



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

03/14/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment
DLCD File Number 003-12

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: Thursday, March 29, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lindsay Kuipers, City of Beaverton
Angela Lazarean, DLCD Urban Planner
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

MAR 09 2012

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Beaverton
0001**

Local file number: **CPA2012-0001/ZMA2012-**

Date of Adoption: **2/28/2012**

Date Mailed: **3/8/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

The proposal assigns Plan and Zone designations that most closely correspond to the City's UPAAs with Washington County. The proposal is from Washington County General Commercial to City Corridor Plan Designation and City General Commercial Zoning Designation.

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

Plan Map Changed from: **Washington County GC** to: **Beaverton Corridor**

Zone Map Changed from: **County GC** to: **City GC**

Location: **2 locations S. Side Canyon Road @ 104th & 93rd** Acres Involved: **1**

Specify Density: Previous: **GC** New: **GC**

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD File No. 003-12 (19149) [16965]

DLCD file No. _____

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

Local Contact: **Barbara Fryer**

Phone: **(503) 526-3718** Extension:

Address: **PO Box 4755**

Fax Number: **503-526-3720**

City: **Beaverton**

Zip: **97076-4755**

E-mail Address: **bfryer@BeavertonOregon.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

NOTICE OF DECISION

March 8, 2012

To Whom It May Concern:

The Beaverton **CITY COUNCIL** has **APPROVED CPA2012-0001 CANYON ROAD @ SW 104th & 93rd CORRIDOR LAND USE MAP AMENDMENT** and **ZMA2012-0001 CANYON ROAD @ SW 104th and 93rd GENERAL COMMERCIAL ZONING MAP AMENDMENT**. The Council held a considered the amendments on February 21, 2012. The Council approved the Ordinances that constitute the City's final decision on the applications February 28, 2012.

The City Council's decision may be appealed within twenty (21) calendar days of the date of this notice to the State of Oregon Land Use Board of Appeals pursuant to ORS 197.805 through ORS 197.860.

The complete case files are available for review through the City Recorder, Mayor's Office, 3rd Floor, City Hall, 4755 SW Griffith Drive. Hours of operation are 7:30 a.m. to 5:00 p.m., Monday through Friday, except for holidays. For more information about the project, please contact Barbara Fryer at (503) 526-3718.

Sincerely,



Steven A. Sparks, AICP
Development Services Manager

cc: Trachi LLC No. 1
Jerry Jones Jr, Lanphere Enterprises
West Slope Neighborhood Association
Raleigh Hills-Garden Home CPO 3
Chair of the Beaverton Committee for Citizen Involvement
Washington County Department of Land Use and Transportation
Project File

ORDINANCE NO. 4577

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP TO APPLY THE CITY'S CORRIDOR DESIGNATION AND ORDINANCE 2050, THE ZONING MAP, TO APPLY THE CITY'S GENERAL COMMERCIAL (GC) ZONE TO THREE PARCELS LOCATED NEAR SW CANYON ROAD IN EAST BEAVERTON. CPA 2012-0001/ZMA 2012-0001, CITY OF BEAVERTON APPLICANT

WHEREAS, a proposal to annex the subject properties into the City of Beaverton was approved by City Council on March 29, 2011; 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 and Economic Development Department, on February 14, 2012, published a written staff report with findings and recommendations demonstrating applicability of the UPA to the proposed action a minimum seven (7) calendar days in advance of the scheduled City Council meeting on February 21, 2012; and

WHEREAS, the City Council adopts as to criteria, facts and findings described in Community and Economic Development Department staff report on CPA2012-0001/ZMA2012-0001 by Planning Technician Lindsey Kuipers, dated February 7, 2012, and attached hereto as Exhibit “B”; 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 Lots 1S114BB03900, 1S114BB04000, and 1S111DB03700 Corridor, as shown on Exhibit “A”.

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate Tax Lots 1S114BB03900, 1S114BB04000, and 1S111DB03700 General Commercial (GC) 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 21st day of February, 2012.

Passed by the Council this 28th day of February, 2012.

Approved by the Mayor this 29th day of February, 2012.

ATTEST:


CATHY JANSEN, City Recorder

APPROVED:


DENNY DOYLE, Mayor



STAFF REPORT

TO: City Council

AGENDA DATE: February 21, 2012 **REPORT DATE:** February 7, 2012

FROM: Barbara Fryer, Senior Planner *BF*
Lindsey Kuipers, Planning Technician

APPLICATIONS: CPA2012-0001 (Canyon Road at SW 104th and SW 93rd Avenue. Land Use Map Amendment)
ZMA2012-0001 (Canyon Road at SW 104th and SW 93rd Avenue Zoning Map Amendment)

LOCATION: All three parcels are located on the south side of SW Canyon Road, east of HWY 217. Two of the three properties are contiguous and are located at SW Canyon and SW 104th Avenue identified as tax lot numbers 3900 and 4000 on Washington County's Tax Assessors tax map 1S114BB. The third property is located at the southwest corner of SW Canyon and SW 93rd Avenue also identified as tax lot number 3700 on Washington County's Tax Assessors tax map 1S111DB.

NEIGHBORHOOD ASSOCIATION: Both properties are located in the West Slope Community Planning Organization (CPO).

REQUEST: Apply the City's General Commercial (GC) zoning designation and the City's Corridor land use designation to the subject parcels; although the UPAA designates the City's General Commercial land use designation to the subject parcels, that land use designation no longer exists, but is equivalent to the City's current designation of Corridor, therefore the Corridor land use designation shall be applied.

APPLICANT: City of Beaverton Community Development Director

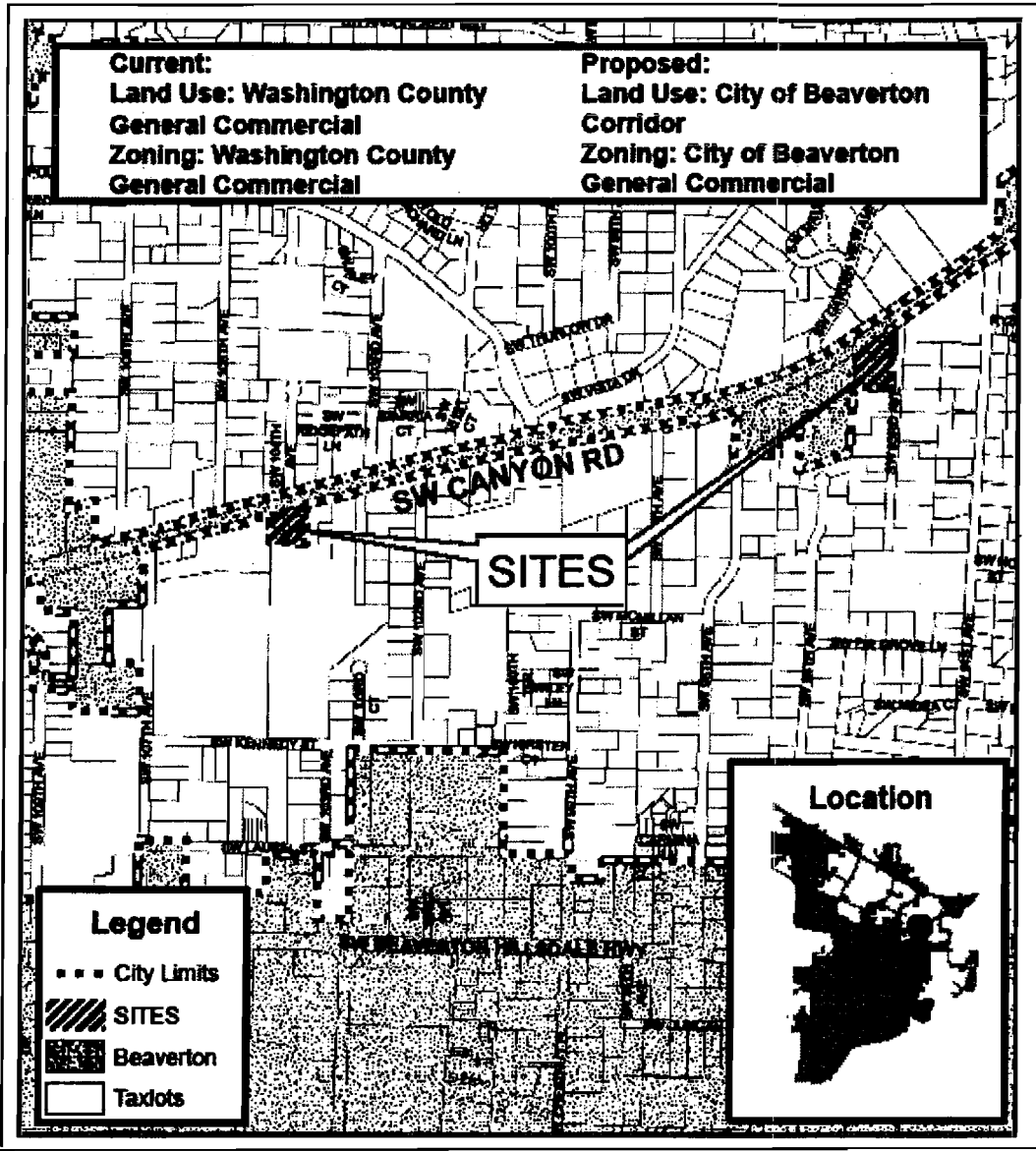
APPROVAL CRITERIA: Comprehensive Plan Section 1.5.2 and the Development Code Section 40.97.15.3.C



TICWVJ

RECOMMENDATION: Staff recommends the City Council adopt an ordinance applying the *City's Corridor (COR) land use designation and the City's General Commercial (GC) zoning designation* to the subject parcels effective 30 days after adoption of the proposed ordinance or upon the effective date of the related annexation – whichever occurs later.

VICINITY MAP

EXHIBIT "1"



 The Best of Design	ZMA2012-0001 CPA2012-0001 ZONING & COMP PLAN MAP AMENDMENT COMMUNITY AND ECONOMIC DEVELOPMENT Planning Division	1/12/12 Tax Lot #'s 1S1148803800 1S1148804000 1S111D803700	N 
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BACKGROUND

CPA2012-0001 proposes amendment of the Land Use Map and ZMA2012-0001 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning to the subject parcels which were annexed into the City through Ordinances 4563 and 4564 in 2011. The parcels currently carry Washington County's GC (General Commercial), designation, as depicted on the County's *Raleigh Hills-Garden Home Community Plan Map*.

EXISTING CONDITIONS

Uses. Staff performed a field survey and observed that the parcels support an auto spa (paint restoration and interior reconditioning) and an auto body and collision center that includes a showroom and used car lot.

Character. The three parcels that are the subject to this proposal can be characterized as occupying two locations separated by approximately 0.7 miles.

Two of the properties are located south of SW Canyon Road near the intersection of SW 104th Avenue. These parcels are contiguous to one another with both of the parcels fronting SW Canyon Road - a major arterial. This provides the auto spa with a high degree of visual exposure. Together these two contiguous parcels provide sufficient area to support a maintenance facility and administrative offices. The entire dealership facility occupies approximately 0.69 acres.

The third property is located south of SW Canyon Road near the intersection of SW 93rd Avenue. This parcel also fronts SW Canyon Road – a major arterial. This provides the auto body and collision center with a high degree of visual exposure. This parcel is approximately 0.97 acres in size which is sufficient space to support a car showroom, used car lot, and administrative offices.

Natural Resources. The Washington County *Raleigh Hills-Garden Home Community Plan Map* identifies a significant natural and cultural resource located on the parcel at SW Canyon/93rd Avenue. According to the *Raleigh Hills-Garden Home Community Plan Significant Natural and Cultural Resources Map*, an area of underground storm water flow identified as "water area and wetland" traverses tax lot 1S11DB03700. As the properties are already developed, no additional impact on this significant natural and cultural resource is proposed.

ANALYSIS

COMPATIBILITY OF LAND USE DESIGNATIONS

City of Beaverton Corridor land use designation. Section 3.10 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* addresses the City's Corridor land use designations. The goals and related policies for the Corridor designation are relevant to this proposal. It is as follows:

"3.10.1 Goal: An attractive mix of commercial and higher density residential uses along major roads through the City that invites pedestrian activity where appropriate."

The policies of Section 3.10.1 include the following:

- b) *Apply the Corridor land use designation consistent with the Metro 2040 Regional Urban Growth Concept Map.*

Action 1: *Designate the following roads, and appropriate properties along the roads, as Corridors:*

- | | | |
|--------------------|---------------------------|-------------------------------|
| ▪ Murray Boulevard | ▪ Cornell Road | ▪ Beaverton-Hillsdale Highway |
| ▪ Hall Boulevard | ▪ Allen Boulevard | ▪ Scholls Ferry Road |
| ▪ Canyon Road | ▪ 92 nd Avenue | ▪ Tualatin Valley Highway |
| ▪ Farmington Road | ▪ Walker Road | |

The Metro 2040 Regional Urban Growth Concept Map designates the section of SW Canyon Road adjacent to the subject parcels as falling within the Corridor design type. Further, as indicated above, the Comprehensive Plan calls out SW Canyon Road as specifically suitable for the corridor land use plan designation.

- c) *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.*

This proposal is to apply the City's COR plan designation to three properties that were annexed in 2011. This proposal also includes the recommendation that the City apply its General GC zoning to the properties in complying with UPAA provisions. Correlation of the GC zone with the COR plan designation for the subject parcels complies with the provisions contained in subsection 3.14 Comprehensive Plan and Zoning District Matrix.

For the reasons specified above, assignment of the COR designation to the subject parcels will implement the City's Comprehensive Plan goals and policies.

COMPATABILITY OF ZONING DISTRICTS

All three of the properties carry Washington County's GC zoning. The Washington County-Beaverton UPAA identifies the County's GC zone as the counterpart to the City's GC 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>
GC	Corridor	GC

Compatibility between these zone classifications can be summarized as follows:

Washington County GC / City of Beaverton GC district designation comparison.
Section 314-1 of the *Washington County Community Development Code* states that;

This District is intended to provide for commercial land to serve the traveling public and to provide for commercial uses which require large sites and a high degree of visibility. This District is intended to recognize the existing strip commercial development pattern in the County...

The City's GC zone mirrors Washington County's GC in many respects. Both allow for strip commercial development for businesses that occupy large sites. The City's GC zone does not specify a maximum permitted lot size and allows for the maximum building height allowance that is among highest of the City's commercial zones. The City's GC also caters specifically to businesses that require extensive storage and/or outdoor display. Finally, the City's GC district is applied to areas along major arterials providing a high degree of visibility.

Summary. For the subject parcels, the UPAA specifies that the City's COR designation and the City's GC zone 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 January 20, 2012. The County has not advised the city of adopted policies which may apply to the subject area.

However, Subareas 2 and 3, Areas of Special Concern H and K respectively of the *Raleigh Hills - Garden Home Community Plan* relates in particular to this area. The *Raleigh Hills - Garden Home Community Plan* specifies these areas as "Areas of Special Concern" because the strip commercial features of this area cause vehicle and pedestrian traffic safety hazards. In order to promote the elimination of those strip commercial features which are vehicle and pedestrian traffic safety hazards and the

addition of features which will enhance the business advantage and overall appearance of the subareas, the following standards shall apply to development of structures, land divisions and significant remodeling of existing structures within the Area of Special Concern H applicable to 9350 SW Canyon Road 1S111DB03700:

- a. Access drives and curb cuts shall be consolidated and, if possible, shared between adjoining parcels.*
- b. Where no curb cuts onto Canyon Road now exist, new direct access shall be allowed only as an interim use until an alternative right-of-way is completed, pursuant to access management provisions in the Comprehensive Framework Plan and Community Development Code.*
- c. A safe and convenient means of pedestrian circulation shall be provided to each use. The pedestrian system shall provide access from each use to the property line of adjacent uses and from the use to any public transit facility or stop. The design of new pedestrian facilities shall complement the design of those already constructed to Community Development Code standards in adjacent uses.*
- d. A landscape buffer area shall be established and maintained along any portion of the property abutting SW Canyon Road, subject to development review.*
- e. Business identification and directional signs shall be brought into conformance with sign standards in the Community Development Code.*

Additionally, Subarea Section 3 of the *Raleigh Hills-Garden Home Community Plan* affects the location at SW Canyon Road and SW 93rd Avenue. In this document, an area of Canyon Road from approximately SW 94th Avenue east to approximately SW 93rd Avenue that includes the two northeasterly parcels is designated as Area of Concern K.

The *Raleigh Hills – Garden Home Community Plan* specifies concerns because the strip commercial features of this area cause vehicle and pedestrian traffic safety hazards. In order to promote the elimination of those strip commercial features which are vehicle and pedestrian traffic safety hazards and the addition of features which will enhance the business advantage and overall appearance of the subarea, the following standards shall apply to development of structures, land divisions and significant remodeling of existing structures within this Area (please note that standards f. and g. do not apply as they address specific areas outside the subject area):

- a. Access drives and curb cuts shall be consolidated and, if possible, shared between adjoining parcels.*
- b. Where no curb cuts onto Canyon Road now exist, new direct access shall be allowed only as an interim use until an alternative right-of-way is completed, pursuant to access management provisions in the Comprehensive Framework Plan and Community Development Code.*

c. A safe and convenient means of pedestrian circulation shall be provided to each use. The pedestrian system shall provide access from each use to the property line of adjacent uses and from the use to any public transit facility or stop. The design of new pedestrian facilities shall complement the design of those already constructed to Community Development Code standards in adjacent uses.

d. A landscape buffer area shall be established and maintained along any portion of the property abutting SW Canyon Road, subject to development review.

e. Business identification and directional signs shall be brought into conformance with sign standards in the Community Development Code.

f. Office commercial use of two parcels at the northwest corner of the intersection of SW Poplar Lane and Beaverton-Hillsdale Highway (tax lots 8000 and 81000) shall be permitted contingent upon the following strict design criteria: Commercial use of these parcels shall be consistent with Type IV standards in the Community Development Code. No access shall be allowed onto SW Popular lane until tax lots 8000 and 8100 are redeveloped. Upon redevelopment, all three lots shall be served by joint access limited to one point onto Poplar Lane and the existing access onto Beaverton-Hillsdale Highway shall be removed.

g. In order to prevent encroachment into the adjacent residential neighborhood, development of the rear portion of the parcel at 8600 SW Canyon Road (tax lot 100) for General Commercial use shall be permitted only with the following design controls: No access onto SW Milton Lane shall be allowed. Screening and buffering of the property shall be done t the level of Type 2 standards of the Community Development Code, with the addition of Type S-2 fencing. Lighting, of any, shall be directional to minimize impacts on the adjacent neighborhood. Any development of this lot shall pay special attention to improvement of drainage problems in this area.

Subject to this comprehensive plan and zoning map amendment, the City of Beaverton will apply its plan and zone designations to the parcels as a substitute for what had been imposed by Washington County. Selection as to which designations are appropriate will be dictated by the terms specified in the *Beaverton – Washington County Urban Planning Area Agreement (UPAA)*. The intent is to apply City designations that most closely correspond to what had previously been applied by Washington County. Subsequently, all City design standards pertaining to pedestrian access, landscaping, etc. will be applied in a development review process once application for a proposed development is submitted.

It should be noted that SW Canyon Road is an Oregon Department of Transportation (ODOT) facility and as such, access standards pertaining to this area of the street are

under the control of ODOT. The City of Beaverton therefore does not have any authority to regulate access or curb cut provisions pertaining to SW Canyon Road.

PROCESS

THRESHOLD

The subject parcels are designated on the County's *Raleigh Hills-Garden Home Community Plan Map* as GC which, in a non-discretionary process, requires implementation of the City's GC zoning designation under the *Urban Planning Area Agreement (UPAA)*.

Comprehensive Plan Process. Non-discretionary amendments are amendments to the Comprehensive Plan Land Use Map to add annexed property to the Map with a Land Use Map designation assigned through direct application of the UPAA. County Ordinance 561 amended Washington County's *Comprehensive Framework Plan* to apply Metro 2040 Growth Concept design type designations to particular areas of the County. This includes applying the Metro Corridor designation to the subject parcels. As such, the City's COR Plan designation applies to the subject parcels. The GC land use designation was adopted after the UPAA was adopted in 1989 and no updates to the agreement have been adopted since that time. Because both the City COR and County GC plan designations were adopted pursuant to the Metro Urban Growth Management Functional Plan requirements and contain similar language, application of the City's COR plan designation to the subject property therefore constitutes the closest proximate plan designation to Washington County's GC design type and satisfies the requirements specified in the UPAA. Although the UPAA designates the City's GC land use designation to the subject parcels, that land use designation no longer exists, but is equivalent to the City's current designation of COR, therefore; the COR land use designation shall be applied. The proposed plan map amendment satisfies the Non-Discretionary Annexation Related threshold requirements and no interpretation or exercise of discretion is necessary to identify COR 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 *Raleigh Hills-Garden Home 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."

Ordinance numbers 4563 and 4564 annexed the property into the City in 2011, as noted above. 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.

SUBMISSION REQUIREMENTS

According to Development Code Section 40.97.15.3.D. *"An application for a Non-Discretionary Annexation Related Zoning Map Amendment may be initiated by the City pursuant to Section 10.40 after:*

1. The adoption of a resolution by the City Council directing initiation of an annexation process for the subject property;
2. The submittal of a valid annexation petition; or
3. The submittal of an executed annexation agreement

As noted both properties have been duly annexed into the City as of 2011.

PUBLIC NOTICE

Section 1.4.3.A of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice for Non-Discretionary Annexation Related Comprehensive Plan Map Amendments must be provided, not less than twenty (20) and not more than forty (40) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice was published in the Beaverton Valley Times on January 19, 2012.
2. Notice was mailed to the West Slope Neighborhood Association Committee, Raleigh Hills - Garden Home Citizen Participation Organization (CPO 3), Chair of the Committee for Citizen Involvement (CCI), the Washington County Department of Land Use and Transportation (DLUT), and to the subject property owner on January 20, 2012.
3. Notice was posted at Beaverton City Hall, in the Beaverton Downtown Library, in the U.S. Post Office, and on the City's website on January 23, 2012.

The City Council has not 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 1.5.2.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 after annexation of the subject parcels into the City in 2011. The parcels carry the Washington County GC designation, as depicted on the County's *Raleigh Hills-Garden Home Community Plan Map*.

As noted in the Process section of this report, the UPAA specifies the City's GC zoning designation for the County GC 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." The City Council approved the subject annexations in 2011 through Ordinances 4563 and 4564 (file # ANX2011-0002, ANX2011-0003).

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 GC goes to City GC.

Finding: The GC zoning district is specified by, and are 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

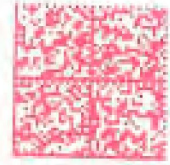
Based on the facts and findings presented, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Corridor (COR) land use designation and amending the City's Zoning Map to depict the City's General Commercial (GC) zoning district is appropriate for the subject parcels and is consistent with the Washington County – Beaverton *Urban Planning Area Agreement*.



City of Beaverton
4755 SW Griffith Drive
PO Box 4755
Beaverton, OR 97076

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



U.S. POSTAGE PITNEY BOWES
ZIP 97005 \$ 000.74⁰¹
02 1W
0001371940 MAR 08 2012

ATTN: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND
CONSERVATION AND DEVELOPMENT
635 CAPITOL ST NE, SUITE 150
SALEM, OR 97301-2540

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