



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

January 29, 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 024-06

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: February 15, 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
Matthew Crall, DLCD Transportation Planner
Jeannine Rustad, Measure 37 Claim Review Specialist
Jeff Salvon, City of Beaverton

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FORM 2

DEPT OF

JAN 25 2007

LAND CONSERVATION AND DEVELOPMENT

DLCD NOTICE OF ADOPTION

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.: ZMA2006-0018 (If no number, use none)

Date of Adoption: 1/23/07 (Must be filled in)

Date Mailed: 1/25/07

Date the Notice of Proposed Amendment was mailed to DLCD: 10/18/06

- 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 Zoning Map be amended to assign the City's Community Service (CS) Zoning District to two properties located in North Beaverton. The parcels were previously designated Office Commercial (OC). The decision was discretionary and a hearing was held before the City's Planning Commission. The Planning Commission's recommendation to approve the proposal was subsequently passed by the City Council.

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: No Change to: No Change

Zone Map Changed from: Office Commercial (OC) to: Community Service (CS)

Location: 17200 & 17225 NW Corridor Court. in North Beaverton Acres involved: 1.61

Specified Change in Density: Previous: N/A Commercial District New: N/A Commercial District

Applicable Statewide Planning Goals: 1,2,9,11, & 12

Is an Exception Proposed? Yes: No: X

Metro, Washington County, Tualatin Valley Water District, Clean Water Services

Was an Exception Adopted? Yes: No: X

DLCD No: 024-06 (15632)

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.

ORDINANCE NO. 4420

AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE ZONING MAP FOR TWO PROPERTIES LOCATED IN NORTH BEAVERTON, FROM OFFICE COMMERCIAL (OC) TO COMMUNITY SERVICE (CS); ZMA2006-0018

WHEREAS, on December 6, 2006, the Planning Commission conducted a public hearing to consider an application to amend Ordinance No. 2050, the Zoning Map, redesignating two properties located at 17200 and 17225 NW Corridor Court from Office Commercial (OC) to Community Service (CS); and

WHEREAS, the Planning Commission received testimony and exhibits and recommended approval of this zone change; and

WHEREAS, no appeals were filed with the City; and

WHEREAS, the City Council adopts as to criteria applicable to this request and findings thereon the Planning Services Division Staff Report dated October 17, 2006 attached hereto as Exhibit B and the Planning Commission Land Use Order No. 1929; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, the Zoning Map, is amended to designate properties on Tax Lots 1N130DC01100 and 1N130DC01001 Community Service (CS) on the City of Beaverton Zoning Map, as shown on Exhibit A.

First reading this 8th day of January, 2007.

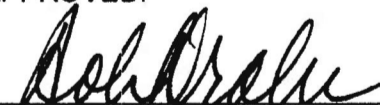
Passed by the Council this 22nd day of January, 2007.

Approved by the Mayor this 23rd day of January, 2007.

ATTEST:

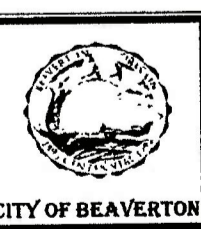
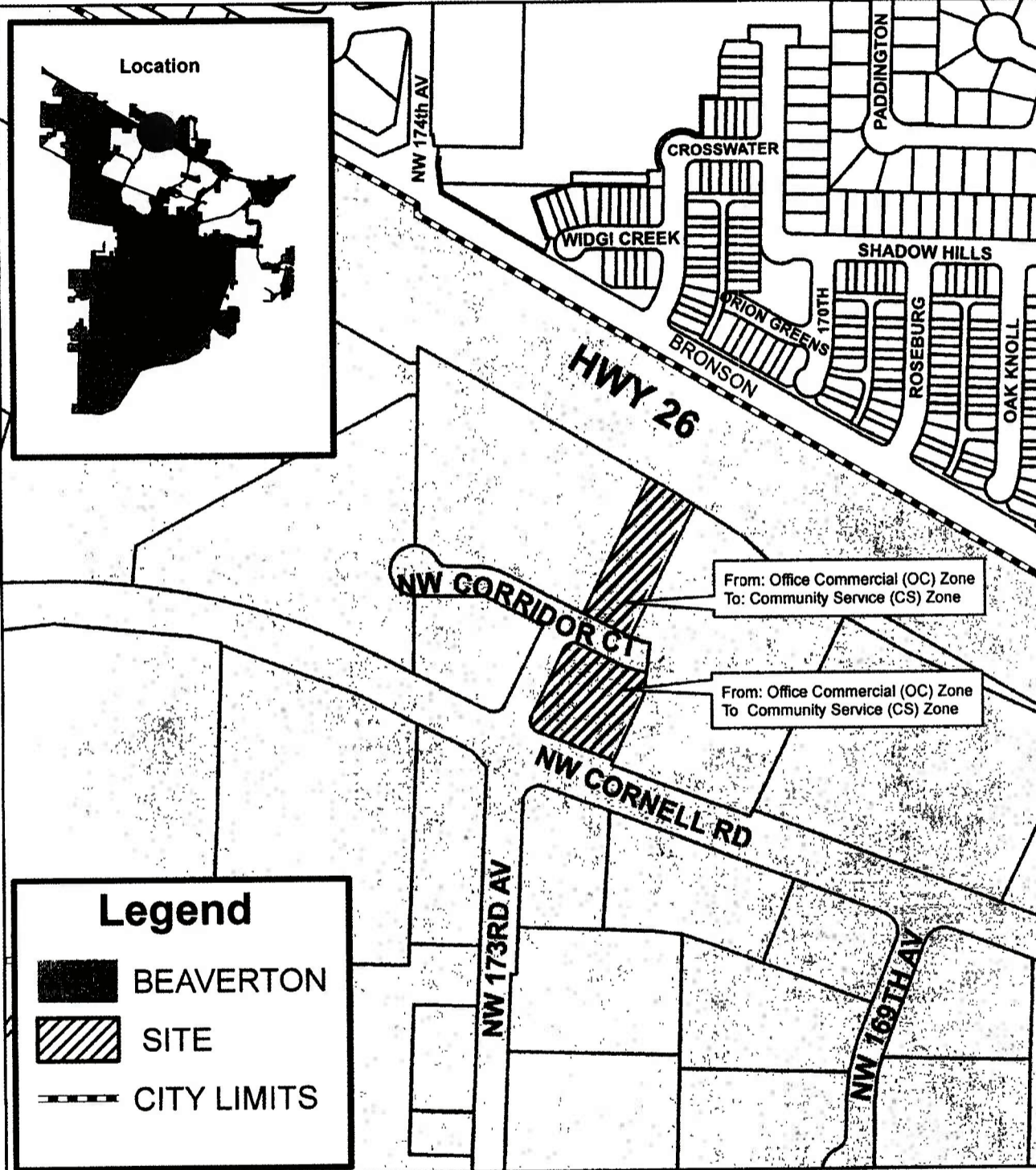

SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor

VICINITY MAP

Exhibit A



ZMA2006-0018

COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

10/18/06 N
 1N130DC01100
 1N130DC01001
 17200 & 17225
 NW CORRIDOR CT

0002



CITY of BEAVERTON

EXHIBIT B

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

STAFF REPORT

TO: Planning Commission **REPORT DATE:** October 17, 2006

AGENDA DATE: December 06, 2006

FROM: Jeff Salvon, Senior Planner, Planning Services

SUBJECT: **ZMA2006-0018, 17200 and 17225 NW Corridor Court Zoning Map Amendment:** To assign a City Zoning Map designation to parcels recently annexed to the City through a different process. The parcels are identified on tax map 1N130DC as lots 01100 and 01001.

REQUEST: Amend the City's Zoning Map to show Community Service (CS).

APPLICANT: City of Beaverton

APPROVAL CRITERIA: Development Code Section 40.97.15.1.C

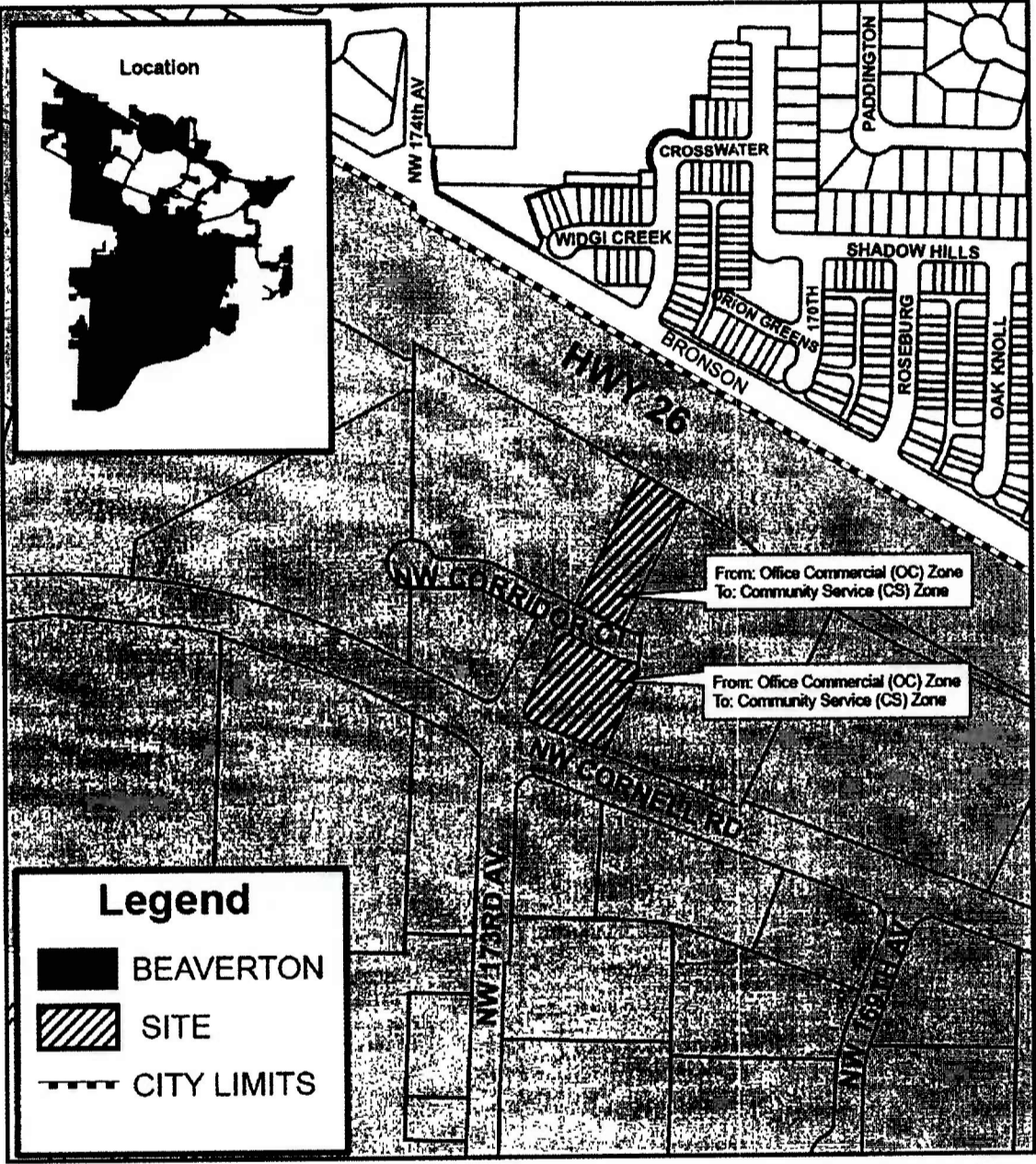
LOCATION: The properties are located at 17200 & 17225 NW Corridor Court. They are located on the north side of Cornell Rd and south of Highway 26.

EXISTING USE: The property at 17200 NW Corridor Court is 0.84 acres and contains an office building. The property at 17225 NW Corridor Court is 0.77 acres and is developed with a day-care facility.

RECOMMENDATION

Based on findings in this report that the criteria contained in Development Code Section 40.97.15.1.C, are met, staff recommends approval of the request.

VICINITY MAP



 CITY OF BEAVERTON	ZMA2006-0018	10/18/06 N 1N130DC01100 1N130DC01001
	COMMUNITY DEVELOPMENT DEPARTMENT Planning Services Division	17200 & 17225 NW CORRIDOR CT

Public Hearing 12/6/06
 17200 Corridor Court ZMA

SUMMERY

The properties proposed for rezone contain a single story office building on a 0.84 acre parcel and a day-care facility on a 0.77 acre parcel. Both properties are located within a small commercial area which is primarily devoted to retail nestled between the Sunset Highway (classified as a freeway in the City's Comprehensive Plan) and Cornell Road (classified as an arterial).

BACKGROUND

The parcels proposed for this rezone were annexed into the City in 2005 and subsequent to that action were rezoned from Washington County's Office Commercial designation to Beaverton's Office Commercial (OC) designation. The decision as to how these properties should be redesignated after being annexed was determined in 1988 by the adoption of the Urban Planning Area Agreement (UPAA) between the Washington County and the City of Beaverton. Under this agreement, properties that are annexed into the City of Beaverton will be assigned the City zoning classification which most closely approximates the designation that had been assigned to the properties by Washington County. Since the choice as to which city zone designation is to be applied has been evaluated and approved in advance of the rezone, the actual zone reassignment process requires no discretion at the time it is processed. The current proposal follows that process, does not qualify under the terms of the UPAA, and is discretionary in nature requiring a public hearing.

The current proposal is being made at the request of the owner of the property at 17200 Corridor Court who has expressed a concern over an inconsistency that exists between the Washington County's Office Commercial and the City of Beaverton's Office Commercial designations. The point of contention involves the fact that although the zoning that was applied to the property is consistent with the UPAA, the City's OC designation contains use restrictions (specifically retail sales) that were previously permitted under the County designation. As the property owner has pointed out, the resulting use restriction imposed upon him could serve as a basis for a Measure 37 claim. That owner subsequently signed a Measure 37 claim waiver on the condition that the property's zoning is changed to Community Service.

An additional inconsistency exists in the fact that the day care facility, which currently exists on the 17255 Corridor Court property, is not permitted in the City's OC zone – although it qualifies as a legal non-conforming use. Other retail use inconsistencies that exist between the County's OC designation and the City's OC zone can be viewed in the following table:

Common Retail Uses	Wash. Co. OC District	Beaverton OC Zone
Day care	Type 2	Not permitted
Service station – car wash	Type 2	Not permitted
Drive-in restaurants	Accessory use* – type 2	Conditional use
Personal service businesses such as laundry, dry cleaner, photo studio, barber, shoe repair up to 5,000 square feet/use	Accessory use* -- type 2	Not permitted
Retail businesses such as hardware, variety, drug, clothing stores up to 10,000 square feet/use	Accessory use* – type 2	Not permitted
Eating & drinking establishments	Accessory use* – type 2	Conditional use
Convenience store	Accessory use* – type 2	Not permitted

**uses are accessory to office commercial complex and scaled to serve the tenants of the complex or surrounding office commercial area*

ANALYSIS OF ANNEXATION RELATED ZONING MAP AMENDMENT

The choice as to which zone is most appropriate for meeting the needs of the City as well as the property owner was based upon several considerations. First, preference was given to zoning that would not require changing the Comprehensive Plan designation for each property. Section 3.1. (b) identifies **Cornell Road** as an appropriate area for which the Corridor designation was conceived and should be applied. Maintaining the Corridor designation would safeguard the conceptual objectives that had previously been established for the area.

Second, in regard to application of the CS District, section 20.10.05 of the City's Development Code states that; "the Community Service" or "CS" District is intended to provide for businesses compatible with and of similar scale to existing commercial activity found principally along Beaverton-Hillsdale Highway, Canyon Road, T.V. Highway, Cedar Hills Boulevard, **Sunset Highway** and Highway 217.

Finally, section 3.2 of the Comprehensive Plan states that "...corridors provide nodes of residential and employment that may be integrated, but more likely reside side by side". Adjacent parcels, to the east of the 12700 Corridor Ct. property and to the east and west of the 17225 Corridor Court property are zoned CS creating a commercial node centered around the cul-de-sac. Maintaining consistency among adjacent properties would contribute to the nodal concept and fulfill the intentions of both the Comprehensive Plan and Development Code cited above.

A comparison of use discrepancies that will result from rezoning of the property

from OC to CS reveals that while rezoning the properties will permit retail sales, office uses will be restricted to those that involve on site service provision only. Such uses include medical, insurance, real estate, and attorney services. Where those services straddle the line between corporate administration and on site service provision, a determination as to compliance would be the subject of a director's interpretation. It should be noted however that given the size and retail exposure of the subject parcels it is likely that office uses directed toward on site service provision will prevail in securing lease agreements on the property. Currently, office uses on the property are confined to on-site medical services and are fully compliant with both the OC and CS zones. Given this consideration, staff regards the likelihood of future M37 claims resulting from the proposed zone change as remote.

COMPLIANCE WITH REZONE CRITERIA

Ordinance 2050 (Development Code) Section 40.97.15.C details the requirements for quasi-judicial zoning map amendments:

40.97.15.1.C. Approval Criteria

- 1. The proposal satisfies the threshold requirements for a Quasi-Judicial Zoning Map Amendment application.*

Section 40.97.15.1.A.1 of the City of Beaverton Development Code specifies that the threshold criterion for a quasi-judicial zoning map amendment is "the change of zoning designation for a specific property or limited number of specific properties." The proposal applies to two specific properties.

FINDING: Staff finds that the proposed rezone satisfies the threshold requirements for a quasi-judicial Zoning Map amendment.

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

Because the City is acting as the applicant of this rezone, no fees are required.

FINDING: Staff finds that this criterion is not applicable to this application.

- 3. The proposal conforms with applicable policies of the City's Comprehensive Plan.*

The Zoning District Matrix (Section 3.14 of the Comprehensive Plan) identifies which specific zoning designations are compatible within the more generalized Comprehensive Plan designations. As can be seen in the table below, both the OC and CS Zones are compatible and fall under the umbrella of the Corridor Comp Plan designation concept.

This point relates directly to the provisions expressed within the City's Comprehensive Plan. Section 3.10 of the Comprehensive Plan addresses what development within the corridor designation should look like, what specific areas and streets of the City this designation was tailored to influence, and which zoning districts are appropriate for this designation. As demonstrated in the Comprehensive Plan and Zoning District Matrix (below), both the OC and CS zones are regarded as acceptable zoning applications within the conceptual framework associated with the Corridor designation.

FINDING: Staff finds that the proposed amendment conforms with applicable policies of the City's Comprehensive Plan

4 Applications and documents related to the request, which will

COMPREHENSIVE PLAN AND ZONING DISTRICT MATRIX	
Comprehensive Plan Designation	Zoning District
Regional Center	RC-E, RC-OT, RC-TO
Station Community	SC-HDR, SC-MU, SA-MDR, SA-MU
Town Center	TC-HDR, TC-MU, TC-MDR
Main Street	Office Commercial, Neighborhood Service, Convenience Service Center, R-1, R-2
Corridor	General Commercial, Convenience Service Center, Office Commercial, Community Service, Neighborhood Service, R-1, R-2, R-3.5, R-4, Corridor-Multiple Use
Employment Areas	Campus Industrial
Industrial	Industrial Park, Light Industrial, Campus Industrial
Neighborhood Residential (equivalent to Metro's Inner and Outer Neighborhood Design Types)	
Low Density	R-10
Standard Density	R-7, R-5
Medium Density	R-4, R-3.5, R-2
High Density	R-1
Any of the plan designations cited above	Institutional

require further City approval, shall be submitted to the City in the proper sequence.

In fulfilling the role as the applicant of this proposal, staff has compiled all necessary documentation to provide adequate review of the proposal.

FINDING: Staff finds that all documents related to the request, which will require further City approval, have been provided in the proper sequence.

5 In addition to the criteria stated in Section 40.97.15.1.C.1 through 4, above, the following criteria shall apply to Quasi-Judicial Zoning Map Amendment which would change the zone designation to the Convenience Service (C-V) zoning district.

- a. There is a public need for the proposal and that this need will be served by changing the zoning district classification of the property in question as compared with other available property.**

- b. *The public interest is best carried out by approving the proposal at this time.*

FINDING: Staff finds that these criteria are not applicable to proposed rezone.

6. *The proposal shall include a Traffic Impact Analysis that meets the requirements of 60.55.20. The analysis shall demonstrate that development allowed under the proposed zoning can meet the requirements of 60.55.10.1, 60.55.10.2, 60.55.10.3, and 60.55.10.7. The analysis shall identify the traffic impacts from the range of uses allowed under the proposed zoning and demonstrate that these impacts can be reasonably mitigated at the time of development. [ORD 4302; May 2004]*

This criterion is particularly relevant where a new development is being proposed. However, the proposed amendment involves the rezoning of properties where improvements are already in place and no change in the specific use is being anticipated. Therefore, in attempting to determine if a traffic impact is warranted for the purposes of this application, staff opted to meet criterion #7 provided in the following section.

FINDING: Staff finds that this criterion is not applicable to proposed rezone.

7. *As an alternative to 40.97.15.1.C.6, the applicant may provide evidence that the potential traffic impacts from development under the proposed zoning are no greater than potential impacts from development under existing zoning. [ORD 4302; May 2004]*

In attempting to determine if a traffic impact analysis is warranted for this application, staff observed the variety of uses permitted in each zone and consulted the ITE manual to identify a worst case traffic impact scenario that might result. Ultimately, among all the uses that could occur, staff determined that fast food restaurants with a drive-through window possessed the greatest potential to generate traffic in each case. This use is permitted outright in the CS zone and conditionally in the OC zone. Because this use has the potential to impact both zoning designations, staff determined that the prospect of rezoning from OC to CS would not impart significant traffic impacts. Staff has determined that the requirement that a traffic impact analysis be conducted for the sake of this proposal is not required.

PROCESS:

Quasi-judicial zoning map amendments require a public hearing before the Planning Commission. A public hearing has been scheduled before the Planning Commission on December 6, 2006 for the proposed amendments. Notice has been or will be given in accordance with Section 50.45 of the Development Code.

Appropriate notice has been given to the Department of Land Conservation and Development (DLCD), Metro, the NAC, and to Washington County LUT.

1. Legal notice was published in the Beaverton Valley Times on November 16, 2006.
2. Notice will be posted at the Post Office, Beaverton Library and City Hall on or before November 9, 2006.
3. Notice will be mailed to the Neighborhood Association Committee (NAC), property owners within 500 feet of the proposed rezones on or before November 9, 2001.

Notice for proposed quasi-judicial rezones must be provided at least twenty (20) calendar days prior to the City Planning Commission hearing. The notice requirements for this rezone will be met or exceeded. The Planning Commission has not requested staff to provide additional notice for this amendment.

Following a Planning Commission action, a land use order will be prepared and mailed to the property owner and any person submitting written comments or testifying before the Planning Commission during the process.

Appeals of the Commission decision regarding rezones are made to the City Council. The procedure for filing such an appeal and the manner of the hearing is governed by Section 50.70 of the Development Code for the Rezone. The appeal request must be made in writing and delivered to the City within 10 calendar days of the land use order date. In addition, there is a non-refundable \$1,314.00 fee, which must accompany the request for hearing.

FINDING: Applicable procedural requirements have been met for this proposed rezone application.

SUMMARY FINDINGS:

Staff finds that the proposed rezoning conforms to the City's Comprehensive Plan and all applicable statutory and ordinance requirements in effect at this time.

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF ZMA2006-0018, A)	
REQUEST TO AMEND THE CITY ZONING)	
MAP APPLICABLE TO THE PROPERTIES)	ORDER NO. 1929
LOCATED AT 17200 & 17225 NW)	APPROVING REQUEST
CORRIDOR COURT.)	
CITY OF BEAVERTON, APPLICANT.)	

The matter came before the Planning Commission on December 6, 2006, on a request for a City Zoning Map amendment to assign a designation to parcels annexed to the City through a prior process. The properties are located at 17200 & 17225 NW Corridor Court on the north side of Cornell Road and south of Highway 26 and are more specifically described as Tax Lots 01100 and 01001 on Washington County Assessor's Map 1N130DC. The property at 17200 NW Corridor Court is 0.84 acres and contains an office building. The property at 17225 NW Corridor Court is 0.77 acres and is developed with a day-care facility.

Pursuant to Ordinance 2050 (Development Code), Sections 50.55 and 50.58, the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Planning Commission adopts the Staff Report dated October 17, 2006, as to the applicable criteria contained in Section 40.97.15.1.C of the

Development Code (effective prior to adoption of Ordinance 4404 -
Development Code update) and findings thereon; now, therefore:

IT IS HEREBY ORDERED that **ZMA2006-0018** is **APPROVED**
based on the facts and findings of the Planning Commission on December 6,
2006.

Motion **CARRIED** by the following vote:


AYES: Maks, Bobadilla, Bobadilla, Kroger, Stephens,
Winter, and Johansen.
NAYS: None.
ABSTAIN: None.
ABSENT: Pogue.

Dated this 14th day of December, 2006.

To appeal the decision of the Planning Commission, as articulated in
Land Use Order No. 1929, an appeal must be filed on an Appeal form
provided by the Director at the City of Beaverton Community Development
Department's office by no later than 4:30 p.m. on
December 24th, 2006.


PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:


JEFF SAINVON, AICP
Senior Planner


HAL BERGSMA
Planning Services Manager

APPROVED:


ERIC H. JOHANSEN
Chairman