



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

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

## AMENDED NOTICE OF ADOPTED AMENDMENT

October 9, 2007

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 027-07



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

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 25, 2007**

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

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

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

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

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FORM 2

# DLCD

## Notice of Adoption

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



Jurisdiction: **City of Beaverton**

Local file number: **CPA2007-0015**

Date of Adoption: **10/2/2007**

Date Mailed: **10/4/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **7/20/2007**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

This proposal is to apply the City's Neighborhood Residential Medium Density (NR-MD) Comprehensive Plan designation to two parcels in order to correct what staff have determined to be a mapping error that occurred in approximately 1997. The error, which changed the plan designation of the subject parcels from Neighborhood Residential Medium Density (NR-MD) to Neighborhood Residential Standard Density (NR-SD), was discovered in August 2007 in the review of a development application for the western of the two subject parcels. The oversight creates a discrepancy whereby the property's implementing R-2 zone, which has remained unchanged since annexation, is incompatible with the property's plan designation as determined by Comprehensive Plan Section 3.14 (the Comprehensive Plan and Zoning District Matrix).

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

Plan Map Changed from: **NR-SD**

to: **NR-MD**

Zone Map Changed from:

to:

Location: **Intersection of NW Blueridge Dr. & SW 158th Ave.**

Acres Involved: **5.54**

Specify Density: Previous: **5,000-8,750 Net Sq. Ft. / Unit** New: **2,000-4,999 Net Sq. Ft. / Unit**

Applicable statewide planning goals:

|                                     |                                     |                          |                          |                                     |                          |                          |                          |                                     |                                     |                                     |                                     |                                     |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <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>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

*DLCD #027.07 (16250)*



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

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

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

Metro, Washington County, West Slope Water District, Clean Water Services, Beaverton School District.

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@yahoo.com**

### **ADOPTION SUBMITTAL REQUIREMENTS**

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

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



ORDINANCE NO. 4455

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP FOR TWO PROPERTIES LOCATED IN NORTHERN BEAVERTON; CPA2007-0015 AND DECLARING AN EMERGENCY

- WHEREAS,** City staff discovered that a mapping error on the City's Comprehensive Plan Land Use Map that changed the intended plan designations for Tax Assessor Parcels 1N132CB13600 and 1N132CB13700 from Neighborhood Residential-Medium Density (NR-MD) to Neighborhood Residential-Standard Density (NR-SD); and
- WHEREAS,** the unintended designation, which became effective when the City updated the Land Use Map as part of the City's Periodic Review Program in 1997, results in the subject properties bearing a nonconforming status with Section 3.14, the Plan and Zoning District Matrix contained in the City's Comprehensive Plan; and
- WHEREAS,** reapplication of the City's Neighborhood Residential-Medium Density (NR-MD) plan designation to the subject parcels would reestablish conformance with Section 3.14 of the Comprehensive Plan; and
- WHEREAS,** the Planning Commission held a public hearing on September 19, 2007, to consider CPA2007-0015, consider comments, and take testimony; and
- WHEREAS,** on September 19, 2007, the Planning Commission unanimously recommended approval of the application based upon the Staff Report dated September 12, 2007; and
- WHEREAS,** Final Order No. 2017 was prepared memorializing the Planning Commission's decision, and no appeal therefrom was submitted; now, therefore

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

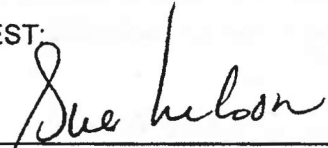
- Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map (Figure III-1) is amended to designate the subject properties, as shown on Exhibit "A", Neighborhood Residential-Medium Density (NR-MD).
- Section 2** Emergency Clause. The Council finds that immediate adoption of the Plan Map amendment to correct a mapping error is necessary to the public safety and welfare. The Council declares an emergency to exist, and this Ordinance shall take effect immediately on its passage.

First and only reading this 1st day of October, 2007.

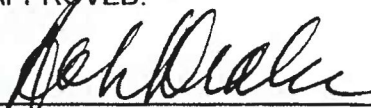
Passed by the Council this 1st day of October, 2007.

Approved by the Mayor this 2nd day of October, 2007.

ATTEST:

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

APPROVED:

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



# VICINITY MAP

ORDINANCE  
NO. 4455

# EXHIBIT "A"



CPA2007-0015  
NW Blueridge Dr./NW 158th Ave.  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

07/19/07 N  
Tax Lot #'s  
1N132CB13700  
1N132CB13600  
NW Blueridge Dr  
NW 158th Ave.





## 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:** September 19, 2007      **REPORT DATE:** September 12, 2007

**FROM:** Jeff Salvon, Associate Planner

**APPLICATION:** CPA2007-0015  
(NW Blueridge Dr. /NW 158<sup>th</sup> Ave. Land Use Map Amendment)

**LOCATION:** Northwest corner of NW Blueridge Drive and NW 158<sup>th</sup> Avenue. The parcels are identified as taxlots 1N132CB13600 and 1N132CB13700.

**NEIGHBORHOOD ASSOCIATION:** Five Oaks/Triple Creek Neighborhood Association Committee

**REQUEST:** Apply the City's Neighborhood Residential-Medium Density (NR-MD) land use designation to the subject parcels.

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

**APPROVAL CRITERIA:** Comprehensive Plan Section 1.5.1

**RECOMMENDATION:** Staff recommends the City Planning Commission adopt a final order recommending applying the Neighborhood Residential-Medium Density (NR-MD) land use designation to the subject parcels.




# VICINITY MAP



**Legend**

 SITE

|   |  |   |
|---|--|---|
| <br>CITY OF SEVERNSTON | CPA2007-0015<br>NW Blueridge Dr./NW 158th Ave.                 | 07/19/07 N<br>Tax Lot #'s<br>1N132CB13700<br>1N132CB13200 |
|   | COMMUNITY DEVELOPMENT DEPARTMENT<br>Planning Services Division | NW Blueridge Dr<br>NW 158th Ave.                          |

CPA2007-0015  
 Report Date: September 12, 2007



## BACKGROUND

The subject parcels were annexed into the City in 1985 and subsequently assigned the City's Medium Density (NR-MD) Comprehensive Plan Land Use designation and R-2 Zone. In 2002, as part of its Periodic Review effort to comply with the Statewide Planning Goals, the City updated the Comprehensive Plan and Plan Map. The updated Plan Map adopted through Ordinance 4187 contained a mapping error in which the subject properties were shown to carry a Neighborhood Residential - Standard Density (NR-SD) Plan designation on the new map instead of the Medium Density (NR-MD) Comprehensive Plan designation. The discrepancy creates an inconsistency in the Plan and Zoning District Matrix (Section 3.14 of the Comprehensive Plan) which defines the relationship between land use designations and their corresponding implementing zones. The intent of this proposal is to correct the mapping error by and assigning the NR-MD plan designation to the subject properties.

### EXISTING CONDITIONS

**Uses.** Staff performed a field survey of the sites. Tax lot 1N132CB13700 is 4.38 acres in area and is developed with an apartment complex of 279 units. Tax lot 1N132CB13600 is 1.15 acres and contains a single family home.

**Character.** The subject parcels are located on the eastern boundary of a large subdivision adjacent to two busy streets classified as arterial and neighborhood route on the City's Functional Classification Map. The properties to the north up to Waterhouse Ave. are also designated NR-MD and are developed with single family homes. Property to the east across 158<sup>th</sup> is designated Employment and is partially developed with office buildings. The property immediately to the south fronting on 158<sup>th</sup> is designated NR-SD and is developed with a recreational facility for the adjacent residential development.

**Natural Resources.** There are no significant natural resources associated with the subject parcels on the City's natural resource inventory maps.

## ANALYSIS

The subject parcels were assigned a medium density plan designation and R-2 zoning in 1986. The designations that were assigned the parcels were consistent with the Waterhouse Planned Unit Development (PUD) Master Plan and reflect the City's policy of allowing density transfer under PUD guidelines. The medium density designation was deemed appropriate for the subject parcels due to their proximity to a major thoroughfare and its location between single family residential to the west and employment uses to the east of 158<sup>th</sup>.

Since the plan designation was adopted the larger of the two properties has been developed with a multiple-family housing complex. The other property contains a single family dwelling built in 1950 prior to development of the surrounding properties.



Section 3.14 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* details the City's medium density residential land use designations. The policies contained in this section are directly relevant to this proposal. They are as follows:

**MEDIUM DENSITY RESIDENTIAL DEVELOPMENT:**

**3.13.4 Goal: Establish Medium Density Residential areas to allow for single family attached and detached, and multiple-family developments.**

**Policies:**

- a) Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix
- b) Medium Density Residential zoning is located generally in areas with good access to arterial streets, good transit service, commercial service, and public open space, or should be designed in a coordinated manner to provide such amenities in the immediate vicinity.

Although it could be demonstrated that the location and uses of the subject parcels are consistent with the policies above, it should be noted that the current proposal does not intend to alter the permitted uses, densities, or development standards associated with the original plan and zone designations approved in 1986. Therefore although staff provides findings in this report that demonstrate the appropriateness of the NR-MD to the property, they were provided in the original decision and may not be required in this case. Reinstating the plan designation previously assigned to the property will effectively re-implement the decision that was based upon findings previously adopted in the PUD master planning for the area.

In reinstating the previously approved plan designations the proposal intends to amend a policy discrepancy that has resulted from the mapping error. Currently, the implementing (R-2) zone assigned to the property is incompatible with the NR-SD plan designation. As illustrated in Section 3.14 (the Comprehensive Plan and Zoning District Matrix) of the Comprehensive Plan, the NR-SD plan designation is implemented through the corresponding application of the City's R-5 and R-7 zones and is intended to allow less dense development than the NR-MD plan designation. Reinstating the NR-MD plan designation as originally intended will reverse the discrepancy so that the R-2 zoning currently applied to the property is consistent with the intended NR-MD plan designation.

**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 two 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.

## **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 July 20<sup>th</sup>, 2007 - 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 Five Oaks / Triple Creek 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 July 20<sup>th</sup>, 2007 at least forty-five (45) calendar days prior to the initial hearing;
3. Legal notice was published in the Beaverton Valley Times on August 30, 2007.
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 August 24, 2007.
5. Notice was posted in City Hall, in the City Library, and on the City's website on August 24, 2007.

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;**

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 (DLCDD). 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 assessed the appropriate choice of City Comprehensive Plan land use designation for the subject parcels. This assessment was guided by provisions in Section 3.14 (the Comprehensive Plan and Zoning District Matrix) of the City's Comprehensive Plan. The Comprehensive Plan has undergone state scrutiny and been acknowledged by the State of Oregon to comply with Goal 2. Since the intent of the proposal is to correct a mapping error which will place the plan designation in compliance with Section 3.14 of the Comprehensive Plan as acknowledged by the

State, staff has appropriately applied 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 the protection Goal 5 compliance. 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 NR-MD designation to the subject parcels was to provide a degree of transition between uses that may not otherwise be compatible if located adjacent to one-another. In this case, positioning an area of medium density residential between NR-SD and Employment helps mitigate obtrusive effects generated from industrial production upon a residential area that may be especially sensitive to excess noise and other effects. This strategy encourages a diversity of uses within close proximities and reinforces the economic principle of allowing a highest and best use within different areas of the City.

Since the proposal assists in maximizing the economic potential of commercial and industrial uses to encourage the generation of commerce and jobs, staff regards the proposal to apply the City’s NR-MD plan designation to the subject parcels as complying with the intentions expressed in Goal 9.

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



GOAL 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".

In 1998, in attempting to satisfy the Title 1 requirements of Metro's Urban Growth Management Functional Plan (UGMFP), the city prepared a city-wide housing capacity and employment estimate which incorporated a density allowance assigned to the subject properties. This estimate assigned a medium density reflective of the City's R-2 density allowance to the subject properties.

In January of 2002, pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD) the City adopted a Housing Element into its Comprehensive Plan (Ordinance 4187). Part of that process involved development of a buildable lands inventory, a housing type needs analysis, and a housing density assessment. Compliance with Title 1 of Metro's UGMFP standards was cited as a compliance element in satisfying the requirements of Goal 10. 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 City's policies that derived from this process were henceforth acknowledged to comply with Goal 10.

The proposal involves the application of a City plan designation that had previously been applied to the subject property but was inadvertently altered as a result of a mapping error. The permitted density allotted to the property resulting from that process was used to comply with Metro's UGMFP provisions – which were themselves subject to compliance with the Statewide Planning Goals. This proposal is to restore the plan designation back to what it was before the mapping error. Because adoption of this designation had previously been assessed for Goal 10 compliance, and is proposed to return to the original plan designation, it is found to comply with the Goal.

**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. Taxlot 1N132CB13700 supports a 279 unit multiple-family apartment complex and taxlot 1N132CB13600 supports a single family home. Availability of public facilities and services to serve the former parcel had been addressed at the time it was proposed for development and is not an issue of significance. The latter parcel is underdeveloped subject to its R-2 zoning and prime for redevelopment. Under R-2 the property could be developed with as many as 25 dwelling units. When development for this parcel is proposed, site specific issues related to public facilities and services will be addressed in the development review process.

**Finding: Staff finds that applying the City's Neighborhood Residential – Medium Density Plan Designation to the subject parcels 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."

The City's Comprehensive Plan designations are descriptive tools assigned to individual parcels. These designations are in turn implemented through the specific zones. While the role of the plan designation is perceived as qualitative, zoning provisions apply specific criteria applicable to new development. As specified in CP Section 3.14 (the



City's Comprehensive Plan and Zoning District Matrix), specific zones correlate with specific plan designations. However, zoning ultimately controls the use and residential density allowance for a development. This density in turn influences the scale of traffic generation that will affect local transportation facilities.

The intent of proposed amendment is to restore the plan designation assigned to the subject parcels prior to the mapping error that became effective in 2002. It should be noted that the R-2 zoning assigned to the property (applied in 1985) preceded the mapping error and has remained in effect in the interim. Because the property's zoning is the principle instrument used to control the level of traffic generation derived from a development, and because the status of the properties zoning will not be affected by the proposed amendment, staff contends that the proposed amendment will not significantly affect the local transportation facilities as defined by OAR 660-012-0060 cited above.

**Finding: Staff finds that applying the City's Neighborhood Residential – Medium Density Land Use Map Designation 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 within one-half mile of Tri-met bus lines 59, 67, and 89 and approximately one and one-half mile from the Merlo light rail station. Use of public transportation is thereby a reasonable alternative for residents that live on the subject properties. Additionally, the City's NR-MD land use designation provides opportunities for higher density use than the NR-SD designation currently in place. Coupled together, the proximity to light rail, bus service, and the increased density permitted by the proposed amendment provide the following opportunities for energy conservation:

- Use of public transportation in support of uses that locate in the subject area reduces auto-dependency.
- Potential higher and better use of the subject parcels results in a higher level of transit use further reducing auto-dependency.
- Potential increase in the intensity of development upon the subject parcels reduces the need to expand the Urban Growth Boundary and provide public services and utilities to areas that are currently not served.
- Compact living environments enabled through higher density development opportunities allow residents to pool energy resources which reduces waste and encourages energy efficiency.
- As redevelopment occurs upon 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.

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

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

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

*GOAL 8: RECREATIONAL NEEDS*

Although the subject parcels are across 158<sup>th</sup> from one of the area's largest recreational facilities, the Howard Terpenning Recreation Center, 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 3.07.830 of the UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:



“For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map...”

The 2040 Growth Concept Plan map designates the areas which includes the subject parcels under the Inner Neighborhood design type subject to local interpretation of the Growth Concept Map. The City’s Neighborhood Residential – Medium Density plan designation corresponds to Metro’s Inner Neighborhood design type. Further, the proposed amendment does not involve alteration of the zoning assigned to the property. The RTP which was adopted in August 2000 relied upon this zoning to derive projected traffic capacity estimates therefore the amendment will not directly alter the traffic counts and capacity estimates used to assess development impacts. Finally, due to the fact that the proposed amendment does not involve actual development of the subject property, staff believe 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 Neighborhood Residential – Medium Density plan designation to the subject properties to be consistent with Metro’s vision for the area.

***Finding: The Neighborhood Residential – Medium Density Comprehensive Plan Land Use Map designation is compatible with the Metro Inner Neighborhood design type. 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.***

As noted in the Analysis Section of this report, Section 3.13.4 contains policies that govern the medium density residential development. Although the appropriateness of this designation to the subject properties was previously assessed and deemed applicable when it was initially adopted (prior to the mapping error), staff reassessed the application policies in Section 3.13.4 to determine the appropriateness of the designation to the subject properties.

Staff contends that the proposed amendment complies with the policies contained in Section 3.13.4 in the following respects:

- The subject parcels support a single family detached residential dwelling and multiple family attached development consisting of 279 units.
- The subject parcels are provided with access to an arterial street on one side (NW 158<sup>th</sup> Ave.) and a neighborhood route (NW Blueridge Dr.) on the other as defined by the City's Functional Classification Map. Residents of these units are also provided with access to three public bus lines within one-half mile and are within approximately one and one-half mile of a light rail station and a major freeway.
- The parcels are situated within one-half mile of a large retail outlet and multiple smaller vendors and as well as a 90-acre park and recreational facility.
- The primary intent in proposing the amendment is to restore the correlation between the Plan designation and the zoning (dictated in subsection 3.14 Comprehensive Plan and Zoning District Matrix) which was altered as a result of mapping error which occurred in 2002.

Since these points are consistent with the policies specified in Section 3.13.4 above, staff believe that the NR-MD designation is appropriate for the subject properties. However, the last point which addresses policy 3.13.4.A above, is particularly relevant to the proposed amendment due to the fact that inaction on the City's part to address the lack of correlation between the plan designation and zoning that resulted from the mapping error places the City in a non-conforming status with Section 3.14 of 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.

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

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. The permitted uses on the subject parcels are dictated by the R-2 zoning currently in place which is not proposed to be changed. 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 change, school facilities should not be significantly affected. Thus, the policies, plans and actions found in this chapter are inapplicable to the proposed amendment.

***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 section addressing Goal 12 compliance above. As pointed out in that section, the proposal seeks to amend the plan designation assigned to the subject parcels from Neighborhood Residential – Standard Density to Neighborhood Residential – Medium Density. Because the property's zoning is the principal instrument used to control the level of traffic generation derived from a development, and because the status of the property's zoning will not be affected by the proposed amendment, staff believes that the proposed amendment will not significantly affect the degree of traffic generation on local transportation facilities.

It should also be noted that although one of the parcels is fully developed with a large apartment complex, any redevelopment proposed for either of the subject parcels will require that a traffic impact assessment be prepared by the applicant to demonstrate that traffic generation deriving from the development will not impose excess constraints upon the system. If the impacts 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 proposed amendment involves assignment of the NR-SD plan designation to the subject properties to correct a mapping error which placed the property's plan designation in a non-conforming status with its zoning. The amendment will not change any specific use or development provisions assigned to the parcels but will restore the correlation between the plan and zone designations specified in Section 3.14 of the Comprehensive Plan. Because of the technical and site specific nature of the proposal, the amendment cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

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

## **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 Neighborhood Residential-Medium Density (NR-MD) land use designation is appropriate for the subject parcels.**

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

IN THE MATTER OF CPA2007-0015, A ) ORDER NO. 2017  
REQUEST TO AMEND THE COMPREHESIVE ) APPROVING REQUEST  
PLAN APPLICABLE TO PROPERTIES )  
LOCATED TO THE NORTHWEST CORNER )  
OF NW BLUERIDGE DRIVE AND NW 158<sup>TH</sup> )  
AVENUE. CITY OF BEAVERTON, )  
APPLICANT. )

The matter came before the Planning Commission on September 19, 2007, on a request for an amendment to the City's Comprehensive Land Use Map to apply the City's Neighborhood Residential-Medium Density (NR-MD) land use designation to the subject parcels. The proposal provides for these changes applicable to properties near the intersection of NW Blueridge Drive and NW 158<sup>th</sup> Avenue. The parcels are identified as Tax Lot's 1N132CB13600 and 1N132CB13700.

Pursuant to Ordinance 4187 (Comprehensive Plan), Section 1.5.1, the Planning Commission conducted a public hearing, received testimony from multiple parties, and considered a variety of evidence submitted to the record concerning relevant history of the properties, the intended objectives associated with future use of the subject properties, and validity of the mapping error prompting amendment.

The Planning Commission adopts the Staff Report dated September 12, 2007, as to the applicable criteria contained in Section 1.5.1 of the Comprehensive Plan and findings thereon; now, therefore:  
ORDER NO. 2017



**IT IS HEREBY ORDERED** that CPA2007-0015 is **APPROVED** based on the facts and findings of the Planning Commission on September 19, 2007.

Motion **CARRIED** by the following vote:

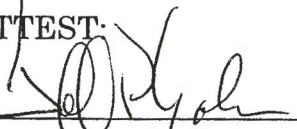
**AYES:** Winter, Bobadilla, Johansen, and Maks.  
**NAYS:** None.  
**ABSTAIN:** None.  
**ABSENT:** Platten, San Soucie, and Stephens.


Dated this 21<sup>st</sup> day of September, 2007.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2017, 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 October 1, 2007.


PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

  
\_\_\_\_\_  
JEFF SALVON  
Associate Planner, AICP

  
\_\_\_\_\_  
STEVEN A. SPARKS  
Interim Planning Director

APPROVED:

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