



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: August 17, 2015
Jurisdiction: City of Beaverton
Local file no.: TA 2015-0002
DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/14/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE 004-15 File No.: {23787} Received: 8/14/2015
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Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Beaverton

Local file no.: **TA2015-0002 Food Cart Pods Text Amendment**

Date of adoption: 8/12/2015

Date sent: 8/14/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 5/5/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Changes are limited to formatting and minor content changes

Local contact (name and title): Jana Fox, Associate Planner

Phone: 503-526-3710

E-mail: jfox@beavertonoregon.gov

Street address: PO Box 4755

City: Beaverton

Zip: 97076-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Adds Section 40.32 Food Cart Pods and Section 60.11 Food Cart Pod Regulations. Minor amendments to following Chapters of Development Code: Chapter 20 Land Uses, 40 Applications, 50 Procedures, 60 Special Requirements & 90 Definitions.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from to Acres:

Change from to Acres:

Change from to Acres:

Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: No other agencies affected.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 4662

**AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, TA 2015-0002,
FOOD CART POD TEXT AMENDMENT**

WHEREAS, on June 10, 2015, the Planning Commission conducted public hearings to consider a City-initiated application to update the Development Code to permit Food Cart Pods in certain commercial, industrial and multiple use zoning districts; and

WHEREAS, the Planning Commission received and considered the submitted staff report, exhibits, and staff-recommended approval of this text amendment; and

WHEREAS, the Planning Commission voted to recommend approval of the text amendment on June 10, 2015; and

WHEREAS, no appeal of the Planning Commission's decision was filed; and

WHEREAS, the Council adopts as to criteria applicable to this request and findings thereon the Planning Division Staff Report dated June 3, 2015, Planning Division memorandum dated June 10, 2015, and Planning Commission Land Use Order No. 2406; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

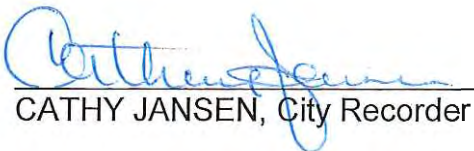
Section 1. Ordinance No. 2050, the Development Code, is amended to read as set forth in Exhibit "A" to this Ordinance attached to and incorporated herein by this reference.

First reading this 14th day of July, 2015.

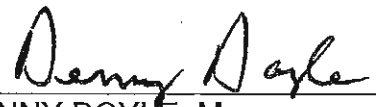
Second reading and passage this 11th day of August, 2015.

Approved by the Mayor this 12th day of August, 2015.

ATTEST:


CATHY JANSEN, City Recorder

APPROVED:


DENNY DOYLE, Mayor

20.10. COMMERCIAL LAND USE DISTRICTS

- 20.10.05. Corridor and Main Street Areas.** These areas of the City implement the Corridor and Main Street policies of the City's Comprehensive Plan and are identified on the City's Zoning Map. Full urban services are to be provided.

Four commercial zones establish varied levels of commercial uses and residential densities.

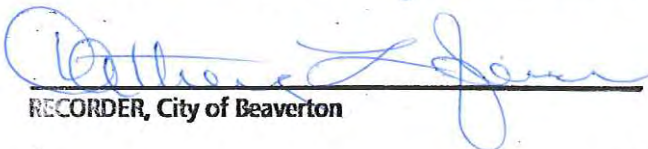
20.10.10. Purpose.

- 1. Neighborhood Service (NS)**
The NS District is intended to provide minimal areas of service and convenience uses to meet the frequent needs of nearby residents.
- 2. Community Service (CS)**
The CS District is intended to provide for a variety of business types compatible with and of similar scale to commercial activities found principally along the City's major streets.
- 3. Corridor Commercial (CC)**
The CC District is intended to provide Corridors to develop into multiple use employment and service centers.
- 4. General Commercial (GC)**
The GC District is intended to provide businesses requiring extensive land intensive outdoor storage and/or display of merchandise, equipment, or inventory.

STATE OF OREGON,
COUNTY OF WASHINGTON, } ss CERTIFICATION
CITY OF BEAVERTON

I, CATHERINE JANSEN, Recorder for the
City of Beaverton, Washington County, Oregon, certify
that this instrument is a true and correct copy of the
original which is part of the official records of the City of
Beaverton, Oregon. ORDINANCE No. 4662.

Dated this 14TH day of August, 2015


RECORDER, City of Beaverton

20.10.15. SITE DEVELOPMENT STANDARDS

Site Development Standards support implementing development consistent with the corresponding zoning district. All superscript notations refer to applicable regulations or clarifications as noted in footnotes below. [ORD 4584; June 2012]

Development Standards Superscript Numbers Refer to Footnote	NS	CS	CC	GC
A. Minimum Parcel Area - Non-Residential	7,000	7,000	None	7,000
B. Minimum Land Area ¹ - Residential	Refer to Section 20.25.05.			
1. Attached	1,000 / unit	1,000 / unit	1,000 / unit	1,000 / unit
2. Detached	4,000 / unit	4,000 / unit	4,000 / unit	4,000 / unit
C. Lot Dimensions				
1. Minimum Width	70	70	None	70
2. Minimum Depth	100	100	None	100
D. Minimum Yard Setbacks				
1. Front ²	20	20	None	20
2. Side ³				
a. Interior	10	10	None	10
b. Corner	20	20	None	20
3. Rear ⁴	20	20	None	20
E. Minimum Open Air Display Setbacks ⁵				
1. Front	20	20	None	20
F. Building Height				
1. Maximum ⁶	35	60	60	60

1. For Attached, minimum parent parcel of land area per dwelling unit; For Detached, minimum land area per dwelling unit.
2. Under the conditions outlined in Section 60.05.15.6. of this Code, buildings in commercial zones located on parcels that exceed 60,000 square feet shall be exempt from Section 20.10.15.D.1., minimum front setbacks. Front yard setbacks for parcels in excess of 60,000 gross square feet shall be governed by the Design Review Design Standard specified in Section 60.05.15.6. Any deviation from that standard shall be reviewed through the Design Review Three application process and the corresponding Design Review Design Guideline.
3. Under the thresholds outlined in Section 40.30., application may be made for zero side yard setbacks.
4. Rear yard setback is applicable to only the portion of the rear yard which abuts a residential zone; otherwise the minimum rear yard setback is 0 feet.
5. Where permitted, open air sales / display / storage of merchandise shall be setback at least 20 feet from the front property line. The area shall be designated and subject to Decision Maker approval.
6. Maximum building height of any building within 100 feet of a residentially zoned property is 35 feet.

Development Standards Superscript Numbers Refer to Footnote		NS	CS	CC	GC
Wireless Communication Facilities					
G. Maximum Height					
1. WCF ⁷		100	100	100	100
2. Equipment Shelters ⁸		12	12	12	12
3. Roof Mounted Antennas		Shall not extend above maximum height of underlying zone or increase the height of any building which is nonconforming due to height.			
H. Yard Setbacks ⁹					
1. Requirements		Shall comply with underlying zoning district requirements			
2. Other		Refer to 60.70.35.14.A and B			

All Dimensions are in Feet.

- 7. Inclusive of antenna.
- 8. At-grade equipment shelters.
- 9. Applicable to all WCF towers, antenna arrays, and ground and/or roof-mounted equipment shelters.

20.10.20. LAND USES

The following Land Uses are Permitted (P), allowed with a Conditional Use (C) approval, or Prohibited (N) as identified in the following table for the Commercial Zoning Districts. All superscript notations refer to applicable Use Restrictions Section 20.10.25.

Category and Specific Use Superscript Refers to Use Restrictions		NS	CS	CC	GC
		P: Permitted	C: Conditional	N: Prohibited	
Residential					
1. Care	A. Care Facilities	P	P	P	P
2. Dwellings	B. Accessory Dwelling Units	P	P	P	P
	C. Attached	C ¹	P	P	P
	D. Detached	C ¹	P	P	P
	E. Home Occupation	P	P	P	P
	F. Manufactured and Mobile Homes	N	N	N	N
	G. Manufactured / Mobile Homes Parks and Subdivisions	N	N	N	N
	H. Planned Unit Development	C	C	C	C
Commercial					
3. Animal	A. Animal Care, Major	C	C	C	C
	B. Animal Care, Minor	P	P	P	P
4. Care	A. Hospitals	C	C	C	C
	B. Medical Clinics	C	C	C	C
	C. Child Care Facilities	C	P	P	P
	D. Residential Care Facilities	C	C	C	C
5. Eating and Drinking Establishment		P	P	P	P
6. Financial Institutions		P	P	P	P
7. Live / Work Uses		P	P	P	P
8. Office		P ²	P	P	P
9. Parking as the Principal Use		N	N	C	P
10. Retail Trade ³		P	P	P	P
11. Marijuana Dispensary ¹³		N	P	P	P
12. Service Business / Professional Services		P	P	P	P

Category and Specific Use Superscript Refers to Use Restrictions		NS	CS	CC	GC
		P: Permitted	C: Conditional	N: Prohibited	
13. Storage	A. Self Storage Facilities	N	N	C	P
	B. Storage Yards	N	N	C	P
14. Temporary Living Quarters		N	C ⁴	P	P
15. Vehicles	A. Automotive Service, Major	C	C	N	C
	B. Automotive Service, Minor	C	P	C	P
	C. Bulk Fuel Dealerships	C	P	C	P
	D. Sales or Lease	N	N	N	P
	E. Rental	N	C	C	P
16. Food Cart Pods ¹⁴		P ¹⁵	P	P	P
Civic					
16. Cemetery		N	N	N	N
17. Education	A. Commercial Schools	C	P	P	P
	B. Educational Institutions	P	P	P	P
18. Places of Worship		C	P C ⁷	P	P
19. Public Buildings, Services and Uses		C	C	C	C
20. Recreation	A. Public Parks, Parkways, Playgrounds, and Related Facilities	P	P	P	P
	B. Recreational Facilities	P	P	P	P
21. Social Organizations		C	P C ⁷	P	P
22. Transit Centers		N	C	C	N
23. Utilities	A. Utility Substations and Related Facilities other than Transmission Lines	C	C	C	C
	B. Transmission Lines	P	P	P	P
Hours of Operation					
24. Uses Operating between 10:00 p.m. and 7:00 a.m. ^{5 13}		P C ⁶	P C ^{6 7}	P	P C ⁸

[ORD 4648; Nov 2014]

Category and Specific Use Superscript Refers to Use Restrictions		NS W1: WCF Type 1	CS W2: WCF Type 2 N: Prohibited	CC W3: WCF Type 3	GC
Wireless Communication Facilities (WCF)					
25. New WCF	A. Tower Construction	W3	W3	W3	W3
	B. Attachment to existing or new building or structure not using stealth design	W3	W3	W3	W3
	C. Replacement tower to provide collocation opportunity ⁹	W1	W1	W1	W1
	D. Attachment of a new WCF to buildings or structures and utilize stealth design ¹⁰	W1	W1	W1	W1
	E. Attachment of WCF to existing structures, tower or pole structures ¹¹	W1	W1	W1	W1
26. WCF in Right-of-Way	A. Installation of WCF within right-of-way ¹²	W2 / W3	W2 / W3	W2 / W3	W2 / W3
27. Collocation	A. New WCF on existing WCF tower	W1	W1	W1	W1
	B. New WCF inclusive of antennas on existing WCF tower exceeding height standard	W2	W2	W2	W2
28. Antennas	A. Attachment of antennas to WCF tower or pole structures other than used for cellular phone service	W1	W1	W1	W1
29. Satellite Antennas and Direct to Home Satellite Service	A. DHSS antennas >1 m. in diameter	W1	W1	W1	W1
	B. Up to 2 antennas >2 m. in diameter	W1	W1	W1	W1
	C. Up to 5 antennas >2 m. in diameter	W2	W2	W2	W2
	D. More than 5 antennas >2 m. in diameter	W3	W3	W3	W3

20.10.25. USE RESTRICTIONS

The following Use Restrictions refer to superscripts found in Section 20.10.20.

1. Detached or Attached Dwellings; only 50% of the contiguous area within any NS zone may be developed residentially.
2. No freestanding office structure or group of office structures shall exceed a combined total of 15,000 square feet.
3. No sales or outdoor storage of animals or livestock are allowed with this use.
4. Limited to Hotels and Extended Stay Hotels located on a lot or parcel adjoining U.S. Highway 26, Canyon Road, Tualatin Valley Highway or Oregon State Highway 217, subject to the following:
 - a. It shall be located on the portion of the lot immediately adjoining the highway.
 - b. Signage is allowed as per Section 60.40.35.3. of this code. However, only one freestanding sign, up to 32 square feet per face, 64 square feet for all four faces combined or one wall sign up to 64 square feet may orient toward an abutting Arterial or regional traffic route.
 - c. Signage shall not be allowed for auxiliary uses such as restaurants, meeting rooms, etc.
 - d. Auxiliary uses such as restaurants and meeting rooms shall be designed to meet the needs of the guests of the facility and not the general public.
5. Applicable to all uses, excluding marijuana dispensaries. [ORD 4648; Nov, 2014]
6. Office uses do not require a Conditional Use for extended hours of operation.
7. If property is greater than 500 feet from an existing Residential use in a Residential zone the use is Permitted. If property is within 500 feet from an existing Residential use in a Residential zone the use requires Conditional Use approval.
8. Conditional Use required when abutting a Residential Zone.

20.10.25.

9. On a location containing an existing tower supporting one carrier and shall be consistent with other approvals.
10. Provided the buildings or structures are not exclusively used for single-family or multi-family residential purposes.
11. Not permitted on single family dwellings.
12. W3 when located on streetlights, or traffic signal lights, or high voltage power utility poles in the right-of-way of designated Collector, Neighborhood Route, or Local Streets; W2 in the right-of-way of designated Freeways and Arterial Streets.
13. Marijuana dispensary shall:
 - a. be subject to the provisions of ORS 475.314; and
 - b. be allowed to operate only between the hours of 7:00 AM and 10:00 PM. Hours of operation may not be extended through the Conditional Use process as identified in this Code.[ORD 4648; Nov 2014]

14. Food Cart Pods are exempt from the Site Development Standards of 20.10.10 but are subject to the standards of 60.11 of the Development Code.

15. Permitted only when abutting a Collector or higher street classification.

20.10.30. OTHER NS ZONING REQUIREMENTS

Uses shall be subject to the following (excludes food cart pods, parks and playgrounds):

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for child care and educational facilities and as allowed in item 2, below.
2. Accessory open air sales / display / storage shall constitute no more than 5% of the gross building floor area of any individual establishment.
3. Excluding food stores, individual establishments shall not exceed 15,000 square feet gross floor area.

20.10.35. OTHER CS ZONING REQUIREMENTS

Uses shall be subject to the following (excludes food cart pods, parks and playgrounds):

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for child care and educational facilities and as allowed in item 2, below.
2. Accessory open air sales / display / storage shall constitute no more than 5% of the gross building floor area of any individual establishment.

20.10.40. OTHER CC ZONING REQUIREMENTS

Uses shall be subject to the following (excludes food cart pods, parks and playgrounds):

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for child care and educational facilities, transit centers and as allowed in items 2 and 3 below.
2. Accessory open air sales / display / storage shall be Permitted for horticultural and food merchandise only and shall constitute no more than 5% of the gross building floor area of any individual establishment.

20.15. EMPLOYMENT / INDUSTRIAL LAND USE DISTRICTS

- 20.15.05. Employment and Industrial Areas.** The areas of the City that are designated as Employment and Industrial implement the policies of the City's Comprehensive Plan and are identified on the City's Zoning Map. Full urban services are to be provided.

One Employment zone and one Industrial zone establish varied levels of employment uses.

20.15.10. Purpose.

1. Office Industrial (OI)

The Office Industrial District is intended to provide areas of office, light manufacturing, and limited retail and service uses in an "employment activity center" concept.

2. Office Industrial - Nike Campus (OI-NC)

The Office Industrial - Nike Campus District is intended to provide consistent and predictable zoning with Washington County zoning for the Nike World Headquarters campus located in an area south of Walker Road, west of Murray Boulevard, north of Jenkins Road, and east of 158th Avenue. [ORD 4649; Feb 2015]

3. Industrial (IND)

The Industrial District is intended to provide sites for manufacturing, distribution, industrial uses, and uses requiring processing, fabrication and storage, including outdoor storage areas, heavy equipment and other similar uses not compatible in an Office Industrial area. [ORD 4584; June 2012]

20.15.15. SITE DEVELOPMENT STANDARDS

Site Development Standards support implementing development consistent with the corresponding zoning district. All superscript notations refer to applicable regulations or clarifications as noted in footnotes below. [ORD 4584; June 2012] [ORD 4649; Feb 2015]

Development Standards Superscript Numbers Refer to Footnote	OI	OI-NC	IND
A. Minimum Parcel Area (sq ft)			
1. Minimum	None	None	None
B. Residential Density			
1. Minimum / Maximum	N/A	N/A	N/A
C. Floor Area Ratio			
1. Minimum / Maximum	N/A	None ⁵	N/A
D. Lot Dimensions			
1. Minimum Width	None	None	None
2. Minimum Depth	None	None	None
E. Minimum Yard Setbacks¹			
1. Any Yard Abutting A Residential Zone	75	None	75
2. Front	35	None	35
3. Side ^{1 2}	10	None	10
4. Rear ²	None	None	None
F. Building Height			
1. Maximum ³	80	80 - 110 ⁶	45
G. Public Parks⁴			
	Exempt	Exempt	Exempt

- Reduction to Setback Standards: Under the thresholds outlined in Section 40.30.5., application may be made for zero side yard setbacks.
- No side or rear yard setbacks required where side or rear property lines abut a railroad right-of-way or spur track.
- Except as provided by Section 60.50.05. (Accessory Uses and Structures).
- Public parks, parkways, recreation facilities, trails and related facilities are exempt from these site development requirements.
- If non-residential or mixed use development is proposed in excess of 0.35 FAR, the applicant shall demonstrate that the transportation system serving the development site has adequate planned capacity to accommodate additional site-generated traffic, consistent with the applicable adopted level of service standard.
- Buildings within 500 linear feet from the nearest residentially designated property shall have a maximum height of 80 feet. Buildings may be constructed up to 110 feet in height on portions of the subject properties that are 500 feet or more from the nearest residentially designated property.

Development Standards Superscript Numbers Refer to Footnote		OI	OI-NC	IND
Wireless Communication Facilities				
H. Maximum Height ⁷				
1. WCF ⁷		120	120	120
2. Equipment Shelters ⁸		12	12	12
3. Roof Mounted Antennas	Shall not extend above maximum height of underlying zone or increase the height of any building which is nonconforming due to height.			
I. Yard Setbacks ⁹				
1. Requirements	Shall comply with underlying zoning district requirements			
2. Other	Refer to 60.70.35.14.A and B			

All Dimensions are in Feet.

- 7. Inclusive of antenna.
- 8. At-grade equipment shelters.
- 9. Applicable to all WCF towers, antenna arrays, and ground and/or roof-mounted equipment shelters.

20.15.20. LAND USES

The following Land Uses are Permitted (P), allowed with a Conditional Use (C) approval, or Prohibited (N) as identified in the following table for the Employment and Industrial Zoning Districts. All superscript notations refer to applicable Use Restrictions Section 20.15.25. [ORD 4584; June 2012]

Category and Specific Use Superscript Numbers Refer to Footnote		OI P: Permitted	OI-NC C: Conditional	IND N: Prohibited
Commercial				
1. Animal ¹	A. Animal Care, Major	N	N	C
	B. Animal Care, Minor	P	N	P
2. Care ¹	A. Hospitals	P	N	C
	B. Medical Clinics	P	P ²⁴	C
	C. Child Care Facilities	P	P ²⁴	P
3. Parking as the Principal Use	A. Structures	P	N	C
	B. Surface	N	N	C
4. Retail and Service Business	A. Bulk Retail	C ³	N	N
	B. Eating and Drinking Establishments	P ²	P ²⁴	C ²
	C. Equipment and Supply Sales ⁴	P	N	P ⁵
	D. Equipment Rental Agencies ⁶	C	N	C
	E. Freestanding Retail or Service Business up to and Including 5,000 sq ft ⁷	P	P ²⁴	N
	F. Freestanding or Combination of Retail or Service Business of More than 5,000 but Less than 30,000 sq ft ⁷	C	P ²⁴	N
	G. Professional Services	P	P ²⁴	C
	H. Wholesale or Retail Lumber, Building, and or Landscaping Materials Yard		N	
	H. Marijuana Dispensaries	N	N	N
5. Storage ¹	A. Cold Storage Plants	N	N	P
	B. Self Storage Facilities	N	N	C
	C. Storage or Sale Yard ⁸	N	P ²⁴	P
	D. Storage Yard for Building Materials	N	N	P
6. Temporary Living Quarters		C ⁹	N	N

Category and Specific Use Superscript Numbers Refer to Footnote		OI P: Permitted	OI-NC C: Conditional	IND N: Prohibited
7. Vehicles ¹	A. Auto, Truck and Trailer Rental	N	N	C
	B. Automotive Service, Major	N	N	P ¹⁰
	C. Automotive Service, Minor	N	N	P
	D. Bulk Fuel Dealerships	N	N	P
	E. Heavy Equipment Sales ¹¹	N	N	P
	F. Trailer, Recreational Vehicle or Boat Storage	N	P ²⁴	P
	G. Trailer Sales or Repair	N	N	C
	H. Vehicle Storage Yards	N	N	C
8. Food Cart Pods ²⁵		P	N	N
Industrial				
8. Concrete Mixing and Asphalt Batch Plants		N	N	C
9. Fuel Oil Distributors		N	N	P
10. Heliport		C	C	C
11. Mail Order Houses, Wholesale or Retail, Exclusive of On-Site Sales to the Public ¹		P	P	P
12. Manufacturing, Fabricating, Assembly, Processing, Packing, and Storage ¹		P ^{12 13}	P	P ¹³
13. Motor Freight Terminal		N	N	C
14. Operation Centers ¹⁴		N	N	P
15. Printing, Publishing and Book Binding ¹		N	N	P
16. Laboratory ¹		C	P	P
17. Salvage Yards, Recycling Centers and Solid Waste Transfer Stations ¹		N	N	C
18. Warehousing, Wholesale and Distributive Activities ¹		P ¹²	P	P
Civic				
19. Education ¹	A. Commercial Schools	C	N	N
	B. Educational Institutions	C	N	C
	C. Job Training and Vocational Rehabilitation Services	P	N	P
20. Public Buildings and Uses ¹⁵		P	N	C
21. Railroad Tracks and Facilities	A. Freight ¹⁶	P	N	P
	B. Passenger	P	N	P

Category and Specific Use Superscript Numbers Refer to Footnote		OI P: Permitted	OI-NC C: Conditional	IND N: Prohibited
22. Recreation ¹	A. Public Parks and Recreational Facilities	P	N	P
	B. Private Recreation Facilities ¹⁷	P	P	P
23. Transit Centers ¹⁸		P	P	C
24. Utilities	A. Facilities Related to Utility Distribution, such as Substations, Water Towers, Pump Stations, other than Transmission Lines or Power Plants	C	C	C
Office				
25. Office ¹		P	P	P ¹⁹
26. Financial Institutions ¹		P	P ²⁴	C
Other				
29. Planned Unit Development		C	C	C

[ORD 4648; Nov 2014] [ORD 4649; Feb 2015]

Category and Specific Use Superscript Numbers Refer to Footnote		OI W1: WCF Type 1	OI-NC W2: WCF Type 2 N: Prohibited	IND W3: WCF Type 3
Wireless Communication Facilities (WCF)				
30. New WCF	A. Tower Construction ²⁰	W2 / W3	W2 / W3	W2 / W3
	B. Attachment to existing or new building or structure not using stealth design	W2	W2	W2
	C. Replacement tower to provide collocation opportunity ²¹	W1	W1	W1
	D. Attachment of a new WCF to buildings or structures and utilize stealth design ²²	W1	W1	W1
	E. Attachment of WCF to existing structures, tower or pole structures ²²	W1	W1	W1
31. WCF in Right of-Way	A. Installation of WCF within right-of-way ²³	W2 / W3	W2 / W3	W2 / W3
32. Collocation	A. New WCF on existing WCF tower	W1	W1	W1
	B. New WCF inclusive of antennas on existing WCF tower exceeding height standard ²³	W2	W2	W2
33. Antennas	A. Attachment of antennas to WCF tower or pole structures other than used for cellular phone service	W1	W1	W1
34. Satellite Antennas and Direct to Home Satellite Service	A. DHSS antennas >1 m. in diameter	W1	W1	W1
	B. Up to 2 antennas >2 m. in diameter	W1	W1	W1
	C. Up to 5 antennas >2 m. in diameter	W2	W2	W2
	D. More than 5 antennas >2 m. in diameter	W3	W3	W3

20.15.25. USE RESTRICTIONS

The following Use Restrictions refer to superscripts found in Section 20.15.20.

1. Ancillary showrooms and retail area are Permitted if comprising not more than 10% of gross building floor area, and provided that no individual retail use exceeds 2,000 square feet of gross building floor area. Ancillary showrooms and retail area are Conditional if use is between 10% and 20% of gross building floor area and no individual retail business use exceeds 5,000 square feet of gross building floor area.
2. Drive-through uses are Prohibited; walk-ups Permitted.
3. Bulk retail shall not exceed 30,000 square feet and shall not abut an existing residential zone.
4. Industrial and professional equipment and supply stores, including incidental service and repair of the same.
5. Includes incidental service and repair, but excludes retail sales of specific items on display.
6. Exclusive of trucks, vehicles, or heavy equipment.
7. No outdoor storage or sales of animals or livestock are allowed with this use.
8. For contractor's equipment, house mover, delivery vehicles, trucking terminal, used equipment in operable condition, and transit storage.
9. Temporary Living Quarters are Prohibited except extended stay hotels are Conditional if meeting the following criteria:
 - a. Site size a maximum of five acres.
 - b. Auxiliary uses such as restaurants and meeting rooms shall be designed to meet the needs of the guests of the facility and not the general public.
10. Entirely within enclosed building.
11. Including incidental service and repair.
12. Manufacturing, assembly, fabricating, processing, packing, storage, wholesale and distribution activities shall meet the following requirements:
 - a. Activities are entirely enclosed within a building or structure whose appearance is compatible with normal industrial or office building design.

- b. Odors, noise, vibrations or other emissions are controlled within the confines of the building or structure.
 - c. Are not for servicing or use by the general public.
 - d. Do not entail outdoor storage of raw materials or finished products.
 - e. Do not entail movement of heavy equipment on and off the site, except truck deliveries.
 - f. Do not involve bringing live animals or the waste or by product of dead animals to the site.
 - g. Do not involve outdoor testing of products or processes on the site.
 - h. Do not involve highly combustible, explosive or hazardous materials or waste.
 - i. Examples of uses which normally meet all of the above characteristics include but are not limited to: printing, publishing and allied arts, communications equipment, electronic components, measuring, analyzing and controlling instruments manufacturing.
13. Any use having the primary function of storing, utilizing or manufacturing of explosive material is Prohibited.
14. For public agencies and utility uses. If major and minor automotive services are provided, the following limitations shall apply:
- a. Fueling, repair, washing, and servicing of vehicles is limited to fleet vehicles parked on site for these uses established after August 23, 2007. [ORD 4584; June 2012]
 - b. All automotive service activities with the exception of those described in Subsection c, below shall be undertaken in an enclosed building.
 - c. The following automotive service activities are not required to be conducted within an enclosed building:
 - d. Vehicle fueling from a fixed source;
 - 1. Routine check of fluid level and tire pressure and replacement of minor equipment such as light bulbs and windshield wipers. Should such a check result in the need to replace fluids, e.g., oil, anti-freeze, the vehicle shall be moved into the enclosed building on site for this operation.
 - 2. Emergency repair of disabled vehicles, e.g., tire replacement.

[ORD 4443; August 2007]

15. Excluding services offered on premises to individuals or the general public.
16. Such as switching yards, spur or holding tracks and freight depots, but not within 200 feet of a residential zone.
17. Privately owned facilities, such as fitness clubs, racquetball or handball clubs, tennis courts or swimming pools exclusive of spectator sports facilities.
18. Stations and stops exclusive of terminals or transit storage areas.
19. Unless the Office use is within a multi-story Office building only, or is ancillary to the primary use, Office is Permitted as principal use up to 15% of the total land area of a site.
20. If tower is proposed to be set back less than 50 feet from abutting Residential or Multiple Use zoning districts then a W3 application is required.
21. On parent parcel containing an existing tower supporting one carrier and shall be consistent with other approvals.
22. Provided the buildings or structures are not exclusively used for single-family or multi-family residential purposes.
23. W3 when located on streetlights, or traffic signal lights, or high voltage power utility poles in the right-of-way of designated Collector, Neighborhood Route, or Local Streets; W2 in the right-of-way of designated Freeways and Arterial Streets.
24. The use is permitted as an ancillary use to serve the employees and/or support the primary permitted use of the site. The ancillary use is intended to provide flexibility for and complement the operation of the primary use of the site. The ancillary use is not intended for the use by the general public. [ORD 4649; Feb 2015]
25. Food Cart Pods are exempt from the Site Development Standards of 20.15.10 but are subject to the standards of 60.11 of the Development Code.

20.15.30. SUPPLEMENTAL DEVELOPMENT REQUIREMENTS

In addition to the site development requirements listed in Section 20.15.15., development in Industrial zoning districts shall be subject to the following supplemental development requirements:

1. **Off-Street Parking and Loading.** In addition to the provisions of Section 60.25. (Off-Street Loading) and Section 60.30. (Off-Street Parking), the following shall apply to all development in Industrial zoning districts.
 - A. No parking shall be allowed within the first 20 feet of the front yard setback. Parking shall be permitted within side or rear yard setbacks; provided, however, when the side and/or rear yards abut a residentially developed property or developable property in a Residential zoning district there shall be no parking within the first 20 feet of the setback.
 - B. In addition to the requirements of Section 60.25., off-street loading shall not be permitted within side or rear yard setbacks abutting a residentially developed property or developable property in a Residential zoning district or within front yard setbacks abutting any residentially developed property or developable property in a Residential zoning district unless the setback is increased to 75 feet and the first 20 feet from the property line is landscaped or screened.
2. **Adjacent Residential Zoning District(s).** No service roads, spur trackage, hardstands, outside storage areas, etc. shall be permitted within required yards adjacent to Residential zoning district(s).
3. **Required Conditions.** The following is required for development within the Office Industrial and Industrial zoning districts:
 - A. All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building unless screened by a sight-obscuring fence or wall, excluding outdoor seating.
 - B. Motor vehicle, boat, or trailer storage lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscaped areas.

20.15.30.3.

- C. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards. All areas for storage of waste shall be fully screened.

4. **Performance Standards.**

- A. **Vibration.** No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
- B. **Odors.** The emission of odorous gasses or matter as to be readily detectable at any point beyond the property line is prohibited.
- C. **Heat and Glare.** Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
- D. **Administration and Enforcement.** Prior to the City taking any action on a Type 1, Type 2, or Type 3 application or the issuance of an occupancy permit, information sufficient to determine the degree of compliance with the standards in this subsection shall be furnished by the applicant. Such request may include continuous records of operations, for periodic checks to assure maintenance of standards, or for special surveys.

20.20. MULTIPLE USE LAND USE DISTRICTS

- 20.20.05. Multiple Use Areas.** The areas of the City that are designated as Multiple Use implement the policies of the City's Comprehensive Plan and are identified on the City's Zoning Map. Full urban services are to be provided.

Multiple Use zoning districts establish varied levels of residential and commercial uses, supporting transit and pedestrian oriented development with minimum density and intensity requirements. Multiple Use areas include: the Downtown Beaverton and Washington Square Regional Centers, Town Centers, and Station Communities.

20.20.10. Purpose.

- 1. RC-TO Downtown Regional Center—Transit Oriented District**
The RC-TO District is intended to promote a transit-supportive multiple use land use pattern and to create over time a pedestrian-oriented commercial center within approximately a quarter-mile of light rail and commuter rail transit stations while supporting existing and future businesses in moving toward and achieving the vision of the Regional Center.
- 2. RC-OT Downtown Regional Center—Old Town District**
The RC-OT District encompasses the City of Beaverton's original downtown, and is intended to maintain the mix of uses, scale of development, and appearance that are characteristic of this historically significant area while supporting existing and future businesses in moving toward and achieving the vision of the Regional Center.
- 3. RC-E Downtown Regional Center—East District**
The RC-E District adjacent to Highway 217 and located generally more than a quarter-mile from the nearest light rail station, is intended to support existing and future businesses and accommodate automobile oriented uses and lower intensity uses which are inappropriate in either the RC-TO or RC-OT Districts while still maintaining pedestrian linkages to the transit stations and transit-served land uses.

20.20.10.

4. **OI-WS Washington Square Regional Center—Office Industrial District**

The OI-WS District is intended to provide areas for combining light manufacturing, research and development, business support service, office and supportive retail, distribution, and other accessory uses, and in an “employment activity center” concept. Additionally the District is intended to encourage compact, mixed employment uses that are transit supportive and pedestrian oriented in areas within approximately one-half mile of a commuter rail transit station.

5. **C-WS Washington Square Regional Center—Commercial District**

The C-WS District is intended to provide an area for businesses that require automobile accessibility while encouraging mixed use development that is transit supportive and pedestrian oriented in areas within approximately one-half mile of a commuter rail transit station.

6. **TC-MU Town Center—Multiple Use District**

The TC-MU District primarily permits office, retail, and service uses. Also Permitted are multiple use developments and residential development with a minimum density requirement. Industrial uses are limited to light manufacturing uses.

7. **TC-HDR Town Center—High Density Residential District**

Areas designated TC-HDR are high-density residential neighborhoods with a minimum of 24 dwelling units per net acre. Other uses include commercial uses and neighborhood parks. Small free-standing office and limited retail uses are allowed within multiple use developments.

8. **SC-MU Station Community—Multiple Use District**

The SC-MU District is generally located within one-half mile of light rail station platforms. Primary Permitted uses include office, retail, and service uses. Multiple use and residential developments are also Permitted with no maximum residential density. Manufacturing and industrial uses are limited. Minimum densities and intensities are required.

20.20.10.

9. **SC-HDR Station Community—High Density Residential District**
The SC-HDR District is generally located within one-half mile of light rail station platforms. Primary Permitted uses are for high density residential neighborhoods with minimum density requirements depending on proximity to a station platform and no maximum residential density. Other uses include commercial uses and parks that do not rely upon vehicular traffic access. Office and retail uses are only allowed within multiple use developments along with other restrictions.
10. **SC-S Station Community—Sunset District**
The SC-S District is generally located within one-half mile of the Sunset Transit Center Station and is intended to implement the land use goals of the Peterkort Station Area Plan. A variety of residential and commercial densities and intensities are required.
11. **SC-E1 Station Community—Employment Sub Areas 1 District**
12. **SC-E3 Station Community—Employment Sub Area 3 District**
The SC-E1 and SC-E3 Districts are intended to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately one-half mile of light rail transit stations. The purposes of the regulations that follow are to stimulate development that:
 - A. generates sufficient intensity (number of employees or transit users) to be supportive of transit services available in the area;
 - B. contains a complementary mix of land uses; and
 - C. provides for limited industrial activities that could be incompatible if located in other Station Community zoning districts.

Areas zoned SC-E are characterized by a mix of light industrial, institutional, and office uses with an overall expectation for development to achieve a district-wide intensity of 40 employees per acre.

The sub areas are located so that the most intense development will occur adjacent to a light rail station or along a Major Pedestrian Route and is generally located within one-half mile of a light rail station. Sub-Area 3 generally applies to land that is not adjacent to a LRT station and is currently developed with uses that are generally industrial,

LAND USES

Multiple Use

institutional, or are currently low intensity campus industrial park in character which could have redevelopment potential.

20.20.15. SITE DEVELOPMENT STANDARDS

Site Development Standards support implementing development consistent with the corresponding zoning district. All superscript notations refer to applicable regulations or clarifications as noted in footnotes below. [ORD 4584; June 2012]

Development Standards Superscript Refers to Footnotes	RC-TO	RC-OT	RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
A. Parcel Area												
1. Minimum	None	None	None	None	7,000	None	None	None	None	None	None	None
2. Maximum	None	None	None	None	None	None	None	None	None	None	None	None
B. Residential Density	Refer to Sections 20.25.05. and 20.25.15.											
1. Minimum for residential only project (per acre)	20	12	12	N/A	N/A	24	24	30 ¹ 24	30 ¹ 24	30 ¹ 24	N/A	N/A
2. Maximum for residential only projects (per acre)	60	40	40	N/A	N/A	40	36	None	None ²	None	N/A	N/A
C. Floor Area Ratio (FAR)	Refer to Sections 20.25.10. and 20.25.15.											
1. Minimum	0.60 ³	0.35	0.30	0.40	0.30	0.50	0.30	0.40	0.40	0.60	0.35	None
2. Minimum with a PUD or DRBCP	0.0	0.0	0.0	0.0	0.0	0.35	0.20	0.0	0.0	0.0	0.0	0.0
3. Maximum	None	None	1.00 ⁴	None	None	1.00	0.60	1.20 ⁵ 1.00	1.20 ⁵ 1.00	None	2.00	0.50
4. Maximum with a PUD or DRBCP	None	None	None	None	None	2.00	1.00	None	None	None	None	None
D. Lot Dimensions												
1. Minimum Width	None	None	None	None	70	None	None	None	None	None	None	None
2. Minimum Depth	None	None	None	None	100	None	None	None	None	None	None	None

1. 30 units within 400 ft of LRT station platform, 24 beyond 400 ft
2. Within 120 ft of Washington County R5 zoning, the maximum residential density is 12 units per acre [ORD 4547; July 2010]
3. To accommodate smaller lot sizes in the RC-TO zone, refer to Section 20.25.20.A.1.
4. Maximum FAR for multiple use development involving residential use in RC-E zone, refer to Section 20.25.20.A.2.
5. Maximum FAR 1.20 within 400 ft of LRT station platform, 1.00 beyond 400 ft

Development Standards Superscript Refers to Footnotes	RC-TO	RC-OT	RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
E. Yard Setbacks												
1. Front Minimum	0	0	0	10	0	0	0	0 ⁶	0 ⁶	0	None	None
2. Front Maximum On Major Pedestrian Route ⁷	Refer to Footnote Reference 7											
3. Front Maximum Not On Major Pedestrian Route With Ground Floor Residential	20	20	20	N/A	N/A	5	10	20	20	10	N/A	N/A
Without Ground Floor Residential	10	10	20	10	20	20	20	10	10	20	N/A	N/A
4. Side Minimum	None	None	None	10	10	None	None	None ⁶	None ⁶	None	None	None
5. Side Maximum	None	None	None	None	None	None	None	None	None	None	None	None
6. Rear Minimum	None	None	None	None	None	None	None	None ⁶	None ⁶	None	None	None
7. Minimum Side or Rear Yards Abutting Property Zoned Residential ⁸	20	20	20	75 ⁹	20	20	20	Abut Res / MU ¹⁰	Abut Res / MU ¹⁰	20	Abut Res ⁹	Abut Res ⁹
F. Building Height												
1. Minimum	Refer to 60.05.15.7. or 60.05.35.7., as applicable: Building Scale on MPR											
2. Maximum	120	75 ¹¹ 40	80	60	50 ¹² 60	60	50	100 ¹³ 60	100 ¹³ 60	120	100	40

6. Where detached dwellings and duplexes on lots fronting common greens and shared courts are proposed, the following setbacks shall apply: Minimum front yard setback- 3 feet / Minimum side yard setback- 3 feet / Minimum alley width is 24 feet between buildings.
7. Under the conditions outlined in Section 60.05.15.6. of this Code, buildings in multiple use zones located on parcels that front on a designated Major Pedestrian Route shall be exempt from minimum and maximum setbacks. Front yard setbacks for parcels located on Major Pedestrian Routes shall be governed by the Design Review Design Standard specified in Section 60.05.15.6. Any deviation from that standard shall be reviewed through the Design Review Three application process and corresponding Design Review Guideline.
8. Rear yard setback is applicable to only the portion of the rear yard which abuts a residential zone; otherwise the minimum rear yard setback is 0 feet.
9. 75 feet if abutting a residentially developed property, otherwise 20 feet.
10. Side or rear yards abutting Residential or Multiple Use zoning where the Multiple Use zoning designation allows residential development, the minimum setback shall equal the abutting zoning district's required rear yard setback.
11. 75 feet permitted in areas within a block of SW Canyon Road, SW Farmington Road, SW Hall Boulevard, SW Watson Avenue, and SW Lombard Avenue between SW Canyon Road and SW 2nd Street; 40 feet permitted in other areas of the zoning district.
12. Maximum height is 50 feet. Where residential use is above ground floor commercial, maximum height is 60 feet.
13. 100 feet permitted within 400 ft of LRT station platform, 60 feet permitted beyond 400 ft

Development Standards Superscript Refers to Footnotes	RC-TO	RC-OT	RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
Wireless Communication Facilities												
G. Maximum Height												
1. WCF ¹⁴	100	100	100	120	100	100	100	100	100	100	100	100
2. Equipment Shelter ¹⁵	12	12	12	12	12	12	12	12	12	12	12	12
3. Roof Mounted Antenna	Shall not extend above maximum height of underlying zone or increase the height of any building which is nonconforming due to height.											
H. Yard Setbacks ¹⁶												
1. Requirements	Shall comply with underlying zoning district requirements											
2. Other	Refer to 60.70.35.14.A and B											

All Dimensions are in Feet.

14. Inclusive of antenna.

15. At-grade equipment shelters.

16. Applicable to all WCF towers, antenna arrays, and ground and/or roof-mounted equipment shelters

20.20.20. LAND USES

The following Land Uses are Permitted (P), allowed with a Conditional Use (C) approval, or Prohibited (N) as identified in the following table for the Multiple Use zoning districts. All superscript notations refer to applicable Use Restrictions Section 20.20.25. [ORD 4576; January 2012] [ORD 4578; March 2012]

Category and Specific Use		RC-TO	RC-OT	RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
Superscript Refers to Use Restrictions		P: Permitted C: Conditional N: Prohibited											
Residential													
1. Dwellings	A. Attached	P ¹	P	P ¹	P ²	P ³	P	P	P ⁴	P ⁴	P ⁶⁶	N	N
	B. Detached	P ^{5,6}	P ⁶	P ⁶	N	N	P ⁶	P ⁶	P ⁶	P ⁶	N	N ⁵	N ⁵
	C. Home Occupation	P	P	P	P	P	P	P	P	P	P	N	N
	D. Planned Unit Development	C	C	C	C	C	C	C	C	C	C	C ⁶⁶	C
Commercial													
2. Animal	A. Animal Care, Major	N	N	N	N	N	N	N	N	N	N	N	N
	B. Animal Care, Minor	P	P	P	P	P	P	P	P	P	P	P	P
3. Care	A. Hospitals	C	P	P	P	C	C	N	P	C	P	N	N
	B. Medical Clinics	C	P	P	P	P	P ⁷	P ⁸	P	P ⁸	P	P ^{9 10}	P ^{9 10}
	C. Child Care Facilities	P	P	P	P	P	P	P	P	P	P	P ⁹	P ⁹
	D. Residential Care Facilities	P	P	P	P	P	P	P	P	P	P	N	N
4. Commercial Amusement		P ¹¹	P ¹¹	P ¹¹	N	P C ¹²	C	C	C ¹³	C ¹³	P	N	N
5. Drive-Up Window Facilities ¹⁴		N C ¹⁵	C	C	N P ¹⁶	P	C	C	C	N ¹⁰	N P C ^{17 18}	N ¹⁰	N ¹⁰
6. Eating and Drinking Establishments		P	P	P	P ¹⁹	P	P	P ^{9 13}	P ⁹	P ^{10 13}	P	P ^{9 10}	P ^{9 10}

Category and Specific Use Superscript Refers to Use Restrictions		RC-TO	RC-OT	RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
		P: Permitted			C: Conditional			N: Prohibited					
7. Financial Institutions		P	P	P	P ²⁰	P	P	P	P	P	P	P ^{9 10}	P ^{9 10}
8. Live / Work Uses		C	C	C	C	C	P	P	P	P	P	N	N
9. Meeting Facilities		C P ²¹	C P ²¹	C P ²¹	C P ²¹	C P ²¹	C P ²¹	N	C P ²¹	N	P	C P ²¹	C P ²¹
10. Office		P	P	P	P	P	P ²²	P ^{8 23}	P	P ⁸	P	P	P
11. Parking as the Principle Use		C	C	C	C	C	C ²⁴	C	C	C	C	C ²⁴	C ²⁴
12. Rental Business		P	P	P	P	P ²⁵	P ^{7 22 26}	P ^{26 27}	P ²⁷	P ²⁷	P ^{28 29}	P ²⁵	N
13. Rental of Equipment Only		N	N	N	P ⁶¹	N	N	N	N	N	N	N	N
14. Retail	A. Retail Trade	P ^{26 30 31}	P ^{26 30}	P ^{26 30 31}	P ³²	P ²⁵	N P ^{22 26 33}	P ^{13 26}	P ^{9 25 34}	P ^{13 25}	P ²⁵	P ^{9 28 C35}	P ^{9 28}
	B. Bulk Retail	N	N	N	N	N	N	N	N	N	N	N	N
15. Service Business / Professional Services		P ^{9 36}	P ^{9 36}	P ^{9 36}	P ³²	P ²⁵	N P ^{22 26 33}	P ^{13 26}	P ^{8 9}	P ⁹	P	P ^{9 10 28}	P ^{9 10 28}
16. Marijuana Dispensaries		N	N	N	N	N	N	N	N	N	N	N	N
17. Storage	A. Self Storage	N	N	N	N	P ³⁷	N	N	N	N	N	N	N
	B. Storage Yards	N	C ³⁸	C ³⁸	N	N	N	N	N	C ³⁹	N	N	P ⁴⁰
18. Temporary Living Quarters		P ⁴¹	C ⁴¹	C ⁴¹	N	P	C ⁴¹	C ⁴¹	P ⁴¹	C ⁴¹	C ⁴²	C ⁴²	C ⁴²
19. Vehicles	A. Automotive Service, Major	N	N	C ²⁵	N	N	C ⁴³	N	N	N	N	N	N
	B. Automotive Service, Minor	P ⁴⁴	P	P	N	C	C	C ²⁵	N P C ¹⁷	C ²⁵	N P C ¹⁷	N	N
	C. Bulk Fuel Dealerships	N	N	N	N	N	N	N	N	N	N	N	N
	D. Sales or Lease	C ⁴⁵	C ⁴⁵	C ⁴⁵	N	N	C ^{9 22 26}	N	P ^{9 28}	P ^{9 46}	P ^{28 47}	N	N
	E. Rental	C ⁴⁵	C ⁴⁵	C ⁴⁵	N	N	C ^{9 22 26}	N	P ^{9 28}	P ^{9 46}	P ²⁸	P	P
20. Food Cart Pods ⁶⁸		P	P	P	P	P	P	N	P	N	P	N	N
Civic													
20. Education	A. Commercial Schools	P	P	P	C	P	P C N ^{33 48}	P ¹³	P	P	P	P ⁹	C ⁹
	B. Educational Institutions	P	P	P	C P ⁶⁷	P	P	P	P	P	P	P ⁹	C ⁹
21. Places of Worship		P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	N	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P ⁹	N

Category and Specific Use Superscript Refers to Use Restrictions		RC-TO	RC-OT	RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
		P: Permitted			C: Conditional			N: Prohibited					
22. Public Buildings, Services and Uses		C	C	C	P	C	C	C	C	C	C	CP ⁴⁹	CP ⁴⁹
23. Railroad Tracks and Facilities	A. Passenger	P ⁵⁰	P ⁵⁰	P ⁵⁰	P	P	P	P	P	P	P	P	P
	B. Freight	P	P	P	P ⁵¹	P	N	N	N	N	N	P ⁵¹	P ⁵¹
24. Recreation	A. Public Parks, Parkways, Playgrounds, and Related Facilities	C	C	C	P ⁵²	P	P	P	P	P	P	P ⁵³	P ⁵³
	B. Recreational Facilities	P ¹¹	P ¹¹	P ¹¹	P ¹³	P	C	C	C ⁵⁴	C ⁵⁴	P	N	N
25. Social Organizations		P ⁴⁸	P ⁴⁸	P ⁴⁸	N	PC ⁴⁸	PC ⁴⁸	PC ⁴⁸	PC ⁴⁸	PC ⁴⁸	P	C	C
26. Transit Centers		C	C	N	P	P	C	C	C	C	P	P	P
27. Utilities	A. Utility Substations and Related Facilities other than Transmission Lines.	C	C	C	C	C	C	N	C	C	C	C	C
	B. Transmission Lines	P	P	P	P	P	P	P	P	P	P	P	P
Industrial													
28. Manufacturing, Fabricating, Assembly, Processing, and Packing		PC ⁵⁵	PC ⁵⁵	PC ⁵⁵	P ^{56 57}	N	P ⁶⁰	N	P ²⁸	N	P ²⁸	P ^{56 57}	P ^{56 57}
29. Printing, Publishing, and Book Binding		N	N	N	P	N	N	N	N	N	P	P	N
30. Warehousing ⁵⁸		P	P	P	P	P	P	P	N	N	P	P ⁵⁹	P ⁵⁹

Category and Specific Use Superscript Refers to Use Restrictions		RC-TO	RC-OT	RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
		W1: WCF Type 1			W2: WCF Type 2			W3: WCF Type 3			N: Prohibited		
Wireless Communication Facilities (WCF)													
31. New WCF	A. Tower Construction	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3
	B. Attachment to existing or new building or structure not using stealth design	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3
	C. Replacement tower to provide collocation opportunity ⁶²	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1
	D. Attachment of a new WCF to buildings or structures and utilize stealth design ⁶³	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1
	F. Attachment of WCF to existing structures, tower or pole structures ⁶⁴	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1
32. WCF in Right-of-Way	A. Installation of WCF within right-of-way ⁶⁵	W2/W3	W2/W3	W2/W3	W2/W3	W2/W3	W2/W3	W2/W3	W2/W3	W2/W3	W2/W3	W2/W3	W2/W3

Category and Specific Use Superscript Refers to Use Restrictions		RC-TO	RC-OT	RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
		W1: WCF Type 1			W2: WCF Type 2			W3: WCF Type 3			N: Prohibited		
33. Collocation	A. New WCF on existing WCF tower	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1
	B. New WCF inclusive of antennas on existing WCF tower exceeding height standard	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2
34. Antennas	A. Attachment of antennas to WCF tower or pole structures other than used for cellular phone service	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1
35. Satellite Antennas and Direct to Home Satellite Service	A. DHSS antennas >1 m. in diameter	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1
	B. Up to 2 antennas >2 m. in diameter	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W11	W1
	C. Up to 5 antennas >2 m. in diameter	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2
	D. More than 5 antennas >2 m. in diameter	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3

20.20.25. USE RESTRICTIONS

The following Use Restrictions refer to superscripts found in Section 20.20.20.

1. No new duplexes are permitted in the RC-TO. Duplexes are Conditionally permitted in the RC-E and existing duplexes are Permitted.
2. Permitted above a Permitted non-residential use (second story and above), provided at least 15% of the ground floor of the building consists of leasable commercial floor area, and such commercial space fronts onto a street.
3. Ground floor residential use is not permitted. Residential use is allowed only above a Permitted non-residential use; provided at least 15 percent of the ground floor of the building consists of leasable commercial floor area, and such commercial space fronts onto a street.
4. Two existing attached dwellings; three or more attached dwellings; or replacement of two attached dwellings are Permitted.
5. Detached dwellings in existence as of September 19, 2002 are Permitted. [ORD 4224; September 2002] [ORD 4584; June 2012]
6. Only Compact Detached Dwellings on lots fronting common greens, shared courts, or public streets; or replacement of a detached dwelling are Permitted. [ORD 4576; January 2012] [ORD 4584; June 2012]
7. Buildings larger than 50,000 sq ft are subject to approval of a Conditional Use.
8. This use is allowed only in multiple use developments. Office uses shall not exceed 50% of the proposed residential floor area within the multiple use development, and shall be Permitted only when minimum residential densities are met.
9. The maximum building footprint size for a building involving a single use shall be 10,000 square feet. In addition, the maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development. [ORD 4584; June 2012]
10. Drive-through uses are Prohibited; walk-ups Permitted.
11. Except for theaters, a building with a gross ground floor area larger than 20,000 square feet is subject to the approval of a Conditional Use.
12. A new use that will not be enclosed in a building shall be a Conditional Use.

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13. These uses are Permitted only within multiple use developments, and shall have a maximum size of 10,000 square feet, provided that the minimum residential densities are met.
14. Applicable to uses providing this service.
15. Drive-up window facilities beyond 500 feet of a light rail station platform are Conditionally permitted and are Prohibited within 500 feet of a light rail station platform.
16. Eating and drinking establishments drive-up windows Prohibited; walk-ups Permitted.
17. The use is Prohibited within a physical distance of $\frac{1}{4}$ mile of a light rail transit station platform, Conditional between $\frac{1}{4}$ mile and $\frac{1}{2}$ mile of a station platform, and Permitted if greater than $\frac{1}{2}$ mile of a station platform.
18. Drive-through facilities are not permitted within 30 feet of a Major Pedestrian Route.
19. Comprising not more than 10% of gross building floor area, and provided that no individual eating or drinking establishment use exceeds 2,000 square feet of gross building floor area. No freestanding retail or eating or drinking establishment uses are allowed.
20. Drive-through uses lawfully established prior to June 17, 2010 are Permitted. [ORD 4584; June 2012]
21. Meeting facilities less than 20,000 sq ft are Permitted; exceeding 20,000 sq ft require Conditional Use approval. Use only accessory to temporary living facilities or office uses.
22. No more than 50% of any one property may be developed for a single use type until a commitment has been made to develop a different class of use equivalent to at least 20% of the floor area occupied by the primary use.
23. Small free-standing office uses are allowed within multiple use developments as defined in Chapter 90 of this ordinance, provided they do not exceed more than 50% of the residential floor area provided within the development, and that minimum residential densities are met.
24. Provided parking is in a parking structure; surface parking as the primary use is Prohibited.
25. Activity is conducted wholly within an enclosed structure and no sales or outdoor storage of animals or livestock are allowed with this use.

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26. This activity is conducted wholly within an enclosed structure. Accessory open air sales or display related to the principal use may be permitted, provided that the outdoor space devoted to these uses does not occupy an area greater than the equivalent of 15% of the building gross floor area. No sales or outdoor storage of animals or livestock are allowed with this use.
27. These uses are Permitted only within multiple use developments, and shall have a maximum size of 5,000 square feet, provided that the minimum residential densities are met.
28. This activity is conducted wholly within an enclosed structure. No accessory open-air sales, display, or storage and no sales or outdoor storage of animals or livestock are allowed with this use.
29. Use shall not be over 5,000 square feet in gross floor area.
30. Retail trade: Permitted uses for building materials, home equipment and improvements, or landscape or nurseries sales shall not occupy more than 15,000 gross square foot of space in an individual building, site or parcel.
31. Automobile parts or equipment as the principle use is Prohibited.
32. Ancillary showrooms and retail are Permitted if comprising not more than 10% of gross building floor area, and provided that no individual retail use exceeds 2,000 square feet of gross building floor area. Retail is Conditional if use is between 10% and 20% of gross building floor area and no individual retail business use exceeds 5,000 square feet of gross building floor area. No freestanding uses are allowed. No sales or outdoor storage of animals or livestock are allowed with this use.
33. Individual uses larger than 50,000 square feet are Prohibited except on those parcels which are less than three net acres in size as formed by a grid of public or private streets.
34. These uses are Permitted only within multiple uses developments, as long as the floor area of this use does not exceed 25% of the total proposed floor area within a multiple use development.
35. Furniture and appliance stores are Prohibited. Hardware and home improvement stores not exceeding 10,000 square feet in gross floor area are Conditionally permitted.
36. Repair other than auto repair.
37. Use Permitted if lawful at the date of adoption of this Ordinance; otherwise permitted as accessory to a primary Permitted use.

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38. Only as an accessory use to a Permitted or Conditionally permitted use.
39. Conditionally permitted for fully operable vehicles for sale, lease, or rent within one-quarter mile of the north side of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue:
 - a. Except as otherwise provided in this paragraph, this activity shall be conducted wholly within an enclosed structure. No accessory open air sales, display, or storage are allowed with this use, except that the prohibition against storage shall not apply to storage yards for fully operable vehicles for sale, lease, or rent.
 - b. These storage yards may be authorized for a period of time up to and including five (5) years. Upon expiration of an approved time period storage yard use shall cease until a new authorization through a separate Conditional Use permit is approved.
 - c. Within the approved storage yards open air sales or the display of fully operable vehicles for sale, lease, or rent is prohibited.
 - d. The following existing site conditions must be present as of January 1, 2003 in the South Tektronix Station Community Plan Area, and more specifically located on the north side of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue, in order for lots in this area to be authorized for the development of storage yards for fully operable vehicles for sale, lease, or rent.
 - i. Are currently being used for the storage of fully operable vehicles for sales, lease, or rent.
 - ii. Are currently shielded from public view with a sight-obscuring chain link fence.
 - iii. Currently have established landscaping outside the fence along public right-of-way.
 - iv. Are currently lighted to prevent vandalism.
 - v. Are currently surfaced with compacted gravel or paving.
 - e. Other site improvements, in addition to the following existing site conditions, may be required by the decision-making authority as conditions of approval for a development application.
40. For building or landscaping materials; contractor's equipment, transit vehicles, and related vehicle or equipment maintenance activities.
41. Motels are Prohibited.

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42. Limited to Hotels and Extended Stay Hotels.
43. Only mechanical car washes open to the public are a Conditional Use; Other Automotive Service, Major uses are Prohibited.
44. Vehicle gas stations, with or without repair, shall require the approval of a Conditional Use.
45. All uses established after December 9, 1999 shall be conducted wholly within an enclosed structure. Accessory open air sales or display related to Permitted uses in existence on a site at the time this Code was adopted may be expanded on that site.
46. Except as otherwise provided in this paragraph, this activity shall be conducted wholly within an enclosed structure. No accessory open air sales, display, or storage are allowed with this use, except that the prohibition against storage shall not apply to storage yards for fully operable vehicles for sale, lease, or rent within one-quarter mile of the north side of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue.
47. The maximum building footprint size for a building involving a single use shall be 10,000 square feet.
48. Buildings larger than 10,000 square feet are subject to approval of a Conditional Use.
49. Permitted, including utility uses, if established as of February 7, 2002, otherwise Conditionally permitted.
50. Such as transit stops, submitted for development after May 21, 2004.
51. Such as switching yards, spur or holding tracks and freight depots, but not within 200 feet of a residential zone.
52. Exclusive of spectator sports facilities.
53. Limited to 0.5 acres in size, unless located on top of a building or structured parking.
54. For individual uses greater than two gross acres, in addition to the criteria found in Section 40.15.15.3.C. for Conditional Use, the use must be transit supportive. [ORD 4584; June 2012]
55. Manufacturing uses that exceed 10,000 square feet in floor area require Conditional Use approval.

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56. Manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities shall meet the following requirements:
- a. Activities are entirely enclosed within a building or structure whose appearance is compatible with normal industrial or office building design.
 - b. Odors, noise, vibrations or other emissions are controlled within the confines of the building or structure.
 - c. Are not for servicing or use by the general public.
 - d. Do not entail outdoor storage of raw materials, finished products, animals or livestock.
 - e. Do not entail movement of heavy equipment on and off the site, except truck deliveries.
 - f. Do not involve bringing live animals or the waste or by product of dead animals to the site.
 - g. Do not involve outdoor testing of products or processes on the site.
 - h. Do not involve highly combustible, explosive or hazardous materials or waste.
 - i. Examples of uses which normally meet all of the above characteristics include but are not limited to: printing, publishing, communications equipment, electronic components, measuring, analyzing and controlling instruments manufacturing.
57. Any use having the primary function of storing, utilizing or manufacturing of explosive material is Prohibited.
58. As an accessory use, not to exceed 25% of the primary use.
59. Use Restriction 58 does not apply to lawfully established warehouse uses existing prior to effective date of this zone.
60. Permitted only within multiple use developments, as long as the floor area of this use does not exceed 50% of the total proposed floor area within a multiple use development.
61. Exclusive of trucks, vehicles, or heavy equipment.
62. On a location containing an existing tower supporting one carrier and shall be consistent with other approvals.
63. Provided the buildings or structures are not exclusively used for single-family or multi-family residential purposes.
64. Not permitted on single family dwellings.
65. W3 when located on streetlights, or traffic signal lights, or high voltage power utility poles in the right-of-way of designated Collector, Neighborhood Route, or Local Streets; W2 in the right-of-way of designated Freeways and Arterial Streets.

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66. [ORD 4578; March 2012] The requirements identified in Section 20.20.40. apply.
67. [ORD 4600; February 2013] Job Training and Vocational Rehabilitation Services are allowed as a Permitted Use, all other Commercial Schools required Conditional Use approval.
68. Food Cart Pods are exempt from the Site Development Standards of 20.20.10 but are subject to the standards of 60.11 of the Development Code.

40.10. ADJUSTMENT

40.10.15. Application

1. Minor Adjustment.

A. Threshold. An application for Minor Adjustment shall be required when one or more of the following thresholds apply:

1. Involves up to and including a 10% adjustment from the numerical Site Development Requirements specified in Chapter 20 (Land Uses). This threshold does not apply where credits have been earned for height increase through Habitat Friendly Development Practices, as described Section 60.12.40.4., .5., .6., and .7. [ORD 4531; April 2010]
2. Involves up to and including a 10% adjustment from the numerical Development Standards for Grading specified in Section 60.15.10. (Land Division Grading Standards) of this Code. [ORD 4397; August 2006]
3. Involves up to and including a 10% adjustment from the numerical Food Cart Pod standards specified in Section 60.11.10 and 60.11.15 of this Code.

40.10. ADJUSTMENT

40.10.15. Application

2. Major Adjustment.

A. Threshold. An application for Major Adjustment shall be required when one or more of the following thresholds apply:

1. Involves an adjustment of more than 10% and up to and including 50% adjustment from the numerical Site Development Requirement specified in Chapter 20 (Land Uses). This threshold does not apply where credits have been earned for height increase through Habitat Friendly Development Practices, as described Section 60.12.40.4., .5., .6., and .7. [ORD 4531; April 2010]

2. Involves an adjustment of more than 10% and up to and including 50% adjustment from the numerical Development Standards for Grading specified in Section 60.15.10. (Land Division Grading Standards) of this Code. [ORD 4397; August 2006]
3. Any change from the numerical requirements contained in Section 60.30. (Off-Street Parking). [ORD 4473; March 2008]
4. Involves an adjustment of more than 10% and up to and including a 50% adjustment from the numerical Food Cart Pod standards specified in Section 60.11.10 and 60.11.15 of this Code.

40.20. DESIGN REVIEW

40.20.10. Applicability

3. Design Review approval shall not be required for the following:
 - A. All uses listed as Permitted Uses in the R10, R7 and R5 Residential zoning districts. [ORD 4584; June 2012]
 - B. Detached dwellings and related residential accessory structures in any Residential or Commercial zoning district. [ORD 4542; June 2010]
 - C. Maintenance of a building, structure, or site in a manner that is consistent with previous approvals.
 - D. Painting of any building in any zoning district.
 - E. Wireless communication facilities.
 - F. Food Cart Pods.

40.32. FOOD CART PODS

40.32.05. Purpose.

The purpose of food cart pods are to encourage a variety of eating and drinking establishments within specified zoning districts of the City. It is recognized that food cart pods have unique challenges that other businesses may not face due to being an interim use of the property. The following provisions allow food cart pods in a manner which is appropriate and well regulated. This Section is carried out by the approval criteria listed herein.

40.32.10. Applicability.

Development on a lot of record in zoning districts specified in Chapter 20 may request approval of a Food Cart Pod in accordance with the provisions of this section. Exempted from this application are applications which fall under the threshold requirements for Temporary Mobile Sales, Temporary Non-Mobile Sales, Temporary Structure and Temporary Real Estate Office applications.

40.32.15. Application.

There are two (2) Food Cart Pod applications. A Type 1 Food Cart Pod Modification application which permits minor changes to previously approved Food Cart Pods. A Type 2 Food Cart Pod application for new Food Cart Pods or the addition of carts or structures to an approved Food Cart Pod.

1. Food Cart Pod Modification.

A. Threshold. An application for a Food Cart Pod Modification shall be required when one of the following thresholds applies:

1. Modification to an approved Food Cart Pod site layout or design which does not increase the number of food carts permitted on site.
2. Addition of amenities to an approved Food Cart Pod, such as but not limited to: tents, awnings, structures, seating, and landscaping.

B. Procedure Type. The Type 1 procedure, as described in Section 50.35. of this Code, shall apply to an application for Food Cart Pod Modification. The decision making authority is the Director.

C. Approval Criteria. In order to approve a Food Cart Pod Modification 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 Food Cart Pod Modification application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.
4. The proposal meets the applicable standards specified in Chapter 20 of the Development Code.
5. The proposal meets the standards specified in Section 60.11 of the Development Code.
6. There are safe and efficient pedestrian circulation patterns within the boundaries of the development.
7. No change to the existing grade is proposed.
8. 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 Food Cart Pod Modification 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 Food Cart Pod Modification application shall be accompanied by the information required by the application form.

E. Conditions of Approval. All applications for Food Cart Pod Modification shall comply with the following conditions identified below. The decision making authority may impose other conditions on the approval of a Food Cart Pod Modification application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to Section 50.60.

G. Expiration of a Decision. Refer to Section 50.90.

H. Extension of a Decision. Refer to Section 50.93.

2. Food Cart Pod.

A. Threshold. An application for a Food Cart Pod shall be required when one of the following thresholds applies:

1. Placement of one or more food carts on private property selling food and/or beverages.
2. Addition of one or more food carts to an approved Food Cart Pod which increases the total number of carts permitted on the site.

B. Procedure Type. The Type 2 procedure, as described in Section 50.40. of this Code, shall apply to an application for Food Cart Pod. The decision making authority is the Director.

C. Approval Criteria. In order to approve a Food Cart Pod 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 Food Cart Pod application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.
4. The proposal meets the applicable standards specified in Chapter 20 of the Development Code.

5. The proposal meets the standards specified in Section 60.11 of the Development Code.

6. There are safe and efficient pedestrian circulation patterns within the boundaries of the development.

7. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation system in a safe, efficient, and direct manner.

8. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

9. 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 Food Cart Pod 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 Food Cart Pod application shall be accompanied by the information required by the application form.

E. Conditions of Approval. All applications for Food Cart Pods shall comply with the following conditions identified below. The decision making authority may impose other conditions on the approval of a Food Cart Pod application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to Section 50.60.

G. Expiration of a Decision. Refer to Section 50.90.

H. Extension of a Decision. Refer to Section 50.93.

40.95. VARIANCE

40.95.15. Application

1. Variance.

A. Threshold. An application for Variance shall be required when the following threshold applies:

1. A change of more than fifty percent (50%) to the numerical standards specified in the Site Development Requirements contained in Chapter 20 (Land Uses). This threshold does not apply where credits have been earned for height increase through Habitat Friendly Development Practices, as described in Sections 60.12.40.4., .5., .6., and .7.
2. Any change from the numerical requirements contained in Section 60.40. (Sign Regulations).
3. Excluding Section 60.55.30., any change from the numerical requirements contained in Section 60.55. (Transportation Facilities).
4. A change of more than fifty percent (50%) from the numerical Food Cart Pod standards specified in Section 60.11.10 and 60.11.15 of this Code.

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 where phasing of the development is proposed.

Planned Unit Development (Section 40.15.15.4.)

Preliminary Fee Ownership Subdivision (Section 40.45.15.7.)

Preliminary Subdivision (Section 40.45.15.5.)

Replat Two (Section 40.45.15.3.)

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

Accessory Dwelling Unit (Section 40.05.15.1.)

Alteration of a Landmark (Section 40.35.15.1.)

Commercial Timber Harvest (Section 40.90.15.4.)

Conditional Use (Section 40.15.15.4.)

Demolition of a Landmark (Section 40.35.15.3.)

Design Review Two (Section 40.20.15.2.)

Design Review Three (Section 40.20.15.3.)

Emergency Demolition of a Landmark (Section 40.35.15.2.)

Expedited Land Division (Section 40.45.15.8.)

Final Land Division (Section 40.45.15.7.)

Flexible Setback for Individual Lot With Endorsement (Section 40.30.15.1.)

Flexible Setback for Individual Lot Without Endorsement (Section 40.30.15.2.)

Flexible Setback for a Proposed Residential Land Division (Section 40.30.15.3.)

Food Cart Pod (Section 40.32.15.2)

Major Adjustment (Section 40.10.15.3.)

Major Modification of a Conditional Use (Section 40.15.15.2.)

Minor Adjustment (Section 40.10.15.1.)

Minor Modification of a Conditional Use (Section 40.15.15.1.)

New Construction in a Historic District (Section 40.35.15.4.)

Planned Unit Development (Section 40.15.15.4.) when there is no phasing to the development

50.90.1.B.

Preliminary Fee Ownership Partition (Section 40.45.15.6.)
Preliminary Fee Ownership Subdivision (Section 40.45.15.7.)
when there is no phasing to the development
Preliminary Partition (Section 40.45.15.4.)
Preliminary Subdivision (Section 40.45.15.5.) when there is no
phasing to the development
Property Line Adjustment (Section 40.45.15.1.)
Public Transportation Facility (Section 40.57.15.1.)
Replat One (Section 40.45.15.2.)
Replat Two (Section 40.45.15.3.) when there is no phasing to the
development
Tree Plan One (Section 40.90.15.1.)
Tree Plan Two (Section 40.90.15.2.)
Tree Plan Three (Section 40.90.15.3.)
THPRD Annexation Waiver (Section 40.93.15.)
Variance (Section 40.95.15.1.)
Wireless Facility One (Section 40.96.15.1.)
Wireless Facility Two (Section 40.96.15.2.)
Wireless Facility Three (Section 40.96.15.3.)
Zero Side or Zero Rear Yard Setback for a Proposed Residential
Land Division (Section 40.30.15.4.)
Zero Side Yard Setback for a Proposed Non-Residential Land
Division (Section 40.30.15.5.)

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

Design Review Compliance Letter (Section 40.20.15.1.)
Food Cart Pod Modification (40.32.15.1)
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.)
Sidewalk Design Modification (Section 40.58.15.)
Signs (Section 40.60.15.1.)
Solar Access (Section 40.65.15.1.)
Use of Excess Parking (Section 40.55.15.3.)

50.90.1.

D. No expiration date:

Director's Interpretation (Section 40.25.15.1.)

Discretionary Annexation Related Zoning Map Amendment
(Section 40.97.15.4.).

Legislative Zoning Map Amendment (Section 40.97.15.2.)

Non-Discretionary Annexation Related Zoning Map Amendment
(Section 40.97.15.3.)

Quasi-Judicial Zoning Map Amendment (Section 40.97.15.1.)

Street Vacation (Section 40.75.15.1.)

Text Amendment (Section 40.85.15.1.)

[ORD 4265; October 2003] [ORD 4332; January 2005] [ORD 4388; May 2006]
[ORD 4397; August 2006] [ORD 4487; August 2008] [ORD 4498; January 2009]
[ORD 4584; June 2

60.11. FOOD CART POD REGULATIONS.

60.11.05. Purpose. The purpose of these regulations is to establish criteria for the placement of food cart pods in the City of Beaverton. Food carts provide the community a wider choice of eating and drinking options. Food cart pods shall comply with all applicable City, County and State standards.

60.11.10. Site Design.

1. Site Design Standards for Food Cart Pods:

- A. Food carts and amenities shall be located on a paved or concrete surface.
- B. Food cart pods shall not occupy pedestrian walkways or required landscaping.
- C. Food cart pods shall not occupy or obstruct bicycle or vehicle parking required for an existing use.
- D. Carts and/or objects associated with the food cart use shall not occupy fire lanes or other emergency vehicle access areas.
- E. Front yard setbacks for food carts shall be a minimum of 6 feet.
- F. Rear and side yard setbacks for food carts and amenities shall be the same as the zone in which it is located, except when a side or rear yard abuts a residential zoning district. Any side or rear yard abutting a residential zoning district must meet the setbacks 60.11.10.1.G below.
- G. Rear and/or side yards abutting residentially zoned property shall have a minimum setback of 20 feet or the minimum setback for the zone in which it is located, whichever is greater. This setback may be reduced to 10 feet by meeting the buffering requirements for a B-3 buffer in section 60.05.25.13.D of the Development Code but may not be less than the minimum allowed in the zoning district of the food cart pod.
- H. Carts shall not be located or oriented in a way that requires customers to queue in a driveway.

I. Uses shall not create tripping hazards in pedestrian and vehicular circulation areas with items including, but not limited to, cords, hoses, pipes, cables, or similar materials.

J. Where more than one cart is located on a site, carts shall be separated by a minimum of 6 feet.

K. Food carts shall not be located in the Vision Clearance Area as described in the *Engineering Design Manual*.

2. Standards for amenities within a food cart pod:

A. All food cart pods which provide seating for customers shall have restrooms with hand washing facilities available. Restrooms must have handwashing facilities with hot and cold running water, soap and paper towels or air dryers. Restrooms must either be on site or on an adjacent parcel. Restrooms shall be screened from view of the public right of way and abutting residentially zoned properties.

B. Required restrooms shall be available during Food Cart Pod operating hours.

C. All food carts and customer amenities within a food cart pod shall be served by a minimum 5 foot wide hard surface walkway.

D. Waste and recycling receptacles shall be provided for customer and business waste. Receptacles shall be screened from view of the right of way and abutting residentially zoned properties and serviceable by the applicable waste-hauler.

E. Storage structures accessory to food carts shall be less than 120 square feet in size and no greater than 15 feet in height. Storage structures shall be set back a minimum of 20 feet from public rights-of-way.

F. Structures used to provide shelter to customers may be membrane structures such as tents or canopies or permanent structures.

a. Structures providing shelter and/or cover to patrons shall not exceed the following standards without Adjustment or Variance approval:

i. Cover 200 square feet or less in area.

- ii. Have a maximum of 50 percent of the structure enclosed with walls or sides. Membrane structures may be fully enclosed.
- iii. Are 15 feet in height or less, as measured to the highest point.

60.11.15. Individual Food Cart Design Standards.

1. All Food carts shall be subject to the design standards listed below:
 - A. Food carts shall enclose or screen from view of the right of way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, or other accessory items.
 - B. The wheels and tongues must remain on the food cart. Wheels must remain inflated.
 - C. Carts shall not have missing siding or roofing.
 - D. Food carts shall be kept in good repair and maintained in a safe and clean condition.
 - E. Food carts shall not be longer than 26 feet, as measured from wall to wall.
 - F. Food carts shall obtain and keep current a City Business License.
 - G. Food carts shall maintain all required licenses by the appropriate State and/or local agency, including Washington County Health.
 - H. If provided, cart awnings shall have seven (7) feet of clearance between the ground and awning for safe pedestrian circulation.
 - I. Food Carts shall not exceed 15 feet in height without Adjustment or Variance approval.

60.11.20. Utilities.

1. Food carts shall connect to the sanitary sewer consistent with applicable state plumbing codes, including provide for the disposal of fats, oils and grease with an approved grease separator. Indirect discharges or leakage draining into the storm water system is prohibited.

2. Food carts shall connect to a permanent water source in conformance with applicable state plumbing codes.
3. Food carts and amenities shall connect to a permanent power source. Power connections may not be connected by overhead wires to the individual food carts. Generators are prohibited.
4. All utilities shall be placed underground pursuant to Section 60.65 of the Development Code.

60.11.25. Parking.

1. Food Cart Pods in Commercial and Industrial zoning districts must provide a minimum of one (1) parking space per approved food cart. Food Cart Pods in Multiple Use Zoning districts are exempt from parking requirements.

60.11.30. Signs.

1. Signage on individual food carts shall be limited to signs on the face of the food cart.
2. Freestanding signs for food cart pods are subject to provisions of Chapter 60.40.35.3.

60.11.35. Lighting.

1. Food cart pods shall have lighting to ensure safe environment for customers and employees that complies with the following:
 - A. At minimum, areas to be occupied by customers shall be illuminated when carts operate during hours of darkness.
 - B. No direct light source shall be visible from the property line.
 - C. Lighting fixtures shall be oriented and/or shielded to prevent glare on abutting properties.

CHAPTER 90 - DEFINITIONS

Food Cart. A mobile vehicle, such as a food truck, trailer or cart, from which service of food and/or beverages is provided to walk-up customers.

Food Cart Pod. A site containing one or more food carts and associated amenities on private property.

DRAFT



**CITY OF BEAVERTON
STAFF REPORT**

TO: Planning Commission

STAFF REPORT DATE: June 3, 2015

HEARING DATE: June 10, 2015

STAFF: Steve Regner, Assistant Planner
Jana Fox, Associate Planner

SUBJECT: **TA2015-0002 (Food Cart Pod Text Amendment)**

REQUEST: The City proposes to amend the Beaverton Development Code to permit Food Cart Pods in certain Commercial, Industrial and Multiple-Use Zones. The proposal creates a new application type for Food Cart Pods as well as new standards to regulate Food Cart Pods. The update may affect all chapters of the Development Code.

APPLICANT: City of Beaverton - Planning Division

APPLICABLE CRITERIA: Development Code Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

RECOMMENDATION: Staff recommend the Planning Commission review the proposal, take public testimony, deliberate on the proposal and make a recommendation to City Council.

1. Summary of Proposed Text Amendment

City staff have prepared a Text Amendment to allow and regulate Food Cart Pods within the City of Beaverton. Currently food carts must operate under the Temporary Use-Mobile Sales restrictions within the City. These Temporary Uses are limited to one per site, and may only be on site for seven hours per day, leaving the site after seven hours. This Text Amendment does not propose to modify the Temporary Use-Mobile Sales application, but instead creates a new land use classification, Food Cart Pods. On April 22, 2015 staff held a work session with the Planning Commission to discuss Food Cart Pods. This proposal reflects the discussion of that work session. Staff have summarized the proposed amendments below and all amendments are shown in the attached Exhibits.

Chapter 20

Site Development Standards:

Food Cart Pods are proposed to be exempt from the Site Development Standards of Chapter 20, but are proposed to be governed by the standards of a new Section, Section 60.11 of the Development Code. This will allow for the consistent application of standards for Food Cart Pods across zoning districts, as the use is different from typical brick and mortar buildings which the Site Development Standards of Chapter 20 are intended to regulate.

Permitted Uses:

Having reviewed the types of uses allowed in the Multiple Use, Commercial, and Industrial zoning districts, staff is recommending that Food Cart Pods be allowed in Multiple Use zoning districts which are not primarily oriented towards high density residential uses; these districts include the RC-TO (Regional Center-Transit Oriented), RC-OT (Regional Center-Old Town), RC-E (Regional Center-East), C-WS (Commercial-Washington Square), TC-MU (Town Center-Multiple Use), SC-MU (Station Community-Multiple Use) and SC-S (Station Community-Sunset) zoning districts. Staff also propose to allow Food Cart Pods in all Commercial zoning districts, NS (Neighborhood Service), CS (Community Service), CC (Corridor Commercial), GC (General Commercial), with a use restriction in the NS district which would require that Food Cart Pods be located on parcels adjacent to a collector or higher designated street. Staff recommends allowing Food Cart Pods in employment oriented industrial zones which are intended for a high level of employees, including the OI-WS (Office Industrial-Washington Square) and OI (Office Industrial) zoning districts.

Chapter 40

Staff is proposing a new application, Food Cart Pods, which will have two sub-applications, New Food Cart Pods and Food Cart Pod Modifications. Given that the scope of Food Cart Pods exceeds the provisions of other Temporary Use Applications, staff recommend a new classification to adequately regulate the new use. Given the unique nature of Food Cart Pods, traditional Design Review did not fit this new use type, as such, Food Cart Pods and structures within Food Cart Pods will be exempt from Design Review.

New Food Cart Pod – Type 2:

Given the potential impacts to adjacent properties from the use, staff is proposing that the new Food Cart Pod application be a Type 2 application. Establishment of a new food cart pod would require a New Food Cart Pod Application, which would designate the number of food carts in the pod and the general layout of the pod. Future increases in the number of food carts permitted in the pod would require a Type 2 application to ensure that all the provisions for safety, parking, and design are met with an increased number of food carts.

Food Cart Pod Modifications – Type 1:

Minor modifications to approved food cart pods may be necessary from time to time to accommodate the addition of amenities or changes to the layout of the pod. Staff

proposes to accommodate these changes under a Type 1 Food Cart Pod Modification application, which would function in a manner similar to the current Design Review Compliance Letter application for modifications to existing sites and developments. This would ensure that minor changes to an established pod are still in compliance with the Food Cart Pod approval and standards in Chapter 60.

Design Review – Applicability:

Staff is proposing to exempt Food Cart Pods and associated structures from Design Review, as the Design Review standards do not fit the type of use and accessory structures associated with the use.

Adjustments & Variance:

Staff is proposing to allow variation from the numeric standards associated with Food Cart Pods through the Adjustment and Variance processes. Adjustment and/or Variance would allow applicants the flexibility to exceed the numeric standards of Section 60.11 related to the size, height, and location of food carts and accessory structures through an existing application process.

Chapter 50

Expiration of a Decision:

Staff propose adding an expiration of two years for a Food Cart Pod. This allows two years for the Pod to be developed. If it is not developed within the two years, an extension would have to be filed or the approval would expire. This is consistent with other Type 2 applications. Staff proposes a one year expiration date for Type 1 Food Cart Pod Modifications which is consistent with other Type 1 applications.

Chapter 60

Staff propose to create a new section of Chapter 60, Section 60.11, which regulates Food Cart Pods. This section, as described below, sets standards for the placement, design, and operation of Food Cart Pods within the City of Beaverton. The Food Cart Pod use is a unique use from other types of uses permitted within the City, as such staff recommend that a new Development Code section is necessary to adequately regulate Food Cart Pods.

Site Design:

Staff propose a number of site design requirements for Food Cart Pods, particularly related to safety and sensitivity to adjacent properties. Food Carts cannot occupy pedestrian walkways, required parking for other businesses, or required landscaping in order to not conflict with existing uses on the same or adjacent sites. Food Carts and amenities must be placed on a hard surface, such as concrete, asphalt, or permeable paving materials. This allows carts to be easily moved and is easier to clean, as food or waste cannot seep into the ground through other materials and potentially attract animals or vermin. Placement of Food Carts and amenities may not occupy fire lanes or required

parking and maneuvering areas to ensure that safe pedestrian and vehicle circulation are maintained.

Setbacks:

Staff propose a minimum front yard setback for all zoning districts of 6 feet from the edge of the public right-of-way. The front yard setbacks within the various zoning districts in which Food Cart Pods would be allowed vary between zero and twenty (20) feet. Staff suggest a consistent front yard setback across all zones is necessary to ensure that queuing would not block public sidewalks and that the food cart would still be allowed close enough to the street frontage to interact with the street. In order to decrease conflicts between Food Cart Pods and neighboring residentially zoned properties, a minimum 20 foot setback is proposed from any property lines which are adjacent to residentially zoned properties. There is an option to decrease this setback to 10 feet by providing a vegetated buffer consistent with the B-3 buffer standards found in Section 60.05.25.13.D. Side and rear yard setbacks are proposed to be consistent with the zoning district in which they are located, unless abutting a residentially zoned property. In some zones, setbacks abutting residential properties are greater than the 20 feet proposed by these new standards. In this case, the greater setback will apply.

Restrooms:

The Oregon Health Authority (OHA) requires that mobile food units which provide seating to patrons provide restroom facilities which are readily accessible, within one-quarter mile or a five-minute walk of the mobile food unit. Staff observe that one quarter of a mile or five-minute walk is a significant distance for patrons. Staff also observe that there is a lack of publicly provided and maintained restrooms in Beaverton unlike other larger cities in the region. Therefore, staff proposes that any food cart pod that provides seating must provide restrooms on site or on an adjacent parcel. OHA requires that restrooms must provide a hand washing facility with hot and cold running water, soap and paper towels or an air dryer. Restroom facilities for food cart pods would need to meet the OHA standards. These restroom facilities would also serve employees of the Food Cart Pod. Staff also proposes the restrooms be screened from public view. Restrooms inside existing buildings are considered screened. This allows the facilities to be less visibly obtrusive to neighbors and the public at large.

Trash & Recycling:

Trash and recycling receptacles are required for customer and business waste. Trash and recycling receptacles must be screened from view of the public right-of-way and serviceable by the applicable waste-hauler.

Structures:

Structures used to provide shelter to customers are proposed to be permitted under the Food Cart Pod applications. Structures may be membrane structures, such as tents and canopies, or permanent structures. Staff proposes limits on the size of structures at 200 square feet in coverage area and 15 feet in height in order to ensure these structures are

not too visually obtrusive. Structures may exceed these standards through a separate Adjustment or Variance process.

Staff proposes limits on the level of enclosure for permanent structures permitted without additional review. Staff proposes that up to 50 percent of the sides of a permanent structure may be covered to allow some protection from the elements without becoming a fully enclosed building with floor area. Once a building becomes mostly enclosed, it begins to move away from the intended interim use of food cart pod. An Adjustment or Variance would be an appropriate method for an applicant if they wish to further enclose a permanent structure within a Food Cart Pod. Membrane structures, such as tents and canopies, which are interim use structures by nature, can be fully enclosed with no additional review.

Storage structures (such as a small shed) which are accessory to food carts may be permitted without additional review if they are less than 120 square feet in area and 15 feet in height. The Building Code permits accessory structures up to 120 square feet for commercial uses without a building permit and staff is seeking to be consistent with the building code for ease of customer use. Storage sheds are required to be set back 20 feet from the right-of-way in order to ensure they are not the prominent visual feature from the right-of-way. Side and rear yard setbacks for sheds are to be consistent with requirements of the pod.

Height:

Staff propose to limit the height of all carts and structures associated with Food Cart Pods to a maximum of fifteen (15) feet in height. Should a permanent structure wish to exceed the 15 feet in height standard, an Adjustment or Variance would be necessary. Fifteen feet will easily accommodate a one story structure, providing weather protection for customers and employees. Additionally, fifteen feet is consistent with the height limitations for accessory structures in Chapter 60 of the Development Code and can reasonably accommodate most standard accessory structures.

Cart Standards:

Staff propose standards for individual food carts to ensure they are still mobile and in good repair. Licensing requirements from the City of Beaverton and Washington County Health shall be required. The provisions of this ordinance do not exempt food carts from any additional governmental requirements.

Utilities:

Staff propose to require permanent connections to water in conformance with applicable state plumbing codes. Staff is concerned that a food cart operating with finite water supplies would limit the carts ability to provide safe, clean food service. To prevent the likelihood of unpermitted dumping of greywater, a connection to an approved sanitary sewer system will also be required. As the wastewater may contain fats, oils, and grease, an approved method of treatment, such as a grease interceptor, will be required through the sanitary sewer connection. Connections to publically provided power will be required

as generators can be a disturbance to adjacent businesses and residents. Power connections must not be overhead in accordance with utility undergrounding provisions of the Development Code.

Parking:

Staff propose to require one parking space per Food Cart in a Food Cart Pod in Commercial and Industrial zoning districts which, at minimum, is enough to allow the employee of the cart to park. Additional parking may be provided or on-street parking utilized where available. Multiple Use Zoning districts would be exempt from the parking requirements, as they are intended to be high traffic pedestrian oriented areas where pedestrian visits are anticipated. Parking may be provided by Food Cart Pods in Multiple Use zoning districts but is not proposed to be required. There are no parking maximums proposed with this use.

Signs:

Staff propose to allow freestanding signage in accordance with the provisions of the Sign Code. The Code would allow one freestanding sign per site at a maximum of 32 square feet per sign face. Because many carts already have signage and art work on them, they would be difficult to regulate, therefore, individual food carts would be permitted signage on all faces of the cart without limits on size. No temporary signage is permitted, consistent with the existing Sign Code.

Lighting:

Staff propose to require lighting for Food Cart Pods operating after dark. Lighting shall be shielded to prevent spillover glare onto abutting properties. Direct light sources, such as bare bulbs, shall not be visible from the property line. This allows for safer Food Cart operations in the evenings while protecting adjacent property owners.

Chapter 90

Staff propose the following definitions for Food Carts and Food Cart Pod.

Food Cart. A mobile vehicle, such as a food truck, trailer or cart, from which service of food and/or beverages is provided to walk-up customers.

Food Cart Pod. A site containing one or more food carts and associated amenities on private property.

Hard Surface. A surface which remains unchanged by applied force, so that when the force is removed the surface returns to its original condition, such as asphalt, concrete, permeable pavers or like materials. Gravel is not a hard surface.

The definition for *Hard Surface* is adapted from an Americans with Disabilities Acts standards document for physical accessibility. The intent is to make sure the surfaces can support access for physically handicapped people.

2. Public Comment

Public notice was provided consistent with Section 50.50 of the Development Code. As of the date of issuance of the staff report and recommendation there were no written comments from the public submitted to the record. Staff have also not received any written comments from Metro, Washington County, or the Oregon Department of Land Conservation and Development (DLCD) staff.

3. Facts and Findings

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA2015-0002 (Food Cart Pod Text Amendment):

Development Code Approval Criteria

1. The proposal satisfies the threshold requirements for a Text Amendment application.

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is any proposed change to the Development Code, excluding changes to the zoning map. TA2015-0002 proposes to make changes to chapters; 20, 40, 50, 60, and 90 of the Development Code, as shown in the attached Exhibits. Therefore, staff find that approval criterion one has been met.

2. All City application fees related to the application under consideration by the decision-making authority have been submitted.

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Planning Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Metro's Urban Growth Management Functional Plan (UGMFP) is the document that defines how local governments are to implement the Metro Regional Goals and Objectives. The UGMFP is comprised of the following titles:

Title 1: Requirements for Housing and Employment Accommodations

- Title 2: Regional Parking Policy (Repealed and moved to Title 4 of the Regional Transportation Functional Plan (RTFP))
- Title 3: Water Quality and Flood Management
- Title 4: Industrial and Other Employment Areas
- Title 5: Neighbor Cities and Rural Reserves
- Title 6: Centers, Corridors, Station Communities and Main Streets
- Title 7: Housing Choice
- Title 8: Compliance Procedures
- Title 9: Performance Measures (Repealed)
- Title 10: Functional Plan Definitions
- Title 11: Planning for New Urban Areas
- Title 12: Protection of Residential Neighborhoods
- Title 13: Nature in Neighborhoods
- Title 14: Urban Growth Boundary

The City is required to bring its land use regulations into conformance with the UGMFP. The Development Code has been amended to incorporate several Policies of the UGMFP. This proposed text amendment does not conflict with the UGMFP.

The proposed Text Amendment would allow for Food Cart Pods to operate within the City of Beaverton City Limits. This new use is a type of Eating and Drinking Establishment use, though temporary in nature in comparison to traditional bricks and mortar restaurants.

The establishment of the Food Cart Pod use in Limited Commercial, Employment and Multiple Use zones does not affect the City's ability to comply with the UGMFP titles.

As part of the City's standard noticing procedures, Metro was sent a copy of the DLCD notice, which contained reference to the draft text and summary of the changes, similar to the Exhibits hereto. Therefore, staff find that approval criterion three has been met.

4. *The proposed text amendment is consistent with the City's Comprehensive Plan.*

Staff find that the following Comprehensive Plan Policies apply to this proposal:

9.2.2.2.b Ensure regulations and codes are consistent with and complementary to one another, and are easy to understand and implement.

The Food Cart Pod Text Amendment fits within the existing policy framework of the Development Code and is consistent with other provisions within the Code. Code provisions are consistent with and complementary to one another.

Comprehensive Plan Compliance Summary: Therefore, staff find that the proposed amendment complies with all applicable Comprehensive Plan policies and is consistent with the City's Comprehensive Plan and that approval criterion four has been met.

5. *The proposed text amendment is consistent with other provisions within the City's Development Code.*

The text amendment is intended to work within the existing framework of the Development Code, utilizing Type 1 and 2 application types as well as Special Requirements. The proposed amendments do not create conflicts with other provisions of the Development Code. Therefore, staff find that the approval criterion has been met.

6. *The proposed amendment is consistent with all applicable City ordinance requirements and regulations.*

Staff has not identified any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendment. Therefore, staff find that approval criterion six has been met.

7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion seven has been met.

Other applicable approval criteria

As a post-acknowledgement amendment to the City's Development Code, the proposed text amendment is subject to ORS 197.175(1), which requires that the City demonstrate that the proposed text amendment be consistent with the relevant Statewide Planning Goals. Staff have determined that the following goals apply:

Goal 1	Goal 2	Goal 6	Goal 9
Goal 10	Goal 11	Goal 12	Goal 13
Goal 14			

Goal 1 Citizen Involvement To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Staff find that the City has provided adequate notice and opportunity for public involvement for the proposed text amendment and public hearing.

Goal 2 Land Use Planning To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Staff find that the proposed text amendment fits within the established process and framework. Furthermore, the findings contained within this report establish an adequate factual basis for the proposal.

Goal 6 Air, Water and Land Resources Quality To maintain and improve the quality of air, water and land resources of the state.

Food Cart Pods will be required to comply with applicable air, water, and land quality requirements, as would other uses. Food Cart Pods are required to connect to existing infrastructure systems which require permits that ensure compliance with applicable regulations relating to environmental quality. As such the proposal will not have a negative impact on the air, water, or land resources of the state.

Goal 9 Economy of State To diversify and improve the economy of the state

The allowance of Food Cart Pods within the City of Beaverton allows for a new type of use in the City of Beaverton, expanding opportunities for small businesses. Staff find that the proposal will not have a negative impact on the economy of the state.

Goal 10 Housing To provide for the housing needs of the citizens of the state.

As stated above in response to the Comprehensive Plan Policies relating to housing and Metro Title 1, staff find that the proposal will not negatively impact the ability of the City to meet its share of the housing needs of the citizens of the state.

Goal 11 Public Facilities and Services To plan and develop a timely, orderly, and efficient arrangement of public facilities and service to serve as a framework for urban and rural development.

Staff find that the proposal will not impair the City's ability to provide the necessary services.

Goal 12 Transportation To provide and encourage a safe, convenient and economic transportation system.

Staff find that the proposal does not, by itself, authorize any additional development and therefore will not have a negative effect on the transportation system of the City or surrounding area. All future development will be reviewed through the existing land use review procedures.

Goal 13 Energy Conservation To conserve energy.

Staff find that the proposed changes will not change the City's ability to conserve energy or promote energy-efficiency measures.

Goal 14 Urbanization To provide for an orderly and efficient transition from rural to urban land use.

Staff find that the proposal only applies to already urbanized land and therefore does not alter the transition from rural to urban land use.

State Land Use Goal Compliance Summary: Therefore, staff find that the proposed text amendment complies with all of the applicable State Planning Goals.

4. Conclusions

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7 of the Development Code.

5. Staff Recommendation(s)

Staff offers the following recommendation for the conduct of the June 10, 2015 public hearing for TA2015-0002 (Food Cart Pod Text Amendment):

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Consider the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.

- C. Recommend **APPROVAL** of text amendment application TA2015-0002 (Food Cart Pod Text Amendment) to the City Council.

6. Exhibits

- Exhibit 1.1 Chapter 20 Proposed Text
- Exhibit 1.2 Chapter 40 Proposed Text
- Exhibit 1.3 Chapter 50 Proposed Text
- Exhibit 1.4 Chapter 60 Proposed Text
- Exhibit 1.5 Chapter 90 Proposed Text