

AN ORDINANCE AMENDING BEAVERTON DEVELOPMENT CODE, CHAPTERS 10, 60, AND 90, RELATING TO A NON-POTABLE WATER UTILITY, TA 2020-0001, AND DECLARING AN EMERGENCY

WHEREAS, South Cooper Mountain is experiencing a surge in residential development that will increase the demand for drinking water; and

WHEREAS, drinking water is a scarce resource; and

WHEREAS, non-potable water is a sustainable alternative that can be utilized for purposes, such as irrigation, to decrease the demand on the City's drinking water supply and preserve scarce drinking water; and

WHEREAS, the City can capture and store stormwater to use for non-drinking water purposes and as a mechanism to decrease environmental harm by returning water to streams; and

WHEREAS, the City Council created a non-potable water utility by emergency at its March 17, 2020, meeting to protect the City's drinking water supply from being depleted for water uses that can be met with non-potable water; and

WHEREAS, the amendments to the Beaverton Development Code are necessary for the implementation of the non-potable water utility; and

WHEREAS, on February 26, 2020, the Planning Commission conducted public hearings to consider a City-initiated application to update the Development Code; and

WHEREAS, the proposed text amends the Development Code by adding references to both potable and non-potable water systems where public water is currently listed in Chapters 10, 60 and 90; and

WHEREAS, the Planning Commission received and considered the testimony, submitted staff report, exhibits, and staff-recommended approval of this text amendment; and

WHEREAS, the Planning Commission voted to recommend approval of the text amendment to City Council on February 26, 2020, and no appeal of the Planning Commission's recommendation of approval to City Council was filed; and

WHEREAS, the Council adopts the criteria and findings applicable to this request found in the Staff Report dated February 19, 2020, Planning Commission Land Use Order No. 2749, and minutes from the February 26, 2020, Planning Commission meeting;

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Amendment. The Beaverton Development Code, is amended to read as set forth in Exhibit "A" to this Ordinance, which is attached and incorporated by this reference.

Section 2. Emergency. This ordinance being necessary for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

Section 3. Severability. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid by a court of competent jurisdiction, the remaining parts shall remain in full force and effect unless:

A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or


B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

First reading this 17th day of March, 2020.

Second reading and passage this 24th day of March, 2020.

Approved by the Mayor this 25th day of March, 2020.

ATTEST:


CATHERINE JANSEN, City Recorder

APPROVED:


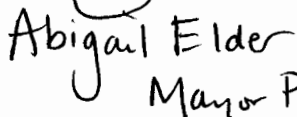

DENNY DOYLE, Mayor

Abigail Elder
Mayor Pro Tem



EXHIBIT A

TA2020-0001 NON-POTABLE UTILITY TEXT AMENDMENT

CHAPTER 10 – GENERAL PROVISIONS

10.10 Purpose

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3. This Code is designed to regulate the division of land and to classify, designate and regulate the location and use of buildings, structures, and land for residential, commercial, industrial, or other uses in appropriate places, and for said purposes to divide the City of Beaverton into districts of such number, shape, and area as may be deemed best suited to carry out these regulations and provide for their enforcement; to encourage the most appropriate use of lands; to conserve and preserve natural resources; to conserve and stabilize the value of property, to provide adequate open spaces for light and air and prevention of fires; to prevent undue concentrations of population; to facilitate adequate provisions for critical urban services such as fire, potable and non-potable water, sewer, streets, and storm drainage systems; to facilitate adequate provision for essential urban services such as police, transit, schools, parks, libraries and other public service requirements; and to promote the public health, safety and general welfare.

* * *

10.63 Provide Orderly Development

1. To provide for orderly development of the adjoining property or to provide an adequate grid of the City system, the City Engineer or designee shall require extension of potable and non-potable water lines, sanitary and storm sewer lines through applicant's property to the property line of the adjoining or abutting property.

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CHAPTER 60 – SPECIAL REQUIREMENTS

60.15.15 Final Plat Standards

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3. Dedications. Infrastructure or public improvements such as public streets, sidewalks, pedestrian ways, bikeways, multi-use paths, sanitary sewer, storm water system, potable and non-potable water systems, traffic control devices, parks, open space, and other public rights-of-way required as needed to serve the development, shall be installed at the expense of the developer and dedicated or otherwise conveyed to the City or the appropriate jurisdiction for maintenance. Dedication of any land for park or open space purposes must be approved by the jurisdiction to which the park or open space is being dedicated prior to Final Land Division approval.

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60.50.25 Uses Requiring Provide Orderly Development

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8. Utilities. The erection, construction, alteration, or maintenance by public utility or municipal or other governmental agencies of any electrical, gas, steam, potable or non-potable water transmission or distribution systems, collection, communication, supply or disposal system, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, shall be Permitted in any district.

* * *

CHAPTER 90 – DEFINITIONS

Facilities, Critical. For the purposes of Facilities Review critical facilities and services shall include potable and non-potable public water, public sanitary sewer, storm water drainage, treatment, and detention, transportation, and fire protection. For the purposes of floodplain regulation and building construction hazard designations, critical facilities are defined as hospitals, significant medical care facilities, fire stations, police stations, storage of critical records, emergency community shelters, emergency operation centers, emergency management offices, and similar facilities.