



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

01/22/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment
DLCD File Number 012-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, February 01, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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 Acknowledgment or 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 above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Leigh Crabtree, City of Beaverton
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM

2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF

JAN 14 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Beaverton**

Local file number: **TA2012-0005**

Date of Adoption: **1/9/2013**

Date Mailed: **1/11/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
LUBA 2012-021 remanded the City's adoption of Ordinance No. 4580. In this remand LUBA suggested that the City consider revisions to the SC-S (Station Community-Sunset) zone. The City has been given direction to further address and clarify specific issues associated with Ord. No. 4580. During the hearing process it was determined that the City should modify Development Code Section 20.20.40.4 in order to satisfy LUBA's request regarding transportation capacity for residential uses. Associated proposals with separate DLCD noticing: ZMA2011-0002, TA2012-0004

Does the Adoption differ from proposal? Yes, the initial notice did not include specific text changes.

Plan Map Changed from: to:

Zone Map Changed from: to:

Location: **Barnes Rd, Cedar Hills to Hwy 217; 1S1W02, 1S1W03** Acres Involved: **63**

Specify Density: Previous: **1,899, no max** New: **1,899 to 5,115**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:
 ODOT, Metro, Washington County

Local Contact: **Leigh M Crabtree**

Phone: **(503) 526-2458** Extension:

Address: **4755 SW Griffith Dr, POBox4755**

Fax Number: **503-526-3720**

City: **Beaverton**

Zip: **97076-4755**

E-mail Address: **lcrabtree@beavertonoregon.gov**

ORDINANCE NO. 4599

**ORDINANCE AMENDING ORDINANCE NO. 2050,
DEVELOPMENT CODE, CHAPTER 20 (LAND USES)
TA 2012-0005 (SECTION 20.20.40.4 CLARIFICATION)**

WHEREAS, the Council has considered a proposed legislative text amendment to the Beaverton Development Code, Ordinance No. 2050, in response to a Land Use Board of Appeals (LUBA) order remanding Ordinance 4580 so as to clarify the process to reserve transportation capacity necessary to serve the 1,899 dwelling units required within the SC-S (Station Community-Sunset) zoning district; and

WHEREAS, pursuant to Section 50.50.2-5 of the Development Code, the Beaverton Community and Economic Development Department provided the required public notice for the Text Amendment application; and,

WHEREAS, pursuant to Section 50.50.6 of the Development Code, the Beaverton Community and Economic Development Department on November 6, 2012, published a written staff report and recommendation seven calendar days in advance of the scheduled public hearing before the Beaverton City Council on November 13, 2012; and,

WHEREAS, on November 13, 2012, the City Council conducted a public hearing for TA 2012-0005 and, at the conclusion of the hearing, voted to approve the proposed amendment to the Development Code as specified in the staff report dated November 6, 2012; and,

WHEREAS, the City Council relies on the facts and findings on the related matter of ZMA 2011-0002 as they relate to the issues raised in this text amendment, including, but not limited to the requirement that 1,899 dwelling units be constructed in the SC-S (Station Community - Sunset) zoning district; and,

WHEREAS, the City Council adopts as to approval criteria the facts and findings described in the staff report dated November 6, 2012; now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Development Code, Ordinance No. 2050, Chapter 20, Land Uses, Section 20.20.40.4., is amended to read as follows:

"20.20.40.4.[ORD 4578; March 2012] An applicant for a land use approval, other than a Sign Application, for any and all property within the SC-S zoning district shall demonstrate, that the application complies with the Traffic Impact Analysis required by Section 60.55.20., associated with the effective Conditional Use Permit - PUD (Planned Unit Development) as to all property within the SC-S zoning district. Prior to approval for development of the minimum 1,899 dwelling units, required by Section 20.20.40.2. of

this Code, the TIA shall account for all vehicle trips associated with the minimum 1,899 dwelling units as existing conditions, whether or not the units have been approved or developed. Subsequent to approval of the minimum amount of dwellings in the district, the TIA shall account for actual existing conditions. In either case, vehicle trips associated with proposed non-residential development within the SC-S zone are additional to the existing conditions. The TIA shall identify appropriate measures to mitigate on-site and off-site deficiencies for all phases of the proposed development and demonstrate how the recommended mitigation is roughly proportional to the identified impacts created by the additional vehicle trips to be generated by the proposed development."

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

First reading this 11th day of December, 2012.

Second reading this 8th day of January, 2013.

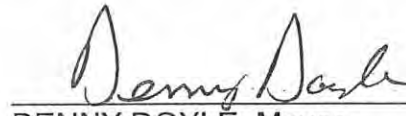
Passed by the Council this 8th day of January, 2013.

Approved by the Mayor this 9th day of January, 2013.

ATTEST:

APPROVED:


CATHY JANSEN, City Recorder


DENNY DOYLE, Mayor



DEPT OF
JAN 11 2013
LAND CONSERVATION
AND DEVELOPMENT

MEMORANDUM

City of Beaverton

Community and Economic Development Department

To: Plan Amendment Specialist, DLCD
From: Leigh Crabtree, Associate Planner
Date: January 11, 2013
Subject: Notice of Adoption for Ordinances 4597, 4598, 4599
LUBA Remand of Ordinance No. 4580

Please find in this packet the DLCD Form 2 Notice of Adoption for City of Beaverton Ordinances 4597, 4598, and 4599 along with the respective Agenda Bills, inclusive of Staff Reports and other supporting documentation.

These Ordinances were passed by Beaverton City Council via Second Reading on January 8, 2013 and signed by Mayor Denny Doyle January 9, 2013.

The Ordinances respond to the State of Oregon Land Use Board of Appeals Remand (LUBA 2012-021) of City of Beaverton Ordinance 4580.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Continuation of a Public Hearing to
Consider a LUBA Remand of Ordinance
No. 4580 Peterkort Station Community –
Sunset Zoning Map Amendment, ZMA
2011-0002, as it Relates to Ordinance No.
4578, TA 2012-0005

FOR AGENDA OF: 11-13-12 **BILL NO:** 12230

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CEDD [Signature]

DATE SUBMITTED: 11-6-12

CLEARANCES: City Attorney
CAO
Planning

US
[Signature]
[Signature]

PROCEEDING: PUBLIC HEARING

EXHIBITS: A. Staff Report dated 11-6-2012

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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RECOMMENDED ACTION:

City Council conducts a public hearing to review recommended text amendment and additional findings in support of same; at close of hearing, directs staff to prepare an ordinance to approve the proposed text amendment.

HISTORICAL PERSPECTIVE:

On October 30, 2012, the City Council conducted a public hearing on a remand of an ordinance made by the Oregon Land Use Board of Appeals (LUBA). At the conclusion of the public hearing, the Council directed staff to prepare a text amendment to Beaverton Development Code Section 20.20.40 that will provide more clarity as to the traffic impact analysis for master plan development within the SC-S as to analysis of the zone-wide minimum residential development requirement of 1,899 dwelling units.

INFORMATION FOR CONSIDERATION:

This hearing continuance is to consider only the text amendment directed by the Council at the close of the hearing on October 30, 2012. The approval criteria for the proposed TA are in Section 40.85.15.1.C of the Development Code and are addressed in the attached staff report which identifies the proposed text, required approval criteria, and recommended findings in support of the proposed text amendment for Council's consideration.



STAFF REPORT AND RECOMMENDATION

TO: City Council

STAFF REPORT DATE: Tuesday, November 6, 2012

STAFF: Steven Sparks, AICP, Principal Planner *SS*

SUBJECT: TA2012-0005 (Section 20.20.40.4 Clarification)

REQUEST: The City is proposing to amend Development Code Section 20.20.40.4 to add a notation that a future Traffic Impact Analyses for development within the SC-S (Station Community - Sunset) zoning district includes the potential impact and transportation needs for the minimum residential development requirement of 1,899 dwelling units.

APPLICANT: City of Beaverton - Planning Division

APPLICABLE CRITERIA: Development Code Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING DATE: Tuesday, November 13, 2012

RECOMMENDATION: Staff recommend the City Council review and approve the draft text amendment contained in TA 2012-0005 (Section 20.20.40.4 Clarification) and direct staff to prepare and ordinance for first reading.

1. Summary of Proposed Text Amendment

The Oregon Land Use Board of Appeals (LUBA) has remanded a portion of Ordinance 4580 to the City for additional consideration and potential amendment. A specific request of LUBA was for the City to consider an amendment to the Development Code to "make clear that the transportation capacity necessary to serve any undeveloped 1,899 residential units must be accounted for and preserved in any PUD applications for approval of non-residential development" in the SC-S (Station Community - Sunset) zoning district. The proposed amendment is intended to provide the requested clarity and will apply to Section 20.20.40.4 of the Development Code.

2. Proposed Amendment

Staff recommend that the City Council consider the following text amendment in response to the LUBA order with the highlighted text indicating new text:

"20.20.40.4.

[ORD 4578; March 2012] An applicant for a land use approval, other than a Sign Application, for any and all property within the SC-S zoning district shall demonstrate, that the application complies with the Traffic Impact Analysis required by Section 60.55.20., associated with the effective Conditional Use Permit - PUD (Planned Unit Development) as to all property within the SC-S zoning district. Prior to approval for development of the minimum 1,899 dwelling units required by Section 20.20.40.2. of this Code, the TIA shall account for all vehicle trips associated with the minimum 1,899 dwelling units as existing conditions, whether or not the units have been approved or developed. Subsequent to approval of the minimum amount of dwellings in the district, the TIA shall account for actual existing conditions. In either case, vehicle trips associated with proposed non-residential development within the SC-S zone are additional to the existing conditions. The TIA shall identify appropriate measures to mitigate on-site and off-site deficiencies for all phases of the proposed development and demonstrate how the recommended mitigation is roughly proportional to the identified impacts created by the additional vehicle trips to be generated by the proposed development."

The proposed text amendment generally restates the Traffic Impact Analysis (TIA) requirements contained in Section 60.55.20 of the Code. The intent of this text is not to replace or otherwise modify the text of 60.55.20 but rather provide assurance that the development of the lands within the SC-S zoning district will address traffic issues within the area. Section 60.55.20 will remain the governing text for the preparation of TIAs. Section 60.55.20.4.E.5 already requires consideration of "other capacity issues" such as the transportation capacity that must be preserved for the minimum number of residential dwelling units required in the SC-S zone.

The Development Code requires that the future development of the SC-S zone will require the submission and approval of a Planned Unit Development (PUD) application. Included in the PUD application will be the requirement that the overall development within the SC-S zoning district include the development of a minimum of 1,899 dwelling units. The dwelling unit total is in addition to any non-residential development within the SC-S zoning district.

The future PUD, and potentially other land use applications such as Design Review Three for new structures, will require the preparation of a TIA pursuant to Section 60.55.20. The TIA will be required to assess the vehicle trip generation rates of all development, including the required 1,899 dwelling units, that is proposed within the SC-S zoning district. The TIA will identify potential impacts to the street system and the necessary mitigation measures to those impacts. The land use process can include conditions of approval that require mitigation measures proportional to the additional impact created by the specific development.

Community and LUBA concern that non-residential development that may occur within the SC-S zoning district will consume all transportation capacity within the street system of the area is addressed by the proposed amendment. Any future development proposal must determine the capacity of the transportation system after taking into account the potential transportation impacts associated with the required 1,899 dwelling units.

3. Facts and Findings

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2012-0005 (Section 20.20.40.4 Clarification):

Development Code Approval Criteria

- 1. The proposal satisfies the threshold requirements for a Text Amendment application.***

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2012-0005 proposes to amend Development Code Section 20.20.40.4, as shown in Exhibit 1. Therefore, staff find that approval criterion one has been met.

- 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 Planning Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

- 3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.***

Metro's Urban Growth Management Functional Plan (UGMFP) is the document that defines how local governments are to implement the Metro Regional Goals and Objectives. Title 1 of the UGMFP addresses density expectations and the total number of housing units and jobs each jurisdiction is expected to accommodate. The City has, through a separate ordinance process, established that the SC-S zoning district will accommodate a minimum of 1,899 dwelling units. This proposed amendment will not modify that total dwelling unit expectation. The proposed amendment clarifies the expectation that future traffic impact analyses will include the development of 1,899 dwelling units within the SC-S zoning district in addition to any other non-residential development. No other titles of the UGMFP are applicable to this amendment. Therefore, staff find that approval criterion three has been met.

- 4. The proposed text amendment is consistent with the City's Comprehensive Plan.***

Staff find that Comprehensive Plan Policy 6.2.1.a applies to this proposal:

6.2.1.a Maintain the livability of Beaverton through proper location and design of transportation facilities.

One of the actions to implement this policy is to "continue to require design plans and impact analyses for transportation facilities as specified in the Development Code. The proposed amendment will continue to require TIAs for new development within the SC-S zoning district, thus complying with this policy statement and the Comprehensive Plan. Approval criterion four has been met.

5. The proposed text amendment is consistent with other provisions within the City's Development Code.

The proposed amendment is redundant to Section 60.55.20 of the Development Code and is not intended to replace or modify Section 60.55.20. The intent of the amendment is to provide assurance that the development of the lands within the SC-S zoning district will address traffic issues within the area. Section 60.55.20 will remain the governing text for the preparation of TIAs. The proposed amendment does not create conflicts with other provisions of the Development Code. Therefore, staff find that the approval criterion has been met.

6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.

Staff has not identified any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendment. Therefore, staff find that approval criterion six has been met.

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

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion seven has been met.

Other applicable approval criteria

As a post-acknowledgement amendment to the City's Development Code, the proposed text amendment is subject to ORS 197.175(1), which requires that the City demonstrate that the proposed text amendment be consistent with the relevant Statewide Planning Goals. Staff find that none of the Statewide Planning goals apply to this proposed amendment. The amendment will restate a requirement that currently exists within the Development Code that Traffic Impact Analyses (TIA) are required for new development within the City. This amendment makes specific note that the future TIA(s) will need to account for the development of a minimum of 1,899 dwelling units within the SC-S zoning district. Therefore, staff find that the Statewide Planning Goals are not applicable to the proposed text amendment.

4. Conclusions

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7.

5. Staff Recommendation(s)

Staff offers the following recommendation for the conduct of the November 13, 2012 public hearing for TA 2012-0005 (Section 20.20.40.4 Clarification):

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Council or the public.
- C. Move to **APPROVE** text amendment application TA 2012-0005 (Section 20.20.40.4. Clarification) by directing staff to prepare an ordinance for first reading.

6. Exhibits

Exhibit 1 Proposed Text Amendment

EXHIBIT 1

Section 1: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.20.40.4 will be amended to read as follows with new text indicated in highlight:

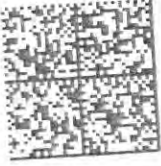
20.20.40.

4. [ORD 4578; March 2012] An applicant for a land use approval, other than a Sign Application, for any and all property within the SC-S zoning district shall demonstrate, that the application complies with the Traffic Impact Analysis required by Section 60.55.20., associated with the effective Conditional Use Permit - PUD (Planned Unit Development) as to all property within the SC-S zoning district. Prior to approval for development of the minimum 1,899 dwelling units required by Section 20.20.40.2. of this Code, the TIA shall account for all vehicle trips associated with the minimum 1,899 dwelling units as existing conditions, whether or not the units have been approved or developed. Subsequent to approval of the minimum amount of dwellings in the district, the TIA shall account for actual existing conditions. In either case, vehicle trips associated with proposed non-residential development within the SC-S zone are additional to the existing conditions. The TIA shall identify appropriate measures to mitigate on-site and off-site deficiencies for all phases of the proposed development and demonstrate how the recommended mitigation is roughly proportional to the identified impacts created by the additional vehicle trips to be generated by the proposed development.

Beaverton

COMMUNITY AND ECONOMIC DEVELOPMENT
PO BOX 4755
BEAVERTON OR 97076-4755

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ATTN: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND
CONSERVATION AND DEVELOPMENT
635 CAPITOL ST NE, SUITE 150
SALEM, OR 97301-2540

DEPT OF

JAN 14 2013

LAND CONSERVATION
AND DEVELOPMENT