

Received
Planning Division
06/30/2021

EXHIBIT 3.15

ORDINANCE NO. 1935

AN ORDINANCE GRANTING A CONDITIONAL USE (C.U.P. NO. 9-74) FOR THE PURPOSE OF DEVELOPING AND OPERATING A CLUSTERED AUTOMOBILE SALES AND SERVICE CENTER; AND DECLARING AN EMERGENCY.

WHEREAS, the Council has held a public hearing and has considered the testimony, reports, information and recommendations submitted by the applicant, the City Planning Commission and the City staff and deems it desirable and advisable that the conditional use herein provided be allowed; and

WHEREAS, the Council has determined that said conditional use is in conformance with the City's comprehensive plan and that the findings of fact and recommendations of the Planning Commission and staff, as modified as a result of the public hearing, should be adopted as the basis for the Council's decision; now, therefore,

THE CITY OF BEAVERTON DOES ORDAIN AS FOLLOWS:

Section 1. A conditional use is hereby allowed upon certain property situated in the City of Beaverton, County of Washington, State of Oregon, and more particularly described in "Exhibit A" attached hereto and made a part hereof, for the purpose of developing and operating a clustered automobile sales and service center pursuant to Sections 50(2) and 59(4) of Ordinance No. 550, as amended. Said property is zoned Light Industrial (M-L).

Section 2. The conditional use is granted subject to full and continuing compliance with the following conditions:

1. The project shall be subject to review and approval by the Board of Design Review. All development, construction, improvements, and landscaping relating to the subject property and project shall be carried out in substantial accord with: (a) the plans, drawings, sketches and other documents approved by the Board of Design Review and such conditions as the Board may attach to its approval; (b) the presentations and representations made by the applicant before the City Planning Commission and the City Council; and (c) an established comprehensive design theme which will apply to the entire center in terms of architectural detail, landscape design, graphics, signing and area lighting. Said comprehensive design theme and detail (including materials and color) shall be approved by the Board prior to the issuance of any building permits.

2. All properties shall be used for new car sales. Service work (not excluding body and fender work if conducted entirely within an enclosed building) and used car sales shall be allowed only as an accessory use in conjunction with a specific new-car dealership.
3. The master sign program submitted to the Board of Design Review shall be for identification purposes only and shall include no special product advertising. No flags, banners, pennants, or any temporary-type identification or advertising media shall be utilized on the premises. Only one free-standing sign shall be permitted for the entire center with all signing emphasizing the concept of unity.
4. The proposed street system intersecting S. W. Tualatin Valley Highway and S. W. 141st Avenue shall be one-way only to form a counter-clockwise flow of traffic.
5. All exterior lighting shall be limited to "low-level" area lighting with cut-off fixtures so no light or glare projects beyond the subject property lines.
6. Public street access shall be provided onto S. W. 141st Avenue. There shall be no vehicular access onto S. W. Electric Avenue.
7. All utilities shall be provided underground in accord with City standards.
8. The conditions contained in this ordinance are binding upon the above-described real property and upon the owner and his heirs, executors, administrators, assigns and other successors in interest. The owner or his agents shall furnish each prospective purchaser of all, or a portion of, the subject property with a copy of these conditions. All of the conditions shall be made a part of any future deed or sales agreement relating to the subject property.
9. The applicant shall file a copy of this ordinance, as may be finally enacted by the Council, including any subsequent amendments, with the Director of Records and Elections of Washington County, Oregon. No building permits shall be issued until the applicant has provided evidence satisfactory to the City Attorney of compliance with this condition.
10. No loudspeakers or external sound-producing electronic equipment shall be used on the subject property.
11. Construction of all streets and ways serving the development shall be carried out concurrently with the issuance of any building permits relating to the property with no occupancy of any building being permitted until completion of said streets to the satisfaction of the City. Occupancy of a building(s) may occur, however, upon the approval of the City Planning Director if said streets are to be completed within 60 days after the issuance of an occupancy permit.


To insure the completion, the applicant shall post a bond in a form and in an amount satisfactory to the City Attorney for the remainder of work to be completed on said streets; provided, however, the failure of the applicant to complete the street or post a bond shall terminate the conditional use permit.

12. All streets to be constructed on the subject property shall be constructed in accordance with City standards. All streets shall have a minimum right-of-way of 65 feet to include two 12-foot travel lanes; two 8-foot parking lanes; two six-foot planter strips; and two six-foot sidewalks; provided, however, that, the street west from the cul-de-sac to S. W. 141st Avenue shall have a minimum right-of-way of 50 feet.


Section 3. This ordinance being necessary for the immediate preservation of the public peace, health and safety, inasmuch as a determination should be made at the earliest possible date as to the use of and the conditions attached to the subject property in order to promote the reasonable development thereof and thereby promoting the general economy of the City and to prevent further uncertainty and substantial financial and other hardships to both the City and the applicant, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council this 28th day of January, 1974.
Approved by the Mayor this 28th day of January, 1974.

ATTEST:


MARDA J. MAY, Recorder

APPROVED:


WILLIAM H. YOUNG, Mayor

"EXHIBIT A"

(Ordinance No. 1935)

Parcel I

Beginning at the northwest corner of Lot 2, Ladd and Reed Addition, said point being an iron rod set along side of a stone, set for the initial point of said addition, thence South $89^{\circ} 50'$ east tracing the north line of said Lot two, 320 feet to an iron rod, thence South $0^{\circ} 20'$ east parallel with the west line of said Lot Two, 724 feet to a point in the north line of Highway, thence north $81^{\circ} 34'$ west tracing the north line of said Highway 323.36 feet to an iron rod set for the southwest corner of Lot 2, Ladd and Reed Addition, thence North $0^{\circ} 20'$ west tracing the said west line of Lot Two, 677.10 feet to the place of beginning.

Parcel II

A portion of that tract of land in Section 16, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon, conveyed to C. L. Drew et ux, by deed recorded in Book 160, page 491, Washington County, Oregon, deed records, more particularly described as follows:

Beginning at a point on the North line of Lot 2, LADD and REED ADDITION, said point being 320 feet East of the Northwest corner of said Lot 2, and being also the Northeast corner of that tract of land conveyed to Darrell E. Christie, et al by deed recorded February 11, 1963, in Book 480, page 377, said deed records; thence South $0^{\circ} 20'$ East along the East line of said Christie tract a distance of 674 feet, more or less, to the North line of Tualatin Valley Highway as it now exists; thence Easterly along the North line of said Tualatin Valley Highway, a distance of 405 feet, more or less, to the West line of TUALADALE, a plat of record; thence North along the West line of said Tualadale a distance of 705 feet, more or less, to the South line of that street dedicated to the public by instrument recorded August 5, 1966, in Book 610, page 413, Records of Washington County, Oregon; thence West along the South line of said street a distance of 130 feet, more or less, to the westerly terminus thereof, thence North along the Westerly terminus line of said street a distance of 25 feet to the North line of said Drew tract; thence Westerly along the North line of said Drew tract a distance of 270 feet, more or less, to the point of beginning.