



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

November 28, 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 011-06



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: December 8, 2006**

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.**

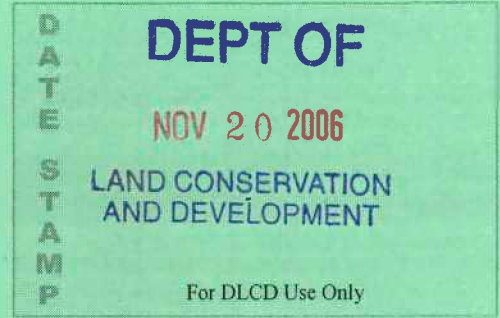
Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Colin Cooper, City of Beaverton

<paa> ya

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: TA 2006-0008  
 Date of Adoption: November 14, 2006 Date Mailed: November 17, 2006  
 Date original Notice of Proposed Amendment was mailed to DLCD: August 10, 2006

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment                | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                      | <input type="checkbox"/> Other: _____                     |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
Text amendment to Beaverton Development Code Section 40.20.15.2.A and 40.20.15.3.A to add a new  
threshold that allows all residential development to be considered under the clear and objective standards of a  
Type 2 Design and further clarifies the thresholds for a Type 3 Design Review are intended for non-residential  
development.

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".  
**SAME**

Plan Map Changed from: Not Applicable to: \_\_\_\_\_  
 Zone Map Changed from: Not Applicable to: \_\_\_\_\_  
 Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_  
 Specify Density: Previous: Not Applicable New: Not Applicable  
 Applicable Statewide Planning Goals: Goal 2

Was an Exception Adopted?  YES  NO

DLCD File No.: 011-06 (15446)

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: Colin Cooper, AICP Senior Planner Phone: 503-526-2425 Extension: \_\_\_\_\_  
Address: PO Box 4755 City: Beaverton  
Zip Code + 4: 97076-4755 Email Address: colincooper@ci.beaverton.or.us

## 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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only; or 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. 4410

AN ORDINANCE AMENDING ORDINANCE NO. 2050,  
THE DEVELOPMENT CODE,  
CHAPTER 40;  
TA 2006-0008 (Design Review Threshold Modification).

**WHEREAS**, the purpose of the Design Review Threshold Modification Text Amendment is to amend Chapter 40, Design Review Threshold, Sections 40.45.15.2 and 40.45.15.3 of the Beaverton Development Code currently effective through Ordinance 4397 (August 2006) by removing a Design Review Three threshold for residential development and amending the Design Review Two thresholds to be inclusive of all attached residential development. The intent of the threshold is to ensure that the Development Code is consistent with ORS 197.307 and the requirement to provide clear and objective approval standards for residential development.

**WHEREAS**, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on September 27, 2006, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on October 4, 2006; and,

**WHEREAS**, on October 4, 2006, the Planning Commission conducted a public hearing for TA 2006-0008 (Design Review Threshold Modification) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code based upon the criteria, facts, and findings set forth in the staff report dated September 27, 2006, and as summarized in Planning Commission Land Use Order No. 1914; and,

**WHEREAS**, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0008 (Design Review Threshold Modifications) following the issuance of the Planning Commission Land Use Order No. 1914; and,

**WHEREAS**, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1914 dated October 10, 2006, and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 2050, effective through Ordinance No. 4397, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

**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.

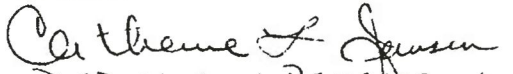
**Section 3. Severance Clause.** The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this 6<sup>th</sup> day of November, 2006.

Passed by the Council this 13<sup>th</sup> day of November, 2006.

Approved by the Mayor this 14<sup>th</sup> day of November, 2006.

ATTEST:

  
DEPUTY CITY RECORDER  
SUE NELSON, City Recorder

APPROVED:

  
ROB DRAKE, Mayor

40.20.15.

2. **Design Review Two.**

A. **Threshold.** An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal:

1. New construction of up to and including 50,000 gross square feet of floor area where the development does not abut any residential zone.
2. New construction of up to and including 30,000 gross square feet of floor area where the development abuts or is located within any residential zone.
3. New construction of attached residential dwellings, excluding duplexes, in any zone where ~~detached or attached dwellings~~ are a permitted or conditional use.
34. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet of floor area.
45. Proposed additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet.
56. Any change in excess of 15 percent of the square footage of on-site landscaping or pedestrian circulation area with the exception for an increase in landscape art of up to 25 percent.[ORD 4397; July 2006]
67. Any new or change to existing on-site vehicular parking, maneuvering, and circulation area which adds paving or parking spaces.
78. New parks in non-residential zoning districts.

89. [ORD 4365; September 2005] Removal of more than five (5) and up to and including ten (10) Landscape Trees on a site within a one calendar year period.

40.20.15.

3. Design Review Three.

A. Threshold. An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:

1. New construction of more than 50,000 gross square feet of **non-residential** floor area where the development does not abut any residential zone. [ORD 4397; July 2006]
2. New construction or addition of more than 30,000 gross square feet of **non-residential** floor area where the development abuts or is located within any residential zone.
3. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet of floor area.
4. Additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet.
5. Projects proposed utilizing the options described in Section 40.20.10.5.
6. New parks in residential zoning districts.
7. A project meeting the Design Review Compliance Letter thresholds which does not meet an applicable design standard(s).

## Exhibit A

8. A project meeting the Design Review Two thresholds which does not meet an applicable design standard.