

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

After recording return to:

City of Beaverton, City Recorder:
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL OF A TEXT) ORDER NO. 2778
AMENDMENT TO ESTABLISH THE DOWNTOWN DESIGN) TA2020-0002 DOWNTOWN DESIGN PROJECT
DISTRICT. CITY OF BEAVERTON, APPLICANT.)
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The matter came before the Planning Commission on September 23, 2020, on a request to amend the Beaverton Development Code to establish the Downtown Design District and design and development standards for areas within the Downtown Design District. The amendments modify Chapters 10, 20, 40, 60 and 90 of the Development Code and establish Chapter 70 in the Development Code.

Concerns were raised by Planning Commission regarding design rules allowing buildings to exceed the maximum height of the zone. The policy language was revised to clarify that reductions to building mass above a certain height should minimize shade impacts to surrounding buildings, particularly compared to the impacts of lower floors of the same building. The Commission found that the revised language in the October 2, 2020, memo provided sufficient guidance and would function well as a Design Guideline to regulate the massing of buildings that exceed the maximum building height of the zone.

Concerns were raised through public testimony regarding impacts to existing Vehicle Sales, Major Automotive Services, and Minor Automotive Services, due to the

proposed use prohibition in the amendments. The prohibition would result in all existing Vehicle Sales, Major Automotive Services, and Minor Automotive Services within the Downtown Design District becoming non-conforming uses, subject to the provisions of Chapter 30 of the Beaverton Development Code. Provisions would prevent the expansion of an existing use, expansion of a structure associated with a non-conforming use, and the reconstruction of a severely damaged structure associated with a non-conforming use. Furthermore, any non-conforming structure or use impacted or destroyed by a government action may only be rebuilt on the same lot or abutting lot under same ownership. The testimony expressed concern that these rules would limit the ability for existing business to operate, readily obtain insurance, or rebuilt structures on the same site if destroyed.

Staff presented a series of scenarios that responded to the concerns brought by public testimony, detailed in a memo dated October 2, 2020, for Planning Commission to consider. The Planning Commission found that Scenario 4 was an appropriate approach to implement the vision of the Urban Design Framework while balancing the concerns of those who provided public testimony. Scenario 4 would prohibit new uses from establishing in the Downtown Design District; categorize lawfully established Vehicle Sales, Major Automotive Services, and Minor Automotive Services as Conditional Uses; prohibit outdoor expansion of said uses; limit the expansion of structures associated with said uses to 20% greater floor area than in existence at the time of code effective date; allow structures associated with said uses that are destroyed to be rebuilt on site up to 20% greater than the size of the structure at the time of code effective date; and allow

structures associated with said uses destroyed by a government action to be reconstructed on the same site or site less than 100 feet away separated by right of way.

In addition, the October 2, 2020, memo prompted the Planning Commission to deliberate if a site should be required to meet minimum floor area standards if a structure associated with Vehicle Sales, Major Automotive Services, and Minor Automotive Services as Conditional Uses were destroyed and rebuilt but limited in size by the rules in Scenario 4 discussed above. The Planning Commission was mixed in their findings, with the majority finding that this was a special consideration and sites with reconstructed buildings associated with said uses should not be required to meet minimum floor area ratio.

The October 2, 2020, memo prompted a discussion regarding Active Ground Floor Use regulations. These provisions are proposed through a separate land use action, TA2020-0004, so no action was taken.

The October 2, 2020, memo prompted a discussion regarding impacts caused by a government action, as described in Chapter 30 of the Development Code. As Planning Commission recommended Scenario 4, the provisions of Chapter 30 would not apply, and therefore no action was taken on this item.

Pursuant to Ordinance 2050 (Development Code) Section 50.45 the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated September 16, 2020, and the Staff Memorandums dated September 21, 2020, September 23, 2020, two memos dated
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October 2, 2020, and October 7, 2020, and the findings contained therein, as applicable to the approval criteria contained in Section 40.85.1.C of the Beaverton Development Code.

Therefore, **IT IS HEREBY ORDERED THAT TA2020-0002** is recommended for **APPROVAL** to City Council 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 the Staff Report dated September 16, 2020, and the Staff Memorandums dated September 21, 2020, September 23, 2020, two memos dated October 2, 2020, and October 7, 2020, and this Land Use Order.

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


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

Dated this 15th day of October, 2020.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2778, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton's Community Development Department's office by no later than 4:30 p.m. on October 26, 2020.


PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



Steve Regner
Senior Planner

APPROVED:



Jennifer Nye
Chair

Digitally signed by Jennifer
Nye
Date: 2020.10.13
10:08:43-07'00'

Anna Slatinsky

Digitally signed by Anna Slatinsky
DN: C=US,
E=aslatinsky@beavertonoregon.gov,
O=City of Beaverton, OU=CDD Planning
Division, CN=Anna Slatinsky
Date: 2020.10.13 15:48:22-07'00'

ANNA SLATINSKY
Planning Division Manager