ORDINANCE NO. 4351

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTER 50;
TA 2004-0009 (Completeness Processing Amendment)

WHEREAS, the Beaverton Community Development Department has proposed a text amendment application to: Amend Development Code 50.25.7 (Completeness Processing Amendment) to prevent land use applicant's or their representatives from providing written refusal to provide information identified as required by the Planning Director or the Development Code to process a land use application in order to avoid the normal completeness process simply to then submit the required information in an untimely manner; and,

WHEREAS, pursuant to Section 50.50.2-4 of the Development Code, the Beaverton Development Services Division conducted public noticing for the Text Amendment application; and,

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on March 9, 2005, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on March 16, 2005; and,

WHEREAS, on March 16, 2005, the Planning Commission conducted a public hearing for TA 2004-0009 (Completeness Processing Amendment) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1789; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2004-0009 (Completeness Processing Amendment) following the issuance of the Planning Commission Land Use Order No. 1789; and,

WHEREAS, in accordance with City Council Rules of Procedure, the Council conducted a first reading of the Ordinance on April 18, 2005; and,

WHEREAS, specific to the proposed amendments to Section 50.25.7 (Completeness Processing Amendment) of the Development Code as summarized in Planning Commission Land Use Order No. 1789, the Council consents to and adopts as to facts and findings for this Ordinance the materials described in Land Use Order No. 1789 dated March 16, 2005, 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. 2050, effective through Ordinance No. 4332, the Development Code, Chapter 50, Section 50.25.7, is amended as set out in Exhibit "A" to this Ordinance attached to and incorporated herein by this reference.

Section 2. Severance Clause.

The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair of otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this 18th day of ___April___, 2005.

Passed by the Council this 2nd day of ___May___, 2005.

Approved by the Mayor this 3rd day of ___MAY___, 2005.

ATTEST:

_____
SUE NELSON, City Recorder

APPROVED:

_____
ROB DRAKE, Mayor

Exhibit "A"

Proposed Text is Underlined

50.25. **Application Completeness**

50.25.7

7. The application will be deemed complete for the purpose of this section upon receipt by the Community Development Department of:

   a. All the missing information;

   b. Some of the missing information and written notice from the applicant that no other information will be provided; or

   c. Written notice from the applicant that none of the missing information will be provided.

8. If an applicant has chosen to refuse to submit missing information as specified in Section 50.25.7, the information identified as missing may only be submitted if the applicant agrees to a new 30 day timeline to determine completeness of the application and a new 120-day timeline pursuant to ORS 227.178 to render a final decision. An applicant may not invoke Section 50.25.11. when written refusal to submit information identified through the completeness process has been submitted in order to deem an application complete.

89. Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to subsection 9 or unless State law provides otherwise. [ORD 4282; January 2004]

910. The 120 calendar day time line specified in Section 50.25.8 may be extended at the written request of the applicant. The total of all extensions may not to exceed 240 calendar days from the date the application was deemed complete. [ORD 4282; January 2004]

1011. The applicant may amend the application up to and including fourteen (14) calendar days after the application has been deemed complete. Amendments to an application submitted more than fourteen (14) calendar days after the application is deemed complete may be determined by the Director to be so substantial that the application should be treated as having been refiled. In such a case, the Director shall provide the applicant with the following options: provide the City with a waiver of the 120-day timeframe set forth in ORS 227.178 of a minimum of fourteen (14) calendar days from the date the amendment was submitted; treat the application as having been refiled as of the date the amendment was submitted; or, decide the application on the basis of the applicant's materials without the amendment.

1112 .Pursuant to Section 50.25.3, an application will not be complete until the required fee has been received by the City. For any application which has been on file with the City for more than 180 calendar days and the applicant has not paid the required fee, the application will be deemed withdrawn.

EXHIBIT ___A___