Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 19, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment
DLCD File Number 002-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 2, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** **THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

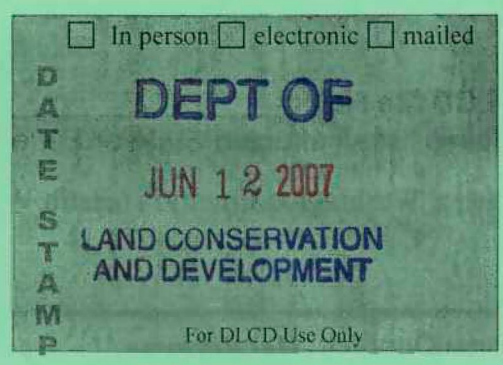
Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Hal Bergsma

<paa> ya

FORM 2

DLCD
Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Beaverton**
0008

Local file number: **CPA2007-0008/ZMA2007-** 7

Date of Adoption: **6/4/2007**

Date Mailed: **6/8/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 2/8/2007

- ☐ Comprehensive Plan Text Amendment
- ☒ Comprehensive Plan Map Amendment
- ☐ Land Use Regulation Amendment
- ☒ Zoning Map Amendment
- ☐ New Land Use Regulation
- ☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Assigns City plan and zone designations to a property annexed in 2005 replacing County designations, consistent with applicable provisions fo the Washington County - Beaverton Urban Planning Area Agreement.

Does the Adoption differ from proposal? No, no explaination is necessary

Plan Map Changed from: **Town Center (County)** to: **Town Center (City)**

Zone Map Changed from: **Transit Oriented Business** to: **Town Center Mixed Use**

Location: **SW corner W. Stark St. and SW Corby Dr.** Acres Involved: **0**

Specify Density: Previous: **N/A** New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☒	☐	☐	☐	☐	☐	☒	☒	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?	☒ **Yes**	☐ **No**
If no, do the statewide planning goals apply?	☐ **Yes**	☐ **No**
If no, did Emergency Circumstances require immediate adoption?	☐ **Yes**	☐ **No**

DLCD # 002-07 (15863)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro, Washington County, Tualatin Valley Water District, Clean Water Services

Local Contact: **Hal Bergsma** Phone: **(503) 350-4037** Extension:

Address: **P. O. Box 4755** Fax Number: **503-526-3720**

City: **Beaverton** Zip: **97076-** E-mail Address: **hbergsma@ci.beaverton.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4438

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR ONE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF WEST STARK STREET AND SW CORBY DRIVE, WEST OF BARNES ROAD (12020 SW BARNES ROAD); CPA2007-0008/ZMA2007-0007

WHEREAS, The subject property was annexed in 2005 and is being redesignated in this ordinance from Washington County's land use designation to City of Beaverton designations; and

WHEREAS, Since the Beaverton – Washington County Urban Planning Area Agreement is not specific on the appropriate City designations for these parcels, this is a discretionary land use decision and, therefore, a public hearing was held by the Planning Commission March 28, 2007. The Planning Commission voted to recommend approval of the Town Center (TC) Comprehensive Plan Land Use Map designation and the Town Center Multiple Use (TC-MU) Zoning Map designation, as memorialized in their Order No. 1949; and

WHEREAS, The Council incorporates by reference the Community Development Department staff report dated March 21, 2007 by Contract Planner Lisa Edwards and Planning Services Manager Hal Bergsma as to criteria applicable to this request and findings thereon; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject property, Map and Tax Lot 1S1003BB00200 as shown on Exhibit "A", Town Center (TC).

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate the subject property, Map and Tax Lot 1S1003BB00200 as shown on Exhibit "A", Town Center – Multiple Use (TC-MU).

First reading this 14th day of May, 2007.

Passed by the Council this 4th day of June, 2007.

Approved by the Mayor this 5th day of June, 2007.

ATTEST:

SUE NELSON, City Recorder

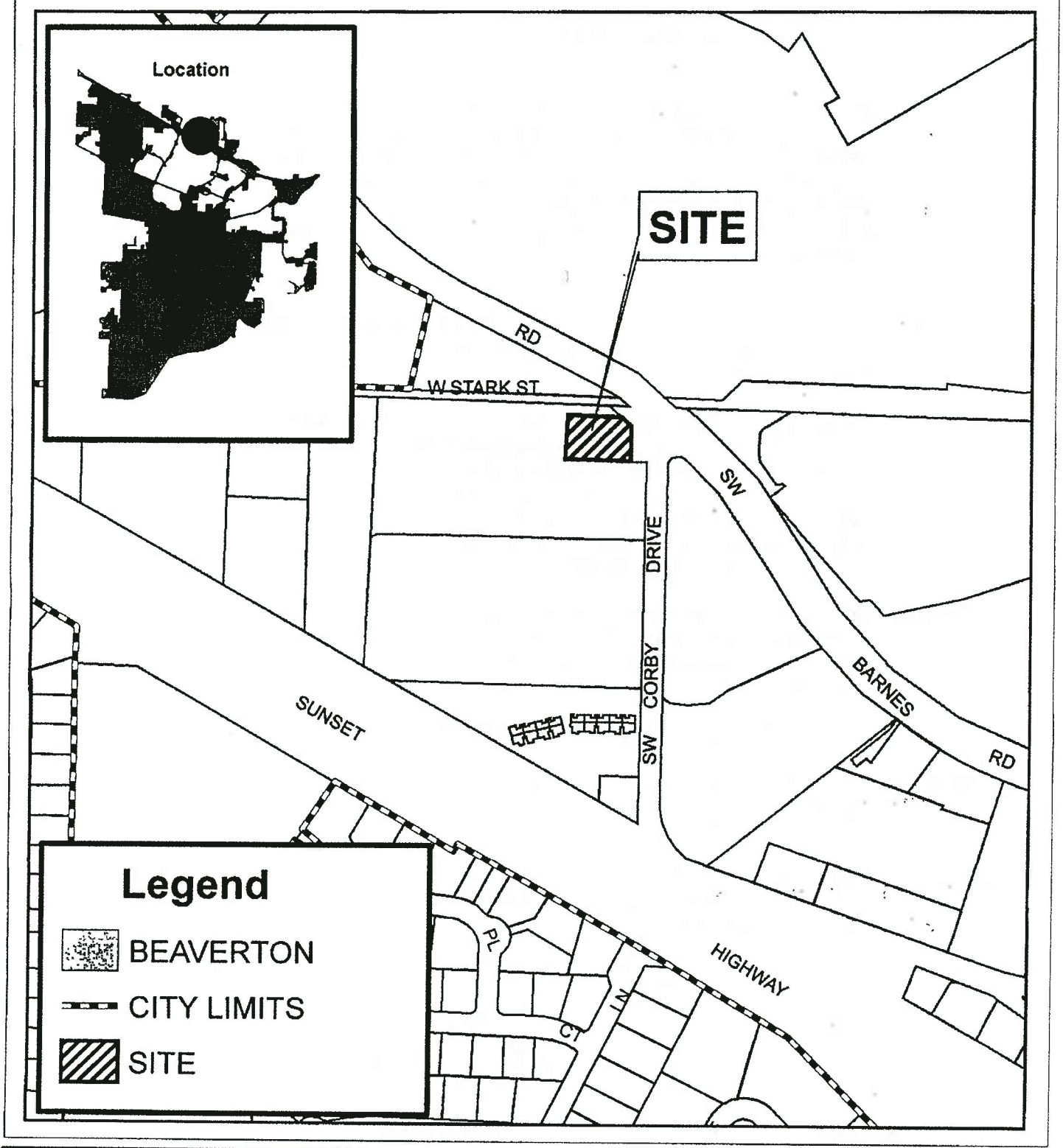
APPROVED:

ROB DRAKE, Mayor

Agenda Bill No. 07106

EXHIBIT A

VICINITY MAP



CITY OF BEAVERTON

CPA2007-0008/ ZMA2007-0007

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

2/1/07

Tax Lot #
1S103BB00200

N

SW BARNES RD/
W STARK ST

002

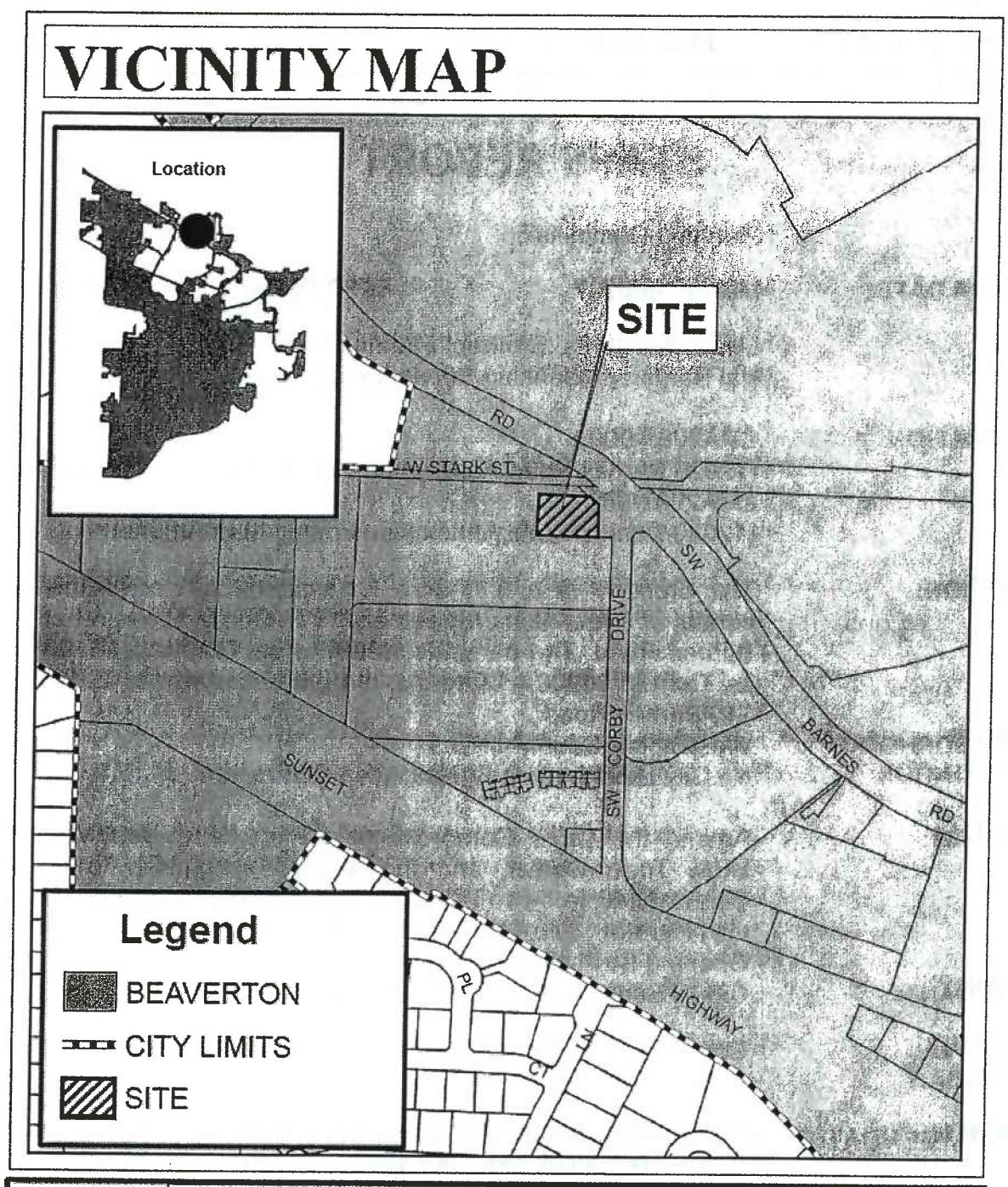
CITY of BEAVERTON

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

STAFF REPORT

TO:	Planning Commission
AGENDA DATE:	March 28, 2007 **REPORT DATE:** 3/21/2007
FROM:	Lisa C. Edwards, Contract Planner Hal Bergsma, Planning Services Manager
APPLICATION:	CPA2007-0008 (12020 Barnes Road Annexation Land Use Map Amendment) ZMA2007-0007 (12020 Barnes Road Annexation Zoning Map Amendment)
LOCATION:	The property is a 0.37-acre lot located on the southwest corner of West Stark Street and SW Corby Drive, west of Barnes Road. The parcel is identified on Tax Map 1S103BB as Tax Lot 00200. Currently, the property address is 12020 SW Barnes Road.
NEIGHBORHOOD ASSOCIATION:	Washington County CPO 1 No City Neighborhood Association Committee
REQUEST:	Amend the City's Comprehensive Plan Land Use Map to show Town Center, and the City's Zoning Map to Town Center Multiple Use (TC-MU) zoning designation in place of the current Washington County designation of Transit Oriented Business (TO:BUS).
APPLICANT:	City of Beaverton Community Development Director
APPROVAL CRITERIA:	Comprehensive Plan Section 1.5.1 and the Development Code Section 40.97.15.4.C
RECOMMENDATION:	**Adopt a final order recommending that City Council adopt an ordinance applying the Town Center (TC) land use designation and the Town Center Multiple Use (TC-MU) zoning designation for the subject parcel.**

VICINITY MAP



CITY OF BEAVERTON	**CPA2007-0008/ ZMA2007-0007**	2/1/07 N
	COMMUNITY DEVELOPMENT DEPARTMENT Planning Services Division	Tax Lot # 1S103BB00200
		SW BARNES RD/ W STARK ST

BACKGROUND

CPA2007-0008 proposes amendment of the Land Use Map and ZMA2007-0007 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning for one parcel annexed in January 2005. The subject property has continued to carry the Washington County Transit Oriented Business (TO:BUS) designation, as depicted on the County's *Cedar Hills – Cedar Mill Community Plan* map, since the time of annexation. The subject parcel is also designated Town Center as identified on the County's "Town Center Boundaries" map.

EXISTING CONDITIONS

Uses. Staff performed a field survey of uses that occupy the subject parcel. The field survey was followed by internet research to determine the exact nature of the business located upon the parcel. The identified use is noted in the following table. Generally, use of the property was for office space with landscaping and associated parking area.

The following table includes the address, existing use, and lot size for the subject property:

MAP/TAX LOT	ADDRESS EXISTING LAND USES	ACREAGE
1S103BB00200	**12020 SW BARNES ROAD** OFFICE. Farmer's Insurance (Keith Massingill)	**0.37**

Character. The subject parcel is developed with an approximately 1,500 square foot, one-story structure that is occupied by employees during daytime weekday hours. The existing residential-style structure is constructed of wood, stucco, and asphalt shingle. The property provides surface parking for visitors and employees. Landscaping is provided along the driveway leading to the below-grade surface parking area and adjacent to the building. Since the property is surrounded by numerous vacant lots, various trees and vegetation exist along its boundaries. Access is provided by Stark Street via Barnes Road. Barnes Road runs in an east-west direction and is a two-lane, two-way road with a middle turn lane. Presently, access into this property is via Stark Street , which also provides access to several other residential properties.

Natural Resources. City staff has reviewed the Cedar Hills-Cedar Mill Community Plan Significant Natural and Cultural Resources (SNCR) map to determine if any for relevant site-specific policies. The map shows Johnson Creek, which flows south of the subject property, as a Water Area & Wetland. Land along the creek is not identified as Wildlife Habitat.

ANALYSIS

COMPATIBILITY OF DESIGNATIONS

Washington County Town Center design type. The subject parcel is within a Town Center design type as identified in the County's "Town Center Boundaries" map under *Policy 40, Regional Planning Implementation* of the *Washington County Comprehensive Framework Plan for the Urban Area*. *Policy 40* states that, "It is the policy of Washington County to help formulate and locally implement Metro's regional growth management requirements in a manner that best serves existing and future residents and businesses." As part of the implementing strategies of *Policy 40* it is further stated that, "The County will: e. Require applicants proposing plan amendments to demonstrate that their proposal is consistent with the applicable 2040 Growth Concept Design Type." Metro's *2040 Regional Urban Growth Concept Map* depicts the subject parcel as near a Town Center designation, although it is actually shown as being along a Corridor. The following is the Washington County *Policy 40* description of the Town Center design type:

> "Town Centers generally are areas designed to function as the heart of surrounding neighborhoods. The objective is to shape future growth in such a way that each town center becomes, over time, a more compact node of multiple activities. Primary uses permitted in the Town Centers are local retail commercial, services, and office uses. Also, mixed-use developments (residential above retail stores or commercial services or offices), multi-family housing, condominiums, rowhouses and some institutional uses will be components of Town Centers. This mixing of land uses and activities will allow residents, employees, and business customers to move between uses. Therefore, Town Centers will be "pedestrian-friendly" with wide sidewalks, and amenities such as street trees and benches. The scale of retail commercial, services and offices uses in Town Centers will primarily be multiple story buildings placed close to public sidewalks. Town Centers will be well served by public transit that serve these centers of more intensive development."

City of Beaverton Town Center Development land use designation. Section 3.7 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* details the City's Town Center land use designation. The goal for the Town Center designation is as follows:

> "3.7.1 Goal: Town Centers that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map."

The policies of Section 3.7.1 state that the City, shortly after annexation, shall adopt Community Plans identifying Comprehensive Plan Policies applicable to town center areas to provide community vision and to incorporate any established County community plan.

The Washington County - Beaverton Urban Planning Area Agreement (UPAA) calls for the City to assign the most similar Land Use Map designations to those of the County's. The subject property is designated Transit Oriented Business by Washington County on the Cedar Hills – Cedar Mill Community Plan. The UPAA does not specify a Comprehensive Plan designation because Transit Oriented designations did not exist when the UPAA was adopted.

The Town Center designation was adopted by the County to comply with Metro requirements. Therefore, the City Land Use Map designation most similar to the County's Town Center design type and Transit Oriented designation is the City's Town Center designation. For these reasons staff recommends the Comprehensive Plan Land Use Map be amended to show these parcels as Town Center.

APPLICABLE ZONING DISTRICTS

The Washington County - Beaverton Urban Planning Area Agreement (UPAA) calls for the City to assign the most similar zoning designations to those of the County's. The subject property is designated Transit Oriented Business (TO:BUS) by Washington County on the Cedar Hills – Cedar Mill Community Plan. The implementing zoning districts for the City's Town Center land use designation are: Town Center Medium Density Residential (TC-MDR), Town Center High Density High Density Residential (TC-HDR), and Town Center Multiple Use (TC-MU).

Of these designations, the City zone specifically defined to allow for a mix of transit oriented style commercial, office, and residential, similar to the County's TO:BUS designation, is the TC-MU Zone. It should be noted, however, that variation does exist between the two.
Of the more obvious disparities that exist between Washington County's TO:BUS designation and the City's TC-MU Zone, staff found the following:

- While service stations are permitted in the County's TO:BUS District, they are not permitted in the City's TC-MU Zone.

- Maximum building height permitted in Washington County's TO:BUS District is 80'. The maximum building height in Beaverton's SC-MU Zone is 60' by right and 100' with a variance.

- The minimum FAR allowance in Washington County's TO:BUS District outside a Town Center Core is 0.35. The City's minimum FAR is 0.5, although 0.35 is allowed for the initial phase of a multi-phased project.

- Washington County does not have a maximum FAR allowance in TO:BUS District while the City of Beaverton has a maximum FAR allowance of 1.0 or 2.0 through a planned unit development process.

Properties within the City of Beaverton near the subject parcel implement TC zoning as follows: TC-HDR is predominant south of Stark Street and TC-MU is predominant north and east of Barnes Road. An adjacent property on the north side of Stark Street is also designated TC-MU.

PROCESS

THRESHOLD

Because the County and City designations under consideration in the application were not in effect at the time the UPAA was adopted in 1989, there is no specified conversion in the UPAA from the existing County designation of TC:BUS to a City plan designation and zone. Therefore the City will need to use discretion in determining the appropriate City plan designation and zone for the subject property, qualifying this application for the discretionary quasi-judicial CPA/ZMA processes.

Comprehensive Plan Process. Review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Quasi-Judicial Amendment per *Comprehensive Plan* Section 1.3.

Development Code Process. Review and approval of this proposed Zoning Map Amendment qualifies as a Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.4.A that states, "An application for Discretionary Annexation Related Zoning Map Amendment shall be required when the following threshold applies:

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

PROCEDURE TYPE

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

SUBMISSION REQUIREMENTS

According to Development Code Section 40.97.15.4.D. an application for a Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. Because the annexations of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4334.

PUBLIC NOTICE

Section 1.4.2 of the Comprehensive Plan prescribes the notice requirements for Quasi-Judicial Amendment applications. Notice must be mailed to the State Department of Land Conservation and Development (DLCD), Metro, Washington County, the appropriate Beaverton Neighborhood Association Committee Chair or County-recognized Citizen Participation Organization and the Chair of the Committee for Citizen Involvement at least 45 days prior to the initial hearing. At least 20 and not greater than 40 days from the hearing, notice must be mailed to the affected property owners and surrounding property owners within 500 feet, posted in City Hall, posted in the City Library, posted on the City's Web site, and published in a local newspaper.

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

In response to these requirements:

1. On February 8, 2006 notice was mailed to DLCD, Metro, Washington County Land Use and Transportation, the Washington County Extension Office for CPO 1, the Chair of the Beaverton Committee for Citizen Involvement (CCI), and the City of Beaverton Neighborhood Office.
2. On February 26, 2007 a notice was mailed to the owner of the subject property by certified mail. On March 5, 2007 notice was mailed to owners of surrounding properties within 500 feet of the subject parcels.

3. On March 8, 2007 legal notice was published in the *Oregonian*.
4. Notice was posted in City Hall, in the City Library, and on the City's Web site on March 8, 2007

Neither the City Council nor the Planning Commission has directed staff to provide additional notice for this amendment beyond the notices described above.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Section 1.5.1 of the Comprehensive Plan outlines the minimum criteria for amendment decisions, as follows:

1.5.1.A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Administrative Rules;

Of the 19 Statewide Planning Goals, **One**, **Two**, and **Five** are applicable to the proposed map amendment.

GOAL ONE: PUBLIC INVOLVEMENT
To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

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

At the hearing, the Planning Commission considers written comments and oral testimony before they make a decision. The notice requirements outlined in Comprehensive Plan Section 1.4.2 allow for proper notice and public comment opportunities on the proposed Comprehensive Plan amendment as required by this Statewide Planning Goal. As noted above, these procedures have been followed.

Finding: Staff finds that the City, through its Charter, Comprehensive Plan, and Development Code together with Metro through applicable requirements of the Urban Growth Management Functional Plan, and adherence to State statutes, has created proper procedures to insure citizens the opportunity to provide input into the proposed Comprehensive Plan Land Use Map amendment and that the City has complied with those procedures.

GOAL TWO: LAND USE PLANNING

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

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps in a three-part report (Ordinance 1800) along with implementation measures, including implementation of the Development Code (Ordinance 2050) in the late 1980's. The City adopted a new Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The proposed Plan, including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before adoption. The adopted Plan and findings supporting adoption were deemed acknowledged pursuant to a series of Approval Orders from the Department of Land Conservation and Development, the last of which was issued on December 31, 2003. In 1989, the City and Washington County adopted the Urban Planning Area Agreement (UPAA), which is now section 3.15 of the Comprehensive Plan. The land use planning processes and policy framework described in the UPAA, Development Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments.

This property is currently designated TO:BUS. The Washington County Comprehensive Framework Plan places the property within a Town Center design type, consistent with the Metro 2040 Growth Concept. The UPAA does not reference any of the Transit Oriented designations because they did exist when it was written. Since the County has designated this property Town Center in their Comprehensive Framework Plan staff recommends the Comprehensive Plan Land Use Map be amended to show this parcel as Town Center.

Washington County's Comprehensive Framework Plan is implemented by ten Community Plans. County Community Plan documents consist of a Land Use District Map, a Significant Natural and Cultural Resources Map and Plan text. Each Community Plan Map shows the adopted land use designation for each parcel within the planning area. The Significant Natural and Cultural Resources Map shows the general location of: three categories of natural resources – water areas and wetlands, wildlife habitat, and areas with a combination of water areas and wetlands and fish and wildlife habitat; properties subject to the County's Historic and Cultural Resource Overlay District; the location of scenic views and features; park deficient areas; and potential park/open space/recreation areas. The Community Plan text provides a written description of the Community Plan Map, Community Design Elements and Areas of Special Concern. Individual, site-specific policy design elements are sometimes included in the Community Plan text.

Finding: Staff finds that the City and Washington County have established

a land use planning process and policy framework as basis for assigning land use and zoning designations for recently annexed land. These amendments comply with Goal Two.

GOAL FIVE: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES
To protect natural resources and conserve scenic and historic areas and open spaces.

As noted in the discussion under Statewide Planning Goal Two, Washington County's Community Plan documents include a Significant Natural and Cultural Resources (SCNR) Map and related text. The SCNR Map shows the general location of water areas and wetlands. City staff has reviewed the Cedar Hills-Cedar Mill Community Plan SNCR map. The map shows Johnson Creek, which flows just south of the subject property, as a water area area/wetland. Land along the creek is not identified as wildlife habitat.

In August 2002, the Metro Council approved a regional inventory of riparian areas and wildlife habitat with quality rankings. Metro's flood, slope, vegetation and forest data, were used to develop the inventory and determine values. Metro staff mapped specific landscape features, such as the location of trees, shrubs, wetlands, flood areas and steep slopes, and then applied scientific criteria to identify and rank habitat areas. Staff examined maps of inventoried riparian areas and habitat near the property on Metro's web site and determined the property is adjacent to lower value riparian areas and habitat but is not within the areas. However, the impact of development on the property may affect inventoried areas if not well designed.

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

- Conserve, protect, and resource a continuous ecologically viable streamside corridor system, from the stream's headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and

- Control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

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

Existing regulations within the City's Development Code and Clean Water Services Design and Construction Standards for Sanitary Sewer and Surface Water Management (CWS D&C Standards) will apply to development proposals on the subject property. These regulations will limit the impacts of development on the adjacent resources.

Finding: Staff finds that the regionally significant natural resources in the area will be adequately protected through CWS and City regulations.

Remaining Goals

GOAL 3: AGRICULTURAL LANDS
GOAL 4: FOREST LANDS
These goals apply to rural unincorporated areas. The City of Beaverton is urban incorporated, therefore, the goals are not applicable.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY
GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS
The natural resources located within the subject area, Johnson Creek and associated corridor, have been protected through approval of prior developments. Any redevelopment will be subject to a higher level of protection than previously required. Therefore, these goals are not applicable to this proposal.

GOAL 8: RECREATION NEEDS
The subject parcels do not include areas planned to serve the recreational needs of the citizens. Generally, the recreational needs of the citizens are provided through Tualatin Hills Park and Recreation District (THPRD), which provides park facilities within the larger area.

GOAL 9: ECONOMY OF THE STATE
Staff finds that the proposed amendment does not affect the City's ability to implement this goal, therefore this goal is not applicable.

GOAL 10: HOUSING
The subject parcel does not currently provide housing. However, the Town Center land use designation does allow for housing in the multiple use implementing zoning districts. Since the permitted uses in the City's TC-MU zone are substantially similar to the uses permitted in the County's TO:BUS zone, the proposal would not affect the City's ability to implement the Metropolitan Housing Rule or other implementing procedures for Goal 10. Therefore, this Statewide Planning Goal does not apply to this amendment request.

GOAL 11: PUBLIC FACILITIES AND SERVICES
Staff finds that the proposed amendment does not affect compliance with Goal 11, therefore this goal is not applicable.

GOAL 12: TRANSPORTATION

Staff finds that the proposed amendment does not substantially change the allowed density or uses on the property so as to cause a significant impact on a transportation facility pursuant to Oregon Administrative Rules (OAR) Section 660-010-0060 of the Transportation Planning Rule so, therefore, this goal is not applicable.

GOAL 13: ENERGY CONSERVATION

Staff finds that the proposed amendment does not affect the City's ability to implement the Comprehensive Plan related to energy resources, therefore this goal is not applicable.

GOAL 14: URBANIZATION

The proposal does not include a request to establish or change the Urban Growth Boundary. Additionally, the Metro, Washington County, and the City have appropriate mechanisms in place to provide for the orderly and efficiently transition from rural to urban land. Therefore, this goal is not applicable.

GOAL 15: WILLAMETTE GREENWAY

This goal applies to lands along the Willamette River. The Willamette River is not within, or adjacent to, the City of Beaverton (approximately 10 miles outside the city limits). Therefore, this goal is not applicable to the proposal.

GOAL 16: ESTUARINE RESOURCES,
GOAL 17: COASTAL SHORELANDS,
GOAL 18: BEACHES AND DUNES,
GOAL 19: OCEAN RESOURCES

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

Finding: Staff finds that Goals Three, Four, and Six through Nineteen are not applicable to this application.

Summary Finding:
Staff finds the amendment request is consistent with applicable Statewide Planning goals and therefore meets the requirements of Criterion 1.5.1.A. of the City's Comprehensive Plan.

1.5.1.B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan;

Section 3.07.830 of the Urban Growth Management Functional Plan (UGMFP) (Title 8) requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP (Title 1) 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.."

As previously explained, the *2040 Growth Concept Plan* map depicts the subject parcel as near a Town Center designation, although it is actually shown as being along a Corridor. In compliance with the above quoted provision, in 2000 Washington County amended its *Comprehensive Framework Plan for the Urban Area* to describe the boundaries of all Metro design types in the urban unincorporated area, including the subject property, which they chose to include within the Cedar Mill Town Center Area. Previously that year the County had adopted a plan for the Cedar Mill Town Center which included the subject property. Section 3.07.130 of the UGMFP describes Town Center, "Local retail and services will be provided in town centers with compact development and transit service." The subject parcel is intended to be occupied by retail and/or service uses with transit access, which is consistent with the intent of the UGMFP.

The City adopted a Town Center land use map designation within the City's *Comprehensive Plan* (Ordinance 4187). Applying the Town Center designation to the subject property will achieve compliance with Title 1 of the UGMFP.

As noted in addressing consistency and compatibility with the Statewide Planning Goals, the proposed amendment does not substantially change the allowed density or uses on the property so as to cause a significant impact on a transportation facility. Therefore, the proposed amendment will be consistent and compatible with the Regional Transportation Plan (RTP).

Finding: The Town Center land use map designation is compatible with Metro's Town Center design type and applicable UGMFP and RTP provisions. Therefore Criterion 1.5.1.B. has been met.

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

The following Comprehensive Plan Chapters are addressed below: 1, 2, 3, 4, 5, 6, 7, 8, and 9.

Chapters 1 and 2, Procedures and Public Involvement Elements, respectively
The procedures for amending the Comprehensive Plan found within Chapter 1 have been complied with, including appropriate noticing. The Planning Commission will hold an initial hearing where public testimony and evidence will be entered into the record and used for the Planning Commission's deliberations. The Planning Commission will

make a recommendation to City Council, who will follow appropriate procedures for holding a hearing or adopting the appropriate Planning Commission findings.

Finding: Staff finds that the proposal is a quasi-judicial map amendment. Staff finds that the appropriate procedures in Chapter 1 and summarized in Chapter 2 of the Comprehensive Plan have been met. Thus, this proposal is in compliance with Chapters 1 and 2.

Chapter 3 Land Use Element.
This section explains the various land use designations used by the City and how land within each designation should be designated and developed. As noted previously, the County has defined this property in its Comprehensive Framework Plan as being a Town Center Area which matches our Town Center Land Use Map designation. Goal 3.7.1 calls for "Town Centers that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map." Policies a-d under the goal further prescribe how town center areas should be designated and developed. The Town Center Land Use designation allows for TC-MU zoning designations pursuant to Section 3.14. Staff is unaware of any other relevant plans affecting this decision.

Finding: Staff finds that the policies found in Chapter 3 are met.

Chapter 4 Housing Element.
Chapter 4 contains goals and policies addressing issues of housing supply and density, housing type and housing affordability. The proposed TC-MU zone allows for, but does not require residential development ranging from a minimum of 24 units per acre to a maximum of 40 dwelling units per acre.

Finding: Staff finds that the policies found in Chapter 4 are inapplicable to the proposed amendment.

Chapter 5 Public Facilities and Services Element.
This element contains goals and policies addressing the provision of various public facilities and services in the city, including storm water and drainage, potable water, sanitary sewers, schools, parks and recreation, police protection, and fire and emergency services. As noted in the Goal 11 discussion, the proposal does not physically affect the landscape, or affect corporate boundaries, or the City's public facility plans. The permitted uses in the TC-MU zone are substantially similar to the uses permitted in the TO:BUS district. The proposal would not affect the City's ability to implement the various elements of the Public Facilities Plan. Thus, the policies, plans and actions found in this chapter are inapplicable to the proposed amendment.

Finding: Staff finds that the policies found in Chapter 5 are inapplicable to the proposed amendment.

Chapter 6 Transportation Element.

This chapter contains numerous goals and policies related to the city's transportations system. Previous discussion in this report explains the inapplicability of Goal 12 to this proposal because it would not substantially change the allowed density or uses on the property so as to cause a significant impact on a transportation facility. For the same reason, proposed and existing transportation facilities in the City's Transportation System Plan would be unaffected by this amendment.

Finding: Staff finds that the policies found in Chapter 6 are inapplicable to the proposed amendment.

Chapter 7 Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources Element.

Chapter 7 contains goals and policies addressing natural, cultural, historic, scenic, energy and groundwater resources within the context of Statewide Planning Goal 5. As noted previously in this report, in addressing Statewide Planning Goal 5, the subject property is near Johnson Creek and its riparian area. Regulations adopted by Clean Water Services and applied by the City will control any impacts to the riparian area from future development on the property, consistent with Goal 7.3.2.1 which states: "Promote a healthy environment and natural landscape in riparian corridors, and manage conflicting uses through education, and adoption and enforcement of regulations."

Finding: Staff finds that the proposed amendment does not affect the City's ability to implement this Chapter.

Chapter 8 Environmental Quality and Safety Element.

Chapter 8 includes Sections 8.2 Water Quality, 8.3 Air Quality, 8.4 Noise, 8.5 Seismic Hazards, 8.6 Geologic Hazards, 8.7 Flood Hazards, and 8.8 Solid and Hazardous Wastes. Since the proposed amendment will essentially continue to allow for uses previously allowed by Washington County, there will be no significant change in existing or potential impacts of development on the resources addressed by this chapter.

Finding: Staff finds that the policies found in Chapter 8 are inapplicable to the proposed amendment.

Chapter 9 Economy Element.

Chapter 9 reflects the City's Economic Development Strategic Plan. Findings in the element (Section 9.1.2) address the fact that there is limited land for business related development in the city. Therefore, retention for business use of even a small parcel such as this is a factor in the City's economic development efforts.

Finding: Staff finds that the proposed amendments are consistent with the findings and goals and policies of Chapter 9.

Summary Finding:

Staff finds that the proposed Comprehensive Plan amendment is generally consistent and compatible with the goals and policies of the Comprehensive Plan and that there are no other applicable local plans.

1.5.1.D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

This amendment does not request the replacement of one City land use designation for another City land use designation. This amendment requests the replacement of a County land use designation for a City land use designation as the result of an annexation that added the subject parcel to the City. Annexation amendments are governed by the UPAA, which stipulates that the City designation most similar to the County designation, at the time of annexation, will be applied.

Finding: Criterion 1.5.1.D. does not apply to annexation related Comprehensive Plan Map or Zoning Map amendments.

ZONING MAP AMENDMENT CRITERIA

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

"In order to approve a Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:"

1. The proposal satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.

Section 40.97.15.4.A. Threshold, states, "The change in zoning to a city zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation." As noted in the Process section of this report, the UPAA does not specify Town Center designations for either the County or the City. Therefore, discretion is required in determining the appropriate zoning designation.

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

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

The City is assuming the role of the applicant in this proposed zoning map amendment. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

Finding: Staff finds that this criterion is not applicable.

3. The proposed zoning designation most closely approximates the density, use provisions, and development standards of the Washington County designation which applied to the subject property prior to annexation.

The County does not outline development standards for Town Center in their Development Code, but rather relies on Transit Oriented Districts for implementation of the Town Center design type. The County applied their Transit Oriented Business (TO:BUS) district to the subject property. In the Analysis section of this report, staff determined that the Town Center – Multiple Use (TC-MU) zoning district is the most appropriate TC zone for the subject parcel, as it most conforms to the County TO:BUS district and the existing use of the parcel.

Finding: Staff finds that after detailed analysis and for the reasons provided in the Analysis section of this report, the Town Center – Multiple Use (TC-MU) zoning designation is most the appropriate zone for the subject property.

4. The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.

The UPAA does not specify how the County's transit oriented districts should convert to City zoning districts. Section II.D. of the UPAA states in part that: "Upon annexation, the City agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations." Staff examined possible impacts that might be incurred upon the subject parcel from restrictions associated with the three implementing zones for the Town Center land use designation, particularly the City's Town Center – Multiple Use (TC-MU) district. Based on this examination staff has concluded the TC-MU zone most closely approximates the density, use provisions and standards of the County TO:BUS district.

Finding: The Town Center – Multiple Use (TC-MU) zoning designation is the implementing zone that is most consistent with the County land use district that presently is applied to the subject property.

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

No further applications and documents are required of this request.

Finding: Staff find that this criterion is not applicable.

CONCLUSION

Based on the facts and findings in this report, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Town Center land use designation and amending the City's Zoning Map to depict the City's Town Center – Multiple Use (TC-MU) zoning district is appropriate for the subject parcel.