



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

04/02/2013

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 003-13

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: Tuesday, April 16, 2013

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: Cassera Phipps, City of Beaverton
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> N



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-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

DATE
STAMP

DEPT OF

MAR 27 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Beaverton**Local file number: **CPA2012-0012**
ZMA2012-0014Date of Adoption: **3/20/2013**Date Mailed: **3/26/2013**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".

Amend the Comprehensive Land Use Map to Neighborhood Residential - Standard Density (NR-SD) and Zoning Map to R7 (Urban Standard Residential Density) for the property located at 215 SW Murray Blvd, concurrent with annexation to the City of Beaverton to provide City Zoning and Land Use consistent with the adopted UPA with Washington County

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

Plan Map Changed from: **Washington County R5** to: **City of Beaverton NR-SD**Zone Map Changed from: **Washington County R5** to: **City of Beaverton R7**Location: **215 SW Murray Boulevard**Acres Involved: **0.11**Specify Density: Previous: **5 d.u./acre**New: **5 d.u./acre**

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:

Washington County, Metro

Local Contact: **Cassera Phipps**

Phone: **(503) 526-2247** Extension:

Address: **PO Box 4755**

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

City: **Beaverton**

Zip: **97076-**

E-mail Address: **cphipps@beavertonoregon.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 4602

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP TO APPLY THE CITY'S NEIGHBORHOOD RESIDENTIAL-STANDARD DENSITY (NR-SD) DESIGNATION AND ORDINANCE NO. 2050, THE ZONING MAP, TO APPLY THE CITY'S URBAN STANDARD DENSITY (R7) ZONE TO ONE PARCEL LOCATED AT 215 SW MURRAY BOULEVARD. CPA 2012-0012 / ZMA 2012-0014, CITY OF BEAVERTON APPLICANT

- WHEREAS,** a proposal to annex the subject properties into the City of Beaverton was considered and approved by City Council on January 8, 2013; 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 No. 4187, Section 1.4.3.B.6, and Ordinance No. 2050, Section 40.97.15.C, the Beaverton Community and Economic Development Department, on December 28, 2012, 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 January 8, 2013; and
- WHEREAS,** the City Council adopts as to criteria, facts and findings described in Community and Economic Development Department staff report on CPA2012-0012 / ZMA2012-0014, dated December 19, 2012, 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 Tax Lot 1S104BA08500 Neighborhood Residential-Standard Density, as shown on Exhibit "A".
- Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate Tax Lot 1S104BA08500 Urban Standard Density (R7) 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 8th day of January, 2013.

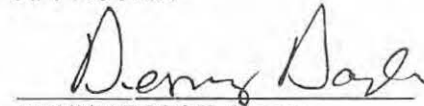
Passed by the Council this 19th day of March, 2013.

Approved by the Mayor this 20th day of March, 2013.

ATTEST:


CATHY JANSEN, City Recorder

APPROVED:


DENNY DOYLE, Mayor

VICINITY MAP

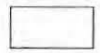
EXHIBIT "A"



Legend



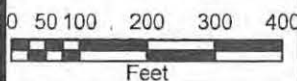
SITE



Taxlots



Beaverton



Feet

ZONING
 FROM: WASHINGTON COUNTY R5
 TO: CITY OF BEAVERTON
 URBAN STANDARD DENSITY (R7)

LAND USE
 FROM: WASHINGTON COUNTY R5
 TO: CITY OF BEAVERTON
 NEIGHBORHOOD RESIDENTIAL-
 STANDARD DENSITY (NR-SD)

Location



215 SW MURRAY BLVD NORRIS
COMP PLAN MAP AND ZONING MAP AMENDMENT
COMMUNITY AND ECONOMIC DEVELOPMENT
 Planning Division

12/03/2012

Tax Lot #

1S104BA08500

Application #

CPA2012-0012

ZMA2012-0014



EXHIBIT B

STAFF REPORT

TO: City Council

AGENDA DATE: January 8, 2013 **REPORT DATE:** December 19, 2012

FROM: Cassera Phipps, Assistant Planner

APPLICATIONS: CPA2012-0012 (215 SW Murray Boulevard
(Norris Annexation Related Land Use Map Amendment)

ZMA2012-0014 (215 SW Murray Boulevard
(Norris Annexation Related Zoning Map Amendment)

LOCATION: The subject parcel is located on the west side of SW Murray Boulevard, north of the intersection at SW Linda Lane. The parcel is addressed as 215 SW Murray Boulevard and is also identified as tax lot number 8500 on Washington County's Tax Assessors tax map 1S104BA.

NEIGHBORHOOD ASSOCIATION: The property is proposed to be annexed to the City of Beaverton Five Oaks/Triple Creek Neighborhood Association Committee (NAC) from Washington County's Citizen Participation Organization (CPO) 1 in a concurrent process.

REQUEST: Apply the City's Urban Standard Density (R7) zoning designation and the City's Neighborhood Residential-Standard Density (NR-SD) land use designation to the subject parcel. The UPAA designates that properties with the Washington County R5 designation be rezoned to the most similar City zone, which is Urban Standard Density (R7). The Neighborhood Residential-Standard Density land use designation is the only designation that implements the R7 zone.

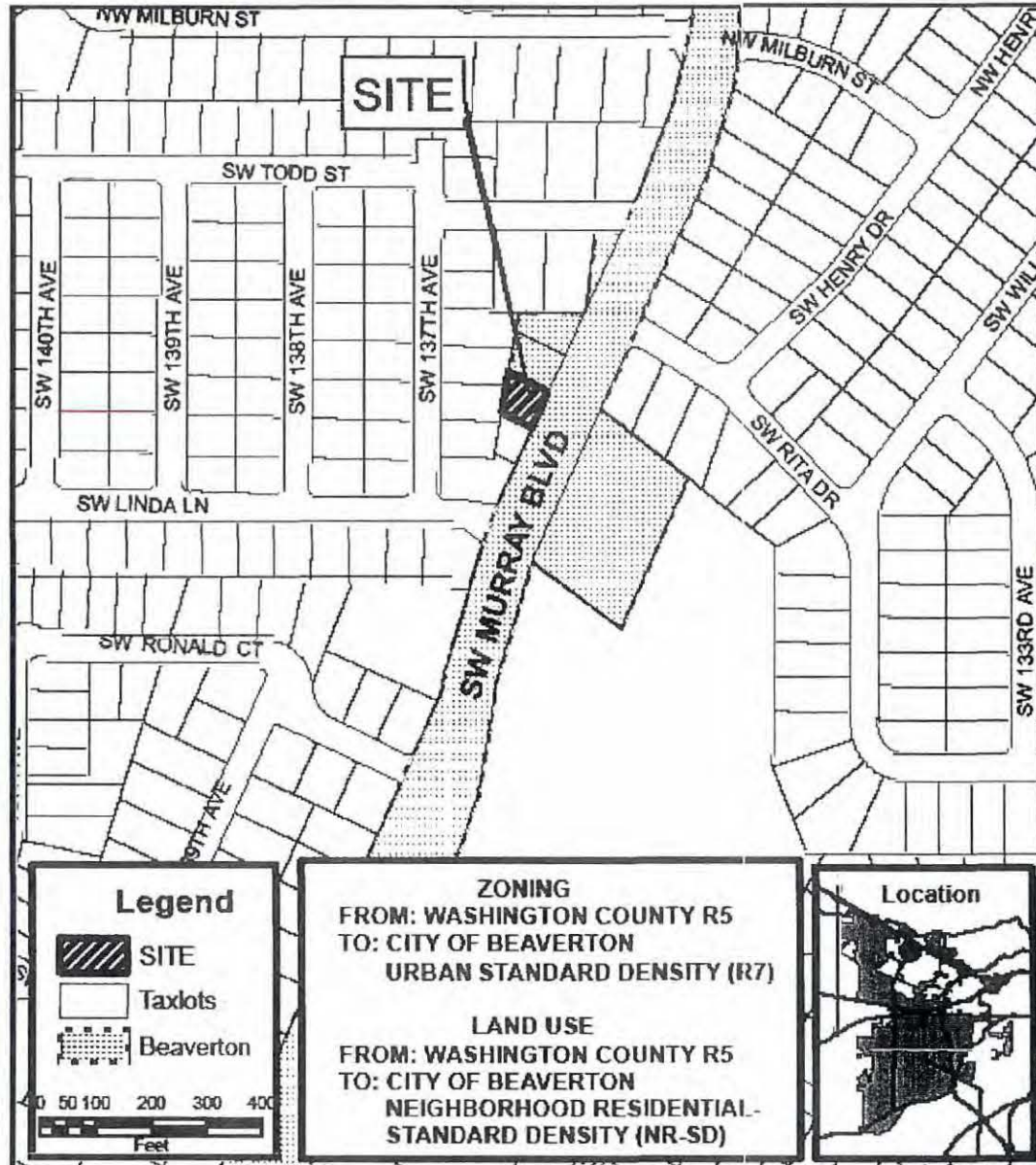
APPLICANT: City of Beaverton Community and Development Economic Director

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-Standard Density (NR-SD) land use designation and the Urban Standard Density (R7) zoning designation* to the subject parcel effective 30 days after adoption of the proposed ordinance or upon the effective date of the related annexation – whichever occurs later.

VICINITY MAP

EXHIBIT "A"



<p>Beaverton The Better Oregon</p>	<p>215 SW MURRAY BLVD NORRIS COMP PLAN MAP AND ZONING MAP AMENDMENT COMMUNITY AND ECONOMIC DEVELOPMENT Planning Division</p>	<p>12/03/2012 N Tax Lot # 15104BA08500 Application # CPA2012-0012 ZMA2012-0014</p>
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BACKGROUND

CPA2012-0012 proposes amendment of the Land Use Map and ZMA2012-0014 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning to the subject parcel, which is being annexed into the City through a separate process. The parcel currently carries Washington County's R5, designation, as depicted on the County's *Cedar Hills – Cedar Mill Community Plan Map*.

EXISTING CONDITIONS

Uses. The parcel is currently undeveloped. The property owner has received permits from Washington County to construct a detached dwelling on the subject site. The property owner requests access to a City maintained sewer line located under SW Murray Boulevard, which in accordance with City policy requires annexation into the City.

Character. The property is located west side of SW Murray Boulevard, north of the intersection at SW Linda Lane. This parcel is approximately 0.11 acres in size, which is sufficient space to support a detached single family dwelling.

Natural Resources. The Washington County *Cedar Hills – Cedar Mill Community Plan Significant Natural and Cultural Resources Map* does not identify natural or cultural resources on the subject site.

ANALYSIS

COMPATIBILITY OF LAND USE DESIGNATIONS

City of Beaverton Standard Density land use designation. Section 3.13.3 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* addresses the City's Neighborhood Residential-Standard Density (NR-SD) land use designations. The goals and related policies for the NR-SD designation are relevant to this proposal. It is as follows:

"3.13.3 Goal: Establish Standard Density Residential areas to provide moderate sized lots for typical single family residences with private open space."

The policies of Section 3.13.3 include the following:

- a) *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix to allow a variety of housing choices.*

This proposal is to apply the City's NR-SD plan designation to property which is being annexed to the City of Beaverton. This proposal also includes the recommendation that the City apply its Urban Standard Density (R7) zoning to the property in complying with UPAA provisions, which requires rezoning to the most similar zoning designation.

Correlation of the R7 zone with the NR-SD plan designation for the subject parcel complies with the provisions contained in subsection 3.14 Comprehensive Plan and Zoning District Matrix.

For the reasons specified above, assignment of the NR-SD designation to the subject parcel will implement the City's Comprehensive Plan goals and policies.

COMPATABILITY OF ZONING DISTRICTS

The subject property carries Washington County's R5 zoning. The Washington County-Beaverton UPAA identifies the County's R5 zone as appropriate for rezoning to the most similar zone, which is the City of Beaverton Urban Standard Density (R7) zone. A matrix of City-County land use equivalents appears as Exhibit B in the UPAA and occupies Section 3.15 of the City's Comprehensive Plan. The portion of that matrix pertinent to this proposal is provided below.

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>
Residential 5 u/ac	NR-SD	R-7

Compatibility between these zone classifications can be summarized as follows:

Washington County R5 / City of Beaverton Urban Standard Density R7 district designation comparison.

Section 302-1 of the *Washington County Community Development Code* states that;

"The R-5 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than five (5) units per acre and no less than four (4) units per acre..."

The City's R7 zone allows for detached dwellings, with a minimum land area of 7,000 square feet per lot. All future changes to the subject site must comply with the City of Beaverton Development Code. The City's R7 zone does not specify a maximum permitted lot size and allows for the maximum building height allowance that is equal to the Washington County R5 zone.

The property owner has received permits from Washington County to begin construction of a single family residence on the subject site. The City will enter into an Intergovernmental Agreement with Washington County that will allow the property owner to complete construction of the approved structure with the County after the annexation becomes effective. All future changes to the subject site must comply with the City of Beaverton Development Code.

Summary. For the subject parcel, the UPAA specifies that the City's most similar zoning designation and the corresponding land use designation should be applied to the subject parcels. By doing so, the proposal is consistent with the City's planning goals and policies, as indicated above, and conforms to 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." Washington County was sent notice of the proposal on December 6, 2012. The County has not advised the City of adopted policies which may apply to the subject area.

The *Cedar Hills – Cedar Mill Community Plan* does not identify the subject parcel as part of an Area of Special Concern.

It should be noted that SW Murray Boulevard is a Washington County facility and as such, access standards pertaining to this area of the street are under the control of Washington County.

PROCESS

THRESHOLD

The subject parcel is designated on the County's *Cedar Hills – Cedar Mill Community Plan* Map as R5, which in a non-discretionary process requires implementation of the City's zoning "which most closely approximate the density, use provisions and standards of the county designations" under the *Urban Planning Area Agreement* (UPAA). In this case, the most similar City zone is Urban Standard Density (R7). The Neighborhood Residential-Standard Density (NR-SD) land use designation is the only land use designation which implements the R7 zoning designation.

Comprehensive Plan Process. Non-discretionary annexation related amendments to the Comprehensive Plan Land Use Map add annexed property to the Map with a Land Use Map designation assigned through direct application of the UPAA. The UPAA states that the appropriate City of Beaverton Land Use designation for the subject property is the one which is shown on the plan for the zoning designation. In this case the UPAA states that property with the Washington County R5 designation should be zoned to the most similar zone, R7. The Neighborhood Residential-Standard Density (NR-SD) is the Land Use designation for which the R7 is an implementing zone and is therefore the appropriate designation for the subject site. The proposed plan map amendment satisfies the Non-Discretionary Annexation Related threshold requirements and no interpretation or exercise of discretion is necessary to identify NR-SD as the appropriate plan designation for the property.

Development Code Process. Due to the zoning and land use designations being called out in the County's *Cedar Hills – Cedar Mill Community Plan*, 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."

The subject property is being concurrently annexed to the City of Beaverton through a separate process. The UPAA is specific with regard to City Zoning to be applied to the parcel and does not allow discretion. Thus, thresholds 1 and 2 above both apply to the proposal.

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 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 which is concurrently undergoing annexation to the City of Beaverton. The parcel carries the Washington County R5 designation, as depicted on the County's *Cedar Hills – Cedar Mill Community Plan Map*.

As noted in the Process section of this report, the UPAA specifies the City's most similar zoning designation for the County R5 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.***

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Community Development Department, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required.

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 Amendments shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." A valid petition for annexation has been submitted and the annexation is being processed through a separate process.

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 for the proposed amendment. Washington County R5 goes to the most similar zoning designation, which is the R7 zoning designation. The UPAA specifies that Washington County R5 zoning is generally equivalent to City of Beaverton R7 zoning. Both zoning designations allow approximately 5 dwelling units per acre. Therefore, the City of Beaverton R7 zoning designation is the appropriate designation for the subject site according to the UPAA as it is the most similar zoning designation.

Finding: The R7 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 of this request.

Finding: Staff finds 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 Neighborhood Residential-Standard Density (NR-SD) land use designation and amending the City's Zoning Map to depict the Urban Standard Density (R7) zoning district is appropriate for the subject parcel and is consistent with the Washington County – Beaverton *Urban Planning Area Agreement*.



CEDD

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

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

DEPT OF

MAR 27 2013

LAND CONSERVATION
AND DEVELOPMENT

AMBFNAB 97301

