



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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

NOTICE OF ADOPTED AMENDMENT

March 21, 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 015-05



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: April 4, 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
Scott Whyte, City of Beaverton

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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

(See reverse side for submittal requirements)

DEPT OF

MAR 15 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Beaverton Local File No.: TA2005-0008
(if no number, use none)

Date of Adoption: 03/07/06 Date Mailed: 03/13/06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: _____

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment Zoning Map Amendment

New Land Use Regulation Other: _____
(Please Specify Type of Action)

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

Amend Section 40.97.15.1 of the City Development Code, approval criteria for a Quasi Judicial Zoning Map Amendment (ZMA), found in Chapter 40 thereof, to add an approval criterion that would recognize District Requirements of the zone subject to Quasi-Judicial ZMA consideration.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame. If you did not give notice for the proposed amendment, write N/A.

Same

Plan Map Changed from : N/A to N/A

Zone Map Changed from: N/A to N/A

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New:

Applicable Statewide Planning Goals: 1 & 2

Was an Exception Adopted? Yes: No: X

DLCD File No.: 015-05 (14824)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Metro, Washington
County

Local Contact: Scott Whyte Area Code + Phone Number: (503) 526-2652

Address: PO BOX 4755

City: Beaverton Zip Code+4: 97076-4755

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 ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice 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 Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4382

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTER 40 (APPLICATIONS);
TA 2005-0008 (AMENDMENT OF QUASI-JUDICIAL ZONING
MAP AMENDMENT APPROVAL CRITERIA).

WHEREAS, the Beaverton Community Development Department has proposed a text amendment to the Beaverton Development Code, Ordinance No. 2050, effective through Ordinance No. 4365, intended to modify the Quasi-Judicial Zoning Map Amendment approval criteria by adding a new approval criterion to demonstrate conformance with District Requirements of the zone requested in a Quasi-Judicial Zoning Map Amendment application.

WHEREAS, pursuant to Section 50.50.2-4 of the Development Code, the Beaverton Community Development Department provided required public notice for the Text Amendment application; and,

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Community Development Department on January 4, 2006, published a written staff report, including a recommendation, a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on January 11, 2006; and,

WHEREAS, on January 11, 2006, the Planning Commission conducted a public hearing for TA 2005-0008 and, at the conclusion of the hearing, voted to recommend to the Beaverton City Council adoption of the proposed amendments to the Development Code as stated in Planning Commission Land Use Order No. 1831; and,

WHEREAS, no written appeal, pursuant to Section 50.75 of the Development Code, was filed for TA 2005-0008 following the issuance of the Planning Commission Land Use Order No. 1831; and,

WHEREAS, the City Council adopts as to approval criteria the facts and findings described in Land Use Order No. 1831 dated January 18, 2006 and the Planning Commission record, and the Council's Agenda Bill dated February 13, 2006, 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: The Development Code, Ordinance No. 2050, Ordinance 4365, Chapter 40, Applications, Section 40.97.15.1.C, Quasi-Judicial Zoning Map Amendment approval criteria, 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 ^{13th} day of February, 2006.

Passed by the Council this 6th day of March, 2006.

Approved by the Mayor this 7th day of March, 2006.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

Section 1: The Development Code, Ordinance No. 2050, effective through Ordinance 4365, Chapter 40 - Applications, Section 40.97. Zoning Map Amendment, specifically Section 40.97.15.1.C will be amended to read as follows:

40.97 Zoning Map Amendment

40.97.15.1 Quasi-Judicial Zoning Map Amendment

C. Approval Criteria

8. *In cases where the Comprehensive Plan identifies more than one zone to implement the applicable Land Use Map designation, the applicant is to demonstrate how the proposal conforms with applicable District Requirements of the zone(s) subject to Quasi-Judicial Zoning Map Amendment consideration*
