ORDINANCE NO. 4404

AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE DEVELOPMENT CODE.

WHEREAS, the purpose of the Facilities Review Text Amendment is to make changes to selected sections of the Beaverton Development Code (BDC) to clarify the Facilities Review Committee process and relocate certain Facilities Review Committee approval criteria to selected applications; and,

WHEREAS, the affected chapters of the BDC include Chapter 10 (General Provisions), Chapter 40 (Applications), and Chapter 50 (Procedures); and,

WHEREAS, the Planning Commission held a public hearing on July 26, 2006 and approved the proposed Facilities Review Text Amendment, based upon the criteria, facts and findings set forth in the staff report dated July 19, 2006; and

WHEREAS, the Planning Commission has issued Land Use Order #1895 memorializing its recommendation; and

WHEREAS, pursuant to Section 50.50.11 of the Development Code, the City Council considered the Planning Commission recommendation of approval as summarized in Land Use Order #1895; and

WHEREAS, the City Council adopts as to criteria, facts and findings, described in Land Use Order #1895 dated July 28, 2006 and the Planning Commission record, 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, the Development Code, is amended to read as set out in Appendix "A" to 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.** 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parts of this ordinance shall remain in force and acknowledged, and any revisions of a prior ordinance amended or repealed by the stricken portion of this ordinance shall again be considered in full force and effect.

First reading this 11th day of September, 2006.

Passed by the Council this 18th day of September, 2006.

Approved by the Mayor this 19th day of September, 2006.

ATTEST:

Sue Nelson

SUE NELSON, City Recorder

APPROVED:

Rob Drake

ROB DRAKE, Mayor

**Section 1: The Development Code, Ordinance No. 2050, Chapter 10 - General Provisions, Section 10.95.4, will be amended to read as follows:**

**10.95. Development Review Participants.**

*****

**1. City Council**

*****

**2. Planning Commission**

*****

**3. Board of Design Review**

*****

**4. Facilities Review Committee.**

*****

B. Powers and Duties. The Facilities Review Committee shall review ~~all Type 2, Type 3, and Type 4 proposals~~ and shall make the necessary recommendations to the Director concerning technical aspects of the proposals based upon the technical criteria listed in Section 40.03 of this Code for the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, all Land Division, Public Transportation Facility, and Street Vacation. The Facilities Review Committee shall review and shall make recommendations to the Director based on the applicable approval criteria for all other Type 2 land use applications. The Facilities Review Committee may review and may make recommendations to the Director based on the applicable approval criteria for all other Type 3 and Type 4 land use applications.

*****

D. Committee Recommendations. The conditions recommended by the Facilities Review Committee shall represent a consensus of the Committee. Moreover, the conditions recommended by the Facilities Review Committee are for the purpose of ensuring compliance with the technical criteria listed in Section 40.03 of this Code for the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, all Land Division, Public Transportation Facility, and Street Vacation. The ~~Director,~~ Planning Commission, Board of Design Review, or City Council acting as the decision making authority on an application(s) may change the conditions recommended by the Committee only after requesting and receiving a written report from the Facilities Review Committee detailing the technical aspects concerning the purpose and need for the recommended condition(s).

**Section 2: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.03., will be amended to read as follows:**

**40.03. FACILITIES REVIEW COMMITTEE**

Consistent with Section 10.95.4 (Facilities Review Committee) of this Code, the Facilities Review Committee shall review the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, all Land Division, Public Transportation Facility, and Street Vacation. ~~all Type 2, Type 3, and Type 4 applications listed in Chapter 40 (Applications). In the case of Non-Discretionary Annexation Related Zoning Map Amendments and Discretionary Annexation Zoning Map Amendments processed by the City, review by the Facilities Review Committee shall not be required. The purpose of the Facilities Review Committee is to review the technical aspects of Type 2, Type 3, and Type 4 applications. The Facilities Review Committee shall provide the necessary recommendations concerning technical aspects of the proposal to the Director.~~ In making a recommendation on a proposal, the Facilities Review Committee shall base its recommendation on all the following technical criteria. All of these criteria shall be addressed at time of application by an applicant for development for conformity to Section 50.25.1.B. [ORD 4265; September 2003]

*****

**Section 3: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.10., will be amended to read as follows:**

**40.10. ADJUSTMENT**

*****

**40.10.15. Application.**

*****

**1. Minor Adjustment.**

*****

C. Approval Criteria. In order to approve a Minor Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Minor Adjustment application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. Special conditions exist which are unique to the land, structure, or building involved.

4. Granting the adjustment will result in a project that equally or better meets the regulation to be modified.

5. Granting the adjustment as part of the overall project will not obstruct pedestrian or vehicular movement.

6. The adjustment will allow City designated scenic resources, natural areas, and/or historic resources, if present, to be preserved.

7. If more than one (1) ~~Minor A~~adjustment is being requested, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zone.

8. Any ~~Minor A~~ adjustment granted shall be the minimum that will make possible a reasonable use of land, building, and structures.

9. The proposal incorporates building, structure, or site design features or some combination thereof which compensate for adjusting the Site Development Requirement.

10. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

12. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.

13. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]

10~~4~~. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

**2. Major Adjustment.**

*****

C. Approval Criteria. In order to approve a Major Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Major Adjustment application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. Special conditions exist which are unique to the land, structure, or building involved.

4. Granting the Major Adjustment will result in a project that equally or better meets the regulation to be modified.

5. Granting the adjustment will not obstruct pedestrian or vehicular movement.

6. The ~~Major A~~adjustment will allow City designated scenic resources, natural areas, and/or historic resources, if present, to be preserved.

7. If more than one (1) ~~Major A~~adjustment is being requested, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zone.

8. Any ~~Major A~~ adjustment granted shall be the minimum adjustment that will make possible a reasonable use of land, building, and structures.

9. The proposal incorporates building, structure, or site design features which compensate for adjusting the Site Development Requirement.

10. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

12. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.

13. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

1~~0~~4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

**Section 4: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.25.15.1.C, will be amended to read as follows:**

**40.25. DIRECTOR'S INTERPRETATION**

**40.25.05. Purpose.**

*****

**40.25.10. Applicability.**

*****

**40.25.15. Application.**

*****

**1. Director's Interpretation.**

*****

C. Approval Criteria. In order to approve a Director's Interpretation application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Director's Interpretation application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. That the interpretation is consistent with the City's Comprehensive Plan and other provisions within this Code.

4. When interpreting that a use not identified in the Development Code is a permitted, a conditional, or prohibited use, that use must be substantially similar to a use currently identified in the subject zoning district or elsewhere in the Development Code.

5. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

**Section 5: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.20., will be amended to read as follows:**

**40.20. DESIGN REVIEW** [ORD 4332; November 2004]

**40.20.05. Purpose.**

*****

**40.20.10. Applicability.**

*****

**40.20.15. Application.**

There are three (3) Design Review applications which are as follows: Design Review Compliance Letter, Design Review Two, and Design Review Three.

**1. Design Review Compliance Letter.**

*****

C. Approval Criteria.

*****

5. The proposal, which is not an addition to an existing building, is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).

6. If applicable, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:

a. Building articulation and variety (Section 60.05.15.1).
b. Roof forms (Section 60.05.15.2).
c. Primary building entrances (Section 60.05.15.3).
d. Building materials (Section 60.05.15.4).
e. ~~Perimeter/f~~ Foundation landscaping requirements (Section 60.05.25.3.D.).
f. Screening roof-mounted equipment requirements (Section 60.05.15.5).

g. Screening loading areas, solid waste facilities and similar improvements (Section 60.05.20.2).
h. Lighting requirements (Section 60.05.30).

7. The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).

8. Except for conditions requiring compliance with approved plans, the proposal does not modify any conditions of approval of a previously approved Type 2 or Type 3 application.

*****

**2. Design Review Two.**

A. Threshold.

*****

8. [ORD 4365; September 2005] Removal of more than five (5) ~~and up to and including ten (10)~~ Landscape Trees ~~on a site within a one calendar year period~~.

*****

**3. Design Review Three.**

*****

C. Approval Criteria.

*****

4. For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).

*****

7. For proposals meeting Design Review Three application Threshold numbers 7 or 8, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is applying to instead meet the applicable Design Guideline(s).

8. For proposals meeting Design Review Three application Threshold numbers 7 or 8, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) where the proposal does not meet the related provisions of Sections 60.05.15 through 60.05.30 (Design Standards).

9 ~~7~~. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

**Section 6: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.30., will be amended to read as follows:**

**40.30. FLEXIBLE AND ZERO YARD SETBACKS**

**40.30.05. Purpose.**

*****

**40.30.10. Applicability.**

*****

**40.30.15. Application Types.**

*****

**1. Flexible Setback for Individual Lot With Endorsement.**

*****

**2. Flexible Setback for Individual Lot Without Endorsement.**

*****

C. Approval Criteria. In order to approve a Flexible Setback on Individual Lot Without Endorsement application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Flexible Setback on Individual Lot Without Endorsement application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The proposal does not violate any recorded Solar Access Permit requirements.

4. The proposal meets the minimum standards specified in Section 20.05.50.3.D of this Code.

5. The proposal is compatible with the surrounding area regarding topography, vegetation, building character, and site design. In determining compatibility, consideration shall be given to harmony in: scale, bulk, coverage, density, rooflines, and materials.

6. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.

7. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

8. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

9. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

~~6~~ 10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

**3. Flexible Setback for a Proposed Residential Land Division.**

*****

C. Approval Criteria. In order to approve a Flexible Setback for a Proposed Residential Land Division application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Flexible Setback for a Proposed Residential Land Division application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The proposal is compatible with the surrounding area, which is defined as abutting properties and properties directly across the street from the proposal site. Properties directly across the street from the development shall be those properties perpendicular from any property line of the proposal. Findings for compatibility must be made with regard to topography, vegetation, building character, and site design. In determining compatibility, consideration shall be given to harmony in: scale, bulk, coverage, density, rooflines, and materials.

4. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

5. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

6. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

4 7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

~~4. Flexible Setback for a Proposed Annexation.~~

~~A. Threshold. An application for Flexible Setback for a Proposed Annexation shall be required when the following threshold applies:~~

~~1. The property is located within a residential zoning district which is the subject of a petition for annexation into the City.~~

~~B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Flexible Setback for a Proposed Annexation and shall be considered concurrently with any Comprehensive Plan and Zoning Map amendments. The decision making authority is the Planning Commission.~~

~~C. Approval Criteria. In order to approve a Flexible Setback for a Proposed Annexation application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:~~

~~1. The proposal satisfies the threshold requirements for a Flexible Setback for a Proposed Annexation application.~~

~~2. All City application fees related to the application under consideration by the decision making authority have been submitted.~~

~~3. The proposal is consistent with previous applicable land use decisions regarding the subject property rendered by the former jurisdiction.~~

~~4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.~~

~~D. Submission Requirements. An application for a Flexible Setback for a Proposed Annexation shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Flexible Setback for a Proposed Annexation application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.~~

~~E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Flexible Setback for a Proposed Annexation application to ensure compliance with the approval criteria.~~

~~F. Appeal of a Decision. Refer to Section 50.70.~~

~~G. Expiration of a Decision. Refer to Section 50.90.~~

~~H. Extension of a Decision. Refer to Section 50.93.~~

**~~5~~ 4. Zero Side or Zero Rear Yard Setback for a Proposed Residential Land Division.**

*****

C. Approval Criteria. In order to approve a Zero Side Yard or Zero Rear Yard Setback for a Proposed Residential Land Division application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Zero Side Yard or Zero Rear Yard Setback for a Proposed Residential Land Division application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The side or rear yard setback on all adjacent lots which abut the proposed zero side or rear setback are either zero feet (0') or ten feet (10') or more.

4. The zero side or zero rear yard is not abutting a public right-of-way or any access easement.

5. No portion of a structure or architectural feature shall project over a property line related to the zero side or rear yard setback unless a permanent easement allowing such projection has been granted.

6. A four foot (4') non-exclusive maintenance easement appears on the plat within the adjacent side or rear yard setback of the adjacent lot where it abuts the zero setback.

7. Satisfactory deed restrictions are submitted with the preliminary land division which address maintenance requirements for the zero setback wall.

8. Five foot utility easements are provided along all side and rear property lines except where the zero setback is designated.

9. The proposal is compatible with the surrounding area regarding topography, vegetation, building character, and site design. In determining compatibility, consideration shall be given to harmony in: scale, bulk, coverage, density, rooflines, and materials.

10. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

~~10~~13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

**6. Zero Side Yard Setback for a Proposed Non-Residential Land Division.**

*****

C. Approval Criteria. In order to approve a Zero Side Yard Setback for a Proposed Non-Residential Land Division in the Commercial, Industrial, or Multiple Use zoning districts application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Zero Side Yard Setback for a Proposed Non-Residential Land Division application in the Commercial, Industrial, or Multiple Use zoning districts.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The minimum adjacent side yard setback on all adjacent lots which abut the proposed zero setback parcel are either zero feet (0') as well or twenty feet (20') or more.

4. The zero side yard is not abutting a public right-of-way or any access easement.

5. The zero side yard does not abut any residential district.

6. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

7. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

8. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

~~6~~ 9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

Section 7: **The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.35, will be amended to read as follows:**

**40.35. HISTORIC REVIEW**

**40.35.05. Purpose.**

*****

**40.35.10. Applicability**

*****

**40.35.15. Application.**

*****

**1. Alteration of a Landmark.**

*****

C. Approval Criteria. In order to approve an Alteration of a Landmark application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for an Alteration of a Landmark application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The distinguishing original historic or architectural qualities or character of a building, structure, or site and its environment are being preserved.

4. Any alteration to buildings, structures, and sites are in keeping with the time period of the original construction.

5. Any distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site have been preserved unless said features are a threat to public health and safety or are in violation of building, fire, or access regulations.

6. Deteriorating architectural features will be repaired rather than replaced, wherever possible.

7. New material used for replacement will match the material being replaced in terms of composition, design, color, texture, and other visual qualities.

8. The repair or replacement of missing architectural features is based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence.

9. The design of the proposed addition or alteration does not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, material, and character of the property, neighborhood, or environment.

10. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an adjustment, planned unit development, or variance which shall be already approved or considered concurrently with the subject proposal.

11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

~~10~~13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

**Section 8: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.40, will be amended to read as follows:**

**40.40. HOME OCCUPATION**

**40.40.05. Purpose.**

*****

**40.40.10. Applicability.**

*****

**40.40.15. Application.**

*****

**1. Home Occupation One**

*****

C. Approval Criteria. In order to approve a Home Occupation One application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Home Occupation One application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]

4. The home occupation is being undertaken only by an occupant of the residence.

5. The proposed home occupation is participating in and is consistent with the City's Business License Program and other agency licenses as appropriate to the proposed use.

6. The on-site operation of the proposed home occupation shall be conducted ~~operated~~ entirely within the dwelling, a conforming accessory structure, or both. No exterior storage of materials or equipment shall occur on the premises.

*****

**2. Home Occupation Two**

*****

C. Approval Criteria. In order to approve a Home Occupation Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Home Occupation Two application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The proposed home occupation is being undertaken by an occupant of the residence.

4. The proposed home occupation is participating in and is consistent with the City's Business License Program and other agency licenses as appropriate to the proposed use.

5. The on-site operation of the proposed home occupation shall be conducted ~~operated~~ entirely within the dwelling, a conforming accessory structure, or both. No exterior storage of materials or equipment shall occur on the premises.

6. The proposed home occupation will not change the use classification of the dwelling unit or accessory structures as determined by the City Building Official applying the State Building Code.

7. The proposed home occupation and associated storage of materials and products shall not occupy more than 700 gross square feet of floor area.

8. The subject property will continue to be used and maintained as a residence and will conform to all requirements of this and other City Codes as they pertain to residential property.

9. The home occupation, including deliveries from other businesses, shall not include the use of tractor trailers, fork lifts, or similar heavy equipment.

10. There shall be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation.

11. There shall be no exterior storage of vehicles of any kind used for the business except that one (1) commercially licensed vehicle, which is not larger than a 3/4 ton pick-up, passenger van, or other vehicle of similar size, may be parked outside on the subject property, provided such parking complies with applicable parking restrictions.

12. The proposal will not involve storage or distribution of toxic or flammable materials, spray painting or spray finishing operations, or similar activities that involve toxic or flammable materials which in the judgment of the Fire Marshall pose a health or safety risk to the residence, its occupants or surrounding properties.

13. There is no signage associated with the proposed home occupation aside from a name plate as allowed by Section 60.40.15 of this Code.

14. Exterior remodeling will not alter the residential character of the building.

15. Excluding required residential parking, adequate off-street parking exists to accommodate vehicular traffic for any employee, customer, or both.

16. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an adjustment, planned unit development, or variance which shall be already approved or considered concurrently with the subject proposal.

17. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

18. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

~~15~~19. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

**Section 9: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.45, will be amended to read as follows:**

**40.45. LAND DIVISION**

**40.45.05. Purpose.**

*****

**40.45.10. Applicability.**

*****

**40.45.15. Application.**

*****

**1. Lot Line Adjustment.**

*****

C. Approval Criteria. In order to approve a Lot Line Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Lot Line Adjustment application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]

4. An additional lot is not created.

5. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be considered concurrently with the subject proposal.

6. The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations).

7. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.

8. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site and in connecting with the surrounding circulation system.

9. The proposal does not create a parcel which will have more than one (1) zoning designation.

10. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

~~7~~ 11. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

*****

**Section 10: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.50.15.1.C, will be amended to read as follows:**

**40.50. LOADING DETERMINATION**

**40.50.05. Purpose.**

*****

**40.50.10. Applicability.**

*****

**40.50.15. Application.**

*****

**1. Loading Determination.**

*****

C. Approval Criteria. In order to approve a Loading Determination application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Loading Determination application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The determination will not create adverse impacts, taking into account the total gross floor area and the hours of operation of the use.

4. ~~The proposal will not interfere with pedestrian or vehicular traffic on a street.~~ There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site and in connecting with the surrounding circulation system.

5. The proposal will be able to reasonably accommodate the off street loading needs of the structure.

6. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

7. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.

8. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

9 ~~8~~. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

**Section 11: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.55, will be amended to read as follows:**

**40.55. PARKING DETERMINATION**

**40.55.05. Purpose.**

*****

**40.55.10. Applicability.**

*****

**40.55.15. Application.**

*****

**1. Parking Requirement Determination.**

*****

C. Approval Criteria. In order to approve a Parking Requirement Determination application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Parking Requirement Determination application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The determination is consistent with Title 2 of Metro's Urban Growth Management Functional Plan.

4. The determination will not create adverse impacts, taking into account the total gross floor area, number of employees, potential customer volume, and the hours of operation of the use.

5. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

**2. Shared Parking.**

*****

C. Approval Criteria. In order to approve a Shared Parking application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Shared Parking application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The location of the shared off street parking is on an abutting property and is within 200 feet of the subject use in which the shared parking is intended to serve, except in Multiple Use zoning districts where the location may be at any distance.

4. If multiple properties are involved, the owners of each of the properties has agreed to the shared parking by entering into a shared parking agreement.

5. The time of peak parking demand for the various uses located on the subject properties occur at different times of the day.

6. Adequate parking will be available at all times when the various uses are in operation.

7. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

8. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site.

9. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

**Section 12: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.90., will be amended to read as follows:**

**40.90 Tree Plan**

**40.90.05. Purpose.**

*****

**40.90.10. Applicability.**

*****

**40.90.15. Application.**

*****

**1. Tree Plan One.**

*****

**2. Tree Plan Two.**

*****

C. Approval Criteria. In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Tree Plan Two application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. If applicable, removal of a Community Tree(s) is necessary to enhance the health of the tree, grove, group of trees, or an adjacent tree or to eliminate conflicts with structures or vehicles.

4. If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.

5. If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.

6. If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.

7. If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.

8. If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees to eliminate conflicts with structures or vehicles.

9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.

10. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.

11. The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.

12. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

13. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

**3. Tree Plan Three.**

*****

C. Approval Criteria. In order to approve a Tree Plan Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Tree Plan Three application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. If applicable, removal of a diseased tree or a tree is necessary because the tree has been weakened by age, storm, fire, or other condition.

4. If applicable, removal is necessary to enhance the health of the grove or adjacent tree(s) to reduce maintenance, or to eliminate conflicts with structures or vehicles.

5. If applicable, removal is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.

6. If applicable, removal is the minimum necessary to accommodate physical development because no reasonable alternative exists for the development at another location on the site and variances to setback provisions of the Development Code will not allow the tree(s) to be saved or will cause other undesirable circumstances on the site or adjacent properties.

7. If applicable, removal is necessary because a tree has become a nuisance by virtue of damage to personal property or improvements, either public or private, on the subject site or on an adjacent site.

8. If applicable, removal is necessary to accomplish a public purpose, such as installation of public utilities, street widening, and similar needs where no reasonable alternative exists without significantly increasing public costs or reducing safety.

9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.

10. If applicable, removal of tree or trees within a Significant Grove will not reduce the size of the grove to a point where the remaining trees may pose a safety hazard due to the effects of windthrow.

11. If applicable, removal of a tree within a Historic Grove will not substantially reduce the significance of the grove in terms of its original designation on the list of Historic Groves.

12. The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.

13. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

14. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

15. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

**Section 13: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.95.15.1.C, will be amended to read as follows:**

**40.95 Variance**

**40.95.05. Purpose.**

*****

**40.95.10. Applicability.**

*****

**40.95.15. Application.**

*****

**1. Variance.**

*****

C. Approval Criteria. In order to approve a Variance application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Variance application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. Special conditions exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings, or structures in the same zoning district.

4. Strict interpretation of the provisions of this ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district under the terms of this Code.

5. The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.

6. If more than one (1) variance is being requested, the cumulative effect of the variances result in a project which is still consistent with the overall purpose of the applicable zone.

7. Any variance granted shall be the minimum variance that will make possible a reasonable use of land, building, and structures.

8. For a proposal for a variance from sign regulations, no variance shall be granted unless it can be shown that there are special circumstances involving size, shape, topography, location or surroundings attached to the property referred to in the application, which do not apply generally to other properties in the same zoning district, and that the granting of the variance will not result in material damage or prejudice to other property in the vicinity and not be detrimental to the public safety and welfare. Variances shall not be granted merely for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign.

9. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

10. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

12. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

**Section 14: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.96, will be amended to read as follows:**

**40.96 Wireless Facility**

**40.96.05. Purpose.**

*****

**40.96.10. Applicability.**

*****

**40.96.15. Application.**

*****

**1. Wireless Facility One.**

*****

**2. Wireless Facility Two.**

*****

C. Approval Criteria. In order to approve a Wireless Facility Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Wireless Facility Two application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.

4. The proposal will not obstruct any existing or approved vehicular, pedestrian, or bicycle connection identified in the Comprehensive Plan.

5. That the development has been designed to, where possible, incorporate and preserve existing trees and vegetation of significant size and species.

6. That grading of the site shall take place with particular attention to minimizing the possible adverse effect of grading on the natural vegetation and physical appearance of the site.

7. That the quality, location, size and aesthetic design of walls, fences, berms, hedges, screen planting and landscape areas have minimal adverse effect on existing or approved abutting land uses.

8. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.

9. The proposal is consistent with all applicable Site Development Requirements of Sections 20.05.50, 20.10.50, 20.15.50, and 20.20.50 of this Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

10. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

12. ~~8~~ Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

**3. Wireless Facility Three.**

*****

C. Approval Criteria. In order to approve a Wireless Facility Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Wireless Facility Three application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. In relationship to the existing surroundings and future allowed uses, the location, size, shape, height, spatial and visual arrangement of the use and structure is compatible.

4. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.

5. The proposal will not obstruct any existing or approved vehicular, pedestrian, or bicycle connection identified in the Comprehensive Plan.

6. That the development has been designed to, where possible, incorporate and preserve existing trees and vegetation of significant size and species.

7. That grading of the site shall take place with particular attention to minimizing the possible adverse effect of grading on the natural vegetation and physical appearance of the site.

8. That the quality, location, size and aesthetic design of walls, fences, berms, hedges, screen planting and landscape areas have minimal adverse effect on existing or approved abutting land uses.

9. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.

10. The proposal is consistent with all applicable Site Development Requirements of Sections 20.05.50, 20.10.50, 20.15.50, and 20.20.50 of this Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

13. ~~9~~ Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

**Section 15: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.97, will be amended to read as follows:**

**40.97 Zoning Map Amendment**

**40.97.05. Purpose.**

*****

**40.97.10. Applicability.**

*****

**40.97.15. Application.**

*****

**1. Quasi-Judicial Zoning Map Amendment.**

*****

C. Approval Criteria. In order to approve a Quasi-Judicial Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Quasi-Judicial Zoning Map Amendment application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The proposal conforms with applicable policies of the City's Comprehensive Plan.

4. All critical facilities and services are available or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zoning designation.

5. Essential facilities and services are available or can be made available to serve the site and uses allowed by the proposed zoning designation.

6. The proposal is or can be made to be consistent with all applicable provisions of Chapter 20 (Land Uses).

7. ~~5.~~ In addition to the criteria stated in Section 40.97.15.1.C.1 through 6, above, the following criteria shall apply to Quasi-Judicial Zoning Map Amendment which would change the zone designation to the Convenience Service (C-V) zoning district.
   a. There is a public need for the proposal and that this need will be served by changing the zoning district classification of the property in question as compared with other available property.

   b. The public interest is best carried out by approving the proposal at this time.

8. ~~6.~~ The proposal shall include a Traffic Impact Analysis that meets the requirements of 60.55.20. The analysis shall demonstrate that development allowed under the proposed zoning can meet the requirements of 60.55.10.1, 60.55.10.2, 60.55.10.3, and 60.55.10.7. The analysis shall identify the traffic impacts from the range of uses allowed under the proposed zoning and demonstrate that these impacts can be reasonably mitigated at the time of development. [ORD 4302; May 2004]

9. ~~7.~~ As an alternative to 40.97.15.1.C.6, the applicant may provide evidence that the potential traffic impacts from development under the proposed zoning are no greater than potential impacts from development under existing zoning. [ORD 4302; May 2004]

10. ~~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. (ORD 4382; April 2006)

11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

12. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

*****

**2. Legislative Zoning Map Amendment.**

*****

C. Approval Criteria. In order to approve a Legislative Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Legislative Zoning Map Amendment application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The proposal conforms with applicable policies of the City's Comprehensive Plan.

4. All critical facilities and services are available or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zoning designation.

5. Essential facilities and services are available or can be made available to serve the site and uses allowed by the proposed zoning designation.

6. The proposal is or can be made to be consistent with all applicable provisions of Chapter 20 (Land Uses).

7. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

4 8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

~~5~~ 9. In addition to the criteria stated in Section 40.97.15.2.C.1 through 4 8, above, the following criteria shall apply to Legislative Zoning Map Amendment which would change the zone designation to the Convenience Service (C-V) zoning district.

a. There is a public need for the proposal and that this need will be served by changing the zoning district classification of the property in question as compared with other available property.

b. The public interest is best carried out by approving the proposal at this time.

*****

**Section 16: The Development Code, Ordinance No. 2050, Chapter 50 - Procedures, Section 50.25.1.B, will be amended to read as follows:**

**50.25. Application Completeness**

1. A complete application is one which contains the information required by the Director to address the relevant criteria, development requirements, and procedures of this Code. Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement. All other complete application shall consist of the requisite number of copies of the following: [ORD 4265; September 2003]

*****

B. A written statement, supported by substantial evidence, that identifies the criteria and development regulations considered relevant to the application, states the facts alleged to show that the application complies with applicable criteria and development regulations, and explains why the application should be approved based on the criteria and development regulations and facts set forth in the application. In addition to addressing applicable criteria and development regulations relevant to the application type, the written statement shall address all the technical criteria specified in Section 40.03 (Facilities Review Committee) of the Code for the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, all Land Division, Public Transportation Facility, and Street Vacation. [ORD 4265; September 2003]

*****

**Section 17: The Development Code, Ordinance No. 2050, Chapter 50 - Procedures, Section 50.40, will be amended to read as follows:**

**50.40. Type 2**

*****

4. Within approximately seven (7) calendar days after the application has been determined to be or deemed complete and in no case less than twenty (20) calendar days before the decision making authority's decision, the Director shall publish in a newspaper of general circulation in the City of Beaverton a summary of the application, the comment closing date on the application, the date of the Facilities Review Committee ~~technical~~ meeting with the applicant, and the date on which a decision will be made on the application.

*****

7. Approximately twenty eight (28) calendar days after the application has been determined to be or deemed complete, the Director shall convene the Facilities Review Committee to review ~~technical aspects of~~ the application with the applicant.

*****

9. Within approximately seven (7) calendar days after the Facilities Review Committee ~~technical~~ meeting, the Facilities Review Committee shall forward a written report to the Director.

10. Within approximately fourteen (14) calendar days after the Facilities Review Committee ~~technical~~ meeting, the Director shall issue a written decision on the application to the applicant, the property owner, the NAC in which the subject property is located, and interested parties that submitted written comments prior to or on the comment closing date; provided, [ORD 4265; September 2003]

*****

**Section 18: The Development Code, Ordinance No. 2050, Chapter 50 - Procedures, Section 50.45, will be amended to read as follows:**

**50.45. Type 3**

*****

4. Within approximately seven (7) calendar days after the application has been determined to be or deemed complete and in no case less than twenty (20) calendar days before the decision making authority's initial hearing, the Director shall publish in a newspaper of general circulation in the City of Beaverton a summary of the application, a date by which public comment on the application should be submitted to the Director, if applicable, the date of the Facilities Review Committee ~~technical~~ meeting with the applicant, and the place, date, and time of the decision making authority's hearing on the application under review.

*****

10. Within approximately twenty eight (28) calendar days after the application has been determined to be or deemed complete, the Director shall convene the Facilities Review Committee to review applicable technical aspects of the application with the applicant, if the application is subject to Facilities Review Committee review.

*****

12. Within approximately seven (7) calendar days after the Facilities Review Committee ~~technical~~ meeting, the Facilities Review Committee shall forward a written report to the Director.

13. Approximately twenty-one (21) calendar days after the Facilities Review Committee ~~technical~~ meeting, the decision making authority's initial hearing on the application shall take place.

*****