



CITY OF BEAVERTON  
Planning Division  
Community Development Department  
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## STAFF REPORT

**Report date:** July 7, 2021

**Application/project name:** Charter Implementation Comprehensive Plan Amendment

**Application Numbers:** CPA2021-0002

**Proposal:** The City proposes to amend the Beaverton Comprehensive Plan (BCP) to align with the 2020 City Charter and implement the new procedure for ordinance review. The proposal affects Chapter One of the BCP, the Comprehensive Plan Amendment Procedures Element.

**Proposal location:** Citywide

**Applicant:** City of Beaverton

**Recommendation:** Recommend APPROVAL of CPA2021-0002 to City Council

**Hearing information:** 6:30 p.m. July 14, 2021, online and at City Hall, 12725 SW Millikan Way. See options for viewing meeting and providing testimony at: [Beaverton, OR - Official Website \(beavertonoregon.gov\)](http://Beaverton, OR - Official Website (beavertonoregon.gov))

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## **Exhibits**

### **Exhibit 1. Materials submitted by Staff**

- Exhibit 1.1 Comprehensive Plan Amendment Background and Summary (page 3 of this document)
- Exhibit 1.2 Analysis Table of Proposed Amendments to the Development Code
- Exhibit 1.3 Proposed Comprehensive Plan Text

### **Exhibit 2. Public Comments**

None Received

## **Exhibit 1 CPA2021-0002 Comprehensive Plan Amendment Background and Summary**

In May 2020 Beaverton voters approved a new City Charter, which took effect in January 2021. Three aspects of the new Charter require changes to the Beaverton Comprehensive Plan (BCP) to implement the requirement that the City Council conduct a Public Hearing for any proposed ordinance.

The proposed Comprehensive Plan Amendment updates procedures for amendments to the text of the BCP, and also changes to the Land Use Designation Map. Amendments to the Comprehensive Plan may take the form of legislative, quasi-judicial, or non-discretionary processes described as Type 1, Type 3, and Type 4 processes. However, all Comprehensive Plan Amendments are approved by City Council as ordinances and thus must be subject to a public hearing as required by the 2020 Charter. Quasi-Judicial and Legislative Amendments are first reviewed by Planning Commission which makes a recommendation to the City Council; City Council is the decision-making body. Non-Discretionary Map Amendments are related to annexations and are not reviewed by Planning Commission, however the ordinance is still adopted by City Council according to the City Charter.

The current process also provides for the Planning Commission recommendation to be appealed to City Council. Allowing for appeal of the Planning Commission recommendation, rather than just Council's final decision is awkward and redundant, since it requires City Council to consider both the Planning Commission recommendation and an appeal of that recommendation. Therefore, this proposal includes removing appeal of a Planning Commission recommendation from the procedures for all Comprehensive Plan Amendments. The final decisions made by City Council will remain eligible for appeal to the State Land Use Board of Appeals, as they are under the current procedures.

A section-by section discussion of the proposed Comprehensive Plan Amendment can be found in Exhibit 1.2, while the proposed text in full can be found in full in Exhibit 1.3.

# **CPA2021-0002 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 amendments 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 (DLCD), 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:

## **Section 1.5.1.A.1**

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

### **FINDING:**

Of the 19 Statewide Planning Goals, staff finds that the following goals are directly relevant to the proposed amendment: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 9 (Economy), Goal 10 (Housing), and Goal 12 (Transportation).

**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.*

Consistent with procedures outlined in the BPC, notice of the proposed amendment was sent to all NAC chairs, the Chair of the BCCI, Washington County's Department of Land Use and Transportation, and the Department of Land Conservation and Development.

Copies of the hearing notice were posted at City Hall and the City Library, and published in the newspaper, consistent with noticing requirements. A notice was also posted on the city's website. Staff finds that the City has provided adequate notice and opportunity for public involvement. Furthermore, the text amendment itself includes updates to the

procedures for review of comprehensive plan amendments to require a hearing of any ordinance prior to adoption by city council, which will improve the transparency and predictability of the decision-making process. Therefore, the text amendment is consistent with 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.*

Changes to the BDC require a Type 4 review process, which includes noticing and a public comment period, prior to a hearing before the Planning Commission. The hearing is open to the public and includes an opportunity to receive public testimony. At the conclusion of the hearing, the Planning Commission can continue the hearing to a later date, keep the record open for more information or make a recommendation to the City Council, the ultimate decision-making authority. Prior to adoption of the any text amendments, the City Council will consider all the evidence in the record, including any testimony provided at the Planning Commission hearing and any recommended changes to the proposal.

Staff finds that the proposed text amendment fits within the established process and framework. The findings contained within this report establish an adequate factual basis for the proposal. Therefore, the text amendment is consistent with Goal 2.

**Goal 9 Economy of State:** *To provide adequate opportunities throughout the state for a variety of economic activities vital to health, welfare, and prosperity of Oregon's citizens.*

Goal 9 requires cities to consider economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Comprehensive plans for urban areas are required to include, among other things: an analysis of economic patterns, potentialities, strengths, and deficiencies; policies concerning economic development; and land use maps that provide for at least an adequate supply of sites for a variety of industrial and commercial uses. The Comprehensive Plan demonstrates compliance with Goal 9. Land needs for a variety of industrial and commercial uses are identified in the 2015 Economic Opportunities Analysis (EOA). This text amendment is limited to procedural updates and does not impact any lands designated for commercial or industrial uses, therefore compliance with Goal 9 is maintained.

**Goal 10 Housing:** *To provide for the housing needs of the citizens of the state.*

Beaverton's Housing Needs Analysis (HNA) was published in October 2015. It demonstrated a need for all housing types in the 20-year period ending in 2035. This was true both for the current Beaverton city limits as well as the city limits plus the assumed urban service area, which is an area where it is assumed Beaverton will provide governance in the future. The state Department of Land Conservation and

Development (DLCD) found it to be consistent with the requirements of Statewide Planning Goal 10.

Based on the findings in Beaverton's Housing Strategies Report in Volume II of the Comprehensive Plan, which includes the city's Buildable Lands Inventory and Housing Needs Analysis, Beaverton updated its Comprehensive Plan's Housing Element and Land Use Element to address the identified housing needs. DLCD also found these Comprehensive Plan changes consistent with the Statewide Planning Goals.

The proposed text amendment concerns the definition and roles of the City Manager and Mayor in Beaverton and comprehensive plan amendment procedural requirements. As stated above in response to the goals and policies in Chapter 4 (Housing) of the Comprehensive Plan, the proposal will not negatively impact the ability of the City to meet its share of the housing needs. However, the amendment does improve the clarity and transparency of procedures for amending the Comprehensive Plan and Map, and therefor may have a positive impact on the city's ability to provide housing.

**Goal 12 Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

The proposal would not amend or alter any regulations governing the streets of the city, or any other regulation shaping the use of land that would affect design, construction, or use of the transportation system and therefore will not have a significant effect on and existing or planned transportation facility on the transportation system of the City or surrounding area.

**State Land Use Goal Compliance Summary:** Therefore, staff finds that the proposed text amendment complies with all the applicable Statewide Planning Goals and Oregon Administrative Rules.

**Conclusion:** Therefore, staff finds the criterion is met.

## **Section 1.5.1.A.2**

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

### **FINDING:**

Metro's 2040 Growth Concept establishes a vision for the preferred form of regional growth and development. To implement the 2040 Growth Concept, Metro established two functional plans – the Urban Growth Management Functional Plan (Functional Plan) and the Regional Transportation Functional Plan (RTFP). The Functional Plan is the general implementation tool for achieving the goals and objectives in the 2040 Growth Concept. The RTFP is the primary implementation tool for transportation-related policies.

As described in Section 5(e)(2) of the Metro Charter, the Functional Plan requires that cities update comprehensive plans and implementing regulations to comply with regional policies. The Functional Plan currently includes 11 Titles. The applicable Titles of the Functional Plan (Chapter 3.07) are addressed below, along with findings for the RTFP.

#### Title 8: Compliance Procedures

Title 8 establishes a process for determining whether city or county comprehensive plans and land use regulations substantially comply with requirements of the Functional Plan and requires cities to submit proposed comprehensive plan amendments to Metro for their review. Metro requires the city to submit the proposed amendment to Metro at least 35 days before the first evidentiary hearing, which is the Planning Commission hearing. The city provided the notice on June 9, 2021, 35 days before the Planning Commission hearing. The city has not received any comments from Metro. The proposed amendment complies with this title.

#### Regional Transportation Functional Plan

Title 5 of the RTFP addresses the amendment of comprehensive plans. However, the proposed amendment does not include: (1) any proposed changes to the Transportation Element (Chapter 6), (2) any proposed changes to the Transportation System Plan (TSP), or (3) new development; therefore, approval criteria A-E in Title 5 are not applicable. In addition, the requirements and findings for Statewide Planning Goal 12 are applicable to the RTFP. As previously stated in the TPR findings under Goal 12, the proposal will not significantly affect the transportation system.

The city's 2035 TSP was adopted in 2010 with full review by Metro for consistency with the 2035 Regional Transportation Plan (RTP). The Transportation Element will be amended in the next two to three years to ensure compliance with Metro's updated RTP, now known as the 2018 Regional Transportation Plan.

**Conclusion:** Staff finds that the proposed text amendment is consistent with the applicable provisions of the UGMFP and the RTP. Therefore, staff finds the amendment meets the criterion for approval.

### FINDING:

OAR (Oregon Administrative Rules) 660-012-000 through 660-012-0070, referred to as the Transportation Planning Rule (TPR), provide guidance on compliance with Statewide Planning Goal 12. A Transportation System Plan (TSP), adopted pursuant to OAR Division 12, fulfills the requirements for public facilities planning required under ORS (Oregon Revised Statute) 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 12 as they relate to transportation facilities. Volume IV of the Comprehensive Plan contains the City's adopted TSP, effective October 21, 2010.

The proposed amendment does not: (1) change the functional classification or standards implementing a functional classification system; (2) change any land use

designations, zoning, or development regulations; (3) change anything that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or (4) degrade performance of an existing transportation facility.

**Conclusion:** Staff finds that the proposed amendment will not result in “significant effects” to a transportation facility, defined by OAR 660-012-0060, that would require additional steps to put land use and transportation in balance.

## Section 1.5.1.A.3

*The proposed text amendment is consistent with the City’s Comprehensive Plan and other applicable local plans.*

### FINDING:

Beaverton’s Comprehensive Plan provides policy direction on matters related to future growth and physical development of the city including land use, economy, transportation, housing, natural resources, and other relevant topics. Oregon state law requires all cities and counties to prepare and adopt comprehensive plans that are consistent with Statewide Planning Goals. The applicable chapters of the Comprehensive Plan are addressed below.

#### Chapter 2: Community Involvement Element

*Goal 1: The Planning Commission, City Council, and other decision making bodies shall use their best efforts to involve the community in the planning process.*

Following the procedures outlined in Section 1.4.1, notice of the proposed amendment was sent to all NAC chairs, the Chair of the BCCI, Washington County’s Department of Land Use and Transportation, and the Department of Land Conservation and Development. Copies of the hearing notice were posted at City Hall and the City Library, and published in the newspaper, consistent with BCP requirements. A notice was also posted on the city’s website.

#### Chapter 3: Land Use

*Goal 3.1.1. Encourage development and land use patterns that support a variety of transportation options*

Goal 3.1.1 concerns land use patterns that influence transportation options and choices. The text amendment is primarily procedural in nature and does not affect how the goals and policies of the Comprehensive Plan are implemented with land use designations.

*Goal 3.2.1 Provide for thoughtful and strategic infill and redevelopment*

Goal 3.2.1. addresses policies for infill and redevelopment. The text amendment primarily procedural in nature. It does not affect standards for infill or redevelopment.

*Goal 3.3.1 Promote sustainable development, resilience, and resource protection*

Goal 3.3.1 sets policies for development that mitigates and adapts to climate change impacts, reduces energy and resource consumption in buildings, reduces the energy and fossil fuel consumption associated with transportation, connects people to the environment, protects people, anticipates natural events and disasters, and improves the community's ability to prepare for, adapt to, and recover from potential shocks and stresses. The text amendment primarily procedural in nature. The text amendment does not change any development standards or resource standards.

*Goal 3.4.1 Provide effective and inclusive planning and development review services*

*Policies:*

- a) *Ensure that development regulations are consistent with and implement the Comprehensive Plan.*
- b) *Ensure that land use planning, notification, and public involvement procedures and processes are inclusive and provide meaningful opportunities for engagement by all community members.*
- c) *Expand outreach to under-represented populations and increase participation in community activities by posting event and service notices in multiple venues and providing information in multiple languages, consistent with the city's language access practices.*
- d) *Apply zoning districts consistent with Comprehensive Plan policies; applicable Community Plans; adopted Comprehensive Plan designations, as identified in the Comprehensive Plan and zoning district matrix, below; and the following policies.*
- e) *Where a land use approval requires demonstration of consistency with the policies of the Comprehensive Plan, the policies of the adopted Comprehensive Plan designation shall apply, regardless of whether the zone is listed as an implementing zone for the applicable Comprehensive Plan designation.*

These findings demonstrate how the amendment is consistent with the Comprehensive Plan goals and policies, including transparency in decision-making on comprehensive plan amendment decisions by increasing the clarity of the code and ensuring that a public hearing is held prior to the adoption of plan amendments and map amendments. This makes opportunities to become involved in the planning process more consistent and effective.

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

The text amendment is process oriented and does not impact any plans or coordination for the Urban Planning Area.

*Goal 3.5.1 Recognize unique needs of different parts of the city through Community Plans*

The text amendment is primarily procedural in nature and does not change any Community Plans.

*Goal 3.6.1 Support pedestrian-oriented mixed use areas*

*Goal 3.6.2 Downtown Regional Center: Create and strengthen a vibrant downtown and central area for Beaverton*

*Goal 3.6.3 Town Centers: Provide for a compact, integrated mix of uses that creates a complete community and supports walking and biking*

*Goal 3.6.4 Station Communities: Encourage development and redevelopment around light rail stations that leverages proximity to light rail as an amenity for urban living/working and supports a variety of transportation modes*

*Goal 3.6.5 Mixed Use Corridor: Promote a mix of residential and commercial uses that complement and serve adjacent neighborhoods in a pedestrian-friendly environment*

Goals 3.6.1 through 3.6.5 provide goals and policies for mixed use areas. The text amendment applies city-wide and does not change the comprehensive plan designations or regulations affecting any currently designated mixed use lands.

*Goal 3.7.1 Enhanced Commercial Centers and Corridors*

*Goal 3.7.2 Regional Commercial: Provide suitable locations for commercial uses that serve the broader region and require large sites, significant access and visibility*

*Goal 3.7.3 Community Commercial: Provide for commercial services that serve the surrounding community, with limited auto-oriented uses*

*Goal 3.7.4 Neighborhood Center: Provide opportunities for small-scale commercial development that serves adjacent neighborhoods*

Goals 3.7.1 through 3.7.4 provide goals and policies for commercial centers and corridors. The text amendment applies city-wide and does not change the comprehensive plan designations or regulations affecting any currently designated commercial use lands.

*Goal 3.8.1 Complete and livable Neighborhoods*

*Goal 3.8.2 Low and Standard Density Neighborhoods: Provide residential neighborhoods that emphasize detached housing and integrate parks, schools, and other community institutions*

*Goal 3.8.3 Medium and High Density Neighborhoods: Provide for a variety of housing types and higher residential densities in areas with more amenities and transit service*

Goals 3.8.1 through 3.8.3 provide goals and policies for neighborhoods, which generally prioritize residential uses and compatible non-residential uses. The amendment applies city-wide and does not change the comprehensive plan designations or regulations affecting any currently designated neighborhood use lands.

*Goal 3.9.1 Successful employment lands*

*Goal 3.9.2 Employment Areas: Provide desirable locations for mix of office and flexible employment space and complementary uses*

*Goal 3.9.3 Industrial Areas: Accommodate industrial and manufacturing uses that may conflict with housing and uses that draw the general public*

Goals 3.9.1 through 3.9.3 provide goals and policies for employment and industrial areas. The text amendment applies city-wide and does not change the comprehensive plan designations or regulations affecting any currently designated employment or industrial use lands.

#### Chapter 4: Housing

*Goal 4.1.1 Provide an adequate supply of housing to meet future needs*

*Policies:*

*h) Provide an efficient, consistent, and reliable development review process*

*Goal 4.2.1 Provide a variety of housing types that meet the needs and preferences of residents*

*Goal 4.3.1: Increase the supply of housing in and near Beaverton's Downtown Regional Center*

*Goal 4.4.1: Encourage the development and preservation of fair and affordable housing*

*Goal 4.5.1: Ensure that Beaverton continues to be one of the most livable communities in the region*

Chapter 4 of the Comprehensive Plan establishes goals and policies to help the city meet the housing needs of current and future residents in a manner consistent with the Comprehensive Plan's major themes - livability, equity, sustainability, and resiliency.

The amendment primarily procedural in nature, and does not impact the city's ability to meet the housing needs of the community.

#### Chapter 5: Public Facilities and Services

The goals and policies in Chapter 5 generally address provision of public services, and adequacy of services as it relates to growth and development. These goals and policies are not applicable because they guide public agencies that provide public facilities on how those facilities should be provided or address site design. The amendment is process oriented and administrative in nature. This amendment does not include changes to any programs or regulations that implement the goals and polices in Chapter 8 and does not address site design or availability of services.

#### Chapter 6: Transportation

The goals and the policies in Chapter 6 generally address transportation needs, improvements, programming, funding priorities and maintenance. The text amendment does not change the classification of any existing or proposed transportation facility, does not change the standards implementing a functional classification system, does not address the design and use of public streets or manage the right of way, and does not change or require changes to the Transportation System Plan. The goals and policies of Chapter 6 are not affected by the text amendment.

#### Chapter 7: Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources

The goals and policies in Chapter 7 focus on regulations and programs designed to protect natural, cultural, historic, scenic, energy and groundwater resources. The text amendment is process oriented and administrative in nature, and it does not include any changes to the programs and regulations that implement the resource-protection goals in Chapter 7. The text amendment likewise does not address site design or design standards. For those reasons, the goals and policies in Chapter 7 are not applicable to the text amendment.

#### Chapter 8: Environmental Quality and Safety

Chapter 8 contains goals and policies intended to protect and maintain the condition of air, water, and land resources and to protect public safety by prohibiting or regulating development of land in hazardous areas or by managing the hazards to protect existing development. The amendment is process oriented and administrative in nature, and it does include any changes to the environmental quality and safety standards that implement the goals and policies in Chapter 8. Accordingly, the goals and policies in Chapter 8 do not apply to the text amendment.

### Chapter 9: Economy

Chapter 9 contains goals and policies that establish approaches to help the city meet its current and future economic development needs in keeping with the Comprehensive Plan's major themes – livability, equity, sustainability and resiliency. The proposed amendment implements the 2020 Beaverton Charter by updating definitions and authority of the City Manager and Mayor, as well as procedures for review of land use applications. The goals and policies of Chapter 9 do not apply.

### Chapter 10: Community Health

The goals and policies in Chapter 10 are intended to provide choices to Beaverton residents related to healthy food, physical activity, healthy environment, access to health care, and social safety net. The text amendment is administrative in nature and does not planning decisions and programs regarding community health. For that reason, the goals and policies in Chapter 10 do not apply to the text amendment.

**Conclusion:** Therefore, staff finds the amendment meets the criterion for approval.

### Beaverton Development Code

#### FINDING:

The text amendment implements the 2020 Beaverton Charter, including updates to the definitions and authority of the City Manager and Mayor, as well as procedures for review of ordinances for greater clarity in addition to compliance with the new charter. In addition, the amendment removes the appeal of a Planning Commission recommendation to Council to simplify a redundant process, and updates the description of other procedures for greater clarity. A concurrent Development Code Text Amendment is also proposed to implement the new Beaverton Charter, TA2021-0003. The BDC text amendment is aligned with the proposed amendments to the Comprehensive Plan. The proposed amendment does not conflict with any provisions of the code.

**Conclusion:** Therefore, staff finds the amendment meets the criterion for approval.

## Conclusion and Recommendation

Based on the facts and findings presented, staff offers the following recommendation for the conduct of the July 14, 2021 public hearing for CPA2021-0002 Charter Implementation Comprehensive Plan Amendment:

- A. Conduct the public hearing and receive all public testimony relating to the proposal.

- B. Considering 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 text amendment application CPA2021-0002 Charter Implementation Comprehensive Plan Amendment to the City Council.