



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

3/12/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment
DLCD File Number 001-10

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: Friday, March 26, 2010

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jeff Salvon, City of Beaverton
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM **2**

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DEPT OF

MAR 5 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Beaverton**

Local file number: CPA2009-0017/ZMA2009-0009

Date of Adoption: **3/2/10**

Date Mailed: **3/5/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☐ Yes ☒ No Date:

☐ 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".

Apply the City's Neighborhood Residential Medium Density (NR-MD) land use designation and the City's Urban Medium Density R-2 (min. lot size of 2,000 sq. ft. per dwelling) zoning designation to tax lot 1S114BA07000. The amendment is annexation related and proposes to assign City Plan and Zone designations commensurate with what had previously been assigned in Washinton County. The proposal is non-discretionary as it conforms with the Beaverton-Washington County Urban Planning Area Agreement (UPAA).

Does the Adoption differ from proposal? Please select one
No.

Plan Map Changed from: **Wa. Co. R-24**

to: **Beaverton NRMD**

Zone Map Changed from: **Wa. Co. R-24**

to: **Beaverton R-2**

Location: SW 99th Avenue in east Beaverton approximately 250 feet north of Beaverton Hillsdale Hwy.

Acres Involved: 0.43

Specify Density: Previous: **6 units**

New: **6 units**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

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

DLCD File No. 001-10 (18164) [16034]

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☒ No

DLCD file No. _____

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

Local Contact: Jeff Salvon

Phone: (503) 526-3725() -
Extension:

Address: P.O. Box 4755

Fax Number: (503) 526-3725 - -

City: Beaverton

Zip: 97076

E-mail Address: jsalvon@ci.beaverton.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).

9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE NO. 4536

AN ORDINANCE AMENDING ORDINANCE 4187, FIGURE III-1, THE COMPREHENSIVE PLAN MAP TO APPLY THE CITY'S NEIGHBORHOOD RESIDENTIAL-MEDIUM DENSITY PLAN DESIGNATION AND ORDINANCE 2050, THE ZONING MAP TO APPLY THE CITY'S R-2 ZONING DESIGNATION TO ONE PROPERTY ANNEXING INTO THE CITY AT 4510 SW 99TH AVENUE: CPA2009-0017/ZMA2009-0009, CITY OF BEAVERTON APPLICANT

- WHEREAS,** a proposal to annex the subject property into the City of Beaverton is scheduled for City Council consideration on February 22, 2010; and
- WHEREAS,** Section 10.40.2 of the Development Code specifies that "[t]he City may consider the zoning for any area proposed for annexation at the same time as it considers annexation of the area..."; and
- WHEREAS,** the Washington County – City of Beaverton Urban Planning Area Agreement specifies that "upon annexation the City agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations"; and
- WHEREAS,** pursuant to Ordinance 4187 Section 1.4.3.B.6 and Ordinance 2050 Section 40.97.15.C, the Beaverton Planning Services Division, on February 15, 2010 published a written staff report with findings and recommendations demonstrating applicability of the UPAA to the proposed action a minimum seven (7) calendar days in advance of the scheduled City Council meeting on February 22, 2010; and,
- WHEREAS,** the City Council adopts as to criteria, facts and findings described in Community Development Department staff report on CPA2009-0017/ZMA2009-0009 by Associate Planner Jeff Salvon, dated February 15, 2010, and attached hereto as Exhibit "B"; 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 Lot 1S1 14 BA 07000 Neighborhood Residential – Medium Density, as shown on Exhibit "A".
- Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate the properties on Map and Tax Lots 1S1 14 BA 07000 Urban Medium Density (R2), as shown on Exhibit "A".
- Section 3.** This ordinance shall become effective thirty (30) days after its adoption by the Council and approval by the Mayor or upon the effective date of the ordinance annexing the subject property, whichever is later.

First reading this 22 day of February, 2010.

Passed by the Council this 1 day of March, 2010.

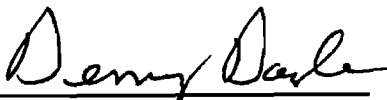
Approved by the Mayor this 2 day of March, 2010.

ATTEST:



SUE NELSON, City Recorder

APPROVED:

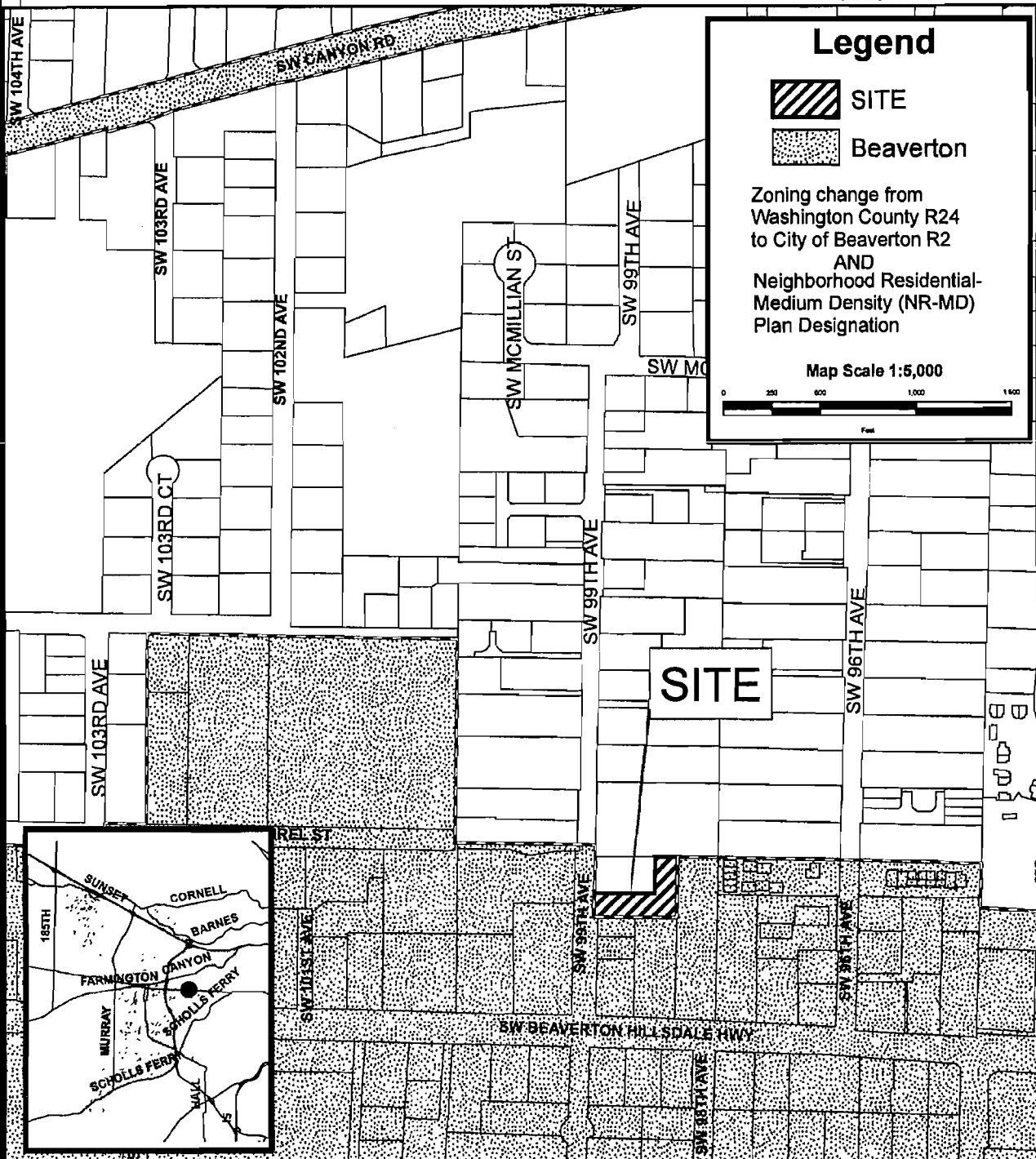


DENNY DOYLE, Mayor

VICINITY MAP

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EXHIBIT A
Ord. No. 4536



Legend



SITE



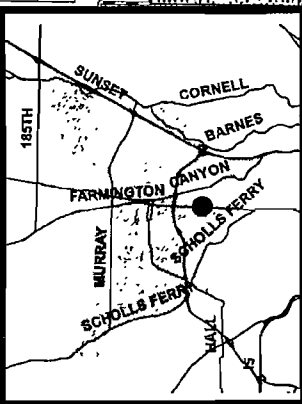
Beaverton

Zoning change from
Washington County R24
to City of Beaverton R2
AND
Neighborhood Residential-
Medium Density (NR-MD)
Plan Designation

Map Scale 1:5,000



SITE



City of Beaverton

SW 99TH AVE. PINE VILLA APARTMENTS
COMP PLAN AMENDMENT/ ZONE MAP AMENDMENT

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

11/23/09

Tax Lot #

1S114BA07000

N



Application #

CPA2009-0017

ZMA2009-0009



CITY of BEAVERTON

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

STAFF REPORT

TO: City Council

AGENDA DATE: February 22, 2010 **REPORT DATE:** February 15, 2010

FROM: Jeff Salvon, Associate Planner

APPLICATIONS: CPA2009-0017
(SW 99th Ave./Pine Villa Apts. Land Use Map
Amendment)
ZMA2009-0009
(SW 99th Ave./Pine Villa Apts. Zoning Map Amendment).

LOCATION: SW 99th Avenue in east Beaverton approximately 250 feet
north of Beaverton Hillsdale Hwy. The parcel is identified as
tax lot 1S114BA07000.

**NEIGHBORHOOD
ASSOCIATION:** Denney Whitford/Raleigh West Neighborhood Association
Committee

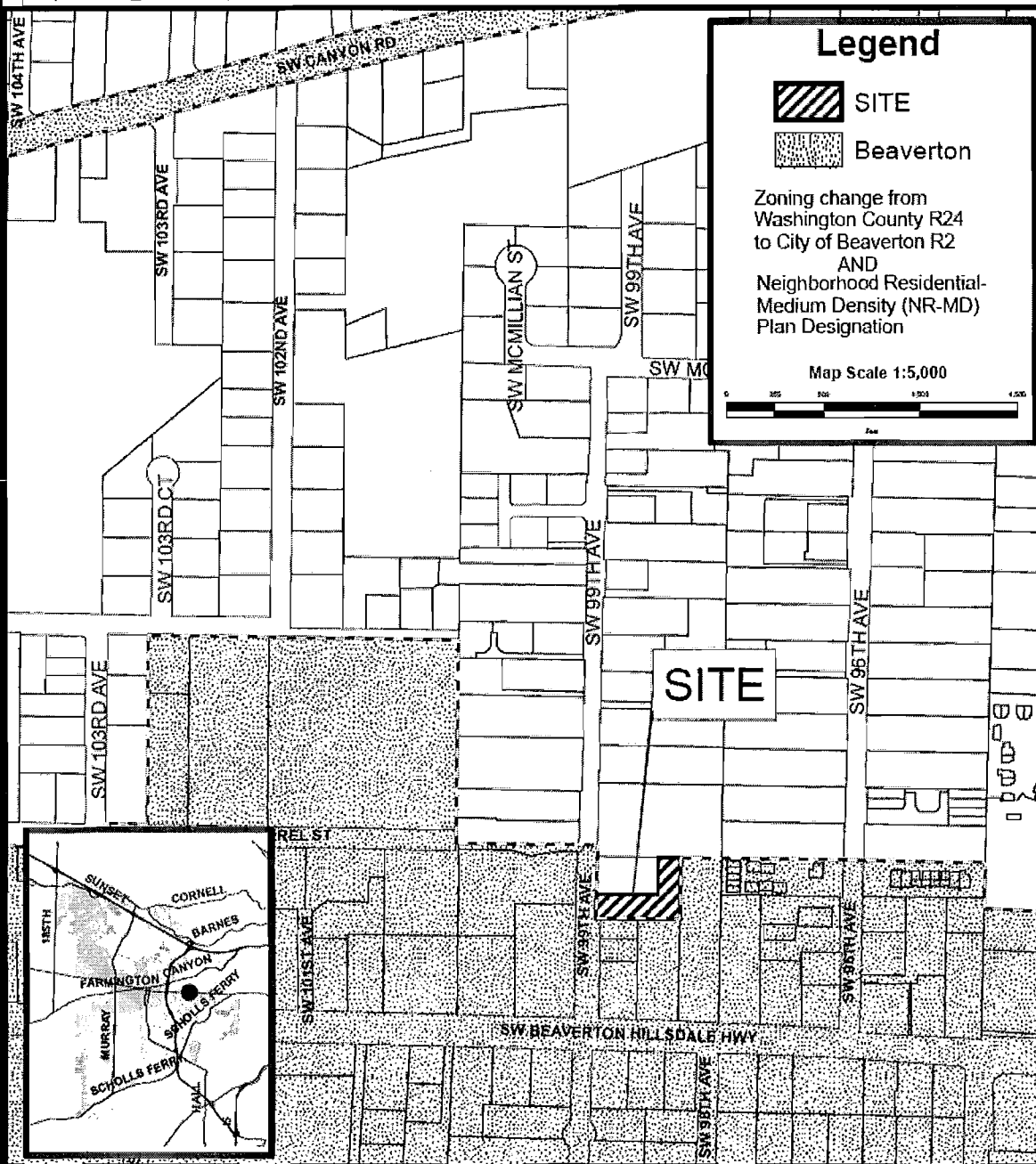
REQUEST: Apply the City's Neighborhood Residential Medium Density
(NR-MD) land use designation and the City's Urban Medium
Density R-2 zoning designation to the subject parcel.

APPLICANT: City of Beaverton Community Development Director

**APPROVAL
CRITERIA:** Comprehensive Plan Section 1.5.2 and the Development
Code Section 40.97.15.3.C

RECOMMENDATION: **Staff recommends the City Council adopt an ordinance
applying the Neighborhood Residential Medium Density
(NR-MD) land use designation and the City's Urban
Medium Density R-2 zoning designation to the subject
parcel effective upon the parcel's annexation.**

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City of Beaverton

SW 99TH AVE. / PINE VILLA APARTMENTS
COMPREHENSIVE PLAN AMENDMENT/ ZONE MAP AMENDMENT

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

N

Tax Lot #
1S114BA07000

Application #
CPA2009-0017
ZMA2009-0009

BACKGROUND

CPA2009-0017 proposes amendment of the Land Use Map and ZMA2009-0009 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning designations to the subject parcel which is currently annexing into the City. The parcel currently carries the Washington County R-24 (Residential 24 Units per Acre) designation, as depicted on the County's *Raleigh Hills – Garden Home Community Plan Map*.

EXISTING CONDITIONS

Uses. Staff conducted a field survey and observed that the parcel supports a six-unit residential complex. The building was recently renovated to add two units and expand the existing parking area. The construction work was permitted under Washington County's permitting process.

Character. The property is located approximately 250 feet north of SW Beaverton Hillsdale Highway on east side of SW 99th Avenue. The segment of street adjacent to the property is a City maintained street classified on the City's Functional Classification Map as a local street. The property extends back from the street allowing the apartment complex a perpendicular orientation to the street and parking to be located at the rear of the property.

Natural Resources. An open trench terminates the eastern edge of the property and is directed underground. Storm water is thereby forced underground and extends westward 250 feet to reemerge west of SW 99th Ave. Washington County's *Raleigh Hills / Garden Home Community Plan Map* does not depict any significant natural resources on the subject parcel.

ANALYSIS

COMPATIBILITY OF LAND USE DESIGNATIONS

City of Beaverton Neighborhood Residential - Medium Density land use designation. Section 3.13 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* details the City's residential land use designations. One goal is identified for the Standard Density Residential designation, as follows:

"3.13.4 Goal: Establish Medium Density Residential areas to allow single family attached and detached, and multiple-family developments."

The policies of Section 3.13.4 include a directive that the City "[a]pply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix." The proposal is to apply the City's Neighborhood Residential – Medium Density plan designation and to apply the appropriate zone for the property consistent with the Zoning District Matrix.

COMPATABILITY OF ZONING DISTRICTS

The implementing zoning districts for the City's Neighborhood Residential-Medium Density (NR-MD) Comprehensive Plan designation are R-4, R-3.5, and R-2. In many cases where commercial zoning designations are applied to properties adjacent to major arterials, medium residential zoning is applied to adjacent parcels in order to provide a gradual transition in residential density from high to low. Such is the case in the area adjacent to the subject parcel. Neighboring parcels both to the east and west of the parcel carry either the City's R-2 zone or Washington County's R-24 zoning (which as previously stated approximates the City's R-2 density allowance). The proposal to apply the City's R-2 zoning is therefore compatible with existing zoning in the area.

Washington County R-5 District designation. The subject parcel is designated R-24 on the County's *Raleigh Hills – Garden Home Community Plan*. Section 302-6 of the *Washington County Community Development Code* states that;

The intent and purpose of the R24 District is to implement the policies of the Comprehensive Plan for areas designated for residential development of no more than twentyfour (24) units per acre and no less than nineteen (19) units per acre, except as otherwise specified by Section 3002 or Section 3005

The excerpt below, from the Washington County – Beaverton Urban Planning Area Agreement (UPAA), specifies that the County's R-24 land use designation is equivalent to the City's R-2 zoning designation.

WASHINGTON COUNTY – BEAVERTON URBAN PLANNING AREA AGREEMENT		
EXHIBIT "B"		
CITY – COUNTY LAND USE DESIGNATION EQUIVALENTS		
COUNTY	BEAVERTON	
<u>Plan/Zoning</u>	<u>Plan</u>	<u>Zoning</u>
R-24	NR-MD	R-2

Summary. The UPAA specifies application of the City's NR-MD Plan designation and R-2 Zone for the subject parcel. The designations specified in the UPAA are consistent with the City's planning goals and policies, compatible with zoning applied to adjacent properties, and conform with specifications in the Comprehensive Plan and Zoning District Matrix.

COUNTY RESPONSIBILITY TO NOTIFY

Special Policy II.A of the UPAA states in part, "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine

whether CITY adoption is appropriate and act accordingly.” The County has not advised the City of adopted policies which may apply to the annexed area.

PROCESS

THRESHOLD

The subject property is designated on the County’s *Raleigh Hills – Garden Home Community Plan Map* as R-24, which, in a non-discretionary process, requires implementation of the City’s R-2 zoning designation under the *Urban Planning Area Agreement* (UPAA).

Comprehensive Plan Process. Due to annexation of the subject parcel and the non-discretionary nature of the proposal, review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Non-Discretionary Amendment per *Comprehensive Plan* Section 1.3.

Development Code Process. Due to annexation of the subject parcel and the non-discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Non-Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.3.A, which states that, “An application for Non-Discretionary Annexation Related Zoning Map Amendment shall be required when the following thresholds apply:

1. “The change of zoning to a City zoning designation as a result of annexation of land into the City.”
2. “The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion.”

Thresholds 1 and 2 above both apply to the proposal.

SUBMISSION REQUIREMENTS

According to Development Code Section 40.97.15.3.D, “An application for a Non-Discretionary Annexation Related Zoning Map Amendment may be initiated by the pursuant to Section 10.40 after:

2. *The submittal of a valid annexation petition;*

The proposal to annex the subject property was owner initiated with consent of the property owner and electors under ORS 222.125, and an annexation petition was submitted. First reading to consider annexation of the subject property is scheduled on the Council’s February 22nd 2010 agenda with the second reading scheduled for March 1st, 2010. This proposal to assign plan and zone designations to the property will occur concurrently with the annexation proposal. Proposed plan and zone amendments will be contingent upon annexation of the subject parcel.

PUBLIC NOTICE

Section 1.4.3.A of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice for Non-Discretionary Annexation Related Comprehensive Plan Map Amendments must be provided, as indicated below, not less than twenty (20) and not more than forty (40) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice was published in the Beaverton Valley Times on January 28, 2010.
2. Notice was mailed to the Denney Whitford / Raleigh West Neighborhood Association Committee, West Slope / Raleigh Hills / Garden Home Citizen Participation Organization (CPO 3), Chair of the Committee for Citizen Involvement (CCI), the Washington County Department of Land Use and Transportation (DLUT), and to the subject property owner on January 25, 2010.
3. Notice was posted on the City's website on January 25, 2010.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above. The notice requirements for this CPA/ZMA have been met.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.5.2.A specifies that non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement. Findings to address Comprehensive Plan sections which address Statewide Planning Goals and Metro Urban Growth Regional Framework Plan criteria are therefore regarded as not applicable to this proposal.

ZONING MAP AMENDMENT CRITERIA

Development Code Section 40.97.15.3.C., which contains Non-Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"In order to approve a Non-Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:"

1. *The proposal satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.*

Section 40.97.15.3.A. Threshold, states:

An application for Annexation Related Zoning Map Amendment shall be required when one or more of the following thresholds apply:

1. The change of zoning to a City zoning designation as a result of annexation of land into the City.
2. The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion.

The zone change is requested in order to apply City land use and zoning to the subject parcel in the process of annexing into the City. The parcel carries the Washington County R-24 designation, as depicted on the County's *Raleigh Hills – Garden Home Community Plan Map*.

As noted in the Process section of this report, the UPAA specifies a City R-2 zoning designation for the County R-24 designation. Therefore, no discretion is required in determining the appropriate zoning designation.

Finding: Staff finds that the request satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.

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

The City is assuming the role of the applicant in this proposed zoning map amendment. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

Finding: Staff finds that this criterion is not applicable.

3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

Development Code Section 50.25.1 states, "Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." The owner of the subject property signed an agreement to annex into the City on 1/16/09 and petitioned to annex with the consent of at least one half of the electors residing on the property (as required under ORS 222.125) on 11/4/09. City Council will consider approval of the owner-initiated annexation on February 22, 2010 concurrent with this proposal.

Approval of this proposal is contingent upon annexation approval of the subject property.

Finding: Staff finds that the request satisfies the application submittal requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.

4. *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.*

As noted in the Analysis section of this report, the UPAA is specific with regard to the proposed amendment indicating that Washington County R-24 zone is consistent and compatible with to City R-2 zone.

Finding: The R-2 zoning district is specified by, and is therefore consistent with the Washington County – Beaverton UPAA.

5. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in proper sequence.*

No further applications and documents are required in relation to the subject request.

Finding: Staff find that this criterion is not applicable.

CONCLUSION

Based on the facts and findings presented, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Neighborhood Residential – Medium Density (NR-MD) land use designation and amending the City's Zoning Map to depict the City's Urban Medium Density R-2 zoning district is appropriate for the subject parcel and is consistent with the Washington County – Beaverton Urban Planning Area Agreement.