



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

3/12/2010

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 023-09

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, March 26, 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: Steven Sparks, City of Beaverton
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

HAND DELIVERED

TEST
STAMP

DEPT OF

MAR 05 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: Beaverton

Local file number: **TA 2009-0009**

Date of Adoption: **March 2, 2010**

Date Mailed: March 5, 2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11-24-09

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".

Amendment of the City's Development Code to merge the City's Board of Design Review with the City's Planning Commission. The Board of Design Review will cease to exist.

Does the Adoption differ from proposal? Please select one

No

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** **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. 023-09 (17969) [16031]

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

None

Local Contact: **Steven A. Sparks**

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

Address: **PO BX 4755**

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

City: **Beaverton**

Zip: **97076-4755**

E-mail Address: **ssparks@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 6:
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.

ORDINANCE NO. 4532

AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE DEVELOPMENT CODE,
TA 2009-0009, PLANNING COMMISSION AND BOARD OF DESIGN
REVIEW MERGER TEXT AMENDMENT

WHEREAS, the City of Beaverton Community Development Department staff submitted a proposed text amendment to Chapter 10 (General Provisions), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Requirements), and Chapter 90 (Definitions) to eliminate reference to the Board of Design Review and redesignate responsibility for review of land use applications from the Board of Design Review to the Planning Commission; and

WHEREAS, the Planning Commission conducted a public hearing on January 20, 2010 to consider the proposed amendments; and

WHEREAS, the Planning Commission held the record open for seven (7) days upon request of a representative of the Beaverton Committee for Citizen Involvement (BCCI); and

WHEREAS, the Planning Commission considered the submitted staff report, exhibits, public testimony, and staff recommended text amendment; and

WHEREAS, on January 27, 2010, the Planning Commission closed the public record and 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. 2186; 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 December 21, 2009, and Planning Commission Land Use Order No. 2186 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 22 day of February, 2010.

Passed by the Council this 1 day of March, 2010.

Approved by the Mayor this 2 day of March, 2010.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



DENNY DOYLE, Mayor

APPENDIX A

Ord. No. 4532

1 **Section 1: The Development Code, Ordinance No. 2050, Chapter 10 –**
2 **General Provisions, Section 10.95, is amended to read as follows with**
3 **deleted matter in strikethrough and new matter in highlight:**

4
5 **10.95. Development Review Participants.** [ORD 4224; August 2002] The
6 following are the primary participants in the planning and
7 development review decision making process in the City of Beaverton.
8 The roles of these participants are outlined in this Section and may be
9 further defined by the City Council through ordinance or resolution.

10
11 1. **City Council**

12
13 *****

14
15 B. Responsibility and Authority.

16
17 1. The City Council may, by ordinance or resolution, create
18 or continue a Planning Commission or Commissions
19 which shall act as planning and development advisory
20 body(s) to the Council and shall have such other powers
21 and authority as described in this Code or as may be
22 specified by the Council through resolution.

23
24 2. The City Council, may, by ordinance or resolution, create
25 subcommittee(s) of the Planning Commission(s) and
26 delegate to such subcommittee(s) such powers and
27 authority deemed necessary by the Council.

28
29 3. The City Council shall be the decision making authority
30 on the following applications: Street Vacation, Text
31 Amendment, Quasi-Judicial Zone Change, Legislative
32 Zone Change, Non-Discretionary Annexation Related
33 Zone Change, Discretionary Annexation Related Zone
34 Change, appeals of Director's Interpretation, and appeals
35 of all Planning Commission and Board of Design Review
36 decisions on Type 3 applications.

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38 *****

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40 2. **Planning Commission**

41
42 A. Membership.

APPENDIX A

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1. There is hereby continued a Planning Commission which shall consist of seven (7) members appointed by the Mayor and confirmed by the City Council for three year terms or until their respective successors are appointed and qualified. Terms of office shall begin on the first day of the calendar year.
2. The Mayor, with approval of the Council, shall appoint one or more alternate members of the Commission. The alternate member having seniority as an alternate shall assume the position of a regular member immediately upon a vacancy in that position and for the remainder of the term of that position. Alternate members shall attend all meetings of the Commission, shall be entitled to all information regularly provided to members of the Commission and shall be subject to removal on the same terms and in the same manner as a regular Commission member.
3. Upon the resignation, permanent disqualification, or removal of any member of the Planning Commission, the Mayor, with Council consent, may appoint the senior most alternate to fill out the remainder of the term. If an alternate is not available, the Mayor, with Council consent, may appoint a successor to fill out the remainder of the term.
4. Planning Commissioners shall serve at the pleasure of the Mayor and may be removed without cause at any time with the consent of the Council ~~as provided in the Beaverton Charter.~~
5. Members of the Planning Commission shall be residents of the City, ~~except as provided by Section 10.95.2.A.6 below, and are not Council members, officers, or City employees. The membership of the Planning Commission should consist of at least two (2) individuals actively engaged in architecture, landscape architecture, design, engineering or in a construction related industry, or the graphic arts. No more than two (2) members shall be engaged principally in the buying, selling, or developing of real estate. No more than two (2) members shall be engaged in the same occupation.~~

APPENDIX A

1 6. The Mayor, with approval of the Council, may appoint as
2 a member of the Planning Commission an urban design
3 professional licensed by the State of Oregon. The
4 residency requirement of section 10.95:2.A.5 above is not
5 applicable to such an appointment.
6

7 7.6. The Mayor, the City Attorney, and such other City
8 personnel as the Council may from time to time
9 designate, shall be entitled to sit with the Commission
10 and take part in its discussions, but they shall not have
11 the right to vote.
12

13 B. Responsibility and Authority.

14
15 1. The Planning Commission has all powers and duties that
16 are now or may hereafter be granted to or imposed on it
17 by Charter, Code and City ordinances, State law and
18 official policies promulgated by the City Council.
19

20 2. The Planning Commission shall act on the behalf of the
21 City on the following applications: Major Adjustment,
22 Design Review Three, Major Alteration of a Landmark,
23 Demolition of a Landmark, New Construction in a
24 Historic District, Major Modification of a Conditional Use,
25 Conditional Use, Preliminary Planned Unit Development,
26 Final Planned Unit Development, Flexible Setback(s) for
27 a Proposed Land Division, Flexible Setback(s) for a
28 Proposed Annexation, Zero Side or Zero Rear Yard
29 Setback(s) for a Proposed Residential Land Division, Tree
30 Plan Three, Variance, Wireless Facility Three, and
31 appeals of some decisions of the Director. [ORD 4365;
32 September 2005]
33

34 3. The Planning Commission shall act on the behalf of the
35 City where there are multiple complete applications for a
36 single property for which the decision making authority is
37 a combination of either the Director, ~~Design Review~~
38 ~~Board~~, or Planning Commission.
39

40 4. The Planning Commission shall advise the City Council
41 on ~~Text Amendment~~, Quasi-Judicial Zone Change,
42 Legislative Zone Change, and Discretionary Annexation
43 Related Zone Change application(s).
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~~5. The Director may request that the Planning Commission advise the City Council on Text Amendment application(s).~~

5.6. The Planning Commission may appoint a subcommittee(s) of the Planning Commission to act upon such matters as the Planning Commission may delegate or City Council may delegate through ordinance or resolution.

C. Rules and Procedures.

1. The Planning Commission shall hold a regular meeting every Wednesday of each week of each month. However, a meeting need not be held if there are no applications submitted for review by the Commission or if the designated meeting date falls on a holiday.
2. With the exception to continue an agenda item to a future meeting, the Planning Commission may conduct business only when a quorum of the members is present. For purposes of interpreting the provisions of these rules, every member of the Commission who is present shall be counted for the purposes of constituting a quorum, even if the member does not vote on one or more matter before the Commission.
3. The Planning Commission shall, at or before its first meeting in December each year, elect one of its members to serve as Chairman and another to serve as Vice-Chairman which shall be effective as of the following January 1.
4. Actions by the Planning Commission require a majority vote of those present and voting.
5. A tie vote on an action shall constitute a denial of the request. However, if the final vote on an application is a tie, the applicant may request a continuance to a future public hearing. If such continuance is granted, the matter shall be continued to a date, time, and location certain for another vote of the Commission. A member not present at the earlier hearing may participate if the member indicates on the record that he or she has reviewed the record of the earlier hearing. If a tie vote remains after

1 the continued proceeding, the action is deemed denied. If
2 a tie vote of the Planning Commission occurs when the
3 Commission is reviewing an appeal of a Director's
4 decision, the original Director's decision shall stand.

5
6 **3. — Board of Design Review.**

7
8 **A. — Membership.**

9
10 1. — ~~There is hereby continued a Board of Design Review~~
11 ~~which shall consist of seven (7) members appointed by the~~
12 ~~Mayor and confirmed by the City Council for three year~~
13 ~~terms or until their respective successors are appointed~~
14 ~~and qualified. Terms of office shall begin on the first day~~
15 ~~of the calendar year.~~

16
17 2. — ~~Upon the resignation, permanent disqualification, or~~
18 ~~removal of any member of the Board of Design Review,~~
19 ~~the Mayor, with Council consent, may appoint a successor~~
20 ~~to fill out the remainder of the term.~~

21
22 3. — ~~Board of Design Review members shall serve at the~~
23 ~~pleasure of the Mayor and may be removed without cause~~
24 ~~at any time with the consent of the Council as provided in~~
25 ~~the Beaverton Charter.~~

26
27 4. — ~~Members of the Board of Design Review shall, when~~
28 ~~possible, be either property owners, residents, or actively~~
29 ~~engaged in business or employment in the City. The~~
30 ~~membership of the Board shall consist of one (1)~~
31 ~~registered architect, one (1) registered landscape~~
32 ~~architect, two (2) individuals actively engaged in~~
33 ~~architecture, landscape architecture, design, engineering~~
34 ~~or in a construction related industry, or the graphic arts,~~
35 ~~and three (3) individuals who are qualified by education,~~
36 ~~training, interest, or experience to serve on the Board.~~

37
38 **B. — Responsibility and Authority.**

39
40 1. — ~~The Board of Design Review has all powers and duties~~
41 ~~that are now or may hereafter be granted to or imposed~~
42 ~~on it by Charter, Code and City ordinances, State law and~~
43 ~~official policies promulgated by the City Council.~~

APPENDIX A

1 2. ~~— The Board of Design Review shall review proposals and~~
2 ~~make necessary decisions delegated to them by this Code~~
3 ~~concerning design and aesthetic aspects of proposals. The~~
4 ~~Board of Design Review shall act on the behalf of the City~~
5 ~~on the following applications: Major Adjustment, Design~~
6 ~~Review Three, Major Alteration of a Landmark,~~
7 ~~Demolition of a Landmark, New Construction in a~~
8 ~~Historic District, Tree Plan Three, Variance, and appeals~~
9 ~~of some decisions of the Director.~~

10
11 3. ~~— The Director may request that the Board of Design~~
12 ~~Review advise the City Council on Text Amendment~~
13 ~~application(s).~~

14
15 4. ~~— The Board of Design Review may appoint a~~
16 ~~subcommittee(s) of the Board of Design Review to act~~
17 ~~upon such matters as the Board of Design Review~~
18 ~~delegates or City Council may delegate through ordinance~~
19 ~~or resolution.~~

20
21 C. ~~— Rules and Procedures.~~

22
23 1. ~~— The Board of Design Review shall hold a regular meeting~~
24 ~~every Thursday of each week of each month. However, a~~
25 ~~meeting need not be held if there are no applications~~
26 ~~submitted for review by the Board or if the designated~~
27 ~~meeting date falls on a holiday.~~

28
29 2. ~~— With the exception to continue an agenda item to a future~~
30 ~~meeting, the Board of Design Review may conduct~~
31 ~~business only when a quorum of the members are present.~~
32 ~~For purposes of interpreting the provisions of these rules,~~
33 ~~every member of the Board who is present shall be~~
34 ~~counted for the purposes of constituting a quorum, even if~~
35 ~~the member does not vote on one or more matter before~~
36 ~~the Board.~~

37
38 3. ~~— The Board of Design Review shall, at its first meeting in~~
39 ~~January each year, elect one of its members to serve as~~
40 ~~Chairman and another to serve as Vice-Chairman.~~

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42 4. ~~— Actions by the Board of Design Review require a majority~~
43 ~~vote of those present and voting.~~

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~~5. A tie vote on an action shall constitute a denial of the request. If the final vote on the matter is a tie, the applicant may request a continuance. If such continuance is granted, the matter shall be continued to a date, time, and location certain for another vote of the Board. A member not present at the earlier hearing may participate if the member indicates on the record that he or she has reviewed the record made at the earlier hearing. If a tie vote remains after the second hearing, the action is deemed denied. If a tie vote of the Board of Design Review occurs when the Board is reviewing an appeal of a Director's decision, the original Director's decision shall stand.~~

~~3.4. Facilities Review Committee.~~

Section 2: The Development Code, Ordinance No. 2050, Chapter 40 – Applications, is amended as follows:

All reference to the “Board of Design Review” is to be replaced with “Planning Commission”.

Section 3: The Development Code, Ordinance No. 2050, Chapter 50 – Procedures, Section 50.15, is amended to read as follows with deleted matter in strikethrough and new matter in highlight:

50.15. Classification of Applications

2. When an applicant submits more than one complete application for a given proposal, where each application addresses a separate set of code requirements and the applications are subject to different procedure types, all of the applications are subject to the procedure type of the application which requires the broadest notice and opportunity to participate. For example, a Type 2 application will be consolidated with a Type 3 application for the same proposal on the same site, in which case, the Type 2 application will be reviewed by the decision making authority of the Type 3 application. The decision making authority's action on the Type 2 application will be based on the

1 approval criteria governing the Type 2 application. An appeal of the
 2 decision will be processed according to the provisions of Section 50.70
 3 of this Code.

4
 5 In the event that the completed applications involve applications
 6 where the decision making authority is a combination of either the
 7 Director, ~~Board of Design Review~~, or Planning Commission, the
 8 decision making authority will be the Planning Commission.

9
 10 Notwithstanding any other provision and at no cost to the applicant,
 11 the Director may choose to combine multiple applications for the same
 12 development as a way to increase the efficiency of development review.
 13 [ORD 4265; September 2003]

14
 15 ~~3. The Director shall determine the appropriate decision making~~
 16 ~~authority between the Planning Commission and the Board of Design~~
 17 ~~Review for Adjustment, Text Amendment, Tree Plan, and Variance~~
 18 ~~applications. Such determination will be based upon the~~
 19 ~~characteristics of the proposal and the associated application, if any.~~
 20 ~~The determination of the Director may be appealed directly to the City~~
 21 ~~Council pursuant to Section 50.70 of this Code.~~

22
 23 ~~3.4.~~ Notwithstanding the Director's determination of procedure type, Type
 24 1, 2, or 3 but not Type 4, an applicant may choose to have an
 25 application at the time of submittal be subject to a procedure type
 26 requiring broader notice and opportunity to participate provided the
 27 applicant pays the appropriate fee for the selected procedure type and
 28 the Director determines that statutory timelines for reaching a final
 29 decision can be satisfied.

30
 31
 32 **Section 4: The Development Code, Ordinance No. 2050, Chapter 50 -**
 33 **Procedures, Section 50.45, is amended to read as follows with deleted**
 34 **matter in strikethrough:**

35
 36 **50.45. Type 3**

37
 38 1. Except for Street Vacation application, the decision making authority
 39 for all Type 3 applications shall be ~~either the Planning Commission or~~
 40 ~~Board of Design Review~~. For Street Vacation application, the decision
 41 making authority shall be the City Council.

42
 43 *****

APPENDIX A

- 1 15. Hearings before the Planning Commission ~~or Board of Design Review~~
2 shall be conducted in accordance with Section 50.55 through 50.58 of
3 this Code. Hearing before the City Council shall be conducted in
4 accordance with Section 50.85 through 50.88 of this Code. Hearings
5 shall be recorded on audio only or audio and video tape.

6
7 *****

8
9 Section 5: The Development Code, Ordinance No. 2050, Chapter 50 –
10 Procedures, Section 50.50, is amended to read as follows with deleted
11 matter in ~~strikethrough~~:

12
13 **50.50. Type 4**

- 14
15 1. The initial decision making authority for Type 4 applications shall be
16 ~~either the Planning Commission or the Board of Design Review.~~ The
17 Commission's ~~or Board's~~ decision on a Type 4 application shall be a
18 written recommendation, which is forwarded to the City Council. The
19 City Council shall make the final decision on Type 4 applications as set
20 forth in this Section.

21
22 *****

- 23
24 5. At least ten (10) calendar days before the Planning Commission ~~or~~
25 ~~Board of Design Review's~~ initial hearing in a Type 4 procedure, the
26 Director shall:

27
28 *****

- 29
30 12. Consideration by the City Council of the Planning Commission's ~~or the~~
31 ~~Board of Design Review's~~ recommendation on a land use order shall be
32 conducted in accordance with the rules of procedure adopted by the
33 Council, except as otherwise required by statute. The process for filing
34 an appeal to City Council from the decision making authority's land
35 use order is set forth in Section 50.75.

- 36
37 13. In the absence of an appeal from the Planning Commission's ~~or the~~
38 ~~Board of Design Review's~~ recommendation, at the conclusion of the
39 City Council consideration of the decision making authority's land use
40 order in a Type 4 procedure, the Council shall take one of the following
41 actions:

42
43 *****

1 B. Remand the matter back to the Planning Commission, ~~or as~~
2 ~~appropriate, to the Board of Design Review.~~

3
4 *****

5
6
7 15. Not more than seven (7) calendar days after the date of the adoption or
8 rejection of an ordinance, the Director shall mail or otherwise submit
9 notice to persons who testified orally or in writing to the Planning
10 Commission, ~~Board of Design Review,~~ or City Council while the public
11 record was open regarding the proposed ordinance. The notice shall
12 include at least the following information:

13
14 *****

15
16 Section 6: The Development Code, Ordinance No. 2050, Chapter 50 –
17 Procedures, Section 50.55, is amended to read as follows with deleted
18 matter in ~~strike~~through:

19
20 50.55. Conduct of Planning Commission ~~and Board of Design Review~~
21 Hearing

22
23 *****

24
25 Section 7: The Development Code, Ordinance No. 2050, Chapter 50 –
26 Procedures, Section 50.57, is amended to read as follows with deleted
27 matter in ~~strike~~through and new matter in highlight:

28
29 50.57. Time Limits on Planning Commission ~~and Board of Design~~
30 Review-Hearing Testimony

31
32 1. The purpose of time limits on testimony is to provide all interested
33 persons with an adequate opportunity to present and respond to
34 testimony while at the same time ensuring that hearings conducted by
35 the Planning Commission ~~is and the Board of Design Review~~ are
36 conducted in an efficient and expeditious manner. Time limits on
37 testimony shall not be placed on staff presentations. The following
38 time limits on testimony shall be observed during a hearing conducted
39 by the decision making authority unless the decision making authority
40 consents to adjust the time limits in a particular instance:

41
42 A. Up to and including 20 minutes for the applicant's presentation.
43

B. Up to and including 10 minutes for a representative of a recognized NAC, government or government agency, or other organized group recognized by the Planning Commission ~~or Board of Design Review.~~

Section 8: The Development Code, Ordinance No. 2050, Chapter 50 – Procedures, Section 50.58, is amended to read as follows with deleted matter in strikethrough:

50.58. Testimony, Exhibits, and Other Evidence before the Planning Commission and Board of Design Review.

Section 9: The Development Code, Ordinance No. 2050, Chapter 50 – Procedures, Section 50.60, is amended to read as follows with deleted matter in strikethrough:

50.60. Appeal of a Type 1 Decision

4. The appellate decision making authority on appeal of Type 1 decisions shall be the Planning Commission ~~or Board of Design Review.~~ ~~The Director shall determine the appropriate appellate decision making authority for Type 1 decision appeals based upon the nature and characteristics of the proposal under appeal and any associated application.~~ The appeal hearing shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Section 50.80 through 50.83. The decision of the ~~designated~~ appellate decision making authority for appeals of Type 1 decisions shall be the final decision and shall not be subject to further appealed to the City Council.

7. Appeal hearings before the Planning Commission ~~or Board of Design Review~~ shall be conducted in accordance with Section 50.80 through 50.83 of this Code. Appeal hearings shall be recorded on audio only or audio and video tape.

1 *****

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4 **Section 10: The Development Code, Ordinance No. 2050, Chapter 50 –**
5 **Procedures, Section 50.65, is amended to read as follows with deleted**
6 **matter in strikethrough:**

7
8 **50.65. Appeal of a Type 2 Decision**

9
10 *****

11
12 4. Except for the appeals of Director's Interpretation (Section 40.25), the
13 appellate decision making authority on appeal of Type 2 decisions shall
14 be the Planning Commission ~~or Board of Design Review. The Director~~
15 ~~shall determine the appropriate appellate decision making authority~~
16 ~~for Type 2 decision appeals based upon the nature and characteristics~~
17 ~~of the proposal under appeal and any associated application. The~~
18 appeal hearing for Type 2 decisions shall be *de novo*, which means new
19 evidence and argument can be introduced in writing, orally, or both.
20 The hearing of the appeal shall be conducted in the manner specified
21 in Section 50.80 through 50.83. The decision of the designated
22 appellate decision making authority for appeal of Type 2 decisions
23 shall be the final decision and shall not be subject to further appeal to
24 the City Council.

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27
28 8. Appeal hearings before the Planning Commission ~~or Board of Design~~
29 ~~Review~~ shall be conducted in accordance with Section 50.80 through
30 50.83 of this Code. Appeal hearings shall be recorded on audio only or
31 audio and video tape.

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33 *****

34
35 **Section 11: The Development Code, Ordinance No. 2050, Chapter 50 –**
36 **Procedures, Section 50.70, is amended to read as follows with deleted**
37 **matter in strikethrough:**

38
39 **50.70. Appeal of a Type 3 Decision**

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41 *****

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43 11. Within approximately ten (10) calendar days from the date that the
44 appellate decision making authority votes on the motion regarding the

1 appeal, the Director shall cause a land use order to be signed, dated,
2 and mailed to the appellant and other persons who appeared orally or
3 in writing before the Planning Commission, ~~Board of Design Review,~~
4 City Council, or all while the public record on the appeal was open.
5 [ORD 4312; June 2004]

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7 *****

8
9 **Section 12: The Development Code, Ordinance No. 2050, Chapter 50 –**
10 **Procedures, Section 50.75, is amended to read as follows with deleted**
11 **matter in strikethrough:**

12
13 **50.75. Appeal of a Type 4 Decision**

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15 *****

- 16
17 9. Within approximately seven (7) calendar days from the date that the
18 appellate decision making authority adopts a final decision under
19 appeal, the Director shall cause a land use order to be signed, dated,
20 and mailed to the appellant and other persons who appeared orally or
21 in writing before the Planning Commission, ~~Board of Design Review,~~
22 City Council, or all while the public record on the appeal was open.

23
24 *****

25
26 **Section 13: The Development Code, Ordinance No. 2050, Chapter 50 –**
27 **Procedures, Section 50.80, is amended to read as follows with deleted**
28 **matter in strikethrough:**

29
30 **50.80. Conduct of Planning Commission ~~or Board of Design Review~~**
31 **Appeal Hearing**

- 32
33 1. The Planning Commission ~~and the Board of Design Review~~ shall
34 conduct appeal hearings pursuant to the requirements of this Section.

35
36 *****

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38 **Section 14: The Development Code, Ordinance No. 2050, Chapter 50 –**
39 **Procedures, Section 50.82, is amended to read as follows with deleted**
40 **matter in strikethrough:**

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42 **50.82. Time Limits on Planning Commission ~~or Board of Design~~**
43 **Review Appeal Hearing Testimony**

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- 1. The purpose of time limits on testimony at an appeal hearing before the Planning Commission ~~or Board of Design Review~~ is to provide all interested persons with an adequate opportunity to present and respond to testimony while at the same time ensuring that the hearing can be conducted in an efficient and expeditious manner. Time limits on testimony shall not be placed on staff presentations. The following time limits on testimony shall be observed during a hearing conducted by the appellate decision making authority unless the appellate decision making authority consents to adjust the time limits in a particular instance:

Section 15: The Development Code, Ordinance No. 2050, Chapter 50 – Procedures, Section 50.83, is amended to read as follows with deleted matter in ~~strikethrough~~:

50.83. Testimony, Exhibits, and Other Evidence before the Planning Commission ~~and Board of Design Review~~.

Section 16: The Development Code, Ordinance No. 2050, Chapter 50 – Procedures, Section 50.93, is amended to read as follows with deleted matter in ~~strikethrough~~:

50.93. Extension of a Decision

- 4. Extension of a land use decision for an application not listed in Section 50.93.2 may be granted as follows:

- B. For the second and final extension of time, the extension may be granted for a period of time not to exceed two (2) years, will be subject to a Type 3 review procedure before the Planning Commission ~~or Board of Design Review as determined by the Director~~, and must be found to be consistent with the approval criteria listed in Section 50.93.6.

APPENDIX A

1 **Section 17: The Development Code, Ordinance No. 2050, Chapter 60 –**
2 **Special Requirements, is amended as follows:**

3
4 All reference to the “Board of Design Review” is to be replaced with “Planning
5 Commission”.

6
7
8 **Section 18: The Development Code, Ordinance No. 2050, Chapter 90 –**
9 **Definition, is amended as follows:**

10
11 Except as specifically noted below, all reference to the “Board of Design Review” is
12 to be replaced with “Planning Commission”.

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16 ~~**Board of Design Review.** [ORD 4224; August 2002] The Board of Design Review~~
17 ~~of the City of Beaverton or any subcommittee thereof.~~

18
19 *****

20 **Urban Design.** Implementation of design principles found in an urban
21 environment. Examples may include transit oriented design and redevelopment.
22 Urban design may also include adequate levels of residential density, a diversity of
23 land uses, designed streetscapes and buildings, clear destinations for pedestrians,
24 and proximity to transit.

25
26 **Urban Design Professional.** A person employed in a profession related to urban
27 design and who holds a professional certification or a license for that profession
28 from the State of Oregon. Examples of such professions and licensing includes, but
29 may not be limited to, architecture, landscape architecture, and civil engineering.

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31 *****