



# 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

03/14/2012

**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 005-11

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:** Thursday, March 29, 2012

This amendment was submitted to DLCD for review 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 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:** Leigh Crabtree, City of Beaverton  
Angela Lazarean, DLCD Urban Planner  
Anne Debbaut, DLCD Regional Representative

Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

**DEPT OF**

**MAR 9 2012**

**LAND CONSERVATION AND DEVELOPMENT**

DATE STAMP

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: **CPA2011-0003**

Date of Adoption: **3/5/2012**

Date Mailed: **3/8/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 10/20/2011

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".

Implement City of Beaverton COR (Corridor) & NR-HD (Neighborhood Residential High Density) land use designation over seven (7) properties, listed as follows by Tax Lot ID (Existing Washington County Land Use Districts): 1S102B000400 (TO:R24-40), 1S102BB07200 (TO:R24-40), 1S103A001600 (TO:RC), 1S103A001700 (TO:RC), 1S103A002100 (TO:R24-40), 1S103A002300 (TO:R24-40, TO:R40-80), 1S103AB00200 (TO:R12-18, TO:R24-40) Associated proposals with separate DLCD noticing: ZMA2011-0003, ZMA2011-0002, CPA2011-0002

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **TO:RC, TO:R12-18,R24-40,R40-80** to: **Corridor, Neighborhood Residential**

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: **Barnes Rd, Valeria View to west of Cedar Hills; 1S1W03** Acres Involved: **75**

Specify Density: Previous: **934 to 1,906**

New: **984 to 3,268**

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...

35-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.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:  
ODOT, Metro, Washington County

Local Contact: **Leigh M Crabtree**

Phone: **(503) 526-2458** Extension: \_\_\_\_\_

Address: **475 SW Griffith Dr, POBox4755**

Fax Number: **503-526-3720**

City: **Beaverton**

Zip: **97076-4755**

E-mail Address: **lcrabtree@beavertnoregon.gov**

DLCD File No. 005-11 (19024) [16961]

ORDINANCE NO. 4581

**AN ORDINANCE AMENDING ORDINANCE 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP TO APPLY THE CITY'S CORRIDOR PLAN DESIGNATION TO THREE PARCELS AND THE CITY'S NEIGHBORHOOD RESIDENTIAL HIGH DENSITY PLAN DESIGNATION TO FOUR PARCELS LOCATED NORTH OF HIGHWAY 26, SOUTH OF FOEGE PARK, FROM WEST OF CEDAR HILLS BOULEVARD TO VALERIA VIEW DRIVE IN NORTHERN BEAVERTON, CPA 2011-0003**

**WHEREAS,** the Council finds that pursuant to Comprehensive Plan Section 1.4.2., the City provided the required notice of a Planning Commission initial hearing to consider this map amendment (CPA); and,

**WHEREAS,** the Planning Commission conducted a public hearing on December 7, 2011, to consider the proposed amendment, the submitted staff report and exhibits, three supplemental memoranda, and written and oral testimony provided at the hearing; and

**WHEREAS,** the Planning Commission after that hearing recommended that the Council adopt the proposed CPA, as per the Commission's Land Use Order No. 2275, dated December 15, 2011; and

**WHEREAS,** an appeal of the Planning Commission's recommendation was filed on December 27, 2011; and

**WHEREAS,** the City Council conducted a public hearing on February 7, 2012, to consider an appeal of the Planning Commission's recommendation, the record of the Planning Commission hearing, the submitted staff report and exhibits, one memorandum, written testimony provided from January 31, 2012 through February 7, 2012, revisions to the proposed Development Code text, Peterkort Area Frequently Asked Questions, Peterkort History, Peterkort Fast Facts, Peterkort Community Concerns, and the written and oral testimony submitted at the hearing; and

**WHEREAS,** the Council finds that the criteria for this decision and the findings in support of that criteria are as shown in the staff report of November 30, 2011, a memorandum of December 5, 2011, two memoranda of December 7, 2011, the Planning Commission's Land Use Order No. 2275 of December 15, 2011, the staff report of January 31, 2012, the revised Development Code text, the matters submitted for the record between the time of the Commission's order and the Council hearing on the appeal, and the supplemental findings attached to this Ordinance as Exhibit "B" and incorporated by this reference; 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 1S103A001600,

1S103A001700 and 1S103AB00200 Corridor, as shown on Exhibit "A" attached to this Ordinance and incorporated by this reference.

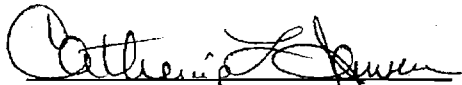
**Section 2.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties on Map and Tax Lot 1S102B000400, 1S102BB07200, 1S103A002100 and 1S103A002300 Neighborhood Residential High Density, as shown on Exhibit "A" attached to this Ordinance and incorporated by this reference.

First reading this 28th day of February, 2012.

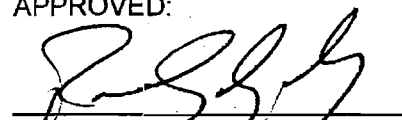
Passed by the Council this 5th day of March, 2012.

Approved by the Mayor this 6th day of March, 2012.

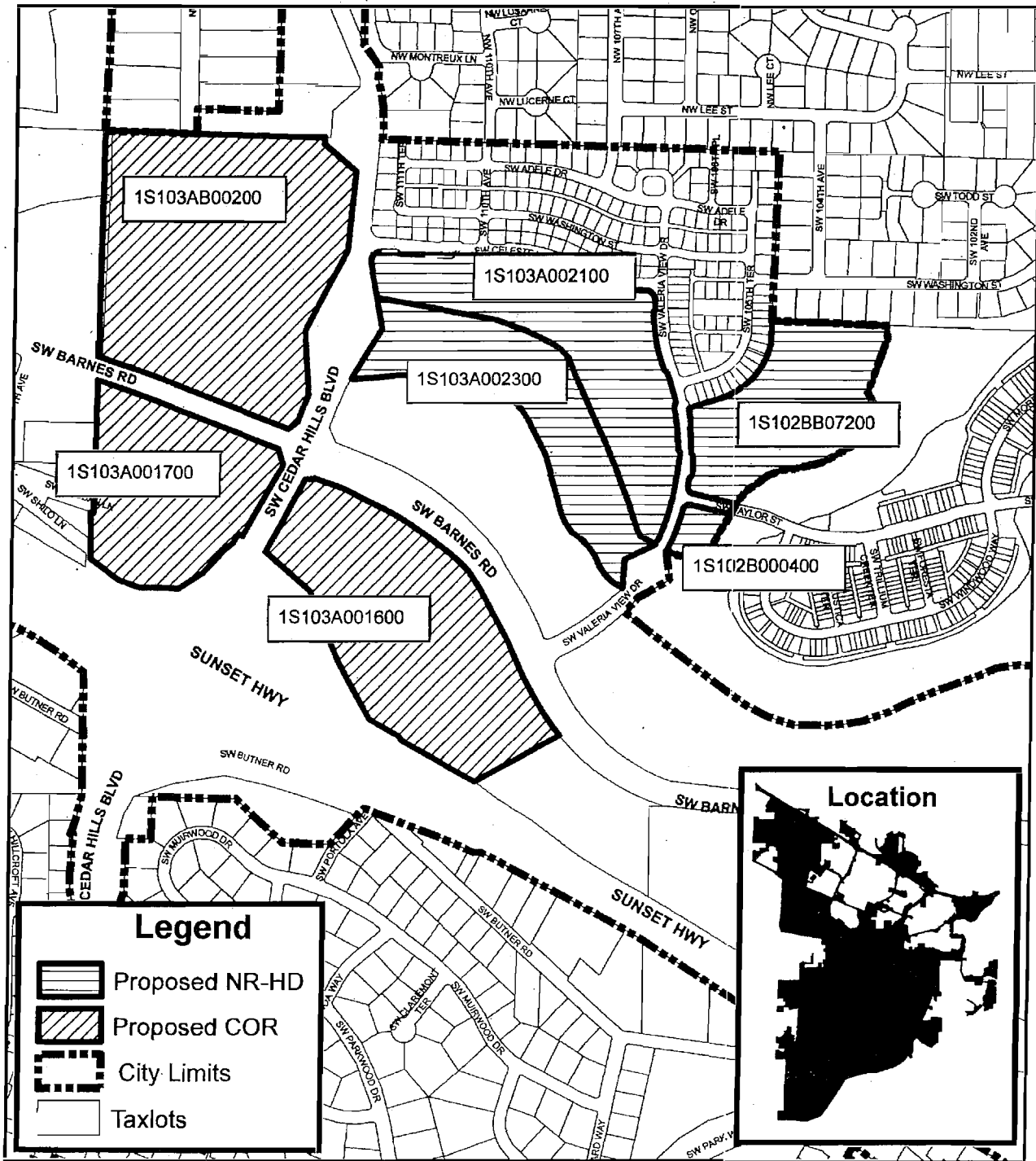
ATTEST:

  
CATHY JANSEN, City Recorder

APPROVED:

  
DENNY DOYLE, Mayor by  
RANDY EALY, Mayor Pro Tem

## VICINITY MAP PROPOSED CITY LAND USE



**PETERKORT CPA2011-0003  
PROPOSED COMP PLAN MAP CHANGE**

**COMMUNITY AND ECONOMIC DEVELOPMENT  
Planning Division**

11/9/11

Tax Lot #'s  
VARIOUS



Application #  
CPA/ZMA2011-0003

# EXHIBIT B

Ord. No. 4581

## SUPPLEMENTAL FINDINGS ON APPEAL

### CPA2011-0003, ORDINANCE NO. 4581

The matter came before the City Council on February 7, 2012, for public hearing on an appeal of the Planning Commission's Recommendation to Approve CPA2011-0003 (Peterkort Corridor and Neighborhood Residential Comprehensive Plan Amendment). The Notice of Appeal contends that the Comprehensive Plan amendment does not satisfy Comprehensive Plan Chapters 3, 5, 6, and 9 regarding Metro's Urban Growth Management Functional Plan Titles 1, 6, 7, and 12. The appellant also alleged that Statewide Planning Goal 2 was not being met as adequate public involvement was not provided.

The City Council adopts the following supplemental findings in support of its decision to deny the appeal and to enact the Plan amendments in the form of Ordinance 4581.

At the hearing the testimony concerning Comprehensive Plan and Development Code sections cited above, centered instead on the following issues:

*Comprehensive Plan Chapter 3.15, Urban Planning Area Agreement (UPAA)*

The appellants argued that the CPA is not consistent with the UPAA. The Council finds that the UPAA does not provide a "match" between city zoning districts and the county Transit-Oriented plan designations. The City has a two map system, a Land Use Map and a Zoning District Map in which land use designations have correlating zoning districts. The County has only one map addressing land use designations. In the November 30, 2011 Staff Report to the Planning Commission

---

for Chapter 3, staff addressed each of the land use designations in the City and adequately identified how the Corridor and Neighborhood Residential High Density (NRHD) land use designations would provide correlating zoning districts that most closely approximate density, use provisions and standards of the County's Transit Oriented Land Use district consistent with the UPAA. The Council agrees with the findings provided by staff and find the proposal meets the requirements of Section 3.15 of the City's Comprehensive Plan.

*Adequate Public Involvement:* As to the appellants' arguments that the CPA did not adequately provide for public input as required by Goal 2 of the Statewide Planning Goals, the Council finds that affected state, regional, and local agencies, the local NAC and CPO and the public were notified of the applications consistent with requirements of state law, the City's acknowledged Comprehensive Land Use Plan and its acknowledged Development Code. Further as shown in the Staff Report to City Council dated January 31, 2011, prior to submittal of the land use applications, City staff had been communicating with County staff about the City's work on the subject sites for the last 18 months. Notification to the CPO with regard to this work, prior to the land use application, would be the responsibility of the County as the CPO is a county planning function under County Plan and Code. Adequate time was made available to the County to contact the affected CPOs with regard to the City's work if the County deemed it necessary. The Council find that City's contact of the CPO once the land use applications were submitted met the requirements of Statewide Planning Goal 2.

*Other Appellant Comments.* The appellant contends that Comprehensive Plan Chapters 3, 5, 6, and 9 and Metro's Urban Growth Management Functional Plan Titles 1, 6, 7, and 12 were not satisfied by the proposed amendment. In response the Council cites the supplemental findings for this Ordinance No. 4581, and the findings provided in the Staff Report to City Council dated January 31, 2012 as adequately addressing the appellant's argument with regard to each of those Comprehensive Plan Chapters and Functional Plan Titles.





City of Beaverton  
4755 SW Griffith Drive  
PO Box 4755  
Beaverton, OR 97076



DEPT OF

MAR 09 2012

LAND CONSERVATION  
AND DEVELOPMENT

PLAN AMENDMENT SPECIALIST  
DLCD  
635 CAPITOL STREET NE SUITE 150  
SALEM OR 97301-2540