



Oregon

Kate Brown, 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: February 09, 2016

Jurisdiction: City of Beaverton

Local file no.: TA 2015-0004

DLCD file no.: 007-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/08/2016. 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 35 days prior to the first evidentiary hearing.

Appeal Procedures

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

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

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

DLCD Contact

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



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

FOR DLCD USE
File No.: 007-15 {23989}
Received: 2/8/2016

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.: **TA2015-0004**

Date of adoption: 02/03/2016

Date sent: 2/8/2016

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): 08/26/2015

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:

Local contact (name and title): Sandra Monsalve-Freund, AICP, Planning Manager

Phone: 503-526-3718

E-mail: sfreund@beavertonoregon.gov

Street address: 12725 SW Millikan Way, 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:

N/A

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): Citywide in CS and OI zoning districts

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:

Removal of Use Restrictions within the Development Code, Chapter 20 - Land Uses. Section 20.10.25.4; Section 20.15.20.6; Section 20.15.25.9.

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: None

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.

To amend the Beaverton Development Code to allow Temporary Living Quarters as a Conditional Use within certain Commercial Zones with no use restrictions, and within Employment/Industrial Zones with no use restrictions. The updates may affect some chapters of the Development Code

ORDINANCE NO. 4673

**AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, TA 2015-0004,
TEMPORARY LIVING QUARTERS TEXT AMENDMENT**

WHEREAS, on September 30 and December 2, 2015, the Planning Commission conducted a public hearing to consider a City initiated application to amend the Development Code to allow *Temporary Living Quarters* as a Conditional Use within certain Commercial zones, with modified Use Restrictions, and within the Employment/Industrial zone as a Conditional Use, with no Code specified Use Restrictions; 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 December 2, 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 September 23, 2015, the Supplemental Memorandum dated November 25, 2015, and Planning Commission Land Use Order No. 2439; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

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

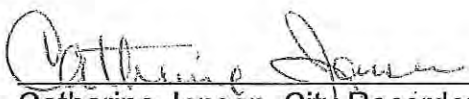
First reading this 12th day of January, 2016.

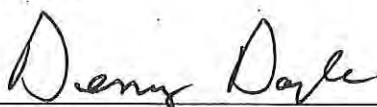
Second reading and passage this 2nd day of February, 2016.

Approved by the Mayor this 3rd day of February, 2016.

Attest:

Approved:


Catherine Jansen, City Recorder


Denny Doyle, Mayor

Section 1: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.10.25, USE RESTRICTS, will be amended to read as follows:

20.10.25. USE RESTRICTIONS

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

1. Detached or Attached Dwellings; only 50% of the contiguous area within any NS zone may be developed residentially.
2. No freestanding office structure or group of office structures shall exceed a combined total of 15,000 square feet.
3. No sales or outdoor storage of animals or livestock are allowed with this use.
4. ~~Limited to Hotels and Extended Stay Hotels located on a lot or parcel adjoining U.S. Highway 26, Canyon Road, SW Cedar Hills Boulevard, SW Walker Road, SW Jenkins Road, SW Hoeken Avenue, Tualatin Valley Highway or Oregon State Highway 217, subject to the following:~~
 - a. ~~It shall be located on the portion of the lot immediately adjoining the highway roadway.~~
 - b. ~~Signage is allowed as per Section 60.40.35.3. of this code. However, only one freestanding sign, up to 32 square feet per face, 64 square feet for all four faces combined or one wall sign up to 64 square feet may orient toward an abutting Arterial or regional traffic route.~~
 - c. ~~Signage shall not be allowed for auxiliary uses such as restaurants, meeting rooms, etc.~~
 - d. ~~Auxiliary uses such as restaurants and meeting rooms shall be designed to meet the needs of the guests of the facility and not the general public.~~

Section 2: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.15.20, LAND USES, will be amended to read as follows:

20.15.20. LAND USES

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

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

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

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

Section 3: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.15.25, USE RESTRICTS, will be amended to read as follows:

20.15.25. USE RESTRICTIONS

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

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

building design.

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

[ORD 4443; August 2007]

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



NOTICE OF DECISION

February 8, 2016

To Whom It May Concern:

The Beaverton **CITY COUNCIL** has issued a decision of **ADOPTION** of **TA2015-0004 (TEMPORARY LIVING QUARTERS TEXT AMENDMENT)** at the Council's February 2, 2016, meeting. The Ordinance summarizing the Council's decision can be viewed and downloaded at <http://apps.beavertonoregon.gov/DevelopmentProjects/>. You may contact the staff planner identified below to have a copy of the land use order mailed to you.

The **CITY COUNCIL** decision is final, but may be appealed within ten (10) calendar days after the date the signed notice is dated and mailed. The appeal closing date is **4:00 p.m., Monday, February 12, 2016**. Pursuant to Section 50.70, an appeal application shall contain the following minimum information:

1. The case file number designated by the City.
2. The name and signature of each appellant.
3. Reference to the oral or written evidence provided to the decision-making authority by the appellant that is contrary to the decision.
4. If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision-making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
5. The specific approval criteria, condition, or both being appealed, the reasons why the finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
6. The appeal fee, as established by resolution of the City Council.

The appellate decision making authority on appeal of Type 4 decisions shall be the City Council. The appeal hearing shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Section 50.85 through 50.88 except as otherwise required by statute.

Please note that failure to comply with the requirements of Sections 50.70.1 and 50.70.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.

The current appeal fee due at time of filing is \$1,472.00. The fee amount depends upon the action being appealed and the number of appeals being filed. Furthermore, pursuant to Section 50.70.5.E if the appeal is requested to be on the record, a fee to cover the cost of preparing a transcript of the decision-making authority proceedings is required. The appellant shall remit a fee to cover the cost of the transcript of the decision-making authority's proceedings within five (5) days after the Director estimates the cost of the transcript. Within ten (10) days of the notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. If the estimate exceeds the cost, the balance shall be refunded.

The complete case file is available for review at the Planning Division, Community Development Department, 4th Floor, City Hall, 12725 SW Millikan Avenue. Hours of operation are 7:30 a.m. to 4:00 p.m., Monday through Friday, except for holidays. For more information about the project, please contact **Sandra L. Freund, AICP, Planning Manager** at (503) 526-3718.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven A. Sparks". The signature is written in a cursive, flowing style.

Steven A. Sparks, AICP
Planning Division Manager

cc: Kevin Reed
Jerry Johnson
Jerry Mitchell
Project File