

# CITY OF BEAVERTON



# COUNCIL AGENDA

## FINAL AGENDA

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

REGULAR MEETING  
FEBRUARY 26, 2007  
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

VISITOR COMMENT PERIOD:

PRESENTATIONS:

07035 Report on 2005 Tree Program Update

07036 Small Transportation Improvement Projects

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Special Joint Meeting of January 29, 2007

07037 Liquor Licenses: Change of Ownership: Scholls & Allen Market Deli; Thai Derm  
Original Thai Cooking

Contract Review Board:

07038 Authorize the City Attorney to Enter into a Professional Services Contract with  
Outside Counsel to Provide Legal Review and Consultation

07039 Authorize the City Attorney to Enter into a Professional Services Contract with  
Outside Counsel to Provide Legal Consultation

ACTION ITEM:

07040 Resolution of *Nike v. City of Beaverton* Litigation

ORDINANCES:



First Reading:

- 07041 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Six Properties Located in Central Beaverton; CPA 2006-0017/ZMA 2006-0023 (Ordinance No. 4424)
- 07042 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located East of SW Hocken Avenue and West of SW Cedar Hills Boulevard on the South Side of SW Jenkins Road; CPA 2007-0002/ZMA 2007-0001 (Ordinance No. 4425)
- 07043 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located South of NW Walker Road and North of Baseline Road, on the East Side of SW 173<sup>rd</sup> Avenue; CPA 2007-0003/ZMA 2007-0002 (Ordinance No. 4426)
- 07044 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located South of NW Waterhouse Avenue, North of NW Blueridge Drive and East of NW Turnberry Terrace, on the West Side of NW 158<sup>th</sup> Avenue; CPA 2007-0004/ZMA 2007-0003 (Ordinance No. 4427)
- 07045 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located West of NW 167<sup>th</sup> Place, East of NW 173<sup>rd</sup> Place and South of the Sunset Highway, on the North Side of NW Cornell Road; CPA 2007-0005/ZMA 2007-0004 (Ordinance No. 4428)
- 07046 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located Both North and West of NW Cornell Road, East of NW Bethany Boulevard and South of the Bethany-Cornell Onramp to the Sunset Highway; CPA 2007-0006/ZMA 2007-0005 (Ordinance No. 4429)

Second Reading:

- 07025 An Ordinance Relating to the Use and Possession of Replica Firearms in a Public Place (Ordinance 4423)

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

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



## AGENDA BILL

02-13-07P04:54 RCV0

### **Beaverton City Council Beaverton, Oregon**

**SUBJECT:** Report on 2005 Tree Program Update **FOR AGENDA OF:** 2/26/07 **BILL NO:** 07035

**Mayor's Approval:** *Bob Drake*

**DEPARTMENT OF ORIGIN:** CDD *JK*

**DATE SUBMITTED:** 2/12/06

**CLEARANCES:** Planning *HB*

**PROCEEDING:** Presentation

**EXHIBITS:** A. PowerPoint Presentation

### **BUDGET IMPACT**

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

In April 2005, City Council approved Ordinance 4348 adopting new regulations for tree resources in the city. This report provides some insight into the ability of the adopted tree code to accomplish the goal of tree preservation balanced with development and private property rights.

### **INFORMATION FOR CONSIDERATION:**

The presentation will provide an overview of the program and provide some options for City Council to consider that address issues raised since the adoption of the program. The Planning Commission considered the issues contained in the presentation and recommended some changes to the existing program. Following City Council consideration, staff will begin any recommended amendments.

### **RECOMMENDED ACTION:**

Listen to the presentation and recommend appropriate amendments.



# Tree Code Text Amendment Status Update

February 2007

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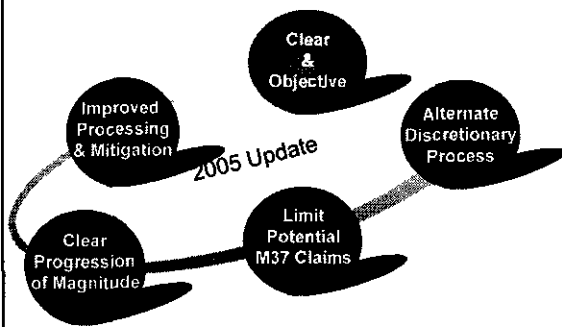
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## Objectives



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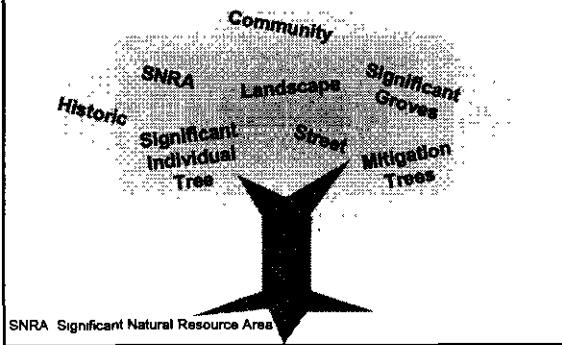
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## Protected Trees



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## Overview of 2005 Changes

### EXEMPTIONS

- Street and Sidewalk Improvements
  - Existing ROW, Widening, Half-Street Improvements
  - Not exceeding minimum standards
- Enhancement and Invasive Species Removal
- Low Impact Trails
- Hazardous Trees
- Minor Pruning

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## Overview of 2005 Changes

### EXEMPTIONS

- Planning Commission Recommendation  
Hazardous Trees
- No-fee application
  - Applicant posting or notification

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## Overview of 2005 Changes

### TREE PLAN 1

#### Significant Individual Trees and Historic Trees

- Pruning

#### SNRA & Sign. Groves

- Major Pruning: >10% tree canopy removal or >10% root system disturbance
- Mechanized vegetation removal
- Mechanized planting
- Trails: >30" or grade exceeds 20%, or <100% pervious

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## Overview of Applications

### TREE PLAN 1

#### 2 applications in 2005

- NW Cornell restoration in sensitive area
- Cadell 3-lot Partition protection for two significant trees

#### 1 application in 2006

- BPA Powerline trail construction in SNRA no trees to be removed

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## Overview of Changes

### COMMERCIAL TIMBER HARVEST

- Type 1 processing
- Three tax lots
- Retention of trees required:
  - no less than 10 healthy trees per acre
  - minimum 10 inches DBH per tree
  - clumped or evenly distributed
- No mitigation

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## Overview of Changes

### TREE PLAN 2

- Community Tree
  - ≥ 5 trees or ≥ 10% of trees
- Significant Individual Trees
  - Removal and Mitigation

#### •SNRA & Sign. Grove

- Remove ≤ 85% in MU
- Remove ≤ 75% in Comm/Ind/Res
- Mitigate above 50% DBH
- Mitigation ratio 1:1, all on site 2:1
- Understory preserved
- Permanent protection

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## Community Trees

Community Tree Purpose:  
to notify the community and eliminate  
clear cutting without a development proposal.

Fundamental question density vs. trees

Planning Commission Recommendations:

1. Revisit criteria with an incentive based program.
2. TP 1 – clear cut tied to development.
3. Tree species of specific min.dbh require mitigation.

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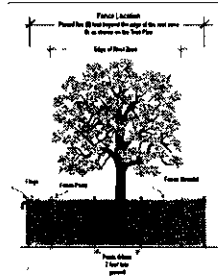
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## Ongoing Issues

- If saved, should community trees be subject to preservation standards through physical construction?
- Planning Commission Recommendation: Trees should be protected if they stay to protect property.



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## Overview of Changes

TREE PLAN 3

•Historic Tree Removal

### •SNRA and Significant Groves

- Remove > 85% of DBH in MU
- Remove > 75% of DBH in Comm/Ind/Res
- Retain < 10 trees per acre in Commercial Timber Harvest
- Mitigate for removals above 50% DBH
- Mitigation ratio 1:1
- Understory preserved
- Permanent protection

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### Overview of Applications

#### TREE PLAN 3

##### 4 applications approved in 2005

- Polomar Estates: removal of 4 trees
- Arctic Commons: removal of all the trees on site
- WCCA Burntwood: removal of 20% of the trees
- Jen's Grove: removal and pruning

In 2006, one application is pending

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### Overview of Applications

#### Mitigation Fund

Funds to improve habitat or plant trees

Arctic Commons	\$ 42,175
Polomar Estates	\$ 3,240
Total	\$ 45,415

Jen's Grove @ occupancy	\$ 73,620
Total	\$119,035

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### Overview of Applications

#### Mitigation Fund

- Planning Commission Recommendation
- THPRD Oak Habitat Restoration
  - Specimen Tree Planting Program

Funds to improve habitat or plant trees.

Total	\$119,035
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### Ongoing Issues

#### Enforcement

1. Onsite monitoring of conditions of approval and mitigation
2. Monitoring after project is complete
3. Follow up enforcement on cutting down trees in the community

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### Enforcement Solutions

#### Planning Commission Recommended Solutions

- Cash deposit for cost of mitigation and removal of dead/dying/hazardous trees as a result of construction practices and the development. (5 years after construction)
- Field changes allowed through TP1, mitigation for field changes based on caliper inches removed. (Only for TP1 and TP2 applications)
- Log of arborist visits for inspectors to review.

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### Ongoing Issues

#### Mitigation for Sign. Groves and SNRA

##### Existing

- 2:1 if **all** mitigation occurs on site **OR**  
1:1 if mixture on/off-site and mitigation fee

##### Planning Commission Recommendation

- 2:1 any mitigation on site  
1:1 for any remaining mitigation – off site or fee

(2" removed, 1" replaced)

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### Ongoing Issues

- Section 60.60.15.6 allows

#### Existing

“tracts or otherwise approved by the City”

- Tracts appear to be the only acceptable method.

#### Planning/ Commission Recommendation

“or dedicated to THPRD or other non-profit entity operating for the sole purpose of maintaining and/or preserving forested areas, open spaces, and/or wetlands”

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### Ongoing Issues

Fallen trees in Sign.  
Groves and SNRA

- THPRD blow down
  - > 300 trees
  - significantly blocks 2 trails
- Jen’s Grove
- Others




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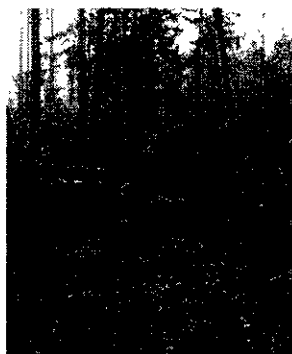
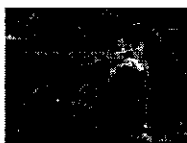
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### Blow Down Examples in Nature Park




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## Internal Processing Issues

- Percentages for removal are difficult to track over time.
- Protection is not occurring for the 50% preserved area.
- Consider including an arborist report on the checklist for some TP applications.

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# Simple Amendments

## Planning Commission Recommendation

- Clarify nuisance tree in Chapter 90.
- Adopt plant lists by Resolution.

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[illegible]

**Trunk**

**Branches**

**Leaves**

**Roots**

**Bark**

**Cork**

**Sapwood**

**Heartwood**

**Pith**

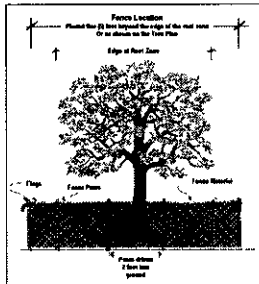
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## Simple Amendments

### Planning Commission Recommendation

- 5 feet beyond canopy or ANSI whichever is greater




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### Planning Commission Recommendations

- Hazardous Tree
- 3 Community Tree solutions
- Community Tree protection
- 3 enforcement solutions
- Mitigation
- Dedication
- Fallen Trees
- Nuisance Tree
- Plant Lists
- Tree Protection Zone

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### Questions?

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## **AGENDA BILL**


**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Small Transportation Improvement Projects    **FOR AGENDA OF:** 2-26-07    **BILL NO:** 07036

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Public Works

**DATE SUBMITTED:** 2-21-07

**CLEARANCES:** City Attorney 

**PROCEEDING:** PRESENTATION

**EXHIBITS:** Vicinity Map  
Potential Projects List

### **BUDGET IMPACT**

EXPENDITURE REQUIRED	AMOUNT BUDGETED	APPROPRIATION REQUIRED
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### **HISTORICAL PERSPECTIVE:**

The City's transportation system has evolved into its current form both as a result of development that constructed streets and roads and public investments from a number of sources including Washington County's MSTIP program. While the streets and roads in the city continue to serve the interests of the community, increasing congestion due to more vehicle trips and greater volumes of through traffic that is now using city streets for regional trips are causing longer travel times for trips within the city. While there are a number of regional strategies and projects that are considering broad solutions, the issue of the congestion and capacity problems on local city streets is not contemplated by these efforts.

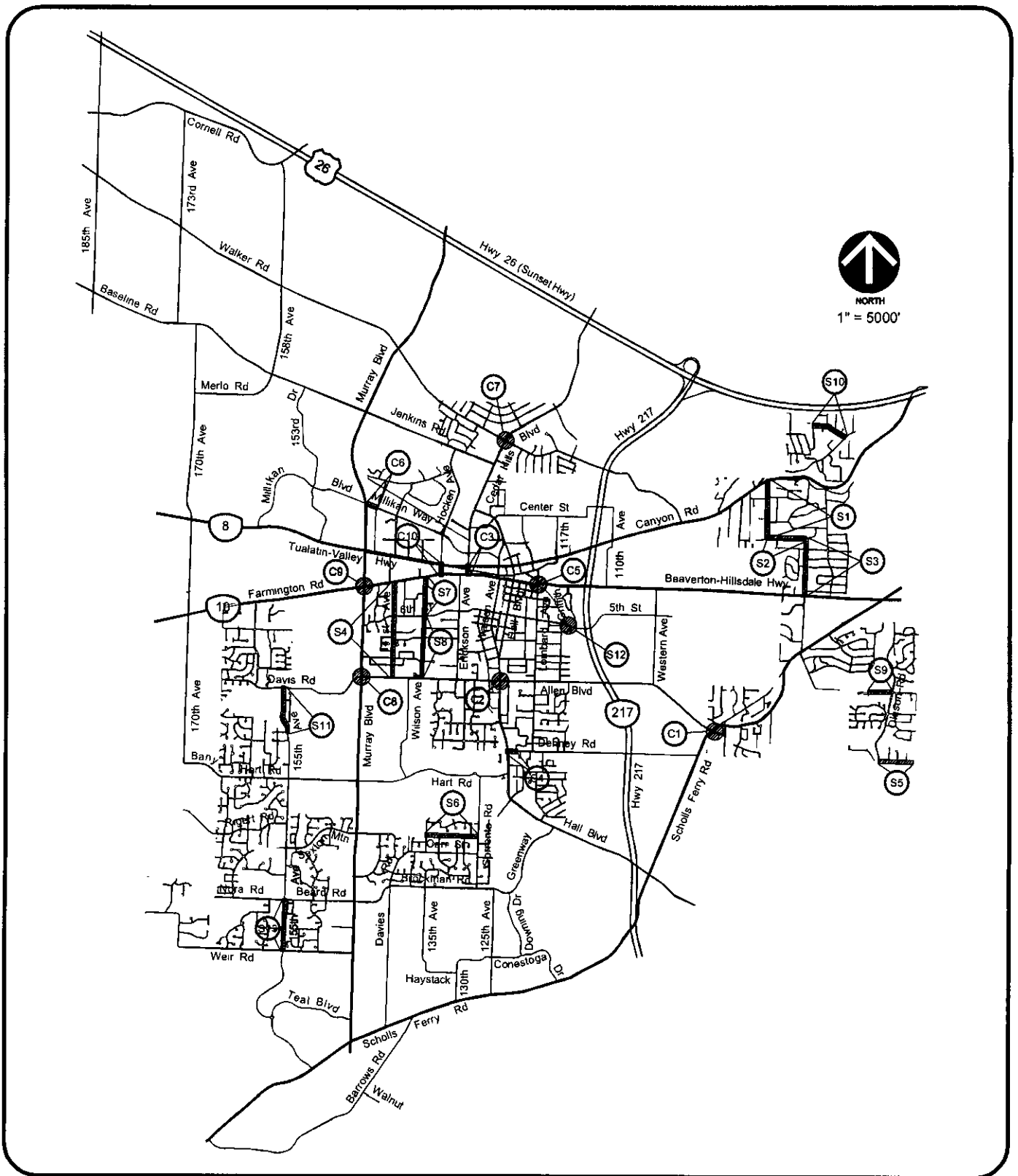
### **INFORMATION FOR CONSIDERATION:**

Staff initially discussed a framework to use to identify necessary transportation system improvements with the Council in 2006. Following the Council's direction, staff developed a list of small transportation improvement projects that meet the criteria endorsed by the Council for consideration. To separate such small transportation improvement projects from the very large list of transportation projects, a maximum cost of \$2 million per project was chosen. As current Street Fund revenues are inadequate to support the Street Maintenance Program and also support a series of improvements, staff has conducted an analysis of funding options that are used in a number of other jurisdictions for possible future consideration.

### **RECOMMENDED ACTION:**

Listen to the presentation and provide further direction.





City Of Beaverton

Vicinity Map for  
Small Transportation Improvement Projects

**PUBLIC WORKS DEPARTMENT**  
**ENGINEERING DIVISION**

Drawn By: MC Date: 2/20/07

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_



## EXAMPLES OF POTENTIAL "SMALL" TRANSPORTATION IMPROVEMENT PROJECTS

### Project

(Project numbering does NOT indicate any priority)

### Rough Cost Estimate

#### ***Pedestrian and Bicycle Improvements for Safety and Livability***

***(in most cases, cost estimate based on sidewalk only on one side of the street)***

S1	87th Ave. sidewalk between Birchwood & Canyon Rd.	\$ 250,000.00
S2	Birchwood Rd. sidewalk between 87th & Laurelwood	\$ 150,000.00
S3	Laurelwood Ave. sidewalk between B-H Hwy. & Birchwood	\$ 300,000.00
S4	141st Ave. sidewalk between Farmington & Allen	\$ 300,000.00
S5	Canby St. sidewalk between Oleson Rd. & city limit	\$ 150,000.00
S6	Davies Rd. sidewalk between Sorrento & 135th	\$ 200,000.00
S7	Menlo Ave. sidewalk between Farmington & 6th	\$ 200,000.00
S8	Menlo Ave. sidewalk between 6th & Allen	\$ 450,000.00
S9	Vermont St. sidewalk between Oleson Rd. & Montclair School	\$ 100,000.00
S10	West Slope Drive sidewalk between Canyon Lane & West Slope School	\$ 200,000.00
S11	155th Ave. sidewalk between Davis Rd. & Beverly Beach Ct.	\$ 1,500,000.00
S12	5th St. railroad crossing -- provide safer bike route at skewed crossing	\$ 300,000.00
S13	155th Ave. between Beard Rd. and Weir Rd. (includes road improvements and assumes that an LID will pay a portion of the costs)	\$ 2,000,000.00

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#### ***Intersection Capacity Improvements***

C1	Allen Blvd. at Scholls Ferry - add a westbound lane on the approach	\$ 600,000.00
C2	Allen Blvd. at Hall Blvd. - add a turn lane for eastbound traffic turning right onto Hall	\$ 850,000.00
C3	Cedar Hills Blvd. at Farmington - add a right turn lane for southbound traffic	\$ 800,000.00
C4	Denney Rd. at Hall Blvd. - add a right turn lane for westbound traffic	\$ 800,000.00
C5	Lombard Ave. at Farmington - add a right turn lane for northbound traffic on Lombard	\$ 650,000.00
C6	Millikan Way at Murray - add a right turn lane for westbound traffic on Millikan	\$ 550,000.00
C7	Walker Rd. at Cedar Hills Blvd. - provide dual left turn lanes on westbound Walker	\$ 900,000.00



C8	Allen Blvd. at Murray -add a westbound right turn lane on Allen	\$ 1,700,000.00
C10	Hocken Ave. between Canyon and Farmington - add lanes per approved plan	\$ 1,600,000.00
	Signal system upgrades, as new technology becomes available	?



## **DRAFT**

### **BEAVERTON CITY COUNCIL AND TUALATIN VALLEY WATER DISTRICT BOARD SPECIAL JOINT MEETING JANUARY 29, 2007**

#### **CALL TO ORDER:**

The Special Joint Meeting of the Beaverton City Council and the Tualatin Valley Water District Board of Commissioners was called to order by Mayor Rob Drake in the First Floor Conference Room of Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, January 29, 2007, at 6:10 p.m.

#### **INTRODUCTIONS:**

Present from the City were: Mayor Rob Drake; Couns. Catherine Arnold, Betty Bode, Bruce Dalrymple, Dennis Doyle and Cathy Stanton; Chief of Staff Linda Adlard; Public Works Director Gary Brentano; Finance Director Patrick O'Claire; Utilities Engineer Dave Winship and City Recorder Sue Nelson.

Present from the Tualatin Valley Water District (TVWD) were: Board President Jim Doane; Board Commissioners Richard Burke, Jim Duggan and Dick Schmidt; General Manager Greg DiLoreto; Attorney Clark Balfore; Joint Water Commissioner Jesse Lowman; Former TVWD Board Member Forrest Soth; and Consultant Mark Knudson.

#### **TOPICS FOR DISCUSSION**

##### **Regional and Local Water Supply Choice**

TVWD Board President Jim Doane reviewed significant events from 2006 that affected the TVWD. He said in 2006 TVWD signed a ten-year water supply contract with the City of Portland for Bull Run water. He said Portland also had asked that TVWD find an alternate water source; they were now looking for water source options and were planning to have a new supply source ready by 2016 when the current contract with Portland would expire.

Mark Knudson, Consultant, Carollo Engineers, presented a PowerPoint presentation on the preliminary engineering for Phase 1 of TVWD's Water Supply Improvements Program. He said the overall goal of the program was to evaluate the requirements to deliver treated water from the Willamette River to TVWD's service area. He said the project included construction of a new water transmission main and a new reservoir. He said the evaluation of the Willamette River Water Treatment Plant was conducted separately.



Knudson reviewed the Preferred and Alternative Alignments for the water transmission main. He said the Preferred Alignment follows the Bonneville Power Administration (BPA) right-of-way from Wilsonville to Beaverton. He said the benefits to this alignment would be less impact to the community during construction, lower cost and maintenance benefits. The disadvantages were that the required agreement with BPA may reduce the cost savings therefore implementation and permitting would take longer as this would become a Federal project.

Knudson said in the Alternative Alignment the transmission main would be in the public road right-of-way avoiding the BPA corridor. He said the benefits to being in the public right-of-way were coordination with local governments and a simpler permitting process; the disadvantages were greater community impact during construction and higher costs.

Knudson said that in conducting the environmental permitting and geotechnical analyses no fatal flaws were identified with either alignment. He reviewed the challenges with each alignment. He said their recommendation was: 1) Keep both alignment options open; 2) Continue negotiations with BPA because of the substantial cost savings; 3) Based on the direction of BPA negotiations, make a final decision in early-to-mid 2007; and 4) Initiate right-of-way acquisitions and agreements as early as possible.

Knudson reviewed the system hydraulics for the pump and transmission main in detail. He said the size of the main depends on the final alignment and capacity; oversizing the pipeline would provide future flexibility at little cost. He recommended that TVWD: 1) Continue negotiations with BPA and select the final alignment; 2) Complete the Water Master Plan Update to identify future needs and water source configurations; 3) Identify regional partners; and 4) Oversize the pipeline for future flexibility.

Knudson said it was recommended that TVWD construct a 20 million gallon (mg) reservoir initially and plan on a second 20 mg reservoir in the future based on the Water Master Plan Update. He said pre-stressed concrete construction was most appropriate for this reservoir with a floor elevation of 445 feet and overflow elevation of 485 feet for best hydraulic performance. He said a ten-acre site was needed to accommodate both reservoirs and they should be located on the southern slopes of Cooper Mountain; five feasible sites were identified on Cooper Mountain. He recommended acquiring the property at the earliest opportunity.

Knudson said there were many uncertain variables driving the cost (alignment, pipeline sizing, shoring costs). He said the cost estimates reflected a +50/-30% accuracy range. He said further work was needed to pin down the variables so that firmer cost projections could be done. He reviewed the project timeline and said completion was scheduled for the middle of 2016 when the Portland contract expired or would have to be renewed. He said given the uncertain variables, the estimated cost for the Program (treatment plant, pipeline and reservoir) ranged from \$360 to \$420 million.

Knudson said the next steps in the implementation plan for Phase 1 were to continue negotiations with BPA, select a pipeline alignment, complete and adopt the Water Master Plan Update, identify regional partners, initiate property and right-of-way acquisition, update the initial financial plan, and develop/implement a public information program. Once Phase 1 is completed, Phase 2 - Pre-design Study, will begin.



Coun. Dalrymple referred to the right-of-way acquisition and asked what the cost parameters were per acre in the financial analysis.

Knudson said he did not recall the figures for most of the project, though in the reservoir area it would be multiple hundreds of thousands of dollars.

Coun. Arnold asked how this affected TVWD's requirements from the Joint Water Commission (JWC).

General Manager Greg DiLoreto replied that TVWD would maintain its ownership of the ten million-gallons-per-day (mgd) that it has as a partner in the JWC. He said the issue was which project to select; they could only afford to do one project and they would need 60 mgd. He said when the requests from all the JWC partners are tallied and the costs are known the partners will then determine how much they can afford to purchase; at that time they will know what is left over. He said by 2011 they have to be sure that they can get enough water from the JWC at Hagg Lake or they will have to go to the Willamette River. He said they have to be finished by 2016 to avoid having to renew their agreement with Portland. He said that while \$420 million was a lot of money, over the 50-year life span of the District, going with either of these projects would save TVWD between \$1.2 to \$1.5 billion over staying with the City of Portland.

Coun. Dalrymple asked about the quality and cleanliness of the Willamette River in comparison to other sources.

DiLoreto replied that TVWD has conducted an extensive analysis of the Willamette River in its raw-water and finished-water states. He said TVWD has a table on its Web site that displays the test results from the analyses. He said the finished water quality was equal to or better than current sources and the raw-water quality was incredible. He said the public has heard negative stories about the Willamette, but the analyses results indicated that the quality of the drinking water (after it had gone through the treatment plant) was perfect; it had almost met the standards for a kidney dialysis machine.

*Knudson said in comparing the treatment residuals for the Willamette River to Bull Run, the Willamette was clearly favored. He said it was a function of the high quality source water and the extensive treatment process. He said there were fewer contaminants in treated Willamette River water than in treated Bull Run water.*

Commissioner Burke said most of the dynamics involved in the Bull Run source were as much emotional as practical. He said Bull Run was an excellent water source but there was almost a spiritual connection with that source though there were problems with it. He said there were turbidity issues and it was not always as pristine as people had believed. He said the Willamette River was much cleaner than people realized and a public education process would be required.

Commissioner Schmidt said that part of the problem with the reputation of the Willamette River was downstream from Portland with the combined sewer overflows. He said that besides turbidity and E-coli, the Willamette River has met Federal drinking water standards.



Coun. Doyle said he would assume that the water treatment plant would have to be expanded. He asked who would pay for the expansion.

DiLoreto said TVWD would pay for it and if they were able to partner with other cities they would share the cost. He said it would cost about \$100 million to expand the water treatment plant to meet TVWD's needs.

Coun. Stanton referred to the project schedule and asked if Knudson had said they wanted to complete the Master Water Plan before selecting the final alignment.

DiLoreto clarified that they were completing a Water Master Plan for all of TVWD. He said in addition to that they had minor master plans for this project.

Knudson said the master plan would show the demands on the system and that would be used to size the pipe; the minor master plan would establish the pipeline alignment. He said once the plans were finished they would begin property acquisition.

Coun. Stanton said she was concerned with the Alternative Alignment because it would go under the 125th Avenue right-of-way. She asked if the Alternative Alignment was selected would that delay the extension of 125th Avenue another ten years.

Knudson said that TVWD would make a commitment to the City to construct that section of the pipeline with the road. He said a project would be setup to design, engineer and construct that section of the line with the road construction, so that the road would not have to be torn up a few years later. He said that same process holds true regardless of which alignment is selected.

Commissioner Burke compared this project to making a movie in that scenes are never shot in chronological order.

Coun. Stanton asked if they were hoping to select a final alignment by August 2007.

Knudson said that was the goal. He said they had hoped to have this done by next month but BPA negotiations necessitated moving the schedule out. He said conceivably BPA negotiations could move the schedule out further. He said at some point TVWD would have to decide on whether or not to continue negotiations with BPA; if it looked like it would affect meeting the project's completion deadline.

Coun. Doyle asked if the TVWD was seeking Congressional help with the negotiations.

DiLoreto said they were not for they were getting a positive response from BPA. He said BPA's Vice Presidents had requested a formal proposal from the District that they could take to their next meeting.

Coun. Dalrymple asked if they had discussed this with the Tualatin Hills Park and Recreation District (THPRD), since the THPRD had right-of-way agreements in place with BPA.



DiLoreto said he had talked to both THPRD general managers. He said TVWD had partnered with THPRD on many projects and as this project became closer to construction they would probably do so again.

JWC Commissioner Jesse Lowman asked how TVWD planned to serve the southern area of the District. He noted there were no pipelines or cost estimates shown for the south section.

Knudson said in the master plan they were reviewing whether to build a connecting pipeline from the Old Wolf Creek area southeast to serve Metzger or to continue purchasing water from Portland to serve that area. He said they would provide a financial analysis to TVWD on that issue so that a decision could be made.

Coun. Bode asked if the Hagg Lake option was still being considered.

DiLoreto said Hagg Lake was still an option. He said the options being considered were: Hagg Lake supplemented with Bull Run; the Willamette River with JWC as a backup; Continue with Bull Run, using a smaller portion from JWC; or going exclusively with JWC. He said the Hagg Lake 40-foot dam raise was a viable option provided it could supply the amount of water needed for all the partners. He said the numbers were being refined. The dam raise was planned to meet water needs to Year 2060.

Coun. Dalrymple asked if the Willamette River option was selected, would the dam raise project go away.

DiLoreto said the dam raise was needed for Washington County; TVWD would not participate in the dam raise if the Willamette was selected. He said Beaverton, Hillsboro, Forest Grove and Clean Water Services needed the water from the dam raise.

Commissioner Burke added that in looking at projected future growth figures, they have to look at all the options carefully to be sure there will be enough water to meet TVWD's needs. He said the Willamette option would provide for all their needs. It was not yet certain that the dam raise would meet the needs of all the JWC partners.

TVWD President Doane gave a copy of the study to Mayor Drake.

#### Willamette Pipeline Discussion

City Utilities Engineer Dave Winship presented a PowerPoint presentation on regional and local water supply choices (in the record). He reviewed the City's water service area, the water main system and the supply source. He also reviewed the components of the JWC system, including Hagg Lake/Scoggins Reservoir, Barney Reservoir, the treatment plant, transmission lines, storage tanks, the master meter and water supply and consumption figures. He said the purpose of the Tualatin Basin Water Supply Project (Project) was to evaluate long-term water sources for the future needs of this region. The members of the Tualatin Basin Water Supply Partnership were: the cities of Beaverton, Hillsboro, Tigard, Tualatin, and Forest Grove; TVWD; Clean Water Services; Tualatin Valley Irrigation District; and the U.S. Bureau of Reclamation.



Winship reviewed the Tualatin Basin Water Supply Project in detail. He noted the options available were: 1) No Action; 2) 40-Foot Scoggins Dam Raise; or 3) 25-Foot Scoggins Dam Raise and the Willamette River System. He reviewed the property impacts that would occur with the dam raise options and the water quality in Hagg Lake. He said the construction cost estimate for the 40-foot raise was \$199 million; for the 25-foot raise it was \$166 million. He reviewed the Project schedule and noted design and construction should begin in 2010.

Winship said the City's second water source was its Aquifer Storage and Recovery (ASR) System that provides a pumping capacity of 6 mgd, which is a large part of the City's source. He reviewed how the ASR system operates and the daily and seasonal water use from that system. He reviewed storage cost information for the ASR system and noted it costs much less to store water underground than above ground. He also noted that capital costs were much less for an ASR system than for a conventional surface water supply system. He reviewed the location of the ASR wells and the amount of water each well pumps daily.

Winship reviewed how the City would meet future water supply and demand needs with the recommended supply system improvements (in the record). He said Beaverton's costs for these improvements (Scoggins/Barney/JWC Supply System) from 2007-2021, would be about \$39.2 million (unit cost of \$6.77 million per mgd). He reviewed the existing regional water supply sources. He said it was important that the City continue to coordinate closely with TVWD on the Willamette River pipeline options, as it is a viable project financially and it would be good to have those transmission lines coming through Beaverton. He said the City also needed upper-level storage and the opportunity to coordinate on the reservoir sites was extremely important. He said the estimated cost for the Willamette Supply System was \$360 - \$420 million for 70 mgd (unit cost of \$5.1 - \$6.0 million per mgd). He said these costs compared favorably with the Scoggins Project and it would be an option for Council to consider in the future.

Coun. Doyle asked what the rationale would be for selecting the 25-foot raise versus the 40-foot raise, when the 40-foot raise would provide a higher yield for only 20% more in cost.

Winship said the Bureau of Reclamation suggested looking at a smaller footprint. He said he did not think the technical staff felt the 25-foot raise was a good deal.

DiLoreto said the 25-foot raise would assume that TVWD was not part of the project. He said while the cost for the 40-foot raise was not that much more, the question to be answered was who would pay for that additional cost. He said also if they went with the 25-foot raise, in the future they would have to raise the dam again and the rules would get stricter and the cost would be much higher.

Winship said the productivity of the Hagg Lake watershed was half of that from Bull Run. He said he did not believe that if they built a 25-foot dam that they would ever be able to expand it again; it would be better to build the 40-foot raise now.

Coun. Doyle said he presumed that it would not be good to put all of their eggs in one basket in case something happened to one of the water sources. He said that was why the two projects made sense.



President Doane said Beaverton was spared in 1992 draught but TVWD was not. He said in 1992 TVWD went to no outdoor water use and that taught them that one supply source was not sufficient. He said if they went to the Willamette that would give them three sources (Bull Run/JWC/Willamette). He said it was intriguing to have three sources instead of two.

Coun. Stanton said it would provide more stability.

Coun. Doyle said it made sense that the region look at enhancing the ways it delivers water since it is vital to many of the industries.

Commissioner Schmidt noted that in 1996 Bull Run was sucking mud and that was with the population density from ten years ago. He said with the population projections for 2025 Bull Run alone was not sufficient.

Mayor Drake said he was concerned about discussions that have occurred regarding the Bureau of Reclamation no longer owning Scoggins Dam. He said the JWC has worked well with joint ownership based on percentage of ownership of the dam. He said there had been discussions about the County replacing the Bureau. He said he thought it would make more sense to form a joint ownership of the dam (ORS 190) as was done with the JWC.

DiLoreto said as partners, though the County was leading the effort through Clean Water Services, they were talking about a transfer of ownership with the Bureau; this would transfer the ownership of the existing and future dam to an ORS 190 agency. He said from the TVWD perspective, they would prefer to be an owner than a renter. He said if the title was transferred, the Federal rules would no longer apply. He said TVWD was pushing this forward as it needs to get out from its partnership with Portland. He said they would prefer a joint ownership like the JWC.

Coun. Dalrymple asked how the service territories would be established; how would they fit into the planning.

Winship said the moderate growth scenario does not include any dramatic annexations. He said the City's current agreement with TVWD was that it would not withdraw territory as it was annexed. He said the moderate scenario peaks out at 2026 and it did include the southwest area beyond the Urban Growth Boundary. He said it assumed an area contemplated in agreement with the TVWD and a population increase of 10,000 due to that expansion. He said infill was also assumed in that scenario. He said the high growth scenario assumes everything in the moderate scenario and some annexation in West Slope and Raleigh Water Districts.

Commissioner Duggan asked if the 25-foot dam raise included the pump back options.

President Doane replied that it really did not work.

Coun. Bode said she was concerned with the lack of concrete economic forecasting for this project; to her this was an impediment to going forward. She noted, as an example, the tram in Portland ended up costing four times what was projected. She said the growth assumptions for this project were also up for question.



Mayor Drake said his comfort level today as an average citizen, was better because they had a lot more data today to prepare the forecast than they had 25 years ago. He said Metro was recognized nationally for its modeling and projecting and they were utilizing Metro's work as the foundation for these projections. He said this modeling was also conservative.

Coun. Bode said she has to understand the parameters used for these projections. She said this was going to be a hard sell.

Commissioner Schmidt said the basic assumptions were sound barring an unforeseen significant occurrence.

DiLoreto said they were not ready for a decision by elected officials yet.

Coun. Bode said her comments were not meant to be critical; they were given as a form of inquiry. She said cost estimate differences that are in the range of many millions of dollars would be a hard sell to the public as well as elected officials.

President Doane explained that the assumptions for growth are based on parameters. He said the parameters are discussed and they pinpoint why each was chosen. He said that way they know all the elements that are driving the demand figures. He said that was a reasonable approach to reduce the uncertainty and get closer to actual figures.

Winship said some components have to be committed to, such as the life of the dam; other components are discretionary and can be made as growth occurs. He said they postponed many of the treatment plant and transmission improvements with ASR. He said the treatment plant for the Willamette and the JWC can be adjusted around growth. He said while it was impossible to predict exactly what would happen, the City would not have to spend the \$124 million in the first part of the project and commit forever for that; there are options over the next 15-20 years to reduce the project if the growth does not occur.

Coun. Dalrymple said because of the tram project the bar has been raised in the public eye relative to setting standards and parameters for project cost estimates. The City would have to have a higher level of reliability. He said that was not something to be decided this evening; just that this project would be scrutinized.

President Doane said they would not say that it could not cost more than \$100 million. He said they would get real numbers and not just something that sounds good then has to be continually adjusted.

Coun. Arnold said the City has more experience with and knows more about this subject and project.

Commissioner Schmidt said he could see in the future having a regional water supply where all the supplies are connected.

Coun. Arnold said that would make sense.



Mayor Drake thanked the TVWD Board for the meeting. He said he was sorry about the loss of Gordon Martin; he had been a very active member of the Board and his untimely death was a great loss. He added that the TVWD provides water for parts of Beaverton and the two agencies were intertwined.

President Doane said the Board would meet next week to choose Martin's replacement for the next few months then someone would be elected on May 17, 2007, to fill the last two years of Martin's position.

#### ADJOURNMENT

There being no further business before the Council or TVWD Board, the meeting was adjourned at 8:00 p.m.

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Sue Nelson, City Recorder

#### APPROVAL:

Approved this       day of       2007.

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Rob Drake, Mayor



## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** LIQUOR LICENSES

**FOR AGENDA OF:** 02/26/07 **BILL NO:** 07037

**CHANGE OF OWNERSHIP**

Scholls & Allen Market Deli  
9460 SW Allen Blvd.

**MAYOR'S APPROVAL:** 

**DEPARTMENT OF ORIGIN:** Police 

Thai Derm Original Thai Cooking  
3800 SW Cedar Hills Blvd. #302B

**DATE SUBMITTED:** 02/13/07

**PROCEEDING:** Consent Agenda

**EXHIBITS:** None

### **BUDGET IMPACT**

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

Background investigations have been completed and the Chief of Police finds that the applicants meet the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license requests.

### **INFORMATION FOR CONSIDERATION:**

Scholls & Allen Market Deli, formerly licensed by the OLCC to PTMD, LLC, is undergoing a change of ownership. Triet Hai, Inc. has made application for an Off-Premises Sales License under the same trade name of Scholls & Allen Market Deli. The establishment is a convenience store. It will operate Monday through Sunday from 6:00 a.m. to 10:00 p.m. There will be no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

Thai Derm Original Thai Cooking, formerly licensed by the OLCC to Pichet Srikasem, is undergoing a change of ownership. GKS Thai, LLC, has made application for a Limited On-Premises Sales License under the same trade name of Thai Derm Original Thai Cooking. The establishment will serve Thai food. It will operate seven days a week, serving lunch from 11:00 a.m. to 3:00 p.m., and dinner from 5:00 p.m. to 10:00 p.m. There will be no entertainment offered. A Limited On-Premises Sales License allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

### **RECOMMENDED ACTION:**

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC licenses.

**Agenda Bill No:** 07037



**AGENDA BILL****Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Authorize the City Attorney to Enter into a Professional Services Contract with Outside Counsel to Provide Legal Review and Consultation.

**FOR AGENDA OF:** 02-26-07 **BILL NO:** 07038

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** HR

**DATE SUBMITTED:** 02-14-17

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

**PROCEEDING:** Consent Agenda  
(Contract Review Board)

**EXHIBITS:** None

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$7,500	BUDGETED \$35,200*	REQUIRED \$0

\*Account No. 001-60-0622-511. The FY 2006-2007 budget included \$35,200 for various professional services. To date, \$11,661 has been expended leaving a balance of \$23,539 as the current appropriation available in this professional services account.

**HISTORICAL PERSPECTIVE:**

The City Attorney is responsible for providing legal advice to the Council and City administration on numerous topics, including employee grievances that go to arbitration. The Department Head has requested, with the concurrence of the Mayor, that outside legal assistance be retained for a pending arbitration.

**INFORMATION FOR CONSIDERATION:**

The Department Head would like to retain attorney Victor Calzaretta to review the department's position. The contract will include a not-to-exceed figure of \$7,500. Funding is available through the above-referenced budget account.

**RECOMMENDED ACTION:**

Authorize the City Attorney to enter into a Professional Services Contract with attorney Victor Calzaretta in an amount not to exceed \$7,500.



## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Authorize the City Attorney to Enter into a Professional Services Contract with Outside Counsel to Provide Legal Consultation.

**FOR AGENDA OF:** 02-26-07 **BILL NO:** 07039

**Mayor's Approval:** *Bob Drake*

**DEPARTMENT OF ORIGIN:** City Attorney *AK*

**DATE SUBMITTED:** 02-20-07

**CLEARANCES:** Finance *PO Chair*

**PROCEEDING:** Consent Agenda  
(Contract Review Board)

**EXHIBITS:** None

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$5,000	BUDGETED \$0-00*	REQUIRED \$5,000*

\*Account No. 001-50-0581-511 General Fund – City Attorney Program – Professional Services Account. The FY 2006-2007 budget includes \$9,000 for various professional services. To date, \$5,600 has been expended and \$3,400 is committed for future expenditures. The \$5,000 additional appropriation is available from the General Fund's Contingency Account and this amount is recommended to be included in the next supplemental budget.

### **HISTORICAL PERSPECTIVE:**

The City Attorney occasionally seeks advice from experts in their various fields.

### **INFORMATION FOR CONSIDERATION:**

The City Attorney is seeking legal advice in response to a complaint to the Bureau of Labor and Industries.

### **RECOMMENDED ACTION:**

Authorize the City Attorney to enter into a Professional Services Contract with Chrys Martin of the Bullivant Houser Bailey lawfirm in an amount not to exceed \$5,000 and direct the Finance Director to include the \$5,000 additional appropriation in the next Supplemental Budget.



## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Resolution of *Nike v. City of Beaverton*  
Litigation.

**FOR AGENDA OF:** 02-26-07 **BILL NO:** 07040

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** City Attorney 

**DATE SUBMITTED:** 02-20-07

**CLEARANCES:** Finance 

**PROCEEDING:** Action

**EXHIBITS:**

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$175,816.00	BUDGETED \$400,000*	REQUIRED \$-0-

\* Account Number 706-40-0010-483 Insurance Agency Fund - General Liability Coverage Program - External Litigation Expense Account. The Amount Budgeted was established through Supplemental Budget S-07-1 approved on November 16, 2006, and the \$400,000 figure represented staff's estimate of the maximum exposure that could have existed at that time.

### **HISTORICAL PERSPECTIVE:**

Nike sued the City of Beaverton seeking the electronic records on the home computers of the Mayor and Councilors. Nike suspected the City had engaged in illegal private meetings. To resolve the matter, the City offered the Mayor and Council President's home computers. Nike examined the contents of those computers. No evidence of any illegal public meetings was found. The judge assessed costs against Nike for that case and did not award any attorney fees in the case. Nike also sued the City seeking electronic records under the City's control. The City offered up all non-exempt electronic public records but the City did not have an efficient search software and Nike demanded that a computer forensic expert be brought in. On the judge's order, Kroll Ontrack was retained and the electronic documents were searched and provided to Nike. Nike convinced the judge that one document, a draft document that talked about annexations in general, and recommended that the City should not annex Nike, should have been turned over earlier. Nike sought \$436,000 in attorney fees and was awarded \$175,000 plus \$816 in court costs.

### **INFORMATION FOR CONSIDERATION:**

Considerable time and money has been spent in this litigation. On appeal additional time and money would need to be expended to resolve issues regarding the procedures in public records requests. The City Attorney informed Nike that the City would not seek an appeal if Nike did not seek an appeal. Nike has expressed its interest in resolving this case and has stated that it will not appeal if it receives payment before the end of the appeal period which has been agreed upon as March 8, 2007.

### **RECOMMENDED ACTION:**

Authorize payment of the judgment.



## AGENDA BILL

### **Beaverton City Council Beaverton, Oregon**


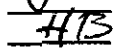
**SUBJECT:** An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Six Properties Located in Central Beaverton; CPA 2006-0017/ZMA 2006-0023

**FOR AGENDA OF:** 02/26/07 **BILL NO:** 07041

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 02/13/07

**CLEARANCES:** City Attorney   
Planning 

**PROCEEDING:** First Reading

**EXHIBITS:** 1. Proposed Ordinance and Exhibit A – Map depicting recommended amendments  
Exhibit B - 12/21/06 Staff Report  
Exhibit C - 1/10/07 Memo  
Exhibit D - 1/19/07 Memo  
Exhibit E - 1/24/07 Memo  
Exhibit F - 1/24/07 Memo  
2. Planning Commission Final Order No. 1938

### **BUDGET IMPACT**

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

### **HISTORICAL PERSPECTIVE:**

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning Map designations for six properties, replacing the Washington County land use designation. One of the properties was annexed October 9, 2001 and the remaining five parcels were annexed March 1, 2005. The original proposal included a total of 13 properties, seven less than are recommended. The parcels are located north of SW Millikan Way, both north and south of the Light Rail Transit line, and between SW Murray Boulevard and SW Hocken Avenue. All of the tax lots fall within the County's Citizen Participation Organization 1 and are not included in any Beaverton Neighborhood Association Committee boundaries.

All 13 parcels of the original recommendation are within a station community as identified on the County's "Station Community Boundaries" map under *Policy 40, Regional Planning Implementation* of the County's *Comprehensive Framework Plan for the Urban Area*, and are designated County Industrial on the County's Cedar Hills – Cedar Mill Community Plan with an Interim Light Rail Station Area Overlay District. The original Staff Report recommendation was to implement the City's Station Community (SC) land use map designation and the City's Station Community – Employment (SC-E) zoning district for the 13 parcels. Further review of the proposal and discussions with property owners led staff to a second recommendation. The second staff recommendation, approved by the Planning Commission, is to approve, in part, and deny, in part, the original Staff Report recommendation, as follows:

CPA2006-0017 is approved in part implementing the Station Community (SC) Land Use Map designation for Tax Lots 1S109CB00300, 1S109CC04400, 1S109CD00300, 1S109CD00400, 1S109CD00500, and 1S109DC00800 and denied in part for Tax Lots 1S109CB00100, 1S109CB00200, 1S109CB00600, 1S109CB00700, 1S109CD00100, 1S109CD00200, and 1S109DC00700 based on the findings of the Planning Commission on January 24, 2007.



ZMA2006-0023 is approved in part implementing the Station Community – Employment (SC-E) Zoning Map designation Sub area 1 for Tax Lots 1S109CB00300, 1S109CC04400, 1S109CD00300, 1S109CD00400, and 1S109CD00500, and implementing the Station Community – Employment (SC-E) Zoning Map designation Sub area 3 for Tax Lot 1S109DC00800 and denied in part for Tax Lots 1S109CB00100, 1S109CB00200, 1S109CB00600, 1S109CB00700, 1S109CD00100, 1S109CD00200, and 1S109DC00700 based on the findings of the Planning Commission on January 24, 2007.

The City Land Use Map and Zoning Map designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

**INFORMATION FOR CONSIDERATION:**

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

**RECOMMENDED ACTION:**

First Reading



ORDINANCE NO. 4424

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR SIX PROPERTIES LOCATED NORTH OF MILLIKAN WAY, EAST OF MURRAY BOULEVARD, WEST OF HOCKEN AVENUE, AND ALONG EITHER SIDE OF THE WEST SIDE LIGHT RAIL TRACKS; CPA2006-0017/ZMA2006-0023

- WHEREAS,** One property was annexed under Ordinance 4181 and five properties were annexed under Ordinance 4340, thus the properties are being redesignated in this ordinance from Washington County's land use designation to City of Beaverton designations; and
- WHEREAS,** Since the UPAA is not specific on the appropriate designations for these parcels, this is a discretionary land decision and, therefore, a public hearing was held by the Planning Commission January 24, 2007. The Planning Commission voted to recommend approval, in part, and denial, in part, CPA2006-0017/ZMA2006-0023 as described in their Final Order No. 1938; and
- WHEREAS,** The Council incorporates by reference the Community Development Department staff report, dated December 21, 2006, and four memoranda, dated January 10, 2007, January 19, 2007, January 24, 2007, and January 24, 2007 by Associate Planner Leigh Crabtree as to criteria applicable to this request and findings thereon; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

- Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties on Map and Tax Lots 1S109CB00300, 1S109CC04400, 1S109CD00300, 1S109CD00400, 1S109CD00500, and 1S109DC00800 Station Community (SC), as shown on Exhibit "A".
- Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate properties on Map and Tax Lots 1S109CB00300, 1S109CC04400, 1S109CD00300, 1S109CD00400, and 1S109CD00500 Station Community – Employment (SC-E) Sub area 1, as shown on Exhibit "A".
- Section 3.** Ordinance No. 2050, the Zoning Map, is amended to designate the property on Map and Tax Lot 1S109DC00800 Station Community – Employment (SC-E) Sub area 3, as shown on Exhibit "A".

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.



Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

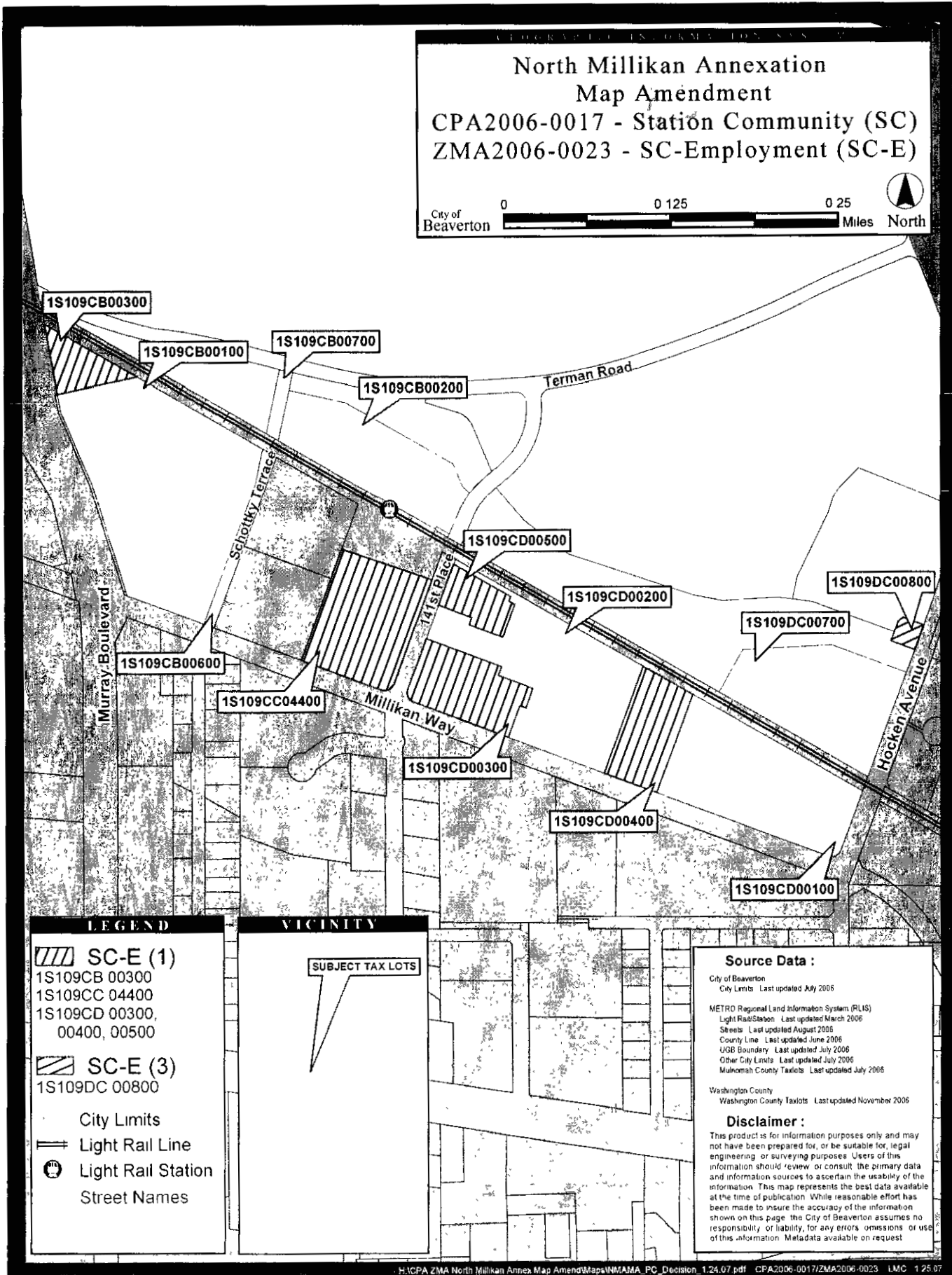
ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor









## CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

### STAFF REPORT

**TO:** Planning Commission

**AGENDA DATE:** January 10, 2007 **REPORT DATE:** 12/21/2006

**FROM:** Leigh M. Crabtree, Associate Planner

**APPLICATION:** CPA2006-0017  
(North Millikan Annexation Land Use Map Amendment)  
ZMA2006-0023  
(North Millikan Annexation Zoning Map Amendment)

**LOCATION:** The parcels are located north of SW Millikan Way, both north and south of the Light Rail Transit line, and between SW Murray Boulevard and SW Hocken Avenue. The parcels are identified on Tax Map 1S109CB as Tax Lots 00100, 00200, 00300, 00600, 00700; on Tax Map 1S109CC as Tax Lot 04400; on Tax Map 1S109CD as Tax Lots 00100, 00200, 00300, 00400, 00500; and on Tax Map 1S109DC as Tax Lots 00700, 00800.

**NEIGHBORHOOD ASSOCIATION:** Washington County CPO 1  
No City Neighborhood Association Committee

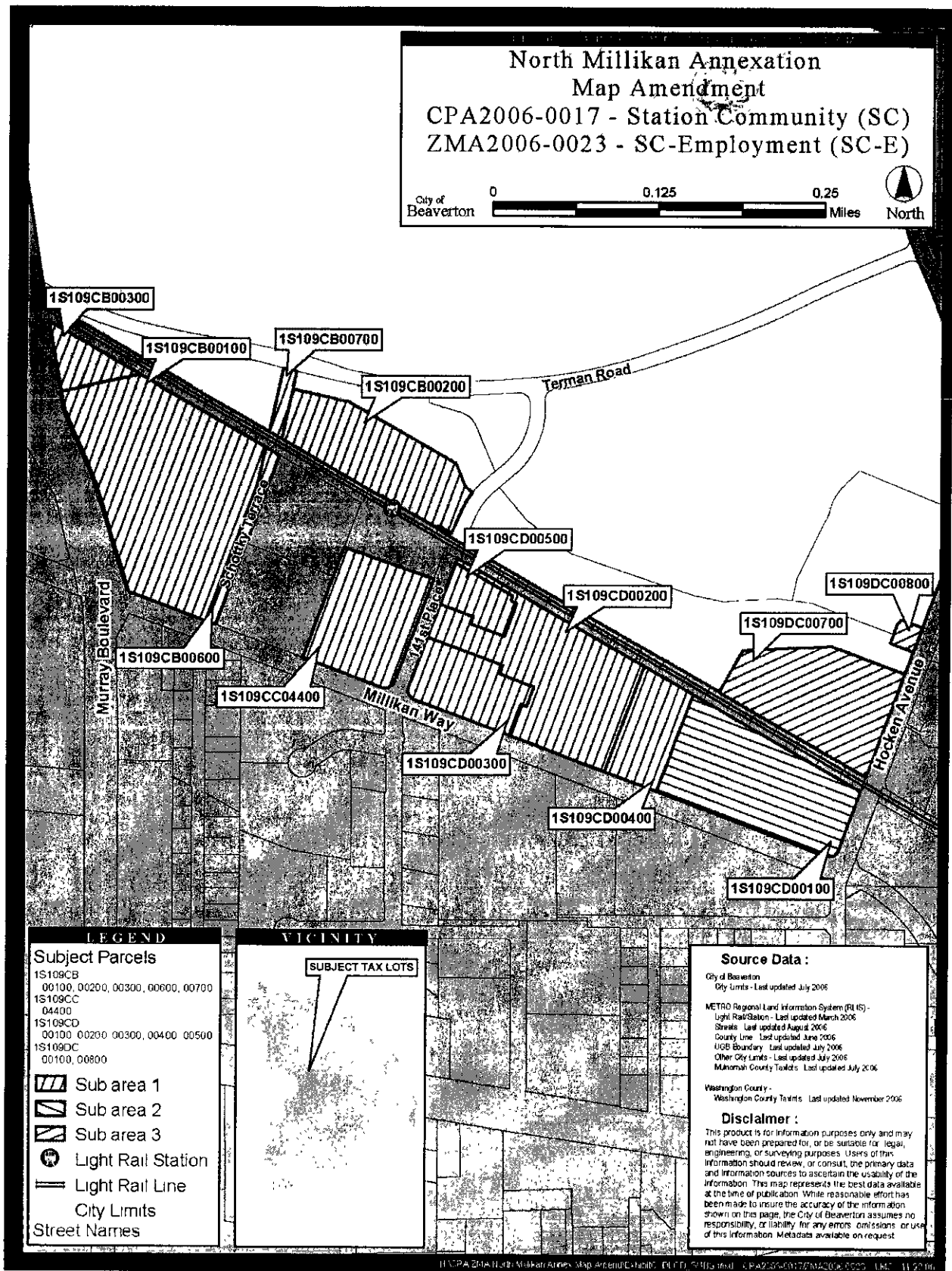
**REQUEST:** Apply the City's Station Community (SC) land use map designation and the City's Station Community – Employment (SC-E) zoning district to thirteen parcels. Apply Sub area 1 to ten parcels, Sub area 2 to one parcel, and Sub area 3 to two parcels.

**APPLICANT:** City of Beaverton Community Development Director

**APPROVAL CRITERIA:** Comprehensive Plan Section 1.3.1 and the Development Code Section 40.97.15.4.C

**RECOMMENDATION:** Adopt a final order recommending that City Council adopt an ordinance applying the Station Community (SC) land use designation and the Station Community – Employment (SC-E) zoning district to the 13 parcels, with 10 parcels within Sub area 1, one parcel within Sub area 2 and two parcels within Sub area 3.







## BACKGROUND

CPA2006-0017 proposes amendment of the Land Use Map and ZMA2006-0023 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning for one parcel annexed in October 2001 and twelve parcels annexed in February 2005. Each of the thirteen parcels has continued to carry the Washington County Industrial District designation, as depicted on the County's *Cedar Hills – Cedar Mill Community Plan* map (Attachment 3), since the time of annexation. The subject parcels also carry the designation of a station community as identified on the County's "Station Community Boundaries" map (Attachment 2).

## EXISTING CONDITIONS

**Uses.** Staff performed a field survey of uses that occupy the subject parcels. The field survey was followed by internet and telephone research to determine the exact nature of the businesses located upon the parcels. The identified uses are noted in the following table. Generally, the uses observed include service industries, manufacturing with associated distribution, recreation, small-scale wholesaling, high tech industry activity, offices, corporate headquarters, parking, utility stations, and combinations thereof.

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

MAP/TAX LOT	ADDRESS	ACREAGE
EXISTING LAND USES		
1S109CB00100	14523 SW MILLIKAN WAY OFFICE, SERVICES, MANUFACTURING, RECREATION. Document storage and retrieval system; Interactive Displays / Table & Benches; Legal Services (tech, advertising, etc.); Lakeside Volleyball Club; Loan Servicing / Real Estate -Office Use	10.73
1S109CB00200	NO ADDRESS PARKING. accessory use for Tax Lot 1S109CB00100 & accessory use to a transit station	4.45
1S109CB00300	WETLAND TRACT Beaverton Creek	1.01
1S109CB00600	RIGHT-OF-WAY SW Schottky Terrace	0.72
1S109CB00700	RIGHT-OF-WAY SW Schottky Terrace	0.32
1S109CC04400	14179 SW MILLIKAN WAY SERVICES, MANUFACTURING, RECREATION. Musician studios & Event space; Mental illness and addiction services; Wholesale furniture sales	4.02
1S109CD00100	13475-13555 SW MILLIKAN SERVICE, MANUFACTURING, WAREHOUSING. Property maintenance services; Sensing, measurement and inspection for electronics and semiconductor equipment; Automotives sales services, major or minor; storage for additional inventory.	6.05
1S109CD00200	13955 SW MILLIKAN WAY MANUFACTURING, DISTRIBUTION. Portable power systems, batteries, distribution	6.44



MAP/TAX LOT	ADDRESS EXISTING LAND USES	ACREAGE
1S109CD00300	13979 SW MILLIKAN WAY MANUFACTURING, DISTRIBUTION. Science education technologies	2.45
1S109CD00400	13725 SW MILLIKAN WAY MANUFACTURING, DISTRIBUTION. Elite Plastics manufacturing	2.16
1S109CD00500	3500 SW 141ST PLACE POWER COMMUNICATION STATION. Substation	1.06
1S109DC00700	3725 SW HOCKEN AVE MANUFACTURING, SERVICES, DISTRIBUTION. Electronics manufacturing services	5.14
1S109DC00800	NO ADDRESS PUMP STATION. Pump station	0.23
TOTAL ACRES		44.78

**Character.** Seven of the 13 subject parcels have been developed with structures that are occupied by employees on a daily basis. The structures are one, two and three story buildings, typically of tilt-up style construction. Each of these developed properties provides surface parking for visitors and employees. Most buildings are designed with loading facilities, many of which are not utilized and have been converted to parking spaces. If landscaping has been provided within a site, it is usually limited to the perimeter of the site or along the façade of the building. The street pattern around and amongst the subject parcels is a modified grid with four north-south oriented streets (Hocken Avenue, 141<sup>st</sup> Place, Schottky Terrace, and Murray Boulevard) and two east-west oriented streets (Millikan Way and Terman Road). Light rail service runs east-west between the two east-west oriented streets and among the properties. A light rail station and two park-n-ride lots are located between 141<sup>st</sup> Place and Schottky Terrace.

**Natural Resources.** Washington County's *Cedar Hills – Cedar Mill Community Plan* map depicts two types of significant natural resources in the area of the subject parcels, *Water Areas and Wetlands & Fish and Wildlife Habitat* and *Wildlife Habitat*. The depicted *Water Areas and Wetlands & Fish and Wildlife Habitat* is Beaverton Creek and the depicted *Wildlife Habitat* includes portions of land following Beaverton Creek. Beaverton Creek flows from east to west from the uplands, under Hocken Avenue, along the southern boundary of Tax Lot 1S109DC00800 and the northern boundary of Tax Lot 1S109DC00700, along the northern boundary of Tax Lot 1S109CB00200, under Tax Lot 1S109CB00700, and through Tax Lot 1S109CB00300 before crossing under Murray Boulevard and continuing through the valley.



## ANALYSIS

### COMPATIBILITY OF DESIGNATIONS

**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 (Attachment 2) 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." Metro's *2040 Regional Urban Growth Concept Map* (Attachment 1) depicts the area of the subject parcels as Station Community Core and Station Community regional designations. The following is the Washington County *Policy 40* description of the station community design type:

"Station Communities generally include areas that are adjacent to, or within easy walking distance of light rail stations. Along with Regional Centers and Town Centers, Station Communities are home to the most intensive land uses. These are generally designated for higher density transit supportive uses. The primary uses include retail and service businesses, offices, mixed-use projects, higher density housing, and rowhouses. Station communities will evolve into higher intensity areas that are focal points of public transit."

**City of Beaverton Station Community Development land use designation.** Section 3.8 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* details the City's Station Community land use designation. Two goals are identified for the Station Community designation, as follows:

- "3.8.1 Goal: Station Communities that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept." and
- "3.8.2 Goal: Develop Station Communities with sufficient intensities to generate light rail ridership and around-the clock activity."

The policies of Section 3.8.1 include the geographical determination that Station Community land use designations are to be applied, "generally within one mile of light rail station platforms" and that the *South Tektronix Station Community Plan Area* is one of six Community Plans to be adopted.

In 2000, the City implemented the *South Tektronix Station Community Community Plan* (South Tek). At the time of adoption, the geographical area around the Millikan light rail station that was within the boundaries of the City included the area south of Millikan Way, north of Tualatin-Valley Highway and between Cedar Hills Boulevard and Murray



Boulevard. Since 2000 the City has expanded the South Tek area as a result of previous annexations to include the light rail station and tracks and two properties between Millikan Way and the light rail track along the east side of Schottky Terrace. The subject parcels are located north of Millikan Way, along both sides of the light rail tracks, between Hocken Avenue and Murray Boulevard; this location is well within the South Tek area.

Both the County and City Station Community designations for this area are in line 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 Industrial District designation.** The subject parcels are also designated Industrial on the County's Cedar Hills – Cedar Mill Community Plan. Section 320-1 of the *Washington County Community Development Code* states that,

"The intent and purpose of this district is to provide sites for all types of industrial uses, to provide for the recognition and regulation of existing industrial sites and to provide the regulatory framework for future industrial development, as well as to allow some commercial, office and service uses as accessory uses through mixed use developments where all uses conform to the environmental performance standards of Section 423."

The UPAA excerpt, below, specifies that the County's Industrial designation is equivalent to the City's Industrial Park (IP), Campus Industrial (CI), and Light Industrial (LI) plan designations.

WASHINGTON COUNTY – BEAVERTON URBAN PLANNING AREA AGREEMENT		
EXHIBIT "B"		
CITY – COUNTY LAND USE DESIGNATION EQUIVALENTS		
COUNTY	BEAVERTON	
<u>Plan/Zoning</u>	<u>Plan</u>	<u>Zoning</u>
Industrial	Industrial Park	IP
	Campus Industrial	CI
	Light Industrial	LI

Yet, the subject parcels are not within the Industrial Areas design type as identified on the County's "Industrial Area Boundaries" map under *Policy 40, Regional Planning Implementation of the Washington County Comprehensive Framework Plan for the Urban Area*. Therefore, it can be concluded that the intended long term development of the subject parcels is within the Station Community design type.



**City of Beaverton Industrial land use designation.** In 2002 the City's three Comprehensive Plan Industrial land use designations were collapsed into a single Industrial designation. Section 3.12 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* describes the City's Industrial Area land use designation. The policies of Section 3.12 include application of, "the Industrial Area land use designation consistent with the 2040 Regional Urban Growth Concept Map." Metro's *2040 Regional Urban Growth Concept Map* (Attachment 1) does not depict Industrial Areas within the area of the subject parcels.

**Summary.** Metro's Station Community Core and Station Community regional *2040 Regional Urban Growth Concept Map* (Attachment 1) designations for the subject parcels coupled with Washington County's Station Community design type designation for the subject parcels and the City's *South Tektronix Station Community Community Plan* (Attachment 4) designation for the subject parcels leads staff to determine that the most appropriate City land use designation for the subject parcels is Station Community (SC).

## **APPLICABLE ZONING DISTRICTS**

The implementing zoning districts for the City's Station Community (SC) land use designation are: Station Area Medium Density Residential (SA-MDR), Station Area – Multiple Use (SA-MU), Station Community – High Density Residential (SC-HDR), Station Community – Employment (SC-E), and Station Community – Multiple Use (SC-MU). Properties within and around the subject parcels implement SC zoning as follows: SC-HDR is predominant south of Millikan, SC-E has been applied to two properties abutting four of the subject parcels, and SC-MU has been applied to the light rail station property and properties south of Millikan and east of Murray. Of these zones, the SC-E zoning district is the most appropriate SC zone for the subject parcels, as it creates the fewest non-conforming uses.

Additionally, the SC-E zoning designation carries three Sub area designations, as follows,

"The sub areas are located so the most intense development will occur adjacent to a light rail station or along a Major Pedestrian Route. Sub area 1 is generally located within one quarter mile of a light rail station. Sub area 2 is generally located along a Major Pedestrian Route within one half mile of a light rail station. Sub area 3 generally applies to land that is not adjacent to a LRT station and is developed with uses that are generally industrial in character but may have redevelopment potential."

Staff used Geographic Information System (GIS) mapping to analyze the distance of parcels from the light rail station and from Millikan Way, the closest Major Pedestrian Route (MPR). The analysis concluded that ten of the parcels are within range of



consideration for Sub area 1, one parcel is suitable for Sub area 2, and two parcels fit the description of Sub area 3, as follows:

SUB AREA	MAP/TAX LOT	ACREAGE	SUB AREA ACREAGE
1	1S109CB00100	10.73	33.36
	1S109CB00200	4.45	
	1S109CB00300	1.01	
	1S109CB00600	0.72	
	1S109CB00700	0.32	
	1S109CC04400	4.02	
	1S109CD00200	6.44	
	1S109CD00300	2.45	
	1S109CD00400	2.16	
	1S109CD00500	1.06	
2	1S109CD00100	6.05	6.05
3	1S109DC00700	5.14	5.37
	1S109DC00800	0.23	
TOTAL ACRES			44.78

Overall, the uses and businesses located upon the subject parcels reflect uses allowed within the SC-E zoning district. However, two of the parcels contain uses that are considered prohibited within the SC-E zoning district:

- 1S109CB00100 (14523 SW Millikan Way)

The Courts (i.e. Lakeside Volleyball Club) is an indoor court facility for volleyball and/or basketball. The *Development Code of the City of Beaverton* prohibits, "Commercial indoor or outdoor recreation and amusement services and facilities" per Section 20.20.25.2.C.6. Additionally, the *Washington County Community Development Code* does not allow for recreation facilities within the Industrial District unless it is, "solely for employees of a permitted development," per Section 320-2.4 or is one of the following, "Stadiums, arenas and exhibition halls when developed through a planned Development," per Section 320-4.3. Neither of the Washington County permitted options apply to this current use. Staff's research did reveal that that the tenant received its building permits from Washington County just prior to annexation. Therefore, applying the SC-E zone to the subject parcel will not create a new non-conforming use, as the use was non-conforming under County regulations.
- 1S109CD00100 (13475-13555 SW Millikan Way)

Sunset Imports is an automotive sales company. The primary location for the company is 4050 SW 139th Way. This secondary location on Millikan Way is used for additional inventory storage and servicing. The *Development Code of the City of Beaverton* prohibits, "Automotive sales and services, Minor and Major," per Section 20.20.25.2.C.1 as well as prohibits, "Motor vehicle... sales, leasing, rental or storage unless otherwise permitted in this section," per Section 20.20.25.2.C.20. In speaking with County staff, it has been determined that this type of use has historically been allowed within the County's Industrial District, although the use is



not specifically listed as permitted in the district. Application of the SC-E zoning district to this parcel will create a non-conforming use.

#### **COUNTY RESPONSIBILITY TO NOTIFY**

Special Policy II.A. of the UPAA states in part, "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has not advised the city of adopted policies which may apply to the annexed area.



## PROCESS

### THRESHOLD

The subject properties are all designated on the County's *Cedar Hills – Cedar Mill Community Plan* map (Attachment 3) as Industrial, which, in a non-discretionary process, would require implementation of the City's Industrial land use designation under the *Urban Planning Area Agreement* (UPAA). However, the location of the subject parcels in relation to the Millikan light rail station, Metro's *2040 Regional Urban Growth Concept Map* (Attachment 1), the County's "Station Community Boundaries" map (Attachment 2) under *Policy 40*, and the City's Station Community land use designation and *South Tektronix Station Community Plan* (Attachment 4) leads staff to determine that the Station Community land use designation is the appropriate designation for the parcels. Therefore, the City will need to use discretion in determining whether or not to apply the Station Community (SC) land use designation and Station Community – Employment (SC-E) zoning district to the subject parcels.

**Comprehensive Plan Process.** Due to annexation of the subject parcels and the discretionary nature of the proposal, review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Discretionary Quasi-Judicial Annexation Related Map Amendment per *Comprehensive Plan* Section 1.3.

**Development Code Process.** Due to annexation of the subject parcels and the discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.4.A that states, "An application for Discretionary Annexation Related Zoning Map Amendment shall be required when the following threshold applies:

- "1. The change of zoning to a City zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation."

### PROCEDURE TYPE

The Type 3 procedure and process applies to Discretionary Quasi-Judicial Annexation Related Map Amendment applications as described in Section 1.3 of the Comprehensive Plan and Discretionary Annexation Related Zoning Map Amendment applications per Section 50.45 of the Development Code.



## **SUBMISSION REQUIREMENTS**

According to Development Code Section 40.97.15.4.D. an application for a Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. Because the annexations of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4340.

## **PUBLIC NOTICE**

Section 1.3.4.3 of the Comprehensive Plan prescribes the notice requirements for Comprehensive Plan Discretionary Quasi-Judicial Annexation Related Map Amendment applications. Notice must be mailed to the State Department of Land Conservation and Development (DLCD), Metro, the appropriate Beaverton Neighborhood Association Committee Chair or County-recognized Citizen Participation Organization and the Chair of the Committee for Citizen Involvement at least 45 days prior to the initial hearing. At least 20 and not greater than 40 days from the hearing, notice must be mailed to the affected property owners and surrounding property owners within 500 feet, posted in three conspicuous places in the city, and published in a local newspaper.

Additionally, the City Charter requires mailing notice of the public hearing by certified mail to all owners of record of the subject parcels at least 30 days in advance for a Zoning Map Amendment.

In response to these requirements:

1. On November 22, 2006 notice was mailed to DLCD, Metro, Washington County Land Use and Transportation, the Washington County Extension Office for CPO1, the Chair of the Beaverton Committee for Citizen Involvement (CCI), and the City of Beaverton Neighborhood Office.
2. On December 8, 2006 and again on December 11, 2006, with a map correction, notice was mailed to the owners of the subject properties by certified mail. On the same dates notice was mailed to owners of surrounding properties within 500 feet of the subject parcels.
3. On December 21, 2006 legal notice is to be published in the Beaverton Valley Times.

Neither the City Council nor the Planning Commission has directed staff to provide additional notice for this amendment beyond the notices described above. However, notice and this staff report will be posted on the City of Beaverton's public web site. The notice requirements for this CPA/ZMA will be met.



## CRITERIA FOR APPROVAL

### COMPREHENSIVE PLAN AMENDMENT CRITERIA

Section 1.3.1 of the Comprehensive Plan outlines the minimum criteria for amendment decisions, as follows:

**1.3.1.1. *The proposed amendment is consistent and compatible with relevant Statewide Planning Goals;***

Of the 19 Statewide Planning Goals, One, Two, Nine, Eleven and Twelve are applicable to the proposed map amendment.

**GOAL ONE: PUBLIC INVOLVEMENT**

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

This proposed amendment is subject to the public notice requirements of the City Charter and Comprehensive Plan Section as described in the previous section of this report on process.

At the hearing, the Planning Commission considers written comments and oral testimony before they make a decision. The amendment procedures outlined in Comprehensive Plan Section 1.3 allow for proper notice and public comment opportunities on the proposed Comprehensive Plan amendment as required by this Statewide Planning Goal. As noted above, these procedures have been followed.

**Finding: Staff finds that the City, through its Charter, Comprehensive Plan and adherence to State statutes, has created proper procedures to insure citizens the opportunity to provide input into the proposed Comprehensive Plan Land Use Map amendment and that the City has complied with those procedures.**

**GOAL TWO: LAND USE PLANNING**

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

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps in a three-part report (Ordinance 1800) along with implementation measures, including implementation of the Development Code (Ordinance 2050) in the late 1980's. 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. In 1989, the City and Washington County adopted the Urban Planning Area Agreement (UPAA), which is now section 3.15 of the Comprehensive Plan. The land use planning processes and policy framework described in the UPAA, Development Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments.

As noted earlier in this report, the County's own plans for the subject parcels and the surrounding area did not include continued Industrial zoning. Earlier in this report staff analyzed Washington County's *Policy 40 Station Community design type designation*, the City's Comprehensive Plan *South Tektronix Station Community Community Plan* designation, and Metro's Station Community Core and Station Community regional *2040 Regional Urban Growth Concept Map* designations for the subject parcels along with the prevailing characteristics of the subject parcels. The analysis led staff to determine that the most appropriate City land use designation for the subject parcels is Station Community (SC).

**Finding: Staff finds that in applying the state acknowledged Comprehensive Plan provisions to this proposal, the requirements of Goal 2 have been met.**

#### 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 indicated in the Compatibility of Designations analysis section of this report, the City, the County, and Metro established long-term Station Community plans for the subject parcels and surrounding area in response to establishment of the Tri-County Metropolitan light rail line and station located among the subject parcels. In establishing the Station Community concept, the County and the City fulfilled the intent of Metro's *2040 Concept*. The County and City also identified the future development potential of the subject parcels and surrounding area to their highest and best use with respect given to the established uses of the area. Given that both the County's and the City's 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 Employment Comprehensive Plan Map Land Use designation to the subject properties as complying with the intentions expressed in Goal 9.



**Finding: Staff finds that in establishing Station Community planning standards, Washington County and the City of Beaverton provided adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. This amendment complies with Goal 9 of the Statewide Goals.**

**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 line rail line with a light rail station in the subject area was the essential step toward Metro's 2040 Concept Station Community designation, the County's Policy 40 Station Community designation and development of the City's Comprehensive Plan South Tektronix Station Community Community Plan.

**Finding: Staff finds that applying the City's Station Community Land Use Map Designation to the subject parcels satisfies the provisions expressed in Oregon's Goal 11.**

**GOAL 12: TRANSPORTATION**

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

A crucial motivation in establishing the Station Community concept 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 concept 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.

**Finding: Staff finds that applying the City's Station Community Land Use Map Designation to the subject parcels satisfies the provisions expressed in Oregon's Goal 12.**



### 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 Millikan light rail station within one-half mile of any one of the parcels. Also, the City's Station Community land use designation provides opportunities for higher intensity redevelopment of the parcels. Coupled together, the light rail station and the land use designation provide the following opportunities for energy conservation:

- use of public transportation in support of uses that locate in the subject area reduces auto-dependency,
- potential higher and better use of the subject parcels results in a higher level of transit use further reducing auto-dependency,
- potential increase in the intensity of development upon the subject parcels reduces the need to expand the Urban Growth Boundary and provide public services and utilities to areas that are currently not served, and
- As redevelopment occurs upon the parcels, the City's development review process will look toward opportunities to improve the energy efficiency of each site, whether regulatory or voluntary.

### 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 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES*

#### *GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY*

#### *GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS*

The natural resources located within the subject area, Beaverton Creek and associated corridor, have been protected through approval of prior developments. Any redevelopment will be subject to a higher level of protection than previously required. Therefore, these goals are not applicable to this proposal.

#### *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 10: HOUSING*

The subject parcels currently do not provide housing. The Station Community land use designation does allow for housing in two of the three implementing zoning districts.



However, the Station Community – Employment zone, proposed for implementation, does not allow for construction of new housing. Therefore, there will be not net gain or loss of housing and Goal 10 is not applicable.

**GOAL 14: URBANIZATION**

The proposal does not include a request to establish or change the Urban Growth Boundary. Therefore, this goal is not applicable.

**GOAL 15: WILLAMETTE GREENWAY**

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

**GOAL 16: ESTUARINE RESOURCES,**

**GOAL 17: COASTAL SHORELANDS,**

**GOAL 18: BEACHES AND DUNES,**

**GOAL 19: OCEAN RESOURCES**

Apply to oceanic or coastal resources. The City of Beaverton is over 80 miles from coastal resources; therefore, these goals do not apply in the City of Beaverton.

**Finding: Staff finds that Goals Three, Four, Five, Six, Seven, Eight, Ten, and Fourteen through Nineteen are not applicable to this application.**

**Summary Finding:**

**Staff finds that the City and Washington County have established a land use planning process and policy framework as a basis for assigning land use and zoning designations for recently annexed land. This amendment complies with Goals One, Two, Nine, Eleven, Twelve and Thirteen. Criterion 1.3.1.1. is satisfied.**

**1.3.1.2. *The proposed amendment is consistent and compatible with Metro Regional Urban Growth Goals and Objectives and the Metro Regional Framework Plan;***

The City is only required to address provisions in the Urban Growth Management Functional Plan (UGMFP), which is an Element of the Framework Plan. Section 3.07.830 of 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 (Attachment 1) designates the parcels included in this proposal under the Station Community Core or



Station Community Area (Station communities) design type. Section 3.07.130 of 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." The subject parcels are within one-half mile of the Millikan Way light rail station.

Washington County adopted the Station Community design type into *Policy 40* of their *Comprehensive Framework Plan for the Urban Area* and the City adopted the Station Community land use map designation and *South Tektronix Station Community Plan* 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).

**Finding:** The Station Community land use map designation is compatible with Metro's Station Communities design type. The proposed amendment is simply to apply these designations to the subject properties. Criterion 1.3.1.2. is satisfied.

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

Applicable Comprehensive Plan procedures are found in Sections 1.3 (Amendment Procedures) and 2.6.3 (Annexation Related Map Amendments). These Sections require annexation related Comprehensive Plan Map and Zoning Map amendments that are non-discretionary align with the UPAA. This proposal is following a discretionary review due to the lack of UPAA acknowledgement of the Station Community land use designation. Staff provided analysis in this report to determine which Comprehensive Plan Land Use Map designation will be most appropriate for the subject parcels, 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.

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

**Finding:** This amendment is consistent with the Urban Planning Area Agreement and therefore Criterion 1.3.1.3. is met.

***1.3.1.4. Potential effects of the proposed amendment have been evaluated and will not be detrimental to quality of life, including the economy, environment, public health, safety and welfare;***



It is the intent of the UPAA to provide for a smooth transition from County designations to City designations. The City is to identify a designation(s) that most closely approximates the County's designation(s) and establish the terms of related amendments subsequent to annexation. The premise of the UPAA is to provide a mechanism that coordinates comprehensive planning efforts between the jurisdictions in order to minimize impacts that would be detrimental to quality of life, including the economy, environment, public health, safety or welfare. Staff analyzed numerous aspects of the proposal and found no significant impacts. To the contrary, property owners may benefit from the application of the Station Community designation to their parcels, as it provides additional options for redevelopment. Additionally, City employees are more familiar with City regulations than County regulations for land development, therefore, applying to the City for development review will be facilitated by implementation of City land use designations and zoning.

**Finding: Staff finds that the proposed amendments will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare. Criterion 1.3.1.4 is met for the proposed amendment.**

***1.3.1.5 The benefits of the proposed amendment will offset potential adverse impacts on surrounding areas, public facilities and services;***

The UPAA was developed to ensure that City designation of annexed property would have minimal impact to surrounding areas, public facilities and services. Existing public facility capacity was addressed in the prior annexation process and adequate public facility capacity for any proposed development will be addressed in the development review process. No adverse impacts on public facilities and services have been identified in connection with this proposal.

**Finding: Criterion 1.3.1.5 is met for the proposed amendment.**

***1.3.1.6 There is a demonstrated public need, which will be satisfied by the amendment as compared with other properties with the same designation as the proposed 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, at the time of annexation, will be applied.

**Finding: Criterion 1.3.1.6. does not apply to annexation related Comprehensive Plan Map or Zoning Map amendments.**



## **ZONING MAP AMENDMENT CRITERIA**

Development Code Section 40.97.15.4.C., which contains Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"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." As noted in the Process section of this report, 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 is assuming the role of the applicant in this proposed zoning map amendment. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

**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. As the County has not assigned a Transit Oriented District to the subject parcels, City staff based their comparison and identification of the most similar zoning district to the existing uses upon the subject parcels. In the Analysis section of this report, staff determined that the Station Community – Employment (SC-E) zoning district is the most appropriate SC zone for the subject parcels, as it creates the fewest non-conforming uses. As stated in the Analysis section



of this report, two uses upon two separate parcels will be considered non-conforming with approval of the proposal to apply SC-E zoning to the subject parcels.

**Finding: Staff finds that after detailed analysis and for the reasons provided in the Analysis section of this report, the Station Community – Employment zoning designation and the proposed Sub area applications most closely reflect the existing uses for all but two of the existing uses.**

- 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 Station Community design type or the City's Station Community designations. Staff examined possible impacts that might be incurred upon the subject parcels from restrictions associated with the five implementing zones for the Station Community land use designation and the City's Station Community – Employment Sub areas. Staff also assessed the County's areas of Special Concern, general design elements, specific design elements and significant natural and cultural resource designations to insure 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.***

No further applications and documents are required of this request.

**Finding: Staff find that this criterion is not applicable.**



## CONCLUSION

Based on the facts and findings in this report, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Station Community land use designation and amending the City's Zoning Map to depict the City's Station Community - Employment zoning district is appropriate for the subject parcels. Additionally, staff concludes that distribution of Station Community – Employment Sub Areas is appropriate as follows: Sub area 1 – Tax Map 1S109CB Tax Lots 00100, 00200, 00300, 00600, 00700; Tax Map 1S109CC Tax Lot 04400; and Tax Map 1S109CD Tax Lots 00200, 00300, 00400, 00500. Sub area 2 - Tax Map 1S109CD Tax Lot 00100. Sub Area 3 - Tax Map 1S109DC Tax Lots 00700, 00800.

## ATTACHMENTS

- |                     |   |
|---------------------|---|
| <b>Attachment 1</b> | Metro 2040 Growth Concept map, modified to focus on subject area  |
| <b>Attachment 2</b> | Washington County Station Communities Boundaries map, modified to focus on subject area                             |
| <b>Attachment 3</b> | Washington County Cedar Hills – Cedar Mill Community Plan Land Use Districts map, modified to focus on subject area |
| <b>Attachment 4</b> | City of Beaverton South TEK Station Community Zoning map, modified to focus on subject area                         |



# REGION 2040

Decisions for Tomorrow

## 2040 Growth Concept

The Region 2040 Growth Concept was adopted on December 14, 2000 by Ordinance No. 00-023-A and amended in the following:

Ordinance No. 00-000-C	March 6, 1997
Ordinance No. 00-000-A	July 14, 1997
Ordinance No. 00-000-B	October 2, 1997
Ordinance No. 00-000-D	July 23, 1998
Ordinance No. 00-000-E	December 17, 1998
Ordinance No. 00-000-F	December 17, 1998
Ordinance No. 00-000-G	December 17, 1998
Ordinance No. 00-000-H	December 17, 1998
Ordinance No. 00-000-I	December 17, 1998
Ordinance No. 00-000-J	December 17, 1998
Ordinance No. 00-000-K	December 17, 1998
Ordinance No. 00-000-L	June 4, 1999
Ordinance No. 00-000-M	December 16, 1999
Ordinance No. 00-000-N	December 16, 1999
Ordinance No. 00-000-O	March 2, 2000
Ordinance No. 00-000-P	September 14, 2000
Ordinance No. 00-000-Q	April 12, 2001
Ordinance No. 00-000-R	April 12, 2001
Ordinance No. 00-000-S	November 14, 2002

\* Areas brought into the Urban Growth Boundary under Ordinance Nos. 00-700-C and 00-812-A have been reamended to Metro by the Land Use Board of Appeals and approved by the Board of Appeals. These areas have been removed from the map.



100 NORTH BAY AVENUE, SUITE 100, FORT WORTH, TEXAS 76102  
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 WWW.METROPOLITAN.ORG

## LEGEND

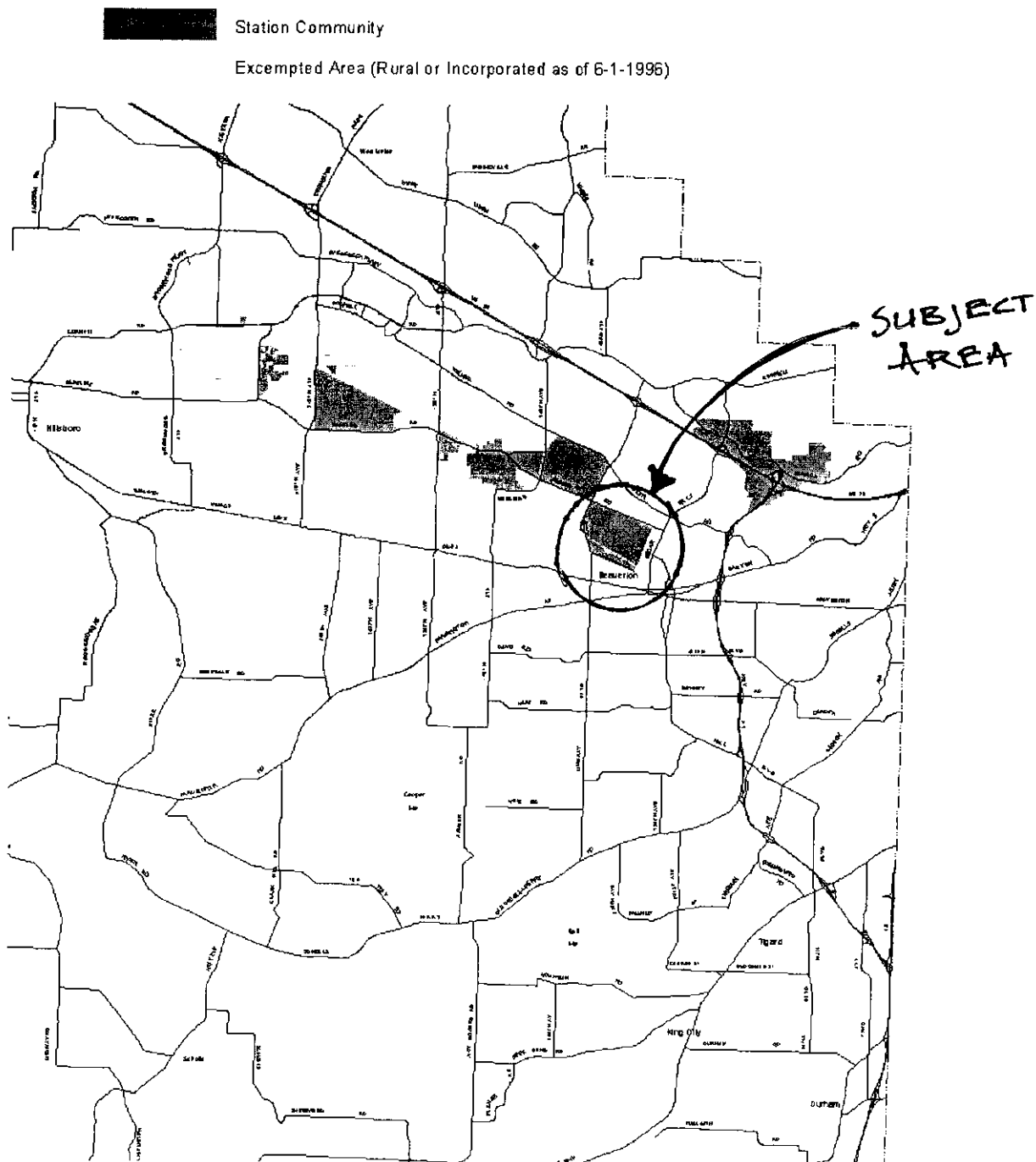
### Metropolitan Region

- Central City
- Regional Centers
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Arises
- Industrial Areas
- Corridors
- Main Streets
- Station Community
- Station Community Core
- Potential Regional Thoroughways
- Green Corridors
- Present & Existing Light Rail Lines
- Proposed Light Rail Alignments
- Potential MCT Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Townsites
- Intermodal Rail Yards
- Rail Distribution Network
- Recreation Land
- Pond Reserves
- Park
- Open Space
- Urban Growth Boundary
- Neighboring Cities

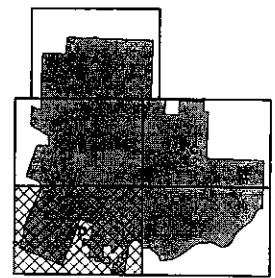
0 1 2 3 4  
 1 inch equals 1 mile



The Comprehensive Framework Plan is amended by adding the following map entitled "Station Communities Boundaries."







# Washington County Land Use Districts

- R-5
- R-6
- R-9
- R-15
- R-24
- R-25+
- TO:R9-12
- TO:R12-18
- TO:R18-24
- TO:R24-40
- TO:R40-80
- TO:R80-120
- OC
- NC
- GC
- CBD
- TO:RC
- TO:BUS
- TO:EMP
- IND
- INST
- FD-10
- FD-20

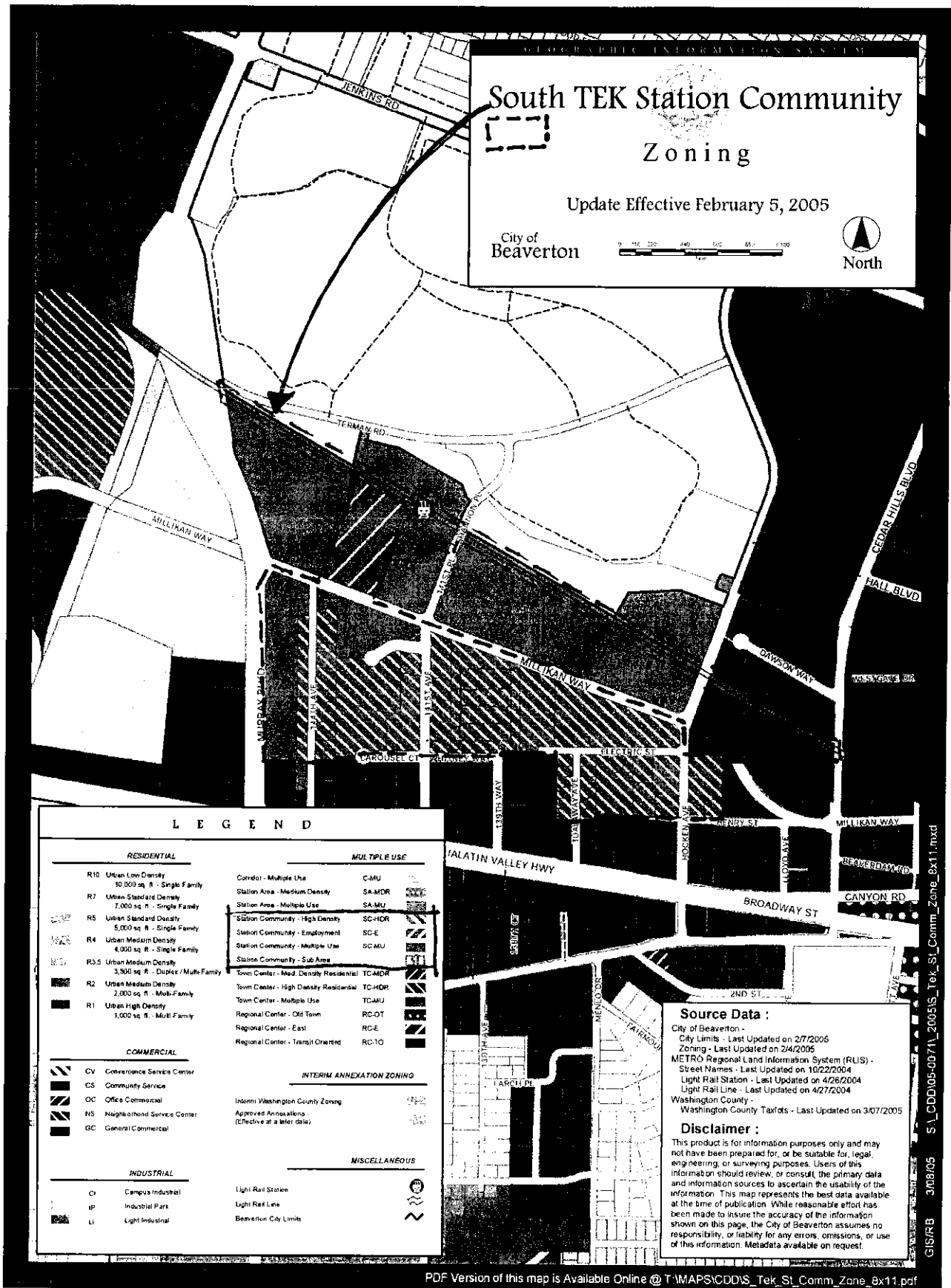


- City Boundaries
- Map Sheet Boundary
- Community Plan Boundary
- Urban Growth Boundary

Scale 1:12000  
500 250 0 250 500 1,000 Feet  
1 inch represents 1000 feet

Print Date: February 2005









**MEMORANDUM**  
**CITY OF BEAVERTON**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**PLANNING SERVICES DIVISION**

"MAKE IT HAPPEN"

**To:** Planning Commission  
**Date:** January 10, 2007  
**From:** Leigh Crabtree, Associate Planner *LMC*  
**Subject:** **CPA2006-0017 / ZMA2006-0023**  
**North Millikan Annexation Map Amendments**  
**Response to David J. Petersen, Tonkon Torp LLP Attorneys**

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Staff received the attached letter from David J. Petersen on January 9, 2007. Mr. Petersen represents Millikan Properties LLC, which owns tax lots 1S109CD00100 and 1S109DC00700, located at the northwest corner of Millikan Way and Hocken Avenue. In summary, Mr. Petersen alleges that the proposal does not satisfy Section 40.97.15.4.A.1 of the Beaverton Development Code regarding the threshold for Discretionary Annexation Related Zoning Map Amendments. Mr. Petersen states that due to the County's Industrial designation, the City cannot exercise discretion to determine the City Land Use and Zoning Map designations that are to be applied to these annexed properties per the Urban Planning Area Agreement (UPAA) between the City of Beaverton and Washington County.

---

The following is staff's response to Mr. Petersen's concerns:

The Development Code of the City of Beaverton (Code), Section 40.97.15.4.A.1. sets the following threshold for a discretionary annexation related zoning map amendment:

The change of zoning to a City zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City designation and discretion is required to determine the most similar City designation.

The UPAA does not specify a particular corresponding City designation to the County's Industrial designation. The UPAA does specify three City-County Land Use Designation Equivalents to the County's Industrial Plan/Zoning designation with the provision that:

\*\*\* Planning Director shall determine the appropriate industrial designation based upon prevailing industrial uses and the characteristics of individual activities, i.e., extensive outside storage, non conforming characteristics, etc.



Given that the, "Planning Director shall determine the appropriate industrial designation," any application to apply a City designation to County Industrial designated lands requires discretion. Therefore, this proposal satisfies Section 40.97.15.4.A.1 for Discretionary Annexation Related Map Amendments.

The City is not clear as to which of the County designations apply to the subject parcels. Since annexation, each of the thirteen parcels has continued to carry the Washington County Industrial District designation, as depicted on the County's *Cedar Hills – Cedar Mill Community Plan* map (Attachment 3 to the staff report). Additionally, since October of 2000 the subject parcels also have carried the designation of a station community as identified on the County's "Station Community Boundaries" map (Attachment 2 to the staff report) within *Policy 40, Regional Planning Implementation of the Washington County Comprehensive Framework Plan for the Urban Area*. Yet, the subject parcels are not depicted on the County's "Industrial Area Boundaries" map within *Policy 40, Regional Planning Implementation of the Washington County Comprehensive Framework Plan for the Urban Area*.

In 1991, prior to Ordinance 561, the County recognized the proximity of the subject properties to the Millikan Light Rail Station by the application of an Interim Light Rail Station Overlay District (attached). The Interim Light Rail Station Overlay District prohibited certain uses that were not deemed to be transit supportive. In 1998 the previous property owner, Tektronix, entered into a development agreement with Washington County, adopted through County Ordinance 530, which states under Recital F. that "The Campus is currently zoned Industrial under Washington County Community Development Code (CDC) 320 and is within the Interim Light Rail Station Area Overlay District regulated under CDC 381." The campus was defined in the agreement to include the subject properties. In the Section 3 of the agreement (Permitted Uses), it is stated:

Tektronix and its successors and assigns shall be allowed to use the Campus, or any part of the Campus, for the uses allowed under the current Industrial zoning under CDC 320-2 through 320-4 and the uses allowed under the TO-EMP zoning of CDC 375-4, subject to any prohibition on uses contained in CDC 320-5 (prohibited uses in Industrial zoning district), CDC 381-8 (prohibited uses in Interim Light Rail Station Overlay District), and CDC 375-5 (prohibited uses in Transit Oriented zoning districts for the TO-EMP district).

Although the agreement expired in 2006 and was only renewed for unincorporated properties owned by Tektronix through County Ordinance 647, the above language clearly demonstrates the County's intent that standard Industrial zoning requirements should not apply in this area.

If the subject parcels had continued to remain in the County and a change of designation were requested, it is presumable that the County's Transit Oriented Employment (TO: EMP) designation would have been applied. The County's *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." Metro's *2040 Regional Urban Growth Concept Map* (Attachment 1 of the staff report) depicts the area of the subject parcels as Station Community Core and Station Community regional designations. Further, had the subject parcels continued to remain in the County any proposal for redevelopment would have continued to be subject to the requirements of the County's Interim Light Rail Station Overlay District (attached).

Therefore, based upon the above information, staff determined that discretion is required in order to determine the appropriate City Land Use and Zoning designations for the subject parcels.

The ANALYSIS portion of the December 21, 2006 staff report provides additional examination of City land use and zoning designation application to the subject parcels.





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DAVID J. PETERSEN  
ADMITTED TO PRACTICE IN OREGON AND CALIFORNIA

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FAX 503.972.3754  
DavidP@tonkon.com

January 8, 2007

**VIA FEDEX**

Leigh Crabtree  
Associate Planner  
Beaverton Community Development Department  
4755 SW Griffith Drive  
P. O. Box 4755  
Beaverton, OR 97076

**RECEIVED**  
JAN 09 2007  
City of Beaverton  
Development Services

Re: CPA 2006-0017 and ZMA 2006-0023  
North Millikan Annexation Map Amendments

Dear Leigh:

This law firm represents Millikan Properties LLC ("Millikan"), which is the owner of two of the parcels subject to the above-referenced comprehensive plan map and zoning map amendment applications. Specifically, Millikan owns tax lots 1S109CD 00100 and 1S109DC 00700, which are proposed for rezoning in subareas 2 and 3, respectively, of the SC-E zone. We submit these comments on the proposal on behalf of Millikan.

The zoning map amendment application is being processed as a discretionary annexation-related zoning map amendment under Beaverton Zoning Code ("BZC") Section 40.97.15.4. However, the proposal does not meet the threshold approval criterion set forth in BZC Section 40.97.15.4.A.1, which states that a discretionary annexation-related zoning map amendment is appropriate only when 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."

In this case, the subject property is designated industrial pursuant to the applicable Washington County community plan map. Parts II.D and III.A of the UPAA state that when County land is annexed to the City, the City shall rezone the land as shown in Exhibit



B to the UPAA.<sup>1</sup> Examination of Exhibit B reveals that for land designated industrial by the County, the City is required to rezone the property as Industrial Park (IP), Campus Industrial (CI) or Light Industrial (LI). Since the UPAA is specific about the City zones that must be applied upon annexation, the threshold criterion for a discretionary annexation-related zoning map amendment is not met and there is no need to exercise discretion in determining the most appropriate City zone (other than determining which of the three industrial zones should be used). For the same reason, the proposed rezoning does not meet the approval criterion of BZC Section 40.97.15.4.C.4, which requires that the proposal be consistent with the UPAA.

Because the UPAA requires rezoning to an industrial zone, the requested discretionary rezone to the SC-E zone cannot be approved. Rather, pursuant to BZC Section 40.97.15.3.A.2, a non-discretionary zoning map amendment to one or a combination of the City's three industrial zones is required. Such zoning would be consistent with the industrial character of the improvements and uses at the two properties in question.

Best regards,



David J. Petersen

DJP/DJP

cc: Mr. Steve Nobach, Millikan Properties LLC (by e-mail)

033660\00001\734779 V001

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<sup>1</sup> The UPAA is set forth in Section 3.15 of the Land Use Element of the City's Comprehensive Plan. The UPAA contains two Section II's. This letter assumes the Section starting at the top of page III-29 of the UPAA is mis-numbered and should be Section III.



**381 INTERIM LIGHT RAIL STATION AREA OVERLAY DISTRICT**

**381-1 Intent and Purpose**

The intent of the Interim Light Rail Station Area Overlay District is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately a one-half mile radius of planned Westside light rail transit station sites pending the development and adoption of site specific station area plans.

The purpose of this District is to limit development during this interim period to that which has a sufficient (1) density of employees, residents or users, (2) number of trips serviceable by transit and (3) pedestrian oriented design so as to be supportive of light rail transit and pedestrian travel and reinforce the substantial public investment in Westside light rail transit.

**381-2 Applicability**

The Interim Light Rail Station Area Overlay District shall apply to lands within approximately one-half mile of light rail station sites, as shown on applicable community plan maps.

In identifying areas subject to this district, consideration was given to parcel size, ownership patterns, the existing transportation network, existing development patterns, development and redevelopment opportunities, the ability of pedestrians to access transit easily, the amount and location of vacant land, and other relevant factors.

The standards of this district shall apply only to development on portions of lots or parcels within the boundaries of the district, and not to development on adjacent lots or parcels under common ownership or portions of lots or parcels located outside the district.

**381-3 Designation of Interim Light Rail Station Area Overlay District**

The Interim Light Rail Station Area Overlay District shall be applied to community plan maps through the legislative (Type IV) planning process. The Overlay District may be removed through a legislative planning process, but not through a quasi-judicial plan map amendment process, unless it is to be replaced by Transit Oriented District listed in Section 375-2.

**381-4 Definitions**

As used in this Section, the words listed below have the following meaning:

381-4.1 Adjacent The location of a building sited on a parcel or lot abutting a street, major pedestrian route, transit station, etc. and not separated by an existing or planned intervening building.

381-4.2 Bulk Retail Use A retail or wholesale to the public use that sells primarily institutional sized or multi-pack products in bulk quantities.



- 381-4.3 Campus Development A development which meets the following criteria:
- (1) Is located on a lot or contiguous lots within the Industrial or Institutional districts that total at least five (5) acres in size; and
  - (2) Includes multiple buildings which are interrelated in a common business or educational activity or process, and share a common infrastructure such as pedestrian ways and spaces, parking and vehicular accessways.
- 381-4.4 Commercial Parking Facility A parking structure or surface parking lot operated for profit that has parking spaces that are not accessory to a primary use. This term does not include a park and ride lot.
- 381-4.5 Drive-through Facilities Facilities allowing transactions for goods or services without leaving a motor vehicle.
- 381-4.6 Floor Area Ratio The amount of enclosed gross floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 1 to 2 means one square foot of floor area for every two square feet of site area (e.g., 20,000 square feet of floor area for a site area of 40,000 square feet). Total gross floor area is measured from the exterior faces of a building or structure and includes pedestrian spaces. Floor area does not include basement areas used for storage or parking.
- 381-4.7 Frontage Yard The yard between a building and a street or public right-of-way or easement for public travel.
- 381-4.8 Interior Yard The yard between a building and a lot line that does not abut a street or public right-of-way or easement for public travel.
- 381-4.9 Light Rail Station Site The location of land owned or leased or to be owned or leased by Tri-Met upon which is to be sited facilities related to a light rail transit stop (e.g., the station platform, a park and ride lot, entry roads, bus stops, etc.) as determined by the Review Authority after reviewing documents including:
- A. The Final Environmental Impact Statement for the Westside Corridor Project, dated August, 1991 or as subsequently adopted by the Tri-Met Board;
  - B. The Detailed Definition of Alternatives Hillsboro Corridor Alternatives Analysis dated July, 1991, as approved by the Federal Transit Administration or subsequently reflected in the Draft or Final Environmental Impact Statements for the Hillsboro extension of the Westside Corridor Project; and
  - C. The most recent engineering drawings issued by Tri-Met.
- 381-4.10 Major Pedestrian Route Any pedestrian way in a public right-of-way or easement that is or is likely to be used by a significant number of people as a means of accessing public transportation service to an area, including access to light rail transit stations.



## 381 - INTERIM LIGHT RAIL STATION AREA OVERLAY DISTRICT

- 381-4.11 Park and Ride Lot A parking structure or surface parking lot intended primarily for use by persons riding transit or carpooling and that is owned or operated either by Tri-Met or by another entity with the concurrence of Tri-Met.
- 381-4.12 Parking Structure A parking garage located above or underground consisting of two or more levels.
- 381-4.13 Pedestrian Oriented Development Development which is designed with an emphasis on pedestrian access to the site and building, rather than on auto access and parking areas.
- 381-4.14 Pedestrian Space An area or plaza for use by the public on a controlled basis which may be on public or private property and which includes at least four of the following features:
- A. At least one (1) sitting space for each five-hundred (500) square feet. Seating shall be a minimum of sixteen (16) inches in height and thirty (30) inches in width. Ledge benches shall have a minimum depth of thirty (30) inches.
  - B. Protection from weather such as awnings.
  - C. Outdoor lighting at a pedestrian scale.
  - D. At least one (1) tree of two (2) inches in diameter at four (4) feet above grade per eight-hundred (800) square feet, on average, of pedestrian space.
  - E. Water feature(s), public art or kiosk(s).
  - F. Outdoor eating area(s) and/or food vendor(s).
- 381-4.15 Pedestrian Way Any paved public or private travel route intended for pedestrian use, whether shared with other transportation modes (e.g., a bicycle/pedestrian path) or intended solely for pedestrian use.
- 381-4.16 Transit Street Any street that is an existing public transit route, or any street that is likely to be a public transit route. All public streets with a functional classification of Principal Arterial, Arterial or Collector, as defined in the Washington County Transportation Plan, shall be considered likely to be a public transit route.
- 381-4.17 Warehouse A structure that is primarily used for storing or wholesaling goods, wares or merchandise.

**381-5 Notification**

In addition to the notification requirements of Section 204 of this Code, notice of all Type II and III development applications shall be provided to the Tri-County Metropolitan Transportation District of Oregon (Tri-Met), the Cities of Hillsboro, Beaverton and Portland, and Metro, in the manner provided by Section 204 of this Code.



**381-6 Conflicts**

Notwithstanding Section 401, in the event of a conflict between the standards of this district and the standards of any other provision of this Code, the standards of this district shall control.

**381-7 Permitted Uses**

Except as prohibited by Section 381-8, allowed uses shall be those listed by the underlying district, in accordance with the procedure type specified by the underlying district.

**381-8 Prohibited Uses**

Notwithstanding contrary provisions of an underlying district, the following uses may not be established as new uses within this interim overlay district, nor may existing uses or the use of existing structures be converted to the following uses within this overlay district:

- 381-8.1 Building Materials Sales and Supplies, excluding hardware stores not exceeding five-thousand (5,000) square feet in gross floor area.
- 381-8.2 Bulk Retail Uses.
- 381-8.3 Car Washes.
- 381-8.4 Cemeteries.
- 381-8.5 Cold Storage Plant.
- 381-8.6 Commercial parking facilities within three-hundred (300) feet of a light rail transit station site boundary.
- 381-8.7 Commercial surface parking lots within thirteen hundred (1,300) feet of a light rail transit station site boundary.
- 381-8.8 Detached dwelling units (including manufactured dwellings) except for one dwelling on an existing parcel or lot, or where developed in accordance with the density provisions of Section 381-10.1 A. as part of a residential development with both attached and detached housing.
- 381-8.9 Drive-through facilities within three hundred (300) feet of a light rail station site boundary.
- 381-8.10 Drive-through facilities greater than three hundred (300) feet from a light rail station site boundary where the drive-through component of the operation or service is the primary method of selling or servicing.
- 381-8.11 Fuel Dealerships and storage yards (including card locks).
- 381-8.12 Funeral Homes and Mortuaries.



- 381-8.13 Furniture Stores.
- 381-8.14 Junk Yards.
- 381-8.15 Kennels.
- 381-8.16 Main Post Offices.
- 381-8.17 Manufactured Home Sales.
- 381-8.18 Mini-Warehouses.
- 381-8.19 Motor Vehicle Service Stations (unless included within a parking structure or underground parking garage) and service facilities (including oil and lubrication services, tire and muffler installation and service, or other motor vehicle services) within one-thousand three-hundred (1,300) feet of a light rail transit station site boundary.
- 381-8.20 Motor Vehicle Maintenance and Repair Facilities within one-thousand three-hundred (1,300) feet of a light rail transit station site boundary.
- 381-8.21 Motor Vehicle or Boat Sales, Leasing, Rental or Storage, except motor vehicle rental where the rental vehicles are not stored on site.
- 381-8.22 New Parks except for neighborhood parks not exceeding ten (10) acres in size as defined by the Tualatin Hills Park and Recreation District at the time of adoption of this district, unless it is found by a Review Authority, based on evidence and findings submitted by an applicant, that land proposed for a park other than a neighborhood park is unsuitable for the development of transit supportive land uses due to topography or other physical constraints.
- 381-8.23 Recreational Vehicle Parks and Campgrounds.
- 381-8.24 Retail Nursery.
- 381-8.25 Solid Waste Transfer Stations.
- 381-8.26 Travel Trailer rental or sales establishment.
- 381-8.27 Truck Stops.
- 381-8.28 Warehouses storing materials or products that are not primarily manufactured on site or used in the manufacturing process occurring on site or in the maintenance and operation of manufacturing facilities except for buildings constructed prior to the adoption of this District that were originally designed to be used primarily for warehouse use.

**381-9 Change or Expansion of Existing Uses or Structures**

- A. Uses identified in Section 381-8 that were lawfully in existence at the time of adoption of Ordinance No. 418 are considered to be approved uses. However, because such uses are not considered to be transit-supportive, future



expansions of a lawfully existing use identified in Section 381-8 shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of the adoption of this District, upon findings that the proposed expansion complies with the development standards in this Code, including this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.

- B. All other uses and structures that were lawfully in existence at the time of adoption of Ordinance 418 may be expanded upon findings that the proposed expansion complies with the development standards in this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard. Interior alterations of lawful existing structures shall not be subject to the standards of Sections 381-10 and 11.
- C. The provisions of this subsection do not apply to or authorize any change or expansion of an existing use or structure that is or becomes non-conforming due to regulation of the underlying district.

### **381-10 Minimum Density Requirements**

#### **381-10.1 Residential**

- A. Notwithstanding any contrary density standard in an underlying residential district, including residential districts with a lesser maximum density (i.e., the R-6 and R-9 Districts), the density of residential development within this district shall be the greater of:
  - (1) Seventy-five (75) percent of the allowed maximum density of an underlying residential district; or
  - (2) Twelve (12) dwelling units per acre for that portion of the District located within one-thousand three-hundred (1,300) feet of the proposed site of the light rail transit station boundary, and nine (9) dwelling units per acre for that portion of the District located beyond one-thousand three-hundred (1,300) feet from the proposed site of the light rail station boundary.

If more than fifty (50) percent of property in single or common ownership is located within one-thousand three-hundred (1,300) feet of the proposed station boundary all of the property in common ownership shall be developed at a minimum of twelve (12) dwelling units per acre. If less than fifty (50) percent of such property is located within the one-thousand three-hundred (1,300) foot radius, the minimum required density shall be nine (9) dwelling units per acre, provided however that if the area within the one-thousand three-hundred (1,300) foot radius is one acre or larger in size, that portion of



the property within the one-thousand three-hundred (1,300) foot radius shall develop at a minimum of twelve (12) dwelling units per acre.

- B. Section 381-10.1 A. shall not apply to development of one (1) detached dwelling on an existing parcel or lot as permitted pursuant to Section 381-8.8.
- C. The maximum density specified by Section 381-10.1 A. may be increased pursuant to the provisions of Section 381-11.1 G.

**381-10.2 Non-residential**

The floor area ratio of non-residential structures developed on lots or parcels in this district shall equal or exceed 1 to 2. For contiguous lots or parcels totaling at least five (5) acres in size that are jointly master planned for development in phases, this floor area ratio shall be achieved by the completion of the final phase of development. Pedestrian spaces shall count as floor area for the purpose of meeting the minimum floor area ratio requirement.

**381-11 Development Standards**

**381-11.1 Site and Building Design**

- A. If a building is adjacent to a transit street or a major pedestrian route at least one major building entry shall be oriented to the adjacent transit street and/or major pedestrian route. Upon provision of light rail service, this entrance shall remain open to the public during normal business hours.

- B. Lot Area

The minimum area for new lots or parcels where the primary district is any residential district shall be twenty-thousand (20,000) square feet. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when it is demonstrated that the subdivision or partitioning will occur so as not to preclude complete development of the site at the minimum density specified by Section 381-10.1.

- C. Yard Requirements

Except as necessary to comply with Section 418-3, or where the applicant demonstrates and the Review Authority finds that larger yards are needed to mitigate noise and vibration impacts of transit operations, the yard requirements of this district shall be:

- (1) In a residential district:
  - (a) Minimum ten (10) foot frontage yard setback;
  - (b) Maximum fifteen (15) foot frontage yard setback;
  - (c) No minimum interior yard except as necessary to comply with the screening and buffering standards of Section 411 and the standards



ARTICLE III: LAND USE DISTRICTS  
381 - INTERIM LIGHT RAIL STATION AREA OVERLAY DISTRICT

of the Uniform Building Code or the CABO (Conference of American Building Officials) Code, whichever is applicable; and

- (d) Minimum eighteen (18) foot setback yard to garage vehicle entrance.

In residential subdivisions platted at the time of adoption of this district the yard requirements of the underlying district shall apply.

- (2) In a nonresidential district:

- (a) Minimum five (5) foot frontage yard setback on a street if there is less than ten (10) feet between the ultimate street curb location and the lot line;
- (b) No required frontage yard if there is at least ten (10) feet between the ultimate street curb location and the lot line, or if the frontage is on a public right-of-way or easement for public travel other than a street;
- (c) In the Office Commercial District and the Community Business District there shall be a maximum ten (10) foot frontage yard setback for at least fifty (50) percent of the frontage of a building adjacent to a public street or major pedestrian route (pedestrian space shall be considered part of the building);
- (d) No minimum interior yard, except as necessary to comply with the screening and buffering standards of Section 411 and the standards of the Uniform Building Code.

- D. (1) Off-street surface parking shall not be located between an adjacent building and a major pedestrian route, a transit street or a light rail transit station site, except as specified by Section 381-11.1 D. (2) or (3).

- (2) If a building is adjacent to more than one of the facilities described in Section 381-11.1 D. (1), the Review Authority shall approve off-street surface parking between the building and one of the facilities and waive the maximum yard setback provisions of Sections 381-11.1 C. (1) and (2). In determining where off-street surface parking shall be allowed in this situation, the following order of pedestrian access priority shall be given to facilities:

- (a) LRT transit station platforms
- (b) Major pedestrian routes with direct access to an LRT station
- (c) Transit streets

- (3) Off-street surface parking for campus development within the Industrial and Institutional districts may be located between an adjacent building and a major pedestrian route, a transit street or a light rail station site upon finding that:



- (a) Identified pedestrian ways are provided to connect each building within the campus area and to directly connect the building complex to the most appropriate transit street(s) and/or major pedestrian route(s); and
- (b) All pedestrian ways between the building complex and adjacent transit facilities shall:
  - (i) Comply with Section 381-11.3 C.;
  - (ii) Be clearly identifiable to a pedestrian through measures such as signage;
  - (iii) Be lighted; and
  - (iv) Be as short as reasonably practicable.
- E. Exterior building walls facing and adjacent to a major pedestrian route shall contain windows covering at least fifty (50) percent of the length and twenty-five (25) percent of the face area of the ground floor level. Ground level wall areas include all exterior wall areas up to nine (9) feet above the finished grade. This requirement shall apply only to non-residential development within the Office Commercial and Community Business districts.
- F. The permanent outdoor display and storage of materials and equipment by commercial uses shall be prohibited. Signs, outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are exempt from this requirement.
- G. Notwithstanding Sections 404-4 and 435, residential densities and nonresidential building height may be increased up to twenty-five (25) percent, in exchange for pedestrian space, mixed development within the parameters of the underlying district, or parking in a structure or underground.

#### 381-11.2 Landscape Design

- A. Notwithstanding the minimum landscaping requirements of Section 407 of this Code, the minimum landscaping requirements for development in this district shall be ten (10) percent of the buildable land area for non-residential development and fifteen (15) percent of the buildable land area for residential development. Exterior pedestrian spaces shall be allowed as a substitute for fifty (50) percent of the required landscaping in areas adjacent to major pedestrian routes.
- B. Trees shall be planted along uncovered pedestrian ways connecting building entrances to a transit street or major pedestrian route. The trees shall be planted at appropriate intervals to provide continuous shade when trees reach maturity.

#### 381-11.3 Circulation and Access

- A. Pedestrian ways shall be provided to connect building entrances to the nearest transit street(s) or major pedestrian route(s), or both if practicable.



- B. Driveways shall not intersect with pedestrian ways from a transit street or major pedestrian route to a building, unless no practicable alternative exists.
- C. All pedestrian ways that pass through an automobile parking lot shall be separated from the automobile parking area by grade, different paving material, or landscaping. Walkways on private property shall be at least five (5) feet in paved, unobstructed width.

**381-11.4 Parking**

- A. Off-street parking spaces developed for uses on lots or parcels in this district shall comply with the provisions of Section 413 (Parking and Loading).
- B. Applications for development within this district shall address shared parking opportunities pursuant to Section 413-2.9 of the Community Development Code.

**381-12**

- A. Where the light rail right-of-way divides a campus development in single ownership into two portions, where both a light rail station and a park-and-ride lot are to be located within that campus development in Tri-Met's final land use order, and where that campus development has an industrial land use designation and employs more than three-thousand seven-hundred (3,700) people on-site, the standards in Section 381 shall not apply to development proposed within that portion of the campus development containing the larger proportion of the gross square footage, provided that:
  - (1) The portion of the campus development containing the larger proportion of gross square footage retains an industrial land use designation;
  - (2) The proposed development, including new development, expansion of existing development or conversion of existing development to other uses, is permitted under the provisions of the industrial designation;
  - (3) The proposed development does not involve retail commercial or residential uses; and
  - (4) The number of employees working on-site at the campus development is at or above three-thousand seven-hundred (3,700) people at the time of the proposed development, and the proposed development will not result in a reduction in the number of employees working on-site below three-thousand seven-hundred (3,700) people.
- B. Proposed development within that portion of the divided campus development containing the lesser proportion of gross square footage shall comply with the applicable standards in Section 381.





**MEMORANDUM**  
**CITY OF BEAVERTON**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**PLANNING SERVICES DIVISION**

"MAKE IT HAPPEN"

**To:** Planning Commission  
**Date:** January 19, 2007  
**From:** Leigh Crabtree, Associate Planner *LMC*  
**Subject:** **CPA2006-0017 / ZMA2006-0023**  
**North Millikan Annexation Map Amendments**  
**Spreadsheet Analysis of Station Community and Industrial zones**

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Staff received a request from Commissioner San Soucie to layout the differences between the allowed uses for Station Community zoning districts.

Additionally, staff received two separate letters from attorneys who represent two separate property owners that hold parcels subject to the proposed Land Use Map and Zoning Map Amendments.

- Mr. Petersen represents Millikan Properties LLC, which owns tax lots 1S109CD00100 and 1S109DC00700, located at the northwest corner of Millikan Way and Hocken Avenue. Mr. Petersen disagrees with staff's recommendation for implementation of the Station Community (SC) land use designation and associated implementation of the Station Community – Employment (SC-E) zoning designation. Mr. Petersen alleges that, per the Urban Planning Area Agreement (UPAA) between the City of Beaverton and Washington County, the City cannot exercise discretion to implement a City Land Use Map designation other than Industrial or a City Zoning Map designation other than one of the three Industrial zones based upon the County's Industrial designation for the subject annexed parcels.
  - Mr. Richard H. Allan represents Felton Properties, which owns tax lots 1S109CB00100 (north side of Millikan Way between Murray Boulevard and Schottky Terrace), 1S109CB00200 (north side of the light rail tracks between Schottky Terrace and 141<sup>st</sup> Place), 1S109CB00600 (Schottky Terrace), 1S109CB00700 (Schottky Terrace), and 1S109CD00200 (north side of Millikan Way, east of 141<sup>st</sup> place). Mr. Allan contends that there are too many outlying issues of historical significance related to Washington County agreements with Tektronix that need to be addressed through conversations between existing property owners and City staff prior to determining the appropriate zoning or other possible resolutions relative to existing uses and future uses of the subject parcels.
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The attached spreadsheets are provided to layout the differences in possible zoning designations for the subject parcels as well as compare the existing uses to the possible zoning districts and the potential for the creation of non-conforming uses. Staff will discuss the issues related to the different zones at the hearing.



MAP/TAX LOT	ADDRESS	Campus Industrial - CI	Industrial Park - IP	Light Industrial - LI
ACREAGE	EXISTING LAND USES		permitted (as needed for clarification), conditional & prohibited uses	
1S109CB00100 10.73	14523 SW MILLIKAN WAY OFFICE, SERVICES, MANUFACTURING, RECREATION. Document storage and retrieval system; Interactive Displays / Table & Benches; Legal Services (tech, advertising, etc.); Lakeside Volleyball Club; Loan Servicing / Real Estate -Office Use	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage, and wholesale and distribution activities. These uses shall meet all of the following restrictions: 6. Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including: a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. k. Privately owned parks and recreational facilities, such as golf courses, racquetball or handball clubs, tennis courts or swimming pools exclusive of spectator sports facilities.	1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C 1 and C 2, which are prohibited in the districts. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136; October 1979). 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30.15. 19. Privately owned recreational facilities such as fitness clubs, racquetball or handball clubs, tennis courts or swimming pools exclusive of spectator sports facilities. (ORD 4071)	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]
1S109CB00200 4.45	NO ADDRESS PARKING. accessory use for Tax Lot 1S109CB00100 & accessory use to a transit station	1. Transit stations and stops exclusive of terminals or transit storage areas.	18. Surface parking lots as principal use (ORD 3204; January 1981) (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)	8. Surface parking lot or parking structure as a principal use. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)
1S109CB00300 1.01	TRACT - Beaverton Creek			
1S109CB00600 0.72	ROW - SW Schottky Terrace			
1S109CB00700 0.32	ROW - SW Schottky Terrace			
1S109CC04400 4.02	14179 SW MILLIKAN WAY SERVICES, MANUFACTURING, MEETING FACILITIES. Musician studios & Event space; Mental illness and addiction services; Wholesale furniture sales	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions: 6. Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including: a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. Does not speak to the allowance of meeting space or clinic facilities.	1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C 1 and C 2, which are prohibited in the districts. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136; October 1979). 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30.15. Does not speak to the allowance of meeting space or clinic facilities.	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999] Does not speak to the allowance of meeting space or clinic facilities.



MAP/TAX LOT	ADDRESS	Campus Industrial - CI	Industrial Park - IP	Light Industrial - LI
ACREAGE	EXISTING LAND USES			
1S109CD00100 6.05	13475-13555 SW MILLIKAN SERVICE, MANUFACTURING, WAREHOUSING. Property maintenance services; Sensing, measurement and inspection for electronics and semiconductor equipment; Automotives sales services, major or minor; storage for additional inventory.	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions: 6. Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including: a General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. 3. Automotive services, Minor or Major.	permitted (as needed for clarification), conditional & prohibited uses  1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2. which are prohibited in the districts. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136, October 1979) 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30.15. 7. Automotive Services, Major or Minor [ORD 3975, February 1997]	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 20. Automotive services, Minor or Major, which within enclosed building. [ORD 3975, February 1997] 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]
1S109CD00200 6.44	13955 SW MILLIKAN WAY MANUFACTURING, DISTRIBUTION. Portable power systems, batteries, distribution	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions: 6. Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including: a General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. n. Research and development activities.	1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2. which are prohibited in the districts. 4. Research laboratory. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136, October 1979) 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30.15.	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 4. Research laboratory. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]
1S109CD00300 2.45	13979 SW MILLIKAN WAY MANUFACTURING, DISTRIBUTION. Science education technologies	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions: 6. Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including: a General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. n. Research and development activities.	1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2. which are prohibited in the districts. 4. Research laboratory. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136, October 1979) 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30.15.	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 4. Research laboratory. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]



MAP/TAX LOT	ADDRESS	Campus Industrial - CI	Industrial Park - IP	Light Industrial - LI
ACREAGE	EXISTING LAND USES			
1S109CD00400	13725 SW MILLIKAN WAY 2.16 MANUFACTURING, DISTRIBUTION. Elite Plastics manufacturing	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions: 6. Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including: a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. n. Research and development activities.	permitted (as needed for clarification), conditional & prohibited uses 1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2. which are prohibited in the districts. 4. Research laboratory. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136; October 1979) 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 20.15.	1. Manufacturing, fabricating, processing, packing or storage, except any use having the primary function of storing, utilizing or manufacturing explosive materials. 4. Research laboratory. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]
1S109CD00500	3500 SW 141ST PLACE 1.06 POWER COMMUNICATION STATION. Substation	2. Facilities related to utility distribution, such as substations, water towers, pump stations, other transmission lines or power plants.	2. Facilities related to utility distribution such as substations, water towers, pump stations, other than transmission lines.	2. Facilities relating to utility distribution such as substations, water towers, pump stations and other transmission lines.
1S109DC00700	3725 SW HOCKEN AVE 5.14 MANUFACTURING, SERVICES, DISTRIBUTION. Electronics manufacturing services	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions: 6. Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including: a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. n. Research and development activities.	1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2. which are prohibited in the districts. 4. Research laboratory. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136; October 1979) 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 20.15.	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 4. Research laboratory. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]
1S109DC00800	NO ADDRESS 0.23 PUMP STATION. Pump station	2. Facilities related to utility distribution, such as substations, water towers, pump stations, other transmission lines or power plants.	2. Facilities related to utility distribution such as substations, water towers, pump stations, other than transmission lines.	2. Facilities relating to utility distribution such as substations, water towers, pump stations and other transmission lines.
TOTAL ACRES				
44.78				



MAP/TAX LOT	ADDRESS	SC-MU	SC-HDR	SC-E (Sub areas 1 & 2)	SC-E (Sub area 3)
ACREAGE					
1S109CB00100 10.73	14523 SW MILLIKAN WAY OFFICE, SERVICES, MANUFACTURING, RECREATION. Document storage and retrieval system; Interactive Displays / Table & Benches; Legal Services (tech, advertising, etc.); Lakeside Volleyball Club; Loan Servicing / Real Estate -Office Use	12. Manufacturing (subject to Use Restriction f.) 15. Office 22. Service Businesses (subject to Use Restrictions c and e.) 6. Recreation Uses or Facilities (subject to Use Restriction b.)	13. Office (subject to Use Restriction d.) 19. Service Businesses (subject to Use Restrictions c and f.) 7. Recreation Uses or Facilities (subject to Use Restriction b.) 13. Manufacturing.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 8. Offices 14. Service businesses (subject to Use Restrictions a, b and c) 6. Commercial indoor or outdoor recreation and amusement services and facilities.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 8. Offices 14. Service businesses (subject to Use Restrictions a, b and c) 6. Commercial indoor or outdoor recreation and amusement services and facilities.
1S109CB00200 4.45	NO ADDRESS PARKING. accessory use for Tax Lot 1S109CB00100 & accessory use to a transit station	2. Parking, as the principal use. 8. Transit Centers	3. Parking, as the principal use. 10. Transit Centers	15. Transit centers and stations 7. Parking as the principal use... (Special Use Regulations - Park and Ride Facilities.)	15. Transit centers and stations. 7. Parking as the principal use... (Special Use Regulations - Park and Ride Facilities.)
1S109CB00300 1.01	TRACT - Beaverton Creek				
1S109CB00600 0.72	ROW - SW Schottky Terrace				
1S109CB00700 0.32	ROW - SW Schottky Terrace				
1S109CC04400 4.02	14179 SW MILLIKAN WAY SERVICES, MANUFACTURING, MEETING FACILITIES. Musician studios & Event space; Mental illness and addiction services; Wholesale furniture sales	12. Manufacturing (subject to Use Restriction f.) 13. Medical Clinics 15. Office 22. Service Businesses (subject to Use Restrictions c and e.) *Does not speak to meeting facilities.	11. Medical Clinics (subject to Use Restriction d.) 13. Office (subject to Use Restriction d.) 19. Service Businesses (subject to Use Restrictions c and f.) 13. Manufacturing. *Does not speak to meeting facilities.	1. Clinic, Outpatient (subject to Use Restrictions a and b). 6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 7. Meeting facilities less than 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.) 8. Offices 14. Service businesses (subject to Use Restrictions a, b and c).	1. Clinic, Outpatient (subject to Use Restrictions a and b). 6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 7. Meeting facilities less than 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.) 8. Offices 14. Service businesses (subject to Use Restrictions a, b and c).



MAP/TAX LOT	ADDRESS	SC-MU	SC-HDR	SC-E (Subareas 1 & 2)	SC-E (Sub area 3)
ACREAGE		permitted (as needed for clarification), conditional & prohibited uses			
1S109CD00100 6.05	13475-13555 SW MILLIKAN SERVICE, MANUFACTURING, WAREHOUSING. Property maintenance services; Sensing, measurement and inspection for electronics and semiconductor equipment; Automotives sales services, major or minor; storage for additional inventory.	12. Manufacturing (subject to Use Restriction f.) 15. Office. 22. Service Businesses (subject to Use Restrictions c and e.) 26. Vehicle Sales (subject to Use Restrictions c and g.) 1. Automotive Services, Major; 2. Automotive Services, Minor.	13. Office (subject to Use Restriction d.) 19. Service Businesses (subject to Use Restrictions c and f.) 22. Vehicle Sales (subject to Use Restrictions c and g.) 12. Storage yard for fully operable vehicles for sale lease or rent within one- quarter mile of the north side of the T-V Highway Cooridor land use designation. 1. Automotive Services, Major; 2. Automotive Services, Minor. 13. Manufacturing.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 8. Offices. 14. Service businesses (subject to Use Restrictions a, b and c). 1. Automotive sales and services, major and minor. 19. Motor vehicle...sales... or storage for such uses.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 8. Offices. 14. Service businesses (subject to Use Restrictions a, b and c). 1. Automotive sales and services, major and minor. 19. Motor vehicle...sales... or storage for such uses.
1S109CD00200 6.44	13955 SW MILLIKAN WAY MANUFACTURING, DISTRIBUTION. Portable power systems, batteries, distribution	12. Manufacturing (subject to Use Restriction f.) 15. Office. 22. Service Businesses (subject to Use Restrictions c and e.) 20. Research Facilities (subject to Use Restriction f.) <25%	13. Office (subject to Use Restriction d.) 19 Service Businesses (subject to Use Restrictions c and f.) 13. Manufacturing. 19. Research Facilities.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 8. Offices 12. Research Facilities. 14. Service businesses (subject to Use Restrictions a, b and c).	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 8. Offices 12. Research Facilities. 14. Service businesses (subject to Use Restrictions a, b and c).
1S109CD00300 2.45	13979 SW MILLIKAN WAY MANUFACTURING, DISTRIBUTION. Science education technologies	12. Manufacturing (subject to Use Restriction f.) 15. Office. 22. Service Businesses (subject to Use Restrictions c and e.) 20. Research Facilities (subject to Use Restriction f.) <25%	13. Office (subject to Use Restriction d.) 19 Service Businesses (subject to Use Restrictions c and f.) 13. Manufacturing. 19. Research Facilities.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 8. Offices 12. Research Facilities. 14. Service businesses (subject to Use Restrictions a, b and c).	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 8. Offices 12. Research Facilities. 14. Service businesses (subject to Use Restrictions a, b and c).



MAP/TAX LOT	ADDRESS	SC-MU	SC-HDR	SC-E (Sub areas 1 & 2)	SC-E (Sub area 3)
ACREAGE		permitted (as needed for clarification), conditional & prohibited uses			
1S109CD00400 2.16	13725 SW MILLIKAN WAY MANUFACTURING, DISTRIBUTION. Elite Plastics manufacturing	12. Manufacturing (subject to Use Restriction f.) 15. Office 22. Service Businesses (subject to Use Restrictions c and e.) 20. Research Facilities (subject to Use Restriction f.) < 25%	13. Office (subject to Use Restriction d.) 19. Service Businesses (subject to Use Restrictions c and f.) 13. Manufacturing. 19. Research Facilities.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 8. Offices 12. Research Facilities 14. Service businesses (subject to Use Restrictions a, b and c)	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 8. Offices 12. Research Facilities 14. Service businesses (subject to Use Restrictions a, b and c)
1S109CD00500 1.06	3500 SW 141ST PLACE POWER COMMUNICATION STATION. Substation	9. Utility Installations, other than transmission lines	11. Utility Installations, other than transmission lines	3. Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities.)	3. Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities.)
1S109DC00700 5.14	3725 SW HOCKEN AVE MANUFACTURING, SERVICES, DISTRIBUTION. Electronics manufacturing services	12. Manufacturing (subject to Use Restriction f.) 15. Office 22. Service Businesses (subject to Use Restrictions c and e.) 20. Research Facilities (subject to Use Restriction f.) < 25%	13. Office (subject to Use Restriction d.) 19. Service Businesses (subject to Use Restrictions c and f.) 13. Manufacturing. 19. Research Facilities.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 8. Offices 12. Research Facilities 14. Service businesses (subject to Use Restrictions a, b and c)	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11) 8. Offices 12. Research Facilities 14. Service businesses (subject to Use Restrictions a, b and c)
1S109DC00800 0.23	NO ADDRESS PUMP STATION. Pump station	9. Utility Installations, other than transmission lines	11. Utility Installations, other than transmission lines	3. Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities.)	2. Public services or utility uses 3. Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities.)
TOTAL ACRES					
44.78					



<b>20.15.05. Campus Industrial Districts: CI</b> <b>1 Purpose.</b> The Campus Industrial or "CI" District is intended to provide areas for combining of light manufacturing, office and limited retail uses in an "employment activity center" concept.  <b>2.District Standards and Uses.</b> CI Districts and uses shall comply with the following:	<b>20.15.10. Industrial Park Districts: IP</b> <b>1 Purpose.</b> The Industrial Park District or "IP" District is intended to provide sites for manufacturing, distribution and industrial uses.  <b>2.District Standards and Uses.</b> IP Districts and uses shall comply with the following:	<b>20.15.15. Light Industrial Districts: LI</b> <b>1 Purpose.</b> The Light Industrial District or "LI" District is intended to provide for general industrial activities which require processing, fabrication and storage, including outdoor storage areas, heavy equipment and other uses not compatible in Industrial Park or Campus Industrial areas.  <b>2.District Standards and Uses.</b> LI Districts and uses shall comply with the following:
<b>A. Permitted Uses.</b> Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted: 1 Transit stations and stops exclusive of terminals or transit storage areas. 2 Railroad tracks and facilities such as switching yards, spur or holding tracks and freight depots, but not within 200 feet of a residential zone. 3 Accessory uses and structures to a particular permitted use, including administrative offices. 4 Public parks and recreational facilities, exclusive of spectator sports facilities. 5 Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions: 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 or finished products. 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. [ORD 4071, October 1999] 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 and allied arts, communications equipment, electronic components, measuring, analyzing and controlling instruments manufacturing. 6 Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including: a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. c. Technical, professional, vocational and business schools except public elementary, secondary or full curricula colleges and universities. d. Job training and vocational rehabilitation services. e. Child care services. (See also Special Use Regulations Section: Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.) f. Business associations, professional membership organizations, labor unions and similar organizations. g. Engineering, architectural and surveying services. h. Mail order houses, wholesale or retail, exclusive of gross-to-gross to the public. i. Public utilities and services other than those offering on premises services to individuals or the general public. j. Financial institutions. k. Privately owned parks and recreational facilities such as golf courses, racquetball or handball courts, tennis courts, swimming pools, exclusive of spectator sports facilities. l. Nonprofit mental, educational, scientific and research organizations, including laboratories. m. Equipment manufacturing, exclusive of trucks, trailers or heavy equipment.	<b>A. Permitted Uses.</b> Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted: 15 Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots but not within 200' of a residential zone. 14 Accessory structures and uses to a particular permitted use. 5 Public parks, parkways, recreation facilities, trails and related facilities. 1 Manufacturing, fabricating, processing, packing or storage, except the uses detailed in C.1. and C.2., which are prohibited in the districts. 2 Wholesale and distributive activities. 6 Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3130, October 1979) 16 Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30.15. 17 Nursery, day or child care facility. (ORD 3184, July 1980) (See also Special Use Regulations Section: Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.) 18 Public service or utility uses, including vehicle storage and incidental service and repair. (ORD 4066, May 2000) 19 Privately owned parks or recreational facilities such as golf courses and handball courts, tennis courts, swimming pools, exclusive of spectator sports facilities. (ORD 3184)	<b>A. Permitted Uses.</b> Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted: 16 Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots but not within 200 feet of a residential zone. 15 Accessory structures and uses to a particular permitted use. 5 Public parks, parkways, recreational facilities, trails and related facilities. 1 Manufacturing, fabricating, processing, packing or storage, uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 2 Wholesale and distributive activities. 6 Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 18 Nursery, daycare facilities. (See also Special use Regulations Section: Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.) 19 Public service or utility uses, 1/2 of the site being provided on premises solely to serve the needs of the general public.



20.15.05. Campus Industrial Districts: CI	20.15.10. Industrial Park Districts: IP	20.15.15. Light Industrial Districts: LI
<p>a. Research and development activities.</p> <p>b. Industrial and professional equipment and supply stores, including service and repair of same.</p> <p>c. Other uses which in the determination of the Director are within the intent and purpose of the CI District as stated in the Comprehensive Plan and this ordinance, and are intended to serve primarily employees and businesses within a CI District, and only incidentally the general public. When an interpretation is discretionary, notice shall be provided in accordance with Section 50.40. (ORD 3785)</p>	<p>d. Research laboratory.</p> <p>e. Equipment sales, including maintenance, service and repair, includes retail sales of specific items on display.</p>	<p>4. Research laboratory.</p> <p>8. Heavy equipment stores, including maintenance, service and repair.</p>
<p>7. Up to 10 percent of the land area in a Development Control Area may be devoted to retail:</p> <p>a. Free standing retail businesses offering products or services that have no more than 15,000 square feet of building area. (ORD 3785)</p> <p>b. A combination of retail business or businesses, offering products or services to the extent that such business or businesses equals less than 40,000 square feet of building area. (ORD 3785)</p> <p>c. Other uses which are in the determination of the Director are within the intent and purpose of the CI district as stated in the Comprehensive Plan and this ordinance are allowed. When an interpretation is discretionary, notice shall be provided in accordance with Section 50.40. (ORD 3785)</p>		
8. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]	20. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]	21. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
9. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]	21. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way. [ORD 4248; April 2003]	22. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
10. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]	22. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]	23. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
11. Temporary wireless communication facilities structures (See also Temporary Structures Section 40.80) [ORD 4248; April 2003]	23. Temporary wireless communication facilities structures (See also Temporary Structures Section 40.80) [ORD 4248; April 2003]	24. Temporary wireless communication facilities structures (See also Temporary Structures Section 40.80) [ORD 4248; April 2003]
12. Up to and including two (2) satellite antennas less than five (5) meters in diameter on one (1) lot [ORD 4248; April 2003]	24. Up to and including two (2) satellite antennas less than five (5) meters in diameter on one (1) lot [ORD 4248; April 2003]	25. Up to and including two (2) satellite antennas less than five (5) meters in diameter on one (1) lot [ORD 4248; April 2003]
13. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]	25. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals. [ORD 4248; April 2003]	26. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
	7. Cold storage plants	7. Cold storage plants
	9. Fuel oil distributors	9. Fuel oil distributors
	10. Printing, publishing and book binding.	10. Printing, publishing and book binding
	12. Storage yard for building materials, except bulk materials such as sand, gravel and the like are not permitted in the IP zone.	13. Storage yard for building materials.
	13. Trailer, recreational vehicle or boat storage only.	14. Trailer, recreational vehicle or boat storage
	14. Processing uses such as bottling plants, creameries, laboratories, blueprinting and photocopying, laundries, carpet and rug cleaning plants, cleaning and dyeing plants, freetread eq. recapping and re-building	
	18. Surface parking lots as principal use (ORD 3264; January 1981. (See also, Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)	
		11. Retail or combination retail/wholesale lumber and/or building materials yard
		12. Storage or sale yard for contractors equipment, house moving, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition. [ORD 4071; October 1999]
		17. Auto, truck and trailer repair.
		18. Self Storage Facilities [ORD 4094; June 2005]
		19. Automotive Services, limited to Motor and/or body within enclosed building. [ORD 4075; February 1997]
B. <u>Conditional Uses:</u> (Subject to Section 40.15 or Section 40.96 as applicable) The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):	B. <u>Conditional Uses:</u> (Subject to Section 40.15 or Section 40.96 as applicable) The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):	B. <u>Conditional Uses:</u> (Subject to Section 40.15 or Section 40.96 as applicable) [ORD 3975, February 1997] The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):
1. Heliports. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Aircraft Landing Facilities.)	1. Heliport (See also Special Use Regulations Section, Uses Requiring Special Regulations - Aircraft Landing Facilities.)	1. Heliport. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Aircraft Landing Facilities.)



20.15.05. Campus Industrial Districts: CI	20.15.10. Industrial Park Districts: IP	20.15.15. Light Industrial Districts: LI
2 Facilities related to utility distribution, such as substations, water towers, pump stations, other transmission lines or power plants.	2 Facilities related to utility distribution such as substations, water towers, pump stations, other than transmission lines.	2 Facilities relating to utility distribution such as substations, water towers, pump stations and other transmission lines.
3 The following uses may be allowed within the 10 percent of the land area in a Development		
a. Free standing retail businesses offering products or services that have more than 15,000 gross square feet but less than 60,000 gross square feet of building area. (ORD 3785) [ORD 4186; January 2002]		
b. A combination of retail business or businesses, offering products or services to the extent that such business or businesses equals over 40,000 gross square feet but less than 60,000 gross square feet of building area. (ORD 3785) [ORD 4186; January 2002]		
c. Hotels, and extended stay hotels [ORD 3958, June 1996], subject to the following additional criteria: (ORD 3569)		
-1 Within a CI District with at least fifty percent of the Development Control Area developed.		
-2 Site size a minimum of two acres and a maximum of five acres.		
-3 Vehicular access only from internal streets to the District, not from an abutting arterial or regional traffic route.		
-4 Signage is allowed as per Section 60.40.35.3 of this code. However, only one freestanding sign, up to 32 square feet per face, 64 square feet for all faces combined or one wall sign up to 64 square feet may orient toward an abutting arterial or regional traffic route.		
-5 Signage shall not be allowed for auxiliary uses such as restaurants, meeting rooms, etc.		
-6 Auxiliary uses such as restaurants and meeting rooms shall be designed to meet the needs of the guests of the facility and not the general public.		
d. Bulk retail uses as defined by Chapter 90 are allowed conditionally subject to the following criteria (ORD 3825):		
-1 Bulk retail shall not abut an existing residential zone except in those areas where the abutting residential zone is not developable for residential uses.		
-2 Signs are allowed in accordance with Section 60.40.35.3 of this code. However, only one freestanding sign, up to 32 square feet per face, 64 square feet for all faces combined or one wall sign up to 64 square feet may orient toward an abutting arterial or regional traffic route.		
-3 There will be no more than one Bulk Retail use within any single Development Control Area in the Campus Industrial zone.		
-4 There must be a minimum five-acre lot size to accommodate the use. [ORD 3975, February 1997]		
e. Eating and Drinking Establishments [ORD 4265; September 2003]	4 Eating or drinking establishments. [ORD 3975, February 1997]	5 Eating or drinking establishments. [ORD 3975, February 1997]
4 Construction of a wireless communication facility tower [ORD 4248; April 2003]	12 Construction of a wireless communication facility tower [ORD 4248; April 2003]	12 Construction of a wireless communication facility tower [ORD 4248; April 2003]
5 Attachment of a new wireless communication facility to an existing or new privately-or publicly owned building or structure that does not utilize stealth design [ORD 4248; April 2003]	13 Attachment of a new wireless communication facility to an existing or new privately-or publicly owned building or structure that does not utilize stealth design [ORD 4248; April 2003]	13 Attachment of a new wireless communication facility to an existing or new privately-or publicly owned building or structure that does not utilize stealth design [ORD 4248; April 2003]
6 More than two (2) satellite antennas five (5) meters or greater in diameter on one (1) lot [ORD 4248; April 2003]	14 More than two (2) satellite antennas five (5) meters or greater in diameter on one (1) lot [ORD 4248; April 2003]	14 More than two (2) satellite antennas five (5) meters or greater in diameter on one (1) lot [ORD 4248; April 2003]
7 Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]	15 Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]	15 Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]
	3 Motor freight terminal.	9 Motor Freight Terminal.
	5 Salvage yards.	6 Salvage yards and recycling centers.
	10 Parking structures (ORD 3204; January 1981). (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)	8 Surface parking lot or parking structure as a principal use. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)
	11 Solid Waste Transfer Stations (ORD 3499)	11 Solid Waste Transfer Station. (ORD 3499)
	6 Planned Unit Developments.	
	7 Equipment rental agencies (ORD 3136; October 1979)	
	8 Auto, truck and trailer rental agencies (ORD 3162; March 1980)	
	9 Self Storage Facilities [ ORD 4354; June 2005]	
		3 Concrete mixing and asphalt batch plants.
		4 Trailer sales or repair.



20.15.05. Campus Industrial Districts: CI	20.15.10. Industrial Park Districts: IP	20.15.15. Light Industrial Districts: LI
		7 Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]
		10 Vehicle Storage Yards. (ORD 3314, April 1983)
C. <u>Prohibited Uses:</u>	C. <u>Prohibited Uses:</u>	C. <u>Prohibited Uses:</u>
1 Mobile home parks and subdivisions. (ORD 3739)	8 Mobile home parks and subdivisions. (OED 3739)	1 Mobile home parks and subdivisions. (ORD 3739)
2 Retail businesses for which equipment or products are stored or displayed outdoors. (ORD 3785)	4 Storage or sale yard for contractors equipment, house mover, delivery vehicles, trucking terminal, used equipment in operable condition, and transit storage, except for public transit vehicles. [ORD 4093; March 2000]	
3 Automotive services, Minor or Major.	7 Automotive Services, Major or Minor [ORD 3975, February 1997]	
4 Eating or drinking establishments with drive-through windows.	6 Eating or drinking establishments providing drive-in (windows) or take-out serving market areas outside the Industrial Park District. [ORD 3975, February 1997]	2 Eating or drinking establishments providing drive-in (windows) or take-out serving market areas outside the Light Industrial District. [ORD 3975, February 1997]
	1 Any use having the primary function of storing, utilizing or manufacturing explosive materials.	
	2 Any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as sauerkraut, vinegar or yeast.	
	3 Retail or combination retail-wholesale lumber and/or building materials yard, not including concrete mixing.	
	5 Trailer sales or repair.	
D. <u>Use Restrictions:</u> reserved. (not currently specified in Development Code.)	D. <u>Use Restrictions:</u> reserved. (not currently specified in Development Code.)	D. <u>Use Restrictions:</u> reserved. (not currently specified in Development Code.)
E. <u>District Requirements:</u>	E. <u>District Requirements:</u>	E. <u>District Requirements:</u>
1 The Minimum Area for a new Zoning District is 25 acres. In instances involving annexation,	1 There is no Minimum Area for a new Zoning District.	1 There is no Minimum Area for a new Zoning District.
2 There is no Maximum Area for a new Zoning District.	2 There is no Maximum Area for a new Zoning District.	2 There is no Maximum Area for a new Zoning District.



<p><b>20.20.15 Station Community - Multiple Use SC-MU</b></p> <p><b>1 Purpose.</b> The zoning district is generally located within one-half mile of light rail station platforms, and the primary uses permitted in the zoning district include office, retail, and service uses. Also permitted are multiple use developments and residential development at a minimum density of 24 or 30 units per net acre depending upon proximity to a LRT Station platform. There shall be no maximum residential density. [ORD 4111; June 2000]</p> <p><b>2 District Standards and Uses.</b> Station Community - Multiple Use Districts and uses shall comply with the following:</p>	<p><b>20.20.20 Station Community - High Density Residential SC-HDR</b></p> <p><b>1 Purpose.</b> The zoning district is generally located within one-half mile of light rail station platforms. Areas designated SC-HDR are high density residential neighborhoods with a minimum of 24 or 30 units per net acre depending on proximity to a LRT Station platform. There shall be no maximum residential density. [ORD 4111; June 2000] Secondary uses include commercial uses and parks that are intended to primarily draw from within the Station</p> <p><b>2 District Standards and Uses.</b> Station Community - High Density Residential Districts and uses shall comply with the following:</p>	<p><b>20.20.25 Station Community - Employment District SC-E [ORD 4188; Jan 2002]</b></p> <p><b>1 Purpose.</b> The intent of this district is to direct and encourage development that is transit supportive and pedestrian oriented in areas within</p> <p>A. generates sufficient intensity (number of employees or transit users) to be supportive of transit services available in the area;</p> <p>B. contains a complementary mix of land uses;</p> <p>C. encourages people to walk; ride a bicycle or use transit for a significant percentage of their trips; and</p> <p>D. provides for limited industrial activities that could be incompatible in other Station Community zoning districts.</p> <p>Areas zoned SC-E are characterized by a mix of light industrial, office and specialty retail uses with an overall expectation for development</p> <p>Three distinct sub areas are identified in the applicable Community Plan. The sub areas are located so the most intense development will</p> <p><b>2 District Standards and Uses.</b> Station Community – Employment Districts and uses shall comply with the following:</p>
<p>A. <u>Permitted Uses.</u> Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:</p>	<p>A. <u>Permitted Uses.</u> Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:</p>	<p>A. <u>Permitted Uses Sub Areas 1 and 2:</u> Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:</p> <p><u>Permitted Uses Sub Area 3:</u> In addition to those uses and their accessory uses cited above for Sub Areas 1 and 2, unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses cited are permitted:</p>
<p>13 Medical Clinics</p>	<p>11 Medical Clinics (subject to Use Restriction d.)</p>	<p>1 Clinic, Outpatient (subject to Use Restrictions a and b).</p>
<p>1 Administrative Facilities</p>	<p>1 Administrative Facilities (subject to Use Restriction d.)</p>	<p>2 Child Care Services (subject to Use Restriction b). (See also Special Use Regulations Section - Uses Requiring Special Regulations - Nursery schools, Day or Child Care Facilities)</p>
<p>4 Detached Dwellings existing (subject to Use Restriction b) [ORD 4121, August 2000] [ORD 4224, August 2002]</p>	<p>4 Detached Dwellings, existing (subject to Use Restriction b) [ORD 4121, August 2000] [ORD 4224, August 2002]</p>	<p>3 Detached dwellings, existing [ORD 4224, August 2002]</p>
<p>6 Eating or Drinking Establishments (subject to Use Restrictions c.)</p>	<p>6 Eating or Drinking Establishments (subject to Use Restrictions c.)</p>	<p>4 Eating or drinking establishments (subject to Use Restrictions a, b, and d).</p>
<p>8 Financial Institutions</p>	<p>8 Financial Institutions</p>	<p>5 Financial institutions (subject to Use Restrictions a and b)</p>
<p>12 Manufacturing (subject to Use Restriction f.)</p>		<p>6 Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.11)</p>
<p>15 Office</p>	<p>13 Office (subject to Use Restriction c.)</p>	<p>8 Offices</p>
<p>16 Parks</p>	<p>14 Parks</p>	<p>9 Parks (subject to Use Restriction c.)</p>
<p>20 Research Facilities (subject to Use Restriction f.)</p>		<p>12 Research facilities.</p>
<p>21 Retail Trade (subject to Use Restrictions c and e.)</p>	<p>18 Retail Trade (subject to Use Restrictions c and f.)</p>	<p>13 Retail trade (subject to Use Restrictions a, b, c, and d)</p>
<p>22 Service Businesses (subject to Use Restrictions c and e.)</p>	<p>19 Service Businesses (subject to Use Restrictions c and f.)</p>	<p>14 Service businesses (subject to Use Restrictions a, b and c)</p>
<p>25 Utility Transmission Lines</p>	<p>21 Utility Transmission Lines</p>	<p>16 Utility transmission lines</p>
<p>27 Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248, April 2003]</p>	<p>23 Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248, April 2003]</p>	<p>17 Collocation of wireless communication facilities on an existing wireless communication facility tower. [ORD 4248; April 2003]</p>
<p>28 Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248, April 2003]</p>	<p>24 Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]</p>	<p>18 Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way. [ORD 4248, April 2003]</p>
<p>29 Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248, April 2003]</p>	<p>25 Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]</p>	<p>19 Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes. [ORD 4248; April 2003]</p>
<p>30 Temporary wireless communication facilities structures (See also Temporary Structures - Section 40.80) [ORD 4248, April 2003]</p>	<p>26 Temporary wireless communication facilities structures (See also Temporary Structures - Section 40.80) [ORD 4248, April 2003]</p>	<p>20 Temporary wireless communication facilities structures (See also Temporary Structures - Section 40.80). [ORD 4248; April 2003]</p>
<p>31 Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248, April 2003]</p>	<p>27 Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248, April 2003]</p>	<p>21 Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals. [ORD 4248, April 2003]</p>
<p>32 Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248, April 2003]</p>	<p>28 Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248, April 2003]</p>	<p>22 Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248, April 2003]</p>
		<p>7 Meeting facilities less than 21,000 square feet with or without food preparation facilities (Subject to Use Restriction g.)</p>
		<p>9 Printing, publishing, and bookbinding (Subject to Use Restriction f.)</p>



20.20.15: Station Community - Multiple Use: SC-MU	20.20.20: Station Community - High Density Residential: SC-HDR	20.20.25: Station Community - Employment District: SC-E [ORD 4188: Jan 2002]	
		1) Public services or utility uses, confined to the area used as of February 7, 2002.	2) Public services or utility uses.
			3) Storage, handling, loading or unloading of materials.
			4) Storage land for construction equipment, transit vehicles, and related vehicles or equipment maintenance vehicles.
2) Commercial Schools	2) Commercial Schools	15) Transit centers and stations.	
4) Planned Unit Developments [ORD 4224: August 2002]	4) Planned Unit Developments [ORD 4224: August 2002]		
5) Two Attached Dwellings existing (subject to Use Restriction f.) [ORD 4121: August 2000] [ORD 4224: August 2002]	5) Two Attached Dwellings existing (subject to Use Restriction f.) [ORD 4121: August 2000] [ORD 4224: August 2002]		
7) Educational Institutions	7) Educational Institutions		
9) Home Occupations	9) Home Occupations		
10) Hospitals			
11) Live/Work Facilities	10) Live/Work Facilities		
14) Nursery, Day or Child Care Facilities	12) Nursery, Day or Child Care Facilities		
17) Places of Worship (subject to Use Restriction a.)	15) Places of Worship (subject to Use Restriction a.)		
18) Residential Care Facilities. [ORD 4036: March 1999]	17) Residential Care Facilities [ORD 4036: March 1999]		
19) Rental Businesses (subject to Use Restriction d.)	16) Rental Businesses (subject to Use Restriction c.)		
23) Social or Fraternal Organizations (subject to Use Restriction a.)	20) Social or Fraternal Organizations (subject to Use Restriction a.)		
24) Temporary Living Quarters			
26) Vehicle Sales, Lease or Rental (subject to Use Restrictions c and g.)	22) Vehicle Sales, Lease or Rental (subject to Use Restrictions c and g.) [ORD 4071: October 1999]		
B. <u>Conditional Uses:</u> (Subject to Section 40.15 or Section 40.96 as applicable) Unless otherwise prohibited, the following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):		B. <u>Conditional Uses Sub Areas 1 and 2:</u> (Subject to Section 40.15 or Section 40.96 as applicable) Unless otherwise prohibited, the following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):	B. <u>Conditional Uses Sub Area 3:</u> (Subject to Section 40.15 or Section 40.96 as applicable) The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):
9) Utility Installations, other than transmission lines	11) Utility Installations, other than transmission lines	3) Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities.)	3) Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities.)
2) Parking, as the principal use	3) Parking, as the principal use	7) Parking as the principal use, provided it is in a parking structure. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)	7) Parking as the principal use, provided it is in a parking structure. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)
3) Places of Worship (subject to Use Restriction a.)	4) Places of Worship (subject to Use Restriction a.)	8) Places of worship (subject to Use Restriction b.)	
7) Social or Fraternal Organizations (subject to Use Restriction a.)	8) Social or Fraternal Organizations (subject to Use Restriction a.)	9) Social or Fraternal Organizations (subject to Use Restriction b.)	8) Social or Fraternal Organizations (subject to Use Restriction b.)
10) Construction of a wireless communication facility tower [ORD 4248; April 2003]	13) Construction of a wireless communication facility tower [ORD 4248; April 2003]	10) Construction of a wireless communication facility tower. [ORD 4248; April 2003]	9) Construction of a wireless communication facility tower. [ORD 4248; April 2003]
11) More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]	14) More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]	11) More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot. [ORD 4248; April 2003]	10) More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot. [ORD 4248; April 2003]
12) Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]	15) Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]	12) Direct-to-home satellite service having antennas greater than one (1) meter in diameter. [ORD 4248; April 2003]	11) Direct-to-home satellite service having antennas greater than one (1) meter in diameter. [ORD 4248; April 2003]
		1) Commercial Schools (subject to Use Restriction b.)	1) Commercial Schools.
		2) Educational Institutions (subject to Use Restriction b.)	2) Educational Institutions.
		4) Hardware stores not exceeding 10,000 square feet in gross floor area (subject to Use Restriction c.)	5) Hardware stores not exceeding 10,000 square feet in gross floor area (subject to Use Restriction c.)
		5) Hotels and extended stay hotels.	4) Hotels and extended stay hotels.
		6) Meeting facilities exceeding 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.)	6) Meeting facilities exceeding 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.)
1) Commercial Amusements (subject to Use Restriction b.)	1) Commercial Amusements (subject to Use Restriction b.)		
4) Planned Unit Developments	2) Hospitals		
5) Public Buildings or other Structures	5) Planned Unit Developments		
6) Recreation Uses or Facilities (subject to Use Restriction b.)	6) Public Buildings or other Structures		
	7) Recreation Uses or Facilities (subject to Use Restriction b.)		



20.20.15: Station Community - Multiple Use: SC-MU	20.20.20: Station Community - High Density Residential: SC-HDR	20.20.25: Station Community - Employment District: SC-E [ORD 4188: Jan 2002]	
8 Transit Centers	9 Temporary Living Quarters 10 Transit Centers 12 Storage yard 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 (subject to use restrictions g, i, j, k) [ORD 4246; March 2003]		
C. <u>Prohibited Uses:</u> The following principal, secondary or accessory non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in any Station Community District:	C. <u>Prohibited Uses:</u> The following principal, secondary or accessory non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in any Station Community District:	C. <u>Prohibited Uses Sub Areas 1 and 2:</u> he following principal, secondary or accessory non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in Station Community - Employment District Sub Areas 1 and 2:	<u>Prohibited Uses Sub Area 3:</u> The following principal, secondary or accessory non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in Station Community - Employment District Sub Area 3:
1 Automotive Services, Major	1 Automotive Services, Major	1 Automotive sales and services, major and minor.	1 Automotive sales and services, Minor and Major
2 Automotive Services, Minor	2 Automotive Services, Minor		
3 Bulk fuel dealerships	3 Bulk fuel dealerships	2 Bulk fuel dealerships and storage yards, including card locks.	2 Bulk fuel dealerships and storage yards, including card locks.
4 Bulk retail uses	4 Bulk retail uses	3 Bulk retail uses.	3 Bulk retail uses.
5 Car washes	5 Car washes	4 Car washes.	4 Car washes.
6 Cemeteries	6 Cemeteries	5 Cemeteries.	5 Cemeteries.
7 Detached Dwellings, new [ORD 4121; August 2000] [ORD 4224; August 2002]	7 Detached Dwellings, new [ORD 4121; August 2000] [ORD 4224; August 2002]	9 Detached dwellings, including manufactured homes, new [ORD 4224; August 2002]	9 Detached dwellings, including manufactured homes, new [ORD 4224; August 2002]
8 Two Attached Dwellings, new [ORD 4121; August 2000] [ORD 4224; August 2002]	8 Two Attached Dwellings, new [ORD 4121; August 2000] [ORD 4224; August 2002]	8 Attached dwellings, including manufactured homes, new [ORD 4224; August 2002]	8 Attached dwellings, including manufactured homes, new [ORD 4224; August 2002]
9 Electrical power generators	9 Electrical power generators	10 Electrical power generators.	10 Electrical power generators.
10 Golf courses	10 Golf courses	12 Golf courses.	12 Golf courses.
11 Junk yards and motor vehicle wrecking yards	11 Junk yards and motor vehicle wrecking yards	13 Junk yards and motor vehicle wrecking yards, salvage yards, storage yards and recycling centers.	14 Junkyards and motor vehicle wrecking yards, salvage yards, recycling centers.
12 Kennels, excluding those accessory to veterinary Medical Clinics or medical Research Facilities	12 Kennels, excluding those accessory to veterinary Medical Clinics or medical Research Facilities	14 Kennels.	15 Kennels, excluding those accessory to veterinary medical clinics or medical research facilities.
13 Self Storage Facilities [ORD 4354; June 2005]	14 Self Storage Facilities [ ORD 4354; June 2005]	16 Self Storage Facilities [ ORD 4354; June 2005]	17 Mini-storage facilities.
14 Mobile Home Parks	15 Mobile Home Parks	17 Mobile home parks and subdivisions.	18 Mobile home parks and subdivisions.
15 Motels	16 Motels	18 Motels	19 Motels
16 Nurseries and greenhouses, retail and wholesale	17 Nurseries and greenhouses, retail and wholesale	20 Nurseries and greenhouses, retail and wholesale.	21 Nurseries and greenhouses, retail and wholesale.
17 Recreational vehicle parks and campgrounds	18 Recreational vehicle parks and campgrounds	22 Recreational vehicle parks and campgrounds.	25 Recreational vehicle parks and campground.
18 Solid waste transfer stations	20 Solid waste transfer stations	24 Solid waste transfer stations.	27 Solid waste transfer stations.
19 Truck stops	21 Truck stops	27 Truck stops.	30 Truck stops.
20 Warehouses or Cold Storage Plants, except those storing materials or products primarily manufactured on site or used in the on-site process, or used in the maintenance or operation of on-site facilities.	22 Warehouses or Cold Storage Plants, except those storing materials or products primarily manufactured on site or used in the on-site process, or used in the maintenance or operation of on-site facilities.	28 Warehouses, wholesale and distributive activities (motor freight terminals), or Cold Storage Plants.	31 Warehouses, wholesale and distributive activities (motor freight terminals), or cold storage plants.
21 Storage yards			
22 Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]	24 Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]	29 Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design. [ORD 4248; April 2003]	32 Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design. [ORD 4248; April 2003]
23 Other uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Station Community - Multiple Use District as stated in the comprehensive plan and this ordinance.	25 Other uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Station Community - High Density Residential District as stated in the comprehensive plan and this ordinance.	30 Other uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Station Community - Employment District as stated in the Comprehensive Plan and this ordinance.	33 Other uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Station Community- Employment District as stated in the comprehensive plan and this ordinance.
	13 Manufacturing		
	19 Research Facilities		
	23 Storage yards, except as allowed under Section 20.20.20.2.B.12. [ORD 4246; March 2003]		
		6 Commercial indoor or outdoor recreation and amusement services and facilities.	6 Commercial indoor or outdoor recreation and amusement services and facilities.
		7 Concrete mixing and asphalt batch plants.	7 Concrete mixing and asphalt batch plants.
		11 Furniture and appliance stores.	11 Furniture and appliance stores
			13 Heavy equipment sales, including incidental service and repair.



20-20-15 Station Community - Multiple Use SC-MU	20-20-20 Station Community - High Density Residential SC-HDR	20-20-25 Station Community - Employment District SC-E [ORD 4188 Jan 2002]
		15 Machinery, equipment or implement sales or service relating to farming and construction (heavy equipment).
		16 Machinery, equipment or implement sales or service relating to farming and construction (heavy equipment).
		19 Motor vehicle, travel trailer, recreation vehicle, manufactured home, and boat sales, leasing, rental or storage for such uses.
		20 Motor vehicle, travel trailer, recreation vehicle, manufactured home and boat sales, leasing, rental or storage unless otherwise permitted in this section.
		22 Parks
		23 Places of worship.
		21 Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots.
		24 Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots.
		23 Retail or combination retail-wholesale lumber and/or building materials yards.
		26 Retail or combination retail-wholesale lumber and/or building materials yard.
		25 Surface parking as the primary use.
		28 Surface parking as the primary use.
		26 Theaters.
		29 Theaters.
<b>D. Use Restrictions:</b>	<b>D. Use Restrictions:</b>	<b>D. Use Restrictions:</b>
1 Uses which include drive-in, drive-through or drive-up window facilities within the Station Community - Multiple Use Districts are prohibited.	1 Uses which include drive-in, drive-through or drive-up window facilities within the Station Community - High Density Residential Districts are prohibited.	1 Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in subsections A and B refer to the restrictions below.
2 Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in Subsections A and B refer to the restrictions below.	2 Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in Subsections A and B refer to the restrictions below.	a. Drive-in, drive-through or drive-up window facilities within the Station Community - Employment Districts are prohibited.
a. Buildings larger than 10,000 square feet are subject to approval of a Conditional Use.	a. Buildings larger than 10,000 square feet are subject to approval of a Conditional Use.	b. The maximum building footprint size for a building involving a single use shall be 10,000 square feet. The maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development.
b. For individual uses greater than 2 gross acres, in addition to the criteria found in Section 40.15.15.4.C. for Conditional Use, the use must be transit supportive.	b. For individual uses greater than 2 gross acres, in addition to the criteria found in Section 40.15.15.4.C for Conditional Use, the use must be transit supportive.	c. This activity is conducted wholly within an enclosed structure. No accessory open-air sales, display, or storage allowed with this use.
c. The maximum building footprint size for a building involving a single use shall be 10,000 square feet. The maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development.	c. 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.	d. Accessory outdoor seating related to the primary eating or drinking establishment use may be permitted provided that the outdoor space devoted to this use does not exceed an area greater than the equivalent of fifteen percent of the dining, drinking, or both floor area; or 750 square feet, whichever is less.
d. These uses are permitted only within multiple use developments, and shall have a maximum size of 5,000 sq. ft., provided that the minimum residential densities are met.	d. 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.	Eating, drinking, or both establishments may combine accessory outdoor seating areas, provided that the outdoor seating area does not exceed the total combined allowed area and the accessory outdoor seating does not exceed thirty percent of the total enclosed dining, drinking, or both, not to exceed 1,500 square feet.
e. Bookbinderies shall have a maximum size of 2,000 square feet.	e. 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.	e. Limited to 0.5 acres in size, unless located on top of a building or structured parking.
f. These uses are permitted only within multiple use 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.	f. Bookbinderies shall have a maximum size of 2,000 square feet.	f. Uses greater than 5,000 square feet require a Conditional Use.
g. This activity is conducted wholly within an enclosed structure. No accessory open air sales, display, or storage allowed with this use.	g. 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. [ORD 4246; March 2003]	g. Only as an accessory use to a Hotel or Extended Stay Hotel, or Offices.
h. Replacement of a detached dwelling two attached dwellings is permitted. [ORD 4121; August 2000] [ORD 4224; August 2002]	h. Replacement of a detached dwelling or two attached dwellings is permitted. [ORD 4121; August 2000] [ORD 4224; August 2002]	



20-20-15 Station Community: Multiple Use SC-MU	20-20-20 Station Community: High Density Residential SC-HDR	20-20-25 Station Community: Employment District SC-E [ORD 4188, Jan 2002]
	<p>i. 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 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. [ORD 4246; March 2003]</p>	
	<p>j. Within approved storage yards located within one-quarter mile of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue open air sales or display of fully operable vehicles for sale, lease, or rent is prohibited. [ORD 4246; March 2003]</p>	
	<p>k. The following existing site conditions must be present as of January 1, 2003 in the South Texus 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. 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:</p>	
	<p>i. Are currently being used for the storage of fully operable vehicles for sales, lease, or rent.</p>	
	<p>ii. Are currently shielded from public view with a sight-obscuring chain link fence.</p>	
	<p>iii. Currently have established landscaping outside the fence along public right-of-way.</p>	
	<p>iv. Are currently lighted to prevent vandalism.</p>	
	<p>v. Are currently surfaced with compacted gravel or paving. [ORD 4246; March 2003]</p>	
E. <u>District Requirements:</u> (reserved)	E. <u>District Requirements:</u> (reserved)	E. <u>District Requirements:</u>
		1 There is no Minimum Area for a new Zoning District.
		2 There is no Maximum Area for a new Zoning District.



20.15.05. Campus Industrial Districts: CI		20.15.10. Industrial Park Districts: IP		20.15.15. Light Industrial Districts: LI		20.20.25. Station Community Employment District: SC-E [ORD 4188, Jan 2002]	
<b>1 Purpose.</b> The Campus Industrial or "CI" District is intended to provide areas for combining of light manufacturing, office and limited retail uses in an "employment activity center" concept.		<b>1 Purpose.</b> The Industrial Park District or "IP" District is intended to provide sites for manufacturing, distribution and industrial uses.		<b>1 Purpose.</b> The Light Industrial District or "LI" District is intended to provide for general industrial activities which require processing, fabrication and storage, including outdoor storage areas, heavy equipment and other uses not compatible in Industrial Park or Campus Industrial areas.		<b>1 Purpose.</b> The intent of this district is to direct and encourage development that is transit supportive and <ul style="list-style-type: none"> <li>A. generates sufficient intensity (number of employees or transit users) to be supportive of transit services</li> <li>B. contains a complementary mix of land uses;</li> <li>C. encourages people to walk, ride a bicycle or use transit for a significant percentage of their trips; and</li> <li>D. provides for limited industrial activities that could be incompatible in other Station Community zoning</li> </ul> Areas zoned SC-E are characterized by a mix of light industrial, office and specialty retail uses with an overall Three distinct sub areas are identified in the applicable Community Plan. The sub areas are located so the	
<b>2 District Standards and Uses.</b> CI Districts and uses shall comply with the following:		<b>2 District Standards and Uses.</b> IP Districts and uses shall comply with the following:		<b>2 District Standards and Uses.</b> LI Districts and uses shall comply with the following:		<b>2 District Standards and Uses.</b> Station Community – Employment Districts and uses shall comply with the following:	
<b>A. Permitted Uses:</b> Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:		<b>A. Permitted Uses:</b> Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:		<b>A. Permitted Uses:</b> Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:		<b>A. Permitted Uses Sub Areas 1 and 2.</b> Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:	<b>Permitted Uses Sub Area 3.</b> In addition to those uses and their accessory uses cited above for Sub Areas 1 and 2, unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses cited are permitted:
1 Transit stations and stops exclusive of terminals or						15 Transit centers and stations	
2 Railroad tracks and facilities such as switching yards, spur or holding tracks and freight depots, but not within 200 feet of a residential zone.		16 Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots but not within 200' of a residential zone.		16 Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots but not within 200 feet of a residential zone.			
3 Accessory uses and structures to a particular permitted use, including administrative offices.		14 Accessory structures and uses to a particular permitted use.		15 Accessory structures and uses to a particular permitted use.			
4 Public parks and recreational facilities, exclusive of spectator sports facilities.		6 Public parks, parkways, recreation facilities, trails and related facilities.		6 Public parks, parkways, recreational facilities, trails and related facilities.		9 Parks (subject to Use Restriction c)	
5 Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses		3 Manufacturing, fabricating, processing, packing or storage except the uses detailed in C 1 and C 2, which are prohibited in the districts.		1 Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials.		6 Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8-11)	
a. Activities are entirely enclosed within a building or structure whose appearance is compatible with normal industrial or office building design.		2 Wholesale and distributive activities.		2 Wholesale and distributive activities.			
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 or finished products.							
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. [ORD 4071, October 1999]							
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 and allied arts, communications equipment, electronic components, measuring, analyzing and controlling instruments manufacturing.							
6 Up to 60 percent of the land area in a Development Control Area may be devoted to uses which include office, employment activities and/or services to employees and establishments within an industrial		8 Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. [ORD 2106, October 1979]		6 Administrative, educational and other related activities and facilities subordinate to a permitted use or the same purposes as the principal use.		10 Office	
a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to customers of the general public.		10 Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 20.15.11.					



20.15.05. Campus Industrial Districts: CI	20.15.10. Industrial Park Districts: IP	20.15.15. Light Industrial Districts: LI	20.20.25* Station Community Employment District: SC-E [ORD 4188, Jan 2002]	
b. Services to businesses, including advertising, personnel services, building maintenance, janitorial, security, data processing, and accounting.				
c. Offices of professionals, equipment rental businesses, schools except public elementary, secondary or adult general, colleges and universities.				
d. Distributing and wholesaling retailables services.				
e. Child care services. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)	17 Nursery, day or child care facility. (ORD 3784 July 1980) (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)	9 Nursery, day care facilities. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)	2 Child Care Services (subject to Use Restriction 1). (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)	
f. Business associations, professional membership organizations, labor unions, and similar organizations.				
g. Engineering, architectural and surveying services.				
h. Mail order houses, wholesale or retail, exclusive of on-site sales to the public.				
i. Public utilities and services other than those offering on premises services to individuals of the general public.	3 Public services or utility uses, including vehicle storage and incidental service and repair. (ORD 4093, March 2000)	3 Public services or utility uses other than those providing on premise services to individuals of the general public.	11 Public services or utility uses, confined to the area used as of February 7, 2002.	2 Public services or utility uses.
j. Financial institutions.			5 Financial institutions (subject to Use Restrictions a and b).	
k. Privately owned parks and recreational facilities such as golf courses, racquetball or handball clubs, tennis courts or swimming pools exclusive of spectator sports facilities.	10 Privately owned recreational facilities such as fitness clubs, racquetball or handball clubs, tennis courts or swimming pools exclusive of spectator sports facilities. (ORD 3739)			
l. Non-commercial, educational, scientific and research organizations, including laboratories.				
m. Equipment rental agencies, exclusive of trucks, vehicles or heavy equipment.				
n. Research and development activities.	4 Research laboratory.	4 Research laboratory.	12 Research facilities.	
o. Industrial and professional equipment and supply stores, including service and repair of same.	8 Equipment sales, including incidental service and repair (excludes retail sales of specific items on display).	8 Heavy equipment sales, including incidental service and repair.		
p. Other uses which in the determination of the Director are within the intent and purpose of the CI District as stated in the Comprehensive Plan and this ordinance, and are intended to serve primarily employees and businesses within a CI District and only incidentally, the general public. When an interpretation is discretionary, notice shall be provided in accordance with Section 60.40. (ORD 3739)				
7 Up to 10 percent of the land area in a Development Control Area may be devoted to retail businesses.			13 Retail trade (subject to Use Restrictions a, b, c, and d).	
a. Free standing retail businesses offering products or services that have no more than 15,000 square feet of building area. (ORD 3785)			14 Service businesses (subject to Use Restrictions a, b, c, and d).	
b. A combination of retail business or businesses offering products or services to the extent that such business or businesses equals less than 40,000 square feet of building area. (ORD 3785)				



20.15.05. Campus Industrial Districts: CI		20.15.10. Industrial Park Districts: IP		20.15.15. Light Industrial Districts: LI		20.20.25. Station Community-Employment District: SC-E [ORD 4188, Jan 2002]	
	5. Other use which and in the determination of the Director are within the intent and purpose of the Comprehensive Plan and this ordinance area allowed. When an interpretation is a discretionary matter should be provided in accordance with Section 50.40 - C.R.P. 50.6.						
	6. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248, April 2003]	20. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248, April 2003]		17. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248, April 2003]		17. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248, April 2003]	53. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248, April 2003]
	6. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248, April 2003]	21. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248, April 2003]		22. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248, April 2003]		18. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248, April 2003]	6. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248, April 2003]
	10. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248, April 2003]	22. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248, April 2003]		23. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248, April 2003]		19. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248, April 2003]	7. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248, April 2003]
	11. Temporary wireless communication facilities structures (See also Temporary Structures - Section 40.80) [ORD 4248, April 2003]	23. Temporary wireless communication facilities structures (See also Temporary Structures - Section 40.80) [ORD 4248, April 2003]		24. Temporary wireless communication facilities structures (See also Temporary Structures - Section 40.80) [ORD 4248, April 2003]		20. Temporary wireless communication facilities structures (See also Temporary Structures - Section 40.80) [ORD 4248, April 2003]	8. Temporary wireless communication facilities structures (See also Temporary Structures - Section 40.80) [ORD 4248, April 2003]
	12. Up to and including two (2) satellite antennas less than five (5) meters in diameter on one (1) lot [ORD 4248, April 2003]	24. Up to and including two (2) satellite antennas less than five (5) meters in diameter on one (1) lot [ORD 4248, April 2003]		25. Up to and including two (2) satellite antennas less than five (5) meters in diameter on one (1) lot [ORD 4248, April 2003]		22. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248, April 2003]	10. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248, April 2003]
	13. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248, April 2003]	25. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248, April 2003]		26. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248, April 2003]		21. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248, April 2003]	9. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248, April 2003]
		7. Cold storage plants.		7. Cold storage plants.			
		8. Fuel oil distributors.		9. Fuel oil distributors.			
		10. Printing, publishing and book binding.		10. Printing, publishing and book binding.		10. Printing, publishing and book binding (Subject to Use Restriction f).	
		12. Storage yard for building materials: except bulk materials such as sand, gravel and the like are not permitted in the IP zone.		13. Storage yard for building materials.			3. Storage yard for building or landscaping materials.
		13. Trailer, recreational vehicle or boat storage only.		14. Trailer, recreational vehicle or boat storage.			
		14. Processing uses such as bottling plants, creameries, laboratories, blueprinting and photocopying, laundries, carpet and rug cleaning plants, cleaning and dyeing plants, tire retreading, recapping and rebuilding.					
		18. Surface parking lots as principal use (ORD 3204, January 1981) (See also Special Use Regulations - Section, Uses Requiring Special Regulations - Park and Ride Facilities.)					
				11. Retail or combination retail wholesale lumber and or building materials yard.			
				12. Storage or storage yard for contractors equipment, house moving, delivery vehicles, transit storage, parking, rental and use of equipment in operation - limited. [ORD 4071, October 1999]			4. Storage yard for contractors equipment, transit vehicles, and related vehicle or equipment in maintenance activities.
				14. Auto, truck and trailer rental.			
				18. Self Storage Facilities [ORD 4384, June 21, 2001]			



20.15.05. Campus Industrial Districts: CI	20.15.10. Industrial Park Districts: IP	20.15.15. Light Industrial Districts: LI	20.20.25. Station Community Employment District: SC-E [ORD 4188, Jan 2002]	
		Automatic services. Used in Major activity within (under Section 60.40.35.3) [ORD 3975, February 1997]	1. Office buildings. (See also Special Use Regulations - Office Buildings.)	
			2. Retail food services. (See also [ORD 4124, August 2002])	
			3. Fabric manufacturing establishments. (Subject to Use Restrictions 1, 4, and 5.)	
			7. Meeting facilities less than 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.)	Meeting facilities less than 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.)
			10. Utility transmission lines.	
B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable) The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):	B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable) The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):	B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable) [ORD 3975, February 1997] The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):	B. Conditional Uses Sub Areas 1 and 2: (Subject to Section 40.15 or Section 40.96 as applicable) Unless otherwise prohibited, the following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):	Conditional Uses Sub Area 3: (Subject to Section 40.15 or Section 40.96 as applicable) The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):
1 Heliports. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Aircraft Landing Facilities.)	1 Heliport (See also Special Use Regulations Section, Uses Requiring Special Regulations - Aircraft Landing Facilities.)	1 Heliport. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Aircraft Landing Facilities.)		
2 Facilities related to utility distribution, such as substations, water towers, pump stations, other transmission lines or power plants.	2 Facilities related to utility distribution such as substations, water towers, pump stations, other than transmission lines.	2 Facilities relating to utility distribution such as substations, water towers, pump stations and other transmission lines.	3 Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)	3 Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
3 The following uses may be allowed within the 10				
a. Free standing retail businesses offering products or services that have more than 15,000 gross square feet but less than 60,000 gross square feet of building area. (ORD 3785) [ORD 4186; January 2002]				
b. A combination of retail business or businesses, offering products or services to the extent that such business or businesses equals over 40,000 gross square feet but less than 60,000 gross square feet of building area. (ORD 3785) [ORD 4186; January 2002]				
c. Hotels, and extended stay hotels [ORD 3958, June 1996], subject to the following additional criteria: (ORD 3569)				
-1 Within a CI District with at least fifty percent of the Development Control Area developed.				
-2 Site size a minimum of two acres and a maximum of five acres.				
-3 Vehicular access only from internal streets to the District, not from an abutting arterial or regional traffic route.				
-4 Signage is allowed as per Section 60.40.35.3 of this code. However, only one freestanding sign, up to 32 square feet per face, 64 square feet for all faces combined or one wall sign up to 64 square feet may orient toward an abutting arterial or regional traffic route.				
-5 Signage shall not be allowed for auxiliary uses such as restaurants, meeting rooms, etc.				



20.15.05. Campus Industrial Districts: CI	20.15.10. Industrial Park Districts: IP	20.15.15. Light Industrial Districts: LI	20.20.25. Station Community - Employment District: SC-E [ORD 4188; Jan 2002]	
-6 Auxiliary uses such as restaurants and meeting rooms shall be designed to meet the needs of the guests of the facility and not the general public.				
d. Bulk retail uses as defined by Chapter 90 are allowed conditionally subject to the following criteria (ORD 3825):				
-1 Bulk retail shall not abut an existing residential zone except in those areas where the abutting residential zone is not developable for residential uses.				
-2 Signs are allowed in accordance with Section 60.40.35.3 of this code. However, only one freestanding sign, up to 32 square feet per face, 64 square feet for all faces combined or one wall sign up to 64 square feet may orient toward an abutting arterial or regional traffic route.				
-3 There will be no more than one Bulk Retail use within any single Development Control Area in the Campus Industrial zone.				
-4 There must be a minimum five-acre lot size to accommodate the use. [ORD 3975, February 1997]				
e. Eating and Drinking Establishments [ORD 4265; September 2003]	4 Eating or drinking establishments. [ORD 3975, February 1997]	5 Eating or drinking establishments. [ORD 3975, February 1997]		
4 Construction of a wireless communication facility tower [ORD 4248; April 2003]	12 Construction of a wireless communication facility tower [ORD 4248; April 2003]	12 Construction of a wireless communication facility tower [ORD 4248; April 2003]	10 Construction of a wireless communication facility tower. [ORD 4248; April 2003]	9 Construction of a wireless communication facility tower. [ORD 4248; April 2003]
5 Attachment of a new wireless communication facility to an existing or new privately-or publicly owned building or structure that does not utilize stealth design [ORD 4248; April 2003]	13 Attachment of a new wireless communication facility to an existing or new privately-or publicly owned building or structure that does not utilize stealth design [ORD 4248; April 2003]	13 Attachment of a new wireless communication facility to an existing or new privately-or publicly owned building or structure that does not utilize stealth design [ORD 4248; April 2003]		
6 More than two (2) satellite antennas five (5) meters or greater in diameter on one (1) lot [ORD 4248; April 2003]	14 More than two (2) satellite antennas five (5) meters or greater in diameter on one (1) lot [ORD 4248; April 2003]	14 More than two (2) satellite antennas five (5) meters or greater in diameter on one (1) lot [ORD 4248; April 2003]	11 More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot. [ORD 4248; April 2003]	10 More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot. [ORD 4248; April 2003]
7 Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]	15 Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]	15 Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]	12 Direct-to-home satellite service having antennas greater than one (1) meter in diameter. [ORD 4248; April 2003]	11 Direct-to-home satellite service having antennas greater than one (1) meter in diameter. [ORD 4248; April 2003]
	3 Motor freight terminal.	9 Motor Freight Terminal.		
	5 Salvage yards.	6 Salvage yards and recycling centers.		
	10 Parking structures (ORD 3204; January 1981). (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)	8 Surface parking lot or parking structure as a principal use. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)	7 Parking as the principal use, provided it is in a parking structure. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)	7 Parking as the principal use, provided it is in a parking structure. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)
	11 Solid Waste Transfer Stations (ORD 3499)	11 Solid Waste Transfer Station. (ORD 3499)		
	6 Planned Unit Developments.			
	7 Equipment rental agencies (ORD 3136; October 1979)			
	8 Auto, truck and trailer rental agencies (ORD 3162; March 1980)			
	9 Self Storage Facilities [ ORD 4354; June 2005]			
		3 Concrete mixing and asphalt batch plants.		
		4 Trailer sales or repair.		
		7 Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]		
		10 Vehicle Storage Yards. (ORD 3314, April 1983)		
			1 Commercial Schools (subject to Use Restriction b).	1 Commercial Schools.



20.15.05. Campus Industrial Districts: CI	20.15.10. Industrial Park Districts: IP	20.15.15. Light Industrial Districts: LI	20.20.25. Station Community - Employment District: SC-E [ORD 4188, Jan 2002]	
			2 Educational Institutions (subject to Use Restriction b)	2 Educational Institutions.
			4 Hardware stores not exceeding 10,000 square feet in gross floor area (subject to Use Restriction c).	5 Hardware stores not exceeding 10,000 square feet in gross floor area (subject to Use Restriction c).
			5 Hotels and extended stay hotels.	4 Hotels and extended stay hotels.
			6 Meeting facilities exceeding 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.)	6 Meeting facilities exceeding 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.)
			8 Places of worship (subject to Use Restriction b).	
			9 Social or Fraternal Organizations (subject to Use Restriction b.)	8 Social or Fraternal Organizations (subject to Use Restriction b.)
C. Prohibited Uses:	C. Prohibited Uses:	C. Prohibited Uses:	C. Prohibited Uses Sub Areas 1 and 2: The following principal, secondary or accessory non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in Station Community - Employment District Sub Areas 1 and 2:	Prohibited Uses Sub Area 3: The following principal, secondary or accessory non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in Station Community - Employment District Sub Area 3:
1 Mobile home parks and subdivisions. (ORD 3739)	8 Mobile home parks and subdivisions. (OED 3739)	1 Mobile home parks and subdivisions. (ORD 3739)	17 Mobile home parks and subdivisions.	18 Mobile home parks and subdivisions.
2 Retail businesses for which equipment or products are				
3 Automotive services, Minor or Major.	7 Automotive Services, Major or Minor [ORD 3975, February 1997]		1 Automotive sales and services, major and minor.	1 Automotive sales and services, Minor and Major
4 Eating or drinking establishments with drive-through windows.	6 Eating or drinking establishments providing drive-in (windows) or take-out serving market areas outside the Industrial Park District. [ORD 3975, February 1997]	2 Eating or drinking establishments providing drive-in (windows) or take-out serving market areas outside the Light Industrial District. [ORD 3975, February 1997]		
	1 Any use having the primary function of storing, utilizing or manufacturing explosive materials.			
	2 Any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as sauerkraut, vinegar or yeast.			
	3 Retail or combination retail-wholesale lumber and/or building materials yard, not including concrete mixing.		23 Retail or combination retail-wholesale lumber and/or building materials yards.	26 Retail or combination retail-wholesale lumber and/or building materials yard.
	4 Storage or sale yard for contractors equipment, house mover, delivery vehicles, trucking terminal, used equipment in operable condition, and transit storage, except for public transit vehicles. [ORD 4093, March 2000]			
	5 Trailer sales or repair.			
			2 Bulk fuel dealerships and storage yards, including card locks.	2 Bulk fuel dealerships and storage yards, including card locks.
			3 Bulk retail uses.	3 Bulk retail uses.
			4 Car washes.	4 Car washes.
			5 Cemeteries.	5 Cemeteries.
			6 Commercial indoor or outdoor recreation and amusement services and facilities.	6 Commercial indoor or outdoor recreation and amusement services and facilities.
			7 Concrete mixing and asphalt batch plants.	7 Concrete mixing and asphalt batch plants.
			8 Attached dwellings, including manufactured homes, new [ORD 4224, August 2002]	8 Attached dwellings, including manufactured homes, new [ORD 4224, August 2002]
			9 Detached dwellings, including manufactured homes, new [ORD 4224, August 2002]	9 Detached dwellings, including manufactured homes, new [ORD 4224, August 2002]
			10 Electrical power generators.	10 Electrical power generators.
			11 Furniture and appliance stores.	11 Furniture and appliance stores
			12 Golf courses.	12 Golf courses.



20.15.05. Campus Industrial Districts: CI	20.15.10. Industrial Park Districts: IP	20.15.15. Light Industrial Districts: LI	20.20.25. Station Community - Employment District: SC-E [ORD 4188; Jan 2002]
			13 Junk yards and motor vehicle wrecking yards, salvage yards, storage yards and recycling centers.
			14 Kennels.
			15 Machinery, equipment or implement sales or service relating to farming and construction (heavy equipment).
			16 Self Storage Facilities [ ORD 4354; June 2005]
			18 Motels
			19 Motor vehicle, travel trailer, recreation vehicle, manufactured home, and boat sales, leasing, rental or storage for such uses.
			20 Nurseries and greenhouses, retail and wholesale.
			21 Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots.
			22 Recreational vehicle parks and campgrounds.
			24 Solid waste transfer stations.
			25 Surface parking as the primary use.
			26 Theaters.
			27 Truck stops.
			28 Warehouses, wholesale and distributive activities (motor freight terminals), or Cold Storage Plants.
			29 Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design. [ORD 4248; April 2003]
			30 Other uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Station Community - Employment District as stated in the Comprehensive Plan and this ordinance.
			14 Junkyards and motor vehicle wrecking yards, salvage yards, recycling centers.
			15 Kennels, excluding those accessory to veterinary medical clinics or medical research facilities.
			16 Machinery, equipment or implement sales or service relating to farming and construction (heavy equipment).
			17 Mini-storage facilities.
			19 Motels
			20 Motor vehicle, travel trailer, recreation vehicle, manufactured home and boat sales, leasing, rental or storage unless otherwise permitted in this section.
			21 Nurseries and greenhouses, retail and wholesale.
			24 Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots.
			25 Recreational vehicle parks and campground.
			27 Solid waste transfer stations.
			28 Surface parking as the primary use.
			29 Theaters.
			30 Truck stops.
			31 Warehouses, wholesale and distributive activities (motor freight terminals), or cold storage plants.
			32 Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design. [ORD 4248; April 2003]
			33 Other uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Station Community- Employment District as stated in the comprehensive plan and this ordinance.
			13 Heavy equipment sales, including incidental service and repair.
			22 Parks
			23 Places of worship.
D. <u>Use Restrictions:</u> reserved. (not currently specified in Development Code.)	D. <u>Use Restrictions:</u> reserved. (not currently specified in Development Code.)	D. <u>Use Restrictions:</u> reserved. (not currently specified in Development Code.)	D. <u>Use Restrictions:</u> 1 Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are a. Drive-in, drive-through or drive-up window facilities within the Station Community – Employment Districts are b. The maximum building footprint size for a building involving a single use shall be 10,000 square feet. The c. This activity is conducted wholly within an enclosed structure. No accessory open-air sales, display, or storage d. Accessory outdoor seating related to the primary eating or drinking establishment use may be permitted Eating, drinking, or both establishments may combine accessory outdoor seating areas, provided that the e. Limited to 0.5 acres in size, unless located on top of a building or structured parking. f. Uses greater than 5,000 square feet require a Conditional Use. g. Only as an accessory use to a Hotel or Extended Stay Hotel, or Offices.
E. <u>District Requirements:</u> 1 The Minimum Area for a new Zoning District is 25 acres. In instances involving annexation, the Director 2 There is no Maximum Area for a new Zoning District.	E. <u>District Requirements:</u> 1 There is no Minimum Area for a new Zoning District. 2 There is no Maximum Area for a new Zoning District.	E. <u>District Requirements:</u> 1 There is no Minimum Area for a new Zoning District. 2 There is no Maximum Area for a new Zoning District.	E. <u>District Requirements:</u> 1 There is no Minimum Area for a new Zoning District. 2 There is no Maximum Area for a new Zoning District.





**MEMORANDUM**  
**CITY OF BEAVERTON**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**PLANNING SERVICES DIVISION**

"MAKE IT HAPPEN"

**To:** Planning Commission  
**Date:** January 24, 2007  
**From:** Leigh M. Crabtree, *LMC* Associate Planner  
**Subject:** **CPA2006-0017 / ZMA2006-0023**  
**North Millikan Annexation Map Amendments**  
**Issues to discuss at the hearing and a revised staff recommendation**

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Since the time of the staff report, dated December 21, 2006, staff have (1) researched Washington County records and (2) analyzed the Washington County Industrial designation, the Washington County Interim Light Rail Station Area Overlay District, the City of Beaverton Industrial zoning district designations and the City of Beaverton Station Community zoning district designations. This research and analysis has been done in order to better understand the potential impacts of applying City Industrial or Station Community land use and zoning districts to the subject parcels. The overall conclusion by staff is that implementation of any of the six potential zoning districts that were analyzed will create a set of non-conformities, whether based upon use allowances or site development requirements.

Of the Industrial zoning districts, the Campus Industrial (CI) zoning district may create the least number of non-conformities. However CI implementation does not respect the County's Overlay district or the County's and Metro's 2040 Station Community designations. Additionally, CI implementation requires addition of the subject parcels into Development Control Area 1, or the creation of a new development control area, which carries a host of unknown repercussions.

Of the Station Community (SC) districts, the Station Community – Multiple Use (SC-MU) zoning district may create the least number of non-conformities. However, implementation of SC-MU includes allowances for residential development. Given the existing development pattern of the subject parcels that does not include any residential uses, staff is concerned that, like the Pearl District in Portland, the addition of residential uses in a historically non-residential area will intensify incompatibilities of new versus old development as redevelopment occurs in this area. Based upon this concern, staff concludes that implementation of the Station Community – High Density Residential (SC-HDR) zoning district is incompatible. It should be noted that both the SC-MU and SC-HDR zoning districts are implemented along the south side of Millikan Way.

Staff concludes that the Station Community – Employment (SC-E) zoning district is the most appropriate choice of the SC zoning districts. A few existing uses would be non-conforming under that zone, although it is questionable as to whether or not they were legally established when the properties were in the County. The uses are as follows:

- An indoor recreation facility located upon Tax Lot 1S109CB00100. Although County Community Development Code (CDC) as written reads that the use is not permitted, the property's representative has stated that a former planning director at the County interpreted that the use is allowed. City staff has attempted to contact County staff to determine the nature of the interpretation.



- A document storage and retrieval service also located upon Tax Lot 1S109CB00100. Based upon further discussions with the property owner's representative and City Development Services Division staff, it has been determined that the use is a warehouse. The County's CDC does allow for this use in the Industrial District through a Type II procedure, but the County's Interim Light Rail Station Area Overlay District limits warehouses to those storing material manufactured on site or used in on site manufacturing, except where a building constructed prior to adoption of the interim district was designed primarily for warehouse use. This use is prohibited under SC-E zoning and would therefore become non-conforming.
- An automotive storage, service and potentially sales upon Tax Lot 1S109CD00100. Within the Industrial District, the County's CDC does permit passenger vehicle repair under Service and Wholesale Commercial Uses (Section 320-3.12) through a Type II Procedure, but does not address passenger automotive sales as permitted. However, the County's CDC does state that this type of use is prohibited under the Interim Light Rail Station Area Overlay District within 1,300 feet of a light rail transit station site boundary, a distance that the tax lot is within (Section 381-8.20 and 381-8.21).

In discussions with legal representation of the Felton Management Corporation, the creation of any non-conformity for the property owner is cause for concern. As described by the Felton's legal representation, the main reasoning for the concern is the financial repercussions that result from a non-conforming status, because financial institutions shy away from or simply do not enter into contracts regarding financing of parcels that are in a non-conforming status per land use regulations. Secondly, concerns arise from redevelopment opportunities for existing uses and the site development requirements and timelines associated with City review of development proposals.

A representative of the owner of Tax Lot 1S109CC04400 has inquired with staff as to the timelines for the effective date of the SC-E zone so that they may entertain a potential lessee under the allowances of the SC-E zone. Additionally, contact with a Tektronix representative regarding Tax Lot 1S109CB00300 and contact with the owner of Tax Lot 1S109CD00300, have not yet resulted in negative feedback regarding the proposal.

Additionally, County staff has provided a letter, attached, to the City regarding the County's perspective regarding the proposal. County staff states that the County Industrial designation continues to apply along with the Interim Light Rail Station Area Overlay District for the subject parcels, as the County did not adopt a station community plan for the subject area. The letter concludes that, because the County did not complete a comprehensive planning process for the subject parcels and surrounding area that they do not feel comfortable speculating on what designation might have resulted.

The following is the Ordinance history for the subject parcels and surrounding area:

July 1993 County Ordinance 418  
Establishment of the Interim Light Rail Station Area Overlay District, which included all of the subject parcels.

September 1998 County Ordinance 526  
Repeal of the Interim Light Rail Station Area Overlay District for specific areas planned by the County. This repeal did not include the subject parcels



September 1998 County Ordinance 530

Establishment of a development agreement between the County and Tektronix Inc. for the purpose of implementing a subdivision and Master Plan/Planned Unit Development for development of the Tektronix campus and to assure permitted uses, required fees and exactions and responsibilities for providing infrastructure and services in connection with development of the Campus during the period of the agreement.

October 2001 City Ordinance 4181

Annexation of Tax Lot 1S109DC00800 (Clean Water Services parcel)

February 2005 City Ordinance 4340

Annexation of all parcels subject to this proposal and recommendation, except Tax Lot 1S109DC00800, noted above.

2005 County Ordinance 647

County agreement with Tektronix was renewed and updated for properties that continue to remain within the County (outside the City).

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Based upon the issues discussed above and those discussed in the December 21, 2006 staff report, January 10, 2007 memo and January 19, 2007 memo, City staff continue to recommend implementation of the Station Community (SC) land use designation and the Station Community – Employment (SC-E) zoning designation for all 13 parcels. However, staff does consider that additional time may be required to discuss all the related issues with property owners that carry concerns for their property's long-term viability. Therefore, staff has outlined the following alternatives for resolution of the issues at this time:

1. Move forward with staff recommendation for implementation of the Station Community (SC) land use designation and Station Community – Employment (SC-E) zoning district designations for all 13 parcels.
2. Withdraw the applications and direct staff to resubmit for Industrial land use and zoning designations.
3. Continue the applications indefinitely or withdraw the applications, directing staff to work with County staff to amend the UPAA in order to provide clarity for City land use and zoning implementation regarding parcels annexed from the County.
4. Approve, in part, the proposal for those property owners that are in favor of receiving SC land use and SC-E zoning on their properties and those property owners that have not shown opposition to the proposal. Deny, in part, the proposal for those property owners that have stated their opposition to the implementation of SC land use and SC-E zoning designations, with the understanding that staff will continue to work with those property owners in conjunction with the scheduled update of Chapter 20 of the Development Code to resolve their concerns, and will initiate applications to apply appropriate City land use and zoning designations upon completion of the Chapter 20 update process.

Staff recommends alternative 4.





Post-it® Fax Note	7671	Date	1/23/07	# of pages	1
To	Leigh Crabtree	From	PAUL SCHAEFER		
Co./Dept.		Co.			
Phone #		Phone #	503-846-8817		
Fax #	503-526-3720	Fax #	503-846-4412		

# WASHINGTON COUNTY OREGON

January 23, 2007

Ms. Leigh M. Crabtree, Associate Planner  
City of Beaverton Planning Services Division  
PO Box 4755  
Beaverton, OR 97076-4755

RE: CPA2006-0017 / ZMA2006-0023

Dear Ms. Crabtree:

The County has reviewed the staff report for the proposed amendments and has the following comments. First, the property in question is designated Industrial on the Cedar Hills-Cedar Mill Community Plan. The property is also subject to the provisions of the Interim Light Rail Station Area Overlay District (Section 381 of the Community Development Code). The intent of these interim provisions is to direct and encourage transit supportive and pedestrian-oriented development in areas within approximately a one-half mile radius of Westside light rail transit station sites until such time as the County adopts site specific station area plans. The County has adopted station community plans for each of the light rail stations located within unincorporated Washington County. However, the adopted station community plans did not include the subject area.

Second, the property is designated on the County's 2040 Design Type Boundary Map in Policy 40 (Regional Planning Implementation) of the Comprehensive Framework Plan for the Urban Area as Station Community. It is worth noting that the property, though designated Industrial on the community plan, was not given a 2040 Industrial designation because Metro had not designated the property Industrial on its 2040 Growth Concept Map. However, there is no certainty that if the County had completed subsequent station area planning for the area in which the property is located that a transit oriented district (TOD) would have been applied to the property. Additionally, if a TOD designation were applied to the property, there is no certainty as to what land use designation would have been applied (i.e., Transit Oriented Business (TO:BUS) or Transit Oriented Employment (TO:EMP)). Simply, because the County did not go through a comprehensive planning process, we do not feel comfortable speculating on what might have resulted.

Additionally, the County entered into a Development Agreement (Agreement) with Tektronix in 1998 (Ordinance 530) which identified, in part, allowed uses and densities on the Tektronix campus as well as certain transportation improvements required to be made by either Tektronix or the County. Under the terms of the Agreement, the Tektronix campus retained its Industrial land use designation but could be developed with uses allowed in the County's Transit Oriented Employment (TO:EMP) District and in the Interim Light Rail Station Overlay District as well as with uses allowed in the Industrial District. The Agreement was renewed and updated in 2005 with the adoption of Ordinance 647 and remains in effect for those properties subject to the terms of the Agreement.

We hope that you find these comments helpful. Please contact me should you have any questions about this matter.

Thank you,

Andy Back  
Principal Planner

Department of Land Use & Transportation • Planning Division

155 N. First Avenue, Suite 350-14, Hillsboro, OR 97214-3072  
phone: (503) 846-3964 • fax: (503) 846-4412





**MEMORANDUM**  
**CITY OF BEAVERTON**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**PLANNING SERVICES DIVISION**

"MAKE IT HAPPEN"

**To:** Planning Commission  
**Date:** January 24, 2007 *LMR*  
**From:** Leigh M. Crabtree, Associate Planner  
**Subject:** **CPA2006-0017 / ZMA2006-0023**  
**North Millikan Annexation Map Amendments**  
**Letters and E-mails received and Spreadsheet**

---

The attached documents include:

Letters and Emails

- January 4, 2007 e-mail Samantha Stubbs  
concerned neighbor
- January 8, 2007 letter David J. Petersen, Tonkon Torp LLP  
representing Millikan Properties
- January 11, 2007 letter David J. Petersen, Tonkon Torp LLP  
representing Millikan Properties in opposition
- January 15, 2007 letter Don Delzer,  
expressing support for the proposal
- January 17, 2007 letter Richard H. Allan, Ball Janik LLP  
on behalf of Felton Properties (Felton Management Corporation)  
in opposition
- January 22, 2007 e-mail Lorie Loftis  
Property manager and a partner of Gene Biggi Properties  
inquiring about timelines and current and future occupancies  
under the SC-E zoning district

Spreadsheets

- Subject parcels and existing uses crossed with City Industrial and SC-E land uses



**Leigh Crabtree**

---

**From:** Leigh Crabtree  
**Sent:** Thursday, January 04, 2007 11:43 AM  
**To:** 'samantha stubbs'  
**Cc:** gsmith@senate.gov.us; wyden@senate.gov.us; Hal Bergsma  
**Subject:** RE: Planning Comissio Hearing reference Policy 40/North Milikan Anexation Map Amendments

Samantha,

The proposal, CPA2006-0017 and ZMA2006-0023 (North Millikan Annexation Map Amendments), that you are referring to will change the zoning for properties located north of SW Millikan Way. These parcels were annexed into the City of Beaverton from Washington County. The City is now proposing to apply City Station Community – Employment (SC-E) zoning to the properties consistent with plan and zoning designations previously applied by Washington County. At this time no development applications have been submitted for any of the properties included in the proposal.

Most of the single-family developed properties along SW 144<sup>th</sup> Avenue, south of Millikan Way and north of T-V Highway, are zoned Station Community – High Density Residential (SC-HDR), which became effective in September 2000 per City Ordinance 4122. Existing detached dwellings and replacement of existing detached dwellings are a permitted uses in the SC-HDR zone.

The City has not received any development applications for redevelopment of properties along your portion of SW 144<sup>th</sup> Avenue since 2005, that application was withdrawn. Additionally, the City has not received any proposals to reopen 144<sup>th</sup> Avenue at Millikan Way, however, an application could be submitted that proposes reopening SW 144<sup>th</sup> Avenue in the future.

Should an application for redevelopment of a property be submitted to the City.

- depending on the scope of the project, it is standard procedure for the City to mail a notice to the owners of any property within 300 feet or 500 feet of the subject property,
- if a mailed notice is required, it is also standard procedure for the applicant to post a notice board on the property proposed for redevelopment, and
- in some cases it is required that an applicant hold a neighborhood meeting (with mailings and postings) prior to submittal of an application to the City

If you would like to receive further clarification regarding the subject proposal, please feel free to contact me.

Sincerely,

Leigh M Crabtree  
 Associate Planner  
 City of Beaverton  
 4755 SW Griffith Drive  
 PO BOX 4755  
 Beaverton, OR 97076  
 503.526-2438  
 503.526.3720 fax

---

**From:** samantha stubbs [mailto:samanthastubbs@yahoo.com]  
**Sent:** Wednesday, January 03, 2007 10:07 PM  
**To:** Leigh Crabtree  
**Cc:** gsmith@senate.gov.us; wyden@senate.gov.us  
**Subject:** Planning Comissio Hearing reference Policy 40/North Milikan Anexation Map Amendments



My name is Samantha Stubbs, my husband and I own the property at 3770 SW 144Th ave in Beaverton, on the edge of the property that may be affected by this , and past proposals.

I was wondering if you could describe what is being proposed , and why. I am not quite able to grasp the design or reasoning behind it.

Also, I would like to know if any entity has expressed interest, filed plans or in any other way communicated a future plan,proposed plan or idea for this area. It concerns me very much as , soon after we purchased our home it was discovered that the city has in the past, and in future drafts of the area placed our street on the agenda.

We have a dead end street ,where 27 families including 24 children(25 I believe by summer time),14 cats,several dogs, a family of raccoons, 2 nesting families of wild ducks ,frogs,owls,birds and assorted other residents live.

The road had been closed as it was a true and terrible safety hazard, as attested to by the residents of this street many times in the past.And in truth appears to have served no real purpose , save for the erratic drivers that can not be bothered to wait at the stop light on Murry Blvd per the oldest resident of our neighborhood, who sadly,passed away recently .

In the event that the road is ever open to traffic,or pushed thru , it would lead to nowhere but Tectonics, and area that is on the proposal,thus turning our neighborhood into a semi industrial slum ,put our families and properties in real danger, and lower the values of our homes greatly as evidenced in areas similar to this in the Metro area,with similar zoning and characteristics we believe.

The road had been closed as it was a safety hazard.

That this "dead end" protects us, our children ,property and pets from the massive amounts of traffic and negative impact from the businesses in the area must always , we all believe, be of the highest priority.

We also are bordered by a park, that has a protected waterway thru it, that attracts many forms of wildlife, including occasional rare birds and nesting wild ducks. If the street is developed or opened to traffic, it would also directly affect this waterway with much pollution and potentially be the death blow to the small amount of wildlife that manages to survive in this Urban area.

We are vehemently against any changes in the area that would further prohibit our rights as landowners and citizens.Already owners,on our street, that existed as FAMILY homes and PRIVATE property far longer than any industrial area here,

have been denied the property right other citizens in this and nearby communities are allowed, and have been forced to not update their HOMES for the betterment of our property and lives,due to zoning restrictions,enforced I believe with erroneous and grievous judgment, and some of the older homes are in much need of renovation.

To speak plainly, not only do we seek to prohibit further"Urbanization" that directly affects us, but we would like to seek the ability to upgrade our homes and properties as the single family dwellings that they are , as best benefits out families, the spirit of a free community,as tax paying citizens

that does not that lead the way for greedy developers to profit form mass housing developments , unneeded over development and yet another unneeded car sales lot.

The area is almost impassable at high traffic times, and many crossings are so congested as to pose a threat to pedestrians.

In short , this community has suffered greatly due to what I feel is overpopulation and over building,poor planning,scores of tracts of cheaply made, short term housing that has sprung up all across Beaverton, the crime rates are higher ,possibly due to the many illegal residents packed 8 to an apartment,siphoning off public services without giving back to the community in our area specifically, thanks again greedy landlords and complex managers willing



to "look the other way" to make money.

Development is not always better, bigger is not always better, more modern is not always better, a quality home life, safety, and a healthy community is what is ALWAYS better, but that seems to have been forgotten.

I really wonder if in the future the lifestyle magazines that recommend Beaverton as a great place to live can continue to attract quality citizens.

We decided to make this area our home for the small community feel, we are the type of family that these suggestions and articles are geared to attract. Oregon natives, professionals, community minded, my husband is a veteran, we care about the community. Now we worry every time a letter arrives from the city. We like it here, and we are here to stay. To help make this a better community, not a better parking lot or manufacturing center.

We need our leaders to make the best decisions for the people who live in and support our community, not the big business that only think of profits, while reducing, endangering and impeding our rights.

I look forward to your information about the proposal, and look forward to meeting you at the hearing.

Sincerely,  
Mrs. Samantha Stubbs  
Fourth Generation Oregon Native and Patriot

---

Do You Yahoo!?  
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<http://mail.yahoo.com>





TONKON TORP<sup>LLP</sup>  
ATTORNEYS

1600 Pioneer Tower  
888 SW Fifth Avenue  
Portland, Oregon 97204  
503.221.1440

DAVID J. PETERSEN  
ADMITTED TO PRACTICE IN OREGON AND CALIFORNIA

503.802.2054  
FAX 503.972.3754  
DavidP@tonkon.com

January 8, 2007

**VIA FEDEX**

Leigh Crabtree  
Associate Planner  
Beaverton Community Development Department  
4755 SW Griffith Drive  
P. O. Box 4755  
Beaverton, OR 97076

**RECEIVED**  
JAN 09 2007  
City of Beaverton  
Development Services

Re: CPA 2006-0017 and ZMA 2006-0023  
North Millikan Annexation Map Amendments

Dear Leigh:

This law firm represents Millikan Properties LLC ("Millikan"), which is the owner of two of the parcels subject to the above-referenced comprehensive plan map and zoning map amendment applications. Specifically, Millikan owns tax lots 1S109CD 00100 and 1S109DC 00700, which are proposed for rezoning in subareas 2 and 3, respectively, of the SC-E zone. We submit these comments on the proposal on behalf of Millikan.

The zoning map amendment application is being processed as a discretionary annexation-related zoning map amendment under Beaverton Zoning Code ("BZC") Section 40.97.15.4. However, the proposal does not meet the threshold approval criterion set forth in BZC Section 40.97.15.4.A.1, which states that a discretionary annexation-related zoning map amendment is appropriate only when 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."

In this case, the subject property is designated industrial pursuant to the applicable Washington County community plan map. Parts II.D and III.A of the UPAA state that when County land is annexed to the City, the City shall rezone the land as shown in Exhibit



B to the UPAA.<sup>1</sup> Examination of Exhibit B reveals that for land designated industrial by the County, the City is required to rezone the property as Industrial Park (IP), Campus Industrial (CI) or Light Industrial (LI). Since the UPAA is specific about the City zones that must be applied upon annexation, the threshold criterion for a discretionary annexation-related zoning map amendment is not met and there is no need to exercise discretion in determining the most appropriate City zone (other than determining which of the three industrial zones should be used). For the same reason, the proposed rezoning does not meet the approval criterion of BZC Section 40.97.15.4.C.4, which requires that the proposal be consistent with the UPAA.

Because the UPAA requires rezoning to an industrial zone, the requested discretionary rezone to the SC-E zone cannot be approved. Rather, pursuant to BZC Section 40.97.15.3.A.2, a non-discretionary zoning map amendment to one or a combination of the City's three industrial zones is required. Such zoning would be consistent with the industrial character of the improvements and uses at the two properties in question.

Best regards,



David J. Petersen

DJP/DJP

cc: Mr. Steve Nobach, Millikan Properties LLC (by e-mail)

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<sup>1</sup> The UPAA is set forth in Section 3.15 of the Land Use Element of the City's Comprehensive Plan. The UPAA contains two Section II's. This letter assumes the Section starting at the top of page III-29 of the UPAA is mis-numbered and should be Section III.





1600 Pioneer Tower  
888 SW Fifth Avenue  
Portland, Oregon 97204  
503.221.1440

DAVID J. PETERSEN  
ADMITTED TO PRACTICE IN OREGON AND CALIFORNIA

503.802.2054  
FAX 503.972.3754  
DavidP@tonkon.com

January 11, 2007

Leigh Crabtree  
Associate Planner  
Beaverton Community Development Department  
4755 SW Griffith Drive  
P. O. Box 4755  
Beaverton, OR 97076

Re: CPA 2006-0017 and ZMA 2006-0023  
North Millikan Annexation Map Amendments

Dear Leigh:

We are in receipt of the January 10, 2007 staff report on this matter and specifically staff's response to the comment letter we submitted on behalf of Millikan Properties LLC ("Millikan") dated January 8, 2007. On behalf of Millikan, we have the following additional comments for the record.

Staff's January 10, 2007 response argues that a discretionary annexation-related zoning map amendment is the proper procedure for the proposed zone change because the UPAA gives the Planning Director the discretion to select between three City industrial zoning districts when rezoning property designated Industrial by Washington County. This is a matter of semantics in the proper understanding of the word "discretionary." Even if the Director's ability to select between three industrial districts makes this a "discretionary" amendment, however, the exercise of that discretion still is limited to selection among the three industrial zoning districts identified in Exhibit B of the UPAA. Staff does not explain why the "discretion" given by the UPAA to select among three industrial zoning districts permits the Director to violate the UPAA by selecting a non-industrial zoning district. The UPAA is clear – land designated Industrial by the County must, upon annexation to the City, be zoned into one of the three City industrial zoning districts.

Staff's response also includes the odd statement that it "is not clear as to which of the County designations apply to the subject parcels." This alleged lack of clarity is not evident in the initial staff report, which plainly states in the first paragraph of the report that "[e]ach of the thirteen parcels has continued to carry the Washington County Industrial District designation, as depicted on the County's *Cedar Hills – Cedar Mill Community Plan* map." That



map, which is attachment 3 to the initial staff report, plainly shows that the property in question is designated Industrial.

In its January 10, 2007 report, staff goes on to suggest that the County intended to apply the County's TO:EMP designation to the property. In making this argument, staff relies on a County overlay that was not disclosed in the initial staff report, and a development agreement with a landowner that no longer owns the subject property and which on its face expired in 2006. Regardless of the overlay or the agreement, however, what the County intended to do is mere speculation and is completely irrelevant. What is relevant is what the County did or did not do, and in this case it did not change the Industrial designation of the property.<sup>1</sup>

Whether this application is processed as a non-discretionary or discretionary annexation-related zoning map amendment under BZC 40.97.15.3 or BZC 40.97.15.4 is really beside the point. The fact of the matter is that under either process, the BZC and the UPAA plainly require selection of one of the three City industrial zones for the property and does not permit rezoning into the proposed SC-E zone. Furthermore, industrial zoning would be more compatible not only with the current users of the property, but also with the type of future users of the property who are best suited to utilize the existing improvements, which are obviously industrial in nature as a cursory inspection would confirm.

Best regards,



David J. Petersen

DJP/DJP

cc: Mr. Steve Nobach, Millikan Properties LLC (by e-mail)

033660\00001\735606 V001

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<sup>1</sup> Notably, TO:EMP is another County designation identified in the Community Plan map legend, demonstrating that the County was perfectly capable of designating property as TO:EMP when it chose to do so. Further, while the development agreement is irrelevant, the section staff cites in its response makes it clear that industrial uses were to be allowed on any portion of the Tektronix campus, including the two parcels now owned by Millikan.



1/15/07

To: Leigh Crabtree  
Beaverton Planning Commission

From: Don Delzer  
4030 SW Tualaway AVE  
Beaverton, OR  
97005

**RECEIVED**  
JAN 17 2007  
City of Beaverton  
Development Services

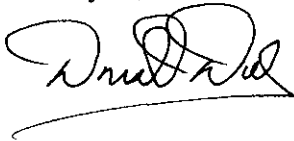
Subject: CPA2006-0017 and ZMA2006-0023 North Millikan Annexation Map  
Amendments

I express support in order to approve this amendment application.

I have been a resident in the South Tektronix Station Community for many years, and was part of the group of residents and landowners that gave input to the station community plan back in 1997. In my opinion, this application is consistent with these long term plans.

I would like to express that consistency is a very important to land use planning, especially to the residents who live within or adjacent to areas where zoning changes are being made, or development is happening.

Thank you,



Don Delzer

P.S. I regret that I could not attend the meeting on 1/17/07 in person.



# BALL JANIK LLP

A T T O R N E Y S

101 SOUTHWEST MAIN STREET, SUITE 1100  
PORTLAND, OREGON 97204-3219

www.balljanik.com

TELEPHONE 503-228-2525  
FACSIMILE 503-295-1058

RICHARD H. ALLAN

rallan@bjllp.com

January 17, 2007

## By Hand Delivery

Beaverton Planning Commission  
Attention: Leigh Crabtree, Associate Planner  
City Hall  
4755 SW Griffith Drive  
Beaverton, OR 97076

## RECEIVED

JAN 17 2007

City of Beaverton  
Development Services

Re: CPA 2006-0017/ZMA 2006-0023  
(North Millikan Annexation map Amendments)

Dear Planning Commissioners:

Approximately 10 days ago, Felton Properties received a notice of this evening's hearing concerning the re-planning and re-mapping of three parcels which Felton Properties controls north of Millikan Way. Those parcels are identified as Tax Lots 1S19CB (Tax Lots 00100, 00600 and 01000); 1S19CD (Tax Lot 00200); and 1S19CB (Tax Lots 00200 and 00700).

While these actions proposed by the City staff seem to be translations of existing County designations into City designations, such actions have much more serious consequences to the property ownerships involved. Part of this is entwined in the lengthy and complicated land use history of Howard Vollum Park (the Tektronix campus); part of it relates to applying City designations to developed and occupied areas of the Tektronix campus, which until 2005 had been outside of the City.

For the reasons set forth in this letter, Felton Properties urges that the Commission defer action on the staff requests, so that a clear understanding of the "ground rules" of post-annexation land use regulation can be fully explored between the impacted ownerships and City staff. This has not yet occurred.

Rather than take Planning Commission time to review a series of issues -- some technical, some requiring research -- both the Commission and the ownerships would be better served if such discussions took place in sufficient detail to either frame any remaining issues for Commission action or to produce a clearer portrayal of how these parcels are to be treated under the City's system. Felton Properties has controlled these parcels for several years. It does not want to incur negative impacts by virtue of the City's annexation. That is why these issues warrant examination before the Commission acts, rather than a more difficult consideration of positions after-the-fact.



## BALL JANIK LLP

Beaverton Planning Commission

January 17, 2007

Page 2

As noted in the Staff Report, a basic anomaly exists in the land use designations for these properties. Despite their annexation in February 2005, they have remained zoned under the County system and, confusingly, subject to parts of both the City and County land use regulations. Under the County system, the properties are simply zoned "Industrial" (because they are part of the original Tektronix campus), without any light rail designations or overlays. The Commissioners are familiar with Beaverton's three industrial zones. The County has traditionally had a single map and zone for its Industrial District. By its nature, as a single large land use category, this designation includes a broad set of use classifications, including significant leeway in accessory uses and interpretations of the Industrial District regulations.

Thus, the shift from County to City industrial zoning, is not merely a technical land use translation process, where the City selects a comparable zone. It is a significant change in direction. The proposed SC-E zone standards are much different from those of the County Industrial District.

In this instance the City proposes to add what the County did not -- a light rail designation, which the staff believes should be SC-E (Station Community-Employment), as an appropriate zone. The staff bases this on County Comprehensive Plan Policy 40, which suggests that a Station Community designation be placed on properties within walking distance of light rail stations. A light rail station is located at the southern edge of the Tektronix campus between Schottky Terrace and SW 141st Place. Yet, the County elected not to designate the Tektronix campus with a light rail zone, even though it did so at locations like Merlo Road.

Although this, too, seems like a basic process of the City supplying the light rail-oriented zone that the County did not, such a step fails to consider the very unique relationship of the Tektronix campus to the Westside Light Rail project and the agreements between the County and Tektronix to preserve the full range of uses allowed within the Tektronix campus under the Industrial District. This included not only the broad range of allowed or special Industrial uses but also accessory uses and "similarly situated" uses, all of which would continue to be permitted, notwithstanding the existence of a light rail station on-campus or light rail zoning required for other station area locations. The concept being implemented was designed to encourage Tektronix to leave as large a work force as possible at Howard Vollum Park but allowing the company to dispose of surplus or under-utilized parcels and buildings in order to retain the vitality of the campus as a central business address. Tri-Met supported this concept as part of a package of light rail-related agreements with Tektronix.

Felton Properties is aware from prior land use actions involving the parking area adjacent to Schottky Terrace, that a complete sharing of information between the County and City about the Tektronix campus sometimes does not occur. The Staff Report for the matter before the Commission this evening contains no mention of the arrangements between Tektronix and the County concerning permitted uses within the Tektronix campus property. This should be considered prior to action re-designating the North Millikan area.



## BALL JANIK LLP

Beaverton Planning Commission

January 17, 2007

Page 3

### Why is all this important to Felton Properties ?

First, the City's application of a SC-E zone to the Felton parcels will represent a real change in many aspects of the land use requirements affecting the properties, both substantially and procedurally. As the Staff Report discusses, the prospect of non-conforming uses is a daunting one for a commercial property owner. While Felton Properties can appreciate that staff has attempted to compare the SC-E uses to the County Industrial zone uses, this does not exhaust the list of issues from a property owner's perspective.. The concept is to have as few non-conformities as possible. Time should be taken to assure that the City will continue to honor this concept. Some non-conforming uses have been already identified. This should not work to a property owner's disadvantage. The mere mention of a non-conforming use or differing development requirements fundamentally affect financing and the impetus for functional re-use and modernization of the Felton holdings.

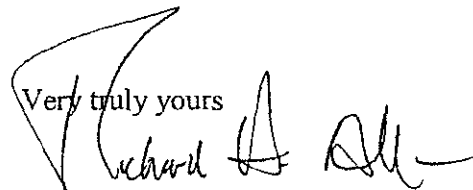
Second, the SC-E zone contains several station area provisions, directing matters such as design, access, building location and pedestrian-friendliness. The problem is that the Tektronix campus is a largely "built-out" property. Tektronix has chosen to sell parts of the campus for non-Tektronix use, focused on re-using buildings constructed by Tektronix. This has helped keep a critical mass of employees at this location and has re-vitalized the campus with other users. Modifications, expansions or re-development are intended to occur under the standards of the County Industrial district. They would have continued to be so handled had the City not annexed the properties now included in the North Millikan area. The annexation should not alter the pre-existing arrangement, requiring a different set of development standards in an area of existing development.

Finally, the City's permitting processes are more involved, time-consuming and expensive than those under the County's system. The key to continued use, enhancement and improvement of those sections of the Tektronix campus, now owned by parties like Felton, is to encourage quick and cost-effective responses to land use applications in order to accommodate new or expanded users. How the City's process squares with these objectives is another topic which bears additional discussion in light of the history associated with the Tektronix campus.

For these reasons, Felton Properties requests that further discussions between City staff and Felton representatives and other affected owners first occur before addressing new and different land use standards inherent in the proposed SC-E zoning.

Thank you for your consideration.

Very truly yours



Richard H. Allan

On Behalf of Felton Properties

Cc: Felton Properties



**Leigh Crabtree**

---

**From:** Leigh Crabtree  
**Sent:** Monday, January 22, 2007 12:44 PM  
**To:** 'Lorie Loftis'  
**Subject:** RE: CPA2006-0017/ZMA2006-0023 (North Millikan Annexation Map Amendments)

Lorie,

I have responded, below.

Leigh M Crabtree

---

**From:** Lorie Loftis [mailto:lorie@bgproperties.com]  
**Sent:** Monday, January 22, 2007 12:12 PM  
**To:** Leigh Crabtree  
**Subject:** RE: CPA2006-0017/ZMA2006-0023 (North Millikan Annexation Map Amendments)

Dear Leigh,

Thank you for your response. I have read the SCE 1 guidelines in detail and have a pretty good idea of what the City is trying to achieve. However, I am still concerned about a few noted items in red below.

-----Original Message-----

**From:** Leigh Crabtree [mailto:lcrabtree@ci.beaverton.or.us]  
**Sent:** Monday, January 22, 2007 8:48 AM  
**To:** Lorie Loftis  
**Subject:** RE: CPA2006-0017/ZMA2006-0023 (North Millikan Annexation Map Amendments)

Ms Loftis,

I am attaching the following documents for your review as well as responding to your questions individually, below.

Leigh M. Crabtree

---

**From:** Lorie Loftis [mailto:lorie@bgproperties.com]  
**Sent:** Friday, January 19, 2007 6:12 PM  
**To:** Leigh Crabtree  
**Subject:** CPA2006-0017/ZMA2006-0023 (North Millikan Annexation Map Amendments)

Hello Leigh,

My name is Lorie Loftis, I am the Property Manager and a Partner of Gene Biggi Properties, owners of property involved in the re-zoning.

I have a couple of questions that I am hoping that you can answer.

1) Due to the cancellation of last weeks Planning Hearing is the presumed schedule now changed? **[Leigh M. Crabtree]** The hearing was continued to this Wednesday, January 24, 2007, 6:30pm, Council Chambers. Will City Council's First Reading still take place on Feb 26th? **[Leigh M. Crabtree]** That is how it is scheduled for now, but the Planning Commission has to approve this Wednesday in order for that to occur.

2) It is my understanding that current occupancy will not be impacted i.e.: the square footage currently being occupied for warehouse space can continue to be used as such. until the use changes when a new tenant seeking



SCE-1 permitted uses applies for their permits to build out that portion of the square footage. Can you explain and/or verify this? **[Leigh M. Crabtree]** The recommended zoning allows for offices, meeting facilities less than 20,000 square feet, manufacturing, and outpatient clinic services, which are the uses that staff understands are currently located upon the property you represent. The question that I could not find an answer to was more of a process question... how are the current uses going to be impacted when they become nonconforming under the new zoning?. I noticed on your attached spread sheet that the 38,000sf of warehouse space is not accounted for under current uses. We would expect the occupants of our warehouse space to be able to stay and continue to provide an income as the market evolves to support the transition. **[Leigh M. Crabtree]** I have not identified a use on your property that would become non-conforming with the change. If the warehouse space is accessory to one of the uses maintained by an existing tenant and is not simply used for a motor freight terminal, I have been informed that that warehouse use is okay. I assume you are referring to the furniture company?

3) Have any other owners contacted the department in opposition to the re-zoning? **[Leigh M. Crabtree]** Yes, please refer to the attachments. It seems likely that this will delay the process, do we all have to agree or can the tax lots be independently re-zoned? **[Leigh M. Crabtree]** Depending upon the discussion at the Planning Commission hearing, the Commission could go ahead with the recommendation, have staff withdraw the proposal, or, possibly, recommend a partial map amendment for specific properties. If the Commission does approve the recommendation, the recommendation could be appealed to the City Council, which would delay the timeline as well.

4) On what date, would we be able to begin a build out for a potential financial institution? We currently have the maximum amount of office space allowed under the old zoning and need to build out this space for them asap. **[Leigh M. Crabtree]** Until the zoning is approved by the City Council I will not have a specific date for you to apply for changes to the subject site. At this time the schedule for the effective date of the zoning will be around April 4<sup>th</sup>, if the Planning Commission recommends and the Council agrees with the zoning as proposed. Applications for modification to the site may be made after the effective date. Financial Institutions are allowed with the following restrictions: (a) drive-in, drive-through or drive-up window facilities within the Station Community – Employment Districts are prohibited and (b) maximum building footprint size for a building involving a single use shall be 10,000 square feet. The maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development. Please understand that I am not trying to be a pest here. The prospective tenant that I am referring to has been in the Beaverton Business Community a long time and a former tenant of ours, that we do not want to put in a bind. Their lease runs out in May and the build out to take warehouse space to a Credit Union is both costly and time consuming. Will design review approve plans for properties flagged for rezoning? **[Leigh M. Crabtree]** In order to receive approval under the proposed zone, an applicant may not apply until after the effective date of the map amendment (presumably April 4<sup>th</sup> or thereafter). It is best to contact the City's Development Services Division to learn about their procedures, 503-526-2420. Would there be a plan B should the process fail or be inevitably delayed? **[Leigh M. Crabtree]** All the City can do is continue to search out legal options for an amendment. Additional amendments will take additional time (i.e. amending to Industrial then to SC-E includes two processes, each 4-5 months minimum) I really do not want to leave them homeless. How would you proceed? **[Leigh M. Crabtree]** Sorry, but I cannot give you advice on how you or your employer could proceed.

5) Tualatin Hills Parks and Rec have shown interest in our site because it is on the lite rail line and it is centrally located. Under the new zoning, Indoor Recreation Facilities are prohibited - what options do I have to offer them? **[Leigh M. Crabtree]** Parks are allowed with a restriction of 0.5 acres or less in size, unless provided on top of a building or parking structure. Commercial indoor or outdoor recreation and amusement services and facilities are not allowed. Is this organization's facilities considered to be commercial? **[Leigh M. Crabtree]** THPRD is a public entity, not considered commercial.

AGAIN, Thank you for your time,

Lorie



Thank You for your time,

Lorie Loftis  
Gene Biggi Properties  
3800 SW Cedar Hills Blvd., #101  
Beaverton, OR 97005  
503-626-5726 Office  
503-643-8823 FAX  
503-330-3032 Cell

Please visit our website at [www.bgproperties.com](http://www.bgproperties.com)

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MAP/TAX LOT	ADDRESS	Campus Industrial - CI	Industrial Park - IP	Light Industrial - LI
ACREAGE	EXISTING LAND USES	permitted (as needed for clarification), conditional & PROHIBITED USES		
1S109CB00100 10.73	14523 SW MILLIKAN WAY OFFICE, SERVICES, MANUFACTURING, RECREATION. Document storage and retrieval system warehouse; Interactive Displays / Table & Benches; Legal Services (tech, advertising, etc.); Lakeside Volleyball Club; Loan Servicing / Real Estate -Office Use	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions:... 6. Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including: a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. k. Privately owned parks and recreational facilities such as golf courses, racquetball or handball clubs, tennis courts or swimming pools exclusive of spectator sports facilities.	1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2., which are prohibited in the districts. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136; October 1979) 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30.15. 19. Privately owned recreational facilities such as fitness clubs, racquetball or handball clubs, tennis courts or swimming pools exclusive of spectator sports facilities. (ORD 3739)	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999] *DOES NOT SPEAK TO RECREATIONAL FACILITIES.
1S109CB00200 4.45	NO ADDRESS PARKING. accessory use for Tax Lot 1S109CB00100 & accessory use to a transit station	1. Transit stations and stops exclusive of terminals or transit storage areas.	18. Surface parking lots as principal use (ORD 3204; January 1981) (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities )	8. Surface parking lot or parking structure as a principal use. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)
1S109CB00300 1.01	TRACT - Beaverton Creek			
1S109CB00600 0.72	ROW - SW Schottky Terrace			
1S109CB00700 0.32	ROW - SW Schottky Terrace			
1S109CC04400 4.02	14179 SW MILLIKAN WAY SERVICES, MANUFACTURING, MEETING FACILITIES. Musician studios & Event space; Mental illness and addiction services; Wholesale furniture sales	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions:... 6. Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including: a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. *DOES NOT SPEAK TO THE ALLOWANCE OF MEETING SPACE OR CLINIC FACILITIES.	1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2., which are prohibited in the districts. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use (ORD 3136; October 1979) 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30 15 *DOES NOT SPEAK TO THE ALLOWANCE OF MEETING SPACE OR CLINIC FACILITIES.	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999] *DOES NOT SPEAK TO THE ALLOWANCE OF MEETING SPACE OR CLINIC FACILITIES.



MAP/TAX LOT	ADDRESS	Campus Industrial - CI	Industrial Park - IP	Light Industrial - LI
ACREAGE	EXISTING LAND USES	permitted (as needed for clarification), conditional & PROHIBITED USES		
1S109CD00100	13475-13555 SW MILLIKAN			
6.05	SERVICE, MANUFACTURING, WAREHOUSING. Property maintenance services; Sensing, measurement and inspection for electronics and semiconductor equipment; Automotives sales services, major or minor; storage for additional inventory.	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions:... 6. <u>Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including:</u> a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. 3. AUTOMOTIVE SERVICES, MINOR OR MAJOR.	1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2., which are prohibited in the districts. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136; October 1979) 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30.15. 7. AUTOMOTIVE SERVICES, MAJOR OR MINOR [ORD 3975, FEBRUARY 1997]	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 20. Automotive services, Minor or Major, entirely within enclosed building. [ORD 3975, February 1997] 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]
1S109CD00200	13955 SW MILLIKAN WAY			
6.44	MANUFACTURING, DISTRIBUTION. Portable power systems, batteries, distribution	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions:... 6. <u>Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including:</u> a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. n. Research and development activities.	1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2., which are prohibited in the districts. 4. Research laboratory. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use (ORD 3136; October 1979) 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30 15	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 4. Research laboratory. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20 15.60.3 [ORD 4071; October 1999]
1S109CD00300	13979 SW MILLIKAN WAY			
2.45	MANUFACTURING, DISTRIBUTION. Science education technologies	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions:... 6. <u>Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including:</u> a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. n. Research and development activities.	1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2., which are prohibited in the districts. 4. Research laboratory. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136; October 1979) 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30.15.	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 4. Research laboratory. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use 14. Accessory structures and uses to a particular permitted use. 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6 and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]



MAP/TAX LOT	ADDRESS	Campus Industrial - CI	Industrial Park - IP	Light Industrial - LI
ACREAGE	EXISTING LAND USES	permitted (as needed for clarification), conditional & PROHIBITED USES		
1S109CD00400	13725 SW MILLIKAN WAY			
2.16	MANUFACTURING, DISTRIBUTION. Elite Plastics manufacturing	3. Accessory uses and structures to a particular permitted use, including administrative offices. 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions:... 6. <u>Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including:</u> a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting. n. Research and development activities.	1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2., which are prohibited in the districts. 4. Research laboratory. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136; October 1979) 14. Accessory structures and uses to a particular permitted use. 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30.15.	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 4. Research laboratory. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]
1S109CD00500	3500 SW 141ST PLACE			
1.06	POWER COMMUNICATION STATION. Substation	2. Facilities related to utility distribution, such as substations, water towers, pump stations, other transmission lines or power plants.	2. Facilities related to utility distribution such as substations, water towers, pump stations, other than transmission lines.	2. Facilities relating to utility distribution such as substations, water towers, pump stations and other transmission lines.
1S109DC00700	3725 SW HOCKEN AVE			
5.14	MANUFACTURING, SERVICES, DISTRIBUTION. Electronics manufacturing services	3. Accessory uses and structures to a particular permitted use, including administrative offices 5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions:... 6. <u>Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including:</u> a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public. b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting n. Research and development activities.	1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2., which are prohibited in the districts. 4. Research laboratory. 6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136; October 1979) 14. Accessory structures and uses to a particular permitted use 16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30.15.	1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials. 4. Research laboratory. 6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use. 14. Accessory structures and uses to a particular permitted use. 7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]
1S109DC00800	NO ADDRESS			
0.23	PUMP STATION. Pump station	2. Facilities related to utility distribution, such as substations, water towers, pump stations, other transmission lines or power plants.	2. Facilities related to utility distribution such as substations, water towers, pump stations, other than transmission lines	2. Facilities relating to utility distribution such as substations, water towers, pump stations and other transmission lines.
TOTAL ACRES				
44.78				



MAP/TAX LOT	ADDRESS	SC-MU	SC-HDR	SC-E (Sub areas 1 & 2)	SC-E (Sub area 3)
ACREAGE		permitted (as needed for clarification), conditional & prohibited uses			
1S109CB00100	14523 SW MILLIKAN WAY				
10.73	OFFICE, SERVICES, MANUFACTURING, RECREATION. Document storage and retrieval system; Interactive Displays / Table & Benches; Legal Services (tech, advertising, etc.); Lakeside Volleyball Club; Loan Servicing / Real Estate -Office Use	12. Manufacturing (subject to Use Restriction f.) 15. Office 22. Service Businesses (subject to Use Restrictions c and e.) 6. Recreation Uses or Facilities (subject to Use Restriction b.) 20. WAREHOUSES OR COLD STORAGE PLANTS, EXCEPT THOSE STORING MATERIALS OR PRODUCTS PRIMARILY MANUFACTURED ON SITE OR USED IN THE ON-SITE PROCESS, OR USED IN THE MAINTENANCE OR OPERATION OF ON-SITE FACILITIES.	13. Office (subject to Use Restriction d.) 19. Service Businesses (subject to Use Restrictions c and f.) 7. Recreation Uses or Facilities (subject to Use Restriction b.) 13. MANUFACTURING. 22. WAREHOUSES OR COLD STORAGE PLANTS, EXCEPT THOSE STORING MATERIALS OR PRODUCTS PRIMARILY MANUFACTURED ON SITE OR USED IN THE ON-SITE PROCESS, OR USED IN THE MAINTENANCE OR OPERATION OF ON-SITE FACILITIES.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.***) 8. Offices. 14. Service businesses (subject to Use Restrictions a, b and c). 6. COMMERCIAL INDOOR OR OUTDOOR RECREATION AND AMUSEMENT SERVICES AND FACILITIES. 28. WAREHOUSES, WHOLESALE AND DISTRIBUTIVE ACTIVITIES (MOTOR FREIGHT TERMINALS), OR COLD STORAGE PLANTS.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.***) 8. Offices. 14. Service businesses (subject to Use Restrictions a, b and c). 6. COMMERCIAL INDOOR OR OUTDOOR RECREATION AND AMUSEMENT SERVICES AND FACILITIES. 31. WAREHOUSES, WHOLESALE AND DISTRIBUTIVE ACTIVITIES (MOTOR FREIGHT TERMINALS), OR COLD STORAGE PLANTS.
1S109CB00200	NO ADDRESS				
4.45	PARKING. accessory use for Tax Lot 1S109CB00100 & accessory use to a transit station	2. Parking, as the principal use. 8. Transit Centers	3. Parking, as the principal use. 10. Transit Centers	15. Transit centers and stations. 7. Parking as the principal use... (Special Use Regulations - Park and Ride Facilities.)	15. Transit centers and stations. 7. Parking as the principal use... (Special Use Regulations - Park and Ride Facilities.)
1S109CB00300	TRACT - Beaverton Creek				
1.01					
1S109CB00600	ROW - SW Schottky Terrace				
0.72					
1S109CB00700	ROW - SW Schottky Terrace				
0.32					
1S109CC04400	14179 SW MILLIKAN WAY				
4.02	SERVICES, MANUFACTURING, MEETING FACILITIES. Musician studios & Event space; Mental illness and addiction services; Wholesale furniture sales	12. Manufacturing (subject to Use Restriction f.) 13. Medical Clinics 15. Office 22. Service Businesses (subject to Use Restrictions c and e) *DOES NOT SPEAK TO MEETING FACILITIES.	11. Medical Clinics (subject to Use Restriction d.) 13. Office (subject to Use Restriction d.) 19. Service Businesses (subject to Use Restrictions c and f.) 13. MANUFACTURING. *DOES NOT SPEAK TO MEETING FACILITIES.	1. Clinic, Outpatient (subject to Use Restrictions a and b). 6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.***) 7. Meeting facilities less than 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.) 8. Offices. 14. Service businesses (subject to Use Restrictions a, b and c).	1. Clinic, Outpatient (subject to Use Restrictions a and b). 6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.***) 7. Meeting facilities less than 20,000 square feet, with or without food preparation facilities (Subject to Use Restriction g.) 8. Offices. 14. Service businesses (subject to Use Restrictions a, b and c).



MAP/TAX LOT	ADDRESS	SC-MU	SC-HDR	SC-E (Sub areas 1 & 2)	SC-E (Sub area 3)
ACREAGE		permitted (as needed for clarification), conditional & prohibited uses			
1S109CD00100 6.05	13475-13555 SW MILLIKAN SERVICE, MANUFACTURING, WAREHOUSING. Property maintenance services; Sensing, measurement and inspection for electronics and semiconductor equipment; Automotives sales services, major or minor; storage for additional inventory.	12. Manufacturing (subject to Use Restriction f.) 15. Office 22. Service Businesses (subject to Use Restrictions c and e.) 26. Vehicle Sales (subject to Use Restrictions c and g.) 1. AUTOMOTIVE SERVICES, MAJOR; 2. AUTOMOTIVE SERVICES, MINOR.	13. Office (subject to Use Restriction d.) 19. Service Businesses (subject to Use Restrictions c and f.) 22. Vehicle Sales (subject to Use Restrictions c and g.) 12. Storage yard for fully operable vehicles for sale lease or rent within one-quarter mile of the north side of the T-V Highway Corridor land use designation. 1. AUTOMOTIVE SERVICES, MAJOR; 2. AUTOMOTIVE SERVICES, MINOR. 13. MANUFACTURING.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.***) 8. Offices. 14. Service businesses (subject to Use Restrictions a, b and c). 1. AUTOMOTIVE SALES AND SERVICES, MAJOR AND MINOR. 19. MOTOR VEHICLE...SALES... OR STORAGE FOR SUCH USES.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.***) 8. Offices. 14. Service businesses (subject to Use Restrictions a, b and c). 1. AUTOMOTIVE SALES AND SERVICES, MAJOR AND MINOR. 19. MOTOR VEHICLE...SALES... OR STORAGE FOR SUCH USES.
1S109CD00200 6.44	13955 SW MILLIKAN WAY MANUFACTURING, DISTRIBUTION. Portable power systems, batteries, distribution	12. Manufacturing (subject to Use Restriction f.) 15. Office 22. Service Businesses (subject to Use Restrictions c and e.) 20. Research Facilities (subject to Use Restriction f.) <25%	13. Office (subject to Use Restriction d.) 19. Service Businesses (subject to Use Restrictions c and f.) 13. MANUFACTURING. 19. RESEARCH FACILITIES.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.***) 8. Offices. 12. Research Facilities. 14. Service businesses (subject to Use Restrictions a, b and c).	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.***) 8. Offices. 12. Research Facilities. 14. Service businesses (subject to Use Restrictions a, b and c).
1S109CD00300 2.45	13979 SW MILLIKAN WAY MANUFACTURING, DISTRIBUTION. Science education technologies	12. Manufacturing (subject to Use Restriction f.) 15. Office 22. Service Businesses (subject to Use Restrictions c and e.) 20. Research Facilities (subject to Use Restriction f.) <25%	13. Office (subject to Use Restriction d.) 19. Service Businesses (subject to Use Restrictions c and f.) 13. MANUFACTURING. 19. RESEARCH FACILITIES.	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.***) 8. Offices. 12. Research Facilities. 14. Service businesses (subject to Use Restrictions a, b and c).	6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.***) 8. Offices. 12. Research Facilities 14. Service businesses (subject to Use Restrictions a, b and c).



MAP/TAX LOT	ADDRESS	SC-MU	SC-HDR	SC-E (Sub areas 1 & 2)	SC-E (Sub area 3)
ACREAGE		permitted (as needed for clarification), conditional & prohibited uses			
<b>1S109CD00400</b>	<b>13725 SW MILLIKAN WAY</b>				
<b>2.16</b>	MANUFACTURING, DISTRIBUTION. Elite Plastics manufacturing	<b>12.</b> Manufacturing (subject to Use Restriction f.) <b>15.</b> Office <b>22.</b> Service Businesses (subject to Use Restrictions c and e.) <b>20.</b> Research Facilities (subject to Use Restriction f.) <25%	<b>13.</b> Office (subject to Use Restriction d.) <b>19.</b> Service Businesses (subject to Use Restrictions c and f.) <b>13.</b> MANUFACTURING. <b>19.</b> RESEARCH FACILITIES.	<b>6.</b> Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.**) <b>8.</b> Offices. <b>12.</b> Research Facilities. <b>14.</b> Service businesses (subject to Use Restrictions a, b and c).	<b>6.</b> Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.**) <b>8.</b> Offices. <b>12.</b> Research Facilities. <b>14.</b> Service businesses (subject to Use Restrictions a, b and c).
<b>1S109CD00500</b>	<b>3500 SW 141ST PLACE</b>				
<b>1.06</b>	POWER COMMUNICATION STATION. Substation	<b>9.</b> Utility Installations, other than transmission lines	<b>11.</b> Utility Installations, other than transmission lines	<b>3.</b> Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities.)	<b>3.</b> Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities )
<b>1S109DC00700</b>	<b>3725 SW HOCKEN AVE</b>				
<b>5.14</b>	MANUFACTURING, SERVICES, DISTRIBUTION. Electronics manufacturing services	<b>12.</b> Manufacturing (subject to Use Restriction f.) <b>15.</b> Office <b>22.</b> Service Businesses (subject to Use Restrictions c and e ) <b>20.</b> Research Facilities (subject to Use Restriction f.) <25%	<b>13.</b> Office (subject to Use Restriction d.) <b>19.</b> Service Businesses (subject to Use Restrictions c and f.) <b>13.</b> MANUFACTURING. <b>19.</b> RESEARCH FACILITIES.	<b>6.</b> Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.**) <b>8.</b> Offices. <b>12.</b> Research Facilities. <b>14.</b> Service businesses (subject to Use Restrictions a, b and c).	<b>6.</b> Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8 **) <b>8.</b> Offices. <b>12.</b> Research Facilities. <b>14.</b> Service businesses (subject to Use Restrictions a, b and c).
<b>1S109DC00800</b>	<b>NO ADDRESS</b>				
<b>0.23</b>	PUMP STATION. Pump station	<b>9.</b> Utility Installations, other than transmission lines	<b>11.</b> Utility Installations, other than transmission lines	<b>3.</b> Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities.)	<b>2.</b> Public services or utility uses. <b>3.</b> Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities.)
<b>TOTAL ACRES</b>					
<b>44.78</b>					



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

IN THE MATTER OF CPA2006-0017 AND )  
ZMA2006-0023, REQUESTS TO AMEND THE )  
COMPREHENSIVE PLAN LAND USE MAP )  
AND THE ZONING MAP APPLICABLE TO )  
PROPERTIES LOCATED NORTH OF )  
MILLIKAN WAY, BETWEEN MURRAY )  
BOULEVARD AND HOCKEN AVENUE, AND )  
ALONG BOTH SIDES OF THE MAX LIGHT )  
RAIL LINE (SOUTH TEKTRONICS STATION )  
COMMUNITY PLAN AREA). CITY OF )  
BEAVERTON, APPLICANT.

ORDER NO. 1938  
APPROVING REQUESTS IN PART FOR  
SIX OF THIRTEEN PROPERTIES

The matter came before the Planning Commission on January 24, 2007, on requests for amendments to the City's Comprehensive Plan Land Use Map and Zoning Map to apply the Station Community Comprehensive Plan Map Land Use designation and the Station Community - Employment (SC-E) Zoning Map designation to 13 properties located in the South Tektronix Station Community Plan area located north of Millikan Way and between Murray Boulevard and Hocken Avenue. The 13 properties are more specifically identified as Tax Lots 1S109CB00100, 1S109CB00200, 1S109CB00300, 1S109CB00600, 1S109CB00700, 1S109CC04400, 1S109CD00100, 1S109CD00200, 1S109CD00300, 1S109CD00400, 1S109CD00500, 1S109DC00700, and 1S109DC00800 on the Washington County Tax Assessor's Map.

Pursuant to Ordinance 4187 (Comprehensive Plan), Section 1.3.1, and Ordinance 2050 (Development Code), Sections 50.55 and 50.58, the Planning



Commission conducted a public hearing and considered testimony and exhibits. The Planning Commission received testimony and discussed several issues associated with property owner objections and support of the proposed City designations in conjunction with information provided in the staff report and staff memorandums. One of two January 24, 2007, memoranda from staff included four alternatives for a Planning Commission decision with alternative 4 being staff's revised recommendation. Alternative 4 recommended that Planning Commission approve, in part, the requested amendments.

The Planning Commission adopts the Staff Report dated December 21, 2006, as well as staff memorandums dated January 10, January 19, and January 24, 2007, as to the applicable criteria contained in Section 1.3.1 of the Comprehensive Plan (effective prior to the December 14, 2006 update) and Section 40.97.15.4.C of the Development Code and findings thereon; now, therefore:

**IT IS HEREBY ORDERED** that CPA2006-0017 is **APPROVED IN PART** implementing the Station Community (SC) Land Use Map designation for Tax Lots 1S109CB00300, 1S109CC04400, 1S109CD00300, 1S109CD00400, 1S109CD00500, and 1S109DC00800 **AND DENIED IN PART** for Tax Lots 1S109CB00100, 1S109CB00200, 1S109CB00600, 1S109CB00700, 1S109CD00100, 1S109CD00200, and 1S109DC00700 based on the findings of the Planning Commission on January 24, 2007.



Motion **CARRIED** by the following vote:

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

**IT IS HEREBY ORDERED** that **ZMA2006-0023** is **APPROVED IN PART** implementing the Station Community Employment (SC-E) Zoning Map designation Sub area 1 for Tax Lots 1S109CB00300, 1S109CC04400, 1S109CD00300, 1S109CD00400, and 1S109CD00500, and implementing the Station Community Employment (SC-E) Zoning Map designation Sub area 3 for Tax Lot 1S109DC00800 **AND DENIED IN PART** for Tax Lots 1S109CB00100, 1S109CB00200, 1S109CB00600, 1S109CB00700, 1S109CD00100, 1S109CD00200, and 1S109DC00700 based on the findings of the Planning Commission on January 24, 2007.

Motion **CARRIED** by the following vote:

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

Dated this 26<sup>th</sup> day of January, 2007.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1938, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on Monday, February 5, 2007.

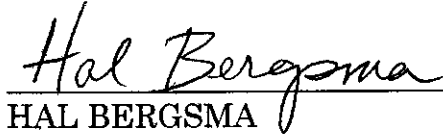


PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:



LEIGH M. CRABTREE  
Associate Planner



HAL BERGSMA  
Planning Services Manager

APPROVED:



DAN MAK  
Chairman




## AGENDA BILL

### Beaverton City Council Beaverton, Oregon



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

**FOR AGENDA OF:** 02/26/07 **BILL NO:** 07042

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 2/20/2007

**CLEARANCES:** City Attorney   
Planning Services 

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Staff Report

### **BUDGET IMPACT**

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

The property shown on Exhibit "A" was annexed under Ordinance 4340 in March 2005 and is being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA).

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

### **INFORMATION FOR CONSIDERATION:**

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to assign designations for a parcel that has been annexed into the City and is governed by the Washington County - Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was specific as to the appropriate Land Use Map and Zoning Map designations, and discretion is not necessary to assign our most similar designations to the County's designations. The appropriate Land Use Map designation for the subject parcel is Corridor and the appropriate Zoning Map designation is Office Commercial (OC). This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

### **RECOMMENDED ACTION:**

First Reading



**ORDINANCE NO. 4425**

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED EAST OF SW HOCKEN AVENUE AND WEST OF SW CEDAR HILLS BOULEVARD ON THE SOUTH SIDE OF SW JENKINS ROAD; CPA 2007-0002/ZMA 2007-0001

**WHEREAS,** The property was annexed under Ordinance 4340 in March 2005 and is being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA); and

**WHEREAS,** Since the UPAA is specific on the appropriate designations for this parcel, this is not a discretionary land use decision, and no public hearing is required; and

**WHEREAS,** The Council incorporates by reference the Community Development Department staff report on CPA 2007-0002/ZMA 2007-0001 by Associate Planner Laura Kelly, dated February 16, 2007, and attached hereto as Exhibit "B"; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject property located east of SW Hocken Avenue and west of SW Cedar Hills Boulevard on the south side of SW Jenkins Road, Corridor on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 Office Commercial (OC), as shown on Exhibit "A", in accordance with the UPAA.

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

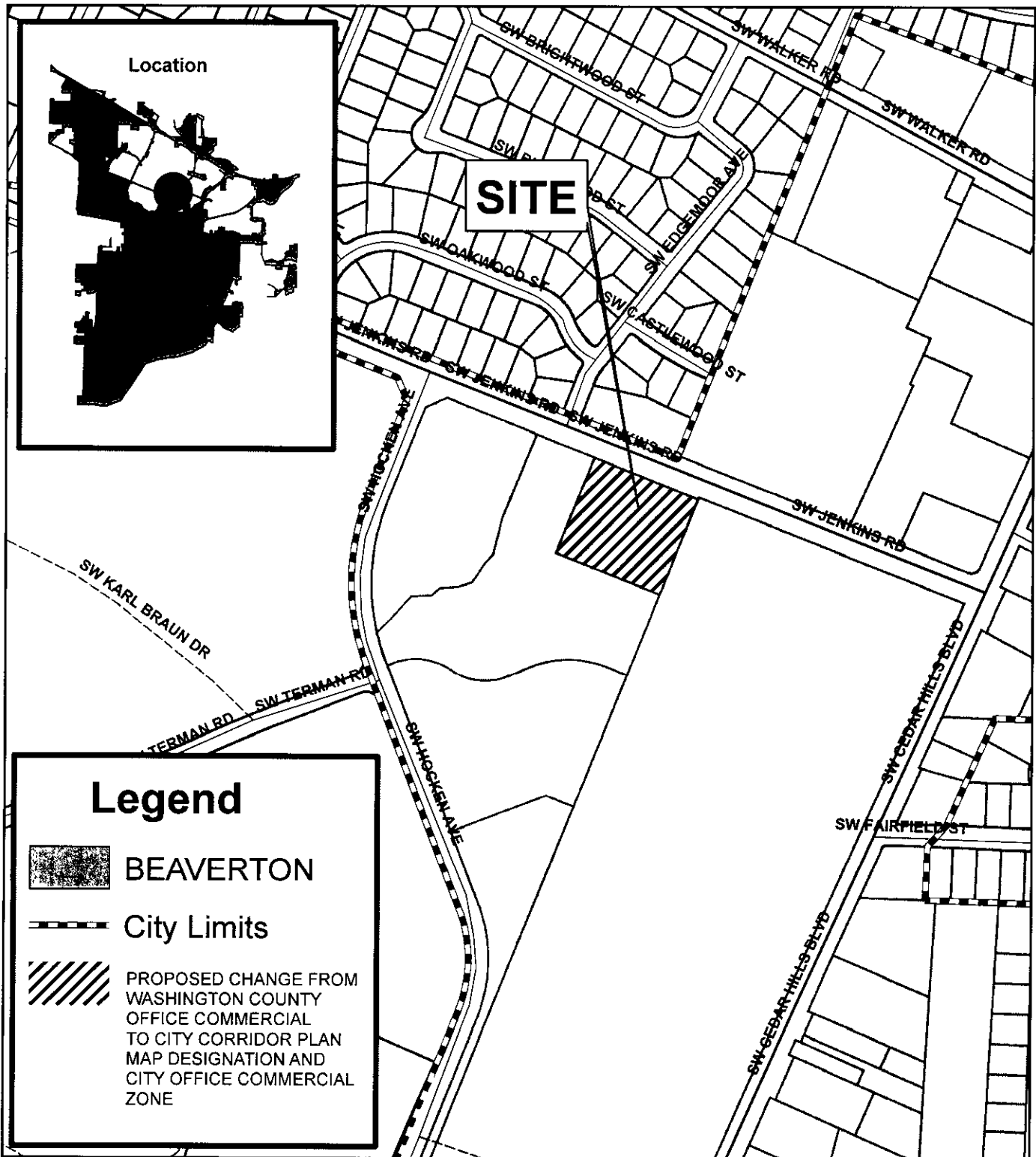
\_\_\_\_\_  
ROB DRAKE, Mayor



# VICINITY MAP

Ordinance  
No. 4425

## EXHIBIT "A"



CITY OF BEAVERTON

### CPA2007-0002 ZMA2007-0001

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

1/22/07

Tax Lot #

1S109AC15000



13050 SW  
Jenkins Rd





EXHIBIT B

## CITY of BEAVERTON

Ordinance No. 4425

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

### STAFF REPORT

**TO:** City Council

**AGENDA DATE:** February 26, 2007      **REPORT DATE:** February 16, 2007

**FROM:** Laura Kelly, Associate Planner *jk*

**APPLICATION:** CPA2007-0002  
(Learning Years Daycare Center Land Use Map Amendment)  
ZMA2007-0001  
(Learning Years Daycare Center Zoning Map Amendment)

**LOCATION:** East of SW Hocken Avenue and west of SW Cedar Hills Blvd on the south side of SW Jenkins Road. The parcel is identified as 1S1 09 AC 15000.

**NEIGHBORHOOD ASSOCIATION:** Central Beaverton

**REQUEST:** Apply the City's Corridor land use designation and the City's Office Commercial (OC) zoning designation to one (1) parcel.

**APPLICANT:** City of Beaverton Community Development Director

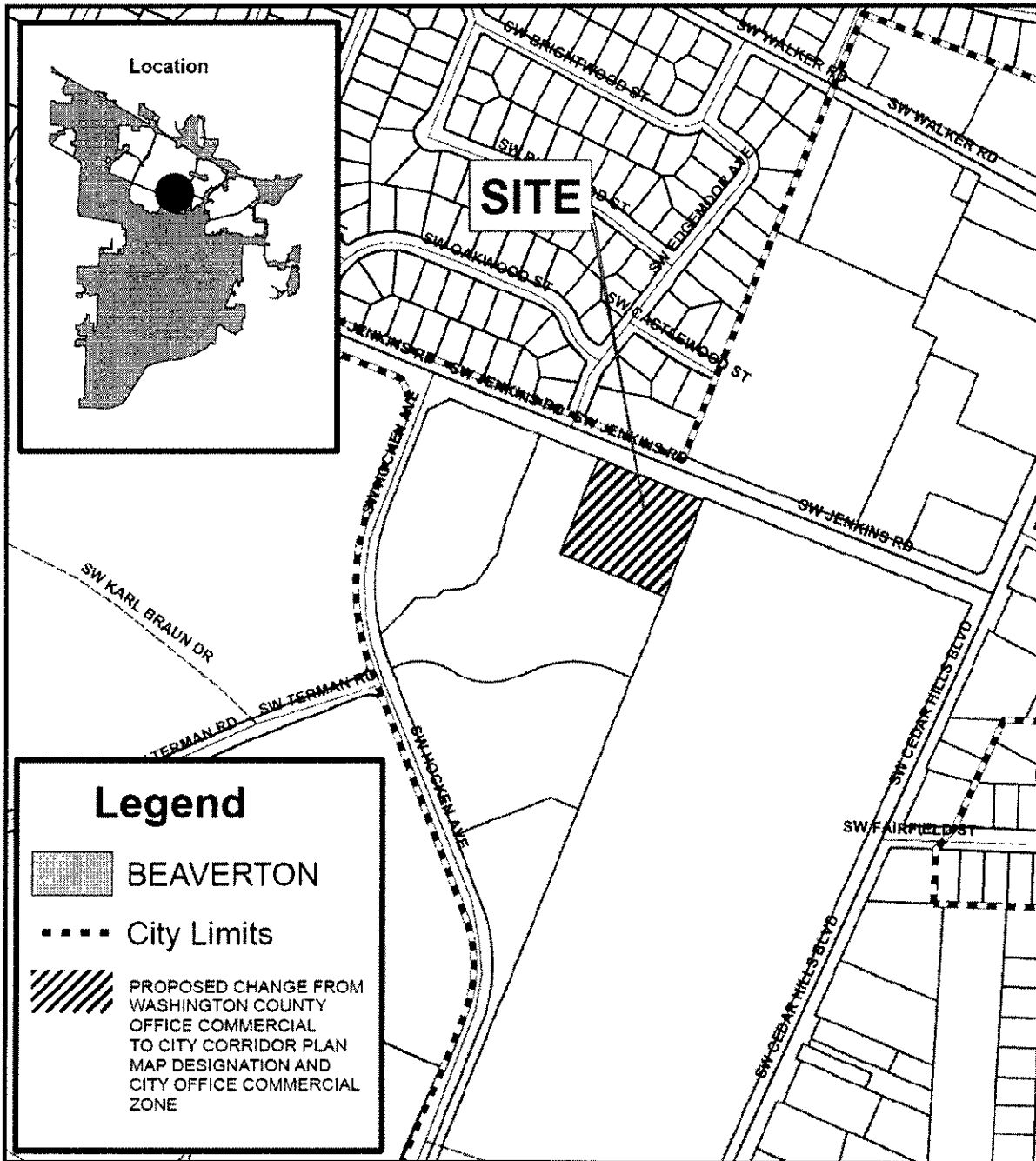
**APPROVAL CRITERIA:** Comprehensive Plan Section 1.5.2 and the Development Code Section 40.97.15.3.C

**RECOMMENDATION:** Staff recommends the City Council adopt an ordinance applying the Corridor land use designation and the Office Commercial (OC) zoning designation to the one (1) parcel effective thirty days after the Mayor's signature.



# VICINITY MAP

# EXHIBIT "A"



CITY OF BEAVERTON

**CPA2007-0002 ZMA2007-0001**

**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Services Division**

1/22/07

Tax Lot #

IS109AC15000



**13050 SW**  
**Jenkins Rd**



## BACKGROUND

CPA2007-0002 proposes amendment of the Land Use Map and ZMA2007-0001 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning for one (1) parcel annexed in March, 2005. The parcel has continued to carry the Washington County Office Commercial (OC) designation, as depicted on the County's *Cedar Hills-Cedar Mill Community Plan* map, since the time of annexation.

### EXISTING CONDITIONS

**Uses.** Staff performed a field survey of uses that occupy the subject parcel. The identified uses are noted in the following table.

The following table includes addresses, existing uses, and lot size:

MAP/TAX LOT	ADDRESS	ACREAGE
	EXISTING LAND USES	
1S109AC15000	13050 SW JENKINS ROAD DAYCARE CENTER	1.89

**Character.** The subject parcel has been developed with commercial structures.

**Natural Resources.** Washington County's *Cedar Hills-Cedar Mill Community Plan* map depicts a significant natural resource for wildlife habitat abutting the subject parcel on its southern edge. The trees in this area have been protected as a condition of an adjacent development.

Metro's Nature in the Neighborhoods Program became effective in May 2006. The Metro program requires local governments to implement a program to:

- Conserve, protect, and resource a continuous ecologically viable streamside corridor system, from the stream's 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
- Control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

The local governments in the Tualatin River Basin collaborated to develop a voluntary, incentive-based program to achieve the goals of the Metro Program. The City of Beaverton has voluntary, incentive-based tools available for complying with the City's water quality, water quantity and landscape standards. The proposed amendment will not affect the City's implementation of this program.

Existing regulations within the City's Development Code and Clean Water Services Design and Construction Standards for Sanitary Sewer and Surface Water Management (CWS D&C Standards) will apply to development proposals on the subject property. Thus, existing regulations such as the City's tree preservation plan requirements, CWS Vegetated Corridors regulations, and Division of State Lands wetland delineation and removal/fill permitting requirements would limit development of the resources.



## ANALYSIS

### COMPATIBILITY OF DESIGNATIONS

**City of Beaverton Corridor land use designation.** Section 3.10 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* details the City's Corridor land use designation. One goal is identified for the Corridor designation, as follows:

"3.10.1 Goal: An attractive mix of commercial and higher density residential uses along major roads through the City that invites pedestrian activity where appropriate."

The policies of Section 3.10.1 include the geographical determination that Corridor land use designations are to be applied, "consistent with the Metro 2040 Regional Urban growth Concept Plan" and that zoning districts are to be applied, "as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix". Additionally, Section 3.10.1 directs the city to, "endeavor to improve the appearance of commercial areas", "regulate new development in Corridors to provide a mix of commercial and residential uses with pedestrian amenities", and allocate commercial facilities, "in a reasonable amount and in a planned relationship to the people they will serve".

**Washington County OC District designation.** The subject parcels are designated OC on the County's Sunset West Community Plan. Section 312-1 of the *Washington County Community Development Code* states that,

"The intent of this District is to encourage office complex development of institutional, professional, medical/dental, governmental and other office business uses. The purpose is to accommodate the increasing office needs in complexes ranging in size from small to large-scale development. Office uses are the primary use of this District. To serve the employees of the office complex, some accessory commercial and high density residential uses may be permitted through the Planned Development process."

The UPAA excerpt, below, specifies that the County's OC designation is equivalent to the City's OC zoning designation.

WASHINGTON COUNTY – BEAVERTON URBAN PLANNING AREA AGREEMENT		
EXHIBIT "B"		
CITY – COUNTY LAND USE DESIGNATION EQUIVALENTS		
COUNTY	BEAVERTON	
<u>Plan/Zoning</u>	<u>Plan</u>	<u>Zoning</u>
Office Commercial	Office Commercial	OC

**Summary.** The UPAA specifies a City OC designation for the parcel.



## APPLICABLE ZONING DISTRICTS

The implementing zoning districts for the City's Corridor Comprehensive Plan designation are: GC, CV, OC, CS, NS, C-MU, R-4, R3.5, R-2 and R-1. Properties within and around the subject parcels implement Corridor Comprehensive Plan designation as follows: the CS zone is predominant on the east side of SW Hocken Avenue, south of SW Walker Road to SW Dawson Way.

## COUNTY RESPONSIBILITY TO NOTIFY

Special Policy II.A. of the UPAA states in part, "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has not advised the city of adopted policies which may apply to the annexed area.

## PROCESS

### THRESHOLD

The subject property is designated on the County's *Cedar Hills-Cedar Mill Community Plan* map (Attachment 1) as OC, which, in a non-discretionary process, requires implementation of the City's OC zoning designation under the *Urban Planning Area Agreement* (UPAA).

**Comprehensive Plan Process.** Due to annexation of the subject parcel and the non-discretionary nature of the proposal, review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Non-Discretionary Amendment per *Comprehensive Plan* Section 1.3.

**Development Code Process.** Due to annexation of the subject parcel and the non-discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Non-Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.3.A, which states, "An application for Non-Discretionary Annexation Related Zoning Map Amendment shall be required when the following thresholds apply:

1. "The change of zoning to a City zoning designation as a result of annexation of land into the City."
2. "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion."



## **SUBMISSION REQUIREMENTS**

According to Development Code Section 40.97.15.3.D. an application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. Because the annexation of the subject property occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4340.

## **PUBLIC NOTICE**

Section 1.4.3.A of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice for Non-Discretionary Annexation Related Comprehensive Plan Map Amendments must be provided, as indicated below, not less than twenty (20) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice was published in the Beaverton Valley Times on February 1, 2007.
2. Notice was mailed to the Central Beaverton Neighborhood Association Committee, Cedar Hills/ Cedar Mill Citizen Participation Organization (CPO 7), Chair of the Committee for Citizen Involvement (CCI), and to the subject property owner on February 1, 2007.
3. Notice was posted on the City's website on February 1, 2007.

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

## **CRITERIA FOR APPROVAL**

### **COMPREHENSIVE PLAN AMENDMENT CRITERIA**

Comprehensive Plan Section 1.5.2.A specifies that non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement. Findings to address Comprehensive Plan sections which address Statewide Planning Goals and Metro Urban Growth Regional Framework Plan criteria are therefore regarded as not applicable to this proposal.

### **ZONING MAP AMENDMENT CRITERIA**

Development Code Section 40.97.15.3.C., which contains Non-Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:



"In order to approve a Non-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 Non Discretionary Annexation Related Zoning Map Amendment application.***

Section 40.97.15.3.A.1 Threshold, states, "The change of zoning to a City zoning designation as a result of annexation of land into the City." The zone change is requested in order to apply City land use and zoning for one (1) parcel annexed in March, 2005. The parcel has continued to carry the Washington County Office Commercial (OC) designation, as depicted on the County's *Cedar Hills-Cedar Mill Community Plan* map (Attachment 1), since the time of annexation.

Section 40.97.15.3.A.2 Threshold, states, "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion." As noted in the Process section of this report, the UPAA specifies a City OC designation for the County OC designation. Therefore, no discretion is required in determining the appropriate zoning designation.

**Finding: Staff finds that the request satisfies the threshold requirements for a Non 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 is assuming the role of the applicant in this proposed zoning map amendment. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

**Finding: Staff finds that this criterion is not applicable.**

**3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

Development Code Section 50.25.1 states, "Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." Because the annexation of the subject property occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4340.



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

**4. *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.***

The UPAA is specific for the proposed amendment:

- Washington County Office Commercial goes to City OC, Office Commercial.

No discretion is being exercised in assigning the zoning designation.

The UPAA requires the City to review the appropriate Community Plan which in this case is the *Cedar Hills-Cedar Mill Community Plan*. The subject property is not in an Area of Special Concern, and has no specific design elements applicable to it.

**Finding: The OC designation is specified by, and is therefore consistent with, the Washington County - Beaverton UPAA.**

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

No further applications and documents are required of this request.

**Finding: Staff find that this criterion is not applicable.**

## **CONCLUSION**

**Based on the facts and findings in this report, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Corridor land use designation and amending the City's Zoning Map to depict the City's Office Commercial (OC) zoning district is appropriate for the subject parcel.**



**AGENDA BILL****Beaverton City Council  
Beaverton, Oregon**



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

**FOR AGENDA OF:** 02/26/07 **BILL NO:** 07043

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 2/20/2007

**CLEARANCES:** City Attorney   
Planning Services 

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance  
Exhibit A – Map  
Exhibit B – Staff Report

**BUDGET IMPACT**

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

The 28 properties shown on Exhibit "A" were annexed under Ordinance 4338 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA).

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

**INFORMATION FOR CONSIDERATION:**

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to assign designations for parcels that have been annexed into the City and are governed by the Washington County – Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was specific as to the appropriate Land Use Map and Zoning Map designations, and discretion is not necessary to assign our most similar designations to the County's designations. The appropriate Land Use Map designation for the subject parcels is Neighborhood Residential-Standard Density (NR-SD) and the appropriate Zoning Map designation is Urban Standard Density Residential (R-5).

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

**RECOMMENDED ACTION:**

First Reading



ORDINANCE NO. 4426

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED SOUTH OF NW WALKER ROAD AND NORTH OF BASELINE ROAD, ON THE EAST SIDE OF SW 173<sup>RD</sup> AVENUE; CPA 2007-0003/ ZMA 2007-0002

**WHEREAS,** The 28 properties were annexed under Ordinance 4338 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA); and

**WHEREAS,** Since the UPAA is specific on the appropriate designations for these parcels, this is not a discretionary land use decision, and no public hearing is required; and

**WHEREAS,** The Council incorporates by reference the Community Development Department staff report on CPA 2007-0003/ZMA 2007-0002 by Associate Planner Laura Kelly, dated February 16, 2007, and attached hereto as Exhibit "B"; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties located south of NW Walker Road and north of Baseline Road, on the east side of SW 173<sup>rd</sup> Avenue, Neighborhood Residential-Standard Density (NR-SD) on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 Urban Standard Density Residential (R-5), as shown on Exhibit "A", in accordance with the UPAA.

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

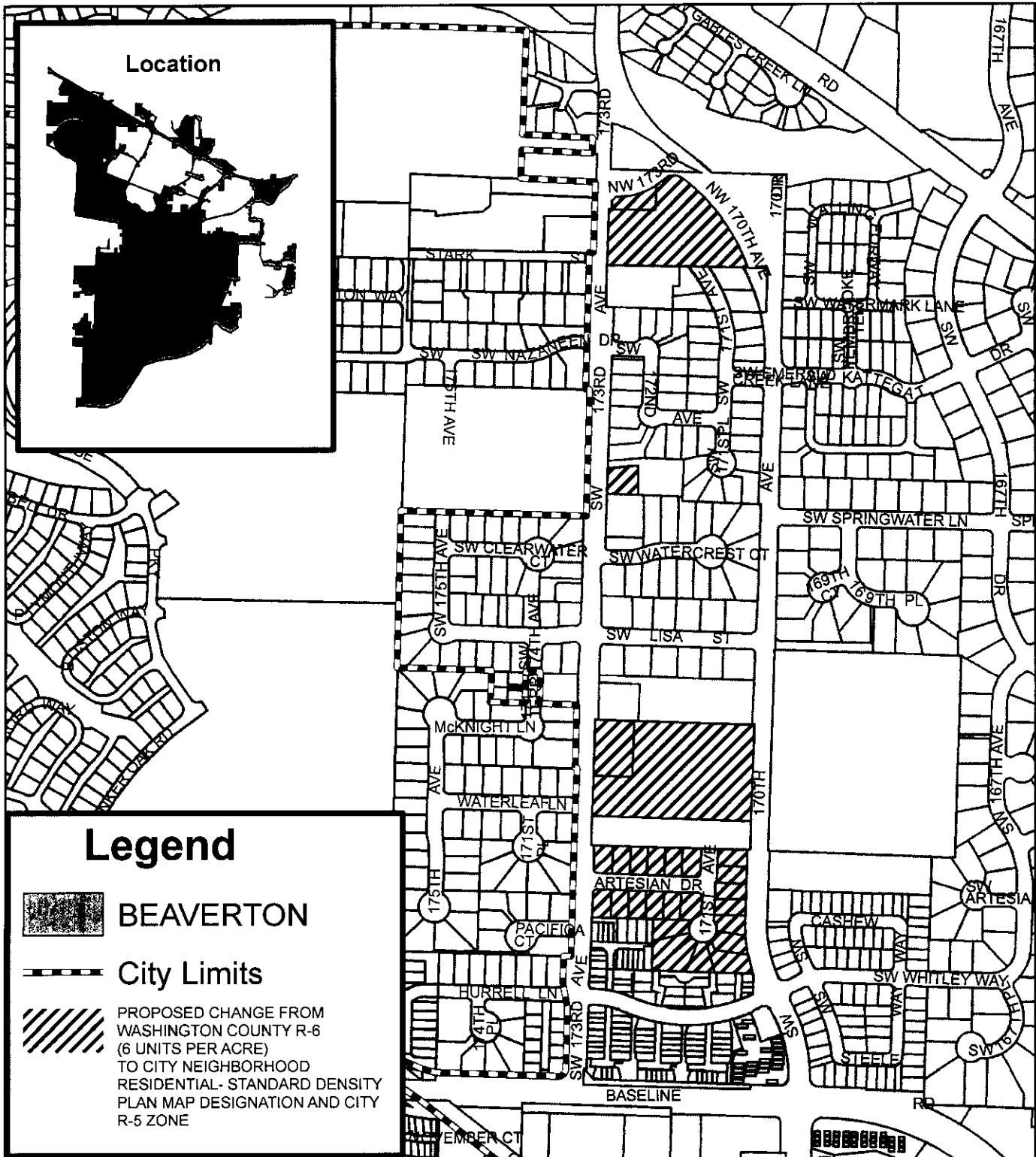
\_\_\_\_\_  
ROB DRAKE, Mayor



# VICINITY MAP

Ordinance  
No. 4426

# EXHIBIT "A"



CITY OF BEAVERTON

## CPA2007-0003 ZMA2007-0002

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

1/22/07

VARIOUS



NW 173rd  
Properties





## CITY of BEAVERTON

EXHIBIT B

Ordinance No. 4426

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

### STAFF REPORT

**TO:** City Council

**AGENDA DATE:** February 26, 2007      **REPORT DATE:** February 16, 2007

**FROM:** Laura Kelly, Associate Planner *jk*

**APPLICATION:** CPA2007-0003  
(SW 173<sup>rd</sup> Avenue Land Use Map Amendment)  
ZMA2007-0002  
(SW 173<sup>rd</sup> Avenue Zoning Map Amendment)

**LOCATION:** South of NW Walker Road and north of Baseline Road, on the east side of SW 173<sup>rd</sup> Avenue. The parcels are identified as 1N1 31 DC 1300 & 1400, 1S1 06 AB 702, 1S1 06 AC 300, 301, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900 & 5000.

**NEIGHBORHOOD ASSOCIATION:** Five Oaks Neighborhood Association

**REQUEST:** Apply the City's Neighborhood Residential-Standard Density (NR-SD) land use designation and the City's Urban Standard Density Residential (R-5) zoning designation to twenty eight (28) parcels.

**APPLICANT:** City of Beaverton Community Development Director

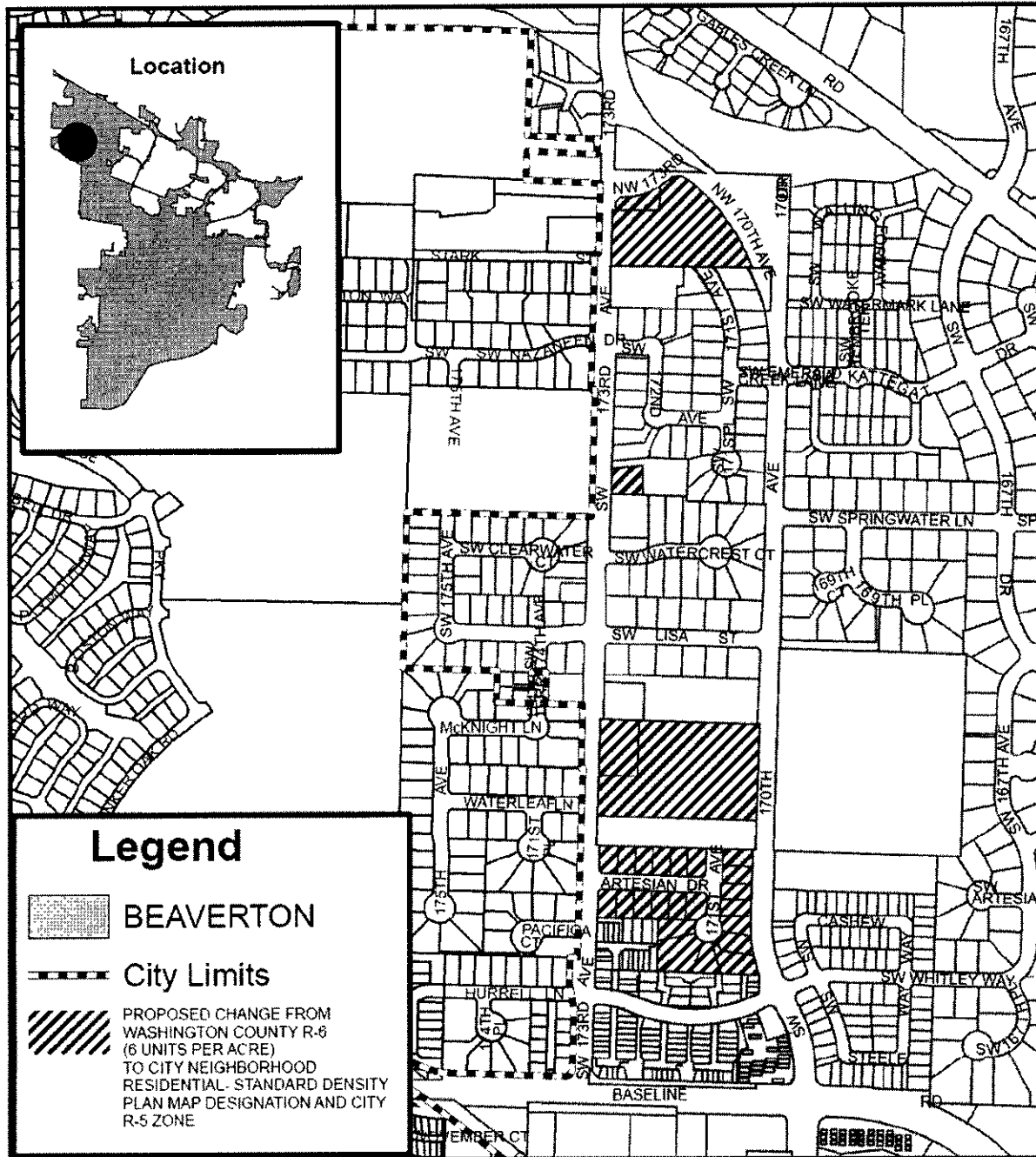
**APPROVAL CRITERIA:** Comprehensive Plan Section 1.5.2 and the Development Code Section 40.97.15.3.C

**RECOMMENDATION:** Staff recommends the City Council adopt an ordinance applying the Neighborhood Residential-Standard Density (NR-SD) land use designation and the Urban Standard Density Residential (R-5) zoning designation to the twenty eight (28) parcels effective thirty days after the Mayor's signature.



# VICINITY MAP

# EXHIBIT "A"



CITY OF BEAVERTON

**CPA2007-0003 ZMA2007-0002**

**COMMUNITY DEVELOPMENT DEPARTMENT**  
Planning Services Division

1/22/07

VARIOUS

NW 173rd  
Properties



## BACKGROUND

CPA2007-0003 proposes amendment of the Land Use Map and ZMA2007-0002 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning for twenty eight (28) parcels annexed in March, 2005. Each of the parcels has continued to carry the Washington County R-6 (6 Units per Acre) designation, as depicted on the County's *Sunset West Community Plan* map, since the time of annexation.

## EXISTING CONDITIONS

**Uses.** Staff performed a field survey of uses that occupy the subject parcels. The identified uses are noted in the following table.

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

TAX LOT ID	SITE ADDRESS	EXISTING LAND USE	LOT SIZE (ACRES)
1N131DC01300 & 1400	90 NW 173RD AVE	Granted preliminary approval for 12-lot subdivision on 12/19/2006	2.04
1S106AB00702	270 SW 173RD AVE	HOUSE	0.21
1S106AC00300 & 301	640 SW 173RD AVE	Granted preliminary approval for 21-lot subdivision on 9/1/2005	3.11
1S106AC02800	17291 SW ARTESIAN LN	HOUSE	0.12
1S106AC02900	17249 SW ARTESIAN LN	HOUSE	0.11
1S106AC03000	17207 SW ARTESIAN LANE	HOUSE	0.11
1S106AC03100	17185 SW ARTESIAN LANE	HOUSE	0.11
1S106AC03200	17153 SW ARTESIAN LANE	HOUSE	0.11
1S106AC03300	17127 SW ARTESIAN LN	HOUSE	0.12
1S106AC03400	718 SW 171ST AVE	HOUSE	0.12
1S106AC03500	732 SW 171ST AVE	HOUSE	0.12
1S106AC03600	754 SW 171ST AVE	HOUSE	0.12
1S106AC03700	778 SW 171ST AVE	HOUSE	0.12
1S106AC03800	796 SW 171ST AVE	HOUSE	0.12
1S106AC03900	838 SW 171ST AVE	HOUSE	0.14
1S106AC04000	846 SW 171ST AVE	HOUSE	0.19
1S106AC04100	851 SW 171ST AVE	HOUSE	0.13
1S106AC04200	843 SW 171ST AVE	HOUSE	0.16
1S106AC04300	835 SW 171ST AVE	HOUSE	0.16
1S106AC04400	817 SW 171ST AVE	HOUSE	0.14
1S106AC04500	17126 SW ARTESIAN LANE	HOUSE	0.13
1S106AC04600	17152 SW ARTESIAN LANE	HOUSE	0.11
1S106AC04700	17184 SW ARTESIAN LANE	HOUSE	0.11
1S106AC04800	17206 SW ARTESIAN LN	HOUSE	0.11
1S106AC04900	17248 SW ARTESIAN LANE	HOUSE	0.11
1S106AC05000	17280 SW ARTESIAN LANE	HOUSE	0.12

**Character.** The majority of the subject parcels have been developed with single family dwellings and typical residential accessory structures. As noted above, several of the parcels have received preliminary approval to be developed into subdivisions.



**Natural Resources.** Washington County's *Sunset West Community Plan* map does not depict any significant natural resources in the area of the subject parcels.

## ANALYSIS

### COMPATIBILITY OF DESIGNATIONS

**City of Beaverton Neighborhood Residential-Standard Density (NR-SD) land use designation.** Section 3.13 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* details the City's Residential land use designations. One goal is identified for the Standard Density Residential designation, as follows:

"3.13.3 Goal: Establish Standard Density Residential areas to provide moderate sized lots for typical single family residences with private open space."

The policy of Section 3.13.3 includes the geographical determination that Standard Density Residential zoning designations are to be applied as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.

**Washington County R-6 District designation.** The subject parcels are designated R-6 on the County's *Sunset West Community Plan*. Section 303-1 of the *Washington County Community Development Code* states that,

"The purpose of the R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2, Section 300-5, or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District."

The UPAA excerpt, below, specifies that the County's R-6 designation is equivalent to the City's R-5 zoning designation.

WASHINGTON COUNTY – BEAVERTON URBAN PLANNING AREA AGREEMENT		
EXHIBIT "B"		
CITY – COUNTY LAND USE DESIGNATION EQUIVALENTS		
COUNTY	BEAVERTON	
<u>Plan/Zoning</u>	<u>Plan</u>	<u>Zoning</u>
R-6	NR-SD	R-5

**Summary.** The UPAA specifies a City R-5 designation for all twenty eight (28) parcels.



## APPLICABLE ZONING DISTRICTS

The implementing zoning districts for the City's Neighborhood Residential-Standard Density (NR-SD) Comprehensive Plan designation are: R-7 and R-5. Properties within and around the subject parcels implement Neighborhood Residential-Standard Density (NR-SD) Comprehensive Plan designation as follows: the R-7 and R-5 zones are predominant on the east side of SW 173<sup>rd</sup> Avenue, south of Walker Road to SW Artesian Ln.

## COUNTY RESPONSIBILITY TO NOTIFY

Special Policy II.A. of the UPAA states in part, "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has not advised the city of adopted policies which may apply to the annexed area.

## PROCESS

### THRESHOLD

The subject properties are all designated on the County's *Sunset West Community Plan* map as R-6, which, in a non-discretionary process, requires implementation of the City's R-5 zoning designation under the *Urban Planning Area Agreement* (UPAA).

**Comprehensive Plan Process.** Due to annexation of the subject parcels and the non-discretionary nature of the proposal, review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Non-Discretionary Amendment per *Comprehensive Plan* Section 1.3.

**Development Code Process.** Due to annexation of the subject parcels and the non-discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Non-Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.3.A, which states, "An application for Non-Discretionary Annexation Related Zoning Map Amendment shall be required when the following thresholds apply:

1. "The change of zoning to a City zoning designation as a result of annexation of land into the City."
2. "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion."



## **SUBMISSION REQUIREMENTS**

According to Development Code Section 40.97.15.3.D. an application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. Because the annexation of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4338.

## **PUBLIC NOTICE**

Section 1.4.3.A of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice for Non-Discretionary Annexation Related Comprehensive Plan Map Amendments must be provided, as indicated below, not less than twenty (20) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice was published in the Beaverton Valley Times on February 1, 2007.
2. Notice was mailed to the 5 Oaks/Triple Creek Neighborhood Association Committee, Sunset West/ Rock Creek/ Bethany Citizen Participation Organization (CPO 7), Chair of the Committee for Citizen Involvement (CCI), and to the subject property owners on February 1, 2007.
3. Notice was posted on the City's website on February 1, 2007.

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

## **CRITERIA FOR APPROVAL**

### **COMPREHENSIVE PLAN AMENDMENT CRITERIA**

Comprehensive Plan Section 1.5.2.A specifies that non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement. Findings to address Comprehensive Plan sections which address Statewide Planning Goals and Metro Urban Growth Regional Framework Plan criteria are therefore regarded as not applicable to this proposal.



## **ZONING MAP AMENDMENT CRITERIA**

Development Code Section 40.97.15.3.C., which contains Non-Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"In order to approve a Non-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 Non Discretionary Annexation Related Zoning Map Amendment application.***

Section 40.97.15.3.A.1 Threshold, states, "The change of zoning to a City zoning designation as a result of annexation of land into the City." The zone change is requested in order to apply City land use and zoning for twenty eight (28) parcels annexed in March, 2005. Each of the twenty eight (28) parcels has continued to carry the Washington County R-6 (6 Units per Acre) designation, as depicted on the County's *Sunset West Community Plan* map, since the time of annexation.

Section 40.97.15.3.A.2 Threshold, states, "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion." As noted in the Process section of this report, the UPAA specifies a City R-5 designation for the County R-6 designation. Therefore, no discretion is required in determining the appropriate zoning designation.

**Finding: Staff finds that the request satisfies the threshold requirements for a Non 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 is assuming the role of the applicant in this proposed zoning map amendment. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

**Finding: Staff finds that this criterion is not applicable.**

**3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

Development Code Section 50.25.1 states, "Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." Because the annexation of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation



agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4338.

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

**4. *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.***

The UPAA is specific for the proposed amendment:

- Washington County Residential – 6 units per acre, goes to R-5, Residential – 5,000 square feet per principal dwelling unit.

No discretion is being exercised in assigning the zoning designation.

The UPAA requires the City to review the appropriate Community Plan which in this case is the *Sunset West Community Plan*. The subject properties are not in an Area of Special Concern, and have no specific design elements applicable to them.

**Finding: The R-5 designation is specified by, and is therefore consistent with, the Washington County - Beaverton UPAA.**

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

No further applications and documents are required of this request.

**Finding: Staff find that this criterion is not applicable.**

## **CONCLUSION**

**Based on the facts and findings in this report, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Neighborhood Residential-Standard Density (NR-SD) land use designation and amending the City's Zoning Map to depict the City's Urban Standard Density Residential (R-5) zoning district is appropriate for the subject parcels.**



## AGENDA BILL

**Beaverton City Council  
Beaverton, Oregon**

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

**FOR AGENDA OF:** 02/26/07 **BILL NO:** 07044

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** CDD *[Signature]*

**DATE SUBMITTED:** 2/20/2007

**CLEARANCES:** City Attorney *[Signature]*  
Planning Services *[Signature]*

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Staff Report

### **BUDGET IMPACT**

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

The three properties shown on Exhibit "A" were annexed under Ordinances 4339 & 4347 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA).

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

**INFORMATION FOR CONSIDERATION:**

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to assign designations for parcels that have been annexed into the City and are governed by the Washington County – Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was specific as to the appropriate Land Use Map and Zoning Map designations, and discretion is not necessary to assign our most similar designations to the County's designations. The appropriate Land Use Map designation for the subject parcels is Neighborhood Residential-Medium Density (NR-MD) and the appropriate Zoning Map designation is Urban Medium Density Residential (R-2).

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

**RECOMMENDED ACTION:**

First Reading



**ORDINANCE NO. 4427**

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED SOUTH OF NW WATERHOUSE AVENUE, NORTH OF NW BLUERIDGE DRIVE AND EAST OF NW TURNBERRY TERRACE, ON THE WEST SIDE OF NW 158<sup>TH</sup> AVENUE; CPA 2007-0004/ZMA 2007-0003

**WHEREAS,** The three properties were annexed under Ordinances 4339 & 4347 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA); and

**WHEREAS,** Since the UPAA is specific on the appropriate designations for these parcels, this is not a discretionary land use decision and no public hearing is required; and

**WHEREAS,** The Council incorporates by reference the Community Development Department staff report on CPA 2007-0004/ZMA 2007-0003 by Associate Planner Laura Kelly, dated February 16, 2007, and attached hereto as Exhibit "B"; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties located south of NW Waterhouse Avenue, north of NW Blueridge Drive and east of NW Turnberry Terrace, on the west side of NW 158<sup>th</sup> Avenue, Neighborhood Residential-Medium Density (NR-MD) on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 Urban Medium Density Residential (R-2), as shown on Exhibit "A", in accordance with the UPAA.

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

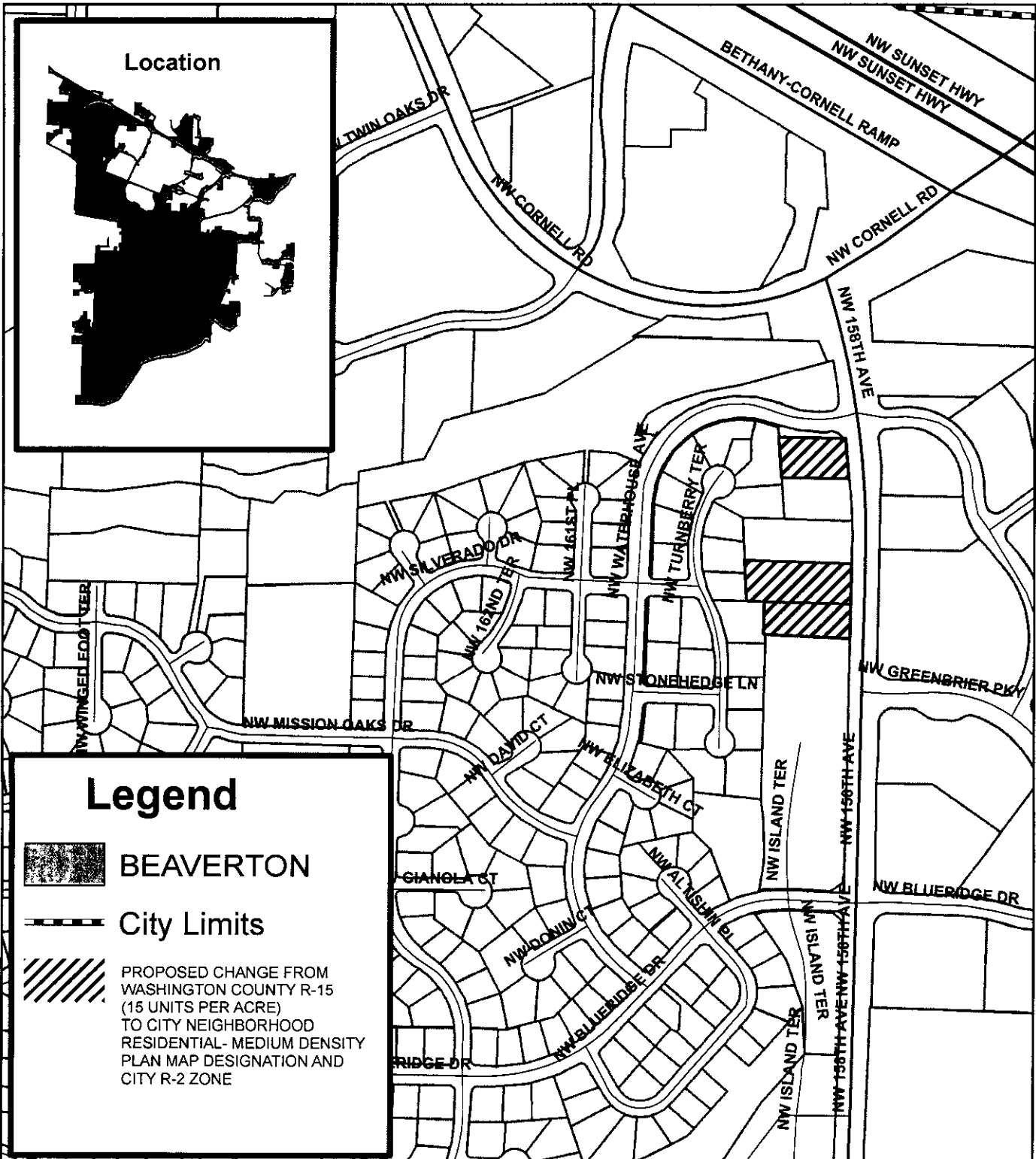
\_\_\_\_\_  
ROB DRAKE, Mayor



# VICINITY MAP

Ordinance  
No. 4427

EXHIBIT "A"



CITY OF BEAVERTON

**CPA2007-0004 ZMA2007-0003**

**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Services Division**

1/22/07

1N132CB00100  
1N132BC00400  
1N132BC00100



Waterhouse,  
Blueridge at  
158th

2





## CITY of BEAVERTON

EXHIBIT B

Ordinance No. 4427

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

### STAFF REPORT

**TO:** City Council

**AGENDA DATE:** February 26, 2007      **REPORT DATE:** February 16, 2007

**FROM:** Laura Kelly, Associate Planner *pk*

**APPLICATION:** CPA2007-0004  
(NW Waterhouse/158<sup>th</sup> Land Use Map Amendment)  
ZMA2007-0003  
(NW Waterhouse/158<sup>th</sup> Zoning Map Amendment)

**LOCATION:** South of NW Waterhouse Avenue, north of NW Blueridge Drive and east of NW Turnberry Terrace, on the west side of NW 158<sup>th</sup> Avenue. The parcels are identified as 1N1 32 BC 00100, 1N1 32 BC 00400, and 1N1 32 CB 00100.

**NEIGHBORHOOD ASSOCIATION:** 5 Oaks Neighborhood Association

**REQUEST:** Apply the City's Neighborhood Residential-Medium Density (NR-MD) land use designation and the City's Urban Medium Density Residential (R-2) zoning designation to three (3) parcels.

**APPLICANT:** City of Beaverton Community Development Director

**APPROVAL CRITERIA:** Comprehensive Plan Section 1.5.2 and the Development Code Section 40.97.15.3.C

**RECOMMENDATION:** Staff recommends the City Council adopt an ordinance applying the Neighborhood Residential-Medium Density (NR-MD) land use designation and the Urban Medium Density Residential (R-2) zoning designation to the three (3) parcels effective thirty days after the Mayor's signature.



**Location**

**Legend**

- BEAVERTON
- City Limits
- PROPOSED CHANGE FROM WASHINGTON COUNTY R-15 (15 UNITS PER ACRE) TO CITY NEIGHBORHOOD RESIDENTIAL, MEDIUM DENSITY PLAN MAP DESIGNATION AND CITY R-2 ZONE

Map labels include: ALDARN OAKS DR, NW CORNELL RD, BETHANY-CORNELL RAMP, NW SUNSET HWY, NW 159TH AVE, NW TURNBERRY TER, NW WATERHOUSE AVE, NW 151ST AVE, NW SILVERADO DR, NW 16AND TER, NW STONEHEDGE LN, NW GREENBRIER PKY, NW MISSION OAKS DR, NW DAVID CT, NW ELIZABETH CT, NW ALAN DR, NW 150TH AVE, NW 151ST AVE, NW 152ND AVE, NW 153RD AVE, NW 154TH AVE, NW 155TH AVE, NW 156TH AVE, NW 157TH AVE, NW 158TH AVE, NW 159TH AVE, NW 160TH AVE, NW 161ST AVE, NW 162ND AVE, NW 163RD AVE, NW 164TH AVE, NW 165TH AVE, NW 166TH AVE, NW 167TH AVE, NW 168TH AVE, NW 169TH AVE, NW 170TH AVE, NW 171ST AVE, NW 172ND AVE, NW 173RD AVE, NW 174TH AVE, NW 175TH AVE, NW 176TH AVE, NW 177TH AVE, NW 178TH AVE, NW 179TH AVE, NW 180TH AVE, NW 181ST AVE, NW 182ND AVE, NW 183RD AVE, NW 184TH AVE, NW 185TH AVE, NW 186TH AVE, NW 187TH AVE, NW 188TH AVE, NW 189TH AVE, NW 190TH AVE, NW 191ST AVE, NW 192ND AVE, NW 193RD AVE, NW 194TH AVE, NW 195TH AVE, NW 196TH AVE, NW 197TH AVE, NW 198TH AVE, NW 199TH AVE, NW 200TH AVE, NW 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CPA2007-0004 ZMA2007-0003

**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Services Division**

1/22/07

1N132CB00100  
1N132BC00400  
1N132BC00100



**Waterhouse,  
Blueridge at  
158th**



## BACKGROUND

CPA2007-0004 proposes amendment of the Land Use Map and ZMA2007-0003 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning for three (3) parcels annexed in March, 2005. Each of the three (3) parcels has continued to carry the Washington County R-15 (15 Units per Acre) designation, as depicted on the County's Sunset West Community Plan map, since the time of annexation.

## EXISTING CONDITIONS

**Uses.** Staff performed a field survey of uses that occupy the subject parcels. The identified uses are noted in the following table. All observed uses are single family detached dwellings.

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

MAP/TAX LOT	ADDRESS EXISTING LAND USES	ACREAGE
1N132BC00100	1175 NW 158 <sup>th</sup> Ave DETACHED DWELLING	0.58
1N132BC00400	1035 NW 158 <sup>th</sup> Ave DETACHED DWELLING	0.9
1N132CB00100	985 NW 158 <sup>th</sup> Ave DETACHED DWELLING	0.49
TOTAL ACRES		1.97

**Character.** The subject parcels have been developed with single family dwellings and typical residential accessory structures. Each property is underdeveloped and has potential for additional dwelling units.

**Natural Resources.** Washington County's *Sunset West Community Plan* map does not depict any significant natural resources in the area of the subject parcels.

## ANALYSIS

### COMPATIBILITY OF DESIGNATIONS

**City of Beaverton Neighborhood Residential- Medium Density land use designation.** Section 3.13 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* details the City's Residential land use designations. One goal is identified for the Medium Density Residential designation, as follows:

"3.13.4 Goal: Establish Medium Density Residential areas to allow for single family attached and detached, and multi-family developments."



The policies of Section 3.13.4 include the geographical determination that Medium Density Residential zoning designations are to be applied, "generally in areas with good access to arterial streets, good transit service, commercial service, and public open space, or should be designed in a coordinated manner to provide such amenities in the immediate vicinity." and that zoning districts are to be applied as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.

**Washington County R-15 District designation.** The subject parcels are designated R-15 on the County's Sunset West Community Plan. Section 305-1 of the *Washington County Community Development Code* states that,

"The intent and purpose of the R-15 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than fifteen (15) units per acre and no less than twelve (12) units per acre, except as otherwise specified by Section 300-2 or Section 300-5."

The UPAA excerpt, below, specifies that the County's R-15 designation is equivalent to the City's R-2 zoning designation.

WASHINGTON COUNTY – BEAVERTON URBAN PLANNING AREA AGREEMENT		
EXHIBIT "B" CITY – COUNTY LAND USE DESIGNATION EQUIVALENTS		
COUNTY	BEAVERTON	
<u>Plan/Zoning</u>	<u>Plan</u>	<u>Zoning</u>
R-15	NR-MD	R-2

**Summary.** The UPAA specifies a City R-2 designation for all three (3) parcels.

## APPLICABLE ZONING DISTRICTS

The implementing zoning districts for the City's Neighborhood Residential-Medium Density (NR-MD) Comprehensive Plan designation are: R-4, R3.5, and R-2. Properties within and around the subject parcels implement Neighborhood Residential-Medium Density (NR-MD) Comprehensive Plan designation as follows: the R-2 zone is predominant on the west side of NW 158<sup>th</sup>, south of Waterhouse to Blueridge Dr.

## COUNTY RESPONSIBILITY TO NOTIFY

Special Policy II.A. of the UPAA states in part, "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has not advised the city of adopted policies which may apply to the annexed area.



## PROCESS

### THRESHOLD

The subject properties are all designated on the County's *Sunset West Community Plan* map (Attachment 1) as R-15, which, in a non-discretionary process, requires implementation of the City's R-2 zoning designation under the *Urban Planning Area Agreement* (UPAA).

**Comprehensive Plan Process.** Due to annexation of the subject parcels and the non-discretionary nature of the proposal, review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Non-Discretionary Amendment per *Comprehensive Plan* Section 1.3.

**Development Code Process.** Due to annexation of the subject parcels and the non-discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Non-Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.3.A, which states, "An application for Non-Discretionary Annexation Related Zoning Map Amendment shall be required when the following thresholds apply:

1. "The change of zoning to a City zoning designation as a result of annexation of land into the City."
2. "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion."

### SUBMISSION REQUIREMENTS

According to Development Code Section 40.97.15.3.D. an application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. Because the annexations of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinances 4339 & 4347.

### PUBLIC NOTICE

Section 1.4.3.A of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice for Non-Discretionary Annexation Related Comprehensive Plan Map Amendments must be provided, as indicated below, not less than twenty (20) calendar days prior to when the item first appears on the City Council's agenda.



1. Legal notice was published in the Beaverton Valley Times on February 1, 2007.
2. Notice was mailed to the 5 Oaks/Triple Creek Neighborhood Association Committee, Sunset West/ Rock Creek/ Bethany Citizen Participation Organization (CPO 7), Chair of the Committee for Citizen Involvement (CCI), and to the subject property owners on February 1, 2007.
3. Notice was posted on the City's website on February 1, 2007.

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

## **CRITERIA FOR APPROVAL**

### **COMPREHENSIVE PLAN AMENDMENT CRITERIA**

Comprehensive Plan Section 1.5.2.A specifies that non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement. Findings to address Comprehensive Plan sections which address Statewide Planning Goals and Metro Urban Growth Regional Framework Plan criteria are therefore regarded as not applicable to this proposal.

### **ZONING MAP AMENDMENT CRITERIA**

Development Code Section 40.97.15.3.C., which contains Non-Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"In order to approve a Non-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 Non Discretionary Annexation Related Zoning Map Amendment application.***

Section 40.97.15.3.A.1 Threshold, states, "The change of zoning to a City zoning designation as a result of annexation of land into the City." The zone change is requested in order to apply City land use and zoning for three (3) parcels annexed in March, 2005. Each of the three (3) parcels has continued to carry the Washington County R-15 (15 Units per Acre) designation, as depicted on the County's Sunset West Community Plan map (Attachment 1), since the time of annexation.



Section 40.97.15.3.A.2 Threshold, states, "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion." As noted in the Process section of this report, the UPAA specifies a City R-2 designation for the County R-15 designation. Therefore, no discretion is required in determining the appropriate zoning designation.

**Finding: Staff finds that the request satisfies the threshold requirements for a Non 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 is assuming the role of the applicant in this proposed zoning map amendment. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

**Finding: Staff finds that this criterion is not applicable.**

**3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

Development Code Section 50.25.1 states, "Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." Because the annexations of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4339 & 4347.

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

**4. *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.***

The UPAA is specific for the proposed amendment:

- Washington County Residential – 15+ units per acre, goes to R-2, Residential – 2,000 square feet per principal dwelling unit.

No discretion is being exercised in assigning the zoning designation.



The UPAA requires the City to review the appropriate Community Plan which in this case is the Sunset West Community Plan. The subject properties are not in an Area of Special Concern, and have no specific design elements applicable to them.

**Finding: The R-2 designation is specified by, and is therefore consistent with, the Washington County - Beaverton UPAA.**

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

No further applications and documents are required of this request.

**Finding: Staff find that this criterion is not applicable.**

## **CONCLUSION**

**Based on the facts and findings in this report, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Neighborhood Residential-Medium Density (NR-MD) land use designation and amending the City's Zoning Map to depict the City's Urban Medium Density Residential (R-2) zoning district is appropriate for the subject parcels.**



## AGENDA BILL

### Beaverton City Council Beaverton, Oregon

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

**FOR AGENDA OF:** 02/26/07 **BILL NO:** 07045

**Mayor's Approval:** *Bob Drake*

**DEPARTMENT OF ORIGIN:** CDD *mg*

**DATE SUBMITTED:** 2/20/2007

**CLEARANCES:** City Attorney *AD*  
Planning Services *HB*

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Staff Report

### **BUDGET IMPACT**

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

The property shown on Exhibit "A" was annexed under Ordinances 4339 & 4347 in March 2005 and is being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA).

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

#### **INFORMATION FOR CONSIDERATION:**

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to assign designations for parcels that have been annexed into the City and are governed by the Washington County - Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was specific as to the appropriate Land Use Map and Zoning Map designations, and discretion is not necessary to assign our most similar designations to the County's designations. The appropriate Land Use Map designation for the subject parcel is Corridor and the appropriate Zoning Map designation is General Commercial (GC).

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

#### **RECOMMENDED ACTION:**

First Reading



ORDINANCE NO. 4428

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED WEST OF NW 167<sup>TH</sup> PLACE, EAST OF NW 173<sup>RD</sup> PLACE AND SOUTH OF THE SUNSET HIGHWAY, ON THE NORTH SIDE OF NW CORNELL ROAD; CPA 2007-0005/ZMA 2007-0004

**WHEREAS,** The property was annexed under Ordinances 4339 & 4347 in March 2005 and is being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA); and

**WHEREAS,** Since the UPAA is specific on the appropriate designations for this parcel, this is not a discretionary land use decision and no public hearing is required; and

**WHEREAS,** The Council incorporates by reference the Community Development Department staff report on CPA 2007-0005/ZMA 2007-0004 by Associate Planner Laura Kelly, dated February 16, 2007, and attached hereto as Exhibit "B"; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject property located west of NW 167<sup>th</sup> Place, east of NW 173<sup>rd</sup> Place and south of the Sunset Highway, on the north side of NW Cornell Road, Corridor on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 General Commercial (GC), as shown on Exhibit "A", in accordance with the UPAA.

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

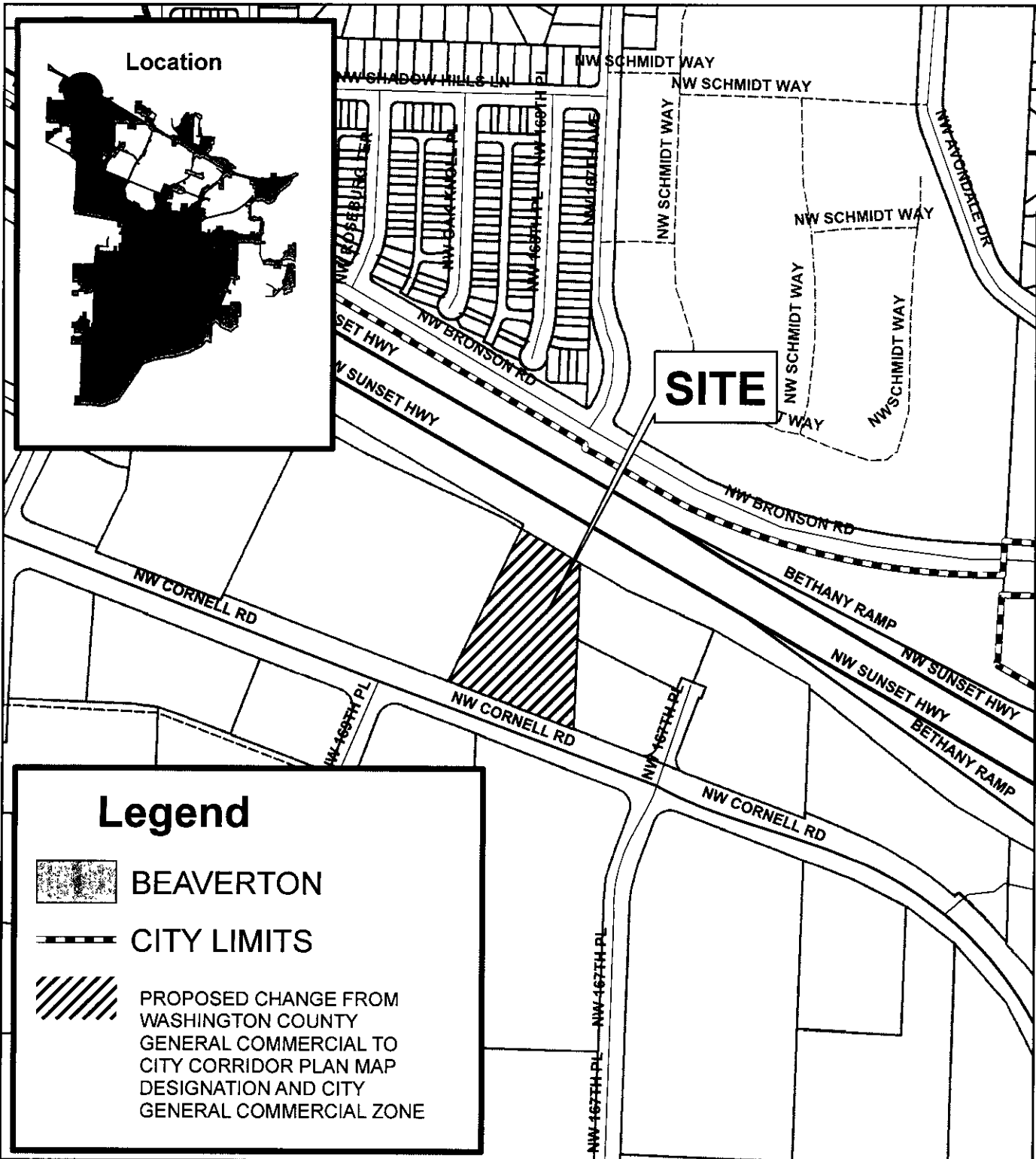
APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor



# EXHIBIT "A"



CITY OF BEAVERTON

CPA2007-0005 ZMA2007-0004

**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Services Division**

**1/22/07**

Tax Lot #  
1N130DC00100

**16851 NW  
Cornell Rd**





## CITY of BEAVERTON

EXHIBIT B

Ordinance No. 4428

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

### STAFF REPORT

**TO:** City Council

**AGENDA DATE:** February 26, 2007      **REPORT DATE:** February 16, 2007

**FROM:** Laura Kelly, Associate Planner *yk*

**APPLICATION:** CPA2007-0005  
(Shurgard Storage on NW Cornell Land Use Map Amendment)  
ZMA2007-0004  
(Shurgard Storage on NW Cornell Zoning Map Amendment)

**LOCATION:** West of NW 167<sup>th</sup> Place, east of NW 173<sup>rd</sup> Place and south of the Sunset Highway, on the north side of NW Cornell Road. The parcel is identified as 1N1 30 DC 00100.

**NEIGHBORHOOD ASSOCIATION:** 5 Oaks Neighborhood Association

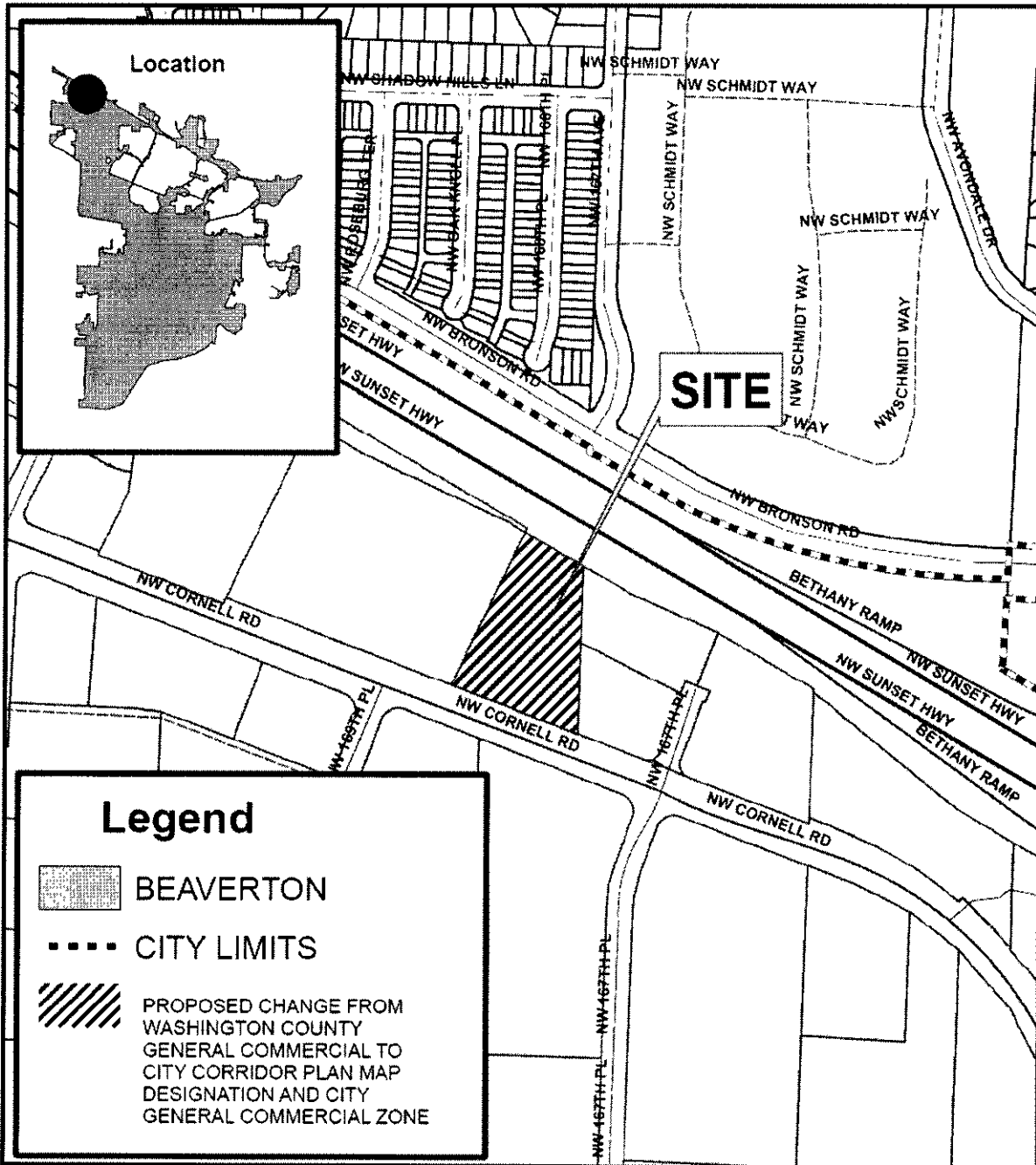
**REQUEST:** Apply the City's Corridor land use designation and the City's General Commercial (GC) zoning designation to one (1) parcel.

**APPLICANT:** City of Beaverton Community Development Director

**APPROVAL CRITERIA:** Comprehensive Plan Section 1.5.2 and the Development Code Section 40.97.15.3.C

**RECOMMENDATION:** Staff recommends the City Council adopt an ordinance applying the Corridor land use designation and the General Commercial zoning designation to the parcel effective thirty days after the Mayor's signature.





CITY OF BLAVERION

CPA2007-0005 ZMA2007-0004

**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Services Division**

1/22/07

**Tax Lot #**  
1N130DC00100

**16851 NW  
Cornell Rd**



## BACKGROUND

CPA2007-0005 proposes amendment of the Land Use Map and ZMA2007-0004 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning for the parcel annexed in March, 2005. The parcel has continued to carry the Washington County General Commercial (GC) designation, as depicted on the County's *Sunset West Community Plan* map, since the time of annexation.

## EXISTING CONDITIONS

**Uses.** Staff performed a field survey of uses that occupy the subject parcel. The identified uses are noted in the following table.

The following table includes address, existing use, and lot size:

MAP/TAX LOT	ADDRESS EXISTING LAND USES	ACREAGE
1N132BC00100	16851 NW Cornell Road SELF-STORAGE FACILITY	1.93

**Character.** The subject parcel has been developed with commercial structures.

**Natural Resources.** Washington County's *Sunset West Community Plan* map does not depict any significant natural resources in the area of the subject parcel.

## ANALYSIS

### COMPATIBILITY OF DESIGNATIONS

**City of Beaverton Corridor land use designation.** Section 3.10 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* details the City's Corridor land use designation. One goal is identified for the Corridor designation, as follows:

"3.10.1 Goal: An attractive mix of commercial and higher density residential uses along major roads through the City that invites pedestrian activity where appropriate."

The policies of Section 3.10.1 include the geographical determination that Corridor land use designations are to be applied, "consistent with the Metro 2040 Regional Urban growth Concept Plan" and that zoning districts are to be applied, "as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix". Additionally, Section 3.10.1 directs the city to, "endeavor to improve the appearance of commercial areas", "regulate new development in Corridors to provide a mix of commercial and residential uses with pedestrian amenities", and allocate commercial facilities, "in a reasonable amount and in a planned relationship to the people they will serve".



**Washington County GC District designation.** The subject parcel is designated GC on the County's Sunset West Community Plan. Section 314-1 of the *Washington County Community Development Code* states that,

"This District is intended to provide for commercial land to serve the traveling public and to provide for commercial uses which require large sites and a high degree of visibility. This District is intended to recognize the existing strip commercial development pattern in the County, but discourage future extensions of strip commercial development. In addition, the General Commercial District recognizes office uses existing on September 26, 1983. These existing office structures may continue to be used for professional office uses, but expansion of the structures will be subject to the nonconforming use requirements of this Code."

The UPAA excerpt, below, specifies that the County's GC designation is equivalent to the City's GC zoning designation.

WASHINGTON COUNTY – BEAVERTON URBAN PLANNING AREA AGREEMENT		
EXHIBIT "B"		
CITY – COUNTY LAND USE DESIGNATION EQUIVALENTS		
COUNTY	BEAVERTON	
<u>Plan/Zoning</u>	<u>Plan</u>	<u>Zoning</u>
General Commercial	General Commercial	GC

**Summary.** The UPAA specifies a City GC designation for the parcel.

## APPLICABLE ZONING DISTRICTS

The implementing zoning districts for the City's Corridor Comprehensive Plan designation are: GC, CV, OC, CS, NS, C-MU, R-4, R3.5, R-2 and R-1. Properties within and around the subject parcel implement the Corridor Comprehensive Plan designation as follows: the OC and CS zones are predominant on the north side of NW Cornell Road, west of NW 158th Avenue to NW Evergreen Pkwy.

## COUNTY RESPONSIBILITY TO NOTIFY

Special Policy II.A. of the UPAA states in part, "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has not advised the city of adopted policies which may apply to the annexed area.



## PROCESS

### THRESHOLD

The subject property is designated on the County's *Sunset West Community Plan* map (Attachment 1) as GC, which, in a non-discretionary process, requires implementation of the City's GC zoning designation under the *Urban Planning Area Agreement* (UPAA).

**Comprehensive Plan Process.** Due to annexation of the subject parcel and the non-discretionary nature of the proposal, review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Non-Discretionary Amendment per *Comprehensive Plan* Section 1.3.

**Development Code Process.** Due to annexation of the subject parcel and the non-discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Non-Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.3.A, which states, "An application for Non-Discretionary Annexation Related Zoning Map Amendment shall be required when the following thresholds apply:

1. "The change of zoning to a City zoning designation as a result of annexation of land into the City."
2. "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion."

### SUBMISSION REQUIREMENTS

According to Development Code Section 40.97.15.3.D. an application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. Because the annexation of the subject property occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinances 4339 and 4347.

### PUBLIC NOTICE

Section 1.4.3.A of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice for Non-Discretionary Annexation Related Comprehensive Plan Map Amendments must be provided, as indicated below, not less than twenty (20) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice was published in the Beaverton Valley Times on February 1, 2007.



2. Notice was mailed to the 5 Oaks Neighborhood Association Committee, Sunset West/ Rock Creek/ Bethany Citizen Participation Organization (CPO 7), Chair of the Committee for Citizen Involvement (CCI), and to the subject property owner on February 1, 2007.
3. Notice was posted on the City's website on February 1, 2007.

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

## **CRITERIA FOR APPROVAL**

### **COMPREHENSIVE PLAN AMENDMENT CRITERIA**

Comprehensive Plan Section 1.5.2.A specifies that non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement. Findings to address Comprehensive Plan sections which address Statewide Planning Goals and Metro Urban Growth Regional Framework Plan criteria are therefore regarded as not applicable to this proposal.

### **ZONING MAP AMENDMENT CRITERIA**

Development Code Section 40.97.15.3.C., which contains Non-Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"In order to approve a Non-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 Non Discretionary Annexation Related Zoning Map Amendment application.***

Section 40.97.15.3.A.1 Threshold, states, "The change of zoning to a City zoning designation as a result of annexation of land into the City." The zone change is requested in order to apply City land use and zoning for one (1) parcel annexed in March, 2005. The parcel has continued to carry the Washington County GC (General Commercial) designation, as depicted on the County's *Sunset West Community Plan* map (Attachment 1), since the time of annexation.

Section 40.97.15.3.A.2 Threshold, states, "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion." As noted in the Process section of this



report, the UPAA specifies a City GC designation for the County GC designation. Therefore, no discretion is required in determining the appropriate zoning designation.

**Finding: Staff finds that the request satisfies the threshold requirements for a Non 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 is assuming the role of the applicant in this proposed zoning map amendment. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

**Finding: Staff finds that this criterion is not applicable.**

**3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

Development Code Section 50.25.1 states, "Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." Because the annexation of the subject property occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4339 and 4347.

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

**4. *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.***

The UPAA is specific for the proposed amendment:

- Washington County General Commercial (GC) goes to General Commercial (GC).

No discretion is being exercised in assigning the zoning designation.

The UPAA requires the City to review the appropriate Community Plan which in this case is the *Sunset West Community Plan*. The subject property is not in an Area of Special Concern, and has no specific design elements applicable to it.



**Finding: The GC designation is specified by, and is therefore consistent with, the Washington County - Beaverton UPAA.**

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

No further applications and documents are required of this request.

**Finding: Staff find that this criterion is not applicable.**

## **CONCLUSION**

**Based on the facts and findings in this report, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Corridor land use designation and amending the City's Zoning Map to depict the City's General Commercial (GC) zoning district is appropriate for the subject parcel.**



## AGENDA BILL

### Beaverton City Council Beaverton, Oregon

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

**FOR AGENDA OF:** 02/26/07 **BILL NO:** 07046

**Mayor's Approval:** *Bob Drake*

**DEPARTMENT OF ORIGIN:** CDD *my*

**DATE SUBMITTED:** 2/20/2007

**CLEARANCES:** City Attorney *AR*  
Planning Services *HB*

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Staff Report

### **BUDGET IMPACT**

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

The three properties shown on Exhibit "A" were annexed under Ordinances 4339 & 4347 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA).

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

### **INFORMATION FOR CONSIDERATION:**

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to assign designations for parcels that have been annexed into the City and are governed by the Washington County - Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was specific as to the appropriate Land Use Map and Zoning Map designations, and discretion is not necessary to assign our most similar designations to the County's designations. The appropriate Land Use Map designation for the subject parcels is Corridor and the appropriate Zoning Map designation is Office Commercial (OC).

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

### **RECOMMENDED ACTION:**

First Reading



**ORDINANCE NO. 4429**

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED BOTH NORTH AND WEST OF NW CORNELL ROAD, EAST OF NW BETHANY BOULEVARD AND SOUTH OF THE BETHANY-CORNELL ONRAMP TO THE SUNSET HIGHWAY; CPA 2007-0006/ZMA 2007-0005

**WHEREAS,** The three properties were annexed under Ordinances 4339 & 4347 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA); and

**WHEREAS,** Since the UPAA is specific on the appropriate designations for these parcels, this is not a discretionary land use decision and no public hearing is required; and

**WHEREAS,** The Council incorporates by reference the Community Development Department staff report on CPA 2007-0006/ZMA 2007-0005 by Associate Planner Laura Kelly, dated February 16, 2007, and attached hereto as Exhibit "B"; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties located both north and west of NW Cornell Road, east of NW Bethany Boulevard and south of the Bethany-Cornell onramp to the Sunset Highway, Corridor on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 Office Commercial (OC), as shown on Exhibit "A", in accordance with the UPAA.

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

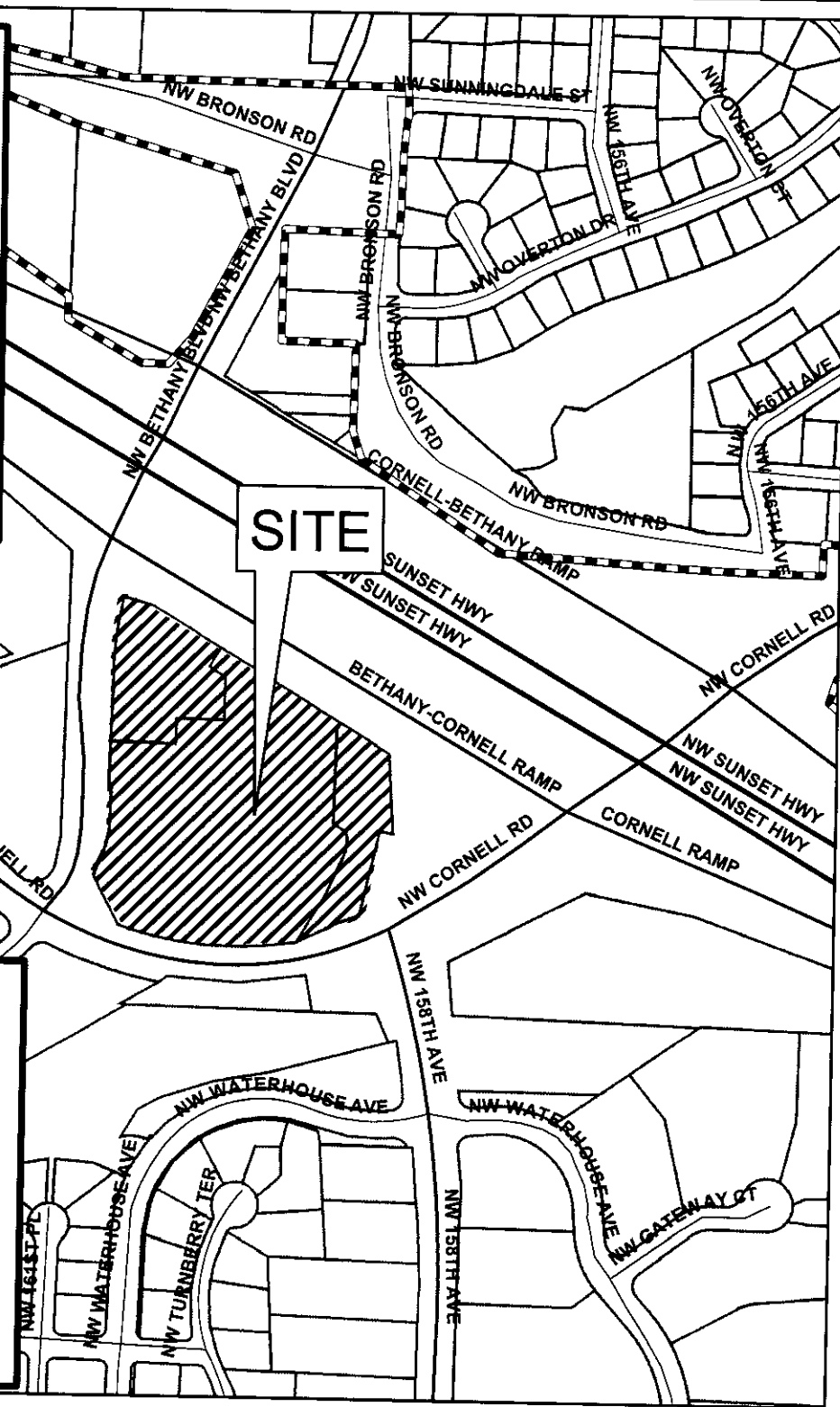
APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor



EXHIBIT "A"



PROPOSED CHANGE FROM  
WASHINGTON COUNTY  
OFFICE COMMERCIAL TO  
CITY CORRIDOR PLAN MAP  
DESIGNATION AND CITY  
OFFICE COMMERCIAL ZONE







EXHIBIT B

## CITY of BEAVERTON

Ordinance No. 4429

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

### STAFF REPORT

**TO:** City Council

**AGENDA DATE:** February 26, 2007      **REPORT DATE:** February 16, 2007

**FROM:** Laura Kelly, Associate Planner *LK*

**APPLICATION:** CPA2007-0006  
(NW Bethany Blvd and NW Cornell Rd Corner Land  
Use Map Amendment)  
ZMA2007-0005  
(NW Bethany Blvd and NW Cornell Rd Corner Zoning Map  
Amendment)

**LOCATION:** North and west of NW Cornell Road, east of NW Bethany Blvd  
and south of the Bethany-Cornell onramp to the Sunset  
Highway. The parcels are identified as 1N1 32 BB 01400,  
1N1 32 BB 01500, and 1N1 32 BB 01600.

**NEIGHBORHOOD  
ASSOCIATION:** 5 Oaks Neighborhood Association

**REQUEST:** Apply the City's Corridor land use designation and the City's  
Office Commercial (OC) zoning designation to three (3)  
parcels.

**APPLICANT:** City of Beaverton Community Development Director

**APPROVAL  
CRITERIA:** Comprehensive Plan Section 1.5.2 and the Development  
Code Section 40.97.15.3.C

**RECOMMENDATION:** Staff recommends the City Council adopt an ordinance  
applying the Corridor land use designation and the Office  
Commercial (OC) zoning designation to the three (3)  
parcels effective thirty days after the Mayor's signature.



**Location**

**Legend**

- BEAVERTON
- City Limits
- PROPOSED CHANGE FROM WASHINGTON COUNTY OFFICE COMMERCIAL TO CITY CORRIDOR PLAN MAP DESIGNATION AND CITY OFFICE COMMERCIAL ZONE

**SITE**

Map labels include: NW BRONSON RD, NW BETHANY BLVD, NW CORNELL RD, NW SUNSET HWY, NW CORNELL RAMP, NW WATERHOUSE AVE, NW TURNBERRY TER, NW 164TH PL, NW 168TH AVE, NW 158TH AVE, NW 156TH AVE, NW 154TH AVE, NW 152TH AVE, NW 150TH AVE, NW 148TH AVE, NW 146TH AVE, NW 144TH AVE, NW 142TH AVE, NW 140TH AVE, NW 138TH AVE, NW 136TH AVE, NW 134TH AVE, NW 132TH AVE, NW 130TH AVE, NW 128TH AVE, NW 126TH AVE, NW 124TH AVE, NW 122TH AVE, NW 120TH AVE, NW 118TH AVE, NW 116TH AVE, NW 114TH AVE, NW 112TH AVE, NW 110TH AVE, NW 108TH AVE, NW 106TH AVE, NW 104TH AVE, NW 102TH AVE, NW 100TH AVE, NW 98TH AVE, NW 96TH AVE, NW 94TH AVE, NW 92TH AVE, NW 90TH AVE, NW 88TH AVE, NW 86TH AVE, NW 84TH AVE, NW 82TH AVE, NW 80TH AVE, NW 78TH AVE, NW 76TH AVE, NW 74TH AVE, NW 72TH AVE, NW 70TH AVE, NW 68TH AVE, NW 66TH AVE, NW 64TH AVE, NW 62TH AVE, NW 60TH AVE, NW 58TH AVE, NW 56TH AVE, NW 54TH AVE, NW 52TH AVE, NW 50TH AVE, NW 48TH AVE, NW 46TH AVE, NW 44TH AVE, NW 42TH AVE, NW 40TH AVE, NW 38TH AVE, NW 36TH AVE, NW 34TH AVE, NW 32TH AVE, NW 30TH AVE, NW 28TH AVE, NW 26TH AVE, NW 24TH AVE, NW 22TH AVE, NW 20TH AVE, NW 18TH AVE, NW 16TH AVE, NW 14TH AVE, NW 12TH AVE, NW 10TH AVE, NW 8TH AVE, NW 6TH AVE, NW 4TH AVE, NW 2TH AVE, NW 1ST AVE, NW 1/2ND AVE, NW 1/4TH AVE, NW 1/8TH AVE, NW 1/16TH AVE, NW 1/32TH AVE, NW 1/64TH AVE, NW 1/128TH AVE, NW 1/256TH AVE, NW 1/512TH AVE, NW 1/1024TH AVE, NW 1/2048TH AVE, NW 1/4096TH AVE, NW 1/8192TH AVE, NW 1/16384TH AVE, NW 1/32768TH AVE, NW 1/65536TH AVE, NW 1/131072TH AVE, NW 1/262144TH AVE, NW 1/524288TH AVE, NW 1/1048576TH AVE, NW 1/2097152TH AVE, NW 1/4194304TH AVE, NW 1/8388608TH AVE, NW 1/16777216TH AVE, NW 1/33554432TH AVE, NW 1/67108864TH AVE, NW 1/134217728TH AVE, NW 1/268435456TH AVE, NW 1/536870912TH AVE, NW 1/1073741824TH AVE, NW 1/2147483648TH AVE, NW 1/4294967296TH AVE, NW 1/8589934592TH AVE, NW 1/17179869184TH AVE, NW 1/34359738368TH AVE, NW 1/68719476736TH AVE, NW 1/137438953472TH AVE, NW 1/274877906944TH AVE, NW 1/549755813888TH AVE, NW 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1/664613997892457936451903530140172288TH AVE, NW 1/1329227995784915872903



**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Services Division**

1/22/07

1N132BB01400  
1N132BB01500  
1N132BB01600



NW Bethany Blvd  
NW Cornell Rd



## BACKGROUND

CPA2007-0006 proposes amendment of the Land Use Map and ZMA2007-0005 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning for three (3) parcels annexed in March, 2005. Each of the three (3) parcels has continued to carry the Washington County OC (Office Commercial) designation, as depicted on the County's *Sunset West Community Plan* map, since the time of annexation.

## EXISTING CONDITIONS

**Uses.** Staff performed a field survey of uses that occupy the subject parcels. The identified uses are noted in the following table.

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

MAP/TAX LOT	ADDRESS EXISTING LAND USES	ACREAGE
1N132BB01500	1500 NW Bethany Blvd PROFESSIONAL OFFICE BUILDING	5.52
1N132BB01400	1520 NW Bethany Blvd RESTAURANT	1.29
1N132BB01600	No addresses assigned WETLAND TRACT	0.93
TOTAL ACRES		7.74

**Character.** Two of the subject parcels have been developed with commercial buildings. The third parcel is a wetland/ open space tract.

**Natural Resources.** Washington County's *Sunset West Community Plan* map depicts a water and wetland significant natural resource area in the area of the subject parcels (on Tax Lot 1600). Metro's Nature in the Neighborhoods Program became effective in May 2006. The Metro program requires local governments to implement a program to:

- Conserve, protect, and resource a continuous ecologically viable streamside corridor system, from the stream's 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
- Control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

The local governments in the Tualatin River Basin collaborated to develop a voluntary, incentive-based program to achieve the goals of the Metro Program. The City of Beaverton has voluntary, incentive-based tools available for complying with the City's water quality, water quantity and landscape standards. The proposed amendment will not affect the City's implementation of this program.

Existing regulations within the City's Development Code and Clean Water Services Design and Construction Standards for Sanitary Sewer and Surface Water



Management (CWS D&C Standards) will apply to development proposals on the subject property. Thus, existing regulations such as the City's tree preservation plan requirements, CWS Vegetated Corridors regulations, and Division of State Lands wetland delineation and removal/fill permitting requirements would limit development of the resources.

## ANALYSIS

### COMPATIBILITY OF DESIGNATIONS

**City of Beaverton Corridor land use designation.** Section 3.10 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* details the City's Corridor land use designation. One goal is identified for the Corridor designation, as follows:

"3.10.1 Goal: An attractive mix of commercial and higher density residential uses along major roads through the City that invites pedestrian activity where appropriate."

The policies of Section 3.10.1 include the geographical determination that Corridor land use designations are to be applied, "consistent with the Metro 2040 Regional Urban growth Concept Plan" and that zoning districts are to be applied, "as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix". Additionally, Section 3.10.1 directs the city to, "endeavor to improve the appearance of commercial areas", "regulate new development in Corridors to provide a mix of commercial and residential uses with pedestrian amenities", and allocate commercial facilities, "in a reasonable amount and in a planned relationship to the people they will serve".

**Washington County OC District designation.** The subject parcels are designated OC on the County's Sunset West Community Plan. Section 312-1 of the *Washington County Community Development Code* states that,

"The intent of this District is to encourage office complex development of institutional, professional, medical/dental, governmental and other office business uses. The purpose is to accommodate the increasing office needs in complexes ranging in size from small to large-scale development. Office uses are the primary use of this District. To serve the employees of the office complex, some accessory commercial and high density residential uses may be permitted through the Planned Development process."

The UPAA excerpt, below, specifies that the County's OC designation is equivalent to the City's OC zoning designation.



WASHINGTON COUNTY – BEAVERTON  
URBAN PLANNING AREA AGREEMENT

EXHIBIT "B"  
CITY – COUNTY LAND USE DESIGNATION EQUIVALENTS

<u>COUNTY</u>	<u>BEAVERTON</u>	
<u>Plan/Zoning</u>	<u>Plan</u>	<u>Zoning</u>
Office Commercial	Office Commercial	OC

**Summary.** The UPAA specifies a City OC designation for all three (3) parcels.

### APPLICABLE ZONING DISTRICTS

The implementing zoning districts for the City's Corridor Comprehensive Plan designation are: GC, CV, OC, CS, NS, C-MU, R-4, R3.5, R-2 and R-1. Properties within and around the subject parcels implement Corridor Comprehensive Plan designation as follows: the OC and CS zones are predominant on the north side of NW Cornell Road, west of NW 158th Avenue to NW Evergreen Pkwy.

### COUNTY RESPONSIBILITY TO NOTIFY

Special Policy II.A. of the UPAA states in part, "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has not advised the city of adopted policies which may apply to the annexed area.

## PROCESS

### THRESHOLD

The subject properties are all designated on the County's *Sunset West Community Plan* map (Attachment 1) as OC, which, in a non-discretionary process, requires implementation of the City's OC zoning designation under the *Urban Planning Area Agreement* (UPAA).

**Comprehensive Plan Process.** Due to annexation of the subject parcels and the non-discretionary nature of the proposal, review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Non-Discretionary Amendment per *Comprehensive Plan* Section 1.3.

**Development Code Process.** Due to annexation of the subject parcels and the non-discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Non-Discretionary Annexation Related Zoning Map



Amendment per Development Code Section 40.97.15.3.A, which that states, "An application for Non-Discretionary Annexation Related Zoning Map Amendment shall be required when the following thresholds apply:

1. "The change of zoning to a City zoning designation as a result of annexation of land into the City."
2. "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion."

## **SUBMISSION REQUIREMENTS**

According to Development Code Section 40.97.15.3.D. an application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. Because the annexations of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinances 4339 and 4347.

## **PUBLIC NOTICE**

Section 1.4.3.A of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice for Non-Discretionary Annexation Related Comprehensive Plan Map Amendments must be provided, as indicated below, not less than twenty (20) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice was published in the Beaverton Valley Times on February 1, 2007.
2. Notice was mailed to the Five Oaks/ Triple Creek and Central Beaverton Neighborhood Association Committee, Sunset West/ Rock Creek/ Bethany Citizen Participation Organization (CPO 7), Chair of the Committee for Citizen Involvement (CCI), and to the subject property owners on February 1, 2007.
3. Notice was posted on the City's website on February 1, 2007.

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



## CRITERIA FOR APPROVAL

### COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.5.2.A specifies that non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement. Findings to address Comprehensive Plan sections which address Statewide Planning Goals and Metro Urban Growth Regional Framework Plan criteria are therefore regarded as not applicable to this proposal.

### ZONING MAP AMENDMENT CRITERIA

Development Code Section 40.97.15.3.C., which contains Non-Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"In order to approve a Non-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 Non Discretionary Annexation Related Zoning Map Amendment application.***

Section 40.97.15.3.A.1 Threshold, states, "The change of zoning to a City zoning designation as a result of annexation of land into the City." The zone change is requested in order to apply City land use and zoning for three (3) parcels annexed in March, 2005. Each of the three (3) parcels has continued to carry the Washington County OC (Office Commercial) designation, as depicted on the County's *Sunset West Community Plan* map (Attachment 1), since the time of annexation.

Section 40.97.15.3.A.2 Threshold, states, "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion." As noted in the Process section of this report, the UPAA specifies a City OC designation for the County OC designation. Therefore, no discretion is required in determining the appropriate zoning designation.

**Finding: Staff finds that the request satisfies the threshold requirements for a Non 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 is assuming the role of the applicant in this proposed zoning map amendment. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

**Finding: Staff finds that this criterion is not applicable.**

**3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

Development Code Section 50.25.1 states, "Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." Because the annexations of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinances 4339 and 4347.

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

**4. *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.***

The UPAA is specific for the proposed amendment:

- Washington County Office Commercial goes to City OC, Office Commercial.

No discretion is being exercised in assigning the zoning designation.

The UPAA requires the City to review the appropriate Community Plan which in this case is the *Sunset West Community Plan*. The subject properties are not in an Area of Special Concern, and have no specific design elements applicable to them.

**Finding: The OC designation is specified by, and is therefore consistent with, the Washington County - Beaverton UPAA.**

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

No further applications and documents are required of this request.

**Finding: Staff find that this criterion is not applicable.**



## **CONCLUSION**

**Based on the facts and findings in this report, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Corridor land use designation and amending the City's Zoning Map to depict the City's Office Commercial (OC) zoning district is appropriate for the subject parcels.**



## AGENDA BILL

Carried Over From Meeting of  
01/22/07.

Beaverton City Council  
Beaverton, Oregon

2-26-07

**SUBJECT:** An Ordinance Relating to the Use and  
Possession of Replica Firearms in a Public  
Place

**FOR AGENDA OF:** 2-12-07 **BILL NO:** 07025

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** City Attorney 

**DATE SUBMITTED:** 2-2-07

**CLEARANCES:** Police 

**PROCEEDING:** FIRST READING  
Second Reading and Passage

**EXHIBITS:** 1. Ordinance  
2. Annotated Version of Ordinance

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0.00	BUDGETED \$0.00	REQUIRED \$0.00

### **HISTORICAL PERSPECTIVE:**

In Summer, 2006, the Chief of Police asked the City Attorney to study and draft an ordinance regulating the possession of realistic-appearing toy guns in public places. The Police Department furnished a copy of New York City provisions pertaining to such regulations. The two departments compiled additional information and drafted legislative provisions. Thereafter, a Council Presentation/Work Session was held on December 11, 2006, to explain why the City may want to regulate realistic-appearing toy guns and to allow the Council to comment on a conceptual draft of the attached Ordinance. Based on comments received at the Council Presentation/Work Session, a draft ordinance was prepared. A public hearing on the draft ordinance was held on January 22, 2007. Based on comments received at the Public Hearing, the draft ordinance was revised and is now submitted for first reading.

### **INFORMATION FOR CONSIDERATION:**

The Ordinance applies to imitation guns that substantially resemble real firearms. One common term for such replicas is an airsoft gun. Despite their appearance as a real gun, these replicas typically discharge a non-lethal plastic pellet. The Ordinance forbids the visible possession of a replica firearm in a public place and the pointing or discharging of a replica firearm at another person if the other person is in a public place. A first offense is punishable as a civil violation. Repeat offenses, and any offense involving a replica firearm committed on or within 1,000 feet of school premises is punishable as a misdemeanor.

The Ordinance provides for several affirmative defenses to an alleged violation of the Ordinance's prohibitions. These defenses include that the defendant carried the replica firearm concealed while in a public place; that the defendant was employed as a police officer and possessed the replica firearm within his or her official duties; and that the defendant possessed the replica firearm in connection with the production of a motion picture, television program, theatrical presentation or period-authentic historical reenactment.

**Agenda Bill No:** 07025



Additional information about the Ordinance is included in the exhibits to the Agenda Bill pertaining to the December 11, 2006, Council Presentation/Work Session and the January 22, 2007, public hearing. Those materials are incorporated herein by this reference.

**RECOMMENDED ACTION:**

~~First Reading of Ordinance.~~

Second Reading and Passage



**ORDINANCE NO. 4423**

**AN ORDINANCE RELATING TO THE USE AND POSSESSION OF  
REPLICA FIREARMS IN A PUBLIC PLACE**

**WHEREAS**, non-projectile toys and non-lethal projectile weapons, such as ones commonly known as airsoft guns, can be manufactured with coloring and dimensions identical to genuine, lethal firearms; and

**WHEREAS**, such replica firearms can be indistinguishable from authentic weapons, even to a trained and knowledgeable observer such as a police officer; and

**WHEREAS**, the appearance of a replica firearm in a public place can create a public disturbance or alarm, which distress can escalate into an unnecessary fatality if deadly force is employed to overcome the reasonably perceived lethal threat; and

**WHEREAS**, it is appropriate to regulate the appearance of replica firearms in public places to reduce the possibility of unnecessary harm or death; and

**WHEREAS**, Council instructs city staff to create a public information campaign about the public risks of imitation firearms, which campaign shall precede the effective date of this Ordinance; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** The Beaverton Code is amended in Chapter Five by adding the following:

“5.08.250 Short Title. BC 5.08.250 – .270 shall be known and may be cited as the ‘Replica Firearms Ordinance’ and may also be referred to herein as ‘this ordinance.’

“5.08.255 Definitions. For the purposes of this ordinance the following terms have the stated meanings:

Blaze orange tip - Either a plastic plug or a permanent marking which is colored blaze orange, which covers the barrel of a replica firearm from the muzzle end for a depth of at least 6 millimeters, the placement of which is required by Federal law.

Laser pointer - A device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

Period-authentic historical reenactment - A reenactment of past events in which the use of historically accurate uniforms and equipment predominates.

Replica firearm - Any device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm. A device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm shall not



be deemed a replica firearm if:

A. The device is constructed entirely of opaque materials colored bright red, bright orange, bright yellow, bright green, bright blue or bright purple, either singly or in combination with other listed colors; or

B. The device is constructed entirely of transparent or translucent materials that permit unmistakable observation of the complete contents of the device; or

C. The device is constructed entirely of a mixture of materials described in subsections (A) and (B) of this definition.

Replica firearm merchant - A retail operation, such as a hobby shop, sporting goods store, or firearms store, that is a place of sale to ultimate consumers of replica firearms for direct consumption, operating in a commercial structure or storefront, with premises open to the general public during business hours.

School premises - The real property comprising a public or private elementary, secondary or career school attended primarily by minors.

“5.08.260 Prohibitions.

A. No person shall possess a replica firearm in a public place.

B. No person shall intentionally, knowingly, recklessly, or with criminal negligence point or discharge a replica firearm at another person, said other person being located in a public place.

C. No person shall possess on school premises a device that otherwise would be a replica firearm but for the fact that:

1. The device is constructed entirely of opaque materials colored bright red, bright orange, bright yellow, bright green, bright blue or bright purple, either singly or in combination with other listed colors; or

2. The device is constructed entirely of transparent or translucent materials that permit unmistakable observation of the complete contents of the device; or

3. The device is constructed entirely of a mixture of materials described in subsections (1) and (2).

“5.08.265 Affirmative Defenses.

A. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(A) that:

1. The defendant possessed the replica firearm in a public place other than on school premises and the replica firearm was completely concealed within an opaque container;

2. The defendant possessed the replica firearm on school premises, the defendant was an employee or agent of the school acting within his or her official duties, and the replica firearm was completely concealed within an opaque container;

3. The defendant was employed as a peace officer as defined in ORS 133.005 and possessed the replica firearm within his or her official duties;

4. The defendant possessed the replica firearm while using or intending to use



it in connection with the production of a motion picture, television program, theatrical presentation or period-authentic historical reenactment, and one or more of the following circumstances is present:

a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or

b. All of the persons involved in the production were at least 18 years of age; or

c. One or more person involved in the production held a valid membership in the Associated Actors and Artistes of America (4As) or the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE); or

d. The production of the period-authentic historical reenactment took place under the express authorization or direct control or active participation of a governmental entity, a federal tax exempt organization or a nonprofit organization duly registered with either the Oregon Department of Justice or Office of the Secretary of State, and the production of the reenactment did not create unreasonable public inconvenience, annoyance or alarm.

5. The defendant possessed the replica firearm where all the following conditions are present:

a. The replica firearm is possessed in the course of commerce, or for service or repair, by a replica firearm merchant, or a patron or wholesaler of such a merchant; and

b. The replica firearm is possessed within the merchant's commercial storefront or structure in which the merchant's business is located; and

c. The replica firearm merchant holds a current, valid City of Beaverton business license; and

d. The replica firearm does not bear an attached laser pointer.

B. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(B) that:

1. The defendant was employed as a peace officer as defined in ORS 133.005 and pointed or discharged the replica firearm within his or her official duties;

2. The defendant pointed or discharged the replica firearm in connection with the production of a motion picture, television program, theatrical presentation or period-authentic historical reenactment, and one or more of the following circumstances is present:

a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or



b. All of the persons involved in the production were at least 18 years of age; or

c. One or more person involved in the production held a valid membership in the Associated Actors and Artistes of America (4As) or the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE); or

d. The production of the period-authentic historical reenactment took place under the express authorization or direct control or active participation of a governmental entity, a federal tax exempt organization or a nonprofit organization duly registered with either the Oregon Department of Justice or Office of the Secretary of State, and the production of the reenactment did not create unreasonable public inconvenience, annoyance or alarm.

C. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(C) that:

1. The defendant possessed the device on school premises, the defendant was an employee or agent of the school acting within his or her official duties, and the device was completely concealed within an opaque container;

2. The defendant was employed as a peace officer as defined in ORS 133.005 and possessed the device on school premises within his or her official duties;

3. The defendant possessed the device while using or intending to use it in connection with the production of a motion picture, television program, theatrical presentation or a period-authentic historical reenactment, and one or more of the following circumstances is present:

a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or

b. All of the persons involved in the production were at least 18 years of age; or

c. One or more person involved in the production held a valid membership in the Associated Actors and Artistes of America (4As) or the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE); or

d. The production of the period-authentic historical reenactment took place under the express authorization or direct control or active participation of a governmental entity, a federal tax exempt organization or a nonprofit organization duly registered with either the Oregon Department of Justice or Office of the Secretary of State, and the production of the reenactment did not create unreasonable public inconvenience, annoyance or alarm.



“5.08.270 Penalties.

- A. Except as provided in subsections (B), (C) and (D) of this section, violation of BC 5.08.260 is a Class A violation punishable by a fine of not less than \$250.
- B. Violation of BC 5.08.260(A) or (B) is a Class A violation punishable by a fine of not less than \$500 if the unlawfully possessed, pointed or discharged replica firearm bears an attached laser pointer or has had its blaze orange tip removed or covered with paint, tape, or similar opaque substance.
- C. Violation of BC 5.08.260(A) or (B) is a Class C misdemeanor if the offense occurs on or within 1,000 feet of school premises.
- D. Violation of BC 5.08.260(A), (B) or (C) is a Class A misdemeanor if within five years to the date of the current offense the defendant has been convicted previously of a violation of BC 5.08.260(A), (B) or (C) or a counterpart thereof in another jurisdiction.
- E. In addition to and not in lieu of any other sentence a court may impose, a court may require a defendant convicted under BC 5.08.260 to forfeit any rights of the defendant in the device or replica firearm unlawfully possessed, pointed or discharged.”

**Section 2.** This Ordinance shall take effect on March 31, 2007. A 30-day public information campaign shall precede the effective date of this Ordinance to inform citizens about the public risks of replica firearms. At minimum, the publication of a City news release on or before March 30, 2007, sent to selected major media covering the Beaverton area announcing the enactment and the effective date of this Ordinance shall fulfill the requirements of this section.

**Section 3.** BC 5.08.225 of the Beaverton Code, Discharging a Weapon, is amended to read:

“5.08.225 Discharging a Weapon.

- A. No person shall intentionally discharge a firearm into or across a public place or while located in a public place.
- B. No person shall intentionally discharge a pellet gun, BB gun, bow and arrow, sling shot, or other similar weapon that expels a projectile by means other than by the action of smokeless powder.
- C. This section shall not prohibit the discharge of a firearm or a weapon that expels a projectile by means other than by the action of smokeless powder while at a reasonably safe and regularly operated firing range.
- D. This section does not prohibit the discharge of a replica firearm displayed in accordance with the Replica Firearms Ordinance or the discharge of a weapon that expels a projectile by means other than by the action of smokeless powder, so long as the projectile expelled upon discharge is one of the following:
  - 1. A commercially-manufactured spherical projectile which contains paint and which is designed to break and splatter upon impact, commonly known as a “paintball;”
  - 2. A commercially-manufactured spherical projectile with a diameter between and including 5.98 and 8 millimeters, constituted of common styrene plastic or biodegradable plastic, weighing no more than .36 gram per sphere.



E. A person who violates this section commits a Class B misdemeanor.”

First reading this 12<sup>th</sup> day of February, 2007.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor