



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

July 7, 2008

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 002-08



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: July 21, 2008

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
Steven Sparks, City of Beaverton

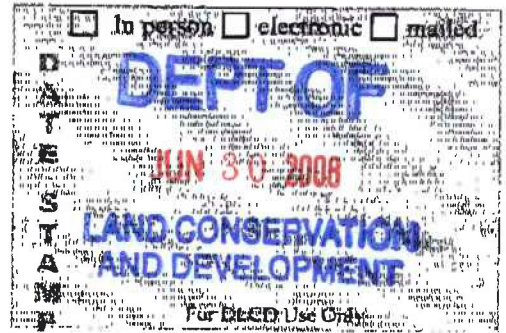
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ENR 2

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**



Jurisdiction: **City of Beaverton**

Local file number: **TA 2008-0002**

Date of Adoption: **6/24/2008**

Date Mailed: **6/30/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **2/22/2008**

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".

Admendments to Chapters 20, 60 and 90 of the Development Code regarding Open Space Requirements. The Text Amendment will modify the Open Space Requirements in Sections 20.05.50.5, 60.05.25.4, and 60.05.45.4 of the Development Code and remove active space in Section 60.35.15. Definition of Open Space Common Open Space will be included in Chapter 90 with modifications to other associated definitions.

Does the Adoption differ from proposal? **Yes**, Please explain below:

The modification to the Open Space requirements were limited from the original proposal. The issue of consistency of the use of open space was not included with the amendment and other definitions associated with open space were modified.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **City Wide**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

DLCD # 002-08 (16716)

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:

None

Local Contact: **Steven Sparks**

Phone: **(503) 526-2429** Extension:

Address: **PO Box 4755**

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

City: **Beaverton**

Zip: **97076-**

E-mail Address: **ssparks@cl.beaverton.or.us**

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 Complete Copies (documents and maps) 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. **Electronic Submittals:** At least one hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
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 Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice 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 now access these forms online at <http://www.lcd.state.or.us/>. Please print on 8-1/2x11 green paper only. You may also call the DLCD Office at (503) 373-0050; or Fax

your request to: (503) 378-5518; or Email your request to maria.ulloa@state.or.us - ATTENTION:
PLAN AMENDMENT SPECIALIST.

<http://www.lcd.state.or.us/LCD/forms.shtml>

Updated November 27, 2006

ORDINANCE NO. 4486AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE DEVELOPMENT CODE,
TA 2008-0002, OPEN SPACE TEXT AMENDMENT

WHEREAS, the City of Beaverton Community Development Department staff submitted a proposed text amendment to Chapter 20 (Land Uses), Chapter 60 (Special Requirements), and Chapter 90 (Definitions) to revise provisions applicable to open space requirements; and

WHEREAS, the Planning Commission conducted public hearings on April 9, 2008 and May 21, 2008 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 21, 2008, 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. 2083; and

WHEREAS, no appeal of the Planning Commission recommendation was filed with the City; and

WHEREAS, the Council adopts and incorporates herein the Development Services Division staff reports dated April 2, 2008, May 14, 2008, and Planning Commission Land Use Order No. 2082 as the applicable criteria and finding which constitute an adequate factual basis for this ordinance. Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

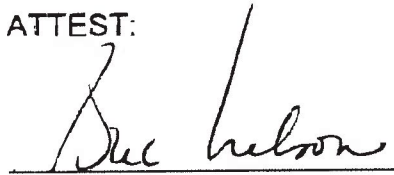
Section 1. Ordinance No. 2050, the Development Code is amended to read as set out in Appendix "A" to this Ordinance attached to and incorporated herein by this reference.

First reading this 1st day of June, 2008.

Passed by the Council this 23rd day of June, 2008.

Approved by the Mayor this 24th day of JUNE, 2008.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

ATTACHMENT A

Section 1: The Development Code, Ordinance No. 2050, Chapter 20 - Land Use, Section 20.05.50, Residential: Site Development, is amended to read as follows with deleted matter in strikethrough and new matter in highlight

20.05.50.5. Open Space Requirements:

~~For Developments with more than one residential dwelling unit on one lot of record, the~~ **The total amount of the required open space, ~~common recreation area, or both~~ shall be within the parent parcel of the proposed development. The minimum ~~common open space, common recreation area, or both~~ is as follows:**

	<u>R2</u>	<u>R1</u>
A. Square feet per dwelling unit [ORD 404; May 1999] [ORD 4112; June 2000] [ORD 4224; August 2002]	600	300

Section 2: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.05 Design Review Principles, Standards, and Guidelines, is amended to read as follows with deleted matter in strikethrough and new matter in highlight:

60.05.25. Landscape, Open Space, and Natural Areas Design Standards. Unless otherwise noted, all standards apply in all zoning districts.

- ~~1. Minimum Common Open Space Requirements for Multi-Family Development Consisting of ten (10) or more units.~~
- 1. Minimum Open Space Requirement for Attached Residential Development Consisting of three (3) or more units.**

A. Common open space shall consist of active, passive, or both open space areas, and shall be provided as follows:

- 1. One hundred fifty (150) square feet for each unit containing 500 or less square feet of gross floor area.

- 2. Two hundred fifty (250) square feet for each unit containing more than 500 square feet and up to 1200 square feet of gross floor area.
- 3. Three hundred fifty (350) square feet for each unit containing more than 1200 square feet of gross floor area.
- 4. For developments that are part of a Planned Unit Development, provisions of Section 60.35.15.4 shall govern.

2. **Minimum Landscaping Requirements for Required Front Yards and Required Common Open Space in Multiple Family Residential Zones**

- A. All front yard areas in the R-3.5, R-2 and R-1 districts, and required ~~common~~ open space areas in the R-2 and R-1 districts not occupied by structures, walkways, driveways, plazas or parking spaces shall be landscaped.

~~60.05.25.4. **Public Open Space.** When, public open space is proposed by an applicant, it shall be designed to provide passive open space, active open space or both for the enjoyment of the general public unless otherwise indicated in an open space master plan approved by the City, THPRD or other jurisdiction. For the purposes of this Section, public open space is defined as the portion of a site that is developed for use by the general public, but is not dedicated and is kept under the ownership and control of the private property owner. Passive open space is where human activities are limited to defined walking and seating areas. Active open space is where human activities include recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities. Public open space may be improved for passive or active recreational uses, however, it shall not include environmentally sensitive areas such as a wetland, riparian area, or significant tree grove. Public open space may be counted towards the minimum landscape requirement, provided the following is met unless otherwise approved in an open space master plan:~~

A. ~~The public open space is located at the perimeter of a parent parcel abutting public right of way; or,~~

B. ~~If not located at the perimeter of the parent parcel, the public open space shall be visible from the public right of way, and shall be accessible via a minimum five (5) foot wide pedestrian pathway.~~

C. ~~Pedestrian scale lighting consistent with the City's Technical Lighting Standards shall be provided.~~

~~60.05.45.4. Public Open Space. Open space available for public use but in private ownership should be accessible to the public, designed for safety, include active, passive or both spaces and improvements, but should not include environmentally sensitive areas. (Standard 60.05.25.4)~~

Section 3: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.35 Planned Unit Development, is amended to read as follows with deleted matter in strikethrough:

60.35.15 Open space

3. Standards

E. For developments ten (10) acres or greater, at least twenty-five (25) percent of the total required open space shall be active space or meet the commons criteria in this chapter.

1 **Section 4: The Development Code, Ordinance No. 2050, Chapter 90 –**
 2 **Definitions, is amended to read as follows with deleted matter in**
 3 **strikethrough and new matter in highlight:**

4
 5 *****

6 ~~Active Space [ORD 4430; March 2007] Active space is an area which requires~~
 7 ~~intensive development and often includes playgrounds and ball fields.~~

8
 9 *****

10
 11 **Compatibility, Flexible and Zero Yard Setbacks.** [ORD 4224; August 2002]
 12 For the purposes of how the phrase "compatible with the surrounding area" is used
 13 in the Flexible and Zero Yard Setback for Proposed Residential Land Division and
 14 the Flexible Setback for Proposed Land Division applications, the phrase is defined
 15 as abutting properties and properties directly across the street from the proposed
 16 development. Properties directly across the street from the development shall be
 17 those properties perpendicular from the property line of the proposed development.

18
 19 *****

20
 21 **Open Space.** An area of land publicly or privately owned, that remains in a
 22 natural or landscaped condition for the purpose of providing usable space for a
 23 variety of recreational activities, providing adequate space for light and air,
 24 protecting natural resources or any combination thereof. Open space shall be
 25 permanently reserved by common ownership among the owners of a development,
 26 dedicated to the public, or by other appropriate means. Open space may be
 27 accessible to the general public or owners of a development and may be created for
 28 the purpose of passive or active use or both.

29
 30 **Open Space, Common.** For the purposes of defining common open space as used
 31 in Section 60.05.25.1, open space which is under common ownership of all property
 32 owners of the development for which the open space was required.

33
 34 **Open Space, Passive.** [ORD 4332; November 2004] Open space where human
 35 activities are limited to defined walking and seating areas or areas with no human
 36 physical activity such as wetlands.

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 38 *****

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 40 **Setback.** The minimum allowable horizontal distance from a given point or line of
 41 reference to ~~the nearest vertical wall or other element of a principal building or~~
 42 ~~structure as defined herein~~ a line which is parallel to the point or line of reference.
 43 The point of line of reference will be the lot line following any required dedication or
 44 a special or reservation line if one is required pursuant to this ordinance.

1 *****

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3 **Yard.** A required ~~open-space~~ area of land on the same lot with a principal use
4 unoccupied and unobstructed by any structure or portion of a structure from 30
5 inches above the general ground level of the graded lot upward, provided, however,
6 that fences, walls, poles, posts, other customary yard accessories, ornaments and
7 furniture or other allowed accessory structures or uses may be permitted in any
8 yard subject to height limitations and requirements limiting obstruction of
9 visibility.

10

11 **Yard, Front.** A required ~~open-space~~ area of land extending the full width of the lot
12 between a ~~building and~~ the front lot line or reservation line to a line which is
13 parallel to the front lot line or reservation line. The distance between the two lines
14 is established by the setback requirement for the subject zoning district. The
15 required area of land is to remain unoccupied and unobstructed from the ground
16 upward except as specified elsewhere in this ordinance.

17

18 **Yard, Rear.** A required ~~open-space~~ area of land extending the full width of the lot
19 between a ~~building and~~ the rear lot line or reservation line to a line which is
20 parallel to the rear lot line or reservation line. The distance between the two lines
21 is established by the setback requirement for the subject zoning district. The
22 required area of land is to remain unoccupied and unobstructed from the ground
23 upward except as specified elsewhere in this ordinance. [ORD 4071; October 1999]

24

25 **Yard, Side.** A required ~~open-space~~ area of land extending from the front yard to
26 the rear yard between a ~~building and~~ the nearest side lot line or reservation line to
27 a line which is parallel to the side lot line or reservation line. The distance between
28 the two lines is established by the setback requirement for the subject zoning
29 district. The required area of land is to remain unoccupied and unobstructed from
30 the ground upward except as specified elsewhere in this ordinance.

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