



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 10/24/2014
Jurisdiction: City of Beaverton
Local file no.: CPA 2014-0009/ZMA 20
DLCD file no.: 009-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/23/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 009-14
 { 22526 }
 Received: 10/23/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Beaverton

Local file no.: CPA2014-0009 / ZMA2014-0006

Date of adoption: 10/22/2014 Date sent: 10/24/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted):

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Jana Fox

Phone: 503.526.3710

E-mail: jfox@beavertonoregon.gov

Street address: 12725 SW Millikan Way

City: Beaverton

Zip: 97005-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Washington County R6	to NR-SD	0.92 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 1S130DC01800 9965 SW 170th Avenue

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Washington County R6	to R5-Urban Standard Density	Acres: 0.92
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 1S130DC01800 9965 SW 170th Avenue

List affected state or federal agencies, local governments and special districts: Metro, Washington County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

This is a non-discretionary annexation related CPA/ZMA which is consistent with the adopted UPAA between Washington County and the City of Beaverton.

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP TO APPLY THE CITY'S NEIGHBORHOOD RESIDENTIAL-STANDARD DENSITY (NR-SD) DESIGNATION AND ORDINANCE 2050, THE ZONING MAP, TO APPLY THE CITY'S URBAN STANDARD DENSITY (R5) ZONE TO ONE PARCEL LOCATED AT 9965 SW 170TH AVENUE IN BEAVERTON: CPA 2014-0009/ZMA 2014-0006, CITY OF BEAVERTON APPLICANT

WHEREAS, a proposal to annex the subject properties into the City of Beaverton is being considered by City Council on October 14, 2014; and

WHEREAS, the Washington County – City of Beaverton Urban Planning Area Agreement specifies 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”; and

WHEREAS, pursuant to Ordinance No. 4187, Section 1.4.3.B.6, and Ordinance No. 2050, Section 40.97.15.C, the Beaverton Community Development Department, on October 7, 2014, published a written staff report with findings and recommendations demonstrating applicability of the UPAA to the proposed action a minimum seven (7) calendar days in advance of the scheduled City Council meeting on October 14, 2014; and

WHEREAS, the City Council adopts as to criteria, facts and findings described in Community Development Department staff report on CPA2014-0009/ZMA2014-0006 by Associate Planner, Jana Fox, dated October 7, 2014; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

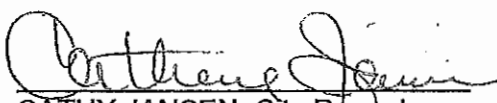
- Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate Tax Lot 1S130DC01800 Neighborhood Residential-Standard Density (NR-SD), as shown on Exhibit “A”.
- Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate Tax Lot 1S130DC01800 Urban Standard Density (R5) as shown on Exhibit “A”.
- Section 3.** This ordinance shall become effective thirty (30) days after its adoption by the Council and approval by the Mayor or upon the effective date of the ordinance annexing the subject property, whichever is later.

First reading this 14th day of October, 2014.

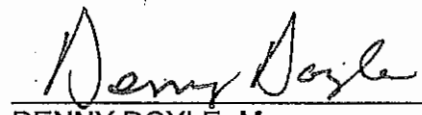
Passed by the Council this 21st day of October, 2014.

Approved by the Mayor this 22nd day of October, 2014:

ATTEST:


CATHY JANSEN, City Recorder

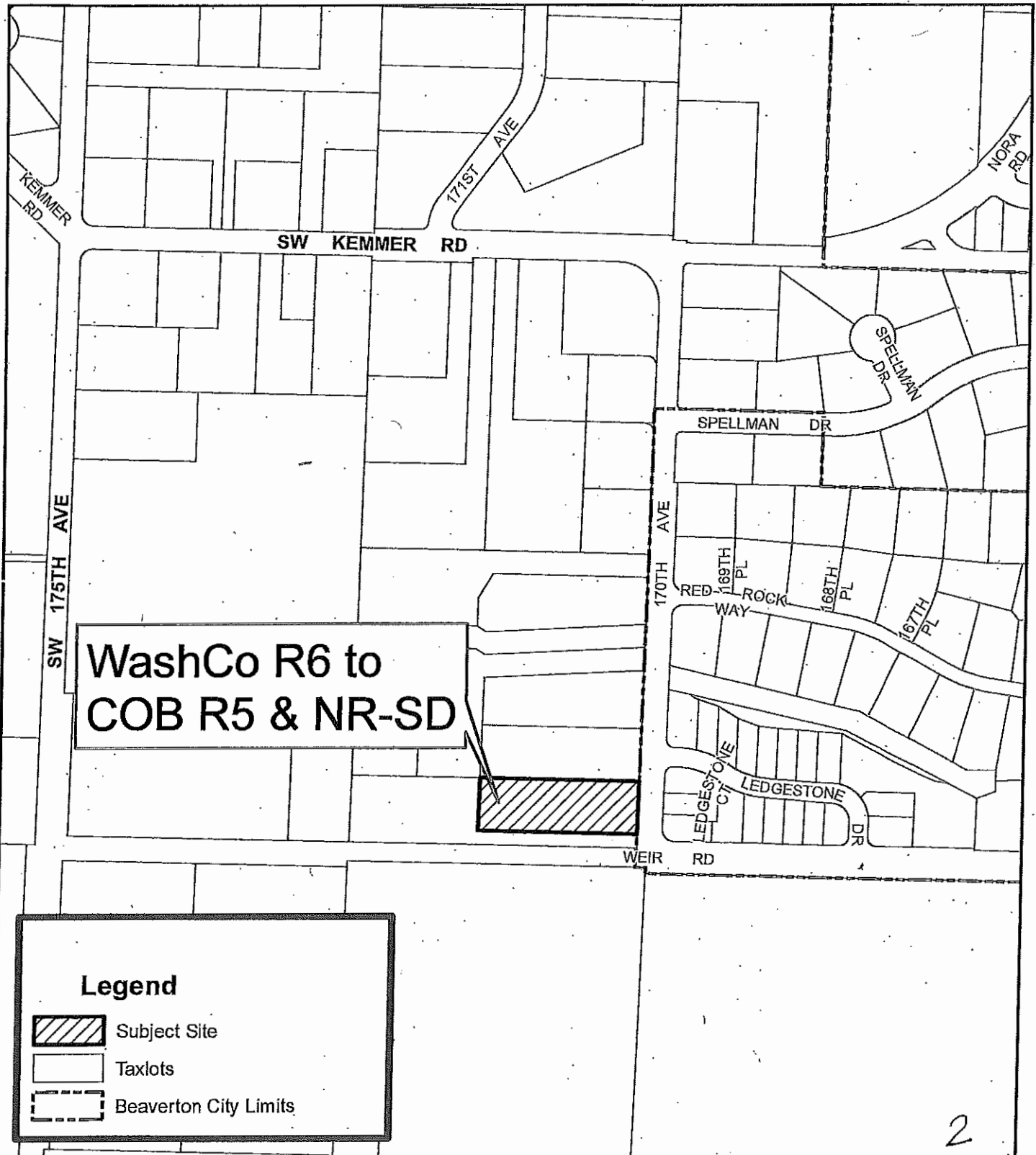
APPROVED:


DENNY DOYLE, Mayor

VICINITY MAP

EXHIBIT "A"

Ordinance No. 4645



9965 SW 170TH AVE ANNEXATION RELATED CPA / ZMA

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

9/30/2014

Tax Lot #'s
1S130DC01800

Application #
CPA2014-0009
ZMA2014-0006





STAFF REPORT

TO: City Council

AGENDA DATE: October 14, 2014 **REPORT DATE:** October 7, 2014

FROM: Jana Fox, Associate Planner

APPLICATIONS: CPA2014-0009 (9965 SW 170th Annexation Related Land Use Map Amendment)

ZMA2014-0006 (9965 SW 170th Annexation Related Zoning Map Amendment)

LOCATION: The subject parcel is located on the west side of 170th Avenue, north of the intersection at SW Weir Road. The parcel is addressed as 9965 SW 170th Avenue and is also identified as tax lot number 1800 on Washington County's Tax Assessors tax map 1S130DC.

NEIGHBORHOOD ASSOCIATION: The property is proposed to be annexed to the City of Beaverton Sexton Mountain Neighborhood Association Committee (NAC) from Washington County's Citizen Participation Organization (CPO) 6 in a concurrent process.

REQUEST: Apply the City's Urban Standard Density (R5) zoning designation and the City's Neighborhood Residential-Standard Density (NR-SD) land use designation to the subject parcel. The UPAA designates properties with the Washington County R6 designation be rezoned to the most similar City zone, which is Urban Standard Density (R5). The Neighborhood Residential-Standard Density land use designation is the only designation that implements the R5 zone.

APPLICANT: City of Beaverton Community and Development Economic Director

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

RECOMMENDATION: Staff recommends the City Council adopt an ordinance applying the *Neighborhood Residential-Standard Density (NR-SD)* land use designation and the *Urban Standard Density (R5)* zoning designation to the subject parcel effective 30 days after adoption of the proposed ordinance or upon the effective date of the related annexation – whichever occurs later.

VICINITY MAP

EXHIBIT "A"



**CPA2014-0009 / ZMA2014-0006 9965 SW 170TH
ANNEXATION RELATED CPA/ZMA**

**COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division**

09/18/2014

Tax Lot #'s
1S130DC01800

Application #
CPA2014-0009
ZMA2014-0006

N



BACKGROUND

CPA2014-0009 proposes amendment of the Land Use Map and ZMA2014-0006 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning to the subject parcel, which is being annexed into the City through a separate process. The parcel currently carries Washington County's R6, designation, as depicted on the County's *Aloha-Reedville-Cooper Mt. Community Plan Map*.

EXISTING CONDITIONS

Uses. The parcel is currently developed with one single family dwelling.

Character. The property is located west side of SW 170th Avenue, north of SW Weir Road. This parcel is approximately 0.92 acres in size, which is sufficient space to support a detached single family dwelling.

Natural Resources. The Washington County *Aloha-Reedville-Cooper Mt. Community Plan Significant Natural and Cultural Resources Map* does not identify natural or cultural resources on the subject site.

ANALYSIS

COMPATIBILITY OF LAND USE DESIGNATIONS

City of Beaverton Standard Density land use designation. Section 3.13.3 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* addresses the City's Neighborhood Residential-Standard Density (NR-SD) land use designations. The goals and related policies for the NR-SD designation are relevant to this proposal. It is as follows:

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

The policies of Section 3.13.3 include the following:

- a) Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix to allow a variety of housing choices.*

This proposal is to apply the City's NR-SD plan designation to property which is being annexed to the City of Beaverton. This proposal also includes the recommendation that the City apply its Urban Standard Density (R5) zoning to the property in complying with UPAA provisions, which requires rezoning to the most similar zoning designation. Correlation of the R5 zone with the NR-SD plan designation for the subject parcel complies with the provisions contained in subsection 3.14 Comprehensive Plan and Zoning District Matrix.

For the reasons specified above, assignment of the NR-SD designation to the subject parcel will implement the City's Comprehensive Plan goals and policies.

COMPATABILITY OF ZONING DISTRICTS

The subject property carries Washington County's R6 zoning. The Washington County-Beaverton UPAA identifies the County's R6 zone as appropriate for rezoning to the most similar zone, which is the City of Beaverton Urban Standard Density (R5) zone. A matrix of City-County land use equivalents appears as Exhibit B in the UPAA and occupies Section 3.15 of the City's Comprehensive Plan. The portion of that matrix pertinent to this proposal is provided below.

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

Compatibility between these zone classifications can be summarized as follows:

Washington County R6 / City of Beaverton Urban Standard Density R5 district designation comparison.

Section 302-1 of the *Washington County Community Development Code* states that;

"The R-5 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre..."

The City's R5 zone allows for detached dwellings, with a minimum land area of 5,000 square feet per lot. All future changes to the subject site must comply with the City of Beaverton Development Code. The City's R5 zone does not specify a maximum permitted lot size and allows for the maximum building height allowance that is equal to the Washington County R6 zone.

Once the annexation is effective, all future changes to the subject site must comply with the City of Beaverton Development Code.

Summary. For the subject parcel, the UPAA specifies that the City's most similar zoning designation and the corresponding land use designation should be applied to the subject parcels. By doing so, the proposal is consistent with the City's planning goals and policies, as indicated above, and conforms to specifications in the Comprehensive Plan and Zoning District Matrix.

COUNTY RESPONSIBILITY TO NOTIFY

Special Policy II.A. of the UPAA states in part, "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." Washington County was sent notice of the proposal on September 18, 2014. The County has not advised the City of adopted policies which may apply to the subject area.

The *Aloha-Reedville-Cooper Mt. Community Plan* does not identify the subject parcel as part of an Area of Special Concern.

PROCESS

THRESHOLD

The subject parcel is designated on the County's *Aloha-Reedville-Cooper Mt. Community Plan* Map as R6, which in a non-discretionary process requires implementation of the City's zoning "which most closely approximate the density, use provisions and standards of the county designations" under the *Urban Planning Area Agreement* (UPAA). In this case, the most similar City zone is Urban Standard Density (R5). The Neighborhood Residential-Standard Density (NR-SD) land use designation is the only land use designation which implements the R7 zoning designation.

Comprehensive Plan Process. Non-discretionary annexation related amendments to the Comprehensive Plan Land Use Map add annexed property to the Map with a Land Use Map designation assigned through direct application of the UPAA. The UPAA states that the appropriate City of Beaverton Land Use designation for the subject property is the one which is shown on the plan for the zoning designation. In this case the UPAA states that property with the Washington County R6 designation should be zoned to the most similar zone, R5. The Neighborhood Residential-Standard Density (NR-SD) is the Land Use designation for which the R5 is an implementing zone and is therefore the appropriate designation for the subject site. The proposed plan map amendment satisfies the Non-Discretionary Annexation Related threshold requirements and no interpretation or exercise of discretion is necessary to identify NR-SD as the appropriate plan designation for the property.

Development Code Process. Due to the zoning and land use designations being called out in the County's *Aloha-Reedville-Cooper Mt. Community Plan*, review and approval of this proposed Zoning Map Amendment qualifies as a Non-Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.3.A, which states that, "An application for Non-Discretionary Annexation Related Zoning Map Amendment shall be required when the following thresholds apply:

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

The subject property is being concurrently annexed to the City of Beaverton through a separate process. The UPAA is specific with regard to City Zoning to be applied to the parcel and does not allow discretion. Thus, thresholds 1 and 2 above both apply to the proposal.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

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

ZONING MAP AMENDMENT CRITERIA

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

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

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

Section 40.97.15.3.A. Threshold, states:

“An application for Annexation Related Zoning Map Amendment shall be required when one or more of the following thresholds apply:

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

The zone change is requested in order to apply City land use and zoning to the subject parcel which is concurrently undergoing annexation to the City of Beaverton. The parcel carries the Washington County R6 designation, as depicted on the County’s *Aloha-Reedville-Cooper Mt. Community Plan Map*.

As noted in the Process section of this report, the UPAA specifies the City’s most similar zoning designation for the County R6 designation. Therefore, no discretion is required in determining the appropriate zoning designation.

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

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

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

Finding: Staff finds that this criterion is not applicable.

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

Development Code Section 50.25.1 states, "Non-Discretionary Annexation Related Zoning Map Amendments shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." A valid petition for annexation has been submitted and the annexation is being processed through a separate process.

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

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

As noted in the Analysis section of this report, the UPAA is specific for the proposed amendment. Washington County R5 goes to the most similar zoning designation, which is the R7 zoning designation. The UPAA specifies that Washington County R5 zoning is generally equivalent to City of Beaverton R7 zoning. Both zoning designations allow approximately 5 dwelling units per acre. Therefore, the City of Beaverton R7 zoning designation is the appropriate designation for the subject site according to the UPAA as it is the most similar zoning designation.

Finding: The R7 zoning district is specified by, and is therefore consistent with, the Washington County – Beaverton UPAA.

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

No further applications and documents are required of this request.

Finding: Staff finds this criterion is not applicable.

CONCLUSION

Based on the facts and findings presented, staff concludes that amending the Comprehensive Plan Land Use Map to depict the Neighborhood Residential-Standard Density (NR-SD) land use designation and amending the City's Zoning Map to depict the Urban Standard Density (R7) zoning district is appropriate for the subject parcel and is consistent with the Washington County – Beaverton *Urban Planning Area Agreement*.