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ATTACHMENT B

TA 2018-0003

UPAA PLAN AND ZONING METHODOLOGY DEVELOPMENT CODE TEXT AMENDMENT

The Development Code is amended as follows:

Proposed Text Amendment	Commentary
<p>Chapter 10, Section 10.40 Annexation 3. [ORD 4135; December 2000] The process for zoning map amendments that are associated with annexations shall be as follows:</p> <p style="text-align: center;">***</p>	<p><i>This section is included for context.</i></p>
<p>A. <u>Section V.B of the Washington County – Beaverton Urban Planning Area Agreement (UPAA) says: “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 corresponding City Comprehensive Plan and zoning designations.” This list has been adopted as Table 1 in Section 1.5.2. of the Comprehensive Plan.</u> For parcels in which where the Washington County – Beaverton Urban Planning Area Agreement (UPAA) the table provided in that section identifies a specific City zoning designation and leaves no discretion about which zoning district to assign, the City Council shall <u>may</u> adopt the required zoning map amendment without a public hearing pursuant to Section 40.97.15.3. (Non-Discretionary Annexation Related Zone Change) of this Code. <u>[ORD 4224; August 2002-ORD ???? , January 2019]</u></p> <p>B. For parcels where the UPAA Table 1 in Section 1.5.2. of the Comprehensive Plan does not identify a specific City zoning designation and discretion is required, a public hearing shall be held pursuant to Section 40.97.15.4. (Discretionary Annexation Related Zone Change) of this Code. The Planning Commission may conduct the public hearing on the zoning <u>ing</u> change unless State law requires the City</p>	<p><i>This section incorporates new UPAA language specific to nondiscretionary annexation-related zoning. In the new UPAA, Table 1 replaces the Exhibit B that performed a similar function in the 1988 version of the UPAA. Non-discretionary zoning to be applied has been removed from the agreement and added into the Comprehensive Plan where it can be updated as needed in response to policy changes as they occur.</i></p> <p><i>ORD??? will reflect the ordinance number once assigned that is needed to adopt these changes.</i></p>

Proposed Text Amendment	Commentary
<p>Council to hold a public hearing on the related annexation in which case the zoning map amendment hearing will be conducted concurrently by the City Council and the Planning Commission hearing will not be required. The most similar City zoning designation will be applied <u>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</u> as required by the UPAA. <u>Criteria for annexation-related zone changes requiring discretion are in Section 40.97.15.4.C.</u> [ORD 4224; August 2002] [ORD 4397; August 2006] [ORD ????, January 2019]</p> <p style="text-align: center;">***</p>	<p><i>This language derives from the UPAA update specific to discretionary annexation related zoning.</i></p>
<p>CHAPTER 40: APPLICATIONS</p> <p>Section 40.97.15. Application</p> <p>3. Non-Discretionary Annexation-Related Zoning Map Amendment</p> <p>A. <u>Threshold.</u> An application for Annexation-Related Zoning Map Amendment shall be required when one or more of the following thresholds apply:</p> <ol style="list-style-type: none"> 1. The change of zoning to a City zoning designation as a result of annexation of land into the City. 2. The Table 1 in Section 1.5.2. in the Comprehensive Plan provides a list of corresponding county - city zoning designations and Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed. <u>In cases where zoning of an annexed parcel is determined by reference to this table, the decision as to which zone shall be applied</u> and does not allow for discretion. 	<p><i>This section describes the methodology cited in the UPAA update that incorporates a table of corresponding county-city zones into the Comprehensive Plan.</i></p> <p><i>This text was added for readability purposes.</i></p>

Proposed Text Amendment	Commentary
<p>B. <u>Procedure Type</u>. The Type 1 procedure, as described in Section 50.35. of this Code, shall apply to an application for Non-Discretionary Annexation-Related Zoning Map Amendment to the City's zoning map. The decision making authority is the City Council.</p>	<p><i>Added for consistency.</i></p>
<p>C. <u>Approval Criteria</u>. 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:</p> <ol style="list-style-type: none"> 1. The proposal 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. 3. The proposal contains<u>includes</u> all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code. [ORD 4265; October 2003] 4. The proposed zoning designation is consistent with the <u>corresponding County zoning as specified within Table 1 in Section 1.5.2. within the city's Comprehensive Plan. Washington County – Beaverton UPA.</u> 5. Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence. 	<p><i>Altered for purposes of readability.</i></p> <p><i>Refers readers to the Comprehensive Plan Section that guides the nondiscretionary annexation-related zone changes.</i></p>

Proposed Text Amendment	Commentary
<p>D. Submission Requirements. An application for a Non-Discretionary Annexation-Related Zoning Map Amendment may be initiated by the City pursuant to Section 10.40. after:</p> <ol style="list-style-type: none"> 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. [ORD 4265; October 2003] [ORD 4462; January 2008] 	<p><i>Added for consistency.</i></p>
<p>4. Discretionary Annexation-Related Zoning Map Amendment.</p> <p>A. <u>Threshold</u>. An application for Discretionary Annexation-Related Zoning Map Amendment shall be required when the following threshold applies:</p> <ol style="list-style-type: none"> 1. The change of zoning to a City zoning designation as a result of annexation of land into the City <u>consistent with 10.40.3.B and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation.</u> <p>B. <u>Procedure Type</u>. The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for Discretionary Annexation-Related Zoning Map Amendment to the City's zoning map. The decision-making authority is the Planning Commission.</p> <p>C. <u>Approval Criteria</u>. In order to approve a Discretionary Annexation-Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:</p> <ol style="list-style-type: none"> 1. The proposal satisfies the threshold requirements for a Discretionary Annexation-Related Zoning Map Amendment 	<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" will now be in the Comprehensive Plan.</i></p>

Proposed Text Amendment	Commentary
<p>application.</p> <p>2. All City application fees related to the application under consideration by the decision making authority have been submitted.</p> <p>3. The proposed zoning designation most closely approximates the density, use provisions, and development standards of either: [ORD 4652; February 2015] In applying the most appropriate zoning, the decision-making authority shall use the relevant criteria below. [ORD ????, January 2019]</p> <p>a. the Washington County designation which applied to the subject property prior to annexation if no adopted Community Plan applies; or</p> <p>b. the City of Beaverton land use designation(s) as outlined in an adopted Community plan.</p> <p>a. <u>If the property is or properties are subject to a Beaverton-approved Community Plan, Neighborhood Plan, or Concept Plan wherein the zoning is specified, the decision-making authority shall apply the specified zoning district or districts.</u></p> <p>b. <u>If the Washington County designation is Institutional, the decision-making authority shall at its discretion consider one or more of the following criteria in applying a Beaverton zoning district:</u></p> <p>i. <u>Existing or planned use of the property.</u></p> <p>ii. <u>Zoning allowed in the most appropriate Beaverton Comprehensive Plan designation.</u></p> <p>iii. <u>Zoning on adjacent properties.</u></p> <p>iv. <u>Uses on adjacent properties.</u></p>	<p><i>This section contains stricken text that will be replaced with approval criteria consistent with the updated UPAA. This approval criterion may apply to areas with the Cooper Mountain Urban Reserve or other areas that adopt community of neighborhood plan in the future.</i></p> <p><i>Since the city has no comparable institutional zone, this section provides decision makers with a variety of sources in determining the most appropriate zoning. It also allows decision maker to consider intended use (where appropriate) as an option.</i></p>

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<p>c. <u>If neither Section 40.97.15.C.3. a. nor b. apply, the decision-making authority shall consider the following criteria:</u></p> <ul style="list-style-type: none"> i. <u>City zoning districts allowed by the City Comprehensive Plan designation to be applied to the property or properties.</u> ii. <u>How closely the proposed City zone corresponds to the County designation in allowed uses; minimum and/or maximum density; and/or floor-area ratio minimum and/or maximums.</u> iii. <u>Other relevant County and City zone/designation purpose statements or site development standards as determined by the decision-making body.</u> <p>4. The proposed zoning designation is consistent with any guidance contained within an adopted Community Plan within the Comprehensive Plan for the City of Beaverton. [ORD 4697; December 2016]</p> <p>5. The proposed zoning designation is consistent with any guidance contained within the UPAA.</p> <p>6.4 Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.</p>	<p>Where other approval criteria options are not applicable, Section c offers decision makers the ability to cater their decisions by considering factors from several sources which that they feel may be best suited to represent the conditions at hand. As such, it offers a fair amount of flexibility in establishing which among i, ii, & iii, is most appropriate but requires significant discretion on the part of decision makers.</p> <p>Sections 4 is stricken because it is addressed elsewhere among proposed text additions.</p> <p>Section 5 is stricken because the updated UPAA allows the city to implement its terms through its policies and standards rather than referring back to the UPAA itself.</p>
<p>D. <u>Submission Requirements.</u> An application for a Discretionary Annexation-Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. [ORD 4265; October 2003]</p> <p>E. Appeal of a Decision. Refer to Section 50.70.</p> <p style="text-align: center;">***</p>	

Proposed Text Amendment	Commentary
<p>CHAPTER 50 PROCEDURES 50.35. Type 1.</p> <p style="text-align: center;">***</p> <p>6. In the case of Non-Discretionary Annexation-Related Zoning Map Amendment applications, the written notice of decision shall <u>be mailed to the property owner and</u> include the following:</p> <p>A. A statement that no discretion was exercised in the assignment of the zoning district designation and that the assigned zoning district designation is consistent with <u>Table 1, Section 1.5.2 of the Comprehensive Plan. It shall also state that this section constitutes a methodology adopted pursuant to</u> the Washington County - Beaverton Urban Planning Area Agreement (UPAA) in effect at the time of application 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.</p> <p style="text-align: center;">***</p>	<p><i>This section specifies who receives the notice. Currently this is not specified in the Code.</i></p> <p><i>This section updates the noticing language so that it refer to the Section 1.5.2 which dictates how non-discretionary amendment are conducted.</i></p>
<p>CHAPTER 60 - SPECIAL REQUIREMENTS Landscape Buffer Requirements Table 60.05-2.</p>	<p><i>The tables below are not proposed for amendment. However, note #8 is a qualifying element applicable to table 60.05-2. They are being included below to provide context.</i></p>



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Minimum Landscape Buffer Requirements Between Contrasting Districts

District of Development	Location	Urban Low Density (R10)	Urban Standard Density (R7, R5)	Urban Medium Density (R4, R2)	Urban High Density (R1)	Commercial (CS, GC, NS, CC)	Employment / Industrial (OI, IND)	Station Community (SC-MU, SC-HDR, SC-E, SC-S)	Town Center (TC-MU, TC-HDR)	Regional Center (RC-OT, RC-TO, RC-E, OI-WS, C-WS)
Urban Low Density (R10)	Abutting	CU	5'/B1 CU	10'/B2 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU
	Across Street	N/A	5'/B1 CU	5'/B1 CU	10'/B1 CU	10'/B1 CU	10'/B1 CU	5'/B2 CU	5'/B2 CU	5'/B2 CU
Urban Standard Density (R7, R5)	Abutting	5'/B1 CU	N/A	10'/B2 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU
	Across Street	5'/B1 CU	N/A	5'/B1 CU	10'/B1 CU	10'/B1 CU	10'/B1 CU	5'/B2 CU	5'/B2 CU	5'/B2 CU
Urban Medium Density (R4, R2)	Abutting	10'/B2 CU/R4	10'/B2 CU/R4	N/A	10'/B2 CU/R4	20'/B3	20'/B3	10'/B2	10'/B2	10'/B2
	Across Street	5'/B1	5'/B1	N/A	5'/B1	10'/B1	10'/B1	5'/B2	5'/B2	5'/B2
Urban High Density (R1)	Abutting	20'/B3	20'/B3	10'/B2	N/A	20'/B3	20'/B3	10'/B1	10'/B1	10'/B1
	Across Street	10'/B1	10'/B1	5'/B1	N/A	10'/B1	10'/B1	5'/B1	5'/B1	5'/B1
Commercial (CS, GC, NS, CC)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	N/A	10'/B3	5'/B2	5'/B2	5'/B2
	Across Street	10'/B1	10'/B1	5'/B1	N/A	N/A	5'/B1	5'/B1	5'/B1	5'/B1

Table 60.05-2. (continued)

Minimum Landscape Buffer Requirements Between Contrasting Districts										
District of Development	Location	Urban Low Density (R10)	Urban Standard Density (R7, R5)	Urban Medium Density (R4, R2)	Urban High Density (R1)	Commercial (CS, GC, NS, CC)	Employment / Industrial (OI, IND)	Station Community (SC-MU, SC-HDR, SC-E, SC-S)	Town Center (TC-MU, TC-HDR)	Regional Center (RC-OT, RC-TO, RC-E, OI-WS, C-WS)
Employment / Industrial (OI, IND)	Abutting	20'/B3	20'/B3	20'/B3	20'/B3	10'/B3	N/A	20'/B3	20'/B3	20'/B3
	Across Street	10'/B2	10'/B2	10'/B2	10'/B2	5'/B2	N/A	10'/B2	10'/B2	10'/B2
Station Community (SC-MU, SC-HDR, SC-E, SC-S)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	N/A	10'/B2	10'/B2
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	N/A	5'/B1	5'/B1
Town Center (TC-MU, TC-HDR)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	10'/B2	N/A	10'/B2
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	5'/B1	N/A	5'/B1
Regional Center (RC-OT, RC-TO, RC-E, OI-WS, C-WS)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	10'/B2	10'/B2	N/A
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	5'/B1	N/A	5'/B1

[ORD 4584; June 2012]

Proposed Text Amendment	Commentary
<p>NOTES FOR TABLE 60.05-2.:</p> <p style="text-align: center;">***</p> <p>8. Where a site proposed for development abuts property located outside City limits, the equivalent zone shall be applied <u>to the property</u> as described in Exhibit B of the Urban Planning Area Agreement under Chapter 3.15 of the City Comprehensive Plan Table 1, Section 1.5.2. of the Comprehensive Plan adopted pursuant to the Washington County – Beaverton Urban Planning Area Agreement (UPAA) or <u>a</u> similar zone as determined by the Director. [ORD 4531; April 2010] <u>[ORD ???? , January 2019]</u></p>	<p><i>This footnote is updated so that it refer to the Section 1.5.2 which dictates how non-discretionary amendment are conducted.</i></p> <p><i>Ordinance ???? refers to the ordinance necessary to implement this proposal. It is being cited for reference purposes.</i></p>