



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

August 30, 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 022-07

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: September 13, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

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

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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: **CPA2006-0009/ZMA2006-0012**

Date of Adoption: **08/21/2007**

Date Mailed: **08/23/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: **06/04/07**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

The Amendment is applies the City's Neighborhood Residential -Medium Density land use designation and the R-2 zoning district to one 1.66 acre 34-unit apartment complex at the corner of SW Fifth Street and Maple Avenue.

Does the Adoption differ from proposal? No

Plan Map Changed from: **Industrial**

to: **Neighborhood Residential Medium Density**

Zone Map Changed from: IP

to: **R -2**

Location: **10925 SW Fifth Street**

Acres Involved: 1.66

Specify Density: Previous: **N/A**

New: **21du/acre**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD file No. 021-07 (16143)
and 022-07 (16144)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Washington County Department of Land Use and Transportation

Local Contact: **Barbara Fryer, AICP, Senior Planner** Phone: (503) 526-3718 Extension:

Address: PO BOX 4755

Fax Number: 503-526-3720

City: **Beaverton**

Zip: **97202**

E-mail Address: **bfryer@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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also 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.



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

Mailing Date: August 23, 2007 **Date of Final Decision:** August 20, 2007

Ordinance 4449 attached, was first read on the August 13, 2007 City Council agenda then passed by the City Council after second reading on the August 20, 2007 Council agenda. The Mayor approved and signed Ordinance 4449 on August 21, 2007.

ORDINANCE 4449. An Ordinance Amending Ord. 4187 Figure III-1 the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Medium Density (NR-MD) Plan Designation and Ord. 2050 the Zoning Map to Apply the City's R-2 Zone to One Property Located in Northeastern Beaverton CPA 2006-0009/ZMA 2006-0012, City of Beaverton Applicant

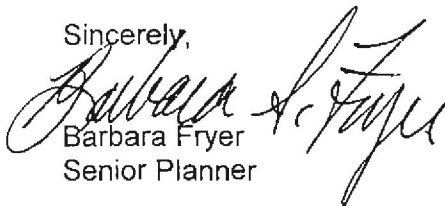
Location. The parcel is located at the northeast intersection of SW Maple Avenue and SW Fifth Street, 10925 SW Fifth Street.

Appeal. Any appeal of this decision should be made to the State of Oregon Land Use Board of Appeals (LUBA) as provided in ORS 197.805 through ORS 197.860. 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 Thursday, August 23, 2007 results in an appeal deadline of **Thursday, September 13, 2007**.

Applicant. City of Beaverton, contact information below.

How to Obtain Further Information: This decision is available for review, and a copy may be obtained at a cost, at the City of Beaverton, Planning Services Division, Beaverton City Hall, 4755 S.W. Griffith Drive, Beaverton, OR 97076. Barbara Fryer may be contacted at (503) 526-3718 or bfryer@ci.beaverton.or.us.

Sincerely,



Barbara Fryer
Senior Planner

1 Enclosure

cc: Jerome W. Parker Trustee
Stephen D. Reynolds, P.C.
Ray Bowman, Raleigh West NAC
Holly Isaak, CCI Chair
Micheal Jordan, COO Metro
Nels Mickaelson, Washington County GIS
Andy Back, Washington County DLUT
Ted Reid, Assistant Regional Planner, Metro
Jennifer Garland, Beaverton School District

ORDINANCE NO. 4449

AN ORDINANCE AMENDING ORD. 4187 FIGURE III-1 THE COMPREHENSIVE PLAN LAND USE MAP TO APPLY THE CITY'S NEIGHBORHOOD RESIDENTIAL MEDIUM DENSITY (NR-MD) PLAN DESIGNATION TO ONE PROPERTY AND ORD. 2050 THE ZONING MAP TO APPLY THE CITY'S R-2 ZONE TO ONE PROPERTY LOCATED IN NORTHEASTERN BEAVERTON CPA 2006-0009/ZMA 2006-0012

- WHEREAS,** the purpose of CPA2006-0009/ZMA2006-0012 is to amend Figure III-1, Ordinance 4187, from Industrial to Neighborhood Residential – Medium Density and the Zoning Map, Ordinance 2050, from Industrial Park (IP) to Residential – 2,000 square feet per dwelling unit (R-2) on Washington County Assessor's Tax Map 1S1 15AC tax lot 05200 (10925 SW Fifth Street); and
- WHEREAS,** pursuant to Ordinance 4187 Section 1.4.2 and Ordinance 2050 Section 50.45, written notice was mailed to the property owners subject to the amendment, the Neighborhood Association Chair, and owners of property within 500 feet of the proposal, notice was published in the Beaverton Valley Times, notice was posted on site, at Beaverton City Hall and Beaverton City Library and on the Beaverton City web site; and
- WHEREAS,** pursuant to Ordinance 4187 Section 1.5.1 and Ordinance 2050 Section 50.45, the Beaverton Planning Services Division, on July 11, 2007 published a written staff report and recommendation a minimum seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on July 18, 2007; and,
- WHEREAS,** pursuant to Ordinance 4187 Section 1.5.1 and Ordinance 2050 Section 40.97.15.1.C, the Planning Commission conducted a public hearing on July 18, 2007, and considered testimony and exhibits on the subject proposal, and at the conclusion of the hearing, the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Comprehensive Plan Map (Figure III-1) and Zoning Map based on the criteria, facts and findings set forth in the Community Development Department staff report by Senior Planner Barbara Fryer dated July 11, 2007, and attached hereto as Exhibit "B" and Planning Commission Order No. 1989 attached hereto as Exhibit "C";
- WHEREAS,** no written appeal pursuant to Ordinance 4187 Section 1.7.2 and Ordinance 2050 Section 50.75 was filed by persons of record for CPA2006-0009/ZMA2006-0012, following the issuance of the Planning Commission Order No. 1989; and,
- WHEREAS,** the City Council adopts as to criteria, facts and findings described in Planning Commission Order No. 1989 dated July 26, 2007 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute adequate factual basis for this ordinance; 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 15 AC 05200 Neighborhood Residential – Medium Density, as shown on Exhibit "A".
- Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate the property on Map and Tax Lot 1S1 15 AC 05200 Residential – 2,000 square feet per dwelling unit (R-2), as shown on Exhibit "A".

First reading this 13th day of August, 2007.

Passed by the Council this 20th day of August, 2007.

Approved by the Mayor this 21st day of August, 2007.

ATTEST:



SUE NELSON, City Recorder

APPROVED:

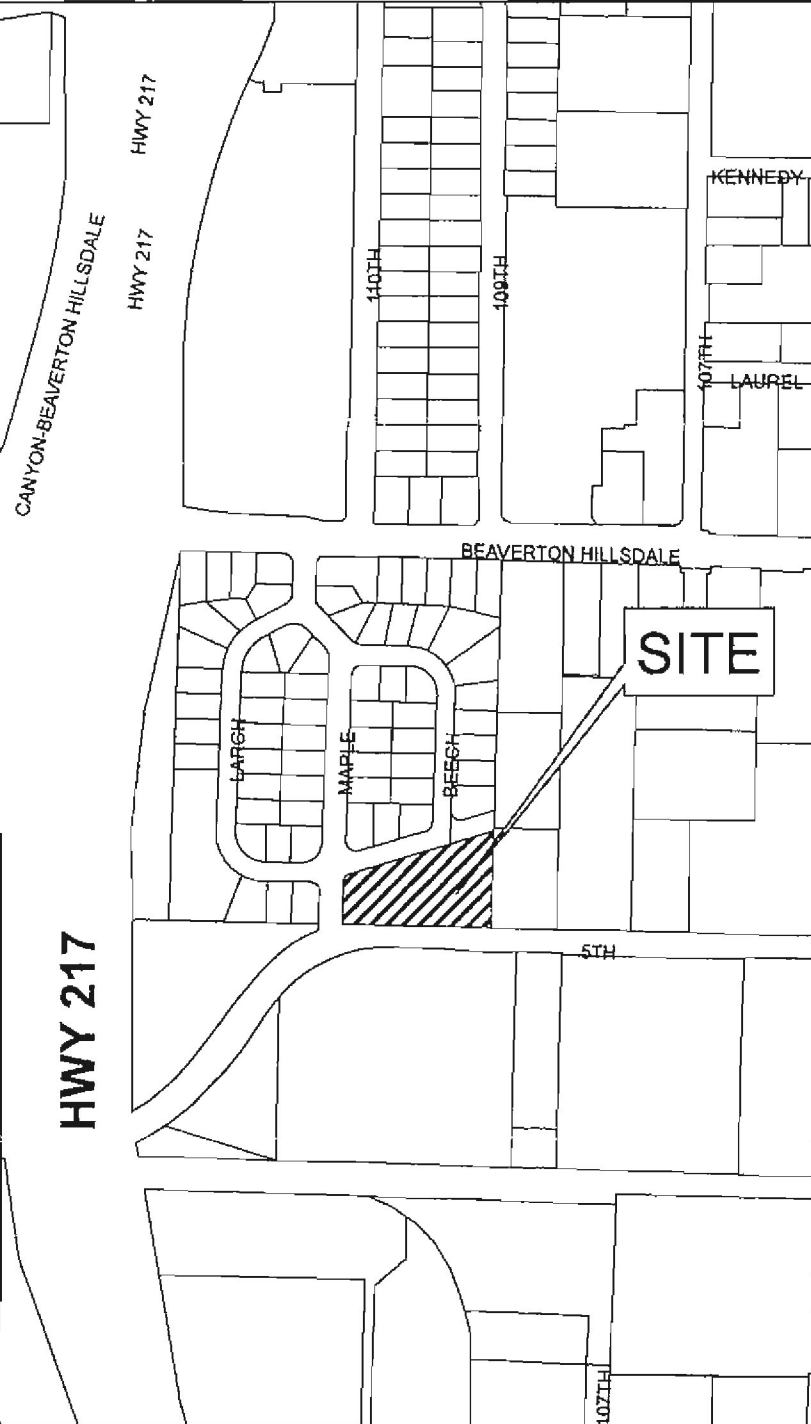
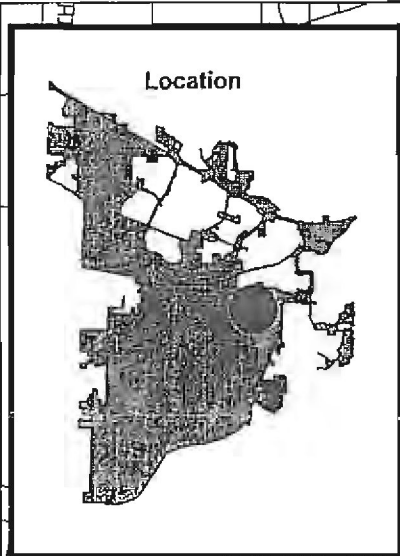


ROB DRAKE, Mayor

VICINITY MAP

ORDINANCE
NO. 4449

EXHIBIT "A"



Legend



SITE

Land Use Map Change
From Industrial to
Neighborhood Residential -
Medium Density

Zoning Map Change
From Industrial Park to
Residential - 2,000 sq. ft.
per dwelling unit



CITY OF BEAVERTON

CPA2006-0009/ZMA2006-0012

10925 SW Fifth Street

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

06/01/07

Tax Lot #'s
1S115AC05200



10925 SW
Fifth Street