BEFORE THE PLANNING COMMISSION FOR

THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST TO ADD A USE RESTRICTION TO CHAPTER 20, SECTION 20.20.25 OF THE DEVELOPMENT CODE (RESTRICTED VEHICLES SALES OR LEASE IN C-WS ZONE). CITY OF BEAVERTON, APPLICANT.	))))	ORDER NO. 2317 TA2012-0007 RECOMMENDING DENIAL OF RESTRICTED VEHICLES SALES OR LEASE IN C-WS ZONE.

The matter of TA2012-0007 (Use Restriction for *Vehicle Sales or Lease* in C-WS Zone) was initiated by the City of Beaverton, through the submittal of a Text Amendment application to the Beaverton Community and Economic Development Department.

TA2012-0007 proposes to add a Use Restriction to Chapter 20 Section 20.20.25 of the Development Code. In the City's C-WS zone (Washington Square Regional Center – Commercial District) the use *Vehicle Sales or Lease* is prohibited. The proposal would allow *Vehicle Sales or Lease* under certain circumstances.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4587, Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearing on January 30, 2013, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code. Based on the Staff Memorandum dated January 23, 2013 and testimony received, the Planning Commission makes the following findings, conclusion, and order.

FINDINGS:

In response to the approval criteria contained in Section 40.85.15.C of the Beaverton Development Code, the Planning Commission finds that the proposed Development Code text amendment failed to meet the following applicable approval criteria:

1. *The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.*

   The Commission finds that the proposed text amendment is inconsistent with the Metro Code Urban Growth Management Functional Plan, specifically *Title 6: Centers, Corridors, Station Communities and Main Streets* Section 3.07.640.B that states as follows:

   > "Centers, Corridors, Station Communities and Main Streets need a mix of uses to be vibrant and walkable. The following mix of uses is recommended for each:
   >
   > 1. The land uses listed in *State of the Centers: Investing in Our Communities*, January, 2009, such as grocery stores and restaurants;
   > 2. Institutional uses, including schools, colleges, universities, hospitals, medical offices and facilities;
   > 3. Civic uses, including government offices open to and serving the general public, libraries, city halls and public spaces."

   The proposed text amendment is inconsistent with the Urban Growth Management Functional Plan because it would allow *Vehicle Sales or Lease* under certain circumstances - where the Beaverton Development currently prohibits such land use outright. While the Functional Plan does not preclude consideration of uses beyond those identified in Metro Code

Section 3.07.640.B, the Commission, through its deliberation in this legislative matter, could not find that the proposed use would be consistent in characteristic, function, or context with the types of uses listed within Metro Code Section 3.07.640.B. Additionally, the private party response to Title 6, shown to Exhibit 2 of the Staff Memorandum dated January 23, 2013, does not present clear and convincing evidence to the contrary.

Testimony was received during the hearing stating that the City allows vehicle sales in the City's other Regional Center area and that the proposed amendment would be consistent with established land use policy for Regional Centers. The RC-TO zoning area is the City's central core area which has developed since the City's incorporation. Since the 1940s and 50s, the area has become vehicle-centric with many vehicle sales uses. Since the 1990s, the City has tried to change the type and format of development within the central core area through new Development Code requirements while recognizing that existing development and uses should remain reflecting their long term existence within the City. The C-WS zoning area does not have existing vehicle sales uses located within the zone. There is a valid land use approval which may result in one (1) vehicle sales use being located within the zone. The Commission agrees that vehicle sales are allowed in the City's Regional Center-Transit Oriented (RC-TO) zone. However, the Commission finds that the

circumstances are not the same in the C-WS zoning area and the RC-TO zoning area and does not merit the same policy consideration as previously occurred in the central core area of the City now zoned RC-TO.

For these reasons, the Commission finds the text amendment inconsistent with Title 6. Therefore this criterion has not been satisfied.

2. *The proposed text amendment is consistent with the City's Comprehensive Plan.*

The Commission finds that the proposal is inconsistent with Chapter 3, Section 3.6 Regional Center Development, Goal 3.6.1 of the City's Comprehensive Plan. Goal 3.6.1 states: "Regional Centers that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map." The proposed text amendment is inconsistent with the Metro 2040 Regional Growth Concept Map designation for Regional Centers per Metro Code Section 3.07.640.B as described in the foregoing findings of this Land Use Order. The private party response to criterion 4, shown in Exhibit 2 of the Staff Memorandum dated January 23, 2013 does not provide clear and convincing evidence for the Commission to support approval of the text amendment. Therefore this criterion has not been satisfied.

CONCLUSION:

Based on the foregoing findings, the Planning Commission concludes that the proposed Text Amendment proposal does not meet <u>all</u> of the

applicable approval criteria as required per Section 40.85.15.C of the Beaverton Development Code.

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS DENIAL** of TA2012-0007 to add a Use Restriction to Chapter 20 Section 20.20.25 of the Development Code.

Motion **CARRIED** by the following vote:

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

Dated this 30th day of January, 2013.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2317 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community and Economic Development Department's office by no later than 5:00 p.m. on February 26, 2013.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

Luke Pelz

LUKE PELZ
Associate Planner

Steven A. Sparks

STEVEN A. SPARKS, AICP
Principal Planner

APPROVED:

KIM OVERHAGE
Chair