

ORDINANCE NO. 4382

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTER 40 (APPLICATIONS);
TA 2005-0008 (AMENDMENT OF QUASI-JUDICIAL ZONING
MAP AMENDMENT APPROVAL CRITERIA).

WHEREAS, the Beaverton Community Development Department has proposed a text amendment to the Beaverton Development Code, Ordinance No. 2050, effective through Ordinance No. 4365, intended to modify the Quasi-Judicial Zoning Map Amendment approval criteria by adding a new approval criterion to demonstrate conformance with District Requirements of the zone requested in a Quasi-Judicial Zoning Map Amendment application.

WHEREAS, pursuant to Section 50.50.2-4 of the Development Code, the Beaverton Community Development Department provided required public notice for the Text Amendment application; and,

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Community Development Department on January 4, 2006, published a written staff report, including a recommendation, a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on January 11, 2006; and,

WHEREAS, on January 11, 2006, the Planning Commission conducted a public hearing for TA 2005-0008 and, at the conclusion of the hearing, voted to recommend to the Beaverton City Council adoption of the proposed amendments to the Development Code as stated in Planning Commission Land Use Order No. 1831; and,

WHEREAS, no written appeal, pursuant to Section 50.75 of the Development Code, was filed for TA 2005-0008 following the issuance of the Planning Commission Land Use Order No. 1831; and,

WHEREAS, the City Council adopts as to approval criteria the facts and findings described in Land Use Order No. 1831 dated January 18, 2006 and the Planning Commission record, and the Council's Agenda Bill dated February 13, 2006, 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: The Development Code, Ordinance No. 2050, Ordinance 4365, Chapter 40, Applications, Section 40.97.15.1.C, Quasi-Judicial Zoning Map Amendment approval criteria, 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 ^{13th} ___ day of February, 2006.

Passed by the Council this 6th day of March, 2006.

Approved by the Mayor this 7th day of March, 2006.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

Section 1: The Development Code, Ordinance No. 2050, effective through Ordinance 4365, Chapter 40 - Applications, Section 40.97. Zoning Map Amendment, specifically Section 40.97.15.1.C will be amended to read as follows:

40.97 Zoning Map Amendment

40.97.15.1 Quasi-Judicial Zoning Map Amendment

C. Approval Criteria

8. *In cases where the Comprehensive Plan identifies more than one zone to implement the applicable Land Use Map designation, the applicant is to demonstrate how the proposal conforms with applicable District Requirements of the zone(s) subject to Quasi-Judicial Zoning Map Amendment consideration*
