

ORDINANCE NO. 4410

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE,
CHAPTER 40;
TA 2006-0008 (Design Review Threshold Modification).

WHEREAS, the purpose of the Design Review Threshold Modification Text Amendment is to amend Chapter 40, Design Review Threshold, Sections 40.45.15.2 and 40.45.15.3 of the Beaverton Development Code currently effective through Ordinance 4397 (August 2006) by removing a Design Review Three threshold for residential development and amending the Design Review Two thresholds to be inclusive of all attached residential development. The intent of the threshold is to ensure that the Development Code is consistent with ORS 197.307 and the requirement to provide clear and objective approval standards for residential development.

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on September 27, 2006, 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 October 4, 2006; and,

WHEREAS, on October 4, 2006, the Planning Commission conducted a public hearing for TA 2006-0008 (Design Review Threshold Modification) 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 based upon the criteria, facts, and findings set forth in the staff report dated September 27, 2006, and as summarized in Planning Commission Land Use Order No. 1914; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0008 (Design Review Threshold Modifications) following the issuance of the Planning Commission Land Use Order No. 1914; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1914 dated October 10, 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, effective through Ordinance No. 4397, 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.

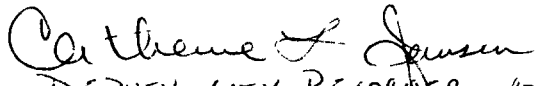
Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said 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 6th day of November, 2006.

Passed by the Council this 13th day of November, 2006.

Approved by the Mayor this 14th day of November, 2006.

ATTEST:


DEPUTY CITY RECORDER
SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor

40.20.15.

2. Design Review Two.

A. Threshold. An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal:

1. New construction of up to and including 50,000 gross square feet of floor area where the development does not abut any residential zone.
2. New construction of up to and including 30,000 gross square feet of floor area where the development abuts or is located within any residential zone.
3. New construction of attached residential dwellings, excluding duplexes, in any zone where ~~detached or~~ attached dwellings are a permitted or conditional use.
34. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet of floor area.
45. Proposed additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet.
56. Any change in excess of 15 percent of the square footage of on-site landscaping or pedestrian circulation area with the exception for an increase in landscape art of up to 25 percent.[ORD 4397; July 2006]
67. Any new or change to existing on-site vehicular parking, maneuvering, and circulation area which adds paving or parking spaces.
78. New parks in non-residential zoning districts.

89. [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.

40.20.15.

3. Design Review Three.

A. Threshold. An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:

1. New construction of more than 50,000 gross square feet of non-residential floor area where the development does not abut any residential zone. [ORD 4397; July 2006]
2. New construction or addition of more than 30,000 gross square feet of non-residential floor area where the development abuts or is located within any residential zone.
3. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet of floor area.
4. Additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet.
5. Projects proposed utilizing the options described in Section 40.20.10.5.
6. New parks in residential zoning districts.
7. A project meeting the Design Review Compliance Letter thresholds which does not meet an applicable design standard(s).

Exhibit A

8. A project meeting the Design Review Two thresholds which does not meet an applicable design standard.