



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

February 21, 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 025-06



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: March 8, 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.

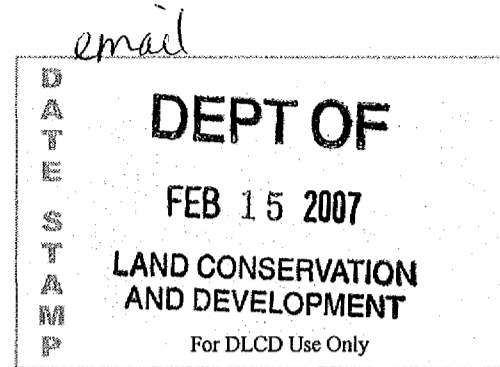
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Jeff Salvon, City of Beaverton

<paa> ya/

2 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 Local file number: CPA2006-0016/ZMA2006-0021
Date of Adoption: 2/13/07 Date Mailed: 2/15/07
Date original Notice of Proposed Amendment was mailed to DLCD: 2/15/07

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
The City approved a proposal that the City's Comprehensive Plan Land Use Map be amended to assign Employment to 24 properties and Industrial to one property, and that the City's Zoning Map be amended to assign Campus Industrial (CI) to 24 properties and Light Industrial (LI) to one property located in North Beaverton. The parcels were previously designated Industrial by Washington County. The decision was discretionary and a hearing was held before the City's Planning Commission. The Planning Commission's recommendation to approve the proposal was subsequently passed by the City Council.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".
The original DLCD proposal was to assign the City's Industrial Comprehensive Plan Land Use Map designation and the City's Campus Industrial (CI) zone to all 25 properties.

Plan Map Changed from: Washington County Industrial to: Beaverton Employment and Industrial
Zone Map Changed from: Washington County Industrial to: Beaverton Campus Industrial (CI) & Light Industrial (LI)
Location: North edge of the City just south of Highway 26 Acres Involved: 69.94
Specify Density: Previous: N/A ; non-residential New: N/A ; non-residential
Applicable Statewide Planning Goals: 1,2,5,9,11, & 12
Was an Exception Adopted? YES NO

DLCD File No.: 025-06 (15651)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (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**

Affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Jeff Salvon** Phone: **(503) 526-3725** Extension: _____
Address: **P.O. Box 4755** City: **Beaverton**
Zip Code + 4: **97076-** Email Address: **jsalvon@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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only; or 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.



CITY of BEAVERTON

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

NOTICE OF DECISION

MAIL DATE: February 15, 2007

Date of Final Decision: February 13, 2007

The following Comprehensive Plan Land Use Map Amendment and Zoning Map Amendment was approved on the February 12, 2007, City Council Agenda. The decision on the amendment is final.

By Ordinance:

CPAZMA2006-0016 / ZMA2006-0021, Cornell Oaks 2 Comprehensive Plan Land Use Map amendment and rezone; An ordinance amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for 25 properties located in north Beaverton. **Approved**

A copy of the subject ordinance, including exhibits, is available for review and may be obtained at cost, at the Beaverton City Hall, Community Development Department, located at 4755 SW Griffith Drive in Beaverton. Jeff Salvon, AICP, Senior Planner, can be reached at (503) 526-3725 or jsalvon@ci.beaverton.or.us for further information.

Sincerely,

Jeff Salvon, Senior Planner
Planning Services Division

ORDINANCE NO. 4422

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR 25 PROPERTIES LOCATED IN NORTHERN BEAVERTON; CPA2006-0016/ZMA2006-0021

- WHEREAS,** the properties were annexed to the City of Beaverton through Ordinances 4339, 4347, and 4349 in 2005, granting the City authority to apply Beaverton's Comprehensive Land Use Map and Zoning Map designations to the properties; and
- WHEREAS,** the Planning Commission held a public hearing on December 20, 2006, to consider CPA2006-0016/ZMA2006-0021, consider comments, and take testimony; and
- WHEREAS,** on December 20, 2006, the Planning Commission recommended approval of the application based upon the Staff Report dated November 9, 2006, attached hereto as Exhibit B, and
- WHEREAS,** final orders (#1935 and #1936) were prepared memorializing the Planning Commission's decision and no appeal therefrom was submitted; now, therefore

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

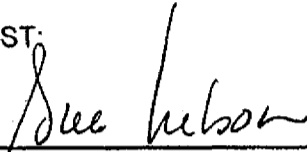
- Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map (Figure III-1) is amended to designate the subject properties identified as Tax Lots 1N132BD00200, 1N132BD01200, 1N132BD01300, 1N132CA01200, 1N132CA01100, 1N132CA01000, 1N132CA00600, 1N132CA00700, 1N132DA01000, 1N132DA01100, 1N131AB01100, 1N131AB01200, 1N131AB01300, 1N131AB00900, 1N131AB00700, 1N131AB00600, 1N131AB00500, 1N131AB00400, 1N131AB00300, 1N131AB00200, 1N131AB00100, 1N131AA01400, 1N131AA00400, and 1N131AA00200 Employment and 1N131AA00201 Industrial as shown on Exhibit "A".
- Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate properties identified as Tax Lots 1N132BD00200, 1N132BD01200, 1N132BD01300, 1N132CA01200, 1N132CA01100, 1N132CA01000, 1N132CA00600, 1N132CA00700, 1N132DA01000, 1N132DA01100, 1N131AB01100, 1N131AB01200, 1N131AB01300, 1N131AB00900, 1N131AB00700, 1N131AB00600, 1N131AB00500, 1N131AB00400, 1N131AB00300, 1N131AB00200, 1N131AB00100, 1N131AA01400, 1N131AA00400, and 1N131AA00200 Campus Industrial (CI) and 1N131AA00201 Light Industrial (LI) as shown on Exhibit "A".

First reading this 22nd day of January, 2007.

Passed by the Council this 12th day of February, 2007.


Approved by the Mayor this 13th day of February, 2007.

ATTEST:



SUE NELSON, City Recorder

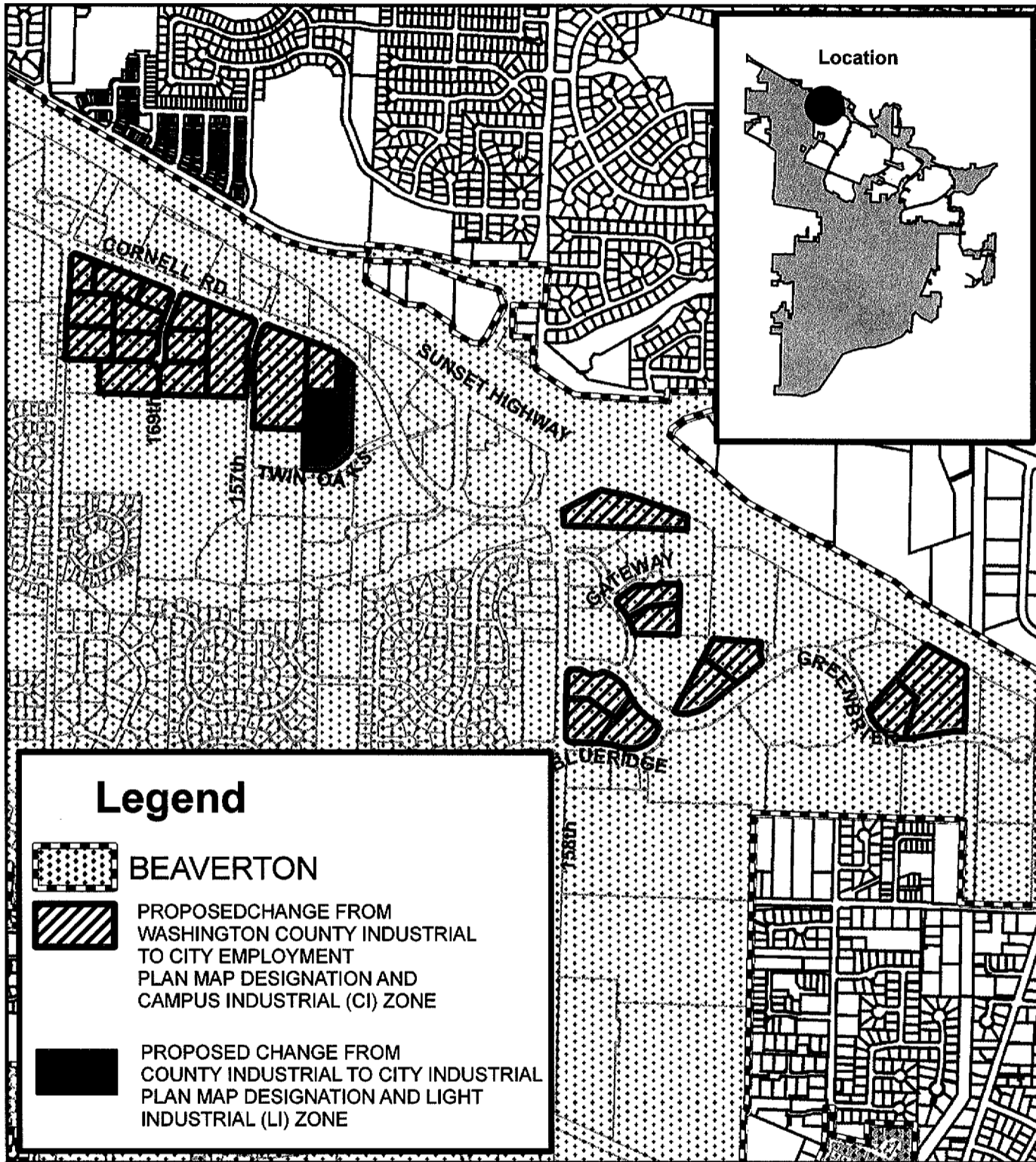
APPROVED:



ROB DRAKE, Mayor

VICINITY MAP

EXHIBIT "A"



CPA2006-0016 ZMA2006-0021

COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services division

10/24/06	N
TAXLOT #'S	
VARIOUS	
CORNELL OAKS 2	

STAFF REPORT

TO: Planning Commission

AGENDA DATE: February 14, 2007 **REPORT DATE:** 2/7/2007

FROM: Jeff Salvon, AICP, Senior Planner

SUMMARY: The subject site was annexed into the City in 1998 when it was State owned right-of-way. At the time of annexation, the site had not been assigned a land use designation by Washington County because it was in the right-of-way. The State declared this area surplus in 2002 and vacated the area dedicated to the old SW Barnes Road prior to the street realignment. The State then sold the parcels in 2003 to the abutting property owner. Since the sale of the parcels the property has remained without land use or zoning designations. This proposal is to assign Comprehensive Land Use Map and Zoning Map designations to the subject parcels.

SUBJECT: Land use (CPA2006-0018) and zoning (ZMA2006-0024) designations for vacant properties identified as tax lots 1S102DC05300 and 1S102DC04304. Because no designations were applied to the site at the time of its annexation, this proposal is considered annexation related. Without previous designations, however, application of the Washington County – Beaverton Urban Planning Area Agreement (UPAA), which normally governs such proposals, is limited. Selection and approval of designations most appropriate to the subject properties will require a measure of discretion on the City's part and will, therefore, undergo a hearings process by the City's Planning Commission.

LOCATION: The subject parcels are located north of Highway 26 on the southeast corner of the SW Baltic Avenue and SW Barnes Road intersection.

REQUEST: Amend the City's Comprehensive Plan Land Use Map to show Station Community (SC) and the Zoning Map to show Station Community – Multiple Use (SC-MU) for both properties.

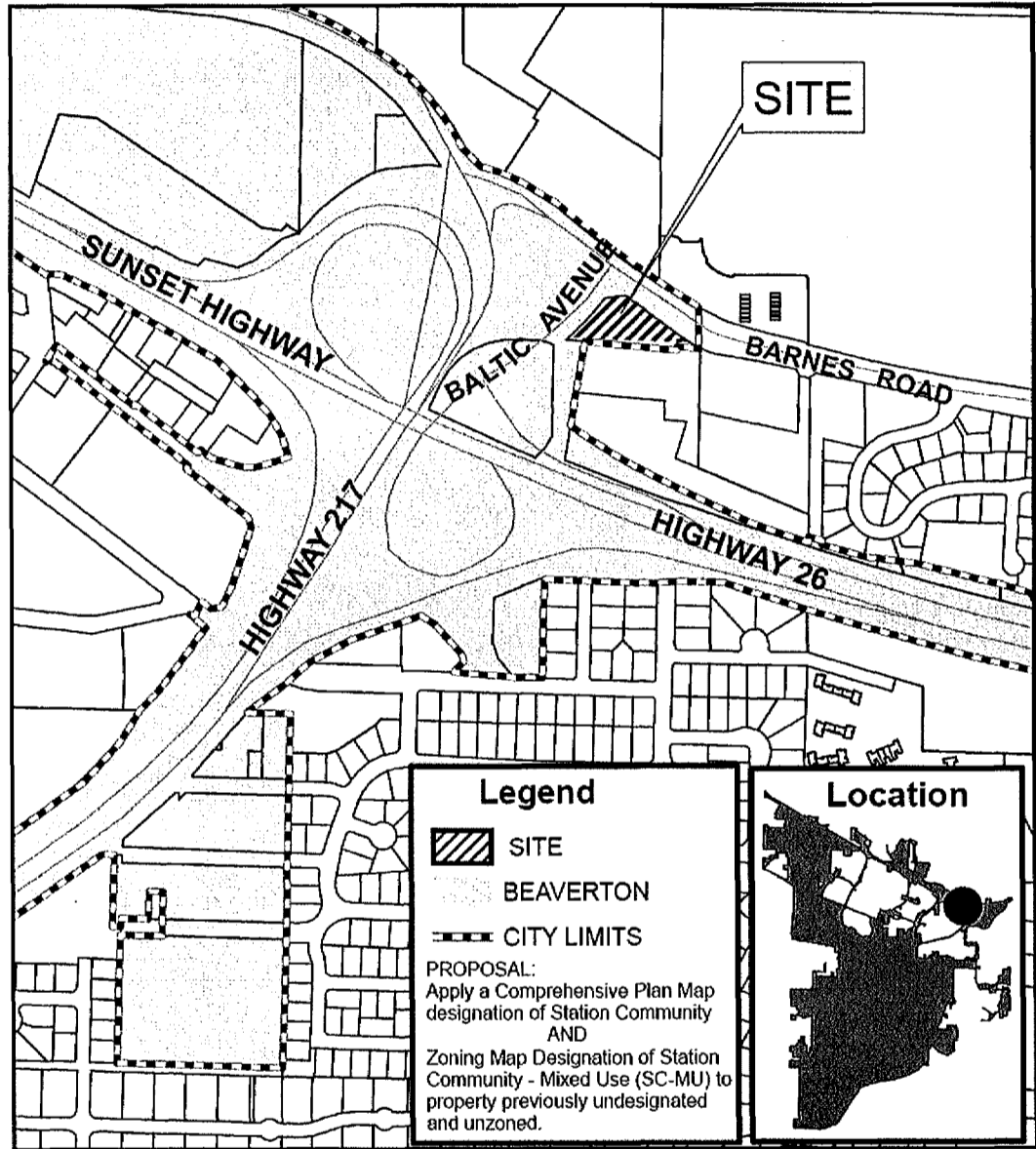
APPLICANT: City of Beaverton Community Development Director

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 the City Council adopt an ordinance applying the Station Community Land Use Designation and the Station Community – Multiple Use (SC-MU) Zone to two properties**

VICINITY MAP

EXHIBIT "A"



City of Beaverton

Baltic Ave / Barnes Rd

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

12/15/06

1S102DC05300
1S102DC04304



CPA2006-0018
ZMA2006-0024

BACKGROUND

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Land Use
1S102DC05300	None	1.12	Vacant
1S102DC04304	None	0.03	Vacant

The site associated with this proposal was annexed into the City in 1998. Washington County Ordinance #484, adopted in 1997, amended the Cedar Hills-Cedar Mill Community Plan and assigned new transit oriented plan designations to properties in the vicinity of the site consistent with Metro's 2040 Growth Concept. The ordinance did not assign a designation to the site because it was right-of-way at the time. Therefore, the site did not have any County land use designation assigned to it at the time of annexation. The right-of-way was subsequently vacated in 2002. The parcels are vacant except for several utility easements that cross them. Since their creation no City land use or zoning designations have been assigned to the parcels. The proposed amendments are, therefore, the City's first attempt to apply City designations to the properties subsequent to their annexation. This qualifies the proposed amendments as annexation related. The fact that the properties presently carry no County land use district restricts staff's ability to refer to the UPAA as a source of authority in dictating which City Comprehensive Plan Land Use Map and Zoning Map designation is best suited for the parcels.

However, the basic intent of the UPAA is to apply land use designations and zoning to newly annexed properties in a manner that is logical and consistent with the planning in place at the time the action is conducted. The following sentence from Section II.D of the agreement articulates this emphasis as follows:

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.

Suitability Analysis

In assessing which City land use and zoning designations most closely reflect Washington County's intent for the subject properties, staff focused particular attention upon five areas of assessment: (1) staff surveyed the existing uses and attributes in the area to determine the suitability of proposed designations with what is currently on the ground, (2) staff reviewed the role that Metro's Station Community Design Type played in the planning of both Washington County and the City of Beaverton, (3) staff determined which City land use and zoning designations were most appropriate in implementing Washington County's vision

for the area, (4) staff reviewed the Washington County Cedar Hills – Cedar Mill Community Plan for areas of concern and other outstanding features requiring attention, and (5) staff addressed comments from County staff responding to the proposal.

Existing Uses and Attributes in the Area

The immediate area around the subject properties includes office and institutional uses. Beyond a quarter mile of the sites, both residential uses and areas of open space predominate. Generally, the area's role as a regional transportation hub is what distinguishes it from other areas of the County. Features of the area include:

- *Public Transportation Hub:* Proximity of the Sunset Transit Center is a key feature of the area. This facility provides numerous transportation links (two light rail lines and five bus routes) for individuals coming into and exiting the area. Additionally, the facility supports 530 park-and-ride spaces offering commuters an inter-modal alternative to driving their cars and offers parking to alleviate congestion in Portland's Downtown Business District. Finally, as an inter-modal public transportation hub for the community, close proximity of high density housing and employment encourages use of public transportation.
- *Traffic Interchange:* A combination of street arteries supports high volumes of traffic through the area. The area is situated at the junction of Highway 26 and Highway 217 (both classified as freeways), SW Barnes Road (classified as a major arterial), and SW Baltic Avenue (classified as a collector). These arteries converge within a small area and constitute a transportation hub of regional significance.
- *An Employment Center:* Aside from various office complexes, the area supports the Providence Health Center, which employs approximately 4,000 people. Additionally, the Cedar Mill Town Center (which comprises a variety of commercial uses) is located approximately one mile to the west, and the Beaverton Downtown Regional Center is within one and one-half miles to the south. Together, these centers generate a significant amount of traffic in the area.

Sunset Transit Center Station Community Planning

A quick look at both Washington County's Cedar Hills - Cedar Mill Community Plan and the City of Beaverton's Comprehensive Plan Land Use Map reveals both documents identify an area extending approximately one-half mile from the Sunset Transit Center as a Station Community. This area designation includes both of the subject parcels. Planning associated with this designation recognizes proximity to the light rail facility as a central influence in dictating the type of development envisioned to occur in the area. Because neither of the subject parcels have been assigned any land use or zoning, a detailed examination of this planning designation is required in attempting to determine appropriate land use and zoning designations that should be applied.

In 1995, Metro adopted its 2040 Growth Concept Map, designating the area around the Sunset Transit Station as both a Station Community Core and a Town Center. In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP) and established a design type definition for Station Community Areas. Title 1 of Metro's UGMFP defines Station Communities as "nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment." Development proposed for this area was envisioned by Metro to be transit and pedestrian friendly and to support a mix of uses averaging a density of 45 persons per acre.

Included in Title 1 of Metro's UGMFP is a provision requiring that city and county comprehensive plans be amended to include the boundaries of each design type determined by the city or county to be consistent with the general locations shown on the 2040 Growth Concept. To comply with this mandate, in 1997 Washington County adopted provisions related to this design type and applied land use designations and zoning to the area to implement the type of development consistent with the station community concept. In 2000 the County amended its Comprehensive Framework Plan to define the boundaries of all Metro design types in the urban unincorporated area, and in doing so chose to designate the area around the Sunset Transit Center as a Station Community rather than a Town Center.

To comply with Metro's Title 1 requirements, Washington County updated numerous elements of its land use planning. This involved amendments to the County's Comprehensive Framework Plan for the Urban Area (CFP), Community Development Code, Transportation Plan, and individual Community Plans. Pursuant to the UGMFP, Washington County prepared a plan for the Sunset Transit Center Station Community area and adopted it through amendments to the Cedar Hills – Cedar Mill Community Plan. The amendments include application of transit oriented (TO) district designations with accompanying standards designed to attract development consistent with the design type. The amendments to the CFP specify locations for the Station Community design type in the unincorporated area which include the subject property. Additionally, the County added a general description for the Station Community design type under Policy #40 of the CFP which states the following:

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

facilities to make these areas "pedestrian friendly." Station Communities will evolve into higher intensity areas that are focal points of public transit.

The City of Beaverton adopted its station community provisions as part of its Title 1 compliance in 1996. This concept is defined generally through Section 3.8 of the Comprehensive Plan, more specifically through individual Station Community Plans (Volume five of the Comprehensive Plan) and applied through Station Community and Station Area zoning provisions (Chapter 20 of the City's Development Code). The City's adaptation of Metro's Station Community Design Type differs from the County's in various respects. However, a general vision can be ascertained by an examination of the policies adopted in Section 3.8 of the Comprehensive Plan. They include:

- *Regulate new development in Station Communities to maximize the public infrastructure investment in light rail.*
- *Apply the Station Community land use designation generally within one mile of light rail station platforms.*
- *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.*
- *Adopt Community Plans identifying Comprehensive Plan Policies applicable to Station Community Areas to provide community vision.*
- *Regulate new development in Station Communities to provide increased densities and employment to support a high level of transit service.*
- *Within ¼ mile of the light rail station platform and along all major pedestrian routes, require development to provide the highest level of design features for pedestrian activity and public access to the light rail station platform.*
- *Within ¼ mile of the light rail station platform, design the arrangement of parking and streets to accommodate construction of multiple level structures for parking, commercial, residential and mixed uses.*

Ultimately, both the City and the County have complied with Metro's Growth Concept and UGMFP requirements. Although some variation does exist in the standards used by the two jurisdictions to implement the station community design type, each set of standards has various elements in common. These include a focus on pedestrian friendly design features, development that encourages the use of public transit, a desire for mixed use development, increased building density allowances, and the application of specific design features within walking distance of the light rail station.

Comprehensive Plan Land Use Map Designation Suitability Analysis

As noted above, the County's Station Community design type designation applies to the subject property and surrounding properties. Additionally, as previously noted, the City's Comprehensive Plan does contain a policy to apply the Station Community Land Use Designation generally within one mile of light rail station platforms. Finally, the City previously applied the Station Community Land Use Designation to several parcels within close proximity to the subject parcels – including the Sunset Transit Station property. In light of these factors, staff finds that the City's Station Community Comprehensive Plan Land Use Map designation is the most suitable in reflecting Washington County's intent for the property.

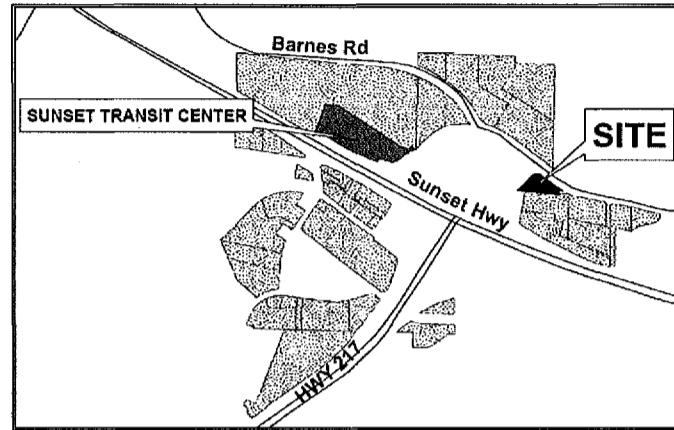
Zoning Map Designation Suitability Analysis

The method that Washington County employs to apply specific development standards to individual properties differs from the method used by the City of Beaverton.

Washington County applies an assortment of Transit Oriented (TO) Districts across a variety of centers and corridors. Localities where these districts are applied include areas approximately one-half mile of light rail transit stations, within one-quarter mile of existing and planned primary bus routes, in town centers, and regional centers. To avoid a one size fits all outcome, the County applies technical specifications to TO districts when applied to individual design types.

The City of Beaverton employs an alternative approach. Instead of applying a set of zoning districts across a variety of mixed use design types, the City established individual zones catered for each mixed use design type. Specifically, for areas within one-half mile of a light rail platform, the City has established a multiple use zone (SC-MU), which places an emphasis upon a mix of commercial and residential uses; a residential zone (SC-HDR), which emphasizes high density residential development; and an employment zone (SC-EMP), which emphasizes uses that reflect high levels of employment.

Consistent with the Station Community design type designation for the area, the abutting properties to the south as well as properties to the north and west were placed in transit oriented districts by the County. The map below shows nearby properties that have been assigned Washington County's Transit Oriented Business (TO:BUS) designation (indicated by a speckled pattern).



**Areas adjacent to the subject properties (site) to the north, west, and south that are not shaded on the map represent areas of right-of-way dedicated to Highway 217, the Sunset Highway, SW Baltic Avenue, SW Barnes Road, and the interchanges where they merge. Land use designations are typically not applied to areas of public right-of-way. The area across SW Barnes Road to the northeast of the properties is the Saint Vincent Hospital complex, which is designated Institutional.*

This reflects the County's intent that the area be dedicated to a mix of transit oriented commercial, office, and residential uses. The City's Comprehensive Plan and Zoning District Matrix under Policy 14 of the Plan identifies five zones that can be applied to implement a Station Community land use designation. They include the following:

- Station Community - Multiple Use (SC-MU)
- Station Community – High Density Residential (SC-HDR)
- Station Community – Employment (SC-E)
- Station Area – Mixed Use (SA-MU)
- Station Area – Medium Density Residential (SC-MDR)

Of these designations, the City zone specifically defined to allow for a mix of transit oriented style commercial, office, and residential uses within one-half mile of light rail stations (similar to the County's TO:BUS designation) is the City's Station Community – Multiple Use Zone. As such, this zone most closely approximates the predominant County designation for properties in the area adjacent to the subject properties. It should be noted, however, that although the specific multiple use zones in the City can be found to correlate with specific transit oriented districts in the County, variation does exist between the two. This becomes apparent when assessing how the designations apply use, density, and various technical standards.

Of the more obvious disparities that exist between Washington County's TO:BUS designation and the City's SC: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 SC-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 100' within 400' of the light rail station platform and 60' beyond.
- The minimum FAR allowance in Washington County's TO:BUS District is 0.5 within 2600 feet of the light rail station platform and 0.35 beyond, except that within 1300 feet of a transit center, such as in this area, the minimum FAR is 1.0. The City's minimum FAR allowance is 0.6 within 400' of the light rail station platform and 0.5 beyond.
- Washington County does not have a maximum FAR allowance in TO:BUS District while the City of Beaverton has a maximum FAR allowance of 1.2 within 400' of the light rail station platform and 1.0 beyond.

These disparities are not relevant to the subject properties, however because no County zoning is assigned to them. Therefore, no legal issues deriving from these disparities will affect the properties once the City zoning is assigned.

Based on the above analysis staff concludes that the City's SC:MU Zone is the most appropriate zoning alternative to be applied to the subject properties.

Washington County Cedar Hill – Cedar Mill Community Plan

The subject properties are located in the Westhaven Subarea. They are not located in an Area of Special Concern, there are no design elements that pertain specifically to the properties, and no special considerations apply.

Comments from Washington County Staff

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 staff has responded to the proposal with an e-mail that included several comments. The letter is "Attachment A" to this report and the comments are addressed below.

Comment #1: "Contrary to the Notice page, there is a county plan designation on the subject site. It is designated Commercial - per the 1983 Cedar Hills-Cedar Mill Community Plan."

Staff Response: *The site may have been zoned Commercial at some point in the past and according to County staff does show a commercial land use designation on the Cedar Hills/Cedar Mill Community. However, since they are recently created the parcels are not represented on the Cedar Hills – Cedar Mill Community Plan Map. In 1997, the County amended it's Cedar Hills – Cedar*

Mill Community Plan and revised the map without assigning a plan designation to the subject site since it was right-of-way. In 1998, the area was annexed into the City as dedicated right-of-way, and no zoning was deemed necessary. In 2003, the properties had been created and they were sold to the owner of the adjacent property.

In assessing the matter as to whether the property is currently assigned a Washington County Commercial Land Use Designation, staff believes the language contained in Section 2 of Ordinance #484 (an ordinance amending the Cedar Hills-Cedar Mill Community Plan), to be noteworthy. It states:

"The following exhibits, attached and incorporated herein by reference, are hereby adopted as amendments to the designated documents:

A) Exhibit "1" (1 page) amending the Land Use Districts map of the Cedar Hills-Cedar Mill Community Plan by removing existing plan designations and applying new plan designations..."

Staff believes, and the City Attorney's office has concurred, that when the County amended the Cedar Hills – Cedar Mill Community Plan in 1997, it effectively replaced any zoning that might have been in place prior to that amendment. Because the property was not represented, any zoning that existed previously was abolished. Therefore, staff will regard the property as not designated as indicated on the current Cedar Hills-Cedar Mill Community Plan.

Comment #2: "Adverse traffic impacts based on the proposed City plan and zone designations are not anticipated since the proposed designation is not likely to have a significantly higher trip rate than the existing county plan designation."

Staff Response: *As noted above, staff does not find that there is an existing county plan designation. The issue of adverse traffic impacts resulting from assignment of a plan designation to the properties will be addressed later in this report.*

Comment #3: County access spacing requirements restrict new access points. No new access is discussed in the application. If any changes in access are or will be proposed, please contact Phil Healy in the Washington County Land Development Services Division. Based on review of the site plan that was submitted with the notice, it is likely that any new access to the subject site would require a Modification to the Washington County Uniform Road Improvement Design Standards.

Staff Response: *Because no development is being proposed for the property, this comment is not relevant to the proposal. When a development application involving the property is submitted to the City, Washington County staff will be*

solicited for comment as part of the development review process. No current action is required.

PROCESS

Threshold: According to Development Code Section 40.97.15.4.A, "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."

The subject site was not assigned a land use designation on the County's Cedar Hills – Cedar Mill Community Plan Map at the time it was annexed. Further, since the creation of the properties subsequent to annexation they have remained without a plan and zone designation. The proposed amendment will, therefore, serve as the first application of the City's land use designations and zoning since annexation.

Although this proposed Comprehensive Plan Land Use Map amendment and Zoning Map amendment are annexation related, without pre-existing designations assigned by Washington County it is not possible to adhere to the terms of the UPAA in a strict sense. Any attempt to determine which City designations are most suitable for the properties and adequately reflect the County's planning for the area will require findings, and the final decision will require discretion on the City's part.

Procedure Type: The Type 3 procedure applies to these types of applications as described in 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. The annexation of the subject properties occurred under a petition submitted by Tri-Met and several other property owners under ORS 222.125. This annexation was subsequently approved under Oregon Boundary Commission Ordinance 3978 in 1998.

Public Notice: Section 1.4.2(A) of the Comprehensive Plan prescribes the notice to be provided for these types of applications. Notice must be mailed to the State Department of Land Conservation and Development (DLCD), Metro, Washington County, the Chair of any City-recognized Neighborhood Association

Committee (NAC) or County-recognized Citizen Participation Organization whose boundaries include the property for which the change is contemplated, and the Chair of the Committee for Citizen Involvement (CCI) at least 45 days prior to the initial hearing. Between 20 and 40 days from the hearing, notice must be mailed to the subject 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, for a zoning map amendment, the City Charter requires sending notice of the public hearing by certified mail to all owners of record of the subject properties at least 30 days in advance.

In response to these requirements:

1. Legal notice was published in the Beaverton Valley Times on January 25, 2007.
2. Notice was mailed to DLCD, Metro, Washington County, the Chair of the Cedar Hills – Cedar Mill Citizen Participation Organization (CPO), and the Chair of the Committee for Citizen Involvement (CCI) on December 29, 2006.
3. Notice was mailed to the owners of the subject properties by certified mail on January 12, 2007. On the same date, notice was mailed to owners of surrounding properties within 500 feet of the subject properties.
4. Notice was posted in City Hall, in the City Library, and on the City's Web site on January 12, 2007

Neither the City Council nor the Planning Commission has directed staff to provide additional notice for this amendment beyond the notices described above. The notice requirements for this CPA/ZMA have been met.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.5.1 includes the following minimum criteria for amendment decisions:

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

Of the 19 Statewide Planning Goals, Goals 1, 2, 5, 9, 10, 11, 12, and 13 are applicable to the proposed map amendment.

Goal 1: 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 1.4.2. The following summarizes compliance with the public involvement opportunities and notification requirements specified in these sections:

1.4.2 A) Quasi-Judicial Amendments

Notice of the initial hearing shall be provided as follows:

1. By mailing the required inter-agency DLCD notice to DLCD, Metro, and Washington County at least 45 calendar days prior to the initial hearing;
 - Notice was mailed to DLCD, Metro, and Washington County on December 29, 2006 (47 calendar days prior to the initial hearing).
2. By mailing the required inter-agency DLCD notice to the chair(s) of any City-recognized Neighborhood Association Committee (NAC) or County-recognized Citizen Participation Organization whose boundaries include the property for which the change is contemplated, and the Chair of the Committee for Citizen Involvement at least 45 calendar days prior to the initial hearing;
 - The inter-agency DLCD notice was mailed to DLCD, Metro, Washington County, the Chair of the Cedar Hills – Cedar Mill Citizen Participation Organization (CPO), and the Chair of the Committee for Citizen Involvement (CCI) on December 29, 2006 (47 calendar days prior to the initial hearing).
3. By publication of a notice with the information specified in 1.4.2.B.1., 2., 3., and 4. in a newspaper of general circulation within the City;
 - Notice was published in the Beaverton Valley Times on 1/25/07 (20 calendar days prior to the initial hearing).
4. By posting notice with the information specified in 1.4.2.B. at Beaverton City Hall and the Beaverton City Library;
 - Notice was posted in City Hall, in the City Library, and on the City's Web site on January 12, 2007 (33 calendar days prior to the initial hearing).
5. By mailing notice with the information specified in 1.4.2.B. to property owners included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated;
 - Notice was mailed to owners of surrounding properties within 500 feet of the subject properties on January 12, 2007 (33 calendar days prior to the initial hearing).
6. By placing notice with the information specified in 1.4.2.B. on the City's Web site.

- Notice was posted on the City's Web site on January 12, 2007 (33 calendar days prior to the initial hearing).

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

- The Measure 56 notice requirement does not apply to the proposed amendment

Hearing notices required by numbers 3 through 6 of this subsection shall be given not less than 20 and not more than 40 calendar days prior to the date of the initial hearing.

- Hearing notices required by numbers 3 through 6 of this subsection were given not less than 20 and not more than 40 calendar days prior to the date of the initial hearing as required.

At the hearing, the Planning Commission considers written comments and oral testimony before they make a decision. The procedures outlined in Comprehensive Plan Section 1.4.2 A) allow for proper notice, and Section 1.6 provides for proper public hearing opportunities on the proposed Comprehensive Plan amendment and complies with Statewide Goal 1 as acknowledged by the Oregon Department of Land Conservation and Development. As noted above, these procedures have been followed.

Finding: Staff finds that the City through its Charter and Comprehensive Plan and the State through numerous statutes have created proper procedures to ensure citizens are provided the opportunity to have input in the proposed Comprehensive Plan Land Use Map amendments and that those procedures have been complied with.

Goal 2: 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 (Ordinance 1800) along with implementation measures, including 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). Further enhancements to the Plan were adopted by the City Council and approved by DLCD in December 2006. The proposed Plan, including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before being adopted. 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 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.

Although the UPAA has limited applicability to this proposal, earlier in this report staff assessed the appropriate choice of City Comprehensive Plan land use designation and zoning in a manner that is orderly, logical, and based upon a mutually agreed upon plan (as specified in Section II.D of the UPAA). This assessment was guided by provisions in the Cedar Hills – Cedar Mill Community Plan, the City's and the County's comprehensive plans and development codes, and Metro's 2040 Growth Concept and Regional Urban Growth Management Function Plan. All of these planning documents have undergone state scrutiny and been acknowledged by the State of Oregon to comply with Goal 2. Therefore, staff has appropriately applied a policy framework to this process to assure an adequate factual basis for a decision consistent with the intent of Goal 2.

Finding: Staff finds that in applying the State acknowledged policy framework to this proposal, the requirements contained in Goal 2 have been met.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

To protect natural resources and conserve scenic and historic areas and open spaces.

The City of Beaverton has a *Significant and Important Natural Resources and Other Important Natural Resources* inventory completed in 1984, a significant tree inventory (not Goal 5) adopted by the Board of Design Review in 1991, a *Local Wetland Inventory* and an *Urban Riparian Assessment* from 2000. These inventories, with the exception of the Significant Tree Inventory, are found in Volume 3 of the Comprehensive Plan. The City has also adopted a *Historic Resources Inventory* with Important and Significant resources subject to special regulations in the Development Code. Washington County also has State acknowledged Goal 5 inventories. The subject properties are not identified on the County's Goal 5 inventory maps, and therefore this proposal does not include an amendment to City inventory maps .

The proposal to apply the City's Station Community Land Use Plan designation and the City's Station Community – Mixed Use (SC-MU) Zoning Map designation to the property will not affect the City's ability to implement its natural resource regulations.

Finding: Staff finds that the City has an adopted Goal 5 inventory and appropriate land use regulations to protect or conserve the resources in the inventory as required by Goal 5. Therefore, staff finds that this goal is inapplicable to the amendment.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 9 specifies that comprehensive plans for urban areas shall "...[c]ontain policies concerning the economic development opportunities in the community."

Chapter 9 , the Economy Element, of the Comprehensive Plan contains several goal and policy statements relating to economic development in the community. Of note is Policy 9.2.2.1.a which is:

"To develop business districts that are accessible and provide job and business opportunities as described in the City's Economic Development Strategic Plan."

The subject properties are now owned by the owners of an abutting complex of office buildings who wish to use them in conjunction with future improvements to their property. It is likely that these improvements will generate additional job and business opportunities for the community, consistent with the objectives of the City's Economic Development Strategic Plan. The proximity of the office complex to a transit center is consistent with the accessibility objective of the above policy.

Finding: Staff finds that in applying the Station Community Comprehensive Plan Land Use Designation and SC-MU Zone to the subject properties, the City of Beaverton is attempting to provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. This amendment complies with Goal 9 of the Statewide Goals.

Goal 10: Housing

To provide for housing needs for citizens of the state.

Chapter four of the City's Comprehensive Plan contains policies designed to attract high density housing that is affordable to City residents. Although the subject properties are located within an area that is dominated by commercial and institutional uses, the proposal to apply the SC-MU zoning allows for housing at increased densities, which is consistent with the policies contained in the Plan. Therefore, staff believes the proposal conforms with the provisions contained in Statewide Goal 10.

Finding: Staff finds that applying the City's Station Community – Mixed Use Zone to the subject property helps advance the provisions expressed in Oregon's Goal 10.

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The City of Beaverton is located within the Urban Growth Boundary (UGB) for the Portland metropolitan region. The establishment of light rail throughout the region and the location of higher intensity uses near light rail stations is an attempt to reduce UGB expansions and provide for, "a timely, orderly and efficient arrangement of public facilities and services," as stated in Goal 11. Planning and development of the west side light rail line with a light rail station in the subject area was the essential step toward Metro's 2040 Growth Concept Station Community designation, the County's Policy 40 Station Community designation, and development of the City's Station Community Comprehensive Plan elements. At the time the plan was prepared for the Sunset Transit Center Station Community by Washington County consideration was given to provision of public facilities and services, and it was determined that they would be adequate to meet the needs of future development in the area. When development is proposed for the subject properties site specific issues related to public facilities and services will be addressed in the development review process.

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

Goal 12: Transportation

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

Oregon Administrative Rules (OAR) 660-012-000 through 660-012-0070, referred to as the Transportation Planning Rule (TPR), provide guidance on compliance with Statewide Planning Goal Twelve. Transportation System Plan (TSP), adopted pursuant to OAR Division 12, fulfills the requirements for public facilities planning required under Oregon Revised Statutes (ORS 197.712(2)(e)), Goal 11 and OAR Chapter 660, Division 12 as they relate to transportation facilities. Volume 4 of the Comprehensive Plan contains the City's adopted TSP, effective June 6, 2003. OAR 660-012-0060 requires local governments to review Comprehensive Plan and land use regulation amendments with regard to the affect of the amendment on existing or planned transportation facilities. This section is cited as follows:

"A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan."

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps, in five volumes. The first volume includes a Chapter on transportation planning in the City.

The proposal will not allow uses or levels of development that are not currently allowed or that are inconsistent with the functional classification of a transportation facility, will not reduce the performance standard identified in the TSP or comprehensive plan, or worsen the performance of an existing or planned transportation facility. This Statewide Planning Goal does not apply to the amendment.

Finding: Staff finds that applying the City's Station Community Comprehensive Plan Land Use Map designation and the SC-MU Zoning to the subject property conforms with the provisions expressed in Oregon's Goal 12.

Goal 13: Energy Conservation
To conserve energy.

The location of these parcels encourages use of public transportation by employees or residents that may one day occupy the property once it is developed. Also, the City's Station Community Land Use Designation provides opportunities for higher intensity redevelopment of the parcels. Coupled together, the light rail station and the land use designation provide the following opportunities for energy conservation:

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

Finding: Staff finds that applying the City's Station Community Comprehensive Plan Land Use Map designation and the SC-MU Zoning to the subject property advances the goal of conserving energy and, therefore, satisfies the provisions expressed in Oregon's Goal 13.

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, these goals are not applicable to this proposal.

Goal 6: Air, Water, and Land Resources Quality

Goal 7: Areas Subject to Natural Disasters and Hazards

There are no significant natural resources located within the subject area. Additionally, the proposed amendment will not adversely impact air or water quality for the area. Therefore, these goals are not applicable to this proposal.

Goal 8: Recreational 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 14: Urbanization

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

Goal 15: Willamette Greenway

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

Goal 16: Estuarine Resource,

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 are not applicable to this proposal.

Finding: Staff finds that Goals 3, 4, 6, 7, 8, and 14 through 19 are not applicable to this proposal.

Summary Finding: Staff finds that for the reasons identified above, the proposed amendment complies with Goals 1, 2, 5, 9, 10, 11, 12, and 13. Criterion 1.5.1.A is met.

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;

The City is only required to address provisions in the Urban Growth Management Functional Plan (UGMFP), which is an Element of the Framework Plan. Section 3.07.830 of the UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:

"For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map..." The 2040 Growth Concept Plan map designates the Sunset Transit Center area, including parcels included in this proposal, under both the Station Community and Town Center design type subject to local interpretation of the Growth Concept Map. In 2000 Washington County amended its Comprehensive Framework Plan to include maps showing the boundaries of Metro design types in the urban unincorporated area. The Sunset Transit Center Area was shown as being in a station community.

Staff, therefore, regards the proposed amendment to apply the Station Community plan designation to the subject properties to be consistent with Metro's vision for the area. Further, the relatively small scale of the properties and the nature of the proposed change do not pose a conflict of any regional significance to the modeling or policies contained within the Regional Transportation Plan.

Finding: The Station Community Comprehensive Plan Land Use Map designation with its implementing Zoning Map designation of Station Community-Mixed Use (SC-MU) is compatible with the Station Community design type. Criterion 1.5.1.B is met for the proposed amendments.

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

Facts and Findings:

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.

Section 3.15 of the City Comprehensive Plan addresses annexation related map amendments. This section contains provisions specified within the UPAA that Comprehensive Plan and Zoning map amendments must follow for properties that have been annexed into the City. When the UPAA is not specific, the City is to assign the most similar designations to the County designations. Because the subject properties do not exhibit county designations, staff applied deductive reasoning to determine the land use and zoning designation consistent with the intent of the UPAA. Based upon the reasoning expressed in the analysis section of the report, staff concludes that Station Community is the appropriate Land Use Map designation to apply to the subject properties in order to fulfill the intentions expressed in Section 3.15 of the Comprehensive Plan.

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

Chapter 4 Housing Element.

The City is implementing City Comprehensive Plan And Zoning designations consistent with the intent of the UPAA. The County's current Comprehensive Framework Plan design type designation for the area, adopted pursuant to Title 1 of the Metro Urban Growth Management Functional Plan, is Station Community, To be consistent with the requirement in the UPAA that the City should, "...convert COUNTY plan and zoning designations to CITY plan and zoning

designation which most closely approximate the density, use provisions and standards of the COUNTY designations", the City proposes to place its Station Community Comprehensive Plan Map designation on the property. The City zoning designation that is most appropriate for the property is the Station Community – Mixed Use (SC-MU) zone. The City SC-MU zone allows for residential development as a primary use or residential as a component of a mixed use development with a minimum requirement of 24 dwelling units per acre and a maximum to be determined by a floor-area ratio of 1.0. As described in the analysis section of this report, this designation is believed to be analogous to the County's intent for the area..

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

Chapter 5 Public Facilities and Services Element.

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 SC-MU zone would be substantially similar to the uses that would be permitted in the County's TO:BUS zone within the Sunset Transit Center Station Community Area. The proposal would not affect the City's ability to implement the Public Facilities Plans, Capital Improvement Plan, Urban Planning Area Agreement (UPAA), Urban Service Area, Storm Water and Drainage System, Potable Water System, Sanitary Sewer System, Schools, Parks and Recreation, or Police and Fire and Emergency Medical Services. Urban Planning Area, Urban Services and Urban Service Area definitions have been added based on Oregon Administrative Rules, the Beaverton Development Code and the Beaverton-Washington County UPAA. 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.

Discussion under Goal 12 assists in the understanding of the applicability of the Transportation Element and the policies and actions found therein to this amendment. The proposal does not affect any of the text found in Chapter 6 or implement a change to the physical landscape of any property. Proposed and existing transportation facilities in the TSP, and the tables and figures within Chapter 6 of the Comprehensive Plan remain 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.

The proposed amendment does not affect the City's ability to implement the provisions in this chapter.

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.

This proposed amendment does not affect Sections 8.2 Water Quality, 8.3 Air Quality, 8.4 Noise, 8.5 Seismic Hazards, 8.6 Geologic Hazards, 8.7 Flood Hazards, or 8.8 Solid and Hazardous Wastes.

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

Chapter 9 Economy Element.

Economic development, proposed industrial facilities or employment centers are not negatively affected by the proposed amendment. The permitted uses in the SC-MU zone are consistent with the uses envisioned for the County's Sunset Transit Center Station Community concept. Neither the CPA or ZMA action affects the City's ability to provide areas for industrial facilities, employment centers or provide for economic development.

Finding: Staff finds that the policies found in Chapter 9 are inapplicable to the proposed amendment.

Summary Finding: Staff finds that the proposed Comprehensive Plan amendment is generally consistent and compatible with the Comprehensive Plan, Development Code, Engineering Design Manual and Standard Drawings, Clean Water Services Design and Construction Standards and the Beaverton Municipal Code. Thus, the requirements of Criterion 1.3.1.3 are met.

Staff provided analysis in this report to determine which Comprehensive Plan Land Use Map designation was most appropriate for properties that are currently not designated. In the absence of this element, staff based the analysis upon an orderly and logical assessment of Washington County's vision for the area as indicated through policies contained in the Cedar Hills – Cedar Mill Community Plan, the County's Framework Plan, and the County's Development Code. Staff then identified City designation equivalents that reflected that vision. The subject properties are not in an Area of Special Concern, there is no specific Design Elements affecting the properties, no Significant Natural and Cultural Resources Map features apply. Washington County staff provided several comments regarding the proposal, but as indicated above, staff has determined that no action is required.

Finding: In the analysis provided earlier in the report, staff assessed the planning requirements associated with the Beaverton Comprehensive Plan,

the UPAA, the Cedar Hills – Cedar Mill Community Plan, the County's Development Code, and the Washington County Framework Plan. This amendment is consistent with the UPAA and, therefore, Criterion 1.5.1.C is met.

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;

The subject properties have not been assigned any County land use designation, City Comprehensive Plan land use designation, or City zoning designation. Without assignment of these land use elements, there is no way for City staff to assess which land use policies, development code policies, or other site requirements should apply to the properties. Therefore, a public need exists to apply the City's designation to the property. Additionally, the proximity to the Sunset Transit Center and the fact that neighboring properties that are planned for development of a specific nature requires that the properties be designated as proposed.

Findings: Criterion 1.5.1.D is met for the proposed amendment.

ZONING MAP AMENDMENT CRITERIA

Pursuant to Development Code Section 40.97.15.4.C (Discretionary Annexation Related Zoning Map Amendment - Approval Criteria) "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."

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

As noted in the Process section of this report, the subject site was not assigned land use designations on the County's Cedar Hills – Cedar Mill Community Plan Map at the time it was annexed. Further, the subject properties have remained without designation since they were annexed. The proposed amendment will, therefore, serve as the first application of the City's land use designations and zoning since annexation.

Although this proposed Comprehensive Plan Land Use Map amendment and Zoning Map amendment are annexation related, without pre-existing designations assigned by Washington County, the UPAA does not provide specific guidance. Any attempt to determine which City designations are most suitable for the properties and adequately reflect the County's planning for the

area will require findings, and the final decision will require discretion on the City's part.

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

40.97.15.4.C.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 the proposed rezone and is not required to collect a fee from itself. No fees are due nor have any been collected.

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

40.97.15.4.C.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.*

As discussed in the analysis section of this report, no Washington County land use designation was applied to the site at the time it was annexed. It is not possible, therefore, to establish which 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. However, considerable effort was made to establish which Washington County land use designation was most suitable for the property. This formed a basis in determining which City plan and zoning designations could serve as counterparts. Based upon this analysis staff determined that if the properties were to be designated under the County's system, TO:BUS would be a logical choice and the City's SC-MU Zone would serve as an appropriate counterpart.

Finding: *Staff finds that after detailed analysis and for the reasons provided in the Suitability Analysis Section of this report, the City's Station Community Land Use Designation and Station Community-Mixed Use (SC-MU) Zone were determined to be the most suitable in implementing the County's Station Community planning for the area. In deriving this conclusion, staff finds this criterion has been met.*

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

Given the lack of a land use designation associated with the subject parcels, staff's ability to receive guidance from the UPAA was limited. However, staff has cited and attempted to follow one section of the agreement deemed relevant to the proposal. Section II.D states the following:

The CITY and the COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan.

In attempting to evaluate the intent behind the County's Station Community Concept, staff employed orderly and logical reasoning to ascertain which City Community Station equivalents were best suited to reflect the County's intent.

Finding: *The proposed zoning designations are consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.*

CONCLUSION

Based on the findings in this report, staff concludes amending the Comprehensive Plan Land Use Map to show the City Station Community designation and the Zoning Map to show the Station Community – Multiple Use (SC-MU) Zoning District is appropriate for the subject properties.