



Oregon

Theodore R. Kubongski, 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

12/17/2009

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 015-09

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, December 31, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Jeff Salvon, City of Beaverton  
Gloria Gardiner, DLCD Urban Planning Specialist

Bill Holmstrom, DLCD Transportation Planner

<paa> YA



NR07 **2**

# DLCD

## Notice of Adoption

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

In person  electronic  mailed

DATE STAMP

**DEPT OF**

**DEC 10 2009**

**LAND CONSERVATION AND DEVELOPMENT**  
For DLCD Use Only

Jurisdiction: **City of Beaverton**

Local file number: **#016-09**

Date of Adoption: **December 7, 2009**

Date Mailed: **December 9, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9-11-2009

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 subject parcels are presently annexing into the City of Beaverton. This proposal is to apply the City's Corridor and Neighborhood Residential -Standard Density Plan Map designations and the City's General Commercial (GC), Community Service (CS), and R7 Zones to 6 properties previously zoned CBD, GC, and R5 in unincorporated Washington County. The proposal is non-discretionary via city-county Urban Planning Area Agreement.**

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

Plan Map Changed from: **Wa. Co. GC, CBD, &R-5** to: **Beaverton Corridor &NR-SD**

Zone Map Changed from: **Wa. Co. GC, CBD, &R-5** to: **Beaverton GC, CS and R7**

Location: **Along SW Canyon Road**

Acres Involved: **10**

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

New: **N/A**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. \_\_\_\_\_



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

**Clean Water Services, West Slope Water District, Tualatin Valley Park and Recreation District, Tualatin Valley Fire and Rescue**

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Local Contact: **Jeff Salvon**

Phone: **(503) 526-3725** Extension:

Address: **P.O. Box 4755**

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

City: **Beaverton**

Zip: **97076**

E-mail Address: **jsalvon@ci.beaverton.or.us**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

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

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, or by emailing **[larry.french@state.or.us](mailto:larry.french@state.or.us)**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **[larry.french@state.or.us](mailto:larry.french@state.or.us)** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009



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**ORDINANCE NO. 4524**

AN ORDINANCE AMENDING ORDINANCE 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP TO APPLY THE CITY'S CORRIDOR AND NEIGHBORHOOD RESIDENTIAL - STANDARD DENSITY PLAN DESIGNATIONS AND ORDINANCE 2050, THE ZONING MAP, TO APPLY THE CITY'S GENERAL COMMERCIAL (GC), COMMUNITY SERVICE (CS), URBAN STANDARD DENSITY (R-7) ZONE TO SIX PARCELS LOCATED NEAR SW CANYON ROAD IN EAST BEAVERTON. CPA 2009-0010 / ZMA 2009-0008, CITY OF BEAVERTON APPLICANT

**WHEREAS,** a proposal to annex the subject property into the City of Beaverton is scheduled for City Council consideration on November 16, 2009; and

**WHEREAS,** Section 10.40.2 of the Development Code specifies that "[t]he City may consider the zoning for any area proposed for annexation at the same time as it considers annexation of the area..."; 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 4187 Section 1.4.3.B.6 and Ordinance 2050 Section 40.97.15.C, the Beaverton Community Development Department, on November 23, 2009, published a written staff report with findings and recommendations demonstrating applicability of the UPAA to the proposed action a minimum seven (7) calendar days in advance of the scheduled City Council meeting on November 30, 2009; and,

**WHEREAS,** the City Council adopts as to criteria, facts and findings described in Community Development Department staff report on CPA2009-0010 / ZMA2009-0008 by Associate Planner Jeff Salvon, dated November 23, 2009, 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 1S110DD03101, 1S110DD03100, 1S115AA00200, 1S115AA02700, 1S111CD00100, and a portion of 1S111DC03900 Corridor and the remaining portion of Tax Lot 1S111DC03900 Neighborhood Residential – Standard Density, as shown on Exhibit "A".

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate Tax Lots 1S110DD03101, 1S110DD03100, 1S115AA00200, 1S111CD00100, and a portion of 1S111DC03900 General Commercial (GC), the remaining portion of

Tax Lot 1S111DC03900 Urban Standard Density (R7), and Tax Lot 1S115AA02700 Community Service (CS), 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 30th day of November, 2009.

Passed by the Council this 7th day of December, 2009.

Approved by the Mayor this 8th day of December, 2009.

ATTEST:

  
\_\_\_\_\_  
SUE NELSON, City Recorder

APPROVED:

  
\_\_\_\_\_  
DENNY DOYLE, Mayor

## STAFF REPORT

**TO:** City Council

**AGENDA DATE:** November 30, 2009      **REPORT DATE:** November 23, 2009

**FROM:** Jeff Salvon, Associate Planner

**APPLICATIONS:** CPA2009-0010  
(Lanphere/Canyon Rd. Land Use Map Amendment)  
ZMA2009-0008  
(Lanphere/Canyon Rd. Zoning Map Amendment)

**LOCATION:** Located in various locations near SW Canyon Road east of Highway 217. The parcels are identified as tax lots 1S110DD03101, 1S110DD03100, 1S115AA00200, 1S115AA02700, 1S111CD00100, and 1S111DC03900.

**NEIGHBORHOOD ASSOCIATION:** The Denney Whitford / Raleigh West Neighborhood Association Committee and the West Slope Neighborhood Association Committee.

**REQUEST:** Apply the City's Corridor (COR) and Neighborhood Residential Standard Density (NR-SD) land use designations and the City's General Commercial (GC), Community Service (CS), and Urban Standard Density (R-7) zoning designations to the subject parcels.

**APPLICANT:** City of Beaverton Community Development Director

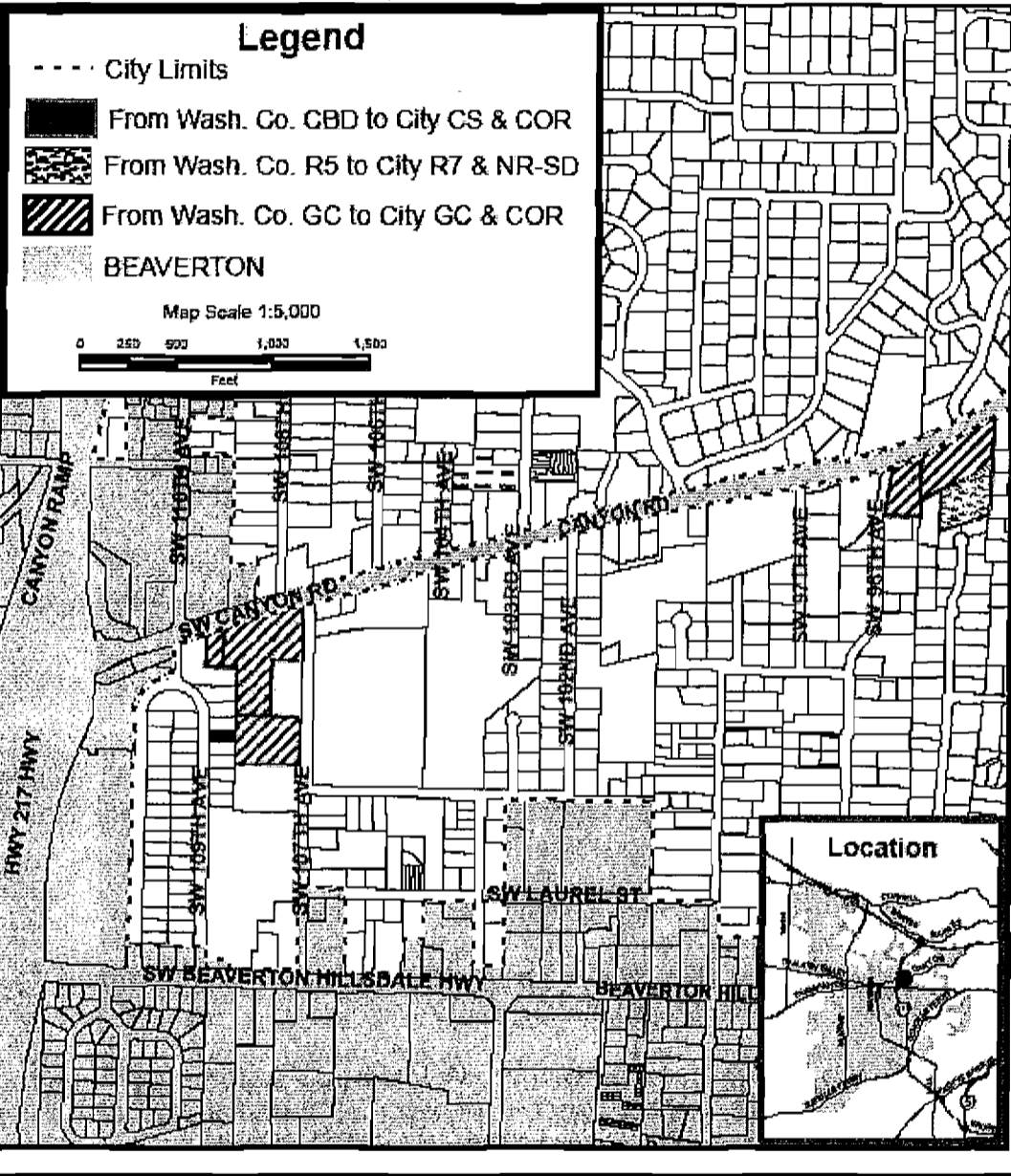
**APPROVAL CRITERIA:** Comprehensive Plan Section 1.5.2 and the Development Code Section 40.97.15.3.C

**RECOMMENDATION:** **Staff recommends the City Council adopt an ordinance applying the *City's Corridor (COR) and Neighborhood Residential Standard Density (NR-SD) land use designations and the City's General Commercial (GC), Community Service (CS), and Urban Standard Density (R-7) zoning designations* 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

BEAVERTON  
MAPBOOK  
PAGE 80

Ordinance No. 4524



 City of Beaverton	<b>Lanphere/Canyon Road</b> Comp Plan Map Amendment/ Zone Map Amendment		10/21/09 N Tax Lot #'s 6 Lots
	<b>COMMUNITY DEVELOPMENT DEPARTMENT</b> Planning Division		Application # CPA009-0010 ZMA2009-0008

## BACKGROUND

CPA2009-0010 proposes amendment of the Land Use Map and ZMA2009-0008 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning to the subject parcels which are currently annexing into the City. The parcels currently carry Washington County's GC (General Commercial), Central Business District (CBD), and R-5 (Residential 5 Units per Acre) designations, 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 supports two auto dealerships - one of which is currently vacant, areas designated for auto storage, an auto maintenance facility, and a detached residential dwelling used as office space for a construction services firm.

**Character.** The six parcels that are the subject to this proposal can be characterized as occupying two locations separated by approximately one-half mile. Four of the properties are located on lower SW Canyon Road near the intersection of SW 109<sup>th</sup> Avenue. These parcels are contiguous to one another with two of the parcels fronting SW Canyon Road - a major arterial. This provides the auto dealership with a high degree of visual exposure. Together these four parcels provide sufficient area to support an auto sales office, display area for autos, a maintenance facility, and administrative offices. The entire dealership facility occupies approximately 5 ½ acres.

The other two parcels are located approximately 0.6 miles east on upper SW Canyon Road near the intersection of SW 96<sup>th</sup> Avenue. These two parcels constitute approximately four acres and support an auto dealership (Beaverton Dodge - which has since closed), and area for auto display/storage. One of these parcels is split zoned with Washington County General Commercial along the portion that fronts SW Canyon Rd. and County R5. Conditions have been imposed upon the R5 segment of the property to allow this area to be used for auto storage/display.

**Natural Resources.** The Washington County West Slope-Raleigh Hills-Garden Home *Community Plan Map* identifies the stream on the southern edge of the property as a "water area and wetland and fish and wildlife habitat". 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 lots 1S111CD00100 and 1S111DC03900 and another feature identified as "water area and wetland and fish and wildlife habitat" traverses a portion of tax lot 1S110DD03100. Both of these features are classified as significant natural and cultural resources the Raleigh Hills - Garden Home Community Plan.



## 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:*

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

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 under Action 1 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 Corridor (COR) plan designation to six annexing properties. The proposal also includes the recommendation that the City apply its General Commercial (GC) and Community Service (CS) zoning to the properties in complying with UPAA provisions. Correlation of the GC and CS zones with the COR plan designation for the subject parcels complies with the provisions contained in subsection 3.14 Comprehensive Plan and Zoning District Matrix.

**City of Beaverton Neighborhood Residential - Standard Density land use designation.** Section 3.13 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* addresses the City's residential land use designations. One goal is identified for the Standard Density Residential designation is relevant to this proposal. It is as follows:

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

The proposal to apply the City's Neighborhood Residential – Standard Density plan designation to an area of tax lot 1S111DC03900 is prompted by the City's commitment to abide by the terms of the City–County Urban Planning Area Agreement (UPAA). This agreement dictates that after the annexation of property into the City, the City will apply its closest proximate zone and plan designations to what exists under the County's policies prior to annexation. A portion of tax lot 1S111DC03900 is zoned County R5. Under UPAA terms, the City's R-7 zone and Neighborhood Residential Standard Density (NR-SD) plan designation should be assigned. In applying these designations to the property the proposal complies with Comprehensive Plan Section 3.13.4 and is consistent with the Zoning District Matrix.

For the reasons specified above, assignment of the Corridor and Neighborhood Residential - Standard Density Plan designations to the subject parcels will implement the City's Comprehensive Plan goals and polices.

**COMPATABILITY OF ZONING DISTRICTS**

Five of the six properties carry Washington County's General Commercial (GC) zoning. As indicated previously, one of those properties is split zoned with GC applied to the area fronting SW Canyon Road and the residential R5 portion oriented to the rear. The sixth parcel carries the County's Central Business District (CBD) zoning. The Washington County-Beaverton UPAA identifies the County's GC zone as the counterpart to the City's GC zone, the County's CBD zone to be counterpart to the City's CS zone, and the County's R5 zone as the counterpart to the City's R7 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.

<i>WASHINGTON COUNTY – BEAVERTON URBAN PLANNING AREA AGREEMENT</i>		
<i>EXHIBIT "B"</i>		
<i>CITY – COUNTY LAND USE DESIGNATION EQUIVALENTS</i>		
<u>COUNTY</u>	<u>BEAVERTON</u>	
<i>Plan/Zoning</i>	<i>Plan</i>	<i>Zoning</i>
<i>GC</i>	<i>Corridor</i>	<i>GC</i>
<i>CBD</i>	<i>Corridor</i>	<i>CS</i>
<i>R-5</i>	<i>NR-SD</i>	<i>R-7</i>

Compatibility between of 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.

**Washington County CBD / City of Beaverton CS district designation comparison.**  
Section 313-1 of the *Washington County Community Development Code* states that;

*Commercial centers in this District are intended to provide the community with a mix of retail, service and business establishments on a medium to large-scale. Medium through high density residential uses, as well as various office and institutional uses, may be permitted.*

The City of Beaverton Development Code identifies the CS zone as suitable for retail, service and business establishments on a scale that is identified by specific areas of the City. Among these areas SW Canyon Road is identified. Additionally, a look at the City's zoning map demonstrates that areas near the subject property, including properties fronting SW 110<sup>th</sup> and at the juncture of SW 109<sup>th</sup> and Beaverton Hillsdale Highway, are zoned CS providing an indication of the appropriate scale suitable to the CS zone. Therefore, with regard to both land use and scale, the City's CS zone is compatible with Washington County's CBD zone.

**Washington County R-5 / City of Beaverton R-7 district designation comparison.**  
Section 302-1 of the *Washington County Community Development Code* states that;

*The R-5 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than five (5) units per acre and no less than four (4) units per acre, except as specified otherwise by Section 300-2, Section 300-5, or Section 302-6. The primary purpose is to protect existing neighborhoods developed at five (5) units per acre or less.*

The City of Beaverton Development Code identifies the R-7 zone as suitable for a residential development with minimum land area of 7,000 square feet per dwelling unit. This definition is essentially an inverted way of describing a maximum density allowance of 5 units per acre. The density allowances targeted by these two zoning designations are therefore nearly identical.

Conditions of Approval



It should be noted that the parcel proposed for City R-7 zoning is currently divided between two zones. The portion fronting SW Canyon Rd. is zoned Washington County GC and the portion at the rear is zoned Washington County R-5. Although this rear portion is zoned for residential purposes, a permit has been issued for auto storage and display purposes with an area that has been designated for employee parking.

In 1974 Washington County issued a conditional use permit establishing specific performance criteria required to be satisfied in order for the property to continue its auto oriented uses authorized by the permit. The original conditions were modified in 1979 and again in 1986 to broaden permitted uses to include employee parking. Among the conditions established, the permit required elements related to fencing, screening, lighting, and noise that could otherwise negatively impact residential properties to the south. These conditions were established and remain in effect via Washington County case files 74-100-C, 79-10-M, 79-596-M and 86-382-SU (detailed in Attachment A).

In the interest of conforming to provisions within the UPAA, whereby the City agrees to assign approximate zoning to what existed prior to annexation, City should continue to enforce these conditions so that they continue to remain in effect subsequent to annexation and rezoning of the property.

**Summary.** For the subject parcels, the UPAA specifies that the City's COR and NR-SD Plan designations and the City's GC, CS, and R-7 zones designations 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 October 30, 2009. The County has not advised the city of adopted policies which may apply to the annexed area.

### **PROCESS**

#### **THRESHOLD**

The subject parcels are designated on the County's *West Slope-Raleigh Hills-Garden Home Community Plan Map* as GC, CBD, and R-5, which, in a non-discretionary process, requires implementation of the City's GC, CS, and R-7 zoning designations under the *Urban Planning Area Agreement (UPAA)*.

**Comprehensive Plan Process.** Due to annexation of the subject parcels and the non-discretionary nature of the proposal, review and approval of this proposed

Comprehensive Plan Map Amendment qualifies as a Non-Discretionary Amendment per *Comprehensive Plan* Section 1.3.

**Development Code Process.** Due to current related proposal to annex the subject parcels and the non-discretionary nature of this proposal, 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."

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:*

The proposal to annex the subject property was owner initiated with consent of the property owner and electors under ORS 222.125, and an annexation petition was submitted. First reading to consider annexation of the subject property is scheduled on the Council's November 30, 2009 agenda with the second reading scheduled for December 7, 2009. Proposed plan and zone amendments will be contingent upon annexation of the subject parcels.

#### **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 October 22, 2009.
2. Notice was mailed to the Denney Whitford / Raleigh West Neighborhood Association Committee, West Slope/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 October 27, 2009.

3. Notice was posted in City Hall, in the Beaverton Library, in the U.S. Post Office, and on the City's website on October 26, 2009.

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 in the process of annexing into the City. The parcel carries the Washington County GC, CBD, and R-5 designations, as depicted on the County's *West Slope/Raleigh Hills/Garden Home Community Plan Map*.

As noted in the Process section of this report, the UPAA specifies the City's GC, CS, and R-7 zoning designations for the County GC, CBD, and R-5 designations. 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 c riterion 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 Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." The subject annexation was petitioned with the owners' consent under ORS 222.125. City Council will consider approval of the owner-initiated annexation on November 16, 2009. Approval of this proposal is contingent upon annexation approval of the subject properties.

**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, Washington County CBD goes to City CS, and Washington County R-5 goes to City R-7.

**Finding: The GC, CS, and R-7 zoning district are 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 find that 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) and Neighborhood Residential – Standard Density (NR-SD) land use designation and amending the City's Zoning Map to depict the City's General Commercial (GC), Community Services (CS), and Urban Standard Density (R-7) zoning districts is appropriate for the subject parcels and is consistent with the Washington County – Beaverton Urban Planning Area Agreement.

**Attachment A:** Washington County Hearings Officer:  
Findings, Conclusions, and Order for Case File # 86-382-SU

ADDRESS SERVICE  
REQUESTED

PRESORTED  
FIRST CLASS



02 1A  
0004373521  
MAILED FROM ZIP CODE 97005  
**\$ 00.89<sup>0</sup>**  
DEC 10 2009



**City of Beaverton**  
Community Development Department  
4755 S.W. Griffith Drive  
P.O. Box 4755  
Beaverton, OR 97076

**TO:**

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

