



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

January 22, 2007

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 001-07



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: February 1, 2007

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
Jeff Salvon, City of Beaverton

<paa>

FORM 2

DEPT OF

JAN 12 2007

DLCD NOTICE OF ADOPTION

LAND CONSERVATION AND DEVELOPMENT

This form must be received by DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 (See reverse side for submittal requirements)

Jurisdiction: City of Beaverton

Local File No.: CPA2006-0015/ZMA2006-0020 (If no number, use none)

Date of Adoption: 1/9/07 (Must be filled in)

Date Mailed: 1/11/07

Date the Notice of Proposed Amendment was mailed to DLCD: 1/11/07

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other: (Please specify type of action)

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

The City approved a proposal that the City's Comprehensive Plan Map and Zoning Map be amended to assign the City's Neighborhood Residential High Density (NR-HD) Comprehensive Plan designation and R-1 Zoning District (minimum 1,000 sq. per dwelling unit) to two properties that were annexed into the City in 2005. The parcels were previously designated Wa. Co. Residential 25+. Because the proposed amendments were consistent with the Urban Planning Area Agreement between the City and Washington County, the decision was non-discretionary and no hearing was required.

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

SAME

Plan Map Changed from: Washington Co. Residential 25+ to: City of Beaverton Neighborhood Residential - High Density (NR-HD)*

Zone Map Changed from: Washington Co. Residential 25+ to: R-1 (Min. lot size of 1,000 sq. ft. per dwelling unit)

Location: Intersection of SW 117th Ave. and SW Center St. in Central Beaverton Acres involved: 7.4

Specified Change in Density: Previous: 25+ units/acre New: Max 43 units/acre

Applicable Statewide Planning Goals: 1,2,6,7,10

Is an Exception Proposed? Yes: No: [X]

Affected State or Federal Agencies, Local Governments or Special Districts: Metro, Washington County, Tualatin Valley Water District, Clean Water Services, Beaverton School District

001-07 (NOA)

Was an Exception Adopted? Yes: No:

DLCD No: _____

Did the Department of Land Conservation and Development receive a notice a 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 and Federal Agencies, Local Governments or Special Districts:
Metro, Washington County, Tualatin Valley Water District, Clean Water Services, Beaverton School District

Local Contact: Jeff Salvon Area Code + Phone Number: (503) 526-3725

Address: P.O. Box 4755

City: Beaverton Zipcode: 97076

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** of the adopted material, if copies are bound, please submit **TWO (2)** complete copies of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD no 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 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 8½ x 11 inch green paper only; or call the DLCD Office at (503) 373-0050; or Fax you request to (503) 378-5518; or email your request to Larry.French@state.or.us – ATTENTION: PLAN AMENDMENT SPECIALIST.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: 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 Central Beaverton; CPA 2006-0015/ZMA 2006-0020 (Mobile Home Corral)

FOR AGENDA OF: 12/11/06 **BILL NO:** 06234

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 11/27/06

CLEARANCES: City Attorney [Signature]

Planning Services [Signature]

PROCEEDING: First Reading

EXHIBITS: Ordinance

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning designations for two properties annexed on January 13, 2005, replacing the Washington County land use designation.

The Urban Planning Area Agreement (UPAA) is specific on the appropriate Land Use Map and Zoning Map designations for these parcels, thus no public hearing is required. The appropriate land use designation is Neighborhood Residential – High Density (NR-HD) and the appropriate Zoning Map designation is Residential – 1,000 square foot minimum land area per dwelling unit (R-1). The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

First Reading

Agenda Bill No: 06234

ORDINANCE NO. 4416

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 CENTRAL BEAVERTON; CPA2006-0015/ZMA2006-0020 (Mobile Home Corral)

WHEREAS, The two properties were annexed under Ordinance 4335 in January 2005, thus the properties are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations as specified by the Beaverton - Washington County 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 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 Jeff Salvon, dated October 30, 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 1S110CD00800 and 1S110CD00801 Neighborhood Residential - High 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 1S110CD00800 and 1S110CD00801 Residential - 1,000 square foot per dwelling unit, as shown on Exhibit "A" and in accordance with the UPAA.

First reading this 11th day of December, 2006.


Passed by the Council this 8th day of January, 2007.

Approved by the Mayor this 9th day of January, 2007.

ATTEST:

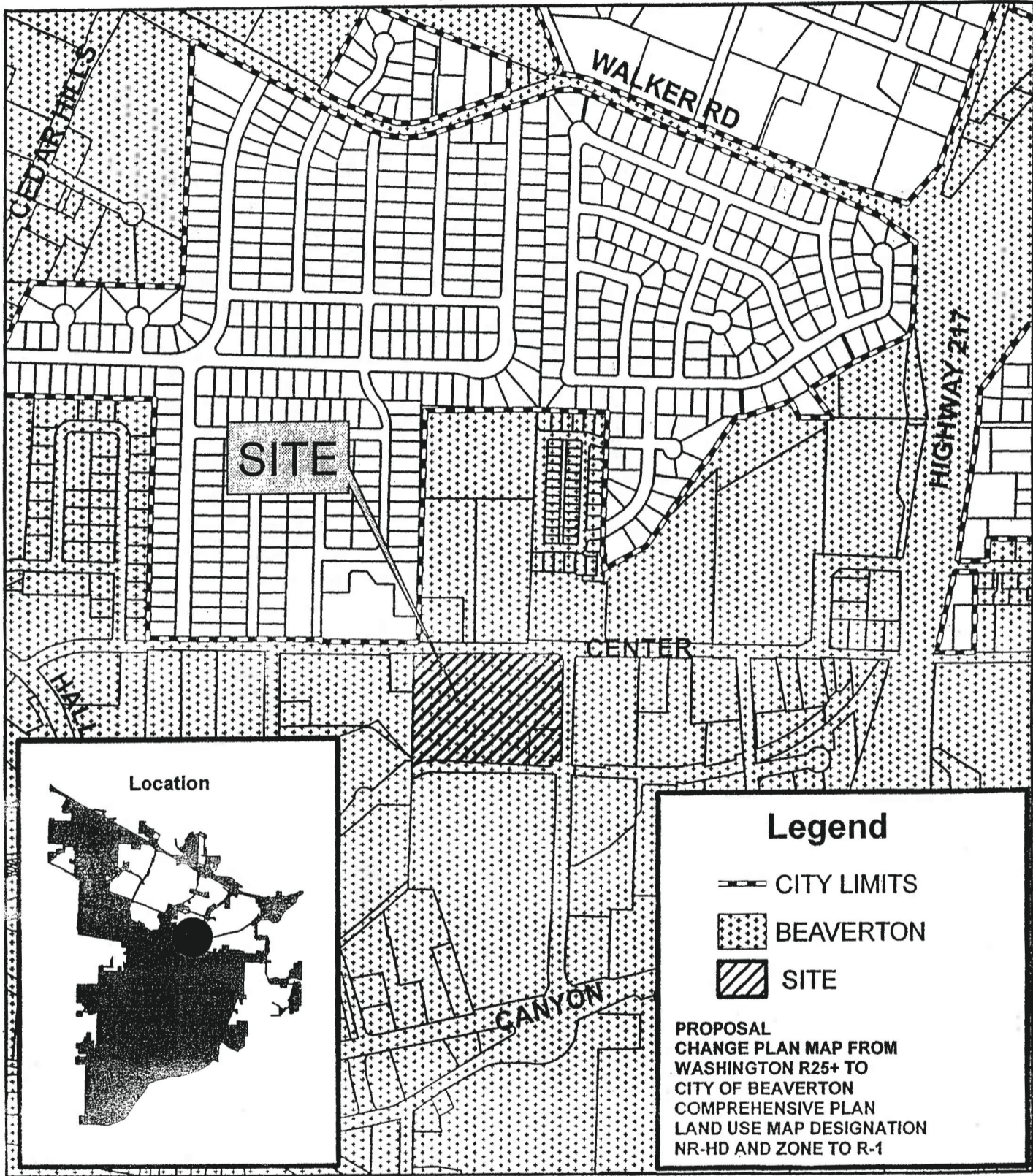

SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor

VICINITY MAP

EXHIBIT "A"



CITY OF BEAVERTON

CPA2006-0015 ZMA2006-0020

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services division

10/24/06

TAX LOTS
1S110CD00801
1S110CD00800

N



MOBILE HOME
CORRAL

EXHIBIT B

STAFF REPORT

TO: City Council

AGENDA DATE: December 11, 2006 **REPORT DATE:** 10/30/06

FROM: Jeff Salvon, AICP, Senior Planner
Community Development Department

SUBJECT: To assign City Land Use (CPA2006-0015) and zoning (ZMA2006-0020) designations for two properties (1S1 10 CD 00800 and 1S1 10 CD 00801) located in central Beaverton annexed into the City by separate action. The annexation became effective on January 13, 2005.

ACTIONS: Amend the City's Comprehensive Plan Land Use Map to show Neighborhood Residential - High Density and the Zoning Map to show Residential - 1,000 square feet minimum land area per dwelling unit (R-1).

APPLICANT: City of Beaverton

APPROVAL Comprehensive Plan Section 1.3.1 and the Development Code Section

CRITERIA: 40.97.15.3.C

RECOMMENDATION

Staff recommends the City Council adopt an ordinance applying the Neighborhood Residential - High Density land use designation and R-1 zoning district to two parcels effective thirty days after the Mayor's signature.

SUMMARY

Two properties are designated County R-25+ 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 that the appropriate City Land Use Map designation and zoning district are Neighborhood Residential – High Density and R-1 for the parcels designated R-25+ by Washington County. The Washington County Comprehensive Framework Plan designates the parcels as Neighborhood Boundary which corresponds to Beaverton’s Neighborhood Residential Comprehensive Plan designations – of which the Neighborhood Residential – High Density is included.

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.

The two parcels, approximately 7.4 acres, accommodate a mobile home park with 78 units . The property information includes:

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Land Use
1S110CD00800	3737 SW 117 th Ave., Numbers: 1,2,3,4,5,7,8,9,10,11,12,13,14,15,16, 17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32, 33,34,35,36,37,38,39,40,43,44,45,46,47,48,49,50, 51,52,53,54,55,56,57,58,59,60,61,62,63,64,65,66, 67,68,69,70,71,72,73,74,75,76,77,78,79	6.89	Mobile Homes
1S110CD00801	3737 SW 117 th Ave., Main address & Numbers: 41,42	0.51	Mobile Homes & Main Office

COMPREHENSIVE PLANNING AND ZONING

Cedar Hills – Cedar Mill Community Plan

The subject properties in this proposal are located in Washington County’s Cedar Hills – Cedar Mill Community Plan Area. The property is designated on the Community Plan Map as Residential-25+ units to the acre (R-25+). The Urban Planning Area Agreement is specific that the appropriate City Comprehensive Plan

Land Use Map designation for R-25+ is Neighborhood Residential – High Density. Therefore, the City zoning district for the properties would be R-1 (Residential – 1,000 square feet per dwelling unit).

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 reviewed the text of the Cedar Hills – Cedar Mill Community Plan and determined that there is one general design element that applies to the future development of the properties. Specifically, the plan identifies an area of assessor’s parcel # 1S110DC00801 as being located within the 100 year flood zone. Additionally, closer inspection of the property reveals that a segment of Hall Creek (a minor stream tributary serving a watershed area of approximately 700 acres) traverses the property as an open drainage. General Design Element #1 of the Cedar Hills – Cedar Mill Community Plan is pertinent to this drainage. It states:

1. In the design of new development, floodplains, drainage hazard areas, streams and their tributaries, steep slopes, scenic features, and powerline easements and rights-of-way shall be:
 - a. Used to accent, define, or separate areas of differing residential densities and differing planned land uses;
 - b. Preserved and protected to enhance the economic, social, wildlife, open space, scenic, recreation qualities of the community; and
 - c. Where appropriate, interconnected part of a park and open space system.

Washington County administers floodplain preservation and mediation standards in Section 421 of its Development Code. This section includes no-net-loss standards designed for the purposes of preserving drainage capacity, cut and fill specifications, erosion prevention rules, and building elevation standards that are intended to allow for periodic flooding. By all assessments, the City of Beaverton maintains similar if not slightly more stringent standards within its Engineering Design Manual and Standard Drawings and in The Beaverton Code. Both the County and City standards have the legal authority to limit significant drainage capacities alterations and require that buildings incorporate design features to accommodate occasional flooding. Clean Waster Services also has the authority to require the preservation of a 50-foot stream buffer for developments where impervious surfaces are significantly increased from resulting development. It should be noted however, that this requirement lies outside of the authority of both the City of Beaverton and

Washington County and applies regardless of which jurisdiction the property falls within.

Design elements a, b, and c above are typically accommodated within the CWS vegetated corridor and within the City and County floodplain ordinances. The City of Beaverton and Washington County are currently in the process of adopting a voluntary program that developers can use to facilitate habitat sensitive development along stream corridors. Although these measures are voluntary they do express a desire on the part of the City to encourage the design elements contained within the Cedar Hills / Cedar Mill Community Plan. Given these factors, staff finds that the proposed Comprehensive Plan Map amendment and Zoning Map amendment will not affect current regulations, but rather, will provide additional options to comply with current regulations pertaining to design elements a, b, and c.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.3.1 specifies that “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 to address Comprehensive Plan Sections 1.3.1.1 – 1.3.1.6 which address Statewide Planning Goals and Metro Urban Growth Regional Framework Plan criteria are therefore regarded as not applicable to this proposal.

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”.

Annexation 2004-0014 annexed the subject properties to the City, effective on January 13, 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-25+, 25+ units to the acre, is equivalent to R-1, Residential – 1,000 square feet per principal 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 fees are due nor have 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 amendments:

- Washington County Residential – 25+ units to the acre, goes to R-1, Residential – 1,000 square feet per principal dwelling unit.

No discretion is being exercised in assigning the zoning designations.

The UPAA requires the City to review the appropriate Community Plan which in this case is the Cedar Hills – Cedar Mill Community Plan. The subject properties are not in an Area of Special Concern, but do have specific design elements applicable to them that apply directly to the property's proximity within the 100 year floodplain that traverses one of the subject parcels. This feature is categorized in the Plan as a Significant Natural and Cultural Resource. City and County floodplain regulations and voluntary programs are similar. Therefore, the property has the same floodplain and natural resource regulations regardless of the jurisdiction.

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 Ordinance 4341.

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 11/16/06.
2. Notice will be mailed to the Central Beaverton Neighborhood Association Committee, Cedar Mills – Cedar Hill Citizen Participation Organization, and Chair of the Committee for Citizen Involvement (CCI) on or before 11/21/06.
3. Notice will be mailed to the property owners by certified mail on or before 11/21/06.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above, however, 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 High Density Land Use Designation and the Zoning Map to show the Urban High Density R-1 Zoning District for 1S110CD00800, 1S110CD00801, is appropriate.