



Staff Report
Annexation-related Comprehensive Plan
and Zoning Map Amendments for 10270 and 10100 SW Park Way
City Council

1st Reading:	June 4, 2019
2nd Reading:	June 11, 2019
Date of Report:	May 10, 2019

Application No. CPA2019-0002/ZMA2019-0003

Project Name: 10270 SW Park Way Annexation-related Land Use Map and Zoning Map Amendments

Request/Summary: Apply the city's Station Community — Multiple Use (SC-MU) zoning district and the city's Station Community (SC) land use designation to two land parcels.

Location: 10270 and 10100 SW Park Way. The subject parcel is near the junction of Highway 26 and Highway 217.

Map and Tax Lot: 1S102CC02800
1S102CC02900

Applicant: City of Beaverton

Total Area: Approximately 7.76 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 Station Community (SC) land use designation and the Station Community — Multiple Use (SC-MU) 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

CPA2019-0002 proposes amendment of the Land Use Map, and ZMA2019-0003 proposes amendment of the Zoning Map. Both amendments are requested to apply city land use and zoning to two parcels of land being annexed into the city through a separate but concurrent process. The parcels currently carry Washington County's Transit Oriented: Business (TO:BUS) designation, as depicted on the county's Cedar Hills–Cedar Mill Home Community Plan Map.



EXISTING CONDITIONS

Character. The properties are approximately 7.76 acres in size. The two land parcels support a commercial shopping center with a large portion of the lots devoted to parking. The immediate area to the north consists of commercial uses while the neighborhood to the south can be characterized as multi-family residential.

The area has been designated a station community within Metro's 2040 Concept Plan. This designation promotes the integration of transit-oriented design elements into the neighborhood. One such element includes a pedestrian bridge that crosses Highway 26 providing access the Sunset Transit Center (a regional bus and light rail hub).

Transportation Access: The subject parcels front SW Park Way. This street has been designated a collector on Beaverton's Functional Classification Map. The overall area is provided with excellent regional transportation access due to its close proximity to Highway 26 to the north and Highway 217 to the east. Both facilities have access points within a quarter mile of the property.

The properties are within one-quarter mile of the Sunset Transit Station and are served by TriMet bus line No. 59, which provides service between the Sunset Transit Center and the Willow Creek Transit Center.

Natural Resources. The Washington County Cedar Hills – Cedar Mill Community Plan Significant Natural and Cultural Resources Map does not identify natural or cultural resources on the subject site.

Approval Criteria

COMPREHENSIVE PLAN AMENDMENT (CPA2019-0002)

Criterion: **1.3** 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.

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 designations and zoning districts where the decision to apply a specific Comprehensive Plan 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].

Response: The proposed amendment is to apply Beaverton’s Station Community (SC) plan designation to two properties that are in the process of annexing into the city and carry Washington County’s TO:BUS 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 I CPA/ZMA Applications)

<i>County Land Use District</i>	<i>City Comprehensive Plan Designation</i>	<i>City Zoning District</i>
TO:BUS, Transit Oriented Business ¹	Station Community (SC)	Station Community — Multiple Use (SC-MU)

¹ Applies to property located within a Metro designated Station Community Area.

As specified above, the city’s Station Community plan designation and SC-MU zone identified in Table 1 of Section 1.5.2. are appropriate when specific conditions apply. They are:

- 1) The parcel is annexing into the city from unincorporated Washington County.
- 2) The property is located within a Metro designated Station Community Area.

Both of these conditions apply to the subject parcels. This proposal therefore qualifies as a nondiscretionary decision.

Section 1.3 of the Comprehensive Plan also states that the county shall advise the city of adopted policies that apply to the annexed areas. As of the date of this staff report, the city has not been advised of any adopted policies that apply to the subject parcel.

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, to the Planning Director of the Washington County Department of Land Use and Transportation (DLUT), and to 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 May 9, 2019, was mailed to all required necessary parties on April 30, 2019, and was posted to the city's website on April 30, 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 says: "Upon annexation, the city shall apply its Comprehensive Plan land use and zoning designations corresponding as close 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.

Response: As indicated in previous sections of this report, the proposed plan map amendment complies with Table 1 in Section 1.5.2. of Comprehensive Plan and therefore is being processed as an annexation-related non-discretionary Comprehensive 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 (ZMA2019-0003)

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. 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."

The zone change is requested to apply city land use and zoning designations to the subject parcel that is in the process of annexing into the City of Beaverton. The parcel carries the Washington County TO:BUS designation, as depicted on the county's *Cedar Hills – Cedar Mill Community Plan Map*.

As noted previously in this report, the Table 1 of Section 1.5.2 specifies the city's equivalent zoning designation for the county TO:BUS designation that is located within a Metro designated Station Community Area is the city's SC-MU 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 includes 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 Amendment and Discretionary Annexation 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." Two valid petitions for annexation have been submitted for the two properties 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 corresponding County zoning as specified within Table 1 in Section 1.5.2 within the city's Comprehensive Plan.*

Response As noted previously in this report, Table 1 in Section 1.5.2 was adopted pursuant to UPAA Section V of the UPAA. This section requires the city to maintain a list of corresponding county-to-city plan and zone designations where the decision to apply a specific zoning district is made under land use standards that do not require interpretation or the exercise of policy or legal judgment.

In this case, the table specifies Beaverton apply the city's SC-MU zone to property being annexed that was in Washington County's TO:BUS land use district. Therefore, the city's SC-MU zoning district is appropriate for the subject site.

FINDING: Because the proposal to apply the SC-MU zoning district to the subject property is consistent with Table 1 in Section 1.5.2, it is consistent with the above criterion.

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 Station Community land use designation and amending the city's Zoning Map to depict the Station Community — Multiple Use (SC-MU) zoning district is appropriate for the subject parcels and can be processed as a nondiscretionary Comprehensive Plan map and Zoning 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.