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STAFF REPORT

STAFF REPORT DATE: April 15, 2015

HEARING DATE: April 22, 2015

TO: Planning Commission

STAFF: Cassera Phipps, Associate Planner 

PROPOSAL: **Peterkort Centre Land Use and Zoning Map Amendments
(CPA2015-0002 / ZMA2015-0003)**

LOCATION: The subject parcels are located north of the Highway 217 / Highway 26 interchange along SW Barnes Road. The parcels are identified as Tax Lots 100, 200, 201, 300 & 400 on the Washington County Tax Assessor's Map 1S102-CA.

SUMMARY: The City proposes to amend the Land Use Map and the Zoning Map to implement City land use and zoning designations for five (5) parcels. The properties were annexed in February 2014 and retain the Interim Washington County Transit Oriented-Business designation. The subject parcels 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.

The proposal implements the City's Station Community (SC) land use designation and the City's Station Community – Multiple Use (SC-MU) zoning district for the five (5) subject parcels. The proposal implements Beaverton's most similar land use designation to the County's *Policy 40* and implements Beaverton's most closely matched zoning district to the existing uses of the parcels under the SC land use designation.

APPLICANT: City of Beaverton

PROPERTY OWNERS: Peterkort Centre, LLC
By Peterkort Property Management
9755 SW Barnes Road
Portland, OR 97225

DECISION CRITERIA: Criteria for the Comprehensive Plan Map Amendment are listed in section 1.5.1 of the Comprehensive Plan. The specific criteria for the Zoning Map Amendment are contained in Development Code Section 40.97.15.4.C. *Discretionary Annexation Related Zoning Map Amendment*

RECOMMENDATION: Approval of CPA2015-0002/ ZMA2015-0003 (Peterkort Centre Land Use and Zoning Map Amendments).

PROPOSAL

The city proposes to change the land use designation and zoning designation of five (5) parcels located on the north side of the Highway 217 / Highway 26 Interchange, north of SW Barnes Road. Both amendments are requested in order to apply city land use and zoning designations for property annexed in 2014 under Ordinance 4634. Since the time of annexation the parcels have continued to carry the Washington County Transit Oriented: Business District designation, as depicted on the County's *Cedar Hills – Cedar Mill Community Plan* map (Exhibit 4). The subject parcels total approximately 16.6 acres. No development is proposed with these applications.

EXISTING CONDITIONS

Development

The subject parcels are developed with a multi-story buildings and associated landscaping and parking areas.

Uses

The following table includes lot sizes, addresses, and existing uses for each parcel:

Map & Tax Lot	Acreage	Address	Use
1S102CA00100	2.4	N/A	Parking lot
1S102CA00200	4.48	9555 SW Barnes Road	Medical Clinic, Service
1S102CA00201	4.21	9701 SW Barnes Road	Medical Clinic, Service
1S102CA00300	1.13	N/A	Vacant/Landscape
1S102CA00400	4.4	9755 SW Barnes Road	Financial, Office, Service

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

Attachment A:	CPA2015-0002 (Peterkort Centre Land Use and Zoning Map Amendments)	PAGE No. CPA1-CPA15
Attachment B:	ZMA2015-0003 (Peterkort Centre Land Use and Zoning Map Amendments)	ZMA1-ZMA3

EXHIBITS

- Exhibit 1.** Vicinity Map (page SR-3 of this report)
- Exhibit 2.** *Metro 2040 Growth Concept Map*
(modified to focus on subject area)
- Exhibit 3.** Washington County *Station Communities Boundaries* map,
- Exhibit 4.** Washington County *Cedar Hills – Cedar Mill Community Plan Land Use Districts* map,
(modified to focus on subject area)
- Exhibit 5.** City of Beaverton *Land Use Map*
- Exhibit 6.** City of Beaverton *Zoning Map*
- Exhibit 7.** Inventory of Existing Uses
- Exhibit 8.** Comparison of Zoning Districts
- Exhibit 9.** Public Testimony
 - 9.1 Letter from Marah Danielson, ODOT, dated April 2, 2015

**ANALYSIS AND FINDINGS
COMPREHENSIVE PLAN AMENDMENT
CPA2015-0002**

1.5 Criteria for Amending the Comprehensive Plan

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

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

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

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

Goal 1: Citizen Involvement

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

This proposed amendment is subject to the public notice requirements of the City Charter and Comprehensive Plan Section 1.4.2 as described in discussion of approval Criterion C, below. At the hearing, the Planning Commission considers written comments and oral testimony before they make a recommendation to City Council. The amendment procedures outlined in Comprehensive Plan Section 1.4.2 allow for proper notice and public comment opportunities on the proposed Comprehensive Plan amendment as required by this Statewide Planning Goal. These procedures have been followed; therefore, the proposed amendment is consistent with Statewide Planning Goal 1.

Goal 2: Land Use Planning

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

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

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

Findings addressing the criteria listed in Section 1.5.1 Comprehensive Plan Amendments (CPA) explain why the proposed CPA has an adequate factual basis for the proposed change in land use designation. Therefore, the proposed amendment is consistent with Statewide Planning Goal 2.

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

The Washington County *Cedar Hills – Cedar Mill Community Plan* does not show significant natural resources on the subject parcels. The site does not contain designated floodplains or wetlands. Staff notes that the subject parcels are in the vicinity of Johnson Creek, which is located north of the site. The proposed CPA is to change the land use designation of the five (5) subject parcels, which are currently developed with office buildings. No development is proposed as part of this amendment. The existing and proposed land use designations allow for development on the subject sites. Therefore, the proposed CPA will not have any impact on designated natural resources, scenic and historic areas or open spaces in the surrounding area. The proposed amendment is consistent with Statewide Planning Goal 5.

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

The Comprehensive Plan addresses stormwater and drainage, potable water, and sanitary services in Chapter 5 and air quality, water quality and solid and hazardous wastes in Chapter 8. The subject parcels are presently developed with office buildings and associated parking and landscape improvements. Since both the existing and proposed land use designations allow development of the subject parcels, the proposed CPA does not adversely impact the air, water, and land resource quality of the State nor City. Therefore, the proposed amendment is consistent with Statewide Planning Goal 6, and complies with the goals and policies of the City's Comprehensive Plan.

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

Goal 7 states that, "Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards." The City outlines goals, policies, and actions for seismic, geologic, and flood hazards in the Comprehensive Plan, Chapter 8. As discussed in Goal 5, above, the parcels are located south of Johnson Creek. However, the site does not contain a designated floodplain. Any possible hazards arising out of future development plans will be avoided through land use, site development, and building plan reviews. Staff finds that the

proposed map amendment is consistent with Statewide Planning Goal 7 and complies with the goals and policies of the City's Comprehensive Plan.

Goal 9: Economic Development

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

Goal 9 specifies that comprehensive plans for urban areas shall; "...[p]rovide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies". Goal 9 also specifies that comprehensive plans for urban areas shall "[l]imit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses."

As discussed under Criterion B, below, in establishing the Station Community designation, the County and the City fulfilled the intent of Metro's 2040 Concept. Given that both the County's and the City's Station Community concepts were established to maximize the economic potential of properties suitable for development with a mix of uses, staff regards the proposal to apply the City's Station Community land use designation to the subject properties as complying with the intentions expressed in Goal 9.

Goal 10: Housing

To provide for housing needs of citizens of the state.

The subject parcels are developed and currently do not provide housing. The Station Community land use designation does allow for housing in three of the four implementing zoning districts. The proposed Station Community – Multiple Use zone allows for construction of new housing. Staff finds that the proposed amendment allows for a variety of housing types and densities commensurate with a variety of income levels as prescribed in Goal 10.

Goal 11: Public Facilities and Services

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

The City of Beaverton is located within the Urban Growth Boundary (UGB) for the Portland metropolitan region. Metro is the regional governing body that determines the regional need for UGB expansions and in doing so, works with local governments to determine the highest and best use of lands within the UGB in order to reduce the need for UGB expansion into rural lands. The establishment of light rail throughout the region and the location of higher intensity uses near light rail stations is an attempt to reduce UGB expansions and provide for, "a timely, orderly and efficient arrangement of public facilities and services," as stated in Goal 11. Planning and development of the west side rail line with a light rail station in the subject area was the essential step toward Metro's 2040 Concept Station Community designation and the County's *Policy 40* Station Community

designation. Therefore, Goal 11 is met.

Goal 12: Transportation

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

Oregon Administrative Rules (OAR) 660-012-0060 through 660.012.0070, collectively referred to as the Transportation Planning Rule (TPR) provides guidance on compliance with Goal 12. OAR 660.012.0060 requires local governments to review Comprehensive Plan and land use regulation amendments with regard to the effect of the amendment on existing or planned transportation facilities. If the change is determined to significantly affect an existing or planned transportation facility, then the local government must ensure that the allowed uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the 20 year planning period identified in the adopted Transportation System Plan (TSP). However, if the change is determined not to have a significant effect, additional remedies are not required.

For a local government to determine whether a proposed change significantly affects a transportation facility, it needs to determine if any of the following apply:

- (a) The proposal changes the functional classification of an existing or planned transportation facility;
- (b) The proposal changes the standards implementing a functional classification system; or
- (c) The proposal results in types or levels of travel or access that are inconsistent with the functional classification, degrades the performance of an existing or planned facility such that it would not meet the identified performance standards, or degrades the performance of a facility that would otherwise fail to meet the identified performance standards.

In short, a local government may determine that no significant effect will occur as a result of a proposed change if the traffic from the allowed uses under the proposed comprehensive plan and zoning designations is less than or equal to the traffic generated by the allowed uses under the existing designations.

Staff have analyzed the existing Transit-Oriented: Business (TO:BUS) and proposed Station Community-Multiple Use (SC-MU) zoning designations and found the list of allowed uses to be comparable. Of the dozens of various uses allowed in the SC-MU zone, only seven (7) are not allowed under the existing TO:BUS zoning: Compact Detached Housing, Home Occupations, Hospitals, Live/Work Units, Educational Institutions, and Manufacturing.

The existing and proposed zoning would both allow the following uses: super markets, restaurants, coffee shops, fast food restaurants, banks, offices, medical clinics, apartments, townhomes, care facilities, shopping centers, variety stores, movie theaters, gas stations, and commercial schools. Of these allowed uses, financial institutions, eating and drinking

establishments, and retail businesses generate the highest traffic volumes per 1,000 square feet of gross floor area (gsf). The reasonable worst case traffic scenario would include some mix of uses allowed by either zoning designation. The seven (7) new uses allowed under the SC-MU zone actually generate fewer trips per 1,000 gsf than the uses allowed under the existing zone, as shown in the following table.

Table 1. Potential Traffic Generation			Allowed by zoning	
<u>Land Use</u>	<u>ITE Code</u>	<u>Trips/1000 gsf¹</u>	TO:BUS	SC-MU
Drinking Place	925	11.34	Yes	Yes
Quality Restaurant	931	7.49	Yes	Yes
Fast Food w/o Drive Through	933	26.15	Yes	Yes
Coffee/Donut w/o Drive Through	936	40.75	Yes	Yes
Walk-in Bank	911	12.13	Yes	Yes
Drive-in Bank w/ Office Above	912	5.57	Yes	Yes
Super Market	850	9.48	Yes	Yes
Convenience Market w/ Gas Pumps	853	50.92	Yes	Yes
Medical/Dental Office	720	3.57	Yes	Yes
Clinic	630	5.18	Yes	Yes
Building Materials, Lumber Store	812	4.49	Yes	Yes
Variety Store	814	6.82	Yes	Yes
Shopping Center	820	3.71	Yes	Yes
Hospital	610	0.93	No	Yes
Manufacturing	140	0.73	No	Yes
Educational Institutions	540	2.54	No	Yes

Staff also analyzed the allowed density or intensity of development under the two zoning designations. The existing TO:BUS zone requires a minimum floor area ratio (FAR) of 0.5 and has no maximum FAR. The proposed SC-MU zoning designation requires a minimum FAR of 0.40 and sets a maximum FAR of 1.00 for the subject properties. The proposed zoning would allow a maximum building height of 60 feet, while the existing zoning designation allows for a maximum height of 80 feet. The lower FAR and building height maximums for the SC-MU zone mean that the maximum size of any new building under the proposed zoning would not exceed the intensity of development allowed under the existing zoning.

The highest trip generating uses are allowed under both the existing and proposed zoning designations, and the intensity of new (re)development on site would not increase under the proposed SC-MU zone. Staff finds that the proposed change does not have a significant effect on the surrounding transportation facilities. Therefore, the existing TSP already accounts for the potential growth in traffic from the subject properties and the requirements of State Planning Goal 12 are met.

¹ Trips/1000gsf is the number of trips generated in the PM peak of the adjacent street system, per 1000 gross square feet of building area.

Goal 13: Energy Conservation
To conserve energy.

The location of these parcels encourages use of public transportation by employees and visitors due to the accessibility of the Sunset Transit Center within one-half mile of the subject parcels. Also, the City's Station Community land use designation provides opportunities for higher intensity redevelopment of the parcels. Coupled together, proximity to the light rail station and the proposed SC land use designation provide opportunities for improved energy efficiency as redevelopment occurs. Therefore, Statewide Planning Goal 13 is met.

Goal 14: Urbanization
To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The subject site is located within the city limits of Beaverton and the proposal is to change the land use designation of five (5) parcels from Interim Washington County Transit Oriented: Business to City Station Community (SC). The subject properties are developed and the proposed amendment provides a land use designation consistent with the existing use and development on the site. No development modifications are proposed at this time. Staff finds the proposal is consistent with the intent of Goal 14.

Remaining Goals

Goal 3: Agricultural Lands
Goal 4: Forest Lands

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

Goal 8: Recreation Needs

The subject parcels do not include areas planned to serve the recreational needs of the citizens. Generally, the recreational needs of the citizens are provided through Tualatin Hills Park and Recreation District (THPRD), which provides park facilities within the larger area.

Goal 15: Willamette Greenway

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

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

Goals 16 through 19 apply to oceanic or coastal resources. The City of Beaverton is located more than 80 miles from oceanic or coastal resources. Therefore, these goals do not apply to the proposal.

Finding:

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

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

Urban Growth Management Functional Plan

The City is required to address provisions in the Urban Growth Management Functional Plan (UGMFP), which is an Element of the Framework Plan. The UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:

“For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map...” The 2040 Growth Concept Plan map (Exhibit 2) designates the parcels included in this proposal under the Town Center design type, though they are in close proximity to the Sunset Station Community. The UGMFP describes Station Communities as, “[n]odes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.” While the parcels are shown as Town Center on the concept map, the parcels are located within one-half mile of the Sunset Transit Center light rail station, meeting the radius requirement of Metro’s Station Community design type.

Washington County adopted the Station Community design type into *Policy 40* of their *Comprehensive Framework Plan for the Urban Area* and has included the subject properties on the County’s Station Communities Boundaries Map. The City adopted the Station Community land use map designation within the City’s *Comprehensive Plan* (Ordinance 4187). In so doing, both the County and the City achieved compliance with Urban Growth Management Functional Plan (UGMFP).

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

Title 1: Requirements of Housing and Employment Accommodation

Section 3.07.110 of the UGMFP states:

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

The proposed amendment will modify the land use designation of five (5) parcels totaling approximately 16.6 acres. Each of the subject parcels is currently developed with office buildings and associated parking and landscaping. The proposed SC land use designation will allow the City to adopt zoning that allows for future redevelopment of the parcels and thereby maintains or increases housing capacity. Staff finds that application of the SC land use designation is consistent with Title 1.

Title 2: Regional Parking Policy

(Repealed Ord. 10-1241B, § 6)

Title 3: Water Quality and Flood Management Conservation

In concert with other local governments in Washington County, the City partnered with Clean Water Services to enact legislation acknowledged to comply with Title 3. Application of a City land use designation upon the subject properties does not modify compliance with Title 3. Future improvements to or redevelopment of the subject parcels will require bringing the properties into compliance with all applicable Clean Water Service regulations.

Title 4: Industrial and Other Employment Areas

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

Title 5: Neighbor Cities and Rural Reserves

(Repealed Ord. 10-1238A, § 4)

Title 6: Central City, Regional Centers, Town Centers and Station Communities

Title 6 predominantly focuses on local government strategies to improve implementation of Centers, Corridors, Station Communities and Main Street Areas. The subject site is designated as a Station Community on the Metro 2040 Growth Concept Plan. In conformance with Metro's designation and with Washington County's Station Community design designation, staff recommends applying the Station Community land use designation to the five (5) parcels.

Title 7: Housing Choice

The intent of Title 7 is to enact a "fair share" housing strategy for each jurisdiction which includes a diverse range of housing types, specific goals for low- and moderate-income housing, housing densities consistent with the regional transportation system, and a balance of jobs and housing. The City adopted Comprehensive Plan Chapter Four to

comply with this Metro Title. The proposed amendment will allow the City to provide a land use designation that is consistent with the UGMFP, the Washington County *Comprehensive Framework Plan for the Urban Area*, and considers existing uses on the subject parcels. Staff finds that Title 7 is met.

Title 8: Compliance Procedures

Information about the proposal was sent to the Chief Operating Officer on March 3, 2015, 50 days prior to the first evidentiary hearing as required by Metro Code Section 3.07.820. Therefore, Title 8 is met.

Title 9: Performance Measures

(Repealed Ord. 10-1244B, Sec. 8)

Title 10: Functional Plan Definitions

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

Title 11: Planning for New Urban Areas

Title 11 concerns planning for new urban areas. The subject parcels are within the Urban Growth Boundary and are not considered a 'New Urban Area.' This Title does not apply to the proposed amendment.

Title 12: Protection of Residential Neighborhoods

Protection of residential neighborhoods is a key to success of the 2040 Growth Concept. Existing development to the north of the subject properties includes detached single-family residential dwellings. The subject parcels do not contain residential development. The proposed City land use designation is consistent with the uses for the subject properties and no modifications are proposed to the subject parcels. Therefore, this proposal results in little impacts to the surrounding residential neighborhoods. Staff finds the proposed amendment will not affect compliance with Title 12.

Title 13: Nature in Neighborhoods

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

Title 14: Urban Growth Boundary

Title 14 applies to adjustments and amendments to the Urban Growth Boundary. The subject properties are within the Urban Growth Boundary and within the corporate limits of the City of Beaverton. Therefore, Title 14 does not apply to the proposed amendment.

Regional Transportation Plan

The intent of the proposed amendment is to replace the existing Interim Washington County TO:BUS zoning with the City's SC-MU zoning designation. The proposal would affect five (5) properties, totaling approximately 16.6 acres, which are already highly developed.

As previously stated in the TPR findings under Goal 12, the proposal will not significantly affect the transportation system because the proposed SC-MU zoning does not allow uses that would generate higher levels of traffic than the uses allowed under the existing zoning designation. Additionally, the potential traffic increase from any future redevelopment of the subject properties is already accounted for in the traffic growth modeling that goes into the Regional Transportation Plan (RTP) and Transportation System Plan. Therefore, the proposal complies with the RTP.

Finding: This amendment is consistent with the Urban Growth Management Functional Plan and Regional Transportation Plan. Therefore, Criterion 1.5.1.B. is met.

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

The following Comprehensive Plan policies have been found by staff to be applicable to the proposed land use map amendment. Those policies which are not listed have been found by staff to be not applicable to this proposal.

Chapter 1 Comprehensive Plan Amendment Procedures Element

Chapter 2 Public Involvement Element

Chapter 1 and Chapter 2 of the Comprehensive Plan outline the noticing requirements, required approval criteria, hearing procedures, and how the City communicates with the community. There are no policies contained in either chapter. However, the proposed applications have fulfilled the requirements for noticing as follows:

1. The required inter-agency DLCD notice was mailed to DLCD, Metro, and Washington County on March 3, 2015, more than forty-five (45) calendar days prior to the initial hearing;
2. The required inter-agency DLCD notice was also mailed to the Chair of the Central Beaverton Neighborhood Association Committee (NAC), the Chair of Washington County CPO 1, and the Chair of the Beaverton Committee for Citizen Involvement (BCCI) on March 3, 2015, more than forty-five (45) calendar days prior to the initial hearing;
3. Legal notice was published in the Beaverton Valley Times on March 19, 2015.
4. Notice was posted in Beaverton City Hall and in Beaverton City Library on March 19, 2015.

5. Notice was mailed to property owners included in the proposed change area, and to the owners of property within 500 feet of the subject property for which the change is proposed on March 19, 2015.
6. Notice was placed on the City's web site on March 24, 2015.

Therefore, staff finds that the appropriate application thresholds and procedures identified in Chapters 1 and 2 of the Comprehensive Plan have been met.

Chapter 3 Land Use Element

Policy 3.5.1.a) Regulate new development in Regional Centers, Town Centers, Station Communities and Main Streets to ensure compact urban development.

Policy 3.5.1.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 an 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.***

Section 3.5 requires mixed use areas to develop in a compact, urban form, allowing a mix of complementary land use types, with attractive and functional streets designed to attract and promote multi-modal transportation. No development is proposed as part of this amendment. Any future development will be subject to the City's development review process. Staff finds that policies 3.5.1.a and 3.5.1.b have been met with the existing development standards contained in the Development Code and that the proposed amendment will not modify those standards.

Policy 3.8.1.b) Apply the Station Community land use designation generally within one mile of light rail station platforms.

Each of the five (5) subject parcels are located within one mile of the Sunset Transit Center light rail station platform.

Policy 3.8.1.c) Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.

The Station Community – Multiple Use (SC-MU) zone implements the Station Community land use designation, as shown in the Comprehensive Plan and Zoning District Matrix. The

accompanying Zoning Map Amendment (ZMA2015-0003) proposes to assign the SC-MU zoning designation to the subject parcels, ensuring that Policy 3.8.1.c is implemented.

Section 3.15 Urban Planning Area Agreement

This proposal is following a discretionary review due to the lack of UPAA acknowledgement of the Station Community land use designation. Analysis of the Transit Oriented and Station Community designations are provided below.

Washington County Station Community design type

The subject parcels are within the station community design type as identified on the County's "Station Community Boundaries" map (Exhibit 3) under *Policy 40, Regional Planning Implementation of the Washington County Comprehensive Framework Plan for the Urban Area*. *Policy 40* states that, "It is the policy of Washington County to help formulate and locally implement Metro's regional growth management requirements in a manner that best serves existing and future residents and businesses." As part of the implementing strategies of *Policy 40* it is further stated that, "The County will: e. Require applicants proposing plan amendments to demonstrate that their proposal is consistent with the applicable 2040 Growth Concept Design Type."

Both the County and City Station Community designations for this area are consistent with the intent of Metro's 2040 plan for development around light rail stations. The Urban Planning Area Agreement (UPAA) does not specify a County station community designation; therefore, no equivalent City designation is specified.

Washington County Transit Oriented: Business designation

The subject parcels were annexed to the City in 2014 and have retained the Interim Washington County Transit Oriented: Business (TO:BUS) land use/zoning designation. The County's Cedar Hills – Cedar Mill Community Plan depicts the TO:BUS designation of the subject area prior to annexation. Section 375-1 of the *Washington County Community Development Code* states that,

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

The UPAA does not address Transit Oriented or Station Community designations. Accordingly, determining an equivalent designation to the County's TO:BUS requires discretion and identification of the City's most similar zoning designation. Analysis of Washington County's *Policy 40* Station Community boundaries map and Metro's 2040 Growth Concept Map, along with the prevailing characteristics of the subject parcels, lead staff to determine that the most appropriate City land use designation for the subject parcels is Station Community.

Staff provides analysis in the ZMA section of this report to determine which zoning designation is most appropriate for the subject properties, taking into consideration various amendments that have been made to the County's and City's plan and zone designations since the UPAA was adopted.

Chapter 4 Housing Element

In January of 2002, pursuant to a periodic review work program approved by the Oregon Department of Land Conservation and Development (DLCDD), the City adopted a Housing Element into its Comprehensive Plan (Ordinance 4187). That process included development of a buildable lands inventory, a housing type needs analysis, and a housing density assessment. Title 1 of Metro's UGMFP was cited as a compliance element in satisfying the requirements of Goal 10. Based upon this process, the City adopted policies to encourage a broad mix of housing types at density levels designed to maximize development potential. These policies were then acknowledged to comply with Goal 10. The Housing Element does not contain policies that are directly applicable to the proposed amendment; rather, the policies are implemented through the Development Code.

Chapter 5 Public Facilities and Services Element

The subject properties are located within a network of improved roadways, utilities, and open spaces. Applying City land use designations will not alter the City's projected provision of the Public Facilities Plan, Capital Improvement Plan, Urban Service Area, Storm Water and Drainage, Potable Water, Sanitary Sewer, Parks and Recreation, Police, or Fire and Emergency Medical Services. This application is an amendment to the Comprehensive Plan Map, which does not involve the application of the Development Code to a specific proposal. When such a proposal is received, the City will address any impacts to public facilities. Staff finds the proposed amendment will not adversely affect the Comprehensive Plan policies state in Chapter 5.

Chapter 6 Transportation Element

A crucial motivation in establishing the Station Community designation was to maximize the public infrastructure investment in light rail. This concept allows for application of the Station Community land use designation within one mile of a light rail station in order to allow for development, "with sufficient intensities to generate light rail ridership and around-the-clock activity," as stated in Section 3.8 of the City's Comprehensive Plan. Similarly, Washington County established standards for their Station Community design including areas that are generally, "adjacent to, or within easy walking distance of light rail stations," and that, "these areas are designated for higher density, transit supportive uses," per *Policy 40* of the *Washington County Comprehensive Framework Plan for the Urban Area*.

The proposed Comprehensive Plan Map Amendment and associated Zoning Map Amendment do not involve physical development. Any future redevelopment of the subject parcels will be required to show compliance with the mobility and performance standards set forth by the City. As noted previously, the projected increase in vehicle trips associated with the proposed SC-MU zoning designation, assuming worst case scenario development, will

not reduce the performance standard identified in the TSP, or worsen the performance of an existing or planned transportation facility. Therefore, staff finds that the proposal is consistent with Chapter 6.

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

Staff reviewed the policies contained in Chapter 7 of the City's Comprehensive Plan and concluded that because the proposal does not affect any significant *Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources*, the proposed amendment does not affect the City's ability to implement the provisions in this chapter. Therefore, staff finds the policies found in Chapter 7 are met.

Chapter 8 Environmental Quality and Safety Element

Staff reviewed the policies contained in the Chapter 8 of the City's Comprehensive Plan and concluded that this proposed amendment does not affect Sections 8.2 Water Quality, 8.3 Air Quality, 8.4 Noise, 8.5 Seismic Hazards, 8.6 Geologic Hazards, 8.7 Flood Hazards, or 8.8 Solid and Hazardous Wastes. Therefore, staff finds the policies found in Chapter 8 are met.

Chapter 9 Economy Element.

Policy 9.2.2.1.a) Assist in the conservation of energy by promoting more efficient transportation modes and land use patterns.

Policy 9.2.2.1.b) Encourage higher density development where appropriate.

The proposed amendment builds on the transportation system efficiencies inherent in compact, mixed use development typical of Station Communities. As an area adjacent to the light rail station, staff finds that application of the Station Community land use designation is consistent with Policies 9.2.2.1.a and 9.2.2.1.b.

Cedar Hill – Cedar Mill Community Plan

The UPAA requires the City to review the appropriate County Community Plan, which in this case is the Cedar Hills – Cedar Mill Community Plan. The subject properties are not located in an Area of Special Concern. Other features identified in the Plan were addressed earlier in this report and the proposed amendment is determined to have no impact upon these features.

Finding: The proposed amendment is consistent with the Urban Planning Area Agreement, Comprehensive Plan and Zoning District Matrix, Mixed Use Areas policies, and Station Community Development policies, and the Washington County Cedar Hill – Cedar Mill Community Plan. Therefore, Criterion 1.5.1.C. is met.

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

This amendment does not request the replacement of one City land use designation for another City land use designation. This amendment requests the replacement of a County land use designation for a City land use designation as the result of an annexation that added the subject parcels to the City. Annexation amendments are governed by the UPAA, which stipulates that the City designation most similar to the County designation will be applied.

Finding: Criterion 1.5.1.D. does not apply to annexation related Comprehensive Plan Map or Zoning Map amendments.

SUMMARY

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

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **CPA2015-0002 (Peterkort Centre Land Use Map Amendment)** with no recommended conditions of approval.

**ANALYSIS AND FINDINGS
ZONING MAP AMENDMENT
ZMA2015-0003**

Section 40.97.15.4.C Approval Criteria

In order to approve a Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.

1. *The proposal satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.*

Section 40.97.15.4.A. Threshold, states, "The change in zoning to a city zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation."

The subject properties were annexed to the City in 2014 and retain the Washington County land use/zoning designation. The parcels are shown on the County's *Cedar Hills – Cedar Mill Community Plan* map as Transit Oriented: Business, which, in a non-discretionary process, would require implementation of the City's equivalent land use designation under the *Urban Planning Area Agreement* (UPAA).

The UPAA does not specify Station Community designations for either the County or the City. Therefore, discretion is required in determining the appropriate zoning designation.

Finding: Staff finds that the request satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.

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

The city, as the applicant, is not required to submit fees for the subject Zoning Map Amendment.

Finding: Staff finds that this criterion is not applicable.

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

The County does not outline development standards for Station Communities in their Development Code, but rather relies on Transit Oriented Districts for implementation of the Station Community design type. City staff based their comparison and identification of the most similar zoning district to the density, use provisions and development standards of Washington County's Transit Oriented: Business (TO:BUS) District. Staff also considered the existing uses on site to ensure that the proposal would not create non-conforming uses. Exhibit 7 shows an inventory of existing uses on site including medical, office, financial institution, and professional service.

The implementing zoning districts for the City's Station Community (SC) land use designation are: Station Community – High Density Residential (SC-HDR), Station Community – Multiple Use (SC-MU), Station Community – Employment (SC-E), and Station Community – Sunset (SC-S). The SC-S District is intended to implement the goals of the County's Peterkort Station Area Plan and is generally located within one-half mile of the Sunset Transit Center. While the subject parcels in close proximity to the Sunset Transit Center, the properties are not included in the Peterkort Station Area Plan boundary. Therefore, the SC-S zone was removed from consideration. Similarly, the SC-HDR zone is applied to areas intended for high density residential development, and multiple use development in the SC-HDR zone must have a residential component. The subject parcels are fully developed with no residential uses. Therefore, the development standards of the SC-HDR zone do not closely match those of the TO:BUS zone. The SC-E1 and SC-E3 zoning districts are intended for a mix of office, institutional and light industrial uses. The SC-E zones limit the amount of square footage allowed for Medical Clinic use to 10,000 square-feet, or no more than 25% of the total square footage in a development. Staff notes that medical uses account for the majority of existing uses on the subject sites. Therefore, the SC-E zones do not closely match the existing development or uses on site and were removed from consideration.

Exhibit 8 compares the Washington County TO:BUS, SC-MU, SC-HDR, SC-S, and SC-E zoning districts. Overall, the uses located upon the subject parcels reflect uses allowed within the SC-MU zoning district, either conditionally, or outright. Staff finds that the uses, density and development standards of the SC-MU zone are consistent with Washington County requirements under the TO:BUS designation and with the existing development on site.

Finding: Staff finds that the Station Community – Employment zoning designation and the proposed Sub Area 1 application most closely reflect the existing uses on site that were permitted under the Washington County Industrial zone.

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

The UPAA does not provide guidance for the County's Transit Oriented or Station Community design types, or the City's Station Community land use designation. Staff examined possible impacts that might be incurred upon the subject parcels from restrictions associated with the four implementing zones for the Station Community land use designation. Staff also assessed the County's areas of Special Concern, design elements, and significant natural and cultural

resource designations to ensure that where restrictions associated with special plan provisions apply to the subject properties, they were properly addressed.

Finding: The Station Community - Employment zoning designation is consistent with existing uses in the absence of guidance from the UPAA.

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

The City has submitted the subject Zoning Map Amendment and associated Comprehensive Plan Amendment to change the land use and zoning designations for five (5) parcels. No development or redevelopment is currently proposed and, accordingly, no additional applications are related to the request.

Finding: Staff finds that this criterion is not applicable.

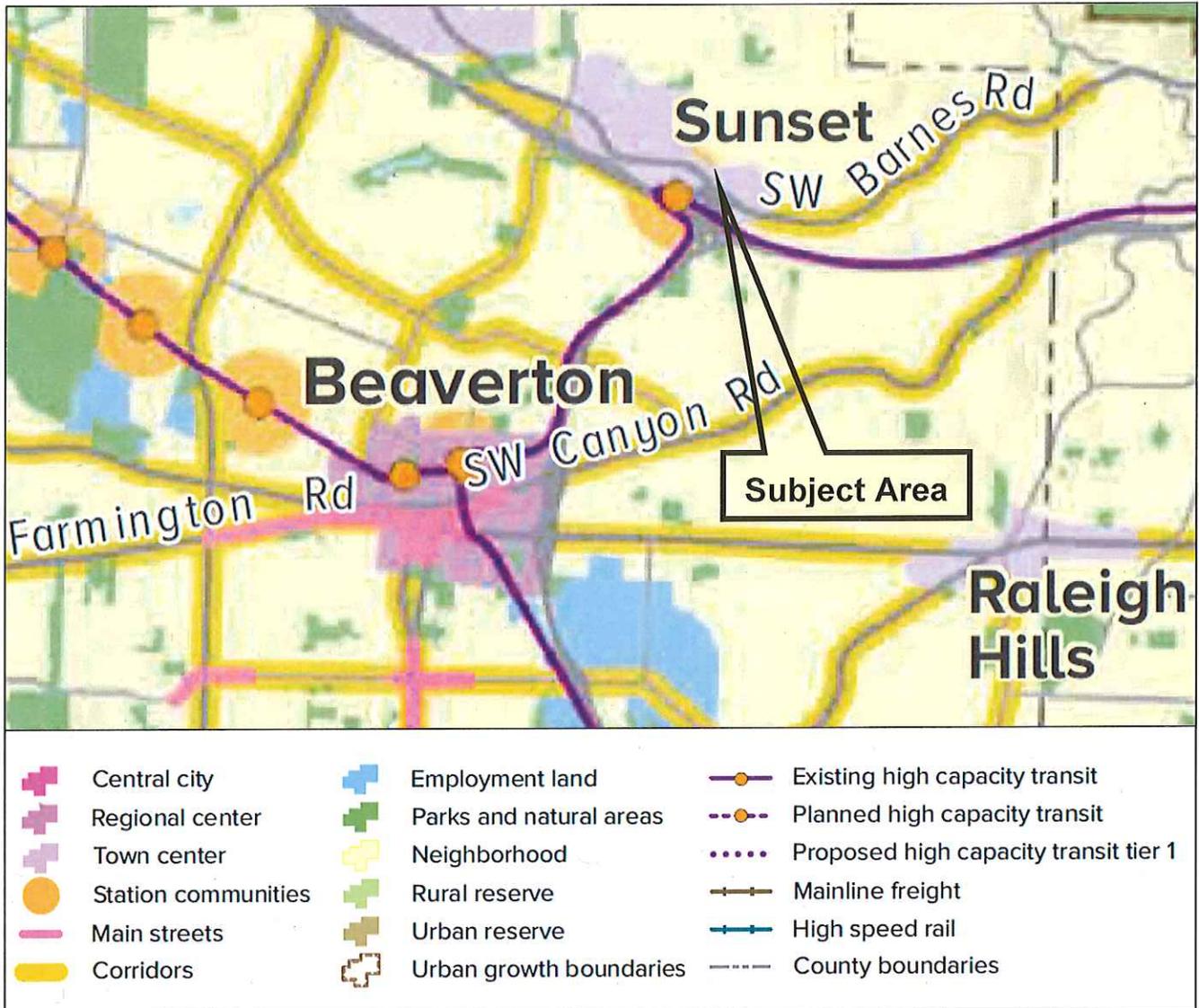
SUMMARY

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

RECOMMENDATION

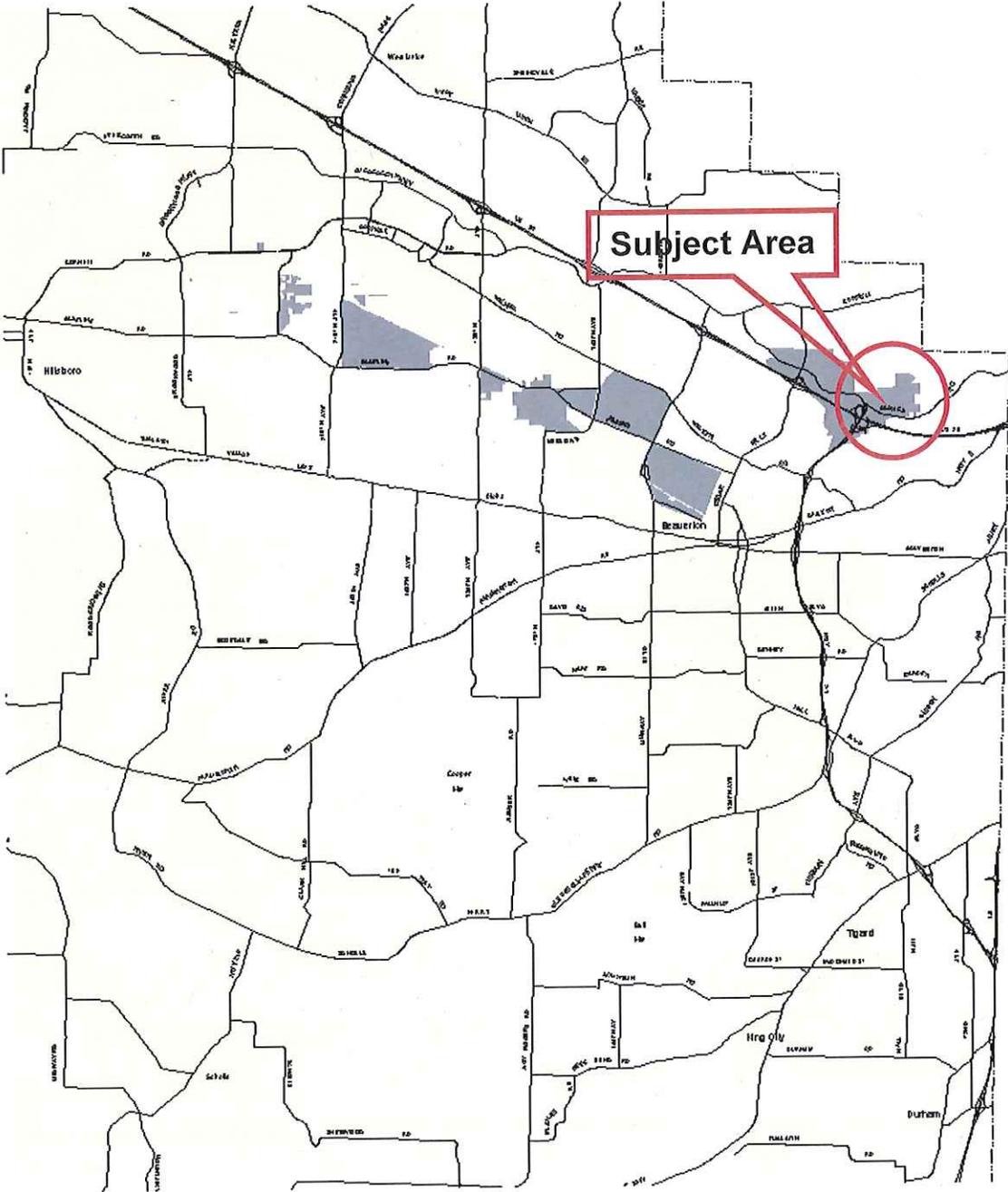
Therefore, based on the facts and findings presented, staff recommend **APPROVAL** of **ZMA2015-0003 (Peterkort Centre Zoning Map Amendment)**.

Metro 2040 Growth Concept Map

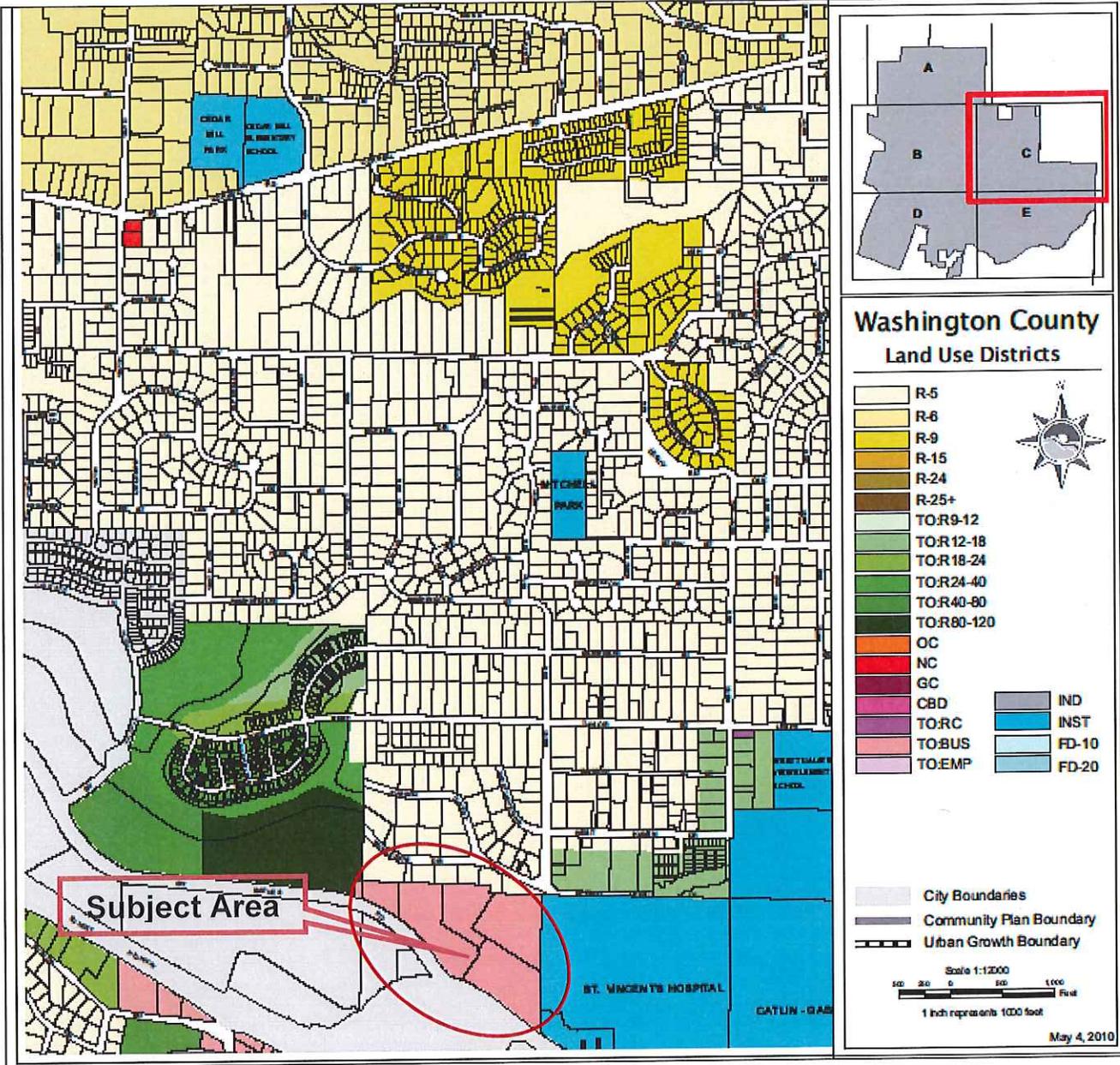


Station Communities Boundaries Map

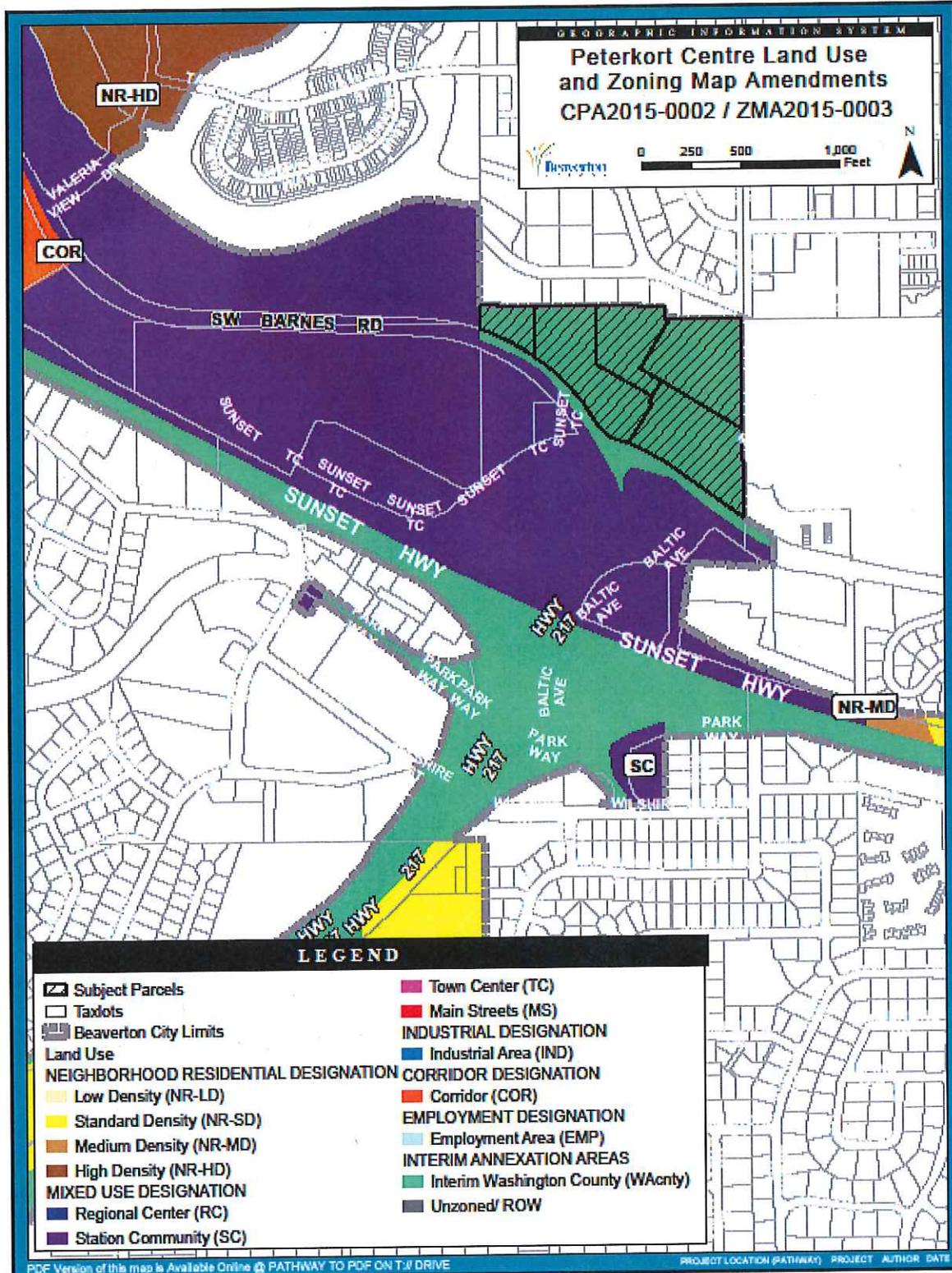
Station Community
Exempted Area (Rural or Incorporated as of 6-1-1996)



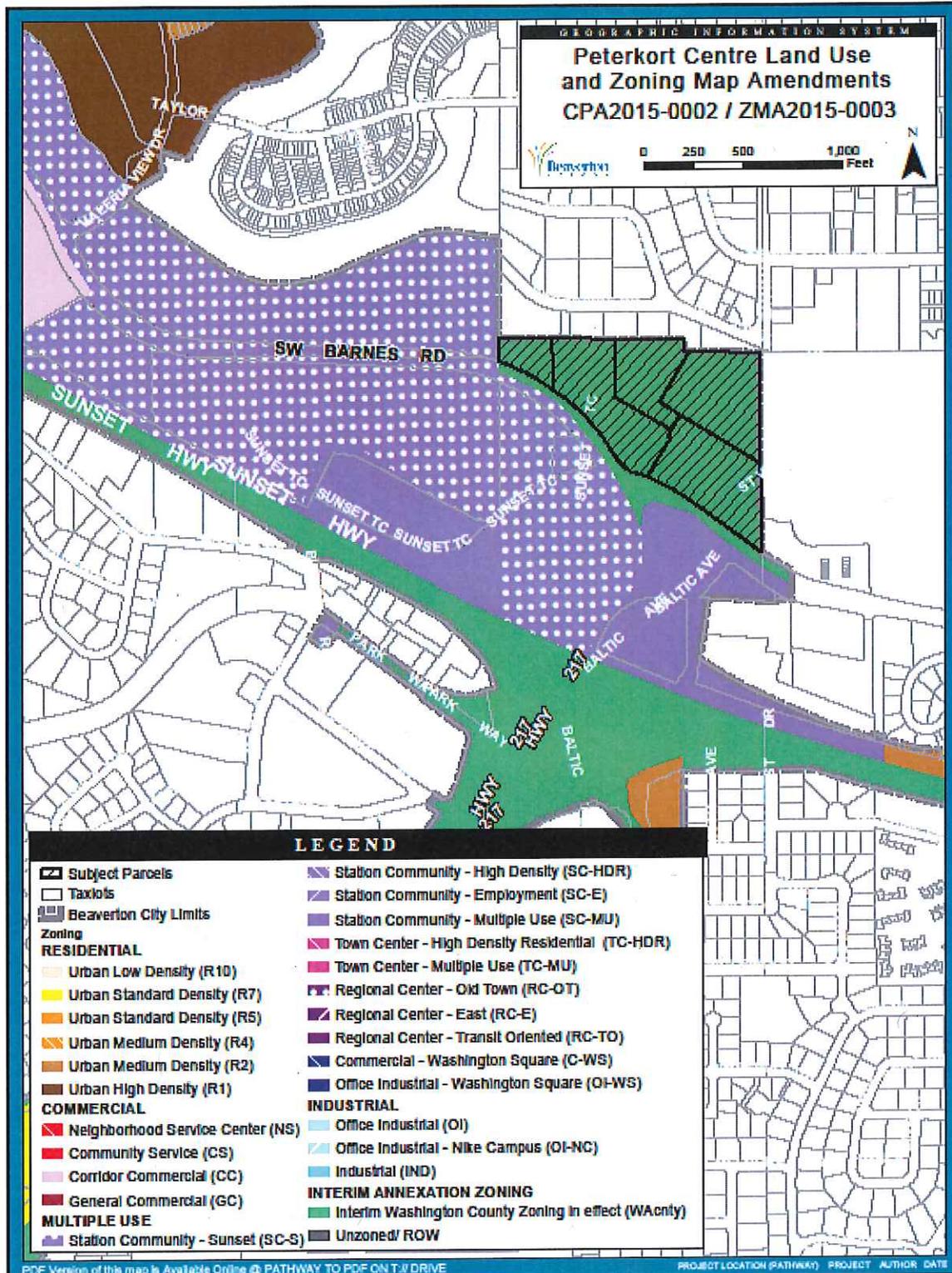
Cedar Hills – Cedar Mill Community Plan Land Use Map



Peterkort Centre Land Use Map



Peterkort Centre Zoning Map



PETERKORT CENTRE SITE INVENTORY - 3/2/2015

TAX LOT	ADDRESS	TENANT	USE
1S102CA00100	N/A	N/A	Parking lot
1S102CA00200	9555 SW Barnes Road	The Children's Clinic #301	Medical Clinic
		Women's Healthcare Associates #100	Medical Clinic
		Oregon Reproductive Medicine #255	Medical Clinic
		Laboratory Corporation of America #350	Medical / Service
		Westside Pediatric Clinic #270	Medical Clinic
		Eye Health Northwest #201	Medical Clinic
		Safron's Specialized Medical #215	Medical Clinic
		Compass Oncology #150	Medical Clinic
		OHSU Bio-Fabrication #225	Medical / Service
		Pediatric IPA Inc #351	Medical Clinic
		Reed Dermatology #275	Medical Clinic
		Women and Teens Gynecology #360	Medical Clinic
1S102CA00201	9701 SW Barnes Road	NW Perinatal Center #299	Medical Clinic
		NW Gynecology Center #150	Medical Clinic
		Endoscopy Center #310	Medical Clinic
		Dermatology Associates #130	Medical Clinic
		Vein Care Center #140	Medical Clinic

		Providence St. Vincent Cardiovascular Lab #LL10	Medical / Service
		Northwest Renal Clinic #110	Medical Clinic
		Northwest Vascular Consultants #140	Medical Clinic
		Women's Healthcare Associates #200	Medical Clinic
		Mammography #150	Medical Clinic
1S102CA00300	N/A	N/A	Vacant / Landscape
1S102CA00400	9755 SW Barnes Road	Umpqua Bank #105	Financial Institution
		WH Pacific #300	Office / Professional Service
		Creatures of Habit #110	Eating & Drinking
		Anderson & Yamada #675	Office / Professional Service
		Peterkort Property Management #620	Office / Professional Service
		American Benefits #290	Office / Professional Service
		Armanino McKerna #660	Office / Professional Service
		Blue Water Wealth #610	Financial / Professional Service
		DeVry University #250	Education / Office
		Ergoneers of North America #680	Office / Professional Service
		First American Title Insurance Co. #410	Financial / Professional Service
		Gordon Polscer #650	Office / Professional Service
		Empirical Wealth Management #210	Financial / Professional Service
		Jensen Draudt #695	Office / Professional Service
		Bryan Justrom #230	Office / Professional Service

		Keller Williams #560	Office / Professional Service
		Key Laser Institute #155	Professional Service
		Lincoln Financial Advisors #390	Financial / Professional Service
		Mortgage Trust #590	Financial / Professional Service
		Peregrine Asset Advisers #295	Financial / Professional Service
		PTV America #550	Office / Professional Service
		Hasson Realty #255	Office / Professional Service
		Xtreme Consulting Group #450	Office / Professional Service
		Vista Capital Partners #595	Financial / Professional Service

Comparison of Zoning Districts Development Standards

Development Standards <small>Superscript Refers to Footnotes</small>		TO-BUS (Wa. Co.)	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
A. Parcel Area							
1. Minimum	None	None	None	None	None	None	None
2. Maximum	None	None	None	None	None	None	None
B. Residential Density							
1. Minimum for residential only projects (per acre)			30 ¹ 24	30 ¹ 24	30 ¹ 24	N/A	N/A
2. Maximum for residential only projects (per acre)			None	None ²	None	N/A	N/A
C. Floor Area Ratio (FAR)							
1. Minimum	0.50	0.40	0.40	0.40	0.60	0.35	None
2. Minimum with a PUD or DRBCP		0.0	0.0	0.0	0.0	0.0	0.0
3. Maximum	None	1.20 ⁵ 1.00	1.20 ⁵ 1.00	None	None	2.00	0.5
4. Maximum with a PUD or DRBCP		None	None	None	None	None	None
D. Lot Dimensions							
1. Minimum Width	None	None	None	None	None	None	None
2. Minimum Depth	None	None	None	None	None	None	None
E. Yard Setbacks							
1. Front Minimum		0 ⁶	0 ⁶	0	None	None	None
2. Front Maximum On Major Pedestrian Route ⁷		Front yard setbacks for parcels located on Major Pedestrian Routes shall be governed by the Design Review Design Standards specified in Section 60.05.15.6. Any deviation from that standard shall be reviewed through the Design Review Three application process and corresponding Design Review Guideline.					
3. Front Maximum Not On Major Pedestrian Route							
With Ground Floor Residential			20	20	10	N/A	N/A
Without Ground Floor Residential			10	10	20	N/A	N/A

Development Standards
Superscript Refers to Footnotes

TO-BUS
(Wa. Co.)

SC-MU

SC-HDR

SC-S

SC-E1

SC-E3

	TO-BUS (Wa. Co.)	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
4. Side Minimum		None ⁶	None ⁶	None	None	None
5. Side Maximum		None	None	None	None	None
6. Rear Minimum		None ⁶	None ⁶	None	None	None
7. Minimum Side or Rear Yards Abutting Property Zoned Residentials		Abut Res / MTU ¹⁰	Abut Res / MTU ¹⁰	20	Abut Res ⁹	Abut Res ⁹
F. Building Height						
1. Minimum	20					
2. Maximum	80	100 ¹³ 60	100 ¹³ 60	120	100	40

Refer to 60.05.15.7 or 60.05.35.7, as applicable: Building Scale on MPR

- = Existing zoning
- = Proposed zoning

1. 30 units within 400 ft of LRT station platform, 24 beyond 400 ft
2. Within 120 ft of Washington County R5 zoning, the maximum residential density is 12 units per acre
5. Maximum FAR 1.20 within 400 ft of LRT station platform, 1.00 beyond 400 ft
6. Where detached dwellings and duplexes on lots fronting common greens and shared courts are proposed, the following setbacks shall apply:
Minimum front yard setback – 3 feet / Minimum side yard setback – 3 feet / Minimum alley width is 24 feet between buildings
7. Under the conditions outlined in Section 60.05.15.6 of this Code, buildings in multiple use zones located on parcels that front on a designated Major Pedestrian Route shall be exempt from minimum and maximum setbacks. Front yard setbacks for parcels located on Major Pedestrian Routes shall be governed by the Design Review Design Standard specified in Section 60.05.15.6. Any deviation from that standard shall be reviewed through the Design Review Three application process and corresponding Design Review Guideline.
8. Rear yard setback is applicable to only the portion of the rear yard which abuts a residential zone; otherwise the minimum rear yard setback is 0 feet.
9. 75 feet if abutting a residentially developed property, otherwise 20 feet
10. Side or rear yards abutting Residential or Multiple Use zoning where the Multiple Use zoning designation allows residential development, the minimum setback shall equal the abutting zoning district's required rear yard setback.
13. 100 feet permitted within 400 ft of LRT station platform, 60 feet permitted beyond 400 ft

Category and Specific Use
Superscript Refers to Use Restrictions

TO:BUS
(Wa.Co.)

SC-MU

SC-HDR

SC-S

SC-E1

SC-E3

	B. Automotive Service, Minor	II	N P C ¹⁷	C ²⁵	N P C ¹⁷	N	N	
	C. Bulk Fuel Dealerships	N	N	N	N	N	N	
	D. Sales or Lease		P ^{9 28}	P ^{9 46}	P ^{28 47}	N	N	
	E. Rental	II	P ^{9 28}	P ^{9 46}	P ²⁸	P	P	
Civic								
20. Education	A. Commercial Schools	II	P	P	P	P	C	
	B. Educational Institutions	N	P	P	P	P	C	
21. Places of Worship		II	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P ⁹	N	
		III	C	C	C	C P ⁴⁹	C P	
22. Public Buildings and Uses	A. Passenger		P	P	P	P	P	
	B. Freight		N	N	N	P ⁵¹	P ⁵¹	
23. Railroad Tracks and Facilities	A. Public Parks, Parkways, Playgrounds, and Related Facilities	I or II	P	P	P	P ⁵³	P ⁵³	
	B. Recreational Facilities	III	C ⁵⁴	C ⁵⁴	P	N	N	
24. Social Organizations			P C ⁴⁸	P C ⁴⁸	P	C	C	
			C	C	P	P	P	
25. Transit Centers	A. Utility Substations and Related Facilities other than Transmission Lines.		C	C	C	C	C	
	B. Transmission Lines		P	P	P	P	P	
Industrial								
28. Manufacturing, Fabricating, Assembly, Processing and Packing		N	P ²⁸	N	P ²⁸	P ^{56 57}	P ^{56 57}	
			N	N	P	P	N	
29. Printing, Publishing, and Book Binding			N	N	P	P ⁵⁹	P ⁵⁹	
			N	N	P	P ⁵⁹	P ⁵⁹	

20.20.25. USE RESTRICTIONS

The following Use Restrictions refer to superscripts found in Section 20.20.20.

1. No new duplexes are permitted in the RC-TO. Duplexes are Conditionally permitted in the RC-E and existing duplexes are Permitted.
2. Permitted above a Permitted non-residential use (second story and above), provided at least 15% of the ground floor of the building consists of leasable commercial floor area, and such commercial space fronts onto a street.
3. Ground floor residential use is not permitted. Residential use is allowed only above a Permitted non-residential use; provided at least 15 percent of the ground floor of the building consists of leasable commercial floor area, and such commercial space fronts onto a street.
4. Two existing attached dwellings; three or more attached dwellings; or replacement of two attached dwellings are Permitted.
5. Detached dwellings in existence as of September 19, 2002 are Permitted. [ORD 4224; September 2002] [ORD 4584; June 2012]
6. Only Compact Detached Dwellings on lots fronting common greens, shared courts, or public streets; or replacement of a detached dwelling are Permitted. [ORD 4576; January 2012] [ORD 4584; June 2012]
7. Buildings larger than 50,000 sq ft are subject to approval of a Conditional Use.
8. This use is allowed only in multiple use developments. Office uses shall not exceed 50% of the proposed residential floor area within the multiple use development, and shall be Permitted only when minimum residential densities are met.
9. The maximum building footprint size for a building involving a single use shall be 10,000 square feet. In addition, the maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development. [ORD 4584; June 2012]
10. Drive-through uses are Prohibited; walk-ups Permitted.
11. Except for theaters, a building with a gross ground floor area larger than 20,000 square feet is subject to the approval of a Conditional Use.
12. A new use that will not be enclosed in a building shall be a Conditional Use.

20.20.25.

13. These uses are Permitted only within multiple use developments, and shall have a maximum size of 10,000 square feet, provided that the minimum residential densities are met.
14. Applicable to uses providing this service.
15. Drive-up window facilities beyond 500 feet of a light rail station platform are Conditionally permitted and are Prohibited within 500 feet of a light rail station platform.
16. Eating and drinking establishments drive-up windows Prohibited; walk-ups Permitted.
17. The use is Prohibited within a physical distance of $\frac{1}{4}$ mile of a light rail transit station platform, Conditional between $\frac{1}{4}$ mile and $\frac{1}{2}$ mile of a station platform, and Permitted if greater than $\frac{1}{2}$ mile of a station platform.
18. Drive-through facilities are not permitted within 30 feet of a Major Pedestrian Route.
19. Comprising not more than 10% of gross building floor area, and provided that no individual eating or drinking establishment use exceeds 2,000 square feet of gross building floor area. No freestanding retail or eating or drinking establishment uses are allowed.
20. Drive-through uses lawfully established prior to June 17, 2010 are Permitted. [ORD 4584; June 2012]
21. Meeting facilities less than 20,000 sq ft are Permitted; exceeding 20,000 sq ft require Conditional Use approval. Use only accessory to temporary living facilities or office uses.
22. No more than 50% of any one property may be developed for a single use type until a commitment has been made to develop a different class of use equivalent to at least 20% of the floor area occupied by the primary use.
23. Small free-standing office uses are allowed within multiple use developments as defined in Chapter 90 of this ordinance, provided they do not exceed more than 50% of the residential floor area provided within the development, and that minimum residential densities are met.
24. Provided parking is in a parking structure; surface parking as the primary use is Prohibited.
25. Activity is conducted wholly within an enclosed structure and no sales or outdoor storage of animals or livestock are allowed with this use.

20.20.25.

26. This activity is conducted wholly within an enclosed structure. Accessory open air sales or display related to the principal use may be permitted, provided that the outdoor space devoted to these uses does not occupy an area greater than the equivalent of 15% of the building gross floor area. No sales or outdoor storage of animals or livestock are allowed with this use.
27. These uses are Permitted only within multiple use developments, and shall have a maximum size of 5,000 square feet, provided that the minimum residential densities are met.
28. This activity is conducted wholly within an enclosed structure. No accessory open-air sales, display, or storage and no sales or outdoor storage of animals or livestock are allowed with this use.
29. Use shall not be over 5,000 square feet in gross floor area.
30. Retail trade: Permitted uses for building materials, home equipment and improvements, or landscape or nurseries sales shall not occupy more than 15,000 gross square foot of space in an individual building, site or parcel.
31. Automobile parts or equipment as the principle use is Prohibited.
32. Ancillary showrooms and retail are Permitted if comprising not more than 10% of gross building floor area, and provided that no individual retail use exceeds 2,000 square feet of gross building floor area. Retail is Conditional if use is between 10% and 20% of gross building floor area and no individual retail business use exceeds 5,000 square feet of gross building floor area. No freestanding uses are allowed. No sales or outdoor storage of animals or livestock are allowed with this use.
33. Individual uses larger than 50,000 square feet are Prohibited except on those parcels which are less than three net acres in size as formed by a grid of public or private streets.
34. These uses are Permitted only within multiple uses developments, as long as the floor area of this use does not exceed 25% of the total proposed floor area within a multiple use development.
35. Furniture and appliance stores are Prohibited. Hardware and home improvement stores not exceeding 10,000 square feet in gross floor area are Conditionally permitted.
36. Repair other than auto repair.
37. Use Permitted if lawful at the date of adoption of this Ordinance; otherwise permitted as accessory to a primary Permitted use.

20.20.25.

38. Only as an accessory use to a Permitted or Conditionally permitted use.
39. Conditionally permitted for fully operable vehicles for sale, lease, or rent within one-quarter mile of the north side of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue:
 - a. Except as otherwise provided in this paragraph, this activity shall be conducted wholly within an enclosed structure. No accessory open air sales, display, or storage are allowed with this use, except that the prohibition against storage shall not apply to storage yards for fully operable vehicles for sale, lease, or rent.
 - b. These storage yards may be authorized for a period of time up to and including five (5) years. Upon expiration of an approved time period storage yard use shall cease until a new authorization through a separate Conditional Use permit is approved.
 - c. Within the approved storage yards open air sales or the display of fully operable vehicles for sale, lease, or rent is prohibited.
 - d. The following existing site conditions must be present as of January 1, 2003 in the South Tektronix Station Community Plan Area, and more specifically located on the north side of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue, in order for lots in this area to be authorized for the development of storage yards for fully operable vehicles for sale, lease, or rent.
 - i. Are currently being used for the storage of fully operable vehicles for sales, lease, or rent.
 - ii. Are currently shielded from public view with a sight-obscuring chain link fence.
 - iii. Currently have established landscaping outside the fence along public right-of-way.
 - iv. Are currently lighted to prevent vandalism.
 - v. Are currently surfaced with compacted gravel or paving.
 - e. Other site improvements, in addition to the following existing site conditions, may be required by the decision-making authority as conditions of approval for a development application.
40. For building or landscaping materials; contractor's equipment, transit vehicles, and related vehicle or equipment maintenance activities.
41. Motels are Prohibited.

20.20.25.

42. Limited to Hotels and Extended Stay Hotels.
43. Only mechanical car washes open to the public are a Conditional Use; Other Automotive Service, Major uses are Prohibited.
44. Vehicle gas stations, with or without repair, shall require the approval of a Conditional Use.
45. All uses established after December 9, 1999 shall be conducted wholly within an enclosed structure. Accessory open air sales or display related to Permitted uses in existence on a site at the time this Code was adopted may be expanded on that site.
46. Except as otherwise provided in this paragraph, this activity shall be conducted wholly within an enclosed structure. No accessory open air sales, display, or storage are allowed with this use, except that the prohibition against storage shall not apply to storage yards for fully operable vehicles for sale, lease, or rent within one-quarter mile of the north side of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue.
47. The maximum building footprint size for a building involving a single use shall be 10,000 square feet.
48. Buildings larger than 10,000 square feet are subject to approval of a Conditional Use.
49. Permitted, including utility uses, if established as of February 7, 2002, otherwise Conditionally permitted.
50. Such as transit stops, submitted for development after May 21, 2004.
51. Such as switching yards, spur or holding tracks and freight depots, but not within 200 feet of a residential zone.
52. Exclusive of spectator sports facilities.
53. Limited to 0.5 acres in size, unless located on top of a building or structured parking.
54. For individual uses greater than two gross acres, in addition to the criteria found in Section 40.15.15.3.C. for Conditional Use, the use must be transit supportive. [ORD 4584; June 2012]
55. Manufacturing uses that exceed 10,000 square feet in floor area require Conditional Use approval.

20.20.25.

56. Manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities shall meet the following requirements:
- a. Activities are entirely enclosed within a building or structure whose appearance is compatible with normal industrial or office building design.
 - b. Odors, noise, vibrations or other emissions are controlled within the confines of the building or structure.
 - c. Are not for servicing or use by the general public.
 - d. Do not entail outdoor storage of raw materials, finished products, animals or livestock.
 - e. Do not entail movement of heavy equipment on and off the site, except truck deliveries.
 - f. Do not involve bringing live animals or the waste or by product of dead animals to the site.
 - g. Do not involve outdoor testing of products or processes on the site.
 - h. Do not involve highly combustible, explosive or hazardous materials or waste.
 - i. Examples of uses which normally meet all of the above characteristics include but are not limited to: printing, publishing, communications equipment, electronic components, measuring, analyzing and controlling instruments manufacturing.
57. Any use having the primary function of storing, utilizing or manufacturing of explosive material is Prohibited.
58. As an accessory use, not to exceed 25% of the primary use.
59. Use Restriction 58 does not apply to lawfully established warehouse uses existing prior to effective date of this zone.
60. Permitted only within multiple use developments, as long as the floor area of this use does not exceed 50% of the total proposed floor area within a multiple use development.
61. Exclusive of trucks, vehicles, or heavy equipment.
62. On a location containing an existing tower supporting one carrier and shall be consistent with other approvals.
63. Provided the buildings or structures are not exclusively used for single-family or multi-family residential purposes.
64. Not permitted on single family dwellings.
65. W3 when located on streetlights, or traffic signal lights, or high voltage power utility poles in the right-of-way of designated Collector, Neighborhood Route, or Local Streets; W2 in the right-of-way of designated Freeways and Arterial Streets.

20.20.25.

66. [ORD 4578; March 2012] The requirements identified in Section 20.20.40. apply.
67. [ORD 4600; February 2013] Job Training and Vocational Rehabilitation Services are allowed as a Permitted Use, all other Commercial Schools required Conditional Use approval.



Oregon

Kate Brown, Governor

EXHIBIT 9.1

Department of Transportation

Region 1 Headquarters
123 NE Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

April 2nd, 2015

Cassera Phipps, Associate Planner
City of Beaverton
Community Development Department
Planning Division
12725 SW Milikan Way
Beaverton, OR 97076

ODOT Case No: 5705

Subject: CPA2015-0002/ZMA2015-0003

Peterkort Centre Land Use and Zoning Map Amendments
OR217/US 26 Interchange
US 26/Cedar Hills Blvd Interchange

Dear Cassera,

We have reviewed the land use notice to amend the Land Use Map and Zoning Map to implement City land use and zoning for five parcels recently annexed into the City of Beaverton. The site is in the vicinity of two important interchanges at OR 217/US26 and US 26/Cedar Hills Blvd. ODOT has jurisdiction of these facilities and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. Based on the land use notice, it appears that the City and County designations may be similar.

ODOT, Washington County, City of Beaverton and Peterkort representatives have worked collaboratively to address the impacts of the Peterkort property's on the transportation system. Previous land use actions to go from County designations to City designations have included extensive traffic analysis to ensure the transportation system meet Transportation Planning Rule OAR 660-012-0060. In a conversation with Jabra Khasho, City Transportation Engineer a few weeks ago he indicated that the applicant would be required to submit a traffic impact analysis to evaluate the proposed amendments.

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests that the City of Beaverton require the applicant to prepare a traffic generation analysis and trip distribution memo comparing the reasonable worst case trip generation for the proposed zoning/comp plan designation and reasonable worst case highest trip generation rate allowed outright under the existing zoning/comprehensive plan designation. If the result is that under the new City designations

there is an increase in trips to the interchanges, ODOT may request for a traffic impact analysis (TIA) to be prepared and ODOT be contact to scope the analysis.

Note: We recommend the city and applicant provide ODOT the opportunity to review and concur with the mix of land uses and square footage they propose to use for the "reasonable worst case" traffic generation analysis for both existing and proposed zoning prior to commencing the traffic analysis, particularly if the applicant chooses to perform their analysis using a trip generation rate determined by any means other than ITE *Trip Generation*.

Please contact Avi Tayar, ODOT R1 Development Review Engineering Lead to discuss the scope for the traffic generation/trip distribution memo and/or TIA. Thank you for providing ODOT the opportunity to participate in this land use review. If you have any questions regarding this matter, please contact me at 503.731.8258.

Sincerely,



Marah Danielson, Senior Planner
ODOT Development Review

C: Avi Tayar, P.E., ODOT Region 1 Development Review Planning Lead
 Jabra Khasho, City of Beaverton Transportation Engineer
 Anne Debbaut, DLCD