



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

March 10, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist *297*

SUBJECT: City of Beaverton Plan Amendment  
DLCD File Number 039-07



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: March 21, 2008**

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

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

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

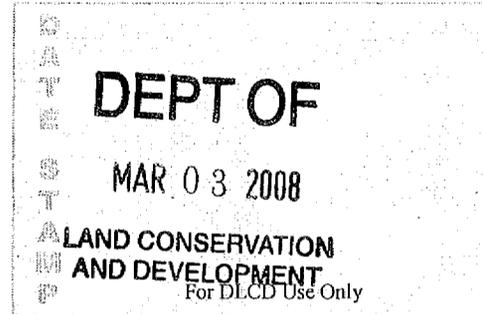
Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Colin Cooper, City of Beaverton Planner

<paa> ya/



**2** Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Beaverton Local file number: TA 2007-0009  
Date of Adoption: February 26, 2008 Date Mailed: February, 29, 2008  
Date original Notice of Proposed Amendment was mailed to DLCD: November 16, 2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
Proposed Development Code amendment to make changes to the City's existing Accessory Structures Code.  
The amendments clarify the requirements for height, setbacks, and sizes of structures that are subordinate to the primary use of a primary structure in all zones within the City.

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".  
Same

Plan Map Changed from: N/A to: N/A  
Zone Map Changed from: N/A to: N/A  
Location: N/A Acres Involved: \_\_\_\_\_  
Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: Goals 1 and 2

Was an Exception Adopted?  YES  NO

DLCD File No.: 039-07 (16528)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: Colin Cooper Phone: 503-526-2425 Extension: \_\_\_\_\_

Address: PO Box 4755 City: Beaverton

Zip Code + 4: 97076-4755 Email Address: colincooper@ci.beaverton.or.us

### ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (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 Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can 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 **mar.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4474

AN ORDINANCE AMENDING ORDINANCE NO. 2050,  
THE DEVELOPMENT CODE,  
CHAPTER 60;  
TA 2007-0009 (Accessory Structures and Use  
Modifications).

**WHEREAS**, the purpose of the Accessory Structures and use Modification is to amend Chapter 60 of the Beaverton Development Code to update the existing standards. Affected chapters of the Development Code include, 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 January 2, 2008 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 January 9, 2008; and,

**WHEREAS**, the Planning Commission held a public hearings on January 9, and January 16, 2008, and approved TA 2007—0009 (Accessory Structures and Uses Modification) based upon the criteria, facts, and findings set forth in the staff report dated January 2, 2008, and Staff memo dated January 10, 2008, and as amended at the hearing; and

**WHEREAS**, on January 16, 2008, the Planning Commission conducted a second hearing for TA 2007-0009 (Accessory Structures and Uses Modification) 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. 2042; and,

**WHEREAS**, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2007-0009 (Accessory Structures and Uses Modification) following the issuance of the Planning Commission Land Use Order No. 2042; and,

**WHEREAS**, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. TA 2007-0009 (Accessory Structures and Uses Modification) dated January 17, 2008, 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, 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.

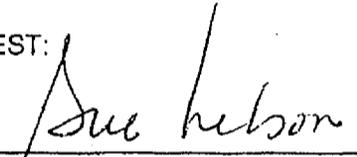
**Section 3. Severance Clause.** The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability, or effect of the remaining terms of this Ordinance and appendices and 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 11<sup>th</sup> day of February, 2008.

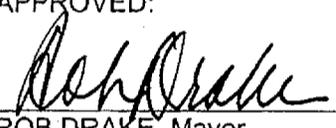
Passed by the Council this 25<sup>th</sup> day of February, 2008.

Approved by the Mayor this 26<sup>th</sup> day of February, 2008.

ATTEST:

  
\_\_\_\_\_  
SUE NELSON, City Recorder

APPROVED:

  
\_\_\_\_\_  
ROB DRAKE, Mayor

**Section 1:** The Development Code, Ordinance No. 2050, Ordinance 4302, Chapter 60 – Accessory Uses and Structures, Section 60.50.05, will be amended to read as follows:

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**60.50.05. Accessory Uses and Structures.** (Other than Accessory Dwelling Units).

1. ~~Uses and Structures or uses normal, incidental and subordinate to the main uses of the property, which are located on the same lot with the main use, while not altering the character of the property and/or the principal structures, are subject to the provisions of this section. allowed as permitted uses in any zone are allowed as accessory uses and structures subject to the provisions of this section.~~
2. ~~Accessory uses and structures for conditional uses shall be allowed only after approval of an Administrative Conditional Use pursuant to Section 40.15.15.3 and only after the principal use has been granted through the Conditional Use process.~~
- 2.3. All accessory buildings must comply with the following provisions:
  - A. They shall have no more than 700 square feet of floor area;  
  
Size. For lots ten thousand (10,000) square feet or less, the combined footprint of all accessory structures may not exceed five hundred (500) square feet. For lots greater than 10,000 square feet, the combined footprint may not exceed seven hundred (700) square feet. **For all lots However,** regardless of size, the lot coverage by all accessory structures shall be no more than twenty five (25) percent of a rear yard area.
  - B. Height. Accessory structures They shall not exceed one story and shall be no greater than fifteen (15) feet in height;
  - C. They shall not be allowed in a required front yard setback;
  - D. They shall not be located within six (6) feet of the main building for residential lots. Required separation distances for commercial and industrial zoned lots shall be determined by the applicable Building Code.

- E. Setbacks. A structure with a height of eight feet or less shall be located no closer than three (3) feet to any lot line nor built over an easement, ~~whichever is the most restrictive~~. For each foot of height, or fraction of thereof, in excess of eight feet, the accessory structure shall set back one additional foot from all lot lines;
  - F. They shall cause no encroachment upon or interference with the use of any adjoining property or public right-of-way;
  - G. Attached accessory structures. When an accessory structure is attached to the main structure, such accessory structure shall be considered as part of the main structure. Attached means wall-to-wall or any permanent attachment, as determined by the ~~Building Official~~ Director.
  - ~~G.~~ H. They shall be built in accordance with ~~the applicable State~~ building codes and as determined by the Building Official.
3. **Examples of Residential accessory uses.** The following types of accessory structures or similar structures as determined by the Planning Director shall be permitted in districts where residential use types are allowed:
- A. A greenhouse or hothouse;
  - B. A guesthouse may be maintained accessory to a dwelling, provided there is no kitchen space or cooking facilities in the guesthouse;
  - C. Pools;
  - D. Children's playhouses and structures;
  - E. Sheds;
  - F. Barns;
  - G. Gazebos;
  - H. Solar and wind energy systems;
  - I. Recreation room;
  - J. Laundry facilities;
  - K. Garage;
  - L. Accessory storage.
  - ~~M) Pump House;~~
  - ~~N) Fenced Dog Run;~~
  - ~~O) Dog Houses;~~
  - P) Tennis and other game courts.
4. Non-residential accessory uses. Accessory uses customarily associated with the principal commercial or industrial use shall be

permitted where these **commercial and industrial use** types are authorized.

- 4- 5. A conflict of interpretation concerning whether a use or structure is an accessory use or structure shall be resolved in accordance with the provisions of Section 10.20.
- 5- 6. A. The **City** Council may, by resolution, establish a list of uses found not to be accessory to specific permitted uses.
- B. Prior to including a use on such list the City Council shall hold a public hearing and allow interested persons an opportunity to testify on the matter.
- C. The City Council may delegate to the Planning Commission the authority to perform the functions authorized and required by this subsection.

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