

Community Development Department | Planning Division 12725 SW Millikan Way | PO Box 4755 Beaverton, OR 97076 General Information: (503) 526-2222 V/TDD www.BeavertonOregon.gov

NOTICE OF DECISION

July 10, 2024

To Whom It May Concern:

The Beaverton **CITY COUNCIL** has **APPROVED** CPMA32024-00241 / ZMAX12024-00242 (LU32024-00243 3215 SW 170th Avenue Annexation Comprehensive Plan and Zoning Map Amendments). The Council considered the amendments on June 18, 2024, and July 2, 2024, and approved an ordinance that constitutes the City's final decision on July 2, 2024. No discretion was exercised in the assignment of the zoning district designation. The assigned zoning district designation is consistent with Table 1, Section 1.5.2 of the Comprehensive Plan, this section constitutes a methodology adopted pursuant to the Washington County – Beaverton Urban Planning Area Agreement (UPAA) in which it is stated that the City shall initiate zoning changes to annexed property that correspond as closely as possible to zoning already adopted by Washington County.

The City Council's decision is final but may be appealed in a court of competent jurisdiction.

The complete case file is available for review by contacting the City Recorder's Office (12725 SW Millikan Way, 5th Floor, Beaverton, OR 97005) at 503-526-2497 or citymail@beavertonoregon.gov.

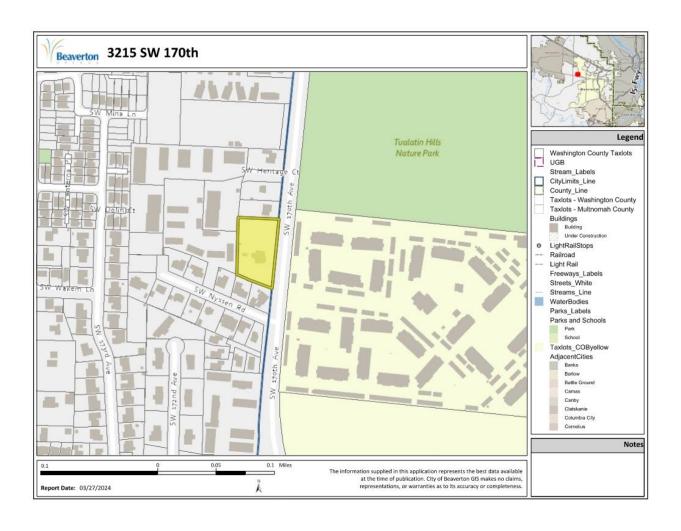
For more information about the project, please contact Brett Cannon at 503-350-4038 or bcannon@beavertonoregon.gov.

Sincerely,

Brett Cannon, AICP Associate Planner

cc: City of Beaverton, Applicant Ramoncito Gallarde LLC, Owner Five Oaks / Triple Creek NAC

CPO 6
Department of Land Conservation and Development
Project File



ORDINANCE NO. _ 4855

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN LAND USE MAP AND THE ZONING MAP FOR ONE PARCEL AT 3215 SW 170^{TH} AVENUE; LU32024-00243 3215 SW 170^{TH} AVENUE (CPMA32024-00241 / ZMAX12024-00242)

WHEREAS, the subject tax lot is being annexed into the City of Beaverton; and

WHEREAS, Section V of the Washington County–Beaverton Urban Planning Area Agreement (UPAA) specifies that "[u]pon annexation, the CITY shall initiate changes to the Comprehensive Plan land use and zoning designations corresponding as closely as possible to designations already adopted by the COUNTY"; and

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1. The Beaverton Comprehensive Plan Land Use Map, is amended to designate Tax Lot 1S1S07DB00402 as Lower Density Neighborhoods (LDN), as shown on Exhibit "A."
- **Section 2.** The Beaverton Zoning Map, is amended to designate Tax Lot 1S107DB00402 Residential Mixed B (RMB) as shown on Exhibit "A."
- **Section 3.** In support of this application, the City Council adopts the findings in the Community Development Department Staff Report (Exhibit "B").
- **Section 4.** 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 18th day of June, 2024.

Public hearing before Council this 2nd day of July, 2024.

Duly passed by the Council this 2nd day of July, 2024.

Signed by the Mayor Pro Tem this 3rd day of July, 2024.

ATTEST:	APPROVED:
Sue Ryan	Edward kimmi
SUE RYAN, City Recorder	EDWARD KIMMI, Mayor Pro Tem

STAFF REPORT

Report date: June 11, 2024

Application/project name: LU32024-00243 3215 SW 170th Avenue Annexation

Application Numbers: CPMA32024-00241 / ZMAX12024-00242

Proposal: Amend the City Comprehensive Plan Land Use Map and Zoning Map for

One Tax Lot at 3215 SW 170th.

Proposal location: 3215 SW 170th Avenue. Tax lot 00402 of Washington County Tax

Assessor's Map 1S107DB.

Petitioner: Raymond and Lucena Gallarde

Applicant: City of Beaverton

Recommendation: APPROVAL of CPMA32024-00241 and ZMAX12024-

00242.

Contact information:



503-350-4038

bcannon@BeavertonOregon.gov

Property owner: Gallarde, Ramoncito D Rev Living Trust

5731 NW Crady LN Portland OR, 97229



Existing conditions

Zoning: Washington County R-15

Site conditions: Existing uses on site include a single-detached residence with accessory

structures common to a residence.

Site Size: 1.19 acres

Location: 3215 SW 170th Avenue.

Neighborhood Association Committee: Five Oaks / Triple Creek

Table 1: Surrounding uses

Direction	Zoning	Uses
North	Residential	Single-detached Residence
South	Residential	Single-detached Residence
East:	Residential	Multi-unit Residence
West:	Residential	Multi-unit Residence

Application information

Table 2: Application summaries

Application	Application type	Proposal summary	Approval criteria location
CPMA32024- 00241	Comprehensive Plan Map Amendment	Amend the Comprehensive Plan Map to apply the Lower Density Neighborhood designation to a parcel being annexed to the city.	Table 1 in Section 1.5.2 of the City of Beaverton Comprehensive Plan
ZMAX12024- 00242	Zoning Map Amendment	Amend the Zoning Map to apply the RMB Density designation to a parcel being annexed to the city.	Section 40.97.15.3 of the Beaverton Development Code.

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CPA/ZMA Background and Summary

On March 26, 2024, the owner's representative submitted a petition for annexation. The annexation boundary includes the parcel owned by the petitioner, identified as tax lot 00402 of Washington County Tax Assessor's Map 1S107DB. The annexation area is in unincorporated Washington County. In this separate but concurrent process, the city proposes to amend the Comprehensive Plan Land Use Map (CPMA32024-00241) and the Beaverton Development Code Map (ZMAX12024-00242). The parcel is currently zoned R-15 pursuant to the Washington County Community Development Code. CPMA32024-00241 proposes to apply the Lower Density Neighborhoods (LDN) designation to the Land Use Map and ZMAX32024-00242 proposes to apply Residential Mixed B (RMB) to the Zoning Map consistent with staff report Exhibit 1.1.

Staff proposes a plan designation and zoning district that most closely correspond to Washington County's land use designation applied to the subject parcel pursuant to the City of Beaverton Comprehensive Plan, Table 1 of Section 1.5.2. The findings and recommendations contained in this staff report find that the Beaverton Lower Density Neighborhoods plan designation and the RMB Zoning district are consistent with Comprehensive Plan Section 1.5.2 and Development Code Section 40.97.15.3.

ANALYSIS AND FINDINGS FOR COMPREHENSIVE PLAN AMENDMENT

Recommendation: Based on the facts and findings presented below, staff recommends the City Council approve **CPMA32024-00241**.

COMPREHENSIVE PLAN SECTION 1.3 Amendment Procedural Categories:

Section 1.3 Approval Criteria:

Non-Discretionary Amendments are amendments to the Comprehensive Plan Land Use Map to add an annexed property, or properties, to the Map with a Land Use Map designation assigned through direct application of Comprehensive Plan Chapter 1, Table 1, Section 1.5.2. This section features a table of City Comprehensive Plan land use designations that correspond to zoning designations adopted by Washington County. The table is maintained by the City pursuant to the Washington County-Beaverton Urban Planning Area Agreement (UPAA). The County land use classification(s) remain in effect under provisions of Oregon Revised Statutes (ORS 197.175(1) and ORS 215.130(2)(a)) until the City acts to implement its own Comprehensive Plan Land Use designation(s) for the Annexed territory.

Section V of the UPAA specifies the following:

- A. The CITY and 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 the process in B, below.
- B. Upon annexation, the CITY shall initiate changes to the Comprehensive Plan land use and zoning designations already adopted by the COUNTY. The CITY shall maintain a list of COUNTY land use designations and the corresponding CITY comprehensive plan and zoning designations. If a property is subject to a concept, neighborhood, or community plan adopted by the CITY, the CITY shall apply the applicable CITY comprehensive plan and zoning designations to the property upon annexation. In addition, the COUNTY shall advise the CITY of adopted policies that apply to the annexed areas.

Table 1 in Section 1.5.2 was adopted pursuant to UPAA Section V, which requires the city to maintain a list of corresponding county-to-city plan and zone designations where the decision to apply a specific Land Use Map designation is made under land use standards that do not

require interpretation or the exercise of policy or legal judgment. Consequently, the decision is not a land use decision as defined by Oregon Revised Statutes (ORS 197.015(10)(b)(A)) [ORD 4759 January 2019].

FINDING:

The proposed amendment is to apply Beaverton's Low Density Neighborhoods plan designation to a property that is in the process of annexing into the City and carries Washington County's R-15 zoning. Table 1 of Section 1.5.2 of the Beaverton Comprehensive Plan (Exhibit 1.2) is relevant to this proposal and identifies the Lower Density Neighborhoods Comprehensive Plan Designation and Residential Mixed B (RMB) zoning district as the appropriate designations for the subject property. As this proposal concerns property in the process of annexing into the City of Beaverton and seeks to apply a Comprehensive Plan designation consistent with Table 1 of the Comprehensive Plan, the proposal qualifies as a non-discretionary decision.

Section 1.3 of the Comprehensive Plan states that the County shall advise the City of adopted policies that apply to the annexed area. As of the date of this report, the City has not been advised of any adopted policies that apply to the subject property.

Conclusion: Therefore, staff finds that the proposal satisfies Comprehensive Plan Section 1.3 for non-discretionary Comprehensive Plan Map Amendments.

COMPREHENSIVE PLAN SECTION 1.4.3 Non-Discretionary Map Amendments

Section 1.4.3.A

Notice for Non-Discretionary Map Amendments shall be provided as follows:

- 1. By publication of a notice with the information specified in Section 1.4.3.B.1., 2. And 3. In a newspaper of general circulation within the City;
- 2. By mailing notice with the information specified in Section 1.4.3.B. to the Chair of the Beaverton Committee for Community Involvement (BCCI), Neighborhood Association Committee (NAC), Community Participation Organization (CPO), and owners of record of the subject property on the most recent property tax assessment roll; and
- 3. By placing notice with information specified in Section 1.4.3.B. on the City's website.
- 4. For annexation-related plan map amendments, by mailing notice with the information specified in Section 1.4.3.B. to the Planning Director of the Washington County Department of Land Use and Transportation (DLUT). This notice shall be given no less than 35 days prior to the date the item initially appears on the City Council agenda.

All notice required by 1. Through 3. Of this subsection A. shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date the item initially appears on the City Council agenda.

FINDING:

Notice of the proposed non-discretionary map amendment was published in Pamplin Media on May 23, 2024, which was 26 days prior to the date of the item initially appearing on the City Council agenda. It was mailed to the BCCI; relevant NAC and CPO representatives; and subject property owners of record (on the most recent property tax assessment roll) on May 23, 2024, which was 26 days prior to the date of the item initially appearing on the City Council agenda. Notice also was mailed to the Planning Director of the Washington County Department of Land Use and Transportation on May 13, which was 36 days prior to the date of the item initially appearing on the City Council Agenda.

Conclusion: Therefore, staff finds that the proposal satisfies Section 1.4.3.A

Section 1.4.3.B

Notice required by subsection 1.4.3.A. shall:

- 1. State the time, date, place and purpose of the City Council agenda item;
- 2. Explain the nature of the application;
- 3. Include the case file number, title, or both of the proposed ordinance to be considered;
- 4. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;
- 5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times, and location where available for inspection;
- 6. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained; and
- 7. Set forth the street address or other easily understood geographical reference to the subject property, including a map.

FINDING:

All notices for the proposed non-discretionary map amendment contained the information listed in subsection 1.4.3.B, above.

Conclusion: Therefore, staff finds that the proposal satisfies Section 1.4.3.B

COMPREHENSIVE PLAN SECTION 1.5.2 Criteria for Non-Discretionary Map Amendments

Section 1.5.2.A

Annexation-Related:

The Washington County-Beaverton Urban Planning Area Agreement (UPAA) says: "Upon annexation, the city shall apply its Comprehensive Plan land use and zoning designations corresponding as closely as possible to designations already adopted by the county. The city shall maintain a list of county land use designations and the corresponding city comprehensive plan and zoning designations." The list in Table 1 of Section 1.5.2. identifies City Comprehensive Plan designations and zoning districts that most closely approximate the density, use provisions, and standards of the County designations. When annexation-related Comprehensive Plan Map amendments are proposed that convert County zoning to a City plan designation that is pursuant to Table 1 in Section 1.5.2., the City has no discretion.

This section describes the method by which City of Beaverton Comprehensive Plan designations and zoning districts shall be applied consistent with the Washington County-Beaverton Urban Planning Area Agreement when a property in unincorporated Washington County is annexed into the City of Beaverton.

Table 1 below shows city plan and zoning designations that correspond closely with the county land use districts. Properties with Washington County land use districts in Table 1 can be processed with a Type 1 application using the City's non-discretionary process. County land use districts not consistent with Table 1 and associated footnotes shown shall be subject to a Type 3 discretionary process.

FINDING:

As indicated in the findings for Section 1.3 Amendment Procedural Categories above, the proposed plan map amendment complies with Table 1 in Section 1.5.2. of the Comprehensive Plan, which identifies the City of Beaverton's Low Density Neighborhoods plan designation and RMB zoning district as the appropriate designations to apply to the subject property. The proposal can be processed with a Type 1 application using the City's non-discretionary process.

Conclusion: Therefore, staff finds that the proposal satisfies Section 1.5.2.A

ANALYSIS AND FINDINGS FOR ZONING MAP AMENDMENT

Recommendation: Based on the facts and findings presented below, staff recommends the City Council approve **ZMAX12024-00242**.

DEVELOPMENT CODE SECTION 40.97.15.3.C Non-Discretionary Annexation-Related Zoning Map Amendment Approval Criteria:

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:

Section 40.97.15.3.C.1 Approval Criteria:

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

FINDING:

The proposal meets the following thresholds:

- 1. The change of zoning to a City zoning designation as a result of the annexation of land into city.
- 2. Table 1 in Section 1.5.2 in the Comprehensive Plan provides a list of corresponding county-city zoning designations and is specific as to the City zoning designation to be applied to the parcel being annexed. In cases where zoning of an annexed parcel is determined by reference to this table, the decision as to which zone shall be applied does not allow for discretion.

This request meets thresholds 1 and 2 for a Non-Discretionary Annexation-Related Zoning Map Amendment identified in Section 40.97.12.3.A.

Conclusion: Therefore, staff finds that the proposal satisfies Section 40.97.15.3.C.1.

Section 40.97.15.3.C.2 Approval Criteria:

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

FINDING:

There is no fee associated with a Non-Discretionary Annexation-Related Zoning Map Amendment application.

Conclusion: Therefore, staff finds that the proposal satisfies Section 40.97.15.3.C.2

Section 40.97.15.3.C.3 Approval Criteria:

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

FINDING:

Section 50.25.1 states that "Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Related 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." A valid annexation petition has been submitted and is being reviewed under a separate but concurrent process.

Conclusion: Therefore, staff finds that the proposal satisfies Section 40.97.15.3.C.3.

Section 40.97.15.3.C.4 Approval Criteria:

The proposed zoning designation is consistent with the corresponding County zoning as specified within Table 1 in Section 1.5.2. within the City's Comprehensive Plan.

FINDING:

Table 1 in Beaverton Comprehensive Plan Section 1.5.2 depicts a list of corresponding county-to-city plan and zone designations. As indicated in the findings for the Comprehensive Plan Map Amendment in Attachment A, the property in the process of annexing into the City carries Washington County's R-15 zoning. Table 1 of Section 1.5.2 identifies the City of Beaverton's Lower Density Neighborhoods plan designation and RMB zoning district as the appropriate designations to apply to the subject property.

Conclusion: Therefore, staff finds that the proposal satisfies Section 40.97.15.3.C.4.

Section 40.97.15.3.C.5 Approval Criteria:

Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence.

FINDING:

The Zoning Map Amendment application is being reviewed concurrently with the Comprehensive Plan Map Amendment and separate annexation petition. The request will not require additional applications or documents.

Conclusion: Therefore, staff finds that the proposal satisfies Section 40.97.15.3.C.5.

ANALYSIS AND FINDINGS GOAL 10

FINDING:

Beaverton's Housing Needs Analysis (HNA) was added to the Volume II of the city's Comprehensive Plan on Oct. 5, 2023. It demonstrates a need for all housing types in the 20-year period ending in 2042, as shown in Table 3. The state Department of Land Conservation and Development (DLCD) found it to be consistent with the requirements of Statewide Planning Goal 10.

Table 3: Projected Future Need for New Housing Units (2042)

	Single detached	Townhome	Duplex	3- or 4- plex	5+ units	Manuf. home
Current city limits (2022)	2,692	1,609	727	1,214	3,215	429

Given the RMB zoning, this property could contribute to the single-detached, townhome, duplex, and 3- or 4-plex categories because single-detached dwellings, duplexes, triplexes, quadplexes, townhouses, and cottage clusters are permitted by right in the RMB zone. The subject property is more than 51,000 square feet. RMB does not have maximum density, so the maximum number of units is controlled by the minimum lot size and the maximum number of units allowed on the lot, as shown in Figure 4.

Table 1: Maximum potential units on 51,000-square-foot lot in RMB

	Minimum lot size	Maximum lots possible on this site	Maximum units allowed on those lots
Single detached and duplex	3,000	17	34
Triplex and quadplex	4,000	12	48
Townhouse	1,300	39	39
Cottage cluster	7,000	7	84

The site could accommodate a maximum of 48 (quadplexes) to 84 (cottage clusters) units, although the maximum number would likely be lower considering potential needs for access, open space, utility corridors, and right-of-way dedication.

Conclusion: Therefore, the proposal to apply RMB to the subject property upon annexation is consistent with Goal 10, Housing because the allowed uses in RMB will

generate needed housing identified in Table 3 and in the city's Housing Needs Analysis. Additionally, the City Council's approval of Table 1.5.2 in the Comprehensive Plan indicates that the RMB zone best represents Washington County's R-15 zone in density and allowed uses, including single-detached and middle housing options.

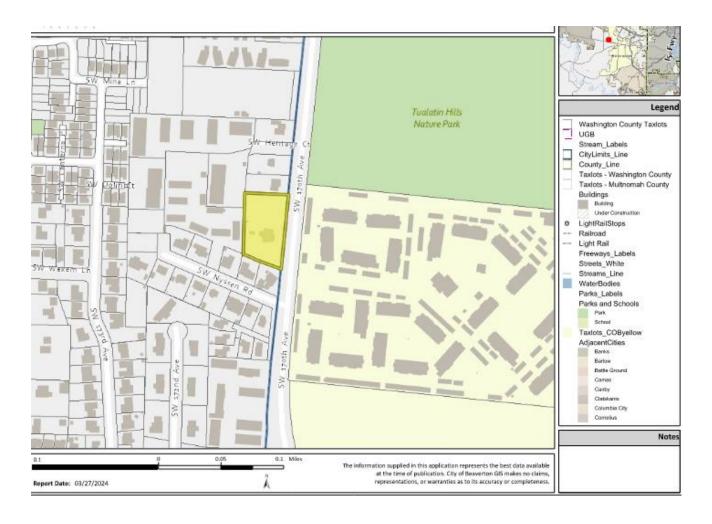
CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff concludes that amending the Comprehensive Plan Land Use Map to apply the Lower Density Neighborhoods land use designation and amending the Zoning Map to apply the RMB zoning district satisfies the approval criteria for the subject property. Staff also concludes that the proposal can be processed as a Non-Discretionary Comprehensive Plan Map Amendment and a Non-Discretionary Annexation Related Zoning Map Amendment per the terms specified within Table 1 in Section 1.5.2 of the City's Comprehensive Plan and Section 40.97.15.3 of the Development Code.

Therefore, staff recommends that City Council adopt an ordinance applying the Lower Density Neighborhoods land use designation and the RMB Residential Mixed B zoning district to the subject parcel effective 30 days after adoption of the proposed ordinance or upon the effective date of the related annexation, whichever occurs later.

Exhibits

1.1 Vicinity Map



1.2 Table 1 of Section 1.5.2 of the Beaverton Comprehensive Plan

Table 1, 1.5.2: Annexation-related plan and zone changes not requiring discretion (Type I CPA/ZMA Applications)				
County Land Use District	City Comprehensive Plan Designation	City Zoning District		
R-5, Residential 5 units/acre	Lower Density Neighborhoods (LDN)	RMC		
R-6, Residential 6 units/acre; R-6 NB, North Bethany District	Lower Density Neighborhoods (LDN)	RMC		
R-9, Residential 9 units/acre; R-9 NB, North Bethany District	Lower Density Neighborhoods (LDN)	RMC		
R-15, Residential 15 units/acre; R-15 NB, North Bethany District	Lower Density Neighborhoods (LDN)	RMB		
R-24, Residential 24 units/acre	Lower Density Neighborhoods (LDN)	RMA		
TO: R9-12, Transit Oriented Residential District 9-12 units/acre	Lower Density Neighborhoods (LDN)	RMB		
TO: R12-18, Transit Oriented Residential District 12-18 units/acre	Lower Density Neighborhoods (LDN)	RMA		
TO:R24-40, Transit Oriented Residential ¹	Station Community (SC)	SC-HDR		
TO:R24-40, Transit Oriented Residential ²	Town Center (TC)	TC-HDR		
TO:R40-80, Transit Oriented Residential ¹	Station Community (SC)	SC-HDR		
TO:R80-120, Transit Oriented Residential ¹	Station Community (SC)	SC-HDR		
TO:RC, Transit Oriented Retail Commercial ^{1, 3}	Station Community (SC)	SC-MU		
TO:BUS, Transit Oriented Business ²	Town Center (TC)	TC-MU		
TO:BUS, Transit Oriented Business ¹	Station Community (SC)	SC-MU		
TO:EMP, Transit Oriented Employment ¹	Station Community (SC)	SC-E1		

¹ Applies to property located within a Metro designated Station Community Area

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² Applies to property located within a Metro designated Town Center Area

³ Unincorporated property zoned TO:RC located within a Metro designated Station Community Area which is entirely within 2,600 linear feet from a light rail transit platform.



Received Planning Division 6/17/2024

June 17, 2024

City of Beaverton Planning Commission 12725 SW Millikan Way Beaverton, OR 97005

RE: Amend the City Comprehensive Plan Land Use Map and Zoning Map to apply City land use and zoning designations to the parcel that is currently annexing into the City of Beaverton. The property is currently designated Washington County R-15. The proposed amendment to the Land Use Map (CPMA32024-00241) would apply the city's Lower Density Neighborhoods land use designation. The proposed amendment to the Zoning Map (ZMAX12024-00242) would apply the city's RMB zone. (LU32024-00243)

Dear Commission Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO commend the City and support the adoption of LU32024-00243. Planning staff created a detailed staff report with Goal 10 findings that made a compelling case that this amendment will help the City meet its housing needs. This will be used as a good example for other jurisdictions.

Thank you for your consideration of our comments.

Sincerely,

Samuel Goldberg

Public Policy Manager

Fair Housing Council of Oregon

Cc: Ethan Stuckmayer, DLCD