



# 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

August 7, 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 011-07



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: August 20, 2007**

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.**

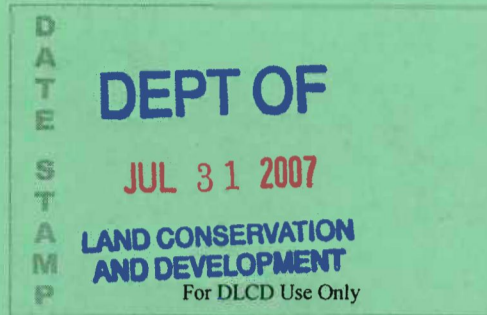
Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Colin Cooper, City of Beaverton

<paa> ya

PROF

# 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 2007-0002  
 Date of Adoption: July 24, 2007 Date Mailed: July 31, 2007  
 Date original Notice of Proposed Amendment was mailed to DLCD: March 21, 2007

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" 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".

**The text amendment proposes to add the use "Operations Center" for public entities as a permitted use in Sections 20.15.10 (Industrial Park District), 20.15.15 (Light Industrial District), and Chapter 90 (Definitions). An Operations Center would include offices to support on-site activity of parking and customary maintenance of fleet vehicles and miscellaneous equipment.**

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".

**The text amendment was specifically amended to require that fueling of any vehicle shall occur at a fixed location and that replacement of any fluids such as radiator fluid, engine oil, etc, shall occur within an enclosed building prior to the fluids being added.**

Plan Map Changed from: N/A to: \_\_\_\_\_  
 Zone Map Changed from: N/A to: \_\_\_\_\_  
 Location: All IP and LI Zones Acres Involved: \_\_\_\_\_  
 Specify Density: Previous: N/A New: \_\_\_\_\_

Applicable Statewide Planning Goals: 1, 2, 9, 11

Was an Exception Adopted?  YES  NO

DLCD File No.: 011-07 (15974)



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 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. 4443

AN ORDINANCE AMENDING ORDINANCE NO. 2050,  
THE DEVELOPMENT CODE,  
CHAPTERS 20, and 90;  
TA 2007-0002 (Operations Center 2007).

**WHEREAS**, the purpose of the Operations Center 2007 Text Amendment is to amend Chapter 20 and 90 of the Beaverton Development Code currently effective through Ordinance 4432 (April 2007) to introduce a new permitted use, Operations Center, in the Industrial Park and Light Industrial zoning districts and provide definitions related to Operations Center. Affected chapters of the Development Code include, Chapter 20 (Land Uses) and Chapter 90 (Definitions),

**WHEREAS**, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on May 9, 2007 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 May 16, 2007; and,

**WHEREAS**, the Planning Commission held a public hearings on May 16, and May 30, 2007 and approved the proposed Operations Center 2007 Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated May 9, 2007, revised and republished on May 23, 2007, and as amended at the hearing; and

**WHEREAS**, on May 30, 2007 the Planning Commission conducted a second hearing for TA 2007-0002 (Operations Center 2007) 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 as summarized in Planning Commission Land Use Order No. 1975; and,

**WHEREAS**, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2007-0002 (Operations Center 2007) following the issuance of the Planning Commission Land Use Order No. 1975; and,

**WHEREAS**, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1975 dated June 7, 2007 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. 4432, 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.

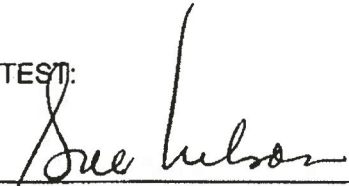
**Section 3. Severance Clause.** The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and 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 9<sup>th</sup> day of July, 2007.

Passed by the Council this 23<sup>rd</sup> day of July, 2007.

Approved by the Mayor this 24<sup>th</sup> day of July, 2007.

ATTEST:

  
SUE NELSON, City Recorder

APPROVED:

  
ROB DRAKE, Mayor

EXHIBIT A

Section 1: The Development Code, Ordinance No. 2050, Ordinance 4432, Chapter 20, Applications, Section 20.15.10.2.A, Industrial Park District, will be amended to read as follows:

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**20.15 Industrial Land Use Districts**

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**20.15.10. Industrial Park Districts: IP**

1. **Purpose.** The Industrial Park District or "IP" District is intended to provide sites for manufacturing, distribution and industrial uses.
2. **District Standards and Uses.** IP Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2., which are prohibited in the districts.
2. Wholesale and distributive activities.
3. Operations Center for p Public services or agencies and utility uses, ~~including vehicle storage and incidental service and repair.~~ [ORD 4093; March 2000] If major and minor automotive services are provided, the following limitations shall apply:
  - a. Fueling, repair, washing, and servicing of vehicles is limited to fleet vehicles parked on site for these uses established after the effective date of this ordinance [Insert Date].
  - b. All automotive service activities with the exception of those described in Subsection c below shall be undertaken in an enclosed building.



EXHIBIT A

c. The following automotive service activities are not required to be conducted within an enclosed building:

- (1) Vehicle fueling from a fixed source;
- (2) Routine check of fluid level and tire pressure and replacement of minor equipment such as light bulbs and windshield wipers.
- (3) Emergency repair of disabled vehicles, e.g., tire replacement. [New ordinance citation]

4. Research laboratory.

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B. Conditional Uses (No Changes)

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20.15.10.2

C. Prohibited Uses

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4. Storage or sale yard for contractors equipment, house mover, delivery vehicles, trucking terminal, used equipment in operable condition, and transit storage, except for the storage activities associated with operations centers for public agencies and utilities, as provided in 20.15.10. 2. A. 3. ~~public transit vehicles~~. [ORD 4093; March 2000] [New ordinance citation]
5. Trailer sales or repair.
6. Eating or drinking establishments providing drive-in (windows) or take-out serving market areas outside the Industrial Park District. [ORD 3975, February 1997]
7. Automotive Services, Major or Minor [ORD 3975, February 1997], except when associated with operations centers for public agencies and utilities.

EXHIBIT A

as provided in Section 20.15.10. 2. A. 3. [New ordinance citation]

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**Section 2:** The Development Code, Ordinance No. 2050, Ordinance 4432, Chapter 20, Applications, Section 20.15.15.2.A, Light Industrial District, will be amended to read as follows:

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**20.15 Industrial Land Use District**

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**20.15.15. Light Industrial Districts: LI**

1. **Purpose.** The Light Industrial District or "LI" District is intended to provide for general industrial activities which require processing, fabrication and storage, including outdoor storage areas, heavy equipment and other uses not compatible in Industrial Park or Campus Industrial areas.
2. **District Standards and Uses.** LI Districts and uses shall comply with the following:
  - A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials.
2. Wholesale and distributive activities.
3. ~~Public service or utility uses other than those providing on premise services to individuals and the general public.~~ Operations centers. If major and minor automotive services are provided, the following limitations shall apply:
  - a. Fueling, repair, washing and servicing of vehicles is limited to fleet vehicles parked on



**EXHIBIT A**

site for these uses established after the effective date of this ordinance [Insert Date].

b. All automotive service activities with the exception of those described in Subsection c below shall be undertaken in an enclosed building.

c. The following automotive-service activities are not required to be conducted within an enclosed building.

[1] Vehicle fueling from a stationary source;

[2] Routine check of fluid level and tire pressure and replacement of minor equipment such as light bulbs and windshield wipers.

[3] Emergency repair of disabled vehicles, e.g., tire replacement. [New ordinance citation]

4. Research laboratory.
5. Public parks, parkways, recreational facilities, trails and related facilities.
6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use.
7. Cold storage plants.
8. Heavy equipment sales, including incidental service and repair.
9. Fuel oil distributors.
10. Printing, publishing and book binding.
11. Retail or combination retail/wholesale lumber and/or building materials yard.

EXHIBIT A

12. Storage or sale yard for contractors equipment, house moving, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition. [ORD 4071; October 1999]
13. Storage yard for building materials.
14. Trailer, recreational vehicle or boat storage.
15. Accessory structures and uses to a particular permitted use.
16. Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots but not within 200 feet of a residential zone.
17. Auto, truck and trailer rental.
18. Mini storage.
19. Nursery, daycare facilities. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)
20. Automotive services, Minor or Major, entirely within an enclosed building, except that fleet vehicle maintenance and repair associated with Operations Centers for ~~public agencies~~, as provided in Section 20.15.15. 2. A. 3.c maybe conducted outdoors. [New ordinance citation] [ORD 3975, February 1997]



EXHIBIT A

**Section 3:** The Development Code, Ordinance No. 2050, Ordinance 4432, Chapter 90 - Definitions, will be amended to read as follows:

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**Automotive Services, Minor.** [ORD 3975, February 1997] Service or repair to motorized vehicles, which do not affect the body or frame. This term includes: ~~Gasoline service stations~~ retail and wholesale fuel sales; tire sales or installation, glass installation; oil changes and lubrications, general engine maintenance and repair, radiator repair, detail shops, or other similar service or repair.

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**Fleet Parking.** Accessory parking to a primary use for the storage of operable motorized vehicles, including cars, light and heavy trucks and buses, when these vehicles are not needed to support the primary use's off-site activities, e.g., repair/maintenance, delivery, transportation. [New ordinance citation]

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**Operations Center.** A centralized facility from which the on- and off-site construction, operation, maintenance and repair of the entity's sites, buildings and facilities is directed, or the site from which vans, buses and other vehicles are dispatched. Activities related to the operations center may be conducted on- or off-site. The activities associated with such a facility may include one or more of the following activities: accessory offices; indoor/outside storage of equipment, parts and bulk materials; fleet parking; employee and visitor parking; and major and minor automotive services;. [New ordinance citation]

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**Public Agency.** A tax-exempt public jurisdiction, district or agency including but not limited to federal and state agencies, cities, counties and special service districts such as those for transit sanitary/stormwater treatment, water, fire, sheriff, school, drainage and lighting. [New ordinance citation]