

## STAFF REPORT

HEARING DATE: Wednesday, October 28, 2009

TO: Planning Commission

FROM: John Osterberg, Senior Planner

PROPOSAL: **Car Max Car Wash; Major Auto Service**

LOCATION: 9405 SW Cascade Avenue  
Map 1S1-27 DA, Tax Lot 300.

SUMMARY: A Conditional Use - New application to receive approval of a car wash is proposed. A mechanical car wash is defined as an Automotive Service–Major by the Development Code. If approved as proposed, the car wash would not be open to the public, but used only by CarMax employees for vehicles on-site. The proposal is submitted as part of a project to construct an auto sales facility on the site of the existing Malibu Grand Prix.

APPLICANT: Jake Hertz, TRED,  
representing Car Max Superstores  
1240 Bergen Pkwy, Suite A-250  
Evergreen, CO 80439

RECOMMENDATIONS: **APPROVAL of CU2009-0009 (Car Max Car Wash; Major Auto Service)**, subject to conditions identified at the end of this report.

## BACKGROUND FACTS

### Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120 Day Written Decision Date</u>	<u>240-Day*</u>
CU2009-0009	July 29, 2009	Sept. 2, 2009	Dec. 21, 2009, extended 7 days by continuance to January 7, 2010.	May 6, 2010

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

### Existing Conditions Table

<b>Zoning</b>	General Commercial (GC)	
<b>Comp Plan Designation</b>	Washington Square Regional Center	
<b>Current Development</b>	Malibu Grand Prix, an auto recreation & amusement facility	
<b>Site Size</b>	5.4 acres	
<b>NAC</b>	Greenway	
<b>Surrounding Uses</b>	<b>Zoning:</b> North: GC  South: GC  East: Hwy 217 shown on the zoning map to be not zoned  West: Campus Industrial (CI)	<b>Uses:</b> North: retail shopping center and restaurant  South: retail use  East: Hwy 217, with Washington Square Mall to the east of the highway.  West: railroad tracks, with industrial, warehouse and office buildings to the west

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<b><u>Attachment A:</u> Facilities Review Committee Technical Review findings applicable to CU2009-0009.</b>	FR1-FR9
<b><u>Attachment B:</u> CU2009-0009 (CarMax Auto Sales; Major Auto Service staff report.</b>	CU1-CU25
<b><u>Attachment C:</u> Recommended Conditions of Approval applicable to CU2009-0009.</b>	COA-1

### EXHIBITS

**Exhibit 1. Vicinity Map** (page SR-4 of this report)

**Exhibit 2. Materials Submitted by Staff**

Exhibit 2.1 Letter from John Dalby, TVF&R, dated September 17, 2009

Exhibit 2.2. Oregon Dept. of Transportation letter dated September 22, 2009  
( includes attached ODOT memorandum of October 17, 2008 )

**Exhibit 3. Materials Submitted by Applicant; dated October 19, 2009**

Volume 1 – Narrative

Project Summary: Proposed Development, Site Layout, Hours of Operation, Employment  
Car wash noise levels letter dated July 14, 2009, by BridgeNet  
Letter by J. Randy Kyte, Harsch Investment Properties, dated September 15, 2008  
Dev Code: Chapter 20, General Commercial zone requirements  
Dev Code: Chapter 60, including Design Review Guidelines  
Dev Code: Chapter 40, Facilities Review, Conditional Use and Design Review 3 criteria,  
Response to CU criteria and Comprehensive Plan policies  
Conditional Use application

Volume 2 – Exhibits

Neighborhood Review Meeting  
Pre-Application Conference Meeting Notes  
CWS Sensitive Area Pre-Screen Assessment, dated May 1, 2008.  
CWS Service Provider letter dated September 30, 2008.  
DSL letter dated September 23, 2008  
Correspondence from Outside Agencies: none attached  
Traffic Analysis by Kittelson & Assoc., including memorandum dated June 5, 2009, and  
attached traffic analysis dated May 2, 2008.  
Preliminary Stormwater Report, dated August 6, 2008, by KPFF Portland  
Plan drawings, Elevation drawings, Landscape Plan, Lighting Plan

**Exhibit 4. Materials Submitted by the Public, as Testimony**

Exhibit 4.1 Letter by J. Randy Kyte, Harsch Investment Properties, dated 9/15/08.

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS**

**CAR MAX AUTO SALES; CAR WASH (CU2009-0009)**

**Section 40.03.1 Facilities Review Committee:**

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03.1 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority.

For the Conditional Use the Planning Commission (PC) is the decision-maker for the request to approve Major Auto Services; namely the proposed car wash. For the Design Review application the Board of Design Review is the decision-maker for the remainder of the Car Max proposal. As they appear in the PC's decision, the Facilities Review Conditions for the CU may be re-numbered and placed in different order. The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

Overview of Car Max Car Wash proposal: The applicant proposes a new retail auto sales facility that includes an employee operated car wash of approximately 935 square feet that is not open to the public. The Facilities Review Committee criteria for approval of Major Auto Service are addressed below:

- A. All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.***

Critical facilities and services, as defined by Chapter 90 of the Development Code, include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection.

## Public Utilities

The applicant states that existing critical facilities already serve the development and that the proposed improvements do not require any major improvements, except that a new extension of the site's water line and a sewer line lateral is proposed. Storm water discharge will be connected to the public system along the northern property line where the existing facility is located within a public easement. Stormwater quality as it relates to site grading is further analyzed under Criterion J below.

## Transportation

The CarMax conditional use application, requesting approval of the car wash use, was analyzed for its traffic impact based on the car wash as an accessory use of an automobile dealership. Staff find that because the trips for a car wash that is used only for the vehicles of the auto dealership do not generate off site trips, there would be no impact on SW Cascade Avenue. A car wash is an accessory use of virtually every car dealership, and therefore is considered part of the function of the dealership. In fact, if it did not have a car wash, driving the vehicles off site to a car wash would generate additional trips.

The previous CarMax Design Review application (DR2008-0089), which requested approval of the new CarMax auto sales site including car wash, required submittal of a traffic analysis (TIA) of the entire use. A traffic analysis was submitted by Kittelson & Associates, dated May 2008, and supplemented by a letter dated October 14, 2008. Due to the date of submittal of the current applications (CU 2009-0009 and DR 2009-0076), the traffic count data did not meet the requirement that they be current within 12 months. To address this issue, Kittelson & Associates submitted a letter dated June 5, 2009 stating that new counts were obtained in May and June of 2009 and that most of the intersection volumes were lower or held the same. Staff find that the previous Car Max application reviewed under DR 2008-0089 is virtually identical to the pending DR2009-0076 proposal, and the use of that traffic analysis is adequate to consider potential traffic impacts CU 2009-0009. Therefore, the May 2008 TIA remains valid. Staff conclude the proposed Car Max development meets the requirements of Development Code Sec 60.55.20.

## Fire Protection

Tualatin Valley Fire & Rescue District (TVF&R) provides fire protection services for property in this area. The District has provided comments on the Design Review proposal dated September 17, 2009, stating their endorsement of the project, based

upon standard conditions of TVF&R approval. The District did not review the car wash as a stand-alone proposal. Therefore, staff conclude the District's comments are intended for and appropriate to the Design Review application.

Staff conclude that for the Conditional Use review of car wash impacts, there will be no traffic impact to the surrounding street system.

**FINDING:** Therefore, staff find the proposal meets the criterion for approval.

- B. Essential facilities and services related to the proposed development are available or can be made available with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.***

Essential facilities and services, as defined by Chapter 90 of the Development Code, include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities. The applicant states that the site currently contains all related facilities and services for the development and that the proposal will not increase demand for essential facilities and services.

Schools

The Beaverton School District has not provided comments concerning this proposal. No comments are expected as the proposal is not a residential development.

Transit improvements

The site is served by three Tri-Met bus lines. The intersection of SW Scholls Ferry Road and Cascade Blvd. is located less than one-half mile to the south. Near that intersection Tri-Met operates buses on Scholls Ferry Road. Line 62 'Murray Blvd', Line 45 'Garden Home', and Line 92 'South Beaverton Express', connect with the Washington Square Transit Center, on the east side of Hwy 217.

Police protection

The site is served by the City of Beaverton Police Department for public safety.

Pedestrian and bicycle facilities at the street frontage

Essential street facilities will be available as conditioned through the Design Review application as such facilities relate to transportation impacts of the development. The CarMax conditional use application was found to not have a traffic impact on SW Cascade Avenue or the area street system.

FINDING: Therefore, staff find the proposal meets the criterion for approval.

- C. ***The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be subject already approved or which shall be considered concurrently with the subject application; however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).***

The site is zoned General Commercial (GC). Vehicle Sales and Minor Automotive Services are permitted uses within this zone. Minor auto service is permitted outright. The site does not abut any residential zoning. The Major Automotive Services use which includes mechanical car washing, is a conditional uses within the GC zone, and will be addressed in the CU 2009-0009 staff report.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

- D. ***The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.***

Habitat-Friendly and Low Impact Development Practices (Section 60.12)

Although the site does not contain any designated Habitat Benefit Areas, it is eligible to participate in the Low Impact Development programs. These are voluntary and the applicant has not requested to use any of the potentially allowed credits.

Off-Street Parking Requirements (Section 60.30)

The Code requires parking for customer, employee and patrons of land uses. The total building area of proposed uses, comprising the car wash, retail, office and minor auto service areas equal about 20,545 sq. ft. All parking requirements are proposed to be met on within the Car Max tax lot. The vehicle parking requirement for Service Businesses (Sec. 60.30.10.5) is the requirement for all auto service uses (major and minor) including the car wash. The proposal provides 21 parking spaces for auto service, meeting the minimum requirement.

The applicant has provided a breakdown of the parking requirement per use, for the 20,545 sq. ft building area. The minimum parking required for the entire use is calculated as follows:

<u>Use</u>	<u>Ratio</u>	<u>Subtotal</u>
Retail	3.3/1000	09
Office	2.7/1000	28
Auto service	3.0/1000	21
<u>Whse/Storage</u>	<u>0.3/1,000</u>	<u>01</u>
Total:		59 parking spaces required

To the extent that the parking requirement for the car wash is shown to be met on the site, the following is applicable. The 215 employee and customer parking spaces are proposed within a parking structure that is the subject of the Design Review application. Section 60.30.10.7 provides that parking spaces within structures are not subject to Code standards regulating the maximum amount of parking permitted. Therefore, no Variance is required to exceed the maximum parking limits in this instance. Code standards under Sec. 60.30.15 for parking space size, aisle width and the use of compact spaces, are met within the parking structure. The applicant is providing adequate parking for the site, not relying on auto storage/inventory area.

Bicycle Parking: the Development Code requires 5 secured and lighted long term bike spaces and 5 short term bike spaces for the entire development. As part of the Design Review application, the applicant will be conditioned to provide bicycle parking based on 20,545 sq ft of auto sales center and the bicycle parking requirement of the Development Code Sec 60.30.10.5. The applicant proposes to install short-term and long term bicycle parking within the parking building. There are no bicycle spaces required that are specific to the car wash use.

Transportation Facilities (Section 60.55)

The existing street right of way is adequate for access at the frontage of this site. Therefore, it is consistent with Chapter 60.55.

Trees and Vegetation Requirements (Section 60.60)

According to the applicant, six (6) existing Landscape Trees are proposed to be removed, with additional landscaping to be installed along the perimeter of the site. Removal and protection of landscape trees is subject to the Design Review process.

Utility Undergrounding Requirements (Section 60.65)

The proposal will comply with the Utility Undergrounding requirements of the Code, as a part of the Design Review conditions of approval.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency;***

According to the applicant, there are adequate means available for continued maintenance of all private common facilities and areas not served by the City. The proposal includes private maintenance of the car wash, auto service areas, refuse storage and landscaping.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

- F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.***

The applicant proposes a circulation system in a manner that results in safe and efficient vehicular and pedestrian patterns within the site. The car wash area is for

use by employees only and not open to the general public. Therefore, the matter of unrestricted queuing and undefined maneuvering areas that often characterize car washes is not present in the proposed layout. There are no parking areas adjacent to the car wash so that pedestrian and vehicle travel at the car wash will be minimized to those vehicles driven by employees through the one-way car wash entrance / exit. Staff conclude the site, as it relates to the car wash, will have safe and efficient vehicular and pedestrian circulation patterns in conformance with Development Code Sec 60.55.25.

FINDING: Therefore, staff find the proposal meets the criterion for approval.

***G. The development's on-site vehicular and pedestrian circulation system connects to the surrounding circulation systems in a safe, efficient, and direct manner.***

The car wash is for use by employees only and not open to the general public. Vehicles intended for the car wash will already be located on site. Therefore, the matter of access to the public street system is primarily addressed under the Design Review application. To the extent that vehicles washed on-site accessed the property from the street, the proposed development will provide for separate auto and pedestrian access points from Cascade Ave. The development will be conditioned in CarMax Design Review application (DR2009-0076) to connect to the surrounding vehicular and pedestrian circulation systems consistent with Development Code Section 60.55.25.

FINDING: Therefore, staff find the proposal meets the criterion for approval.

***H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to fire flow.***

Fire Protection

Staff cite the findings under 40.03.A: Critical Facilities, as applicable to Criterion H above.

FINDING: Therefore, staff find the proposal meets the criterion for approval.

- I. Structures and public facilities and services serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development;***

Development of the site and construction of buildings, including the car wash portion, will occur in accordance with the adopted site development code and building code's administered by the City of Beaverton. A site development permit is required under Condition 2. The matters of site development and construction of new buildings are addressed under the Design Review application. Separate permits are not separately required for the car wash, but are required by the City for the development which includes the car wash.

FINDING: Therefore, staff find the proposal meets the criterion for approval.

- J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

This is a site that has been previously graded. The matters of site development and construction of new buildings are primarily addressed under the Design Review application. To the extent that the grading impacts of the portion of the site where the car wash is located should be considered separately from the rest of the development, the following information is applicable. The site has approximately 3% slope from a high point at the NE corner of the site, to a low point at the SW corner of the site. The grading plan will be a minimal change the site's elevation along the front of the site and along the north half of the site. A more substantial change to the elevation will be to the southwest corner of the site, generally south of the car wash, where grading will raise the site to provide a flatter site with less gradient.

The southern half of the site is proposed for building area, with the placement of a stone retaining wall about 12 feet from the majority of the western property line, abutting the railroad tracks. The new grading of the site will, overall be minimal, but the southwestern portion of the site will have a greater grade change in relation

to its neighbors. Slopes of excessive steepness will be prevented by the use of retaining walls and landscaping to minimize erosion. The utility plan and grading plan provide appropriate drainage improvements to minimize direct drainage impacts to abutting properties.

The Committee have identified a necessary condition of Conditional Use approval, because it relates to the design and function of the car wash. CU Condition 3 addresses the matter of on-site surface drainage primarily with regard to the car wash. The condition requires a design that will be adequate to reduce the potential for contaminated water to enter the public stormwater system. The proposal, as conditioned, will provide appropriate drainage to meet City standards, and necessary improvements that will minimize impact to abutting properties and public utility systems.

FINDING: Therefore, staff find that by satisfying the condition of approval, the proposal meets the criterion for approval.

***K. That access and facilities for physically handicapped people are incorporated into the site and building design, with particular attention to providing continuous, uninterrupted access routes.***

Access and facilities requirement for the handicapped are addressed by the City through the Design Review application, covering the entire site. There are no handicapped accessible requirements that are uniquely required by the proposed car wash.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

***L. The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003.]***

The applicant has supplied all applicable submittal requirements, as specified in Section 50.25.1 of the Development Code, as modified by the application forms.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

CU2009-0009  
ANALYSIS AND FINDINGS FOR  
CONDITIONAL USE APPROVAL

**Section 40.15.05 Conditional Use Applications; Purpose**

*The purpose of a Conditional Use application is to review uses that may be compatible in the underlying zoning district but because of their size, operation, or other characteristics require review on a case-by-case basis. These uses are subject to the regulations in this Section because they may, but do not necessarily, result in significant adverse effects upon the environment, overburden public services, alter the character of the surrounding area or create nuisances. Conditional uses may be approved, approved with site-specific conditions designed to minimize or mitigate identified adverse impacts, or denied. ... This Section is carried out by the approval criteria listed herein.*

**Section 40.15.15.3.C Conditional Use – New; Approval Criteria:**

*In order to approve a New Conditional Use 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 New Conditional Use application.***

The current application was submitted on July 29<sup>th</sup>, 2009. The applicant proposes to construct a new retail auto sales facility which is a permitted use in the General Commercial zone. As part of the development, the applicant proposes a car wash which according with Section 90 of the Development Code is defined as Automotive Services; Major. Section 20.10.15.2.B.1 of the Code requires Conditional Use approval for Auto Services; Major. Therefore, the application meets Threshold #1 for a New Conditional Use, under Section 40.15.15.3.A.1.

The majority of the applicant's proposal is permitted outright in the GC zone by Section 20.10.15.2.A.13 and 20.10.15.2.A.10 (a new retail auto sales facility and minor auto services, respectively). The impacts of the portions of the proposal that are permitted outright, including 20,545 square feet of occupied building area and a three level structure comprising 139,200 square feet of parking and auto inventory, are not subject to Conditional Use review, but are instead subject to Design Review Three criteria.

**FINDING: Therefore, staff find that the proposal meets the criterion for approval.**

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

The applicant, on July 29, 2009, paid the required fee of \$2,817.00 associated with a New Conditional Use request.

**FINDING: Therefore, staff find that the proposal meets the criterion for approval.**

**3. *The proposal will comply with the applicable policies of the Comprehensive Plan.***

The Beaverton Comprehensive Plan (the Plan ) is not a site-specific document. The Planning Commission must determine whether the particular specific use request, approval of a Major Automotive Services use, would be in accordance with the Plan. The following policies of the Plan have been identified as potentially applicable to this Conditional Use request. Staff also reference the Facilities Review Committee Report for analysis of the proposed car wash. Staff cite the following Plan text and policies.

**3.2 Planning Context**

*Beaverton’s Downtown is designated a Regional Center on the 2040 Growth Concept Map. A portion of southeast Beaverton, adjacent to Highway 217, is part of the Washington Square Regional Center. Generally, the zoning districts allowed within the Beaverton Regional Center Comprehensive Plan designation include Regional Center–East, Regional Center–Old Town, and Regional Center–Transit Oriented.*

*Other zoning districts consistent with the City’s goals within the Washington Square Regional Center will be developed. The developments known as Koll Business Center, Marathon Industrial Park and Nimbus Industrial Park are located within the Washington Square Regional Center. Generally, densities in the Regional Center are intended to meet Metro’s target of 60 persons per acre.*

**3.4 Community Identity**

**3.4.1 Goal: Provide a policy framework for a community designed to establish a positive identity while enhancing livability.**

*Policies:*

- a) *The City, through its development review process, shall apply urban design standards to guide public and private investment toward creating a positive community identity.*

**Action 1:** *Adopt and apply land use regulations for landscaping, screening and buffering standards for interfaces between differing zones to reduce impacts of lighting and noises to retain a degree of privacy.*

## ATTACHMENT B

**Action 2:** *Adopt and apply land use regulations respecting the natural and physical features of the landscape, including but not limited to, natural areas, site design for hillside areas, flood hazards, earthquake hazards and other environmental constraints.*

**Action 3:** *Adopt and apply land use regulations promoting development in ways that promote healthy watersheds and natural resources, use a natural system approach to development, and avoid impacting natural resources. A natural system approach includes sustainable stormwater management using habitat friendly development practices and low impact development techniques.*

**Action 4:** *Adopt and apply land use regulations allowing and encouraging techniques to reduce impacts to natural resources, known as Habitat Friendly Development and Low Impact Development.*

- b) *The City's urban design standards shall promote creation of public spaces and a good pedestrian environment.*
- c) *Existing overhead utilities shall be placed underground in all parts of the community in conjunction with development.*
- d) *Sign regulations shall limit the size, location, and number of signs throughout the City. Non-conforming signs shall be removed at the time of a change in use. Off-site advertising signs shall be prohibited in all districts of the City.*

### **Finding for Policies 3.4.1.'a', through 'd':**

The Comprehensive Plan policies above direct the City to establish regulations and standards relating to urban design, signs, development on hillsides, stormwater management, natural resources, and to encourage habitat friendly development practices. The Plan policies are not intended to directly regulate development. The City has in recent years amended the Development Code to adopt all of the elements of the Plan policies listed above. Standards and regulations for new development and Conditional Uses are found in Development Code, which implement the policy direction of the Comprehensive Plan.

The City has adopted urban design and other standards within the Development Code that establish requirements for development. The applicant's proposals for retail auto sales and for a car wash are subject to a wide array of Code standards as part of the Design Review and Conditional Use application, respectively. In particular to the car wash, the design and placement of the structure, public spaces, pedestrian access and landscape buffering is addressed under the Design Guidelines as part of the Design Review Three application (DR 2009-0076).

- e) *The City shall preserve significant natural resources identified on the City's Statewide Planning Goal 5 Inventories, Volume III of this Plan, through application of regulations requiring the careful siting of development.*

## ATTACHMENT B

***Action 1:** Adopt mapping showing habitat benefit areas. Habitat benefit areas, Clean Water Services' vegetated corridors and Beaverton identified Goal 5 Inventory areas frequently mutually support and are coincidental to one another.*

***Action 2:** Adopt and apply land use regulations that allow and encourage habitat friendly development practices that reduce impacts to habitat benefit areas, including preservation of the habitat benefit areas.*

***Action 3:** Develop a program to monitor reductions in density to allow for preservation and improvement of habitat benefit areas so that the reduction in density may be reported to Metro.*

***Action 4:** Promote habitat friendly development practices and low impact development techniques through the pre-application conference with development applicants.*

### **Finding for Policy 3.4.1.'e':**

The Plan policy directs the City to preserve and regulate development within natural resource areas in accordance with Statewide Planning Goal 5. With respect to the applicant's proposal for a car wash, the site contains a small, isolated wetland, of 8.0 cubic yards in size, along a portion of the west property line and the railroad track right-of-way. The Clean Water Services (CWS) Sensitive Area Pre-Screening assessment, dated May 1, 2008, and the CWS Service Provider letter dated September 30, 2008, both state the site does not contain a jurisdictional wetland. Therefore, the wetland may be filled under the regulations of the City's site development code. The applicant proposes the wetland be filled with the area proposed for tree planting and landscaping. The proposed car wash building is not proposed within the wetland. Because the wetland is a small area, well under the 50 cubic yard CWS standard for determining a sensitive area requiring protection or mitigation, staff conclude that the proposal to fill-in the wetland will meet the Plan policy.

- j) *Ensure public and private facilities, especially essential public facilities, are available and provided at the time of development to reduce initial and long-range costs to City businesses and residents.*

***Action 1:** On and off-site improvements should add to the character and quality of the area as a place for people to live and work. This includes such measures as utility undergrounding and basic pedestrian improvements such as street trees and sidewalks. Street trees are central to creating neighborhood community; therefore, land use regulations shall be adopted requiring street trees or a fee-in-lieu.*

### **Finding for Policy 3.4.1.'j':**

The review of public and private facilities, including essential public facilities, is reviewed by the Facilities Review Committee, under the Criterion of Section 40.03. The Committee's review of the Conditional Use concludes that, with respect to the

transportation impacts due to the proposed car wash, there will be negligible traffic impact to the surrounding street system. Street frontage improvements, including sidewalks, are required under Design Review conditions of approval.

With regard to public storm water quality and sanitary sewer facilities that may be impacted by the car wash, staff cite the findings of Facilities Review Criterion ‘J’, whereby CU 2009-0009 Conditions 2 and 3 require a site development permit and car wash construction measures to minimize run-off of contaminated water into the sanitary sewer and a design that includes stormwater filters to minimize contaminated water in the storm drainage system.

**3.4.2 Goal: Proper relationships between residential, commercial, industrial, mixed and public land uses to provide a sound basis for urbanization.**

*Policies:*

- a) *The City, through its Planning Commission and City Council, shall establish and apply appropriate land use designations to property within the city limits.*
- b) *The City shall establish and maintain a Comprehensive Plan Land Use Map (Figure III.1) designating land uses throughout the city.*
- c) *The City shall apply appropriate City land use designations to annexed areas.*

**Finding for Policies 3.4.2.’a’, through ‘c’:**

The Comprehensive Plan (the Plan) policies above direct the City to establish land use designations, including annexed properties, to be shown on the Plan’s Land Use map. The City has established and applied Comprehensive Plan land use designations as required. In the case of the Car Max site, the City has established the Regional Center (RC) a ‘mixed use’ Plan map designation, as part of the City’s effort to establish a Washington Square Regional Center Plan, as further described under Policies 3.5 and 3.6, below.

**3.5 Mixed Use Areas**

*The following Metro design types are Mixed Use Areas: Regional Centers, Town Centers, Station Communities, and Main Streets. The density of development called for in the Metro Urban Growth Management Functional Plan in these areas is greater than other design types. In fact, Beaverton expects to accommodate the majority of its targeted growth within the Mixed Use Areas. Development within City of Beaverton land use designations of Regional Center, Town Center, Station Community and Main Street must comply with the policy framework set by this section (3.5 Mixed Use Areas).*

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

***Concept Map.***

**Policies:**

- a) *Regulate new development in Regional Centers, Town Centers, Station Communities and Main Streets ( see Figure III-1, Comprehensive Plan Land Use Map) to ensure compact urban development.*

**Action 1:** *Adopt and apply land use regulations to promote efficient use of land. Land use regulations shall include*

- *minimum densities and floor area ratios (FAR),*
- *minimum and maximum surface parking ratios, with allowance of shared and on-street parking to meet minimum requirements,*
- *maximum setbacks along pedestrian routes, including flexible or zero setbacks, and*
- *increased building heights.*

**Action 2:** *Adopt and apply land use regulations to permit calculation of residential density and FAR on net buildable land. Exclusions to the density and FAR calculations are permitted for lands set aside in an unbuildable tract or dedicated to the public for the following purposes:*

- *Protected wetlands,*
- *Natural resource areas,*
- *Other protected or regulated areas,*
- *Drainage areas or drainage facilities, and*
- *Buildable lands devoted to public or private rights-of-way.*

**Action 3:** *Adopt and apply land use regulations that allow and encourage preserving habitat benefit areas and minimizing the effect of development on those areas.*

**Action 4:** *Develop a program to monitor reductions in density to allow for preservation and improvement of habitat benefit areas so that the reduction in density may be reported to Metro.*

**Action 5:** *Identify and develop incentive programs for increased housing densities such as funding programs for multistory parking, combining public open space for use in high density projects, and developing a mitigation bank for wetland impacts.*

- b) *Allow a mix of complementary land use types, which may include housing, retail, offices, small manufacturing or industry, and civic uses to encourage compact neighborhoods with pedestrian oriented streets in order to promote:*

- *Independence of movement, especially for the young and elderly to enable them to conveniently walk, cycle, or ride transit;*
- *Safety in commercial areas through round-the-clock presence of people;*
- *Reduction in auto use, especially for shorter trips;*
- *Support for those who work at home, through the nearby services and parks;*
- *A range of housing choices so that people of varying cultural, demographic, and economic circumstances may find places to live.*

## ATTACHMENT B

**Action 1:** Adopt and apply land use regulations that allow for and encourage mixed use development.

**Action 2:** Adopt and apply land use regulations that promote pedestrian-oriented designs including regulations governing the following:

- building orientation and design along pedestrian routes, transit stops and other pedestrian accessways or open spaces actively used by the public;
- landscaping, fencing, screening, buffering pedestrian circulation and access; and
- other appropriate site design measures that enhance the pedestrian environment.

- 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.

**Action 1:** Adopt and apply design standards related to building height, massing, siting, and detailing to achieve an appearance, micro-climate, and scale along designated streets to encourage walking.

**Action 2:** Adopt and apply design standards to Major Pedestrian Routes that clearly identify acceptable vehicular movement such as slow speeds and attention to pedestrian traffic.

**Action 3:** Designate major pedestrian routes joining employment, retail and residential areas and other pedestrian attractors.

**Action 4:** Develop, adopt, and apply land use regulations that concentrate retail activities along pedestrian oriented streets and prohibit or limit uses generating little pedestrian traffic on ground floor frontages.

- d) Incorporate pedestrian and bicycle connections into an area-wide network of public and private open spaces.
- e) Promote pedestrian safety by designing streets and pedestrian areas that encourage pedestrian use both day and night, reflect local access functions and use land efficiently.
- f) Regulate the design and construction of streets, intersections, and parking facilities to ensure pedestrian safety and convenience.

**Action 1:** Adopt and apply land use regulations that exclude parking spaces in structures from maximum parking ratio standards.

**Action 2:** Adopt and apply standards to provide attractive street frontages and visual compatibility with surrounding areas by

- minimizing the placement of parking lots and garages along streets,
- configuring parking in ways that will not dominate street frontages or public open spaces, and
- designing parking areas to accommodate construction of multiple level parking with

*commercial or office uses dominating the first floor.*

**Action 3:** *Require minimum sidewalk widths to allow for pedestrian movement and use of sidewalks for temporary uses such as outdoor dining, limited commercial display and placement of pedestrian features such as street furniture, lighting and trees.*

- g) Promote use of multiple level parking structures with ground floor storefront design to accommodate parking needs while avoiding dispersal of commercial activities and discontinuity of retail activities.*
- h) Improve designated pedestrian oriented streets and intersections to stimulate safe, enjoyable walking.*
- i) Provide usable open spaces throughout mixed use areas, acknowledging such open spaces will generally be smaller and more intensively developed through open spaces in a more suburban setting.*

### **Finding for Policies 3.5.1.'a', through 'i':**

The Community Development Department is currently working with a consultant on the transportation impact analysis as part of the work plan on the interim zoning district intended to implement the Washington Square Regional Center (WSRC). The traffic analysis, and future land use analysis, will guide the City in determining the appropriate zones, land uses, and design standards for such elements as building height and mass, structured parking, and requirements for active pedestrian oriented streetscapes. The traffic analysis will provide the City the basis for the future determination of necessary transportation improvements and such designations as major pedestrian routes, for the WSRC.

At this time, a substantial amount of study remains for staff to complete in order to present (1) a WSRC Community Plan with associated Plan policies, and (2) a draft of a zoning district to determine implementing zones and special development standards. These two elements of the WSRC work plan have not yet been completed by staff, and so it has not yet been presented to the Planning Commission. In the future City staff will be proposing zoning district standards consistent with the City's goals and policies for Mixed Use Areas that will be specifically tailored to meet the land use policies of the WSRC Community Plan, when that Plan is developed. Only after Planning Commission and subsequent City Council action on future package of Comprehensive Plan Amendments (CPA), Zoning Map Amendments (ZMA) and Development Code Text Amendments (TA), would such future WSRC implementing zones and development standards be applicable to a development review application. Therefore, the Plan policies 3.5.1.'a', through 'i' are not applicable at this time to the pending development review application.

- j) *Prior to development on any portion of a property or group of properties under single ownership a Design Review Application, or a Planned Unit Development and Design Review Application, must be submitted and approved. The application(s) must demonstrate consistency with the policies in the underlying land use designation.*
- k) *Allow phased development of property through a Planned Unit Development application. Ensure the phasing plan demonstrates compliance with the minimum housing density and commercial floor area ratio requirements.*

**Finding for Policies 3.5.1.'j' and 'k':**

As consideration in the pending review of CU 2009-0009, the Commission should be aware that the review of the outright permitted portions of the development proposal will take place through the Design Review Three process. The Design Guidelines of Section 60.05.35 – 50 and the Lighting Standards Table, will provide the design criteria for review of the proposal’s design. Adherence to the applicable standards of the Development Code, including traffic impacts of the permitted uses, will be considered under the Design Review Three application. The Conditional Use review will consider the impacts of the proposed car wash ( a Major Automotive Use), and its consistency with the applicable Comprehensive Plan policies. A Planned Unit Development is not proposed or required, and there is no proposal for phasing of development.

To the extent that the proposal is subject to Policy ‘j’, the proposal meets the requirement for submittal of CU and DR applications. The proposal is not subject to a majority of the Plan policies for Mixed Use and Regional Center (Section 3.5 and 3.6) because a community plan, implementing zoning, and land use and transportation standards have not yet been developed for the WSRC.

Therefore, staff conclude that Plan policy 3.5.1.'j' is met, and Plan Policy 3.5.1.'j' is not applicable to the proposal.

**3.6 Regional Center Development**

*The Regional Center land use designation is a mixed use designation. Each mixed use designation must comply with the policies and actions set forth in Section 3.5 as well as those promulgated for the individual designation.*

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

*Policies:*

- a) Regulate new development in Regional Centers to ensure compact urban development and to maximize the public infrastructure investment in light rail.

## ATTACHMENT B

- b) Apply the Regional Center land use designation generally in the areas identified on the Metro 2040 Regional Growth Concept Map.
- c) Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.

### Section 3.14: Comprehensive Plan and Zoning District Matrix

The City's Comprehensive Plan provides the overall planning perspective for the City. Integrating state and regional mandates, the plan provides land use patterns that are further implemented through zoning. The following Matrix prescribes the relationship between the Comprehensive Plan land use designations and zoning districts. Compliance with the Comprehensive Plan is achieved through development application approval consistent with the regulations of the Development Code.

<i>Comprehensive Plan Designation</i>	<i>Zoning District</i>
<b>Regional Center</b>	<b>RC-E, RC-OT, RC-TO</b>
Station Community	SC-HDR, SC-MU, SA-MDR, SA-MU
Town Center	TC-HDR, TC-MU, TC-MDR
Main Street	Office Commercial, Neighborhood Service, Convenience Service Center, R-1, R-2
Corridor	General Commercial, Convenience Service Center, Office Commercial, Community Service, Neighborhood Service, Corridor-Multiple Use, R-1, R-2, R-3.5, R-4
Employment Areas	Campus Industrial
Industrial	Industrial Park, Light Industrial, Campus Industrial
Neighborhood Residential (equivalent to Metro's Inner and Outer Neighborhood Design Types)	
Low Density	R-10 <sup>1</sup>
Standard Density	R-7, R-5 <sup>2</sup>
Medium Density	R-4, R-3.5, R-2
High Density	R-1
Any of the plan designations cited above	Institutional

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

<sup>1</sup> Existing pockets of low density residential may continue, but expansion of low density neighborhood residential areas shall not occur.

<sup>2</sup> Existing properties with commercial zoning as shown on Figures III-2 through III-5 and listed by tax lot on said maps shall be allowed to continue in perpetuity. Expansion of the district is not allowed, but any use permitted within said district will be allowed subject to City approval through the procedures specified by the Development Code.

## ATTACHMENT B

**Action 1:** *Identify the Downtown Beaverton Regional Center Community Plan Area as the area generally bordered to the east by Highway 217, to the south by 5<sup>th</sup> Street, to the west by Hocken and to the north by Center and Hall Street.*

**Action 2:** *Identify the Washington Square Regional Center Community Plan Area as the area generally bordered to the east by Highway 217, to the north by Denny Road, to the west by Fanno Creek, and to the south by Scholls Ferry Road. This Regional Center is primarily located in the City of Tigard. Planning for this area continues to involve intergovernmental coordination.*

### **Finding for Policies 3.6.1.'a', through 'd':**

Information about the WSRC is found in three locations in the Comprehensive Plan: **(1)** under the text of Sec. 3.2 where it describes how other zoning districts consistent with the WSRC will be developed in the future, **(2)** Regional Center policy 3.6.1.d: requiring a Community Plan to be adopted with specific plan policies, and **(3)** the Land Use Map (Figure III-1). That map shows an RC designation for both the DBRC and WSRC areas of the City.

Both Sections 3.5 'Mixed Use Areas' and 3.6 'Regional Center Development' state that Regional Centers are one of the design types established by Metro's 2040 Urban Growth Management Functional Plan (UGMFP). Policy 3.6.1.d requires the City to adopt a Community Plan for both of the City's regional centers; Action 1: the Downtown Beaverton Regional Center (DBRC) and Action 2: Washington Square. The City adopted a DBRC plan and implementing zones a few years ago for Downtown Beaverton, but has not yet completed the necessary studies in order to develop a WSRC Community Plan to implement the Plan.

The Mixed Use and Regional Center land use policies (under sections 3.5 and 3.6 of the Plan) require certain actions by the City to regulate new development in the Washington Square Regional Center. Staff find that the policies are not generally applicable to the Car Max proposal because the policies intend to provide direction to the City, and are not development review standards. Most notably, Policy 3.6.1.C requires that the City establish zoning in accordance with Plan designations found in Policy 3.14, whereby that section shows that the adopted zoning districts for Regional Center are RC-E, RC-OT, and RC-TO. All three of those zones are found only in the Downtown Beaverton Regional Center (DBRC), and are shown by the DBRC Community Plan for that geographic area of the City. Plan sections 3.2 'Planning Context' and 3.14 'Comprehensive Plan and Zoning District Matrix' list the three implementing zones for the Downtown Beaverton Regional Center. Section 3.2 states "*Other zoning districts consistent with the City's goals within the Washington Square Regional Center will be developed*". At this time, there are no WSRC land use policies to regulate new development in the RC designated planning area for Washington Square, and there are no implementing zones for the WSRC.

The City staff is working to develop a WSRC Community Plan that will, in part, establish policies applicable to development applications. As Goal 3.6.1 states,

regional center plans are to be developed in accord with a community vision while being consistent with the 2040 Growth Concept (the UGMFP). The City intends that densities in the WSRC area will meet the UGMFP growth target of 60 persons per acre within a compact urban form. The Community Plan when adopted, will establish the implementing zoning districts consistent with the community vision and goals for the WSRC. Only after Planning Commission and subsequent City Council action on a Zoning Map Amendment (ZMA), will such future WSRC implementing zones be applicable to a development review application.

Staff conclude that the Regional Center plan policies under 3.6.1 (a) through (d) direct the City to implement the Comprehensive Plan. The Regional Center policies do not establish requirements for specific development applications. Therefore, the Plan policies are not applicable to the pending Conditional Use application.

**6.2.1. Goal: Transportation facilities designed and constructed in a manner to enhance Beaverton's livability and meet federal, state, regional, and local requirements.**

## 6.2. TRANSPORTATION GOALS AND POLICIES

### **Policies:**

- a) Maintain the livability of Beaverton through proper location and design of transportation facilities.

### **Actions:**

- *Design streets and highways to respect the characteristics of the surrounding land uses, natural features and natural hazards, and community amenities.*
  - *Design streets consistent with habitat friendly development practices and low impact development techniques and water quality and quantity street design principles, where technically feasible and appropriate.*
  - *Recognizing that the magnitude and scale of capital facilities also affect aesthetics and environmental quality, the City will continue to require design plans and impact analyses as specified in the Development Code.*
  - *Preserve right-of-way for improvements that are slightly beyond or within a specified time period that is beyond the planning forecast year identified in the Transportation System Plan.*
- b) Consider noise attenuation in the design and redesign of arterial streets immediately adjacent to residential development.

## ATTACHMENT B

- c) Locate and design recreational multi-use paths to balance the needs of human use and enjoyment with resource preservation in areas identified on the Natural Resource Inventory Plan Map for their Significant Natural Resource values.

**Action:**

- *Proposals for shared-use paths through significant natural resource areas shall assess compatibility of the path with the resource. The assessment shall include the impacts of lighting, appropriate restrictions on uses of the path, and options available to mitigate the impacts of the path. (Ordinance 4301).*

- d) Protect neighborhoods from excessive through traffic and travel speeds while providing reasonable access to and from residential areas. Build streets to minimize speeding.

**Actions:**

- *Maintain street design standards and criteria for neighborhood traffic calming for use in new development and existing neighborhoods.*
- *Complete construction of the 125<sup>th</sup> Avenue extension and the Murray Boulevard connection from Scholls Ferry Road to Barrows Road at Walnut Street prior to completing the Davies Road connection from Scholls Ferry Road to Barrows Road.*

**Finding for Policies 6.2.1.'a' through 'd':**

The transportation policies above direct the City to design and construct transportation facilities to enhance Beaverton's livability and meet federal, state, regional, and local requirements. The City has adopted transportation requirements within the Engineering Design Manual that establish standards for street, pedestrian and bikeway improvements, to implement the Comprehensive Plan.

With respect to the requirements made by the City on private development, City staff have reviewed the proposal for consistency with the transportation requirements within the Development Code, under Section 60.55 and under the review of public transportation facilities of Section 40.03.1 (Facilities Review). Staff cite the applicable Facilities Review Committee findings under Criteria A, B and D as applicable. The Committee's findings pertaining to the Conditional Use request concludes that the proposal was analyzed by staff for its traffic impact based on the car wash as an accessory use of a permitted automobile dealership, and that because the car wash does not generate its own off-site trips there would be a negligible traffic impact to SW Cascade Avenue.

Although not due to the impact of the car wash, the Committee has identified Design Review conditions of approval requiring street improvements along the west side of Cascade Avenue, on the site's frontage to improve the street to the City's 2-Lane Collector standard. Other Facilities Review requirements require sign-off by ODOT with respect to work within a state highway and any work that may occur within the rail right-of-way.

- e) *New commercial and industrial development shall identify traffic plans for residential streets where increased cut-through traffic may occur due to the proposed development.*

**Finding for Policy 6.2.1.'e':**

Policy 6.2.1.e states the Plan's policy that traffic plans for new development shall identify the potential for cut-through traffic on residential streets. Staff find that the subject property is a commercial area that is not in close proximity to residential streets. There is no cut-through traffic forecast on residential streets, because the site location is between the railroad tracks to the west, with Cascade Blvd. and Hwy 217 to the east.

**6.2.2. Goal: A balanced transportation system.**

***Policies:***

- a) *Implement Beaverton's public street standards that recognize the multi-purpose nature of the street right-of-way for a combination of utility, pedestrian, bicycle, transit, truck, and auto uses, and recognize that streets are important to community identity and provide a needed service.*
- b) *Develop and provide a safe, complete, attractive, efficient, and accessible system of pedestrian ways and bicycle ways, including bike lanes, shared roadways, multi-use paths, and sidewalks according to the pedestrian and bicycle system maps and the Development Code and Engineering Design Manual and Standard Drawings requirements.*

***Actions:***

- *Continue to coordinate with Washington County, Metro, Beaverton area schools, Oregon Department of Transportation, and the Tualatin Hills Park and Recreation District.*
- *Sidewalks will remain the responsibility of fronting property owners.*
- *Maintain the opportunity for resident groups to fund multi-use path improvements through the local improvement district process.*

**Finding for Policies 6.2.2.'a' and 'b':**

The transportation policies above direct the City to design and construct transportation facilities to enhance Beaverton's livability and meet federal, state, regional, and local requirements. The City has adopted transportation requirements within the Engineering Design Manual that Development Code, under Section 60.55, that establish standards for street, pedestrian and bikeway improvements, which implement the Comprehensive Plan.

The Committee has identified conditions of approval requiring street improvements along the west side of Cascade Avenue, on the site's frontage to improve the street

to the City's 2-Lane Collector standard. Other Facilities Review requirements require sign-off by ODOT with respect to work within a state highway and any work that may occur within the rail right-of-way. The Committee has also found that the driveway entrance design will meet the City's driveway approach and sight-clearance safety standards.

- c) *Provide connectivity to each area of the City for convenient multi-modal access. Ensure pedestrian, bicycle, transit, and vehicle access to schools, parks, employment and recreational areas, and destinations in station areas, regional and town centers by identifying and developing improvements that address connectivity needs.*
- d) *Develop neighborhood and local connections to provide adequate circulation into and out of neighborhoods.*

### **Finding for Policies 6.2.2.'c' and 'd':**

The Community Development Department is currently working on the transportation impact analysis as part of the work plan to implement the Washington Square Regional Center (WSRC). The traffic analysis will provide the City the basis for determining future transportation and connectivity improvements and such designations as major pedestrian routes.

At this time, the WSRC Community Plan and interim zoning district proposal has not been completed by staff. Only after Planning Commission and subsequent City Council action on a Community Plan and zoning map amendments would such future WSRC implementing zones be applicable to a development review applications. At this time, the anticipated transportation and connectivity standards are not yet in place for the WSRC. Therefore, the Plan policies are not applicable at this time to the pending development review application.

### 6.2.3. **Goal:** A safe transportation system.

#### **Policies:**

- a) *Improve traffic safety through a comprehensive program of engineering, education, and enforcement.*
- b) *Design streets to serve anticipated function and intended uses as determined by the Comprehensive Plan.*

**Action:** *Maintain a functional classification system that meets the City's needs and respects the needs of other agencies including, but not limited to, Washington County, Oregon Department of Transportation, TriMet, Tualatin Valley Fire and Rescue, and Metro.*

- c) *Enhance safety by prioritizing and mitigating high accident locations within the City.*

**Actions:** *Work with Washington County to periodically review traffic collision and Safety Priority Index System information in an effort to systematically identify, prioritize, and remedy safety problems. The City should continue to expand its collision record evaluation program working cooperatively with Washington County and Oregon Department of Transportation.*

- d) *Designate safe routes from residential areas to schools.*

**Action:** *The City should continue to work with Beaverton area schools and the community in developing safe transit, pedestrian, and bicycle routes to schools. Improvement projects near schools shall consider school access and safety during project development.*

- e) *Construct multi-use paths only where they can be developed with satisfactory design components that address safety, security, maintainability, and acceptable uses. Multi-use paths should converge at traffic-controlled intersections to provide for safe crossing, although they should be separate and distant from major streets for most of their length.*

**Action:** *Study trail crossing treatments for appropriate use at locations where out-of-direction travel by path users to an intersection is significant. When multi-use paths follow rear lot lines, use design treatments to minimize the impacts to private property.*

- f) *Provide satisfactory levels of maintenance to the transportation system in order to preserve user safety, facility aesthetics, and the integrity of the system as a whole.*

- g) *Maintain access management standards for streets consistent with City, County, and State requirements to reduce conflicts among vehicles, trucks, bicycles, and pedestrians. Preserve the functional integrity of the motor vehicle system by limiting access per City standards.*

- h) *Ensure that adequate access for emergency services vehicles is provided throughout the City.*

**Action:** *Work cooperatively with Tualatin Valley Fire and Rescue and other Washington County emergency service providers to designate Primary and Secondary Emergency Response Routes. Work with these agencies to establish acceptable traffic calming strategies for these routes. Recognize the route designations and associated acceptable traffic calming strategies in the City's Traffic Calming Program.*

- i) *Meet federal and State safety compliance standards for operation, construction, and maintenance of the rail system.*
- j) *Provide safe routing of hazardous materials consistent with federal guidelines, and provide for public involvement in the process.*

**Action:** *Work with federal agencies, the Public Utility Commission, the Oregon Department of Environmental Quality, public safety providers, and Oregon Department of Transportation to assure consistent routes, laws, and regulations for the transport of hazardous materials.*

**Finding for Policies 6.2.3.'a' through 'j':**

The transportation policies above direct the City to plan, design and maintain transportation facilities to provide a safe transportation system, working with other agencies to achieve the policies under the goal. The City has adopted transportation requirements within the Engineering Design Manual, and the Development Code, under Section 60.55 that establish standards for street, pedestrian and bikeway improvements, which implement the Comprehensive Plan. Staff find that the policies are not applicable to the proposal.

If the Commission conclude that there are impacts of the proposed car wash that necessitate a finding of consistency with the Plan Policies for safe transportation facilities, staff offer the following finding: City staff have reviewed the proposal for consistency with the transportation requirements within the Development Code, under Section 60.55 and under the review of public transportation facilities of Section 40.03.1 (Facilities Review). Staff cite the applicable Facilities Review Committee findings under Criteria A, B and D as applicable, which found the traffic impact generated by the car wash to be negligible. Emergency service access is addressed under Facilities Review Criterion 8.

The impacts of the entire auto sales proposal, reviewed under the Design Review application, were reviewed by the Committee whereby conditions of approval have been identified to require consistency with the standards of the Engineering Design Manual. Those conditions include, ODOT sign-off's, and improvements along the Cascade Ave. frontage.

6.2.4. **Goal:** *An efficient transportation system that reduces the percentage of trips by single occupant vehicles, reduces the number and length of trips, limits congestion, and improves air quality.*

**Policies:**

- a) *Support and implement trip reduction strategies developed regionally, including employment, tourist, and recreational trip reduction programs.*

## ATTACHMENT B

**Actions:** Encourage implementation of travel demand management programs. Work to shift traffic to off-peak travel hours. Coordinate trip reduction strategies with Washington County, Metro, Westside Transportation Alliance, Oregon Department of Transportation, TriMet, neighboring cities, and the Oregon Department of Environmental Quality. Seek to raise p.m. peak average vehicle occupancy (AVO) to 1.3 AVO or more in the evening peak and/or move 50 percent or more of the standard evening peak trip generation outside the peak hour. Educate business groups, employees, and residents about trip reduction strategies. Work with business groups, residents, and employees to develop and implement travel demand management programs. Support and implement strategies that achieve progress toward attaining Metro's 2040 Regional Non-Single Occupant Vehicle Modal Targets.

2040 Non-Single Occupant Vehicle Modal Targets are as follows:

- **Beaverton Regional Center: 45-55%;**
  - Murray/Scholls Town Center: 45-55%;
  - Beaverton Main Streets, Station Communities, and Corridors: 45-55%;
  - Beaverton Industrial Areas, Intermodal Facilities, Employment Areas, Inner and Outer Neighborhoods: 40-45%  
(Targets apply to trips to, within, and out of each 2040 Design Type. The targets reflect conditions appropriate for the year 2040 and are needed to comply with Oregon Transportation Planning Rule objectives to reduce reliance on single-occupancy vehicles.)
- Continue to implement the following action plan to work toward achieving these targets:
    - i) Encourage development that effectively mixes land uses to reduce vehicle trip generation.
    - ii) Develop consistent conditions for land use approval that require future employment related land use developments to agree to reduce peak hour trips through transportation demand management strategies.
    - iii) Support efforts by Washington County, Oregon Department of Transportation, Department of Environmental Quality, TriMet, and the Westside Transportation Alliance to develop productive demand management measures that reduce vehicle miles traveled and peak hour trips.
    - iv) Coordinate with Oregon Department of Transportation and TriMet on development of sufficient park-and-rides, including sites at transit stations and freeway interchange locations. Transfer stations and interchange construction and reconstruction projects should be required to identify potential park-and-ride sites. Explore park-and-ride locations along existing bus routes to minimize commuter parking impacts in neighborhoods.
    - v) Build on existing percentage of Regional Center employers (seven percent) who provide transit pass discounts to achieve 25 percent by 2020.
    - vi) Work with Washington County, Westside Transportation Alliance, and TriMet to develop and implement a downtown Beaverton fareless transit area, a regional center transportation management agency, and reduced transit fare programs based on increased demand and funding availability.
    - vii) Implement the master improvement plans for bicycles, transit, pedestrians, and motor vehicles to implement a convenient multi-modal transportation system that encourages increased bicycle, pedestrian, and transit use.

- b) Limit the provision of parking to meet regional and State standards.

***Actions:** Work to reduce parking per capita in accordance with Metro and State requirements, while minimizing impacts to neighborhoods. Work to reduce parking in habitat benefit areas, where parking can be provided in other locations including off-site, on the street, through shared uses, or in parking structures. Continue to implement the motor vehicle and bicycle parking ratios in new development. Continue to develop and implement a Regional Center parking plan. Implement residential parking permit districts in neighborhoods as requested and approved by City Council. Work toward implementing other parking-based transportation demand management strategies, such as metered and structured parking, to help achieve Metro's 2040 Non-Single Occupant Vehicle mode split targets. (Ord. 4470)*

- c) *Manage parking in the Regional Center Old Town area by applying the following principles from the Beaverton Downtown Parking Solutions study.*

- d) *Maintain levels of service consistent with Metro's Regional Transportation Plan and the Oregon Transportation Plan. Applications for Comprehensive Plan Amendments shall comply with the requirements of OAR 660-012-0060 and as appropriate include transportation Impact Analysis that shows that the proposal will not degrade system performance below the acceptable two-hour peak demand-to-capacity ratio of 0.98. If the Adopted Comprehensive Plan forecasts a two-hour peak demand-to-capacity ratio greater than 0.98 for a facility, then the proposed amendment shall not degrade performance beyond the forecasted ratio. (Ordinance 4301)*

*Reduce traffic congestion and enhance traffic flow through such system management measures as intersection improvements, intelligent transportation systems, incident management, signal priority, optimization, and synchronization, and other similar measures.*

***Action:** Maintain performance standards that meet the needs of the City and are consistent with regional and State standards. (Ordinance 4301)*

- e) *Plan land uses to increase opportunities for multi-purpose trips (trip chaining).*

***Actions:** Encourage mixed-use development where allowed to promote trip chaining in an effort to reduce vehicle trips, cold starts, and air pollution.*

- f) *Require land use approval of proposals for new or improved transportation facilities. The approval process shall consider the project's identified impacts.*

- g) *Support mixed-use development in appropriate locations.*

*h) Encourage TriMet to implement transit improvements concurrent with roadway improvements, to improve access and frequency of service, and to increase ridership potential and service area. Encourage development of regional high capacity transit, including light rail transit and commuter rail.*

*Action: Support commuter rail and its associated supportive transit services.*

### **Finding for Policies 6.2.4.'a' through 'h':**

The transportation policies above direct the City to plan, design and maintain transportation facilities and establish parking regulations to provide an efficient transportation system, working with other agencies to achieve the policies under the goal.

The transportation impact analysis that is part of the work plan to develop the Community Plan and zoning districts to implement the Washington Square Regional Center (WSRC) is not yet complete. The traffic analysis and a land use analysis will guide the City in determining the appropriate zones and land uses that will implement the vision for the WSRC. The effort to limit surface parking area and maintain efficient service levels will be elements of the future WSRC Community Plan. The planning effort will include review of land uses and transportation in an effort to reduce commuter trips by single occupant vehicles. As part of the planning effort, the WSRC traffic analysis will provide the City the basis for determining necessary transportation improvements.

When complete, the WSRC Community Plan and implementing zoning districts will be tailored to encourage the future development of the WSRC consistent with the City's goals for mixed use areas. Only after Planning Commission and subsequent City Council action to adopt a package of Plan and Code amendments, would such future WSRC implementing zones and standards be applicable for development review. At this time, the transportation and land use policies that are anticipated for the WSRC are not in place. Therefore, the Plan policies are not applicable to the pending development review application.

City staff have reviewed the proposal for consistency with the transportation requirements within the Development Code, under Section 60.55 and under the review of public transportation facilities of Section 40.03.1. Staff cite the applicable Facilities Review Committee findings under Criteria A, B and D as applicable, finding that there is no traffic impact generated by the car wash as a stand-alone use and that the car wash will not open to the public. Parking regulations consistent with the UGMFP have previously been adopted, and are implemented by the Development Code primarily by land use category.

If the Commission conclude that there are impacts of the proposed car wash that necessitate a finding of consistency with the Plan Policies for efficient

transportation and land use planning, the Facilities Review Committee offers the following findings:

With regard to the Plan policies under 6.2.4, the traffic analysis for the entire development proposal that is under the Design Review application (including the car wash), studied all intersections within the area of influence that would be impacted. The Committee's finding concludes that the two affected intersections will operate efficiently and that a forecast increased delay would be minor and acceptable. A proposed mitigation by the analysis recommends more signal green time. ODOT's review of the analysis has noted their objection to the signal mitigation. The Committee concludes that the delay is minor and that the payment of the Transportation Impact Fee (TIF) will be a proportional mitigation for the impact of the increase in traffic from the development.

## ENVIRONMENTAL QUALITY AND SAFETY

### 8.4 Noise

*A healthy acoustical environment is vital to the livability of the City. Sources of environmental noise may be largely classified into four types: 1) building equipment, 2) transportation systems, 3) industrial and commercial activity and 4) human activity. Building equipment primarily includes outdoor units, such as fresh air intakes, cooling towers and condensers, fan rooms, and power transformers. Transportation systems include highway traffic, light rail trains, heavy rail trains and aircraft. Industrial noise is found at industrial sites and utility sources, and also includes construction activity on our streets, buildings and utilities. Noise emanating from human activities, including dog barking, loud voices, and loud audio systems, can be a problem in urban settings if buildings are designed without adequate consideration of noise reduction.*

*There are two methods the City has available to reduce noise pollution:*

- 1) a noise abatement program as part of the City Municipal Code, Section 5.05, and*
- 2) development standards and design review criteria.*

<b>8.4.1. Goal: Create and protect a healthy acoustical environment within the City.</b>
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#### POLICIES:

- a) *Noise impacts shall be considered during development review processes.*

**Action 1:** *Adopt and implement appropriate design standards for development permits for all commercial, industrial, high density, mixed use and transportation projects, and others as appropriate. Development applications should be required to demonstrate compliance with applicable noise level standards.*

## ATTACHMENT B

*Means of meeting the design standards might include, but are not limited to:*

- *Use of year-round landscape elements that absorb parking lot and street noise.*
- *Use of underground parking.*
- *Use of extra-thick windows.*
- *Facades constructed of materials that help to absorb sounds.*
- *Pervious surface landscape and parking lot materials that absorb sounds.*
- *Use of building materials that aid in the reduction of sound traveling through common floors and walls.*
- *Dampers on heating and cooling equipment.*

b) *The City shall comply with EPA and DEQ noise standards.*

**Action 1:** *Periodically review and update the City's Municipal Code Section 5.01 pertaining to noise abatement to reflect changes in EPA and DEQ standards and to address impacts of changing land development patterns that encourage mixed uses and higher density housing.*

### **Finding for Policies 8.4.1.'a' and 'b':**

Policy 8.4.1.a states that noise impacts shall be considered during the development review process. The applicant states that the proposed car wash would operate as a private facility limited to use by CarMax employees for vehicles sold on the site. The car wash is proposed as a freestanding building close to the rear (west) property line near the railroad tracks. The applicant has submitted a letter, dated July 14, 2009, by BridgeNet International, that evaluated the noise generated by the CarMax car wash facility in Ontario, CA. The letter states that noise levels between 63.5 dBA and 84.5 dBA are generated by the car wash equipment measured 9 feet from the noise source. The letter also states that a reduction of 84.5 dBA, due to increased distance would occur; reducing that noise level to 69.6 dBA at 50 feet, 63.6 dBA at 100 feet, and 57.6 dBA at 200 feet.

The car wash is proposed to be setback from the west property line by 40 feet, with a landscaped buffer and boulder retaining wall within that area between the building and the property line. The elevation drawings of the car wash show that the structure is constructed using both split and smooth face masonry block with the roll-up doors located on the north and south sides. Uses in the surrounding area west of the freight rail tracks are comprised of manufacturing, warehouse and office. To the east is Cascade Ave. and Hwy 217. North of the site are a retail shopping center and restaurant, and to the south additional retail development. There are no residential uses within approximately 1700 feet of the Car Max site.

Staff believe that due to the proposed car wash location, the surrounding industrial and commercial land uses, and the lack of residential uses in the surrounding area, that noise emitted from the car wash operation will not negatively impact the area.

## ATTACHMENT B

Considering that the existing condition of the site is the Malibu Grand Prix and that Hwy 217, the rail use, and other major streets in the area generate substantial background noise, staff conclude the noise impact of the car wash will be minor.

To the extent that minor impacts of the car wash have the potential to be negative, staff find the Plan states that noise abatement as part of the Section 5.05 of the City Municipal Code, is available to reduce noise problems. If excessive noise generates a complaint, the City's Code Services section may address the matter in accordance with the municipal code. Therefore, the proposal is consistent with the Plan policy.

Summary of Findings: Staff find that the proposal either already complies with the Comprehensive Plan policies or will comply if the conditions of approval are met.

**FINDING: Therefore, staff find that by meeting the Conditions of Approval, the proposal meets the criterion for approval.**

**4. *The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.***

The applicant proposes a car wash to be used by employees of the auto sales facility. This is a site that has been previously graded. The car wash is proposed to be setback from the west property line by 40 feet. Proposed grading will change the elevation to the greatest degree in the southwest corner of the site, with a lessening amount of change further north. Overall, grading will raise the site to provide a flatter site with less slope. Grading will accommodate the need to meet City site development engineering standards for drainage and public utilities. The proposal will provide, as conditioned, appropriate drainage improvements to minimize impact to abutting properties.

There are no topographic characteristics of the site that preclude the car wash or the retail auto sales facility. Conditions of approval require adherence to grading, drainage, and underground utility connection requirements that are commonly adopted for car washes, at the proposed location. Staff find that the site can reasonably accommodate the car wash proposal.

**FINDING: Therefore, staff find that the proposal, as conditioned, meets the criterion for approval**

**5. *The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site.***

## ATTACHMENT B

Location: The property is the current site of an automobile recreation facility, Malibu Grand Prix. The car wash is proposed as a freestanding building 40 feet from the rear (west) property line, near the railroad tracks. A landscaped buffer including trees and boulder retaining wall is proposed within that area between the building and the property line. Uses in the surrounding area are comprised of industrial, warehouse and office west of the tracks. To the east are Cascade Ave. and Hwy 217. North of the site are a retail shopping center and a restaurant, and to the south is additional retail development. There are no residential uses within an approximately 2100 foot area. Staff conclude that the proposed use will be reasonably compatible with the surrounding area.

Size: The proposed car wash is approximately 935 square feet in size, which represents 0.3% of the total site area and 1.2% of the total building square footage. Given the size of the site under development and setback of the structure, the proposed car wash is small will be reasonably compatible with the surrounding area.

Functional Characteristics: The applicant states that the car wash produces relatively little noise as the car washing activity take place within an enclosed concrete block building. However, the doors to the entrance and exit of the car wash are opened (to the north and south) during the times of operation, allowing some amount of noise beyond the structure. The car wash will not be open to the public, but will be limited to use by CarMax employees for cars on the sales and service areas of the lot. Staff cite the findings in this report for Comprehensive Plan Policies 8.4.1.'a' and 'b' to address the matter of car wash noise impacts. Staff find the functional characteristics of the site are such that the proposal will be reasonably compatible with the surrounding area.

Hours of Operation: The car wash is expected to be open at the times that the auto sales and minor auto service activities are open. The showroom and sales areas are indicated to be open to the public Monday through Saturday, between 10:00 am and 9:00 pm. The applicant states they will consider Sunday sales. With regard to the auto service areas, hours are Monday through Friday between 7:30 am and 6:00 pm. The site does not abut a residential zone.

Staff find that the location, size, and functional characteristics of the proposal are such that the proposal will have only minimal impact on the livability of the neighboring properties.

**FINDING: Therefore, staff find that by meeting the Conditions of Approval, the proposal meets the criterion for approval.**

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

The applicant has submitted the required application materials for review of a New Conditional Use application. This review process is a required step to receive City approval for the car wash; a major automotive service. The applicant has also submitted a Design Review Three application to seek approval for the entire development proposed on the site, including Design Review of the car wash. Therefore, the applicant has submitted all of the required applications for land use approval of the project. If approved, site development and building permits will follow in the proper sequence.

**FINDING: Therefore, staff find that the proposal meets the criterion for approval.**

**SUMMARY OF FINDINGS:** For the reasons identified above, staff find that the Conditional Use approval is supported within the approval criteria findings noted above, for Chapter 40, Section 40.15.15.4.C of the Development Code.

The Facilities Review Committee have reviewed both the Conditional Use and Design Review applications and have identified both CU and DR conditions of approval necessary to meet the technical requirements identified in Section 40.03.1 of the Development Code. The Design Review conditions will be recommended to the Board of Design Review for adoption.

With regard to the Conditional Use, the Committee found that the proposed car wash would have negligible impact on transportation facilities, but have identified necessary conditions of approval with regard to storm sewer and sanitary sewer facilities. The Facilities Review conditions of approval specific to the Conditional Use are recommended for adoption by the Planning Commission.

Based on the facts and findings presented and based on meeting the conditions of Conditional Use – New approval, the proposal CU2009-0009 (Car Max; Major Automotive Service Use) meets the criteria for approval.

### **Recommendation**

Based on the facts and findings presented, staff recommend **Approval of CU2009-0009 (Car Max Car Wash; Major Automotive Service Use)**, subject to the applicable conditions identified in Attachment C.

**CONDITIONAL USE APPROVAL**

Conditions of Approval Recommended to the Planning Commission

**CU2009-0009 (CarMax Auto Sales; Major Auto Service)**

**Prior to issuance of the site development permit, the applicant shall:**

1. Ensure that Conditional Use approval has not expired. In accordance with Section 50.90.1 of the Development Code, Conditional Use approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (JO / Planning)
2. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
3. Submit plans showing that the rainwater from the roof (top level) of the parking garage shall be piped to the approved storm water disposal system (stormwater filters). Drainage from the floors below the top level shall be directed to the sanitary sewer system via an API or CPS-type oil/water separator as approved by the City Building Official. The areas immediately adjacent where precipitation may fall, track, or be blown into the covered parking, car wash, or vehicle service areas, shall be reverse-graded, trench drained, or bermed from other portions of the facility to minimize the amount of stormwater runoff accumulating beneath the cover. The cover overhang is to be measured relative to a berm, trench drain, or pavement. Submit plans showing that the rainwater from the roof (top level) of the parking garage grade break. To prevent spills from entering the sanitary sewer system, an automatic or manual shut-off valve shall be installed in the discharge line prior to the connection with the sanitary sewer. Appropriate signs and employee training shall be provided. In addition, appropriate spill response supplies, such as absorbent material, shall be stored continuously on site. (Site Development Div./JJD)