

ORDINANCE NO. 4483

AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE DEVELOPMENT CODE,
TA 2008-0003, EXTENSION OF APPROVALS AMENDMENT

WHEREAS, in February 2008, the City of Beaverton Community Development Department staff submitted a proposed text amendment to Chapter 50 (Procedures) and Chapter 90 (Definitions) to revise the provisions applicable to extending land use approvals; and

WHEREAS, the Planning Commission conducted a public hearings on April 9, 2008 to consider the proposed amendments; and

WHEREAS, the Planning Commission received and considered the submitted staff report, exhibits, and staff recommended approval of this Development Code text amendment as amended by the Planning Commission; and

WHEREAS, on April 9, 2008, the Planning Commission conducted a public hearing at the conclusion of which the Planning Commission reached a determination 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. 2070; and

WHEREAS, no appeal of the Planning Commission recommendation was filed with the City; and

WHEREAS, the Council adopts and incorporates herein the Development Services Division Staff Report dated April 2, 2008 and Planning Commission Land Use Order No. 2070 as the applicable criteria and finding which constitute an adequate factual basis for this ordinance. 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 to and incorporated herein by this reference.

First reading this 21st day of April, 2008.

Passed by the Council this 5th day of May, 2008.


Approved by the Mayor this 6th day of May, 2008.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

1 **Section 1: The Development Code, Ordinance No. 2050, Chapter 50 –**
 2 **Procedures, Section 50.93, is amended to read as follows with deleted**
 3 **matter in strikethrough and new matter in highlight:**

4
 5 **50.30. Neighborhood Review Meeting**

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 7 *****

- 8 2. Prior to submittal of an application subject to a Type 3 procedure, the
 9 applicant shall provide an opportunity to meet with neighboring
 10 property owners, residents and businesses (hereinafter collectively
 11 referred to as “neighbors”) as well as representatives from the NAC
 12 within whose boundaries the site is located or within the notice radius
 13 to review the proposal. The applicant shall not be required to hold
 14 more than one Neighborhood Review Meeting provided such meeting is
 15 held within six-months prior to submitting an application for one
 16 specific site. This requirement does not apply to applications required
 17 by Design Review Three threshold number 7 (Section 40.20.15.3.A.7)
 18 or applications for Quasi-Judicial Zoning Map Amendment (Section
 19 40.97.15.1), ~~or Discretionary Annexation Related Zoning Map~~
 20 ~~Amendment (Section 40.97.15.4), or extension of an approval (Section~~
 21 ~~50.93).~~

22
 23 **Section 2: The Development Code, Ordinance No. 2050, Chapter 50 –**
 24 **Procedures, Section 50.93, is amended to read as follows with deleted**
 25 **matter in strikethrough and new matter in highlight:**

26
 27 **50.93. Extension of a Decision**

- 28
 29 1. An application to extend the expiration date of a decision made
 30 pursuant to this Code may be filed only before the decision expires as
 31 provided in Section 50.90 or before the decision expires as provided in
 32 the appropriate subsection of the specific application contained in
 33 Chapter 40 (Applications).
 34
 35 2. The following land use decisions are not subject to extensions of time:
 36 ~~Except for~~ Director's Interpretation (Section 40.25), Home Occupation
 37 (Section 40.40), Loading Determination (Section 40.50), Parking
 38 Requirement Determination (Section 40.55.15.1), Shared Parking
 39 (Section 40.54.15.2), Use of Excess Parking (Section 40.54.15.3), Sign
 40 (Section 40.60), Solar Access (Section 40.65), Temporary Mobile Sales
 41 (Section 40.80.15.1), Temporary Non-Mobile Sales (Section 40.80.15.2),
 42 all Tree Plan (Section 40.90), and all Zoning Map Amendment (Section
 43 40.97) applications, ~~not more than one extension may be granted for a~~
 44 ~~maximum of two (2) years.~~

- 1 3. A land use decision may be extended no more than two (2) times.
2
- 3 4. Extension of a land use decision for an application not listed in Section
4 50.93.2 may be granted as follows:
5
- 6 A. For the initial extension of time, the extension may be granted
7 for a period of time not to exceed two (2) years, will be subject to
8 a Type 2 review procedure, and must be found to be consistent
9 with the approval criteria listed in Section 50.93.6.
10
- 11 B. For the second and final extension of time, the extension may be
12 granted for a period of time not to exceed two (2) years, will be
13 subject to a Type 3 review procedure before the Planning
14 Commission or Board of Design Review as determined by the
15 Director, and must be found to be consistent with the approval
16 criteria listed in Section 50.93.6.
17
- 18 5. Extension requests shall be subject to the following noticing
19 requirements:
20
- 21 A. For the initial extension of time, public notice shall be mailed to
22 those parties identified in Section 50.40.2. In addition, the
23 notice shall be mailed to the parties of record contained in the
24 initial land use decision.
25
- 26 B. For the second and final extension of time, public notice shall be
27 mailed to those parties identified in Section 50.45.2. In
28 addition, the notice shall be mailed to the parties of record
29 contained in the initial extension of time decision.
30
- 31 ~~3. An application for an extension is subject to a Type 2 procedure.~~
32
- 33 6.4. An application for an extension shall be granted if the applicant
34 demonstrates that it complies with the following:
35
- 36 A. It is not practicable to commence development within the time
37 allowed for reasons beyond the reasonable control of the
38 applicant.
39
- 40 B. There has been no change in circumstances or the applicable
41 regulations or Statutes likely to necessitate modification of the
42 decision or conditions of approval since the effective date of the
43 decision for which the extension is sought.
44

1 C. The previously approved land use decision is not being modified
2 in design, use, or conditions of approval.

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4 *****

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7 **Section 3: The Development Code, Ordinance No. 2050, Chapter 90 –**
8 **Definitions, is amended to read as follows with new matter in highlight:**

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10 *****

11
12 **Substantial Construction.** Providing there are buildings on the site, the
13 completion of construction of footings for the building where the principal use will
14 take place shall constitute substantial construction. In the case of a land division,
15 substantial construction shall be deemed to have taken place when vehicular access
16 and utility provision to the resulting lots or parcels is achieved through the grading,
17 coring and rocking of the proposed streets along with installation of pipes and
18 utility structures.

19
20 *****

21
22 **Vesting.** Please refer to Substantial Construction.

23
24 *****