



# 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

April 16, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of King City Plan Amendment  
DLCD File Number 001-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: May 1, 2008**

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Bill Holmstrom, DLCD Transportation Planner  
Meg Fernekees, DLCD Regional Representative  
Keith Liden, City of King City

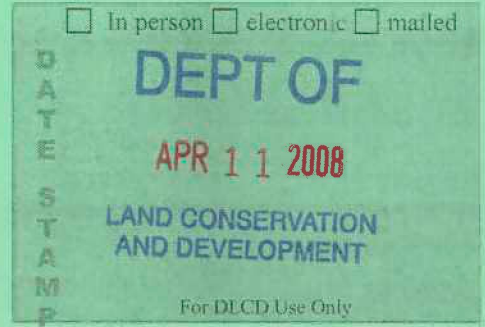
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FORM 2

# DLCD

## 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: KING CITY  
Date of Adoption: 3/18/08

Local file number: 07-06  
Date Mailed: 4/10/08

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date:

- 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".

CHANGE FOR WASHINGTON CO. CBD (COMMERCIAL COMMUNITY BUSINESS DIST.) TO KING CITY LC (LIMITED COMMERCIAL).

Does the Adoption differ from proposal? Please select one  
No

Plan Map Changed from: NA to:

Zone Map Changed from: CBD to: LC

Location: 16735 SW Pacific Hwy.

Specify Density: Previous: NA New:

Acres Involved: 4.3

Applicable statewide planning goals: NA

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

45-days prior to first evidentiary hearing?

If no, do the statewide planning goals apply?

If no, did Emergency Circumstances require immediate adoption?

- Yes  No
- Yes  No
- Yes  No

DLCD file No. 001-08 (16652)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **KEITH LIDEN** Phone: **(503) 478-2348** Extension:  
Address: **PARSONS BRINCKERHOFF, 400 SW 6<sup>TH</sup> AVE** Fax Number: **503-274-1412**  
**SUITE 802**  
City: **PORTLAND, OR** Zip: **97204** E-mail Address: **LIDEN@PPBWORLD.COM**

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## ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO. O-08-03**

**AN ORDINANCE TO CHANGE THE ZONING DESIGNATION FROM WASHINGTON COUNTY CBD (COMMUNITY BUSINESS DISTRICT) TO KING CITY LC (LIMITED COMMERCIAL) ON PROPERTY LOCATED AT 16735 SW PACIFIC HWY.**

**WHEREAS**, the city of King City annexed the property located at 16735 SW Pacific Highway otherwise known as Tax Map No. 2S1 15BD Tax Lot 3000;

**WHEREAS**, subsequent to annexing said property in 2007, the applicant, Extra Space Storage, submitted a site plan review, conditional use, and variance application to enable development of the property;

**WHEREAS**, the applicant requested a zone change for the entire property from Washington County CBD (Community Business District) to King City LC (Limited Commercial);

**WHEREAS**, after providing notice and conducting a hearing consistent with the procedures provided for in the King City Community Development Code, the Planning Commission forwarded a recommendation to the City Council to approve the zone change consistent with the applicable provisions of the King City Comprehensive Plan; and

**WHEREAS**, the City Council conducted a hearing on March 5, 2008 consistent with the King City Community Development Code and applicable state law on whether to amend the zoning designation on the property.

Now, therefore, CITY OF KING CITY ORDAINS AS FOLLOWS:

**Section 1.** The property (Tax Map No. 2S1 15BD Tax Lot 3000, as shown in Exhibit A) shall retain the King City Comprehensive Plan designation of Commercial and is rezoned to the King City LC (Limited Commercial) Zone.

**Section 2.** The City Council finds that the proposed amendment is consistent with the applicable provisions of the King City Comprehensive Plan. The findings and conclusions provided in the Planning Commission recommendation attached hereto as Exhibit "A" are hereby adopted in support of this decision.

**Section 3.** Notice of this decision will be provided to the Director of the Department of Land Conservation and Development within 5 days of the final decision as required by ORS 197.615(1).

Read for the first time at a regular meeting of the City Council held on the 5<sup>th</sup> day of March, 2008.

Read for the second time at a regular meeting of the City Council held on the 19<sup>th</sup> day of March, 2008.

Vote:       Ayes: 5  
              Nays: 0

Signed and approved by the Mayor this 19<sup>th</sup> day of March 2008.

CITY OF KING CITY

Paul S. Skaggs  
Mayor

ATTESTED TO BY:

David Wells  
David Wells, City Manager

# Exhibit A

## MEMORANDUM

TO: King City City Council  
FROM: Keith Liden, Planning Consultant  
SUBJECT: Extra Space Storage (File No. 07-06) – Zone Change Application  
DATE: February 26, 2008

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### INTRODUCTION

As part of a site plan review, conditional use, and variance application, Extra Space Storage also requested a zone change. The related site plan review, conditional use, and variance applications were approved by the Planning Commission on January 23, 2008, contingent upon the zone change being approved by the City Council. To satisfy Department of Land Conservation and Development notification requirements, the Planning Commission tabled the zone change portion of the application for its review on March 5, 2008. The Planning Commission recommendation shall be forwarded to the City Council for consideration at its hearing at 7 p.m. on March 5, 2008. Supporting information and recommended findings are presented below.

### GENERAL INFORMATION

#### Application

Zone Change from Washington County CBD (Community Business District) to King City LC (Limited Commercial).

#### Location

16735 SW Pacific Highway (Assessors Map No. 251 15BD, Tax Lot 3000).

#### Comprehensive Plan and Zoning Designation

Washington County Community Business District (CBD)

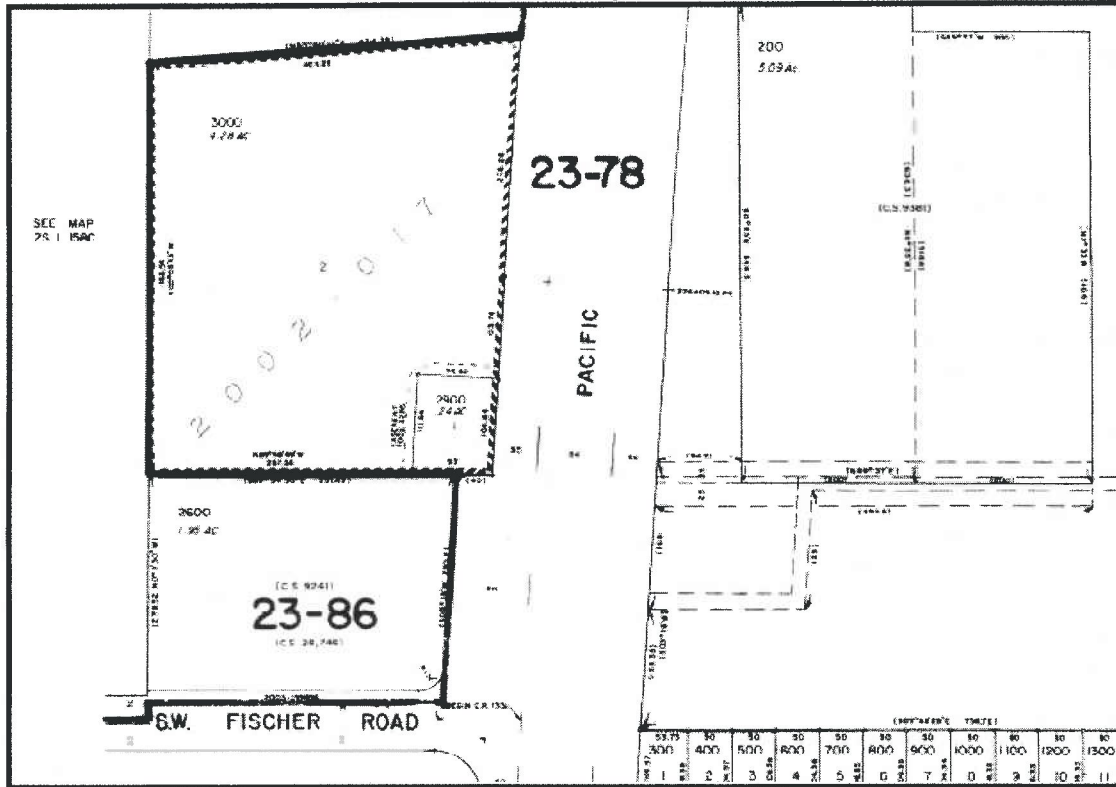
#### Applicant/Owner

Extra Space Storage  
Ray Wariner  
2795 E. Cottonwood Parkway  
Salt Lake City, UT 84121  
801-365-4622

#### Applicant's Representative

Lans Stout 9020  
TM Rippey  
7650 SW Beveland Street  
Tigard, OR 97223  
503-443-3900

## Site Map



## BACKGROUND INFORMATION

### Site Description

The property was formerly developed with a mobile home park. The mobile homes and some of the supporting facilities have been removed in preparation for redeveloping the property. It has frontage on SW Pacific Highway to the east. The property has direct access to the highway, which is shared with a convenience market to the south. As described in the application, there are a significant number of mature trees on the site, including Douglas firs and several deciduous species. A drainageway borders the northern side of the property.

### Vicinity Description

The plan and zoning designations and current land use of the surrounding area are summarized in the table below:

### Land Use Summary

<b>Parcels</b>	<b>Plan/Zone Designation</b>	<b>Land Use</b>
Subject Property	Washington Co. CBD	Undeveloped
North	LC Limited Commercial	Retail
East	City of Tigard	Pacific Highway/residential
South	King City LC and Washington Co. CBD	Fischer Rd./multi-family
West	SF Single Family	Single family residential

The SW Pacific Highway property frontage does not have curbs or no sidewalks. These improvements are present to the south along SW Pacific Highway and SW Fischer Road.

### Zone Change

The property was recently annexed by King City, however, the Washington County zone designation for the property has not yet been changed to city zoning. The Urban Planning Area Agreement (UPAA) between the city and the county stipulates that for annexed land, the city shall apply a zone district that most closely resembles the existing county designation. Because of its CBD county designation, a commercial zone is required. Because the Limited Commercial (LC) zone is the only commercial designation available in the city, it must be applied to this property according to the UPAA. The Planning Commission responsibility is to forward a recommendation regarding the zone change to the City Council, which makes the final decision.

### FINDINGS AND CONCLUSIONS

The King City Comprehensive Plan contains locational criteria for each of the basic land use categories in the city. The city has the LC zone to accommodate commercial activities. The plan indicates that commercial uses are intended to be located along SW Pacific Highway in both the King City Comprehensive Plan and the Washington County Bull Mountain Community Plan. Page 27 of the Comprehensive Plan lists seven characteristics that properties zoned LC should have. The planning staff recommends these criteria are satisfied as described below:

1. *The site shall have direct access to a major collector or arterial street.*

The property has direct access to SW Pacific Highway, which is an arterial street.

2. *Sufficient facility and service capacity.*

Public facilities, such as water and sewer are available to the site. The conditions of

approval for the subsequent development of the property will ensure that other facilities, such as street and storm drainage improvements are properly provided. Police and fire protection are provided by King City and Tualatin Fire and Rescue.

3. *Traffic congestion or safety problems shall not be created or exacerbated.*

A traffic study has been presented by the applicant for the proposed use, and it is being reviewed by ODOT. ODOT is also evaluating if the change in zoning from CBD to LC will potential cause any change in traffic based on the range of uses allowed in these two districts. Because the uses in the two zones are very similar, it appears that the zone change meets this criterion.

4. *There are no natural development limitations.*

The drainageway and wetland on the north side of the site represent a natural development limitation. However, the majority of the property is not within this area and does not have any notable limitations. Development will avoid this environmentally sensitive area in accordance with CWS requirements.

5. *Opportunities will be available to achieve a compatible relationship with surrounding land uses.*

Specific techniques for compatibility are available for this property as part of site plan and/or conditional use review. Of particular interest will be the residential uses to the west. Compatibility will be addressed as part of the other three elements of this application.

6. *Public transit is available to the site or immediate area.*

Tri-Met provides service along SW Pacific Highway.

7. *Contiguity with existing commercial properties.*

The property is adjacent with commercial property to the north and south.

The proposed rezoning is consistent with the above criteria. In addition, it is consistent with the UPAA provisions described above.



**Transmittal**

**Parsons  
Brinckerhoff** 400 SW Sixth Avenue  
Suite 802  
Portland, OR 97204

**to:** MARA ULLOA  
DEPT. OF LAND CONS. + DEVELOPMENT  
635 CAPITOL ST., NE, SUITE 150  
SALEM, OR 97301-2540

**from:** KEITH LIDGEN

**date:** 4/10/08 **time:**

**project:** KING CITY

**project number:** 70761A

- |  |  |   |                                       |   |
|--|--|---|---------------------------------------|---|
| <b>via:</b>                              | <b>for your:</b>                         | <b>the following:</b>                   |                                       |   |
| <input checked="" type="checkbox"/> mail | <input type="checkbox"/> information/use | <input type="checkbox"/> shop drawings  | <input type="checkbox"/> change order | <input type="checkbox"/> specifications |
| <input type="checkbox"/> messenger       | <input type="checkbox"/> approval        | <input type="checkbox"/> copy of letter | <input type="checkbox"/> plans        | <input type="checkbox"/> other          |
| <input type="checkbox"/> overnight       | <input type="checkbox"/> review/comment  | <input type="checkbox"/> prints         | <input type="checkbox"/> samples      |   |

<b>drawing</b>	<b>rev. no.</b>	<b>description</b>	<b>copies</b>	<b>date</b>
		NOTICE OF ADOPTION KING CITY # 07-06	2	

*If enclosures are not as noted, kindly notify us at once*

**comments** PER OUR E-MAIL CORRESPONDANCE  
THANKS

**copies to:** DAVE WELLS  
KING CITY MANAGER

**signature:**   
503-478-2348



**Parsons  
Brinckerhoff  
Quade &  
Douglas, Inc.**

400 SW Sixth Avenue  
Suite 802  
Portland, OR 97204-1633

Mara Uilda  
Dept of Land Cons & Development  
635 Capitol St., NE Ste 150  
Salem, OR 97301-2540

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Engineering Excellence**