



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

March 19, 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 006-07



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: March 30, 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.

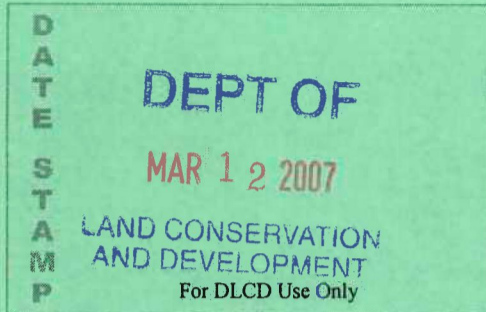
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Meg Fernekees, DLCD Regional Representative
Laura Kelly, 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: CPA2007-0002/ ZMA2007-0001

Date of Adoption: 3/6/2007 Date Mailed: 3/9/2007

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 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 OC (Office Commercial) to: City of Beaverton Corridor

Zone Map Changed from: County OC (Office Commercial) to: City of Beaverton OC

Location: E of SW Hocken, W of SW Cedar Hills, S side of SW Jenkins Rd Acres Involved: 1.89

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

Applicable Statewide Planning Goals _____

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:
Washington County, Clean Water Services

Local Contact: Laura Kelly Phone: (503) 526-2548 Extension: _____
Address: PO Box 4755 City: Beaverton
Zip Code + 4: 97076-4755 Email Address: lkelly@ci.beaverton.or.us

DLCD # 006-07 (NOA)



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

NOTICE OF DECISION

March 9, 2007

Date of Final Decision: March 6, 2007

Ordinance 4425 attached, was first read on the February 26, 2007 City Council agenda then passed by the City Council after second reading on the March 5, 2007 Council agenda. The Mayor approved and signed Ordinance 4425 on March 6, 2007.

An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located east of SW Hocken Avenue and west of SW Cedar Hills Blvd on the south side of SW Jenkins Road; CPA 2007-0002/ ZMA 2007-0001

Appeal. Any appeal of this decision should be made to the State of Oregon Land Use Board of Appeals (LUBA) as provided in ORS 197.830 through ORS 197.845. A notice of intent to appeal shall be filed not later than **21 calendar days** after notice of the decision is mailed or otherwise submitted to parties entitled to notice under ORS 197.615. Mailing of the notice on Friday, March 9, 2007 results in an appeal deadline of **Friday, March 30, 2007**.

How to Obtain Further Information: This decision is available for review, and a copy may be obtained at a cost, at the following address:

City of Beaverton,
Planning Services Division
Beaverton City Hall
4755 S.W. Griffith Drive
Beaverton, OR 97076
Phone: (503) 526-2548

Sincerely,



Laura Kelly
Associate Planner

cc: CCI Chair
Beaverton Neighborhood Office

ORDINANCE NO. 4425

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED EAST OF SW HOCKEN AVENUE AND WEST OF SW CEDAR HILLS BOULEVARD ON THE SOUTH SIDE OF SW JENKINS ROAD; CPA 2007-0002/ZMA 2007-0001

WHEREAS, The property was annexed under Ordinance 4340 in March 2005 and is being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations 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 no public hearing is required; and

WHEREAS, The Council incorporates by reference the Community Development Department staff report on CPA 2007-0002/ZMA 2007-0001 by Associate Planner Laura Kelly, dated February 16, 2007, and 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 property located east of SW Hocken Avenue and west of SW Cedar Hills Boulevard on the south side of SW Jenkins Road, Corridor on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

Section 2. Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 Office Commercial (OC), as shown on Exhibit "A", in accordance with the UPAA.

First reading this 26th day of February, 2007.


Passed by the Council this 5th day of March, 2007.

Approved by the Mayor this 6th day of March, 2007.

ATTEST:


SUE NELSON, City Recorder

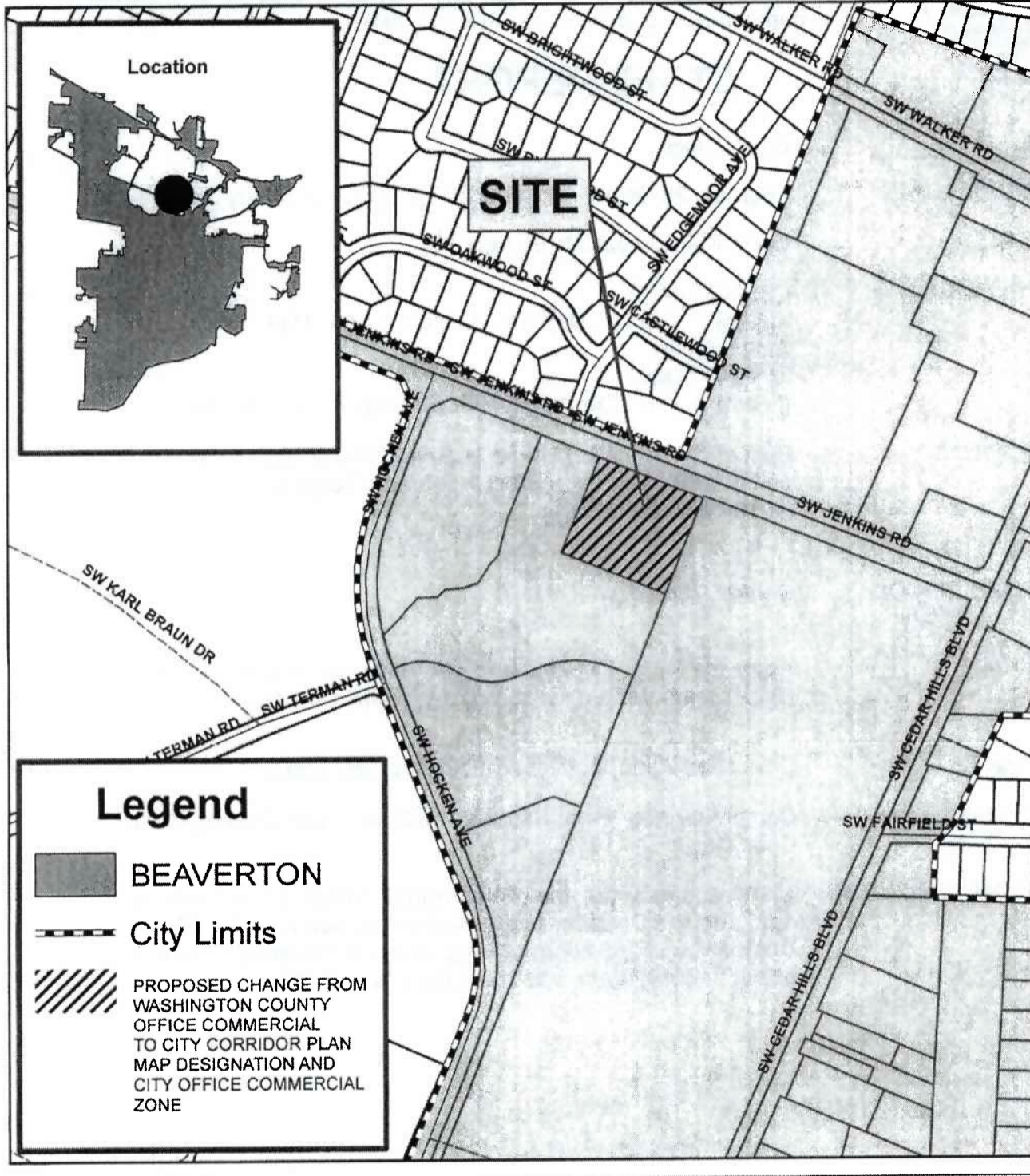
APPROVED:


ROB DRAKE, Mayor

VICINITY MAP

Ordinance
No. 4425

EXHIBIT "A"



CITY OF BEAVERTON

CPA2007-0002 ZMA2007-0001

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

1/22/07

Tax Lot #

1S109AC15000

N



13050 SW
Jenkins Rd

2



CITY of BEAVERTON

EXHIBIT B

Ordinance No. 4425

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

STAFF REPORT

TO: City Council

AGENDA DATE: February 26, 2007 **REPORT DATE:** February 16, 2007

FROM: Laura Kelly, Associate Planner *jk*

APPLICATION: CPA2007-0002
(Learning Years Daycare Center Land Use Map Amendment)
ZMA2007-0001
(Learning Years Daycare Center Zoning Map Amendment)

LOCATION: East of SW Hocken Avenue and west of SW Cedar Hills Blvd on the south side of SW Jenkins Road. The parcel is identified as 1S1 09 AC 15000.

NEIGHBORHOOD ASSOCIATION: Central Beaverton

REQUEST: Apply the City's Corridor land use designation and the City's Office Commercial (OC) zoning designation to one (1) parcel.

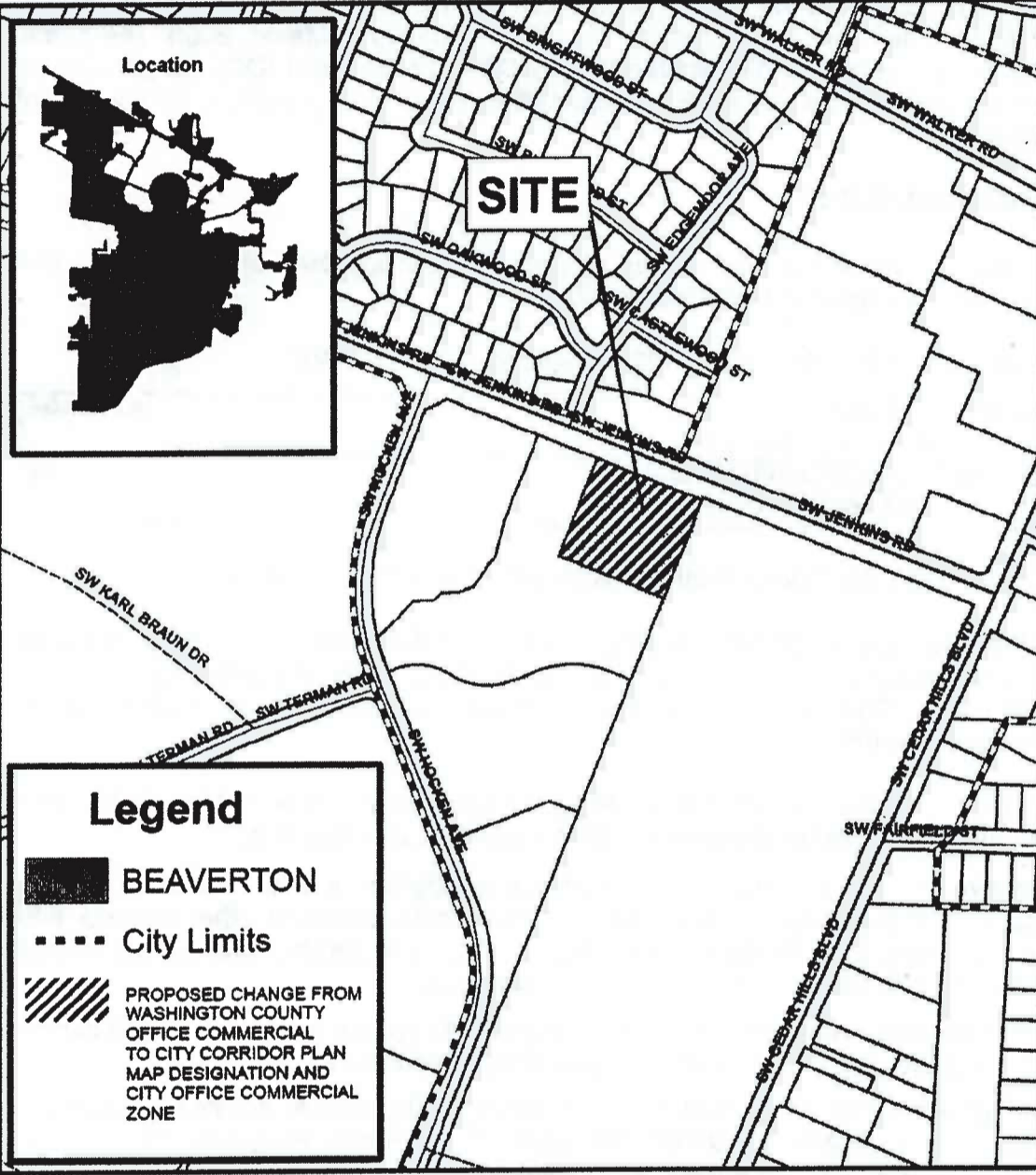
APPLICANT: City of Beaverton Community Development Director

APPROVAL CRITERIA: Comprehensive Plan Section 1.5.2 and the Development Code Section 40.97.15.3.C

RECOMMENDATION: **Staff recommends the City Council adopt an ordinance applying the Corridor land use designation and the Office Commercial (OC) zoning designation to the one (1) parcel effective thirty days after the Mayor's signature.**

VICINITY MAP

EXHIBIT "A"



 CITY OF BEAVERTON	CPA2007-0002 ZMA2007-0001	1/22/07 Tax Lot # 1S109AC15000
	COMMUNITY DEVELOPMENT DEPARTMENT Planning Services Division	13050 SW Jenkins Rd

BACKGROUND

CPA2007-0002 proposes amendment of the Land Use Map and ZMA2007-0001 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning for one (1) parcel annexed in March, 2005. The parcel has continued to carry the Washington County Office Commercial (OC) designation, as depicted on the County's *Cedar Hills-Cedar Mill Community Plan* map, since the time of annexation.

EXISTING CONDITIONS

Uses. Staff performed a field survey of uses that occupy the subject parcel. The identified uses are noted in the following table.

The following table includes addresses, existing uses, and lot size:

MAP/TAX LOT	ADDRESS	ACREAGE
	EXISTING LAND USES	
1S109AC15000	13050 SW JENKINS ROAD DAYCARE CENTER	1.89

Character. The subject parcel has been developed with commercial structures.

Natural Resources. Washington County's *Cedar Hills-Cedar Mill Community Plan* map depicts a significant natural resource for wildlife habitat abutting the subject parcel on its southern edge. The trees in this area have been protected as a condition of an adjacent development.

Metro's Nature in the Neighborhoods Program became effective in May 2006. The Metro program requires local governments to implement a program to:

- Conserve, protect, and resource a continuous ecologically viable streamside corridor system, from the stream's headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and
- Control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

The local governments in the Tualatin River Basin collaborated to develop a voluntary, incentive-based program to achieve the goals of the Metro Program. The City of Beaverton has voluntary, incentive-based tools available for complying with the City's water quality, water quantity and landscape standards. The proposed amendment will not affect the City's implementation of this program.

Existing regulations within the City's Development Code and Clean Water Services Design and Construction Standards for Sanitary Sewer and Surface Water Management (CWS D&C Standards) will apply to development proposals on the subject property. Thus, existing regulations such as the City's tree preservation plan requirements, CWS Vegetated Corridors regulations, and Division of State Lands wetland delineation and removal/fill permitting requirements would limit development of the resources.

ANALYSIS

COMPATIBILITY OF DESIGNATIONS

City of Beaverton Corridor land use designation. Section 3.10 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* details the City's Corridor land use designation. One goal is identified for the Corridor designation, as follows:

"3.10.1 Goal: An attractive mix of commercial and higher density residential uses along major roads through the City that invites pedestrian activity where appropriate."

The policies of Section 3.10.1 include the geographical determination that Corridor land use designations are to be applied, "consistent with the Metro 2040 Regional Urban growth Concept Plan" and that zoning districts are to be applied, "as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix". Additionally, Section 3.10.1 directs the city to, "endeavor to improve the appearance of commercial areas", "regulate new development in Corridors to provide a mix of commercial and residential uses with pedestrian amenities", and allocate commercial facilities, "in a reasonable amount and in a planned relationship to the people they will serve".

Washington County OC District designation. The subject parcels are designated OC on the County's Sunset West Community Plan. Section 312-1 of the *Washington County Community Development Code* states that,

"The intent of this District is to encourage office complex development of institutional, professional, medical/dental, governmental and other office business uses. The purpose is to accommodate the increasing office needs in complexes ranging in size from small to large-scale development. Office uses are the primary use of this District. To serve the employees of the office complex, some accessory commercial and high density residential uses may be permitted through the Planned Development process."

The UPAA excerpt, below, specifies that the County's OC designation is equivalent to the City's OC zoning designation.

<i>WASHINGTON COUNTY – BEAVERTON URBAN PLANNING AREA AGREEMENT</i>		
<i>EXHIBIT "B"</i>		
<i>CITY – COUNTY LAND USE DESIGNATION EQUIVALENTS</i>		
<u>COUNTY</u>	<u>BEAVERTON</u>	
<u>Plan/Zoning</u>	<u>Plan</u>	<u>Zoning</u>
<i>Office Commercial</i>	<i>Office Commercial</i>	<i>OC</i>

Summary. The UPAA specifies a City OC designation for the parcel.

APPLICABLE ZONING DISTRICTS

The implementing zoning districts for the City's Corridor Comprehensive Plan designation are: GC, CV, OC, CS, NS, C-MU, R-4, R3.5, R-2 and R-1. Properties within and around the subject parcels implement Corridor Comprehensive Plan designation as follows: the CS zone is predominant on the east side of SW Hocken Avenue, south of SW Walker Road to SW Dawson Way.

COUNTY RESPONSIBILITY TO NOTIFY

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.

PROCESS

THRESHOLD

The subject property is designated on the County's *Cedar Hills-Cedar Mill Community Plan* map (Attachment 1) as OC, which, in a non-discretionary process, requires implementation of the City's OC zoning designation under the *Urban Planning Area Agreement* (UPAA).

Comprehensive Plan Process. Due to annexation of the subject parcel and the non-discretionary nature of the proposal, review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Non-Discretionary Amendment per *Comprehensive Plan* Section 1.3.

Development Code Process. Due to annexation of the subject parcel and the non-discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Non-Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.3.A, which that states, "An application for Non-Discretionary Annexation Related Zoning Map Amendment shall be required when the following thresholds apply:

1. "The change of zoning to a City zoning designation as a result of annexation of land into the City."
2. "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion."

SUBMISSION REQUIREMENTS

According to Development Code Section 40.97.15.3.D. 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. Because the annexation of the subject property occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4340.

PUBLIC NOTICE

Section 1.4.3.A of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice for Non-Discretionary Annexation Related Comprehensive Plan Map Amendments must be provided, as indicated below, not less than twenty (20) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice was published in the Beaverton Valley Times on February 1, 2007.
2. Notice was mailed to the Central Beaverton Neighborhood Association Committee, Cedar Hills/ Cedar Mill Citizen Participation Organization (CPO 7), Chair of the Committee for Citizen Involvement (CCI), and to the subject property owner on February 1, 2007.
3. Notice was posted on the City's website on February 1, 2007.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above. The notice requirements for this CPA/ZMA have been met.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.5.2.A 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 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

Development Code Section 40.97.15.3.C., which contains Non-Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"In order to approve a Non-Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:"

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

Section 40.97.15.3.A.1 Threshold, states, "The change of zoning to a City zoning designation as a result of annexation of land into the City." The zone change is requested in order to apply City land use and zoning for one (1) parcel annexed in March, 2005. The parcel has continued to carry the Washington County Office Commercial (OC) designation, as depicted on the County's *Cedar Hills-Cedar Mill Community Plan* map (Attachment 1), since the time of annexation.

Section 40.97.15.3.A.2 Threshold, states, "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion." As noted in the Process section of this report, the UPAA specifies a City OC designation for the County OC designation. Therefore, no discretion is required in determining the appropriate zoning designation.

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

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

The City is assuming the role of the applicant in this proposed zoning map amendment. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

Finding: Staff finds that this criterion is not applicable.

3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

Development Code Section 50.25.1 states, "Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." Because the annexation of the subject property occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4340.

Finding: Staff finds that the request satisfies the application submittal requirements for a Non Discretionary Annexation Related Zoning Map Amendment application.

4. *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.*

The UPAA is specific for the proposed amendment:

- Washington County Office Commercial goes to City OC, Office Commercial.

No discretion is being exercised in assigning the zoning designation.

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 property is not in an Area of Special Concern, and has no specific design elements applicable to it.

Finding: The OC designation is specified by, and is therefore consistent with, the Washington County - Beaverton UPAA.

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

No further applications and documents are required of this request.

Finding: Staff find that this criterion is not applicable.

CONCLUSION

Based on the facts and findings in this report, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Corridor land use designation and amending the City's Zoning Map to depict the City's Office Commercial (OC) zoning district is appropriate for the subject parcel.