



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

March 19, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment
DLCD File Number 007-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: March 30, 2007

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

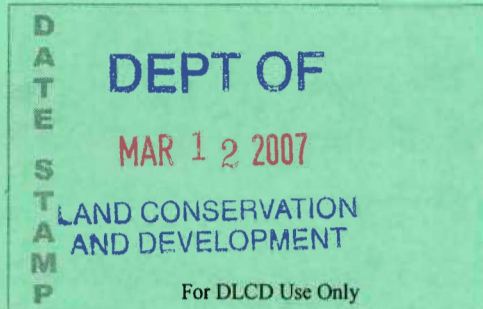
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Meg Fernekees, DLCD Regional Representative
Laura Kelly, City of Beaverton

<paa>

FORM 2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Beaverton Local file number: CPA2007-0003/ ZMA2007-0002

Date of Adoption: 3/6/2007 Date Mailed: 3/9/2007

Date original Notice of Proposed Amendment was mailed to DLCD: N/A

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Assigning City land use and zoning to properties annexed from the county.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

N/A

Plan Map Changed from: County R-6 to: City of Beaverton NR-SD

Zone Map Changed from: County R-6 to: City of Beaverton R-5

Location: S. of NW Walker Rd, N. of Baseline Rd, E. side of SW 173rd Ave Acres Involved: 8.7

Specify Density: Previous: 6 units/acre New: 8.7 units/acre

Applicable Statewide Planning Goals _____

Was and Exception Adopted? YES NO

DLCD File No.: _____

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

Washington County, Clean Water Services

Local Contact: Laura Kelly Phone: (503) 526-2548 Extension: _____

Address: PO Box 4755 City: Beaverton

Zip Code + 4: 97076-4755 Email Address: lkelly@ci.beaverton.or.us

DLCD 007-07 (NOA)



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

NOTICE OF DECISION

March 9, 2007

Date of Final Decision: March 6, 2007

Ordinance 4426 attached, was first read on the February 26, 2007 City Council agenda then passed by the City Council after second reading on the March 5, 2007 Council agenda. The Mayor approved and signed Ordinance 4426 on March 6, 2007.

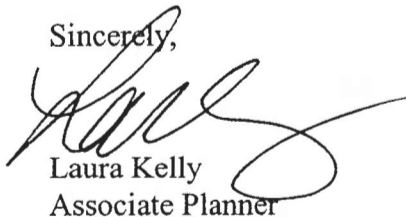
An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located south of NW Walker Road and north of Baseline Road, on the east side of SW 173rd Avenue; CPA 2007-0003/ ZMA 2007-0002

Appeal. Any appeal of this decision should be made to the State of Oregon Land Use Board of Appeals (LUBA) as provided in ORS 197.830 through ORS 197.845. A notice of intent to appeal shall be filed not later than **21 calendar days** after notice of the decision is mailed or otherwise submitted to parties entitled to notice under ORS 197.615. Mailing of the notice on Friday, March 9, 2007 results in an appeal deadline of **Friday, March 30, 2007**.

How to Obtain Further Information: This decision is available for review, and a copy may be obtained at a cost, at the following address:

City of Beaverton,
Planning Services Division
Beaverton City Hall
4755 S.W. Griffith Drive
Beaverton, OR 97076
Phone: (503) 526-2548

Sincerely,



Laura Kelly
Associate Planner

cc: CCI Chair
Beaverton Neighborhood Office

ORDINANCE NO. 4426

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED SOUTH OF NW WALKER ROAD AND NORTH OF BASELINE ROAD, ON THE EAST SIDE OF SW 173RD AVENUE; CPA 2007-0003/ ZMA 2007-0002

WHEREAS, The 28 properties were annexed under Ordinance 4338 in March 2005 and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations by the Urban Planning Area Agreement (UPAA); and

WHEREAS, Since the UPAA is specific on the appropriate designations for these parcels, this is not a discretionary land use decision, and no public hearing is required; and

WHEREAS, The Council incorporates by reference the Community Development Department staff report on CPA 2007-0003/ZMA 2007-0002 by Associate Planner Laura Kelly, dated February 16, 2007, and attached hereto as Exhibit "B"; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties located south of NW Walker Road and north of Baseline Road, on the east side of SW 173rd Avenue, Neighborhood Residential-Standard Density (NR-SD) on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

Section 2. Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 Urban Standard Density Residential (R-5), as shown on Exhibit "A", in accordance with the UPAA.

First reading this 26th day of February, 2007.


Passed by the Council this 5th day of March, 2007.

Approved by the Mayor this 6th day of March, 2007.

ATTEST


SUE NELSON, City Recorder

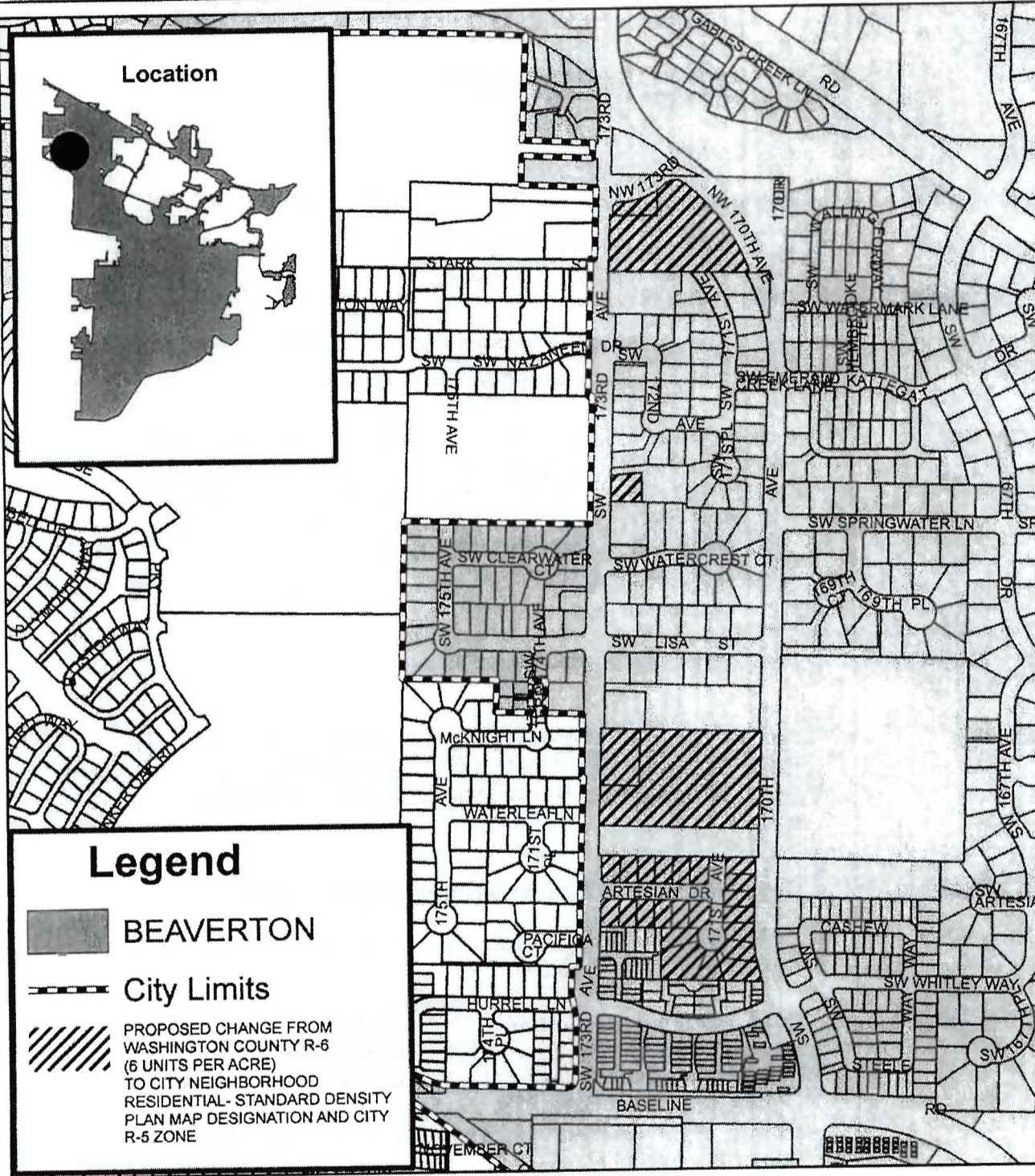
APPROVED:


ROB DRAKE, Mayor

VICINITY MAP

Ordinance
No. 4426

EXHIBIT "A"



CITY OF BEAVERTON

CPA2007-0003 ZMA2007-0002

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

1/22/07

N

VARIOUS



NW 173rd
Properties

102



CITY of BEAVERTON

EXHIBIT B

Ordinance No. 4426

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

STAFF REPORT

TO: City Council

AGENDA DATE: February 26, 2007 **REPORT DATE:** February 16, 2007

FROM: Laura Kelly, Associate Planner *jk*

APPLICATION: CPA2007-0003
(SW 173rd Avenue Land Use Map Amendment)
ZMA2007-0002
(SW 173rd Avenue Zoning Map Amendment)

LOCATION: South of NW Walker Road and north of Baseline Road, on the east side of SW 173rd Avenue. The parcels are identified as 1N1 31 DC 1300 & 1400, 1S1 06 AB 702, 1S1 06 AC 300, 301, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900 & 5000.

NEIGHBORHOOD ASSOCIATION: Five Oaks Neighborhood Association

REQUEST: Apply the City's Neighborhood Residential-Standard Density (NR-SD) land use designation and the City's Urban Standard Density Residential (R-5) zoning designation to twenty eight (28) parcels.

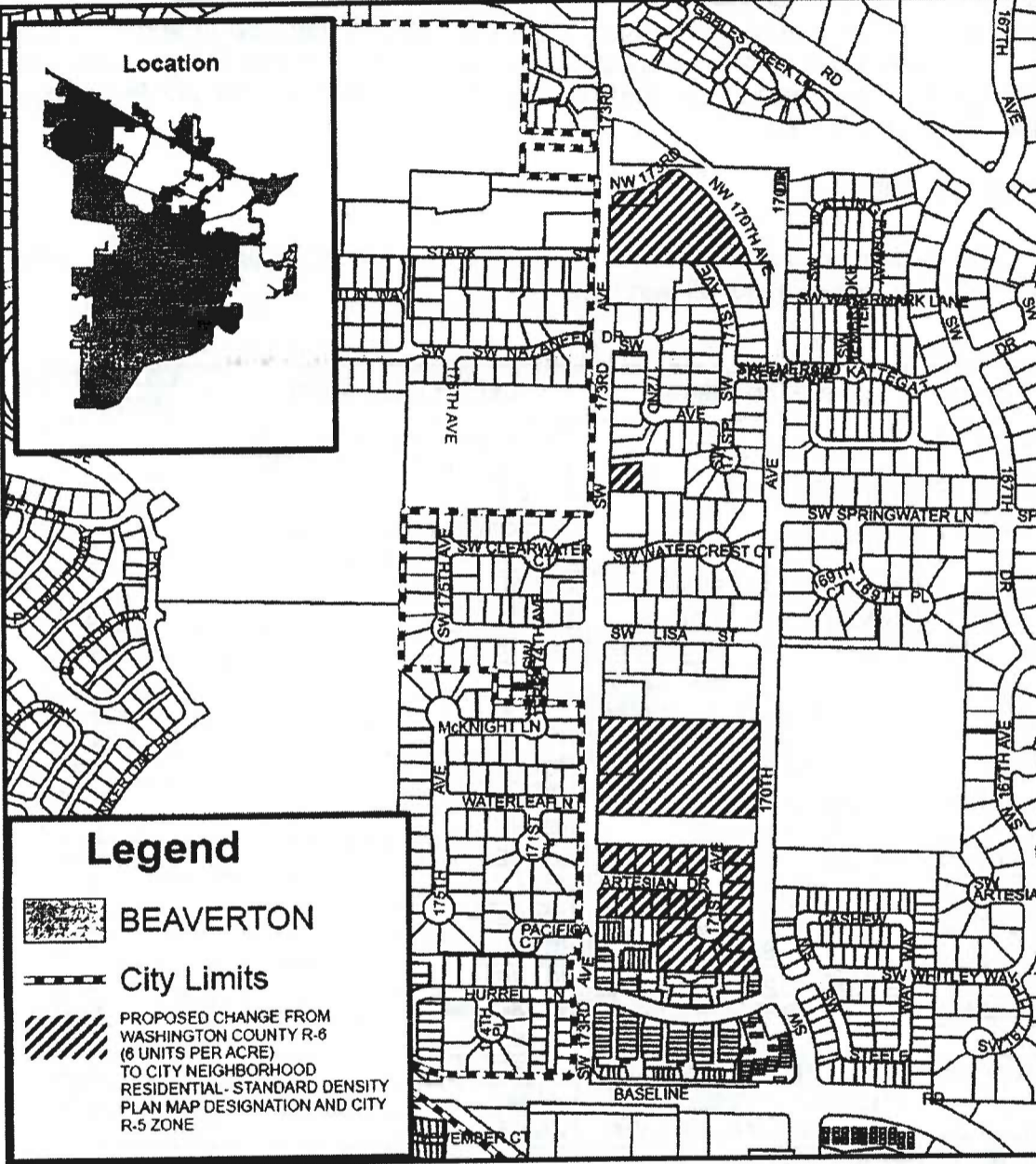
APPLICANT: City of Beaverton Community Development Director


APPROVAL CRITERIA: Comprehensive Plan Section 1.5.2 and the Development Code Section 40.97.15.3.C

RECOMMENDATION: Staff recommends the City Council adopt an ordinance applying the Neighborhood Residential-Standard Density (NR-SD) land use designation and the Urban Standard Density Residential (R-5) zoning designation to the twenty eight (28) parcels effective thirty days after the Mayor's signature.

VICINITY MAP

EXHIBIT "A"



 CITY OF BEAVERTON	CPA2007-0003 ZMA2007-0002	1/22/07 VARIOUS	N 
	COMMUNITY DEVELOPMENT DEPARTMENT Planning Services Division	NW 173rd Properties	

BACKGROUND

CPA2007-0003 proposes amendment of the Land Use Map and ZMA2007-0002 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning for twenty eight (28) parcels annexed in March, 2005. Each of the parcels has continued to carry the Washington County R-6 (6 Units per Acre) designation, as depicted on the County's *Sunset West Community Plan* map, since the time of annexation.

EXISTING CONDITIONS

Uses. Staff performed a field survey of uses that occupy the subject parcels. The identified uses are noted in the following table.

The following table includes addresses, existing uses, and lot sizes for each parcel:

TAX LOT ID	SITE ADDRESS	EXISTING LAND USE	LOT SIZE (ACRES)
1N131DC01300 & 1400	90 NW 173RD AVE	Granted preliminary approval for 12-lot subdivision on 12/19/2006	2.04
1S106AB00702	270 SW 173RD AVE	HOUSE	0.21
1S106AC00300 & 301	640 SW 173RD AVE	Granted preliminary approval for 21-lot subdivision on 9/1/2005	3.11
1S106AC02800	17291 SW ARTESIAN LN	HOUSE	0.12
1S106AC02900	17249 SW ARTESIAN LN	HOUSE	0.11
1S106AC03000	17207 SW ARTESIAN LANE	HOUSE	0.11
1S106AC03100	17185 SW ARTESIAN LANE	HOUSE	0.11
1S106AC03200	17153 SW ARTESIAN LANE	HOUSE	0.11
1S106AC03300	17127 SW ARTESIAN LN	HOUSE	0.12
1S106AC03400	718 SW 171ST AVE	HOUSE	0.12
1S106AC03500	732 SW 171ST AVE	HOUSE	0.12
1S106AC03600	754 SW 171ST AVE	HOUSE	0.12
1S106AC03700	778 SW 171ST AVE	HOUSE	0.12
1S106AC03800	796 SW 171ST AVE	HOUSE	0.12
1S106AC03900	838 SW 171ST AVE	HOUSE	0.14
1S106AC04000	846 SW 171ST AVE	HOUSE	0.19
1S106AC04100	851 SW 171ST AVE	HOUSE	0.13
1S106AC04200	843 SW 171ST AVE	HOUSE	0.16
1S106AC04300	835 SW 171ST AVE	HOUSE	0.16
1S106AC04400	817 SW 171ST AVE	HOUSE	0.14
1S106AC04500	17126 SW ARTESIAN LANE	HOUSE	0.13
1S106AC04600	17152 SW ARTESIAN LANE	HOUSE	0.11
1S106AC04700	17184 SW ARTESIAN LANE	HOUSE	0.11
1S106AC04800	17206 SW ARTESIAN LN	HOUSE	0.11
1S106AC04900	17248 SW ARTESIAN LANE	HOUSE	0.11
1S106AC05000	17280 SW ARTESIAN LANE	HOUSE	0.12

Character. The majority of the subject parcels have been developed with single family dwellings and typical residential accessory structures. As noted above, several of the parcels have received preliminary approval to be developed into subdivisions.

Natural Resources. Washington County's *Sunset West Community Plan* map does not depict any significant natural resources in the area of the subject parcels.

ANALYSIS

COMPATIBILITY OF DESIGNATIONS

City of Beaverton Neighborhood Residential-Standard Density (NR-SD) land use designation. Section 3.13 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* details the City's Residential land use designations. One goal is identified for the Standard Density Residential designation, as follows:

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

The policy of Section 3.13.3 includes the geographical determination that Standard Density Residential zoning designations are to be applied as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.

Washington County R-6 District designation. The subject parcels are designated R-6 on the County's *Sunset West Community Plan*. Section 303-1 of the *Washington County Community Development Code* states that,

"The purpose of the R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2, Section 300-5, or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District."

The UPAA excerpt, below, specifies that the County's R-6 designation is equivalent to the City's R-5 zoning designation.

WASHINGTON COUNTY – BEAVERTON URBAN PLANNING AREA AGREEMENT		
EXHIBIT "B"		
CITY – COUNTY LAND USE DESIGNATION EQUIVALENTS		
COUNTY	BEAVERTON	
<u>Plan/Zoning</u>	<u>Plan</u>	<u>Zoning</u>
R-6	NR-SD	R-5

Summary. The UPAA specifies a City R-5 designation for all twenty eight (28) parcels.

APPLICABLE ZONING DISTRICTS

The implementing zoning districts for the City's Neighborhood Residential-Standard Density (NR-SD) Comprehensive Plan designation are: R-7 and R-5. Properties within and around the subject parcels implement Neighborhood Residential-Standard Density (NR-SD) Comprehensive Plan designation as follows: the R-7 and R-5 zones are predominant on the east side of SW 173rd Avenue, south of Walker Road to SW Artesian Ln.

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." The County has not advised the city of adopted policies which may apply to the annexed area.

PROCESS

THRESHOLD

The subject properties are all designated on the County's *Sunset West Community Plan* map as R-6, which, in a non-discretionary process, requires implementation of the City's R-5 zoning designation under the *Urban Planning Area Agreement* (UPAA).

Comprehensive Plan Process. Due to annexation of the subject parcels and the non-discretionary nature of the proposal, review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Non-Discretionary Amendment per *Comprehensive Plan* Section 1.3.

Development Code Process. Due to annexation of the subject parcels and the non-discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Non-Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.3.A, which that states, "An application for Non-Discretionary Annexation Related Zoning Map Amendment shall be required when 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."

SUBMISSION REQUIREMENTS

According to Development Code Section 40.97.15.3.D. an application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. Because the annexation of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4338.

PUBLIC NOTICE

Section 1.4.3.A of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice for Non-Discretionary Annexation Related Comprehensive Plan Map Amendments must be provided, as indicated below, not less than twenty (20) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice was published in the Beaverton Valley Times on February 1, 2007.
2. Notice was mailed to the 5 Oaks/Triple Creek Neighborhood Association Committee, Sunset West/ Rock Creek/ Bethany Citizen Participation Organization (CPO 7), Chair of the Committee for Citizen Involvement (CCI), and to the subject property owners on February 1, 2007.
3. Notice was posted on the City's website on February 1, 2007.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above. The notice requirements for this CPA/ZMA have been met.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.5.2.A specifies that non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement. Findings to address Comprehensive Plan sections which address Statewide Planning Goals and Metro Urban Growth Regional Framework Plan criteria are therefore regarded as not applicable to this proposal.

ZONING MAP AMENDMENT CRITERIA

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:"

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

Section 40.97.15.3.A.1 Threshold, states, "The change of zoning to a City zoning designation as a result of annexation of land into the City." The zone change is requested in order to apply City land use and zoning for twenty eight (28) parcels annexed in March, 2005. Each of the twenty eight (28) parcels has continued to carry the Washington County R-6 (6 Units per Acre) designation, as depicted on the County's *Sunset West Community Plan* map, since the time of annexation.

Section 40.97.15.3.A.2 Threshold, states, "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." As noted in the Process section of this report, the UPAA specifies a City R-5 designation for the County R-6 designation. 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.

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

The City is assuming the role of the applicant in this proposed zoning map amendment. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

Finding: Staff finds that this criterion is not applicable.

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

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." Because the annexation of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation

agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4338.

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

4. The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.

The UPAA is specific for the proposed amendment:

- Washington County Residential – 6 units per acre, goes to R-5, Residential – 5,000 square feet per principal dwelling unit.

No discretion is being exercised in assigning the zoning designation.

The UPAA requires the City to review the appropriate Community Plan which in this case is the *Sunset West Community Plan*. The subject properties are not in an Area of Special Concern, and have no specific design elements applicable to them.

Finding: The R-5 designation is specified by, and is therefore consistent with, the Washington County - Beaverton UPAA.

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

No further applications and documents are required of this request.

Finding: Staff find that this criterion is not applicable.

CONCLUSION

Based on the facts and findings in this report, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Neighborhood Residential-Standard Density (NR-SD) land use designation and amending the City's Zoning Map to depict the City's Urban Standard Density Residential (R-5) zoning district is appropriate for the subject parcels.