



Oregon

Theodore R. Kubongski, 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

7/1/2010

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 002-10

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, July 16, 2010

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 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: Ken Rencher, City of Beaverton
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> N



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

JUN 24 2010

LAND CONSERVATION AND DEVELOPMENT
For Office Use Only

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

Jurisdiction: **City of Beaverton**

Local file number: **TA2010-0001**

Date of Adoption: **6/21/2010**

Date Mailed: **6/24/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **3/12/2010**

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 adopted text amendment modifies the section of the Development Code that allows Lane Use Decisions to be extended. Currently the Code allows approvals to be extended twice. The first time requires an administrative process with public notices; the second time requires a quazi-judicial process with public notice. This amendment allows both extension requests to go through an administrative process. It also allows Tree Plan applications to be extended.

Does the Adoption differ from proposal? Please select one

No, no explanation necessary

Plan Map Changed from: **n/a**

to:

Zone Map Changed from: **n/a**

to:

Location: **n/a**

Acres Involved:

Specify Density: Previous: **n/a**

New:

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

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 002-10 (18177) [16190]

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

Local Contact: Jana Fox

Phone: (503) 526-3710 Extension:

Address: PO Box 4755

Fax Number: 503-526-3720

City: Beaverton

Zip: 97076

E-mail Address: jfox@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 5:
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. 4544

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, TA 2010-0001,
EXTENSION OF APPLICATION APPROVALS
AMENDMENT

- WHEREAS,** in March 2010, the City of Beaverton Community Development Department staff submitted a proposed text amendment to Chapter 50 (Procedures) to revise the provisions applicable to extending land use approvals; and
- WHEREAS,** the Planning Commission conducted a public hearing on May 5, 2010, 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 May 5, 2010, 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. 2196; and
- WHEREAS,** no appeal of the Planning Commission recommendation was filed with the City; and
- WHEREAS,** the Council adopts and incorporates herein the Planning Division Staff Report dated April 28, 2010, and Planning Commission Land Use Order No. 2196 as the applicable criteria and finding which constitute an adequate factual basis for this ordinance. Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

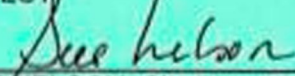
- Section 1.** Ordinance No. 2050, the Development Code is amended to read as set out in Exhibit "A" to this Ordinance attached to and incorporated herein by this reference.

First reading this 7th day of June, 2010.

Passed by the Council this 21st day of June, 2010.

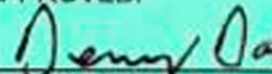
Approved by the Mayor this 22nd day of June, 2010.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



DENNY DOYLE, Mayor

EXHIBIT A

Ord. No. 4544

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 **50.93. Extension of a Decision**
6

- 7 1. An application to extend the expiration date of a decision made
8 pursuant to this Code may be filed only before the decision expires as
9 provided in Section 50.90 or before the decision expires as provided in
10 the appropriate subsection of the specific application contained in
11 Chapter 40 (Applications).
12
- 13 2. The following land use decisions are not subject to extensions of time:
14 Director's Interpretation (Section 40.25), Home Occupation (Section
15 40.40), Loading Determination (Section 40.50), Parking Requirement
16 Determination (Section 40.55.15.1), Shared Parking (Section
17 40.54.15.2), Use of Excess Parking (Section 40.54.15.3), Sign (Section
18 40.60), Solar Access (Section 40.65), Temporary Mobile Sales (Section
19 40.80.15.1), Temporary Non-Mobile Sales (Section 40.80.15.2), ~~all~~ Tree
20 ~~Plan (Section 40.90)~~, and all Zoning Map Amendment (Section 40.97)
21 applications.
22
- 23 3. A land use decision may be extended no more than two (2) times.
24
- 25 4. Extensions of a land use decision for an application not listed in
26 Section 50.93.2 may be granted as follows:
27
- 28 A. ~~For the initial extension of time, the extension may be granted~~
29 ~~for a period of time not to exceed two (2) years, will be subject to~~
30 ~~a Type 2 review procedure, and must be found to be consistent~~
31 ~~with the approval criteria listed in Section 50.93.6.~~
32
- 33 B. ~~For the second and final extension of time, the extension may be~~
34 ~~granted for a period of time not to exceed two (2) years, will be~~
35 ~~subject to a Type 3 review procedure before the Planning~~
36 ~~Commission or Board of Design Review as determined by the~~
37 ~~Director, and must be found to be consistent with the approval~~
38 ~~criteria listed in Section 50.93.6.~~
39
- 40 5. Extension requests shall provide mailed ~~be subject to the following~~
41 ~~noticing requirements:~~
42
- 43 A. ~~For the initial extension of time, public notice shall be mailed to~~
44 ~~those parties identified in Section 50.40.2. In addition, the~~

EXHIBIT A

1 notice shall be mailed to the parties of record contained in the
2 initial land use decision and any prior.

3
4 ~~B. For the second and final extension of time, public notice shall be~~
5 ~~mailed to those parties identified in Section 50.45.2. In~~
6 ~~addition, the notice shall be mailed to the parties of record~~
7 ~~contained in the initial extension of time decision.~~
8

9 6. In order to approve an extension of time application, the decision
10 making authority shall make findings of fact based on evidence
11 provided by the applicant demonstrating that all the following criteria
12 are satisfied: [ORD 4365; September 2005]

13
14 A. It is not practicable to commence development within the time
15 allowed for reasons beyond the reasonable control of the
16 applicant.

17
18 B. There has been no change in circumstances or the applicable
19 regulations or Statutes likely to necessitate modification of the
20 decision or conditions of approval since the effective date of the
21 decision for which the extension is sought.

22
23 C. The previously approved land use decision is not being modified
24 in design, use, or conditions of approval.
25
26
27
28
29
30
31

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



UNITED STATES
POSTAL SERVICE
\$ 00.72⁰
02 14 JUN 25 2010
0094375531
MAILED FROM ZIP CODE 97005



City of Beaverton
Community Development Department
4755 S.W. Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

TO:

**ATTENTION: PLAN AMENDMENT
SPECIALIST
DEPARTMENT OF LAND
CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540**

DDARMMF 97301