

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

IN THE MATTER OF AN APPEAL OF THE DIRECTOR'S) DECISION TO APPROVE DI2020-0002 HOLMAN'S) DIRECTOR'S INTERPRETAION.) ORDER NO. 2803) APP2021-0001 APPEAL OF HOLMAN'S DIRECTOR'S) INTERPRETATION (DI2020-0002).)
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The matter came before the City Council on April 6, 2021, on appeal of the February 2, 2021, Director' decision to approve the applicant's Director's Interpretation application (DI2020-0002). The appellant asked the Council to reverse the Director's decision and deny DI2020-0002 Holman's Director's Interpretation. The applicant requests that funeral homes as defined in the application be considered a Service Business / Professional Service use by the Beaverton Development Code. The Director's Interpretation would allow such funeral homes to operate in zoning districts where Service Business / Professional Services uses are permitted.

The subject site is located at 3230 SW 87th Avenue, specifically identified as Tax Lot 01600 on Washington County Tax Assessor's Map 1S111DA. The site is zoned General Commercial (GC).

Pursuant to Ordinance 2050 (Development Code) Sections 50.65 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 in the land use record.

The appeal made one assertion of error, which concerns the Director's decision on the Director's Interpretation Approval Criterion in BDC Section 40.25.15.1.C.3. This Approval Criterion was found by the Director to be met by the proposal. The appellant, in its written and oral testimony, asserted that the Director erred in concluding that interpretation is consistent with the City's Comprehensive Plan and other provisions within the Development Code. Specifically, the appellant contended that the proposal is not consistent with Comprehensive Plan Goal 3.7.4 Neighborhood Center: provide opportunities for small-scale commercial development that serves adjacent neighborhoods, as well as Development Code Section 10.20 regarding the definitions for mortuaries and crematoria.

After the close of the hearing, Council discussed the concerns raised by the appellant. While Council members agreed that the Beaverton Development Code is not clear regarding the treatment of funeral homes as defined in the Director's Interpretation, Council did not find that funeral homes are substantially similar to Service Business / Professional Services uses. Specifically, Council members disagreed that funeral homes should be categorized with a use as broadly defined and as widely allowed as Service Business / Professional Service uses because common definitions of funeral homes do include hosting gatherings such as funerals and memorial services and cremation of bodies.

The Council, after holding the public hearing and considering all oral and written testimony, reverses the Director's approval on appeal and denies DI2020-0001, Holman's Director's Interpretation. The Council adopts by reference the Agenda Bill (No. 21091) and exhibits of March 16, 2021; Staff Supplemental Memorandum dated April 5, 2021, with associated exhibits; and testimony

submitted orally and in writing at the public hearing on April 6, 2021, as evidence and findings demonstrating that the applicant does not meet the Approval Criteria for Director's Interpretation (DI2020-0002) approval.

Therefore, **IT IS HEREBY ORDERED** that **APP2021-0001** is **APPROVED** and the Director's **APPROVAL** of **DI2020-0002** is **REVERSED**, 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. 21091; Staff Memorandum dated April 5, 2021; and this Final Land Use Order.

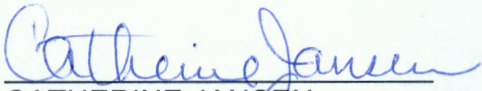
Motion **CARRIED**, by the following vote:

AYES:	Councilors Fagin, Hasan, Mitchell, San Soucie, Tivnon and Mayor Beaty
NAYS:	None
ABSTAIN:	None
ABSENT:	None

Dated this 27th day of April, 2021.

CITY COUNCIL
FOR BEAVERTON, OREGON

ATTEST:


CATHERINE JANSEN
City Recorder

APPROVED:


LACEY BEATY
Mayor