



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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

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

NOTICE OF ADOPTED AMENDMENT

September 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 021-06



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 13, 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.**

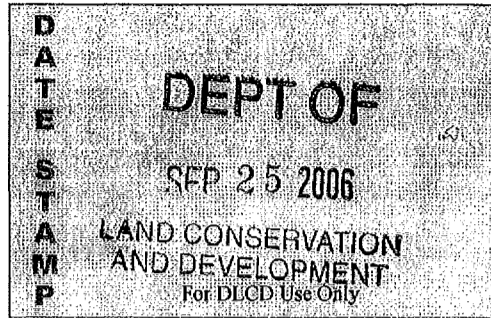
Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Barbara Fryer, City of Beaverton

<paa>



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: CPA2006-0008/ZMA2006-0011
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: 0.80
Specify Density: Previous: N/A New: N/A
Applicable Statewide Planning Goals: N/A

Was and Exception Adopted? YES NO

DLCD File No.: 021-06
(NOA)

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@cl.beavertn.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. 4402

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 NORTHEAST BEAVERTON; CPA2006-0008/ZMA2006-0011

WHEREAS, The two properties were annexed under Ordinance 4370 in November 2005, and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations as specified by the Urban Planning Area Agreement (UPAA); and

WHEREAS, Since the UPAA is specific on the appropriate designations for these parcels, 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 DA 01800 and 1S1 10 DA 01802 Neighborhood Residential – Standard Density, 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 DA 01800 and 1S1 10 DA 01802 Residential – 7,000 square foot per dwelling, 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

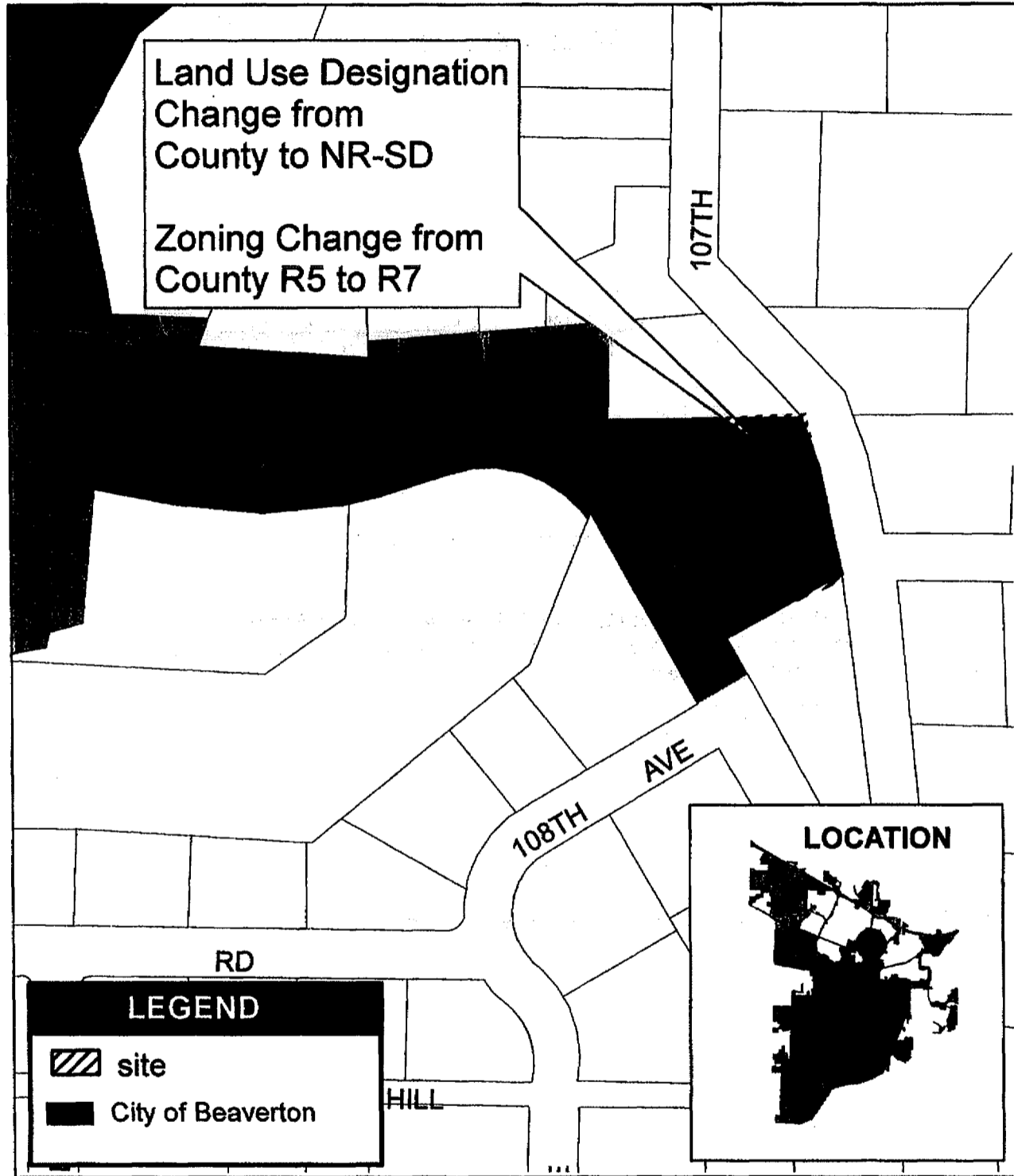
APPROVED:


ROB DRAKE, Mayor

VICINITY MAP

ORDINANCE
NO. 4402

EXHIBIT A



City of Beaverton

CPA 2006-0008 ZMA 2006-0011

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

7/18/06



Application #
CPA 2006-0008
ZMA 2006-0011

002

STAFF REPORT

TO: City Council

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

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

SUBJECT: To assign City Land Use (CPA2006-0008) and zoning (ZMA2006-0011) designations for two properties (1S1 10 DA 01800, 1S1 10 DA 01802) located in northeast Beaverton annexed into the City by separate action. The annexation became effective November 17, 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

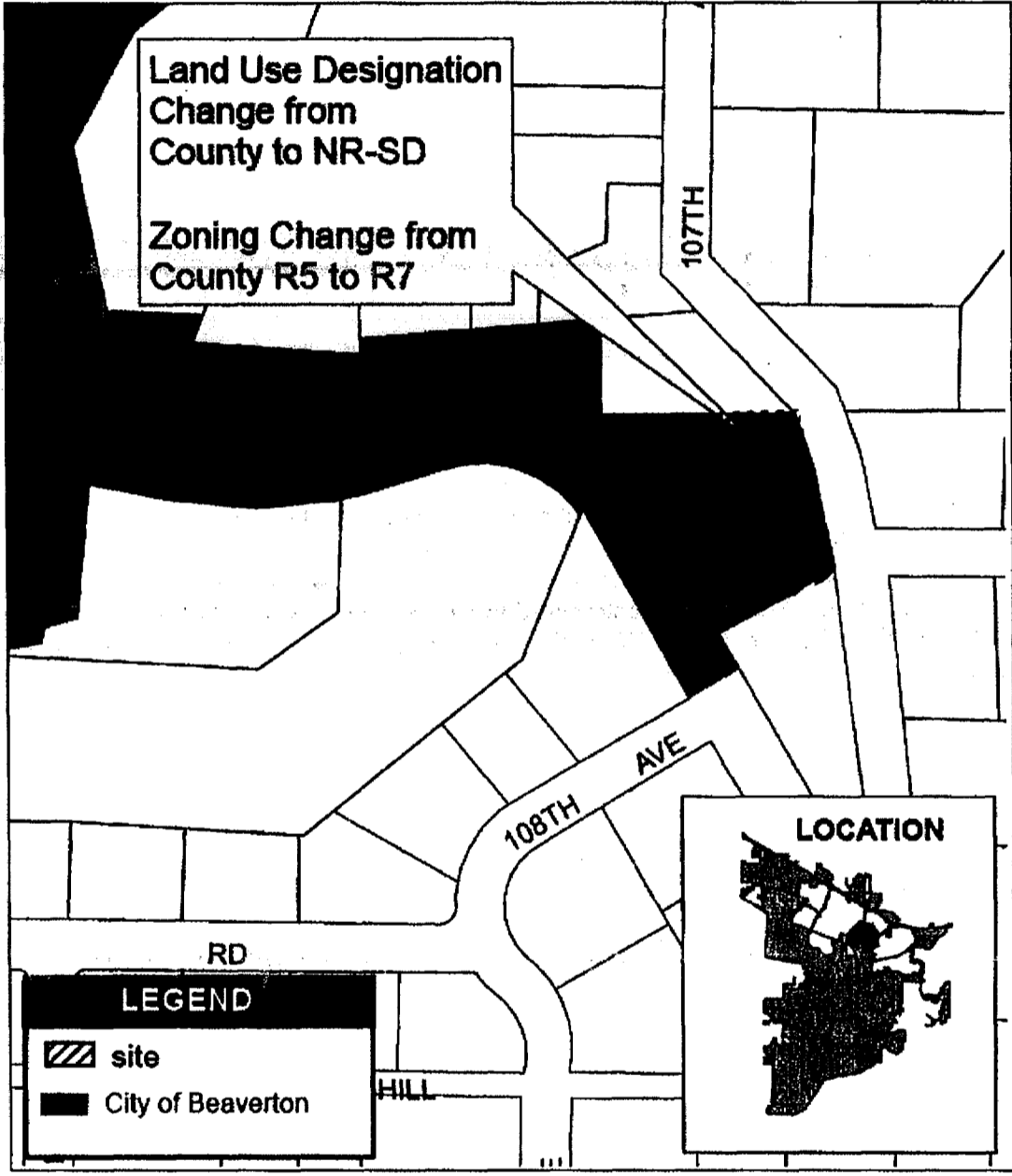
These two properties are designated County R-5. The City assigns Comprehensive Plan and Zoning designations to property being annexed into the City as prescribed by the Washington County - Beaverton Urban Planning Area Agreement (UPAA). The UPAA is specific about the appropriate City Land Use Map designation 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 two parcels, effective 30 days after the Mayor's signature.

CPA2006-0008/ZMA2006-0011
08/14/06 Agenda Date

VICINITY MAP



City of Beaverton

CPA 2006-0008 ZMA 2006-0011

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

7/18/06
Map



Application #
CPA 2006-0008
ZMA 2006-0011

08/14/06 Agenda Date

EXISTING CONDITIONS

The two parcels total 0.80 acres, with 1S1 10 DA 1800 at 0.41 acres and 1S1 10 DA 1802 at 0.39 acres. Existing use of 1S1 10 DA 1802 is a single family dwelling, while the other property is vacant.

COMPREHENSIVE PLANNING AND ZONING

Cedar Hills – Cedar Mill Community Plan

The properties are located in Washington County's Cedar Hills – Cedar Mill Community Plan Area. The property is designated on the Community Plan map as Residential – 5 units to the acre (R-5). 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 districts 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 UPAA 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 that there are no general design elements in the Plan and no design elements for the West Slope 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.

ZONING MAP AMENDMENT CRITERIA

CPA2006-0008/ZMA2006-0011
08/14/06 Agenda Date

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 4370 annexed the subject property to the City, effective on November 17, 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 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 Ordinance 4370.

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 CPAs 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 West Slope Neighborhood Association Committee, Cedar Hills – Cedar Mill Citizen Participation Organization, Beaverton Neighborhood Office, and the 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 DA 01800 and 1S1 10 DA 01802, is appropriate.