

ORDINANCE NO. 4453

AN ORDINANCE AMENDING ORD. 2050 BEAVERTON DEVELOPMENT CODE CHAPTER 60, SPECIAL REGULATIONS, SECTION 60.05 DESIGN REVIEW, 60.05.55.1 REGIONAL CENTER MAJOR PEDESTRIAN ROUTE MAP TA2007-0001

WHEREAS, the purpose of TA2007-0001 is to amend Chapter 60, Special Regulations, Section 60.05 Design Review, 60.05.55.1 Regional Center Major Pedestrian Route Map; and

WHEREAS, pursuant to Ordinance 2050 Section 50.50, written notice was mailed to the property owners subject to the amendment and the Neighborhood Association Chair, and was published in the Beaverton Valley Times; and

WHEREAS, pursuant to Ordinance 2050 Section 50.50.5, the Beaverton Planning Services Division, on August 1, 2007 published a written staff report and recommendation a minimum seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on August 8, 2007; and

WHEREAS, the Planning Commission conducted a public hearing on August 8, 2007, and considered testimony and exhibits on the subject proposal, and at the conclusion of the hearing, the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code based on the criteria, facts and findings set forth in the Community Development Department staff report by Senior Planner Barbara Fryer dated August 1, 2007, and attached hereto as Exhibit "B"; and Planning Commission Order No. 1997 attached hereto as Exhibit "C"; and

WHEREAS, no written appeal pursuant to Ordinance 2050 Section 50.75 was filed by persons of record for TA2007-0001, following the issuance of the Planning Commission Order No. 1997; and

WHEREAS, the City Council adopts as to criteria, facts and findings described in Planning Commission Order No. 1997 dated August 15, 2007 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute adequate factual basis for this ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

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

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

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

First reading this 10th day of September, 2007.

Passed by the Council this 17th day of September, 2007.

Approved by the Mayor this 18th day of September, 2007.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

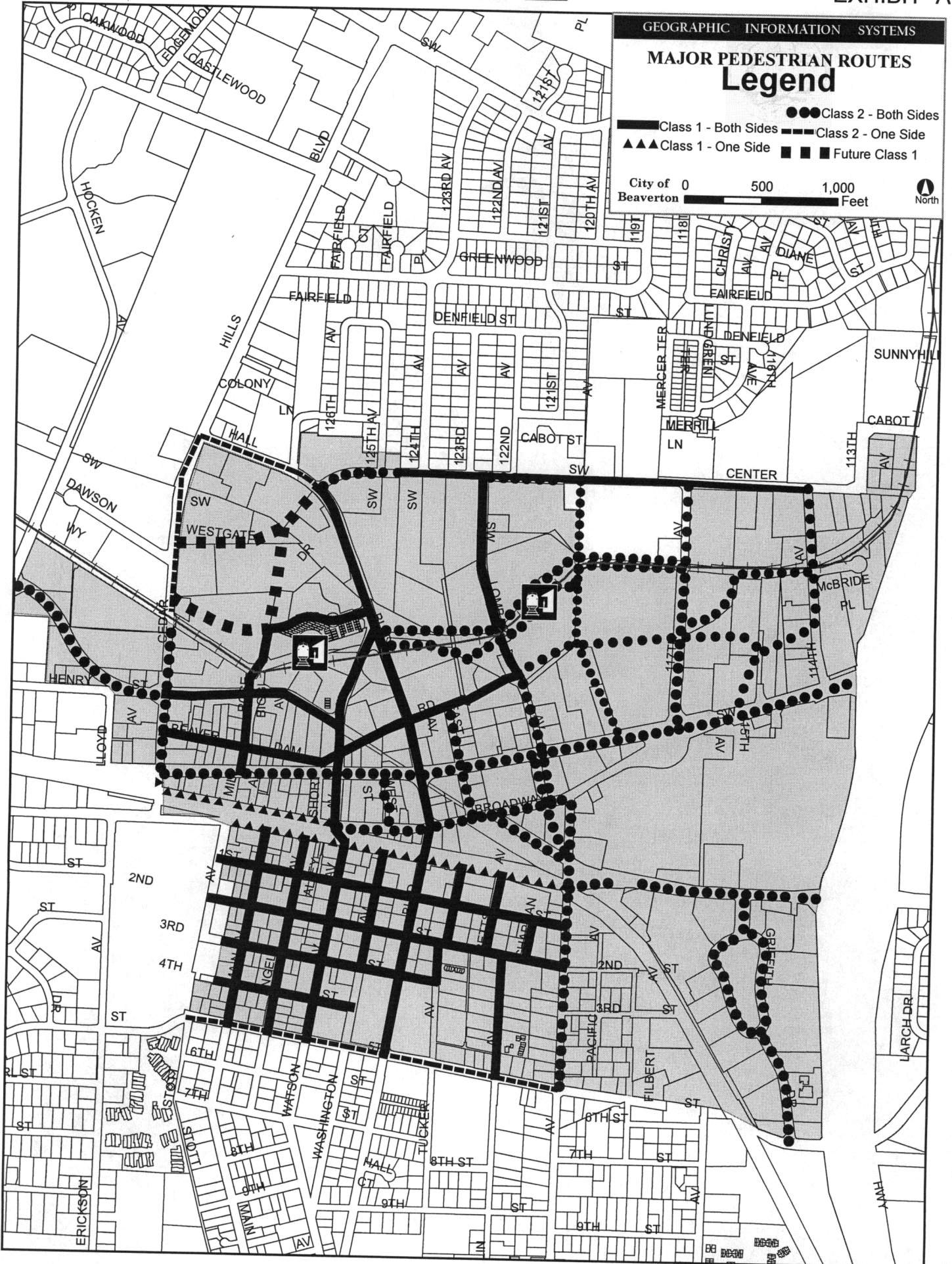
GEOGRAPHIC INFORMATION SYSTEMS

MAJOR PEDESTRIAN ROUTES
Legend

- Class 2 - Both Sides
- ▬ Class 1 - Both Sides
- ▲▲▲ Class 1 - One Side
- ▬▬▬ Class 2 - One Side
- ■ ■ Future Class 1

City of Beaverton 0 500 1,000 Feet


North



ORDINANCE NO. 4453**STAFF REPORT**

TO: Planning Commission

AGENDA DATE: August 8, 2007 **REPORT DATE:** August 1, 2007

FROM: Barbara Fryer, AICP, Senior Planner 

APPLICATION: TA2007-0001 (Regional Center Major Pedestrian Route Extension)

LOCATION: Collectors proposed for designation as Class 2 Major Pedestrian Routes include: Center Street from current designation east to 114th, 114th south to a point where it intersects with a proposed new alignment then along that alignment to a traffic signal at Canyon and 115th, 117th from Center south to LRT tracks, a proposed new north-south collector located between 117th and Lombard from Center Street south to Canyon, the easterly extension of Millikan from the current eastern terminus at Lombard to 114th. Additionally, two trails are proposed for designation as Class 2 Major Pedestrian Routes: an existing trail along the south side of the LRT tracks from 114th west and then along Golf Creek to 117th; and a proposed route along the north side of the LRT tracks from 117th west to the current trail terminus approximately 250 feet east of the LRT station (see Major Pedestrian Route Map).

NEIGHBORHOOD ASSOCIATION: Central Beaverton

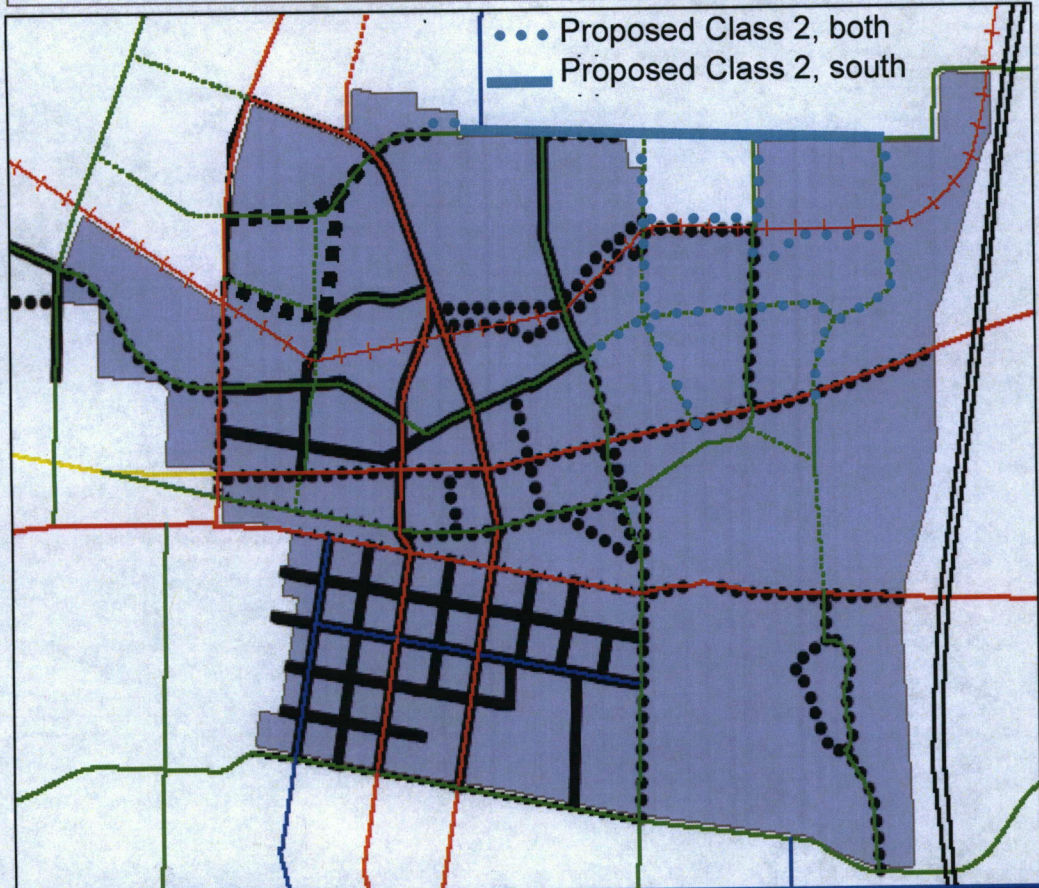
REQUEST: Text Amendment to the Beaverton Development Code Chapter 60, Special Regulations, Section 60.05 Design Review, 60.05.55.1 Regional Center Major Pedestrian Route Map to extend the Class 2 Major Pedestrian Route designation to existing and proposed collectors and trails near the LRT tracks in the eastern third of the Regional Center making the Major Pedestrian Route design standards applicable to additional properties.

APPLICANT: City of Beaverton Community Development Director

APPROVAL CRITERIA: Development Code Section 40.85.15.1.C.

RECOMMENDATION: **Adopt a final order recommending that City Council adopt an ordinance extending the Class 2 Major Pedestrian Route designation (TA2007-0001) along the light rail transit line, SW 117th Avenue and SW Center Street, SW 114th/115th Avenue, Millikan, and an unnamed proposed north-south collector between SW Lombard and SW 117th.**

MAJOR PEDESTRIAN ROUTE MAP

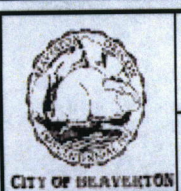


Major_Ped_Routes

- 1, BOTH
- ▲▲▲▲ 1, ONE
- 2, BOTH
- 2, ONE
- ■ ■ ■ FUTU, BOTH

Legend

- Freeway
- Principal Arterial
- Arterial
- Proposed Arterial
- Collector
- Proposed Collector
- Neighborhood Route
- Proposed Neighborhood Route



TA2007-0001

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

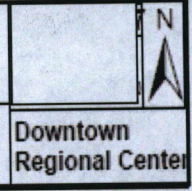


Figure 1 Proposed Major Pedestrian Route Map

BACKGROUND

TA2007-0001 proposes amendment of Development Code Section 60.05, Design Review, Regional Center Major Pedestrian Route Map. The amendment is requested in order to implement the City's Regional Center.

The purpose of the proposed text amendment to the Regional Center Major Pedestrian Route Map (60.05.55.1) is to extend the Major Pedestrian Route Class 2 standards and guidelines to the property along the LRT line, 117th Avenue, 114th/115th Avenue, Millikan, Center Street, and a proposed new north-south collector between Lombard and 117th. The Major Pedestrian Route designation is used to distinguish the design elements of new and modified buildings and development on sites in areas that are expected to be supportive of Light Rail Stations, Transit Stations and Regional Centers. Design standards include building location on and orientation to the major Pedestrian Route, minimum building height, 35% of the first floor in window glazing, weather protection for pedestrians such as awnings, maximum off-street parking frontage on the Major Pedestrian Route street and ground floor retail required in parking structures. The standards are found in Section 60.05 of the Beaverton Development Code.

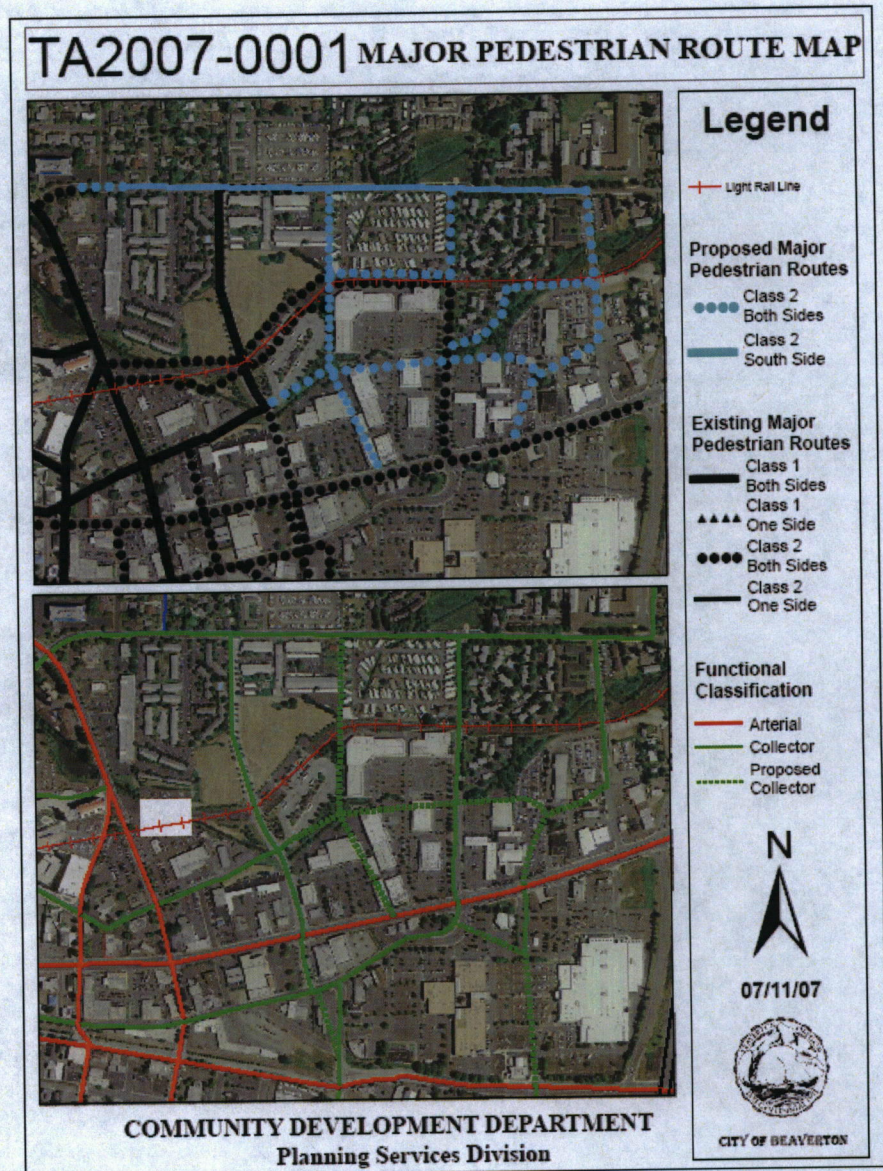


Figure 2 Proposed Major Pedestrian Route with Aerial Photo

EXISTING CONDITIONS

Character. Properties fronting the proposed Major Pedestrian Route, include apartment, retail and office uses.

Natural Resources. Beaverton Creek, Hall Creek, and Hall Creek North Fork comprise the natural resources in the area. Beaverton Creek, Hall Creek and Hall Creek North Fork are Significant Wetlands and are subject to Clean Water Services Design and Construction Standards. The 100-year floodplain also extends from Beaverton Creek in the project area.

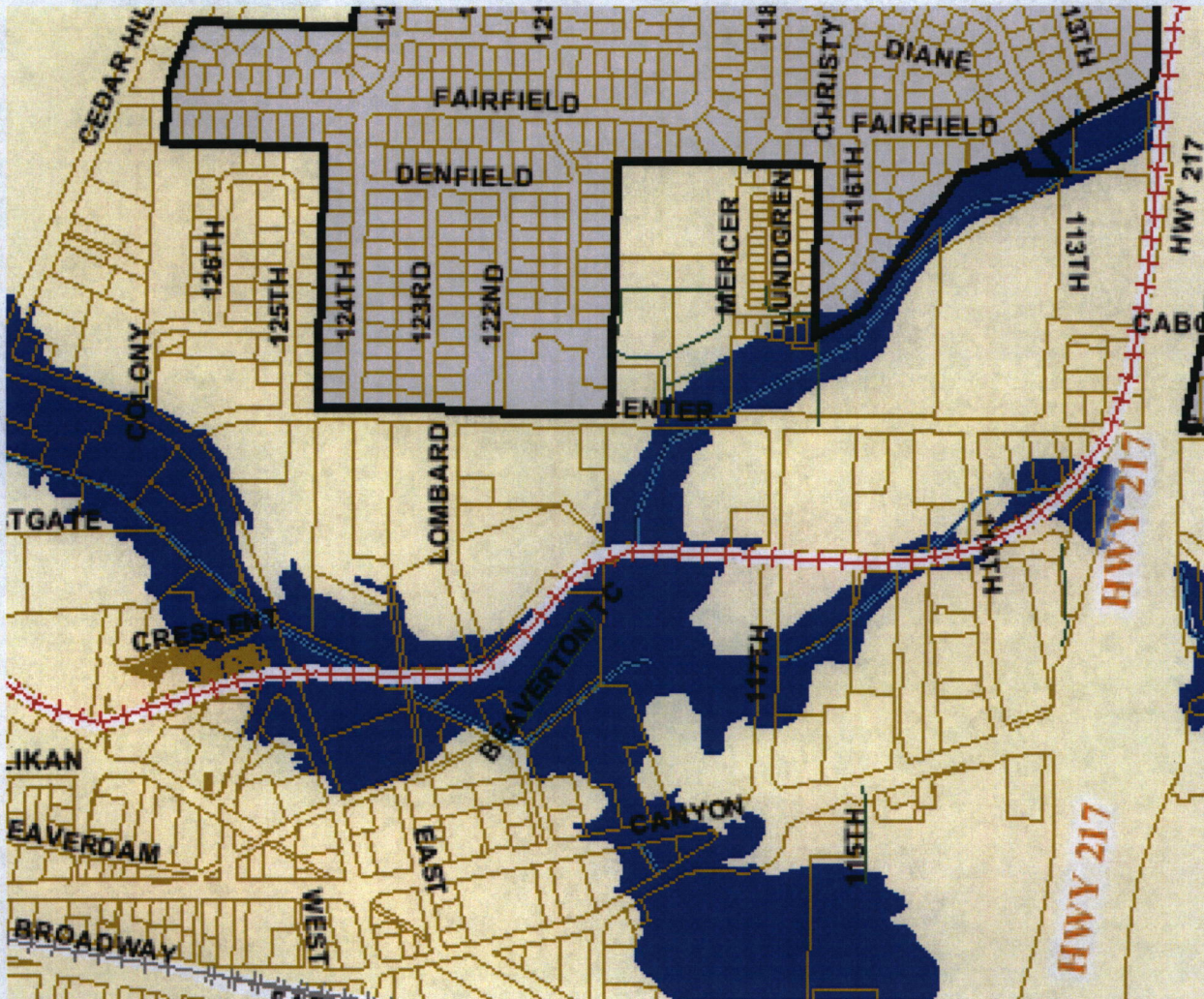


Figure 3 FEMA Floodplain

PROCESS

THRESHOLD

Development Code Process.

Text Amendment The text amendment threshold is as follows:

40.85.15.1.A “Any change to the Development Code, excluding changes to the zoning map.”

The proposal is to amend a Development Code diagram, specifically, the Regional Center Major Pedestrian Route Map (60.05.55.1).

PROCEDURE TYPE

The Type 4 procedure and process applies to the Development Code Text amendment per 40.85.15.1.B of the Development Code.

SUBMISSION REQUIREMENTS

The Text Amendment application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

However, Section 50.20.1 states:

“With the exception of an application filed by the City, a pre-application conference shall be required for all proposals which require Type 2, Type 3, or Type 4 applications.”

This city-initiated application contains all necessary application information.

PUBLIC NOTICE

ORS 197.610 and OAR Chapter 660, Division 18 requires notice to be received by the Department of Land Conservation and Development at least 45 days prior to the hearing. Metro Code 3.07.820.A. requires notice to the Metro Chief Operating Officer 45 days prior to the first evidentiary hearing for any amendment to a comprehensive plan or land use regulation which requires notice to the Department of Land Conservation and Development. The Beaverton – Washington County Urban Planning Area Agreement requires the City to notice the county no less than 45 days prior to the final hearing on adoption of any proposed amendment to the comprehensive plan or implementing regulation.

Development Code Section 50.50.2 requires notice to be sent, between 20 and 40 days prior to the hearing, to the applicant, if other than the City, all NAC Chairs in whose boundary there is property that in the Director’s opinion could be affected by the proposed ordinance, if adopted and owners of property within the City for which the proposed ordinance, if adopted may in the Director’s opinion affect the permissible uses of land.

Notice is also required to be published in a newspaper of general circulation and posted at City Hall and the City Library at least 10 days in advance of the hearing.

In response to these requirements:

1. On June 22, 2007, notice was mailed to DLCD, Metro, Washington County Land Use and Transportation.. This notice was also emailed to the DLCD to meet the 45 day receipt deadline. While not required by the Development Code, notice was also mailed to the Chair of the Central Beaverton Neighborhood Association Committee and the Chair of the Beaverton Committee for Citizen Involvement (CCI).
2. On July 19, 2007, notice was published in the Beaverton Valley Times.
3. On July 20, 2007, notice was posted at the Beaverton City Library and Beaverton City Hall, and posted on the City's web site.
4. On July 20, 2007, notice was sent to the affected property owners. (See Exhibit 1 Memo To File for more information).

The notice requirements for this TA have been met.

CRITERIA FOR APPROVAL

TEXT AMENDMENT CRITERIA

Development Code Section 40.85.15.1.C., which contains Text Amendment Approval Criteria, states:

"In order to approve a Text 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 Text Amendment application.***

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2007-0001 proposes to amend Chapter 60 of the Beaverton Development Code currently effective through Ordinance 4442 (June 2007). While the proposed amendment is a map, it is not the zoning map that is being amended. Therefore, the TA process is the correct process to amend the Major Pedestrian Route map.

Finding: Staff find that this criterion is met.

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

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Community Development Department, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

Finding: Staff find that this criterion is inapplicable to the proposed amendment.

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

Title 1: Requirements of Housing and Employment Accommodation

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 designates the parcels included in this proposal under the Regional Center design type. Section 3.07.130 of the UGMFP describes Regional Centers as follows: “Seven regional centers will become the focus of compact development, redevelopment and high-quality transit service and multimodal street networks.” The proposed Major Pedestrian Routes are within Beaverton's Downtown Regional Center.

The proposed text amendment will increase the number properties subject to the Major Pedestrian Route Design Standards and Guidelines found in Section 60.05. Although the proposed text amendment does not directly impact the City's compliance with Metro's Urban Growth Management Functional Plan, increasing the number of properties subject to Major Pedestrian Route regulations improves land use efficiency through building orientation toward public right-of-ways. This change may make it easier to reach Title 1 Housing and Employment Targets.

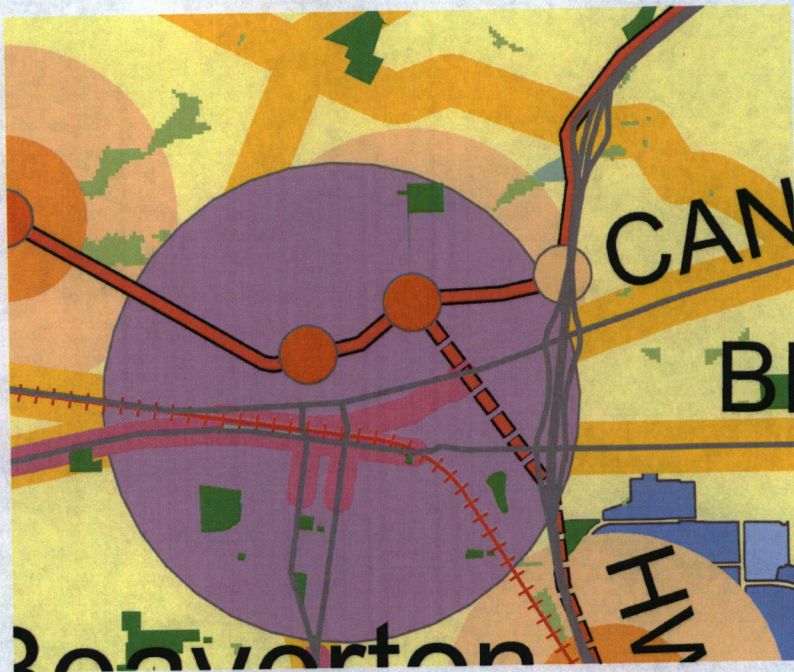


Figure 4 2040 Growth Concept Map

Title 2: Regional Parking Policy

The City has an established minimum and maximum parking ratio related to zones A and B. The subject property is within Parking Zone A. The subject property is within one-quarter mile walking distance of Beaverton Transit, which has 20 minute bus and light rail transit service. Consequently, both the Required Parking Spaces identified under Multiple Use Zones and the Maximum Permitted Parking Spaces per Zone A applies to the subject property.

Additionally because the Major Pedestrian Route standards require pedestrian and transit orientation, there is a greater likelihood of increased pedestrian trips, which in turn may have a corresponding reduction in automobile trips enhancing the City's implementation of lower parking standards required in Title 2 Regional Parking Policy.

Title 3: Water Quality and Flood Management Conservation

In concert with other local governments in Washington County, the City partnered with Clean Water Services to enact legislation acknowledged to comply with Title 3.

Title 4: Industrial and Other Employment Areas

The subject area is not designated as Employment or Industrial Land on the Title 4 Industrial and Employment Land Map. The proposal will not affect the City's ability to provide for industrial or other employment areas.

Title 5: Neighbor Cities and Rural Reserves

Title 5 concerns Neighbor Cities and Rural Reserves. The proposal is within the City of Beaverton; therefore, this Title does not apply.

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

Title 6 predominantly focuses on local government strategies to improve implementation of Centers. As noted earlier in this report, the subject property is designated Regional Center on the 2040 Growth Concept Map. Local jurisdictions are given the latitude to determine where the boundaries for each design type should be located.

This Title requires local governments to develop strategies to enhance Centers in their jurisdictions. This strategy is to include analysis of physical and regulatory barriers to development, an accelerated review process, analysis of incentives to encourage development, a schedule for implementation of Title 6, an analysis of the need to identify one or more Neighborhood Centers within or close proximity to Inner and Outer Neighborhoods to serve as a convenient location of neighborhood commercial services, and a work plan to implement the findings in the analysis.

Each local government is to develop the strategy no later than December 31, 2007. The City of Beaverton has a strategy for the Beaverton Downtown Regional Center that was prepared by a team of consultants through Metro as an example for the rest of the region. While the strategy has been reviewed by City Council in a work session, there is no formal schedule for adoption.

Title 7: Affordable Housing

The intent of Title 7 is to enact a “fair share” housing strategy for each jurisdiction which includes a diverse range of housing types, specific goals for low- and moderate-income housing, housing densities consistent with the regional transportation system, and a balance of jobs and housing. The City adopted Comprehensive Plan Chapter Four to comply with this Metro Title. Application of the proposed Major Pedestrian Route designation to the specified collectors and trails will not affect the ability to implement the policies and programs in Chapter Four.

Title 8: Compliance Procedures

Information about the proposal was sent to the Chief Operating Officer on June 22, 2007, 45 days prior to the first evidentiary hearing as required by Metro Code Section 3.07.820.

Title 9: Performance Measures

Title 9 directs Metro to measure the progress of the region in implementing the Urban Growth Management Functional Plan.

Title 10: Functional Plan Definitions

Title 10 provides definitions for use in the UGMFP and is, therefore, irrelevant to the compliance of this proposal to the UGMFP.

Title 11: Planning for New Urban Areas

Title 11 concerns planning for new urban areas. This proposal is within the Urban Growth Boundary and is within the corporate limits of the City of Beaverton. This Title does not apply to the amendment.

Title 12: Protection of Residential Neighborhoods

The proposed Major Pedestrian Routes are not within established residential neighborhoods.

Title 13

The City, as a member of the Tualatin Basin Natural Resources Coordinating Committee, complies with Title 13.

Finding: Staff find that this criterion is met.

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

The proposed text amendment expands the geographic area where Major Pedestrian Route standards will be applicable. The following Comprehensive Plan Goals, Policies and Community Plan Policy and Action items support the expansion of the applicability of the Major Pedestrian Route Design Standards and Guidelines.

3.5.1 Goal: Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

- c) *Design streets and adjacent buildings within mixed use land use designations to ensure a setting that is attractive and accessible to multiple transportation modes, including pedestrians, bicyclists, transit riders and motor vehicles.*

The Major Pedestrian Route designation applies design standards related to building height, massing, siting, and detailing to achieve an appearance, micro-climate, and scale along designated streets to encourage walking. These Major Pedestrian Routes promote slow vehicular movements and attention to pedestrian traffic. Additionally, the standards concentrate retail activity along the pedestrian oriented streets and limit uses generating little pedestrian traffic on ground floor frontages. For Major Pedestrian Routes that are not streets, such as those along the LRT tracks and Beaverton Creek, only building scale, glazing, weather protection, and ground floor uses in parking structures standards and guidelines apply (60.05.15.7 and 8, 60.05.20.9, 60.05.35.7 and 8, 60.05.40.9).

3.5.1 Goal: Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

3.6.1 Goal: Regional Centers that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

- a) *Regulate new development in Regional Centers to maximize the public infrastructure investment in light rail.*

The proposed text amendment is consistent with the above Comprehensive Plan Goals and Policy because it applies the Major Pedestrian Route designation to public right-of-ways and along the light rail line within the Beaverton Regional Center and among existing and proposed collectors in the north eastern quadrant of the Regional Center. The Regional Center is a mixed use area by definition, and thereby establishes the highest level of design standards available in Section 60.05 of the Development Code. The Major Pedestrian Route standards will require building orientation, glazing, and building entrance standards that maximize the public investment in light rail and improve the pedestrian environment of both the Regional Center.

- d) *Adopt Community Plans identifying Comprehensive Plan Policies applicable to each regional center to provide community vision.*

Downtown Beaverton Regional Center Community Plan

This Community Plan recognizes the need to establish gateways to downtown uses located within the boundary of the Regional Center and also recognizes the need to increase the intensity of development and pedestrian and transit orientation as new development occurs or older development is expanded. Community Plan Goal 3 stresses the importance of establishing a multi-modal network.

Community Plan Goal 3: Provide multi-modal connections within downtown and between downtown and other parts of the community.

- a) *Connect the Beaverton Central and Beaverton Transit light rail station areas to designated pedestrian routes providing pedestrian serving retail streets and plazas.*

Action 2: Develop a long-term strategy to promote public transit and improve the pedestrian experience in Downtown Beaverton through signage, public information, street furniture inviting to pedestrians, and other strategies to increase pedestrian traffic in Downtown.

- b) *Develop a pedestrian, bicycle, open space network in the Regional Center. Use corridors along Beaverton Creek and its tributaries as routes for bicycle and pedestrian travel.*

Action 1: Adopt and apply land use regulations requiring pedestrian and bicycle connectivity in the Regional Center.

Assigning the Major Pedestrian Route designation to the subject collectors will result in improved pedestrian connections throughout the regional center. This will allow direct access along pedestrian friendly routes to retail and housing in the subject amendment area.

Finding: Staff find that this criterion is met.

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

The proposed amendments do not affect or create conflicts with other Development Code provisions. The proposed text amendment to Development Code Chapter 60, Design Review Principals, Guidelines, and Standards, Sections 60.05.55.1, does not conflict with other provisions in any of the following Chapters of the Development Code: Chapter 20 (Land Uses), Chapter 30 (Non-Conforming Uses), Chapter 40 (Applications), Chapter 50 (Procedures), or Chapter 60.

Finding: Staff find that this criterion is met.

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

The current Development Code and Comprehensive Plan are applicable to the proposed text amendment and are addressed in the findings for text amendment approval criteria four and five. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by or would conflict with the proposed Major Pedestrian Route text amendment.

Finding: Staff find that this criterion is met.

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

No other applications are proposed.

Finding: Staff find that this criterion is met.

IV. Conclusion and Staff Recommendation

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7. Therefore, staff recommends the Planning Commission **APPROVE** TA2007-0001 to apply the Class 2 Major Pedestrian Route designation as shown on Figure 1 of this staff report at the August 8, 2007 regular Commission hearing.

Exhibit 1: Memo to File regarding Notice for TA 2007-0001 Beaverton Downtown Regional Center Major Pedestrian Routes.

ORDINANCE NO. 4453

BEFORE THE PLANNING COMMISSION FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST TO AMEND THE)	
CITY'S DEVELOPMENT CODE CHAPTER 60,)	ORDER NO. 1997
SPECIAL REGULATIONS, SECTION 60.05 DESIGN)	APPROVING REQUEST
REVIEW, 60.05.55.1 REGIONAL CENTER MAJOR)	
PEDESTRIAN ROUTE MAP TO EXTEND THE)	
CLASS 2 MAJOR PEDESTRIAN ROUTE)	
DESIGNATION TO EXISTING AND PROPOSED)	
COLLECTORS AND TRAILS NEAR THE LRT)	
TRACKS IN THE EASTERN THIRD OF THE)	
REGIONAL CENTER MAKING THE MAJOR)	
PEDESTRIAN ROUTE DESIGN STANDARDS)	
APPLICABLE TO ADDITIONAL PROPERTIES,)	
TA2007-0001, CITY OF BEAVERTON APPLICANT)	

The matter came before the Planning Commission on August 8, 2007, on a request for an amendment to the City Development Code Chapter 60, Special Regulations, Section 60.05 Design Review, 60.05.55.1 Regional Center Major Pedestrian Route Map to extend the Class 2 Major Pedestrian Route designation to existing and proposed collectors and trails near the LRT tracks in the eastern third of the Regional Center making the Major Pedestrian Route design standards applicable to additional properties. The properties are located north of Canyon Road, west of Highway 217, east of Hall Boulevard, and generally south of Center Street.

Pursuant to Ordinance 2050 (Development Code) Section 50.50.1, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Planning Commission adopts the Staff Report dated August 1, 2007, as to applicable criteria contained in Section 40.85.15.1.C of the Development Code.

IT IS HEREBY ORDERED that TA2007-0001 is **APPROVED**, based on the facts, findings, and conclusions found in the Staff Report dated August 1, 2007.

Motion CARRIED, by the following vote:

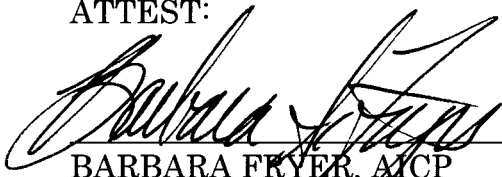
AYES: Winter, Platten, Bobadilla, San Soucie, Stephens, and Maks.
NAYS: None.
ABSTAIN: None.
ABSENT: Johansen.

Dated this _____ day of _____, 2007.

To appeal the decision of the Planning Commission, as articulated in Order No. 1997 , 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 5:00 p.m. on _____, 2007.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



BARBARA FRYER, AICP
Senior Planner



HAL BERGSMA
Planning Services Manager

APPROVED:



DAN MAKS
Chairman