

ORDINANCE NO. 4363

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, SECTION 60.65.15.1
TA2005-0005 (UTILITY UNDERGROUNDING CAPITAL PROJECTS)

WHEREAS, the purpose of the Utility Undergrounding Section 60.65 Amendment is to amend a section of the Beaverton Development Code currently effective through Ordinance 4348 to provide an exemption to the Development Code's utility undergrounding standard for all publicly funded Washington County MSTIP roadway projects, City of Beaverton funded roadway projects upon evidence that the City Council has decided not to provide funding for utility undergrounding, and Oregon Department of Transportation roadway projects where the legislature has not included funding for utility undergrounding; and

WHEREAS, pursuant to 50.50.1 of the Development Code, the Beaverton Development Services Division on June 8, 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 June 15, 2005; and

WHEREAS, on June 15, 2005, the Planning Commission conducted a public hearing for TA2005-0005 (Utility Undergrounding Capital Projects) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendment to the Development Code as summarized in Planning Commission Land Use Order No. 1801; and

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA2005-0005 (Utility Undergrounding Capital Projects) following the issuance of the Planning Commission Land Use Order No. 1801; and

WHEREAS, the City Council adopts as to criteria, facts and findings described in Land Use Order No. 1801 dated June 30, 2005, the Planning Commission record, and the Council's Agenda Bill dated August 1, 2005, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4348, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance, attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein, shall remain in full force and effect.

Section 3. 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 or 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 1st day of August, 2005.

Passed by the Council this 15th day of August, 2005.

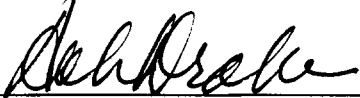
Approved by the Mayor this 16th day of AUGUST, 2005.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

Section 1: The Development Code, Ordinance No. 2050, Ordinance 4332, Chapter 60 – Special Requirements, Section 60.65 Utility Undergrounding specifically Section 60.65.15.1., will be amended to read as follows:

60.65.15.

1. At the option of the applicant and subject to rules promulgated by the Oregon Public Utility Commission (PUC), this requirement does not apply to surface mounted transformers, surface mounted connection boxes and meter cabinets, which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, that portion of a project where undergrounding will require boring under a collector or arterial roadway, and voter approved MSTIP 1, 2, and 3 funded roadway projects. City funded roadway projects which the City Council has specifically considered and declined to fund utility undergrounding as a component of the roadway project, Washington County funded roadway projects, such as MSTIP projects, and Oregon Department of Transportation funded roadway projects.
