



FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER
4755 SW GRIFFITH DRIVE
BEAVERTON, OR 97005

REGULAR MEETING
MARCH 05, 2007
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

07047 Resolution Supporting City 2007-2009 Transportation and Growth Management Grant Application (Resolution No. 3891)

07048 Proposed Memorandum of Understanding Relating to Extensions of Public Water and Sewer Services to Measure 37 Related Urban Developments in Rural Washington County

Contract Review Board:

07049 Ratification of Beaverton Central Plant Contract Award for Underground Piping and Mechanical Rooms to Connect Buildings E and F

07050 Exemption from Competitive Bids and Authorize a Sole Seller and Brand Name for the Purchase of Leica Survey Equipment and Transfer Resolution (Resolution No. 3892)

PUBLIC HEARING:

07032 APP 2007-0001 Appeal of Pointer Road PUD (*Continued from 02/12/07 meeting*)

WORK SESSION:

07051 TA 2006-0003 (PUD Text Amendment)

ORDINANCES:

First Reading:

07052 TA 2006-0003 (PUD Text Amendment) (Ordinance No. 4430)

07053 TA 2006-0010 (Sunset Transit Center and Teufel Town Center MPR Text Amendment) (Ordinance No. 4431)

07054 TA 2006-0012 (Merlo & Tektronix MPR Text Amendment) (Ordinance No. 4432)

Second Reading:

07041 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Six Properties Located in Central Beaverton; CPA 2006-0017/ZMA 2006-0023 (Ordinance No. 4424)

07042 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located East of SW Hocken Avenue and West of SW Cedar Hills Boulevard on the South Side of SW Jenkins Road; CPA 2007-0002/ZMA 2007-0001 (Ordinance No. 4425)

07043 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located South of NW Walker Road and North of Baseline Road, on the East Side of SW 173rd Avenue; CPA 2007-0003/ZMA 2007-0002 (Ordinance No. 4426)

07044 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located South of NW Waterhouse Avenue, North of NW Blueridge Drive and East of NW Turnberry Terrace, on the West Side of NW 158th Avenue; CPA 2007-0004/ZMA 2007-0003 (Ordinance No. 4427)

07045 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located West of NW 167th Place, East of NW 173rd Place and South of the Sunset Highway, on the North Side of NW Cornell Road; CPA 2007-0005/ZMA 2007-0004 (Ordinance No. 4428)

07046 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located Both North and West of NW Cornell Road, East of NW Bethany Boulevard and South of the Bethany-Cornell Onramp to the Sunset Highway; CPA 2007-0006/ZMA 2007-0005 (Ordinance No. 4429)

EXECUTIVE SESSION: In accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations, and in accordance with ORS 192.660 (2) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed, and in accordance with ORS 192.660 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT: This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 503-526-2222/voice TDD.

AGENDA BILL
Beaverton City Council
Beaverton, Oregon

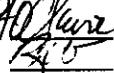
SUBJECT: Resolution Supporting City 2007-2009
Transportation and Growth Management Grant
Application

FOR AGENDA OF: 03/05/07 **BILL NO:** 07047

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Public Works 

DATE SUBMITTED: 02/21/07

CLEARANCES: Finance 
Engineering 

PROCEEDING: Consent

EXHIBITS: 1: Resolution

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

The State of Oregon's Transportation and Growth Management (TGM) Program is a joint program of the Oregon Department of Transportation (ODOT) and the Oregon Department of Land Conservation and Development. The TGM Program provides funding for planning projects that lead to more livable, transportation-efficient, compact, pedestrian-friendly communities. Up to \$5 million will be available for grants to local jurisdictions for the 2007-09 biennium. Grants are awarded in two categories. Category 1 is for Transportation System Planning. Category 2 is for integrated land use and transportation planning.

The City of Beaverton applied for and received funding for ten TGM grant projects over the last ten years, with the grant amounts for these projects totaling over \$500,000. Past TGM grants funded the City's 2015 Transportation System Plan and its 2020 Transportation System Plan Update.

Metro is currently updating its Regional Transportation System Plan to forecast year 2035. Within one year of its adoption, cities and counties must update their plans to comply. In anticipation of this responsibility, the City is once again applying for funds to assist with its 2035 Transportation System Plan Update.

INFORMATION FOR CONSIDERATION:

The City of Beaverton's TGM pre-application for a 2035 Transportation System Plan Update was selected by the State for further consideration. A final TGM grant application requesting \$90,000 with a \$20,000 match in staff time is being prepared for submission by the deadline of March 9, 2007. A resolution of support from City Council needs to be included with the application.

The attached Resolution memorializes Council's support for the proposed 2007-2009 biennium TGM grant application for a 2035 Transportation System Plan Update.

RECOMMENDED ACTION:

Approve the attached Resolution, authorizing the Mayor to sign it.

RESOLUTION NO. 3891

**A RESOLUTION SUPPORTING CITY OF BEAVERTON
TRANSPORTATION AND GROWTH MANAGEMENT GRANT APPLICATION**

WHEREAS, the City identified one potential project with a pre-application submitted to the Oregon Department of Transportation (ODOT); and

WHEREAS, the City has, after considering positive comments on the pre-application from TGM program staff, decided to pursue funding for its project by submitting a grant application; and

WHEREAS, the City determined its project is appropriate for funding through the TGM Grant program.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

The City Council fully supports submission of an application for TGM grant funding of the 2035 Transportation System Plan Update.

Adopted by Council this _____ day of _____, 2007

Approved by the Mayor this _____ day of _____, 2007

Ayes: _____

Nays: _____

ATTEST: _____

APPROVED: _____

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

Beaverton City Council Beaverton, Oregon

SUBJECT: Proposed Memorandum of Understanding Relating to Extensions of Public Water and Sewer Services to Measure 37 Related Urban Developments in Rural Washington County

FOR AGENDA OF: 3/5/07 **BILL NO:** 07048

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 2/22/07

CLEARANCES: City Attorney 
Planning HB

PROCEEDING: Consent

- EXHIBITS:**
1. Proposed Memorandum of Understanding
 2. Washington County Issue Paper Relating to Extensions of Sewer and Water Service
 3. Washington County Issue Paper: Exceptions to Rules Restricting Extension of Urban Services to Rural Lands

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

HISTORICAL PERSPECTIVE:

Since the effective date of Measure 37 (ORS 197.352), Washington County has received a significant number of claims for compensation or waiver of applicable land-use regulations. As of December 5, 2006, a total of 873 claims had been submitted and over 340 have been approved with applicable land-use regulations being waived. In rural Washington County, a number of the approved claims qualify for waivers of most (if not all) land-use regulations that would restrict the potential density of development (number of dwelling units per acre). These claims may thereby only be limited by health regulations or access to public water and/or sewer service in determining the final/maximum number of lots or parcels that may be created. In pursuing an optimum development density for their projects, some of the Measure 37 claimants have approached water service providers in Washington County with requests for service to their respective sites. In turn, these requests have generated questions and concerns over whether or not the service providers would be permitted (under current regulations) to provide service to lands in rural Washington County and whether those regulations would be subject to further claims and potential waivers under Measure 37.

In March 2006, the Washington County Planning Directors discussed concerns related to the high volume of Measure 37 claims being filed in the County. Some of the cities (as municipal service providers) expressed concerns with requests that they were receiving for extension of public water to serve lands held by property owners who had filed Measure 37 claims. These owners were expecting to connect to public water in order to increase the overall density of their proposed developments.

The Planning Directors continued this discussion on April 12 and held a special meeting with city and special service districts on April 26 to review the existing regulatory framework relating to extraterritorial extension of services. At this meeting, it was recommended that a Memorandum of Understanding (MOU) outlining the regulatory framework be drafted and circulated for signature by each potentially affected service provider in Washington County.

Agenda Bill No: 07048

On May 10, 2006, Washington County staff prepared the attached Issue Paper to address the following two key questions related to Measure 37 and the restriction of public sewer and water service extensions to lands in rural Washington County:

1. Under Measure 37, may governing bodies for the state, cities, counties, and Metro waive existing regulations prohibiting extensions of and connections to sewer and water systems outside of the Urban Growth Boundary? and
2. Are new regulations adopted by cities and service districts governing the extension of and connection to sewer and water systems subject to compensation under Measure 37?

The general findings and conclusions outlined in the Issue Paper were utilized in developing the MOU. Key findings and conclusions outlined in the Issue Paper are discussed below.

A draft MOU was prepared in early July and circulated to city and service provider staff for review. Following this review, a variety of changes were made, and a revised draft was circulated for further review in early August. A final draft was completed on September 9, 2006 and was reviewed and approved by County Counsel and circulated to each of the potentially affected service providers in Washington County for approval and signature. As of February 20, this MOU has been approved and signed by the cities of Cornelius, North Plains, Tualatin, and Hillsboro as well as Washington County, Clean Water Services, and the Tualatin Valley Water District. It is anticipated that other cities and service providers will schedule this MOU for consideration by their respective Councils or Boards in the near future.

INFORMATION FOR CONSIDERATION:

Following are the four primary regulatory standards applicable to the extension of sewer or water service to lands in rural Washington County that are incorporated in the MOU. The specific regulations and their general application are discussed in the attached Issue Paper Relating to Extensions of Sewer and Water Service.

1. Under the Metro Code, extraterritorial extensions of public sewer and water from inside the Metro UGB to serve lands outside of the Metro UGB are prohibited.
2. Outside of the Metro area state law prohibits, with limited exceptions, extensions of public sewer from inside a UGB to serve lands outside a UGB.
3. State law also prohibits, with limited exceptions, extensions of public sewer outside of a UGB to serve lands outside of a UGB.
4. The Washington County Comprehensive Plan prohibits, with limited exceptions, extensions of public sewer or water to serve resource lands.

In addition to agreeing to assure compliance with the above standards, signatories to the MOU agree to:

- a) Permit reasonable exceptions as allowed by state or other laws including, but not limited to, extensions intended to resolve a public health hazard, and
- b) Coordinate the planning of future urban services by utilizing the results of Metro's 'Shape of the Region' element of the "New Look at Regional Choices", which will help determine the appropriate location(s) for future urban development.

A second Issue Paper on exceptions to rules restricting extension of urban services to rural lands, dated December 12, 2006, was prepared by County staff in response to a question raised by a member of the County Board. That issue paper is also attached.

RECOMMENDED ACTION:

Authorize the Mayor to sign the attached Memorandum of Understanding (MOU) relating to extensions of public water and sewer services to Measure 37 related developments in the rural area.

MEMORANDUM OF UNDERSTANDING**September 9, 2006****EXTENSIONS OF PUBLIC WATER AND SEWER SERVICES TO MEASURE 37-RELATED URBAN DEVELOPMENTS IN RURAL WASHINGTON COUNTY**

This Memorandum of Understanding (MOU) is entered into between Metro, Washington County, cities and service districts as evidenced by the signatures provided below.

Recitals.

1. Measure 37 has potentially increased the demand for the extension of public water and sewer services to rural land in Washington County.
2. The existing regulations governing the extension of public water and sewer service do not consider the impact of Measure 37 on development of rural land.
3. Metro, Washington County, cities and special districts are concerned that without adequate planning, the increase in demand for the extension of public water and sewer services to rural lands outside of an Urban Growth Boundary (UGB) may have adverse impacts on the level of service being provided to their urban customers and on the orderly and efficient transition from rural to urban land uses.
4. This MOU does not apply to the construction of public water or sewer facilities across lands located outside of UGB's in order to provide water or sewer services to urban areas located inside UGB's.
5. The affected jurisdictions wish to provide a coordinated framework for implementing existing law and developing new policy to address these concerns.

Terms.

The parties to this MOU understand as follows:

1. In Washington County there are a variety of regulations governing the extension of public sewer and water service provided under state, regional and local law including but not limited to the following:
 - A. Under the Metro Code, extraterritorial extensions of public sewer and water from inside the Metro UGB to serve lands outside of the Metro UGB are prohibited.
 - B. Outside of the Metro area state law prohibits, with limited exceptions, extensions of public sewer from inside a UGB to serve lands outside a UGB.
 - C. State law also prohibits, with limited exceptions, extensions of public sewer outside of a UGB to serve lands outside of a UGB.

- D. The Washington County Comprehensive Plan prohibits, with limited exceptions, extensions of public sewer or water to serve resource lands.
2. Existing regulations restricting public sewer and water service extensions that apply to the service provider rather than restricting the private use of real property are not subject to compensation or waiver under Measure 37.
3. Service providers and the jurisdictions responsible for approving a request for an extension of service are required to comply with these existing regulations that cannot be waived under Measure 37.

Agreement:

Therefore, due to the potential impact of extending public sewer and water service to new development on rural land, the parties to this MOU agree to:

1. Assure ongoing compliance with existing law by prohibiting:
 - (a) extraterritorial extensions of public sewer or water service outside of the Metro UGB consistent with the Metro Code;
 - (b) extensions of public sewer outside of a UGB not in the Metro area except as otherwise provided under the Oregon Administrative Rules;
 - (c) extensions of public water service to serve new development located on resource land with limited exceptions, as otherwise provided in the Washington County Comprehensive Plan;
 - (d) connections to existing public sewer or water service lines located outside of a UGB designed to serve new development located on resource land except as otherwise provided in the Washington County Comprehensive Plan;
2. Permit reasonable exceptions as allowed by state or other laws including, but not limited to, extensions intended to resolve a public health hazard.
3. Coordinate the planning of future urban services by utilizing the results of Metro's 'Shape of the Region' element of the "New Look at Regional Choices", which will help determine the appropriate location(s) for future urban development.

Parties to this Agreement.

In witness whereof, this MOU is executed by authorized representatives of the parties to this MOU. The parties, by their representative's signatures on the attached signature pages to this MOU, signify that each has read the MOU, understands its terms, and agrees to be bound thereby.

City of Beaverton:

By: _____

Date: _____

May 10, 2006

ISSUE PAPER RELATING TO EXTENSIONS OF SEWER AND WATER SERVICE

Issue: New development authorized by Measure 37 is increasing the demand for public sewer and water outside of the Urban Growth Boundary. In response to this demand local jurisdictions are facing two important issues:

1. **Under Measure 37 may governing bodies for the state, cities, counties and Metro waive existing regulations prohibiting extensions of and connections to sewer and water systems outside of the Urban Growth Boundary? and**
2. **Are new regulations adopted by cities and service districts governing the extension of and connection to sewer and water systems subject to compensation under Measure 37?**

Executive Summary: Generally, existing regulations that restrict extension of or connection to a public sewer or water system as opposed to directly regulating the development of private real property cannot be waived under Measure 37. Similarly, government may adopt any new regulations governing the extension of or connection to a public sewer or water system as opposed to the development of private real property without creating a right to compensation under Measure 37.¹

This discussion is intended to serve as an advisory interpretation of the law and is not intended to provide a final determination for purposes of implementing any standards in a quasi-judicial proceeding.

Measure 37.

Measure 37 was adopted by the voters at the November 2, 2004 election and is now codified at ORS 197.352. Measure 37 requires a government to compensate owners of private real property for any land use regulation “enforced against the property” that both restricts and devalues the use of that property.

In lieu of compensation, the governing body may decide to not apply the regulation (often referred to as M37 waiver) to allow a use that was allowed at the time the property was acquired. The waiver is limited to regulations enacted and enforced against private property after the

¹ Washington County Counsel provides legal advice only to the County. This issue paper is not intended, and cannot be relied on as, legal advice for any other person or entity. The regulations addressed herein are Goal 11 and its implementing rules, Chapter 3.09 of the Metro Code, Policy 22 of the Washington County Comprehensive Plan and Section 430-105 of the Washington County Community Development Code. Individual cities and service districts as well as the state may have regulations that touch on the extension of water or sewer service that are not addressed by this issue paper. Readers are urged to consult their own regulations as well as their own attorney.

current owner acquired the property. In addition, land use regulations are specifically defined as including:

- (i) statutes regulating the use of land or any interest therein;
- (ii) Administrative rules and goals of the Land Conservation and Development Commission;
- (iii) Local government comprehensive plans, zoning ordinances, land division ordinances and transportation ordinances;
- (iv) Metropolitan service district regional framework plans, functional plans and planning goals and objectives; and
- (v) Statutes and administrative rules regulating farming and forest practices.

Some regulations that fall within the scope of this definition are exempt including among others those addressing public health and safety. Thus a health and safety standard included within a local zoning ordinance is not compensable under Measure 37.

Measure 37 probably applies only to state, cities, counties and Metro laws and not service district regulations. As a result service district regulations restricting the use of private real property are not subject to Measure 37 provided they are not otherwise implementing the comprehensive plan policies of the city or county.

1. Under Measure 37, may governing bodies for the state, cities, counties and Metro waive regulations prohibiting and limiting extensions of and connections to sewer and water systems outside of the Urban Growth Boundary?

This issue paper touches on state, regional and local regulations governing water and sewer line extensions in Washington County. Attached is a matrix of the rules and regulations as they relate to different types of extensions or connections to compliment the text provided below.

Metro Code. Chapter 3.09 of the Metro Code provides a regulatory process for boundary changes within the Metro service area and any urban reserve designated by Metro prior to June 30, 1997. Under this Chapter, boundary changes include an extraterritorial extension of water or sewer service by a city or district.

An extraterritorial extension is distinguishable from an extension within an existing service area. The term extraterritorial refers to the expansion of an existing system outside of the jurisdictional limits of the service provider, i.e. outside of the city limits or the service district boundary. The term extension likely includes an extension of a pipe, conduit, pipeline, main or other physical component from or to an existing water or sewer system consistent with state law.²

The standards for granting an extraterritorial extension of water or sewer service apply only if the territory lies within the Metro Urban Growth Boundary. Section 3.09.050(d)(6). Therefore a request to extend a water or sewer line from within the Metro UGB to serve property outside of the Metro UGB is prohibited. The prohibition applies to the utility line extension itself and consequently prevents a request for service regardless of whether the property to be served by

² This does not address new hookups to an existing service line outside of the service area boundary or extensions within an existing service area boundary.

the extension is outside of Metro's jurisdiction. This provision is more restrictive than Goal 11 and its implementing rules.

Although there are no exceptions expressly provided for under the Metro Code, the Department of Environmental Quality has authority to require an extension to alleviate a public health hazard as provided under state law. DEQ's authority would trump the Metro Code in the event of a public health hazard.

The Metro Code does not regulate extensions of service from an existing line outside of the UGB. This extension would be governed by state law as discussed below.

Statewide Planning Goals and Administrative Rules.

Cities, counties and service districts outside of the Metro service area must comply with Goal 11 and its implementing rules. In addition, Goal 14 generally prohibits urban development outside of the UGB.

Under Goal 11 there is a general prohibition against sewer line extensions.³ This prohibition applies to both extensions from inside and outside of the UGB to serve land outside of the UGB. Water line extensions on the other hand are permitted provided the service will not permit higher density due to the availability of that service.

A connection to an existing sewer line is allowed only if, in addition to other limitations set out in the administrative rules, the connection will serve a residential use and will not otherwise permit higher density development. Neither Goal 11 nor its implementing rules specifically regulate water connections.⁴

Jurisdictions outside of the Metro service area may also apply for an exception to Goal 11 to allow for an extension of water or sewer to serve urban development authorized under Measure 37. This may provide some flexibility to accommodate the unique circumstances where resource land would otherwise become irrevocably committed to urban development authorized by Measure 37.

In addition to Goal 11, Goal 14 generally prohibits urban development on rural land. Although there is no definition of urban development the courts have found that residential development of two acres or less combined with urban services may constitute urban development. As a result the decision to extend a public water or sewer to serve a development authorized under Measure 37 may violate Goal 14.

Washington County Comprehensive Plan.

In Washington County public facilities and services are regulated under Policy 22 of the Rural Natural Resources Plan Element of the Washington County Comprehensive Plan.

³ Although state law prohibits extensions regardless of whether they are extraterritorial while the Metro Code is limited only to extraterritorial extensions.

⁴ As a result an individual connection to an existing water line is not governed by state law or the Metro Code. The term connection is not defined. One possible interpretation is that a connection includes a lateral line from a public water service line that passes through the property or in the right-of-way adjacent to the property to a water meter.

Subsection e states the county will:

“Permit sewer lines to be established in the Rural-Natural Resource area to relieve an identified health hazard, except that sewer lines may traverse the Rural-Natural Resource area in order to facilitate service to urban areas. After a sewer line has been installed, it may be used by a farmer for disposal of sewage in connection with a farm labor camp or in connection with a food processing operation.”

Thus sewer lines are allowed only under limited circumstances that are generally consistent with state law.

Subsection j on the other hand specifically authorizes an extension of extraterritorial water lines to non-resource lands:

“Allow for the formation or expansion of community, private or public water supply systems *or the extension of extraterritorial water lines** to serve the following land use districts:

Agriculture and Forest-10	(AF-10)
Agriculture and Forest-5	(AF-5)
Rural Residential-5	(RR-5)
Rural commercial	(R-COM)
Rural Industrial	(R-IND)
Land Extensive Industrial	(MA-E)”

*In the Metro area this provision would be pre-empted by Section 3.09.050(d)(6) of the Metro Code with regard a request for an extension of an extraterritorial water line.

In addition Policy 22(l) does not allow an extraterritorial extension of water service to resource lands for new dwellings unless the connection is necessary to address a public health hazard for an existing dwelling.

Although there are no specific regulations governing sewer in the Comprehensive Plan, Section 430-105 of the Washington County Community Development Code prohibits connections except to address a public health hazard, dispose of sewage in connection with a farm labor camp or food processing operation or as is otherwise permitted under state law.

Waiver under Measure 37.

Measure 37 authorizes the state, cities, counties and Metro to issue a waiver for regulations that restrict and devalue the use of private real property. A waiver is available only for those regulations enacted and enforced against the property after the date the property was acquired by the current owner.

As discussed above, Measure 37 provides a specific definition of “land use regulation” including:

- (i) statutes regulating the use of land or any interest therein;

- (ii) Administrative rules and goals of the Land Conservation and Development Commission;
- (iii) Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;
- (iv) Metropolitan service district regional framework plans, functional plans, and planning goals and objectives; and
- (v) Statutes and administrative rules regulating farming and forest practices.

Chapter 3.09 of the Metro Code is not included in the definition of a “land use regulation” under Measure 37, so the regulations concerning the extraterritorial extensions of service probably may not be waived by Metro. As a result, an extension of a public water or sewer line outside of the Metro UGB is expressly prohibited by the Metro Code and cannot be waived by Metro under Measure 37 – although Metro could amend its Code to provide exceptions or other flexibility.

In addition, other regulations that apply to the service provider and not to the use of private real property cannot be waived. For example OAR 660-011-0060(2)(b) states that a local government shall not allow:

“The extension of sewer lines from within urban growth boundaries or unincorporated community boundaries in order to serve uses on land outside those boundaries.”

Thus the state may not waive this regulation to allow a city or service district to extend a sewer line outside of the UGB. Measure 37 does not afford any relief to regulations that apply to the service provider.

Waiver of the administrative rules governing the extension of water are less clear. OAR 660-011-0065(2)(b) states that local land use regulations applicable to lands that are outside urban growth boundaries shall not:

“Allow a higher density for residential development served by a water system than would be authorized without such service.”

This regulation appears to focus on restricting density on private real property rather than limiting the water service provider. Arguably this provision can be waived under Measure 37.

Policy 22 of the Washington County Comprehensive Plan is generally supportive of extra-territorial extensions of water to non-resource lands. However the limitations imposed on extraterritorial extensions of water service to resource lands cannot be waived. These limitations apply to the physical extension of the pipe or conduit from the service provider and not the private use of real property. Consequently a request to process an extraterritorial water line extension to serve resource land to permit development of property under Measure 37 is prohibited by Policy 22.

Similarly the prohibition on an extension of sewer service in Policy 22(l) and CDC §430-105.6 & 7 with limited exceptions applies to the service provider and cannot be waived.

2. Are new regulations adopted by cities, counties and service districts governing the extension of and connection to sewer and water systems subject to compensation under Measure 37?

In general any new land use regulations adopted by local government regulating the use of private real property is subject to the compensation and waiver requirements provided under Measure 37.

However, government may continue to regulate urban service providers without running afoul of Measure 37. In addition a service provider, either a service district or a city, may decide as a policy matter to prohibit services outside of their jurisdiction.

Consequently the state, Metro, cities, counties and service districts may adopt policies governing how service providers deal with the extension of and connection to public sewer and water systems that are not subject to the limitations imposed by Measure 37.

December 12, 2006

ISSUE PAPER: EXCEPTIONS TO RULES RESTRICTING EXTENSION OF URBAN SERVICES TO RURAL LANDS

Issue: A variety of state and local rules regulate the provision of public water and/or sewer service to rural lands in Washington County and many of these rules include exceptions or exemptions. What are these exceptions or exemptions and how do they apply?

This discussion is intended to serve as an advisory interpretation of the law and is not intended to provide a final determination for purposes of implementing any standards in a quasi-judicial proceeding. Note that the primary focus of this analysis and discussion addresses public and not private sewer and water systems.

Discussion:

The following outline includes the primary rules governing the extension of public sewer and/or water service to rural lands in Washington County followed by a general description of the permitted exceptions and/or exemptions from these rules¹:

- a) Implementing rules of Statewide Planning Goal 11 – [OAR 660-011-0060(2)(b)] which prohibit (with exceptions):**
- the extension of sewer service from lands inside of urban growth boundaries to serve lands outside of urban growth boundaries;
 - the connection of sewer lines outside of urban growth boundaries to lands outside of urban growth boundaries; and
 - the extension of water lines from inside urban growth boundaries to lands outside urban growth boundaries when such extension would allow for an increase in density beyond that which would be permitted without the extension.

EXCEPTIONS:

- The extension or connection to public sewer is necessary to avoid an imminent and significant public health hazard that
 - a) would otherwise result if the sewer service is not provided; and
 - b) There is no practicable alternative to the sewer system in order to avoid the imminent public health hazard.
- The extension or connection to public sewer will serve lands inside of an urban growth boundary more efficiently;
- The extension or connection to public sewer will serve lands inside of a nearby UGB or unincorporated community;

¹ Further details and requirements related to exceptions and exemptions are included in the attached appendix-A.

- The placement of the sewer system components outside of a UGB will connect to other system components lawfully located on rural lands (such as outfall or treatment facilities) or
- The extension or connection to public sewer will transport leachate from a landfill located on rural land to a sewer system located inside of a UGB.
- The extension or connection of public water systems to serve legally established uses.

b) Policy 22 of the Rural Natural Resource Element of the Washington County Comprehensive Plan and Sections 430-105.6 and 430-105.7 of the Washington County Community Development Code which prohibit (with exceptions):

- Extensions of or connections to public sewer lines to serve any use not specifically addressed in Policy 22; or
- Extensions of or connections to public water systems to designated Resource Lands (EFU, EFC, and AF-20).

EXCEPTIONS:

- Extensions or connections may be allowed within the boundaries of a lawfully created community, or public water system or district, as allowed by Policy 22 of the Rural/Natural Resource Plan; or
- Extensions or connections may be allowed to replace water from an existing water supply that has been documented to be unsafe for human consumption or insufficient to support domestic uses, in the manner described by the Rural/Natural Resource Plan.

c) Chapter 3.09 of the Metro Code – [Section 3.09.050(d)(6)] prohibits:

- extensions of sewer lines from within the Metro UGB to serve lands located outside of the Metro UGB;
- extensions of water lines from within the Metro UGB to serve lands located outside of the Metro UGB;

EXCEPTIONS:

- * Exceptions or exemptions from the requirements in these sections of the Metro Code are not provided; however, it is likely that either the Oregon Department of Human Services – Office of Environmental Public Health or the Oregon Department of Environmental Quality could require a connection to a public water or sewer system in order to alleviate a documented health hazard when the specific criteria for exceptions outlined in OAR 660-011-0060 to 0065 are met.

APPENDIX – A
Issue Paper #2 – relating to Extensions of Public Sewer and Water Service to Rural
Lands in Washington County

**EXCERPT: OAR 660-011-0060
- Sewer Service to Rural Lands -**

(3) Components of a sewer system that serve lands inside an urban growth boundary (UGB) may be placed on lands outside the boundary provided that the conditions in subsections (a) and (b) of this section are met, as follows:

(a) Such placement is necessary to:

- (A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;
- (B) Serve lands inside a nearby UGB or unincorporated community;
- (C) Connect to components of the sewer system lawfully located on rural lands, such as outfall or treatment facilities; or
- (D) Transport leachate from a landfill on rural land to a sewer system inside a UGB; and

(b) The local government.

- (A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and
- (B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.

(4) A local government may allow the establishment of a new sewer system, or the extension of an existing sewer system, to serve land outside urban growth boundaries and unincorporated community boundaries in order to mitigate a public health hazard, provided that the conditions in subsections (a) and (b) of this section are met, as follows:

(a) The DEQ or the Oregon Health Division initially:

- (A) Determines that a public health hazard exists in the area;
- (B) Determines that the health hazard is caused by sewage from development that existed in the area on July 28, 1998;
- (C) Describes the physical location of the identified sources of the sewage contributing to the health hazard; and
- (D) Determines that there is no practicable alternative to a sewer system in order to abate the public health hazard; and

(b) The local government, in response to the determination in subsection (a) of this section, and based on recommendations by DEQ and the Oregon Health Division where appropriate:

- (A) Determines the type of sewer system and service to be provided, pursuant to section (5) of this rule;
- (B) Determines the boundaries of the sewer system service area, pursuant to section (6) of this rule;
- (C) Adopts land use regulations that ensure the sewer system is designed and constructed so that its capacity does not exceed the minimum necessary to serve the area within the boundaries described under paragraph (B) of this subsection, except for urban reserve areas as provided under OAR 660-021-0040(6);
- (D) Adopts land use regulations to prohibit the sewer system from serving any uses other than those existing or allowed in the identified service area on the date the sewer system is approved;

- (E) Adopts plan and zone amendments to ensure that only rural land uses are allowed on rural lands in the area to be served by the sewer system, consistent with Goal 14 and OAR 660-004-0018, unless a Goal 14 exception has been acknowledged;
- (F) Ensures that land use regulations do not authorize a higher density of residential development than would be authorized without the presence of the sewer system; and
- (G) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.

(5) Where the DEQ determines that there is no practicable alternative to a sewer system, the local government, based on recommendations from DEQ, shall determine the most practicable sewer system to abate the health hazard considering the following:

(a) The system must be sufficient to abate the public health hazard pursuant to DEQ requirements applicable to such systems; and

(b) New or expanded sewer systems serving only the health hazard area shall be generally preferred over the extension of a sewer system from an urban growth boundary. However, if the health hazard area is within the service area of a sanitary authority or district, the sewer system operated by the authority or district, if available and sufficient, shall be preferred over other sewer system options.

(6) The local government, based on recommendations from DEQ and, where appropriate, the Oregon Health Division, shall determine the area to be served by a sewer system necessary to abate a health hazard. The area shall include only the following:

(a) Lots and parcels that contain the identified sources of the sewage contributing to the health hazard;

(b) Lots and parcels that are surrounded by or abut the parcels described in subsection (a) of this section, provided the local government demonstrates that, due to soils, insufficient lot size, or other conditions, there is a reasonably clear probability that onsite systems installed to serve uses on such lots or parcels will fail and further contribute to the health hazard.

(7) The local government or agency responsible for the determinations pursuant to sections (4) through (6) of this rule shall provide notice to all affected local governments and special districts regarding opportunities to participate in such determinations.

(8) A local government may allow a residential use to connect to an existing sewer line provided the conditions in subsections (a) through (h) of this section are met:

(a) The sewer service is to a residential use located on a parcel as defined by ORS 215.010(1), or a lot created by subdivision of land as defined in ORS 92.010;

(b) The parcel or lot is within a special district or sanitary authority sewer service boundary that existed on January 1, 2005, or the parcel is partially within such boundary and the sewer service provider is willing or obligated to provide service to the portion of the parcel or lot located outside that service boundary;

(c) The sewer service is to connect to a residential use located within a rural residential area, as described in OAR 660-004-0040, which existed on January 1, 2005;

(d) The nearest connection point from the residential parcel or lot to be served is within 300 feet of a sewer line that existed at that location on January 1, 2005;

(e) It is determined by the local government to be practical to connect the sewer service to the residential use considering geographic features or other natural or man-made constraints;

(f) The sewer service authorized by this section shall be available to only those parcels and lots specified in this section, unless service to other parcels or lots is authorized under sections (4) or (9) of this rule;

(g) The existing sewer line, from where the nearest connection point is determined under subsection (8)(d) of this rule, is not located within an urban growth boundary or unincorporated community boundary; and

(h) The connection of the sewer service shall not be relied upon to authorize a higher density of residential development than would be authorized without the presence of the sewer service, and shall not be used as a basis for an exception to Goal 14 as required by OAR 660-004-0040(6).

(9) A local government may allow the establishment of new sewer systems or the extension of sewer lines not otherwise provided for in section (4) of this rule, or allow a use to connect to an existing sewer line not otherwise provided for in section (8) of this rule, provided the standards for an exception to Goal 11 have been met, and provided the local government adopts land use regulations that prohibit the sewer system from serving any uses or areas other than those justified in the exception. Appropriate reasons and facts for an exception to Goal 11 include but are not limited to the following:

(a) The new system, or extension of an existing system, is necessary to avoid an imminent and significant public health hazard that would otherwise result if the sewer service is not provided; and

(b) There is no practicable alternative to the sewer system in order to avoid the imminent public health hazard.

(10) This rule, as amended, shall immediately apply to local land use decisions made subsequent to February 11, 2005.

**EXCERPT: OAR 660-011-0065
- Water Service to Rural Lands -**

(1) As used in this rule, unless the context requires otherwise:

(a) "Establishment" means the creation of a new water system and all associated physical components, including systems provided by public or private entities;

(b) "Extension of a water system" means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing water system in order to provide service to a use that was not served by the system on the applicable date of this rule, regardless of whether the use is inside the service boundaries of the public or private service provider.

(c) "Water system" shall have the same meaning as provided in Goal 11, and includes all pipe, conduit, pipeline, mains, or other physical components of such a system.

(2) Consistent with Goal 11, local land use regulations applicable to lands that are outside urban growth boundaries and unincorporated community boundaries shall not:

(a) Allow an increase in a base density in a residential zone due to the availability of service from a water system;

(b) Allow a higher density for residential development served by a water system than would be authorized without such service; or

(c) Allow an increase in the allowable density of residential development due to the presence, establishment, or extension of a water system.

(3) Applicable provisions of this rule, rather than conflicting provisions of local acknowledged zoning ordinances, shall immediately apply to local land use decisions filed subsequent to the effective date of this rule.

**EXCERPT: Washington County Rural/Natural Resource Plan Element
Policy 22 - Public Facilities and Services** *Updated 11/24/06*

j. Allow for the formation or expansion of community, private or public water supply systems or the extension of extraterritorial water lines to serve the following land use districts:

- Agriculture and Forest-10 (AF-10)
- Agriculture and Forest-5 (AF-5)
- Rural Residential-5 (RR-5)
- Rural Commercial (R-COM)
- Rural Industrial (R-IND)
- Land Extensive Industrial (MA-E)

k. Allow for the formation or expansion of community, private or public supply water systems utilizing water sources other than the extraterritorial water line extensions to serve existing dwellings in areas designated Exclusive Farm Use, Exclusive Forest and, and Agriculture and Forest-20. The water supply system shall not provide service to non-resource lands such as AF-10, AF-5 or R-COMM.

l. Allow for the connection of existing dwellings in areas designated Exclusive Farm Use, Exclusive Forest and Conservation, and Agriculture and Forest-20 through extraterritorial water line extension to community, private or public water supply systems upon documentation of one of the following:

1. The water from an existing well does not meet Environmental Protection Agency (EPA) Safe Drinking Water Standards. The following documentation shall be submitted:
 - a. A letter from an EPA approved testing laboratory stating that the water source does not meet EPA Safe Drinking Water Standards and listing the contaminants;
 - or
 - b. A letter from the Washington County Department of Health and Human Services stating the water does not meet EPA Safe Drinking Water Standards and listing the contaminants. It must be demonstrated that reasonably priced readily available technology for filtering, chlorination or other on-site treatment cannot bring the water quality up to standard. "Reasonably priced" is defined as equal to

or less than the estimated cost to hook to a community private or public water system.

2. The amount of water available from an existing well is insufficient for domestic use. Insufficient water supply is defined as an existing well which does not produce usable quantities of water for domestic consumption due to the geologic formation. It must be demonstrated that deepening the well will not, in all probability, result in an increase in usable water supply. Documentation is to be provided by a qualified geologist or hydrologist and the property owner must demonstrate that a reasonably priced water storage will not result in adequate usable water supply.

m. Allow for the formation or expansion of community private or public water supply systems in areas designated Exclusive Farm Use, Exclusive Forest and Conservation, and Agriculture and Forest-20 utilizing on-site groundwater sources, not extraterritorial water sources, to serve those uses approved by the County to ORS 215.213, OAR 660-33 or OAR 660-06 on the same property as the water system.

EXCERPT: Washington County Community Development Code – Section 430

430-105.6 Exemptions from the Requirements of Section 430-105:

Exempted from these regulations are:

A. Underground pipes and conduits except where such pipes or conduits would introduce an urban service outside the Urban Growth Boundary.

For all sewer lines, there shall be no connections to the line unless approved pursuant to Section 430-105.7. - Individual hookups to community, private or public water systems;

430-105.7 Underground pipes and conduits which introduce an urban service outside the Urban Growth Boundary.

Prior to commencing any extension of underground pipes or conduits for urban services into any area outside the Urban Growth Boundary, an applicant shall provide a sworn affidavit that no hookups to the extended line will be allowed outside the UGB except:

A. Water lines (Must also comply with OAR 660-011-0065)

- (1) Within the boundaries of a lawfully created community, private or public water system or district, as allowed by Policy 22 of the Rural/Natural Resource Plan; or
- (2) To replace water from an existing water supply that has been documented to be unsafe for human consumption or insufficient to support domestic uses, in the manner described by the Rural/Natural Resource Plan.

B. Sewer lines (Must also comply with OAR 660-011-0060)

- (1) To relieve an identified health hazard; or

- (2) Once the line is established, to provide for disposal of sewage in connection with:
 - (i) A farm labor camp; or
 - (ii) A food processing operation.
- (3) Notwithstanding (1) and (2) above, a connection to an existing sewer line may be approved for a residential use pursuant to OAR 660-011-0060(8) and (9).

EXCERPT: Metro Code Chapter 3.09

(Effective 3/4/04) JULY 2006 EDITION

3.09.020 Definitions

(i) “Minor boundary change” means an annexation or withdrawal of territory to or from a city or district or from a city-county to a city. “Minor boundary change” also means an extraterritorial extension of water or sewer service by a city or district.

3.09.050 Uniform Hearing and Decision Requirements for Final Decisions Other Than Expedited Decisions

- (d) An approving entity’s final decision on a boundary shall include findings and conclusions addressing the following criteria:
- (1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;
(Effective 3/4/04) 3.09 - 7 JULY 2006 EDITION
 - (2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;
 - (3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;
 - (4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;
 - (5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;
 - (6) The territory lies within the Urban Growth Boundary; and
 - (7) Consistency with other applicable criteria for the boundary change in question under state and local law.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Ratification of Beaverton Central Plant Contract Award for Underground Piping and Mechanical Rooms to Connect Buildings E and F.

FOR AGENDA OF: 03/05/07 **BILL NO:** 07049

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Mayor's Office *[Signature]*

DATE SUBMITTED: 2/22/2007

CLEARANCES: Finance *[Signature]*
Purchasing *[Signature]*
City Attorney *[Signature]*
Central Plant *[Signature]*

PROCEEDING: Consent
(Contract Review Board)

EXHIBITS: Bid Summaries
Agenda Bill 06163 and 06162
Memorandum Recommending Award

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$415,312	BUDGETED \$499,483	REQUIRED \$-0-

* Account Number 001-13-0006-682 General Fund - Non-Departmental - Beaverton Central Plant - Construction Account. The FY 2006-2007 budget included \$1,297,950 for plant construction. To date, \$495,828 has been expended and \$302,639 is encumbered leaving a remaining appropriation of \$499,483 for this proposed contract.

HISTORICAL PERSPECTIVE:

At the Council meeting held September 11, 2006, AB 06162 and 06163, Council authorized the City to advertise and award a contract for the construction of piping and mechanical room connection to extend central plant services to buildings E and F at The Round. The single responding bid received was deemed too costly and rejected by Council Agenda Bill 07008 on January 8, 2007.

INFORMATION FOR CONSIDERATION:

The invitation to re-bid was advertised in the Portland Daily Journal of Commerce on January 9, 2007, with a bid submission date of January 30, 2007 at 2:00 PM. As part of the re-bid process, the work was separated by building and into underground and mechanical room construction. Bidders would also have the opportunity to combine building bids in order to generate project cost savings. This was a change from the previous bid invitation, in hopes that more competitive bids would be received.

Two bidders responded to the invitation for mechanical room construction. Temp Control Mechanical of Portland, Oregon was selected based on the combined (buildings E and F) pricing of \$208,390. The Temp Control Mechanical bid also included certain exclusionary language which will be subject to the review and approval of the city attorney.

Four bidders responded to the invitation for underground piping work. Landis & Landis of Portland, Oregon was selected based in part on their combined bid of \$206,922. While this was not the lowest bid (by \$9,925 if the piping work were awarded to two separate bidders) it was determined that significant benefit accrued from managing a single firm for the underground work, and the City's favorable work history with Landis & Landis.

Attached is a memorandum to the Mayor recommending that the City accept the bids from Temp Control Mechanical and Landis & Landis. The memorandum further details the bid evaluation by City staff and the plant facility manager. The total recommended award price is \$415,312.

RECOMMENDED ACTION:

Council, acting as the Contract Review Board, ratify the mechanical room construction contract award to Temp Control Mechanical in the amount of \$208,390. In addition, ratify the underground piping extension contract award to Landis & Landis in the amount of \$206,922.

BID SUMMARY

CITY OF BEAVERTON

TO: Mayor & City Council

FROM: Purchasing Division

SUBJECT: Bid Opening

Bids were opened on JANUARY 30TH, 2007 at 2:00 in the **FINANCE DEPARTMENT**

For: **BEAVERTON CENTRAL PLANT BLDG "E" & "F" UNDERGROUND PIPING PROJECT #2031-07**

Witnessed by: Deme Perlmutter

VENDOR NAME AND CITY, STATE	BID SCHEDULE "A" BUILDING "E"	BID SCHEDULE "B" BUILDING "F"	GRAND TOTAL	BID DISCOUNT (If both Schedules awarded to same Bidder)
CLEARSPAN CONSTRUCTION HILLSBORO OR	\$138,800	\$118,400	\$257,200	\$4,800
LANDIS & LANDIS PORTLAND OR	\$141,247	\$72,675	\$213,922	\$7,000
TRIAD MECHANICAL PORTLAND OR	\$212,712	\$58,197	\$270,909	\$4,000
J MORAN CONSTRUCTION MILWAUKIE OR	\$145,649	\$66,573	\$212,222	\$3,000

The Purchasing process has been confirmed.

Signed: *A. Muralt*
Purchasing Division-Finance Dept.

The above amounts have been checked: YES NO

Date: 1-30-07

BID SUMMARY

CITY OF BEAVERTON

TO: Mayor & City Council

FROM: Purchasing Division

SUBJECT: Bid Opening

Bids were opened on JANUARY 30TH, 2007 at 2:00 in the **FINANCE DEPARTMENT**

For: **BEAVERTON CENTRAL PLANT BLDG "E" & "F" MECHANICAL ROOM PROJECT #2032-07**

Witnessed by: **LONNIE DICUS**

VENDOR NAME AND CITY, STATE	BID SCHEDULE "A"	BID SCHEDULE "B"	GRAND TOTAL	BID DISCOUNT (If both Schedules awarded to same Bidder)
	BUILDING "E"	BUILDING "F"		
TRIAD MECHANICAL INC PORTLAND OR	\$127,333.00	\$155,200.00	\$282,533.00	NONE
TEMP CNTL MECH CORP PORTLAND OR	\$99,777.00	\$111,813.00	\$211,590.00	\$3,200.00

The Purchasing process has been confirmed.

Signed: *JL Muralt*
Purchasing Division-Finance Dept.

The above amounts have been checked: YES NO

Date: 1-30-07

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Authorization for the Mayor to Award a Contract for Construction of Piping and Mechanical Room Connection to Extend the Beaverton Central Plant Services to Building "F" and Submitting to Council for Ratification of the Award at a Later Date

FOR AGENDA OF: 09/11/06 **BILL NO:** 06163

Mayor's Approval: *[Signature]*
DEPARTMENT OF ORIGIN: Mayor's Office

DATE SUBMITTED: 09/5/06

CLEARANCES: Finance *[Signature]*
Purchasing *[Signature]*
City Attorney *[Signature]*
Central Plant *[Signature]*

PROCEEDING: Consent

EXHIBITS: 1: Area Map

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$150,000	BUDGETED \$248,428*	REQUIRED \$-0-

* Account Number 001-13-0006-682 General Fund – Non-Departmental – Beaverton Central Plant – Construction Account. The Amount Budgeted represents the remaining appropriation in the Construction Account as of August 31, 2006. A \$410,749 adjustment to the Plant's Beginning Working Capital and the Construction Account will be included in Supplemental Budget S-07-01. In addition to this adjustment, the Plant expects to receive an additional \$250,000 in tax credit revenue and this will also be included in Supplemental Budget S-07-01 and a like adjustment to the Plant's Construction Account. With these two supplemental adjustments, the Construction Account will have an available balance of \$909,177.

HISTORICAL PERSPECTIVE:

The City owns the BCP (Beaverton Central Plant) which provides space conditioning to all the buildings at The Round. As a result of agreements signed with DPP Commercial Investments LLC (the developer), the City is committed to serve new buildings as they are developed. The Round is approximately half built out with another 300,000 square feet scheduled to be built over the next two years.

As per the DDA (Disposition and Development Agreement), construction of Building "F" was scheduled to begin June of 2007. However, as a result of stronger than expected leasing activity, the developer has advanced the building development schedule by nearly a year with the intent to break ground next month. Building "F" will be located on the north side of the Tri-Met tracks and just across from the existing Coldwell Banker building (see attached map).

INFORMATION FOR CONSIDERATION:

Building "F" is expected to include 88,611 square feet of which 16,782 will be retail space and the balance, 71,829 square feet, will be office use. Given much of BCP's infrastructure is piping and located ten to fourteen feet below grade, it is customarily less expensive and easiest to coordinate the equipment install early in the project development cycle. In light of the developer's accelerated building schedule, construction of BCP's service extension must be undertaken as soon as practical to better manage costs and not delay overall building development. In addition, because BCP uses a type of speciality ductile iron pipe, which can take as much as six weeks for delivery, this too drives the need to start early in the project buildout. Service for the building will come from the BCP north vault which is already in place. BCP has been working with the

developer to minimize connection costs and it is expected the actual pipe run will be less than 45 feet. Accordingly, total piping used for the connection should be approximately 180 feet and include two hot and cold lines. However, despite the relatively close distance to Building "F", the connection is necessarily complicated given the overall building foundation design and use of geopiers.

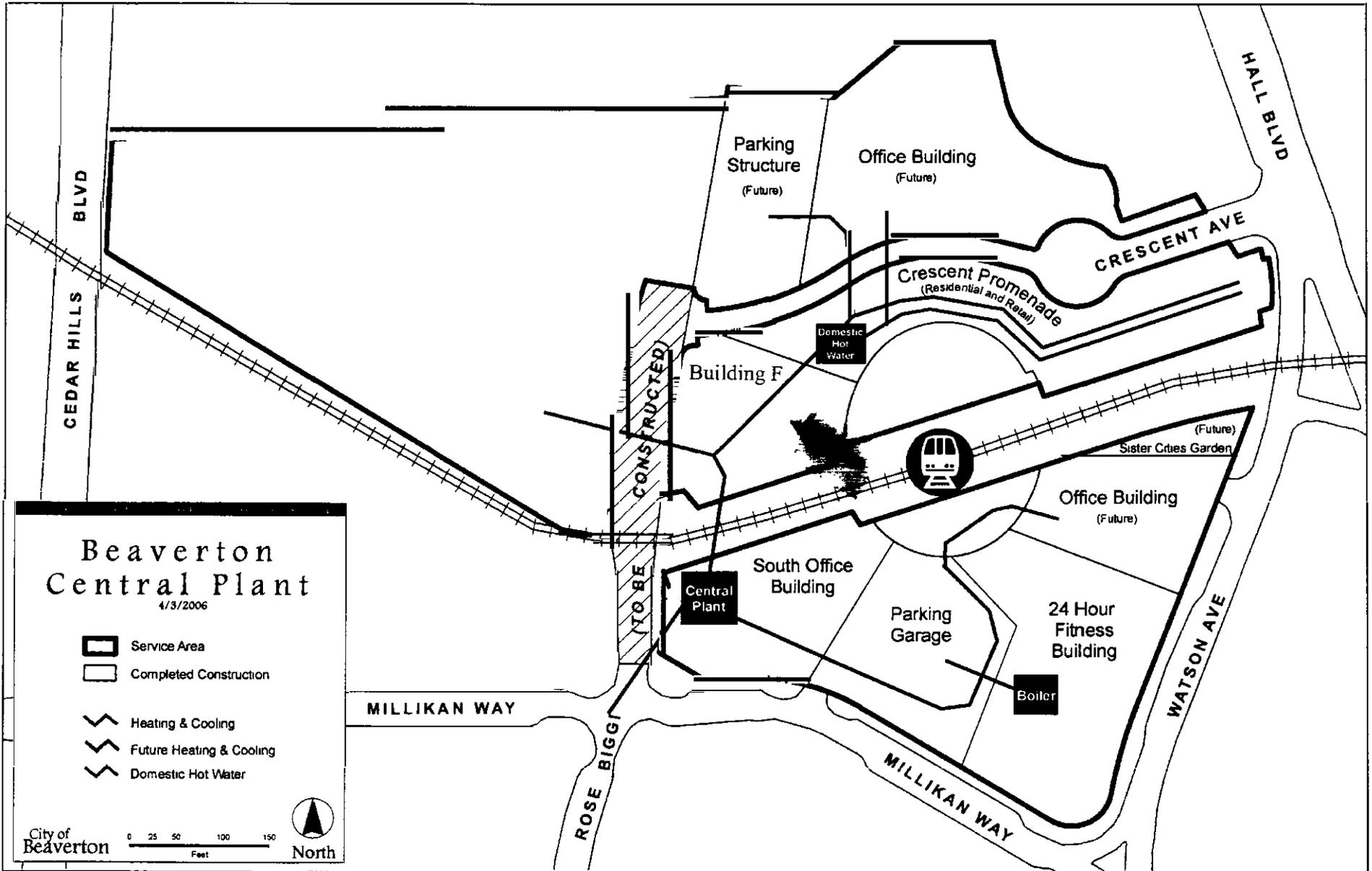
Building "F" represents a significant load addition to BCP. This, along with Building "E" -- the subject of a separate agenda item, will trigger the need to add additional cooling (chiller) and heating (boiler) capacity which will also be subjects of separate agenda items. It is anticipated BCP has sufficient capital in place to fund these requests.

An Invitation to Bid is expected to be advertised in the Portland Daily Journal of Commerce within the week and a tentative date for the bid opening is scheduled for September 26, 2006, at 2:15 PM in the Finance Department Conference Room. Staff requests that the City Council authorize the Mayor to award a contract to the lowest responsible bidder submitting the lowest responsive bid immediately following the bid opening and evaluation on September 26, 2006. The reason for the immediate bid award is to permit the prospective low bidder the necessary time to order the speciality piping to commence construction to meet the overall building schedule.

RECOMMENDED ACTION:

Council, acting as the Contract Review Board:

- (1) authorize the Mayor to award a contract for the construction of piping and building connections to extend the Beaverton Central Plant services to Building "F" to the lowest responsible bidder submitting the lowest responsive bid immediately upon bid opening and evaluation on September 26, 2006;
- (2) direct the Finance Director to include the above mentioned adjustment to the Plant's Beginning Working Capital, additional tax credit revenues and Construction Account appropriation in Supplemental Budget S-07-01; and,
- (3) direct staff to return for Council ratification with details of the contract award at a later date.



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AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Authorization for the Mayor to Award a Contract for Construction of Piping and Mechanical Room Connection to Extend the Beaverton Central Plant Services to Building "E" and Submitting to Council for Ratification of the Award at a Later Date.

FOR AGENDA OF: 09/11/06 **BILL NO:** 06162

Mayor's Approval: *[Signature]*
DEPARTMENT OF ORIGIN: Mayor's Office

DATE SUBMITTED: 09/5/06

CLEARANCES: Finance *[Signature]*
Purchasing *[Signature]*
City Attorney *[Signature]*
Central Plant *[Signature]*

PROCEEDING: Consent

EXHIBITS: 1: Area Map

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$250,000	BUDGETED \$ 248,428*	REQUIRED \$-0-

* Account Number 001-13-0006-682 General Fund – Non-Departmental – Beaverton Central Plant – Construction Account. The Amount Budgeted represents the remaining appropriation in the Construction Account as of August 31, 2006. A \$410,749 adjustment to the Plant's Beginning Working Capital and the Construction Account will be included in Supplemental Budget S-07-01. In addition to this adjustment, the Plant expects to receive an additional \$250,000 in tax credit revenue and this will also be included in Supplemental Budget S-07-01 and a like adjustment to the Plant's Construction Account. With these two supplemental adjustments, the Construction Account will have an available balance of \$909,177.

HISTORICAL PERSPECTIVE:

The City owns the BCP (Beaverton Central Plant) which provides space conditioning to all the buildings at The Round. As a result of agreements signed with DPP Commercial Investments LLC (the developer), the City is committed to serve new buildings as they are developed. The Round is approximately half built out with another 300,000 square feet scheduled to be built over the next two years.

As per the DDA (Disposition and Development Agreement), construction of Building "E" was scheduled to begin July of this year and it now appears ground breaking will occur this month. Building development was anticipated in the BCP budget and capital plan. Building "E" will be located on the south side of the Tri-Met tracks and next to the 24 Hour Fitness building.

INFORMATION FOR CONSIDERATION:

Building "E" is expected to include 46,337 square feet of which 14,587 will be retail space and the remaining 31,750 square feet to be office use. Given much of BCP's infrastructure is piping and located ten to fourteen feet below grade, it is customarily less expensive and easiest to coordinate the equipment install early in the project development cycle. In light of the developer's intent to commence construction this month, construction of BCP's service extension must be undertaken as soon as practical to better manage costs and not delay overall building development. In addition, because BCP uses a type of specialty ductile iron pipe, which can take as much as six weeks for delivery, this too drives the need to start early in the project buildout. Service for the building will come by extending the existing lines which presently terminate just north/east of the front of the entrance of the 24 Hour Fitness building to near the south lobby entrance door

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to Building "E". BCP has been working with the developer to minimize connection costs and it is expected the pipe run will be approximately 110 feet. Accordingly, total piping for the connection will be approximately 440 feet and include two hot and cold lines.

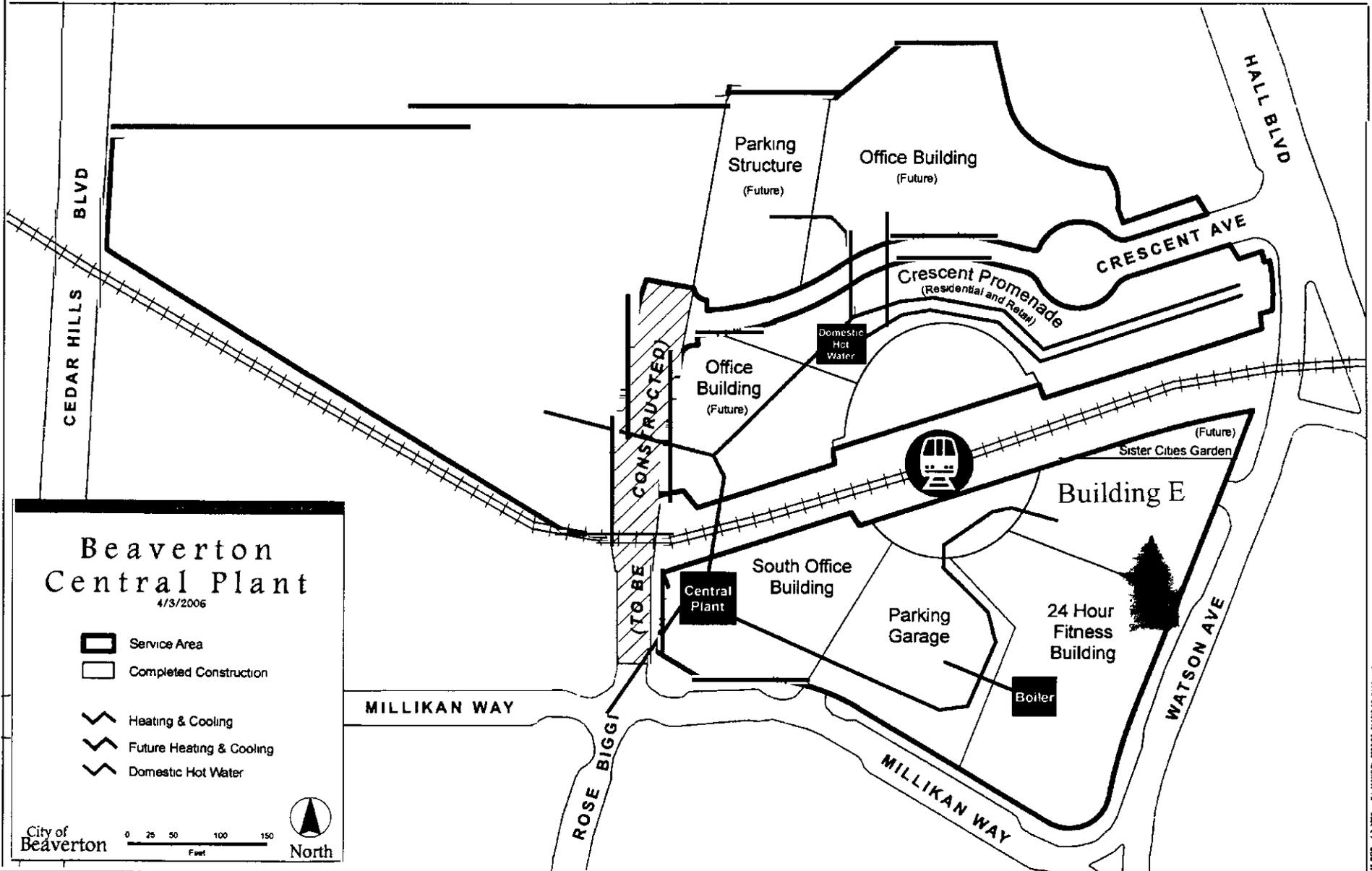
Building "E" represents a significant load addition to BCP. This, along with Building "F", the subject of a separate agenda item, will trigger the need to add additional cooling (chiller) and heating (boiler) capacity which will also be subjects of separate agenda items. It is anticipated BCP has sufficient capital in place to fund these requests.

An Invitation to Bid is expected to be advertised in the Portland Daily Journal of Commerce within the week and a tentative date for the bid opening is scheduled for September 26, 2006, at 2:00 PM in the Finance Department Conference Room. Staff requests that the City Council authorize the Mayor to award a contract to the lowest responsible bidder submitting the lowest responsive bid immediately following the bid opening and evaluation on September 26, 2006. The reason for the immediate bid awarding is to permit the prospective low bidder the necessary time to order the specialty piping to commence construction to meet the overall building schedule.

RECOMMENDED ACTION:

Council, acting as the Contract Review Board:

- (1) authorize the Mayor to award a contract for the construction of piping and building connections to extend the Beaverton Central Plant services to Building "E" to the lowest responsible bidder submitting the lowest responsive bid immediately upon bid opening and evaluation on September 26, 2006;
- (2) direct the Finance Director to include the above mentioned adjustment to the Plant's Beginning Working Capital, additional tax credit revenues and Construction Account appropriation in Supplemental Budget S-07-01; and,
- (3) direct staff to return for Council ratification with details of the contract award at a later date.



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BEAVERTON CENTRAL PLANT

2/12/07
ok to proceed
for Mayor Pro Tem

To: Rob Drake
From: Linda Adlard/Lonnie Dicus
Date: February 9, 2007
Subject: Recommendation to award contracts to connect buildings E and F

This is a recommendation to accept bids and under take construction for the underground piping and mechanical rooms to connect the Beaverton Central Plant to buildings E and F at The Round. By way of background, on 9/11/06 the council approved agenda bill no. 06163 to award a contract for the construction of piping and mechanical room connection to extend central plant services to buildings E and F. The project was bid however the single response was deemed to costly and on 1/8/07 the council approved agenda bill no. 07008 which authorized the bid be rejected. The project was subsequently re-bid and what follows is the recommendation to approve these later bids.

Attached is the bid (\$206,922) from Landis & Landis for the underground piping work. Attached also is the associated recommendation from LINC (plant facility manager). It is noted in the LINC analysis that while it would have been possible to split the underground work between two different contractor bids, the cost savings (\$9,925) did not outweigh the benefits of managing the work under a single entity (Landis & Landis) who also enjoyed a favorable work history with the City. I have reviewed LINC's analysis and support the above recommendation.

The bid (\$208,390) for the mechanical room project is recommended to be awarded to Temp Control Mechanical Inc. Attached also is the associated recommendation from LINC. It should be noted the Temp Control bid did contain certain exclusionary language which will be negotiated and subject to the review and approval of the city attorney. I have reviewed LINC's analysis and support the above recommendation.

As a side note, rejecting the initial bid and re-bidding the project reduced expected construction costs by more than \$175,000.

Please let me know if you have any questions, otherwise I look forward to your concurrence and approval to proceed.



Stan Maier, Facility Manager
12725 SW Millikan Way, Suite 110 • Beaverton, OR. 97005
Phone: 503.626.4040 • Fax: 503.627.0650 • www.lincfs.com

Date: 2/7/07

To: Lonnie Dicus

From: Stan Maier

Subject: BCP E&F Underground and Mechanical Room Contractor Selection

I have reviewed bid proposals received by the City of Beaverton regarding BCP Buildings "E" & "F" Underground piping project #2031-07 and BCP Buildings "E" & "F" Mechanical Room project #2032-07. What follows are my recommendations:

I recommend the BCP "E" & "F" Underground piping project #2031-07 be awarded to Landis & Landis Construction. This is based on their pricing (totaling \$206,922.00), favorable work history with the city and the inherent advantages of managing two separate jobs under a single contractor. While it would have been possible to split the work between two different contractors and lower the bid pricing by \$9,925.00, the managerial and favorable work history advantages outweigh the bid differences.

I recommend the BCP "E" & "F" Mechanical Room project #2032-07 be awarded to Temp Control Mechanical Corp. This is based on the combined pricing submitted by Temp Control which totals \$208,390.00. In addition Linc Facility Services and City has had favorable experience working with Temp Control Mechanical Corp.

It is noted that Temp Control included certain Exclusions and Clarifications and specifically; Exclusion of Waiver of Subrogation and the right to review and negotiate the city's subcontract terms and conditions. I recommend Temp Control be allowed 1 week to request modifications to the city contract, subject to the review and approval of the city attorney.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Exemption from Competitive Bids and Authorize a Sole Seller and Brand Name for the Purchase of Leica Survey Equipment and Transfer Resolution.

FOR AGENDA OF: 3-05-07 **BILL NO:** 07050

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: Public Works *[Signature]*

DATE SUBMITTED: 2-22-07

CLEARANCES: Purchasing *[Signature]*
Finance *[Signature]*
City Attorney *[Signature]*

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: 1. Price Quote
2. Letter from Regional Distributor
3. Transfer Resolution

BUDGET IMPACT

EXPENDITURE REQUIRED \$57,821	AMOUNT BUDGETED \$50,000*	APPROPRIATION REQUIRED \$7,821
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*Account. 001-80-0703-996 General Fund – Public Works Engineering Capital Improvements Program – Contingency Equipment Reserve Account The \$50,000 amount budgeted resides in an Equipment Replacement Account and would need to be transferred to a Capital Equipment Account through the attached Transfer Resolution. Also, an additional \$7,821 is needed to purchase the recommended equipment. The additional \$7,821 is available from the General Fund's Contingency Account and the attached Transfer Resolution provides the additional appropriation.

HISTORICAL PERSPECTIVE:

Surveyors perform two basic field functions: A) Gather existing field information for boundary and right-of-way resolutions or engineering/architectural design, or B) Set stakes for construction.

Surveyors currently perform these functions using different types of electronic survey equipment. This equipment allows surveyors to measure angles, distances, elevations, and other pertinent data quickly and accurately. For instance, the Global Positioning Systems (GPS) allows surveyors to quickly and accurately gather elevation, latitude, longitude and Oregon State Plane Coordinates without having to measure angles and distances.

Compared to old surveying methods, the use of the currently available electronic survey equipment has markedly improved surveyor productivity and accuracy. An additional benefit of the new technology is that survey crews do not have to be set up in traffic as often or for as long as before the use of electronic survey equipment became common, thereby reducing exposure to work-related safety hazards.

INFORMATION FOR CONSIDERATION:

A "robotic total station" is a piece of electronic survey equipment that electronically measures distances by line of sight. The City's current robotic survey total station (a Leica TCRA 1101) was purchased

eight years ago. It has been heavily utilized since that purchase. While it is in serviceable condition it is nearly technologically obsolete. More significantly its software system cannot be upgraded to the current industry standards.

Accordingly, staff recommends that the City replace its current robotic total station with a robotic total station integrated with GPS. Staff also recommends that the City acquire a "real time kinetic rover" (RTK Rover), which is a lightweight, portable device that holds a GPS antenna and can be moved around a survey site to record locations. By combining GPS with a total station and a RTK Rover, there is no need for control points, long traverses or resections. Surveyors can set up the equipment and let GPS determine the position, then measure distances and angles electronically. The collected data can then be downloaded into the City's engineering software. The specific equipment recommended for purchase is shown on Exhibit 1.

An added benefit of the recommended upgrade is that the City survey staff will have field access to the Oregon State Plane Coordinates. The City's Engineering Design Manual requires surveys to report locations using these coordinates. Previously, staff had to perform extremely accurate and time consuming land surveys to acquire the coordinates. The recommended equipment upgrade is expected to allow staff to gather survey/engineering data in real time on the Oregon State Plane Coordinate System anywhere in the City.

The only manufacturer of electronic survey equipment that currently offers a robotic total station integrated with GPS that can interface with the City's engineering software is Leica Geosystems. The company manufactures the Leica 1200 SmartStation and the Leica RTK SmartRover. The Oregon Department of Transportation currently uses this identical equipment and is satisfied with its performance.

Leica Geosystems distributes its survey equipment products through regional distributors who have exclusive territories. As stated in Exhibit 2, the regional distributor of Leica Geosystems survey equipment in Oregon is the firm of Kuker-Ranken, Incorporated, which is located here in Beaverton. The firm has serviced the City's Leica TCRA 1101 for many years, and the City is satisfied with the firm's performance.

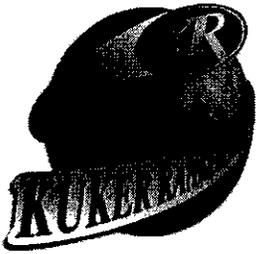
Under circumstances like these, the Beaverton Purchasing Code, at BPC 50-0030 and 50-0115, allows for the purchase of a named brand product from a sole source. Leica Geosystems is the only manufacturer of a robotic total station integrated with GPS, and Kuker Ranken is the only seller of the equipment to buyers located in this area.

The City has negotiated with Kuker-Ranken and has obtained a favorable price quote. The total cost of the recommended system is \$57,821, as shown in Exhibit 1. Funding for the survey equipment is available from the Engineering Department's Equipment Reserve Account in the amount of \$50,000 and from the General Fund's Contingency in the amount of \$7,821. Attached as Exhibit 3 is a Transfer Resolution that provides the necessary appropriation to purchase the survey equipment.

If Council approves this procurement, the City will publish a notice of its intent to purchase goods from a sole source at least 14 days before final award of a contract to purchase the equipment. This publication of notice is required by the Beaverton Purchasing Code.

RECOMMENDED ACTION:

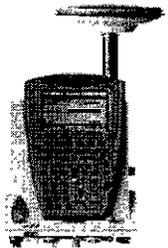
Council, acting as the City's Contract Review Board, find Kuker-Ranken, Incorporated, is the sole source of Leica Geosystems electronic surveying equipment for buyers located in Oregon and authorize the purchase of the Leica brand electronic surveying equipment listed in Exhibit 1 from Kuker Ranken, Incorporated, of Beaverton, Oregon in the amount of \$57,821 and approve the attached Transfer Resolution that provides the appropriation to purchase the survey equipment.



KUKER-RANKEN INC.

7920 SW Cirrus Drive
Beaverton, OR 97008

Beaverton (503)641-3388 * Toll Free (800)472-7007
Fax (503)641-5704 * E-mail: shills@krinc.net * Web: www.krinc.net



City of Beaverton Engineering Dept.
4755 SW Griffith Drive
Beaverton, OR 97076

18th December, 2006

Attn: George Cathey, PLS, CWRE

Dear George,

I am pleased to quote the following TPS System 1200 Robotic package for the TCRP1202 (PinPoint R100) with RX1220T Controller and SmartStation upgrade with options for your review. Also included is an option to have a RTK Rover to use with the upcoming State Reference Network.

Complete TPS System 1200 Robotic Package, including Radio Handle:

737466	1ea	TCRP1202 w/PowerSearch, PinPoint R100, Automatic Target Recognition Total Station, 1 Keyboard with touch screen, Laser Plummet, Standard Applications, User Manual & Case	\$27,175.00
733256	1ea	MCF32, Compact Flash Card, 32MB	100.00
733527	1ea	TPS1200 User Manual, English	Incl.
733538	1ea	TPS1200 System Field Manual, English	Incl.
733542	1ea	TPS1200 Application Field Manuals, English	Incl.
734370	1ea	TPS1200 CD-ROM	Incl.
733271	1ea	GKL221, Charger PRO. To be used with up to two charging adapters GDI221 or GDI222, charger cable and net adapter included	500.00
733323	2ea	GDI221, Adapter for GKL221 for charging 2 Li-Ion batteries GEB221, GEB211	120.00
741962	1ea	GSD01, Communication Side Cover, including Bluetooth	730.00
743000	1ea	GTS22, 2nd keyboard with Touch Screen, for TPS1200, for telescope position 2, fitted	525.00
741964	1ea	RH1200 RadioHandle with Integrated Radio Modem	1,630.00
733270	2ea	GEB221, Lithium-Ion battery, 4Ah, rechargeable	360.00
733261	1ea	RX1220T, System 1200 Controller with Integrated radio modem	4,750.00
733269	2ea	GEB211, Lithium-Ion battery, 2Ah, rechargeable. To be used with RX1220T	260.00
733264	1ea	GHT39, Holder for attaching RX1200 Series Controller to all poles (except mini poles)	50.00
742007	1ea	GHT52, Clamp arrangement for attaching the GHT39 to all poles (except mini poles)	150.00
639985	1ea	GRZ4 360° Reflector	990.00
92016	1ea	Leica Advantage Silver Level – TPS	550.00

TCRP Package List Price \$37,890.00

Smart Station Upgrade (using CDMA cell modem):

733250	1ea	ATX1230, SmartAntenna to be used together with TPS1200 Series Total Stations	\$10,800.00
741965	1ea	GAD104, SmartAntenna Adapter. Required to attach SmartAntenna and/or radio modem to GFU14 housing onto TPS1200.	730.00
744754	1ea	GFU19, US CDMA cellular modem Multitech MTMM-C integrated into housing	1,495.00
734756	1ea	GAT5, Antenna for US mobile network (800/1900MHz)	140.00
743284	1ea	GAT1204, Antenna for US mobile network (800/1900MHz) for use with Smart Station	50.00

SmartStation Upgrade List Price: \$13,215.00

Total List Price for TCRP1202 Package with SmartStation upgrading \$51,105.00

RTK Rover Upgrade (using CDMA cell modem to connect to Reference Network):

745501	1ea	RX1250 X, Windows CE System 1200 GPS Controller	4,250.00
747322	1ea	RX1250 GPS Survey Functionality	2,995.00
733269	3ea	GEB211, Lithium-Ion battery, 2Ah, rechargeable. To be used with RX1250	390.00
667223	1ea	Grip with circular bubble and fixing element	180.00
667221	1ea	Bottom section Aluminum pole with steel tip	80.00
667222	1ea	Top section Aluminum pole with 5/8" screw	80.00
747324	1ea	GVP636 Hard Container ATX1230 SmartAntenna & RX1250	180.00
733299	1ea	GEV173, 1.2m Cable, to connect ATX1230, SmartAntenna RX1250	240.00
747096	1ea	GHT56, Holder for attaching RX1250 Controller and GFU Modem housing to a pole	730.00

SmartRover Upgrade List Price : \$9,125.00

Total Package List Price: \$60,230.00

Total Package Net Price: \$57,820.80

Note:

The Total Package Net Price shown above is good until the 30th April 2007.

1 Day's Training will be included with this package and if additional training is felt necessary the cost is \$110.00 per hour or \$800.00 per day.

If you have any questions or need additional information on any of the above, feel free to contact me at any time.

Best Regards,
Steve Hills



KUKER-RANKEN INC.

Three Locations To Serve You

Serving: Architects • Engineers • Surveyors • Contractors

Since 1928

February 22, 2007

City of Beaverton
Michael Carmiencke

Michael:

Kuker-Ranken Inc. is the only Leica Geosystems Dealer in the State of Oregon.

Kuker-Ranken Inc. has been doing business in the Pacific Northwest since 1928.

We have 3 offices located here in the Northwest –

Mountlake Terrace, WA (Corporate Office)
Fife, WA
Beaverton, OR.

If I can be more helpful in this matter, please contact me at any time.

Thank You,

Michael Heim
General Manager
Kuker-Ranken Inc. Oregon
mheim@krinc.net
503-641-3388

Steve Hills
Sales Rep.
Kuker-Ranken Inc.
shills@krinc.net
(cell phone) 971-235-3404

RESOLUTION NO. 3892

A RESOLUTION APPROVING TRANSFER OF APPROPRIATION WITHIN THE GENERAL FUND OF THE CITY DURING THE FY 2006-07 BUDGET YEAR AND APPROVING THE APPROPRIATIONS FOR THE FUND.

WHEREAS, the City Council reviews and approves the annual budget; and,

WHEREAS, during the year the Council must authorize the transfers of appropriations from one category of a fund to another fund or from categories within a fund; and,

WHEREAS, an additional appropriation of \$57,821 is needed in the Capital Outlay Category of the General Fund to purchase survey equipment, and the expenditure appropriation is available in the Contingency Categories of the fund; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

Section 1. The Finance Director is hereby authorized and instructed to transfer the following appropriations:

- \$57,821 out of the Contingency Categories of the General Fund into the Capital Outlay Category as indicated below:

Capital Outlay – Equipment	001-80-0703-671	\$57,821
Contingency – Equip Replacement	001-80-0703-996	<\$50,000>
Contingency	001-13-0003-991	<\$ 7,821>

Adopted by the Council this _____ day of _____, 2007.

Approved by the Mayor this _____ day of _____, 2007

Ayes: _____

Nays: _____

ATTEST:

APPROVED:

Sue Nelson, City Recorder

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: APP 2007-0001 Appeal of Pointer Road
PUD

3-5-07
FOR AGENDA OF: ~~2-12-07~~ **BILL NO:** 07032

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: CDD *my*

DATE SUBMITTED: 1-24-07

CLEARANCES: City Attorney *AR*
Devel. Services *SE*

PROCEEDING: Public Hearing

EXHIBITS: 1. Vicinity Map
2. Table of Contents and Exhibit List

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

Mr. Dan Cox, a neighbor, is appealing the Planning Commission's approval of the Pointer Road Planned Unit Development (PUD), specifically in regard to conditions of approval no. 9 and no. 10 of Land Use Order No. 1933. The conditions of approval were based upon Conditional Use Final PUD Criteria 40.15.15.6.C.7 through 9. Condition No. 9 addresses the matter of architectural compatibility, and Condition No. 10 requires posting of signage on a nearby private driveway.

The applicant requested a PUD for the creation of 11 single-family lots. The Commission required the reduction of one lot and approved the PUD with a total of ten lots. The Commission also required that all but one lot be a minimum lot size of 5,000 square feet. Therefore, the applicant's proposal, as modified by the Planning Commission, is a Conditional Use Final Planned Unit Development approval for the creation of ten single-family lots with associated private street and open space. The applicant has received Land Division - Preliminary Subdivision approval through a separate land use application. In order for the Land Division's approval to be implemented, the Conditional Use/PUD must be approved.

INFORMATION FOR CONSIDERATION:

The appellant asserts that the Planning Commission erred in its decision to approve CU2006-0001 pursuant to the appellant's letter dated January 2, 2007. Staff's response to the issues raised by the appellant is in the attached Memorandum dated January 24, 2007. The Commission's Land Use Order on this matter, No. 1933, the Staff Report, minutes, and all exhibits, including letters and materials presented prior to and at the hearings, are attached for the Council's consideration. The final written decision date by the City is due no later than February 23, 2007. This appeal hearing is a *de novo* hearing.

RECOMMENDED ACTION:

Conduct the public hearing and deny the appeal (APP2007-0001) thereby upholding the decision of the Planning Commission to approve CU2006-0001 with the conditions as stated in the Land Use Order No. 1933. Direct staff to prepare findings and a final order that embodies the Council's decision.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: TA 2006-0003 (PUD Text Amendment)

FOR AGENDA OF: 03-05-07 **BILL NO:** 07051

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 02-23-07

CLEARANCES: City Attorney 
Dev. Serv. 

PROCEEDING: Work Session

- EXHIBITS:**
1. Land Use Order No. 1941
 2. Draft PC Minutes Dated 02-07-07
 3. Staff Memo Dated 02-10-07

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

On February 7, 2007, the Planning Commission held a public hearing to consider the issues and questions remanded to them by the City Council from their November 13, 2007 work session for TA 2006-0003 (Planned Unit Development (PUD) Text Amendment). The Council directed the Planning Commission to address eight primary issues and questions, which are contained in the staff memo to the Planning Commission dated January 10, 2007. The Planning Commission considered each of the eight issues at a public hearing conducted on February 7, 2007. The Commission recommended changing the length of phasing from two years to five years. The Commission also concluded that transferring density from slopes greater than 25 percent was reasonable and appropriate. The Planning Commission did not make any further changes to the proposed PUD text. The Planning Commission found that requiring 20-percent open space would not significantly increase the cost of housing and that it was a reasonable requirement for the flexibility allowed for by the PUD and thus chose to leave this standard in the proposed text. The intent of the proposed PUD text amendment is to protect and improve the livability within Beaverton while maintaining flexibility needed for creative and innovative projects. Following the close of the public hearing on February 7, 2007, the Planning Commission voted 6-0 (San Soucie absent) to recommend approval of the proposed PUD Text Amendment, as memorialized in Land Use Order No. 1941.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is a staff memo to the Planning Commission dated January 10, 2007, outlining the issues and questions remanded to the Planning Commission and possible choices for the Planning Commission to consider reviewing including the proposed text amended by the Planning Commission to reflect deliberation of the issues remanded by Council, Land Use Order No. 1941, draft Planning Commission meeting minutes, staff report and memos, technical reports, and case study. The original PC materials before the Council remand were distributed to the Council in Agenda Bill No. 06194.

RECOMMENDED ACTION:

Conduct a work session with staff to review the issues and questions remanded to the Planning Commission related to the proposed PUD text amendment.

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

IN THE MATTER OF A REQUEST TO AMEND)	ORDER NO. 1941
BEAVERTON DEVELOPMENT CODE)	TA2006-0003 RECOMMENDING APPROVAL
CHAPTER 40 (APPLICATIONS) SECTION)	OF PLANNED UNIT DEVELOPMENT TEXT
40.15.15 PLANNED UNIT DEVELOPMENTS;)	AMENDMENT.
CHAPTER 60 (SPECIAL REGULATIONS))	
SECTION 60.35, PLANNED UNIT)	
DEVELOPMENTS; AND CHAPTER 90)	
(DEFINITIONS). CITY OF BEAVERTON,)	
APPLICANT.)	

The matter of TA2006-0003 (2006 Planned Unit Development Text Amendment) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4265, Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearings on June 14, July 26, and August 23, 2006, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code. At the conclusion of the August 23, 2006, hearing the Planning Commission recommended approval of the proposed text amendment as summarized in LUO 1902.

The City Council held a public work session on November 13, 2006 at the conclusion of which the proposed PUD text amendment was remanded to the Planning Commission to review a list of issues and questions. The Planning Commission took up the proposed text amendment on remand on February 7, 2007 and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code. At the conclusion of the February 7, 2007 hearing the Planning Commission recommended approval of the proposed text amendment as summarized in the body of this Land Use Order.

TA2006-0003 (Planned Unit Development Text Amendments) proposes to amend Development Code Chapter 40 (Applications) Section 40.15.15, Conditional Use; Chapter 60 (Special Regulations) Section 60.35, Planned Unit Developments; and Chapter 90 (Definitions).

The first public hearing for the proposed PUD Text Amendment was held on June 14, 2006 and included a presentation by staff and consultants that described the framework and concepts of the proposed PUD text. At the hearing Commissioner Bobadilla discussed the need to clarify the intent of the Housing Affordability Incentive code language.

The Commission also discussed and agreed to change the wording of the first threshold in Section 40.15.15.5.A.1 to include the words "at least" to modify the 2 acre minimum acreage threshold for a PUD.

The Commission discussed the intent of open space and that the text should reflect the flexibility for "active and/or passive recreation." Referring to Section 60.35.05.2, the Commission made the following two language changes "Site design should maximize the opportunities for diversified architecture and outdoor living environments..." and "...create a comprehensive development plan which is better than that resulting from traditional subdivision development...".

The Commission directed staff to create a more prescriptive setback standard to ensure that when a PUD is proposed that abuts existing development, the impact on livability to the existing neighborhood is minimized. The Commission also directed staff to change the minimum side yard setback from 3 feet to 4 feet for lots on the interior of a proposed PUD. This change was based on discussions between the Commission and developers of a recent PUD in Beaverton.

The Commission discussed the merits of the required open space and the changes proposed for open space requirements in the new text. The Commission discussed the possibility of requiring a minimum of 20 percent open space for all proposed PUD's rather than the current system of allowing for less open space as the size of a parcel increases. The Commission also discussed the "commons area" that is required within the open space area and specifically the merits of the proposed physical amenities required to be developed in association with the commons area. The Commission discussed the need to require the text to provide a more structured approach for selecting amenities for the commons area than simply listing the choices as proposed in the proposed PUD text language. Commissioner Pouge and Stephens noted that it is important to provide more direction to developers or they will simply select the least expensive and intensive amenity from the list. Commissioner Stephens used a bench and a gazebo as an example. The Commission directed staff to establish a hierarchy for selecting commons area amenities.

A second public hearing scheduled for July 19, 2006 was opened and continued to a date certain July 26, 2006. On July 26, 2006, the Planning Commission opened the public hearing to review changes to the proposed PUD text based on Commission discussion and deliberation from the June 14, 2006 public hearing. Staff presented a memo dated July 21, 2006 that introduced a framework for the Commission to review comments from the Commission, staff, and a focus group of developers and land use consultants. The memo also asked the Commission to reconsider the minimum 2 acre threshold based on concerns expressed by the Community Development Department staff and the developer/consultant group. The concerns introduced to the Planning Commission included the lack of available parcels that are 2 acres or greater in size within the City and the unintended consequences for not providing flexibility for infill development on parcels less than 2 acres in size that would no longer be eligible for the flexibility provided through the PUD

application. The Planning Commission deliberated on the issue of the 2 acre minimum and reiterated their support for the 2 acre minimum as a way to improve the quality of PUD's. The Commission expressed consensus that by maintaining a 2 acre minimum threshold, developers would be required to assemble properties which in turn will lead to more comprehensive PUD development. The Commission expressed support for raising the expectations for PUD development and requiring smaller subdivisions to meet the existing standards of the Development Code. The July 17, 2006 staff memo also introduced a point system for considering Commons Area amenities required within open space area of a PUD. The Commission deliberated on the proposed point system and asked staff to further refine the system and add discretion that would allow the Commission to review and accept an amenity proposed by a developer that was not on the list.

The Planning Commission held a third public hearing on August 23, 2006 to consider minor edits to the proposed PUD code text agreed to at the July 26, 2006 meeting. The Commission also considered additional changes to the proposed PUD code text included in the staff memo dated August 17, 2006. These changes include the insertion of new language and the deletion of other language (represented with shaded or strike through text respectively) included the following:

Section 40.15.15.5.C.7.

7. The width of proposed lots or staggering of building setbacks within residential developments vary 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.

Section 40.15.15.5.C.9. a & b

9. The proposal provides ~~usable~~ and improved open space that is accessible and usable by persons living nearby. Usable Open space meets the following criteria unless otherwise determined by the Planning Commission through Section 60.35.35:
 - 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 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.

Section 60.35.05 Purpose

The Planning Commission added back the language stricken in an earlier draft that indicates that solar access one of the positive attributes that PUD's should seek to promote.

3. Building architecture including detached residential, shall use innovative design that should considers the context of the existing built and natural environment. Buildings shall be architecturally detailed, and of a size and mass that contribute to a pedestrian-friendly streetscape, and respond to the natural features of the site. Cluster housing, such as Courtyard, Patio, or Cottage development, that ~~grouping~~ groups buildings in areas to maximize open space and preserve significant cultural and natural resources is highly encouraged as are the use of sustainable building materials and

practices. The orientation of buildings shall should promote human scaled and pedestrian friendly environments that encourage walking, social interaction, and safety by having “eyes on the street or park” whenever possible, and maximize solar exposure for passive solar gain;

Section 50.35.05.4

The Commission proposed language changes for clarity.

4. Open space should provide opportunities for active and/or passive recreation that includes preservation of natural and cultural resources. Good site design shall retain and protect special topographic, natural, and environmentally sensitive features and existing Significant Groves, Historic and Individual trees should be retained and protected. ~~stands of trees and~~ Understory and the use native plant material and sustainable landscape practices are encouraged.

Section 60.35.10.2.A.1

2. Density and Lot Dimensions

- A. Density and building scale shall relate to the surrounding neighborhood development and natural resources.
 1. ~~Attached single family units may not exceed four (4) units per structure in the R-10 and R-7 Residential zones and~~ Buildings shall be designed in a manner that provides architectural and massing compatibility with the surrounding neighborhood.

Section 60.35.10.2.C.2

2. Maximum lot size may be 150% of the designated base zone unless designated in the ~~PUD approval~~ for a future phase. When the maximum density for the parent parcel has been achieved or a lot is greater than 150% of the based zoning an oversized lot(s)

shall include a deed restriction to preclude unintended partitioning or subdividing of such lots in accordance with the requirements of the approved PUD.

The Commission noted that these three standards could be collapsed because the code no longer provided a distinction between the size of a PUD and the percentage of open space required. All PUD's would be required to provide a minimum of 20 percent open space unless a development incentive is used.

Section 60.35.15.1 A-C

1. A Planned Development shall provide baseline open space of an area equal to at least twenty (20 %) of the subject site.

~~A. Area equal to at least twenty percent (20%) of the subject site when the site is up to and including 10 acres in size.~~

~~B. Area equal to at least fifteen twenty percent (20%) of the subject site when the site is more than 10 acres and up to and including 50 acres in size.~~

~~C. An area equal to at least ten twenty percent (20%) of the subject site when the site is more than 50 acres in size.~~

Section 60.35.15.2.G.7. – Commons Area

7. A Commons shall include physical improvements to enhance the commons area that from the following list, the items chosen must total 500 or more points. Other improvements may be approved by the Planning Commission:

Amenity	Points
A bench or other seating with a pathway or other pedestrian way	100
Water feature.	250
Water feature with wading area	300
Picnic Area or outdoor eating facility	150
Playground equipment.	200
Combined with a 750 square foot gathering area.	350
Tennis and/or sport court (e.g. Basketball, Volleyball, Paddle Tennis)	200
A gazebo or similar gathering area.	150
An indoor or outdoor swimming with clubhouse.	500
Plaza that serve as gathering places with benches	150
Indoor Clubhouse or meeting facility	500
Dedicated Basketball, Volleyball, or other sport use area.	200
Other (Improvements not included on this list as approved by the Planning Commission	100-500

Section 60.35.30 – Development Bonuses and Development Incentive Options

The Commission concurred that the verb “choose or chosen” should be used to indicated an applicants choice in selecting PUD incentives.

Options ~~chosen selected~~ by the applicant may take advantage of one or a ~~combination~~ both of the following *Development Bonuses*:

Section 60.35.50.3 – Affordable Housing Development Incentive Options

The Commission deliberated on this incentive and agreed that the deed restricting sale of the house as an affordable dwelling should be increased from 15 years to 30 years.

The City Council held a work session on November 13, 2007. At the work session Council identified eight questions or issues that where deemed best answered by remanding the proposed PUD text amendment to the Planning Commission. The Planning Commission held a fourth public hearing on February 7, 2007, to consider eight issues remanded by the City Council.

Council asked that staff and the Commission exam possible ways to increase the coordination of open space dedication with the City’s park provider Tualatin Hills Parks and Recreation District (THPRD). The Commission reviewed a letter from THPRD submitted to the record that described the criteria used for accepting land or facilities dedications. Additionally, the letter described ongoing coordinating efforts between the City and THPRD. The Commission concluded that staff should continue to encourage whenever appropriate the dedication of land and facilities to THPRD but not to the detriment of requiring dedications of open space within individual PUD’s.

The Commission reviewed whether requiring dedication of 20 percent was too much land in consideration of limited land supplies in both the City and the

ORDER NO. 1941

region. The Commission stated that the issue of how much, if any, land to dedicate for open space was addressed extensively in earlier hearings. The Commission unanimously agreed that regardless of the limited developable land, the same number of units will be available, because density is being transferred which would not dramatically affect housing affordability. Furthermore, the Commission noted that when development seeks to set aside the community standards to obtain greater development flexibility the dedication of 20 percent open space is a reasonable expectation of the community.

The Commission reviewed the proposed PUD phasing language and drew consensus that the proposed language limiting PUD's to 2 years without an extension could be too restrictive. Therefore, the Commission agreed to replace the proposed code language with the existing code language that allows the Commission discretion to approve a phased PUD plan for up to five (5) years:

40.15.15.6.G.

G. Expiration of a Decision.

- 1. 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.*
- 2. 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. However, all PUD phases must commence construction within five (5) years of the date of decision of the Final PUD. Refer to Section 50.90.*

The Commission reviewed the Council's concern regarding limiting the number of attached dwelling units and agreed that limiting the number would have been too restrictive. The Commission believes that the proposed code would allow for the "Big House" concept that was discussed by the Council.

The Commission discussed the concern that allowing up to a 10 percent reduction in the parent parcel could negatively affect safety especially in relationship to driveway approaches. The Commission felt that the existing code did provide assurances that all driveways must be a minimum of 20 feet and that through the quasi-judicial review process the Commission will have authority to reject those projects that would propose to compromise driveway lengths. Therefore, the Commission chose not to modify the proposed code language that would allow for a 10 percent reduction in the parent parcel setbacks.

The sixth issue on remand concerned height of surrounding development and the Council concern that the language proposed in Section 60.35.20.3. would needlessly limit in building heights. The Planning Commission come to consensus that the existing language is adequate and that practice of the Commission has been to recognize the height allowed in the base zone of surrounding properties even in cases where the surrounding development has not been constructed to the allowed height. Therefore, the Commission agreed to maintain the language as proposed.

The seventh issue addressed by the Commission was the ability to transfer density from steep slopes. Council expressed concern regarding whether the text allows for transfer of density from slopes greater than 25 percent. The Commission discussed the issue and concluded so long as the resulting development is required to go through an architectural review there is no significant issue by allowing a full transfer of density to the remaining developable portion of the site. The Commission also discussed the possibility of creating a graduated density transfer from slopes greater than 25 percent in an effort to avoid disturbance of sensitive slope areas leaving it to staff to craft code language. Staff recommend maintaining the existing language, which allows 100 percent density transfer from slopes greater than 25 percent.

The last issue reviewed on remand related to the how much area could be dedicated over 5 percent slope. The Commission discussed the ability to maintain a minimum useable area where the "Commons Area" could be sited. The Commission agreed to increase the area of slopes greater than five (5) percent from 40 percent to 60 percent the total area of the site to be dedicated.

The Planning Commission hereby rescinds Land Use Order 4409, and adopts by reference the following: staff report dated June 7, 2006, staff memorandums dated July 21, 2006, August 17, 2006, and February 7, 2007, as amended in hearings and inclusive of the edits provided by email dated, February 1, 2007, from Planning Commissioner Marc San Soucie's, and the supplemental findings contained herein as to criteria contained in Section 40.85.15.1.C.1-7 applicable to this request contained herein; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** Chapter 40 (Applications) Section 40.15.15, and Planned Unit Developments; Chapter 60 (Special Regulations) Section 60.35; and Chapter 90 (Definitions) contained within TA2006-0003. The Planning Commission finds that evidence has been provided demonstrating that all of the approval criteria specified in Section 40.85.15.1.C.1-7 are satisfied for the modification to Chapter 40 (Applications) Section 40.15.15, Conditional Use; Chapter 60 (Special Regulations) 60.35, Planned Unit Developments; and Chapter 90 (Definitions) of the Development Code.

Motion **CARRIED** by the following vote:

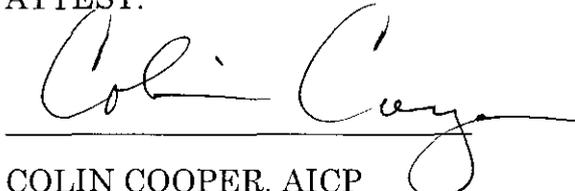
AYES: Johansen, Winter, Bobadilla, Platten, Stephens, and
Maks.
NAYS: None.
ABSTAIN: None.
ABSENT: San Soucie.

Dated this 12th day of February, 2007.

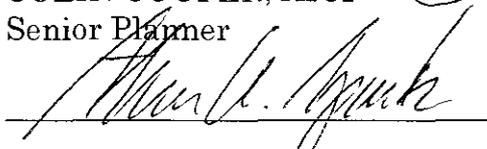
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1941, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Recorder's Office by no later than 5:00 p.m. on Thursday, February 22, 2007.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



COLIN COOPER, AICP
Senior Planner



STEVEN A. SPARKS, AICP
Development Services Manager

APPROVED:



Dan Maks
Chairman

1 Beaverton. The purpose of this text amendment is to update the
 2 implementing regulations for the recently annexed properties abutting
 3 these right-of-ways.

4
 5 Senior Planner Colin Cooper explained that the purpose of the
 6 proposed text amendment is to amend Development Section Code
 7 Chapter 60.50 Design Review. He stated that the text amendment
 8 proposes to amend the Major Pedestrian Route (MPR) maps by adding
 9 a new MPR map for the area which includes the Sunset Transit Center
 10 and Teufel Town Center. Concluding, he stated that no public
 11 comments were received by staff by the property owners on this
 12 proposal, and offered to respond to questions.

13
 14 Commissioner Winter, Stephens, Bobadilla, Platten, Johansen, and
 15 Chairman Maks stated that the application meets all the criteria
 16 identified in the staff report and support the application.

17
 18 Commissioner Winter **MOVED** and Commissioner **SECONDED** a
 19 motion to approve TA2006-0010 – SUNSET TRANSIT CENTER AND
 20 TEUFEL TOWN CENTER MAJOR PEDESTRIAN ROUTE TEXT
 21 AMENDMENT based upon the testimony, reports and exhibits
 22 presented during the public hearings on the matter and upon the
 23 background facts, findings and conclusions found in the Staff Report
 24 dated January 10, 2007.

25
 26 Motion **CARRIED**, by the following vote:

- 27
 28 **AYES:** Winter, Stephens, Bobadilla, Johansen, Platten,
 29 and Maks.
 30 **NAYS:** None.
 31 **ABSTAIN:** None.
 32 **ABSENT:** San Soucie.

33
 34 **B. MERLO AND TEKTRONIX MAJOR PEDESTRIAN ROUTE**
 35 **TEXT AMENDMENT**

36 **2. TA2006-0012 – TEXT AMENDMENT**

37 *(Continued from January 24, 2007)*

38 Text Amendment, Case File TA 2006-0012, proposes to add a Class 1
 39 Major Pedestrian Route (MPR) designation on the east side of SW
 40 170th Avenue between SW Merlo Road and the MAX Light Rail Tracks
 41 and a Class 2 MPR designation on both sides of SW Merlo Drive
 42 between SW Merlo Road and SW 170th Avenue. The text amendment
 43 also proposes to add a Class 1 designation on both sides of SW 141st
 44 Place between SW Millikan Way and the MAX Light Rail Tracks and a

1 future Class 1 on both sides of SW Schottky Terrace between SW
 2 Millikan Way and the MAX Light Rail Tracks. The purpose of this
 3 text amendment is to update the implementing regulations for the
 4 recently annexed properties abutting these right-of-ways.
 5

6 Senior Planner Colin Cooper explained that the purpose of the
 7 proposed text amendment was to amend the existing MPR Map for the
 8 South Tek Station Community and the Merlo Station Community
 9 areas, which will expand applicability of the MPR design standards to
 10 recently annexed properties in each of the respective Station
 11 Community areas. Concluding, he offered to respond to questions.
 12

13 Commissioner Johansen, Platten, Bobadilla, Stephens, Winter, and
 14 Chairman Maks stated that the application meets the approval criteria
 15 and supports a motion for approval.
 16

17 Commissioner Winter **MOVED** and Commissioner Platten
 18 **SECONDED** a motion to approve TA2006-0012 – MERLO AND
 19 TEKTRONIX MPR TEXT AMENDMENT based upon the testimony,
 20 reports and exhibits presented during the public hearings on the
 21 matter and upon the background facts, findings and conclusions found
 22 in the Staff Report dated January 10, 2007.
 23

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

- 25
- 26 **AYES:** Winter, Platten, Bobadilla, Johansen, Stephens,
 27 and Maks.
- 28 **NAYS:** None.
- 29 **ABSTAIN:** None.
- 30 **ABSENT:** San Soucie.
 31

32 C. **PLANNED UNIT DEVELOPMENT MODIFICATIONS TEXT**
 33 **AMENDMENT ON REMAND FROM CITY COUNCIL**

34 3. TA2006-0003 – TEXT AMENDMENT

35 *(Continued from January 24, 2007)*

36 The City Council remanded TA 2006-0003 (Planned Unit Development
 37 Modifications Text Amendment) to the Planning Commission. The
 38 text amendment is to Chapter 40 Sections 40.15.15.5 & 6, Chapter 60
 39 Section 60.35.05-15, Chapter 90, Definitions of the Beaverton
 40 Development Code currently effective through Ordinance 4248 to
 41 create new Planned Unit Development Thresholds, Approval Criteria,
 42 and Standards. The intent of the proposed amendment is to require
 43 more specific thresholds and standards for development of Planned
 44 Unit Developments. Chapter 90, Definitions will be amended with new
 45 terms as necessary. The Planning Commission recommended to the

1 City Council adoption of TA 2006-0003 on August 26, 2006. However,
2 the City Council voted to remand TA 2006-0003 to the Planning
3 Commission for further consideration of a series of questions and
4 issues raised at the City Council Work Session of November 13, 2006.
5 Those questions and issues include the following: Should the 20
6 percent open space requirement for PUD's be maintained; Should the
7 City coordinate the 20 percent open space requirement more closely
8 with Tualatin Hills Parks and Recreation Department; Review and
9 clarify the definition of open space; Review "Big House" concepts as a
10 method of addressing bulk and design compatibility within PUD's;
11 Review density transfers from steep slopes; Review methods of
12 allowing development phasing; Review allowances to exceed the base
13 zone building height; Review the impact of allowing a 10 percent
14 reduction of the parent parcel setbacks; Review the affordable housing
15 incentive.

16
17 Mr. Cooper explained that the purpose of this hearing is to consider
18 several questions raised by the city council at their work session on the
19 proposed PUD, which was remanded to the Planning Commission.

20
21 Mr. Cooper stated that the Council had concerns with the coordination
22 of open space dedication through Planned Unit Developments (PUD)
23 with THPRD. He discussed the distributed letter from THPRD which
24 stated that their policy is a two acre minimum unless the proposed
25 parcel for dedication is adjoining an existing facility.

26
27 Chairman Maks stated that when it comes to significant areas, lots or
28 groves that the city always tries to get THPRD to sign on and take
29 over. He stated that he does recall a process within the
30 Comprehensive Plan that said that there would be a pocket park
31 within a quarter mile of all residential zones, adding that there are
32 pocket parks in south Beaverton and in many other areas.

33
34 Commisisoner Johansen stated that he appreciates the park districts
35 position on the two acre minimum and has no objection to this. He
36 stated for the record that his support of the open space requirement is
37 not with the intent that the open space is something that goes to the
38 park district, but with the intent to create open space whether it is a
39 park or other form of open space, and to ensure that the PUD has the
40 proper amount of open space. He stated that he does not agree with
41 the concerns necessarily raised at the council level, emphasizing that
42 he just wants open space, and whether it is a park or not is not
43 significant to him.
44

1 Chairman Maks stated that there appears to be a general consensus
2 for staff to continue to coordinate when appropriate and whenever
3 possible with our parks provider THPRD.
4

5 Chairman Maks referred to the second issue raised by council, "Review
6 the benefit of 20 percent open space dedication in light of limited land
7 supply and the effect on housing affordability." He requested
8 comments.
9

10 Observing that there has been extensive discussion on this issue,
11 Commissioner Johansen stated that he's fully comfortable with the
12 recommendation that was made the first time.
13

14 Chairman Maks summarized the issues discussed by the Planning
15 Commission regarding the 20 percent. He said that the PUD process
16 allows density to be created on difficult sites, infill sites and the sites
17 that are tough to work with. He pointed out that the Planning
18 Commission also discussed that when community standards of the
19 zoning district are set aside, i.e., basic lot size, dimensional standards,
20 setbacks within the lots, possible height variations, then something
21 needs to be given back, and that is usually within open space. He
22 explained that they try to put open space next to significant resources
23 to help, or open space that can be used.
24

25 Commissioner Platten noted that it is necessary to make clear that the
26 20 percent open space is 20 percent open space, and that this does not
27 include the drive way, laundry room or the sidewalk in front of the
28 house.
29

30 Chairman Maks stated that it is difficult to get the community to buy
31 into the PUD process. He pointed out that the 20 percent is what he
32 referred to as a "give and take" and used as a buffer and everything
33 else.
34

35 Chairman Maks referred to the third issue raised by council and stated
36 that council was concerned with the proposed language related to
37 phasing of a PUD. He requested comments.
38

39 The Planning Commission came to a consensus to replace the existing
40 language with the existing code language that allows the Commission
41 discretion to approve a phased PUD plan for up to five (5) years.
42

43 Mr. Cooper discussed the fourth issue raised by council regarding the
44 term "Big House", which is described in the code as a house that is

1 oversized, with multi family dwellings rather than a federal
2 penitentiary that could be used as slang. He stated for the record that
3 the term "Big House" will no longer be used to refer to a penitentiary
4 or a prison of any kind.
5

6 The Commission discussed the fifth issue raised by council pertaining
7 to the flexibility of the 10 percent with regard to the parent parcel.
8 The Commission came to a consensus on option number 2. "Maintain
9 the 10 percent parent parcel setback flexibility, but reiterate the need
10 to ensure that no driveway shall be less than 20 feet."
11

12 Mr. Cooper discussed the sixth issue raised by council regarding the
13 language in Section 60.35.20.B, Building Height, and noted that the
14 council expressed concern that the language was unclear.
15

16 The Planning Commission's consensus was to maintain the language
17 as it was proposed.
18

19 Referring to the seventh issue, Chairman Maks stated that council
20 expressed concern regarding the ability of a potential developer to
21 transfer density from slopes greater than 25 percent.
22

23 After discussion, the Planning Commission came to a consensus to
24 allow the transfer of density from slopes greater than 25 percent, and
25 the possibility of crafting language that creates a graduated transfer of
26 density.
27

28 Mr. Cooper explained the eighth issue of concern from council which
29 pertains to the allowance of up to only 40 percent of the land dedicated
30 for open space to be greater than 5 percent slope. He stated that staff
31 had suggested allowing up to 60 percent of the area, which would allow
32 enough area for a "Commons Area".
33

34 The Planning Commission came to a consensus with option No. 1,
35 "Revise the proposed standard to allow for no more than 60 percent of
36 the area dedicated to be over five (5) percent thereby allowing a
37 significantly greater area to be in a steep slope. The remaining 40
38 percent will ensure that the Common Area can be created.
39

40 Mr. Cooper discussed the distributed list of items that Commissioner
41 San Soucie had submitted. He explained that Commissioner San
42 Soucie had noted several typographical errors that he suggested
43 correction, and that staff will make these changes.
44

1 No member of the public testified with regard to this proposal.

2
3 The public portion of the Public Hearing was closed.

4
5 Chairman Maks, Commissioner's Stephens, Winter, Johansen, Platten,
6 and Bobadilla stated that they recommend this proposal to the city
7 council based on the consensus reached at this hearing.

8
9 Commissioner Johansen **MOVED** and Commissioner Winter
10 **SECONDED** a motion to **RECOMMEND APPROVAL** of TA2006-
11 0003 – Planned Unit Development Modifications Text Amendment on
12 remand from City Council, based upon the facts and findings in the
13 staff report dated January 10, 2007, as well as the submittal by
14 Commissioner San Soucie, that approval to incorporate the discussion
15 and consensus reached this evening by the commission on the eight
16 items included within the staff report dated January 10, 2007.

17
18 Motion **CARRIED**, 6:0:

19
20 **AYES:** Johansen, Winter, Bobadilla, Platten, Stephens,
21 and Maks.

22 **NAYS:** None.

23 **ABSTAIN:** None.

24 **ABSENT:** San Soucie.

25
26 **APPROVAL OF MINUTES:**

27
28 Minutes of the meeting of December 13, 2006, submitted. Being no
29 revisions, the minutes were submitted and **APPROVED** by consensus.

30
31 **MISCELLANEOUS BUSINESS:**

32
33 The meeting adjourned at 8:32 p.m.



MEMORANDUM
City of Beaverton
Community Development Department

"make it happen"

To: Planning Commission
From: Colin Cooper, AICP *Colin*
Senior Planner
Date: January 10, 2007
Subject: **Planned Unit Development Text Amendment – Issues on Remand**

Council expressed in the minutes of the November 13, 2006 work session that the intention of their motion to remand was not to rewrite the document but to review the issues raised by Council provide clarity and flexibility to the document (Exhibit 1). This memo directly answers questions or addresses the issues raised by Council providing options for consideration by the Planning Commission:

- 1. Council expressed a concern about the creation of too many pocket parks and asked staff to investigate the opportunities for land set aside as part of the PUD Open Space dedication to be coordinated with the Tualatin Hills Park & Recreation District (THPRD) the City's park provider. The benefits of coordinating the dedication of open space with THPRD are to reinforce existing and future public investments in parks, and to avoid the unnecessary creation of Home Owners Associations associated with the maintenance of private open space areas. The Council is also concerned with the amenities required as part of the "Active Space" proposed as part of the new PUD regulations.*

In response to this question staff met with THPRD staff Keith D. Hobson, Asst. General Manager and Steve Gulgren, Superintendent of Parks Planning. THPRD staff welcomed the idea of coordinating the dedication of open space; however, based on THPRD Policy for receiving open space dedications there are a number of specific limitations. THPRD's has determined that accepting open space that is less than 2 acres in size is not financially beneficial unless the proposed dedication is adjacent to existing park or would create a connecting corridor to an existing or future planned park.

Both THPRD and City staff considered possible creative ideas for creating some type of land bank whereby developers could pay into a fund that purchased land rather than dedicate the 20 percent of open space on their development site. The obvious limitation is that THPRD has a Parks SDC to accomplish this goal, but that in lieu of a 20 percent dedication of Open Space staff thought might present an option for additional discussion. (Exhibit 2)

THPRD staff did indicate that there would be potential concern for receiving dedicated open space that already had active recreation amenities as required by the proposed code. THPRD staff was not concerned with minor improvements such as benches, picnic tables, and other simple play structures; however, THPRD staff was concerned with larger structures such as club houses, tennis courts, and swimming pools because the strategic vision of for THPRD is to consolidate recreation facilities rather than own many smaller recreation facilities.

Currently, staff coordinates with THPRD as appropriate through the development review process and encourages developers to contact THPRD during the initial planning stages of any development that may be adjacent or near THPRD property. At this point in time, both City and THPRD staff have not identified significant opportunities to change these procedures in relationship to the proposed PUD regulations that address the ongoing creation of private open space.

Options:

- No specific proposed changes to the existing or proposed code. Continue to coordinate development of PUD open space dedications when they meet the minimum THPRD open space dedication criteria.
- 2. *Review the benefit of 20 percent open space dedication in light of limited land supply and the effect on housing affordability.*

Council expressed concern that with a limited land supply within Beaverton and the entire Portland Metropolitan area's requiring a 20 percent dedication of open space would further constrain land supply and may cause housing prices to increase. Council questioned whether an actual financial analysis had been completed that would measure the potential effect of this regulation.

The City Council has asked the Planning Commission to consider the 20 percent open space dedication in light of limited land supply and the financial impact to developers and the corresponding impact to housing affordability.

Staff has completed preliminary analysis using the City's Geographic Information System regarding the number of parcels that meet the PUD application threshold of two acres or greater. Not surprisingly there is a very limited amount of undeveloped land within the City boundary that meets the new PUD threshold. Currently, there are approximately 107 parcels located through out the City in all zones for a total of approximately 632 acres of land. For the purpose of policy discussion, removing 20 percent of the GIS identified area would equal 126 acres of land assuming all of the vacant land could be developed, which is the general effect of the existing and proposed PUD open space regulations. Staff has not conducted a specific zone by zone analysis to determine the actual effect on the buildable lands analysis relative to Metro's Urban Growth Management Functional Plan's Title 1, Housing and Employment Targets. However, the PUD process does allow the transfer of density on a specific site. Therefore, no reduction in the number of dwelling units and jobs could be realized with a PUD.

Staff also analyzed properties for redevelopment potential and found that there are approximately 29 parcels within the City greater than 2 acres that are not vacant but have an existing development value of \$50,000 or less. These 29 acres totaled approximately 124 acres.

Therefore, using these estimated figures there is a total of approximately 756 acres within the City that can be said to immediately meet the PUD threshold without further land assembly.

As related to the Planning Commission at earlier PUD TA hearings PUD regulations have required some type of open space dedication since the originally adopted, however, in 2002 with the major code revision a numeric standard for open space was created.

In considering the options, it is necessary to understand that the 20 percent open space requirement was added to the Code in 2002 to establish a clear performance expectation to not meet certain standards of the subject zoning district (e.g. parcel size). The question for a decision maker, is what is the City receiving in return for a development which differs from the zoning standards and the existing development pattern?

In 2002, the Planning Commission decided that having a specific numeric standard for open space was clear and objective standard to receive

Options:

- A sliding scale for providing open space based on other site amenities or building architecture.
- Provide less open space if a project is within a short distance, $\frac{1}{4}$ to $\frac{1}{2}$ a mile, to an existing or planned park has been considered.
- Return to a general open space requirement that would be similar to the Beaverton Code prior to the 2002 Code reorganization.
- Maintain the existing regulation.

3. *The Council was concerned with the proposed language related to phasing of a PUD.*

Both the current and proposed PUD regulations allow for phasing. The current phasing language allows for an applicant to propose either a Preliminary or Final PUD that must be completed within 2 years unless phasing is proposed in which case the decision making authority is provided the authority to extend the approval up to 5 years. Councilor Dalrymple speaking from his experience, felt that the proposed language was too constraining the on the fiduciary responsibility of a developer. The proposed language reducing phasing was a response to providing open ended approvals. However, the proposed language does not necessarily provide the flexibility necessary to respond to ever changing markets.

Options:

- Retain existing language from the code (reprinted below).
- Do not permit phasing.

*40.15.15.6.G.**G. Expiration of a Decision.*

- 1. 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.*
 - 2. 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. However, all PUD phases must commence construction within five (5) years of the date of decision of the Final PUD. Refer to Section 50.90.*
- 4. The City Council required that the Planning Commission review the portion of code that restricted the number of attached units and that they investigate the concept of “Big House” used in other areas of the country.*

One Councilor made note of proposed restriction found in an earlier version of the proposed PUD code that restricted to four (4) the number of units that could be in one (1) attached building. However, this proposed code was stricken in the final version of code and so the only limitation for the number of units that may be attached is found in Development Code Section 60.05, Design Standard 60.05.15.1.A, which limits an attached residential structure to 200 feet of linear length in residential zones. While Design Guideline 60.05.35.1.A would allow a building of any length in a residentially zoned district presuming the building design meets the intent of the Design Guideline. Nothing in the proposed or existing code prohibit the idea raised by Council for a “Big House”. Staff has attached examples of the Big House (Exhibit 3).

- 5. The City Council requested the Planning Commission review the potential impacts of reducing the parent parcel setbacks by 10 percent. Especially in reference to driveway approaches.*

The specific concern articulated relative to the flexibility proposed by the current code is that it would encourage shorter driveways than could accommodate cars and trucks.

The current PUD code does not provide flexibility of the parent parcel setbacks without a separate Adjustment or Variance application. The intent of the proposed code was to provide a small amount of flexibility within the parent parcel setbacks in order to streamline the application and review process by avoiding an unnecessary additional application. In addition, staff believe that the setback standards protect against inadequate driveway lengths in Section 60.35.10.3.B.3, where setbacks to garage faces must always be 20 feet.

Options:

- Remove 10 percent flexibility proposed by the text amendment.
 - Maintain the 10 percent parent parcel setback flexibility, but reiterate the need to ensure that no driveway shall be less than 20 feet.
6. *Review the allowance for exceeding the height of the base zone. Council expressed concern that the following language in Section 60.35.20.B, Building Height was unclear:*

Buildings shall be to scale with similar types of existing structures on adjacent properties. This can be accomplished by utilizing graduated building heights which offer a transition between single-story residential development and multiple-story residential.

- A. Maximum building height standards may be increased up to twelve feet (12') when the applicable building setback distance along the perimeter of the parent parcel is increased at a ratio of 1.5 additional feet of setback for every foot of building height over the base zone standard for building height.*

Council was concerned with the requirement that development create a transition between single-story and multiple-story residential development when there is no development adjacent to the proposed development site. Staff review of this standard would presume on vacant land that any new structures would be built to the allowed limit of the zone or for example in cases where existing development is located that height limit was purposefully not used and that the adjoining developer would not be penalized

7. *Council expressed concern regarding the ability of a potential developer to transfer density from slopes greater than 25 percent.*

The proposed PUD regulations do not prohibit development on slopes greater than 25 percent but they also do not allow for a transfer of density from these steep slopes. With increasing pressure for developable land within the Urban Growth Boundary and a lack of readily available land with the City of Beaverton, staff have witnessed several recent developments that have been proposed and approved with at least portions of the site located on slopes that are 25 percent or greater.

Development of steep slopes have the potential to negatively impact surrounding properties and therefore any regulations related to steep slopes should try to reduce the associated risks such as landslide, erosion, and increased storm water runoff. There are two primary regulatory approaches used by surrounding communities for the regulations of steep slopes: 1) Prohibit development of slopes greater than 25 or 35 percent entirely; or 2) Allow for density transfers from steep slopes.

Options:

- Propose new language that would allow a transfer of density from slopes that exceed 25 percent if the developer agrees to restrict any of future development on the slope.
- New code language that simply allows for the transfer of density.
- 8. *The City Council asked that the Planning Commission review the standard that requires that no more than 40 percent of the land dedicated for open space be greater than five (5) percent slope.*

The intent of this standard is to require that the developer of a PUD provide useable space within the required open space in addition to completely passive space.

Options:

- Revise the proposed standard to allow for no more than 60 percent of the area dedicated to be over five (5) percent thereby allowing a significantly greater area to be in a steep slope. The remaining 40 percent will ensure that the Common Area can be created.
- Remove the standard entirely.

Exhibit 1	November 13, 2006 <i>Draft</i> City Council Meeting Minutes
Exhibit 2	THPRD Letter, dated December 8, 2006
Exhibit 3	“Big House” Examples
Exhibit 4	City Council Planned Unit Development Text



Serving Beaverton and the west side since 1955

TUALATIN HILLS PARK & RECREATION DISTRICT

December 8, 2006

DEC 11 2006
COMMUNITY DEVELOP DEPT.

Colin Cooper, Senior Planner
City of Beaverton
PO Box 4755
Beaverton, Or 97076

RE: City of Beaverton Development Code – Planned Unit Developments

Dear Colin:

Thank you for meeting with Steve Gulgren and me to discuss the proposed language in the City of Beaverton Development Code regarding Planned Unit Developments (PUD's). We appreciated the opportunity to discuss how the open space requirements in the proposed language interact with the Park District's recently adopted Comprehensive Plan 2006.

As we discussed, the size requirements for neighborhood parks under our Comprehensive plan are 2 to 5 acres. As such, the 20% open space requirement on developments of less than 10 acres would create open spaces that do not meet the Park District's neighborhood park standards. As we also discussed, there may be unique circumstances in which the Park District would accept open spaces that did not meet this standard. These circumstances could include:

- The open space parcel is contiguous to an existing THPRD park, natural area, or other facility.
- The open space provides a trail access that meets a need identified in the THPRD Trails Master Plan. Examples of these needs could include connections to regional or community trails or access to schools, retail centers, or civic facilities.
- The open space provides critical natural resource protection consistent with the THPRD Natural Resources Management Plan, although 2 acres will generally be a minimum standard here as well.
- The open space is adequate to meet a neighborhood park need in an area identified as park deficient in the Park Districts Comprehensive Plan.

We also discussed the range of amenities that can be included in the open space component of a planned unit development and which would be appropriate for acceptance by the Park District. Specifically we discussed amenities such as pools and clubhouses, which would have an ongoing maintenance and operation cost. As we noted in our conversation, the Park District's

Comprehensive Plan 2006 establishes a strategy of moving toward larger multi-generational and multi-purpose facilities. As such, facilities such as small neighborhood pools or clubhouses are not consistent with that strategy and would be unlikely to be accepted by the Park District. We also noted that there are examples within the Park District, of neighborhood pool or recreation facilities that are maintained by homeowners associations and create a supplement to the Park District service level for residents of that development.

Creative Alternatives

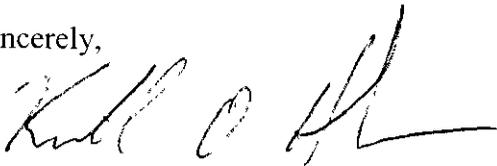
We recognize that open space requirements in small planned unit developments may create an inherent problem where they do not meet the Park District's criteria for acceptance and where there is otherwise no intent to create a homeowners' association. As such we also discussed some potential creative alternatives to resolve the inherent problem:

- Consider a land-banking program whereby a developer is allowed to purchase additional land outside the PUD to satisfy the open space requirement. This would be based on an assumption that the PUD is already adequately served by Park District facilities. It also presumes that the land purchased by the developer meets one of the criteria noted above for Park District acceptance.
- Allow developers to aggregate the open space requirements from several smaller developments into a single larger open space that would satisfy the Park District's size requirements. Again this would presume that the larger park does meet the Park District's needs as identified in the Comprehensive Plan 2006.

Again, thank you for meeting with us to discuss the proposed language in the development code and giving us an opportunity to provide input.

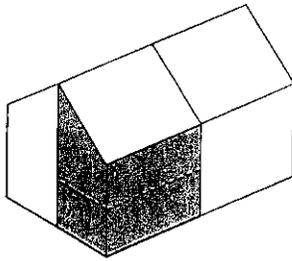
Please feel free to contact either Steve Gulgren or me if you have any further questions.

Sincerely,



Keith D. Hobson
Assistant General Manager

C: Doug Menke, General Manager, Tualatin Hills Park and Recreation District

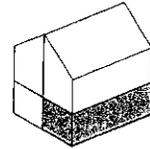


Four or more dwelling units in a detached building, designed with massing and details to appear similar to a very large single detached house.

common names

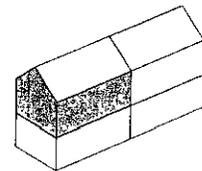
- Quadruplex
- Mansion townhomes
- Back-to-back semi-detached
- Grand house

variations



data

- 4-5 units/building
- 2-3 floors/building
- interior or exterior entry
- Net site density:
10-24 units/acre



Home design

- Units can be single- or multi-level.
- Unit access can be private and exterior; shared entrance presents privacy and maintenance challenges.
- Personalization is critical to distinguish individual units while maintaining the impression of a large house.

the number of exterior walls with windows and the direction they face.

- Site layout very important and varies by arrangement of units in building.
- Parking can be challenging, but opportunities exist for both on- and off-street in a variety of forms.

Site design

- Overlooks and rear yard distances have significant impact on privacy and function of outdoor spaces.
- Access to sunlight and air is affected by

Neighborhood amenities

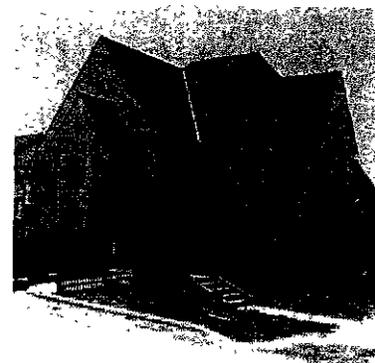
- Potential for increased retail and services due to increased density.
- Transportation options generally greater.
- Nearby open spaces are needed for some outdoor activities.



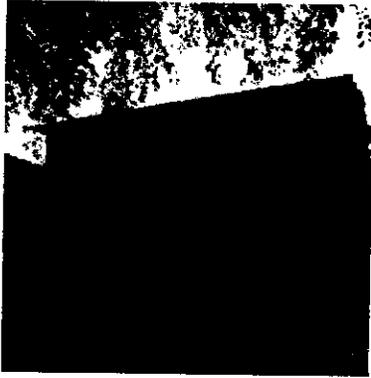
City Homes on Park, Minneapolis, MN



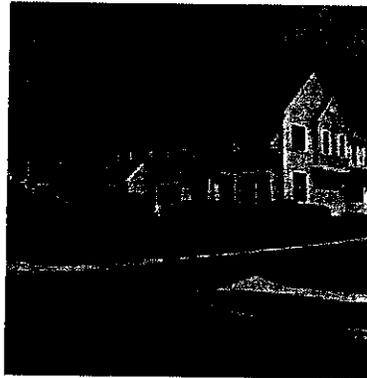
Humboldt Greenway, Minneapolis, MN



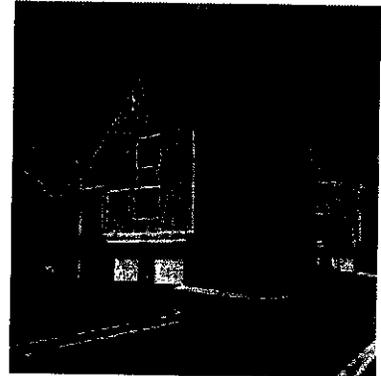
Heritage Park, Minneapolis, MN



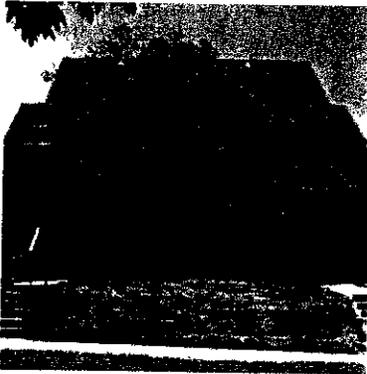
Linden Hills, Minneapolis, MN



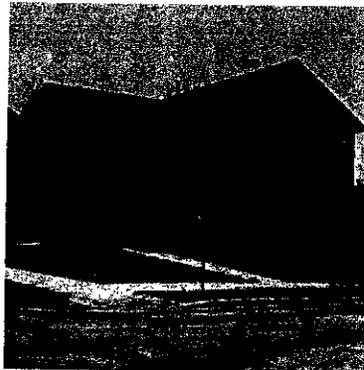
Maple Grove, MN



City Homes on Park, Minneapolis, MN



Minneapolis, MN



Heritage Park, Minneapolis, MN



City Homes on Park, Minneapolis, MN



Success Family Housing, Minneapolis, MN



City Homes on Park, Minneapolis, MN



Minneapolis, MN

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
NOVEMBER 13, 2006

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, November 13, 2006 at 6:34 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce S. Dalrymple, and Dennis Doyle. Coun. Cathy Stanton was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop, Development Services Manager Steve Sparks, Principal Planner Hal Bergsma, Senior Planner Barbara Fryer, Associate Planner Leigh Crabtree and Deputy City Recorder Catherine Jansen.

PRESENTATIONS:

06211 2006 International Association of Chiefs of Police/Motorola Webber Seavey Award for Quality in Law Enforcement

Mayor Drake said the City received the Webber Seavey Award from the International Association of Chief of Police (IACP). He said focus work completed by the Beaverton Police Department staff led to the City competing for and receiving this award. He said the City, through the help of Senator Gordon Smith, received a grant to develop an Identity Theft and Fraud Prevention Program. It was for this program that the City received the Seavey Award. He read a letter from Senator Smith congratulating the City for receiving the award. He presented the award to Police Chief David Bishop and said it was being presented to all the members of the Police Department.

Bishop thanked Mayor Drake and said he was accepting this award for the entire community, the Police Department and the City Council and Mayor. He presented a medallion to the Mayor and explained the IACP provided medallions that would be given to all the key people responsible for achieving this award. He said he was giving this to Mayor Drake for he was the first person to start the dialogue with Senator Smith that resulted in the formation of this program. He said the Police Department was extremely proud of the Program and its partnership with the community.

Mayor Drake thanked him for the medallion and said it would be displayed at City Hall.

06212 Presentation of Shields and Swearing In of Newly-Appointed Sergeant and Five Officers to the Beaverton Police Department

Mayor Drake said he started the tradition of swearing in the police officers at the Council meetings to introduce them to the community and welcome them to the City.

Police Chief David Bishop swore in newly-promoted Sergeant Jeffrey DeBolt and the five new officers Nathaneal Brown, Christopher Freeman, Marlin Kendall, Matthew Reed and Bradley Sutton.

Mayor Drake presented the shields to the sergeant and officers.

Bishop thanked the families and friends who were present and said the officers could not do this job without their support.

06220 U. S. Mayors Climate Protection Agreement (Resolution No. 3882)

Mayor Drake said this summer Beaverton citizen Barbara Wilson asked that the Council review and consider adopting the Mayors Climate Protection Agreement. He said he reviewed the information available on-line regarding the agreement and he conferred with staff to determine what work the City has done to promote a healthier environment. He said the City has intentionally embarked on environmental programs in order to be an eco-friendly and more responsive agency. He said this agreement was not a binding document, but it was about looking forward and it was consistent with programs the Council has supported in the past. He invited Ms. Wilson to speak.

Barbara Wilson, Beaverton, and Steve Couche, Portland, introduced themselves. Wilson thanked the Mayor for moving the agreement along expeditiously. She said global warming was an environmental emergency to which no one was paying attention. She said she appreciated the City's efforts to consider the Climate Protection Agreement. She explained how Mayor Nicholson from Seattle became interested in global warming and spearheaded the movement to have cities adopt this agreement. She said as an avid hiker, she has noticed the environment changing over the last 25 years, especially in glacial and wetland areas. She said the phenomena of glaciers receding was occurring world wide and has affected the global climate. She urged the Council to pass the Climate Protection Agreement.

Steve Couche said his first eight years were spent in Cedar Hills and he had memories of the extensive wetlands in this area. He said these wetlands and glaciers were disappearing with the climate change. He said scientists are predicting that ocean levels could increase by 40 feet and that would seriously damage the coastal cities. He said the environment has already experienced an increase in droughts; as that worsens it will bring more famine and shrinking food supplies. He said this is a potential calamity for the world and something has to be done. He said he appreciated that the City has joined the many other cities in signing this agreement. He said it was important to tell the legislators in Washington D.C. that this is a crisis and action is needed at a national level because this country was one of the worst offenders.

Coun. Dalrymple referred to page three, Item seven of the agreement, "Practice and promote sustainable building practices using the U. S. Green Building Council's LEED program or a similar system." He said he was concerned about the immediate impact that would have on the budget if this was adopted now versus ramping up to this through the next budget cycle. He asked what the best way would be to approach this issue.

Mayor Drake said this agreement was a guideline, not a contract. He said this would not upset the budget, but the City would look at how it could gradually honor the points in the agreement in the future. He said the City could move toward being more conservation-minded. He said this does not have a timeline and overnight changes are not intended because the City would not want to increase costs unduly or upset the budget.

Coun. Dalrymple said that was good as long as it was a guideline that the City could work towards. He said this would also give the City the opportunity to do research and understand what this provides; and also to determine which points were of the most benefit to the community and which were affordable.

Mayor Drake said the intent was that this was the first step in this journey. He said the City has been smart in its approach to being conservation-minded; the steps the City has taken were done incrementally for good fiscal management, and to be a good steward and role model for the community. He said the City has practiced this for a number of years. He noted the City has been recognized as a Tree City USA since 1995 and the planting of trees does a great deal to promote a healthy community.

Coun. Bode said she appreciated how Wilson partnered with the City in getting this agreement adopted. She said on page 2 of Agenda Bill 06220 there was a list of the many activities that the City has been engaged in for a number of years that were conservation minded. She noted this agenda bill was posted on the City's Web site for those who may wish to read it in full. She said the City would continue to do more and she thanked Wilson for bringing this forward.

Coun. Arnold said she appreciated her bringing this forward and she was pleasantly surprised to see what City has done so far. She said this was a great move forward.

Coun. Arnold MOVED, SECONDED by Coun. Doyle, that the Council adopt Agenda Bill 06220 and endorse the U.S. Mayors Climate Protection Agreement as presented in Resolution No. 3882.

Coun. Doyle said that adopting this agreement gives the City credence to go to the national legislators and let them know that Beaverton, which is the fifth largest city in the state, supports this agreement and urges the legislators to follow the example being set by the mayors in this country. He said since the city councils were the closest governing bodies to the citizens of this country, that should speak volumes to the federal legislators who are making these laws. He said it was long overdue.

Coun. Dalrymple said he has known Wilson for a long time as she had previously brought environmental issues to the Tualatin Hills Parks and Recreation District Board. He said he appreciated her dedication to the issue and that she worked with the agencies to create good stewardship.

Question called on the motion. Couns. Arnold, Bode, Dalrymple and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

Wilson thanked the Council for adopting the agreement. She said she saw this as the beginning and asked how the public could be brought on board. She said this has to be accepted by the 83,000 citizens of Beaverton and they have to be informed that they have an important part in making this agreement successful. She asked how the City could inform the citizens of their role in this issue.

Mayor Drake said there were many ways this could be done. He said by adopting the agreement the City has made a strong statement. He said the City was already doing many of the things that it needed to do and citizens were seeing this. He said the City looks at this agreement to determine how it can meet the standards of the agreement in an economically responsible manner and possibly stretching itself a bit to meet the goals. He said there was always opportunity for input through the budget process or as the City crafts new programs. He said the City would need to think further on ways to provide public outreach.

Wilson stressed that this issue needs to be addressed and public outreach is needed. She said experts on this subject have said that there is only ten years to get this under control; after that, the problem cannot be corrected. She said the reason for this was that the problem increases exponentially; once the arctic ice cap is gone, there is no way to get it back. She said there were things that everyone must do in order to reduce the carbon emissions that come from Beaverton. She said individuals have to know what their carbon footprint is and what they can do to reduce it.

Mayor Drake said this was a team effort and covered much more than just the City of Beaverton.

Wilson asked that the Council and Mayor let the legislators, and others in their sphere of influence, know that the City has passed this agreement and it is important.

VISITOR COMMENT PERIOD:

Bill Kroger, Beaverton, said he was the Chair of the Washington County Behavioral Health Council. He said the Council is an advisory board to the Washington County Commissioners and the Department of Health and Human Services, and deals with mental health and addiction problems in Washington County. He said the Council was comprised of professionals in the field, lay volunteers, consumers and family members. He said there were many pressing mental health and addiction problems facing the County. He said the top five problems they were facing in the community were: Oregon Health Plan issues; service improvements for people with addiction problems; implementing the evidence-based practices program; employment services for the mentally ill; and improvement of community based services for children. He said they have presented this information to the Washington County legislators and candidates, who have a great interest in this issue. He said it was their hope that the Council would become familiar with these issues and help them to spread the word.

Coun. Doyle said this was a critical issue in the community. He asked if the legislators gave them any feedback on their true awareness of what the community and state are facing in relation to these issues; and if the legislators offered any guidance as to what they may try to accomplish in the next session.

Kroger said they had a lively discussion. He said Mitch Greenwick, who was well aware of these issues, wanted the three counties to work in tandem. He said that had been tried but it does not work well. He said the discussion went on for an hour and the candidates learned from the discussion. He said it was hard to say if it specifically helped. He said at least they were more informed now than they had been.

Mayor Drake thanked Kroger for speaking. He added that the mental health professionals in this group were the top professionals in the County. He said the Council has excellent connections in its membership but the challenge they face is bigger than the resources available.

Coun. Bode asked what phone number people could use to reach the Council.

Kroger said he could be reached at 971-645-6889 and he could refer them to the proper individual for whatever services were needed.

COUNCIL ITEMS:

Coun. Arnold said the City's Holiday Tree Lighting would be on December 1, 2006, at The Round at 6:00 p.m. She invited everyone to attend. It was noted that public parking would be available at the Westgate Theater parking lot and there would be guides to assist people with parking.

STAFF ITEMS:

Chief of Staff Linda Adlard reminded the Council that the Budget Committee meeting would be held on Thursday, November 16, 2006. She also noted that the Council's holiday greeting would be recorded by Tualatin Valley Community Television on December 4 at 6:00 p.m., in the Council Chambers.

CONSENT AGENDA:

Coun. Bode MOVED, SECONDED by Coun. Dalrymple, that the Consent Agenda be approved as follows:

Minutes of the Regular Meeting of October 16, 2006

06213 Liquor Licenses: Change of Ownership - Izzy's Restaurant

06214 Classification Changes

Question called on the motion. Couns. Arnold, Bode, Dalrymple, and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

Coun. Arnold said that at last week's meeting the Council passed a motion and had first reading of an ordinance to amend the Comprehensive Plan. She said one of the changes that was approved also needs to be reflected in the Development Code.

Coun. Arnold MOVED, SECONDED by Coun. Doyle, that the Council direct staff to initiate an application to amend the appropriate sections of the Development Code text so that the hearing notice for Type 3 and 4 applications to amend the Development Code and the Zoning Map is provided to Neighborhood Association Committee (NAC) Chairs and the Committee for Citizen Involvement Chair in the same manner as what was proposed in Ordinance No. 4187 to amend the Comprehensive Plan.

Mayor Drake explained this was the second step of what Council had already adopted; it implements what Council has already passed.

Coun. Dalrymple asked if this was missed in the motion at the last meeting.

Mayor Drake said that was correct.

Question called on the motion. Couns. Arnold, Bode, Dalrymple and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

WORK SESSION:

06194 TA 2006-0003 (PUD Text Amendment) (*Rescheduled from 10/16/06 meeting*)
(NOTE: Discussion of this item also covered Bill 06195, Ordinance First Reading for the PUD Text Amendment)

Mayor Drake said he discussed this item with Coun. Dalrymple today and after the work session the ordinance may be referred back to the Planning Commission for additional review and public comment.

Senior Planner Colin Cooper introduced Shelly Holly and Magnus Bernhardt from Parametrix, the land use consultant firm that prepared the draft Planned Unit Development (PUD) Ordinance. Cooper presented a PowerPoint presentation on the history of PUDs in Beaverton. He said in 2002 the Development and PUD Codes underwent a significant reorganization. He said the changes to the PUD Code included the removal of the four-acre minimum area requirement, the 20% open space requirement was quantified, and minimum yard setbacks were specified. He said the PUD Code was currently being revisited because the Planning Commission was not happy with the PUD developments that it was reviewing. He said staff had also promised to revisit sections of the reorganized Code to determine how they were working. He reviewed examples of PUD applications that were not well received by the Planning Commission or the surrounding neighborhoods.

Magnus Bernhardt, Parametrix, consultant, gave an overview of the process used to review and revise the PUD Code. He said the purpose of the Code amendment was to improve the quality of the PUD applications that the City receives. He said they developed good baseline standards and incentives that would improve the quality of the applications.

Bernhardt said that they reviewed the City's PUD Code, and the PUD ordinances of six other jurisdictions; then they tested the proposed PUD revisions using an existing site in Beaverton. He said they also researched form-base code and low-impact development code as they felt those codes would generate innovative ideas that they could test in developing concepts for the existing site in Beaverton. He said the critical PUD elements that were discussed by staff and the Planning Commission were: thresholds; minimum open space standards; parking; design review; density requirements; setback restrictions; minimum parcel size; incentives for increased density and reduction in open space; and design flexibility. He said the model site had many of the challenges that developers face when developing property (natural resources, wetlands, trees, irregular shape and was in an existing neighborhood). He said the proposed project yielded 13 units and one open space lot. He said they looked at form-base code (where function follows form to encourage development flexibility by regulating the form of environment, not the land use or density), at zoning, site character, and architectural components. He reviewed the three plans they developed for this site. He said they developed three ideas as development incentives: a green roof; encouraging more solar passive gain; and cohesive open space within the PUDs. He said the proposed PUD Code has graphics that support the narrative and the new incentives would lead to better projects.

Cooper reviewed the major issues that were raised and resolved. He said the minimum threshold was important to the Planning Commission, so the bar was raised to two acres. He said the Commission was concerned with ensuring compatibility and attractive infill PUD development, so the minimum setback was set at 15 feet. He said the Commission's other major concern was having useable open space, rather than many small lots, so a minimal dimensional standard was created. The Commission was concerned about the lack of innovative, high-quality design within the single-family lots, so design standards for single-family residential were created for PUDs only, not throughout the City. He said bonuses were included for innovative work, such as solar gain and affordable housing. He said also a new threshold was included, so that when a developer asks for more than three variances, adjustments or flexible setbacks (in any combination), that they then would be required to do a PUD. He said with all these new factors, the Commission enthusiastically supported these revisions.

Coun. Arnold asked for information on the development bonuses.

Cooper said the Planning Commission wanted to see innovative development so the ordinance contained a variety of incentives. He said there were incentives for open space, architectural incentives such as solar access and green roof features, and there was an affordable housing component to provide for one or two units in a project.

Coun. Arnold referred to page 27 of the proposed ordinance (Agenda Bill 06195), "Affordable housing is defined as housing affordable to households earning up to 100% of the median household income in Washington County, or less as adjusted for family size as determined by the U.S. Department of Housing and Urban Development (HUD). Housing prices and or rents shall be limited to that level through deed restriction." She asked what "that level" referred to.

Cooper said that referred to two thresholds, the 100% of the median or as determined by the U.S. Department of Housing.

Mayor Drake explained HUD sets income standards and what a family of certain size would need to earn to qualify at a certain level. He said affordable housing in the region is set by HUD as a certain percentage of the median income level. He said the percentage was flexible but HUD would set the standard.

Coun. Arnold asked what percentage of the 100% income represents the affordable amount.

Mayor Drake said HUD sets standard and it could vary.

Coun. Bode said the current standard was 40%.

Coun. Arnold said it seemed that some PUDs were designed to do infill development and the open spaces were an after thought. She said she did not like that because it created the need for a homeowners association which did not make sense as they were not maintaining a real planned community. She said she appreciated the work that was done to make these more functional, so that they are creating something that has value in those open spaces. She said she appreciated the time staff gave her outside of the meeting to help her understand these issues.

Coun. Doyle asked if builders look for these incentives to design innovative projects.

Cooper said he thought the likelihood was low, but the City wants to provide the opportunity for a developer who does want to do these things. He said as an example, a homebuilder might partner with Habitat for Humanity to take advantage of the incentive for affordable housing.

Coun. Doyle said it was commendable that the Planning Commission and staff incorporated this into the Code and that it was easy to understand. He said he was glad to see the opportunity provided in a manner that is fair to the developer. He said he looked forward to seeing what type of applications this will bring forward.

Coun. Dalrymple said he had a number of items to discuss. He said his first concern was phasing (page 8, Agenda Bill 06195). He said if he was putting a development together with its many components, it might take longer than the two years that this program would allow. He said a developer doing a large project has another element of risk, because if it has to come back in two years to go through another process, that might mean there are other restrictions or impacts to the original approval that might negatively impact the ownership and the original master plan. He said from that perspective he would like this to be longer than two years. He said his second concern was density and lot dimensions (page 14). He asked what would happen if the adjacent parcels were not developed to the Comprehensive Plan level. He questioned how a developer could coordinate. He said he thought it would be best served if it was coordinated with the Comp Plan, at the maximum use decided for a site. He said he did not think that was clear in the text.

Coun. Dalrymple referred to page 14, Item B (Agenda Bill 06195) that referenced "Area over 25% slope" when talking about the transfer of density. He questioned what that meant. He said if he was doing a PUD, he hoped he could take the area that could not be built upon and transfer that density to another area and then try to do the best

possible project for the type of building unit being developed. He said he needed clarity on that issue for he was not sure he was thinking along the same lines as the Planning Commission. He said as a developer, he was thinking of the highest and best use and getting the maximum potential out of the property, for livability and for equity investors.

Coun. Dalrymple asked if open space could be less than 20%. He said in this area with the Urban Growth Boundary and other constraints, property values were soaring. He said it costs a lot to buy property; if 20% has to be dedicated to open space, the cost of that 20% will have to be spread among the other units, so this pushes the price of homes up. He said this will make housing more difficult for people to afford. He said he did not know if that had been considered from a financial impact as much as more from a perception of what will be provided in the community. He said he thought in that regard there was a balance in how one looked at open space.

Coun. Dalrymple referred to page 85, Item A.1 (Agenda Bill 06195) which set limits on attached single family units to four units per structure in the R-10 and R-7 residential zone. He said in other parts of the country new architectural practices were introducing a big-house concept. He said the big-house design was a new innovative style for high-density housing, that has six to 12 units in a building that looks like a large estate home. He said that might be something the City wants to foster. He referred to the standards on page 94, Item C, that said "No more than 40% of the gross land dedicated may have slopes greater than five percent." He confirmed this refers to open space and said that this standard becomes a penalty because of the high cost of the land. He said that could be negative and questioned how this was reviewed by the team members.

Coun. Dalrymple said his biggest concern was the issue of pocket parks. He said from his many years on the Tualatin Hills Park and Recreation District (THPRD) Board, pocket parks were too small and the cost to maintain them was significantly higher. He noted THPRD is the park provider for the City and asked if the District was involved in reviewing these amendments. He said the THPRD was in the midst of doing its 20-year Master Plan Update and it would be to the City's advantage to have the District comment on these standards. He highly encouraged involving the THPRD. He referred to the reduction of setbacks on page 106, Item 2, and said that in looking at many developments throughout the country, the setbacks are minimal on many street frontages and when automobiles are parked in front of the garage, they lap over onto the sidewalk blocking the walking area. He said he hoped setback standards would be set for standard automobile size so that there would be no lapping over into the walking area. He said in considering the American Disabilities Act, reduced visibility and negotiating around cars that block the sidewalk become an issue especially for seniors and children at play.

Coun. Dalrymple said that for these reasons he would like to send this proposed ordinance back to the Planning Commission and staff. He stressed it was important to get everyone's buy-in and include THPRD in this review.

Mayor Drake asked staff if THPRD was in the noticing process and if the issue of pocket parks was discussed with the District.

Cooper said THPRD was notified but there was no joint discussion on the pocket parks issue.

Mayor Drake said it would be good to send the document back for input from the THPRD. He asked for additional Council comments.

Coun. Bode said she was concerned with the 15-foot setback due to visibility. She asked if the 20% open space was contiguous. She said in the past it seemed that the open space was divided into small parcels and spread throughout the developments. She said when she was on the Planning Commission she felt duped when one of the projects that was presented as an affordable housing project, was not what she considered affordable housing once it was built. She said as the amount of land decreases, the City needs to be cautious in its development regulations. She said she thought it would be good to go back and look at these issues.

Coun. Doyle said he had no problem referring this back to the Planning Commission and staff. He said many good issues were raised and he would like to hear the response to Coun. Dalrymple's comments.

Mayor Drake said Coun. Dalrymple's comments from a developer's viewpoint were valuable and presented in a constructive manner.

Coun. Bode said the issues of pocket parks, traffic, development costs and open space were important and she agreed this should be referred back to the Commission and staff.

Coun. Dalrymple said they had discussed what constitutes acceptance in open space (setback areas, buffer areas and vegetative corridors). He said all this was important when trying to attract developers. He said without real clarity on this standard, developers might choose to pass on potential development. He said he was very appreciative of the work the Commission and staff did to develop this ordinance. He said he was trying to take a proactive approach to enhance the ordinance and make it an outstanding document.

Coun. Dalrymple MOVED, SECONDED by Coun. Doyle, that the Council refer TA 2006-0003 (PUD Text Amendment) back to the Planning Commission and staff for additional review to include input from THPRD, to consider comments made at the Council Work Session, to hold an additional public hearing at the Planning Commission level, and to bring the ordinance back to Council.

Mayor Drake said Council was not suggesting a wholesale rewrite of the ordinance, rather a consideration of the comments and suggestions raised at the work session. He said he was intrigued by Coun. Dalrymple's comparisons of projects and how they could be handled differently. He said he thought the proposed document and proposed modifications would promote flexibility and creativity, which the City always tries to do as it evolves as an agency.

Question called on the motion. Couns. Arnold, Bode, Dalrymple and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

RECESS:

Mayor Drake called for a brief recess at 8:13 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 8:22 p.m.

06215 Tualatin Basin Goal 5 Implementation

(Discussion on this item included Agenda Bills 06216, 06217 and 06218, the first reading of ordinances to amend the Comprehensive Plan, Development Code and Beaverton Code related to the Tualatin Basin Goal 5 Program.)

Senior Planner Barbara Fryer and Associate Planner Leigh Crabtree presented a PowerPoint presentation on the Tualatin Basin Goal 5 Program. Fryer said they have worked on this Program for six years; it started with Metro adopting the inventory of regionally significant resources and was now at the point where the Program was to be adopted by the City. She said the proposed amendments to the Comprehensive Plan and Development Code comply with the Statewide Planning Goal and the Metro Urban Growth Management Functional Plan. She said the proposal was to amend five chapters of the Comprehensive Plan, the Glossary, and the Natural Resources Inventory. Also, the Development Code would be amended to add a new section to Chapter 60 and definitions to Chapter 90. She said City Code Section 5.05 would have minor edits and Section 9.05 was amended to include maintenance as a requirement for storm water facilities.

Fryer reviewed Habitat Benefit Areas (HBA) on two sites and the HBA Preservation Program (in the record). She said this was a voluntary program; incentives are offered to get developers to do preservation activities.

Associate Planner Leigh Crabtree reviewed HBAs in relation to the Development Code. She said the new section in Chapter 60 was in response to comments that the Tualatin Basin Goal 5 Steering Committee received from stakeholders, the Citizen Involvement Committee, the Development Liaison Committee and the Planning Commission. She said it was determined that instead of changing multiple sections of the Development Code, it would be better to write one chapter that deals with providing incentives. She said the first major incentive was HBA Preservation, including preservation, enhancement, mitigation and creation of HBAs. She said the proposed incentives mostly apply to non-single-family residential areas, but there are opportunities for single-family residential. The Planning Commission made the decision that it wished to have single family residential match what already exists, but flexibility has been provided as needed. She said the incentive that would apply to single family residential was open space reduction for an equal amount of HBA preserved. She said incentives for other zones included changing the building envelope and building height bonus.

Fryer reviewed low-impact development techniques. She reviewed examples of eco-roofs and roof-top gardens, and described the features of each. She said eco-roofs are appearing on new and retro-fitted buildings. She also reviewed parking lot landscape islands, landscape swales, storm water planters and rain gardens. She reviewed projects where these techniques were used in Hillsboro, Portland and Milwaukie.

Crabtree reviewed the credits for use of low-impact development techniques (in the record). She said the objective was to convert normal landscaping to capture storm water. She said on streets, the landscape standard reduction meant that standard landscaping was swapped for detention landscaping.

Fryer said at this meeting Council would consider three ordinances to amend the Beaverton Code, the Comprehensive Plan and the Development Code to enact the Tualatin Basin Goal 5 Program. She said the ordinances would receive first reading at this meeting and second reading on December 4, 2006. She said the timeline was to have the Program adopted by January 2007. She said Tigard, Tualatin and Sherwood have adopted these amendments; Hillsboro and Washington County have not yet completed their amendments. She said staff would report back to Council in a year on how well the Program was working. She said they did not know if these incentives were sufficient so that a developer would take advantage of the Program. She said the Planning Commission, the Committee for Citizen Involvement and the Development Liaison Committee supported this proposal. She said the City of Portland has provided greater incentives and that is why so many of these features are seen in Portland. She said staff also developed a guidance manual that will explain to developers how to implement this Program; the manual will be brought to Council for adoption in January.

Coun. Bode thanked staff for their hard work. She said it was interesting to see the high amount of public involvement that went into this project. She said she would support this program and favored moving forward.

Coun. Dalrymple said he was glad to see this Program has moved forward. He asked staff if they knew why Washington County was lagging behind, since it was always in the lead in trying to make this happen.

Fryer said the County's ordinance went before County Planning Commission and the Commission asked to pull the Planned Unit Development section. She said that section would go through the cycle next year as they missed the window for this year.

Coun. Dalrymple said in his experience, there were times when a municipality would not approve a gravel parking lot because oil dripping from automobiles would contaminate the soil; so the parking lot would have to be paved. He said now they were talking about using pervious materials such as grasscrete for parking areas. He questioned how these materials were used in this process and if they were part of the Program.

Fryer said pervious materials were included to a certain extent. She said pervious concrete and pavement, paver blocks, grasscrete and a plastic cell product were being considered for the Program. She said they were still working with the engineering division to get a particular process approved. She said they want to be sure that groundwater contamination does not occur, that the life of the product will meet the standards, and that maintenance issues are accommodated. She said they want to be sure that these issues are taken care of before the materials become a part of the Program. She said this will probably be included in the guidance manual.

Coun. Dalrymple said he was concerned about maintenance issues; that he did not want the City to have to cut the grass on people's parking lots because of these materials. He said he supported its use in other areas but was cautious about using it in parking lot

areas. He asked if a property was in the HBA, and this Program is voluntary, what would happen in the future. He asked if this was a voluntary program because of Ballot Measure 37.

Fryer said that the program was voluntary because of Measure 37; this basin area already has regulations in place that protect the land that is not protected in other jurisdictions. She said they wanted to go above the norm through a voluntary incentive-based program.

Coun. Dalrymple asked if this would come back for adoption by elected officials before it reached a regulatory standpoint.

Fryer confirmed that was correct. She said if the Program was ever considered to be anything but voluntary, it would first go through an extensive public process.

Mayor Drake said with Ballot Measure 37, anything that the City would do beyond a voluntary approach would be susceptible to a Measure 37 claim. He said if the voters ever invalidated Ballot Measure 37, any change to the Comprehensive Plan or Development Code would go through a public process with an intense notification procedure.

Coun. Arnold said she thought it sounded like no areas have any regulation, it is all voluntary. She stressed that was not true. She said there are areas in the inventory that have regulations in place.

Fryer said that was correct; the City was not repealing any regulations that are already in place. She said Clean Water Services' Vegetative Corridors were still applicable in all the inventory areas. She said the areas beyond the vegetative corridors are considered the Habitat Benefit Areas and would be part of this voluntary program. She said the low-impact development techniques would be applied throughout the city, regardless of whether it is a HBA or not.

Coun. Arnold asked that staff explain Section 60.12.47.C2 (page 25, Agenda Bill 06218). She said it sounds like if they build a structure parking place it is one less space overall in the total count of the parking requirements.

Crabtree said a better explanation was that by providing incentives for structured parking, they were trying to reduce the impervious area of the surface parking lot. She said currently parking requirements were tied to surface parking only, not parking structures. She said a developer would receive a credit for eliminating surface parking spaces by integrating the required parking into a parking structure.

Coun. Arnold asked if she had a requirement for 40 parking spaces, if she built two-tiered parking how many spaces would she have to provide.

Fryer said she would still need to provide 40 spaces but the number of surface spaces would be reduced by the number of spaces in the parking structure.

Fryer said the intent of these regulations was that one would not need to go through a PUD to get these incentives.

Coun. Arnold asked what open space meant in this ordinance, since it was not the PUD's definition of open space; and if someone doing a PUD could take advantage of these incentives.

Fryer said there were requirements for multi-family developments to have a certain amount of open space and that is what this ordinance addressed. She reiterated that one did not have to do a PUD to get these incentives, though someone doing a PUD could use these incentives.

Mayor Drake thanked staff for the presentation.

ORDINANCES:

Mayor Drake noted that Agenda Bill 06195 was being pulled and referred back to the Planning Commission as result of the previous work session. Also, Agenda Bill 06219 was being pulled and would be brought back in the future.

Coun. Doyle MOVED, SECONDED by Coun. Bode, that the rules be suspended, and that the ordinances embodied in Agenda Bills 06216, 06217, 06218, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Dalrymple, and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

First Reading:

Rappleyea read the following ordinances for the first time by title only:

- 06195 PULLED - TA 2006-0003 (PUD Text Amendment) (Ordinance No. 4409).
(Rescheduled from 10/16/06 meeting) - This ordinance was referred back to the Planning Commission and did not receive first reading.
- 06216 An Ordinance Amending Chapters Five and Nine of the Beaverton Code Related to the Tualatin Basin Goal 5 Program (Ordinance No. 4412)
- 06217 An Ordinance Amending Comprehensive Plan Chapters 3, 4, 5, 6, 7, 8, the Glossary and Volume III (Ordinance No. 4187) Related to CPA 2006-0012 (Ordinance No. 4413)
- 06218 An Ordinance Amending Development Code Chapters 60 and 90 (as Amended through Ordinance 4265) Related to TA 2006-0009 (Ordinance No. 4414)
- 06219 PULLED - An Ordinance Repealing the 72-Hour Parking Prohibition, Section 6.02.310 of the Municipal Code (Ordinance No. 4415). This was pulled prior to the meeting for revisions and will be brought back to Council at a future meeting.

Second Reading:

Rappleyea read the following ordinances for the second time by title only:

06208 An Ordinance Amending Comprehensive Plan Chapters 1, 2 and the Glossary (Ordinance No. 4187) Related to CPA 2006-0001 (Ordinance No. 4395)

06209 TA 2006-0008 (Design Review Threshold Modifications) (Ordinance No. 4410)

06210 ZMA 2006-0006 Momeni Property at Main Avenue and Allen Boulevard Zoning Map Amendment (Ordinance No. 4411)

Coun. Doyle MOVED, SECONDED by Coun. Bode, that the ordinances embodied in Agenda Bills 06208, 06209 and 06210 now pass. Roll call vote. Couns. Arnold, Bode, Dalrymple, and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

OTHER BUSINESS:

Mayor Drake said he received statistics comparing traffic on Highway 217 with other key roads in the metro area (I-5, I-205, US 26 and Oregon 99). He said Highway 217 received 114,000 cars per day; I-5 has 134,000 cars per day; and the other roads are in between the two. He said the amount of traffic that Highway 217 carries is significant.

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 9:13 p.m.

Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this day of , 2007.

Rob Drake, Mayor

1
2 Section 1: The Development Code, Ordinance No. 2050, Chapter 40, Applications,
3 Section 40.15.15.5 shall be amended to read as follows:
4 40.15.15.

5
6 ~~5. Preliminary Planned Unit Development.~~

7
8 ~~A. Threshold. A Preliminary Planned Unit Development (PUD)~~
9 ~~application is an optional application process which may be chosen by~~
10 ~~the applicant. A Preliminary PUD application is the first application~~
11 ~~of a two-step application process with a Final PUD application as the~~
12 ~~second step. A Preliminary PUD is a plan that generally demonstrates~~
13 ~~the ultimate development of a project. A Preliminary PUD may be~~
14 ~~applied to properties within any City zoning district except~~
15 ~~Residential Agricultural (RA).~~

16
17 ~~B. Procedure Type. The Type 3 procedure, as described in Section 50.45~~
18 ~~of this Code, shall apply to an application for Preliminary PUD. The~~
19 ~~decision making authority is the Planning Commission.~~

20
21 ~~C. Approval Criteria. In order to approve a Preliminary PUD application,~~
22 ~~the decision making authority shall make findings of fact based on~~
23 ~~evidence provided by the applicant demonstrating that all the~~
24 ~~following criteria are satisfied:~~

25
26 ~~1. The proposal satisfies the threshold requirements for a~~
27 ~~Preliminary PUD application.~~

28
29 ~~2. All City application fees related to the application under~~
30 ~~consideration by the decision making authority have been~~
31 ~~submitted.~~

32
33 ~~3. The proposal meets the Site Development Requirement for~~
34 ~~setbacks within the applicable zoning district for the perimeter~~
35 ~~of the parent parcel unless the setbacks are approved as an~~
36 ~~Adjustment, Flexible Setback or Variance which shall be~~
37 ~~considered concurrently with the subject proposal.~~

38
39 ~~4. The proposal will comply with the applicable policies of the~~
40 ~~Comprehensive Plan.~~

41
42 ~~5. The size, dimensions, configuration, and topography of the site~~
43 ~~and natural and man-made features on the site can reasonably~~
44 ~~accommodate the proposal.~~

1 40.15.15.5.C.

2
3 ~~6. The location, size, and functional characteristics of the proposal~~
4 ~~are such that it can be made reasonably compatible with and~~
5 ~~have a minimal impact on livability and appropriate~~
6 ~~development of properties in the surrounding area of the subject~~
7 ~~site.~~

8
9 ~~7. Lessening the Site Development Requirements results in~~
10 ~~benefits to the site, building, and structural design or~~
11 ~~preservation of natural features that could otherwise not be~~
12 ~~achieved.~~

13
14 ~~8. Applications and documents related to the request, which will~~
15 ~~require further City approval, shall be submitted to the City in~~
16 ~~the proper sequence.~~

17
18 ~~D. Submission Requirements. An application for a Preliminary PUD~~
19 ~~shall be made by the owner of the subject property, or the owner's~~
20 ~~authorized agent, on a form provided by the Director and shall be filed~~
21 ~~with the Director. The Preliminary PUD application shall be~~
22 ~~accompanied by the information required by the application form, and~~
23 ~~by Section 50.25 (Application Completeness), and any other~~
24 ~~information identified through a Pre-Application Conference.~~

25
26 ~~E. Conditions of Approval. The decision making authority may impose~~
27 ~~conditions on the approval of a Preliminary PUD application to ensure~~
28 ~~compliance with the approval criteria.~~

29
30 ~~F. Appeal of a Decision. Refer to Section 50.70.~~

31
32 ~~G. Expiration of a Decision. The decision shall expire two (2) years after~~
33 ~~of the date of decision. Refer to Section 50.90.~~

34
35 ~~H. Extension of a Decision. Refer to Section 50.93.~~

36 40.15.15.

37
38 ~~6. **Final Planned Unit Development**~~

39
40 ~~A. Threshold. A Final Planned Unit Development (PUD) application is~~
41 ~~the second application of a two step application process with a~~
42 ~~Preliminary PUD as the first step. A Final PUD application may also~~
43 ~~be a one step application process which is an alternative to the two~~
44 ~~step process required when an applicant chooses to apply for a~~
45 ~~Preliminary PUD. The option of a one step or two step process rests~~
46 ~~with the applicant. The requirements for a Final PUD may be applied~~
47 ~~to properties within any City zoning district except Residential-~~
48 ~~Agricultural.~~

EXHIBIT A

1
2 B. ~~Procedure Type.~~ The Type 3 procedure, as described in Section 50.45
3 of this Code, shall apply to an application for Final PUD approval. The
4 decision making authority is the Planning Commission.
5

6 C. ~~Approval Criteria.~~ In order to approve a Final PUD application, the
7 decision making authority shall make findings of fact based on
8 evidence provided by the applicant demonstrating that all the
9 following criteria are satisfied:
10

11 1. ~~The proposal satisfies the threshold requirements for a Final~~
12 ~~PUD application.~~

13
14 2. ~~All City application fees related to the application under~~
15 ~~consideration by the decision making authority have been~~
16 ~~submitted.~~

17
18 3. ~~If a Preliminary PUD has been approved, the Final PUD is filed~~
19 ~~within two (2) years or the Preliminary PUD has received an~~
20 ~~extension approval pursuant to Section 50.93 of this Code.~~

21
22 4. ~~The final PUD complies with the approved Preliminary PUD, if~~
23 ~~any.~~

24
25 5. ~~The proposal meets the Site Development Requirement for~~
26 ~~setbacks within the applicable zoning district for the perimeter~~
27 ~~of the parent parcel unless the setbacks are approved as an~~
28 ~~Adjustment, Flexible Setback or Variance which shall be~~
29 ~~considered concurrently with the subject proposal.~~

30
31 6. ~~The proposal complies with the applicable policies of the~~
32 ~~Comprehensive Plan.~~

33
34 7. ~~The size, dimensions, configuration, and topography of the site~~
35 ~~and natural and man made features on the site can reasonably~~
36 ~~accommodate the proposal.~~

37
38 8. ~~The location, size, and functional characteristics of the proposal~~
39 ~~are such that it can be made reasonably compatible with and~~
40 ~~have a minimal impact on livability and appropriate~~
41 ~~development of properties in the surrounding area of the subject~~
42 ~~site.~~

43
44 9. ~~The lessening of the Site Development Requirements results in~~
45 ~~benefits to the enhancement of site, building, and structural~~
46 ~~design or preservation of natural features.~~
47

EXHIBIT A

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

4
5 D. ~~Submission Requirements.~~ ~~An application for a Final PUD shall be~~
6 ~~made by the owner of the subject property, or the owner's authorized~~
7 ~~agent, on a form provided by the Director and shall be filed with the~~
8 ~~Director. The Final PUD application shall be accompanied by the~~
9 ~~information required by the application form, and by Section 50.25~~
10 ~~(Application Completeness), and any other information identified~~
11 ~~through a Pre-Application Conference.~~

12
13 E. ~~Conditions of Approval.~~ ~~The decision-making authority may impose~~
14 ~~conditions on the approval of a Final PUD application to ensure~~
15 ~~compliance with the approval criteria.~~

16
17 F. ~~Appeal of a Decision.~~ ~~Refer to Section 50.70.~~

18
19 G. ~~Expiration of a Decision.~~

20
21 1. ~~If the application proposes to develop the PUD in a single phase,~~
22 ~~the decision shall expire two (2) years after the date of decision.~~
23 ~~Refer to Section 50.90.~~

24
25 2. ~~If the application proposes to develop the PUD over multiple~~
26 ~~phases, the decision-making authority may approve a time~~
27 ~~schedule of not more than five (5) years for the multiple~~
28 ~~development phases. However, all PUD phases must commence~~
29 ~~construction within five (5) years of the date of decision of the~~
30 ~~Final PUD. Refer to Section 50.90.~~

31
32 H. ~~Extension of a Decision.~~ ~~Refer to Section 50.93.~~

Proposed Planned Unit Development Code

40.15.15.

5. Planned Unit Development

A. Threshold. A Planned Unit Development is an application process which may be chosen by the applicant when one or more of the following thresholds apply:

1. 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. 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. Minor Adjustment;
 - b. Major Adjustment;
 - c. Flexible Setback; or
 - d. Variance

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.

EXHIBIT A

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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. If a phased PUD has been approved, development of the future phases of the PUD are filed within two (2) years or the PUD has received an extension approval pursuant to Section 50.93 of this Code.
11. 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.

EXHIBIT A

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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. 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.

1. 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.

Section 2: The Development Code, Ordinance No. 2050, Chapter 60, Special Regulations, Section 60.35 shall be amended to read as follows:

60.35. PLANNED UNIT DEVELOPMENT [ORD 4224; August 2002]

60.35.05 Purpose. It is the purpose of these provisions to allow a planned unit development (PUD) in any City zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The planned unit development provisions are intended to encourage more creative approaches for developing land, while enhancing and preserving the value, spirit, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations. This is to be accomplished by:

- 1. Utilizing advances in technology and design.
2. Creating a comprehensive development plan which is equal to or better than that resulting from traditional lot by lot land development.
3. Employing design flexibility for locating structures, open spaces, circulation facilities, off street parking areas, and other improvements.
4. Retaining and protecting special topographic, natural, or environmentally sensitive features on the site.
5. Encouraging innovative design techniques.
6. Utilizing design flexibility afforded by the planned unit development provisions to improve compatibility of the development with surrounding properties and uses.
7. Change from specific site development requirement and combinations of uses is allowable, subject to the provisions of this Code.

60.35.10. Modification of Base Zoning Standards

1. Dimensional Standards

The dimensional standards for the applicable zoning district as listed in Chapter 20 may be modified through approval of a Planned Unit Development, except for the following situations:

- A. Required setbacks shall continue to apply to the parent parcel upon which the proposed PUD will be located.
B. The intersection standards in Section 60.55.50 shall continue to be satisfied.

1 ~~60.35.10.1.~~

2
3 ~~C. All building setbacks shall continue to meet applicable building and~~
4 ~~fire code requirements.~~

5
6 ~~D. Maximum building height standards may be increased up to twelve~~
7 ~~feet (12') when the applicable building setback distance along the~~
8 ~~perimeter of the parent parcel is increased at a ratio of 1.5 additional~~
9 ~~feet of setback for every foot of building height over the base zone~~
10 ~~standard for building height.~~

11
12 ~~2. Allowed Uses.~~

13
14 ~~A. Except as provided in Section 60.35.10.2.B. below, the uses in a PUD~~
15 ~~shall comply with the permitted and conditional use requirements of~~
16 ~~the base zoning district.~~

17
18 ~~B. Detached and attached dwellings shall be allowed in any PUD~~
19 ~~provided the overall residential density satisfies the applicable~~
20 ~~residential density provisions of this Code.~~

21
22 ~~C. In addition to the accessory uses and structures typical of the uses~~
23 ~~authorized in the subject zoning district in which the PUD is located,~~
24 ~~accessory uses approved as a part of a PUD may include the following:~~

25
26 ~~1. Private park, lake or waterway.~~

27
28 ~~2. Recreation area.~~

29
30 ~~3. Recreation building, clubhouse or social hall.~~

31
32 ~~4. Other accessory use or structure which the decision making~~
33 ~~authority finds is designed to serve primarily the residents of~~
34 ~~the PUD, and is compatible with the neighborhood and to the~~
35 ~~design of the PUD.~~

1 ~~60.35.15 Common Open Space.~~

2
3 1. ~~A PUD shall be required to provide common open space according to the~~
4 ~~following rates:~~

5
6 ~~A. Area equal to at least twenty percent (20%) of the subject site when the~~
7 ~~site is up to and including 10 acres in size. [ORD 4365; September~~
8 ~~2005]~~

9
10 ~~B. Area equal to at least fifteen percent (15%) of the subject site when the~~
11 ~~site is more than 10 acres and up to and including 50 acres in size.~~
12 ~~[ORD 4365; September 2005]~~

13
14 ~~C. An area equal to at least ten percent (10%) of the subject site when the~~
15 ~~site is more than 50 acres in size.~~

16
17 ~~2. Land required to be set aside as setbacks or buffers shall not be included in~~
18 ~~the calculation of required open space.~~

19
20 ~~3. Land shown on the final development plan as common open space, and~~
21 ~~landscaping and/or planting contained therein shall be permanently~~
22 ~~maintained by and conveyed to one of the following:~~

23
24 ~~A. An association of owners or tenants, created as a non-profit corporation~~
25 ~~under the laws of the state which shall adopt and impose articles of~~
26 ~~incorporation and bylaws and adopt and impose a declaration of~~
27 ~~covenants and restrictions on the common open space that is~~
28 ~~acceptable to the City Attorney as providing for the continuing care of~~
29 ~~the space. Such an association shall be formed and continued for the~~
30 ~~purpose of maintaining the common open space and shall provide for~~
31 ~~City intervention and the imposition of a lien against the entire~~
32 ~~planned unit development in the event the association fails to perform~~
33 ~~as required; or~~

34
35 ~~B. A public agency which agrees to maintain the common open space and~~
36 ~~any buildings, structures, or other improvements which have been~~
37 ~~placed on it.~~

60.35 PLANNED UNIT DEVELOPMENT

60.35.05 Purpose

It is the purpose of these provisions to allow a Planned Unit Development (PUD) in any City zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The PUD provisions are intended to encourage innovation and creative approaches for developing land while enhancing and preserving the value, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations. This is to be accomplished by using the following development and design principles:

1. Site design shall use the flexibility afforded by the planned unit development to:
 - A. Provide setbacks and buffering through landscape or building design abutting to existing development;
 - B. Cluster buildings to create open space and protect natural resources;
 - C. Provide for active recreation and passive open space;
 - D. Use resource efficient development and building practices that encourage innovative design techniques and construction practices that use energy saving technology;
2. Site design shall maximize the opportunities for diversified architecture and outdoor living environments that respond to the existing site context by exploring design flexibility for siting structures, open spaces, circulation facilities, off-street parking areas, streetscapes, resource conservation, and creation of other site improvements that facilitate efficient use of land and create a comprehensive development plan which is better than that resulting from traditional subdivision development;
3. Building architecture including detached residential, shall use innovative design that should consider the context of the existing built and natural environment. Buildings shall be architecturally detailed, and of a size and mass that contribute to a pedestrian-friendly streetscape, and respond to the natural features of the site. Cluster housing, such as Courtyard, Patio, or Cottage development, that groups buildings in areas to maximize open space and preserve significant cultural and natural resources is highly encouraged as are the use of sustainable building materials and practices. The orientation of buildings should promote human scaled and pedestrian friendly environments and maximize solar exposure for passive solar gain;
4. Open space should provide opportunities for active and/or passive recreation that includes preservation of natural and cultural resources. Good site design shall retain and protect special topographic, natural, and environmentally sensitive features and existing Significant Groves and Historical and Individual trees should be retained and protected. Understory and the use of native plant material and sustainable landscape practices are encouraged.

60.35.10 Modification of Base Zoning Standards

1. *Permitted Uses*

- A. The uses in a PUD shall comply with the permitted and conditional use requirements of the zoning district.
- B. Detached and attached dwellings may be allowed in a PUD provided the overall residential density satisfies the applicable residential density provisions of this Code.
- C. In addition to the accessory uses and structures typical in the zoning district in which the PUD is located, accessory uses approved as a part of a PUD may include, but are not limited to the following:
 - 1. Private or public park, lake or waterway;
 - 2. Recreation area;
 - 3. Recreation building, clubhouse or social hall; or
 - 4. Other accessory uses or structures which the Planning Commission finds are designed to serve primarily the residents of the PUD, and are compatible with the neighborhood and to the design of the PUD.

2. *Density and Lot Dimensions*

- A. Density and building scale shall relate to the surrounding neighborhood development and natural resources by providing massing and architectural compatibility with the surrounding neighborhood.
- B. Density Transfers
 - 1. A density transfer allows an equal transfer of dwelling units from one portion of the site to another. Density transfers are allowed for the following areas:
 - a. Area within a floodplain;
 - b. Area over twenty-five (25) percent slope;
 - c. Known landslide areas or areas shown to have potential for severe or moderate landslide hazard;
 - d. Area in designated resource areas including: significant tree groves, wetlands, riparian corridors, and their associated buffers;
 - e. Areas constrained by monitoring wells and similar areas dedicated to remediation of contaminated soils or ground water; and

- f. Areas similar to those in a-e above, as approved by the Planning Commission through the PUD process.

C. Single-Family Residential Lot Sizes

- 1. Minimum lot size shall be 50% of the designated base zone.
- 2. Maximum lot size shall be 150% of the designated base zone unless designated for a future phase. When the maximum density for the parent parcel has been achieved or a lot is greater than 150% of the base zone. An oversized lot(s) shall include a deed restriction to preclude unintended partitioning or subdividing of such lots in accordance with the requirements of the approved PUD.
- 3. Overall lot dimensions within the development plan shall not result in a lesser dwelling unit density than if the property in question were developed as a conventional design subdivision.

D. Lot Coverage

- 1. The following maximum lot coverage standards shall apply to all zones.
 - a. Single-Family Detached Houses – sixty (60) percent of lot area.
 - b. Single-Family Attached (Town homes) or row homes – Seventy (70) percent of lot area.
 - c. Duplexes and two-family attached houses – Sixty (60) percent of lot area.
 - d. Multi-family Housing - Sixty (60) percent of lot area.
- 2. Lot coverage may be increased by up to 10% by meeting the architectural requirements listed in the Development Bonus and Development Incentive Options described in section 60.35.25.

1 3. *Setbacks*

2
3 A. The dimensional standards for the applicable zoning district as listed in Chapter 20
4 may be modified through approval of a Planned Unit Development, except for the
5 following situations:

- 6
7 1. For proposed lots abutting the perimeter of the property, the required setbacks
8 shall comply with the standard front and rear setbacks of the parent parcel. Where
9 the side yard of the parent parcel abuts existing development the setback for new
10 development shall be no less than fifteen (15) feet. By meeting the Development
11 Bonus and Development Incentive Options in section 60.35.25 the setbacks of
12 proposed perimeter parcels may be reduced by up to ten (10) percent upon
13 approval of the Planning Commission.
14
15 2. Where standard modifications would not promote pedestrian or bicycle
16 connection to the street; support storm water management; or meet fire and
17 building codes.

18
19 B. Front Setbacks

20
21 Apply to all residential developments except lots along the perimeter which shall be
22 consistent with Section 60.35.10.3.A.1.

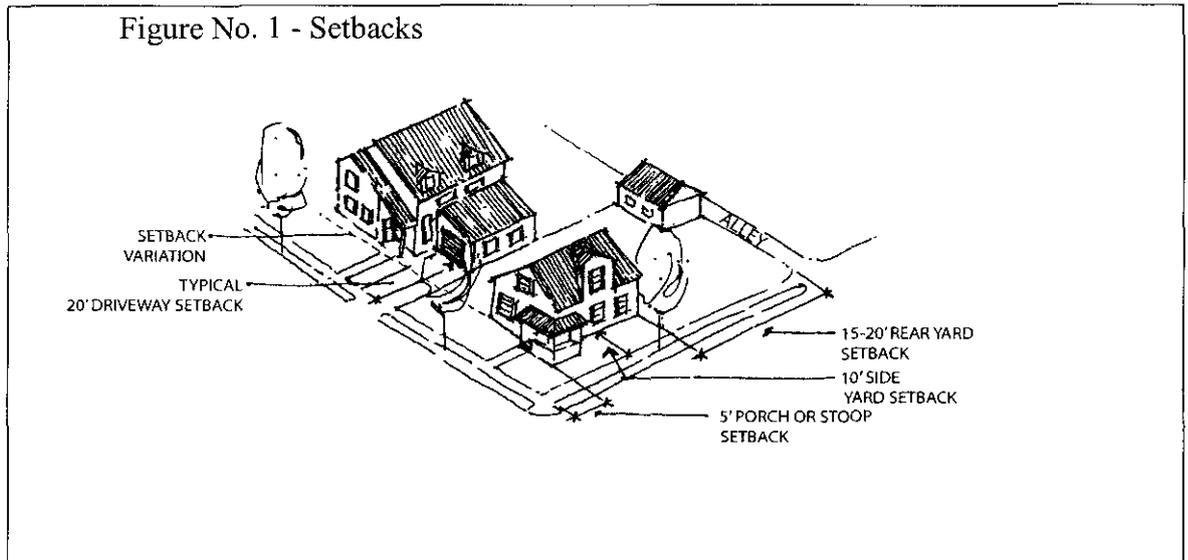
- 23
24 1. Proposed lots with front setbacks modified from the applicable zoning district,
25 and lots adjacent shall have staggered front yard setbacks in order to provide
26 diversity in the lot layout.
27
28 2. Front setbacks for a residential structure, excluding the garage where the garage
29 door faces the front property line, shall be a minimum of ten (10) feet. An
30 unenclosed porch or building stoop may be within five (5) feet of property line as
31 long as it does not encroach into a public utility easement.
32
33 3. All single-family attached and detached garages that face a public or private street
34 shall be setback a minimum of twenty (20) feet from property line. Attached and
35 detached garages shall be recessed a minimum of four (4) feet from the front of
36 the building, not including porches when facing a public or private street.
37 Garages and carports accessed from an alley shall be setback a minimum of five
38 (5) feet from rear building elevation. All other garage and carport entrances must
39 be recessed minimum of two (2) feet when building setback is at least twenty (20)
40 feet

41
42 C. Rear setbacks

- 43
44 1. Rear setbacks shall be the same as the designated zone for the parent
45 parcel for lots abutting the perimeter of the proposed development
46 excepting alley accessed lots for which rear setbacks may be reduced to 6
47 feet for alley-accessed lots.
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Figure No. 1 - Setbacks



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D. Side setbacks

1. Except for zero-lot line development, side setbacks shall be a minimum of four (4) feet on interior side yards, and ten (10) feet on street corner lots. All zero-lot line development shall have side yard setbacks of 10 feet on one side of the dwelling unit and no setback required on the opposite side.

60.35.15 Open space

Purpose

Open space shall provide opportunities for active and/or passive recreation and may include existing stands of trees, understory resource areas, and storm water facilities as outlined in this section. Active open space shall allow human activities including recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities. Open space may also be passive and include human activities limited to walking, running, and cycling, seating areas and wildlife viewing or natural areas such as a wetland.

1. A Planned Unit Development shall provide baseline open space of an area equal to at least twenty percent (20%) of the subject site.

2. Up to twenty (20) percent of the open space requirement may be dedicated to the following land uses:

A. Water quality facilities that have side slopes of 3:1 or less and do not require fencing per Clean Water Services (CWS) standards;

B. Environmentally sensitive areas including wetlands and any required buffers required by Clean Water Services or other regulatory body.

3. Standards

A. Open space shall be land that is available for the creation of active and/or passive areas, or resource areas that provide visible and accessible open space to the proposed community.

B. Open space shall be easily accessible physically or visually to all members of the planned community via a minimum thirty (30) foot street frontage or access easement;

C. No more than forty (40) percent of the gross land dedicated may have slopes greater than five (5) percent;

D. Open space areas shall have a dedicated meter and underground irrigation system to ensure adequate water supply during establishment period (3-years) and during periods of drought for all newly planted areas. Resource areas are exempt from this criterion.

E. For developments ten (10) acres or greater, at least twenty-five (25) percent of the total required open space area shall be active space or meet the commons criteria in this chapter.

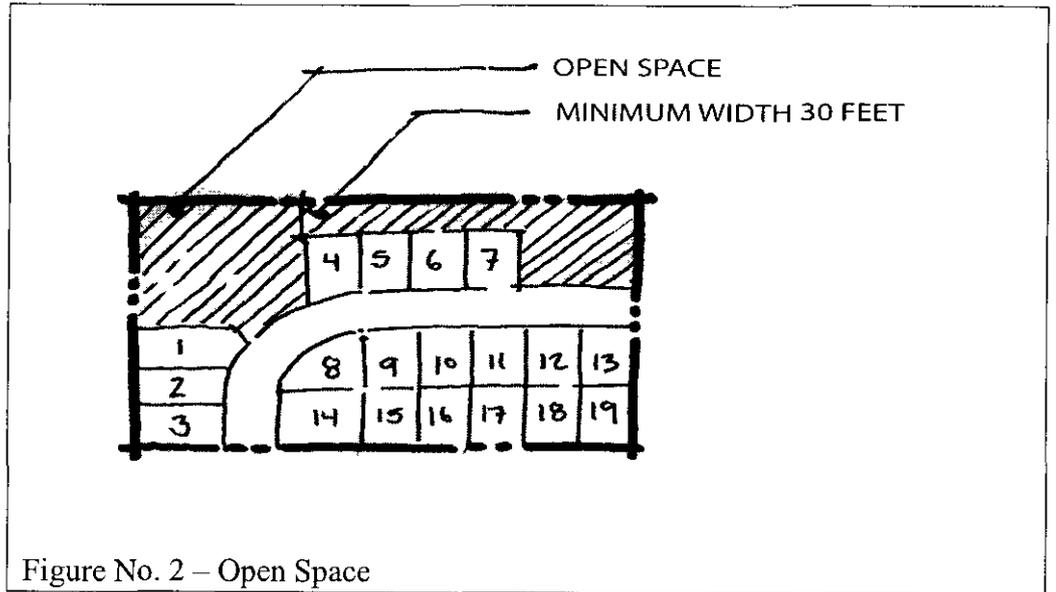
F. For the purpose of this Code, open space does not include:

1. Public or private streets;

EXHIBIT A

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2. Surface parking lots or paved areas not designated for active or passive recreation;
3. Private lots and buildings; including setbacks, or landscape buffers;
4. Vehicular access driveways or maneuvering areas.



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Figure No. 2 – Open Space

Commons Area

A “Commons area” within the dedicated open space is required for residential developments that have ten (10) units or more. One designated space shall be provided as an accessible commons area that may be a gathering spot, play area, overlook or any other outdoor area given special consideration and may consist of active, passive, or both uses. The Commons area shall be accessible to all lots and meet the following criteria:

1. One hundred fifty (150) square feet for each unit containing 500 or less square feet of gross floor area.
2. Two hundred fifty (250) square feet for each unit containing more than 500 square feet and up to 2000 square feet of gross floor area.
3. Three hundred fifty (350) square feet for each unit containing more than 2000 square feet of gross floor area.
4. A Commons area shall be no smaller than the average minimum lot size and shall have minimum width 40 feet.
5. A Commons area may abut a collector or greater classified street as identified in the City’s adopted Functional Classification Plan, when separated from the street by a constructed barrier, such as a fence or wall, at least three (3) feet in height.
6. One Commons area shall be provided for every fifty (50) units in single-family developments and every one-hundred (100) units for multi-family developments.
7. A Commons shall include physical improvements to enhance the commons area such that from the following list, the items chosen must total 500 or more points. Other improvements may be approved by the Planning Commission:

Amenity	Points
A bench or other seating with a pathway or other pedestrian way	100
A gazebo or similar gathering area.	150
Plazas that serve as gathering places with benches	150
Picnic Area or outdoor eating facility	150
Playground equipment	200
Tennis and/or sport court (e.g. Basketball, Volleyball, Paddle Tennis)	200
Dedicated Basketball, Volleyball, or other sport use area.	200
Water feature.	250
Water feature with wading area	300
Water feature Combined with a 750 square foot gathering area.	350
Indoor or outdoor swimming pool with clubhouse.	500
Indoor Clubhouse or meeting facility	500
Other (Improvements not included on this list as approved by the Planning Commission	100-500

1

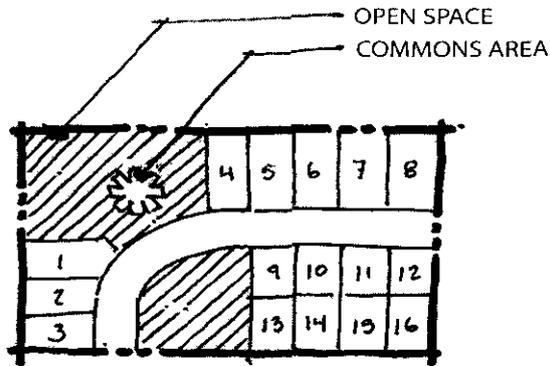


Figure No. 3 – Commons Area

4. *Maintenance and Ownership*

Land shown on the final development plan as common open space, and landscaping and/or planting contained therein shall be permanently maintained by and conveyed to one of the following:

- A. An association of owners or tenants, created as a non-profit corporation under the laws of the state (ORS 94.572) which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Attorney as providing for the continuing care of the space. Any subsequent changes to such CC&R's regarding open space must be approved by the City Attorney. Such an association shall be formed and continued for the purpose of maintaining the common open space and shall provide for City intervention and the imposition of a lien against the entire planned unit development in the event the association fails to perform as required; or
- B. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.
- C. Dedicated open space and commons areas shall be protected by Covenants (CC&Rs) or deed restriction to prevent any future commercial, industrial, or residential development.

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1 **60.35.20 Building Architecture**

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3 1. *Purpose*

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5 This section applies to development which is not subject to Section 60.05, Design
6 Review, of this code.

7
8 The following architectural standards are intended to promote innovative design that
9 considers the context of the existing built and natural environment. Buildings shall be
10 detailed, human-scale, and respond to the natural features of the site. Cluster housing or
11 grouping buildings in areas to maximize open space and preserve significant cultural and
12 natural resources is highly encouraged along with the use of sustainable building
13 materials and practices. Building shall be oriented to the street or other public spaces
14 such as parks, plazas, courtyards and open commons when served by an alley. This
15 building architecture section also offers applicable Development Bonuses and
16 Development Incentive Options in Section 60.35.30

17
18 2. *Building Orientation*

19
20 Buildings shall be oriented to the street or other public spaces such as parks, plazas,
21 courtyards and open commons when served by an alley. The orientation of buildings
22 shall promote environments that encourage walking, social interaction, and safety.

- 23
24 A. Exceptions to this standard may be allowed by the Planning Commission where access,
25 topography, and natural resources prohibit the orientation of buildings to the street or
26 other public open spaces.
- 27
28 B. In all cases buildings and or private lots shall be served by or have direct access to
29 sidewalks or paths that connect to a private or public street/sidewalk system.
- 30
31 C. Garages with rear alley access or garages located in the rear of the lot with shared
32 driveways are encouraged.
- 33
34 D. All buildings shall have their primary entrance to a street or publicly accessible sidewalk
35 where buildings face public parks, common areas or open space.
- 36
37 E. All primary entrances shall be covered or recessed with a minimum depth of three (3)
38 feet deep and five (5) feet wide.

39
40 3. *Building Heights*

41
42 Buildings shall be to scale with similar types of existing structures on adjacent properties.
43 This can be accomplished by utilizing graduated building heights which offer a transition
44 between single-story residential development and multiple-story residential.

EXHIBIT A

- 1 A. Maximum building height standards may be increased up to twelve feet (12')
2 when the applicable building setback distance along the perimeter of the parent
3 parcel is increased at a ratio of 1.5 additional feet of setback for every foot of
4 building height over the base zone standard for building height.

5
6 4. *Architectural Standards*

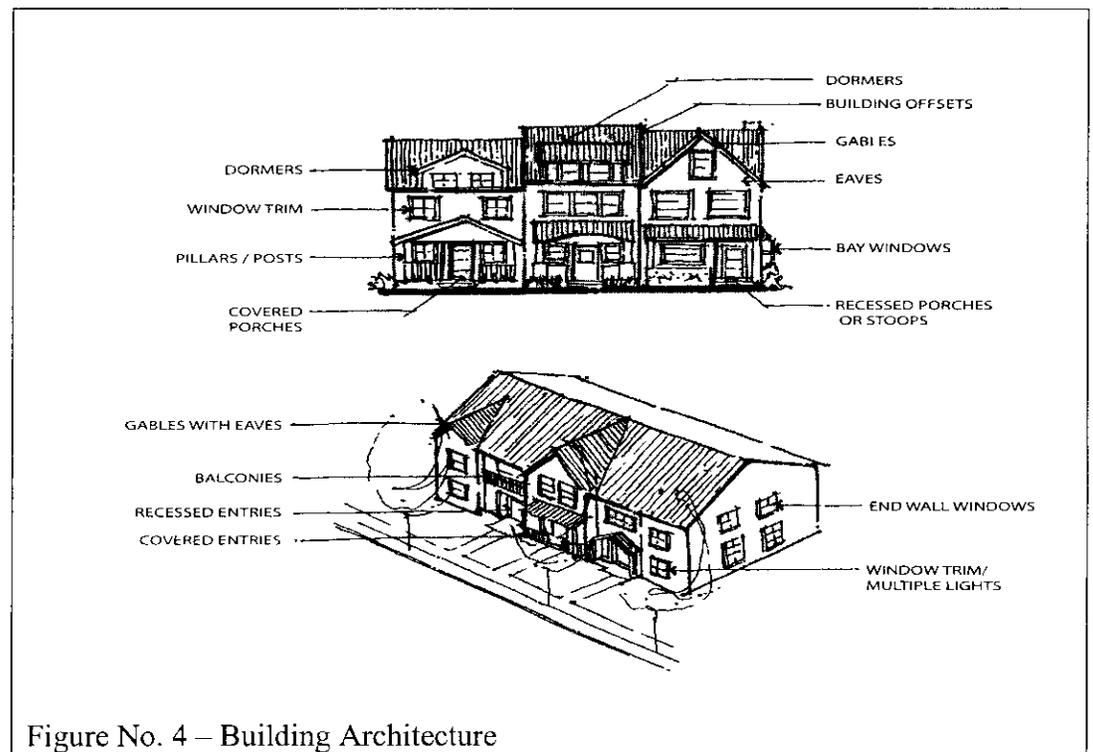
7
8 Architectural standards are intended to promote quality design and detail that promote
9 innovation and creativity that allows for a variety of building styles and types. All
10 buildings shall adhere to these standards. Graphics are provided as an example of how
11 standards apply.

12
13 The following standards apply to all single-family developments proposed through the
14 PUD process.

- 15
16 A. Building scale and massing shall complement surrounding uses by complying
17 with the provisions in this Code and meeting the following criteria for residential
18 development.
- 19
20 B. Attached dwellings shall maintain similar architectural character as detached
21 dwellings when part of the same development.
- 22
23 C. All detached residential structures shall include design elements that provide
24 building articulation, continuity of form and variety. Architecture should avoid
25 long expanses of uninterrupted building surfaces. Buildings shall incorporate at
26 least four (4) of the following elements:
- 27
28 1. Balconies, window reveals, canopies, awnings, and covered patios,
29 porches or entrances;
- 30
31 2. Offsets in roof elevations of two (2) feet or greater;
- 32
33 3. Bay windows extending out from the building face that reflect an
34 internal space such as a room or alcove;
- 35
36 4. Individual windows in upper stories that are approximately the size
37 and proportion of a traditional window;
- 38
39 5. Staggered windows that do not align with windows on adjacent
40 properties and minimize the impact of windows in living spaces that
41 may infringe on the privacy of adjacent residents;
- 42
43 6. Windows with trim or molding that appears substantial from the
44 sidewalk;
- 45

EXHIBIT A

7. Windows that are separated from adjacent windows by a vertical element;
8. Windows grouped together to form larger areas of glazing, if individual window units are separated by moldings or jambs;
9. Windows with multiple panes of glass;
10. Window patterns, building articulation and other treatments that help to identify individual residential units in a multi-family building
11. Dormers;
12. Decorative structural accents such as kneebrackets or corbels, widow walks, turrets, hooded windows, pinnacles and pendants, pillars or posts, board and batten, or other architectural vernacular style common to the Pacific Northwest; or
13. An alternative feature approved by the Planning Commission



- D. All building elevations facing a street or public space shall have windows, doors, porches and/or balconies. Front yard building elevations shall have a minimum of fifty (50) percent, and rear facing elevations shall have minimum of thirty (30) percent windows, person doors, porches and/or balconies. Side elevations facing an interior lot line shall have a minimum of fifteen (15) percent windows, person doors, porches and/or balconies. Side elevations facing a public or private street shall have twenty five (25)

percent windows, person doors, porches and/or balconies. Building elevation is measured as the horizontal plane between the lowest plate line and the highest plate line of any full or partial building story containing doors, porches, balconies, terraces and/or windows.

- 3. Alternative building design may reflect modern building form and style. These styles may have less detail or ornamentation but shall have demonstrated successful use of materials and form, and a cohesive architectural style and be approved by the Planning Commission.

60.35.30 Development Bonuses and Development Incentive Options

Purpose

The PUD also offers the applicant additional standards which can be met as incentives to promote more creative and innovative approaches to site design and infrastructure. The Development Incentive Options are not required; an applicant may choose to meet the standard provisions and requirements of the PUD code. The Development Incentive Options are intended to promote a wide variety of creative and sustainable design practices that better integrate site design, building architecture, and open space with the existing built and natural environment and lead to exceptional community building in the City of Beaverton. Development Incentive Options shall also consider the form and function of the physical improvements and their relationship to each other and the existing environment. Development plans that meet selected Development Incentive

Options chosen by the applicant may take advantage of one or both:

- Reduced open space requirements;
- Setback reduction of the parent parcel.

Development Incentive bonuses are described below and quantify the flexibility and options that the developer may use to obtain additional flexibility in open space requirements and setback reductions. Approval of the Development Incentive Options and the additional development flexibility allowed are at the discretion of the Planning Commission. In all cases the total incentives may not reduce open space by more than sixty (60) percent of the open space as required in Section 60.35.15.

The following Development Bonuses and Incentive Options are intended to provide design flexibility.

60.35.40 Allowed Development Bonuses

Site plans that meet selected Development Incentive Options chosen by the applicant may take advantage of one or a combination of the following *Development Bonuses*:

- 1. Decrease open space area requirement by using a combination of Development Incentive Options up to a maximum of fifty (50) percent of that required by the PUD standard open space requirements;
- 2. Reduce front and rear setbacks of parent parcel up to ten (10) percent within the perimeter of the PUD.

60.35.50 Development Incentive Options

1. Open Space Development Incentive Options = Twenty (20) Percent Open Space Reduction

Up to a twenty (20) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by conforming to the open space options listed below. The Planning Commission may consider other improvements in addition to those listed that offer a similar level of quality and continuity in the proposed open space:

- a. *Active Recreation* – Twenty-five (25) percent of open space (beyond a commons area) is usable for active recreation, such as: play structures, picnic areas, or sports field; or
- b. *View Preservation* – Open space is sited such that a view corridor of a significant natural vista is preserved for the community at large, such as views into Significant Tree Groves or Significant Natural Resource Areas.

2. Architectural Development Incentive Options = Decrease in Open Space, Front and Rear Setbacks

The following architectural incentives that promote sustainable building practices and architectural detail that promotes high quality design and character. A decrease of up to a maximum of twenty (20) percent of the required open space or front and rear setbacks of the parent parcel at the discretion of the Planning Commission, where the applicant’s site plan and proposed architecture meet one of the following incentives:

- A. Develop lots such that 90% meet solar access requirement (60.45.05) for a ten (10) percent decrease in open space.
- B. Install a ‘Greenroof’ or Ecoroof on 100 percent of the roof area of twenty (20) percent of the detached dwellings or 20 percent of the total roof area for attached dwellings, multifamily dwellings, commercial, or industrial buildings for a ten (10) percent decrease in the required open space.

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C. Up to ten (10) percent reduction in front and rear parent parcel setbacks as approved by the Planning Commission may be achieved by developing cluster housing that preserves and increases open space by twenty (20) percent above baseline requirement.

3. *Affordable Housing Development Incentive Options = Decrease in Open Space*

Up to a fifty (50) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by development of ten (10) percent of the units as affordable housing. Up to a sixty (60) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by development of twenty (20) percent of the units as affordable housing.

Affordable housing is defined as housing affordable to households earning up to 100 percent of the median household income in Washington County, or less as adjusted for family size as determined by the U.S. Department of Housing and Urban Development (HUD). Housing prices and/or rents shall be limited to that level through deed restriction for up to thirty (30) years. Approval of the affordable housing Development Incentive Option shall be subject to a developer identifying and contracting with a public, or private housing agency that will administer the housing affordability guarantee.

1 Section 3: The Development Code, Ordinance No. 2050, Chapter 90, Definitions,
2 Section 40.15.15.5 shall be amended to read as follows:
3

4 **Chapter 90**

5
6
7 **Active Space** - Active space is an area which requires intensive development and
8 often includes playgrounds and ball fields.
9

10 **Cluster Housing** Detached dwelling units located within a Planned Unit
11 Development where detached housing is located in close proximity to each other
12 and share common open space including recreation areas and parking.

13 **Green Roof** A Green Roof consists of vegetation and soil, or a growing
14 medium, planted over a waterproofing membrane. Additional layers, such as a root
15 barrier and drainage and irrigation systems may also be included.

16 **Sustainable Building Practices** - Land preparation, materials selection, life-cycle of the
17 building (construction, operation and maintenance, demolition). Sustainable building includes
18 such practices as redevelopment of inefficiently designed or environmentally damaged sites; job-
19 site recycling of construction materials; native vegetation landscapes; stream and wetland
20 protection and restoration; natural drainage; energy and water efficiency; low toxicity materials;
21 recycled materials; reduced use of land and materials; and design for re-use.

22 **Sustainable Landscape Practices** Landscape maintenance and design that limits the use
23 of herbicides, fertilizers, and pesticides by planting native plants and appropriate ornamentals
24 and uses METRO certified composted mulch to amend soils and mulch plant beds. These
25 practices naturally fertilize the soil and reduce irrigation and fertilizer needs by creating healthy
26 soils. Sustainable landscape practices also include the concept of creating multi-functional
27 landscapes that can serve various purposes. For example an area may be designed to manage
28 runoff, provide screening, wind protection habitat, and serve active open space use.
29

EXHIBIT A

1 **Section 4: The Development Code, Ordinance No. 2050, Chapter 20, Land Uses,**
2 **Section 20.05.25 shall be amended to read as follows:**

3
4
5
6 *****

7 **20.05.25. Urban Medium Density (R4) District [ORD 4047; May 1999]**

8
9 1. **Purpose.** The purpose of this zone is to allow up to one principal and one
10 accessory dwelling per lot of record as permitted uses. In addition, two
11 attached dwellings may be allowed per lot of record subject to a Conditional
12 Use. Three or more attached dwellings may be permitted pursuant to ~~Final~~
13 Planned Unit Development approval. The R4 district establishes medium
14 urban density residential home sites where a minimum land area of 4,000
15 square feet is available for each principal dwelling unit, and where full urban
16 services are provided. [ORD 4224; August 2002]

17
18 *****

19 **20.05.25**

20
21 B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

22
23 *****

24
25 2. Three or more attached dwellings subject to approval of a ~~Final~~
26 Planned Unit Development. [ORD 4224; August 2002]

27 *****
28
29
30
31

Section 4: The Development Code, Ordinance No. 2050, Chapter 20, Land Uses,
 Section 20.05.25 shall be amended to read as follows:

20.05 Residential Land Use Districts

20.05.25.50. Site Development Standards

20.20.50.A.5.

SA-MU SA-MDR

D. Maximum Floor Area Ratio (FAR) not not
 for residential developments specified specified

E. Projects may use the ~~Final~~ Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used. [ORD 4332; November 2004]

20.20.50.A.5.

SA-MU SA-MDR

D. Maximum Floor Area Ratio (FAR) not not
 for residential developments specified specified

E. Projects may use the ~~Final~~ Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used. [ORD 4332;

1 **Section 5: The Development Code, Ordinance No. 2050, Chapter 50, Procedures,**
2 **Section 50. shall be amended to read as follows:**

3
4
5 *****

6 **50.90. Expiration of a Decision**

7
8 *****

9 ~~Final Planned Unit Development (40.15.15.6) when there is no phasing to the~~
10 ~~development~~

11 *****

12 Preliminary Planned Unit Development (40.15.15.5)

13

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: TA 2006-0003 (PUD Text Amendment)

FOR AGENDA OF: 03-05-07 **BILL NO:** 07052

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD



DATE SUBMITTED: 02-23-07

CLEARANCES: City Attorney 
Dev. Serv. 

PROCEEDING: First Reading

- EXHIBITS:**
1. Ordinance
 2. Land Use Order No. 1941
 3. Draft PC Minutes Dated 02-07-07
 4. Staff Memo Dated 02-10-07

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

On June 14, 2006, the Planning Commission held the first of a series of public hearings to consider TA 2006-0003 (Planned Unit Development (PUD) Text Amendment) that proposes to amend Development Code Chapter 40 (Applications) Section 40.15.15, Planned Unit Developments; Chapter 60 (Special Regulations) Section 60.35, Planned Unit Developments; and Chapter 90 (Definitions) of the Beaverton Development Code currently effective through Ordinance 4414 (January 2007). The Planning Commission held additional public hearings on July 26 and August 23, 2006, which concluded with the Planning Commission voting 6-1 to recommend approval of the proposed PUD Text Amendment, as memorialized in Land Use Order No. 1902. On November 13, 2007, the City Council held a work session for TA 2006-0003 (PUD Text Amendment) at which the Council agreed to remand the proposed text amendment to the Planning Commission to address a series of issues and questions. The Planning Commission considered each of the issues at a public hearing conducted on February 7, 2007. Following the close of the public hearing on February 7, 2007, the Planning Commission voted 6-0 (San Soucie absent) to recommend approval of the proposed PUD Text Amendment, as amended and memorialized in Land Use Order No. 1941.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed text amended by the Planning Commission to reflect deliberation of the issues remanded by Council, Land Use Order No. 1941, draft Planning Commission meeting minutes from January 17, 2007, and staff memo dated January 10, 2007. The original PC materials before the Council remand were distributed to the Council in Agenda Bill No. 06194.

RECOMMENDED ACTION:

Staff recommends the City Council approve the recommendation of the Planning Commission for TA 2006-0003 (PUD Text Amendment) as set forth in Land Use Order No. 1941. Staff further recommends the Council conduct a First Reading of the attached ordinance.

ORDINANCE NO. 4430

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTERS:
40, 60, and 90;
TA 2006-0003 (PUD Text Amendment).

WHEREAS, the purpose of the Planned Unit Development (PUD) Text Amendment is to create standards that protect and improve the quality of development in Beaverton and to encourage innovative development through the use of incentive regulations. The PUD Amendment proposes to amend the PUD regulations contained in Chapter 40, Chapter 60, and Chapter 90 Definitions of the Beaverton Development Code; and

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on May 5, 2006, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on June 14, 2006; and

WHEREAS, the Planning Commission held the first of three public hearings on June 14, July 26, and August 23, 2006 and approved the proposed PUD Development Code Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated July 7, 2006, staff memos dated July 21, and August 17, 2006, and as amended at the hearings; and

WHEREAS, on February 7, 2007, the Planning Commission conducted a public hearing to review issues remanded to the Planning Commission from the City Council for further consideration at the conclusion of which the Planning Commission voted to recommend the Beaverton City Council adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1941; and

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0003 (PUD Text Amendment) following the issuance of the Planning Commission Land Use Order No. 1941; and

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1941 dated February 12, 2007 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4414, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance, which are not expressly amended or replaced herein, shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability, or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this ____ day of _____, 2007.

Passed by the Council this ____ day of _____, 2007.

Approved by the Mayor this ____ day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

1
2 **Section 1:** The Development Code, Ordinance No. 2050, Chapter 40, Applications,
3 **Section 40.15.15.5** shall be amended to read as follows:
4 **40.15.15.**

5
6 ~~5. Preliminary Planned Unit Development.~~

7
8 ~~A. Threshold. A Preliminary Planned Unit Development (PUD)~~
9 ~~application is an optional application process which may be chosen by~~
10 ~~the applicant. A Preliminary PUD application is the first application~~
11 ~~of a two-step application process with a Final PUD application as the~~
12 ~~second step. A Preliminary PUD is a plan that generally demonstrates~~
13 ~~the ultimate development of a project. A Preliminary PUD may be~~
14 ~~applied to properties within any City zoning district except~~
15 ~~Residential Agricultural (RA).~~

16
17 ~~B. Procedure Type. The Type 3 procedure, as described in Section 50.45~~
18 ~~of this Code, shall apply to an application for Preliminary PUD. The~~
19 ~~decision making authority is the Planning Commission.~~

20
21 ~~C. Approval Criteria. In order to approve a Preliminary PUD application,~~
22 ~~the decision making authority shall make findings of fact based on~~
23 ~~evidence provided by the applicant demonstrating that all the~~
24 ~~following criteria are satisfied:~~

25
26 ~~1. The proposal satisfies the threshold requirements for a~~
27 ~~Preliminary PUD application.~~

28
29 ~~2. All City application fees related to the application under~~
30 ~~consideration by the decision making authority have been~~
31 ~~submitted.~~

32
33 ~~3. The proposal meets the Site Development Requirement for~~
34 ~~setbacks within the applicable zoning district for the perimeter~~
35 ~~of the parent parcel unless the setbacks are approved as an~~
36 ~~Adjustment, Flexible Setback or Variance which shall be~~
37 ~~considered concurrently with the subject proposal.~~

38
39 ~~4. The proposal will comply with the applicable policies of the~~
40 ~~Comprehensive Plan.~~

41
42 ~~5. The size, dimensions, configuration, and topography of the site~~
43 ~~and natural and man-made features on the site can reasonably~~
44 ~~accommodate the proposal.~~

1 40.15.15.5.C.
2

3 ~~6. The location, size, and functional characteristics of the proposal~~
4 ~~are such that it can be made reasonably compatible with and~~
5 ~~have a minimal impact on livability and appropriate~~
6 ~~development of properties in the surrounding area of the subject~~
7 ~~site.~~

8
9 ~~7. Lessening the Site Development Requirements results in~~
10 ~~benefits to the site, building, and structural design or~~
11 ~~preservation of natural features that could otherwise not be~~
12 ~~achieved.~~

13
14 ~~8. Applications and documents related to the request, which will~~
15 ~~require further City approval, shall be submitted to the City in~~
16 ~~the proper sequence.~~

17
18 ~~D. Submission Requirements. An application for a Preliminary PUD~~
19 ~~shall be made by the owner of the subject property, or the owner's~~
20 ~~authorized agent, on a form provided by the Director and shall be filed~~
21 ~~with the Director. The Preliminary PUD application shall be~~
22 ~~accompanied by the information required by the application form, and~~
23 ~~by Section 50.25 (Application Completeness), and any other~~
24 ~~information identified through a Pre Application Conference.~~

25
26 ~~E. Conditions of Approval. The decision making authority may impose~~
27 ~~conditions on the approval of a Preliminary PUD application to ensure~~
28 ~~compliance with the approval criteria.~~

29
30 ~~F. Appeal of a Decision. Refer to Section 50.70.~~

31
32 ~~G. Expiration of a Decision. The decision shall expire two (2) years after~~
33 ~~of the date of decision. Refer to Section 50.90.~~

34
35 ~~H. Extension of a Decision. Refer to Section 50.93.~~

36 40.15.15.
37

38 ~~6. **Final Planned Unit Development**~~

39
40 ~~A. Threshold. A Final Planned Unit Development (PUD) application is~~
41 ~~the second application of a two-step application process with a~~
42 ~~Preliminary PUD as the first step. A Final PUD application may also~~
43 ~~be a one-step application process which is an alternative to the two-~~
44 ~~step process required when an applicant chooses to apply for a~~
45 ~~Preliminary PUD. The option of a one-step or two-step process rests~~
46 ~~with the applicant. The requirements for a Final PUD may be applied~~
47 ~~to properties within any City zoning district except Residential-~~
48 ~~Agricultural.~~

EXHIBIT A

1
2 ~~B. Procedure Type. The Type 3 procedure, as described in Section 50.45~~
3 ~~of this Code, shall apply to an application for Final PUD approval. The~~
4 ~~decision making authority is the Planning Commission.~~

5
6 ~~C. Approval Criteria. In order to approve a Final PUD application, the~~
7 ~~decision making authority shall make findings of fact based on~~
8 ~~evidence provided by the applicant demonstrating that all the~~
9 ~~following criteria are satisfied:~~

10
11 ~~1. The proposal satisfies the threshold requirements for a Final~~
12 ~~PUD application.~~

13
14 ~~2. All City application fees related to the application under~~
15 ~~consideration by the decision making authority have been~~
16 ~~submitted.~~

17
18 ~~3. If a Preliminary PUD has been approved, the Final PUD is filed~~
19 ~~within two (2) years or the Preliminary PUD has received an~~
20 ~~extension approval pursuant to Section 50.93 of this Code.~~

21
22 ~~4. The final PUD complies with the approved Preliminary PUD, if~~
23 ~~any.~~

24
25 ~~5. The proposal meets the Site Development Requirement for~~
26 ~~setbacks within the applicable zoning district for the perimeter~~
27 ~~of the parent parcel unless the setbacks are approved as an~~
28 ~~Adjustment, Flexible Setback or Variance which shall be~~
29 ~~considered concurrently with the subject proposal.~~

30
31 ~~6. The proposal complies with the applicable policies of the~~
32 ~~Comprehensive Plan.~~

33
34 ~~7. The size, dimensions, configuration, and topography of the site~~
35 ~~and natural and man-made features on the site can reasonably~~
36 ~~accommodate the proposal.~~

37
38 ~~8. The location, size, and functional characteristics of the proposal~~
39 ~~are such that it can be made reasonably compatible with and~~
40 ~~have a minimal impact on livability and appropriate~~
41 ~~development of properties in the surrounding area of the subject~~
42 ~~site.~~

43
44 ~~9. The lessening of the Site Development Requirements results in~~
45 ~~benefits to the enhancement of site, building, and structural~~
46 ~~design or preservation of natural features.~~

EXHIBIT A

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

4
5 D. ~~Submission Requirements.~~ ~~An application for a Final PUD shall be~~
6 ~~made by the owner of the subject property, or the owner's authorized~~
7 ~~agent, on a form provided by the Director and shall be filed with the~~
8 ~~Director. The Final PUD application shall be accompanied by the~~
9 ~~information required by the application form, and by Section 50.25~~
10 ~~(Application Completeness), and any other information identified~~
11 ~~through a Pre Application Conference.~~

12
13 E. ~~Conditions of Approval.~~ ~~The decision making authority may impose~~
14 ~~conditions on the approval of a Final PUD application to ensure~~
15 ~~compliance with the approval criteria.~~

16
17 F. ~~Appeal of a Decision.~~ ~~Refer to Section 50.70.~~

18
19 G. ~~Expiration of a Decision.~~

20
21 1. ~~If the application proposes to develop the PUD in a single phase,~~
22 ~~the decision shall expire two (2) years after the date of decision.~~
23 ~~Refer to Section 50.90.~~

24
25 2. ~~If the application proposes to develop the PUD over multiple~~
26 ~~phases, the decision making authority may approve a time~~
27 ~~schedule of not more than five (5) years for the multiple~~
28 ~~development phases. However, all PUD phases must commence~~
29 ~~construction within five (5) years of the date of decision of the~~
30 ~~Final PUD. Refer to Section 50.90.~~

31
32 H. ~~Extension of a Decision.~~ ~~Refer to Section 50.93.~~

1 Proposed Planned Unit Development Code

2
3 40.15.15.

4
5 **5. Planned Unit Development**

6
7 A. Threshold. A Planned Unit Development is an application process which
8 may be chosen by the applicant when one or more of the following
9 thresholds apply:

- 10
- 11 1. The Planned Unit Development (PUD) may be applied to Commercial,
- 12 Industrial, Multiple Use, and Residential properties that are 2 acres or
- 13 greater in size within any City zoning district except Residential-
- 14 Agricultural.
- 15
- 16 2. When a land division of 2 acres or greater in size within any City zoning
- 17 district except Residential-Agricultural requires collectively more than
- 18 3 of the following land use applications or combination thereof:
- 19 a. Minor Adjustment;
- 20 b. Major Adjustment;
- 21 c. Flexible Setback; or
- 22 d. Variance
- 23

24 B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of
25 this Code, shall apply to an application for PUD approval. The decision
26 making authority is the Planning Commission.

27
28 C. Approval Criteria. In order to approve a PUD application, the Planning
29 Commission shall make findings of fact based on evidence provided by the
30 applicant demonstrating that all the following criteria are satisfied:

- 31
- 32 1. The proposal satisfies the threshold requirements for a PUD
- 33 application.
- 34
- 35 2. All City application fees related to the application under consideration
- 36 by the decision making authority have been submitted.
- 37
- 38 3. The proposal meets the Site Development Requirement for setbacks
- 39 within the applicable zoning district for the perimeter of the parent
- 40 parcel unless otherwise provided by Section 60.35.03.
- 41
- 42 4. The proposal complies with the applicable policies of the
- 43 Comprehensive Plan.
- 44
- 45 5. The size, dimensions, configuration, and topography of the site and
- 46 natural and man-made features on the site can reasonably
- 47 accommodate the proposal.

EXHIBIT A

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

EXHIBIT A

1 D. Submission Requirements. An application for a PUD shall be made by the
2 owner of the subject property, or the owner's authorized agent, on a form
3 provided by the Director and shall be filed with the Director. The PUD
4 application shall be accompanied by the information required by the
5 application form, and by Section 50.25 (Application Completeness), and
6 any other information identified through a Pre-Application Conference.
7

8 E. Conditions of Approval. The decision making authority may impose
9 conditions on the approval of a PUD application to ensure compliance
10 with the approval criteria.
11

12 F. If the application proposes to develop the PUD in a single phase, the
13 decision shall expire two (2) years after the date of decision. Refer to
14 Section 50.90.
15

16 Phasing of the development may be permitted with approval of the
17 Planning Commission. A deed restriction for those areas of the parent
18 parcel in which deferred development will occur shall limit the number of
19 future units developed to an amount consistent with the minimum and
20 maximum density or Floor Area Ratio (FAR) permitted for the overall
21 development.
22

23
24 G. Appeal of a Decision. Refer to Section 50.70.
25

26 H. Expiration of a Decision.
27

28 1. The PUD decision shall expire five (5) years after the date of decision.
29 Refer to Section 50.90.
30

31 I. Extension of a Decision. Refer to Section 50.93.
32

Section 2: The Development Code, Ordinance No. 2050, Chapter 60, Special Regulations, Section 60.35 shall be amended to read as follows:

60.35. PLANNED UNIT DEVELOPMENT [ORD 4224; August 2002]

~~60.35.05 Purpose. It is the purpose of these provisions to allow a planned unit development (PUD) in any City zoning district except Residential-Agricultural (R A). Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The planned unit development provisions are intended to encourage more creative approaches for developing land, while enhancing and preserving the value, spirit, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations. This is to be accomplished by:~~

- ~~1. Utilizing advances in technology and design.~~
- ~~2. Creating a comprehensive development plan which is equal to or better than that resulting from traditional lot by lot land development.~~
- ~~3. Employing design flexibility for locating structures, open spaces, circulation facilities, off street parking areas, and other improvements.~~
- ~~4. Retaining and protecting special topographic, natural, or environmentally sensitive features on the site.~~
- ~~5. Encouraging innovative design techniques.~~
- ~~6. Utilizing design flexibility afforded by the planned unit development provisions to improve compatibility of the development with surrounding properties and uses.~~
- ~~7. Change from specific site development requirement and combinations of uses is allowable, subject to the provisions of this Code.~~

~~60.35.10. Modification of Base Zoning Standards~~

~~1. Dimensional Standards~~

~~The dimensional standards for the applicable zoning district as listed in Chapter 20 may be modified through approval of a Planned Unit Development, except for the following situations:~~

- ~~A. Required setbacks shall continue to apply to the parent parcel upon which the proposed PUD will be located.~~
- ~~B. The intersection standards in Section 60.55.50 shall continue to be satisfied.~~

1 ~~60.35.10.1.~~

2
3 C. ~~All building setbacks shall continue to meet applicable building and~~
4 ~~fire code requirements.~~

5
6 D. ~~Maximum building height standards may be increased up to twelve~~
7 ~~feet (12') when the applicable building setback distance along the~~
8 ~~perimeter of the parent parcel is increased at a ratio of 1.5 additional~~
9 ~~feet of setback for every foot of building height over the base zone~~
10 ~~standard for building height.~~

11
12 ~~2. Allowed Uses.~~

13
14 A. ~~Except as provided in Section 60.35.10.2.B. below, the uses in a PUD~~
15 ~~shall comply with the permitted and conditional use requirements of~~
16 ~~the base zoning district.~~

17
18 B. ~~Detached and attached dwellings shall be allowed in any PUD~~
19 ~~provided the overall residential density satisfies the applicable~~
20 ~~residential density provisions of this Code.~~

21
22 C. ~~In addition to the accessory uses and structures typical of the uses~~
23 ~~authorized in the subject zoning district in which the PUD is located,~~
24 ~~accessory uses approved as a part of a PUD may include the following:~~

25
26 1. ~~Private park, lake or waterway.~~

27
28 2. ~~Recreation area.~~

29
30 3. ~~Recreation building, clubhouse or social hall.~~

31
32 4. ~~Other accessory use or structure which the decision making~~
33 ~~authority finds is designed to serve primarily the residents of~~
34 ~~the PUD, and is compatible with the neighborhood and to the~~
35 ~~design of the PUD.~~

1 ~~60.35.15~~ Common Open Space.

2
3 1. ~~A PUD shall be required to provide common open space according to the~~
4 ~~following rates:~~

5
6 ~~A. Area equal to at least twenty percent (20%) of the subject site when the~~
7 ~~site is up to and including 10 acres in size. [ORD 4365; September~~
8 ~~2005]~~

9
10 ~~B. Area equal to at least fifteen percent (15%) of the subject site when the~~
11 ~~site is more than 10 acres and up to and including 50 acres in size.~~
12 ~~[ORD 4365; September 2005]~~

13
14 ~~C. An area equal to at least ten percent (10%) of the subject site when the~~
15 ~~site is more than 50 acres in size.~~

16
17 ~~2. Land required to be set aside as setbacks or buffers shall not be included in~~
18 ~~the calculation of required open space.~~

19
20 ~~3. Land shown on the final development plan as common open space, and~~
21 ~~landscaping and/or planting contained therein shall be permanently~~
22 ~~maintained by and conveyed to one of the following:~~

23
24 ~~A. An association of owners or tenants, created as a non profit corporation~~
25 ~~under the laws of the state which shall adopt and impose articles of~~
26 ~~incorporation and bylaws and adopt and impose a declaration of~~
27 ~~covenants and restrictions on the common open space that is~~
28 ~~acceptable to the City Attorney as providing for the continuing care of~~
29 ~~the space. Such an association shall be formed and continued for the~~
30 ~~purpose of maintaining the common open space and shall provide for~~
31 ~~City intervention and the imposition of a lien against the entire~~
32 ~~planned unit development in the event the association fails to perform~~
33 ~~as required; or~~

34
35 ~~B. A public agency which agrees to maintain the common open space and~~
36 ~~any buildings, structures, or other improvements which have been~~
37 ~~placed on it.~~

60.35 PLANNED UNIT DEVELOPMENT

60.35.05 Purpose

It is the purpose of these provisions to allow a Planned Unit Development (PUD) in any City zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The PUD provisions are intended to encourage innovation and creative approaches for developing land while enhancing and preserving the value, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations. This is to be accomplished by using the following development and design principles:

1. Site design shall use the flexibility afforded by the planned unit development to:
 - A. Provide setbacks and buffering through landscape or building design abutting to existing development;
 - B. Cluster buildings to create open space and protect natural resources;
 - C. Provide for active recreation and passive open space;
 - D. Use resource efficient development and building practices that encourage innovative design techniques and construction practices that use energy saving technology;
2. Site design shall maximize the opportunities for diversified architecture and outdoor living environments that respond to the existing site context by exploring design flexibility for siting structures, open spaces, circulation facilities, off-street parking areas, streetscapes, resource conservation, and creation of other site improvements that facilitate efficient use of land and create a comprehensive development plan which is better than that resulting from traditional subdivision development;
3. Building architecture including detached residential, shall use innovative design that should consider the context of the existing built and natural environment. Buildings shall be architecturally detailed, and of a size and mass that contribute to a pedestrian-friendly streetscape, and respond to the natural features of the site. Cluster housing, such as Courtyard, Patio, or Cottage development, that groups buildings in areas to maximize open space and preserve significant cultural and natural resources is highly encouraged as are the use of sustainable building materials and practices. The orientation of buildings should promote human scaled and pedestrian friendly environments and maximize solar exposure for passive solar gain;
4. Open space should provide opportunities for active and/or passive recreation that includes preservation of natural and cultural resources. Good site design shall retain and protect special topographic, natural, and environmentally sensitive features and existing Significant Groves and Historical and Individual trees should be retained and protected. Understory and the use of native plant material and sustainable landscape practices are encouraged.

60.35.10 Modification of Base Zoning Standards

1. Permitted Uses

- A. The uses in a PUD shall comply with the permitted and conditional use requirements of the zoning district.
- B. Detached and attached dwellings may be allowed in a PUD provided the overall residential density satisfies the applicable residential density provisions of this Code.
- C. In addition to the accessory uses and structures typical in the zoning district in which the PUD is located, accessory uses approved as a part of a PUD may include, but are not limited to the following:
 - 1. Private or public park, lake or waterway;
 - 2. Recreation area;
 - 3. Recreation building, clubhouse or social hall; or
 - 4. Other accessory uses or structures which the Planning Commission finds are designed to serve primarily the residents of the PUD, and are compatible with the neighborhood and to the design of the PUD.

2. Density and Lot Dimensions

- A. Density and building scale shall relate to the surrounding neighborhood development and natural resources by providing massing and architectural compatibility with the surrounding neighborhood.
- B. Density Transfers
 - 1. A density transfer allows an equal transfer of dwelling units from one portion of the site to another. Density transfers are allowed for the following areas:
 - a. Area within a floodplain;
 - b. Area over twenty-five (25) percent slope;
 - c. Known landslide areas or areas shown to have potential for severe or moderate landslide hazard;
 - d. Area in designated resource areas including: significant tree groves, wetlands, riparian corridors, and their associated buffers;
 - e. Areas constrained by monitoring wells and similar areas dedicated to remediation of contaminated soils or ground water; and

- f. Areas similar to those in a-e above, as approved by the Planning Commission through the PUD process.

C. Single-Family Residential Lot Sizes

- 1. Minimum lot size shall be 50% of the designated base zone.
- 2. Maximum lot size shall be 150% of the designated base zone unless designated for a future phase. When the maximum density for the parent parcel has been achieved or a lot is greater than 150% of the base zone. An oversized lot(s) shall include a deed restriction to preclude unintended partitioning or subdividing of such lots in accordance with the requirements of the approved PUD.
- 3. Overall lot dimensions within the development plan shall not result in a lesser dwelling unit density than if the property in question were developed as a conventional design subdivision.

D. Lot Coverage

- 1. The following maximum lot coverage standards shall apply to all zones.
 - a. Single-Family Detached Houses – sixty (60) percent of lot area.
 - b. Single-Family Attached (Town homes) or row homes – Seventy (70) percent of lot area.
 - c. Duplexes and two-family attached houses – Sixty (60) percent of lot area.
 - d. Multi-family Housing - Sixty (60) percent of lot area.
- 2. Lot coverage may be increased by up to 10% by meeting the architectural requirements listed in the Development Bonus and Development Incentive Options described in section 60.35.25.

1 3. *Setbacks*

2
3 A. The dimensional standards for the applicable zoning district as listed in Chapter 20
4 may be modified through approval of a Planned Unit Development, except for the
5 following situations:

- 6
7 1. For proposed lots abutting the perimeter of the property, the required setbacks
8 shall comply with the standard front and rear setbacks of the parent parcel. Where
9 the side yard of the parent parcel abuts existing development the setback for new
10 development shall be no less than fifteen (15) feet. By meeting the Development
11 Bonus and Development Incentive Options in section 60.35.25 the setbacks of
12 proposed perimeter parcels may be reduced by up to ten (10) percent upon
13 approval of the Planning Commission.
14
15 2. Where standard modifications would not promote pedestrian or bicycle
16 connection to the street; support storm water management; or meet fire and
17 building codes.

18
19 B. Front Setbacks

20
21 Apply to all residential developments except lots along the perimeter which shall be
22 consistent with Section 60.35.10.3.A.1.

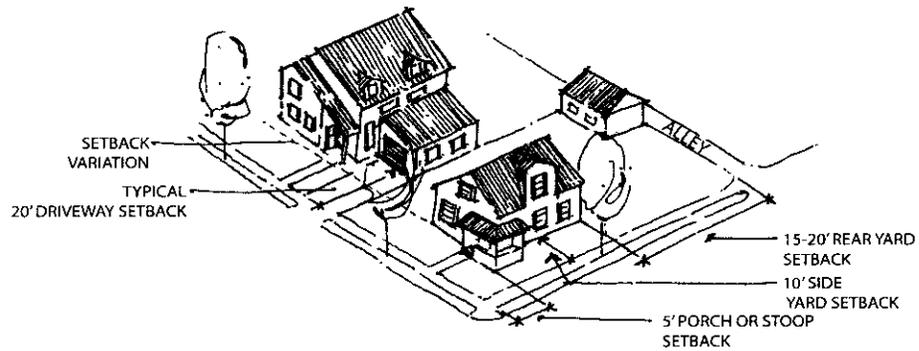
- 23
24 1. Proposed lots with front setbacks modified from the applicable zoning district,
25 and lots adjacent shall have staggered front yard setbacks in order to provide
26 diversity in the lot layout.
27
28 2. Front setbacks for a residential structure, excluding the garage where the garage
29 door faces the front property line, shall be a minimum of ten (10) feet. An
30 unenclosed porch or building stoop may be within five (5) feet of property line as
31 long as it does not encroach into a public utility easement.
32
33 3. All single-family attached and detached garages that face a public or private street
34 shall be setback a minimum of twenty (20) feet from property line. Attached and
35 detached garages shall be recessed a minimum of four (4) feet from the front of
36 the building, not including porches when facing a public or private street.
37 Garages and carports accessed from an alley shall be setback a minimum of five
38 (5) feet from rear building elevation. All other garage and carport entrances must
39 be recessed minimum of two (2) feet when building setback is at least twenty (20)
40 feet

41
42 C. Rear setbacks

- 43
44 1. Rear setbacks shall be the same as the designated zone for the parent
45 parcel for lots abutting the perimeter of the proposed development
46 excepting alley accessed lots for which rear setbacks may be reduced to 6
47 feet for alley-accessed lots.
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Figure No. 1 - Setbacks



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D. Side setbacks

1. Except for zero-lot line development, side setbacks shall be a minimum of four (4) feet on interior side yards, and ten (10) feet on street corner lots. All zero-lot line development shall have side yard setbacks of 10 feet on one side of the dwelling unit and no setback required on the opposite side.

60.35.15 Open space

Purpose

Open space shall provide opportunities for active and/or passive recreation and may include existing stands of trees, understory resource areas, and storm water facilities as outlined in this section. Active open space shall allow human activities including recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities. Open space may also be passive and include human activities limited to walking, running, and cycling, seating areas and wildlife viewing or natural areas such as a wetland.

1. A Planned Unit Development shall provide baseline open space of an area equal to at least twenty percent (20%) of the subject site.

2. Up to twenty (20) percent of the open space requirement may be dedicated to the following land uses:

A. Water quality facilities that have side slopes of 3:1 or less and do not require fencing per Clean Water Services (CWS) standards;

B. Environmentally sensitive areas including wetlands and any required buffers required by Clean Water Services or other regulatory body.

3. Standards

A. Open space shall be land that is available for the creation of active and/or passive areas, or resource areas that provide visible and accessible open space to the proposed community.

B. Open space shall be easily accessible physically or visually to all members of the planned community via a minimum thirty (30) foot street frontage or access easement;

C. No more than ~~forty (40)~~ sixty (60) percent of the gross land dedicated may have slopes greater than five (5) percent;

D. Open space areas shall have a dedicated meter and underground irrigation system to ensure adequate water supply during establishment period (3-years) and during periods of drought for all newly planted areas. Resource areas are exempt from this criterion.

E. For developments ten (10) acres or greater, at least twenty-five (25) percent of the total required open space area shall be active space or meet the commons criteria in this chapter.

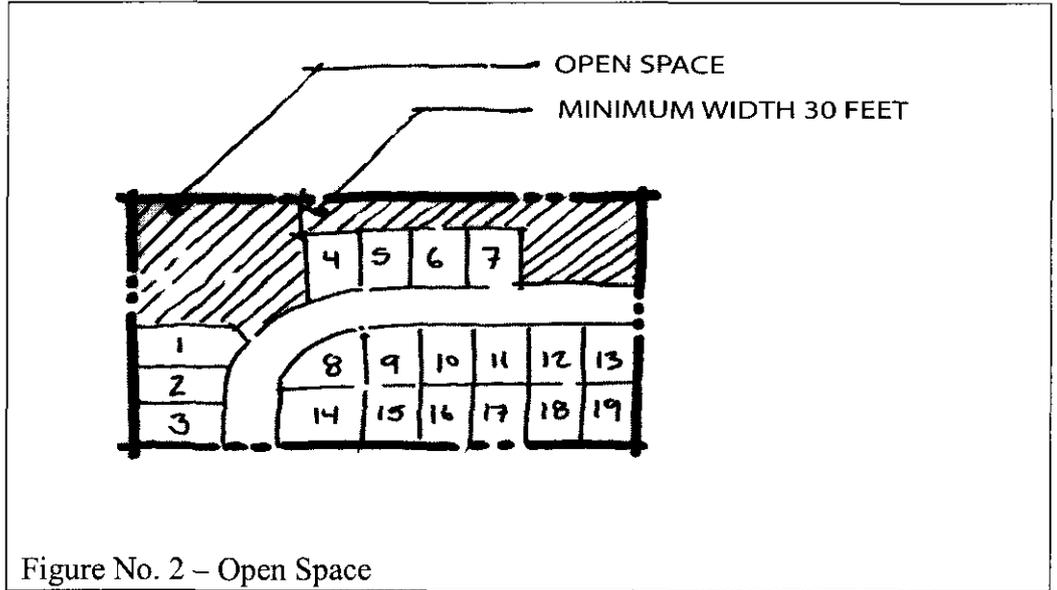
F. For the purpose of this Code, open space does not include:

1. Public or private streets;

EXHIBIT A

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2. Surface parking lots or paved areas not designated for active or passive recreation;
3. Private lots and buildings; including setbacks, or landscape buffers;
4. Vehicular access driveways or maneuvering areas.



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Figure No. 2 – Open Space

Commons Area

A “Commons area” within the dedicated open space is required for residential developments that have ten (10) units or more. One designated space shall be provided as an accessible commons area that may be a gathering spot, play area, overlook or any other outdoor area given special consideration and may consist of active, passive, or both uses. The Commons area shall be accessible to all lots and meet the following criteria:

1. One hundred fifty (150) square feet for each unit containing 500 or less square feet of gross floor area.
2. Two hundred fifty (250) square feet for each unit containing more than 500 square feet and up to 2000 square feet of gross floor area.
3. Three hundred fifty (350) square feet for each unit containing more than 2000 square feet of gross floor area.
4. A Commons area shall be no smaller than the average minimum lot size and shall have minimum width 40 feet.
5. A Commons area may abut a collector or greater classified street as identified in the City’s adopted Functional Classification Plan, when separated from the street by a constructed barrier, such as a fence or wall, at least three (3) feet in height.
6. One Commons area shall be provided for every fifty (50) units in single-family developments and every one-hundred (100) units for multi-family developments.
7. A Commons shall include physical improvements to enhance the commons area such that from the following list, the items chosen must total 500 or more points. Other improvements may be approved by the Planning Commission:

Amenity	Points
A bench or other seating with a pathway or other pedestrian way	100
A gazebo or similar gathering area.	150
Plazas that serve as gathering places with benches	150
Picnic Area or outdoor eating facility	150
Playground equipment.	200
Tennis and/or sport court (e.g. Basketball, Volleyball, Paddle Tennis)	200
Dedicated Basketball, Volleyball, or other sport use area.	200
Water feature.	250
Water feature with wading area	300
Water feature Combined with a 750 square foot gathering area.	350
Indoor or outdoor swimming pool with clubhouse.	500
Indoor Clubhouse or meeting facility	500
Other (Improvements not included on this list as approved by the Planning Commission	100-500

1

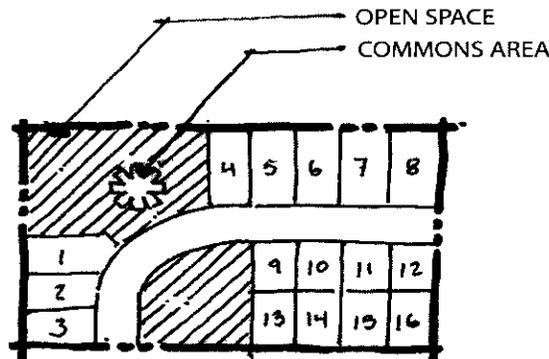


Figure No. 3 – Commons Area

4. *Maintenance and Ownership*

Land shown on the final development plan as common open space, and landscaping and/or planting contained therein shall be permanently maintained by and conveyed to one of the following:

- A. An association of owners or tenants, created as a non-profit corporation under the laws of the state (ORS 94.572) which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Attorney as providing for the continuing care of the space. Any subsequent changes to such CC&R's regarding open space must be approved by the City Attorney. Such an association shall be formed and continued for the purpose of maintaining the common open space and shall provide for City intervention and the imposition of a lien against the entire planned unit development in the event the association fails to perform as required; or
- B. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.
- C. Dedicated open space and commons areas shall be protected by Covenants (CC&Rs) or deed restriction to prevent any future commercial, industrial, or residential development.

1 **60.35.20 Building Architecture**

2
3 1. *Purpose*

4
5 This section applies to development which is not subject to Section 60.05, Design
6 Review, of this code.

7
8 The following architectural standards are intended to promote innovative design that
9 considers the context of the existing built and natural environment. Buildings shall be
10 detailed, human-scale, and respond to the natural features of the site. Cluster housing or
11 grouping buildings in areas to maximize open space and preserve significant cultural and
12 natural resources is highly encouraged along with the use of sustainable building
13 materials and practices. Building shall be oriented to the street or other public spaces
14 such as parks, plazas, courtyards and open commons when served by an alley. This
15 building architecture section also offers applicable Development Bonuses and
16 Development Incentive Options in Section 60.35.30

17
18 2. *Building Orientation*

19
20 Buildings shall be oriented to the street or other public spaces such as parks, plazas,
21 courtyards and open commons when served by an alley. The orientation of buildings
22 shall promote environments that encourage walking, social interaction, and safety.

- 23
24 A. Exceptions to this standard may be allowed by the Planning Commission where access,
25 topography, and natural resources prohibit the orientation of buildings to the street or
26 other public open spaces.
- 27
28 B. In all cases buildings and or private lots shall be served by or have direct access to
29 sidewalks or paths that connect to a private or public street/sidewalk system.
- 30
31 C. Garages with rear alley access or garages located in the rear of the lot with shared
32 driveways are encouraged.
- 33
34 D. All buildings shall have their primary entrance to a street or publicly accessible sidewalk
35 where buildings face public parks, common areas or open space.
- 36
37 E. All primary entrances shall be covered or recessed with a minimum depth of three (3)
38 feet deep and five (5) feet wide.

39
40 3. *Building Heights*

41
42 Buildings shall be to scale with similar types of existing structures on adjacent properties.
43 This can be accomplished by utilizing graduated building heights which offer a transition
44 between single-story residential development and multiple-story residential.

EXHIBIT A

- 1 A. Maximum building height standards may be increased up to twelve feet (12')
2 when the applicable building setback distance along the perimeter of the parent
3 parcel is increased at a ratio of 1.5 additional feet of setback for every foot of
4 building height over the base zone standard for building height.

5
6 4. *Architectural Standards*

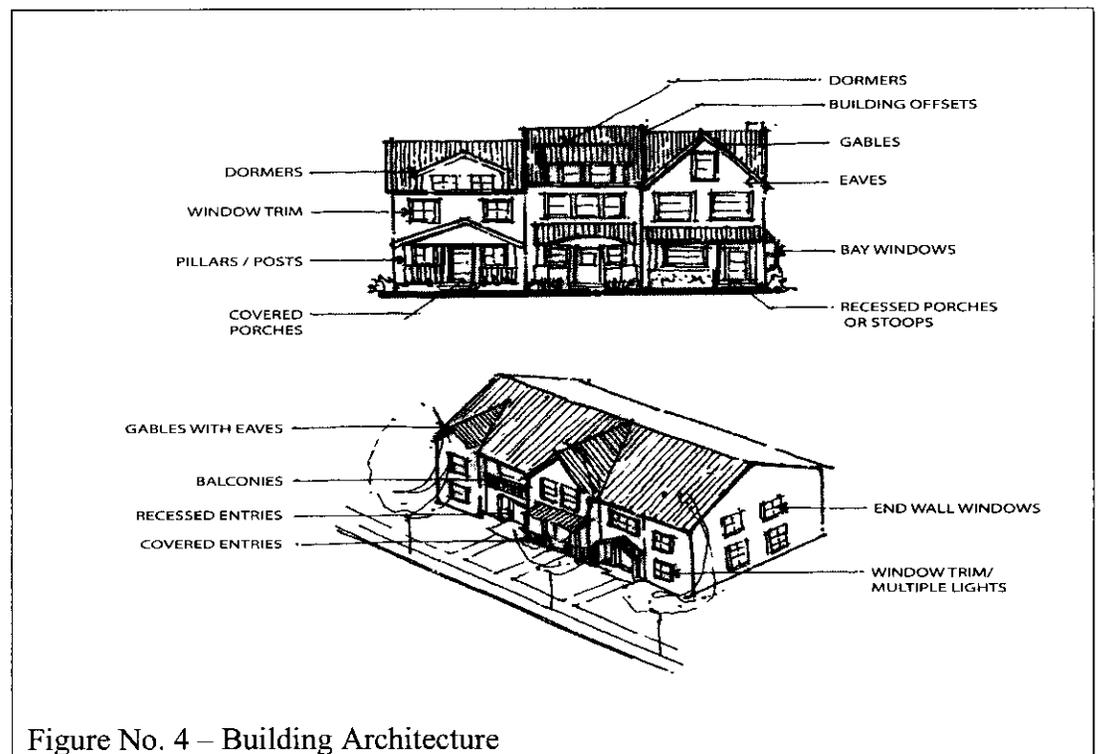
7
8 Architectural standards are intended to promote quality design and detail that promote
9 innovation and creativity that allows for a variety of building styles and types. All
10 buildings shall adhere to these standards. Graphics are provided as an example of how
11 standards apply.

12
13 The following standards apply to all single-family developments proposed through the
14 PUD process.

- 15
16 A. Building scale and massing shall complement surrounding uses by complying
17 with the provisions in this Code and meeting the following criteria for residential
18 development.
19
20 B. Attached dwellings shall maintain similar architectural character as detached
21 dwellings when part of the same development.
22
23 C. All detached residential structures shall include design elements that provide
24 building articulation, continuity of form and variety. Architecture should avoid
25 long expanses of uninterrupted building surfaces. Buildings shall incorporate at
26 least four (4) of the following elements:
27
28 1. Balconies, window reveals, canopies, awnings, and covered patios,
29 porches or entrances;
30
31 2. Offsets in roof elevations of two (2) feet or greater;
32
33 3. Bay windows extending out from the building face that reflect an
34 internal space such as a room or alcove;
35
36 4. Individual windows in upper stories that are approximately the size
37 and proportion of a traditional window;
38
39 5. Staggered windows that do not align with windows on adjacent
40 properties and minimize the impact of windows in living spaces that
41 may infringe on the privacy of adjacent residents;
42
43 6. Windows with trim or molding that appears substantial from the
44 sidewalk;
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EXHIBIT A

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7. Windows that are separated from adjacent windows by a vertical element;
 8. Windows grouped together to form larger areas of glazing, if individual window units are separated by moldings or jambs;
 9. Windows with multiple panes of glass;
 10. Window patterns, building articulation and other treatments that help to identify individual residential units in a multi-family building
 11. Dormers;
 12. Decorative structural accents such as kneebrackets or corbels, widow walks, turrets, hooded windows, pinnacles and pendants, pillars or posts, board and batten, or other architectural vernacular style common to the Pacific Northwest; or
 13. An alternative feature approved by the Planning Commission



- D. All building elevations facing a street or public space shall have windows, doors, porches and/or balconies. Front yard building elevations shall have a minimum of fifty (50) percent, and rear facing elevations shall have minimum of thirty (30) percent windows, person doors, porches and/or balconies. Side elevations facing an interior lot line shall have a minimum of fifteen (15) percent windows, person doors, porches and/or balconies. Side elevations facing a public or private street shall have twenty five (25)

percent windows, person doors, porches and/or balconies. Building elevation is measured as the horizontal plane between the lowest plate line and the highest plate line of any full or partial building story containing doors, porches, balconies, terraces and/or windows.

- 3. Alternative building design may reflect modern building form and style. These styles may have less detail or ornamentation but shall have demonstrated successful use of materials and form, and a cohesive architectural style and be approved by the Planning Commission.

60.35.30 Development Bonuses and Development Incentive Options

Purpose

The PUD also offers the applicant additional standards which can be met as incentives to promote more creative and innovative approaches to site design and infrastructure. The Development Incentive Options are not required; an applicant may choose to meet the standard provisions and requirements of the PUD code. The Development Incentive Options are intended to promote a wide variety of creative and sustainable design practices that better integrate site design, building architecture, and open space with the existing built and natural environment and lead to exceptional community building in the City of Beaverton. Development Incentive Options shall also consider the form and function of the physical improvements and their relationship to each other and the existing environment. Development plans that meet selected Development Incentive

Options chosen by the applicant may take advantage of one or both:

- Reduced open space requirements;
- Setback reduction of the parent parcel.

Development Incentive bonuses are described below and quantify the flexibility and options that the developer may use to obtain additional flexibility in open space requirements and setback reductions. Approval of the Development Incentive Options and the additional development flexibility allowed are at the discretion of the Planning Commission. In all cases the total incentives may not reduce open space by more than sixty (60) percent of the open space as required in Section 60.35.15.

The following Development Bonuses and Incentive Options are intended to provide design flexibility.

60.35.40 Allowed Development Bonuses

Site plans that meet selected Development Incentive Options chosen by the applicant may take advantage of one or a combination of the following *Development Bonuses*:

- 1. Decrease open space area requirement by using a combination of Development Incentive Options up to a maximum of fifty (50) percent of that required by the PUD standard open space requirements;
- 2. Reduce front and rear setbacks of parent parcel up to ten (10) percent within the perimeter of the PUD.

60.35.50 Development Incentive Options

1. Open Space Development Incentive Options = Twenty (20) Percent Open Space Reduction

Up to a twenty (20) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by conforming to the open space options listed below. The Planning Commission may consider other improvements in addition to those listed that offer a similar level of quality and continuity in the proposed open space:

- a. *Active Recreation* – Twenty-five (25) percent of open space (beyond a commons area) is usable for active recreation, such as: play structures, picnic areas, or sports field; or
- b. *View Preservation* – Open space is sited such that a view corridor of a significant natural vista is preserved for the community at large, such as views into Significant Tree Groves or Significant Natural Resource Areas.

2. Architectural Development Incentive Options = Decrease in Open Space, Front and Rear Setbacks

The following architectural incentives that promote sustainable building practices and architectural detail that promotes high quality design and character. A decrease of up to a maximum of twenty (20) percent of the required open space or front and rear setbacks of the parent parcel at the discretion of the Planning Commission, where the applicant’s site plan and proposed architecture meet one of the following incentives:

- A. Develop lots such that 90% meet solar access requirement (60.45.05) for a ten (10) percent decrease in open space.
- B. Install a ‘Greenroof’ or Ecoroof on 100 percent of the roof area of twenty (20) percent of the detached dwellings or 20 percent of the total roof area for attached dwellings, multifamily dwellings, commercial, or industrial buildings for a ten (10) percent decrease in the required open space.

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C. Up to ten (10) percent reduction in front and rear parent parcel setbacks as approved by the Planning Commission may be achieved by developing cluster housing that preserves and increases open space by twenty (20) percent above baseline requirement.

3. *Affordable Housing Development Incentive Options = Decrease in Open Space*

Up to a fifty (50) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by development of ten (10) percent of the units as affordable housing. Up to a sixty (60) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by development of twenty (20) percent of the units as affordable housing.

Affordable housing is defined as housing affordable to households earning up to 100 percent of the median household income in Washington County, or less as adjusted for family size as determined by the U.S. Department of Housing and Urban Development (HUD). Housing prices and/or rents shall be limited to that level through deed restriction for up to thirty (30) years. Approval of the affordable housing Development Incentive Option shall be subject to a developer identifying and contracting with a public, or private housing agency that will administer the housing affordability guarantee.

1 Section 3: The Development Code, Ordinance No. 2050, Chapter 90, Definitions,
2 Section 40.15.15.5 shall be amended to read as follows:

3
4 **Chapter 90**

5
6
7 **Active Space** - Active space is an area which requires intensive development and
8 often includes playgrounds and ball fields.

9
10 **Cluster Housing** Detached dwelling units located within a Planned Unit
11 Development where detached housing is located in close proximity to each other
12 and share common open space including recreation areas and parking.

13 **Green Roof** A Green Roof consists of vegetation and soil, or a growing
14 medium, planted over a waterproofing membrane. Additional layers, such as a root
15 barrier and drainage and irrigation systems may also be included.

16 **Sustainable Building Practices** - Land preparation, materials selection, life-cycle of the
17 building (construction, operation and maintenance, demolition). Sustainable building includes
18 such practices as redevelopment of inefficiently designed or environmentally damaged sites; job-
19 site recycling of construction materials; native vegetation landscapes; stream and wetland
20 protection and restoration; natural drainage; energy and water efficiency; low toxicity materials;
21 recycled materials; reduced use of land and materials; and design for re-use.

22 **Sustainable Landscape Practices** Landscape maintenance and design that limits the use
23 of herbicides, fertilizers, and pesticides by planting native plants and appropriate ornamentals
24 and uses METRO certified composted mulch to amend soils and mulch plant beds. These
25 practices naturally fertilize the soil and reduce irrigation and fertilizer needs by creating healthy
26 soils. Sustainable landscape practices also include the concept of creating multi-functional
27 landscapes that can serve various purposes. For example an area may be designed to manage
28 runoff, provide screening, wind protection habitat, and serve active open space use.
29

1 Section 4: The Development Code, Ordinance No. 2050, Chapter 20, Land Uses,
2 Section 20.05.25 shall be amended to read as follows:

3
4
5
6 *****

7 **20.05.25. Urban Medium Density (R4) District [ORD 4047; May 1999]**

8
9 **1. Purpose.** The purpose of this zone is to allow up to one principal and one
10 accessory dwelling per lot of record as permitted uses. In addition, two
11 attached dwellings may be allowed per lot of record subject to a Conditional
12 Use. Three or more attached dwellings may be permitted pursuant to ~~Final~~
13 Planned Unit Development approval. The R4 district establishes medium
14 urban density residential home sites where a minimum land area of 4,000
15 square feet is available for each principal dwelling unit, and where full urban
16 services are provided. [ORD 4224; August 2002]

17
18 *****

19 **20.05.25**

20
21 **B. Conditional Uses:** (Subject to Section 40.15 or Section 40.96 as applicable)

22
23 *****

24
25 **2.** Three or more attached dwellings subject to approval of a ~~Final~~
26 Planned Unit Development. [ORD 4224; August 2002]

27 *****
28
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Section 4: The Development Code, Ordinance No. 2050, Chapter 20, Land Uses, Section 20.05.25 shall be amended to read as follows:

20.05 Residential Land Use Districts

20.05.25.50. Site Development Standards

20.20.50.A.5.

SA-MU SA-MDR

D. Maximum Floor Area Ratio (FAR) not not
for residential developments specified specified

E. Projects may use the Final Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used. [ORD 4332; November 2004]

20.20.50.A.5.

SA-MU SA-MDR

D. Maximum Floor Area Ratio (FAR) not not
for residential developments specified specified

E. Projects may use the Final Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used. [ORD 4332;

1 **Section 5: The Development Code, Ordinance No. 2050, Chapter 50, Procedures,**
2 **Section 50. shall be amended to read as follows:**

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50.90. Expiration of a Decision

~~Final Planned Unit Development (40.15.15.6) when there is no phasing to the
development~~

Preliminary Planned Unit Development (40.15.15.5)

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

IN THE MATTER OF A REQUEST TO AMEND)	ORDER NO. 1941
BEAVERTON DEVELOPMENT CODE)	TA2006-0003 RECOMMENDING APPROVAL
CHAPTER 40 (APPLICATIONS) SECTION)	OF PLANNED UNIT DEVELOPMENT TEXT
40.15.15 PLANNED UNIT DEVELOPMENTS;)	AMENDMENT.
CHAPTER 60 (SPECIAL REGULATIONS))	
SECTION 60.35, PLANNED UNIT)	
DEVELOPMENTS; AND CHAPTER 90)	
(DEFINITIONS). CITY OF BEAVERTON,)	
APPLICANT.)	

The matter of TA2006-0003 (2006 Planned Unit Development Text Amendment) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4265, Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearings on June 14, July 26, and August 23, 2006, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code. At the conclusion of the August 23, 2006, hearing the Planning Commission recommended approval of the proposed text amendment as summarized in LUO 1902.

The City Council held a public work session on November 13, 2006 at the conclusion of which the proposed PUD text amendment was remanded to the Planning Commission to review a list of issues and questions. The Planning Commission took up the proposed text amendment on remand on February 7, 2007 and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code. At the conclusion of the February 7, 2007 hearing the Planning Commission recommended approval of the proposed text amendment as summarized in the body of this Land Use Order.

TA2006-0003 (Planned Unit Development Text Amendments) proposes to amend Development Code Chapter 40 (Applications) Section 40.15.15, Conditional Use; Chapter 60 (Special Regulations) Section 60.35, Planned Unit Developments; and Chapter 90 (Definitions).

The first public hearing for the proposed PUD Text Amendment was held on June 14, 2006 and included a presentation by staff and consultants that described the framework and concepts of the proposed PUD text. At the hearing Commissioner Bobadilla discussed the need to clarify the intent of the Housing Affordability Incentive code language.

The Commission also discussed and agreed to change the wording of the first threshold in Section 40.15.15.5.A.1 to include the words "at least" to modify the 2 acre minimum acreage threshold for a PUD.

The Commission discussed the intent of open space and that the text should reflect the flexibility for "active and/or passive recreation." Referring to Section 60.35.05.2, the Commission made the following two language changes "Site design should maximize the opportunities for diversified architecture and outdoor living environments...." and "...create a comprehensive development plan which is better than that resulting from traditional subdivision development...".

The Commission directed staff to create a more prescriptive setback standard to ensure that when a PUD is proposed that abuts existing development, the impact on livability to the existing neighborhood is minimized. The Commission also directed staff to change the minimum side yard setback from 3 feet to 4 feet for lots on the interior of a proposed PUD. This change was based on discussions between the Commission and developers of a recent PUD in Beaverton.

The Commission discussed the merits of the required open space and the changes proposed for open space requirements in the new text. The Commission discussed the possibility of requiring a minimum of 20 percent open space for all proposed PUD's rather than the current system of allowing for less open space as the size of a parcel increases. The Commission also discussed the "commons area" that is required within the open space area and specifically the merits of the proposed physical amenities required to be developed in association with the commons area. The Commission discussed the need to require the text to provide a more structured approach for selecting amenities for the commons area than simply listing the choices as proposed in the proposed PUD text language. Commissioner Pouge and Stephens noted that it is important to provide more direction to developers or they will simply select the least expensive and intensive amenity from the list. Commissioner Stephens used a bench and a gazebo as an example. The Commission directed staff to establish a hierarchy for selecting commons area amenities.

A second public hearing scheduled for July 19, 2006 was opened and continued to a date certain July 26, 2006. On July 26, 2006, the Planning Commission opened the public hearing to review changes to the proposed PUD text based on Commission discussion and deliberation from the June 14, 2006 public hearing. Staff presented a memo dated July 21, 2006 that introduced a framework for the Commission to review comments from the Commission, staff, and a focus group of developers and land use consultants. The memo also asked the Commission to reconsider the minimum 2 acre threshold based on concerns expressed by the Community Development Department staff and the developer/consultant group. The concerns introduced to the Planning Commission included the lack of available parcels that are 2 acres or greater in size within the City and the unintended consequences for not providing flexibility for infill development on parcels less than 2 acres in size that would no longer be eligible for the flexibility provided through the PUD

application. The Planning Commission deliberated on the issue of the 2 acre minimum and reiterated their support for the 2 acre minimum as a way to improve the quality of PUD's. The Commission expressed consensus that by maintaining a 2 acre minimum threshold, developers would be required to assemble properties which in turn will lead to more comprehensive PUD development. The Commission expressed support for raising the expectations for PUD development and requiring smaller subdivisions to meet the existing standards of the Development Code. The July 17, 2006 staff memo also introduced a point system for considering Commons Area amenities required within open space area of a PUD. The Commission deliberated on the proposed point system and asked staff to further refine the system and add discretion that would allow the Commission to review and accept an amenity proposed by a developer that was not on the list.

The Planning Commission held a third public hearing on August 23, 2006 to consider minor edits to the proposed PUD code text agreed to at the July 26, 2006 meeting. The Commission also considered additional changes to the proposed PUD code text included in the staff memo dated August 17, 2006. These changes include the insertion of new language and the deletion of other language (represented with shaded or strike through text respectively) included the following:

Section 40.15.15.5.C.7.

7. The width of proposed lots or staggering of building setbacks within residential developments vary 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.

Section 40.15.15.5.C.9. a & b

9. The proposal provides ~~usable~~ and improved open space that is accessible and usable by persons living nearby. ~~Usable~~ Open space meets the following criteria unless otherwise determined by the Planning Commission through Section 60.35.35:
- 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 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.

Section 60.35.05 Purpose

The Planning Commission added back the language stricken in an earlier draft that indicates that solar access one of the positive attributes that PUD's should seek to promote.

3. Building architecture including detached residential, shall use innovative design that should considers the context of the existing built and natural environment. Buildings shall be architecturally detailed, and of a size and mass that contribute to a pedestrian-friendly streetscape, and respond to the natural features of the site. Cluster housing, such as Courtyard, Patio, or Cottage development, that ~~grouping~~ groups buildings in areas to maximize open space and preserve significant cultural and natural resources is highly encouraged as are the use of sustainable building materials and

practices. The orientation of buildings shall should promote human scaled and pedestrian friendly environments that—encourage walking, social interaction, and safety by having “eyes on the street or park” whenever possible, and maximize solar exposure for passive solar gain;

Section 50.35.05.4

The Commission proposed language changes for clarity.

4. Open space should provide opportunities for active and/or passive recreation that includes preservation of natural and cultural resources. Good site design shall retain and protect special topographic, natural, and environmentally sensitive features and existing Significant Groves, Historic and Individual trees should be retained and protected. ~~stands of trees and~~ Understory and the use native plant material and sustainable landscape practices are encouraged.

Section 60.35.10.2.A.1

2. Density and Lot Dimensions

- A. Density and building scale shall relate to the surrounding neighborhood development and natural resources.
 1. ~~Attached single family units may not exceed four (4) units per structure in the R-10 and R-7 Residential zones and~~ Buildings shall be designed in a manner that provides architectural and massing compatibility with the surrounding neighborhood.

Section 60.35.10.2.C.2

2. Maximum lot size may be 150% of the designated base zone unless designated in the PUD approval for a future phase. When the maximum density for the parent parcel has been achieved or a lot is greater than 150% of the based zoning an oversized lot(s)

shall include a deed restriction to preclude unintended partitioning or subdividing of such lots in accordance with the requirements of the approved PUD.

The Commission noted that these three standards could be collapsed because the code no longer provided a distinction between the size of a PUD and the percentage of open space required. All PUD's would be required to provide a minimum of 20 percent open space unless a development incentive is used.

Section 60.35.15.1 A-C

1. A Planned Development shall provide baseline open space of an area equal to at least twenty (20 %) of the subject site.

~~A. Area equal to at least twenty percent (20%) of the subject site, when the site is up to and including 10 acres in size.~~

~~B. Area equal to at least fifteen twenty percent (20%) of the subject site when the site is more than 10 acres and up to and including 50 acres in size.~~

~~C. An area equal to at least ten twenty percent (20%) of the subject site when the site is more than 50 acres in size.~~

Section 60.35.15.2.G.7. – Commons Area

7. A Commons shall include physical improvements to enhance the commons area that from the following list, the items chosen must total 500 or more points. Other improvements may be approved by the Planning Commission:

Amenity	Points
A bench or other seating with a pathway or other pedestrian way	100
Water feature.	250
Water feature with wading area	300
Picnic Area or outdoor eating facility	150
Playground equipment.	200
Combined with a 750 square foot gathering area.	350
Tennis and/or sport court (e.g. Basketball, Volleyball, Paddle Tennis)	200
A gazebo or similar gathering area.	150
An indoor or outdoor swimming with clubhouse.	500
Plaza that serve as gathering places with benches	150
Indoor Clubhouse or meeting facility	500
Dedicated Basketball, Volleyball, or other sport use area.	200
Other (Improvements not included on this list as approved by the Planning Commission	100-500

Section 60.35.30 – Development Bonuses and Development Incentive Options

The Commission concurred that the verb “choose or chosen” should be used to indicated an applicants choice in selecting PUD incentives.

Options chosen ~~selected~~ by the applicant may take advantage of one or a ~~combination~~ both of the following *Development Bonuses*:

Section 60.35.50.3 – Affordable Housing Development Incentive Options

The Commission deliberated on this incentive and agreed that the deed restricting sale of the house as an affordable dwelling should be increased from 15 years to 30 years.

The City Council held a work session on November 13, 2007. At the work session Council identified eight questions or issues that where deemed best answered by remanding the proposed PUD text amendment to the Planning Commission. The Planning Commission held a fourth public hearing on February 7, 2007, to consider eight issues remanded by the City Council.

Council asked that staff and the Commission exam possible ways to increase the coordination of open space dedication with the City’s park provider Tualatin Hills Parks and Recreation District (THPRD). The Commission reviewed a letter from THPRD submitted to the record that described the criteria used for accepting land or facilities dedications. Additionally, the letter described ongoing coordinating efforts between the City and THPRD. The Commission concluded that staff should continue to encourage whenever appropriate the dedication of land and facilities to THPRD but not to the detriment of requiring dedications of open space within individual PUD’s.

The Commission reviewed whether requiring dedication of 20 percent was too much land in consideration of limited land supplies in both the City and the
ORDER NO. 1941

region. The Commission stated that the issue of how much, if any, land to dedicate for open space was addressed extensively in earlier hearings. The Commission unanimously agreed that regardless of the limited developable land, the same number of units will be available, because density is being transferred which would not dramatically affect housing affordability. Furthermore, the Commission noted that when development seeks to set aside the community standards to obtain greater development flexibility the dedication of 20 percent open space is a reasonable expectation of the community.

The Commission reviewed the proposed PUD phasing language and drew consensus that the proposed language limiting PUD's to 2 years without an extension could be too restrictive. Therefore, the Commission agreed to replace the proposed code language with the existing code language that allows the Commission discretion to approve a phased PUD plan for up to five (5) years:

40.15.15.6.G.

G. Expiration of a Decision.

- 1. 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.*
- 2. 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. However, all PUD phases must commence construction within five (5) years of the date of decision of the Final PUD. Refer to Section 50.90.*

The Commission reviewed the Council's concern regarding limiting the number of attached dwelling units and agreed that limiting the number would have been too restrictive. The Commission believes that the proposed code would allow for the "Big House" concept that was discussed by the Council.

The Commission discussed the concern that allowing up to a 10 percent reduction in the parent parcel could negatively affect safety especially in relationship to driveway approaches. The Commission felt that the existing code did provide assurances that all driveways must be a minimum of 20 feet and that through the quasi-judicial review process the Commission will have authority to reject those projects that would propose to compromise driveway lengths. Therefore, the Commission chose not to modify the proposed code language that would allow for a 10 percent reduction in the parent parcel setbacks.

The sixth issue on remand concerned height of surrounding development and the Council concern that the language proposed in Section 60.35.20.3. would needlessly limit in building heights. The Planning Commission come to consensus that the existing language is adequate and that practice of the Commission has been to recognize the height allowed in the base zone of surrounding properties even in cases where the surrounding development has not been constructed to the allowed height. Therefore, the Commission agreed to maintain the language as proposed.

The seventh issue addressed by the Commission was the ability to transfer density from steep slopes. Council expressed concern regarding whether the text allows for transfer of density from slopes greater than 25 percent. The Commission discussed the issue and concluded so long as the resulting development is required to go through an architectural review there is no significant issue by allowing a full transfer of density to the remaining developable portion of the site. The Commission also discussed the possibility of creating a graduated density transfer from slopes greater than 25 percent in an effort to avoid disturbance of sensitive slope areas leaving it to staff to craft code language. Staff recommend maintaining the existing language, which allows 100 percent density transfer from slopes greater than 25 percent.

The last issue reviewed on remand related to the how much area could be dedicated over 5 percent slope. The Commission discussed the ability to maintain a minimum useable area where the "Commons Area" could be sited. The Commission agreed to increase the area of slopes greater than five (5) percent from 40 percent to 60 percent the total area of the site to be dedicated.

The Planning Commission hereby rescinds Land Use Order 4409, and adopts by reference the following: staff report dated June 7, 2006, staff memorandums dated July 21, 2006, August 17, 2006, and February 7, 2007, as amended in hearings and inclusive of the edits provided by email dated, February 1, 2007, from Planning Commissioner Marc San Soucie's, and the supplemental findings contained herein as to criteria contained in Section 40.85.15.1.C.1-7 applicable to this request contained herein; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** Chapter 40 (Applications) Section 40.15.15, and Planned Unit Developments; Chapter 60 (Special Regulations) Section 60.35; and Chapter 90 (Definitions) contained within TA2006-0003. The Planning Commission finds that evidence has been provided demonstrating that all of the approval criteria specified in Section 40.85.15.1.C.1-7 are satisfied for the modification to Chapter 40 (Applications) Section 40.15.15, Conditional Use; Chapter 60 (Special Regulations) 60.35, Planned Unit Developments; and Chapter 90 (Definitions) of the Development Code.

Motion **CARRIED** by the following vote:

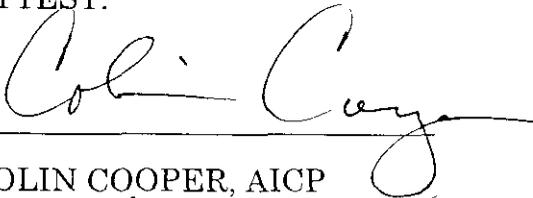
AYES: Johansen, Winter, Bobadilla, Platten, Stephens, and
Maks.
NAYS: None.
ABSTAIN: None.
ABSENT: San Soucie.

Dated this 12th day of February, 2007.

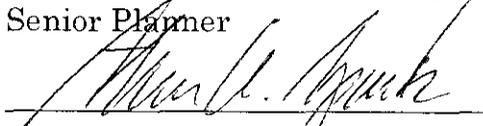
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1941, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Recorder's Office by no later than 5:00 p.m. on Thursday, February 22, 2007.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



COLIN COOPER, AICP
Senior Planner



STEVEN A. SPARKS, AICP
Development Services Manager

APPROVED:



Dan Maks
Chairman

1 **PLANNING COMMISSION MINUTES**

2
3 **February 7, 2007**

4
5
6 **CALL TO ORDER:**

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

7
8
9
10
11 **ROLL CALL:**

Present were Chairman Dan Maks; Planning Commissioner's Scott Winter, Ric Stephens, Melissa Bobadilla, Jack Platten, and Eric Johansen. Commissioner Marc San Sousie was excused.

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Senior Planner Barbara Fryer, AICP, Senior Planner Colin Cooper, AICP, Assistant City Attorney Bill Scheiderich, and Recording Secretary Sheila Martin represented staff.

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

27 **VISITORS:**

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

33 **NEW BUSINESS:**

35 **PUBLIC HEARINGS:**

37 **A. SUNSET TRANSIT CENTER AND TEUFEL TOWN CENTER**
38 **MAJOR PEDESTRIAN ROUTE TEXT AMENDMENT**

39 **1. TA2006-0010 – TEXT AMENDMENT**

40 *(Continued from January 24, 2007)*

41 Text Amendment, Case File TA 2006-0010, proposes the addition of
42 both Class 1 and Class 2 Major Pedestrian Route designations to the
43 streets within the Sunset Transit Center and Teufel Town Center that
44 have been annexed and abut property annexed to the City of

1 Beaverton. The purpose of this text amendment is to update the
 2 implementing regulations for the recently annexed properties abutting
 3 these right-of-ways.

4
 5 Senior Planner Colin Cooper explained that the purpose of the
 6 proposed text amendment is to amend Development Section Code
 7 Chapter 60.50 Design Review. He stated that the text amendment
 8 proposes to amend the Major Pedestrian Route (MPR) maps by adding
 9 a new MPR map for the area which includes the Sunset Transit Center
 10 and Teufel Town Center. Concluding, he stated that no public
 11 comments were received by staff by the property owners on this
 12 proposal, and offered to respond to questions.

13
 14 Commissioner Winter, Stephens, Bobadilla, Platten, Johansen, and
 15 Chairman Maks stated that the application meets all the criteria
 16 identified in the staff report and support the application.

17
 18 Commissioner Winter **MOVED** and Commissioner **SECONDED** a
 19 motion to approve TA2006-0010 – SUNSET TRANSIT CENTER AND
 20 TEUFEL TOWN CENTER MAJOR PEDESTRIAN ROUTE TEXT
 21 AMENDMENT based upon the testimony, reports and exhibits
 22 presented during the public hearings on the matter and upon the
 23 background facts, findings and conclusions found in the Staff Report
 24 dated January 10, 2007.

25
 26 Motion **CARRIED**, by the following vote:

- 27
 28 **AYES:** Winter, Stephens, Bobadilla, Johansen, Platten,
 29 and Maks.
 30 **NAYS:** None.
 31 **ABSTAIN:** None.
 32 **ABSENT:** San Soucie.

33
 34 **B. MERLO AND TEKTRONIX MAJOR PEDESTRIAN ROUTE**
 35 **TEXT AMENDMENT**

36 **2. TA2006-0012 – TEXT AMENDMENT**

37 *(Continued from January 24, 2007)*

38 Text Amendment, Case File TA 2006-0012, proposes to add a Class 1
 39 Major Pedestrian Route (MPR) designation on the east side of SW
 40 170th Avenue between SW Merlo Road and the MAX Light Rail Tracks
 41 and a Class 2 MPR designation on both sides of SW Merlo Drive
 42 between SW Merlo Road and SW 170th Avenue. The text amendment
 43 also proposes to add a Class 1 designation on both sides of SW 141st
 44 Place between SW Millikan Way and the MAX Light Rail Tracks and a

1 future Class 1 on both sides of SW Schottky Terrace between SW
 2 Millikan Way and the MAX Light Rail Tracks. The purpose of this
 3 text amendment is to update the implementing regulations for the
 4 recently annexed properties abutting these right-of-ways.
 5

6 Senior Planner Colin Cooper explained that the purpose of the
 7 proposed text amendment was to amend the existing MPR Map for the
 8 South Tek Station Community and the Merlo Station Community
 9 areas, which will expand applicability of the MPR design standards to
 10 recently annexed properties in each of the respective Station
 11 Community areas. Concluding, he offered to respond to questions.
 12

13 Commissioner Johansen, Platten, Bobadilla, Stephens, Winter, and
 14 Chairman Maks stated that the application meets the approval criteria
 15 and supports a motion for approval.
 16

17 Commissioner Winter **MOVED** and Commissioner Platten
 18 **SECONDED** a motion to approve TA2006-0012 – MERLO AND
 19 TEKTRONIX MPR TEXT AMENDMENT based upon the testimony,
 20 reports and exhibits presented during the public hearings on the
 21 matter and upon the background facts, findings and conclusions found
 22 in the Staff Report dated January 10, 2007.
 23

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

25
 26 **AYES:** Winter, Platten, Bobadilla, Johansen, Stephens,
 27 and Maks.

28 **NAYS:** None.

29 **ABSTAIN:** None.

30 **ABSENT:** San Soucie.
 31

32 C. **PLANNED UNIT DEVELOPMENT MODIFICATIONS TEXT**
 33 **AMENDMENT ON REMAND FROM CITY COUNCIL**

34 3. TA2006-0003 – TEXT AMENDMENT

35 *(Continued from January 24, 2007)*

36 The City Council remanded TA 2006-0003 (Planned Unit Development
 37 Modifications Text Amendment) to the Planning Commission. The
 38 text amendment is to Chapter 40 Sections 40.15.15.5 & 6, Chapter 60
 39 Section 60.35.05-15, Chapter 90, Definitions of the Beaverton
 40 Development Code currently effective through Ordinance 4248 to
 41 create new Planned Unit Development Thresholds, Approval Criteria,
 42 and Standards. The intent of the proposed amendment is to require
 43 more specific thresholds and standards for development of Planned
 44 Unit Developments. Chapter 90, Definitions will be amended with new
 45 terms as necessary. The Planning Commission recommended to the

1 City Council adoption of TA 2006-0003 on August 26, 2006. However,
2 the City Council voted to remand TA 2006-0003 to the Planning
3 Commission for further consideration of a series of questions and
4 issues raised at the City Council Work Session of November 13, 2006.
5 Those questions and issues include the following: Should the 20
6 percent open space requirement for PUD's be maintained; Should the
7 City coordinate the 20 percent open space requirement more closely
8 with Tualatin Hills Parks and Recreation Department; Review and
9 clarify the definition of open space; Review "Big House" concepts as a
10 method of addressing bulk and design compatibility within PUD's;
11 Review density transfers from steep slopes; Review methods of
12 allowing development phasing; Review allowances to exceed the base
13 zone building height; Review the impact of allowing a 10 percent
14 reduction of the parent parcel setbacks; Review the affordable housing
15 incentive.

16
17 Mr. Cooper explained that the purpose of this hearing is to consider
18 several questions raised by the city council at their work session on the
19 proposed PUD, which was remanded to the Planning Commission.

20
21 Mr. Cooper stated that the Council had concerns with the coordination
22 of open space dedication through Planned Unit Developments (PUD)
23 with THPRD. He discussed the distributed letter from THPRD which
24 stated that their policy is a two acre minimum unless the proposed
25 parcel for dedication is adjoining an existing facility.

26
27 Chairman Maks stated that when it comes to significant areas, lots or
28 groves that the city always tries to get THPRD to sign on and take
29 over. He stated that he does recall a process within the
30 Comprehensive Plan that said that there would be a pocket park
31 within a quarter mile of all residential zones, adding that there are
32 pocket parks in south Beaverton and in many other areas.

33
34 Commisisoner Johansen stated that he appreciates the park districts
35 position on the two acre minimum and has no objection to this. He
36 stated for the record that his support of the open space requirement is
37 not with the intent that the open space is something that goes to the
38 park district, but with the intent to create open space whether it is a
39 park or other form of open space, and to ensure that the PUD has the
40 proper amount of open space. He stated that he does not agree with
41 the concerns necessarily raised at the council level, emphasizing that
42 he just wants open space, and whether it is a park or not is not
43 significant to him.

44

1 Chairman Maks stated that there appears to be a general consensus
2 for staff to continue to coordinate when appropriate and whenever
3 possible with our parks provider THPRD.

4
5 Chairman Maks referred to the second issue raised by council, "Review
6 the benefit of 20 percent open space dedication in light of limited land
7 supply and the effect on housing affordability." He requested
8 comments.

9
10 Observing that there has been extensive discussion on this issue,
11 Commissioner Johansen stated that he's fully comfortable with the
12 recommendation that was made the first time.

13
14 Chairman Maks summarized the issues discussed by the Planning
15 Commission regarding the 20 percent. He said that the PUD process
16 allows density to be created on difficult sites, infill sites and the sites
17 that are tough to work with. He pointed out that the Planning
18 Commission also discussed that when community standards of the
19 zoning district are set aside, i.e., basic lot size, dimensional standards,
20 setbacks within the lots, possible height variations, then something
21 needs to be given back, and that is usually within open space. He
22 explained that they try to put open space next to significant resources
23 to help, or open space that can be used.

24
25 Commissioner Platten noted that it is necessary to make clear that the
26 20 percent open space is 20 percent open space, and that this does not
27 include the drive way, laundry room or the sidewalk in front of the
28 house.

29
30 Chairman Maks stated that it is difficult to get the community to buy
31 into the PUD process. He pointed out that the 20 percent is what he
32 referred to as a "give and take" and used as a buffer and everything
33 else.

34
35 Chairman Maks referred to the third issue raised by council and stated
36 that council was concerned with the proposed language related to
37 phasing of a PUD. He requested comments.

38
39 The Planning Commission came to a consensus to replace the existing
40 language with the existing code language that allows the Commission
41 discretion to approve a phased PUD plan for up to five (5) years.

42
43 Mr. Cooper discussed the fourth issue raised by council regarding the
44 term "Big House", which is described in the code as a house that is

1 oversized, with multi family dwellings rather than a federal
2 penitentiary that could be used as slang. He stated for the record that
3 the term "Big House" will no longer be used to refer to a penitentiary
4 or a prison of any kind.
5

6 The Commission discussed the fifth issue raised by council pertaining
7 to the flexibility of the 10 percent with regard to the parent parcel.
8 The Commission came to a consensus on option number 2. "Maintain
9 the 10 percent parent parcel setback flexibility, but reiterate the need
10 to ensure that no driveway shall be less than 20 feet."
11

12 Mr. Cooper discussed the sixth issue raised by council regarding the
13 language in Section 60.35.20.B, Building Height, and noted that the
14 council expressed concern that the language was unclear.
15

16 The Planning Commission's consensus was to maintain the language
17 as it was proposed.
18

19 Referring to the seventh issue, Chairman Maks stated that council
20 expressed concern regarding the ability of a potential developer to
21 transfer density from slopes greater than 25 percent.
22

23 After discussion, the Planning Commission came to a consensus to
24 allow the transfer of density from slopes greater than 25 percent, and
25 the possibility of crafting language that creates a graduated transfer of
26 density.
27

28 Mr. Cooper explained the eighth issue of concern from council which
29 pertains to the allowance of up to only 40 percent of the land dedicated
30 for open space to be greater than 5 percent slope. He stated that staff
31 had suggested allowing up to 60 percent of the area, which would allow
32 enough area for a "Commons Area".
33

34 The Planning Commission came to a consensus with option No. 1,
35 "Revise the proposed standard to allow for no more than 60 percent of
36 the area dedicated to be over five (5) percent thereby allowing a
37 significantly greater area to be in a steep slope. The remaining 40
38 percent will ensure that the Common Area can be created.
39

40 Mr. Cooper discussed the distributed list of items that Commissioner
41 San Soucie had submitted. He explained that Commissioner San
42 Soucie had noted several typographical errors that he suggested
43 correction, and that staff will make these changes.
44

1 No member of the public testified with regard to this proposal.

2
3 The public portion of the Public Hearing was closed.

4
5 Chairman Maks, Commissioner's Stephens, Winter, Johansen, Platten,
6 and Bobadilla stated that they recommend this proposal to the city
7 council based on the consensus reached at this hearing.

8
9 Commissioner Johansen **MOVED** and Commissioner Winter
10 **SECONDED** a motion to **RECOMMEND APPROVAL** of TA2006-
11 0003 – Planned Unit Development Modifications Text Amendment on
12 remand from City Council, based upon the facts and findings in the
13 staff report dated January 10, 2007, as well as the submittal by
14 Commissioner San Soucie, that approval to incorporate the discussion
15 and consensus reached this evening by the commission on the eight
16 items included within the staff report dated January 10, 2007.

17
18 Motion **CARRIED**, 6:0:

19
20 **AYES:** Johansen, Winter, Bobadilla, Platten, Stephens,
21 and Maks.

22 **NAYS:** None.

23 **ABSTAIN:** None.

24 **ABSENT:** San Soucie.

25
26 **APPROVAL OF MINUTES:**

27
28 Minutes of the meeting of December 13, 2006, submitted. Being no
29 revisions, the minutes were submitted and **APPROVED** by consensus.

30
31 **MISCELLANEOUS BUSINESS:**

32
33 The meeting adjourned at 8:32 p.m.



MEMORANDUM
City of Beaverton
Community Development Department

"make it happen"

To: Planning Commission
From: Colin Cooper, AICP *Colin*
Senior Planner
Date: January 10, 2007
Subject: **Planned Unit Development Text Amendment – Issues on Remand**

Council expressed in the minutes of the November 13, 2006 work session that the intention of their motion to remand was not to rewrite the document but to review the issues raised by Council provide clarity and flexibility to the document (Exhibit 1). This memo directly answers questions or addresses the issues raised by Council providing options for consideration by the Planning Commission:

- 1. Council expressed a concern about the creation of too many pocket parks and asked staff to investigate the opportunities for land set aside as part of the PUD Open Space dedication to be coordinated with the Tualatin Hills Park & Recreation District (THPRD) the City's park provider. The benefits of coordinating the dedication of open space with THPRD are to reinforce existing and future public investments in parks, and to avoid the unnecessary creation of Home Owners Associations associated with the maintenance of private open space areas. The Council is also concerned with the amenities required as part of the "Active Space" proposed as part of the new PUD regulations.*

In response to this question staff met with THPRD staff Keith D. Hobson, Asst. General Manager and Steve Gulgren, Superintendent of Parks Planning. THPRD staff welcomed the idea of coordinating the dedication of open space; however, based on THPRD Policy for receiving open space dedications there are a number of specific limitations. THPRD's has determined that accepting open space that is less than 2 acres in size is not financially beneficial unless the proposed dedication is adjacent to existing park or would create a connecting corridor to an existing or future planned park.

Both THPRD and City staff considered possible creative ideas for creating some type of land bank whereby developers could pay into a fund that purchased land rather than dedicate the 20 percent of open space on their development site. The obvious limitation is that THPRD has a Parks SDC to accomplish this goal, but that in lieu of a 20 percent dedication of Open Space staff thought might present an option for additional discussion. (Exhibit 2)

THPRD staff did indicate that there would be potential concern for receiving dedicated open space that already had active recreation amenities as required by the proposed code. THPRD staff was not concerned with minor improvements such as benches, picnic tables, and other simple play structures; however, THPRD staff was concerned with larger structures such as club houses, tennis courts, and swimming pools because the strategic vision of for THPRD is to consolidate recreation facilities rather than own many smaller recreation facilities.

Currently, staff coordinates with THPRD as appropriate through the development review process and encourages developers to contact THPRD during the initial planning stages of any development that may be adjacent or near THPRD property. At this point in time, both City and THPRD staff have not identified significant opportunities to change these procedures in relationship to the proposed PUD regulations that address the ongoing creation of private open space.

Options:

- No specific proposed changes to the existing or proposed code. Continue to coordinate development of PUD open space dedications when they meet the minimum THPRD open space dedication criteria.
- 2. *Review the benefit of 20 percent open space dedication in light of limited land supply and the effect on housing affordability.*

Council expressed concern that with a limited land supply within Beaverton and the entire Portland Metropolitan area's requiring a 20 percent dedication of open space would further constrain land supply and may cause housing prices to increase. Council questioned whether an actual financial analysis had been completed that would measure the potential effect of this regulation.

The City Council has asked the Planning Commission to consider the 20 percent open space dedication in light of limited land supply and the financial impact to developers and the corresponding impact to housing affordability.

Staff has completed preliminary analysis using the City's Geographic Information System regarding the number of parcels that meet the PUD application threshold of two acres or greater. Not surprisingly there is a very limited amount of undeveloped land within the City boundary that meets the new PUD threshold. Currently, there are approximately 107 parcels located through out the City in all zones for a total of approximately 632 acres of land. For the purpose of policy discussion, removing 20 percent of the GIS identified area would equal 126 acres of land assuming all of the vacant land could be developed, which is the general effect of the existing and proposed PUD open space regulations. Staff has not conducted a specific zone by zone analysis to determine the actual effect on the buildable lands analysis relative to Metro's Urban Growth Management Functional Plan's Title 1, Housing and Employment Targets. However, the PUD process does allow the transfer of density on a specific site. Therefore, no reduction in the number of dwelling units and jobs could be realized with a PUD.

Staff also analyzed properties for redevelopment potential and found that there are approximately 29 parcels within the City greater than 2 acres that are not vacant but have an existing development value of \$50,000 or less. These 29 acres totaled approximately 124 acres.

Therefore, using these estimated figures there is a total of approximately 756 acres within the City that can be said to immediately meet the PUD threshold without further land assembly.

As related to the Planning Commission at earlier PUD TA hearings PUD regulations have required some type of open space dedication since the originally adopted, however, in 2002 with the major code revision a numeric standard for open space was created.

In considering the options, it is necessary to understand that the 20 percent open space requirement was added to the Code in 2002 to establish a clear performance expectation to not meet certain standards of the subject zoning district (e.g. parcel size). The question for a decision maker, is what is the City receiving in return for a development which differs from the zoning standards and the existing development pattern?

In 2002, the Planning Commission decided that having a specific numeric standard for open space was clear and objective standard to receive

Options:

- A sliding scale for providing open space based on other site amenities or building architecture.
- Provide less open space if a project is within a short distance, ¼ to ½ a mile, to an existing or planned park has been considered.
- Return to a general open space requirement that would be similar to the Beaverton Code prior to the 2002 Code reorganization.
- Maintain the existing regulation.

3. *The Council was concerned with the proposed language related to phasing of a PUD.*

Both the current and proposed PUD regulations allow for phasing. The current phasing language allows for an applicant to propose a either a Preliminary or Final PUD that must be completed within 2 years unless phasing is proposed in which case the decision making authority is provided the authority to extend the approval up to 5 years. Councilor Dalrymple speaking from his experience, felt that the proposed language was too constraining the on the fiduciary responsibility of a developer. The proposed language reducing phasing was a response to providing open ended approvals. However, the proposed language does not necessarily provide the flexibility necessary to respond to ever changing markets.

Options:

- Retain existing language from the code (reprinted below).
- Do not permit phasing.

40.15.15.6.G.

G. Expiration of a Decision.

1. *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.*
 2. *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. However, all PUD phases must commence construction within five (5) years of the date of decision of the Final PUD. Refer to Section 50.90.*
4. *The City Council required that the Planning Commission review the portion of code that restricted the number of attached units and that they investigate the concept of “Big House” used in other areas of the country.*

One Councilor made note of proposed restriction found in an earlier version of the proposed PUD code that restricted to four (4) the number of units that could be in one (1) attached building. However, this proposed code was stricken in the final version of code and so the only limitation for the number of units that may be attached is found in Development Code Section 60.05, Design Standard 60.05.15.1.A, which limits an attached residential structure to 200 feet of linear length in residential zones. While Design Guideline 60.05.35.1.A would allow a building of any length in a residentially zoned district presuming the building design meets the intent of the Design Guideline. Nothing in the proposed or existing code prohibit the idea raised by Council for a “Big House”. Staff has attached examples of the Big House (Exhibit 3).

5. *The City Council requested the Planning Commission review the potential impacts of reducing the parent parcel setbacks by 10 percent. Especially in reference to driveway approaches.*

The specific concern articulated relative to the flexibility proposed by the current code is that it would encourage shorter driveways than could accommodate cars and trucks.

The current PUD code does not provide flexibility of the parent parcel setbacks without a separate Adjustment or Variance application. The intent of the proposed code was to provide a small amount of flexibility within the parent parcel setbacks in order to streamline the application and review process by avoiding an unnecessary additional application. In addition, staff believe that the setback standards protect against inadequate driveway lengths in Section 60.35.10.3.B.3, where setbacks to garage faces must always be 20 feet.

Options:

- Remove 10 percent flexibility proposed by the text amendment.
 - Maintain the 10 percent parent parcel setback flexibility, but reiterate the need to ensure that no driveway shall be less than 20 feet.
6. *Review the allowance for exceeding the height of the base zone. Council expressed concern that the following language in Section 60.35.20.B, Building Height was unclear:*

Buildings shall be to scale with similar types of existing structures on adjacent properties. This can be accomplished by utilizing graduated building heights which offer a transition between single-story residential development and multiple-story residential.

A. Maximum building height standards may be increased up to twelve feet (12') when the applicable building setback distance along the perimeter of the parent parcel is increased at a ratio of 1.5 additional feet of setback for every foot of building height over the base zone standard for building height.

Council was concerned with the requirement that development create a transition between single-story and multiple-story residential development when there is no development adjacent to the proposed development site. Staff review of this standard would presume on vacant land that any new structures would be built to the allowed limit of the zone or for example in cases where existing development is located that height limit was purposefully not used and that the adjoining developer would not be penalized

7. *Council expressed concern regarding the ability of a potential developer to transfer density from slopes greater than 25 percent.*

The proposed PUD regulations do not prohibit development on slopes greater than 25 percent but they also do not allow for a transfer of density from these steep slopes. With increasing pressure for developable land within the Urban Growth Boundary and a lack of readily available land with the City of Beaverton, staff have witnessed several recent developments that have been proposed and approved with at least portions of the site located on slopes that are 25 percent or greater.

Development of steep slopes have the potential to negatively impact surrounding properties and therefore any regulations related to steep slopes should try to reduce the associated risks such as landslide, erosion, and increased storm water runoff. There are two primary regulatory approaches used by surrounding communities for the regulations of steep slopes: 1) Prohibit development of slopes greater than 25 or 35 percent entirely; or 2) Allow for density transfers from steep slopes.

Options:

- Propose new language that would allow a transfer of density from slopes that exceed 25 percent if the developer agrees to restrict any of future development on the slope.
- New code language that simply allows for the transfer of density.
- 8. *The City Council asked that the Planning Commission review the standard that requires that no more than 40 percent of the land dedicated for open space be greater than five (5) percent slope.*

The intent of this standard is to require that the developer of a PUD provide useable space within the required open space in addition to completely passive space.

Options:

- Revise the proposed standard to allow for no more than 60 percent of the area dedicated to be over five (5) percent thereby allowing a significantly greater area to be in a steep slope. The remaining 40 percent will ensure that the Common Area can be created.
- Remove the standard entirely.

Exhibit 1	November 13, 2006 <i>Draft</i> City Council Meeting Minutes
Exhibit 2	THPRD Letter, dated December 8, 2006
Exhibit 3	“Big House” Examples
Exhibit 4	City Council Planned Unit Development Text



Serving Beaverton and the west side since 1955

TUALATIN HILLS PARK & RECREATION DISTRICT

December 8, 2006

DEC 11 2006
COMMUNITY DEVELOP DEPT.

Colin Cooper, Senior Planner
City of Beaverton
PO Box 4755
Beaverton, Or 97076

RE: City of Beaverton Development Code – Planned Unit Developments

Dear Colin:

Thank you for meeting with Steve Gulgren and me to discuss the proposed language in the City of Beaverton Development Code regarding Planned Unit Developments (PUD's). We appreciated the opportunity to discuss how the open space requirements in the proposed language interact with the Park District's recently adopted Comprehensive Plan 2006.

As we discussed, the size requirements for neighborhood parks under our Comprehensive plan are 2 to 5 acres. As such, the 20% open space requirement on developments of less than 10 acres would create open spaces that do not meet the Park District's neighborhood park standards. As we also discussed, there may be unique circumstances in which the Park District would accept open spaces that did not meet this standard. These circumstances could include:

- The open space parcel is contiguous to an existing THPRD park, natural area, or other facility.
- The open space provides a trail access that meets a need identified in the THPRD Trails Master Plan. Examples of these needs could include connections to regional or community trails or access to schools, retail centers, or civic facilities.
- The open space provides critical natural resource protection consistent with the THPRD Natural Resources Management Plan, although 2 acres will generally be a minimum standard here as well.
- The open space is adequate to meet a neighborhood park need in an area identified as park deficient in the Park District's Comprehensive Plan.

We also discussed the range of amenities that can be included in the open space component of a planned unit development and which would be appropriate for acceptance by the Park District. Specifically we discussed amenities such as pools and clubhouses, which would have an ongoing maintenance and operation cost. As we noted in our conversation, the Park District's

Comprehensive Plan 2006 establishes a strategy of moving toward larger multi-generational and multi-purpose facilities. As such, facilities such as small neighborhood pools or clubhouses are not consistent with that strategy and would be unlikely to be accepted by the Park District. We also noted that there are examples within the Park District, of neighborhood pool or recreation facilities that are maintained by homeowners associations and create a supplement to the Park District service level for residents of that development.

Creative Alternatives

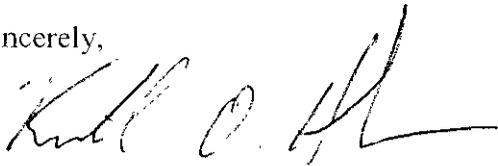
We recognize that open space requirements in small planned unit developments may create an inherent problem where they do not meet the Park District's criteria for acceptance and where there is otherwise no intent to create a homeowners' association. As such we also discussed some potential creative alternatives to resolve the inherent problem:

- Consider a land-banking program whereby a developer is allowed to purchase additional land outside the PUD to satisfy the open space requirement. This would be based on an assumption that the PUD is already adequately served by Park District facilities. It also presumes that the land purchased by the developer meets one of the criteria noted above for Park District acceptance.
- Allow developers to aggregate the open space requirements from several smaller developments into a single larger open space that would satisfy the Park District's size requirements. Again this would presume that the larger park does meet the Park District's needs as identified in the Comprehensive Plan 2006.

Again, thank you for meeting with us to discuss the proposed language in the development code and giving us an opportunity to provide input.

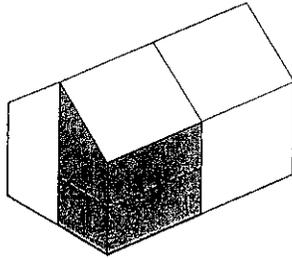
Please feel free to contact either Steve Gulgren or me if you have any further questions.

Sincerely,



Keith D. Hobson
Assistant General Manager

C: Doug Menke, General Manager, Tualatin Hills Park and Recreation District

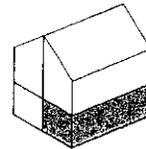


Four or more dwelling units in a detached building, designed with massing and details to appear similar to a very large single detached house.

common names

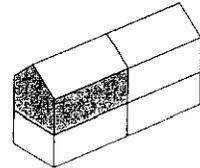
- Quadruplex
- Mansion townhomes
- Back-to-back semi-detached
- Grand house

variations



data

- 4-5 units/building
- 2-3 floors/building
- interior or exterior entry
- Net site density:
10-24 units/acre



Home design

- Units can be single- or multi-level.
- Unit access can be private and exterior; shared entrance presents privacy and maintenance challenges.
- Personalization is critical to distinguish individual units while maintaining the impression of a large house.

the number of exterior walls with windows and the direction they face.

- Site layout very important and varies by arrangement of units in building.
- Parking can be challenging, but opportunities exist for both on- and off-street in a variety of forms.

Site design

- Overlooks and rear yard distances have significant impact on privacy and function of outdoor spaces.
- Access to sunlight and air is affected by

Neighborhood amenities

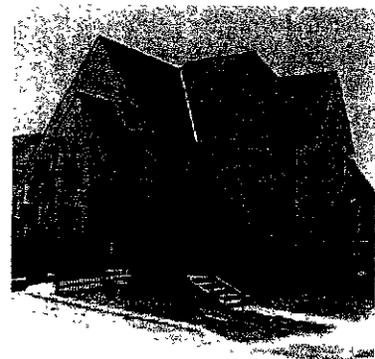
- Potential for increased retail and services due to increased density.
- Transportation options generally greater.
- Nearby open spaces are needed for some outdoor activities.



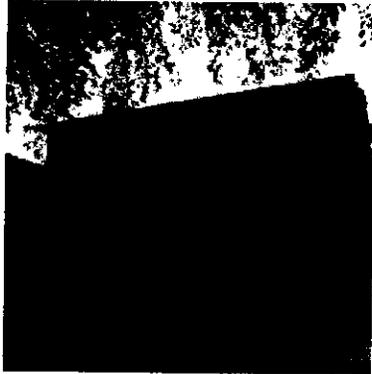
City Homes on Park, Minneapolis MN



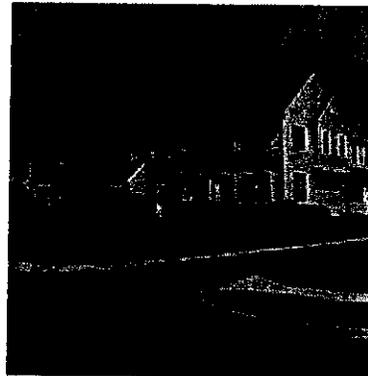
Humboldt Greenway Minneapolis, MN



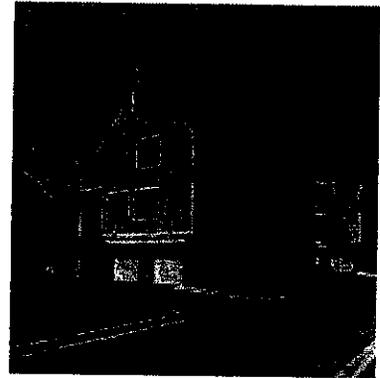
Heritage Park Minneapolis MN



Linden Hills, Minneapolis, MN



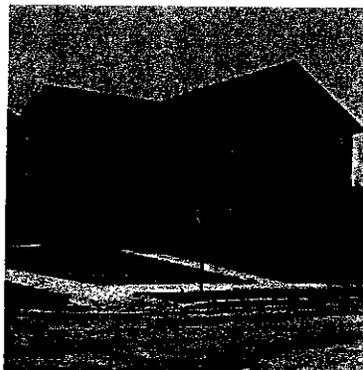
Maple Grove, MN



City Homes on Park, Minneapolis, MN



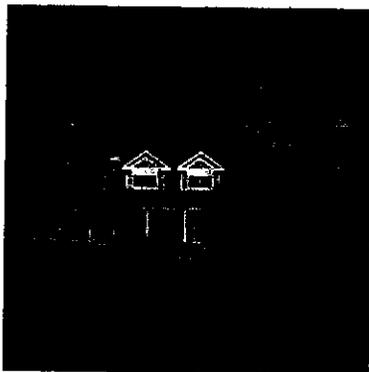
Minneapolis, MN



Heritage Park, Minneapolis, MN



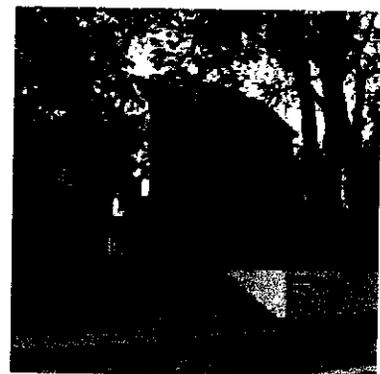
City Homes on Park, Minneapolis, MN



Success Family Housing Minneapolis, MN



City Homes on Park Minneapolis, MN



Minneapolis, MN

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
NOVEMBER 13, 2006

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, November 13, 2006 at 6:34 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce S. Dalrymple, and Dennis Doyle. Coun. Cathy Stanton was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop, Development Services Manager Steve Sparks, Principal Planner Hal Bergsma, Senior Planner Barbara Fryer, Associate Planner Leigh Crabtree and Deputy City Recorder Catherine Jansen.

PRESENTATIONS:

06211 2006 International Association of Chiefs of Police/Motorola Webber Seavey Award for Quality in Law Enforcement

Mayor Drake said the City received the Webber Seavey Award from the International Association of Chief of Police (IACP). He said focus work completed by the Beaverton Police Department staff led to the City competing for and receiving this award. He said the City, through the help of Senator Gordon Smith, received a grant to develop an Identity Theft and Fraud Prevention Program. It was for this program that the City received the Seavey Award. He read a letter from Senator Smith congratulating the City for receiving the award. He presented the award to Police Chief David Bishop and said it was being presented to all the members of the Police Department

Bishop thanked Mayor Drake and said he was accepting this award for the entire community, the Police Department and the City Council and Mayor. He presented a medallion to the Mayor and explained the IACP provided medallions that would be given to all the key people responsible for achieving this award. He said he was giving this to Mayor Drake for he was the first person to start the dialogue with Senator Smith that resulted in the formation of this program. He said the Police Department was extremely proud of the Program and its partnership with the community.

Mayor Drake thanked him for the medallion and said it would be displayed at City Hall.

06212 Presentation of Shields and Swearing In of Newly-Appointed Sergeant and Five Officers to the Beaverton Police Department

Mayor Drake said he started the tradition of swearing in the police officers at the Council meetings to introduce them to the community and welcome them to the City.

Police Chief David Bishop swore in newly-promoted Sergeant Jeffrey DeBolt and the five new officers Nathaneal Brown, Christopher Freeman, Marlin Kendall, Matthew Reed and Bradley Sutton.

Mayor Drake presented the shields to the sergeant and officers.

Bishop thanked the families and friends who were present and said the officers could not do this job without their support.

06220 U. S. Mayors Climate Protection Agreement (Resolution No. 3882)

Mayor Drake said this summer Beaverton citizen Barbara Wilson asked that the Council review and consider adopting the Mayors Climate Protection Agreement. He said he reviewed the information available on-line regarding the agreement and he conferred with staff to determine what work the City has done to promote a healthier environment. He said the City has intentionally embarked on environmental programs in order to be an eco-friendly and more responsive agency. He said this agreement was not a binding document, but it was about looking forward and it was consistent with programs the Council has supported in the past. He invited Ms. Wilson to speak.

Barbara Wilson, Beaverton, and Steve Couche, Portland, introduced themselves. Wilson thanked the Mayor for moving the agreement along expeditiously. She said global warming was an environmental emergency to which no one was paying attention. She said she appreciated the City's efforts to consider the Climate Protection Agreement. She explained how Mayor Nicholson from Seattle became interested in global warming and spearheaded the movement to have cities adopt this agreement. She said as an avid hiker, she has noticed the environment changing over the last 25 years, especially in glacial and wetland areas. She said the phenomena of glaciers receding was occurring world wide and has affected the global climate. She urged the Council to pass the Climate Protection Agreement.

Steve Couche said his first eight years were spent in Cedar Hills and he had memories of the extensive wetlands in this area. He said these wetlands and glaciers were disappearing with the climate change. He said scientists are predicting that ocean levels could increase by 40 feet and that would seriously damage the coastal cities. He said the environment has already experienced an increase in droughts; as that worsens it will bring more famine and shrinking food supplies. He said this is a potential calamity for the world and something has to be done. He said he appreciated that the City has joined the many other cities in signing this agreement. He said it was important to tell the legislators in Washington D.C. that this is a crisis and action is needed at a national level because this country was one of the worst offenders.

Coun. Dalrymple referred to page three, Item seven of the agreement, "Practice and promote sustainable building practices using the U. S. Green Building Council's LEED program or a similar system." He said he was concerned about the immediate impact that would have on the budget if this was adopted now versus ramping up to this through the next budget cycle. He asked what the best way would be to approach this issue.

Mayor Drake said this agreement was a guideline, not a contract. He said this would not upset the budget, but the City would look at how it could gradually honor the points in the agreement in the future. He said the City could move toward being more conservation-minded. He said this does not have a timeline and overnight changes are not intended because the City would not want to increase costs unduly or upset the budget.

Coun. Dalrymple said that was good as long as it was a guideline that the City could work towards. He said this would also give the City the opportunity to do research and understand what this provides; and also to determine which points were of the most benefit to the community and which were affordable.

Mayor Drake said the intent was that this was the first step in this journey. He said the City has been smart in its approach to being conservation-minded; the steps the City has taken were done incrementally for good fiscal management, and to be a good steward and role model for the community. He said the City has practiced this for a number of years. He noted the City has been recognized as a Tree City USA since 1995 and the planting of trees does a great deal to promote a healthy community.

Coun. Bode said she appreciated how Wilson partnered with the City in getting this agreement adopted. She said on page 2 of Agenda Bill 06220 there was a list of the many activities that the City has been engaged in for a number of years that were conservation minded. She noted this agenda bill was posted on the City's Web site for those who may wish to read it in full. She said the City would continue to do more and she thanked Wilson for bringing this forward.

Coun. Arnold said she appreciated her bringing this forward and she was pleasantly surprised to see what City has done so far. She said this was a great move forward.

Coun. Arnold MOVED, SECONDED by Coun. Doyle, that the Council adopt Agenda Bill 06220 and endorse the U.S Mayors Climate Protection Agreement as presented in Resolution No. 3882.

Coun. Doyle said that adopting this agreement gives the City credence to go to the national legislators and let them know that Beaverton, which is the fifth largest city in the state, supports this agreement and urges the legislators to follow the example being set by the mayors in this country. He said since the city councils were the closest governing bodies to the citizens of this country, that should speak volumes to the federal legislators who are making these laws. He said it was long overdue.

Coun. Dalrymple said he has known Wilson for a long time as she had previously brought environmental issues to the Tualatin Hills Parks and Recreation District Board. He said he appreciated her dedication to the issue and that she worked with the agencies to create good stewardship.

Question called on the motion. Couns. Arnold, Bode, Dalrymple and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

Wilson thanked the Council for adopting the agreement. She said she saw this as the beginning and asked how the public could be brought on board. She said this has to be accepted by the 83,000 citizens of Beaverton and they have to be informed that they have an important part in making this agreement successful. She asked how the City could inform the citizens of their role in this issue.

Mayor Drake said there were many ways this could be done. He said by adopting the agreement the City has made a strong statement. He said the City was already doing many of the things that it needed to do and citizens were seeing this. He said the City looks at this agreement to determine how it can meet the standards of the agreement in an economically responsible manner and possibly stretching itself a bit to meet the goals. He said there was always opportunity for input through the budget process or as the City crafts new programs. He said the City would need to think further on ways to provide public outreach.

Wilson stressed that this issue needs to be addressed and public outreach is needed. She said experts on this subject have said that there is only ten years to get this under control; after that, the problem cannot be corrected. She said the reason for this was that the problem increases exponentially; once the arctic ice cap is gone, there is no way to get it back. She said there were things that everyone must do in order to reduce the carbon emissions that come from Beaverton. She said individuals have to know what their carbon footprint is and what they can do to reduce it.

Mayor Drake said this was a team effort and covered much more than just the City of Beaverton.

Wilson asked that the Council and Mayor let the legislators, and others in their sphere of influence, know that the City has passed this agreement and it is important.

VISITOR COMMENT PERIOD:

Bill Kroger, Beaverton, said he was the Chair of the Washington County Behavioral Health Council. He said the Council is an advisory board to the Washington County Commissioners and the Department of Health and Human Services, and deals with mental health and addiction problems in Washington County. He said the Council was comprised of professionals in the field, lay volunteers, consumers and family members. He said there were many pressing mental health and addiction problems facing the County. He said the top five problems they were facing in the community were: Oregon Health Plan issues; service improvements for people with addiction problems; implementing the evidence-based practices program; employment services for the mentally ill; and improvement of community based services for children. He said they have presented this information to the Washington County legislators and candidates, who have a great interest in this issue. He said it was their hope that the Council would become familiar with these issues and help them to spread the word.

Coun. Doyle said this was a critical issue in the community. He asked if the legislators gave them any feedback on their true awareness of what the community and state are facing in relation to these issues; and if the legislators offered any guidance as to what they may try to accomplish in the next session.

Kroger said they had a lively discussion. He said Mitch Greenwick, who was well aware of these issues, wanted the three counties to work in tandem. He said that had been tried but it does not work well. He said the discussion went on for an hour and the candidates learned from the discussion. He said it was hard to say if it specifically helped. He said at least they were more informed now than they had been.

Mayor Drake thanked Kroger for speaking. He added that the mental health professionals in this group were the top professionals in the County. He said the Council has excellent connections in its membership but the challenge they face is bigger than the resources available.

Coun. Bode asked what phone number people could use to reach the Council.

Kroger said he could be reached at 971-645-6889 and he could refer them to the proper individual for whatever services were needed.

COUNCIL ITEMS:

Coun. Arnold said the City's Holiday Tree Lighting would be on December 1, 2006, at The Round at 6:00 p.m. She invited everyone to attend. It was noted that public parking would be available at the Westgate Theater parking lot and there would be guides to assist people with parking.

STAFF ITEMS:

Chief of Staff Linda Adlard reminded the Council that the Budget Committee meeting would be held on Thursday, November 16, 2006. She also noted that the Council's holiday greeting would be recorded by Tualatin Valley Community Television on December 4 at 6:00 p.m., in the Council Chambers.

CONSENT AGENDA:

Coun. Bode MOVED, SECONDED by Coun. Dalrymple, that the Consent Agenda be approved as follows:

Minutes of the Regular Meeting of October 16, 2006

06213 Liquor Licenses: Change of Ownership - Izzy's Restaurant

06214 Classification Changes

Question called on the motion. Couns. Arnold, Bode, Dalrymple, and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

Coun. Arnold said that at last week's meeting the Council passed a motion and had first reading of an ordinance to amend the Comprehensive Plan. She said one of the changes that was approved also needs to be reflected in the Development Code.

Coun. Arnold MOVED, SECONDED by Coun. Doyle, that the Council direct staff to initiate an application to amend the appropriate sections of the Development Code text so that the hearing notice for Type 3 and 4 applications to amend the Development Code and the Zoning Map is provided to Neighborhood Association Committee (NAC) Chairs and the Committee for Citizen Involvement Chair in the same manner as what was proposed in Ordinance No. 4187 to amend the Comprehensive Plan.

Mayor Drake explained this was the second step of what Council had already adopted; it implements what Council has already passed.

Coun. Dalrymple asked if this was missed in the motion at the last meeting.

Mayor Drake said that was correct.

Question called on the motion. Couns. Arnold, Bode, Dalrymple and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

WORK SESSION:

06194 TA 2006-0003 (PUD Text Amendment) (*Rescheduled from 10/16/06 meeting*)
(NOTE: Discussion of this item also covered Bill 06195, Ordinance First Reading for the PUD Text Amendment)

Mayor Drake said he discussed this item with Coun. Dalrymple today and after the work session the ordinance may be referred back to the Planning Commission for additional review and public comment.

Senior Planner Colin Cooper introduced Shelly Holly and Magnus Bernhardt from Parametrix, the land use consultant firm that prepared the draft Planned Unit Development (PUD) Ordinance. Cooper presented a PowerPoint presentation on the history of PUDs in Beaverton. He said in 2002 the Development and PUD Codes underwent a significant reorganization. He said the changes to the PUD Code included the removal of the four-acre minimum area requirement, the 20% open space requirement was quantified, and minimum yard setbacks were specified. He said the PUD Code was currently being revisited because the Planning Commission was not happy with the PUD developments that it was reviewing. He said staff had also promised to revisit sections of the reorganized Code to determine how they were working. He reviewed examples of PUD applications that were not well received by the Planning Commission or the surrounding neighborhoods.

Magnus Bernhardt, Parametrix, consultant, gave an overview of the process used to review and revise the PUD Code. He said the purpose of the Code amendment was to improve the quality of the PUD applications that the City receives. He said they developed good baseline standards and incentives that would improve the quality of the applications.

Bernhardt said that they reviewed the City's PUD Code, and the PUD ordinances of six other jurisdictions; then they tested the proposed PUD revisions using an existing site in Beaverton. He said they also researched form-base code and low-impact development code as they felt those codes would generate innovative ideas that they could test in developing concepts for the existing site in Beaverton. He said the critical PUD elements that were discussed by staff and the Planning Commission were: thresholds; minimum open space standards; parking; design review; density requirements; setback restrictions; minimum parcel size; incentives for increased density and reduction in open space; and design flexibility. He said the model site had many of the challenges that developers face when developing property (natural resources, wetlands, trees, irregular shape and was in an existing neighborhood). He said the proposed project yielded 13 units and one open space lot. He said they looked at form-base code (where function follows form to encourage development flexibility by regulating the form of environment, not the land use or density), at zoning, site character, and architectural components. He reviewed the three plans they developed for this site. He said they developed three ideas as development incentives: a green roof; encouraging more solar passive gain; and cohesive open space within the PUDs. He said the proposed PUD Code has graphics that support the narrative and the new incentives would lead to better projects.

Cooper reviewed the major issues that were raised and resolved. He said the minimum threshold was important to the Planning Commission, so the bar was raised to two acres. He said the Commission was concerned with ensuring compatibility and attractive infill PUD development, so the minimum setback was set at 15 feet. He said the Commission's other major concern was having useable open space, rather than many small lots, so a minimal dimensional standard was created. The Commission was concerned about the lack of innovative, high-quality design within the single-family lots, so design standards for single-family residential were created for PUDs only, not throughout the City. He said bonuses were included for innovative work, such as solar gain and affordable housing. He said also a new threshold was included, so that when a developer asks for more than three variances, adjustments or flexible setbacks (in any combination), that they then would be required to do a PUD. He said with all these new factors, the Commission enthusiastically supported these revisions.

Coun. Arnold asked for information on the development bonuses.

Cooper said the Planning Commission wanted to see innovative development so the ordinance contained a variety of incentives. He said there were incentives for open space, architectural incentives such as solar access and green roof features, and there was an affordable housing component to provide for one or two units in a project.

Coun. Arnold referred to page 27 of the proposed ordinance (Agenda Bill 06195), "Affordable housing is defined as housing affordable to households earning up to 100% of the median household income in Washington County, or less as adjusted for family size as determined by the U.S. Department of Housing and Urban Development (HUD). Housing prices and or rents shall be limited to that level through deed restriction." She asked what "that level" referred to.

Cooper said that referred to two thresholds, the 100% of the median or as determined by the U.S. Department of Housing.

Mayor Drake explained HUD sets income standards and what a family of certain size would need to earn to qualify at a certain level. He said affordable housing in the region is set by HUD as a certain percentage of the median income level. He said the percentage was flexible but HUD would set the standard.

Coun. Arnold asked what percentage of the 100% income represents the affordable amount.

Mayor Drake said HUD sets standard and it could vary.

Coun. Bode said the current standard was 40%.

Coun. Arnold said it seemed that some PUDs were designed to do infill development and the open spaces were an after thought. She said she did not like that because it created the need for a homeowners association which did not make sense as they were not maintaining a real planned community. She said she appreciated the work that was done to make these more functional, so that they are creating something that has value in those open spaces. She said she appreciated the time staff gave her outside of the meeting to help her understand these issues.

Coun. Doyle asked if builders look for these incentives to design innovative projects.

Cooper said he thought the likelihood was low, but the City wants to provide the opportunity for a developer who does want to do these things. He said as an example, a homebuilder might partner with Habitat for Humanity to take advantage of the incentive for affordable housing.

Coun. Doyle said it was commendable that the Planning Commission and staff incorporated this into the Code and that it was easy to understand. He said he was glad to see the opportunity provided in a manner that is fair to the developer. He said he looked forward to seeing what type of applications this will bring forward.

Coun. Dalrymple said he had a number of items to discuss. He said his first concern was phasing (page 8, Agenda Bill 06195). He said if he was putting a development together with its many components, it might take longer than the two years that this program would allow. He said a developer doing a large project has another element of risk, because if it has to come back in two years to go through another process, that might mean there are other restrictions or impacts to the original approval that might negatively impact the ownership and the original master plan. He said from that perspective he would like this to be longer than two years. He said his second concern was density and lot dimensions (page 14). He asked what would happen if the adjacent parcels were not developed to the Comprehensive Plan level. He questioned how a developer could coordinate. He said he thought it would be best served if it was coordinated with the Comp Plan, at the maximum use decided for a site. He said he did not think that was clear in the text.

Coun. Dalrymple referred to page 14, Item B (Agenda Bill 06195) that referenced "Area over 25% slope" when talking about the transfer of density. He questioned what that meant. He said if he was doing a PUD, he hoped he could take the area that could not be built upon and transfer that density to another area and then try to do the best

possible project for the type of building unit being developed. He said he needed clarity on that issue for he was not sure he was thinking along the same lines as the Planning Commission. He said as a developer, he was thinking of the highest and best use and getting the maximum potential out of the property, for livability and for equity investors.

Coun. Dalrymple asked if open space could be less than 20%. He said in this area with the Urban Growth Boundary and other constraints, property values were soaring. He said it costs a lot to buy property; if 20% has to be dedicated to open space, the cost of that 20% will have to be spread among the other units, so this pushes the price of homes up. He said this will make housing more difficult for people to afford. He said he did not know if that had been considered from a financial impact as much as more from a perception of what will be provided in the community. He said he thought in that regard there was a balance in how one looked at open space.

Coun. Dalrymple referred to page 85, Item A.1 (Agenda Bill 06195) which set limits on attached single family units to four units per structure in the R-10 and R-7 residential zone. He said in other parts of the country new architectural practices were introducing a big-house concept. He said the big-house design was a new innovative style for high-density housing, that has six to 12 units in a building that looks like a large estate home. He said that might be something the City wants to foster. He referred to the standards on page 94, Item C, that said "No more than 40% of the gross land dedicated may have slopes greater than five percent." He confirmed this refers to open space and said that this standard becomes a penalty because of the high cost of the land. He said that could be negative and questioned how this was reviewed by the team members.

Coun. Dalrymple said his biggest concern was the issue of pocket parks. He said from his many years on the Tualatin Hills Park and Recreation District (THPRD) Board, pocket parks were too small and the cost to maintain them was significantly higher. He noted THPRD is the park provider for the City and asked if the District was involved in reviewing these amendments. He said the THPRD was in the midst of doing its 20-year Master Plan Update and it would be to the City's advantage to have the District comment on these standards. He highly encouraged involving the THPRD. He referred to the reduction of setbacks on page 106, Item 2, and said that in looking at many developments throughout the country, the setbacks are minimal on many street frontages and when automobiles are parked in front of the garage, they lap over onto the sidewalk blocking the walking area. He said he hoped setback standards would be set for standard automobile size so that there would be no lapping over into the walking area. He said in considering the American Disabilities Act, reduced visibility and negotiating around cars that block the sidewalk become an issue especially for seniors and children at play.

Coun. Dalrymple said that for these reasons he would like to send this proposed ordinance back to the Planning Commission and staff. He stressed it was important to get everyone's buy-in and include THPRD in this review.

Mayor Drake asked staff if THPRD was in the noticing process and if the issue of pocket parks was discussed with the District.

Cooper said THPRD was notified but there was no joint discussion on the pocket parks issue.

Mayor Drake said it would be good to send the document back for input from the THPRD. He asked for additional Council comments.

Coun. Bode said she was concerned with the 15-foot setback due to visibility. She asked if the 20% open space was contiguous. She said in the past it seemed that the open space was divided into small parcels and spread throughout the developments. She said when she was on the Planning Commission she felt duped when one of the projects that was presented as an affordable housing project, was not what she considered affordable housing once it was built. She said as the amount of land decreases, the City needs to be cautious in its development regulations. She said she thought it would be good to go back and look at these issues.

Coun. Doyle said he had no problem referring this back to the Planning Commission and staff. He said many good issues were raised and he would like to hear the response to Coun. Dalrymple's comments.

Mayor Drake said Coun. Dalrymple's comments from a developer's viewpoint were valuable and presented in a constructive manner.

Coun. Bode said the issues of pocket parks, traffic, development costs and open space were important and she agreed this should be referred back to the Commission and staff.

Coun. Dalrymple said they had discussed what constitutes acceptance in open space (setback areas, buffer areas and vegetative corridors). He said all this was important when trying to attract developers. He said without real clarity on this standard, developers might choose to pass on potential development. He said he was very appreciative of the work the Commission and staff did to develop this ordinance. He said he was trying to take a proactive approach to enhance the ordinance and make it an outstanding document.

Coun. Dalrymple MOVED, SECONDED by Coun. Doyle, that the Council refer TA 2006-0003 (PUD Text Amendment) back to the Planning Commission and staff for additional review to include input from THPRD, to consider comments made at the Council Work Session, to hold an additional public hearing at the Planning Commission level, and to bring the ordinance back to Council.

Mayor Drake said Council was not suggesting a wholesale rewrite of the ordinance, rather a consideration of the comments and suggestions raised at the work session. He said he was intrigued by Coun. Dalrymple's comparisons of projects and how they could be handled differently. He said he thought the proposed document and proposed modifications would promote flexibility and creativity, which the City always tries to do as it evolves as an agency.

Question called on the motion. Couns. Arnold, Bode, Dalrymple and Doyle voting AYE, the MOTION CARRIED unanimously. (4.0)

RECESS:

Mayor Drake called for a brief recess at 8:13 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 8:22 p.m.

06215 Tualatin Basin Goal 5 Implementation

(Discussion on this item included Agenda Bills 06216, 06217 and 06218, the first reading of ordinances to amend the Comprehensive Plan, Development Code and Beaverton Code related to the Tualatin Basin Goal 5 Program.)

Senior Planner Barbara Fryer and Associate Planner Leigh Crabtree presented a PowerPoint presentation on the Tualatin Basin Goal 5 Program. Fryer said they have worked on this Program for six years; it started with Metro adopting the inventory of regionally significant resources and was now at the point where the Program was to be adopted by the City. She said the proposed amendments to the Comprehensive Plan and Development Code comply with the Statewide Planning Goal and the Metro Urban Growth Management Functional Plan. She said the proposal was to amend five chapters of the Comprehensive Plan, the Glossary, and the Natural Resources Inventory. Also, the Development Code would be amended to add a new section to Chapter 60 and definitions to Chapter 90. She said City Code Section 5.05 would have minor edits and Section 9.05 was amended to include maintenance as a requirement for storm water facilities.

Fryer reviewed Habitat Benefit Areas (HBA) on two sites and the HBA Preservation Program (in the record). She said this was a voluntary program; incentives are offered to get developers to do preservation activities.

Associate Planner Leigh Crabtree reviewed HBAs in relation to the Development Code. She said the new section in Chapter 60 was in response to comments that the Tualatin Basin Goal 5 Steering Committee received from stakeholders, the Citizen Involvement Committee, the Development Liaison Committee and the Planning Commission. She said it was determined that instead of changing multiple sections of the Development Code, it would be better to write one chapter that deals with providing incentives. She said the first major incentive was HBA Preservation, including preservation, enhancement, mitigation and creation of HBAs. She said the proposed incentives mostly apply to non-single-family residential areas, but there are opportunities for single-family residential. The Planning Commission made the decision that it wished to have single family residential match what already exists, but flexibility has been provided as needed. She said the incentive that would apply to single family residential was open space reduction for an equal amount of HBA preserved. She said incentives for other zones included changing the building envelope and building height bonus.

Fryer reviewed low-impact development techniques. She reviewed examples of eco-roofs and roof-top gardens, and described the features of each. She said eco-roofs are appearing on new and retro-fitted buildings. She also reviewed parking lot landscape islands, landscape swales, storm water planters and rain gardens. She reviewed projects where these techniques were used in Hillsboro, Portland and Milwaukie.

Crabtree reviewed the credits for use of low-impact development techniques (in the record). She said the objective was to convert normal landscaping to capture storm water. She said on streets, the landscape standard reduction meant that standard landscaping was swapped for detention landscaping.

Fryer said at this meeting Council would consider three ordinances to amend the Beaverton Code, the Comprehensive Plan and the Development Code to enact the Tualatin Basin Goal 5 Program. She said the ordinances would receive first reading at this meeting and second reading on December 4, 2006. She said the timeline was to have the Program adopted by January 2007. She said Tigard, Tualatin and Sherwood have adopted these amendments; Hillsboro and Washington County have not yet completed their amendments. She said staff would report back to Council in a year on how well the Program was working. She said they did not know if these incentives were sufficient so that a developer would take advantage of the Program. She said the Planning Commission, the Committee for Citizen Involvement and the Development Liaison Committee supported this proposal. She said the City of Portland has provided greater incentives and that is why so many of these features are seen in Portland. She said staff also developed a guidance manual that will explain to developers how to implement this Program; the manual will be brought to Council for adoption in January.

Coun. Bode thanked staff for their hard work. She said it was interesting to see the high amount of public involvement that went into this project. She said she would support this program and favored moving forward.

Coun. Dalrymple said he was glad to see this Program has moved forward. He asked staff if they knew why Washington County was lagging behind, since it was always in the lead in trying to make this happen.

Fryer said the County's ordinance went before County Planning Commission and the Commission asked to pull the Planned Unit Development section. She said that section would go through the cycle next year as they missed the window for this year.

Coun. Dalrymple said in his experience, there were times when a municipality would not approve a gravel parking lot because oil dripping from automobiles would contaminate the soil; so the parking lot would have to be paved. He said now they were talking about using pervious materials such as grasscrete for parking areas. He questioned how these materials were used in this process and if they were part of the Program.

Fryer said pervious materials were included to a certain extent. She said pervious concrete and pavement, paver blocks, grasscrete and a plastic cell product were being considered for the Program. She said they were still working with the engineering division to get a particular process approved. She said they want to be sure that groundwater contamination does not occur, that the life of the product will meet the standards, and that maintenance issues are accommodated. She said they want to be sure that these issues are taken care of before the materials become a part of the Program. She said this will probably be included in the guidance manual.

Coun. Dalrymple said he was concerned about maintenance issues; that he did not want the City to have to cut the grass on people's parking lots because of these materials. He said he supported its use in other areas but was cautious about using it in parking lot

areas. He asked if a property was in the HBA, and this Program is voluntary, what would happen in the future. He asked if this was a voluntary program because of Ballot Measure 37.

Fryer said that the program was voluntary because of Measure 37; this basin area already has regulations in place that protect the land that is not protected in other jurisdictions. She said they wanted to go above the norm through a voluntary incentive-based program.

Coun. Dalrymple asked if this would come back for adoption by elected officials before it reached a regulatory standpoint.

Fryer confirmed that was correct. She said if the Program was ever considered to be anything but voluntary, it would first go through an extensive public process.

Mayor Drake said with Ballot Measure 37, anything that the City would do beyond a voluntary approach would be susceptible to a Measure 37 claim. He said if the voters ever invalidated Ballot Measure 37, any change to the Comprehensive Plan or Development Code would go through a public process with an intense notification procedure.

Coun. Arnold said she thought it sounded like no areas have any regulation, it is all voluntary. She stressed that was not true. She said there are areas in the inventory that have regulations in place.

Fryer said that was correct; the City was not repealing any regulations that are already in place. She said Clean Water Services' Vegetative Corridors were still applicable in all the inventory areas. She said the areas beyond the vegetative corridors are considered the Habitat Benefit Areas and would be part of this voluntary program. She said the low-impact development techniques would be applied throughout the city, regardless of whether it is a HBA or not.

Coun. Arnold asked that staff explain Section 60.12.47.C2 (page 25, Agenda Bill 06218). She said it sounds like if they build a structure parking place it is one less space overall in the total count of the parking requirements.

Crabtree said a better explanation was that by providing incentives for structured parking, they were trying to reduce the impervious area of the surface parking lot. She said currently parking requirements were tied to surface parking only, not parking structures. She said a developer would receive a credit for eliminating surface parking spaces by integrating the required parking into a parking structure.

Coun. Arnold asked if she had a requirement for 40 parking spaces, if she built two-tiered parking how many spaces would she have to provide.

Fryer said she would still need to provide 40 spaces but the number of surface spaces would be reduced by the number of spaces in the parking structure

Fryer said the intent of these regulations was that one would not need to go through a PUD to get these incentives.

Coun. Arnold asked what open space meant in this ordinance, since it was not the PUD's definition of open space; and if someone doing a PUD could take advantage of these incentives.

Fryer said there were requirements for multi-family developments to have a certain amount of open space and that is what this ordinance addressed. She reiterated that one did not have to do a PUD to get these incentives, though someone doing a PUD could use these incentives.

Mayor Drake thanked staff for the presentation.

ORDINANCES:

Mayor Drake noted that Agenda Bill 06195 was being pulled and referred back to the Planning Commission as result of the previous work session. Also, Agenda Bill 06219 was being pulled and would be brought back in the future.

Coun. Doyle MOVED, SECONDED by Coun. Bode, that the rules be suspended, and that the ordinances embodied in Agenda Bills 06216, 06217, 06218, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Dalrymple, and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

First Reading:

Rappleyea read the following ordinances for the first time by title only:

- 06195 PULLED - TA 2006-0003 (PUD Text Amendment) (Ordinance No. 4409).
(Rescheduled from 10/16/06 meeting) - This ordinance was referred back to the Planning Commission and did not receive first reading.
- 06216 An Ordinance Amending Chapters Five and Nine of the Beaverton Code Related to the Tualatin Basin Goal 5 Program (Ordinance No. 4412)
- 06217 An Ordinance Amending Comprehensive Plan Chapters 3, 4, 5, 6, 7, 8, the Glossary and Volume III (Ordinance No. 4187) Related to CPA 2006-0012 (Ordinance No. 4413)
- 06218 An Ordinance Amending Development Code Chapters 60 and 90 (as Amended through Ordinance 4265) Related to TA 2006-0009 (Ordinance No. 4414)
- 06219 PULLED - An Ordinance Repealing the 72-Hour Parking Prohibition, Section 6 02.310 of the Municipal Code (Ordinance No. 4415). This was pulled prior to the meeting for revisions and will be brought back to Council at a future meeting.

Second Reading:

Rappleyea read the following ordinances for the second time by title only:

- 06208 An Ordinance Amending Comprehensive Plan Chapters 1, 2 and the Glossary (Ordinance No. 4187) Related to CPA 2006-0001 (Ordinance No. 4395)
- 06209 TA 2006-0008 (Design Review Threshold Modifications) (Ordinance No. 4410)
- 06210 ZMA 2006-0006 Momeni Property at Main Avenue and Allen Boulevard Zoning Map Amendment (Ordinance No. 4411)

Coun. Doyle MOVED, SECONDED by Coun. Bode, that the ordinances embodied in Agenda Bills 06208, 06209 and 06210 now pass. Roll call vote. Couns. Arnold, Bode, Dalrymple, and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

OTHER BUSINESS:

Mayor Drake said he received statistics comparing traffic on Highway 217 with other key roads in the metro area (I-5, I-205, US 26 and Oregon 99). He said Highway 217 received 114,000 cars per day; I-5 has 134,000 cars per day; and the other roads are in between the two. He said the amount of traffic that Highway 217 carries is significant.

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 9:13 p.m.

Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this day of , 2007.

Rob Drake, Mayor

1
2 **Section 1:** The Development Code, Ordinance No. 2050, Chapter 40, Applications,
3 **Section 40.15.15.5** shall be amended to read as follows:
4 ~~40.15.15.~~

5
6 ~~5. Preliminary Planned Unit Development.~~

7
8 ~~A. **Threshold.** A Preliminary Planned Unit Development (PUD)~~
9 ~~application is an optional application process which may be chosen by~~
10 ~~the applicant. A Preliminary PUD application is the first application~~
11 ~~of a two-step application process with a Final PUD application as the~~
12 ~~second step. A Preliminary PUD is a plan that generally demonstrates~~
13 ~~the ultimate development of a project. A Preliminary PUD may be~~
14 ~~applied to properties within any City zoning district except~~
15 ~~Residential Agricultural (RA).~~

16
17 ~~B. **Procedure Type.** The Type 3 procedure, as described in Section 50.45~~
18 ~~of this Code, shall apply to an application for Preliminary PUD. The~~
19 ~~decision-making authority is the Planning Commission.~~

20
21 ~~C. **Approval Criteria.** In order to approve a Preliminary PUD application,~~
22 ~~the decision-making authority shall make findings of fact based on~~
23 ~~evidence provided by the applicant demonstrating that all the~~
24 ~~following criteria are satisfied:~~

25
26 ~~1. The proposal satisfies the threshold requirements for a~~
27 ~~Preliminary PUD application.~~

28
29 ~~2. All City application fees related to the application under~~
30 ~~consideration by the decision-making authority have been~~
31 ~~submitted.~~

32
33 ~~3. The proposal meets the Site Development Requirement for~~
34 ~~setbacks within the applicable zoning district for the perimeter~~
35 ~~of the parent parcel unless the setbacks are approved as an~~
36 ~~Adjustment, Flexible Setback or Variance which shall be~~
37 ~~considered concurrently with the subject proposal.~~

38
39 ~~4. The proposal will comply with the applicable policies of the~~
40 ~~Comprehensive Plan.~~

41
42 ~~5. The size, dimensions, configuration, and topography of the site~~
43 ~~and natural and man-made features on the site can reasonably~~
44 ~~accommodate the proposal.~~

1 40.15.15.5.C.

2
3 ~~6. The location, size, and functional characteristics of the proposal~~
4 ~~are such that it can be made reasonably compatible with and~~
5 ~~have a minimal impact on livability and appropriate~~
6 ~~development of properties in the surrounding area of the subject~~
7 ~~site.~~

8
9 ~~7. Lessening the Site Development Requirements results in~~
10 ~~benefits to the site, building, and structural design or~~
11 ~~preservation of natural features that could otherwise not be~~
12 ~~achieved.~~

13
14 ~~8. Applications and documents related to the request, which will~~
15 ~~require further City approval, shall be submitted to the City in~~
16 ~~the proper sequence.~~

17
18 ~~D. Submission Requirements. An application for a Preliminary PUD~~
19 ~~shall be made by the owner of the subject property, or the owner's~~
20 ~~authorized agent, on a form provided by the Director and shall be filed~~
21 ~~with the Director. The Preliminary PUD application shall be~~
22 ~~accompanied by the information required by the application form, and~~
23 ~~by Section 50.25 (Application Completeness), and any other~~
24 ~~information identified through a Pre Application Conference.~~

25
26 ~~E. Conditions of Approval. The decision making authority may impose~~
27 ~~conditions on the approval of a Preliminary PUD application to ensure~~
28 ~~compliance with the approval criteria.~~

29
30 ~~F. Appeal of a Decision. Refer to Section 50.70.~~

31
32 ~~G. Expiration of a Decision. The decision shall expire two (2) years after~~
33 ~~of the date of decision. Refer to Section 50.90.~~

34
35 ~~H. Extension of a Decision. Refer to Section 50.93.~~

36 40.15.15.

37
38 ~~6. Final Planned Unit Development~~

39
40 ~~A. Threshold. A Final Planned Unit Development (PUD) application is~~
41 ~~the second application of a two-step application process with a~~
42 ~~Preliminary PUD as the first step. A Final PUD application may also~~
43 ~~be a one-step application process which is an alternative to the two-~~
44 ~~step process required when an applicant chooses to apply for a~~
45 ~~Preliminary PUD. The option of a one-step or two-step process rests~~
46 ~~with the applicant. The requirements for a Final PUD may be applied~~
47 ~~to properties within any City zoning district except Residential-~~
48 ~~Agricultural.~~

EXHIBIT A

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- ~~B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Final PUD approval. The decision making authority is the Planning Commission.~~
- ~~C. Approval Criteria. In order to approve a Final PUD 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 Final PUD application.~~
 - ~~2. All City application fees related to the application under consideration by the decision making authority have been submitted.~~
 - ~~3. If a Preliminary PUD has been approved, the Final PUD is filed within two (2) years or the Preliminary PUD has received an extension approval pursuant to Section 50.93 of this Code.~~
 - ~~4. The final PUD complies with the approved Preliminary PUD, if any.~~
 - ~~5. The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless the setbacks are approved as an Adjustment, Flexible Setback or Variance which shall be considered concurrently with the subject proposal.~~
 - ~~6. The proposal complies with the applicable policies of the Comprehensive Plan.~~
 - ~~7. The size, dimensions, configuration, and topography of the site and natural and man made features on the site can reasonably accommodate the proposal.~~
 - ~~8. 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.~~
 - ~~9. The lessening of the Site Development Requirements results in benefits to the enhancement of site, building, and structural design or preservation of natural features.~~

EXHIBIT A

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

4
5 D. ~~Submission Requirements.~~ ~~An application for a Final PUD shall be~~
6 ~~made by the owner of the subject property, or the owner's authorized~~
7 ~~agent, on a form provided by the Director and shall be filed with the~~
8 ~~Director. The Final PUD application shall be accompanied by the~~
9 ~~information required by the application form, and by Section 50.25~~
10 ~~(Application Completeness), and any other information identified~~
11 ~~through a Pre-Application Conference.~~

12
13 E. ~~Conditions of Approval.~~ ~~The decision making authority may impose~~
14 ~~conditions on the approval of a Final PUD application to ensure~~
15 ~~compliance with the approval criteria.~~

16
17 F. ~~Appeal of a Decision.~~ ~~Refer to Section 50.70.~~

18
19 G. ~~Expiration of a Decision.~~

20
21 1. ~~If the application proposes to develop the PUD in a single phase,~~
22 ~~the decision shall expire two (2) years after the date of decision.~~
23 ~~Refer to Section 50.90.~~

24
25 2. ~~If the application proposes to develop the PUD over multiple~~
26 ~~phases, the decision making authority may approve a time~~
27 ~~schedule of not more than five (5) years for the multiple~~
28 ~~development phases. However, all PUD phases must commence~~
29 ~~construction within five (5) years of the date of decision of the~~
30 ~~Final PUD. Refer to Section 50.90.~~

31
32 H. ~~Extension of a Decision.~~ ~~Refer to Section 50.93.~~

1 Proposed Planned Unit Development Code

2
3 40.15.15.

4
5 **5. Planned Unit Development**

6
7 A. Threshold. A Planned Unit Development is an application process which
8 may be chosen by the applicant when one or more of the following
9 thresholds apply:

- 10
11 1. The Planned Unit Development (PUD) may be applied to Commercial,
12 Industrial, Multiple Use, and Residential properties that are 2 acres or
13 greater in size within any City zoning district except Residential-
14 Agricultural.
- 15
16 2. When a land division of 2 acres or greater in size within any City zoning
17 district except Residential-Agricultural requires collectively more than
18 3 of the following land use applications or combination thereof:
19 a. Minor Adjustment;
20 b. Major Adjustment;
21 c. Flexible Setback; or
22 d. Variance

23
24 B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of
25 this Code, shall apply to an application for PUD approval. The decision
26 making authority is the Planning Commission.

27
28 C. Approval Criteria. In order to approve a PUD application, the Planning
29 Commission shall make findings of fact based on evidence provided by the
30 applicant demonstrating that all the following criteria are satisfied:

- 31
32 1. The proposal satisfies the threshold requirements for a PUD
33 application.
- 34
35 2. All City application fees related to the application under consideration
36 by the decision making authority have been submitted.
- 37
38 3. The proposal meets the Site Development Requirement for setbacks
39 within the applicable zoning district for the perimeter of the parent
40 parcel unless otherwise provided by Section 60.35.03.
- 41
42 4. The proposal complies with the applicable policies of the
43 Comprehensive Plan.
- 44
45 5. The size, dimensions, configuration, and topography of the site and
46 natural and man-made features on the site can reasonably
47 accommodate the proposal.

EXHIBIT A

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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. If a phased PUD has been approved, development of the future phases of the PUD are filed within two (2) years or the PUD has received an extension approval pursuant to Section 50.93 of this Code.
11. 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.

EXHIBIT A

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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. 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.

1. 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.

Section 2: The Development Code, Ordinance No. 2050, Chapter 60, Special Regulations, Section 60.35 shall be amended to read as follows:

60.35. PLANNED UNIT DEVELOPMENT [ORD 4224; August 2002]

~~60.35.05 Purpose. It is the purpose of these provisions to allow a planned unit development (PUD) in any City zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The planned unit development provisions are intended to encourage more creative approaches for developing land, while enhancing and preserving the value, spirit, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations. This is to be accomplished by:~~

- ~~1. Utilizing advances in technology and design.~~
- ~~2. Creating a comprehensive development plan which is equal to or better than that resulting from traditional lot-by-lot land development.~~
- ~~3. Employing design flexibility for locating structures, open spaces, circulation facilities, off-street parking areas, and other improvements.~~
- ~~4. Retaining and protecting special topographic, natural, or environmentally sensitive features on the site.~~
- ~~5. Encouraging innovative design techniques.~~
- ~~6. Utilizing design flexibility afforded by the planned unit development provisions to improve compatibility of the development with surrounding properties and uses.~~
- ~~7. Change from specific site development requirement and combinations of uses is allowable, subject to the provisions of this Code.~~

~~60.35.10. Modification of Base Zoning Standards~~

~~1. Dimensional Standards~~

~~The dimensional standards for the applicable zoning district as listed in Chapter 20 may be modified through approval of a Planned Unit Development, except for the following situations:~~

- ~~A. Required setbacks shall continue to apply to the parent parcel upon which the proposed PUD will be located.~~
- ~~B. The intersection standards in Section 60.55.50 shall continue to be satisfied.~~

EXHIBIT A

1 ~~60.35.10.1.~~

2
3 C. ~~All building setbacks shall continue to meet applicable building and~~
4 ~~fire code requirements.~~

5
6 D. ~~Maximum building height standards may be increased up to twelve~~
7 ~~feet (12') when the applicable building setback distance along the~~
8 ~~perimeter of the parent parcel is increased at a ratio of 1.5 additional~~
9 ~~feet of setback for every foot of building height over the base zone~~
10 ~~standard for building height.~~

11
12 ~~2. Allowed Uses.~~

13
14 A. ~~Except as provided in Section 60.35.10.2.B. below, the uses in a PUD~~
15 ~~shall comply with the permitted and conditional use requirements of~~
16 ~~the base zoning district.~~

17
18 B. ~~Detached and attached dwellings shall be allowed in any PUD~~
19 ~~provided the overall residential density satisfies the applicable~~
20 ~~residential density provisions of this Code.~~

21
22 C. ~~In addition to the accessory uses and structures typical of the uses~~
23 ~~authorized in the subject zoning district in which the PUD is located,~~
24 ~~accessory uses approved as a part of a PUD may include the following:~~

25
26 1. ~~Private park, lake or waterway.~~

27
28 2. ~~Recreation area.~~

29
30 3. ~~Recreation building, clubhouse or social hall.~~

31
32 4. ~~Other accessory use or structure which the decision making~~
33 ~~authority finds is designed to serve primarily the residents of~~
34 ~~the PUD, and is compatible with the neighborhood and to the~~
35 ~~design of the PUD.~~

1 ~~60.35.15 Common Open Space.~~

2
3 1. ~~A PUD shall be required to provide common open space according to the~~
4 ~~following rates:~~

5
6 ~~A. Area equal to at least twenty percent (20%) of the subject site when the~~
7 ~~site is up to and including 10 acres in size. [ORD 4365; September~~
8 ~~2005]~~

9
10 ~~B. Area equal to at least fifteen percent (15%) of the subject site when the~~
11 ~~site is more than 10 acres and up to and including 50 acres in size.~~
12 ~~[ORD 4365; September 2005]~~

13
14 ~~C. An area equal to at least ten percent (10%) of the subject site when the~~
15 ~~site is more than 50 acres in size.~~

16
17 ~~2. Land required to be set aside as setbacks or buffers shall not be included in~~
18 ~~the calculation of required open space.~~

19
20 ~~3. Land shown on the final development plan as common open space, and~~
21 ~~landscaping and/or planting contained therein shall be permanently~~
22 ~~maintained by and conveyed to one of the following:~~

23
24 ~~A. An association of owners or tenants, created as a non-profit corporation~~
25 ~~under the laws of the state which shall adopt and impose articles of~~
26 ~~incorporation and bylaws and adopt and impose a declaration of~~
27 ~~covenants and restrictions on the common open space that is~~
28 ~~acceptable to the City Attorney as providing for the continuing care of~~
29 ~~the space. Such an association shall be formed and continued for the~~
30 ~~purpose of maintaining the common open space and shall provide for~~
31 ~~City intervention and the imposition of a lien against the entire~~
32 ~~planned unit development in the event the association fails to perform~~
33 ~~as required; or~~

34
35 ~~B. A public agency which agrees to maintain the common open space and~~
36 ~~any buildings, structures, or other improvements which have been~~
37 ~~placed on it.~~

60.35 PLANNED UNIT DEVELOPMENT

60.35.05 Purpose

It is the purpose of these provisions to allow a Planned Unit Development (PUD) in any City zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The PUD provisions are intended to encourage innovation and creative approaches for developing land while enhancing and preserving the value, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations. This is to be accomplished by using the following development and design principles:

1. Site design shall use the flexibility afforded by the planned unit development to:
 - A. Provide setbacks and buffering through landscape or building design abutting to existing development;
 - B. Cluster buildings to create open space and protect natural resources;
 - C. Provide for active recreation and passive open space;
 - D. Use resource efficient development and building practices that encourage innovative design techniques and construction practices that use energy saving technology;
2. Site design shall maximize the opportunities for diversified architecture and outdoor living environments that respond to the existing site context by exploring design flexibility for siting structures, open spaces, circulation facilities, off-street parking areas, streetscapes, resource conservation, and creation of other site improvements that facilitate efficient use of land and create a comprehensive development plan which is better than that resulting from traditional subdivision development;
3. Building architecture including detached residential, shall use innovative design that should consider the context of the existing built and natural environment. Buildings shall be architecturally detailed, and of a size and mass that contribute to a pedestrian-friendly streetscape, and respond to the natural features of the site. Cluster housing, such as Courtyard, Patio, or Cottage development, that groups buildings in areas to maximize open space and preserve significant cultural and natural resources is highly encouraged as are the use of sustainable building materials and practices. The orientation of buildings should promote human scaled and pedestrian friendly environments and maximize solar exposure for passive solar gain;
4. Open space should provide opportunities for active and/or passive recreation that includes preservation of natural and cultural resources. Good site design shall retain and protect special topographic, natural, and environmentally sensitive features and existing Significant Groves and Historical and Individual trees should be retained and protected. Understory and the use of native plant material and sustainable landscape practices are encouraged.

1 **60.35.10 Modification of Base Zoning Standards**

2
3 1. *Permitted Uses*

- 4
5 A. The uses in a PUD shall comply with the permitted and conditional use requirements
6 of the zoning district.
7
8 B. Detached and attached dwellings may be allowed in a PUD provided the overall
9 residential density satisfies the applicable residential density provisions of this Code.
10
11 C. In addition to the accessory uses and structures typical in the zoning district in which
12 the PUD is located, accessory uses approved as a part of a PUD may include, but are
13 not limited to the following:
14
15 1. Private or public park, lake or waterway;
16
17 2. Recreation area;
18
19 3. Recreation building, clubhouse or social hall; or
20
21 4. Other accessory uses or structures which the Planning Commission finds are
22 designed to serve primarily the residents of the PUD, and are compatible with
23 the neighborhood and to the design of the PUD.
24

25 2. *Density and Lot Dimensions*

- 26
27 A. Density and building scale shall relate to the surrounding neighborhood
28 development and natural resources by providing massing and architectural
29 compatibility with the surrounding neighborhood.
30
31 B. Density Transfers
32
33 1. A density transfer allows an equal transfer of dwelling units from one
34 portion of the site to another. Density transfers are allowed for the
35 following areas:
36
37 a. Area within a floodplain;
38
39 b. Area over twenty-five (25) percent slope;
40
41 c. Known landslide areas or areas shown to have potential for severe
42 or moderate landslide hazard;
43
44 d. Area in designated resource areas including: significant tree
45 groves, wetlands, riparian corridors, and their associated buffers;
46
47 e. Areas constrained by monitoring wells and similar areas dedicated
48 to remediation of contaminated soils or ground water; and
49

EXHIBIT A

- 1 f. Areas similar to those in a-e above, as approved by the Planning
2 Commission through the PUD process.
3

4 C. Single-Family Residential Lot Sizes
5

- 6 1. Minimum lot size shall be 50% of the designated base zone.
7
8 2. Maximum lot size shall be 150% of the designated base zone unless
9 designated for a future phase. When the maximum density for the parent
10 parcel has been achieved or a lot is greater than 150% of the base zone. An
11 oversized lot(s) shall include a deed restriction to preclude
12 unintended partitioning or subdividing of such lots in accordance
13 with the requirements of the approved PUD.
14
15 3. Overall lot dimensions within the development plan shall not result in a lesser
16 dwelling unit density than if the property in question were developed as a
17 conventional design subdivision.
18

19 D. Lot Coverage
20

- 21 1. The following maximum lot coverage standards shall apply to all zones.
22
23 a. Single-Family Detached Houses – sixty (60) percent of lot area.
24
25 b. Single-Family Attached (Town homes) or row homes – Seventy (70)
26 percent of lot area.
27
28 c. Duplexes and two-family attached houses – Sixty (60) percent of lot area.
29
30 d. Multi-family Housing - Sixty (60) percent of lot area.
31
32
33 2. Lot coverage may be increased by up to 10% by meeting the architectural
34 requirements listed in the Development Bonus and Development Incentive
35 Options described in section 60.35.25.
36
37

3. *Setbacks*

A. The dimensional standards for the applicable zoning district as listed in Chapter 20 may be modified through approval of a Planned Unit Development, except for the following situations:

- 1. For proposed lots abutting the perimeter of the property, the required setbacks shall comply with the standard front and rear setbacks of the parent parcel. Where the side yard of the parent parcel abuts existing development the setback for new development shall be no less than fifteen (15) feet. By meeting the Development Bonus and Development Incentive Options in section 60.35.25 the setbacks of proposed perimeter parcels may be reduced by up to ten (10) percent upon approval of the Planning Commission.
- 2. Where standard modifications would not promote pedestrian or bicycle connection to the street; support storm water management; or meet fire and building codes.

B. Front Setbacks

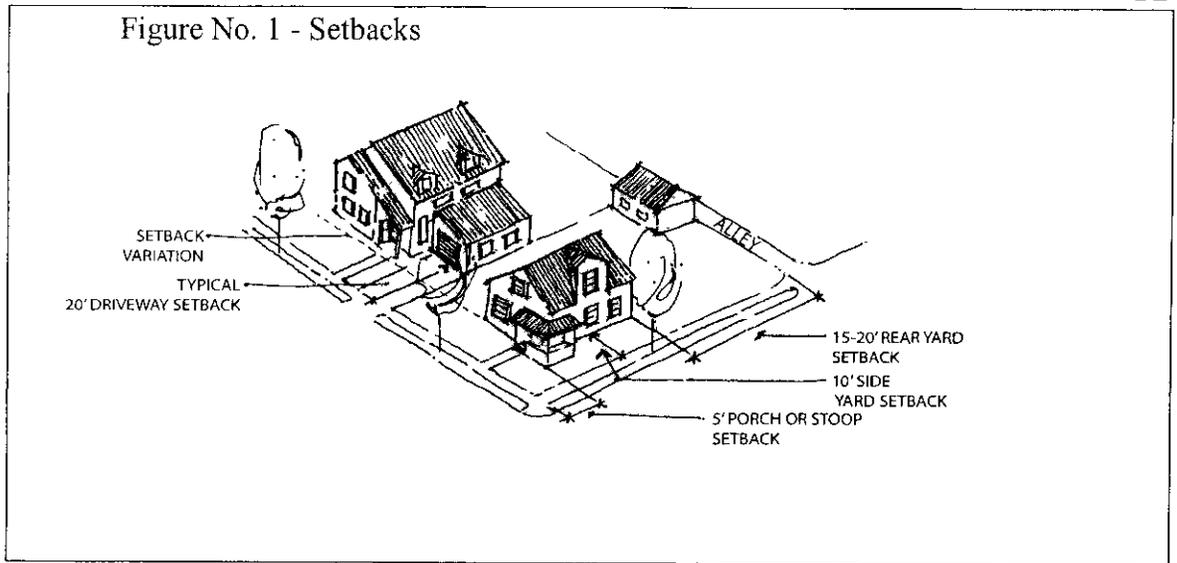
Apply to all residential developments except lots along the perimeter which shall be consistent with Section 60.35.10.3.A.1.

- 1. Proposed lots with front setbacks modified from the applicable zoning district, and lots adjacent shall have staggered front yard setbacks in order to provide diversity in the lot layout.
- 2. Front setbacks for a residential structure, excluding the garage where the garage door faces the front property line, shall be a minimum of ten (10) feet. An unenclosed porch or building stoop may be within five (5) feet of property line as long as it does not encroach into a public utility easement.
- 3. All single-family attached and detached garages that face a public or private street shall be setback a minimum of twenty (20) feet from property line. Attached and detached garages shall be recessed a minimum of four (4) feet from the front of the building, not including porches when facing a public or private street. Garages and carports accessed from an alley shall be setback a minimum of five (5) feet from rear building elevation. All other garage and carport entrances must be recessed minimum of two (2) feet when building setback is at least twenty (20) feet

C. Rear setbacks

- 1. Rear setbacks shall be the same as the designated zone for the parent parcel for lots abutting the perimeter of the proposed development excepting alley accessed lots for which rear setbacks may be reduced to 6 feet for alley-accessed lots.

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D. Side setbacks

1. Except for zero-lot line development, side setbacks shall be a minimum of four (4) feet on interior side yards, and ten (10) feet on street corner lots. All zero-lot line development shall have side yard setbacks of 10 feet on one side of the dwelling unit and no setback required on the opposite side.

60.35.15 Open space

Purpose

Open space shall provide opportunities for active and/or passive recreation and may include existing stands of trees, understory resource areas, and storm water facilities as outlined in this section. Active open space shall allow human activities including recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities. Open space may also be passive and include human activities limited to walking, running, and cycling, seating areas and wildlife viewing or natural areas such as a wetland.

1. A Planned Unit Development shall provide baseline open space of an area equal to at least twenty percent (20%) of the subject site.

2. Up to twenty (20) percent of the open space requirement may be dedicated to the following land uses:

A. Water quality facilities that have side slopes of 3:1 or less and do not require fencing per Clean Water Services (CWS) standards;

B. Environmentally sensitive areas including wetlands and any required buffers required by Clean Water Services or other regulatory body.

3. Standards

A. Open space shall be land that is available for the creation of active and/or passive areas, or resource areas that provide visible and accessible open space to the proposed community.

B. Open space shall be easily accessible physically or visually to all members of the planned community via a minimum thirty (30) foot street frontage or access easement;

C. No more than forty (40) percent of the gross land dedicated may have slopes greater than five (5) percent;

D. Open space areas shall have a dedicated meter and underground irrigation system to ensure adequate water supply during establishment period (3-years) and during periods of drought for all newly planted areas. Resource areas are exempt from this criterion.

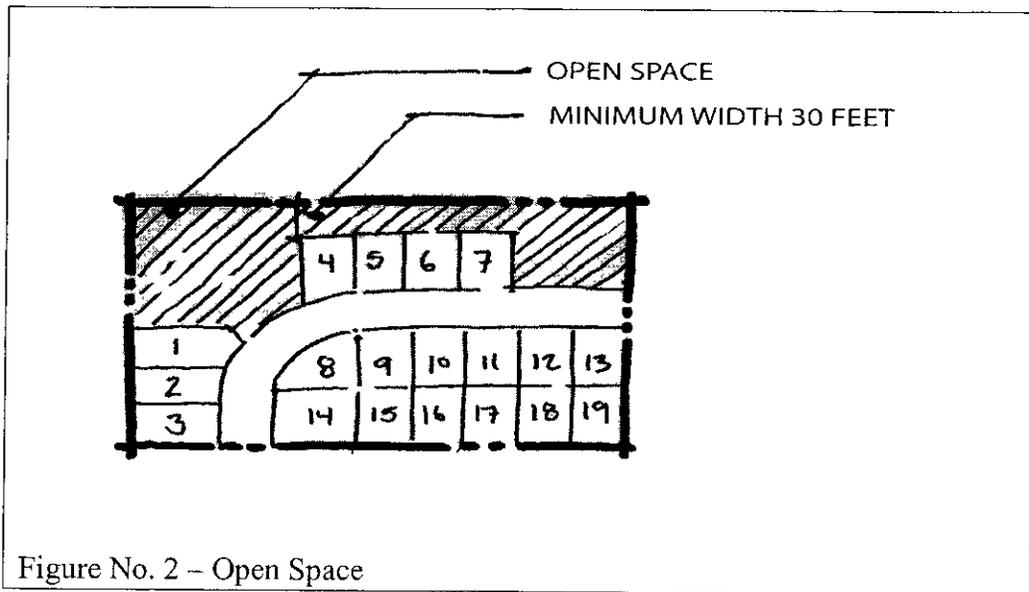
E. For developments ten (10) acres or greater, at least twenty-five (25) percent of the total required open space area shall be active space or meet the commons criteria in this chapter.

F. For the purpose of this Code, open space does not include:

1. Public or private streets;

EXHIBIT A

- 1
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 - 8
2. Surface parking lots or paved areas not designated for active or passive recreation;
 3. Private lots and buildings; including setbacks, or landscape buffers;
 4. Vehicular access driveways or maneuvering areas.



9
10
11

Figure No. 2 – Open Space

Commons Area

A “Commons area” within the dedicated open space is required for residential developments that have ten (10) units or more. One designated space shall be provided as an accessible commons area that may be a gathering spot, play area, overlook or any other outdoor area given special consideration and may consist of active, passive, or both uses. The Commons area shall be accessible to all lots and meet the following criteria:

1. One hundred fifty (150) square feet for each unit containing 500 or less square feet of gross floor area.
2. Two hundred fifty (250) square feet for each unit containing more than 500 square feet and up to 2000 square feet of gross floor area.
3. Three hundred fifty (350) square feet for each unit containing more than 2000 square feet of gross floor area.
4. A Commons area shall be no smaller than the average minimum lot size and shall have minimum width 40 feet.
5. A Commons area may abut a collector or greater classified street as identified in the City’s adopted Functional Classification Plan, when separated from the street by a constructed barrier, such as a fence or wall, at least three (3) feet in height.
6. One Commons area shall be provided for every fifty (50) units in single-family developments and every one-hundred (100) units for multi-family developments.
7. A Commons shall include physical improvements to enhance the commons area such that from the following list, the items chosen must total 500 or more points. Other improvements may be approved by the Planning Commission:

Amenity	Points
A bench or other seating with a pathway or other pedestrian way	100
A gazebo or similar gathering area	150
Plazas that serve as gathering places with benches	150
Picnic Area or outdoor eating facility	150
Playground equipment.	200
Tennis and/or sport court (e.g. Basketball, Volleyball, Paddle Tennis)	200
Dedicated Basketball, Volleyball, or other sport use area.	200
Water feature	250
Water feature with wading area	300
Water feature Combined with a 750 square foot gathering area.	350
Indoor or outdoor swimming pool with clubhouse	500
Indoor Clubhouse or meeting facility	500
Other (Improvements not included on this list as approved by the Planning Commission	100-500

1

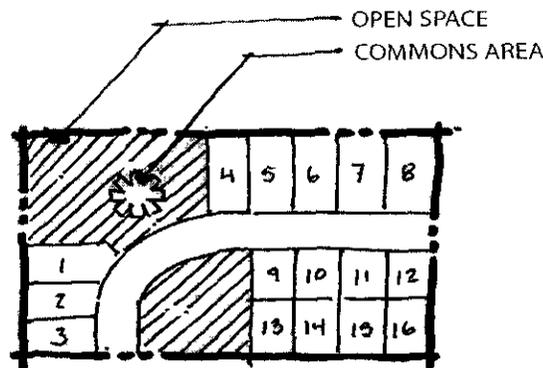


Figure No. 3 – Commons Area

4. *Maintenance and Ownership*

Land shown on the final development plan as common open space, and landscaping and/or planting contained therein shall be permanently maintained by and conveyed to one of the following:

- A. An association of owners or tenants, created as a non-profit corporation under the laws of the state (ORS 94.572) which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Attorney as providing for the continuing care of the space. Any subsequent changes to such CC&R's regarding open space must be approved by the City Attorney. Such an association shall be formed and continued for the purpose of maintaining the common open space and shall provide for City intervention and the imposition of a lien against the entire planned unit development in the event the association fails to perform as required; or
- B. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.
- C. Dedicated open space and commons areas shall be protected by Covenants (CC&Rs) or deed restriction to prevent any future commercial, industrial, or residential development.

1 **60.35.20 Building Architecture**

2
3 1. *Purpose*

4
5 This section applies to development which is not subject to Section 60.05, Design
6 Review, of this code.

7
8 The following architectural standards are intended to promote innovative design that
9 considers the context of the existing built and natural environment. Buildings shall be
10 detailed, human-scale, and respond to the natural features of the site. Cluster housing or
11 grouping buildings in areas to maximize open space and preserve significant cultural and
12 natural resources is highly encouraged along with the use of sustainable building
13 materials and practices. Building shall be oriented to the street or other public spaces
14 such as parks, plazas, courtyards and open commons when served by an alley. This
15 building architecture section also offers applicable Development Bonuses and
16 Development Incentive Options in Section 60.35.30

17
18 2. *Building Orientation*

19
20 Buildings shall be oriented to the street or other public spaces such as parks, plazas,
21 courtyards and open commons when served by an alley. The orientation of buildings
22 shall promote environments that encourage walking, social interaction, and safety.

- 23
24 A. Exceptions to this standard may be allowed by the Planning Commission where access,
25 topography, and natural resources prohibit the orientation of buildings to the street or
26 other public open spaces.
- 27
28 B. In all cases buildings and or private lots shall be served by or have direct access to
29 sidewalks or paths that connect to a private or public street/sidewalk system.
- 30
31 C. Garages with rear alley access or garages located in the rear of the lot with shared
32 driveways are encouraged.
- 33
34 D. All buildings shall have their primary entrance to a street or publicly accessible sidewalk
35 where buildings face public parks, common areas or open space.
- 36
37 E. All primary entrances shall be covered or recessed with a minimum depth of three (3)
38 feet deep and five (5) feet wide.

39
40 3. *Building Heights*

41
42 Buildings shall be to scale with similar types of existing structures on adjacent properties.
43 This can be accomplished by utilizing graduated building heights which offer a transition
44 between single-story residential development and multiple-story residential.

EXHIBIT A

- 1 A. Maximum building height standards may be increased up to twelve feet (12')
2 when the applicable building setback distance along the perimeter of the parent
3 parcel is increased at a ratio of 1.5 additional feet of setback for every foot of
4 building height over the base zone standard for building height.
5

6 4. *Architectural Standards*
7

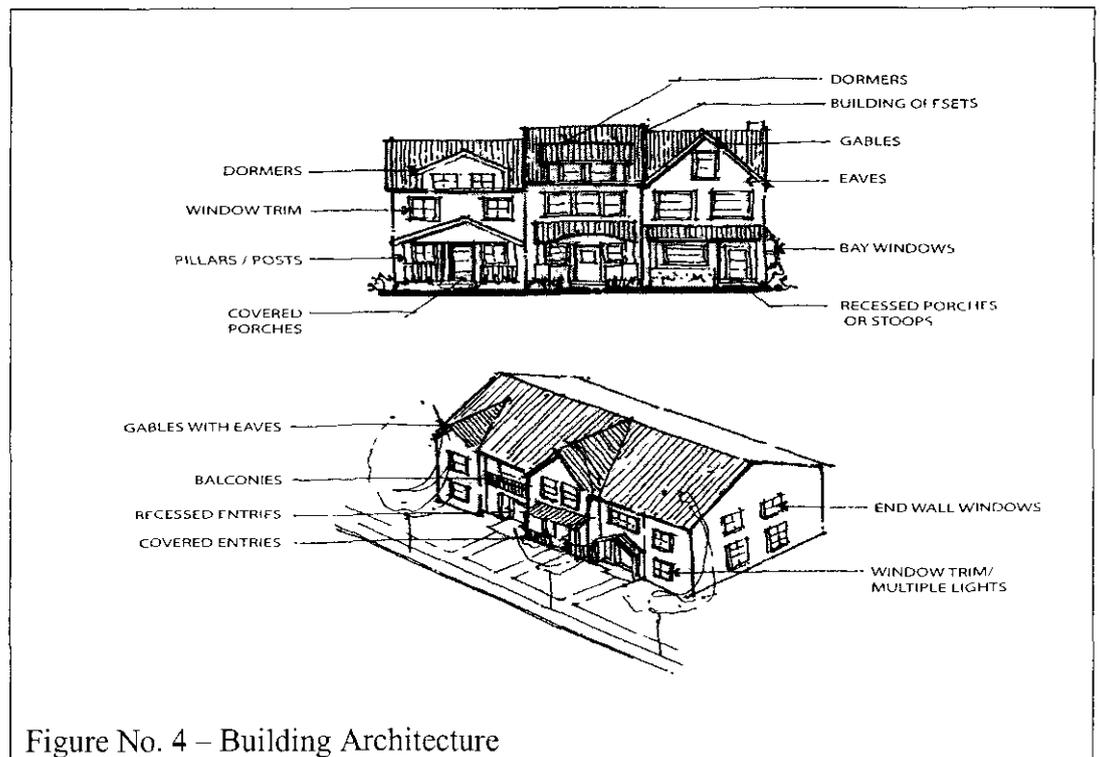
8 Architectural standards are intended to promote quality design and detail that promote
9 innovation and creativity that allows for a variety of building styles and types. All
10 buildings shall adhere to these standards. Graphics are provided as an example of how
11 standards apply.
12

13 The following standards apply to all single-family developments proposed through the
14 PUD process.
15

- 16 A. Building scale and massing shall complement surrounding uses by complying
17 with the provisions in this Code and meeting the following criteria for residential
18 development.
19
- 20 B. Attached dwellings shall maintain similar architectural character as detached
21 dwellings when part of the same development.
22
- 23 C. All detached residential structures shall include design elements that provide
24 building articulation, continuity of form and variety. Architecture should avoid
25 long expanses of uninterrupted building surfaces. Buildings shall incorporate at
26 least four (4) of the following elements:
27
- 28 1. Balconies, window reveals, canopies, awnings, and covered patios,
29 porches or entrances;
 - 30 2. Offsets in roof elevations of two (2) feet or greater;
 - 31 3. Bay windows extending out from the building face that reflect an
32 internal space such as a room or alcove;
 - 33 4. Individual windows in upper stories that are approximately the size
34 and proportion of a traditional window;
 - 35 5. Staggered windows that do not align with windows on adjacent
36 properties and minimize the impact of windows in living spaces that
37 may infringe on the privacy of adjacent residents;
 - 38 6. Windows with trim or molding that appears substantial from the
39 sidewalk;
 - 40 41
 - 42 43
 - 43 44
 - 44 45

EXHIBIT A

7. Windows that are separated from adjacent windows by a vertical element;
8. Windows grouped together to form larger areas of glazing, if individual window units are separated by moldings or jambs;
9. Windows with multiple panes of glass;
10. Window patterns, building articulation and other treatments that help to identify individual residential units in a multi-family building
11. Dormers;
12. Decorative structural accents such as kneebrackets or corbels, widow walks, turrets, hooded windows, pinnacles and pendants, pillars or posts, board and batten, or other architectural vernacular style common to the Pacific Northwest; or
13. An alternative feature approved by the Planning Commission



- D. All building elevations facing a street or public space shall have windows, doors, porches and/or balconies. Front yard building elevations shall have a minimum of fifty (50) percent, and rear facing elevations shall have minimum of thirty (30) percent windows, person doors, porches and/or balconies. Side elevations facing an interior lot line shall have a minimum of fifteen (15) percent windows, person doors, porches and/or balconies. Side elevations facing a public or private street shall have twenty five (25)

1 percent windows, person doors, porches and/or balconies. Building
2 elevation is measured as the horizontal plane between the lowest plate line
3 and the highest plate line of any full or partial building story containing
4 doors, porches, balconies, terraces and/or windows.
5

- 6 3. Alternative building design may reflect modern building form and style.
7 These styles may have less detail or ornamentation but shall have
8 demonstrated successful use of materials and form, and a cohesive
9 architectural style and be approved by the Planning Commission.

10
11
12 **60.35.30 Development Bonuses and Development Incentive Options**

13
14 **Purpose**

15 The PUD also offers the applicant additional standards which can be met as incentives to
16 promote more creative and innovative approaches to site design and infrastructure. The
17 Development Incentive Options are not required; an applicant may choose to meet the
18 standard provisions and requirements of the PUD code. The Development Incentive
19 Options are intended to promote a wide variety of creative and sustainable design
20 practices that better integrate site design, building architecture, and open space with the
21 existing built and natural environment and lead to exceptional community building in the
22 City of Beaverton. Development Incentive Options shall also consider the form and
23 function of the physical improvements and their relationship to each other and the
24 existing environment. Development plans that meet selected Development Incentive

25
26 Options chosen by the applicant may take advantage of one or both:

- 27
28 • Reduced open space requirements;
29 • Setback reduction of the parent parcel.
30

31 Development Incentive bonuses are described below and quantify the flexibility and
32 options that the developer may use to obtain additional flexibility in open space
33 requirements and setback reductions. Approval of the Development Incentive Options
34 and the additional development flexibility allowed are at the discretion of the Planning
35 Commission. In all cases the total incentives may not reduce open space by more than
36 sixty (60) percent of the open space as required in Section 60.35.15.
37

38 The following Development Bonuses and Incentive Options are intended to provide
39 design flexibility.
40

41 **60.35.40 Allowed Development Bonuses**

42
43
44 Site plans that meet selected Development Incentive Options chosen by the applicant may
45 take advantage of one or a combination of the following *Development Bonuses*:
46

EXHIBIT A

- 1 1. Decrease open space area requirement by using a combination of Development
2 Incentive Options up to a maximum of fifty (50) percent of that required by the PUD
3 standard open space requirements;
4
- 5 2. Reduce front and rear setbacks of parent parcel up to ten (10) percent within the
6 perimeter of the PUD.
7

8 **60.35.50 Development Incentive Options**

9 10 *1. Open Space Development Incentive Options = Twenty (20) Percent Open Space* 11 *Reduction*

12
13 Up to a twenty (20) percent reduction in the required amount of open space as
14 approved by the Planning Commission may be achieved by conforming to the open
15 space options listed below. The Planning Commission may consider other
16 improvements in addition to those listed that offer a similar level of quality and
17 continuity in the proposed open space:
18

- 19 a. *Active Recreation* – Twenty-five (25) percent of open space (beyond a
20 commons area) is usable for active recreation, such as: play structures, picnic
21 areas, or sports field; or
22
- 23 b. *View Preservation* – Open space is sited such that a view corridor of a
24 significant natural vista is preserved for the community at large, such as
25 views into Significant Tree Groves or Significant Natural Resource Areas.
26

27 *2. Architectural Development Incentive Options = Decrease in Open Space, Front and* 28 *Rear Setbacks*

29
30 The following architectural incentives that promote sustainable building practices
31 and architectural detail that promotes high quality design and character. A
32 decrease of up to a maximum of twenty (20) percent of the required open space or
33 front and rear setbacks of the parent parcel at the discretion of the Planning
34 Commission, where the applicant's site plan and proposed architecture meet one of
35 the following incentives:
36

- 37 A. Develop lots such that 90% meet solar access requirement (60.45.05) for a ten
38 (10) percent decrease in open space.
39
- 40 B. Install a 'Greenroof' or Ecoroof on 100 percent of the roof area of twenty (20)
41 percent of the detached dwellings or 20 percent of the total roof area for
42 attached dwellings, multifamily dwellings, commercial, or industrial
43 buildings for a ten (10) percent decrease in the required open space.

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C. Up to ten (10) percent reduction in front and rear parent parcel setbacks as approved by the Planning Commission may be achieved by developing cluster housing that preserves and increases open space by twenty (20) percent above baseline requirement.

3. *Affordable Housing Development Incentive Options = Decrease in Open Space*

Up to a fifty (50) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by development of ten (10) percent of the units as affordable housing. Up to a sixty (60) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by development of twenty (20) percent of the units as affordable housing.

Affordable housing is defined as housing affordable to households earning up to 100 percent of the median household income in Washington County, or less as adjusted for family size as determined by the U.S. Department of Housing and Urban Development (HUD). Housing prices and/or rents shall be limited to that level through deed restriction for up to thirty (30) years. Approval of the affordable housing Development Incentive Option shall be subject to a developer identifying and contracting with a public, or private housing agency that will administer the housing affordability guarantee.

1 Section 3: The Development Code, Ordinance No. 2050, Chapter 90, Definitions,
2 Section 40.15.15.5 shall be amended to read as follows:
3

4 **Chapter 90**

5
6
7 **Active Space** - Active space is an area which requires intensive development and
8 often includes playgrounds and ball fields.
9

10 **Cluster Housing** Detached dwelling units located within a Planned Unit
11 Development where detached housing is located in close proximity to each other
12 and share common open space including recreation areas and parking.

13 **Green Roof** A Green Roof consists of vegetation and soil, or a growing
14 medium, planted over a waterproofing membrane. Additional layers, such as a root
15 barrier and drainage and irrigation systems may also be included.

16 **Sustainable Building Practices** - Land preparation, materials selection, life-cycle of the
17 building (construction, operation and maintenance, demolition). Sustainable building includes
18 such practices as redevelopment of inefficiently designed or environmentally damaged sites; job-
19 site recycling of construction materials; native vegetation landscapes; stream and wetland
20 protection and restoration; natural drainage; energy and water efficiency; low toxicity materials;
21 recycled materials; reduced use of land and materials; and design for re-use.

22 **Sustainable Landscape Practices** Landscape maintenance and design that limits the use
23 of herbicides, fertilizers, and pesticides by planting native plants and appropriate ornamentals
24 and uses METRO certified composted mulch to amend soils and mulch plant beds. These
25 practices naturally fertilize the soil and reduce irrigation and fertilizer needs by creating healthy
26 soils. Sustainable landscape practices also include the concept of creating multi-functional
27 landscapes that can serve various purposes. For example an area may be designed to manage
28 runoff, provide screening, wind protection habitat, and serve active open space use.
29

1 Section 4: The Development Code, Ordinance No. 2050, Chapter 20, Land Uses,
2 Section 20.05.25 shall be amended to read as follows:

3
4
5
6 *****

7 **20.05.25. Urban Medium Density (R4) District [ORD 4047; May 1999]**

8
9 1. **Purpose.** The purpose of this zone is to allow up to one principal and one
10 accessory dwelling per lot of record as permitted uses. In addition, two
11 attached dwellings may be allowed per lot of record subject to a Conditional
12 Use. Three or more attached dwellings may be permitted pursuant to ~~Final~~
13 Planned Unit Development approval. The R4 district establishes medium
14 urban density residential home sites where a minimum land area of 4,000
15 square feet is available for each principal dwelling unit, and where full urban
16 services are provided. [ORD 4224; August 2002]

17
18 *****

19 **20.05.25**

20
21 B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

22
23 *****

24
25 2. Three or more attached dwellings subject to approval of a ~~Final~~
26 Planned Unit Development. [ORD 4224; August 2002]

27 *****
28
29
30
31

Section 4: The Development Code, Ordinance No. 2050, Chapter 20, Land Uses, Section 20.05.25 shall be amended to read as follows:

20.05 Residential Land Use Districts

20.05.25.50. Site Development Standards

20.20.50.A.5.

SA-MU SA-MDR

D. Maximum Floor Area Ratio (FAR) not not
for residential developments specified specified

E. Projects may use the Final Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used. [ORD 4332; November 2004]

20.20.50.A.5.

SA-MU SA-MDR

D. Maximum Floor Area Ratio (FAR) not not
for residential developments specified specified

E. Projects may use the Final Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used. [ORD 4332;

1 Section 5: The Development Code, Ordinance No. 2050, Chapter 50, Procedures,
2 Section 50. shall be amended to read as follows:

3
4
5 *****

6 **50.90. Expiration of a Decision**

7
8 *****

9 ~~Final Planned Unit Development (40.15.15.6) when there is no phasing to the~~
10 ~~development~~

11 *****

12 ~~Preliminary~~ Planned Unit Development (40.15.15.5)
13

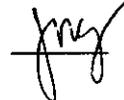
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

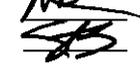
SUBJECT: TA 2006-0010
(Sunset Transit Center and Teufel Town
Center MPR Text Amendment)

FOR AGENDA OF: 03-05-07 **BILL NO:** 07053

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 02-20-07

CLEARANCES: City Attorney 
Dev. Serv. 

PROCEEDING: First Reading

- EXHIBITS:**
1. Ordinance
 2. Land Use Order No. 1939
 3. Draft PC Minutes 02-07-07
 4. Staff Report dated 01-10-07

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

On February 07, 2007, the Planning Commission held a public hearing to consider TA 2006-0010 (Sunset Transit Center and Teufel Town Center MPR Text Amendment) that proposes to amend Section 60.05.55, Design Review – Major Pedestrian Route Map for the Merlo and South Tektronix Station Community Areas, of the Beaverton Development Code currently effective through Ordinance 4414 (February 2007). The purpose of the amendment is to apply the Major Pedestrian Route (MPR) Design Review Standards to property annexed within the Sunset Transit Center and Teufel Town Center.

Following the close of the public hearing on February 7, 2007, the Planning Commission voted 6-0 (San Soucie absent) to recommend approval of the proposed Sunset Transit Center and Teufel Town Center MPR text amendment as memorialized in Land Use Order No. 1939.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed text, Land Use Order No. 1939, the draft Planning Commission meeting minutes, and staff report.

RECOMMENDED ACTION:

Staff recommend the City Council adopt the recommendation of approval forwarded by the Planning Commission for TA 2006-0010 (Sunset Transit Center and Teufel Town Center MPR Text Amendment). Staff further recommend the Council conduct a First Reading of the attached ordinance.

ORDINANCE NO. 4431

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE,
CHAPTER 60;
TA 2006-0010 (Sunset Transit Center & Teufel Town Center
Major Pedestrian Route Text Amendment).

WHEREAS, the purpose of the Sunset Transit Center & Teufel Major Pedestrian Route (MPR) Map Text Amendment is to amend Chapter 60, Design Review Standards, Sections 60.05.55, of the Beaverton Development Code currently effective through Ordinance 4414 (February 2007) by adding a new MPR map for the Sunset Transit Center & Teufel Town Center; and,

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on January 10, 2007, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on February 7, 2007; and,

WHEREAS, on February 7, 2007, the Planning Commission conducted a public hearing for TA 2006-0010 (Sunset Transit Center & Teufel Town Center Major Pedestrian Route Text Amendment) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code based upon the criteria, facts, and findings set forth in the staff report dated February 7, 2007, and as summarized in Planning Commission Land Use Order No. 1939; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0010 (Sunset Transit Center & Teufel Town Center Major Pedestrian Route Text Amendment) following the issuance of the Planning Commission Land Use Order No. 1939; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1939 dated February 12, 2007, and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4414, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this ___ day of _____, 2007.

Passed by the Council this ___ day of _____, 2007.

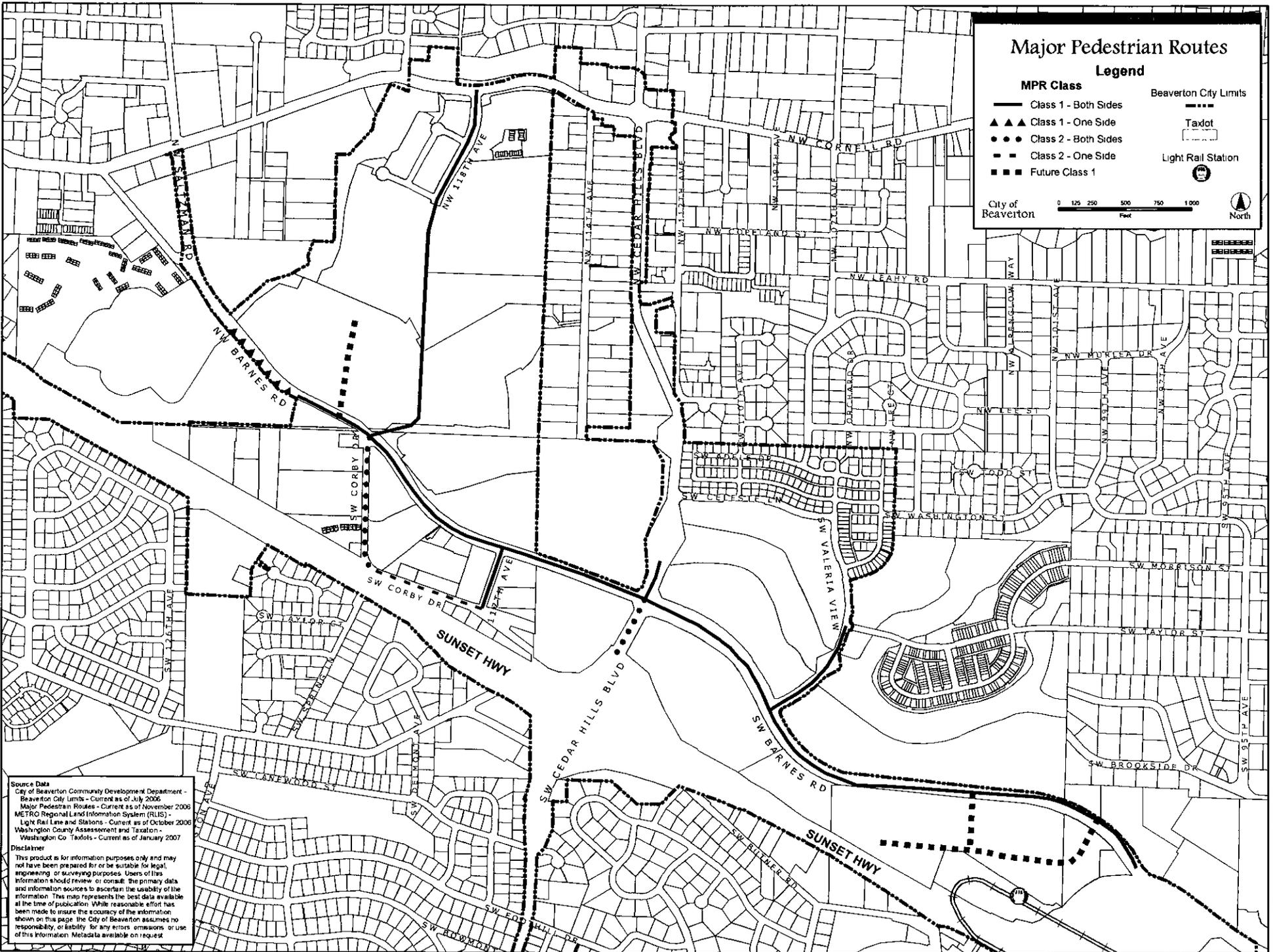
Approved by the Mayor this ___ day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor



Major Pedestrian Routes

Legend

<p>MPR Class</p> <ul style="list-style-type: none"> — Class 1 - Both Sides ▲▲ Class 1 - One Side ●● Class 2 - Both Sides — Class 2 - One Side ■■ Future Class 1 	<p>Beaverton City Limits</p> <p>Taxlot</p> <p>Light Rail Station</p>
---	--

City of Beaverton

0 125 250 500 750 1000

Feet

North

Source Data
 City of Beaverton Community Development Department - Beaverton City Limits - Current as of July 2006
 Major Pedestrian Routes - Current as of November 2006
 METRO Regional Land Information System (RLIS) - Light Rail Line and Stations - Current as of October 2006
 Washington County Assessment and Taxation - Washington Co. Taxlots - Current as of January 2007

Disclaimer
 This product is for information purposes only and may not have been prepared for or be suitable for legal, engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. This map represents the best data available at the time of publication. While reasonable effort has been made to insure the accuracy of the information shown on this page, the City of Beaverton assumes no responsibility or liability for any errors, omissions or use of this information. Metadata available on request.

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

IN THE MATTER OF A REQUEST TO AMEND)	ORDER NO. 1939
BEAVERTON DEVELOPMENT CODE CHAPTER)	TA2006-0010 RECOMMENDING APPROVAL OF
60, (SPECIAL REGULATIONS), SECTION 60.05,)	SUNSET TRANSIT CENTER – TEUFEL TOWN
DESIGN REVIEW. CITY OF BEAVERTON,)	CENTER MPR TEXT AMENDMENT
APPLICANT.)	

The matter of TA2006-0010 (Sunset Transit Center – Teufel Town Center MPR Text Amendment) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4410, Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearing on February 7, 2007, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code.

TA2006-0010 (Sunset Transit Center – Teufel Town Center Text Amendment) proposes to amend Development Code Section Chapter 60 (Special Regulations), 60.05, Design Review. The text amendment proposes to amend the MPR maps by adding a new MPR map for the area which includes the Sunset Transit Center and Teufel Town Center.

The Planning Commission adopts by reference the January 10, 2007, Staff Report, as to criteria contained in Section 40.85.15.1.C.1-7 applicable to this request contained herein; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** of Chapter 60, (Special Regulations), Section 60.05, Design Review. The Planning Commission finds that evidence has been provided demonstrating that all of the approval criteria specified in Section 40.85.15.1.C.1-7 are satisfied for the

modification to Chapter 60, (Special Regulations), Section 60.05, Design Review of the Development Code.

Motion **CARRIED** by the following vote:

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

Dated this 12th day of February, 2007.

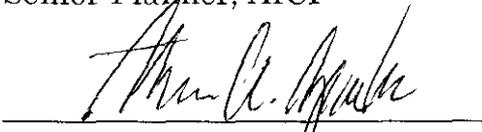
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1939 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on Thursday, February 22, 2007.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

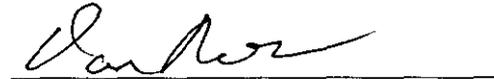


COLIN COOPER
Senior Planner, AICP



STEVEN A. SPARKS, AICP
Development Services Manager

APPROVED:



DAN MAKS
Chairman

Major Pedestrian Routes

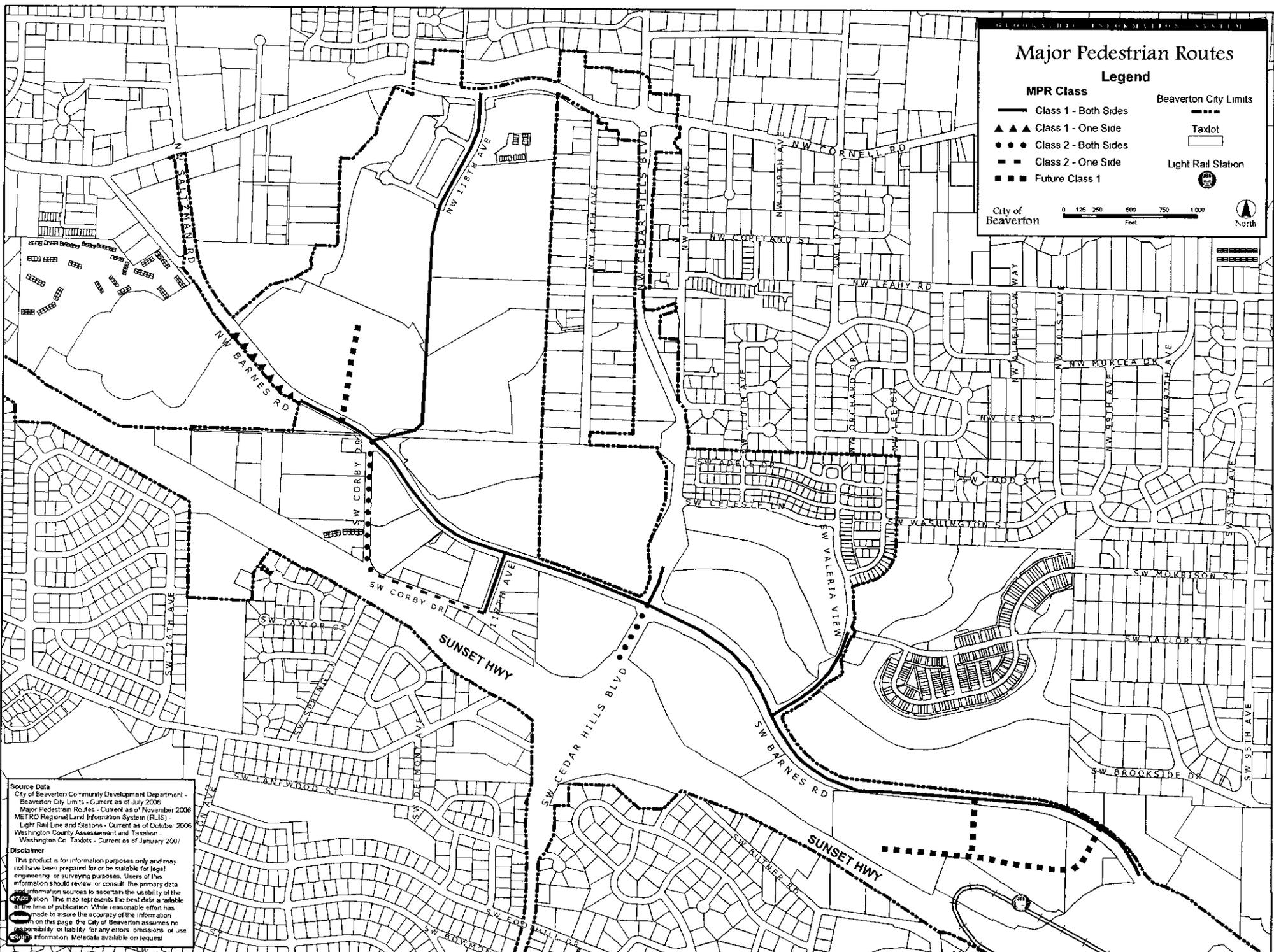
Legend

MPR Class	Beaverton City Limits
— Class 1 - Both Sides	-----
▲▲ Class 1 - One Side	□ Taxlot
●● Class 2 - Both Sides	○ Light Rail Station
— Class 2 - One Side	
■ Future Class 1	

City of Beaverton

0 125 250 500 750 1,000 Feet

North



Source Data
 City of Beaverton Community Development Department - Beaverton City Limits - Current as of July 2006
 Major Pedestrian Routes - Current as of November 2006
 METRO Regional Land Information System (RLIS) - Light Rail Line and Stations - Current as of October 2006
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1 Beaverton. The purpose of this text amendment is to update the
 2 implementing regulations for the recently annexed properties abutting
 3 these right-of-ways.

60.05. ~~XXXX~~

4
 5 Senior Planner Colin Cooper explained that the purpose of the
 6 proposed text amendment is to amend Development Section Code
 7 Chapter ~~60.50~~ Design Review. He stated that the text amendment
 8 proposes to amend the Major Pedestrian Route (MPR) maps by adding
 9 a new MPR map for the area which includes the Sunset Transit Center
 10 and Teufel Town Center. Concluding, he stated that no public
 11 comments were received by staff by the property owners on this
 12 proposal, and offered to respond to questions.

13
 14 Commissioner Winter, Stephens, Bobadilla, Platten, Johansen, and
 15 Chairman Maks stated that the application meets all the criteria
 16 identified in the staff report and support the application.

17
 18 Commissioner Winter **MOVED** and Commissioner **SECONDED** a
 19 motion to approve TA2006-0010 – SUNSET TRANSIT CENTER AND
 20 TEUFEL TOWN CENTER MAJOR PEDESTRIAN ROUTE TEXT
 21 AMENDMENT based upon the testimony, reports and exhibits
 22 presented during the public hearings on the matter and upon the
 23 background facts, findings and conclusions found in the Staff Report
 24 dated January 10, 2007.

25
 26 Motion **CARRIED**, by the following vote:

- 27
 28 **AYES:** Winter, Stephens, Bobadilla, Johansen, Platten,
 29 and Maks.
 30 **NAYS:** None.
 31 **ABSTAIN:** None.
 32 **ABSENT:** San Soucie.

33
 34 **B. MERLO AND TEKTRONIX MAJOR PEDESTRIAN ROUTE**
 35 **TEXT AMENDMENT**

36 2. TA2006-0012 – TEXT AMENDMENT

37 *(Continued from January 24, 2007)*

38 Text Amendment, Case File TA 2006-0012, proposes to add a Class 1
 39 Major Pedestrian Route (MPR) designation on the east side of SW
 40 170th Avenue between SW Merlo Road and the MAX Light Rail Tracks
 41 and a Class 2 MPR designation on both sides of SW Merlo Drive
 42 between SW Merlo Road and SW 170th Avenue. The text amendment
 43 also proposes to add a Class 1 designation on both sides of SW 141st
 44 Place between SW Millikan Way and the MAX Light Rail Tracks and a

1 future Class 1 on both sides of SW Schottky Terrace between SW
 2 Millikan Way and the MAX Light Rail Tracks. The purpose of this
 3 text amendment is to update the implementing regulations for the
 4 recently annexed properties abutting these right-of-ways.
 5

6 Senior Planner Colin Cooper explained that the purpose of the
 7 proposed text amendment was to amend the existing MPR Map for the
 8 South Tek Station Community and the Merlo Station Community
 9 areas, which will expand applicability of the MPR design standards to
 10 recently annexed properties in each of the respective Station
 11 Community areas. Concluding, he offered to respond to questions.
 12

13 Commissioner Johansen, Platten, Bobadilla, Stephens, Winter, and
 14 Chairman Maks stated that the application meets the approval criteria
 15 and supports a motion for approval.
 16

17 Commissioner Winter **MOVED** and Commissioner Platten
 18 **SECONDED** a motion to approve TA2006-0012 – MERLO AND
 19 TEKTRONIX MPR TEXT AMENDMENT based upon the testimony,
 20 reports and exhibits presented during the public hearings on the
 21 matter and upon the background facts, findings and conclusions found
 22 in the Staff Report dated January 10, 2007.
 23

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

- 25
- 26 **AYES:** Winter, Platten, Bobadilla, Johansen, Stephens,
 27 and Maks.
- 28 **NAYS:** None.
- 29 **ABSTAIN:** None.
- 30 **ABSENT:** San Soucie.
 31

32 C. **PLANNED UNIT DEVELOPMENT MODIFICATIONS TEXT**
 33 **AMENDMENT ON REMAND FROM CITY COUNCIL**

34 3. TA2006-0003 – TEXT AMENDMENT

35 *(Continued from January 24, 2007)*

36 The City Council remanded TA 2006-0003 (Planned Unit Development
 37 Modifications Text Amendment) to the Planning Commission. The
 38 text amendment is to Chapter 40 Sections 40.15.15.5 & 6, Chapter 60
 39 Section 60.35.05-15, Chapter 90, Definitions of the Beaverton
 40 Development Code currently effective through Ordinance 4248 to
 41 create new Planned Unit Development Thresholds, Approval Criteria,
 42 and Standards. The intent of the proposed amendment is to require
 43 more specific thresholds and standards for development of Planned
 44 Unit Developments. Chapter 90, Definitions will be amended with new
 45 terms as necessary. The Planning Commission recommended to the

1 City Council adoption of TA 2006-0003 on August 26, 2006. However,
2 the City Council voted to remand TA 2006-0003 to the Planning
3 Commission for further consideration of a series of questions and
4 issues raised at the City Council Work Session of November 13, 2006.
5 Those questions and issues include the following: Should the 20
6 percent open space requirement for PUD's be maintained; Should the
7 City coordinate the 20 percent open space requirement more closely
8 with Tualatin Hills Parks and Recreation Department; Review and
9 clarify the definition of open space; Review "Big House" concepts as a
10 method of addressing bulk and design compatibility within PUD's;
11 Review density transfers from steep slopes; Review methods of
12 allowing development phasing; Review allowances to exceed the base
13 zone building height; Review the impact of allowing a 10 percent
14 reduction of the parent parcel setbacks; Review the affordable housing
15 incentive.

16
17 Mr. Cooper explained that the purpose of this hearing is to consider
18 several questions raised by the city council at their work session on the
19 proposed PUD, which was remanded to the Planning Commission.

20
21 Mr. Cooper stated that the Council had concerns with the coordination
22 of open space dedication through Planned Unit Developments (PUD)
23 with THPRD. He discussed the distributed letter from THPRD which
24 stated that their policy is a two acre minimum unless the proposed
25 parcel for dedication is adjoining an existing facility.

26
27 Chairman Maks stated that when it comes to significant areas, lots or
28 groves that the city always tries to get THPRD to sign on and take
29 over. He stated that he does recall a process within the
30 Comprehensive Plan that said that there would be a pocket park
31 within a quarter mile of all residential zones, adding that there are
32 pocket parks in south Beaverton and in many other areas.

33
34 Commisisoner Johansen stated that he appreciates the park districts
35 position on the two acre minimum and has no objection to this. He
36 stated for the record that his support of the open space requirement is
37 not with the intent that the open space is something that goes to the
38 park district, but with the intent to create open space whether it is a
39 park or other form of open space, and to ensure that the PUD has the
40 proper amount of open space. He stated that he does not agree with
41 the concerns necessarily raised at the council level, emphasizing that
42 he just wants open space, and whether it is a park or not is not
43 significant to him.
44

1 Chairman Maks stated that there appears to be a general consensus
2 for staff to continue to coordinate when appropriate and whenever
3 possible with our parks provider THPRD.

4
5 Chairman Maks referred to the second issue raised by council, "Review
6 the benefit of 20 percent open space dedication in light of limited land
7 supply and the effect on housing affordability." He requested
8 comments.

9
10 Observing that there has been extensive discussion on this issue,
11 Commissioner Johansen stated that he's fully comfortable with the
12 recommendation that was made the first time.

13
14 Chairman Maks summarized the issues discussed by the Planning
15 Commission regarding the 20 percent. He said that the PUD process
16 allows density to be created on difficult sites, infill sites and the sites
17 that are tough to work with. He pointed out that the Planning
18 Commission also discussed that when community standards of the
19 zoning district are set aside, i.e., basic lot size, dimensional standards,
20 setbacks within the lots, possible height variations, then something
21 needs to be given back, and that is usually within open space. He
22 explained that they try to put open space next to significant resources
23 to help, or open space that can be used.

24
25 Commissioner Platten noted that it is necessary to make clear that the
26 20 percent open space is 20 percent open space, and that this does not
27 include the drive way, laundry room or the sidewalk in front of the
28 house.

29
30 Chairman Maks stated that it is difficult to get the community to buy
31 into the PUD process. He pointed out that the 20 percent is what he
32 referred to as a "give and take" and used as a buffer and everything
33 else.

34
35 Chairman Maks referred to the third issue raised by council and stated
36 that council was concerned with the proposed language related to
37 phasing of a PUD. He requested comments.

38
39 The Planning Commission came to a consensus to replace the existing
40 language with the existing code language that allows the Commission
41 discretion to approve a phased PUD plan for up to five (5) years.

42
43 Mr. Cooper discussed the fourth issue raised by council regarding the
44 term "Big House", which is described in the code as a house that is

1 oversized, with multi family dwellings rather than a federal
2 penitentiary that could be used as slang. He stated for the record that
3 the term "Big House" will no longer be used to refer to a penitentiary
4 or a prison of any kind.
5

6 The Commission discussed the fifth issue raised by council pertaining
7 to the flexibility of the 10 percent with regard to the parent parcel.
8 The Commission came to a consensus on option number 2. "Maintain
9 the 10 percent parent parcel setback flexibility, but reiterate the need
10 to ensure that no driveway shall be less than 20 feet."
11

12 Mr. Cooper discussed the sixth issue raised by council regarding the
13 language in Section 60.35.20.B, Building Height, and noted that the
14 council expressed concern that the language was unclear.
15

16 The Planning Commission's consensus was to maintain the language
17 as it was proposed.
18

19 Referring to the seventh issue, Chairman Maks stated that council
20 expressed concern regarding the ability of a potential developer to
21 transfer density from slopes greater than 25 percent.
22

23 After discussion, the Planning Commission came to a consensus to
24 allow the transfer of density from slopes greater than 25 percent, and
25 the possibility of crafting language that creates a graduated transfer of
26 density.
27

28 Mr. Cooper explained the eighth issue of concern from council which
29 pertains to the allowance of up to only 40 percent of the land dedicated
30 for open space to be greater than 5 percent slope. He stated that staff
31 had suggested allowing up to 60 percent of the area, which would allow
32 enough area for a "Commons Area".
33

34 The Planning Commission came to a consensus with option No. 1,
35 "Revise the proposed standard to allow for no more than 60 percent of
36 the area dedicated to be over five (5) percent thereby allowing a
37 significantly greater area to be in a steep slope. The remaining 40
38 percent will ensure that the Common Area can be created.
39

40 Mr. Cooper discussed the distributed list of items that Commissioner
41 San Soucie had submitted. He explained that Commissioner San
42 Soucie had noted several typographical errors that he suggested
43 correction, and that staff will make these changes.
44

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No member of the public testified with regard to this proposal.

The public portion of the Public Hearing was closed.

Chairman Maks, Commissioner's Stephens, Winter, Johansen, Platten, and Bobadilla stated that they recommend this proposal to the city council based on the consensus reached at this hearing.

Commissioner Johansen **MOVED** and Commissioner Winter **SECONDED** a motion to **RECOMMEND APPROVAL** of TA2006-0003 – Planned Unit Development Modifications Text Amendment on remand from City Council, based upon the facts and findings in the staff report dated January 10, 2007, as well as the submittal by Commissioner San Soucie, that approval to incorporate the discussion and consensus reached this evening by the commission on the eight items included within the staff report dated January 10, 2007.

Motion **CARRIED**, 6:0:

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

APPROVAL OF MINUTES:

Minutes of the meeting of December 13, 2006, submitted. Being no revisions, the minutes were submitted and **APPROVED** by consensus.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 8:32 p.m.



CITY of BEAVERTON

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

CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

TO: Planning Commission

STAFF REPORT DATE: Wednesday, January 10, 2007

STAFF: Colin Cooper, AICP, Senior Planner *cc*

SUBJECT: TA 2006-0010 (Sunset Transit Center – Teufel Town Center MPR Text Amendment)

REQUEST: Text Amendment to the Beaverton Development Code Chapter 60, Special Regulations, Section 60.05, Design Review. The text amendment proposes to amend the MPR maps by adding a new MPR map for the Sunset Transit Center and Teufel Town Center.

APPLICANT: City of Beaverton - Development Services Division

AUTHORIZATION: Ordinance 2050 (Development Code), effective through Ordinance 4410.

APPLICABLE CRITERIA: Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING DATE: Wednesday, January 17, 2007

RECOMMENDATION: Staff recommend APPROVAL of text amendment application TA 2006-0010 (Sunset Transit Center – Teufel Town Center MPR Text Amendment)

Background

The properties affected by the proposed text amendment are located within the Sunset Transit Center and Teufel Town Center which were annexed in 2005 and 2004 respectively. The application of Class 1 and Class 2 MPR standards proposed by this text amendment include current and future City and County right-of-way, but do not include ODOT right-of-ways. The entire area illustrated in Section 1, is located within the Cedar Hills-Cedar Mill Community Plan area and is intended to function as a Mixed Use Area. Currently, the properties that have been annexed into the City include a mix of Washington County and City zoning. The transition between City and County zoning has taken place in conjunction with property owners as properties have developed in order to ensure a smooth transition for property owners from Washington County to the City. Beaverton Development Code Section 10.40, Annexation, directs that if Washington County zoning designations remains on property annexed to the City, the County zoning standards will be applied using the City's Design Standards and Guidelines. Thus in order to fully and efficiently apply the Design Review Principals, Guidelines, and Standards found in Section 60.05, the proposed text amendment is necessary.

The effect of the proposed text amendment is limited because under the Washington County Transit Oriented Design Principles, Standards and Guidelines contained in Section 431 of the County Development Code, the properties located within Cedar Hills-Cedar Mill Community Plan area are all currently subject to building orientation and design standards relative to their proximity to existing and future public right-of-way.

There are currently seven (7) separate Washington County zoning districts within the Sunset Transit Center and Teufel Town Center districts. These include six (6) "Transit Oriented" (TO) zoning districts and the Institutional (INST) zoning district used for public and quasi-public land uses. In the case of property annexed into the City but that retaining the Counties Transit Oriented : Business (TO:BUS) and Transit Oriented : Regional Center (TO:RC) zoning designations going to be significantly effected by the proposed text amendment by applying MPR design standards. Nor will the properties be adversely affected by the MPR design standards when the properties receive a City zoning designation pursuant to the Urban Planning Area Agreement. For example, the County design standard for building street frontage for properties adjacent to a pedestrian street (defined as any street within the TO district.) is 90 percent while the MPR standard is 50 percent. In all cases, glazing and building entrance standards required by the City's MPR design standards are similar to the comparable standards found in Section 431 of the County Development Code.

In the case of the properties that retain the County transit oriented residential zones there are no specific requirement for buildings to orient directly to the right-of-way; however, the development standards of all Washington County zones

require that the minimum setback for any structure in these districts is between 10 and 15 feet. Therefore, the impact of the Class 1 or Class 2 MPR standards requiring either 50 or 35 percent building frontage directly at the street is not a significant change.

II. Facts and Findings

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2006-0010 (Sunset and Teufel MPR TA):

1. The proposal satisfies the threshold requirements for a Text Amendment application.

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2006-0010 (Sunset & Teufel MPR TA) proposes to amend Chapter 40 of the Beaverton Development Code currently effective through Ordinance 4410 (January 2007). While the proposed amendment is a map, it is not the zoning map that is being amended. Therefore, the TA process is the correct process to amend the MPR map.

Therefore, staff find that approval criterion 1 one has been met.

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

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

Therefore, staff find that approval criterion 2 is not applicable.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Metro's Urban Growth Management Functional Plan is comprised of the following titles:

Title 1: Requirements for Housing and Employment Accommodations

Title 2: Regional Parking Policy

Title 3: Water Quality and Flood Management Conservation

- Title 4: Retail in Employment and Industrial Areas
- Title 5: Neighbor Cities and Rural Reserves
- Title 6: Regional Accessibility
- Title 7: Affordable Housing
- Title 8: Compliance Procedures and
- Title 9: Performance Measures

TA 2006-0010 (Sunset & Teufel MPR TA) proposes to amend Development Code 60.05, Design Review, by adding a new MPR Map for the Sunset Transit Center and Teufel Town Center. Depending on whether the properties in question have County or City zoning, the proposed text amendment will either maintain or improve land use efficiency by requiring building orientations towards the public right-of-way. By providing a building orientation towards the public right-of-way, greater use of land is fostered improving compliance with Title 1.

Therefore, staff find that the proposed text amendment is consistent with approval criterion 3.

4. The proposed text amendment is consistent with the City's Comprehensive Plan.

The proposed amendment would add Major Pedestrian Route designations within the Sunset Transit Center and Teufel Town Center areas. These areas were comprehensively planned by Washington County as part of the Cedar Hills-Cedar Mill Community Plan and the Major Pedestrian Route designation are generally in compliance with both the Cedar Hills-Cedar Mill Community Plan and the implementing standards of the Washington County Development Code, Transit Oriented Design Standards, Section 431 by providing a standard for more pedestrian and transit friendly development.

Although the Beaverton Comprehensive Plan does not include any specific Community Area Plans, the following Land Use Goals apply:

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

- 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.

Action 1: Adopt and apply land use regulations to promote efficient use of land. Land use regulations shall include

- *minimum densities and floor area ratios (FAR),*

- *minimum and maximum surface parking ratios, with allowance of shared and on-street parking to meet minimum requirements,*
- *maximum setbacks along pedestrian routes, including flexible or zero setbacks, and*
- *increased building heights.*

- 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:
- Independence of movement, especially for the young and elderly to enable them to conveniently walk, cycle, or ride transit;
 - Safety in commercial areas, through round-the-clock presence of people;
 - Reduction in auto use, especially for shorter trips;
 - Support for those who work at home, through the nearby services and parks;
 - A range of housing choices so that people of varying cultural, demographic, and economic circumstances may find places to live.

Action 2: Adopt and apply land use regulations that promote pedestrian-oriented designs including regulations governing the following:

- *building orientation and design along pedestrian routes, transit stops and other pedestrian accessways or open spaces actively used by the public;*
- *landscaping, fencing, screening, buffering pedestrian circulation and access; and*
- *other appropriate site design measures that enhance the pedestrian environment.*

- 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.

Action 1: Adopt and apply design standards related to building height, massing, siting, and detailing to achieve an appearance, micro-climate, and scale along designated streets to encourage walking.

Action 2: Adopt and apply design standards to Major Pedestrian Routes that clearly identify acceptable vehicular movement such as slow speeds and attention to pedestrian traffic.

Action 3: Designate major pedestrian routes joining employment, retail and residential areas and other pedestrian attractors.

Action 4: Develop, adopt, and apply land use regulations that concentrate

retail activities along pedestrian oriented streets and prohibit or limit uses generating little pedestrian traffic on ground floor frontages.

The proposed text amendment meets the above Goals, Policies and Action items by applying either Class 1 or Class 2 Major Pedestrian Route standards on NW Barnes Road and all other existing or future planned streets within the Sunset Transit Station Area and the Teufel Town Center Area. The proposed text amendment requires that new development and major redevelopment of properties along these right-of-ways will be designed to support pedestrian and transit use. Additionally, the MPR standards will foster more efficient urban development in an area that is anticipated to receive significant development opportunities. The Major Pedestrian Route standards are a significant part of the City's Design Review Principals, Guidelines, and Standards created to support efficient development within areas anticipated by the Comprehensive Plan to be developed as mixed use high transit use centers or corridors.

Therefore, staff find that the proposed text amendment is consistent with this approval criterion.

5. The proposed text amendment is consistent with other provisions within the City's Development Code.

The proposed amendments do not create impacts or conflicts with other provisions within the Development Code. The proposed text amendment to Development Code Section 60.05, Design Review, adding Major Pedestrian Route standards to the Sunset Transit Center and Teufel Town Center Area will ensure that the design review standards found in Section 60.05 will be implemented fully and efficiently. Review of Chapters 10, 20, 30, 40, and 50 find that the application of Major Pedestrian Route standards are consistent with all these standards.

Therefore, staff finds that approval criterion 5 has been met.

6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.

The current Development Code and Ordinance No. 4187, which adopted the current Comprehensive Plan, are applicable to the proposed text amendment and are addressed in the findings of fact for approval criteria four and five. Staff have identified one City ordinance that would be affected by the proposed text amendments.

After annexation of the Teufel Nursery the City Council adopted an Ordinance that recognized the "Special Area of Concern No. 4", which is a sub-section of Washington County's Cedar Hills - Cedar Mill Community Plan. The Teufel

Ordinance (Ordinance No. 4293) includes special notice requirements and general design standards for any development within the area. The design standards contained in Section 3 of the "Teufel Ordinance" are aspirational in nature. Examples of the standard include statements such as the following: "Develop a plan that will produce a high degree of urbanism on the property; Identify and develop design standards for main street on the site" These two examples are the most closely associated statements on design that relate to the Building Orientation and Design standards associated with Major Pedestrian Route standards contained in Section 60.05 of the City Development Code.

Therefore, staff find that approval criterion 6 has been met.

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

Staff have determined that there are no other applications and documents related to the request that will require further City approval.

Therefore, staff find that approval criterion 7 has been met.

III. Conformance with Statewide Planning Goals

Because the proposal is for a text amendment to the Development Code, a demonstration of compliance with the Statewide Planning Goals is not required. ORS 197.225 requires that Statewide Planning Goals only be addressed for Comprehensive Plan Amendments. Nevertheless, the Statewide Planning Goals are useful to support the City's position on the proposed amendments. The proposed text amendment's conformance to relevant Statewide Planning Goals is briefly discussed below:

GOAL ONE - CITIZEN INVOLVEMENT

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

The City is in compliance with this Statewide Planning Goal through the establishment of a Committee for Citizen Involvement (CCI). The City has gone even further by establishing Neighborhood Association Committees (NACs) for the purpose of providing widespread citizen involvement, and distribution of information. The proposed text amendments to the Development Code will not change the City of Beaverton's commitment to providing opportunity for citizen involvement, or place the City out of compliance with Statewide Planning Goal One.

The CCI was notified of the proposed text amendment through a monthly report and by public notice that was mailed on December 15, 2006.

GOAL TWO - 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 has adopted a Comprehensive Plan that includes text and maps (Ordinance 1800, and most recently amended by Ordinance 4397) along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4397). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text amendment proposal. The proposed Development Code amendment has been processed in accordance with Section 40.85 (Text Amendment) and Section 50.50 (Type 4 Application) of the Development Code. Section 40.85 contains specific approval criteria for the decision-making authority to apply during its consideration of the text amendment application. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. The City of Beaverton's Comprehensive Plan is consistent with Statewide Planning Goal 2.

GOAL TWELVE – TRANSPORTATION PLANNING

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

Statewide Planning Goal 12, Transportation Planning, is implemented further through Oregon Administrative Rule, 660-012-0000, commonly know as the Transportation Planning Rule (TPR). The TPR includes requirements to coordinate land use and transportation planning with the intent that vehicle miles traveled can be reduce by increasing the convenience of pedestrian trips and transit trips. MPR standards meet the intent of the TPR by requiring building and building entrance orientations towards streets that lead to light rail stations and transit stops. The City of Beaverton's Comprehensive Plan is consistent with Statewide Planning Goal 12.

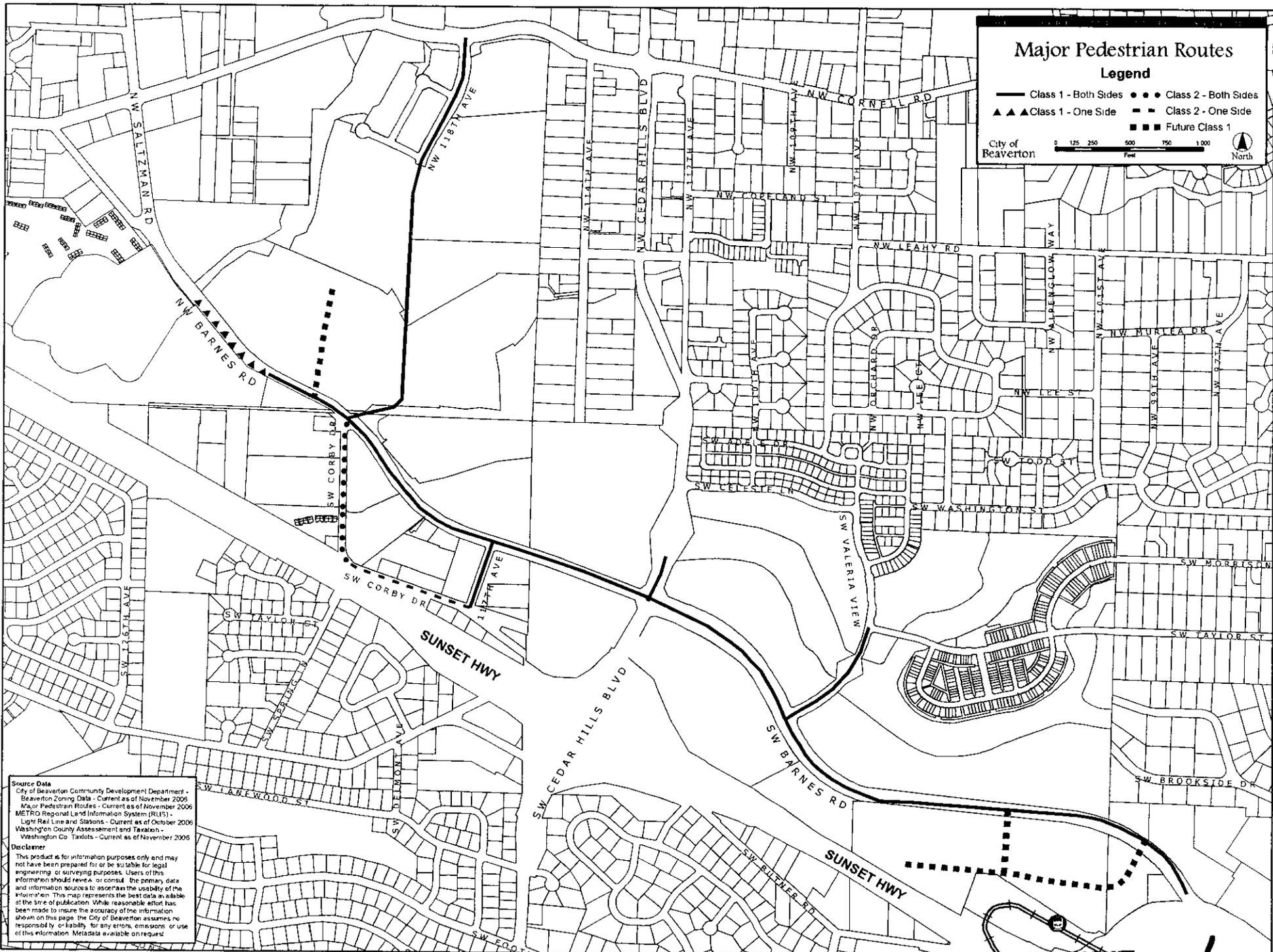
IV. Conclusion and Staff Recommendation

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7. Therefore, staff recommend the

Planning Commission **APPROVE** TA 2006-0010 (Sunset & Teufel MPR TA) at the January 17, 2007 regular Commission hearing.

V. Exhibits

Exhibit 1.1 Sunset Transit Center and Teufel Town Center MPR Map



Major Pedestrian Routes

Legend

- Class 1 - Both Sides
- Class 2 - Both Sides
- ▲▲▲ Class 1 - One Side
- ■ ■ Class 2 - One Side
- ▬▬▬ Future Class 1

City of Beaverton

0 125 250 500 750 1000
Feet

North

Source Data
 City of Beaverton Community Development Department -
 Beaverton Zoning Data - Current as of November 2006
 Major Pedestrian Routes - Current as of November 2006
 METRO Regional Land Information System (RLIS) -
 Light Rail Line and Stations - Current as of October 2006
 Washington County Assessment and Taxation -
 Washington Co. Taxlots - Current as of November 2006

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EXHIBIT

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: TA 2006-0012
(Merlo & Tektronix MPR Text Amendment)

FOR AGENDA OF: 03-05-07 **BILL NO:** 07054

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 02-20-07

CLEARANCES: City Attorney *[Signature]*
Dev. Serv. *[Signature]*

PROCEEDING: First Reading

- EXHIBITS:**
1. Ordinance
 2. Land Use Order No. 1940
 3. Draft PC Minutes 02-07-07
 4. Staff Report dated 01-10-07

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

On February 7, 2007, the Planning Commission held a public hearing to consider TA 2006-0012 (Merlo & Tektronix MPR Text Amendment) that proposes to amend Section 60.05.55, Design Review – Major Pedestrian Route Map for the Merlo and South Tektronix Station Community Areas, of the Beaverton Development Code currently effective through Ordinance 4414 (February 2007). The purpose of the amendment is to apply the Major Pedestrian Route (MPR) Design Review Standards to property annexed within the Merlo and South Tektronix Station Community Areas.

Following the close of the public hearing on February 7, 2007, the Planning Commission voted 6-0 to recommend approval of the proposed Merlo and Tektronix Station Community MPR text amendment as memorialized in Land Use Order No. 1940.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed text, Land Use Order No. 1940, the draft Planning Commission meeting minutes, and staff report.

RECOMMENDED ACTION:

Staff recommend the City Council adopt the recommendation of approval forwarded by the Planning Commission for TA 2006-0012 (Merlo & Tektronix MPR Text Amendment). Staff further recommend the Council conduct a First Reading of the attached ordinance.

ORDINANCE NO. 4432

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE,
CHAPTER 60;
TA 2006-0012 (Merlo & Tek Major Pedestrian Route
Text Amendment).

WHEREAS, the purpose of the Merlo and Tek Major Pedestrian Route Map Text Amendment is to amend Chapter 60, Design Review Standards, Sections 60.05.55, of the Beaverton Development Code currently effective through Ordinance 4414 (February 2007) by amending the Merlo and South Tektronix Station Community MPR Maps; and,

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on January 10, 2007, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on February 7, 2007; and,

WHEREAS, on February 7, 2007, the Planning Commission conducted a public hearing for TA 2006-0012 (Merlo & Tek MPR Text Amendment) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code based upon the criteria, facts, and findings set forth in the staff report dated January 10, 2007, and as summarized in Planning Commission Land Use Order No. 1940; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0012 (Merlo & Tek MPR Text Amendment) following the issuance of the Planning Commission Land Use Order No. 1940; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1940 dated February 12 2007, and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4414, the Development Code, is amended to read as set out in Exhibit "A" and "B" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this ___ day of _____, 2007.

Passed by the Council this ___ day of _____, 2007.

Approved by the Mayor this ___ day of _____, 2007.

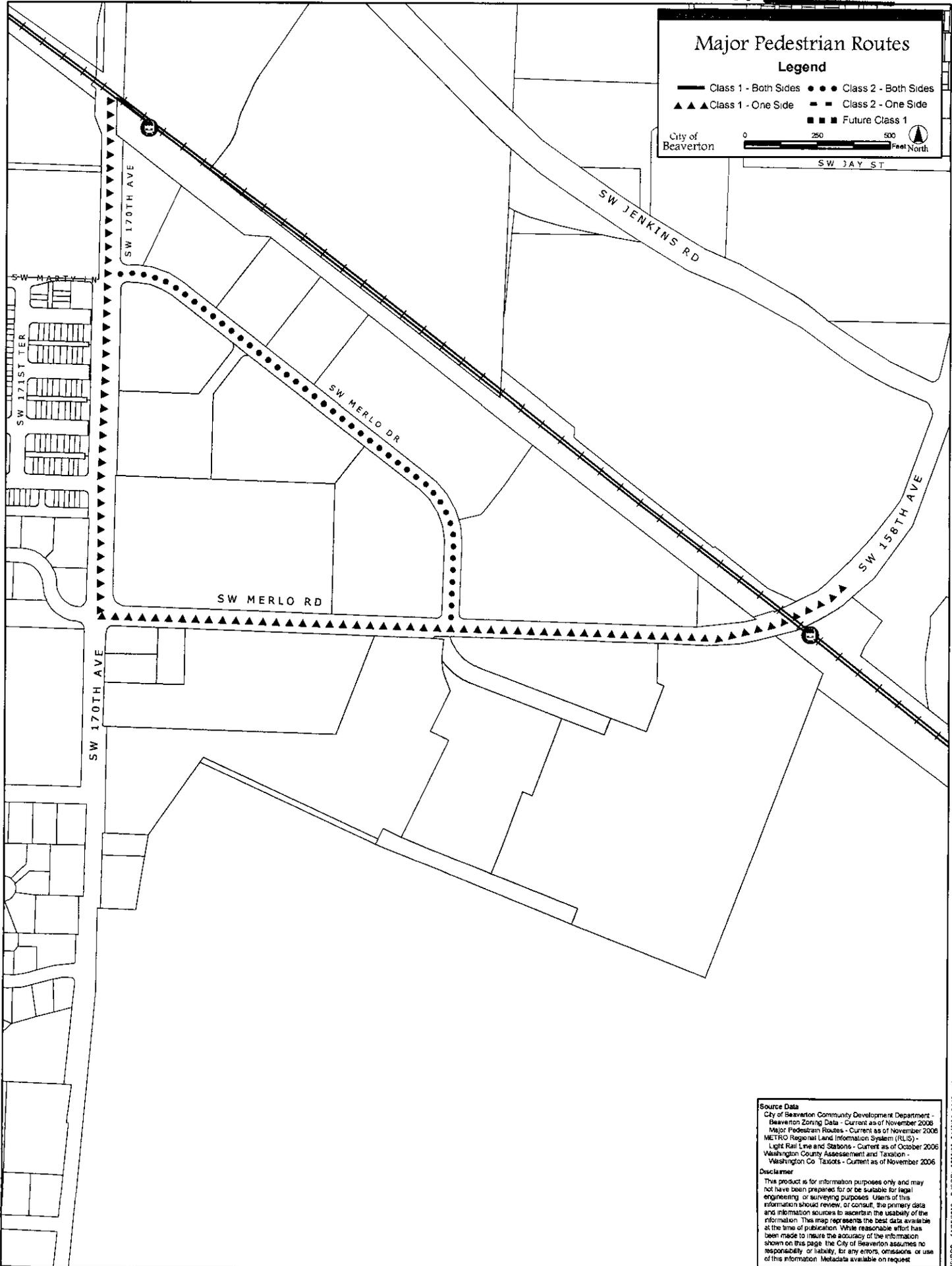
ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

EXHIBIT A



Major Pedestrian Routes

Legend

- Class 1 - Both Sides
- ▲▲ Class 1 - One Side
- Class 2 - Both Sides
- - Class 2 - One Side
- ■ Future Class 1

City of Beaverton

0 250 500 Feet North

Source Data
 City of Beaverton Community Development Department - Beaverton Zoning Data - Current as of November 2006
 Major Pedestrian Routes - Current as of November 2006
 METRO Regional Land Information System (RLIS)
 Light Rail Line and Stations - Current as of October 2006
 Washington County Assessment and Taxation - Washington Co. Taxlots - Current as of November 2006

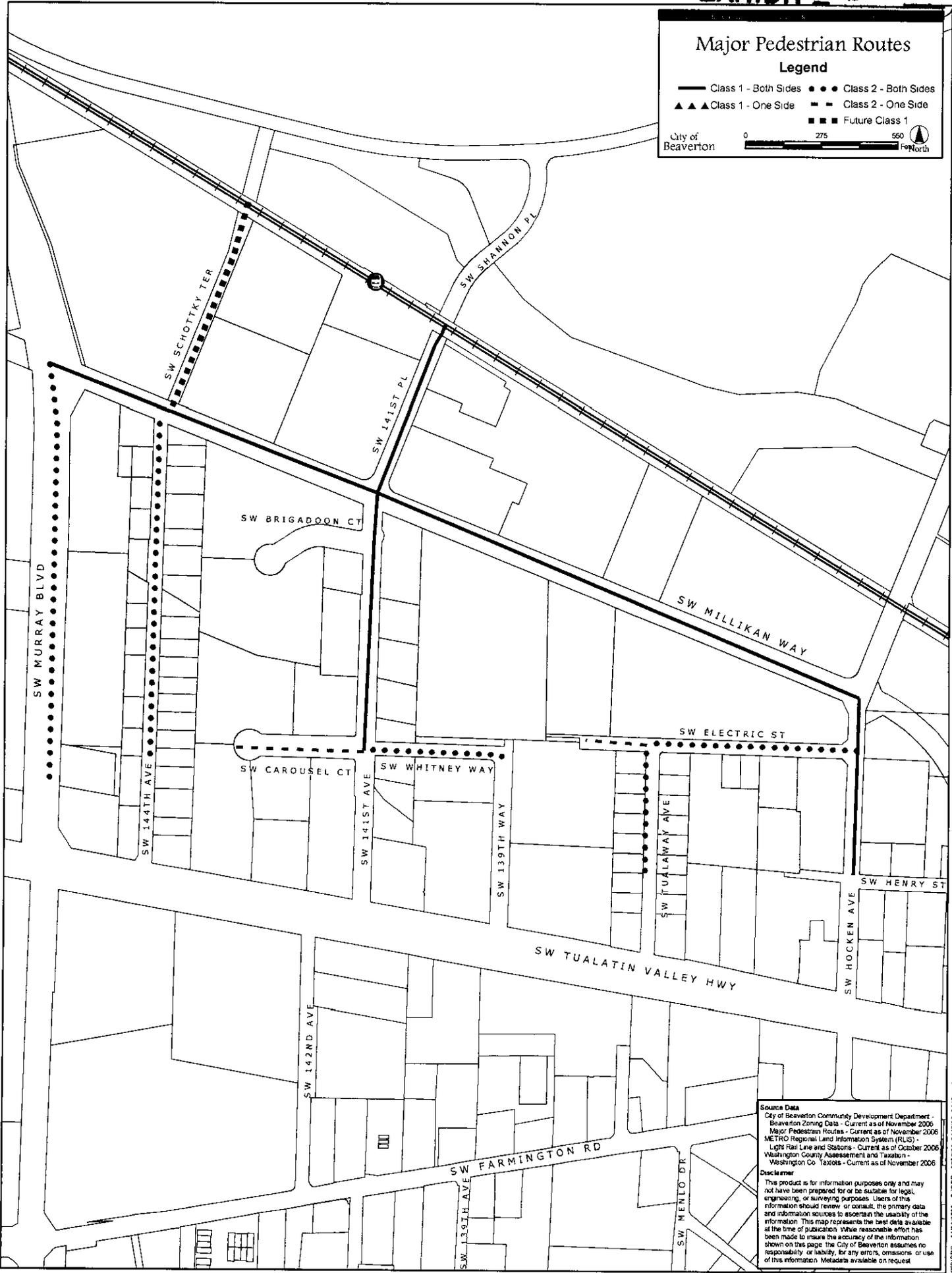
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EXHIBIT B

Major Pedestrian Routes

Legend

- Class 1 - Both Sides
- Class 2 - Both Sides
- ▲▲▲▲ Class 1 - One Side
- Class 2 - One Side
- ■ ■ ■ Future Class 1



Source Data
 City of Beaverton Community Development Department -
 Beaverton Zoning Data - Current as of November 2006
 Major Pedestrian Routes - Current as of November 2006
 METRO (Regional Land Information System (RLIS)) -
 Light Rail Line and Stations - Current as of October 2006
 Washington County Assessment and Taxation -
 Washington Co. Taxlots - Current as of November 2006

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

IN THE MATTER OF A REQUEST TO AMEND) ORDER NO. 1940
BEAVERTON DEVELOPMENT CODE SECTIONS) TA2006-0012 RECOMMENDING APPROVAL OF
CHAPTER 60, (SPECIAL REGULATIONS),) MERLO AND TEKTRONIX MPR TEXT
SECTION 60.05, DESIGN REVIEW. CITY OF) AMENDMENT.
BEAVERTON, APPLICANT.)

The matter of TA2006-0012 (Merlo and Tektronix MPR Text Amendment) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4410, Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearing on February 7, 2007, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code.

TA2006-0012 (Merlo and Tektronix MPR Text Amendment) proposes to amend Development Code Chapter 60, (Special Regulations), Section 60.05, Design Review. The text amendment proposes to amend the existing MPR Map for the South Tek Station Community and the Merlo Station Community expanding applicability of the MPR design standards to recently annexed properties in each of the respective Station Community areas.

The Planning Commission adopts by reference the January 10, 2007, Staff Report, as to criteria contained in Section 40.85.15.1.C.1-7 applicable to this request contained herein; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** of Chapter 60, (Special Regulations), Section 60.05, Design Review. The Planning

Commission finds that evidence has been provided demonstrating that all of the approval criteria specified in Section 40.85.15.1.C.1-7 are satisfied for the modification to Chapter 60, (Special Regulations), Section 60.05, Design Review of the Development Code.

Motion **CARRIED** by the following vote:

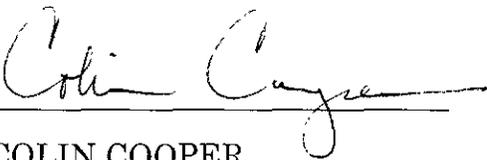
AYES: Winter, Platten, Bobadilla, Johansen, Stephens, and
Maks.
NAYS: None.
ABSTAIN: None.
ABSENT: San Soucie.

Dated this 12th day of February, 2007.

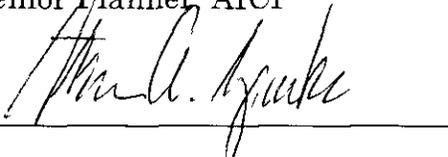
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1940 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on Thursday, February 22, 2007.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



COLIN COOPER
Senior Planner, AICP

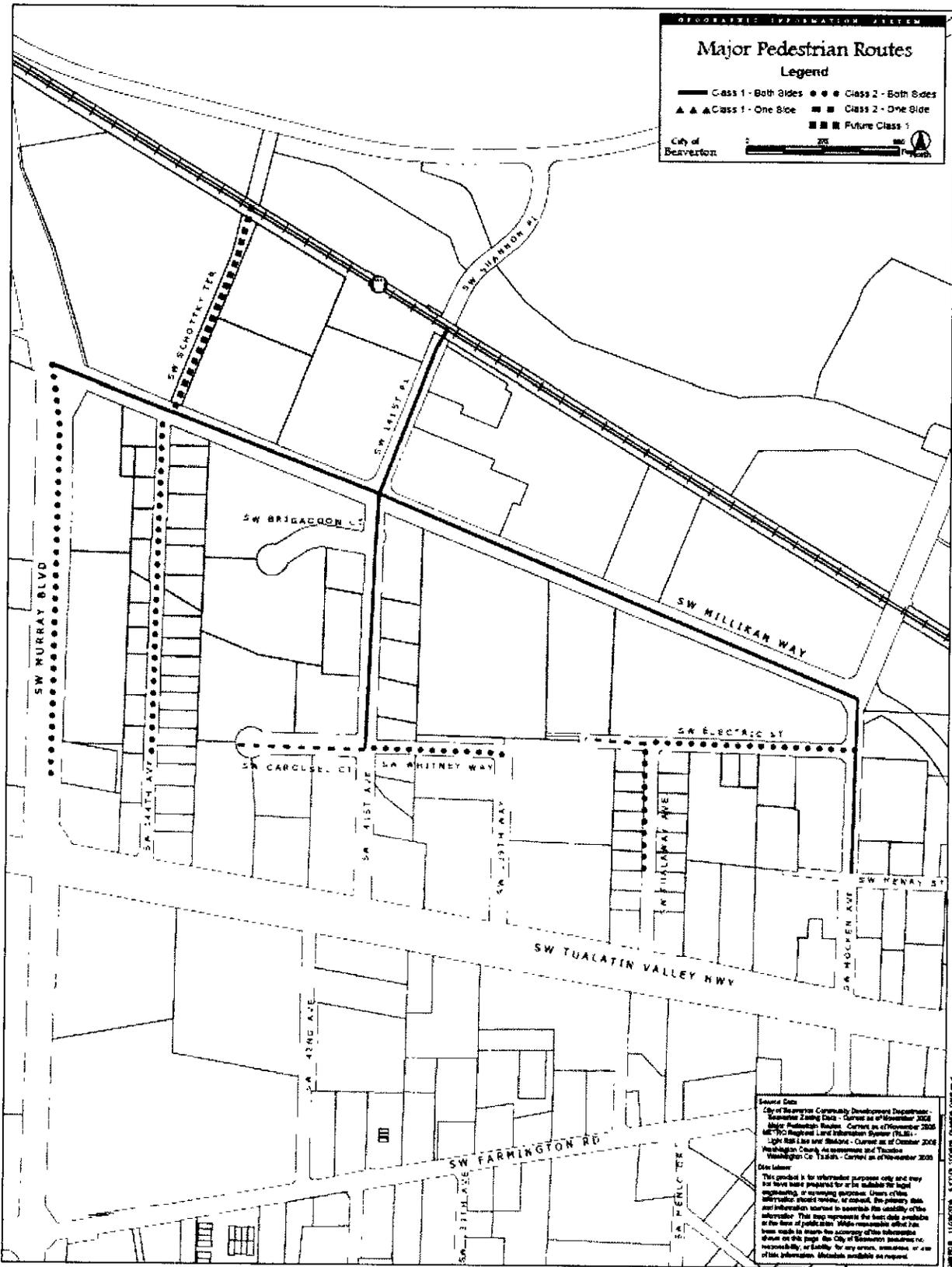


STEVEN A. SPARKS, AICP
Development Services Manager

APPROVED:



DAN MAKS
Chairman



1 Beaverton. The purpose of this text amendment is to update the
2 implementing regulations for the recently annexed properties abutting
3 these right-of-ways.

60.05. ~~60.05.~~

4
5 Senior Planner Colin Cooper explained that the purpose of the
6 proposed text amendment is to amend Development Section Code
7 Chapter ~~60.50~~ Design Review. He stated that the text amendment
8 proposes to amend the Major Pedestrian Route (MPR) maps by adding
9 a new MPR map for the area which includes the Sunset Transit Center
10 and Teufel Town Center. Concluding, he stated that no public
11 comments were received by staff by the property owners on this
12 proposal, and offered to respond to questions.

13
14 Commissioner Winter, Stephens, Bobadilla, Platten, Johansen, and
15 Chairman Maks stated that the application meets all the criteria
16 identified in the staff report and support the application.

17
18 Commissioner Winter **MOVED** and Commissioner **SECONDED** a
19 motion to approve TA2006-0010 – SUNSET TRANSIT CENTER AND
20 TEUFEL TOWN CENTER MAJOR PEDESTRIAN ROUTE TEXT
21 AMENDMENT based upon the testimony, reports and exhibits
22 presented during the public hearings on the matter and upon the
23 background facts, findings and conclusions found in the Staff Report
24 dated January 10, 2007.

25
26 Motion **CARRIED**, by the following vote:

- 27
- 28 **AYES:** Winter, Stephens, Bobadilla, Johansen, Platten,
- 29 and Maks.
- 30 **NAYS:** None.
- 31 **ABSTAIN:** None.
- 32 **ABSENT:** San Soucie.
- 33

34 **B. MERLO AND TEKTRONIX MAJOR PEDESTRIAN ROUTE**
35 **TEXT AMENDMENT**

36 2. TA2006-0012 – TEXT AMENDMENT
37 *(Continued from January 24, 2007)*

38 Text Amendment, Case File TA 2006-0012, proposes to add a Class 1
39 Major Pedestrian Route (MPR) designation on the east side of SW
40 170th Avenue between SW Merlo Road and the MAX Light Rail Tracks
41 and a Class 2 MPR designation on both sides of SW Merlo Drive
42 between SW Merlo Road and SW 170th Avenue. The text amendment
43 also proposes to add a Class 1 designation on both sides of SW 141st
44 Place between SW Millikan Way and the MAX Light Rail Tracks and a

1 future Class 1 on both sides of SW Schottky Terrace between SW
 2 Millikan Way and the MAX Light Rail Tracks. The purpose of this
 3 text amendment is to update the implementing regulations for the
 4 recently annexed properties abutting these right-of-ways.
 5

6 Senior Planner Colin Cooper explained that the purpose of the
 7 proposed text amendment was to amend the existing MPR Map for the
 8 South Tek Station Community and the Merlo Station Community
 9 areas, which will expand applicability of the MPR design standards to
 10 recently annexed properties in each of the respective Station
 11 Community areas. Concluding, he offered to respond to questions.
 12

13 Commissioner Johansen, Platten, Bobadilla, Stephens, Winter, and
 14 Chairman Maks stated that the application meets the approval criteria
 15 and supports a motion for approval.
 16

17 Commissioner Winter **MOVED** and Commissioner Platten
 18 **SECONDED** a motion to approve TA2006-0012 – MERLO AND
 19 TEKTRONIX MPR TEXT AMENDMENT based upon the testimony,
 20 reports and exhibits presented during the public hearings on the
 21 matter and upon the background facts, findings and conclusions found
 22 in the Staff Report dated January 10, 2007.
 23

24 Motion **CARRIED**, by the following vote:
 25

- 26 **AYES:** Winter, Platten, Bobadilla, Johansen, Stephens,
 27 and Maks.
- 28 **NAYS:** None.
- 29 **ABSTAIN:** None.
- 30 **ABSENT:** San Soucie.

31
 32 **C. PLANNED UNIT DEVELOPMENT MODIFICATIONS TEXT**
 33 **AMENDMENT ON REMAND FROM CITY COUNCIL**

34 **3. TA2006-0003 – TEXT AMENDMENT**

35 *(Continued from January 24, 2007)*

36 The City Council remanded TA 2006-0003 (Planned Unit Development
 37 Modifications Text Amendment) to the Planning Commission. The
 38 text amendment is to Chapter 40 Sections 40.15.15.5 & 6, Chapter 60
 39 Section 60.35.05-15, Chapter 90, Definitions of the Beaverton
 40 Development Code currently effective through Ordinance 4248 to
 41 create new Planned Unit Development Thresholds, Approval Criteria,
 42 and Standards. The intent of the proposed amendment is to require
 43 more specific thresholds and standards for development of Planned
 44 Unit Developments. Chapter 90, Definitions will be amended with new
 45 terms as necessary. The Planning Commission recommended to the

1 City Council adoption of TA 2006-0003 on August 26, 2006. However,
2 the City Council voted to remand TA 2006-0003 to the Planning
3 Commission for further consideration of a series of questions and
4 issues raised at the City Council Work Session of November 13, 2006.
5 Those questions and issues include the following: Should the 20
6 percent open space requirement for PUD's be maintained; Should the
7 City coordinate the 20 percent open space requirement more closely
8 with Tualatin Hills Parks and Recreation Department; Review and
9 clarify the definition of open space; Review "Big House" concepts as a
10 method of addressing bulk and design compatibility within PUD's;
11 Review density transfers from steep slopes; Review methods of
12 allowing development phasing; Review allowances to exceed the base
13 zone building height; Review the impact of allowing a 10 percent
14 reduction of the parent parcel setbacks; Review the affordable housing
15 incentive.

16
17 Mr. Cooper explained that the purpose of this hearing is to consider
18 several questions raised by the city council at their work session on the
19 proposed PUD, which was remanded to the Planning Commission.

20
21 Mr. Cooper stated that the Council had concerns with the coordination
22 of open space dedication through Planned Unit Developments (PUD)
23 with THPRD. He discussed the distributed letter from THPRD which
24 stated that their policy is a two acre minimum unless the proposed
25 parcel for dedication is adjoining an existing facility.

26
27 Chairman Maks stated that when it comes to significant areas, lots or
28 groves that the city always tries to get THPRD to sign on and take
29 over. He stated that he does recall a process within the
30 Comprehensive Plan that said that there would be a pocket park
31 within a quarter mile of all residential zones, adding that there are
32 pocket parks in south Beaverton and in many other areas.

33
34 Commisisoner Johansen stated that he appreciates the park districts
35 position on the two acre minimum and has no objection to this. He
36 stated for the record that his support of the open space requirement is
37 not with the intent that the open space is something that goes to the
38 park district, but with the intent to create open space whether it is a
39 park or other form of open space, and to ensure that the PUD has the
40 proper amount of open space. He stated that he does not agree with
41 the concerns necessarily raised at the council level, emphasizing that
42 he just wants open space, and whether it is a park or not is not
43 significant to him.
44

1 Chairman Maks stated that there appears to be a general consensus
2 for staff to continue to coordinate when appropriate and whenever
3 possible with our parks provider THPRD.

4
5 Chairman Maks referred to the second issue raised by council, "Review
6 the benefit of 20 percent open space dedication in light of limited land
7 supply and the effect on housing affordability." He requested
8 comments.

9
10 Observing that there has been extensive discussion on this issue,
11 Commissioner Johansen stated that he's fully comfortable with the
12 recommendation that was made the first time.

13
14 Chairman Maks summarized the issues discussed by the Planning
15 Commission regarding the 20 percent. He said that the PUD process
16 allows density to be created on difficult sites, infill sites and the sites
17 that are tough to work with. He pointed out that the Planning
18 Commission also discussed that when community standards of the
19 zoning district are set aside, i.e., basic lot size, dimensional standards,
20 setbacks within the lots, possible height variations, then something
21 needs to be given back, and that is usually within open space. He
22 explained that they try to put open space next to significant resources
23 to help, or open space that can be used.

24
25 Commissioner Platten noted that it is necessary to make clear that the
26 20 percent open space is 20 percent open space, and that this does not
27 include the drive way, laundry room or the sidewalk in front of the
28 house.

29
30 Chairman Maks stated that it is difficult to get the community to buy
31 into the PUD process. He pointed out that the 20 percent is what he
32 referred to as a "give and take" and used as a buffer and everything
33 else.

34
35 Chairman Maks referred to the third issue raised by council and stated
36 that council was concerned with the proposed language related to
37 phasing of a PUD. He requested comments.

38
39 The Planning Commission came to a consensus to replace the existing
40 language with the existing code language that allows the Commission
41 discretion to approve a phased PUD plan for up to five (5) years.

42
43 Mr. Cooper discussed the fourth issue raised by council regarding the
44 term "Big House", which is described in the code as a house that is

1 oversized, with multi family dwellings rather than a federal
2 penitentiary that could be used as slang. He stated for the record that
3 the term "Big House" will no longer be used to refer to a penitentiary
4 or a prison of any kind.

5
6 The Commission discussed the fifth issue raised by council pertaining
7 to the flexibility of the 10 percent with regard to the parent parcel.
8 The Commission came to a consensus on option number 2. "Maintain
9 the 10 percent parent parcel setback flexibility, but reiterate the need
10 to ensure that no driveway shall be less than 20 feet."

11
12 Mr. Cooper discussed the sixth issue raised by council regarding the
13 language in Section 60.35.20.B, Building Height, and noted that the
14 council expressed concern that the language was unclear.

15
16 The Planning Commission's consensus was to maintain the language
17 as it was proposed.

18
19 Referring to the seventh issue, Chairman Maks stated that council
20 expressed concern regarding the ability of a potential developer to
21 transfer density from slopes greater than 25 percent.

22
23 After discussion, the Planning Commission came to a consensus to
24 allow the transfer of density from slopes greater than 25 percent, and
25 the possibility of crafting language that creates a graduated transfer of
26 density.

27
28 Mr. Cooper explained the eighth issue of concern from council which
29 pertains to the allowance of up to only 40 percent of the land dedicated
30 for open space to be greater than 5 percent slope. He stated that staff
31 had suggested allowing up to 60 percent of the area, which would allow
32 enough area for a "Commons Area".

33
34 The Planning Commission came to a consensus with option No. 1,
35 "Revise the proposed standard to allow for no more than 60 percent of
36 the area dedicated to be over five (5) percent thereby allowing a
37 significantly greater area to be in a steep slope. The remaining 40
38 percent will ensure that the Common Area can be created.

39
40 Mr. Cooper discussed the distributed list of items that Commissioner
41 San Soucie had submitted. He explained that Commissioner San
42 Soucie had noted several typographical errors that he suggested
43 correction, and that staff will make these changes.
44

1 No member of the public testified with regard to this proposal.

2
3 The public portion of the Public Hearing was closed.

4
5 Chairman Maks, Commissioner's Stephens, Winter, Johansen, Platten,
6 and Bobadilla stated that they recommend this proposal to the city
7 council based on the consensus reached at this hearing.

8
9 Commissioner Johansen **MOVED** and Commissioner Winter
10 **SECONDED** a motion to **RECOMMEND APPROVAL** of TA2006-
11 0003 – Planned Unit Development Modifications Text Amendment on
12 remand from City Council, based upon the facts and findings in the
13 staff report dated January 10, 2007, as well as the submittal by
14 Commissioner San Soucie, that approval to incorporate the discussion
15 and consensus reached this evening by the commission on the eight
16 items included within the staff report dated January 10, 2007.

17
18 Motion **CARRIED**, 6:0:

19
20 **AYES:** Johansen, Winter, Bobadilla, Platten, Stephens,
21 and Maks.

22 **NAYS:** None.

23 **ABSTAIN:** None.

24 **ABSENT:** San Soucie.

25
26 **APPROVAL OF MINUTES:**

27
28 Minutes of the meeting of December 13, 2006, submitted. Being no
29 revisions, the minutes were submitted and **APPROVED** by consensus.

30
31 **MISCELLANEOUS BUSINESS:**

32
33 The meeting adjourned at 8:32 p.m.



CITY of BEAVERTON

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

CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

TO: Planning Commission

STAFF REPORT DATE: Wednesday, January 10, 2007

STAFF: Colin Cooper, AICP, Senior Planner *cc*

SUBJECT: TA 2006-0012 (Merlo and Tek MPR Text Amendment)

REQUEST: Text Amendment to the Beaverton Development Code Chapter 60, Special Regulations, Section 60.05, Design Review. The text amendment proposes to amend the MPR Map within the South Tek Station Community and the Merlo Station Community and making the MPR design standards applicable to additional properties.

APPLICANT: City of Beaverton - Development Services Division

AUTHORIZATION: Ordinance 2050 (Development Code), effective through Ordinance 4410.

APPLICABLE CRITERIA: Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING DATE: Wednesday, January 17, 2007

RECOMMENDATION: Staff recommend APPROVAL of text amendment application TA 2006-0012 (Merlo and Tek MPR Text Amendment)

I. Proposed Legislative Text Amendment

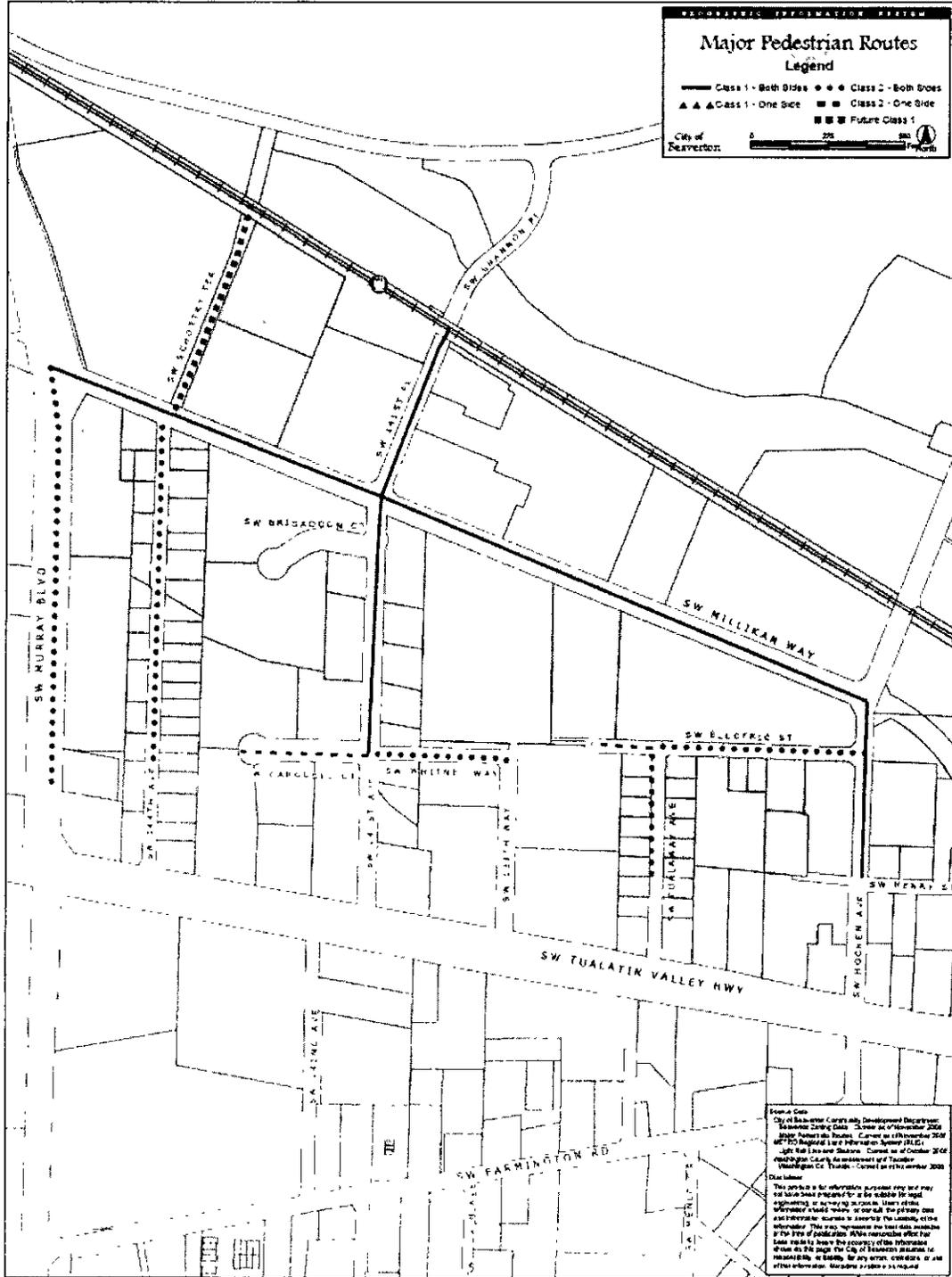
The purpose of the proposed amendments to the South Tek Station Community and Merlo Station Community Major Pedestrian Route (MPR) Maps, Sections 60.05.55.3 and 60.05.55.4 is to update the existing MPR maps to reflect annexations of land from Washington County in each of these Station Community districts. This text amendment proposes to apply the Class 1 MPR standards to eastern side of the SW 170th right-of-way between the intersection of SW 170th Avenue and Merlo Road and the intersection of SW 170th Avenue with the MAX tracks to the north of Merlo Road (Exhibit 1). This text amendment also proposes to apply the Class 2 MPR standards to properties located on either side of the SW Merlo Drive right-of-way between the intersections of SW 170th Avenue and SW Merlo Road (Exhibit 1). Staff recognized after sending notice that the application of MPR standards was not included for the north side of SW Merlo Road. Staff will forward a separate text amendment to propose application of MPR standard to the properties on the north side of SW Merlo Road.

This text amendment also proposes to apply the Class 1 MPR designation to both sides of SW 141st Place north of the intersection of SW Millikan Way and the MAX tracks. This text amendment also proposes the application of a future Class 1 Both Sides to SW Schottky Terrace, which is currently a private street (Exhibit 2). Each of these streets are located within the South Tek Community Area.

There are two primary reasons for amending the MPR maps that apply equally in both cases. First, the MPR designation is used to distinguish the design elements of buildings and sites in areas that are expected to be supportive of transit use and pedestrian activity such as those streets leading to Light Rail Stations, Transit Stations, and higher density areas such as Town Centers. Secondly, this text amendment anticipates that the properties along the public right-of-ways proposed for application of the MPR designations, which have been annexed in the past two years, will be rezoned pursuant to the City's Urban Area Planning Agreement. Pursuant to Section 10.40, Annexations, while these properties retain Washington County zoning, City Design Review Standards apply; however, in order to fully and efficiently implement Design Review Standards in Station Community Areas now and in the future under City zoning, the MPR designation is necessary.

In the absence of adoption of the MPR designation for the public right-of-ways illustrated in Section 1 and Section 2, MPR design standards for the Station Community zoning districts will not be fully implemented.

Section 2: The Development Code, Ordinance No. 2050, Effective through Ordinance 4248, Chapter 60, Special Regulations, Section 60.05.55.4, Design Review Standards and Guidelines, South Tek Station Community Area Major Pedestrian Route Map will be amended as follows:



II. Facts and Findings

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2006-0012 (Merlo & Tek MPR TA):

1. The proposal satisfies the threshold requirements for a Text Amendment application.

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2006-0012 (Merlo & Tek MPR TA) proposes to amend Chapter 60 of the Beaverton Development Code currently effective through Ordinance 4410 (January 2007). While the proposed amendment is a map, it is not the zoning map that is being amended. Therefore, the TA process is the correct process to amend the MPR map.

Therefore, staff find that approval criterion 1 one has been met.

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

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

Therefore, staff find that approval criterion 2 is not applicable.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Metro's Urban Growth Management Functional Plan is comprised of the following titles:

- Title 1: Requirements for Housing and Employment Accommodations
- Title 2: Regional Parking Policy
- Title 3: Water Quality and Flood Management Conservation
- Title 4: Retail in Employment and Industrial Areas
- Title 5: Neighbor Cities and Rural Reserves
- Title 6: Regional Accessibility
- Title 7: Affordable Housing
- Title 8: Compliance Procedures and
- Title 9: Performance Measures

TA 2006-0012 (Merlo & Tek MPR TA) proposes to amend Development Code Chapter 60, Design Review Principals, Standards, and Guideline by amending the South Tek Station Community and Merlo Station Community MPR Maps. The proposed text amendment will increase the number properties subject to the MPR Design Standards and Guidelines found in Section 60.05. Although the proposed text amendment do not directly impact the City's compliance with Metro's Urban Growth Management Functional Plan, increasing the number of properties subject to MPR regulations improves land use efficiency through building orientation towards public right-of-ways. This change may make it easier to reach Title 1 Housing and Employment Targets. Additionally because the MPR standards require a pedestrian and transit orientation, there is a greater likelihood of increased pedestrian trips, which in turn may have a corresponding reduction in automobile trips enhancing the City's implementation of lower parking standards required in Title 2 Regional Parking Policy.

Therefore, staff finds that the proposed text amendment is consistent with approval criterion 3.

4. The proposed text amendment is consistent with the City's Comprehensive Plan.

The proposed text amendment expands the geographic area where MPR standards will be applicable. The following Comprehensive Plan Goals, Policies and Community Plan Policy and Actions items support the expansion of the applicability of the MPR Design Standards and Guidelines.

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

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

- a) Regulate new development in Station Communities to maximize the public infrastructure investment in light rail.
- d) Adopt Community Plans identifying Comprehensive Plan Policies applicable to Station Community Areas to provide community vision.

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

Policies:

- 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.

The proposed text amendment is consistent with the above Comprehensive Plan Goals and Policies because it applies the MPR designation to public right-of-ways within the Station Community Areas, which are Mixed Use Areas by definition, and thereby establishes the highest level of design standards available in Section 60.05 of the Development Code. The MPR standards will require building orientation, glazing, and building entrance standards that maximize the public investment in light rail and improve the pedestrian environment of both the Merlo and Tek Station Community Areas.

Merlo Station

The Merlo Station Community Plan Text recognizes the existing public institutional and industrial uses located within the boundary of the Merlo Station Community but also recognizes the need to increase the intensity of development and pedestrian and transit orientation as new development occurs or older development is expanded. Community Plan Goal 1 states that the Merlo Station Community should develop to support light rail ridership.

Community Plan Goal 1: Develop the Merlo Station Community to support light rail ridership by increasing the intensity of the adjacent land uses while recognizing the current land uses and the land and building investments already made by the property owners within the community plan area.

- a) *Regulate new development in the Merlo Station Community to support a high level of transit service as the area redevelops, while allowing existing uses to continue without restrictions.*

Action 1: Adopt and apply standards that will reduce the likelihood that new non-transit supportive land uses will be established, but will allow the current land uses to continue without becoming non-conforming uses.

Community Plan Goal 3: Guide land development within the Merlo Station Area so that it encourages pedestrian, bicycle and transit travel.

- a) *Regulate new development in the Merlo Station area so that it becomes more pedestrian and bicycle "friendly".*

Action 4: Designate SW Merlo Road as a Major Pedestrian Route, and apply the Major Pedestrian Route standards to new development to encourage safe, convenient, and pleasant pedestrian and bicycle travel.

These standards include, but are not limited to requiring building locations within 10 feet of the sidewalk, requiring 50% of the street frontage to be occupied by buildings rather than parking lots, and requiring that a minimum of 50% of the first floor wall on the side of a building facing the street be windows and doorways, and requiring that a primary building entrance face the street

The Merlo Station Community Area Plan Goals, Policies, and Action items call for specific development standards to ensure design and building orientations towards streets with the Station Area that support increased transit use. The proposed text amendment proposes to apply the Major Pedestrian Route Standards which are part of the Design Review Principals, Guidelines, and Standards framework and would require a minimum of 50 percent street frontage be occupied by any new building and also would require for increased window glazing and doorway entrance oriented toward the street.

South Tek Station Community

Community Plan Goal 1: Develop the South Tektronix Station Community to support light rail ridership, foster a sense of community, and respect the natural features adjacent to and within the Station Community.

- a) *Regulate new development in Station Communities and Station Areas to provide increased densities and employment to support a high level of transit service.*

The South Tek Station Community Goal and Policies do not include specific requirements to adopt MPR designations; however, they do call for the regulation of new development to support high level of transit service. Because MPR standards require a significant building orientation towards the street property is used more efficiently and thus higher densities are encouraged which correspondingly support higher levels of transit service.

Staff finds that the proposed text amendment is consistent with the Merlo and Tek Station Area Plans and therefore this approval criterion.

5. The proposed text amendment is consistent with other provisions within the City's Development Code.

The proposed amendments do not create impacts or conflicts with other provisions within the Development Code. The proposed text amendment to Development Code Chapter 60, Design Review Principals, Guidelines, and Standards, Sections 60.05.55.3 and 60.05.55.4, does not conflict with other provisions with any of the following Chapters of the Development Code: Chapter 20 (Land Uses), Chapter 30 (Non-Conforming Uses), Chapter 40 (Applications), Chapter 50 (Procedures), or Chapter 60 previously .

Therefore, staff finds that approval criterion 5 has been met.

6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.

The current Development Code and Ordinance No. 4187, which adopted the current Comprehensive Plan, are applicable to the proposed text amendment and are addressed in the findings of fact for approval criteria four and five. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by or would conflict with the proposed text amendments.

Therefore, staff finds that approval criterion 6 has been met.

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

Staff have determined that there are no other applications and documents related to the request that will require further City approval.

Therefore, staff finds that approval criterion 7 is not applicable.

III. Conformance with Statewide Planning Goals

Because the proposal is for a text amendment to the Development Code, a demonstration of compliance with the Statewide Planning Goals is not required. ORS 197.225 requires that Statewide Planning Goals only be addressed for Comprehensive Plan Amendments. Nevertheless, the Statewide Planning Goals are useful to support the City's position on the proposed amendments. The proposed text amendment's conformance to relevant Statewide Planning Goals is briefly discussed below:

GOAL ONE - CITIZEN INVOLVEMENT

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

The City is in compliance with this Statewide Planning Goal through the establishment of a Committee for Citizen Involvement (CCI). The City has gone even further by establishing Neighborhood Association Committees (NACs) for the purpose of providing widespread citizen involvement, and distribution of information. The proposed text amendments to the Development Code will not change the City of Beaverton's commitment to providing opportunity for citizen involvement, or place the City out of compliance with Statewide Planning Goal One. The CCI was notified of the proposed text amendment through a monthly report and by public notice that was mailed on December 15, 2006.

GOAL TWO - 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 has adopted a Comprehensive Plan that includes text and maps (Ordinance 1800, and most recently amended by Ordinance 4397) along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4410). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text amendment proposal. The proposed Development Code amendment has been processed in accordance with Section 40.85 (Text Amendment) and Section 50.50 (Type 4 Application) of the Development Code. Section 40.85 contains specific approval criteria for the decision-making authority to apply during its consideration of the text amendment application. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. The City of Beaverton's Comprehensive Plan is consistent with Statewide Planning Goal 2.

GOAL TWELVE – TRANSPORTATION PLANNING

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

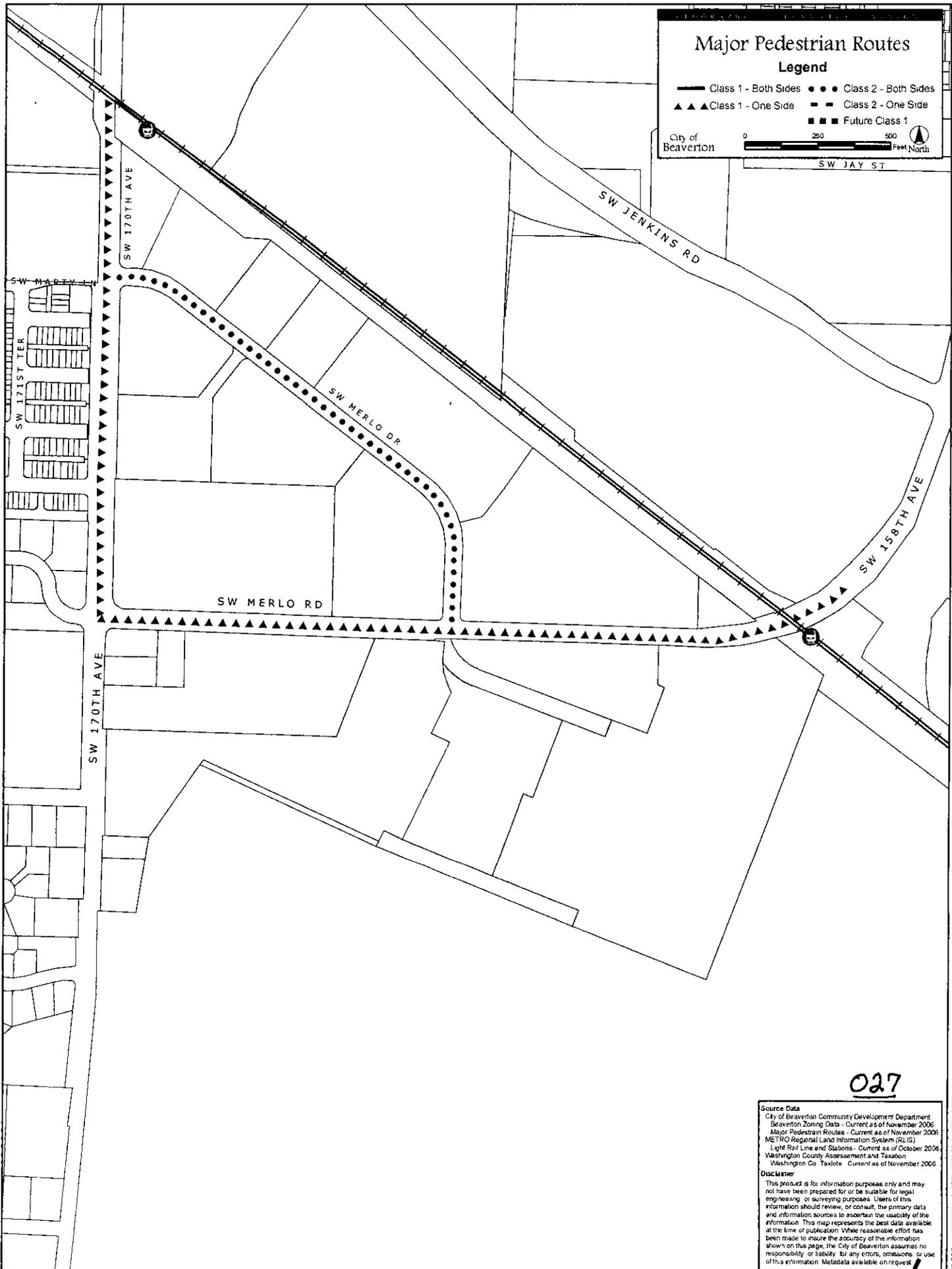
Statewide Planning Goal 12, Transportation Planning, is implemented further through Oregon Administrative Rule, 660-012-0000, commonly know as the Transportation Planning Rule (TPR). The TPR includes requirements to coordinate land use and transportation planning with the intent that vehicle miles traveled can be reduce by increasing the convenience of pedestrian trips and transit trips. MPR standards meet the intent of the TPR by requiring building and building entrance orientations towards streets that lead to light rail stations and transit stops. The City of Beaverton's Comprehensive Plan is consistent with Statewide Planning Goal 12.

IV. Conclusion and Staff Recommendation

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7. Therefore, staff recommend the Planning Commission **APPROVE** TA 2006-0012 (Merlo & Tek MPR TA) at the January, 17, 2007 regular Commission hearing.

V. Exhibits

Exhibit 1.1 Map of proposed Class 1 and Class 2 Major Pedestrian Routes



Major Pedestrian Routes

Legend

<ul style="list-style-type: none"> — Class 1 - Both Sides ▲▲ Class 1 - One Side 	<ul style="list-style-type: none"> ●●● Class 2 - Both Sides ■ Class 2 - One Side --- Future Class 1
---	--

City of Beaverton

0 250 500 Feet North

027

Source Data
 City of Beaverton Community Development Department
 Beaverton Zoning Data - Current as of November 2006
 Major Pedestrian Routes - Current as of November 2006
 METRO Regional Land Information System (RLIS)
 Light Rail Line and Stations - Current as of October 2006
 Washington County Assessment and Taxation
 Washington Co. Taxlots - Current as of November 2006

Disclaimer
 This product is for information purposes only and may not have been prepared for or be suitable for legal engineering or surveying purposes. Users of this information should review, or consult, the primary data and information sources to ascertain the usability of the information. This map represents the best data available at the time of publication. While reasonable effort has been made to insure the accuracy of the information shown on this page, the City of Beaverton assumes no responsibility or liability for any errors, omissions, or use of this information. Metadata available on request.

EXHIBIT

City of Beaverton 11/20/2006 S:\CDD\2005\06_0446\027_0446.mxd

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

03/05/07

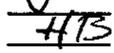
SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Six Properties Located in Central Beaverton; CPA 2006-0017/ZMA 2006-0023

FOR AGENDA OF: 02/26/07 **BILL NO:** 07041

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 02/13/07

CLEARANCES: City Attorney 
Planning 

PROCEEDING: First Reading
Second Reading and Passage

- EXHIBITS:**
1. Proposed Ordinance and Exhibit A – Map depicting recommended amendments
Exhibit B - 12/21/06 Staff Report
Exhibit C - 1/10/07 Memo
Exhibit D - 1/19/07 Memo
Exhibit E - 1/24/07 Memo
Exhibit F - 1/24/07 Memo
 2. Planning Commission Final Order No. 1938

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

HISTORICAL PERSPECTIVE:

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning Map designations for six properties, replacing the Washington County land use designation. One of the properties was annexed October 9, 2001 and the remaining five parcels were annexed March 1, 2005. The original proposal included a total of 13 properties, seven less than are recommended. The parcels are located north of SW Millikan Way, both north and south of the Light Rail Transit line, and between SW Murray Boulevard and SW Hocken Avenue. All of the tax lots fall within the County's Citizen Participation Organization 1 and are not included in any Beaverton Neighborhood Association Committee boundaries.

All 13 parcels of the original recommendation are within a station community as identified on the County's "Station Community Boundaries" map under *Policy 40, Regional Planning Implementation* of the County's Comprehensive Framework Plan for the Urban Area, and are designated County Industrial on the County's Cedar Hills – Cedar Mill Community Plan with an Interim Light Rail Station Area Overlay District. The original Staff Report recommendation was to implement the City's Station Community (SC) land use map designation and the City's Station Community – Employment (SC-E) zoning district for the 13 parcels. Further review of the proposal and discussions with property owners led staff to a second recommendation. The second staff recommendation, approved by the Planning Commission, is to approve, in part, and deny, in part, the original Staff Report recommendation, as follows:

CPA2006-0017 is approved in part implementing the Station Community (SC) Land Use Map designation for Tax Lots 1S109CB00300, 1S109CC04400, 1S109CD00300, 1S109CD00400, 1S109CD00500, and 1S109DC00800 and denied in part for Tax Lots 1S109CB00100, 1S109CB00200, 1S109CB00600, 1S109CB00700, 1S109CD00100, 1S109CD00200, and 1S109DC00700 based on the findings of the Planning Commission on January 24, 2007.

ZMA2006-0023 is approved in part implementing the Station Community – Employment (SC-E) Zoning Map designation Sub area 1 for Tax Lots 1S109CB00300, 1S109CC04400, 1S109CD00300, 1S109CD00400, and 1S109CD00500, and implementing the Station Community – Employment (SC-E) Zoning Map designation Sub area 3 for Tax Lot 1S109DC00800 and denied in part for Tax Lots 1S109CB00100, 1S109CB00200, 1S109CB00600, 1S109CB00700, 1S109CD00100, 1S109CD00200, and 1S109DC00700 based on the findings of the Planning Commission on January 24, 2007.

The City Land Use Map and Zoning Map designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

~~First Reading~~

Second Reading and Passage

ORDINANCE NO. 4424

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR SIX PROPERTIES LOCATED NORTH OF MILLIKAN WAY, EAST OF MURRAY BOULEVARD, WEST OF HOCKEN AVENUE, AND ALONG EITHER SIDE OF THE WEST SIDE LIGHT RAIL TRACKS; CPA2006-0017/ZMA2006-0023

WHEREAS, One property was annexed under Ordinance 4181 and five properties were annexed under Ordinance 4340, thus the properties are being redesignated in this ordinance from Washington County's land use designation to City of Beaverton designations; and

WHEREAS, Since the UPAA is not specific on the appropriate designations for these parcels, this is a discretionary land decision and, therefore, a public hearing was held by the Planning Commission January 24, 2007. The Planning Commission voted to recommend approval, in part, and denial, in part, CPA2006-0017/ZMA2006-0023 as described in their Final Order No. 1938; and

WHEREAS, The Council incorporates by reference the Community Development Department staff report, dated December 21, 2006, and four memoranda, dated January 10, 2007, January 19, 2007, January 24, 2007, and January 24, 2007 by Associate Planner Leigh Crabtree as to criteria applicable to this request and findings thereon; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties on Map and Tax Lots 1S109CB00300, 1S109CC04400, 1S109CD00300, 1S109CD00400, 1S109CD00500, and 1S109DC00800 Station Community (SC), as shown on Exhibit "A".

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate properties on Map and Tax Lots 1S109CB00300, 1S109CC04400, 1S109CD00300, 1S109CD00400, and 1S109CD00500 Station Community – Employment (SC-E) Sub area 1, as shown on Exhibit "A".

Section 3. Ordinance No. 2050, the Zoning Map, is amended to designate the property on Map and Tax Lot 1S109DC00800 Station Community – Employment (SC-E) Sub area 3, as shown on Exhibit "A".

First reading this 26th day of February, 2007

Passed by the Council this _____ day of _____, 2007

Approved by the Mayor this _____ day of _____, 2007

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

North Millikan Annexation
Map Amendment
CPA2006-0017 - Station Community (SC)
ZMA2006-0023 - SC-Employment (SC-E)

City of Beaverton

0 0.125 0.25
Miles

North



LEGEND

SC-E (1)
1S109CB 00300
1S109CC 04400
1S109CD 00300,
00400, 00500

SC-E (3)
1S109DC 00800

City Limits
 Light Rail Line
 Light Rail Station
Street Names

VICINITY

SUBJECT TAX LOTS

Source Data :

City of Beaverton
City Limits - Last updated July 2006

METRO Regional Land Information System (RLIS)
Light Rail/Station - Last updated March 2006
Streets - Last updated August 2006
County Line - Last updated June 2006
UGB Boundary - Last updated July 2006
Other City Limits - Last updated July 2006
Multnomah County Taxlots - Last updated July 2006

Washington County
Washington County Taxlots - Last updated November 2006

Disclaimer :

This product is for information purposes only and may not have been prepared for or be suitable for legal, engineering or surveying purposes. Users of this information should review, or consult, the primary data and information sources to ascertain the usability of the information. This map represents the best data available at the time of publication. While reasonable effort has been made to insure the accuracy of the information shown on this page, the City of Beaverton assumes no responsibility or liability for any errors, omissions or use of this information. Metadata available on request.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located East of SW Hocken Avenue and West of SW Cedar Hills Boulevard on the South Side of SW Jenkins Road; CPA 2007-0002/ZMA 2007-0001

03/05/07
FOR AGENDA OF: 02/26/07 **BILL NO:** 07042

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 2/20/2007

CLEARANCES: City Attorney [Signature]
Planning Services [Signature]

PROCEEDING: First Reading
Second Reading and Passage

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Staff Report

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

The property shown on Exhibit "A" was annexed under Ordinance 4340 in March 2005 and is being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA).

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to assign designations for a parcel that has been annexed into the City and is governed by the Washington County - Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was specific as to the appropriate Land Use Map and Zoning Map designations, and discretion is not necessary to assign our most similar designations to the County's designations. The appropriate Land Use Map designation for the subject parcel is Corridor and the appropriate Zoning Map designation is Office Commercial (OC). This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

First Reading
Second Reading and Passage

ORDINANCE NO. 4425

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED EAST OF SW HOCKEN AVENUE AND WEST OF SW CEDAR HILLS BOULEVARD ON THE SOUTH SIDE OF SW JENKINS ROAD; CPA 2007-0002/ZMA 2007-0001

WHEREAS, The property was annexed under Ordinance 4340 in March 2005 and is being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA); and

WHEREAS, Since the UPAA is specific on the appropriate designations for this parcel, this is not a discretionary land use decision, and no public hearing is required; and

WHEREAS, The Council incorporates by reference the Community Development Department staff report on CPA 2007-0002/ZMA 2007-0001 by Associate Planner Laura Kelly, dated February 16, 2007, and attached hereto as Exhibit "B"; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject property located east of SW Hocken Avenue and west of SW Cedar Hills Boulevard on the south side of SW Jenkins Road, Corridor on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

Section 2. Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 Office Commercial (OC), as shown on Exhibit "A", in accordance with the UPAA.

First reading this 26th day of February, 2007.

Passed by the Council this _____ day of _____, 2007.

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

APPROVED:

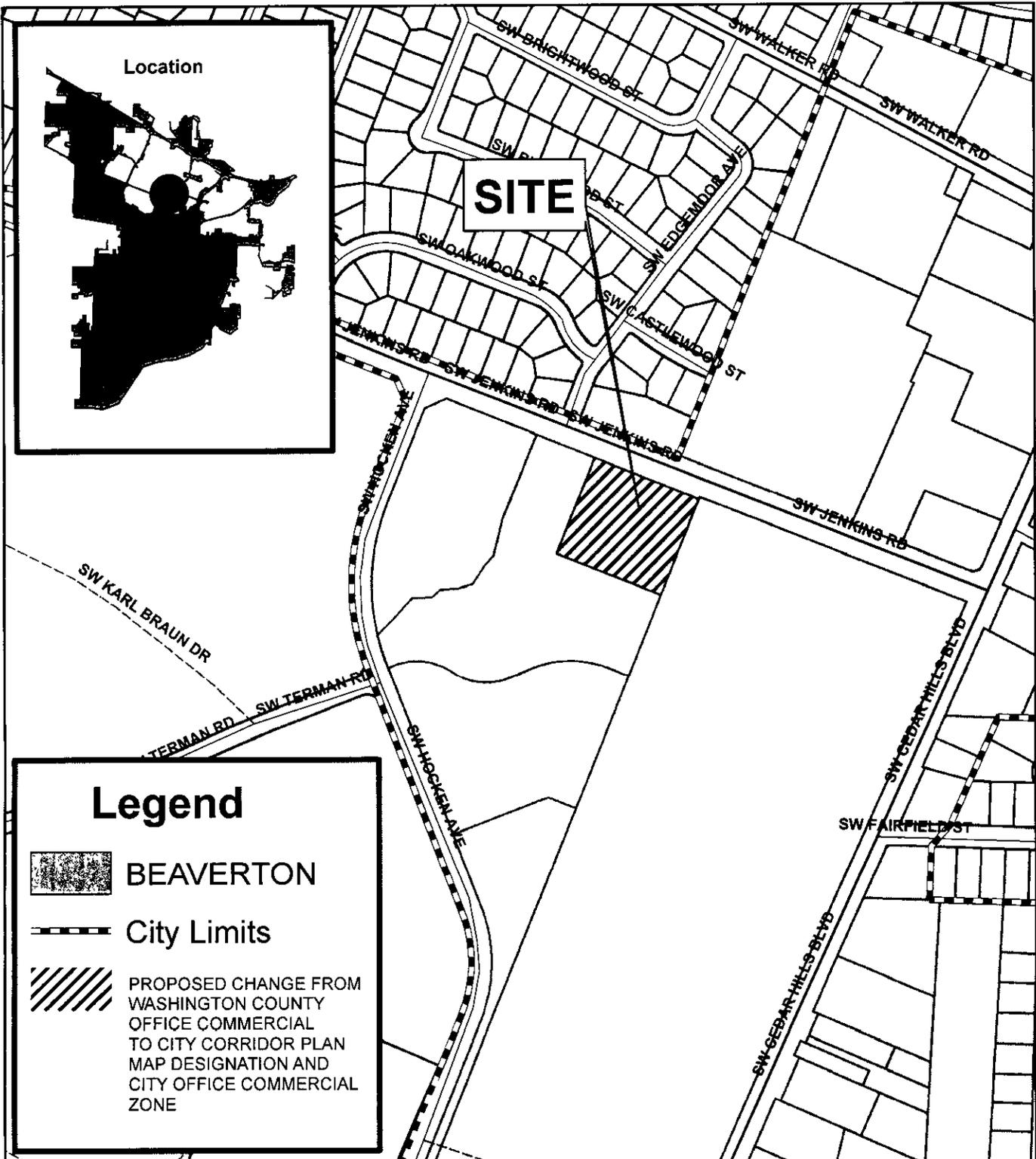
SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

Ordinance
No. 4425

EXHIBIT "A"



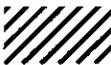
Legend



BEAVERTON



City Limits



PROPOSED CHANGE FROM
WASHINGTON COUNTY
OFFICE COMMERCIAL
TO CITY CORRIDOR PLAN
MAP DESIGNATION AND
CITY OFFICE COMMERCIAL
ZONE



CITY OF BEAVERTON

CPA2007-0002 ZMA2007-0001

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

1/22/07

Tax Lot #

1S109AC15000

N



13050 SW
Jenkins Rd

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located South of NW Walker Road and North of Baseline Road, on the East Side of SW 173rd Avenue; CPA 2007-0003/ZMA 2007-0002

03/05/07
FOR AGENDA OF: 02/26/07 **BILL NO:** 07043

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: CDD *my*

DATE SUBMITTED: 2/20/2007

CLEARANCES: City Attorney *MR*
Planning Services *HB*

PROCEEDING: First Reading
Second Reading and Passage

EXHIBITS: Ordinance
Exhibit A – Map
Exhibit B – Staff Report

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

The 28 properties shown on Exhibit "A" were annexed under Ordinance 4338 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA).

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to assign designations for parcels that have been annexed into the City and are governed by the Washington County – Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was specific as to the appropriate Land Use Map and Zoning Map designations, and discretion is not necessary to assign our most similar designations to the County's designations. The appropriate Land Use Map designation for the subject parcels is Neighborhood Residential-Standard Density (NR-SD) and the appropriate Zoning Map designation is Urban Standard Density Residential (R-5).

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

First Reading
Second Reading and Passage

ORDINANCE NO. 4426

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED SOUTH OF NW WALKER ROAD AND NORTH OF BASELINE ROAD, ON THE EAST SIDE OF SW 173RD AVENUE; CPA 2007-0003/ ZMA 2007-0002

WHEREAS, The 28 properties were annexed under Ordinance 4338 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA); and

WHEREAS, Since the UPAA is specific on the appropriate designations for these parcels, this is not a discretionary land use decision, and no public hearing is required; and

WHEREAS, The Council incorporates by reference the Community Development Department staff report on CPA 2007-0003/ZMA 2007-0002 by Associate Planner Laura Kelly, dated February 16, 2007, and attached hereto as Exhibit "B"; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties located south of NW Walker Road and north of Baseline Road, on the east side of SW 173rd Avenue, Neighborhood Residential-Standard Density (NR-SD) on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

Section 2. Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 Urban Standard Density Residential (R-5), as shown on Exhibit "A", in accordance with the UPAA.

First reading this 26th day of February, 2007.

Passed by the Council this _____ day of _____, 2007.

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located South of NW Waterhouse Avenue, North of NW Blueridge Drive and East of NW Turnberry Terrace, on the West Side of NW 158th Avenue; CPA 2007-0004/ZMA 2007-0003

03/05/07
FOR AGENDA OF: ~~02/26/07~~ **BILL NO:** 07044

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 2/20/2007

CLEARANCES: City Attorney *[Signature]*
Planning Services *[Signature]*

PROCEEDING: First-Reading
Second Reading and Passage

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Staff Report

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

The three properties shown on Exhibit "A" were annexed under Ordinances 4339 & 4347 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA).

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to assign designations for parcels that have been annexed into the City and are governed by the Washington County - Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was specific as to the appropriate Land Use Map and Zoning Map designations, and discretion is not necessary to assign our most similar designations to the County's designations. The appropriate Land Use Map designation for the subject parcels is Neighborhood Residential-Medium Density (NR-MD) and the appropriate Zoning Map designation is Urban Medium Density Residential (R-2).

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

First Reading
Second Reading and Passage

ORDINANCE NO. 4427

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED SOUTH OF NW WATERHOUSE AVENUE, NORTH OF NW BLUERIDGE DRIVE AND EAST OF NW TURNBERRY TERRACE, ON THE WEST SIDE OF NW 158TH AVENUE; CPA 2007-0004/ZMA 2007-0003

WHEREAS, The three properties were annexed under Ordinances 4339 & 4347 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA); and

WHEREAS, Since the UPAA is specific on the appropriate designations for these parcels, this is not a discretionary land use decision and no public hearing is required; and

WHEREAS, The Council incorporates by reference the Community Development Department staff report on CPA 2007-0004/ZMA 2007-0003 by Associate Planner Laura Kelly, dated February 16, 2007, and attached hereto as Exhibit "B"; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties located south of NW Waterhouse Avenue, north of NW Blueridge Drive and east of NW Turnberry Terrace, on the west side of NW 158th Avenue, Neighborhood Residential-Medium Density (NR-MD) on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

Section 2. Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 Urban Medium Density Residential (R-2), as shown on Exhibit "A", in accordance with the UPAA.

First reading this 26th day of February, 2007.

Passed by the Council this _____ day of _____, 2007.

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

03/05/07

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located West of NW 167th Place, East of NW 173rd Place and South of the Sunset Highway, on the North Side of NW Cornell Road; CPA 2007-0005/ZMA 2007-0004

FOR AGENDA OF: ~~02/26/07~~ **BILL NO:** 07045

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: CDD *mg*

DATE SUBMITTED: 2/20/2007

CLEARANCES: City Attorney *MD*
Planning Services *HB*

PROCEEDING: ~~First Reading~~
Second Reading and Passage

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B – Staff Report

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

The property shown on Exhibit "A" was annexed under Ordinances 4339 & 4347 in March 2005 and is being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA).

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to assign designations for parcels that have been annexed into the City and are governed by the Washington County – Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was specific as to the appropriate Land Use Map and Zoning Map designations, and discretion is not necessary to assign our most similar designations to the County's designations. The appropriate Land Use Map designation for the subject parcel is Corridor and the appropriate Zoning Map designation is General Commercial (GC).

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

ORDINANCE NO. 4428

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED WEST OF NW 167TH PLACE, EAST OF NW 173RD PLACE AND SOUTH OF THE SUNSET HIGHWAY, ON THE NORTH SIDE OF NW CORNELL ROAD; CPA 2007-0005/ZMA 2007-0004

WHEREAS, The property was annexed under Ordinances 4339 & 4347 in March 2005 and is being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA); and

WHEREAS, Since the UPAA is specific on the appropriate designations for this parcel, this is not a discretionary land use decision and no public hearing is required; and

WHEREAS, The Council incorporates by reference the Community Development Department staff report on CPA 2007-0005/ZMA 2007-0004 by Associate Planner Laura Kelly, dated February 16, 2007, and attached hereto as Exhibit "B"; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject property located west of NW 167th Place, east of NW 173rd Place and south of the Sunset Highway, on the north side of NW Cornell Road, Corridor on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

Section 2. Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 General Commercial (GC), as shown on Exhibit "A", in accordance with the UPAA.

First reading this 26th day of February, 2007.
Passed by the Council this _____ day of _____, 2007.
Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

03/05/07

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located Both North and West of NW Cornell Road, East of NW Bethany Boulevard and South of the Bethany-Cornell Onramp to the Sunset Highway; CPA 2007-0006/ZMA 2007-0005

FOR AGENDA OF: 02/26/07 **BILL NO:** 07046

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: CDD *jmj*

DATE SUBMITTED: 2/20/2007

CLEARANCES: City Attorney *AKR*
Planning Services *HTB*

PROCEEDING: First Reading
Second Reading and Passage

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Staff Report

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

The three properties shown on Exhibit "A" were annexed under Ordinances 4339 & 4347 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA).

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to assign designations for parcels that have been annexed into the City and are governed by the Washington County - Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was specific as to the appropriate Land Use Map and Zoning Map designations, and discretion is not necessary to assign our most similar designations to the County's designations. The appropriate Land Use Map designation for the subject parcels is Corridor and the appropriate Zoning Map designation is Office Commercial (OC).

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

First Reading
Second Reading and Passage

ORDINANCE NO. 4429

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED BOTH NORTH AND WEST OF NW CORNELL ROAD, EAST OF NW BETHANY BOULEVARD AND SOUTH OF THE BETHANY-CORNELL ONRAMP TO THE SUNSET HIGHWAY; CPA 2007-0006/ZMA 2007-0005

WHEREAS, The three properties were annexed under Ordinances 4339 & 4347 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA); and

WHEREAS, Since the UPAA is specific on the appropriate designations for these parcels, this is not a discretionary land use decision and no public hearing is required; and

WHEREAS, The Council incorporates by reference the Community Development Department staff report on CPA 2007-0006/ZMA 2007-0005 by Associate Planner Laura Kelly, dated February 16, 2007, and attached hereto as Exhibit "B"; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties located both north and west of NW Cornell Road, east of NW Bethany Boulevard and south of the Bethany-Cornell onramp to the Sunset Highway, Corridor on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

Section 2. Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 Office Commercial (OC), as shown on Exhibit "A", in accordance with the UPAA.

First reading this 26th day of February, 2007.

Passed by the Council this _____ day of _____, 2007.

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

APPROVED:

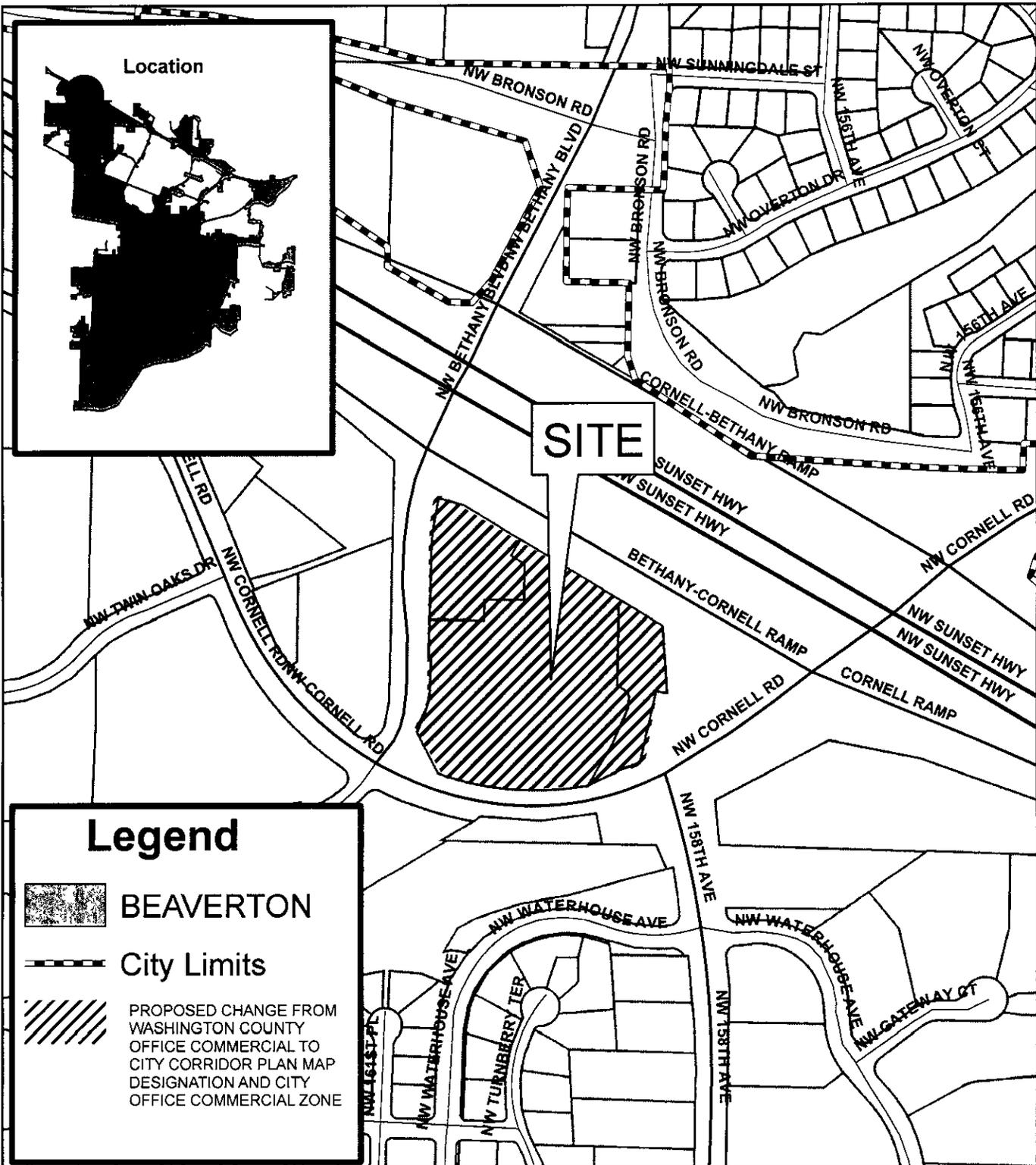
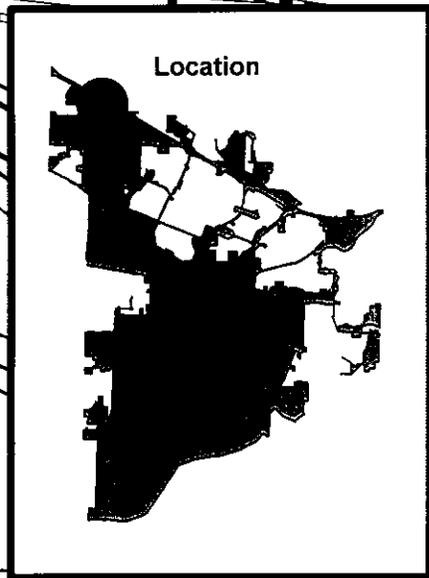
SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

Ordinance
No. 4429

EXHIBIT "A"



Legend

-  BEAVERTON
-  City Limits
-  PROPOSED CHANGE FROM WASHINGTON COUNTY OFFICE COMMERCIAL TO CITY CORRIDOR PLAN MAP DESIGNATION AND CITY OFFICE COMMERCIAL ZONE



CPA2007-0006 ZMA2007-0005

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

1/22/07 N

1N132BB01400
1N132BB01500
1N132BB01600

NW Bethany Blvd
NW Cornell Rd