



Community Development Department | Planning Division  
12725 SW Millikan Drive | PO Box 4755  
Beaverton, OR 97076  
General Information: (503) 526-2222 V/TDD  
[www.BeavertonOregon.gov](http://www.BeavertonOregon.gov)

## **NOTICE OF DECISION**

February 14, 2020

To Whom It May Concern:

The Beaverton **PLANNING COMMISSION** issued a recommendation of **APPROVAL** of **TA2019-0003 (DEVELOPMENT CODE OMNIBUS TEXT AMENDMENT)** to **CITY COUNCIL** at the Commission's February 12, 2020, meeting. The Land Use Order summarizing the Commission's decision can be viewed and downloaded at <http://apps2.beavertonoregon.gov/DevelopmentProjects/>. You may contact the staff planner identified below to have a copy of the land use order mailed to you.

The **PLANNING COMMISSION** decision is final, but may be appealed within ten (10) calendar days after the date the signed notice is dated and mailed. The appeal closing date is **4:30 p.m., February 24, 2020**. Pursuant to Section 50.70, an appeal application shall contain the following minimum information:

1. The case file number designated by the City.
2. The name and signature of each appellant.
3. Reference to the oral or written evidence provided to the decision-making authority by the appellant that is contrary to the decision.
4. If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision-making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
5. The specific approval criteria, condition, or both being appealed, the reasons why the finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
6. The appeal fee, as established by resolution of the City Council.

The appellate decision making authority on appeal of Type 4 decisions shall be the City Council. The appeal hearing shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Section 50.85 through 50.88 except as otherwise required by statute.

Please note that failure to comply with the requirements of Sections 50.75.1 and 50.75.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.

The current appeal fee due at time of filing is \$2,134. The fee amount depends upon the action being appealed and the number of appeals being filed.

The complete case file is available for review at the Planning Division, Community Development Department, 4th Floor, City Hall, 12725 SW Millikan Avenue. Hours of operation are 7:30 a.m. to 4:30 p.m., Monday through Friday, except for holidays. For more information about the project, please contact **Sambo Kirkman, Senior Planner** at **(503) 526-2557**.

Sincerely,



Sambo Kirkman, AICP  
Senior Planner

cc: Tim O'Brien, Metro  
Anne Debbaut, DLCD  
Jeannine Rustad, THPRD  
Project File

**BEFORE THE PLANNING COMMISSION FOR  
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF TA2019-0003 A                    ) ORDER NO. 2746  
REQUEST TO AMEND THE BEAVERTON                ) APPROVING REQUEST  
DEVELOPMENT CODE TO CORRECT MINOR         )  
ERRORS AND INCONSISTENCIES, TO                )  
CLARIFY CODE LANGUAGE, IMPROVE THE         )  
ORGANIZATION OF THE CODE, AND MINOR         )  
POLICY CHANGES. (DEVELOPMENT CODE         )  
OMNIBUS TEXT AMENDMENT). CITY OF            )  
BEAVERTON, APPLICANT

The matter of TA2019-0003 (Development Code Omnibus Text Amendment) was initiated by the City of Beaverton through the submittal of a Text Amendment application from the Community Development Department.

Pursuant to the amendment procedures as described in Section 50.50 of Ordinance 2050, the Development Code, effective through Ordinance 4759, the Planning Commission conducted a public hearing on February 12, 2020, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code.

TA2019-0003 (Development Code Omnibus Text Amendment) proposes to amend the Beaverton Development Code to correct minor errors and inconsistencies, to clarify code language, to improve the organization of the Code, and minor policy changes. The updates will affect all the Chapters of the Beaverton Development Code which includes: Chapter 10 (General

Provisions), Chapter 20 (Land Uses), Chapter 30 (Nonconforming Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Requirements), and Chapter 90 (Definitions).

*Accessory Dwelling Units.*

The Commission raised concern that the changes to the Accessory Dwelling Unit (ADU) standards in the Development Code did not adequately address compatibility and impacts to the neighborhoods, especially removing parking requirements for ADUs. Staff clarified that the proposed text changes to the ADU standards reflected new state goals and regulations requiring local jurisdictions to remove barriers to allow more housing, including updating standards for ADUs. The state regulations require jurisdictions to remove parking requirements for ADUs. Further the state regulations looked to cities to create "reasonable regulations." Staff determined the removal of design standards such as compatible to the primary dwelling would create more clear and objective standards and would create reasonable regulations since the design of detached dwelling are not reviewed by the Development Code. The Commission agreed with staff's reasoning and agreed with staff's proposed text changes.

*DLCD Public Comments*

The Commission reviewed the comments received from the Department of Land Conservation and Development (DLCD) requesting potential changes to the proposed text amendment. The Commission raised

concerns that DLCD's request warranted additional discussion outside this text amendment before considering any additional changes. It was clarified that staff would be coordinating with DLCD on their comments; however based on time needed for discussion and analysis, it would be more appropriate to consider these recommendations as part of another Omnibus request. The Commission concurred.

*Sight Clearance*

The Commission noted that the proposed text amendment to change the terminology from Vision Clearance to Sight Clearance was missed in Section 60.50.20 and requested revision of this text.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated February 5, 2020 and supplemental memoranda both dated February 12, 2020, as amended and supplemental findings contain herein, as applicable to the criteria contained in Section 40.85.15.1.C.1-7 of the Development Code.

**IT IS HEREBY ORDERED** that pursuant to Section 50.50.1 of the Beaverton Development Code the Planning Commission recommends approval of TA2019-0003 (Development Code Omnibus Text Amendment) to the Beaverton City Council and adoption of the Development Code Text Amendment described herein, based on the facts and findings in the Staff Report dated February 5, 2020, as amended, and supplemental memoranda both dated February 12, 2020.

Motion **CARRIED** by the following vote:

**AYES:** Lawler, Overhage, Nye, Saldanha, Uba, Winter.  
**NAYS:** None.  
**ABSTAIN:** None.  
**ABSENT:** Brucker.

Dated this 14 day of February, 2020

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2746, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:00 p.m. on February 24, 2020.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

  
\_\_\_\_\_  
SAMBO KIRKMAN  
Senior Planner

APPROVED:

  
\_\_\_\_\_  
JENNIFER NYE  
Chair

  
\_\_\_\_\_  
ANNA SLATINSKY  
Planning Division Manager