



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

April 26, 2006



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 014-05

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: May 12, 2006

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Alan Whitworth, City of Beaverton

<paa> ya

FORM 2

DLCD 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

(See reverse side for submittal requirements)

DEPT OF

APR 24 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Beaverton

Local File No.: CPA2005-0008/TA2005-0009
(If no number, use none)

Date of Adoption: 04/18/06
(Must be filled in)

Date Mailed: 4/21/06
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 11/03/05

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write See Attached.
Amend the City Comprehensive Plan and Development Code to require new development to annex to the Tualatin Hills Park and Recreation District (THPRD). THPRD is the primary park and recreation provider for the residents of the City of Beaverton and these amendments will require new development to annex to THPRD in order to comply with Statewide Planning Goal 11. Allows a waiver under certain circumstances.

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.

Basically the same with some minor wordsmithing.

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: 1, 2, 8 and 11

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 014-05
(14795)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: X No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: City of Beaverton and Tualatin Hills Park and Recreation District

Local Contact: Alan Whitworth Area Code + Phone Number: 503-350-4039

Address: PO BOX 4755

City: Beaverton Zip Code+4: 97076-4755

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 ANotice of Adoption≅ is sent to DLCD.
6. In addition to sending the ANotice 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 Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4387

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 4187, AS AMENDED, TO CLARIFY THAT THE TUALATIN HILLS PARK AND RECREATION DISTRICT IS THE PRIMARY PARKS AND RECREATION PROVIDER FOR THE CITY OF BEAVERTON; CPA 2005-0008

WHEREAS, the Tualatin Hills Park and Recreation District (THPRD) is the primary parks and recreation provider for the citizens of the City of Beaverton and the City wishes to clarify this in its Comprehensive Plan in part to comply with Statewide Planning Goal 11; and

WHEREAS, pursuant to Section 1.3.5 of the Comprehensive Plan, the Beaverton Planning Services Division on December 23, 2005, published a written staff report and recommendation a minimum of thirty (30) calendar days in advance of the scheduled public hearing before the Planning Commission on January 25, 2006; and

WHEREAS, on January 25, 2006 and February 22, 2006, the Planning Commission conducted a public hearing for CPA 2005-0008; and

WHEREAS, at the conclusion of the February 22, 2006 hearing, the Planning Commission voted to recommend to the Beaverton City Council adoption of the proposed amendment to the Comprehensive Plan as summarized in Planning Commission Order No. 1842; and

WHEREAS, no written appeal pursuant to Section 1.3.6.4 was filed by persons of record for CPA 2005-0008 following the issuance of Planning Commission Order No. 1790; and

WHEREAS, the City Council adopts as to criteria, facts and findings described in Planning Commission Order No. 1842 dated March 13, 2005 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan, as amended, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Comprehensive Plan provisions adopted prior to this Ordinance, which are not expressly amended or replaced herein, shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or part thereof shall not impair or otherwise affect in

any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to affect the evident intent and purposes taken as a whole in so far as reasonably possible under all of the relevant circumstances and facts.

First reading this 10th day of April, 2006.
Passed by the Council this 17th day of April, 2006.
Approved by the Mayor this 18th day of APRIL, 2006.

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor

EXHIBIT A

ORDINANCE NO. 4387

Proposed additions are shown in *bold and italicized type* and deletions are ~~struck through~~.

5.8 PARKS AND RECREATION

Parks and recreation facilities are basic and essential for the health and welfare of the community. The City coordinates the land use aspects of locating these facilities but does not predetermine sites. Location and improvement decisions for these types of facilities are the responsibility of the Tualatin Hills Park and Recreation District (THPRD), *which is the parks and recreation provider for the City of Beaverton.*

As Beaverton and the Metro area become more densely developed, the number, location, size and quality of parks and recreation facilities have become increasingly more important. The demand for these facilities has been brought about in part by a higher standard of living; more leisure time resulting from such things as shorter work weeks, earlier retirement, and increasing life span; higher densities of development and a continuing emphasis on health and exercise. The by-products of urbanization in terms of congestion, air pollution and noise have also created a greater awareness of the need for open space in the urban environment. An adequate park and recreation system contributes to the physical and mental health of the community and can be a source of community pride.

As features in the urban landscape, parks improve the character of neighborhoods and tend to stabilize *and improve* property values. Also, many businesses and industries seek locations with a high level of environmental quality as a means of increasing their ability to attract and retain a stable and productive work force. *THPRD facilities are available to residents of the district, to employees who work in the district and to others by paying an out of district fee.* With improved transportation systems giving greater flexibility for business and industrial site selection, a well-developed park and recreation system can be an important factor in attracting such developments to the community.

THPRD is *a special service district independent from the City* with its own elected five-member Board of Directors and taxing authority. THPRD was established in 1955. THPRD's boundary includes *almost all of the land currently within Beaverton's City limits and* most of Beaverton's ~~assumed~~ Urban Services Area. THPRD, ~~for the most part,~~ has developed ~~its own~~ *an* acquisition and development plan pursuant to the adopted Tualatin Hills Park & Recreation District 20-Year Comprehensive and Trails Master Plans, which are adopted here by reference. In addition to donations and outright purchases, the THPRD works with the City and Washington County through the land development process to obtain sites by dedication.

The THPRD's plan recognizes different types of park and recreation facilities including regional, neighborhood, community and specialty parks, school parks, recreational/aquatic center, multi-use trail system plan, off-street trail corridors and natural areas along streams. These descriptive park designations relate to the function or

character of the parks shown on THPRD's 20-Year Comprehensive Park & Recreation and Trails Master Plans. As the area grows, opportunities will occur in addition to those shown on the plan. Each should be evaluated in terms of conformance with this plan's goals and policies and those of the THPRD 20-Year Comprehensive Park & Recreation and Trails Master Plans.

The City has declared that THPRD is the park and recreation provider for the City. Almost all of the City's current land area is in the district. Statewide Planning Goal 11: Public Facilities and Services requires cities and counties: "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." This requirement for urban areas includes recreation facilities and services. Beaverton has complied with this requirement by cooperating and coordinating with THPRD and by adopting their Plans into this Comprehensive Plan by reference. The City does provide some park and recreation facilities but it has no intention of being the primary provider of these facilities or services. Most of Beaverton's unincorporated Urban Service Area is in THPRD. Some of Beaverton's Urban Services Area is not in THPRD and since the City does not intend to be the primary parks and recreation provider to those areas they need to annex to the THPRD, if they develop in the City. To comply with Goal 11 the City will require the owners of property that is proposed for development or redevelopment but not in THPRD, to annex to the District and pay THPRD System Development Charges unless it can be demonstrated the development will provide park land, recreation facilities and services at a level that is similar to that provided by THPRD.

The Portland General Electric (PGE)/Bonneville Power Administration (BPA) transmission lines provide opportunities for open space and trail corridors in the community. These rights-of-way will not be converted to intensive urban land uses in the foreseeable future.

5.8.1 Goal: Cooperate with THPRD in implementation of its 20-Year Comprehensive Master Plan and Trails Master Plan in order to ensure adequate parks and recreation facilities and programs for current and future City residents.

POLICIES:

- a) The City shall support and encourage THPRD efforts to provide parks and recreation facilities that will accommodate growth while recognizing the limited supply of buildable land in the city for such facilities.
- b) The City shall encourage THPRD to provide parks and recreation facilities throughout the City in locations that are easily accessible to those they are intended to serve.

- c) The City shall support and encourage acquisition of park and recreation sites in advance of need so that the most appropriate sites are available for these vital public facilities.

Action 1: The City shall work with THPRD to further explore opportunities for mixing public park and recreation activities with revenue-generating public/private partnerships such as restaurants, recreation and aquatic centers, sports complexes, or other concession activities, in order to help finance recreation programming, park acquisition, and maintenance.

- d) The City shall notify THPRD of development proposals that may potentially impact a present or future park site to allow the district the opportunity to comment, purchase or request dedications.
- e) A number of financial incentives exist to encourage private property owners to donate, dedicate, or provide easements for resource preservation, park, trail or open space use. The City shall work cooperatively with property owners and THPRD to maximize the use of these tools for the benefit of the community.
- f) To offset increased densities and to meet the needs of the population, the City and THPRD should work together to provide urban scale public spaces in regional centers, town centers, station communities and main street areas within the city.
- g) The planning, acquisition and development of multi-use paths should be consistent with this Plan's Transportation Element and THPRD's Trail Master Plan.
- h) The City shall encourage park acquisition and appropriate development in areas designated as Significant Natural Resources, as defined by Volume III of this Comprehensive Plan.
- i) *THPRD is the park and recreation provider for the City of Beaverton and the City desires that all property within its boundaries be within THPRD's boundaries.*

Action 1: Amend the Development Code to require owners of properties applying for a conditional use, design review or land division to annex to THPRD and to pay THPRD's System Development Charges.

ORDINANCE NO. 4388

AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE DEVELOPMENT CODE, TO ADD SECTIONS 40.93 AND 60.33 AND AMEND SECTION 50.90 TO REQUIRE ANNEXATION TO THE TUALATIN PARK AND RECREATION DISTRICT FOR PROPERTIES APPLYING FOR CERTAIN PERMITS AND INCLUDING A WAIVER PROVISION; TA 2005-0009

WHEREAS, the Tualatin Hills Park and Recreation District (THPRD) is the primary parks and recreation provider for the citizens of the City of Beaverton and the City chooses to require properties that apply for a Conditional Use, Design Review, and/or Land Division to annex to THPRD in order to insure that the residents of the City have adequate park and recreation services and to comply with Statewide Planning goal 11; and

WHEREAS, pursuant to Section 50.50.1 of the Development Code, the Beaverton Planning Services Division on January 10, 2006, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on January 10, 2006; and

WHEREAS, on January 25, 2006 and February 22, 2006, the Planning Commission conducted a public hearing for TA 2005-0009; and

WHEREAS, at the conclusion of the February 22, 2006 hearing, the Planning Commission voted to recommend to the Beaverton City Council adoption of the proposed amendment to the Development Code as summarized in Planning Commission Order No. 1843; and

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2005-0009 following the issuance of Planning Commission Order No. 1843; and

WHEREAS, the City Council adopts as to criteria, facts and findings described in Planning Commission Order No. 1843 dated March 14, 2006 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

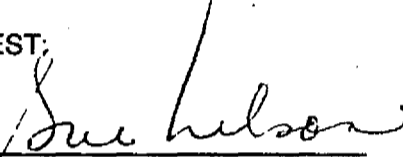
Section 1. Ordinance No. 2050, the Development Code, as amended, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to affect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this 10th day of April, 2006.
Passed by the Council this 17th day of April, 2006.
Approved by the Mayor this 18th day of April, 2006.

ATTEST:


SUE NELSON, City Recorder

APPROVED:

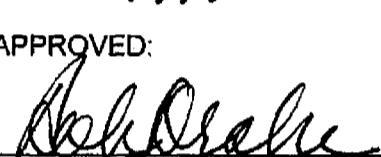

ROB DRAKE, Mayor

EXHIBIT A

ORDINANCE NO. 4388

Additions are *bolded and italicized* and deletions are ~~struck through~~.

40.93. TUALATIN HILLS PARK AND RECREATION DISTRICT ANNEXATION WAIVER

40.93.05. Purpose.

The purpose of this section is to provide for the application of a Tualatin Hills Park and Recreation annexation waiver, which allows a waiver from the requirement to annex property into the Tualatin Hills Park and Recreation District as a condition of approval of any development as specified in Section 60.33 of this Code.

40.93.10. Applicability

A THPRD annexation waiver may only be requested by the property owner(s) for any development proposed outside of THPRD boundaries who wish to provide their own park and recreation facilities and services rather than annex the site to THPRD.

40.93.15. Application.

There is a single THPRD annexation waiver application which is subject to the following requirements.

1. THPRD Annexation Waiver.

A. Threshold. *An application for a THPRD annexation waiver shall be required when the following threshold applies:*

1. *The property proposed for development is not in the Tualatin Hills Park and Recreation District (THPRD) and the applicant wishes to provide park and recreation facilities and services for the development rather than annex the site to THPRD.*

B. Procedure Type. *The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for a THPRD annexation waiver.*

C. ***Approval Criteria.*** *In order to approve a THPRD annexation waiver 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 THPRD annexation waiver application.*
2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*
3. *Detailed plans and documentation demonstrating compliance with Section 60.33.15. Park facilities shall be deemed similar if provided for the projected number of future residents and/or employees of the proposed development at cost, quality and services levels equal to or greater than the minimum set for the core park system in the THPRD Comprehensive Master Plan. Improvements within provided park facilities shall be deemed similar if at least two of the following are provided: a tennis court, a basketball court, a swimming pool, or a children's play structure; and at least one of the following is also provided: a baseball/softball field, a soccer field, or a community/recreation center. Recreation services shall be deemed similar if provided for future residents or employees of the proposed development at cost, quality and service levels equal to or greater than the minimum set for such services in the THPRD Comprehensive Master Plan.*
4. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

- D. Submission Requirements.** *An application for a THPRD annexation waiver shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.*
- E. Conditions of Approval.** *The decision making authority may impose conditions on the approval of a THPRD annexation waiver application to ensure compliance with the approval criteria.*
- F. Appeal of a Decision.** *Refer to Section 50.70.*
- G. Expiration of a Decision.** *Refer to Section 50.90.*

Additions are *bolded and italicized* and there are no deletions

50.90. Expiration of a Decision

1. Except as otherwise specifically provided in a specific decision or in this Code, a final decision made pursuant to this Chapter shall expire automatically on the following schedule unless the approval is enacted either through construction or establishment of use within the specified time period.

A. Five (5) years from the effective date of decision: Final Planned Unit Development (40.15.15.6) where phasing of the development is proposed.

B. Two (2) years from the effective date of decision:

- Accessory Dwelling Unit (40.05.15.1)
- Administrative Conditional Use (40.15.15.3)
- Alteration of a Landmark (40.35.15.1)
- Conditional Use (40.15.15.4)
- Demolition of a Landmark (40.35.15.3)
- Design Review Two (40.20.15.2)
- Design Review Three (40.20.15.3)
- Emergency Demolition of a Landmark (40.35.15.2)
- Expedited Land Division (40.45.15.7)
- Final Land Division (40.45.15.6)
- Final Planned Unit Development (40.15.15.6) when there is no phasing to the development
- Flexible Setback for Individual Lot With Endorsement (40.30.15.1)
- Flexible Setback for Individual Lot Without Endorsement (40.30.15.2)
- Flexible Setback for a Proposed Residential Land Division (40.30.15.3)
- Flexible Setback for a Proposed Annexation (40.30.15.4)
- Lot Line Adjustment (40.45.15.1)
- Major Adjustment (40.10.15.3)
- Major Adjustment - All Regional Center zones and South Tektronix Station Community Major Pedestrian Routes (40.10.15.4)
- Major Modification of a Conditional Use (40.15.15.2)
- Minor Adjustment (40.10.15.1)

Minor Adjustment - All Regional Center zones and South
Tektronix Station Community Major Pedestrian
Routes (40.10.15.2)

Minor Modification of a Conditional Use (40.15.15.1)

New Construction in a Historic District (40.35.15.4)

Preliminary Fee Ownership Partition (40.45.15.4)

Preliminary Fee Ownership Subdivision (40.45.15.5)

Preliminary Partition (40.45.15.2)

Preliminary Planned Unit Development (40.15.15.5)

Preliminary Subdivision (40.45.15.3)

Public Transportation Facility (40.57.15.1)

Tree Plan One (40.90.15.1)

Tree Plan Two (40.90.15.2)

Tree Plan Three (40.90.15.3)

THPRD Annexation Waiver (40.93.15)

Variance (40.95.15.1)

Wireless Facility One (40.96.15.1)

Wireless Facility Two (40.96.15.2)

Wireless Facility Three (40.96.15.3)

Zero Side or Zero Rear Yard Setback for a Proposed
Residential Land Division (40.30.15.5)

Zero Side Yard Setback for a Proposed Non-Residential
Land Division (40.30.15.6)

C. One (1) year from the effective date of the decision:

Design Review Compliance Letter (40.20.15.1)

Home Occupation One (Section 40.40.15.1)

Home Occupation Two (Section 40.40.15.2)

Loading Determination (Section 40.50.15.1)

Parking Requirement Determination (Section 40.55.15.1)

Shared Parking (Section 40.55.15.2)

Signs (Section 40.60.15.1)

Solar Access (Section 40.65.15.1)

Use of Excess Parking (Section 40.55.15.3)

D. No expiration date:

Director's Interpretation (40.25.15.1)

Discretionary Annexation Related Zoning Map
Amendment (40.97.15.4)

Legislative Zoning Map Amendment (40.97.15.2)

Non-Discretionary Annexation Related Zoning Map
Amendment (40.97.15.3)

Quasi-Judicial Zoning Map Amendment (40.97.15.1)

Street Vacation (40.75.15.1)
Text Amendment (40.85.15.1)
Tree Plan Four (40.90.15.4)

[ORD 4265; September 2003] [ORD 4332; November 2004]

2. The effective date of the decision for Type 1, Type 2, or Type 3 applications shall be the date that the signed land use order is dated and mailed, unless appealed. If a Type 1, Type 2, or Type 3 application is appealed, the effective date of the decision shall be the date of the appellate decision making authority's signed land use order is dated and mailed. The effective date of decision for a Type 4 application is thirty (30) calendar days after the Mayor signs the ordinance, unless an emergency is declared in which case the ordinance is effective immediately upon signature of the Mayor.
3. A decision shall expire according to Section 50.90.1 unless one of the following occurs prior to the date of expiration:
 - A. An application for an extension is filed pursuant to Section 50.93; or
 - B. The development authorized by the decision has commenced as defined herein.
 1. The use of the subject property has changed as allowed by the approval;
 2. In the case of development requiring construction, a construction permit has been issued and substantial construction pursuant thereto has taken place; or
 3. In the case of development authorized to be done in phases, each phase must be commenced within the time specified in the approval, or within two (2) years of completion of the prior phase if no time is specified.
 4. The 45 day to five (5) year time begins from the effective date of the decision. Appeal of a decision to LUBA does not extend the time.

This Section is entirely new and is shown *bolded and italicized*.

60.33. PARK AND RECREATION FACILITIES AND SERVICES PROVISION

60.33.05. Purpose. *The City of Beaverton has declared Tualatin Hills Parks and Recreation District (THPRD) as the parks and recreation provider for the City (Policy 5.8.1.h. of the Comprehensive Plan). Since THPRD is the parks and recreation provider for the City, annexation to the District will generally be required by the City for all new development or redevelopment of properties that are outside THPRD boundaries. The provisions of this Section are designed to:*

- 1. Ensure that all residents of the City of Beaverton have access to high quality recreational facilities and services; and*
- 2. Require all new development to pay its fair share for the park and recreational system that serves Beaverton.*

60.33.10. Annexation to THPRD.

Except as provided in Section 60.33.15, the approval of a conditional use, design review or land division for any property located in the City of Beaverton, and not within THPRD's boundaries, shall be conditional on the submittal of a legally sufficient petition to annex the property to THPRD; issuance of building permits shall be delayed until the annexation is effective. Delay of issuance of building permits until after the annexation is effective may be waived as a condition of approval by the review authority if the applicant agrees in writing to pay the appropriate THPRD Systems Development Charge for all building permits issued prior to the effective date of annexation.

60.33.15. Waiver of Requirement.

Any proposed development that can document to the City's satisfaction that it will provide park land, recreation facilities and services at a level similar to that provided by THPRD may have the requirements of Section 60.33.10 waived by the City. See Section 40.93.15.