

ORDINANCE NO. 4107

AN ORDINANCE REPEALING ORDINANCE NO. 4079 AND AMENDING ORDINANCE NO. 2050, THE DEVELOPMENT CODE, TO BRING THE CITY OF BEAVERTON INTO COMPLIANCE WITH METRO CODE CHAPTER 3.07, TITLES 2 AND 8, AND AMENDING CHAPTER 9 OF THE BEAVERTON CITY CODE ACCORDING TO REQUIREMENTS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND TO CLARIFY OTHER SECTIONS OF THE DEVELOPMENT CODE, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council approved Ordinance 4079, which was also known as "1999 Omnibus Text Amendment #2," which took effect on December 9, 1999; and

WHEREAS, that part of the Development Code text in Ordinance 4079 effectuating the City's compliance with Title 4 of Metro's Functional Plan was timely challenged before the Land Use Board of Appeals; and

WHEREAS, the Board remanded ordinance 4079 to the City on April 4, 2000 for further proceedings, thus invalidating Ordinance 4079 in its entirety; and

WHEREAS, the remanded text includes standards for City land use decisions involving parking standards and development within floodplains, which standards constitute a central part of the City's permitting process; and

WHEREAS, on April 12, 2000 the Planning Commission opened a public hearing to reconsider the text amendments effectuated by Ordinance 4079, bifurcating the text amendments such that matters not previously challenged may proceed expeditiously to a new final decision under a proposal numbered TA 2000-0005, and matters subject to the previous challenge may proceed according to further public hearing under a proposal numbered TA 2000-0004; and

WHEREAS, on April 12, 2000 the Planning Commission also conducted a public hearing that was continued to that date from April 5, 2000 to consider new text amendments relating to the City's parking standards (TA 2000-0001), and recommended the Council adopt one ordinance to effectuate both the new parking modifications and the unlitigated provisions of Ordinance 4079; and

WHEREAS, on May 1, 2000 this ordinance and supporting items were placed on the City Council's agenda for declaration of an emergency and passage by the City Council; and

WHEREAS, Council adopts as to facts and findings for this ordinance the materials described in the Land Use Order dated April 13, 2000, and the explanatory materials in the memorandum dated April 12, 2000, all of which the Council incorporates by their reference herein and finds constitute an adequate factual basis for this ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4079 is hereby repealed.

Section 2. Ordinance No. 2050, the Development Code, is amended to read as set out in Appendix "A" to this Ordinance attached to and incorporated herein by this reference.

Section 3. Beaverton City Code is amended at Chapter 9 to read as set out in Appendix "B" to this Ordinance attached to and incorporated herein by this reference.

Section 4. Severance Clause.

If the Land Use Board of Appeals, Circuit Court, or any other tribunal with competent jurisdiction holds any part of this ordinance illegal, unconstitutional, or not in compliance with the statewide planning goals, the remaining parts of this ordinance shall remain in full force and effect, 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.

Section 4. Declaration of an Emergency.

The recently-invalidated text in Ordinance 4079 delineated the City's new parking standards. The standards had been lawfully employed in the City's permitting process up to the date of their invalidation. The invalidated text is a central component of the City's permitting process and Metro compliance program. Because the City's new parking standards must be reaffirmed with all deliberate speed an emergency is hereby declared, and this ordinance takes effect upon its adoption by the Council and approval by the Mayor.

First reading this 1st day of May, 2000.

Passed by the Council this 1st day of May, 2000.

Approved by the Mayor this 2nd day of MAY, 2000.

ATTEST:


DARLEEN COGBURN, City Recorder

APPROVED:


ROB DRAKE, Mayor

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BEAVERTON CITY CODE, CHAPTER 9, TEXT AMENDMENT

Section 1: The Beaverton City Code, Chapter 9 - Community Development, Section 9.05.015., will be 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 ~~comply with correct~~ existing ~~violations of~~ state or local health, sanitary, or safety code specifications which ~~are solely necessary to assure safe living conditions~~ 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.

Section 2: The Beaverton City Code, Chapter 9 - Community Development, Section 9.05.060.D.3.a., will be 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:

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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 or~~ **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;

Section 3: The Beaverton City Code, Chapter 9 - Community Development, Section 9.05.085.C.2., will be 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 ~~Oregon Water Resources Department~~ **Department of Land Conservation and Development** with copies of such notice given to FEMA; and
