



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

September 22, 2006

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 017-06



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: October 9, 2006

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: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Barbara Fryer, 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

DEPT OF
LAND CONSERVATION
AND DEVELOPMENT
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M
P
For DLCD Use Only
SEP 20 2006

Jurisdiction: City of Beaverton Local file number: CPA2006-0007/ZMA2006-0010
Date of Adoption: 9/12/2006 Date Mailed: 9/18/2006
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 two 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-5 to: City Neighborhood Residential Standard Density

Zone Map Changed from: County R-5 to: City R-7

Location: Northeast Beaverton Acres Involved: 0.22

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: N/A

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: None

Local Contact: Barbara Fryer Phone: (503) 652-3718 Extension: _____

Address: PO Box 4755 City: Beaverton

Zip Code + 4: 97076-4755 Email Address: bfryer@ci.beavertn.or.us

DLCD # 017-06 (NOA)

ORDINANCE NO. 4401

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR TWO PROPERTIES LOCATED IN NORTHWEST BEAVERTON; CPA2006-0007/ZMA2006-0010

WHEREAS, The two properties were annexed under Ordinance 4358 and 4367, effective in August 2005, and October 2005, respectively, thus the property is being redesignated in this ordinance from the County's land use designation to the closest corresponding City plan and zoning designations as specified by the Urban Planning Area Agreement (UPAA); and

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

WHEREAS, The Council adopts as to criteria applicable to this request and findings thereon the Community Development Department staff report by Senior Planner Barbara Fryer, dated July 19, 2006, 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 on Map and Tax Lots 1S1 10 BD 11600 and 1S1 10 BD 11700 Neighborhood Residential - Standard Density on the City of Beaverton Comprehensive Plan Land Use Map, as shown on Exhibit "A" and in accordance with the UPAA.


Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate properties on Map and Tax Lots 1S1 10 BD 11600 and 1S1 BD 11700 Residential - 7,000 square foot per dwelling unit on the City of Beaverton Zoning Map, as shown on Exhibit "A" and in accordance with the UPAA.

First reading this 14th day of August, 2006.

Passed by the Council this 11th day of September, 2006.

Approved by the Mayor this 12th day of September, 2006.

ATTEST:


SUE NELSON, City Recorder

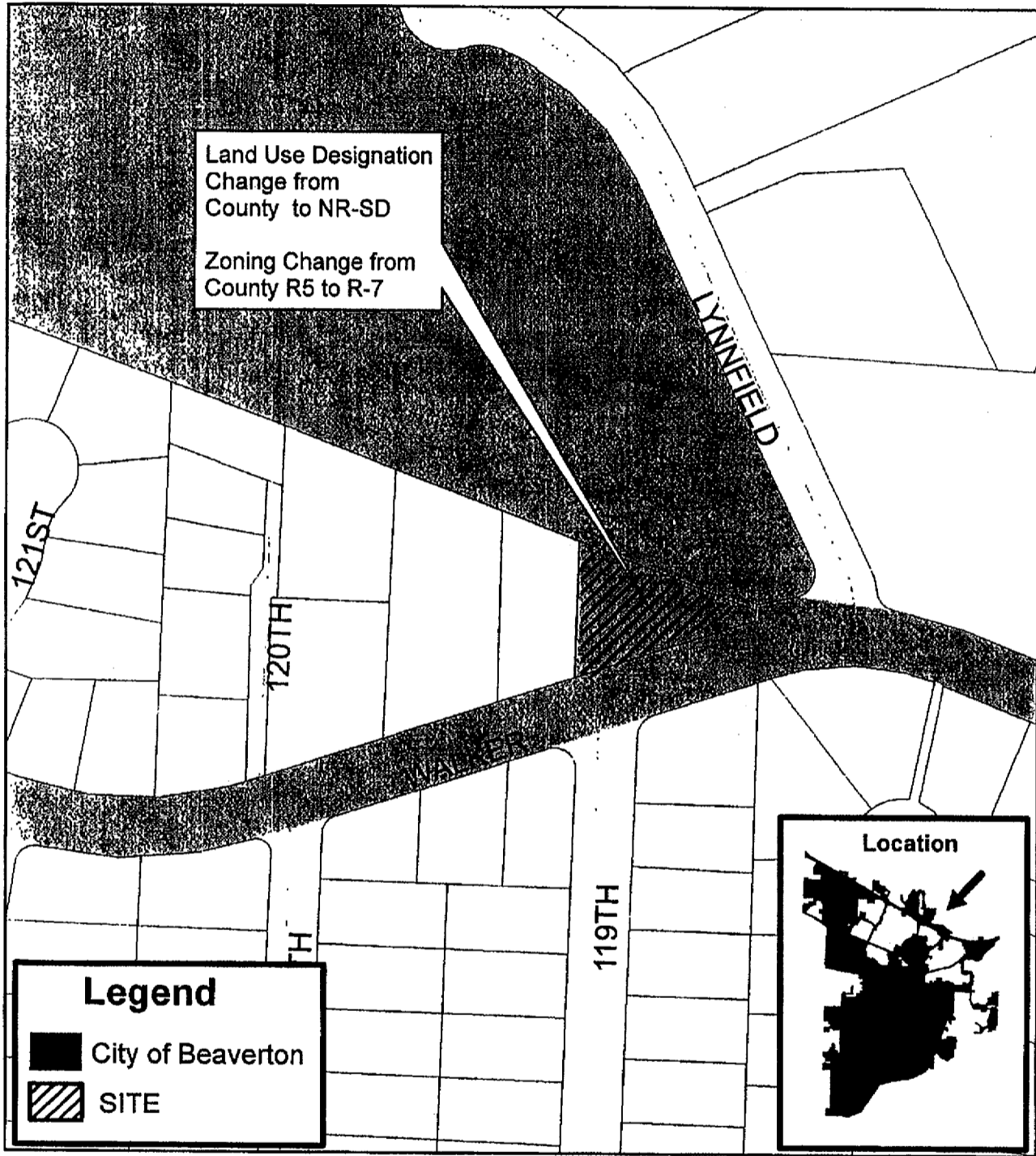
APPROVED:


ROB DRAKE, Mayor

VICINITY MAP

ORDINANCE
NO. 4401

EXHIBIT "A"



CITY OF BEAVERTON

CPA 2006-0007 ZMA 2006-0010

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services division

6/23/06

1S110BD11800
1S110BD11700



11915, 11845
SW Walker Rd

STAFF REPORT

TO: City Council

AGENDA DATE: 08/14/06 **REPORT DATE:** 07/19/2006

FROM: Barbara Fryer, AICP, Senior Planner
Community Development Department

SUBJECT: To assign City Land Use (CPA2006-0007) and zoning (ZMA2006-0010) designations for two properties (1S1 10 BD 11600 and 1S1 10 BD 11700) located in northwest Beaverton annexed into the City by separate action. Annexation of 1S1 10 BD 11600 became effective on August 11, 2005 and annexation of 1S1 10 BD 11700 became effective on October 19, 2005.

ACTIONS: Amend the City's Comprehensive Plan Land Use Map to show Neighborhood Residential - Standard Density and the Zoning Map to show Residential - 7,000 square feet minimum land area per dwelling unit (R-7).

APPLICANT: City of Beaverton

APPROVAL CRITERIA: Comprehensive Plan Section 1.3.1 and the Development Code Section 40.97.15.3.C

SUMMARY AND RECOMMENDATION

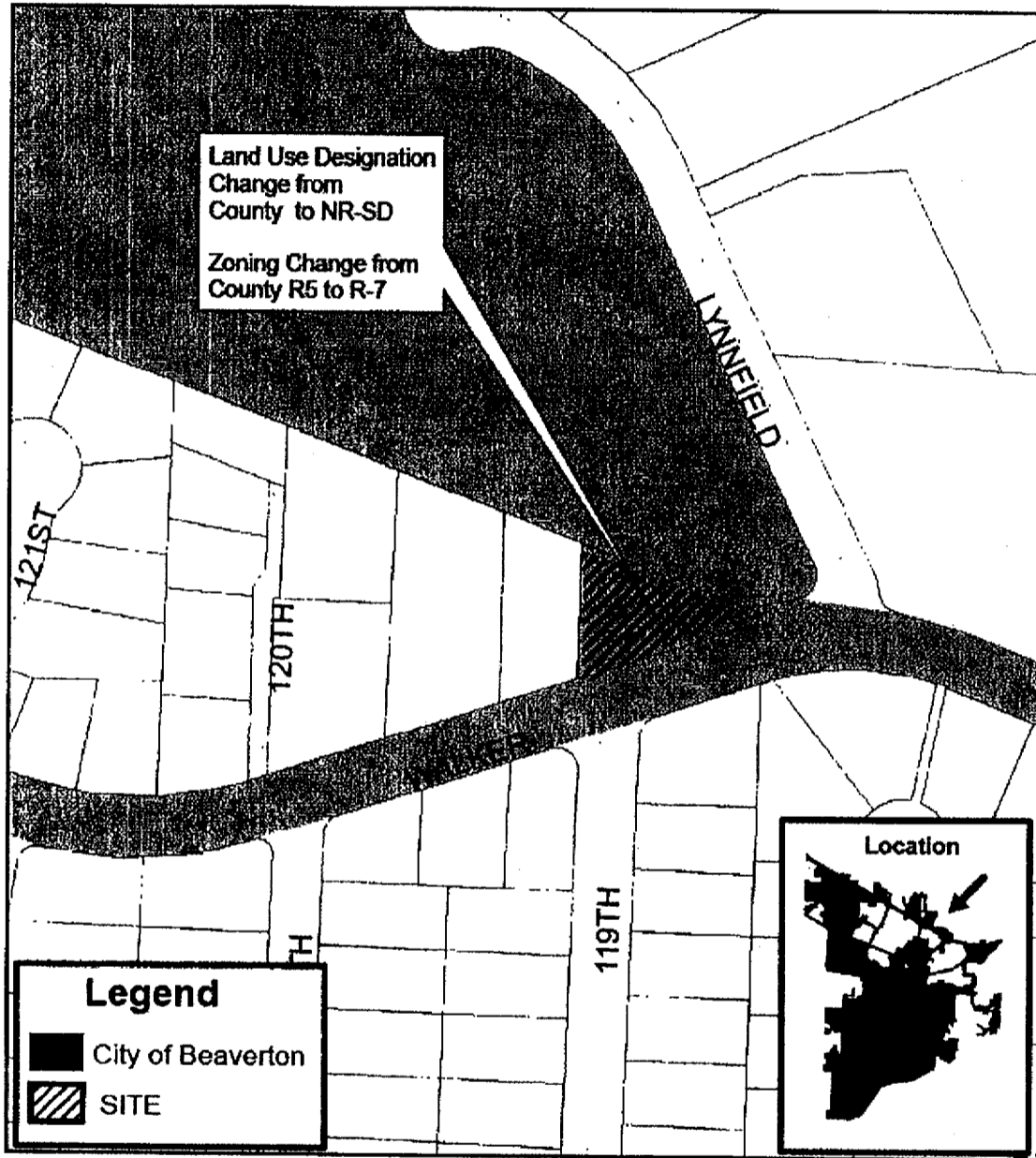
The properties are designated R-5 by Washington County. The City assigns Comprehensive Plan and Zoning designations to property being annexed into the City as prescribed by the Washington County - Beaverton Urban Planning Area Agreement (UPAA). The UPAA is specific about the appropriate City Land Use Map designation and zoning district as Neighborhood Residential - Standard Density and R-7 for the properties designated R-5 by the County.

Pursuant to Section 1.3 of the Comprehensive Plan and Section 40.97.15.3.B. of the Development Code, no public hearing is required because the UPAA is specific as to the Comprehensive Plan Land Use Map and Zoning Map designations. This decision does not qualify as a land use decision under ORS 197.015(10)(b)(A) because it is made under land use standards, which do not require interpretation or the exercise of policy or legal judgment.

Staff recommends the City Council adopt an ordinance applying the Neighborhood Residential -Standard Density land use designation and R-7 zoning district to the parcels, effective 30 days after the Mayor's signature.

CPA2006-0007/ZMA2006-0010
08/14/06 Agenda Date

VICINITY MAP



| | | | |
|--|--|---|--|
|  CITY OF BEAVERTON | CPA 2006-0007 ZMA 2006-0010 | 6/23/06 1S1108D11600 1S1108D11700 | N  |
| | COMMUNITY DEVELOPMENT DEPARTMENT Planning Services division | 11915, 11845 SW Walker Rd | |

CPA2006-0007/ZMA2006-0010
08/14/06 Agenda Date

EXISTING CONDITIONS

The two parcels total approximately 0.32 acres. The property information includes:

| Map and Tax Lot | Site Address | Lot Size (acres) | Existing Land Use |
|-----------------|----------------------|------------------|-------------------|
| 1S1 10 BD 11600 | 11845 SW Walker Road | 0.22 | SFR |
| 1S1 10 BD 11700 | 11915 SW Walker Road | 0.10 | SFR |

COMPREHENSIVE PLANNING AND ZONING

Cedar Hills – Cedar Mill Community Plan

The properties depicted on the map are located in Washington County's Cedar Hills – Cedar Mill Community Plan Area. The properties are designated R-5 by the County. The Urban Planning Area Agreement is specific that the appropriate City Comprehensive Plan Land Use Map designation for R-5 is Neighborhood Residential – Standard Density. The City zoning district for the properties would be R-7 (Residential – 7,000 square feet per dwelling unit) for the R-5 properties.

Special Policy II.A. of the UPA 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.

Staff has reviewed the text of the Cedar Mill – Cedar Hills Community Plan and has determined there are no general design elements in the Plan and no design elements for the Cedar Hills Subarea of the Plan that are applicable to this property.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.3.1 states: "Affirmative findings relative to all of the following criteria are the minimum required for a Plan Amendment (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 related to the Comprehensive Plan Amendment criteria are not necessary because this map amendment is a non-discretionary annexation related map amendment that is not a land use decision.

CPA2006-0007/ZMA2006-0010
08/14/06 Agenda Date

ZONING MAP AMENDMENT CRITERIA

Adoption by the City Council of an amendment to the Zoning Map must be supported by findings of fact based on the evidence provided by the applicant demonstrating the criteria of the Development Code Section 40.97.15.3.C (Non-Discretionary Annexation Related Zoning Map Amendment - Approval Criteria) have been met. The City Council may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings to the following criteria are the minimum requirements for Zone Map amendments.

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

There are two threshold requirements with the first requiring that "The change of zoning to a city zoning designation be the result of annexation of land to the City". Ordinance 4358 annexed 11845 SW Walker Road, effective on August 11, 2005. Ordinance 4367 annexed 11915 SW Walker Road, effective on October 19, 2005. Thus, the first threshold requirement has been met.

The second threshold requires that the UPAA be specific as to the City zoning designations to be applied and does not allow for discretion. The UPAA is specific for the proposed amendment:

- Washington County R-5, 5 units to the acre, is equivalent to R-7, Residential – 7,000 square foot per dwelling unit.

No discretion is required; therefore this proposal meets the second threshold.

FINDING: Staff finds that the proposed request satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.

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

The City Council elected to not establish a fee for a Non-Discretionary Annexation Related Zoning Map Amendment application. No fee has been collected.

FINDING: Staff finds that this criterion is not applicable.

40.97.15.3.C.3. *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.*

The UPAA is specific for the proposed amendment:

- Washington County R-5, 5 units to the acre, goes to R-7, Residential – 7,000 square foot per dwelling unit.

No discretion is being exercised in assigning a zoning designation.

The UPAA requires the City to review the appropriate Community Plan and in this case it is the Cedar Hills – Cedar Mill Community Plan. The subject properties are not in an Area of Special Concern, do not have general or specific design elements applicable to them, and are not

identified on the County's Significant Natural and Cultural Resources Map as containing significant resources.

FINDING: *Staff finds that the approval criterion is met since the proposed zoning designation is specified by the UPAA and is, therefore, consistent with the UPAA.*

40.97.15.3.C.4. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The City processes Land Use Map and Zoning Map Amendments (CPA/ZMA) for property being annexed into the City and there are no further City approvals related to this request other than City Council and Mayor's approvals of this CPA/ZMA. The property owners may, in the future, submit a request to the City for development of the properties, but that is not related to this request.

FINDING: *Staff finds that there are no proposals related to this request that will require further City approvals and, therefore, no additional applications or documents are required.*

PROCESS

Submission Requirements: 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. A valid annexation petition has been submitted and approved under Ordinances 4358 and 4367.

Public Notice: Section 1.3.4.3(c) of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice on non-discretionary annexation related CPA's must be provided not less than twenty (20) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice will be published in the Beaverton Valley Times on July 20, 2006
2. Notice will be mailed to the Central Beaverton Neighborhood Association Committee, Cedar Hills – Cedar Mill Citizen Participation Organization, Beaverton Neighborhood Office, and Chair of the Committee for Citizen Involvement (CCI) on or before July 20, 2006
3. Notice will be mailed to the property owners by certified mail on or before July 20, 2006.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above, but notice and this staff report will be posted on the City of Beaverton's public Web site. The notice requirements for this CPA/ZMA will be met.

CONCLUSION

Based on the findings in this report, staff concludes amending the Land Use Map to show the City Neighborhood Residential Standard Density Land Use Designation and the Zoning Map to show the R-7 Zoning District for 1S1 10 BD 11600 and 1S1 10 BD 11700 is appropriate.