



Staff Report
Annexation-related Comprehensive Plan
and Zoning Map Amendments for Kemmer Summit
City Council

1st Reading:	February 5, 2019
2nd Reading:	February 12, 2019
Date of Report:	January 29, 2019

Application No. CPA2018-0008/ZMA2018-0007

Project Name: Kemmer Summit Annexation-related Land Use Map and Zoning Map Amendments

Request/Summary: Apply the city's R5 Residential Urban Standard Density District (R5) zoning and the city's Standard Density Neighborhoods (SDN) land use designation to a recently approved subdivision that is in the process of annexing into the city.

Location: An area southwest of the city's corporate boundary near the intersection of SW Weir Rd. and SW 170th Ave.

Applicant: City of Beaverton

Total Area: 4.36 acres

Review Criteria: Comprehensive Plan Section 1.5.2 and the Development Code Section 40.97.15.3.C

Staff Reviewer: Jeff Salvon, AICP

RECOMMENDATION: Staff recommends the City Council adopt an ordinance applying the Standard Density Neighborhoods (SDN) land use designation and the R5 Residential Urban Standard Density District (R5) zoning designation to the subject area effective 30 days after adoption of the proposed ordinance or upon the effective date of the related annexation – whichever occurs later.

EXISTING CONDITIONS

Character.

The 4.36-acre subject area is near the intersection of SW 170th Avenue and SW Weir Road. It is near the Cooper Mountain ridgeline and includes a 12 percent slope gradient. The surrounding area has a both single-family residential neighborhoods and wooded areas.

Recently a final plat of the subdivision was approved and recorded with Washington County. As the property is in its early development stages, the land is vacant with newly developed streets and infrastructure. A map of the annexation area and immediate neighborhood can be viewed on the vicinity map above. A depiction of the final approved plat can be viewed in Attachment A.

Transportation Access: As specified on the recorded plat map (Attachment A), access to the subdivision is provided from the east by SW Ridge Drive and from the north from SW 171st Avenue and 172nd Avenue. All three access points connect from the neighboring Kemmer Ridge subdivision.

Natural Resources. The Washington County Aloha, Reedville, Cooper Mountain Community Plan Significant Natural and Cultural Resources Map does not identify natural or cultural resources on the subject site.

Approval Criteria

COMPREHENSIVE PLAN AMENDMENT (CPA2018-0008)

Criterion: 1.3 Comprehensive Plan Section 1.3 establishes that where amendments involve properties not subject to any special policies within the applicable Washington County Community Plan and where the Washington County – Beaverton Urban Planning Area Agreement’s Exhibit “B” provides a one-to-one relationship, 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 and are not a land use decision.

Response: The UPAA describes how to convert county land use district designations to city plan and zone designations that most closely approximate the density, use provisions, and standards of the county designations when annexation of unincorporated County land

occurs. It performs this function by providing a table of city-county land use designation equivalents.

The UPAA identifies the City of Beaverton's Urban Standard Residential plan designation and R-5 zone as the appropriate designations to apply to the subject parcel. Because this proposal applies the city's R5 zoning to the parcel it is consistent with the UPAA.

The Beaverton Comprehensive Plan designation cited in Exhibit B is now called "Standard Density Neighborhoods." This plan designation is functionally equivalent to "Urban Standard Residential" referred to in Exhibit B, provides a similar policy framework and has the same implementation zone (R5) as the former "Urban Standard Residential" classification.

The city's Standard Density Neighborhoods plan designation is the only land use designation that uses the R5 zone to implement its policies. Therefore, this proposal is consistent with the UPAA.

Comprehensive Plan Section 1.3 also specifies that the UPAA is applicable to an annexation-related Comprehensive Plan and zoning amendment that is not subject to any special policies within the applicable Washington County Community Plan. Washington County's Aloha, Reedville, Cooper Mountain Community Plan does not identify subarea design elements that pertain to subject parcel.

Finally, Special Policy II.A. of the UPAA states in part that "the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." Washington County was sent notice of the proposal on January 15, 2019. The county has not advised the city of adopted policies that apply to the subject area.

FINDING: Staff finds that the proposal satisfies Comprehensive Plan Section 1.3 for non-discretionary Comprehensive Plan map amendments

Criterion: 1.4.3 Comprehensive Plan Section 1.4.3 requires that notice be published in a newspaper of general circulation within the City; mailed to the Chair of the Committee for Citizen Involvement, Neighborhood Association Committee, Community Participation

Organization and owners of record of the subject property on the most recent property tax assessment roll; and posted on the city's website.

Response: Notice of a public meeting for the proposed amendment was published in the Beaverton Valley Times on January 17, 2019, was mailed to all required necessary parties on January 16, 2019, and was posted to the city's website on January 16, 2019.

FINDING Staff finds that the proposal satisfies Comprehensive Plan Section 1.4.3 for non-discretionary comprehensive plan map amendments

Criterion: **1.5.2.A** The UPAA in Section II (D) says: "Upon annexation, the city agrees to convert county plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations. Such conversion shall be made according to the tables shown on Exhibit "B" to this agreement." When the conversion from County to City designation is shown on Exhibit B with a one-to-one relationship, the City is not using discretion to make its decision.

Response: As indicated in previous sections of this report, the proposed plan map amendment complies with Exhibit B of the UPAA and therefore is being processed as an annexation-related non-discretionary plan map amendment.

FINDING: Staff finds that the proposal satisfies the Comprehensive Plan Section 1.5.2.A for a non-discretionary comprehensive plan map amendments

ZONING MAP AMENDMENT (ZMA2018-0006)

Development Code Section 40.97.15.3.C., which contains Non-Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"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:"

Criterion: **40.97.15.3.C.1** *The proposal satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.*

Response: Section 40.97.15.3.A. Threshold, states: “An application for Annexation Related Zoning Map Amendment shall be required when one or more of the following thresholds apply:

1. The change of zoning to a city zoning designation as a result of annexation of land into the city.
2. The Urban Planning Area Agreement (UPAA) is specific as to the city zoning designation to be applied to the parcel being annexed and does not allow for discretion.”

The zone change requested is to apply city land use and zoning designations to a subject area that is annexing into the City of Beaverton. The area carries the Washington County R6 designation, as depicted on the county’s Aloha, Reedville, Cooper Community Plan Map.

As noted previously in this report, the UPAA specifies the city’s equivalent zoning designation for the County R6 designation is the City’s R5 zone. Therefore, no discretion is required in determining the appropriate zoning designation.

FINDING: Staff finds that the request satisfies the threshold requirements for a non-discretionary annexation-related zoning map amendment application.

Criterion: **40.97.15.3.C.2.** All city application fees related to the application under consideration by the decision making authority have been submitted.

Response: Policy Number 470.001 of the city’s Administrative Policies and Procedures manual states that fees for a city-initiated application are not required where the application fee would be paid from the city’s general fund. The Community Development Department, which is a general fund program, initiated the application. Therefore, the payment of an application fee is not required.

FINDING: Staff finds that this criterion is not applicable.

Criterion: **40.97.15.3.C.3** The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

Response Development Code Section 50.25.1 states, "Non-Discretionary Annexation Related Zoning Map Amendments shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." A valid petition for annexation has been submitted and the annexation process is advancing to completion through a separate process.

FINDING: Staff finds that the request satisfies the application submittal requirements for a non-discretionary annexation-related zoning map amendment application.

Criterion: **40.97.15.3.C.4** *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.*

Response As noted previously in this report, the UPAA is specific for the proposed amendment. Washington County R6 goes to the equivalent zoning designation as shown in Exhibit B of the UPAA, which is the city's R5 zoning. Therefore, the city's R5 district is the appropriate designation for the subject site, according to the UPAA.

FINDING: The R5 zoning district is specified by, and is therefore consistent with, the UPAA.

Criterion: **40.97.15.3.C.5** *Applications and documents related to the request, which will require further city approval, shall be submitted to the city in proper sequence.*

Response No further applications and documents are required of this request.

FINDING: Staff finds this criterion is not applicable.

CONCLUSION

Based on the facts and findings presented, staff concludes that amending the Comprehensive Plan Land Use Map to depict the SDN land use designation and amending the city's Zoning Map to depict the R5 zoning district is appropriate for the subject parcel and is consistent with the UPAA.

Attachment:

A: Kemmer Summit Subdivision Map (recently approved)