



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

December 21, 2007

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 041-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: January 8, 2008**

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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 DATE SPECIFIED ABOVE.**

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

<paa>

2007

# 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

DATE  
STAMP  
DEPT OF  
DEC 19 2007  
LAND CONSERVATION  
AND DEVELOPMENT  
For DLCD Use Only

Jurisdiction: City of Beaverton Local file number: TA 2007-0006  
Date of Adoption: December 11, 2007 Date Mailed: December 17, 2007  
Date original Notice of Proposed Amendment was mailed to DLCD: Sept. 4, 2007

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                  | <input type="checkbox"/> Other: _____                     |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
The Omnibus Text Amendment is an annual text amendment used to clarify text, renumber, and relocate certain regulations contained in the Development Code.

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".  
The only modification of the proposed text amendment was to add Section 32, which has the effect of specifying that commercial sites over 60,000 square feet where not subject to certain minimum and maximum yard setbacks.

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

Was an Exception Adopted?  YES  NO

DLCD File No.: 041-07 (NOA)

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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4462

AN ORDINANCE AMENDING ORDINANCE NO. 2050,  
THE DEVELOPMENT CODE, CHAPTERS:  
10, 20, 30, 40, 50, 60, and 90;  
TA 2007-0006 (2007 Omnibus).

**WHEREAS**, the purpose of the 2007 Omnibus Development Code Text Amendment is to amend selected sections of the Beaverton Development Code 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 October 3, 2007 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 October 17, 2007; and,

**WHEREAS**, on October 17, 2007, the Planning Commission conducted a public hearing for TA 2007-0006 (2007 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. 2023, based upon the criteria, facts, and findings set forth in the staff report dated October 3, 2007, staff memo dated October 10, 2007, and as amended at the hearing; and,

**WHEREAS**, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 2023 dated November 5, 2007 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:**

Ordinance No. 2050, effective through Ordinance No. 4453, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

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

First reading this 3<sup>rd</sup> day of December, 2007.

Passed by the Council this 10<sup>th</sup> day of December, 2007.

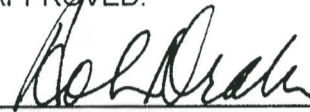
Approved by the Mayor this 11<sup>th</sup> day of December, 2007.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

1        Section 1: The Development Code, Ordinance No. 2050, Chapter 10 –  
2 General Provisions, Section 10.20.4, is amended to read as follows with  
3 deleted matter in ~~strikethrough~~ and new matter in **highlight**:  
4

5        **10.20. Interpretation and Application of Code Language.**

6                \*\*\*\*\*

- 7  
8  
9        4.        [ORD 4224; August 2002] Proposals for uses where the code is silent or  
10 where the rules of the Code do not provide a basis for concluding that  
11 the use is allowed are ~~or~~ prohibited.  
12

13                \*\*\*\*\*

14  
15        Section 2: The Development Code, Ordinance No. 2050, Chapter 20 –  
16 Land Uses, Section 20.05.50.2, is amended to read as follows with deleted  
17 matter in ~~strikethrough~~:  
18

19        **2. Minimum Lot Dimensions:**  
20        (in feet)

	<u>RA</u>	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
A. Width								
1. Corner Lots [ORD 4047; May 1999]	300	90	75	0	40	75	75	110
2. Interior Lots [ORD 4047; May 1999]	300	80	70	0	40	70	70	110
3. R5 Lots that abut property zoned R7 shall have a minimum width of 70 feet. (ORD 3335, ORD 3739) [ORD 4112; June 2000] [ORD 4224; August 2002]								
4. <del>R4 lots that take access from a cul-de-sac, or hammerhead street terminus, or from a flag lot shall be a minimum of 20 feet. [ORD 4047; May 1999] [ORD 4224; August 2002] [ORD 4397; June 2006]</del>								

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31        Subsequently numbered subsections of 20.05.50.2.A. shall be re-  
32 numbered to reflect the deletion of subsection 4.  
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34                \*\*\*\*\*  
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EXHIBIT A

1        **Section 3:** The Development Code, Ordinance No. 2050, Chapter 20 –  
2 Land Uses, Section 20.05.50.3, is amended to read as follows with deleted  
3 matter in ~~strikethrough~~ and new matter in highlight:  
4

5            **3. Minimum Yard Setbacks:**  
6            (in feet)  
7

8            The following specified Mminimum yard setbacks in feet shall apply  
9 for all dwellings constructed after November 17, 1978; ~~d~~Dwellings in  
10 existence on as of November 17, 1978, which do not meet the following  
11 setback requirements, shall be exempt from the requirements and may  
12 be reconstructed, remodeled, or additions made thereto, providing  
13 setback regulations in force and effect on November 17, 1978 are  
14 followed and no further encroachment into the setback area required  
15 by those regulations takes place. (ORD 3293; November, 1982). [ORD  
16 4224; August 2002]  
17

18  
19        **Section 4:** The Development Code, Ordinance No. 2050, Chapter 20 –  
20 Land Uses, Section 20.05.55.1, is amended to read as follows with new  
21 matter in highlight:  
22

23        **20.05.55. Supplemental Development Requirements** [ORD 4224; August  
24        2002]  
25

26            \*\*\*\*\*  
27

28            **1. Design Features:**  
29

30            All detached dwellings shall utilize at least two (2) of the following  
31 design features (ORD 3899) [ORD 4047; May 1999]:  
32

- |                             |   |
|-----------------------------|---|
| A. dormers                  | K. off-sets on building face or roof (minimum 12 inches)                          |
| B. recessed entries         | L. a roof with a pitch greater than nominal 8:12                                  |
| C. cupolas                  | M. covered porch or entry with pillars or posts                                   |
| D. bay or bow windows       | N. garage set at least 10 feet behind the front face of the primary dwelling unit |
| E. tile or shake roof       |   |
| F. gables                   |   |
| G. attached garage          |   |
| H. window shutters          |   |
| I. horizontal lap siding    |   |
| J. eaves (minimum 6 inches) |   |

EXHIBIT A

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Section 5: The Development Code, Ordinance No. 2050, Chapter 20 – Land Uses, Section 20.20.50.D.4.D, is amended to read as follows with deleted matter in ~~strikethrough~~ and new matter in highlight:

20.20.50. Site Development Requirements

\*\*\*\*\*

D. TOWN CENTERS

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4. Building Height: (in feet)

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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~~ town center zoning districts shall be twelve (12) feet.

Section 6: The Development Code, Ordinance No. 2050, Chapter 20 – Land Uses, Section 20.20.50.E.4.E, is amended to read as follows with deleted matter in ~~strikethrough~~ and new matter in highlight:

20.20.50. Site Development Requirements

\*\*\*\*\*

E. REGIONAL CENTERS

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4. Building Height: (in feet)

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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 ~~multiple-use regional center~~ zoning districts shall be twelve (12) feet.



EXHIBIT A

1            Section 7: The Development Code, Ordinance No. 2050, Chapter 30 –  
2 Nonconforming Uses, Section 30.55, is amended to read as follows with  
3 deleted matter in strikethrough and new matter in highlight:  
4

5            **30.55.        Determination of Nonconforming Status.**

6  
7            Determination of nonconforming status shall be processed as a  
8 Director's Interpretation. If the owner of a lot, structure or use is  
9 denied nonconforming status by the ~~Planning~~ Director, the owner may  
10 appeal the Director's decision to the ~~Planning Commission City~~  
11 Council. The appeal shall be heard in the manner set forth in Section  
12 50.65.  
13  
14

15            Section 8: The Development Code, Ordinance No. 2050, Chapter 40 –  
16 Applications, Section 40.20.15.2.A, DESIGN REVIEW TWO, is amended to  
17 read as follows with new matter in highlight:  
18

19            **2.        Design Review Two.**

20  
21            A.    Threshold. An application for Design Review Two shall be  
22 required when an application is subject to applicable design  
23 standards and one or more of the following thresholds describe  
24 the proposal:  
25

- 26  
27            1.    New construction of up to and including 50,000 gross  
28 square feet of ~~non-residential~~ floor area where the  
29 development does not abut any ~~Rresidential District~~ zone.  
30  
31            2.    New construction of up to and including 30,000 gross  
32 square feet of ~~non-residential~~ floor area where the  
33 development abuts or is located within any ~~Rresidential~~  
34 ~~District~~ zone.  
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EXHIBIT A

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**Section 9:** The Development Code, Ordinance No. 2050, Chapter 40 – Applications, Section 40.20.15.3, is amended to read as follows with deleted matter in ~~strikethrough~~ and new matter in **highlight**:

**3. Design Review Three.**

**A. Threshold.**

\*\*\*\*\*

- 1. New construction of more than 50,000 gross square feet of non-residential floor area where the development does not abut any Residential District zone. [ORD 4397; July 2006] [ORD 4410; Nov. 2006]
- 2. New construction or addition of more than 30,000 gross square feet of non-residential floor area where the development abuts or is located within any Residential District zone. [ORD 4410; Nov. 2006]

\*\*\*\*\*

**C. Approval Criteria.**

\*\*\*\*\*

~~3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.~~

Subsequently numbered subsections of 40.20.15.3.C. shall be re-numbered to reflect the deletion of subsection 3.

\*\*\*\*\*

**Section 10:** The Development Code, Ordinance No. 2050, Chapter 40 – Applications, Section 40.45.15.1.C, is amended to read as follows with deleted matter in ~~strikethrough~~:

**1. Lot Line Adjustment.**

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**C. Approval Criteria.**

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EXHIBIT A

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~~3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.~~

Subsequently numbered subsections of 40.45.15.1.C. shall be re-numbered to reflect the deletion of subsection 3.

\*\*\*\*\*

**Section 11:** The Development Code, Ordinance No. 2050, Chapter 40 – Applications, Section 40.75.10, is amended to read as follows with deleted matter in ~~strikethrough~~ and new matter in **highlight**:

**40.75. STREET VACATION**

\*\*\*\*\*

**40.75.10. Applicability.**

Alteration to the City’s existing streets that involve the vacation of ~~streets, public rights-of-way, easements, or both~~ shall be reviewed by the City Council.

\*\*\*\*\*

**Section 12:** The Development Code, Ordinance No. 2050, Chapter 40 – Applications, Section 40.80.15.3.C.4, is amended to read as follows with deleted matter in ~~strikethrough~~ and new matter in **highlight**:

**40.80.15.3. Temporary Structure**

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C. Approval Criteria.

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4. The proposal will not be located within the vision clearance area of an intersection as specified under Section ~~60.55.25-35~~.

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EXHIBIT A

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Section 13: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.90.15.2.C, is amended to read as follows with deleted matter in strikethrough and new matter in highlight:

2. Tree Plan Two

\*\*\*\*\*

C. Approval Criteria.

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~~3. If applicable, removal of a Community Tree(s) is necessary to enhance the health of the tree, grove, group of trees, or an adjacent tree or to eliminate conflicts with structures or vehicles.~~

Subsequently numbered subsections of 40.90.15.2.C. shall be re-numbered to reflect the deletion of subsection 3.

\*\*\*\*\*

Section 14: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.95.15.1.A, is amended to read as follows with deleted matter in strikethrough:

1. Variance.

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

\*\*\*\*\*

~~5. A change of more than fifty percent (50%) to the numerical Development Standards for Major Pedestrian Routes specified in Section 20.20.60.E.3. [ORD 4265; September 2003]~~

\*\*\*\*\*

EXHIBIT A

1        Section 15: The Development Code, Ordinance No. 2050, Chapter 40 –  
2        Applications, Section 40.97.15.1.C, is amended to read as follows with  
3        deleted matter in strikethrough and new matter in highlight:  
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5        40.97.15.    Application.

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7        \*\*\*\*\*

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9        1.    Quasi-Judicial Zoning Map Amendment.

10  
11        \*\*\*\*\*

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13        C.    Approval Criteria. In order to approve a Quasi-Judicial Zoning  
14        Map Amendment application, the decision making authority  
15        shall make findings of fact based on evidence provided by the  
16        applicant demonstrating that all the following criteria are  
17        satisfied:

- 18  
19            1.    The proposal satisfies the threshold requirements for a  
20            Quasi-Judicial Zoning Map Amendment application.  
21  
22            2.    All City application fees related to the application under  
23            consideration by the decision making authority have been  
24            submitted.  
25  
26            3.    The proposal conforms with applicable policies of the  
27            City's Comprehensive Plan.  
28            4.    ~~Applications and documents related to the request, which~~  
29            ~~will require further City approval, shall be submitted to~~  
30            ~~the City in the proper sequence.~~

31  
32        Subsequently numbered subsections of 40.97.15.1.C. shall be re-  
33        numbered to reflect the deletion of subsection 4.

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35        \*\*\*\*\*

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37        9.10. As an alternative to 40.97.15.1.C.98, the applicant may  
38        provide evidence that the potential traffic impacts from  
39        development under the proposed zoning are no greater  
40        than potential impacts from development under existing  
41        zoning. [ORD 4302; May 2004]

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43        \*\*\*\*\*  
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EXHIBIT A

1            Section 16: The Development Code, Ordinance No. 2050, Chapter 40 –  
2 Applications, Section 40.97.15.3.D, is amended to read as follows with  
3 deleted matter in ~~striketrough~~ and new matter in highlight:  
4

5            3.   **Non-Discretionary   Annexation   Related   Zoning   Map**  
6                **Amendment.**

7                \*\*\*\*\*  
8

9                D.   Submission Requirements.    An application for a Non-  
10 Discretionary Annexation Related Zoning Map Amendment  
11 shall may be initiated by the City pursuant to Section 10.40  
12 after:  
13

- 14                   1.   The adoption of a resolution by the City Council directing  
15 initiation of an annexation process for the subject  
16 property; made by  
17                   2.   †The submittal of a valid annexation petition; or  
18                   3.   †The submittal of an executed annexation agreement.  
19  
20

21            Section 17: The Development Code, Ordinance No. 2050, Chapter 50 –  
22 Procedures, Section 50.30.3.D, is amended to read as follows with deleted  
23 matter in ~~striketrough~~:  
24

25            50.30.    **Neighborhood Review Meeting**  
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27                \*\*\*\*\*  
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29                D.   At the Neighborhood Review Meeting, the applicant shall  
30 describe the proposed application to persons in attendance. The  
31 attendees may identify any issues that they believe should be  
32 addressed in the proposed application and recommend that  
33 those issues be submitted for City consideration and analysis.  
34

35                   ~~At the request of the applicant and upon payment of a fee, the~~  
36 ~~City will provide a facilitator for the Neighborhood Review~~  
37 ~~Meeting.~~  
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EXHIBIT A

1            Section 18: The Development Code, Ordinance No. 2050, Chapter 50 -  
2 Procedures, Section 50.45., is amended to read as follows with deleted  
3 matter in strikethrough and new matter in highlight:  
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5 50.45.        Type 3

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7            \*\*\*\*\*

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9            2.        Within approximately seven (7) calendar days after the application has  
10            been deemed complete the Director shall mail a written notice to:

11  
12            \*\*\*\*\*

13  
14            D.        Washington County Department of Land Use and  
15            Transportation.

16  
17            \*\*\*\*\*

18  
19            18.        Within approximately seven (7) calendar days from the date that the  
20            decision making authority adopts a land use order, the Director shall  
21            cause the order to be signed, dated, and mailed to the applicant, and  
22            the property owner, ~~the NAC in which the subject property is located,~~  
23            ~~and other persons who appeared orally or in writing before the public~~  
24            ~~record closed.~~ The land use order shall be accompanied by a written  
25            notice which shall include the following information:

26  
27            A.        Except for a Street Vacation application, a statement that the  
28            decision is final but may be appealed as provided in Section  
29            50.70 within ten (10) calendar days after the date of the signed  
30            notice is dated and mailed. The appeal closing date, which is  
31            ten (10) days after the date the signed notice is dated and  
32            mailed, shall be set forth in boldface type. The statement shall  
33            generally describe the requirements for filing an appeal.

34  
35            B.        In the case of a Street Vacation application, a statement that the  
36            decision is final, but may be appealed to the Land Use Board of  
37            Appeal as provided in ORS 197.805 through ORS 197.860.

38  
39            C.        A statement that the complete case file is available for review.  
40            The statement shall list when and where the case file is  
41            available and the name and telephone number of the City  
42            representative to contact for information about the case.  
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EXHIBIT A

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19. At the same time the land use order is mailed to the applicant and property owner, a written notice containing the same information listed in Section 50.45.18.A through C. shall be mailed to the NAC Chair in which the subject property is located and other persons who appeared orally or in writing before the public record closed on the subject matter. In addition to the information listed in Section 50.45.18.A through C., the written notice will provide a Web page address on which the land use order may be viewed and downloaded.

**Section 19: The Development Code, Ordinance No. 2050, Chapter 50 – Procedures, Section 50.50., is amended to read as follows with deleted matter in strikethrough, new matter in highlight, and subsections of Section 50.50. to be renumbered to reflect the addition of new subsections:**

**50.50. Type 4**

\*\*\*\*\*

- 2. No less than forty five (45) calendar days before the date of the initial hearing of the decision making authority on an 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. All NAC Chairs in whose area there is property that in the Director's opinion could be affected by the proposed ordinance, if adopted.
  - B. The Chair of the Beaverton Committee for Citizen Involvement.
  - C. Washington County Department of Land Use and Transportation.
- 3.2. Not more than forty (40) nor less than twenty (20) calendar days before the date of the initial hearing of the decision making authority on an 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 adopted. [ORD 4397; July 2006]~~



EXHIBIT A

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B.C. Owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land.

1. The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
2. If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing.

\*\*\*\*\*

10.9. Within approximately seven (7) calendar days from the date that the decision making authority adopts a land use order, the Director shall mail a written notice ~~cause the order to be signed, dated, and mailed~~ to the persons who appeared orally or in writing before the decision making authority prior to the closing of the public record ("persons of record"). ~~The land use order shall be accompanied by a written notice which shall include the following information:~~

A. ~~A statement indicating the Web page address on which the land use order may be viewed and downloaded.~~

B.A. A statement that the recommendation may be appealed as provided in Section 50.75 within ten (10) calendar days after the date the signed notice is dated and mailed. The appeal closing date, which is ten (10) days after the date the signed notice is dated and mailed, shall be listed in boldface type. The statement shall generally describe the requirements for filing an appeal.

C.B. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

\*\*\*\*\*

EXHIBIT A

1            **Section 20: The Development Code, Ordinance No. 2050, Chapter 50 –**  
2 **Procedures, Section 50.70., is amended to read as follows with new matter**  
3 **in highlight:**

4  
5            \*\*\*\*\*

6  
7            13. All appeals of a Type 3 decision shall be consolidated and heard at one  
8 procedure before the City Council. Therefore, the notice of a Type 3  
9 appeal decision shall indicate that the decision of the appellate  
10 decision making authority may be appealed to the Land Use Board of  
11 Appeals as provided in ORS 197.805 through ORS 197.860.

12  
13            14.13. If a decision of the City Council is remanded to the City by the State of  
14 Oregon Land Use Board of Appeals (LUBA), the City Council shall  
15 either:

16  
17            \*\*\*\*\*

18  
19            **Section 21: The Development Code, Ordinance No. 2050, Chapter 60 –**  
20 **Special Requirements, Section 60.05.15.1.B.3, is amended to read as follows**  
21 **with deleted matter in strikethrough and new matter in highlight:**

22  
23 **60.05.15. Building Design and Orientation Standards.** Unless otherwise  
24 noted, all standards apply in all zoning districts.

25  
26            1. **Building articulation and variety.**

27  
28            \*\*\*\*\*

- 29  
30                    1. Thirty (30) percent in residential zones, and all uses in  
31 multiple-use and commercial zones.  
32  
33                    2. Fifty (50) percent in commercial zones where glazing is  
34 less than thirty five (35) percent pursuant to Section  
35 60.05.15.8.A.3.  
36  
37                    3. Fifteen (15) percent in industrial ~~uses~~ zones.

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39            \*\*\*\*\*

EXHIBIT A

1        Section 22: The Development Code, Ordinance No. 2050, Chapter 60 –  
2 Special Requirements, Section 60.05.15.6., is amended to read as follows  
3 with deleted matter in strikethrough and new matter in highlight:  
4

5        6.    **Building location and orientation along streets in Multiple Use**  
6        **and Commercial zoning districts.**

7  
8        A.    Buildings in Multiple Use zones shall occupy a minimum public  
9        street frontage as follows:

- 10  
11        1.    50 percent of the street frontage where a parcel abuts a  
12        Class 1 Major Pedestrian Route.  
13  
14        2.    35 percent of the street frontage where a parcel abuts a  
15        Class 2 Major Pedestrian Route.  
16  
17        3.    35 percent of the street frontage where a parcel does not  
18        abut any Major Pedestrian Route and the parcel exceeds  
19        60,000 gross square feet.  
20

21  
22        B.    Buildings in Commercial zones shall occupy a minimum of 35  
23        percent public street frontage where a parcel exceeds 60,000  
24        gross square feet. ~~These buildings shall be located no further~~  
25        ~~than 20 feet from the property line. The area between the~~  
26        ~~building and property line shall be landscaped to standards~~  
27        ~~found in Section 60.05.25.3.B or 60.05.25.3.C.~~  
28

29        C.    Buildings subject to the street frontage standard shall be located  
30        no further than 20 feet from the property line. The area  
31        between the building and property line shall be landscaped to  
32        standards found in Section 60.05.25.3.B or 60.05.25.3.C.  
33

34        Subsequently lettered subsections of 60.05.15.6. shall be re-lettered to  
35        reflect the addition of new subsection C.

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EXHIBIT A

1            **Section 23:** The Development Code, Ordinance No. 2050, Chapter 60 –  
2 **Special Requirements, Section 60.05.15.7.A, is amended to read as follows**  
3 **with new matter in highlight:**

4  
5            **7. Building scale along Major Pedestrian Routes**

6  
7            A. The height of any portion of a building at or within 20 feet of the  
8 property line as measured from the finished grade at the  
9 property line abutting a Major Pedestrian Route shall be a  
10 minimum of twenty- two (22) feet and a maximum of sixty (60)  
11 feet. The City shall authorize heights greater than sixty (60)  
12 feet if the portion of a building that is greater than sixty (60)  
13 feet in height is twenty (20) feet from the property line and the  
14 proposed height is consistent with Section 20.20.50. for the  
15 specific zoning district.

16  
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18            **Section 24:** The Development Code, Ordinance No. 2050, Chapter 60 –  
19 **Special Requirements, Section 60.05.35.6.A, is amended to read as follows**  
20 **with new matter in highlight:**

21  
22            **6. Building Location and Orientation in Multiple Use and**  
23 **Commercial districts.**

24  
25            A. Buildings should be oriented toward and located within close  
26 proximity to public streets and public street intersections. The  
27 overall impression, particularly on Class 1 Major Pedestrian  
28 Routes, should be that architecture is the predominant design  
29 element over parking areas and landscaping. (Standard  
30 60.05.15.6.A and B)

31  
32  
33            **Section 25:** The Development Code, Ordinance No. 2050, Chapter 60 –  
34 **Special Requirements, Section 60.05.40.6., is amended to read as follows**  
35 **with new matter in highlight:**

36  
37            **6. Off-Street parking frontages in Multiple Use districts.**

38            \*\*\*\*\*  
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EXHIBIT A

1           **Section 26: The Development Code, Ordinance No. 2050, Chapter 60 –**  
 2 **Special Requirements, Section 60.30.10.5., is amended to read as follows**  
 3 **with deleted matter in ~~strikethrough~~ and new matter in highlight:**  
 4

Land Use Category	Required Parking Spaces		Maximum Permitted Parking Spaces	
	Multiple Use Zones	All Other Zones	Zone A	Zone B
<b>Residential Uses</b>				
Detached dwellings (per unit)	1.0	1.0	n/a	n/a
Attached dwellings				
One bedroom (per unit)	1.0	1.25	1.8	1.8
Two bedroom (per unit)	1.0	1.50	2.0	2.0
Three or more bedrooms (per unit)	1.0	1.75	2.0	2.0
Dwellings, Live/Work (per unit)	1.25	1.25	1.8	1.8
Dwelling, Accessory Unit	1.0	1.0	1.8	1.8
Mobile Homes (per unit)	1.0	1.0	2.0	2.0
Residential Care Facilities (per bed, maximum capacity)	0.25	0.5	0.5	0.5
Rooming, Boarding, or Lodging Houses (per guest room)	<del>0.5</del> 1.0	<del>0.5</del> 1.0	<del>1.0</del> 2.5	<del>1.0</del> 1.95

5  
 6  
 7           **Section 27: The Development Code, Ordinance No. 2050, Chapter 60 –**  
 8 **Special Requirements, Section 60.30.10.9., is amended to read as follows**  
 9 **with deleted matter in ~~strikethrough~~:**

10           9.     Location of ~~Required~~ Vehicle Parking

11                     \*\*\*\*\*

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 14  
 15           **Section 28: The Development Code, Ordinance No. 2050, 60 – Special**  
 16 **Requirements, Section 60.50.05., is amended to read as follows with deleted**  
 17 **matter in ~~strikethrough~~:**

18  
 19 **60.50.05.   Accessory Uses and Structures.** (Other than Accessory Dwelling  
 20 Units) [ORD 4048; June 1999]

21  
 22           1.     Uses and structures normal, incidental and subordinate to the uses  
 23 allowed as permitted uses in any zone are allowed as accessory uses  
 24 and structures subject to the provisions of this section.  
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EXHIBIT A

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~~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. [ORD 4111; June 2000]~~

Subsequently numbered subsections of 60.50.05. shall be re-numbered to reflect the deletion of subsection 2.

\*\*\*\*\*

**Section 29:** The Development Code, Ordinance No. 2050, 60 – Special Requirements, Section 60.55.35.3.A.2., is amended to read as follows with deleted matter in strikethrough and new matter in highlight:

**60.55.35 Access Standards.** [ORD 4302; May 2004]

\*\*\*\*\*

3. Intersection Standards.

A. Visibility at Intersections. All work adjacent to public streets and accessways shall comply with the standards of the Engineering Design Manual and Standard Drawings except in Regional and Town Centers.

\*\*\*\*\*

2. The requirements specified in 60.55.35.32.A. may be lessened or waived by the decision-making authority if the project will not result in an unsafe traffic situation. In making its determination, the decision-making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists and motorists), design speeds, the intersection sight distance standards of the Engineering Design Manual and Standard Drawings, and other applicable criteria.

\*\*\*\*\*

EXHIBIT A

1            **Section 30: The Development Code, Ordinance No. 2050, 60 – Special**  
2 **Requirements, Section 60.70.35.18.E., is amended to read as follows with**  
3 **deleted matter in strikethrough:**

4  
5 **60.70.35     Development Standards for WCF.**

6  
7            \*\*\*\*\*

8  
9            **18.    Specific Development Standards-Multiple-Use Zoning Districts.**  
10            The following standards are specific to WCF on lots in multiple use  
11            zoning districts and are in addition to the other development standards  
12            specified in this section of the Code:

13  
14            \*\*\*\*\*

15  
16            E.     For WCF towers located on property occupied by an existing use,  
17            the tower and, if applicable, above grade equipment building,  
18            shall be located ~~shall be placed~~ on the site so as to not preclude  
19            future redevelopment of the remaining portion of the site or  
20            future compliance with code requirements for a different use of  
21            the site.

22  
23  
24            **Section 31: The Development Code, Ordinance No. 2050, Chapter 90 –**  
25 **Definitions, is amended to read as follows with deleted matter in**  
26 **strikethrough and new matter in highlight:**

27  
28            \*\*\*\*\*

29 **Facilities, Critical.** [ORD 4224; August 2002] Critical facilities and services shall  
30 include public water, public sanitary sewer, storm water drainage, ~~treatment, and~~  
31 ~~detention, and retention,~~ transportation, and fire protection.

32  
33            \*\*\*\*\*

34 **Nursery, Day or Child Care Facility.** A facility providing care for compensation  
35 for seven or more children during a 24-hour period. This includes: day nursery,  
36 nursery school group, or other similar unit operating under any name but not  
37 including any:

38  
39            \*\*\*\*\*

40            g.     Family Day Care or Group Home, which provides day care in the  
41            family living quarters of the provider, for not more than ~~12~~ **16** children,  
42            including the provider's children. For this purpose only, a "child" shall  
43            mean a person under the age of 13 years. (ORD 3613; 1988)

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**Sight Clearance Area.** [ORD 4302; May 2003] A triangular shaped area in the vicinity of an intersection that must be kept clear of visual obstructions in order to maintain safe operation of the intersection. Sight clearance area standards are identified in the Engineering Design Manual, Transportation Facilities section of this code.

\*\*\*\*\*

**Section 32: The Development Code, Ordinance No. 2050, Chapter 20 – Land Uses, Section 20.10.50.3, is amended to read as follows with deleted matter in strikethrough and new matter in highlight:**

\*\*\*\*\*

**20.10.50. Site Development Requirements.**

		<u>NS</u>	<u>GC</u>	<u>CS</u>	<u>CV</u>	<u>OC</u>
*****						
<b>3.</b>	<b>Minimum Yard Setbacks:</b> (in feet)					
	A Front	20	20	20	20	20
	B Side					
	1. Interior	10	10	10	10	10
	2. Corner Lot	20	20	20	20	20
	C. Rear (only if next to a residential zone)	20	20	20	20	20
	D. Reduction to setback standards. Under conditions outlined in Section 40.30, applications may be made for zero side yard setbacks.					
	E. Under the conditions outlined in Section 60.05.15.6.C of this Code, buildings in commercial zones located on parcels that exceed 60,000 square feet shall be exempt from Section 20.10.50.3.A, minimum front setbacks, and shall have a					



**EXHIBIT A**

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maximum setback of twenty (20) feet. 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.C. Any deviation from that standard shall be reviewed through the Design Review Three application process and the corresponding Design Review Design Guideline.

\*\*\*\*\*

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PRESORTED  
FIRST CLASS



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0004373521  
MAILED FROM ZIP CODE 97005

**\$ 06.96<sup>0</sup>**

DEC 18 2007



**City of Beaverton**  
Community Development Department  
4755 S.W. Griffith Drive  
P.O. Box 4755  
Beaverton, OR 97076

**TO:**

PLAN AMENDMENT SPECIALIST  
OREGON DEPART OF LAND CONS  
635 CAPITOL STREET NE SUITE 150  
SALEM OR 97301-2540