



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



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

Date: June 17, 2015
Jurisdiction: City of Beaverton
Local file no.: TA 2015-0001
DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/12/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 40 days prior to the first evidentiary hearing.

Appeal Procedures

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

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

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

DLCD Contact

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



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

FOR DLCD USE
File No.: 003-15 {23659}
Received: 6/12/2015

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

Jurisdiction: City of Beaverton

Local file no.: **TA2015-0001**

Date of adoption: 6/10/2015

Date sent: 6/12/2015

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3/10/2015

No

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

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

Minor changes to the text occurred through the public hearing process, the general intent and scope of changes remained consistent.

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

Phone: 503.526.3710

E-mail: jfox@beavertonoregon.gov

Street address: PO Box 4755

City: Beaverton

Zip: 97076-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

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

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

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

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

Chapter 20 - Land Uses, Chapter 40 - Permits & Applications, Chapter 50 - Procedures, Chapter 60 - Special Requirements, Chapter 90- Definitions.

For a change to a zoning map:

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

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

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

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

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

List affected state or federal agencies, local governments and special districts: Washington County, Metro

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

**AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, TA 2015-0001,
DEVELOPMENT CODE OMNIBUS TEXT AMENDMENT**

WHEREAS, on April 15, 2015, and April 29, 2015, the Planning Commission conducted public hearings to consider a City-initiated application to update the Development Code to correct minor errors in the text and formatting, make the code more internally consistent, and easier to understand and apply; and

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

WHEREAS, the Planning Commission voted to recommend approval of the text amendment on April 29, 2015; and

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

WHEREAS, the Council adopts as to criteria applicable to this request and findings thereon the Planning Division Staff Report dated April 8, 2015, Planning Division memoranda dated April 22, 2015, and April 29, 2015, and Planning Commission Land Use Order No. 2403; 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" to this Ordinance attached to and incorporated herein by this reference.

First reading this 2 day of June, 2015.

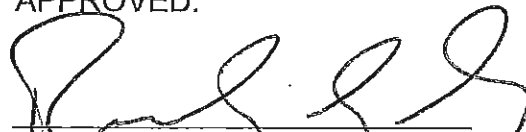
Second reading and passage this 9 day of June, 2015.

Approved by the Mayor this 10 day of June, 2015.

ATTEST:


CATHY JANSEN, City Recorder

APPROVED:


DENNY DOYLE, Mayor

STATE OF OREGON,
COUNTY OF WASHINGTON, } ss CERTIFICATION
CITY OF BEAVERTON } ORDINANCE No. 4659

I, Catherine Jansen, Recorder for the
City of Beaverton, Washington County, Oregon, certify
that this instrument is a true and correct copy of the
original which is part of the official records of the City of
Beaverton, Oregon.

Dated this 12th day of June, 2015

Catherine Jansen
RECORDER, City of Beaverton

Section 1: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.05.15., will be amended to read as follows:

20.05.15 Site Development Standards

Development Standards Superscript Refers to Footnotes	R1	R2	R4	R5	R7	R10

F. Minimum Yard Setbacks⁴						
1. Front	10	10	10	15	17	25
2. Side	0 or 5 or 10 ⁵	0 or 5 or 10 ⁵	0 or 5 or 10 or 5 ⁶	5	5	5
3. Rear	15	15	15	20	25	25
4. Garage ⁷	5 or 18.5 ⁸	5 or 18.5 ⁸	20	20	20	20
5. Garage Door to Rear ⁹	24	24	24	24	24	24
6. Minimum Between Buildings ¹⁰	6	6	6	6	6	6
G. Reduced Yard Setbacks¹¹						
1. Front	N/A ¹⁶	N/A ¹⁶	10	10	10	10
2. Rear	N/A ¹⁶	N/A ¹⁶	5	5	5	5
3. Side	5 ¹²	5 ¹²	5	5	5	5
4. Garage	N/A ¹⁶	N/A ¹⁶	20	20	20	20

1. For Detached, minimum land area per dwelling unit in the R5, R7, and R10 zones. For Attached and Detached, minimum parent parcel of land area per dwelling unit in the R1, R2, and R4 zones. [ORD 4584; June 2012]
2. 24 foot lot width is required for attached dwellings, 40 feet for detached dwellings.
3. Minimum lot area in conjunction with a land division application where the resulting average lot size within the land division is no less than the minimum lot size of the zone. Refer to Section 40.45.
4. R4 lots that abut property zoned R5, R7, or R10 shall provide the abutting district setbacks for any setback, which abuts that district.
5. If dwellings are attached 0 side yard. Side which is not attached 5 feet. If abutting lower density residential zone 10 feet.
6. If dwellings are detached, 5 feet. If dwellings are attached, 0 feet with 10 feet for sides not attached. [ORD 4584; June 2012]
7. Carports shall meet the same yard setbacks as the dwelling. Garage setbacks shall be measured from the elevation containing the garage door and vehicle entrance of carports to the property line. For all other garage elevations, the building setback applies.
8. Either no greater than 5 feet or a minimum of 18.5 feet.
9. Measured from garage door elevation to opposite side of the alley right-of-way, common accessway, common driveway, or access easement line.
10. Minimum spacing between buildings on the same parcel or in the same development.

11. Upon approval of Flexible Setback 40.30 application.
12. Allowed except where abutting a lower density zone where standard setback is applied.
13. Inclusive of antenna.
14. At-grade equipment shelters.
15. Applicable to all WCF towers, antenna arrays, and ground and/or roof-mounted equipment shelters.
16. Not eligible for Flexible Setback application. Any reduction shall be subject to Adjustment or Variance application process.

Section 2: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.05.20., Land Uses, will be amended to add the following use as a permitted use:

Category and Specific Use Superscript Refers to Use Restrictions		R1	R2	R4	R5	R7	R10

2. Dwellings	*****						
	B. Attached ¹	P	P	P	NC ³	N	N

10. Recreation	A. Public Parks, Parkways, Playgrounds, and Related Facilities	C	C	C	C	C	C
	B. Public Recreational Facilities	C	C	C	C	C	C
	C. Community Gardens	P	P	P	P	P	P

Section 3: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.05.25., Use Restrictions, will be amended to delete the following:

20.05.25 Use Restrictions

1. Existing duplexes as of June 17, 2010 in the R10, R7, and R5 zones are Permitted uses.

3. Duplexes are Conditional Uses, other attached dwellings are Prohibited.
4. The placement of a manufactured home is subject to the design and placement criteria found in Section 60.20.20.
5. Manufactured Homes and Mobile Homes are Permitted in approved Manufactured Home Subdivisions and Parks.
6. Limited to uses of Boarding, Rooming, and Lodging House.
7. Storage yards for recreational vehicles, boats, and trailers owned by residents in a residential development or planned unit development.
8. Only when abutting or directly across the street from Regional Center zones.
9. On a location containing an existing tower supporting one carrier and shall be consistent with previous land use approvals.
10. Not permitted on single family dwellings.
11. W3 when located on streetlights, or traffic signal lights, or high voltage power utility poles in the right-of-way of designated Collector, Neighborhood Route, or Local Streets; W2 in the right-of-way of designated Freeways and Arterial Streets.

Section 4: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.10.20., Land Uses, will be amended to add the following use as a permitted use:

Category and Specific Use Superscript Refers to Use Restrictions	NS	CS	CC	GC

#. Drive-Up Window Facilities	P	P	P	P

Section 5: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.15.20.15., will be deleted and subsequent use listings renumbers as follows:

20.15.20 Land Uses

Category and Specific Use Superscript Refers to Use Restrictions	OI	IND

Industrial		
8. Concrete Mixing and Asphalt Batch Plants	N	C
9. Fuel Oil Distributors	N	P
10. Heliport	C	C
11. Mail Order Houses, Wholesale or Retail, Exclusive of On-Site Sales to the Public ¹	P	P
12. Manufacturing, Fabricating, Assembly, Processing, Packing, and Storage ¹	P ^{12 13}	P ¹³
13. Motor Freight Terminal	N	C
14. Operation Centers ¹⁴	N	P
16. Laboratory ¹	C	P
17. Salvage Yards, Recycling Centers and Solid Waste Transfer Stations ¹	N	C
18. Warehousing, Wholesale and Distributive Activities ¹	P ¹²	P

Section 6: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.20.20., will be amended to read as follows:

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

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

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

Section 7: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.20.25., will be amended to read as follows:

20.20.25 Use Restrictions

1. No new duplexes are permitted in the RC-TO. Duplexes are Conditionally permitted in the RC-E and existing duplexes are Permitted.

11. Except for theaters, a building with a gross ground floor area larger than 20,000 square feet is subject to the approval of a Conditional Use.

13. These uses are Permitted only within multiple use developments, and shall have a maximum size of 10,000 square feet, provided that the minimum residential densities are met.

24. Provided parking is in a parking structure; surface parking as the primary use is Prohibited.

26. This activity is conducted wholly within an enclosed structure. Accessory open air sales or display related to the principal use may be permitted, provided that the outdoor space devoted to these uses does not occupy an area greater than the equivalent of 15% of the building gross floor area. No outdoor sales or outdoor storage of animals or livestock are allowed with this use.

32. Ancillary showrooms and retail are Permitted if comprising not more than 10% of gross building floor area, and provided that no individual retail use exceeds 2,000 square feet of gross building floor area. Retail is Conditional if use is between 10% and 20% of gross building floor area and no individual retail business use exceeds 5,000 square feet of gross building floor area. No freestanding uses are allowed. No sales or outdoor storage of animals or livestock are allowed with this use.

37. Use Permitted if lawful as of June 17, 2010; otherwise permitted as accessory to a primary Permitted use.

43. Only mechanical car washes open to the public are a Conditional Use; Other Automotive Service, Major uses are Prohibited.
44. Vehicle gas stations, with or without repair, shall require the approval of a Conditional Use.

Section 8: The Development Code, Ordinance No. 2050, Chapter 40 - Permits and Applications, Section 40.15.15.1., will be amended to read as follows:

40.15. CONDITIONAL USE

40.15.15. Application.

1. Minor Modification of a Conditional Use.
 - A. Threshold. An application for Minor Modification of a Conditional Use shall be required when one or more of the following thresholds apply:
 1. An increase in the gross floor area of an existing Conditional Use up to and including 25% and not to exceed 3,000 gross square feet of floor area for properties that are not located in a Residential zoning district and are located at a distance of more than 50 feet from a Residential zoning district.
 2. An increase in the gross floor area of an existing Conditional Use up to and including 10% and not to exceed 1,000 gross square feet of floor area for properties that are located in a Residential zoning district or within a distance of up to and including 50 feet of a Residential zoning district.
 3. A projected or actual increase in vehicular traffic to and from a site approved for an existing Conditional Use of less than 200 vehicle trips per day as determined by using the Institute of Transportation Engineers (ITE) Trip Generation manual or an evaluation by a traffic engineer or civil engineer licensed by the State of Oregon for all properties that are not located in a Residential zoning district and are located at a distance of more than 50 feet from a Residential zoning district.

4. A projected or actual increase in vehicular traffic to and from a site approved for an existing Conditional Use of up to and including 100 vehicle trips per day as determined by using the Institute of Transportation Engineers (ITE) Trip Generation manual or an evaluation by a traffic engineer or civil engineer licensed by the State of Oregon for all properties that are located in a Residential zoning district or within a distance of up to and including 50 feet of a Residential zoning district.
5. The addition of portable classrooms to an elementary, middle, or, high school campus.

Section 9: The Development Code, Ordinance No. 2050, Chapter 40 - Permits and Applications, Section 40.20.15.1., will be amended to read as follows:

1. Design Review Compliance Letter.

- A. Threshold. An applicant may utilize the Design Review Compliance Letter process when the application is limited to one or more of the following categories of proposed action:
 1. Minor design changes to existing building or site including, but not limited to:
 - a. Façade changes, except changes in color.
 - b. Addition, elimination, or change in location of windows.
 - c. Addition, elimination, or change in location of person doors and loading doors.
 - d. Addition of new and change to existing awnings, canopies, and other mounted structures to an existing façade.
 - e. Demolition or other reduction in square footage of an existing building. [ORD 4584; June 2012]
 - f. Modification of up to 15 percent on-site landscaping with no reduction in required landscaping.
 - g. Modification of off-street parking with no reduction in required parking spaces or increase in paved area.
 - h. Addition or modification of new fences, retaining walls, or both: [ORD 4531; April 2010]
 - i. Changing of existing grade.
 - j. Removal of Landscape Trees [ORD 4365; October 2005]

- k. Addition of no more than twenty-five (25) percent landscape features that consist only of natural materials. [ORD 4397; August 2006]
 - l. Addition or modification of on-site lighting [ORD 4531; April 2010] [ORD 4584; June 2012]
2. Proposed additions of gross floor area to buildings in residential, commercial, or multiple use zones up to and including building area equal to 25% of the gross square feet of floor area of the existing building, but not to exceed 2,500 gross square feet of floor area.
 3. Proposed additions to buildings in industrial zones up to and including building area equal to 15% of the gross square feet of floor area of the existing building, but less than 30,000 gross square feet of floor area.
 4. New construction of non-habitable buildings in commercial, industrial, multiple use zones, or for approved Conditional Uses in residential zones, up to and including a gross building area of 1,000 square feet. [ORD 4531; April 2010] [ORD 4584; June 2012]
 5. Construction of new Community Gardens or additions to existing Community Gardens.

Section 10: The Development Code, Ordinance No. 2050, Chapter 40 - Permits and Applications, Section 40.20.15.1.C, will be amended to read as follows:

1. Design Review Compliance Letter.

- C. Approval Criteria. [ORD 4365; October 2005] In order to approve a Design Review Compliance Letter application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Design Compliance Review Letter.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.
4. The proposal meets all applicable Site Development Requirements of Sections 20.05.15., 20.10.15., 20.15.15., and 20.20.15. of the Development Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal. [ORD 4584; June 2012]
5. The proposal, which is not an addition to an existing building, is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).
6. If applicable, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:
 - a. Building articulation and variety. (Section 60.05.15.1.).
 - b. Roof forms. (Section 60.05.15.2.).
 - c. Exterior building materials. (Section 60.05.15.4.).
 - d. Foundation landscaping requirements. (Section 60.05.25.4.D.).
 - e. Screening roof-mounted equipment requirements. (Section 60.05.15.5.).
 - f. Screening loading areas, solid waste facilities and similar improvements. (Section 60.05.20.2.).
 - g. Lighting requirements. (Section 60.05.30.).
 - h. Pedestrian circulation[ORD 4578; March 2012]
7. The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).
8. Except for conditions requiring compliance with approved plans, the proposal does not modify any conditions of approval of a previously approved Type 2 or Type 3 application.

9. Community Gardens are exempt from Criteria 4, 5, 6, 7, and 8 above, however they shall comply with the provisions of Section 60.05.25.14.
10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Section 11: The Development Code, Ordinance No. 2050, Chapter 40 - Permits and Applications, Section 40.20.15.2., will be amended to read as follows:

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:

1. New construction of up to and including 50,000 gross square feet of non-residential floor area where the development does not abut any Residential District. [ORD 4462; January 2008]
2. New construction of up to and including 30,000 gross square feet of non-residential floor area where the development abuts or is located within any Residential District. [ORD 4462; January 2008]

5. Building additions in Residential, Commercial, Industrial, or Multiple Use zones less than 30,000 gross square feet of floor area that do not qualify for consideration under the Thresholds for Design Review Compliance Letter. [ORD 4531; April 2010]

Section 12: The Development Code, Ordinance No. 2050, Chapter 40 - Permits and Applications, Section 40.47.15., will be amended to read as follows:

40.47.15. Application

There is a single Legal Lot Determination application which is subject to the following requirements.

- C. Approval Criteria. In determining if the subject lot or parcel is a Legal Lot, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

3. The unit of land conforms to the lot area and dimensional standards of Chapter 20 (Land Use); except where a unit of land was created by sale prior to January 1, 2007 and was not lawfully established, the Director may deem the unit of land a Legal Lot upon finding:
 - a. The unit of land could have complied with the applicable criteria for creation of a lawful parcel or lot in effect when the unit of land was sold; or
 - b. The City, or County prior to annexation, approved a permit as defined in ORS 215.402 or 227.160(2) for the construction or placement of a dwelling or other structure on the unit of land after the sale, and such dwelling has all the features listed in ORS215.755(1)(a)-(e).

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

40.90.10. Applicability.

Different types of resources require different levels of protection. No Tree Plan is required for the following actions:

12. Removal of any tree associated with a public street and sidewalk improvements project that meet A. or B. and C:
 - A. Improvements within an existing public vehicular right-of-way; or
 - B. Improvements to a public vehicular right-of-way in order to meet functional classification standards, such as widening or half-street improvements; and
 - C. The proposed improvements do not exceed the minimum width standards of the Engineering Design Manual.40.90.10.

Section 14: The Development Code, Ordinance No. 2050, Chapter 40 - Permits and Applications, Section 40.97.15.2., will be amended to read as follows:

2. Legislative Zoning Map Amendment.

A. Threshold. An application for Legislative Zoning Map Amendment shall be required when the following threshold applies:

1. The change of zoning designation for a large number of properties.

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

1. The proposal satisfies the threshold requirements for a Legislative Zoning Map Amendment application.
3. The proposal conforms with applicable policies of the City's Comprehensive Plan.

D. Submission Requirements. An application for Legislative Zoning Map Amendment to the City's zoning map may only be initiated by the City Council, Mayor, or their designee. All Legislative Zoning Map Amendment applications shall be filed with the Director and shall be accompanied by the information required by the application form and by Section 50.25. (Application Completeness).

Section 15: The Development Code, Ordinance No. 2050, Chapter 50 – Procedures Section 50.45.8., will be amended to read as follows:

8. Not less than twenty (20) calendar days before the decision making authority's hearing, the applicant shall post at least one (1) signboard provided by the Director for that purpose. The signboard shall be posted in a conspicuous place visible to the public on or in the vicinity of the property subject to the application. The signboard shall state with minimum two (2)-inch high letters the case number; the telephone number where City staff can be contacted for more information. In the case of Non-Discretionary

Annexation Related Zoning Map Amendments and Discretionary Annexation Related Zoning Map Amendments processed by the City, no site posting shall be required. [ORD 4265; October 2003]

Section 16: The Development Code, Ordinance No. 2050, Chapter 50 – Procedures Section 50.50.14., will be amended to read as follows:

14. After the adoption or rejection of an ordinance, the Director shall mail or otherwise submit notice to the Department of Land Conservation and Development (DLCD) on DLCD forms provided for such notice in conformance with ORS 197.615.

Section 17: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.05.15.1., Building Design and Orientation Standards, will be amended to read as follows:

1. **Building articulation and variety.**
 - A. Attached residential buildings in Residential zones shall be limited in length to two hundred (200) feet. [ORD 4542; June 2010]
 - B. Buildings visible from and within 200 feet of an adjacent public street shall have a minimum portion of the street-facing elevation(s) and the elevation(s) containing a primary building entrance or multiple tenant entrances devoted to permanent architectural features designed to provide articulation and variety. These permanent features include, but are not limited to windows, bays and offsetting walls that extend at least eighteen inches (18"), recessed entrances, loading doors and bays, and changes in material types. Changes in material types shall have a minimum dimension of two feet and minimum area of 25 square feet. The percentage of the total square footage of elevation area is:
 1. Thirty (30) percent in Residential zones, and all uses in Commercial and Multiple Use zones. [ORD 4584; June 2012]
 2. Fifty (50) percent in Commercial zones where glazing is less than thirty five (35) percent pursuant to Section 60.05.15.8.A.3.
 3. Fifteen (15) percent in Industrial zones. [ORD 4462; January 2008]

In Industrial zones, where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities, the above standards shall apply only to elevations visible from and within 100 feet of an adjacent public street, and elevations that include a primary building entrance or multiple tenant entrances. [ORD 4531; April 2010]

C. The maximum spacing between permanent architectural features shall be no more than:

1. Forty (40) feet in Residential zones, and all uses in Commercial and Multiple Use zones. [ORD 4584; June 2012]
2. Sixty (60) feet in Industrial zones.
3. Fifteen (15) feet in detached residential developments in Multiple Use zones for walls facing streets, common greens, and shared courts. [ORD 4542; June 2010]

Section 18: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.05.25.9., Fences and walls, will be amended to read as follows:

9. Fences and walls.

E. Fences and walls:

1. May not exceed three feet in height in a required front yard along streets, except for required above ground stormwater facility fencing which may be four feet in height in a required front yard, and eight feet in all other locations;
2. May be permitted up to six feet in a required front yard along designated Collector and Arterial streets.
3. [ORD 4576; January 2012] For detached housing along streets and housing facing common greens and shared courts in Multiple Use zones, 3 feet high fences and walls are permitted in front of the building, and on corner lots abutting a street, along the side of the building. Higher fences and walls are permitted on corner lots along

the side of the building beginning within 15 feet of the back end of the building nearest to the property line.

Section 19: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.05.25.14., Community Gardens, will be amended to read as follows:

14. Community Gardens

- A. **Fences.** Community Gardens shall have a fence constructed of durable materials commonly used in the construction of fencing. Fences shall be a minimum of four (4) feet in height. Coated chain link may be permitted. Temporary construction fencing, erosion control fencing, tree protection fencing and other temporary fencing materials shall not be permitted.
- B. **Parking.** Parking must be available in the general vicinity of the garden, on-street parking spaces may count toward this requirement.
- C. **Size.** Community gardens shall not exceed one acre in size.

Section 20: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.30.10.5.A., will be amended to read as follows:

5. Parking Tables. The following tables list the required minimum and maximum vehicle and bicycle parking requirements for listed land use types. [ORD 4584; June 2012]

A. PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES

Land Use Category	Required Parking Spaces		Maximum Permitted Parking Spaces	
	Multiple Use Zones	All Other Zones	Zone A	Zone B
Residential Uses				

Institutions					
	Hospital (per bed)	2.0	2.0	3.0	4.0
	Public Buildings or other Structures	2.7	2.7	3.4	4.1
	Welfare or Correctional Institution (per bed)	0.3	0.3	0.5	0.75
	Fire Station	1.0	1.0	2.0	2.0

Section 21: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.30.10.5.A., will be amended to read as follows:

5. **Parking Tables.** The following tables list the required minimum and maximum vehicle and bicycle parking requirements for listed land use types. [ORD 4584; June 2012]

B. PARKING RATIO REQUIREMENTS FOR BICYCLES

Land Use Category	Minimum Required Bicycle Parking Spaces	
	Short Term	Long Term
Residential Uses		
Detached dwellings	Not required	Not required
Single family attached dwellings	Not required	Not required
Multi-dwelling structure containing 4 or more dwelling units	2 spaces or 1 space per 20 dwelling units	1 space per dwelling unit
Residential Care Facilities (based upon maximum capacity)	1 space per 100 beds	1 space per 50 beds
Rooming, Boarding, or Lodging Houses (per guest room)	Not required	1 space for every 10 guest rooms

Section 22: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.30.10.7., will be amended to read as follows:

7. **Exceeding Parking Ratios.** More parking spaces for motor vehicle and bicycle parking may be required as a condition of a Conditional Use. Variation from the specified minimum or maximum number of required motor vehicle and bicycle parking spaces may be approved by the City subject to Section 40.10.15.2. (Major Adjustment) of this Code. However, if surplus parking is located in a parking

structure, the parking ratios may be exceeded without requiring an approval of a Major Adjustment for parking.

Any surplus parking may be designed to any of the City standards for off-street parking lot design. The Facilities Review Committee may recommend approval of parallel parking spaces or other non-standard designs for surplus parking in any zone. [ORD 4224; August 2002] [ORD 4498; January 2009]

Section 23: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.67.10., will be amended to read as follows:

60.67.10. Significant Riparian Corridors. Prior to issuing a development permit, the list of Significant Riparian Corridors shall be reviewed to determine if the site proposed for development is identified as being listed corridor.

1. Development activities and uses permitted on a proposed development site identified as the possible location of a significant natural resource, including significant riparian corridors, shall be subject to relevant procedures and requirements specified in Chapter 50 of this ordinance.

Section 24: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.70.35.14., will be amended to read as follows:

60.70.35. Development Standards for WCF.

14. Setbacks. All new WCF towers, antenna arrays, and ground and/or roof-mounted equipment shelters shall comply with the setbacks established in the underlying zoning district. These standards shall also apply to WCF collocation proposals:

- A. In all underlying zoning districts, building wall-mounted antennas and at-grade equipment shelters shall comply with all setbacks contained in the underlying zoning district. For the purposes of this Code, the setback shall be measured from the portion of the at-grade equipment shelter or building wall-mounted antennas that extend outward towards the property line to the greatest extent.

- B. New WCF towers shall be set back from all property lines by a distance equal to the height of the tower plus five (5) additional lineal feet, except that the decision-making authority may authorize an Adjustment or Variance to this standard, if the applicant can demonstrate that such an Adjustment or Variance would reduce the visual impacts of the tower on adjacent property because of vegetation, topography, intervening buildings, or other site-specific factors. Adjustments and Variances shall be authorized through the Adjustment and Variance provisions specified in Chapter 40 (Applications).
- C. New WCF towers located on commercially or industrially zoned property shall meet the setback of the underlying zone where the new WCF tower is more than the height of the tower plus five (5) feet from a Residential or Multiple Use zoning district. The decision-making authority may authorize an Adjustment or Variance to this standard, if the applicant can demonstrate that such an Adjustment or Variance would reduce the visual impacts of the tower on adjacent property because of vegetation, topography, intervening buildings, or other site-specific factors. Adjustments and Variances shall be authorized through the Adjustment and Variance provisions specified in Chapter 40 (Applications). [ORD 4584; June 2012]

Section 25: The Development Code, Ordinance No. 2050, Chapter 90 - Definitions, will be amended to read as follows:

The term "shall" is always mandatory and the words "may" and "should" are is permissive.

Community Garden. A garden or gardening on land that is owned by a community group, institution, special service district, or the City.

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF TA2015-0001 A REQUEST TO)	ORDER NO. 2403
AMEND THE BEAVERTON DEVELOPMENT CODE TO)	APPROVING REQUEST
CORRECT MINOR ERRORS IN TEXT, INCORPORATE CODE)	
INTERPRETATIONS, AND IMPROVE CLARITY OF)	
APPLICATION PROCESSES AND DEVELOPMENT)	
STANDARDS (2015 DEVELOPMENT CODE OMNIBUS)	
TEXT AMENDMENT). CITY OF BEAVERTON, APPLICANT)	

The matter of TA2015-0001 (2015 Development Code Omnibus Text Amendment) was initiated by the City of Beaverton through the submittal of a Text Amendment application from the Beaverton Community Development Department.

Pursuant to the amendment procedures as described in Section 50.50 of Ordinance 2050, the Development Code, effective through Ordinance 4638, the Planning Commission conducted public hearings on April 15 and April 29, 2015, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code.

TA2015-0001 (2015 Development Code Omnibus Text Amendment) proposes to amend the Beaverton Development Code to correct minor errors in the text, incorporate Code interpretations, and improve clarity of application processes and development standards. The City also proposes changes to make the Code more internally consistent and easier to understand and apply. The update affects all chapters of the Development Code.

The Commission requested additional language and standards related to Community Gardens at the April 15, 2015 meeting. Staff proposed additional language and a Type 1 application process for the review of Community Gardens in the memoranda dated April 22, 2015 in response to Planning Commission direction. The Commission found the proposed language sufficient to regulate Community Gardens as a new permitted use in residential zoning districts.

At the April 15, 2015 meeting the Commission did not support two code amendments proposed by staff. The first proposed amendment would eliminate a use restriction in the Neighborhood Service (NS) zoning district and permit uses over 15,000 square feet in size with the approval of a Conditional Use application. The Commission found that the NS zoning district is intended to provide small neighborhood level services and that allowing uses in excess of 15,000 square feet would be inconsistent with that intent.

The second proposed amendment would allow applicants the ability to net out utility easements when calculating net acreage. The Commission found that utility easements frequently correspond with required setbacks and the impact for including utility easements in the definition of net density would be to decrease the available density of a development area. Staff removed both of these proposed amendments.

The Planning Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated April 8, 2015 and supplemental memoranda dated April 22, 2015 and April 29, 2015, as amended and

supplemental findings contain herein, as applicable to the criteria contained in Section 40.85.15.1.C.1-7 of the Development Code.

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code the Planning Commission recommends approval of TA2015-0001 (Omnibus Text Amendment) to the Beaverton City Council and adoption of the Development Code Text Amendment described herein, based on the facts and findings in the Staff Report dated April 8, 2015, as amended, and supplemental memoranda dated April 22, 2015 and April 29, 2015.

Motion **CARRIED** by the following vote:

AYES:	Doukas, Kiene, Kroger, Nye, Overhage, Wilson, Winter.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	None.

Dated this 1st day of may, 2015

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2403, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:00 p.m. on may 18, 2015.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST

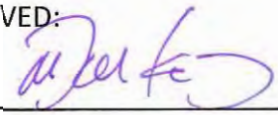


JANA FOX
Associate Planner



STEVEN SPARKS, AICP
Principal Planner

APPROVED:



MIMI DOUKAS
Chair



**CITY OF BEAVERTON
STAFF REPORT**

TO: Planning Commission

HEARING DATE: April 15, 2015

STAFF: Jana Fox, Associate Planner

SUBJECT: **TA2015-0001 (2015 Development Code Omnibus Text Amendment)**

REQUEST: The City proposes to amend the Beaverton Development Code to correct minor errors in the text, incorporate Code interpretations, and improve clarity of application processes and development standards. The City also proposes changes to make the Code more internally consistent and easier to understand and apply. The update affects all chapters of the Development Code.

APPLICANT: City of Beaverton - Planning Division

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

HEARING DATE: Wednesday, April 15, 2015

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

1. Summary of Proposed Text Amendment

City staff have periodically prepared an omnibus text amendment as a housekeeping measure to make corrections, clarifications and updates to the Development Code text. The last omnibus text amendment was proposed in 2011. Exhibit 1 shows the proposed changes, with Exhibit 1.1 containing an index to the proposed changes, Exhibit 1.2 containing the text of the proposed changes, and Exhibit 1.3 is a clean copy of the proposed changes. The staff explanation for the proposed changes that require further explanation can be found in this report. The purpose of these changes is to correct internal inconsistencies, improve readability, update references to other Code sections or regulatory documents, codify prior Planning Director interpretations, and make the Code consistent with changing state or federal regulations.

Most of these changes are self-explanatory, including the grammar and punctuation corrections and the standardization and correction of Ordinance citations within the Development Code. Staff offer additional findings and explanation for some of the proposed changes below. Section numbers correspond to the section numbers in Exhibit 1.2 which outline the proposed amendments.

Section 1: This amendment is a further clarification that R1 and R2 setbacks are not eligible for Flexible Setback applications and must go through an Adjustment or Variance to deviate from the requirement. This is already the case but the proposed amendment adds further clarification.

Section 2: Allowing attached residential in the R4 zone is consistent with the expressed desires of the Commission when the R3.5 zone was eliminated in 2011 when implementing the 2010 Chapter 20 Update, as the R3.5 zone allowed attached residential.

Community gardens are added as permitted uses in all residential zones in order to be consistent with the Community Health Element of the Comprehensive Plan. This change has also been requested by West Slop NAC members who wish to establish Community Gardens. A definition is included in Chapter 90.

Section 3: Removal of use restriction 2 as attached dwellings would be permitted in the R4 zone.

Section 4: This amendment is to clarify what is already in place, that drive-up window facilities are permitted in commercial zoning districts. There has been some confusion due to the Chapter 10 provision that states that if a use is listed in one zoning district and not another it is prohibited. Drive-up window facilities are listed in the Multiple Use zoning districts use matrix. It was never intended for drive-up window facilities to be de-facto prohibited in Commercial zones. This was an oversight from the 2010 update to Chapter 20.

Sections 5, 6, and 7: As noted in Section 7 of Exhibit 1.2, staff propose to delete the specific NS zoning requirement that commercial uses, excluding food stores, cannot exceed 15,000 square feet. The reason for this use restriction is not clear; however, it is reasonable to conclude that because the NS zone is intended to “provide minimal areas of service and convenience to meet the frequent needs of nearby residents” that the restriction was created to limit the potential impacts associated with larger development on neighboring residential areas. Staff proposes to liberalize the regulation and perhaps encourage new and redevelopment within the NS zones. Rather than prohibit commercial development over 15,000 square feet, staff propose to make requests of developer over 15,000 square feet subject to the approval of a Conditional Use application. Requiring a Conditional Use approval will continue to protect a neighborhood because the project will be subject to a Neighborhood Review Meeting and a public hearing before the Planning Commission. It is also likely that key neighborhood issues such as traffic will be addressed through the submittal of a traffic impact report. The current exemption of food stores from the 15,000 square foot limitation would not be changed. Therefore, food

stores could continue to be over 15,000 square feet without needing Conditional Use approval.

Section 8: Printing, Publishing and Book Binding is a use category that is not used in the City of Beaverton and can be covered by other use categories such as manufacturing.

Section 9: This amendment is intended to make the use matrix consistent with the use restrictions which conditionally allow or prohibit based either on size or certain sub-uses.

Section 11: This amendment requires a Minor Modification of a Conditional Use application for the placement of portable classrooms at elementary, middle or high school campuses. This allows notice to be sent to neighboring property owners which may be affected by the placement of portables. Typically, portable classrooms are larger than 1,000 square feet and have minimal impact to traffic generation. This will provide greater flexibility and timeliness to the public and private school systems to address student capacity needs.

Section 12: This amendment exempts Community Gardens from Design Review. The Design Review standards were not intended to cover this type of use and are generally not applicable.

Section 13: This threshold modification allows for the removal of any number of landscape trees under a DRCL. The same replanting is required with a DRCL as with a Type 2. There has been minimal public reaction and participation for Type 2 public notices for landscape tree removal. Therefore, staff recommend that staff review and conditioning of replacement tree planting is sufficient for this type of project.

Section 14: The removal of threshold 6 and addition of industrial to threshold 5 is intended to reduce redundancy as the thresholds are the same for all zoning district types. The removal of threshold 10 is for consistency with the new DRCL threshold that allows the removal of any number of landscape trees under a DRCL.

Section 16: This amendment provides consistency with tree removal for public improvements. Previously only high levels of protected trees (significant trees or significant resource areas) were exempt from Tree Plan applications but now less protected trees such as Community Trees and Landscape Trees.

Section 17: The City does not pay application fees for General Fund programs and only the City may initiate a Legislative Zoning Map Amendment per the amendment to the submission requirements so the approval criteria is not needed.

Section 19: Makes DLCD notice requirements after a final City decision consistent with DLCD requirements by citing the relevant ORS, this also means that future changes to DLCD rules will not require a code amendment for consistency.

Section 20: Roof forms are not applicable to articulation and variety. Roof forms have their own design standards and guidelines which must still be addressed.

Section 21: Brings this standard into compliance with the CWS regulations regarding fencing around water quality facilities without increasing the level of review to a Type 3 for compliance.

Section 22: This amendment adds parking requirements for Fire Stations, a unique use that was not previously addressed in the Off-Street Parking section of the code. The number used was derived from past application data and analysis.

Section 23: This amendment creates consistency with Chapter 90 of the Development Code by using the terms Single Family Attached Dwellings and Multi-Dwelling Structures as the criterion.

Section 24: This amendment make the language consistent with other sections of the Code in relation to surplus parking which is parking above the minimum required whereas excess parking is required parking that is not being used by an existing land use.

Section 26: After discussions with the City's Structural Engineer staff has learned that WCF towers are not designed to collapse within themselves and the Building Division cannot ask for this type of design, they are limited in scope to what is in the Building Code. Therefore staff is proposing removing the collapse within itself provision and making all WCF's meet the setback requirements of tower height plus five feet from all property lines to ensure towers are not a fall hazard for adjacent properties.

Section 27: Adding the ability for land set aside for utility easements to be deducted from acreage when calculating net acreage as utility easements must remain free of structures and are therefore undevelopable.

2. Public Comment

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

3. Facts and Findings

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA2015-0001 (2015 Development Code Omnibus Text Amendment):

Development Code Approval Criteria

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

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA2015-0001 proposes to make changes to each chapter in the Development Code, as shown in Exhibit 1. Therefore, staff find that approval criterion one has been met.

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

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

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

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

- Title 1: Requirements for Housing and Employment Accommodations
- Title 2: Regional Parking Policy (Repealed and moved to Title 4 of the Regional Transportation Functional Plan (RTFP))
- Title 3: Water Quality and Flood Management
- Title 4: Industrial and Other Employment Areas
- Title 5: Neighbor Cities and Rural Reserves
- Title 6: Centers, Corridors, Station Communities and Main Streets
- Title 7: Housing Choice
- Title 8: Compliance Procedures
- Title 9: Performance Measures (Repealed)
- Title 10: Functional Plan Definitions
- Title 11: Planning for New Urban Areas
- Title 12: Protection of Residential Neighborhoods
- Title 13: Nature in Neighborhoods
- Title 14: Urban Growth Boundary

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

Other than allowing Attached Housing in the R4 zone and allowing Community Gardens in residential zones, no new land uses are proposed. Because the amount of land in the City zoned R4 is relatively small and because no changes are proposed to the base density to be allowed within the R4 zone, staff find that there will be no impact on the City's compliance with Title 1 and the possibility of increased housing choices, in compliance with Title 7. The other changes are basically clarifications or corrections of existing provisions or changes to codify current policy and practice and are not in conflict with the UGMFP.

As part of the City's standard noticing procedures, Metro was sent a copy of the DLCD notice, which contained reference to the draft text and summary of the changes, similar to Exhibit 1.2. Metro staff did not provide any comment in response. Therefore, staff find that approval criterion three has been met.

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

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

4.2.2.1.a Allow a development of a wide variety of housing types in the City.

Staff find that allowing Attached Housing within the R4 zone increases the variety of housing that can be created, allowing for the potential of medium density attached housing units.

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

The express purpose of this Omnibus Text Amendment is to look at the Code as a whole and reduce instances of potential conflict between passages and to improve the degree to which the various Code provisions are consistent with and complementary to one another.

Community Health Element-Goal Increase access to healthy, fresh, affordable food, especially in underserved neighborhoods.

Policy 2. Reduce barriers to siting and support of community gardens on private property, vacant public property, and unused rights-of-ways and increase access to fresh, local agricultural products.

The inclusion of Community Gardens as a permitted use in Residential zones and exempt from Design Review is implementing this above policy to reduce barriers to siting and supporting Community Gardens.

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

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

The vast majority of the proposed changes are designed expressly to make the Development Code more internally consistent and to eliminate or reduce conflict between Code passages. The proposed amendments do not create conflicts with other provisions of the Development Code. Therefore, staff find that the approval criterion has been met.

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

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

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

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

Other applicable approval criteria

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

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

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

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

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

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

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

Staff find that the proposal will not have a negative impact on the air, water, or land resources quality of the state.

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

Staff find that the proposal will not have a negative impact on the economy of the state.

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

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

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

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

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

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

Goal 13 Energy Conservation To conserve energy.

Staff find that the proposed changes to the Development Code codify current practices and prior Director's Interpretations and determinations. Therefore, the proposed changes will not change the City's ability to conserve energy or promote energy-efficiency measures.

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

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

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

4. Conclusions

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

5. Staff Recommendation(s)

Staff offers the following recommendation for the conduct of the April 15, 2015 public hearing for TA2015-0001 (2015 Development Code Omnibus Text Amendment):

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
- C. Recommend **APPROVAL** of text amendment application TA2015-0001 (2015 Development Code Omnibus Text Amendment) to the City Council.

6. Exhibits

- Exhibit 1.1 Index to Proposed Changes
- Exhibit 1.2 Text of the Proposed Changes
- Exhibit 1.3 Clean Copy of Proposed Changes



MEMORANDUM

TO: Planning Commission
FROM: Jana Fox, Associate Planner
DATE: April 22, 2015
SUBJECT: Development Code Omnibus Text Amendment TA2015-0001

Staff has made changes to reflect the discussion by the Commission at the April 15, 2015 public hearing. New items are highlighted in yellow for differentiation. Items that were removed at the request of the commission are noted below but no longer appear in the exhibits of the text. Section numbers have been revised after the removal of items at the request of the Commission.

Removed-

The Commission requested that the proposed provision that uses greater than 15,000 square feet be allowed as Conditional Uses in the NS zoning district be removed. The text will remain as it is currently in the Development Code regarding the NS zoning district and size limitations.

The Commission requested the removal of utility easements from items which may be netted out to calculate net acreage over concerns that residential density could be reduced by the measure. The provision has been removed and will remain as it is currently in the Development Code regarding the definition of Net Acreage.

As part of the requested update to the Community Garden Provisions, per the Commission discussion, Community Gardens have been removed from the list of items exempt from Design Review Compliance Letters (DRCL)

Added-

Section 9-Addition of Community Gardens to threshold for DRCL. Community Gardens are proposed to be reviewed under the existing Type 1 Design Review process, called a DRCL.

Section 10-Addition of an approval criteria to specifically address Community Gardens. The condition exempts Community Gardens from a number of the approval criteria which require compliance with standards that are not applicable to Community Gardens, such as building design, site landscaping, and parking. Compliance is required with the Community Garden provisions added to the Design Standards section of Chapter 60, outlined in Section 19.

Section 19 -Addition of Community Gardens to DR Standards, standards relate to fences, parking and size. Other items such as maintenance, yard debris and other potential nuisance items are regulated under the municipal code and are not items which can be regulated by the Development Code.

Changed-

Section 18- Clarifying that fencing for stormwater facilities may be four (4) feet in front yards, no other front yard fencing is permitted above three (3) feet.

Exhibits

Exhibit 1.4 Development Code Changes, with highlights, April 22, 2015

Exhibit 1.5 Development Code Changes, clean copy, April 22, 2015



MEMORANDUM

TO: Planning Commission
FROM: Jana Fox, Associate Planner
DATE: April 29, 2015
SUBJECT: Development Code Omnibus Text Amendment TA2015-0001

Staff has made changes to better clarify language related to Community Gardens and stormwater facility fencing. The changed language is below and is reflected in the clean copy of the text provided as Exhibit 1.6.

Section 10- Section 40.20.15.1.C. (Design Review Compliance Letter-Approval Criteria)

9. ~~Proposals for Community Gardens comply with Section 60.05.25.14 of Chapter 60.~~ Community Gardens are exempt from Criteria 4, 5, 6, 7, and 8 above, however they shall comply with the provisions of Section 60.05.25.14.

Section 18- Section 60.05.25.9.E (Design Standards-Fences & Walls)

1. May not exceed three feet in height in a required front yard along streets, except for required above ground stormwater facility~~ies~~ fencing which may be four feet in height in a required front yard, and eight feet in all other locations;

Section 19- Section 60.05.25.14 (Design Standards-Community Gardens)

14. Community Gardens

- A. **Fences.** Community Gardens shall have a fence constructed of a durable materials commonly used in the construction of fencing. Fences shall be a minimum of four (4) feet in height. Coated chain link may be permitted. Temporary construction fencing, erosion control fencing, tree protection fencing and other temporary fencing materials shall not be permitted.
- B. **Parking.** Parking must be available in the general vicinity of the garden, on-street parking spaces may count toward this requirement.
- C. **Size.** Community gardens shall not exceed one acre in size.

Exhibits

Exhibit 1.6 Development Code Changes, clean copy, April 29, 2015