



Commentary is for information only.
 Proposed new language is underlined.
 Proposed deleted language is ~~stricken~~.

ATTACHMENT A

CPA 2018-0007

UPAA PLAN AND ZONING METHODOLOGY COMPREHENSIVE PLAN AMENDMENT

The Comprehensive Plan is amended as follows:

Proposed Text Amendment	Commentary
<p>Chapter 1, Section 1.3 Amendment Procedural Categories</p> <p>Comprehensive Plan Amendments fall into four <u>five</u> general categories: Legislative, Quasi-Judicial, Historic Landmark, District and Tree designation removal, Non-Discretionary, and Statewide Planning Goal 5 Inventory Document Amendments.</p> <p style="text-align: center;">***</p> <p>Quasi-Judicial Amendments are amendments to a Land Use Map designation as it applies to specific parcels or applies to a small number of individuals or properties or locations. Historic Landmark, District or Tree Designation Removal are amendments, requested from the property owner, to remove said designation pursuant to ORS 197.772. Upon receipt of a letter request to remove said designation, the Community Development Director shall issue a letter removing said designation based on ORS 197.772 and shall cause such letter to be mailed to the property owner and the property owners within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the subject property.</p> <p>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 the Washington County Beaverton Urban Planning Area Agreement (UPAA) of 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</p>	<p><i>The “Historic Landmark, District and Tree designation removal” category was deleted because those amendments will now be part of the “Statewide Planning Goal 5 Inventory Document Amendments” as described below.</i></p> <p><i>The existing “Historic Landmark, District and Tree designation removal” procedure reflects an understanding of ORS 197.772 that was overturned by a Oregon Supreme Court decision in 2016. State law does not require removal of the designation upon request. After deletion of this provision, amendments to the Historic Landmark, District or Tree list would be completed consistent with Comprehensive Plan</i></p>

Proposed Text Amendment	Commentary
<p><u>City pursuant to the Washington County- Beaverton Urban Planning Area Agreement (UPAA).</u> 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.</p> <p>The UPAA requires the City to assign a particular, or most similar, City Comprehensive Plan Land Use designation to the annexed property based on the Washington County designation. Exhibit "B" of the UPAA contains a chart describing a one-to-one relationship between County and City land use designations. Where UPAA Exhibit "B" provides a one-to-one relationship and the annexed property is not subject to any special policies within the applicable Washington County Community Plan, 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)).</p> <p><u>Section V of the UPAA specifies the following:</u></p> <p><u>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.</u></p> <p><u>B. Upon 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. 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</u></p>	<p>Section 1.3 paragraph 7 regarding Goal 5 Inventory Resource Document Amendments, which allows legislative or quasi-judicial updates.</p> <p>This section was deleted because it describes the language in the current UPAA, which is being modified by the new UPAA.</p> <p>This section describes the new UPAA language.</p>

Proposed Text Amendment	Commentary
<p><u>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.</u></p> <p><u>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 ????, January 2019].</u></p> <p>Statewide Planning Goal 5 Inventory Resource Document Amendments are amendments to Volume III of the Comprehensive Plan. Amendments may be legislative, such as periodic review, or annual updates to maps, or quasi-judicial. Updates to the Significant Natural Resources Map (Local Wetland Inventory Map) incorporating changes approved by the Department of State Lands are non-discretionary map amendments, <u>and</u> the public notice, decision-making and appeal of the decision occurs when the Division of State Lands approves the wetland delineation and fill or removal permit (OAR 141-086-005 through OAR 141-090-0230, OAR 141-085-0018, OAR 141-085-0025, OAR 141-085-0028, OAR 141-085-0029, OAR 141-085-0031, OAR 141-085-0066, ORS 227.350 (2), and ORS 196.600 to 196.990). As noted under Non-Discretionary Amendments above, when no discretion is exercised, the decision is not a land use decision under Oregon Revised Statutes (ORS 197.015(10)(b)(A)).</p>	<p><i>This points the reader to Comprehensive Plan Table 1 in Section 1.5.2, which implements the UPAA. This retains the statements that non-discretionary decisions are not land use decisions.</i></p> <p><i>Added “, and” for clarity.</i></p>

Proposed Text Amendment	Commentary
<p>Chapter 1, Section 1.4 Notice Requirements</p> <p style="text-align: center;">***</p> <p>1.4.1 Legislative Amendments</p> <p>A. Notice of the initial hearing shall be provided as follows:</p> <p style="text-align: center;">***</p> <p>2. By mailing the required inter-agency DLCD notice to all Neighborhood Association Committee (NAC) chairs and Community Participation Organizations (CPO) in whose area there is property that in the Director's opinion could be affected by the proposed ordinance if adopted, and the Chair of the <u>Beaverton</u> Committee for Citizen Community Involvement, at least forty<u>thirty</u>-five (<u>35</u>) calendar days prior to the initial hearing;</p> <p style="text-align: center;">***</p>	<p><i>This section reflects the name change for the city's BCCI. It also alters the 45-day notice requirement to 35 days so that the city's notice requirements align with DLCD's.</i></p>
<p>6. By placing a notice with the applicable information specified in subsection 1.4.1 B on the City's website.</p> <p style="text-align: center;">***</p> <p>For Legislative Periodic Review notices, notice described in 1.4.1.B shall be mailed at least <u>35</u> days in advance of the initial hearing to Metro, Washington County, all Neighborhood Association Committee (NAC) chairs in whose area there is property that in the Director's opinion could be affected by the proposed ordinance if adopted, and the Chair of the <u>Beaverton</u> Committee for Citizen Community Involvement.</p>	<p><i>Alters the 45-day notice requirement to 35 days and replaces BCCI's previous title with its current title.</i></p>

Proposed Text Amendment	Commentary
<p>1.4.2 Quasi-Judicial Amendments</p> <p>A. Notice of the initial hearing shall be provided as follows:</p> <ol style="list-style-type: none"> 1. By mailing the required inter-agency DLCD notice to DLCD, Metro, and Washington County at least forty five (45) <u>35</u> calendar days prior to the initial hearing; 2. By mailing the required inter-agency DLCD notice to the chair(s) of any City-recognized Neighborhood Association Committee (NAC) or County-recognized Citizen Participation Organization whose boundaries include the property <u>property</u> for which the change is contemplated, and the Chair of the Committee for Citizen Community Involvement <u>involvement</u> at least forty five (45) <u>35</u> calendar days prior to the initial hearing; 	<p><i>Alters the 45-day notice requirement to 35 days.</i></p> <p><i>Replaces BCCI's previous title with its current title and updates the notice requirement to 35 days.</i></p>
<p>1.4.3 Non-Discretionary Amendments</p> <p>A. Notice for Non-Discretionary Map Amendments shall be provided as follows:</p>	
<p>1. By publication of a notice with the information specified in <u>Section</u> 1.4.3.B.1., 2. and 3. in a newspaper of general circulation within the City;</p>	<p><i>Added "Section" to provide consistency with other sections of the Plan</i></p>
<p>2. By mailing notice with the information specified in <u>Section</u> 1.4.3.B. to the Chair of the <u>Beaverton</u> Committee for Citizen Community <u>Involvement</u> (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</p> <p>3. By placing notice with the information specified in <u>Section</u> 1.4.3.B on the City's website. All notices 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.</p>	<p><i>Added "Section" to provide consistency. BCCI's name change is updated here.</i></p> <p><i>Added "Section" to provide consistency with other sections of the Plan.</i></p>

Proposed Text Amendment	Commentary
<p>4. <u>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 not less than 35 days prior to the date the item initially appears on the City Council agenda. [ORD ????, January 2019]</u></p> <p style="text-align: center;">***</p>	<p><i>This section was added to apply terms within the UPAA update which require that the city and county notify one another of proposed actions that could affect land use or transportation of the other party.</i></p>
<p>C. Notice of Decision for Non-Discretionary Map Amendments</p> <p>Within five working days after the City Council decision on a Non-Discretionary Map Amendment, notice of the decision shall be mailed to the owner of record, DLCD, the Beaverton Neighborhood Office and the Chairperson of the <u>Beaverton</u> Committee for Citizen Community Involvement (<u>BCCI</u>). The notice of decision shall include the following:</p> <p style="text-align: center;">***</p>	<p><i>Replaces BCCI's previous title with its current title.</i></p>
<p>Chapter 1, Section 1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments</p> <p>A. <u>The following criteria apply to all legislative Comprehensive Plan amendments and non-annexation-related quasi-judicial Comprehensive Plan Amendments.</u></p> <ol style="list-style-type: none"> 1. <u>The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;</u> 2. <u>The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan; and</u> 	<p><i>"A" has been added to help make a distinction between annexation-related and non-annexation-related criteria.</i></p> <p><i>Letters B-C required renumbering to 1-3 when Section A was added.</i></p>

Proposed Text Amendment	Commentary
<p>3. <u>The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans.</u></p>	
<p>A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;</p>	Renumbered.
<p>B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro-Urban Growth Management Functional Plan and the Regional Transportation Plan;</p>	Renumbered.
<p>C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and</p>	Renumbered.
<p>D. If the proposed amendment is to the Land Use Map, there is a demonstrated need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.</p>	<p>The court case requiring this criteria was overruled in 1979 but still lingers in many codes. In practice, the criterion is difficult to address and does not reflect that Comprehensive Planning and zoning is not always about “need” but also about creating complete, thriving communities.</p>
<p><u>B. The following criteria apply to all annexation-related quasi-judicial Comprehensive Plan Amendments. [ORD ???? , January 2019]</u></p>	<p><i>Section B</i> is an update to the Comprehensive Plan and is meant to guide discretionary decisions related to annexation where no comparable city-county plan designation is available as a Beaverton counterpart for a specific county zone.</p>
<p>1. <u>In applying the most appropriate Comprehensive Plan designation, the decision-making authority shall use the relevant criteria below.</u></p>	

Proposed Text Amendment	Commentary
<p>a. <u>If the property is or properties are subject to a Beaverton-approved Community Plan, Neighborhood Plan, or Concept Plan approved consistent with Section 1.5.1.A, wherein the zoning is specified, the decision-making authority shall apply the specified Comprehensive Plan designation or designations; or</u></p> <p>b. <u>If the Washington County designation is Institutional, the decision-making authority shall find that the designation is consistent with Beaverton Comprehensive Plan policies in the Land Use Element; or</u></p> <p>c. <u>If neither Section 1.5.1.B 1. or 2. apply, the decision-making authority shall find that the designation is consistent with one or more of the following criteria in applying a Beaverton Comprehensive Plan designation:</u></p> <p>i. <u>City Comprehensive Plan policies in the Land Use Element</u></p> <p>ii. <u>Consistency with the County Land Use Districts.</u></p> <p style="text-align: center;">***</p>	<p><i>This section may apply to areas in the Cooper Mountain Reserve area or in other areas if and when future community planning efforts are adopted.</i></p> <p><i>Because the city has no institutional zone, this criteria provides a basis for decision making when institutionally zoned land is annexed into the city.</i></p> <p><i>Where sections a and b cannot be applied, this section will provide a basis for decision making for all remaining annexation-related city plan designation proposals. As it is worded to apply one or more criteria, it permits decision makers room to apply discretion.</i></p>
<p>Chapter 1,</p> <p>Section 1.5.2 Criteria for Non-Discretionary Map Amendments</p> <p>A. Annexation-Related Discretion occurs when the Washington County-Beaverton Urban Planning Area Agreement (UPAA) is adopted or amended by the County and the City. The UPAA provides specific City-County Land Use</p>	<p><i>This section is being replaced by the section below which</i></p>

Proposed Text Amendment	Commentary
<p>Designation Equivalents. Specifically, the UPAA states in Section II (D) "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. Such conversion shall be made according to the tables shown on Exhibit "B" to this agreement."</p> <p>Consequently, when the conversion from County to City designation is shown on Exhibit B, the City has no discretion.</p> <p><u>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.</u></p>	<p><i>amends the description that guides the annexation-related plan amendment process so that it reflects provisions that were negotiated in the UPAA update.</i></p>
<p><u>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.</u></p> <p><u>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</u></p>	<p><i>This section was added to provide some descriptive context for how Table 1 below is to be applied.</i></p> <p><i>The Development Code will refer to this section in its methods for applying city zoning upon annexation.</i></p>

Proposed Text Amendment	Commentary
<p><u>subject to a Type 3 discretionary process.</u></p> <p style="text-align: center;">***</p> <p>C. Notice of Decision for Non-Discretionary Map Amendments</p> <p>Within five working days after the City Council decision on a Non-Discretionary Map Amendment, notice of the decision shall be mailed to the owner of record, DLCD, the Beaverton Neighborhood Office and the Chairperson of the <u>Beaverton</u> Committee for Citizen Community Involvement (<u>BCCI</u>). The notice of decision shall include the following:</p>	

Commentary: *The table below is added to the Comprehensive Plan to show how city Comprehensive Plan designations and zoning districts should be applied when a property is annexed to the city. It represents county-city plan and zoning counterparts that share similar traits and shows instances where discretion is not necessary to apply those designations consistent with the Urban Planning Area Agreement.*

Table 1, 1.5.2: Annexation-related plan and zone changes not requiring discretion (Type I CPA/ZMA Applications)

<u>County Land Use District</u>	<u>City Comprehensive Plan Designation</u>	<u>City Zoning District</u>
<u>R-5, Residential 5 units/acre</u>	- <u>Standard Density Neighborhoods (SDN)</u>	<u>R7</u>
<u>R-6, Residential 6 units/acre</u>	- <u>Standard Density Neighborhoods (SDN)</u>	<u>R7</u>
<u>R-9, Residential 9 units/acre</u>	- <u>Standard Density Neighborhoods (SDN)</u>	<u>R5</u>
<u>TO:R24-40, Transit Oriented Residential¹</u>	- <u>Station Community (SC)</u>	<u>SC-HDR</u>
<u>TO:R24-40, Transit Oriented Residential²</u>	- <u>Town Center (TC)</u>	<u>TC-HDR</u>
<u>TO:R40-80, Transit Oriented Residential¹</u>	- <u>Station Community (SC)</u>	<u>SC-HDR</u>
<u>TO:R80-120, Transit Oriented Residential¹</u>	- <u>Station Community (SC)</u>	<u>SC-HDR</u>
<u>TO:RC, Transit Oriented Retail Commercial^{1, 3}</u>	- <u>Station Community (SC)</u>	<u>SC-MU</u>
<u>TO:BUS, Transit Oriented Business²</u>	- <u>Town Center (TC)</u>	<u>TC-MU</u>
<u>TO:BUS, Transit Oriented Business¹</u>	- <u>Station Community (SC)</u>	<u>SC-MU</u>
<u>TO:EMP, Transit Oriented Employment¹</u>	- <u>Station Community (SC)</u>	<u>SC-E1</u>

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

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.

<p>Chapter 5, Section 5.3 Urban Services Area</p> <p>Urban Planning Area Agreement</p> <p>An Urban Planning Area was established by the adoption of the Washington County – Beaverton Urban Planning Area Agreement (UPAA), <u>which was last updated in 1989_2019.</u> (The UPAA is adopted in the Land Use this Element by reference of this Plan). The City and County entered into the UPAA in order to comply with Statewide Planning Goal #2 and requirements of the Oregon Land and Conservation and Development Commission. The purposes of this agreement are to ensure coordinated and consistent comprehensive plans by creating a defined Urban Planning Area within which both the County and City maintain an interest in comprehensive planning and to create a process for coordinated comprehensive planning and development in this Urban Planning Area. The UPAA and the Urban Planning Area defined by it are out of date and should be amended.</p> <p style="text-align: center;">***</p>	<p><i>Updates Development Code language so Code users are not directed to look in the UPAA for which zoning district to apply because that “crosswalk” is now in the Comprehensive Plan.</i></p>
<p>Chapter 5, Section 5.3.1</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>5.3.1 Goal: Ensure long-term provision of adequate urban services within existing City limits and areas to be annexed in the future.</p> </div>	<p><i>Included for context. No changes to existing text are proposed.</i></p>
<p>Policies:</p> <p>a) The City shall maintain agreements with the special districts and the County to plan for the long-term provision of services within the City's Urban Services Area.</p> <p style="text-align: center;">***</p>	<p><i>Included for context. No changes to existing text are proposed.</i></p>

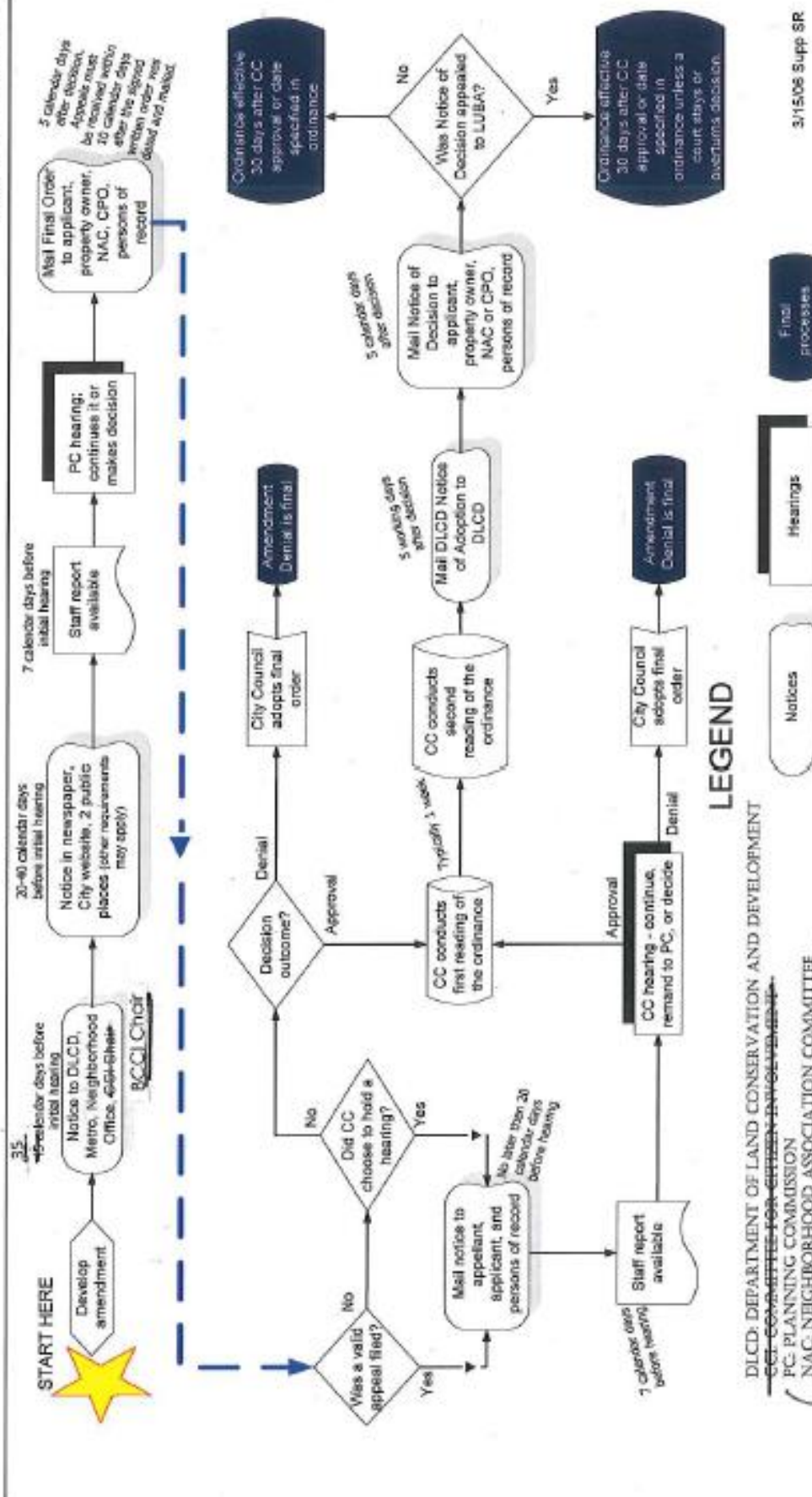
Chapter 5, Section 5.3.1

Action 4: Work with Washington County to update ~~maintain an up-to-date~~ ~~the~~ Washington County – Beaverton Urban Planning Area Agreement as ~~needed~~. ~~Upon adoption, the current UPAA, which is in the Land Use Element of this Plan, shall be deleted and the updated UPAA shall be adopted in its place.~~

This section replaces text deriving from the 1988 UPAA with text from the UPAA update which will be effective in 2019.

Commentary: Diagrams I1, I2, and I3 below are modified to reflect the name change that the BCCI made several years ago. Diagrams I1 and I2 also alter the notice requirement from 45 days to 35 day prior to a public hearing. This change will amend the city's notice requirements to conform to policy changes that DLCDC has adopted in recent years.

**Diagram I-1
Legislative Process**



LEGEND

- DLCD: DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
- ~~CC: COMMITTEE FOR CITIZEN INVOLVEMENT~~
- PC: PLANNING COMMISSION
- NAC: NEIGHBORHOOD ASSOCIATION COMMITTEE
- CPO: COMMUNITY PARTICIPATION ORGANIZATION
- CC: CITY COUNCIL
- BCC: BEAVERTON COMMITTEE FOR COMMUNITY INVOLVEMENT

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

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**Diagram I-2
 Quasi-Judicial Process**

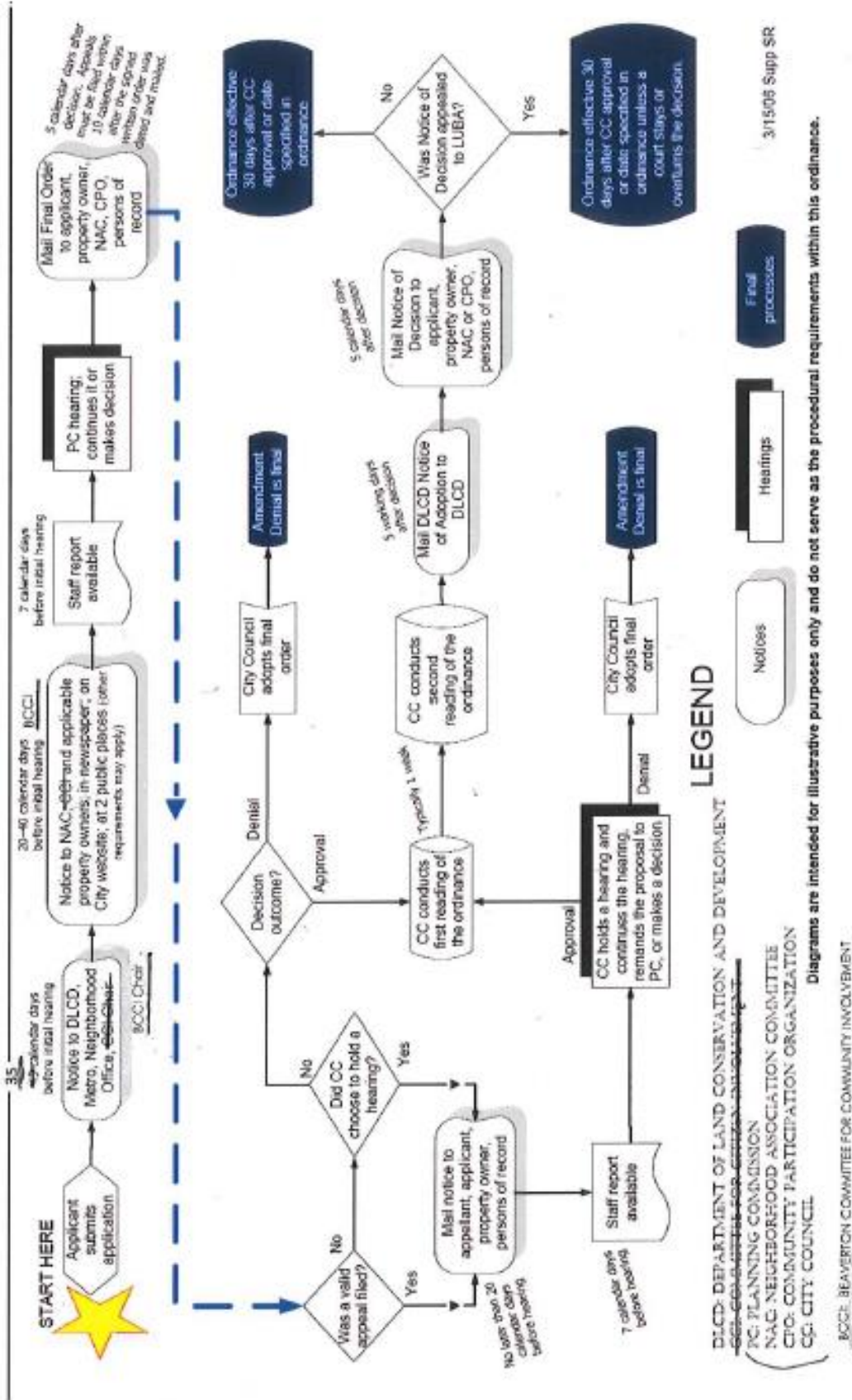
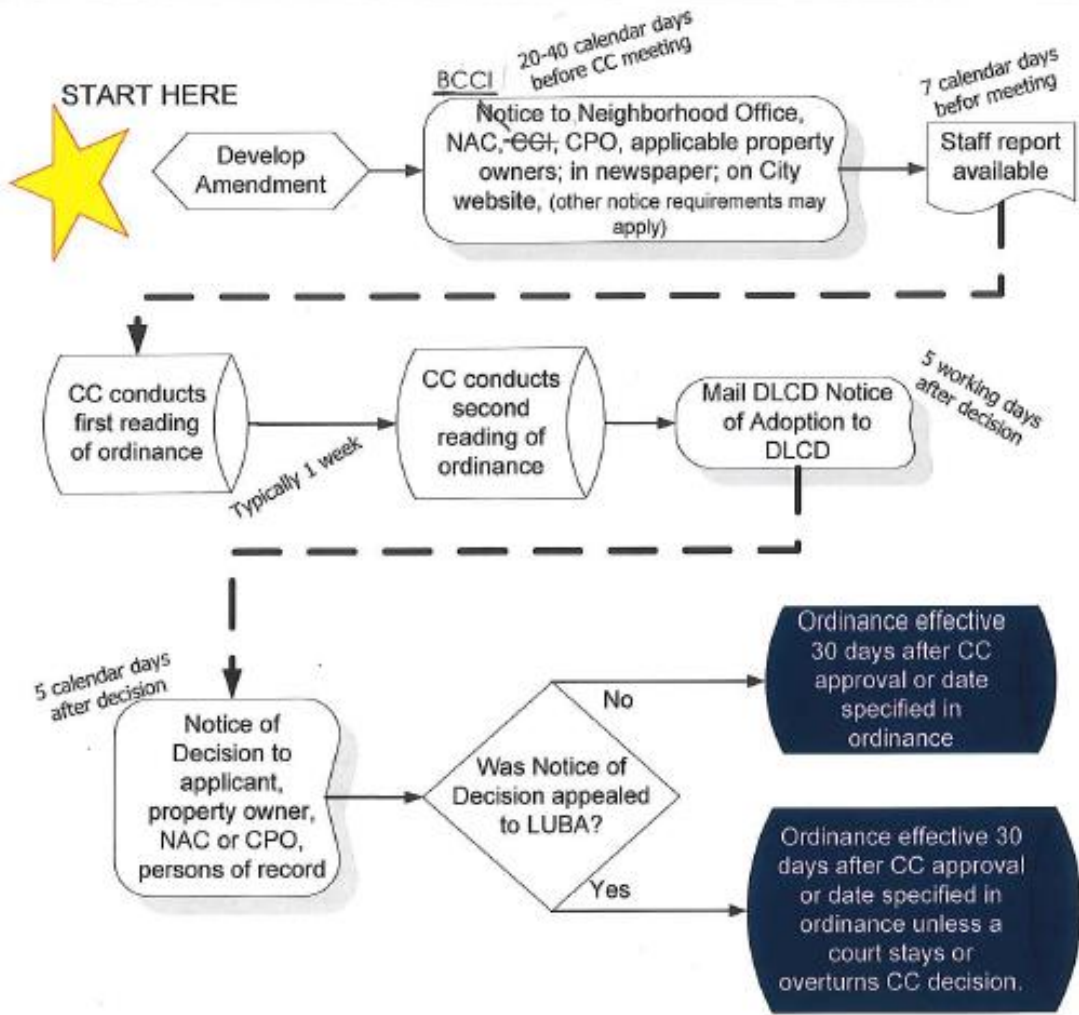


Diagram I-3
Non-Discretionary Process



LEGEND

DLCD: DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
~~BCCI - CCI COMMITTEE FOR CITIZEN INVOLVEMENT~~ BEAVERTON COMMITTEE FOR COMMUNITY INVOLVEMENT
 CPO: COMMUNITY PARTICIPATION ORGANIZATION
 NAC: NEIGHBORHOOD ASSOCIATION COMMITTEE
 PC: PLANNING COMMISSION
 CC: CITY COUNCIL

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Notices
Final processes

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