



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

8/14/2009

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 010-09

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: Thursday, August 27, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Leigh M. Crabtree, City of Beaverton
Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative

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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

☐ In person	☐ electronic	☐ mailed
DEPT OF AUG 07 2009 LAND CONSERVATION AND DEVELOPMENT For DLCD Use Only		

Jurisdiction: **City of Beaverton**

Local file number: **TA2009-0004**

Date of Adoption: **August 3, 2009**

Date Mailed: **September 4, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: March 20, 2009

☐ 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". Amendments to Development Code Chapters 20, 60 and 90 to modify development standards as they relate to Open Space in the R1 (minimum 1,000 square feet per dwelling unit), R2 (minimum 2,000 square feet per dwelling unit) and R3.5 (minimum 3,500 square feet per dwelling unit) zoning districts. The amendment includes removing Open Space Requirements from Section 20.05.50.5, modifying Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards and altering the definition of Dwelling, Attached within Chapter 90 Definitions.

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

Modified to the extent that the Planning Commission approved text with differing percentage requirements to be more in line with prior requirements and that the definition of Attached Dwelling was further clarified.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **City-wide R-1, R-2 and R-3.5 lots**

Acres Involved:

Specify Density: Previous:

New:

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. 010-09 (17443) [15661]

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

Metro, Washington County, Tualatin Hills Park and Recreation District, Chair of the Beaverton Committee for Citizen Involvement, Beaverton Neighborhood Association Committee chairs

Local Contact: **Leigh M. Crabtree**

Phone: (503) 526-2458 Extension:

Address: **4755 SW Griffith Drive (PO Box 4755**

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

City: **Beaverton**

Zip: **Oregon**

E-mail Address: **lcrabtree@ci.beaverton.or.us**

ORDINANCE NO. 4515

**AN ORDINANCE AMENDING ORD. 2050 THE
DEVELOPMENT CODE OF THE CITY OF BEAVERTON
AS RELATED TO TA2009-0004 OPEN SPACE TEXT
AMENDMENT, CITY OF BEAVERTON APPLICANT**

- WHEREAS,** a proposal to amend the Development Code of the City of Beaverton is scheduled for City Council consideration on July 13, 2009; and
- WHEREAS,** the City of Beaverton Community Development Department submitted a proposed amendment to the text of Chapter 20 (Land Use), Chapter 60 (Special Requirements), and Chapter 90 (Definitions) in order to modify development standards as they relate to Open Space in the Urban High Density – 1,000 square feet per dwelling unit (R1), Urban Medium Density – 2,000 square feet per dwelling unit (R2) and Urban Medium Density – 3,500 square feet per dwelling unit (R3.5) zoning districts; and
- WHEREAS,** the City of Beaverton Planning Commission conducted public hearings on May 6, 2009, and June 3, 2009, to consider the proposed amendments; and
- WHEREAS,** the City of Beaverton Planning Commission received and considered the submitted staff report, exhibits, memos and staff recommended approval of this proposed Development Code text amendment as amended by the Planning Commission; and
- WHEREAS,** the City of Beaverton Planning Commission conducted a public hearing on June 3, 2009, and at the conclusion of the public hearing the Planning Commission approved recommending that the Beaverton City Council adopt the proposed text amendments to the Development Code as summarized in Planning Commission Land Use Order No. 2156; and
- WHEREAS,** an appeal of the Planning Commission recommendation was not filed; and
- WHEREAS,** the Beaverton City Council adopts and incorporates herein the Planning Services staff reports dated April 29, 2009, May 6, 2009, and May 27, 2009, and Planning Commission Land Use Order No. 2156 as the applicable criteria, facts and findings that constitute an adequate factual basis for this ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

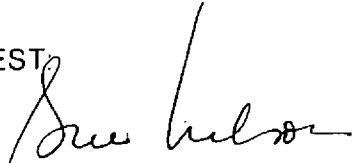
- Section 1.** Ordinance No. 2050, the Development Code of the City of Beaverton, is hereby amended to read as set out in Attachment "A" to this Ordinance attached to and incorporated herein by this reference.
- Section 2.** This ordinance shall become effective thirty (30) days after its adoption by the Council and approval by the Mayor.

First reading this 13th day of July, 2009.

Passed by the Council this 3rd day of August, 2009.

Approved by the Mayor this 3rd day of August, 2009.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



DENNY DOYLE, Mayor

Chapter 20 Amendments

The Development Code of the City of Beaverton, Ordinance No. 2050, Chapter 20 Land Uses, Section 20.05.50, Residential: Site Development, is amended to read as follows with deleted text depicted with ~~strikethrough~~ and new text depicted with underline.

5. ~~Open Space Requirements:~~

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

	<u>R2</u>	<u>R1</u>
A. Square feet per dwelling unit	600	300
[ORD 4047; May 1999] [ORD 4112; June 2000]		
[ORD 4224; August 2002] [ORD 4486; June 2008]		

Chapter 60 Amendments

The Development Code of the City of Beaverton, Ordinance No. 2050, Chapter 60 Special Requirements, Section 60.05, Design Review Principles, Standards, and Guidelines, is amended to read as follows with deleted text depicted with ~~strikethrough~~ and new text depicted with underline.

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

1. Minimum Landscape Requirements for Duplexes, Multi-Dwelling Structures and Single Family Attached Dwellings containing two (2) to three (3) units in R-3.5, R-2 and R-1 Zones.

A. All areas of the lot not occupied by structures or pavement shall be landscaped as defined in Section 60.05.25.4.

2. Minimum Landscape Requirement for Multi-Dwelling Structures and Single Family Attached Dwellings consisting of four (4) or more units but less than eight (8) units in R-3.5, R-2 and R-1 Zones.

A. For Multi-Dwelling Structures, areas to be landscaped as defined in Section 60.05.25.4 shall be a minimum of 15% of the gross site area in R-3.5, R-2 and R-1 zones.

B. For Single Family Attached Dwellings, an attached private patio or yard area of at least 300 square feet in size shall be provided. No dimension of private open space area shall be less than ten (10) feet.

C. Adjustments to these requirements are not permitted.

3. Minimum Common Open Space Requirement for Multi-Dwelling Structures and Single Family Attached Dwellings
Attached Residential Development consisting of three (3) ~~eight~~ (8) or more units in R-3.5, R-2 and R-1 Zones.

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.~~

1. A minimum of 15% of the gross site area in R-3.5, R-2 and R-1 zones.

2. For developments that are part of a Planned Unit Development, provisions of Section 60.35.15.4 shall apply. [ORD 4486; June 2008]

B. At least twenty-five (25) percent of the total required open space area for Multi-Dwelling Structures and Single Family Attached Dwellings shall be active open space.

C. For the purposes of this Section, environmentally sensitive areas shall be counted towards the minimum common open space requirement. Aboveground landscaped water quality treatment facilities shall be counted toward the minimum common open space requirement.

- D. For the purposes of this Section, vehicular circulation areas and parking areas shall not be considered common open space.
- E. For the purposes of this section, ~~individual~~ exterior spaces such as outdoor patios and decks constructed to serve individual units shall ~~not be considered common open space:~~
1. not be considered common open space when associated with Multi-Dwelling Structures.
 2. not be considered common open space when associated with Single Family Attached Dwellings and provided above the ground floor elevation level, and
 3. be allowed to be counted toward the minimum common open space requirement up to a maximum of 120 square feet per unit when associated with Single Family Attached Dwellings and provided at the ground floor elevation level.
- F. Common open space shall not abut a collector or greater classified street as identified in the City's adopted Functional Classification Plan, unless that common open space shall be allowed adjacent to these street classifications where separated from the street by a constructed barrier at least three (3) feet in height.
- G. Common open space shall be no smaller than ~~400~~640 square feet in area, shall not be divided into areas smaller than 640 square feet, and shall have minimum length and width dimensions of 20 feet.
- H. In phased developments, common open space shall be provided in each phase of the development consistent with or exceeding the requirements for the size and number of dwelling units proposed.
- I. Active common open spaces shall be included in all developments, and shall include at least two (2) of the following improvements:
1. A bench or other seating with a pathway or other pedestrian way;
 2. A water feature such as a fountain;
 3. A children's play structure;
 4. A gazebo;

5. Clubhouse;
6. Tennis courts
7. An indoor or outdoor sports court; or
8. An indoor or outdoor swimming and/or wading pool.
9. Plaza

J. The decision-making authority shall be authorized to consider other improvements in addition to those provided under subsection I, provided that these improvements provide a similar level of active common open space usage.

24. Minimum Landscaping Requirements for Required Front Yards and Required 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 open space areas in the R-2 and R-1 districts not occupied by structures, walkways, driveways, plazas or parking spaces shall be landscaped.

B. Landscaping shall include live plants or landscape features such as fountains, ponds or other landscape elements. Bare gravel, rock, bark and similar materials are not a substitute for plant cover, and shall be limited to no more than twenty-five (25) percent of the landscape area.

C. For the purposes of this Section, vehicular circulation areas and parking areas shall not be considered landscape area.

~~C~~D. All street-facing elevations shall have landscaping along their foundation. When a porch obstructs a foundation, landscaping shall be installed along the outer edge of the porch. This landscaping requirement shall not apply to portions of the building facade that provide access for pedestrians or vehicles to the building, or for plazas adjacent to the building. The foundation landscaping shall meet the following minimum standards:

1. The landscaped area shall be at least three (3) feet wide; and,
2. For every three (3) lineal feet of foundation, an evergreen shrub having a minimum mature height of twenty-four (24) inches shall be planted; and,

3. Groundcover plants shall be planted in the remainder of the landscaped area.

E. The following minimum planting requirements for required landscaped areas shall be complied with. These requirements shall be used to calculate the total number of trees and shrubs to be included within the required landscape area:

1. One (1) tree shall be provided for every eight hundred (800) square feet of required landscaped area. Evergreen trees shall have a minimum planting height of six (6) feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting.
2. One (1) evergreen shrub having a minimum mature height of forty-eight (48) inches shall be provided for every four hundred (400) square feet of required landscaped area.
3. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.

F. A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement, provided that the hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement, and shall be comprised of the following:

1. Brick pavers, or stone, scored, or colored concrete; and,
2. One (1) tree having a minimum mature height of twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,
3. Street furniture including but not limited to benches, tables, and chairs; and,
4. Pedestrian scale lighting consistent with the City's Technical Lighting Standards; and,

5. Trash receptacles.

35. Minimum Landscaping Requirements for Conditional Uses in Residential Districts, and for Developments in Multiple-Use, Commercial and Industrial Districts

- A. A minimum portion of the total gross lot area shall be landscaped:
1. Conditional uses in residential districts, and all uses in commercial and industrial districts, fifteen (15) percent;
 2. All uses in multiple-use districts, ten (10) percent.
 3. Environmentally sensitive areas shall be counted towards the minimum landscape requirement. Aboveground landscaped water quality treatment facilities shall be counted toward the minimum landscape requirement.
- B. The following minimum planting requirements for required landscaped areas shall be complied with. These requirements shall be used to calculate the total number of trees and shrubs to be included within the required landscape area:
1. One (1) tree shall be provided for every eight hundred (800) square feet of required landscaped area. Evergreen trees shall have a minimum planting height of six (6) feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting.
 2. One (1) evergreen shrub having a minimum mature height of forty-eight (48) inches shall be provided for every four hundred (400) square feet of required landscaped area.
 3. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.

C. A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement, provided that the hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement for conditional uses in residential districts, and shall be comprised of the following:

1. Brick pavers, or stone, scored, or colored concrete; and,
2. One (1) tree having a minimum mature height of twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,
3. Street furniture including but not limited to benches, tables, and chairs; and,
4. Pedestrian scale lighting consistent with the City's Technical Lighting Standards; and,
5. Trash receptacles.

D. All building elevations visible from and within 200 feet of a public street that do not have windows on the ground floor shall have landscaping along their foundation, which shall be counted toward the minimum landscaped requirement. This landscaping requirement shall not apply to portions of the building facade that provide access for pedestrians or vehicles to the building, for plazas adjacent to the building, or when the building is within three (3) feet of the property line. The foundation landscaping shall be at least five (5) feet wide; and shall be comprised of the following:

1. One (1) tree having a minimum planting height of six (6) feet shall be planted for every thirty (30) lineal feet of foundation.
2. One (1) shrub having a minimum mature height of twenty-four (24) inches shall be planted for every three (3) lineal feet of foundation and shall be planted between required trees; and,
3. Groundcover plants shall be planted in the remainder of the landscaped area not occupied by required trees and shrubs, and shall not be planted in rows, but in a staggered manner for more effective covering.

- 46. Retaining Walls.** Retaining walls greater than six (6) feet in height or longer than fifty (50) lineal feet used in site landscaping or as an element of site design shall be architecturally treated with contrasting scoring, or texture, or pattern, or off-set planes, or different applied materials, or any combination of the foregoing, and shall be incorporated into the overall landscape plan, or shall be screened by a landscape buffer. Materials used on retaining walls should be similar to materials used in other elements of the landscape plan or related buildings, or incorporate other landscape or decorative features exclusive of signs. If screening by a landscape buffer is utilized, a buffer width of at least five (5) feet is required, landscaped to the B3-High Screen Buffer standards.

57. Fences and Walls

- A. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, or brick, or other durable materials.
- B. Chain link fences are acceptable as long as the fence is coated and includes slats made of vinyl, wood or other durable material. Slat may not be required when visibility into features such as open space, natural areas, parks and similar areas is needed to assure visual security, or into on-site areas in industrial zones that require visual surveillance.
- C. Masonry walls shall be a minimum of six inches thick. All other walls shall be a minimum of three inches thick.
- D. For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, the preceding standards apply when visible from and within 200 feet of a public street.
- E. Fences and walls:
 - 1. May not exceed three feet in height in a required front yard along streets and eight feet in all other locations;
 - 2. May be permitted up to six feet in a required front yard along designated collector and arterial streets.

68. Minimize significant changes to existing on-site surface contours at residential property lines.

A. When grading a site within twenty-five (25) feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following:

1. 0 to 5 feet from property line. Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
2. More than 5 feet and up to and including 10 feet from property line. Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
3. More than 10 feet and up to and including 15 feet from property line. Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
4. More than 15 feet and up to and including 20 feet from property line. Maximum of eight (8) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
5. More than 20 feet and up to and including 25 feet from property line. Maximum of ten (10) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.

B. Notwithstanding the requirements of subsection A.1. above, grading within 25 feet of a property line shall not change the existing slopes by more than ten percent within a tree root zone of an identified significant grove or tree, or an identified historic tree located on an abutting property unless evidence provided by a certified arborist supports additional grading that will not harm the subject grove or tree.

79. Integrate water quality, quantity, or both facilities. Non-vaulted surface stormwater detention and treatment facilities having a side slope greater than 2:1 shall not be located between a street and the front of an adjacent building.

810. Natural Areas. Development on sites with City-adopted natural resource features such as streams, wetlands, and rock outcroppings, shall be preserved to maintain the resource without encroachment into any required resource buffer standard unless otherwise authorized by other City or CWS requirements.

911. Landscape Buffering Requirements. All new development and redevelopment in the City subject to Design Review shall comply with the landscape buffering requirements of Table 60.05-2 and the following standards. For purposes of this Section, a landscape buffer is required along the side and rear of properties between different zoning district designations. A landscape buffer is required for non-residential land uses and parks in residential zoning districts. Both buffering standards and side and rear building setback requirements shall be met. Only landscaping shall be allowed in the landscape buffer areas. Buffer areas and building setback standards are measured from the property line, they are not additive. Where a yard setback width is less than a landscape buffer width, the yard setback width applies to the specified buffer designation (B1, B2, or B3 as appropriate). A landscape buffer width cannot exceed a minimum yard setback dimension. In addition, the buffer area and landscape standard are intended to be continuously applied along the property line, except as authorized under Section 60.05.45.9.

A. Applicability of Buffer Standards.

1. The buffer standards shall not be applicable to individual single-family buildings on individual parcels.
2. The buffer standards shall not apply to areas where emergency access is required.
3. The buffer standards shall not apply to areas where a public utility easement exists. This exemption only applies to trees and does not exempt the requirement of shrubs and ground cover.
4. The buffer standards shall not apply along property lines where a non-residential use is already buffered by a natural feature or an open space dedication, if such a natural buffer or dedication is at least 40 feet in width, or if the width of the natural feature or open space dedication and the density and quality of landscaping meet or exceed the applicable landscape buffer standard.

- B. **B1-Low Screen Buffer.** This buffer is intended to provide a minimal amount of transitional screening between zones. This buffer consists of one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width; and 2) live ground cover consisting of low-height plants, or shrubs, or grass proportionately spaced between the trees with actual spacing for low height plants or shrubs dependent upon the mature spread of the vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required buffer area. Deciduous trees having a minimum two-inch caliper at time of planting may be planted in the B1 buffer required for across the street.
- C. **B2-Medium Screen Buffer.** This buffer is intended to provide a moderate degree of transitional screening between zones. This buffer consists of live ground cover consisting of low-height plants, or shrubs, or grass, and 1) one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width; 2) evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting planted proportionately between the required evergreen trees. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants or shrubs or evergreen shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area. Deciduous trees having a minimum two-inch caliper at time of planting may be planted in the B2 buffer required for across the street.
- D. **B3-High Screen Buffer.** This buffer is intended to provide a high degree of visual screening between zones. This buffer consists of minimum six (6)-foot high fully sight obscuring fences or walls with an adjoining landscape area on the interior of the fence when the fence is proposed within three (3) feet of the property line. If the fence is proposed to be setback from the property line more than three feet, the landscaping shall be on the exterior of the fence within a landscape area a minimum of five (5) feet in width, with adequate provision of access and maintenance of the landscaped area. The height of the fence shall be measured from the property on which the fence is to be

located, and, if located on a wall, shall be in addition to the height of the wall. The landscape area shall be planted with one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width, filled between with evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants or shrubs or evergreen shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.

E. Changes to Buffer Widths and Standards. Required buffer widths and buffer standards are the minimum requirements for buffering and screening. Changes in buffer widths and standards shall be limited to the following:

1. A request for a reduction in buffer width when a B3 buffer standard is required shall be reviewed through the public hearing process;
2. A request for a reduction in the buffer width when a B2 or B1 buffer standard is required and the applicant does not want to change the buffer standard, or when the reduction in buffer width is greater than five (5) feet, shall be reviewed through the public hearing process; and,
3. A request for a reduction in the buffer width when a B2 or B1 buffer standard is required and the reduction in buffer width is five (5) feet or less, shall be reviewed through administrative authorization provided that the next highest buffer standard is implemented.

Requests for changes in buffer widths and buffer standards shall only be authorized because of physical site constraints, or unique building or site design. An applicant shall be required to provide an adequate detailed written and plan demonstration of the physical site constraints or unique building or site design including, but not limited to, an enhanced site plan, or cross-section detail drawings, or manipulated aerial photography.

F. Landscaping Buffering Installation. All required buffering shall be installed prior to occupancy permit issuance.

- G. **Pedestrian Plazas in Required Buffer Areas for Non-Residential Development.** For non-residential development in non-residential zoning districts, in which the building is proposed to be placed at the required front yard buffer line, concrete or brick pavers shall be authorized in place of required live groundcover, or bark, or grass, for the length of the building for the front yard only; provided that required trees are still installed, the paved area is connected to the public sidewalk, and pedestrian amenities including but not limited to benches or tables, are provided.

Chapter 90 Amendments

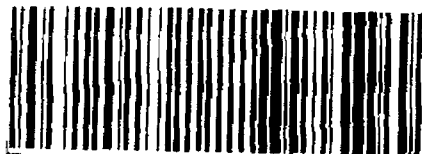
The Development Code of the City of Beaverton, Ordinance No. 2050, Chapter 90 Definitions is amended to read as follows with deleted text depicted with ~~strikethrough~~ and new text depicted with underline.

Dwelling, Attached. [ORD 4224; August 2002] A dwelling that is attached to another dwelling, excluding accessory dwellings. There are two types of Attached Dwellings:

- **Multi-Dwelling Structure.** A structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the multi-dwelling structure is not divided into separate lots. Multi-dwelling structures includes structures commonly called garden apartments, apartments, and condominiums.
- **Single Family Attached Dwellings-** Dwelling units, located on individual lots that share one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. A single family attached dwelling does not share common floor/ceilings with other single family attached dwelling units. A single family attached dwelling is also commonly called a rowhouse, townhouse, or a common-wall house.

EAVERTON
LOPMENT

7076-4755



7001 2510 0000 0260 2749

FIRE CLASS



UNITED STATES POSTAGE
NOV 14 1999
PAID FROM ZIP CODE 97301

\$ 06.49⁰⁰

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