



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

January 21, 2006



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment
DLCD File Number 006-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 7, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

<paa> ya

FORM 2

D L C D NOTICE OF ADOPTION

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

JUL 18 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Beaverton Local File No.: TA2006-0004 (2006 Omnibus)
(If no number, use none)

Date of Adoption: 07/11/06 Date Mailed: 07/17/06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: N/A

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write See Attached.≡

Annual omnibus text amendment to selected sections of the Beaverton Development Code Currently effective through Ordinance 4365 (November 2005) to clarify approval criteria, thresholds, and applicability for certain regulations.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write Same.≡ If you did not give notice for the proposed amendment, write N/A.≡

Several Section of text where added to the Omnibus through the ongoing review of necessary changes to the Development Code. These changes remain consistent with the description provided to DLCD in the original Notice of Proposal.

Plan Map Changed from: N/A

Zone Map Changed from: N/A

Location N/A Acres Involved: N/A

Specify Density: Previous: 0 New: 0

Applicable Statewide Planning Goals: 2

Was an Exception Adopted? Yes: No:

DLCD File No.: _____

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

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

If no, do the Statewide Planning Goals apply.

Yes: No:

DLCD # 006-06 (15145)

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

Affected State or Federal Agencies, Local Governments or Special Districts: City of Beaverton

Local Contact: Colin Cooper, AICP, Senior Planner Area Code + Phone Number: 503-526-2425

Address: PO BOX 4755

City: Beaverton Zip Code+4: 97076-4755

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4397

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTERS:

10, 20, 40, 50, 60, and 90;
TA 2006-0004 (2006 Omnibus).

WHEREAS, the purpose of the 2006 Omnibus Development Code Text Amendment is to amend selected sections of the Beaverton Development Code currently effective through Ordinance 4382 (November 2005) to clarify approval criteria, specify the applicability of certain regulations, renumber and reorder certain regulations, relocate certain sections, and remove certain sections. Affected chapters of the Development Code include, Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions),

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on May 24, 2006 published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on May 31, 2006; and,

WHEREAS, the Planning Commission held a public hearing on May 31, 2006, and approved the proposed 2006 Omnibus Development Code Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated May 31, 2006, staff memo dated May 31, and as amended at the hearing; and

WHEREAS, on May 31, 2006, the Planning Commission conducted a public hearing for TA 2006-0004 (2006 Omnibus) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1870; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0004 (2006 Omnibus) following the issuance of the Planning Commission Land Use Order No. 1870; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1870 dated June 8, 2006 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4295, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

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

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

First reading this 19th day of June, 2006.

Passed by the Council this 10th day of July, 2006.


Approved by the Mayor this 11th day of July, 2006.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

1 **Section 1: The Development Code, Ordinance No. 2050, Chapter 10,**
2 **General Provisions, Section 10.40. shall be amended to read as follows:**

3
4 **10.40 Annexations**

5
6 *****

7
8 2. The City may consider the zoning for any area proposed for annexation
9 at the same time as it considers annexation of the area or at a later
10 time. ~~The notice and hearing procedures shall be as set forth in~~
11 ~~Section 50.45 (Type 3) of this Code.~~ The zoning decision shall not be a
12 final decision for the purposes of judicial review until the date that the
13 question of annexation has received all approvals required by City and
14 State law and has become effective. [ORD 4135; November 2000]
15 [ORD 4224; August 2002]

16
17 3. [ORD 4135; November 2000] The process for zoning map amendments
18 that are associated with annexations shall be as follows:

19
20 *****

21
22 B. For parcels where the UPAA does not identify a specific City
23 zoning designation and discretion is required, a public hearing
24 shall be held pursuant to Section 40.97.15.4 (Discretionary
25 Annexation Related Zone Change) of this Code. The Planning
26 Commission will conduct the public hearing on the zoning
27 change unless State law requires the City Council to hold a
28 public hearing on the related annexation in which case the
29 zoning map amendment hearing will be conducted concurrently
30 by the City Council and the Planning Commission hearing will
31 may not be required. The most similar City zoning designation
32 will be applied as required by the UPAA. [ORD 4224; August
33 2002]

34 *****

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Exhibit A

1 **Section 2: The Development Code, Ordinance No. 2050, Chapter 20 –**
2 **Land Uses, Sections 20.05.15.2.B. and 20.05.20.2.B., will be amended as**
3 **follows:**

4
5 **20.05 Residential Land Use Districts**

6
7 *****

8 **20.05.15. Urban Standard Density (R7) District**

9
10
11 **2. District Standards and Uses**

12
13 *****

14 **B. Conditional Uses:**

15
16 *****

17 ~~13. Two attached dwellings, only in the Beaverton Regional~~
18 ~~Center area shown on Figure III-1 in the Comprehensive~~
19 ~~Plan (ORD 3236) (See also Special Regulations Section.)~~
20 ~~[ORD 4224; August 2002] [ORD 4365; September 2005]~~

21
22 Subsequently listed Conditional Uses will be renumbered to
23 reflect the deletion of Conditional Use number 13.

24
25 *****

26
27 **20.05.20. Urban Standard Density (R5) District**

28
29 *****

30 **2. District Standards and Uses**

31
32 *****

33 **B. Conditional Uses:**

34
35 *****

36 ~~13. Two attached dwellings, only in the Beaverton Regional~~
37 ~~Center area shown on Figure III-1 in the Comprehensive~~
38 ~~Plan (ORD 3236) (See also Special Regulations Section.)~~
39 ~~[ORD 4224; August 2002] [ORD 4365; September 2005]~~

40
41 Subsequently listed Conditional Uses will be renumbered to
42 reflect the deletion of Conditional Use number 13.

43
44 *****

Exhibit A

1 **Section 3: The Development Code, Ordinance No. 2050, Chapter 20 -**
2 **Land Uses, Sections, 20.05.50.2.A., will be amended to read as follows:**

3
4 **20.05.50. Site Development Standards**

5
6 *****

7
8 **2. Minimum Lot Dimensions**

9
10 A. Width

11
12 *****

13
14 4. ~~Lot width, in the R4 district,~~ lots that take access from ~~en~~
15 a cul-de-sac, ~~or~~ hammerhead street terminus, or ~~for~~ from
16 a flag lot shall be a minimum of 20 feet. [ORD 4047; May
17 1999] [ORD 4224; August 2002]

18
19 5. ~~Notwithstanding Section 60.55.40.1, a~~ A 24 foot lot width
20 is the minimum required for attached dwellings in the R4
21 district. [ORD 4047; May 1999] [ORD 4224; August 2002]

22
23 6. ~~Notwithstanding Section 60.55.40.1, an~~ A 18 foot lot width
24 is the minimum required for attached dwellings in the R2
25 and R1 zoning districts. [ORD 4112; June 2000] [ORD
26 4224; August 2002]

27
28 *****

29
30 **Section 4: The Development Code, Ordinance No. 2050, Chapter 20 -**
31 **Land Uses, Sections 20.10.50.3., will be amended to read as follows:**

32
33 **20.10.50. Site Development Requirements.**

34
35 *****

36 **3. Minimum Yard Setbacks:**

37
38 *****

39
40 E. Under the conditions outlined in Section 60.05.15.6, buildings in
41 commercial zones located on parcels that exceed 60,000 square
42 feet shall be exempt from Section 20.10.50.3.A, minimum
43 setbacks, and shall have a maximum setback of twenty (20) feet.

44 *****

Exhibit A

1 **Section 5: The Development Code, Ordinance No. 2050, Chapter 20 –**
2 **Land Uses, Sections 20.20.50.A.4.D, 20.20.50.B.4.D, 20.20.50.D.4.D, and**
3 **20.20.50.E.4.E will be amended to read as follows:**
4

5 **20.20.50. Site Development Requirements**

6
7 **A. Station Areas**

8
9 *****

10
11 4. Building Height:

12
13 *****

14
15 D. The maximum height for wireless communication
16 facilities inclusive of antennas in all station area zoning
17 districts shall be one hundred (100) feet. The maximum
18 height of at-grade equipment shelters for wireless
19 communication facilities in all ~~industrial~~ multiple-use
20 zoning districts shall be twelve (12) feet. [ORD 4248; April
21 2003]

22
23 *****

24
25 **B. Station Communities**

26
27 *****

28
29 4. Building Height:

30
31 *****

32
33 D. The maximum height for wireless communication
34 facilities inclusive of antennas in all station community
35 zoning districts shall be one hundred (100) feet. The
36 maximum height of at-grade equipment shelters for
37 wireless communication facilities in all ~~industrial~~
38 multiple-use zoning districts shall be twelve (12) feet.
39 [ORD 4248; April 2003]

40
41 *****

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Exhibit A

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D. Town Centers

4. Building Height:

D. The maximum height for wireless communication facilities inclusive of antennas in all town center zoning districts shall be one hundred (100) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all ~~industrial~~ multiple-use zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]

E. Regional Centers

4. Building Height:

E. The maximum height for wireless communication facilities inclusive of antennas in all regional center zoning districts shall be one hundred (100) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all ~~industrial~~ multiple-use zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]

Exhibit A

1 **Section 6: The Development Code, Ordinance No. 2050, Chapter 40 -**
2 **Applications, Section 40.10.15.1.A and 40.10.15.2.A, will be amended to read**
3 **as follows:**

4
5 **40.10. Adjustment**

6
7 *****

8 **40.10.10. Applicability.**

9
10 An Adjustment may be requested only for numerical Site Development
11 Requirements contained in Chapter 20 (Land Uses) or the grading standards
12 contained in Chapter 60 (Special Requirements) Section 60.15.15.5. ~~and for~~
13 ~~Major Pedestrian Route Standards in the Regional Center zoning districts~~
14 ~~and the South Tektronix Station Community.~~

15
16 *****

17
18 **40.10.15. Application.**

19
20 *****

21
22 There are ~~four (4)~~ Two (2) Adjustment applications which are as follows:
23 Minor Adjustment, ~~Minor Adjustment - All Regional Center zones and South~~
24 ~~Tektronix Station Community, Major Adjustment, and Major Adjustment -~~
25 ~~All Regional Center zones and in the South Tektronix Station Community.~~

26
27 *****

28
29 **1. Minor Adjustment**

30
31 A. **Threshold.** An application for Minor Adjustment shall be
32 required when one or more of the following thresholds apply:

33
34 *****

35 2. ~~Involves up to and including a 10% adjustment from the~~
36 ~~numerical Development Standards for Major Pedestrian~~
37 ~~Routes specified in Section 20.20.60.D.3 of this Code.~~

38
39 3. Involves up to and including a 10% adjustment from the
40 numerical Development Standards for Grading specified
41 in Section 60.15.15.05, Land Division Grading standards
42 of this Code.

43
44 *****

Exhibit A

1 **2. Major Adjustment**
2

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

5
6 *****
7

8 2. Involves an adjustment of more than 10% and up to and
9 including 50% adjustment from the numerical
10 Development Standards for Grading specified in Section
11 60.15.15.05, Land Division, Grading standards of this
12 Code.
13

14 *****

15 **Section 7: The Development Code, Ordinance No. 2050, Chapter 40 -**
16 **Applications, Section 40.20.15., shall be amended to read as follows:**

17
18 **40.20 Design Review**

19 *****
20

21
22 **40.20.15. Application**

23 *****
24

25
26 **1. Design Review Compliance Letter**

27
28 A. Threshold. An applicant may utilize the Design Review
29 Compliance Letter process when the application is limited to one
30 or more of the following categories of proposed action:
31

32 1. Minor design changes to existing building or site
33 including, but not limited to:

- 34
35 a. Façade changes, except changes in color.
36 b. Addition, elimination, or change in location of
37 windows.
38 c. Addition, elimination, or change in location of
39 person doors and loading doors.
40 d. Addition of new and change to existing awnings,
41 canopies, and other mounted structures to an
42 existing façade.
43 e. Demolition or other reduction of up to 25 percent of
44 the existing building square footage.

Exhibit A

- 1 f. Modification of up to 15 percent on-site landscaping
- 2 with no reduction in required landscaping.
- 3 g. Modification of off-street parking with no reduction
- 4 in required parking spaces or increase in paved
- 5 area.
- 6 h. Addition of new fences, retaining walls, or both.
- 7 i. Changing of existing grade.
- 8 j. Removal of up to 5 Landscape Trees
- 9 k. Addition of up to 5 Landscape Trees
- 10 l. Addition of up to 5 Landscape Trees
- 11 m. Addition of up to 5 Landscape Trees
- 12 n. Addition of up to 5 Landscape Trees
- 13 o. Addition of up to 5 Landscape Trees
- 14 p. Addition of up to 5 Landscape Trees
- 15 q. Addition of up to 5 Landscape Trees
- 16 r. Addition of up to 5 Landscape Trees
- 17 s. Addition of up to 5 Landscape Trees
- 18 t. Addition of up to 5 Landscape Trees
- 19 u. Addition of up to 5 Landscape Trees
- 20 v. Addition of up to 5 Landscape Trees
- 21 w. Addition of up to 5 Landscape Trees
- 22 x. Addition of up to 5 Landscape Trees
- 23 y. Addition of up to 5 Landscape Trees
- 24 z. Addition of up to 5 Landscape Trees
- 25 aa. Addition of up to 5 Landscape Trees
- 26 ab. Addition of up to 5 Landscape Trees
- 27 ac. Addition of up to 5 Landscape Trees
- 28 ad. Addition of up to 5 Landscape Trees
- 29 ae. Addition of up to 5 Landscape Trees
- 30 af. Addition of up to 5 Landscape Trees
- 31 ag. Addition of up to 5 Landscape Trees
- 32 ah. Addition of up to 5 Landscape Trees
- 33 ai. Addition of up to 5 Landscape Trees
- 34 aj. Addition of up to 5 Landscape Trees
- 35 ak. Addition of up to 5 Landscape Trees
- 36 al. Addition of up to 5 Landscape Trees
- 37 am. Addition of up to 5 Landscape Trees
- 38 an. Addition of up to 5 Landscape Trees
- 39 ao. Addition of up to 5 Landscape Trees
- 40 ap. Addition of up to 5 Landscape Trees
- 41 aq. Addition of up to 5 Landscape Trees
- 42 ar. Addition of up to 5 Landscape Trees
- 43 as. Addition of up to 5 Landscape Trees
- 44 at. Addition of up to 5 Landscape Trees

2. Design Review Two

- A. Threshold. An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal.

5. Any change in excess of 15 percent of the square footage on on-site landscaping or pedestrian circulations area with the exception for an increase in landscape art of up to 25 percent.

3. Design Review Three.

- A. Threshold. An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:

1. New construction or addition of more than 50,000 gross square feet of floor area where the development does not abut any residential zone.

Exhibit A

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- 2. New construction ~~or addition~~ of more than 30,000 gross square feet of floor area where the development abuts or is located within any residential zone.

Section 8: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.35.15.1.A.1 shall be amended to read as follows:

40.35 Historic Review

1. Alteration of a Landmark.

A. Threshold. An application for Alteration of a Landmark shall be required when one or more of the following thresholds apply:

- 1. Changes to any aspect of the exterior appearance, including, but not limited to, ~~paint color~~, exterior finish materials, architectural detailing, and changes to window and door locations or dimensions.

Section 9: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.40.05, shall be amended to read as follows:

40.40.05. Purpose.

The ~~provisions~~ purpose of the Home Occupation application is to provide recognition of the needs or desires of ~~many~~ people to engage in small scale business ventures at home.

Exhibit A

1 **Section 11: The Development Code, Ordinance No. 2050, Chapter 40 -**
2 **Applications, Section 40.55.15.2.A, shall be amended to read as follows:**

3
4 **40.55 Parking Determination**

5
6 *****

7
8 **2. Shared Parking**

9
10 A. Threshold. An application for Shared Parking shall be required
11 when one or more of the following thresholds apply:

12
13 *****

14
15 2. All or a portion of the required parking will be provided at
16 an off-site location.

17
18 *****

19
20 **Section 12: The Development Code, Ordinance No. 2050, Chapter 40 -**
21 **Applications, Section 40.60.15.1.C.5 will be amended to read as follows:**

22
23 **40.60 Sign**

24
25 *****

26
27 **1. Sign.**

28
29 *****

30
31 C. Approval Criteria

32
33 *****

34
35 5. The proposed sign is in conformance with the vision
36 clearance standards specified in the Engineering Design
37 Manual Section ~~60.55.50~~ (Intersection Standards).

38
39 *****

40

Exhibit A

1 **Section 13:** The Development Code, Ordinance No. 2050, Chapter 40 -
2 Applications, Section 40.90.10, will be amended to read as follows:

3
4 **40.90 Tree Plan**

5
6 *****

7
8 **40.90.10. Applicability**

9
10 *****

- 11
12 5. Pruning of trees consistent with the Vision Clearance requirements of
13 the Engineering Design Manual Section ~~60.55.50~~.

14
15 *****

16
17 Language rewritten by Planning Commission is underlined.

- 18
19 17. Removal of a tree(s) by the City of Beaverton or Clean Water Services that is
20 within five (5) feet of a section of existing sanitary or storm sewer line that is in
21 need of emergency repair and/or maintenance within a SNRA when no reasonable
22 alternative exists.

23
24 *****

25
26
27 **Section 14:** The Development Code, Ordinance No. 2050, Chapter 50 -
28 Procedures, Sections 50.25.11, will be amended to read as follows:

29
30 **50.25 Application Completeness**

31
32 *****

- 33
34 11. ~~Pursuant to Section 50.25.3, an application will not be complete until~~
35 ~~the required fee has been received by the City.~~ For any application
36 which has been on file with the City for more than 180 calendar days
37 and the applicant has not met the obligations of Section 50.25.7, ~~paid~~
38 ~~the required fee~~, the application will be deemed withdrawn.

39
40 *****

41

Exhibit A

1 **Section 15: The Development Code, Ordinance No. 2050, Chapter 50 -**
2 **Procedures, Section 50.40.2.B, 50.45.2.B, and 50.50.2.B. shall be amended to**
3 **read as follows:**

4
5 **50.40. Type 2**

6
7 *****

8
9 2. Approximately seven (7) calendar days after the application has
10 been determined to be or deemed complete, the Director shall
11 mail a written notice to:

12
13 A. The applicant and the property owner.

14
15 B. The Chair of the NAC Chair in which the subject property
16 is located and the Chair of any other NAC's Chair whose
17 boundaries are within three hundred (300) feet of the
18 subject property.

19
20 *****

21
22
23 **50.45. Type 3**

24
25 *****

26
27 2. Approximately seven (7) calendar days after the application has
28 been determined to be or deemed complete, the Director shall
29 mail a written notice to:

30
31 A. The applicant and the property owner.

32
33 B. The NAC Chair in which the subject property is located
34 and any other NAC Chair whose boundaries are within
35 five hundred (500) feet of the subject property.

36
37 *****

38
39 **50.50. Type 4**

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41 *****

42
43 2. Not more than forty (40) nor less than twenty (20) calendar days before
44 the date of the initial hearing of the decision making authority on an

Exhibit A

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ordinance that proposes to legislatively change the zoning map or to amend the text of the Development Code, the Director shall mail notice of the hearing to:

- A. The applicant if other than the City.
- B. All NAC Chairs in whose area there is property that in the Director's opinion could be affected by the proposed ordinance, if

Section 16: The Development Code, Ordinance No. 2050, Chapter 50 - Procedures, Section 50.83, Testimony, Exhibits, and Other Evidence before the Planning Commission and Board of Design Review, shall be amended to read as follows:

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

- 2. Any person may submit exhibits or written comments prior to the hearing. All submittals shall be made on 8 ½ by 11 inch standard bond paper. All submittals which are more than two (2) letter sized pages must include of no fewer than ten (10) complete copies of the materials being submitted. Written comments or exhibits submitted prior to the hearing to be submitted by staff at the hearing must be received by the Director no later than 4:30 p.m. on the day of the scheduled hearing.

Section 17: The Development Code, Ordinance No. 2050, Chapter 50, Procedures, Section 50.90.1.B and 50.90.1.D. shall be amended to read as follows:

50.90. Expiration of a Decision

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

Accessory Dwelling Unit (40.05.15.1)

Exhibit A

1 Administrative Conditional Use (40.15.15.3)
2 Alteration of a Landmark (40.35.15.1)
3 Commercial Timber Harvest (40.90.15.4)
4 Conditional Use (40.15.15.4)
5 Demolition of a Landmark (40.35.15.3)
6 *****
7
8 D. No expiration date:
9
10 Director's Interpretation (40.25.15.1)
11 Discretionary Annexation Related Zoning Map Amendment
12 (40.97.15.4).
13 Legislative Zoning Map Amendment (40.97.15.2)
14 Non-Discretionary Annexation Related Zoning Map Amendment
15 (40.97.15.3)
16 Quasi-Judicial Zoning Map Amendment (40.97.15.1)
17 Street Vacation (40.75.15.1)
18 Text Amendment (40.85.15.1)
19 ~~Tree Plan Four (40.90.15.4)~~

20
21 *****
22

23 **Section 18: The Development Code, Ordinance No. 2050, Chapter 60 -**
24 **Special Requirements, Section 60.05.25.10 and 60.05.45.9 shall be amended**
25 **to read as follows:**

26
27
28 **60.05.25 Landscape, Open Space and Natural Areas Standards**

29
30 *****
31

32 **10. Landscape Buffering Requirements.** All new development and
33 redevelopment in the City subject to Design Review shall comply with
34 the landscape buffering requirements of Table 60.05-2 and the
35 following standards. For purposes of this Section, a landscape buffer is
36 required along the side and rear of properties between different zoning
37 district designations. A landscape buffer is required for non-
38 residential land uses and parks in residential zoning districts. Both
39 buffering standards and side and rear building setback requirements
40 shall be met. Only landscaping shall be allowed in the landscape
41 buffer areas. Buffer areas and building setback standards are
42 measured from the property line, they are not additive. Where a yard
43 setback width is less than a landscape buffer width, the yard setback
44 width applies to the specified buffer designation (B1, B2, or B3 as

Exhibit A

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appropriate). A landscape buffer width cannot exceed a minimum yard setback dimension. In addition, the buffer area and landscape standard are intended to be continuously applied along the property line, except as authorized under Section ~~60.05.25.4~~ 60.05.45.9

60.05.45. Landscape, Open Space, and Natural Areas Design Guidelines.

9. Landscape Buffering and Screening

A. A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. The buffer standards shall not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening. (Standard 60.05.25.9-10)

Section 19: The Development Code, Ordinance No. 2050, Chapter 60 - General Provisions, Section 60.30.05.3, shall be amended to read as follows:

60.30.05 Off-Street Parking Requirements.

3. Bicycle Parking. [ORD 3965, October 1996] Bicycle parking shall be required for all multi-family residential developments of four units or more, all retail, office and institution developments, and at all transit stations and park and ride lots which are proposed for approval after November 6, 1996. The number of required bicycle parking spaces shall be provided according to Section 60.30.10.5. All bike parking facilities shall meet the specifications, design and locational criteria as delineated in this section and ~~Section 60.55.65~~ of this Code the Engineering Design Manual.

Exhibit A

1 **Section 20: The Development Code, Ordinance No. 2050, Chapter 60 -**
2 **Special Regulations, Sections 60.50.15., will be amended to read as follows:**

3
4 **60.50.15. Projections into Required Yards and Public Right-of-Way.**

5
6 1. The following structures may project into required yards, but may not
7 project into a utility easement.

8
9 *****

10
11 F. Bay windows without a foundation may project into the front
12 and rear yard setback by not more than 2 feet and may not
13 occupy more than 50 percent of any one wall plane of a
14 structure. (ORD 3739)

15 *****

16 **Section 21: The Development Code, Ordinance No. 2050, Chapter 60 -**
17 **Special Regulations, Section 60.55.25.9, shall be amended to read as**
18 **follows:**

19
20 **60.55.25. Street and Bicycle and Pedestrian Connections**

21 *****

22
23
24 9. Accessways are one or more connections that provide bicycle and
25 pedestrian passage between streets or a street and a destination.
26 Accessways shall be provided as required by this code and where full
27 street connections are not possible due to the conditions described in
28 ~~60.55.25.14~~ 60.55.25.13.

29
30 An accessway will not be required where the impacts from
31 development, redevelopment, or both are low and do not provide
32 reasonable justification for the estimated costs of such accessway.

33
34 A. Accessways shall be provided as follows:

35 *****

36
37
38 2. If any of the conditions described in ~~60.55.25.14~~
39 60.55.25.13 result in block lengths longer than 1200 feet
40 as measured from the near side right-of-way line of the
41 subject street to the near side right-of-way line of the
42 adjacent street, then two or more accessways may be
43 required through the block.

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Exhibit A

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- 3. Where a street connection is not feasible due to conditions described in ~~60.55.25.14~~ 60.55.25.13, one or more new accessways to any or all of the following shall be provided as a component of the development if the accessway is reasonably direct: an existing transit stop, a planned transit route as identified by TriMet and the City, a school, a shopping center, or a neighborhood park.

Section 22: The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, Section 60.70.20.1., shall be amended to read as follows:

60.70.20. Exemptions

- 1. All of the following are exempt from the regulations contained in this section of the Code:
 - *****
 - I. Antennas installed by a public agency for the purpose of emergency communications that are less the 30-inches in diameter affixed to existing structures with associated equipment completely located within the interior of an existing or proposed structure.

Section 23: The Development Code, Ordinance No. 2050, Chapter 60 - General Provisions, Section 60.70.35.1.E shall be amended to read as follows:

60.70.35. Development Standards for WCF

- *****
- 1. **General:**
 - *****
 - E. ~~On new towers,~~ Davit arms extending a maximum of five (5) feet out from the connection with the tower body may be used to support individual antennas.

Exhibit A

1 **Section 24:** The Development Code, Ordinance No. 2050, Chapter 60 -
2 **Special Regulations, Section 60.70.50.1.C. shall be amended to read as**
3 **follows:**

4
5 **60.70.50 Required Studies and Information.**

6
7 *****

8
9 C. All WCF applications abutting or within residential, or multiple
10 use zoning districts proposing exterior at-grade equipment
11 shelters shall be accompanied by the equipment manufacturer's
12 written noise specifications if these specifications are proposed
13 to be followed. ~~If the operational specifications are not to be~~
14 ~~followed, or if there are no specifications available, a written~~
15 ~~analysis prepared by a licensed engineer addressing conformity~~
16 ~~to the noise standards specified in Section 60.70.35.9 shall be~~
17 ~~submitted.~~

18
19 *****

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21
22 **Section 25:** The Development Code, Ordinance No. 2050, Chapter 90,
23 **Definitions, will be amended as follows:**

24
25 *****

26
27 **Lot Area.** The computed area contained within the lot lines, exclusive of street or
28 alley rights-of-way ~~and easements of access to other property.~~

29
30 *****

31
32 ~~**One-Third Octave Band Sound Pressure Level.** The sound pressure level for~~
33 ~~the sound being measured within the specified one-third octave band at the~~
34 ~~PREFERRED FREQUENCIES. The reference pressure is 20 micropascals (20~~
35 ~~micronewtons per square meter).~~

36
37 *****

38
39 **Surplus Parking** – Off-street parking that is greater in number than the
40 maximum required off-street parking.

41
42 *****

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