

AN ORDINANCE AMENDING CHAPTER 9 OF THE
BEAVERTON CITY CODE RELATING TO COMMUNITY
DEVELOPMENT (1999 OMNIBUS #2).

WHEREAS, the purpose of Omnibus Text Amendment #2 is to revise the City's parking standards consistent with Metro's 2040 Growth Concept and Title II of Metro's Urban Growth Management Functional Plan (UGMFP), limit the size of retail uses in industrial districts consistent with Title IV of the UGMFP, comply with Title VIII of the UGMFP, amend the City's site development and floodplain regulations as requested by the Federal Emergency Management Agency (FEMA), and to clarify language in other sections of the Development Code; and

WHEREAS, the Planning Commission held a public hearing on September 8, 1999 to consider proposed Omnibus Text Amendment #2; and

WHEREAS, At its September 8 hearing, the Planning Commission unanimously approved the recommended City Code and Development Code text amendments, based upon the criteria, facts and findings set forth in the staff report dated September 1, 1999 for the hearing of September 8, 1999; and

WHEREAS, the Planning Commission directed the preparation of a land use order memorializing its recommendations, which was placed before the City Council on the Consent Agenda of its October 25, 1999 meeting, at which time the Council approved the Planning Commission's land use order; and

WHEREAS, the City Council adopts as to criteria, facts, and findings the staff report dated September 1, attached to this ordinance as Exhibit "A" and incorporated by this reference; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS

Section 1. BC Section 9.05.015, Definitions, is hereby amended to read as follows:

Substantial Improvement -

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement of repair in started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the

structure.

B. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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Section 2. BC Section 9.05.060.D.3.a. is hereby amended to read as follows:

“9.05.060. Permit Issuance or Denial - Floodplain District.

D. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in the Flood Insurance Rate Map (FIRM), the following provisions are required:

3. Manufactured Homes.

a. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of BC 9.05.060, subsection C1;

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Section 3. BC Section 9.05.085, Effective Date of Permit, is hereby amended to read as follows:

“9.05.085. Effective Date of Permit.

C. Permits in the floodplain district shall not become effective until:

2. notice of a proposed alteration, relocation, or covering of a watercourse has been given to all adjacent communities and the Department of Land Conservation and Development with copies of such notice given to FEMA; and

Section 4. All City Code provisions adopted prior to this Ordinance which are not expressly amended or repealed herein shall remain in full force and effect.

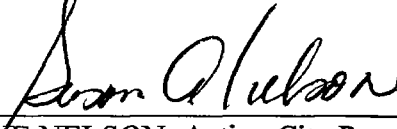
Section 5. It shall be considered the legislative intent that if any part of this ordinance, including exhibits, shall be held invalid or unconstitutional or not in compliance with statewide planning goals, the remaining parts of this ordinance shall remain in force and acknowledged, and any provisions of a prior ordinance amended or repealed by the stricken portion of this ordinance shall be revived and again be considered in full force and effect.

First reading this 1st day of NOVEMBER, 1999.

Passed by the Council this 8th day of NOVEMBER, 1999.

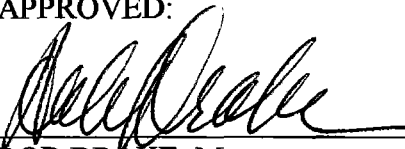
Approved by the Mayor this 9th day of NOVEMBER, 1999.

ATTEST:



SUE NELSON, Acting City Recorder
Deputy

APPROVED:



ROB DRAKE, Mayor



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

CITY OF BEAVERTON STAFF REPORT

TO: Planning Commission

HEARING DATE: Wednesday, September 8, 1999

STAFF: Steven A. Sparks, AICP, Senior Planner *SAS FB*

SUBJECT: TA 990002; Legislative Development Code Text Amendment.

REQUEST: Amendment of various sections of the Development Code to revise the City's parking standards consistent with Metro Title 2 requirements, limit the size of retail uses in industrial zoning districts consistent with Metro Title 4 requirements, amend the City's existing site development and floodplain regulations, and modify other sections of the Development Code to improve clarity of language used.

APPLICANT: City of Beaverton, 4755 SW Griffith Drive, Beaverton, OR 97005

AUTHORIZATION: Ordinance 2050 (Development Code).

APPLICABLE CRITERIA: Ordinance 2050 Section 50.35 (Amendments to the Text)

REPORT AVAILABLE: September 1, 1999

SUMMARY:

The purpose of the proposed Development Code text amendment is to bring the City's Development Code into closer conformance with the Metro 2040 Growth Concept and Urban Growth Management Functional Plan (UGMFP). The City must demonstrate compliance with Title 2 and 4 of the Metro UGMFP. Title 2 requires local jurisdictions to establish minimum and maximum parking ratios for selected land use types. Title 4 requires local jurisdictions to limit the amount of retail uses in employment and industrial areas as designated by Metro.

In addition to bringing the City's Development Code into closer conformance with the Metro UGMFP, the proposed text amendments will implement changes to the City's Development Code and Beaverton City Code as requested by the Federal Emergency Management Agency (FEMA) in order to ensure the City's continued participation in the National Flood Insurance Program (NFIP). Lastly, the proposed text amendments will make a variety of corrections to the City's Development Code that are proposed to correct text omissions, clarify language used in the Code, and to add awnings to list permitted items to encroach over a right-of-way. None of the proposed amendments to clarify the language used in the Code will change the intent or meaning of the existing Development Code regulations.

RECOMMENDATION:

Staff recommend the Planning Commission APPROVE TA 99-00002; adoption of text amendments to:

1. Development Code Sections 20.05.25.2.A., 20.05.50., 20.10.50.5., 20.15.05.B.3., 20.15.50.12., 40.35.15.4.G., 60.20., 60.30.20.7., 60.30.35.2., 60.40.10., 60.40.15.2., 60.45.05., and Chapter 90 (Definitions)
2. Beaverton City Code Sections 9.05.015., 9.05.060., and 9.05.085.

APPLICATION PROCESSING

Processing:

City staff propose a Development Code text amendment which requires a public hearing before the Planning Commission. Notice was given in accordance with Sections 50.35.1.B of the Development Code and the provisions of Ballot Measure 56 which the voters of Oregon passed in November 1998.

The Commission, after public hearing, shall approve, approve with modification, or reject the amendment proposal. An approval by the Commission shall not be construed to have granted a variance from the provisions of any ordinance unless the approval clearly states that a variance has been granted.

This application requires that a final Land Use Order be prepared and mailed to any person submitting written or verbal testimony during the process.

Appeals:

Appeals of the Commission decision regarding the Development Code Text Amendment is to the City Council. The procedure for filing such an appeal and the manner of the hearing is governed by the provision of Section 50.40 of the Development Code. The appeal request must be made in writing and delivered to the City within 10 calendar days from the date of the Land Use Order memorializing the Commission's final decision. In addition, there is a non-refundable \$568.00 fee, which must accompany the request for hearing.

120 Day Requirement:

Legislative amendments to the Development Code are not subject to 120 day rule (Oregon Revised Statute 227.178).

Public Notice:

1. Legal notice was published in the Valley Times on May 27, 1999.
2. No Property Posting is required.
3. In addition, notice was posted at the Post Office, City Library, and City Hall.
4. In accordance with Ballot Measure 56, notice was mailed to all property owners within the City of Beaverton as of August 1, 1999. The Citywide notice was mailed on August 11, 1999.

All notices satisfy the minimum requirements.

I LEGISLATIVE DEVELOPMENT CODE AMENDMENT

Proposal

The City of Beaverton is in the process of updating its Comprehensive Plan and Development Code to comply with Metro's Urban Growth Management Functional Plan (UGMFP). The proposed Development Code text amendment will do two things that will bring the City into closer conformance with the Metro UGMFP. First, the text amendment will revise the City's parking standards to be consistent with the Title 2 requirements and reorganize the existing parking section (Section 60.20). Secondly, the text amendment will revise the total allowed floor area square footage of retail uses in the Campus Industrial (CI) zoning district to be consistent with the Title 4 requirements for retail uses in employment and industrial areas.

In addition to bringing the City's Development Code into conformance with the Metro UGMFP, the proposed text amendments will implement changes to the City's Development Code and Beaverton City Code as requested by the Federal Emergency Management Agency (FEMA) in order to ensure the City's continued participation in the National Flood Insurance Program (NFIP). Lastly, the proposed text amendments will make a variety of corrections to the City's Development Code that are proposed to correct text omissions, clarify language used in the Code, and to add awnings to list permitted items to encroach over a right-of-way.

The proposed text corrections of past omissions include updating the R-4 (Urban Medium Density) zoning district and adding time limits on approvals of fee ownership land divisions. Clarifications of the existing Development Code text include amending the boundaries of the development control areas for the Campus Industrial (CI) zoning districts, the minimum lot areas for multi-family residential lots, and the zones where commercial lot coverage limitations are appropriate. None of the proposed amendments to clarify the language used in the Code will change the intent or meaning of the existing Development Code regulations.

The entirety of the proposed amendments to the Development Code text is attached as Exhibit A to this report. The entirety of the proposed amendments to the Beaverton City Code text is attached as Exhibit B to this report.

Facts and Findings

Conformance with Metro Planning Documents

The City is required to bring its land use regulations into conformance with the Metro Urban Growth Management Functional Plan (UGMFP). The relevant titles that this application is subject to are Title 2, Regional Parking Standards and Title 4, Retail in Employment and Industrial Areas. The proposed Development Code amendments will bring the City into conformance with the minimum and maximum parking standards as articulated in Title 2 of the UGMFP and the maximum amount of retail uses in the City's employment and industrial areas as articulated in Title 4 of the UGMFP.

Title 2 - Regional Parking - The proposed text includes the minimum and maximum parking ratios that are identified in Metro's Title 2 standards. The proposed Development Code text amendment is in conformance with Title 2 of the UGMFP.

Title 4 - Retail in Employment and industrial Areas - The proposed text will place a maximum floor area square footage of 60,000 gross square feet for retail uses in the Campus Industrial (CI) zoning district. The proposed Development Code text amendment is in conformance with Title 4 of the UGMFP.

Conformance with Comprehensive Plan

The following Comprehensive Plan provisions have been found to be applicable to the proposed request. Objectives and policies not listed below have been found by staff not applicable to the current request.

INDUSTRIAL OBJECTIVES

1. *Provide appropriate areas within the City to accommodate a variety of industrial use needs.*

The City has designated significant portions of land within the City that have good access to regional highways as industrial zones. A wide range of industrial and commercial uses are allowed within the Industrial zoning districts. By limiting the amount of retail uses allowed in the Campus Industrial zoning district, the City will further implement the above referenced Industrial Objective.

INDUSTRIAL POLICIES

4. *A functional and attractive mix of office and light industrial uses should be encouraged in areas designated on the plan for Campus Industrial. A limited but complimentary number of commercial and other nonindustrial uses will improve these areas' attractiveness as employment centers.*

The proposed amendment to limit the amount of commercial retail uses in the Campus Industrial zoning district will implement the above referenced policy. Limiting the amount of commercial retail uses to 60,000 gross square feet of floor area will continue to allow nonindustrial uses in the Campus Industrial zoning district, thereby preserving the goal of providing a range of uses in the zoning district. Further, placing a maximum floor area square footage on retail uses will prevent the City's Campus Industrial areas from lowering their importance as employment centers.

TRANSPORTATION POLICIES

14. *In order to alleviate congestion on the public street system, each private property owner shall be responsible for providing adequate on-site parking, loading, and internal circulation based upon adopted standards in the City's Development Code.*

The proposed amendments to place minimum and maximum parking standards for land uses will continue to implement the above referenced transportation policy. Property owners will continue to be required to provide on-site parking and thereby assist in alleviating congestion on the City's public streets.

FLOOD HAZARD REDUCTIONS OBJECTIVES

1. *Develop uniform or complementary interjurisdictional floodplain development and management programs to reduce flood hazards, protect natural resources, and permit reasonable development.*

The proposed amendments to the City's existing floodplain management regulations will continue to implement the above referenced flood hazard reduction objective. The proposed amendments were requested by the Federal Emergency Management Agency in order for the City to continue as a participant in the National Flood Insurance Program (NFIP) which is an interjurisdictional floodplain development and management program.

The remainder of the proposed text amendments are largely editorial in nature and do not change the intent or meaning of the existing Development Code regulations, and are, therefore, consistent with the objectives and policies of the City's Comprehensive Plan.

Proposed Development Code Text Amendments

The proposed amendments to the Development Code text, as reflected in Exhibit A, are largely self explanatory. Nevertheless, staff offer additional information on the following proposed amendments. For reference purposes, the following section numbers are the sequential section numbers used in Exhibit A.

Section 2 The City recently enacted a new zoning amendment which established a new residential zoning district entitled Urban Medium Density (R-4). In that recent amendment, new minimum setback standards were established for the "R-4" zoning district. As a result of the new setback standards, the relational consistency with the setback standards for the R-3.5, R-2, and R-1 zoning districts has been disrupted. Therefore, staff have proposed that the minimum rear setbacks for the R-3.5, R-2, and R-1 zoning districts be consistent with the R-4 zoning district standards.

Section 3 Because the Development Code requires minimum setbacks for the commercial zoning districts, except for Town Center - Sub Regional, allowing a maximum lot coverage of 100 percent is illogical. Therefore, staff have proposed to delete the maximum lot coverage requirements for the NS, GC, CS, CV, and OC zoning districts.

Section 4 The proposed amendment limiting retail uses in the Campus Industrial (CI) zoning district to a maximum of 60,000 gross square feet of floor area is mandated by Title 4 of the Metro UGMFP.

Section 5 Review of the existing development control areas in the City will reveal that their descriptions are not complete and in some instances inaccurate. Further, the development control areas do not anticipate new Campus Industrial zoning districts as a result of annexation. Therefore, staff revised the descriptions of the City's seven (7) development control areas. Further, the seven (7) control areas have been reduced to five (5) control areas by combining two previously described areas.

Section 7 The proposed amendments in this section are largely as a result of the requirements mandated by Title 2 of the Metro UGMFP. In revising the parking standards to establish minimum and maximum parking ratios for land uses, staff took the opportunity to reorganize the entire parking section of the Development Code. The purpose of reorganizing the existing Code section was to order the existing standards in a logical sequence and to clarify the standards.

Section 8, 9 and 11 Awnings have been added to the list of permitted projecting signs. By their very nature, awnings project from structures and awnings also may act as signage. Therefore, the proposed text will clarify property or building owner's responsibilities when considering the installation of an awning(s).

Section 12 This text is existing text that was moved from the parking section of the Code as a result of the reorganization of the parking section.

Proposed Beaverton City Code Text Amendments

The proposed amendments to the Beaverton City Code text, as reflected in Exhibit B, are largely self explanatory and have been requested by the Federal Emergency Management Agency in order for the City to continue as a participant in the National Flood Insurance Program (NFIP).

Conclusion

Based on the facts and findings presented, staff conclude that the proposed "Omnibus" text amendment application (TA 99-00002) is consistent with the provisions of the Urban Growth Management Functional Plan, the objectives and policies of the Comprehensive Plan, and the existing provisions contained within the Development Code. Staff recommend that the Planning Commission adopt the proposed Development Code text amendment as listed in Exhibit A of this report and adopt the proposed Beaverton City Code text amendment as listed in Exhibit B of this report.

II RECOMMENDATION

Based on the information presented, staff recommend:

APPROVE TA 99-00002; Adoption of Development Code text amendments to amend:

1. Development Code Sections 20.05.25.2.A., 20.05.50., 20.10.50.5., 20.15.05.B.3., 20.15.50.12., 40.35.15.4.G., 60.20., 60.30.20.7.,

60.30.35.2., 60.40.10., 60.40.15.2., 60.45.05., and Chapter 90
(Definitions)

2. Beaverton City Code Sections 9.05.015., 9.05.060., and 9.05.085.

Attachments

EXHIBIT A: Proposed Omnibus Development Code Text Amendments #2 dated
September 1, 1999.

EXHIBIT B: Proposed Beaverton City Code, Title 9, Text Amendment dated
September 1, 1999.