



# 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

August 15, 2008

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 007-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 28, 2008**

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

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

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

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

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# 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

Jurisdiction: **City of Beaverton**

Local file number: **CPA2008-05/ZMA2008-05**

Date of Adoption: **8/5/2008**

Date Mailed: **8/7/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/2/2008

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".

The City amended its Comprehensive Plan Land Use Map and Zoning Map to assign its Main Street land use designation and Neighborhood Service Center (NS) and R1 zoning designations to five properties recently deannexed from the City of Portland and annexed into the City of Beaverton.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **See p.8 of attached**

to: **Beaverton Main Street**

Zone Map Changed from: **Port. CS, CG, & R1**

to: **Beav. NS and R1**

Location: **Intersection of Garden Home Rd. & Oleson Rd.**

Acres Involved: **4**

Specify Density: Previous: **Com & min lot of 1,000 sq ft/unit**

New: **Com & same min lot**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                                     |                          |                          |                          |                                     |                                     |                                     |                                     |                                     |                          |                          |                          |                          |                          |                          |
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| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                            | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                            | <b>10</b>                           | <b>11</b>                           | <b>12</b>                           | <b>13</b>                           | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
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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 # 007-08 (16876)*

**DLCD file No.** \_\_\_\_\_

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

Beaverton School District, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Park and Recreation District, Tualatin Valley Fire and Rescue

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Local Contact: **Jeff Salvon**

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

Address: **PO Box 4755**

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

City: **Beaverton**

Zip: **97076-**

E-mail Address: **jsalvon@ci.beaverton.ci.or.us**

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## **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**.

# EXHIBIT 1

ORDINANCE NO. 4489

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP TO APPLY THE CITY'S MAIN STREET PLAN DESIGNATION AND ORDINANCE NO. 2050, THE ZONING MAP, TO APPLY THE CITY'S NEIGHBORHOOD SERVICE CENTER (NS) AND URBAN HIGH DENSITY (R1) ZONES TO FIVE PROPERTIES LOCATED IN EASTERN BEAVERTON; CPA 2008-0005/ZMA 2008-0005 (SW GARDEN HOME ROAD)

**WHEREAS,** on February 13, 2008, Tax Lots 1S124CD00100, 1S124CD00300, 1S124CD00301, 1S124CD00400, and 1S124CD00402 were annexed into the City of Beaverton from the City of Portland; and

**WHEREAS,** property annexing into the City of Beaverton from the City of Portland is not regulated by the provisions of the Washington County-Beaverton Urban Planning Area Agreement (UPAA); and

**WHEREAS,** Development Code Section 10.40.3.B specifies that parcels where the UPAA does not identify a specific City zoning designation and discretion is required, a public hearing shall be held; and

**WHEREAS,** the purpose of CPA2008-0005/ZMA2008-0005 is to amend Figure III-1, Ordinance 4187, the Comprehensive Plan Land Use Map to assign the Main Street plan designation to the subject parcels and to amend Ordinance 2050, the Zoning Map, to assign Urban High Density Residential (R1) and Neighborhood Service Center (NS) to the annexed parcels; and

**WHEREAS,** pursuant to Ordinance 4187, Section 1.4.2 and Ordinance 2050, Section 50.45, written notice was mailed to the property owners subject to the amendment, the Neighborhood Association Chair, and owners of property within 500 feet of the proposal, notice was published in the Beaverton Valley Times, notice was posted on site, at Beaverton City Hall, Beaverton City Library, and on the Beaverton City Web site; and

**WHEREAS,** pursuant to Ordinance 4187, Section 1.5.1 and Ordinance 2050 Section 50.45, the City published a written staff report and recommendation on June 11, 2008, a minimum seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on June 18, 2008; and,

**WHEREAS,** pursuant to Ordinance 4187, Section 1.5.1 and Ordinance 2050, Section 40.97.15.1.C, the Planning Commission conducted a public hearing on June 18, 2008, (hearing minutes attached hereto as Exhibit "E"), and considered testimony and exhibits on the proposal, and, at the conclusion of the hearing, voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Comprehensive Plan Map (Figure III-1) and Zoning Map based on the criteria, facts and findings set forth in the Community Development

Department staff report by Associate Planner Jeff Salvon dated June 11, 2008, attached hereto as Exhibit "B", the supplemental information found in the Community Development Department supplemental staff memo by Associate Planner Jeff Salvon dated June 18, 2008, attached hereto as Exhibit "C", and Planning Commission Order No. 2089 attached hereto as Exhibit "D"; and,

**WHEREAS,** no written appeal pursuant to Ordinance 4187 Section 1.7.2 and Ordinance 2050 Section 50.70 was filed by persons of record for CPA2008-0005/ZMA2008-0005, following the issuance of the Planning Commission Order No. 2089; and,

**WHEREAS,** the City Council adopts as to criteria, facts and findings described in Planning Commission Order No. 2089 dated June 26, 2008 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute adequate factual basis for this ordinance; now, therefore,

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

**Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate Tax Lots 1S124CD00100, 1S124CD00300, 1S124CD00301, 1S124CD00400, and 1S124CD00402 Main Street, as shown on Exhibit "A".

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate the property on Tax Lots 1S124CD00100, 1S124CD00300, and 1S124CD00301 Neighborhood Service Center (NS) and Tax Lots 1S124CD00400 and 1S124CD00402 Urban High Density Residential – 1,000 square feet per dwelling unit (R-1), as shown on Exhibit "A".

First reading this 21st day of July, 2008.

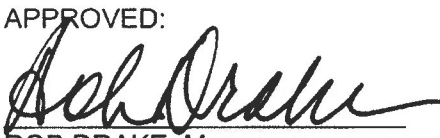
Passed by the Council this 4th day of August, 2008.

Approved by the Mayor this 5th day of August, 2008.

ATTEST:

  
\_\_\_\_\_  
SUE NELSON, City Recorder

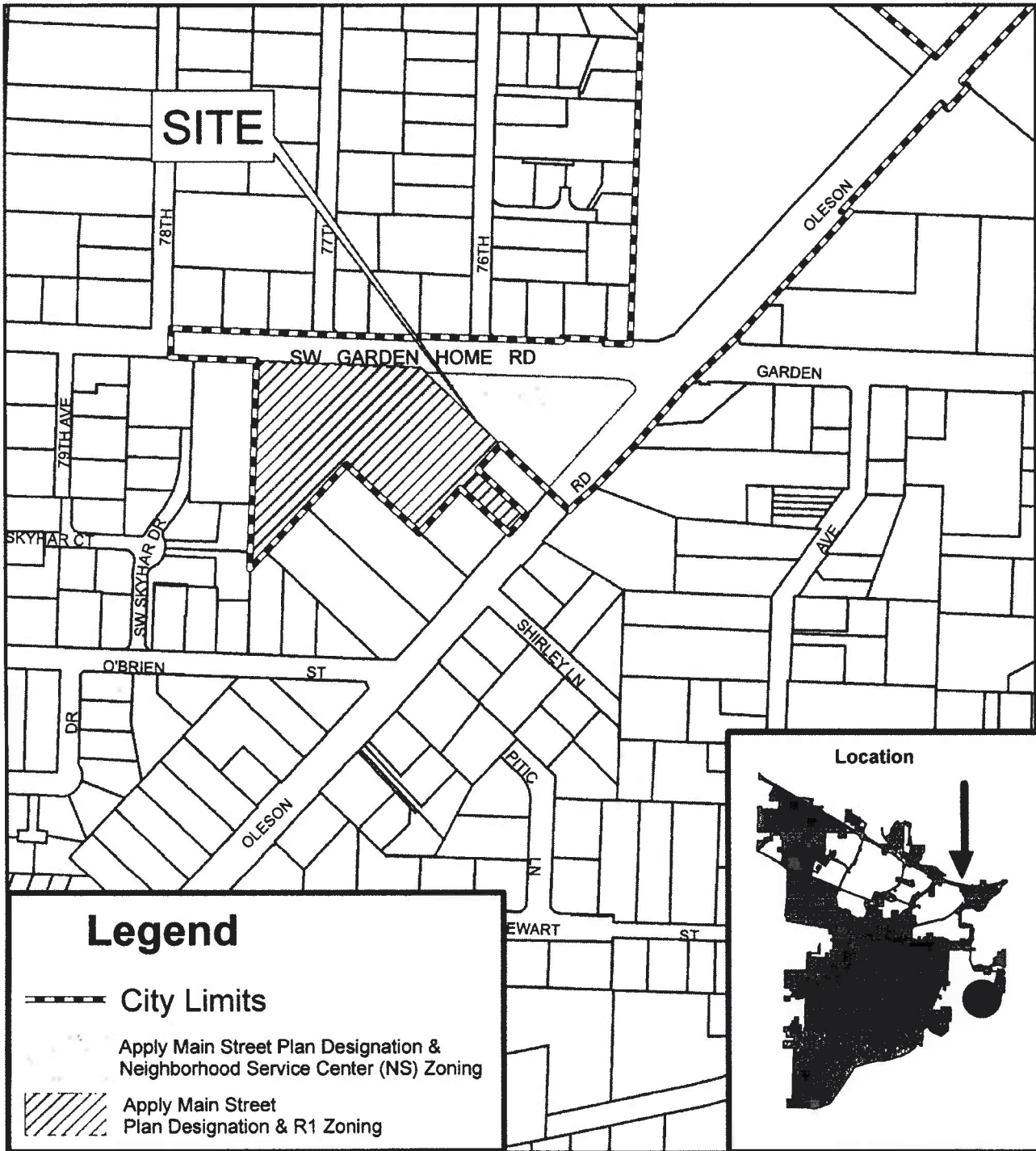
APPROVED:

  
\_\_\_\_\_  
ROB DRAKE, Mayor

# VICINITY MAP

Ordinance  
No: 4489

EXHIBIT A



City of Beaverton

**CPA 2008-0005 / ZMA 2008-0005**

**COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division**

5/2/08

Tax Lot #'s  
VARIOUS



SW Garden Home Rd/  
SW Oleson Rd

**EXHIBIT B**Ordinance  
No: 4489**CITY of BEAVERTON**

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

**STAFF REPORT**

**TO:** Planning Commission

**AGENDA DATE:** June 18, 2008      **REPORT DATE:** June 11, 2008

**FROM:** Jeff Salvon, Associate Planner

**APPLICATION:** 1. CPA2008-0005  
(SW Garden Home Rd. /SW Oleson Rd.  
Comprehensive Plan Land Use Map Amendment)

2. ZMA2008-0005  
(SW Garden Home Rd. /SW Oleson Rd. Zoning Map  
Amendment)

**LOCATION:** The subject parcels are located in the southwest corner of SW Garden Home Road and SW Oleson Road. The parcels are identified as tax lots 1S124CD00100, 1S124CD00300, 1S124CD00301, 1S124CD00400, and 1S124CD00402.

**NEIGHBORHOOD ASSOCIATION:** Denney Whitford / Raleigh West Neighborhood Association Committee

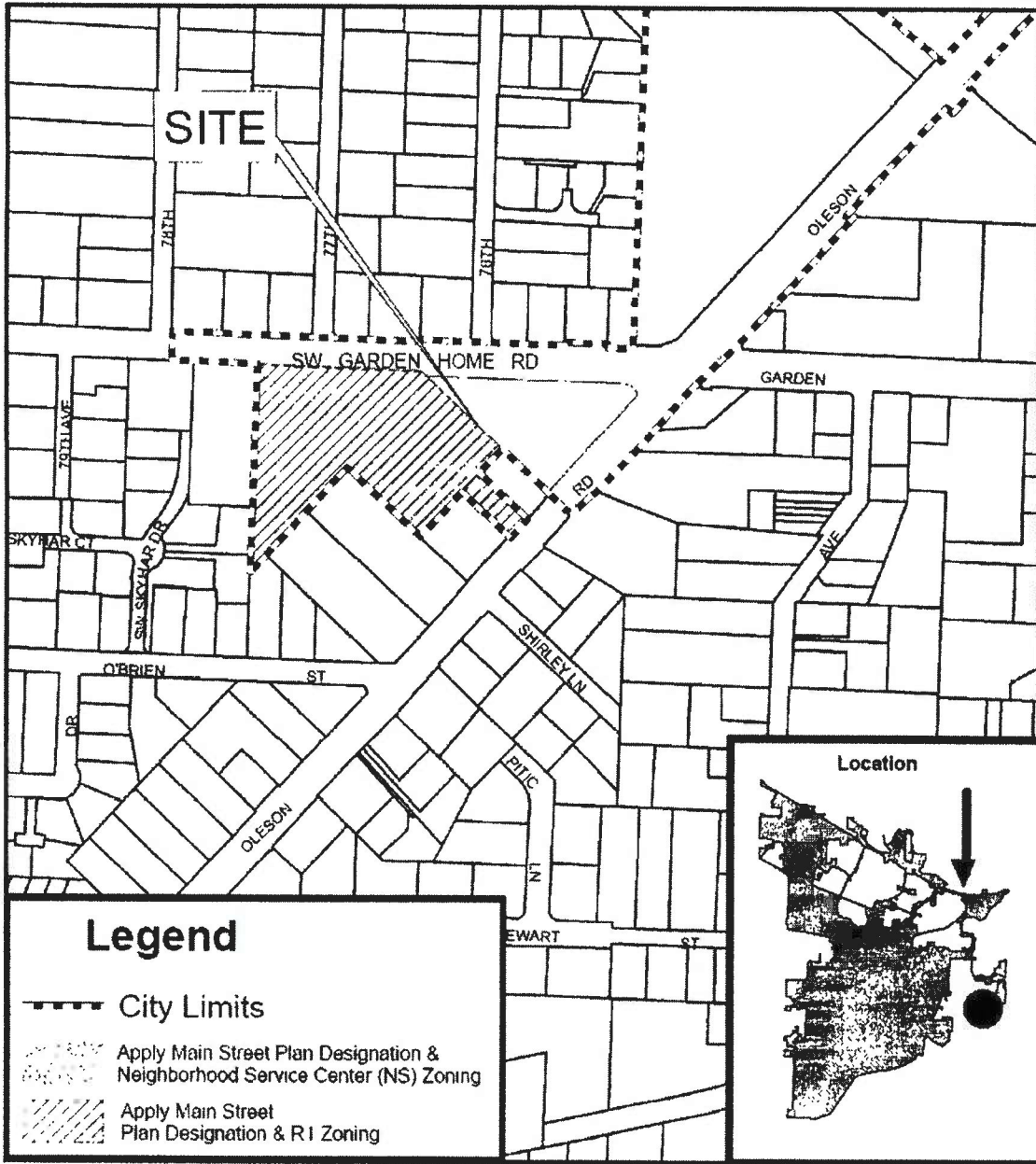
**REQUEST:** Apply the City's Main Street (MS) land use designation and the City's Urban High Density (R-1) and Neighborhood Service (NS) zones to the subject parcels.


**APPLICANT:** City of Beaverton Community Development Director

**APPROVAL CRITERIA:** Comprehensive Plan Section 1.5.1 and Development Code Section 40.97.15.1.C.

**RECOMMENDATION:** Staff recommends the Planning Commission adopt a final order recommending that the City apply the Main Street (MS) land use designation and the City's Urban High Density (R-1) zone and Neighborhood Service (NS) zone to the subject parcels.

# VICINITY MAP



 City of Beaverton	<b>CPA 2008-0005 / ZMA 2008-0005</b>	<b>5/2/08</b> Tax Lot #'s VARIOUS	N 
	<b>COMMUNITY DEVELOPMENT DEPARTMENT</b> <b>Planning Services Division</b>	SW Garden Home Rd/ SW Oleson Rd	

CPA2008-0005/ZMA2008-0005  
 Report Date: June 11, 2008



## BACKGROUND

Several years ago the owners of the subject parcels approached the City and expressed an interest in deannexing from the City of Portland and annexing into the City of Beaverton in order to attain services from the City and our special district service providers. In February of this year annexation into the City became effective. However, plan and zone designations previously applied to the properties remain under the City of Portland's standards. This proposal is to apply City designations to the subject parcels.

In a typical annexation related plan and zone map amendment, the City would apply the terms established in the Beaverton–Washington County Urban Planning Area Agreement (UPAA). This agreement was established to determine in advance which City plan and zone designations most appropriately approximate County zoning applied to properties prior to annexation. Application of the UPAA assumes, however; that the annexed property was previously in unincorporated Washington County. In this case, the plan and zone designations derive from another incorporated City. Although an effort can be made to apply Beaverton designations that most closely approximate the designations in place under Portland's standards, discretion will be required in assessing the applicability of City zoning to the subject parcels.

In preparing this proposal, staff attempted to apply Beaverton plan and zoning designations that correspond to those previously established by the City of Portland. However, the proposal also includes a staff recommendation that the City apply commercial zoning to one parcel that is currently zoned residential and that the City apply residential zoning to a parcel that is currently zone commercial.

## EXISTING CONDITIONS

**Uses.** The subject area consists of 5 individual parcels (approximately 4.45 acres) and supports a mix of commercial and residential uses. One of the parcels is currently vacant.

	Map and Taxlot #	Parcel Size (acres)	Existing Use
1	1S124CD00400	3.13	Multi-Family Residential
2	1S124CD00300	0.44	Vacant
3	1S124CD00100	0.37	Service Station: Refueling Pumps
4	1S124CD00301	0.35	Service Station: Convenience Store
5	1S124CD00402	0.16	Residential Duplex

**Character.** The subject parcels are located at the junction of two arterials, both classified as Main Street on Metro's 2040 Growth Concept Map. Development around the intersection is consistent with the type of development envisioned for the main street concept and together comprise a retail hub that serves the local neighborhood. Uses within this hub include high density residential, residential converted for office use, park and a community assembly facility, a shopping center, and assorted retail.

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CPA2008-0005/ZMA2008-0005

Report Date: June 11, 2008

**Natural Resources.** No significant natural resources affecting the subject parcels were identified among city of Portland's environmental planning documents, Washington County's Raleigh Hills / Garden Home Community Plan, or the city of Beaverton's natural resource inventory maps.

## **ANALYSIS**

This proposal is to apply the City of Beaverton's Main Street Plan Map designation to all five properties and apply the City's NS and R1 zones in place of Portland's R1, CS, and CG zoning districts. Regulatory disparities between the Portland's current zoning and Beaverton's proposed zoning designations are likely to impose restrictions on future uses of the properties. To assess possible impacts incurred, staff conducted a comparison of the proposed zone replacement for each subject parcel. The plan and zoning segments of the proposal are addressed separately.

### **COMPREHENSIVE PLAN COMPATIBILITY ANALYSIS**

In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP). Among its mandates, this document required that Cities and County's adopt land use policies reflective of design characteristics in Metro's Growth Concept Map. Section 3.07.130 of the Metro Code specifies the following:

*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 or on maps adopted by ordinances adding territory to the UGB...*

In 2002, as part of its Periodic Review Program, the City of Beaverton updated its Comprehensive Plan to include a number of plan designations designed to emulate Metro's 2040 Growth Concept design types. The City also applied these designations in specific areas across the City to correspond with Metro's 2040 Growth Concept Map. The Main Street plan designation, which is proposed to be applied to the subject parcels, was among those plan designations adopted. Application of this plan map designation continues to satisfy Metro's UGMFP compliance requirements.

The City of Portland has also achieved Metro's 2040 Growth Concept compliance but has done so in a slightly different format. Instead of altering its Comprehensive Plan land use designations and map to reflect Metro's design types, Portland first adopted the Metro 2040 Growth Concept Plan Map as an element of its Comprehensive Plan. Over the years, Portland has augmented the City's Comprehensive Plan vision with a compilation of Community Plans containing vision statements and policies reflective of

the 2040 Growth Concept. In the Garden Home area, the City adopted the Southwest Community Plan in 2000 in order to comply with Metro's requirements.

Metro's 2040 Growth Concept Map has designated the properties adjacent to SW Garden Home Road and SW Oleson Road as Main Street. In their own ways, both the cities of Beaverton and Portland have adopted local versions of Metro's Main Street design type. Each jurisdiction has incorporated similar elements relevant to the Main Street concept. These include integration of residential and commercial uses, scaling and densities appropriate to adjacent development, use of pedestrian design elements such as sidewalk awnings, increased glazing standards, and availability of public transit. Section 3.9.1 of Beaverton's Comprehensive Plan provides the groundwork. It states the following:

*3.9.1 Goal: Main Street Areas with a vibrant mix of neighborhood commercial and residential uses in a pedestrian friendly environment that includes wide sidewalks with pedestrian amenities.*

Although Beaverton and Portland's Main Street concepts are not identical, the fact that both jurisdictions have adopted comprehensive plan policies to apply Metro's Main Street design type to the area would indicate that application of Beaverton's Main Street Plan Map designation to the properties is appropriate.

## ZONING DISTRICT COMPATIBILITY ANALYSIS

Pursuant to the Comprehensive Plan and Zoning District Matrix, (Section 3.14 of the Comprehensive Plan), properties carrying the Main Street plan designation may carry the Office Commercial (OC), Community Service (CS), Neighborhood Service Center (NS), Urban Medium Density (R-2), or Urban High Density (R1) zones. Applicability of these zoning options and the suitability of these zones to implement the Main Street Plan concept will be examined in this section. Additionally, inconsistencies that arise between the Portland applied zoning and Beaverton zoning proposed by staff will be examined in detail to assess what restrictions, if any, will be incurred as a result of the proposal.

Portland zoning districts currently applied to the subject parcels and Beaverton zoning proposed to replace those zones are as follows:

<u>City of Portland</u>	<u>to</u>	<u>City of Beaverton</u>
1. Storefront Commercial (CS)		Neighborhood Service Center (NS)
2. General Commercial (CG)		Neighborhood Service Center (NS)
3. Residential 1,000 (R1)		Neighborhood Service Center (NS)
4. Storefront Commercial (CS)		Urban High Density (R1)
5. Residential 1,000 (R1)		Urban High Density (R1)

Staff is proposing that in three of the four applications, the City assigns its Neighborhood Service Center zone to the subject properties. The reasoning behind this recommendation is based upon 1) the characteristics of the subject area, 2) the intent behind the Main Street design type, and 3) the uses either in place or desired for the properties.

Section 3.07.130 of Metro's Code describes the Main Street design type as the following:

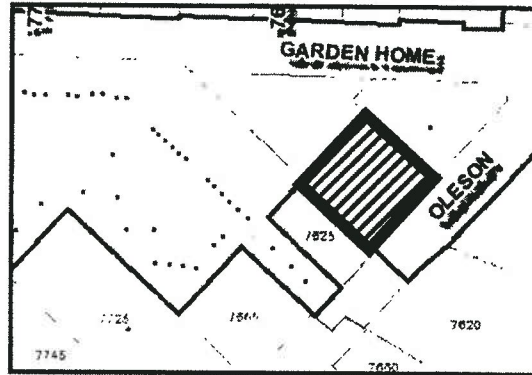
*Main Street--Neighborhoods will be served by main streets with retail and service developments served by transit.*

The subject area could be described as a relatively secluded retail hub catering primarily to local residents in the area. Public transit is available for locals to venture throughout the region but the area is generally not perceived as a destination to residents from outside the general area. This characteristic is central to Metro's Main Street design type concept described above. Staff examined the zoning district options featured in Section 3.14 of Comprehensive Plan that are intended to implement the Main Street plan designation. Aside from the assignment of residential applications which were fairly straightforward, staff determined that, as articulated in the Development Code Section 20.10.20 1 below, the Neighborhood Service Center (NS) zone best implements the vision for the area as expressed in Metro's 2040 Growth Concept and Portland's Southwest Community Plan. The City's purpose statement for the NS zone contained in Section 20.10.20 1 of the Development Code states as follows:

**20.10.20.1. Purpose.** *The Neighborhood Service Centers or "NS" District is intended to provide areas that will meet the frequent needs of nearby residents.*

As mentioned previously, land use provisions associated with Portland's standards and those employed by the City of Beaverton will vary to some extent. Therefore, it must be acknowledged that applying the City's zoning to the subject parcels will result in various restrictions or alternatively additional allowances affecting use of the property. This could have an affect upon the conformance status of the properties involved. These elements are examined on a case-by-case basis in the following sections. Traffic considerations will then be examined, followed by other concerns associated with applying the City's NS zone to the area.

1. Portland Storefront Commercial (CS) to Beaverton Neighborhood Service (NS)  
The parcel illustrated below supports a convenience store and carries the City of Portland's CS zoning.



### Land Use Standards

In many ways Portland's CS zone is Portland's version of Beaverton's NS zone. This is immediately evident in the zone description which emphasizes a wide range of retail uses, storefront character, limitations in building size to avoid adverse affects, and orientation of stores to the sidewalk in order to enhance pedestrian elements. Basically all uses that are permitted in the City's NS zone are permitted in Portland's CS zone. However, not all uses that are permitted in the CS zone are permitted in the City's NS zone. The table below identifies these use disparities. With an exception for auto services which will be allowed conditionally, all uses listed will no longer be permitted after the rezone.

Land Use	Portland (CS)	Beaverton (NS)
Residential	permitted	prohibited
Office	permitted	prohibited
Major and minor auto service	permitted, prohibited	conditional use
Parking as primary use	permitted	prohibited
Limited manufacturing	permitted	prohibited
Wholesale sales	permitted	prohibited
Parks, schools	permitted	prohibited
Day care	permitted	prohibited
Group living	permitted	prohibited

The convenience store which currently occupies the site will continue to be a permitted use after the proposed zone change is approved. However, as previously mentioned, zoning specifications between two jurisdictions do not mirror each other and therefore disparity will arise. Short of amending the one jurisdiction's zoning to emulate the other, some degree of forfeiture must be accepted.

As illustrated in the table above, the City's NS zone is generally more restrictive with regard to permitted uses than the zoning that it will replace. Despite these inconsistencies, staff asserts that for the reason cited above, office, parking as a primary use, manufacturing, and wholesale sales may not be conducive to implementing the Main Street design concept. Therefore staff believes that that future prohibition of these uses is justified.

Alternatively, residential uses, group living, day care facilities, and parks and schools which will also no longer be permitted in the proposed rezone, are consistent with the Main Street design type. However, where Portland planning incorporates these uses into the CS zone, Beaverton chose to assign them in the R1, R2, CS, and OC zones (all of which implement the City's Main Street plan designation). Therefore, although these uses do not conform with the proposed zoning for the subject parcel, these uses are allowed in other Main Street implementing zones. Because this proposal includes a recommendation that the City apply the R1 zoning (which permits these uses) to several adjacent properties, staff believes that prohibition of these uses to the subject property can be justified.

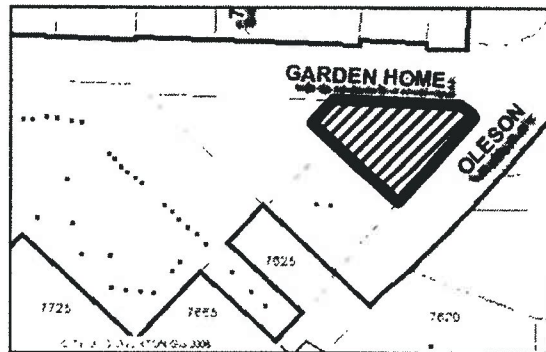
### Development Standards

	Portland (CS)	Beaverton (NS)
Maximum Building Scale	3:1 FAR w 50% Building Coverage	15,000 sq. ft.
Maximum Building Height	45'	25'

As reflected in the table above, Portland's development standards allow for a larger scale of development than the City of Beaverton's standards allow. This is indicative of Portland's role in the metro region as a Central City and Beaverton's role as an inner ring suburb. This reduction in maximum building scale is a consequence of belonging to a satellite suburban city versus a central metropolitan city.

#### 2. Portland General Commercial (CG) to Beaverton Neighborhood Service (NS)

The parcel illustrated below supports a gasoline fuel pump platform which is served by the convenience store on the neighboring parcel to the south. The parcel carries the city of Portland's CG zoning.



### Land Use Standards

Although the property is zoned General Commercial, discussions with city of Portland Planning Bureau staff revealed that CS may have been a more appropriate zone for this area. However, it should be noted that the CS zone does not allow for quick vehicle servicing. Applying Portland's General Commercial zone to this property allows the

existing use to maintain conformance with the underlying zoning. Beaverton's NS zone does allow for minor auto servicing which if applied would allow the use to remain in conformance.

Portland's General Commercial zone is similar to Beaverton's General Commercial zone in many respects. Both allow for commercial development that may be described as auto-accommodating. Both zones also accommodate a full range of retail and service businesses but are not necessarily targeted to a neighborhood market. Beaverton's GC zone also, provides for businesses that require outdoor storage and /or display of merchandise, equipment, or inventory – a feature that is not conducive to the desired Main Street style of development.

The Main Street design concept was developed to encourage uses that service the local neighborhood and limit scale and proximity of buildings to provide a more pedestrian friendly environment. This emphasis poses contradictory elements between Beaverton's General Commercial zone and its Main Street plan designation and explains why the GC zone was not identified in the Comprehensive Plan and Zoning District Matrix as an implementing zone for the Main Street plan designation. It therefore follows that because Portland's CG zone parallels Beaverton's GC zone, it is not appropriate to apply this zone to the Main Street plan areas.

As with Portland's CS zone, the CG zone displays various use standards that do not conform with Beaverton's NS zone. These uses will no longer be permitted after the rezone.

<b>Land Use</b>	<b>Portland (CG)</b>	<b>Beaverton (NS)</b>
Residential	permitted	prohibited
Office	permitted	prohibited
Major and minor auto service	permitted	conditional use
Parking as primary use	conditional use	prohibited
Limited manufacturing	permitted	prohibited
Wholesale sales	permitted	prohibited
Parks, schools	permitted	prohibited
Day care	permitted	prohibited
Group living	permitted	prohibited

As before, rezoning the property from Portland CG to Beaverton NS will result in various uses that will not longer be permitted subsequent to approval. However, staff thinks that the surrendering these permitted uses is justified for the same reasons stated above. Although Portland's CG may have not been the best fit for this Main Street area, it does allow for minor auto service. Of the implementing zones available for Main Streets, Beaverton's Convenience Service Center (CS) zone does not allow for minor auto service. This would have resulted in a non-conforming land use status for the property. Alternatively, applying the City's Office Commercial (OC) zone, the other implementing commercial zone available for Main Streets) with its office emphasis would not have been appropriate. Applying the NS zone to the property will not result in a non-conformance status and is more in keeping with the Main Street environment.

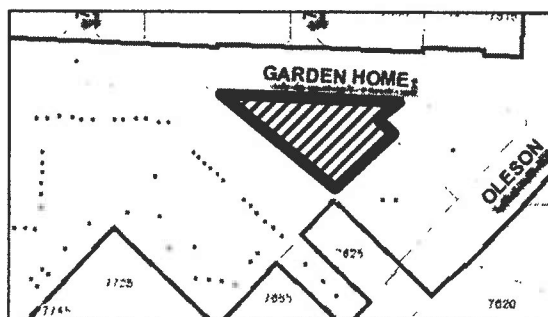
## Development Standards

	<b>Portland (CS)</b>	<b>Beaverton (NS)</b>
Maximum Building Scale	3:1 FAR w 85% Building Coverage	15,000 sq. ft.
Maximum Building Height	45'	25'

Once again, Portland's development standards are significantly higher than the City of Beaverton's. This reduction in maximum building scale is a consequence of belonging to a satellite suburban city over a central metropolitan city.

### 3. Portland Residential 1,000 (R1) to Beaverton Neighborhood Service (NS)

The parcel illustrated below is currently vacant. The parcel carries the City of Portland's R1 zoning.



Staff is proposing that this property be rezoned from a residential to a commercial use. This recommendation is being put forth with the consent of the property owner who also owns the two adjoining properties to the east. All three are proposed for the City's NS zoning. Together, they constitute the southwest junction of what Metro and the City of Portland have identified as the intersection of two Main Street design type designations.

Staff supports this change of zoning for a variety of reasons. They include the following:

- **Location:** The volume of traffic at the site is considerable due to the fact that two arterials intersect just 200 feet to the east of the property. Proximity to the intersection presents noise and traffic problems that could negatively impact the livability of residents occupying the site. If the property were used for commercial purposes, access and street exposure would be regarded as amenities to local businesses, who rely primarily upon visibility to market their goods and services attract and retain customers. The conversion of numerous single family residential structures directly across the street to commercial uses in this area is testimony to the benefit of these amenities in attracting customers.
- **Proximity:** The site is adjacent to two commercial properties also proposed for rezone to NS. Proximity of the parcel to adjacent retail increases the market exposure of each business as customers seek the convenience of combing activities to include purchases at adjacent retailers. This spillover effect



contributes to the livelihood of the Main Street concept and contributes to the critical massing element recognized in the City's NS zone which requires that NS zones constitute areas of not less than 4 and not more than 12 acres. This critical mass helps ensure that the scale and variety of businesses and amenities in the district will increase the likelihood that area residents will patronize local businesses rather than seek opportunities outside the area.

- **Development Potential:** All three adjacent parcels that occupy this intersection are under the ownership of a single party. In many commercial development ventures that might occur in areas such as this, this factor would be an asset for the simple reason that it allows the developer to consolidate properties and maximize the commercial potential of the site by attracting a high profile tenant such as big box retailer.

Development of this kind would not be consistent with the kind of retail the City has envisioned for its Main Street areas. However, under the NS zone, building square footage is limited to a maximum of 15,000 square feet – a restriction precluding the possibility that this activity will occur. Moreover, it is likely that under a single ownership, the kind of development that will occur on the site will be compatible with the retail uses on the adjacent properties.

Finally, common ownership augments the city's ability to impose development conditions that enhance the functionality of three properties as a whole. For example, the City could require that a common primary access point be incorporated in the design setback from the intersection with conditions for internal traffic circulation. Such a condition would help alleviate traffic stacking at the intersection.

### Land Use Standards

Because staff is proposing that this parcel be rezoned from a residential to a commercial use, it follows that a variety of specific uses will be permitted subsequent to the rezone while other uses will be prohibited. In general, these discrepancies are consistent with the general shift from residential to commercial use. An account of the use discrepancies between the existing Portland zoning and proposed Beaverton zoning appear below. It should be assumed that where uses are not included in the following table, they are commonly permitted or prohibited under the standards of each jurisdiction.

Land Use	Portland (R1)	Beaverton (NS)
Residential	permitted	prohibited
Parks, schools	conditional use	prohibited
Day care	conditional use	prohibited
Group living	conditional use	prohibited
Retail (including restaurants)	prohibited	permitted
Major and minor auto service	prohibited	conditional use
Religious Institutions	conditional use	permitted

Because the subject parcel is vacant, the proposed zone change will not result in nonconformance with regard to property's use status with its underlying zoning.

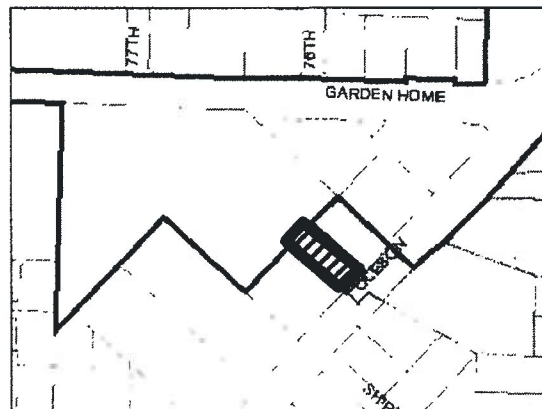
### Development Standards

	<b>Portland (R1)</b>		<b>Beaverton (NS)</b>
Maximum Residential Density	43 units / Acre	Maximum Building Scale	15,000 sq. ft.
Minimum Front, Side, Rear Setbacks	Front: 3', Side: 5'-14', Rear: 5'-14'	Maximum Building Height	25'
Maximum Building Height	45'		
Lot Coverage	60%		

Development standards pertinent to each zone are provided above. However given that the proposal is to change the zoning from a residential to commercial use, these standards are limited in their ability to adequately compare the scale or quality of development.

#### 4. Portland Storefront Commercial (CS) to Beaverton Urban High Density Residential (R-1)

The parcel illustrated below currently supports a residential duplex and carries the City of Portland's CS zoning.



In contrast to the previous proposed zone change above, staff is proposing that this property be rezoned from a commercial to a residential use. As indicated previously, Portland's CS zone is primarily meant to serve commercial uses, however, it does allow for residential as well. Staff believes that the City's NS zone best approximates the City of Portland's CS zone. However application of the City's NS zone to this parcel would place the property in a non-conforming status as the NS zone does not permit residential uses. Staff is therefore proposing that the City's R1 zone be assigned to the property for this and the following reasons:

- Land Use Conformance: The property owner has expressed a preference that the residential use of the property maintain a conforming status with the underlying zoning.
- Zone Selection: The Comprehensive Plan and Zoning District Matrix specifies that both the Office Commercial (OC) and the Convenience Service Center (CS) zones may be applied in main street areas. While both of these zones allow for residential uses with densities of up to 43 units per acre, they comprise characteristics associated that staff believes precludes them from qualifying as reasonable alternatives.

Specifically, the City's OC zone requires that a minimum area of 2 acres be established in order to apply the zone. Staff could assert that the commercial area within the immediate area within the City of Portland could qualify in fulfilling this requirement. However, the nature of development in the immediate area is more reflective of the City's NS zone than its Office Commercial zone. Staff does not think therefore that the OC zone would be an appropriate choice.

Alternatively, the City's CS zone is intended specifically to provide for business similar in scale to commercial activity found principally along Beaverton-Hillsdale Highway, Canyon Road, T.V. Highway, Cedar Hills Boulevard, Sunset Highway and Highway 217. Because the scale and character of development in the area differs from the areas specified, staff does not think that application of the CS zone would be appropriate.

Buffering Characteristics: Staff has observed that the planning in the immediate area has established a transitional area whereby higher density residential development is situated between commercial and medium density residential development. The area thereby constitutes a transitional area of sorts. Indications of this planning aspect are reflected by the following:

- Adjacent properties to the northeast are zoned commercial and with the exception of the parcel next door (which remains outside the City's jurisdiction), all are proposed for commercial zoning as part of this proposal.
- The adjacent property to the northwest which supports a 54 unit apartment complex is zoned Portland R1 and is proposed for Beaverton R1.
- Adjacent property directly across SW Oleson Rd. to the southeast supports an 84 unit apartment complex and is zoned Portland R1.
- Adjacent properties to the south and southwest and are all unincorporated and zoned residential R5 (residential 5 units/acre) by Washington County.

Essentially, the area occupied by the subject parcel encompasses a zone of transition whereby residential density tapers with distance from the commercial center. This planning strategy helps insulate neighborhoods from the disruptive effects associated with commercial uses. For the reasons above staff believes the City's R1 zone to be the most appropriate choice for the subject parcel.

### Land Use Standards

Because staff is proposing that this parcel be rezoned from a commercial to a residential use, it follows that a variety of specific uses will be permitted subsequent to the rezone while other uses will be prohibited. In general, these discrepancies are consistent with the general shift from commercial to residential use. An account of the use discrepancies between the existing Portland zoning and proposed Beaverton zoning appear below. It should be assumed once again that where uses are not included in the following table, they are commonly permitted or prohibited under current existing and proposed zoning for the property.

Land Use	Portland (CS)	Beaverton (R1)
Retail (including restaurants)	permitted	prohibited
Office	permitted	prohibited
Major auto service	permitted	prohibited
Limited manufacturing	permitted	prohibited
Wholesale sales	permitted	prohibited
Educational facilities	permitted	conditional use
Religious institutions	permitted	conditional use
Medical institutions	permitted	conditional use
Parks	permitted	conditional use
Self storage	prohibited	conditional use

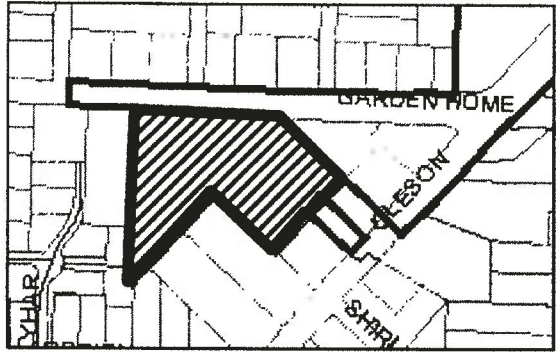
### Development Standards

	Portland (CS)		Beaverton (R1)
Maximum Building Scale	3:1 FAR w 50% Building Coverage	Maximum Residential Density	43 units / Acre
Maximum Building Height	45'	Minimum Front, Side, Rear Setbacks	Front: 10', Side: 10', Rear: 15'
		Maximum Building Height	60'

For illustrative purposes, development standards pertinent to each zone are provided above. Given that the proposal is to change the zoning from a commercial to residential use, these standards are limited in their ability to adequately compare the scale or quality of development.

#### 5. Portland Residential 1,000 (R1) to Beaverton Urban High Density Residential (R-1)

As illustrated in the graphic below, the parcel proposed for R-1 zoning comprises a majority of the study area. Tax lot 1S124CD00400 supports a multifamily apartment complex of 54 units.



The subject parcel in the figure above currently carries Portland's R-1 zoning. Staff proposes that the City apply its R-1 zoning to the parcels as this zone would incur the least degree of nonconformity to what is currently applied. Descriptive elements applicable to each zone from the City of Portland Development Code and Beaverton's Development Code describe each zone as follows:

<b>Portland: Residential 1000 (R-1)</b>	<b>Beaverton Urban High Density (R1)</b>
<p>The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.</p>	<p>The R1 District is intended to establish sites for high density, residential developments where a minimum land area of 1,000 square feet is available for each dwelling.</p>

Although the City of Portland regards their R-1 zone as medium density and Beaverton regards its R-1 zone as high density. This is once again indicative of Portland's role in the metro region as a Central City and Beaverton's as an inner ring suburb. Aside from this, both designations allow for a maximum density of approximately 43 units per acre and are intended to support residential multiple family development. Additionally, each zone prohibits commercial and industrial uses while allowing, either outright or conditionally, for care facilities, parks, schools, religious institutions, and hospitals.

Comparison of development standards, (provided below), revealed that Beaverton's setback standards were similar or slightly more restrictive than Portland's while maximum building height and lot coverage requirements were more lenient.

## Development Standards

	Portland (R1)	Beaverton (R1))
Maximum Residential Density	43 units / Acre	43 units / Acre
Minimum Front, Side, Rear Setbacks	Front: 3', Side: 5'-14', Rear: 5'-14'	Front: 10', Side: 10', Rear: 15'
Maximum Building Height	45'	60'
Maximum Building Coverage	60%	
Open Space Requirement		300 sq. ft./dwelling unit

Despite these and other variations staff concluded that of the zoning district designations offered in the City's Development Code, the R-1 zone was the closest corresponding zone to what is currently assigned to the subject properties.

### 6. TRAFFIC IMPACTS

Transportation Planning Rule requirements outlined in Oregon Administrative Rule (OAR) 660-012-0060(1) state, "Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume and capacity ratio, etc.) of the facility".

Three individual assessments were performed to determine what level of traffic generation could be expected from the proposal. They are provided in sections A – C below.

<u>A. Taxlot</u>	<u>Proposed Zone Change</u>	<u>Use</u>
1S124CD00301	Portland CG to Beaverton NS	Fuel Pumps
1S124CD00100	Portland CS to Beaverton NS	Convenience Store
1S124CD00300	Portland R1 to Beaverton NS	Vacant

In attempting to assess traffic impacts that may be associated with the above rezoning, staff secured the services of a private consultant specializing in this area of assessment. Their analysis is provided in Attachment 1 of this report. Essentially, the examination focused on the three parcels which are proposed to be rezoned from the City of Portland's CG, CS, and R1 zones to the City of Beaverton's NS zone.

The consultant applied a reasonable worst case scenario in which it was assumed that a shopping center would locate on the three parcels. The resulting scenario forecasted a trip reduction in the amount of traffic generated with no negative impact resulting from the proposal. This outcome was due primarily to a reduction in scale of development permitted subsequent to the rezone. They concluded that Portland's maximum building allowance ranged from 20,000 sq. ft. – 51,000 sq. ft. per lot – depending upon which of the three zones is applied. This is substantially higher than Beaverton's 15,000 sq. ft. maximum permitted in

the NS zone and resulted in a projected 215 fewer vehicle trips generated (a reduction of 56% at the PM peak hour).

<b>B. Taxlot</b>	<b>Proposed Zone Change</b>	<b>Use</b>
1S124CD00402	Portland CS to Beaverton R1	Residential Duplex

Using the Institute of Transportation Engineer's (ITE) Trip Generation Manual, staff identified a worst case scenario that could hypothetically occur on the site under the existing and proposed zoning. After ample consideration, staff identified a fast food restaurant without a drive-through window as having the greatest potential to generate traffic under Portland's CS zoning. Under Beaverton's proposed R1 zoning, staff identified a daycare facility as having the greatest potential to generate traffic. The results of the scenario are as follows:

Zone	Use	Building sq ft	Rate*	Trips**
Portland CS	Fast food restaurant without drive-through	2,000	52.4	105
Beaverton R1	Daycare	3,000	13.91	42

\* Rate is applied to the gross building square footage to derive trip generation.

\*\* Represents the P.M. Peak hour of generator.

Based upon the table above, staff determined that the proposed use would not significantly affect the adjacent transportation facility - i.e., Oleson Road.

<b>C. Taxlot</b>	<b>Proposed Zone Change</b>	<b>Use</b>
1S124CD00300	Portland R1 to Beaverton R1	Apartment Complex

The segment of the proposal involving this property is to apply City of Beaverton zoning which most closely approximates the zoning currently applied to the property under Portland's standards. In other areas of this proposal involving commercial zoning, inconsistencies between Portland's zoning and Beaverton's closest proximate zone were apparent. Those disparities were examined in previous sections. However, Beaverton's R1 zone mirrors Portland's R1 zone in many respects. Both allow for a maximum density of 43 units per acre. Both allow for similar uses including a variety of housing types, care facilities, religious institutions, schools, parks, and medical facilities.

The parcel supports a large well maintained apartment complex with amenities such as pool, green space, and a workout facility. As no redevelopment of this property is proposed, and after considering the similarities between the existing and proposed zoning, staff determined that in a worst case scenario, the zoning for each jurisdiction would result in a near identical level of traffic generation on the adjacent street.

## 7. OTHER CONSIDERATIONS

Section 20.10.20.2.E of the Development Code identifies specific district requirements that must be met in applying the NS zone. They are as follows:

1. *The Minimum Area for a New Zoning District is 4 Acres.*
2. *The Maximum Area for a New Zoning District is 12 Acres*

Staff notes that the area annexed into the City encompassing the subject parcels is limited in area and by itself could not fulfill the minimum area threshold described above. Staff contends however that the retail development in the area around the subject parcels is reflective of the type of uses associated with the NS district and although not part of the City of Beaverton, could be interpreted as a proxy in fulfilling this standard. In compiling a tally of retail uses that fulfill this neighborhood service standard, staff determined that 8.13 acres in the adjacent area could qualify in a hypothetical sense, as development representative of the NS zone. Because this development falls within the area threshold of 4 and 12 acres, it could be viewed as satisfying the requirement.

3. NS districts shall be spaced at least one mile from another NS district.

The nearest NS district to the subject parcels is located at the junction of SW 92<sup>nd</sup> Ave. and SW Allen Blvd. Staff made a straight-line distance measure between these areas and calculated a distance of 4,450 linear feet - 830 feet short of the mile threshold. However, staff believes the distance required to travel between districts to be a more applicable measure. Following this methodology, staff identified the most direct street route between the two areas. The route originates near the intersection of SW 92<sup>nd</sup> Ave. and SW Allen Blvd. It then follows SW 92<sup>nd</sup> Ave. south to SW Garden Home Rd. and proceeds east to the properties proposed for NS zoning. The distance measure in this case amounts to 1.1 miles which meets the distance standard.

4. *NS districts shall be located on arterial or major collector streets, preferably at the intersections of such streets, unless traffic studies show that a non-intersection location is or can be made conveniently accessible, safe, and compatible with the surrounding neighborhood.*

SW Garden Home Road and SW Oleson Road are designated as arterials on the City's Functional Classification Street Map. All three parcels proposed for the NS zone are located at the intersection of these two arterials or on one of the arterials within 200 feet of the intersection.



## PROCESS

### THRESHOLD

**Comprehensive Plan Process.** Section 1.3 of the Comprehensive Plan describes Quasi-Judicial Amendments as amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties or locations. The proposal pertains to five individual parcels and is thereby very limited in scale. Review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Quasi-Judicial Amendment per *Comprehensive Plan* Section 1.3.

**Development Code Process.** Due to discretionary nature and limited number of properties affected by this proposal, the proposed Zoning Map Amendment qualifies as a Quasi-Judicial Zoning Map Amendment per Development Code Section 40.97.15.1.A which states, "*An application for Quasi-Judicial Zoning Map Amendment shall be required when the following threshold applies:*

1. *The change of zoning designation for a specific property or limited number of specific properties."*

### PROCEDURE TYPE

The Type 3 procedure and process applies to Quasi-Judicial Amendment applications as described in Section 1.5 of the Comprehensive Plan and Quasi-Judicial Zoning Map Amendment applications per Section 50.45 of the Development Code.

### SUBMISSION REQUIREMENTS

According to Development Code Section 40.97.15.1.D., an application for Quasi-Judicial Zoning Map Amendment to the City's zoning map shall be made by the owner of the subject property, or the owner's authorized agent, the City Council, Mayor, or their designee on a form provided by the Director. All Quasi-Judicial Zoning Map Amendment applications shall be filed with the Director and shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

An application petition was submitted on May 8, 2008 by the Interim Community Development Director acting as designee to the Mayor. Because the City is acting as the applicant, no pre-application conference is required and the application was deemed complete upon receipt.

## PUBLIC NOTICE

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 May 2<sup>nd</sup>, 2008, 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 Denney Whitford / Raleigh West 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 May 2<sup>nd</sup>, 2008 at least forty-five (45) calendar days prior to the initial hearing.
3. Legal notice was published in the Beaverton Valley Times on May 22<sup>nd</sup>, 2008.
4. Notice was mailed to properties owners included in the proposed change area, and to the owners of properties within 500 feet of the subject properties for which the change is proposed on May 12<sup>th</sup> and 13<sup>th</sup> 2008.
5. Notice was posted in City Hall, in the City Library, and on the City's website on May 13<sup>th</sup>, 2008.

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

## CRITERIA FOR APPROVAL

### COMPREHENSIVE PLAN AMENDMENT CRITERIA

Section 1.5.1 of the Comprehensive Plan outlines the minimum criteria for amendment decisions, as follows:

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

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Of the 19 Statewide Planning Goals, Goals One, Two, Five, Nine, Ten, Eleven, Twelve, and Thirteen are applicable to the proposed map amendment.

**GOAL 1: PUBLIC INVOLVEMENT**

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

The proposed amendment is subject to the public notice requirements of the Comprehensive Plan Section as described in the previous section of this report on process.

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.

**Finding: Staff finds that the City, through its Comprehensive Plan and adherence to State statutes, has created proper procedures to insure citizens the opportunity to provide input into the proposed Comprehensive Plan Land Use Map amendment and that the City has complied with those procedures.**

**GOAL 2: LAND USE PLANNING**

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

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

Earlier in this report staff considered Comprehensive Plan Map and zoning Map alternatives and determined the appropriate designations to be applied to the subject parcels in a manner that is orderly, logical, and based upon established planning for the area. The assessment was guided by design type designations assigned to the area in the Metro 2040 Concept Map and Metro Code Section 3.07.130 which requires that city and county comprehensive plans be amended to include the boundaries of each design type, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map. Staff also looked to Portland's Southwest Community Plan for guidance and applied the provisions of Section 3.14 (the Comprehensive Plan and Zoning District Matrix) of the City's Comprehensive Plan in deriving preferred

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alternatives. The Comprehensive Plan and the Metro Code Section 3.07.130 have undergone state scrutiny and been acknowledged by the State of Oregon to comply with Goal 2. Since the intent of the proposal is apply plan designations and zoning that complies with Section 3.14 of the Comprehensive Plan as acknowledged by the State, staff has succeeded in applying a policy framework to the proposal to assure that the decision is consistent with the intent of Goal 2.

**Finding: Staff finds that in applying the state acknowledged Comprehensive Plan provisions to this proposal, the requirements of Goal 2 have been met.**

GOAL 5: OPEN SPACES, SCENIC AND HISTORICAL AREAS, AND NATURAL RESOURCES

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

Goal 5 specifies that “[l]ocal governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations”. 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. These maps do not depict any natural resources, scenic and historic areas, or open spaces relevant to Goal 5 that affect the subject parcels.

**Finding: Staff finds that the proposal does not impact resources subject to Goal 5 protection. Therefore, staff finds that the amendment complies with Goal 5 of the Statewide Planning Goals.**

GOAL 9: ECONOMIC DEVELOPMENT

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

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

A primary motivation in applying the proposed designations to the subject parcels was to advance Metro’s Urban Growth Management Functional Plan (UGMFP) objectives for areas designated Main Streets on the 2040 Growth Concept Map. The UGMFP identifies the role of Main Streets with a descriptive statement that: “Neighborhoods will be served by main streets with retail and service developments served by transit”. As indicated in the Analysis Section of this report, application of the proposed commercial zoning will implement the City’s Main Street Plan designation. This in turn will advance Metro’s Main Street objective that Main Street areas fulfill the primary role of providing retail opportunities that serve communities in adjacent neighborhoods.

Since the proposal assists in maximizing the economic potential for the area as defined by Metro, staff regards the proposal to apply the City’s Main Street plan designation to the subject parcels as complying with the intentions expressed in Goal 9.

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**Finding: Staff finds that the proposal to apply the commercial zoning specific to local neighborhoods 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 10: HOUSING**

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

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

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 (DLCDD). 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. The policy that is particularly relevant to this proposal consists of the following:

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

The subject properties include a multifamily attached apartment complex with 54 units and a housing duplex. The proposal involves the application of City plan and zone designations to accommodate these housing types that occupy the subject parcels. One objective of the proposal is to avoid rezoning property in such a way that the existing residential use which was conforming with the existing Portland zoning will be non-conforming with the Beaverton implementing zone. This factor was significant in the zone selection process involving a commercially zoned parcel that carried a residential duplex. Staff opted to apply residential zoning to the property to ensure conformance and thereby assist in providing an adequate variety of housing types pursuant to the provisions cited above.

As the proposal will aid in advancing the objective stated above, staff regards the proposal to the area as complying with the intentions expressed in Goal 10.

**Finding: Staff finds that the proposed amendment allows for a variety of housing types and densities commensurate with a variety of income levels as prescribed in Goal 10. This amendment complies with Goal 10 of the Statewide Goals.**

GOAL 11: PUBLIC FACILITIES AND SERVICES

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

The City of Beaverton is located within the Urban Growth Boundary (UGB) for the Portland metropolitan region. Metro is the regional governing body that determines the regional need for UGB expansions and in doing so, works with local governments to determine the highest and best use of lands within the UGB in order to reduce the need for UGB expansion into rural lands. The subject parcels support a gas station and convenience store, an apartment complex, and a duplex. Another parcel is currently vacant and the owner has expressed an interest in developing the property for commercial uses. Availability of public facilities and services to serve the subject properties is either currently in place and serving the use, or in cases where future development may occur, is available and will be addressed at the time the development is proposed. At that time, site specific issues related to public facilities and services will be addressed in the development review process.

**Finding: Staff finds that the proposal to apply plan and zoning designations to the subject parcels are provided with adequate public facilities or will be adequately served at the time that development occurs. Therefore, staff finds that the proposal satisfies the provisions expressed in Oregon's Goal 11.**

GOAL 12: TRANSPORTATION

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

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."

Staff reviewed Comprehensive Plan and land use regulation amendments with regard to the effect of the amendment on existing transportation facilities in the Analysis Section of this report. Part of this analysis was based upon an independent analysis performed Group Mackenzie, a private traffic engineering firm and is provided in Attachment 1. As indicated in that section, staff determined that no negative traffic impacts will result from applying the City's NS and R1 zoning to properties currently carrying City of Portland CS, CG, and R1 zoning. In all but one case, where a R1 residential zone is proposed for NS commercial zoning, the proposed plan and zone amendments represent staff's best effort to apply zoning that most closely approximate designations assigned by the City of Portland while simultaneously preserving the land use conforming status of existing uses. Upon finding that the proposed rezone will not incur additional traffic generation, staff concludes that this element of the proposed rezone complies with Goal 12.

**Finding: Staff finds that applying the Main Street Land Use Map Designation and City NS and R1 zoning districts to the subject parcels complies with the provisions expressed in Oregon's Goal 12 and OAR 660-012-000 through 660-012-0070.**

#### GOAL 13: ENERGY CONSERVATION

*To conserve energy.*

The subject parcels are adjacent to TriMet's #45 bus line which connects downtown Portland with the Tigard Transit Center. Use of public transportation is a reasonable alternative for residents that live or workers employed on the subject properties. Planning for development along public transportation reduces auto-dependency. Additionally, as redevelopment occurs on the parcels, the City's development review process will look toward opportunities to improve the energy efficiency of each site, whether by regulatory or voluntary means.

**Finding: Staff finds that the proposal will help promote opportunities to conserve energy consistent with the intent of Statewide Goal 13. This amendment complies with Goal 13 of the Statewide Goals.**

#### 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.

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*GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY*

*GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS*

There are no natural hazards located within the subject area. Therefore, these goals are not applicable to this proposal.

*GOAL 8: RECREATIONAL NEEDS*

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

*GOAL 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 16: ESTUARINE RESOURCES,*

*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.

**Finding: Staff finds that Goals 3, 4, 6, 7, 8, and 14 through 19 are not applicable.**

**Summary Finding: Staff finds that for the reasons identified above, the proposed amendment complies with Goals 1, 2, 5, 9, 10, 11, 12, and 13. Criterion 1.5.1.A is met.**

**1.5.1.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;**

Section 3.07.810 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 areas which includes the subject parcels under the Main Street design type subject to local interpretation of the Growth Concept Map. The city of Portland adopted Metro's 2040 Growth Concept Map and outlined related planning provisions within their Southwest Community Plan. The city of Beaverton adopted the Main Street plan designation and achieved Metro Code Section 3.07.810 compliance in 2002 as part of its periodic review program. This proposal to apply the City's Main Street plan designation to the newly annexed parcels previously with Portland's jurisdiction corresponds to Metro's Section 3.07.130 requirements. Additionally, 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.

For these reasons, staff regards the proposed amendment to apply the Main Street plan designation to the subject properties to be consistent with Metro's vision for the area.

***Finding: The Main Street Comprehensive Plan Land Use Map designation is compatible with the Metro Main Street design type and application of this designation to the subject parcels complies with Section 3.07.130 of the UGMFP . Criterion 1.5.1.B is met for the proposed amendments.***

***1.5.1.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.***

This proposal is to apply plan and zone designations to five parcels that recently de-annexed from the city of Portland and annexed into the city of Beaverton. Typically,

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parcels annexing into the City originate from unincorporated Washington County. In such cases, a nondiscretionary process guided by the Beaverton-Washington County Urban Area Agreement (UPAA), comprising Section 3.15 of the Land Use Element, would be applied. The agreement establishes that the City shall apply the plan and zone designations that most closely approximate County designations assigned to the property prior to annexation. Given that no agreement has ever been established between the city of Beaverton and the city of Portland, staff attempted to follow the general intent of the agreement and follow a methodology that is “*orderly, logical, and consistent with the intent expressed in the UPAA*”.

Barring use of the UPAA, staff identified Comprehensive Plan Policy 3.9.1.b as a source of authority in dictating the appropriate basis for a decision in the land use designation selection process. This section dictates the following:

- b) *Apply the Main Street land use designation to the areas identified in the Metro 2040 Urban Growth Concept Map:*

As indicated in the Analysis Section of this report, staff identified the subject properties as carrying the Main Street design type designation in the 2040 Urban Growth Concept Map and in following the provisions of 3.9.1.b above, is proposing that the subject parcels be assigned the City’s Main Street plan designation which complies with Metro’s design type.

The Land Use Element also provides a policy basis for how zoning is to be applied to these areas. Section 3.9.1.c specifies the following:

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

As noted in the Analysis Section, staff assessed Portland’s zoning for the subject properties as well as the characteristics of the existing uses themselves. From this basis staff identified the City’s NS and R1 zones as appropriate - both of which are identified in the Comprehensive Plan and Zoning District Matrix as implementing zone alternatives for the Main Street plan designation.

In following the policy directives cited above, staff asserts that the amendment is consistent and compatible with the Comprehensive Plan.

***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.

Staff addressed the relevance of these policies in the section of this report that addressed Goal 10 compliance. Pursuant to the reasoning contained in that section as it relates to the policies above, staff believes that the proposal fulfills these policies.

***Finding: Staff finds that relevant policies found in Chapter 4 are met.***

#### ***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. With one exception, the permitted uses in the City's NS and R1 zones will be fairly similar to the uses permitted in the City of Portland's CS, CG, and R1 districts. Where a proposed rezone does involve a change in use, (specifically affecting a vacant residentially zone parcel proposed for commercial zoning), adequate facilities and services exist in the area to accommodate future development. Specific availability will be addressed in the development review process at the time future development is proposed.

The 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. Additionally, because the maximum permitted unit density assigned to the parcels is not proposed to increase, school facilities should not be significantly affected.

***Finding: Staff finds that the policies found in Chapter 5 are inapplicable to the proposed amendment.***

#### ***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 analysis section and Goal 12 compliance section above. As pointed out in that section, the proposal seeks to apply the City's plan and zone designations to five parcels subsequent to their annexation from the City of Portland. Staff provided analysis to determine what increase in traffic generation (if any) could result from the proposed amendment. The analysis found that in a worst case scenario, the proposed amendment would result in a decrease in traffic generated. Thus, staff believes that the proposed amendment will not degrade system performance below the acceptable two-hour peak demand-to-capacity ratio of 0.98 as required in OAR 660-012-0060 above.

It should also be noted that although all but one of the parcels is fully developed, any redevelopment proposed for the subject parcels will require a traffic impact assessment prepared by the applicant to demonstrate that traffic generation deriving from the development will not impose excess constraints upon the system. If the impacts degrade the system beyond the 0.98 measure indicated above, then mitigation measures to alleviate the impact may be required. This function would be triggered by development of the property 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 because the proposal does not involve or affect any significant *Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources*, the proposed amendment does not affect the City's ability to implement the provisions in this chapter.

***Finding: Staff finds that the proposed amendment does not affect the City's ability to implement this Chapter.***

***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 inapplicable 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 neither economic development, proposed industrial facilities, nor employment centers are negatively affected by the proposed amendment.

***Finding: Staff finds that the policies found in Chapter 9 are inapplicable to the proposed amendment.***

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

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

The subject properties were annexed into the City in February 2008 and have not been assigned City Comprehensive Plan land use designation, or City zoning designations. Without assignment of these land use elements, City staff cannot properly assess or enforce City land use policies, City development code policies, or other City site requirements.

**Findings: Criterion 1.5.1.D is met for the proposed amendment.**

#### **ZONING MAP AMENDMENT CRITERIA**

Development Code Section 40.97.15.1.C., which contains Quasi-Judicial Zoning Map Amendment Approval Criteria, states:

"In order to approve a Quasi-Judicial 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.**

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

- 1. The change of zoning designation for a specific property or limited number of specific properties.*

The proposal is to apply Beaverton zoning to the properties that were recently annexed into the City and currently carry city of Portland zoning. Although the proposal is to apply zoning that most closely approximates the zoning previously applied by the city of Portland, one parcel in particular is proposed to be assigned a commercial zone from a Portland residential zone. This component of the proposal precludes the proposal from qualifying as a discretionary annexation related rezone and requires additional discretion. However, as this discretion is limited to one property, the proposal meets the threshold requirements for a quasi-judicial zoning map amendment.

**Finding: Staff finds that the request satisfies the threshold requirements for a quasi-judicial zoning map amendment application.**

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

The City is assuming the role of the applicant in this proposed plan map and zoning map amendments. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

**Finding: Staff finds that this criterion is not applicable.**

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

The issue of conformance of the zoning amendment proposal with the Comprehensive Plan was examined in detail in the Analysis Section of this report as well as in the section devoted to Comprehensive Plan criteria 1.5.1.C (The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans). Particular attention was devoted to Section 3.07.130 which identifies the area as a Main Street design type and requires that city and county comprehensive plans be amended to include the boundaries of each design type, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map. Staff also looked to Portland's Southwest Community Plan for guidance and applied the provisions of Section 3.14 (the Comprehensive Plan and Zoning District Matrix) and Section 3.9 (Main Street Development) in establishing which zone would be appropriate for the area.

Based upon the analysis performed, staff has demonstrated that the proposed zoning conforms with the City's Comprehensive Plan.

**Finding: Staff find that this criterion is has been met.**

**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.***

The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewerage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan,

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the City has essentially agreed to abide by any provisions of that master plan. An analysis of critical services provided or available to the subject parcels concluded the following:

- Sanitary Sewer: There are 8 inch sewer lines in both Garden Home and Oleson Roads that serve the subject properties. These lines are maintained by Clean Water Services. There also appears to be an 8 inch line running along the western boundary of the subject area with laterals extending onto the parcel supporting the apartment complex. These lines are also maintained by CWS.
- Storm Water Sewer: Clean Water Services' maps show an 18 inch storm drain pipe in the north half of the Garden Home Road ROW that will be maintained by Beaverton in the near future. This line connects to an 18 inch storm drain pipe along the western boundary of the subject area that is maintained by CWS.
- Water: The subject area is presently served or able to be served with public water. Currently, the Portland Water Bureau is in the process of transferring water accounts over to the Tualatin Valley Water District subject to an agreement associated with annexation into the District.
- Fire Protection: Tualatin Valley Fire & Rescue (TVF&R) provide fire and ambulance service to the properties.
- Transportation Facilities: Access to these properties is from SW Oleson Road and SW Garden Home Road. Both roads are classified as arterials, and are maintained by Washington County as part of the Countywide Road System.

Based upon the analysis above, staff has concluded that critical facilities and services are available or can be made available to adequately serve the subject parcels.

**Finding: Staff find that this criterion is has been met.**

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

- Police: The City of Beaverton provides police service to the subject parcels.
- Parks: The subject parcels are part of the Tualatin Hills Parks and Recreation District (THPRD), which operates the Garden Home Recreation Center across Garden Home Road from the subject properties.
- Schools: The subject parcels are served by Beaverton School District.

Staff has determined that essential facilities and services are available to adequately serve the subject parcels.

**Finding: Staff find that this criterion is has been met.**

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

Considerable attention was devoted to Chapter 20 compliance in the analysis section of this report. As indicated, specific attention was given to the zone selection of one parcel (tax lot 1S124CD00402) to assure that the existing use will conform with the zoning proposed for the property. Staff also noted uses currently allowed or prohibited under Portland's zoning for each property and the effect that the rezone will have on zoning conformance. Staff also performed comparisons of various site development standards that will change subsequent to the rezone.

Base upon the analysis cited above, staff believes that the proposal is consistent with the provisions contained in Chapter 20 of the City's Development Code.

**Finding: Staff find that this criterion is has been met.**

**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.***

The proposed amendment does not involve a change of zone designation to the Convenience Store (C-V) zoning district.

**Finding: Staff finds that this criterion 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.***

Staff is opting to address traffic impact concerns by responding to criterion number nine below.



**Finding: Staff finds that this criterion is not applicable.**

**9. As an alternative to 40.97.15.1.C.9, 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.**

To address this criterion, staff secured the services of a private traffic engineer to consider impacts that may be incurred from the proposal. The consultant focused their analysis on the three parcels proposed for NS zoning. This analysis is provided as Attachment 1. Staff provided assessment of the remaining parcels proposed for R1 zoning. This analysis is provided in the Analysis Section of this report. Both assessments concluded that due to Portland's equal or higher building and density standards, the potential traffic impacts from development under the proposed zoning would be no greater than potential impacts from development under Portland's existing zoning.

**Finding: Staff find that this criterion is has been met.**

**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.**

In the Analysis Section of this report, staff devoted considerable attention to the district requirements and distinctive elements that differentiate the proposed NS and R1 zones from other alternatives. Staff also examined district requirements for remaining implementing zones permitted within the Main Street designation in order to determine which zone best approximated the Portland's zoning and existing development on the subject parcels. The distinctions identified formed the basis as to which zones best implement the Main Street plan designation for the area.

**Finding: Staff find that this criterion is has been met.**

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

All application submittal requirements specified in Section 50.25.1 have been provided.

**Finding: Staff find that this criterion is has been met.**

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

No additional documentation related to this proposal or further City approval is required.

**Finding: Staff finds that this criterion is not applicable.**

## **CONCLUSION**

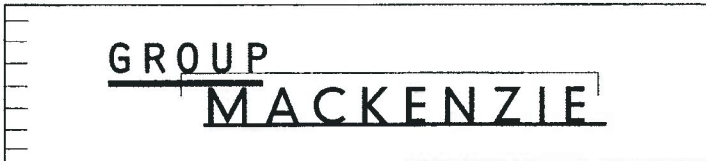
**Based on the facts and findings in this report, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Main Street land use designation and amending the City's Zoning Map to depict the City's Neighborhood Service (NS) and Urban High Density (R1) districts is appropriate for the subject parcels.**

### **Attachment 1**

Traffic Impact Analysis, 3/26/08  
Group Mackenzie LLC

### **Attachment 2**

Letter dated June 9, 2008 from:  
Ray f. Bowman  
Chair, Denney Whitford / Raleigh West NAC



RECEIVED  
MAR 27 2008  
City of Beaverton  
Community Development Dept.

March 26, 2008

City of Beaverton  
Attention: Barbara Fryer, Senior Planner  
P. O. Box 4755  
Beaverton, OR 97076

Re: **Garden Home Gas Station LLC**  
*Plan Amendment and Zone Change*  
Project Number 2080097.00

Dear Ms. Fryer:

This letter has been prepared to support a comprehensive plan amendment application and zone change for the Garden Home Gas Station LLC annexation in Beaverton, Oregon. The affected properties are map and tax lot numbers 1S124CD T.L. 100, 300, and 301. The purpose of this letter is to address Transportation Planning Rule (TPR) requirements as outlined in Oregon Administrative Rule (OAR) 660-012-0060. Specifically, this letter addresses TPR requirements by comparing potential worst-case trip generation of existing and proposed zone designations. This letter addresses the following topics:

- TPR Requirements
- Proposed Land Use Actions
- Associated Trip Generation
- Conclusions

**TPR REQUIREMENTS**

TPR requirements outlined in Oregon Administrative Rule (OAR) 660-012-0060(1) state, *"Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility."*

This transportation impact review has been prepared to determine if the proposed land use actions significantly affect a transportation facility. The intent is to determine if transportation impacts associated with the proposed zone designation are greater than those allowed by the current zone designations. If impacts are greater, mitigating infrastructure may be necessary to ensure facility performance standards are met. If findings reveal no significant changes in potential trip generation or transportation facility impacts are less, no mitigation or additional analysis is necessary.

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**Group Mackenzie, Incorporated**

- Architecture
- Interiors
- Structural Engineering
- Civil Engineering
- Land Use Planning
- Transportation Planning
- Landscape Architecture

**Locations:**

- Portland, Oregon
- Seattle, Washington
- Vancouver, Washington

**EXISTING AND PROPOSED ZONING**

The proposed land use actions contemplate the rezone of three tax lots from existing Portland zone designations, General Commercial (CG), High Density Residential (R1), and Storefront Commercial (CS), to the proposed Beaverton zone designation Neighborhood Service (NS). Land available for development, and current and proposed zone designations, are shown in Table 1:

TABLE 1 – EXISTING AND PROPOSED ZONE DESIGNATIONS			
Tax Lot	Lot Size	Existing Portland Zone	Proposed Beaverton Zone
100	17 ksf	CG	NS
300	20 ksf	R1	
301	16 ksf	CS	

**ZONE CHANGE COMPARISONS**

This transportation review identifies anticipated trip generation resulting from reasonable worst-case development assumptions within the existing and proposed zone designations defined by the Portland Zoning Code (Chapter 33) and the Beaverton Development Code (Chapter 20), respectively. Relevant chapter sections are included as attachments.

**Portland General Commercial (CG), Residential (R1), and Storefront Commercial (CS)**  
 Chapter 33.130.030.G of the Portland Zoning Code defines the General Commercial zone. The CG zone is intended to allow auto-accommodating commercial development. The zone allows a full range of retail and service businesses. Table 130-3 (Development Standard Summary) indicates the maximum FAR (Floor-to-Area Ratio) allowed is 3:1 and the zoning allows a maximum building height of 45 feet.

Chapter 33.120.030.C of the Portland Zoning Code defines the R1 zone. The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre.

Chapter 33.130.030.F defines the Storefront Commercial zone. The CS zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service, and business uses. Table 130-3 indicates the maximum FAR allowed is 3:1 and the zoning allows a maximum building height of 45 feet.

**Beaverton Neighborhood Service (NS) District**  
 Chapter 20.10.20 of the Beaverton Development Code defines the Neighborhood Service zone. The NS zone is intended to provide areas that will meet the frequent needs of nearby residents. The zone allows a broad range of retail and service businesses. Development Code section 20.10.20.D indicates individual establishments shall not exceed 15,000 square feet of gross floor area.

**TRIP GENERATION COMPARISONS**

PM peak hour trip generation rates for the reasonable worst-case development assumptions were determined using the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 7<sup>th</sup> Edition*. Individual "worst-case" development assumptions for each tax-lot are based on the respective zoning ordinance definitions of maximum development. For consistency, the same ITE land use code (Shopping Center) was assumed for all commercial zone designations as this use assumes a mix of retail and service uses. The following tables present anticipated trip generation based on the Portland and Beaverton development assumptions.

TABLE 2 – EXISTING PORTLAND TRIP GENERATION							
Tax Lot	Land Use (Zone)	ITE Land Use	Units	Number of Units	PM Peak Hour Trip Generation		
					Enter	Exit	Total
100	Commercial (CG)	820	ksf	51	92	99	191
300	Residential (R1)	220	DU	20	8	4	12
301	Commercial (CS)	820	ksf	48	86	94	180
<b>Total Trips</b>					<b>186</b>	<b>197</b>	<b>383</b>

TABLE 2 – PROPOSED BEAVERTON TRIP GENERATION							
Tax Lot	Land Use (Zone)	ITE Land Use	Units	Number of Units	PM Peak Hour Trip Generation		
					Enter	Exit	Total
100	Commercial (NS)	820	ksf	15	27	29	56
300	Commercial (NS)	820	ksf	15	27	29	56
301	Commercial (NS)	820	ksf	15	27	29	56
<b>Total Trips</b>					<b>81</b>	<b>87</b>	<b>168</b>

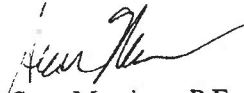
As indicated in the previous tables, worst-case development in the existing Portland zone designations would allow 383 PM peak hour trips. The proposed Beaverton zone designation would allow 168 PM peak hour trips. Therefore, the proposed Beaverton zone is anticipated to generate fewer PM Peak Hour trips than the existing Portland zones. Overall, both the existing and proposed commercial zones allow a mix of commercial and service uses; however, the Portland zoning ordinance allows for more density.

City of Beaverton  
Garden Home Gas Station LLC  
Project Number 2080097.00  
March 26, 2008  
Page 4

### SUMMARY

This analysis shows the proposed Beaverton NS zone designation will not significantly affect a transportation facility and the resulting zone district decreases potential trip generation from the existing City of Portland zone designations. The proposed comprehensive plan amendment and zone changes are not anticipated to have transportation impacts greater than those contemplated by current zone designations. Therefore, the proposed land use actions do not "significantly affect" the transportation facility, and TPR requirements outlined in Oregon Administrative Rule (OAR) 660-012-0060 are met.

Sincerely,



Sean Morrison, P.E., Transportation Engineer  
Associate

Enclosures: Portland Zoning Code sections 33-120 Residential, 33-130 Commercial  
Beaverton Development Code Section 20.10.10

c: Peter Finley Fry, AICP



- 33.120.310 Signs
- 33.120.315 Street Trees
- Supplemental Information
  - Map 120-1 Index Map for RH Areas with Maximum FAR of 4:1
  - Maps 120-3 through 120-26 RH Areas with Maximum FAR of 4:1

### General

#### 33.120.010 Purpose

The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing.

- A. Use regulations.** The use regulations are intended to create and maintain higher density residential neighborhoods. At the same time, they allow for large scale institutional campuses and other nonresidential uses but not to such an extent as to sacrifice the overall residential neighborhood image and character.
- B. Development standards.** The six multi-dwelling zones are distinguished primarily by density and development standards. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for development on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.

#### 33.120.020 List of the Multi-Dwelling Zones

The full and short names of the multi-dwelling residential zones and their map symbols are listed below. When this Title refers to the multi-dwelling zones, it is referring to the six zones listed here. When this Title refers to the residential zones or R zones, it is referring to both the single-dwelling zones in Chapter 33 110 and the multi-dwelling zones in this chapter.

<u>Full Name</u>	<u>Short Name/Map Symbol</u>
Residential 3,000	R3
Residential 2,000	R2
Residential 1,000	R1
High Density Residential	RH
Central Residential	RX
Institutional Residential	IR

#### 33.120.030 Characteristics Of The Zones

- A. R3 zone.** The R3 zone is a low density multi-dwelling zone. It allows approximately 14.5 dwelling units per acre. Density may be as high as 21 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one and two story buildings and a relatively low building coverage. The major type of new development will be townhouses and small multi-dwelling residences. This development is compatible with low and medium density single-dwelling development. Generally, R3 zoning will be applied on large sites or groups of sites.

- B. R2 zone.** The R2 zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.
- C. R1 zone.** The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.
- D. RH zone.** The RH zone is a high density multi-dwelling zone. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services.
- E. RX zone.** The RX zone is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of new housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.
- F. IR zone.** The IR zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions. Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are designated as District Collector streets,



### General

#### 33.130.010 Purpose

The commercial zones implement the commercial policies and plan map designations of the Comprehensive Plan. The zones are for areas of the City designated by the Comprehensive Plan for commercial uses. The differences in the zones reflect the diversity of commercial areas in the City. The zones are distinguished by the uses allowed and the intensity of development allowed. Some of the zones encourage commercial areas that are supportive of surrounding residential areas, while other zones allow commercial areas which have a community or regional market. The regulations promote uses and development which will enhance the economic viability of the specific commercial district and the city as a whole. In general, a wide range of uses is allowed in each zone. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters which support the intent of the specific zone. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

#### 33.130.020 List of the Commercial Zones

The full and short names of the commercial zones and their map symbols are listed below. When this Title refers to the commercial zones, it is referring to the seven zones listed here. When the Title refers to the CN zones, it means the CN1 and CN2 zones. When the Title refers to the CO zones, it means the CO1 and CO2 zones.

<u>Full Name</u>	<u>Short Name/Map Symbol</u>
Neighborhood Commercial 1	CN1
Neighborhood Commercial 2	CN2
Office Commercial 1	CO1
Office Commercial 2	CO2
Mixed Commercial/Residential	CM
Storefront Commercial	CS
General Commercial	CG
Central Commercial	CX

#### 33.130.030 Characteristics of the Zones

- A. Neighborhood Commercial 1 zone.** The Neighborhood Commercial 1 (CN1) zone is intended for small sites in or near dense residential neighborhoods. The zone encourages the provision of small scale retail and service uses for nearby residential areas. Some uses which are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. Parking areas are restricted, since their appearance is generally out of character with the surrounding residential development and the desired orientation of the uses.
- B. Neighborhood Commercial 2 zone.** The Neighborhood Commercial 2 (CN2) zone is intended for small commercial sites and areas in or near less dense or developing residential neighborhoods. The emphasis of the zone is on uses which will provide services for the nearby residential areas, and on other uses which are small scale and have little impact. Uses are limited in intensity to promote their local orientation and to limit adverse impacts on nearby residential areas. Development is expected to be predominantly auto accommodating, except where the site is

adjacent to a transit street or in a Pedestrian District. The development standards reflect that the site will generally be surrounded by more spread out residential development.

- C. Office Commercial 1 zone.** The Office Commercial 1 (CO1) zone is used on small sites in or near residential areas or between residential and commercial areas. The zone is intended to be a low intensity office zone that allows for small scale offices in or adjacent to residential neighborhoods. The allowed uses are intended to serve nearby neighborhoods and/or have few detrimental impacts on the neighborhood. Development is intended to be of a scale and character similar to nearby residential development to promote compatibility with the surrounding area. Development should be oriented to pedestrians along transit streets and in Pedestrian Districts.
- D. Office Commercial 2 zone.** The Office Commercial 2 (CO2) zone is a low and medium intensity office zone generally located on Major City Traffic Streets as designated by the Transportation Element of the Comprehensive Plan. Uses are limited to those in the Office category and may have a local or regional emphasis. The zone is intended to prevent the appearance of strip commercial development by allowing office uses but not other commercial uses. Commercial uses are also restricted to limit detrimental impacts on nearby residential areas. Development is expected to be somewhat auto-accommodating. Where the site is adjacent to a transit street or in a Pedestrian District, development should be oriented to pedestrians. The development standards allow for more intense development than in the CO1 zone, but not so intense as the CG zone.
- E. Mixed Commercial/Residential zone.** The Mixed Commercial/Residential (CM) zone promotes development that combines commercial and housing uses on a single site. This zone allows increased development on busier streets without fostering a strip commercial appearance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. The emphasis of the nonresidential uses is primarily on locally oriented retail, service, and office uses. Other uses are allowed to provide a variety of uses that may locate in existing buildings. Development is intended to consist primarily of businesses on the ground floor with housing on upper stories. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at corners.
- F. Storefront Commercial zone.** The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.
- G. General Commercial zone.** The General Commercial (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate

12. Quick Vehicle Servicing. This regulation applies to all parts of Table 130-1 that have note [12]. Quick Vehicle Servicing uses always include drive-through facilities. The standards in 33.130.260 specify where drive-through facilities may be located.

Table 130-1 Commercial Zone Primary Uses								
Use Categories	CN1	CN2	CO1	CO2	CM	CS	CG	CX
<b>Residential Categories</b>								
Household Living	Y	Y	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]
<b>Commercial Categories</b>								
Retail Sales And Service	L [2]	Y	N	L [3]	L [4]	Y	Y	Y
Office	L [2]	Y	Y	Y	L [4]	Y	Y	Y
Quick Vehicle Servicing	N	L [12]	N	N	N	N	Y	L [12]
Vehicle Repair	N	N	N	N	N	Y	Y	L [5]
Commercial Parking	N	N	N	N	N	Y	CU [11]	CU [11]
Self-Service Storage	N	N	N	N	N	N	L [6]	L [6]
Commercial Outdoor Recreation	N	N	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	N	N	N	CU	CU	Y
<b>Industrial Categories</b>								
Manufacturing And Production	L [2]	L [2]	N	N	L [4, 5]	L [5]	L [5,7]	L [5]
Warehouse And Freight Movement	N	N	N	N	N	N	CU [5,7]	N
Wholesale Sales	N	N	N	N	L [4, 5]	L [5]	L [5,7]	L [5]
Industrial Service	N	N	N	N	N	CU [5]	CU [5,7]	CU [5]
Railroad Yards	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N
<b>Institutional Categories</b>								
Basic Utilities	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]
Community Service	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]
Parks And Open Areas	Y	Y	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y	Y	Y	Y
Colleges	Y	Y	Y	Y	Y	Y	Y	Y
Medical Centers	Y	Y	Y	Y	Y	Y	Y	Y
Religious Institutions	Y	Y	Y	Y	Y	Y	Y	Y
Daycare	Y	Y	Y	Y	Y	Y	Y	Y
<b>Other Categories</b>								
Agriculture	N	N	N	N	N	CU	CU	CU
Aviation And Surface Passenger Terminals	N	N	N	N	N	N	CU	CU
Detention Facilities	N	N	N	N	N	N	CU	CU
Mining	N	N	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special Limitations

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

- C. Conditional uses.** Uses which are allowed if approved through the conditional use review process are listed in Table 130-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 130-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

#### **33.130.110 Accessory Uses**

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

#### **33.130.130 Nuisance-Related Impacts**

- A. Off-site impacts.** All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.
- B. Other nuisances.** Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

### **Development Standards**

#### **33.130.200 Lot Size**

There is no required minimum lot size for development of land or for the creation of new lots in commercial zones. Creation of new lots is subject to the regulations of Chapter 33.613, Lots in Commercial Zones.

#### **33.130.205 Floor Area Ratio**

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. FAR standard.** The floor area ratios are stated in Table 130-3 and apply to all nonresidential development. Floor area for residential uses is not calculated as part of the FAR for the site and is allowed in addition to the FAR limits.
- C. Transfer of FAR from Landmarks.** Floor area ratios may be transferred from a site which contains a Landmark, as follows:
  - 1. **Maximum increase in FAR.** An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;

# PortlandMaps

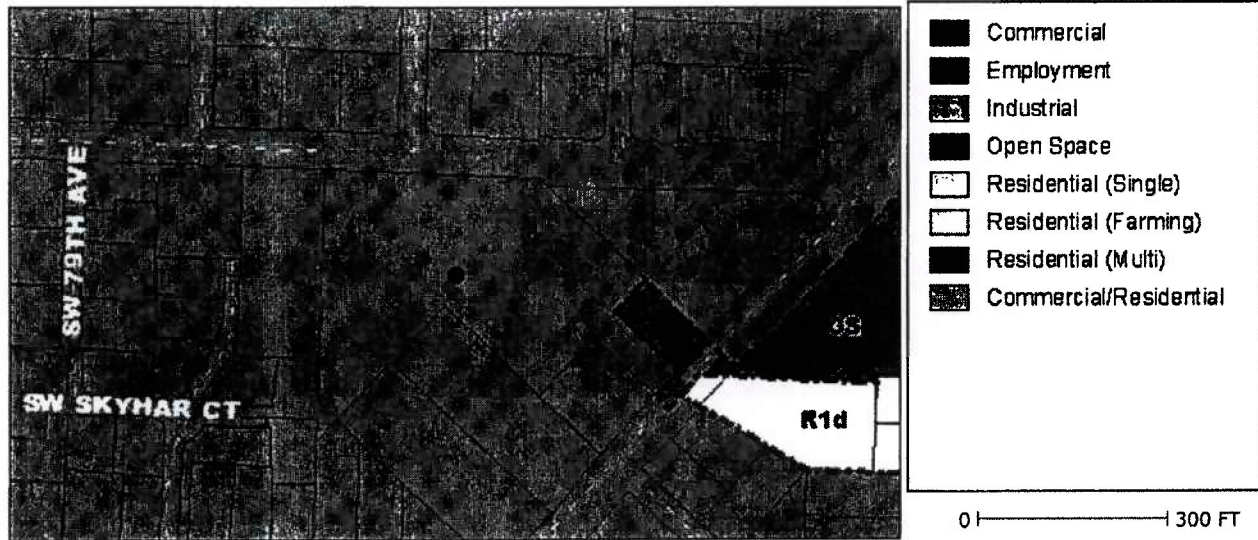
[New Search](#) | [Mapping](#) | [Advanced](#) | [Google Earth](#) | [Help](#) | [PortlandOnline](#)

7670 SW GARDEN HOME RD - ASHCREEK - PORTLAND

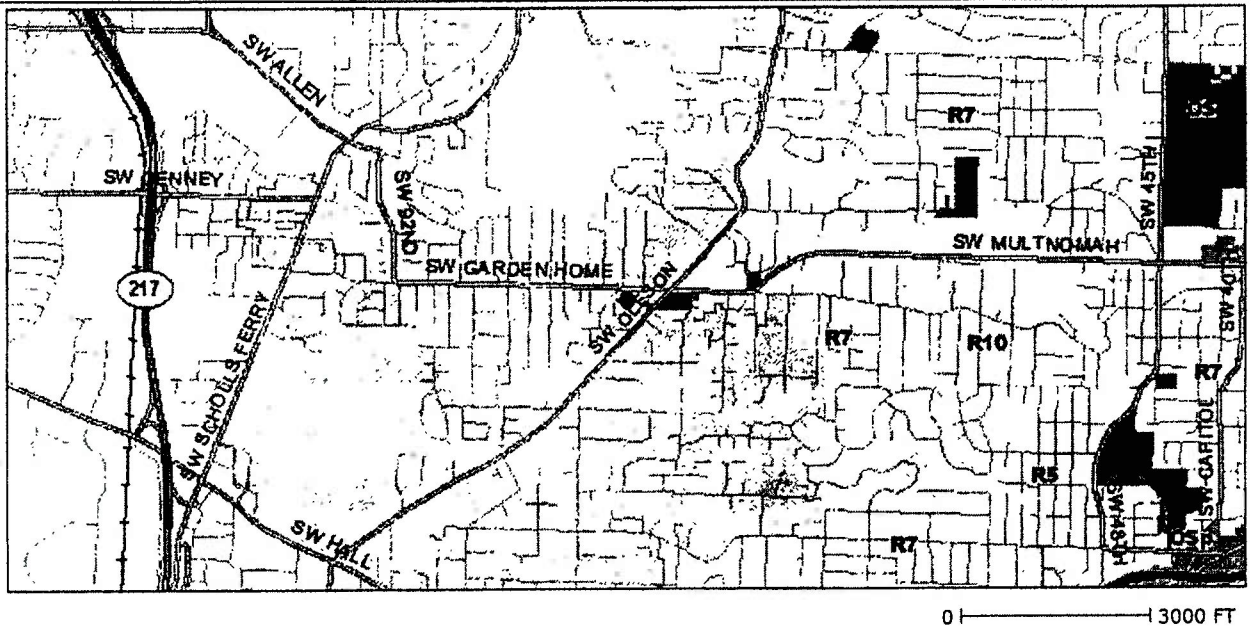
[Explorer](#) | [Property](#) | **Maps** | [Crime](#) | [Census](#) | [Transportation](#)

[Summary](#) | [Elevation](#) | [Garbage](#) | [Hazard](#) | [Natural Resources](#) | [Photo](#) | [Property](#) | [Water](#) | [Sewer](#) | [Tax Map](#) | [UGB](#) | [Watershed](#) | [Zip Code](#) | **Zoning**

## Zoning



Zone	)	Plan District	n/a
Overlay	n/a	NRMP District	
Comp Plan		Historical Resource Type	
Comp Plan Overlay		Historic District	n/a
Zoning Map	3821	Conservation District	n/a
Urban Renewal Area	n/a	Wellhead Protection Area	No



**Jeff Salvon**

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**From:** F. Ray Bowman [fraybowman@comcast.net]  
**Sent:** Monday, June 09, 2008 3:55 PM  
**To:** Jeff Salvon  
**Cc:** Marc San Soucie; Scott Winter; Jim Persey; Terry Moore; Jason Wachs  
**Subject:** Comments Re: CPA2008-005/ZMA2008-0005; SW Garden Home Rd/SW Oleson Rd Comprehensive Plan Land Use Map Amendment and Zoning Map Amendment

June 9, 2008

Jeff Salvon, Associate Planner  
 City of Beaverton, Planning Services Division Beaverton, OR 97076

Dear Mr. Salvon (Jeff):

Thanks for taking the time to talk to me earlier today about the zone change proposed at the corner of SW Oleson Rd and SW Garden Home Rd to Neighborhood Services Zone. I understand from our telephone discussion that Robert McCall, the owner of the gas station/minimart property at the southwest corner of the intersection also owns the vacant lot between his gas station property and the apartment complex to the west along Garden Home Rd, and that the City of Beaverton is petitioning on his behalf to change the current zoning for his three properties as well as the zoning for the apartment complex to Neighborhood Services from its current residential zoning. So the City actually is the petitioner for the zone change rather than the property owner. Is the current owner of the apartment property in favor of rezoning his property from a residential usage to Neighborhood Services, a commercial usage?

Some residents in the Garden Home area have recently contacted me regarding this proposed zone change with their concerns about adding/attracting additional traffic to that already very busy intersection that is home to Lamb's Thriftway, Dairy Queen, Union 76 Gas Station-Minimart, Shari's Restaurant and the Garden Home Community Center, as well as an ever growing amount of commuter traffic on the newly widened Oleson Rd.

As you probably are aware, the newly annexed Garden Home properties into Beaverton have become part of the Denney Whitford/Raleigh West NAC. But this proposed zoning change has never been reviewed by the Denney Whitford/Raleigh West NAC as the notice of the June 18 Planning Commission hearing was not sent to me until after the May 22 NAC meeting.

Because the membership of our NAC has not had an opportunity to review this zoning request amendment as its next regularly scheduled meeting isn't until June 26, I am requesting that no action be taken on this matter at the June 18 Planning Commission meeting until the NAC has had an opportunity to review and give its input as to whether they think that this rezoning is a good idea or not. Therefore, I am asking that the Planning Commission schedule this hearing at a later date after the NAC has had an opportunity to comment. It appears at this point from the telephone calls that I have received that there is growing opposition to this proposed zoning amendment, and it would be unfair not to give the residents the opportunity to express their opinion(s).

Do not hesitate to contact me with any questions, comments or concerns.

Sincerely,

Ray Bowman, Chair  
 Denney Whitford/Raleigh West NAC  
 (503) 293-0393



# MEMORANDUM

City of Beaverton  
Community Development Department

*"make it happen"*

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**To:** Planning Commissioners  
**From:** Jeff P Salvon, Associate Planner  
**Date:** June 18, 2008  
**Subject:** Correspondence to be admitted to the Record

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Over the past several days, staff has received several letters addressing the proposal to apply plan and zone designations to properties in the Garden Home / Oleson Road area. Staff would like to introduce this correspondence (attached) into evidence for the record in tonight's hearing.

ATTACHMENT #1

Letters dated 6/16/08 (with attachment)  
From Elena Frank  
7832 SW Skyhar Drive  
Garden Home, Oregon 97223

ATTACHMENT #2

Letter dated 6/17/08 (with attachments)  
From Mr. and Mrs. William J. Moore  
8440 SW Godwin Court  
Garden Home, Oregon 97223

ATTACHMENT #3

Letter dated 6/18/08 (with attachments)  
From Mr. and Mrs. William J. Moore  
8440 SW Godwin Court  
Garden Home, Oregon 97223

ATTACHMENT #1



June 16, 2008

Beaverton Planning Commission  
4755 SW Griffith Drive  
Beaverton, Oregon 97005

Re: CPA2008-0005 (Garden Home Rd./Oleson Rd. Comprehensive Plan Land Use Map Amendment);  
and, ZMA2008-0005 (Garden Home Rd./Oleson Rd. Zoning Map Amendment)

Dear Members of the Planning Commission:

I regret being out of town on business for your hearing concerning five properties in the heart of the Garden Home community. I have testified previously before the Beaverton City Council regarding these properties' de-annexation from the city of Portland and annexation to the city of Beaverton, giving some of the planning history of this area related to the annexation case. I am attaching a copy of that letter as background to my comments for the record in the above case. I served as co-chairman of CPO3 (the Garden Home-Raleigh Hills-West Slope citizen participation organization) for several years during which time the question of de-annexation and annexation re-zoning was raised in anticipation of your June 18, 2008 hearing. Our CPO has participated with Washington County and both Beaverton and Portland over the past 20+ years in the planning, zoning, and redevelopment of the Garden Home neighborhood center at the intersection of SW Garden Home and Oleson Roads where the five properties are located.

At the beginning of the de-annexation/annexation process, I was told by city of Beaverton planning staff that it was the city's procedure to apply Beaverton zoning to annexed properties that is the equivalent of, or closest equivalent to, the Portland zoning carried at the time of annexation. Now upon reading your staff's report (available only 3 working days ago), I find that the procedure upon which our neighborhood organization relied has not, in fact, been followed. Instead, the city of Beaverton has undertaken a comprehensive plan and zoning map amendment on behalf of the owners of two of the properties.

For this reason, I am asking that you:

1. Delay any June 18, 2008 action on these case files;
2. Instruct your staff to meet with our neighborhood organization (CPO3) to discuss the cases; and,
3. Continue your hearing of these cases until such time as CPO3 can meet with its counterpart -- the Denney-Whitford NAC -- and the property owners to discuss the implications of the recommended comprehensive plan and zoning map changes.

This will allow all the affected property owners and residents of the area to fully participate in what is a major change to adopted policy and procedure. For example, the staff-recommended comprehensive plan and zone designations for one tax lot would change from prohibiting a major auto use (R1) to permitting a major auto use (NS/conditional use). The change from residential to commercial zoning also would remove the possibility of the addition of housing to a neighborhood already well-served by commercial services and mass transit.

Sincerely,



Elena Frank  
7832 SW Skyhar Drive  
Garden Home, Oregon 97223

January 7, 2008

Mayor Rob Drake  
Members of the City Council  
4755 SW Griffith Drive  
Beaverton, Oregon 97005

Dear Mayor Drake and Commissioners Arnold, Bode, Dalrymple, Doyle, and Stanton:

Good evening. My name is Elena Frank and I'm here to speak on the matter of Case File ANX 2007-0005, annexation of 5 properties in the heart of the Garden Home community. I would like to share with you some of the planning history of this area related to this annexation case. While I haven't lived here for the entire 20+ years this annexation decision has been in the making, I have worked closely with many Garden Home property owners who have been involved for that entire time. In addition, I served as co-chairman of CPO3 (Garden Home-Raleigh Hills-West Slope) for several years and understand the issues surrounding annexation generally.

First, I'd like to make it clear that I am here to support your action to annex these properties to the city of Beaverton. Your vote tonight to do that is truly the final step in what must be one of the longest annexation debates in the history of Oregon. Our community decided many years ago to support eventual annexation to Beaverton rather than Portland. Congratulations on getting us this much closer.

Secondly, I'd like to share with you that our CPO has participated with Washington County and the cities of Beaverton and Portland over the past 20+ years in the planning, zoning, and redevelopment of the Garden Home neighborhood center (located at the intersection of SW Garden Home and Oleson Roads) of which the subject properties are a part. The properties in question anchor the western edge of the Garden Home 2040 Main Street area. Upon annexation, our Main Streets – SW Oleson and Garden Home Roads -- will be divided between the cities of Portland and Beaverton.

Over the past approximately 15 years, implementation of adopted transportation plans, comprehensive land use plan policies, and zoning patterns has facilitated construction of a thriving and successful neighborhood commercial area based on a mix of neighborhood-oriented commercial and residential zoning, design overlay, sidewalk and street tree requirements. The community particularly, has been supportive of higher density residential uses along both Garden Home and Oleson Roads due to the proximity of a variety of small-scale commercial uses, a community recreation center, and the regional Fanno Creek Greenway trail. The area is also served by TriMet which links it to the Washington Square regional center approximately one mile distant.

This long land use and transportation planning history has resulted in a well-functioning street system and maintenance of a transit-supportive, pedestrian-oriented, mixed-use center. I know our community wants to continue to work to improve this area, now with you and your staff as we take the next steps in the evolution of Garden Home.

I note in the staff report that the recommendation is to have the Denney-Whitford NAC become the operative NAC for these properties. As that NAC has never addressed

issues in the Garden Home neighborhoods east of Scholls Ferry Road, it seems timely to consider forming a Garden Home NAC to carry forward the efforts of the Garden Home CPO. We would like to work with you and Denney-Whitford to figure out how best to be active and involved Beaverton citizens. Thank-you for your time tonight.

Sincerely,



Elena Frank  
7832 SW Skyhar Drive  
Garden Home, Oregon 97223

**ATTACHMENT #2**

facsimile cover sheet

**DATE:** June 17, 2008

**TO:** Sheila Martin, Beaverton Planning Commission Members, Jeff Salvon  
fax #503-526-3720

**FROM:** Terry Moore (503-244-3489 voice and fax)

**SUBJECT:** June 18th PC Hearing Testimony

**PAGES:** 11+ cover

**MESSAGE:** Please give copies of all pages to the members of the  
Planning Commission for tomorrow's hearing, and  
enter into the permanent record in the matter of  
CPA2008-0005 and ZMA2008-0005. Thank-you very much  
for your assistance.

June 17, 2008  
8440 SW Godwin Court  
Garden Home, Oregon 97223

Beaverton Planning Commission  
4755 SW Griffith Drive  
Beaverton, Oregon 97005

Dear Planning Commissioners:

This letter addresses your June 18, 2008 hearing on CPA2008-0005 (Garden Home Rd./Oleson Rd. Comprehensive Plan Land Use Map Amendment) and ZMA2008-0005 (Garden Home Rd./Oleson Rd. Zoning Map Amendment) concerning several properties in the Garden Home neighborhood. I regret I cannot be at the hearing and ask that you please read this letter and make it a part of the permanent record in these matters.

We and many of our neighbors have participated during the past 20+ years in the planning, zoning, and redevelopment of the Garden Home neighborhood center (located at the intersection of SW Garden Home and Oleson Roads) of which the subject properties are a part. The properties in question anchor the western edge of the Garden Home 2040 Main Street area. During Portland's jurisdiction of the area, comprehensive plan policies and zoning patterns were adopted to facilitate construction of a thriving and successful neighborhood commercial area based on a mix of neighborhood-oriented commercial and residential zoning, design standards, and sidewalk and street tree requirements. The community particularly, has been supportive of higher density residential uses along both Garden Home and Oleson Roads due to the proximity of a wide variety of small-scale commercial uses, a community recreation center, and the regional Fanno Creek Greenway trail. The area is also served by TriMet which links it to the Washington Square regional center approximately one mile distant.

The properties that are the subject of your hearing have a long land use history, including Region 2040 studies and the Southwest Community Plan. Expansion of auto-oriented commercial zoning has been consistently rejected by the Garden Home citizen participation organization and the Portland City Council and its land use hearings officer due to the desire to maintain a transit-supportive, pedestrian-oriented, mixed-use main street center. The negative impacts on the adjacent residential uses, the street system, and limited parking opportunities are also reasons to reject expansion of commercial zoning. We are attaching excerpts from past decisions rejecting encroachment of commercial zoning into residentially-zoned land.

We ask that you respect the history of our neighborhood and follow the usual and accepted practice of adopting Beaverton zoning and comprehensive plan designations that are the most equivalent to those currently applied to each of the five properties under consideration. Those would be as follows:

- 1) 1S124CD00400 -- existing use: Multi-Family Residential -- R1 to R1
- 2) 1S124CD00300 -- existing use: Vacant -- R1 to R1
- 3) 1S124CD00100 -- existing use: Service Station: Refueling Pumps -- CG to NS

- 4) 1S124CD00301 -- existing use: Service Station: Convenience Store -- CS to NS
- 5) 1S124CD00402 -- existing use: Residential Duplex -- CS to R1 (due to the existing housing development on this site and the desire not to create a non-conforming use)

However in a recent conversation, the representative of the owner of tax lots 100, 300 and 301 said it was the owner's desire to tear down the existing convenience store and redevelop that and the vacant lot with a 2-story, brick-type building that would have commercial uses on the ground floor and offices on the second floor. We believe such a development could, in fact, be a good addition to the Garden Home Main Street area. But, the requested NS zone prohibits the development of office uses, while allowing both major and minor auto service uses. The off-site impacts (noise, dirt, exhaust, hours of operation, etc.) of auto service uses are incompatible with the livability of the existing adjacent residential uses, and a zone allowing them should not be adopted by the city of Beaverton.

We would, however, welcome the opportunity to sit down with the owners of the above tax lots, and with our neighbors in CPO3 and the Denney-Whitford NAC to discuss new zoning that would allow the owner to redevelop all three of his lots with the type of use suggested by his representative. You may want to continue the June 18th hearing to allow that conversation to take place. The short time the staff report and recommendations have been available did not allow either the Garden Home CPO or the Denney-Whitford NAC to discuss this matter at a general meeting, or to include information in their newsletters.

Sincerely,



Mr. and Mrs. William J. Moore

c: Jeff Salvon  
CPO3  
Denney-Whitford NAC

*rec'd 1-24-95*

CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017  
 Portland, Oregon 97204-1960  
 Elizabeth A. Normand, Land Use Hearings Officer  
 (503) 823-7719  
 William W. Shatzer, Code Hearings Officer  
 (503) 823-7307  
 FAX (503) 823-5370

REPORT, RECOMMENDATION AND DECISION OF THE HEARINGS OFFICER

File No.: 94-00760 CP ZC

Applicant: W.C. McCall, McCall Oil (dba Great Western Chemical Company), 808 SW 15th Avenue, 97205; and Ruth Timmins, 7715 SW Stewart, 07223.

Represented by: Mike Pruett, David Evans & Associates, Inc., 2828 SW Corbett Avenue 97201.

Hearings Officer: Elizabeth A. Normand.

Bureau of Planning Representative: Steve Gerber.

Bureau of Traffic Management Representative: Kevin Hottman.

Bureau of Transportation Planning Representative: Ken Lindmark

Land Use Review: Comprehensive Plan Amendment and Zoning Map Amendments, in order to rebuild an existing service station and expand commercial uses on property located at 7550 SW Garden Home Road.

Report to Hearings Officer: December 2, 1994

Recommendation and Decision Mailed: January 23, 1995

Last Date to Appeal Zone Change Decision: February 6, 1995

Effective Date of Zone Change Decision (if no appeal): February 7, 1995

Public Hearing: The hearing was opened in Meeting Room A, 1120 S.W. 5th Avenue, Portland, Oregon, on December 12, 1994, at 9:30 a.m. and closed at 11:35 a.m. The record remained open until December 30, 1994 for additional comments, and then until January 6, 1995 for final response from the applicant.

Testified at the Hearing: Mike Pruett, David Evans and Associates, Inc.; Colin McCall, 5937 S.W. 56th, 97221; Don Aultman, McCall Oil, 2127 SW Edgewood Road, 97221; Alan Mooers, 20 Savannah, San Anselmo, CA 94960; Bob Bothman, for CPO #3, 7365 SW 87 97223; Martha Henning, 7430 S.W. 76th Avenue, 97223; Natalie Darcy, 9355 SW Brooks Bend Drive, Garden Home, 97223; Terry Moore, Metro Council, Dist. 13, and on her own behalf, 8440 SW Godwin Court, Garden Home 97223; Duane Schroeder, 8365 SW Woodside Drive, 97225; Clifford Hamby, Right-of-Way Agent, Washington County; 155 N. 1st Avenue, #350-15, Hillsboro, 97214; John Stroud, 7410 SW 76th 97223.

Bureau of Planning Recommendation to Hearings Officer: Denial of Comprehensive Plan and Zone Map Amendments for Tax Lots 200 and 300 from low density multi-dwelling residential to general commercial, and approval of a Zone Map Amendment for Tax Lot 301 from CN2 to CG, with one condition.

Hearings Officer Recommendation to City Council: Denial of a Comprehensive Plan Amendment from R2, Low Density Multi-dwelling Residential to NC, Neighborhood Commercial, and the Zone Change from R2 to NC2 for Tax Lots 200 and 300.

Hearings Officer Decision: Approval of a Zone Map Amendment from NC2 to CG for Tax Lot 301, subject to one condition.

Summary Sheet



Report and Decision of  
the Hearings Officer

Case File LUR 94-00760 CP, ZC  
Page 14

**Findings:** The immediately adjacent road system is being rebuilt, including sidewalks and bicycle lanes. This regulation is met.

**Reduce Reliance on Automobile [OAR 660-12-045 (5) (d)]**

- D. Require all major industrial, institutional, retail and office developments to provide either a transit stop on site or connection to a transit stop along a transit trunk route when the transit operator requires such an improvement.

**Findings:** Tri-Met will make a determination on whether any transit facilities are required, in the absence of such determination this criterion must be considered not applicable.

### III. CONCLUSIONS

The revised proposal to change the Comprehensive Plan Map designation to CN, with CN2 zoning, supports the Comprehensive Plan goals and policies much more strongly than the original proposal for a CG designation, mainly because it maintains the housing potential of the two tax lots. And a mixed use development is more transit oriented than general commercial uses. However, upon review of all the goals and policies of the Comprehensive Plan, the evidence does not support a conclusion that the CN designation, with CN2 zoning, equally or better supports the goals and policies of the Comprehensive Plan than does the current residential designation. And the Comprehensive Plan amendment should not be approved.

The revised proposal would maintain housing potential and expand the opportunity for jobs by increasing the commercial uses on this site. However, this commercial expansion would be an inappropriate expansion of commercial uses into a residential neighborhood. Residential areas that abut commercially zoned areas are sensitive to incremental creep of commercial uses. The potential for such creep destabilizes the residential neighborhood. The benefit of increased job opportunities is outweighed in this case by the detriment to the immediate neighborhood.

The applicant points out that the applicant can rebuild the gas station on the remaining portion of Tax Lot 100 plus the adjacent Tax Lot 301. The combined area of those two lots will provide enough space for a new station and its access and circulation needs. To rebuild and maintain the existing service station use does not require the comprehensive plan and zone change for Tax Lots 200 and 300.

The county will require a shared access point for the multifamily development on Tax Lots 200 and 300 and the service station on Tax Lot 100. The applicant contends that the requirement for a shared access drive makes the comprehensive plan map amendment necessary. However, there is no real evidence indicating that these two tax lots cannot be developed for residential development with such a shared access. In addition, the residentially zone lots could be developed in conjunction with the adjacent multifamily development to the southwest. This would allow use of the existing driveway for that development and remove the need for sharing a driveway with the gas station. The applicant argues that these other development options, particularly developing the site in conjunction with the existing apartments to the southwest, reduces the value of the property. Even if that is true, the applicant's desire to maximize his profit from this property does not provide a substantial reason for allowing the comprehensive plan amendment. If that were an adequate reason for a comprehensive plan amendment, every residential lot owner whose lot is adjacent to commercially zoned property could justify a comprehensive plan amendment. No residential neighborhood would be safe from that incremental creep of commercial development.

Report and Decision of  
the Hearings Officer

Case File LUR 94-00760 CP, ZC  
Page 15

There will always be tension between various goals and policies of the Comprehensive Plan, particularly between those that promote economic development and preservation of residential neighborhoods. In each case, there must be a balancing of these policies against each other. That weighing of benefits and negative impacts is what makes the need for more commercial zoning relevant in this case. In this case, there is no evidence to support any need for additional commercial development at this site, and there are reasons to promote residential growth. The adopted Metro 2040 Plan identifies this area as appropriate for mixed uses and higher residential densities, with an emphasis on transit and pedestrian modes of transportation. Although that Plan does not provide mandatory approval criteria for this application, it does provide policy direction for weighing the competing interests expressed in the city's comprehensive plan.

The proposed CN2 zone for this site is an auto oriented zone. The City just recently denied CN2 zoning for the site diagonally across the Oleson Road Garden Home Road intersection and approved CN1 zoning because of the pedestrian-auto orientation issue. The fact that there is an existing auto oriented use at the intersection does not justify expanding auto-oriented uses further into the residentially zone area.

Expansion of the commercial uses would increase the risk of conflict and friction with residential uses to the west. Tax Lots 200 and 300 currently provide a buffer between the existing commercial uses and the residential uses to west. Future residential development of the site could be done in a way that maintains that buffer. Such a residential buffer is a better transition than would be the proposed auto-oriented mixed use.

Washington County is concerned that it be able to move forward with the street improvements for this intersection of Oleson and Garden Home Roads, with out further delays and without having to purchase the applicant's property. The applicant has clearly stated that the gas station can be rebuilt on Tax Lots 100 and 301. The comprehensive plan and zone change for Tax Lots 200 and 300 is not needed for that purpose. Denial of those changes does not in any way interfere with the ability of the County to begin construction of those right-of-way improvements.

The zone change from CN2 to CG on Tax Lot 301, already designated by the Comprehensive Plan Map as general commercial, meets the criteria for a zone change. The reconstruction of the SW Garden Home and Oleson Road intersection will result in the necessary service capacities to support a general commercial use on this tax lot. As the Comprehensive Plan Map designation for Tax Lots 200 and 300 cannot be changed to CN, the zoning of those lots cannot be changed from R2 to CN2.

No specific new multi-family, retail, office or institutional development is proposed. The absence of a specific proposal makes application of the State Transportation Planning Rule to the applicant's property impossible, except in a generic manner. The public sidewalks planned for this intersection are not sufficient for a commercial area. With 10 foot sidewalks, the requirements of the state transportation planning rule are met to the extent they can be applied to this proposal.

#### IV. RECOMMENDATION AND DECISION

It is the recommendation of the Hearings Officer that the Comprehensive Plan Amendment for Tax Lots 200 and 300, from R2, Low Density Multi-dwelling Residential to NC, Neighborhood Commercial, and the Zone Change from R2 to NC2, be denied.

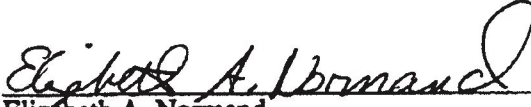
Report and Decision of  
the Hearings Officer

Case File LUR 94-00760 CP, ZC  
Page 16

It is the decision of the Hearings Officer to approve the Zoning Map Amendment for Tax Lot 301 from NC2 to CG, subject to the following condition:

- A. The public sidewalks adjacent to Tax Lots 100 and 301 will be at least 10-feet wide. The applicant must provide either easements assuring public access or additional dedication to the street rights-of-way for the additional four-feet of sidewalk.

Recommendation and Decision mailed this 23rd day of January, 1995.

  
Elizabeth A. Normand  
Hearings Officer

**Appeal of the Zone Change decision.** The Hearings Officer's decision may be appealed to City Council. Unless appealed, this Decision of the Hearings Officer is effective on February 7, 1995, the day after the last day to appeal.

**ANY APPEAL OF THIS ACTION BY THE HEARINGS OFFICER MUST BE FILED AT THE PERMIT CENTER ON THE FIRST FLOOR OF THE PORTLAND BUILDING, 1120 S.W. 5TH AVENUE, 97204 (823-7526) NO LATER THAN 4:30 P.M. ON FEBRUARY 6, 1995.** An appeal fee of \$2,481.25 will be charged (one-half of the application fee for this case). Recognized neighborhood associations may appeal for free. Information and assistance in filing an appeal can be obtained from the bureau of Planning at the Permit Center.

**City Council Hearing on Comprehensive Plan Amendment.** The City Code requires the City Council to hold a public hearing on the Comprehensive Plan Amendment in this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer's Recommendation. You will be notified of the time and date of the hearing before City Council. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

If you have any questions contact the Bureau of Planning Representative listed on the Summary Sheet of this Recommendation. (823-7700)

**Recording the final decision.** Unless the decision on the zone change is recorded within 14 days of the effective date, it will be void. The applicant, builder, or their representative must submit the decision to the City Auditor's office in City Hall, 1220 SW Fifth Avenue, Room 202; Portland, Oregon. The Auditor will charge a fee, and will record this decision with the County Recorder. Building or development permits will be issued only after this decision is recorded.



**WASHINGTON  
COUNTY,  
OREGON**

February 9, 1995

Mike Prout  
Herper/Rightline Inc  
5200 SW Macadam Avenue, Suite 550  
Portland, Oregon 97201

**SUBJECT: MCCALL OIL GAS STATION (BP STATION) AT THE SOUTHWEST CORNER  
OF SW GARDEN HOME AND OLESON ROADS  
PROJECT NO 2242**

Regarding the access point for the driveways on the proposed improvement I believe that we have three possible alternatives

1. If the station is rebuilt on tax lot 100 we would require the access point to be as far back as possible and still allow a vehicle to enter and make the turn. The approximate location is designated by the letter "A" (see attachment). Both of these access points would be right-in, right-out only due to the close proximity to the intersection and the need to cross turning lanes. This would not be desirable for the necessary traffic movement to make a working business. This alternative is our least acceptable.

2. If the station is built on tax lots 100 and 301, the access point on the Garden Home side would be the same as alternative one with a right-in, right-out only. The access point on Oleson Road would be set as far south as possible. This would allow BP to have a full access. The approximate location is designated by the letter "B".

This alternative is better, but the access point on Garden Home is still a safety concern.



3. The last alternative is to allow the BP to use tax lots 100, 300, and 301 to develop a gas station shop and residential complex. This would allow full access points on both sides of the development. This would allow us to begin the driveway with an intersection to the north. The approximate location is designated by the letter "C". This in my opinion would be the most desirable configuration.

I know Washington County's role in this development is concerning the road and driveway accessing our project. However, I would like to express my support for the full development of the three lots. I believe from reading the hearings officer report that the project does meet the goals and policies of the Comprehensive Plan. The Colin Lamb development and our road project would only be enhanced by the development of the three parcels as proposed by the BP station.

I believe that this would meet the goals of the Oregon Transportation Plan. Having the new station and the small store/apartment complex, would allow pedestrians to utilize all four legs of

J:\SHARED\CH\W\PSHARC\RL\2242\M\PRUT.LTR

Department of Land Use and Transportation  
Capital Project Management Division  
Hillsboro, Oregon 97124

Phone: 503/693-4895  
FAX #: 503/693-4412

Mike Pruit  
Page 2  
February 9, 1995

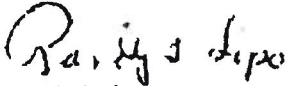
this improved intersection. If the station would not be rebuilt there would at least one more mile to fuel your vehicle. This would add to the out of area travel miles, which the transportation rule discourages.

Washington County is presently and has been working closely with Tri-Met on the bus stop issues and the addition of more stops. At the request of the CPO we will be meeting with Tri-Met to explore the possibility of getting more covered bus stops with our improvement. We also accommodated Tri-Met in our design and will be installing turning radiuses that allow the buses to make the right turn safely.

I also believe this fits right with the Metro 2040 Plan's Main Street Designation by providing a commercial and a residential combination within easy walking distance; and certainly a pedestrian connection could be provided as well as biking facilities that would be in conjunction with the bike lanes that we will be installing with our improvement.

In summary I think that the proposed BP development is the final link in the development of the intersection. The discussions I have had with citizens in the area indicated to me that they want this intersection to be the hub of their community. This development would provide a transition from commercial to the multi-family complex to the west, which to me seems to be a logical transition. The area that is being developed is much smaller than the other commercial site east of Oleson Road. This would provide positive improvement to the neighborhood. I have also worked closely with the City of Portland on our design to provide a smooth transition from our project to the proposal of the City when they improve Garden Home east of 71st. Also it has been my pleasure to work with the City through these hearing and zoning requests. They have kept Washington County informed very well through the process and have asked for our input.

If you have any questions, please feel free to call me at 693-4486

  
Randy L. Lapo  
Project Coordinator

attachment

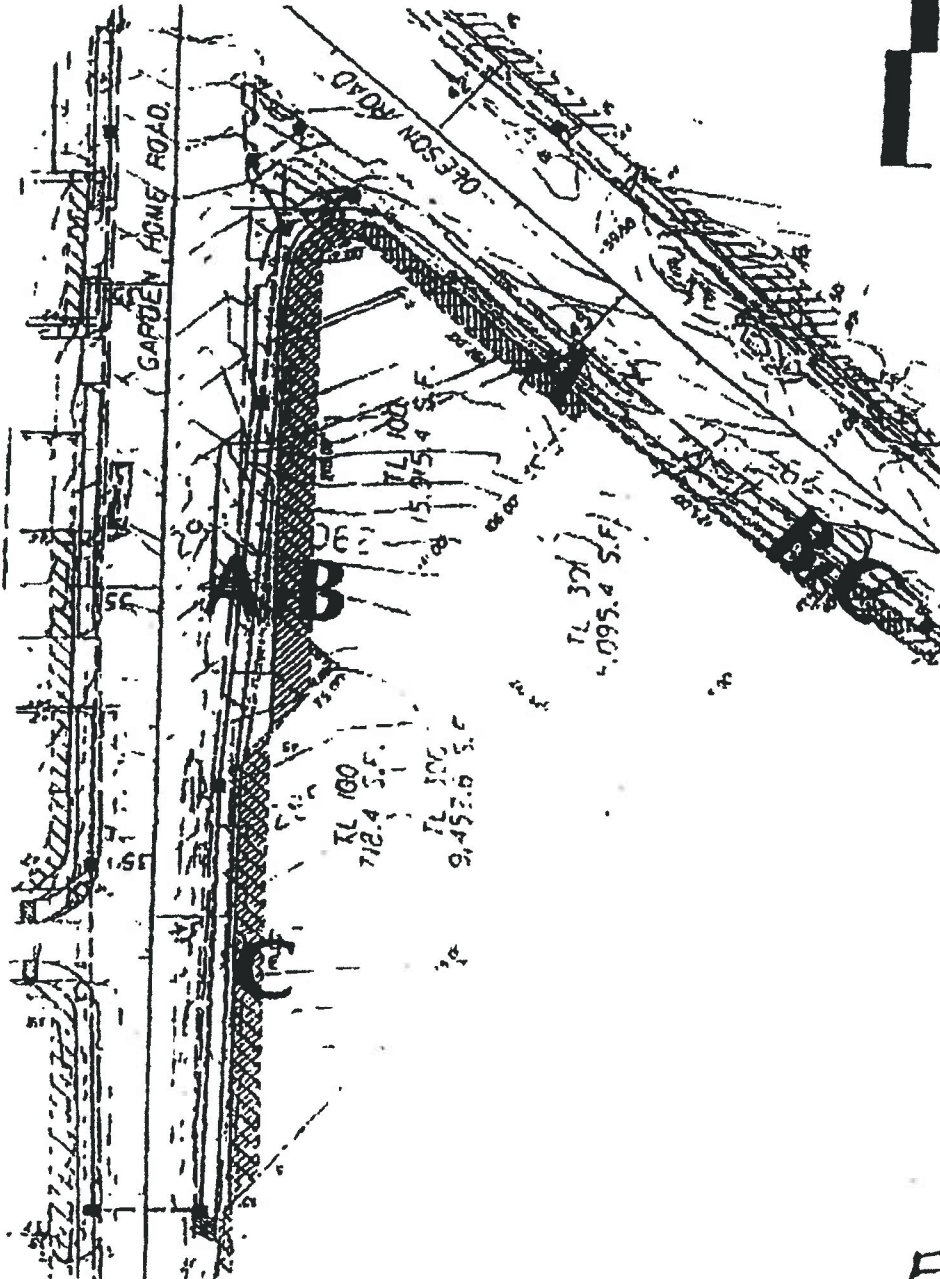
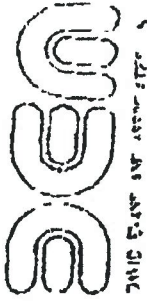


EXHIBIT 9

**RALEIGH HILLS-  
GARDEN HOME**

**SITE PLAN**

(With Washington Co Road Improvements)

Exh. D

**ORDER OF COUNCIL ON APPEAL OF HEARINGS OFFICER'S DECISION  
ON REQUEST FOR COMPREHENSIVE PLAN MAP AND ZONING AMENDMENTS  
94-00760 CP ZC**

**APPLICANTS:** W. C. McCall (owner)  
McCall Oil (dba Great Western Chemical Company)  
808 SW 15th Avenue  
Portland, OR 97205

Ruth Timmons (owner)  
7715 SW Stewart  
Portland, OR 97223

**REPRESENTATIVE:** Mike Pruett (Planning Consultant)  
David Evans & Associates, Inc.  
2828 SW Corbett Avenue  
Portland, Oregon 97201-4830

**LOCATION:** 7550 SW Garden Home Road

**LEGAL DESCRIPTION:** Tax Lots 200, 300 and 301, Section 24, 1S, 1W

**ZONING DESIGNATIONS:** Existing: R2, Low Density Multidwelling Residential, and CN2, Neighborhood Commercial  
Proposed: CG, General Commercial and CN2, Neighborhood Commercial

On March 15, 1995, at 2:00 p.m., at a regular Council session in City Hall, City Council, after hearing persons desiring to speak and considering evidence and arguments regarding this appeal, tentatively voted to uphold the decision of the Hearings Officer, deny the appeal and direct staff to prepare findings. On March 29, 1995 at 2:00 p.m., at a regular Council session, the City Council adopted findings in support of that decision.

Based on **Order of Council Findings on Appeal Against Hearings Officer's Decision for Case File 93-00760 CP ZC**, by this reference made a part of this Order, City Council denies the appeal and directs the following actions:

Page 2  
Council Order  
93-00760 CP ZC  
3/30/95

The Comprehensive Plan Amendment for Tax Lots 200 and 300, from R2, Low Density Multi-dwelling Residential to CN, Neighborhood Commercial, and the Zone Change from R2 to CN2, is denied.

The Zoning Map Amendment for Tax Lot 301 from NC2 to CG, is approved, subject to the following condition:

- A. The public sidewalks adjacent to Tax Lots 100 and 301 will be at least 10-feet wide. The applicant must provide either easements assuring public access or additional dedication to the street rights-of-way for the additional four-feet of sidewalk.

April 4, 1995  
Date:

Vera Katz  
Mayor Vera Katz  
Presiding Officer, March 29, 1995



ATTACHMENT #3



June 18, 2008  
8440 SW Godwin Court  
Garden Home, Oregon 97223

Beaverton Planning Commission  
4755 SW Griffith Drive  
Beaverton, Oregon 97005

Dear Planning Commissioners:

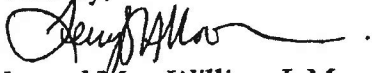
This letter is in addition to my June 17, 2008 letter to you addressing tonight's hearing on CPA2008-0005 (Garden Home Rd./Oleson Rd. Comprehensive Plan Land Use Map Amendment) and ZMA2008-0005 (Garden Home Rd./Oleson Rd. Zoning Map Amendment). I am attaching a copy of an e-mail from Peter Finley Fry, the representative for Bob McCall who owns tax lots 100, 300, and 301 which are the subject of your hearing. Please make both a part of the record in this matter.

Mr. Fry said in his e-mail to me and in a telephone conversation with me this morning that his client wishes to assure us (my husband and I and the community generally) that he has "absolutely no intention" of developing a major or minor automotive use on the lots he owns. His short-term intention is to retain the gas station on lot 301, but he will not develop the vacant R1 lot adjacent to the existing apartment complex with an automotive use. Mr. Fry told me the owner was willing to stipulate that the requested NS zone for the three tax lots (as recommended by your staff) be conditioned to prohibit future development of automotive uses on lot 300.

I cannot speak for the Garden Home or Denney-Whitford neighborhood associations, but my understanding of the history of these lots and the concerns of the owners of the apartments is that such a stipulated restriction as part of your action would remove the objections to the application of the NS zone to lot 300. The concern has always been to protect the quality of life of the people living adjacent to the McCall properties and the investment of the owners of the adjacent apartments.

We would still welcome the opportunity to sit down with the owners of the above tax lots, and with our neighbors in CPO3 and the Denney-Whitford NAC to discuss new zoning that would allow the owner to redevelop all three of his lots with the type of use suggested by his representative, should you want to continue the June 18th hearing to allow that conversation to take place.

Sincerely,



Mr. and Mrs. William J. Moore

c: Jeff Salvon  
CPO3  
Denney-Whitford NAC

**Terry Moore**

Wed, Jun 18, 2008 1:01 PM

---

**Subject: (no subject)**  
**Date: Wednesday, June 18, 2008 11:03 AM**  
**From: PFINLEYFRY@aol.com**  
**To: moorewt@spiritone.com**  
**Cc: bob@mccalloil.com**  
**Conversation: (no subject)**

I spoke with Bob McCall who owns the property of your concern.

He absolutely has no attention of a new minor or major automotive use on the property. There is a gas station on the property and it would remain for the near future. We would stipulate to this.

Our attention is to build one or two 2 story buildings with local retail on the ground floor and professional services such as lawyers or travel agents on the second floor. Although offices are prohibited in the zone, planning staff have assured us that professional services are allowed outright.

Please do not hesitate to call or write with additional questions or concerns.

Peter Finley Fry AICP PhD  
2153 SW Main Street #105  
Portland, Oregon 97205

503-274-2744  
503-274-1415 FAX

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Gas prices getting you down? Search AOL Autos for fuel-efficient used cars <<http://autos.aol.com/used?ncid=aolaut00050000000007>> .

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

IN THE MATTER OF CPA2008-0005 AND )  
ZMA2008-0005 REQUESTS TO AMEND THE )  
COMPREHENSIVE PLAN LAND USE MAP )  
AND THE ZONING MAP APPLICABLE TO )  
PROPERTIES LOCATED IN THE )  
SOUTHWEST CORNER OF SW GARDEN )  
HOME ROAD AND SW OLESON ROAD. CITY )  
OF BEAVERTON, APPLICANT. )  
)  
)  
)

ORDER NO. 2089  
APPROVING REQUESTS

The matter came before the Planning Commission on June 11, 2008, on requests for amendments to the City's Comprehensive Plan Land Use Map and Zoning Map to apply the City's Main Street (MS) land use designation and the City's Urban High Density (R-1) and Neighborhood Service (NS) zones to the subject parcels. The subject parcels are located in the southwest corner of SW Garden Home Road and SW Oleson Road. The parcels are identified as Tax Lots 1S124CD00100, 1S124CD00300, 1S124CD00301, 1S124CD00400, and 1S124CD00402 on the Washington County Tax Assessor's Map.

Pursuant to Ordinance 4187 (Comprehensive Plan), Section 1.5.1, and Ordinance 2050 (Development Code), Sections 40.97.15.1.C, the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Planning Commission adopts the Staff Report dated June 11, 2008, as to the applicable criteria contained in Section 1.5.1 of the Comprehensive Plan and Section 40.97.15.1.C of the Development Code and findings thereon; now, therefore:

**IT IS HEREBY ORDERED** that **CPA2008-0005** is **APPROVED** based on the facts and findings of the Planning Commission on June 18, 2008.

Motion **CARRIED** by the following vote:

**AYES:** Winter, Stephens, Bobadilla, Platten, and Maks.  
**NAYS:** None.  
**ABSTAIN:** None.  
**ABSENT:** Johansen and San Soucie.

**IT IS HEREBY ORDERED** that **ZMA2008-0005** is **APPROVED** based on the facts and findings of the Planning Commission on June 18, 2008.

Motion **CARRIED** by the following vote:

**AYES:** Winter, Stephens, Bobadilla, Platten, and Maks.  
**NAYS:** None.  
**ABSTAIN:** None.  
**ABSENT:** Johansen and San Soucie.

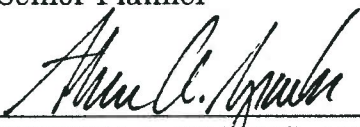
Dated this 26<sup>th</sup> day of June, 2008.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2089, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 5:00 p.m. on Monday, July 7, 2008.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

  
\_\_\_\_\_  
JEFF SALVON, AICP  
Senior Planner

  
\_\_\_\_\_  
STEVEN A. SPARKS, AICP  
Interim Community Development Director

APPROVED:

  
\_\_\_\_\_  
DAN MAKS  
Chairman

**PLANNING COMMISSION MINUTES**

**June 18, 2008**

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**CALL TO ORDER:** Chairman Dan Maks called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

**ROLL CALL:** Present were Chairman Dan Maks; Planning Commissioners Scott Winter, Ric Stephens, Melissa Bobadilla, and Jack Platten. Planning Commissioner's Marc San Soucie and Eric Johansen were excused.

Associate Planner Jeff Salvon, AICP, Assistant City Attorney Bill Scheiderich, and Recording Secretary Sheila Martin represented staff.

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

**VISITORS:**

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

**STAFF COMMUNICATION:**

Staff indicated that there were no communications at this time.

**NEW BUSINESS:**

Chairman Maks opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or

1 disqualifications in any of the hearings on the agenda. There was no  
2 response.

3  
4 **PUBLIC HEARINGS:**

5  
6 A. **SW GARDEN HOME ROAD/SW OLESON ROAD.**

7 1. CPA2008-0005 – COMPREHENSIVE PLAN AMENDMENT

8 2. ZMA2008-0005 – ZONING MAP AMENDMENT

9 This is a proposal to amend the City's Comprehensive Plan Land Use  
10 Map and the Zoning Map to apply appropriate designations to 5  
11 parcels annexed into the City of Beaverton in February 2008. The  
12 subject parcels are located at the intersection of SW Garden Home  
13 Road and SW Oleson Road.

14  
15 Chairman Maks provided a brief description of the hearing process and  
16 the applicable approval criteria.

17  
18 Commissioners Winter, Platten, and Chairman Maks all indicated that  
19 they had visited and/or are familiar with the site and had no contact  
20 with any individual(s) with regard to this application.

21  
22 Associate Planner Jeff Salvon presented the Staff Report and  
23 explained that the proposal is to apply the City's Main street plan  
24 designation and NS and R1 zoning to five properties recently annexed  
25 into the City of Beaverton, adding that staff would normally apply the  
26 terms of the Washington County-Beaverton Urban Planning Area  
27 Agreement to the proposal, but these proposals differ from the typical  
28 scenario in that the property has been annexed from the City of  
29 Portland, and the UPAA does not address how to apply City of  
30 Beaverton Plan and Zone designations in this case.

31  
32 Mr. Salvon stated that the proposed zoning for three of the properties  
33 was based upon an assessment of which city zone best approximates  
34 Portland zoning currently in place, adding that staff is proposing two  
35 zone changes to be approved that would alter the uses from  
36 commercial to residential in one case and residential in another. He  
37 discussed staff's memorandum to the Planning Commission dated June  
38 18, 2008, which included additional correspondence that had been  
39 received by staff requesting that the decision be delayed to allow more  
40 time for neighbors to meet with the property owner of one parcel in  
41 which a rezone is proposed from Portland R1 to Beaverton NS. He  
42 explained that the neighbors expressed concern that if the proposal  
43 was approved, that the one vacant parcel may be developed into an  
44 automotive service use which would be allowed under NS as a



1 Conditional Use. He noted that while the property owner has  
2 expressed intent for the property that does not involve automotive  
3 servicing, that staff is willing to recommend that the record remain  
4 open for 14 days to allow time for the property owner to meet with the  
5 neighbors as requested.  
6

7 Concluding, Mr. Salvon stated that regardless of the outcome that  
8 result from these discussions, that staff is confident that the  
9 recommended designations are the most appropriate for the area for  
10 reasons provided in the staff report, and offered to respond to  
11 questions.  
12

13 Chairman Maks emphasized that a Major and Minor Automotive use  
14 in the NS zone is considered a Conditional Use, adding that if this is  
15 proposed in this zoning, area then it would require a Type 3  
16 application which would be heard before the Planning Commission.  
17

18 Chairman Maks requested that staff expand on the request to leave  
19 the record open for 14 days, adding that a meeting between the owner  
20 and the neighbors does not necessarily place anything within cement,  
21 because should the owners change it does not matter, and what does  
22 matter is the uses and zoning that are allowed to be put in place.  
23

24 On question, Mr. Salvon expressed his opinion that he does not believe  
25 that leaving the record open for 14 days will accomplish any changes to  
26 the proposal. He believes that the neighbors want to be ensured that  
27 Automotive Services will not be placed on this property, and stated  
28 that the property owner has assured them that this is not his intent.  
29 He pointed out that the owner has fairly concrete plans to build one or  
30 two story buildings with local retail on the ground floor and  
31 professional services on the second floor.  
32

### 33 PUBLIC TESTIMONY

34

35 PETER FRY introduced the owner of the property Bob McCall. He  
36 stated that they have reached out to the neighborhood and were not  
37 aware until last week of the neighbors' concerns, and as a result, Mr.  
38 McCall had received a second letter from Ms. Moore dated June 18,  
39 2008, indicating a change of spirit. He pointed out that offices are  
40 prohibited from this particular zone, adding that they had spoken with  
41 staff and want the record to show that professional services are not  
42 prohibited. He also noted that they believe that a Type 3 protects the  
43 neighborhood and is appealable to the City Council, and that they are  
44 happy with this. He stated that it is up to the Planning Commission if

1 they feel that the owner needs to go a step further that they are willing  
2 to do that as well.

3  
4 Chairman Maks requested that Mr. Fry clarify the record what he  
5 believes to be professional services.

6  
7 Mr. Fry expressed his opinion that professional services basically  
8 means personal services to consumers that are provided by a  
9 professional such as travel agents, doctors, and dentists.

10  
11 Mr. Salvon indicated that he had no further comments with regard to  
12 this proposal.

13  
14 The public portion of the Public Hearing was closed.

15  
16 Commissioner Platten indicated that he is in full support of the  
17 application, adding that it might be prudent for the Commission to  
18 take a vote and leave the record open simply to make it difficult for  
19 anyone to appeal.

20  
21 Commissioner Winter expressed his opinion that staff did a great job  
22 in outlining the issues involved in the zoning implications. He stated  
23 that if his analysis is correct that the community's concerns are  
24 focused on the prohibition on Automotive Uses in this zone, and that  
25 since this is a Conditional Use, it would have to be heard by the  
26 Planning Commission anyway, and that he believes that the Planning  
27 Commission had addressed the neighbors issues with the Conditional  
28 Use requirements for any type of Automobile Use in this zone.  
29 Concluding, he stated that he is in full support of this application.

30  
31 Commissioner Bobadilla stated that she is in full support of the  
32 application, and believes that the zones proposed are appropriate. She  
33 expressed her opinion that leaving the record open for 14 days is not  
34 necessary as the issues had been fully addressed.

35  
36 Commissioner Stephens concurs with his fellow commissioners and  
37 expressed his opinion that Commissioner Winter is on target with the  
38 application requirements for the Conditional Use.

39  
40 Chairman Maks complimented staff on a fantastic staff report,  
41 specifically with the review of applicable zones, changes, and uses. He  
42 concurs with the comments made by Commissioner Winter, and  
43 pointed out that what is important is what exists with the zoning, and  
44 what exists with the zoning is that any Automotive Use, Minor or

1 Major, in the City of Beaverton, has to go through a Type 3 Conditional  
 2 Use hearing, adding that the neighborhood, residents, and the other  
 3 commercial individuals are very well respected and protected. He  
 4 noted that the single zoning of multiple parcels gives any jurisdiction  
 5 upon redevelopment a better handle on access, ingress, and egress, and  
 6 control of the traffic patterns. Referring to the traffic analysis, he  
 7 noted that some of the professional services fall into ITE code,  
 8 Office/Commerical/Medical Use which is a generator of three times  
 9 higher than standard office.

10  
 11 Commissioner Winter **MOVED** and Commissioner Stephens  
 12 **SECONDED** a motion to **APPROVE** CPA2008-0005 – SW Garden  
 13 Home Road/SW Oleson Road, based on the facts and findings of  
 14 presented in the Staff Report dated July 11, 2008.

15  
 16 Motion **CARRIED**, 4:0.

17  
 18 **AYES:** Winter, Stephens, Bobadilla, Platten, and Maks.  
 19 **NAYS:** None.  
 20 **ABSTAIN:** None.  
 21 **ABSENT:** Johansen and San Soucie.

22  
 23 Commissioner Winter **MOVED** and Commissioner Stephens  
 24 **SECONDED** a motion to **APPROVE** ZMA2008-0005 – SW Garden  
 25 Home Road/SW Oleson Road, based on the facts and findings of  
 26 presented in the Staff Report dated July 11, 2008.

27  
 28 Motion **CARRIED**, 4:0.

29  
 30 **AYES:** Winter, Stephens, Bobadilla, Platten, and Maks.  
 31 **NAYS:** None.  
 32 **ABSTAIN:** None.  
 33 **ABSENT:** Johansen and San Soucie.

34  
 35 **MISCELLANEOUS BUSINESS:**

36  
 37 The meeting adjourned at 6:53 p.m.

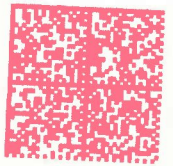


**City of Beaverton**  
Community Development Department  
4755 S.W. Griffith Drive  
P.O. Box 4755  
Beaverton, OR 97076

**TO:**

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

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