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DEVELOPMENT CODE TEXT AMENDMENT FOR VEHICLE USE CATEGORY Beaverton, Oregon

A Land Use Application for:
Type IV Development Code Text Amendment

Submitted:

February 11, 2022

Applicant:

Lanphere Enterprises
12505 SW Broadway Street
Beaverton, Oregon 97005
Contact: Robb Walther
Phone: 503-526-2103
Email: rwalther@lanphereautogroup.com

Applicant's Representative:

Bachrach Law P.C.
921 SW Washington St., Suite 320
Portland, OR 97205
Contact: Jeff Bachrach
Phone: 503-779-0242
Email: jeffb@bachrachlaw.com

Prepared by:

DOWL
720 SW Washington Street
Suite 750
Portland, OR 97205
Contact: Mariah Mitchell
Phone: (541) 762-2096



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Exhibits

- Exhibit A- Text Amendment Application**
- Exhibit B – Completed Checklist**
- Exhibit C – GIS Map**
- Exhibit D – Pre-Application Conference Notes (8-25-21)**

I. GENERAL INFORMATION

Applicant

Lanphere Enterprises
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Bachrach Law P.C.
921 SW Washington St., Suite 320
Portland, OR 97205
Contact: Jeff Bachrach
Phone: 503-779-0242
Email: jeffb@bachrachlaw.com

Co-Applicants & Representatives

**Washington County Investments
Schwabe, Williamson and Wyatt**
1211 SW Fifth Avenue, Suite 1900
Portland, Or 97204
Phone: 503-796-3756
Contact: Michael C Robinson
Email: MRobinson@Schwabe.com

**Damerow Ford Co., dba Damerow Ford
Kellington Law Group**
P.O. Box 159
Lake Oswego, Oregon 97034
Contact: Wendie Kellington
Phone: 503 636-0069
Email: wk@klgpc.com

**Canyon Plaza Associates, LLC
Cosgrave Vergeer Kester LLP**
900 SW Fifth Ave, 24th Floor
Portland, OR 97201
Contact: Timothy J. Fransen
Phone: 503-323-9000
Email: tfransen@cosgravelaw.com

Prepared by: DOWL
720 SW Washington Street, Suite 750
Portland, OR 97205
Contact: Mariah Mitchell
541.762.2096
mmitchell@dowl.com

Zoning Request: Text Amendment to permitted uses in RC-BC, RC-OT, RC-MU zones

Comprehensive Plan Designation: Mixed-Use Areas: Downtown Regional Center

II. INTRODUCTION

This proposal is to amend the text of the Downtown Use Regulations within the Beaverton Development Code (BDC 70.03.4.1). The Applicant is proposing to update the classification of specific uses within the Vehicles category. Currently, uses identified as, “Automotive service, major”, “Automotive service, minor”, and “Sales or lease”, are classified as Prohibited (N) within the Regional Center-Beaverton Central (RC-BC), Regional Center-Old Town (RC-OT), and Regional Center- Mixed-Use (RC-MU) zoning districts. The proposed amendment will change these classifications to allow for developed properties that were lawfully engaged in the identified specific uses prior to January 8, 2021 to continue operating under the Conditional Use (C) classification. The responses in this narrative will identify how this proposed text amendment is consistent with the City’s Development Code and Comprehensive Plan as well as the applicable provisions of the Metro Code and State Law.

Background

Recently, the City of Beaverton engaged in a process to update their Comprehensive Plan and Development Code to establish a Downtown Design District. This update included changes to land use designations, zoning districts, and specific use classifications for properties located within the downtown area. As a result of these changes, some of the specific uses that were previously allowed on properties in the downtown area are now classified as prohibited uses. Those uses that were lawfully established prior to the effective adoption date of these amendments are now considered nonconforming uses and are subject the standards and limitations outlined in Beaverton Development Code (BDC) Chapter 30.

Some properties that are most impacted by these changes are occupied by car dealerships that are engaged in multiple specific uses within the Vehicles use category. The “Automotive service, major”, “Automotive service, minor”, and “Sales or lease”, uses are now classified as Prohibited (N) within the RC-BC, RC-OT, and RC-MU zoning districts. Changes to the classification of these specific uses has resulted in established, auto-oriented businesses to be considered legally existing, nonconforming uses.

Proposal

Structures and uses that are considered “nonconforming” are regulated by Chapter 30 of the Beaverton Development Code (BDC). Standards of this section are restrictive and can limit the ability for property owners to continue legally established uses. A particularly problematic standard for continuing non-conforming uses is BDC 30.25.1.B which limits the reconstruction of nonconforming structures if they are, “...damaged by any means to an extent of more than 50% of its replacement cost at time of destruction...”. The suggested language in the proposed amendment is intended to provide some relief from this standard by allowing nonconforming structures associated with the “Automotive service, major”, “Automotive service, minor”, and “Sales or lease” uses that were legally established prior to January 8, 2021 to be reconstructed if they are destroyed. As proposed, these uses will be reclassified from a Prohibited (N) use to a Conditional Use within the RC-BC, RC-OT, and RC-MU zoning districts with some additional language in a footnote that will condition the ability for established uses to expand and prohibit any new “Automotive service, major”, “Automotive service, minor”, and “Sales or lease” uses in the RC-BC, RC-OT, and RC-MU zoning districts from being established unless lawfully established prior to January 8, 2021.

III. PROPOSED REVISIONS TO BEAVERTON DEVELOPMENT CODE

CHAPTER 70 – DOWNTOWN DESIGN DISTRICTS

7.03 DOWNTOWN ZONING AND STREETS

70.03.4.1 DOWNTOWN USE REGULATIONS

The following Land Uses are classified in the following three categories: Permitted (P) including their accessory uses and structures, Conditional Uses (C), or Prohibited (N) uses as identified in the table below for all four Zoning Districts. All superscript notations refer to applicable regulations or clarifications as noted in footnotes below.

CATEGORY AND SPECIFIC LAND USES		RC-BC	RC-OT	RC-MU	RC-DT
20. Temporary living quarters/hotels		P	P	P	C ⁴
21. Vehicles	A. Automotive service, major	N / C¹⁴	N / C¹⁴	N / C¹⁴	N
	B. Automotive service, minor	N / C¹⁴	N / C¹⁴	N / C¹⁴	N
	C. Bulk fuel dealerships	N	N	N	N
	D. Sales or lease	N / C¹⁴	N / C¹⁴	N / C¹⁴	N
	E. Rental	C ⁷	C ⁷	C ⁷	N
22. Food cart pods ⁵		P	P	P	N
23. Education	A. Commercial schools	P	P	P	N
	B. Educational institutions	P	P	P	C
24. Places of worship		P	P ^{C²}	P	P
25. Public buildings, services and uses		P	P	P	P
26. Railroad tracks and facilities	A. Passenger	P	P	P	P
	B. Freight	P	P	P	N
27. Recreation	A. Public parks, parkways, playgrounds, and related facilities	P	P	P	P
	B. Public Dog Parks or Dog Runs	P	P	P	P
	C. Recreational facilities	P	P	P	P ¹²
	D. Community Gardens	P	P	P	P
28. Social organizations		P ²	P ²	P ²	N
29. Transit centers		P	P	P	N

30. Utilities	A. Utility substations and related facilities other than transmission lines.	C	C	C	C
	B. Transmission lines	P	P	P	P
Industrial					
31. Manufacturing, fabricating, assembly, processing, and packing ¹³		P C ⁶	P C ⁶	P C ⁶	N
32. Marijuana processing		N	N	N	N
33. Warehousing ¹¹		P	P	P	N
34. Laboratory ¹³		P	P ³	P	N

1. Detached dwellings in existence as of September 19, 2002, are Permitted. Replacement of detached dwelling permitted.
2. Buildings larger than 10,000 square feet are subject to approval of a Conditional Use.
3. Uses limited to 10,000 square feet per site.
4. Limited to uses of Boarding, Rooming, and Lodging House.
5. Food Cart Pods are exempt from the Site Development Standards of 70.03 but are subject to regulations in 60.11 of the Development Code.
6. Uses up to 10,000 square feet are permitted. Uses larger than 10,000 square feet are subject to a Conditional Use Permit.
7. Only as an accessory uses with no on-site storage of vehicle inventory.
8. Drive-through uses are Prohibited; walk-ups Permitted.
9. 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 percent of the gross floor area. No outdoor sales or outdoor storage of animals or livestock are allowed with this use.
10. 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 percent of the total square footage of the development.
11. As an accessory use, not to exceed 25 percent of the primary use.
12. Indoor uses are limited to 10,000 square feet per site.
13. Uses subject to additional restrictions below.
 - Outdoor manufacturing activity, including but not limited to testing of products or processes, is prohibited.
 - Outdoor storage is prohibited, including both raw materials and finished products.
 - Movement of heavy equipment on and off the site, except truck deliveries, is prohibited.
 - Exterior display or storage of industrial equipment, such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.
 - Processes involving live animals or the waste or by product of dead animals is prohibited.
 - Electrical disturbances that interfere with the normal operation of equipment or instruments on adjacent properties are prohibited.

- Processes involving highly combustible, explosive or hazardous materials or waste is prohibited.
- Potential nuisances are subject to Beaverton Code Chapter 5.05.IV Nuisances Affecting Public Health.

14. Uses lawfully established prior to Jan. 8, 2021, shall be limited to the floor area and land area occupied by that use on Jan. 8, 2021, except as provided in this footnote 14. New uses within this category are not permitted except as provided below.

This section supersedes Section 30.35, and these uses shall be considered conditional uses as described herein. If a conditional use lawfully established prior to Jan. 8, 2021, discontinues use of a structure or structures on the site for one year or less, a use in the same category shall be allowed to occupy the structure or structures as a conditional use. If the structure or structures are not occupied by a use in this category for more than one year for any reason except those described in the next paragraph, any subsequent use of land or structure by uses in this category shall be not permitted and not eligible to occupy the land or structure as a conditional use.

If a structure occupied by a conditional use lawfully established in this land use category prior to Jan. 8, 2021, or established as a conditional use to replace a conditional use lawfully established in this land use category prior to Jan. 8, 2021, consistent with the previous paragraph is damaged by an unintended event, including but not limited to a fire, flood, or earthquake to an extent of more than 50 percent of its replacement cost at the time of destruction, a new structure associated with this conditional use may be constructed on the site but there shall be no net increase in the total floor area of the use. A new structure associated with this use shall be constructed in conformity with the provisions of this ordinance, including but not limited to provisions regarding minimum floor area on the site, active ground-floor use regulations and all applicable development, site and building design standards in Chapter 70.

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IV. COMPLIANCE WITH APPLICABLE REGULATIONS & POLICIES

BEAVERTON DEVELOPMENT CODE (BDC)

BDC 40.85. TEXT AMENDMENT

Section 40.85.15.1.C.1

The proposal satisfies the threshold requirements for a Text Amendment application.

Response: The applicant has satisfied the threshold submittal requirements for a Text Amendment application by providing all the required materials. A pre-application conference was held on July 28, 2021 and the meeting notes are attached to this application as Exhibit B. Findings of compliance with the applicable review criteria, policies, and standards are included in the land use narrative. The requisite application fees have been submitted with the application.

Section 40.85.15.1.C.2

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

Response: All City application fees related to the application have been submitted.

Section 40.85.15.1.C.3

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

Title 1: Housing Capacity

3.07.110 Purpose and Intent

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

Response: The purpose of Title 1 is to address how the City maintains or increases housing capacity. The proposed text amendment is limited to the reclassification of legally established vehicle-oriented uses within the City’s newly established Downtown Mixed-Use area. This area is meant to allow for a mix of high intensity commercial and residential development. This amendment will not allow for the establishment of any new uses within the vehicle use category. The existing uses would be allowed to continue existing. Therefore, the proposed amendment will have no impact on housing capacity.

Title 3: Water Quality and Flood Management

3.07.310 Intent

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

Response: The purpose of Title 3 is to address water uses, water quality resources, and flood management areas. The proposed text amendment is limited to the reclassification of legally established uses on developed properties. Suggested language will not allow for new development or the establishment of new uses. Therefore, the amendment will not affect water uses, water quality resources, or flood management areas.

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

3.07.610 Purpose

The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

Response: The City of Beaverton has a defined Regional Center recognized by Metro. Although the proposed amendment will impact properties in the within Beaverton's Regional Center, this text amendment is limited to changing the classification of existing specific uses within the Vehicle Use Category for the RC-BC, RC-OT, and RC-MU zoning districts. This proposal does not include changes to the Regional Center Boundary and will not impact the areas eligibility for Regional Center status. No changes in the current use of land or impacts the existing activity level of this area are anticipated.

Title 7: Housing Choice

3.07.710 Intent

The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

Response: Title 7 identifies goals and incentives to help establish affordable housing. The proposed amendment is limited to lawfully established uses on developed properties. Suggested language will not allow for any new uses or developments to be established. Therefore, the policies of this title are not impacted by the proposed amendment.

Title 8: Compliance Procedures

The purposes of this chapter are to establish a process for ensuring city or county compliance with requirements of the Urban Growth Management Functional Plan and for evaluating and informing the region about the effectiveness of those requirements. Where the terms "compliance" and "comply" appear in this title, the terms shall have the meaning given to "substantial compliance" in section 3.07.1010.

Response: Title 8 establishes a process for determining whether City or county comprehensive plans and land use regulations substantially comply with requirements of the Functional Plan and requires cities to submit proposed comprehensive plan amendments to Metro. The application for Text Amendment will be processed in accordance with the requirements of the Beaverton Development Code and Title 8 of the Metro Functional Plan.

Title 12: Protection of Residential Neighborhoods

3.07.1210 Purpose and Intent

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

Response: Title 12 focuses on providing protection to existing residential neighborhoods. The proposed amendment is limited to commercial uses within a mixed-use area. Therefore, the proposed changes will not impact the Beaverton Comprehensive Plan’s compliance with this title.

Title 13: Nature in Neighborhoods

3.07.1310 Intent

The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

Response: Title 13 focuses on the protection, conservation and ecological viability of stream and river corridors. The proposed amendment is limited to legally established uses that are located on developed properties. Suggested language will not allow for the expansion of these existing uses or the establishment of new uses in these categories. Therefore, the proposal will not impact the Beaverton Comprehensive Plan’s compliance with this title.

Section 40.85.15.1.C.4

The proposed text amendment is consistent with the City’s Comprehensive Plan.

Chapter Three: Land Use

3.1 Land Use and Transportation Connections

Goal 3.1.1. Encourage development and land use patterns that support a variety of transportation options

Response: As proposed, the text amendment will allow established uses within the, “Vehicle Services, major”, “Vehicles Services, minor”, and “Sales or Lease” specific use categories to continue as a conditional use within the RC-BC, RC-OT, and RC-MU zoning districts. The amendment will include a footnote which prohibits the establishment of new uses within these categories and limits existing uses from expanding beyond their established floor area. The proposed text amendment

will support the policies of this goal by limiting new uses in these categories from being established and ensuring that existing nonconforming uses (and structures) will not be modified in a manner that would increase the nonconformity of the development.

3.2 Infill and Redevelopment

Goal 3.2.1 Provide for thoughtful and strategic infill and redevelopment

Response: The proposed text amendment will allow uses within the, “Vehicle Services, major”, “Vehicles Services, minor”, and “Sales or Lease” specific use categories that were established prior to January 8, 2021 to continue as a conditional use within the RC-BC, RC-OT, and RC-MU zoning districts. Additional limitations for the existing uses are outlined in the proposed footnotes. The suggested language will restrict the expansion of any existing structures associated with these specific uses and require that any major redevelopment of properties engaged in these uses will be required to conform to the current development standards. Therefore, the proposed amendment will support the goals and policies of this section.

3.3 Sustainability and Natural Resources

Goal 3.3.1 Promote sustainable development, resilience, and resource protection

Response: The scope of the proposed text amendment is limited to changes to use classifications in the RC-BC, RC-OT, and RC-MU zoning districts and will not interfere with the City’s achievement of sustainable development, resilience, or resource protection.

3.4 Planning and Development Review

Goal 3.4.1 Provide effective and inclusive planning and development review services

Response: The proposed text amendment will be reviewed and processed in accordance with the applicable requirements outlined in the Beaverton Development Code. Suggested language will not result in changes to the planning and development review services provided by the City of Beaverton.

3.6 Mixed Use Areas

Goal 3.6.1 Support pedestrian-oriented mixed-use areas.

- c) Limit or prohibit auto-oriented commercial uses, including vehicle sales and services, drive-through uses, and uses requiring extensive outdoor storage, to enhance the pedestrian environment.***

Response: The proposed text amendment will allow uses within the, “Vehicle Services, major”, “Vehicles Services, minor”, and “Sales or Lease” specific use categories that were established prior to January 8, 2021 to continue as a conditional use within the RC-BC, RC-OT, and RC-MU zoning districts. By prohibiting the establishment of any new uses in the vehicle use category, the proposed amendment will continue to limit the auto-oriented commercial uses in mixed use areas. Additionally, the suggested language will ensure any proposed modifications to the structures or sites with established auto-oriented uses will not increase the nonconformity of the development. Therefore, the proposed amendment will support this policy and continue to limit or prohibit auto oriented commercial uses.

Goal 3.6.2 Downtown Regional Center: Create and strengthen a vibrant downtown and central area for Beaverton.

g) Implement programs and incentives that facilitate relocation of uses with land-intensive development patterns, such as large-format retail stores and car dealerships that have large surface parking lots, to more appropriate land use designations.

Response: Currently, vehicle specific, auto-oriented commercial uses typically associated with car dealerships are prohibited on all properties within the Downtown Regional Center. This text amendment will allow uses within the, “Vehicle Services, major”, “Vehicles Services, minor”, and “Sales or Lease” specific use categories that were established prior to January 8, 2021 to be reclassified as a conditional use within the RC-BC, RC-OT, and RC-MU zoning districts. Additionally, the suggested language requires that any modification or proposed redevelopment of properties with established auto-oriented use be conducted in conformance with the current development code.

Goal 3.6.3 Town Centers: Provide for a compact, integrated mix of uses that creates a complete community and supports walking and biking.

Response: The scope of the proposed text amendment is limited to changes to the classification of the “Vehicle Services, major”, “Vehicles Services, minor”, and “Sales or Lease” specific use categories within the RC-BC, RC-OT, and RC-MU zoning districts. The suggested language will change the classification of these uses from Prohibited (N) to Conditional (C). A proposed footnote will limit the conditional use classification to existing uses that were established prior to January 8, 2021 and require that existing sites will be limited to their current floor area . Any major redevelopment of the site will be required to conform to the current development standards. This amendment will allow existing nonconforming uses to continue while requiring that they come into conformance with the vision for the Downtown District over time. Therefore, this proposal is consistent with the goals of policies of this section.

Goal 3.6.5 Mixed Use Corridor: Promote a mix of residential and commercial uses that complement and serve adjacent neighborhoods in a pedestrian friendly environment.

Response: The scope of the proposed text amendment is limited to changes to the classification of the “Vehicle Services, major”, “Vehicles Services, minor”, and “Sales or Lease” specific use categories within the RC-BC, RC-OT, and RC-MU zoning districts. The suggested language will change the classification of these uses from Prohibited (N) to Conditional (C). A proposed footnote will limit the conditional use classification to existing uses that were established prior to January 8, 2021 and require that existing sites will be limited to their current floor area. Any major redevelopment of the site will be required to conform to the current development standards. This amendment will allow existing nonconforming uses to continue while requiring that they come into conformance with the vision for the Downtown District over time. Therefore, this proposal is consistent with the goals of policies of this section.

Chapter 9 Economy Element

Goal 9.2.1 Provide Programs and Services that Support Existing Businesses and Attract New Businesses

Response: As proposed, this amendment will result in the reclassification of the “Vehicle Services, major”, “Vehicles Services, minor”, and “Sales or Lease” specific use categories within the RC-BC, RC-OT,

and RC-MU zoning districts. The suggested language will change the classification of these uses from Prohibited (N) to Conditional (C). A proposed footnote will limit the conditional use classification to existing uses that were established prior to January 8, 2021 and require that existing sites will be limited to their current floor area. Changes to these specific uses will allow for existing, well established businesses to continue operating as a conditional use and allow the owners a sense of security that they would be allowed to continue the use of their property without being limited by the constraints that come with a nonconforming use classification.

Section 40.85.15.1.C.5

The proposed text amendment is consistent with other provisions within the City's Development Code.

Response: The proposed text amendment would change the City's Development Code to allow specific uses defined as "Automotive service, major", "Automotive service, minor", and "Sales or lease" that were established prior to January 8th, 2021 be reclassified from a Prohibited (N) use to a Conditional (C) use within the RC-BC, RC-OT, and RC-MU zoning districts with some additional limitations. The primary goal of this amendment is to allow legally established auto-centric uses located in the newly established Downtown District some relief from the nonconforming use standard in BDC 30.25.1.B which limits the ability for nonconforming structures to be reconstructed if they are, "... damaged by any means to an extent of more than 50% of its replacement cost at time of destruction...". As noted in the proposed language, any reconstruction or redevelopment would be required to conform to the current standards of the Beaverton Development Code. This criterion is met.

Section 40.85.15.1.C.6

The proposed amendment is consistent with all applicable City ordinance requirements and regulations.

Response: This amendment is limited to the reclassification of specific uses within the RC-BC, RC-OT, and RC-MU zoning districts that were legally established prior to January 8, 2021. Suggested language will change these specific uses from being classified as Prohibited (N) to being classified as Conditional (C). As a result, any changes or alterations to the site will be processed and reviewed based on the applicable criteria and standards of the Beaverton Development Code. As such, the proposed amendment is consistent with the applicable City ordinance requirements and regulations.

Section 40.85.15.1.C.7

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

Response: There are no other applications related to the request that would require further City approvals.

BEAVERTON COMPREHENSIVE PLAN GOALS

Goal 3.1 Land Use and Transportation Connections

Goal 3.1.1

Encourage development and land use patterns that support a variety of transportation options.

- a) ***Emphasize pedestrian convenience and safety in all developments and transportation facilities.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code 70.04 to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to emphasize pedestrian convenience and safety consistent with this policy.

- b) ***Encourage development and programs that reduce the need for vehicle use and ownership.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code 70.04 to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions encourage safe and comfortable frontage treatments to encourage non-vehicular travel.

- c) ***Ensure that new development is designed to provide safe, comfortable and direct pedestrian and bicycle connections for all, regardless of ability or age, to and through the development, including to reach nearby points of interest.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code 70.04 to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions encourage safe and comfortable frontage treatments to encourage non-vehicular travel which will facilitate accessibility to nearby points of interest.

- d) ***Apply land use designations and development regulations that support high-density development near transit and services, in order to provide greater opportunities to live, work, and meet daily needs near transit.***

Response:

The proposed text amendment will not alter or modify any zoning designations as currently adopted in the City.

- e) ***Encourage increased intensity of development within Mixed Use, Commercial, and Employment areas that are located within a half-mile of high-capacity transit stops or stations, such as MAX and WES.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code 70.04 to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to encourage increased intensity of development within the RC-BC, RC-OT, and RC-MU zoning districts as intended with this policy.

- f) ***Ensure that development adjacent to transit stops and stations is designed to provide direct, convenient and comfortable connections between buildings and the stop or station.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code 70.04 to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to encourage safe and comfortable connectivity as intended with this policy.

- g) ***Encourage providing amenities for transit users at transit stops or stations, such as food carts and coffee stands, covered benches, trash/recycling receptacles, and lighting.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to encourage pedestrian-oriented amenities as intended with this policy.

- h) ***Allow use of private parking lots near transit stops and stations for park-and-ride facilities during hours when the parking spaces are not needed for on-site uses.***

Response:

The proposed text amendment will not affect the ability to allow multi-use of private parking lots near transit stations consistent with this policy.

- i) ***Encourage the use of innovative technologies that improve parking and transportation efficiency.***

Response:

The proposed text amendment will not affect the use of technologies for parking and transportation efficiency.

- j) Encourage use of structured, underground, and/or tuck under parking for commercial, office, and multifamily development.**

Response: The proposed text amendment will not preclude future redevelopment of the sites to include structured, underground or tuck under parking, if desired.

- k) Encourage shared parking agreements in all areas with significant volumes of surface parking lots.**

Response: The proposed text amendment will not affect the ability for property owners within the affected zones to enter into shared parking agreements.

- l) Accommodate automobile access and parking in an efficient manner that does not detract from the desirability of other modes.**

Response: The proposed text amendment will not inhibit efficient automobile access and parking on sites affected by the change or more generally throughout the affected zoning districts.

Goal 3.2 Infill and Redevelopment

Goal 3.2.1 Provide for thoughtful and strategic infill and redevelopment.

Policies:

- a) Provide a set of residential infill guidelines and standards that encourage compatible infill development, consistent with the following principles:**

- i. Provide flexibility on development standards when it can help preserve trees and natural resources.**

Response: The proposed text amendment will not alter or modify any residential infill guidelines or standards. Therefore, the proposed text amendment is unrelated to this policy.

- ii. Allow a wider variety of housing choices that can accommodate a range of ages, household sizes and/or income levels while ensuring the new housing responds to the scale and form of the neighborhood.**

Response: The proposed text amendment will not alter or modify any residential infill guidelines or standards. Therefore, the proposed text amendment is unrelated to this policy.

- iii. Manage transitions between different uses and housing types.**

Response: The proposed text amendment will not alter or modify any residential infill guidelines or standards. Therefore, the proposed text amendment is unrelated to this policy.

- iv. In areas well-served by transit, amenities and services, offer more flexibility for infill housing and innovative housing types that meet city goals for affordability and livability, and provide housing for diverse household sizes, types, and age ranges.**

Response: The proposed text amendment will not alter or modify any residential infill guidelines or standards. Therefore, the proposed text amendment is unrelated to this policy.

- v. Encourage site and building design features, including setbacks and sight lines, that minimize impacts to sunlight and privacy for existing adjacent homes.**

Response: The proposed text amendment will not alter or modify any residential infill guidelines or standards. Therefore, the proposed text amendment is unrelated to this policy.

- b) Encourage and support quality redevelopment in target areas that is consistent with city goals.**

Response: When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code 70.04 to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to encourage and support quality redevelopment as intended with this policy.

- c) Work to reduce and mitigate displacement and loss of affordable housing and commercial/employment space when planning and implementing major capital investments that increase livability and desirability.**

Response: When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code 70.04 to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to reduce and mitigate displacement and loss of affordable housing. Legally established auto-centric uses provide commercial/employment space as intended with this policy.

- d) ***Recognize the value of low-cost commercial space for supporting small businesses and start-ups.***

Response: The proposed text amendment is not expected to affect the availability of low-cost commercial space for supporting small businesses and start-ups.

- e) ***Maintain an equitable policy to allow food carts and other mobile eateries in strategic locations and provide support for siting at multiple venues citywide.***

Response: The proposed text amendment will not affect the allowance of food carts in the City.

- f) ***On underutilized property and excess parking areas, provide opportunities for interim uses, such as community gardens and food carts, that are appropriate for each plan designation.***

Response: The proposed text amendment will not affect the availability of or access to underutilized property and parking areas for interim uses.

Goal 3.6 Mixed Use Areas

Goal 3.6.1 Support pedestrian-oriented mixed-use areas

Policies:

- a) ***Provide for a mix of commercial, residential, employment, and civic uses at relatively high densities to create vibrant, walkable areas where many activities can be accomplished on foot or by bike or transit.***

Response: When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to encourage high density and walkable areas as intended with this policy.

- b) ***Uses may be mixed vertically (i.e. within a single building on different floors) or horizontally (i.e. within different buildings), but should be mixed so that different uses are within easy walking distance of one another.***

Response: The proposed text amendment is unrelated to this particular policy which provides clarity and flexibility regarding the orientation of mixed uses.

- c) ***Limit or prohibit auto-oriented commercial uses, including vehicle sales and services, drive-through uses, and uses requiring extensive outdoor storage, to enhance the pedestrian environment.***

Response:

The proposed text amendment would allow “Automotive service, major”, “Automotive service, minor”, and “Sales or lease” uses located in the Regional Center-Beaverton Central (RC-BC), Regional Center-Old Town (RC-OT), and Regional Center- Mixed-Use (RC-MU) zoning districts and in operation prior to January 8, 2021 to continue to exist as Conditional uses. This text change would not affect future uses in these zoning districts and would not have limited effects throughout the City. Furthermore, when such legally established auto-centric uses are updated and/or redeveloped, they will be required to meet the Downtown Design District Development Code to the extent required under the BDC 30.25 and 30.40, thereby ensuring that any properties affected by the text amendment will progressively conform to design standards, including those intended to enhance the pedestrian environment, as redevelopment occurs.

- d) ***Pedestrian-oriented design is a priority within mixed use areas. Pedestrian oriented design generally includes:***

- i. ***Commercial and mixed-use buildings located next to the sidewalk with windows, interesting facades, pedestrian-scale design features (e.g. lighting, awnings and signage), and majority of parking located behind, above, or beneath development***

Response:

When legally established auto-centric uses subject to the proposed text amendment are updated and/or redeveloped, they will be required to meet the Downtown Design District Development Code to the extent required under the BDC 30.25 and 30.40, thereby ensuring that any properties affected by the text amendment will progressively conform to design standards, including those intended to enhance the pedestrian environment, as redevelopment occurs.

- ii. ***Residential buildings with windows and doors facing the street, and privacy provided through landscaping, grade changes, and modest setbacks***

Response:

The proposed text amendment would not affect residential buildings.

- iii. ***Complete streets and sidewalks that provide high-quality space for pedestrians and protect pedestrians from fast-moving traffic (by using buffers such as curbside parking, landscaping, trees and street furniture)***

Response: The proposed text amendment will not affect the City’s complete streets and sidewalk design standards.

Goal 3.6.2 Downtown Regional Center: Create and strengthen a vibrant downtown and central area for Beaverton

Policies:

- a) ***Tailor development regulations to the unique character and aspirations for the distinct areas within the Downtown Regional Center, taking into account form, scale, rhythm, and uses, through specialized zoning, overlay zones, or similar tools while also ensuring strong connections between these areas and throughout the Downtown Regional Center.***

Response: The proposed text amendment will not alter the City’s development regulations.

- b) ***Celebrate and enhance the diversity, cultural and natural history, and geographic importance of the city to establish an overall sense of place that is uniquely Beaverton.***

Response: The proposed text amendment applies to a small and discrete set Automotive service, major”, “Automotive service, minor”, and “Sales or lease” uses that were in existence in the Regional Center-Beaverton Central (RC-BC), Regional Center-Old Town (RC-OT), and Regional Center- Mixed-Use (RC-MU) zoning districts prior to January 8, 2021. Given the limited applicability of the proposed text amendment no impact is anticipated to the policy of celebrating and enhancing the City’s diversity, culture, natural history and geographic importance that lend to the City’s sense of place.

- c) ***New development, redevelopment, and public investments in this area should prioritize transit and multimodal street networks to create a welcoming environment that increases social interaction, commerce, creativity and fun.***

Response: The proposed text amendment applies to a small and discrete set Automotive service, major”, “Automotive service, minor”, and “Sales or lease” uses that were in existence in the Regional Center-Beaverton Central (RC-BC), Regional Center-Old Town (RC-OT), and Regional Center- Mixed-Use (RC-MU) zoning districts prior to January 8, 2021. No impacts are anticipated that could interfere with the City’s desire to enhance transit and ensure a multimodal street network.

- d) ***Encourage higher intensity development near MAX and WES stations, creating mixed-use station communities that locate housing, jobs, and services near transit.***

Response:

The proposed text amendment applies to a small and discrete set Automotive service, major”, “Automotive service, minor”, and “Sales or lease” uses that were in existence in the Regional Center-Beaverton Central (RC-BC), Regional Center-Old Town (RC-OT), and Regional Center- Mixed-Use (RC-MU) zoning districts prior to January 8, 2021. Such uses do not predominate areas adjacent to MAX and WES stations and no impacts to this policy are anticipated.

- e) ***Ensure that redevelopment intensifies land use, with less land dedicated to surface parking and more land occupied by multistory buildings along walkable streets.***

Response:

The proposed text amendment applies to a small and discrete set Automotive service, major”, “Automotive service, minor”, and “Sales or lease” uses that were in existence in the Regional Center-Beaverton Central (RC-BC), Regional Center-Old Town (RC-OT), and Regional Center- Mixed-Use (RC-MU) zoning districts prior to January 8, 2021. The proposed amendment would not have broad impacts across the City. Furthermore, when legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code 70.04 to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions include provisions intended to enhance pedestrian access and amenities.

- f) ***Provide safe and comfortable connectivity that prioritizes active transportation (such as walking, jogging, running, cycling, wheelchair use, in-line skating or skateboarding) in public and private spaces. Incorporate context sensitive design in public spaces, streets, sidewalks, paths and other infrastructure that helps move people around Downtown.***

Response:

The proposed text amendment will not alter any public infrastructure design standards. When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code 70.04 to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to enhance on-site design and orientation to encourage non-vehicular travel to and through these sites.

- g) ***Implement programs and incentives that facilitate relocation of uses with land-intensive development patterns, such as large-format retail stores and car dealerships that have large surface parking lots, to more appropriate land use designations.***

Response:

The proposed text amendment would not affect or inhibit the City's implementation of incentive-based programs to encourage the relocation of land-intensive uses.

- h) The city should consider the potential of policies, incentives, and investments to cause physical or economic displacement of vulnerable residents and businesses and identify strategies to prevent or mitigate displacement.***

Response:

The proposed text amendment applies to a small and discrete set Automotive service, major", "Automotive service, minor", and "Sales or lease" uses that were in existence in the Regional Center-Beaverton Central (RC-BC), Regional Center-Old Town (RC-OT), and Regional Center- Mixed-Use (RC-MU) zoning districts prior to January 8, 2021. Such changes are not expected to directly or indirectly cause physical or economic displacement. .

- i) Encourage a variety of Downtown housing options to reach the critical mass of people needed to support downtown businesses and increase mixed-use vibrancy.***

Response:

The proposed text amendment applies to a small and discrete set Automotive service, major", "Automotive service, minor", and "Sales or lease" uses that were in existence in the Regional Center-Beaverton Central (RC-BC), Regional Center-Old Town (RC-OT), and Regional Center- Mixed-Use (RC-MU) zoning districts prior to January 8, 2021. The proposed change is not expected to impact the ability of the City to achieve a variety of downtown housing options as envisioned with this policy. .

- j) Encourage an "18-hour" mix of uses, including retail, employment, civic, entertainment, and residential uses, that supports a diverse population that works, lives, and gathers downtown.***

Response:

The proposed text amendment applies to a small and discrete set Automotive service, major", "Automotive service, minor", and "Sales or lease" uses that were in existence in the Regional Center-Beaverton Central (RC-BC), Regional Center-Old Town (RC-OT), and Regional Center- Mixed-Use (RC-MU) zoning districts prior to January 8, 2021. Due to the limited applicability of the changes, the proposed change would not discourage implementation of an "18-hour" mix of uses throughout these zoning districts as envisioned with this policy. .

- k) Design places for people by promoting buildings and open spaces near sidewalks and streets that are interesting, enjoyable, and engaging for people passing by.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District

provisions are designed to promote buildings and open spaces near sidewalks and streets that are interesting, enjoyable, and engaging or people passing by.

- l) Use a block-by-block approach to activate the ground floor of buildings and edges of public spaces to enhance street life, connecting pedestrians with activity along the street edge.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to enhance street life, connecting pedestrians with activity along the street edge.

- m) Encourage buildings to include architectural features that are humanly scaled, especially at the ground floor of a building; and pedestrian-scaled places and streetscapes that are welcoming, safe, and enjoyable for people.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to encourage architectural features that are humanly scaled, especially at the ground floor of a building and pedestrian-scaled places and streetscapes that are welcoming, safe, and enjoyable for people.

- n) Provide welcoming places to gather and linger outdoors, such as parks, plazas, or street seats, which contribute to the vibrancy of Downtown Beaverton and promote social interaction among community members.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to encourage vibrant pedestrian-oriented and communal spaces as intended with this policy.

- o) For public agency projects, improve access to public spaces for cultural, ethnic, and socioeconomic groups that historically have not benefited from these resources due to physical, geographic, or transportation-related barriers.***

Response:

The proposed text amendment does not involve any public agency project(s).

- p) *Ensure that public realm improvements support the creation of a vibrant, pedestrian- and transit-oriented Downtown and provide amenities that spur development.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code 70.04 to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to support the creation of vibrant, pedestrian- and transit-oriented Downtown and provide amenities that spur development.

- q) *Preserve, enhance and engage nature and natural systems, including Downtown's creeks and trees to promote flood control, wildlife habitat, beauty and improved health for all community members.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code 70.04 to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to preserve, enhance, and engage natural systems as intended with this policy.

- r) *Ensure that developments at highly visible "gateways" have design features (e.g. height, mass, and building orientation) that enhance awareness of the Downtown Regional Center and Downtown Design District.***

Response:

When legally established auto-centric uses within the applicable zoning districts are updated and/or redeveloped, they will be required to be consistent with the Downtown Design District Development Code 70.04 to the extent required under the BDC 30.25 and 30.40. Consistent with 70.01.1, the Downtown Design District provisions are designed to encourage design features (height, mass, and building orientation) that enhance awareness of the Downtown Regional Center and Downtown Design District as intended with this policy.

- s) *The Downtown Regional Center designation is intended for areas within central Beaverton that have been designated in collaboration with Metro as a Regional Center in the Metro Regional Framework Plan and 2040 Growth Concept.***

Response:

The proposed text amendment is not related to the City's general assignment of its Downtown Regional Center designation.

Other applicable approval criteria

STATEWIDE PLANNING GOALS

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. The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process. The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues. Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

Response: Chapter Two of the City of Beaverton Comprehensive Plan outlines the concept and standards for a citizen involvement program. As specified in Chart 1: City Notice Standards, the citizen engagement effort is scaled to the potential impact of the proposal. The Beaverton Development Code (BDC) outlines that the proposed Text Amendment will be processed as a Type 4 (Legislative) application (BDC 40.85.15). Consistent with the procedures for a Type 4 application, the review of the proposed Text Amendment will incorporate the necessary public engagement actions outlined in BDC 50.50. 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 decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: Consistent with Statewide Planning Goal 2, the City of Beaverton maintains an adopted comprehensive plan with a land use element. Chapter 3 of the Beaverton Comprehensive Plan outlines goals with specific policies for land management within the City. Additionally, the City of Beaverton maintains an adopted development code which implements the goals and policies of the comprehensive plan. The scope of the proposed Text Amendment is limited to the classification of specific uses within the Beaverton Development Code. The above narrative demonstrates how the proposed amendment is consistent with the applicable goals and policies of the Land Use Element in Beaverton's Comprehensive Plan. The Text Amendment application will be processed in accordance with the requirements of the Beaverton Development Code. Therefore, the proposed amendment is consistent with Statewide Planning Goal 2.

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.

Response: Consistent with the requirements in Statewide Planning Goal 9, the City maintains an established Economic Development Element in Chapter 9 of Beaverton's adopted Comprehensive Plan. The scope of the proposed text amendment is limited to changes to the classification of the "Vehicle

Services, major”, “Vehicles Services, minor”, and “Sales or Lease” specific use categories within the RC-BC, RC-OT, and RC-MU zoning districts. The suggested language will change the classification of these uses from Prohibited (N) to Conditional (C). A proposed footnote will limit the conditional use classification to existing uses that were established prior to January 8, 2021. The proposed changes are limited to the classification of established uses that would be allowed to continue in a legally existing nonconforming status regardless of the proposed language. Suggested language will prohibit new uses from being established. As such, the proposed text amendment is consistent with the goals and policies of Beaverton’s Comprehensive Plan and will not alter the Economic Development Element. Therefore, this proposal is consistent with Statewide Planning Goal 9.

Goal 10 Housing

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Table 1: Projected Future Need for New Housing Units (2035)

	<i>SF detached</i>	<i>SF attached</i>	<i>Duplex</i>	<i>3 or 4 units</i>	<i>5+ units</i>
Current city limits (2015)	5,767	1,542	295	718	3,866
City limits plus assumed urban service boundary	14,001	2,626	958	718	3,886

Source: Beaverton Housing Needs Analysis (part of the city’s Housing Strategies Report) Figure 5.3 and Figure 10.3. <https://www.beavertonoregon.gov/DocumentCenter/View/10322>. Accessed April 14, 2020.

Response: Beaverton’s Housing Needs Analysis (HNA) was published in October 2015. It demonstrated a need for all housing types in the City of Beaverton and it’s assumed Urban Service Area over the 20-year period ending in 2035. The state Department of Land Conservation and Development (DLCD) found the 2015 HNA projected housing needs to be consistent with the requirements of Statewide Planning Goal 10 (See Table 1). Based on the findings in Beaverton’s Housing Strategies Report in Volume II of the Comprehensive Plan, which includes the city’s Buildable Lands Inventory (BLI) and Housing Needs Analysis, Beaverton updated its Comprehensive Plan’s Housing Element and Land Use Element to address the identified housing needs. DLCD also found these Comprehensive Plan changes consistent with the Statewide Planning Goals.

The scope of the proposed text amendment is limited to changes to the classification of the “Vehicle Services, major”, “Vehicles Services, minor”, and “Sales or Lease” specific use categories within the RC-BC, RC-OT, and RC-MU zoning districts. The suggested language will change the classification of these uses from Prohibited (N) to Conditional (C). A proposed footnote will limit the conditional use classification to existing uses that were established prior to January 8, 2021.

The proposed changes are limited to the classification of established uses that would be allowed to continue in a legally existing nonconforming status regardless of the proposed language.

Additionally, the same number of residential units will be allowed on all of these sites after this text amendment is effective, and any units built will address the city's need for multi-family housing particularly in the "5+ units category" but also potentially in the "duplex" or "3 or 4 units" categories. This housing also will help the city meet state requirements for housing mix. Oregon Administrative Rule 660-007-030 requires the City of Beaverton to designate sufficient buildable land to provide the opportunity for at least 50-percent of new residential units to be attached single family housing or multiple family housing or justify an alternative percentage based on changing circumstances. The multi-family units allowed in these zones will help Beaverton to continue to exceed the 50-percent requirement.

Goal 12 Transportation

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

Response: Consistent with the requirements of Goal 12, the City of Beaverton has an established and regularly updated the City's Transportation Plan. The proposed Text Amendment is limited to the changes in the classification of specific uses within the Beaverton Development Code. The impact will be limited to developed properties with lawfully established uses. No new developments or uses will be allowed by this change. As such, this amendment will not alter the City's existing Transportation Plan.

Transportation Planning Rule (OAR 660-012-0060)

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
 - (b) Change standards implementing a functional classification system; or***
 - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.***
- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;***
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or***

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Response: The scope of the proposed text amendment is limited to changes to the classification of the “Vehicle Services, major”, “Vehicles Services, minor”, and “Sales or Lease” specific use categories within the RC-BC, RC-OT, and RC-MU zoning districts. The suggested language will change the classification of these uses from Prohibited (N) to Conditional (C). A proposed footnote will limit the conditional use classification to existing uses that were established prior to January 8, 2021. The proposed changes are limited to the classification of established uses that would be allowed to continue in a legally existing nonconforming status regardless of the proposed language. Suggested language will prohibit new uses from being established. As such, this amendment will not impact existing or planned transportation facilities.

VII. CONCLUSION

As noted in the responses in this land use narrative and as demonstrated by the attached supporting materials the applicant’s request for a Type IV zoning text amendment meets the local approval criteria and the local, regional, and state policy requirements that guide the City’s decision-making process. Therefore, the applicant respectfully requests City approval of this zoning text amendment application.