

CODE

ORDINANCE NO. 4059

AN ORDINANCE AMENDING CHAPTER 6 AND CHAPTER 9
OF THE BEAVERTON CITY CODE
RELATING TO STREETS AND OTHER TRAFFIC MATTERS TO
IMPLEMENT THE TRANSPORTATION SYSTEM PLAN;
TA 980008.

WHEREAS, the purpose of the proposed amendments to the Comprehensive Plan, Development Code, Engineering Design Manual and City Code is to implement the updated 1997 Transportation System Plan (TSP) as required by Periodic Review, the State Transportation Planning rule and the Metro Urban Growth Management Functional Plan; and

WHEREAS, on February 2, 1998, following a work session on the 1997 draft TSP, Council directed staff to proceed with the implementation of the TSP, which resulted in draft ordinance language that was then circulated, reviewed and commented on by the general public, City Boards, Commissions, Committees and Task Forces; and

WHEREAS, the compilation of public comment and information was used to produce a Staff Report, dated December 15, 1998; and

WHEREAS, the Planning Commission held public hearings on January 20 and February 10, 1999 to consider the TSP implementation applications; and

WHEREAS, on February 10, 1999 the Planning Commission recommended approval of the proposed TSP implementation applications based upon the original Staff Report of December 15, 1998 as modified by three Staff Report addenda that resulted from the two public hearings; and

WHEREAS, land use orders were prepared memorializing the Planning Commission's recommendations and placed before the City Council on its Consent Agenda at its April 5, 1999 meeting, at which time the Council remanded the land use orders to the Planning Commission for consideration of additional suggested modifications, which suggested modifications were submitted after the Planning Commission's final decision; and

WHEREAS, the Planning Commission held a public hearing on May 26, 1999 on remand, considering additional modifications to the Comprehensive Plan text at which time the Commission approved certain modifications, as recommended by staff, and reaffirmed the previous land use orders (CPA 98020/1174, CPA 98021/1175, CPA 98022/1176 and TA 980008/1177) with modifications; and

WHEREAS, the City Council on June 28, 1999 approved new land use orders (CPA 98020/1203, CPA 98021/1204, CPA 98022/1205 and TA 980008/1206) that affirmed and modified, as appropriate, the Planning Commission's previous land use orders; and

WHEREAS, in approving the new land use orders the City Council also approved the adoption of the following as facts, findings, reasons, conclusions and criteria applicable to the new land use orders: The Engineering Department Staff Report of April 21, 1999; The Memorandum from staff to the Planning Commission dated April 21, 1999; and The Engineering Department Staff Report of December 15, 1998 including Exhibits 1 - 6 of Appendix A to the December Staff Report, Appendix D to the December Staff Report, and three addenda to the

December Staff Report (consisting of two addenda dated January 20, 1999 and one dated February 10, 1999); Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. BC 6.10.015, Definitions, is hereby amended to read as follows:

"6.10.015 Definitions. As used in BC 6.10.010 - .045, the following terms have the following meanings:

'Truck' – means a motor vehicle that is primarily designed or used for carrying loads other than passengers and that has either (a) three or more axles or (b) a registration weight exceeding 20,000 lbs. The term 'truck' includes a combination vehicle consisting of a truck tractor and one or more truck trailers.

'Registration Weight' – means the loaded weight required under ORS 803.430 to be declared and established as the maximum loaded weight at which certain vehicles may be operated on public roads.

'Truck Route' – means the following roadways and portions of roadways designated in the Comprehensive Plan within the City limits:

US 26 – Sunset Highway
Oregon Highway 217 – Beaverton-Tigard Highway
Oregon Highway 8 – Tualatin-Valley Highway and Canyon Road
Oregon Highway 10 – Farmington Road and Beaverton-Hillsdale Highway
Scholls Ferry Road
Murray Boulevard between Sunset Highway and Scholls Ferry Road
Cornell Road
158th Avenue and Merlo Road between 170th Avenue and Cornell Road
170th Avenue between Merlo Road and Oregon Highway 10
Jenkins Road between Murray Boulevard and the east City limits
Western Avenue
Allen Boulevard: Oregon Highway 217 to Scholls Ferry Road
Hall Boulevard: Oregon Highway 217 east to City limits
Oleson Road

'Road' – means any public way that is used or intended to be used by the general public for vehicular traffic."

Section 2. BC 9.01.215, Permissible Locations, is hereby amended to read as follows:

"9.01.215 Permissible Locations. The place where the supporting apparatus of a basketball fixture is affixed to the public right-of-way must be:

- A. Zoned for residential use;
- B. Apart from any sidewalk or public roadway;
- C. Abutting a public roadway designated in the Functional Classification Plan of the Beaverton Area Comprehensive Plan as a residential local road, class L-2 or L-3, where vehicular traffic is limited to a maximum speed of 25 miles-per-hour or less;
- D. At least 150 feet from the nearest lateral curb line or boundary line of any intersection of two or more public roadways; however, this subsection shall not apply to an L-shaped intersection of two public roadways, class L-2 or L-3, provided that all other requirements of this section are met;
- E. At least one foot back from the nearest curb line or boundary line of a public roadway; and
- F. Outside of the sight clearance area required by Beaverton Ordinance 2050, section 60.60.50., if calculated without regard to driveways or other private access ways."

Section 3. BC 9.05.045, Technical Standards, is hereby amended to read as follows:

"9.05.045 Technical Standards.

A. The city engineer may formulate those technical standards the city engineer finds necessary or convenient to implement this ordinance, provided such standards are not inconsistent with law.

B. Before the technical standards formulated by the city engineer may take effect, the city shall adopt the standards by ordinance or resolution. The city shall adopt the standards by ordinance if legally required, but otherwise the city may choose the manner of adoption the city deems most appropriate.

C. A compilation of all applicable technical standards adopted under this section, whether by resolution or ordinance, shall be kept on file in the office of the city engineer and made available to the public. The compilation may be referred to as the 'Engineering Design Manual and Standard Drawings.'"

Section 4. BC 9.05.046, Extension of Facilities, is hereby amended to read as follows:

"9.05.046 Extension of Facilities.

A. To provide for orderly development of the adjoining property or to provide an adequate grid of the City system, the City Engineer or designee shall require extension of water lines, sanitary and storm sewer lines and may require extension of streets through applicant's property to the property line of the adjoining or abutting property in a manner approved by Facilities Review in accordance with Ordinance No. 2050 (the Development Code) and may designate maximum or minimum slopes and compaction to be used. Facilities required in accordance with this section shall be consistent with the acknowledged Comprehensive Plan.

B. Where physical or topographical conditions make the extension of a facility impracticable, the City Engineer or designee may require instead cash payment to the City. The payment shall be in lieu of the extension of the facility, and shall be in an amount reasonably estimated to equal the cost of extending the facility under practicable conditions.”

Section 5. BC 9.06.020(B) Neighborhood Boundaries, is hereby amended to read as follows:

“B. Neighborhood Boundaries. In order to implement the Council's stated purpose of insuring maximum opportunity for citizen involvement, the Council shall adopt a map containing suggested boundaries for neighborhood associations that will encompass the entire area of the City. Persons seeking formal recognition of an association may propose alternatives to the map suggestions. Following input by interested persons, the Council shall finally determine the boundaries of an association in accordance with as many of the following criteria as may be applicable under the circumstances:

1. boundaries should be contiguous and mutually exclusive of those of other formally recognized associations;
2. boundaries should follow readily identifiable physical features, such as property lines, arterial or collector streets, or be set at some other clearly defined and relatively permanent natural or man-made feature; and
3. boundaries describing the territory should be logical and the Council may consider such other factors as:
 - a. a community of interests, common identity and social communication,
 - b. existing commercial patterns,
 - c. existing boundaries of other agencies, such as school district boundaries, and
 - d. the views and desires of citizens seeking association recognition.”

Section 6. Savings Clause.

A. Nothing in this ordinance shall affect a site development permit or other permit related to the development of land issued before the effective date of this ordinance.

B. Nothing in this ordinance shall affect a site development permit or other permit related to the development of land issued on or after the effective date of this ordinance, provided the city first received the application for the permit before the effective date of this ordinance.

C. Nothing in this ordinance shall affect the city's consideration of an application for a site development permit or other permit related to the development of land, provided the city first received the application for the permit before the effective date of this ordinance.

D. For purposes of this section, an incomplete application for a site development permit or other permit related to the development of land received before the effective date of this ordinance, and subsequently made complete by the applicant within 180 days of the date the application was first submitted, shall be considered an application for a permit first received by the city before the effective date of this ordinance.

First reading this 30th day of August, 1999.

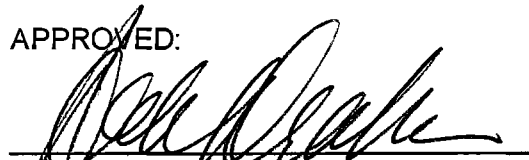
Passed by the Council this 13th day of September, 1999.

Approved by the Mayor this 15th day of SEPTEMBER, 1999.

ATTEST:


DARLEEN COGBURN, City Recorder

APPROVED:


ROB DRAKE, Mayor