



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

03/14/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment
DLCD File Number 004-11

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: Thursday, March 29, 2012

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

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

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

Cc: Leigh Crabtree, City of Beaverton
Angela Lazarean, DLCD Urban Planner
Anne Debbaut, DLCD Regional Representative

Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

MAR 9 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Beaverton**

Local file number: **ZMA2011-0003**

Date of Adoption: **3/5/2012**

Date Mailed: **3/8/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/20/2011

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".

Implement City of Beaverton CC (Corridor Commercial) & R1 (Residential - 1,000/du) zoning districts over seven (7) properties, listed as follows by Tax Lot ID (Existing Washington County Land Use Districts): 1S102B000400 (TO:R24-40), 1S102BB07200 (TO:R24-40), 1S103A001600 (TO:RC), 1S103A001700 (TO:RC), 1S103A002100 (TO:R24-40), 1S103A002300 (TO:R24-40, TO:R40-80), 1S103AB00200 (TO:R12-18, TO:R24-40). Associated proposals with separate DLCD noticing: CPA2011-0003, ZMA2011-0002, CPA2011-0002

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

Plan Map Changed from:

to:

Zone Map Changed from: **TO:RC, TO:R12-18,R24-40,R40-80**

to: **Corridor Commercial & R1**

Location: **Barnes Rd, Valeria View to west of Cedar Hills; 1S1W03**

Acres Involved: **75**

Specify Density: Previous: **934 to 1,906**

New: **984 to 3,268**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>									

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

ODOT, Metro, Washington County

Local Contact: **Leigh M Crabtree**

Phone: **(503) 526-2458**

Extension:

Address: **475 SW Griffith Dr, POBox4755**

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

City: **Beaverton**

Zip: **97076-4755**

E-mail Address: **lcrabtree@beavertnoregon.gov**

ORDINANCE NO. 4582

AN ORDINANCE AMENDING ORDINANCE 2050, THE ZONING MAP TO APPLY THE CITY'S CORRIDOR COMMERCIAL (CC) ZONING DISTRICT TO TWO PARCELS AND THE CITY'S URBAN HIGH DENSITY (R1) ZONING DISTRICT TO FIVE PARCELS LOCATED NORTH OF HIGHWAY 26, SOUTH OF FOEGE PARK, FROM WEST OF CEDAR HILLS BOULEVARD TO VALERIA VIEW DRIVE IN NORTHERN BEAVERTON, ZMA2011-0003

- WHEREAS,** the City Council finds that pursuant to Development Code Sections 50.45.2 through 50.45.14, the City provided notice of the Planning Commission initial hearing to consider this zoning map amendment (ZMA); and
- WHEREAS,** the Planning Commission conducted a public hearing on December 7, 2011, to consider the proposed amendment, the submitted staff report and exhibits, three supplemental memoranda, and written and oral testimony provided at the hearing; and
- WHEREAS,** the Planning Commission after that hearing recommended that the Council adopt the proposed ZMA, as per the Commission's Use Order No. 2275, dated December 15, 2011; and
- WHEREAS,** an appeal of the Planning Commission's recommendation was filed on December 27, 2011; and
- WHEREAS,** the City Council conducted a public hearing on February 7, 2012, to consider an appeal of the Planning Commission's recommendation, the record of the Planning Commission hearing, the submitted staff report and exhibits, one memorandum, written testimony provided from January 31, 2012 through February 7, 2012, revisions to the proposed Development Code text, Peterkort Area Frequently Asked Questions, Peterkort History, Peterkort Fast Facts, Peterkort Community Concerns, and the written and oral testimony submitted at the hearing; and
- WHEREAS,** the Council finds that the criteria for this decision and the findings in support of that criteria are as shown in the staff report of November 30, 2011, a memorandum of December 5, 2011, two memoranda of December 7, 2011, the Planning Commission's Land Use Order No. 2275 of December 15, 2011, the staff report of January 31, 2012, the revised Development Code text, the matters submitted for the record between the time of the Commission's order and the Council hearing on the appeal, and the supplemental findings attached to this Ordinance as Exhibit "B" and incorporated by this reference; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** Ordinance No. 2050, the Zoning Map, is amended to designate the properties on Map and Tax Lot 1S103A001600 and 1S103A001700 Corridor Commercial (CC),

as shown on Exhibit "A" attached to this Ordinance and incorporated by this reference.

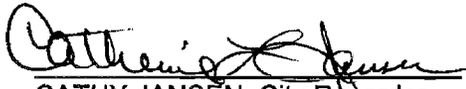
Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate the properties on Map and Tax Lot 1S102B000400, 1S102BB07200, 1S103A002100 and 1S103A002300 and 1S103AB00200 Urban High Density (R1), as shown on Exhibit "A" attached to this Ordinance and incorporated by this reference.

First reading this 28th day of February, 2012.

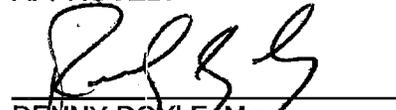
Passed by the Council this 5th day of March, 2012.

Approved by the Mayor this 6th day of March, 2012.

ATTEST:

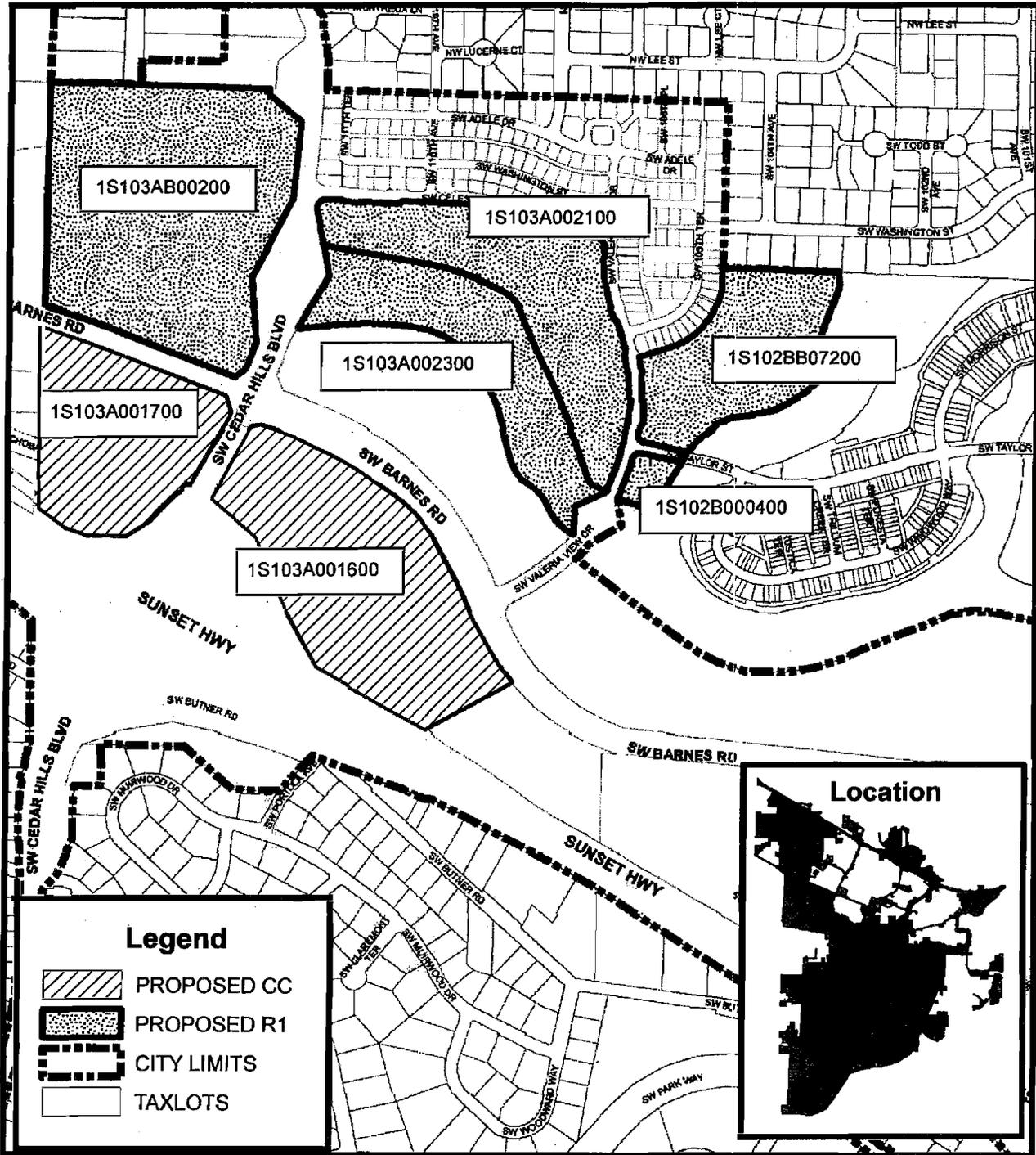

CATHY JANSEN, City Recorder

APPROVED:


DENNY DOYLE, Mayor by
RANDY EALY, Mayor Pro Tem

VICINITY MAP

PROPOSED CITY ZONES



Legend

-  PROPOSED CC
-  PROPOSED R1
-  CITY LIMITS
-  TAXLOTS



PETERKORT ZMA 2011-0003 PROPOSED ZONE MAP CHANGE

COMMUNITY AND ECONOMIC DEVELOPMENT
Planning Division

11/9/11

Tax Lot #'s
VARIOUS

Application #
ZMA2011-0003



EXHIBIT B

Ord. No. 4582

SUPPLEMENTAL FINDINGS ON APPEAL TO CITY COUNCIL OF THE CITY OF BEAVERTON, OREGON ZMA2011-0003, ORDINANCE NO. 4582

The matter came before the City Council on February 7, 2012, for public hearing on an appeal of the Planning Commission's Recommendation to Approve ZMA2011-0003 (Peterkort CC and R1 Zoning Map Amendment). The Notice of Appeal contends that the zoning map amendment does not satisfy Development Code Sections 40.97.15.4.C.3 and 4, and that adequate public input had not been provided.

The City Council adopts the following supplemental findings in support of its decision to deny the appeal and to enact the ZMA in the form of Ordinance 4582.

At the hearing the testimony concerning Comprehensive Plan and Development Code sections cited above, centered instead on the following issues:

Urban Planning Area Agreement (UPAA). The appellant alleged that the proposed CC and R-1 zoning districts are not consistent with Washington County's Transit Oriented District as stated in the UPAA and therefore did not meet the city Development Code sections cited. The Council finds that the UPAA does not provide specific direction in matching county Transit-Oriented zoning to city zoning. The UPAA discusses coordination between the City and County with regards to determining the zoning that "most closely approximates." Staff has shown that the City has worked with the County in determining the most appropriate zoning designation and that there has been no opposition by the County to the proposed

zoning districts. As to the appellants' argument that the city Corridor Commercial (CC) zoning adopted by this ZMA does not most closely approximate the county TO:RC zoning when compared to the city SC-MU zoning district, the Council adopts the Planning Commission's findings that the increase in FAR with the SC-MU zoning district would increase the intensity of use on these properties and potentially raise the traffic impacts beyond what is projected for the zoning adopted by this ZMA. Although the uses permitted in the city CC zoning district do not exactly match those in the county TO:RC district, the Council finds that the Corridor Commercial (CC) and the Urban High Density Residential (R-1) districts most closely approximate the county Transit Oriented land use districts as to density, use provisions and standards, based on the information provided in Exhibit G.12, G.13, G.14, of the Planning Commission's Staff Report dated November 30, 2011. Exhibit G.12 compares the uses permitted and shows that while the allowed uses are not identical between the city and county, most of the uses in the R-1 and CC zoning districts are consistent with the allowed or prohibited uses in the correlating county Transit Oriented District. Exhibit G.13 compared the dimensional and site development standards showing that with minor differences between the correlating zoning districts, the overall standards provide a similar character between the R-1 and CC zoning district to the Transit Oriented land use district. Exhibit G.14 compares the residential density requirements and shows that the City's minimum density requirements would result in only 50 additional dwelling required in the project area. All other residential zoning designations as

well as the Station Community zoning district would not meet the County's minimum requirements on the subject parcels. Based on the information provided in the exhibits and the Planning Commission's and staff's findings, the Council finds the R-1 and CC zoning districts closely approximates the density, use provisions and development standards of the Washington County designation.

Adequate Public Involvement. As to the appellants' argument that the ZMA review process did not adequately provide for public input. the Council finds that all notice was sent as was required by the city's acknowledged Comprehensive Land Use Plan, the city's acknowledged Development Code and by state law including but not limited to ORS Chapter 195 regarding the city-county cooperative agreement.

Other Appellant Comments. The appellant contends that Comprehensive Plan Chapters 3, 5, 6, and 9 and Metro's Urban Growth Management Functional Plan Titles 1, 6, 7, and 12 were not satisfied by the proposed amendment. In response the Council cites the supplemental findings for this Ordinance No. 4582 and the findings provided in the Staff Report to City Council dated January 31, 2012 as adequately addressing the appellant's argument with regard to each of those Comprehensive Plan Chapters and Functional Plan Titles.



CITY of BEAVERTON

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

STAFF REPORT

HEARING DATE: December 7, 2011

TO: Planning Commission

FROM: Sambo Kirkman, Tao of Planning *SK*

PROPOSAL: CPA2011-0003 Peterkort Corridor and Neighborhood Residential Land Use Map Amendment
ZMA2011-0003 Peterkort Corridor Commercial and R1 Zoning Map Amendment

LOCATION: North of Highway 26, south of Foege Park, west of Valeria View and Cedar Hills Boulevard, specifically identified as the following Washington County Assessor's Map and Tax Lots: 1S103A01700, 1S103A01600, 1S103A02300, 1S103A02100, 1S103AB00200, 1S102BB07200, and 1S102B00400

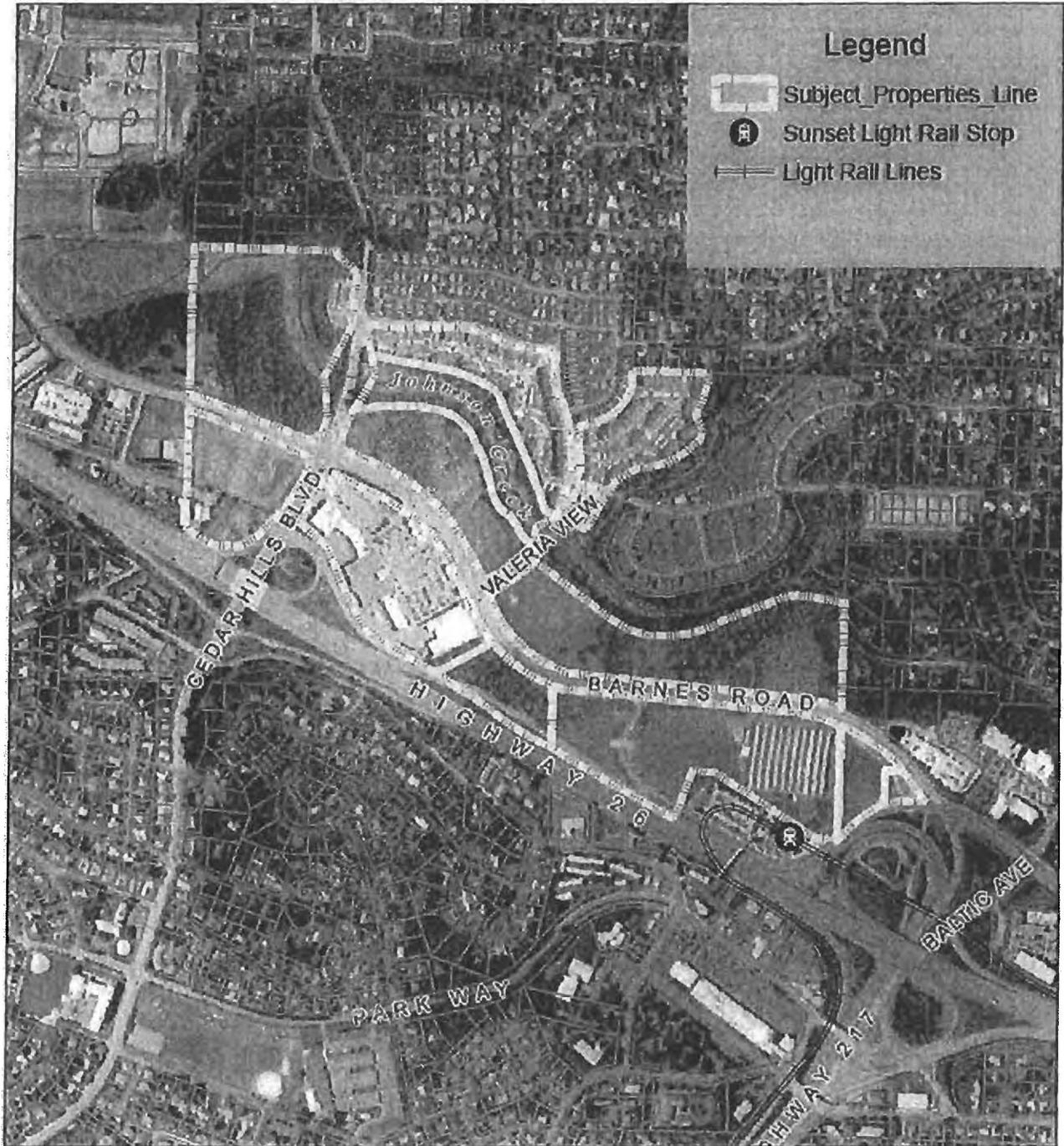
SUMMARY: The City of Beaverton is proposing to change the Comprehensive Plan Land Use Map designation for seven tax lots from four Washington County Transit Oriented Land Use Districts to the City of Beaverton's Corridor and Neighborhood Residential – High Density (NRHD) Land Use Designation. Amending the Land Use Map will implement a City land use designation and allow for application of City zoning districts. The City of Beaverton is also proposing a zoning district to correspond to the proposed Comprehensive Plan Amendment. The proposed zoning districts are R-1 and Corridor Commercial. The specific land use designation and zoning district are identified on Exhibits 3 and 4 in this report. The CPA and ZMA are to change the current "Interim Washington County Zoning" designation and provide a City zoning district on the subject site. No new development are proposed on these parcels as a part of this application.

APPLICANT: City of Beaverton

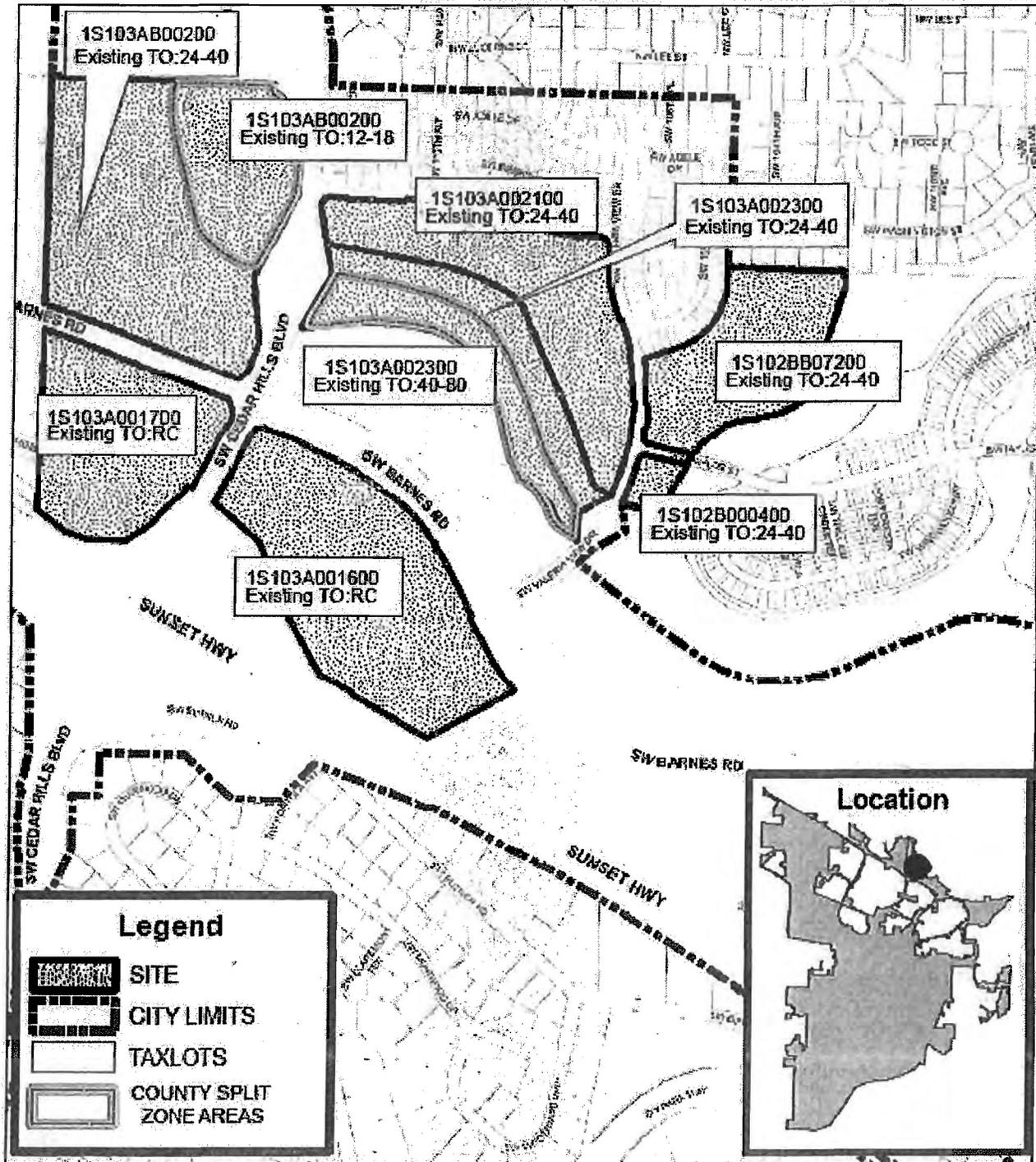
DECISION CRITERIA: Criteria for Comprehensive Plan Map Amendments are listed in Section 1.5.1 of the Comprehensive Plan.
Approval Criteria for Zoning Map Amendments are listed in Section 40.97.15.4.C of the Development Code.

RECOMMENDATION: Approval of CPA2011-0003 (Peterkort Corridor and Neighborhood Residential – High Density Land Use Map Amendment) and Approval of ZMA2011-0003 (Peterkort CC and R-1 Zoning Map Amendment), with no associated conditions of approval.

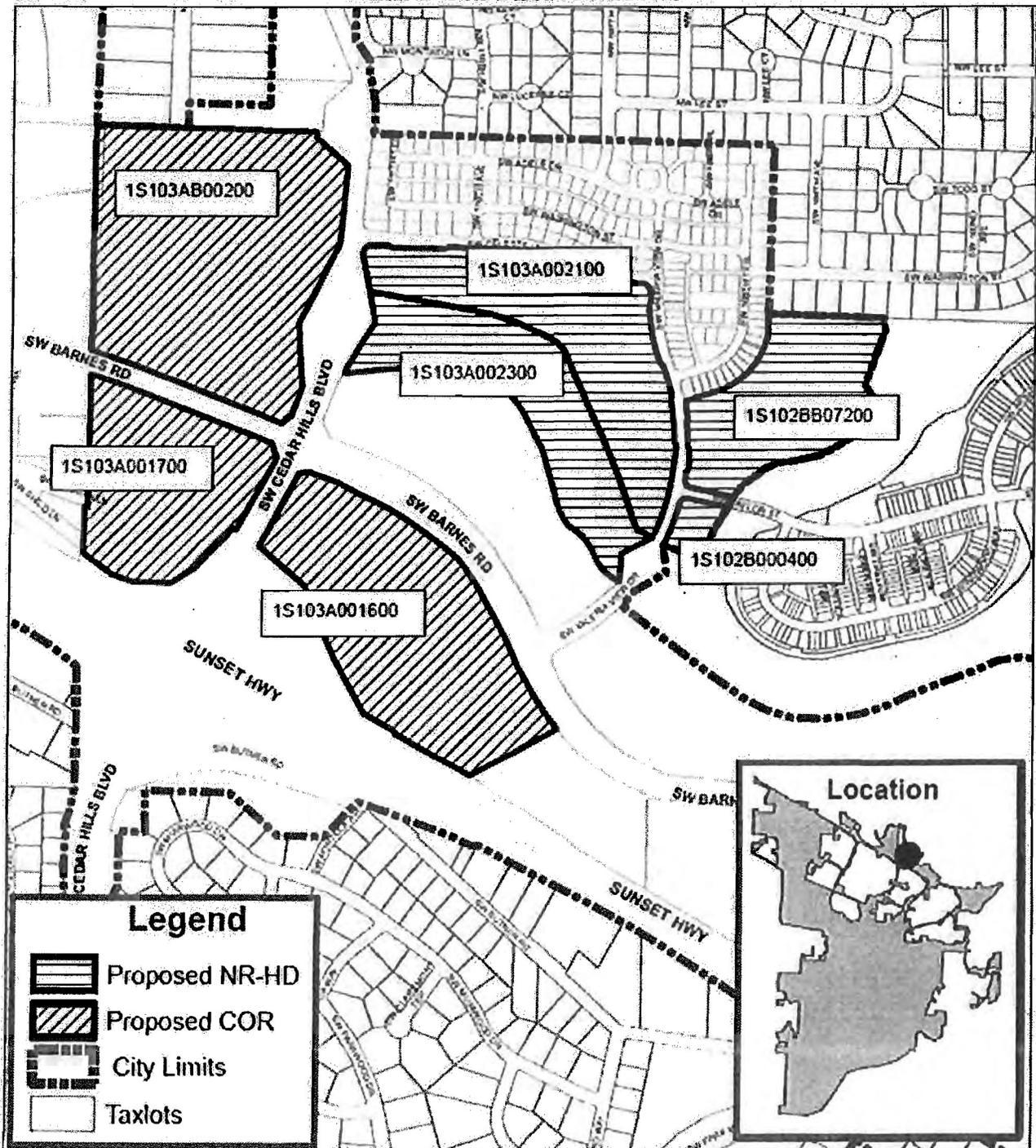
**AERIAL VICINITY MAP
PETERKORT PROPERTIES WITHIN THE CITY OF BEAVERTON
SUBJECT TO INTERIM WASHINGTON COUNTY LAND USE DISTRICTS**



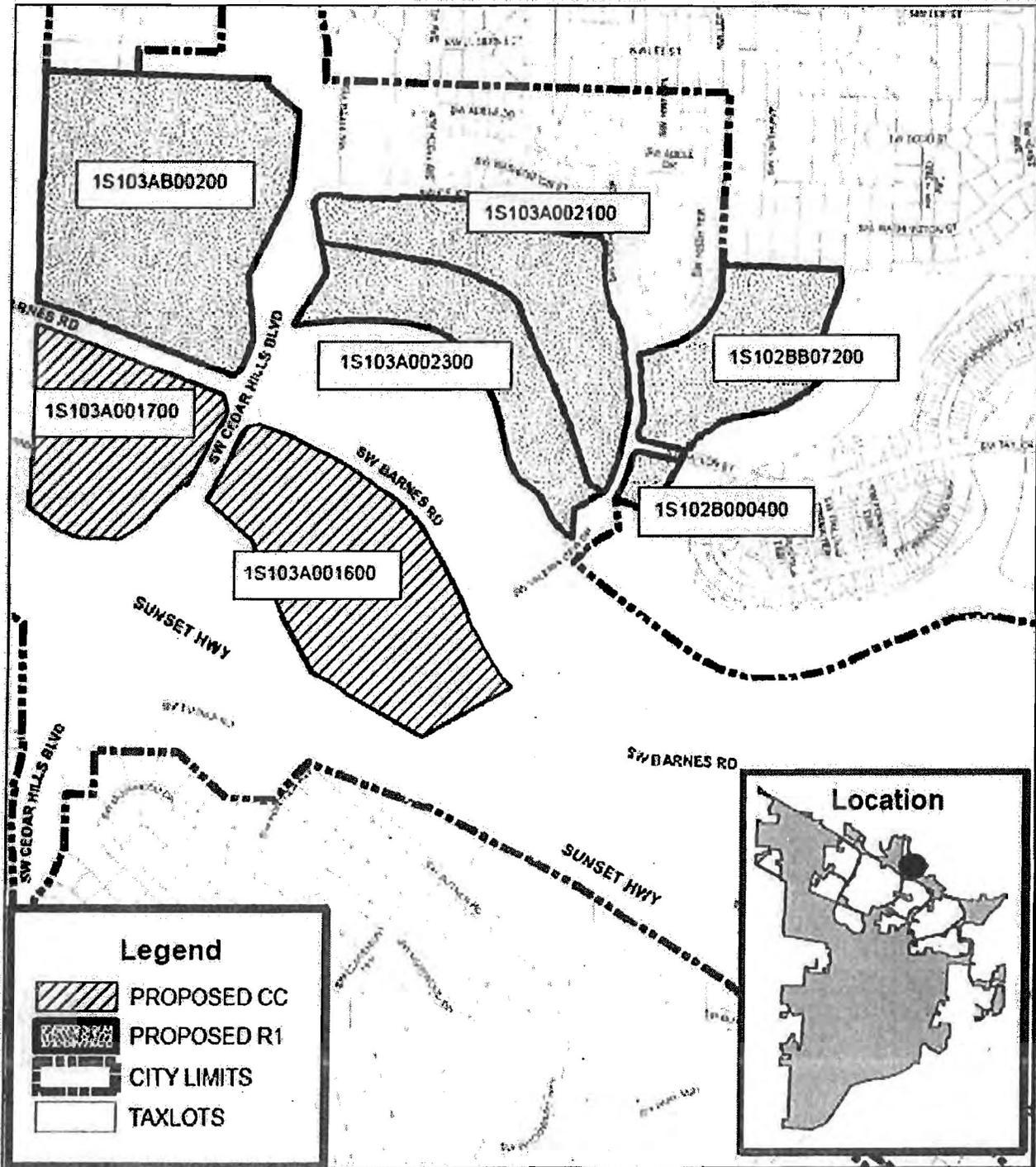
EXISTING WASHINGTON COUNTY
LAND USE DISTRICTS



**PROPOSED CITY OF BEAVERTON
LAND USE DESIGNATIONS**



PROPOSED CITY OF BEAVERTON ZONING DISTRICTS



**CPA2011-0003 Peterkort Corridor and Neighborhood Residential – High Density
Land Use Map Amendment
ZMA2011-0003 Peterkort Corridor Commercial and R1 Zoning Map Amendment**

CPA2011-0003 and ZMA2011-0003 are two of five applications associated with a study area containing 13 properties currently zoned interim Washington County zoning. The City proposes to implement both City land use designations and zoning districts for these 13 parcels. Under the current interim Washington County zoning, development in the study area requires compliance with the County's use and development standards; using the City's land use process; and meeting applicable special use regulations required by both the City and the County. At times this makes it difficult for both an applicant and the City to process land use applications. By applying City land use designations and zoning districts to the study area compliance with only the City's Comprehensive Plan and Development Code is necessary. Further the application of City land use and zoning complies with the Urban Planning Area Agreement (UPAA) between the City of Beaverton and Washington County.

The study area has been broken down two to subject areas. Parcels in subject area one contain six parcels proposed to be zoned Station Community-Sunset with the Station Community Land Use designation (CPA2011-0003 / ZMA2011-0003). A Text Amendment has also been submitted in association with these six parcels. Subject area two are the remaining seven parcels within the study area and are being reviewed in this report, CPA2011-0003 and ZMA2011-0003. The separation of the two subject areas was an attempt to simplify the review of the study area by having similar land use designations processed in the same Comprehensive Plan and Zoning Map Amendment applications. However analysis, such as transportation, for the study area was done for the entire area as most of the 13 parcels are likely to be developed together and the area is part of the Sunset Transit Station Community area boundary.

EXISTING CONDITIONS

Interim Washington County Zoning	Map 1S1-03AB, Tax Lot 200 – TO-R12-18 and TO-R24-40 Map 1S1-03A, Tax Lot 1600 – TO-BUS Map 1S1-03A, Tax Lot 1700 – TO-BUS Map 1S1-03A, Tax Lot 2100 – TO-R24-40 Map 1S1-03A, Tax Lot 2300 – TO-R24-40 and TO-R40-80 Map 1S1-02B, Tax Lot 400 – TO-R24-40 Map 1S1-02BB, Tax Lot 7200 – TO-R24-40	
Current Development	Map 1S1-03AB, Tax Lot 200 – KinderCare / Vacant Map 1S1-03A, Tax Lot 1600 – Shopping Center Map 1S1-03A, Tax Lot 1700 – Vacant Map 1S1-03A, Tax Lot 2100 – Residential Map 1S1-03A, Tax Lot 2200 – Vacant Map 1S1-03A, Tax Lot 2300 – Vacant (Open Space) Map 1S1-02B, Tax Lot 400 – Residential Map 1S1-02BB, Tax Lot 7200 – Residential	
Site Size	Approximately 75 Acres	
NAC	Central Beaverton Neighborhood Association Committee and Washington County Citizen Participation Organization 1	
Surrounding Uses	<u>Zoning:</u> North: Residential R-7,R-4 & R-2 South: Washington County / Residential R-7 East: Washington County/ Interim Washington County Zoning West: Interim Washington County Zoning / Station Community (HDR)	<u>Uses:</u> North: Residential, Park South: Highway 26 East: Open Space, Residential / Vacant Lands West: Office, Restaurant, Vacant, Residential

Comprehensive Plan Background

Land Use Designation: Interim Washington County Transit Oriented

Street Functional Classification Plan: Highway 26 and Highway 217 are classified as Freeways, SW Barnes Road and SW Cedar Hills Boulevard are classified as Arterials, and SW Valeria View Drive and SW Park Way are classified as Collectors.

Transportation System Plan Improvements (Streets): The Financially Constrained Action Plan identifies improvements by Washington County to widen SW Barnes Road to five lanes with bike lanes and sidewalks from Highway 217 to SW 119th Avenue.

Pedestrian Improvements: The Pedestrian System Gaps & Priority Locations map identifies the subject area in the middle to upper-middle range priority for sidewalk need and depicts the north side of Barnes road as an Arterial without sidewalks.

Bicycle Improvements: The Bicycle System Gaps & Priority Locations map identifies the subject area in the lower-middle range priority for bicycle facility need.

Bicycle Improvements: The Bicycle System Gaps & Priority Locations map identifies the subject area in the lower-middle range priority for bicycle facility need.

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**ANALYSIS AND FINDINGS
LEGISLATIVE COMPREHENSIVE PLAN AMENDMENTS**

1.5 Criteria for Amending the Comprehensive Plan

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

1.5.1. Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments:

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

Of the 19 Statewide Planning Goals, staff finds that Goals 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, and 14 are applicable to the proposed map amendment.

Goal 1: Citizen Involvement

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

This proposed amendment is subject to the public notice requirements of the City Charter and Comprehensive Plan Section as described in discussion of approval criteria C, below.

At the hearing, the Planning Commission considers written comments and oral testimony before they make a recommendation to City Council. The amendment procedures outlined in Comprehensive Plan Section 1.4 allow for proper notice and public comment opportunities on the proposed Comprehensive Plan amendment as required by this Statewide Planning Goal. These procedures have been followed; therefore, the proposed amendment is consistent with Statewide Planning Goal 1.

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 was deemed acknowledged pursuant to a series of Approval Orders

from the Department of Land Conservation and Development, the last of which was issued on December 31, 2003.

In 1989, the City and Washington County adopted the Urban Planning Area Agreement (UPAA), which is now section 3.15 of the Comprehensive Plan. The land use planning processes and policy framework described in the UPAA, Development Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments. Section II.D. of the UPAA states:

The CITY and the COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan. Upon annexation, the CITY agrees to convert COUNTY plan and zoning designations to CITY plan and zoning designations which most closely approximate the density, use provisions and standards of the COUNTY designations. Such conversions shall be made according to the tables shown on Exhibit "B" to this Agreement.

EXHIBIT "B"

CITY-COUNTY LAND USE DESIGNATION EQUIVALENTS

County		Beaverton*	
Plan/Zoning		Plan	Zoning**
Residential	5 u/ac	Urban Standard Residential	R-7
Residential	6 u/ac	Urban Standard Residential	R-5
Residential	9 u/ac	Urban Standard Residential	R-5
Residential	15 u/ac	Urban Medium Residential	R-2
Residential	24 u/ac	Urban Medium Residential	R-2
Residential	25+ u/ac	Urban High Residential	R-1
Office Commercial		Office Commercial	O.C.
Neighborhood Commercial		Neighborhood Commercial	N.S.
Community Business District		Community Service Town Center (for property west of Hwy. 217 and south of Center only)	C.S.
General Commercial		General Commercial	G.C.
Industrial		Industrial Park Campus Industrial Light Industrial	I.P. C.I. *** L.I.
Institutional		Shown on Plan	zoned to the most restric- tive abutting zone.
Significant Natural Resource		Significant Natural Resource	Not designated on zoning map

* When partially completed developments such as residential subdivisions, apartment complexes, industrial parks, retail or office centers, etc. are annexed to the CITY after receiving development approval from the COUNTY, the CITY may, at its discretion, continue to apply the COUNTY's development standards relating to setbacks, lot sizes, lot coverage and heights for buildings and accessory structures for any new construction taking place after annexation.

** Beaverton's residential densities identified in Exhibit "B" reflect current standards. Amendments to the City's standards shall revise this exhibit upon final approval by the City.

*** Planning Director shall determine the appropriate industrial designation based upon prevailing industrial land uses and the characteristics of individual activities, i.e., extensive outside storage, non-conforming characteristics, etc.

However, the UPAA through Exhibit "B" did not predict implementation of multiple-use land use designations by the County or the City and the UPAA has not yet been modified to recognize multiple-use land use designations.

County designations for the seven subject properties include four Transit Oriented Districts as shown in Exhibit 2. Evaluation of the density, use provisions and standards of the four districts point to implementation of the City's Corridor land use designation for three of the seven parcels and the City's Neighborhood Residential-High Density (NRHD) for the remaining four parcels as outlined below:

TLID	COUNTY	CITY
1S103A01700	TO:RC	Corridor
1S103A01600	TO:RC	Corridor
1S103AB00200	TO: 12-18	Corridor
	TO:R24-40	
1S102B00400	TO: R24-40	NRHD
1S103A02300	TO: R24-40	NRHD
	TO: R40-80	
1S103A02100	TO:R24-40	NRHD
1S102BB07200	TO: R24-40	NRHD

Exhibit 3 is a map identifying the proposed City Land Use designation for the subject site. Findings addressed for the Criteria listed in Section 1.5.1 Comprehensive Plan Amendments will identify how the proposed Comprehensive Plan Amendment will show adequate factual base for the proposed land use designation. Therefore, the proposed amendment is consistent with Statewide Planning Goal 2.

***Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
To protect natural resources and conserve scenic and historic areas and open spaces.***

The current version of Washington County's Cedar Hills-Cedar Mill Community Plan (Community Plan) does not depict Goal 5 resources on the "Significant Natural and Cultural Resources" map in association with the subject properties. Prior versions of the Community Plan did depict significant natural resources, but subsequent development of the "Goal 5 Natural Resources Inventory and Significance Determination for the Peterkort and Adjacent Properties in Washington County, Oregon" (Study), attached as Exhibit 9, published in July 1997 replaced the prior Community Plan mapping with the "Protected Natural Resources in Portions of the Sunset Transit Center Area" map. The Study addressed Statewide Planning Goal 5, Oregon Administrative Rule (OAR) Section 660, Division 23.

Wetlands: Six (6) wetlands were delineated and studied and all satisfied criteria for *Locally Significant Wetland*. The wetlands depicted as A, B, C, and D on Figure 5 of the Study were determined to, "...provide diverse wildlife habitat, had their water quality function and hydrologic s intact." Wetlands E and F were determined to be significant for

marginal reasons. The County applied the requirements of OAR 660-023-0100 in determining the wetlands as *Locally Significant Wetlands*. With this land use map amendment, the City acknowledges wetlands A, B, C, D, E, and F as *Locally Significant Wetlands* as they relate to City regulations.

Riparian Areas: Ten (10) riparian areas were assessed along the Johnson Creek and its tributaries. The Study states, "... all the riparian areas are of relatively high quality due to the dominance of woody vegetation, associated wetlands, the presence of woody debris in the channel, and lack of disturbance in the majority of the area. These factors combined to provide high quality wildlife habitat, thermal regulation, erosion control, and water quality functions." The County followed the safe harbor approach to comply with OAR 660-23-0090; the resulting boundary is shown on Figure 6 of the Study. With this land use map amendment, the City acknowledges the riparian areas as mapped on Figure 6 as significant as they relate to City regulations.

Goal 6: Air, Water and Land Resources Quality
To maintain and improve the quality of the air, water and land resources of the state.

The City's Corridor and NRHD land use designations allows for the implementation of the most similar City zoning districts to the County's currently applicable land use districts. The County's land use districts were approved through the Metro's 2040 planning process and further approved by the State. The *Comprehensive Plan for the City of Beaverton* addresses stormwater and drainage, potable water, and sanitary services within Chapter 5 and addresses air quality, water quality and solid and hazardous wastes within Chapter 8. Developments that may occur upon the subject site as a result of implementing the proposed City land use designation are expected to maintain air, water, and land resource quality relative to developments that may occur under the County's current land use districts. Therefore, the proposed amendment is consistent with Statewide Planning Goal 6, by complying with the goals and policies of the City's Comprehensive Plan.

Goal 7: Areas Subject To Natural Disasters and Hazards
To protect people and property from natural hazards.

Goal 7 states that, "Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards." The City outlines goals, policies, and actions for seismic, geologic, and flood hazards within Chapter 8 of the *Comprehensive Plan for the City of Beaverton*. Varying levels of land use, site development, and building plan review are required in order to regulate where and how construction occurs, especially with regard to natural disasters and hazards. Therefore, the proposed amendment is consistent with Statewide Planning Goal 7 by complying with the goals and policies of the City's Comprehensive Plan.

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.

Statewide Planning Goal 9 states that, "Comprehensive plans for urban areas shall: ...3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies." The subject properties have been designated for commercial and residential development. The City proposes land use designations that are the most similar to the County's designations in maintaining the planned amount of commercial capacity for economic development of the subject properties while addressing the current uses of the subject site.

Metro identified Corridor, Station Community, Town Center and Neighborhood planning areas for the subject parcels and surrounding area in response to the location of the parcel to SW Barnes Road, and the establishment of the Tri-County Metropolitan light rail line and station located near the subject parcels. Applying a combination of the City's Corridor and NRHD Land Use designation to the subject properties maintains compliance with the intentions expressed in Goal 9 in providing a variety of economic activities thereby meeting this Statewide Planning goal.

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 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 density allotted to the subject properties resulted from the County's process to comply with Metro's UGMFP provisions – which were subject to compliance with the Statewide Planning Goals. This proposal involves application of City Comprehensive Plan Map designations that are the most similar to the County's existing plan designations for the subject properties; continuing to allow for a variety of housing types and densities commensurate with a variety of income levels as prescribed in Goal 10. Therefore, the proposed amendment is consistent with Statewide Planning Goal 10, by complying with the goals and policies of the City's Comprehensive Plan.

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. The subject properties are also located within the UGB for the Portland metropolitan region. Metro is the regional governing body that determines the regional need for UGB expansions and works with local governments to determine the highest and best use of lands within the UGB in order to reduce the need for provision of public facilities and services and UGB expansions into rural lands.

The County has implemented land use districts for the subject properties in compliance with Metro's Urban Growth Management Functional Plan Titles. This proposal applies the City's zoning districts and land use districts that are compatible to the County's land use districts.

Public facilities and services are available for the subject properties, but given the density and intensity expected in this area, some facilities may need to be upgraded with development in the future. At the time of proposed development or redevelopment of the subject properties in the future, site specific issues related to public facilities and services will be addressed as part of the development review process. Needs related to provision of public facilities and services are not expected to change significantly with implementation of the City proposed Land Use Map designations since the proposed land use designations are substantially similar to those designations placed on the subject parcels by the County. Therefore, the proposed amendment is consistent with Statewide Planning Goal 11, by complying with the goals and policies of the City's Comprehensive Plan.

Goal 12: Transportation

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

The Oregon Administrative Rules (OAR) Chapter 660-012-0060 (1) (State Transportation Planning Rule (TPR)) contains standards by which to review "*amendments to functional plans, acknowledged comprehensive plans and to land use regulations*". The TPR states that such amendments "*which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.*"

This proposed amendment of the Comprehensive Plan does not change functional classifications or change standards implementing a functional classification system. It does allow a land use that is currently not allowed. Transportation Consulting Group has submitted a significant effect analysis, Exhibit 17, based on Interim Washington County

Transit Oriented Land Use District, the current zoning in that district and the worst case (highest trip generating) uses of the current zoning. This was compared to the worst case (highest trip generating) uses of the proposed land use district Beaverton's Corridor and Neighborhood Residential – High Density (NRHD) Land Use Designation.

The TPR states that an amendment significantly affects a transportation facility if it would:

- Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- Change standards implementing a functional classification system; or*
- As measured at the end of the planning period identified in the adopted transportation system plan:*
 - Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
 - Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance*

The analysis provided by Transportation Consulting Group, Exhibit 17, found that (a) the trip generation of the proposed land uses would not be greater (slightly less) than the existing land uses, and therefore would not change the functional classification of an existing or planned transportation facility or (b) standards implementing a functional classification system.

And, (c) as measured by the end of the planning period of the adopted Beaverton TSP, 2035, the comprehensive plan amendment will (A) not 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 facility. The levels of service of the street system in the impact area are currently at acceptable levels of service (less than V/C ratio of 0.98 and the control delay of 65 seconds, Development Code Section 60.55.10.7). The amendment will (B) not reduce the performance below the minimum acceptable performance standard identified in the TSP of an existing transportation facility or (C) will not 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.

Therefore, based on this data, staff is in agreement with the analysis and has concluded that the findings in the significant effect analysis that the change of land use will not "significantly affect" a transportation facility as defined by OAR 660-012-0060 cited above. The proposed amendment is consistent with Statewide Planning Goal 12.

Goal 13: Energy Conservation
To conserve energy.

Section 7.5 of the *Comprehensive Plan for the City of Beaverton* outlines goals and policies for energy conservation, solar energy and renewable energy development. Energy conservation can be addressed in several ways. This area of Washington County is served by the Sunset Transit Station and is surrounded by a variety of land use districts. The transportation services provided at the Sunset Transit Station reduce the number of individual automobiles on the streets and highways. Surrounding the Sunset Transit Station are land use designations that allow for commercial, high density residential, and high density mixed-use development. The variety of allowed development types offers opportunities for residents, employees, and visitors to rely on services within reasonable walking and biking distances. The combination of transit availability and mixed of land uses is expected to reduce per capita energy consumption. Therefore, the proposed amendment is consistent with Statewide Planning Goal 13, by complying with the goals and policies of the City's Comprehensive Plan.

Goal 14 Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

This proposal will allow the City of Beaverton to implement City zoning districts that require similar density requirements to those required by the County. By continuing to require similar levels of density and intensity over the subject parcels, this proposal will not adversely increase pressure on the UGB. This proposal will allow for development of the subject parcels in a manner consistent with prior County planning efforts to accommodate urban populations and urban employment inside the UGB.

Remaining Goals

Goal 3: Agricultural Lands

Goal 4: Forest Lands

Goals 3 and 4 apply to rural unincorporated areas. The City of Beaverton is an urban incorporated area; therefore, the goals are not applicable to this proposed amendment.

Goal 8: Recreational Needs

The proposal does not involve locating 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 to this proposed amendment.

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 this proposed amendment.

**Goal 16: Estuarine Resources,
Goal 17: Coastal Shorelands,
Goal 18: Beaches And Dunes,
Goal 19: Ocean Resources**

These goals apply to oceanic or coastal resources. The City of Beaverton is more than 80 miles from oceanic or coastal resources; therefore, these goals do not apply to the City of Beaverton or this proposed amendment.

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

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

The effective Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan are addressed below.

Chapter 3.07 Urban Growth Management Functional Plan

Title 1: Requirements for Housing and Employment Accommodation Metro Code Sections 3.07.110 – 3.07.120

Section 3.07.110 of the UGMFP states:

The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in section 3.07.120.

The City of Beaverton has adopted minimum residential density requirements for each zoning district. Application of City land use designations allows for application of City zoning districts. The proposed Corridor and Neighborhood Residential-High Density land use districts for the subject properties will allow the City to apply zoning districts that require similar densities to those required by the County. Exhibit 14 provides a comparison of the density requirements between the County and the City for the subject site.

Title 2: Regional Parking Policy (Repealed Ord. 10-1241B, § 6)

Title 3: Water Quality and Flood Management

Metro Code Sections 3.07.310 – 3.07.370

Section 3.07.310 of the UGMFP states:

To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

In concert with other local governments in Washington County, the City partnered with Clean Water Services to enact legislation acknowledged to comply with Title 3. Application of a City land use designations upon the subject properties does not modify compliance with Title 3.

Title 4: Industrial and Other Employment Areas

Metro Code Sections 3.07.410 – 3.07.450

Section 3.07.410 of the UGMFP states:

... To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. ...

The City and Metro established long-term Industrial and Employment Areas, which are depicted on the *Title 4, Employment and Industrial Areas Map*. The subject properties are not depicted within an Employment Area, Industrial Area or Regionally Significant Industrial Area on the Metro's *Title 4, Employment and Industrial Areas Map*. This title is not applicable to this application as it does not propose modification of Metro's *Title 4, Employment and Industrial Areas Map*.

Title 5: Neighbor Cities and Rural Reserves

(Repealed Ord. 10-1238A, § 4)

Title 6: Centers, Corridors, Station Communities and Main Streets

Metro Code Sections 3.07.610 – 3.07.650

Section 3.07.610 of the UGMFP states:

The Regional Framework Plan (RFP) identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region.

Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role...

Metro's 2040 Growth Concept Map depicts the Neighborhood, Town Center and Corridors design types over the subject properties. Washington County and the City of Beaverton identifies this area as the Sunset Transit Center Station Community Area. The subject area contained a mix of the County's Transit Oriented zoning designations.

The areas in and around the subject properties include existing investments in light rail transit, bus service, pedestrian and bicycle access, and automobile travel options. Specific investments include the Sunset Transit Station and associated improvements, Barnes Road, Cedar Hills Boulevard, Highway 217 and Highway 26.

Applicable sections of Title 6 are addressed, below:

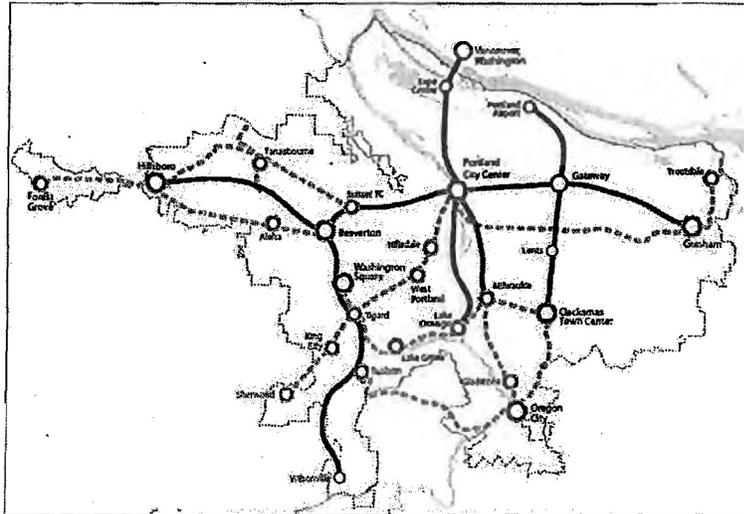
3.07.620 Actions and Investments in Centers, Corridors, Station Communities and Main Streets

B. The boundary of a Center, Corridor, Station Community or Main Street, or portion thereof, shall:

- 1. Be consistent with the general location shown in the RFP except, for a proposed new Station Community, be consistent with Metro's land use final order for a light rail transit project;*
- 2. For a Corridor with existing high-capacity transit service, include at least those segments of the Corridor that pass through a Regional Center or Town Center;*
- 3. For a Corridor designated for future high-capacity transit in the Regional Transportation Plan (RTP), include the area identified during the system expansion planning process in the RTP; and*
- 4. Be adopted and may be revised by the city council or county board following notice of the proposed boundary action to the Oregon Department of Transportation and Metro in the manner set forth in subsection A of section 3.07.820 of this chapter.*

Figure 3.4, below, from Metro's *Regional High Capacity Transit System Plan 2035 Summary Report* depicts the Sunset Transit Center as a stop on an existing HCT (High Capacity Transit) corridor that is in line with the existing MAX light rail transit line. Figure 3.4 also depicts continuation of a planned HCT corridor west of the Sunset Transit Center.

Figure 3.4: Existing, planned and regional priority HCT corridors



This map shows the existing and planned HCT corridors (solid blue) along with all of the near-term, next phase and developing regional priority HCT corridors. This HCT network more closely resembles a grid network with several new cross-region connections.

This proposal for a Corridor and NRHD land use designations for the subject parcels is compatible with the County land use districts and does not adversely affect the transportation system in the area.

- C. An assessment of a Center, Corridor, Station Community or Main Street, or portion thereof, shall analyze the following:
1. Physical and market conditions in the area;
 2. Physical and regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development in the area;
 3. The city or county development code that applies to the area to determine how the code might be revised to encourage mixed-use, pedestrian-friendly and transit-supportive development;
 4. Existing and potential incentives to encourage mixed-use pedestrian-friendly and transit-supportive development in the area; and
 5. For Corridors and Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area under Title 4 of this chapter, barriers to a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP.

The subject parcels are located in close proximity to the regional transportation investment in an area of Washington County that could benefit significantly from a variety of employment, retail, service and residential options in the area. The County adopted ordinances with specific expectations for development density and intensity that the City of Beaverton will continue to meet. However, there are differences in how the County and the City govern development. The proposal for Corridor and NRHD provides have similar characteristics to the County land use designation for the subject site and would allow the mix of uses envisioned by the County to remain.

Over the years the City of Beaverton has amended the Development Code to include regulations that require various site and architectural elements for proposed developments. More specific requirements have been implemented for development along Major Pedestrian Routes. Relative to the subject parcels, the Section 60.05.55.5 of the Development Code depicts Major Pedestrian Routes abutting parcels in the subject area that will require compliance with these additional regulations.

3.07.640 Activity Levels for Centers, Corridors, Station Communities and Main Streets

A. Centers, Corridors, Station Communities and Main Streets need a critical number of residents and workers to be vibrant and successful. The following average number of residents and workers per acre is recommended for each:

- 3. Station Communities - 45 persons*
- 4. Corridors - 45 persons*
- 5. Town Centers - 40 persons*

Lots 200 and 1700 are more than ½ mile from the light rail platform at TriMet's Sunset Transit Center. Lots 1600, 2100, and 2300 have a portion of the parcel within the ½ mile radius, while most or all of lots 400 and 7200 are within the ½ mile radius. The project area is situated within a street system inclusive of a major east-west freeway, two arterials, and one collector. Lots 2100, 7200, and 400 are developed with residential dwellings while lot 1600 contains a shopping center. Lot 2300 is an open space tract that is severely restricted for development and lots 200 and 1700 are properties which are undeveloped which presents opportunities to improve the pedestrian experience and transit availability. Application of the City's Corridor and NRHD land use designation upon the subject properties will allow for implementation of City zoning districts that provide opportunities for a critical number of residents and workers, a vibrant and walkable area, and a mix of housing types.

B. Centers, Corridors, Station Communities and Main Streets need a mix of uses to be vibrant and walkable. ...

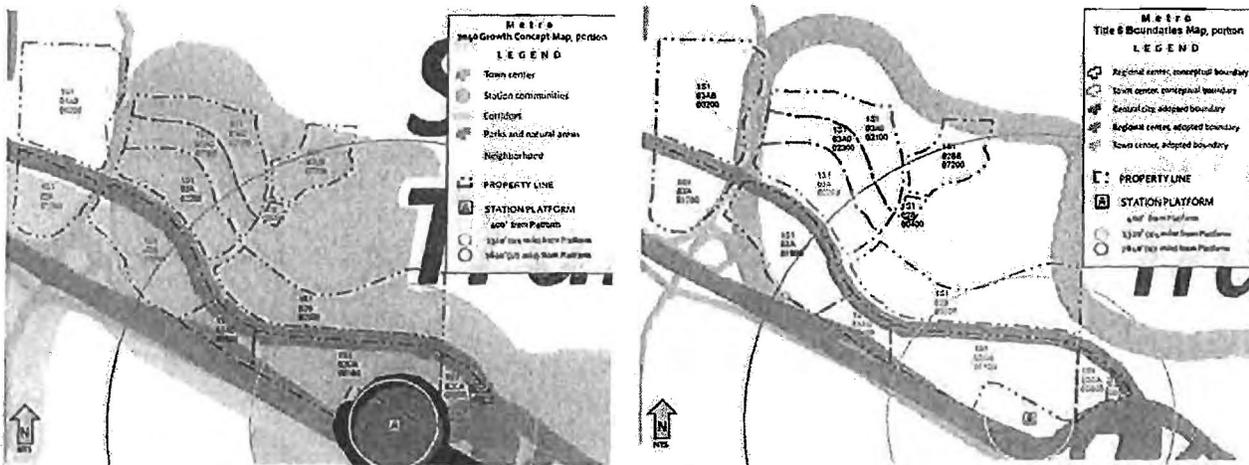
The Corridor and NRHD land use designation and its implementing zoning districts allow for a variety of complementary uses. Eating and drinking establishments, retail trade, educational facilities, and offices are generally permitted, with certain zoning districts associated with the Corridor Land Use Designation. Residential uses are permitted within the zones associated with the Corridor and NRHD designations. Hospitals and public buildings are conditionally permitted. The compilation of Corridor and NRHD designation provides the opportunity for a mix of uses encouraging a vibrant and walkable area.

C. Centers, Corridors, Station Communities and Main Streets need a mix of housings types to be vibrant and successful. ...

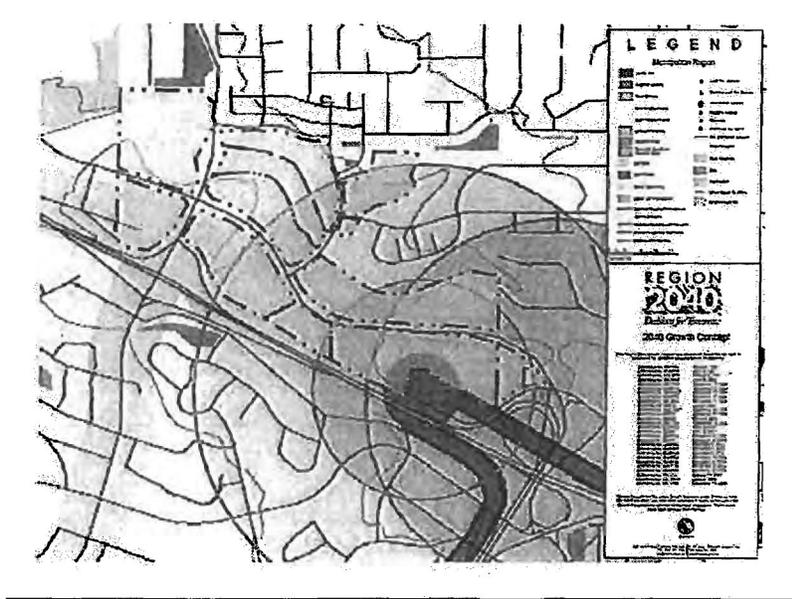
The entirety of the Sunset Transit Center Station Community area includes properties that are developed with apartments, townhomes, and detached dwelling units. Specific to the subject properties, the four parcels proposed to be NRHD have residential dwellings on three of the four with the fourth parcel. Lot 2300 is an open space tract in which development is physically restricted. The Corridor designation for lots 1600, 1700, and 200 has both commercial and residential zoning districts associated with this land use designation. The four implementing Corridor zoning districts that are commercial in nature allow for both attached and detached housing. Opportunities for a mix of housing types are available with these land use designations.

3.07.650 Centers, Corridors, Station Communities and Main Streets Map
 A. *The Centers, Corridors, Station Communities and Main Streets Map is incorporated in this title and is Metro's official depiction of their boundaries. The map shows the boundaries established pursuant to this title.*

The 2040 Growth Concept Plan Map (2040 Plan Map) and the Centers, Corridors, Station Communities and Main Streets Map (Title 6 Boundaries Map), below, depict locations of specific design types. On the 2040 Plan Map, five of the seven parcels in the project area is within Town Centers design type, two parcels have the Corridors and one has the Neighborhood design type. The Title 6 Boundaries Map depicts five of the seven subject properties within conceptual boundaries for the Town Centers design type.



Both of the maps, above, were adopted January 31, 2011 and are different from the previous 2040 Growth Concept Map (2040 Map), below. The prior 2040 Map depicts all areas within one-half mile of the light rail transit station within the Station Communities design type, with a Station Communities Core within one-quarter mile. The Corridors and Neighborhood design types are also visible on this map over the subject parcels.



As all of the Metro maps are subject to local interpretation, it is important to know that neither the County nor the City has recognized the Town Center design type for the subject properties. All prior planning efforts leading to currently applicable local planning policies are derived from the prior version of the 2040 Map. Therefore, the City will continue to implement currently applicable local planning policies. Any future changes to the City's planning policies, in light of Metro's 2011 map revisions and Title 6 work, will need to be addressed through changes to the Comprehensive Plan.

The County adopted the Sunset Transit Center Station Community boundary for the subject properties and surrounding area. The City subsequently adopted the same boundary. Washington County has designated all of the subject properties as Transit Oriented and recognizes the subject area as part of the Barnes Peterkort Area in the Cedar Hills Cedar Mill Community Plan.

Section 3.07.640 of the UGMFP describes the recommended average densities for housing and employment by design type with Station Communities at 45 persons per acre, Town Centers at 40 persons per acre, and Corridors at 45 persons per acre. The higher level of density expected from Metro out of the Neighborhood design type is more relative to the density expectations of the County for the subject properties than the Town Center design type. Therefore, in keeping with the UPAA between Washington County and the City of Beaverton, staff recommends application of the City's Corridor and NRHD land use designations. The result of this recommendation will be to remove the seven subject parcels from the Sunset Transit Center Station Community boundary. The parcels appear to have been included in the boundary by Washington County in order to have future development on those parcels to be subject to design review standards. The City of Beaverton requires design review for new development regardless of land use and zoning. Furthermore, the densities and intensities planned for the subject parcels by the County are not at a level which is consistent with the densities anticipated by the Metro 2040

design types. Therefore, this Comprehensive Plan Map Amendment will reduce the size of the subject Station Community boundary to the area which will have a Station Community land use designation.

Title 7: Housing Choice

Metro Code Sections 3.07.710-3.07.760

The intent of Title 7 is to enact a "fair share" housing strategy for each jurisdiction which includes a diverse range of housing types, specific goals for low- and moderate-income housing, housing densities consistent with the regional transportation system, and a balance of jobs and housing. The City adopted Comprehensive Plan Chapter Four to comply with this Metro Title. The sections of the Comprehensive Plan that are applicable to this Comprehensive Plan Land Use Map Amendment are addressed below to show consistency with Title 7.

Comprehensive Plan Goal 4.2.1.1 states, "Maximize use of buildable residential land in the City." Action items applied to implement this goal have been implemented. Goal 4.2.2.1 states "Provide an adequate variety of quality housing types to serve Beaverton's citizenry." The existing County designations provide for a variety of housing types, from medium density to high density mixed use. This proposal involves implementing City land use designations that respect the variety of housing currently allowed by the County.

Additionally, the City continues to support affordable housing programs through the Community Development Block Grant and HOME programs, the Citywide Housing Rehabilitation Loan Program, and partnership with local non-profit service providers. Goal 4.2.3.2 states "Promote the production of new affordable housing units in the City." Participation in local non-profit efforts to develop affordable housing, providing an ombudsman to assist in the development review process, developing revolving loan funding, exploring land banking and employer sponsored affordable housing, supporting alternative funding for affordable housing, and continuing to explore tools and strategies to encourage affordable housing development are actions to implement Goal 4.2.3.2. These goals and actions comply with Title 7.

Title 8: Compliance Procedures

Metro Code Sections 3.07.810-3.07.870

Information about this proposal was sent to the Chief Operating Officer on October 20, 2011, more than 45 days prior to the first evidentiary hearing as required by Metro Code Section 3.07.820.

Title 9: Performance Measures

Repealed

Title 10: Functional Plan Definitions

Metro Code Sections 3.07.1010

Title 10 provides definitions for use in Metro's administration of the UGMFP. While the definitions inform relative UGMFP Titles, they are not specifically related to compliance of this proposal to the UGMFP. Therefore, this title does not require a response relevant to this proposal.

Title 11: Planning for New Urban Areas

Metro Code Sections 3.07.1105 – 3.07.1140

Title 11 concerns planning for new urban areas. The subject properties are not considered a 'New Urban Area' as they have been within the Urban Growth Boundary since the adoption of the first 2040 Growth Concept Map. Additionally, Washington County completed a planning process for the subject properties and surrounding area, which is reflected in their Community Development Code. The City is applying the most similar land use designations and zoning districts in order to carry forward the County's prior efforts. Therefore, this title does not apply to the amendment.

Title 12: Protection of Residential Neighborhoods

Metro Code Sections 3.07.1210 – 3.07.1240

Section 3.07.1210 of the UGMFP states:

Existing neighborhoods are essential to the success of the 2040 Growth Concept...The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services.

Existing developments to the north of the subject properties is a mix of standard density and medium density residential. The subject site contains existing residential development as well as properties that are part of Johnson Creek and the related Statewide Planning Goal 5 safe-harbor preservation areas. The proposed City land use designations are substantially similar to the County's districts as related to density and uses for the subject properties and the City proposes to carry over the County's Goal 5 safe-harbor approach to natural resource preservation. Therefore, this proposal results in little change in impacts to the surrounding residential neighborhoods.

Title 13: Nature In Neighborhoods

Metro Code Sections 3.07.1310 - 3.07.1370

The City, as a member of the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC), implemented a program that complies with Title 13. The City has also enacted Comprehensive Plan and Development Code regulations that comply with Title 13 as part of the TBNRCC program. This application does not modify the City's compliance with Title 13.

Title 14: Urban Growth Boundary

Metro Code Sections 3.07.1405 - 3.07.1465

Title 14 applies to adjustments and amendments to the Urban Growth Boundary. The subject properties are within the Urban Growth Boundary, within an area previously planned by Washington County, and within the corporate limits of the City of Beaverton. Therefore, this Title 14 does not apply to the proposed amendment.

Regional Transportation Plan (RTP)

The RTP (Regional Transportation Functional Plan) was adopted as part of the 2035 RTP (Regional Transportation Plan) in June 2010. Section 3.08.010 of the RTP states, "The RTP implements the Goals and Objectives in section 2.3 of the RTP and the policies of the RTP and its constituent..." In discussions with Metro staff, it has been determined that Metro will review Map Amendments in light of Title 5, Amendment of Comprehensive Plans, Section 3.08.510, Amendments of City and County Comprehensive and Transportation System Plans. As directed by Metro staff, the following response to Title 5, Section 3.08.510 of the RTP is provided:

Regional Transportation Functional Plan (RTP)

Title 5: Amendment of Comprehensive Plans

3.08.510 Amendments of City and County Comprehensive and Transportation System Plans

- A. *When a city or county proposes to amend its comprehensive plan or its components, it shall consider the strategies in subsection 3.08.220A as part of the analysis required by OAR 660-012-0060.*
- B. *If a city or county adopts the actions set forth in subsection 3.08.230E and Title 6 of the UGMFP, it shall be eligible for the automatic reduction provided in Title 6 below the vehicular trip generation rates reported by the Institute of Transportation Engineers when analyzing the traffic impacts, pursuant to OAR 660-012-0060, of a plan amendment in a Center, Main Street, Corridor or Station Community.*

Staff cite the findings contain above for Goal 12 of the Oregon Statewide Planning Goals as applicable to these sections. Therefore, based on this data, staff is in agreement with the analysis provided in Exhibit 17 and has concluded that the finding of the significant effect analysis show the change of land use will not "significantly affect" a transportation facility as defined by OAR 660-012-0060. The proposal meets the requirements of these sections.

- C. *If a city or county proposes a transportation project that is not included in the RTP and will result in a significant increase in SOV capacity or exceeds the planned function or capacity of a facility designated in the RTP, it shall demonstrate consistency with the following in its project analysis:*
 - 1. *The strategies set forth in subsection 3.08.220A (1) through (5);*
 - 2. *Complete street designs adopted pursuant to subsection 3.08.110A and as set forth in*

Creating Livable Streets: Street Design Guidelines for 2040 (2nd Edition, 2002) or similar resources consistent with regional street design policies; and

3. *Green street designs adopted pursuant to subsection 3.08.110A and as set forth in Green Streets: Innovative Solutions for Stormwater and Street Crossings (2002) and Trees for Green Streets: An Illustrated Guide (2002) or similar resources consistent with federal regulations for stream protection.*

D. If the city or county decides not to build a project identified in the RTP, it shall identify alternative projects or strategies to address the identified transportation need and inform Metro so that Metro can amend the RTP. E. This section does not apply to city or county transportation projects that are financed locally and would be undertaken on local facilities.

The proposal is a Comprehensive Plan amendment to the land use designation of the subject property. There is no development proposed with this application. Therefore staff find that these sections are not applicable.

Therefore, staff find the proposed amendment is consistent with Regional Transportation Functional Plan.

Staff finds that, for the reasons identified above, the proposed amendment complies with applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan. Therefore, staff find Criterion 1.5.1.B is met.

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

Applicable Comprehensive Plan procedures are found in Sections 1.3 (Amendment Procedural Categories) and 1.4.2 (Quasi-Judicial Comprehensive Plan Amendments). These Sections require annexation related Comprehensive Plan Map and Zoning Map amendments that do not directly apply the UPAA to follow a discretionary review. This is due to the lack of UPAA acknowledgment of multiple use land use designations.

Staff provide analysis in this report to determine which Comprehensive Plan Land Use Map designation will be most appropriate for the subject parcels, taking into consideration various amendments that have been made to the County's and City's plan and zone designations since the UPAA was adopted.

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.

**Chapter 1 Comprehensive Plan Amendment Procedures Element
1.1.1 City-Initiated Amendments**

The proposal is a City-initiated amendment to the Land Use Map, originally initiated by the Community Development Director.

1.2 Periodic Review

The proposed amendment is not part of a periodic review procedure.

1.3 Amendment Procedural Categories Quasi-Judicial Amendments

This Land Use Map Amendment applies to specific parcels. The proposal will apply City land use designations to these properties, replacing County designations, which are not direct applications of the UPA with Washington County. Therefore, this proposal is being processed as a quasi-judicial amendment.

1.4 Notice Requirements

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

1.4.2 Quasi-Judicial Amendments.

Sections 1.4.2.A.1. and 2. require that, at least 45 days prior to the initial hearing, 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). Sections 1.4.2.A.3. and 4. require that between 20 and 40 days prior to the initial hearing, notice must be published in a local newspaper, posted in City Hall and City Library, mailed to the subject property owners and surrounding property owners within 500 feet, and placed on the City's Web site.

Notice has been provided, as follows:

1. The required inter-agency DLCD notice was mailed to DLCD, Metro, and Washington County on October 20, 2011, more than forty-five (45) calendar days prior to the initial hearing;
2. The required inter-agency DLCD notice was also mailed to the Chair of Citizen Participation Organization (CPO) 1, the Chair of the Central Beaverton Neighborhood Association Committee (NAC) whose boundaries include the properties for which the change is contemplated, and the Chair of the Committee for Citizen Involvement on October 20, 2011, more than forty-five (45) calendar days prior to the initial hearing;
3. Legal notice was published in the Beaverton Valley Times on November 17, 2011.
4. Notice was posted in Beaverton City Hall and in Beaverton City Library on November 17, 2011.

5. Notice was mailed to property owners included in the proposed change area, and to the owners of property within 500 feet of the subject property for which the change is proposed on November 17, 2011.
6. Notice was placed on the City's web site on November 16, 2011.

At the hearing, the Planning Commission considers written comments and oral testimony before they make a decision. The procedures outlined in Comprehensive Plan Section 1.4.1. allow for proper notice and public comment opportunities on the proposed Legislative Comprehensive Plan amendment as required by Statewide Planning Goal 1.

As noted above, the procedures of Comprehensive Plan Section 1.4.1. have been followed. The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above. Exhibit 18 contains documentation of the noticing process completed by the City. Staff find the notice requirements for this CPA have been met.

1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments

- A. *The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;*
- 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;*
- C. *The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and*
- 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.*

This staff report is addressing section 1.5.1, executing the determination to review this application through the Quasi-judicial process. Relevant Statewide Planning Goals, Oregon Administrative Rules, Titles of the Urban Growth Management Functional Plan and Regional Transportation Plan are addressed, herein, in prior sections. This section of the staff report addresses the proposal's compliance with the City's Comprehensive Plan.

1.6 Hearings Procedures

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.

1.7 Final Adoption and Appeals

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. The City Council will conduct a public hearing on the Planning Commission decision if an appeal of the Commission's decision is filed.

1.8 Application Fees

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Community Development Department, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required.

Staff find that the proposal is a quasi-judicial amendment. Staff find that the appropriate procedures in Chapter 1 of the Comprehensive Plan have been met. Therefore, the proposed amendment is compatible with the relevant goals and policies found in Chapter 1.

Chapter 2 Public Involvement Element

Chapter 2 of the Comprehensive Plan reiterates criteria from Chapter 1 and goes further to discuss public involvement programs for the City in compliance with Statewide Planning Goal 1, the City Council's Goal for citizen involvement and participation, and the Comprehensive Plan Public Involvement Goal. This application satisfies Chapter 2 by satisfying the applicable procedures within Chapter 1 of the Comprehensive Plan.

Staff finds that the appropriate procedures in Chapter 2 of the Comprehensive Plan have been met. Therefore, the proposed amendment is compatible with the relevant goals and policies found in Chapter 2.

Chapter 3 Land Use Element ***Section 3.3 Community Plan Context***

The city does not have an adopted Community Plan for the Sunset Transit Center Station Community. To date, the City has relied upon Washington County's *Cedar Hills – Cedar Mill Community Plan* to inform application of City land use designations and zoning districts for the respective geographic area.

Section 3.4 Community Identity

3.4.1 Goal: Provide a policy framework for a community designed to establish a positive identity while enhancing livability.

The policies identified in Goal 3.4.1 have been addressed through requirements found in the City's Development Code. The proposal is to identify a City land use designation for

each parcel within the subject site similar to the prior Washington County zoning designation. The findings provided in the report detail how the Corridor and the NRHD land use designations for the subject parcels shown on Exhibit 3 is the most appropriate designation for the subject site. The proposal is not expect to adversely affect the policies. Therefore staff find the goal is met.

3.4.2 Goal: Proper relationships between residential, commercial, industrial, mixed and public land uses to provide a sound basis for urbanization.

This action applies City land use designations to the subject properties that have been annexed to the City. The proposal is not expect to adversely affect the policies of this goal. Therefore staff find the goal is met.

Section 3.5 Mixed-Use Element

3.5.1 Goal: Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

As discussed prior in this report, the City proposes application of the Corridor and NRHD land use designations upon the subject properties. This application is in accordance with the Cedar Hills – Cedar Mill Community Plan and the 2040 Regional Growth Concept Map.

3.7 Town Center Development

3.7.1 Goal: Town Centers that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

The newly Metro adopted 2040 Growth Concept Map identifies the subject properties within the Town Center, Corridor, and Neighborhood design types. In accordance with the existing County and City planning documents, the community vision for the subject properties does not align with the Town Center land use designation. The City's Land Use map shows the subject parcels as part of the Sunset Transit Center Station Community boundary. The map also shows Town Center area west of the subject site, identified as the Cedar Mill Town Center. With a large parcel zoned Station Community between the two areas, development of the subject parcels as Town Center effectively creates two competing Town Center areas which is not consistent with the following description of Town Centers by Metro:

Town centers provide localized services to tens of thousands of people within a two- to three-mile radius. Examples include small city centers such as Lake Oswego, Tualatin, West Linn, Forest Grove and Milwaukie and large neighborhood centers such as Hillsdale, St. Johns, Cedar Mill and Aloha.

In accordance with the existing County and City planning documents and the community vision for the area the Town Center designations not consistent. Staff find the goal is not applicable to this proposal.

3.8 Station Community Development

The newly Metro adopted 2040 Growth Concept Map does not identify the subject properties as Station Community. Staff's proposal for Corridor and NRHD land use designation does not adversely impact the policies of the Station Community Goals. Therefore, staff find the goal is not applicable to this proposal.

3.10 Corridor Development

3.10.1 Goal: An attractive mix of commercial and higher density residential uses along major roads through the City that invites pedestrian activity where appropriate.

The newly Metro adopted 2040 Growth Concept Map identifies Corridor design type for parcels within the subject area. Staff proposes lots 1600, 1700, and 200 be designated Corridor. Lots 1600 and 1700 are currently designated TO:RC with lot 1600 commercially developed. Lot 200 contains a commercial development on the northeastern area of the parcel. The remainder of lot 200 contains vacant developable areas as well as a designated Goal 5 Natural Resource area with a County Land Use designation of TO:R24 to 40. The required density for this County land use designation is consistent with high density residential land use designation in the City. Section 375 permits additional commercial development on the site due to its location to Cornell Road and Cedar Hills Boulevard. Metro describes Corridor design types as "*Corridors are major streets that serve as key transportation routes for people and goods.*" The Corridor designation would address the commercial and residential nature of the parcels which abut two major streets SW Cornell Road and SW Cedar Hills Boulevard. Staff find that for lots 200, 1600 and 1700, the proposed land use designation is consistent with the Comprehensive Plan goals for Corridor.

3.13 Residential Neighborhood Development

3.13.1 Goal: Provide for the establishment and maintenance of safe, convenient, attractive and healthful places to live.

3.13.2 Goal: Retain established large lot zoning in limited areas.

High Density Residential

3.13.5 Goal: Establish High Density Residential areas to allow for a variety of housing types.

The proposal includes designation of lots 2100, 2300, 400, and 7200 as NRHD. The implementing zoning district for NRHD is R1. The R1 zoning district provides a higher density requirement than the existing county land use district; however, all other residential and mixed use zoning district would not meet the minimum requirements under the county's TO land use district. The R1 zoning district provides a variety of permitted residential uses and is also consistent with the residential use currently found on these lots. Staff find the proposed land use designations, for lots 2100, 2300, 400, and 7200 are consistent with the Comprehensive Plan goals for NRHD.

3.14 Comprehensive Plan and Zoning District Matrix

The City's Comprehensive Plan provides the overall planning perspective for the City. Integrating state and regional mandates, the plan provides land use patterns that are further implemented through zoning. The following Matrix prescribes the relationship between the Comprehensive Plan land use designations and zoning districts. Compliance with the Comprehensive Plan is achieved through development application approval consistent with the regulations of the Development Code.

COMPREHENSIVE PLAN AND ZONING DISTRICT MATRIX	
<i>Comprehensive Plan Designation</i>	<i>Zoning District</i>
Downtown Regional Center	RC-E, RC-OT, RC-TO
Washington Square Regional Center	C-WS, OI-WS
Station Community	SC-HDR, SC-MU, SC-E1, SC-E ³ , SC-S ¹
Town Center	TC-HDR, TC-MU
Main Street	Neighborhood Service, R1, R2
Corridor	General Commercial, Community Service, Neighborhood Service, R1, R2, R4, Corridor Commercial
Employment Areas	Office Industrial
Industrial	Industrial, Office Industrial
Neighborhood Residential (equivalent to Metro's Inner and Outer Neighborhood Design Types)	
Low Density	R10 ²
Standard Density	R7, R5 ³
Medium Density	R4, R2
High Density	R1
Any of the plan designations cited above	Institutional

1. Limited to parcels formerly identified with Washington County Plan designations TO40-80, TO80-120, and TO:BUS within approximately ½ mile of the Sunset Transit Light Rail Station.
2. Existing pockets of low density residential may continue, but expansion of low density neighborhood residential areas shall not occur.
3. Existing properties with commercial zoning as shown on Figures III-2 through III-5 and listed by tax lot on said maps shall be allowed to continue in perpetuity. Expansion of the district is not allowed, but any use permitted within said district will be allowed subject to City approval through the procedures specified by the Development Code.

The Station Community designation that is proposed for the six (6) companion parcels east of the subject area would not be a consistent land use designation for this project area. The Comprehensive Plan and Zoning District matrix above shows the implementing zoning district for Station Community as SC-HDR, SC-MU, SC-E, and SC-S. The geographic location of the project area and notes 1 and 3 prevents the implementation of the SC-E1 and SC-S zoning districts for the subject site.

For lots 2100, 400, and 7200 the County's land use district is TO:R24-40 and the current development on these parcels is residential. The SC-HDR and SC-MU zones allows for many more retail and office uses than what is permitted with the County land use district and the current use of the subject site. The minimum density requirements for the SC zones would be 20 units per acre below 24 unit minimum in the TO:R24-40 zone. The NRHD designation is more consistent with the planned and current use of these subject properties.

Lot 2300 is split zoned between TO:R24-40 and TO:R40-80. The subject parcel is restricted for development as it is part of the Goal 5 resource inventory. The proposed NRHD land use designation would be consistent with the designation for parcels in the project area north of lot 2300 which would be less intensive than the Station Community designation proposed to the south and east of this parcel.

Lot 200 is also split zoned between TO:R24-40 and TO:R12-18. The TO:R12-18 land use district is located over the northeast corner of the lot which covers the area containing the day care facility and open space. The day care facility was approved in the County and would remain an allowed use for lot 200. The TO:R24-40 designation also provides more commercial opportunities for the subject site as it is abutting Cornell Road and Cedar Hills Boulevard, but is limited by the size allowed. The Station Community zoning districts would not place size limitations on this parcel. Staff proposes the Corridor land use designation as there are both implementing commercial and residential zoning districts. Staff is proposing that the implementing zoning district be R-1 as the zone is more consistent with the uses permitted in both the TO:R24-40 and TO:R12-18 districts. The Corridor designation would not permit office or retail development on this parcel with the R-1 zoning district, but would permit the property owner to evaluate the site determine if a commercial zoning district in the future would be beneficial for the area.

Corridor designation is also proposed for lots 1600 and 1700 because the uses are more consistent between the TO:RC designation and the Corridor Commercial zoning district. The Corridor designation is more consistent than the Station Community designation because the implementing zoning district for the Station Community land use designation would be SC-MU. The SC-MU has a floor area ratio (FAR) of 0.4. The TO:RC zone has a FAR of 0.25. This difference in FARs would result in an intensity of use significantly higher than what was originally planned for by the County for the subject parcels. While the commercial zones within the Corridor land use designation do not have minimum FARs, the development standards for the Corridor Commercial zone, as well as the City's Design Standards, encourage efficient build out of the parcels without having to require FARs.

The Station Community designation of the subject area would not be consistent with the planned use of the area. The higher intensity of uses associated with the Station Community zones would exceed the transportation levels planned for the area or not meet the projected minimum residential requirements for the area.

Application of the Corridor land use designation will allow for implementation of one of the following zoning district, per the Matrix: General Commercial, Community Service, Neighborhood Service, R1, R2, R4, Corridor Commercial. Neighborhood Residential High Density will allow for the implementation of the R-1 zoning district per the Matrix.

3.15 Urban Planning Area Agreement

The Washington County Urban Planning Area Agreement (UPAA), including Exhibits A and B, which is dated October 25, 1998 and was signed by the City on May 15, 1989 and signed by the County on February 10, 1989 is hereby incorporated as section 3.15 of this Land Use Element.

The land use planning processes and policy framework described in the Comprehensive Plan, UPAA, and Development Code form the basis for decisions and actions, such as the subject amendments. Section II.D. of the UPAA states:

The CITY and the COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan. Upon annexation, the CITY agrees to convert COUNTY plan and zoning designations to CITY plan and zoning designations which most closely approximate the density, use provisions and standards of the COUNTY designations. Such conversions shall be made according to the tables shown on Exhibit "B" to this Agreement.

Exhibit "B" outlines "City-County Land Use Designation Equivalents." However, the UPAA through Exhibit "B" did not predict implementation of multiple-use land use designations by the County or the City and the UPAA has not yet been modified to recognize multiple-use land use designations. In this case, "the CITY agrees to convert COUNTY plan and zoning designations to CITY plan and zoning designations which most closely approximate the density, use provisions and standards of the COUNTY designations." The seven tax lots all carry a mixed-use land use designation as shown below. Evaluation of densities, use provisions, and standards of the three County districts to those of possible City land use designations steer staff to propose the Corridor and NRHD land use designations for the subject properties. The following table outlines the transition from County districts to City land use designations.

TLID	COUNTY	CITY
1S103A01700	TO:RC	Corridor
1S103A01600	TO:RC	Corridor
1S103AB00200	TO: 12-18	Corridor
	TO:R24-40	
1S102B00400	TO: R24-40	NRHD
1S103A02300	TO: R24-40	NRHD
1S103A02100	TO: R24-40	NRHD
1S102BB07200	TO: R24-40	NRHD

Staff finds that application of the Corridor and NRHD land use designations are the appropriate land use designations given the analysis provided, above. Therefore, the proposed land use amendment is compatible with the relevant goals and policies found in Chapter 3.

Chapter 4 Housing Element

4.2.1.1 Goal: Maximize use of buildable residential land in the City.

4.2.2.1 Goal: Provide an adequate variety of quality housing types to serve Beaverton's citizenry

4.2.3.1 Goal: Promote the retention of existing affordable housing stock in the City.

4.2.3.2 Goal: Promote the production of new affordable housing units in the City.

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 density allotted to the subject properties resulted from the County's process to comply with Metro's UGMFP provisions; which were themselves subject to compliance with the Statewide Planning Goals. This proposal involves application of City Comprehensive Plan Map designations that are the most similar to the County's existing plan designations for the subject properties; continuing to allow for a variety of housing types and densities commensurate with a variety of income levels as prescribed in Goal 10.

Application of the Neighborhood Residential-High Density land use designation on four of the seven subject properties is consistent with the residential developments on the subject site. The Corridor designation on the three remaining parcels allow for zoning of the subject site be either commercial or residential. Lots 1600 and 1700 are currently designated TO:RC that provide no opportunity for housing on the subject site. The Corridor designation and its correlating zones may allow for some housing on these parcels that could allow for a more mixed use nature for the subject site and provide possible opportunities for housing types that are currently not available within the developed area.

Staff finds that the proposed application does not significantly alter the City's ability to provide a variety of housing choices. Therefore, staff finds that the proposed amendment is compatible with the relevant goals and policies found in Chapter 4.

Chapter 5 Public Facilities and Services Element

The subject properties are located within a network of improved roadways, utilities and preserved open spaces. Applying City land use designations will not alter the City's projected provision of the Public Facilities Plan, Capital Improvement Plan, Urban Service Area, Storm Water and Drainage, Potable Water, Sanitary Sewer, Parks and Recreation, Police, or Fire and Emergency Medical Services. Impacts to the public facilities are addressed with specific development proposal. This application is an amendment to the Comprehensive Plan map and no development is proposed at this time. Staff find the proposed amendment will not adversely affect the Comprehensive Plan policies identified in the goals of Chapter 5.

Chapter 6 Transportation Element

6.2 Transportation Goals

6.2.1. Goal: Transportation facilities designed and constructed in a manner to enhance Beaverton's livability and meet federal, state, regional, and local requirements.

Transportation related to the subject properties will rely on the Sunset Transit Center, Barnes Road, Highways 217 and 26 and Cedar Hills Boulevard. Barnes Road, which is a designated Major Pedestrian Route, will require higher levels of improvement within the right-of-way and upon abutting properties. TriMet is the jurisdiction that controls the Sunset Transit Center and related improvements.

Washington County and the Oregon Department of Transportation (ODOT) maintain jurisdiction over the streets fronting the subject properties, impacts to those existing streets will continue to be reviewed by both jurisdictions. The subject properties will not directly access Highways 217 and 26.

Development is not proposed with this application, therefore the design and construction of the surrounding transportation system are not proposed. Therefore the goal is not adversely affected by this proposal.

6.2.2. Goal: A balanced multimodal transportation system that provides mobility and accessibility for users.

The subject properties are near four major public transportation facilities, the Sunset Transit Center, Barnes Road, Highway 26, and Highway 217. The Sunset Transit Center provides multiple bus connections, a park-n-ride facility, and a non-auto bridge across Highway 26. Auto and pedestrian access to the Sunset Transit Center, other than the bridge over Highway 26, is currently provided through the Peterkort Station Community Area by a surface street. The proposed amendment is not expected to alter the multimodal transportation system provided in this area. Therefore the goal is not adversely affected with this proposal.

6.2.3. Goal: A safe transportation system.

The City of Beaverton, Washington County, TriMet, and the State of Oregon work cooperatively to ensure a safe transportation system. Staff find the proposal will not adversely affect this goal.

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

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...

Staff cite the findings for Goal 12 of the Statewide Planning goals as applicable to this section. The proposal seeks to amend the land use designation assigned to the subject property from Interim Washington County Transit Oriented to Neighborhood Residential-High Density (NRHD) and Corridor. Discussion addressing the amendment's compliance with OAR 660-012-0060 was provided under the section addressing Goal 12 compliance. Staff find that the proposed amendment will not adversely affect the degree of traffic generation on local transportation facilities as compared to the current designation.

It should also be noted that development of the project area will require that the traffic impacts be assessed by the applicant to demonstrate that traffic generation deriving from the development will not impose excess constraints upon the system. If the impacts of development are forecast to degrade the system beyond the 0.98 demand to capacity ratio, mitigation measures to alleviate the impact may be required. The analysis of the impact of development would be triggered at the time when development of the property is proposed rather than with the proposed amendment. Therefore staff find the proposed amendment will not adversely affect this goal.

6.2.5. Goal: Transportation facilities that serve and are accessible to all members of the community.

The multi-modal facilities available in the Peterkort Station Community Area provide a high level of accessibility. No development is proposed with this amendment; however future development of the project area may require improvements to ensure facilities are accessible to all members of the community. Review of the improvements will be done at the time of proposed development. Therefore staff find the proposed amendment will not adversely affect this goal.

6.2.6. Goal: Transportation facilities that provide safe efficient movement of goods.

6.2.7 Goal: Implement the transportation plan by working cooperatively with federal, State, regional, and local governments, the private sector, and residents.

The City of Beaverton, Washington County, Metro, TriMet, and the State of Oregon work cooperatively with the private sector and residents to implement a safe and efficient transportation plan. The request is a proposed map amendment and is not expected to adversely affect these goals.

6.2.8. Goal: Create a stable, flexible financial system.

The request is a proposed map amendment with no proposed development. The proposal will not adversely affect this goal.

6.3 Transportation Needs

6.4 Developing a Financially Constrained Transportation Plan

6.5 Transportation System Plan Improvements

The proposal is a map amendment to the Comprehensive Plan Land Use Map. No development is proposed with this application. Future development of the project area will require that the traffic impacts be assessed by the applicant to demonstrate that traffic generation deriving from the development will not impose excess constraints upon the system. If the impacts of development are forecast to degrade the system beyond the 0.98 demand to capacity ratio, mitigation measures to alleviate the impact may be required. This may or may not include improvements that have been identified in sections above. The analysis of the impact of development would be triggered at the time when development of the property is proposed rather than with the proposed amendment. Staff find the proposal is consistent with these goals.

Staff find that implementation of the City's land use designation does not modify the projected provision of public facilities and services. The goals found in Chapter 6 of the City's Comprehensive Plan are not expected to be adversely impacted by the proposed map amendment. Therefore, staff finds that the proposed amendment is compatible with the relevant goals found in Chapter 6.

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

Staff reviewed the policies contained in 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. Therefore staff find the policies found in Chapter 7 are met with the proposed amendment.

Chapter 8 Environmental Quality and Safety Element.

Staff reviewed the policies 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. The proposal allows development in the project area to be subject to City zoning requirements. Therefore staff find the policies found in Chapter 8 are met for the proposed amendment.

Chapter 9 Economy Element.

Staff reviewed the policies contained in the Chapter 9 of the City's Comprehensive Plan and concluded that this proposed amendment does not affect the economic goals of the City. Therefore staff find the policies found in Chapter 9 are met with the proposed amendment. Staff find that the proposed Comprehensive Plan amendment meets the applicable policies contained in the City's Comprehensive Plan.

Staff find 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.

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

The proposed amendment is to provide City land use designations for parcels that have been annexed into the City. The proposal is to change the subject parcels to Neighborhood Residential-High Density and Corridor as shown in Exhibit 3. The public need is to allow development within the project area to be subject to the City requirements as they are located within the city limits of Beaverton.

Staff find that criterion 1.5.1.D is met for the proposed amendment.

SUMMARY

For the reasons identified above, staff finds that the Comprehensive Plan Map Amendment satisfies the approval criteria for a legislative Comprehensive Plan Amendment pursuant to Section 1.5.1 of the Comprehensive Plan.

CONCLUSION

Based on the facts and findings presented, staff concludes that proposal, **CPA2011-0003 (Peterkort Corridor and Neighborhood Residential Land Use Map Amendment)** meets the criteria for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **CPA2011-0003 (Peterkort Corridor and Neighborhood Residential Land Use Map Amendment)** with no recommended conditions of approval.

ANALYSIS AND FINDINGS FOR ZONING MAP AMENDMENTS

Section 40.97.15.4.C. Approval Criteria

In order to approve a Discretionary Annexation Related 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 Discretionary Annexation Related Zoning Map Amendment application.*

Facts and Findings:

The threshold identified in Section 40.97.15.4 of the Development Code states the following:

An application for Discretionary Annexation Related Zoning Map Amendment shall be required when the following threshold applies:

The change of zoning to a City zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation.

Parcels identified as 1S103A01700, 1S103A01600, 1S103A02300, and 1S103A02100, were annexed into the City in 2005 as part of Ordinance 4334 (Exhibit 5). Parcels 1S103AB00200, 1S102BB07200, and 1S102B00400 was annexed to the City on 2011 as part of Ordinance 4562 (Exhibit 6). At the time of annexation City zoning designations were not given to the subject sites. These parcels are identified as "Interim Washington County Zoning". The UPAA shows that there was no corresponding City zoning specified for the County's TO designations. The Zoning Map amendment is to change the Interim Washington County Designation to Corridor Commercial and Residential Urban High Density (R-1). Exhibit 4 is a map detailing the proposed zoning of each parcel. Prior Washington County zoning designation of the subject sites were Transit Oriented (TO) Business and TO Residential (R40-80, R24-40, and R12-18) as shown in Exhibit 2.

Therefore, staff find the proposed Zoning Map Amendment meet the criterion.

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

Facts and Findings:

The City has initiated the proposed Zoning Map Amendment. Therefore the application fees are not applicable.

receive the R-1 zoning designation is 984 dwelling units. This number represents a minor increase in the minimum residential density capacity anticipated for the area by the County's zoning. There is limited development opportunities within this area and because the residential development potential is similar to that anticipated by the County zoning, staff find that the removal of the split zoning would be more beneficial in providing one consistent zoning district for lot 200.

While the R-1 zoning district would exceed the minimum residential target numbers by the County zoning, the additional units are not expected to affect the overall worst case scenario for traffic in the Peterkort area due to the commercial elements that may be included with a residential development in these TO zones. (Exhibit 17)

For lots 1600 and 1700, the County land use district is TO:RC which has no residential dwelling requirements. The City's Commercial Corridor (CC) zoning district requires no minimum residential density but limits the number of dwellings by requiring a minimum residential density of 4,000 square feet of parcel area per detached dwelling unit or a minimum of 1,000 square feet of parcel area per attached dwelling unit. The maximum permitted residential density would be 11 to 44 dwellings per acre depending on the type of construction.

It should be noted that 2300 is split zoned between with the TO: R24-40 and TO:R40-80. The parcel is designated as a Goal 5 Natural Resource area, which means development on this subject parcel is restricted, therefore the minimum density calculated for the subject site is none. Staff proposes R-1 to create a consistent zone for the subject site. However, the parcel would remain a Goal 5 Natural Resource area and the City's zoning would not remove the development restrictions on the parcel.

Use Provisions

When comparing the allowed uses between the existing County and the proposed City zoning districts, it is difficult to do a straight comparison as land uses are referenced differently for each jurisdiction. The County's Development Code provides a table for the Transit Oriented District in Section 375 identifying the permitted and prohibited uses for the TO:RC, TO:R12-18, TO:R24-40, and TO:R40-80 land use districts (Exhibit 10). The table lists whether a use is prohibited or if it may be permitted through the County's Type I, II, or III land use process. The City's Development Code identifies land uses as being Permitted, Conditional, and Prohibited. Conditional means that a use may or may not be allowed depending on the findings and conclusion of a Conditional Use application. Uses that are not specifically identified within the use list of the City's zoning district are determined to be prohibited uses in the zone. Exhibit 12 provides a comparison of the uses permitted in the County and the City.

For lots 7200, 2300, 2100, 400, and 200, the City's R-1 zoning district conditionally permits the following uses which are prohibited in the County's R24-40 districts: Hotels, Storage Facility, Equipment Storage, Hospital, Regional and Community Parks, Duplexes, Triplex, Detached dwellings, and Accessory Dwelling Units. Park types are not specifically

identified in the City's use table; however, like all the other conditional uses, an additional land use application is required to determine compatibility of the use to its surrounding area. Duplexes, triplexes, and detached dwellings are a permitted use in the R-1 zoning district, but are prohibited in the R24-40 and R40-80 districts. The City's R-1 zone allows varying types of housing opportunities; however, the type of uses that will work on a subject site is dependent upon how the density of the subject site is being met. Mid-rise and high-rise apartments are prohibited in the R12-18 district in the County. This zoning district is located only on lot 200 of the project area and is limited to the northeastern corner of the parcel where the current day care facility is located. The R24-40 and R-40-80 permits limited retail business on the subject site which is prohibited in the R-1 zoning district. Retail uses would not likely be found in lots 7200, 2100, 2300, and 400 as the existing use are residential dwellings or designated open space area. Restriction on commercial developments for these parcels would provide additional buffering to the residential developments currently found north of the subject site.

Section 375-7 of the County Development Code permits some commercial uses for parcels which are located at the intersection of Arterial and Collector streets. Lot 200 would meet this criterion and would be permitted to have some commercial uses on the site, but those uses would be restricted by a maximum size of 10% of the gross floor area of a development or 10,000 square feet. Lot 200 contains an existing commercial development which would be "grandfathered" for the subject site. The remainder of parcel 200 is designated open space and contains some vacant developable area on the south side of the parcel adjacent to Cornell Road. The R-1 designation provides a buffer between the residential character of the parcels north of the subject site and the commercial nature of the parcels to the south. The Land Use designation of lot 200 is proposed to be Corridor. R-1 is a compatible zoning district for the Corridor land use designation, but there are there are other implementing zoning districts. If in the future commercial development was determined to be a more compatible use to the surrounding area for lot 200, then a future Zoning Map amendment could be submitted by an applicant.

Lots 1600 and 1700 were zoned TO:RC in the County. Staff proposes Corridor Commercial (CC) as this zoning appears to have similar uses and site development requirements as the County's TO:RC district. The TO:RC district prohibits the following uses which are conditionally permitted in the CC zoning district: car washes, motels, short-term commercial parking, storage facility, kennels, theaters, group care, and hospitals. While these uses may not be prohibited for either of the subject parcels, allowance of these uses would need to be determined with a Conditional Use application taking into consideration the subject site and its compatibility to the surrounding area. Residential dwellings, storage yards, schools and regional and community parks are outright permitted in the CC zoning district, but are prohibited in the TO:RC district. With the exception of residential dwellings, all the other uses identified are not likely to be found on the subject site due to the size of the area needed for these types of uses and the value of the subject site for other commercial uses. It should be noted that neighborhood parks are permitted in the TO:RC zone. The City's Development Code does not distinguish between different park types.

Development Standards

Lot Area: The County's TO:R12-18 Land Use District requires a minimum lot area of 2,000 square feet per dwelling unit and a minimum average lot width of 20 feet and depth of 60 feet. All other County Transit Oriented land use districts within the project area have no minimum lot area or dimensional requirements. The City's R-1 zoning district has a minimum lot area of 1,000 square feet, minimum lot widths of 14 (interior lot) and 20 (corner), and no minimum lot depth. The CC zoning district has no minimum lot area for non-residential development, but density standard of 1,000 square feet of parcel area for new residential development. The CC zoning district also has no required minimum lot width or depth.

Lot 200 is the only parcel which has a County zoning designation (TO:R12-18) that has minimum lot area and dimensional requirements. The TO:R12-18 Land Use district is located on the northeastern portion of lot 200 and this location is currently developed with a day care facility. While staff considered recommending a split zoning for the subject site to address the density and lot area differences for this small portion of Lot 200, staff determined that providing one consistent zoning designation for lot 200 would be a benefit as compared to the minor differences between the R-1 and R-2 zoning district. For lots 1600 and 1700, there is no minimum lot area required with the CC zoning district or the TO:RC land use district.

Building Height: The County's TO:RC land use district prescribes a minimum building height of 20 feet within close proximity to Town Centers, station platforms, and Regional Centers. This zone and this minimum building height is found on lots 1600 and 1700. No other County Land Use district within the subject area requires minimum building height. The City's zoning districts regulate maximum building heights. Minimum building heights are addressed in the Design Standards of the City's Development Code and are applicable to parcels that abut a Major Pedestrian Route. Cornell Road and Cedar Hills Boulevard are both Major Pedestrian Routes on which both Lots 1600 and 1700 have frontage. For Lots 1600 and 1700, the City's Design Standard for minimum building height is 22 feet, two feet higher than the County minimum.

There are maximum building heights identified for all City zoning district and County Land Use District. The table below show the comparison of the maximum building height of the City's proposed zoning district and the County's Land Use district.

County	City
TO:RC: 60 feet	CC: 60 feet
TO:R12-18: 40 feet	R-1: 60 feet
TO:R24-40: 60 feet	
TO:R40-80: 80 feet	

The table shows that the maximum building height is compatible except between the City's R-1 zoning district and the County's TO:R12-18 and TO:R40-80. Lot 2300 contains split zoning in the County between the TO:R24-40 and the TO:R40-80. Lot 2300 is designated open space. Like lot 200 which is split zoned between TO:R12-18 and TO:R24-40, staff has determined that providing one consistent zoning designation for lots 200 and 2300 would be a benefit as compared to the minor differences between the City and County zoning, especially as lot 2300 and a portion of lot 200 are not buildable due to their Goal 5 Natural Resource Area designation and an existing day care facility on lot 200.

Other Site Standards: The City's R-1 zoning district has building minimum yard setbacks. The TO land use districts do not have setback requirements. The proposed setbacks will not affect the existing residential dwellings found on lots 400, 2100, 7200 as they had been previously approved in the County. The setback requirements would result in additional restriction for new developments in the subject area.

The County has minimum and maximum frontages for yard depth which is not found in any zoning district in the City. Implementation of any zoning district for the subject area would not include minimum and maximum frontages for yard depth requirements in the Site Development Standards.

The TO:RC has a minimum floor area ratio requirement for non-residential developments of .25 to .35 depending upon the distance of the parcel from the light rail station. The CC zoning district does not have a minimum FAR for non-residential development. However, the typical commercial development in the Beaverton area is typically in the .35 range since this is the typical amount of floor area that can be constructed and provide adequate surface parking.

Design Standards

The City and the County both have design standards. The County's standards are found in Section 431 Transit Oriented Design Principles, Standards and Guidelines of their Development Code, specific to the TO land use district (Exhibit 11). The City's standards are found in Section 60.05 of the Development Code. Exhibit 16 provides a comparison of the design standards between the City and the County. While the standards are not all the same, there are many that are similar or overlap between the two jurisdictions. Lots 200, 1600, and 1700 abut a major pedestrian route which will include additional standards to be met as compared to the other parcels within the area subject to this proposed map amendment.

Evaluation of the density, use provisions, and standards point to implementation of the R-1 and Corridor Commercial zoning district for the area subject to the proposed map amendment.

Therefore, staff find the proposed Zoning Map Amendment meet the criterion.

4. *The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.*

Facts and Findings:

In October of 1988, the City entered into an Urban Planning Area Agreement (UPAA) with Washington County identifying areas of Washington County that would eventually annex into the City of Beaverton. A process was agreed upon by the City and County as to how zoning of parcels were to be determined during annexation of a subject site. The UPAA addressed this matter with Section D (page 5) of the UPAA which states :

Upon annexation the City agrees to convert COUNTY plan and zoning designation to CITY plan and zoning designations which most closely approximate the density, use provisions, and standards of the COUNTY designation. Such conversions shall be made according to the tables shown on Exhibit "B" to this Agreement.

Mixed-use zoning designations did not exist at the time when determining appropriate zoning for annexed parcels using "Exhibit B". Exhibit B does not include Transit Oriented designations which are found within the subject site. Therefore, staff has proposed zoning districts for the subject site that represent the City's zoning districts that "...most closely approximate the density, use provisions and standards of the COUNTY designation." Staff cite the findings provided in Criterion 3 as applicable to this criterion.

Exhibit 19.2 is a letter from the Washington County dated November 23, 2011 with comments regarding the proposed ZMA's and CPA's for the 13 properties that included the seven in this project area. The letter discusses time and effort in the development of the Cedar Mill / Cedar Hill Community Plan. While the subject parcels are part of this community plan specific development detail and design elements were not identified for the subject parcels. The County letter discussed the importance of proximity to the station with regard to density, FAR's, urban design, and a civic space for the area within a ¼ mile of the station. The seven parcels within the proposed application are not within the ¼ mile radius and further the findings in criterion 3 shows how the proposed zoning districts are comparable in uses and intensity to the current TO districts. The County letter discussed concerns with retail development north of Barnes Road and the concern with too much non-residential development prior to required residential development. The parcels north of Barnes Road within the project area of this application are all proposed to be zoned R-1, thereby restricting retail use. Further three of the five parcels proposed to be zoned R-1 have been developed with residential dwellings. Overall the concerns provided in this letter are not pertinent to this proposed amendment. However the proposed amendment will help to ensure residential density envisioned in the area is provided as well as a mix of uses with R-1 proposed north of Barnes Road and Corridor Commercial proposed on the parcels south of Barnes Road.

The UPAA details the process in which City staff is to work with County staff in determining the appropriate zoning districts for the subject parcel. In numerous meetings and communication with County staff, the City has informed the County of the proposed zoning amendment and has addressed issues and concerns of the County throughout the CPA and ZMA findings. Including the recent letter addressed above. Therefore, staff determined that the proposal has met the intent of the UPAA.

Therefore, staff find the proposed Zoning Map Amendment meets the criterion.

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

Facts and Findings:

Staff has submitted the required application materials for review of a Zoning Map Amendment application. This application will be reviewed concurrently with the Comprehensive Plan Amendment for the subject site.

Therefore, staff find the proposed Zoning Map Amendment meets the criterion.

SUMMARY

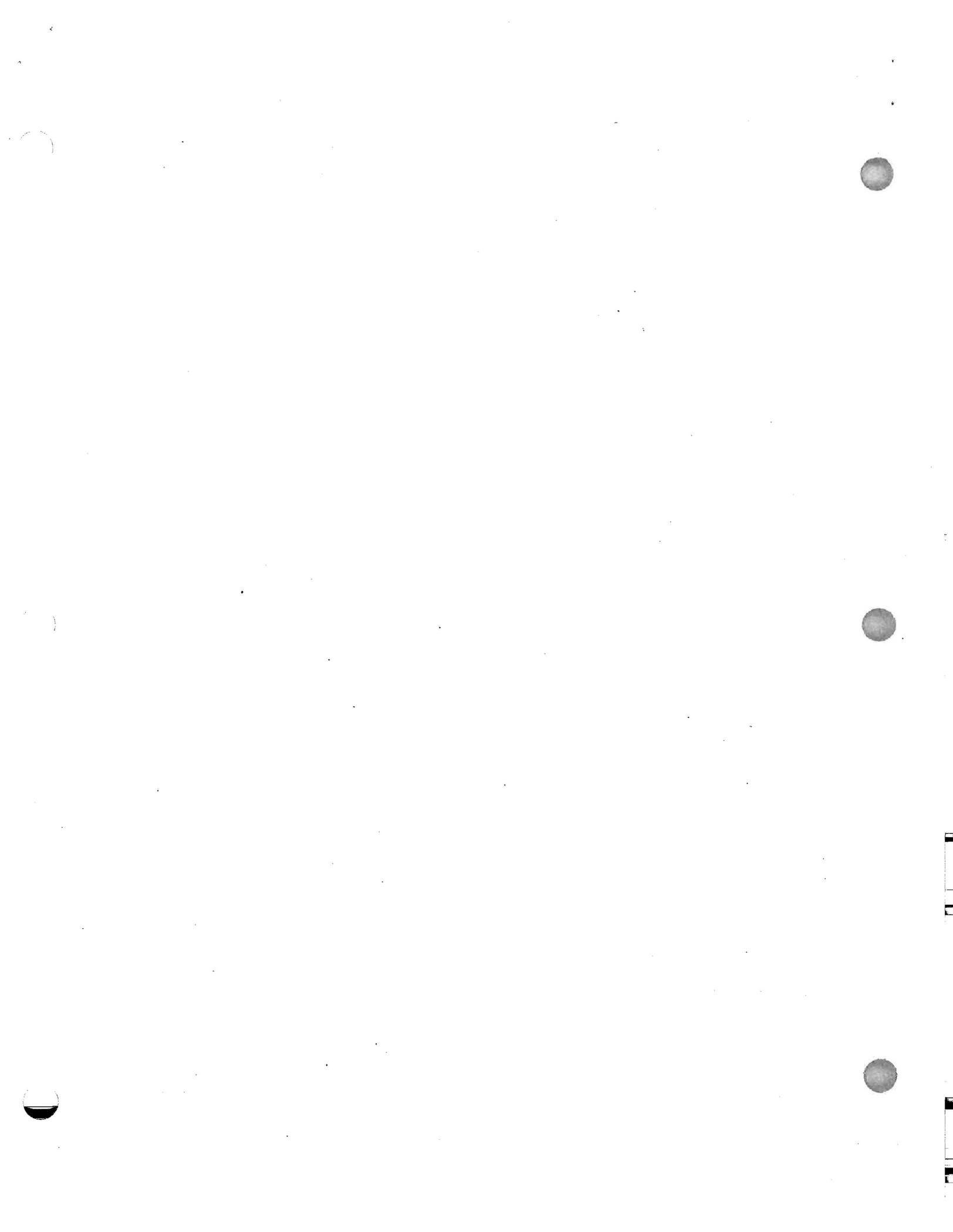
In the findings provided above, staff find that the Zoning Map Amendment satisfies the approval criteria for a **Discretionary Annexation Related Zoning Map Amendment** pursuant to Section 40.97.15.4.C of the Development Code.

CONCLUSION

Based on the facts and findings presented, staff concludes that proposal, **ZMA2011-0003 (Peterkort Corridor Commercial and R1 Zoning Map Amendment Zoning Map Amendment)** meets the criteria for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **ZMA2011-0003 (Peterkort Corridor Commercial and R1 Zoning Map Amendment Zoning Map Amendment)** with no recommended conditions of approval.





MEMORANDUM

Community and Economic Development Department

To: Planning Commission
From: Steven A Sparks, AICP
Date: December 5, 2011
Subject: Peterkort Amendments

Please find attached Exhibit 21. Exhibit 21 is a revised Transportation Planning Rule Analysis to the proposed Peterkort Amendments:

CPA2011-0002	Peterkort Station Community Comprehensive Plan Map Amendment
ZMA2011-0002	Peterkort Station Community – Sunset Zoning Map Amendment
CPA2011-0003	Peterkort Corridor and NR-HD Comprehensive Plan Map Amendment
ZMA2011-0003	Peterkort CC and R1 Zoning Map Amendment
TA2011-0003	Station Community – Sunset Text Amendment

Exhibit 21 includes edits to Exhibit 17 that staff feels are not substantive, in that they are part of the memo describing the analysis and are not errors within the analysis of Tables 2 through 5. The specific edits include:

- annexation information and relative number of parcels per annexation year
- clarification of UPAA requirements
- notation of Corridor Commercial zoning (not Community Commercial)
- reference to all existing Washington County zoning designations in Table 1 and on page 6
- clarification of floor area allowed upon parcel 7 (1S103A002200)
- clarification of the results of the analysis in Table 4
- replacement of Figure 2.

TRANSPORTATION CONSULTING GROUP

Transportation Engineering & Planning

Phone 503/969-6255
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PO Box 282
Banks, Oregon 97106

November 27, 2011

City of Beaverton
Attn: Steve Sparks
4755 SW Griffith Drive
Beaverton, Oregon 97005

**RE: Peterkort Properties: Comprehensive Plan and Zoning Map Amendments
CPA 2011-0002 / ZMA 2011-0002**

Tax Lots:	1S1 02CA 00600	1S1 02CA 00500
	1S1 02CB 00100	1S1 03AD 00600
	1S1 02B 00500	1S1 03A 02200

CPA 2011-0003 / ZMA 2011-0003

Tax Lots:	1S1 03A 01600	1S1 03A 01700
	1S1 03AB 00200	1S1 03A0 02300
	1S1 03A0 02100	1S1 02BB 07200
	1S1 02B 00400	

Dear Steve:

The City of Beaverton and the Peterkort ownership are proposing Comprehensive Plan Map Amendments and Zoning Map Amendments on thirteen parcels located within the Sunset Transit Center Station Community boundary. Nine parcels were annexed to the City of Beaverton in 2005 as part of Ordinance 4334, and four were annexed in 2011 as part of Ordinance 4562. Each parcel presently carries Washington County zoning designations which are required by the Urban Planning Area Agreement (UPAA) between the County and City to be converted to City of Beaverton zoning most closely matching that of the County. Figure 1 depicts the parcels proposed for zone change and their current County zoning designations. Figure 2 illustrates the proposed zoning for each of the parcels. This letter analyzes the proposed zone change on the multiple parcels from County zoning to Beaverton zoning specifically with regard to compliance with the Transportation Planning Rule (TPR), OAR 660-012-0060.

This work product has been developed in cooperation with City of Beaverton planning department staff, who have assumed responsibility for interpreting County and City zoning codes in order to facilitate determination of the appropriate City zoning designation for each individual parcel; and for purposes of this TPR analysis, to ascertain the potential "worst-case development" mix of uses under each agency's zoning code. The mix of uses yielding the highest trip generating potential under each respective zone's allowed uses was established by TCG in cooperation with City staff. An example of this includes use of medical office as a worst-case trip generation for the commercial/office land use type since it generates more trips per thousand square foot of building than general office use.

Beaverton staff's analysis of "maximum" land development alternatives under both County and City zoning are attached in Appendix A for reference.

SUMMARY OF FINDINGS

For proposed zone changes in Oregon, the applicant is required to evaluate the effect of such zone change on the transportation system's ability to service the impacts resulting from the zone change. The provisions of OAR 660-012-0060 provide the framework for this assessment. Typically, this requires a two-step process. The first step of the analysis is to determine if there will be a significant effect on surrounding transportation facilities due to the proposed zoning revision. In the event it is determined that the zone change yields a significant effect, the second step is to identify and provide appropriate mitigation measures under OAR 660-012-0060(2),

Determination of significant effect on a typical zone change analysis for TPR compliance would be based upon a comparison of "reasonable" worst-case development under the existing and proposed zoning designations through the adopted forecast year, currently 2035. This is because most TPR analyses relate to parcels undergoing a change in zoning to either intensify use or to alter the intended underlying use of the parcels, such as from residential use to commercial/retail use. The UPAA between the City and County does not identify correlating City zoning districts to the County's Transit-Oriented land use districts. In this case, the transition from County zoning to City zoning is on a like-to-like basis, consistent with the UPAA requirement, both for type of use and for intensity of use. For this reason, the methodology used compares maximum worst-case development scenarios, assuming in each case that development scenarios are taken to the maximum trip generating use mix allowed, and to the maximum intensity allowed as determined either by density, FAR, or height limitations under the respective County and City zoning. This approach has been taken in order to guide structural refinements to the City's Station Community - Sunset zone text language to result in equivalent trip generation potential to that which would be achievable and allowable under County zoning. The concurrent Station Community - Sunset text amendment process is a result of this analysis.

Commercial CC Zoned Parcels: For the two Peterkort parcels located south of Barnes Road adjacent either side of Cedar Hills Boulevard, the proposed conversion from County TO:RC zoning to Beaverton CC (Corridor Commercial) zoning was determined to yield equivalent trip generation potential. (See Table 2) As such, a determination of No Significant Effect was reached for these two parcels thereby eliminating the need for a 20-year "reasonable worst-case traffic operational analysis for the two parcels located adjacent Cedar Hills Boulevard and south of Barnes Road.

Residential R1 Zoned Parcels: The analysis described below identified that potential "maximum" worst-case trip generation under the City residential R1 zoning for parcels located north of Johnson Creek and for Parcel 1, located at the northwest corner of the intersection of Barnes Road and Cedar Hills Boulevard, (see Figures 1 and 2) would yield slightly less trip generating potential than under the current County Transit Oriented residential zones (TO:R12-18 and TO:R24-40). Table 3 provides the detailed trip generation calculations. For this reason, the analysis concludes that there is No Significant Effect resulting on the transportation system from the zone change on the residential zoned parcels (Parcels 1, 6, 10, 11, and Open Space), thus a 20-year "reasonable"

worst-case traffic operational analysis is not required for the parcels slated to receive a R1 zoning designation.

Station Community – Sunset Zoned Parcels: For Peterkort parcels located north of Barnes Road, south of Johnson Creek, and east of Cedar Hills Blvd (see Figures 1 and 2) as well as for those parcels located on the south side of Barnes Road east of the existing retail Towne Square parcel, the analysis showed that a direct comparison of maximum worst-case development under both the County and City zoning could result in an increase in potential trip generation under the Beaverton Station Community – Sunset (SC-S) zoning. Primarily this is due to a greater height allowance under Beaverton zoning than under County zoning. The SC-S zone is unique to the Peterkort area and it is recognized that it could be refined to constrain use under the SC-S zone to ensure “maximum” trip generation potential cannot exceed that which could be achievable under the County zones for these parcels (TO: R40-80, TO:R80-120, and TO:BUS). In order to ensure a No Significant Effect finding, and to preclude the need for a 20-year transportation operational analysis, this led to a recommendation that the SC-S zoning code text be amended to regulate the maximum amount of specific types of land uses which could be developed on the SC-S zoned land as follows:

Residential	5,115 du (attached housing)
Office/Commercial	7,200,000 sf
Retail	3,500,000 sf
Hi-Turnover Sit-Down Restaurants	65,900 sf (13 maximum)
Quality Restaurants	194,600 sf (16 maximum)

In summary, with the concurrent text amendment to the Station Community – Sunset (SC-S) zoning code language to limit the size of potential development by use to ensure equivalent trip generating potential, this analysis concludes that the proposed zone change from County zoning to Beaverton SC-S zoning on Parcels 7, 12/17, Hillside, and the Station site would not have a significant effect on the transportation system. For this reason, no detailed 20-year forecast or buildout level forecast of traffic operations is warranted for these parcels concurrent with the assignment of City SC-S zoning and approval of the concurrent text amendment to the SC-S zone.

Performance Measures: It is important to note that, just as under County zoning, Development Code, and R&O 86-95 requirements, the ability to develop land uses within the constraints established by the City of Beaverton’s Zoning and Development Code, requires the ability to provide specific transportation operations analyses showing that the actual proposed development can be safely and efficiently served by the impacted transportation system, with or without recommended mitigation. In fact, Beaverton’s adopted performance standards are more stringent than current adopted County standards. Beaverton requires mitigation to ensure a volume/capacity ratio of 0.98 is maintained while Washington County requires a 0.99 V/C rate. Beaverton requires a study encompassing the 5% impact area while the County requires a 10% impact area analysis. Past transportation studies prepared by TCG for the Peterkort parcels have indicated that some additional roadway system mitigation is anticipated to support “reasonable” worst-case levels of mixed use development, with the level of development trip generation deemed serviceable in past studies measuring well below the “theoretical” zoned trip generating capacity of the parcels identified in Tables 2, 3, 4, and 5.

COMPARISON OF DEVELOPMENT POTENTIAL

Figure 1 depicts the Peterkort-owned parcels being considered for zone change from their current County zoning to new Beaverton zoning. Specifically, Figure 1 illustrates the current County zoning, while Figure 2 depicts the proposed new Beaverton zoning. Both figures list relevant tax lot designations, gross acreage, net acreage, and the past Peterkort Parcel labeling designations.

Table 1 summarizes the parcels under consideration:

Table 1

Parcel Name	Tax Lot	County Zoning	Beaverton Zoning	Gross Acres	Net Acres
Towne Square I	1S1 03A 01600	TO:RC	CC	16.91	16.91
Towne Square II	1S1 03A 01700	TO:RC	CC	9.32	9.32
Parcel 1 Kinder Care, PK West	1S1 03AB 00200	TO: R24-40 TO: R12-18	R1	20.38	8.66
Tract "A"	1S1 03A 02300	TO: R24-40 TO:R40-80	R1	8.83	0.0
Parcel 6	1S1 03A 02100	TO: R24-40	R1	10.76	10.76
Parcel 10	1S1 02BB 07200	TO: R24-40	R1	8.09	8.09
Parcel 11	1S1 02B 00400	TO: R24-40	R1	0.72	0.72
Parcel 7 (Johnson Ck West)	1S1 03A 02200	TO: R40-80	SC-S	11.93	9.21
Parcel 12 (Johnson Ck East) Parcel 17 (Holly)	1S1 02B 00500	TO: R40-80 TO: R80-120 TO:BUS	SC-S	22.04	15.74
Hillside (West) – HS(w)	1S1 03AD 00600	TO: R40-80	SC-S	3.86	1.46
Hillside (East) / Sunset (West)	1S1 02CB 00100	TO: R40-80 TO:BUS	SC-S	21.41	19.77
Sunset (Homestead)	1S1 02CA 00500	TO: BUS	SC-S	3.22	2.70
Sunset (East)	1S1 02CA 00600	TO: BUS	SC-S	0.70	0.23

A detailed series of spreadsheets prepared by Leigh Crabtree, Associate Planner, with the City of Beaverton is included in Appendix A. All calculations assume floor-to-floor heights in office/commercial uses at 10 feet and assume residential dwelling units at an average of 1,000 square feet per unit. A brief summary of each parcel's assumed type and intensity of use follows:

CC Zoned Parcels: Both County and City zoning allow similar types of commercial development including retail and office type uses, with height limited in both cases to yield a maximum of 6 floors of development. Theoretically, this could yield 4,419,598 square feet of developed space on Towne Square I and 2,435,875 square feet on Towne Square II under both County and City zoning. Actual serviceable development intensity is considerably less, though for purposes of establishing zoning criteria, the existing TO:RC matches the City's CC zoning designation. Housing is optional in the City's CC zoning. For purposes of worst-case trip generation, no housing use is considered since it generates less trips per thousand square feet than other potential commercial and retail uses. Table 2 compares trip generating potential under both the existing County TO:RC zoning and the proposed Beaverton CC zoning.

R1 Zoned Parcels: Parcel 1, located at the northwest quadrant of the Barnes/Cedar Hills intersection, is currently zoned TO:R24-40 south of Johnson Creek and TO:R12-18 north of the creek. Maximum height limits would allow up to 5,148,792 square feet of developed space under the County zoning, up to 5,326,517 square feet under City zoning. Development density for this parcel is limited on this parcel not by height, but instead by maximum residential density. Under County zoning, a maximum of 771 dwelling units could be provided while Beaverton zoning would allow a maximum of 888 dwelling units. County zoning however allows, in addition to the residential use, up to 10% of buildable area as commercial use. Table 3 details trip generation for the estimated 81,556 square feet of commercial use as a 5,000 square foot High Turnover Sit Down style restaurant, a 5,000 square foot Day Care (the existing Kinder Care), and the balance as Shopping Center type use.

Development of Parcel 6 under County zoning could yield a maximum of 430 dwelling units and 5,000 square feet of commercial/retail use. Beaverton's R1 zoning could allow up to 469 dwelling units. Table 3 details trip generation comparisons assuming the 5,000 square feet of retail space under County zoning is comprised of a 2,000 square foot coffee/donut shop and the remaining 3,000 square feet is a small convenience store.

Parcel 10 development could yield up to 324 dwelling units and 5,000 square feet of commercial/retail use under County zoning. Beaverton's R1 zoning could allow up to 352 dwelling units. Table 3 details trip generation comparisons assuming the 5,000 square feet of retail space under County zoning is comprised of a 2,000 square foot coffee/donut shop and the remaining 3,000 square feet is a retail shopping structure.

Parcel 11 would support up to 29 dwelling units and 5,000 square feet of commercial/retail use under County zoning and up to 31 dwelling units under Beaverton R1 zoning. Table 3 details trip generation comparisons assuming the 5,000 square feet of retail space under County zoning is comprised of 5,000 square feet of specialty retail space.

Beaverton staff has also compared development potential on the Open Space tract shown on Figures 2 and 3. Under County zoning, staff calculates it could yield 353 apartment units and 5,000 square feet of commercial/retail use. Beaverton's R1 zoning could support 385 dwelling units. Table 3 details trip generation comparisons assuming the 5,000 square feet of retail space under County zoning is comprised of a 2,000 square foot coffee/donut shop and the remaining 3,000 square feet is retail shops.

SC-S Zoned Parcels: Parcel 7, located on the north side of Barnes Road between Cedar Boulevard and Valeria View Drive, is currently zoned TO:R40-80. Under the current zoning, the parcel could support up to 954 dwelling units (assumed at 954,000 sf), a matching 954,000 square feet of office space, and up to 10% retail space (assumed at 212,000 sf). The County zoning includes a provision that retail use shall not exceed 10,000 square foot per parcel, but in the event Parcel 7 is portioned into multiple small parcels, the cumulative 10% retail provision would prevail. Under Beaverton zoning, a minimum of 177 dwelling units is required but the maximum number is only limited by building height. Beaverton's SC-S zoning, as currently adopted, could allow a maximum of 6,236,050 square feet of buildable space. In order to estimate maximum worst-case trip generating potential under City zoning, residential use was held to a minimum with the balance

of buildable area assumed as medical office use with two 5,000 square foot High-Turnover Sit Down style restaurants.

Table 4 illustrates that the SC-S zoning could generate significantly more trip generation than the County TO:R40-80 zoning, prompting the need to pursue text amendments to the SC-S zoning code to limit the amount of each land use type within the SC-S zone to remain compatible with trip generation potential under the current County zoning. As described below, this is the case for all parcels proposed to receive SC-S zoning. Table 5 illustrates trip generation comparisons with capped amounts of use on all of the SC-S zoned parcels in order to assure TPR compliance.

Parcels 12 and 17 (Holly site) are located on the north side of Barnes Road extending from Valeria View Drive east to the Peterkort Centre site. The parcels are bounded on the north by the Johnson Creek corridor. Parcel 12 is currently zoned TO:R40-80 while Parcel 17 (Holly site) is zoned TO:R80-120 and TO:BUS. Beaverton staff has proposed the SC-S zone as the most compatible of existing Beaverton zones. For maximum potential development under the County zoning, housing is required to be maximized at its limit of 2,261 dwelling units. Under the County zoning, allowances of office and commercial use are granted in conjunction with housing. Within the TO:R40-80 zone, up to 50% of total building area can be developed as office use plus an additional allowance of up to 10% commercial. Within the TO:R80-120 zone, up to 25% of total building area can be developed as office use plus an additional allowance of up to 10% commercial. By Beaverton staff's calculations, this could potentially allow up to 3,967,699 square feet of development under County zoning. Under Beaverton's SC-S code, mixed use is required but only with a minimum 302 dwelling units. The remainder of buildable space is theoretically controlled only by height restrictions which could allow development up to 12 stories on the gross acreage. Theoretically, this could yield a total of 11,520,749 square feet of developed space. A significant increase in trip generating potential would exist unless constraints are placed on development under the SC-S zone. For this reason, the SC-S zone text amendment is being processed concurrent with these plan amendment and zone change processes in order to restrict development potential under the SC-S zone to be compatible with that which could be developed under the County zoning.

The Hillside West site is zoned TO:R40-80 and is also proposed for conversion to the SC-S zone. Like Parcels 12 and 17, the potential maximum development under the SC-S zone could significantly exceed that which could be developed under the County zoning. With the maximum 309 dwelling units under the County zoning, Beaverton staff has calculated that total development could reach 686,667 square feet. Under the SC-S zone, staff estimates 2,017,699 square feet of developed space could result. Amendments to the SC-S code are proposed to restrict development to remain compatible with that which could potentially be developed under the TO:R40-80. Under either code, this theoretical maximum development still far exceeds that which can be serviced and supported by the transportation system, notwithstanding mitigation improvements. Regulating the level of development will be addressed through the City's land development entitlement process, with adherence to adopted transportation performance measures remaining as the final determinant of allowable development use, mix, and density.

The Hillside East parcel carries an existing TO:R40-80 zoning and the Sunset West parcel carries a TO:BUS zoning. Both are proposed for conversion to SC-S zoning. Including 391 dwelling units, it is estimated that a potential maximum of 6,889,104 square feet could be developed under

County zoning. Under the SC-S zoning, staff estimates a maximum of 11,191,435 square feet including a minimum of 406 dwelling units could theoretically be developed, based upon height limitation applied over the entire gross site area. Use of a capped SC-S zone will be required to ensure TPR compliance.

The Sunset Homestead parcel, located near the eastern end of the Station site, is currently zoned TO:BUS. Staff estimates that, under County zoning, a minimum of 22 dwelling units would be required and maximum potential development could reach 1,122,105 square feet based upon the eight story height limitation. The Beaverton SC-S zone allows for up to 12 floors, resulting in a potential 1,683,158 square feet with a minimum of 53 dwelling units. Capping use under the SC-S zone will be required for TPR compliance.

The Sunset East parcel is zoned TO:BUS and is slated to convert to SC-S zoning. A minimum of 5 dwelling units would be required under County zoning with maximum potential development based upon 8 floors of maximum height totaling 243,936 square feet. Under the SC-S zone, a minimum of 4 dwelling units would be required and a maximum of up to 304,920 square feet could result given the Beaverton 12 floor height limit. A cap of use within the SC-S zone will be required to assure TPR compliance.

COMPARISON OF TRIP GENERATION POTENTIAL

The land use comparisons prepared by City of Beaverton staff were converted into PM Peak Hour trips utilizing the 8th Edition of the Institute of Transportation Engineers Trip Generation Manual. Basic principles carried throughout the trip generation calculations presented in Tables 2, 3, 4 and 5 are summarized below:

- For maximum trip generation by parcel under the County TO:R24-40, TO:R40-80, and TO:R80-120 zoning, the number of dwelling units is required to be maximized since it allows matching percentages of non-residential building area in commercial and retail uses.
- For maximum trip generation by parcel under the City SC-S zoning, the number of dwelling units is required to be minimized since it generates less trips per thousand square feet of building area than commercial or retail uses.
- All residential use trip generation under both City and County zoning has been based upon ITE Land Use Code 223 for Mid-Rise Apartments.
- All office commercial uses under both City and County zoning have been based upon ITE Land Use Code 720, Medical-Dental Office Clinic as it generates more trips per thousand square feet than general office, is allowed under both City and County zoning, and is a use likely to be sited on Peterkort property in some measure due to the proximity to the St. Vincent Hospital.
- For retail uses, it was determined that the trip tables would consider gross trips and net trips reflecting reduction for pass-by trips. In order to maximize trip generating potential, it was recognized that Quality Restaurants (ITE LU #931) generate more net new trips per thousand square feet of building area than High-Turnover Sit-Down style restaurants (ITE LU#932) due to the pass-by trip reduction. Both generate trips at a higher trip rate per thousand square feet than Shopping Center (ITE Land Use Code #820). Under both County and City zoning, the total number of restaurants are held equal and approximates

the number and density of restaurants found at the Bridgeport Village development, reflecting the anticipation that the market in the Peterkort area is capable of sustaining a similar number of establishments.

- No modal trip reduction or mixed use trip reduction has been assumed in this analysis as the level of development specificity is unavailable for this high-level comparison.

Table 2, attached at the end of this letter, summarizes potential worst-case trip generation potential for the two commercially zoned parcels located adjacent to Cedar Hills Boulevard and between US-26 and Barnes Road. These parcels are referred to as Peterkort Centre I (the existing retail facility) and Peterkort Centre II (the vacant site previously considered for a WalMart). Under either County TO:RC zoning or City CC zoning, gross PM Peak hour trips could theoretically reach approximately 24,378 vehicles per hour with net trips totaling 22,150 trips per hour. As such, No Significant Effect on the transportation system is expected from the application of the proposed CC zoning designation. By comparison, past Peterkort transportation master plan studies considered actual development proposals, or conceivable "reasonable" worst-case development, on these two sites totaling approximately 1100 net PM Peak Hour vehicular trips. This reinforces the previous assertion that this TPR compliance comparison of theoretical maximum worst-case trip generation for purposes of matching zoning requirements is an exercise which yields very little insight to how specific future development will be delivered. That remains to be determined through subsequent transportation master plan and traffic impact analysis studies.

Table 3 at the end of this letter provides a summary of potential worst-case trip generation for Parcels 1, 6, 10, 11, and the Open Space tract. While development has already occurred on the northern portion of Parcel 1 and the full area of Parcels 6, 10, and 11, the worst-case trip generation assumptions presented in Table 3 are based upon zoning capacity under current County zoning and proposed Beaverton R1 zoning, and are not based on actual built product. As described on pages 4 and 5, the Beaverton R1 zoning would allow slightly more residential dwelling units compared with current County zoning. The County zoning however allows for some development of supportive commercial/retail space. Table 3 summarizes theoretical worst-case trip generation potential under County and City zoning and finds that potentially the County zoning could generate 335 more PM Peak Hour trips than could be generated under City R1 zoning. Theoretically, County zoning could generate 1164 PM Peak Hour net trips cumulatively on all of these parcels. By comparison, based upon recent traffic counts and prior Traffic Impact Analyses, actual built development under County zoning on the developed parcels is generating approximately 233 trips in the PM Peak Hour compared with the theoretical maximum under County zoning of 475 trips for these same developed parcels. No Significant Effect on the transportation system is thus anticipated through the application of the R1 zoning on the parcels being considered in this application.

Table 4, attached at the end of this letter, provides a summary of theoretical worst-case trip generation for Parcels 7, 12/17, the Hillside Parcel, and the Parcels which comprise the Station site. Under current County zoning, these parcels could theoretically generate 37,311 net PM Peak Hour trips. With the SC-S zoning as it currently exists, 111,948 net PM Peak Hour trips could theoretically be generated. Because of this disparity, the SC-S zoning text is being amended to restrict the amount of residential density and non-residential floor area development in order to ensure theoretical trip generating capacity is reduced below that which could theoretically be developed under the existing County zoning. Table 5 at the end of this letter reflects trip

generation with cumulatively capped non-residential development at 10,960,500 square feet for all SC-S zoned parcels, limited as follows:

Residential	5,115 du (attached housing)
Office/Commercial	7,200,000 sf
Retail	3,500,000 sf
Hi-Turnover Sit-Down Restaurants	65,900 sf (13 maximum)
Quality Restaurants	194,600 sf (16 maximum)

The resulting theoretical cumulative PM Peak Hour net trip generation with SC-S land use caps in place is 37,305 trips, approximately 6 trips below that which could theoretically be developed under County zoning. By comparison, past Peterkort transportation master plan studies have proven the ability to service approximately 3,200 net PM Peak Hour trips on Parcels 7, 12, 17, Hillside, and Station site. With the SC-S zone capped as detailed above, maximum trip generating potential for these parcels will be slightly reduced from that which could theoretically be generated under County zoning. As such, No Significant Effect is anticipated from the rezoning of these parcels to the City SC-S zone designation.

TRANSPORTATION PLANNING RULE COMPLIANCE

This section evaluates the compliance of the proposed land use actions with TPR. OAR Section 660-12-0060 of the TPR establishes the criteria for evaluating comprehensive plan and zoning amendments. Table 6 summarizes the criteria in Section 660-012-0060 and their applicability to the proposed rezoning of Peterkort parcels.

Table 6
Summary of OAR 660-012-0060 Criteria

Criteria	Description	Applicable?
1	Describes how to determine if a proposed plan or zone change amendment results in a significant effect.	See response below
2	Describes measures for complying with Criteria #1 where a significant effect is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity, and performance standards of the transportation facility.	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with appropriate road authority agencies. (ODOT, City, and County)	See response below
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Provides guidelines for mixed-use, pedestrian-friendly neighborhoods.	No

As noted in Table 6, there are eight criteria that apply to Comprehensive Plan and Zoning Amendments. Of these, Criteria #1 and Criteria #4 are applicable to the Peterkort proposed amendments. These criteria are provided below in italics with our response shown accordingly.

- (1) *Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *As measured at the end of the planning period identified in the adopted transportation system plan:*
 - (A) *Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
 - (C) *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

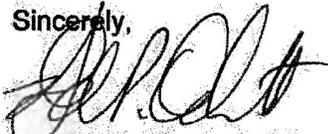
Response: The transportation impacts of the proposed plan and zoning amendments, when accompanied by the concurrent text amendment to the SC-S zone, will be a net reduction in trip generation potential compared to that which could theoretically be generated under current County zoning. As such, the proposed land use actions do not have a Significant Effect on the transportation system for TPR purposes.

- (4) *Determinations under sections (1) – (3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

Response: The assessment of transportation impacts associated with this series of land use actions is being coordinated with ODOT, the City of Beaverton, and Washington County. Meetings have been held with agency representatives to discuss the methodology used in this analysis.

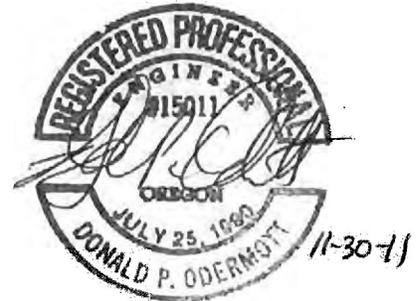
I trust this letter adequately addresses the comparative transportation impacts associated with the City of Beaverton and Peterkort's proposed plan and zone amendments on the subject parcels. If you have any questions or comments, please contact me at (503) 969-6255.

Sincerely,



Donald P. Odermott, PE
Transportation Consulting Group

- Figure 1 Existing County Zoning Map
- Figure 2 Proposed Beaverton Zoning Map
- Table 2 Maximum Worst-Case Trip Generation for Commercial Zoned Parcels
- Table 3 Maximum Worst-Case Trip Generation for Residential Zoned Parcels
- Table 4 Maximum Worst-Case Trip Generation for SC-S Zone Mixed-Use Parcels
- Table 5 Maximum Worst-Case Trip Generation for Capped SC-S Zone Mixed-Use Parcels
- Attachment A Land Use Development Assumptions



Expires 12-31-12

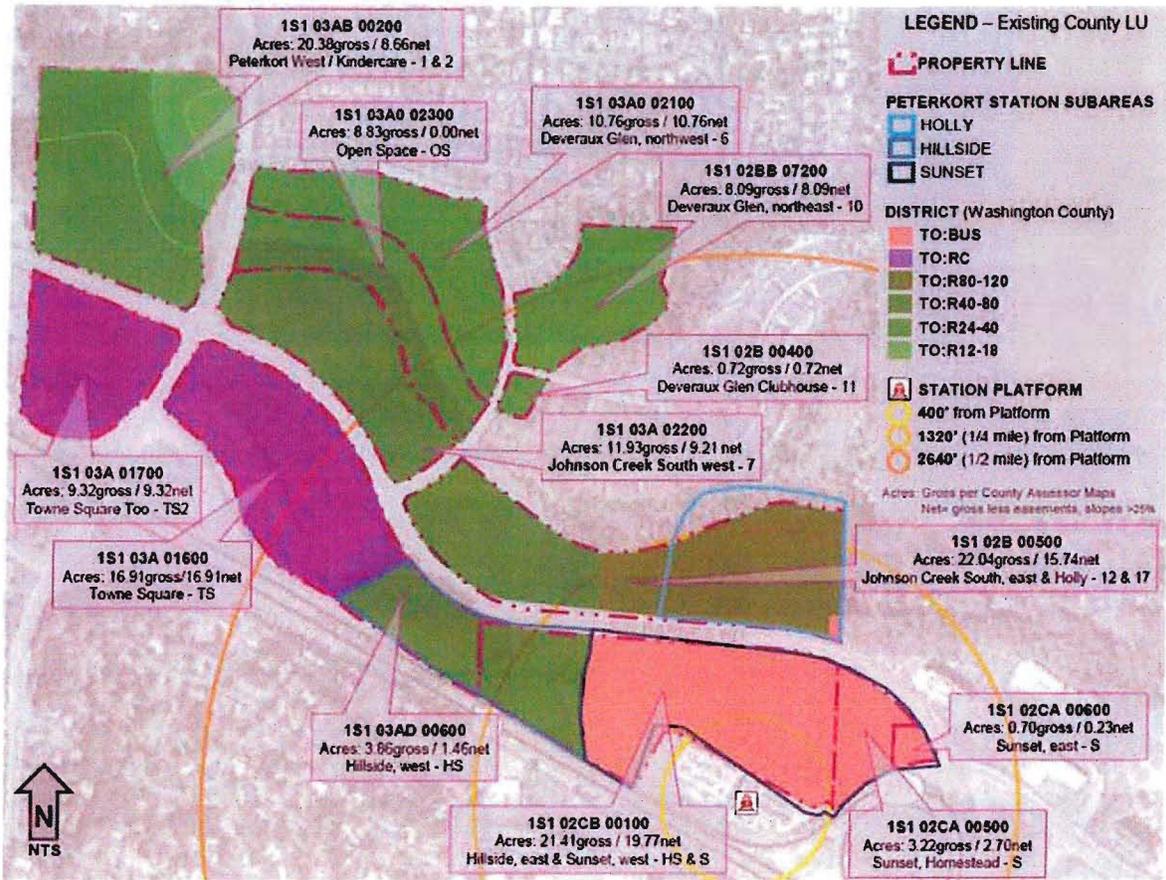


Figure 1

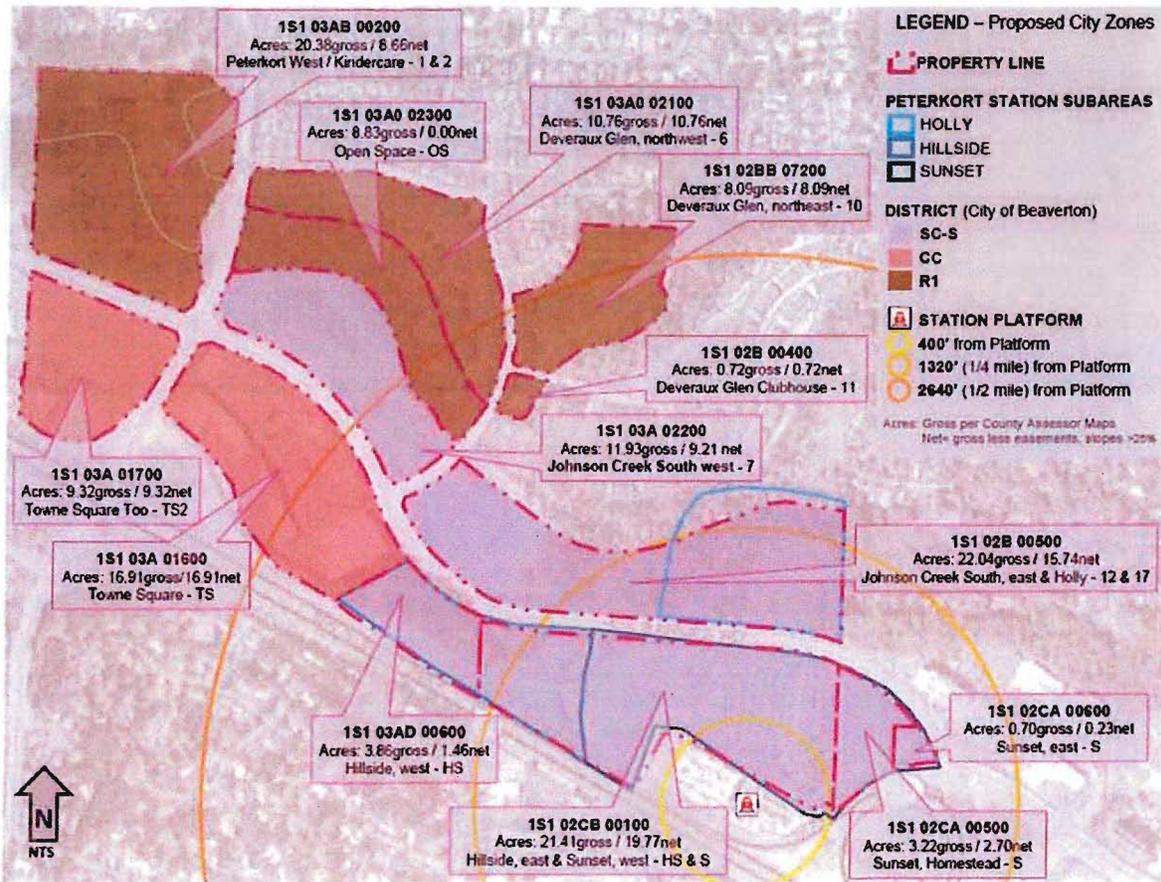


Figure 2

Table 2

Transportation Planning Rule Compliance - Trip Comparison for Commercial Zoned Parcels

Parcel	Existing County Zoning (Maximum Worst-Case)				Parcel	Beaverton Proposed Zoning (Maximum Worst-Case)				Net Trip Change				
	Area	Rate	PM Trips	Less Pass-By		Area	Rate	PM Trips	Less Pass-By					
Towne Square II (TO-RC)	Shopping Center (LU 820)	598,969 sf	3.73	2,234	1,475	34%	Towne Square II (CC)	Shopping Center (LU 820)	598,969 sf	3.73	2,234	1,475	34%	
	Medical Office (LU 720)	1,826,906 sf	3.46	6,321	6,321	0%		Medical Office (LU 720)	1,826,906 sf	3.46	6,321	6,321	0%	
	Hi-Turn SitDownRestaurant (LU 932)	5,000 sf	11.15	56	32	43%		Hi-Turn SitDownRestaurant (LU 932)	5,000 sf	11.15	56	32	43%	
	Hi-Turn SitDownRestaurant (LU 932)	5,000 sf	11.15	56	32	43%		Hi-Turn SitDownRestaurant (LU 932)	5,000 sf	11.15	56	32	43%	
							Max = 2,435,875 sf				0			
Towne Square I (TO-RC)	Shopping Center (LU 820)	1,082,304 sf	3.73	4,037	2,664	34%	Towne Square I (CC)	Shopping Center (LU 820)	1,082,304 sf	3.73	4,037	2,664	34%	
	Medical Office (LU 720)	3,314,699 sf	3.46	11,469	11,469	0%		Medical Office (LU 720)	3,314,699 sf	3.46	11,469	11,469	0%	
	Hi-Turn SitDownRestaurant (LU 932) - 3 Each	5,000 sf	11.15	56	32	43%		Hi-Turn SitDownRestaurant (LU 932)	5,000 sf	11.15	56	32	43%	
	Hi-Turn SitDownRestaurant (LU 932) - 3 Each	5,000 sf	11.15	56	32	43%		Hi-Turn SitDownRestaurant (LU 932)	5,000 sf	11.15	56	32	43%	
	Quality Restaurant (LU 931)	12,596 sf	7.49	94	94	0%		Quality Restaurant (LU 931)	12,596 sf	7.49	94	94	0%	
							Max = 4,419,598 sf				0			

Total Gross Trips (8th Edition ITE) = 24,378
 Gross less Pass-By/Diverted Trips (8th Edition ITE) = 22,150

Total Gross Trips (8th Edition ITE) = 24,378
 Gross less Pass-By/Diverted Trips (8th Edition ITE) = 22,150

Proposed Zoning minus Existing Zoning (Net Maximum Worst-Case Trips in PM Peak Hour) = 0

Table 4

Transportation Planning Rule Compliance - Trip Comparison for Mixed Use Zones with Existing SC-5 Code

Parcel	Existing County Zoning (Maximum Worst-Case)					Parcel	Revertory Proposed Zoning (Maximum Worst-Case)					Net Trip Change		
	Area	PM Rate	PM Trips	AM Trips	Pass-By %		Area	PM Rate	PM Trips	AM Trips	Pass-By %			
Station (West) (TO-BUS) Hillside (East) (R 40-80)	TO-BUS: Medical Office (LU 720)	1,453,129	sf	3.46	12,640	12,640	0%	Medical Office (LU 720)	10,768,235	sf	3.46	37,258	37,258	0%
	Mid-Rise Apartment (LU 223)	128	unit	0.39	48	48	0%	Mid-Rise Apartment (LU 223)	128	unit	0.39	127	127	0%
	Shopping Center (LU 820)	7,437,026	sf	3.73	9,185	6,049	34%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%
					Max = 11,191,435 sf by Ht					58,157	18,106	17,400		
Station Homestead (TO-BUS)	Medical Office (LU 720)	681,269	sf	3.46	2,253	2,253	0%	Medical Office (LU 720)	1,640,158	sf	3.46	5,676	5,676	0%
	Mid-Rise Apartment (LU 223)	72	unit	0.39	9	9	0%	Mid-Rise Apartment (LU 223)	41	unit	0.39	17	17	0%
	Shopping Center (LU 820)	411,642	sf	3.73	1,543	1,018	34%							
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%							
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%							
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%							
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%							
					Max = 1,683,158 sf by Ht					1,882	1,686	1,294		
Station (East) (TO-BUS)	Medical Office (LU 720)	147,362	sf	3.46	469	469	0%	Medical Office (LU 720)	265,720	sf	3.46	819	819	0%
	Mid-Rise Apartment (LU 223)	72	unit	0.39	9	9	0%	Mid-Rise Apartment (LU 223)	72	unit	0.39	72	72	0%
	Shopping Center (LU 820)	65,374	sf	3.73	233	154	34%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%							
					Max = 304,920 sf by Ht					1,172	1,119	174		
Hillside (R40-80)	Medical Office (LU 720)	309,000	sf	3.46	1,069	1,069	0%	Medical Office (LU 720)	1,985,009	sf	3.46	6,905	6,905	0%
	Mid-Rise Apartment (LU 223)	72	unit	0.39	121	121	0%	Mid-Rise Apartment (LU 223)	72	unit	0.39	72	72	0%
	Shopping Center (LU 820)	17,767	sf	3.73	141	93	34%							
	Quality Restaurant (LU 931)	10,000	sf	7.49	75	75	0%							
	Quality Restaurant (LU 931)	10,000	sf	7.49	75	75	0%							
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%							
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%							
					Max = 2,017,609 sf					1,852	1,852	1,852		
Parcel 7 (R40-80)	Mid-Rise Apartment (LU 223)	72	unit	0.39	372	372	0%	Mid-Rise Apartment (LU 223)	72	unit	0.39	69	69	0%
	Medical Office (LU 720)	354,000	sf	3.46	3,301	3,301	0%	Medical Office (LU 720)	6,049,769	sf	3.46	20,930	20,930	0%
	Quality Restaurant (LU 931)	17,800	sf	7.49	94	94	0%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Shopping Center (LU 820)	149,975	sf	3.73	706	466	34%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%							
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%							
					Max = 6,236,050 sf based on bldg height					11,213,749	38,817	38,817		
Parcel 12 (TO: BUS) Parcel 17 (TO: R40-80) (TO: R80-120)	Mid-Rise Apartment (LU 223)	72	unit	0.39	882	882	0%	Mid-Rise Apartment (LU 223)	72	unit	0.39	118	118	0%
	Medical Office (LU 720)	3,276,997	sf	3.46	4,427	4,427	0%	Medical Office (LU 720)	11,213,749	sf	3.46	38,817	38,817	0%
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%	Hi-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%
	Quality Restaurant (LU 931)	12,800	sf	7.49	94	94	0%							
Shopping Center (LU 820)	404,762	sf	3.73	1,510	996	34%								
					Max = 11,520,749 sf					10,342	10,342	10,342		

Total Gross Trips (8th Edition ITE) = 42,181
Gross less Pass-By/Diverted Trips (8th Edition ITE) = 37,311

Total Gross Trips (8th Edition ITE) = 112,146
Gross less Pass-By/Diverted Trips (8th Edition ITE) = 111,846

Proposed Zoning minus Existing Zoning (Net Maximum Worst-Case Trips in PM Peak Hour) = 74,637

Maximum Square Footage by Type (SC-5 Parcels):	
Residential	3,343
Commercial	7,256,151
Shopping Center Retail	1,370,963
Hi-Turn Sit-Down Restaurant Retail (13)	65,000
Quality Restaurant Retail (16)	184,600

Maximum Square Footage by Type (SC-5 Parcels):	
Residential	877
Commercial	21,937,611
Shopping Center Retail	0
Hi-Turn Sit-Down Restaurant Retail (8)	40,000
Quality Restaurant Retail (9)	111,400

Appendix A

1S1 03A 01700 - Towne Square II - TSII

9.32 gross acres / 7.46 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

		WASHINGTON COUNTY	CITY OF BEAVERTON	COUNTY	CITY
District		TO:RC land use district	CC zoning use district		
Residential Requirements	minimum maximum	no dwelling unit requirement	81 dwelling units (not required) 406 dwelling units (not required)		
FAR Requirements	minimum maximum	101,495 square feet (0.25 FAR (CDC)) no maximum	no FAR requirement		
		Development Potential	Development Potential	TPR Assumptions	TPR Assumptions
Residential	low high		81,000 square feet to 406,000 square feet	ratios	ratios
Office	low high	76,121 square feet to 1,826,906 square feet		square feet	square feet
Commercial	low high	25,374 square feet to 608,969 square feet		0%	3%
				-	65,000
				79%	1,925,875
				78%	1,860,875
				21%	510,000
				21%	510,000
Total	low high	101,495 square feet 2,435,875 square feet	81,000 square feet 2,435,875 square feet		
				2,435,875	2,435,875
				100%	2,435,875
High Development Potential - Calculation Narrative		maximum building mass (gross square feet of tax lot multiplied by the number of floors under the maximum building height of the district)	maximum building mass (gross square feet of tax lot multiplied by the number of floors under the maximum building height of the district)		
Building Mass	maximum	324,958 sf (1 floor on net acreage) 1,949,746 sf (6 floors on net acreage) 2,435,875 sf (6 floors on gross acreage)	324,958 sf (1 floor on net acreage) 1,949,746 sf (6 floors on net acreage) 2,435,875 sf (6 floors on gross acreage)		

1S1 03A 01600 - Towne Square - TS

16.91 gross acres / 13.53 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

		WASHINGTON COUNTY	CITY OF BEAVERTON	COUNTY	CITY
District		TO;RC land use district	CC zoning use district		
Residential Requirements	minimum maximum	no dwelling unit requirement	147 dwelling units (not required) 737 dwelling units (not required)		
FAR Requirements	minimum maximum	202,576 square feet (0.25 FAR (CDC)) no maximum	no FAR requirement		
		Development Potential	Development Potential	TPR Assumptions	TPR Assumptions
Residential	low high		147,000 gsf to 737,000 gsf	ratios square feet	ratios square feet
Office	low high	151,932 square feet 3,314,699 square feet		0% -	0% -
Commercial	low high	50,644 square feet 1,104,900 square feet		79% 3,497,002	79% 3,497,002
Total	low	202,576 square feet	147,000 square feet		
	high	4,419,599 square feet	4,419,598 square feet	4,419,598 100% 4,419,599	4,419,598 100% 4,419,598
High Development Potential - Calculation Narrative		maximum building mass (gross square feet of tax lot multiplied by the number of floors under the maximum building height of the district)	maximum building mass (gross square feet of tax lot multiplied by the number of floors under the maximum building height of the district)		
Building Mass		589,367 gsf (1 floor on net acreage)	589,367 gsf (1 floor on net acreage)		
		3,536,201 gsf (6 floors on net acreage)	3,536,201 gsf (6 floors on net acreage)		
	maximum	4,419,598 gsf (6 floors on gross acreage)	4,419,598 gsf (6 floors on gross acreage)		

1S1 03AB 00200 - Kindercare, Open Space, Peterkort West - 1

20.38 gross acres / 9.73 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

		WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY		CITY	
District		TO:R12-18 land use district TO:R24-40 land use district		R1 zoning use district					
Residential Requirements	minimum maximum	267 771	dwelling units, minimum dwelling units, maximum	302 888	dwelling units, minimum dwelling units, maximum				
FAR Requirements	minimum maximum	563,666 no	gsf, minimum maximum	no	FAR				
		Development Potential		Development Potential		TPR Assumptions		TPR Assumptions	
						ratios	square feet	ratios	square feet
Residential	low to high	267,000 to 771,000	square feet square feet	302,000 to 888,000	square feet square feet	90%	771,000	100%	888,000
Office	low high					0%	-	0%	
Commercial	low high		81,556 square feet (up to 10% commercial)			1%	10,000	0%	-
Total	low high	267,000 852,556	square feet square feet	302,000 888,000	square feet square feet		781,000		888,000
High Development Potential - Calculation Narrative		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit + potential commercial		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit.		92%	852,556	100%	888,000
Building Mass	maximum	423,839 2,401,027 5,148,792	gsf building mass (1 floor on net acreage) gsf building mass (4 or 6 floors on net acreage) gsf building mass (4 or 6 floors on gross acreage)	423,839 2,543,033 5,326,517	gsf building mass (1 floor on net acreage) gsf building mass (6 floors on net acreage) gsf building mass (6 floors on gross acreage)				

1S1 03A 02100 - Deveraux Glen, northwest - 6

10.76 gross acres / 8.61 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

		WASHINGTON COUNTY	CITY OF BEAVERTON	COUNTY	CITY
District		TO:R24-40 land use district	R1 zoning use district		
Residential Requirements	minimum	258 dwelling units, minimum	375 dwelling units, minimum		
	maximum	430 dwelling units, maximum	469 dwelling units, maximum		
FAR Requirements	minimum	304,659 gsf, minimum 0.65 FAR (CDC)	no FAR		
	maximum	no maximum			
		Development Potential	Development Potential	TPR Assumptions	TPR Assumptions
Residential	low	258,000 square feet	375,000 square feet	ratios	ratios
	high	430,000 square feet	469,000 square feet	square feet	square feet
Office	low			99%	430,000
	high			100%	469,000
Commercial	low			0%	-
	high	< 5,000 square feet (WashCo CDC, 375-7(3))		0%	-
Total	low	258,000 square feet	375,000 square feet	1%	5,000
	high	435,000 square feet	469,000 square feet		
High Development Potential - Calculation Narrative		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit + potential commercial	The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit.		
Building Mass		375,052 square feet (1 floor on net acres)	375,052 square feet (1 floor on net acres)		
		2,250,310 square feet (6 floors on net acres)	2,250,310 square feet (6 floors on net acres)	435,000	469,000
	maximum	2,812,234 square feet (6 floors on gross acres)	2,812,234 square feet (6 floors on gross acres)	100%	435,000
				100%	469,000

1S1 02BB 07200 - Deveraux Glen, northeast - 10

8.09 gross acres / 6.47 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

		WASHINGTON COUNTY	CITY OF BEAVERTON	COUNTY	CITY
District		TO:R24-40 land use district	R1 zoning use district		
Residential Requirements	minimum	194 dwelling units, minimum	282 dwelling units, minimum		
	maximum	324 dwelling units, maximum	352 dwelling units, maximum		
FAR Requirements	minimum	229,060 sq. ft. minimum (0.65 FAR (CDC))	no FAR requirement		
	maximum	no maximum			
		Development Potential	Development Potential	TPR Assumptions	TPR Assumptions
Residential	low	194,000 square feet	282,000 square feet	ratios	ratios
	high	324,000 square feet	352,000 square feet	square feet	square feet
Office	low			96%	100%
	high			324,000	352,000
Commercial	low			0%	0%
	high	< 5,000 square feet (WashCo CDC, 375-7(3))		0%	-
Total	low	194,000 square feet	282,000 square feet	2%	5,000
	high	329,000 square feet	352,000 square feet		0%
					329,000
					352,000
High Development Potential - Calculation Narrative		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit + potential commercial		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit.	
Building Mass		281,833 square feet (1 floor on net acres)	281,833 square feet (1 floor on net acres)		
		1,690,999 square feet (6 floors on net acres)	1,690,999 square feet (6 floors on net acres)		
	maximum	2,114,402 square feet (6 floors on gross acres)	2,114,402 square feet (6 floors on gross acres)		
				100%	329,000
				100%	352,000

1S1 02B 00400 - Deveraux Glen, Clubhouse - 11

0.72 gross acres / 0.58 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

		WASHINGTON COUNTY	CITY OF BEAVERTON	COUNTY	CITY
District		TO:R24-40 land use district	R1 zoning use district		
Residential Requirements	minimum	17 dwelling units, minimum	25 dwelling units, minimum		
	maximum	29 dwelling units, maximum	31 dwelling units, maximum		
FAR Requirements	minimum	20,386 gsf, minimum (0.65 FAR (CDC))	no FAR requirement		
	maximum	no maximum			
		Development Potential	Development Potential	TPR Assumptions	TPR Assumptions
Residential	low	17,000 square feet	25,000 square feet	ratios	square feet
	high	29,000 square feet	31,000 square feet	ratios	square feet
Office	low			85%	29,000
	high			100%	31,000
Commercial	low			0%	-
	high	< 5,000 square feet (WashCo CDC, 375-7(3))		0%	-
Total	low	17,000 square feet	11,520,749 square feet	15%	5,000
	high	34,000 square feet	31,000 square feet		
					34,000
					31,000
				100%	34,000
				100%	31,000
High Development Potential - Calculation Narrative		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit + potential commercial	The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit		
Building Mass		25,265 square feet (1 floor on net acres)	25,265 square feet (1 floor on net acres)		
		151,589 square feet (6 floors on net acres)	151,589 square feet (6 floors on net acres)		
	maximum	188,179 square feet (6 floors on gross acres)	188,179 square feet (6 floors on gross acres)		

1S1 03A 02200 - Johnson Creek South, west portion - 7

11.93 gross acres / 7.37 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

		WASHINGTON COUNTY	CITY OF BEAVERTON	COUNTY	CITY
District		TO:R40-80 land use district	SC-S zoning use district		
Residential Requirements	minimum maximum	477 dwelling units, minimum 954 dwelling units, maximum	177 dwelling units, minimum no dwelling units, maximum		
FAR Requirements	minimum maximum	519,671 gsf, minimum (1.00 FAR (CDC)) no maximum	192,570 gsf, minimum (0.60 FAR) no maximum		
		Development Potential	Development Potential	TPR Assumptions	TPR Assumptions
Residential	low to high	477,000 square feet to 954,000 square feet	177,000 square feet	ratios	square feet
Office	low high	954,000 square feet (up to 50% of all development)		45%	954,000
Commercial	low high	212,000 square feet (up to 10% retail, <10,000sf)		3%	177,000
				45%	954,000
				97%	6,049,050
				9%	190,800
				0%	10,000
Total	low high	477,000 square feet 2,120,000 square feet	177,000 square feet 6,236,050 square feet	99%	2,120,000
				100%	6,236,050
High Development Potential - Calculation Narrative		The maximum number of dwelling units allowed by zone multiplied by 1,000 square feet per dwelling unit + the maximum office allowance + the maximum commercial allowance	The maximum Building Mass (gross site square feet of tax lot multiplied by the number of floors under the maximum building height of the district)		
Building Mass	maximum	321,037 square feet (1 floor on net acres) 2,568,298 square feet (8 floors on net acres) 4,157,366 square feet (8 floors on gross acres)	321,037 square feet (1 floor on net acres) 3,852,446 square feet (12 floors on net acres) 6,236,050 square feet (12 floors on gross acres)		

1S1 02B 00500 - Holly & Johnson Creek South, east portion - 12 & 17

22.04 gross acres / 12.59 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

		WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY		CITY	
District		TO:BUS land use district TO:R80-120 land use district TO:R40-80 land use district		SC-S zoning use district					
Residential Requirements	minimum maximum	1,072 dwelling units 2,247+ dwelling units		302 dwelling units no dwelling units					
FAR Requirements	minimum maximum	960,062 square feet (1.00 FAR (CDC)) no maximum		329,105 square feet (0.60 FAR) no maximum					
		Development Potential		Development Potential		TPR Assumptions		TPR Assumptions	
						ratios	square feet	ratios	square feet
Residential	low	1,072,000	square feet	302,000	square feet				
	high	2,261,000	square feet			57%	2,247,000	3%	302,000
Office	low								
	high	1,279,397	square feet			31%	1,232,844	97%	11,208,749
Commercial	low								
	high	427,302	sf (up to 10% R, 40% com BUS)			6%	228,771	0%	10,000
Total	low	1,072,000	square feet	302,000	square feet				
	high	3,967,699	square feet	11,520,749	square feet	93%	3,967,699	100%	11,520,749
High Development Potential - Calculation Narrative		TO:R = maximum dwelling units allowed by zone multiplied by 1,000 sf/du + maximum office allowance (up to 50% 40-80, 25% 80-120) + maximum commercial allowance of up to 10%		The maximum building mass (gross site square feet of tax lot multiplied by the number of floors under the maximum building height of the district)					
		TO:BUS = maximum building mass (gross square feet of BUS zoned area multiplied by the number of floors under the maximum building height of the district). Includes the minimum dwelling unit share required by ASC 11 multiplied by 1,000 sf/du + maximum commercial allowance of up to 40% + remainder to office							
Building Mass		548,420	square feet (1 floor on net acres)	548,420	square feet (1 floor on net acres)				
		4,387,363	square feet (8 floors on net acres)	6,581,045	square feet (12 floors on net acres)				
	maximum	7,680,499	square feet (8 floors on gross acres)	11,520,749	square feet (12 floors on gross acres)				

1S1 03AD 00600 - Hillside, west portion - HS

3.86 gross acres / 1.17 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

		WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY		CITY	
District		TO:R40-80 land use district		SC-S zoning use district					
Residential Requirements	minimum	107	dwelling units, minimum (CH-CM)	28	dwelling units, minimum				
	maximum	309	dwelling units, maximum	no	dwelling units, maximum				
FAR Requirements	minimum	168,142	gsf, minimum (1.00 FAR (CDC))	30,527	gsf, minimum (0.60 FAR)				
	maximum	no	maximum	no	maximum				
		Development Potential		Development Potential		TPR Assumptions		TPR Assumptions	
						ratios	square feet	ratios	square feet
Residential	low	110,000	square feet	28,000	square feet				
	high	309,000	square feet			45%	309,000	1%	22,000
Office	low	-	square feet						
	high	309,000	square feet			45%	309,000	99%	1,995,699
Commercial	low	-	square feet						
	high	68,667	square feet			4%	30,900	0%	
Total	low	110,000	square feet	28,000	square feet				
	high	686,667	square feet	2,017,699	square feet	94%	686,667	100%	2,017,699
High Development Potential - Calculation Narrative		maximum dwelling units allowed by zone multiplied by 1,000 sf/du + maximum office allowance of up to 50% + maximum commercial allowance of up to 10%		The maximum building mass (gross site square feet of tax lot multiplied by the number of floors under the maximum building height of the district)					
Building Mass	maximum	50,965	square feet (1 floor on net acres)	50,965	square feet (1 floor on net acres)				
		407,722	square feet (8 floors on net acres)	611,582	square feet (12 floors on net acres)				
		1,345,133	square feet (8 floors on gross acres)	2,017,699	square feet (12 floors on gross acres)				

1S1 02CB 00100 - Hillside, east portion & Sunset, west portion

21.41 gross acres / 15.82 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

		WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY		CITY	
District		TO:BUS land use district TO:R40-80 land use district		SC-S zoning use district					
Residential Requirements	minimum maximum	216 dwelling units, minimum (CH-CM) 268+ dwelling units, maximum		406 dwelling units, minimum no dwelling units, maximum					
FAR Requirements	minimum maximum	932,620 gsf, minimum (1.00 FAR (CDC)) no maximum		413,367 gsf, minimum (0.60 FAR) no maximum					
		Development Potential		Development Potential		TPR Assumptions		TPR Assumptions	
						ratios	square feet	ratios	square feet
Residential	low	216,000	square feet	406,000	gsf				
	high	391,000	square feet			6%	392,000	3%	325,000
Office	low	349,016	square feet						
	high	3,921,129	square feet			57%	3,920,129	96%	10,768,235
Commercial	low	314,677	square feet						
	high	2,576,975	square feet			37%	2,571,020	1%	98,200
Total	low	879,693	square feet	406,000	square feet				
	high	6,889,104	square feet	11,191,435	square feet	100%	6,889,104	100%	11,191,435
High Development Potential - Calculation Narrative		TO:R = maximum dwelling units allowed by zone multiplied by 1,000 sf/du + maximum office allowance (up to 50% 40-80) + maximum commercial allowance of up to 10%		The maximum building mass (gross site square feet of tax lot multiplied by the number of floors under the maximum building height of the district)					
		TO:BUS = maximum building mass (gross square feet of BUS zoned area multiplied by the number of floors under the maximum building height of the district). Includes the minimum dwelling unit share required by ASC 11 multiplied by 1,000 sf/du + maximum commercial allowance of up to 40% + remainder to office							
Building Mass		689,119	square feet (1 floor on net acres)	689,119	square feet (1 floor on net acres)				
		5,512,954	square feet (8 floors on net acres)	8,269,430	square feet (12 floors on net acres)				
	maximum	7,460,957	square feet (8 floors on gross acres)	11,191,435	square feet (12 floors on gross acres)				
		none no building height maximum (Table H (A)) in the Sunset District CH-CM Community Plans, ASC 11. 9							

1S1 02CA 00500 - **Sunset**, Homestead portion - S

3.22 gross acres / 2.16 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

		WASHINGTON COUNTY	CITY OF BEAVERTON	COUNTY	CITY
District		TO:BUS land use district	SC-S zoning use district		
Residential Requirements		22 dwelling units, minimum (CH-CM) no dwelling units, maximum	53 dwelling units, minimum no dwelling units, maximum		
FAR Requirements		140,263 gsf, minimum (1.00 FAR (CDC)) no maximum	56,454 gsf, minimum (0.60 FAR) no maximum		
		Development Potential	Development Potential	TPR Assumptions ratios	TPR Assumptions square feet
Residential	low	22,000 square feet	53,000 square feet		
	high	22,000 square feet		2%	21,000
Office	low	62,158 square feet			
	high	651,263 square feet		58%	652,264
Commercial	low	56,105 square feet			
	high	448,842 square feet		40%	448,842
Total	low	140,263 square feet	53,000 square feet		
	high	1,122,105 square feet	1,683,158 square feet	100%	1,122,105
High Development Potential - Calculation Narrative		maximum building mass (gross square feet of BUS zoned area multiplied by the number of floors under the maximum building height of the district). Includes the minimum dwelling unit share required by ASC 11 multiplied by 1,000 sf/du + maximum commercial allowance of up to 40% + remainder to office	The maximum building mass (gross site square feet of tax lot multiplied by the number of floors under the maximum building height of the district)		
Building Mass maximum		94,090 square feet (1 floor on net acres)	94,090 square feet (1 floor on net acres)		
		752,717 square feet (8 floors on net acres)	1,129,075 square feet (12 floors on net acres)		
		1,122,106 square feet (8 floors on gross acres)	1,683,158 square feet (12 floors on gross acres)		
	none	no building height maximum (Table B (A)) in the Sunset District CH-CM Community Plan, ASC 11, 9			

1S1 02CA 00600 - **Sunset**, east portion - S

0.70 gross acres / 0.18 net acres

Scenario assumes 1,000 gross square feet per dwelling unit & 10 vertical feet per floor

		WASHINGTON COUNTY		CITY OF BEAVERTON		COUNTY		CITY	
District		TO:BUS land use district		SC-S zoning use district					
Residential Requirements		5 dwelling units, minimum (CH-CM)	no dwelling units, maximum	4 dwelling units, minimum	no dwelling units, maximum				
FAR Requirements		30,492 gsf, minimum (1.00 FAR (CDC))	no maximum	4,809 gsf, minimum (0.60 FAR)	no maximum				
		Development Potential		Development Potential		TPR Assumptions		TPR Assumptions	
						ratios	square feet	ratios	square feet
Residential	low	5,000	square feet	4,000	square feet				
	high	5,000	square feet			2%	5,000	1%	4,000
Office	low	13,295	square feet						
	high	141,362	square feet			58%	141,362	87%	265,720
Commercial	low	12,197	square feet						
	high	97,574	square feet			40%	97,574	12%	35,200
Total	low	30,492	square feet	4,000	square feet				
	high	243,936	square feet	304,920	square feet	100%	243,936	100%	304,920
High Development Potential - Calculation Narrative		maximum building mass (gross square feet of BUS zoned area multiplied by the number of floors under the maximum building height of the district). Includes the minimum dwelling unit share required by ASC 11 multiplied by 1,000 sf/du + maximum commercial allowance of up to 40% + remainder to office			The maximum building mass (gross site square feet of tax lot multiplied by the number of floors under the maximum building height of the district)				
Building Mass		8,015	square feet (1 floor on net acres)	8,015	square feet (1 floor on net acres)				
		64,120	square feet (8 floors on net acres)	80,150	square feet (12 floors on net acres)				
	maximum	243,936	square feet (8 floors on gross acres)	304,920	square feet (12 floors on gross acres)				
		none no building height maximum (Table B (A)) in the Sunset District. CH-CM Community Plan, ASC 11. 9							



MEMORANDUM

Community and Economic Development Department

To: Planning Commission
From: Leigh M Crabtree *L.M.C.*
Date: December 7, 2011
Subject: TA2011-0003 Station Community – Sunset Text Amendment

Please find attached revisions to the proposed Text Amendment language, highlighted in yellow.

TA2011-0003 Station Community – Sunset Text Amendment

Proposed modifications to the Development Code of the City of Beaverton are included, below. Proposed deletions are in ~~strike-out~~ form and proposed additions and replacements are underlined. Notes regarding proposed language changes provided in italic Arial font.

20.20.20 LAND USES

- 1. Dwellings
 - A. Attached
p⁶⁶
 - D. Planned Unit Development
C⁶⁶

add superscript 66 within table, for the text of superscript 66, see 20.20.25.66, below.

20.20.25 USE RESTRICTIONS

- 66. The requirements identified in Section 20.20.40 apply.

20.20.40 OTHER SC-S ZONING REQUIREMENTS

- 1. Within the SC-S zoning district, a Conditional Use Permit - PUD (Planned Unit Development), pursuant to Section 40.15.15.4 of the Development Code, shall be required for development of a parcel equal to or greater than 1/2 acre in size.
- 2. Within the SC-S zoning district, the following development targets shall be satisfied:
 - A. A minimum of 1,899 residential dwelling units.
 - B. A maximum of 5,115 residential dwelling units.
 - C. A maximum of 10,960,500 square feet of non-residential development.
- 3. All land use applications, with the exception of Sign Applications, submitted for development proposals within the SC-S zoning district shall demonstrate, through the submittal of a land use analysis, that the minimum and maximum development targets identified in Section 20.20.40.2 have been or will continue to be satisfied on the properties that comprise the SC-S zoning district.
- 4. No more than 80 percent of **approved** non-residential development approved through a **Conditional Use Permit - PUD (Planned Unit Development) application** may be constructed prior to construction of the minimum dwelling requirement for the

properties located within the SC-S zoning district. Once the minimum dwelling unit requirement for the properties located within the SC-S zoning district is constructed and has received receiving Certificate of Occupancy, construction of the remaining 2520 percent non-residential development may resume.

40.15. CONDITIONAL USE

40.15.05. Purpose.

The purpose of a Conditional Use application is to review uses that may be compatible in the underlying zoning district but because of their size, operation, or other characteristics require review on a case-by-case basis. These uses are subject to the regulations in this Section because they may, but do not necessarily, result in significant adverse effects upon the environment, overburden public services, alter the character of the surrounding area or create nuisances. Conditional uses may be approved, approved with site-specific conditions designed to minimize or mitigate identified adverse impacts, or denied. A Planned Unit Development is a special kind of Conditional Use that permits the modification of the development standards in the underlying zoning district to achieve innovative design, preserve natural resources, reduce energy consumption and/or otherwise address unique site opportunities and constraints. Such approval allows the modification of such design standards without the necessity for separate Adjustment or Variance applications. Within the SC-S (Station Community-Sunset) zoning district, a Planned Unit Development is required to ensure that specific development requirements are satisfied. This Section is carried out by the approval criteria listed herein. [ORD 4473; February 2008]

40.15.15. Application.

4. Planned Unit Development. [ORD 4432; March 2007]

A. Threshold. A Planned Unit Development is an application process which:

1. May be chosen by the applicant when one or more of the following thresholds apply:

~~1.a.~~ The Planned Unit Development (PUD) may be applied to Commercial, Industrial, Multiple Use, and Residential properties that are 2 acres or greater in size within any City zoning district except Residential-Agricultural.

~~2.b.~~ When a land division of 2 acres or greater in size within any City zoning district except Residential-Agricultural requires collectively more than 3 of the following land use applications or combination thereof:

- ~~a.1)~~ Minor Adjustment;
- ~~b.2)~~ Major Adjustment;
- ~~c.3)~~ Flexible Setback; or
- ~~d.4)~~ Variance

2. Is required when development is proposed within the SC-S (Station Community – Sunset) zoning district on a land area greater than 1/2 acre in size.

- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for PUD approval. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a PUD application, the Planning Commission 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 PUD application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless otherwise provided by Section 60.35.03.
 4. The proposal complies with the applicable policies of the Comprehensive Plan.
 5. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.
 6. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.
 7. The width of proposed lots or staggering of building setbacks within detached residential developments vary so as to break up the monotony of long blocks and provide for a variety of home shapes and sizes, while giving the perception of open spaces between homes.
 8. The lessening of the Site Development Requirements results in significant benefits to the enhancement of site, building, and structural design, preservation of natural features and the surrounding neighborhood as outlined in Section 60.35.15.
 9. The proposal provides improved open space that is accessible and usable by persons living nearby. Open space meets the following criteria unless otherwise determined by the Planning Commission through Section 60.35.15:
 - a. The dedicated land forms a single parcel of land except where the Planning Commission determines two (2) parcels or more would be in the public interest and complement the overall site design.
 - b. The shape of the open space is such that the length is not more than three (3) times the width the purpose of which is to provide usable space for a variety of activities except where the Planning Commission determines a

greater proportioned length would be in the public interest and complement the overall site design.

- c. The dedicated land(s) is located to reasonably serve all lots for the development, for which the dedication is required.

10. For proposals within the SC-S (Station Community – Sunset) zoning district, the requirements identified in Section 20.20.40.2 and 20.20.40.3 are satisfied.

~~10.11.~~ If the application proposes to develop the PUD over multiple phases, the decision making authority may approve a time schedule of not more than five (5) years for the multiple development phases. If a phased PUD has been approved, development of the future phases of the PUD shall be filed within five (5) years or the PUD has received an extension approval pursuant to Section 50.93 of this Code. However, all PUD phases must commence construction within five (5) years of the date of decision of the PUD. Refer to Section 50.90.

~~11.12.~~ Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

- D. Submission Requirements. An application for a PUD shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The PUD application 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.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a PUD application to ensure compliance with the approval criteria.
- F. If the application proposes to develop the PUD in a single phase, the decision shall expire two (2) years after the date of decision. Refer to Section 50.90.

Phasing of the development may be permitted with approval of the Planning Commission. A deed restriction for those areas of the parent parcel in which deferred development will occur shall limit the number of future units developed to an amount consistent with the minimum and maximum density or Floor Area Ratio (FAR) permitted for the overall development.

- G. Appeal of a Decision. Refer to Section 50.70.
- H. Expiration of a Decision. The PUD decision shall expire five (5) years after the date of decision. Refer to Section 50.90.
- I. Extension of a Decision. Refer to Section 50.93.

PLANNING COMMISSION MINUTES

December 7, 2011

CALL TO ORDER: Chairman Ric Stephens 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 Ric Stephens; Planning Commissioners, Mimi Doukas, Jennifer Nye, Kim Overhage, Eric Johansen, Dan Maks, and Scott Winter.

Principal Planner Steven Sparks, Associate Planner Leigh Crabtree, Senior Transportation Planner Don Gustafson, Senior Transportation Engineer Jabra Khasho, Consultant Sambo Kirkman, and Recording Secretary Sheila Martin represented staff.

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

VISITORS:

Observing that Commissioner Johansen is stepping down after serving on the Planning Commission since September 1997, Councilor Cathy Stanton expressed her appreciation to Commissioner Johansen for over 14 years of service to the City of Beaverton. She pointed out that he has also served the citizens of this city in many other capacities over the years, adding that the City Council has appreciated his consistent and thoughtful service and hopes that he enjoys the free time he will now have.

Expressing his opinion that he should have managed to retire long before his fellow Commissioner, Commissioner Maks mentioned several physical changes that he had noticed since Commissioner Johansen had started on the Commission. He noted that Commissioner Johansen had always been thoughtful in his questions and never changed his stripes, missed very few meetings, emphasizing that he had never seen anyone row a one-man boat upstream so well. Pointing out that independent voices have always been one of the qualities of this Commission, he expressed his appreciation of Commissioner Johansen for the strength of his convictions, adding that it has been a pleasure to serve with him and that he will miss him.

1 Commissioner Stephens noted that he will miss Commissioner Johansen
2 and his *voice of reason* as well.

3
4 **STAFF COMMUNICATION:**

5
6 Principal Planner Steven Sparks announced that the Planning Department
7 had won a million dollar grant award from HUD, adding that this
8 sustainable communities planning grant will be used to fund the Creekside
9 District Master Plan and that the Planning Commission will be very
10 involved in this project.

11
12 Observing that Senior Transportation Planner Don Gustafson has served
13 the City of Beaverton for ten years, Mr. Sparks noted that he is now
14 planning to retire. He congratulated him on his retirement, adding that
15 staff is going to miss him and his expertise.

16
17 **NEW BUSINESS:**

18
19 Chairman Stephens opened the Public Hearing.

20
21 Observing that there are five items on the agenda under new business,
22 Mr. Sparks recommended that all five items be opened and heard
23 concurrently and introduced and described the applications, and described
24 applicable approval criteria for each application, as follows:

25
26 **PUBLIC HEARINGS:**

27
28 I. **TA 2011-0003 – STATION COMMUNITY – SUNSET (SC-S) TEXT**
29 **AMENDMENT**

30 The City is proposing to modify Development Code Sections 20.20.20,
31 20.20.25, and 20.20.40 to add requirements for development within the
32 SC-S (Station Community - Sunset) zone. The City is also proposing to
33 amend Development Code Sections 40.15.05 and 40.15.15.4 to require
34 Conditional Use – Planned Unit Development, review of development
35 proposal over ½ acre in size within the SC-S zoning district. The key
36 elements of the proposed Development Code text amendment include, but
37 are not limited to: 1) require Conditional Use – Planned Unit Development
38 review of proposals over ½ acre in size; 2) require the development of a
39 range of 1,899 to 5,115 residential dwelling units within the SC-S zoning
40 district; 3) allow no more than 10,960,500 square feet of non-residential
41 development within the SC-S zoning district; and 4) limit non-residential
42 development to no more than 80 percent of the maximum approved
43 square footage prior to the construction of the required minimum number
44 of dwelling units. The purpose of the amendments is to ensure
45 comparable minimum and maximum residential densities, non-residential

1 intensities, and uses as allowed by the applicable Washington County
 2 Community Plan and Development Code regulations.

3
 4 **II. PETERKORT STATION COMMUNITY LAND USE AND PETERKORT**
 5 **STATION COMMUNITY SUNSET ZONING MAP AMENDMENTS**

6 **A. CPA 2011-0002 – COMPREHENSIVE PLAN MAP AMENDMENT**

7 **B. ZMA 2011-0002 – ZONING MAP AMENDMENT**

8 The City is initiating a Quasi-Judicial Comprehensive Plan Map
 9 Amendment (CPA) and a Discretionary Annexation-Related Zoning
 10 Map Amendment (ZMA) to replace Washington County TO:R40-80
 11 (Transit Oriented: Residential 40-80 dwelling units per acre), TO:R80-
 12 120 (Transit Oriented: Residential 80-120 dwelling units per acre) and
 13 TO:BUS (Transit Oriented: Business) land use districts with the City of
 14 Beaverton SC (Station Community) land use designation and SC-S
 15 (Station Community – Sunset) zoning district over six (6) parcels.

16
 17 **III. PETERKORT CORRIDOR & NR-HD LAND USE MAP & PETERKORT**
 18 **CORRIDOR COMMERCIAL & R1 ZONING MAP AMENDMENTS**

19 **A. CPA 2011-0003 – COMPREHENSIVE PLAN MAP AMENDMENT**

20 **B. ZMA 2011-0003 – ZONING MAP AMENDMENT**

21 The City is initiating a Quasi-Judicial Comprehensive Plan Map
 22 Amendment (CPA) and a Discretionary Annexation-Related Zoning
 23 Map Amendment (ZMA) to replace Washington County TO:RC (Transit
 24 Oriented: Retail Commercial), TO:R12-18 (Transit Oriented:
 25 Residential 12-18 dwelling units per acre), TO:R24-40 (Transit
 26 Oriented: Residential 24-40 dwelling units per acre) and TO:R40-80
 27 (Transit Oriented: Residential 40-80 dwelling units per acre) land use
 28 districts with the City of Beaverton COR (Corridor) land use
 29 designation over three (3) parcels, NR-HD (Neighborhood Residential
 30 – High Density) land use designation over four (4) parcels, CC
 31 (Corridor Commercial) zoning district over two (2) parcels and R1
 32 (Residential 1,000 square feet per dwelling unit) zoning district over
 33 five (5) parcels.

34
 35 Mr. Sparks asked if there were any ex parte contact, conflict of interest or
 36 disqualifications in any of the hearings on the agenda.

37
 38 Observing that she does not believe that she has any conflict of interest or
 39 any biases with regard to these proposals, Commissioner Doukas
 40 disclosed that she does have some history with regard to the property
 41 involved and explained that while she had previously been employed with
 42 *Cardno WRG* she had done some consulting work with the Peterkort
 43 Homestead Group, which has an ownership interest in a small portion of
 44 the land. She pointed out that this is a legislative issue and that the
 45 analysis for conflict of interest is slightly different, adding that she is willing
 46 to participate in this hearing and decision unless it creates a problem.

1 Noting that she had received a telephone call from Bruce Bartlett,
2 Chairman of CPO 1, Commissioner Doukas noted that she had advised
3 him that she would prefer that any discussion with regard to these issue
4 occur during the public hearing.
5

6 Mr. Sparks questioned whether any member of the audience challenges
7 the right of any Commissioner to hear any of the agenda items, to
8 participate in the hearing or requested that the hearing be postponed to a
9 later date. There was no response. He briefly described the hearing
10 process and applicable approval criteria for these proposals.
11

12 Associate Planner Leigh Crabtree and Consultant Sambo Kirkman
13 introduced themselves.
14

15 Ms. Crabtree presented the Staff Reports and briefly described the history
16 of this site, which is a portion of the Peterkort holdings, and applications
17 associated with these proposals. Observing that the properties involved
18 had been annexed into the City of Beaverton, she discussed the 13
19 properties which had been split into two different reviews for the staff
20 reports.
21

22 Observing that she is providing assistance with the review of seven
23 parcels located north of Highway 26, Ms. Kirkman described the proposed
24 land use designations and zoning districts and explained that all
25 applicable approval criteria has been met.
26

27 Ms. Crabtree explained that she is addressing the remaining six properties
28 that are located along Barnes Road and pointed out that these parcels are
29 current within the Transit-Oriented zoning districts of Washington County,
30 adding that a portion of them are also located within the Area of Special
31 Concern 11 in the Cedar Hills / Cedar Mill Community Plan.
32

33 Noting that staff has been working with Washington County, Oregon
34 Department of Transportation (ODOT), Metro and Department of Land
35 Conservation (DLCD) in an attempt to propose specific zoning districts
36 with which they feel comfortable, Ms. Crabtree explained that they had
37 worked with County staff to determine what Washington County allows in
38 order to determine which zones best match what is currently designated
39 by Washington County, adding that all applicable approval criteria has
40 been met. She described several attachments and exhibits that have
41 been submitted and distributed including a memo with public comment
42 exhibits and a memo with further amendments to the proposed language
43 associated with the text amendment.
44

45 Observing that there are two primary issues involved, Mr. Sparks
46 explained that it is important to clarify that we are dealing with land that is

1 located in the City of Beaverton that still has Washington County zoning
2 attached, in some cases since 2004. He pointed out that there was one
3 landowner who was, until recently, half in and half out of the City, which
4 could involve a myriad of different development review processes. Noting
5 that the City is obligated under the Urban Planning Area Agreement with
6 Washington County, to demonstrate what the City has determined to be
7 the most similar City land use and zoning designation.

8
9 Mr. Sparks explained that the second issue involves the technical review
10 of traffic and transportation impacts, adding that at this stage of review,
11 staff has a statutory obligation to review zoning impacts under the statute
12 that is referred to as the Transportation Planning Rule (TPR), which
13 includes a lot of information but basically means *do no harm* to the
14 existing transportation system. He explained that this involves coming as
15 close as possible to having the same minimum density in terms of
16 residential and commercial already allowed by the existing County zoning
17 designation. He pointed out that the City is not recommending additional
18 capacity or development potential on these sites than already exists by the
19 zoning placed on these parcels by Washington County in 1997 or 1998.
20 Mr. Sparks explained that the transportation analysis in the packet
21 involves a very high-level review of zoning capacity and the potential
22 traffic impacts that could result from the rezoning. Emphasizing that no
23 development is being proposed or reviewed at this time, he noted that the
24 Commission will review at least one PUD application for the entirety of
25 these properties and will consider specific traffic impacts that could
26 potentially be created through any proposed development. This future
27 development review is another opportunity for the Planning Commission,
28 community, staff and others to review development of these properties.
29 He mentioned that staff is available to respond to questions and
30 comments as well as both Mr. Gustafson and Mr. Khasho with regard to
31 transportation issues.

32
33 Commissioner Winter expressed his opinion that staff had done a fantastic
34 job of synthesizing the many details that would easily spring off of what
35 the Commission is attempting to accomplish this evening.

36
37 Commissioner Maks addressed the additional change in the text
38 amendment and suggested that this situation is similar to what had been
39 done with Progress Ridge, specifically that certain things can only be done
40 under certain circumstances.

41
42 In response to Mr. Maks' comments, Mr. Sparks replied that the school
43 district had expressed concern with regard to the number of dwelling units
44 and the impact to schools during the Murray Scholls Town Center
45 planning process and that the City had put a cap on the number of

1 dwelling units in the Progress Ridge area. This is not the case in this
2 proposed text amendment or rezoning.

3
4 Commissioner Maks pointed out that he would need statistics with regard
5 to AM peak periods with a PUD application in helping to determine
6 intersection locations and other transportation improvements.

7
8 Referring to the similarity of zoning, Commissioner Johansen discussed
9 the issue of maximum allowable density.

10
11 Ms. Crabtree noted that staff had needed to find a way to derive maximum
12 development capacity, adding that the County has regulations that allow a
13 developer to go beyond a maximum if it is demonstrated that it will not be
14 detrimental to the transportation system. She explained why staff had
15 decided to stick with the maximum height requirements of a zone and
16 apply them to reach a maximum FAR number to derive a theoretical
17 maximum development capacity for the TPR analysis.

18
19 Commissioner Maks followed up with a question regarding review of a
20 PUD application and his understanding that the City's traffic analysis
21 standards are higher than those of Washington County; specifically the
22 City has a higher volume to capacity ratio standard.

23
24 City Transportation engineer, Mr. Khasho, responded that the City
25 standards are more strict than Washington County. The County uses a
26 .99 volume to capacity ratio over all intersections whereas the City looks
27 at lane groups and the City uses a .98 volume to capacity ratio.

28
29 Ms. Kirkman explained that staff has provided an exhibit illustrating the
30 sum totals of the densities in the zoning districts and the rationale for
31 choosing the R1 zoning district being that the other options would reduce
32 the minimum density.

33
34 Commissioner Johansen asked if there is a summary available regarding
35 the impacts of density on transportation.

36
37 Ms. Kirkman explained that an increase in dwellings with the proposed
38 City R1 zoning does not include for limited commercial that may be
39 constructed under the County zoning.

40
41 Commissioner Maks noted the inclusion of the range of uses in the
42 transportation analysis, specifically medical office which is a high
43 transportation user.

44
45 Commissioner Winter reminded the Commission that this hearing does not
46 involve a site-specific development application and that the issue only

1 involves bringing land is in the City as close to the County's designation as
2 the City allows.

3
4 Chairman Stephens questioned whether staff is anticipating a PUD
5 application with regard to this property any time soon.

6
7 Observing that there is no application at this time, Ms. Kirkman advised
8 Chairman Stephens that the property owners should be able to address
9 this issue.

10
11 Commissioner Nye expressed her concern that it appears that the City is
12 not meeting both the minimum density and the minimum FAR.

13
14 Ms. Crabtree explained that Exhibit 15, the Development Capacity
15 Analysis, demonstrates the analysis prior to adding to minimum density for
16 the Station Community-Sunset zone. She noted that Commissioner Nye
17 is correct that the overall FAR is lower, partially due to the fact that the
18 Corridor Commercial zoning district does not have a minimum FAR.
19 Observing that this district has zero setbacks, she noted that staff is
20 reasonably certain that it can accommodate a .25 FAR with development.
21 She described that with the proposed text amendment and zoning map
22 amendment this will now be the highest dwelling unit residentially zoned
23 area in the City based upon matching the current requirements of the
24 County zoning.

25
26 Mr. Sparks noted that he would like to compare theoretical zoning capacity
27 to reality, observing that a .25 FAR is a very low intensity and noted that
28 the City is seeing commercial developments in the neighborhood of .35 to
29 .40 FAR. Mr. Sparks noted that once a development goes beyond .40
30 FAR, structured parking is typically involved, which is very expensive. The
31 City will address development capacity at the development review process
32 which will identify specific issues, specific floor area, traffic generation and
33 the City will identify appropriate mitigation at that time. He discussed the
34 development reality in the Regional Center, noting that the Development
35 Code allows building heights of 200 feet and floor areas that are a
36 minimum of .60 FAR, and explained that while he has not calculated the
37 numbers, the amount of non-residential floor area that we could potentially
38 accommodate in the Regional Center zoning district is probably
39 approximately 50 million square feet. The reality is that the square
40 footage needs to be parked and there are transportation impacts to
41 consider. Development of that size is not likely to occur for those reasons.

42
43 Commissioner Nye requested clarification with regard to the origin of the
44 80% non-residential number.

45

1 Mr. Sparks explained that this is a number developed by staff based upon
2 expectation of the type of development they anticipate will be developed in
3 an area over time. He noted that due to the current financial market, a 30-
4 unit to the acre type of density is highly unlikely at this time, adding that
5 there is currently a rather large supply of housing available. He mentioned
6 that staff had decided to reflect the County code section in one area of the
7 Peterkort parcels (the northeast corner of Barnes Road and Cedar Hills
8 Boulevard) where residential is required, adding that if you reach a certain
9 point, commercial may be allowed. He pointed out that staff is not
10 ignoring the need to provide housing and a complete community, adding
11 that they are attempting to create an environment that is attractive for
12 housing.

13
14 Commissioner Nye noted that she did not notice open space integrated in
15 the proposed Text Amendment.

16
17 Mr. Sparks advised that the PUD code includes open space requirements.

18
19 **PUBLIC TESTIMONY**

20
21 Expressing his opinion that the 80% threshold for commencing residential
22 development is far too lenient, **LARRY BATES** observed that he believes
23 that a more appropriate threshold would be in the range of 25% to 50%.
24 Emphasizing that historically, the Peterkort property has developed at a
25 very slow pace, he noted that he is also concerned with implementing
26 residential development as a more appropriate use for a Station
27 Community area.

28
29 Observing that he is the rookie on the Peterkort team, **SCOTT EATON**
30 and introduced other members of the Peterkort team. Mr. Eaton explained
31 that Mr. Sparks has done an excellent job of trying to present these
32 materials with regard to the TPR and zone change and the reality that the
33 applicant will face when they proceed with the PUD after this phase is
34 complete. He explained that it is difficult to attempt to simultaneously deal
35 with the theoretical and the reality of this particular situation, adding that
36 the Peterkort team has worked closely with all jurisdictions involved in
37 order to address all of the issues. Concluding, he noted that the property
38 owner does intend to go through the PUD process and noted that there is
39 some urgency with getting this through in a timely manner and they would
40 like to see the proposals adopted.

41
42 **JIMMY BELLOMY**, representing *WH Pacific*, explained that he has been
43 consulting with J Peterkort and Company for over 15 years. He has
44 worked on the Master Plans through Washington County, annexations
45 with the City of Beaverton and development of the SC-S zone
46

1 Observing that he has served as the Peterkort's transportation
2 professional for the past 19 years, DON ODERMOTT explained that he
3 has had extensive experience in zoning issues as well. He discussed the
4 Transportation Planning Rule and explained how this exercise represents
5 the City's attempt to create a match of zonings from translating County
6 zoning to City zoning while remaining neutral using theoretical trip
7 generating potential. He pointed out that it is important to consider
8 whether a land use change creates a significant effect on the
9 transportation system and if so, it is incumbent on the applicant to
10 determine what it would take to mitigate that change either through
11 transportation improvements or choking back the level of development so
12 that there is no net effect. This proposal is striving to strike a balance in
13 the land use where theoretically the trips generated under a County
14 zoning matches the theoretical trips generated under City zoning. Noting
15 that Commissioner Johansen had questioned whether this would create
16 an increase in trip generation, he explained that while there would be an
17 increase in trips on a residential basis, as Ms. Kirkman mentioned, in the
18 County code, there is an allowance for a small amount of
19 commercial/retail that supports the residential. So, in the trip comparisons
20 when you add trips from commercial/retail allowed under County zoning
21 there is a reduction with the City R1 zoning. He further describe that by
22 using the theoretical maximum provided by staff he translated that into
23 trips and that in the CC zoning there was no net effect, thus no significant
24 impact, noting that with the residential, while there is an uptick in housing
25 it translates into a theoretical reduction in trip generating potential.
26 Specific to the SC-S zone, with a goal to match the blend in the County
27 zones, in the analysis it was identified that theoretically the County zoning
28 could deliver 11,000,000 square feet of development and theoretically the
29 SC-S zone could deliver 32,000,000 square feet of development which
30 meant that there was a need to mitigate the theoretical effect as proposed
31 in the text amendment to cap the use to bring balance. Noting that
32 11,000,000 square feet of development generates 37,000 trips in the PM
33 peak hour, Mr. Odermott further discussed that in the context of the size of
34 roads that are generally acceptable in this community they are able to
35 deliver development that generates 4,000 trips a day which will be
36 discussed through the PUD and specifics of development including mixed
37 use trip reduction. Following up on Mr. Khasho's statements, he noted
38 that within the County table the footnote for transportation capacity is in
39 the zoning code and the County development standards they use
40 Resolution 8695 to write safety-driven conditions for safety improvements
41 relying on transportation capacity and safety measured at zoning; in the
42 City and other jurisdictions the cross check is made at the development
43 review stage through a Traffic Impact Analysis and the City's standards
44 are more stringent than the County's standards.

45

1 **JAKE MINTZ** explained that his property is in the Westhaven
2 neighborhood located just north of the Peterkort property and mentioned
3 that he had been involved in the station area planning with Washington
4 County which gives him some experience with this type of comparison.
5 He pointed out that while he is speaking on his own behalf this evening,
6 residents of CPO 1 are unfamiliar with the process and what is happening
7 and would like to become involved on some level, possibly in the City
8 Council hearings. He stated that he is speaking for himself. He stated
9 that Washington County had specific standards for the station site and that
10 he believes the urban planning area agreement wasn't worked out for
11 consistency between the two agencies and explained that certain things
12 need to occur in transit centers with Barnes Road being an obstacle and is
13 concerned that the neighborhood doesn't have any certainty prior to
14 review of a development proposal. Mr. Mintz relayed that he agrees with
15 Brent Curtis's points regarding the prior public process and the body of
16 work. He concluded with concerns over Goal 1 relative to the PUD issue
17 and Goal 2 regarding zone to zone analysis.

18
19 Observing that his family had moved onto their property immediately west
20 of the Peterkort line in 1921, **GEORGE CHOBAN** explained that they have
21 been good neighbors with the Peterkorts since they purchased their own
22 property 66 years ago. Noting that there is a limited number of vehicular
23 trips allowed in the area and that this could limit further development, he
24 pointed out that his major concern is that he does not want to be
25 precluded from doing any further development on his property because
26 the Peterkorts had taken advantage of all opportunities that would be
27 allowed in that area.

28
29 Commissioner Doukas assured Mr. Choban that she understands his
30 concern with vehicular trips as it relates to potential development of his
31 property and explained how this might affect Mr. Choban's property. She
32 advised him that although this is a legitimate concern, the process does
33 not provide any means for the Commission to prevent this from
34 happening, emphasizing that once the zone has been established, there
35 will be a race to claim the trips and capacity allowed in the area and that
36 property owners will need to be ready to protect their own interests as
37 there is a long term risk.

38
39 Mr. Choban observed that it is his understanding that Commissioner
40 Doukas just informed him that he will not have the ability to develop his
41 property if the Peterkorts develop their property and don't leave any room
42 for additional capacity on Barnes Road.

43
44 Commissioner Doukas advised Mr. Choban that he is correct in his
45 understanding of the situation and that there is a very real long-term risk
46 that the area will reach its maximum capacity through development of this

1 area. She further advised that in order to change that scenario another
2 mass transit or transportation solution will need to be constructed.

3
4 Mr. Choban expressed his appreciation of Commissioner Doukas'
5 honesty.

6
7 Commissioner Maks further pointed out that Metro could change the
8 transportation standards and there could be no impact on trips for Mr.
9 Choban.

10
11 Expressing her appreciation of Commissioner Johansen and Mr.
12 Gustafson, **KIRSTEN VAN LOO** explained that she has represented the
13 Choban family since 1989 when she worked on an Access Management
14 Plan, adding that she agrees with Mr. Odermott with regard to the TPR
15 analysis. She observed that she believes the analysis in the reports
16 shows consistency in County zoning to City zoning. She noted that she
17 has several questions she would like staff to provide answers to prior by
18 the City Council hearing, as follows:

- 19
20 1. Observing that the Choban family is not interested in changing from
21 County to City zoning, how will the City process an application
22 concerning 12 acres (9 acres of Peterkort property and 3 acres of
23 Choban property) if it involves one application that includes both
24 County and City zoning?
25 2. Who manages Barnes Road, and if it is the County, will it continue
26 to be managed by the County including access management or
27 how will it be managed through the City?
28 3. The question of a potential moratorium on development in the area.

29
30 Commissioner Doukas pointed out that when capacity is reached, while
31 this does not exactly mean a moratorium on development, it does mean
32 any development would be an extremely expensive endeavor.

33
34 Responding to a clarifying question from Commissioner Overhage, Ms.
35 Van Loo noted that the Choban family does support these applications for
36 the Comprehensive Plan Amendments and Zoning Map Amendments.

37
38 **ERIK MACE** identified that he lives in the Westhaven neighborhood
39 northeast of the subject parcels. He explained that he had been made
40 aware of the proposals by Mr. Mintz and another neighbor which led him
41 to start looking into the proposal one week ago as the staff report was
42 being released. Initially he viewed the proposal as housekeeping changes
43 to the zoning, but now feels that there are some significant differences
44 between the County plans and the City proposed plans; specifically the
45 maximum allowances and allowances for commercial development along
46 the north side of Barnes Road. Observing that, while the neighborhood is

1 not anti-development, it appears the community would like to have been
2 more involved in the process. Mr. Mace requested that a decision be
3 delayed to give the community some time and to establish an inclusive
4 process whereby the community is involved, following that he is not
5 necessarily opposed.

6
7 8:00 p.m. through 8:05 p.m. – recess.

8
9 Advising Ms. Van Loo that Barnes Road is and will continue to be under
10 the jurisdiction of Washington County, Mr. Sparks noted that because the
11 road is located within the city, the City of Beaverton does have some
12 underground responsibilities with regard to utilities.

13
14 Mr. Sparks discussed the process that would be involved if the City
15 process an application concerning 12 acres (9 acres of Peterkort property
16 and 3 acres of Choban property) if it involves one application that includes
17 both County and City zoning, emphasizing that although this is
18 complicated, it can be and has been done.

19
20 Mr. Sparks pointed out that the present hearing is the public hearing,
21 adding that the City Council will only become involved in a public hearing if
22 there is an appeal of a recommendation by the Planning Commission.

23
24 Referring to Mr. Choban's concerns with claiming trips in an area, Mr.
25 Sparks explained that there are currently valid land use approvals for both
26 St. Vincent's Hospital, which is a major traffic generator, and the
27 Peterkorts through a master plan approved by Washington County,
28 emphasizing that at any time the Peterkorts may choose to use those
29 trips. He further explained that the City is required to respect prior valid
30 land use approvals and generally speaking the City and the County will
31 look at broad impact to traffic during the development review process.

32
33 Mr. Sparks discussed Mr. Mintz's and Mr. Mace's concerns that the public
34 has not had adequate involvement and explained what type of
35 involvement will be available to the public through a PUD application
36 process. He pointed out that there are both requirements and
37 expectations of a developer with regard to community engagement,
38 emphasizing that the expectations are not requirements. He followed up
39 on comment by Mr. Mintz regarding Barnes Road as a barrier and noted
40 that while there has been some mention of a bridge over Barnes Road,
41 this is not a matter that can be addressed at this time and would be
42 specific to a particular development and mentioned that this had been an
43 issue with a former development application at the corner of Cedar Hills
44 Boulevard and Barnes Road.

45

1 Observing that she would like to discuss Master Plan requirements, Ms.
2 Crabtree noted that Washington County required a Master Plan with
3 development in this area that includes specific design review requirements
4 related to these properties and that the City of Beaverton also has design
5 review requirements. She explained that staff has provided a crosswalk of
6 those standards between what is required by both jurisdictions, adding
7 that the City's approach to design review is citywide and is not limited to
8 transit-oriented zones. Noting that there are specific requirements for
9 design review, generally, for multiple-use zoned properties there is an
10 added level of expectation and for properties on Major Pedestrian Routes
11 there is a greater level of expectation, all of which have been built into
12 Chapter 60 continuing with a description of the Major Pedestrian Routes in
13 the subject area.
14

15 Continuing, Ms. Crabtree discussed the noticing protocols that were
16 followed for the proposal, including notice 45 days prior to the hearing to
17 the Department of Land Conservation and Development, Washington
18 County, Metro, and the chairs of the local citizen involvement groups on
19 October 20th, she further explained that notice was mailed 20 days prior to
20 the hearing to owners of property within 500 feet of the subject parcels
21 with the addition of the chairs of the local citizen involvement groups.
22

23 Referring to Mr. Mace's comments, Ms. Crabtree clarified that Washington
24 County zoning does allow for commercial development along the north
25 side of Barnes Road stating that Washington County requires residential
26 development along the north side of Barnes Road, but under certain
27 circumstances does allow for up to 50% of the development to be office
28 use and does also allow for limited retail use. She further explained that
29 the Washington County retail allowance is 10% or 10,000 square feet
30 whichever is less, but that it wasn't clear from the County how the
31 restriction is applied with a development application.
32

33 Recommending approval of all five applications and forward the
34 recommendation to City Council, Mr. Sparks noted that staff is available to
35 respond to questions at this time.
36

37 The public portion of the Public Hearing was closed.
38

39 Observing that a phenomenal amount of work has gone into these
40 applications, Commissioner Winter noted that all involved jurisdictions are
41 working together and are in support of the proposal and that staff had
42 clearly demonstrated that all statutory noticing requirements with regard to
43 the public have been met adding that he is in support of all five
44 applications.
45

1 Commissioner Nye noted that while she agrees that staff has done a good
2 job on these applications, she still has some reservations with regard to
3 the 80% and density issues, adding that she is in support of all five
4 applications. She further encouraged community members to be actively
5 involved and engaged in the PUD process.
6

7 Commissioner Overhage expressed her appreciation of the tremendous
8 amount of efforts that had been done with regard to these applications and
9 planning efforts over the years, adding that all jurisdictions have extended
10 their support. She was impressed with the work done in the TPR analysis
11 and that the results of that analysis were reflected back into the text
12 amendment. She suggested that staff or the developers consider
13 attending the next NAC and / or CPO meetings, adding that she is in
14 support of all five applications.
15

16 Commissioner Maks explained that he agrees with this process for
17 matching up the zones when annexing property into the City and urged
18 the public to pay close attention to the PUD process and attend the
19 hearings, adding that he supports all five applications as they meet the
20 City's criteria.
21

22 Emphasizing that these applications involve a complex transit oriented
23 district with amazing potential, Commissioner Doukas noted that the
24 housekeeping is very complex for such an area. She clarified that the City
25 is trying to take the same concept for the Peterkort Center and what it was
26 expected to be and equate it to a City of Beaverton bundle of tools. She
27 discussed the difficulty involved in trying to work with the requirements of
28 two different jurisdictions. Emphasizing that the transportation
29 infrastructure will be what controls the intensity of this district. Noting that
30 this PUD will involve a big public process she encouraged community
31 involvement. She expressed her support of all five applications.
32

33 Commissioner Johansen expressed his general agreement with the
34 statements of his fellow Commissioners and pointed out that this process
35 is long overdue. He commended staff for achieving what he considers the
36 best possible scenario for this situation, adding that while it is not perfect,
37 it is the best possible solution. He expressed some concern for the 80
38 percent threshold. He stated that he feels that all five applications meet
39 the approval criteria and will support a move to approve.
40

41 Expressing his appreciation to staff for their efforts on this proposal and
42 the content of the testimony provided, Chairman Stephens emphasized
43 that extensive efforts had been made to notify the public and that he would
44 like to see the community involved in the PUD. He then asked for motions
45 to approve or deny the applications.
46

1 Commissioner Overhage **MOVED** and Commissioner Maks **SECONDED**
2 a motion to **APPROVE** TA 2011-0003 – Station Community --- Sunset
3 (SC-S) Text Amendment, based on the facts and findings in the Staff
4 Report dated November 30, 2011, and additional Memorandum dated
5 December 7, 2011.

6
7 Motion **CARRIED** 7:0.

8
9 **AYES:** Overhage, Maks, Doukas, Johansen, Nye, Winter,
10 and Stephens.

11 **NAYS:** None.

12 **ABSTAIN:** None.

13 **ABSENT:** None.

14 Commissioner Overhage **MOVED** and Commissioner Maks **SECONDED**
15 a motion to **APPROVE** CPA 2011-0002 – Peterkort Station Community
16 Land Use & Peterkort Station Community Sunset Comprehensive Plan
17 Amendment, based on the facts and findings in the Staff Report dated
18 November 30, 2011.

19
20 Motion **CARRIED** 7:0.

21
22 **AYES:** Overhage, Maks, Doukas, Johansen, Nye, Winter,
23 and Stephens.

24 **NAYS:** None.

25 **ABSTAIN:** None.

26 **ABSENT:** None.

27
28 Commissioner Overhage **MOVED** and Commissioner Maks **SECONDED**
29 a motion to **APPROVE** ZMA 2011-0002 – Peterkort Station Community
30 Land Use & Peterkort Station Community Sunset Zoning Map
31 Amendment, based on the facts and findings in the Staff Report dated
32 November 30, 2011.

33
34 Motion **CARRIED** 7:0.

35
36 **AYES:** Overhage, Maks, Doukas, Johansen, Nye, Winter,
37 and Stephens.

38 **NAYS:** None.

39 **ABSTAIN:** None.

40 **ABSENT:** None.

41
42 Commissioner Overhage **MOVED** and Commissioner Maks **SECONDED**
43 a motion to **APPROVE** CPA 2011-0003 – Peterkort Corridor & NR-HD
44 Land Use Map & Peterkort Corridor Commercial & R1 Comprehensive
45 Plan Amendment, based on the facts and findings in the Staff Report
46 dated November 30, 2011.

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Motion **CARRIED** 7:0.

- AYES:** Overhage, Maks, Doukas, Johansen, Nye, Winter, and Stephens.
- NAYS:** None.
- ABSTAIN:** None.
- ABSENT:** None.

Commissioner Overhage **MOVED** and Commissioner Maks **SECONDED** a motion to **APPROVE** ZMA 2011-0003 – Peterkort Corridor & NR-HD Land Use Map & Peterkort Corridor Commercial & R1 Zoning Map Amendment, based on the facts and findings in the Staff Report dated November 30, 2011.

Motion **CARRIED** 7:0.

- AYES:** Overhage, Maks, Doukas, Johansen, Nye, Winter, and Stephens.
- NAYS:** None.
- ABSTAIN:** None.
- ABSENT:** None.

MISCELLANEOUS BUSINESS:

ELECTIONS FOR CHAIR AND VICE-CHAIR – 2012

Expressing his appreciation for the outstanding service and accomplishments of Chairman Stephens during the year 2011, Commissioner Maks **MOVED** and Commissioner Doukas **SECONDED** a motion that Commissioner Stephens serve as Chairman of the Planning Commission for the year 2012.

Motion **CARRIED**, unanimously.

Commissioner Maks **MOVED** and Commissioner Doukas **SECONDED** a motion that Commissioner Overhage serve as Vice-Chairman of the Planning Commission for the year 2012.

Motion **CARRIED**, unanimously.

The meeting adjourned at 8:45 p.m.

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

IN THE MATTER OF A REQUEST TO AMEND THE)	ORDER NO. 2275
COMPREHENSIVE PLAN LAND USE MAP)	CPA2011-0003
DESIGNATION FOR SEVEN TAX LOTS FROM)	ZMA2011-0003 ORDER APPROVING REQUEST
FOUR WASHINGTON COUNTY TRANSIT)	
ORIENTED LAND USE DISTRICTS TO THE CITY)	
OF BEAVERTON'S CORRIDOR AND)	
NEIGHBORHOOD RESIDENTIAL - HIGH)	
DENSITY (NRHD) LAND USE DESIGNATION.)	
CITY OF BEAVERTON, APPLICANT.	

The matter came before the Planning Commission on December 7, 2011, on a request to amend the Comprehensive Plan Land Use Map designation for seven tax lots from four Washington County Transit Oriented Land Use Districts to the City of Beaverton's Corridor and Neighborhood Residential - High Density (NRHD) Land Use Designation. Amending the City's Land Use Map will implement a City land use designation and allow for application of City zoning districts. The City of Beaverton is also proposing zoning districts to correspond to the proposed Comprehensive Plan Amendment. The proposed zoning districts are R-1 and Corridor Commercial. The specific land use designation and zoning district are identified on Exhibits 3 and 4 in the staff report dated November 30, 2011. The CPA and ZMA are to change the current "Interim Washington County Zoning" designation and provide City land use and zoning designations on the subject sites. No new development is proposed on these parcels as a part of this application.

The subject parcels are located north of Highway 26, south of Foege Park, west of Valeria View and on Cedar Hills Boulevard, specifically

identified as the following Washington County Assessor's Map and Tax Lots: 1S103A01700, 1S103A01600, 1S103A02300, 1S103A02100, 1S103AB00200, 1S102BB07200, and 1S102B00400.

Pursuant to Ordinance 4187 (Comprehensive Plan) Section 1.6 and Ordinance 4542 (Development Code) Sections 50.45, 50.55 through 50.58, and 40.97.15.4.C, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal. The Commission adopts the following supplemental findings in support of the final action, in response to issues of concern, as identified herein.

Adequate Public Involvement: Citizens raised concerns that the proposals did not adequately provide the community with time to review and address their concerns with the project. Staff explained that Exhibit 18 of the staff report showed how the affected State, regional, and local agencies, the local NAC and CPO, and the public were notified of the applications and Planning Commission public hearing. The noticing of the proposal was consistent with requirements of State Statute, the Comprehensive Plan, and the Development Code. The proposal is to established City land use and zoning districts for the subject parcels which some have been annexed into the City as far back as 2005. Staff explained that the public will have further public involvement opportunities when a specific development proposal is submitted to the City. The Commission found that the noticing requirements have been met with the applications and agreed that the amendments were overdue as these are City parcels which should be provided City land use and

zoning designations. The Commission encouraged citizens to remain involved especially as specific development proposals are submitted.

Washington County-Beaverton UPAA: Testimony was received stating that the applications are not consistent with the current County-City Urban Planning Area Agreement (UPAA). Staff explained that the UPAA does not provide specific direction in determining the correlating City of Beaverton zoning district to the Washington County Transit-Oriented zoning district and the difficulty in finding a zoning district that was the "same" as the Transit Oriented land use districts. The analysis in the findings of the ZMA staff report show the CC and R-1 as shown on the proposed map most closely approximates the Transit Oriented land use districts based on the density, uses, and standards of each district for the subject tax lots. The Commission addressed the difficulties in trying to match zoning districts and concur with staff that the finding provided show how the proposed designations provided in the ZMA report closely approximates the County's Transit-Oriented districts for the subject tax lots.

Are the County Design Standards Met: Citizens stated their concern that County required Master Plan and Design Standards for the Transit Oriented land use districts would not be included with the new zoning districts. Staff explained that while the City design standards are not an exact match of County design standards, the City's design standards are required for most developments in the City. As a result, the site specific design standards of the County are not needed in the City's design process.

Exhibit 16 of the staff report provides an analysis of the County and City design standards. While the standards are not exact, the analysis shows that the City's Development Code, specifically Chapter 60, does address similar standards as those found in Section 431 of the County's Development Code. The Commission concurred with staff's findings on this matter.

Station Community Zoning Districts. Concerns were raised that the Corridor Commercial zoning district was not an appropriate exchange for the TO:RC land use district and that it should be changed to SC-MU. Staff noted that the Station Community zoning districts have a minimum floor area ratio that exceeds the minimum FAR required by the TO:RC zone. The increase in FAR would increase the intensity of use on these properties and potentially raise the traffic impacts beyond what was projected for the subject site as demonstrated by the Washington County low intensity, vehicle supportive site development requirements applicable to the subject tax lots. While the uses identified in the CC zoning district were not exactly the same as those in the TO:RC district, the uses were similar and consistent with the intent identified in the UPAA. The Commission concurred with this finding.

Development of Parcels with Interim Washington County Zoning. The question was raised as to how a proposed development would be reviewed if the some of the parcels were still designated Interim Washington County Zoning. Staff stated that this would require that an application be reviewed using applicable County and City regulations. This has been done for past application but causes confusion for the applicant, the City, and the public in

understanding which are the applicable regulations. The Commission concurred and emphasized the difficulty created for all parties when trying to process an application using the regulations of two jurisdictions.

Commercial Development North of Barnes Road: Concerns were raised that the TO districts that exist on the north side of Barnes Road did not intend for commercial development. Staff explained that while the TO districts established residential densities for those subject parcels, Section 375 of the County Development Code provided opportunities for commercial development to occur on parcels designated TO:R24-40 and TO:R40-80, which are both found north of Barnes Road. A question was also raised as to whether the City or County had jurisdiction of Barnes Road. Staff clarified that the jurisdiction of Barnes Road for the purposes of access management and capacity will remain with Washington County. The Commission concurred with staff.

The Planning Commission, after holding the public hearing and considering all oral and written testimony, adopts the findings of the Staff Report dated November 30, 2011, Staff Memorandum dated November 30, 2011, Staff Memorandum dated December 5, 2011, two Staff Memorandums dated December 7, 2011, and the findings contained herein as to applicable criteria contained in Section 1.5.1 of the Comprehensive Plan and Section 40.97.15.4.C of the Development Code.

IT IS HEREBY ORDERED that CPA2011-0003 is **APPROVED** based on the facts, findings, and conclusions found in the Staff Report dated

November 30, 2011, Staff Memorandum dated November 30, 2011, Staff Memorandum dated December 5, 2011, two Staff Memorandums dated December 7, 2011, and the findings contained herein.

Motion **CARRIED**, by the following vote:

AYES: Overhage, Maks, Doukas, Johansen, Nye, Winter, and Stephens.
NAYS: None.
ABSTAIN: None.
ABSENT: None.

IT IS HEREBY ORDERED that **ZMA2011-0003** is **APPROVED** based on the facts, findings, and conclusions found in the Staff Report dated November 30, 2011, Staff Memorandum dated November 30, 2011, Staff Memorandum dated December 5, 2011, two Staff Memorandums dated December 7, 2011, and the findings contained herein.

Motion **CARRIED**, by the following vote:

AYES: Overhage, Maks, Doukas, Johansen, Nye, Winter, and Stephens.
NAYS: None.
ABSTAIN: None.
ABSENT: None.

Dated this 15th day of December, 2011.

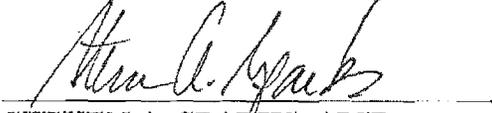
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2275 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community and Economic Development Department's office by no later than 5:00 p.m. on Tuesday, December 27, 2011.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

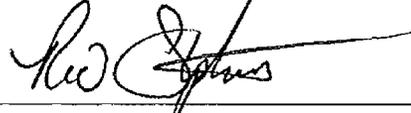


SAMBO KIRKMAN
Tao of Planning, Consultant



STEVEN A. SPARKS, AICP
Principal Planner

APPROVED:



RIC STEPHENS
Chairman



STAFF REPORT

HEARING DATE: February 7, 2012

TO: City Council

STAFF: Sambo Kirkman, Tao of Planning

PROPOSAL: **APP2011-0004** Appeal of Peterkort Corridor and Neighborhood Residential (CPA2011-0003/ZMA2011-0003)

LOCATION: North of Highway 26, south of Foege Park, west of Valeria View and Cedar Hills Boulevard, specifically identified as the following Washington County Assessor's Map and Tax Lots: 1S103A01700, 1S103A01600, 1S103A02300, 1S103A02100, 1S103AB00200, 1S102BB07200, and 1S102B00400.

SUMMARY: Three appeals have been filed that include claims that the TA2011-0003, CPA2011-0002, ZMA2011-0002, CPA2011-0003 and ZMA2011-0003 proposals did not satisfy Comprehensive Plan Chapter 3, Chapter 5, Chapter 6, and Chapter 9 and did not satisfy Development Code Section 40.97.15.4.C.3 regarding Title 1, Title 6, Title 7, and Title 12.

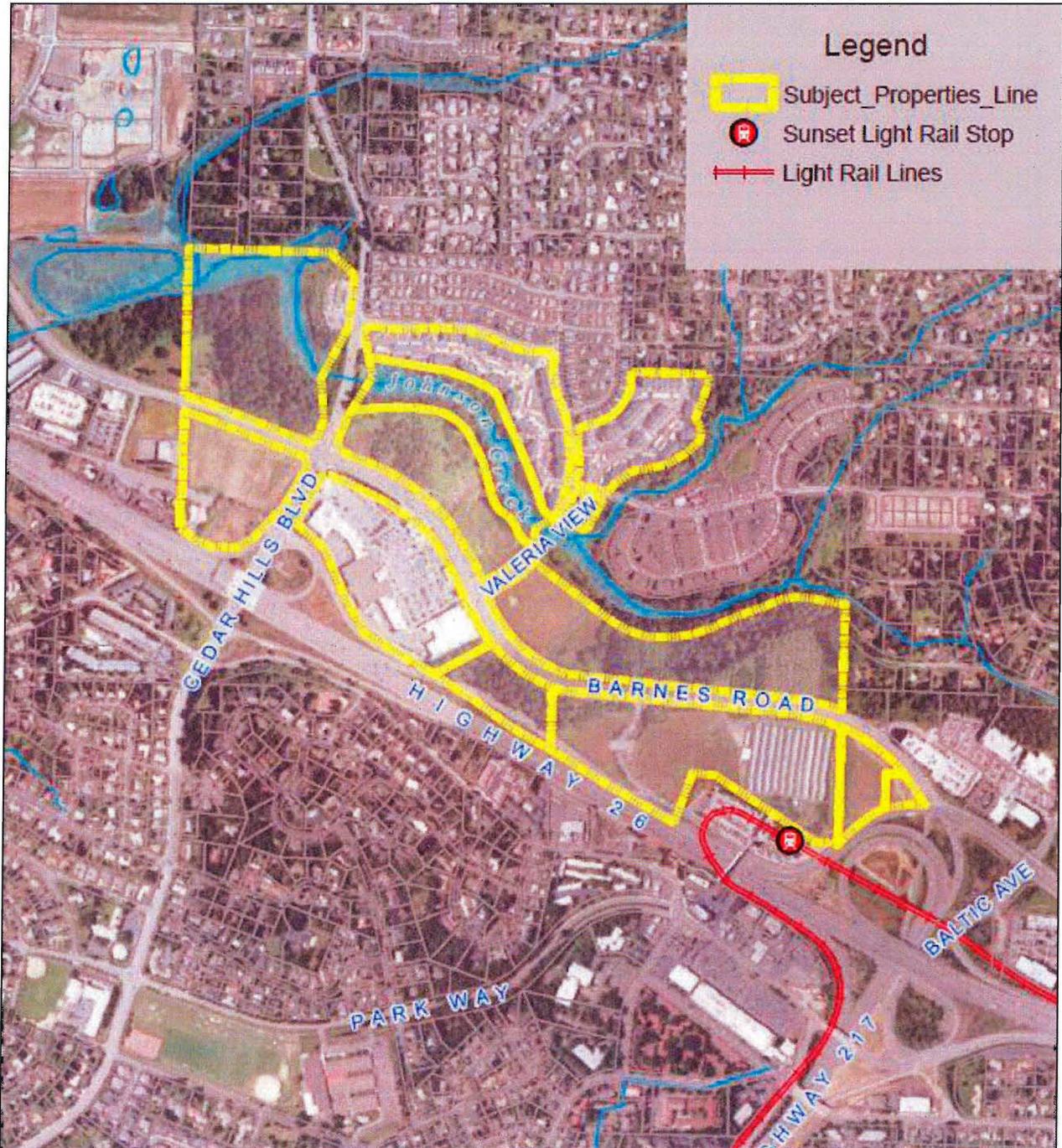
APPELLANTS: Jake Mintz, Richard Battaglia, Gail Murphy, Robert Douglas, Eric J. Thompson, and Susan Chow.

APPLICANT: City of Beaverton

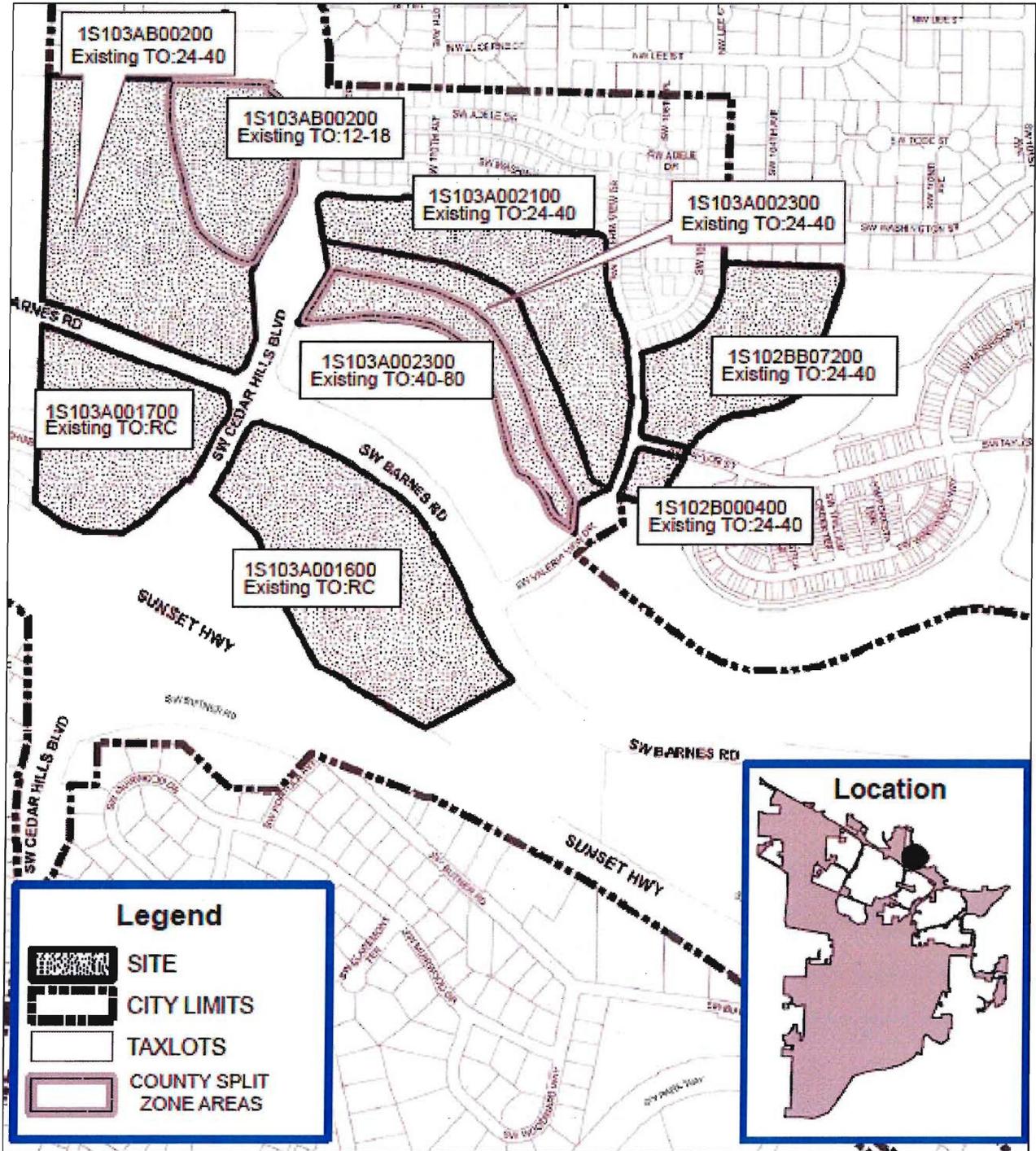
DECISION CRITERIA: City Council will review the appeal of the CPAs as described within Section 1.7.5 of the Comprehensive Plan for the City of Beaverton. Criteria for Quasi-Judicial Comprehensive Plan Map Amendments are listed in Section 1.5.1 of the Comprehensive Plan. City Council will review the appeal of the ZMAs as described within Sections 50.70 and 50.85 through 50.88 of the Development Code of the City of Beaverton. Criteria for Discretionary Annexation-Related Zoning Map Amendments are listed in Section 40.97.15.4.C of the Development Code.

RECOMMENDATION: **DENIAL** of **APP2011-0004 (Appeal of Peterkort Corridor and Neighborhood Residential)**, uphold the Planning Commission's recommendation to approve CPA2011-0003 and ZMA2011-0003.

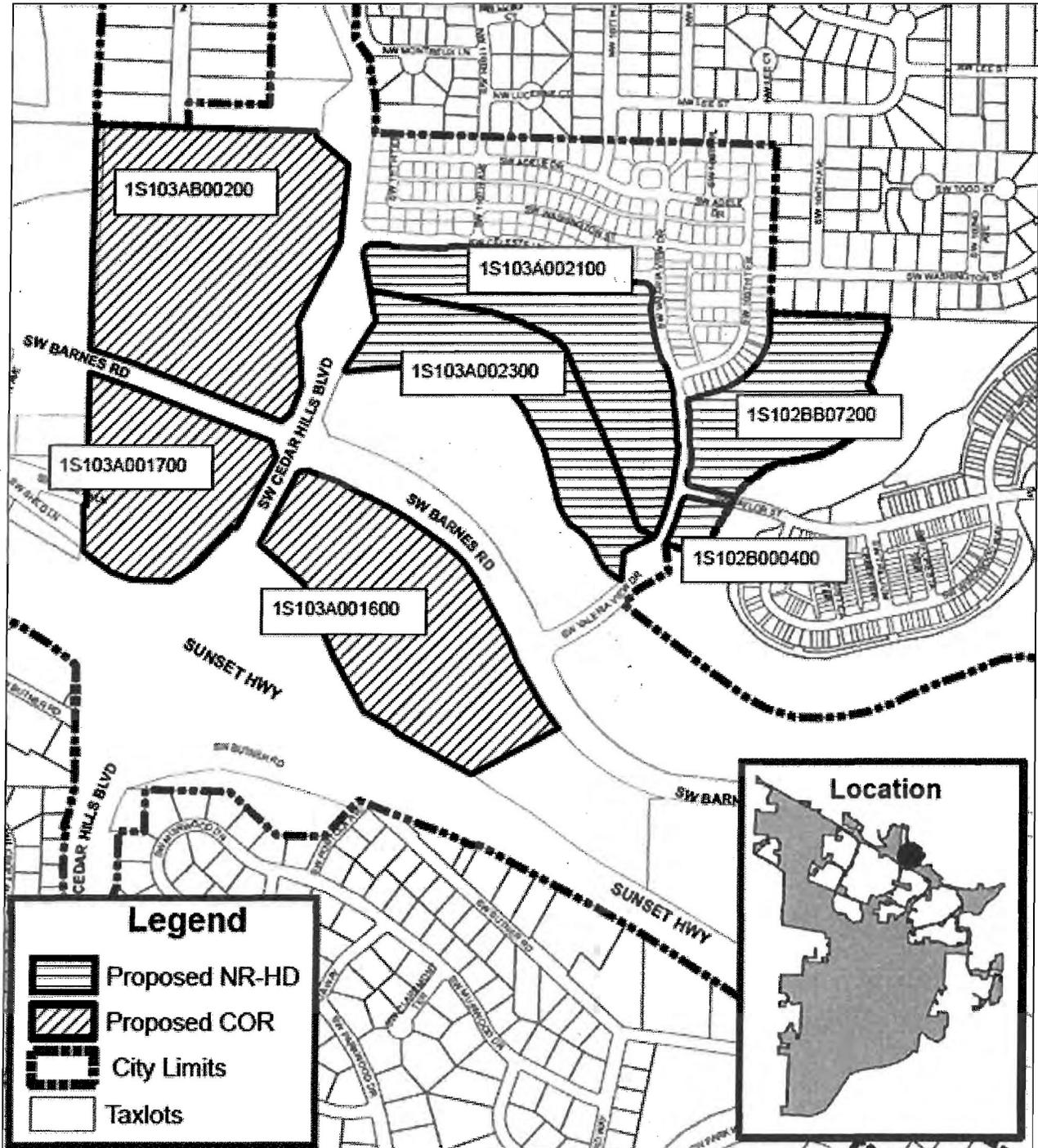
**AERIAL VICINITY MAP
PETERKORT PROPERTIES WITHIN THE CITY OF BEAVERTON
SUBJECT TO INTERIM WASHINGTON COUNTY LAND USE DISTRICTS**



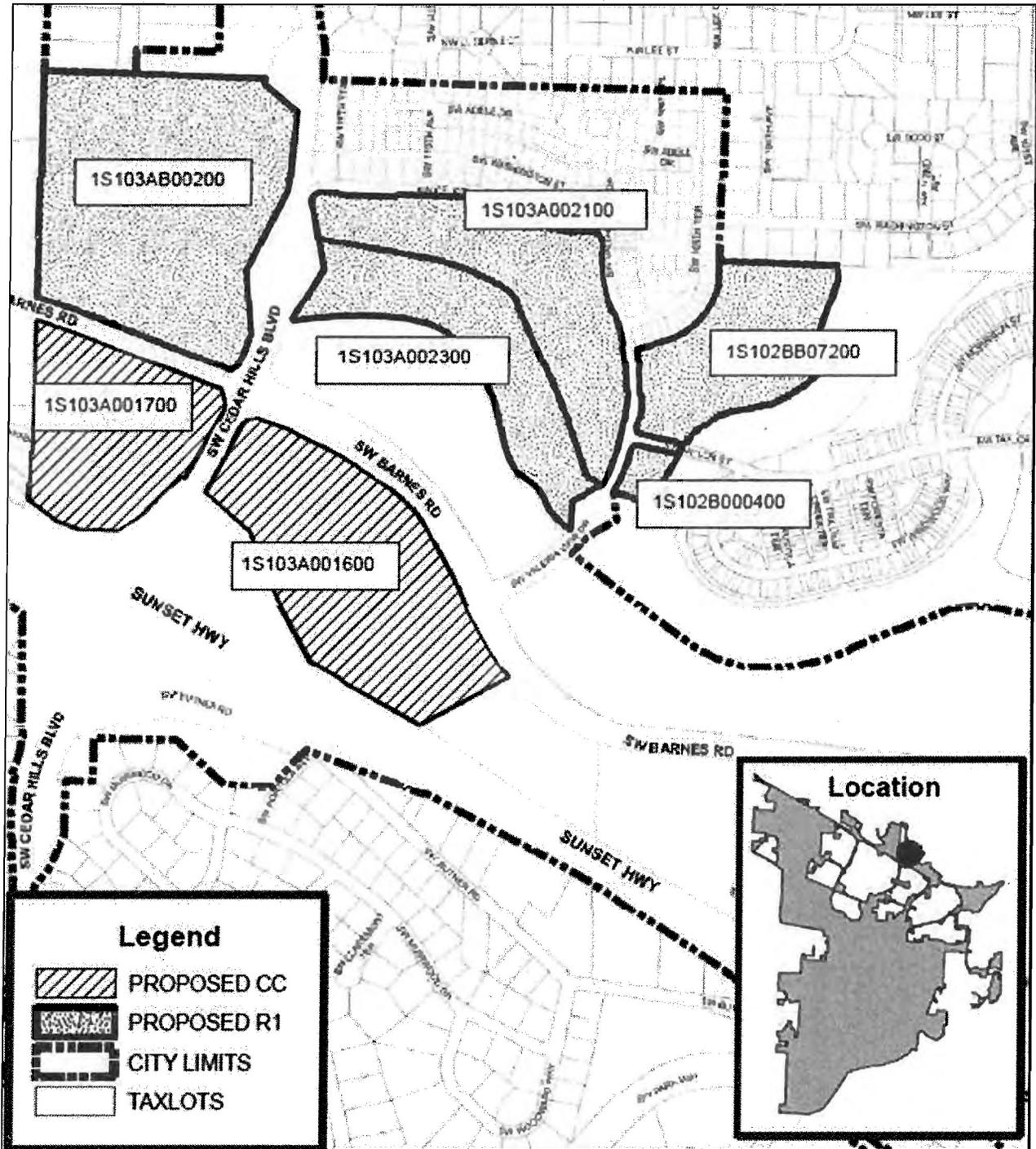
EXISTING WASHINGTON COUNTY LAND USE DISTRICTS



PROPOSED CITY OF BEAVERTON LAND USE DESIGNATIONS



PROPOSED CITY OF BEAVERTON ZONING DISTRICTS



APP2011-0004 Appeal of Peterkort Corridor and Neighborhood Residential
(CPA2011-0003/ZMA2011-0003)

The City of Beaverton initiated a set of five legislative land use applications in October of 2011. The proposals were related to application of City land use designations and zoning districts for 13 parcels with an associated text amendment. The five applications were organized into three packages for noticing and staff report writing, as follows: TA2011-0003 Station Community – Sunset Text Amendment, CPA2011-0002 Peterkort Station Community Land Use Map Amendment with ZMA2011-0002 Peterkort Station Community – Sunset Zoning Map Amendment, and CPA2011-0003 Peterkort Corridor and Neighborhood Residential – High Density Land Use Map Amendment with ZMA2011-0002 Peterkort Corridor Commercial and R1 Zoning Map Amendment.

Standard noticing procedures of the *Comprehensive Plan for the City of Beaverton* and the *Development Code of the City of Beaverton* were followed and included:

1. The required inter-agency DLCD notice was mailed to DLCD, Metro and Washington County on October 20, 2011 - forty-five (45) calendar days prior to the initial hearing;
2. The required inter-agency DLCD notice was also mailed to the Chair of Citizen Participation Organization (CPO) 1, the Chair of the Central Beaverton Neighborhood Association Committee (NAC) whose boundaries include the properties for which the change is contemplated, and the Chair of the Committee for Citizen Involvement on October 20, 2011, at least forty-five (45) calendar days prior to the initial hearing;
3. Legal notice was published in the Beaverton Valley Times on November 17, 2011.
4. Notice was posted in Beaverton City Hall and in Beaverton City Library on November 17, 2011.
5. Notice was mailed to property owners included in the proposed change area, by certified mail, on November 17, 2011.
6. Notice was mailed to owners of property within 500 feet of the subject parcels for which the change is proposed on November 17, 2011.
7. Notice was placed on the City's web site on November 16, 2011.

On November 30, 2011 the staff reports were made available to the public and were distributed to the Planning Commission. Staff provided a revised Transportation Planning Rule report to the Planning Commission via email on December 5, 2011 with a cover memo. Staff started to receive written testimony within the week prior to the Planning Commission hearing. On December 6, 2011, upon the request of Paul Schaefer, staff forwarded his written testimony to the Planning Commission via email. Additional written testimony submitted to the Planning Division prior to 5:00 p.m. on December 7, 2011 was submitted with a cover memo to the Planning Commission at the hearing. Also on December 7, 2011, staff submitted revisions to the proposed Development Code text modifications with a memo. Jake Mintz presented his written testimony to the Planning Commission with his oral testimony.

The Planning Commission commenced with the Public Hearing on December 7, 2011. At the hearing the Planning Commission voted unanimously to recommend approval of all five applications to the City Council. Land Use Order No. 2275 summarizes the Commission's

BACKGROUND

recommendation to approve the proposed Comprehensive Plan Map Amendment and Zoning Map Amendment. Each of the Land Use Orders were signed December 14, 2011 and were mailed to those parties who participated in the Planning Commission's decision with the Notice of Decision on December 15, 2011.

An appeal of the Commission's recommendation to approve the CPA and ZMA was filed on December 27, 2011 by Jake Mintz, Richard Battaglia, Gail Murphy, Robert Douglas, Eric J. Thompson, and Susan Chow. The appeals designated Jake Mintz as the contact representative for the appellants. The appeals contend that the proposal does not satisfy Titles 1, 6, 7 and 12 of Metro's *Urban Growth Management Functional Plan*, Chapters 3, 5, 6, and 9 of the *Comprehensive Plan for the City of Beaverton*, and Section 40.97.15.4.C. of the *Development Code of the City of Beaverton*.

On December 26, 2011 staff mailed a letter notifying the appellant that the appeals were accepted by the Community and Economic Development Department. Notice of Appeal was mailed on January 17, 2012 to the appellant, all other parties who participated in the Planning Commission's decision, and community members who provided their mailing addresses on the sign-in sheet at the CPO1 January 3, 2012 meeting.

The full Planning Commission record, including draft minutes of the Planning Commission hearing, have been provided to City Council members and are available for review at the Planning Division counter during regular business hours or online at the Planning Division's web page, <http://www.beavertonoregon.gov/index.aspx?nid=177>.

The analysis and findings provided in this report will discuss the specific criteria being appealed as identified by the appellant in response to the requirements of Section 1.7.2 of the *Comprehensive Plan for the City of Beaverton* and Section 50.75 of the *Development Code of the City of Beaverton*.

Pursuant to Section 1.7.5 of the Comprehensive Plan and Sections 50.70.4 and 50.75.4 of the Development Code, the appeal hearing shall be *de novo*, which means any new evidence and argument can be introduced in writing, orally or both. A *de novo* hearing does not limit participation; therefore, community members that did not participate in the Planning Commission process have the opportunity to participate in the appeal hearing.

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ANALYSIS AND FINDINGS

For APPEAL of CPA2011-0002 Station Community Land Use Map Amendment

1.5 Criteria for Amending the Comprehensive Plan

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

1.5.1. Criteria for Legislative and Quasi-Judicial Comprehensive Plan Amendments:

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;

The appellant's letter specifies that Titles 1, 6, 7, and 12 of Metro's Functional Plan have not been met with the proposed amendment. The following is staff's response to the specific points raised by the appellant regarding the applicable Metro Functional Plan provisions (Chapter 3.07 of Metro Code), set out in ***bold italic*** paragraph headings. Portions of the appellant's response are *italicized* below. The full statement of the appeal is found in Exhibit F of the City Council Agenda Bill.

Urban Growth Management Functional Plan, Metro Title 1: Requirements for Housing and Employment Accommodation

Appellant Contentions

The proposals are not consistent with nor do they comply with Title 1 as it pertains to employment. The proposals do not require minimum floor areas (FAR's) of non-residential [commercial retail] uses on lands proposed to be zoned Corridor Commercial...

City Response

The Planning Commission staff report addressed this issue in the following response: *"The TO:RC has a minimum floor area ratio requirement for non-residential developments of .25 to .35 depending upon the distance of the parcel from the light rail station. The CC zoning district does not have a minimum FAR for non-residential development. However, the typical commercial development in the Beaverton area is typically in the .35 range since this is the typical amount of floor area that can be constructed and provide adequate surface parking."* The SC zoning districts implemented by the Station Community land use designation would result in a larger minimum FAR than what is permitted with the County's TO:RC land use district as they range between 0.4 and 0.6. Based on the minimum floor area ratio (FAR) requirement the SC zoning districts would require a higher intensity of use on the subject site. The CC zoning district does not have minimum FAR, but it would not require that development of these two parcels to exceed what is required by the county's TO:RC land use district. The November 30, 2011 staff report has shown how the density, uses, and design standards of the CC are most compatible to the TO:RC land use district.

Metro Title 6: Centers, Corridors, Station Communities and Main Streets
 (Metro Code Sections 3.07.610 – 3.07.650)

Appellant Contentions

...the city's proposals are significantly different from the current county station community plans. The proposals if implemented would have the net result of allowing an extremely dense (in terms of non-residential floor area, not residential densities) Regional Center...

...future redevelopment of this area must be consistent with that approved for by the county, a station community with an emphasis on residential with limited retail and mixed use at/near the station itself. On one hand, on lands proposed to be zone SC-S, the amendments allow too much non-residential uses; while not assuring that housing will be provided. On the other hand on lands proposed to be zoned CC, the amendments do not impose any minimum square footage requirement.

Overall the proposal will produce a "super" Regional Center if developed at an FAR of nearly 4.0...

Amendments that allow Regional Center-type/style development on lands planned for...Station Community -type/style development are not consistent with Title 6.

City Response

The proposed amendments propose Corridor and NR:HD land use designations for the subject site. The Corridor and NRHD land use designations have similar characteristics to the County land use designation for the subject sites and would allow the mix of uses envisioned by the County to remain. The appellant's point with regard to Title 6 is not applicable to this proposed amendment as the Station Community zones are not proposed for the subject site.

Metro Title 7: Housing Choice

Appellant Contentions

The text amendment in particular sets a minimum number of housing units, yet does not require any housing units to be constructed until 80% of the non-residential uses are constructed. As such the proposal, in particular TA2011-0003, can not guarantee that any housing let alone affordable housing, will ever be provided.

City Response

This issue is specific to the text amendment associated with the SC-S zoning district. The seven parcels within this subject area are proposed to have Corridor and Neighborhood Residential-High Density (NR:HD) land use designations and CC and R-1 zoning. Therefore the issue raised by the appellant is not applicable to this proposed amendment.

Metro Title 12: Protection of Residential Neighborhoods**Appellant Contentions**

...The Text Amendment (TA2011-0003) allows nearly 11 million square feet of non-residential uses, which in turn would generate nearly 300,000 Average Daily Trips(ADT)—equal to the average daily trips generate by 30,000 detached single family homes. This much traffic (and trips) will severely impact the surrounding neighborhoods...

City Response

This issue is specific to the text amendment associated with the SC-S zoning district. The seven parcels within this subject area are proposed to have Corridor and Neighborhood Residential-High Density (NR:HD) land use designations and CC and R-1 zoning. Therefore the issue raised by the appellant is not applicable to this proposed amendment.

Finding

Based on the facts and findings from the Staff Report, the supplementary memorandums provided to the Planning Commission and the findings of the Planning Commission in Land Use Order 2275, Criterion 1.5.1.b is met.

C. City Comprehensive Plan Section 1.5.1 C:

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

The appellant's letter specifies that Chapter 3, 5, 6, and 9 of the Comprehensive Plan have not been met with the proposed amendment. The following is staff's response to the specific points raised by the appellant regarding the applicable Comprehensive Plan Chapters. Portions of the appellant's response are italicized below. The full statement of the appeal is found in Exhibit F of the City Council Agenda Bill.

City Comprehensive Plan Chapter 3, Goal 3.5 Mixed-Use Element**Appellant Contentions**

Amendments to the SC-S zone standards and other proposed amendments do not "align adequately with current county Plan requirements....It may be "mixed-use" in name only.

City Response

The Staff Reports dated November 30, 2011 discussed how the proposed density, uses, and development standard compared the current county transit-oriented land use designations to the proposed city zoning districts showing these proposed districts are the most similar in allowing mixed use development. The proposed amendment to Corridor and NR:HD were shown in the Planning Commission staff report to be consistent with the densities and uses permitted in the TO:RC and TO:R12-18 and TO:R24-40. Staff also cites the findings in the Planning Commission report for Criterion 40.97.15.4.C.3 of this report as applicable to this section.

Appellant Contentions

The proposed amendments do not guarantee that the build-out of the area will be dense, vibrant....A vibrant mixed use community needs housing up front...

City Response

This issue is specific to the text amendment associated with the SC-S zoning district. The seven parcels within this subject area are proposed to have Corridor and Neighborhood Residential-High Density (NR:HD) land use designations and CC and R-1 zoning. Therefore the issue raised by the appellant is not applicable to this proposed amendment.

Appellant Contentions

The proposed amendments fail to implement the detailed design standards and ASC#11 provisions...

City Response

This issue is specific to the text amendment associated with the SC-S zoning district within the boundaries of ASC#11. The seven parcels within this subject area are proposed to have Corridor and Neighborhood Residential-High Density (NR:HD) land use designations and CC and R-1 zoning and are located outside the boundaries of ASC#11. Therefore, the issue raised by the appellant is not applicable to this proposed amendment.

Appellant Contentions

The proposed amendment also fail to ensure minimum floor areas to be developed on lands proposed to be zoned CC (noting the current TO:RC district requires at least an FAR of 0.25)

City Response

The staff report addressed this issue in the following response: *"The TO:RC has a minimum floor area ratio requirement for non-residential developments of .25 to .35 depending upon the distance of the parcel from the light rail station. The CC zoning district does not have a minimum FAR for non-residential development. However, the typical commercial development in the Beaverton area is typically in the .35 range since this is the typical amount of floor area that can be constructed and provide adequate surface parking."* While the CC zoning does not establish a minimum floor area, staff find the uses and development standards of the CC are compatible to the TO:RC land use district.

City Comprehensive Plan Chapter 3, Goal 3.8.1 Station Community Development

Appellant Contentions

The proposed Text Amendment (TA2011-0003) makes a veiled attempt at requiring residential densities needed to generate ridership. However, the proposed amendments do not require high density housing be located at/near the station.

City Response

This issue is specific to the text amendment associated with the SC-S zoning district. The seven parcels within this subject area are proposed to have Corridor and Neighborhood Residential-High Density (NR:HD) land use designations and CC and R-1 zoning. Therefore the issue raised by the appellant is not applicable to this proposed amendment.

Appellant Contentions

...Housing which is a critical element of a mixed-use development is not required until 80% of the non-residential uses are constructed. This provision is NOT comparable to the County's station community plans.

City Response

This issue is specific to the text amendment associated with the SC-S zoning district. The seven parcels within this subject area are proposed to have Corridor and Neighborhood Residential-High Density (NR:HD) land use designations and CC and R-1 zoning. Therefore the issue raised by the appellant is not applicable to this proposed amendment.

City Comprehensive Plan Goal 3.15 Urban Planning Area Agreement**Appellant Contentions**

None of the city's proposals is consistent with the county-city UPAA...

City Response

The UPAA does not provide specific direction in determining the correlating City land use or zoning district for the County's Transit-Oriented zoning districts. This lack of a clear cross reference between jurisdictions requires the exercise of discretion to determine the land use and zoning district that most closely approximates the County land use district. The analysis in the findings of the November 30, 2011 CPA and ZMA staff report show the Corridor and NR:HD land use designations provide implementing zoning districts that "most closely approximates" the Transit Oriented land use district in density, uses, and development standards as stated in the UPAA.

One of the purposes of the UPAA is to ensure that the City and County coordinate the transition of plans from County jurisdiction to City jurisdiction once annexation has taken place. City staff coordinated with County staff over a period of 16 months prior to the Planning Commission's hearing on this matter. A table is attached as Exhibit E.6 to this report outlining coordination efforts between City and County staff.

Appellant Contentions

The proposed amendment also do not implement fundamental design provisions, such as ASC#11 which requires housing at/ near the station.

City Response

This issue is specific to the text amendment and associated with the parcels proposed to have the City's SC-S zoning district and is within the ASC#11 boundaries. The seven parcels within this subject area are proposed to have Corridor and Neighborhood Residential-High Density (NR:HD) land use designations and CC and R-1 zoning and are not located within ASC#11. Therefore, the issue raised by the appellant is not applicable to this proposed amendment.

Appellant Contentions

The proposed amendments also provide a "loophole" whereby small parcels (1/2 acre in size developed in the SC-S zone would not be subject to the City's Planned Unit Development process/requirement.

City Response

This issue is specific to the text amendment associated with the SC-S zoning district. The seven parcels within this subject area are proposed to have Corridor and Neighborhood Residential-High Density (NR:HD) land use designations and CC and R-1 zoning. Therefore, the issue raised by the appellant is not applicable to this proposed amendment.

City Comprehensive Plan Chapter 5 Public Facilities and Services Element**Appellant Contentions**

This proposal "is not expected to affect..." the ability of urban service providers to serve the build out of this area...

City Response

The applications are to provide City zoning districts for the subject site. No specific development is proposed. With the exception of lot 1700, a portion of lot 200, and lot 2300 (open space), all other parcels are developed. Concerns regarding impact to urban services and facilities are addressed at the time of specific development in the subject area along with specific mitigation required.

City Comprehensive Plan Chapter 6 Transportation Element**Appellant Contentions**

The addition of almost 11,000,000 square feet of commercial retail and office useswill significantly impact the transportation system.

City Response

This issue is specific to the text amendment associated with the SC-S zoning district. The seven parcels within this subject area are proposed to have Corridor and Neighborhood Residential-High Density (NR:HD) land use designations and CC and R-1 zoning. Therefore, the issue raised by the appellant is not applicable to this proposed amendment.

Appellant Contentions

The proposed amendments are not supportive of the transportation element...

City Response

The proposed amendment seeks to change the land use designation assigned to the subject property from Interim Washington County Transit Oriented to City Neighborhood Residential-High Density (NR:HD) and Corridor. Discussions addressing the amendment's compliance with OAR 660-012-0060 were provided under the section addressing Goal 12 compliance and with Exhibit 17 and 21 in the Planning Commission's staff report. The analysis in the Planning Commission staff report along with the supplemental memorandum provided by Mr. Don Odermott, P.E. (Exhibit E.7 of this staff report), showed that the

proposed amendment will not increase the degree of traffic generation on local transportation facilities when comparing the proposed City zoning to the current County zoning.

In the staff report as well as the public hearing staff explained that development of the project area will require traffic impacts be assessed by the applicant to demonstrate that traffic generation deriving from the development will not impose excess constraints upon the system. If the impacts of development are forecast to degrade the system beyond the 0.98 demand to capacity ratio, mitigation measures to alleviate the impact may be required. The analysis of the impact of development would be triggered at the time when development of the property is proposed rather than with the proposed Comprehensive Plan Map amendment. Staff recommends that the Council find that the proposed amendment supports the transportation goals as identified in the Planning Commission staff report.

City Comprehensive Plan Chapter 9 Economy Element

Appellant Contentions

Allowance of almost 11,000,000 square feet of new commercial retail and office uses at this location will adversely impact existing nearby commercial ventures...

This amount of square footage will draw heavily from Beaverton's downtown Regional Center, cause further delay in the completion of the Round. In fact the nearly 11 million square feet of commercial retail and office uses will dwarf the likes of Washington Square....

City Response

This issue is specific to the text amendment associated with the SC-S zoning district. The seven parcels within this subject area are proposed to have Corridor and Neighborhood Residential-High Density (NR:HD) land use designations and CC and R-1 zoning. Therefore the issue raised by the appellant is not applicable to this subject area.

Finding

Based on the facts and findings from the Staff Report, the supplementary memorandums provided to the Planning Commission and the findings of the Planning Commission in Land Use Order 2275, Criterion 1.5.1.c is met.

SUMMARY FINDING

The appellants have not shown how the Planning Commission had erred in its recommendations to approve the applications. The Staff Report dated November 30, 2011, the memoranda provided to the Planning Commission and the findings of the Planning Commission in Land Use Order 2275 show that the proposed Comprehensive Plan Map Amendment meets the requirements of Section 1.5.1 of the Comprehensive Plan.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **DENIAL** of **APP2011-0004 Appeal of Peterkort Corridor and Neighborhood Residential** and **APPROVAL** of **CPA2011-0003**, with no recommended conditions of approval.

ANALYSIS AND FINDINGS

For APPEAL of ZMA2011-0002 Station Community Land Use Map Amendment

City Development Code Section 40.97.15.4 .C states:

- C. *Approval Criteria.*** *In order to approve a Discretionary Annexation Related 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:*

Appellant Contentions

The appellant's letter does not specify the approval criteria in Development Code Section 40.97.15.4.C in which proposed amendment does not meet. However, the appellant has raised the following issue in which staff determined has been addressed in this approval criterion. Portions of the appellant's response are italicized below. The full statement of the appeal is found in Exhibit F of the City Council Agenda Bill.

- C3. *The proposed zoning designation most closely approximates the density, use provisions, and development standards of the Washington County designation which applied to the subject property prior to annexation.***

Appellant Contentions

The proposed Amendments do not accurately reflect the County's Comprehensive Plan in accordance with the County-City UPAA.

City Response

As stated in the Land Use Order 2275: *"...the UPAA does not provide specific direction in determining the correlating City of Beaverton zoning district to the Washington County Transit-Oriented zoning district and the difficulty in finding a zoning district that was the "same" as the Transit Oriented land use districts. The analysis in the findings of the ZMA staff report show the CC and R-1 as shown on the proposed map most closely approximates the Transit Oriented land use districts based on the density, uses, and standards of each district for the subject tax lots. The Commission addressed the difficulties in trying to match zoning districts and concur with staff that the finding provided show how the proposed designations provided in the ZMA report closely approximates the County's Transit-Oriented districts for the subject tax lots."* The appellant has not adequately identified how the proposed amendment does specify how the proposed amendment does not accurately reflect the County's Comprehensive Plan. Staff disagrees with the appellant and find the proposal does meet the intent of the UPAA in determining the land use and zoning designation that closely matches the County's Transit Oriented Zone.

Based on the facts and findings from the Staff Report, the supplementary memorandums provided to the Planning Commission and the findings of the Planning Commission in Land Use Order 2275, Criterion 40.97.15.4.C.3 is met.

SUMMARY FINDING

Staff find that the appellant has not shown how the Planning Commission had erred in its analysis of the material. Staff stands by the findings in the Staff Report dated November 30, 2011, the memorandums provided to the Planning Commission and the findings of the Planning Commission in Land Use Order 2275 showing how the proposed Zoning Map Amendment meets the requirements of Section 40.97.15.4.C of the Development Code.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **DENIAL** of **APP2011-0002 Appeal of Peterkort Corridor and Neighborhood Residential (CPA2011-0003/ZMA2011-0003)** with no recommended conditions of approval.



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