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## CITY OF BEAVERTON STAFF REPORT

**STAFF REPORT DATE:** Wednesday, March 7, 2018

**HEARING DATE:** Wednesday, March 14, 2018

**TO:** Planning Commission

**STAFF:** Jeff Salvon, Associate Planner

**PROPOSAL:** **CPA2018-0002 (Assumed Urban Service Boundary Map and Text Amendments)**

**SUMMARY:** This proposal amends the Assumed Urban Services Area Map and related text found in Volume 1, Chapter 5 (Public Facilities and Services Element) of the City's Comprehensive Plan. The amendments incorporate recently negotiated urban service area changes that were agreed to by the City of Beaverton, the City of Portland, and Metro.

**APPLICANT:** City of Beaverton

**APPLICABLE CRITERIA:** Criteria for Legislative Amendments are listed in Section 1.5 of the Comprehensive Plan

**RECOMMENDATION:** Staff recommends the Planning Commission review the proposed amendment, hold a public hearing and recommend approval of CPA2008-0002 to the City Council.

## 1. **Background**

ORS 190.003 through 190.130 states that units of local government and special districts that provide urban services to areas within an urban growth boundary shall enter into urban service agreements that specify whether an urban service will be provided in the future by a city, county, district, authority or a combination of them. It also requires that jurisdictions that provide urban services designate future service areas that each provider will assume responsibility for serving if and when that service is required.

Pursuant to this section of ORS, the City of Beaverton and the City of Portland signed an agreement in 1996 that specified which unincorporated areas located along the Multnomah County / Washington County boundary would be served by each jurisdiction. Over the past two decades, conditions have changed and both jurisdictions have come to recognize that several areas that were previously designated to be served by one jurisdiction can be more efficiently served by the other.

The City of Beaverton, the City of Portland, and Metro approved an intergovernmental agreement that became effective June 29, 2017, to transfer jurisdictional responsibility for urban service provision for specific areas located near the Beaverton–Portland border. In the agreement, the cities agreed to adopt ordinances implementing the agreement and incorporate urban service boundary area amendments into their respective Comprehensive Plan. On October 15, 2017, the City of Portland adopted an ordinance to implement the agreed-upon changes to the boundary. That ordinance becomes effective May 24, 2018.

The proposed amendment alters Beaverton’s urban service areas in a manner that will improve the efficiency of urban service provision to the areas affected. It also aligns urban service areas so they more closely follow the Multnomah / Washington County boundary.

## 2. **Summary of Proposed Amendments**

Pursuant to the intergovernmental agreement (Exhibit 4), staff is proposing that City of Beaverton adopt amendments to the city’s Assumed Urban Services Boundary Map (Exhibit 3) and related text located in Volume 1, Chapter 5 (Public Facilities and Services Element) of the Comprehensive Plan (Exhibit 5). These changes will correspond with changes made to the City of Portland’s Urban Service Boundary Map and will ultimately dictate which jurisdiction provides urban services to the targeted areas as these areas develop over time. These services include street maintenance, policing, sanitary sewer conveyance, and planning.

The proposal will shift the responsibility to provide future urban services for areas highlighted identified in Exhibits 1.1, 1.2, and 1.3 from the City of Portland to the City of Beaverton. Conversely, it will shift future urban service responsibility for areas highlighted in Exhibits 1.4 and 1.5 from the City of Beaverton to the City of Portland. Annexation and deannexation of these areas will occur at a future date.

## 3. **Summary of Legislative Process**

Amendments being proposed will alter a map and some text contained in the City’s Comprehensive Plan. The changes concern a number of properties spread out over a sizable area and involve policy decisions that are aspirational and implicit in nature.

These decisions require a high level of discretion among decision makers. Under the policy requirements contained in Section 1.3 of the Comprehensive Plan, decisions of this sort are classified as legislative and require a concerted effort by the city to provide ample opportunities for public input.

The proposal originated within the Community Development Department and is being guided through the city's adoption process by department staff. Section 1.1.1 establishes procedures for city-initiated Comprehensive Plan amendments. It states that amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration.

Section 1.4.1 establishes the notice requirements for legislative amendments including: inter-agency notice of the initial hearing to the Department of Land Conservation and Development (DLCDD), as well as to Neighborhood Association Committees (NACs) and Beaverton Committee for Community Involvement (BCCI); publication in a newspaper of general circulation; posting in Beaverton City Hall and the Beaverton City Library; and posting on the city's website.

These procedural requirements have been fulfilled and on March 14, 2018 the Planning Commission will conduct a public hearing and review the staff proposal. Based on the findings of fact contained with the staff report and testimony offered in the public hearing, the Planning Commission will offer a recommendation to the Beaverton City Council to approve or deny the proposal.

#### **4. Comprehensive Plan Amendment Procedures and Approval Criteria**

Section 1.1.1 establishes procedures for city-initiated amendments of the Comprehensive Plan, stating that amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council have the right to accept, reject or modify any specific request for amendment in accordance with the City's policies and procedures.

Section 1.3 identifies legislative amendments to the Comprehensive Plan text or map as those having a generalized nature that are initiated by the City, and which apply to an entire land use map category or a large number of individuals or properties, or that establish or modify policy or procedure. Legislative amendments include additions or deletions of text or land use map categories.

Section 1.4.1 establishes the notice requirements for legislative amendments including: inter-agency notice of the initial hearing to the Department of Land Conservation and Development (DLCDD), as well as to Neighborhood Association Committees (NACs) and Beaverton Committee for Community Involvement (BCCI); publication in a newspaper of general circulation; posting in Beaverton City Hall and the Beaverton City Library; and posting on the city's website.

Section 1.5.1 outlines the criteria for legislative amendment decisions. For the proposed Comprehensive Plan text amendments, the findings are as follows:

**1.5.1.A. *The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules.***

Of the 19 Statewide Planning Goals, staff finds that the following goals are directly relevant to the proposed amendments: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), and Goal 11 (Public Facilities and Services):

**Goal 1 - Citizen Involvement**

*To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

The Beaverton Citizen Involvement Program adopted by Resolution 2229 in 1980, established a formalized public participation program for the Beaverton Committee for Community Involvement (BCCI) that provides a method by which the committee and other community members can communicate their opinions and inquiries about city matters, including the planning process.

Comprehensive Plan Section 1.4 pertains to this proposal and requires that the city abide by specific notice procedures that inform the public of the proposal and provide opportunities for public comment as required by Statewide Planning Goal 1. These procedures, which are highlighted in a previous section of this report, are consistent with Goal 1 and have been followed.

The proposed amendments are subject to the public notice requirements of the Comprehensive Plan. The purpose of the notice is to encourage the public to participate and provide testimony with regard to the proposal. At the public hearing, the Planning Commission will consider written comments and oral testimony before making a recommendation to City Council. As such, the amendment proposed is consistent with Statewide Planning Goal 1.

**Goal 2 – Land Use Planning**

*To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

The City of Beaverton adopted its Comprehensive Plan (Ordinance 1800) in 1972. The city adopted a new Comprehensive Plan (Ordinance 4187) in January 2002 that was prepared and acknowledged by DLCD pursuant to the periodic review work program requirements. More recently, the city updated the Comprehensive Plan's Land Use Element to respond to recent growth activity, planning initiatives and market trends. This latest update was adopted in November 2017.

The proposed amendments are not considered a land use decision and will, therefore, not authorize or prevent any use of land. However, the proposal does establish a means to provide services sufficient to support uses of land within the subject areas after annexation occurs. As such, the amendment proposed is consistent with Statewide Planning Goal 2.

### **Goal 11 – Public Facilities and Services**

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The intent of the urban service area map is to identify and coordinate the orderly provision of urban services to areas not currently within the City's corporate boundary. The boundary establishes the extent of the City of Beaverton's direct interest in planning for and coordinating city-provided public facilities and services. Planning for areas outside the city's corporate boundary is accomplished through interagency participation between cities, counties, and special districts.

This proposal to alter the service boundaries of both the City of Beaverton and the City of Portland was prompted by a shared desire to ensure more orderly and efficient provision of services to areas subject to the proposed amendments. For the reasons stated above, staff finds that the proposed amendments are consistent with Statewide Planning Goal 11.

**Conclusion: Staff finds that the proposed amendments to Volume 1, Chapter 5 (Public Facilities and Services Element) of the Comprehensive Plan are consistent and compatible with applicable Statewide Planning Goals, thereby satisfying Criterion 1.5.1.A.**

***1.5.1.B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and Regional Transportation Plan.***

Applicable Titles of the Metro Urban Growth Management Functional Plan (UGMFP Chapter 3.07) are addressed below.

#### **Title 8: Compliance Procedures**

Section 3.07.810.A of Metro Title 8 establishes a process for determining whether city or county comprehensive plans and land use regulations substantially comply with requirements of the UGMFP and requires cities to submit proposed comprehensive plan amendments to Metro for their review.

Under this provision, the city is required to submit notice of the proposed amendment at least 35 days before the first evidentiary hearing, which in this case is the Planning Commission hearing. The city provided the notice on January 25, 2018, more than 35 days before the hearing. The city has not received any comments from Metro.

**Conclusion: The proposed amendments substantially comply with the relevant UGMFP Titles and RTP. Criterion 1.5.1.B. is satisfied.**

***1.5.1.C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans.***

The proposed amendment is an update to Chapter 5 (Public Facilities and Services) of the Comprehensive Plan. It involves updating the Figure VI (the Assumed Urban Services Area Map) and amending several sections of text within that chapter to reflect the map change. Relevant criteria of the city's comprehensive plan that relate to this proposal are addressed below.

### **Amendment Procedures (Chapter 1)**

The proposal complies with the procedures and requirements for legislative Comprehensive Plan amendments found in Chapter 1. Pursuant to the notice requirements specified in Section 1.4.1, notice of the initial hearing before the Planning Commission was provided as follows:

- An interagency Department of Land Conservation and Development (DLCD) notice was emailed to DLCD on January 25, 2018 (at least 45 calendar days prior to the initial hearing).
- On January 26, 2018, a DLCD interagency notice of the proposed action was mailed to Metro, Washington County, the City of Portland, the Denney Whitford / Raleigh West NAC co-chairs, the West Slope NAC chair, the BCCI chair, the Washington County CPO No. 1 chair, and the Washington County CPO No. 3 chair, (at least 45 calendar days prior to the initial hearing).
- A courtesy notice of the public hearing was emailed to Multnomah County on February 28, 2018.
- Notice of public hearing was published in the Beaverton Valley Times on February 22, 2018, (not less than 20 and not more than 40 calendar days prior to the date of the initial hearing).
- Notice of public hearing was posted at Beaverton City Hall and the Beaverton City Library on February 22, 2018, (not less than 20 and not more than 40 calendar days prior to the date of the initial hearing).
- Notice of public hearing was posted on the city's website on February 22, 2018, (not less than 20 and not more than 40 calendar days prior to the date of the initial hearing).

Therefore, the proposal meets the notice requirements for legislative amendments to the Comprehensive Plan. Staff finds that the proposal conforms to Chapter 1 of the city's Comprehensive Plan.

### **Land Use (Chapter 3)**

Chapter 3 addresses how land uses are envisioned and planned throughout the City. One area of the land use element is particularly relevant to this proposal. Goal 3.4.2 (Coordinate with Washington County on planning for the Urban Planning Area) states as follows:

*3.4.2 Goal: Coordinate with Washington County on planning for the Urban Planning Area*

Policies:

- a) Coordinate with Washington County on planning and development review for the area outside city limits but within the Urban Planning Area, consistent with the adopted Urban Planning Area Agreement between the City of Beaverton and Washington County.
- b) Recognize planning work done by Washington County when applying city policies and development regulations as annexation occurs.
- c) Update city policies or create City of Beaverton Community Plans for newly annexed areas as needed to reflect changing conditions or where County plans offer little guidance.

As established in the intergovernmental agreement between the City of Beaverton, the City of Portland, and Metro (Exhibit 4), the proposal follows a complicated and involved negotiation between various parties. Washington County staff have been involved in discussions throughout this process and have had numerous opportunities to advise the city and provide comments on anticipated outcomes. Additionally, County staff was sent notice of the proposal on January 26, 2018 and to date, have not advised the city of any concerns related to this proposal.

The intent of the urban service area is to identify and coordinate the orderly provision of future urban services to areas not currently within the City's corporate boundary. When annexation of these areas occurs, staff will notify Washington County staff of all annexation activities and, where applicable, refer to terms set forth in the Urban Planning Area Agreement to ensure that appropriate planning coordination between jurisdictions occurs. The county then is able to advise the city of adopted policies that apply to the annexed areas and the city will determine whether city adoption is appropriate and act accordingly.

Staff finds that the proposal conforms to Chapter 3 of the city's Comprehensive Plan.

**Public Facilities (Chapter 5)**

Chapter 5 describes the context of public facilities within the City of Beaverton. Under the subsection entitled Urban Service Area, it provides the following goal:

***5.3.1 Goal: Ensure long-term provision of adequate urban services within existing City limits and areas to be annexed in the future***

Policy:

- 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.

The purpose of the proposal is to address and fulfill the goal, policy and actions as expressed in Chapter 5 above. The intergovernmental agreement provided as Exhibit 4 amends the existing agreement that the City of Beaverton and the City of Portland signed in 1996 and directly responds to both Goal 5.3.1 and Policy above. Staff, therefore, finds that the proposal conforms to Chapter 3 of the city's Comprehensive Plan.

**Conclusion: The proposed amendments are consistent with the policies of Chapters 1 through 10 of the Comprehensive Plan; therefore, Criterion 1.5.1.C. is met.**

**Summary Conclusion for CPA2018-0002: Based on the facts and findings presented, staff conclude that the proposed text amendment to the Assumed Urban Services Area Map and related text found in Volume 1, Chapter 5 (Public Facilities and Services Element) of the City’s Comprehensive Plan are consistent with all Legislative Comprehensive Plan amendment approval criteria set forth in Section 1.5.1.A. through D.**

### **5. Staff Recommendation**

Based on the facts and findings outlined in this staff report and contained in supporting documents, staff offers the following recommendation for the conduct of the March 14, 2018, public hearing for CPA2018-0002: (Assumed Urban Service Boundary Map and Text Amendments):

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Consider the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
- C. Recommend **APPROVAL** of proposed legislative Comprehensive Plan text amendment (CPA2018-0002) to the City Council.

### **6. Exhibits**

Exhibit 1. Affected USB Area Maps

- 1.1 SW Oleson Road Property
- 1.2 SW Terri Court Neighborhood
- 1.3 SW Scholls Ferry Road
- 1.4 SW 66<sup>th</sup> Avenue / SW Sweetbriar Court.
- 1.5 SW Beaverton-Hillsdale Hwy / SW Scholls Ferry Road

Exhibit 2. Comprehensive Plan Text (with both added and stricken text)

Exhibit 3. Assumed Urban Services Map incorporating proposed amendments

Exhibit 4. Intergovernmental Agreement between the City of Beaverton, the City of Portland, and Metro, dated June 29, 2017

Exhibit 5. Comprehensive Plan Chapter 5: Public Facilities and Services Element in its entirety incorporating proposed amendments and including recent formatting updates