



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 006-11

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

DATE STAMP

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: **ZMA2011-0002**

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:

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 SC-S (Station Community-Sunset) zoning district over six (6) properties, listed as follows by Tax Lot ID (Existing Washington County Land Use Districts): 1S102B000500 (TO:R40-80, TO:R80-120, TO:BUS), 1S102CA00500 (TO:BUS), 1S102CA00600 (TO:BUS), 1S102CB00100 (TO:R40-80, TO:BUS), 1S103A002200 (TO:R40-80), 1S103AD00600 (TO:R40-80). Associated proposals with separate DLCD noticing: CPA2011-0002, TA2011-0003, ZMA2011-0003, CPA2011-0003

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

Plan Map Changed from: _____ to: _____

Zone Map Changed from: **TO:R40-80, TO:R80-120, TO:BUS** to: **Station Community - Sunset**

Location: **Barnes Rd, Cedar Hills to Hwy 217; 1S1W02, 1S1W03** Acres Involved: **63**

Specify Density: Previous: **1,899, no max** New: **1,899 to 5,115**

Applicable statewide planning goals:

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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: **4755 SW Griffith Dr, POBox4755**

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

City: **Beaverton**

Zip: **97076-4755**

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

DLCD File No. 006-11 (19025) [16962]

ORDINANCE NO. 4580

AN ORDINANCE AMENDING ORDINANCE 2050, THE ZONING MAP TO APPLY THE CITY'S STATION COMMUNITY - SUNSET (SC-S) ZONING DISTRICT TO SIX PARCELS LOCATED NORTH OF HIGHWAY 26, SOUTH OF JOHNSON CREEK, FROM CEDAR HILLS BOULEVARD TO HIGHWAY 217 IN NORTHERN BEAVERTON, ZMA2011-0002

- 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. 2274, 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. 2274 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:

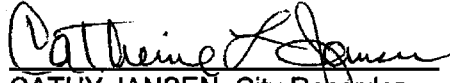
- Section 1.** Ordinance No. 2050, the Zoning Map, is amended to designate the properties on Map and Tax Lot 1S102B000500, 1S102CA00500, 1S102CA00600, 1S102CB00100, 1S103A002200 and 1S103AD00600 Station Community - Sunset (SC-S), as shown on Exhibit "A" attached to this Ordinance and incorporated by this reference.

First reading this 28th day of February, 2012.

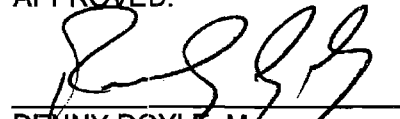
Passed by the Council this 5th day of March, 2012.

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

ATTEST:

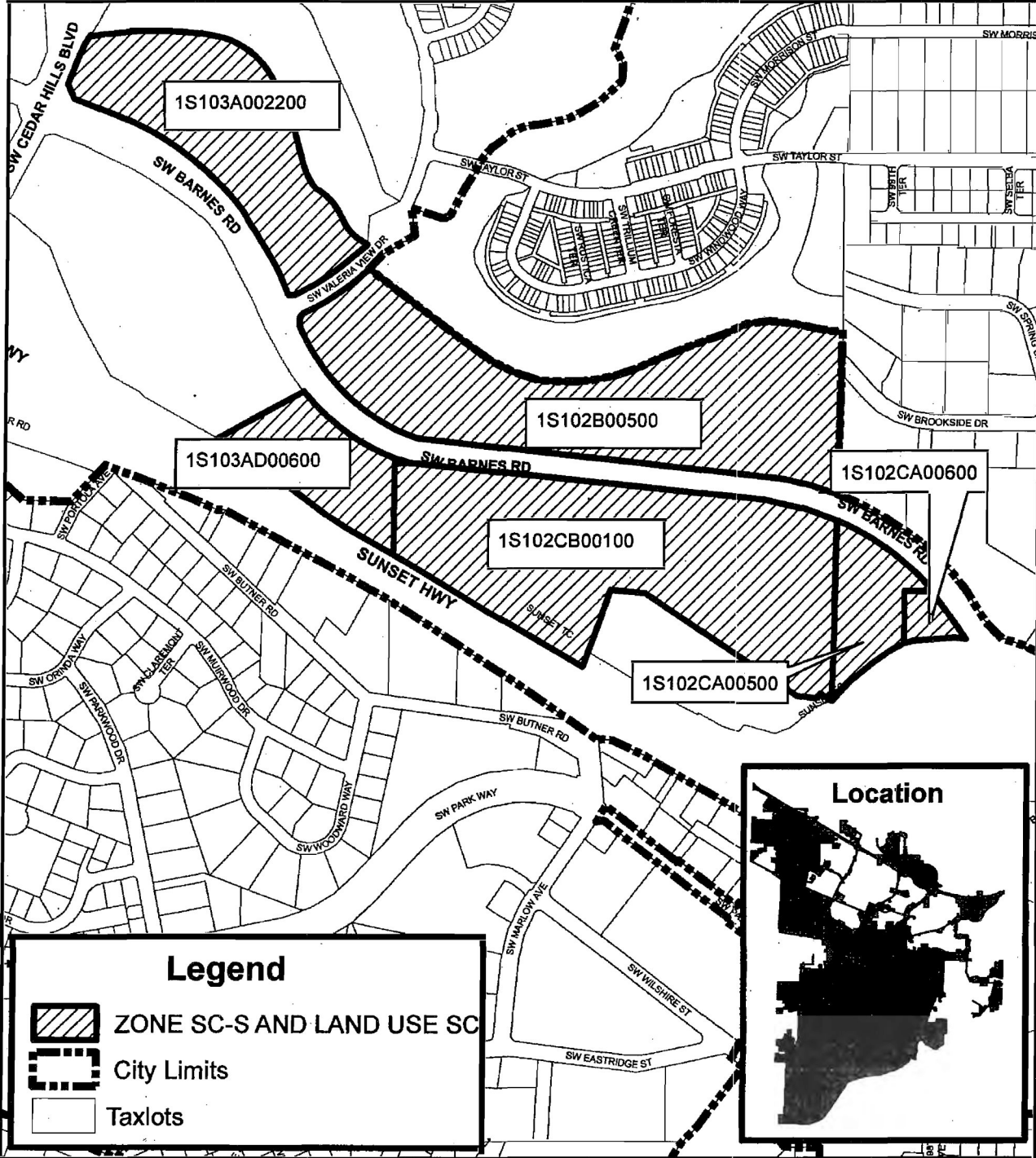

CATHY JANSEN, City Recorder

APPROVED:


DENNY DOYLE, Mayor by
RANDY EALY, Mayor Pro Tem

VICINITY MAP

PROPOSED CITY ZONES AND LAND USE



**PETERKORT CPA/ZMA 2011-0002
 PROPOSED ZONE AND LAND USE MAP CHANGE
 COMMUNITY AND ECONOMIC DEVELOPMENT
 Planning Division**

11/9/11

Tax Lot #'s
VARIOUS

Application #
ZMA2011-0002



SUPPLEMENTAL FINDINGS ON APPEAL

ZMA2011-0002, ORDINANCE NO. 4580

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 ZMA2011-0002 Peterkort Station Community – Sunset Zoning Map Amendment. The Notice of Appeal contends that the amendment does not satisfy the City's Development Code Sections 40.97.15.4.C.3-4. Those Development Code sections state approval criteria for a Discretionary Annexation-Related Zoning Map Amendment, including (at C.4) "consisten[cy] with the Washington County-Beaverton UPAA." In fact this ZMA came before the Planning Commission and the Council as a Legislative Zoning Map Amendment for which the criteria for approval are set out in other Development Code Sections, namely Sections 40.97.15.2.C.1-8. Those criteria include conformance with applicable policies of the City's Comprehensive Plan, which would include the city-county Urban Planning Area Agreement in Plan Chapter 3.15 (discussed below) among other policies

The City Council adopts the following supplemental findings in support of its decision to deny the appeal and to enact the zoning map amendment as further amended at the close of the hearing and as shown in Ordinance 4580.

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

State of Oregon, Statewide Planning Goals, Goal 1 Citizen Involvement and Goal 2 Land Use Planning. The Council finds that the review process for this ZMA

included notice mailed 45-days prior to the initial hearing to the chairs of Citizen Participation Organization (CPO) 1, Central Beaverton Neighborhood Association Committee (NAC), and the Beaverton Committee for Citizen Involvement (BCCI). A second notice was mailed 20-days prior to the initial hearing to the chairs of CPO 1, Central Beaverton NAC and BCCI. The Council finds that under the Washington County Comprehensive Framework Plan (Policy 2) and the county Community Development Code (Section 107) a CPO serves a county comprehensive planning function similar to the function of the City BCCI and NACs. The City was entitled under its ORS Chapter 195 coordination agreement with the County to rely upon the County to further communicate with its CPOs regarding this ZMA and other City land use planning proposals and enactments. The Council finds that neither state law nor the City Development Code require a community planning process for a zoning map amendment. The noticing requirements of the City's Development Code have been acknowledged by DLCD to meet Goal 1 and Goal 2.

State of Oregon, Statewide Planning Goals, Goal 12 Transportation. The Council finds that the TPR analysis studied development capacity levels to determine compliance with the rule, namely, whether a land use proposal will affect the transportation system beyond what existing regulations allow, and whether or not mitigation is required. The concurrent text amendment for the SC-S zoning district limits residential and non-residential development to align with Washington County's current regulations. Mitigation through development limitations results in compliance with the TPR.

The Council finds that staff from Washington County, the Oregon Department of Transportation (ODOT), the Oregon Department of Land Conservation and Development (DLCD), Metro, and TriMet were included in review of the ZMA for TPR compliance and that, prior to City's notice to DLCD of this ZMA, all those agencies agreed that the TPR calculations were correct.

The Council finds that the derived development capacity was determined given a number of variables. County regulations do not include a maximum FAR, rather an applicant is to start with the minimum FAR and may propose as much floor area as available within the capacity of the transportation system. County regulations do regulate maximum height except for unlimited height in the Sunset district. County staff directed City staff to calculate capacity from gross acreage. The approach to this TPR analysis was a worst-case scenario, not reasonable worst-case as would be determined from net acreage. Thus the concurrent text amendment sets a maximum FAR based on regulated maximum height over gross acreage. The Council relies on city staff statements that there was no dispute about the maximum numbers and that the County staff had more concern over the minimum residential density requirement.

The Council finds that the difference in horizons and performance measures for the County and the City Transportation System Plans (TSPs) is not relative to this ZMA. The County's TSP horizon is the year 2020 versus the City's TSP horizon year of 2035; this difference in TSP years is not an issue with this proposal, as the City has already shown compliance with TPR by mitigating the significant effect

with development limitations. The City's level of service and performance standards are more stringent than the county's in that potential development levels are less than allowed through the county's standards and are reviewed at the time of a development application.

Metro, Urban Growth Management Functional Plan, Title 1. The Council finds that in the 1990's with adoption of the 2040 Plan, Metro allocated jobs and dwelling units among regional jurisdictions. Many jurisdictions applied higher densities within Station Areas and Town Centers. These design types applied a certain number of people per acre in a mix of jobs and housing, with no prescribed ratio of jobs to housing. Washington County for its part found it necessary to add housing density and applied its highest residential density zoning to the area around the Sunset Transit Center. Metro accepted the county's planning for this Station Area.

Comprehensive Plan Chapter 3.15, Urban Planning Area Agreement (UPAA)
The Council finds that determining the most closely approximate zoning initially relied on land use analysis of the county CDC in comparison to the City's Development Code and available City zoning districts. This analysis included specific attention to minimum densities with calculations under County zoning based on gross acreage, per the direction of County staff. The Council finds that the concurrent text amendment results in a 'net zero' translation in density from County zoning to City zoning through the carry-over of County minimum residential density requirements over the Station Community – Sunset (SC-S)

zoning district. By requiring a specific minimum residential dwelling unit count over the parcels proposed for application of SC-S zoning, the City is ensuring a mix of uses over the subject parcels.

The appellant and others suggested City zoning districts that they contend are the "most closely approximate" to county zoning. The Council finds that in order to satisfy the minimum density requirements under county zoning, the City would have to modify the text of those other City zoning districts and thus affect properties throughout the City now within those zoning districts. For example, use of the City's Station Community - High Density Residential (SC-HDR) zoning district in place of the proposed SC-S zoning district would require a doubling of the residential dwelling unit requirement for the SC-HDR zone. The City instead chose to modify the SC-S zone in order to approximate existing County land use regulations and as no other existing city zoning district matches the density or intensity of the county zone.

The Council finds that the SC-S zoning district is a multiple-use zoning district and, as amended, requires 1,899 dwelling units residential and allows for other uses. The SC-S zoning district will not require residential development at or near the Sunset Transit Center, however, the SC-S zoning district does allow for dense multiple-use development around the Sunset Transit Center that is transit supportive.

Other Contentions. The appeal contends that the proposals did 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*. In response the Council cites the supplemental findings for Ordinance No. 4578, the supplemental findings for this Ordinance No. 4580, 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 UGMFP Titles and Comprehensive Plan Chapters.



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

STAFF: Leigh M Crabtree, Associate Planner *LMC/SK*

PROPOSAL: CPA2011-0002 Peterkort Station Community
Land Use Map Amendment
ZMA2011-0002 Peterkort Station Community - Sunset
Zoning Map Amendment

LOCATION: North of Highway 26, south of Johnson Creek, along both the north and south sides of Barnes Road from Cedar Hills Boulevard to Highway 217. The subject parcels are specifically identified as the following Washington County Assessor's Map and Tax Lots: 1S102B000500, 1S102CA00500, 1S102CA00600, 1S102CB00100, 1S103A002200, 1S103AD00600

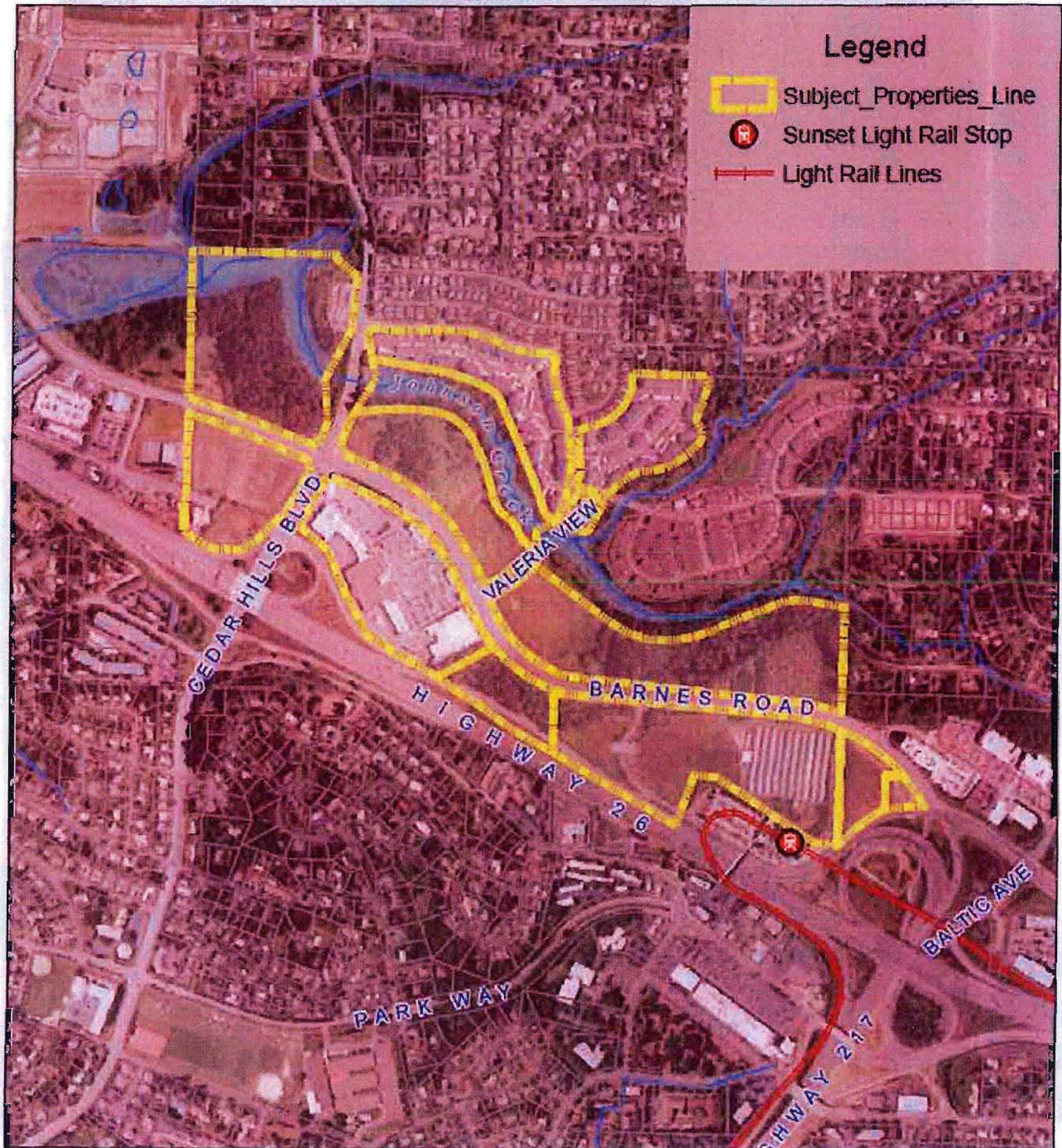
SUMMARY: The City of Beaverton is proposing to implement the Station Community Comprehensive Plan Land Use Map designation and Station Community - Sunset Zoning District upon six parcels currently carrying Washington County Transit Oriented Land Use Districts. No new development is proposed as a part of this application.

APPLICANT: City of Beaverton

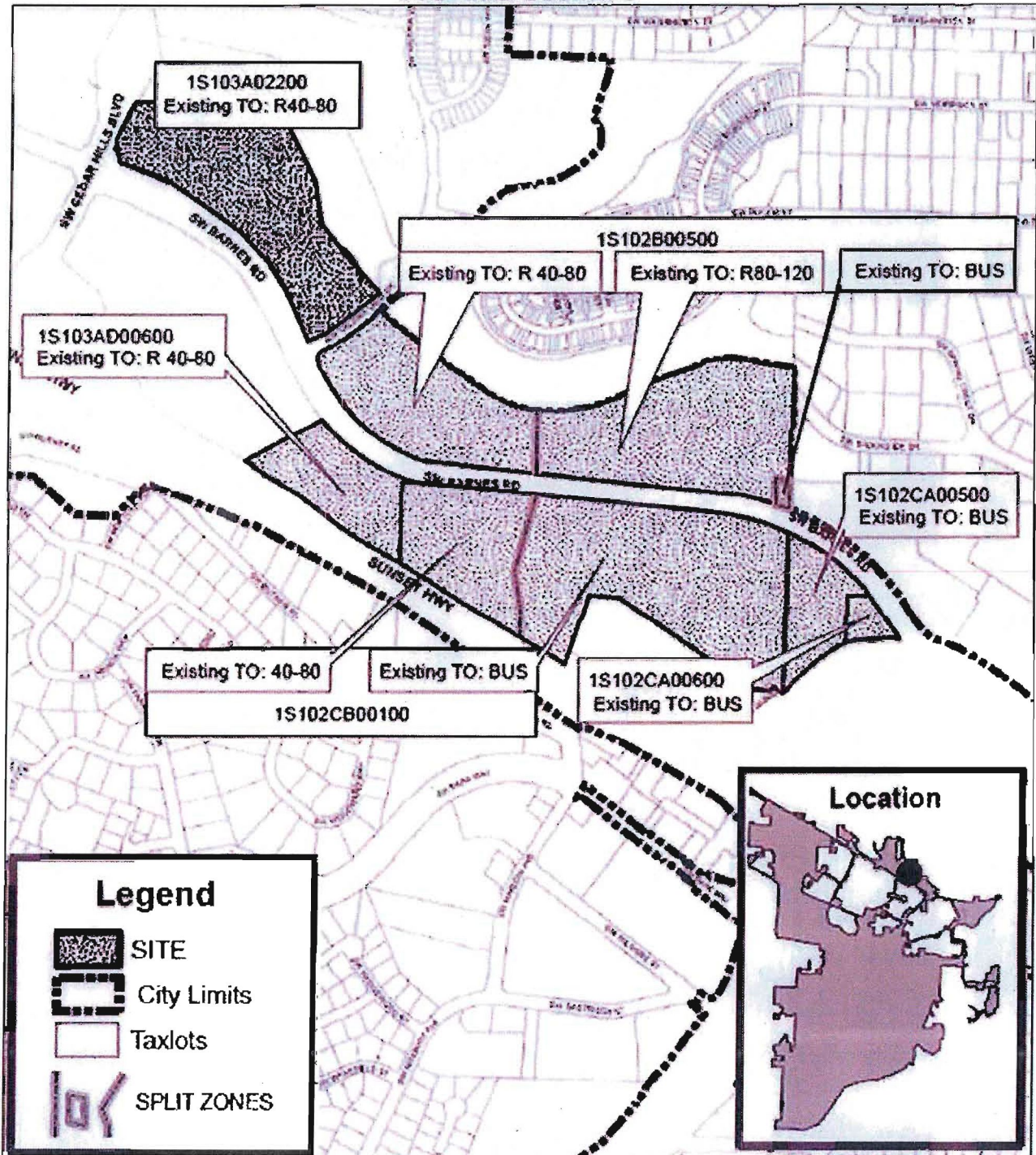
DECISION CRITERIA: Criteria for Quasi-Judicial Comprehensive Plan Map Amendments are listed in Section 1.5.1 of the Comprehensive Plan. Criteria for Discretionary Annexation-Related Zoning map Amendments are listed in Section 40.97.15.4.C of the Development Code.

RECOMMENDATION: Approval of CPA2011-0002 (Peterkort Station Community Land Use Map Amendment) and ZMA2011-0002 (Peterkort Station Community - Sunset Zoning Map Amendment), with no associated conditions of approval.

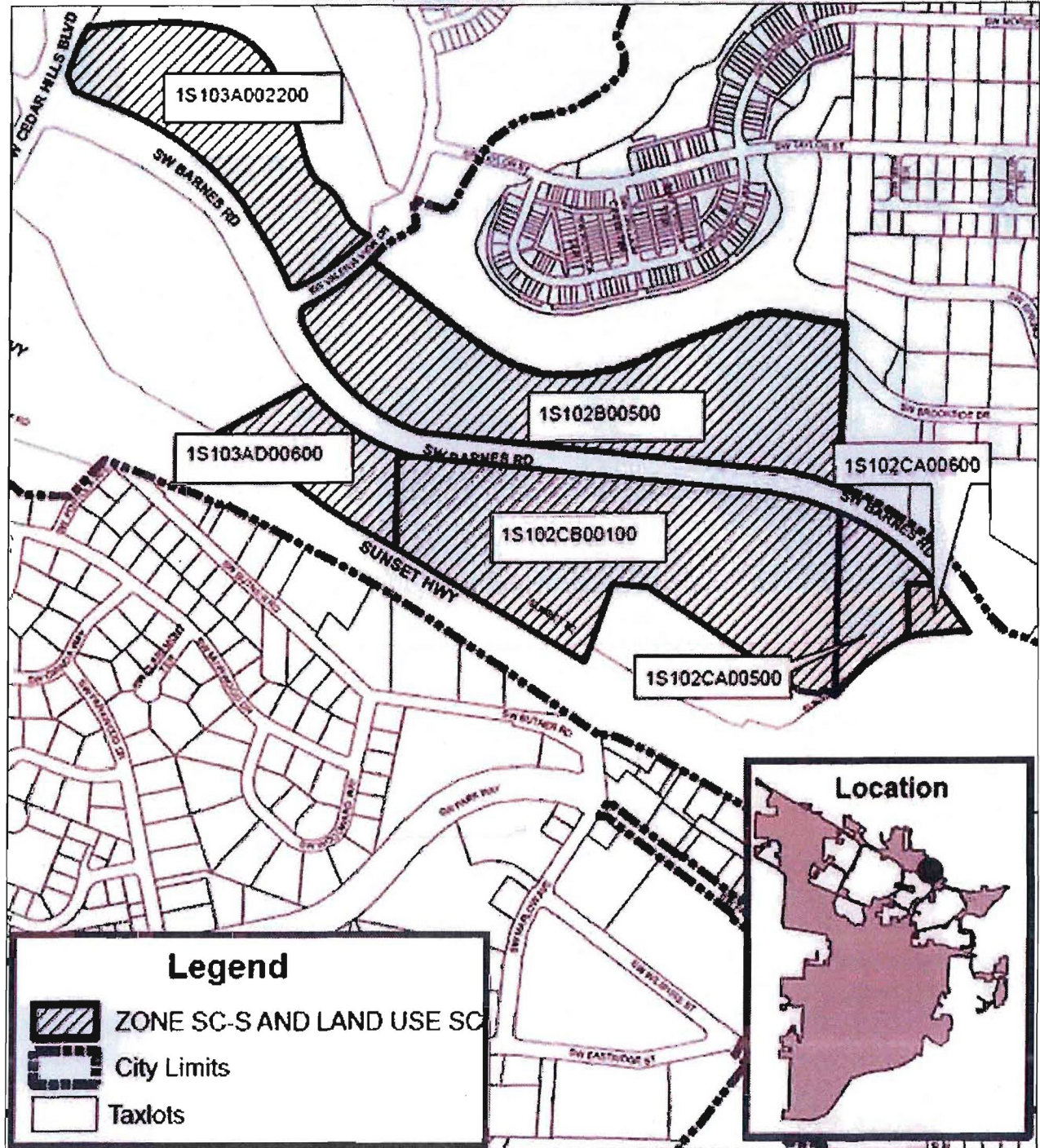
**AERIAL VICINITY MAP
PETERKORT PROPERTIES WITHIN THE CITY OF BEAVERTON
SUBJECT TO INTERIM WASHINGTON COUNTY LAND USE DISTRICTS**



EXISTING WASHINGTON COUNTY LAND USE DISTRICTS



PROPOSED CITY OF BEAVERTON LAND USE DESIGNATIONS & ZONING DISTRICTS



**CPA2011-0002 Peterkort Station Community Land Use Map Amendment
ZMA2011-0002 Peterkort Station Community – Sunset Zoning Map Amendment**

The subject parcels are located north of Highway 26 and south of Johnson Creek, on either side of Barnes Road from Cedar Hills Boulevard to Highway 217 and are a portion of the area generally referred to as the Peterkort area. These parcels were previously used for agricultural production and remain undeveloped by urban standards, except for transportation improvements. All six parcels have been annexed into the City of Beaverton, five parcels in 2005 as part of Ordinance 4334, Exhibit 5, and one parcel in 2011 as part of Ordinance 4562, Exhibit 6. The parcels are generally within one-half mile of the Sunset Transit Center Station within the Sunset Transit Center Station Community identified on the City's Land Use Map.

Surrounding land uses vary. Immediately north of the subject parcels are areas set aside for natural resource preservation along Johnson Creek and beyond are parcels developed with high, medium and low density residential uses. To the east are parcels developed with low and medium density residential uses, office buildings that accommodate a mix of professional service occupants, and beyond Providence St. Vincent Medical Center. South of Barnes Road and to the west is an existing commercial center, Peterkort Towne Square, and beyond Cedar Hills Boulevard is a primarily vacant parcel with one office building. North of Barnes Road and to the west is a primarily vacant parcel that may be developed with high density residential, includes continued natural resource area along Johnson Creek and has been partially developed with a child care center. Highway 217 and the Sunset Transit Center border the remainder of the parcels to the south.

All of the subject parcels continue to carry Washington County land use district designations. Because the City annexed these parcels, the City is the applicant in changing the existing Washington County designations to the appropriate comparable City land use and zoning designations. The property owners are in agreement with the land use and zoning designations proposed by the City. The amendments are necessary because retention of the County designations would require review of any potential development subject to the land use and site development requirements of Washington County's Comprehensive Plan, Community Development Code and the Cedar Hills-Cedar Mill Community Plan (Community Plan); whereas the development process would be regulated and administered by the City of Beaverton. Applying City of Beaverton land use designations and zoning districts on the subject parcels will result in review of development proposals per City of Beaverton regulations and processes.

Approximately two-thirds of the acreage included in this proposal is within ASC (Area of Special Concern) 11 as identified in the County's Cedar Hills-Cedar Mill Community Plan. Through the Community Plan, the County designated specific minimum dwelling unit counts and minimum FARs (floor area ratios) in order to achieve a high density mix of uses around the Sunset Transit Center. The City's Station Community land use designation allows for implementation of zoning districts that require higher densities and, "...sufficient intensities to generate light rail ridership and around-the-clock activity," as stated in section 3.8.2 of the *Comprehensive Plan for the City of Beaverton*. The applications propose implementation of the City's Mixed-Use Station Community (SC) land use designation and SC-S (Station Community – Sunset) zoning district for all six of the subject properties.

EXISTING CONDITIONS

Land Use District	Washington County Transit Oriented Land Use Districts: TO:BUS (Business); TO:R80-120 (Residential 80 to 120 units per acre), TO:R40-80 (Residential 40 to 80 units per acre)		
Current Development	Holly Farm, Greenhouses, Transportation Facilities, Wooded, Vacant		
Site Size	Total for the six lots is 63.16 acres or 2,751,250 square feet		
NAC	Central Beaverton Neighborhood Association Committee and Washington County Citizen Participation Organization 1		
Comprehensive Plan	<p>Land Use: Washington County Transit Oriented</p> <p>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.</p> <p>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. The Local Connectivity Map notes a future street through the site, south of Barnes Road, and pursuit of a multimodal connection into the transit center.</p> <p>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.</p> <p>Bicycle Improvements: The Bicycle System Gaps & Priority Locations map identifies the subject area in the lower-middle range priority for bicycle facility need.</p>		
Surrounding Uses		Land Use & Zoning:	Uses:
	North:	Washington County TO:R24-40 (Transit Oriented 24 to 40 units per acre)	Natural Resource Preservation & Multi- Family Residential
	South:	Washington County TO:R18-24 (Transit Oriented: Residential 18 to 24 units per acre) TO:BUS (Transit Oriented: Business)	Highway 26, Single- & Multi-Family Residential Office, Commercial
	East:	Washington County R-5 (Residential: 5 units per acre), TO:BUS (Transit Oriented: Business)	Single-Family Residential, Office
	West:	Washington County TO:RC (Transit Oriented: Retail Commercial) TO:R24-40 (Transit Oriented: 24 to 40 units per acre)	Commercial, Vacant

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B ZMA2011-0002 Peterkort SC-S Zoning Map Amendment	ZMA1-ZMA11
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Summary	ZMA 11
Conclusion	ZMA 11
Recommendation	ZMA 11
EXHIBITS	
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2 Existing Washington County Land Use Districts	SR 3
3 Proposed City of Beaverton Land Use Designations & Zoning Districts	SR 4
4 n/a	
5 Ordinance 4334	
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7 Washington County Comprehensive Plan Policy 18	
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9 Washington County “Goal 5 Natural Resources Inventory and Significance Determination for the Peterkort and Adjacent Properties in Washington County, Oregon”	
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**ANALYSIS AND FINDINGS
QUASI-JUDICIAL 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;

Facts:

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.

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 restrictive 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 necessary structures for any new construction taking place after annexation.

** Beaverton's residential densities identified in Exhibit "A" 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. 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 subject parcels all carry Washington County mixed-use land use designations categorized under Transit Oriented Districts in section 375 of the County's Community Development Code subject to relative requirements for land use, site development and design. These parcels are also subject to requirements of the County's Cedar Hills – Cedar Mill Community Plan, which include, but are not limited to, specific use, density and construction phasing requirements. To better understand how the provisions of the County's Comprehensive Plan, Community Development Code and Cedar Hills – Cedar Mill Community Plan inter-relate, City staff has been meeting and exchanging information with County staff. This coordination has led City staff to modify analyses and approaches to the current proposal.

The *Comprehensive Plan for the City of Beaverton* provides further direction for implementation of the SC land use designation upon the subject parcels. The Land Use Map includes designation of the Sunset Transit Center Station Community and section 3.2 of the City's Comprehensive Plan describes Station Communities as "nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment." Additionally, the City's "Comprehensive Plan and Zoning District Matrix", below, outlines the zoning districts that are allowed within the specific plan designations. Per Note 1 of the table, the SC-S zoning district is, "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."

COMPREHENSIVE PLAN AND ZONING DISTRICT MATRIX	
Comprehensive Plan Designation	Zoning District
Downtown Regional Center	RC-E, RC-OT, RC-TO
Washington Square Regional Center	C-WS, OL-WS
Station Community	SC-HDR, SC-MU, SC-EI, SC-E3, SC-S ¹
Town Center	TC-HDR, TC-MU
Main Street Corridor	Neighborhood Service, R1, R2
Employment Areas	General Commercial, Community Service, Neighborhood Service, R1, R2, R4, Corridor Commercial
Industrial	Office Industrial
Neighborhood Residential (equivalent to Metro's Inner and Outer Neighborhood Design Types)	Industrial, Office Industrial
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 direction provided by the balance of Washington County regulations and the *Comprehensive Plan for the City of Beaverton* leads staff to propose the SC land use

designation for the subject parcels. The City is not proposing the SC land use beyond these six parcels as the surrounding parcels carry a current mix of Washington County regulations that are lower in density and intensity requirements than SC regulations.

The City proposed land use designation transition is outlined, per parcel, in the following table:

TLID	COUNTY	CITY	
	District	Comprehensive Plan Designation	
1S1 02 B0 00500	TO:BUS	Mixed-Use	Station Community
	TO:R80-120		
	TO:R40-80		
1S1 02 CA 00500	TO:BUS	Mixed-Use	Station Community
1S1 02 CA 00600	TO:BUS	Mixed-Use	Station Community
1S1 02 CB 00100	TO:BUS	Mixed-Use	Station Community
	TO:R40-80		
1S1 03 A0 02200	TO:R40-80	Mixed-Use	Station Community
1S1 03 AD 00600	TO:R40-80	Mixed-Use	Station Community

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 scenic, historic or 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.

Wildlife Habitat: The study included assessment of ten (10) habitat units that are outlined in Table 9 of the Study. Habitat units A1, A2, and E, described as “mixed conifer-hardwood forest,” scored high enough to be designated as “High Value” and were determined to be significant. These three (3) units overlapped with the wetlands and riparian areas along Johnson Creek and its tributaries. The County followed the safe harbor approach to comply with OAR 660-23-0110. With this land use map amendment, the City acknowledges habitat units A1, A2, and E 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 Station Community land use designation allows for application of the most similar City zoning districts to the County’s currently applicable land use districts in combination with the prescriptions of the Cedar Hills-Cedar Mill Community Plan. 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 storm water 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 parcels 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.

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.

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 mixed-use, commercial and residential development. The City proposes a land use designation that is the most similar to the County's designations in maintaining the planned amount of commercial capacity for economic development of the subject properties.

Metro established Station Community planning areas for the subject parcels and surrounding area in response to establishment of the Tri-County Metropolitan light rail line and station located adjacent to the subject parcels. In establishing the Cedar Hills-Cedar Mill Community Plan the County fulfilled the intent of Metro's *2040 Concept*. Specifically for the Peterkort Property Master Plan Areas, the County's concepts were established to maximize the economic potential of properties suitable for development with a mix of uses. Applying the City's Station Community Land Use designation to the subject properties maintains compliance with the intentions expressed in Goal 9.

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 (Urban Growth Management Functional Plan) 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 were 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 the City's Station Community Land Use Map designation, which will allow the City to implement a zoning district that is the most similar to the County's existing mix of regulations for the subject parcels. This

approach will continue to allow for a variety of housing types and densities commensurate with a variety of income levels as prescribed in Goal 10.

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 subject parcels are located within the UGB (Urban Growth Boundary) 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.

Generally speaking, 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's SC Land Use Map designation, as the proposal will allow for similar densities and intensities allowed through the existing County land use districts.

Goal 12: Transportation

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

OAR (Oregon Administrative Rules) 660-012-000 through 660-012-0070, referred to as the TPR (Transportation Planning Rule), provide guidance on compliance with Statewide Planning Goal 12. A Transportation System Plan (TSP), adopted pursuant to OAR Division 12, fulfills the requirements for public facilities planning required under ORS (Oregon Revised Statute) 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 12 as they relate to transportation facilities. Volume 4 of the Comprehensive Plan contains the City's adopted TSP, effective October 21, 2010. OAR 660-012-0060 requires local governments to review Comprehensive Plan and land use regulation amendments with regard to the effect of the amendment on existing or planned transportation facilities.

The intent of the proposed amendment is to implement City Comprehensive Plan Land Use Map designations that allow for implementation of City Zoning Districts that are the most similar to the County's land use districts. The City proposes the Station Community land use map designation respective of current County Transit Oriented Districts to match as closely as possible the current use allowances and minimum density and intensity requirements for the subject properties. The City's Comprehensive Plan designations are descriptive tools assigned to individual properties. These designations are in turn implemented through the specific zones, which ultimately control the use and residential density allowance for a

development. This density in turn influences the scale of traffic generation that will affect local transportation facilities.

The subject parcels are adjacent to, or are in relative proximity to, TriMet's Sunset Transit Station. The transit station is served by the Red line and Blue line MAX light rail trains, five (5) bus routes, two (2) shuttles, and the Tillamook County Transportation District (TCTD). A pedestrian bridge over Highway 26 and a private road from SW Barnes Road, through one of the subject properties, provide riders with access to the parking garage and a rider drop-off area. A crucial motivation in establishing the Station Community concept was to maximize the public infrastructure investment in light rail. Applying the Station Community land use designation for properties around the Sunset Transit Station will allow for mixed-use development to bolster transit ridership, reducing the amount of automobile trips.

The current transportation system will require modifications to achieve full development build out. Modifications may include new pedestrian and bicycle facilities, additional sidewalks, bus transit stop improvements, widening of existing surface streets, and new street construction. The noted modifications are presumed under either the current County zoning districts or the proposed City land use designations.

The OAR 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 SC-S zoning district of ZMA2011-0002, which is an implementing zone of the SC land use designation.

The TPR states that an 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

The analysis provided by Transportation Consulting Group, Exhibit 17, found that, "The transportation impact 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." Therefore, the proposal would (a) not change the functional classification of an existing or planned transportation facility, (b) not change the 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 transportation facility. The levels of service of the street system in the impact area is 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).
- (B) not reduce the performance below the minimum acceptable performance standard identified in the TSP of an existing transportation facility and
- (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 of the subject parcels to rely on services within reasonable walking and biking distances. The combination of transit availability and mix of land uses is expected to reduce per capita energy consumption.

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 carry on current County density requirements. By continuing to require the same level of density over the subject parcels, this proposal will not increase pressure on the UGB. This proposal will allow for development of the subject parcels in a manner consistent with prior planning efforts to accommodate urban populations and urban employment inside the UGB.

Remaining Goals

Goal 3: Agricultural Lands

Goal 4: Forest Lands

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

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.

Goal 15: Willamette Greenway

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

Goal 16: Estuarine Resources,

Goal 17: Coastal Shorelands,

Goal 18: Beaches And Dunes,

Goal 19: Ocean Resources

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.

Summary Finding: 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 finds that Goals 3, 4, 8 and 15 through 19 are not applicable. Criterion 1.5.1.A is met.

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

Facts:

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
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 density requirements for each zoning district. Application of City land use designations allows for application of City zoning districts. The proposed Station Community land use district for the subject parcels will allow the City to apply Station Community zoning districts that require similar densities to those required by the County.

Two concurrent applications, ZMA2011-0002 and TA2011-0003, if approved combine to require that the minimum derived development capacity required by the County is maintain over the subject parcels. The associated Zoning Map Amendment, ZMA2011-0002, proposes implementation of the SC-S zoning district and the Text Amendment, TA2011-0003, proposes to amend the density requirements for the SC-S zoning district to maintain the minimum dwelling unit density currently required by the County over the subject parcels. Exhibit 15 to this report, attached, is a Development Capacity analysis that depicts density requirements of the existing County land use designations compared to proposed City zoning districts, without Text Amendment approval.

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

Title 3: Water Quality and Flood Management

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

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 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 parcels 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 application does not propose modification of Metro's *Title 4, Employment and Industrial Areas Map*. This application does propose accommodation of non-industrial employment over the subject parcels through the allowed uses available within the Station Community land use designation.

Title 5: Neighbor Cities and Rural Reserves

(Repealed Ord. 10-1238A, § 4)

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

The areas in and around the subject parcels include existing regional 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. Metro's *2040 Regional Growth Concept Map* depicts the Station Communities, Town Centers or Corridors design types over all or part of the subject parcels. Washington County recognizes this area as the Sunset Transit Center Station Community Area with approximately two-thirds of the subject parcels' acreage within the County's Peterkort Station Subarea, which carries a mix of the County's Transit Oriented designations. All of the subject parcels are also within the City of Beaverton's Sunset Transit Center Station Community area.

Applicable sections of Title 6 are addressed, below:

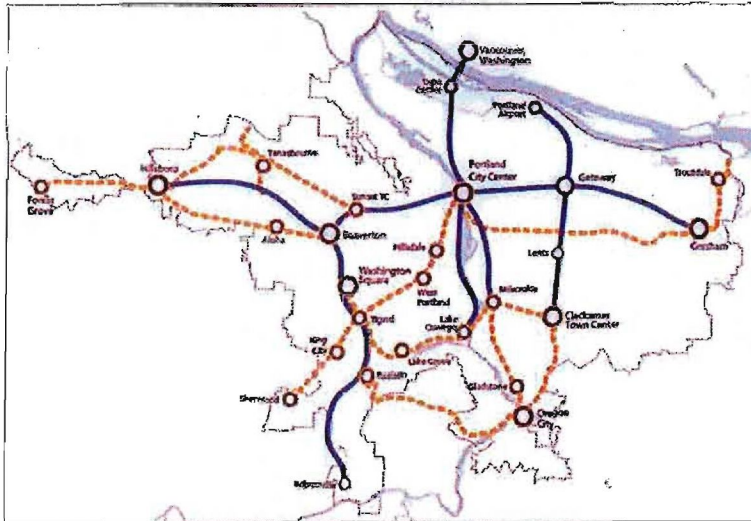
3.07.620 Actions and Investments in Centers, Corridors, Station Communities and Main Streets

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 is 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 Station Community land use designation upon the subject parcels is consistent with application of the Station Community design type in the area around the Sunset Transit Center.

- 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 at a major intersection of regional transportation investment in an area of Washington County that could benefit significantly from proximity to a variety of employment, retail, service and residential options. The County adopted ordinances with specific expectations for development density and intensity that the City of Beaverton will continue to respect. However, there are differences in how the County and the City govern development. The specific locational requirements envisioned by County codes and plans are not established in City codes and plans. This nuance will allow a developer to propose a master plan for the area that aligns with market demand while maintaining the minimum residential densities expected by the County.

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 as well as limitations on auto-dependent uses within specific distances from light rail transit station platforms. Relative to the subject parcels, the Section 60.05.55.5 of the Development Code depicts five Major Pedestrian Routes and the Sunset Transit Center Station Community includes a light rail station platform.

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...

The subject parcels are generally within one-half mile of the light rail platform at TriMet's Sunset Transit Center and are situated within a street system inclusive of two intersecting freeways, two arterials, and one collector. These parcels remain mostly undeveloped, which presents opportunities to improve the pedestrian experience and transit availability. Application of the City's Station Community 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 Station Community land use designation and its implementing zoning districts allow for a variety of complementary uses. Attached dwellings are allowed within three of the implementing zones. Eating and drinking establishments and retail trade is generally permitted, with a prohibition for bulk retail. Educational institutions, hospitals, medical offices and facilities are typically permitted uses. Public buildings, services and uses are usually conditionally permitted.

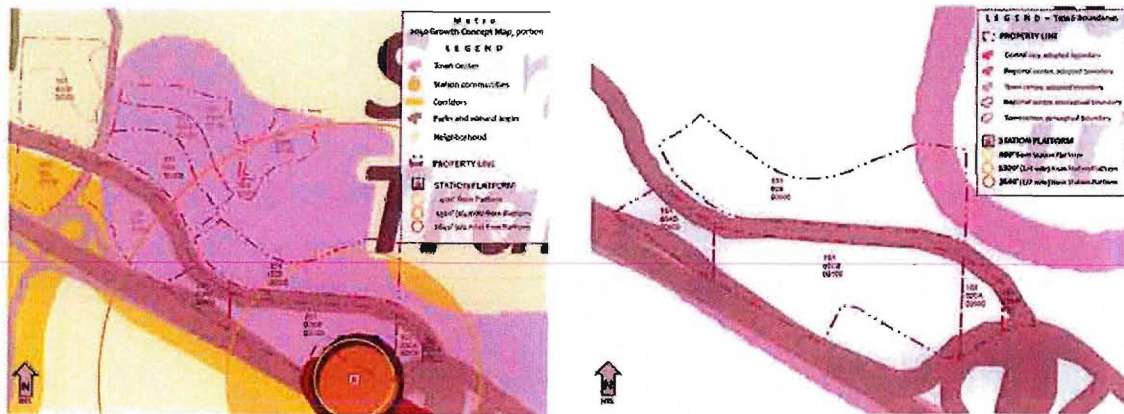
C. Centers, Corridors, Station Communities and Main Streets need a mix of housing types to be vibrant and successful. ...

The entirety of the Sunset Transit Center Station Community area includes parcels that are developed with apartments, townhomes, and detached dwelling units. Specific to the subject parcels, application of the Station Community land use designation will allow for implementation of Station Community zoning districts. Three of the five implementing Station Community zoning districts allow for housing uses with attached dwelling units being the usual permitted housing type and detached housing only permitted as an existing condition or as part of a development with common greens and shared courts.

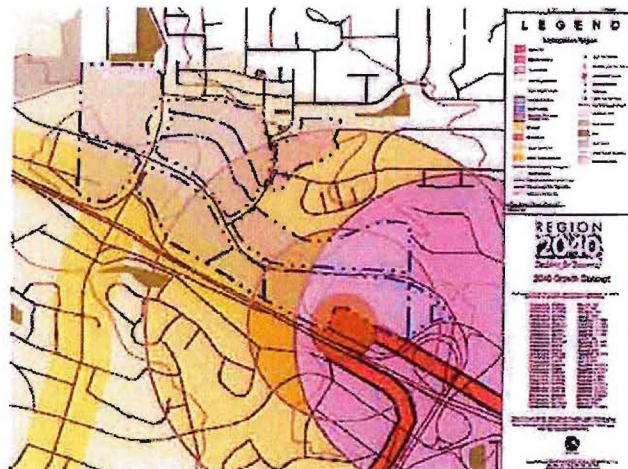
3.07.650 Centers, Corridors, Station Communities and Main Streets Map

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, all of the subject parcels within Town Centers design type and four of the parcels are within Station Communities design type. The Title 6 Boundaries Map depicts the 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 Town Centers design type was depicted over all of two parcels and part of two other parcels from just west of the station and continuing to the east. The Corridors design type is also visible on this map over one of 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.

Under currently applicable local planning policies, the County adopted the Sunset Transit Center Station Community boundary for the subject properties and surrounding area and the City adopted the same boundary. Washington County has designated all of the subject properties as Transit Oriented, refers to the subject area as the Sunset Transit Center Area, and recognizes most of the subject area east of Valeria View as Area of Special Concern 11, the Peterkort Station Subarea.

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 Station Community 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 the existing Sunset Transit Center Station Community designation, the proximity of the Sunset Transit Center and the UPAAs between Washington County and the City of Beaverton, staff recommends continuation of the Station Community design type for the subject properties and, therefore, application of the City's Station Community Mixed Use 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, 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 Cedar Hills – Cedar Mill Community Plan and 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 development to the north of the subject parcels is a mix of medium density and low density residential. Between the subject properties and the existing residential development to the north is Johnson Creek and the related Statewide Planning Goal 5 area included in Exhibit 9. The proposed City land use designations are substantially similar to the County's land use districts as related to density and uses for the subject parcels and the City is proposing to carry over the County's Goal 5 safe-harbor approach to natural resource preservation along Johnson Creek. Therefore, this proposal results in little change in impacts to the level of protection provided for 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 proposal is not expected to cause expansion of the Urban Growth Boundary.

Regional Transportation Plan

Chapter 6 Implementation

The City's 2035 TSP (Transportation System Plan) was adopted in 2010 in advance of the required 2011 adoption identified in Table 3.08-4. The 2035 TSP was adopted with full review by Metro for consistency with the 2035 RTP and 2035 RTFP. Applicable sections of the Regional Transportation Functional Plan are addressed, below.

Chapter 3.08 Regional Transportation Functional Plan (RTFP)

The RTFP was adopted as part of the 2035 RTP (Regional Transportation Plan) in June 2010. Section 3.08.010 of the RTFP states, "The RTFP 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 RTFP is provided:

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.*

The findings for Statewide Planning Goal 12, addressed earlier in this report, are applicable to these sections of the RTFP. The analysis provided in Exhibit 17 and has concluded that, "the proposed land use actions do not have a Significant Effect on the transportation system," as defined by OAR 660-012-0060. The subject proposal does not include amendments related to subsection 3.08.230E.

- 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 Land Use Map amendment to apply City land use designations to the subject parcels. This application does not propose amending the text of the Comprehensive Plan or 2035 TSP, nor does this proposal include a development action.

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

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

Facts:

Chapters 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the *Comprehensive Plan for the City of Beaverton* include policies that are applicable to this Comprehensive Plan Map Amendment. 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 application proposes replacement of County multiple-use land use districts with City land use designations upon the subject parcels.

“Exhibit B” of the UPAA between the County and the City does not acknowledge multiple-use land use categories and, therefore, does not provide direction to the City for the land use designations and zoning districts that are to be implemented upon annexation. Additionally,

the subject parcels are subject to the special policies within Washington County's Cedar Hills – Cedar Mill Community Plan. Given this situation, the proposed Comprehensive Plan Map Amendment must follow a discretionary review process. Therefore, this proposal is being processed as a quasi-judicial amendment subject to a public hearing before the Beaverton Planning Commission.

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 - 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.

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

At the hearing, the Planning Commission considers written comments and oral testimony before they make a decision. The procedures outlined in Comprehensive Plan Section 1.4.1. 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. Therefore, staff finds 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 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, unless an appeal of the Planning Commission decision is filed, in which case the Council will conduct a hearing on the appeal.

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.

Finding: Staff finds that the proposal is a quasi-judicial amendment. Staff finds 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.

Finding: 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 3.2 Planning Context

In reference to Metro's *Urban Growth Management Functional Plan* and local jurisdiction application of the various 2040 design types, Section 3.2 includes the following discussion:

Station Communities in Beaverton include...The Sunset and 170th/Elmonica Station Communities are located within Beaverton's urban service area... Beaverton's zoning districts focus on the immediate station, within 1/2 mile, and the outer perimeter, 1/2 to 1 mile. These zoning district categories are labeled Station Community and Station Area, respectively. ... Metro's target density is 45 persons per acre for the Station Community design type.

The subject proposal is to implement the Station Community designation generally within one-half mile of the Sunset Transit Center's light rail platform.

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

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

Policies:

- a) The City, through its Planning Commission and City Council, shall establish and apply appropriate land use designations to property within the city limits.*
- b) The City shall establish and maintain a Comprehensive Plan Land Use Map (Figure III.1) designating land uses throughout the city.*
- c) The City shall apply appropriate City land use designations to annexed areas.*

This proposal will apply a City mixed-use land use designation upon the subject parcels thereby modifying the *Comprehensive Plan Land Use Map*. These parcels have been annexed to the City from Washington County. Currently the subject parcels are subject to a set of County mixed-use land use districts and policies set forth in the County's Cedar Hills – Cedar Mill Community Plan. Continuation of mixed-use land uses upon the subject parcels is consistent with balance of prior planning efforts by the County to provide proper relationships between land uses.

Section 3.5 Mixed-Use Element

... Mixed use areas are conceived as urban neighborhoods containing a variety and intermixing of uses that complement the established surrounding communities. These areas generally integrate compatible land uses vertically, horizontally, or both. ...

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 Station Community mixed-use land use designation upon the subject properties. This application is in accordance with current County and City policies which were developed in the context of the *2040 Regional Growth Concept Map* adopted prior to 2011. The newly adopted *2040 Regional Growth Concept Map* continues to depict Station Community within one-quarter mile of the light rail station platform.

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.

Policies:

- a) Regulate new development in Town Center to provide an integrated mix of land uses accessible to pedestrians and bicyclists as well as those who drive.*
- b) Apply the Town Center land use designation in the general area identified on the Metro 2040 Regional Growth Concept Map.*

- c) *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.*
- d) *Adopt Community Plans identifying Comprehensive Plan Policies applicable to town center areas to provide community vision.*

The newly Metro adopted *2040 Regional Growth Concept Map* identifies the subject parcels within the Town Centers, Station Communities, and Corridors design types. Mapping related to Metro's Title 6 confuses the issue of applicable design type by depicting the Town Centers boundary as "conceptual." Additionally, the policies of Section 3.7.1 for Town Center Development do not discuss proximity to light rail as do the policies of Section 3.8.1 and 3.8.2 for Station Community Development. In accordance with the existing County and City planning documents, the community vision for the subject properties aligns with the Station Community land use designation, not Town Center.

3.8 Station Community Development

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

Policies:

- a) *Regulate new development in Station Communities to maximize the public infrastructure investment in light rail.*
- b) *Apply the Station Community land use designation generally within one mile of light rail station platforms.*
- c) *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.*
- d) *Adopt Community Plans identifying Comprehensive Plan Policies applicable to Station Community Areas to provide community vision.*

The newly Metro adopted *2040 Regional Growth Concept Map* identifies the subject properties within the Town Centers, Station Communities, and Corridors design types. Unlike Town Center and Corridor land use designation policies, the policies of Section 3.8.1 of the Station Community land use designation discuss maximizing investment in light rail and applying the Station Community land use designation within one mile of station platforms. Also, the policies of Section 3.8.2 further emphasize a higher level of intensities, design, and mass with Station Communities that is not present in Section 3.7, Town Center Development, or 3.10, Corridor Development. In accordance with the existing County and City planning documents, the community vision for the subject properties aligns with the Station Community land use designation.

3.8.2 Goal: Develop Station Communities with sufficient intensities to generate light rail ridership and around-the-clock activity.

Policies:

- a) *Regulate new development in Station Communities to provide increased densities and employment to support a high level of transit service.*
- b) *Within ¼ mile of the light rail station platform and along all major pedestrian routes, require development to provide the highest level of design features for*

- pedestrian activity and public access to the light rail station platform.*
- c) *Within ¼ mile of the light rail station platform, design the arrangement of parking and streets to accommodate construction of multiple level structures for parking, commercial, residential and mixed uses.*

The *Development Code of the City of Beaverton* has been written to regulate development along Major Pedestrian Routes, near light rail stations and in Station Communities at higher levels of density and intensity. Many requirements are based upon distance from the light rail station platform with the intent to reduce individual motor vehicle dependency the closer development is to the station platform. Application of the Station Community land use designation will allow for implementation of Station Community zoning districts which are the Development Code vehicle for implementing the Goal and Policies of Section 3.8.2.

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.

Policies:

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

The newly adopted *2040 Regional Growth Concept Map* continues to identify areas along Barnes Road as carrying the Corridors design type. However, the policies of Section 3.10.1 for Corridor Development do not discuss proximity to light rail as do the policies of Section 3.8.1 and 3.8.2 for Station Community Development. Rather the policies and actions of Section 3.10.1 discuss, in part, mixing commercial and residential uses with pedestrian amenities relative to the people they will serve. Additionally, the Comprehensive Plan notes that housing density "will range from 8 to 43 units per acre" which is a lower density range than required through existing County regulations for the subject parcels. Given the discussion regarding Station Community, above, and in accordance with the existing County and City planning documents, the community vision for the subject parcels aligns with the Station Communities land use designation, rather than Corridor.

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	
Comprehensive Plan Designation	Zoning District
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-E2, 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 TOBUS within approximately 1/2 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.

Application of the Station Community land use designation will allow for implementation of a Station Community zoning district. The concurrent proposal within ZMA2011-0002 is implementation of the SC-S (Station Community - Sunset) zoning district. Per note 1 of the Matrix, for all properties currently within the City of Beaverton, the SC-S zoning district is only applicable to the subject parcels.

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"

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 G.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 I.P. Campus Industrial C.I. *** Light Industrial L.I.
Institutional	Shown on Plan Zoned to the most restrictive 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 mixed-use land use designations by the County or the City and the UPAA has not yet been modified to recognize mixed-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."

Determining which Comprehensive Plan Land Use Map designation will be most appropriate for the subject parcels requires the City to take into consideration the various County requirements for the subject parcels. The subject parcels all carry Washington County mixed-

use land use designations categorized as Transit Oriented Districts. County and City staff have been coordinating over a number years to share enacted policies, code interpretations, land use and transportation analysis, general understanding and proposals for the subject parcels and surrounding area.

The discussions and findings throughout this staff report are provided in order to determine whether or not the proposed application of City land use designations is appropriate for the subject parcels per the requirements of the UPA. Given the balance of County policies and the available City land use designations and implementing zoning districts, the SC land use district 'most closely approximates the density, use provisions and standards of the County designations.'

Finding: Staff finds that application of the Station Community land use designation is the appropriate land use designation given the analysis provided, above. Therefore, the proposed 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 for the subject parcels 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 parcels; 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 Station Community land use designation upon the subject parcels will allow for development that maximizes use of buildable portions of the land. This may include residential housing types that are currently not prevalent within the boundaries of the City, and will relieve redevelopment pressure for existing, stable, affordable residentially developed areas.

Finding: 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

Chapter 5 outlines the context of public facilities within the City of Beaverton. Many services for citizens and property owners within the city are provided by districts and jurisdictions separate from the government structure of the City of Beaverton. The portfolio of services provided in the city, whether by the City of Beaverton or another agency, make Beaverton a full service city.

The subject parcels are located within a network of improved roadways, utilities and preserved open spaces. The compliment of facilities and services available to development under County land use is the same as the compliment of facilities and services available to development under City land use. The proposed set of allowed uses, densities and intensities for the subject parcels is similar to the current allowances under County land use regulations, with the proposed Station Community – Sunset Text Amendment.

As noted in the Goal 11 discussion, above, this proposal will not significantly affect 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. Additionally, because the density opportunities for the subject properties under the City's SC land use designation are similar to those allowed through the existing Washington County land use districts, school district forecasts for capital improvement and service provision should not be significantly affected.

Finding: Staff finds that implementation of the City's Station Community Mixed Used land use designation does not modify the projected provision of public facilities and services. Therefore, staff finds that the proposed amendment is compatible with the relevant goals and policies found in Chapter 5.

Chapter 6 Transportation Element

6.2 Transportation Goals and Policies

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 parcels will rely immediately on the Sunset Transit Center, Barnes Road, Cedar Hills Boulevard, Valeria View Drive and Highways 217 and 26. TriMet is the jurisdiction that controls the Sunset Transit Center and related improvements. Washington County controls Barnes Road and Cedar Hills Boulevard, and the Oregon Department of Transportation (ODOT) maintains jurisdiction over Highways 217 and 26; impacts to these facilities will continue to be reviewed by both jurisdictions. The subject properties will not directly access Highways 217 and 26.

Modification to the design and construction of surrounding transportation facilities is not proposed, nor is development proposed with this application.

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.

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.

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...

The findings for Statewide Planning Goal 12, provided previously in this report, are applicable to this section. As discussed under Goal 12, the proposal to amend the land use designation assigned to the subject parcels from Interim Washington County Transit Oriented to City SC (Station Community) is in compliance with OAR 660-012-0060.

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 that 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.

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 subject proposal and its effect on the surrounding transportation facilities has been the subject of several meetings between the agencies.

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

The proposed map amendment does not include modifications to any financial system that may affect future proposed development.

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.

Finding: Staff finds that, for the reasons specified above, the proposal is consistent with the policies found in Chapter 6 of the City's Comprehensive Plan. Implementation of the City's Station Community Mixed Used 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. Therefore, staff finds that the proposed amendment is compatible with the relevant goals and policies found in Chapter 6.

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

The current version of Washington County's Cedar Hills-Cedar Mill Community Plan (Community Plan) does not depict cultural, historic, scenic or Goal 5 resources on the "Significant Natural and Cultural Resources" map in association with the subject properties.

7.2 *Cultural and Historic Resources*

As the County Community Plan does not recognize cultural or historic resources upon the subject properties, the City does not propose any with this application.

7.3 *Natural Resources*

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) 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.

Wildlife Habitat: The study included assessment of ten (10) habitat units that are outlined in Table 9 of the Study. Habitat units A1, A2, and E, described as "mixed conifer-hardwood forest," scored high enough to be designated as "High Value" and were determined to be significant. These three (3) units overlapped with the wetlands and riparian areas along Johnson Creek and its tributaries. The County followed the safe harbor approach to comply with OAR 660-23-0110. With this land use map amendment, the City acknowledges habitat units A1, A2, and E as significant as they relate to City regulations.

7.4 Scenic Views and Sites

As the County Community Plan does not recognize scenic views and sites upon the subject properties, the City does not propose any with this application.

7.5 Energy

7.5.1 Goal: Development projects and patterns in the City that result in reduced energy consumption.

Implementation of mixed-use land use designations and multiple-use zoning districts is intended to reduce the City's per capita reliance on energy resources. Specifically in this area of the City, near a transit center and along arterials and freeways, the developing land with multiple purposes allows the users to move about with less reliance on individual motor vehicles. Additional energy advantages of mixed use and multiple use areas is vertically integrated construction that allows for shared electrical and mechanical systems within one structure that can be design to divert energy as needed, rather than running systems for unoccupied spaces.

7.5.2 Goal: Increase use of solar energy and other renewable energy resources in new development in the City.

The City has implemented the Solar Beaverton program, which is intended to streamline access to solar panel installation within the City. This proposal does not involve modification to any City programs or projects that work to improve energy efficiency.

7.6 Groundwater Resources

7.6.1 Goal: Protect groundwater in the City from contamination.

This proposal does not modify City of Beaverton, Tualatin Valley Water District or Joint Water Commission approaches to protection of groundwater resources.

Finding: Staff concludes that the proposal does not affect significant Cultural, Historic, Scenic, Energy and Groundwater Resources. Staff also acknowledges that the safe harbor approach to existing Natural Resources enacted by the County is sufficient when carried over by the City. The proposed amendment does not affect the City's ability to implement the provisions in this chapter. Therefore, staff finds that the proposed amendment is compatible with the relevant goals and policies found in Chapter 7.

Chapter 8 Environmental Quality and Safety Element.

Chapter 8 of the *Comprehensive Plan for the City of Beaverton* addresses water quality, air quality, noise, seismic hazards, geologic hazards, flood hazards, and solid and hazardous wastes. Developments that may occur upon the subject parcels, as a result of implementing the proposed City land use designation, are expected to maintain water quality, air quality, noise levels, and provision of solid and hazardous waste disposal services similar to developments that are allowed under the County's current land use districts. Additionally, developments will be required to meet engineering, construction and building standards relative to any seismic, geologic or flood hazards that may exist.

Finding: Staff finds that future development of the subject properties will be subject to requirements intended to provide for environmental quality and safety. Staff finds that the proposed amendment is compatible with the relevant goals and policies found in Chapter 8.

Chapter 9 Economy Element.

Approximately two-thirds of the subject property acreage is within the Peterkort Station Area, ASC 11. The introductory description for ASC 11 states, "It is the County's objective that a high density, mixed use, pedestrian-oriented, "urban village" develop in this area, with activity throughout the day, in the evening, and on weekends." In order to provide the amount of activity described by the Community Plan, a variety of employment, retail and

services will need to locate in the Peterkort Station Area at sufficient densities and intensities.

The County designated specific minimum dwelling unit counts and a relatively high minimum floor area ratio (FAR) in order to achieve a high density mix of uses around the Sunset Transit Center. The City's Station Community land use designation allows for implementation of zoning districts that require higher densities and, "...sufficient intensities to generate light rail ridership and around-the-clock activity," as stated in section 3.8.2 of the Comprehensive Plan.

Section 9.2.2.1 of the Comprehensive Plan states, "support business development through an effective transportation system, targeted land (re)development, and adequate infrastructure," as related to public partnerships. The subject properties are at an intersection of 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 Area by a surface street. The location of the Sunset Transit Center bolsters the area's opportunities for employment and commercial growth.

Section 9.2.3.1 of the Comprehensive Plan includes language for requiring, "a high quality... attractive environment," and recognition of, "the growing cultural diversity in Beaverton." The County and the City both require design review for development in multiple use areas. As the controlling agency for Barnes Road, the County will continue to be engaged in review of transportation facilities for the Barnes-Peterkort Area. The City considers Barnes Road a Major Pedestrian Route, which carries with it additional design requirements for abutting development.

Implementation of the City's SC land use designation will allow for the mix of uses, density, intensity envisioned by the County within the Peterkort Station Area to support business development. Additionally, the City's Development Code design standards will provide developers with baseline improvement requirements to improve quality of life.

Finding: Staff finds that the policies found in Chapter 9 will not be adversely affected by the proposed amendment. Therefore, staff finds that the proposed amendment is compatible with the relevant goals and policies found in Chapter 9.

Summary Finding: Staff finds that the proposed Comprehensive Plan Map 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 involves implementation of a City land use designation upon annexed parcels as required by section II.D. of the UPA. Annexation of the parcels into the City of Beaverton from the Washington County occurred in the years 2005 for five parcels and 2011 for the sixth parcel. The subject parcels are within the Sunset Transit Center Station Community, as identified on the City's Land Use Map. The SC-S zoning district is called out as the implementing zoning district for parcels approximately ½ mile of the Sunset Transit Light Rail Station per the *Comprehensive Plan and Zoning District Matrix* of Section 3.14 of the Comprehensive Plan. With concurrently proposed modifications, the SC-S zoning district will be the most similar available City zoning district to the County's mix of regulations for the subject parcels. In order to implement the SC-S zoning district the City must also implement the City's SC land use designation.

Finding: Staff finds that the proposed Comprehensive Plan Map Amendment satisfies demonstrated public need for implementation of the City's Station Community land use designation in line with existing Station Community identification of the subject properties. Thus, 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 Quasi-Judicial Comprehensive Plan Amendment pursuant to Section 1.5.1 of the *Comprehensive Plan for the City of Beaverton*.

CONCLUSION

Based on the facts and findings presented, staff concludes that proposal, CPA2011-0002 (Peterkort Station Community Land Use Map Amendment) meets the criteria for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of CPA2011-0002 (Peterkort Station Community Land Use Map Amendment) with no recommended conditions of approval.

**ANALYSIS AND FINDINGS
DISCRETIONARY ANNEXATION RELATED ZONING MAP AMENDMENT**

Section 40.97.15.4 of the *Development Code of the City of Beaverton*

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:

One threshold requirement is identified for a Discretionary Annexation Related Zoning Map Amendment in Section 40.97.15.4.A.1, which states:

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.

The subject parcels were annexed into the City of Beaverton from Washington County, five parcels in 2005 as part of Ordinance 4334, Exhibit 5, and one parcel in 2011 as part of Ordinance 4562, Exhibit 6. At the time of annexation City land use designations and zoning districts were not applied to the subject parcels, leaving the parcels identified as "Interim Washington County Zoning" on the City's Zoning Map. The current Washington County land use districts applied to the subject parcels are TO:BUS (Transit Oriented: Business), TO:R40-80 (Transit Oriented: Residential 40-80 units per acre) and TO:R80-120 (Transit Oriented: Residential 80-120 units per acre). The TO districts of Washington County are mixed-use land use districts. "Exhibit B" to the UPAA does not specify corresponding City zoning district for mixed-use land use districts.

Findings: Staff finds the proposed Zoning Map Amendment satisfies criterion 1.

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

Facts:

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 and Economic Development Department is a General Fund program and initiated the application. Therefore, the payment of an application fee is not required.

Findings: Staff finds that criterion 2 is not applicable to this proposal.

3. *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.*

Facts:

The language in this criterion is modified from the UPAA between Washington County and the City of Beaverton. Section II.D. of the UPAA states, in part:

... 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. ...

Determining which City designation(s) will, "most closely approximate the density, use provisions and standards of the COUNTY designations," for the subject parcels requires the City to take into consideration the various County policies and regulations applicable to the subject parcels.

County and City staff have been coordinating over a number years to share enacted policies, code interpretations, land use and transportation analyses, general understanding and proposals for the subject parcels and surrounding area. Submitted to Exhibit 19.2 of this staff report is a letter from Washington County's Land Use and Transportation, Long Range Planning Division dated November 23, 2011. In the letter, County staff provided discussion points and comments relative to planning of the Peterkort area in 1997, including:

- Proximity to the Station is Important
- Retail Development North of Barnes Road
- Importance of Urban Design and Provisions of a Park/Civic Space Near the Station
- How Housing Would be Phased in Over Time.

The City's crafting of the SC-S zoning district has been made relative to similar comments received from County staff in the past. In response, it needs to be stated that the City does not regulate development the same way the County regulates development. The requirements crafted in 1997 for the Peterkort Station Area were very specific as to location of land uses, design and placement of public facilities, level of review and procedures, and phasing. The City enacted the SC-S zoning district in 2010 and is proposing amendments to the SC-S zoning district through concurrent submittal of TA2011-0003. The SC-S zoning district is crafted to be more closely approximate to County regulations for the subject parcels with respect to level of development review, minimum dwelling unit requirements, land use analysis requirements, and thresholds for construction of the minimum residential dwelling requirements. This is consistent with the provisions of the UPAA. While the County has decided to place specific locational requirements for development in their community plan, the City does not use the Comprehensive Plan or Development Code to design the development of specific locations. Rather, the City uses the development review process for considering development locations and types of development. Staff recommends that the

critical issue of concern for the City to consider is to ensure the development capacity assumed by the County is maintained. This is the reason for the City to propose amendments to the SC-S zoning district to specify minimum and maximum development expectations for the zoning district. Staff recommends that how the development takes place, in what locations, and in what order is best determined by the property owner subject to City land use review. The Development Code is proposed to be amended to require Conditional Use - Planned Unit Development review for developing any site greater than a one-half acre within the SC-S zone. The PUD process would require the applicant to demonstrate how the minimum development expectations can be met across the entirety of the SC-S zone. Through that process, an applicant can demonstrate how the design issues and transportation issues the County has articulated can be accommodated, although the applicant would not be required to meet the current County zoning requirements that are not specifically contained in the Comprehensive Plan or Development Code.

Specific to the subject parcels are the policies and regulations within the County's *Comprehensive Framework Plan for the Urban Area (Volume II), Cedar Hills – Cedar Mill Community Plan*, Section 375 of the *Community Development Code*, and *Goal 5 Natural Resources Inventory and Significance Determination for the Peterkort and Adjacent Properties in Washington County, Oregon*. The subject parcels all carry Washington County mixed-use land use designations categorized as Transit Oriented, specifically TO:BUS (Transit Oriented: Business), TO:R80-120 (Transit Oriented: Residential 80-120 units per acre) and TO:40-80 (Transit Oriented: Residential 40-80 units per acre) land use districts.

Washington County: Comprehensive Framework Plan for the Urban Area

Washington County's *Comprehensive Framework Plan for the Urban Area* includes multiple plan policies and related materials. Policy 18, attached as Exhibit 7, discusses Plan Designations and Local Criteria for Development. Policy 18 includes the following descriptions of Transit Oriented Districts that currently apply to the subject parcels:

The land use districts described below are intended for application in station communities and town centers, and along main streets and corridors, as defined by the Metro 2040 Growth Concept. The land use and design provisions of these districts shall direct and encourage development that is transit oriented. Transit oriented development generally has the following characteristics:

- *designed to encourage people to walk;*
- *contains a mix of land uses;*
- *density consistent with the type of transit service provided to the area;*
- *interconnected to the street system;*
- *includes narrowed neighborhood streets; and*
- *designed to accommodate transit stops and access.*

Descriptions of the specific County land use districts are housed within Policy 18 the County's *Comprehensive Framework Plan for the Urban Area* and are not repeated in the County's *Community Development Code*.

Four of the subject parcels carry the TO:R40-80 land use district, two in whole (1S103A002200 and 1S103AD00600), two in part (1S102B000500 and 1S102CB00100). The two parcels on the south side of Barnes Road that carry the TO:R40-80 district are also within ASC 11 of the Community Plan and the TO:R40-80 on these parcels aligns with the Hillside District of the Peterkort Station Area of Section 431 of the Community Development Code.

One of the subject parcels, 1S102B000500, carries the TO:R80-120 land use district, in part. This parcel is on the north side of Barnes Road, west of Valeria View Drive with the TO:R80-120 covering most of the eastern half of the parcel. ASC 11 overlays a majority of the TO:R80-120 portion of this parcel, also known as the Hillside District of the Peterkort Station Area of Section 431 of the Community Development Code.

Four of the subject parcels carry the TO:BUS land use district, two in whole (1S102CA00500 and 1S102CA00600), two in part (1S102B000500 and 1S102CB00100). ASC 11 of the Community Plan covers all portions of the TO:BUS land use district areas over the subject parcels. North of Barnes Road the TO:BUS is within the Holly District and south of Barnes Road the TO:BUS is within the Sunset District of the Peterkort Station Area of Section 431 of the Community Development Code.

Section 3.5, Mixed Use Areas, of the *Comprehensive Plan for the City of Beaverton* similarly describes the type of development intended for the subject parcels. The goal of mixed use areas in the City is that they, "develop in accordance with the community vision and consistent with the 2040 Regional Growth Concept Map," as described in Section 3.5.1. Policies associated with the goal of mixed use areas in the City include the following:

- a) *Regulate new development in Regional Centers, Town Centers, Station Communities and Main Streets (see Figure III-1, Comprehensive Plan Land Use Map) to ensure compact urban development.*
- b) *Allow a mix of complementary land use types, which may include housing, retail, offices, small manufacturing or industry, and civic uses to encourage compact neighborhoods with pedestrian oriented streets in order to promote: ...*
- c) *Design streets and adjacent buildings within mixed use land use designations to ensure a setting that is attractive and accessible to multiple transportation modes, including pedestrians, bicyclists, transit riders and motor vehicles.*
- d) *Incorporate pedestrian and bicycle connections into an area-wide network of public and private open spaces.*
- e) *Promote pedestrian safety by designing streets and pedestrian areas that encourage pedestrian use both day and night, reflect local access functions and use land efficiently.*
- f) *Regulate the design and construction of streets, intersections, and parking facilities to ensure pedestrian safety and convenience.*
- g) *Promote use of multiple level parking structures with ground floor storefront design to accommodate parking needs while avoiding dispersal of commercial activities and discontinuity of retail activities.*
- h) *Improve designated pedestrian oriented streets and intersections to stimulate safe, enjoyable walking.*
- i) *Provide usable open spaces throughout mixed use areas, acknowledging such open*

spaces will generally be smaller and more intensively developed through open spaces in a more suburban setting.

- j) Prior to development on any portion of a property or group of properties under single ownership a Design Review Application, or a Planned Unit Development and Design Review Application, must be submitted and approved. The application(s) must demonstrate consistency with the policies in the underlying land use designation.*
- k) Allow phased development of property through a Planned Unit Development application. Ensure the phasing plan demonstrates compliance with the minimum housing density and commercial floor area ratio requirements.*

Washington County: Cedar Hills – Cedar Mill Community Plan

The *Cedar Hills – Cedar Mill Community Plan*, attached as Exhibit 8, provides community context, general design elements for the entire plan area and specific design elements for sub areas. The subject properties are located within the Barnes-Peterkort sub area, described as follows:

This area includes the largest amount of vacant buildable land in the planning area. This land also is located close to two regional traffic ways (Highways 26 and 217) and two Arterials (SW Barnes and NW Cornell Roads). As a result, the currently undeveloped area is proposed for intense urban development over time, including high density residential, retail, and office commercial uses. For the most part, residential densities on the buildable land are “stepped down” next to existing single-family neighborhoods. Where this is not the case, new attached unit development will be required to include buffers which protect existing neighborhoods from possible impacts (including noise and lights) of increased densities.

Varied natural features in the subareas – streams, slopes, and wooded areas – provide a backdrop for development designs which accomplish a degree of protection while accommodating new residential and commercial uses. Satisfactory implementation of the land use plan for this subarea will depend to a significant extent on development of the subarea’s planned transportation system, including connection of new streets developed on the Peterkort property to streets in adjacent neighborhoods.

Map #1 of the Community Plan also depicts the eastern portion of the subject parcels within the Westhaven subarea. However, given the descriptions and related guidance for the Westhaven and Barnes-Peterkort subareas in the Community Plan, there is no apparent relation of the subject parcels to the Westhaven Subarea.

Approximately two-thirds of the subject acreage is within ASC (Area of Special Concern) 11, which includes requirements for limitations of specific uses, locations for residential density, construction phasing, long term parking and building form. ASC 11 is also referred to as the Peterkort Station Subarea of the section 431 of the County’s Community Development Code and is described in the Community Plan as follows:

It is the County’s Objective that a high density, mixed use, pedestrian-oriented, “urban village” develop in this area, with activity throughout the day, in the evening, and on

weekends. No development in the area shall be approved prior to approval of an overall Master Plan for development in the area showing how the area will build out consistent with this objective. ...

Concurrent with this proposed application of the SC-S zoning district upon the subject parcels is a proposed amendment to the *Development Code of the City of Beaverton*, TA2011-0003. The proposed Text Amendment includes the addition of Section 20.20.40.1 which would require review of development over one-half acre in size through a Planned Unit Development application and Section 20.20.40.3 which would require submittal of a land use analysis in conjunction with most applications for land use. These two sections are proposed in order to maintain the same level of review expected by the Community Plan.

Washington County - Community Development Code

Section 375-1 of the County's *Community Development Code*, attached as Exhibit 10, describes the intent and purpose of TO districts, as follows:

The intent of the transit oriented districts is to direct and encourage development that is transit supportive and pedestrian oriented within approximately one-half mile of light rail transit stations, within one-quarter mile of existing and planned primary bus routes and in town centers and regional centers.

The purpose of the transit oriented districts is to limit development to that which (1) has a sufficient density of employees, residents or users to be supportive of the type of transit provided in the area; (2) generates a relatively high percentage of trips serviceable by transit; (3) contains a complementary mix of land uses; (4) is designed to encourage people to walk, ride a bicycle or use transit for a significant percentage of their trips.

Descriptions of the specific County land use districts are housed within Policy 18, Exhibit 7, the County's *Comprehensive Framework Plan for the Urban Area* and are not repeated in the County's *Community Development Code*. The remaining sub-sections of section 375 of the County's *Community Development Code* include permitted uses and review procedures, prohibited uses, change or expansion of existing uses or structures, development limitations for permitted uses and three tables outlining *Permitted and Prohibited Uses*, *Dimensional Requirements*, and *Density Requirements* for TO districts.

Section 20.20.05 of the *Development Code of the City of Beaverton* in part states, "... Multiple Use zoning districts establish varied levels of residential and commercial uses, supporting transit and pedestrian oriented development with minimum density and intensity requirements. Multiple Use areas include: ... Station Communities." Section 20.20.10 specifically describes the purpose of the SC-S zoning districts as, "... generally located within one-half mile of the Sunset Transit Center Station and is intended to implement the land use goals of the Peterkort Station Area Plan. A variety of residential and commercial densities and intensities are required."

Exhibit 15 to this staff report is a development capacity table that compares existing Washington County land use district densities to the densities of the proposed City zoning

districts. This table presents a deficiency in minimum residential density in the City's SC-S zoning district. The City proposes to resolve the present deficiency through a concurrent proposal, TA2011-0003, to amend the *Development Code of the City of Beaverton* requiring a minimum 1,899 dwelling units through implementation of a development target for the SC-S zoned properties.

It is important to note that any deficiency in City residential density or FAR requirements cannot be corrected with the application of another available City mixed-use land use designation or multiple-use zoning district. Of all the multiple-use zoning districts available through the *Development Code of the City of Beaverton*, only the SC-MU (Station Community – Mixed Use) and SC-HDR (Station Community – High Density Residential) zoning districts carry the same minimum residential density requirements. The only other zoning districts available in the *Development Code of the City of Beaverton* that have a higher minimum dwelling unit requirement are not multiple-use zoning districts, including R1 (Residential 1,000 square feet per dwelling unit), NS (Neighborhood Service, attached residential 1,000 square feet per dwelling unit), CS (Community Service, attached residential 1,000 square feet per dwelling unit), CC (Corridor Commercial, attached residential 1,000 square feet per dwelling unit), GC (General Commercial, attached residential 1,000 square feet per dwelling unit). Similarly, the RC-TO (Regional Center – Transit Oriented) zoning district is the only other zoning district to require up to the same FAR and no other zoning districts require a higher minimum FAR.

Exhibit 12 to this staff report is a permitted and prohibited uses table that compares the existing County TO land use districts upon the subject parcels to the City's SC-S zoning district. While the permitted land uses of the SC-S zoning district do not translate exactly the uses as allowed under the current County regulations, the SC-S zoning district does allow for most of the uses allowed under the County districts. The *Cedar Hills – Cedar Mill Community Plan* contains land use requirements that supersede the requirements of the TO districts within the County's Development Code.

Exhibit 13 to this staff report is a dimensional requirements table that compares the existing County TO land use districts upon the subject parcels to the City's SC-S zoning district. The *Cedar Hills – Cedar Mill Community Plan* and Section 431-12 of the County's Development Code contains design requirements for the subject parcels that supersede the requirements of the TO districts within Section 375 of the County's Development Code. The City's site development requirements for the SC-S zoning district are substantially similar to the County's dimensional requirements for the TO:R40-80, TO:80-120 and TO:BUS, with exception in the maximum building height standards. The maximum building height in the SC-S zoning district is 120 feet and the County's requirements include maximums of 80 feet, 80 feet and 60 feet, respectively. However, the maximum of 60 feet in the TO:BUS includes an exception in the Cedar Hills – Cedar Mill Community Plan, which allows unlimited height in the Sunset District of the Peterkort Station Area under certain conditions.

Exhibit 14 to this staff report is a density requirements table that compares the existing County TO land use districts upon the subject parcels to the City's SC-S zoning district. The *Cedar Hills – Cedar Mill Community Plan* contains density requirements that supersede the requirements of the TO districts within the County's Development Code. The density

calculations provided in Exhibit X reflect the requirements of ASC 11 and the Peterkort Station Subareas of the Community Plan in place of the Development Code requirements. As noted previously, a companion text amendment application is being processed to ensure that minimum residential densities assumed by the Community Plan will be matched by the City in the SC-S zoning district.

Section 431 of the County's *Community Development Code* outlines the design principles, standards and guidelines for development within Transit Oriented districts. Section 431-2, Conflicts, does include the following caveat to the 431 requirements:

In the event of a conflict between the requirements of this section and requirements of any other provision of the Code or a community plan, the requirements of this section shall control, except Area of Special Concern or Subarea provisions in a Community Plan, ...

Section 431-12, Peterkort Station Area Design Standards, attached within Exhibit 11, outlines specific provisions for the ASC 11 portions of the subject parcels. These provisions include:

- 431-12.1 Site Design (A. Master Plan Requirement, B. Required phase-1 design elements, C. Post phase-1 design elements, D. Minimum design standards for The Green)
- 431-12.2 Architectural Standards and Building Design (A. General Design, B. Building Scale, C. Building Height, D. Roof Forms, E. Service Areas, F. Building Facades)
- 431-12.3 Circulation System Design
- 431-12.4 Landscape Design and Materials:
- 431-12.5 Lighting
- 431-12.6 Signs

Figure 12.1a, below, depicts the Peterkort Station Area and Subareas that are subject to the above referenced County provisions.

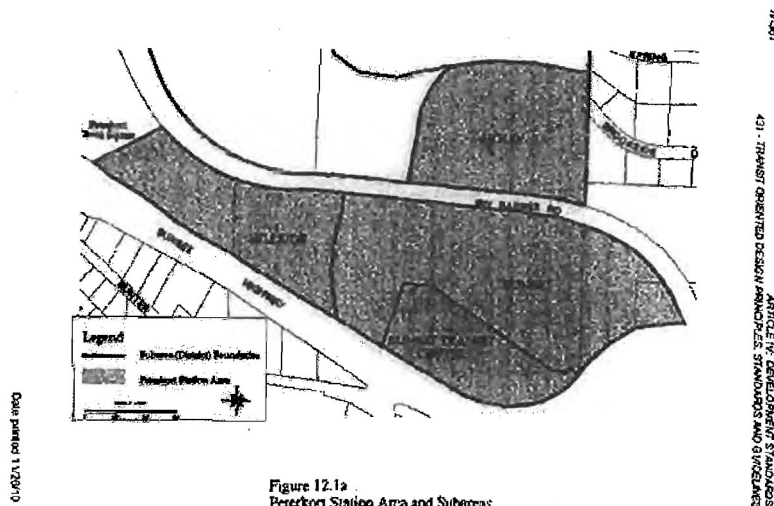
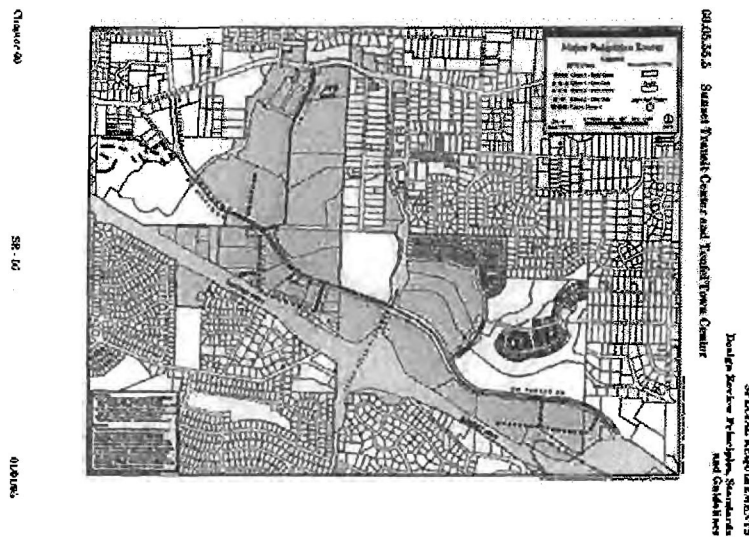


Figure 12.1a
Peterkort Station Area and Subareas

The *Development Code of the City of Beaverton* includes provisions for site design, planned

development, design principles, building design and orientation, circulation and parking design, landscape, open space, natural areas, common greens and shared courts, grading, lighting, development along MPRs (Major Pedestrian Routes), signs, as well as other provisions applicable to the subject parcels. These provisions are not contained in one section of the Development Code, but are generally contained within Chapters 20, 40 and 60. It is important to note that the City requires design review of all development within multiple use zoning districts, subject to the design principles, standards and guidelines of Section 60.05 of the *Development Code of the City of Beaverton*. Within those provisions are specific requirements for development within multiple use zoning districts and along MPRs. The City is proposing, by application of the SC-S zoning district, to continue multiple-use zoning upon the subject parcels and the City has adopted MPRs for the Peterkort area as depicted in the Section 60.05.55.5 Sunset Transit Center and Teufel Town Center map, below:



The analysis, above, confirms that the SC-S zoning district most closely approximates the density, use provisions and development standards of Washington County for the subject parcels. The City is not proposing the SC-S zoning district beyond these six parcels as the surrounding parcels carry a current mix of Washington County regulations that are lower in density and intensity requirements than SC-S regulations.

Findings: Staff finds the proposed Zoning Map Amendment satisfies criterion 3.

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

Facts:

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.

However, the UPAA through "Exhibit "B" did not predict implementation of mixed-use land use designations by the County or the City and the UPAA has not yet been modified to recognize mixed-use land use designations and zoning districts. Determining which zoning district will 'most closely approximates' the density, use provisions and standards of the County designations,' for the subject parcels requires the City to take into consideration the various County requirements for the subject parcels, addressed under criterion 3, above.

Additionally, Section II.A. of the UPAA states:

The CITY recognizes and supports the COUNTY's Community Plan and land use designations and agrees to convert COUNTY land use designation to CITY land use designations upon annexation In addition, the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly.

County and City staff have been coordinating over a number years to share enacted policies, code interpretations, land use and transportation analysis, general understanding and proposals for the subject parcels and surrounding area. Submitted as Exhibit 19.2 to this staff report is a letter from Washington County's Land Use and Transportation, Long Range Planning Division dated November 23, 2011; this letter is discussed under criterion 3, above.

The discussions and findings throughout this staff report are provided in order to determine whether or not the proposed application of the City's SC-S zoning district 'is appropriate' for the subject parcels. Section II.A. gives the ultimate discretion to the City to determine the appropriate zoning. Given the balance of County policies and the available City zoning districts, staff proposes application of the SC-S zoning for the subject parcels.

Findings: Staff finds the proposed Zoning Map Amendment satisfies criterion 4.

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:

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, discussed in Attachment A of this report.

Findings: Staff finds the proposed Zoning Map Amendment satisfies criterion 5.

SUMMARY

For the reasons identified above, staff finds 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 of the City of Beaverton*.

CONCLUSION

Based on the facts and findings presented, staff concludes that proposal, **ZMA2011-0002 (Peterkort Station Community – Sunset Zoning Map Amendment)** meets the criteria for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **ZMA2011-0002 (Peterkort Station Community – Sunset 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
Fax 503/324-3489PO 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 Peterkorts 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.*

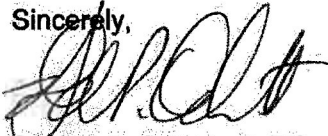
Response: The transportation impacts of the proposed plan and zoning amendments, when accompanied by the concurrent text amendment to the SC-S zone, will be a net reduction in trip generation potential compared to that which could theoretically be generated under current County zoning. As such, the proposed 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.

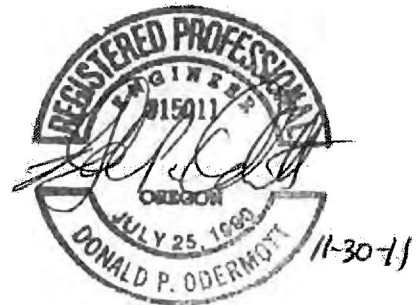
I trust this letter adequately addresses the comparative transportation impacts associated with the City of Beaverton and Peterkort's proposed plan and zone amendments on the subject parcels. If you have any questions or comments, please contact me at (503) 969-6255.

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

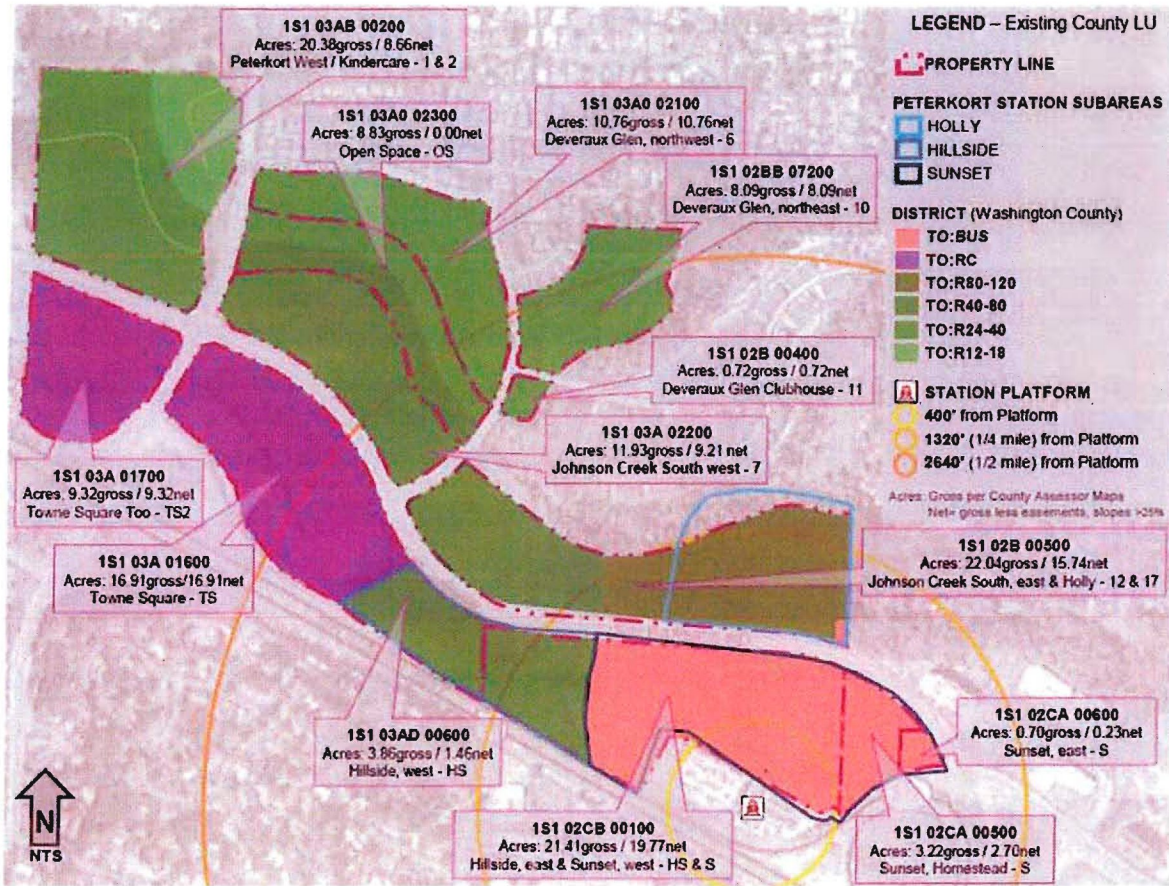


Figure 1

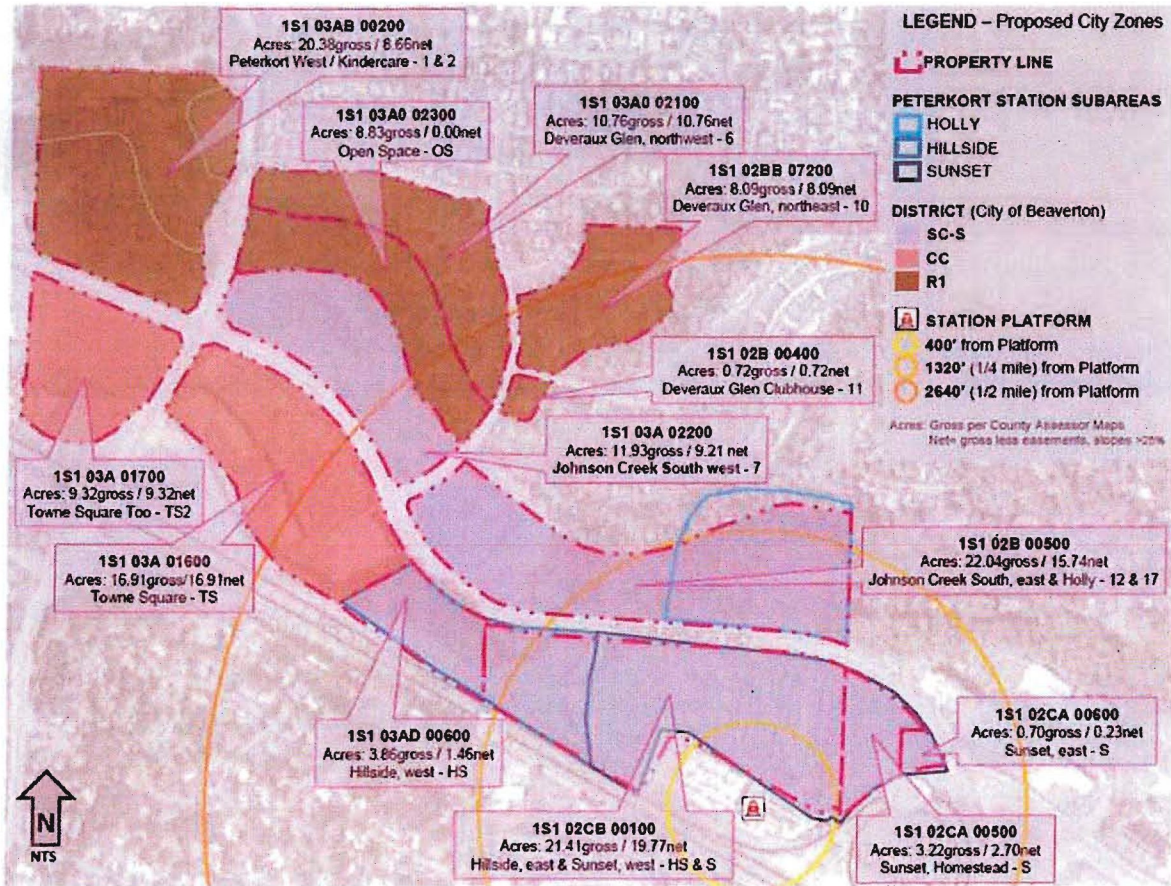


Figure 2

Table 2

Transportation Planning Rule Compliance - Trip Comparison for Commercial Zoned Parcels

Parcel	Existing County Zoning (Maximum Worst-Case)				PM Rate	PM Trips	Less Pass-By	Pass-By %	Parcel	Beaverton Proposed Zoning (Maximum Worst-Case)				Net Trip Change		
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%	0
	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							
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%	0
	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							

Total Gross Trips (8th Edition ITE) = **24,178**
 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 3

Transportation Planning Rule Compliance - Trip Comparison for Residential Zoned Parcels

Parcel	Existing County Zoning (Maximum Worst-Case)							Parcel	Beaverton Proposed Zoning (Maximum Worst-Case)							Net Trip Change
	Area	Unit	FPA Rate	PM Trips	Less Pass-By	Pass-By %		FPA Rate	PM Trips	Less Pass-By	Pass-By %					
Parcel 1 Kindercare Peterkort West Open Space (TO: R12-18) (TO: R24-40)	Mid-Rise Apartment (LU 223)	771	unit	0.39	301	301	0%	Parcel 1 Kindercare Peterkort West Open Space (R1)	Mid-Rise Apartment (LU 223)	888	unit	0.39	346	346	0%	
	H-Turn SitDownRestaurant (LU 932)	5,000	sf	11.15	56	32	43%									
	Day Care Center (LU 565)	5,000	sf	12.46	82	22	65%									
	Shopping Center (LU 820)	71,556	sf	3.73	267	176	34%									
Max = 5,326,517 sf													-184			
Tract "A" Open Space (TO: R24-40)	Mid-Rise Apartment (LU 223)	353	unit	0.39	138	138	0%	Tract "A" Open Space (R1)	Mid-Rise Apartment (LU 223)	385	unit	0.39	150	150	0%	
	Coffee/Donut Shop with Drive Thru (LU 937)	2,000	sf	42.93	86	35	59%									
	Retail Shopping Center (LU 820)	3,000	sf	3.73	11	7	34%									
Max = 5,326,517 sf													-10			
Parcel 6 Deveraux Glen West Site (TO: R24-40)	Mid-Rise Apartment (LU 223)	430	unit	0.39	168	168	0%	Parcel 6 Deveraux Glen West Site (R1)	Mid-Rise Apartment (LU 223)	469	unit	0.39	183	183	0%	
	Coffee/Donut Shop with Drive Thru (LU 937)	2,000	sf	42.93	86	35	59%									
	Convenience Market (LU 851)	3,000	sf	52.41	157	61	61%									
Max = 5,326,517 sf													-81			
Parcel 10 Deveraux Glen NE Site (TO: R24-40)	Mid-Rise Apartment (LU 223)	324	unit	0.39	126	126	0%	Parcel 10 Deveraux Glen NE Site (R1)	Mid-Rise Apartment (LU 223)	352	unit	0.39	137	137	0%	
	Retail Shopping Center (LU820)	3,000	sf	3.73	11	7	34%									
	Coffee/Donut Shop with Drive Thru (LU 937)	2,000	sf	42.93	86	35	59%									
Max = 5,326,517 sf													-37			
Parcel 11 Deveraux Glen SE Site (TO: R24-40)	Mid-Rise Apartment (LU 223)	29	unit	0.39	11	11	0%	Parcel 11 Deveraux Glen SE Site (R1)	Mid-Rise Apartment (LU 223)	31	unit	0.39	12	12	0%	
	Specialty Retail (LU 814)	5,000	sf	2.71	14	9	34%									
Max = 5,326,517 sf													-8			

Total Gross Trips (8th Edition ITE) = 1,579
 Gross less Pass-By/Diverted Trips (8th Edition ITE) = 1,164

Total Gross Trips (8th Edition ITE) = 829
 Gross less Pass-By/Diverted Trips (8th Edition ITE) = 829

Proposed Zoning minus Existing Zoning (Net Maximum Worst-Case Trips in PM Peak Hour) = -335

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	square feet
Office	low high	76,121 square feet to 1,826,906 square feet		0%	65,000
Commercial	low high	25,374 square feet to 608,969 square feet		79%	1,925,875
Total	low	101,495 square feet	81,000 square feet		
	high	2,435,875 square feet	2,435,875 square feet	21%	510,000
					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		324,958 sf (1 floor on net acreage)	324,958 sf (1 floor on net acreage)		
		1,949,746 sf (6 floors on net acreage)	1,949,746 sf (6 floors on net acreage)		
	maximum	2,435,875 sf (6 floors on gross 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	21% 922,596	21% 922,596
	high	4,419,599 square feet	4,419,598 square feet	100% 4,419,599	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	maximum	589,367 gsf (1 floor on net acreage) 3,536,201 gsf (6 floors on net acreage) 4,419,598 gsf (6 floors on gross acreage)	589,367 gsf (1 floor on net acreage) 3,536,201 gsf (6 floors on net 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	267 dwelling units, minimum		302 dwelling units, minimum					
	maximum	771 dwelling units, maximum		888 dwelling units, maximum					
FAR Requirements	minimum	563,666 gsf, minimum		no FAR					
	maximum	no maximum							
		Development Potential		Development Potential		TPR Assumptions		TPR Assumptions	
						ratios	square feet	ratios	square feet
Residential	low	267,000 square feet		302,000 square feet					
	high	771,000 square feet		888,000 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	267,000 square feet		302,000 square feet			781,000		888,000
	high	852,556 square feet		888,000 square feet		92%	852,556	100%	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.					
Building Mass	maximum	423,839 gsf building mass (1 floor on net acreage)		423,839 gsf building mass (1 floor on net acreage)					
		2,401,027 gsf building mass (4 or 6 floors on net acreage)		2,543,033 gsf building mass (6 floors on net acreage)					
		5,148,792 gsf building mass (4 or 6 floors on gross acreage)		5,326,517 gsf building mass (6 floors on gross acreage)					

1S1 03A 02300 - Tract "A", Open Space - OS

8.83 gross acres / 0.00 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	- dwelling units, minimum	- dwelling units, minimum		
	maximum	353 dwelling units, maximum	385 dwelling units, maximum		
FAR Requirements	minimum	- gsf, minimum (0.25 FAR (CDC))	no FAR		
	maximum	no maximum			
		Development Potential	Development Potential	TPR Assumptions	TPR Assumptions
Residential	low	- square feet	- square feet	ratios	square feet
	high	to 353,000 square feet	to 385,000 square feet	99%	353,000
Office	low			0%	-
	high			0%	-
Commercial	low			1%	5,000
	high	< 5,000 square feet (WashCo CDC, 375-7(3))		0%	-
Total	low	- square feet	- square feet		358,000
	high	358,000 square feet	385,000 square feet	100%	358,000
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		385,000
Building Mass	maximum	2,307,809 gsf (6 floors on gross acreage)	2,307,809 gsf (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	square feet	ratios	square feet
	high	430,000	square feet	469,000	square feet	99%	430,000	100%	469,000
Office	low					0%	-	0%	-
	high								
Commercial	low								
	high	< 5,000	square feet (WashCo CDC, 375-7(3))			1%	5,000	0%	-
Total	low	258,000	square feet	375,000	square feet		435,000		469,000
	high	435,000	square feet	469,000	square feet	100%	435,000	100%	469,000
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		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)				
	maximum	2,812,234	square feet (6 floors on gross acres)	2,812,234	square feet (6 floors on gross acres)				

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 maximum	194 dwelling units, minimum 324 dwelling units, maximum	282 dwelling units, minimum 352 dwelling units, maximum		
FAR Requirements	minimum maximum	229,060 gsf, minimum (0.65 FAR (CDC)) no maximum	no FAR requirement		
		Development Potential	Development Potential	TPR Assumptions ratios	TPR Assumptions square feet
Residential	low to high	194,000 square feet to 324,000 square feet	282,000 square feet to 352,000 square feet	98%	324,000
Office	low high			0%	-
Commercial	low high	< 5,000 square feet (WashCo CDC, 375-7(3))		2%	5,000
Total	low high	194,000 square feet 329,000 square feet	282,000 square feet 352,000 square feet		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.	100%	329,000
Building Mass	maximum	281,833 square feet (1 floor on net acres) 1,690,999 square feet (6 floors on net acres) 2,114,402 square feet (6 floors on gross acres)	281,833 square feet (1 floor on net acres) 1,690,999 square feet (6 floors on net acres) 2,114,402 square feet (6 floors on gross acres)	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	ratios
	high	to 29,000 square feet	to 31,000 square feet	square feet	square feet
Office	low			85%	100%
	high			29,000	31,000
Commercial	low			0%	0%
	high	< 5,000 square feet (WashCo CDC, 375-7(3))		-	-
Total	low	17,000 square feet	11,520,749 square feet	15%	0%
	high	34,000 square feet	31,000 square feet	5,000	-
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		
				34,000	31,000
Building Mass		25,265 square feet (1 floor on net acres)	25,265 square feet (1 floor on net acres)	100%	100%
	maximum	151,589 square feet (6 floors on net acres)	151,589 square feet (6 floors on net acres)	34,000	31,000
		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	477 dwelling units, minimum	177 dwelling units, minimum		
	maximum	954 dwelling units, maximum	no dwelling units, maximum		
FAR Requirements	minimum	519,671 gsf, minimum (1.00 FAR (CDC))	192,570 gsf, minimum (0.60 FAR)		
	maximum	no maximum	no maximum		
		Development Potential	Development Potential	TPR Assumptions	TPR Assumptions
Residential	low	477,000 square feet	177,000 square feet	ratios	square feet
	high	954,000 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
Total	low	477,000 square feet	177,000 square feet	45%	954,000
	high	2,120,000 square feet	6,236,050 square feet	97%	6,049,050
High Development Potential - Calculation Narrative				9%	190,800
				0%	10,000
Building Mass				99%	2,120,000
	maximum			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		321,037 square feet (1 floor on net acres)	321,037 square feet (1 floor on net acres)		
		2,568,298 square feet (8 floors on net acres)	3,852,446 square feet (12 floors on net acres)		
	maximum	4,157,366 square feet (8 floors on gross 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	maximum	548,420 square feet (1 floor on net acres) 4,387,363 square feet (8 floors on net acres) 7,680,499 square feet (8 floors on gross acres)		548,420 square feet (1 floor on net acres) 6,581,045 square feet (12 floors on net 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	
Residential	low	110,000	square feet	28,000	square feet	ratios	square feet	ratios	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		maximum:	689,119 square feet (1 floor on net acres) 5,512,954 square feet (8 floors on net acres) 7,460,957 square feet (8 floors on gross acres)	689,119 square feet (1 floor on net acres) 8,269,430 square feet (12 floors on net acres) 11,191,435 square feet (12 floors on gross acres)					
		none		no building height maximum (Table II (A)) in the Sunset District CH-CM Community Plan, 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		TPR Assumptions	
						ratios	square feet	ratios	square feet
Residential	low	22,000 square feet		53,000 square feet					
	high	22,000 square feet				2%	21,000	3%	43,000
Office	low	62,158 square feet							
	high	651,263 square feet				58%	652,264	97%	1,640,158
Commercial	low	56,105 square feet							
	high	448,842 square feet				40%	448,842	0%	-
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	100%	1,683,158
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		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)					
	maximum	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 <i>(maximum)</i>		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)				
		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 *LMC*
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;
- ~~e.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

1
2
3
4
5 **CALL TO ORDER:** Chairman Ric Stephens called the meeting to
6 order at 6:30 p.m. in the Beaverton City Hall
7 Council Chambers at 4755 SW Griffith Drive.

8
9 **ROLL CALL:** Present were Chairman Ric Stephens;
10 Planning Commissioners, Mimi Doukas,
11 Jennifer Nye, Kim Overhage, Eric Johansen,
12 Dan Maks, and Scott Winter.

13
14 Principal Planner Steven Sparks, Associate
15 Planner Leigh Crabtree, Senior Transportation
16 Planner Don Gustafson, Senior Transportation
17 Engineer Jabra Khasho, Consultant Sambo
18 Kirkman, and Recording Secretary Sheila
19 Martin represented staff.

20
21
22 The meeting was called to order by Chairman Stephens who presented
23 the format for the meeting.

VISITORS:

24
25
26
27 Observing that Commissioner Johansen is stepping down after serving on
28 the Planning Commission since September 1997, Councilor Cathy
29 Stanton expressed her appreciation to Commissioner Johansen for over
30 14 years of service to the City of Beaverton. She pointed out that he has
31 also served the citizens of this city in many other capacities over the
32 years, adding that the City Council has appreciated his consistent and
33 thoughtful service and hopes that he enjoys the free time he will now
34 have.

35
36 Expressing his opinion that he should have managed to retire long before
37 his fellow Commissioner, Commissioner Maks mentioned several physical
38 changes that he had noticed since Commissioner Johansen had started
39 on the Commission. He noted that Commissioner Johansen had always
40 been thoughtful in his questions and never changed his stripes, missed
41 very few meetings, emphasizing that he had never seen anyone row a
42 one-man boat upstream so well. Pointing out that independent voices
43 have always been one of the qualities of this Commission, he expressed
44 his appreciation of Commissioner Johansen for the strength of his
45 convictions, adding that it has been a pleasure to serve with him and that
46 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 IMPLEMENT)	ORDER NO. 2274
THE STATION COMMUNITY COMPREHENSIVE)	RECOMMENDING APPROVAL OF CPA2011-0002
PLAN LAND USE MAP DESIGNATION AND)	ZMA2011-0002 ORDER APPROVING REQUEST
STATION COMMUNITY – SUNSET ZONING)	
DISTRICT UPON SIX PARCELS (PETERKORT)	
STATION COMMUNITY LAND USE MAP AND)	
PETERKORT STATION COMMUNITY – SUNSET)	
ZONING MAP AMENDMENTS). CITY OF)	
BEAVERTON, APPLICANT.	

The matter came before the Planning Commission on December 7, 2011, on a request to implement the Station Community Comprehensive Plan Land Use Map designation and Station Community – Sunset Zoning District upon six parcels currently carrying Washington County Transit Oriented Land Use Districts. CPA 2011-0002 (Peterkort Station Community Land Use map Amendment) and ZMA 2011-0002 (Station Community – Sunset Zoning Map Amendment) were initiated by the City of Beaverton. No new development is proposed with this application.

The parcels affected by the proposal are located north of Highway 26, south of Johnson Creek, along both the north and south sides of Barnes Road from Cedar Hills Boulevard to Highway 217. The subject parcels are specifically identified as the following Washington County Assessor's Map and Tax Lots: 1S102B000500, 1S102CA00500, 1S102CA00600, 1S102CB00100, 1S103A002200, and 1S103AD00600.

Pursuant to Ordinance 4187 (Comprehensive Plan) Section 1.6 and Ordinance 2050 (Development Code), effective through Ordinance 4542,

Section 50.45 and Sections 50.55 through 50.58, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal. The Planning Commission adopts the following supplemental findings in support of the final actions in response to issues of concern, as identified herein.

Adequate Public Involvement: Citizens raised concerns that the process associated with the applications did not provide adequate time for the community to review and submit comment on the proposals. Staff noted that Exhibit 18 of the staff report includes documentation of public notice for the applications including the mailing of notice to the Oregon Department of Land Conservation and Development, Metro, Washington County, and the chairs of CPO 1, Central Beaverton NAC, and BCCI 45 days prior to the Planning Commission public hearing. Public notice was also provided 20 days in advance of the Planning Commission public hearing to the same parties, the owners of the subject properties, and to property owners within 500 feet of the properties subject to the proposed map amendment applications. Noticing of the applications was consistent with requirements of State Statute, the Comprehensive Plan, and the Development Code. The proposal is to establish City land use and zoning districts for the subject parcels, some of which have been annexed into the City as far back as 2005. Staff explained that the public will have additional public involvement opportunities when a specific development proposal(s) is submitted to the City. The Commission found that the noticing requirements for the proposed

map amendment applications have been met and agreed that the amendments were overdue as these are City parcels which should be provided City Land Use and Zoning Districts. 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 UPAA (Urban Planning Area Agreement). 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 designation and the difficulty in finding a zoning district that was the "same" as the Transit Oriented land use designation. The analysis in the findings of the ZMA staff report show the SC-S zoning district, as shown on the proposed map, most closely approximates the Transit Oriented land use districts based on the density, uses, and standards of each of the County zoning designations for the subject tax lots. The SC-S zoning district was enacted with the 2010 update of Chapter 20 of the Development Code for parcels near the Sunset Transit Center in an effort to provide a City zoning district that more closely approximated the regulations of the County's Transit Oriented zoning designations. The locational limited application of the SC-S zoning district allows the City to accept, address, and apply specific amendments related to this area of the City, like minimum and maximum residential density, without affecting other areas of the City. The Commission addressed the

difficulties in trying to match City and County zoning regulations and concur with the findings provided by staff that the proposed zoning district identified in the ZMA report most closely approximate the County's Transit-Oriented zoning designations for the subject tax lots.

Are the County Design Standards Met: Citizens stated concern that Master Plan and Design Standard requirements of Washington County for Transit Oriented land use designations and ASC (Area of Special Concern) 11 will not carry over with application of the proposed zoning district. Staff explained that, unlike the County's limited application of design standards to Transit Oriented land use designations, the City requires design review for most development in the City with higher design standards for multiple-use proposals and even higher design standards for development along Major Pedestrian Routes, which are applicable in this area. As a result, the site specific design standards of the County are not needed in the City's design review process. Exhibit 16 of the staff report provides an analysis of the County and City design standards. While the standards are not an exact match, 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.

Development of Parcels with Interim Washington County Zoning: The question was raised as to how a proposed development would be reviewed if 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 applications but causes confusion for the applicant, the City, and the public in understanding which regulations are applicable. 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 County requirements for parcels along on the north side of Barnes Road do not intend for commercial development. Staff explained that while the County zoning requires residential development for those parcels, Section 375 of the County Development Code provides opportunities for office and limited retail development to occur. A question was also raised as to whether the City or County had jurisdiction of Barnes Road. Staff clarified that Washington County maintains jurisdiction of Barnes Road for the purposes of access management and capacity. The Commission concurred with staff.

Transportation Impacts. Concerns were raised regarding traffic impacts associated with the proposal, with emphasis to concurrent review of TA2011-0003 which includes an amendment to apply a fixed maximum for non-residential development at 10,960,500 square feet over the parcels proposed for SC-S zoning, and effects on the surrounding area. Staff explained that the proposed maximum square feet was established through review of the development capacity for the Transportation Planning Rule

Analysis (Exhibit 17) by calculating the development potential under the County's regulations for Transit Oriented land use districts of these parcels. Staff explained that the application does not propose development at this size, but instead provides a land use cap for the proposed SC-S parcels derived from regulated fixed maximums and assumed limitations where clear fixed maximums were not identified by the County code. This derived development capacity analysis proved that the existing County zoning allowed for up to 10,960,500 square feet of non-residential development. The analysis also demonstrated that the SC-S zone could allow for up to three times as much non-residential development. Therefore, staff has proposed an associated Text Amendment proposal (TA2011-0003) which limits the maximum non-residential development potential in the SC-S zone. By separate action, the Commission has recommended City Council approval of the proposed text amendment. Amending the Development Code with the proposed fixed non-residential maximum ensures that the applications reviewed concurrently do not have a significant effect on the transportation system as compared to that which is allowed under the current County scenario. The required TPR analysis is an "academic" exercise to understand the worst case scenario as related to transportation impacts and does not evaluate whether or not the worst case is "realistic" for development. The "realistic" development capacity of the Peterkort area will be determined with submittal of a development application. TA2011-0003 proposes that development of the parcels proposed for SC-S zoning will require submittal of

a Conditional Use Permit - Planned Unit Development application. Staff reiterated that a TIA (Traffic Impact Analysis) is required once a specific proposal is submitted. The TIA will address the specific impacts a development will have to the surrounding area and identify the necessary mitigation measures needed.

Another transportation concern that was voiced related to the number of trips a proposal on the subject parcels would create and thus result in the potential loss of development capacity for neighboring property owners due to the lack of carrying capacity of the surrounding street system. Staff acknowledged the concern and clarified that development approvals for one set of parcels does not fully preclude development of a neighboring parcel. Moreover, the subject parcels are the subject of a County approved master plan which assumes a certain number of vehicle trips on the surrounding street system. An adverse impact to the capacity of street system may result due to the approved master plan. If the owners of the subject properties were to propose a new master plan or development proposal, the transportation impacts to the surrounding street system would need to be identified and be the subject of a public hearing. The Commission concurred with staff's findings.

Delay of Needed Housing: Concerns were raised that the SC-S zone does not require residential development as the County requires in the TO:R40-80 and TO:R80-120 zones. As stated in the City's ZMA staff report, the City does not regulate development in the same way the County regulates

development. The *Development Code of the City of Beaverton* provides a list of permitted, conditional, and prohibited uses for each zoning district. For all City multiple-use zoning districts both residential and non-residential uses may be permitted outright or with certain restrictions and none of the City's multiple-use zones require residential development on a specific site. TA2011-0003 is proposed concurrent with the Comprehensive Plan Map and Zoning Map amendments to require a fixed minimum number of dwelling units as established through County regulations.

An additional concern raised was the timing of residential development and that the proposal to allow the development of up to 80 percent of the non-residential development capacity in the SC-S zone before constructing any residential development is too lenient and does not promote the development of a complete community. Staff explained that in multiple use zones the City's Development Code does not require residential development and that the combined amendments for the SC-S zoning district result in a minimum residential requirement and non-residential limitation not required from other similar City zoning districts. Further, submittal of a Conditional - Use Planned Unit Development application provides opportunities for public notice, review and involvement regarding how a developer plans to incorporate land use components through final build-out which may include additional assurances regarding the timing of residential development in relation to commercial components. The PUD does address phasing and the timeline of construction for a master plan in which the

hearing body can place additional conditions of approval regarding the timing of construction if it is deemed necessary. The Commission concurred that the residential build-out requirement along with the PUD requirement will allow the development of an appropriate timeline of development that balances the commercial and residential construction.

The Planning Commission adopts by reference the Staff Report dated November 30, 2011, Staff Memorandum dated November 30, 2011, Staff Memorandum dated December 5, 2011, two Staff Memoranda dated December 7, 2011, and the supplemental findings contained herein as applicable to the approval 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 the Planning Commission **RECOMMENDS APPROVAL** of CPA2011-0002 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 Memoranda dated December 7, 2011 and the supplemental findings contained herein. The Planning Commission finds that evidence has been provided demonstrating that all of the approval criteria contained in Section 1.5.1 of the Comprehensive Plan are satisfied.

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 the Planning Commission RECOMMENDS APPROVAL of ZMA2011-0002 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 Memoranda dated December 7, 2011 and the supplemental findings contained herein. The Planning Commission finds that evidence has been provided demonstrating that all of the approval criteria contained in Section 40.97.15.4.C of the Development Code are satisfied.

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. 2274 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:

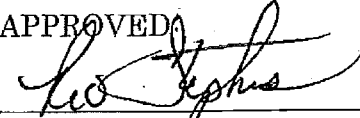


LEIGH M. CRABTREE
Associate Planner



STEVEN A. SPARKS, AICP
Principal Planner

APPROVED



RIC STEPHENS
Chairman



STAFF REPORT

HEARING DATE: February 7, 2012

TO: City Council

STAFF: Leigh M Crabtree, Associate Planner

PROPOSAL: **APP2011-0003** Appeal of Peterkort Station Community - Sunset (CPA2011-0002/ZMA2011-0002)

LOCATION: North of Highway 26, south of Johnson Creek, along both the north and south sides of Barnes Road from Cedar Hills Boulevard to Highway 217. The subject parcels are specifically identified as the following Washington County Assessor's Map and Tax Lots: 1S102B000500, 1S102CA00500, 1S102CA00600, 1S102CB00100, 1S103A002200, 1S103AD00600.

SUMMARY: An appeal of the Planning Commission's Recommendation to Approve CPA2011-0002 and ZMA2011-0002 has been filed contending that the 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.

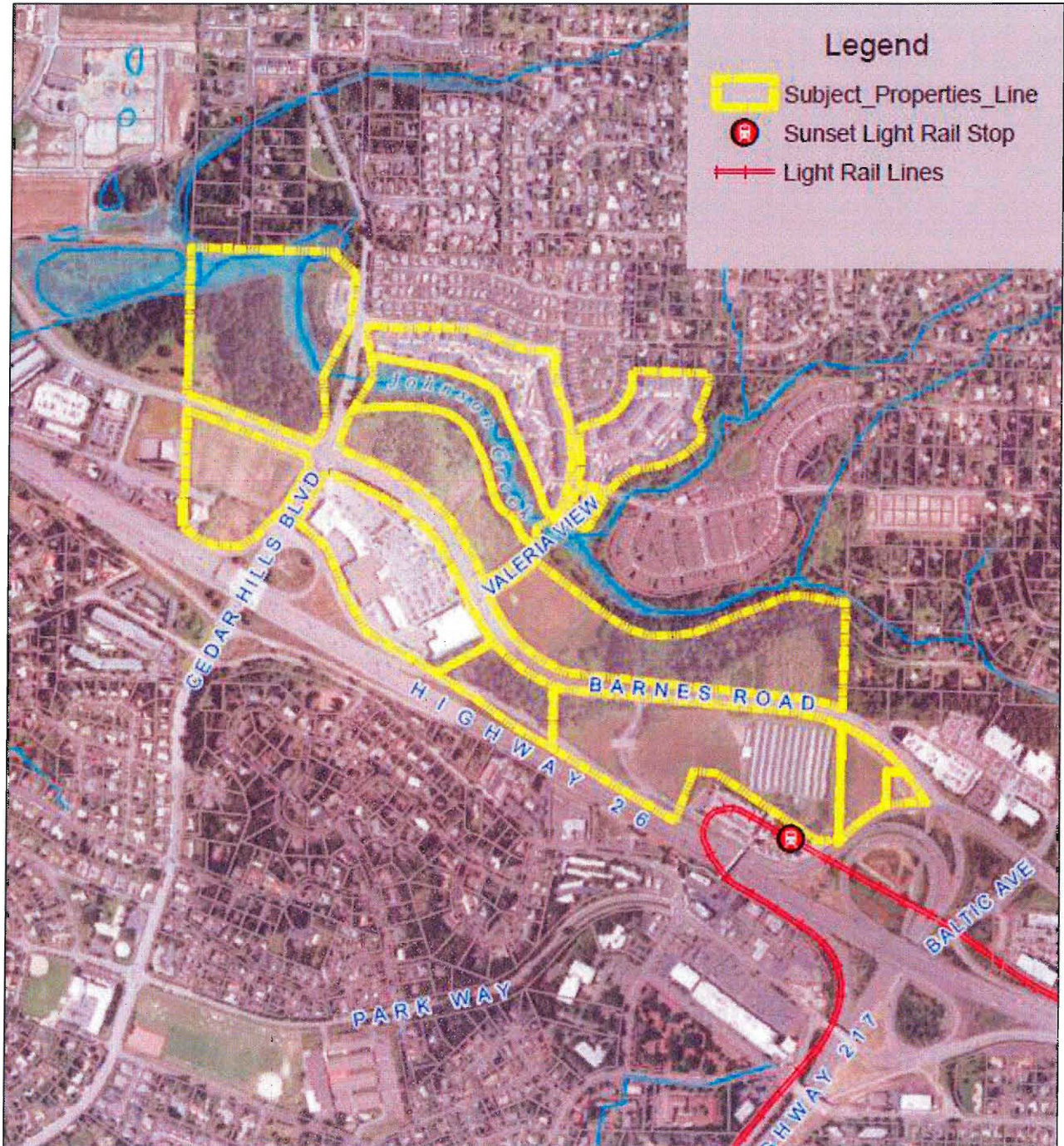
APPELLANTS: Jake Mintz, Richard Battaglia, Gail Murphy, Robert Douglas, Eric J. Thompson, and Susan Chow.

APPLICANT: City of Beaverton

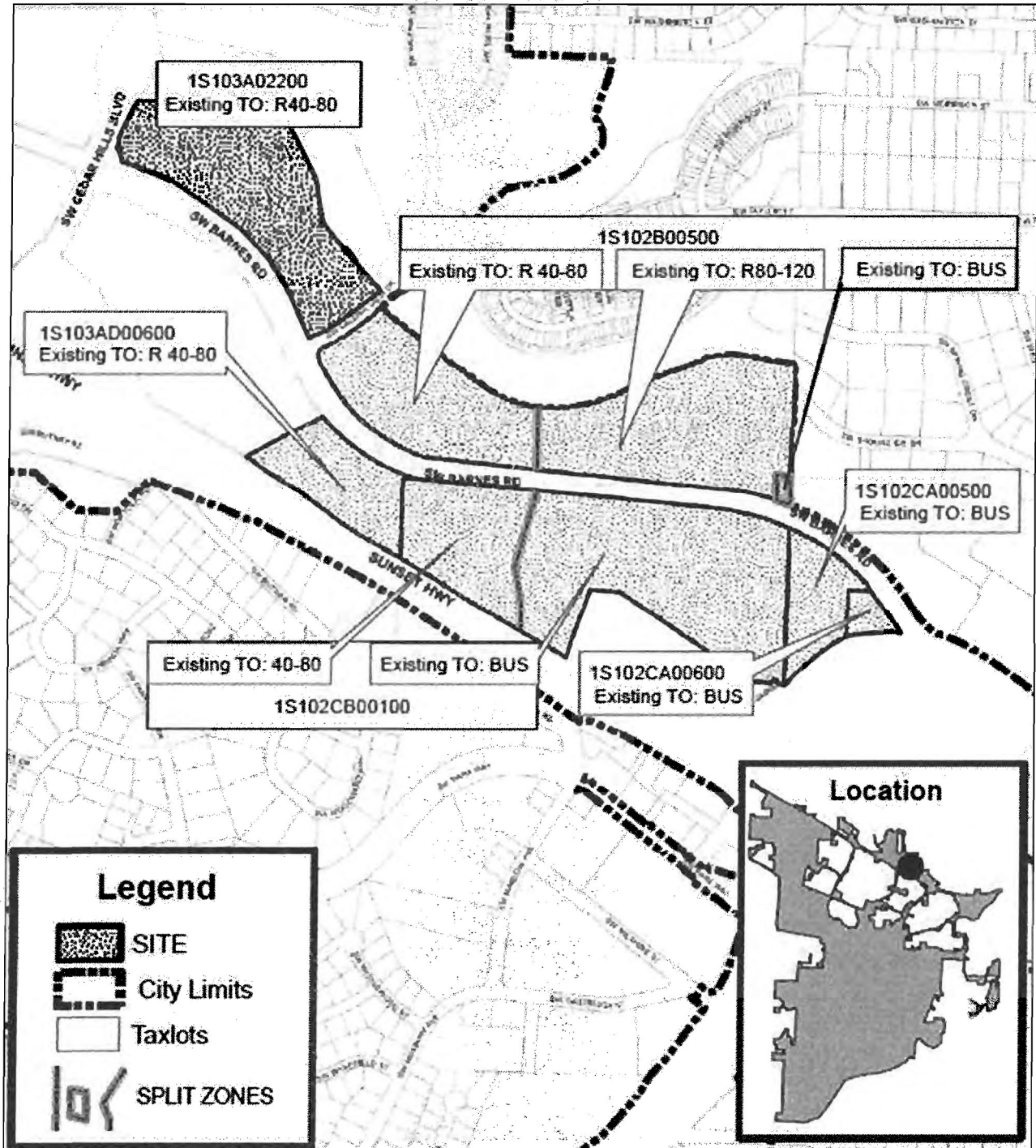
DECISION CRITERIA: Appeal of the Comprehensive Plan Map Amendment will be reviewed per the provisions of Comprehensive Plan Section 1.7.5. Approval Criteria for the CPA is listed in Section 1.5.1 of the Comprehensive Plan.
Appeal of the Zoning Map Amendment will be reviewed per will be reviewed per the provisions of Development Code Sections 50.70 and 50.85 through 50.88. Approval Criteria for the ZMA is listed in Section 40.97.15.4.C of the Development Code.

RECOMMENDATION: **DENIAL of APP2011-0003 (Appeal of Peterkort Station Community-Sunset)**, uphold the Planning Commission's recommendation to approve CPA2011-0002 and ZMA2011-0002.

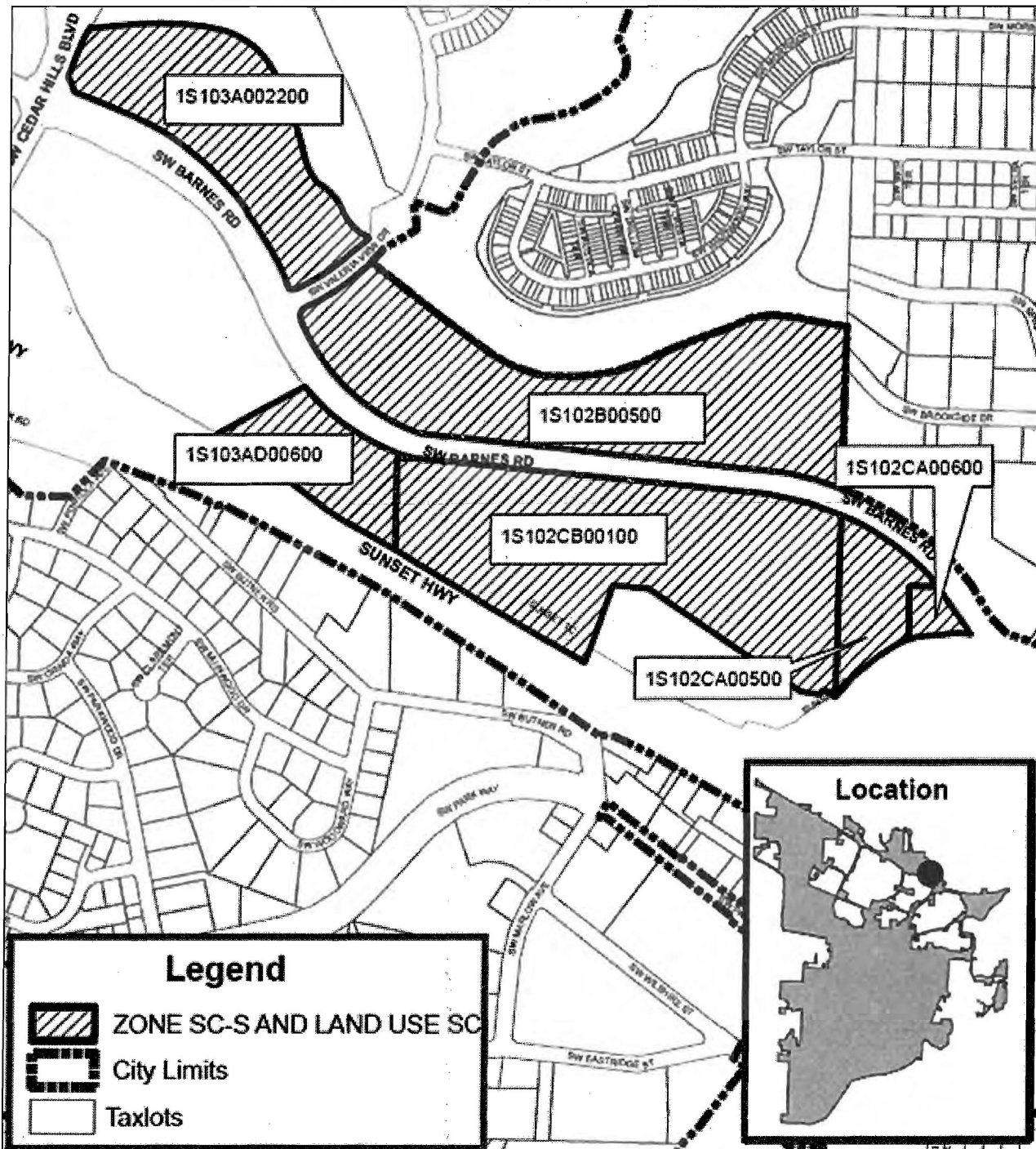
**AERIAL VICINITY MAP
PETERKORT PROPERTIES WITHIN THE CITY OF BEAVERTON
SUBJECT TO INTERIM WASHINGTON COUNTY LAND USE DISTRICTS**



EXISTING WASHINGTON COUNTY LAND USE DISTRICTS



PROPOSED CITY OF BEAVERTON LAND USE DESIGNATIONS & ZONING DISTRICTS



APP2011-0003 Appeal of Peterkort Station Community – Sunset
(CPA2011-0002/ZMA2011-0002)

The City of Beaverton submitted a set of five 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. 2274 summarizes the Commission's

BACKGROUND

recommendation to approve the proposed Comprehensive Plan Map Amendment and Zoning Map Amendment. Each of the Land Use Orders was 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 SC-S text amendment was filed on December 27, 2011 by Jake Mintz, Richard Battaglia, Gail Murphy, Robert Douglas, Eric J. Thompson, and Susan Chow. The Appeal Submittal is included as Exhibit F to the Agenda Bill for APP2011-0003. The appeals designated Jake Mintz as the contact representative for the appellants. The appellants 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 appeal was 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, has been provided to City Council members and the appellant. These materials 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

Staff presents, below, responses to criteria relevant to the appellant's contentions in the appeal submittal dated December 27, 2011.

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;**

Chapter 3.07 Urban Growth Management Functional Plan

The following discussion addresses Metro UGMFP

Title 1: Requirements for Housing and Employment Accommodation

Sections 3.07.110 – 3.07.120

Appellant Contentions

The appellant contends that the City proposal does not meet the requirements of Metro's Title 1 regarding requirements for housing over the properties proposed for SC-S zoning. The appellant further alleges that, "The county's transit oriented residential districts require housing earlier in the development process, not later as would be allowed through the text amendment," and that the City will not have a requirement for residential construction until 80% of approved non-residential development is constructed. The appellant states that, "Absent the text amendment, there would be no housing."

City Response

The appellant's statement is more appropriately discussed in the appeal of the associated Text Amendment (TA 011-0003) application. The Text Amendment has been proposed, in part, to modify the Development Code to require a minimum of 1,899 dwelling units over the parcels proposed for Station Community – Sunset (SC-S) zoning. TA2011-0003 also includes a requirement that a Planned Unit Development (PUD) application must be submitted to the City of Beaverton prior to development and construction of any of the parcels proposed for SC-S zoning. With a PUD or any subsequent land use applications, with the exception of Sign Permits, an applicant will be required to submit a land use analysis to verify that the development targets of the SC-S zoning district, including the required number of minimum dwelling units, will continue to be met. This proposed CPA and ZMA will apply the SC-S zoning designation to the parcels in close proximity to the Sunset station. With the proposed text amendment, the subject zone will be required to accommodate 1,899 dwelling units. The

appellant's claim that the action to apply the SC-S zone to the subject parcels cannot guarantee housing is not accurate.

Staff also refers to the City Response regarding Title 1 of the UGMFP within the staff report for APP2011-0002 as to the appellant's contentions.

**The following discussion addresses Metro UGMFP
Title 6: Centers, Corridors, Station Communities and Main Streets
Sections 3.07.610 – 3.07.650**

Appellant Contentions

... The proposal if implemented would have the net result of allowing an extremely dense (in terms of non-residential floor area, not residential densities) Regional Center by allowing nearly 11 million square feet of non-residential uses to be constructed. The area was planned as and needs to be developed as a less dense Station community, as reflected in the vision for this area adopted in October, 1997...

...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

Staff refers to the City Response regarding Title 6 of the UGMFP within the staff report for APP2011-0002 as to the appellant's contentions.

Summary Finding

Staff finds that, for the reasons identified in the Planning Commission staff report of November 30, 2011 and the reasons identified above, the proposed Land Use Map Amendment complies with applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan.

Therefore, staff finds the proposed Land Use Map Amendment satisfies criterion B.

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

Comprehensive Plan for the City of Beaverton

Chapter 3 Land Use Element

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.

Appellant Contentions

The appellant contends that, "the city's SC-S zone is not the most comparable zone to the underlying county transit oriented residential districts." Additionally, the appellant contends that the proposals do not implement design provisions required by ASC 11 for development of residential uses at or near the station, and that the City provides a loophole to review of lands under one-half acre in size.

City Response

Staff refers to the City Response for Section 3.15 of the Comprehensive Plan within the staff report for APP2011-0002 as to the appellant's contentions.

Summary Finding

Staff finds that, for the reasons identified in the Planning Commission staff report of November 30, 2011 and the reasons identified above, the proposed Land Use Map Amendment is consistent and compatible with the Comprehensive Plan. Thus, the requirements of Criterion 1.5.1.C are met.

Therefore, staff finds the proposed Land Use Map Amendment satisfies criterion C.

SUMMARY

For the reasons identified in the Planning Commission staff report of November 30, 2011 and the reasons identified above, staff finds that the Comprehensive Plan Map Amendment satisfies the approval criteria for a Quasi-Judicial Comprehensive Plan Amendment pursuant to Section 1.5.1 of the *Comprehensive Plan for the City of Beaverton*.

CONCLUSION

Based on the facts and findings presented, staff concludes that proposal, **CPA2011-0002 (Peterkort Station Community Land Use Map Amendment)** meets the criteria for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **DENIAL** of **APP2011-0003 (Appeal of Station Community - Sunset)**, upholding the Planning Commission's recommendation to approve CPA2011-0002.

ANALYSIS AND FINDINGS

For APPEAL of ZMA2011-0002 Station Community–Sunset Zoning Map Amendment

Staff presents, below, responses to criteria relevant to the appellant's contentions in the appeal submittal dated December 27, 2011.

Section 40.97.15.4 of the *Development Code of the City of Beaverton*

- 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

Staff refers to the Facts and Findings presented in the Planning Commission staff report dated November 30, 2011 for ZMA2011-0002.

Findings

Staff finds that, for the reasons identified in the Planning Commission staff report of November 30, 2011, as referenced above, the proposed Zoning Map Amendment satisfies criterion 1.

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

Facts:

Staff refers to the Facts and Findings presented in the Planning Commission staff report dated November 30, 2011 for ZMA2011-0002.

Findings

Staff finds that, for the reasons identified in the Planning Commission staff report of November 30, 2011, as referenced above, criterion 2 is not applicable to this Zoning Map Amendment satisfies criterion 1.

3. **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

In reference to Section 3.15 of the *Comprehensive Plan for the City of Beaverton*, the appellant contends that, “the city’s SC-S zone is not the most comparable zone to the underlying county transit oriented residential districts.” Additionally, the appellant contends that the proposals do not implement design provisions required by ASC 11 for development of residential uses at or near the station, and that the City provides a loophole to review of lands under one-half acre in size.

City Response

Staff refers to the City Response for Section 3.15 of the Comprehensive Plan within the staff report for APP2011-0002 as to the appellant’s contentions.

Finding

Staff finds that, for the reasons identified in the Planning Commission staff report of November 30, 2011 and the reasons identified above, the proposed Zoning Map Amendment satisfies criterion 3.

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

Appellant Contention

In reference to Metro’s *Urban Growth Management Function Plan*, the appellant contends that the City proposal does not meet the requirements of Title 1 and Title 6.

City Response

Staff responded specifically to the appellants contentions regarding Title 1 and Title 6 within the CPA attachment to this report and in the staff report for the concurrent appeal of TA2011-0003. However, as the appellant called out Titles 1 and 6 in their submittal for both the CPA and the ZMA staff is compelled to address Titles 1 and 6 within the ZMA attachment. Staff has chosen to address the contentions under criterion 4 for the ZMA application as related to UPAA Section III.A, which states:

The CITY recognizes and supports the COUNTY’s Community Plans and land use designations and agrees to convert COUNTY land use designations to CITY land use designations upon annexation in accordance with Exhibit “B” of this Agreement. In addition, the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly.

Exhibit “B” of the UPAA is a crosswalk of County and City zones. However, the exhibit does not translate the County’s Transit Oriented zoning designations to City of Beaverton land use designations and zoning districts. This situation is the result of not updating the UPAA since 1989. Both the County and the City have identified the need to update the UPAA, including Exhibit “B”; however, both jurisdictions have not been able to match up their work plans in

order to accomplish this task.

For the subject proposal, since Exhibit "B" does not identify a translated zoning designation, it remains that a public process be followed to identify the appropriate City zoning designation. City staff has been coordinating with County staff, see Exhibit 6, to identify key requirements of the County code. The City has proposed a zoning designation for the subject parcels that closely match the County's zones for the same parcels. The City has not carried forward the County's proscriptive standards for developing the parcels. However, the uses and the densities for those uses are the very similar.

Staff also refers to the City Response for Section 3.15 of the Comprehensive Plan within the staff report for APP2011-0002 as to the appellant's contentions.

Finding

Staff finds that, for the reasons identified in the Planning Commission staff report of November 30, 2011 and the reasons identified above, the proposed Zoning Map Amendment satisfies criterion 4.

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:

Staff refers to the Facts and Findings presented in the Planning Commission staff report dated November 30, 2011 for ZMA2011-0002.

Finding

Staff finds that, for the reasons identified in the Planning Commission staff report of November 30, 2011 and the reasons identified above, the proposed Zoning Map Amendment satisfies criterion 5.

SUMMARY

For the reasons identified in the Planning Commission staff report of November 30, 2011 and the reasons identified above, staff finds 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 of the City of Beaverton*.

CONCLUSION

Based on the facts and findings presented, staff concludes that proposal, **ZMA2011-0002 (Peterkort Station Community – Sunset Zoning Map Amendment)** meets the criteria for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **DENIAL** of **APP2011-0003 (Appeal of Station Community - Sunset)**, upholding the Planning Commission's recommendation to approve ZMA2011-0002.



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