



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

May 9, 2008

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 001-08



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: May 23, 2008

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.

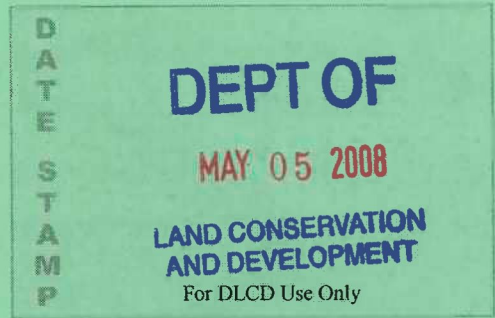
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

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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 2008-0001
 Date of Adoption: April 22, 2008 Date Mailed: May 2, 2008
 Date original Notice of Proposed Amendment was mailed to DLCD: 2-11-08

- | | |
|---|---|
| <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".
Amendment to the City's Municipal Code to establish a procedure to review and authorize the establishment of public art in public places. Amendment to the City's Development Code to exempt public art from the City's sign code and not require a sign permit.

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".
Same

Plan Map Changed from: N/A to: N/A
 Zone Map Changed from: N/A to: N/A
 Location: N/A Acres Involved: N/A
 Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: Goal 2

Was an Exception Adopted? YES NO

DLCD File No: 001-08 (16702)

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:

Local Contact: Steven Sparks Phone: 503-526-2429 Extension: _____

Address: PO Box 4755 City: Beaverton

Zip Code + 4: 97076-4755 Email Address: ssparks@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.

CODE

ORDINANCE NO. 4481

AN ORDINANCE AMENDING CHAPTER TWO
OF THE BEAVERTON CITY CODE
RELATING TO PUBLIC ART

WHEREAS, the Council desires to create a formal program by which interested persons may apply to place works of art on public rights of way and on private property visible from the right of way under an easement to be granted to the public for such purposes, and

WHEREAS, the Council by separate ordinance has amended the Community Development Code to exempt such works of public art from regulation as signage; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Chapter 2 of the Beaverton Code is amended by adding the following new provisions:

“2.03.239 Public Art.

A. As used in this section:

1. Public Art means original artwork placed public property or on public right of way or on private property visible from public property and for which the city owns an easement allowing for such placement and that has been approved by the Beaverton Arts Commission.
2. Selection Panel means a group responsible for reviewing proposed Public Art and making recommendations to the Beaverton Arts Commission on the selection of Public Art.

B. Public Art that is displayed pursuant to this Ordinance may be sited in, on or about any project or other property owned, leased, or rented by, donated to, or otherwise made available to and accepted by the City of Beaverton under such additional terms and conditions as may be required by the Beaverton Arts Commission.

C. All interests in Public Art acquired pursuant to this Ordinance shall be acquired in the name of the City of Beaverton. Title to any easements for display of such art on private property shall be granted to and are subject to written acceptance by the City of Beaverton acting through its Mayor for the use and benefit of the public.

D. A decision by the Beaverton Arts Commission, upon a recommendation by the Selection Panel, as to the acquisition, fabrication, installation, deaccessioning, management, community education and registration of Public Art shall be the City's final decision.

E. The Beaverton Arts Commission shall adopt rules and guidelines for the selection, acquisition and display of all Public Art in a form to be approved by the City Attorney.

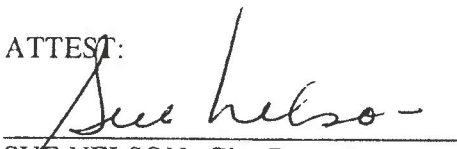
Section 2. Severability. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance.

First reading this 14th day of April, 2008.

Passed by the Council this 21st day of April, 2008.

Approved by the Mayor this 22nd day of April, 2008.

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor

ORDINANCE NO. 4482

AN ORDINANCE AMENDING
THE COMMUNITY DEVELOPMENT CODE
RELATING TO REGULATION OF SIGNAGE

WHEREAS, the City supports public art to add aesthetic and educational benefit to persons using public rights of way; and

WHEREAS, the City by separate ordinance will create a public art program for display of art on public rights of way and on private building facades and other private property under the terms of easements to be granted to the City for that purpose, and the Council desires that those displays of art not be regulated as signage; and

WHEREAS, the displays of public art to be allowed by separate ordinance will be selected by a panel of artists under guidelines that, among other things, will disfavor proposed artworks that would function as "signage" as that term is defined in the Community Development Code, now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Community Development Code is amended at Section 60.40.10 by adding subsection 4 as shown in *Italics*.

60.40.10. **Signs Exempt from Permits and This Ordinance.** The following signs are exempt from this ordinance and do not require permits:


1. Traffic or other governmental street signs, such as railroad crossing signs and notices, as may be authorized by the City.
2. Signs of public utility companies indicating danger, or which serve as an aid to public safety, or which show the location of underground facilities or of public telephones.
3. Signs not visible from public right-of-ways.
4. *Public Art as defined in Section 2.03.239.A of the Beaverton City Code.*

First reading this 14th day of April, 2008.


Passed by the Council this 21st day of April, 2008.

Approved by the Mayor this 22nd day of April, 2008.

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor



CITY of BEAVERTON

CDD

4755 S.W. Griffith Drive
P.O. Box 4755
Beaverton, OR 97076-4755

CERTIFIED MAIL



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PLAN AMENDMENT SPECIALIST
OREGON DEPARTMENT OF LAND CONS
635 CAPITOL STREET NE SUITE 150
SALEM OR 97301-2540

97301+2540

