



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 19, 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 008-08



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: June 2, 2008

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: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Steven Sparks, 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: TA 2008-0003
Date of Adoption: May 6, 2008 Date Mailed: May 12, 2008
Date original Notice of Proposed Amendment was mailed to DLCD: NPA not sent

- 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".
Amendment to Development Code Section 50.93 to allow requests for a second extension of time of a
previously approved land use decision.

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: 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: None

Was an Exception Adopted? YES NO

DLCD File No.: 008-08 (NOA)

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: Steven A. Sparks, AICP 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 **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4483

AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE DEVELOPMENT CODE,
TA 2008-0003, EXTENSION OF APPROVALS AMENDMENT

WHEREAS, in February 2008, the City of Beaverton Community Development Department staff submitted a proposed text amendment to Chapter 50 (Procedures) and Chapter 90 (Definitions) to revise the provisions applicable to extending land use approvals; and

WHEREAS, the Planning Commission conducted a public hearings on April 9, 2008 to consider the proposed amendments; and

WHEREAS, the Planning Commission received and considered the submitted staff report, exhibits, and staff recommended approval of this Development Code text amendment as amended by the Planning Commission; and

WHEREAS, on April 9, 2008, the Planning Commission conducted a public hearing at the conclusion of which the Planning Commission reached a determination 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. 2070; and

WHEREAS, no appeal of the Planning Commission recommendation was filed with the City; and

WHEREAS, the Council adopts and incorporates herein the Development Services Division Staff Report dated April 2, 2008 and Planning Commission Land Use Order No. 2070 as the applicable criteria and finding which constitute an adequate factual basis for this ordinance. Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

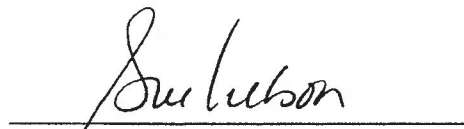
Section 1. Ordinance No. 2050, the Development Code is amended to read as set out in Appendix "A" to this Ordinance attached to and incorporated herein by this reference.

First reading this 21st day of April, 2008.


Passed by the Council this 5th day of May, 2008.

Approved by the Mayor this 6th day of May, 2008.

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor

1 **Section 1: The Development Code, Ordinance No. 2050, Chapter 50 –**
 2 **Procedures, Section 50.93, is amended to read as follows with deleted**
 3 **matter in strikethrough and new matter in highlight:**

4
 5 **50.30. Neighborhood Review Meeting**

6
 7 *****

- 8 2. Prior to submittal of an application subject to a Type 3 procedure, the
 9 applicant shall provide an opportunity to meet with neighboring
 10 property owners, residents and businesses (hereinafter collectively
 11 referred to as “neighbors”) as well as representatives from the NAC
 12 within whose boundaries the site is located or within the notice radius
 13 to review the proposal. The applicant shall not be required to hold
 14 more than one Neighborhood Review Meeting provided such meeting is
 15 held within six-months prior to submitting an application for one
 16 specific site. This requirement does not apply to applications required
 17 by Design Review Three threshold number 7 (Section 40.20.15.3.A.7)
 18 or applications for Quasi-Judicial Zoning Map Amendment (Section
 19 40.97.15.1), ~~or~~ Discretionary Annexation Related Zoning Map
 20 Amendment (Section 40.97.15.4), or extension of an approval (Section
 21 50.93).

22
 23 **Section 2: The Development Code, Ordinance No. 2050, Chapter 50 –**
 24 **Procedures, Section 50.93, is amended to read as follows with deleted**
 25 **matter in strikethrough and new matter in highlight:**

26
 27 **50.93. Extension of a Decision**

- 28
 29 1. An application to extend the expiration date of a decision made
 30 pursuant to this Code may be filed only before the decision expires as
 31 provided in Section 50.90 or before the decision expires as provided in
 32 the appropriate subsection of the specific application contained in
 33 Chapter 40 (Applications).
 34
 35 2. The following land use decisions are not subject to extensions of time:
 36 ~~Except for~~ Director's Interpretation (Section 40.25), Home Occupation
 37 (Section 40.40), Loading Determination (Section 40.50), Parking
 38 Requirement Determination (Section 40.55.15.1), Shared Parking
 39 (Section 40.54.15.2), Use of Excess Parking (Section 40.54.15.3), Sign
 40 (Section 40.60), Solar Access (Section 40.65), Temporary Mobile Sales
 41 (Section 40.80.15.1), Temporary Non-Mobile Sales (Section 40.80.15.2),
 42 all Tree Plan (Section 40.90), and all Zoning Map Amendment (Section
 43 40.97) applications. ~~not more than one extension may be granted for a~~
 44 ~~maximum of two (2) years.~~

EXHIBIT A

- 1 3. A land use decision may be extended no more than two (2) times.
2
3 4. Extension of a land use decision for an application not listed in Section
4 50.93.2 may be granted as follows:
5
6 A. For the initial extension of time, the extension may be granted
7 for a period of time not to exceed two (2) years, will be subject to
8 a Type 2 review procedure, and must be found to be consistent
9 with the approval criteria listed in Section 50.93.6.
10
11 B. For the second and final extension of time, the extension may be
12 granted for a period of time not to exceed two (2) years, will be
13 subject to a Type 3 review procedure before the Planning
14 Commission or Board of Design Review as determined by the
15 Director, and must be found to be consistent with the approval
16 criteria listed in Section 50.93.6.
17
18 5. Extension requests shall be subject to the following noticing
19 requirements:
20
21 A. For the initial extension of time, public notice shall be mailed to
22 those parties identified in Section 50.40.2. In addition, the
23 notice shall be mailed to the parties of record contained in the
24 initial land use decision.
25
26 B. For the second and final extension of time, public notice shall be
27 mailed to those parties identified in Section 50.45.2. In
28 addition, the notice shall be mailed to the parties of record
29 contained in the initial extension of time decision.
30
31 ~~3. An application for an extension is subject to a Type 2 procedure.~~
32
33 6.4. An application for an extension shall be granted if the applicant
34 demonstrates that it complies with the following:
35 A. It is not practicable to commence development within the time
36 allowed for reasons beyond the reasonable control of the
37 applicant.
38
39 B. There has been no change in circumstances or the applicable
40 regulations or Statutes likely to necessitate modification of the
41 decision or conditions of approval since the effective date of the
42 decision for which the extension is sought.
43
44

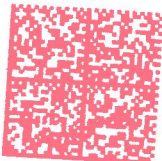
C. The previously approved land use decision is not being modified in design, use, or conditions of approval.

Section 3: The Development Code, Ordinance No. 2050, Chapter 90 - Definitions, is amended to read as follows with new matter in highlight:

Substantial Construction. Providing there are buildings on the site, the completion of construction of footings for the building where the principal use will take place shall constitute substantial construction. In the case of a land division, substantial construction shall be deemed to have taken place when vehicular access and utility provision to the resulting lots or parcels is achieved through the grading, coring and rocking of the proposed streets along with installation of pipes and utility structures.

Vesting. Please refer to Substantial Construction.

FIRST CLASS



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CDD

CITY of BEAVERTON

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



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