

**BEFORE THE CITY COUNCIL FOR
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF AN APPEAL OF THE PLANNING)	ORDER NO. 2793
COMMISSION'S RECOMMENDATION TO CITY)	APP2020-0007 APPEAL OF DEVELOPMENT CODE
COUNCIL TO APPROVE TA2020-0002)	AMENDMENTS TO ESTABLISH THE DOWNTOWN
DEVELOPMENT CODE AMENDMENTS TO)	DESIGN DISTRICT (TA2020-0002).
ESTABLISH THE DOWNTOWN DESIGN DISTRICT.)	
CANYON PLAZA ASSOCIATES, LLC, APPELLENT.)	

The matter came before the City Council on November 17, 2020, on appeal of the October 7, 2020, Planning Commission recommendation to City Council to approve proposed amendments to the Development Code related to the establishment of the Downtown Design District (TA2020-0002). The appellant asked the Council to remove property owned by the appellant from the Downtown Regional Center and Downtown Design District. Alternatively, the appellant requested that the issue be remanded back to Planning Commission for further study. The city, as applicant, proposes to adopt a package of amendments to establish the Downtown Design District, including development standards, site design, building design, parking requirements, and other related regulations.

The appellant's property is located at 13175 SW Henry, specifically identified as Tax Lot 01900 on Washington County Tax Assessor's Map 1S116AB. The site is currently zoned General Commercial (GC).

Pursuant to Ordinance 2050 (Development Code) Sections 50.75 and 50.85 through 50.88, the City Council conducted a public hearing and considered testimony and exhibits on the subject proposal. The appeal hearing was "de novo," meaning that the Council could consider evidence and arguments not already raised at the Planning Commission hearing.

The appeal made two assertions of error, both related to Statewide Land Use Planning Goals. First, the appellant asserted that Goal 1 – Citizen Involvement had not been satisfied. Second, the appellant asserted that Goal 2 – Land Use Planning had not been satisfied.

The appellant, in its written and oral testimony, asserted that the Planning Commission erred in concluding that sufficient public outreach had been conducted to satisfy the Goal 1 – Citizen Involvement and that the appellant had received no notices explaining the impact to property owned by the appellant, excluding the public notice sent notifying property owners of the first evidentiary hearing before Planning Commission.

Furthermore, the appellant, in its written and oral testimony, asserted that the Planning Commission erred in concluding that an adequate factual base had been established to satisfy the Goal 2 – Land Use Planning, and that sufficient time had been provided to participate in the process to address concerns raised.

After the close of the hearing, Council discussed the assertions made by the appellant about the lack of public outreach and the rationale to expand the Downtown Regional Center, which would include the appellant's property. Council cited materials provided by city staff, as the applicant, indicating that the appellant was mailed fliers advertising open houses in June 2019 and March 2020, as sufficiently demonstrating that Goal 1 – Citizen Involvement had been satisfied. Furthermore, Council agreed with staff that previous analysis, including the Urban Design Framework and previous amendments to Comprehensive Plan Volume V: Downtown Regional Center, provided sufficient factual basis for the proposed amendments.

Therefore, **IT IS HEREBY ORDERED** that **APP2020-0007** is **DENIED**, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in Agenda Bill No. 20300; Staff Memorandum dated November 13, 2020; and this Final Land Use Order.

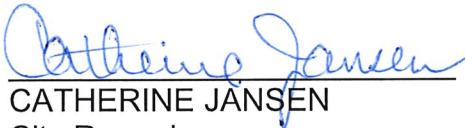
Motion **CARRIED**, by the following vote:

AYES: Fagin, San Soucie, Arnold, Mitchell.
NAYS: None.
ABSTAIN: None.
ABSENT: Beaty.

Dated this 8th day of December, 2020.

CITY COUNCIL
FOR BEAVERTON, OREGON

ATTEST:



CATHERINE JANSEN
City Recorder

APPROVED:



Laura Mitchell
Council President