staff finds that for the reasons specified above, the proposal is consistent with the policies found in Chapter 7 of the City's Comprehensive Plan.

Chapter 8: Environmental Quality and Safety Element.

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

Finding: Staff finds that the policies found in Chapter 8 are not applicable to the proposed amendment.

Chapter 9: Economy Element.

Staff reviewed the provisions contained in the Chapter 9 of the City's Comprehensive Plan and concluded that economic development, proposed industrial facilities, and employment centers would not be negatively affected by the proposed amendment.

Finding: Staff finds that the policies found in Chapter 9 are not applicable to the proposed amendment.

Summary Finding: Staff finds that the proposed Comprehensive Plan Amendment is generally consistent and compatible with the applicable sections of the Comprehensive Plan. Thus, the requirements of Criterion 1.5.1.C are met.

D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other property

that now have the same designation as proposed by the amendment;

The proposed amendment involves assignment of the Corridor plan designation to the subject property to provide a single consistent Plan Map designation. The choice of the Corridor designation will make possible the implementation of the General Commercial zone. The purpose of the entire site proposed to be the General Commercial zone is to resolve the split zoning of to bring the entire property into consistency and allow for clarity and efficiency for administrative procedures should redevelopment take place in the future. The City's request for a single Plan and Zoning designation is an approach to bring the entire site into zoning and land use uniformity and to provide opportunities for the creation and maintenance of diverse commercial types and densities without the complications of split zoning and designations as well as being compatible with the current use. The proposed Corridor and General Commercial designations also allow for clarity and efficiency for administrative procedures should redevelopment take place in the future.

The amendment will not change any specific use or development provisions assigned to the property but will restore the correlation between the plan and zone designations specified in Section 3.14 of the Comprehensive Plan.

Finding: Staff finds that criterion 1.5.1.D is met for the proposed amendment.


SUMMARY OF CPA FINDINGS: For the reasons identified above, staff finds that the Comprehensive Plan Map Amendment satisfies the approval criteria for Comprehensive Plan Amendment approval pursuant to Section 1.5.1 of the Comprehensive Plan, in addition to compliance with applicable State and Metro requirements.

COMPREHENSIVE PLAN MAP AMENDMENT- QUASI JUDICIAL CONCLUSION

Based on the facts and findings presented, staff concludes the proposal, **CPA2009-0005 (13700 NW Science Park Drive Comprehensive Plan Map Amendment)** meets the criteria for approval.

Recommendation

Based on the facts and findings presented, staff can recommend **APPROVAL** of **CPA2009-0005 (13700 NW Science Park Drive Comprehensive Plan Map Amendment)** with no recommended conditions of approval.

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