



Staff Report

STAFF REPORT DATE: August 20, 2019

1ST READING DATE: September 3, 2019
2ND READING DATE: September 10, 2019

TO: City Council

FROM: Lauren Russell, Associate Planner

PROPOSAL: **14070 SW Butner Road Annexation-related Comprehensive Plan and Zoning Map Amendments (CPA2019-0003 / ZMA2019-0004)**

SUMMARY: Amend the City Comprehensive Plan Land Use Map and Zoning Map to apply City land use and zoning designations to one parcel that is currently annexing into the City of Beaverton. The property is currently designated Washington County R5. The proposed amendment to the Land Use Map (CPA2019-0003) would apply the city's Standard Density Neighborhoods land use designation. The proposed amendment to the Zoning Map (ZMA2019-0004) would apply the city's R7 zone.

LOCATION: The site is at 14070 SW Butner Road and is identified as tax lot 01900 on Washington County Tax Assessor tax map 1S104CB.

TOTAL AREA: Approximately 0.69 acres

OWNER / APPLICANT: Matar Khalfan Al Romaith
14070 SW Butner Road
Beaverton, OR 97006

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

RECOMMENDATION: Adopt an ordinance applying the Standard Density Neighborhoods land use designation and the R7 Residential Urban Standard Density 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.

BACKGROUND

CPA2019-0003 proposes an amendment of the Land Use Map and ZMA2019-0004 proposes an amendment of the Zoning Map. The amendments are requested to apply city land use and zoning to a parcel being annexed into the City through a separate but concurrent process. The parcel currently carries Washington County's R5 designation, as depicted on the County's Cedar Hills-Cedar Mill Community Plan Map.

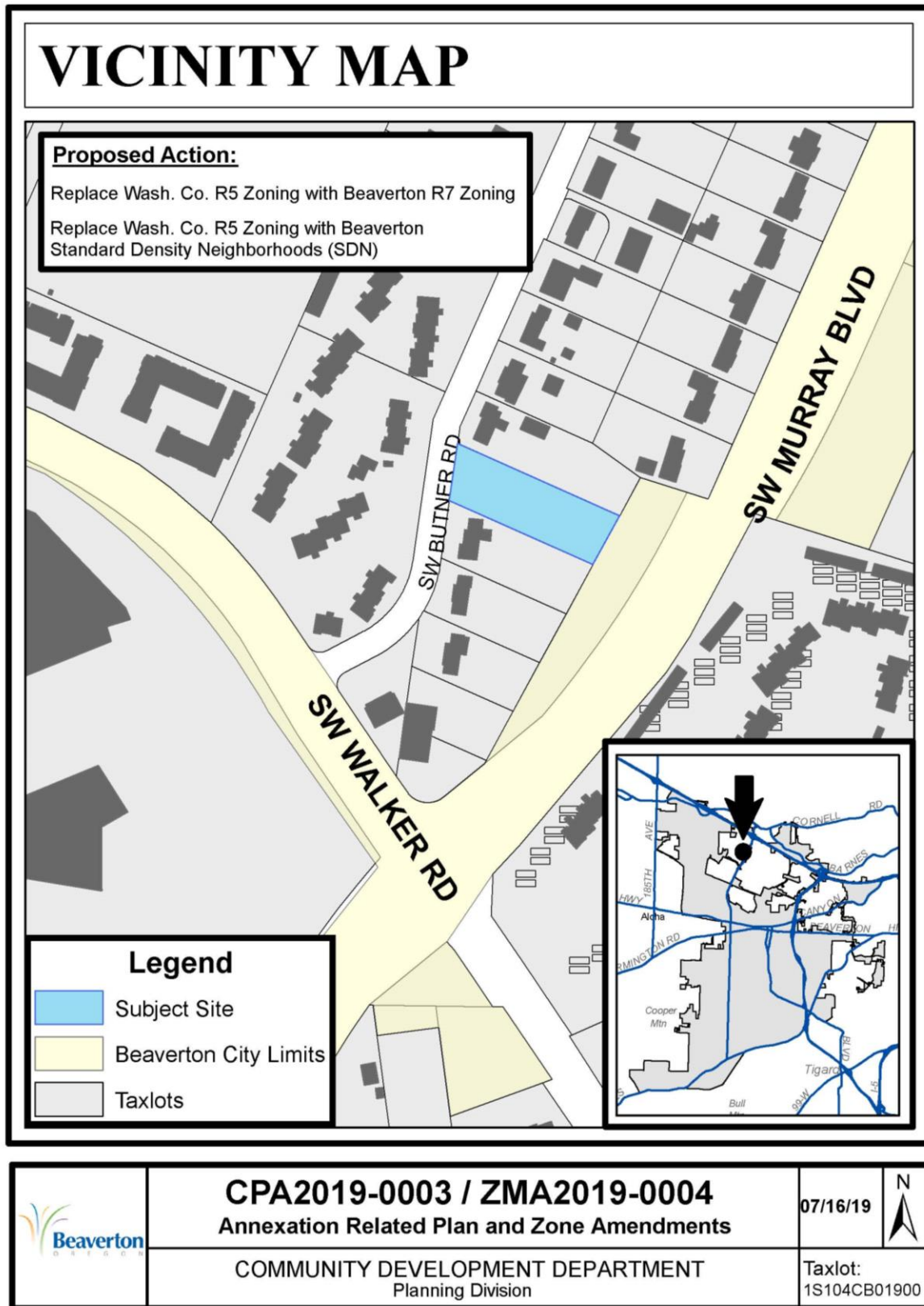
TABLE OF CONTENTS

<u>Attachment A:</u> CPA2019-0003 <i>Comprehensive Plan Map Amendment</i>	CPA-1 – CPA-4
<u>Attachment B:</u> ZMA2019-0004 <i>Zoning Map Amendment</i>	ZMA-1 – ZMA-2
<u>Attachment C:</u> Conclusion	C-1

Exhibits

- Exhibit 1. Materials Submitted by Staff**
 - Exhibit 1.1 Vicinity Map (page SR-4)

- Exhibit 2. Public Comment** (none received)



**CPA2019-0003
ANALYSIS AND FINDINGS FOR
COMPREHENSIVE PLAN MAP AMENDMENT APPROVAL**

Section 1.3 Amendment Procedural Categories

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 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 Standard Density Neighborhoods plan designation to a property that is in the process of annexing into the City and carries Washington County's R5 zoning. Table 1 of Section 1.5.2 of the Beaverton Comprehensive Plan is relevant to this proposal and includes the following direction:

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

County Land Use District	City Comprehensive Plan Designation	City Zoning District
R-5, Residential 5 units/acre	Standard Density Neighborhoods (SDN)	R7

Table 1 of Section 1.5.2 identifies the City of Beaverton’s Standard Density Neighborhoods plan designation and R7 zoning district as the appropriate designations to apply to the subject property. Because 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 above, the proposal qualifies as a nondiscretionary decision.

The City is not proposing to amend the existing County land use designation for the annexed portion of SW Butner Road at this time. Therefore, the R5 County land use classification remains in effect under the provisions of ORS 197.175(1) and ORS 215.130(2)(a) until the City acts to implement its own Comprehensive Plan land use designation for the annexed right of way.

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.

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

Section 1.4.3 Non-Discretionary Map Amendments

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 the 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. [ORD 4759 January 2019]**

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 the Beaverton Valley Times on July 25, 2019, which was 40 days prior to the date the item initially appears on the City Council agenda. Notice was mailed to the required parties and placed on the City's website on August 14, 2019, which was 20 days prior to the date the item initially appears on the City Council's agenda. Notice was mailed to the Planning Director of the Washington County Department of Land Use and Transportation on July 23, 2019, which was 42 days prior to the date the item initially appears on the City Council agenda.

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.

Therefore, staff finds that the proposal satisfies Comprehensive Plan Section 1.4.3. for non-discretionary Comprehensive Plan map amendments.

Section 1.5.2 Criteria for Non-Discretionary Map Amendments

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 Standard Density Neighborhoods plan designation and R7 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.

Therefore, staff finds that the proposal satisfies Comprehensive Plan Section 1.5.2.A. for non-discretionary Comprehensive Plan map amendments.

**ZMA2019-0004
ANALYSIS AND FINDINGS FOR
ZONING MAP AMENDMENT APPROVAL**

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:

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

FINDING:

The proposal meets thresholds:

1. *The change of zoning to a City zoning designation as a result of annexation of land into the 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.

Therefore, staff finds that the proposal meets the criterion for approval.

- 2. *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.

Therefore, staff finds that the proposal meets the criterion for approval.

- 3. *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.

Therefore, staff finds that the proposal meets the criterion for approval.

- 4. *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 was adopted pursuant to UPAA Section V, which requires the city to maintain 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 that is in the process of annexing into the City carries Washington County’s R5 zoning. Table 1 of Section 1.5.2 identifies the City of Beaverton’s Standard Density Neighborhoods plan designation and R7 zoning district as the appropriate designations to apply to the subject property.

Therefore, staff finds that the proposal meets the criterion for approval.

- 5. *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.

Therefore, staff finds that the proposal meets the criterion for approval.

CONCLUSION

Based on the facts and findings presented, staff concludes that amending the Comprehensive Plan Land Use Map to apply the Standard Density Neighborhoods land use designation and amending the Zoning Map to apply the R7 zoning district is appropriate 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 Standard Density Neighborhoods land use designation and the R7 Residential Urban Standard Density 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.