



STAFF REPORT

TO: Planning Commission

AGENDA DATE: July 27, 2016 **REPORT DATE:** July 20, 2016

FROM: Jeff Salvon, AICP

APPLICATIONS: CPA2014-0005 (7400 SW Scholls Ferry Rd. Annexation Related Land Use Map Amendment)

ZMA2014-0003 (7400 SW Scholls Ferry Rd. Annexation Related Zoning Map Amendment)

LOCATION: The proposed action includes the subject parcel located on the northeast corner where SW Scholls Ferry Road SW Garden Home Road intersect and an adjacent area of right-of-way. The parcel is addressed as 7400 SW Scholls Ferry Road and is also identified as tax lot number 03700 on Washington County's Tax Assessors tax map 1S123DB.

NEIGHBORHOOD ASSOCIATION: The property is proposed to be annexed into the City of Beaverton's Denney Whitford / Raleigh West Neighborhood Association Committee (NAC) from Washington County's Citizen Participation Organization (CPO) 3 in a concurrent process.

REQUEST: Apply the City's Urban Standard Density (R7) zoning designation and the City's Neighborhood Residential-Standard Density (NR-SD) land use designation to the subject parcel and adjacent portion of right-of-way. The UPAA designates properties with the Washington County Institutional designation be rezoned to the most restrictive abutting City zone, which is Urban Standard Density (R7). The Neighborhood Residential-Standard Density designation is the only land use designation that implements the R7 zone.

APPLICANT: City of Beaverton Community Development Director

APPROVAL CRITERIA: Comprehensive Plan Section 1.5.1 and the Development Code Section 40.97.15.3.C

RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation to the City Council to adopt an ordinance applying the *Neighborhood Residential-Standard Density (NR-SD)* land use designation and the *Urban Standard Density (R7)* zoning designation to the subject parcel and adjacent right-of-way effective 30 days after adoption of the proposed ordinance or upon the effective date of the related annexation – whichever occurs later.

BACKGROUND

PLANNING CONTEXT

CPA2014-0005 proposes amendment of the Land Use Map and ZMA2014-0003 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning to the subject parcel, which is being annexed into the City through a separate but concurrent process. The parcel currently carries Washington County's Institutional, designation, as depicted on the County's *Raleigh Hills-Garden Home Community Plan Map*.

Annexation related Comprehensive Plan Map and Zoning Map amendments are governed through terms addressed in the Washington County – Beaverton Urban Planning Area Agreement (UPAA). This agreement was established to determine in advance which city plan and zone designations most appropriately approximate County zoning applied to properties prior to annexation. For properties zoned Washington County Institutional, the UPAA does not cite a specific Beaverton Zone as a counterpart to Washington County Institutional. This is due to the fact that Beaverton has never established a zone specifically catering to institutional uses. In this case therefore, the UPAA specifies that *the City of Beaverton shall designate zoning to the property consistent with what is deemed the most restrictive abutting zone*.

Analysis of adjacent zoning reveals that one parcel situated north of the subject parcel zoned Beaverton R7; one parcel south of the subject parcel zoned Washington County R15 (equivalent to Beaverton's R2 zone); and several properties immediately west of the subject parcel, zoned Beaverton R2. In cases concerning residential zoning, the term "most restrictive" is interpreted as the degree that a property is limited in terms of minimum lot size per dwelling unit. Among these adjacent zones, the property zoned Beaverton R7 constitutes the most restrictive zone, allowing a minimum lot size of 7,000 per dwelling unit. In attempting to comply with provisions outlined in the UPAA, this proposal is therefore, to apply the City's Urban Standard Density (R7) zoning to the subject property subsequent to annexation into the City.

It should be noted that in contrast to Washington County, the City of Beaverton does not employ a zone reserved specifically for institutional uses catering to churches or other places of worship. Alternatively, the City applies zoning that lists institutional uses such as churches among its permitted or conditional use provisions. The city also employs a two-map system that differs from Washington County's framework in which specific zones are used to implement various Comprehensive Plan land use designations. In this case, Beaverton's R7 zone implements the city's NR-SD Comp Plan designation.

EXISTING CONDITIONS

Uses. The parcel is currently developed with a church and parking lot

Character. The property is located at the intersection of SW Scholls Ferry Rd. and SW Garden Home Rd., adjacent to the eastern edge of the City's corporate boundary. This parcel is approximately 2.16 acres in size and is located along a busy arterial road.

Natural Resources. The Washington County Raleigh Hills-Garden Home Community Plan *Significant Natural and Cultural Resources Map* does not identify natural or cultural resources on the subject site.

ANALYSIS

COMPATIBILITY OF LAND USE DESIGNATIONS AND ZONING DISTRICTS

Section 3.13.3 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* addresses the City's Neighborhood Residential-Standard Density (NR-SD) land use designations. The goals and related policies for the NR-SD designation are relevant to this proposal.

“3.13.3 Goal: Establish Standard Density Residential areas to provide moderate sized lots for typical single family residences with private open space.”

The policies of Section 3.13.3 include the following:

- a) *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix to allow a variety of housing choices.*

As described previously, the UPAA specifies that the city's most restrictive abutting zone be applied in cases where Washington County Institutional zoning is assigned to property prior to annexation. In the current proposal, City of Beaverton R7 zoning fulfills that function. Because the city's R7 zone is identified as an implementing zone to the city's NR-SD designation specified within the Comprehensive Plan and Zoning District Matrix, application of these two designations to the subject property complies with the provisions contained in subsection 3.14 of the Comprehensive Plan. In so doing, the proposal successfully implements the City's Comprehensive Plan goals and polices.

Summary. The Washington County - Beaverton UPAA specifies that for Washington County Institutional zoning, the City's must apply the most restrictive abutting zone and corresponding land use designation should be applied to the subject parcels. By doing so, the proposal is consistent with the City's planning goals and policies, as indicated above, and conforms to specifications in the Comprehensive Plan and Zoning District Matrix.

COUNTY RESPONSIBILITY TO NOTIFY

Special Policy II.A. of the UPAA states in part, "...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 June 21, 2016. The County has not advised the City of adopted policies which may apply to the subject area.

The *Raleigh Hills-Garden Home Community Plan* does not identify the subject parcel as part of an Area of Special Concern.

PROCESS

The UPAA requires the City to assign a particular, or most similar, City Comprehensive Plan Land Use designation to the annexed property based on the Washington County designation. Exhibit “B” of the UPAA contains a chart describing a one-to-one relationship between County and City land use designations. The UPAA and the chart referenced as Exhibit “B” is found within Chapter 3 of the Comprehensive Plan in Section 3.15. Where UPAA Exhibit “B” provides a one-to-one relationship and the annexed property is **not** subject to any special policies within the applicable Washington County Community Plan, 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.

The current proposal involves a parcel designated Institutional on the County’s Raleigh Hills-Garden Home Community Plan Map – a zoning designation for which the City of Beaverton has no counterpart. As an alternative, the UPAA specifies that for property zoned Institutional, the property is to be “zoned to the most restrictive abutting zone. For the subject property, the most restrictive abutting zone is city of Beaverton Urban Standard Density (R7) due to its limited development potential.

Because this criteria is not specific, applying the UPAA specifications introduces discretion into the proposal. Section 1.3 of the Comprehensive Plan specifies that for discretionary comprehensive plan amendment decisions of this sort, a quasi-judicial amendment process is the most appropriate procedure.

THRESHOLD

Comprehensive Plan Process.

Section 1.3 of the Comprehensive Plan describes Quasi-Judicial Amendments as amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties or locations. The current proposal pertains to a single parcel and is thereby very limited in scale.

Development Code Process. Due to the zoning and land use designations being called out in the *County’s Raleigh Hills - Garden Home, Community Plan*, review and approval of this proposed Zoning Map Amendment qualifies as a Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.4.A, which states that, “An application for Discretionary Annexation Related Zoning Map Amendment shall be required when the following threshold applies:

1. “The change of zoning to a City zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation.”

The subject property is being concurrently annexed to the City of Beaverton through a separate process. The UPAA specifies that properties zoned Washington County Institutional shall be zoned to the City of Beaverton’s most restrictive abutting zone – a directive that may provide some opportunity for discretion. Thus, threshold 1 above applies to the proposal.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Section 1.5.1 of the Comprehensive Plan outlines the minimum criteria for amendment decisions, as follows:

1.5.1.A The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;

Of the 19 Statewide Planning Goals, Goals One, Two, Five, Ten, Eleven, Twelve, and Thirteen are applicable to the proposed map amendment.

GOAL 1: PUBLIC INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The proposed amendment is subject to the public notice requirements of the Comprehensive Plan Section as described in the previous section of this report on process.

At the hearing, the Planning Commission considers written comments and oral testimony before they make a decision. The procedures outlined in Comprehensive Plan Section 1.4.2 allow for proper notice and public comment opportunities on the proposed Comprehensive Plan amendment as required by this Statewide Planning Goal. As noted above, these procedures have been followed.

Finding: Staff finds that the City, through its Comprehensive Plan adherence to State statutes, has created proper procedures to insure citizens the opportunity to provide input into the proposed Comprehensive Plan Land Use Map amendment and that the City has complied with those procedures.

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.

The City of Beaverton adopted its Comprehensive Plan which includes text and maps in a three-part report (Ordinance 1800) in 1972. The City adopted a new Comprehensive Plan (Ordinance 4187) in January 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCDD). The proposed Plan, including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before adoption. The adopted Plan and findings supporting adoption were deemed acknowledged pursuant to

a series of Approval Orders from the Department of Land Conservation and Development, the last of which was issued on December 31, 2003.

As previously mentioned, comprehensive plan map and zoning map amendments to newly annexed lands are dictated by means of the Washington County – Beaverton Urban Planning Area Agreement. This agreement, along with the Comprehensive Plans of both jurisdictions, have undergone state scrutiny and been acknowledged by the State of Oregon and were deemed to comply Goal 2. Since the intent of the proposal is to apply plan designations and zoning that complies with Section 3.14 of the Comprehensive Plan and the UPAA is acknowledged by the state, staff has succeeded in applying a policy framework to the proposal to assure that the decision is consistent with the intent of Goal 2.

Finding: Staff finds that in applying the state acknowledged Comprehensive Plan provisions to this proposal, the requirement of Goal 2 have been met.

GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

To protect natural resources and conserve scenic and historic areas and open spaces.

Goal 5 specifies that “[l]ocal governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations.” The City of Beaverton depicts its significant natural resources related to Goal 5 on its Significant Tree Inventory Map, Local Wetland Inventory Map, and Habitat Benefit Area Map. These maps do not depict any natural resources, scenic and historic areas, or open spaces relevant to Goal 5 that affect the subject parcel.

Finding: Staff finds that the proposal does not impact resources subject to Goal 5 protection. Therefore, staff finds that the amendment complies with Goal 5 of the Statewide Planning Goals.

GOAL 10: HOUSING

To provide housing needs for citizens of the state.

As stated previously, the city of Beaverton lacks a land use and zoning designation that is congruent with Washington County’s Institutional designation. However, terms established by the Beaverton – Washington County UPAA dictate that annexed properties that carry the Institutional designation be pre-designated with city land use and zoning designations that reflect the most restrictive abutting zone. In the current case, application of the city’s Urban Standard Density map and R7 zoning designations, (both of which primarily support residential uses), fulfill this requirement. Applying these designations to the property also conforms to the city’s Development Code which allows for use property zoned R7 to be used as places of worship under a conditional use.

Goal 10 requires that local jurisdictions inventory the supply of buildable land and develop plans “...in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries.” In March of 2016, the city updated

the housing element of the city's Comprehensive Plan. As part of that process, the city commissioned a buildable lands analysis and found that the city of Beaverton is showing a large deficit in its capacity for detached single family and medium density attached units in its 20 year land supply.

In response, the City adopted Goal 4.A of the city's housing element which establishes that the City will "Provide an adequate supply of housing to meet future needs". In attempting to address this goal, the city also established policy 4.A.7 to "[s]upport UGB expansions and city boundary changes that consider the city's unique geopolitical boundaries and the availability of city and other urban services and that will help resolve the city's identified future housing supply deficiencies."

Although a church currently occupies the property, application of the proposed designations advances the goal and policy previously cited. This is due to the fact that applying R7 zoning to the property provides an opportunity to apply single family housing to the property if, for whatever reason, use of the property as a church were to cease at some future date.

As the proposal will aid in advancing the objectives stated above, staff regards the proposal to the area as complying with the intentions of Goal 10.

Finding: By advancing the objectives contained in Goal 10 that require local jurisdictions inventory the buildable land, develop plans, and apply measures that insure the provision of appropriate types and supplies of land to support needed housing, staff finds that the proposed amendment complies with Goal 10 of the Statewide Goals.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The City of Beaverton is located within the Urban Growth Boundary (UGB) for the Portland metropolitan region. Metro is the regional governing body that determines the regional need for UGB expansions and in doing so, works with local government to for UGB expansion into rural lands. The subject parcel supports a church that is in the process of being remodeled. The owners of the church are annexing the property into the City of Beaverton in order to obtain access to city maintained sewer lines. Should future redevelopment occur, additional service requirements will be addressed in the development review process at the time the development is proposed.

Finding: Staff finds that the proposal to apply plan and zoning designations to the subject parcel is provided with adequate public facilities or will be adequately served at the time that redevelopment occurs. Therefore, staff finds that the proposal satisfies the provisions expressed in Oregon's Goal 11.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Oregon Administrative Rules (OAR) 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 Oregon Revised Statute (ORS) 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 12 as they related to transportation facilities. Volume 4 of the Comprehensive Plan contains the city's adopted TSP, effective December 23, 2009. OAR 660-012-006 requires local governments to review Comprehensive Plan and land use regulation amendments with regard to the effect of the amendment on existing or planned transportation facilities. This section cited as follows:

A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Staff reviewed Comprehensive Plan and land use regulation amendments with regard to the effect of the amendment on existing transportation facilities and determined that no negative traffic impacts will result from the proposal. This finding was supported by an analysis (below) which sought to demonstrate that the potential traffic impacts from development under the proposed zoning are no greater than the impacts that derive under the property's current use.

In performing this analysis, staff assessed the traffic impacts that would occur under the proposed plan and zone amendments consistent with the UPAA directive that the city apply the most restrictive abutting zone (R7 in this case). Using the ITT 9th Edition Trip Generation Manual, traffic impacts deriving from the property's potential to support 9

single family detached dwellings were compared with the impacts from the existing church facility. The results of that comparison are depicted in the table below.

Use	Density	A.M. Peak Generator	P.M. Peak Generator	Sat. Peak Generator	Sun. Peak Generator
SFR Detached	9 units	6.9	9.2	8.4	7.7
Existing Church	10,000 sq. ft.	8.7	9.4	35.4	120.4

As reflected above, no additional traffic generation is anticipated to occur should the property change use from a church to single family housing, permitted under the R7 zoning specifications. Additionally, given that no change in use of the property is currently proposed, no change in traffic impacts is expected to occur. Should a change in use of the property be proposed subsequent to this proposal, a detailed traffic analysis will be required as an element of the required land use review and permitting process.

Upon finding that the proposed rezone will not incur additional traffic generation, staff concludes that this element of the proposed rezone complies with Goal 12.

Finding: Staff finds that applying the Neighborhood Residential Standard Density use designation and R7 zoning to the subject parcel complies with the provisions expressed in Oregon’s Goal 12 and OAR 660-012-000 through 660-012-0070.

GOAL 13: ENERGY CONSERVATION *To conserve energy.*

The subject parcel is adjacent to TriMet’s #56 and #92 bus lines which connect downtown Portland with the Washington Square Transit Center. Use of public transportation is a reasonable alternative for people that attend services or workers employed on the subject property. Planning for possible development along public transportation reduces auto-dependency. Additionally, if any redevelopment should eventually occur on the subject parcel, the city’s development review process will look toward opportunities to improve the energy efficiency of the site, whether by regulatory or voluntary means.

Summary Finding: Staff finds that for reasons identified above, the proposed amendment complies with Goals 1, 2, 5, 10, 11, 12, and 13. Criterion 1.5.1.A is met.

1.5.1.B The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and Regional Transportation Plan;

Section 3.07.810 of the UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Cities and counties that fall

within the Portland Metropolitan Area are required through the UGMFP to apply plan and zone designations consistent with Metro's 2040 design types identified within Metro's 2040 Growth Concept Plan.

The 2040 Growth Concept Plan map designates the general area of the subject parcel under the Neighborhood and Corridor subject to local interpretation. Washington County adopted Metro's Growth Concept Map and applied related planning provisions within the *Raleigh Hills – Garden Home Community Plan*. Under that policy document, Washington County applied its Institutional zoning to the subject parcel consistent with its practice of applying zoning to property supporting church facilities. In the process, Washington County achieved compliance with Metro's Growth Concept Plan.

The City of Beaverton achieved Metro compliance as part of its periodic review program in 2002 in demonstrating the relationship between the NR-SD plan designation and R7 zoning, and the design types assigned to the general area of the subject parcel. As mentioned previously, the Beaverton – Washington County UPAA dictates land use designation conversions when annexation occurs and as a component of the Beaverton Comprehensive Plan, was also subject to Metro compliance as part of that process. For the reasons given, the proposal to apply the NR-SD plan designation and R7 zoning to the newly annexed area corresponds with Metro's Urban Growth Functional Plan provisions.

Additionally, because the proposed amendment does not involve actual development of the subject property, staff believes that it does not pose a conflict of any regional significance to the modeling or policies that form the basis of the Metro Regional Transportation Plan.

Finding: Application of the NR-SD Comprehensive Plan Land Use Map designation to the subject parcel and adjacent right of way succeeds in implementing Metro's 2040 Regional Concept Map and the Urban Growth Management Functional Plan. Therefore, Criterion 1.5.1.B is met for the proposed amendments.

1.5.1.C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans;

Facts and Findings:

The following Comprehensive Plan Chapters are addressed below: 1, 2, 3, 4, 5, 6, and 7. Staff finds that no other applicable local plans are applicable to this proposal.

Chapters 1 and 2, Procedures and Public Involvement Elements, respectively.

The procedures for amending the Comprehensive Plan found within Chapter 1 have been complied with, including appropriate noticing. The Planning Commission will hold an initial hearing where public testimony and evidence will be entered into the record and used for the Planning Commission's deliberations. The Planning Commission will make a recommendation to the City Council, who will follow appropriate procedures for adopting an ordinance implementing the Planning Commission's recommendation and

incorporating their findings, unless an appeal of the Planning Commission decision is filed, in which case the Council will conduct a hearing on the appeal.

Finding: Staff finds that the proposal is a quasi-judicial amendment. Staff finds that the appropriate procedures in Chapter 1 and summarized in Chapter 2 of the Comprehensive Plan have been met. Thus, this proposal is in compliance with Chapters 1 and 2.

Chapter 3 Land Use Element

This proposal is to apply plan and zone designations to a parcel that will annex from unincorporated Washington County. This process is guided by the Beaverton – Washington County Urban Planning Area Agreement (UPAA) comprising Section 3.15 of the Land Use Element which dictates the terms that govern how the process shall be conducted. The agreement establishes that in cases where Washington County Institutional zoning is in place, the City shall zone to the most restrictive abutting zone.

Staff regards the meaning of “most restrictive abutting zone” to mean zoning that allows the least amount of density (i.e. units per acre) within each residential zone. The subject parcel abuts neighboring property zoned Beaverton R7 (minimum lot size of 7,000 square feet per dwelling unit), Beaverton R2 (minimum lot size of 2,000 square feet per dwelling unit), and Washington County R15 (roughly similar to Beaverton’s R2 zoning).

On the basis of this understanding, the R7 zoning is clearly the most restrictive of all abutting zones. As to which plan designation best suits the UPAA directive, Comprehensive Plan Section 3.14 specifies that the only compatible plan designation available of R7 zoning is the Neighborhood Residential – Standard Density (NR-SD). Therefore, in following the policy directive cited above, staff asserts that the proposed amendment is consistent with the Comprehensive Plan.

Finding: Staff finds that for the reasons specified above, the policies found in Chapter 3 are met.

Chapter 4 Housing Element

Discussion under Goal 10 assists in the understanding of the applicability of the Housing Element to this amendment.

As stated previously, in March of 2016, the city updated the housing element of the city’s Comprehensive Plan. As part of that process the City adopted Goal 4.A of the city’s housing element which establishes that the City will “Provide an adequate supply of housing to meet future needs”. In attempting to address this goal, the city also established policy 4.A.7 to “[s]upport UGB expansions and city boundary changes that consider the city’s unique geopolitical boundaries and the availability of city and other urban services and that will help resolve the city’s identified future housing supply deficiencies.”

Although a church currently occupies the property, application of the proposed designations advances the goal and policy previously cited. This is due to the fact that applying R7 zoning to the property provides an opportunity to apply single family housing to the property if, for whatever reason, use of the property as a church were to cease at some future date.

Finding: Staff finds that for the reasons specified above, the policies found in Chapter 4 are met.

Chapter 5: Public Facilities and Services Element

As noted in the Goal 11 discussion, the proposal does not physically affect the landscape or affect corporate boundaries of the City's public facility plans. Adequate facilities and services exist in the area to accommodate current and future development. Specific availability will be addressed in the development review process at the time future development is proposed.

The proposal would not affect the City's ability to implement the Public Facilities Plan, Capital Improvement Plan, Urban Planning Area Agreement (UPAA), urban service area, storm water and drainage system, potable water system, sanitary sewer system, parks and recreation, or police and fire and emergency medical services. Additionally, because use of the property involves a church, school facilities will not be affected.

Finding: Staff finds that for the policies found in Chapter 5 are met.

Chapter 6: Transportation Element

Comprehensive Plan Section 6.2.4.e is relevant to the proposed amendment. It states as follows:

"Maintain levels of service consistent with Metro's Regional Transportation Plan and the Oregon Transportation Plan. Applications for Comprehensive Plan Amendments shall comply with the requirements of OAR 660-012-0060 and as appropriate include a Transportation Impact Analysis that shows that the proposal will not degrade system performance below the acceptable two-hour peak demand-to-capacity of 0.98..."

Discussion addressing the amendment's compliance with OAR 660-012-0060 was provided under the analysis section addressing Goal 12 compliance above. As pointed out in that section, the proposal seeks to apply the city's plan and zone designations to the subject parcel and adjacent right-of-way subsequent to annexation. Staff provided analysis to determine what increase in traffic generation (if any) could result from the proposed amendment. The analysis found that in a worst case scenario, the proposed amendment would result in a decrease in traffic generated. Thus, staff believes that the proposed amendment will not degrade system performance below the acceptable two-hour peak demand-to-capacity ratio of 0.98 as required in OAR 660-012-0060 above.

Finding: Staff finds that the proposed does not affect the city's ability to implement this chapter.

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

Staff reviewed the provisions contained in Chapter 7 of the Comprehensive Plan and concluded that because the proposal does not involve or affect any significant Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources, the proposed amendment does not affect the City's ability to implement the provisions of this chapter.

Finding: Staff finds that for the reasons specified above, the proposal is consistent with the policies found in Chapter 6 of the city's Comprehensive Plan.

Summary Finding: Staff finds that the proposed Comprehensive Plan amendment is generally consistent with compatible with the Comprehensive Plan. Thus, the requirements of Criterion 1.5.1.c are met.

1.5.1.D If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation a proposed by the amendment;

The subject property is in unincorporated Washington County and currently carries zoning reflective of the County's land use provisions. The property and adjacent street right-of-way are proposed for annexation. In order for the City of Beaverton to properly assess and enforce its land use policies, development code policies, and other site development requirements, the City must assign the appropriate Beaverton Comprehensive Plan land use designation and zoning designations once the property has been annexed.

Finding: Criterion 1.5.1.D is met for the proposed amendment.

ZONING MAP AMENDMENT CRITERIA

Development Code Section 40.97.15.4.C., which contains Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"In order to approve a 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 Discretionary Annexation Related Zoning Map Amendment application.*

Section 40.97.15.4.A. Threshold, states:

"An application for Annexation Related Zoning Map Amendment shall be required when one or more of the following thresholds apply:

"The change of zoning to a City zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation."

The zone change is requested in order to apply City land use and zoning to the subject parcel which is concurrently undergoing annexation to the City of Beaverton. The parcel carries the Washington County Institutional designation, as depicted on the County's *Raleigh Hills-Garden Home Community Plan Map*.

As noted in the Process section of this report, the UPAA specifies that for zoned Washington County Institutional, the City must zone to the most restrictive abutting zone. Due to the fact that the term "most restrictive" is not defined within the UPAA, some level of discretion may be required in determining the appropriate zoning designation.

Finding: Staff finds that the request satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

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.

3. *The proposed zoning designation most closely approximates the density, use provisions, and development standards of either: [ORD 4652; February 2015]*
 - a. *The Washington County designation which applied to the subject property prior to annexation if no adopted Community Plan applies; or*
 - b. *The City of Beaverton land use designation(s) as outlined in an adopted Community Plan.*

The Beaverton – Washington County UPAA specifies that in cases where the County's Institutional zone is designated on property proposed to be annexation, the property must be "zoned to the most restrictive abutting zone." This directive is not consistent and in many respects conflicts with the criteria specified above.

Finding: Staff finds that the criteria specified in Development Code Section 40.97.15.4.C.3 is not applicable to this proposal.

4. *The proposed zoning designation is consistent with any guidance contained within either: [ORD 4652; February 2015]*
 - a. *The UPAA concerning the application of non-specified zoning district designations; or*
 - b. *An adopted Community Plan within the Comprehensive Plan for the City of Beaverton.*

The proposal conforms to Section 4.a above because the methodology used to determine the appropriate zone it *is consistent with guidance contained the UPAA* concerning the application of non-specified zoning district designations.

Finding: The finds that this criterion has been met.

5. *The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.*

This criteria is identical to section 4.a above.

Finding: Staff finds this criterion has been met.

6. *Applications and documents related to the request, which will require further city approval, shall be submitted to the City in the proper sequence.*

No additional documentation related to this proposal or further City approval is required.

Finding: Staff finds this criterion has been met.

CONCLUSION

Based on the facts and findings presented, staff concludes that amending the Comprehensive Plan Land Use Map to depict the Neighborhood Residential-Standard Density (NR-SD) land use designation and amending the City's Zoning Map to depict the Urban Standard Density (R7) zoning district is appropriate for the subject parcel and is consistent with the Washington County – Beaverton *Urban Planning Area Agreement*.