

CHAPTER 40 APPLICATIONS

[ORD 4224; September 2002]

40.15. CONDITIONAL USE

40.15.15. Application.

There are four (4) Conditional Use applications which are as follows: Minor Modification of a Conditional Use, Major Modification of a Conditional Use, New Conditional Use, and Planned Unit Development.

3. New Conditional Use.

A. Threshold. An application for a New Conditional Use shall be required when the following threshold applies:

1. The proposed use is Conditionally permitted in the underlying zoning district and a prior Conditional Use approval for the proposed use is not already in effect.
[ORD 4332; January 2005] [ORD 4473; March 2008]

2. Is required for non-residential development of a site that is equal to or greater than 10 acres, including all phases, and located within the South Cooper Mountain Community Plan Area.

4. Planned Unit Development. [ORD 4432; April 2007]

A. Threshold. A Planned Unit Development is an application process which: [ORD 4578; March 2012]

1. May be chosen by the applicant when one or more of the following thresholds apply: [ORD 4578; March 2012]

a. The Planned Unit Development (PUD) may be applied to Commercial, Industrial, Multiple Use, and Residential properties that are 2 acres or greater in size within any City zoning district. [ORD 4584; June 2012]

b. When a land division of 2 acres or greater in size within any City zoning district requires collectively

more than 3 of the following land use applications or combination thereof: [ORD 4584; June 2012]

- (1). Minor Adjustment;
- (2). Major Adjustment;
- (3). Flexible Setback; or
- (4). Variance.

[ORD 4578; March 2012]

2. [ORD 4578; March 2012] Is required prior to, or concurrent with, other development applications when development is proposed on land within the SC-S (Station Community-Sunset) zoning district. Sign Applications excepted. [ORD 4597; February 2013]
3. Is required for proposed residential development of a site that is equal to or greater than 10 acres, including all phases, and located within the South Cooper Mountain Community Plan Area.

40.93.15. Application.

There is a single THPRD annexation waiver application which is subject to the following requirements.

1. THPRD Annexation Waiver.

A. Threshold. An application for a THPRD annexation waiver shall be required when the following threshold applies:

1. The property proposed for development is not in the Tualatin Hills Park and Recreation District (THPRD) and the applicant wishes to provide park and recreation facilities and services for the development rather than annex the site to THPRD.

B. Procedure Type. The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for a THPRD annexation waiver.

C. Approval Criteria. In order to approve a THPRD annexation waiver application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a THPRD annexation waiver application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. Detailed plans and documentation demonstrating compliance with Section 60.33.15. Park facilities shall be deemed similar if provided for the projected number of future residents and/or employees of the proposed development at cost, quality and services levels equal to or greater than the minimum set for the core park system in the THPRD Comprehensive Master Plan. Improvements within provided park facilities shall be deemed similar if at least two of the following are provided: a tennis court, a basketball court, a swimming pool, or a children's play structure; and at least one of the following is also provided: a baseball/softball field, a soccer field, or a

community/recreation center. Recreation services shall be deemed similar if provided for future residents or employees of the proposed development at cost, quality and service levels equal to or greater than the minimum set for such services in the THPRD Comprehensive Master Plan and is consistent with applicable provisions within an adopted Community Plan.

4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.97. ZONING MAP AMENDMENT

40.97.15. Application.

3. Non-Discretionary Annexation Related Zoning Map Amendment.

A. Threshold. An application for Annexation Related Zoning Map Amendment shall be required when one or more of the following thresholds apply:

1. The change of zoning to a City zoning designation as a result of annexation of land into the City.
2. The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion.
3. The change of zoning is required to implement an adopted a Community Plan for land that does not currently have City zoning and the applicable Community Plan is specific as to the City zoning designation(s) to be applied to the parcel and does not allow for discretion.

B. Procedure Type. The Type 1 procedure, as described in Section 50.35. of this Code, shall apply to an application for Non-Discretionary Annexation Related Zoning Map Amendment to the City's zoning map. The decision making authority is the City Council.

C. Approval Criteria. In order to approve a Non-Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code. [ORD 4265; October 2003]
4. The proposed zoning designation is consistent with either:
 - a. the Washington County - Beaverton UPAA or
 - b. the applicable Community Plan land use designations and policies.
5. Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence.

4. Discretionary Annexation Related Zoning Map Amendment.

A. Threshold. An application for Discretionary Annexation Related Zoning Map Amendment shall be required when one or more of the following thresholds applies:

1. The change of zoning to a City zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation. Where either:

a. the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation, or

b. The change of zoning is required to implement an adopted Community Plan for land that does not yet have City zoning and the applicable Community Plan is not specific as to the City zoning designation(s) to be applied to the parcel and discretion is required to determine the appropriate City zoning designation(s)..

B. Procedure Type. The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for Discretionary Annexation Related Zoning Map Amendment to the City’s zoning map. The decision making authority is the Planning Commission.

C. Approval Criteria. In order to approve a Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposed zoning designation most closely approximates the density, use provisions, and development standards of either:
 - a. the Washington County designation which applied to the subject property prior to annexation or
 - b. the City of Beaverton land use designation(s) as outlined in an adopted Community Plan.
4. The proposed zoning designation is consistent with any guidance contained within the Comprehensive Plan, inclusive of either:
 - a. the UPAA concerning the application of non-specified zoning district designations or
5. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.