



EXHIBIT B

CITY OF BEAVERTON
Planning Division
Community Development Department
Tel: 503-526-2420
www.beavertonoregon.gov

STAFF REPORT

Report Date: November 22, 2022

Project Name: Bronson Road Comprehensive Plan and Zoning Map Amendments

Application Numbers: CPA2022-0007/ZMA2022-0007

Proposal: This proposal would amend the City's Comprehensive Plan Land Use Map and Zoning Map to apply City land use and zoning designations to two parcels at 16290 NW Bronson Road (Tax Lots 4100 and 4200 on Washington County Tax Assessor's Map 1N129CC) that were annexed into the City of Beaverton in February 2022. The proposed amendments would apply the City's Lower Density Neighborhoods (LDN) land use designation and Residential Mixed B (RMB) zoning designation to the subject parcels.

Proposal Location: 16290 NW Bronson Road. The properties are specifically identified as Tax Lots 4100 and 4200 on Washington County Tax Assessor's Map 1N129CC.

Applicant: City of Beaverton

Recommendation: APPROVAL of CPA2022-0007/ZMA2022-0007 Bronson Road Comprehensive Plan and Zoning Map Amendments.

Contact Information:

City Staff Representative: Lina Smith, Associate Planner
971-313-4244
lsmith@beavertonoregon.gov

Existing Conditions

Zoning: The properties are currently designated Interim Washington County R-15 (Residential 15 Units Per Acre).

Surrounding Zoning:

- North: Residential Mixed B (RMB)
- South: Interim Washington County
- East: Washington County Institutional District (INST)
- West: Interim Washington County

Site Conditions: Tax Lot 4100 is vacant and undeveloped, and Tax Lot 4200 is developed with an existing single detached dwelling.

Site Size: The two parcels total approximately 1.66 acres.

Neighborhood Association Committee: Five Oaks/Triple Creek NAC

Application Information

Application Summaries

Application	Application Type	Proposal Summary	Approval Criteria Location
CPA2022-0007	Comprehensive Plan Map Amendment (Non-Discretionary Annexation-Related)	Apply Lower Density Neighborhoods Land Use Designation	Table 1 in Section 1.5.2 of the Beaverton Comprehensive Plan
ZMA2022-0006	Zoning Map Amendment (Non-Discretionary Annexation-Related)	Apply Residential Mixed B (RMB) zone	Section 40.97.15.3 of the Beaverton Development Code

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CPA/ZMA Background and Summary

Beaverton City Council approved the subject properties for annexation into the City of Beaverton in January 2022 (Ordinance No. 4821) and the annexation was finalized with the Oregon Secretary of State in February 2022. The current application is to amend the City's Comprehensive Plan Land Use Map and Zoning Map to apply the City's Lower Density Neighborhoods (LDN) land use designation and Residential Mixed B (RMB) zoning district to the subject properties.

The properties are currently designated Interim Washington County R-15 (Residential 15 Units Per Acre). Staff propose a land use designation and zoning district for the subject properties that most closely correspond to Washington County's R-15 Land Use District, in accordance with Table 1 of Section 1.5.2 of the Beaverton Comprehensive Plan. The findings and recommendations in this staff report conclude the LDN land use designation and RMB zoning district are consistent with Section 1.5.2 of the Beaverton Comprehensive Plan and Section 40.97.15.3 of the Beaverton Development Code.

ANALYSIS AND FINDINGS FOR COMPREHENSIVE PLAN AMENDMENT

Recommendation: Based on the facts and findings presented below, staff recommends the City Council approve **CPA2022-0007**.

COMPREHENSIVE PLAN SECTION 1.3 Amendment Procedural Categories:

Section 1.3 Approval Criteria:

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 Lower Density Neighborhoods land use designation to the subject site, which was annexed into the City in February 2022. Table 1 of Section 1.5.2 of the Beaverton Comprehensive Plan is relevant to this proposal and is included as Exhibit 1.2 of this staff report.

Table 1 of Section 1.5.2 (Exhibit 1.2) identifies Beaverton's Lower Density Neighborhoods land use designation and Residential Mixed B zoning district as the appropriate designations for the subject site. As this proposal concerns a site that was recently annexed into the City of Beaverton and seeks to apply a land use designation consistent with this table, the proposal qualifies as a Non-Discretionary Amendment.

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 detailed in a December 6, 2021, staff report to City Council, the annexation was consistent with all applicable policies in Washington County's Comprehensive Framework Plan for the Urban Area and Sunset West Community Plan. The December 6, 2021, staff report was included as Exhibit C to City Council's approving ordinance for the annexation (Ordinance No. 4821). Additionally, Washington County did not object to the annexation.

Conclusion: Therefore, staff finds that the proposal satisfies Comprehensive Plan Section 1.3 for Non-Discretionary Comprehensive Plan Map Amendments.

COMPREHENSIVE PLAN SECTION 1.4.3

Non-Discretionary Map Amendments

Section 1.4.3.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 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.

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 Comprehensive Plan Map Amendment was published in the Beaverton Valley Times on October 20, 2022, which was 26 days prior to the date the item initially appeared on the City Council agenda. The notice was mailed to Chairs of the BCCI, Five Oaks/Triple Creek NAC, and CPO 7 Bethany, Rock Creek and Sunset West; subject property owners of record (on the most recent property tax assessment roll); and Planning Director of the Washington County Department of Land Use and Transportation on October 11, 2022, which was 35 days prior to the date the item initially appeared on the City Council agenda. Notice was also posted on the City's website on October 11, 2022.

Conclusion: Therefore, staff finds that the proposal satisfies Section 1.4.3.A.

Section 1.4.3.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 Comprehensive Plan Map Amendment contained the information listed in subsection 1.4.3.B, above.

Conclusion: Therefore, staff finds that the proposal satisfies Section 1.4.3.B.

COMPREHENSIVE PLAN SECTION 1.5.2

Criteria for Non-Discretionary Map Amendments

Section 1.5.2.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 Comprehensive Plan Map Amendment complies with Table 1 in Section 1.5.2 of the Comprehensive Plan (Exhibit 1.2), which identifies Beaverton’s Lower Density Neighborhoods land use designation and Residential Mixed B zoning district as the appropriate designations for the subject site. The proposal can be processed through a Type 1 procedure using the City’s non-discretionary process.

Conclusion: Therefore, staff finds that the proposal satisfies Section 1.5.2.A.

ANALYSIS AND FINDINGS FOR ZONING MAP AMENDMENT

Recommendation: Based on the facts and findings presented below, staff recommends the City Council approve **ZMA2022-0007**.

DEVELOPMENT CODE 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:

Section 40.97.15.3.C.1 Approval Criteria:

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

FINDING:

The proposal meets the following thresholds:

1. The change of zoning to a City zoning designation as a result of the annexation of land into 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 40.97.15.3.A.

Conclusion: Therefore, staff finds that the proposal satisfies Section 40.97.15.3.C.1.

Section 40.97.15.3.C.2 Approval Criteria:

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.

Conclusion: Therefore, staff finds that the proposal satisfies Section 40.97.15.3.C.2.

Section 40.97.15.3.C.3 Approval Criteria:

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 was submitted by the owner of the subject properties in October 2021 and the annexation was finalized with the Oregon Secretary of State in February 2022.

Conclusion: Therefore, staff finds that the proposal satisfies Section 40.97.15.3.C.3.

Section 40.97.15.3.C.4 Approval Criteria:

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 (Exhibit 1.2) was adopted pursuant to UPAA Section V, which requires the City to maintain a list of corresponding County-to-City land use designations and zoning districts. The subject site was annexed into the City in February 2022 and is designated Interim Washington County R-15. Table 1 of Section 1.5.2 (Exhibit 1.2) identifies Beaverton’s Lower Density Neighborhoods land use designation and Residential Mixed B zoning district as the appropriate designations for the subject site.

Conclusion: Therefore, staff finds that the proposal satisfies Section 40.97.15.3.C.4.

Section 40.97.15.3.C.5 Approval Criteria:

Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence.

FINDING:

A valid annexation petition was submitted by the owner of the subject properties in October 2021 and the annexation was finalized with the Oregon Secretary of State in February 2022. Therefore, no additional applications or documents will be required for this proposal.

Conclusion: Therefore, staff finds that the proposal satisfies Section 40.97.15.3.C.5.

ANALYSIS AND FINDINGS GOAL 10

FINDING:

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. See the table below for the number of housing units projected to be needed.

Projected Future Need for New Housing Units (2035)

	SF detached	SF attached	Duplex	3 or 4 units	5+ units
Current city limits (2015)	5,767	1,542	295	718	3,866
City limits plus assumed urban service boundary	14,001	2,626	958	2,107	7,999

Source: Beaverton Housing Needs Analysis (part of the city’s Housing Strategies Report) Figure 5.3 and Figure 10.3.

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 subject site is made up of two tax lots that total approximately 1.66 acres. Tax Lot 4100 is vacant and undeveloped, and Tax Lot 4200 is developed with an existing single detached dwelling. Washington County’s R-15 Land Use District and Beaverton’s Residential Mixed B zoning district allow for similar residential housing types, including accessory dwelling units, single detached dwellings, duplexes, triplexes, quadplexes, townhouses, and cottage clusters. Washington County’s R-15 Land Use District does not have a maximum density restriction for duplexes, triplexes, quadplexes, townhouses, or cottage clusters, but has a maximum density restriction of 15 units per acre for other permitted housing types. Beaverton’s Residential Mixed B zoning district does not have a maximum density restriction for any permitted housing types. Accordingly, applying

Beaverton's Residential Mixed B zoning district will allow for the same or more residential density as Washington County's R-15 Land Use District and will help the city meet its need for future housing units, as identified in the table above.

Conclusion: Therefore, the proposal to apply Beaverton's Lower Density Neighborhoods land use designation and Residential Mixed B zoning district to the subject properties is consistent with Goal 10, Housing and the proposed change will not reduce the available buildable land identified in the City's Housing Strategies Report, which is the City's state-mandated housing needs analysis.

ANALYSIS AND FINDINGS GOAL 12

FINDING:

Oregon Administrative Rules (OAR) 660-012-000 through 660-012-0920, 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 Oregon Revised Statutes (ORS) 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. Specifically, OAR 660-012-0060 regulates the City's responsibilities for ensuring compliance with Goal 12 when there is a proposed amendment to a local functional plan, an acknowledged comprehensive plan, and/or a land use regulation (including a zoning map).

Significant Effects

The TPR requires a two-step analysis for proposed amendments to the City's Comprehensive Plan and/or land use regulations. (1) The first step is to determine whether or not the proposed amendment significantly affects an existing or planned transportation facility. If the proposed amendment does not significantly affect the transportation network, then no further analysis is needed and compliance with Goal 12 is satisfied. If a proposed amendment does significantly affect the surrounding transportation network, then the City must (2) determine what mitigation is required to off-set the impacts to the transportation network brought on by the proposed amendments, or demonstrate that the expected impact resulting from the proposed amendment meets the approval criteria for one of several exceptions allowed under OAR 660-012-0060.

Non-Discretionary Annexation-Related Zoning Map Amendments

The City's adopted and acknowledged Comprehensive Plan was amended in February 2019 (Ordinance No. 4759) to reflect a revised Urban Planning Area Agreement with Washington County. This agreement codified which City of Beaverton Comprehensive Plan land use designations and zoning map designations would apply to a parcel at the time of annexation. Per Section 1.5.2 of the Comprehensive Plan, Table 1 of this section, "identifies City Comprehensive Plan designations and zoning districts that most closely approximate the density, use provisions and standards of the County designations", and that these land use and zoning map designations, "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."

As demonstrated in the language above, Chapter 1 of the Comprehensive Plan explicitly requires the non-discretionary zoning designations to be applied with the language

“shall”. Table 1, which dictates what land use designation and which zoning district must be applied to newly annexed parcels, underwent analysis and scrutiny as adopted by City Council and as acknowledged by the state to demonstrate that the allowed uses and allowed maximum densities for both the existing and the new zones are comparable. As such, staff find that all non-discretionary annexation-related zoning map amendments do not create a significant impact to existing and planned transportation facilities as defined in OAR 660-012-0060.

Conclusion: Staff find that the required process for designating Comprehensive Plan land use designations and zoning districts as required under Comprehensive Plan Section 1.5.2 for non-discretionary annexation-related map amendments do not cause a significant effect to the planned and future transportation network. Staff find that compliance with Goal 12 and the Transportation Planning Rule are satisfied.

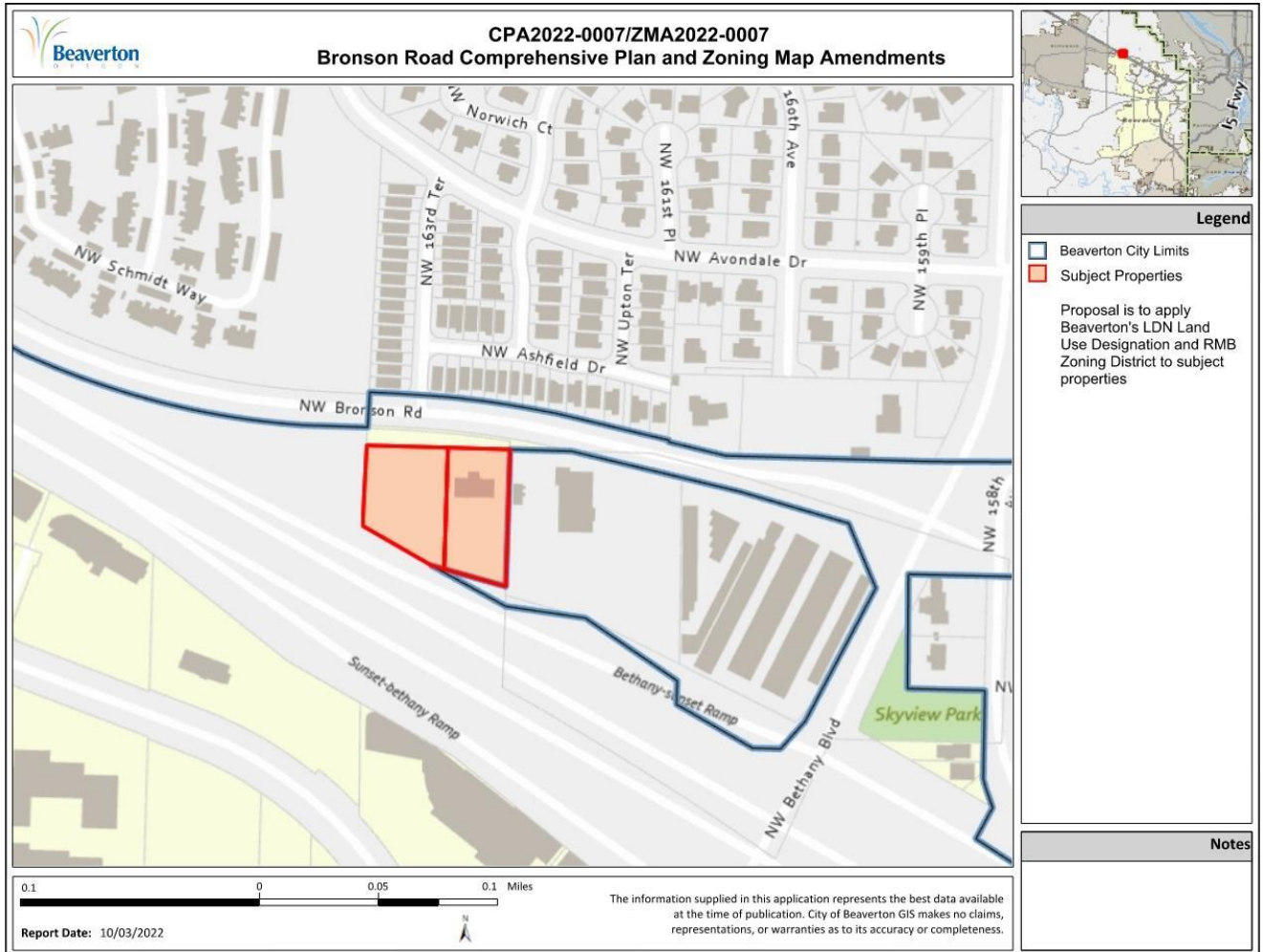
CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff concludes that amending the Comprehensive Plan Land Use Map to apply the Lower Density Neighborhoods land use designation and amending the Zoning Map to apply the Residential Mixed B zoning district is appropriate for the subject site. 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 Beaverton Comprehensive Plan (Exhibit 1.2) and Section 40.97.15.3 of the Beaverton Development Code.

Therefore, staff recommends that City Council adopt an ordinance applying the Lower Density Neighborhoods land use designation and Residential Mixed B zoning district to the subject site, effective 30 days after adoption of the proposed ordinance.

Exhibits

1.1 Proposed Comprehensive Plan and Zoning Map Amendments



1.2 Table 1 of Section 1.5.2 of the Beaverton Comprehensive Plan

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

County Land Use District	City Comprehensive Plan Designation	City Zoning District
R-5, Residential 5 units/acre	Lower Density Neighborhoods (LDN)	RMC
R-6, Residential 6 units/acre; R-6 NB, North Bethany District	Lower Density Neighborhoods (LDN)	RMC
R-9, Residential 9 units/acre; R-9 NB, North Bethany District	Lower Density Neighborhoods (LDN)	RMC
R-15, Residential 15 units/acre; R-15 NB, North Bethany District	Lower Density Neighborhoods (LDN)	RMB
R-24, Residential 24 units/acre	Lower Density Neighborhoods (LDN)	RMA
TO: R9-12, Transit Oriented Residential District 9-12 units/acre	Lower Density Neighborhoods (LDN)	RMB
TO: R12-18, Transit Oriented Residential District 12-18 units/acre	Lower Density Neighborhoods (LDN)	RMA
TO:R24-40, Transit Oriented Residential ¹	Station Community (SC)	SC-HDR
TO:R24-40, Transit Oriented Residential ²	Town Center (TC)	TC-HDR
TO:R40-80, Transit Oriented Residential ¹	Station Community (SC)	SC-HDR
TO:R80-120, Transit Oriented Residential ¹	Station Community (SC)	SC-HDR
TO:RC, Transit Oriented Retail Commercial ^{1, 3}	Station Community (SC)	SC-MU
TO:BUS, Transit Oriented Business ²	Town Center (TC)	TC-MU
TO:BUS, Transit Oriented Business ¹	Station Community (SC)	SC-MU
TO:EMP, Transit Oriented Employment ¹	Station Community (SC)	SC-E1

- 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.