



FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER
4755 SW GRIFFITH DRIVE
BEAVERTON, OR 97005

REGULAR MEETING
NOVEMBER 13, 2006
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

- 06211 2006 International Association of Chiefs of Police/Motorola Webber Seavey Award for Quality in Law Enforcement
- 06212 Presentation of Shields and Swearing In of Newly Appointed Sergeant and Five Officers to the Beaverton Police Department
- 06220 U. S. Mayors Climate Protection Agreement (Resolution No. 3882)

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of October 16, 2006

- 06213 Liquor Licenses: Change of Ownership - Izzy's Restaurant
- 06214 Classification Changes

WORK SESSION:

- 06194 TA 2006-0003 (PUD Text Amendment) (*Rescheduled from 10/16/06 meeting*)
- 06215 Tualatin Basin Goal 5 Implementation

ORDINANCES:

First Reading:

- 06195 TA 2006-0003 (PUD Text Amendment) (Ordinance No. 4409)
(Rescheduled from 10/16/06 meeting)
- 06216 An Ordinance Amending Chapters Five and Nine of the Beaverton Code Related to the Tualatin Basin Goal 5 Program (Ordinance No. 4412)
- 06217 An Ordinance Amending Comprehensive Plan Chapters 3, 5, 6, 7, 8, the Glossary and Volume III (Ordinance No. 4187) Related to CPA 2006-0012 (Ordinance No. 4413)
- 06218 An Ordinance Amending Development Code Chapters 60 and 90 (as Amended through Ordinance 4265) Related to TA 2006-0009 (Ordinance No. 4414)
- 06219 An Ordinance Repealing the 72-Hour Parking Prohibition, Section 6.02.310 of the Municipal Code (Ordinance No. 4415)

Second Reading:

- 06208 An Ordinance Amending Comprehensive Plan Chapters 1, 2 and the Glossary (Ordinance No. 4187) Related to CPA 2006-0001 (Ordinance No. 4395)
- 06209 TA 2006-0008 (Design Review Threshold Modifications) (Ordinance No. 4410)
- 06210 ZMA 2006-0006 Momeni Property at Main Avenue and Allen Boulevard Zoning Map Amendment (Ordinance No. 4411)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 503-526-2222/voice TDD.

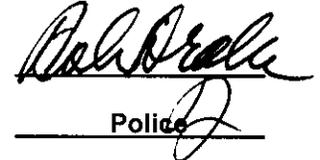
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: 2006 International Association of Chiefs of Police/Motorola Webber Seavey Award for Quality in Law Enforcement.

FOR AGENDA OF: 11/13/06 **BILL NO:** 06211

Mayor's Approval:



DEPARTMENT OF ORIGIN: Police

DATE SUBMITTED: 10/31/06

PROCEEDING: Presentation

EXHIBITS: N/A

BUDGET IMPACT

EXPENDITURE REQUIRED\$0	AMOUNT BUDGETED\$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

Named for the International Association of Chiefs of Police's (IACP) first president, the Webber Seavey award is presented annually to agencies and departments in recognition of their promotion of a standard of excellence that epitomizes law enforcement's contribution and dedication to the quality of life in local communities.

The Beaverton Police Department nominated its Identity Theft and Fraud Prevention program to the IACP for consideration relative to the Webber Seavey award. A total of 123 law enforcement agencies from around the world submitted their programs to compete for this prestigious recognition. A panel of law officials and previous winners selected the top three programs, as well as seven finalists and 15 semi-finalists. On August 24, 2006, the department was notified of its selection to receive the 2006 IACP/Motorola Webber Seavey Award for Quality in Law Enforcement and invited to attend the 113th Annual IACP Conference in Boston, Massachusetts.

INFORMATION FOR CONSIDERATION:

Chief David Bishop was presented with the Webber Seavey Award at the International Association of Chiefs of Police 113th Annual Conference on October 16, 2006. Mayor Rob Drake would like to present the award to Chief David Bishop and all members of the Beaverton Police Department.

RECOMMENDED ACTION:

City Council support the presentation of the IACP/Motorola Webber Seavey Award to Chief David Bishop and the Beaverton Police Department.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Presentation of Shields and Swearing In of Newly Appointed Sergeant and Five Officers to the Beaverton Police Department

FOR AGENDA OF: 11/13/06 **BILL NO:** 06212

MAYOR'S APPROVAL:



DEPARTMENT OF ORIGIN:

Police 

DATE SUBMITTED:

10/31/06

PRESENTATION: Presentation

EXHIBITS:

BUDGET IMPACT

EXPENDITURE REQUIRED \$ 0	AMOUNT BUDGETED \$ 0	APPROPRIATION REQUIRED \$ 0
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HISTORICAL PERSPECTIVE:

The Beaverton Police Department is in the process of filling a sergeant and five officer positions that are vacant as a result of attrition. As part of the hiring process, these individuals are sworn in before the City Council during a brief ceremony.

INFORMATION FOR CONSIDERATION:

The department is pleased to swear in Jeffrey DeBolt as sergeant. Sgt. DeBolt is being promoted from within the agency.

The department is also pleased to swear in Nathaneal Brown, Christopher Freeman, Marlin Kendall, Matthew Reed, and Bradley Sutton.

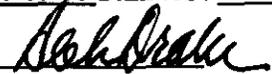
RECOMMENDED ACTION:

City Council offer their support to the new officers through a presentation made during the City Council meeting.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: U.S. Mayors Climate Protection Agreement **FOR AGENDA OF:** 11-13-06 **BILL NO:** 06220

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office

DATE SUBMITTED: 11/9/06

CLEARANCES: City Attorney 

PROCEEDING: Presentation and Requested Approval

EXHIBITS: U.S. Mayors Climate Protection Agreement

BUDGET IMPACT

EXPENDITURE REQUIRED \$	AMOUNT BUDGETED \$	APPROPRIATION REQUIRED \$
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HISTORICAL PERSPECTIVE: The U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take action to reduce global warming and pollution. On February 16, 2005 the International Kyoto Protocol took effect in the 141 countries that ratified it. The Protocol calls for reducing international pollution of all kinds. The United States is not a ratifying member. On June 13, 2005, a national coalition of Mayors, led by Seattle Mayor Greg Nichols, unanimously passed the Mayors Climate Protection Agreement at the U.S. Conference of Mayors meeting.

This past summer, long-time resident Barbara Wilson approached the Mayor and City Council regarding concerns for global warming. She referred to the U.S. Mayors Climate Protection Agreement and asked that it be reviewed. The Mayor and City Attorney have done so.

INFORMATION FOR CONSIDERATION: The Mayor and City Attorney reviewed the original U.S. Mayors Climate Protection Agreement referenced by Ms. Wilson. The recommended agreement was slightly modified to retain those elements and recommendations that Beaverton can actually coordinate and implement. It is a broad plan to help reduce pollution that causes global warming. It facilitates the idea that Beaverton can think globally and act locally. None of the action plans in the Agreement are binding other than what the City wants to support and implement.

Beaverton has been striving for and facilitating strong environmental leadership and stewardship for quite some time. We have introduced meaningful programs and maintained a solid commitment to improve and protect our environment.

The following includes some of the current practices and/or programs the City has implemented to support this agreement:

1. We have replaced all of the incandescent bulbs in the city-owned traffic signals with LED devices that reduce energy consumption by more than 50%. We have started to replace the incandescent bulbs in pedestrian signals with similar LED devices.

2. We conduct periodic energy audits of all of the City's facilities to ensure that we are using the latest and most efficient lighting bulbs and features. The last audit was performed in 2005 by the Energy Trust of Oregon. Energy savings have been significant as a result of the periodic audits.
3. We planted more than 10,000 trees and native plants in support of the Healthy Streams Plan which also has ancillary benefit of improving CO₂ absorption.
4. We purchase 10% of our electricity needs from wind power sources.
5. The City Library continues to be a model energy efficient facility that includes microprocessor controlled lighting that reduces lighting throughout the building based upon available ambient light levels. Similarly, the HVAC system measures temperature in multiple zones within the building to deliver efficient heating and cooling as needed. High intensity halogen lighting fixtures are used predominantly.
6. Beaverton has been designated a Tree City USA since 1995.
7. Beaverton has been designated a Bicycle Friendly Community-Bronze Level since 2003.
8. We're a leader in creating, supporting and implementing Metro's Goal 5 Habitat Protection Program for Washington County public agencies.
9. Beaverton's a leader in creating and implementing the Regional Water Consortium Conservation Program.
10. We are a strong supporter of the regional policies of the Metro 2040 Plan, Regional Center programs and efficient use of lands within the UGB.
11. We've been recognized for our innovative City Operations and overall citizen Recycling Program.

RECOMMENDED ACTION: Listen to the presentation, discuss the attached U.S. Mayors Climate Protection Agreement, and support the agreement.

**A RESOLUTION ENDORSING THE U.S. MAYORS
CLIMATE PROTECTION AGREEMENT**

WHEREAS, the U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take actions to reduce global warming pollution; and

WHEREAS, the Inter-Governmental Panel on Climate Change (IPCC), the international community's most respected assemblage of scientists, is clear that there is no longer any credible doubt that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS, recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century; a 40% decline in Arctic sea-ice thickness; and nine of the ten hottest years on record occurring in the past decade; and

WHEREAS, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea-level rises that interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and extreme heat waves, more frequent and greater concentrations of smog; and

WHEREAS, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, entered into force in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

WHEREAS, the United States of America, with less than five percent of the world's population, is responsible for producing approximately 25% of the world's global warming pollutants yet is not a party to the Kyoto Protocol; and

WHEREAS, the Kyoto Protocol emissions reduction target for the U.S., had it ratified the treaty, would have been 7% below 1990 levels by 2012; and

WHEREAS, many leading U.S. companies that have adopted greenhouse gas reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the U.S. to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

WHEREAS, state and local governments throughout the United States are adopting emission reductions targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

WHEREAS, many cities throughout the nation, both large and small, are reducing global warming pollutants throughout programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS, mayors from around the nation have signed the U.S. Mayors Climate Protection Agreement; and

NOW, THEREFORE, BE IT RESOLVED that the City of Beaverton endorses the U.S. Mayors Climate Protection Agreement, modified as follows:

THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT

- A. We urge the federal government and state governments to enact policies and programs to meet or beat the Kyoto Protocol target of reducing global warming pollution levels to 7% below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;
- B. We urge the U.S. Congress to pass the bipartisan Climate Stewardship Act sponsored by Senators McCain and Lieberman and Representatives Gilchrist and Olver, which would create a flexible, market-based system of tradable allowances among emitting industries; and
- C. We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:
 1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan;
 2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
 3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;

4. Increase the use of clean, alternative energy by, for example, investing in "green tags" and advocating for the development of renewable energy resources;
5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
6. Purchase only Energy Star equipment and appliances for City use;
7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles per employees; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
9. Evaluate opportunities to increase pump efficiency in water and wastewater systems;
10. Increase percentage rates of recycling in City operations and in the community;
11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO2; and
12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

BE IT FURTHER RESOLVED, the City of Beaverton urges mayors and city councils from around the nation to join their effort.

ADOPTED by the Council this _____ day of _____, 2006.

APPROVED by the Mayor this _____ day of _____, 2006.

AYES: _____

NAYS: _____

ATTEST:

APPROVED:

SUE NELSON, CITY RECORDER

ROB DRAKE, MAYOR

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
OCTOBER 16, 2006

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, October 16, 2006, at 6:40 p.m.

ROLL CALL:

Present were Mayor Drake, Counc. Catherine Arnold, Betty Bode, Bruce S. Dalrymple, Dennis Doyle and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Captain Ed Kirsch and City Recorder Sue Nelson.

Mayor Drake acknowledged that Cub Scout Pack 769, Den 11, who attend Jacob Wismer Elementary School, were in the audience with Mr. Robert Armstrong, the Webelos Den Leader.

PRESENTATIONS:

06184 Presentation on Beaverton School District Measure 34-139 General Obligation Bonds to Construct and Upgrade Schools

Priscilla Turner, Beaverton School District Board Chair, said the District's Bond Measure on the November 7, 2006 ballot would be for \$195 million, which was the same amount that the District requested in May 2006. She said the Bond Measure would cost taxpayers \$0.51/\$1,000 assessed value (AV). She said these funds would be used for two new elementary schools, to acquire land for a future high school, to add 139 classrooms and to provide funding for two options high schools to relieve overcrowding in all the high schools. She said last year the District had 700 new students and as of September 30, 2006, they had an additional 915 new students. She said all the schools were full and many did not have room to accommodate more portable classrooms. She said the District's needs were great and urgent.

Turner said four years ago the District's Long-Range Facilities Planning Committee (which was made up of business and community members, teachers and District staff) began studying this issue. She said the Committee found \$320 million was needed to meet the District's needs. She said the District Board pared that figure down to \$195 in order to keep the cost to the taxpayer under \$2/\$1,000 AV.

Turner said 69% of the bond would go to new construction, 6% to land acquisition and 17% to facility improvement. She referred to an informational piece, *District 88 School Talk*, that was mailed to Beaverton residents and provided full information on the Bond Measure. She said this measure was well thought out and sorely needed by the children in the District.

Mayor Drake said he had drafted a Resolution supporting the Bond Measure for Council's consideration. He explained that in the May 2006 election the Bond did pass; however, due to the double-majority voting requirement, it was not approved because voter turnout was not sufficient.

Turner said in May 2006, 61% of the voters voted in favor of the Bond Measure. She said there was 42% voter turnout in the Primary Election but 50% was required to pass the Bond Measure. She said the 8% who did not vote ruled that decision. She said in the General Election the 50% voter turnout requirement does not apply and it was hoped that the community would realize that the need is urgent.

Mayor Drake said that between 28-30% of the homes in Beaverton have a student in school, but the other 70% also need to share in the responsibility of funding the schools.

Turner said she believed it was around 27% of the homes had students and that was a national trend. She stressed strong schools were needed for a healthy community.

Coun. Stanton said she remembered when her oldest child had attended a classroom in a closet. She said it was to everyone's economic benefit to support the schools. She said her Dad had always volunteered in their school activities and always supported school bonds, because he said he needed an educated public working in the community. She noted an educated work force is needed to contribute to the security of those who will be retiring.

Turner said the drop out rates were down at every high school and student scores were high. She asked for everyone's support.

Coun. Doyle said he has always found Beaverton an excellent place to live and the District has worked hard to maintain its reputation for excellence. He said that was why there were so many students coming into this District. He said he believed the Bond Measure would pass.

Turner said Beaverton was the fastest growing school district in Oregon.

Coun. Arnold asked what the average attendance was at an elementary school.

Turner said they vary quite a bit; McKay is 360; Finley, which has experienced the most growth, is over 900.

Coun. Arnold noted that the growth that occurred in the District last year equaled the number of students in the largest elementary school in the District.

Turner agreed and said that the Bond Measure would relieve the crowding at the schools. She said they try to hold the attendance at the largest elementary school to between 600 and 700. She said because of the economics of land costs, some large schools are necessary. She said of the two new schools, one will be K-5 and the other a K-8 out by Portland Community College. She said the K-8 model schools have been very successful.

Coun. Arnold MOVED, SECONDED by Coun. Stanton that the Council approve the Resolution Supporting the Beaverton School District's \$195 Million Capital Bond Measure on the November 7, 2006 ballot. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

06185 Presentation on Tualatin Valley Fire and Rescue Measure 34-133 General Obligation Bond Authorization

Tualatin Valley Fire and Rescue (TVF&R) Chief Jeff Johnson said TVF&R serves eight cities, including Beaverton, and regional areas in three counties. He said Measure 34-133 on the November 7, 2006, ballot is a \$77 million Bond request. He said the proceeds from the Bond Measure would be used as follows: 25% to replace fire apparatus; 25% to rebuild five fire stations, including Station 68 on Kaiser Road and Station 53 on Progress Road near Washington Square; 10% to build two new fire stations, one in the Bethany area and one in west Tigard. He said 13% of the funds would be used to correct safety and operational issues (seismic upgrades and building updates) in eight fire stations. He said 15% of the funds would be used to close the offices in West Linn, Tualatin and Beaverton; these offices will be consolidated into a new office in north Wilsonville. He said the office in Aloha would remain open. He said 12% would be used to acquire land for future fire stations.

Mayor Drake complimented the Chief and TVF&R. He said the City annexed to TVF&R ten years ago and he has never regretted that decision. He said TVF&R has always included the City as a key member of its team and has always been very responsive to the City and its citizens. He thanked them for doing an outstanding job on behalf of the 85,000 citizens in Beaverton.

Johnson said TVF&R understands the taxpayers are the customers and makes sure that it provides the highest level of service that it can to the customers. He said they know they have to bring all the efficiencies a regional fire station can provide to the cities. He said those were two strong cultural imperatives in TVF&R.

Coun. Doyle said the annexation into TVF&R has continued to save citizens money each year. He noted the City of Portland was addressing its seismic needs and they raised a good point; if there is an earthquake and the fire stations collapsed, who would help the citizens. He said the cost was minimal and the improvements were needed; he hoped the voters would approve the measure.

Johnson said they understood there was a lot of competition on the November ballot among money measures. He said it was not their position to decide what citizens should vote for; but rather to make the business case of what is best for TVF&R, explain that to the citizens and let the voters make their choice. He said the challenge in running fire

departments today was to balance the economy that people expect when they do not need your service with the perfection they expect when they do. He said he hoped they were hitting that target.

Coun. Bode said he had her support as a citizen. She said infrastructure was critical to a community and this was not an option. She said she lived close to one of the fire stations and she had heard the siren going off more often than in the past. She noted the Progress Road Fire Station was the one that was closest to Washington Square and she asked if that was going to be rebuilt or remodeled.

Johnson said the plans are to totally rebuild the structure. He said that facility cannot house the type of apparatus and personnel needed to serve that region. He said when that station was built it was to serve a population that was about 20% of what it is today. He said a completely different configuration is needed for that station and they recently acquired the land needed for that facility from the City of Portland (the property had been leased).

Coun. Bode asked if that station served the largest structures in TVF&R's service district, such as the Embassy Suites.

Johnson said that was correct; that station and Station 51 in downtown Tigard served the largest buildings.

Coun. Stanton explained how TVF&R had helped her neighbors when they had a fire and had helped her personally when she had a brain aneurism eight years ago. She thanked them for their excellent service and for the opportunity to support TVF&R. She added there were four important money issues on the ballot in Washington County; serial levies for public safety and library services, and two capital bonds for TVF&R and Beaverton School District. She said all four were critical. She referred to Station 53 on Progress Road and asked if Stations 65 would take up the slack.

Johnson said while the Station 53 is being rebuilt, they have a double-wide mobile home that they will work from. He added that every fire unit had a paramedic and they respond to all medical assistance and fire calls. He said their performance expectation is to make it to 90% of their calls in six minutes or less.

Coun. Doyle asked what percent of the calls received are for rescue. He said he thought that was a very busy part of their job.

Johnson said about 80% of their calls are Code 3 medical; the rest could be classified as fire, extrication and assistance categories. He said paramedical is the predominant part of their industry and it is critical.

Coun. Dalrymple said there were a number of women that were part of the fire district. He asked if part of the remodeling would be to provide facilities for women firefighters and paramedics.

Johnson said that was correct. He said many of the facilities were built in an era when women were not part of the firefighting work force. He said TVF&R was very proud to have women firefighters and paramedics. He said currently the men and women share restrooms and locker facilities. He said those needs would be addressed as the facilities are updated.

Coun. Arnold said she attended TVF&R's Citizen's Academy and she learned a great deal. She said she had not realized that they responded to automobile accidents and how critical their services were during an accident. She said she also never realized how important six minutes were in an emergency situation; it can be the difference between life and death or the total destruction of a property. She said she was also impressed with the high quality of employees and their personable and caring attitudes. She thanked them for all their efforts.

Johnson said the question he gets most frequently is why they take the big fire truck everywhere they go. He said the fire engine is the Swiss army knife of the fire department; it has all the tools for the full spectrum of calls for service. He said they need to be ready to handle whatever comes up.

Mayor Drake thanked him for the presentation. He said he and the Council strongly support TVF&R's Bond Measure and they hope the voters will pass it.

Johnson thanked the Mayor and Council for their support.

VISITOR COMMENT PERIOD:

Barbara Wilson, Beaverton, said she spoke to Council on August 14, 2006, about global warming and Coun. Bode asked her to check back with them. She said Mayor Drake told her he had given the Mayors Climate Protection Agreement to the City Attorney to review by the end of October. She said she would come back to Council in November to see what comments the City Attorney may have had. She said this agreement is non-binding; it is an acknowledgement to the community that global warming exists and they are willing to do something about it. She asked the Council to sign the agreement and form a citizen's ad hoc committee for the purpose of public outreach and education. She asked that the Council take an official position on the preservation of large trees for that is critical for clean air. She said the City could do wonderful things through public outreach and she noted the City of Seattle was doing a great deal in this area. She spoke about the evidence that supports global warming. She urged the Council to consider this issue.

COUNCIL ITEMS:

Coun. Stanton said tomorrow night, October 17, there would be a Voters' Forum in the Council Chambers at City Hall. She also noted on Wednesday, October 18, at 6:30 p.m. in City Hall, staff would present the Tualatin Basin Goal 5 Program Implementation Plan to the Planning Commission. She said the consequences of the Goal 5 Implementation Plan would affect stream corridors and wetlands, and the City would follow the Goal 5 Program. She said also on the evening of October 18, Governor Kulongoski and Howard Dean would be speaking in downtown Portland at Montgomery Park.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Coun. Stanton **MOVED, SECONDED** by Coun. Doyle, that the Consent Agenda be approved as follows:

Minutes of the Regular Meetings of September 18 and October 2, 2006.

06186 Liquor License: New Outlet - Bias Salon & Spa; 88 Asia Market

06187 A Resolution Establishing a Fee for Payday Lender Permits (Resolution No. 3876)

06188 Traffic Commission Issue No.:

TC 596 - Stop Control on SW Tierra del Mar Drive at Palmer Way;
TC 597 - Left Turn Prohibition on SW Canyon Lane at SW Canyon Road;
TC 598 - Speed Limit on SW Valeria View Drive

06189 Declaration of Surplus Property at Southwest Corner of SW 153rd Avenue and SW Jenkins Road

06190 Authorize Acceptance of FY06 Law Enforcement Terrorism Prevention Program Grant Awarded to the City of Beaverton and Approve the Specific Purpose Grant Budget Adjustment Resolution (Resolution No. 3877)

06191 Authorize Acceptance of FY06 State Homeland Security Program Grant Awarded to the City of Beaverton and Approve the Specific Purpose Grant Budget Adjustment Resolution (Resolution No. 3878)

06192 Authorize Acceptance of FY06 Citizen Corps Program Grant Awarded to the City of Beaverton and Approve the Specific Purpose Grant Budget Adjustment Resolution (Resolution No. 3879)

Coun. Arnold said the left turn prohibition on SW Canyon Road (Agenda Bill 06188) was brought forward by the Neighborhood Association Committee (NAC) as a concern. She urged people to work with their NACs to get things done in their neighborhoods.

Coun. Stanton said she had some minor changes to the minutes which she gave to the City Recorder.

Question called on the motion. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting **AYE**, the **MOTION CARRIED** unanimously. (5:0) Coun. Dalrymple abstained from voting on the September 18, 2006, Minutes and Coun. Bode abstained from voting on the October 2, 2006, Minutes for they were not in attendance at those meetings.

RECESS:

Mayor Drake called for a brief recess at 7:35 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 7:50 p.m.

PUBLIC HEARINGS:

06193 Weil Ballot Measure 37 Claim for Compensation

Community Development Director Joe Grillo read a prepared statement defining the process to be followed for the hearing, including various required disclosure statements (in the record).

Grillo asked if there was any bias or conflict of interest by any members of the Council, that they state so now.

There were none.

Grillo asked if there were any objections to jurisdiction or participation by any Council member at this time.

Mayor Drake asked if there was anyone in the audience who wished to question the City's jurisdiction, or the right of any Councilor or the Mayor to consider this claim.

There were none.

Mayor Drake opened the public hearing.

Development Services Manager Steven Sparks reviewed the staff report for the Weil Measure 37 Compensation Claim. He said Weil LLC has filed a \$12 million claim. He said Weil Enterprises submitted a title report showing ownership of these two parcels in 1967 and 1969. He said in the staff report it is indicated that because the ownership changed to a Limited Liability Corporation (LLC), that a new ownership started as of 1997. He said Council received a supplemental staff memorandum dated October 13, in response to a letter from David Peterson; in the letter Peterson indicated that the 1997 date in the staff report is incorrect and Weil Enterprises took possession of the property in 1993. He said the staff report was supplemented by the staff memorandum and the recommendation has changed from the 1997 date to the 1993 date.

City Attorney Alan Rappleyea said one of the main issues with this claim is the date of ownership. He said the initial claim states Weil acquired the property in 1967 and 1969. He said there were two transfers, one to a general partnership and later to a LLC. He said Measure 37 has a compensation component and a waiver component. He said the compensation is a non-issue as the cities do not have the funds to pay for the claims. He said the issue is waiving land use regulations. He said Measure 37 says that the waiver only applies since the owner acquired the property. He said this property was

transferred to a general partnership in 1993 and staff was recommending using that date. He said based on a recent circuit court case in Deschutes County, they were fairly confident this could go back to when the present owner acquired the property, though it may be decided differently in appellate court.

Mayor Drake said when considering either date 1993, 1996 or 1997, claims are always made that a government is keeping someone from maximizing their investment. He said he thought there had been some discussion about there being fewer restrictions in 1996 or 1997; why would someone want to go back to 1993 and not have the most optimum opportunity to develop their land.

Rappleyea said he discussed this issue with Peterson. He said there were fewer restrictions in the 1996 Code, but despite that the owners want to go back to 1993 so the City has conceded to that date.

Coun. Stanton referred to page 2 of Peterson's October 11 letter "Instead, a business entity that converts to a limited liability company 'continues its existence despite its conversion' ORS 63.479(1)(a)." She asked Rappleyea to respond to that.

Rappleyea said he reviewed that statute and that was one of the ambiguities. He said if he was risk adverse, he would say that the 1996 date would be the clearest cut off point. He said to take issues off the table and because there were legal arguments raised that may potentially cloud the issue, he recommended going back to the 1993 date. He said they were being extremely cautious about this because applicants get their attorney's fees which can be enormous. He said he was being extremely cautious about granting waivers.

Coun. Stanton asked if the ORS 63.479(1)(a) does not change the fact that the LLC was incorporated when it was incorporated; would he be willing to waive the technicality.

Rappleyea responded that that provision would not directly affect ownership; the property is still owned in a different entity. He said it is a legal argument; to be risk adverse and to avoid any chance of attorney's fees, and because there is so little difference between the 1993 and 1996 Codes, he would recommend going back to the 1993 Code.

Coun. Stanton referred to Measure 37 and asked when she reverted back to 1993, would that mean that they have to use the Code as it was written in 1993 or could she apply sections of the 1997 or 1999 Codes.

Rappleyea responded the 1993 Code would apply and they could not pick and choose sections from other Codes.

Coun. Stanton referred to the applicant's Exhibit D, (page 38) of the staff report that listed various Code sections. She asked if a Measure 37 claim could choose to apply sections from several Codes, such as 1993 and 1999.

Rappleyea said if the applicant was asking for a wholesale waiver of that section, they would be saying that everything in that Code is problematic and reduces the property's value, they would have to apply the whole Code that existed at that time. He said there would be applications coming up in the future and more would be known about how Measure 37 is interpreted by the courts at that time. He said more guidance will be available then on how to apply the Code. He said this was his current recommendation for now.

Coun. Stanton said page 16 refers to Exhibit C and pages 71, 72 and 73 all reference this document and yet all three have a different date. She asked if he looked at the documents to check their validity.

Rappleyea said they were relying on the most recent statements of the applicant as to what date they wished to apply to the waiver.

Coun. Stanton asked Sparks about the dates and if they had any bearing on this issue.

Sparks said staff stayed focused on the 1997 date for cross referencing the material. He said he did look at that but there were no Code changes in the weeks reflected in those dates, so it did not appear to be a significant issue to raise in the staff report since they were focusing on the 1997 date.

Coun. Stanton asked if someone could look at the documents and tell her which one takes precedent, as it is confusing to have three different dates for the same document.

Sparks said Ordinance No. 3975 was adopted in 1997, so for the record when 1996 has been mentioned in this discussion it should be 1997. He said Ordinance No. 3975 revised the uses allowed in commercial and industrial zones. He said in the supplemental memorandum it was noted there are three uses which were not listed in 1993; eating and drinking establishments, financial institutions and temporary living quarters. He said the 1993 Code was silent and did not list these activities as permitted uses; they are permitted uses in the current Code.

Coun. Stanton referred to the permitted uses listed on page 4; she noted under the TC Zone the memorandum says there are eight permitted uses but she counted ten in the table.

Sparks said the 1997 Code and the current Code do not match exactly. He said in the 1997 Code Churches/Places of Worship also included Social & Fraternal Organizations as one use classification. He said in the current Code those two are separated. He said the eight permitted uses in the 1997 Code resulted from combining Churches/Places of Worship/Social and Fraternal Organizations as one use, and Single/Multi-Family Dwelling/Attached Dwellings as one use.

Coun. Arnold said she did not see the update that came in Friday and asked staff to explain who the owners were in 1993 and in 1997.

Rappleyea said in 1993 the property that was in the sole ownership of the Weils as people, was transferred to a general partnership; then in 1996 that partnership was converted into a Limited Liability Corporation. He said in Peterson's October 11 letter, he indicated that there are new arguments for going back to 1993.

Coun. Arnold asked if the City was setting precedents by taking one date over the other and if there were any ramifications from that.

Rappleyea said he did not think the City was setting precedents as this area of the law was in considerable flux right now.

Coun. Arnold asked Sparks if he knew what differences were in the Codes for those years.

Sparks said the City had an extensive history of all the ordinances that have ever been passed by the City. He said the Codes could be recreated for these years. As an example, he noted the Code was changed six times between 1993 and 1997; of those six ordinances, one does affect these two properties and two others might affect the properties. He said the ordinance covering neighborhood review meeting was a process requirement; while this might apply to the properties, the process does not devalue the property. For example, requiring a property owner to go through design review would not devalue the property.

Coun. Arnold asked if the City accepted 1993 as the effective date and the owner later decided it should have been 1997 what action could the City take.

Rappleyea said the City would have the prior claim and the owner's arguments that this Code section was reducing the value would be in question if the owner was now saying the exact opposite. He said there could be some waiver arguments if they ever tried to raise the claims again. He said one of the ambiguities of Measure 37 is in determining when a claim is over. He said he did not think the courts would look kindly on a claimant if that happened.

Coun. Arnold asked if the City could agree to a signed waiver that would say "This is what you really want and this is what you're going to get." She asked if the Council could ask for that now.

Rappleyea said that was what the Council was doing now. He noted the City had the property owner's request and their latest letter from October 11, and there is a catch-all at the end of the waiver that basically says " Furthermore the waiver shall be construed to mean that upon a land use application for permit, the City shall waive any land use regulation that was enacted after (a date) that the City believes restricts the use of real property and reduces the value of the property." He said these claims should take place in the context of a land use application and he said in this broad waiver is where the "rubber would hit the road." He said this was the safety valve for the issues that Coun. Arnold raised.

Coun. Stanton asked what the height limit was in 1993.

Sparks said it was 60 feet, which is the same as in 1997.

CLAIMANT:

David Petersen, Tonkon Torp LLP, Portland, attorney for Weil Enterprises, LLC reviewed the ownership history of the two properties. He said in 1967 and 1960 the Weil family acquired the property. He said on May 19, 1993, Robert Weil conveyed the property to Weil Enterprises General Partnership that consisted of Robert Weil and his three daughters. He said on September 11, 1996, the Partnership converted to a Limited Liability Company, still owned by Robert Weil and his three daughters. He said on October 3, 1996, his firm recorded a Real Estate Records Notice, to give public notice that the Enterprise had become an LLC. He said he assumed that sometime between then and April 30, 1997, some party advised them that the notice needed to be done by deed, not by Real Estate Records Notice, so a deed was recorded that memorialized the event that took place on September 11, 1996.

Peterson agreed with Rappleyea that Measure 37 was in flux and said he wanted to be on the record that he was not waiving any claims that the waiver should go back to the dates in the 1960's. He said for the purposes of this hearing, and because he understood where staff's recommendation was coming from based on current case law, the current owner of the property became the owner of the property on May 19, 1993. He said it changed form on September 11, 1996. He said those were the two dates under consideration and the subsequent recording of documents was only for purposes of notice; it did not cause anything substantive to happen.

Peterson said he wished to address what a Measure 37 waiver entailed. He said it was a waiver of regulations, not a waiver of a Code. He said the entire Development Code would not be thrown out and replaced by the 1993 Code. He said this application was permitted under Measure 37 in its first two years of its existence, which expires December 2, 2006. He said it was a waiver without an underlying land use application. He said after December 2, 2006, any land owner who wants to claim a Measure 37 waiver will first have to apply for something, have it denied and then seek compensation or a waiver of regulations that affected its denial. He said until December 2, land owners could apply for a blanket waiver, which says that land use regulations that reduce the value of your property and were enacted after the date the present owner acquired the property, should be waived. He said if the Council should grant a waiver effective May 19, 1993, if two years from now the Weils come in with a land use application and that application is thwarted by a regulation enacted after the relevant date, then they are entitled to a waiver of that regulation. He said it was regulation specific and it depends on an evaluation at that time to determine if the regulation has a negative impact on property value. He said they are not entitled to a waiver of every regulation in the Code; it is only the regulations that negatively impact property value. He said with the waiver, all they were doing was fixing the date at which any regulations enacted after that date should be waived upon request.

Peterson said this was the prevailing interpretation at this time. He said Measure 37 was an ambiguous measure and case law would change over time as the courts interpret the measure. He said under current interpretation from two cases, the waiver is to the date the current owner acquired the property, it is a blanket waiver of any regulation enacted after that date that negatively impacts property value.

Peterson said there was some uncertainty about eating and drinking establishments in the 1993 Code vs. 1996 Code, as it was not mentioned in the 1993 Code as a permitted or prohibited use. He said a Burgerville Restaurant has been on the property since 1969 so he suspects that in 1993 eating and drinking establishments were a permitted use on the property. He said there was no evidence that this was a non-conforming use.

Peterson referred to Coun. Arnold's question concerning the claimant getting a one-time shot at this and then coming back later if the facts change. He said any changes in law as they go forward, would entitle the claimant to revisit their request based on the change in the law. For example if there was a change in the law that said the applicable date was in 1967, then the claimant could come back and apply for a new waiver going back to 1967.

Peterson referred to Code Section 2.07.045(A)(3) that describes the waiver. He said this section says the waiver is non-transferable, which is the Attorney General's opinion at this time. He said regarding the waiver, he would like to preserve for the record the possibility that it is transferable, if that is how the law develops. He said that section says the waiver is only valid for as long as the claimant owns the property to the same extent that they owned it on the day of the waiver. He said that was contrary to the provision in Measure 37 that says "The present owner of the property is the owner of the property, or any interest therein." He said it would seem that as long as Weil Enterprises, LLC owns an interest in the property, the waiver would be good; not just for as long as they own 100% of the property as it currently exists.

Coun. Stanton asked Peterson if they wanted to pick and choose what they wished to comply with under the different Codes (1993 and 1997). She said she did not understand his statement that the 1993 Code would not be the Code being applied.

Peterson referred to Sparks' earlier comment that procedural regulations do not negatively impact property value. He said Measure 37 only applies to regulations that impact property value. He said the many regulations that do not impact property value would continue to apply to an application made at any time. He said there were other regulations that do affect the property value, such as the building height which is the regulation they addressed in their claim. He said the building height in the 1993 Code was 60 feet; currently it is 30 feet. He said an argument can be made that that reduces the value of the property; and when the Weils apply to develop the property they could use the blanket waiver to apply the 60 foot regulation, assuming they could demonstrate that the 30 foot regulation negatively impacts property values.

Coun. Stanton said she was more concerned about use than height. She asked how the change in uses would affect the whole process; there is more flexibility in uses in 1997 than there was in 1993.

Peterson said the analysis is the same. He said if the Weils applied for a use that was prohibited today, and there was a regulation enacted in 1993 that caused that prohibition, and that regulation negatively impacts property value, there would be a give and take between the claimant and the City to determine if using a property for one use (financial institution) was worth more than not using the property for that use. He said with the blanket waiver currently being considered, that analysis is being deferred to the future when there may be an application. He said for the record he was using the current state of the law which could change.

Mayor Drake said he thought the Council should take this request on its face value and if there are any changes from future court decisions or legislative actions, they should be dealt with at a later time.

Coun. Arnold asked if he was saying that it was not relevant if their understandings are different on what they are passing.

Mayor Drake said at this point all that was being asked was that the Council pick a date to determine the effective date of the claim for Measure 37. He said Peterson also stated this was simply a process to set a waiver in place and after December 2, if the applicant returns with an application the project will be evaluated based on the effective date.

Coun. Arnold asked if when the applicant returns with a real application would they have to show there would be a decreased value.

Rappleyea explained what Council was doing now was setting the date and waiving the specific Code sections that are set out in the claim. He said there was a broad blanket waiver that says when the land use application is made, the City can evaluate it to see if it actually does release value. He said there may be no argument; they may submit an application that completely complies with the Code and there would be no issue. He said they were taking a wait-and-see approach.

Petersen said there is a right answer in terms of what is the correct date. He said in his opinion the applicant is entitled to the date in 1993.

Coun. Bode said Measure 37 had to do with land use and it was interesting that this comes before the Council without a land use plan. She said they were getting half the story; it was also interesting that the three daughters now own the LLC and Petersen's interpretation is that as long as they are a party to the ownership it would apply. She said the daughters could sell off 99% of the right to the LLC and because they retained 1%, that would still give them the right to a Measure 37 claim. She asked if that was what he was saying.

Petersen said they could sell off 99% interest in the property, which is different than an interest in the company. He said if Weil Enterprises LLC had 1% interest in the property, then it is an owner of the property as defined in Measure 37 and therefore entitled to the waiver.

Rappleyea said that was one of the hot-button issues of Measure 37 and he has heard arguments on both sides. He said he would disagree with Peterson's interpretation and he would say it is a proportionate share. He said it is a difficult question to answer right now.

Mayor Drake said that question would be handled in the future.

Rappleyea said last year the Oregon Legislature tried to resolve some of these issues and failed. He said hopefully they may have some answers this year.

Coun. Bode said she was hesitant because there is no land use application to consider and this was frustrating as the Council does not have full knowledge.

Mayor Drake said if there is a fear that the City may lose something or the development would not fit in with what is currently in place, the 1993 and 1997 Codes are very similar.

Mayor Drake asked if there was anyone in opposition to the claim.

No one indicated opposition to the claim.

Rappleyea stated there was no rebuttal.

Mayor Drake closed the public hearing.

Coun. Dalrymple MOVED, SECONDED by Coun. Doyle that in the matter of the Weil Measure 37 Claim (M37 2006-0001) that Council deny the request for compensation but grant a waiver of the use restrictions as of May 19, 1993, as described in the staff report and direct staff to prepare a final written order for the Mayor's signature.

Coun. Stanton said she would never sign a blank permission slip and that is how she feels this is being done. She said she is not comfortable with this but she understands that the City is constrained in this matter.

Coun. Doyle said he would support the motion as the task before Council was to establish a date for the future. He said this is a starting point for everyone and it may never come into play. He said he was comfortable with this decision.

Coun. Dalrymple said that the Council needed to act this evening because of the reasons stated by Coun. Doyle. He said that was why he made the motion.

Call for the question. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

WORK SESSION:

06194 PULLED - TA 2006-0003 (PUD Text Amendment) (This item is to be brought back at a future meeting; no discussion or action was taken by Council.)

ORDINANCES:

06195 PULLED - TA 2006-0003 (PUD Text Amendment) (Ordinance No. 4409) (This item is to be brought back at a future meeting; no discussion or action was taken by Council.)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 8:50 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2006.

Rob Drake, Mayor

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: LIQUOR LICENSES

FOR AGENDA OF: 11/13/16 **BILL NO:** 06213

CHANGE OF OWNERSHIP

Izzy's Restaurant
11900 SW Broadway

MAYOR'S APPROVAL: 

DEPARTMENT OF ORIGIN: Police 

DATE SUBMITTED: 11/02/06

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

EXPENDITURE REQUIRED \$ 0	AMOUNT BUDGETED \$ 0	APPROPRIATION REQUIRED \$ 0
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HISTORICAL PERSPECTIVE:

A background investigation has been completed and the Chief of Police finds that the applicant meets the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license request.

INFORMATION FOR CONSIDERATION:

Izzy's Pizza Bar Classic Buffet, formerly licensed by the OLCC to Jansen Enterprises, Inc., is undergoing a change of ownership. Gothim, Inc. has made application for a Limited On-Premises Sales License under the trade name of Izzy's Restaurant. The establishment will serve pizza, salad, desserts, chicken and potatoes. It will operate Sunday through Thursday from 11:00 a.m. to 9:00 p.m., and Friday and Saturday from 11:00 a.m. to 10:00 p.m., serving, lunch and dinner. There will be no entertainment offered. A Limited On-Premises Sales License allows the sale of malt beverages, wine and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

RECOMMENDED ACTION:

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC license.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Classification Changes

FOR AGENDA OF: 11/13/06 **BILL NO:** 06214

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: HR *neb*

DATE SUBMITTED: 11/07/06

CLEARANCES: Public Works *[Signature]*
Finance *[Signature]*

PROCEEDING: Consent Agenda

EXHIBITS: Funding Plan*

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED : \$252,484*	BUDGETED : \$294,054*	REQUIRED \$-0-

* See Exhibit A: Funding Plan for the classification changes

HISTORICAL PERSPECTIVE:

The adopted FY 2006-07 Budget includes a \$112,148 appropriation (\$75,376 in salary and \$36,772 in payroll taxes and benefits) for a new position entitled Water Quality Supervisor at Salary Grade 13. This position was included in the amendments to the proposed FY 2006-07 Budget as part of the April 2006 merging of the Operations and Engineering Departments into the combined Public Works Department. The Water Quality Supervisor position will be responsible for ensuring that the City meets all Federal and State water quality laws. The position will also be the Direct Responsible Charge for water quality and treatment.

The Public Works Department currently has two levels of Operations management under the Public Works Director. Operations Managers 1 (salary grade 12) typically handle one program while Operations Managers 2 (salary grade 13) typically handle two or more technically diverse programs. One Operations Manager 2 is responsible for Urban Forestry, Landscape, Signs and Signals while the other Operations Manager 2 is responsible for Storm, Sewer and Streets.

With the creation of the Public Works Department, functions such as project management and coordination, which were once assigned to employees in the Engineering Division, are being transferred to the Operations Division. The Operations Manager 2 in charge of Storm, Sewer and Streets will also manage Operations project management functions and staff. The Public Works Director requested a review of this Operations Manager 2 position in response to increased responsibility and scope of work.

Engineering currently has a vacant Project Engineer position in the Sewer Fund at Salary Grade 13. The unspent appropriation for this position is \$101,416 comprised of \$63,604 in salary and \$37,812 in payroll taxes and benefits. The Public Works Director would like to eliminate this position and replace it with a new classification which will manage AutoCAD services for the Engineering Division in the General Fund. The proposed Engineering Support Services Manager classification will bring a much needed focus and organization to our CAD functions. It will allow for greater flexibility in project scheduling and project delivery.

INFORMATION FOR CONSIDERATION:

Human Resources staff conducted a market study and internal point factor evaluation for the new classification titled Water Quality Supervisor. The internal evaluation of this new classification placed it in salary grade 12. There was not sufficient market data to make a sound recommendation based on external market. The net effect of reducing the salary grade of this position from grade 13 to 12 is a combined \$6,971 decrease in salary, payroll taxes and benefits.

Human Resources staff conducted a market study and internal point factor evaluation for an Operations Manager 2 position that manages three or more technically diverse sections. The internal evaluation placed it at a higher salary grade than the current salary grade 13. Staff recommends the creation of an Operations Manager 3 classification to be placed in salary grade 14. There was not sufficient market data to make a sound recommendation based on external market, however, internal measurements support the recommendation. The additional cost for the salary grade change from grade 13 to 14 is \$3,310 for the remainder of this fiscal year. The additional funding would be provided as follows; 33% in the Street Fund, 34% in the Sewer Fund and 33% in the Storm Drain Fund.

Human Resources staff conducted a market study and internal point factor evaluation for the Engineering Support Services Manager classification. The internal evaluation placed it at salary grade 11. There was not sufficient market data to make a sound recommendation based on external market. The total salary, payroll taxes and benefits for this position will be approximately \$63,507 for the remainder of this fiscal year and would be funded by the General Fund. The result of eliminating the Project Engineer position and establishing the Engineering Support Services Manager position would be a net \$37,909 city-wide reduction in salary, payroll taxes and benefits.

RECOMMENDED ACTION:

Council adopt the Pay Grade of 12 for the Water Quality Supervisor position, effective July 1, 2006.

Council adopt a classification titled Operations Manager 3 at a salary grade 14, effective November 13, 2006.

Council adopt a classification titled Engineering Support Services Manager at a salary grade 11, effective November 13, 2006.

EXHIBIT A: FUNDING PLAN

1. Water Fund – Water Quality Supervisor Position:

The new position is recommended to be established at Salary Grade 12 versus Salary Grade 13 that was included in the Adopted FY 2006-07 Budget. The reduced salary grade results in decreased salary expense of \$5,321 and decrease payroll taxes of \$1,650.

Account No.	Account Title	Budget Amendment
501-80-0743-217	Personal Services – Water Quality Supervisor	(\$5,321)
501-80-0743-299	Personal Services – Payroll Taxes & Benefits	(\$1,650)
501-80-0743-991	Water Fund Contingency	\$6,971

2. Street, Sewer and Storm Drain Sewer Funds:

Reclassify Operations Manager 2 position at Salary Grade 13 to a new Operations Manager 3 position at Salary Grade 14 effective November 13, 2006. The salary grade change will require an additional appropriation of \$2,184 in salary and \$1,126 in payroll taxes. The position is funded 33% in the Street Fund, 34% in the Sewer Fund and 33% in the Storm Drain Fund.

Account No.	Account Title	Budget Amendment
101-85-0732-107	Personal Services – Operations Manager 2	(\$16,251)
101-85-0732-XXX	Personal Services – Operations Manager 3	\$16,972
101-85-0732-299	Personal Services – Payroll Taxes & Benefits	\$372
101-85-0732-991	Street Fund Contingency	(\$1,093)
502-85-0753-107	Personal Services – Operations Manager 2	(\$16,744)
502-85-0753-XXX	Personal Services – Operations Manager 3	\$17,487
502-85-0753-299	Personal Services – Payroll Taxes & Benefits	\$383
502-85-0753-991	Sewer Fund Contingency	(\$1,126)
513-85-0734-107	Personal Services – Operations Manager 2	(\$16,251)
513-85-0734-XXX	Personal Services – Operations Manager 3	\$16,972
513-85-0734-299	Personal Services – Payroll Taxes & Benefits	\$372
513-85-0734-991	Storm Drain Fund Contingency	(\$1,093)

3. Sewer Fund and General Fund

Eliminate the Project Engineer position in the Sewer Fund and establish a new Engineering Support Services Manager position in the General Fund effective November 13, 2006.

Account No.	Account Title	Budget Amendment
502-80-0740-084	Personal Services- Project Engineer	(\$63,604)
502-80-0740-299	Personal Services – Payroll Taxes & Benefits	(\$37,812)
502-85-	Sewer Fund Contingency	\$101,416
001-80-0703-XXX	Personal Services - Engineering Support Svcs Mgr	\$40,062
001-80-0703-299	Personal Services – Payroll Taxes & Benefits	\$23,445
001-13-0003-991	General Fund Contingency	\$63,507

XXX indicates that the actual Object Code will be established at a later date.

AGENDA BILL

10/16/06: Pulled - To be rescheduled to future meeting.

**Beaverton City Council
Beaverton, Oregon**

Rescheduled to 11/13/06.

SUBJECT: TA 2006-0003 (PUD Text Amendment)

11/13/06
FOR AGENDA OF: ~~10/16/06~~ **BILL NO:** 06194

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 9-11-06

CLEARANCES: Dev. Serv 

PROCEEDING: Planned Unit Development Text Amendment Work Session

EXHIBITS: Staff Memo with attachments dated January 26, 2006

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

In preparation for amending the Development Code Planned Unit Development (PUD) code, the Planning Commission conducted three work sessions. The first two work sessions reviewed the City's existing PUD code language. At the third Planning Commission work session, staff presented background information from which to develop new PUD code language. The Planning Commission considered a report from Parametrix, a planning consultant, which reviewed the current Beaverton PUD regulations in comparison to several other Oregon jurisdictions. Parametrix also presented two development plans illustrating alternative development scenarios for an infill site constrained by wetlands, a large stand of Community Trees, and irregular parent parcel lot dimensions. The site used by Parametrix had been previously approved for a PUD development by the Planning Commission, thus the two development plans were presented as a case study demonstrating that there were alternative development scenarios using new PUD regulations that address the concerns of the Planning Commission. Based on the information presented at the Planning Commission, staff was directed to draft new PUD regulations that would foster innovative site plans.

INFORMATION FOR CONSIDERATION:

Attached are background materials presented to the Planning Commission at the work sessions. In addition, please refer to TA 2006-0003 (PUD Amendment) agenda bill for information presented to the Planning Commission at the public hearings conducted to consider the new PUD text.

RECOMMENDED ACTION:

Conduct a work session with staff to understand the background of the proposed PUD text amendment.



MEMORANDUM

"make it happen"

City of Beaverton

Community Development Department

To: Beaverton Planning Commission
From: Colin Cooper, AICP, Senior Planner
Date: January 26, 2006
Subject: Text Amendment for Planned Unit Development (PUD)

At the conclusion of the last PUD work session with the Planning Commission, staff confirmed they would explore methods of promoting innovative design to better implement the PUD purpose statement. Staff agreed to investigate other jurisdictions within Oregon and develop at least two site plans that would illustrate potential alternative approaches to the creation of innovative PUD designs. In order to provide a realistic evaluation of proposed alternatives, staff has contracted with Parametrix planning consultants to produce two site plans that illustrate possible alternative approaches for a site previously approved by the Planning Commission for a PUD development. The case studies provide a good base from which to discuss specific strategies for better implementation for PUD developments within Beaverton. To develop a case study approach, staff chose the Onody PUD because it is typical of many recent residential infill PUD developments the Planning Commission has reviewed that include physical and environmental site constraints.

To create a basis for the review and possible Development Code text amendments, this memo provides a brief description of Planned Unit Developments (PUD) and zoning codes.

Attached to this memo in preparation of our February 1, 2006 work session are the following materials:

1. Beaverton PUD Ordinance Review
2. Original Onody Site Plan
3. Modified Onody Site Plan
4. Alternative Site Plans
 - a) Composite Form Based
 - b) Low Impact Design (LID)
 - c) Composite/Courtyard Study
5. Site Plan Tabulations
6. Site Plan Matrix Descriptions

Planned Unit Developments (PUD)

PUDs are generally used as a zoning tool in conjunction with Euclidian code to create more flexibility for both the property owner and developer to obtain a desired community outcome such as the preservation of common open space. Some communities consider the PUD process analogous to a rezoning or an overlay district to the base zone. Some jurisdictions allow for increased density through the PUD process while most jurisdictions simply allow for a relaxation of site development standards such as lot width and depth and a mixture of detached and attached housing products. Parametrix has provided a review of six PUD ordinances in Oregon with the attached memo that illustrates the variety of approaches.

Types of Zoning

In order to better understand the tools that have been considered in the development of the two alternative site plans, staff is providing a brief overview of several different types of zoning codes commonly used.

Euclidean Zoning Codes

The most traditional zoning code found in communities across the United States including Beaverton is the “Euclidean” code, so named because it is derived from the 1926 US Supreme Court case entitled Village of Euclid vs. Ambler. This Supreme Court precedent ruled that the zoning ordinance adopted by the Village of Euclid, Ohio was constitutional and legitimized zoning as a way to control land uses. The most common elements of Euclidean Zoning area:

1. Zoning Districts that specify a category of use (e.g. single-family residential, multi-family residential, commercial, and industrial, etc.).
2. Allowable Uses – Lists of permitted, conditional, and prohibited uses.
3. Dimensional Standards – Common dimensional standards include: building setbacks, building heights, maximum coverages.

Euclidean zoning is often described as proscriptive and thus is losing favor because it is perceived to have less flexibility. With changing economies that are less reliant on heavy industrial uses and a better understanding of the link between zoning and transportation planning communities around the United States are moving away from pure Euclidean zoning codes.

Performance Zoning

Performance zoning in its original form was intended to provide performance standards as opposed to the type of specific standards normally associated with Euclidean zoning. Performance zoning has had successful applications; however, it did not gain widespread adoption because the implementation of performance zoning provided too much discretion. Although it was argued that performance zoning provided a developer or property owner more flexibility, the community was left with greater uncertainty.

Incentive Zoning

This type of zoning code was established to create specific public benefit, such as targeted economic development, greater public open space, or affordable housing as just a few examples.

For example, if a local jurisdiction wanted to encourage more public plazas, a height incentive might be offered that allowed the building to exceed the standard height limit and the maximum floor area standard for the base zone to create an incentive to provide the public plaza. Incentive zoning has not found wide spread use because of the lack of certainty and unwillingness to provide higher densities as incentives for the public amenities.

Design-Oriented Codes

Design-oriented codes are frequently referred to as “New Urbanist” codes as they often derive from neo-traditional planning principles that have been receiving considerable attention for approximately the last 15 years.

- **Traditional Neighborhood Development (TND)**
Generally this type of design oriented zoning has been used in conjunction with new residential subdivisions that include mixed use development. TNDs oriented codes are often written to include specific design typologies or styles. This type of zoning control is most often seen used in newly urbanized areas.
- **Transit-Oriented Development (TOD)**
TOD zones are intended for very specific areas adjacent to transit stations or facilities. The TOD zones, such as those originally adopted in Beaverton, provide for intense mix of uses.
- **Form-Based Codes**
This type of land use planning code allows for more flexibility where the uses become significantly less important than does the form of development. Form based land use codes generally require significant comprehensive community wide approach. Because of this most examples of form-based codes are found in specific districts within cities that have sought to encourage economic development. Some economists consider form based coding as approaching a Market Oriented Planning (MOP) model that enhances economic development. Generally, form-based coding concentrates on three areas of concern: the regulating plan (a plan that describes the specific properties that the code is to apply), building envelope, and architectural and streetscape standards.

Onody Case Study

The Onody PUD is located on 2.69 acres of land zoned R-7 Single Family Residential and is located north of NW Pioneer Road. The site had two significant natural resources in the form of a delineated wetland and a stand of mature Douglas Fir and Cedar trees. The Onody PUD was reviewed under the current PUD standards found in Section 60.35, Planned Unit Developments. The Onody PUD is similar to several recent PUD case files because it reflects a small infill residential development that includes site constraints. It is important as part of the case study review to avoid considering the proximity of this site to the THPRD park. The intent of the case study is to consider what alternative standards and approval criteria might achieve within the property lines of the site.

Parametrix has provided the following descriptions of the assumptions used for the development of the two site plans.

Onody Alternative Site Plans

Parametrix has provided the following descriptions of the assumptions used for the development of the two site plans.

Analysis Framework and Assumptions for the Low Impact Development Site Redesign

The analysis of the Low Impact Development-based code elements was performed assuming existing base zone criteria such as density and parent lot setback requirements while providing opportunities and incentives for Low Impact Development (LID) techniques that reduce the negative effects development can have on the natural environment. Development often results in greater storm water runoff, poor water quality, and the reduction of existing open space and native vegetation. Currently, LID incentives are gaining a greater acceptance in the development community and among many city agencies as a means to improve our built environment and reduce our 'living footprint' on the environment. LID incentives in this study include narrower streets, pervious paving (as soil conditions allow), tree preservation, tree and native planting to increase the urban forest, and water quality and detention techniques that manage runoff closer to individual sources and mimic the natural hydrological process. This approach inherently increases open space and guides development to form clusters of homes surrounded by open space and encourages integrated stormwater (rainwater) management techniques.

This analysis, along with the form-based study, assumed the general minimum and maximum density, parent lot setbacks, and compatibility with surrounding development for the base zone (R-7) would be retained. Additionally, for the purposes of this analysis it was assumed that flexibility for the following elements would be included as part of the PUD application:

- Flexible internal setback
- Percentage of tree preservation
- Internal on-street parking regulations
- Percentage of open space
- Method of surface water treatment
- Street width
- Housing variety (attached housing up to three units without a design review)

Additional assumptions for the analysis included placing high value on the following elements:

- Narrow streets which provide an intimate community feel and reduced impervious surface;
- Site design that clusters homes and preserves open space and existing trees (Oregon landscape);
- Street design that provides access to homes and open space and allows for homes to take advantage of solar access (potential heat and energy source);
- Allowance of a mix of uses that complement each other in footprint;
- Rear yards that open to common areas and path system to adjacent park;
- Architectural style should reflect quality, cost/resource efficiency, and timeless design appropriate for site size and constraints; and

Assumptions during site analysis ranked the following elements with a lower value:

- Non-contiguous open space that is not integrated into the development;
- Non-clustered development of lots (i.e., flag lots);

Analysis Framework and Assumptions for the Composite Form-Based Site Redesign

The analysis of composite form-based code elements was performed using land uses prescribed by the existing base zone with the intent of making recommendations for the enhancement of open space, parking, street presence, landscaping (hard and soft-scaping), building spatial patterns, pedestrian paths, community cohesiveness and connectivity to the park.

The analysis assumed the general minimum and maximum density, parent lot setbacks, and compatibility with surrounding development for the base zone (R-7) would be retained. Additionally, for the purposes of this analysis it was assumed that flexibility for the following elements would be included as part of the PUD application:

- Flexible internal setback
- Percentage of tree preservation
- Internal on-street parking regulations
- Percentage of open space
- Method of surface water treatment
- Street width
- Housing variety (attached housing up to three units without a design review)

Additional assumptions for the analysis included placing high value on the following elements:

- Narrow streets which provide an intimate community feel;
- Site design that presents a sense of order and orientation;
- Street design that balances grid formation with the site's natural impediments;
- Allowance of a mix of uses that complement each other in pattern;
- Minimize the emphasis of garage fronts either by the development of alleys and rear loading garages or requiring greater front garage setbacks than front porch setbacks for residential uses;
- Provision of meaningful art or interactive recreation structures within community open space;
- Providing pedestrian connectivity to adjacent open space or community parks;
- Architectural style should be timeless and appropriate for the site constraints and size;
- Complement neighboring developments with architectural forms; and
- Preservation of mature trees on the site.

Assumptions during site analysis ranked the following elements with a lower value:

- Non-contiguous open space that is not integrated into the development;
- Development of lots that do not follow the form of the development (i.e., flag lots);
- Through lots in which the back lot line faces a public street;

- Provision of non-meaningful water quality and detention facilities;
- Streets that dominate the development, either through size or layout;
- Lack of pedestrian connection to adjacent open spaces or community parks;
- Lack of a sense of entry to the development; and
- Spatial development patterns that do not reflect limited site area.

Conclusions

The alternative site plans demonstrate there are reasonable market based alternatives that can provide superior site designs if different assumptions are used. In preparation for the work session, staff would like the Commission to consider whether to take a “Carrot” or “Stick” approach or a combination of the two for the possible amendments to the PUD standards and approval criteria. Either of the proposed alternative approaches requires the Commission to be comfortable with providing more design oversight to proposed PUDs.

Draft Beaverton PUD Ordinance Review

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1. PURPOSE

The purpose of this report is to review the City of Beaverton Planned Unit Development (PUD) Ordinance (60.35.05), the PUD ordinances of similar communities, and to propose an analysis framework of the implementation of new PUD code elements at a specific Beaverton site that reflects the purpose statement of a PUD.

The ultimate analysis goal is to test potential PUD ordinance revisions against an actual residential site, providing two examples of possible development types. This will enable the project team to determine outcomes and differences that may result from changes to the Beaverton PUD ordinance. While analyzing implementation of the PUD ordinance will result in a plan graphics representing possible code elements, it will not reflect any changes to other code provisions, such as tree plan requirements, variances, or flexible setback requests.

The comparative analysis site will be the Onody site, a 13-lot PUD development approved by the City of Beaverton in 2003 under the current PUD provisions. This relatively small site contains a wetland and is adjacent to a Tualatin Hills Park and Recreation District (THPRD) facility.

2. RESEARCH OVERVIEW

A Parametrix team of two planners and a landscape architect familiar with the Beaverton community and development market reviewed the City of Beaverton's PUD ordinance to assess the effectiveness of the code in promoting innovative development in line with the purpose of the ordinance. As part of this review, the project team also reviewed a sample of approved PUD site plans to analyze current implementation of the Beaverton PUD ordinance.

In addition to the City of Beaverton's PUD ordinance, Parametrix reviewed six PUD ordinances for the Oregon communities of Tigard, Hillsboro, Portland, Fairview, Salem, and Bend. These communities were chosen for review either because of their proximity to the Portland Metropolitan area, or because they represent communities similar in size or character to Beaverton. Although the city of Salem has a population greater than Beaverton, it provides representation from the nearest Oregon metropolitan area within the Willamette Valley outside Metropolitan Portland. The review was limited to Oregon communities because all are subject to the Statewide Planning Goals and State of Oregon land use laws.

The research team reviewed PUD ordinance purpose statements, thresholds, approval criteria, and process for each of the jurisdictions. Specific elements such as open space, minimum lot area, parking, base zone setbacks and incentives for creative design and transportation options were of particular focus (see Matrix). Base zone requirements for each of the communities were not reviewed, however, it was noted whether the PUD alternative was allowed in all base zones.

Each of the PUD ordinances was reviewed for the following elements:

1. PUD threshold
2. Minimum open space requirement.
3. Allowance for reduced parking in residential areas.
4. Requirement of design review. Standards of design review.

5. Allowance of higher densities than the base zone and density bonuses.
6. Requirement of minimum lot size or retention of setback restrictions from the base zone. Are setbacks of the parent parcel held to the base zone?
7. Specific criteria for commercial / industrial PUDs (as different than residential).
8. Specification of a minimum parcel size in order to use the PUD alternative.
9. Two-step process requirements (concept plan, detailed plan).
10. Explicit incentives offered to developers to encourage quality development, green technology, or smart development.
11. Greater flexibility used in rewarding developers for using sustainable building practices or “smart development” techniques?

3. SUMMARY OF PUD ORDINANCES AND SIGNIFICANT ELEMENTS

Each of the reviewed jurisdictions utilizes a wide range of PUD approaches. Nearly all of the ordinance purpose statements included better adaptation to the surrounding neighborhood and protection of natural physical features unique to the site. Like most of these ordinances, Beaverton’s PUD purpose statement stresses creative approaches to enhance and preserve characteristics of surrounding areas, accomplished through technological advances, flexibility in location of infrastructure and structures, preservation of environmentally sensitive features, and flexibility in land uses. Key PUD themes were density, setbacks, thresholds, and open space.

Most of the jurisdictions allow flexibility in greater density allowances relative to amount of open space provided. Some jurisdictions were more prescriptive in granting this flexibility, while others deferred the specific allowances to the discretion of the planning commission.

One jurisdiction limited increased density to the next highest designation of the comprehensive plan. Most jurisdictions restricted minimum PUD density to that required by the base zone. Two jurisdictions, Salem and Bend, restricted maximum density, but did not specifically limit minimum density. Salem required a zone change for greater density than that in the base zone.

Setback flexibility with a restriction on parent parcel setbacks was common. Most jurisdictions held the parent parcel setbacks only perimeter front and rear yards. Height restrictions were relaxed under most PUD ordinances. Hillsboro linked building height flexibility to existing transportation and public facility ability to handle impacts from the increased density and preservation of solar access to adjacent properties.

Thresholds for PUD ordinances were commonly an optional application process limited by base zone, except in the case of one jurisdiction that required a PUD for staged business parks. Bend, maintained a minimum size for the parent parcel with a variable threshold dependent on type of base zone. In this case, the threshold for residential development was held slightly higher at 5 acres.

A significant difference between Beaverton and other jurisdictions was the PUD open space requirements. Like Tigard and Hillsboro, Beaverton requires a percentage of common open space be set for all PUDs. Of these three, Beaverton requires the greatest amount of open space with a graduated requirement from 10 to 20 percent of the subject site depending on

parcel size. Because most developable land parcels within Beaverton are less than 10 acres, it is likely the higher percentage threshold is most commonly used. Like several other jurisdictions, open space does not include right of way, private streets, open space tracts, or environmentally constrained lands. Most ordinances did not exclude buffer areas around environmentally constrained lands and landscape setback areas from being counted as open space.

Beaverton currently has a mandatory requirement for common open space that is much higher than most of the jurisdictions reviewed however, based on review of the sample site plans provided, some of the open spaces developed and approved lack meaningful contribution to the community or the sites. It was apparent that while often the developments met the open space requirements of the PUD ordinance, they ineffectually met the purpose. Open space was often isolated on the site or consisted of several small tracts.

Like many of the other jurisdictions, Beaverton maintains the minimum density requirements of the base zone for developments within a PUD. Beaverton does not have specific requirements for PUDs within commercial or industrial zones, minimum parent parcel size, or specific incentives for types of design elements. Beaverton provides flexibility in the PUD process making the two-stage process optional at the applicant's discretion.

The PUD ordinances reviewed offer varying degrees of flexibility to developers, however most of them failed to create incentives to reach higher levels of innovation in their design. Two jurisdictions, Tigard and Fairview, offered specific density bonuses for elements ranging from common open space, landscaping, plazas, retention of existing vegetation, creation of visual focal points, quality architectural design, innovative housing orientation, mixed housing types, and affordable housing, however, they were not explicit about the types of development techniques they were encouraging. Based on the ordinance review, the Project team believes there are several areas of opportunity within the Beaverton PUD ordinance to explore specific incentives for better development, including the incorporation of Low Impact Development (LID) techniques or variations of form based zoning (see below).

Open space, open space tract size, access to open space, integration with stormwater treatment and impervious surface development, shared parking allowances, mixed-use incentives, relaxed parent lot setbacks and higher PUD thresholds are areas in which clearer incentives may result in better development.

4. SITE ANALYSIS APPROACH

Two site plans will be developed, using the Onody Subdivision as a site base. Both plans will demonstrate two distinct approaches to PUDs as defined in the framework in Task I.

The first plan will use an incentive/prescriptive approach to encourage development that meets the purpose of the PUD as stated in ORD 4224. The incentives will include LID concepts, using a point based system that thereby may allow development to increase density, reduce parking, and protect resource and cultural areas, and significant community views. Some of the LID concepts could include mandatory mitigation of impervious area footprint using architectural and environmental technologies and methods that take advantage of the natural drainage process found in nature. These methods can be achieved through site planning, hydrology, and Integrated Management Technologies (IMP). Some of these IMP technologies are currently available as options through Clean Water Services (CWS) as part of their stormwater management policies including pervious pavers, rainwater gardens, and green roofs to name a few.

The second site plan will explore the use of a form based code (also referred to as new urbanist codes, smart growth/zoning) that encourages development flexibility by regulating the form of the built environment instead of seeking to control land use and density. The form based approach focuses on a range of desired size, form, and placement of buildings, parking, streets, and open space instead of giving an absolute criteria, form based zoning is usually associated with a diagrammatic regulating plan indicating the development form, for various streets and neighborhoods. For example, a form based code for buildings would provide the minimum and maximum building heights and basic building design criteria related to siting and building elements. Many case studies also indicate that a form code approach streamlines the approval process by making design review the decision making step of the application process. The intent of this approach is to demonstrate an alternative to the incentive and land use defined regulation based system while pursuing the intent of the PUD ordinance.

Both site plans will be at 30 scale hand drawn and rendered in color. Plans will include standard site information such as; property lines, setbacks, building footprints/envelopes, parking, streets, driveways, natural features, and open space. In addition to the basic site information special call outs, dimensioning, and graphic detail will be applied to features that represent new concepts as described in the framework and research in Task I. These may include, and are not limited to, new building configurations, street layout, open space areas, and stormwater management techniques. Site tabulation documenting the building footprint area, impervious area, open space, parking, and LID systems will also be shown on the plans. Plans will not include site engineering, grading, planting, utilities, tree preservation, solar access analysis or lighting. Tree preservation and lighting may be elements that are included in the refinement of the PUD ordinance, however will not be represented the site plans.

5. TIMELINE AND EXPECTED OUTCOMES

The project team proposes a review schedule of 10 days for this framework, which will include two review cycles. The first review will provide comments to this draft to the contractor. The second review will ensure comments from the first review have been appropriately included and will preclude finalization of the framework report.

Site plan analysis will begin after the first review with first submittal of two site plans and a narrative explaining analysis concepts to the City 10 days business days (not including Christmas week) after the finalization of the framework report. A draft memo containing general code recommendations will be submitted to the City five days after City of Beaverton review and comment on the site plans.

A project team member will attend a Planning Commission work session and meeting and a City Council meeting in spring 2006 to discuss the proposed PUD code changes.

6. ORDINANCES CONSULTED

Salem Revised Code

Chapter 121 Planned Unit Development

Bend Zoning Ordinance

Section 30

Fairview Development Code

19.450 Master Planned Developments

Tigard Community Development Code

Chapter 18.350 Planned Developments

Hillsboro Zoning Ordinance, Volume 1

Section 127 Planned Unit Development

Portland City Code and Charter

Title 33.665 Planned Development Review

Beaverton Development Code

Sections 60.35 and 40.15

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ATTACHMENT
Planned Unit Development Ordinance Review Matrix

Planned Unit Development Ordinance Review Matrix

	Threshold / Minimum Parcel Size	Open Space	Parking / Access	Design Review Required?	Density	Lot dimensions / setbacks	Commercial / Industrial	Staged process	Incentives for better development
Beaverton	All zones except RA allowed No minimum parcel size.	10 to 20% of net acreage, depending on parcel size. Open space excludes sensitive natural areas or landscaping buffers, or setbacks in calculation.	<ul style="list-style-type: none"> Flexibility in location. Private streets allowed. No reduction in parking specified. 	PUD does not trigger a design review.	Minimum requirement linked to base zone.	<ul style="list-style-type: none"> Modifications allowed except parent parcel setbacks, intersection standards, bldg/fire code compliance, bldg. Heights (may be increased 12ft). 	No specific requirements	Yes, 2-stages, optional.	Greater density and flexibility may be permitted however, no clear guidelines are present.
Tigard	No	<ul style="list-style-type: none"> Open space is calculated per lot and is held to base zone requirements No common open space requirement. If provided as shared open space, requires dedication to the City or held by a corporation or home associate with provisions for maintenance 	<ul style="list-style-type: none"> By exception, may be reduced up to 10% if demand warrants less or public transportation is available, or reduced parking will allow preservation of particular natural features. Common parking lots within planned development allowed as long as each single family lot contains one off-street parking space. 	The detailed development plan review addresses issues of site development review, but not design review.	Density is governed by the underlying zoning district unless density bonus is granted. See incentives column.	<ul style="list-style-type: none"> Dimensions waived Base zone density still required Base zone site coverage still applies Bldg. height restrictions waived Side yard setbacks waived except for fire wall. Front and rear setbacks of perimeter lots held to parent base zone requirements Front yard setbacks of 8 to 20 ft from garage. 	<ul style="list-style-type: none"> Commercial: Allowance of 25% of total floor area to be used for multi-family. Industrial Only uses allowed outright in underlying zone allowed 	Yes, 3 stages: PD Overlay; PD Concept Plan; PD detailed plan.	Yes Up to 10% density bonus given for following elements: <ul style="list-style-type: none"> Max. of 3% for preservation of common space, Max of 3% for landscaping, plazas, pedestrian pathways, retention of existing vegetation, Max of 3% for creation of visual focal points using existing physical amenities. Max of 3% for quality architecture, harmonious use of materials, innovative building orientation or grouping, and/or varied use of housing types

Planned Unit Development Ordinance Review Matrix

	Threshold / Minimum Parcel Size	Open Space	Parking / Access	Design Review Required?	Density	Lot dimensions / setbacks	Commercial / Industrial	Staged process	Incentives for better development
Hillsboro	Only for PDs proposed in commercial or industrial zones.	<ul style="list-style-type: none"> • 15% of net development area • School, commercial, floodplains, wetlands and buffers not included. • Parking, driveways, open space are included in net development area calculation. • Homeowner's association required for maintenance • Exception to 15% requirement if the overall landscape plan provides for a minimum of 15% of the gross site area to be landscaped 	<ul style="list-style-type: none"> • PUD greater than 5 acres require full street connections of no more than 530 feet unless barriers exist. • Street connectivity encouraged, required to address standards of local street connectivity maps • Cul-de-sac designs discouraged • Narrow street designs permitted with city engineer approval. • Driveway length no greater than 4 ft if no driveway parking is provided. No less than 17 ft if driveway parking is provided. • By exception, may be reduced up to 10% if demand warrants less or public transportation is available, or shared parking is available. 	Architectural drawings are reviewed for planned developments except detached single-family and duplex dwelling units.	<ul style="list-style-type: none"> • Increase in density allowed to next highest designation per comp plan if applicant justifies increased density with burden for justification increasing as proposed density increases. • Must show how proposed increase is within the plan designation for the site and adverse impacts can be mitigated. 	<ul style="list-style-type: none"> • Exceptions to base zone requirements granted if no adverse effects to surrounding properties occur, and either the proposal provides a more efficient use of the site, preserves natural features, or provides safer vehicular and pedestrian access to and circulation on-site. • Parent parcel setbacks apply to perimeter lots • Exceptions to bldg. height restrictions of base zone may be given if transportation system can handle the additional traffic from increased density, adequate public facilities exist, proposal complies with aviation regulations, and solar access is maintained adjacent 	<ul style="list-style-type: none"> • Only allowed on parcels of 20 acres or greater • Sixty percent of the land area is limited to uses permitted in base zoning and comp plan designation 	Yes Preliminary and Final Development plans required	Greater density and flexibility may be permitted, however, no clear guidelines are present

Planned Unit Development Ordinance Review Matrix

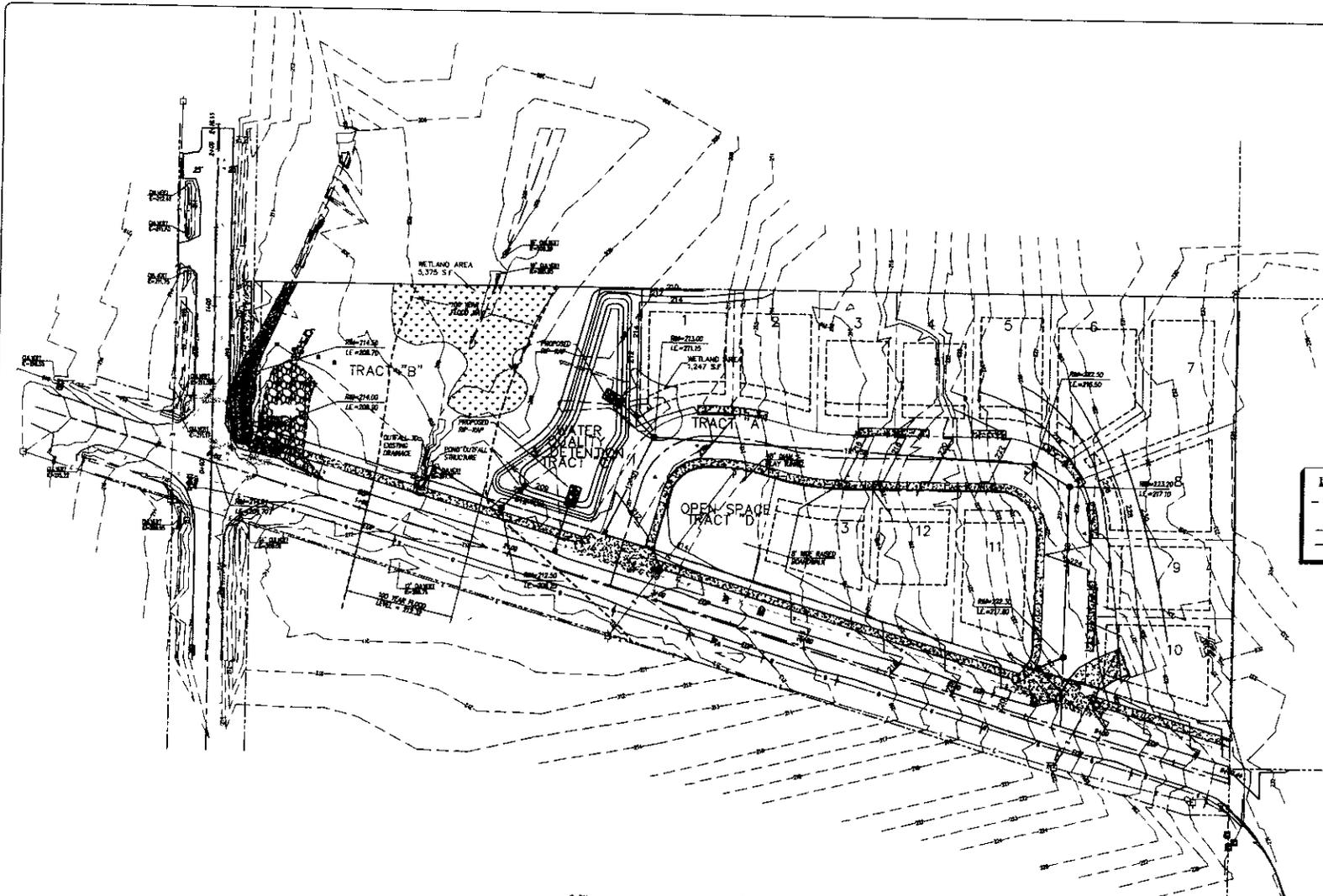
	Threshold / Minimum Parcel Size	Open Space	Parking / Access	Design Review Required?	Density	Lot dimensions / setbacks	Commercial / Industrial	Staged process	Incentives for better development
Portland	No.	In the RF through R2.5 zones, attached houses, duplexes, attached duplexes, or multi-dwelling structures, require adequate open space not including vehicle areas. Quantity not specified	If lot dimensions, landscaping or access to parking are modified, design elements for parking and access are required to mitigate visual impacts and provide buffers so the vehicle area and garage are not the dominant visual feature of the dwelling	No, but the PD review incorporates many elements commonly found in a design review process including landscaping standards and parking regulations that preserve views for both the development and surrounding community.	<ul style="list-style-type: none"> • Minimum density requirements must be met and adjustments are prohibited. • Minimum density may be met as number of lots or as total number of dwelling units which would allow mixed use cluster development. 	<ul style="list-style-type: none"> • Height modifications require architectural or landscape features to minimize visual impacts. <p>Other modifications are allowed through the PD review if they will better meet approval criteria of PD (visual integration, complementary building scale and style to surrounding development, minimal negative effects on surrounding residential uses, preservation of city scenic resources</p>	Commercial uses are allowed in residential zones through a PD if the area surrounding the development is deficient in commercial opportunities	No, although some sites that require a tract or where right-of-way is requested will also require a land division.	<ul style="list-style-type: none"> • Flexibility • Transfer of development may be allowed across zoning if both parcels are within the same PD.
Bend	Five acre minimum in residential zones and 4 acres in any other zone	<ul style="list-style-type: none"> • Direct access for all units and lots to open space and facilities is required • No specific requirement for amount of open space. 	<ul style="list-style-type: none"> • Public roads held to City standards. • Provision for private roads with a minimum width of 14 ft is allowed with PD. 	No.	Maximum density is linked to the base zone for residential development.	The PUD must conform with the general plans of the City in terms of location and general development standards.	A mobile home may be permitted in a PUD, however, mobile home parks may not be allowed in any commercial or industrial zone.	No.	No clear incentives

Planned Unit Development Ordinance Review Matrix

	Threshold / Minimum Parcel Size	Open Space	Parking / Access	Design Review Required?	Density	Lot dimensions / setbacks	Commercial / Industrial	Staged process	Incentives for better development
Fairview	No.	<ul style="list-style-type: none"> • Maybe be required in exchange for a density bonus. • If common open space is proposed, a city dedication or ownership by corporation or home association with provisions for maintenance is required. 	Planned developments must conform to underlying land use district requirements for parking and access.	No. An architectural concept plan may be required.	Density of base district applies, however a housing density bonus may be applied to enhance open space, protect sensitive lands, provide unique architectural character. Density bonus limited to 25% of the allowable density	<p>Planned developments must conform to underlying land use district requirements except:</p> <ul style="list-style-type: none"> • Floor area standards may be increased by 25% if balanced by social or environmental benefits to the community. • Lot area and dimensional standards may not apply • Side yard setbacks waived except for fire wall <p>Front and rear setbacks of perimeter lots held to parent base zone requirements</p>	Applicable to all land use districts	Yes. Three step process requires an overlay zone and concept plan prior to a detailed development plan review and preliminary subdivision and/or site design review	<p>Density bonus encourages enhancement of open space, protection of sensitive lands, and unique architectural character. Density bonus limited to 25% of the allowable density proportioned to the land area used for:</p> <ul style="list-style-type: none"> • Max. 10% for open space • 2% for approved streetscape, plazas, pathways, pedestrian amenities, or recreation area development. • Max 3% for protection or enhancement of community views. • Max 10% for development of affordable housing (prices and rents limited by deed restriction for 5 years)

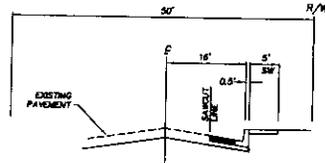
Planned Unit Development Ordinance Review Matrix

	Threshold / Minimum Parcel Size	Open Space	Parking / Access	Design Review Required?	Density	Lot dimensions / setbacks	Commercial / Industrial	Staged process	Incentives for better development
Salem	No	No specific amount is required; however provisions for maintenance are required through a home owners association or deed restriction.	<ul style="list-style-type: none"> • Must conform to the Salem Transportation System Plan and as specified in SRC Chapter 63 • Parking may be provided in uncovered parking areas in appropriate situations instead of a garage or carport if approved by the planning commission. • Guest parking spaces are required in some higher density residential zones and may be located within 300 to 500 feet from the dwelling unit. 	No.	<ul style="list-style-type: none"> • Maximum density is linked to the base zone for residential development • Dwelling units in a building are not limited in the RA, RS, RD, RM, RH districts under the provisions of the PD. 	<ul style="list-style-type: none"> • Setbacks are determined by height of proposed development • Yards adjacent to through streets must be a minimum of 20 ft, except for private streets for which there is no prescribed setback as long as 10 ft is provided if vehicle access is provided. 	<ul style="list-style-type: none"> • Planned developments containing less than 150 dwelling units may contain a convenience service area including a newsstand, barbershop, delicatessen, dining rooms, coffee shops, etc • Planned developments containing 150 or more dwelling units may include a limited retail service area for banking facilities, drugstores, coffee shops, etc. • The amount of retail shall be directly proportionate to the number of dwelling units within the site. 	Yes. Tentative Planned Development and Final Planned Development	Mixed uses are allowed through a PD. (See commercial / industrial column).

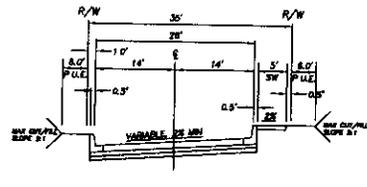


LEGEND

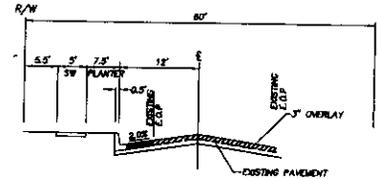
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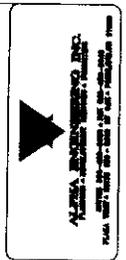
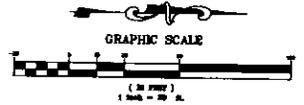
NOTE: EXISTING PAVEMENT FROM GORE.
N.W. PIONEER ROAD SECTION
 NOT TO SCALE



TRACT A
TYPICAL STREET SECTION
 NOT TO SCALE



NOTE: EXISTING PAVEMENT FROM GORE.
N.W. MEADOW DRIVE SECTION
 NOT TO SCALE



REV.	DATE	REVISION

DESIGNED BY	DATE	SCALE
DRAWN BY	DATE	SCALE
CHECKED BY	DATE	SCALE
PROJECT NUMBER	DATE	SCALE
SCALE	DATE	SCALE
SCALE	DATE	SCALE

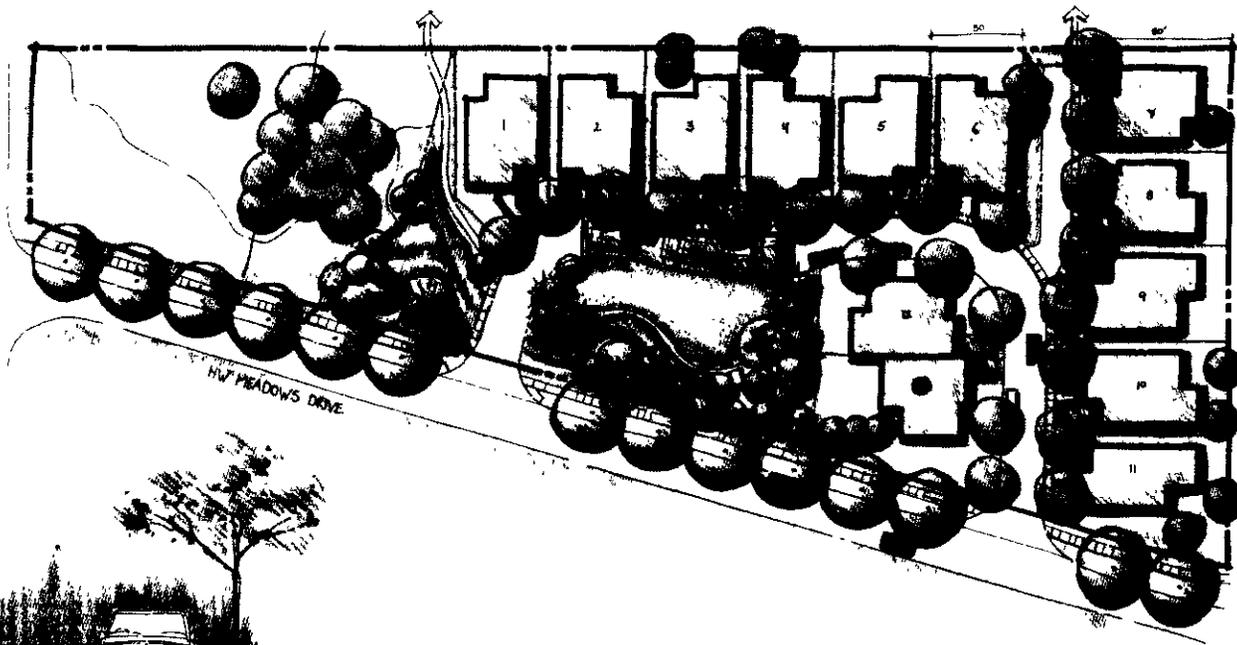
ONODY SUBDIVISION
GRADING AND DRAINAGE PLAN
 CITY OF BEAVERTON, OREGON

SHEET **5** OF **10**

PROJECT	ONODY
NO.	88-08
TYPE	PLANS

PLAN DATE APRIL 29, 2003

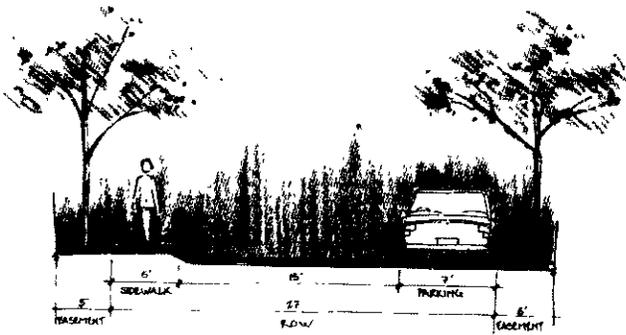
EXISTING PARK



LEGEND

-  BUILDING FOOTPRINT
-  PROJECT PROPERTY LINE
-  SIDEWALK
-  EXISTING TREE TO REMAIN
-  LOT PROPERTY
-  PROJECT TREES
-  DETECTION FACILITY
-  LAWN / OPEN SPACE
-  SPECIAL PAVEMENT SURFACE
-  PLAY AREA

INDUSTRIAL / COMMERCIAL

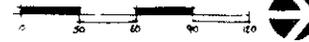


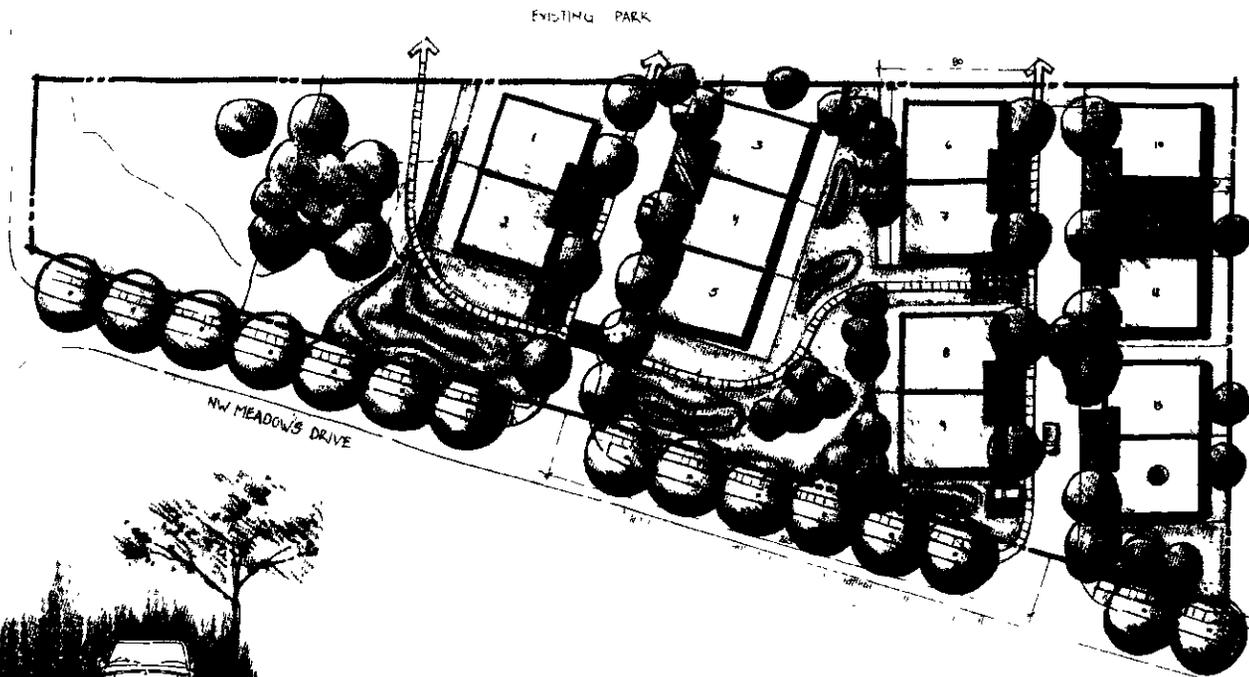
TYPICAL STREET SECTION

HTS

CITY OF BEAVERTON PID STUDY

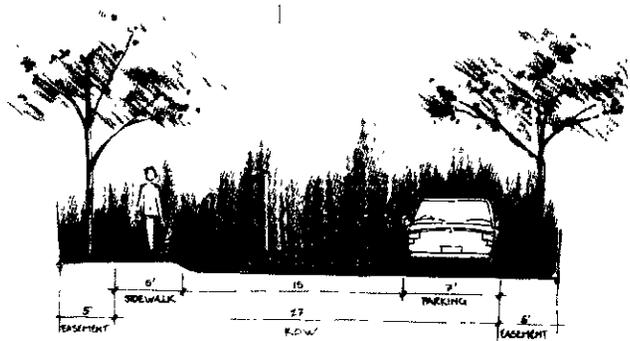
COMPOSITE FORM BASED CODE PLAN





- LEGEND**
- BUILDING FOOTPRINT
 - PROJECT PROPERTY LINE
 - SIDEWALK
 - EXISTING TREE TO REMAIN
 - LOT PROPERTY
 - PROJECT TREES
 - DETECTION FACILITY
 - LAWN / OPEN SPACE
 - SPECIAL PAVEMENT SURFACE

INDUSTRIAL / COMMERCIAL



TYPICAL STREET SECTION NTS

CITY OF BEAVERTON PID STUDY
 LOW IMPACT DEVELOPMENT INCENTIVE PLAN

LEGEND

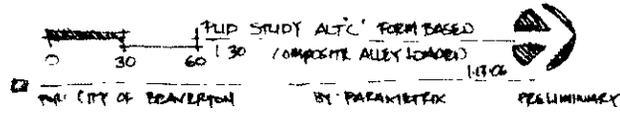
-  BLDG. FOOTPRINT
-  PROPERTY LINE
-  SIDEWALK/PATH
-  EXIST. TREE TO REMAIN
-  WETLAND BOUNDARY
-  PROPOSED TREES
-  DRAINAGE & WATER QUALITY
-  SPECIAL SURFACE PARKING
-  TOWNHOMES (BROWNSTONE)

SITE TABULATION

- 15 UNITS 2-3 ATTACHED ALLEY LOADED
- OPEN SPACE W/ TREE PRESERVATION & INTERNAL PATH SYSTEM
- HOMES FRONT COURTYARDS/LANDSCAPE AREAS + MEADOWS DRIVE
- OFF-STREET PARKING (DRIVEWAYS)
- ON-STREET PARKING (MEADOWS DRIVE ONLY)
- PERMEABLE DRIVEWAY PAVES
- TRAFFIC CALMING CROSSING AT PATHWAY ALLEY INTERSECTIONS.

- ON-STREET PARKING N.W. MEADOWS DRIVE

HOUSE FRONT, MEADOWS DRIVE & FRONT WALKWAY



Beaverton Composite PUD Site A

Possible Minimum Reqs	Use Components	Possible Site Specific Components	Possible Architectural Components
Lot sizes +/- 25%	R-5	Greater than xx% of tree preservation	Rear loading garages
Contiguous open space	Suburban Infill	Internal pathways (beyond required sidewalks)	Covered porches = 50% of house, not to be less than 6 feet in depth
Maintain parent lot setbacks	Less than 3 acres	Possibility for corner monument or gateway	Front of house > 50% of lot width
Compatibility w/surrounding land uses	within 1/8 mile of public open space	Traffic calming design	Roofs shall be simple and symmetrically pitched, and only in the configuration of gables and hips.
Open space ranking	Significant natural areas	Narrow Streets	Attached housing permitted with SFR massing (Single roof peak with more than one dormer)
		Street furniture	Human scale façade design
		Open space ranking	Entrances oriented to shared courtyards
		Open space with play area and usable lawn.	Shared driveways
		Open space with native trees and pedestrian path system to homes.	Use of a variety of materials and compatible colors
		Pavers in driveway and special paving of surface treatment in front of park areas or/and at project entries.	Total fenestration on front façade shall not exceed 30% of total surface area
			Roofs shall overhang a gable end a minimum of 12"
			Two-story homes average 2400 sf with private lots and off-street parking in driveway
			See Kentland examples

Beaverton PUD Code Study				
<i>By Parametrix</i>		1.25.06		
<i>Site Tabulation</i>		<i>Draft</i>		
Calculations		Existing Site	Composite Form Based Code	Incentive Based Code (Low Impact Development)
Total Site Area		117,000	117,000	117,000
Private Street		15,450	14,150	11,100
Open Space		23,500	43,000*	52900*
Water Quality		7,810	N/A	N/A
Off-Street Parking		2 Per D/U	2 Per D/U	2 Per D/U
On-Street Parking**		Unknown	39	35
Net Area		70,260	59,850	53,000
Minimum Density		8.03 Units	6.84 Units	6.06 Units
Dwelling Units (DU)		13	13 (14 alt. pln.)	14
DU per acre		8	9.5	11.5
Average Lot Size		5,400	4,600	3,800
Impervious Area		44,900	43,950	44,560
Pervious Sidewalk, Path, Driveways				-7585
				36,975

R-7 Base Zone 7,000 sq. ft minimum

Note: All calculations are approximate numbers only

* Includes water quality tract and wetland buffers

** Includes Parking on NW Meadows Drive

N/A = Does not apply



Home Builders Association
of Metropolitan Portland



October 5, 2006

Mayor Rob Drake
City Councilors
City of Beaverton
4775 SW Griffith Drive
Beaverton, OR 97005

RE: TA 2006-0003
PUD Text Amendment

Dear Mayor Drake and Councilors:

It is on behalf of the 1400+ member firms of the Home Builders Association of Metro Portland that I submit these comments on the proposed amendments to the city code as it applies to Planned Unit Developments.

I and other members of the HBA have met with city staff and have extensively reviewed the suggest amendments. The HBA is in support of this document as it is being presented to you and feel that it embodies appropriate incentives as well as regulations.

Thank you for the opportunity to provide comment.

Sincerely,

Ernie Platt
Director of Local Government Affairs

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Tualatin Basin Goal 5 Implementation

FOR AGENDA OF: 11/13/06 **BILL NO:** 06215

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[initials]*

DATE SUBMITTED: 10/31/06

CLEARANCES: Planning *[initials]*
City Attorney *[initials]*

PROCEEDING: Work Session

EXHIBITS: PowerPoint Presentation Copy

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

Beginning in 1999, Metro began review of riparian corridors and wildlife habitat on a regional basis. Statewide Planning Goal 5 empowers Metro to conduct this review and to determine which resources might be regionally significant. Metro accomplished this by identifying riparian corridors and wildlife habitat as Classes I, II and III and upland habitat as Classes A, B and C. Class I and II riparian corridors were designated as significant. Metro's inventory completed step 1 of the Goal 5 process.

In 2002, local governments in the Tualatin River Basin collaborated to form the Tualatin Basin Partners for Natural Places (Partners). The Partners signed an intergovernmental agreement with Metro stipulating that the basin governments would use the Metro Inventory and would conduct an Environmental, Social, Economic and Energy (ESEE) consequences analysis and develop a program (steps 2 and 3 of the Goal 5 process). The Partners completed the ESEE analysis and developed a voluntary program to facilitate and encourage habitat friendly development practices.

INFORMATION FOR CONSIDERATION:

Staff will provide a presentation on changes to the Comprehensive Plan, Development Code and the City Code (*The Beaverton Code, 1982*) proposed to implement the Tualatin Basin Program. The Planning Commission unanimously recommended approval of the Comprehensive Plan and Development Code amendments on October 18 after conducting a public hearing. First readings of ordinances that would adopt these proposed changes are scheduled later in this meeting.

RECOMMENDED ACTION:

Conduct the work session and then advise staff of any concerns and the Council's preferred course of action.



**Tualatin
Basin
Goal
Five**

Implementation
CPA2006-0012 / TA2006-0009



Process

- **Metro Program**
 - Regionally Significant Fish and Wildlife Habitat
- **Tualatin Basin**
 - Environmental, Social, Economic, and Energy consequences analysis
 - Voluntary Incentive-Based Program
 - Habitat Friendly Development Practices
 - Education
 - internal staff, development community, property owners, and neighbors
 - Tree for All

2



Amendment Criteria

- **Complies with**
 - Statewide Planning Goals
 - Metro Urban Growth Management Functional Plan
 - Comprehensive Plan
 - Development Code

3



What is Amended? CPA2006-0012

- **Comprehensive Plan**
 - Chapters 3, 5, 6, 7, and 8
 - Glossary
- **Volume III**
 - Inventory
 - Environmental, Social, Economic and Energy consequences analysis
 - Habitat Benefit Areas Map
 - Methodology for determining habitat

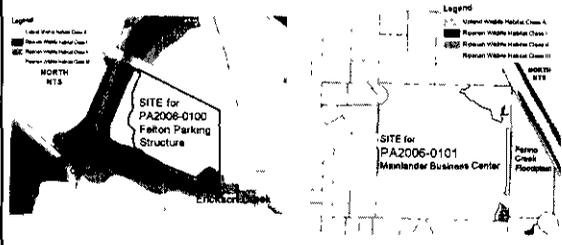


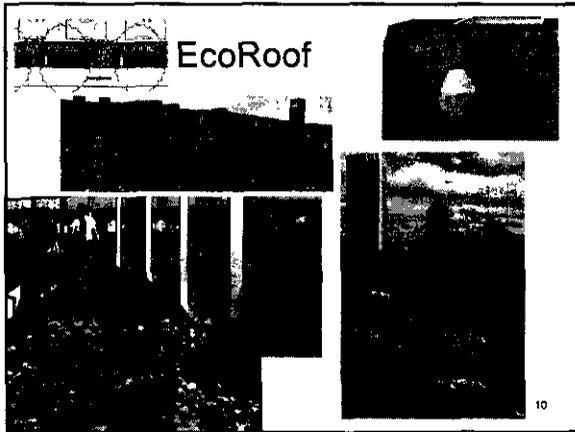
What is Amended?

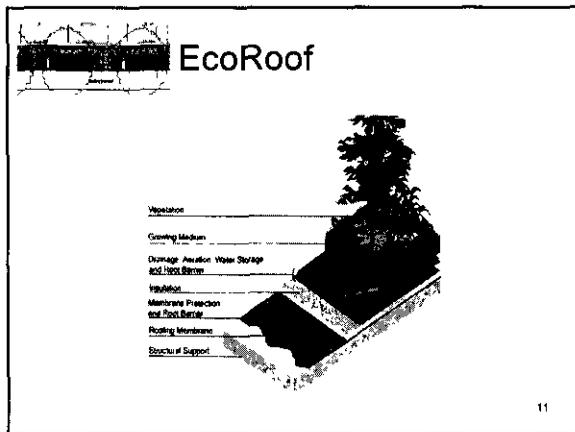
- **Development Code (TA2006-0009)**
 - New Section in Chapter 60
 - Chapter 90 definitions
- **City Code**
 - 5 05 minor edits
 - 9 05 maintenance

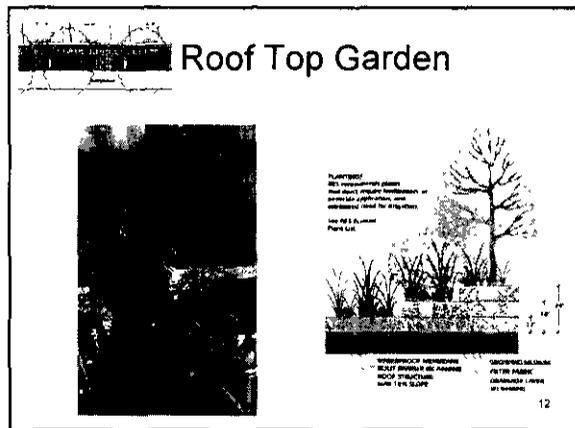


Habitat Benefit Areas

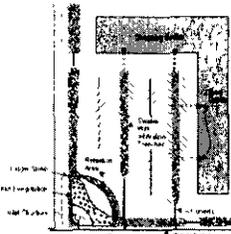








Parking Lot Landscape Islands




OMSI Parking Lot Northern Lot

13

Landscape Swales




Liberty Center Parking Garage
650 NE Holladay
Project: landscape swales
IA: 35,000 sq ft of parking garage

Glencoe Elementary School Parking Lot
875 SE 51st
Project: landscape swale
IA: 15,000 sq ft of parking lot

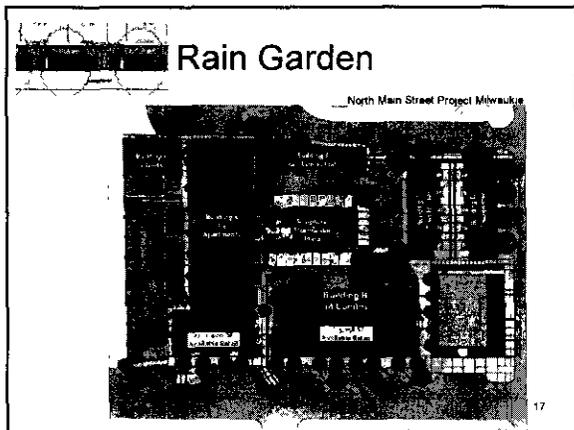
14

Stormwater Planters




15

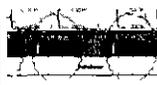




LID Techniques

LOW IMPACT DEVELOPMENT (LID) TECHNIQUES		
Credit for use of LID techniques include:		
Streets	rain gardens amend site soils additional street trees tree box filter	landscape standard reduction
Parking	existing tree canopy use of LID rooftop garden	landscape island standard reduction
Building	green roof / eco-roof rain garden structured parking	building height bonus
Vegetation	tree preservation tree mitigation	landscape standard reduction
LID	rain gardens amend site soils rooftop gardens disconnect downspouts	landscape standard reduction

18



Next Steps

- **City Council**
 - First Ordinance Reading 11/13/06
 - Second Ordinance Reading 12/04/06
- **Reports due**
 - Tualatin Basin 12/06
 - Metro 12/06

AGENDA BILL

10/16/06: Pulled - To be rescheduled to future meeting.

**Beaverton City Council
Beaverton, Oregon**

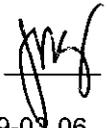
Rescheduled to 11/13/06.

11/13/06

SUBJECT: TA 2006-0003 (PUD Text Amendment)

FOR AGENDA OF: ~~10/16/06~~ **BILL NO:** 06195

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 9-09-06

CLEARANCES: City Attorney 
Dev. Serv. 

PROCEEDING: First Reading

- EXHIBITS:**
1. Ordinance
 2. Land Use Order No. 1902
 3. Staff Memo dated 09-05-06
 4. Draft PC Minutes dated 08-23-06
 5. Staff memo dated 08-17-06
 6. PC Minutes dated 07-26-06
 7. Staff memo dated 07-21-06
 8. PC Minutes dated 06-14-06
 9. Staff Report dated 06-07-06

BUDGET IMPACT

EXPENDITURE REQUIRED\$0	AMOUNT BUDGETED\$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

On June 14, 2006, the Planning Commission held the first of three public hearings to consider TA 2006-0003 (PUD Text Amendment) that proposes to amend Development Code Chapter 40 (Applications) Section 40.15.15, Planned Unit Developments; Chapter 60 (Special Regulations) Section 60.35, Planned Unit Developments; and Chapter 90 (Definitions) of the Beaverton Development Code currently effective through Ordinance 4397 (June 2006) The Planning Commission held two more public hearings on July 26, and August 23, 2006 to review and respond to edits and changes to the proposed code. The intent of the proposed PUD Text Amendment is to adopt text that meets the purpose statement of the PUD, while also creating incentives for land developers to create innovative development. The intent of the proposed text amendment is to protect and improve the livability within Beaverton while maintaining flexibility needed for creative and innovative projects. Following the close of the public hearing on August 26, 2006, the Planning Commission voted 6-1 to recommend approval of the proposed PUD Text Amendment, as memorialized in Land Use Order No. 1902.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed text, Land Use Order No. 1902, Council staff memo dated Sept. 5, 2006, staff memos dated July 21 and August 17, 2006 with attachments, Planning Commission meeting minutes, staff report and memos, technical reports, and case study.

RECOMMENDED ACTION:

Staff recommend the City Council approve the recommendation of the Planning Commission for TA 2006-0003 (PUD Text Amendment) as set forth in Land Use Order No. 1902. Staff further recommends the Council conduct a First Reading of the attached ordinance.

ORDINANCE NO. 4409

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTERS:
40, 60, and 90;
TA 2006-0003 (PUD Text Amendment).

WHEREAS, the purpose of the Planned Unit Development (PUD) Text Amendment is to create standards that protect and improve the quality of development in Beaverton and to encourage innovative development through the use of incentive regulations. The PUD Amendment proposes to amend the PUD regulations contained in Chapter 40, Chapter 60, and Chapter 90 Definitions of the Beaverton Development Code; and

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on May 5, 2006, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on June 14, 2006; and

WHEREAS, the Planning Commission held the first of three public hearings on July 26 and August 23, 2006 and approved the proposed PUD Development Code Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated July 7, 2006, staff memos dated July 21, and August 17, 2006, and as amended at the hearing; and

WHEREAS, on August 23, 2006, the Planning Commission conducted a public hearing for TA 2006-0003 (PUD Text Amendment) at the conclusion of which the Planning Commission voted to recommend the Beaverton City Council adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1902; and

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0003 (PUD Text Amendment) following the issuance of the Planning Commission Land Use Order No. 1902; and

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1902 dated September 1, 2006 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4397, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance, which are not expressly amended or replaced herein, shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability, or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this ___ day of _____, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

1
2 **Section 1: The Development Code, Ordinance No. 2050, Chapter 40, Applications,**
3 **Section 40.15.15.5 shall be amended to read as follows:**
4 ~~40.15.15.~~

5
6 ~~5. Preliminary Planned Unit Development.~~

7
8 ~~A. Threshold. A Preliminary Planned Unit Development (PUD)~~
9 ~~application is an optional application process which may be chosen by~~
10 ~~the applicant. A Preliminary PUD application is the first application~~
11 ~~of a two-step application process with a Final PUD application as the~~
12 ~~second step. A Preliminary PUD is a plan that generally demonstrates~~
13 ~~the ultimate development of a project. A Preliminary PUD may be~~
14 ~~applied to properties within any City zoning district except~~
15 ~~Residential Agricultural (RA).~~

16
17 ~~B. Procedure Type. The Type 3 procedure, as described in Section 50.45~~
18 ~~of this Code, shall apply to an application for Preliminary PUD. The~~
19 ~~decision making authority is the Planning Commission.~~

20
21 ~~C. Approval Criteria. In order to approve a Preliminary PUD application,~~
22 ~~the decision making authority shall make findings of fact based on~~
23 ~~evidence provided by the applicant demonstrating that all the~~
24 ~~following criteria are satisfied:~~

25
26 ~~1. The proposal satisfies the threshold requirements for a~~
27 ~~Preliminary PUD application.~~

28
29 ~~2. All City application fees related to the application under~~
30 ~~consideration by the decision making authority have been~~
31 ~~submitted.~~

32
33 ~~3. The proposal meets the Site Development Requirement for~~
34 ~~setbacks within the applicable zoning district for the perimeter~~
35 ~~of the parent parcel unless the setbacks are approved as an~~
36 ~~Adjustment, Flexible Setback or Variance which shall be~~
37 ~~considered concurrently with the subject proposal.~~

38
39 ~~4. The proposal will comply with the applicable policies of the~~
40 ~~Comprehensive Plan.~~

41
42 ~~5. The size, dimensions, configuration, and topography of the site~~
43 ~~and natural and man-made features on the site can reasonably~~
44 ~~accommodate the proposal.~~

1 40.15.15.5.C.

2
3 6. ~~The location, size, and functional characteristics of the proposal~~
4 ~~are such that it can be made reasonably compatible with and~~
5 ~~have a minimal impact on livability and appropriate~~
6 ~~development of properties in the surrounding area of the subject~~
7 ~~site.~~

8
9 7. ~~Lessening the Site Development Requirements results in~~
10 ~~benefits to the site, building, and structural design or~~
11 ~~preservation of natural features that could otherwise not be~~
12 ~~achieved.~~

13
14 8. ~~Applications and documents related to the request, which will~~
15 ~~require further City approval, shall be submitted to the City in~~
16 ~~the proper sequence.~~

17
18 D. ~~Submission Requirements.~~ ~~An application for a Preliminary PUD~~
19 ~~shall be made by the owner of the subject property, or the owner's~~
20 ~~authorized agent, on a form provided by the Director and shall be filed~~
21 ~~with the Director. The Preliminary PUD application shall be~~
22 ~~accompanied by the information required by the application form, and~~
23 ~~by Section 50.25 (Application Completeness), and any other~~
24 ~~information identified through a Pre Application Conference.~~

25
26 E. ~~Conditions of Approval.~~ ~~The decision making authority may impose~~
27 ~~conditions on the approval of a Preliminary PUD application to ensure~~
28 ~~compliance with the approval criteria.~~

29
30 ~~F. Appeal of a Decision. Refer to Section 50.70.~~

31
32 G. ~~Expiration of a Decision.~~ ~~The decision shall expire two (2) years after~~
33 ~~of the date of decision. Refer to Section 50.90.~~

34
35 ~~H. Extension of a Decision. Refer to Section 50.93.~~

36 40.15.15.

37
38 ~~6. **Final Planned Unit Development**~~

39
40 A. ~~Threshold.~~ ~~A Final Planned Unit Development (PUD) application is~~
41 ~~the second application of a two-step application process with a~~
42 ~~Preliminary PUD as the first step. A Final PUD application may also~~
43 ~~be a one-step application process which is an alternative to the two-~~
44 ~~step process required when an applicant chooses to apply for a~~
45 ~~Preliminary PUD. The option of a one-step or two-step process rests~~
46 ~~with the applicant. The requirements for a Final PUD may be applied~~
47 ~~to properties within any City zoning district except Residential-~~
48 ~~Agricultural.~~

EXHIBIT A

1
2 B. ~~Procedure Type.~~ The Type 3 procedure, as described in Section 50.45
3 of this Code, shall apply to an application for Final PUD approval. The
4 decision making authority is the Planning Commission.

5
6 C. ~~Approval Criteria.~~ In order to approve a Final PUD application, the
7 decision making authority shall make findings of fact based on
8 evidence provided by the applicant demonstrating that all the
9 following criteria are satisfied:

- 10
11 1. ~~The proposal satisfies the threshold requirements for a Final~~
12 ~~PUD application.~~
- 13
14 2. ~~All City application fees related to the application under~~
15 ~~consideration by the decision making authority have been~~
16 ~~submitted.~~
- 17
18 3. ~~If a Preliminary PUD has been approved, the Final PUD is filed~~
19 ~~within two (2) years or the Preliminary PUD has received an~~
20 ~~extension approval pursuant to Section 50.93 of this Code.~~
- 21
22 4. ~~The final PUD complies with the approved Preliminary PUD, if~~
23 ~~any.~~
- 24
25 5. ~~The proposal meets the Site Development Requirement for~~
26 ~~setbacks within the applicable zoning district for the perimeter~~
27 ~~of the parent parcel unless the setbacks are approved as an~~
28 ~~Adjustment, Flexible Setback or Variance which shall be~~
29 ~~considered concurrently with the subject proposal.~~
- 30
31 6. ~~The proposal complies with the applicable policies of the~~
32 ~~Comprehensive Plan.~~
- 33
34 7. ~~The size, dimensions, configuration, and topography of the site~~
35 ~~and natural and man-made features on the site can reasonably~~
36 ~~accommodate the proposal.~~
- 37
38 8. ~~The location, size, and functional characteristics of the proposal~~
39 ~~are such that it can be made reasonably compatible with and~~
40 ~~have a minimal impact on livability and appropriate~~
41 ~~development of properties in the surrounding area of the subject~~
42 ~~site.~~
- 43
44 9. ~~The lessening of the Site Development Requirements results in~~
45 ~~benefits to the enhancement of site, building, and structural~~
46 ~~design or preservation of natural features.~~
- 47

EXHIBIT A

1 10. ~~Applications and documents related to the request, which will~~
2 ~~require further City approval, shall be submitted to the City in~~
3 ~~the proper sequence.~~

4
5 D. ~~Submission Requirements.~~ ~~An application for a Final PUD shall be~~
6 ~~made by the owner of the subject property, or the owner's authorized~~
7 ~~agent, on a form provided by the Director and shall be filed with the~~
8 ~~Director. The Final PUD application shall be accompanied by the~~
9 ~~information required by the application form, and by Section 50.25~~
10 ~~(Application Completeness), and any other information identified~~
11 ~~through a Pre Application Conference.~~

12
13 E. ~~Conditions of Approval.~~ ~~The decision making authority may impose~~
14 ~~conditions on the approval of a Final PUD application to ensure~~
15 ~~compliance with the approval criteria.~~

16
17 F. ~~Appeal of a Decision.~~ ~~Refer to Section 50.70.~~

18
19 G. ~~Expiration of a Decision:~~

20
21 1. ~~If the application proposes to develop the PUD in a single phase,~~
22 ~~the decision shall expire two (2) years after the date of decision.~~
23 ~~Refer to Section 50.90.~~

24
25 2. ~~If the application proposes to develop the PUD over multiple~~
26 ~~phases, the decision making authority may approve a time~~
27 ~~schedule of not more than five (5) years for the multiple~~
28 ~~development phases. However, all PUD phases must commence~~
29 ~~construction within five (5) years of the date of decision of the~~
30 ~~Final PUD. Refer to Section 50.90.~~

31
32 H. ~~Extension of a Decision.~~ ~~Refer to Section 50.93.~~

1 Proposed Planned Unit Development Code

2
3 40.15.15.

4
5 5. Planned Unit Development

6
7 A. Threshold. A Planned Unit Development is an application process which
8 may be chosen by the applicant when one or more of the following
9 thresholds apply:

- 10
11 1. The Planned Unit Development (PUD) may be applied to Commercial,
12 Industrial, Multiple Use, and Residential properties that are 2 acres or
13 greater in size within any City zoning district except Residential-
14 Agricultural.
- 15
16 2. When a land division of 2 acres or greater in size within any City zoning
17 district except Residential-Agricultural requires collectively more than
18 3 of the following land use applications or combination thereof:
19 a. Minor Adjustment;
20 b. Major Adjustment;
21 c. Flexible Setback; or
22 d. Variance

23
24 B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of
25 this Code, shall apply to an application for PUD approval. The decision
26 making authority is the Planning Commission.

27
28 C. Approval Criteria. In order to approve a PUD application, the Planning
29 Commission shall make findings of fact based on evidence provided by the
30 applicant demonstrating that all the following criteria are satisfied:

- 31
32 1. The proposal satisfies the threshold requirements for a PUD
33 application.
- 34
35 2. All City application fees related to the application under consideration
36 by the decision making authority have been submitted.
- 37
38 3. The proposal meets the Site Development Requirement for setbacks
39 within the applicable zoning district for the perimeter of the parent
40 parcel unless otherwise provided by Section 60.35.03.
- 41
42 4. The proposal complies with the applicable policies of the
43 Comprehensive Plan.
- 44
45 5. The size, dimensions, configuration, and topography of the site and
46 natural and man-made features on the site can reasonably
47 accommodate the proposal.

EXHIBIT A

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6. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.
7. The width of proposed lots or staggering of building setbacks within detached residential developments vary so as to break up the monotony of long blocks and provide for a variety of home shapes and sizes, while giving the perception of open spaces between homes.
8. The lessening of the Site Development Requirements results in significant benefits to the enhancement of site, building, and structural design, preservation of natural features and the surrounding neighborhood as outlined in Section 60.35.15.
9. The proposal provides improved open space that is accessible and usable by persons living nearby. Open space meets the following criteria unless otherwise determined by the Planning Commission through Section 60.35.15:
- a. The dedicated land forms a single parcel of land except where the Planning Commission determines two (2) parcels or more would be in the public interest and complement the overall site design.
 - b. The shape of the open space is such that the length is not more than three (3) times the width the purpose which is to provide usable space for a variety of activities except where the Planning Commission determines a greater proportioned length would be in the public interest and complement the overall site design.
 - c. The dedicated land(s) is located to reasonably serve all lots for the development, which the dedication is required.
10. If a phased PUD has been approved, development of the future phases of the PUD are filed within two (2) years or the PUD has received an extension approval pursuant to Section 50.93 of this Code.
11. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a PUD shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The PUD application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

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- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a PUD application to ensure compliance with the approval criteria.
 - F. Phasing of the development may be permitted with approval of the Planning Commission. A deed restriction for those areas of the parent parcel in which deferred development will occur shall limit the number of future units developed to an amount consistent with the minimum and maximum density or Floor Area Ratio (FAR) permitted for the overall development.
 - G. Appeal of a Decision. Refer to Section 50.70.
 - H. Expiration of a Decision.
 1. The PUD decision shall expire five (5) years after the date of decision. Refer to Section 50.90.
 - I. Extension of a Decision. Refer to Section 50.93.

EXHIBIT A

Section 2: The Development Code, Ordinance No. 2050, Chapter 60, Special Regulations, Section 60.35 shall be amended to read as follows:

60.35. PLANNED UNIT DEVELOPMENT [ORD 4224; August 2002]

~~**60.35.05 Purpose.** It is the purpose of these provisions to allow a planned unit development (PUD) in any City zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The planned unit development provisions are intended to encourage more creative approaches for developing land, while enhancing and preserving the value, spirit, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations. This is to be accomplished by:~~

- ~~1. Utilizing advances in technology and design.~~
- ~~2. Creating a comprehensive development plan which is equal to or better than that resulting from traditional lot by lot land development.~~
- ~~3. Employing design flexibility for locating structures, open spaces, circulation facilities, off-street parking areas, and other improvements.~~
- ~~4. Retaining and protecting special topographic, natural, or environmentally sensitive features on the site.~~
- ~~5. Encouraging innovative design techniques.~~
- ~~6. Utilizing design flexibility afforded by the planned unit development provisions to improve compatibility of the development with surrounding properties and uses.~~
- ~~7. Change from specific site development requirement and combinations of uses is allowable, subject to the provisions of this Code.~~

~~**60.35.10. Modification of Base Zoning Standards**~~

~~1. Dimensional Standards~~

~~The dimensional standards for the applicable zoning district as listed in Chapter 20 may be modified through approval of a Planned Unit Development, except for the following situations:~~

- ~~A. Required setbacks shall continue to apply to the parent parcel upon which the proposed PUD will be located.~~
- ~~B. The intersection standards in Section 60.55.50 shall continue to be satisfied.~~

EXHIBIT A

1 60.35.10.1.
2

3 ~~C. All building setbacks shall continue to meet applicable building and~~
4 ~~fire code requirements.~~

5
6 ~~D. Maximum building height standards may be increased up to twelve~~
7 ~~feet (12') when the applicable building setback distance along the~~
8 ~~perimeter of the parent parcel is increased at a ratio of 1.5 additional~~
9 ~~feet of setback for every foot of building height over the base zone~~
10 ~~standard for building height.~~

11
12 ~~2. Allowed Uses.~~

13
14 ~~A. Except as provided in Section 60.35.10.2.B. below, the uses in a PUD~~
15 ~~shall comply with the permitted and conditional use requirements of~~
16 ~~the base zoning district.~~

17
18 ~~B. Detached and attached dwellings shall be allowed in any PUD~~
19 ~~provided the overall residential density satisfies the applicable~~
20 ~~residential density provisions of this Code.~~

21
22 ~~C. In addition to the accessory uses and structures typical of the uses~~
23 ~~authorized in the subject zoning district in which the PUD is located,~~
24 ~~accessory uses approved as a part of a PUD may include the following:~~

25
26 ~~1. Private park, lake or waterway.~~

27
28 ~~2. Recreation area.~~

29
30 ~~3. Recreation building, clubhouse or social hall.~~

31
32 ~~4. Other accessory use or structure which the decision making~~
33 ~~authority finds is designed to serve primarily the residents of~~
34 ~~the PUD, and is compatible with the neighborhood and to the~~
35 ~~design of the PUD.~~

1 ~~60.35.15~~ Common Open Space.

2
3 1. ~~A PUD shall be required to provide common open space according to the~~
4 ~~following rates:~~

5
6 ~~A. Area equal to at least twenty percent (20%) of the subject site when the~~
7 ~~site is up to and including 10 acres in size. [ORD 4365; September~~
8 ~~2005]~~

9
10 ~~B. Area equal to at least fifteen percent (15%) of the subject site when the~~
11 ~~site is more than 10 acres and up to and including 50 acres in size.~~
12 ~~[ORD 4365; September 2005]~~

13
14 ~~C. An area equal to at least ten percent (10%) of the subject site when the~~
15 ~~site is more than 50 acres in size.~~

16
17 ~~2. Land required to be set aside as setbacks or buffers shall not be included in~~
18 ~~the calculation of required open space.~~

19
20 3. ~~Land shown on the final development plan as common open space, and~~
21 ~~landscaping and/or planting contained therein shall be permanently~~
22 ~~maintained by and conveyed to one of the following:~~

23
24 ~~A. An association of owners or tenants, created as a non-profit corporation~~
25 ~~under the laws of the state which shall adopt and impose articles of~~
26 ~~incorporation and bylaws and adopt and impose a declaration of~~
27 ~~covenants and restrictions on the common open space that is~~
28 ~~acceptable to the City Attorney as providing for the continuing care of~~
29 ~~the space. Such an association shall be formed and continued for the~~
30 ~~purpose of maintaining the common open space and shall provide for~~
31 ~~City intervention and the imposition of a lien against the entire~~
32 ~~planned unit development in the event the association fails to perform~~
33 ~~as required; or~~

34
35 ~~B. A public agency which agrees to maintain the common open space and~~
36 ~~any buildings, structures, or other improvements which have been~~
37 ~~placed on it.~~

60.35 PLANNED UNIT DEVELOPMENT

60.35.05 Purpose

It is the purpose of these provisions to allow a Planned Unit Development (PUD) in any City zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The PUD provisions are intended to encourage innovation and creative approaches for developing land while enhancing and preserving the value, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations. This is to be accomplished by using the following development and design principles:

1. Site design shall use the flexibility afforded by the planned unit development to:
 - A. Provide setbacks and buffering through landscape or building design abutting to existing development;
 - B. Cluster buildings to create open space and protect natural resources;
 - C. Provide for active recreation and passive open space;
 - D. Use resource efficient development and building practices that encourage innovative design techniques and construction practices that use energy saving technology; or
2. Site design shall maximize the opportunities for diversified architecture and outdoor living environments that respond to the existing site context by exploring design flexibility for siting structures, open spaces, circulation facilities, off-street parking areas, streetscapes, resource conservation and creation and other site improvements that facilitate efficient use of land and create a comprehensive development plan which is better than that resulting from traditional subdivision development;
3. Building architecture including detached residential, shall use innovative design that should consider the context of the existing built and natural environment. Buildings shall be architecturally detailed, and of a size and mass that contribute to a pedestrian-friendly streetscape, and respond to the natural features of the site. Cluster housing, such as Courtyard, Patio, or Cottage development, that groups buildings in areas to maximize open space and preserve significant cultural and natural resources is highly encouraged as are the use of sustainable building materials and practices. The orientation of buildings should promote human scaled and pedestrian friendly environments and maximize solar exposure for passive solar gain;
4. Open space should provide opportunities for active and/or passive recreation that includes preservation of natural and cultural resources. Good site design shall retain and protect special topographic, natural, and environmentally sensitive features and existing Significant Groves and Historical and Individual trees should be retained and protected. Understory and the use native plant material and sustainable landscape practices are encouraged.

60.35.10 Modification of Base Zoning Standards

1. Permitted Uses

- A. The uses in a PUD shall comply with the permitted and conditional use requirements of the zoning district.
- B. Detached and attached dwellings may be allowed in a PUD provided the overall residential density satisfies the applicable residential density provisions of this Code.
- C. In addition to the accessory uses and structures typical in the zoning district in which the PUD is located, accessory uses approved as a part of a PUD may include, but are not limited to the following:
 - 1. Private or public park, lake or waterway;
 - 2. Recreation area;
 - 3. Recreation building, clubhouse or social hall; or
 - 4. Other accessory uses or structures which the Planning Commission finds is designed to serve primarily the residents of the PUD, and is compatible with the neighborhood and to the design of the PUD.

2. Density and Lot Dimensions

- A. Density and building scale shall relate to the surrounding neighborhood development and natural resources by providing massing and architectural compatibility with the surrounding neighborhood.
- B. Density Transfers
 - 1. A density transfer allows an equal transfer of dwelling units from one portion of the site to another. Density transfers are allowed for the following areas:
 - a. Area within a floodplain;
 - b. Area over twenty-five (25) percent slope;
 - c. Known landslide areas or areas shown to have potential for severe or moderate landslide hazard;
 - d. Area in designated resources areas including: significant tree groves, wetlands, riparian corridors, and their associated buffers;
 - e. Areas constrained by monitoring wells and similar areas dedicated to remediation of contaminated soils or ground water; and

EXHIBIT A

- 1 f. Areas similar to those in a-e above, as approved by the Planning
2 Commission through the PUD process.
3

4 C. Single-Family Residential Lot Sizes 5

- 6 1. Minimum lot size shall be 50% of the designated base zone.
7
8 2. Maximum lot size shall be 150% of the designated base zone unless
9 designated for a future phase. When the maximum density for the parent
10 parcel has been achieved or a lot is greater than 150% of the base zoning. An
11 oversized lot(s) shall include a deed restriction to preclude
12 unintended partitioning or subdividing of such lots in accordance
13 with the requirements of the approved PUD.
14
15 3. Overall lot dimensions within the development plan shall not result in a lesser
16 dwelling unit density than if the property in question were developed as a
17 conventional design subdivision.
18

19 D. Lot Coverage 20

- 21 1. The following maximum lot coverage standards shall apply to all zones.
22
23 a. Single-Family Detached Houses – sixty (60) percent of lot area.
24
25 b. Single-Family Attached (Town homes) or row homes – Seventy (70)
26 percent of lot area.
27
28 c. Duplexes and two-family attached houses – Sixty (60) percent of lot area.
29
30 d. Multi-family Housing - Sixty (60) percent of lot area.
31
32 2. Lot coverage may be increased by up to 10% by meeting the architectural
33 requirements listed in the Development Bonus and Development Incentive
34 Options described in section 60.35.25.
35
36
37

3. *Setbacks*

A. The dimensional standards for the applicable zoning district as listed in Chapter 20 may be modified through approval of a Planned Unit Development, except for the following situations:

1. For proposed lots abutting the perimeter of the property, the required setbacks shall comply with the standard front and rear setbacks of the parent parcel. Where the side yard of the parent parcel abuts existing development the setback for new development shall be no less than fifteen (15) feet. By meeting the Development Bonus and Development Incentive Options in section 60.35.25 the setbacks of proposed perimeter parcels may be reduced by up to ten (10) percent upon approval of the Planning Commission.
2. Where standard modifications would not promote pedestrian or bicycle connection to street; support storm water management; or meet fire and building codes.

B. *Front Setbacks*

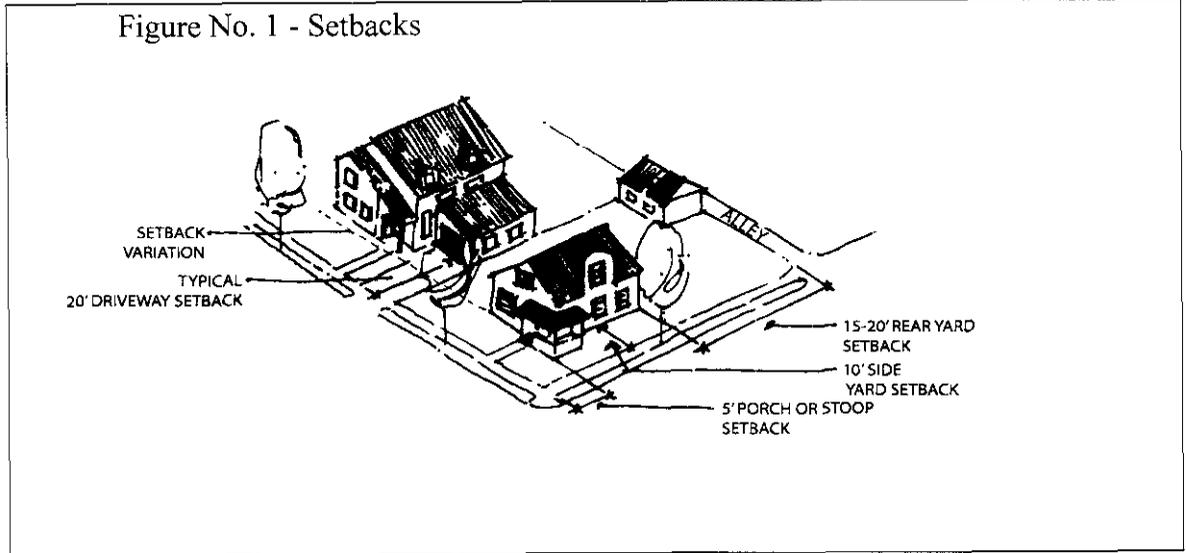
Apply to all residential developments except lots along the perimeter which shall be consistent with Section 60.35.10.3.A.1.

1. Proposed lots with front setbacks modified from the applicable zoning district, and lots adjacent shall have staggered front yard setbacks in order to provide diversity in the lot layout.
2. Front setbacks for a residential structure, excluding garage where the garage door faces the front property line, shall be a minimum of ten (10) feet. Unenclosed porch or building stoop may be within five (5) feet of property line as long as it does not encroach into a public utility easement.
3. All single-family attached and detached garages that face a public or private street shall be setback a minimum of twenty (20) feet from property line. Attached and detached garages shall be recessed a minimum of four (4) feet from the front of the building, not including porches when facing a public or private street. Garages and carports accessed from an alley shall be setback a minimum of five (5) feet from rear building elevation. All other garage and carport entrances must be recessed minimum of two (2) feet when building setback is at least twenty (20) feet

C. *Rear setbacks*

1. Rear setbacks shall be the same as the designated zone for the parent parcel for lots abutting the perimeter of the proposed development excepting alley accessed lots for which rear setbacks may be reduced to 6 feet for alley-accessed lots.

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D. Side setbacks

1. Except for zero-lot line development, side setbacks shall be a minimum of four (4) feet on interior side yards, and ten (10) feet on street corner lots. All zero-lot line development shall have side yard setbacks of 10 feet on one side of the dwelling unit and no setback required on the opposite side.

60.35.15 Open space

Purpose

Open space shall provide opportunities for active and/or passive recreation and may include existing stands of trees, understory resource areas, and storm water facilities as outlined in this section. Active open space shall allow human activities including recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities. Open space may also be passive and include human activities limited to walking, running, and cycling, seating areas and wildlife viewing or natural areas such as a wetland.

1. A Planned Unit Development shall provide baseline open space of an area equal to at least twenty percent (20%) of the subject site.

2. Up to twenty (20) percent of the open space requirement may be dedicated to the following land uses:

A. Water quality facilities that have side slopes of 3:1 or less and do not require fencing per Clean Water Services (CWS) standards;

B. Environmentally sensitive areas including wetlands and any required buffers required by Clean Water Services or other regulatory body.

3. Standards

A. Open space shall be land that is available for the creation of active and/or passive areas, or resource areas that provide visible and accessible open space to the proposed community.

B. Open space shall be easily accessible physically or visually to all members of the planned community via a minimum thirty (30) foot street frontage or access easement;

C. No more than forty (40) percent of the gross land dedicated may have slopes greater than five (5) percent;

D. Open space areas shall have a dedicated meter and underground irrigation system to ensure adequate water supply during establishment period (3-years) and during periods of drought for all newly planted areas. Resource areas are exempt from this criterion.

E. For developments ten (10) acres or greater, at least twenty-five (25) percent of the total required open space area shall be active space or meet the commons criteria in this chapter.

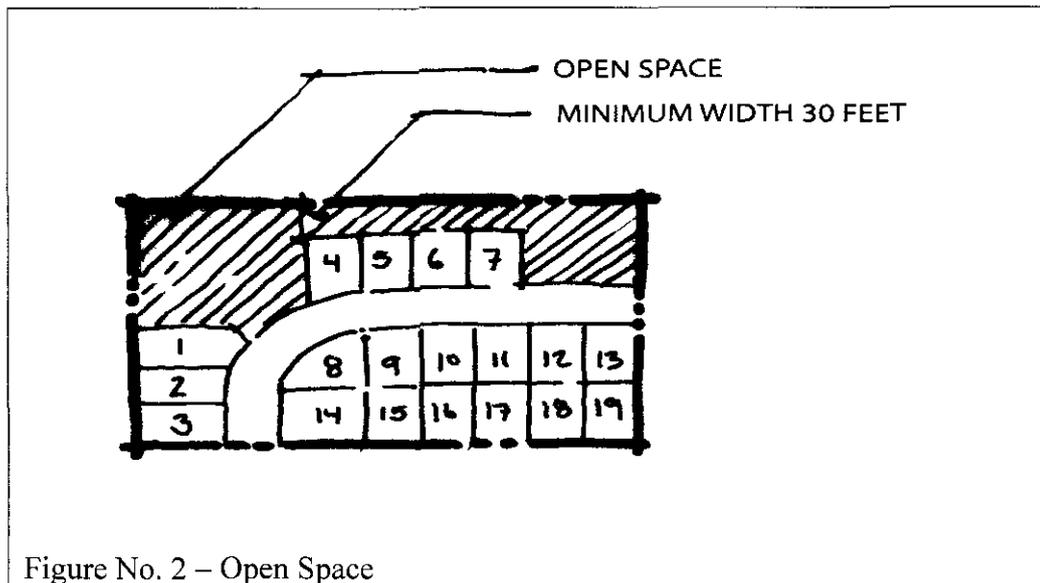
F. For the purpose of this Code, open space does not include:

1. Public or private streets;

EXHIBIT A

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2. Surface parking lots or paved areas not designated for active or passive recreation;
3. Private lots and buildings; including setbacks, or landscape buffers;
4. Vehicular access driveways or maneuvering areas.



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Figure No. 2 – Open Space

Commons Area

A “Commons area” within the dedicated open space is required for residential developments that have ten (10) units or more. One designated space shall be provided as an accessible commons area that may be a gathering spot, play area, overlook or any other outdoor area given special consideration and may consist of active, passive, or both uses. The Commons area shall be accessible to all lots and meet the following criteria:

1. One hundred fifty (150) square feet for each unit containing 500 or less square feet of gross floor area.
2. Two hundred fifty (250) square feet for each unit containing more than 500 square feet and up to 2000 square feet of gross floor area.
3. Three hundred fifty (350) square feet for each unit containing more than 2000 square feet of gross floor area.
4. A Commons area shall be no smaller than the average minimum lot size and shall have minimum width 40 feet.
5. A Commons area may abut a collector or greater classified street as identified in the City’s adopted Functional Classification Plan, when separated from the street by a constructed barrier, such as a fence or wall, at least three (3) feet in height.
6. One Commons area shall be provided for every fifty (50) units in single-family developments and every one-hundred (100) units for multi-family developments.
7. A Commons shall include physical improvements to enhance the commons area that from the following list, the items chosen must total 500 or more points. Other improvements may be approved by the Planning Commission:

Amenity	Points
A bench or other seating with a pathway or other pedestrian way	100
A gazebo or similar gathering area.	150
Plaza that serve as gathering places with benches	150
Picnic Area or outdoor eating facility	150
Playground equipment.	200
Tennis and/or sport court (e.g. Basketball, Volleyball, Paddle Tennis)	200
Dedicated Basketball, Volleyball, or other sport use area.	200
Water feature.	250
Water feature with wading area	300
Combined with a 750 square foot gathering area.	350
Indoor or outdoor swimming with clubhouse.	500
Indoor Clubhouse or meeting facility	500
Other Improvements not included on this list as approved by the Planning Commission	100-500

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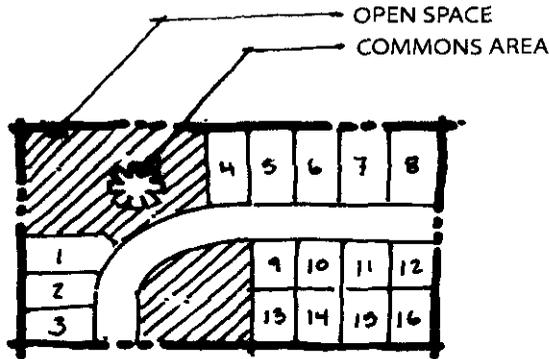


Figure No. 3 – Commons Area

4. *Maintenance and Ownership*

Land shown on the final development plan as common open space, and landscaping and/or planting contained therein shall be permanently maintained by and conveyed to one of the following:

- A. An association of owners or tenants, created as a non-profit corporation under the laws of the state (ORS 94.572) which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Attorney as providing for the continuing care of the space. Any subsequent changes to such CC&R's regarding open space must be approved by the City Attorney. Such an association shall be formed and continued for the purpose of maintaining the common open space and shall provide for City intervention and the imposition of a lien against the entire planned unit development in the event the association fails to perform as required; or
- B. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.
- C. Dedicated open space and commons areas shall be protected by Covenants (CC&Rs) or deed restriction to prevent any future commercial, industrial, or residential development.

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1 **60.35.20 Building Architecture**

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1. *Purpose*

This section applies to development which is not subject to Section 60.05, Design Review, of this code.

The following architectural standards are intended to promote innovative design that considers the context of the existing built and natural environment. Buildings shall be detailed, human-scale, and respond to the natural features of the site. Cluster housing or grouping buildings in areas to maximize open space and preserve significant cultural and natural resources is highly encouraged along with the use of sustainable building materials and practices. Building shall be oriented to the street or other public spaces such as parks, plazas, courtyards and open commons when served by an alley. Building architecture section also offers applicable Development Bonuses and Development Incentive Options in Section 60.35.30

2. *Building Orientation*

Building shall be oriented to the street or other public spaces such as parks, plazas, courtyards and open commons when served by an alley. The orientation of buildings shall promote environments that encourage walking, social interaction, and safety.

- A. Exceptions to this standard may be allowed by the Planning Commission where access, topography, and natural resources prohibit the orientation of buildings to the street or other public open spaces.
- B. In all cases buildings and or private lots shall be served by or have direct access to sidewalks or paths that connect to a private or public street/sidewalk system.
- C. Garages with rear alley access or garages located in the rear of the lot with shared driveways are encouraged.
- D. All buildings shall have their primary entrance to a street or publicly accessible sidewalk where buildings face public parks, common areas or open space.
- E. All primary entrances shall be covered or recessed with a minimum depth of three (3) feet deep and five (5) feet wide.

3. *Building Heights*

Buildings shall be to scale with similar types of existing structures on adjacent properties. This can be accomplished by utilizing graduated building heights which offer a transition between single-story residential development and multiple-story residential.

1 A. Maximum building height standards may be increased up to twelve feet (12')
2 when the applicable building setback distance along the perimeter of the parent
3 parcel is increased at a ratio of 1.5 additional feet of setback for every foot of
4 building height over the base zone standard for building height.

5
6 4. *Architectural Standards*

7
8 Architectural standards are intended to promote quality design and detail that promote
9 innovation and creativity that allows for a variety of building styles and types. All
10 buildings shall adhere to these standards. Graphics are provided as an example of how
11 standards apply.

12
13 The following standards apply to all single-family developments proposed through the
14 PUD process.

15
16 A. Building scale and massing shall complement surrounding uses by complying
17 with the provisions in this Code and meeting the following criteria for residential
18 development.

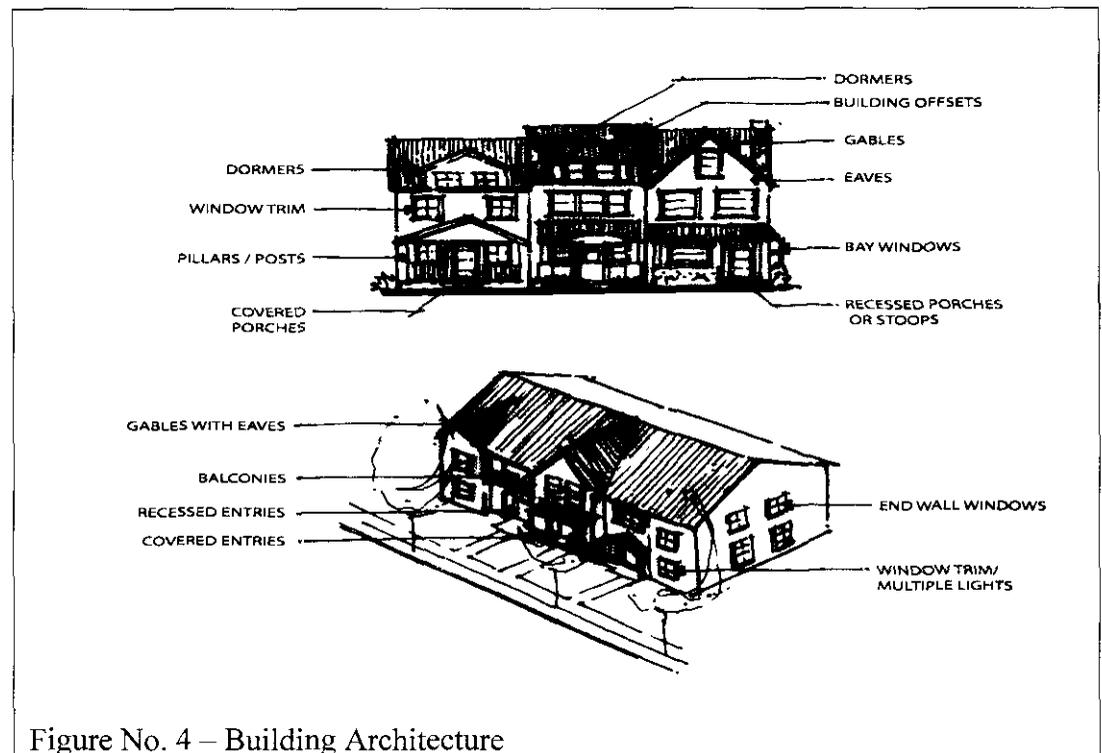
19
20 B. Attached dwellings shall maintain similar architectural character as detached
21 dwellings when part of the same development.

22
23 C. All detached residential structures shall include design elements that provide
24 building articulation, continuity of form and variety. Architecture should avoid
25 long expanses of uninterrupted building surfaces. Buildings shall incorporate at
26 least four (4) of the following elements:

- 27
28 1. Balconies, window reveals, canopies, awnings, and covered patios,
29 porches or entrances;
- 30
31 2. Offsets in roof elevations of two (2) feet or greater;
- 32
33 3. Bay windows extending out from the building face that reflect an
34 internal space such as a room or alcove;
- 35
36 4. Individual windows in upper stories that are approximately the size
37 and proportion of a traditional window;
- 38
39 5. Staggered windows that do not align with windows on adjacent
40 properties and minimize the impact of windows in living spaces that
41 may infringe on the privacy of adjacent residents;
- 42
43 6. Windows with trim or molding that appears substantial from the
44 sidewalk;
- 45

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7. Windows that are separated from adjacent windows by a vertical element;
8. Windows grouped together to form larger areas of glazing, if individual window units are separated by moldings or jambs;
9. Windows with multiple panes of glass;
10. Window patterns, building articulation and other treatments that help to identify individual residential units in a multi-family building
11. Dormers;
12. Decorative structural accents such as kneebrackets or corbels, widow walks, turrets, hooded windows, pinnacles and pendants, pillars or posts, board and batten, or other architectural vernacular style common to the Pacific Northwest; or
13. An alternative feature approved by the Planning Commission



- D. All building elevations facing a street or public space shall have windows, doors, porches and/or balconies. Front yard building elevations shall have a minimum of fifty (50) percent, and rear facing elevations shall have minimum of thirty (30) percent windows, person doors, porches and/or balconies. Side elevations facing an interior lot line shall have a minimum of fifteen (15) percent windows, person doors, porches and/or balconies. Side elevations facing a public or private street shall have twenty five (25)

percent windows, person doors, porches and/or balconies. Building elevation is measured as the horizontal plane between the lowest plat line and the highest plate line of any full or partial building story containing doors, porches, balconies, terraces and/or windows.

- 3. Alternative building design may reflect modern building form and style. These styles may have less detail or ornamentation but shall have demonstrated successful use of materials and form, and a cohesive architectural style and be approved by the Planning Commission.

60.35.30 Development Bonuses and Development Incentive Options

Purpose

The PUD also offers the applicant additional standards which can be met as incentives to promote more creative and innovative approaches to site design and infrastructure. The Development Incentive Options are not required; an applicant may choose to meet the standard provisions and requirements of the PUD code. The Development Incentive Options are intended to promote a wide variety of creative and sustainable design practices that better integrate site design, building architecture, and open space with the existing built and natural environment and lead to exceptional community building in the City of Beaverton. Development Incentive Options shall also consider the form and function of the physical improvements and their relationship to each other and the existing environment. Development plans that meet selected Development Incentive

Options chosen by the applicant may take advantage of one or both:

- Reduced open space requirements;
- Setback reduction of the parent parcel.

Development Incentive bonuses are described below and quantify the flexibility and options that the developer may use to obtain additional flexibility in open space requirements and setback reductions. Approval of the Development Incentive Options and the additional development flexibility allowed are at the discretion of the Planning Commission. In all cases the total incentives may not reduce open space by more than sixty (60) percent of the open space as required in Section 60.35.15.

The following Development Bonuses and Incentive Options are intended to provide design flexibility.

60.35.40 Allowed Development Bonuses

Site plans that meet selected Development Incentive Options chosen by the applicant may take advantage of one or a combination of the following *Development Bonuses*:

- 1. Decrease open space area requirement by using a combination of Development Incentive Options up to a maximum of fifty (50) percent of that required by the PUD standard open space requirements;
- 2. Reduce front and rear setbacks of parent parcel up to ten (10) percent within the perimeter of the PUD.

60.35.50 Development Incentive Options

1. Open Space Development Incentive Options = Twenty (20) Percent Open Space Reduction

Up to a twenty (20) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by conforming to the open space options listed below. The Planning Commission may consider other improvements in addition to those listed that offer a similar level of quality and continuity in the proposed open space:

- a. *Active Recreation* – Twenty-five (25) percent of open space (beyond a commons area) is usable for active recreation, such as: play structures, picnic areas, or sports field; or
- b. *View Preservation* – Open space is sited such that a view corridor of a significant natural vista is preserved for the community at large, such as views into Significant Tree Groves or Significant Natural Resource Areas.

2. Architectural Development Incentive Options = Decrease in Open Space, Front and Rear Setbacks

The following architectural incentives that promote sustainable building practices and architectural detail that promotes high quality design and character. A decrease of up to a maximum of twenty (20) percent of the required open space or front and rear setbacks of the parent parcel at the discretion of the Planning Commission, where the applicant’s site plan and proposed architecture meet one of the following incentives:

- A. Develop lots such that 90% meet solar access requirement (60.45.05) for a ten (10) percent decrease in open space.
- B. Install a ‘Greenroof’ or Ecoroof on 100 percent of the roof area of twenty (20) percent of the detached dwellings or 20 percent of the total roof area for attached dwellings, multifamily dwellings, commercial, or industrial buildings for a ten (10) percent decrease in the required open space.

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C. Up to ten (10) percent reduction in front and rear parent parcel setbacks as approved by the Planning Commission may be achieved by developing cluster housing that preserves and increases open space by twenty (20) percent above baseline requirement.

3. *Affordable Housing Development Incentive Options = Decrease in Open Space*

Up to a fifty (50) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by development of ten (10) percent of the units as affordable housing. Up to a sixty (60) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by development of twenty (20) percent of the units as affordable housing.

Affordable housing is defined as housing affordable to households earning up to 100 percent of the median household income in Washington County, or less as adjusted for family size as determined by the U.S. Department of Housing and Urban Development (HUD). Housing prices and/or rents shall be limited to that level through deed restriction for up to thirty (30) years. Approval of the affordable housing Development Incentive Option shall be subject to a developer identifying and contracting with a public, or private housing agency that will administer the housing affordability guarantee.

1 **Section 3: The Development Code, Ordinance No. 2050, Chapter 90, Definitions,**
2 **Section 40.15.15.5 shall be amended to read as follows:**

3
4 **Chapter 90**

5
6
7 **Active Space** - Active space is an area which requires intensive development and
8 often includes playgrounds and ball fields.

9
10 **Cluster Housing** Detached dwelling units located within a Planned Unit
11 Development where detached housing is located in close proximity to each other
12 and share common open space including recreation areas and parking.

13 **Green Roof** A Green Roof consists of vegetation and soil, or a growing
14 medium, planted over a waterproofing membrane. Additional layers, such as a root
15 barrier and drainage and irrigation systems may also be included.

16 **Sustainable Building Practices** - Land preparation, materials selection, life-cycle of the
17 building (construction, operation and maintenance, demolition). Sustainable building includes
18 such practices as redevelopment of inefficiently designed or environmentally damaged sites; job-
19 site recycling of construction materials; native vegetation landscapes; stream and wetland
20 protection and restoration; natural drainage; energy and water efficiency; low toxicity materials;
21 recycled materials; reduced use of land and materials; and design for re-use.

22 **Sustainable Landscape Practices** Landscape maintenance and design that limits the use
23 of herbicides, fertilizers, and pesticides by planting native plants and appropriate ornamentals
24 and uses METRO certified composted mulch to amend soils and mulch plant beds. These
25 practices naturally fertilize the soil and reduce irrigation and fertilizer needs by creating healthy
26 soils. Sustainable landscape practices also include the concept of creating multi-functional
27 landscapes that can serve various purposes. For example an area may be designed to manage
28 runoff, provide screening, wind protection habitat, and serve active open space use.
29

1 **Section 4: The Development Code, Ordinance No. 2050, Chapter 20, Land Uses,**
2 **Section 20.05.25 shall be amended to read as follows:**

3
4
5
6 *****

7 **20.05.25. Urban Medium Density (R4) District** [ORD 4047; May 1999]

8
9 1. **Purpose.** The purpose of this zone is to allow up to one principal and one
10 accessory dwelling per lot of record as permitted uses. In addition, two
11 attached dwellings may be allowed per lot of record subject to a Conditional
12 Use. Three or more attached dwellings may be permitted pursuant to ~~Final~~
13 Planned Unit Development approval. The R4 district establishes medium
14 urban density residential home sites where a minimum land area of 4,000
15 square feet is available for each principal dwelling unit, and where full urban
16 services are provided. [ORD 4224; August 2002]

17
18 *****

19 **20.05.25**

20
21 B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

22
23 *****

24
25 2. Three or more attached dwellings subject to approval of a ~~Final~~
26 Planned Unit Development. [ORD 4224; August 2002]

27 *****
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Section 4: The Development Code, Ordinance No. 2050, Chapter 20, Land Uses, Section 20.05.25 shall be amended to read as follows:

20.05 Residential Land Use Districts

20.05.25.50. Site Development Standards

20.20.50.A.5.

SA-MU SA-MDR

D. Maximum Floor Area Ratio (FAR) not not
for residential developments specified specified

E. Projects may use the ~~Final~~ Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used. [ORD 4332; November 2004]

20.20.50.A.5.

SA-MU SA-MDR

D. Maximum Floor Area Ratio (FAR) not not
for residential developments specified specified

E. Projects may use the ~~Final~~ Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used. [ORD 4332;

1 **Section 5:** The Development Code, Ordinance No. 2050, Chapter 50, Procedures,
2 **Section 50.** shall be amended to read as follows:

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50.90. Expiration of a Decision

~~Final Planned Unit Development (40.15.15.6) when there is no phasing to the
development~~

Preliminary Planned Unit Development (40.15.15.5)

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

IN THE MATTER OF A REQUEST TO AMEND) ORDER NO. 1902
BEAVERTON DEVELOPMENT CODE) TA2006-0003 RECOMMENDING APPROVAL
CHAPTER 40 (APPLICATIONS) SECTION) OF PLANNED UNIT DEVELOPMENT TEXT
40.15.15 PLANNED UNIT DEVELOPMENTS;) AMENDMENT.
CHAPTER 60 (SPECIAL REGULATIONS))
SECTION 60.35, PLANNED UNIT)
DEVELOPMENTS; AND CHAPTER 90)
(DEFINITIONS). CITY OF BEAVERTON,)
APPLICANT.)

The matter of TA2006-0003 (2006 Planned Unit Development Text Amendment) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4265, Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearing on June 14, July 26, and August 23, 2006, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code.

TA2006-0003 (Planned Unit Development Text Amendments) proposes to amend Development Code Chapter 40 (Applications) Section 40.15.15, Planned Unit Developments; Chapter 60 (Special Regulations) Section 60.35, Planned Unit Developments; and Chapter 90 (Definitions).

The first public hearing for the proposed PUD Text Amendment was held on June 14, 2006 and included a presentation by staff and consultants that described the framework and concepts of the proposed PUD text. At the hearing, Commissioner Bobadilla discussed the need to clarify the intent of the Housing Affordability Incentive code language.

The Commission also discussed and agreed to change the wording of the first threshold in Section 40.15.15.5.A.1 to include the words “at least” to modify the two-acre minimum acreage threshold for a PUD.

The Commission discussed the intent of open space and that the text should reflect the flexibility for “active and/or passive recreation.” Referring to Section 60.35.05.2, the Commission made the following two language changes: “Site design should maximize the opportunities for diversified architecture and outdoor living environments....” and “ ...create a comprehensive development plan which is better than that resulting from traditional subdivision development...”.

The Commission directed staff to create a more prescriptive setback standard to ensure that when a PUD is proposed that abuts existing development, the impact on livability to the existing neighborhood is minimized. The Commission also directed staff to change the minimum side yard setback from three feet to four feet for lots on the interior of a proposed PUD. This change was based on discussions between the Commission and developers of a recent PUD in Beaverton.

The Commission discussed the merits of the required open space and the changes proposed for open space requirements in the new text. The Commission discussed the possibility of requiring a minimum of 20-percent open space for all proposed PUD’s rather than the current system of allowing for less open space as the size of a parcel increases. The Commission also discussed the “commons area” that is required within the open space area and specifically the merits of the proposed physical amenities required to be developed in association with the commons area. The Commission discussed the need to require the text to provide a more structured approach for selecting amenities for the commons area than simply listing the choices as proposed in the proposed PUD text language. Commissioner Pouge and Stephens noted it is important to provide more direction to developers or they will simply select the least expensive and intensive amenity from the list. Commissioner Stephens used a bench and a gazebo as an example. The Commission directed

staff to establish a hierarchy for selecting commons area amenities. The June 14, 2006 public hearing closed and continued to a date certain July 19, 2006.

A second public hearing scheduled for July 19, 2006 was opened and continued to a date certain July 26, 2006. On July 26, 2006, the Planning Commission opened the public hearing to review changes to the proposed PUD text based on Commission discussion and deliberation from the June 14, 2006 public hearing. Staff presented a memo dated July 21, 2006 that introduced a framework for the Commission to review comments from the Commission, staff, and a focus group of developers and land use consultants. The memo also asked the Commission to reconsider the minimum two-acre threshold based on concerns expressed by the Community Development Department staff and the developer/consultant group. The concerns introduced to the Planning Commission included the lack of available parcels that are two acre or greater in size within the City and the unintended consequences for not providing flexibility for infill development on parcels less than two acres in size that would no longer be eligible for the flexibility provided through the PUD application. The Planning Commission deliberated on the issue of the two-acre minimum and reiterated their support for the two-acre minimum as a way to improve the quality of PUD's. The Commission expressed consensus that by maintaining a two-acre minimum threshold, developers would be required to assemble properties which in turn will lead to more comprehensive PUD development. The Commission expressed support for raising the expectations for PUD development and requiring smaller subdivisions to meet the existing standards of the Development Code. The July 17, 2006 staff memo also introduced a point system for considering commons area amenities required within open space area of a PUD. The Commission deliberated on the proposed point system and asked staff to further refine the system and add discretion that would allow the Commission to review and accept an amenity proposed by a developer that was not on the list.

The Planning Commission held a third and final public hearing on August 23, 2006 to consider minor edits to the proposed PUD code text agreed

to at the July 26, 2006 meeting. The Commission also considered additional changes to the proposed PUD code text included in the staff memo dated August 17, 2006. These changes include the insertion of new language and the deletion of other language (represented with shaded or strike-through text, respectively), which included the following:

Section 40.15.15.5.C.7.

7. The width of proposed lots or staggering of building setbacks within residential developments vary to break up the monotony of long blocks and provide for a variety of home shapes and sizes, while giving the perception of open spaces between homes.

Section 40.15.15.5.C.9. a & b

9. The proposal provides ~~usable~~ and improved open space that is accessible and usable by persons living nearby. ~~Usable~~ Open space meets the following criteria unless otherwise determined by the Planning Commission through Section 60.35.35:
 - a. The dedicated land forms a single parcel of land except where the Planning Commission determines two (2) parcels or more would be in the public interest and complement the overall site design.
 - b. The shape of the open space is such that the length is not more than three (3) times the width the purpose which is to provide usable space for a variety of activities except where the Planning Commission determines a greater proportioned length would be in the public interest and complement the overall site design.

The Planning Commission added back the language stricken in an earlier draft that indicates that solar access one of the positive attributes that PUD's should seek to promote.

Section 60.35.05 Purpose

3. Building architecture including detached residential, shall use innovative design that should considers the context of the existing built and natural environment. Buildings shall be architecturally detailed, and of a size and mass that contribute to a pedestrian-friendly streetscape, and respond to the natural features of the site. Cluster housing, such as Courtyard, Patio, or Cottage development, that ~~grouping~~ groups buildings in areas to maximize open space and preserve significant cultural and natural resources is highly encouraged as are the use of sustainable building materials and practices. The orientation of buildings shall should promote human scaled and pedestrian friendly environments ~~that encourage walking, social interaction, and safety by having "eyes on the street or park" whenever possible,~~ and maximize solar exposure for passive solar gain;

Section 60.35.05.4

The Commission proposed language changes for clarity.

4. Open space should provide opportunities for active and/or passive recreation that includes preservation of natural and cultural resources. Good site design shall retain and protect special topographic, natural, and environmentally sensitive features and existing Significant Groves, Historic and Individual trees should be retained and protected. ~~stands of trees and~~ Understory and the use native plant material and sustainable landscape practices are encouraged.

Section 60.35.10.2.A.1

2. *Density and Lot Dimensions*

- A. Density and building scale shall relate to the surrounding neighborhood development and natural resources.
1. ~~Attached single family units may not exceed four (4) units per structure in the R-10 and R-7 Residential zones and~~ Buildings shall be designed in a manner that provides architectural and massing compatibility with the surrounding neighborhood.

Section 60.35.10.2.C.2

2. Maximum lot size may be 150% of the designated base zone unless designated ~~in the PUD approval~~ for a future phase. When the maximum density for the parent parcel has been achieved or a lot is greater than 150% of the based zoning an oversized lot(s) shall include a deed restriction to preclude unintended partitioning or subdividing of such lots in accordance with the requirements of the approved PUD.

The Commission noted that these three standards could be collapsed because the code no longer provided a distinction between the size of a PUD and the percentage of open space required. All PUD's would be required to provide a minimum of 20-percent open space unless a development incentive is used.

Section 60.35.15.1 A-C

1. A Planned Development shall provide baseline open space of an area equal to at least twenty (20 %) of the subject site.
- ~~A. Area equal to at least twenty percent (20%) of the subject site, when the site is up to and including 10 acres in size.~~

~~B. Area equal to at least fifteen twenty percent (20%) of the subject site when the site is more than 10 acres and up to and including 50 acres in size.~~

~~C. An area equal to at least ten twenty percent (20%) of the subject site when the site is more than 50 acres in size.~~

Section 60.35.15.2.G.7. – Commons Area

7. A Commons shall include physical improvements to enhance the commons area that from the following list, the items chosen must total 500 or more points. Other improvements may be approved by the Planning Commission:

Amenity	Points
A bench or other seating with a pathway or other pedestrian way	100
Water feature.	250
Water feature with wading area	300
Picnic Area or outdoor eating facility	150
Playground equipment	200
Combined with a 750 square foot gathering area	350
Tennis and/or sport court (e.g. Basketball, Volleyball, Paddle Tennis)	200
A gazebo or similar gathering area	150
An indoor or outdoor swimming with clubhouse	500
Plaza that serve as gathering places with benches	150
Indoor Clubhouse or meeting facility	500
Dedicated Basketball, Volleyball, or other sport use area	200
Other (Improvements not included on this list as approved by the Planning Commission)	100-500

Section 60.35.30 – Development Bonuses and Development Incentive Options

The Commission concurred that the verb “choose or chosen” should be used to indicate an applicant’s choice in selecting PUD incentives.

Options chosen ~~selected~~ by the applicant may take advantage of one or a ~~combination~~ both of the following *Development Bonuses*:

Section 60.35.50.3 – Affordable Housing Development Incentive Options

The Commission deliberated on this incentive and agreed that the deed restricting sale of the house as an affordable dwelling should be increased from 15 years to 30 years.

The Planning Commission adopts by reference the following: staff report dated June 7, 2006, staff memorandums dated July 21, 2006 and August 17, 2006, as amended, and the supplemental findings contained herein as to criteria contained in Section 40.85.15.1.C.1-7 applicable to this request contained herein; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** Chapter 40 (Applications) Section 40.15.15, and Planned Unit Developments; Chapter 60 (Special Regulations) Section 60.35, Planned Unit Developments; and Chapter 90 (Definitions) contained within TA2006-0003. The Planning Commission finds that evidence has been provided demonstrating that all of the approval criteria specified in Section 40.85.15.1.C.1-7 are satisfied for the modification to Chapter 40 (Applications) Section 40.15.15, Planned Unit Developments; Chapter 60 (Special Regulations) 60.35, Planned Unit Developments; and Chapter 90 (Definitions) of the Development Code.

Motion **CARRIED** by the following vote:

AYES: Maks, Winter, Bobadilla, Pogue, Stephens, and Johansen.
NAYS: Kroger.
ABSTAIN: None.
ABSENT: None.

Dated this _____ day of _____, 2006.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1902, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Recorder's Office by no later than 5:00 p.m. on _____, 2006.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



COLIN COOPER, AICP
Senior Planner

APPROVED:



ERIC H. JOHANSEN
Chairman



STEVEN A. SPARKS, AICP
Development Services Manager



MEMORANDUM

City of Beaverton

Community Development Department

"make it happen"

To: Mayor Drake and City Councilors
From: Colin Cooper, AICP, Senior Planner *CC*
Date: September 5, 2006
Subject: Planned Unit Development (TA 2006-0003)

The purpose of this memo is to provide a background for the development of the Planned Unit Development (PUD) Text Amendment (TA 2006-0003).

Text Amendment Background

The Planned Unit Development (PUD) text amendment (TA 2006-0003 PUD Text Amendment) originated from a Planning Commission work session held on February 9, 2005 where staff was requested by the Planning Commission to create an opportunity to review the Planned Unit Development standards adopted as part of the Comprehensive Updates to Chapter 40 and 60 (TA 2001-0001 and 2001-0004) in 2002.

The PUD regulations adopted in 2002 sought to address the inclusion of more open space in PUD's by adopting a specific minimum open space standard, define what areas could be counted towards the minimum open space requirement, and establish that parent parcel setbacks continue to be observed. These issues were addressed in the 2002 Comprehensive Code Update because the majority of PUD's developed in the years preceding the text amendment were being used to simply maximize density on constrained sites rather than create unique or creative developments. Historically the intent of employing PUD regulations has been to either provide a developer flexibility to provide unique residential subdivisions, such as Murrayhill and Highland Hills, or to provide flexibility to respond to constrained sites while still maintaining neighborhood character. Prior to the changes to PUD that were included in the 2002 Comprehensive Code update, the PUD code included a four (4) acre minimum area threshold for the application of a PUD. This threshold was removed in order to provide more flexibility in achieving Metro Urban Growth Management Functional Plan, Title One

Since 2002, the PC has reviewed 14 PUD applications. It is the observation of the Planning Commission that a majority of the PUD projects developed since the removal of the minimum acreage requirement have produced land developments without the desired site plan or design innovation.

Staff Overview of Proposed Planned Unit Text Amendment Development Code

To develop the new PUD text, staff has conducted three work sessions with the Planning Commission to review the existing PUD regulations, discuss possible amendments, and consider potential incentives for fostering innovative PUD development.

The first work session with the Planning Commission was held on May 26, 2005, at which staff reviewed all of the PUD code standards contained in Chapters 40 and 60. The result of the first work session was a list of issues and concerns regarding the existing PUD regulations.

On July 13, 2005, a second work session was held to review the major issues and areas of concern that were articulated by the Planning Commission from the first PUD work session. The intent of this work session was to ensure that staff accurately captured the comments and observations of the Planning Commission.

A third work session took place on February 1, 2006, with Parametrix, a planning consultant, presenting two (2) products to the Planning Commission to help analyze the existing, PUD code and consider possible amendments: 1) Beaverton PUD Ordinance and Framework Review; and, 2) Infill PUD Site Plan Analysis.

The consultant team reviewed six PUD ordinances along with the City's PUD regulations. The six other jurisdictions included the Oregon communities of Tigard, Hillsboro, Portland, Fairview, Salem, and Bend in an effort to find codes that were effectively promoting innovative development in line with the stated areas of concern by the Planning Commission. The consultant team focused their review on Oregon communities because these communities must respond to the same state wide land use planning program and land use laws as the City of Beaverton. The conclusion of the consultants review was that while several of the PUD ordinances of other jurisdictions provided varying degrees of flexibility, they did not create incentives to reach for higher levels of site plan or design innovation.

To consider and analyze possible different approaches to innovative site plan design, staff directed the Parametrix team to analyze a previously approved PUD application as a case study. Staff choose the previously approved Onody PUD (CUP 2003-0031) located in north Beaverton because it reflected many of the issues commonly confronted by developers including, small irregularly shaped lots, natural resources including a delineated wetland, and a mature stand of community trees. Using the case study approach, Parametrix demonstrated both a "Low Impact Design" (LID) and a "Form Based" or architectural standards approach to developing a PUD. The site plans produced by Parametrix demonstrated that by using an incentive approach a PUD could yield at least one additional dwelling unit in each case. By achieving an additional unit the developer is able to create additional needed housing and spread the financial risk of the project. The incentives create a framework in which a developer could create a PUD that benefits the new neighborhood, surrounding neighborhood, and the City. The result of each case study was shared with the Planning Commission at a work session held on February 1, 2006. Each of the case studies demonstrated that reasonable alternatives using architectural and low impact design are feasible when additional flexibility is provided to developers.

The PUD text amendment being forwarded to the Council by the Commission does not include the LID regulations discussed at the February 1, 2006 work session because many of these concepts and techniques are still being reviewed by planners and engineers at the City, County, and Clean Water Services as part of the Tualatin Basin Goal 5 effort. It is

the intention of staff to reintroduce the LID concepts as additional development incentives upon the completion of the Tualatin Basin Goal 5 planning work. The consensus of the Planning Commission is that adding in these LID techniques at a later date will create additional incentives for creative and innovative PUD development.

Conclusions:

The PUD text recommended by the Planning Commission for approval by the City Council includes the following key changes from the existing code:

- 2 Acre minimum size threshold for PUD's in any zone. Currently the PUD code does not contain a minimum area threshold for applying a PUD in any zoning district. The Planning Commission wants to increase the threshold to 2 acres in order to provide enough area to foster creative and innovative site design that includes meaningful open space.
- Establishes standards for the maximum deviation that can be proposed by a PUD. The current code does not address specify a minimum lot area, coverage, or setback dimensions. The proposed text would add standards that set a maximum deviation from the base zone in which the PUD is proposed. Additionally, the proposed text proposes to require a minimum 15 foot setback when a PUD development is proposed adjacent to existing development.
- Specific open space standards that include common areas in addition to active or passive open space development standards. While the current code specifies what areas may and may not be counted towards open space, there is no dimensional standards currently associated with the open space standards which leads to many sliver parcels. The proposed code includes minimum dimensional standards as well as a requirement for specific commons areas.
- Building architecture standards for those buildings not already covered by Design Review standards found in Section 60.05. This is a significant departure from the existing Development Code which does not require the review of single-family structures.
- Development Bonuses and Development Incentive Options:
 - Open Space Development Incentive
 - Architectural/Environment Best Building Practices Incentive
 - Affordable Housing Development Incentive
 - Passive Solar Gain Development Orientation Incentive

In conclusion, it is the recommendation of the Planning Commission that the proposed code will protect and improve the City's livability while providing the flexibility needed to address constrained property and bring to market unique and creative development.

PLANNING COMMISSION MINUTES

August 23, 2006

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CALL TO ORDER: Chairman Eric Johansen called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Eric Johansen, Planning Commissioners Melissa Bobadilla, Wendy Kroger, Dan Maks, Shannon Pogue, Richard Stephens, and Scott Winter.

Senior Planner Barbara Fryer, AICP, Senior Planner Colin Cooper, AICP, Associate Planner Sambo Kirkman, Associate Planner Liz Jones, Assistant City Attorney Ted Naemura and Recording Secretary Sheila Martin represented staff.

OLD BUSINESS:

CONTINUANCES:

I. TA 2006-0003 - PLANNED UNIT DEVELOPMENT MODIFICATIONS TEXT AMENDMENT

(Continued from July 26, 2006)

A text amendment to Chapter 40 Sections 40.15.15.5 & 6, Chapter 60 Section 60.35.05-15, Chapter 90, Definitions of the Beaverton Development Code currently effective through Ordinance 4248 to create new Planned Unit Development (PUD) Thresholds, Approval Criteria, and Standards. The intent of the proposed amendment is to require more specific thresholds and standards for development of PUDs. Chapter 90, Definitions will be amended with new terms as necessary.

Chair Johansen briefly outlined the hearing procedure and described the applicable approval criteria.

Senior Planner Colin Cooper briefly discussed the history of this text amendment and described the revisions that have been made and

1 options that are available. Referring to Edits page 5, specifically with
2 regard to Threshold No. 2 in response to direction from the
3 Commission, he clarified that any proposed subdivision with more than
4 three of the items on the list would require a PUD. He referred to page
5 13 and clarified issues with regard to oversized lots. He referred to
6 page 7 of the approval criteria and discussed issues with regard to the
7 width of the proposed lots within residential development. He pointed
8 out that he would like to suggest some new language that would
9 involve page 13 under the single-family residential lot sizes,
10 emphasizing that there is no standard for this approval criteria at this
11 time. He noted that he would like to add language that would require
12 that any lots proposed that did not meet the criteria in Section
13 20.05.15.1, which involves the site development requirements in the
14 residential section, specifically a 5,000 square foot lot, would need to
15 vary every fourth lot by a standard of 20%.

16
17 Commissioner Maks discussed problems that might be caused by this
18 requirement to vary every fourth lot by a standard of 20%.

19
20 Observing that there has already been some fairly significant revisions
21 to the Development Code in the last six months, Commissioner Winter
22 expressed his opinion that this issue could easily be addressed at some
23 future point if there is a problem.

24
25 Mr. Cooper described this as a sort of an “anti-monotony” standard
26 that is becoming more and more popular, even within standard
27 subdivisions outside of PUDs throughout the country.

28
29 Observing that he has designed some of these projects, Commissioner
30 Stephens expressed his opinion that this requirement would make
31 these projects more difficult to design.

32
33 Referring to page 14, Mr. Cooper noted that this staggering is already
34 required in the front yard, suggesting that it would be possible to add
35 that the width of the proposed lots or staggering of building setbacks
36 within residential developments must vary to the approval criteria.
37 On question, he determined that he has consensus with regard to this
38 issue.

39
40 Referring to page 12, 2A, under Section 60.35.10, Mr. Cooper noted
41 that he would like to address the issue of the number of units attached.
42 He proposed to double-strike certain words, as follows: “~~...may not~~
43 ~~exceed four units per structure in the R-10 and R-7 zoning districts...~~”
44 and the word “~~and...~~” He noted that he would also like to double-

1 strike the following: "...~~single-family units~~..", adding that he would
2 like this sentence to read, as follows: "**Attached dwelling units**
3 **shall be designed in a manner that provides architectural and**
4 **massing compatibility with the surrounding neighborhood.**"
5 On question, he determined that he has consensus with regard to this
6 issue.

7
8 Commissioner Maks requested clarification with regard to how
9 massing compatibility would be achieved next to an R-7 zoning district.

10
11 Mr. Cooper provided his ideas for how massing compatibility could
12 work in this zoning district, emphasizing that it would require a great
13 deal of effort. He described several other revisions he had made within
14 the text as well as options that are available.

15
16 Commissioners Maks, Kroger, and Bobadilla both expressed their
17 preference for Option A.

18
19 Referring to page 5, specifically line 12, Commissioner Bobadilla noted
20 that there should be a comma following the words multiple use.
21 Referring to No. 2, with regard to land division, she suggested a
22 comma and insertion of the words "**that is**", adding that the other
23 comma should be inserted after residential agriculture.

24
25 Mr. Naemura pointed out that he generally edits out words such as
26 "that is", emphasizing that these are only extra words.

27
28 Agreeing that this is probably more accurate for lawyers,
29 Commissioner Bobadilla expressed her opinion that these words
30 provide additional clarity for regular people.

31
32 Following a brief discussion, it was determined that this section would
33 be revised, as follows: "...land division **of** two acres or greater..."

34
35 Referring to No. 7 on page 6, Commissioner Bobadilla expressed her
36 opinion that the words "~~se-as~~" should be struck out.

37
38 Referring to Nos. 9A and 9B on page 6, Commissioner Kroger noted
39 that in order to be consistent, "...in the public interest." should be
40 struck out in 9B, as it was in 9A.

41
42 Following a discussion, Commissioner Maks suggested that "public
43 interest" should be replaced with "community at large", and it was

1 determined that this section should read, as follows: "...would be in
2 the public interest and complement overall site design."

3
4 Referring to line 29 on page 6, Commissioner Kroger noted that
5 "proportioned" should be changed to "proportional".

6
7 Referring to No. 4 on page 11, Commissioner Bobadilla proposed that
8 lines 40 and 41 be revised to read: "...special topographic, natural, and
9 environmentally sensitive features. Existing significant groves,
10 historic trees, and individual trees should be retained and protected.
11 Understory and the use of native plant material and sustainable
12 landscape practices are encouraged."

13
14 Referring to No. 4 on page 11, Commissioner Kroger questioned
15 whether it is necessary to include the phrase "and/or" in the first
16 sentence, and it was determined that the Commission prefers that this
17 sentence remain as it is.

18
19 Referring to No. 3 on page 11, Commissioner Kroger noted that the
20 following has been struck: "...and maximize solar exposure for passive
21 solar gain..." She expressed her opinion that this sentence should
22 read, as follows: "The orientation of buildings shall promote human-
23 scaled and pedestrian-friendly environments and maximize solar
24 exposure for passive solar gain."

25
26 Observing that this had been struck out several meetings ago, Mr.
27 Cooper advised Commissioner Kroger that he no longer remembers the
28 rationale.

29
30 At the request of Commissioner Kroger, it was determined that the
31 phrase "...and maximize solar exposure for passive solar gain..." would
32 not be struck.

33
34 Referring to Section 1.C of page 12, Commissioner Bobadilla pointed
35 out that because this involves a list, there should be a semi-colon
36 following Nos. 1, 2, and 3, adding that the word "or" should be inserted
37 following the semi-colon on No. 3.

38
39 Referring to line 43 on page 12, Commissioner Kroger requested
40 clarification with regard to the phrase "by right".

41
42 Mr. Cooper pointed out that the entire sentence could be struck, unless
43 the City Attorney has a problem with deleting the words "by right".
44

1 Referring to Section C.2 on page 13, Commissioner Bobadilla
2 questioned whether this involves new added text.

3
4 Mr. Cooper advised Commissioner Bobadilla that this is added text,
5 and suggested that this could be simplified to read “unless designated
6 for a future phase”.

7
8 Commissioner Bobadilla pointed out that this section should reference
9 “an” oversized lot, rather than “a” oversized lot.

10
11 Referring to line 22 on page 14, Commissioner Bobadilla suggested the
12 following correction: “...and multi-family developments ~~excepting~~
13 except lots along the perimeter...”

14
15 Referring to line 6 on page 16, Commissioner Bobadilla pointed out
16 that this also involves a list and that the word “and” after trees should
17 be struck, and that there should also be commas after the words trees
18 and areas.

19 Referring to Section 60.36.15.1.A on page 16, Commissioner Kroger
20 suggested that the following phrase: “...when the site is up to and
21 including 10 acres in size...” be struck, and that Section 60.36.15.1.B
22 and Section 60.36.15.1.C be struck also. She pointed out that Section
23 60.36.15.1.E should be reconsidered as well.

24
25 Referring to No. 4 on page 17, Commissioner Bobadilla noted that the
26 comma is not necessary since the phrase “parking areas” has been
27 struck.

28
29 Referring to line 5 on page 18, Commissioner Bobadilla observed that
30 this involves a list, and that there should be a comma following the
31 word “overlook”. Referring to No. 7 which includes a list of appropriate
32 features, she noted that this should include other features as approved
33 by the Commission, and was told that this would be struck.

34
35 Referring to line 10 on page 20, with regard to cluster housing,
36 Commissioner Bobadilla noted that the comma is unnecessary and
37 that the word “and” should be struck.

38
39 Referring to Section 60.35.20.2.E on page 20, Commissioner Bobadilla
40 suggested that this section be revised, as follows: “Entrances shall be
41 covered or recessed ~~and~~ with a minimum depth of three (3) feet deep
42 and five (5) feet wide.”

43

1 Referring to Section 4.C on page 21, Commissioner Bobadilla pointed
2 out that this involves a list and that semi-colons are necessary, and
3 that the word “or” should be inserted following the semi-colon on No.
4 12.

5
6 Mr. Cooper explained that while all of these revisions would be
7 included in the Ordinance that is submitted to the City Council, he
8 does not intend to include this within the Land Use Order.

9
10 Referring to Section 4.C.2 on page 22, Commissioner Bobadilla pointed
11 out that the word “windows” is inserted twice on line 30, and noted
12 that one of these words needs to be struck.

13
14 Referring to line 6 on page 23, Commissioner Bobadilla expressed her
15 opinion that there are too many “ands”.

16
17 Commissioner Kroger discussed issues with the purpose statement in
18 Section 60.35.30, and suggested that the last sentence in the first
19 paragraph be revised, as follows: “Development plans that meet
20 selected Development Incentive Options ~~selected~~ **chosen** by the
21 applicant may take advantage of one or a ~~combination~~ **both** of the
22 following Development Bonuses...”

23
24 Commissioner Maks expressed his opinion that Commissioner Kroger
25 would be an appropriate replacement for him on the Code Review
26 Advisory Committee (CRAC).

27
28 Referring to the second paragraph of the purpose statement in Section
29 60.35.30, Commissioner Kroger suggested that this section be revised,
30 as follows: “Development Incentive bonuses are described below and
31 quantify the ~~additional flexibility and optional~~ options that the
32 developer may use to obtain additional flexibility in open space
33 requirements and setback reductions.” Following a brief discussion, it
34 was decided that the Commission would like to revise this paragraph,
35 as follows: “Development Incentive bonuses are described below and
36 quantify the ~~additional~~ flexibility and ~~optional~~ options that the
37 developer may use to obtain additional flexibility in open space
38 requirements and setback reductions.”

39
40 Referring to the first paragraph in Section 60.35.40, Commissioner
41 Kroger suggested the following revision: “Site plans that meet selected
42 Development Incentive Options ~~selected~~ **chosen** by the applicant may
43 take advantage of one or a ~~combination~~ **both** of the following
44 Development Bonuses...”

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Referring to the last sentence of the second paragraph in Section 60.35.30, Commissioner Bobadilla suggested the following revision: "In all cases the total incentives may not reduce open space by more than fifty (50) percent of the open space as required in Section 60.35.15."

Referring to Section 60.35.50.2.B., Commissioner Bobadilla suggested the following revision: "Develop lots ~~such~~ that meet 90% of solar access requirement..."

Commissioner Maks explained that the word "such" should be left in this sentence.

Referring to Section 60.35.50.2.A., Commissioner Kroger requested clarification with regard to why Leadership in Energy and Environmental Design (LEED) had been struck.

Mr. Cooper discussed Commissioner Stephens' explanation of the challenges associated with LEED, emphasizing that this creates a situation that tends to result in failed applications.

On question, Commissioner Bobadilla was informed that affordable housing can allow for up to a 30%, rather than 60, reduction in open space.

Commissioner Kroger expressed concern with the potential for creating an instant ghetto by allowing for no open space for the purpose of packing people into cheap housing.

Mr. Cooper explained that it is not possible to attain affordable housing through only one strategy, adding that this is merely one available strategy.

Commissioner Kroger emphasized that she is not willing to trade open space for affordable housing, adding that issues related to affordable housing should be addressed separately from the PUD.

Referring to line 18 of page 25, Commissioner Bobadilla questioned the necessity of a certain sentence, as follows: "Such households, on average, do not spend more than 30 percent of their income on housing."

1 Observing that this most likely carried over from the Staff Report and
2 addresses the purpose, Mr. Cooper advised Commissioner Bobadilla
3 that he would strike this sentence.

4
5 Chair Johansen suggested that there should be some reference to
6 encourage the concept of affordable housing.

7
8 Referring to line 37 of page 26, Chapter 90 (Definitions), with regard to
9 Sustainable Landscape Practices, Commissioner Bobadilla noted that
10 there should be a comma following the word "example" in the last
11 sentence.

12
13 Referring to line 12 of page 27, Commissioner Bobadilla expressed her
14 opinion that the word "a" should be inserted prior to Planned Unit
15 Development approval.

16
17 Mr. Cooper indicated that he would make this revision.

18
19 Referring to line 36 of page 28, Commissioner Bobadilla expressed her
20 opinion that the word "The" should replace the word "Such".

21
22 Commissioner Maks objected to this revision, and Mr. Cooper
23 suggested that this sentence be left as it is.

24
25 Following a brief discussion with regard to affordable housing,
26 Commissioner Maks noted that the Commission had decided to switch
27 from five to fifteen years at a previous meeting. Commissioner
28 Bobadilla and Mr. Cooper indicated that they had thought that this
29 switch had been to thirty years, and the Commission decided that
30 thirty years would be appropriate.

31
32 Expressing his opinion that affordable housing should be provided in
33 perpetuity, Mr. Cooper indicated that thirty years provides some
34 flexibility.

35
36 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**
37 a motion to **APPROVE** TA 2006-0003 – Planned Unit Development
38 Text Amendments, as amended, based upon the findings presented in
39 all Staff Reports and Memorandums, including corrections made this
40 evening.

41
42 Motion **CARRIED** 6:1.

43



MEMORANDUM
City of Beaverton
Community Development Department

"make it happen"

To: Planning Commissioners
From: Colin Cooper, AICP, Senior Planner *CC*
Date: August 17, 2006
Subject: **PUD Text Amendment Final Draft (TA 2006-0003)**

Please find attached a copy of the Final Draft of the PUD Text for your review and consideration for recommendation of approval. The document that is attached reflects several minor editing changes since the public hearing on July 26, 2006. These changes are outlined below.

Edits that include new text are highlighted and include a double underline. Text edits that include a deletion have a double strike through (~~for example~~).

- 1) Based on the Planning Commission input from July 26, 2006 the minimum acreage requirement for a PUD has been retained at 2 acres.
- 2) Based on additional consideration by the Planning Commission the requirement for a maximum of four units has been removed. Attached structures remain subject to Design Review Standards and Guidelines of Section 60.05, and that there is an existing standard that limits attached dwellings structures to 200 feet. Additionally, there are standards that require building plane off-sets to help different the mass of the structure.
- 3) Based on the last public hearing staff has created three options for the Planning Commission to consider regarding improvements to the common area.

Original Language

7. A Commons shall include at least two (2) of the following, or similar improvements as approved by the Planning Commission:
 - A bench or other seating with a pathway or other pedestrian way;
 - A water feature such as a fountain;
 - A children's play structure;
 - A gazebo;
 - Tennis courts
 - An indoor or outdoor sports court; or
 - An indoor or outdoor swimming and/or wading pool.
 - Plaza

Option A

7. A Commons shall include physical improvements to enhance the commons area that from the following list, the items chosen must total 500 or more points. Other improvements may be approved by the Planning Commission:

Amenity	Points
A bench or other seating with a pathway or other pedestrian way	100
Water feature.	250
Water feature with wading area	300
Picnic Area or outdoor eating facility	150
Playground equipment.	200
Combined with a 750 square foot gathering area.	350
Tennis and/or sport court (e.g. Basketball, Volleyball, Paddle Tennis)	200
A gazebo or similar gathering area.	150
An indoor or outdoor swimming with clubhouse.	500
Plaza that serve as gathering places with benches	150
Indoor Clubhouse or meeting facility	500
Dedicated Basketball, Volleyball, or other sport use area.	200
Other (Improvements not included on this list as approved by the Planning Commission	100-500

Option B

7. A Commons shall include at least two (3) of the following, with two (2) items chosen from Column A and one (1) item from Column B or similar improvements as approved by the Planning Commission:

Column A

- Benches (2 or more) and Pathway
- Water Feature with Wading Area
- Playground Equipment
- Sport Court (Tennis, Basketball)
- Indoor or Outdoor Swimming Pool
- Other Improvement as approved by the Planning Commission

Column B

- Water Feature
- Picnic Area (inclusive of tables and Seating Area and pathway)
- Gazebo or 750 sq. foot plaza with Seating.
- Other Improvement as approved by the Planning Commission

Planned Unit Development Code Update

Staff ask that the Planning Commission to consider the minor edits contained in the document distributed to you and the issues contained in this memo and recommend approval TA 2006-0003 (Planned Unit Development).

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PLANNING COMMISSION MINUTES

July 26, 2006

CALL TO ORDER: Chairman Eric Johansen called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Eric Johansen, Planning Commissioners Melissa Bobadilla, Dan Maks, Richard Stephens, and Scott Winter. Planning Commissioners Wendy Kroger and Shannon Pogue were excused.

Senior Planner Colin Cooper, AICP, represented staff.

The meeting was called to order by Chairman Johansen, who presented the format for the meeting.

VISITORS:

Chairman Johansen asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Senior Planner Colin Cooper indicated that there were no communications at this time.

OLD BUSINESS:

Chairman Johansen opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1 **CONTINUANCES:**

2
3 **I. TA 2006-0003 - PLANNED UNIT DEVELOPMENT**
4 **MODIFICATIONS TEXT AMENDMENT**

5 (Continued from July 19, 2006)

6 A text amendment to Chapter 40, Sections 40.15.15.5 and 6; Chapter
7 60, Section 60.35.05-15; Chapter 90; Definitions of the Beaverton
8 Development Code, currently effective through Ordinance 4248 to
9 create new Planned Unit Development Thresholds, Approval Criteria,
10 and Standards. The intent of the proposed amendment is to require
11 more specific thresholds and standards for development of Planned
12 Unit Developments. Chapter 90, Definitions will be amended with
13 new terms as necessary.

14
15 Chairman Johansen briefly described the applicable approval criteria
16 and outlined the hearing procedure.

17
18 Mr. Cooper summarized the purpose of this text amendment and the
19 process through which these revisions had been developed. He
20 questioned whether the Commission believes there is any merit in
21 creating an exception process for the two-acre minimum currently
22 proposed. Concluding, he offered to respond to questions.

23
24 Observing that every infill site is difficult, Commissioner Maks pointed
25 out that it is rare for a Planned Unit Development (PUD) application
26 to meet an exception.

27
28 Mr. Cooper explained that he does recall preparing several PUD
29 exceptions that had been accepted by the Commission.

30
31 Emphasizing that we are already down to two acres, Commissioner
32 Maks suggested the possibility of tying it somehow to being developed
33 under standard methods (setbacks, etc.) and being unable to meet the
34 minimum density requirements.

35
36 Commissioner Winter expressed his opinion that in order for these
37 developments to meet their financial goals, the smaller the parcels
38 become, the greater the pressure will be to maximize the density.

39
40 Chairman Johansen noted that it is necessary to consider the options
41 for this property that is difficult to develop.

42

1 Mr. Cooper mentioned that there is a section within the Development
2 Code that provides that minimum residential density requirements do
3 not have to be met if a variance or an adjustment is necessary.
4

5 Chairman Johansen pointed out that there appears to be a general
6 consensus with regard to the proposed two acres with no exceptions.
7

8 Mr. Cooper questioned whether the Commission wishes to continue to
9 maintain the four-unit maximum for attached dwellings.
10

11 Observing that many of Polygon's developments involve eight units,
12 Commissioner Maks expressed his opinion that many of these are
13 attractive developments. Noting that four units would constrain
14 flexibility, he questioned whether it is necessary to determine a
15 maximum number of units.
16

17 Mr. Cooper explained that there are numerous architectural options
18 and standards that could address this issue.
19

20 Chairman Johansen expressed concern with creating some criteria
21 that would prevent creating a development that is too massive for a
22 particular site.
23

24 Mr. Cooper and the Commission discussed two possible approaches for
25 prioritizing the development of amenities for common areas, as follows:
26

- 27 • Create a point score for each amenity
- 28 • Require a selection from a menu with a ranking to be used in a
29 menu system
30

31 Mr. Cooper suggested that the Commission e-mail any further
32 questions or comments to him.
33

34 Commissioner Bobadilla mentioned several necessary corrections
35 within the document outlining the proposed amendments.
36

37 The Commission discussed issues pertaining to open space tracts,
38 common space, and recreation within a development, as well as
39 flexibility, affordable housing and quality of life issues.
40

41 Commissioner Maks **MOVED** and Commissioner Stephens
42 **SECONDED** a motion to **CONTINUE** TA 2006-0003 – Planned Unit
43 Development Modifications Text Amendment to a date certain of
44 August 23, 2006.

1 Motion **CARRIED** 5:0.

- 2
- 3 **AYES:** Maks, Stephens, Bobadilla, Winter, and Johansen.
- 4 **NAYS:** None.
- 5 **ABSTAIN:** None.
- 6 **ABSENT:** Kroger and Pogue.
- 7

8 **II. TA 2006-0006 – LOT LINE ADJUSTMENT/CONSOLIDATION**
 9 (Continued from July 19, 2006)

10 The proposed text amendment to the Development Code would add a
 11 new Lot Line Adjustment Application Threshold to Section 40.45.15,
 12 Lot Line Adjustment that requires that when two or more tax lots are
 13 proposed to be consolidated into fewer tax lots a Lot Line
 14 Adjustment/Consolidation application is required.

15
 16 Chairman Johansen briefly described the applicable approval criteria
 17 and outlined the hearing procedure.

18
 19 Mr. Cooper summarized the purpose of this text amendment and why
 20 these revisions had been developed in order to simplify and improve
 21 the existing process. Concluding, he offered to respond to questions.

22
 23 **PUBLIC TESTIMONY:**

24
 25 No member of the public testified with regard to this proposal.

26
 27 The Commissioners agreed that this proposal meets applicable
 28 approval criteria and would improve the existing process.

29
 30 Commissioner Winter **MOVED** and Commissioner Bobadilla
 31 **SECONDED** a motion to **APPROVE** TA 2006-0006 – Lot Line
 32 Adjustment/Consolidation, based upon the facts and findings within
 33 the Staff Report dated July 26, 2006.

34
 35 Motion **CARRIED** 5:0.

- 36
- 37 **AYES:** Winter, Bobadilla, Maks, Stephens, and Johansen.
- 38 **NAYS:** None.
- 39 **ABSTAIN:** None.
- 40 **ABSENT:** Kroger and Pogue.
- 41

42 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**
 43 a motion to **RECONSIDER** the previous motion.

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Motion **CARRIED** 5:0.

- AYES:** Maks, Winter, Bobadilla, Stephens, and Johansen.
- NAYS:** None.
- ABSTAIN:** None.
- ABSENT:** Kroger and Pogue.

Commissioner Winter **MOVED** and Commissioner Bobadilla **SECONDED** a motion to **APPROVE** TA 2006-0006 – Lot Line Adjustment/Consolidation, based upon the facts and findings within the Staff Report dated July 19, 2006.

Motion **CARRIED** 5:0.

- AYES:** Winter, Bobadilla, Maks, Stephens, and Johansen.
- NAYS:** None.
- ABSTAIN:** None.
- ABSENT:** Kroger and Pogue.

NEW BUSINESS:

PUBLIC HEARINGS:

I. TA 2006-0005 – FACILITIES REVIEW AMENDMENTS

Amendment to various sections of the Beaverton Development Code (BDC) to clarify the Facilities Review Committee process and relocate certain Facilities Review Committee approval criteria to selected applications. Affected chapters of the BDC include Chapter 10 (General Provisions), Chapter 40 (Applications), and Chapter 50 (Procedures).

Chairman Johansen briefly described the applicable approval criteria and outlined the hearing procedure.

Mr. Cooper summarized the purpose of this text amendment and why these revisions had been developed in order to simplify and improve the existing process. Concluding, he offered to respond to questions.

PUBLIC TESTIMONY:

No member of the public testified with regard to this proposal.

The Commissioners agreed that this proposal meets applicable approval criteria and would improve the existing process.

1 Commissioner Winter **MOVED** and Commissioner Bobadilla
2 **SECONDED** a motion to **APPROVE** TA 2006-0005 – Facilities
3 Review Amendments, based upon the facts and findings within the
4 Staff Report dated July 19, 2006.

5
6 Motion **CARRIED** 5:0.

7
8 **AYES:** Winter, Stephens, Bobadilla, Maks, and Johansen.
9 **NAYS:** None.
10 **ABSTAIN:** None.
11 **ABSENT:** Kroger and Pogue.

12
13 **MISCELLANEOUS BUSINESS:**

14
15 The meeting adjourned at 8:00 p.m.



MEMORANDUM
City of Beaverton
Community Development Department

"make it happen"

To: Planning Commissioners
From: Colin Cooper, AICP, Senior Planner *CC*
Date: July 21, 2006
Subject: PUD Text Amendment (TA 2006-0003)

Please find attached a copy of the most current draft PUD Text for your review and a copy of the notes taken from the Developers/Consultant Focus Group meeting. The document that is attached reflects changes to the draft PUD text based on discussions with the Planning Commission, Developers/Consultant Focus Group, and planning staff. To assist in the review of changes to the code staff has developed the following format that appears opposite the page being reviewed. Staff is seeking additional input and then will bring a final draft to the Planning Commission in August.

Example:

Section 60.35.05 Planned Unit Development Purpose Statement:

Planning Commission:

Developers/Consultant Focus Group:

Staff Review:

Modification to Code:

There are a few outstanding questions the Planning Commission should consider:

- 1) Does the Planning Commission believe there is any merit in creating an exception process for the 2 acre minimum currently proposed? The Developer/Consultant Focus group felt that there needs to be flexibility and pointed to several jurisdictions where this is the procedure. Staff planners are also somewhat concerned about the possible unintended consequences of not allowing PUD's below 2 acres.

As staff described earlier in the text amendment process the City Code previously had a 4 acre minimum with a process for allowing exceptions so this approach has been used in Beaverton previously.

- 2) Does the Planning Commission wish to continue to maintain the four unit maximum for attached dwellings? Consideration of the maximum of 4 attached units. Both the Developer/Consultant focus group and staff feel this will needlessly constrain design flexibility. The Developer/Consultant group also noted that there will be the potential for additional development costs.

- 3) Two possible approaches could be used for prioritizing the development of amenities for common areas. The first is to create a point score for each amenity (Some combination of 500 points would be needed for developer in this example) and the second is to require a selection from a menu with a ranking to be used in a menu system. Staff encourage Planning Commissioners to rank the amenities and add to the list.

Amenity	Points	Planning Commission Ranking
A bench or other seating with a pathway or other pedestrian way	100	
Water feature.	250	
Water feature with wading area	300	
Picnic or outdoor eating facility	150	
Playground equipment.	200	
Combined with a 500 square foot gathering area.	350	
Tennis and/or sport court	200	
A gazebo or similar gathering area.	150	
An indoor or outdoor swimming with clubhouse.	500	
Plaza that serve as gathering places with benches	150	
Indoor Clubhouse or meeting facility	500	
Dedicated Volleyball or other sport use area.	200	

Issues Outstanding:

- Section 40.15.15.5.C, Approval Criteria, staff is developing language and associated standards that will articulate the issue of monotony within PUD developments.

The Planning Commission should consider the proposed changes to the text and question in this memo and provide final direction to staff prior to preparing and returning the final draft and ordinance for Planning Commission approval in late August, which will be forwarded in turn to the City Council for a September public hearing and having adopted code in place by the end of the year.

Developer/Consultant Focus Group

Thresholds and General Comments:

1. Minimum Density Standards are driving product type.
2. Section 20.05.50 – Good escape clause for developers to use. This section allows for flexibility for not having to do a PUD.
3. The Focus Group suggested softening the 2 acre threshold.
4. Clark County is creating a “beauty contest” for lots under minimum acreage threshold. The Planning Commission makes the decision whether the applicant makes it.
5. Clackamas County/Tigard/Tualatin allows Lot Averaging 80% of the lot size of the abutting or 100 % of abutting.

Open Space Tracts

1. What is the City trying to accomplish with open space? Residents want visual access not always physical access.
2. Hillsboro is going through the same process and is finding Open Space to be problematic in connection to the HOA.
3. City of Sandy is proposing that developers pay a park SDC fee in lieu of Open Space.
4. Example: Hillsboro 800 square feet on private lots (2/3 total) vs. public open space.
5. If a Park Facility is within ¼ mile could the Open Space requirement be reduced? What if it is directly adjacent?
6. Need to remember that if Open Space is put in a tract the setback from an exterior lot line might be counted from the new tract boundary rather than the original parent parcel.
7. If you want to encourage ally's TND's, better streetscape, get ride of open space requirement altogether, this is especially true for higher density projects.
8. Consider a system for open space that provides wide open space versus individual open space. It doesn't make sense to give up 20 percent of a site.
9. There should be an exception for linear park or pedestrian connections that need to be narrower and longer than the standard allow currently. Examples include

- dedications of narrow areas adjacent to wetlands or riparian areas. Also the need to provide narrow pedestrian and bicycle connections to existing or planned trails.
10. Consider a process similar to the Engineer Street Design Modification.
 11. Consider reducing open space requirement if the street is designed to be a pedestrian boulevard by the addition of wider planting strips and wider sidewalks.
 12. Are private facilities the right thing in conjunction with open space? Example provided with a HOA pool.
 13. Concern with slope standard regarding open space, an exception should be provided.
 14. If a private facility is proposed in conjunction with open space make sure the regulations don't require too much parking, provide a parking exception. The facility is intended for surrounding neighbors so ask them to walk rather than use there car.

Design Standards and Compatibility

1. The PUD standards need to be careful to maintain as much of an outward focus as an inward focus.
2. Lot coverage would be an issue. 50% in the code draft would create a significant amount of private open space. What is the definition of coverage?
3. Don't discourage mixed density products with coverage rules.
4. It is about design.
5. Uniformity in design is not a bad thing. Texture of the streetscape is just as important as the variety of architecture form.
6. Size and shape of the blocks combined with how car parking is treated are more important.
7. Group Suggested a Menu System especially for Architectural Standards.
8. 4 Unit maximum provided general concern. Questions included what are the implications for land division.
9. Group felt that the standard was trying to address issues of building massing and envelope in place of neighborhood compatibility issue. The issue is not architecture, but architecture standards are being used to deal with land use compatibility issues. If you don't want attached product don't allow it or develop better overall architectural standards.

10. Although generally familiar with lot coverage standards the group wonder if the issue of separation was better addressed with setbacks rather than lot coverage.
11. Small things have a big impact on overall PUD design quality. Vehicular parking is huge. If a residential housing is dominated with a driveway where a vehicle is also parked that will be the view people have. Consider consolidating parking areas. Encourage ally loaded garages. Fences can cause a significant impact visually and can visually block what may otherwise be adequate private open space and lead to the sense of crowding.
12. Work more on the front yard setback to create a minimum stagger.
13. Quality of front yard is impacted by location of driveway.
14. Building entrance design standard may be OK; however, it may also cause problems with cluster or cottage or courtyard style development. The standard should reflect these styles of development.
15. Increase percentage of windows and doors with narrow lots and decrease percentage with wider lots.

Development Incentives:

1. Separate sustainability standards from building and site standards.
2. Should a private facility be counted toward community open space or removed from incentive portion of the code?
3. Affordable housing. Need to make sure that this incentive does not run afoul of the State prohibition on Inclusionary Zoning.
4. Like the idea of decoupling housing and real estate through the land trust idea.
5. Not too many comments on solar. Suggest reviewing past PUD's to ensure to see what percentage of lots where solar compliant to check against proposed target of 90 percent.
6. Should add Low Impact Design / Sustainability standards into the mix of incentives.
7. Provide incentives to contribute to Regional Facilities versus continuing to build small private facilities.

List of Developers and Land Use Consultants Invited to Focus Groups:

Attendees in Bold

Development Group	Consultant Group
Rob Henin Trammel Crow Residential	Jerry Offer OTAK
Fred Gast Polygon Northwest	Mimi Doukas WRG Design
Don Guthrie Arbor Custom Homes	Tom O'Connell Alpha Community Development
Jeff Shrope Renaissance Homes	Tom Wright Group McKenzie
David Oringdulph Legend Homes	Frank Angelo Angelo Eaton and Associates
Ernie Platt Home Builders Association of Metropolitan Portland	Hal Kever W&H Pacific
Alan DeHarrport Roundstone Properties	Don Sowieja (Jonathan Konkol - Attended) Myhre Group Architects
Don Morissette Venture Properties	Doug Strickler LanPacific
Matthew Grady, AICP Gramor Development	KJ Won, AICP Land Consultant
Greg Specht Specht Development	Mike Miller MGH and Associates
Mark Perniconi C.E. John Company	

Originally staff intended to have two focus groups, one for developers and one for consultants. However, because of the lack of response from the development community the one representative from that group was added to the consultant group for a single Developers/Consultant Focus group. That meeting was held on July 18, 2006.

1 **Section 1: The Development Code, Ordinance No. 2050, Chapter 40, Applications,**
2 **Section 40.15.15.5 shall be amended to read as follows:**
3 **40.15.15.**

4
5 ~~5. Preliminary Planned Unit Development.~~

6
7 ~~A. Threshold. A Preliminary Planned Unit Development (PUD)~~
8 ~~application is an optional application process which may be chosen by~~
9 ~~the applicant. A Preliminary PUD application is the first application~~
10 ~~of a two step application process with a Final PUD application as the~~
11 ~~second step. A Preliminary PUD is a plan that generally demonstrates~~
12 ~~the ultimate development of a project. A Preliminary PUD may be~~
13 ~~applied to properties within any City zoning district except~~
14 ~~Residential Agricultural (RA).~~

15
16 ~~B. Procedure Type. The Type 3 procedure, as described in Section 50.45~~
17 ~~of this Code, shall apply to an application for Preliminary PUD. The~~
18 ~~decision making authority is the Planning Commission.~~

19
20 ~~C. Approval Criteria. In order to approve a Preliminary PUD application,~~
21 ~~the decision making authority shall make findings of fact based on~~
22 ~~evidence provided by the applicant demonstrating that all the~~
23 ~~following criteria are satisfied:~~

24
25 ~~1. The proposal satisfies the threshold requirements for a~~
26 ~~Preliminary PUD application.~~

27
28 ~~2. All City application fees related to the application under~~
29 ~~consideration by the decision making authority have been~~
30 ~~submitted.~~

31
32 ~~3. The proposal meets the Site Development Requirement for~~
33 ~~setbacks within the applicable zoning district for the perimeter~~
34 ~~of the parent parcel unless the setbacks are approved as an~~
35 ~~Adjustment, Flexible Setback or Variance which shall be~~
36 ~~considered concurrently with the subject proposal.~~

37
38 ~~4. The proposal will comply with the applicable policies of the~~
39 ~~Comprehensive Plan.~~

40
41 ~~5. The size, dimensions, configuration, and topography of the site~~
42 ~~and natural and man made features on the site can reasonably~~
43 ~~accommodate the proposal.~~

44
45
46
47 **40.15.15.5.C.**

1 ~~6. The location, size, and functional characteristics of the proposal~~
2 ~~are such that it can be made reasonably compatible with and~~
3 ~~have a minimal impact on livability and appropriate~~
4 ~~development of properties in the surrounding area of the subject~~
5 ~~site.~~
6

7 ~~7. Lessening the Site Development Requirements results in~~
8 ~~benefits to the site, building, and structural design or~~
9 ~~preservation of natural features that could otherwise not be~~
10 ~~achieved.~~
11

12 ~~8. Applications and documents related to the request, which will~~
13 ~~require further City approval, shall be submitted to the City in~~
14 ~~the proper sequence.~~
15

16 ~~D. Submission Requirements. An application for a Preliminary PUD~~
17 ~~shall be made by the owner of the subject property, or the owner's~~
18 ~~authorized agent, on a form provided by the Director and shall be filed~~
19 ~~with the Director. The Preliminary PUD application shall be~~
20 ~~accompanied by the information required by the application form, and~~
21 ~~by Section 50.25 (Application Completeness), and any other~~
22 ~~information identified through a Pre Application Conference.~~
23

24 ~~E. Conditions of Approval. The decision making authority may impose~~
25 ~~conditions on the approval of a Preliminary PUD application to ensure~~
26 ~~compliance with the approval criteria.~~
27

28 ~~F. Appeal of a Decision. Refer to Section 50.70.~~
29

30 ~~G. Expiration of a Decision. The decision shall expire two (2) years after~~
31 ~~of the date of decision. Refer to Section 50.90.~~
32

33 ~~H. Extension of a Decision. Refer to Section 50.93.~~
34

35 ~~40.15.15.~~
36

~~6. Final Planned Unit Development~~

37

38 ~~A. Threshold. A Final Planned Unit Development (PUD) application is~~
39 ~~the second application of a two-step application process with a~~
40 ~~Preliminary PUD as the first step. A Final PUD application may also~~
41 ~~be a one-step application process which is an alternative to the two-~~
42 ~~step process required when an applicant chooses to apply for a~~
43 ~~Preliminary PUD. The option of a one-step or two-step process rests~~
44 ~~with the applicant. The requirements for a Final PUD may be applied~~
45 ~~to properties within any City zoning district except Residential-~~
46 ~~Agricultural.~~
47

1 ~~B. Procedure Type. The Type 3 procedure, as described in Section 50.45~~
2 ~~of this Code, shall apply to an application for Final PUD approval. The~~
3 ~~decision making authority is the Planning Commission.~~

4
5 ~~C. Approval Criteria. In order to approve a Final PUD application, the~~
6 ~~decision making authority shall make findings of fact based on~~
7 ~~evidence provided by the applicant demonstrating that all the~~
8 ~~following criteria are satisfied:~~

9
10 ~~1. The proposal satisfies the threshold requirements for a Final~~
11 ~~PUD application.~~

12
13 ~~2. All City application fees related to the application under~~
14 ~~consideration by the decision making authority have been~~
15 ~~submitted.~~

16
17 ~~3. If a Preliminary PUD has been approved, the Final PUD is filed~~
18 ~~within two (2) years or the Preliminary PUD has received an~~
19 ~~extension approval pursuant to Section 50.93 of this Code.~~

20
21 ~~4. The final PUD complies with the approved Preliminary PUD, if~~
22 ~~any.~~

23
24 ~~5. The proposal meets the Site Development Requirement for~~
25 ~~setbacks within the applicable zoning district for the perimeter~~
26 ~~of the parent parcel unless the setbacks are approved as an~~
27 ~~Adjustment, Flexible Setback or Variance which shall be~~
28 ~~considered concurrently with the subject proposal.~~

29 40.15.15.6.C:

30
31 ~~6. The proposal complies with the applicable policies of the~~
32 ~~Comprehensive Plan.~~

33
34 ~~7. The size, dimensions, configuration, and topography of the site~~
35 ~~and natural and man-made features on the site can reasonably~~
36 ~~accommodate the proposal.~~

37
38 ~~8. The location, size, and functional characteristics of the proposal~~
39 ~~are such that it can be made reasonably compatible with and~~
40 ~~have a minimal impact on livability and appropriate~~
41 ~~development of properties in the surrounding area of the subject~~
42 ~~site.~~

43
44 ~~9. The lessening of the Site Development Requirements results in~~
45 ~~benefits to the enhancement of site, building, and structural~~
46 ~~design or preservation of natural features.~~

1 10. ~~Applications and documents related to the request, which will~~
2 ~~require further City approval, shall be submitted to the City in~~
3 ~~the proper sequence.~~

4
5 D. ~~Submission Requirements.~~ ~~An application for a Final PUD shall be~~
6 ~~made by the owner of the subject property, or the owner's authorized~~
7 ~~agent, on a form provided by the Director and shall be filed with the~~
8 ~~Director. The Final PUD application shall be accompanied by the~~
9 ~~information required by the application form, and by Section 50.25~~
10 ~~(Application Completeness), and any other information identified~~
11 ~~through a Pre Application Conference.~~

12
13 E. ~~Conditions of Approval.~~ ~~The decision making authority may impose~~
14 ~~conditions on the approval of a Final PUD application to ensure~~
15 ~~compliance with the approval criteria.~~

16
17 F. ~~Appeal of a Decision.~~ ~~Refer to Section 50.70.~~

18
19 G. ~~Expiration of a Decision.~~

20
21 1. ~~If the application proposes to develop the PUD in a single phase,~~
22 ~~the decision shall expire two (2) years after the date of decision.~~
23 ~~Refer to Section 50.90.~~

24
25 40.15.15.6.G.

26
27 2. ~~If the application proposes to develop the PUD over multiple~~
28 ~~phases, the decision making authority may approve a time~~
29 ~~schedule of not more than five (5) years for the multiple~~
30 ~~development phases. However, all PUD phases must commence~~
31 ~~construction within five (5) years of the date of decision of the~~
32 ~~Final PUD. Refer to Section 50.90.~~

33
34 H. ~~Extension of a Decision.~~ ~~Refer to Section 50.93.~~

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Section 40.15.15. Thresholds:

Planning Commission: As written the application thresholds made it appear that an applicant had to meet both thresholds the Planning Commission questioned if this was then intent.

Staff Review: Staff raised the same question regarding the thresholds as the Planning Commission.

Modification to Code: A modification to the preamble to the application thresholds that clarifies that if one or both thresholds apply a PUD application is required.

Threshold #1 was also modified to clearly indicate that a residential property may be 2 acres or greater.

Threshold #2 was modified to correct the number of applications that if associated with a Preliminary Subdivision or Partition will require a Planned Unit Development from 2 to 3; this was a scrivener's error.

1 **Proposed Planned Unit Development Code**

2
3 40.15.15.

4
5 **5. Planned Unit Development**

6
7 A. Threshold. A Planned Unit Development is an optional application
8 process which may be chosen by the applicant when one or more of the
9 following thresholds apply:

- 10
11 1. The Planned Unit Development (PUD) may be applied to Commercial,
12 Industrial, Multiple Use ~~of any size~~ and Residential properties that are
13 ~~over~~ 2 acres or greater in size within any City zoning district except
14 Residential-Agricultural.
15
16 2. When a land division requires more than ~~2~~ 3 of the following land use
17 applications:
18 a. Minor or Major Adjustment
19 b. Flexible Setbacks
20 c. Variance

21
22 B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of
23 this Code, shall apply to an application for PUD approval. The decision
24 making authority is the Planning Commission.
25

26 C. Approval Criteria. In order to approve a PUD application, the Planning
27 Commission shall make findings of fact based on evidence provided by the
28 applicant demonstrating that all the following criteria are satisfied:

- 29
30 1. The proposal satisfies the threshold requirements for a PUD
31 application.
32
33 2. All City application fees related to the application under consideration
34 by the decision making authority have been submitted.
35
36 3. The proposal meets the Site Development Requirement for setbacks
37 within the applicable zoning district for the perimeter of the parent
38 parcel unless otherwise provided by Section 60.35.00.
39
40 4. The proposal complies with the applicable policies of the
41 Comprehensive Plan.
42
43 5. The size, dimensions, configuration, and topography of the site and
44 natural and man-made features on the site can reasonably
45 accommodate the proposal.

1 **Section 40.15.15.5.C Approval Criteria:**

2
3 Planning Commission: Commissioners expressed confusion for Approval Criteria #7.

4
5
6 Developer/Consultant Focus Group: No specific comments.

7
8
9 Staff Review: Staff asked numerous questions regarding the approval criteria. Specific
10 concerns related to the definition or intent of the following words or phrases: “significant
11 benefit,” “functional characteristics,” and “minimal impact.” Staff asked for the Approval
12 Criteria to be tied to specific standards. Staff indicated that Approval Criteria #9.a use of
13 the term public interest was too broad.

14
15 Modification to Code: Section 40.15.15.5.C, Approval Criteria, staff is developing
16 language and associated standards that will articulate the issue of monotony within PUD
17 developments.

18
19 Approval Criteria #9.a, was changed to provide greater clarity.
20
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6. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.
 7. The width of proposed lots within residential developments vary so as to break up the monotony of long blocks and provide for a variety of home shapes and sizes, while giving the perception of open spaces between homes.
 8. The lessening of the Site Development Requirements results in significant benefits to the enhancement of site, building, and structural design, preservation of natural features and the surrounding neighborhood as outlined in Section 60.35.00.
 9. The proposal provides ~~usable~~ and improved open space, accessible and usable by persons living nearby. Usable Open space meets the following criteria unless otherwise determined by the Planning Commission through Section 60.35.35:
 - a. The dedicated land forms a single parcel of land except where the Planning Commission determines two (2) parcels or more would be ~~in the public interest~~ complement the overall site design.
 - b. The shape of the open space is such that the length is not more than three (3) times the width so as to provide usable space for a variety of activities except where the Planning Commission determines a greater proportioned length would be in the public interest.
 - c. The dedicated land(s) is located so as to reasonably serve all lots for the development, which the dedication is required.
 10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a PUD shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The PUD application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

1 **Section 40.15.15.5.C Approval Criteria:**
2
3 Planning Commission: No specific comments.
4
5
6 Developer/Consultant Focus Group: No specific comments.
7
8
9
10 Staff Review: Staff noted that the Phasing standard needed to include Floor Area Ratio
11 standards.
12
13
14 Modification to Code: Several small word changes to address issues raised by staff.
15
16

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E. Conditions of Approval. The decision making authority may impose conditions on the approval of a PUD application to ensure compliance with the approval criteria.

F. Phasing of the development shall may be allowed permitted with approval of the Planning Commission. A deed restriction for those areas of the parent parcel in which deferred development will occur shall limit the number of future units developed to an amount consistent with the minimum and maximum density or Floor Area Ratio (FAR) permitted for the overall development.

G. Appeal of a Decision. Refer to Section 50.70.

H. Expiration of a Decision.

1. The PUD decision shall expire five (5) years after the date of decision. Refer to Section 50.90.

I. Extension of a Decision. Refer to Section 50.93.

1 **Section 2: The Development Code, Ordinance No. 2050, Chapter 60, Special**
2 **Regulations, Section 60.35 shall be amended to read as follows:**

3
4 **60.35. PLANNED UNIT DEVELOPMENT [ORD 4224; August 2002]**

5
6 ~~**60.35.05 Purpose.** It is the purpose of these provisions to allow a planned unit~~
7 ~~development (PUD) in any City zoning district except Residential-~~
8 ~~Agricultural (R-A). Uses or combinations of uses may be developed as a~~
9 ~~single, integral, functional unit or entity. The planned unit development~~
10 ~~provisions are intended to encourage more creative approaches for developing~~
11 ~~land, while enhancing and preserving the value, spirit, character, and~~
12 ~~integrity of surrounding areas which have developed or are developing under~~
13 ~~conventional district regulations. This is to be accomplished by:~~

- 14
15 1. ~~Utilizing advances in technology and design.~~
- 16
17 2. ~~Creating a comprehensive development plan which is equal to or better than~~
18 ~~that resulting from traditional lot by-lot land development.~~
- 19
20 3. ~~Employing design flexibility for locating structures, open spaces, circulation~~
21 ~~facilities, off street parking areas, and other improvements.~~
- 22
23 4. ~~Retaining and protecting special topographic, natural, or environmentally~~
24 ~~sensitive features on the site.~~
- 25
26 5. ~~Encouraging innovative design techniques.~~
- 27
28 6. ~~Utilizing design flexibility afforded by the planned unit development~~
29 ~~provisions to improve compatibility of the development with surrounding~~
30 ~~properties and uses.~~
- 31
32 7. ~~Change from specific site development requirement and combinations of uses~~
33 ~~is allowable, subject to the provisions of this Code.~~

34
35 ~~**60.35.10. Modification of Base Zoning Standards**~~

36
37 ~~1. Dimensional Standards~~

38
39 ~~The dimensional standards for the applicable zoning district as listed in~~
40 ~~Chapter 20 may be modified through approval of a Planned Unit~~
41 ~~Development, except for the following situations:~~

- 42
43 A. ~~Required setbacks shall continue to apply to the parent parcel upon~~
44 ~~which the proposed PUD will be located.~~
- 45
46 B. ~~The intersection standards in Section 60.55.50 shall continue to be~~
47 ~~satisfied.~~

1 60.35.10.1.
2

3 ~~C. All building setbacks shall continue to meet applicable building and~~
4 ~~fire code requirements.~~

5
6 ~~D. Maximum building height standards may be increased up to twelve~~
7 ~~feet (12') when the applicable building setback distance along the~~
8 ~~perimeter of the parent parcel is increased at a ratio of 1.5 additional~~
9 ~~feet of setback for every foot of building height over the base zone~~
10 ~~standard for building height.~~

11
12 ~~2. Allowed Uses.~~

13
14 ~~A. Except as provided in Section 60.35.10.2.B. below, the uses in a PUD~~
15 ~~shall comply with the permitted and conditional use requirements of~~
16 ~~the base zoning district.~~

17
18 ~~B. Detached and attached dwellings shall be allowed in any PUD~~
19 ~~provided the overall residential density satisfies the applicable~~
20 ~~residential density provisions of this Code.~~

21
22 ~~C. In addition to the accessory uses and structures typical of the uses~~
23 ~~authorized in the subject zoning district in which the PUD is located,~~
24 ~~accessory uses approved as a part of a PUD may include the following:~~

25
26 ~~1. Private park, lake or waterway.~~

27
28 ~~2. Recreation area.~~

29
30 ~~3. Recreation building, clubhouse or social hall.~~

31
32 ~~4. Other accessory use or structure which the decision making~~
33 ~~authority finds is designed to serve primarily the residents of~~
34 ~~the PUD, and is compatible with the neighborhood and to the~~
35 ~~design of the PUD.~~

1 ~~60.35.15~~ ~~Common Open Space.~~

2
3 1. ~~A PUD shall be required to provide common open space according to the~~
4 ~~following rates:~~

5
6 ~~A. Area equal to at least twenty percent (20%) of the subject site when the~~
7 ~~site is up to and including 10 acres in size. [ORD 4365; September~~
8 ~~2005]~~

9
10 ~~B. Area equal to at least fifteen percent (15%) of the subject site when the~~
11 ~~site is more than 10 acres and up to and including 50 acres in size.~~
12 ~~[ORD 4365; September 2005]~~

13
14 ~~C. An area equal to at least ten percent (10%) of the subject site when the~~
15 ~~site is more than 50 acres in size.~~

16
17 ~~2. Land required to be set aside as setbacks or buffers shall not be included in~~
18 ~~the calculation of required open space.~~

19
20 ~~3. Land shown on the final development plan as common open space, and~~
21 ~~landscaping and/or planting contained therein shall be permanently~~
22 ~~maintained by and conveyed to one of the following:~~

23
24 ~~A. An association of owners or tenants, created as a non-profit corporation~~
25 ~~under the laws of the state which shall adopt and impose articles of~~
26 ~~incorporation and bylaws and adopt and impose a declaration of~~
27 ~~covenants and restrictions on the common open space that is~~
28 ~~acceptable to the City Attorney as providing for the continuing care of~~
29 ~~the space. Such an association shall be formed and continued for the~~
30 ~~purpose of maintaining the common open space and shall provide for~~
31 ~~City intervention and the imposition of a lien against the entire~~
32 ~~planned unit development in the event the association fails to perform~~
33 ~~as required; or~~

34
35 ~~B. A public agency which agrees to maintain the common open space and~~
36 ~~any buildings, structures, or other improvements which have been~~
37 ~~placed on it.~~

1 **Section 60.35.05 Planned Unit Development Purpose Statement:**

2
3 Planning Commission: Planning Commissioners made several word suggestions. The
4 major question related to the concept of cluster housing. There was also concern that the
5 PUD purpose statement had no much broad language that was not directly related to
6 planning issues in Beaverton.

7
8 In two cases Commissioners suggested replacing “shall” with “should.” One Planning
9 Commissioner reminded everyone that the purpose statement is weakened by changing
10 the wording from “should” to “shall”.

11
12 Developer/Consultant Group: Recommend the inclusion of Courtyard, Patio, and Cottage
13 housing to describe cluster housing because this style of development is increasing in
14 popularity.

15
16 Staff Review: Staff made the same observation.

17
18 Modification to Code: Several changes have been made to the language including the
19 removal of language that was overly general and broad. Staff has included
20
21

1 **60.35 PLANNED UNIT DEVELOPMENT**

2
3 **60.35.05 Purpose**

4 It is the purpose of these provisions to allow a Planned Development (PUD) in any City
5 zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be
6 developed as a single, integral, functional unit or entity. The planned development
7 provisions are intended to encourage innovation and creative approaches for developing land
8 while enhancing and preserving the value, character, and integrity of surrounding areas
9 which have developed or are developing under conventional district regulations. This is to be
10 accomplished by using the following development and design principles:

- 11
- 12 1. Site design shall use the flexibility afforded by the planned development to
13
14 A. Provide setbacks and buffering through landscape or building design adjacent abutting to
15 existing development;
16 B. Cluster buildings to create open space and protect natural resources;
17 C. Provide for active and passive recreation;
18 D. Use resource efficient development and building practices that encourage innovative
19 design techniques and construction practices that use energy saving technology; or
20
 - 21 2. Site design shall maximize the opportunities for diversified architecture and outdoor living
22 environments that respond to the existing site context by exploring design flexibility for
23 siting structures, open spaces, circulation facilities, off-street parking areas, streetscapes,
24 resource conservation and creation and other site improvements that facilitate efficient use of
25 land and create a comprehensive development plan which is better than that resulting from
26 traditional subdivision development;
27
 - 28 3. Building architecture including detached residential, shall use innovative design that should
29 considers the context of the existing built and natural environment. Buildings shall be
30 architecturally detailed, and of a size and mass that contribute to a pedestrian-friendly
31 streetscape, and respond to the natural features of the site. Cluster housing, such as
32 Courtyard, Patio, or Cottage development, that grouping groups buildings in areas to
33 maximize open space and preserve significant cultural and natural resources is highly
34 encouraged as are the use of sustainable building materials and practices. The orientation of
35 buildings shall should promote human scaled and pedestrian friendly environments that
36 encourage walking, social interaction, and safety by having "eyes on the street or park"
37 whenever possible, and maximize solar exposure for passive solar gain;
38
 - 39 4. Open space should provide opportunities for active and/or passive recreation that includes
40 preservation of natural and cultural resources. Good site design shall retain and protect
41 special topographic, natural, and environmentally sensitive features and existing Significant
42 Groves and Historical and Individual stands of trees and understory and use native plant
43 material and sustainable landscape practices.
44
 - 45 ~~5. Change from specific site development requirement and combinations of uses shall be~~
46 ~~allowed, subject to the provisions of this Code.~~
47
48
49

1 **Section 60.35.10 Modification of Base Zoning Standards:**
2

3 **Planning Commission:** Commissioners expressed concern Section 60.35.10.1.C.4, that if
4 an applicant were to be required to wait and receive approval from the Planning
5 Commission it would potentially diminish the creation of accessory uses because the
6 approval of the proposed accessory use is too late in the project approval.
7

8
9 Planning Commissioners also expressed concern with the standard that sets a maximum
10 of 4 attached units as being too restrictive.

11
12 Commissioners suggested that maybe this provision only be applied in the R-10 and R-7
13 zones.
14

15 **Developers/Consultant Focus Group:** The focus group did not address the maximum 4
16 unit attached standard until staff prompted them. The group was generally concerned
17 and felt that the standard was trying to address architectural and use issues in a manner
18 that would create optional cost and unintended consequences.
19

20
21 **Staff Review:** Staff is concerned that the 4 attached unit maximum will create design
22 constraints and potential for other unintended consequences.
23

24
25 **Modification to Code:** The code was modified to state that only development in the R-10
26 and R-7 zones shall be subject to the maximum number of units. This would address the
27 concern the prompted the standard, which was the lack of compatibility with long
28 monotonous row home developments.
29
30
31

1 **60.35.10 Modification of Base Zoning Standards**

2 ~~The following Planned Development baseline standards apply to all single family~~
3 ~~residential attached and detached structures, except for multi-family, commercial, or~~
4 ~~industrial.~~

5
6 1. *Permitted Uses*

7
8 A. ~~Except as provided in Section 60.35.10.2.B below and in commercial and industrial~~
9 ~~zone,~~ ¶The uses in a PUD shall comply with the permitted and conditional use
10 requirements of the zoning district.

11
12 B. Detached and attached dwellings ~~shall~~ may be allowed in ~~any~~ PUD provided the
13 overall residential density satisfies the applicable residential density provisions of this
14 Code.

15
16 C. In addition to the accessory uses and structures typical in the zoning district in which
17 the PUD is located, accessory uses approved as a part of a PUD may include, but are
18 not limited to the following:

19
20 1. Private or public park, lake or waterway.

21
22 2. Recreation area.

23
24 3. Recreation building, clubhouse or social hall.

25
26 4. Other accessory uses or structures which the Planning Commission finds is
27 designed to serve primarily the residents of the PUD, and is compatible with
28 the neighborhood and to the design of the PUD.

29
30 2. *Density and Lot Dimensions*

31
32 A. Density and building scale shall relate to the surrounding neighborhood
33 development and natural resources.

34
35 1. Attached single-family units may not exceed four (4) units per structure in
36 the R-10 and R-7 Residential zones and shall be designed in a manner that
37 provides architectural and massing compatibility with the surrounding
38 neighborhood.

39
40 B. Density Transfers

41
42 1. A density transfer allows an equal transfer of dwelling units from one
43 portion of the site to another. Density transfers are allowed by right for
44 the following areas:

45
46 a. Area within a floodplain and flood plain setback;

47
48 b. Area over twenty-five (25) percent slope;

1 **Section 60.35.10 Modification of Base Zoning Standards:**
2

3 **Planning Commission:** Commissioners expressed concern Section 60.35.10.2.D., Lot
4 Coverage, and specifically asked if by adding lot coverage the code wasn't being too
5 prescriptive.
6

7 Planning Commissioners were concerned with the provision that sets a maximum of 4
8 attached units as being too restrictive. Staff responded that this code proposal was a
9 direct response to Commissioner's earlier concerns regarding too many units in a row.
10

11 Commissioners suggested that maybe this provision only be applied in the R-10 and R-7
12 zones.
13

14 **Developers/Consultant Focus Group:** The focus group did not have any objections to
15 the lot coverage standard and indicated that they were used to this type of approach.
16 The group did indicate that by adding this standard the proposed regulation would create
17 more private open space and that perhaps there should be other trade-offs.
18

19
20 **Staff Review:** Staff also expressed concern regarding lot coverage and thought it may be
21 too restrictive and again cause unintended consequences.
22

23
24 **Modification to Code:** Staff has modeled the lot coverage's and although the standards
25 are prescriptive they only become difficult when a developer has reduced the lot size to the
26 50 percent of the minimum allowed by the zoning district.
27
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- c. Known landslide areas or areas shown to have potential for severe or moderate landslide hazard;
- d. Area in designated resources areas including: significant tree groves, wetlands, riparian corridors, and their associated buffers;
- e. Areas constrained by monitoring wells and similar areas dedicated to remediation of contaminated soils or ground water; and
- f. Areas similar to those in a-e above, as approved by the Planning Commission through the PUD process.

C. Single-Family Residential Lot Sizes

- 1. Minimum lot size may be 50% of the designated base zone.
- 2. Maximum lot size may be 150% of the designated base zone. Oversized lots shall include a deed restriction to preclude unintended partitioning or subdividing of such lots in accordance with the requirements of the approved PUD.
- 3. Overall lot dimensions within the development plan shall not result in a lesser dwelling unit density than if the property in question were developed as a conventional design subdivision.

D. Lot Coverage

- 1. The following maximum lot coverage standards shall apply to all zones.
 - a. Single-Family Detached Houses – fifty (50) percent of lot area.
 - b. Single-Family Attached (Town homes) or row homes – Seventy (70) percent of lot area.
 - c. Duplexes and two-family attached houses – Sixty (60) percent of lot area.
 - d. Multi-family Housing - Sixty (60) percent of lot area.
 - e. Neighborhood Commercial Public/Institutional uses – One-hundred (100) percent of lot area.
- 2. Lot coverage may be increased by up to 10% by meeting the architectural requirements listed in the Development Bonus and Development Incentive Options described in section 60.35.25.

1 **Section 60.35.10 Modification of Base Zoning Standards:**

2
3 **Planning Commission:** Commissioners expressed concern that Section 60.35.10.3.A.1,
4 was not addressing ongoing concerns related to setbacks from proposed development and
5 existing neighborhoods.

6
7
8 **Developers/Consultant Focus Group:** The group believed that setbacks were a very
9 useful tool to addressing concerns related to open space and breaking up of massing. The
10 idea of requiring the garage behind the main body of the building was discussed and there
11 was no objection.

12
13
14 **Staff Review:** Staff had numerous comments related to this section of the code. Changes
15 have been made to address the concerns.

16
17
18 **Modification to Code:** Section 60.35.10.3.A.1, Setbacks, has been modified to require
19 that any lots created that abut the perimeter of the lot shall meet the front and rear
20 setback standards of the base zone and that where side yard setbacks exist the setback for
21 new development shall not be less than 15 feet.

22
23 A graphic that illustrates the proposed setbacks has been inserted.
24

1 3. *Setbacks*

2
3 A. The dimensional standards for the applicable zoning district as listed in Chapter 20
4 may be modified through approval of a Planned Development, except for the
5 following situations:

6
7 1. For proposed lots ~~along~~ abutting the perimeter of the property, the required
8 setbacks shall comply with the standard front and rear setbacks of the parent
9 parcel. Where the side yard of the parent parcel abuts existing development the
10 setback for new development shall be no less than fifteen (15) feet. By meeting
11 the Development Bonus and Development Incentive Options in section 60.35.25
12 the setbacks of proposed perimeter parcels may be reduced by up to ten (10)
13 percent upon approval of the Planning Commission.

14
15 2. Where standard modifications would not promote pedestrian or bicycle
16 connection to street; support storm water management; or meet fire and building
17 codes.

18
19 B. Front Setbacks

20
21 Apply to ~~single-family~~ detached dwelling, ~~duplex~~ and ~~triplex~~ attached dwelling, and
22 multi-family developments excepting lots along the perimeter which shall be consistent
23 with Section 60.35.10.3.A.1.

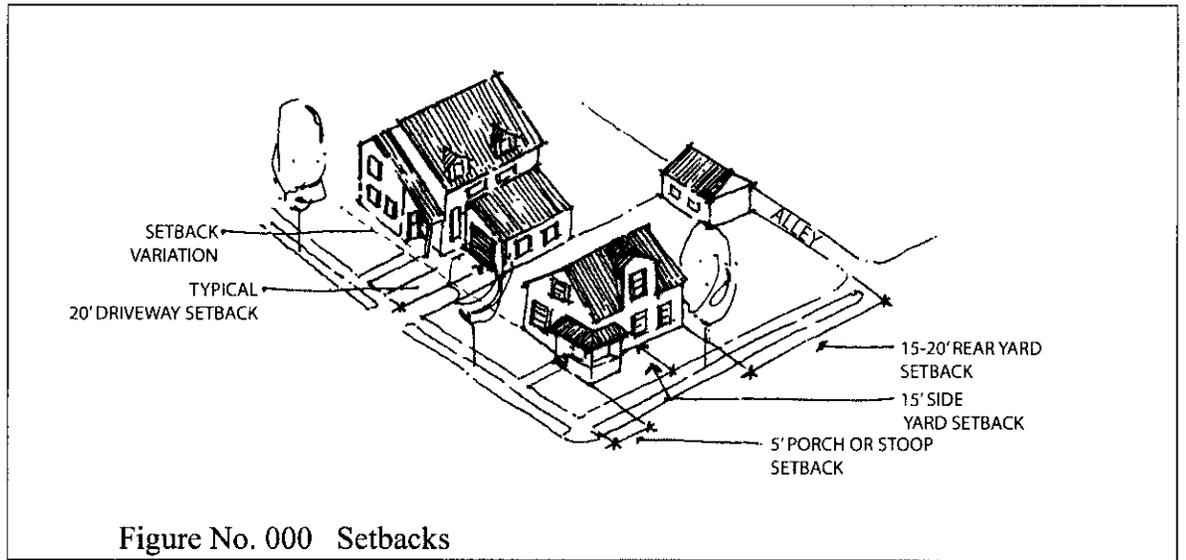
24
25 1. Proposed lots with front setbacks modified from the applicable zoning district,
26 and lots adjacent shall have staggered front yard setbacks in order to ~~promote~~
27 provide diversity in the lot layout.

28
29 2. Front setbacks for a residential structure, excluding garage where the garage door
30 faces the front property line, shall be a minimum of ten (10) feet. Unenclosed
31 porch or building stoop may be within five (5) feet of property line as long as it
32 does not encroach into a public utility easement.

33
34 3. All single-family attached and detached garages shall be setback a minimum of
35 twenty (20) feet from property line and recessed a minimum of four (4) feet from
36 front of building, not including porches when facing a public or private street.
37 Garages and carports accessed from an alley shall be setback a minimum of five
38 (5) feet from rear building elevation. All other garage and carport entrances must
39 be recessed minimum of two (2) feet when building setback is at least twenty (20)
40 feet.

41
42 C. Rear setbacks

43
44 1. Rear setbacks shall be the same as the designated zone for the parent
45 parcel for lots ~~along~~ abutting the perimeter of the proposed development
46 excepting alley accessed lots for which rear setbacks may be reduced to 6
47 feet for alley-accessed lots.



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3

1 **Section 60.35.10. Open Space:**
2

3 **Planning Commission:** Regarding the provision of Open Space Commissioners stated
4 that they felt that larger areas should provide the same 20 percent of Open Space as
5 smaller PUD's. This was especially in light of the fact that the larger sites had more
6 flexibility.
7

8 **Developers/Consultant Focus Group:** The Developer/Consultant Group did raise
9 many issues and concerns regarding opens space. The issues included the possible
10 reduction of open space in relationship to surrounding parks, the possible exceptions for
11 the size standards when open space is adjacent to existing open space or connecting to
12 existing pedestrian and bicycle trails. The idea of eliminating the open space entirely to
13 provide considerably more flexibility was also raised.
14

15
16 **Staff Review:**
17
18
19

20 **Modification to Code:** Section 60.35.10.3.A.1, Side yard setbacks, has been modified to
21 four (4) feet from three (3) feet.
22

23 The Open Space requirement for PUD's between 10 acres and 50 and greater than 50
24 percent have been increased from 15 and 10 percent to 20 percent respectively.
25

1 D. Side setbacks

- 2
- 3 1. Except for zero-lot line development, side setbacks shall be a minimum of
- 4 ~~three~~ four (3 4) feet on interior side yards, and ten (10) feet on street
- 5 corner lots. All zero-lot line development shall have side yard setbacks of
- 6 10 feet on one side of the dwelling unit and no setback required on the
- 7 opposite side.
- 8

9 **60.35.15 Open space**

10

11 **Purpose**

12

13 Open space shall provide opportunities for active and/or passive recreation and may

14 include existing stands of trees and understory resource areas and storm water facilities as

15 outlined in this section. Active open space shall allow human activities including

16 recreational and social opportunities such as play fields, playgrounds, swimming pools,

17 plazas and other recreational facilities. Open space may also be passive and include

18 human activities limited to walking, running, and cycling, seating areas and wildlife

19 viewing or natural areas such as a wetland.

20

- 21 1. A Planned Development shall provide baseline open space according to the
- 22 following rates:
- 23
- 24 A. Area equal to at least twenty percent (20%) of the subject site when the site is
- 25 up to and including 10 acres in size.
- 26
- 27 B. Area equal to at least fifteen percent (~~15%~~ 20%) of the subject site when the
- 28 site is more than 10 acres and up to and including 50 acres in size.
- 29
- 30 C. An area equal to at least ten percent (~~10%~~ 20%) of the subject site when the
- 31 site is more than 50 acres in size.
- 32
- 33 D. A decrease in open space of up to fifty (50) percent may be allowed by
- 34 meeting a combination of the Development Bonus and Development Incentive
- 35 Options in section 60.35.30
- 36
- 37 E. Up to twenty (20) percent of the open space requirement may be dedicated to
- 38 the following land uses:
- 39
- 40 1. Water quality facilities that have side slopes of 3:1 or less and do not
- 41 require fencing per Clean Water Services (CWS) standards;
- 42
- 43 2. Environmentally sensitive areas including wetlands and any required
- 44 ~~environmental~~ buffers required by Clean Water Services or other
- 45 regulatory body.
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Section 60.35.10. Open Space :

Planning Commission: Commissioners expressed concern that vehicular access to water quality areas.

Developers/Consultant Focus Group:

Staff Review:

Modification to Code: Section 60.35.10.3.A.1, a standard that prohibits vehicular access and parking areas for use as open space was added in response to the Planning Commissions.

A graphic illustrating the minimum open space has been inserted.

2. Standards

- A. Open space shall be land that is available for the creation of active and/or passive areas, or resource areas that provide visible and accessible open space to the proposed community.
- B. Open space shall be easily accessible physically or visually to all members of the planned community via a minimum thirty (30) foot street frontage or access easement;
- C. No more than forty (40) percent of the gross land dedicated may have slopes greater than five (5) percent;
- D. Open space areas shall have a dedicated meter and underground irrigation system to ensure adequate water supply during establishment period (3-years) and during periods of drought for all newly planted areas. Resource areas are exempt from this criterion.
- E. For developments ten (10) acres or greater, at least twenty-five (25) percent of the total required open space area shall be active space or meet the commons criteria in this chapter.
- F. For the purpose of this Code, open space does not include:
 - 1. Public or private streets;
 - 2. Surface parking lots or paved areas not designated for active or passive recreation;
 - 3. Private lots and buildings; including setbacks, or landscape buffers;
 - 4. Vehicular access driveways, parking areas, or maneuvering areas.

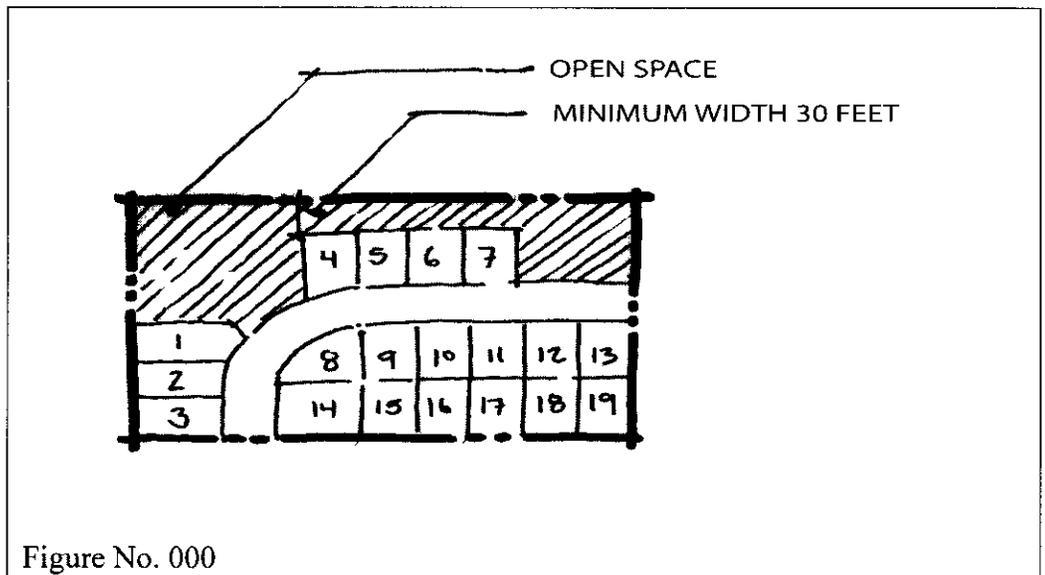


Figure No. 000

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Section 60.35.15. Open Space – Common Area:

Planning Commission: The Planning Commission suggested that the Common Area amenities that the standard requires be prioritized and then categorized in order to ensure that a developer to pick some of the high value amenities. Otherwise the Commission expressed concern that a developer will always chose the least expensive amenity.

Developers/Consultant Focus Group: There was general question about what the intent of the open space is and what distinction needed to be made between private and public amenities.

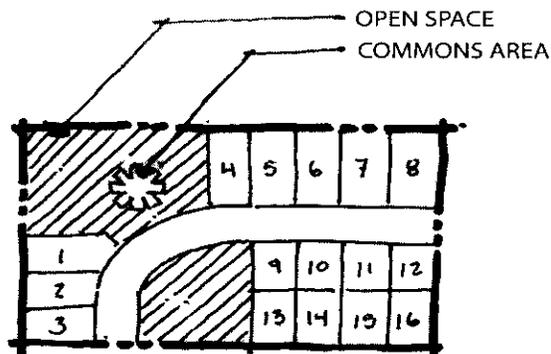
Staff Review: Staff was interested to know if the Planning Commission felt that the use of pocket parks with amenities could deliver the type of livability that is trying to be addressed.

Modification to Code: Staff is seeking Planning Commission direction to prioritize amenities for inclusion in the open space.

1 Commons Area

2
3 A "Commons area" within the dedicated open space is required for residential
4 developments that have ten (10) units or more. One designated space shall be provided
5 as an accessible commons area that may be a gathering spot, play area, over look or any
6 other outdoor area given special consideration and may consist of active, passive, or both
7 uses. The Commons area shall be accessible to all lots and meet the following criteria:
8

- 9
- 10 1. One hundred fifty (150) square feet for each unit containing 500 or less
11 square feet of gross floor area.
 - 12 2. Two hundred fifty (250) square feet for each unit containing more than 500
13 square feet and up to 2000 square feet of gross floor area.
 - 14 3. Three hundred fifty (350) square feet for each unit containing more than
15 2000 square feet of gross floor area.
 - 16 4. A Commons area shall be no smaller than the average minimum lot size and
17 shall have minimum width 40 feet.
 - 18 5. A Commons area may abut a collector or greater classified street as identified
19 in the City's adopted Functional Classification Plan, when separated from the
20 street by a constructed barrier, such as a fence or wall, at least three (3) feet in
21 height.
 - 22 6. One Commons area shall be provided for every fifty (50) units in single-
23 family developments and every one-hundred (100) units for multi-family
24 developments.
 - 25 7. A Commons shall include at least two (2) of the following, or similar
26 improvements as approved by the Planning Commission:
 - 27 ▪ A bench or other seating with a pathway or other pedestrian way;
 - 28 ▪ A water feature such as a fountain;
 - 29 ▪ A children's play structure;
 - 30 ▪ A gazebo;
 - 31 ▪ Tennis courts
 - 32 ▪ An indoor or outdoor sports court; or
 - 33 ▪ An indoor or outdoor swimming and/or wading pool.
 - 34 ▪ Plaza
- 35



36
37 Figure No. 000
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4. *Maintenance and Ownership*

Land shown on the final development plan as common open space, and landscaping and/or planting contained therein shall be permanently maintained by and conveyed to one of the following:

- A. An association of owners or tenants, created as a non-profit corporation under the laws of the state (ORS 94.572) which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Attorney as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space and shall provide for City intervention and the imposition of a lien against the entire planned unit development in the event the association fails to perform as required; or
- B. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.
- C. Dedicated open space and commons areas shall be protected by Covenants (CC&Rs) or deed restriction to prevent any future commercial, industrial, or residential development.

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Section 635.20 Building Architecture:

Planning Commission: Commission expressed concern regarding the standard requiring building entrances to face a street or publicly accessible sidewalk.

Developers/Consultant Focus Group: This group felt that it was only important to distinguish that with infill development and the use of cluster housing or courtyard style housing that an entrance will not always face a street. If the standard describes an accessible sidewalk there was no concern.

Staff Review: No significant comments.

Modification to Code: Minor word changes.

1 **60.35.20 Building Architecture**

2
3 1. *Purpose*

4
5 This section applies to development which is not subject to Section 60.05, Design
6 Review, of this code.

7
8 The following architectural standards are intended to promote innovative design that
9 considers the context of the existing built and natural environment. Buildings shall be
10 detailed, human-scale, and respond to the natural features of the site. Cluster housing,
11 grouping buildings and in areas to maximize open space and preserve significant cultural
12 and natural resources is highly encouraged along with the use of sustainable building
13 materials and practices. Building shall be oriented to the street or other public spaces
14 such as parks, plazas, courtyards and open commons when served by an alley. Building
15 architecture section also offers applicable Development Bonuses and Development
16 Incentive Options in Section 60.35.30

17
18
19 2. *Building Orientation*

20
21 Building shall be oriented to the street or other public spaces such as parks, plazas,
22 courtyards and open commons when served by an alley. The orientation of buildings
23 shall promote environments that encourage walking, social interaction, and safety.

24
25 A. Exceptions to this standard may be allowed by the Planning Commission where access,
26 topography, and natural resources prohibit the orientation of buildings to the street or
27 other public open spaces.

28
29 B. In all cases buildings and or private lots shall be served by or have direct access to
30 sidewalks or paths that connect to a private or public street/sidewalk system.

31
32 C. Garages with rear alley access or garages located in the rear of the lot with shared
33 driveways are encouraged.

34
35 D. All buildings ~~entrances~~ shall have their primary entrance to a street or publicly accessible
36 sidewalk where buildings face public parks, common areas or open space.

37
38 E. All primary ~~Entrances~~ shall be covered or recessed and minimum depth of three (3) feet
39 deep and five (5) feet wide.

40
41 3. *Building Heights (Need Graphic)*

42
43 Buildings shall be to scale with similar types of existing structures on adjacent properties.
44 This can be accomplished by utilizing graduated building heights which offer a transition
45 between single-story residential development and multiple-story residential.

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Planning Commission: The only comment was regarding C.2

Developers/Consultant Focus Group: No specific comments.

Staff Review:

Modification to Code: Format was changed in 4.C. Bullet points where used have now been numbered.

- 1 A. Maximum building height standards may be increased up to twelve feet (12')
2 when the applicable building setback distance along the perimeter of the parent
3 parcel is increased at a ratio of 1.5 additional feet of setback for every foot of
4 building height over the base zone standard for building height.
5

6
7 4. *Architectural Standards*
8

9 Architectural standards are intended to promote quality design and detail that promote
10 innovation and creativity that allows for a variety of building styles and types. All
11 buildings shall adhere to these standards. Graphics are provided as an example of how
12 standards apply.
13

14 The following standards apply to all single-family developments proposed through the
15 PUD process.
16

- 17 A. Building scale and massing shall complement surrounding uses by complying
18 with the provisions in this Code and meeting the following criteria for residential
19 development.
20
- 21 B. Single-Family Attached shall maintain similar architectural character as single-
22 family detached when part of the same development and may not exceed three (3)
23 attached units.
24
- 25 C. All single and multi-family residential buildings shall include design elements
26 that provide building articulation, continuity of form and variety. Architecture
27 should avoid long expanses of uninterrupted building surfaces. Buildings shall
28 incorporate at least three (4) of the following elements:
29
- 30 1. Balconies, window reveals, canopies, awnings, and covered patios,
31 porches or entrances
 - 32 2. Offsets in roof elevations of two (2) feet or greater
 - 33 3. Bay windows extending out from the building face that reflect an
34 internal space such as a room or alcove
 - 35 4. Individual windows in upper stories that are approximately the size
36 and proportion of a traditional window
 - 37 5. Staggered windows that do not align with windows on adjacent
38 properties and minimize the impact of windows in living spaces that
39 may infringe on the privacy of adjacent residents.
 - 40 6. Windows with trim or molding that appears substantial from the
41 sidewalk
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1 **Planning Commission:** The Commission expressed some concern regarding the numeric
2 standards for front, side, and rear elevation coverages.

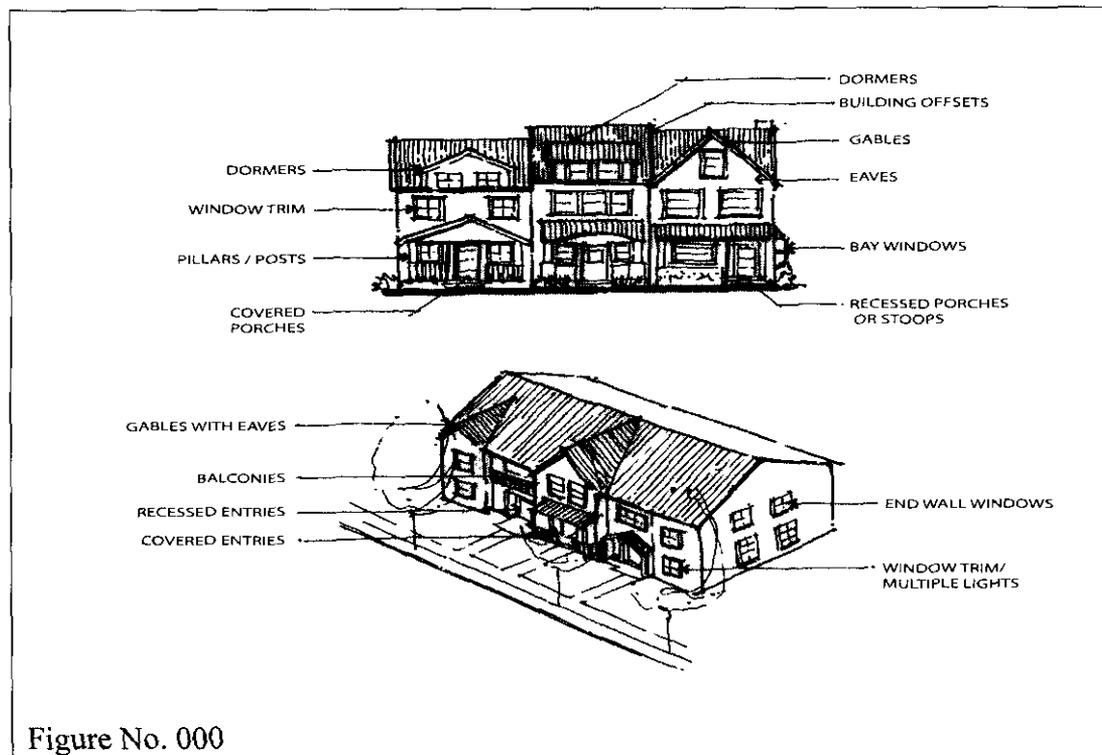
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6 **Developers/Consultant Focus Group:** The Developer/Consultant group did not
7 express concern regarding these standards.

8
9
10 **Staff Review:**

11
12
13
14 **Modification to Code:** Architectural Graphic has been inserted into the code to
15 illustrate the standards of Section 60.35.20.4.C.
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7. Windows that are separated from adjacent windows by a vertical element
8. Windows grouped together to form larger areas of glazing, if individual window units are separated by moldings or jambs
9. Windows with small-multiple panes of glass
10. Window patterns, building articulation and other treatments that help to identify individual residential units in a multi-family building
11. Dormers
12. Decorative structural accents such as kneebrackets or corbels, widow walks, turrets, hooded windows, pinnacles and pendants, pillars or posts, board and batten, or other architectural vernacular style common to the Pacific Northwest.
13. An alternative feature approved by the Planning Commission



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2. All building elevations facing a street or public space shall have windows, doors, porches and/or balconies. Front yard building elevations shall have a minimum of sixty (60) percent, and side and rear facing elevations shall have minimum of thirty (30) percent windows, windows, person doors, porches and/or balconies. Building Elevation is measured as the

1 horizontal plane containing doors, porches, balconies, terraces and/or
2 windows for each full or partial building story.

- 3
4 3. Alternative building design may reflect modern building form and style.
5 These styles may have less detail or ornamentation but shall have
6 demonstrated successful use of materials and form and a cohesive
7 architectural style and be approved by the Planning Commission.
8

9
10 **60.35.30 Development Bonuses and Development Incentive Options**

11 **Purpose**

12 The PUD also offers the applicant additional standards which can be met as incentives to
13 promote more creative and innovative approaches to site design and infrastructure. The
14 Development Incentive Options are not required; an applicant may choose to meet the
15 standard provisions and requirements of the PUD code. The Development Incentive
16 Options are intended to promote a wide variety of creative and sustainable design
17 practices that better integrate site design, building architecture, and open space with the
18 existing built and natural environment and lead to exceptional community building in the
19 City of Beaverton. Development Incentive Options shall also consider the form and
20 function of the physical improvements and their relationship to each other and the
21 existing environment. Development plans that meet selected Development Incentive
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Planning Commission:

Developers/Consultant Focus Group:

Staff Review:

Modification to Code:

Options selected by the applicant may take advantage of one or a combination of the following *Development Bonuses*:

- Reduced open space requirements;
- Setback reduction of the parent parcel.

Development Incentive bonuses are described below and quantify the additional flexibility and ~~optional~~ options that the developer may use to obtain additional flexibility in open space requirements and setback reductions. Approval of the Development Incentive Options and the additional development flexibility allowed are at the discretion of the Planning Commission. In all cases the total incentives may not reduce open space more than fifty (50) percent of the open space as required in Section 60.35.15.

The following Development Bonuses and Incentive Options are intended to provide design flexibility.

60.35.40 Allowed Development Bonuses

Site plans that meet selected Development Incentive Options selected by the applicant may take advantage of one or a combination of the following *Development Bonuses*:

1. Decrease open space area requirement by using a combination of Development Incentive Options up to a maximum of fifty (50) percent of that required by the PUD standard open space requirements;
2. Reduce front and rear setbacks of parent parcel up to ten (10) percent within the perimeter of the PUD.

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Planning Commission: Based on the direction of the Planning Commission the LEED development incentive is being dropped at this time.

Developers/Consultant Focus Group: Generally supportive of the addition of incentives to create more flexibility.

Staff Review: Staff recommended that changes be made to the View Preservation and Ecoroof incentives to add clarity.

Modification to Code: Clarifications to both the View Preservation and Ecoroof incentives were made. Staff is continuing to work with the Home Builders of Association of Portland and other Energy Agencies in seeking building innovations that can be used for incentives.

1 **60.35.50 Development Incentive Options**

2
3 1. *Open Space Development Incentive Options = Twenty (20) Percent Open Space*
4 *Reduction*

5
6 Up to a twenty (20) percent reduction in the required amount of open space as
7 approved by the Planning Commission may be achieved by conforming to the open
8 space options listed below. The Planning Commission may consider other
9 improvements in addition to those listed that offer a similar level of quality and
10 continuity in the proposed open space:

- 11
12 a. *Active Recreation* – Twenty-five (25) percent of open space (beyond a
13 commons area) is usable for active recreation, such as: play structures, picnic
14 areas, or sports field; or
15
16 b. *View Preservation* – Open space is sited such that a view corridor of a
17 significant natural vista is preserved for the community, such as views into
18 Significant Tree Groves or Significant Natural Resource Areas.
19
20 2. *Architectural Development Incentive Options = Decrease in Open Space, Front and*
21 *Rear Setbacks*

22
23 The following architectural incentives that promote sustainable building practices
24 and architectural detail that promotes high quality design and character. A
25 decrease of up to a maximum of twenty (20) percent of the required open space or
26 front and rear setbacks of the parent parcel at the discretion of the Planning
27 Commission, where the applicant's site plan and proposed architecture meet one of
28 the following incentives:

- 29
30 ~~A. Twenty (20) percent of buildings meet LEED (Leadership in Energy and~~
31 ~~Environmental Design) Bronze rating by the U.S. Green Building Council~~
32 ~~shall allow a decrease of up to a maximum of ten (10) percent of the required~~
33 ~~open space may be allowed. If Forty (40) percent or more of the buildings~~
34 ~~meet LEED Bronze rating, a decrease of up to a maximum of twenty (20)~~
35 ~~percent of the required open space may be allowed. (Removed by~~
36 ~~Planning Commission – Staff will consider other sustainability~~
37 ~~programs such as HBA Earth Advantage ©.)~~
38
39 B. Develop lots such that 90% meet solar access requirement (60.45.05) for a ten
40 (10) percent decrease in open space.
41
42 C. ~~Develop twenty (20) percent of the structures with~~ Install a 'Greenroof' or
43 Ecoroof on 100 percent of the roof area of twenty (20) percent of the detached
44 dwellings or 20 percent of the total roof area for attached dwellings,
45 multifamily dwellings, commercial, or industrial buildings ~~construction~~ for a
46 ten (10) percent decrease in the required open space.

1 **Planning Commission:** Commissioners appeared comfortable with the affordable
2 housing incentives. One Commissioner asked how the 5 years affordability guarantee had
3 been derived. Staff responded that it was a place holder value.
4

5
6 **Developers/Consultant Focus Group:** No comments.
7
8
9

10 **Staff Review:** Staff met with several local housing advocates and a member of the Home
11 Builders Association of Portland who all believe that the proposed code incentive is
12 realistic both from the home builder's perspective and from the perspective of
13 administering a guarantee of ongoing affordability of the housing unit. The affordable
14 housing advocates stated that the best practice for affordable housing is to guarantee
15 affordable housing in perpetuity through a housing authority or community land trust;
16 however, short of guaranteeing a unit's affordability in perpetuity a housing unit should
17 be guaranteed for a minimum of 15 years.
18
19
20

21 **Modification to Code:** Based on the recommendations from affordable housing experts
22 staff is continuing to develop a specific model which developers can use if they elect this
23 incentive. In the interim, staff recommends the allowance a reduction for up to fifty (50)
24 percent of the open space and a minimum of 15 years of guaranteed affordability.
25 Affordability will continue to be based on individual or family income no greater than 100
26 percent of the median Washington County household income.
27

1 D. Up to ten (10) percent reduction in front and rear parent parcel setbacks as
2 approved by the Planning Commission may be achieved by developing cluster housing that
3 preserves and increases open space by twenty (20) percent above baseline requirement.

4
5 3. *Affordable Housing Development Incentive Options = Decrease in Open Space*

6
7 Up to a ~~twenty (20)~~ fifty (50) percent reduction in the required amount of open space as
8 approved by the Planning Commission may be achieved by development of ten (10) percent
9 of the units as affordable housing. Up to a thirty (~~30~~ 60) percent reduction in the required
10 amount of open space as approved by the Planning Commission may be achieved by
11 development of twenty (20) percent of the units as affordable housing.

12
13 Affordable housing is defined as housing affordable to households earning ~~80~~ 100 percent
14 of the median household income in Washington County, or less as adjusted for family size
15 as determined by the U.S. Department of Housing and Urban Development (HUD). Such
16 households, on average, do not spend more than 30 percent of their income on housing.
17 Housing prices and/or rents shall be limited to that level through deed restriction for up to
18 ~~five~~ fifteen (15) years. Approval of the affordable housing Development Incentive Option
19 shall be subject to a developer identifying and contracting with a public, or private
20 housing agency that will administer the housing affordability guarantee.

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Planning Commission: No Comments.

Developers/Consultant Focus Group: No Comments.

Staff Review: Add definition of Lot Coverage.

Modification to Code: Staff added a definition of Lot Coverage to respond to the proposed PUD Code standards.

1 **Section 3: The Development Code, Ordinance No. 2050, Chapter 90, Definitions,**
2 **Section 40.15.15.5 shall be amended to read as follows:**

3 4 **Chapter 90**

5
6
7 **Active Space** - Active space is an area which requires intensive development and
8 often includes playgrounds and ball fields.

9
10
11 **Cluster Housing** Detached dwelling units located within a Planned Unit
12 Development where detached housing is located in close proximity to each other
13 and share common open space including recreation areas and parking.

14
15 **Greenroof** A green roof consists of vegetation and soil, or a growing medium,
16 planted over a waterproofing membrane. Additional layers, such as a root barrier
17 and drainage and irrigation systems may also be included.

18
19 ~~**LEED** Leadership in Energy and Environmental Design. As defined by the Green~~
20 ~~**Building Council.**~~

21
22 **Lot Coverage** The portion of a lot, stated in terms of percentage that is covered by
23 the footprint of a building. Lot Coverage includes accessory structures and covered
24 porches, decks and patio areas, but shall not include open porches, decks, or patio
25 areas.

26 **Sustainable Building Practices** - Land preparation, materials selection, life-cycle of the
27 building (construction, operation and maintenance, demolition). Sustainable building includes
28 such practices as redevelopment of inefficiently designed or environmentally damaged sites; job-
29 site recycling of construction materials; native vegetation landscapes; stream and wetland
30 protection and restoration; natural drainage; energy and water efficiency; low toxicity materials;
31 recycled materials; reduced use of land and materials; and design for re-use.

32 **Sustainable Landscape Practices** Landscape maintenance and design that limits the use
33 of herbicides, fertilizers, and pesticides by planting native plants and appropriate ornamentals
34 and uses METRO certified composted mulch to amend soils and mulch plant beds. These
35 practices naturally fertilize the soil and reduce irrigation and fertilizer needs by creating healthy
36 soils. Sustainable landscape practices also include the concept of creating multi-functional
37 landscapes that can serve various purposes. For example an area may be designed to manage
38 runoff, provide screening, wind protection habitat, and serve active open space use.
39

1 **Section 4: The Development Code, Ordinance No. 2050, Chapter 20, Land Uses,**
2 **Section 20.05.25 shall be amended to read as follows:**

3
4 *****

5
6 **20.05.25. Urban Medium Density (R4) District [ORD 4047; May 1999]**

- 7
8 1. **Purpose.** The purpose of this zone is to allow up to one principal and one
9 accessory dwelling per lot of record as permitted uses. In addition, two
10 attached dwellings may be allowed per lot of record subject to a Conditional
11 Use. Three or more attached dwellings may be permitted pursuant to ~~Final~~
12 Planned Unit Development approval. The R4 district establishes medium
13 urban density residential home sites where a minimum land area of 4,000
14 square feet is available for each principal dwelling unit, and where full urban
15 services are provided. [ORD 4224; August 2002]

16
17 *****

18
19
20 **20.05.25**

- 21
22 B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

23
24 *****

- 25
26 2. Three or more attached dwellings subject to approval of a ~~Final~~
27 Planned Unit Development. [ORD 4224; August 2002]

28
29
30
31
32 *****

1 **Section 4: The Development Code, Ordinance No. 2050, Chapter 20, Land Uses,**
2 **Section 20.05.25 shall be amended to read as follows:**

3
4
5
6 20.20.50.A.5.

7 SA-MU SA-MDR

8
9 D. Maximum Floor Area Ratio (FAR) not not
10 for residential developments specified specified

11
12 E. Projects may use the ~~Final~~ Planned Unit Development or the Design
13 Review Build-Out Concept Plan process to develop a site in phases to
14 achieve the minimum FAR established in this subsection. Such
15 projects must demonstrate in the plans how future development of the
16 site, to the minimum development standards established in this
17 ordinance or greater, can be achieved at ultimate build out of the
18 Planned Unit Development or Design Review Build-Out Concept Plan.
19 The Design Review Build-Out Concept Plan may be used if the only
20 Site Development Requirement being phased, altered, or otherwise
21 varied is the minimum FAR. If any other Site Development
22 Requirement is being phased, altered, or otherwise varied, the Planned
23 Unit Development process is to be used. [ORD 4332; November 2004]

24
25
26 20.20.50.A.5.

27 SA-MU SA-MDR

28
29 D. Maximum Floor Area Ratio (FAR) not not
30 for residential developments specified specified

31
32 E. Projects may use the ~~Final~~ Planned Unit Development or the Design Review Build-
33 Out Concept Plan process to develop a site in phases to achieve the minimum FAR
34 established in this subsection. Such projects must demonstrate in the plans how future
35 development of the site, to the minimum development standards established in this
36 ordinance or greater, can be achieved at ultimate build out of the Planned Unit
37 Development or Design Review Build-Out Concept Plan. The Design Review Build-Out
38 Concept Plan may be used if the only Site Development Requirement being phased,
39 altered, or otherwise varied is the minimum FAR. If any other Site Development
40 Requirement is being phased, altered, or otherwise varied, the Planned Unit Development
41 process is to be used. [ORD 4332;

1 **STAFF COMMUNICATION:**

2
 3 On behalf of Development Services Manager Steven Sparks, Senior
 4 Planner Colin Cooper that the City Council had voted unanimously to
 5 not accept the recommendation of the Planning Commission with
 6 regard to the Text Amendment discussed by Mr. Kane. He clarified
 7 that items that Mr. Kane had mentioned were not included in the Staff
 8 Report had in fact been included within the first Staff Report and were
 9 actually a part of the record, adding that the proposal had also been
 10 revised quite substantially.

11
 12 Mr. Cooper noted that Associate Planner Leigh Crabtree has prepared
 13 the Tualatin Basin Goal 5 Implementation Issues Paper No. 2,
 14 observing that while she will not be available to discuss any issues at
 15 the end of the meeting, she has distributed this document to provide
 16 the Commission the opportunity to review it prior to the Work Session
 17 that has been scheduled for July.

18
 19 **NEW BUSINESS:**

20
 21 **PUBLIC HEARINGS:**

- 22
 23 I. A. **ZMA 2006-0005 – BUTLER 3-LOT REZONE**
 24 B. **LD 2006-0001 – BUTLER 3-LOT PARTITION**

25 The applicant is initiating a Zoning Map Amendment for a 0.51 acre
 26 parcel in the Urban Standard Density Residential Zone (R-7), which
 27 requires 7,000 square foot minimum lot sizes. The applicant proposes
 28 to rezone the property to the Urban Standard Density Residential Zone
 29 (R-5), which requires 5,000 square foot minimum lot sizes. The
 30 applicant also proposes to divide the subject site into three (3) parcels
 31 using R-5 District Standards and Site Development Requirements.

32
 33 Chairman Johansen pointed out that the applicant has requested a
 34 continuance of LD 2006-0001 – Butler 3-Lot Partition.

35
 36 Commissioner Pogue **MOVED** and Commissioner Stephens
 37 **SECONDED** a motion to **CONTINUE** LD 2006-0001 – Butler 3-Lot
 38 Partition to a date certain of August 2, 2006.

- 39
 40 **AYES:** Pogue, Stephens, Bobadilla, Maks, Winter, and
 41 Johansen.
 42 **NAYS:** None.
 43 **ABSTAIN:** None.
 44 **ABSENT:** Kroger.

1 Motion **CARRIED** 6:0.

2

3 Chairman Johansen opened the Public Hearing and read the format
4 for Public Hearings. There were no disqualifications of the Planning
5 Commission members. No one in the audience challenged the right of
6 any Commissioner to hear any of the agenda items, to participate in
7 the hearing or requested that the hearing be postponed to a later date.
8 He asked if there were any ex parte contact, conflict of interest or
9 disqualifications in any of the hearings on the agenda.

10

11 Commissioner Pogue disclosed that while his wife knows the applicant,
12 Brian Butler, this would not affect his ability to participate in a fair
13 and impartial decision with regard to this proposal.

14

15 Commissioners Maks, Winter, Bobadilla, Pogue, and Stephens
16 indicated that they had visited the site and had no contact with any
17 individual(s) with regard to this application.

18

19 Chairman Johansen briefly described the applicable approval criteria
20 and outlined the hearing procedure.

21

22 Associate Planner Laura Kelly presented the Staff Report and
23 summarized the purpose of this zoning map amendment, emphasizing
24 that the associated land division application would be heard at a later
25 time and should not be considered while making a decision with regard
26 to the zoning map amendment.

27

28 Commissioner Maks questioned whether any significant trees or tree
29 groves have been identified on the subject property.

30

31 Ms. Kelly responded that while no significant trees or tree groves have
32 been identified on the subject property, some community trees do exist
33 on this site.

34

35 Observing that the property is located near the corner of SW Cabot
36 and SW 110th Avenue, Commissioner Pogue requested clarification
37 with regard to the zoning at that location.

38

39 Ms. Kelly advised Commissioner Pogue that this area is zoned City R-
40 5.

41

42 Chairman Johansen requested confirmation that the surrounding
43 zoning in this area is described as Washington County R-5, which is
44 basically the equivalent of City R-7.

1 Ms. Kelly clarified that the property to the north and the east is
2 Washington County R-5, adding that the property to the south is City
3 Community Service (CS) and the property to the west is City R-7.
4

5 **APPLICANT:**
6

7 **KARL MAWSON**, representing *Compass Engineering* on behalf of the
8 applicant, Brian Butler, provided a brief history of this project,
9 observing that the applicant is attempting to provide some flexibility
10 with regard to future development. He discussed issues pertaining to
11 setbacks, density, design, and impact. Concluding, he offered to
12 respond to questions.
13

14 **PUBLIC TESTIMONY:**
15

16 **MARIE SELLECK** submitted a letter dated May 14, 2006 in
17 opposition to the proposed rezone and land division, including an
18 attachment entitled *Tree City Benefits*. Observing that she and her
19 husband are the owners of one of the adjacent properties, she pointed
20 out that while they are not opposed to development on this property,
21 they do not approve of three homes on this site. She described her
22 concerns pertaining to traffic, trees, and local wildlife, emphasizing
23 that the neighbors had not been advised of any plans for the
24 development of this property.
25

26 **APPLICANT REBUTTAL:**
27

28 Mr. Mawson explained that the applicant's proposal would not cause a
29 significant impact on the adjacent properties, emphasizing that every
30 effort would be made to create a development that would be compatible
31 with the existing neighborhood. He discussed the protection of several
32 existing trees, observing that the applicant has actually moved the
33 storm easement setback away from the root zones of the trees.
34

35 Commissioner Bobadilla questioned whether the applicant intends to
36 develop the property or sell the lots for development by a purchaser.
37

38 Observing that the applicant would be selling the lots, Mr. Mawson
39 noted that they had met with the potential builder today, adding that
40 they had discussed house plans and designs.
41

42 Ms. Kelly indicated that she had no further comments at this time.
43

1 Chairman Johansen pointed out that some of the findings within the
2 Staff Report, specifically with regard to traffic, had been based upon a
3 3-lot subdivision, and questioned whether these findings would change
4 if additional lots were proposed.

5
6 Ms. Kelly explained that in fact these findings pertaining to traffic had
7 been based upon 4 lots, the maximum number of lots that could
8 potentially be developed, adding that staff had understood that this
9 might not be the final development plan submitted for this property
10 and that four lots could potentially be proposed.

11
12 Chairman Johansen questioned whether a land division or a rezone is
13 subject to requirements for a Neighborhood Meeting.

14
15 Ms. Kelly advised Chairman Johansen that neither land divisions nor
16 rezones require a Neighborhood Meeting.

17
18 Assistant City Attorney Ted Naemura indicated that he had no
19 comments or questions at this time.

20
21 Chairman Johansen closed the Public Hearing.

22
23 Commissioner Bobadilla indicated that while she believes this
24 application meets all applicable approval criteria, she would prefer to
25 hear the comments of her fellow Commissioners prior to making a
26 decision with regard to this proposal.

27
28 Observing that this is a good location for this particular rezone,
29 Commissioner Maks noted that the application meets applicable
30 approval criteria. He emphasized that while none of the trees on this
31 particular site are considered significant, others within the city are
32 and fall under certain guidelines with regard to preservation.

33
34 Commissioner Winter expressed his agreement with regard to
35 Commissioner Maks' comments with regard to the trees, observing
36 that nobody likes to cut down big, beautiful trees and expressed his
37 support of the proposal.

38
39 Commissioner Pogue observed that the application meets applicable
40 approval criteria and expressed his support of the proposal.

41
42 Commissioner Stephens expressed his support of the application.

43

1 Chairman Johansen pointed out that he also supports the application,
 2 adding that he would support a motion for approval.

3
 4 Commissioner Bobadilla observed that she concurs with the comments
 5 of her fellow Commissioners and expressed her support of the
 6 application.

7
 8 Commissioner Pogue **MOVED** and Commissioner Winter
 9 **SECONDED** a motion to **APPROVE** ZMA 2006-0005 – Butler
 10 Rezone, based upon the facts and findings within the Staff Report
 11 dated June 7, 2006.

- 12
 13 **AYES:** Pogue, Winter, Bobadilla, Maks, Stephens, and
 14 Johansen.
 15 **NAYS:** None.
 16 **ABSTAIN:** None.
 17 **ABSENT:** Kroger.

18
 19 Motion **CARRIED** 6:0

20
 21 **OLD BUSINESS:**

22
 23 **CONTINUANCES:**

24
 25 **II. A. TA 2006-0003 – PLANNED UNIT DEVELOPMENT**
 26 **MODIFICATIONS TEXT AMENDMENT**

27 (Continued from June 7, 2006)
 28 A text amendment to Chapter 40, Sections 40.15.15.5 and 6; Chapter
 29 60, Section 60.35.05-15; Chapter 90; Definitions of the Beaverton
 30 Development Code, currently effective through Ordinance 4248 to
 31 create new Planned Unit Development Thresholds, Approval Criteria,
 32 and Standards. The intent of the proposed amendment is to require
 33 more specific thresholds and standards for development of Planned
 34 Unit Developments. Chapter 90, Definitions will be amended with
 35 new terms as necessary.

36
 37 Chairman Johansen briefly described the applicable approval criteria
 38 and outlined the hearing procedure.

39
 40 Mr. Cooper introduced two members of the consultant team, Shelly
 41 Holly and Magnus Bernhard, observing that they would like to provide
 42 a simple presentation with regard to the proposed Planned Unit
 43 Development (PUD) text. He summarized the purpose of this text
 44 amendment and the process through which these revisions had been

1 developed and explained that this proposal also has some relevance
2 with regard to the Tualatin Basin Goal 5 Implementation Issues Paper
3 No. 2 distributed by Ms. Crabtree earlier this evening.
4

5 Commissioner Maks suggested the possibility of reconvening with the
6 Code Review Advisory Committee (CRAC) for a period of time to work
7 on this issue.
8

9 Chairman Johansen questioned whether the Committee for Citizen
10 Involvement (CCI) has expressed any interest in this issue.
11

12 Observing that CCI had received a notice, Mr. Cooper noted that he
13 had been contacted by the CCI and that he had forwarded a copy of the
14 proposed PUD Text Amendment to them and is waiting for their
15 response.
16

17 Chairman Johansen advised Mr. Cooper that it would be a good idea to
18 keep in close contact with CCI with regard to this issue.
19

20 Mr. Cooper assured Chairman Johansen that staff always
21 communicates with CCI with regard to any land use action.
22

23 **MAGNUS BERNHART**, representing *Parametrics*, expressed his
24 opinion that Mr. Cooper had adequately addressed the issues, adding
25 that every attempt is being made to develop a Code that will address
26 any concerns of staff and the Commission. He mentioned that several
27 concerns had been discussed at the previous session, and suggested
28 that the proposed amendments be reviewed page by page.
29

30 Referring to the top of page 10 of the Staff Report, Commissioner
31 Bobadilla requested clarification with regard to this unfinished
32 sentence.
33

34 Mr. Cooper advised Commissioner Bobadilla that the sentence should
35 be completed, as follows:
36

37 “...with the Washington County Housing Authority with a
38 percentage of the appreciation going to the **homeowner.**”
39

40 Mr. Cooper explained that staff had worked with Associate Planner
41 Jeff Salvon of the Planning Services Division with regard to issues
42 pertaining to affordable housing, noting that Planning Services
43 Manager Hal Bergsma has also been involved.
44

1 Chairman Johansen pointed out that it might be a good idea to
2 consider the various types of affordable housing that might be
3 necessary and emphasized that different incentives would be targeting
4 the different types and sizes of family groups.

5
6 Observing that the existing text on pages 1 through 4 of 26 has been
7 struck out, Mr. Cooper noted that the proposed text begins on page 5.

8
9 Referring to page 5, Section 40.15.15.5.A.1 with regard to the 2 acres
10 minimum within any City zoning district except Residential-
11 Agricultural, Chairman Johansen observed that this seems to indicate
12 that more than 2 acres are necessary to qualify and suggested that this
13 be revised as follows:

14
15 “...Residential properties that are ~~over~~ at least 2 acres...”

16
17 Commissioner Maks expressed his concern that this same section
18 appears to indicate that a Commercial zone does not have to meet the
19 2 acre minimum.

20
21 Mr. Cooper explained that he had included only Residential because
22 the idea was that a PUD could be applied to a Commercial or
23 Industrial site, and expressed concern with considering any potential
24 consequences.

25
26 Commissioner Maks emphasized that he wants to make certain that
27 the 2 acre minimum is met, observing that a 1 acre Commercial site
28 could easily produce an ugly PUD.

29
30 **SHELLY HOLLY** explained that while 2 acres is relatively small, it is
31 extremely difficult for a developer to find a 10 or 12 acre site.

32
33 Mr. Cooper discussed the various issues pertaining to adjustments and
34 variances within a PUD.

35
36 Referring to No. 9 on page 6 of 26, Commissioner Maks pointed out
37 that he assumes that providing usable and improved open space,
38 accessible and usable by persons living nearby means the persons
39 within the PUD.

40
41 Referring to Section 60.35.05.1.C on page 11 of 26, Commissioner Maks
42 expressed his opinion that the site design shall provide for active
43 and/or passive recreation.

1 Referring to Section 60.35.05.2 on page 11 of 26, Commissioner Maks
2 noted that the site design shall "...create a comprehensive
3 development plan which is better than that resulting ~~from~~ **from**
4 traditional the subdivision development..." Following a brief
5 discussion, he expressed his opinion that the first sentence should be
6 revised, as follows: "Site design ~~shall~~ **should** maximize the
7 opportunities for diversified architecture and outdoor living
8 environments..."

9
10 Commissioner Maks requested further clarification of the intent of
11 Section 60.35.05.5 on page 11 of 26, which provides for a change from
12 specific site development requirement and combinations of uses,
13 subject to the provisions of this Code.

14
15 Ms. Holly discussed the potential incorporation of small neighborhood
16 commercial opportunities such as those seen in some of the older
17 neighborhoods in Portland, such as commercial on the ground floor and
18 residential on the top floor.

19
20 Commissioner Maks requested clarification with regard to Section
21 60.35.10.2.A.1 on page 12 of 26.

22
23 Mr. Cooper responded that that this partially involves what he
24 referred to as a "placeholder", adding that this is an attempt to develop
25 a structure that defines the design standards.

26
27 Referring to Section 60.35.10.3.A. 1 on page 14 of 26, which states, as
28 follows: "For proposed lots along the perimeter of the property, the
29 required setbacks shall comply with the standard setbacks of the
30 parent parcel," Chairman Johansen discussed the setback situation at
31 the Holland Park PUD.

32
33 Mr. Cooper described the conditioned setbacks that had been approved
34 at the Holland Park PUD, adding that he would work on this section.

35
36 Referring to Section 60.35.10.3.B.3 on page 14 of 26, Commissioner
37 Maks pointed out that he is interested in the comments of the
38 stakeholders with regard to this issue.

39
40 Mr. Cooper advised Commissioner Maks that this involves standards
41 that are fairly common at this time, and discussed the rationale for
42 this section.

43

1 Referring to Section 60.35.10.3.D.1 on page 15 of 26, Commissioner
2 Maks discussed a recent issue and suggested that the minimum be
3 changed from 3 feet to 4 feet.

4
5 Ms. Holly pointed out that a more creative layout may encourage some
6 builders to stagger the houses, which would be more aesthetic and
7 provide greater flexibility to allow for 3 feet. She described a
8 development in Hillsboro with a 3-foot setback, noting that the garages
9 are located in the back and adjacent to the next house.

10
11 Chairman Johansen requested clarification with regard to the open
12 space, specifically concerning reducing the percentages of size for the
13 larger PUDs.

14
15 Observing that this is in the existing Code language, Mr. Cooper
16 explained how these percentages work.

17
18 Chairman Johansen expressed his opinion that it should be easier to
19 create open space on the larger properties.

20
21 Mr. Cooper suggested that the open space requirement could just be
22 20% for all sites.

23
24 Ms. Holly pointed out that the 20% creates more of an incentive for the
25 larger properties, noting that she agrees with Chairman Johansen's
26 observation that they do have more land to work with.

27
28 Referring to Section 60.35.15.1.E on page 15 of 16, Commissioner Maks
29 expressed his opinion that this would not be fair on a site with 60%
30 wetlands, creek and stream.

31
32 Chairman Johansen noted that the site described by Commissioner
33 Maks should be a park.

34
35 Ms. Holly noted that at this time, a PUD allows the developer to
36 deduct the wetland area from the developable area, although the buffer
37 surrounding this area can not be counted as open space, expressing her
38 opinion that this is slightly inconsistent.

39
40 Commissioner Maks noted that this section could be better written.

41
42 Referring to Section 60.35.15.3 on page 16 of 26, Chairman Johansen
43 noted that a "commons area" within the dedicated open space is a new
44 concept.

1 Mr. Cooper advised Chairman Johansen that this “commons area” is
2 actually not a new concept, and explained that this is essentially a
3 concept borrowed from the quantities of multi-family that has been in
4 the Code for years.

5
6 Referring to Section 60.35.15.3.A.7 on page 17 of 26, Commissioner
7 Pogue expressed his concern with what he referred to as a hierarchy of
8 cost and value, observing that a bench and a pathway does not
9 compare in value and/or cost to an indoor pool. He expressed his
10 opinion that the Development Services Manager should have the
11 discretion to revise and/or add to this list, emphasizing that there is no
12 way to provide a complete list. He pointed out that this section should
13 encourage innovation and creativity, noting that alternate choices
14 should be available.

15
16 Referring to Section 60.35.20.2.D on page 18 of 26, which provides that
17 all building entrances shall have their primary entrance to a street or
18 publicly accessible sidewalk where buildings face public parks,
19 common areas or open space, Commissioner Maks suggested the
20 addition of private drives.

21
22 Mr. Cooper pointed out that a public access easement would be
23 required.

24
25 Referring to Section 60.35.20.2.E on page 18 of 26, which provides that
26 entrances shall be covered or recessed and minimum depth of three
27 feet deep and five feet wide, Commissioner Maks noted that some of
28 the townhouses are not very wide and he is interested in how the
29 stakeholders have to feel about this issue.

30
31 Mr. Cooper described efforts at enlivening the Code through graphics,
32 observing that this should be inserted in the next version of the text.

33
34 Commissioner Maks expressed his approval of the fifth bullet in
35 Section 60.35.20.4.C on page 19 of 26, which provides for the
36 incorporation of staggered windows that do not align with windows on
37 adjacent properties and minimize the impact of windows in living
38 spaces that may infringe on the privacy of adjacent residents.

39
40 Referring to Section 60.35.20.4.C.2 on page 20 of 26, Commissioner
41 Maks questioned whether this would improve the appearance of the
42 sides of the 4-unit building.

43

1 Commissioner Maks expressed his concern with Section 60.35.40.2 on
 2 page 21 of 26 which allows for the reduction of front and rear setbacks
 3 of the parent parcel up to 10% within the perimeter of the PUD.
 4

5 Chairman Johansen noted that he does not agree that it is important
 6 to retain the parent parcel setback within a PUD.
 7

8 Referring to Section 60.35.50.3 on page 23 of 26, providing that
 9 housing practices and/or rents shall be limited to that level through
 10 deed restriction for up to five years, Commissioner Maks questioned
 11 whether this involves some type of formal housing standard.
 12

13 Mr. Cooper assured Commissioner Maks that he would discuss
 14 affordable housing issues with Associate Planner Jeff Salvon.
 15

16 Referring to Section 60.35.50.1 on page 22 of 26 which states that the
 17 Planning Commission may consider other improvements in addition to
 18 those listed that offer a similar level of quality and continuity in the
 19 proposed open space, Commissioner Pogue suggested that this should
 20 be saved under the Architectural Development Incentive Options.
 21

22 Mr. Cooper expressed his appreciation to Ms. Holly and Mr. Bernhard
 23 for their efforts and the Commission for their input, observing that he
 24 would like to continue this hearing until July 19, 2006.
 25

26 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**
 27 a motion to **CONTINUE** TA 2006-0003 – Planned Unit Development
 28 Modifications Text Amendment to a date certain of July 19, 2006.
 29

30 Motion **CARRIED** 6:0.

- 31
- 32 **AYES:** Maks, Winter, Bobadilla, Pogue, Stephens, and
 - 33 Johansen.
 - 34 **NAYS:** None.
 - 35 **ABSTAIN:** None.
 - 36 **ABSENT:** Kroger.
- 37

38 **MINUTES:**

39

40 Minutes of the meeting of February 1, 2006, submitted. Commissioner
 41 Maks **MOVED** and Commissioner Winter **SECONDED** a motion that
 42 the minutes be approved as written and distributed.
 43

44 Motion **CARRIED** 6:0.

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AYES: Maks, Winter, Bobadilla, Pogue, Stephens, and
Johansen.

NAYS: None.

ABSTAIN: None.

ABSENT: Kroger.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 9:05 p.m.



CITY of BEAVERTON

EXHIBIT 9

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

TO: Planning Commission

STAFF REPORT DATE: Wednesday, June 7, 2006

STAFF: Colin Cooper, AICP, Senior Planner *cc*

SUBJECT: TA 2006-0003 (Planned Unit Development Text Amendments)

REQUEST: Amendment to Chapter 40, Applications, Section 40.15.15, Planned Unit Developments; Chapter 60, Special Regulations, Section 60.35, Planned Unit Developments; and, Chapter 90, Definitions. The text amendment proposes the complete replacement of the existing Planned Unit Development Thresholds, Standards, and Approval Criteria. The purpose of the PUD amendment is to create standards that foster innovative development through the use of incentive regulations.

APPLICANT: City of Beaverton - Development Services Division

AUTHORIZATION: Ordinance 2050 (Development Code), effective through Ordinance 4265)

APPLICABLE CRITERIA: Ordinance 2050, effective through Ordinance 4265, Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING DATE: Wednesday, June 14, 2006

RECOMMENDATION: Staff recommend the Planning Commission review and comment on the draft text amendment contained in TA 2006-0003 (Planned Unit Development Text Amendments).

A. Proposed Legislative Text Amendment

The Planned Unit Development (PUD) text amendment stems from a work session held with the Planning Commission on February 9, 2005 where staff agreed to create an opportunity to review the Planned Unit Development standards adopted as part of the Comprehensive Updates to Chapter 40 and 60 (TA 2001-0001 and 2001-0004) in 2002 that became effective on January 1, 2003. At the time the current Planned Unit Development thresholds, standards, and approval criteria were adopted the major concern was that PUD regulations were being used to circumvent land development standards to maximize density on constrained sites, which in turn was producing land developments without site plan or design innovation.

The most significant change to the PUD regulations that occurred with the 2002 text amendment was the adoption of a minimum open space requirement depending on the size of a parcel. The 2002 PUD text amendments also included specific standards for what areas could be counted towards the open space requirement. To help maintain compatibility with surrounding development the 2002 PUD amendment adopted standards that require parent parcel setbacks be maintained.

B. Staff Overview of Proposed Planned Unit Text Amendment Development Code

To develop the new proposed code staff has held three work sessions with the Planning Commission to review the existing PUD regulations, discuss possible amendments, and consider potential incentives for fostering innovative PUD development.

The first work session with the Planning Commission was held on May 26, 2005, at which staff reviewed all of the PUD code standards contained in Chapters 40 and 60. The result of the first work session was a list of issues and concerns regarding the existing PUD regulations.

On July 13, 2005, a second work session was held to review the major issues and areas of concern that were articulated by the Planning Commission from the first PUD work session. The intent of this work session was to ensure that staff accurately captured the comments and observations of the Planning Commission.

A third work session took place on February 1, 2006, with Parametrix a planning consultant participating with the presentation of two products: 1) Beaverton PUD Ordinance and Framework Review; and, 2) Infill PUD Site Plan Analysis.

The consultant team reviewed six PUD ordinances along with the City's PUD regulations. The six other jurisdictions included the Oregon communities of Tigard,

Hillsboro, Portland, Fairview, Salem, and Bend in an effort to find codes that were effectively promoting innovative development in line with the stated areas of concern by the Planning Commission. The consultant team focused their review on Oregon communities because these communities must respond to the same state wide land use planning program and land use laws as the City of Beaverton. The conclusion of the consultants review was that while several of the PUD ordinances of other jurisdictions provided varying degrees of flexibility they did not create incentives to reach for higher levels of innovation.

To consider and analyze possible different approaches staff directed the Parametrix team to use a site plan analysis case study approach. Staff choose the previously approved Onody PUD (CUP 2003-0031) located in north Beaverton because it reflected many of the issues commonly confronted by developers including, small irregularly shaped lot, natural resources including a delineated wetland and a mature stand of community trees. Using the case study approach Parametrix demonstrated both a “Low Impact” Design and a “Form Based” or architectural standards approach to developing a PUD. The site plans produced by Parametrix demonstrated that by using an incentive approach a PUD could yield at least one additional dwelling unit in each case. By achieving an additional unit the developer is able to create additional needed housing and spread the financial risk of the project. The incentives create a framework in which a developer could create a PUD that benefits the new neighborhood, surrounding neighborhood, and the City. The result of each case study was shared with the Planning Commission at a work session held on February 1, 2006. Each of the case studies demonstrated that reasonable alternatives using architectural and low impact design are feasible when additional flexibility is provided to developers.

The proposed PUD text amendment does not include the “Low Impact” regulations discussed at the February 1, 2006, work session because many of these concepts and techniques are still being reviewed by planners and engineers at the City, County, and Unified Sewerage Agency as part of the Tualatin Basin Goal 5 effort. It is staffs intention to reintroduce the Low Impact development concepts at the completion of the Tualatin Basin Goal 5 planning work and that at that time low impact design alternatives can be incorporated into the PUD code standards.

At this time staff is recommending that the Planning Commission consider the attached draft text language that includes the following key changes from the existing code:

- 2 Acre minimum size threshold for residential PUD’s
- Base zone standards that regulate the amount of deviation from the minimum lot size, coverage, dimensions, and setbacks.
- Specific open space standards that include commons area in addition to active or passive open space development standards.

- Building architecture standards for those buildings not already covered by Design Review standards found in Section 60.05.
- Development Bonuses and Development Incentive Options:
 - Open Space Development Incentive
 - Architectural/Environment Best Building Practices Incentive
 - Affordable Housing Development Incentive

C. Facts and Findings

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2006-0006 (Planned Unit Development Text Amendment):

1. **The proposal satisfies the threshold requirements for a Text Amendment application.**

Response:

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2006-0006 (Planned Unit Development Code) proposes to amend Chapter 40, Section 40.15.15.5, Chapter 60, Section 60.35, and Chapter 90, Definitions of the Beaverton Development Code currently effective through Ordinance 4382 (November 2005).

Finding

Therefore, staff find that approval criterion one has been met.

2. **All City application fees related to the application under consideration by the decision-making authority have been submitted.**

Response:

Policy Number 470.001 of the City’s Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City’s General Fund. The Development Services Division, which is a General Fund program, initiated the application.

Finding

Therefore, staff find that approval criterion two is not applicable.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Metro's Urban Growth Management Functional Plan is comprised of the following titles:

- Title 1: Requirements for Housing and Employment Accommodations
- Title 2: Regional Parking Policy
- Title 3: Water Quality and Flood Management Conservation
- Title 4: Retail in Employment and Industrial Areas
- Title 5: Neighbor Cities and Rural Reserves
- Title 6: Regional Accessibility
- Title 7: Affordable Housing
- Title 8: Compliance Procedures and
- Title 9: Performance Measures

Response:

TA 2006-0006 proposes a substantive update to Section 40.15.15.5, 40.15.15.6, (Preliminary and Final Planned Unit Development) and Section 60.35 (Planned Unit Development Standards) of the Beaverton Development Code to strike the current language including thresholds, standards and approval criteria and replaces it with a performance and incentive oriented standards and approval criteria. The new PUD text does not have any specific effect on the Titles of the Metro Urban Growth Management Functional Plan.

Finding

Therefore, staff find that this approval criterion is not applicable.

4. The proposed text amendment is consistent with the City's Comprehensive Plan.

The Comprehensive Plan policies that are related to the proposed amendments to the Planned Unit Development Text Amendment have been included in the staff report. The proposed text amendments will change the intent of some of the existing Development Code regulations, and therefore; goals and policies of the Comprehensive Plan that staff believe are relevant have been reviewed.. The following policies are addressed:

CHAPTER 2: PUBLIC INVOLVEMENT ELEMENT

Staff suggest that Chapter 2 of the Comprehensive Plan (Public Involvement Element) is relevant to the proposed amendments. Although Chapter 2 of the Comprehensive Plan does not contain discrete policies to which the proposed amendments are applicable, staff suggests that the intent of Chapter 2 is met by the

proposed text amendments, the required public noticing for the proposed amendments, and the requirement for a public hearing process before the Planning Commission as the initial decision-making authority followed by subsequent City Council consideration of the Planning Commission's recommendation. Staff find that the proposed text amendments are consistent with the provisions of the Beaverton Comprehensive Plan. Therefore, staff find that approval criterion four has been met.

CHAPTER 3: LAND USE ELEMENT

3.4 Community Identity

3.4.1 Goal: Provide a policy framework for a community designed to establish a positive identity while enhancing livability.

Policies:

- a) *The City, through its development review process, shall apply urban design standards to guide public and private investment toward creating a positive community identity.*
- b) *The City's urban design standards shall promote creation of public spaces and a good pedestrian environment.*

Response:

The proposed text amendment is in response to a perception that Planned Unit Developments in the past two years have not created the type of development that fosters a positive community identity. The proposed text seeks to increase the base standards and create incentives to produce innovative development that will create a positive community identity. The proposed text does this by increasing the specific requirement for neighborhood compatibility, open space development, architectural standards, and incentives for producing sustainable developments.

3.5.1 Goal: Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

Policies:

- b) *Allow a mix of complementary land use types, which may include housing, retail, offices, small manufacturing or industry, and civic uses to encourage compact neighborhoods with pedestrian oriented streets in order to promote:*
 - *Independence of movement, especially for the young and elderly to*

- *enable them to conveniently walk, cycle, or ride transit;*
 - *Safety in commercial areas, through round-the-clock presence of people;*
 - *Reduction in auto use, especially for shorter trips;*
 - *Support for those who work at home, through the nearby services and parks;*
 - *A range of housing choices so that people of varying cultural, demographic, and economic circumstances may find places to live.*
- j) *Prior to development on any portion of a property or group of properties under single ownership a Design Review Application, or a Planned Unit Development and Design Review Application, must be submitted and approved. The application(s) must demonstrate consistency with the policies in the underlying land use designation.*
- k) *Allow phased development of property through a Planned Unit Development application. Ensure the phasing plan demonstrates compliance with the minimum housing density and commercial floor area ratio requirements.*

Response:

TA 2006-0006 proposes a substantive update to Section 40.15.15.5, 40.15.15.6, (Preliminary and Final Planned Unit Development) and Section 60.35 (Planned Unit Development Standards) of the Beaverton Development Code to strike the current language including thresholds, standards and approval criteria and replaces it with a performance and incentive oriented standards and approval criteria. The new PUD text continues to allow for a mixture of uses and housing styles that is consistent with Metro's 2040 Growth Concept Map. The new text continues to allow for phased development.

3.13.1 Goal: Provide for the establishment and maintenance of safe, convenient, attractive and healthful places to live.

Policies:

- a) *Regulate residential development to provide for diverse housing needs by creating opportunities for single and multi-family development of various sizes, types and configurations.*
- b) *Encourage a variety of housing types in residential areas, by permitting or conditionally permitting any housing type (one, two or*

more, family dwellings) within any zoning district so long as the underlying residential density of the zoning district is met. Accessory dwelling units shall not be considered in the calculation of the underlying housing density.

- c) Require Planned Unit Development application procedures for projects proposing two or more families within the Low Density and Standard Density land use designations. Planned Unit Developments encourage flexibility in standards and provide a mechanism for staff to make adequate findings with respect to compatibility in size, scale, and dimension. Exceptions to this requirement are dwellings designed as primary units with an accessory dwelling unit, as specified in the Development Code.*

- h) Foster innovation and variety in design to enhance the visual character of the City's landscape. Innovation in design can include designing infill structures to integrate into existing neighborhoods through compatible scale, similar design features, and similar setbacks.*

Response:

The proposed update to the PUD thresholds, standards, and approval criteria are intended to address Goal 3.13.1 Policies "a-c" and "h" by requiring more site and architectural detail and better integration of open space. The proposed text amendment goes further in creating a series of incentives to foster innovative design and visual character.

Specifically the proposed text creates incentives for: 1) Open Space Development, 2) Architectural Development that include energy best building practices or cluster development that reduce the overall impervious footprint of the development.

CHAPTER 4: HOUSING ELEMENT

4.2.1.1 Goal: Maximize use of buildable residential land in the City.

Policies:

- a) Increase residential capacity in the City to substantially comply with requirements of Title 1 of the Metro Urban Growth Management Functional Plan.

Response:

The proposed amendments to the Planned Unit Development regulations do not change the requirements of an applicant to reach a minimum of 80 percent of the planned density for a parcel rather the proposed regulations continue to provide flexibility to maximize the use of individual sites.

4.2.2.1 Goal: Provide an adequate variety of quality housing types to serve Beaverton's citizenry.

Policies:

a) *Allow development of a wide variety of housing types in the City.*

Response:

The proposed PUD regulations continue to provide the ability for developers to provide a variety of housing types with a PUD. The proposed update to the PUD standards will simply require enhanced attention to compatibility of surrounding development and more detail for on-site architecture and site plan to provide more visual variety. The new text is intended to create incentives to create alternatives to standard subdivision lot patterns such as cluster, courtyard, and cottage, style housing developments.

4.2.3.2 Goal: Promote the production of new affordable housing units in the City.

Policies:

f) *Continue over time to explore various tools and strategies that may serve to encourage the development of affordable housing in Beaverton.*

Response:

The proposed PUD text amendments include an incentive for developers to produce affordable housing not previously available in exchange for a reduction in the provision of open space required in a PUD. The text proposes to allow a reduction in required open space to provide an incentive for developers to provide dwelling units that are targeted for owners that meet current City of Beaverton and Washington County affordable housing assistance standards of 100 percent of the median family income. City of Beaverton staff in conjunction with other Portland Metro housing experts have determined that in this housing market it is difficult if not impossible to provide "ownership" housing at income levels less than 100 percent. Affordable dwelling units produced through this program will be conditioned to carry a deed restriction that ownership of the dwelling will remain

with the Washington County Housing Authority or another public entity with a percentage of the appreciation split between the homeowner and the public entity holding the property title.

CHAPTER 7: NATURAL, CULTUARL, HISTORIC, SCENIC, ENERGY, AND GROUNDWATER RESOURCES ELEMENT:

7.1.1 Goal: Balance development rights with natural resource protection.

Policies:

- c) Allow for relaxation of development standards to protect significant natural and historic resources. Such standards may include but are not limited to minimum setbacks, maximum building height, minimum street width, location of bicycle, pedestrian and multi-use paths, etc.

Response:

The purposed substantive update to the PUD standards provide significantly greater clarity for the allowed density transfer from constrained lands such as wetlands and steep sloops that are intended to be preserved in support of natural resource preservation. The PUD standards continue to allow for significant relaxation of setbacks and overall lot development. The proposed PUD text amendment also provides incentives for active recreation and view corridor preservation such that development rights are maintained while enhance natural resources.

7.3.1.1 Goal: Conserve, protect, enhance or restore the functions and values of inventoried Significant Natural Resources.

Policies:

- a) Inventoried natural resources shall be conserved, protected, enhanced or restored:
- to retain the visual and scenic diversity of our community;
 - for their educational and recreational values;
 - to provide habitats for fish and wildlife in our urban area.
- c) Inventoried natural resources shall be incorporated into the landscape design of development projects as part of a site development plan, recognizing them as amenities for residents and employees alike.

- d) The City shall rely on its site development permitting process as the mechanism to balance the needs of development with natural resource protection.

Response:

The proposed substantive update to the City's PUD standards enhance the requirements of a existing regulations to provide a visual and physically integration natural resource into PUD's. The proposed text does this by creating open space standards for integration into the overall development. By requiring better integration into the overall development will enhance the opportunities the existing natural resources will be seen as an amenity to the overall development.

7.5.1 Goal: Development projects and patterns in the City that result in reduced energy consumption.

7.5.2 Goal: Increased use of solar energy and other renewable energy resources in new development in the City.

Policies:

- a) Assist in the conservation of energy by promoting more efficient transportation modes and land use patterns.***
- b) Encourage higher density development where appropriate.***
- c) Continue to update applicable codes and regulations to promote energy conservation.***
- f) Support state and federal legislation that encourages energy saving design and building practices.***
- h) The City shall retain and apply regulations requiring consideration of solar energy options in the development process.***

Response:

The proposed substantive update to the PUD text amendment supports Comprehensive Plan Goal 7.5.2 Policies a,b,c,e and h by providing flexibility for development in all zones of the City. Additionally, the proposed text provides specific incentives for developers to use the Leadership in Energy and Environmental Leadership (LEED) rating system developed by the Green Building Council that is recognized through the United States as the standard bearer for sustainable best practice building practices. The proposed PUD text amendment also offers an incentive to achieve solar access lot orientation for 90 percent of the building lots in residential development.

CHAPTER 9 – ECONOMY ELEMENT

9.2.3.1 Goal: To support a high quality of life for all of Beaverton’s citizens.

Policies:

- a) *To require a high quality of new development within the City to create an attractive environment.*

Response:

The proposed amendment to the PUD regulations is specifically intended to create higher quality development within the City. Based on the nature of infill PUD’s compared with “green field” PUD’s there is a need to create a higher standard of review to ensure that new development will not only be compatible but enhance surrounding development. The proposed amendment requires that residential PUD’s in particular provide additional value both within a proposed development and for surrounding properties. The proposed text requires architectural review of proposed development that is not already required by Development Code Section 60.05, Design Review.

FINDING:

Staff find that the proposed PUD text amendments to Chapter 40, Chapter 60, and Chapter 90 are consistent with this criterion.

- 5. The proposed text amendment is consistent with other provisions within the City’s Development Code.**

Response:

The proposed amendments relate to Chapter 20 in so far that Planned Unit Development (PUD) is a Conditional Use in all of the land use zones in Chapter 20. The proposed PUD text amendment proposes to replace the two step PUD process and replace it with a single PUD application that would permit phasing or final development applications. In addition, the proposed PUD text relies upon the existing Design Review standards for structures in all cases where those standards are currently applicable. Staff find that proposed amendments are consistent with the other provisions of the Development Code.

Therefore, staff find, therefore, approval criterion five has been met.

- 6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.**

Response:

The current Development Code and Ordinance No. 4187, which adopted the current Comprehensive Plan, are applicable to the proposed text amendment and are addressed in the findings of fact for approval criterion four and five. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendments.

Finding:

Therefore, staff find that approval criterion six has been met.

7. **Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.**

Response:

Staff have determined that there are no other applications and documents related to the request that will require further City approval.

Finding:

Therefore, staff find that approval criterion seven has been met.

E. Conformance with Statewide Planning Goals

Because the proposal is for a text amendment to the Development Code, a demonstration of compliance with the Statewide Planning Goals is not required. ORS 197.225 requires that Statewide Planning Goals only be addressed for Comprehensive Plan Amendments. Nevertheless, the Statewide Planning Goals are useful to support the City's position on the proposed amendments. The proposed text amendment's conformance to relevant Statewide Planning Goals is briefly discussed below:

GOAL ONE - CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City is in compliance with this Statewide Planning Goal through the establishment of a Committee for Citizen Involvement (CCI). The City has gone even further by establishing Neighborhood Association Committees (NACs) for the purpose of providing widespread citizen involvement, and distribution of information. The proposed text amendments to the Development Code will not

change the City of Beaverton's commitment to providing opportunity for citizen involvement, or place the City out of compliance with Statewide Planning Goal One.

GOAL TWO - LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton has adopted a Comprehensive Plan that includes text and maps (Ordinance 1800, and most recently amended by Ordinance 4187) along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4265). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text amendment proposal. The proposed Development Code amendment has been processed in accordance with Section 40.85 (Text Amendment) and Section 50.50 (Type 4 Application) of the Development Code. Section 40.85 contains specific approval criteria for the decision-making authority to apply during its consideration of the text amendment application. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. The City of Beaverton's Comprehensive Plan is consistent with Statewide Planning Goal 2.

IV. Conclusion and Staff Recommendation

Staff recommend the Planning Commission review and comment on the draft text amendment contained in TA 2006-0003 (Planned Unit Development Text Amendment) at the June 14, 2006, regular Commission hearing. Staff further recommend that the Commission continue the public hearing to a date certain of July 19, 2006, in order to allow staff to further refine after receiving comments from the Planning Commission.

V. Exhibits

Exhibit 1.1 Proposed Text Amendment

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Chapters Five and Nine of the Beaverton Code related to the Tualatin Basin Goal 5 Program

FOR AGENDA OF: 11/13/06 **BILL NO:** 06216

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 10/31/06

CLEARANCES: City Attorney [Signature]
Planning [Signature]

PROCEEDING: First Reading

EXHIBITS: A. Proposed Ordinance

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

The Tualatin Basin Goal 5 Program began in response to Metro's Fish and Wildlife Habitat Goal 5 Inventory. Local governments in the Tualatin Basin collaborated on a joint Environmental, Social, Economic and Energy consequences analysis and a voluntary program to facilitate and encourage Habitat Friendly Development Practices. Staff propose minor changes to the City Code (*The Beaverton Code, 1982*) to implement that program. The changes are as follows:

Modify Section 5.05.090.7 to delete "noxious" as it is no longer defined in the Development Code. Nuisance is defined.

Modify 5.05.110.A to clarify the type of flow referred to in this section. Concentrated flow is a term of art.

Modify 5.05.110.B to clarify that water is not to be carried across the sidewalk.

Modify 5.05.133 to clarify the meaning of light glare.

Add maintenance clauses to 9.05.135.A to ensure that the new low impact development practices are maintained.

INFORMATION FOR CONSIDERATION:

Internal staff met and agreed to the changes recommended in the proposal.

RECOMMENDED ACTION:

First Reading.

Ordinance No. 4412
An Ordinance Amending
Provisions of Chapters Five and Nine of the Beaverton
City Code Related to the Tualatin Basin Goal 5
Program

WHEREAS, the City of Beaverton collaborated with local governments in the Tualatin River Basin to form the Tualatin Basin Partners for Natural Places; and

WHEREAS, the Tualatin Basin Partners for Natural Places, through an intergovernmental agreement with Metro, developed a program that facilitates and encourages habitat friendly development practices and low impact development techniques throughout the Tualatin River Basin; and

WHEREAS, the proposed Beaverton City Code amendments are minor changes that further the goal of facilitating and encouraging these practices and techniques; and

WHEREAS, Chapter 5 concerns public protection in the form of nuisances affecting public safety and surface waters and drainage; and

WHEREAS, Chapter 9 concerns community development and associated drainage requirements; and

WHEREAS, the purpose of the recommended changes are to comply with the intergovernmental agreement with Metro and the Tualatin Basin Partner's program; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Chapter 5, of the Beaverton Code Public Protection is amended to read as follows:

BC5.05.090.B.7. the types of vegetation as defined in Chapter 90 of the Development Code as *nuisance*, ~~noxious~~ as applicable ~~of~~ to significant natural resource areas. [BC 5.05.090B amended by Ordinance No. 4224, 8/19/02]

5.05.110.A. No owner or person in charge of any building or structure shall cause, suffer or permit rain water, ice or snow to fall from the building or structure onto a street or public sidewalk or to *allow concentrated* water flow across the sidewalk.

5.05.110.B. The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about the building *does is not flow carried across or upon* the sidewalk.

5.05.133 No person shall knowingly allow *or direct* an exterior lighting fixture to shine *glaring* light that unreasonably interferes with another person's use or enjoyment of property *or shine direct rays of light into a significant natural resource area, vegetated corridor, water quality sensitive area, or preserved habitat benefit area. Lighting fixtures must be a full cut-off design that is shielded, hooded and oriented towards the ground so that direct rays of the lighting source are not visible past the property boundaries and do not shine into the night sky.* [BC 5.05.133, added by Ordinance No. 3889, 3/28/94]

Section 2 Chapter 9, Community Development of the Beaverton Code is amended to read as follows:

9.05.135.A. Drainage generally. All graded sites shall be developed *and maintained* to provide control of storm and surface waters. Adequate provisions shall be made to prevent storm or surface waters from damaging the face of an excavation or the sloping face of a fill, and to prevent grading or other construction activity from causing significant concentration or acceleration of drainage entering adjacent property without an easement from the owner of the adjacent property, which shall be in a form approved by the city attorney and recorded at the Washington County Department of Assessment and Taxation. All drainage provisions shall be subject to the approval of the city engineer and shall be designed to *maintain all storm and surface water draining on site or to carry all or part of* storm and surface waters to the nearest practical street, storm drain, or natural water course, approved by the city engineer as a safe place to deposit and receive such waters.

First reading this ___ day of _____, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Comprehensive Plan Chapters 3, 5, 6, 7, 8, the Glossary and Volume III (Ordinance No. 4187) Related to CPA 2006-0012

FOR AGENDA OF: 11/13/06 **BILL NO:** 06217

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 10/31/06

CLEARANCES: City Attorney 
Planning 

PROCEEDING: First Reading

- EXHIBITS:**
1. Proposed Ordinance and Exhibit A – Proposed Text Amendment to Chapters 3, 5, 6, 7, 8, and the Glossary
Exhibit B – Proposed Text Amendment to Volume III
Exhibit C – Proposed Habitat Benefit Areas Map
 2. Planning Commission Final Order No. 1915 and Exhibit A showing recommended amendments
 3. Staff proposed changes to the text approved by Planning Commission

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

HISTORICAL PERSPECTIVE:

The Tualatin Basin Goal 5 Program began in response to Metro's Fish and Wildlife Habitat Goal 5 Inventory. Local governments in the Tualatin Basin collaborated on a joint Environmental, Social, Economic and Energy consequences analysis and a voluntary program to facilitate and encourage Habitat Friendly Development Practices. Staff propose Comprehensive Plan Amendments to Chapters 3, 5, 6, 7, 8, the Glossary and Volume III of the Comprehensive Plan.

INFORMATION FOR CONSIDERATION:

Staff presented the proposal to the Committee for Citizen Involvement, Development Liaison Committee, Board of Design Review and internal staff. The Planning Commission held a work session on September 6, opened the initial hearing on the proposed amendments to the Comprehensive Plan on October 11 and unanimously approved the proposal on October 18, 2006.

Following Planning Commission approval of the recommendation, staff modified Exhibit "B" Proposed Text Amendment to Volume III. Changes from the Exhibit A to the Planning Commission Order on page 069 resulted in the final draft found on page 031. The changes included clarifications resulting in division of the first paragraph of the section into three (3) paragraphs with additional text inserted and deleted the second paragraph relating to the Tualatin Basin Partnership. Staff also added a statement incorporating the Tualatin Basin Environmental, Social, Economic, and Energy consequences analysis by reference. Content, with the exception of adding the Metro ordinance number and the incorporation by reference, did not change.

RECOMMENDED ACTION:

First Reading.

**Ordinance No. 4413
An Ordinance Amending
Comprehensive Plan Volume I
Chapters 3, 4, 5, 6, 7, 8 and the Glossary and
Volume III Statewide Planning Goal 5 Resource
Inventory Documents
(Ordinance No. 4187 as amended),
Related to CPA 2006-0012**

WHEREAS, Metro conducted an inventory of fish and wildlife habitat pursuant to Statewide Planning Goal 5;

WHEREAS, Metro determined that Classes I and II riparian habitat and Class A upland wildlife habitat are regionally significant resources; and

WHEREAS, the City of Beaverton collaborated with local governments in the Tualatin River Basin to form the Tualatin Basin Partners for Natural Places; and

WHEREAS, the Tualatin Basin Partners for Natural Places, through an intergovernmental agreement with Metro, agreed to use the Metro Inventory and to conduct an Environmental, Social, Economic, and Energy consequences analysis and develop a program pursuant to Statewide Planning Goal 5 regulations; and

WHEREAS, the Tualatin Basin Partners for Natural Places developed a voluntary program that facilitates and encourages habitat friendly development practices and low impact development techniques; and

WHEREAS, on October 18, 2006, the Planning Commission unanimously recommended approval of the proposed CPA 2006-0012 application based upon the Staff Report dated September 11, 2006 for the October 11, 2006 Public Hearing, the Supplemental Staff Report dated October 6, 2006 and Staff Memoranda dated October 13, 2006 and October 18, 2006 that presented the final draft amendment, addressed approval criteria and made findings that demonstrated that adoption of the proposed ordinance would comply with applicable approval criteria; and

WHEREAS, the final order was prepared memorializing the Planning Commission's decision and no appeal therefrom has been taken; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Chapters 3, 4, 5, 6, 7, 8 and the Glossary of Volume I of the Comprehensive Plan (Ordinance No. 4187 as amended) are hereby amended as set forth in Exhibit A of this Ordinance attached hereto and incorporated herein by reference.

Section 2. The text of Volume III of the Comprehensive Plan (Ordinance No. 4187 as amended), relating to Statewide Planning Goal 5 Inventory Resources, is hereby amended as set forth in Exhibit B of this Ordinance attached hereto and incorporated herein by reference.

Section 3. A map of Habitat Benefit Areas in and near the City is hereby added to Volume III of the Comprehensive Plan (Ordinance No. 4187 as amended) as set forth in Exhibit C of this Ordinance attached hereto and incorporated herein by reference.

Section 4. All Comprehensive Plan provisions adopted prior to this Ordinance which are not expressly amended herein shall remain in full force and effect.

Section 5. Severability. It shall be considered that it is the legislative intent, in the adoption of this Ordinance, that if any part of the ordinance should be determined by any tribunal of competent jurisdiction, i.e., the Land Use Board of Appeals or the Land Conservation and Development Commission to be unconstitutional, contrary to other provision of law, or not acknowledged as in compliance with applicable statewide planning goals, the remaining parts of the ordinance shall remain in force and acknowledged unless: (1) the tribunal determines that the remaining parts are so essential and inseparably connected with and dependent upon the unconstitutional or unacknowledged part that it is apparent the remaining parts would not have been enacted without the unconstitutional or unacknowledged part; or (2) the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with legislative intent.

First reading this ___ day of _____, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

EXHIBIT A

CHAPTER THREE: LAND USE ELEMENT

3.4 COMMUNITY IDENTITY

Beaverton's eleven general City planning goals are found in the introduction to the Comprehensive Plan. Each Element of the Comprehensive Plan refines those goals, and creates new goals, within the context of state and regional mandates and the topic of that particular element.

The first general goal states "Retain Beaverton as an outstanding City." An outstanding City is a place of quality for people to live and work. Fundamental to the achievement of this goal is the appearance of the community. There is no doubt that the community will continue to grow and change as new people, businesses, and industries establish themselves in the area. A deliberate and continuous effort will be necessary to see that the multitude of decisions made in the process of growth collectively constitute progress toward an attractive, livable community.

<p>3.4.1 Goal: <i>Provide a policy framework for a community designed to establish a positive identity while enhancing livability.</i></p>

Policies:

- a) The City, through its development review process, shall apply urban design standards to guide public and private investment toward creating a positive community identity.

Action 1: Adopt and apply land use regulations for landscaping, screening and buffering standards for interfaces between differing zones to reduce impacts of lighting and noises to retain a degree of privacy.

Action 2: Adopt and apply land use regulations respecting the natural and physical features of the landscape, including but not limited to, natural areas, site design for hillside areas, flood hazards, earthquake hazards and other environmental constraints.

Action 3: Adopt and apply land use regulations promoting development in ways that promote healthy watersheds and natural resources, use a natural system approach to development, and avoid impacting natural resources. A natural system approach includes sustainable stormwater management using habitat friendly development practices and low impact development techniques.

Action 4: Adopt and apply land use regulations allowing and encouraging techniques to reduce impacts to natural resources, known as Habitat Friendly Development Practices and Low Impact Development Techniques.

- b) The City's urban design standards shall promote creation of public spaces and a good pedestrian environment.
- c) Existing overhead utilities shall be placed underground in all parts of the community in conjunction with development.
- d) Sign regulations shall limit the size, location, and number of signs throughout the City. Non-conforming signs shall be removed at the time of a change in use. Off-site advertising signs shall be prohibited in all districts of the City.

Action 1: To ensure fairness, the City shall apply the sign amortization program to annexed properties that had their signs approved by Washington County.

- e) The City shall preserve significant natural resources identified on the City's Statewide Planning Goal 5 Inventories, Volume III of this Plan, through application of regulations requiring the careful siting of development.

Action 1: Adopt maps showing habitat benefit areas. Habitat benefit areas, Clean Water Services' vegetated corridors and Beaverton identified Goal 5 Inventory areas frequently mutually support and are coincidental to one another.

Action 2: Adopt and apply regulations that allow and encourage habitat friendly development practices that reduce impacts to habitat benefit areas, including preservation of the habitat benefit areas.

Action 4: Develop a program to monitor reductions in density to allow for preservation and improvement of habitat benefit areas so that the reduction in density may be reported to Metro.

Action 5: Promote habitat friendly development practices and low impact development techniques through the pre-application conference with development applicants.

CHAPTER 4: HOUSING

4.2.1.1 Goal: Maximize use of buildable residential land in the City.

Policies:

- a) Increase residential capacity in the City to substantially comply with requirements of Title 1 of the Metro Urban Growth Management Functional Plan.

Action 1: Adopt and apply a Development Code provision to require that net residential development density occur at a minimum of 80% of the maximum density a zone allows for.

Action 2: Adopt and apply a new zoning designation allowing for a minimum lot size of 4,000 square feet per dwelling unit.

Action 3: Consider adopting and applying land use regulations allowing increased density, where low impact development techniques and habitat friendly development practices are applied.

Policies:

4.2.3.2 Goal: Promote the production of new affordable housing units in the City.

- a) Inform Beaverton's residents, property owners, and business owners of the need for additional affordable housing within the City.

Action 1: Formulate and implement a strategy for educating the City's residents, property owners, and business owners of the need for more affordable housing in Beaverton.

- b) Partner with and assist local non-profit developers in supplying and maintaining additional affordable units throughout the City.
- c) Continue to devote funding through the City's HOME Program to local non-profit housing development agencies in order to aid in the development and maintenance of new long-term affordable housing in the City.
- d) Work in partnership with TVHP to create housing that is affordable to households at or below 60% of the MFI.

Action 1: Explore the possibility of creating a land banking revolving fund.

Action 2: Investigate the possibility of establishing a property tax abatement program to promote the development of affordable housing.

Action 3: Explore the possibility of creating a discretionary fund that pays building permit and system development fees for projects that address affordable housing needs.

Action 4: Adopt and apply regulations allowing and encouraging low impact development techniques and habitat friendly development practices to facilitate integration of natural resources into affordable housing projects.

CHAPTER FIVE: PUBLIC FACILITIES AND SERVICES ELEMENT

5.4 STORM WATER AND DRAINAGE

The storm water collection and treatment system maintained by the City consists of inlets and pipe systems, regional detention facilities, streams and their adjacent riparian corridors, wetland areas, and habitat benefit areas. Many streams, habitat benefit areas, and wetland areas are located on private or park district property and are not actively maintained.

Pursuant to the current intergovernmental agreement (IGA) with CWS, ownership and maintenance of facilities operated by CWS are transferred permanently to the City for all areas annexed to the City. The current IGA with CWS establishes certain maintenance service levels that the City follows and may be amended from time to time as allowed by the IGA.

Urban storm water runoff is a major water quantity and quality issue affecting Beaverton area streams. As development continues, the magnitude of this problem can increase without proper mitigation.

Predevelopment or natural hydrologic function is the relationship among the overland and subsurface flow, infiltration, storage and evapotranspiration characteristics of the landscape. Sustainable stormwater management avoids and minimizes impacts to natural resources by protecting native vegetation and natural hydrologic function. A sustainable system mimics natural water flow by minimizing land disturbance and incorporating natural landscape features into a development.

The process of planning, design, construction, and maintenance of storm water run-off facilities is more difficult and expensive when an area is already developed. The management of storm water run-off is a problem that crosses jurisdictional boundaries. The City of Beaverton has worked with CWS to conduct storm water planning, implement storm water utility and system development charge funding methods, develop design standards for storm water facilities and execute agreements for storm water facility operation and maintenance. In addition, the City contracts with CWS for regional stream system water testing and federal/state permitting such as the National Pollution Discharge Elimination System (NPDES) Permit.

In 1990, CWS's jurisdiction was expanded from exclusively sanitary sewer service to include storm water. The State Legislature officially authorized formation of CWS's

Surface Water Management (SWM) program on July 23, 1990, to more effectively deal with the quantity (associated with flooding) and quality of urban surface (storm) water runoff. The Oregon Department of Environmental Quality and the U.S. Environmental Protection Agency had previously established strict regulations on water quality to control the pollutants that were being carried directly into streams and rivers. CWS in concert with other cities implemented the Surface Water Management utility to address the new regulations that affected the urbanized portion of Washington County (which includes all of Beaverton's assumed Urban Services Area). This was the first time that surface water runoff was administered regionally in Washington County. At the time that CWS formed the SWM program, the City of Beaverton and Washington County had long recognized and developed drainage systems to convey storm water and control flooding. Today, the City continues to own and operate the storm water conveyance system and non-regional detention basins within the City limits.

The CWS SWM program focuses on controlling pollution at the source thus reducing the sediments and pollutants that enter receiving streams and the Tualatin River. Preventative measures used include natural and artificial filtration systems, habitat friendly development practices and low impact development techniques, cleaning streets and catch basins, and building holding basins for quantity and quality detention. Rules for erosion at construction sites, floodplains and wetlands are enforced. These methods and many more are currently being used by CWS and cities to effectively control flooding and reduce pollutant loads carried by receiving streams and the Tualatin River.

The City of Beaverton has been involved in a number of studies over the last several years relating to storm water planning and development of storm water design standards. These studies include:

STORM WATER PLANNING

- Millikan Subbasin Drainage Analysis, August 2000, David Evans and Associates
- Beaverton Creek Watershed Management Plan, June 1999, Brown & Caldwell (CWS with City of Beaverton)
- Analysis of the Central Interceptor Drainage System, June 1999, Economic and Engineering Services
- Murray Scholls Town Center Master Plan, April 1998, Zimmer Gunsul Frasca Partnership
- Westside Interceptor Storm Drainage Project, December 1997, KCM
- Fanno Creek Watershed Management Plan, June 1997, Kurahashi & Associates (CWS with City of Beaverton)
- Carrying Capacity Analysis and Capital Improvement Plan for the Beaverton

Regional Center and Tek Station Area, December 1996, KCM

- Subbasin Strategies Plan for Rock, Bronson and Willow Creeks, March 1996 (CWS with City of Beaverton)
- The most recent version of The City of Beaverton, Drainage Master Plan

STORM WATER DESIGN STANDARDS

- City of Beaverton – Engineering Design Manual and Standard Drawings. CWS standards entitled “*Design and Construction Standards for Sanitary Sewer and Surface Water Management*” are incorporated by reference from the Beaverton Design Standards.

5.4.1 Goal: Ensure long-term provision of adequate storm water management within existing City limits and areas to be annexed in the future.

POLICIES:

- a) The City shall continue to participate in the CWS’s Surface Water Management (SWM) program for the urban portion of the Tualatin River watershed. The City shall retain responsibility for planning, construction and maintenance of portions of the local storm water facilities within its incorporated limits.

Action 1: *To facilitate and encourage low impact development techniques, consider a reduction in SWM fees and Systems Development Charges (SDC) in proportion to the effective impervious area on site.*

- b) On-site detention will be used as a storm water management tool to mitigate the impacts of increased storm water run-off associated with new land development.

Action 1: *Develop programs and adopt and apply regulations allowing and encouraging habitat friendly development practices and low-impact development techniques to reduce the impacts of storm water run-off.*

Action 2: *If a SWM fee or SDC reduction program is implemented, include a biannual or annual monitoring program to allow for follow-up maintenance. If the area is not maintained then the property owner must pay the SWM and SDC fees and build a new structure to accommodate the water quality and quantity issues on site.*

- c) All new land development will be connected to a storm water drainage system. Each new development will be responsible for the construction or assurance of construction of their portion of the major storm water run-off facilities that are identified by the SWM program as being necessary to serve the new land development.

5.8 PARKS AND RECREATION

Parks and recreation facilities are basic and essential for the health and welfare of the community. The City coordinates the land use aspects of locating these facilities but does not predetermine sites. Location and improvement decisions for these types of facilities are the responsibility of the Tualatin Hills Park and Recreation District (THPRD).

As Beaverton and the Metro area become more densely developed, the number, location, size and quality of parks and recreation facilities have become increasingly more important. The demand for these facilities has been brought about in part by a higher standard of living; more leisure time resulting from such things as shorter work weeks, earlier retirement, and increasing life span; higher densities of development and a continuing emphasis on health and exercise. The by-products of urbanization in terms of congestion, air pollution and noise have also created a greater awareness of the need for open space in the urban environment. An adequate park and recreation system contributes to the physical and mental health of the community and can be a source of community pride.

As features in the urban landscape, parks improve the character of neighborhoods and tend to stabilize property values. Also, many businesses and industries seek locations with a high level of environmental quality as a means of increasing their ability to attract and retain a stable and productive work force. With improved transportation systems giving greater flexibility for business and industrial site selection, a well-developed park and recreation system can be an important factor in attracting such developments to the community.

THPRD is independent from the City with its own elected five-member Board of Directors and taxing authority. THPRD was established in 1955. THPRD's boundaries include most of Beaverton's assumed Urban Services Area. THPRD, for the most part, has developed its own acquisition and development plan pursuant to the adopted Tualatin Hills Park & Recreation District 20-Year Comprehensive and Trails Master Plans, which are adopted here by reference. In addition to donations and outright purchases, the THPRD works with the City and Washington County through the land development process to obtain sites by dedication.

The THPRD's plan recognizes different types of park and recreation facilities including regional, neighborhood, community and specialty parks, school parks, recreational/aquatic center, multi-use trail system plan, off-street trail corridors and

natural areas along streams. Frequently, habitat benefit areas occur adjacent to or coincide with natural areas along streams. These areas would be ideal extensions of the overall natural resource system. These descriptive park designations relate to the function or character of the parks shown on THPRD's 20-Year Comprehensive Park & Recreation and Trails Master Plans. As the area grows, opportunities will occur in addition to those shown on the plan. Each should be evaluated in terms of conformance with this plan's goals and policies and those of the THPRD 20-Year Comprehensive Park & Recreation and Trails Master Plans.

The Portland General Electric (PGE)/Bonneville Power Administration (BPA) transmission lines provide opportunities for open space and trail corridors in the community. These rights-of-way will not be converted to intensive urban land uses in the foreseeable future.

5.8.1 Goal: Cooperate with THPRD in implementation of its 20-Year Comprehensive Master Plan and Trails Master Plan in order to ensure adequate parks and recreation facilities and programs for current and future City residents.

Policies:

- a) The City shall support and encourage THPRD efforts to provide parks and recreation facilities that will accommodate growth while recognizing the limited supply of buildable land in the city for such facilities.
- b) The City shall encourage THPRD to provide parks and recreation facilities throughout the City in locations that are easily accessible to those they are intended to serve.
- c) The City shall support and encourage acquisition of park and recreation sites in advance of need so that the most appropriate sites are available for these vital public facilities.

Action 1: The City shall work with THPRD to further explore opportunities for mixing public park and recreation activities with revenue-generating public/private partnerships such as restaurants, recreation and aquatic centers, sports complexes, or other concession activities, in order to help finance recreation programming, park acquisition, and maintenance.

- d) The City shall notify THPRD of development proposals that may potentially impact a present or future park site to allow the district the opportunity to comment, purchase or request dedications.
- e) A number of financial incentives exist to encourage private property owners to donate, dedicate, or provide easements for resource preservation, park, trail or open

space use. The City shall work cooperatively with property owners and THPRD to maximize the use of these tools for the benefit of the community.

Action 1: The City shall develop a program to encourage preservation and restoration of habitat benefit areas in cooperation with THPRD.

- f) To offset increased densities and to meet the needs of the population, the City and THPRD should work together to provide urban scale public spaces in regional centers, town centers, station communities and main street areas within the city.
- g) The planning, acquisition and development of multi-use paths should be consistent with this Plan's Transportation Element and THPRD's Trail Master Plan.
- h) The City shall encourage park acquisition and appropriate development in areas designated as Significant Natural Resources, as defined by Volume III of this Comprehensive Plan.

CHAPTER SIX: TRANSPORTATION ELEMENT

6.2.1. **Goal:** Transportation facilities designed and constructed in a manner to enhance Beaverton's livability and meet federal, state, regional, and local requirements.

Policies:

- a) Maintain the livability of Beaverton through proper location and design of transportation facilities.

Actions:

- *Design streets and highways to respect the characteristics of the surrounding land uses, natural features and natural hazards, and community amenities.*
 - *Design streets consistent with habitat-friendly development practices and low-impact development techniques and water quality and quantity street design principles, where technically feasible and appropriate.*
 - *Recognizing that the magnitude and scale of capital facilities also affect aesthetics and environmental quality, the City will continue to require design plans and impact analyses as specified in the Development Code.*
 - *Preserve right-of-way for improvements that are slightly beyond or within a specified time period that is beyond the planning forecast year identified in the Transportation System Plan.*
- b) Consider noise attenuation in the design and redesign of arterial streets immediately adjacent to residential development.
- c) Locate and design recreational multi-use paths to balance the needs of human use and enjoyment with resource preservation in areas identified on the Natural Resource Inventory Plan Map for their Significant Natural Resource values.

Action:

- *Proposals for shared-use paths through significant natural resource areas shall assess compatibility of the path with the resource. The assessment shall include the impacts of lighting, appropriate restrictions on uses of the path, and options available to mitigate the impacts of the path. (Ordinance 4301).*

- a) Limit the provision of parking to meet regional and State standards.

Actions: Work to reduce parking per capita in accordance with Metro and State requirements, while minimizing impacts to neighborhoods. Work to reduce parking in habitat benefit areas, where parking can be provided in other locations including off-site, on the street, through shared uses, or in parking structures. Continue to implement the motor vehicle and bicycle parking ratios in new development. Develop and implement a Regional Center parking plan and a residential parking permit program as demand increases. Continue to implement shared parking and timed parking in new development and through existing programs. Work toward implementing other parking-based transportation demand management strategies, such as metered and structured parking, to help achieve Metro's 2040 Non-Single Occupant Vehicle mode split targets.

- 6.2.7. **Goal:** Implement the transportation plan by working cooperatively with federal, State, regional, and local governments, the private sector, and residents. Create a stable, flexible financial system.

Policies:

- a) Coordinate transportation projects, policy issues, and development actions with all affected governmental units in the area. Key agencies for coordination include Washington County, Oregon Department of Transportation, TriMet, Metro, Tualatin Hills Park and Recreation, Clean Water Services, Tualatin Valley Fire and Rescue, and the adjacent cities of Tigard, Hillsboro, and Portland.
- b) Participate in implementation of regional transportation, growth management, environmental protection and air quality improvement policies. Work with agencies to assure adequate funding of transportation facilities to support these policies.
- c) Monitor and update the *Transportation Element* of the *Comprehensive Plan* so that issues and opportunities are addressed in a timely manner. Maintain a current capital improvement program that establishes the City's construction and improvement priorities, and allocates the appropriate level of funding.

Action: The City commits to working with Metro and the Department of Land Conservation and Development in the City's next Transportation Plan update to address local issues related to non single-occupant-vehicle strategies.

- d) Use the System Development Charge, Traffic Impact Fees, and development exactions as elements of an overall program to pay for adding capacity to the collector and arterial street system and for making safety improvements related to development impacts.

Action: Base the roadway system taxes and fees on the total expected cost of making extra capacity and safety improvements over a twenty-year period, allocated back to development on a pro rata formula taking into account the relative expected future traffic impact of the development in question.

- e) Establish rights-of-way through development review and, where appropriate, officially secure them by dedication or reservation of property.
- f) Develop a long-range financial strategy to make needed improvements to the transportation system and to support operational and maintenance requirements by working in partnership with Metro, Oregon Department of Transportation, and other jurisdictions and agencies.

Actions: The financial strategy should consider the appropriate shares of motor vehicle fees, impact fees, property tax levies, and development contributions to balance needs, costs, and revenue. View the process of improving the transportation system as that of a partnership between the public (through fees and taxes) and private sectors (through exactions and conditions of development approval), each of which has appropriate roles in the financing of these improvements to meet present and projected needs.

- g) Provide adequate funding for maintenance of the capital investment in transportation facilities.

Actions: Develop a long-term financing program that provides a stable source of funds to ensure cost-effective maintenance of transportation facilities and efficient effective use of public funds. Apply low impact development techniques on a city-wide basis where projects can accommodate the techniques. Fund the increased cost of the water quality and quantity additions to the streets through the surface water management program fees and systems development charges and other funding sources, as appropriate.

CHAPTER SEVEN: NATURAL, CULTURAL, HISTORIC, SCENIC, ENERGY, AND GROUNDWATER RESOURCES ELEMENT

7.1 OVERVIEW

This Plan element addresses natural, cultural, historic, scenic, energy, and groundwater resources within the context of Statewide Planning Goal 5. Statewide Planning Goal 5, Open Spaces, Scenic Resources and Historic Area, and Natural Resources, provides a mechanism for local governments to plan for resources. Procedures to comply with this goal are specified in Oregon Revised Statutes (ORS 660-23-000 through 660-23-250.) The procedures include a three-part process:

- 1) Inventory the resource,
- 2) Analyze the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit or prohibit a conflicting use, and
- 3) Adopt a program to implement the decisions made through the ESEE analysis.

An alternative process is also provided for some resources: the Safe Harbor alternative. In this alternative, local governments are given the option to adopt inventories based on information gathered by other agencies, or to adopt standardized programs to implement protection of the resource, thereby eliminating the need to complete the ESEE analysis.

Volume III of the Comprehensive Plan, Statewide Planning Goal 5 Resource Inventory Documents, provides the information necessary to satisfy the inventory requirements of this goal. This information includes quantity, quality and location data on specific resources. Additionally, the inventoried resources are mapped or listed, and a determination of significance of the individual resource sites is provided in map or list form.

The text that follows addresses the third requirement in the Goal 5 process. Where possible, the program decision has been to follow the Safe Harbor regulations of the goal; therefore, an ESEE analysis is not necessary. Where necessary, the ESEE analysis is included in Volume III.

The resource protection goals, policies and actions that follow in this section are divided into Statewide Planning Goal 5 resource categories, to match each City inventory. Each category provides the foundation for the regulations and programs designed to protect, enhance or restore these resources, and to further demonstrate compliance with Statewide Planning Goal 5.

Metro, the regional government encompassing Washington, Clackamas, and Multnomah counties, identified regionally significant wildlife habitat and riparian corridors. These

areas were divided into categories: wildlife habitat, riparian corridors, and upland wildlife habitat and subdivided by classes: I, II and III or Class A, B and C. Upon completion of the inventory, the local governments within the Tualatin Basin combined together to form the Tualatin Basin Natural Resource Coordinating Committee, also known as the Tualatin Basin Partners. This group, headed by Washington County, conducted an ESEE analysis and developed a program to protect, conserve and restore Classes I and II riparian corridors/wildlife habitat and Class A upland wildlife habitat (termed Habitat Benefit Areas) as a voluntary program. Each local government, through the Tualatin Basin Partnership, agreed to “allow and encourage” habitat friendly development practices to comply with the intergovernmental agreement that the partners have with Metro. Additionally, to minimize storm water impacts on the Habitat Benefit Areas low impact development techniques are proposed throughout the city. The program is implemented through the Beaverton Development Code, Engineering Design Manual and Municipal Code.

The protection of natural resources is necessary to preserve a healthy, sustainable environment in an urban setting. Protection of these resources today will ensure that as the community grows in density and expands its boundaries the natural landscape will be preserved for the health, safety and welfare of its citizens. Natural resources also provide aesthetic beauty. Their protection benefits property values and increases the livability of the City.

Beaverton is fortunate to have natural and historic resources that significantly add to the quality of life. These include streams, adjacent riparian areas, wetlands, large wooded tracts, open space, and historic sites and buildings. Under state planning goals, the citizens of Beaverton have the opportunity and obligation to protect these resources. While it is unreasonable to expect all of Beaverton's resource areas to remain unchanged, we must recognize that the presence of these areas contributes to our overall quality of life. The retention of these resources maintains visual and scenic diversity, provides areas for education and passive or active recreation, and can provide site development amenities for residents and employees alike. Thus, a balance between full protection of all inventoried resources and full development of the inventoried resources is provided in the following goals, policies and actions.

7.1.1 Goal: Balance development rights with natural resource protection.

Policies:

- a) Coordinate resource protection programs with affected local, state, and federal regulatory agencies, and notify them of development proposals within natural resource areas.

Action 1: Adopt land use processes to incorporate notification to appropriate agencies as part of the development review process.

Action 2: Continue membership and activity as a partner of the Tualatin Basin Natural Resources Coordinating Committee.

***Action 3:** Encourage the use of the habitat friendly development practices and low impact development techniques through the Pre-Application Conference.*

***Action 4:** Proactively lead the way with development of city buildings by using habitat friendly development practices and low impact development techniques.*

***Action 5:** Develop a comprehensive habitat benefit area plan for the Beaverton Downtown Regional Center to integrate Beaverton Creek into the Regional Center as an amenity.*

- b) Where adverse impacts to Significant Natural Resources cannot be practicably avoided, require mitigation of the same resource type commensurate with the impact, at a location as close as possible to the impacted resource site.
- c) Allow for relaxation of development standards to protect significant natural and historic resources. Such standards may include but are not limited to minimum setbacks, maximum building height, minimum street width, location of bicycle, pedestrian and multi-use paths, etc.

***Action 1:** Adopt and apply land use regulations that allow and encourage habitat friendly development practices and low impact development techniques within habitat benefit areas, and where appropriate, throughout the city.*

***Action 2:** Adopt and apply a system to allow flexibility in applying the site development standards when development employs low impact development techniques and habitat friendly development practices.*

***Action 3:** Adopt and apply an incentive program to encourage the use of the low impact development techniques and habitat friendly development practices.*

- d) City policies or regulations shall not interfere with actions necessary for nuisance abatement or protecting the safety, health and welfare of Beaverton's citizens.
- e) Upon annexation of unincorporated properties with County Goal 5 natural resource designations, the City shall rely on the Urban Planning Area Agreement with Washington County to determine the appropriate City designation.

***Action 1:** The City shall work with Washington County to periodically update the UPAA to ensure compatibility in Goal 5 resource inventories, significance determination, and program decisions.*

7.3 NATURAL RESOURCES

Natural Resources are classified and addressed in this section by Statewide Planning Goal 5 categories. Associated with these categories are detailed background data including

inventory and assessment information that provided the findings to determine the significance of resources. Adopted inventories of significant natural resources are included in the maps and listings of Significant Natural Resources located in Volume III of the Comprehensive Plan. The inventory lists and maps were adopted over time, based on state regulations.

Statewide Planning Goal 5 continues to be revised and updated. Each periodic review updates the City's inventory, and at the same time applies the most current requirements to ensure continued protection of significant natural resources.

In 1984, an inventory of Beaverton's natural resources was done to determine their quality and quantity. The City adopted a map layer entitled: Significant and Important Natural Resources and Other Important Natural Resources. These areas were then evaluated as to the economic, social, and environmental consequences of protecting the natural resource or allowing conflicting uses. Areas shown on the map as Significant Natural Resources are generally wetlands or riparian-stream corridors that were considered important principally for their wildlife habitat values. Areas shown on the map as Important Natural Resources contained major stands of trees, drainage swales, and other natural vegetation that were determined to be primarily important for their aesthetic value, although many also provide wildlife habitat of some, although relatively less, importance.

The map at that time delineated, as clearly as possible, the appropriate boundaries of the Significant and Important Natural Resources. However, it is also necessary to rely on inventory, field investigation, and other factors conducted in conjunction with the review of a proposed site development to define more precise boundaries, such as the exact location of a riparian corridor boundary on a specific site.

In 1991 the City Board of Design Review adopted an additional significant tree inventory. Although this inventory was not conducted pursuant to Statewide Planning Goal 5, and was not adopted by the City Council, it did serve to further define trees and stands of trees of importance to the City

In 2000, a Local Wetland Inventory (LWI) was completed. The LWI is one of the City's Goal 5 resource inventories comprising Volume III of the Comprehensive Plan. The City employed the Goal 5 regulations by conducting the inventory reconnaissance using the Oregon Freshwater Assessment Methodology (OFWAM) to satisfy the quality and quantity requirements of the regulations. Significance was determined based on applying the LWI criteria, using the OFWAM findings. The LWI includes wetlands meeting state criteria for significance. A list of locally significant wetlands is found in Comprehensive Plan Volume III, Local Wetland Inventory Text, Appendix A Table 5.

Also in 2000, an Urban Riparian Assessment was completed following the procedures found within the Urban Riparian Inventory and Assessment Guide, developed by the Division of State Lands. This assessment was adopted, and included in Comprehensive Plan Volume III, Appendix C of the Local Wetland Inventory. It is intended to be used

as a tool by planners to indicate that additional information on the location of the riparian area is required prior to development approval.

In 2000 the City also determined that certain streams are fish-bearing following the Goal 5 Safe Harbor requirements for Riparian Corridor inventories and determinations of significance. The significant fish bearing streams are identified on page 3 of Planning Commission Order No. 1318, enclosed in the opening pages of the Local Wetland Inventory.

Adequate riparian corridors are of particular importance for their positive effect on the adjacent water resource. They act as natural filters for pollutants, provide flood control benefits, and reduce erosion. Vegetation in riparian corridors provides shade and cover for both fish and other aquatic and upland wildlife species. The riparian corridors within the City are typically located within residential, commercial, and campus industrial areas. Generally the vegetation in these riparian areas has been removed, or altered substantially. As the City continues to grow and increases density, the remaining unaltered riparian corridors will be subject to development pressures. Removal of vegetation and the construction of structures within the riparian areas are the activities most likely to conflict with riparian functions and values. These conflicting uses can be managed through regulatory provisions that limit encroachment. Where encroachment is permitted, prescribed levels of mitigation and restoration can be required.

Although areas of significant wildlife habitat, as defined by the State Goal 5 Administrative Rule, have not been identified in the city, measures to protect significant riparian areas and wetlands also serve to protect fish and wildlife. Areas of fish and wildlife habitat are important to our community because they add to our overall quality of life by permitting observation and appreciation of our stewardship responsibilities in close proximity to our homes and workplaces. While these resources exist elsewhere in Oregon, they are important remnants of the natural environment close to our everyday activities.

In 2002, Metro released a Preliminary Draft Riparian Corridor and Wildlife Habitat Inventory for public review. In September 2003, Metro released a Discussion Draft of the Economic, Social, Environmental and Energy Analysis (ESEE). In 2004, Metro released the Phase II ESEE: Draft Analysis of Program Options. In August 2004, the Tualatin Basin Partners held a public hearing to review the draft program and the mapping. In March 2005, the Tualatin Basin Partners endorsed the staff report, exhibits, program report, and mapping. The package was submitted to Metro for inclusion in their Council action on the overall Metro Nature in the Neighborhoods Program. Metro Council approved the program in September 2005. The Partners then drafted two issue papers outlining the habitat friendly development practices and how they might apply in the Tualatin Basin and more specifically, within habitat benefit areas.

7.3.1 Significant Natural Resources

7.3.1.1 Goal: Conserve, protect, enhance or restore the functions and values of inventoried Significant Natural Resources.

Policies:

- a) Inventoried natural resources shall be conserved, protected, enhanced or restored:
- to retain the visual and scenic diversity of our community;
 - for their educational and recreational values;
 - to provide habitats for fish and wildlife in our urban area.
- b) Conserve, protect and enhance natural resource sites and values through a combination of programs that involve development regulations, purchase of land and conservation easements, educational efforts, and mitigation of impacts on resource sites.

Action 1: Establish acquisition programs for Significant Goal 5 Resources; prepare and maintain a long-range list of priority resource locations for public acquisition.

Action 2: Facilitate and encourage habitat friendly development practices and low impact development through flexibility in site development standards and reductions in surface water management fees and systems development charges.

- c) Inventoried natural resources shall be incorporated into the landscape design of development projects as part of a site development plan, recognizing them as amenities for residents and employees alike.
- d) The City shall rely on its site development permitting process as the mechanism to balance the needs of development with natural resource protection.

Action 1: For properties located within significant natural resource areas, the City shall consider relaxation of its development standards where necessary to accomplish protection of riparian and wetland areas. Such standards include, but are not limited to, setbacks, building height, street width, location of bike paths, etc. Where the combination of riparian, wetlands, and other requirements would result in an unbuildable lot, such a situation may be relevant to a decision that may grant a hardship variance.

Action 2: City Staff will provide pre-application conferences to developers of property to provide available information and to discuss alternative methods of development acceptable to meet the adopted policies and ordinance standards. City staff will provide information on low impact development techniques and habitat friendly development practices to applicants and encourage and facilitate applicants to use the practices and techniques.

Action 3: Adopt and apply land use regulations that require integration of natural features with the overall design of developments. Natural features include, but are not limited to, wetlands and water areas, intermittent and perennial streams, riparian corridors, urban forests and significant individual or community trees, slopes, geologic hazards, flooding, and erosion prone soils.

Action 4: *Adopt and apply land use regulations that will minimize impacts from adjacent uses. Development Code design criteria shall be adopted that address the following considerations:*

- *Land uses immediately adjacent to protected resource areas should be designed to physically separate human activity from the resource activity. Preferred development abutting the resource should be 1) buildings with entrances oriented away from the resource area, and then 2) roadways with limited or no street parking with 3) parking lots as the lowest preference.*
- *Garbage facilities and materials storage areas should be located away from habitat areas.*
- *Habitat areas should be preserved as a few large connected areas, rather than many disconnected small areas and should be designed to minimize the amount of habitat edge exposed to development areas.*
- *Existing native vegetation should be retained to provide wildlife habitat. Snags and dying trees should be left in protected wildlife areas for wildlife use.*
- *To minimize disturbances to wildlife, lights for buildings and parking areas shall be screened, and the light shall be directed away from the protected habitat areas,*
- *Walkways should not bisect wildlife areas. If walkways do encroach upon wildlife areas, security lighting should be designed to shine primarily on the path and avoid shining directly into habitat areas.*

Regulations to address the above considerations shall not compromise public safety.

Action 5: *Adopt and apply regulations for resource areas, mitigation sites, areas adjacent to natural areas, wetlands, and tree groves that include but are not limited to the following requirements:*

- *Require use of native vegetation in mitigation areas and riparian buffers. Seed- and fruit-producing native plants with aesthetic value should be incorporated into the landscaping at locations adjacent to wildlife habitat areas.*
 - *Allow for buffer averaging in order to create opportunities for habitat protection and enhancement while accommodating urban forms of development.*
- e) Development within Significant Natural Resource areas shall be consistent with the relevant regulations or guidelines of the National Marine Fisheries Service, U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, Oregon Division of State Lands, Clean Water Services, and the Oregon Department of Environmental Quality.

Action 1: *During pre-application conferences for developers, City staff will attempt to identify any Federal, State, or local requirements and regulations affecting sites in Significant Natural Resource areas.*

Action 2: The City will continue to monitor and review policies and regulations as necessary, to ensure consistency with Federal, State, and service providers' guidelines and regulations.

- f) Specific uses of or development activities in Significant Natural Resources areas shall be evaluated carefully and those uses or activities that are complementary and compatible with resource protection shall be permitted. This is not intended to prohibit a land use permitted by the underlying zoning district but only to regulate the design of development such as building or parking location or type of landscaping.
- g) Limited alteration or improvement of Significant Natural Resource areas may be permitted so long as potential losses are mitigated and "best management practices" are employed.
- h) Roads and utilities, which must be located within, or traverse through, a Significant Natural Resource Area, shall be carefully planned and aligned so as to minimize loss and disruption. A rehabilitation or restoration plan shall be a necessary component. The City should allow variations from standard street sections in these areas.

CHAPTER EIGHT: ENVIRONMENTAL QUALITY AND SAFETY ELEMENT

8.2 *Water Quality*

Water quality resource protection is necessary for its life sustaining benefits. The City and the Clean Water Services (CWS) share responsibility for meeting the standards set by the Federal Clean Water Act. These standards, defined by the Total Maximum Daily Loads (TMDLs) of waste water that can be discharged into streams, are set by the Oregon Department of Environmental Quality (DEQ). The primary source of water quality impacts in the City is from runoff flowing into streams and wetlands from streets, parking lots, building roofs and landscaped areas. The flashiness of storm flows in urban areas causes degradation of the vegetative corridors along streams that, in turn, increases the erosion of riparian banks and water turbidity. The scouring of the riparian banks and lack of established native vegetative cover along streams leads to increased water temperatures that also degrade water quality and aquatic habitat.

The quality of water resources can be protected, enhanced or restored through the application of development standards that require planting and maintenance of natural vegetation within riparian areas. This can be achieved through the development process or by voluntary actions on the part of private property owners and volunteer organizations. Voluntary and incentive based reductions to impervious surfaces, along with the use of habitat friendly development practices and low impact development techniques can also reduce impacts to water resources. Overall, sustainable stormwater management balances the hydrologic regime found before development. Pre-development or natural hydrologic function is the relationship among the overall and subsurface flow, infiltration, storage, and evapotranspiration characteristics of the landscape. Sustainable stormwater management avoids and minimizes impacts to natural resources by protecting native vegetation and natural drainage sources. The natural stormwater system mimics natural water flow by minimizing land disturbance and incorporating natural landscape features in to the development. Implementation of development requirements that follow the Clean Water Services Design and Construction Standards manual, and erosion control practices, can help to reduce and filter storm drainage flow, particularly during heavy rainfall.

8.2.1. *Goal: Maintain and improve water quality, and protect the beneficial uses, functions and values of water resources.*

POLICIES:

- a) All water resource areas within the City shall be enhanced, restored or protected to the extent practicable.

Action 1: *Develop incentives programs for property owners that will encourage the enhancement, restoration or protection of vegetative corridors. One such program might include working with CWS to establish an information outreach effort to encourage the creation of separate tracts for water resource areas, or dedication of water resource areas to a public or non-profit agency, thereby limiting development in the identified resource areas, and benefiting property owners by reduced property taxes for the portion set-aside as non-developable.*

Action 2: *Review and refine monitoring and enforcement programs regarding erosion control practices in conjunction with development.*

Action 3: *Cooperatively work with appropriate City departments and service providers, through a technical advisory committee, to review their use of Best Management Practices (BMPs) and other programs approved by the National Marine Fisheries Service in public works projects, and routine maintenance activities that potentially impact stormwater runoff or have a direct effect on streams and wetlands. Adopt and apply appropriate regulations formulated through the cooperative process.*

Action 4: *Adopt and apply appropriate regulations allowing and encouraging habitat friendly and low impact development practices.*

- b) The City shall limit development in vegetative corridors along streams through application of the CWS Design and Construction Standards so as to substantially comply with requirements of the Metro Functional Plan Title 3.

Action 1: *Adopt and apply appropriate land use regulations aimed at restoring, enhancing or protecting water quality sensitive areas.*

Action 2: *Adopt and apply appropriate land use regulations that allow and encourage multi-use functions of landscaping so that landscaping can be used for stormwater retention, detention and infiltration.*

Action 3: *Adopt and apply appropriate land use regulations that allow and encourage use of native vegetation and vegetation that mimics the natural environment in landscaping in development.*

- c) The City shall support the development of education programs aimed at helping staff, land use related boards and commissions, members of the development community, the Committee for Citizen Involvement and citizens understand the importance of good stewardship and the use of non-regulatory tools that will provide additional water quality resource protection.

Action 1: *Seek funding opportunities such as grants that would assist development and implementation of Citywide habitat friendly development practices and low impact development education, information and project*

management programs that might include a City environmental coordinator position.

- d) Partner with other local jurisdictions and service providers to avoid duplication of efforts and resources.
- e) Protect investments in the City by managing stormwater runoff.

Action 1: *Adopt and apply land use regulations that control the rate of runoff to reduce sudden changes in water flow, abnormally high flows, and flooding due to development.*

Action 2: *Adopt and apply land use regulations to provide increased surface water runoff detention and avoid structural damage to improvements. First priority, site improvements are off-channel mitigation and wetlands. Second priority, site improvements are in-channel. Exhaust on-site mitigation opportunities before seeking off-site mitigation.*

Action 3: *Adopt and apply land use regulations to provide undisturbed vegetative buffers between the stream or significant wetland and any hard surface improvement or building. The defined buffer width may be treated as an average dimension to allow flexibility in design and increase opportunities to enhance wildlife habitat. Where undisturbed, vegetative buffers are reduced below the defined width by way of averaging the required buffer width, the adjacent urban development should include increased landscaping, and street tree plantings to maximize tree canopy coverage and reduce the urban heating effect. Increased landscaping will help reduce stream temperatures through the urban area.*

Action 4: *Adopt and apply land use regulations requiring surface storm drainage from walkways, streets, parking areas, and roofs to be designed to flow into detention areas and landscape areas rather than into stream channels and the riparian corridor. Monthly surface water management fees may be discounted through designs that minimize impacts on the storm water system.*

Action 5: *Adopt and apply land use regulations requiring integration of storm water detention and treatment facilities into the design of a development appearing, if feasible, as a component of the landscape rather than as a utility element.*

- f) Encourage development in urban environments in ways that promote healthy watersheds and natural resources.

Action 1: *Adopt and apply regulations that allow and encourage habitat friendly development practices and low impact development techniques and preservation of natural resources. Examples include allowing greater deviation from site development standards when preserving habitat or using habitat friendly or low*

impact development practice; allowing use of pervious pavements and green street cross sections, where appropriate; rain gardens and ecoroofs.

***Action 2:** Adopt and apply regulations that encourage use of natural stormwater systems that mimic natural hydrologic function by minimizing land disturbances and incorporating natural landscape features. Examples include raingardens, ecoroofs, vegetated swales, pervious pavers, and retention of trees and native vegetation..*

8.7 Flood Hazards

The City supports the Federal Emergency Management Agency (FEMA) guidelines for floodplain development. Floodplain protection is essential for water quality functions and values. Natural floodplains serve as filters that absorb excess stormwater runoff and pollutants, aid in erosion control, and provide important shade and habitat protection. The City protects floodplains through a variety of methods. These include application of the FEMA Flood Insurance Rate Maps, Development Code requirements, engineering standards, CWS Design and Construction Standards, and building code requirements.

8.7.1 Goal: *Maintain the functions and values of floodplains, to allow for the storage and conveyance of stream flows and to minimize the loss of life and property.*

POLICIES:

- a) Utilize uniform or complementary interjurisdictional floodplain development and management programs to reduce flood hazards, protect natural resources, and permit reasonable development.

***Action 1:** Adopt and apply appropriate land use regulations that allow and encourage low impact development techniques and habitat friendly development practices to mimic the natural system, thereby reducing or eliminating the need for piped systems.*

- b) Development shall be prohibited in the floodway, except as necessary for the placement of roadways, utilities, stormwater conveyance, bridges, culverts, and grading related to public utility projects as permitted by the appropriate implementing ordinances.
- c) Construction within the floodfringe shall be regulated through the City's implementing ordinances, such as the City's Engineering Design Manual and Standard Drawings.
- d) Uncontained areas of hazardous materials, as defined by the DEQ, shall be prohibited in the floodplain.

Action 1: *Develop a program to remove hazardous obstructions and debris from floodplains.*

Action 2: *Develop a flood damage reduction program to protect, to the extent practicable, existing development in the 100-year floodplain, following guidelines and regulations established by the Federal Emergency Management Agency (FEMA). Alternatively, explore programs to encourage removal of existing development from floodplains.*

GLOSSARY

Definitions to be added in alphabetical order:

Developed areas not providing vegetative cover -- are areas that lack sufficient vegetative cover to meet the one-acre minimum mapping units of any other type of vegetative cover.

Forest Canopy: Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the grove is near a water feature.

Green Street: Stormwater and stream crossing solutions related to street design, including: pavement minimization, pervious paving materials, maximized street tree usage, multi-functional open drainage systems and modified drainage practices, minimizing the number of stream crossings and/or placing crossings perpendicular to the stream, where possible, allowing narrow street widths through stream corridors, and using habitat sensitive bridge and culvert designs. Metro produced a series of books on Green Streets that can be a valuable reference as a guidance document when implementing the concept of green streets.

Habitat Benefit Area (HBA): An area of land determined to provide a benefit to wildlife. The general location of habitat benefit areas are shown on Metro's Regionally Significant Fish and Wildlife Habitat Inventory map as Riparian Habitat Classes I, II and III and Upland Wildlife Habitat Class A. Habitat benefit areas also include a habitat buffer area. Habitat benefit areas are in addition to any areas required for natural resource protection by existing regulations.

Habitat Friendly Development Practices (HFDP): A broad range of development techniques and activities that reduce detrimental impacts on fish and wildlife habitat resulting from traditional development practices.

Low Impact Development (LID): A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions. LID tools are designed to reduce environmental impacts of development, such as increased storm water runoff due to impervious areas, poor water quality and inconsistent water quantity in streams and rivers. LID techniques control storm water runoff volume and reduce pollutant loadings to receiving waters. Not all sites are suitable for LID. Considerations such as soil permeability, depth of water table and slope must be considered, in addition to other factors. LID techniques may not completely replace the need for conventional stormwater controls.

Low structure vegetation or open soils -- Areas that are part of a contiguous area one acre or larger or grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream.

Woody vegetation: areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 feet of a surface stream.

EXHIBIT B

Tualatin Basin Goal 5 Fish and Wildlife Habitat Program

Metro, the regional government encompassing Washington, Clackamas, and Multnomah counties, inventoried fish and wildlife habitat and identified regionally significant wildlife habitat and riparian corridors. The inventory, Regionally Significant Fish and Wildlife Habitat Inventory Map (Metro Ordinance 05-1077c Exhibit a), is divided into categories: wildlife habitat, riparian corridors, and upland wildlife habitat and subdivided by classes: I, II and III or Class A, B and C, hereby incorporated by reference.

Upon completion of the inventory, the local governments within the Tualatin Basin combined together to form the Tualatin Basin Natural Resource Coordinating Committee, also known as the Tualatin Basin Partners. This group, headed by Washington County, conducted an Environmental, Social, Economic, and Energy consequences analysis, hereby incorporated by reference. The Tualatin Basin Partners developed a voluntary program to protect, conserve and restore Classes I and II riparian corridors/wildlife habitat and Class A upland wildlife habitat (termed Habitat Benefit Areas). The City of Beaverton includes Classes I, II and III riparian corridors and Class A upland wildlife habitat as Habitat Benefit Areas on the map titled "Habitat Benefit Areas Map". Habitat Benefit Areas are intended to be the habitat beyond the areas that are managed or protected through other programs such as the City's Goal 5 program or the Clean Water Services Design and Construction Standards.

Each local government, through the Tualatin Basin Partnership, agreed to "allow and encourage" habitat friendly development practices to comply with the intergovernmental agreement that the partners have with Metro. Additionally, to minimize storm water impacts on the Habitat Benefit Areas, low impact development techniques are proposed throughout the city. The program is implemented through the Beaverton Development Code, Engineering Design Manual and Municipal Code.

Definition of habitat and delineation methodology is produced by Metro as the mapping is provided by Metro. The Metro definition of habitat and delineation methodology is cited below:

Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:

- (1) Locate the Water Feature that is the basis for identifying riparian habitat.
 - (a) Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.
 - (b) Locate all flood areas within 100 feet of the property.
 - (c) Locate all wetlands within 150 feet of the property based on the City of Beaverton Local Wetland Inventory map. Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers.

- (2) Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas and within 100 feet of flood areas.
 - (a) Vegetative cover status shall be as identified on the Metro Vegetative Cover Map
 - (b) The vegetative cover status of a property may be adjusted only if (1) the property was developed prior to the time the regional program was approved, or (2) an error was made at the time the vegetative cover status was determined. To assert the latter type of error, applicants shall submit an analysis of the vegetative cover on their property using summer 2002 aerial photographs and the definitions of the different vegetative cover types provided in the Glossary of the Comprehensive Plan, Volume I.
- (3) Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% using the methodology as described in the Clean Water Services Design and Construction Standards; and
- (4) Identify the riparian habitat classes applicable to all areas on the property using Table 6, the data supplied in numbers 1, 2, and 3 above and the Glossary of the Comprehensive Plan , Volume I.

Table 6: Method for Locating Boundaries of Class I and II Riparian Areas.

Distance in feet from Water Feature	Development/Vegetation Status ¹			
	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scattered forest canopy)	Forest Canopy (closed to open forest canopy)
Surface Streams				
0-50	Class II	Class I	Class I	Class I
50-100		Class II ²	Class I	Class I
100-150		Class II ² if slope > 25%	Class II ² if slope > 25%	Class II ²
150-200		Class II ² if slope > 25%	Class II ² if slope > 25%	Class II ² if slope > 25%
Wetlands (Wetland feature itself is a Class I Riparian Area)				
0-100		Class II ²	Class I	Class I
100-150				Class II ²
Flood Areas (Undeveloped portion of flood area is a Class I Riparian Area)				
0-100			Class II ²	Class II ²

¹ The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged. As an example of how the categories were assigned, in order to qualify as “forest canopy” the forested area had to be part of a larger patch of forest of at least one acre in size.

² Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office), shall be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro’s Technical Report for Fish and Wildlife. Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

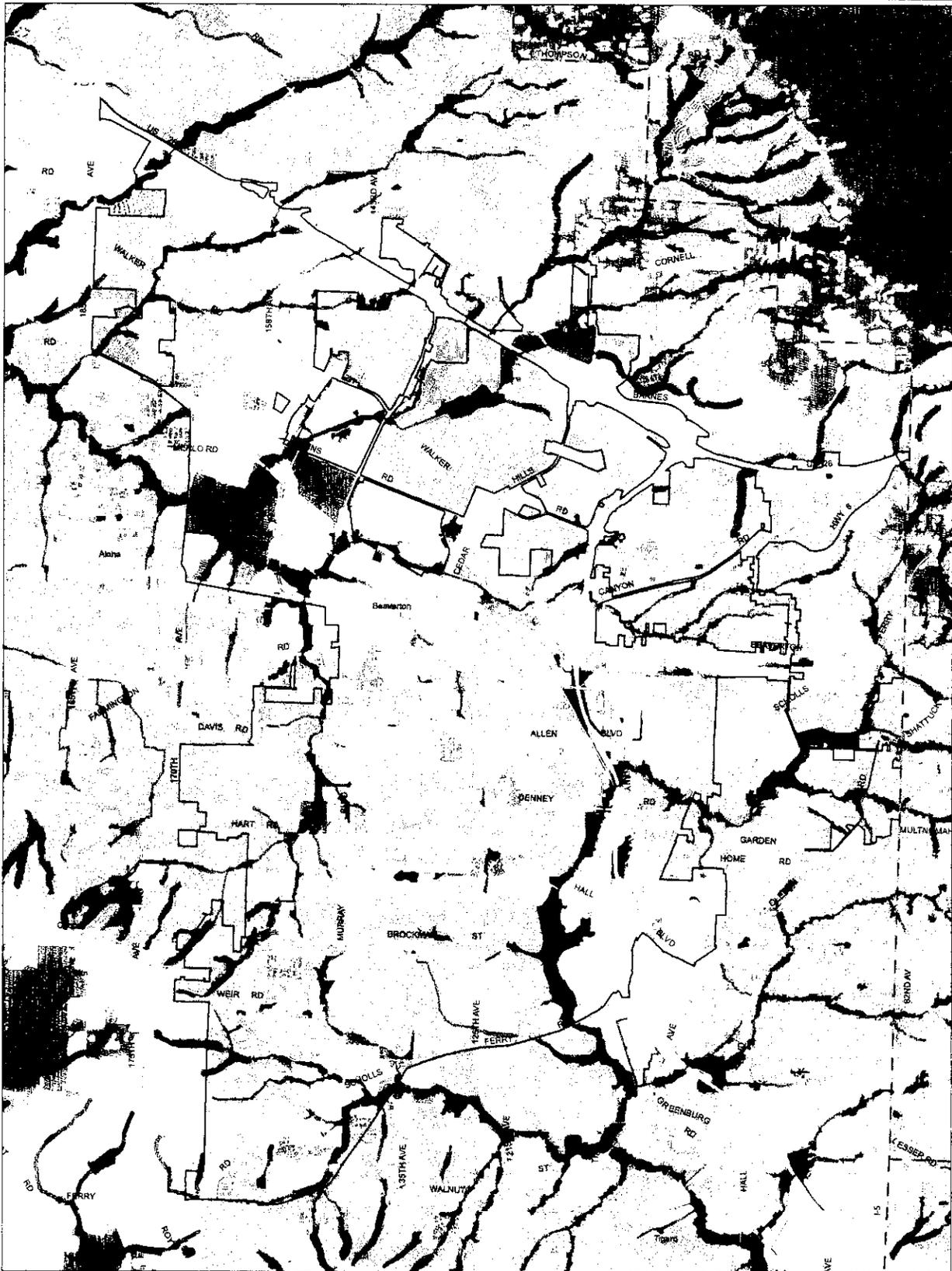
- (5) Identify developed floodplain, floodplain beyond Class I and II riparian areas, identify any forest patches on the aerial not included as Habitat Class A. These areas are Riparian Class III.

Verifying boundaries of inventoried upland habitat. Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The “forest canopy” designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the Habitat Benefit Areas map unless corrected as provided in this subsection.

1. Except as provided below, vegetative cover status shall be as identified on the Metro Vegetative Cover Map used to inventory habitat at the time the Habitat Benefit Areas map is adopted by this ordinance.
2. The only allowed corrections to the vegetative cover status of a property are as follows:
 - a. To correct errors made when the vegetative status of an area was determined based on analysis of the aerial photographs used to inventory the habitat at the time the area was brought within the urban growth boundary. For example, an area may have been identified as “forest canopy” when it can be shown that such area has less than 60% canopy crown closure, and therefore should not have been identified as “forest canopy.” The perimeter of an area delineated as “forest canopy” on the Metro Vegetative Cover Map may be adjusted to more precisely indicate the dripline of the trees within the canopied area provided that no areas providing greater than 60% canopy crown closure are de-classified from the “forest canopy” designation. To assert such errors, applicants shall submit an analysis of the vegetative cover on their property using the aerial photographs that were used to inventory the habitat at the time the area was brought within the urban growth boundary and the definitions of the different vegetative cover types provided in the Glossary of Volume I: The Comprehensive Plan; and
 - b. To remove tree orchards and Christmas tree farms from inventoried habitat; provided, however, that Christmas tree farms where the trees were planted prior to 1975 and have not been harvested for sale as Christmas trees shall not be removed from the habitat inventory.
3. If the vegetative cover status of any area identified as upland habitat is corrected change the status of an area originally identified as “forest canopy,” then such area shall not be considered upland habitat unless it remains part of a forest canopy opening less than one acre in area completely surrounding by an area of contiguous forest canopy.

EXHIBIT C

Volume III Habitat Benefit Areas Map



Legend

-  Upland Wildlife Habitat Class A
-  Riparian Wildlife Habitat Class I
-  Riparian Wildlife Habitat Class II
-  Riparian Wildlife Habitat Class III
-  Beaverton City Limits
-  County Line



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

IN THE MATTER OF CPA2006-0012,) ORDER NO. 1915
A REQUEST TO AMEND COMPREHENSIVE) APPROVING REQUEST.
PLAN CHAPTERS 3, 5, 6, 7, 8, THE)
GLOSSARY, AND VOLUME III. CITY OF)
BEAVERTON, APPLICANT.)

The matter of CPA2006-0012 was initiated by the City of Beaverton, through the submittal of an application to legislatively amend the Comprehensive Plan.

Pursuant to the amendment procedures as described in Chapter 1 Section 1.3 of Ordinance 4187, the Comprehensive Plan, effective through Ordinance 4375, the Planning Commission conducted a public hearing on October 11 and October 18, 2006 and considered oral and written testimony and exhibits for a proposed legislative amendment to the Comprehensive Plan.

CPA2006-0019 proposes to amend Comprehensive Plan Chapters 3, 5, 6, 7, 8, Glossary definitions, and Volume III to allow and encourage habitat friendly development practices pursuant to an intergovernmental agreement with other local government agencies in the Tualatin River Basin. More specifically, the proposed amendment sets the policy framework for changes to the Development Code and City Code as well as directing preparation of a

Guidance Manual. The changes intend to facilitate and encourage habitat friendly techniques through a voluntary incentive based program.

The Planning Commission adopts by reference the staff reports and memoranda prepared for CPA2006-0012 dated September 11, 2006, October 6, 2006, October 13, 2006, and October 18, 2006 and finds they provide evidence and findings demonstrating the application satisfies all the approval criteria for a Legislative Comprehensive Plan Amendment, as contained in Section 1.3.1 of the Comprehensive Plan.

The Planning Commission concurs with the staff recommendation in the staff report from Barbara Fryer and Leigh Crabtree to the Planning Commission dated September 11, 2006 regarding CPA2006-0009 as shown in Exhibit A to this order, and therefore:

IT IS HEREBY ORDERED that pursuant to Section 1.3 of the Beaverton Comprehensive Plan, the Planning Commission RECOMMENDS APPROVAL of CPA2006-0012, by the City Council, and adoption of the text modifications as shown in Exhibit A to this order; and

Motion **CARRIED** by the following vote:

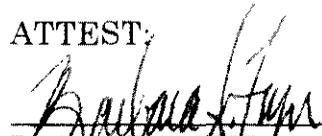
AYES:	Pogue, Kroger, Bobadilla, Maks, Stephens, Winter, and Johansen.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	None.

Dated this 26 day of October, 2006.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1915, 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 4:30 p.m. on November 4, 2006.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



BARBARA FRYER
Senior Planner, AICP



LEIGH CRABTREE
Associate Planner



HAL BERGSMA
Planning Services Manager

APPROVED:



ERIC JOHANSEN
Chairman

CPA2006-0012: Amendments to
Comprehensive Plan for the City of Beaverton

*Volume I Chapters 3, 4, 5, 6, 7, 8, Glossary
and
Volume III Statewide Planning Goal 5 Resource Inventory
Documents*

CHAPTER THREE: LAND USE ELEMENT

3.4 COMMUNITY IDENTITY

Beaverton’s eleven general City planning goals are found in the introduction to the Comprehensive Plan. Each Element of the Comprehensive Plan refines those goals, and creates new goals, within the context of state and regional mandates and the topic of that particular element.

The first general goal states “Retain Beaverton as an outstanding City.” An outstanding City is a place of quality for people to live and work. Fundamental to the achievement of this goal is the appearance of the community. There is no doubt that the community will continue to grow and change as new people, businesses, and industries establish themselves in the area. A deliberate and continuous effort will be necessary to see that the multitude of decisions made in the process of growth collectively constitute progress toward an attractive, livable community.

3.4.1 Goal: Provide a policy framework for a community designed to establish a positive identity while enhancing livability.

Policies:

- a) The City, through its development review process, shall apply urban design standards to guide public and private investment toward creating a positive community identity.

Action 1: Adopt and apply land use regulations for landscaping, screening and buffering standards for interfaces between differing zones to reduce impacts of lighting and noises to retain a degree of privacy.

Action 2: Adopt and apply land use regulations respecting the natural and physical features of the landscape, including but not limited to, natural areas, site design for hillside areas, flood hazards, earthquake hazards and other environmental constraints.

Action 3: Adopt and apply land use regulations promoting development in ways that promote healthy watersheds and natural resources, use a natural system approach to development, and avoid impacting natural resources. A natural system approach includes sustainable stormwater management using habitat friendly development practices and low impact development techniques.

Action 4: Adopt and apply land use regulations allowing and encouraging techniques to reduce impacts to natural resources, known as Habitat Friendly Development Practices and Low Impact Development Techniques.

- b) The City's urban design standards shall promote creation of public spaces and a good pedestrian environment.
- c) Existing overhead utilities shall be placed underground in all parts of the community in conjunction with development.
- d) Sign regulations shall limit the size, location, and number of signs throughout the City. Non-conforming signs shall be removed at the time of a change in use. Off-site advertising signs shall be prohibited in all districts of the City.

Action 1: To ensure fairness, the City shall apply the sign amortization program to annexed properties that had their signs approved by Washington County.

- e) The City shall preserve significant natural resources identified on the City's Statewide Planning Goal 5 Inventories, Volume III of this Plan, through application of regulations requiring the careful siting of development.

Action 1: Adopt maps showing habitat benefit areas. Habitat benefit areas, Clean Water Services' vegetated corridors and Beaverton identified Goal 5 Inventory areas frequently mutually support and are coincidental to one another.

Action 2: Adopt and apply regulations that allow and encourage habitat friendly development practices that reduce impacts to habitat benefit areas, including preservation of the habitat benefit areas.

Action 3: Develop a program to monitor reductions in density to allow for preservation and improvement of habitat benefit areas so that the reduction in density may be reported to Metro.

Action 4: Promote habitat friendly development practices and low impact development techniques through the pre-application conference with development applicants.

CHAPTER 4: HOUSING

4.2.1.1 Goal: Maximize use of buildable residential land in the City.

Policies:

- a) Increase residential capacity in the City to substantially comply with requirements of Title 1 of the Metro Urban Growth Management Functional Plan.

Action 1: Adopt and apply a Development Code provision to require that net residential development density occur at a minimum of 80% of the maximum density a zone allows for.

Action 2: Adopt and apply a new zoning designation allowing for a minimum lot size of 4,000 square feet per dwelling unit.

Action 3: Consider adopting and applying land use regulations allowing increased density, where low impact development techniques and habitat friendly development practices are applied.

Policies:

4.2.3.2 Goal: Promote the production of new affordable housing units in the City.

- a) Inform Beaverton's residents, property owners, and business owners of the need for additional affordable housing within the City.

Action 1: Formulate and implement a strategy for educating the City's residents, property owners, and business owners of the need for more affordable housing in Beaverton.

- b) Partner with and assist local non-profit developers in supplying and maintaining additional affordable units throughout the City.
- c) Continue to devote funding through the City's HOME Program to local non-profit housing development agencies in order to aid in the development and maintenance of new long-term affordable housing in the City.

- d) Work in partnership with TVHP to create housing that is affordable to households at or below 60% of the MFI.

Action 1: Explore the possibility of creating a land banking revolving fund.

Action 2: Investigate the possibility of establishing a property tax abatement program to promote the development of affordable housing.

Action 3: Explore the possibility of creating a discretionary fund that pays building permit and system development fees for projects that address affordable housing needs.

Action 4: Adopt and apply regulations allowing and encouraging low impact development techniques and habitat friendly development practices to facilitate integration of natural resources into affordable housing projects.

CHAPTER FIVE: PUBLIC FACILITIES AND SERVICES ELEMENT

5.4 STORM WATER AND DRAINAGE

The storm water collection and treatment system maintained by the City consists of inlets and pipe systems, regional detention facilities, streams and their adjacent riparian corridors, ~~and~~ **wetland areas, and habitat benefit areas**. Many streams, **habitat benefit areas**, and wetland areas are located on private or park district property and are not actively maintained.

Pursuant to the current intergovernmental agreement (IGA) with CWS, ownership and maintenance of facilities operated by CWS are transferred permanently to the City for all areas annexed to the City. The current IGA with CWS establishes certain maintenance service levels that the City follows and may be amended from time to time as allowed by the IGA.

Urban storm water runoff is a major water quantity and quality issue affecting Beaverton area streams. As development continues, the magnitude of this problem can increase without proper mitigation.

Predevelopment or natural hydrologic function is the relationship among the overland and subsurface flow, infiltration, storage and evapotranspiration characteristics of the landscape. Sustainable stormwater management avoids and minimizes impacts to natural resources by protecting native vegetation and natural hydrologic function. A sustainable system mimics natural water flow by minimizing land disturbance and incorporating natural landscape features into a development.

The process of planning, design, construction, and maintenance of storm water run-off facilities is more difficult and expensive when an area is already developed. The management of storm water run-off is a problem that crosses jurisdictional boundaries. The City of Beaverton has worked with CWS to conduct storm water planning, implement storm water utility and system development charge funding methods, develop design standards for storm water facilities and execute agreements for storm water facility operation and maintenance. In addition, the City contracts with CWS for regional stream system water testing and federal/state permitting such as the National Pollution Discharge Elimination System (NPDES) Permit.

In 1990, CWS's jurisdiction was expanded from exclusively sanitary sewer service to include storm water. The State Legislature officially authorized formation of CWS's

Surface Water Management (SWM) program on July 23, 1990, to more effectively deal with the quantity (associated with flooding) and quality of urban surface (storm) water runoff. The Oregon Department of Environmental Quality and the U.S. Environmental Protection Agency had previously established strict regulations on water quality to control the pollutants that were being carried directly into streams and rivers. CWS in concert with other cities implemented the Surface Water Management utility to address the new regulations that affected the urbanized portion of Washington County (which includes all of Beaverton's assumed Urban Services Area). This was the first time that surface water runoff was administered regionally in Washington County. At the time that CWS formed the SWM program, the City of Beaverton and Washington County had long recognized and developed drainage systems to convey storm water and control flooding. Today, the City continues to own and operate the storm water conveyance system and non-regional detention basins within the City limits.

The CWS SWM program focuses on controlling pollution at the source thus reducing the sediments and pollutants that enter receiving streams and the Tualatin River. Preventative measures used include natural and artificial filtration systems, *habitat friendly development practices and low impact development techniques*, cleaning streets and catch basins, and building holding basins for quantity and quality detention ~~are used~~. ~~There are also~~ Rules for erosion at construction sites, floodplains and wetlands *are enforced*. These methods and many more are currently being used by CWS and cities to effectively control flooding and reduce pollutant loads carried by receiving streams and the Tualatin River.

The City of Beaverton has been involved in a number of studies over the last several years relating to storm water planning and development of storm water design standards. These studies include:

STORM WATER PLANNING

- Millikan Subbasin Drainage Analysis, August 2000, David Evans and Associates
- Beaverton Creek Watershed Management Plan, June 1999, Brown & Caldwell (CWS with City of Beaverton)
- Analysis of the Central Interceptor Drainage System, June 1999, Economic and Engineering Services
- Murray Scholls Town Center Master Plan, April 1998, Zimmer Gunsul Frasca Partnership
- Westside Interceptor Storm Drainage Project, December 1997, KCM
- Fanno Creek Watershed Management Plan, June 1997, Kurahashi & Associates (CWS with City of Beaverton)

- Carrying Capacity Analysis and Capital Improvement Plan for the Beaverton Regional Center and Tek Station Area, December 1996, KCM
- Subbasin Strategies Plan for Rock, Bronson and Willow Creeks, March 1996 (CWS with City of Beaverton)
- The most recent version of The City of Beaverton, Drainage Master Plan

STORM WATER DESIGN STANDARDS

- City of Beaverton – Engineering Design Manual and Standard Drawings. CWS standards entitled “*Design and Construction Standards for Sanitary Sewer and Surface Water Management*” are incorporated by reference from the Beaverton Design Standards.

5.4.1 Goal: Ensure long-term provision of adequate storm water management within existing City limits and areas to be annexed in the future.

POLICIES:

- a) The City shall continue to participate in the CWS’s Surface Water Management (SWM) program for the urban portion of the Tualatin River watershed. The City shall retain responsibility for planning, construction and maintenance of portions of the local storm water facilities within its incorporated limits.

Action 1: To facilitate and encourage low impact development techniques, consider a reduction in SWM fees and Systems Development Charges (SDC) in proportion to the effective impervious area on site.

- b) On-site detention will be used as a storm water management tool to mitigate the impacts of increased storm water run-off associated with new land development.

Action 1: Develop programs and adopt and apply regulations allowing and encouraging habitat friendly development practices and low-impact development techniques to reduce the impacts of storm water run-off.

Action 2: If a SWM fee or SDC reduction program is implemented, include a biannual or annual monitoring program to allow for follow-up maintenance. If the area is not maintained then the property owner must pay the SWM and SDC fees and build a new structure to accommodate the water quality and quantity issues on site.

- c) All new land development will be connected to a storm water drainage system. Each new development will be responsible for the construction or assurance of construction of their portion of the major storm water run-off facilities that are identified by the

SWM program as being necessary to serve the new land development.

5.8 PARKS AND RECREATION

Parks and recreation facilities are basic and essential for the health and welfare of the community. The City coordinates the land use aspects of locating these facilities but does not predetermine sites. Location and improvement decisions for these types of facilities are the responsibility of the Tualatin Hills Park and Recreation District (THPRD).

As Beaverton and the Metro area become more densely developed, the number, location, size and quality of parks and recreation facilities have become increasingly more important. The demand for these facilities has been brought about in part by a higher standard of living; more leisure time resulting from such things as shorter work weeks, earlier retirement, and increasing life span; higher densities of development and a continuing emphasis on health and exercise. The by-products of urbanization in terms of congestion, air pollution and noise have also created a greater awareness of the need for open space in the urban environment. An adequate park and recreation system contributes to the physical and mental health of the community and can be a source of community pride.

As features in the urban landscape, parks improve the character of neighborhoods and tend to stabilize property values. Also, many businesses and industries seek locations with a high level of environmental quality as a means of increasing their ability to attract and retain a stable and productive work force. With improved transportation systems giving greater flexibility for business and industrial site selection, a well-developed park and recreation system can be an important factor in attracting such developments to the community.

THPRD is independent from the City with its own elected five-member Board of Directors and taxing authority. THPRD was established in 1955. THPRD's boundaries include most of Beaverton's assumed Urban Services Area. THPRD, for the most part, has developed its own acquisition and development plan pursuant to the adopted Tualatin Hills Park & Recreation District 20-Year Comprehensive and Trails Master Plans, which are adopted here by reference. In addition to donations and outright purchases, the THPRD works with the City and Washington County through the land development process to obtain sites by dedication.

The THPRD's plan recognizes different types of park and recreation facilities including regional, neighborhood, community and specialty parks, school parks, recreational/aquatic center, multi-use trail system plan, off-street trail corridors and natural areas along streams. ***Frequently, habitat benefit areas occur adjacent to or coincide with natural areas along streams. These areas would be ideal extensions of the overall natural resource system.*** These descriptive park designations relate to the

function or character of the parks shown on THPRD's 20-Year Comprehensive Park & Recreation and Trails Master Plans. As the area grows, opportunities will occur in addition to those shown on the plan. Each should be evaluated in terms of conformance with this plan's goals and policies and those of the THPRD 20-Year Comprehensive Park & Recreation and Trails Master Plans.

The Portland General Electric (PGE)/Bonneville Power Administration (BPA) transmission lines provide opportunities for open space and trail corridors in the community. These rights-of-way will not be converted to intensive urban land uses in the foreseeable future.

5.8.1 Goal: Cooperate with THPRD in implementation of its 20-Year Comprehensive Master Plan and Trails Master Plan in order to ensure adequate parks and recreation facilities and programs for current and future City residents.

Policies:

- a) The City shall support and encourage THPRD efforts to provide parks and recreation facilities that will accommodate growth while recognizing the limited supply of buildable land in the city for such facilities.
- b) The City shall encourage THPRD to provide parks and recreation facilities throughout the City in locations that are easily accessible to those they are intended to serve.
- c) The City shall support and encourage acquisition of park and recreation sites in advance of need so that the most appropriate sites are available for these vital public facilities.

Action 1: The City shall work with THPRD to further explore opportunities for mixing public park and recreation activities with revenue-generating public/private partnerships such as restaurants, recreation and aquatic centers, sports complexes, or other concession activities, in order to help finance recreation programming, park acquisition, and maintenance.

- d) The City shall notify THPRD of development proposals that may potentially impact a present or future park site to allow the district the opportunity to comment, purchase or request dedications.
- e) A number of financial incentives exist to encourage private property owners to donate, dedicate, or provide easements for resource preservation, park, trail or open space use. The City shall work cooperatively with property owners and THPRD to maximize the use of these tools for the benefit of the community.

Action 1: The City shall develop a program to encourage preservation and restoration of habitat benefit areas in cooperation with THPRD.

- f) To offset increased densities and to meet the needs of the population, the City and THPRD should work together to provide urban scale public spaces in regional centers, town centers, station communities and main street areas within the city.
- g) The planning, acquisition and development of multi-use paths should be consistent with this Plan's Transportation Element and THPRD's Trail Master Plan.
- h) The City shall encourage park acquisition and appropriate development in areas designated as Significant Natural Resources, as defined by Volume III of this Comprehensive Plan.

CHAPTER SIX: TRANSPORTATION ELEMENT

- 6.2.1. **Goal:** Transportation facilities designed and constructed in a manner to enhance Beaverton's livability and meet federal, state, regional, and local requirements.

Policies:

- a) Maintain the livability of Beaverton through proper location and design of transportation facilities.

Actions:

- *Design streets and highways to respect the characteristics of the surrounding land uses, natural features and natural hazards, and community amenities.*
 - ***Design streets with habitat-friendly development practices and low-impact development techniques and water quality and quantity street design principles, where technically feasible and appropriate.***
 - *Recognizing that the magnitude and scale of capital facilities also affect aesthetics and environmental quality, the City will continue to require design plans and impact analyses as specified in the Development Code.*
 - *Preserve right-of-way for improvements that are slightly beyond or within a specified time period that is beyond the planning forecast year identified in the Transportation System Plan.*
- b) Consider noise attenuation in the design and redesign of arterial streets immediately adjacent to residential development.
- c) Locate and design recreational multi-use paths to balance the needs of human use and enjoyment with resource preservation in areas identified on the Natural Resource Inventory Plan Map for their Significant Natural Resource values.

Action:

- *Proposals for shared-use paths through significant natural resource areas shall assess compatibility of the path with the resource. The assessment shall include the impacts of lighting, appropriate restrictions on uses of the path, and options available to mitigate the impacts of the path. (Ordinance 4301).*

- a) Limit the provision of parking to meet regional and State standards.

*Actions: Work to reduce parking per capita in accordance with Metro and State requirements, while minimizing impacts to neighborhoods. **Work to reduce parking in habitat benefit areas, where parking can be provided in other locations including off-site, on the street, through shared uses, or in parking structures.** Continue to implement the motor vehicle and bicycle parking ratios in new development. Develop and implement a Regional Center parking plan and a residential parking permit program as demand increases. Continue to implement shared parking and timed parking in new development and through existing programs. Work toward implementing other parking-based transportation demand management strategies, such as metered and structured parking, to help achieve Metro's 2040 Non-Single Occupant Vehicle mode split targets.*

- 6.2.7. **Goal:** Implement the transportation plan by working cooperatively with federal, State, regional, and local governments, the private sector, and residents. Create a stable, flexible financial system.

Policies:

- a) Coordinate transportation projects, policy issues, and development actions with all affected governmental units in the area. Key agencies for coordination include Washington County, Oregon Department of Transportation, TriMet, Metro, Tualatin Hills Park and Recreation, **Clean Water Services**, Tualatin Valley Fire and Rescue, and the adjacent cities of Tigard, Hillsboro, and Portland.
- b) Participate in regional transportation, growth management, **habitat-friendly development practices and low impact development techniques**, and air quality improvement policies. Work with agencies to assure adequate funding of transportation facilities to support these policies.
- c) Monitor and update the *Transportation Element* of the *Comprehensive Plan* so that issues and opportunities are addressed in a timely manner. Maintain a current capital improvement program that establishes the City's construction and improvement priorities, and allocates the appropriate level of funding.

Action: The City commits to working with Metro and the Department of Land Conservation and Development in the City's next Transportation Plan update to address local issues related to non single-occupant-vehicle strategies.

- d) Use the System Development Charge, Traffic Impact Fees, and development exactions as elements of an overall program to pay for adding capacity to the collector and arterial street system and for making safety improvements related to development impacts.

Action: Base the roadway system taxes and fees on the total expected cost of making extra capacity and safety improvements over a twenty-year period, allocated back to development on a pro rata formula taking into account the relative expected future traffic impact of the development in question.

- e) Establish rights-of-way through development review and, where appropriate, officially secure them by dedication or reservation of property.
- f) Develop a long-range financial strategy to make needed improvements to the transportation system and to support operational and maintenance requirements by working in partnership with Metro, Oregon Department of Transportation, and other jurisdictions and agencies.

Actions: The financial strategy should consider the appropriate shares of motor vehicle fees, impact fees, property tax levies, and development contributions to balance needs, costs, and revenue. View the process of improving the transportation system as that of a partnership between the public (through fees and taxes) and private sectors (through exactions and conditions of development approval), each of which has appropriate roles in the financing of these improvements to meet present and projected needs.

- g) Provide adequate funding for maintenance of the capital investment in transportation facilities.

*Actions: Develop a long-term financing program that provides a stable source of funds to ensure cost-effective maintenance of transportation facilities and efficient effective use of public funds. **Apply low impact development techniques on a city-wide basis where projects can accommodate the techniques. Fund the increased cost of the water quality and quantity additions to the streets through the surface water management program fees and systems development charges and other funding sources, as appropriate.***

CHAPTER SEVEN: NATURAL, CULTURAL, HISTORIC, SCENIC, ENERGY, AND GROUNDWATER RESOURCES ELEMENT

7.1 OVERVIEW

This Plan element addresses natural, cultural, historic, scenic, energy, and groundwater resources within the context of Statewide Planning Goal 5. Statewide Planning Goal 5, Open Spaces, Scenic Resources and Historic Area, and Natural Resources, provides a mechanism for local governments to plan for resources. Procedures to comply with this goal are specified in Oregon Revised Statutes (ORS 660-23-000 through 660-23-250.) The procedures include a three-part process:

- 1) Inventory the resource,
- 2) Analyze the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit or prohibit a conflicting use, and
- 3) Adopt a program to implement the decisions made through the ESEE analysis.

An alternative process is also provided for some resources: the Safe Harbor alternative. In this alternative, local governments are given the option to adopt inventories based on information gathered by other agencies, or to adopt standardized programs to implement protection of the resource, thereby eliminating the need to complete the ESEE analysis.

Volume III of the Comprehensive Plan, Statewide Planning Goal 5 Resource Inventory Documents, provides the information necessary to satisfy the inventory requirements of this goal. This information includes quantity, quality and location data on specific resources. Additionally, the inventoried resources are mapped or listed, and a determination of significance of the individual resource sites is provided in map or list form.

The text that follows addresses the third requirement in the Goal 5 process. Where possible, the program decision has been to follow the Safe Harbor regulations of the goal; therefore, an ESEE analysis is not necessary. Where necessary, the ESEE analysis is included in Volume III.

The resource protection goals, policies and actions that follow in this section are divided into Statewide Planning Goal 5 resource categories, to match each City inventory. Each category provides the foundation for the regulations and programs designed to protect, enhance or restore these resources, and to further demonstrate compliance with Statewide Planning Goal 5.

Metro, the regional government encompassing Washington, Clackamas, and Multnomah counties, identified regionally significant wildlife habitat and riparian

corridors. These areas were divided into categories: wildlife habitat, riparian corridors, and upland wildlife habitat and subdivided by classes: I, II and III or Class A, B and C. Upon completion of the inventory, the local governments within the Tualatin Basin combined together to form the Tualatin Basin Natural Resource Coordinating Committee, also known as the Tualatin Basin Partners. This group, headed by Washington County, conducted an ESEE analysis and developed a program to protect, conserve and restore Classes I and II riparian corridors/wildlife habitat and Class A upland wildlife habitat (termed Habitat Benefit Areas) as a voluntary program. Each local government, through the Tualatin Basin Partnership, agreed to “allow and encourage” habitat friendly development practices to comply with the intergovernmental agreement that the partners have with Metro. Additionally, to minimize storm water impacts on the Habitat Benefit Areas low impact development techniques are proposed throughout the city. The program is implemented through the Beaverton Development Code, Engineering Design Manual and The Beaverton Code.

The protection of natural resources is necessary to preserve a healthy, sustainable environment in an urban setting. Protection of these resources today will ensure that as the community grows in density and expands its boundaries the natural landscape will be preserved for the health, safety and welfare of its citizens. Natural resources also provide aesthetic beauty. Their protection benefits property values and increases the livability of the City.

Beaverton is fortunate to have natural and historic resources that significantly add to the quality of life. These include streams, adjacent riparian areas, wetlands, large wooded tracts, open space, and historic sites and buildings. Under state planning goals, the citizens of Beaverton have the opportunity and obligation to protect these resources. While it is unreasonable to expect all of Beaverton's resource areas to remain unchanged, we must recognize that the presence of these areas contributes to our overall quality of life. The retention of these resources maintains visual and scenic diversity, provides areas for education and passive or active recreation, and can provide site development amenities for residents and employees alike. Thus, a balance between full protection of all inventoried resources and full development of the inventoried resources is provided in the following goals, policies and actions.

7.1.1 Goal: Balance development rights with natural resource protection.

Policies:

- a) Coordinate resource protection programs with affected local, state, and federal regulatory agencies, and notify them of development proposals within natural resource areas.

Action 1: Adopt land use processes to incorporate notification to appropriate agencies as part of the development review process.

Action 2: Continue membership and activity as a partner of the Tualatin Basin Natural Resources Coordinating Committee.

Action 3: Encourage the use of the habitat friendly development practices and low impact development techniques through the Pre-Application Conference.

Action 4: Proactively lead the way with development of city buildings by using habitat friendly development practices and low impact development techniques.

Action 5: Develop a comprehensive habitat benefit area plan for the Beaverton Downtown Regional Center to integrate Beaverton Creek into the Regional Center as an amenity.

- b) Where adverse impacts to Significant Natural Resources cannot be practicably avoided, require mitigation of the same resource type commensurate with the impact, at a location as close as possible to the impacted resource site.
- c) Allow for relaxation of development standards to protect significant natural and historic resources. Such standards may include but are not limited to minimum setbacks, maximum building height, minimum street width, location of bicycle, pedestrian and multi-use paths, etc.

Action 1: Adopt and apply land use regulations that allow and encourage habitat friendly development practices and low impact development techniques within habitat benefit areas, and where appropriate, throughout the city.

Action 2: Adopt and apply a system to allow flexibility in applying the site development standards when development employs low impact development techniques and habitat friendly development practices.

Action 3: Adopt and apply an incentive program to encourage the use of the low impact development techniques and habitat friendly development practices.

- d) City policies or regulations shall not interfere with actions necessary for nuisance abatement or protecting the safety, health and welfare of Beaverton's citizens.
- e) Upon annexation of unincorporated properties with County Goal 5 natural resource designations, the City shall rely on the Urban Planning Area Agreement with Washington County to determine the appropriate City designation.

Action 1: The City shall work with Washington County to periodically update the UPA Agreement to ensure compatibility in Goal 5 resource inventories, significance determination, and program decisions.

7.3 NATURAL RESOURCES

Natural Resources are classified and addressed in this section by Statewide Planning Goal 5 categories. Associated with these categories are detailed background data including inventory and assessment information that provided the findings to determine the significance of resources. Adopted inventories of significant natural resources are included in the maps and listings of Significant Natural Resources located in Volume III of the Comprehensive Plan. The inventory lists and maps were adopted over time, based on state regulations.

Statewide Planning Goal 5 continues to be revised and updated. Each periodic review updates the City's inventory, and at the same time applies the most current requirements to ensure continued protection of significant natural resources.

In 1984, an inventory of Beaverton's natural resources was done to determine their quality and quantity. The City adopted a map layer entitled: Significant and Important Natural Resources and Other Important Natural Resources. These areas were then evaluated as to the economic, social, and environmental consequences of protecting the natural resource or allowing conflicting uses. Areas shown on the map as Significant Natural Resources are generally wetlands or riparian-stream corridors that were considered important principally for their wildlife habitat values. Areas shown on the map as Important Natural Resources contained major stands of trees, drainage swales, and other natural vegetation that were determined to be primarily important for their aesthetic value, although many also provide wildlife habitat of some, although relatively less, importance.

The map at that time delineated, as clearly as possible, the appropriate boundaries of the Significant and Important Natural Resources. However, it is also necessary to rely on inventory, field investigation, and other factors conducted in conjunction with the review of a proposed site development to define more precise boundaries, such as the exact location of a riparian corridor boundary on a specific site.

In 1991 the City Board of Design Review adopted an additional significant tree inventory. Although this inventory was not conducted pursuant to Statewide Planning Goal 5, and was not adopted by the City Council, it did serve to further define trees and stands of trees of importance to the City

In 2000, a Local Wetland Inventory (LWI) was completed. The LWI is one of the City's Goal 5 resource inventories comprising Volume III of the Comprehensive Plan. The City employed the Goal 5 regulations by conducting the inventory reconnaissance using the Oregon Freshwater Assessment Methodology (OFWAM) to satisfy the quality and quantity requirements of the regulations. Significance was determined based on applying the LWI criteria, using the OFWAM findings. The LWI includes wetlands meeting state criteria for significance. A list of locally significant wetlands is found in Comprehensive Plan Volume III, Local Wetland Inventory Text, Appendix A Table 5.

Also in 2000, an Urban Riparian Assessment was completed following the procedures found within the Urban Riparian Inventory and Assessment Guide, developed by the

Division of State Lands. This assessment was adopted, and included in Comprehensive Plan Volume III, Appendix C of the Local Wetland Inventory. It is intended to be used as a tool by planners to indicate that additional information on the location of the riparian area is required prior to development approval.

In 2000 the City also determined that certain streams are fish-bearing following the Goal 5 Safe Harbor requirements for Riparian Corridor inventories and determinations of significance. The significant fish bearing streams are identified on page 3 of Planning Commission Order No. 1318, enclosed in the opening pages of the Local Wetland Inventory.

Adequate riparian corridors are of particular importance for their positive effect on the adjacent water resource. They act as natural filters for pollutants, provide flood control benefits, and reduce erosion. Vegetation in riparian corridors provides shade and cover for both fish and other aquatic and upland wildlife species. The riparian corridors within the City are typically located within residential, commercial, and campus industrial areas. Generally the vegetation in these riparian areas has been removed, or altered substantially. As the City continues to grow and increases density, the remaining unaltered riparian corridors will be subject to development pressures. Removal of vegetation and the construction of structures within the riparian areas are the activities most likely to conflict with riparian functions and values. These conflicting uses can be managed through regulatory provisions that limit encroachment. Where encroachment is permitted, prescribed levels of mitigation and restoration can be required.

Although areas of significant wildlife habitat, as defined by the State Goal 5 Administrative Rule, have not been identified in the city, measures to protect significant riparian areas and wetlands also serve to protect fish and wildlife. Areas of fish and wildlife habitat are important to our community because they add to our overall quality of life by permitting observation and appreciation of our stewardship responsibilities in close proximity to our homes and workplaces. While these resources exist elsewhere in Oregon, they are important remnants of the natural environment close to our everyday activities.

In 2002, Metro released a Preliminary Draft Riparian Corridor and Wildlife Habitat Inventory for public review. In September 2003, Metro released a Discussion Draft of the Economic, Social, Environmental and Energy Analysis (ESEE). In 2004, Metro released the Phase II ESEE: Draft Analysis of Program Options. In August 2004, the Tualatin Basin Partners held a public hearing to review the draft program and the mapping. In March 2005, the Tualatin Basin Partners endorsed the staff report, exhibits, program report, and mapping. The package was submitted to Metro for inclusion in their Council action on the overall Metro Nature in the Neighborhoods Program. Metro Council approved the program in September 2005. The Partners then began to draft two issue papers outlining the habitat friendly development practices and how they might apply in the Tualatin Basin and more specifically, within habitat benefit areas.

7.3.1 Significant Natural Resources

7.3.1.1 Goal: Conserve, protect, enhance or restore the functions and values of inventoried Significant Natural Resources.

Policies:

- a) Inventoried natural resources shall be conserved, protected, enhanced or restored:
- to retain the visual and scenic diversity of our community;
 - for their educational and recreational values;
 - to provide habitats for fish and wildlife in our urban area.
- b) Conserve, protect and enhance natural resource sites and values through a combination of programs that involve development regulations, purchase of land and conservation easements, educational efforts, and mitigation of impacts on resource sites.

Action 1: Establish acquisition programs for Significant Goal 5 Resources; prepare and maintain a long-range list of priority resource locations for public acquisition.

Action 2: *Facilitate and encourage habitat friendly development practices and low impact development through flexibility in site development standards and reductions in surface water management fees and systems development charges.*

- c) Inventoried natural resources shall be incorporated into the landscape design of development projects as part of a site development plan, recognizing them as amenities for residents and employees alike.
- d) The City shall rely on its site development permitting process as the mechanism to balance the needs of development with natural resource protection.

Action 1: *For properties located within significant natural resource areas, the City shall consider relaxation of its development standards where necessary to accomplish protection of riparian and wetland areas. Such standards include, but are not limited to, setbacks, building height, street width, location of bike paths, etc. Where the combination of riparian, wetlands, and other requirements would result in an unbuildable lot, such a situation may be relevant to a decision that may grant a hardship variance.*

Action 2: *City Staff will provide pre-application conferences to developers of property to provide available information and to discuss alternative methods of development acceptable to meet the adopted policies and ordinance standards. City staff will provide information on low impact development techniques and habitat friendly development practices to applicants and encourage and facilitate applicants to use the practices and techniques.*

***Action 3:** Adopt and apply land use regulations that require integration of natural features with the overall design of developments. Natural features include, but are not limited to, wetlands and water areas, intermittent and perennial streams, riparian corridors, urban forests and significant individual or community trees, slopes, geologic hazards, flooding, and erosion prone soils.*

***Action 4:** Adopt and apply land use regulations that will minimize impacts from adjacent uses. Development Code design criteria shall be adopted that address the following considerations:*

- *Land uses immediately adjacent to protected resource areas should be designed to physically separate human activity from the resource activity. Preferred development abutting the resource should be 1) buildings with entrances oriented away from the resource area, and then 2) roadways with limited or no street parking with 3) parking lots as the lowest preference.*
- *Garbage facilities and materials storage areas should be located away from habitat areas.*
- *Habitat areas should be preserved as a few large connected areas, rather than many disconnected small areas and should be designed to minimize the amount of habitat edge exposed to development areas.*
- *Existing native vegetation should be retained to provide wildlife habitat. Snags and dying trees should be left in protected wildlife areas for wildlife use.*
- *To minimize disturbances to wildlife, lights for buildings and parking areas ~~should shall~~ be screened, and the light ~~should shall~~ be directed away from the protected habitat areas,*
- *Walkways should not bisect wildlife areas. If walkways do encroach upon wildlife areas, security lighting should be designed to shine primarily on the path and avoid shining directly into habitat areas.*

Regulations to address the above considerations shall not compromise public safety.

***Action 5:** Adopt and apply regulations for resource areas, mitigation sites, areas adjacent to natural areas, wetlands, and tree groves that include but are not limited to the following requirements:*

- *Require use of native vegetation in mitigation areas and riparian buffers. Seed- and fruit-producing native plants with aesthetic value should be incorporated into the landscaping at locations adjacent to wildlife habitat areas.*
 - *Allow for buffer averaging in order to create opportunities for habitat protection and enhancement while accommodating urban forms of development.*
- e) Development within Significant Natural Resource areas shall be consistent with the relevant regulations or guidelines of the National Marine Fisheries Service, U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, Oregon Division of State Lands, Clean Water Services, and the Oregon

Department of Environmental Quality.

Action 1: During pre-application conferences for developers, City staff will attempt to identify any Federal, State, or local requirements and regulations affecting sites in Significant Natural Resource areas.

Action 2: The City will continue to monitor and review policies and regulations as necessary, to ensure consistency with Federal, State, and service providers' guidelines and regulations.

- f) Specific uses of or development activities in Significant Natural Resources areas shall be evaluated carefully and those uses or activities that are complementary and compatible with resource protection shall be permitted. This is not intended to prohibit a land use permitted by the underlying zoning district but only to regulate the design of development such as building or parking location or type of landscaping.
- g) Limited alteration or improvement of Significant Natural Resource areas may be permitted so long as potential losses are mitigated and “best management practices” are employed.
- h) Roads and utilities, which must be located within, or traverse through, a Significant Natural Resource Area, shall be carefully planned and aligned so as to minimize loss and disruption. A rehabilitation or restoration plan shall be a necessary component. The City should allow variations from standard street sections in these areas.

CHAPTER EIGHT: ENVIRONMENTAL QUALITY AND SAFETY ELEMENT

8.2 Water Quality

Water quality resource protection is necessary for its life sustaining benefits. The City and the Clean Water Services (CWS) share responsibility for meeting the standards set by the Federal Clean Water Act. These standards, defined by the Total Maximum Daily Loads (TMDLs) of waste water that can be discharged into streams, are set by the Oregon Department of Environmental Quality (DEQ). The primary source of water quality impacts in the City is from runoff flowing into streams and wetlands from streets, parking lots, building roofs and landscaped areas. The flashiness of storm flows in urban areas causes degradation of the vegetative corridors along streams that, in turn, increases the erosion of riparian banks and water turbidity. The scouring of the riparian banks and lack of established native vegetative cover along streams leads to increased water temperatures that also degrade water quality and aquatic habitat.

The quality of water resources can be protected, enhanced or restored through the application of development standards that require planting and maintenance of natural vegetation within riparian areas. This can be achieved through the development process or by voluntary actions on the part of private property owners and volunteer organizations. Voluntary and incentive based reductions to impervious surfaces, along with the use of *green habitat friendly development practices and low impact development techniques* can also reduce impacts to water resources. ***Overall, sustainable stormwater management balances the hydrologic regime found before development. Pre-development or natural hydrologic function is the relationship among the overall and subsurface flow, infiltration, storage, and evapotranspiration characteristics of the landscape. Sustainable stormwater management avoids and minimizes impacts to natural resources by protecting native vegetation and natural drainage sources. The natural stormwater system mimics natural water flow by minimizing land disturbance and incorporating natural landscape features in to the development.*** Implementation of development requirements that follow the Clean Water Services Design and Construction Standards manual, and erosion control practices, can help to reduce and filter storm drainage flow, particularly during heavy rainfall.

8.2.1. Goal: Maintain and improve water quality, and protect the beneficial uses, functions and values of water resources.

POLICIES:

- a) All water resource areas within the City shall be enhanced, restored or protected to the extent practicable.

Action 1: *Develop incentives programs for property owners that will encourage the enhancement, restoration or protection of vegetative corridors. One such*

program might include working with CWS to establish an information outreach effort to encourage the creation of separate tracts for water resource areas, or dedication of water resource areas to a public or non-profit agency, thereby limiting development in the identified resource areas, and benefiting property owners by reduced property taxes for the portion set-aside as non-developable.

Action 2: Review and refine monitoring and enforcement programs regarding erosion control practices in conjunction with development.

Action 3: Cooperatively work with appropriate City departments and service providers, through a technical advisory committee, to review their use of Best Management Practices (BMPs) and other programs approved by the National Marine Fisheries Service in public works projects, and routine maintenance activities that potentially impact stormwater runoff or have a direct effect on streams and wetlands. Adopt and apply appropriate regulations formulated through the cooperative process.

Action 4: Adopt and apply appropriate regulations allowing and encouraging habitat friendly and low impact development practices.

- b) The City shall limit development in vegetative corridors along streams through application of the CWS Design and Construction Standards so as to substantially comply with requirements of the Metro Functional Plan Title 3.

Action 1: Adopt and apply appropriate land use regulations aimed at restoring, enhancing or protecting water quality sensitive areas.

Action 2: Adopt and apply appropriate land use regulations that allow and encourage multi-use functions of landscaping so that landscaping can be used for stormwater retention, detention and infiltration.

Action 3: Adopt and apply appropriate land use regulations that allow and encourage use of native vegetation and vegetation that mimics the natural environment in landscaping in development.

- c) The City shall support the development of education programs aimed at helping ***staff, land use related boards and commissions, members of the development community, the Committee for Citizen Involvement*** and citizens understand the importance of good stewardship and the use of non-regulatory tools that will provide additional water quality resource protection.

Action 1: Seek funding opportunities such as grants that would assist development and implementation of Citywide ~~water quality~~ habitat friendly development practices and low impact development education, information and project management programs that might include a City environmental coordinator position.

- d) Partner with other local jurisdictions and service providers to avoid duplication of efforts and resources.
- e) Protect investments in the City by managing stormwater runoff.

***Action 1:** Adopt and apply land use regulations that control the rate of runoff to reduce sudden changes in water flow, abnormally high flows, and flooding due to development.*

***Action 2:** Adopt and apply land use regulations to provide increased surface water runoff detention and avoid structural damage to improvements. First priority, site improvements are off-channel mitigation and wetlands. Second priority, site improvements are in-channel. Exhaust on-site mitigation opportunities before seeking off-site mitigation.*

***Action 3:** Adopt and apply land use regulations to provide undisturbed vegetative buffers between the stream or significant wetland and any hard surface improvement or building. The defined buffer width may be treated as an average dimension to allow flexibility in design and increase opportunities to enhance wildlife habitat. Where undisturbed, vegetative buffers are reduced below the defined width by way of averaging the required buffer width, the adjacent urban development should include increased landscaping, and street tree plantings to maximize tree canopy coverage and reduce the urban heating effect. Increased landscaping will help reduce stream temperatures through the urban area.*

***Action 4:** Adopt and apply land use regulations requiring surface storm drainage from walkways, streets, parking areas, and roofs to be designed to flow into detention areas and landscape areas rather than into stream channels and the riparian corridor. Monthly surface water management fees may be discounted through designs that minimize impacts on the storm water system.*

***Action 5:** Adopt and apply land use regulations requiring integration of storm water detention and treatment facilities into the design of a development appearing, if feasible, as a component of the landscape rather than as a utility element.*

- f. Encourage development in urban environments in ways that promote healthy watersheds and natural resources.**

***Action 1:** Adopt and apply regulations that allow and encourage habitat friendly development practices and low impact development techniques and preservation of natural resources. Examples include allowing greater deviation from site development standards when preserving habitat or using habitat friendly or low impact development practice; allowing use of pervious*

pavements and green street cross sections, where appropriate; rain gardens and ecoroofs.

Action 2: Adopt and apply regulations that encourage use of natural stormwater systems that mimic natural hydrologic function by minimizing land disturbances and incorporating natural landscape features. Examples include raingardens, ecoroofs, vegetated swales, pervious pavers, and retention of trees and native vegetation.

8.7 Flood Hazards

The City supports the Federal Emergency Management Agency (FEMA) guidelines for floodplain development. Floodplain protection is essential for water quality functions and values. Natural floodplains serve as filters that absorb excess stormwater runoff and pollutants, aid in erosion control, and provide important shade and habitat protection. The City protects floodplains through a variety of methods. These include application of the FEMA Flood Insurance Rate Maps, Development Code requirements, engineering standards, CWS Design and Construction Standards, and building code requirements.

<p>8.7.1 Goal: <i>Maintain the functions and values of floodplains, to allow for the storage and conveyance of stream flows and to minimize the loss of life and property.</i></p>

POLICIES:

- a) Utilize uniform or complementary interjurisdictional floodplain development and management programs to reduce flood hazards, protect natural resources, and permit reasonable development.

Action 1: Adopt and apply appropriate land use regulations that allow and encourage low impact development techniques and habitat friendly development practices to mimic the natural system, thereby reducing or eliminating the need for piped systems.

- b) Development shall be prohibited in the floodway, except as necessary for the placement of roadways, utilities, stormwater conveyance, bridges, culverts, and grading related to public utility projects as permitted by the appropriate implementing ordinances.
- c) Construction within the floodfringe shall be regulated through the City's implementing ordinances, such as the City's Engineering Design Manual and Standard Drawings.
- d) Uncontained areas of hazardous materials, as defined by the DEQ, shall be prohibited in the floodplain.

Action 1: *Develop a program to remove hazardous obstructions and debris from floodplains.*

Action 2: *Develop a flood damage reduction program to protect, to the extent practicable, existing development in the 100-year floodplain, following guidelines and regulations established by the Federal Emergency Management Agency (FEMA). Alternatively, explore programs to encourage removal of existing development from floodplains.*

GLOSSARY

Definitions to be added in alphabetical order:

Developed areas not providing vegetative cover: are areas that lack sufficient vegetative cover to meet the one-acre minimum mapping units of any other type of vegetative cover.

Forest Canopy: Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.

Green Street: Stormwater and stream crossing solutions related to street design, including: pavement minimization, pervious paving materials, maximized street tree usage, multi-functional open drainage systems and modified drainage practices, minimizing the number of stream crossings and/or placing crossings perpendicular to the stream, where possible, allowing narrow street widths through stream corridors, and using habitat sensitive bridge and culvert designs. Metro produced a series of books on Green Streets that can be a valuable reference as a guidance document when implementing the concept of green streets.

Habitat Benefit Area (HBA): An area of land determined to provide a benefit to wildlife. The general location of habitat benefit areas are shown on Metro's Regionally Significant Fish and Wildlife Habitat Inventory map as Riparian Habitat Classes I, II and III and Upland Wildlife Habitat Class A. Habitat benefit areas also include a habitat buffer area. Habitat benefit areas are in addition to any areas required for natural resource protection by existing regulations.

Habitat Friendly Development Practices (HFDP): A broad range of development techniques and activities that reduce detrimental impacts on fish and wildlife habitat resulting from traditional development practices.

Low Impact Development (LID): A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions. LID tools are designed to reduce environmental impacts of development, such as increased storm water runoff due to impervious areas, poor water quality and inconsistent water quantity in streams and rivers. LID techniques control storm water runoff volume and reduce pollutant loadings to receiving waters. Not all sites are suitable for LID. Considerations such as soil permeability, depth of water table and slope must be considered, in addition to other factors. LID techniques may not completely replace the need for conventional stormwater controls.

Low structure vegetation or open soils – Areas that are part of a contiguous area one acre or larger or grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream .

Woody vegetation: areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 feet of a surface stream.

AMENDMENT TO ORDINANCE 4125 TO ADD HABITAT BENEFIT AREAS MAP AND METHODOLOGY FOR DETERMINING HABITAT BENEFIT AREAS.

New Section:

Tualatin Basin Goal 5 Fish and Wildlife Habitat Program

Metro, the regional government encompassing Washington, Clackamas, and Multnomah counties, identified regionally significant wildlife habitat and riparian corridors. These areas were divided into categories: wildlife habitat, riparian corridors, and upland wildlife habitat and subdivided by classes: I, II and III or Class A, B and C, hereby incorporated by reference. Upon completion of the inventory, the local governments within the Tualatin Basin combined together to form the Tualatin Basin Natural Resource Coordinating Committee, also known as the Tualatin Basin Partners. This group, headed by Washington County, conducted an ESEE analysis, hereby incorporated by reference and developed a program to protect, conserve and restore Classes I and II riparian corridors/wildlife habitat and Class A upland wildlife habitat (termed Habitat Benefit Areas) as a voluntary program. Each local government, through the Tualatin Basin Partnership, agreed to “allow and encourage” habitat friendly development practices to comply with the intergovernmental agreement that the partners have with Metro. Additionally, to minimize storm water impacts on the Habitat Benefit Areas, low impact development techniques are proposed throughout the city. The program is implemented through the Beaverton Development Code, Engineering Design Manual and Municipal Code.

Local governments in the Tualatin Basin partnered together to acknowledge Metro’s Fish and Wildlife Habitat Protection Program Resource Classification Map as it relates to regionally significant fish and wildlife habitat and Metro’s Program. Resource Classifications shown as Riparian Corridors/Wildlife Habitat Classes I, II and III and Upland Wildlife Habitat Class A are hereby referred to as Habitat Benefit Areas. The Habitat Benefit Areas are intended to be the habitat beyond the areas that are managed or protected through other programs such as the City’s Goal 5 program or the Clean Water Services Design and Construction Standards.

Definition of habitat and delineation methodology is produced by Metro as the mapping is provided by Metro. The Metro definition of habitat and delineation methodology is cited below:

Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:

- (1) Locate the Water Feature that is the basis for identifying riparian habitat.
 - (a) Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.
 - (b) Locate all flood areas within 100 feet of the property.
 - (c) Locate all wetlands within 150 feet of the property based on the City of Beaverton Local Wetland Inventory map. Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers.

- (2) Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas and within 100 feet of flood areas.
 - (a) Vegetative cover status shall be as identified on the Metro Vegetative Cover Map
 - (b) The vegetative cover status of a property may be adjusted only if (1) the property was developed prior to the time the regional program was approved, or (2) an error was made at the time the vegetative cover status was determined. To assert the latter type of error, applicants shall submit an analysis of the vegetative cover on their property using summer 2002 aerial photographs and the definitions of the different vegetative cover types provided in the Glossary of the Comprehensive Plan, Volume I.

- (3) Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% using the methodology as described in the Clean Water Services Design and Construction Standards; and

- (4) Identify the riparian habitat classes applicable to all areas on the property using Table 6, the data supplied in numbers 1, 2, and 3 above and the Glossary of the Comprehensive Plan , Volume I.

Table 6: Method for Locating Boundaries of Class I and II Riparian Areas.

Distance in feet from Water Feature	Development/Vegetation Status ¹			
	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scattered forest canopy)	Forest Canopy (closed to open forest canopy)
Surface Streams				
0-50	Class II	Class I	Class I	Class I
50-100		Class II ²	Class I	Class I
100-150		Class II ² if slope > 25%	Class II ² if slope > 25%	Class II ²
150-200		Class II ² if slope > 25%	Class II ² if slope > 25%	Class II ² if slope > 25%
Wetlands (Wetland feature itself is a Class I Riparian Area)				
0-100		Class II ²	Class I	Class I
100-150				Class II ²
Flood Areas (Undeveloped portion of flood area is a Class I Riparian Area)				
0-100			Class II ²	Class II ²

¹ The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged. As an example of how the categories were assigned, in order to qualify as "forest canopy" the forested area had to be part of a larger patch of forest of at least one acre in size.

² Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office), shall be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro's Technical Report for Fish and Wildlife. Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

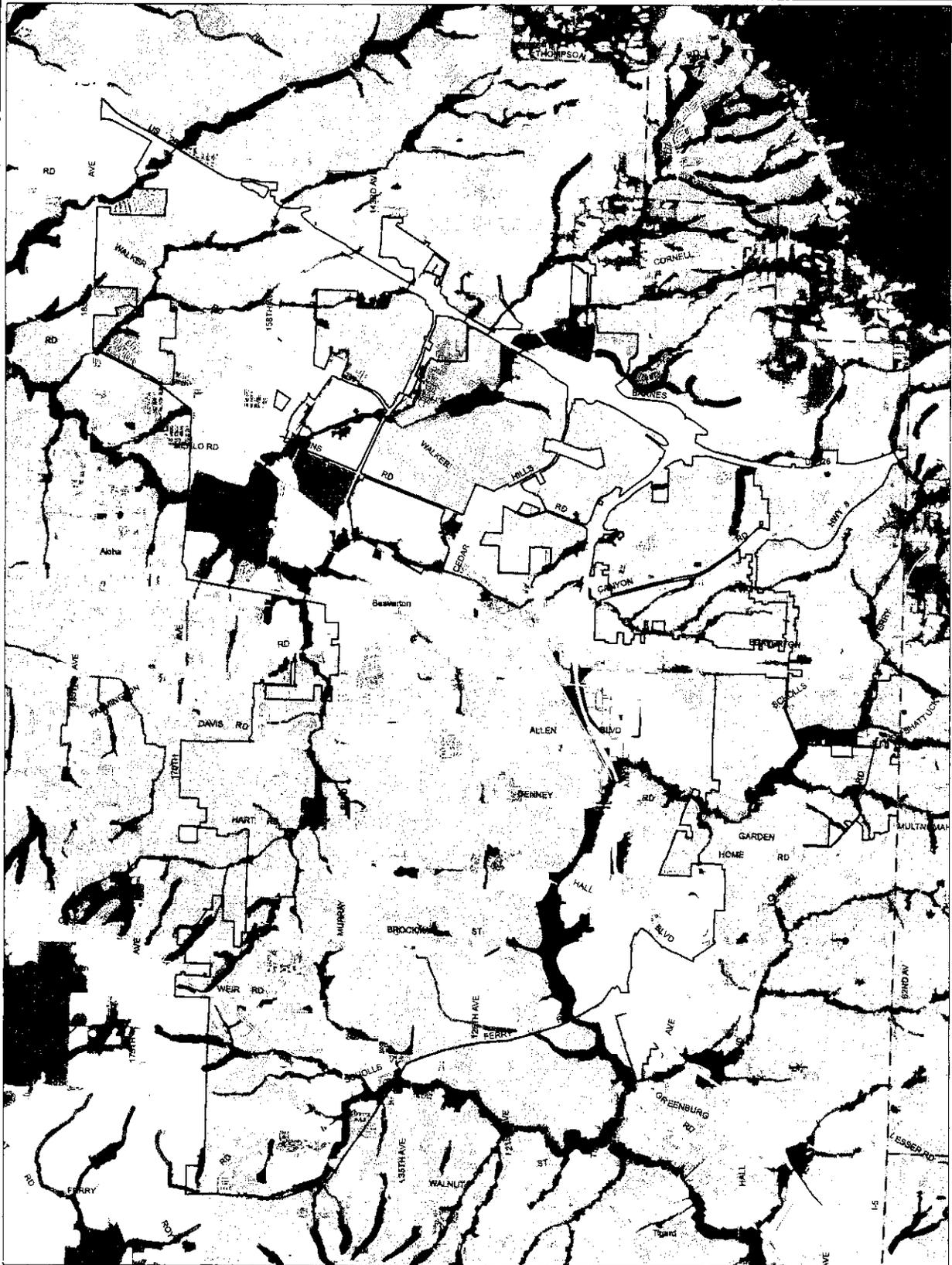
- (5) Identify developed floodplain, floodplain beyond Class I and II riparian areas, identify any forest patches on the aerial not included as Habitat Class A. These areas are Riparian Class III.

Verifying boundaries of inventoried upland habitat. Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The "forest canopy" designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the Habitat Benefit Areas map unless corrected as provided in this subsection.

1. Except as provided below, vegetative cover status shall be as identified on the Metro Vegetative Cover Map used to inventory habitat at the time the Habitat Benefit Areas map is adopted by this ordinance.

2. The only allowed corrections to the vegetative cover status of a property are as follows:
 - a. To correct errors made when the vegetative status of an area was determined based on analysis of the aerial photographs used to inventory the habitat at the time the area was brought within the urban growth boundary. For example, an area may have been identified as “forest canopy” when it can be shown that such area has less than 60% canopy crown closure, and therefore should not have been identified as “forest canopy.” The perimeter of an area delineated as “forest canopy” on the Metro Vegetative Cover Map may be adjusted to more precisely indicate the dripline of the trees within the canopied area provided that no areas providing greater than 60% canopy crown closure are de-classified from the “forest canopy” designation. To assert such errors, applicants shall submit an analysis of the vegetative cover on their property using the aerial photographs that were used to inventory the habitat at the time the area was brought within the urban growth boundary and the definitions of the different vegetative cover types provided in the Glossary of Volume I: The Comprehensive Plan; and
 - b. To remove tree orchards and Christmas tree farms from inventoried habitat; provided, however, that Christmas tree farms where the trees were planted prior to 1975 and have not been harvested for sale as Christmas trees shall not be removed from the habitat inventory.
3. If the vegetative cover status of any area identified as upland habitat is corrected pursuant to change the status of an area originally identified as “forest canopy,” then such area shall not be considered upland habitat unless it remains part of a forest canopy opening less than one acre in area completely surrounding by an area of contiguous forest canopy.

Volume III Habitat Benefit Areas Map



Legend

-  Upland Wildlife Habitat Class A
-  Riparian Wildlife Habitat Class I
-  Riparian Wildlife Habitat Class II
-  Riparian Wildlife Habitat Class III
-  Beaverton City Limits
-  County Line



Tualatin Basin Goal 5 Fish and Wildlife Habitat Program

Metro, the regional government encompassing Washington, Clackamas, and Multnomah counties, inventoried fish and wildlife habitat and identified regionally significant wildlife habitat and riparian corridors. The inventory, Regionally Significant Fish and Wildlife Habitat Inventory Map (Metro Ordinance 05-1077c Exhibit a). These areas were divided into categories: wildlife habitat, riparian corridors, and upland wildlife habitat and subdivided by classes: I, II and III or Class A, B and C, is hereby incorporated by reference.

Upon completion of the inventory, the local governments within the Tualatin Basin combined together to form the Tualatin Basin Natural Resource Coordinating Committee, also known as the Tualatin Basin Partners. This group, headed by Washington County, conducted an Environmental, Social, Economic, and Energy consequences analysis, hereby incorporated by reference. The Tualatin Basin Partners and developed a voluntary program to protect, conserve and restore Classes I and II riparian corridors/wildlife habitat and Class A upland wildlife habitat (termed Habitat Benefit Areas) as a voluntary program. The City of Beaverton includes Classes I, II and III riparian corridors and Class A upland wildlife habitat as Habitat Benefit Areas on the map titled "Habitat Benefit Areas Map". Habitat Benefit Areas are intended to be the habitat beyond the areas that are managed or protected through other programs such as the City's Goal 5 program or the Clean Water Services Design and Construction Standards.

Each local government, through the Tualatin Basin Partnership, agreed to "allow and encourage" habitat friendly development practices to comply with the intergovernmental agreement that the partners have with Metro. Additionally, to minimize storm water impacts on the Habitat Benefit Areas, low impact development techniques are proposed throughout the city. The program is implemented through the Beaverton Development Code, Engineering Design Manual and Municipal Code.

Add to the new section:

Local governments in the Tualatin Basin partnered together to acknowledge Metro's Fish and Wildlife Habitat Protection Program Resource Classification Map as it relates to regionally significant fish and wildlife habitat and Metro's Program. Resource Classifications shown as Riparian Corridors/Wildlife Habitat Classes I, II and III and Upland Wildlife Habitat Class A are hereby referred to as Habitat Benefit Areas. The Habitat Benefit Areas are intended to be the habitat beyond the areas that are managed or protected through other programs such as the City's Goal 5 program or the Clean Water Services Design and Construction Standards.

Definition of habitat and delineation methodology is produced by Metro as the mapping is provided by Metro. The Metro definition of habitat and delineation methodology is cited below:

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Development Code Chapters 60 and 90 (as amended through Ordinance 4265) Related to TA2006-0009

FOR AGENDA OF: 11/13/06 **BILL NO:** 06218

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 10/31/06

CLEARANCES: City Attorney 
Planning 

PROCEEDING: First Reading

- EXHIBITS:**
1. Proposed Ordinance and Exhibit A – Proposed Text
 2. Planning Commission Final Order No. 1916 and Exhibit A showing recommended amendments
 3. Staff proposed changes to the text approved by Planning Commission

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

HISTORICAL PERSPECTIVE:

The Tualatin Basin Goal 5 Program began in response to Metro's Fish and Wildlife Habitat Goal 5 Inventory. Local governments in the Tualatin Basin collaborated on a joint Environmental, Social, Economic and Energy consequences analysis and a voluntary program to facilitate and encourage Habitat Friendly Development Practices. The bulk of the amendments propose to add a new section, 60.12. to the Development Code and associated new definitions in Chapter 90.

INFORMATION FOR CONSIDERATION:

Staff presented the proposal to the Committee for Citizen Involvement, Development Liaison Committee, Board of Design Review and internal staff. The Planning Commission held a work session on September 6, opened the initial hearing on the proposed amendments to the Development Code on October 11 and unanimously approved the proposal, with some minor modifications, on October 18, 2006.

Following Planning Commission approval of the recommendation, staff identified three changes, as follows:

1. Inclusion of the Residential Agricultural (RA) zoning district in sections of the text that restrict use of credits within or abutting the R4, R5, R7, and R10 zoning districts.
2. Addition of two standards to Section 60.12.35.1.C clarifying that Habitat Benefit Area preservation does not overlap with areas under existing regulations and restrictions. They are now Sections 60.12.35.1.C.2 and 60.12.35.1.C.3.
3. Removal of definition for Green Roof and associated edits to the definition of Eco-roof. This change has been done in coordination with TA2006-0003 (PUD Text Amendment), which includes a proposed definition for Green Roof.

RECOMMENDED ACTION:

First Reading.

Ordinance No. 4414
**An Ordinance Amending
the Development Code Chapters 60 and 90
(Ordinance No. 2050 as amended through Ordinance
4265)
Related to TA2006-0009**

WHEREAS, Metro conducted an inventory of fish and wildlife habitat pursuant to Statewide Planning Goal 5;

WHEREAS, Metro determined that Classes I and II riparian habitat and Class A upland wildlife habitat are regionally significant resources; and

WHEREAS, the City of Beaverton collaborated with local governments in the Tualatin River Basin to form the Tualatin Basin Partners for Natural Places; and

WHEREAS, the Tualatin Basin Partners for Natural Places, through an intergovernmental agreement with Metro, agreed to use the Metro Inventory and to conduct an Environmental, Social, Economic, and Energy consequences analysis and develop a program pursuant to Statewide Planning Goal 5 regulations; and

WHEREAS, the Tualatin Basin Partners for Natural Places developed a voluntary program that facilitates and encourages habitat friendly development practices and low impact development techniques; and

WHEREAS, on October 18, 2006, the Planning Commission unanimously recommended approval of the proposed CPA 2006-0012 application based upon the Staff Report dated September 11, 2006, for the October 11, 2006, Public Hearing, the Supplemental Staff Report dated October 6, 2006, and Staff Memoranda dated October 13, 2006, and October 18, 2006, that presented the final draft amendment, addressed approval criteria, and made findings that demonstrated that adoption of the proposed ordinance would comply with applicable approval criteria; and

WHEREAS, the final order was prepared memorializing the Planning Commission's decision and no appeal therefrom has been taken; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Chapters 60 and 90 of the Development Code (Ordinance No. 2050 as amended through Ordinance No. 4265) are hereby amended and set forth in Exhibit A and incorporated herein by reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended herein shall remain in full force and effect.

Section 3. Severability. It shall be considered that it is the legislative intent, in the adoption of this Ordinance, that if any part of the ordinance should be determined by

any tribunal of competent jurisdiction, i.e., the Land Use Board of Appeals or the Land Conservation and Development Commission to be unconstitutional, contrary to other provision of law, or not acknowledged as in compliance with applicable statewide planning goals, the remaining parts of the ordinance shall remain in force and acknowledged unless: (1) the tribunal determines that the remaining parts are so essential and inseparably connected with and dependent upon the unconstitutional or unacknowledged part that it is apparent the remaining parts would not have been enacted without the unconstitutional or unacknowledged part; or (2) the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with legislative intent.

First reading this ___ day of _____, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

60.12. HABITAT FRIENDLY DEVELOPMENT PRACTICES

60.12.05. Purpose. Allow and encourage Habitat Friendly Development Practices (HFDPs) that integrate preservation, enhancement and creation of Habitat Benefit Areas (HBAs) and use of Low Impact Development (LID) techniques in order to support natural systems that provide wildlife with food, shelter, and clean water.

All of the provisions of Section 60.12 are voluntary and are not required of new development or redevelopment. The provisions are applicable only when a property owner elects to utilize the provisions contained in this section.

The provisions of this section are intended to:

1. Promote preservation, enhancement and restoration of Habitat Benefit Areas (HBAs).
2. Reduce impacts from development on fish and wildlife habitat relative to traditional development practices.
3. Design a site in such a way that Habitat Friendly Development Practices (HFDPs) are integrated in the overall plan.
4. Use Best Management Practices (BMPs) to guide decisions regarding site design, development and construction.
5. Reduce Effective Impervious Area (EIA) in the City to the extent practicable and achieve zero (0) percent EIA on as many individual sites as practicable.
6. Avoid damaging existing wildlife habitat through preservation of HBA, minimize impacts to existing wildlife habitat by limiting the amount of habitat disturbance to only those areas required for development of a site, and mitigate impacts to existing wildlife habitat when avoidance and minimization options are limited. Use LID techniques to mitigate impacts in order to improve remaining on-site habitat and/or down-stream habitat.
7. Encourage HFDPs by adopting options that allow for flexibility in site design for new development and redevelopment.
8. Implement provisions of the Beaverton Comprehensive Plan that encourage preservation of HBA and use of LID techniques.

SPECIAL REQUIREMENTS
Habitat Friendly Development

60.12.10. Process. Implementation of a HFDP shall not result in a requirement for a separate Development Code, Chapter 40, application. The level of review for a Chapter 40 application shall not be elevated or lessened based on proposed implementation of a HFDP.

60.12.15. Engineered Techniques. In some instances, proposed implementation of a HFDP will require an Engineering Design Manual Design Modification approved by the City Engineer. The Design Modification process is outlined in Section 145 of the *Engineering Design Manual and Standard Drawings* (EDM). An applicant may choose to receive approval from the City Engineer prior to, or concurrent with, review of a land use application.

In order for the decision making body to approve a requested credit for proposed implementation of a technique that requires a review of the technique's technical feasibility, engineered drawings and calculations need to be completed and submitted with the land use application for development review.

60.12.20. Guidance. *The City of Beaverton Habitat Friendly Development Practices Guidance Manual* provides an expanded description of principles and techniques that may be integrated into site design to meet the goals and objectives within Section 60.12.05.

60.12.25. Credits. As used in this Code section, the term credits refers to development credits an applicant may earn through HBA preservation or use of LID techniques which are described in Sections 60.12.35. through 60.12.40., below. The mix of credits requested is left to the applicant's discretion for a single project site, as credits are not transferable between separate project sites.

60.12.30. Standards. The following standards shall be satisfied by new development and redevelopment, throughout the City when a request for use of a credit(s) allowed through Section 60.12.35 or Section 60.12.40 is proposed.

1. The proposal satisfies all applicable standards for the preservation, technique, or credit requested.

60.12.30.

2. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to a credit for implementation of a proposed HFDP.
3. The proposal is consistent with all applicable provisions of Section 60.12 (Habitat Friendly Development Practices) and all improvements, dedications, or both required by the applicable provisions of Section 60.12 (Habitat Friendly Development Practices) are satisfied or can be provided in proportion to the identified impact(s) of the proposal.
4. Implementation of the proposed Habitat Friendly Development Practice(s) is technically feasible in accordance with Section 60.12.15. Engineered Techniques.
5. The size of the improvement proposed to implement the Habitat Friendly Development Practice(s) is greater than or equal to the amount required to receive the requested credit(s).
6. The proposed credit is a credit that is allowed for the proposed Habitat Friendly Development Practice(s).
7. Use of credits is limited to the amount of preservation or technique proposed. One (1) unit of preservation or technique results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) unit of preservation or technique.
8. Where a credit(s) toward the landscape standard, parking lot landscape island standard, or open space standard is requested, the proposed project requesting credits toward the landscape standard, parking lot landscape island standard, or open space standard does not cumulatively receive credits greater than 50 percent of the landscape or open space standard for the project site, with the exception of credit for installation of a Rain Garden. .
9. Where a credit(s) toward the landscape standard, parking lot landscape island standard, or open space standard is requested for installation of a Rain Garden, the proposed project requesting credits toward the landscape standard, parking lot landscape island standard, or open space standard does not cumulatively receive credits greater than 75 percent of the landscape or open space standard for the project site.

60.12.30.

10. Where a credit(s) to increase the building height above the maximum for the underlying zoning district is requested, the proposed project does not cumulatively receive credits greater than 12 feet additional building height, with the exception of Section 60.12.40.4.B.1 Building Height Increase, Multiple-Use Zoning Districts (Eco-roof).
11. Where a credit(s) to increase the building height above the maximum is requested for a project within a Multiple-Use zoning district, the proposed project does not cumulatively receive credits greater than 12 feet, 24 feet, or 36 feet additional building height, respective of Sections 60.12.40.4.B.1.a, 60.12.40.4.B.1.b, and 60.12.40.4.B.1.c.

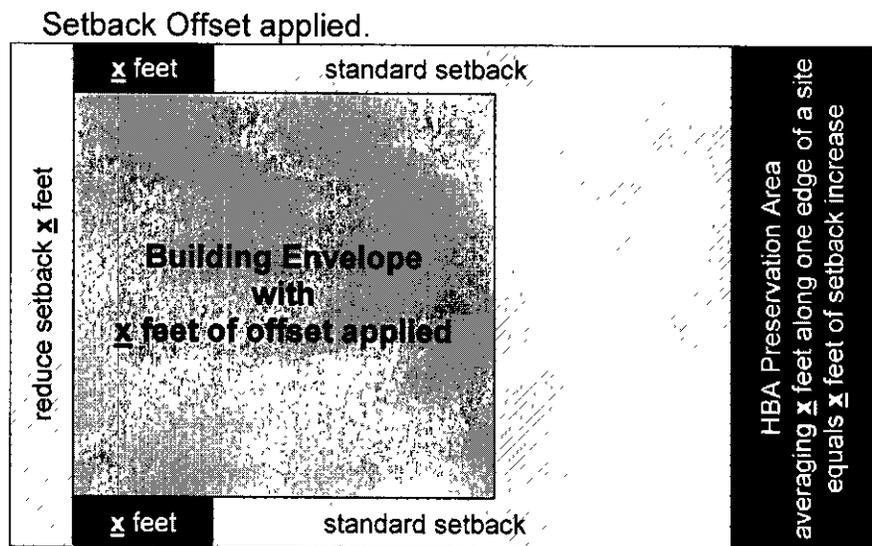
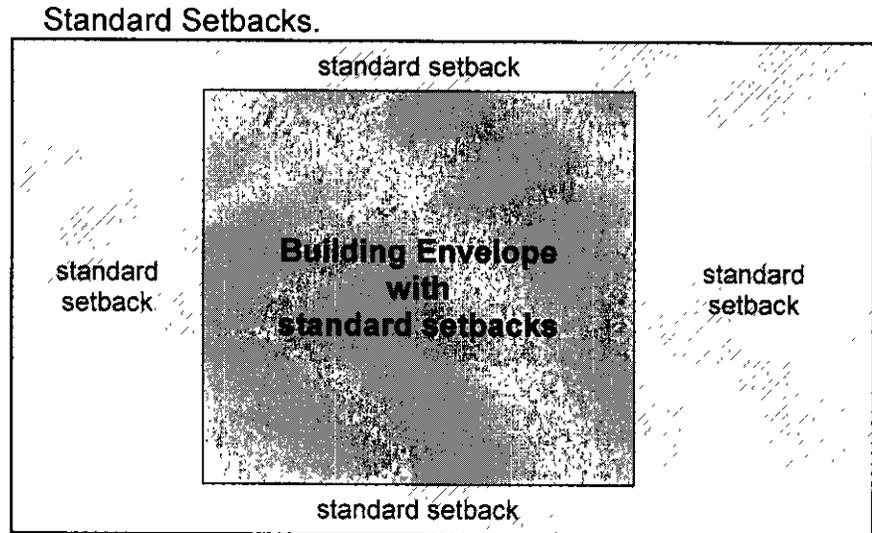
60.12.35. Habitat Benefit Area (HBA) Preservation. Locations of HBAs are depicted on the *Comprehensive Plan Volume III Habitat Benefit Area Map*. Habitat resource classification and delineation methodologies are included in the *Comprehensive Plan for the City for Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*.

1. Preservation, Enhancement, Mitigation, Creation.

- A. Purpose. HBA Preservation includes preservation, enhancement, mitigation, or creation of HBA based upon habitat delineation.
- B. Credits. Use of the following credits is limited to the amount of HBA preservation proposed. One (1) square foot of HBA preserved results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of HBA preservation.
 1. Building Envelope Offset in Commercial and Industrial Zoning Districts. An applicant can request a yard setback decrease of one (1) foot for every one (1) lineal foot that a proposed HBA preservation encroaches into a project site from the opposite side; in exchange the opposite yard setback shall be increased one (1) lineal foot.

60.12.35.1.B.1.

Building Envelope Offset Example.



Standards. Building Envelope Offset credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Building Footprint Offset does not reduce a yard setback to less than five (5) feet.

60.12.35.1.B.1.

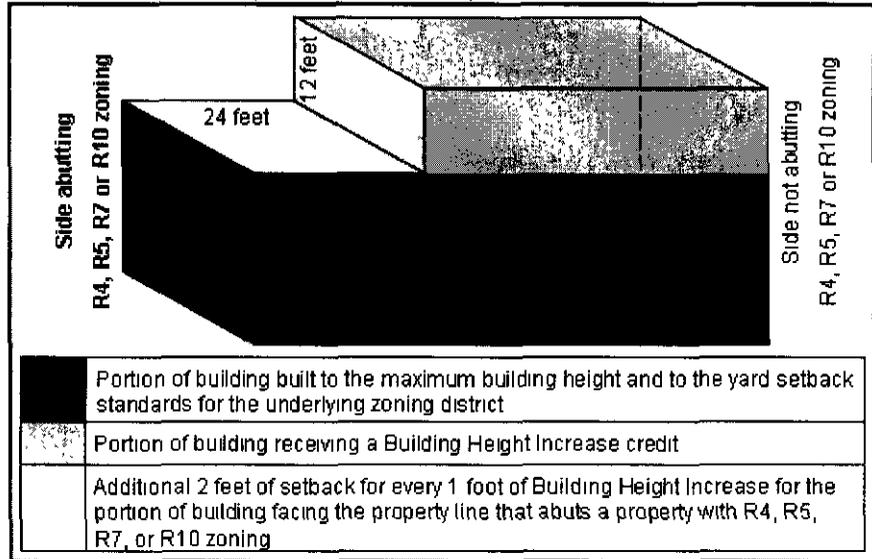
- b. The requested setback reduction is not requested for any property within the R4, R5, R7, R10 or RA zoning districts.
 - c. A requested setback reduction does not abut any property within the R4, R5, R7, R10 or RA zoning districts.
 - d. The proposed reduction will meet applicable fire or life safety requirements.
 - e. The proposed reduction will meet applicable building code requirements.
2. **Building Height Increase.** A proposal that includes HBA preservation can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than the square footage of HBA preservation, not to exceed the square footage of the building footprint. This credit is applicable in all zones except R4, R5, R7, and R10.

Standards. Building Height Increase credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. **Credit Limit.** The proposed Building Height Increase does not exceed 12 additional feet for an area equal to the building footprint.
- b. When abutting an R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

60.12.35.1.B.2.b.

Building Height Increase Example with additional setback. (elevation view)



- c. The building receiving the height increase shall be located within the project site where the HBA is preserved.
 - d. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
3. Floor Area Reduction in Multiple-Use Zoning Districts. For every one (1) square foot proposed HBA preservation on a project site, an applicant can request a credit of one (1) square foot toward satisfying the minimum floor area requirement for a project site.

Standards. Floor Area Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Floor Area Reduction does not exceed 25 percent of the required floor area for the project site.

60.12.35.1.B.

4. Landscape Island Standard Reduction. For every one (1) square foot proposed HBA preservation, within ten (10) feet of a proposed parking lot area, an applicant can request a credit of one (1) square foot toward the landscape island standard of Section 60.05.20.5.

Standards. Landscape Island Standard Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 50 percent of the landscape island standard for the project based upon the minimum number of parking spaces required for the subject site divided by the applicable standard of Section 60.05.20.5.A.
5. Landscape Standard Reduction. For every one (1) square foot of HBA preservation proposed, an applicant can request a credit of one (1) square foot toward the landscape standard.

Standards. Landscape Standard Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.
6. Lot Dimension Reduction. An applicant can request a credit toward reduction of either the standard minimum lot dimension for width or the standard minimum lot dimension for depth, while continuing to meet the minimum lot size and minimum density requirements of the underlying zoning district.

60.12.35.1.B.6.

Standards. Lot Dimension Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Lot Dimension Reduction does not exceed 20 percent of the required width or 20 percent of the required depth of the underlying zoning district's lot dimension requirement.
 - b. HBA preservation is equal to or greater than the minimum lot area square footage for one (1) lot within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging (60.12.35.1.B.7.) and Lot Dimension Reduction for one project site, the applicant may propose one technique or the other for each lot, but may not apply both techniques to any one (1) lot.
 - c. HBA preservation is equal to or greater than the minimum lot area square footage for two (2) lots within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging (60.12.35.1.B.7.) and Lot Dimension Reduction for one project site, the applicant may propose application of both techniques to all proposed lots.
7. Lot Size Averaging. An applicant can request a credit toward averaging the size of proposed lots rather than meeting the minimum lot size requirement for every proposed lot, while continuing to meet minimum density requirements of the underlying zoning district.

Standards. Lot Size Averaging credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

60.12.35.1.B.7.

- a. **Credit Limit.** The proposed Lot Size Averaging does not reduce the square footage of any one lot below 80 percent of the minimum and does not increase the square footage of any one lot above 120 percent of the maximum square footage of the underlying zoning district's lot area standard.
 - b. HBA preservation is equal to or greater than the minimum lot area square footage for one (1) lot within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging and Lot Dimension Reduction (60.12.35.1.B.6.) for one project site, the applicant may propose one technique or the other for each lot, but may not apply both techniques to any one (1) lot.
 - c. HBA preservation is equal to or greater than the minimum lot area square footage for two (2) lots within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging and Lot Dimension Reduction (60.12.35.1.B.6.) for one project site, the applicant may propose application of both techniques to all proposed lots.
8. **Open Space Standard Reduction.** For every one (1) square foot HBA preservation proposed, an applicant can request a credit of one (1) square foot toward the open space standard.

Standards. Open Space Standard Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. **Credit Limit.** The proposed Open Space Standard Reduction does not exceed 50 percent of the open space standard of Section 60.05.25.1, Section 60.05.25.2, Section 60.05.25.4 and Section 60.35.15 for the project site.

60.12.35.1.

- C. Standards. Proposals that request credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Sections 60.12.35.B.1 through 60.12.35.B.8.
1. The area of HBA Preservation, Enhancement, Mitigation or Creation shall be placed within a conservation easement or a separate tract as described in Section 60.12.50. As a condition of approval, a covenant with the City shall be established as described in Section 60.12.50.
 2. If the area of HBA Preservation, Enhancement, Mitigation or Creation overlaps with an area in which development is currently restricted by regulations of the City or another government agency, the area of overlap shall not be eligible to receive credits under this section.
 3. When in conjunction with a Tree Plan application, if the area of HBA Preservation, Enhancement, Mitigation or Creation overlaps with a Preservation Area containing Protected Trees or Community Trees, as described in Section 60.60.15.2 of this Code, the area of overlap that exceeds the minimum tree preservation requirements of a Tree Plan 2 application shall be eligible to receive credits under this section.
 4. Proposals for HBA Mitigation shall:
 - a. replace existing HBA that is proposed for removal on the same project site.
 - b. be contiguous with an existing HBA or designated Clean Water Services Vegetated Corridor for a minimum of 50 feet.
 - c. be equal to or greater than existing HBA proposed for removal.
 5. Proposals for HBA Creation shall:
 - a. be developed with natural landscaping that supports native wildlife.

60.12.35.1.C.5.

- b. be contiguous with an existing HBA or CWS vegetated corridor for a minimum of 50 feet.
- c. be a minimum of 2,500 square feet.

60.12.35. HABITAT BENEFIT AREA (HBA) PRESERVATION - CREDIT TABLE			
A Purpose	HBA Preservation, Enhancement, Mitigation or Creation	Propose One (1) square foot (Bldg Envelope Offset - one (1) lineal foot)	
		Toward	Amount
B Credits			
1. Building Envelope Offset	setback	1 lineal ft	offsetting
2. Building Height Increase	bldg ht	1 sf	12 ft
3. Floor Area Reduction (MU)	min. floor area	1 sf	25% required floor area
4. Landscape Island Standard Reduction	landscape island	1 sf	50% landscape island std
5. Landscape Standard Reduction	landscape	1 sf	50% landscape std
6. Lot Dimension Reduction	lot dimension	20% width/depth	HBA sf = min 1 du
7. Lot Size Averaging	lot area per du	80% to 120%	HBA sf = min 1 du
8. Open Space Standard Reduction	open space	1 sf	50% open space std

bldg = building, du = dwelling unit, ft = foot/feet, ht = height, sf = square feet, std = standard, min = minimum, max = maximum

60.12.40. Low Impact Development (LID) Techniques. Use of LID techniques is allowed throughout the City unless otherwise stated.

1. Additional Street Tree Canopy.

- A. Purpose. Increase street tree canopy by increasing the number of street trees for a project equal to an amount greater than the standard of one (1) tree per 30 lineal feet, but not to exceed one (1) tree per 20 lineal feet.
- B. Credits. Landscape Standard Reduction. For every one (1) square foot of additional street tree canopy proposed an applicant can request a credit of one (1) square foot toward the landscape standard.
- C. Standards. Landscape Standard Reduction credits for Additional Street Tree Canopy shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.1.C.

2. The additional Street Tree canopy is calculated based on the square footage of additional street tree canopy at 10 years maturity.
3. The additional street tree canopy is calculated only for those trees in excess of the standard of one (1) tree per 30 lineal feet.
4. The additional street tree is an accepted street tree as specified in the City of Beaverton's *Approved Tree List* and *Street of Trees Tour Guide*.

2. Site Soil Amendment.

- A. Purpose. Site Soil Amendment within proposed landscape areas for projects located in multiple-use, multiple-family residential, commercial, and industrial zoning districts.
- B. Credits. Use of the following credits is limited to the amount Site Soil Amendment proposed. One (1) square foot of Site Soil Amendment results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Site Soil Amendment.
 1. Landscape Standard Reduction. For every one (1) square foot of Site Soil Amendment proposed an applicant can request a credit of one and one-half (1.5) square feet toward the landscape standard.

Standards. Landscape Standard Reduction credits for Site Soil Amendment shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.2.B.

2. **Landscape Island Standard Reduction.** For every one (1) square foot of Site Soil Amendment proposed an applicant can request a credit of one and one-half (1.5) square feet toward the landscape island standard limited to 50 percent of the landscape island standard for the project site.

Standards. A request for Landscape Island Standard Reduction credits for Site Soil Amendment shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.

- a. **Credit Limit.** The proposed Landscape Island Standard Reduction does not exceed 50 percent of the landscape island standard for the project based upon the minimum number of parking spaces required for the subject site divided by applicable standard of Section 60.05.20.5.A.

3. Disconnect Downspouts.

- A. **Purpose.** Disconnect a downspout directing the roof stormwater to a rain garden for projects located in multiple-use, multiple-family residential, commercial, and industrial zoning districts.
- B. **Credits. Landscape Standard Reduction.** Projects that disconnect downspouts from directly entering the piped municipal storm water system can count each square foot of roof area drained toward one-quarter (0.25) square feet of the landscape standard for the subject site. This credit is in addition to credits received for the rain garden, Section 60.12.40.B.5, that the roof stormwater is directed to flow into.
- C. **Standards. Landscape Standard Reduction credits for Disconnecting a Downspout(s)** shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 1. **Credit Limit.** The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.3.

- D. Disconnection of downspouts will also be reviewed with a Building Permit.

4. Eco-roof.

- A. Purpose. Install an Eco-roof equal to at least 10 percent of the building footprint for projects located in multiple-use, multiple-family residential, commercial, and industrial zoning districts.

- B. Credits. Use of the following credits is limited to the amount Eco-roof proposed. One (1) square foot of Eco-roof results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Eco-roof.

- 1. Building Height Increase, Multiple-Use Zoning Districts.

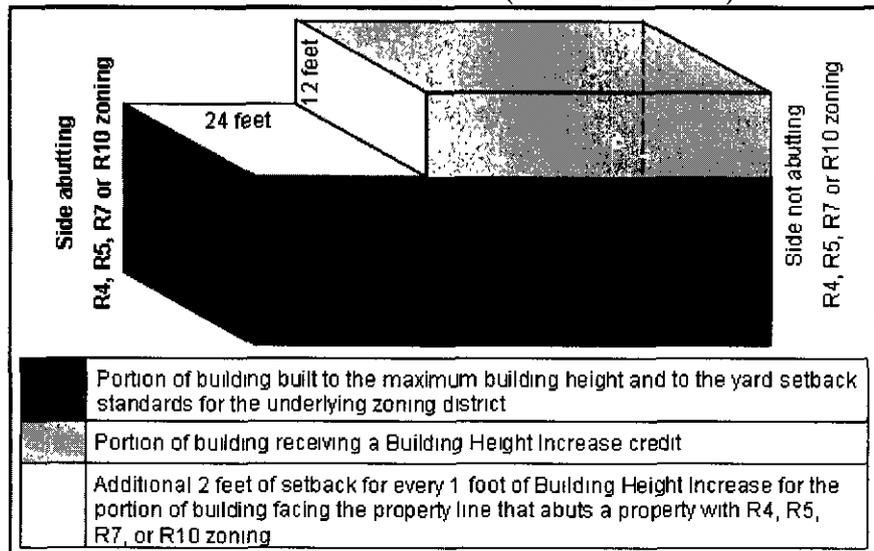
- a. For a proposal that includes an Eco-roof that is at least 10 percent but less than 30 percent of the building's footprint, an applicant can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than the square footage of Eco-roof.
- b. For a proposal that includes an Eco-roof that is at least 30 percent but less than 60 percent of the building's footprint, an applicant can request an increase in building height up to 24 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than two (2) times the square footage of Eco-roof.
- c. For a proposal that includes an Eco-roof that is at least 60 percent of the building's footprint, an applicant can request an increase in building height up to 36 feet within the building footprint.

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60.12.40.4.B.1.

- d. Standards. Building Height Increase credits for installation of an Eco-roof in a Multiple-Use zoning District shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.4.C.
- (1). Credit Limit. The proposed Building Height Increase does not exceed the relative 12, 24, or 36 foot standard outlined in a, b, or c, above.
 - (2). The square footage of the building footprint receiving the building height increase shall be equal to or less than three (3) times the square footage of Eco-roof.
 - (3). When abutting an R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)

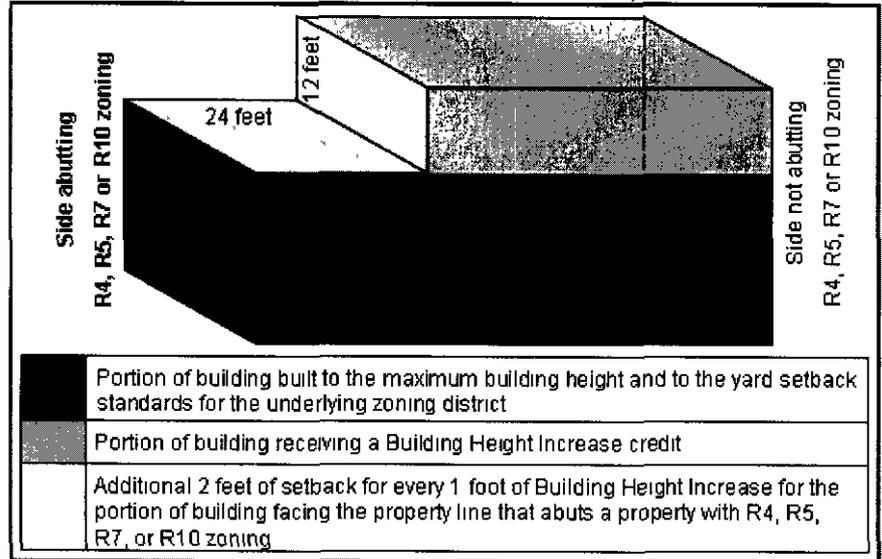


60.12.40.4.B.1.d.

- (4). The building receiving the height increase shall be the building with the Eco-roof.
 - (5). The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
2. Building Height Increase, Multiple-Family, Commercial and Industrial Zoning Districts.
- a. For every one (1) square foot of Eco-roof proposed an applicant can request a credit of one (1) square foot toward an increase in building height up to 12 feet within the building footprint.
 - b. Standards. Building Height Increase credits for installation of an Eco-roof in a Multiple-Family, Commercial or Industrial Zoning Districts shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.4.C.
 - (1). Credit Limit. The proposed Building Height Increase does not exceed 12 additional feet for an area equal to the building footprint.
 - (2). The square footage of the building footprint receiving the building height increase shall be equal to or less than the square footage of Eco-roof.
 - (3). When abutting an R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

60.12.40.4.B.2.b.

Building Height Increase Example with
additional setback. (elevation view)



- (3). The building receiving the height increase shall be the building with the Eco-roof.
 - (4). The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
3. Landscape Standard Reduction. For a proposal that includes an Eco-roof, every one (1) square foot of Eco-roof earns one (1) square foot toward the landscape standard for the subject site.

Standards. Landscape Standard Reduction credits for installation of an Eco-roof shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.4.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.5.

5. Rain Garden.

- A. **Purpose.** Integration of a facility that provides a bio-detention function, bio-retention function, or other vegetated on-site stormwater disposal function within a project site that is located in a multiple-use, multiple-family residential, commercial, or industrial zoning district.

- B. **Credits.** Use of the following credits is limited to the amount of stormwater that can be retained or detained by the Rain Garden proposed. One (1) cubic foot of stormwater retention or detention results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) cubic foot of stormwater retained or detained by the Rain Garden.
 - 1. **Building Height Increase.** A proposal for integration of a Rain Garden can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less three (3) square feet for every one (1) cubic foot of water retained or detained by the Rain Garden, not to exceed the square footage of the building footprint.

Standards. Building Height Increase credits for installation of a Rain Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.5.C.

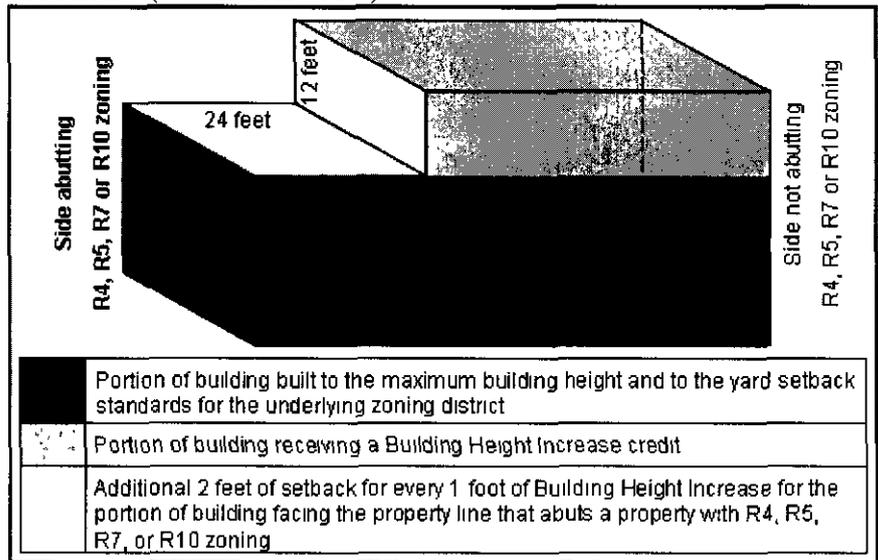
- a. **Credit Limit.** The proposed Building Height Increase does not exceed 12 feet of height above the standard for the underlying zoning district.

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60.12.40.5.B.1.

- b. When abutting an R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



- c. The building receiving the height increase shall be located within the project site where the Rain Garden is proposed.
 - d. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
2. Landscape Island Standard Reduction. For every one (1) cubic foot of water retained or detained in the design of a proposed Rain Garden that is located within the design of the parking lot(s) for a project site, an applicant can request a credit of one and one-half (1.5) square feet toward the landscape island standard.

60.12.40.5.B.2.

Standards. Landscape Island Standard Reduction credits for installation of a Rain Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.5.C.

- a. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 75 percent of the landscape island standard for the project site.
3. Landscape Standard Reduction. For every one (1) cubic foot of water retained or detained in the design of a proposed Rain Garden, an applicant can request a credit of three (3) square feet toward the landscape standard.

Standards. Landscape Standard Reduction credits for installation of a Rain Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.5.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 75 percent of the landscape standard for the project site.
- C. Standards. Proposals that request credits for integration of a Rain Garden(s) shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Sections 60.12.40.5.B.1. through 60.12.40.5.B.3.
1. The rain garden shall be designed to capture thirty-six hundredths (0.36) of an inch of rainfall in a four (4) hour period, minimum. The maximum bonus given shall be for a design that captures three (3) inches of rainfall in a 24 hour period (approximately a five-year storm) equivalent volume, even if part of a larger storm detention facility intended to meet the City's 25-year storm event requirement.
 2. The rain garden shall be located on the site or abut the site in a right-of-way so that it is visible to the public from sidewalks that provide access to the project.

60.12.40.5.C.

3. Any retaining walls proposed around the Rain Garden shall be less than or equal to 30 inches in height.
4. Landscape planting plans for the rain garden shall be prepared with consideration to sun and shade conditions.
5. There shall be no vertical obstruction with northern exposure of greater than four (4) feet directly adjacent to the rain garden. The minimum distance from such a north facing vertical obstruction to the rain garden shall be half the height of the vertical obstruction.
6. The design and location of the rain garden shall be approved as part of the overall project during development review.
8. If not within a public right-of-way, the property owner shall set aside the rain garden in a conservation easement or a separate tract. The conservation easement or tract shall comply with the requirements of Section 60.12.55.2.

6. Rooftop Garden.

- A. Purpose. Integration of a Rooftop Garden in the design of a building(s) located in a multiple-use, multiple-family residential, commercial, or industrial zoning districts.
- B. Credits. Use of the following credits is limited to the amount Rooftop Garden proposed. One (1) square foot of Rooftop Garden results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Rooftop Garden.
 1. Building Height Increase. A proposal that integrates a Rooftop Garden can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than one-half (0.5) square foot for every one (1) square foot of Rooftop Garden proposed, not to exceed the square footage of the building footprint.

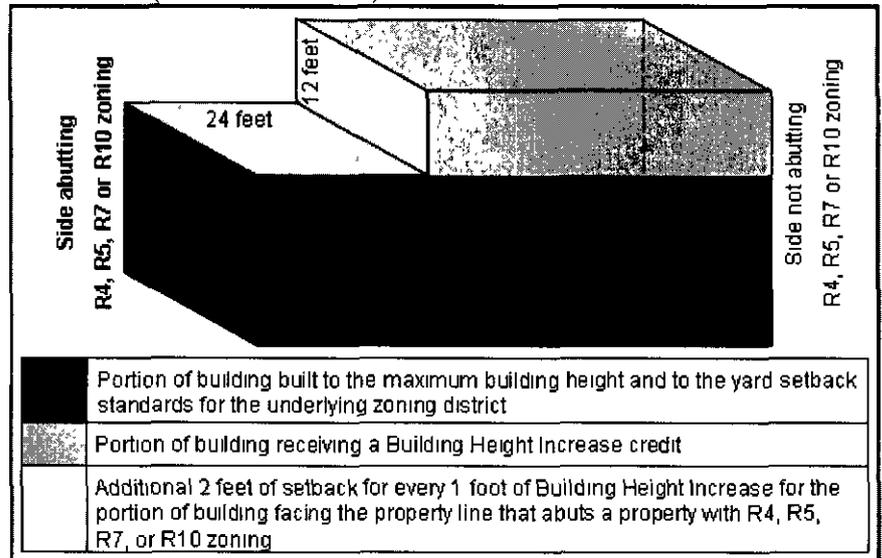
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60.12.40.6.B.1.

Standards. Building Height Increase credits for integration of a Rooftop Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.6.C.

- a. Credit Limit. The proposed Building Height Increase does not exceed 12 feet of height above the standard for the underlying zoning district
- b. When abutting an R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



- c. The building receiving the height increase shall be the building with the Rooftop Garden.
- d. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.

60.12.40.6.B.

2. **Landscape Standard Reduction.** For every one (1) square foot of Rooftop Garden constructed an applicant can request a credit toward one and one-half (1.5) square feet of the landscape standard for the project site.

Standards. Landscape Standard Reduction credits for integration of a Rooftop Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.6.C.

- a. **Credit Limit.** The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape island standard for the project site.
- C. **Standard.** A Rooftop Garden shall be equivalent to at least 25 percent of the building footprint and at least 30 percent of the garden area shall contain live plants. In addition, a proposal for a Rooftop Garden shall satisfy the applicable standards of Section 60.12.30.

7. Integrated Parking.

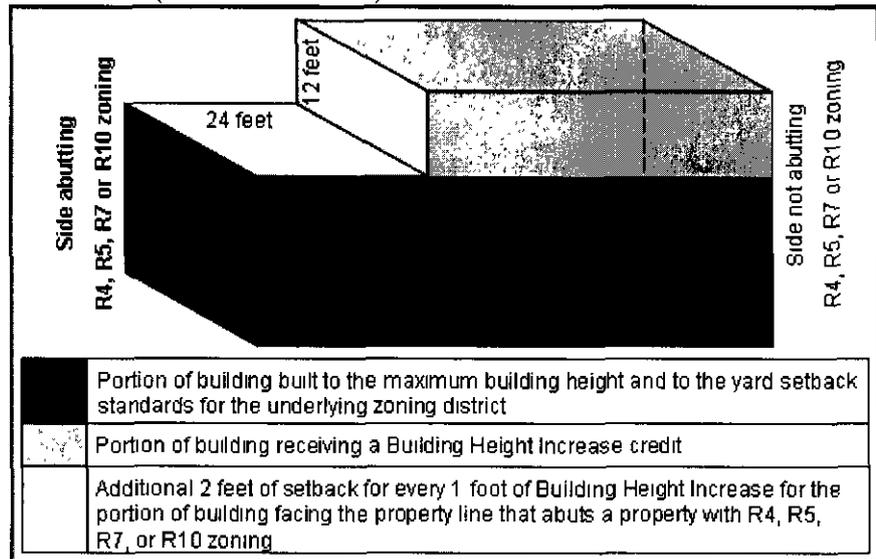
- A. **Purpose.** Integration of below-grade, tuck-under, or structured parking within the footprint of a building(s) located in a multiple-use, multiple-family residential, commercial, or industrial zoning district or structured parking located in a multiple-use zoning district.
- B. **Credit. Building Height Increase.** A proposal that includes Integrated Parking can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than two (2) square feet for every 100 square feet of integrated parking proposed, not to exceed the square footage of the building footprint.
- C. **Standards. Building Height Increase credits for Integrated Parking** shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.

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60.12.40.7.C.

1. Credit Limit. The proposed Building Height Increase does not exceed 12 feet of height above the standard for the underlying zoning district.
2. For every structured parking space provided there shall be a reduction of at least one surface parking space that otherwise could have been provided within the maximum parking ratio requirements of Section 60.30.
3. When abutting an R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



4. The building receiving the height increase shall be the building with the Integrated Parking.
5. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.

60.12.40.

8. Trees, Existing Canopy Preservation.

- A. **Purpose.** Preservation of existing tree canopy within ten (10) linear feet of a proposed surface parking lot and vehicle maneuvering area.
- B. **Credit. Landscape Island Standard Reduction.** For every one (1) square foot of existing Tree Canopy preserved, an applicant can request a credit of one (1) square foot toward the landscape island standard of Section 60.05.20.5.

EXAMPLE: If an applicant proposes development of a site and the size of the proposed parking lot results in standard construction of five (5) landscape islands equal to an area of 350 square feet and planting of five (5) trees, the applicant can alternately propose preservation of three mature trees within a 200 square foot area and supply two (2) or three (3) landscape islands totaling 175 square feet landscape area with two (2) trees.

- C. **Standards. Landscape Island Standard Reduction credits for Existing Canopy Preservation of Trees** shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. **Credit Limit.** The proposed Landscape Island Standard Reduction does not exceed 50 percent of the landscape island standard for the project site.
 - 2. The proposal satisfies the approval criteria of the applicable Tree Plan application, if any.
 - 3. The tree(s) that holds the canopy proposed for preservation is proposed for protection as outlined in Section 60.60.20. of this Code for Protected Trees.

9. Trees, Mitigation.

- A. **Purpose.** Mitigation for removal of non-exempt surveyed tree(s) considered Community Trees, Historic Trees or Street Trees.

60.12.40.9.

- B. Credits. Landscape Standard Reduction. For every one (1) square foot of tree canopy mitigated, an applicant can request a credit toward one-half (0.5) square foot of the landscape standard for the project site.

- C. Standards. Landscape Standard Reductions for Mitigation of Trees shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

 - 1. The proposal satisfies the approval criteria of the applicable Tree Plan application, if any.

 - 2. Mitigation of Community Trees, Historic Trees or Street Trees under the provisions of this section satisfies the mitigation standards of Section 60.60.25.1 for Significant Individual Trees or trees within Significant Groves or SNRAs.

10. Trees, Preservation.

- A. Purpose. Preservation of at least 25 percent of the total tree canopy square footage of non-exempt surveyed tree(s) considered Community Trees, Historic Trees or Street Trees.

- B. Credit. Landscape Standard Reduction. For every one (1) square foot of tree canopy preserved, an applicant can request a credit toward one (1) square foot of the landscape standard for the project site, limited to 50 percent of the landscape standard for the project site.

- C. Standards. Landscape Standard Reduction credits for Preservation of Trees shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.10.C.

2. The proposal satisfies the approval criteria of the applicable Tree Plan application, if any.
3. The Community, Historic or Street tree(s) proposed for preservation under the provisions of this section is proposed for protection during development as outlined by Section 60.60.20. of this Code for Protected Trees.

11. Trees, Box Filter.

- A. Purpose. Integration of a Tree Box Filter(s) and its associated improvements in the design of a project site.
- B. Credits. Landscape Standard Reduction. For every one (1) square foot of proposed site improvements associated with installation of a Tree Box Filter an applicant can request a credit of two (2) square feet toward the landscape standard.
- C. Standards. Landscape Standard Reduction credits for integration of a Tree Box Filter(s) shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40. LOW IMPACT DEVELOPMENT (LID) TECHNIQUES - CREDIT TABLE			
1. Additional Street Tree Canopy			
A Purpose	Add tree canopy by adding street trees above standard	Propose 1sf additional street tree canopy	
B Credits		Toward	Amount
	Landscape Standard Reduction	landscape	1 sf
			Limit
			50% landscape std
2. Site Soil Amendment			
A Purpose	Amend soils for additional water absorption	Propose 1sf amended site soils	
B Credits		Toward	Amount
	1. Landscape Standard Reduction	landscape	1 sf
	2. Landscape Island Standard Reduction	landscape island	1 sf
			Limit
			50% landscape island std
3. Disconnect Downspouts			
A Purpose	Direct roof stormwater runoff to a Rain Garden	Propose 1sf of roof area drained	
B Credits		Toward	Amount
	1. Landscape Standard Reduction	landscape	0.25 sf
			Limit
			50% landscape std

bldg = building, du = dwelling unit, ft = foot/feet, ht = height, sf = square feet, std = standard, min = minimum, max = maximum

SPECIAL REQUIREMENTS
Habitat Friendly Development

60.12.40.

60.12.40. LOW IMPACT DEVELOPMENT (LID) TECHNIQUES - CREDIT TABLE			
4. Eco-roof			
A Purpose	Eco-roof to absorb roof stormwater	Propose 1sf of eco-roof	
B Credits		Toward	Amount Limit
1. Building Height Increase, Multiple-Use zoning districts			
a.	10% to < 30% of building footprint	bldg footprint	1 sf 12 ft above bldg ht
b.	30% to < 60% of building footprint	bldg footprint	2 sf 24 ft above bldg ht
c.	60% or more of building footprint	bldg footprint	3 sf 36 ft above bldg ht
2. Building Height Increase, Multiple-Family, Commercial, and Industrial zoning districts			
		bldg footprint	1 sf 12 ft above bldg ht
3. Landscape Standard Reduction			
		landscape	1 sf 50% landscape std
5. Rain Garden			
A Purpose	Bio-detention, bio-retention, or other vegetated facility	Propose 1cu ft of water detained/retained	
B. Credits		Toward	Amount Limit
1. Building Height Increase			
		bldg footprint	3 sf 12 ft above bldg ht
2. Landscape Island Standard Reduction			
		landscape island	1.5 sf 75% landscape island std
3. Landscape Standard Reduction			
		landscape	3 sf 75% landscape std
6. Rooftop Garden			
A. Purpose	Rooftop improvements to absorb roof stormwater	Propose 1sf of rooftop garden	
B. Credits		Toward	Amount Limit
1. Building Height Increase			
		bldg footprint	0.5 sf 12 ft above bldg ht
2. Landscape Standard Reduction			
		landscape	1.5 sf 50% landscape std
7. Integrated parking			
A. Purpose	Below-grade, tuck-under, or structured parking	Propose 100 sf of integrated parking	
B Credits		Toward	Amount Limit
1. Building Height Increase			
		bldg footprint	2 sf 12 ft above bldg ht
8. Trees, Existing Canopy Preservation			
A. Purpose	Preserve tree canopy within 10 ft of parking & maneuvering	Propose 1sf tree canopy preserved	
B Credits		Toward	Amount Limit
1. Landscape Island Standard Reduction			
		landscape island	1 sf 50% landscape island std
9. Trees, Mitigation			
A Purpose	Mitigate Community, Historic, or Street Tree removal	Propose 1sf tree canopy mitigated	
B. Credits		Toward	Amount Limit
1. Landscape Standard Reduction			
		landscape	0.5 sf 50% landscape std
10. Trees, Preservation			
A Purpose	Preserve Community, Historic, or Street Tree canopy	Propose 1sf tree canopy preserved	
B Credits		Toward	Amount Limit
1. Landscape Standard Reduction			
		landscape	1 sf 50% landscape std
11. Trees, Box Filter			
A. Purpose	Install Tree Box Filter	Propose 1sf tree box filter & improvements	
B Credits		Toward	Amount Limit
1. Landscape Standard Reduction			
		landscape	2 sf 50% landscape std
bldg = building, du = dwelling unit, ft = foot/feet, ht = height, sf = square feet, std = standard, min = minimum, max = maximum			

60.12.45. Maintenance.

1. **Covenant with the City.** An applicant that requests enhancement, mitigation or creation of HBA or integration of LID techniques in association with the provisions of Section 60.12 shall execute a covenant with the City that ensures the preservation, installation, maintenance, and replacement, if necessary, of the HBA or LID improvements and that meets the requirements of Section 60.12.45.1.A., below. Covenants shall be liberally construed for maximum protection of health, safety, and welfare of life and property.
 - A. **Content of the covenant.** A covenant required by this Code or as a condition of land use approval shall provide that:
 1. The City's need to address a clear and present danger to life or property shall supersede limitations of a covenant;
 2. The owner will comply with all applicable Code requirements and conditions of approval;
 3. If the owner fails to perform under the covenant, the City may at any time seek any available legal or equitable remedy. However, there is a preference for negotiated resolution without the necessity of litigation;
 4. If, within one year of a citation filed by the City for violation under this section, the owner fails to carry out necessary repairs to on-site facilities, or to otherwise restore facilities to their intended functions, the city may terminate occupancy of the site and seek an injunction prohibiting future occupancy of the site while a violation of the covenant exists;
 5. Where the development rights of one site are dependent on the performance of conditions by the owner of another site, the covenants are judicially enforceable by the owner of one site against the owner of another;
 6. The applicant and property owner shall submit to the City of Beaverton a right of inspection allowing City staff or City contracted personnel to inspect the facility for proper function: and

60.12.45.1.A.

7. The city may condition permit or development approval upon provision of a surface and subsurface utility easement notwithstanding the beneficial effect of a covenant under this section.

B. The covenant shall run with the land. The covenant shall be attached to the deed and be recorded in the appropriate records of Washington County. Proof of the recording shall be made prior to the issuance of any construction permits.

C. Modifying the covenant.

1. Modifications to a land use approval or a condition thereof shall be obtained through an amendment to the original land use decision subject to the provisions of Section 50.95 of this Code.

2. Modifications that do not affect a land use approval or a condition thereof may be amended by written agreement by the parties without undergoing a land use application.

3. The modified covenant shall run with the land. The modified covenant shall be attached to the deed and be recorded in the appropriate records of Washington County. Proof of the recording shall be made prior to the issuance of any building permits.

2. Preserved HBA

A. Commercial, Industrial or Multiple-use zoning districts. When preserving HBA in a commercial, industrial or multiple-use zoning district, the property owner shall place the preserved HBA in a conservation easement and shall execute a covenant for preservation and maintenance of the HBA. The conservation easement and covenant documents shall be attached to the deed and be recorded in the appropriate records of Washington County.

60.12.45.

B. Residential zoning districts.

1. Single-family Residential zones. When preserving HBA in a single-family residential development that requires a Land Division application, the property owner shall place the preserved HBA in a separate tract. This tract may be retained by the property owner with the execution of a covenant or the tract may be dedicated to a public entity willing to receive the HBA.
2. Multi-family Residential zones. When preserving HBA in a multi-family residential development that does not require a Land Division application, the property owner shall place the preserved HBA in a conservation easement and shall execute a covenant for preservation and maintenance of the HBA. The conservation easement and covenant documents shall be attached to the deed and be recorded in the appropriate records of Washington County.
3. **Conditions of Approval.** A land use approval shall include conditions of approval that define the specific obligations for the site regarding preservation, installation, maintenance, and replacement of improvements related to preserved HBA or LID technique implementation or both.

CHAPTER 90 DEFINITIONS

EXISTING DEFINITIONS, REVISED.

Acreage, Net. [ORD 4046; May 1999] The net acreage for a site is defined as the proposal size expressed in acreage minus any unbuildable area. The following areas are deemed undevelopable for the purposes of calculating net acreage:

1. Street dedications and those areas used for private streets and common driveways; and
2. Environmentally constrained lands, such as open water areas, floodplains, water quality facilities, wetlands, natural resource areas, tree preservation areas, and Habitat Benefit Areas set aside in a conservation easement, separate tract, or dedicated to a public entity; and
3. Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space purposes.

NEW DEFINITIONS.

Site Soil Amendment. A soil amendment is any material added to a soil that improves its physical properties, such as water retention, permeability, water infiltration, drainage, aeration and structure. To do its work, an amendment must be thoroughly mixed into the soil. Amending a soil is not the same thing as mulching, although many mulches also are used as amendments, a mulch is left on the soil surface. The mix of amendments added to site soils varies depending on the composition of the site soils; please refer to the *Guidance Manual* for further information.

Best Management Practices (BMPs). A storm water Best Management Practice (BMP) is a technique, measure or structural control that is used for a given set of conditions to manage the quantity and improve the quality of storm water runoff in the most cost-effective manner. BMPs can be either engineered and constructed systems ("structural BMPs") that improve the quality and/or control the quantity of runoff such as detention ponds and constructed wetlands, or institutional, education or pollution prevention practices designed to limit the generation of storm water runoff or reduce the amounts of pollutants contained in the runoff ("non-structural BMPs"). No single BMP can address all storm water problems. Each type has certain limitations based on drainage area served, available land space, cost, pollutant removal efficiency, as well as a variety of site-specific factors such as soil types, slopes, depth of groundwater table, etc. Careful consideration of these factors is necessary in order to select the appropriate BMP or group of BMPs for a particular location.

Best Management Practices (BMPs), non-structural. Strategies implemented to control stormwater runoff that focus on pollution prevention, such as alternative site design, education, and quality maintenance.

Best Management Practices (BMPs), structural. Engineered devices implemented to control, treat, or prevent stormwater runoff.

Bio-detention. Detention facility designed to store and slowly release stormwater following a precipitation event by means of an excavated pond, enclosed depression, or tank with the use of vegetation to provide additional pollutant removal and filtering functions.

Bio-retention. Retention facility designed to allow infiltration of stormwater runoff into the ground with the use of chemical, biological, and physical properties of plants, microbes, and soils to provide additional pollutant removal and filtering functions.

Building Envelope. The internal area of a lot that remains after the minimum yard setbacks are applied.

Building Footprint. The area of a lot that is covered by parking structures, buildings, or other roofed structures.

Conservation Easement. Nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open space values of real property, ensuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

Effective Impervious Area (EIA). A subset of Total Impervious Area (TIA) that is hydrologically connected via sheet flow or discrete conveyance to a drainage system or receiving body. EIA contributes significantly to changes in hydrologic function of a watershed. EIA is determined by assessing the level of connectivity of each sublevel land use type (e.g., residential curb and gutter versus residential ditch system) and then tallying by percentage in each sub-watershed. EIA is more difficult to assess than total impervious area or mapped impervious area but provides a more precise measure of actual watershed imperviousness.

Eco-roof. A vegetated roof constructed for water quality and quantity control. Eco-roofs are vegetated roof covers with growing media and plants taking the place of bare membrane, gravel ballast, shingles or tiles. The number of layers and the layer placement vary from system to system and roof type, but all Eco-roofs include a single to multi-ply waterproofing layer, drainage, growing media and the plants, covering the entire roof deck surface.

Habitat Benefit Area (HBA). An area of land determined to provide a benefit to wildlife. Identification of HBA is accomplished by referencing the *Comprehensive Plan Volume III Habitat Benefit Area Map* that is included in the *Comprehensive Plan of the City for Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*. Habitat resource classification and delineation methodologies are included in the *Comprehensive Plan of the City for Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*. HBAs are in addition to any areas required for natural resource protection by other jurisdictional regulations.

Habitat Friendly Development Practice (HFDP). A development technique or activity that reduces detrimental impacts on fish and wildlife habitat resulting from traditional development practices.

Impervious Surface. A surface that cannot be penetrated by water and thereby prevents infiltration and generates runoff.

Impervious Area. The amount of impervious surface within a defined area.

Imperviousness. The percentage of all roads, parking lots, rooftops, sidewalks, and other impervious surfaces in a defined area.

Infiltration. The process or rate at which water percolates from the land surface into the ground. Infiltration is also a general category of BMP designed to collect runoff and allow it to flow through the ground for pollutant removal. The Environmental Protection Agency or Oregon Department of Environmental Quality may require additional permitting for infiltration facilities.

Low Impact Development (LID). A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions. LID tools are designed to reduce environmental impacts of development, such as increased storm water runoff due to impervious areas, poor water quality and inconsistent water quantity in streams and rivers. LID techniques control storm water runoff volume and reduce pollutant loadings to receiving waters. Not all sites are suitable for LID. Considerations such as soil permeability, depth of water table and slope shall be considered, in addition to other factors. LID techniques may not completely replace the need for conventional stormwater controls.

Mitigation, Natural Resources. The reduction of adverse effects of a proposed project by considering, in the order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and e) compensating for the impact by replacing or providing comparable substitute.

Natural Landscaping. The act of landscaping using plant materials that include groundcover and shrubs to cover bare earth and prevent erosion. Native plants, native-friendly plants and naturalized plants are recommended because they are adapted to the local environment and require little water and few chemicals to survive.

Parking, Tuck-Under. Tuck under parking is unenclosed parking located below the unit where parking is accessed from an open parking drive, at grade or below.

Rain Garden. Highly vegetated areas that are designed to detain or retain stormwater runoff while providing pollutant removal by the chemical, biological, and physical interaction of plants, microbes, and soils with water.

Rooftop Garden. A vegetated roof constructed for water quality and quantity control as well as passive recreation or active recreation or both.

Total Impervious Area (TIA). Total area of surfaces on a developed site that inhibit infiltration of stormwater. The surfaces include, but are not limited to, conventional asphalt or concrete roads, driveways, parking lots, sidewalks or alleys, and rooftops.

Tree Box Filter. Tree box filters are essentially 'boxed' bio-retention cells that are placed at the curb (typically where storm drain inlets are positioned). They receive the first flush of runoff along the curb and the storm water is filtered through layers of vegetation and soil before it enters a catch basin.

Tree Canopy. The shape of a tree produced by the outer most leaves. A tree's canopy cover is equal to the area within the drip line. The equation for determining tree canopy area is $3.1416 \times (r)^2 = x$ square feet (r being the radius from the center of the trunk to the drip line measured in feet). **EXAMPLE:** The tree canopy area for one tree with a radius of **20** feet will be equal to $3.1416 \times (20)^2 = 1,257$ square feet.

Tree Canopy, Mature. The expected size of the tree canopy at 10 years.

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

IN THE MATTER OF TA2006-0009 A) ORDER NO. 1916
REQUEST TO AMEND DEVELOPMENT) APPROVING REQUEST.
CODE CHAPTERS 60 AND 90. CITY OF)
BEAVERTON, APPLICANT.)

The matter of TA2006-0009 was initiated by the City of Beaverton, through the submittal of applications to legislatively amend the Development Code.

Pursuant to the Development Code standards for Text Amendment approval contained in Beaverton Development Code, as amended through Ordinance 4265: Section 40.85.1.C.1 through 9, the Planning Commission conducted a public hearing on October 11 and October 18, 2006 and considered oral and written testimony and exhibits for a proposed legislative amendment to the Development Code.

TA2006-0009 implements the policy framework established in CPA2006-0012 to facilitate and encourage habitat friendly development practices through a voluntary incentive based program. Specifically, the amendment proposes to add a new section to Chapter 60 to address incentives for preserving habitat benefit areas, providing additional street tree canopy, amending site soils, disconnecting downspouts into a rain garden, building an eco-roof, constructing a rain garden or rooftop garden,

integrating parking into the development, preserving trees and tree canopy, mitigating tree removal, and planting a tree box filter. Maintenance issues and definitions are also addressed.

The Planning Commission adopts by reference the staff reports and memoranda prepared for TA2006-0009 dated September 11, 2006, October 6, 2006, October 13, 2006, and October 18, 2006 and finds they provide evidence and findings demonstrating the application satisfies all the approval criteria for a Legislative Text Amendment as contained in Development Code Section 40.85.1.C.1 through 9.

The Planning Commission concurs with the staff recommendation in the memorandum from Barbara Fryer and Leigh Crabtree to the Planning Commission dated October 6, 2006 regarding TA2006-0009 except that:

- a) the purpose shall refer to redevelopment;
- b) 60.12.05.6 shall state in the last sentence "Mitigate impacts";
- c) 60.12.25 shall state that the credits are not transferable;
- d) graphics shall be updated;
- e) 60.12.45 shall include changes proposed by the City Attorney;
- f) the definition for "Site Soil Amendment" shall be revised to be more specific than the words topsoil and compost; and
- g) the definition for "Natural Landscaping" shall include the term "local" before the word environment;

as shown in Exhibit A to this order, and therefore:

IT IS HEREBY ORDERED that pursuant to Section 40.85.1.C.1 through 9 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** of TA2006-0009, by the City Council, and adoption of the text modifications as shown in Exhibit A to this order.

Motion **CARRIED** by the following vote:

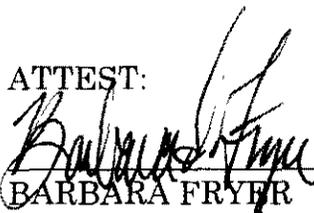
AYES: Pogue, Kroger, Bobadilla, Maks, Stephens, Winter, and Johansen.
NAYS: None.
ABSTAIN: None.
ABSENT: None.

Dated this 26 day of October, 2006.

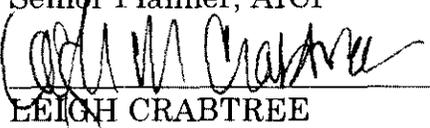
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1915, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on November, 6, 2006.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

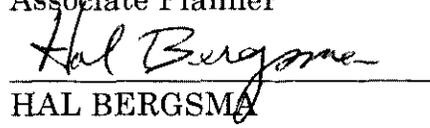
ATTEST:


BARBARA FRYER

Senior Planner, AICP


LEIGH CRABTREE

Associate Planner


HAL BERGSMA

Planning Services Manager

ORDER NO. 1915

APPROVED:


ERIC JOHANSEN

Chairman

60.12. HABITAT FRIENDLY DEVELOPMENT PRACTICES

60.12.05. Purpose. Allow and encourage Habitat Friendly Development Practices (HFDPs) that integrate preservation, enhancement and creation of Habitat Benefit Areas (HBAs) and use of Low Impact Development (LID) techniques in order to support natural systems that provide wildlife with food, shelter, and clean water.

All of the provisions of Section 60.12 are voluntary and are not required of new development or redevelopment. The provisions are applicable only when a property owner elects to utilize the provisions contained in this section.

The provisions of this section are intended to:

1. Promote preservation, enhancement and restoration of Habitat Benefit Areas (HBAs).
2. Reduce impacts from development on fish and wildlife habitat relative to traditional development practices.
3. Design a site in such a way that Habitat Friendly Development Practices (HFDPs) are integrated in the overall plan.
4. Use Best Management Practices (BMPs) to guide decisions regarding site design, development and construction.
5. Reduce Effective Impervious Area (EIA) in the City to the extent practicable and achieve zero (0) percent EIA on as many individual sites as practicable.
6. Avoid damaging existing wildlife habitat through preservation of HBA, minimize impacts to existing wildlife habitat by limiting the amount of habitat disturbance to only those areas required for development of a site, and mitigate impacts to existing wildlife habitat when avoidance and minimization options are limited. Use LID techniques to mitigate impacts in order to improve remaining on-site habitat and/or down-stream habitat.
7. Encourage HFDPs by adopting options that allow for flexibility in site design for new development and redevelopment.
8. Implement provisions of the Beaverton Comprehensive Plan that encourage preservation of HBA and use of LID techniques.

SPECIAL REQUIREMENTS
Habitat Friendly Development

60.12.10. Process. Implementation of a HFDP shall not result in a requirement for a separate Development Code, Chapter 40, application. The level of review for a Chapter 40 application shall not be elevated or lessened based on proposed implementation of a HFDP.

60.12.15. Engineered Techniques. In some instances, proposed implementation of a HFDP will require an Engineering Design Manual Design Modification approved by the City Engineer. The Design Modification process is outlined in Section 145 of the *Engineering Design Manual and Standard Drawings* (EDM). An applicant may choose to receive approval from the City Engineer prior to, or concurrent with, review of a land use application.

In order for the decision making body to approve a requested credit for proposed implementation of a technique that requires a review of the technique's technical feasibility, engineered drawings and calculations need to be completed and submitted with the land use application for development review.

60.12.20. Guidance. *The City of Beaverton Habitat Friendly Development Practices Guidance Manual* provides an expanded description of principles and techniques that may be integrated into site design to meet the goals and objectives within Section 60.12.05.

60.12.25. Credits. As used in this Code section, the term credits refers to development credits an applicant may earn through HBA preservation or use of LID techniques which are described in Sections 60.12.35. through 60.12.40., below. The mix of credits requested is left to the applicant's discretion for a single project site, as credits are not transferable between separate project sites.

60.12.30. Standards. The following standards shall be satisfied by new development and redevelopment, throughout the City when a request for use of a credit(s) allowed through Section 60.12.35 or Section 60.12.40 is proposed.

1. The proposal satisfies all applicable standards for the preservation, technique, or credit requested.

SPECIAL REQUIREMENTS
Habitat Friendly Development

60.12.30.

2. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to a credit for implementation of a proposed HFDP.
3. The proposal is consistent with all applicable provisions of Section 60.12 (Habitat Friendly Development Practices) and all improvements, dedications, or both required by the applicable provisions of Section 60.12 (Habitat Friendly Development Practices) are satisfied or can be provided in proportion to the identified impact(s) of the proposal.
4. Implementation of the proposed Habitat Friendly Development Practice(s) is technically feasible in accordance with Section 60.12.15. Engineered Techniques.
5. The size of the improvement proposed to implement the Habitat Friendly Development Practice(s) is greater than or equal to the amount required to receive the requested credit(s).
6. The proposed credit is a credit that is allowed for the proposed Habitat Friendly Development Practice(s).
7. Use of credits is limited to the amount of preservation or technique proposed. One (1) unit of preservation or technique results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) unit of preservation or technique.
8. Where a credit(s) toward the landscape standard, parking lot landscape island standard, or open space standard is requested, the proposed project requesting credits toward the landscape standard, parking lot landscape island standard, or open space standard does not cumulatively receive credits greater than 50 percent of the landscape or open space standard for the project site, with the exception of credit for installation of a Rain Garden.
9. Where a credit(s) toward the landscape standard, parking lot landscape island standard, or open space standard is requested for installation of a Rain Garden, the proposed project requesting credits toward the landscape standard, parking lot landscape island standard, or open space standard does not cumulatively receive credits greater than 75 percent of the landscape or open space standard for the project site.

60.12.30.

10. Where a credit(s) to increase the building height above the maximum for the underlying zoning district is requested, the proposed project does not cumulatively receive credits greater than 12 feet additional building height, with the exception of Section 60.12.40.4.B.1 Building Height Increase, Multiple-Use Zoning Districts (Eco-roof).
11. Where a credit(s) to increase the building height above the maximum is requested for a project within a Multiple-Use zoning district, the proposed project does not cumulatively receive credits greater than 12 feet, 24 feet, or 36 feet additional building height, respective of Sections 60.12.40.4.B.1.a, 60.12.40.4.B.1.b, and 60.12.40.4.B.1.c.

60.12.35. Habitat Benefit Area (HBA) Preservation. Locations of HBAs are depicted on the *Comprehensive Plan Volume III Habitat Benefit Area Map*. Habitat resource classification and delineation methodologies are included in the *Comprehensive Plan for the City for Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*.

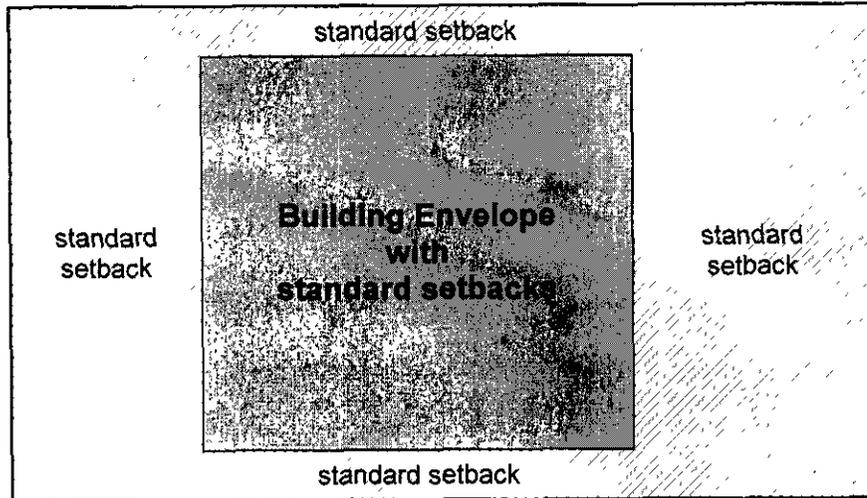
1. Preservation, Enhancement, Mitigation, Creation.

- A. Purpose. HBA Preservation includes preservation, enhancement, mitigation, or creation of HBA based upon habitat delineation.
- B. Credits. Use of the following credits is limited to the amount of HBA preservation proposed. One (1) square foot of HBA preserved results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of HBA preservation.
 1. Building Envelope Offset in Commercial and Industrial Zoning Districts. An applicant can request a yard setback decrease of one (1) foot for every one (1) lineal foot that a proposed HBA preservation encroaches into a project site from the opposite side; in exchange the opposite yard setback shall be increased one (1) lineal foot.

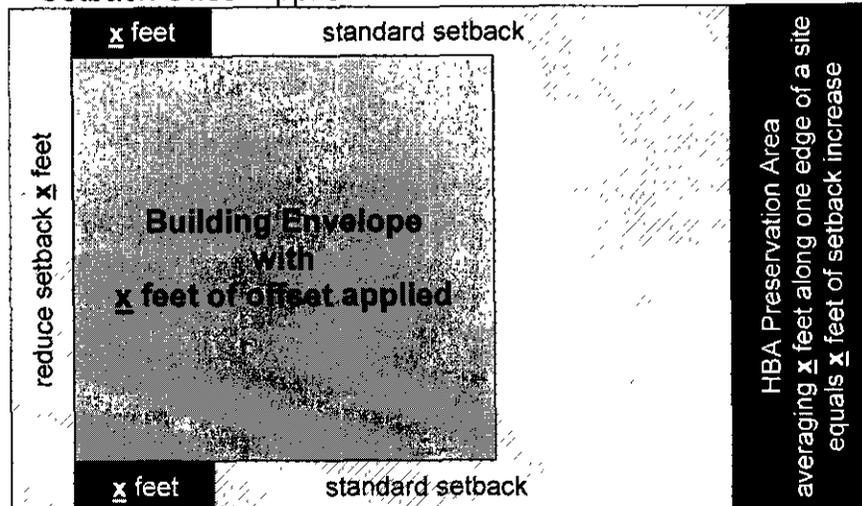
60.12.35.1.B.1.

Building Envelope Offset Example.

Standard Setbacks.



Setback Offset applied.



Standards. Building Envelope Offset credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Building Footprint Offset does not reduce a yard setback to less than five (5) feet.

60.12.35.1.B.1.

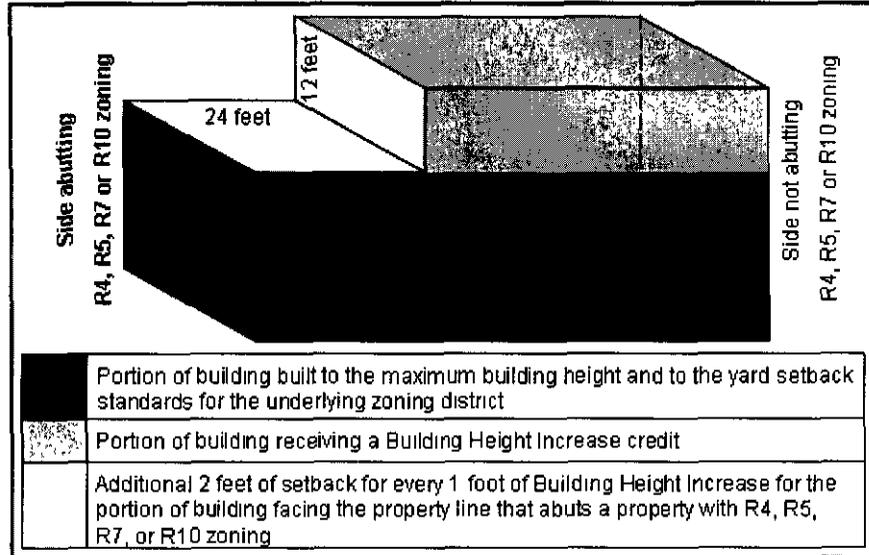
- b. The requested setback reduction is not requested for any property within the R4, R5, R7, or R10 zoning districts.
 - c. A requested setback reduction does not abut any property within the R4, R5, R7, or R10 zoning districts.
 - d. The proposed reduction will meet applicable fire or life safety requirements.
 - e. The proposed reduction will meet applicable building code requirements.
2. Building Height Increase. A proposal that includes HBA preservation can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than the square footage of HBA preservation, not to exceed the square footage of the building footprint. This credit is applicable in all zones except R4, R5, R7, and R10.

Standards. Building Height Increase credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Building Height Increase does not exceed 12 additional feet for an area equal to the building footprint.
- b. When abutting an R4, R5, R7, or R10 zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, or R10 zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

60.12.35.1.B.2.b.

Building Height Increase Example with additional setback. (elevation view)



- c. The building receiving the height increase shall be located within the project site where the HBA is preserved.
 - d. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
3. Floor Area Reduction in Multiple-Use Zoning Districts. For every one (1) square foot proposed HBA preservation on a project site, an applicant can request a credit of one (1) square foot toward satisfying the minimum floor area requirement for a project site.

Standards. Floor Area Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Floor Area Reduction does not exceed 25 percent of the required floor area for the project site.

60.12.35.1.B.

4. Landscape Island Standard Reduction. For every one (1) square foot proposed HBA preservation, within ten (10) feet of a proposed parking lot area, an applicant can request a credit of one (1) square foot toward the landscape island standard of Section 60.05.20.5.

Standards. Landscape Island Standard Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 50 percent of the landscape island standard for the project based upon the minimum number of parking spaces required for the subject site divided by the applicable standard of Section 60.05.20.5.A.

5. Landscape Standard Reduction. For every one (1) square foot of HBA preservation proposed, an applicant can request a credit of one (1) square foot toward the landscape standard.

Standards. Landscape Standard Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

6. Lot Dimension Reduction. An applicant can request a credit toward reduction of either the standard minimum lot dimension for width or the standard minimum lot dimension for depth, while continuing to meet the minimum lot size and minimum density requirements of the underlying zoning district.

60.12.35.1.B.6.

Standards. Lot Dimension Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Lot Dimension Reduction does not exceed 20 percent of the required width or 20 percent of the required depth of the underlying zoning district's lot dimension requirement.
 - b. HBA preservation is equal to or greater than the minimum lot area square footage for one (1) lot within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging (60.12.35.1.B.7.) and Lot Dimension Reduction for one project site, the applicant may propose one technique or the other for each lot, but may not apply both techniques to any one (1) lot.
 - c. HBA preservation is equal to or greater than the minimum lot area square footage for two (2) lots within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging (60.12.35.1.B.7.) and Lot Dimension Reduction for one project site, the applicant may propose application of both techniques to all proposed lots.
7. Lot Size Averaging. An applicant can request a credit toward averaging the size of proposed lots rather than meeting the minimum lot size requirement for every proposed lot, while continuing to meet minimum density requirements of the underlying zoning district.

Standards. Lot Size Averaging credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

60.12.35.1.B.7.

- a. **Credit Limit.** The proposed Lot Size Averaging does not reduce the square footage of any one lot below 80 percent of the minimum and does not increase the square footage of any one lot above 120 percent of the maximum square footage of the underlying zoning district's lot area standard.
 - b. HBA preservation is equal to or greater than the minimum lot area square footage for one (1) lot within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging and Lot Dimension Reduction (60.12.35.1.B.6.) for one project site, the applicant may propose one technique or the other for each lot, but may not apply both techniques to any one (1) lot.
 - c. HBA preservation is equal to or greater than the minimum lot area square footage for two (2) lots within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging and Lot Dimension Reduction (60.12.35.1.B.6.) for one project site, the applicant may propose application of both techniques to all proposed lots.
8. **Open Space Standard Reduction.** For every one (1) square foot HBA preservation proposed, an applicant can request a credit of one (1) square foot toward the open space standard.

Standards. Open Space Standard Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. **Credit Limit.** The proposed Open Space Standard Reduction does not exceed 50 percent of the open space standard of Section 60.05.25.1, Section 60.05.25.2, Section 60.05.25.4 and Section 60.35.15 for the project site.

60.12.35.1.

- C. Standards. Proposals that request credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Sections 60.12.35.B.1 through 60.12.35.B.8.
1. The area of HBA Preservation, Enhancement, Mitigation or Creation is placed within a conservation easement or a separate tract as described in Section 60.12.50. As a condition of approval, a covenant with the City shall be established as described in Section 60.12.50.
 2. Proposals for HBA Mitigation shall:
 - a. replace existing HBA that is proposed for removal on the same project site.
 - b. be contiguous with an existing HBA or designated Clean Water Services Vegetated Corridor for a minimum of 50 feet.
 - c. be equal to or greater than existing HBA proposed for removal.
 3. Proposals for HBA Creation shall:
 - a. be developed with natural landscaping that supports native wildlife.
 - b. be contiguous with an existing HBA or CWS vegetated corridor for a minimum of 50 feet.
 - c. be a minimum of 2,500 square feet.

60.12.35.

60.12.35. HABITAT BENEFIT AREA (HBA) PRESERVATION - CREDIT TABLE			
A Purpose	HBA Preservation, Enhancement, Mitigation or Creation	Propose One (1) square foot (Bldg Envelope Offset - one (1) lineal foot)	
B Credits	Toward	Amount	Limit
1. Building Envelope Offset	setback	1 lineal ft	offsetting
2. Building Height Increase	bldg ht	1 sf	12 ft
3. Floor Area Reduction (MU)	min. floor area	1 sf	25% required floor area
4. Landscape Island Standard Reduction	landscape island	1 sf	50% landscape island std
5. Landscape Standard Reduction	landscape	1 sf	50% landscape std
6. Lot Dimension Reduction	lot dimension	20% width/depth	HBA sf = min 1 du
7. Lot Size Averaging	lot area per du	80% to 120%	HBA sf = min 1 du
8. Open Space Standard Reduction	open space	1 sf	50% open space std

bldg = building, du = dwelling unit, ft = foot/feet, ht = height, sf = square feet, std = standard, min = minimum, max = maximum

60.12.40. Low Impact Development (LID) Techniques. Use of LID techniques is allowed throughout the City unless otherwise stated.

1. Additional Street Tree Canopy.

- A. Purpose. Increase street tree canopy by increasing the number of street trees for a project equal to an amount greater than the standard of one (1) tree per 30 lineal feet, but not to exceed one (1) tree per 20 lineal feet.
- B. Credits. Landscape Standard Reduction. For every one (1) square foot of additional street tree canopy proposed an applicant can request a credit of one (1) square foot toward the landscape standard.
- C. Standards. Landscape Standard Reduction credits for Additional Street Tree Canopy shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.
 - 2. The additional Street Tree canopy is calculated based on the square footage of additional street tree canopy at 10 years maturity.

60.12.40.1.C.

3. The additional street tree canopy is calculated only for those trees in excess of the standard of one (1) tree per 30 lineal feet.
4. The additional street tree is an accepted street tree as specified in the City of Beaverton's *Approved Tree List* and *Street of Trees Tour Guide*.

2. Site Soil Amendment.

- A. Purpose. Site Soil Amendment within proposed landscape areas for projects located in multiple-use, multiple-family residential, commercial, and industrial zoning districts.
- B. Credits. Use of the following credits is limited to the amount Site Soil Amendment proposed. One (1) square foot of Site Soil Amendment results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Site Soil Amendment.
 1. Landscape Standard Reduction. For every one (1) square foot of Site Soil Amendment proposed an applicant can request a credit of one and one-half (1.5) square feet toward the landscape standard.

Standards. Landscape Standard Reduction credits for Site Soil Amendment shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.
2. Landscape Island Standard Reduction. For every one (1) square foot of Site Soil Amendment proposed an applicant can request a credit of one and one-half (1.5) square feet toward the landscape island standard limited to 50 percent of the landscape island standard for the project site.

60.12.40.2.B.2.

Standards. A request for Landscape Island Standard Reduction credits for Site Soil Amendment shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.

- a. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 50 percent of the landscape island standard for the project based upon the minimum number of parking spaces required for the subject site divided by applicable standard of Section 60.05.20.5.A.

3. Disconnect Downspouts.

- A. Purpose. Disconnect a downspout directing the roof stormwater to a rain garden for projects located in multiple-use, multiple-family residential, commercial, and industrial zoning districts.
- B. Credits. Landscape Standard Reduction. Projects that disconnect downspouts from directly entering the piped municipal storm water system can count each square foot of roof area drained toward one-quarter (0.25) square feet of the landscape standard for the subject site. This credit is in addition to credits received for the rain garden, Section 60.12.40.B.5, that the roof stormwater is directed to flow into.
- C. Standards. Landscape Standard Reduction credits for Disconnecting a Downspout(s) shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.
- D. Disconnection of downspouts will also be reviewed with a Building Permit.

60.12.40.

4. Eco-roof.

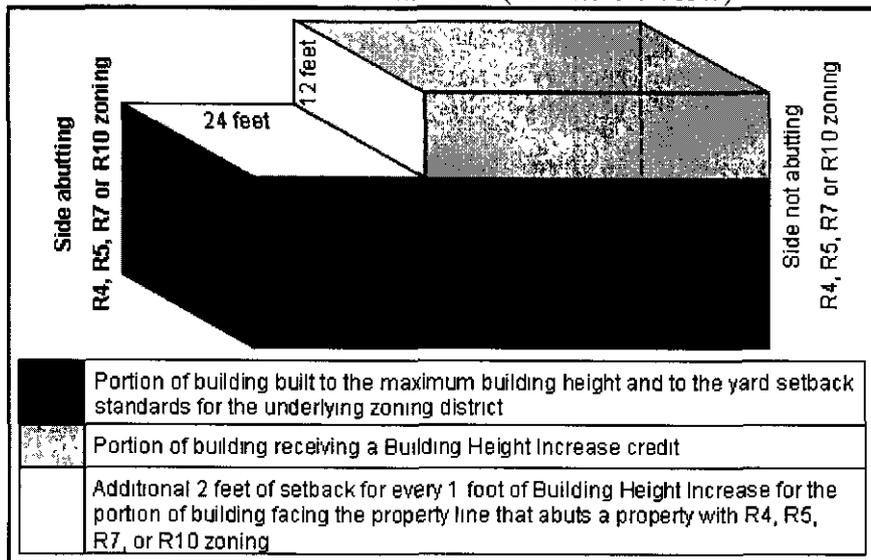
- A. Purpose. Install an Eco-roof equal to at least 10 percent of the building footprint for projects located in multiple-use, multiple-family residential, commercial, and industrial zoning districts.
- B. Credits. Use of the following credits is limited to the amount Eco-roof proposed. One (1) square foot of Eco-roof results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Eco-roof.
 - 1. Building Height Increase, Multiple-Use Zoning Districts.
 - a. For a proposal that includes an Eco-roof that is at least 10 percent but less than 30 percent of the building's footprint, an applicant can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than the square footage of Eco-roof.
 - b. For a proposal that includes an Eco-roof that is at least 30 percent but less than 60 percent of the building's footprint, an applicant can request an increase in building height up to 24 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than two (2) times the square footage of Eco-roof.
 - c. For a proposal that includes an Eco-roof that is at least 60 percent of the building's footprint, an applicant can request an increase in building height up to 36 feet within the building footprint.
 - d. Standards. Building Height Increase credits for installation of an Eco-roof in a Multiple-Use zoning District shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.4.C.

SPECIAL REQUIREMENTS
Habitat Friendly Development

60.12.40.4.B.1.d.

- (1). **Credit Limit.** The proposed Building Height Increase does not exceed the relative 12, 24, or 36 foot standard outlined in a, b, or c, above.
- (2). The square footage of the building footprint receiving the building height increase shall be equal to or less than three (3) times the square footage of Eco-roof.
- (3). When abutting an R4, R5, R7, or R10 zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, or R10 zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



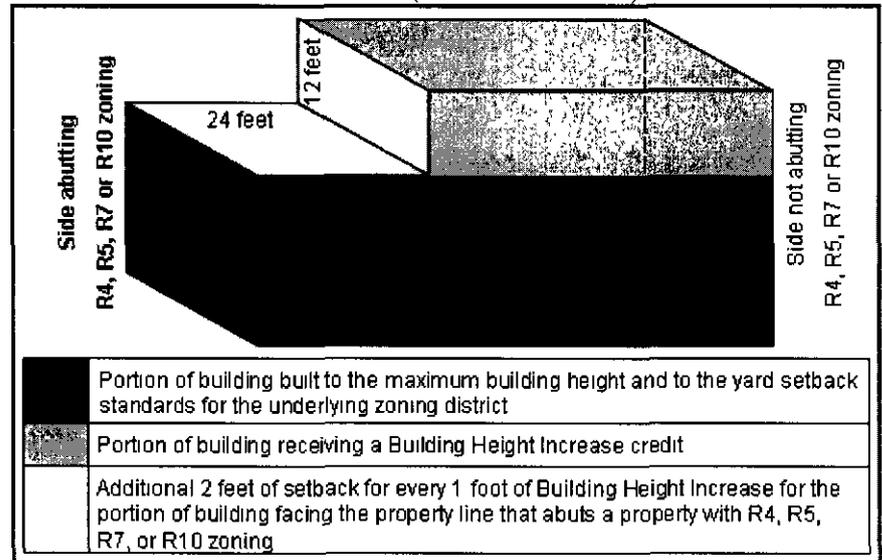
- (4). The building receiving the height increase shall be the building with the Eco-roof.

60.12.40.4.B.1.d.

- (5). The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
2. Building Height Increase, Multiple-Family, Commercial and Industrial Zoning Districts.
 - a. For every one (1) square foot of Eco-roof proposed an applicant can request a credit of one (1) square foot toward an increase in building height up to 12 feet within the building footprint.
 - b. Standards. Building Height Increase credits for installation of an Eco-roof in a Multiple-Family, Commercial or Industrial Zoning Districts shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.4.C.
 - (1). Credit Limit. The proposed Building Height Increase does not exceed 12 additional feet for an area equal to the building footprint.
 - (2). The square footage of the building footprint receiving the building height increase shall be equal to or less than the square footage of Eco-roof.
 - (3). When abutting an R4, R5, R7, or R10 zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, or R10 zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

60.12.40.4.B.2.b.

Building Height Increase Example with additional setback. (elevation view)



- (3). The building receiving the height increase shall be the building with the Eco-roof.
 - (4). The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
3. Landscape Standard Reduction. For a proposal that includes an Eco-roof, every one (1) square foot of Eco-roof earns one (1) square foot toward the landscape standard for the subject site.

Standards. Landscape Standard Reduction credits for installation of an Eco-roof shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.4.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.5.

5. Rain Garden.

- A. Purpose. Integration of a facility that provides a bio-detention function, bio-retention function, or other vegetated on-site stormwater disposal function within a project site that is located in a multiple-use, multiple-family residential, commercial, or industrial zoning district.

- B. Credits. Use of the following credits is limited to the amount of stormwater that can be retained or detained by the Rain Garden proposed. One (1) cubic foot of stormwater retention or detention results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) cubic foot of stormwater retained or detained by the Rain Garden.
 - 1. Building Height Increase. A proposal for integration of a Rain Garden can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less three (3) square feet for every one (1) cubic foot of water retained or detained by the Rain Garden, not to exceed the square footage of the building footprint.

Standards. Building Height Increase credits for installation of a Rain Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.5.C.

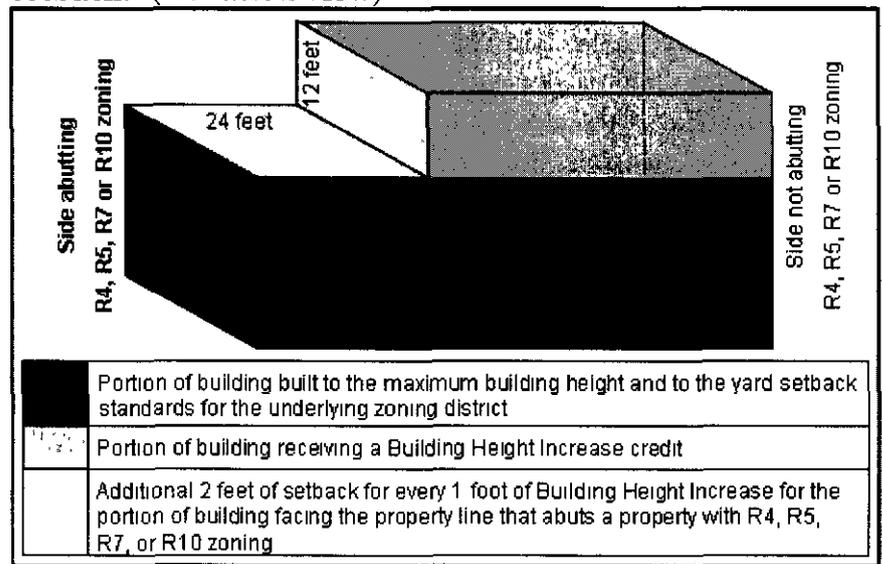
- a. Credit Limit. The proposed Building Height Increase does not exceed 12 feet of height above the standard for the underlying zoning district.

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60.12.40.5.B.1.

- b. When abutting an R4, R5, R7, or R10 zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, or R10 zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



- c. The building receiving the height increase shall be located within the project site where the Rain Garden is proposed.
 - d. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
2. **Landscape Island Standard Reduction.** For every one (1) cubic foot of water retained or detained in the design of a proposed Rain Garden that is located within the design of the parking lot(s) for a project site, an applicant can request a credit of one and one-half (1.5) square feet toward the landscape island standard.

60.12.40.5.B.2.

Standards. Landscape Island Standard Reduction credits for installation of a Rain Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.5.C.

- a. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 75 percent of the landscape island standard for the project site.
3. Landscape Standard Reduction. For every one (1) cubic foot of water retained or detained in the design of a proposed Rain Garden, an applicant can request a credit of three (3) square feet toward the landscape standard.

Standards. Landscape Standard Reduction credits for installation of a Rain Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.5.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 75 percent of the landscape standard for the project site.
- C. Standards. Proposals that request credits for integration of a Rain Garden(s) shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Sections 60.12.40.5.B.1. through 60.12.40.5.B.3.
 1. The rain garden shall be designed to capture thirty-six hundredths (0.36) of an inch of rainfall in a four (4) hour period, minimum. The maximum bonus given shall be for a design that captures three (3) inches of rainfall in a 24 hour period (approximately a five-year storm) equivalent volume, even if part of a larger storm detention facility intended to meet the City's 25-year storm event requirement.
 2. The rain garden shall be located on the site or abut the site in a right-of-way so that it is visible to the public from sidewalks that provide access to the project.

60.12.40.5.C.

3. Any retaining walls proposed around the Rain Garden shall be less than or equal to 30 inches in height.
4. Landscape planting plans for the rain garden shall be prepared with consideration to sun and shade conditions.
5. There shall be no vertical obstruction with northern exposure of greater than four (4) feet directly adjacent to the rain garden. The minimum distance from such a north facing vertical obstruction to the rain garden shall be half the height of the vertical obstruction.
6. The design and location of the rain garden shall be approved as part of the overall project during development review.
8. If not within a public right-of-way, the property owner shall set aside the rain garden in a conservation easement or a separate tract. The conservation easement or tract shall comply with the requirements of Section 60.12.55.2.

6. Rooftop Garden.

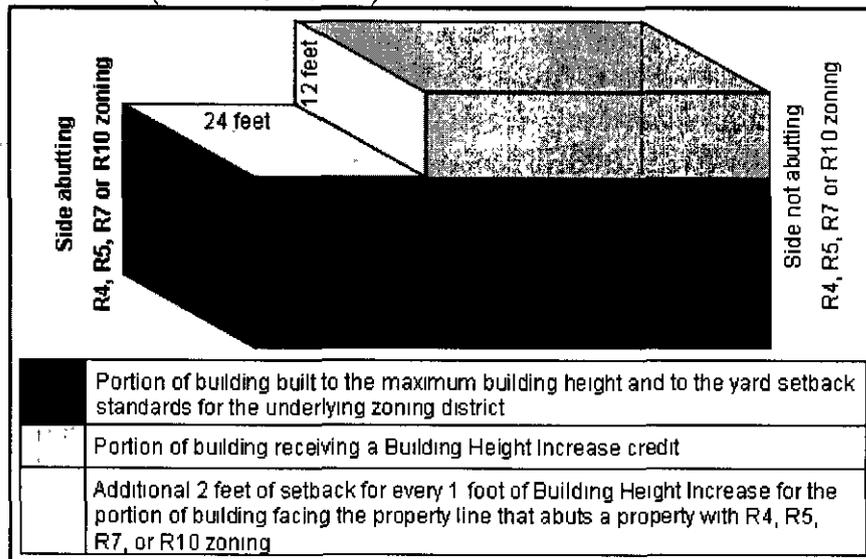
- A. Purpose. Integration of a Rooftop Garden in the design of a building(s) located in a multiple-use, multiple-family residential, commercial, or industrial zoning districts.
- B. Credits. Use of the following credits is limited to the amount Rooftop Garden proposed. One (1) square foot of Rooftop Garden results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Rooftop Garden.
 1. Building Height Increase. A proposal that integrates a Rooftop Garden can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than one-half (0.5) square foot for every one (1) square foot of Rooftop Garden proposed, not to exceed the square footage of the building footprint.

60.12.40.6.B.1.

Standards. Building Height Increase credits for integration of a Rooftop Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.6.C.

- a. Credit Limit. The proposed Building Height Increase does not exceed 12 feet of height above the standard for the underlying zoning district
- b. When abutting an R4, R5, R7, or R10 zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, or R10 zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



- c. The building receiving the height increase shall be the building with the Rooftop Garden.
- d. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.

60.12.40.6.B.

2. **Landscape Standard Reduction.** For every one (1) square foot of Rooftop Garden constructed an applicant can request a credit toward one and one-half (1.5) square feet of the landscape standard for the project site.

Standards. Landscape Standard Reduction credits for integration of a Rooftop Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.6.C.

- a. **Credit Limit.** The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape island standard for the project site.
- C. **Standard.** A Rooftop Garden shall be equivalent to at least 25 percent of the building footprint and at least 30 percent of the garden area shall contain live plants. In addition, a proposal for a Rooftop Garden shall satisfy the applicable standards of Section 60.12.30.

7. Integrated Parking.

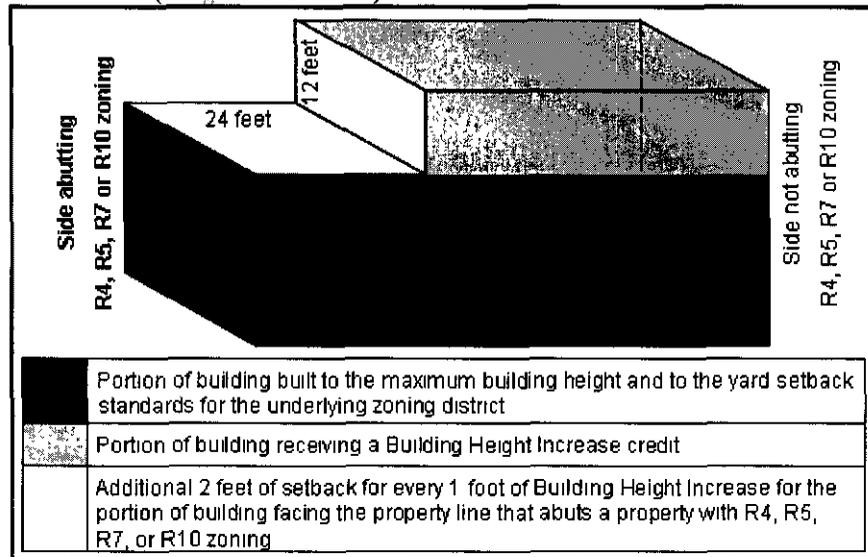
- A. **Purpose.** Integration of below-grade, tuck-under, or structured parking within the footprint of a building(s) located in a multiple-use, multiple-family residential, commercial, or industrial zoning district or structured parking located in a multiple-use zoning district.
- B. **Credit. Building Height Increase.** A proposal that includes Integrated Parking can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than two (2) square feet for every 100 square feet of integrated parking proposed, not to exceed the square footage of the building footprint.
- C. **Standards. Building Height Increase credits for Integrated Parking** shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.

SPECIAL REQUIREMENTS
Habitat Friendly Development

60.12.40.7.C.

1. Credit Limit. The proposed Building Height Increase does not exceed 12 feet of height above the standard for the underlying zoning district.
2. For every structured parking space provided there shall be a reduction of at least one surface parking space that otherwise could have been provided within the maximum parking ratio requirements of Section 60.30.
3. When abutting an R4, R5, R7, or R10 zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, or R10 zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



4. The building receiving the height increase shall be the building with the Integrated Parking.
5. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.

60.12.40.

8. Trees, Existing Canopy Preservation.

- A. Purpose. Preservation of existing tree canopy within ten (10) linear feet of a proposed surface parking lot and vehicle maneuvering area.
- B. Credit. Landscape Island Standard Reduction. For every one (1) square foot of existing Tree Canopy preserved, an applicant can request a credit of one (1) square foot toward the landscape island standard of Section 60.05.20.5.

EXAMPLE: If an applicant proposes development of a site and the size of the proposed parking lot results in standard construction of five (5) landscape islands equal to an area of 350 square feet and planting of five (5) trees, the applicant can alternately propose preservation of three mature trees within a 200 square foot area and supply two (2) or three (3) landscape islands totaling 175 square feet landscape area with two (2) trees.

- C. Standards. Landscape Island Standard Reduction credits for Existing Canopy Preservation of Trees shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 50 percent of the landscape island standard for the project site.
 - 2. The proposal satisfies the approval criteria of the applicable Tree Plan application, if any.
 - 3. The tree(s) that holds the canopy proposed for preservation is proposed for protection as outlined in Section 60.60.20. of this Code for Protected Trees.

9. Trees, Mitigation.

- A. Purpose. Mitigation for removal of non-exempt surveyed tree(s) considered Community Trees, Historic Trees or Street Trees.

60.12.40.9.

- B. Credits. Landscape Standard Reduction. For every one (1) square foot of tree canopy mitigated, an applicant can request a credit toward one-half (0.5) square foot of the landscape standard for the project site.

- C. Standards. Landscape Standard Reductions for Mitigation of Trees shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

 - 1. The proposal satisfies the approval criteria of the applicable Tree Plan application, if any.

 - 2. Mitigation of Community Trees, Historic Trees or Street Trees under the provisions of this section satisfies the mitigation standards of Section 60.60.25.1. for Significant Individual Trees or trees within Significant Groves or SNRAs.

10. Trees, Preservation.

- A. Purpose. Preservation of at least 25 percent of the total tree canopy square footage of non-exempt surveyed tree(s) considered Community Trees, Historic Trees or Street Trees.

- B. Credit. Landscape Standard Reduction. For every one (1) square foot of tree canopy preserved, an applicant can request a credit toward one (1) square foot of the landscape standard for the project site, limited to 50 percent of the landscape standard for the project site.

- C. Standards. Landscape Standard Reduction credits for Preservation of Trees shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

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Habitat Friendly Development

60.12.40.10.C.

2. The proposal satisfies the approval criteria of the applicable Tree Plan application, if any.
3. The Community, Historic or Street tree(s) proposed for preservation under the provisions of this section is proposed for protection during development as outlined by Section 60.60.20. of this Code for Protected Trees.

11. Trees, Box Filter.

- A. Purpose. Integration of a Tree Box Filter(s) and its associated improvements in the design of a project site.
- B. Credits. Landscape Standard Reduction. For every one (1) square foot of proposed site improvements associated with installation of a Tree Box Filter an applicant can request a credit of two (2) square feet toward the landscape standard.
- C. Standards. Landscape Standard Reduction credits for integration of a Tree Box Filter(s) shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40. LOW IMPACT DEVELOPMENT (LID) TECHNIQUES - CREDIT TABLE			
1. Additional Street Tree Canopy			
A Purpose	Add tree canopy by adding street trees above standard	Propose 1sf additional street tree canopy	
B Credits		Toward	Amount
	Landscape Standard Reduction	landscape	1 sf
			Limit
			50% landscape std
2. Site Soil Amendment			
A Purpose	Amend soils for additional water absorption	Propose 1sf amended site soils	
B Credits		Toward	Amount
	1. Landscape Standard Reduction	landscape	1 sf
	2. Landscape Island Standard Reduction	landscape island	1 sf
			Limit
			50% landscape island std
3. Disconnect Downspouts			
A Purpose	Direct roof stormwater runoff to a Rain Garden	Propose 1sf of roof area drained	
B Credits		Toward	Amount
	1. Landscape Standard Reduction	landscape	0.25 sf
			Limit
			50% landscape std

bldg = building, du = dwelling unit, ft = foot/feet, ht = height, sf = square feet, std = standard, min = minimum, max = maximum

SPECIAL REQUIREMENTS
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60.12.40. LOW IMPACT DEVELOPMENT (LID) TECHNIQUES - CREDIT TABLE			
4. Eco-roof			
A Purpose	Eco-roof to absorb roof stormwater	Propose 1sf of eco-roof	
B Credits		Toward	Amount
		Limit	
1.	Building Height Increase, Multiple-Use zoning districts		
a.	10% to < 30% of building footprint	bldg footprint	1 sf
b.	30% to < 60% of building footprint	bldg footprint	2 sf
c.	60% or more of building footprint	bldg footprint	3 sf
2.	Building Height Increase, Multiple-Family, Commercial, and Industrial zoning districts		
		bldg footprint	1 sf
			12 ft above bldg ht
3.	Landscape Standard Reduction	landscape	1 sf
			50% landscape std
5. Rain Garden			
A Purpose	Bio-detention, bio-retention, or other vegetated facility	Propose 1cu.ft of water detained/retained	
B Credits		Toward	Amount
		Limit	
1.	Building Height Increase	bldg footprint	3 sf
2.	Landscape Island Standard Reduction	landscape island	1.5 sf
3.	Landscape Standard Reduction	landscape	3 sf
			75% landscape std
			75% landscape std
6. Rooftop Garden			
A Purpose	Rooftop improvements to absorb roof stormwater	Propose 1sf of rooftop garden	
B Credits		Toward	Amount
		Limit	
1	Building Height Increase	bldg footprint	0.5 sf
2.	Landscape Standard Reduction	landscape	1.5 sf
			50% landscape std
7. Integrated parking			
A Purpose	Below-grade, tuck-under, or structured parking	Propose 100 sf of integrated parking	
B Credits		Toward	Amount
		Limit	
1.	Building Height Increase	bldg footprint	2 sf
			12 ft above bldg ht
8. Trees, Existing Canopy Preservation			
A Purpose	Preserve tree canopy within 10 ft of parking & maneuvering	Propose 1sf tree canopy preserved	
B Credits		Toward	Amount
		Limit	
1.	Landscape Island Standard Reduction	landscape island	1 sf
			50% landscape island std
9. Trees, Mitigation			
A Purpose	Mitigate Community, Historic, or Street Tree removal	Propose 1sf tree canopy mitigated	
B Credits		Toward	Amount
		Limit	
1.	Landscape Standard Reduction	landscape	0.5 sf
			50% landscape std
10. Trees, Preservation			
A Purpose	Preserve Community, Historic, or Street Tree canopy	Propose 1sf tree canopy preserved	
B Credits		Toward	Amount
		Limit	
1.	Landscape Standard Reduction	landscape	1 sf
			50% landscape std
11. Trees, Box Filter			
A Purpose	Install Tree Box Filter	Propose 1sf tree box filter & improvements	
B Credits		Toward	Amount
		Limit	
1.	Landscape Standard Reduction	landscape	2 sf
			50% landscape std
bldg = building, du = dwelling unit, ft = foot/feet, ht = height, sf = square feet, std = standard, min = minimum, max = maximum			

60.12.45. Maintenance.

1. **Covenant with the City.** An applicant that requests enhancement, mitigation or creation of HBA or integration of LID techniques in association with the provisions of Section 60.12 shall execute a covenant with the City that ensures the preservation, installation, maintenance, and replacement, if necessary, of the HBA or LID improvements and that meets the requirements of Section 60.12.45.1.A., below. Covenants shall be liberally construed for maximum protection of health, safety, and welfare of life and property.
 - A. Content of the covenant. A covenant required by this Code or as a condition of land use approval shall provide that:
 1. The City's need to address a clear and present danger to life or property shall supersede limitations of a covenant;
 2. The owner will comply with all applicable Code requirements and conditions of approval;
 3. If the owner fails to perform under the covenant, the City may at any time seek any available legal or equitable remedy. However, there is a preference for negotiated resolution without the necessity of litigation;
 4. If, within one year of a citation filed by the City for violation under this section, the owner fails to carry out necessary repairs to on-site facilities, or to otherwise restore facilities to their intended functions, the city may terminate occupancy of the site and seek an injunction prohibiting future occupancy of the site while a violation of the covenant exists;
 5. Where the development rights of one site are dependent on the performance of conditions by the owner of another site, the covenants are judicially enforceable by the owner of one site against the owner of another;
 6. The applicant and property owner shall submit to the City of Beaverton a right of inspection allowing City staff or City contracted personnel to inspect the facility for proper function: and

60.12.45.1.A.

7. The city may condition permit or development approval upon provision of a surface and subsurface utility easement notwithstanding the beneficial effect of a covenant under this section.

B. The covenant shall run with the land. The covenant shall be attached to the deed and be recorded in the appropriate records of Washington County. Proof of the recording shall be made prior to the issuance of any construction permits.

C. Modifying the covenant.

1. Modifications to a land use approval or a condition thereof shall be obtained through an amendment to the original land use decision subject to the provisions of Section 50.95 of this Code.

2. Modifications that do not affect a land use approval or a condition thereof may be amended by written agreement by the parties without undergoing a land use application.

3. The modified covenant shall run with the land. The modified covenant shall be attached to the deed and be recorded in the appropriate records of Washington County. Proof of the recording shall be made prior to the issuance of any building permits.

2. Preserved HBA

A. Commercial, Industrial or Multiple-use zoning districts. When preserving HBA in a commercial, industrial or multiple-use zoning district, the property owner shall place the preserved HBA in a conservation easement and shall execute a covenant for preservation and maintenance of the HBA. The conservation easement and covenant documents shall be attached to the deed and be recorded in the appropriate records of Washington County.

60.12.45.

B. Residential zoning districts.

1. Single-family Residential zones. When preserving HBA in a single-family residential development that requires a Land Division application, the property owner shall place the preserved HBA in a separate tract. This tract may be retained by the property owner with the execution of a covenant or the tract may be dedicated to a public entity willing to receive the HBA.
2. Multi-family Residential zones. When preserving HBA in a multi-family residential development that does not require a Land Division application, the property owner shall place the preserved HBA in a conservation easement and shall execute a covenant for preservation and maintenance of the HBA. The conservation easement and covenant documents shall be attached to the deed and be recorded in the appropriate records of Washington County.
3. **Conditions of Approval.** A land use approval shall include conditions of approval that define the specific obligations for the site regarding preservation, installation, maintenance, and replacement of improvements related to preserved HBA or LID technique implementation or both.

CHAPTER 90 DEFINITIONS

EXISTING DEFINITIONS, REVISED.

Acreage, Net. [ORD 4046; May 1999] The net acreage for a site is defined as the proposal size expressed in acreage minus any unbuildable area. The following areas are deemed undevelopable for the purposes of calculating net acreage:

1. Street dedications and those areas used for private streets and common driveways; and
2. Environmentally constrained lands, such as open water areas, floodplains, water quality facilities, wetlands, natural resource areas, ~~and tree preservation areas, and~~ Habitat Benefit Areas set aside in a conservation easement, separate tracts, or dedicated to a public entity; and
3. Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space purposes.

NEW DEFINITIONS.

Site Soil Amendment. A soil amendment is any material added to a soil that improves its physical properties, such as water retention, permeability, water infiltration, drainage, aeration and structure. To do its work, an amendment must be thoroughly mixed into the soil. Amending a soil is not the same thing as mulching, although many mulches also are used as amendments, a mulch is left on the soil surface. The mix of amendments added to site soils varies depending on the composition of the site soils; please refer to the *Guidance Manual* for further information.

Best Management Practices (BMPs). A storm water Best Management Practice (BMP) is a technique, measure or structural control that is used for a given set of conditions to manage the quantity and improve the quality of storm water runoff in the most cost-effective manner. BMPs can be either engineered and constructed systems ("structural BMPs") that improve the quality and/or control the quantity of runoff such as detention ponds and constructed wetlands, or institutional, education or pollution prevention practices designed to limit the generation of storm water runoff or reduce the amounts of pollutants contained in the runoff ("non-structural BMPs"). No single BMP can address all storm water problems. Each type has certain limitations based on drainage area served, available land space, cost, pollutant removal efficiency, as well as a variety of site-specific factors such as soil types, slopes, depth of groundwater table, etc. Careful consideration of these factors is necessary in order to select the appropriate BMP or group of BMPs for a particular location.

Best Management Practices (BMPs), non-structural. Strategies implemented to control stormwater runoff that focus on pollution prevention, such as alternative site design, education, and quality maintenance.

Best Management Practices (BMPs), structural. Engineered devices implemented to control, treat, or prevent stormwater runoff.

Bio-detention. Detention facility designed to store and slowly release stormwater following a precipitation event by means of an excavated pond, enclosed depression, or tank with the use of vegetation to provide additional pollutant removal and filtering functions.

Bio-retention. Retention facility designed to allow infiltration of stormwater runoff into the ground with the use of chemical, biological, and physical properties of plants, microbes, and soils to provide additional pollutant removal and filtering functions.

Building Envelope. The internal area of a lot that remains after the minimum yard setbacks are applied.

Building Footprint. The area of a lot that is covered by parking structures, buildings, or other roofed structures.

Conservation Easement. Nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open space values of real property, ensuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

Effective Impervious Area (EIA). A subset of Total Impervious Area (TIA) that is hydrologically connected via sheet flow or discrete conveyance to a drainage system or receiving body. EIA contributes significantly to changes in hydrologic function of a watershed. EIA is determined by assessing the level of connectivity of each sublevel land use type (e.g., residential curb and gutter versus residential ditch system) and then tallying by percentage in each sub-watershed. EIA is more difficult to assess than total impervious area or mapped impervious area but provides a more precise measure of actual watershed imperviousness.

Eco-roof. A vegetated roof constructed for water quality and quantity control. Green roofs are vegetated roof covers with growing media and plants taking the place of bare membrane, gravel ballast, shingles or tiles. The number of layers and the layer placement vary from system to system and green roof type, but all green roofs include a single to multi-ply waterproofing layer, drainage, growing media and the plants, covering the entire roof deck surface.

Green Roof. See *Eco-roof*.

Habitat Benefit Area (HBA). An area of land determined to provide a benefit to wildlife. Identification of HBA is accomplished by referencing the *Comprehensive Plan Volume III Habitat Benefit Area Map* that is included in the *Comprehensive Plan of the City for Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*. Habitat resource classification and delineation methodologies are included in the *Comprehensive Plan of the City for Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*. HBAs are in addition to any areas required for natural resource protection by other jurisdictional regulations.

Habitat Friendly Development Practice (HFDP). A development technique or activity that reduces detrimental impacts on fish and wildlife habitat resulting from traditional development practices.

Impervious Surface. A surface that cannot be penetrated by water and thereby prevents infiltration and generates runoff.

Impervious Area. The amount of impervious surface within a defined area.

Imperviousness. The percentage of all roads, parking lots, rooftops, sidewalks, and other impervious surfaces in a defined area.

Infiltration. The process or rate at which water percolates from the land surface into the ground. Infiltration is also a general category of BMP designed to collect runoff and allow it to flow through the ground for pollutant removal. The Environmental Protection Agency or Oregon Department of Environmental Quality may require additional permitting for infiltration facilities.

Low Impact Development (LID). A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions. LID tools are designed to reduce environmental impacts of development, such as increased storm water runoff due to impervious areas, poor water quality and inconsistent water quantity in streams and rivers. LID techniques control storm water runoff volume and reduce pollutant loadings to receiving waters. Not all sites are suitable for LID. Considerations such as soil permeability, depth of water table and slope shall be considered, in addition to other factors. LID techniques may not completely replace the need for conventional stormwater controls.

Mitigation, Natural Resources. The reduction of adverse effects of a proposed project by considering, in the order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and e) compensating for the impact by replacing or providing comparable substitute.

Natural Landscaping. The act of landscaping using plant materials that include groundcover and shrubs to cover bare earth and prevent erosion. Native plants, native-friendly plants and naturalized plants are recommended because they are adapted to the local environment and require little water and few chemicals to survive.

Parking, Tuck-Under. Tuck under parking is unenclosed parking located below the unit where parking is accessed from an open parking drive, at grade or below.

Rain Garden. Highly vegetated areas that are designed to detain or retain stormwater runoff while providing pollutant removal by the chemical, biological, and physical interaction of plants, microbes, and soils with water.

Rooftop Garden. A vegetated roof constructed for water quality and quantity control as well as passive recreation or active recreation or both.

Total Impervious Area (TIA). Total area of surfaces on a developed site that inhibit infiltration of stormwater. The surfaces include, but are not limited to, conventional asphalt or concrete roads, driveways, parking lots, sidewalks or alleys, and rooftops.

Tree Box Filter. Tree box filters are essentially 'boxed' bio-retention cells that are placed at the curb (typically where storm drain inlets are positioned). They receive the first flush of runoff along the curb and the storm water is filtered through layers of vegetation and soil before it enters a catch basin.

Tree Canopy. The shape of a tree produced by the outer most leaves. A tree's canopy cover is equal to the area within the drip line. The equation for determining tree canopy area is $3.1416 \times (r)^2 = x$ square feet (r being the radius from the center of the trunk to the drip line measured in feet). **EXAMPLE:** The tree canopy area for one tree with a radius of **20** feet will be equal to $3.1416 \times (20)^2 = 1,257$ square feet.

Tree Canopy, Mature. The expected size of the tree canopy at 10 years.

60.12. HABITAT FRIENDLY DEVELOPMENT PRACTICES

60.12.05. Purpose. Allow and encourage Habitat Friendly Development Practices (HFDPs) that integrate preservation, enhancement and creation of Habitat Benefit Areas (HBAs) and use of Low Impact Development (LID) techniques in order to support natural systems that provide wildlife with food, shelter, and clean water.

All of the provisions of Section 60.12 are voluntary and are not required of new development or redevelopment. The provisions are applicable only when a property owner elects to utilize the provisions contained in this section.

The provisions of this section are intended to:

1. Promote preservation, enhancement and restoration of Habitat Benefit Areas (HBAs).
2. Reduce impacts from development on fish and wildlife habitat relative to traditional development practices.
3. Design a site in such a way that Habitat Friendly Development Practices (HFDPs) are integrated in the overall plan.
4. Use Best Management Practices (BMPs) to guide decisions regarding site design, development and construction.
5. Reduce Effective Impervious Area (EIA) in the City to the extent practicable and achieve zero (0) percent EIA on as many individual sites as practicable.
6. Avoid damaging existing wildlife habitat through preservation of HBA, minimize impacts to existing wildlife habitat by limiting the amount of habitat disturbance to only those areas required for development of a site, and mitigate impacts to existing wildlife habitat when avoidance and minimization options are limited. Use LID techniques to mitigate impacts in order to improve remaining on-site habitat and/or down-stream habitat.
7. Encourage HFDPs by adopting options that allow for flexibility in site design for new development and redevelopment.
8. Implement provisions of the Beaverton Comprehensive Plan that encourage preservation of HBA and use of LID techniques.

SPECIAL REQUIREMENTS
Habitat Friendly Development

60.12.10. Process. Implementation of a HFDP shall not result in a requirement for a separate Development Code, Chapter 40, application. The level of review for a Chapter 40 application shall not be elevated or lessened based on proposed implementation of a HFDP.

60.12.15. Engineered Techniques. In some instances, proposed implementation of a HFDP will require an Engineering Design Manual Design Modification approved by the City Engineer. The Design Modification process is outlined in Section 145 of the *Engineering Design Manual and Standard Drawings* (EDM). An applicant may choose to receive approval from the City Engineer prior to, or concurrent with, review of a land use application.

In order for the decision making body to approve a requested credit for proposed implementation of a technique that requires a review of the technique's technical feasibility, engineered drawings and calculations need to be completed and submitted with the land use application for development review.

60.12.20. Guidance. *The City of Beaverton Habitat Friendly Development Practices Guidance Manual* provides an expanded description of principles and techniques that may be integrated into site design to meet the goals and objectives within Section 60.12.05.

60.12.25. Credits. As used in this Code section, the term credits refers to development credits an applicant may earn through HBA preservation or use of LID techniques which are described in Sections 60.12.35. through 60.12.40., below. The mix of credits requested is left to the applicant's discretion for a single project site, as credits are not transferable between separate project sites.

60.12.30. Standards. The following standards shall be satisfied by new development and redevelopment, throughout the City when a request for use of a credit(s) allowed through Section 60.12.35 or Section 60.12.40 is proposed.

1. The proposal satisfies all applicable standards for the preservation, technique, or credit requested.

60.12.30.

2. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to a credit for implementation of a proposed HFDP.
3. The proposal is consistent with all applicable provisions of Section 60.12 (Habitat Friendly Development Practices) and all improvements, dedications, or both required by the applicable provisions of Section 60.12 (Habitat Friendly Development Practices) are satisfied or can be provided in proportion to the identified impact(s) of the proposal.
4. Implementation of the proposed Habitat Friendly Development Practice(s) is technically feasible in accordance with Section 60.12.15. Engineered Techniques.
5. The size of the improvement proposed to implement the Habitat Friendly Development Practice(s) is greater than or equal to the amount required to receive the requested credit(s).
6. The proposed credit is a credit that is allowed for the proposed Habitat Friendly Development Practice(s).
7. Use of credits is limited to the amount of preservation or technique proposed. One (1) unit of preservation or technique results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) unit of preservation or technique.
8. Where a credit(s) toward the landscape standard, parking lot landscape island standard, or open space standard is requested, the proposed project requesting credits toward the landscape standard, parking lot landscape island standard, or open space standard does not cumulatively receive credits greater than 50 percent of the landscape or open space standard for the project site, with the exception of credit for installation of a Rain Garden. .
9. Where a credit(s) toward the landscape standard, parking lot landscape island standard, or open space standard is requested for installation of a Rain Garden, the proposed project requesting credits toward the landscape standard, parking lot landscape island standard, or open space standard does not cumulatively receive credits greater than 75 percent of the landscape or open space standard for the project site.

60.12.30.

10. Where a credit(s) to increase the building height above the maximum for the underlying zoning district is requested, the proposed project does not cumulatively receive credits greater than 12 feet additional building height, with the exception of Section 60.12.40.4.B.1 Building Height Increase, Multiple-Use Zoning Districts (Eco-roof).
11. Where a credit(s) to increase the building height above the maximum is requested for a project within a Multiple-Use zoning district, the proposed project does not cumulatively receive credits greater than 12 feet, 24 feet, or 36 feet additional building height, respective of Sections 60.12.40.4.B.1.a, 60.12.40.4.B.1.b, and 60.12.40.4.B.1.c.

60.12.35. Habitat Benefit Area (HBA) Preservation. Locations of HBAs are depicted on the *Comprehensive Plan Volume III Habitat Benefit Area Map*. Habitat resource classification and delineation methodologies are included in the *Comprehensive Plan for the City for Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*.

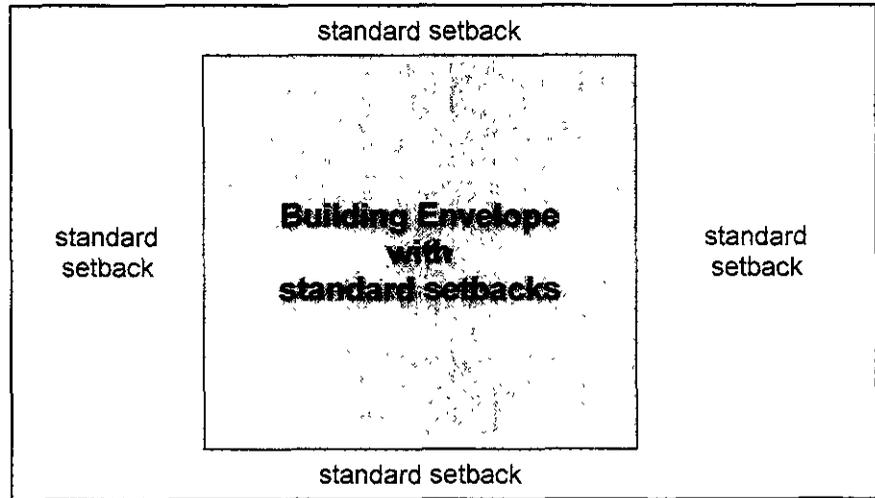
1. Preservation, Enhancement, Mitigation, Creation.

- A. Purpose. HBA Preservation includes preservation, enhancement, mitigation, or creation of HBA based upon habitat delineation.
- B. Credits. Use of the following credits is limited to the amount of HBA preservation proposed. One (1) square foot of HBA preserved results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of HBA preservation.
 1. Building Envelope Offset in Commercial and Industrial Zoning Districts. An applicant can request a yard setback decrease of one (1) foot for every one (1) lineal foot that a proposed HBA preservation encroaches into a project site from the opposite side; in exchange the opposite yard setback shall be increased one (1) lineal foot.

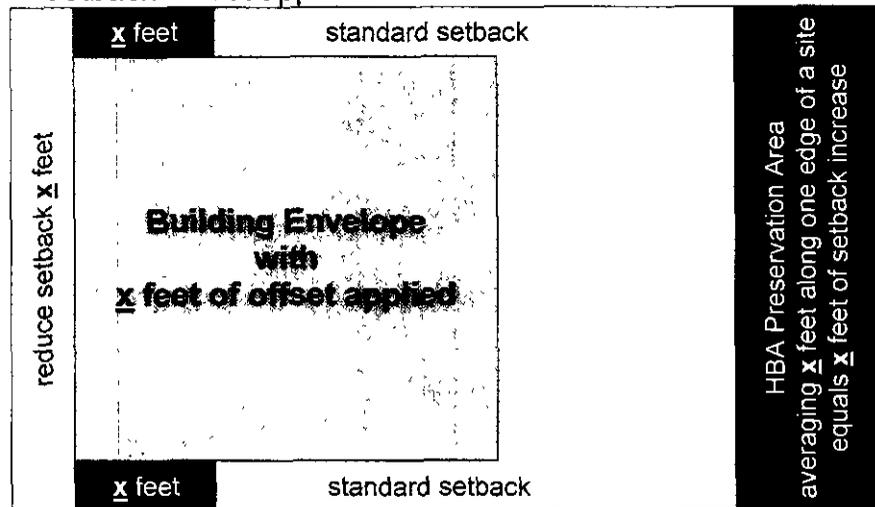
60.12.35.1.B.1.

Building Envelope Offset Example.

Standard Setbacks.



Setback Offset applied.



Standards. Building Envelope Offset credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Building Footprint Offset does not reduce a yard setback to less than five (5) feet.

60.12.35.1.B.1.

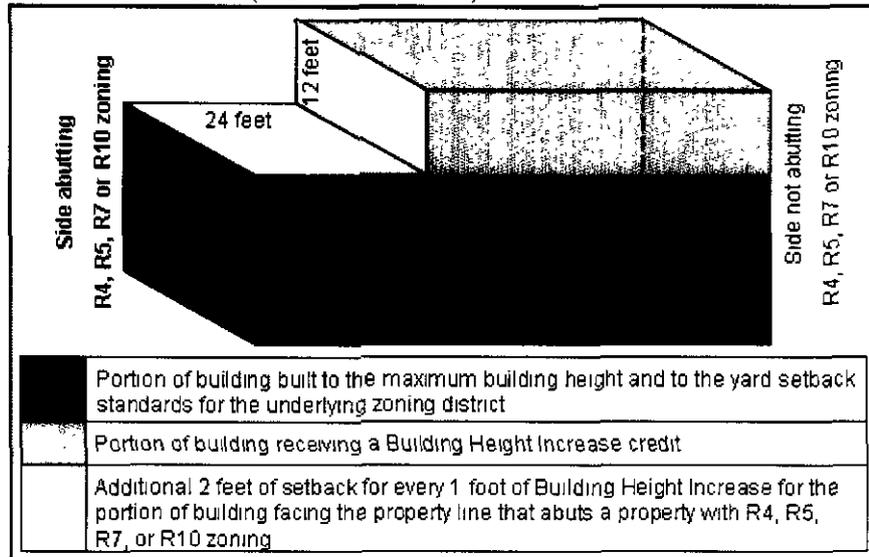
- b. The requested setback reduction is not requested for any property within the R4, R5, R7, ~~or R10~~ or RA zoning districts.
 - c. A requested setback reduction does not abut any property within the R4, R5, R7, ~~or R10~~ or RA zoning districts.
 - d. The proposed reduction will meet applicable fire or life safety requirements.
 - e. The proposed reduction will meet applicable building code requirements.
2. Building Height Increase. A proposal that includes HBA preservation can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than the square footage of HBA preservation, not to exceed the square footage of the building footprint. This credit is applicable in all zones except R4, R5, R7, and R10.

Standards. Building Height Increase credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Building Height Increase does not exceed 12 additional feet for an area equal to the building footprint.
- b. When abutting an R4, R5, R7, ~~or R10~~ or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, ~~or R10~~ or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

60.12.35.1.B.2.b.

Building Height Increase Example with additional setback. (elevation view)



- c. The building receiving the height increase shall be located within the project site where the HBA is preserved.
 - d. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
3. Floor Area Reduction in Multiple-Use Zoning Districts. For every one (1) square foot proposed HBA preservation on a project site, an applicant can request a credit of one (1) square foot toward satisfying the minimum floor area requirement for a project site.

Standards. Floor Area Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Floor Area Reduction does not exceed 25 percent of the required floor area for the project site.

60.12.35.1.B.

4. Landscape Island Standard Reduction. For every one (1) square foot proposed HBA preservation, within ten (10) feet of a proposed parking lot area, an applicant can request a credit of one (1) square foot toward the landscape island standard of Section 60.05.20.5.

Standards. Landscape Island Standard Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 50 percent of the landscape island standard for the project based upon the minimum number of parking spaces required for the subject site divided by the applicable standard of Section 60.05.20.5.A.

5. Landscape Standard Reduction. For every one (1) square foot of HBA preservation proposed, an applicant can request a credit of one (1) square foot toward the landscape standard.

Standards. Landscape Standard Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

6. Lot Dimension Reduction. An applicant can request a credit toward reduction of either the standard minimum lot dimension for width or the standard minimum lot dimension for depth, while continuing to meet the minimum lot size and minimum density requirements of the underlying zoning district.

60.12.35.1.B.6.

Standards. Lot Dimension Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Lot Dimension Reduction does not exceed 20 percent of the required width or 20 percent of the required depth of the underlying zoning district's lot dimension requirement.
 - b. HBA preservation is equal to or greater than the minimum lot area square footage for one (1) lot within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging (60.12.35.1.B.7.) and Lot Dimension Reduction for one project site, the applicant may propose one technique or the other for each lot, but may not apply both techniques to any one (1) lot.
 - c. HBA preservation is equal to or greater than the minimum lot area square footage for two (2) lots within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging (60.12.35.1.B.7.) and Lot Dimension Reduction for one project site, the applicant may propose application of both techniques to all proposed lots.
7. Lot Size Averaging. An applicant can request a credit toward averaging the size of proposed lots rather than meeting the minimum lot size requirement for every proposed lot, while continuing to meet minimum density requirements of the underlying zoning district.

Standards. Lot Size Averaging credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

60.12.35.1.B.7.

- a. **Credit Limit.** The proposed Lot Size Averaging does not reduce the square footage of any one lot below 80 percent of the minimum and does not increase the square footage of any one lot above 120 percent of the maximum square footage of the underlying zoning district's lot area standard.
 - b. HBA preservation is equal to or greater than the minimum lot area square footage for one (1) lot within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging and Lot Dimension Reduction (60.12.35.1.B.6.) for one project site, the applicant may propose one technique or the other for each lot, but may not apply both techniques to any one (1) lot.
 - c. HBA preservation is equal to or greater than the minimum lot area square footage for two (2) lots within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging and Lot Dimension Reduction (60.12.35.1.B.6.) for one project site, the applicant may propose application of both techniques to all proposed lots.
8. **Open Space Standard Reduction.** For every one (1) square foot HBA preservation proposed, an applicant can request a credit of one (1) square foot toward the open space standard.

Standards. Open Space Standard Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. **Credit Limit.** The proposed Open Space Standard Reduction does not exceed 50 percent of the open space standard of Section 60.05.25.1, Section 60.05.25.2, Section 60.05.25.4 and Section 60.35.15 for the project site.

60.12.35.1.

C. Standards. Proposals that request credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Sections 60.12.35.B.1 through 60.12.35.B.8.

1. The area of HBA Preservation, Enhancement, Mitigation or Creation shall be placed within a conservation easement or a separate tract as described in Section 60.12.50. As a condition of approval, a covenant with the City shall be established as described in Section 60.12.50.

2. If the area of HBA Preservation, Enhancement, Mitigation or Creation overlaps with an area in which development is currently restricted by regulations of the City or another government agency, the area of overlap shall not be eligible to receive credits under this section.

3. When in conjunction with a Tree Plan application, if the area of HBA Preservation, Enhancement, Mitigation or Creation overlaps with a Preservation Area containing Protected Trees or Community Trees, as described in Section 60.60.15.2 of this Code, the area of overlap that exceeds the minimum tree preservation requirements of a Tree Plan 2 application shall be eligible to receive credits under this section.

~~4~~2. Proposals for HBA Mitigation shall:

- a. replace existing HBA that is proposed for removal on the same project site.
- b. be contiguous with an existing HBA or designated Clean Water Services Vegetated Corridor for a minimum of 50 feet.
- c. be equal to or greater than existing HBA proposed for removal.

~~5~~3. Proposals for HBA Creation shall:

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Habitat Friendly Development

- a. be developed with natural landscaping that supports native wildlife.
- b. be contiguous with an existing HBA or CWS vegetated corridor for a minimum of 50 feet.
- c. be a minimum of 2,500 square feet.

60.12.35.1.C.5.

60.12.35.

60.12.35. HABITAT BENEFIT AREA (HBA) PRESERVATION - CREDIT TABLE				
A Purpose	HBA Preservation, Enhancement, Mitigation or Creation	Propose	One (1) square foot (Bldg Envelope Offset - one (1) lineal foot)	
B Credits		Toward	Amount	Limit
1.	Building Envelope Offset	setback	1 lineal ft	offsetting
2.	Building Height Increase	bldg ht	1 sf	12 ft
3.	Floor Area Reduction (MU)	min. floor area	1 sf	25% required floor area
4.	Landscape Island Standard Reduction	landscape island	1 sf	50% landscape island std
5.	Landscape Standard Reduction	landscape	1 sf	50% landscape std
6.	Lot Dimension Reduction	lot dimension	20% width/depth	HBA sf = min 1 du
7.	Lot Size Averaging	lot area per du	80% to 120%	HBA sf = min 1 du
8.	Open Space Standard Reduction	open space	1 sf	50% open space std

bldg = building, du = dwelling unit, ft = foot/feet, ht = height, sf = square feet, std = standard, min = minimum, max = maximum

60.12.40. Low Impact Development (LID) Techniques. Use of LID techniques is allowed throughout the City unless otherwise stated.

1. Additional Street Tree Canopy.

- A. Purpose. Increase street tree canopy by increasing the number of street trees for a project equal to an amount greater than the standard of one (1) tree per 30 lineal feet, but not to exceed one (1) tree per 20 lineal feet.

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- B. Credits. Landscape Standard Reduction. For every one (1) square foot of additional street tree canopy proposed an applicant can request a credit of one (1) square foot toward the landscape standard.

- C. Standards. Landscape Standard Reduction credits for Additional Street Tree Canopy shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

| 60.12.40.1.C.

- 2. The additional Street Tree canopy is calculated based on the square footage of additional street tree canopy at 10 years maturity.

| 60.12.40.1.C.

- 3. The additional street tree canopy is calculated only for those trees in excess of the standard of one (1) tree per 30 lineal feet.
- 4. The additional street tree is an accepted street tree as specified in the City of Beaverton's *Approved Tree List* and *Street of Trees Tour Guide*.

2. Site Soil Amendment.

- A. Purpose. Site Soil Amendment within proposed landscape areas for projects located in multiple-use, multiple-family residential, commercial, and industrial zoning districts.

- B. Credits. Use of the following credits is limited to the amount Site Soil Amendment proposed. One (1) square foot of Site Soil Amendment results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Site Soil Amendment.
 - 1. Landscape Standard Reduction. For every one (1) square foot of Site Soil Amendment proposed an applicant can

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request a credit of one and one-half (1.5) square feet toward the landscape standard.

Standards. Landscape Standard Reduction credits for Site Soil Amendment shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.2.B.

2. Landscape Island Standard Reduction. For every one (1) square foot of Site Soil Amendment proposed an applicant can request a credit of one and one-half (1.5) square feet toward the landscape island standard limited to 50 percent of the landscape island standard for the project site.

60.12.40.2.B.2.

Standards. A request for Landscape Island Standard Reduction credits for Site Soil Amendment shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.

- a. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 50 percent of the landscape island standard for the project based upon the minimum number of parking spaces required for the subject site divided by applicable standard of Section 60.05.20.5.A.

3. Disconnect Downspouts.

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- A. Purpose. Disconnect a downspout directing the roof stormwater to a rain garden for projects located in multiple-use, multiple-family residential, commercial, and industrial zoning districts.
- B. Credits. Landscape Standard Reduction. Projects that disconnect downspouts from directly entering the piped municipal storm water system can count each square foot of roof area drained toward one-quarter (0.25) square feet of the landscape standard for the subject site. This credit is in addition to credits received for the rain garden, Section 60.12.40.B.5, that the roof stormwater is directed to flow into.
- C. Standards. Landscape Standard Reduction credits for Disconnecting a Downspout(s) shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.3.

- D. Disconnection of downspouts will also be reviewed with a Building Permit.

60.12.40.

4. **Eco-roof.**

- A. Purpose. Install an Eco-roof equal to at least 10 percent of the building footprint for projects located in multiple-use, multiple-family residential, commercial, and industrial zoning districts.
- B. Credits. Use of the following credits is limited to the amount Eco-roof proposed. One (1) square foot of Eco-roof results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Eco-roof.

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1. Building Height Increase, Multiple-Use Zoning Districts.
 - a. For a proposal that includes an Eco-roof that is at least 10 percent but less than 30 percent of the building's footprint, an applicant can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than the square footage of Eco-roof.
 - b. For a proposal that includes an Eco-roof that is at least 30 percent but less than 60 percent of the building's footprint, an applicant can request an increase in building height up to 24 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than two (2) times the square footage of Eco-roof.
 - c. For a proposal that includes an Eco-roof that is at least 60 percent of the building's footprint, an applicant can request an increase in building height up to 36 feet within the building footprint.

60.12.40.4.B.1.

- d. Standards. Building Height Increase credits for installation of an Eco-roof in a Multiple-Use zoning District shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.4.C.

~~60.12.40.4.B.1.d.~~

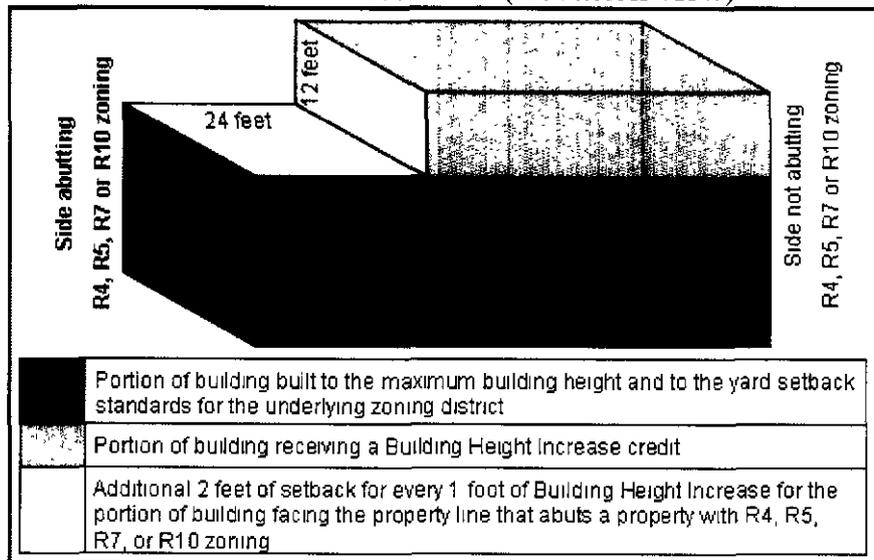
- (1). Credit Limit. The proposed Building Height Increase does not exceed the relative 12, 24, or 36 foot standard outlined in a, b, or c, above.
- (2). The square footage of the building footprint receiving the building height increase shall

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be equal to or less than three (3) times the square footage of Eco-roof.

- (3). When abutting an R4, R5, R7, ~~or R10~~ or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, ~~or R10~~ or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



60.12.40.4.B.1.d.

- (4). The building receiving the height increase shall be the building with the Eco-roof.

60.12.40.4.B.1.d.

- (5). The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.

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2. Building Height Increase, Multiple-Family, Commercial and Industrial Zoning Districts.

a. For every one (1) square foot of Eco-roof proposed an applicant can request a credit of one (1) square foot toward an increase in building height up to 12 feet within the building footprint.

b. Standards. Building Height Increase credits for installation of an Eco-roof in a Multiple-Family, Commercial or Industrial Zoning Districts shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.4.C.

(1). Credit Limit. The proposed Building Height Increase does not exceed 12 additional feet for an area equal to the building footprint.

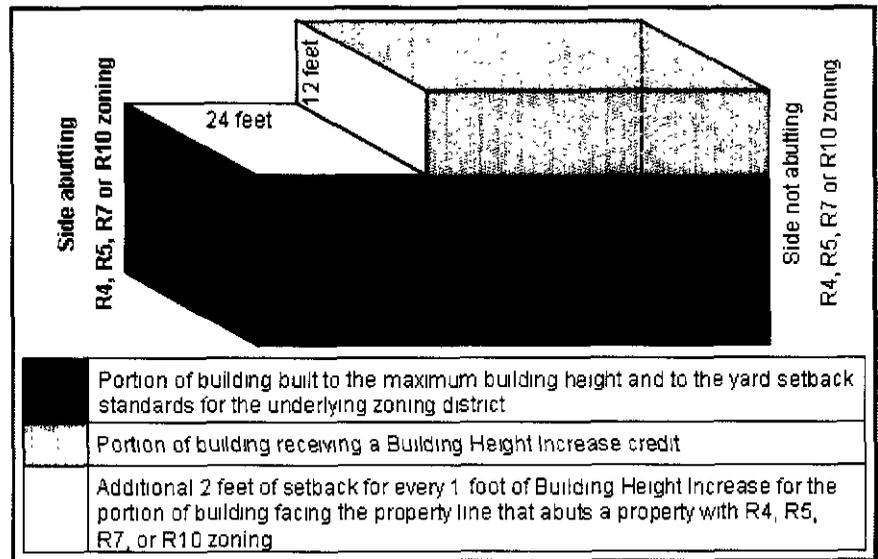
(2). The square footage of the building footprint receiving the building height increase shall be equal to or less than the square footage of Eco-roof.

(3). When abutting an R4, R5, R7, ~~or R10~~ or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, ~~or R10~~ or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

60.12.40.4.B.2.b.

Building Height Increase Example with
additional setback. (elevation view)

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- (3). The building receiving the height increase shall be the building with the Eco-roof.
 - (4). The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
3. Landscape Standard Reduction. For a proposal that includes an Eco-roof, every one (1) square foot of Eco-roof earns one (1) square foot toward the landscape standard for the subject site.

Standards. Landscape Standard Reduction credits for installation of an Eco-roof shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.4.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.5.

5. Rain Garden.

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- A. Purpose. Integration of a facility that provides a bio-detention function, bio-retention function, or other vegetated on-site stormwater disposal function within a project site that is located in a multiple-use, multiple-family residential, commercial, or industrial zoning district.

- B. Credits. Use of the following credits is limited to the amount of stormwater that can be retained or detained by the Rain Garden proposed. One (1) cubic foot of stormwater retention or detention results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) cubic foot of stormwater retained or detained by the Rain Garden.
 - 1. Building Height Increase. A proposal for integration of a Rain Garden can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less three (3) square feet for every one (1) cubic foot of water retained or detained by the Rain Garden, not to exceed the square footage of the building footprint.

Standards. Building Height Increase credits for installation of a Rain Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.5.C.

- a. Credit Limit. The proposed Building Height Increase does not exceed 12 feet of height above the standard for the underlying zoning district.

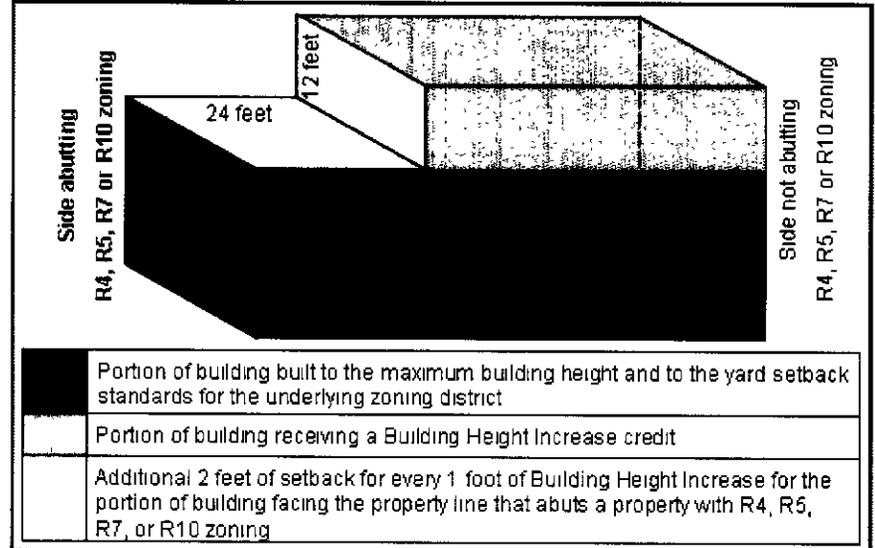
60.12.40.5.B.1.

- b. When abutting an R4, R5, R7, ~~or R10~~ or RA zoning district, or equivalent County zoning district, the

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portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, ~~or~~ R10 or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



- c. The building receiving the height increase shall be located within the project site where the Rain Garden is proposed.
 - d. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
2. Landscape Island Standard Reduction. For every one (1) cubic foot of water retained or detained in the design of a proposed Rain Garden that is located within the design of the parking lot(s) for a project site, an applicant can request a credit of one and one-half (1.5) square feet toward the landscape island standard.

60.12.40.5.B.2.

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Standards. Landscape Island Standard Reduction credits for installation of a Rain Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.5.C.

- a. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 75 percent of the landscape island standard for the project site.
3. Landscape Standard Reduction. For every one (1) cubic foot of water retained or detained in the design of a proposed Rain Garden, an applicant can request a credit of three (3) square feet toward the landscape standard.

Standards. Landscape Standard Reduction credits for installation of a Rain Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.5.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 75 percent of the landscape standard for the project site.
- C. Standards. Proposals that request credits for integration of a Rain Garden(s) shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Sections 60.12.40.5.B.1. through 60.12.40.5.B.3.
1. The rain garden shall be designed to capture thirty-six hundredths (0.36) of an inch of rainfall in a four (4) hour period, minimum. The maximum bonus given shall be for a design that captures three (3) inches of rainfall in a 24 hour period (approximately a five-year storm) equivalent volume, even if part of a larger storm detention facility intended to meet the City's 25-year storm event requirement.
 2. The rain garden shall be located on the site or abut the site in a right-of-way so that it is visible to the public from sidewalks that provide access to the project.

60.12.40.5.C.

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3. Any retaining walls proposed around the Rain Garden shall be less than or equal to 30 inches in height.
4. Landscape planting plans for the rain garden shall be prepared with consideration to sun and shade conditions.
5. There shall be no vertical obstruction with northern exposure of greater than four (4) feet directly adjacent to the rain garden. The minimum distance from such a north facing vertical obstruction to the rain garden shall be half the height of the vertical obstruction.
6. The design and location of the rain garden shall be approved as part of the overall project during development review.
8. If not within a public right-of-way, the property owner shall set aside the rain garden in a conservation easement or a separate tract. The conservation easement or tract shall comply with the requirements of Section 60.12.55.2.

6. Rooftop Garden.

- A. Purpose. Integration of a Rooftop Garden in the design of a building(s) located in a multiple-use, multiple-family residential, commercial, or industrial zoning districts.
- B. Credits. Use of the following credits is limited to the amount Rooftop Garden proposed. One (1) square foot of Rooftop Garden results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Rooftop Garden.
 1. Building Height Increase. A proposal that integrates a Rooftop Garden can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than one-half (0.5) square foot for every one (1) square foot of Rooftop Garden proposed, not to exceed the square footage of the building footprint.

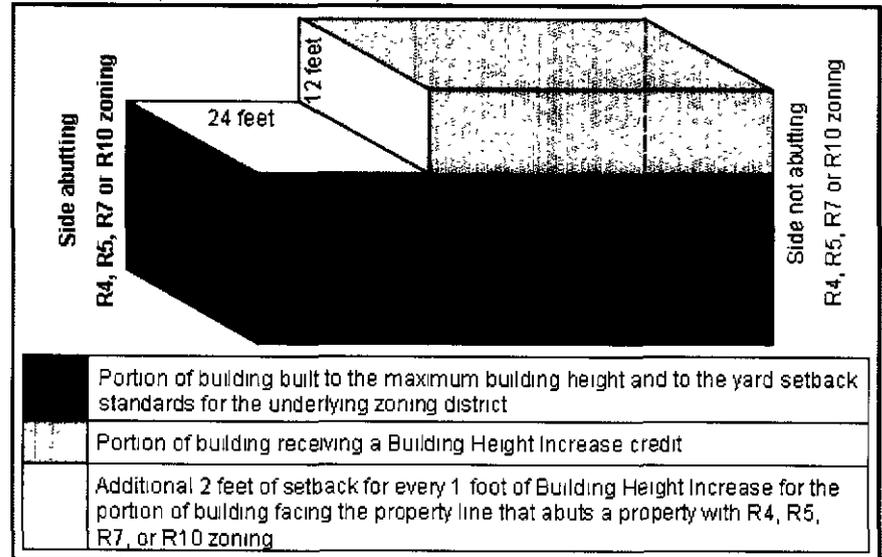
60.12.40.6.B.1.

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Standards. Building Height Increase credits for integration of a Rooftop Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.6.C.

- a. Credit Limit. The proposed Building Height Increase does not exceed 12 feet of height above the standard for the underlying zoning district
- b. When abutting an R4, R5, R7, ~~or R10~~ or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, ~~or R10~~ or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



- c. The building receiving the height increase shall be the building with the Rooftop Garden.
- d. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.

60.12.40.6.B.

2. **Landscape Standard Reduction.** For every one (1) square foot of Rooftop Garden constructed an applicant can request a credit toward one and one-half (1.5) square feet of the landscape standard for the project site.

Standards. Landscape Standard Reduction credits for integration of a Rooftop Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.6.C.

- a. **Credit Limit.** The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape island standard for the project site.
- C. **Standard.** A Rooftop Garden shall be equivalent to at least 25 percent of the building footprint and at least 30 percent of the garden area shall contain live plants. In addition, a proposal for a Rooftop Garden shall satisfy the applicable standards of Section 60.12.30.

7. Integrated Parking.

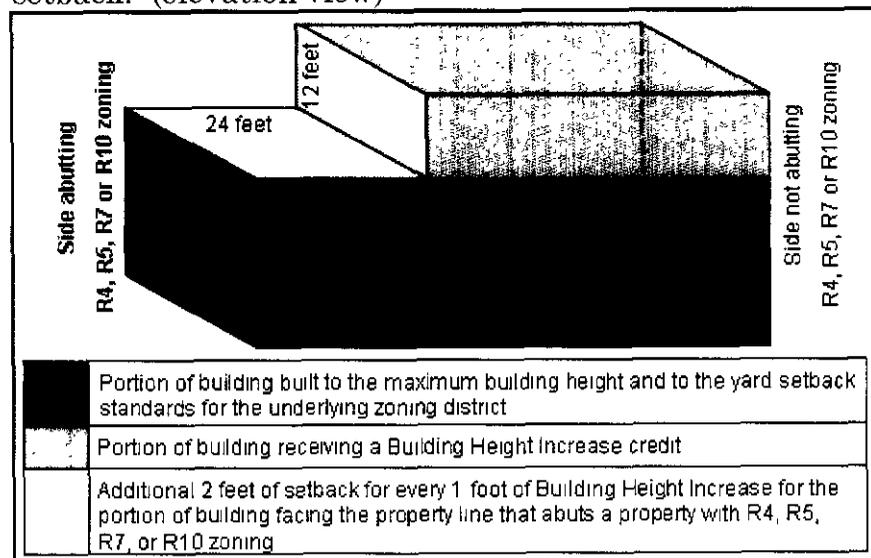
- A. **Purpose.** Integration of below-grade, tuck-under, or structured parking within the footprint of a building(s) located in a multiple-use, multiple-family residential, commercial, or industrial zoning district or structured parking located in a multiple-use zoning district.
- B. **Credit. Building Height Increase.** A proposal that includes Integrated Parking can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than two (2) square feet for every 100 square feet of integrated parking proposed, not to exceed the square footage of the building footprint.
- C. **Standards. Building Height Increase credits for Integrated Parking** shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.

60.12.40.7.C.

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1. Credit Limit. The proposed Building Height Increase does not exceed 12 feet of height above the standard for the underlying zoning district.
2. For every structured parking space provided there shall be a reduction of at least one surface parking space that otherwise could have been provided within the maximum parking ratio requirements of Section 60.30.
3. When abutting an R4, R5, R7, ~~or~~ R10 or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, ~~or~~ R10 or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



4. The building receiving the height increase shall be the building with the Integrated Parking.
5. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.

60.12.40.

8. Trees, Existing Canopy Preservation.

- A. Purpose. Preservation of existing tree canopy within ten (10) linear feet of a proposed surface parking lot and vehicle maneuvering area.
- B. Credit. Landscape Island Standard Reduction. For every one (1) square foot of existing Tree Canopy preserved, an applicant can request a credit of one (1) square foot toward the landscape island standard of Section 60.05.20.5.

EXAMPLE: If an applicant proposes development of a site and the size of the proposed parking lot results in standard construction of five (5) landscape islands equal to an area of 350 square feet and planting of five (5) trees, the applicant can alternately propose preservation of three mature trees within a 200 square foot area and supply two (2) or three (3) landscape islands totaling 175 square feet landscape area with two (2) trees.

- C. Standards. Landscape Island Standard Reduction credits for Existing Canopy Preservation of Trees shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 50 percent of the landscape island standard for the project site.
 - 2. The proposal satisfies the approval criteria of the applicable Tree Plan application, if any.
 - 3. The tree(s) that holds the canopy proposed for preservation is proposed for protection as outlined in Section 60.60.20. of this Code for Protected Trees.

9. Trees, Mitigation.

- A. Purpose. Mitigation for removal of non-exempt surveyed tree(s) considered Community Trees, Historic Trees or Street Trees.

60.12.40.9.

- B. Credits. Landscape Standard Reduction. For every one (1) square foot of tree canopy mitigated, an applicant can request a credit toward one-half (0.5) square foot of the landscape standard for the project site.

- C. Standards. Landscape Standard Reductions for Mitigation of Trees shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

 - 1. The proposal satisfies the approval criteria of the applicable Tree Plan application, if any.

 - 2. Mitigation of Community Trees, Historic Trees or Street Trees under the provisions of this section satisfies the mitigation standards of Section 60.60.25.1 for Significant Individual Trees or trees within Significant Groves or SNRAs.

10. Trees, Preservation.

- A. Purpose. Preservation of at least 25 percent of the total tree canopy square footage of non-exempt surveyed tree(s) considered Community Trees, Historic Trees or Street Trees.

- B. Credit. Landscape Standard Reduction. For every one (1) square foot of tree canopy preserved, an applicant can request a credit toward one (1) square foot of the landscape standard for the project site, limited to 50 percent of the landscape standard for the project site.

- C. Standards. Landscape Standard Reduction credits for Preservation of Trees shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.10.C.

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2. The proposal satisfies the approval criteria of the applicable Tree Plan application, if any.
3. The Community, Historic or Street tree(s) proposed for preservation under the provisions of this section is proposed for protection during development as outlined by Section 60.60.20. of this Code for Protected Trees.

11. Trees, Box Filter.

- A. Purpose. Integration of a Tree Box Filter(s) and its associated improvements in the design of a project site.
- B. Credits. Landscape Standard Reduction. For every one (1) square foot of proposed site improvements associated with installation of a Tree Box Filter an applicant can request a credit of two (2) square feet toward the landscape standard.
- C. Standards. Landscape Standard Reduction credits for integration of a Tree Box Filter(s) shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40. LOW IMPACT DEVELOPMENT (LID) TECHNIQUES - CREDIT TABLE			
1. Additional Street Tree Canopy			
A. Purpose	Add tree canopy by adding street trees above standard	Propose 1sf additional street tree canopy	
B. Credits		Toward	Amount
	Landscape Standard Reduction	landscape	1 sf
			Limit
			50% landscape std
2. Site Soil Amendment			
A. Purpose	Amend soils for additional water absorption	Propose 1sf amended site soils	
B. Credits		Toward	Amount
	1. Landscape Standard Reduction	landscape	1 sf
	2. Landscape Island Standard Reduction	landscape island	1 sf
			Limit
			50% landscape std
			50% landscape island std
3. Disconnect Downspouts			
A. Purpose	Direct roof stormwater runoff to a Rain Garden	Propose 1sf of roof area drained	
B. Credits		Toward	Amount
	1. Landscape Standard Reduction	landscape	0.25 sf
			Limit
			50% landscape std

bdg = building, du = dwelling unit, ft = foot/feet, ht = height, sf = square feet, std = standard, min = minimum, max = maximum

60.12.40.

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60.12.40. LOW IMPACT DEVELOPMENT (LID) TECHNIQUES - CREDIT TABLE			
4. Eco-roof			
A Purpose	Eco-roof to absorb roof stormwater	Propose 1sf of eco-roof	
B Credits		Toward	Amount
		Limit	
1.	Building Height Increase, Multiple-Use zoning districts		
a.	10% to < 30% of building footprint	bldg footprint	1 sf
b.	30% to < 60% of building footprint	bldg footprint	2 sf
c.	60% or more of building footprint	bldg footprint	3 sf
2.	Building Height Increase, Multiple-Family, Commercial, and Industrial zoning districts		
		bldg footprint	1 sf
		Limit	12 ft above bldg ht
3.	Landscape Standard Reduction	landscape	1 sf
			50% landscape std
5. Rain Garden			
A Purpose	Bio-detention, bio-retention, or other vegetated facility	Propose 1cu ft of water detained/retained	
B Credits		Toward	Amount
		Limit	
1.	Building Height Increase	bldg footprint	3 sf
			12 ft above bldg ht
2.	Landscape Island Standard Reduction	landscape island	1.5 sf
			75% landscape island std
3.	Landscape Standard Reduction	landscape	3 sf
			75% landscape std
6. Rooftop Garden			
A Purpose	Rooftop improvements to absorb roof stormwater	Propose 1sf of rooftop garden	
B Credits		Toward	Amount
		Limit	
1.	Building Height Increase	bldg footprint	0.5 sf
			12 ft above bldg ht
2.	Landscape Standard Reduction	landscape	1.5 sf
			50% landscape std
7. Integrated parking			
A Purpose	Below-grade, tuck-under, or structured parking	Propose 100 sf of integrated parking	
B Credits		Toward	Amount
		Limit	
1.	Building Height Increase	bldg footprint	2 sf
			12 ft above bldg ht
8. Trees, Existing Canopy Preservation			
A Purpose	Preserve tree canopy within 10 ft of parking & maneuvering	Propose 1sf tree canopy preserved	
B Credits		Toward	Amount
		Limit	
1.	Landscape Island Standard Reduction	landscape island	1 sf
			50% landscape island std
9. Trees, Mitigation			
A Purpose	Mitigate Community, Historic, or Street Tree removal	Propose 1sf tree canopy mitigated	
B Credits		Toward	Amount
		Limit	
1.	Landscape Standard Reduction	landscape	0.5 sf
			50% landscape std
10. Trees, Preservation			
A Purpose	Preserve Community, Historic, or Street Tree canopy	Propose 1sf tree canopy preserved	
B Credits		Toward	Amount
		Limit	
1.	Landscape Standard Reduction	landscape	1 sf
			50% landscape std
11. Trees, Box Filter			
A Purpose	Install Tree Box Filter	Propose 1sf tree box filter & improvements	
B Credits		Toward	Amount
		Limit	
1.	Landscape Standard Reduction	landscape	2 sf
			50% landscape std
bldg = building, du = dwelling unit, ft = foot/feet, ht = height, sf = square feet, std = standard, min = minimum, max = maximum			

60.12.45. Maintenance.

1. **Covenant with the City.** An applicant that requests enhancement, mitigation or creation of HBA or integration of LID techniques in association with the provisions of Section 60.12 shall execute a covenant with the City that ensures the preservation, installation, maintenance, and replacement, if necessary, of the HBA or LID improvements and that meets the requirements of Section 60.12.45.1.A., below. Covenants shall be liberally construed for maximum protection of health, safety, and welfare of life and property.
 - A. Content of the covenant. A covenant required by this Code or as a condition of land use approval shall provide that:
 1. The City's need to address a clear and present danger to life or property shall supersede limitations of a covenant;
 2. The owner will comply with all applicable Code requirements and conditions of approval;
 3. If the owner fails to perform under the covenant, the City may at any time seek any available legal or equitable remedy. However, there is a preference for negotiated resolution without the necessity of litigation;
 4. If, within one year of a citation filed by the City for violation under this section, the owner fails to carry out necessary repairs to on-site facilities, or to otherwise restore facilities to their intended functions, the city may terminate occupancy of the site and seek an injunction prohibiting future occupancy of the site while a violation of the covenant exists;
 5. Where the development rights of one site are dependent on the performance of conditions by the owner of another site, the covenants are judicially enforceable by the owner of one site against the owner of another;
 6. The applicant and property owner shall submit to the City of Beaverton a right of inspection allowing City staff or City contracted personnel to inspect the facility for proper function: and

60.12.45.1.A.

7. The city may condition permit or development approval upon provision of a surface and subsurface utility easement notwithstanding the beneficial effect of a covenant under this section.
- B. The covenant shall run with the land. The covenant shall be attached to the deed and be recorded in the appropriate records of Washington County. Proof of the recording shall be made prior to the issuance of any construction permits.
- C. Modifying the covenant.
1. Modifications to a land use approval or a condition thereof shall be obtained through an amendment to the original land use decision subject to the provisions of Section 50.95 of this Code.
 2. Modifications that do not affect a land use approval or a condition thereof may be amended by written agreement by the parties without undergoing a land use application.
 3. The modified covenant shall run with the land. The modified covenant shall be attached to the deed and be recorded in the appropriate records of Washington County. Proof of the recording shall be made prior to the issuance of any building permits.

2. Preserved HBA

- A. Commercial, Industrial or Multiple-use zoning districts. When preserving HBA in a commercial, industrial or multiple-use zoning district, the property owner shall place the preserved HBA in a conservation easement and shall execute a covenant for preservation and maintenance of the HBA. The conservation easement and covenant documents shall be attached to the deed and be recorded in the appropriate records of Washington County.

60.12.45.

- B. Residential zoning districts.
1. Single-family Residential zones. When preserving HBA in a single-family residential development that requires a Land Division application, the property owner shall place the preserved HBA in a separate tract. This tract may be retained by the property owner with the execution of a covenant or the tract may be dedicated to a public entity willing to receive the HBA.
 2. Multi-family Residential zones. When preserving HBA in a multi-family residential development that does not require a Land Division application, the property owner shall place the preserved HBA in a conservation easement and shall execute a covenant for preservation and maintenance of the HBA. The conservation easement and covenant documents shall be attached to the deed and be recorded in the appropriate records of Washington County.
 3. **Conditions of Approval.** A land use approval shall include conditions of approval that define the specific obligations for the site regarding preservation, installation, maintenance, and replacement of improvements related to preserved HBA or LID technique implementation or both.

CHAPTER 90 DEFINITIONS

EXISTING DEFINITIONS, REVISED.

Acreage, Net. [ORD 4046; May 1999] The net acreage for a site is defined as the proposal size expressed in acreage minus any unbuildable area. The following areas are deemed undevelopable for the purposes of calculating net acreage:

1. Street dedications and those areas used for private streets and common driveways; and
2. Environmentally constrained lands, such as open water areas, floodplains, water quality facilities, wetlands, natural resource areas, ~~and tree preservation areas,~~ and Habitat Benefit Areas set aside in a conservation easement, separate tracts, or dedicated to a public entity; and
3. Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space purposes.

NEW DEFINITIONS.

Site Soil Amendment. A soil amendment is any material added to a soil that improves its physical properties, such as water retention, permeability, water infiltration, drainage, aeration and structure. To do its work, an amendment must be thoroughly mixed into the soil. Amending a soil is not the same thing as mulching, although many mulches also are used as amendments, a mulch is left on the soil surface. The mix of amendments added to site soils varies depending on the composition of the site soils; please refer to the *Guidance Manual* for further information.

Best Management Practices (BMPs). A storm water Best Management Practice (BMP) is a technique, measure or structural control that is used for a given set of conditions to manage the quantity and improve the quality of storm water runoff in the most cost-effective manner. BMPs can be either engineered and constructed systems ("structural BMPs") that improve the quality and/or control the quantity of runoff such as detention ponds and constructed wetlands, or institutional, education or pollution prevention practices designed to limit the generation of storm water runoff or reduce the amounts of pollutants contained in the runoff ("non-structural BMPs"). No single BMP can address all storm water problems. Each type has certain limitations based on drainage area served, available land space, cost, pollutant removal efficiency, as well as a variety of site-specific factors such as soil types, slopes, depth of groundwater table, etc. Careful consideration of these factors is necessary in order to select the appropriate BMP or group of BMPs for a particular location.

Best Management Practices (BMPs), non-structural. Strategies implemented to control stormwater runoff that focus on pollution prevention, such as alternative site design, education, and quality maintenance.

Best Management Practices (BMPs), structural. Engineered devices implemented to control, treat, or prevent stormwater runoff.

Bio-detention. Detention facility designed to store and slowly release stormwater following a precipitation event by means of an excavated pond, enclosed depression, or tank with the use of vegetation to provide additional pollutant removal and filtering functions.

Bio-retention. Retention facility designed to allow infiltration of stormwater runoff into the ground with the use of chemical, biological, and physical properties of plants, microbes, and soils to provide additional pollutant removal and filtering functions.

Building Envelope. The internal area of a lot that remains after the minimum yard setbacks are applied.

Building Footprint. The area of a lot that is covered by parking structures, buildings, or other roofed structures.

Conservation Easement. Nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open space values of real property, ensuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

Effective Impervious Area (EIA). A subset of Total Impervious Area (TIA) that is hydrologically connected via sheet flow or discrete conveyance to a drainage system or receiving body. EIA contributes significantly to changes in hydrologic function of a watershed. EIA is determined by assessing the level of connectivity of each sublevel land use type (e.g., residential curb and gutter versus residential ditch system) and then tallying by percentage in each sub-watershed. EIA is more difficult to assess than total impervious area or mapped impervious area but provides a more precise measure of actual watershed imperviousness.

Eco-roof. A vegetated roof constructed for water quality and quantity control. ~~Green~~ Eco-roofs are vegetated roof covers with growing media and plants taking the place of bare membrane, gravel ballast, shingles or tiles. The number of layers and the layer placement vary from system to system and ~~green~~-roof type, but all ~~green~~ Eco-roofs include a single to multi-ply waterproofing layer, drainage, growing media and the plants, covering the entire roof deck surface.

~~Green Roof.~~ See *Eco-roof*.

Habitat Benefit Area (HBA). An area of land determined to provide a benefit to wildlife. Identification of HBA is accomplished by referencing the *Comprehensive Plan Volume III Habitat Benefit Area Map* that is included in the *Comprehensive Plan of the City for Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*. Habitat resource classification and delineation methodologies are included in the *Comprehensive Plan of the City for Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*. HBAs are in addition to any areas required for natural resource protection by other jurisdictional regulations.

Habitat Friendly Development Practice (HFDP). A development technique or activity that reduces detrimental impacts on fish and wildlife habitat resulting from traditional development practices.

Impervious Surface. A surface that cannot be penetrated by water and thereby prevents infiltration and generates runoff.

Impervious Area. The amount of impervious surface within a defined area.

Imperviousness. The percentage of all roads, parking lots, rooftops, sidewalks, and other impervious surfaces in a defined area.

Infiltration. The process or rate at which water percolates from the land surface into the ground. Infiltration is also a general category of BMP designed to collect runoff and allow it to flow through the ground for pollutant removal. The Environmental Protection Agency or Oregon Department of Environmental Quality may require additional permitting for infiltration facilities.

Low Impact Development (LID). A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions. LID tools are designed to reduce environmental impacts of development, such as increased storm water runoff due to impervious areas, poor water quality and inconsistent water quantity in streams and rivers. LID techniques control storm water runoff volume and reduce pollutant loadings to receiving waters. Not all sites are suitable for LID. Considerations such as soil permeability, depth of water table and slope shall be considered, in addition to other factors. LID techniques may not completely replace the need for conventional stormwater controls.

Mitigation, Natural Resources. The reduction of adverse effects of a proposed project by considering, in the order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and e) compensating for the impact by replacing or providing comparable substitute.

Natural Landscaping. The act of landscaping using plant materials that include groundcover and shrubs to cover bare earth and prevent erosion. Native plants, native-friendly plants and naturalized plants are recommended because they are adapted to the local environment and require little water and few chemicals to survive.

Parking, Tuck-Under. Tuck under parking is unenclosed parking located below the unit where parking is accessed from an open parking drive, at grade or below.

Rain Garden. Highly vegetated areas that are designed to detain or retain stormwater runoff while providing pollutant removal by the chemical, biological, and physical interaction of plants, microbes, and soils with water.

Rooftop Garden. A vegetated roof constructed for water quality and quantity control as well as passive recreation or active recreation or both.

Total Impervious Area (TIA). Total area of surfaces on a developed site that inhibit infiltration of stormwater. The surfaces include, but are not limited to, conventional asphalt or concrete roads, driveways, parking lots, sidewalks or alleys, and rooftops.

Tree Box Filter. Tree box filters are essentially 'boxed' bio-retention cells that are placed at the curb (typically where storm drain inlets are positioned). They receive the first flush of runoff along the curb and the storm water is filtered through layers of vegetation and soil before it enters a catch basin.

Tree Canopy. The shape of a tree produced by the outer most leaves. A tree's canopy cover is equal to the area within the drip line. The equation for determining tree canopy area is $3.1416 \times (r)^2 = x$ square feet (r being the radius from the center of the trunk to the drip line measured in feet). **EXAMPLE:** The tree canopy area for one tree with a radius of **20** feet will be equal to $3.1416 \times (20)^2 = 1,257$ square feet.

Tree Canopy, Mature. The expected size of the tree canopy at 10 years.

AGENDA BILL
Beaverton City Council
Beaverton, Oregon

SUBJECT: An Ordinance Repealing the 72-Hour
Parking Prohibition, Section 6.02.310 of
the Municipal Code

FOR AGENDA OF: 11-13-06 **BILL NO.:** 06219

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office 

DATE SUBMITTED: 10-30-06

CLEARANCES: City Attorney 
Code Services 

PROCEEDING: First reading

EXHIBITS: 1. An Ordinance Repealing the 72-
Hour Parking Prohibition
2. Ordinance 3427
3. Ordinance 4223

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

In 1985, the City Council adopted Ordinance 3427 which defined an abandoned vehicle as:

"A vehicle that has not been moved a distance of at least one tenth of a mile within 72 hours."

Ordinance 3427 also prohibited the parking or standing of:

"A vehicle that has not been moved a distance of at least one tenth of a mile within 72 hours."

Since 1985, the abandoned vehicle sections of the code have been revised several times, most recently in August 2002 when the City Council adopted Ordinance No. 4223. An abandoned vehicle is now described as a vehicle that is inoperable, or has expired plates, or is not parked at the registration address, for more than 48 hours.

The 1985 prohibition against "A vehicle that has not been moved a distance of at least one tenth mile within 72 hours" was not repealed when Ordinance 4223 was adopted.

INFORMATION FOR CONSIDERATION:

The 72-hour parking restriction was put into place in 1985 as part of a comprehensive effort to address the nuisance of abandoned vehicles. But times have changed since 1985, and the 72-hour parking restriction is no longer appropriate. Today, public policy encourages alternative forms of transportation such as walking, biking, car pools and buses. The 72-hour parking prohibition has the effect of punishing everyone who fails to drive their car every three days.

Under the current code provisions for abandoned vehicles, citizens are advised that if their vehicle is operable, has current plates, and is parked at the registration address, then it is not considered to be an abandoned vehicle. Nevertheless, because the 72-hour parking prohibition is still on the books, a vehicle that is not moved every three days can be (and sometimes is) ticketed by the Police Department. These \$5.00 parking tickets are offensive to more than a few citizens, who believe they should be able to park their own vehicle at their own house without having to move it every three days.

From a practical standpoint, it is hard to imagine that a \$5.00 parking ticket generates enough revenue to pay for the cost of processing it through the court system. Also, the conflict between what is allowed by the abandoned vehicle code and this prohibition in the parking code is a disservice to the citizens. From a public policy perspective, an operable vehicle with current registration parked at the registration address should not be ticketed just because it has not been driven for three days.

RECOMMENDED ACTION:

First reading.

ORDINANCE NO. 4415

AN ORDINANCE REPEALING THE 72-HOUR PARKING PROHIBITION, SECTION 6.02.310.F OF THE MUNICIPAL CODE

WHEREAS, different sections of the Municipal Code are amended at different times and for varying purposes; and

WHEREAS, public policy changes over time as communities change; and

WHEREAS, it is desirable that the Municipal Code be revised periodically to best support current public policy; now, therefore,

BE IT ORDAINED BY THE CITY OF BEAVERTON,

Section 1. The Beaverton Code is amended in Chapter 6, Section 6.02.310 Prohibited Parking or Standing, by deleting the following sections;

- F. A vehicle that has not been moved a distance of at least one-tenth of a mile within 72 hours.
 - 1. Unless the court finds that a vehicle is parked such that interferes with or obstructs the free movement of traffic in or onto the street, it shall be an affirmative defense to a violation of subsection (F) that the owner or operator of the vehicle had the abutting property owner's or occupant's permission to park the vehicle on that portion of the street which abuts the owner's or occupant's property if the vehicle bears a license plate with a valid, unexpired registration sticker and is not a discarded vehicle.

Section 2. This ordinance may be cited by the short title of "Repeal of the 72-Hour Parking Prohibition."

First reading this _____ day of _____, 2006.

Passed by the Council this _____ day of _____, 2006.

Approved by the Mayor this _____ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

ORDINANCE NO. 3427

AN ORDINANCE AMENDING BC 6.02.310 F, PROHIBITED PARKING OR STANDING; BC 6.05.010, VEHICLE IMPOUNDMENT, DEFINITIONS; BC 6.05.020, ABANDONED VEHICLES PROHIBITED.

WHEREAS, the City of Beaverton regulates the parking of vehicles in order to protect the health, safety and welfare of the public and to protect the aesthetics of the City; and

WHEREAS, it has been determined that certain abandoned vehicles are able to avoid the intent of the Code due to a drafting oversight; and

WHEREAS, it is possible to amend the Code to avoid its circumvention and to avoid unnecessary regulation of legitimate vehicle uses; now, therefore,

THE CITY OF BEAVERTON DOES ORDAIN AS FOLLOWS:

Section 1. BC 6.02.310, Prohibit Parking or Standing, subsection F 1, is hereby amended to read as follows:

"6.02.310 Prohibited Parking or Standing.

"*****

"F. 1. A vehicle that has not been moved a distance of at least one tenth of a mile within 72 hours."

Section 2. BC 6.05.010, VEHICLE IMPOUNDMENT, Definitions, is hereby amended to read:

"Abandoned vehicle - A vehicle that has not been moved a distance of at least one tenth of a mile within 72 hours.

Section 3. BC 6.05.020, Abandoned Vehicles Prohibited, sub-

ORDINANCE NO. 3427

sections A and B, are hereby amended to read as follows:

"6.05.020 Abandoned Vehicles Prohibited.

"A. No vehicle that a law enforcement officer has reason to believe is abandoned shall be parked or left standing:

"1. on a street as defined in BC 6.02.030;

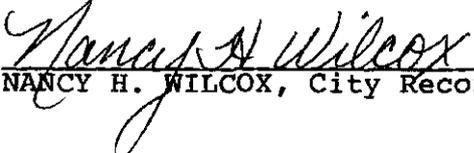
"2. on public property without the consent of the owner or occupant.

"B. Unless the court finds that the vehicle is parked so that it interferes with or obstructs the free movement of traffic in or onto the street, it shall be a defense to a violation of subsection A1 of this section that the owner or operator of the vehicle had the abutting property owner's or occupant's permission to park the vehicle on that portion of the street which abuts the owner's or occupant's property if the vehicle bears a license plate with a valid, unexpired registration sticker and is not a discarded vehicle.

"*****"

First reading this ^{14th} day of January, 1985.
Passed by the Council this ^{21st} day of January, 1985.
Approved by the Mayor this ^{22nd} day of January, 1985.

ATTEST:



NANCY H. WILCOX, City Recorder

APPROVED:



LARRY D. COLE, Mayor

ORDINANCE NO. 3427 - page

ORDINANCE NO. 4223

CODE

AN ORDINANCE RELATING TO ABANDONED VEHICLES AND
AMENDING CHAPTER SIX OF THE BEAVERTON CODE

Whereas, ORS 819.100 through 819.270 provides for the orderly and expeditious removal and disposition of abandoned vehicles in Oregon; and

Whereas, the Beaverton Code presently affords a more complex, less efficient process to remove and dispose of abandoned vehicles compared to existing state law; and

Whereas, amending the City's procedures for removing and disposing of abandoned vehicles so that the City's process is more like the State's process is likely to result in faster removal of abandoned vehicles and a cost saving to taxpayers;

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. BC 6.02.030, Definitions, is amended in part by striking the present definitions of the terms "Abandoned vehicle" and "Motor vehicle" and inserting new definitions of the terms to read as follows:

Abandoned vehicle - A vehicle left in circumstances demonstrating its owner never intends to return.

A. A motor vehicle shall be deemed an abandoned vehicle under this definition if it remains stationary upon any street or public property for a period in excess of 48 hours and the motor vehicle:

1. Reasonably appears incapable of self-propulsion; or
2. Does not display a current registration plate or a current trip permit; or
3. Is on a street and is not registered to a person at the address of property on the same side of the street that abuts the part of the street upon which the motor vehicle is located; or
4. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

B. A trailer shall be deemed an abandoned vehicle under this definition if it remains stationary upon any street or public property for a period in excess of 24 hours and:

1. The trailer does not display a current registration plate or a current trip permit, unless exempt from registration under provision of Oregon law; or
2. Is on a street and no right of control over the trailer exists in a person or relative of a person who owns property or resides at property that is on the same side of the street that abuts the part of the street upon which the trailer is located; or

3. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

Motor vehicle – A vehicle that is self-propelled or designed for self-propulsion.

Section 2. BC 6.05.010, Definitions, is amended in part by striking the present definitions of the terms “Abandoned vehicle” and “Vehicle” and inserting new definitions of the two terms and adding a definition of the term “Motor vehicle” to read as follows:

Abandoned vehicle - A vehicle left in circumstances demonstrating its owner never intends to return.

A. A motor vehicle shall be deemed an abandoned vehicle under this definition if it remains stationary upon any street for a period in excess of 48 hours and the motor vehicle:

1. Reasonably appears incapable of self-propulsion; or
2. Does not display a current registration plate or a current trip permit; or
3. Is on a street and is not registered to a person at the address of property on the same side of the street that abuts the part of the street upon which the motor vehicle is located; or
4. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

B. A trailer shall be deemed an abandoned vehicle under this definition if it remains stationary upon any street for a period in excess of 24 hours and the trailer:

1. Does not display a current registration plate or a current trip permit, unless exempt from registration under provision of Oregon law; or
2. Is on a street and no right of control over the trailer exists in a person or relative of a person who owns property or resides at property that is on the same side of the street that abuts the part of the street upon which the trailer is located; or
3. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

Motor vehicle – A vehicle that is self-propelled or designed for self-propulsion.

Vehicle – Any device in, upon or by which any person or property is or may be transported or drawn upon a street and includes vehicles that are propelled or powered by any means.

Section 3. BC 6.05.020, Abandoned Vehicles Prohibited, is amended by striking the entire text of the present section and inserting new text to read as follows:

6.05.020 Abandoned Vehicles Prohibited.

- A. No abandoned vehicle shall be left upon:
 1. A street, as defined in BC 6.02.030, or

2. Public property, as defined by BC 6.05.010, without the consent of the owner, occupant and any other person in lawful possession of the public property.

B. The owner of a vehicle as shown by records of the Oregon Department of Transportation or records of a similar agency of another state or governmental jurisdiction, shall be considered responsible for the abandonment of a vehicle in the manner prohibited by this section and shall be liable for the cost of removal and disposition of the vehicle.

C. A vehicle abandoned in violation of this section is subject to the provisions for removal of abandoned vehicles under BC 6.05.025 or 6.05.030 and to being sold as provided under BC 2.05.030 or applicable state law, including ORS 819.210 or 819.220.

D. The City may use its personnel, equipment and facilities for removal and storage of the vehicle or may hire other personnel, equipment and facilities for that purpose.

Section 4. BC 6.05.025 is added to the Beaverton Code to read:

6.05.025 Custody, Removal and Sale of Abandoned Vehicle.

A. After providing notice required under BC 6.05.060 and, if requested, a hearing under BC 6.05.120 to 6.05.150, the City may take an abandoned vehicle into custody and remove the vehicle from the location where it has been left.

B. The authority to remove and take abandoned vehicles into custody provided by this section is in addition to any authority to remove and take vehicles into custody under BC 6.05.030.

C. Subject to BC 6.05.037, vehicles and the contents of vehicles removed and taken into custody under this section, BC 6.05.030 are subject to a lien as provided under BC 6.05.040.

D. Vehicles removed and taken into custody under this section are subject to sale under BC 2.05.030, ORS 819.210 or 819.220 if the vehicle is not reclaimed as provided under BC 6.05.037 or returned to the owner or person entitled to possession under BC 6.05.110.

Section 5. BC 6.05.037 is added to the Beaverton Code to read:

6.05.037 Rights and Liabilities of Owners.

The owner, a person entitled to possession or any person with an interest recorded on the title of a vehicle taken into custody under BC 6.05.020 or 6.05.030:

A. Is liable for all costs and expenses incurred in the removal, preservation and custody of the vehicle and its contents except that:

1. The owner, a person entitled to the vehicle or any person with an interest recorded on the title is not liable for nor shall be required to pay storage charges for a period in excess of 20 days unless the person has received a written notice under as required under applicable state law, including ORS 819.160. In no case shall a person be required to pay storage charges for a storage period in excess of 60 days.

2. A security interest holder is not liable under this subsection unless the security interest holder reclaims the vehicle.

B. May reclaim the vehicle at any time after it is taken into custody and before the vehicle is sold or disposed of under BC 2.05.030, ORS 819.210 or 819.220 upon presentation to the authority holding the vehicle of satisfactory proof of ownership or right to possession and upon payment of costs and expenses for which the person is liable under this section.

C. If the vehicle is taken into custody under BC 6.05.020 or 6.05.030, has a right to request and have a hearing under BC 6.05.120 to 6.05.150.

D. If the vehicle is sold or disposed of under BC 2.05.030, ORS 819.210, 819.215 or 819.220, has no further right, title or claim to or interest in the vehicle or the contents of the vehicle.

E. If the vehicle is sold or disposed of under ORS 819.210, has a right to claim the balance of the proceeds from the sale or disposition as provided under ORS 819.260.

F. Has no right to a hearing if the vehicle is disposed of under ORS 819.215.

Section 6. BC 6.05.060, Pretow Investigation and Notice, is amended by striking the entire text of the present section and inserting new text to read as follows:

6.05.060 Notice Prior to Removal.

A. If the City proposes to take custody of a vehicle that an officer reasonably suspects is abandoned in violation of BC 6.05.020, the City shall affix a notice to the vehicle with the information required by subsection B of this section. The notice shall be affixed to the vehicle at least 24 hours before taking the vehicle into custody. The 24-hour period under this section includes holidays, Saturdays and Sundays.

B. Notices affixed to a vehicle shall state all of the following:

1. That the vehicle will be subject to being taken into custody and removed by the City if the vehicle is not removed before the time set by City.

2. The statute, ordinance or rule violated by the vehicle and under which the vehicle will be removed.

3. The place where the vehicle will be held in custody or the telephone number and address of the City official or department that will provide such information.

4. That the vehicle, if taken into custody and removed by the City, will be subject to towing and storage charges and that a lien will attach to the vehicle and its contents.

5. That the vehicle will be sold to satisfy the costs of towing and storage if the charges are not paid.

6. That the owner, possessor or person having an interest in the vehicle is entitled to a hearing, before the vehicle is impounded, to contest the proposed custody and removal if a hearing is timely requested.

7. That the owner, possessor or person having an interest in the vehicle may also challenge the reasonableness of any towing and storage charges at the hearing.

8. The time within which a hearing must be requested and the method for requesting a hearing.

C. This section does not apply to vehicles listed in BC 6.05.030.

Section 7. BC 6.05.070, Pretow Notice – Contents, is amended by striking the entire text of the present section and inserting new text to read as follows:

6.05.070 Hearing to Contest Validity of Removal and Custody.

A person provided notice under BC 6.05.060 or BC 6.05.080 or BC 6.05.090 or any other person who reasonably appears to have an interest in the vehicle may request a hearing under this section to contest the validity of the removal and custody under BC 6.05.030 or proposed removal and custody of a vehicle under BC 6.05.020 by submitting a request for hearing with the City not more than five days from the mailing date of the notice. The five-day period in this section does not include holidays, Saturdays or Sundays. A hearing under this section shall comply with all of the following:

A. If the City proposes to remove a vehicle and receives a request for hearing before the vehicle is taken into custody and removed, the vehicle shall not be removed unless the vehicle constitutes a hazard.

B. A request for hearing shall be in writing and shall state grounds upon which the person requesting the hearing believes that the custody and removal of the vehicle is not justified.

C. Upon receipt of a request for a hearing under this section, the City shall set a time for the hearing and conduct a hearing pursuant to BC 6.05.120 to BC 6.05.150.

Section 8. BC 6.05.090, Post-Tow Notice – Hazardous Vehicles, is amended by striking the entire text of the present section and inserting new text to read as follows:

6.05.090 Notice After Removal.

A. If the City takes custody of a vehicle under BC 6.05.030, the City shall provide, by certified mail within 48 hours of the removal, written notice with an explanation of procedures available for obtaining a hearing under BC 6.05.120 to 6.05.150 to the owners of the vehicle and any lessors or security interest holders as shown in the records of the Department of Transportation. The notice shall state that the vehicle has been taken into custody and shall give the location of the vehicle and describe procedures for the release of the vehicle and for obtaining a hearing under BC 6.05.120 to 6.05.150. The 48-hour period under this subsection does not include holidays, Saturdays or Sundays.

B. Any notice given under this section after a vehicle is taken into custody and removed shall state all of the following:

1. That the vehicle has been taken into custody and removed, the identity of the appropriate authority that took the vehicle into custody and removed the vehicle and the statute, ordinance or rule under which the vehicle has been taken into custody and removed.

2. The location of the vehicle or the telephone number and address of the appropriate authority that will provide the information.

3. That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges.

4. That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.

5. That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested.

6. The time within which a hearing must be requested and the method for requesting a hearing.

7. That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

Section 9. BC 6.05.100, Additional Identifying Information, is amended by striking the entire text of the present section and inserting new text to read as follows:

6.05.100 Exemption From Notice and Hearing For Vehicle Held in Criminal Investigation. A vehicle that is being held as part of any criminal investigation is not subject to any requirements under BC 6.05.060 to 6.05.090 or 6.05.120 to 6.05.150.

Section 10. BC 6.05.110, Return of Vehicle to Owner, is amended in part by striking the present subsections A and E and inserting only a new subsection A to read as follows:

A. An owner whose vehicle has been towed pursuant to BC 6.05.020 or BC 6.05.030 and who has requested a hearing in accordance with this ordinance may recover immediate possession of the vehicle before the hearing by:

1. Presenting proof of ownership or right to possession; and
2. Either paying the towing and storage charges or posting a security deposit in the form of a bond or cash with the City for towing and storage charges that have accumulated as of the date of the request for the hearing.

Section 11. BC 6.05.120, Hearing, is amended in part by striking the present subsection A and inserting a new subsection A to read as follows:

A. When a person requests a hearing pursuant to BC 6.06.037, the hearing shall be held before a judge of the Beaverton Municipal Court.

Section 12. BC 6.05.205, Definitions, is amended in part by striking the present definition of the term "Impounded vehicle" and inserting a new definition of the term to read as follows:

Impounded Vehicle - A vehicle seized from its owner or operator by or at the direction of the City or one of its employees for a substantial period of time under circumstances in which the City either must consent to the release of the vehicle or otherwise bears some responsibility for the protection, preservation or disposition of the vehicle.

For purposes of this ordinance, a vehicle shall not be considered an impounded vehicle if:

- A. The vehicle is an abandoned vehicle as defined in BC 6.05.010; or
- B. The City or one of its employees or agents facilitates the towing of a vehicle under the following circumstances:
 - 1. The vehicle is towed by a person independent of the City to a place not under the authority or control of the City;
 - 2. The vehicle may be returned to its operator or an owner of the vehicle without City authorization; and
 - 3. The vehicle is towed either:
 - a. With the consent of its operator or an owner of the vehicle; or
 - b. At the direction of a person who:
 - (i) is not an owner or an operator of the vehicle; and
 - (ii) is not an employee or agent of the City; and
 - (iii) is an owner, tenant, occupant or person otherwise in lawful control of the property upon which the vehicle is located immediately prior to towing.

Section 13. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

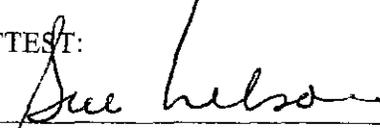
- A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or
- B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

First reading this 12th day of August, 2002.

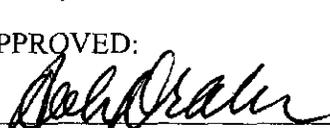
Passed by the Council this 19th day of August, 2002.

Approved by the Mayor this 20th day of AUGUST, 2002.

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

11/13/06

SUBJECT: An Ordinance Amending Comprehensive Plan Chapters 1, 2, and the Glossary (Ordinance No. 4187) Related to CPA 2006-0001

FOR AGENDA OF: ~~11/6/06~~ **BILL NO:** 06208

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 10/19/06

CLEARANCES: City Attorney *[Signature]*
Planning *[Signature]*

PROCEEDING: First Reading
Second Reading and Passage

- EXHIBITS:**
- A. Proposed Ordinance and Exhibit A – Proposed Text
 - B. New text responding to Neighborhood Association Committee notification

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

On September 11, 2006, the City Council held a work session to discuss to the Planning Commission's recommended amendments and concluded minor changes should be made to a proposed ordinance scheduled for first reading that evening. Based on the City Attorney's advice, the ordinance's first reading was pulled from the agenda so it could be revised and rescheduled for first and second readings. On October 2, 2006, continuing concerns about the Neighborhood Association Committee (NAC) notification resulted in removing the item from the Council's agenda.

INFORMATION FOR CONSIDERATION:

Staff, the City Attorney, and two Councilors who raised the NAC notification issue met to discuss solutions. The new text is shown in Exhibit B. Exhibit A contains a proposed ordinance that embodies the Planning Commission Order as well as changes agreed to by the Council at the September 11, 2006 work session and in Exhibit B.

The ordinance is ready for the required readings.

RECOMMENDED ACTION:

First Reading
Second Reading and Passage

Ordinance No. 4395
An Ordinance Amending
the Comprehensive Plan Chapters 1, 2, and the
Glossary (Ordinance No. 4187), Related to CPA 2006-
0001

WHEREAS, the purpose of the proposed amendment to the City of Beaverton's Comprehensive Plan Chapters 1, 2, and Glossary is to revise and update public involvement, amendment procedures, and definitions to be consistent with revised state law, Development Code procedures, and Development Code definitions; and

WHEREAS, the Planning Commission held a public hearing on March 15, April 5 and April 12, 2006, to consider CPA 2006-0001, consider comments, and take testimony; and

WHEREAS, on April 12, 2006, the Planning Commission recommended approval of the proposed CPA 2006-0001 application based upon the Staff Report dated February 13, 2006, for the March 15, 2006, Public Hearing, the Supplemental Staff Report dated March 15, 2006, and Staff Memoranda dated March 20, 2006, March 31, 2006, and April 12, 2006 that presented the final draft amendment, addressed approval criteria, and made findings that demonstrated that adoption of the proposed ordinance would comply with applicable approval criteria; and

WHEREAS, the final order was prepared memorializing the Planning Commission's decision and no appeal therefrom has been taken; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Chapters 1, 2, and the Glossary, as amended and set forth in Exhibit A and incorporated herein by reference, is adopted.

Section 2. All Comprehensive Plan provisions adopted prior to this Ordinance which are not expressly amended herein shall remain in full force and effect.

Section 3. Severability. It shall be considered that it is the legislative intent, in the adoption of this Ordinance, that if any part of the ordinance should be determined by any tribunal of competent jurisdiction, i.e., the Land Use Board of Appeals or the Land Conservation and Development Commission to be unconstitutional, contrary to other provision of law, or not acknowledged as in compliance with applicable statewide planning goals, the remaining parts of the ordinance shall remain in force and acknowledged unless: (1) the tribunal determines that the remaining parts are so essential and inseparably connected with and dependent upon the unconstitutional or unacknowledged part that it is apparent the remaining parts would not have been enacted without the unconstitutional or unacknowledged part; or (2) the remaining parts, standing

alone, are incomplete and incapable of being executed in accordance with legislative intent.

First reading this 6th day of November, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

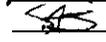
SUBJECT: TA 2006-0008
(Design Review Threshold Modifications)

11/13/06
FOR AGENDA OF: ~~11-06-06~~ **BILL NO:** 06209

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 10-10-06

CLEARANCES: City Attorney 
Dev. Serv. 

PROCEEDING: ~~First Reading~~
Second Reading and Passage

EXHIBITS: 1. Ordinance
2. Land Use Order No. 1914
3. Draft PC Minutes 10-04-06
4. Staff Report dated 09-27-06

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

On October 4, 2006, the Planning Commission held a public hearing to consider TA 2006-0008 (Design Review Threshold Modification) that proposes to amend Section 40.20.05, Design Review, of the Beaverton Development Code currently effective through Ordinance 4397 (August 2006). Pursuant to Oregon Revised Statute 197.307, residential development permits must be provided an opportunity to be processed with clear and objective approval standards. Design Review Three Threshold No. 1, requires the public hearing review of any development over 50,000 square feet inclusive of residential development when not abutting an existing residential zone and Threshold No. 2, requires the public hearing review of any development over 30,000 square feet inclusive of residential when abutting an existing residential zone. These two thresholds are not consistent with ORS 197.307 because they require residential development to be subject to the subjective approval criteria of the Design Guidelines instead of the clear and objective "safe harbor" Design Standards. The text amendment proposes to amend the existing Design Review Three application by removing the thresholds requiring review of residential development, and amending the existing Design Review Two thresholds to be inclusive of all residential development as applicable with clear and objective approval standards.

Following the close of the public hearing on October 4, 2006, the Planning Commission voted 5-0 to recommend approval of the proposed Design Review Threshold Modification text amendment as memorialized in Land Use Order No. 1914. Staff modified the text slightly since passage in order to provide additional clarity regarding the type of residential development subject to the Design Review Two threshold. However, the staff changes do not affect the intent of the proposed text amendment passed by the Planning Commission.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed text, Land Use Order No. 1914, the draft Planning Commission meeting minutes, and staff report.

Agenda Bill No: 06209

RECOMMENDED ACTION:

Staff recommend the City Council adopt the recommendation of approval forwarded by the Planning Commission for TA 2006-0008 (Design Review Threshold Modification). Staff further recommend the Council conduct a ~~First Reading~~ of the attached ordinance.

Second Reading and Passage

ORDINANCE NO. 4410

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE,
CHAPTER 40;
TA 2006-0008 (Design Review Threshold Modification).

WHEREAS, the purpose of the Design Review Threshold Modification Text Amendment is to amend Chapter 40, Design Review Threshold, Sections 40.45.15.2 and 40.45.15.3 of the Beaverton Development Code currently effective through Ordinance 4397 (August 2006) by removing a Design Review Three threshold for residential development and amending the Design Review Two thresholds to be inclusive of all attached residential development. The intent of the threshold is to ensure that the Development Code is consistent with ORS 197.307 and the requirement to provide clear and objective approval standards for residential development.

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on September 27, 2006, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on October 4, 2006; and,

WHEREAS, on October 4, 2006, the Planning Commission conducted a public hearing for TA 2006-0008 (Design Review Threshold Modification) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code based upon the criteria, facts, and findings set forth in the staff report dated September 27, 2006, and as summarized in Planning Commission Land Use Order No. 1914; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0008 (Design Review Threshold Modifications) following the issuance of the Planning Commission Land Use Order No. 1914; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1914 dated October 10, 2006, and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4397, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this 6th day of November, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: ZMA 2006-0006, Momeni Property at Main Avenue and Allen Boulevard Zoning Map Amendment

11/13/06
FOR AGENDA OF: ~~44-06-06~~ **BILL NO:** 06210

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 10-27-06

CLEARANCES: Devel Serv [Signature]

City Attorney [Signature]

PROCEEDING: ~~First Reading~~
Second Reading and Passage

EXHIBITS: Ordinance
Exhibit A Zoning Map
Land Use Order No. 1912

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

On September 13, 2006 and October 4, 2006, the Planning Commission held public hearings to consider an application to amend Ordinance No. 2050, the Zoning Map, by redesignating the site located at 12720 SW Allen Boulevard from Residential – Urban Medium Density (R-2) to Commercial – Neighborhood Service Center (NS).

The Planning Commission has recommended approval of the request to rezone the property from Residential – Urban Medium Density (R-2) to Commercial – Neighborhood Service Center (NS) on the Zoning Map.

INFORMATION FOR CONSIDERATION:

The site of the zoning map amendment is specifically identified as Tax Lot 1900 on Washington County Assessor's Tax Map 1S1-21AA, which is generally located on the southwest corner of SW Allen Boulevard and SW Main Street. The property is approximately 9,060 square feet in size.

Since no City Council hearing is required and no appeal was filed from the Planning Commission's decision, this ordinance making the appropriate change to the Zoning Map is being presented for first reading at this time.

RECOMMENDED ACTION:

~~First reading-~~
Second Reading and Passage

SS:sp

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE ZONING MAP, REZONING THE PARCEL AT 12720 SW ALLEN BOULEVARD
FROM RESIDENTIAL – URBAN MEDIUM DENSITY (R-2) TO COMMERCIAL
NEIGHBORHOOD SERVICE CENTER (NS); ZMA 2006-0006, MOMENI PROPERTY AT
MAIN AVENUE AND ALLEN BOULEVARD ZONING MAP AMENDMENT

WHEREAS, on September 13, 2006 and October 4, 2006, the Planning Commission conducted public hearings to consider an application to amend Ordinance No. 2050, the Zoning Map, redesignating the site located at 12720 SW Allen Boulevard from Residential - Urban Medium Density (R-2) to Commercial - Neighborhood Service Center (NS); and

WHEREAS, the Planning Commission received testimony and exhibits and recommended approval of this zone change; and

WHEREAS, no appeals were filed with the City; and

WHEREAS, the Council adopts as to criteria applicable to this request and findings thereon the Development Services Division Staff Report dated September 6, 2006 and Planning Commission Land Use Order No. 1912. Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, the Zoning Map, is amended to redesignate approximately 9,060 square feet, located at 12720 SW Allen Boulevard, from Residential - Urban Medium Density (R-2) to Commercial - Neighborhood Service Center (NS).

Section 2. The property affected by this ordinance is depicted in the attached map, marked Exhibit "A" and incorporated herein. The property is more specifically described on the records of the Washington County Department of Assessment and Taxation as Tax Lot 1900 of Washington County Assessor's Map 1S1-21AA, Beaverton, Washington County, Oregon.

First reading this 6th day of November, 2006.

Passed by the Council this _____ day of _____, 2006.

Approved by the Mayor this _____ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

MOMENI PROPERTY AT MAIN AND ALLEN ZONING MAP AMENDMENT (ZMA2006-0006)

