



**FINAL AGENDA**

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

REGULAR MEETING  
OCTOBER 2, 2006  
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

Breast Cancer Awareness Month: October 2006

National Arts and Humanities Month: October 2006

PRESENTATIONS:

06180 Presentation by Sarah Hackett, Metropolitan Area Communications Commission (MACC)

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of September 11, 2006

06181 Liquor License: New Outlet - Mexicali Express; Thai Flavor

Contract Review Board:

06182 A Resolution Relating to Special Procurements and Amending Sections 50-0015 and 47-0700 of the Beaverton Purchasing Code (Resolution No. 3875)

ORDINANCES:

First Reading:

06183 An Ordinance Amending Comprehensive Plan Chapters 1, 2 and the Glossary (Ordinance No. 4187) Related to CPA 2006-0001 (Ordinance No. 4395)

**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.

# PROCLAMATION

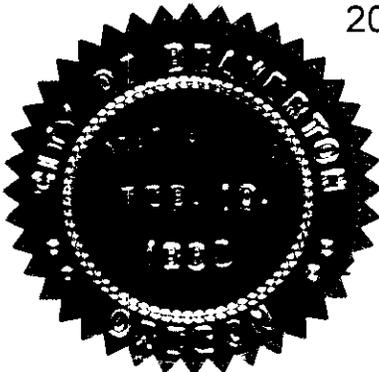
OFFICE OF THE MAYOR  
CITY OF BEAVERTON



- WHEREAS,** October 2006 is National Breast Cancer Awareness Month and October 20, 2006 is National Mammography Day; and
- WHEREAS,** breast cancer is the most common cancer among women, except for nonmelanoma skin cancers; and
- WHEREAS,** breast cancer is the second leading cause of cancer death in women, exceeded only by lung cancer; and
- WHEREAS,** the chance of developing invasive breast cancer at some time in a woman's life is about 1 in 8; and
- WHEREAS,** African American women are disproportionately affected by breast cancer deaths; and
- WHEREAS,** an estimated 212,920 new cases of female invasive breast cancer will be diagnosed in 2006 and 40,970 will die from the disease; and
- WHEREAS,** an estimated 1,720 new cases of male breast cancer will be diagnosed in 2006 and close to 460 will die of the disease; and
- WHEREAS,** death rates from breast cancer have been declining, and this change is believed to be the result of earlier detection and improved treatment; and
- WHEREAS,** mammography, an "x-ray" of the breast -- is recognized as the single most effective method of detecting breast changes that may be cancer, long before physical symptoms can be seen or felt; and

**NOW, THEREFORE,** I, ROB DRAKE, MAYOR, City of Beaverton, Oregon, do hereby proclaim the month of October 2006 as:

**BREAST CANCER AWARENESS MONTH** and October 20, 2006 as **MAMMOGRAPHY DAY** in the City of Beaverton.



A handwritten signature in black ink, reading "Rob Drake".

Rob Drake  
Mayor

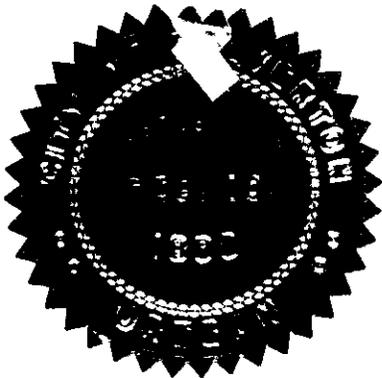
# **PROCLAMATION**

## **OFFICE OF THE MAYOR CITY OF BEAVERTON**



- WHEREAS,** the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, and states across the nation, as well as by the White House and Congress for several years; and
- WHEREAS,** the arts and humanities are vital and relevant elements of a quality community life; and
- WHEREAS,** the arts and humanities represent our community's diverse cultures and heritage; and
- WHEREAS,** the arts and humanities offer opportunities and incentives to our youth for growth in creativity, self-confidence, and problem-solving; and
- WHEREAS,** the nonprofit arts industry also strengthens our national economy by generating \$134 billion in economic activity annually and by supporting the full-time equivalent of 4.85 million jobs; and
- NOW, THEREFORE,** I, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim October 2006, as:

### *National Arts & Humanities Month*



in the City of Beaverton and call upon the citizens of Beaverton to participate and celebrate the arts during the month.

  
Rob Drake, Mayor

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Presentation by Sarah Hackett,  
Metropolitan Area Communications  
Commission (MACC)

**FOR AGENDA OF:** 10/02/06 **BILL NO:** 06180

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Mayor's Office

**DATE SUBMITTED:** 09/27/06

**CLEARANCES:**

**PROCEEDING:** PRESENTATION

**EXHIBITS:**

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
-----------------------------	------------------------	-------------------------------

**INFORMATION FOR CONSIDERATION:**

Sarah Hackett, Policy and Regulatory Affairs Manager for the Metropolitan Area Communications Commission (MACC), will give an update on the pending Federal legislation on cable franchising.

**RECOMMENDED ACTION:**

Listen to presentation.

## DRAFT

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 11, 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, September 11, 2006, at 6:45 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce S. Dalrymple, Dennis Doyle and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, 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 Chief David Bishop, Principal Planner Hal Bergsma, Senior Planner Margaret Middleton, and City Recorder Sue Nelson.

### PROCLAMATION:

Mayor Drake proclaimed September 11, 2006, as Patriot Day to honor the innocent victims who lost their lives as a result of terrorist attacks on September 11, 2001.

Mayor Drake proclaimed September 16, 2006 as Murrayhill Little League Baseball All Star Team Day and Murrayhill Junior Girls Softball Team Day. He noted the Little League Team won third place in the Little League World Series competition and the Junior Girls Softball Team won sixth place in the Girls Softball World Series. He congratulated both teams and said they would be special guests in the Beaverton Celebration Parade on September 16, 2006.

### PRESENTATIONS:

06138 Transportation Funding (*Rescheduled from August 14, 2006 meeting*)

Public Works Director Gary Brentano introduced Senior Planner Margaret Middleton. He said staff would present an update of the City's Transportation System Element of the Comprehensive Plan to review what has been done and to seek direction from Council on future projects.

Senior Planner Margaret Middleton reviewed transportation funding. She said the costs for transportation improvements have increased dramatically and it was getting increasingly difficult to provide public facilities and services to the rapidly growing population with the limited funding available. She said the cities, counties, State and Federal government were all dealing with this issue.

Middleton said the Transportation System Plan (TSP) was required by the State. The TSP assesses the City's transportation needs and funding requirements for a 20-year period. She reviewed how the TSP was developed. She said a portion of the TSP was adopted into the Comprehensive Plan as Chapter 6 - Transportation Element. She reviewed the functions and maps in the Transportation Element (in the record). She said the TSP identifies improvement needs through the Year 2020. She said \$1.5 billion (in 2006 dollars) was needed to construct all needed improvements to the Year 2020. She said of the \$1.5 billion, 40% was needed for improvements to State roads (Oregon Department of Transportation - ODOT), 35% was for Washington County roads and 25% was for local (City) Beaverton roads (\$375,000,000).

Council Stanton said she heard \$9 billion was needed for region-wide transportation improvements. She said while the City needs \$1.5 billion for needed improvements, the entire region is in a similar situation.

Middleton said that was correct. She said the TSP anticipated revenues to the City from Federal, State, County and City sources was around \$160 million between the Years 2000 and 2020. She reviewed average revenue dollars that the City receives annually (in the record) which totaled approximately \$8 million per year; this would equal \$160 million over the next 20 years. She said improvement needs total \$375 million, the City's projected revenue is \$160 million; that leaves a funding gap of \$215 million over the 20-year period. She said the City was considering how to reduce the funding gap in light of increased right-of-way and construction costs, decreased Federal and State gas tax revenues, and the current Major Streets Transportation Improvement Program policy.

Middleton said the TSP also identified potential funding sources. She said the City was reviewing the types of projects it would fund in the future; whether or not the funding options were doable; what would be the project priorities; and how the City could influence the upcoming update of the Regional Transportation Plan (RTP). She said previously with the 2015 Transportation System Plan and the 2020 Update of that Plan, the City was able to get ahead of the RTP Update of 2000. She said all projects and costs were identified and they were able to include them in the RTP so they could be funded by Federal dollars if funding became available. She said currently the City was participating in the update of Metro's Regional Transportation Plan. She said the City now needs to look at its next steps.

Mayor Drake said the region's needs for the next 20 years were identified at \$10 billion and about \$4 billion in funding has been identified. He said Washington County has done well because of the MSTIP measures and their continuing levy. He said the City has been active in promoting multi-modal transportation, but the next steps will have to be creative to get the City where it wants to go.

Coun. Stanton asked when the TSP was enacted by the State.

Middleton replied that occurred in 1991.

Coun. Stanton referred to page 4 of the presentation (Street Improvement Master Plan Figure 6.5) and asked what the blue dots indicated.

Middleton replied the blue dots showed proposed roadway.

Coun. Stanton thanked staff for noting that \$1.5 billion was needed city wide, and that included improvements to the State and County roads that run through Beaverton. She stressed that the City's portion for local street improvements was \$375 million. She said this was important because many people drive through Beaverton on County and State roads but the City is not responsible for these roads.

Middleton clarified that the \$375 million was for street improvements only.

Coun. Bode asked if Beaverton was at the point of build out.

Middleton replied that Beaverton was quite highly built out.

Coun. Bode said as infill areas are developed into residential neighborhoods, there will be more use of neighborhood roads by people who are passing through Beaverton to get to other areas of the County. She said while the City has to be a keen partner with other agencies to safeguard the region's transportation system, it also has to protect the community's neighborhood road systems that are becoming pass-through routes for other areas outside of the City. She said while the Council has to work regionally, it also has to work to protect Beaverton's residential road system which is vital to the quality of life in the community.

Coun. Doyle referred to page 8 of the presentation which showed the Local Connectivity Maps. He asked if there was a process to involve the public in the planning as these connections start to develop.

Middleton explained work sessions were held when each of the maps was developed. She said these maps were "snapshots in time" and staff often receives calls from citizens when they see barricades at the end of their streets to find out what is planned for the road. She said this was part of the TSP and the Comprehensive Plan so it is always before the public.

Coun. Doyle said he wanted to be sure that as these projects begin, that the neighborhoods are kept informed and involved in what is happening.

Public Works Director Gary Brentano said that staff was hoping to get direction from Council on how to proceed. He suggested that they begin to prepare a list of projects and priorities, and use traditional methods of safety, capacity and connectivity to develop that list. He said funding will also have to be considered. He said once a list and plan is developed, then the public and neighborhoods will be brought in for public input.

Mayor Drake said it was important for people to recognize that no process is ever done. He said State law requires a plan twenty years out and the City does that. He said the plan is amendable when changes are needed. He said funding is a strong factor as the project evolves. He said because the community is always in a state of flux, the City's transportation plans are always perpetual; they always need to be amended and improved as the community grows. He asked the Council what its transportation priorities were for the City.

Coun. Arnold said the staff did a great job in involving the public with the last update of the TSP. She said since it was known the City would only have about 40% of the funding needed for the next 20 years, was there a way to measure what the ramifications would be in terms of slowing traffic and how that would affect police and fire protection, and emergency traffic.

Middle replied that they had seen travel times increase by a few minutes and that analysis was in the TSP. She said consultants looking at the TSP would see the increased travel times and would have to deal with how that would affect emergency responders.

Coun. Arnold asked if the emergency responders are involved in the process.

Middleton said both Police and Tualatin Valley Fire District are involved whenever an update of the TSP is done.

Coun. Dalrymple said he had heard that Washington County retains about 10% of the gas tax and disperses the rest to the State, who reallocates the tax out to various projects. He asked if that was correct and said he wanted to be sure the City has a clear understanding of how that works. He said if the City needs to lobby for a greater share to come back to this region, where a greater percentage of the metropolitan area is, then so be it.

Middleton said the State Highway Trust Fund is funded by the gas tax, vehicle registration and truck taxes. She said of that Fund, 60% goes to ODOT, 24% goes to counties and 16% goes to the cities.

Coun. Doyle said the County gas tax was one cent per gallon. He said he thought between 30 and 46 cents per gallon was levied at the State level. He confirmed that Middleton was only speaking about the one cent County tax.

Coun. Dalrymple said he would like to see a larger share of that tax stay in this region.

Coun. Bode said there was a formula the County uses to determine how the funds are allocated; the formula is based on population.

Brentano said ODOT's apportionment of the State gas tax revenue was based on population.

Coun. Bode said she was trying to clarify that the prescriptive distribution is brought about by the State and it is based on population.

Brentano said the County's one-cent tax is allocated differently by the County.

Coun. Dalrymple asked if staff could provide information on the amount in the County's tax fund and a clear definition of the process.

Mayor Drake said the Washington County Coordinating Committee (WCCC) was evaluating potential additional resources to close the huge funding gap throughout the County. He said the City of Tigard was talking about having its own gas tax and the WCCC is saying if cities are considering that option, it should be sought as a County-wide tax increase so that an individual city does not put its own gas stations at a disadvantage by increasing the tax.

Coun. Stanton said she thought once a city reached 50,000 in population, its gas tax would be allocated from the State.

Finance Director Patrick O'Claire explained that the gas tax has always been allocated from the State; whether the city is small or large; the State disperses the funds.

Coun. Stanton said that every two years when the Legislature meets, the State could do away with State Revenue Sharing. She said while the cities were currently getting gas and alcohol tax, that is not always guaranteed. She referred to page 13 where it was noted that the Master Street Transportation Improvement Plan (MSTIP) was \$3 million per year; she noted it was now showing no revenue received annually. She asked if that meant the City would not be receiving MSTIP funds for City roads.

Middleton replied that was correct.

Coun. Stanton said she hoped the County would come back with another MSTIP funding program in the future as that was a good resource to improve specific roads in the County. She referred to the local connectivity maps on page 11 and asked if all of the maps and the Comprehensive Plan were available on the City's Web site.

Middleton confirmed they were available on the Web site.

Coun. Doyle asked what direction staff was seeking from the Council.

Brentano said staff was requesting either a confirmation or a redirection of what has been broadly proposed. He said the next step would be to pick the projects that meet specific criteria and rate them at priority improvement levels. He said they would look at the priority projects and identify safety, connectivity and livability issues, and the costs associated with those improvements. He said they would then look at scheduling the projects over the next several years and how funding would be addressed.

Coun. Arnold asked how that was different from the current CIP (Capital Improvement Plan) and budget process.

Brentano said over the last few years the CIP has endorsed projects that were funded by grants; since funding was available, those projects moved to the top of the list. He said staff was seeking active confirmation from Council on the proposed projects and that this was headed on the right track. He said this was the Council's and public's opportunity to provide input on the priority of the projects. He said this would provide a framework for discussing funding and dealing with regional issues.

Coun. Arnold said she was still not clear on what was needed.

Brentano replied that the CIP was not always reflective of the Transportation System Plan (TSP). He said the CIP includes projects from the TSP but those projects that were funded through grants may or may not have been applicable to the TSP. He said the CIP projects were largely driven by external realities. He said he was suggesting that they change the way the projects are selected. He said historically they were selected in a variety of ways and he was suggesting developing a consistent plan that reflects the broad priorities and that would affect the project-selection process.

Coun. Stanton noted for the public that the CIP was the Capital Improvement Plan and she explained the purpose of the CIP. She said she wanted to add traffic congestion to the criteria, to raise the priority for the development on the 125th Avenue Extension project. She said traffic congestion and safety would increase priorities on several projects because people were aggravated about the current traffic situation. She suggested using the CCI (Committee for Citizen Involvement) to obtain citizen input and involvement. She said there was value in matching dollars to get a project done sooner, even if it meant delaying another project for a few years.

Coun. Bode asked if staff was seeking Council direction on how to prioritize, or for Council to choose specific priorities such as safety, capacity and connectivity.

Mayor Drake said they were having the same discussion at the regional level. He said they fought every year for pieces of bread rather than the whole loaf. He said this was a broader discussion on whether or not to continue doing things the same way or how will the cities look at the many needs and the fewer dollars.

Brentano said there was not sufficient information for the Council to make a motion. He said he was hoping for consensus in the future when staff returns with a series of projects and proposed criteria; at that time Council could indicate if it feels the City is headed on the right track.

Coun. Bode asked staff to repeat the five criteria.

Brentano said the criteria were capacity, congestion, safety, connectivity and livability (not in any order of priority).

Coun. Dalrymple said it was not good enough to keep doing things as they have been done in the past. He said they need to figure out a way, on the regional level, to change this and look at a whole new way to approach this issue because the funding gap is too large and today's methods will not work.

Coun. Arnold said as the Council Liaison to the CCI, she would like this information shared with the CCI and the neighborhoods as it progresses.

Coun. Stanton explained for the public that gas tax revenues are increasing but the purchasing power is down because of higher costs. She said cars are more fuel efficient and do not generate the revenue they used to in the past. She said discussions were occurring around the country on having a mileage tax instead of a gas tax. She said the gas tax has not been increased since 1993. She summarized there was less funding available for roads and yet there are more roads that need to be maintained.

Coun. Doyle said he concurred with the statement that a fresh approach is needed to solve this problem. He said if staff discovers a new variable that should be considered, it should be put into the mix.

Brentano said he agreed.

RECESS:

Mayor Drake called for a brief recess at 7:50 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 8:05 p.m.

VISITOR COMMENT PERIOD:

Mayor Drake said as a courtesy during the Visitor Comment Period, Council would permit Mr. San Soucie to comment on the proposed ordinance to amend the Comprehensive Plan, being considered at the work session.

Marc San Soucie, Beaverton, said he was concerned that two phrases were dropped from the Comprehensive Plan document. He said the two phrases were related to City-initiated amendments; they were: "and in such a manner as will be most beneficial to the citizens of Beaverton" and "other such notice as the Planning Commission or City Council may deem in the public interest." He said these phrases make it explicit in the Comprehensive Plan that the Council has these elements of discretion in how City-initiated amendments come forth and how noticing takes place. He said while consistency between the Comprehensive Plan and the Code was laudable in most instances, there are enough City-initiated amendments where that discretion may be valuable. He said these phrases also speak to the attitude that Comprehensive Plan amendments are a bit different from Development Code amendments. He said he would hate to lose these statements from the Plan.

Mayor Drake said during the work session he would ask staff to comment on San Soucie's concern.

San Soucie said the first phrase was from Section 1.1.1 (City-initiated amendments) and the second phrase was 1.4.1.8.5 (forms of notice for legislative amendments).

David O'Guinn, representing Meadow Neighborhood Association, Portland, said he resided off of 91st Avenue. He said the Association was organized in response to a development plan (at the County level) to locate a huge car wash at the corner of 91st Avenue and Beaverton Hillsdale Highway. He said they had hired an attorney and transportation engineer to represent the Association. He said there were transportation problems at this intersection. He said the Association was objecting to Agenda Bill 06155, to Authorize the Mayor to Sign an Annexation Agreement for 4500 SW 91st Avenue ANX 2006-0002. He said they were objecting to the agreement because the developer was planning to rezone the property and that was why they were annexing to the City. He said the intent was to annex to the City and change the zoning to R2 to allow eight units on that property.

O'Guinn said the density and traffic in that area was already intense with the Jesuit High School traffic. He said automobile and pedestrian safety was already a problem and that intersection cannot handle the current traffic. He said he wanted to go on record that it would be unwise for the City to enter into this agreement for there would be opposition from the neighborhood and possibly from Jesuit High School. He said he knew the neighborhood and High School were already opposing the proposed car wash. He said 91st Avenue was unique because of the traffic from Jesuit High School and cars queue up from Beaverton-Hillsdale Highway up to Madia. He said cars cut through the neighborhood and parking lots to avoid the wait at the three lights. He said this was not the place to put high density development.

Coun. Stanton asked where the car wash would be located.

O'Guinn said the gas station building would be torn down, the canopy and pumps would be left, and the vacant lot would be used to build a 110 lineal foot car wash tunnel that would be 20 feet tall along 91st Avenue. He said that was being processed through the County and they have a contested case currently before the County. He said the hearing was held August 31 and the ruling would be made around October 26, 2006. He said the rezoning of this site was already scheduled before the Beaverton Planning Commission on October 25, 2006.

Coun. Stanton explained that while the Council could do the annexation, any rezoning would go through the Planning Commission and a public hearing would be held for the public.

O'Guinn said his point was that it was unwise for the Council to consider the agreement at this time because of the circumstances he just related.

Planning Services Manager Hal Bergsma explained that the annexation agreement specifies that if the Council approves the agreement, the rezoning will go to the Planning Commission for a public hearing. He said the Commission's decision could be appealed to the City Council. He said if the City chose to not approve the Comprehensive Plan and Zoning amendments, then the annexation ordinance would not become effective and it would remain outside of the City limits.

Mayor Drake said this subject was only about an annexation agreement and there were several steps along the way. He suggested this was a Jesuit High School problem and not just a problem with an isolated piece of property.

O'Guinn said his point was that this was already a serious traffic problem and the proposed action only puts salt in the wound and intensifies the problem.

Mayor Drake asked O'Guinn if they had discussed this with Jesuit High School and asked if their traffic could be rerouted to avoid the problem he had described.

O'Guinn said there has been long-term dialogue between the Citizen Participation Organization and Jesuit High School over the years.

Coun. Dalrymple asked to pull Agenda Bill 06155 from the Consent Agenda for separate consideration.

**COUNCIL ITEMS:**

Coun. Doyle thanked the Councilors and citizens who participated in the Walk for Unity yesterday. He said the event was well done; it was a three-mile walk and the weather was warm. He said he appreciated everyone's efforts.

Coun. Arnold said this Saturday, September 16, 2006, was the Beaverton Celebration Parade. She invited everyone to attend.

Coun. Stanton said in reading the July 17, 2006 Minutes regarding the Biggi Measure 37 Claim, she realized that during the discussion the Tualatin Basin Resource Study (Goal 5 Issues) was not mentioned. She asked where that would weigh-in on the Biggi Claim regarding the buffer.

City Attorney Alan Rappleyea said this issue was in litigation and is currently pending before court, so he would prefer not to discuss this in public session.

**STAFF ITEMS:**

There were none.

**CONSENT AGENDA:**

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

Minutes of the Regular Meetings of July 17, August 7, and August 14, 2006

06153 Liquor Licenses: New Outlet - Chipotle Mexican Grill, Ruby Tuesday, DéCor International, and King's Restaurant

06154 Authorize the Mayor to Execute a One Year Extension to the Intergovernmental Agreement Amongst Local Government Agencies for the Shared Use of a Public Communication Network

06155 PULLED for separate consideration - Authorize the Mayor to Sign an Annexation Agreement for 4500 SW 91st Avenue ANX 2006-0002

06156 Compensation Changes

**Contract Review Board:**

06157 Waiver of Sealed Bidding - Purchase of Mobile Data Terminals from the State of Oregon Contract #4416-PA

06158 Waiver of Sealed Bidding - Purchase Five Vehicles from the State of Oregon Price Agreement

06159 Waiver of Sealed Bidding, Authorization for Rental of Copy Machines from Oregon State University Bid Award

- 06160 Exemption From Competitive Solicitation - Award Personal Services Contract for the Operation and Maintenance of the Beaverton Central Plant
- 06161 Exemption From Competitive Solicitation - Award Personal Services Contract for the Construction Management of the Beaverton Central Plant
- 06162 Authorization for the Mayor to Award a Contract for Construction of Piping and Mechanical Room Connection to Extend the Beaverton Central Plant Services to Building "E" and Submitting to Council for Ratification of the Award at a Later Date
- 06163 Authorization for the Mayor to Award a Contract for Construction of Piping and Mechanical Room Connection to Extend the Beaverton Central Plant Services to Building "F" and Submitting to Council for Ratification of the Award at a Later Date

Coun. Arnold said she had a change to the August 7, 2006 Minutes, page 7, regarding her comments that "the Council could choose to follow the policies." She said she meant that the Council must follow the policies but there is room for interpretation.

Coun. Stanton said she had a revision to the July 17, 2006 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. Stanton abstained from voting on the August 14, 2006 Minutes as she was not at that meeting.

- 06155 PULLED for separate consideration - Authorize the Mayor to Sign an Annexation Agreement for 4500 SW 91st Avenue ANX 2006-0002

Bergsma said this property is located in Washington County. He said the property owner petitioned Washington County for Measure 37 Claim approval to be allowed to build five units on the property. He said the property was presently zoned County R5 and with the Claim that would equal R15 (five residential dwelling units per acre). He said the County approved that Claim but Measure 37 still has some legal uncertainties, one of which is the transferability. He said the property owner decided instead to pursue annexation to the City in hopes that the City would rezone the property to a zone that would allow them to build the five units. He said County's R15 Zone density (allows five units) does not transfer equally to the City's R2 Zone density (allows eight units). He said the property owner has agreed to stipulate in the agreement that they would develop at the minimum required by the City, which is 80% of the maximum; that would be about six or seven units. He said this issue is tied to the annexation because the property owner has stated that she does not want to be annexed to the City unless she gets the zoning she wants. He said the annexation ordinance (also on the agenda for this meeting) was written to say that the City would initiate the rezoning and if it is denied then the annexation ordinance would never become effective and the property would stay outside the City limits. He said it would be up to the Planning Commission and the Council if there was an appeal, to decide how the property would be zoned.

Coun. Stanton asked for the property's current zoning and what the surrounding properties were zoned.

Bergsma explained it was currently zoned County R5 (five units per acre) and with the Measure 37 Claim that would equate to County R15 (15 units per acre). He said the properties north of that area were zoned R5, the properties to the south were zoned Office-Commercial (office and retail).

Coun. Dalrymple asked if the City R2 Zone was the closest match to the County R5 Zone.

Bergsma said R2 was the closest match to the Measure 37 density of County R15. He said if the property was just zoned R5, the equivalent City zoning would be City R7.

Coun. Dalrymple said in looking at the process, first you annex, then you get an equivalent zone and third you seek an up-zone. He said he was objecting to trying to make a deal for the up-zone.

Coun. Stanton said she did not recall approving an annexation and rezoning to a higher use at the same time.

Bergsma said he did not think the City had done this before. He said in the past the City had processed non-discretionary Plan amendments and rezonings in conjunction with annexation, where the crosswalk is clear. He said if the City were to do this as suggested by Coun. Dalrymple, he did not think the owner would want to proceed with the annexation. He said the owner wants some certainty that if they come into the City they will retain their Measure 37 claim rights.

Coun. Arnold said the surrounding properties were developed into residential homes at R7. She said what they were being asked to consider is what she does not like about Measure 37; it is being used to allow one owner to put greater density on their property to their advantage and at the disadvantage of their neighbors. She said she could not support the recommendation for that reason.

Mayor Drake asked if the property owner stayed in the County, or if the Council approved the annexation but the property up-zone was not approved, the current property owner could put five units on this site because of the Measure 37 claim.

Bergsma said that was correct but the question of transferability still remains, so they may not be able to sell those units. He said they could be developed as apartments and be rented.

Mayor Drake asked if a five-unit development would generate about 50 car trips per day, according to the Transportation Manual.

Bergsma replied it might be a bit less if it were apartments.

Mayor Drake said to keep perspective, the traffic count would be about ten car trips per day per unit based on the national average. He said the concern that was expressed about increased traffic generated by development under the proposed zoning, while legitimate, should be kept in perspective relative to the total amount of traffic on 91st Avenue, much of which is generated by trips to and from Jesuit High School.

Coun. Stanton said that was only if they built at 80%; if they built at 100% it would be 80 cars, if the rate is ten cars per unit.

Coun. Doyle said if the annexation was approved the land owner has certainty that they can build up to eight units. He said if they stay in the County, and something happens to the Measure 37 claim, would that prohibit them from getting the five units.

Bergsma said they have the ability to build the five units, but the question is can they sell the five units or can they sell the property so it can be developed by someone else. Bergsma said he did not believe their rights to build the five units could be rescinded.

Mayor Drake reiterated the request that was before the Council and stressed this was requested by the property owner not by the City.

Coun. Dalrymple stressed he was objecting to the path for approval not the traffic density.

Coun. Doyle MOVED, SECONDED by Coun. Arnold to deny Agenda Bill 06155, Authorize the Mayor to Sign an Annexation Agreement for 4500 SW 91st Avenue ANX 2006-0002.

Mayor Drake noted that if this motion passed the first reading of the ordinance under Agenda Bill 06168 (Annexation of 4500 SW 91st Avenue) would need to be pulled.

Coun. Stanton said she would support the motion as she agreed with Coun. Dalrymple and the path was important.

Coun. Bode said she would support the motion as there were legal uncertainties on the Measure 37 Claim and she felt the County had to do its own work.

Coun. Doyle said he would support the motion because of the process issue and because of the attitude of "if I don't get what I want, I don't want to be part of the City."

Coun. Dalrymple said he wanted to be sure that the process was the same for everyone; he did not want to treat one property owner differently than another.

Coun. Bode thanked O'Guinn for the citizen participation on this issue. She noted that Council's decisions are based on the information presented by staff and the input received from citizens. She said the additional citizen information brought forth by this process affects the quality of the Council's decision.

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

#### WORK SESSION:

06148 CPA 2006-0001 Amending the Comprehensive Plan Chapters 1 and 2 and the Glossary  
(Rescheduled from August 14, 2006 meeting)

Bergsma said the purpose of this work session was to review the proposed amendments to Chapters 1, 2 and the Glossary of the Comprehensive Plan. He said the objective of these amendments was to make the Comprehensive Plan consistent with the City Code and other agencies' codes where applicable. He said since the last update in the mid 1990's, there have been changes in definitions, processes and issues that need to be incorporated into the Comprehensive Plan. He explained the process used to develop and review the proposed amendments. He reviewed the proposed amendments in detail (in the record). He said the proposed amendments were reviewed by the Committee for Citizen Involvement (CCI) and some of the CCI's recommended revisions were incorporated into the Comprehensive Plan (in the record). He said at its March 15, 2006, public hearing, the Planning Commission concurred with the proposed amendments except the Commissioners wished to retain some of the deleted definitions (mobile home, pedestrian scale) and they wished to define adverse impact. He said staff concurred with those changes and the Planning Commission unanimously recommended approval. He said the next step was the first reading of the ordinance, which is on the agenda for this meeting; the second reading would be September 18 and the ordinance would become effective 30 days after adoption.

Mayor Drake asked for comments from staff concerning San Soucie's comments.

Senior Planner Barbara Fryer referred to page 86 of the staff report, Section 1.1.1 City-initiated Amendments, the phrase "and in such a manner as will be most beneficial to the citizens of Beaverton" was deleted. She said San Soucie's concern regarding removing that phrase was presented to the Planning Commission and they unanimously decided to support staff's initial recommendation to remove the phrase.

Coun. Arnold asked if removing the phrase was discussed by the Planning Commission, and what the ramification would be of either retaining or removing the phrase.

Fryer explained that San Soucie's concerns were presented to the Commission; the Commission did not discuss removing the phrase but approved staff's recommendation.

Bergsma said regarding the ramifications, staff felt that the phrase did not provide a lot of guidance and it could be interpreted in a variety of ways. He said staff concluded that it was no help in determining whether or not to make a modification because it was too broad.

Fryer said San Soucie's second concern was on page 95, Item 6, and it was repeated in each section on noticing requirements; the phrase "By such other notice as the Planning Commission or City Council may deem in the public interest" was deleted. She said in her ten years as a planner with the City, neither the Council or the Planning Commission have asked for an alternative process other than the ones that staff has provided. She said in some cases staff sought additional public involvement beyond that required in the Code; she said staff anticipated participating in additional citizen involvement if necessary. She said this does not preclude the Council or Planning Commission from giving staff additional direction in terms of citizen involvement. She said the phrase on Item 6 was replaced with a new requirement to place notices on the City's Web site because that is currently done as practice.

Coun. Arnold asked if a future Council asked for something different in terms of notification, would staff say it "it's not in the Code, so we can't do it."

Fryer explained that staff would follow Council direction regarding noticing and that would include any extra noticing requested.

Mayor Drake noted any new Council could change the Code as they desired.

Coun. Stanton asked for the remand section.

Bergsma referred to the top of page 109 in the staff report, the second sentence notes that the procedures for noticing a remand hearing are found in sections 1.4.1(D) and 1.4.2 (D). It was noted these sections were on pages 94 and 96.

Coun. Stanton said she needed to know the notice requirements on remands.

Bergsma said that 1.4.1(D) says that the same information has to be provided as in 1.4.1(A) and (B), and in addition the following information in subsections 1.4.1(D)1, 2, 3 and 4 has to be included. He said this section states that on a remand there has to be a re-notice and it specifies the information to be included in that re-notice. He said remand public hearing notices would be a mailed between 20 and 40 days in advance of the hearing.

Coun. Stanton referred to Diagrams 1-1 and 1-2 and asked why there was no Facilities Review in the Legislative or Quasi-Judicial processes.

Fryer said typically the Comprehensive Plan amendment would not be taken to the Facilities Review Committee. She said zone changes and development applications go to Facilities Review.

Coun. Stanton referred to page 4 and said she needed to know the difference between Comprehensive Plan Amendments (CPAs) and Zoning Map amendments. She said she understood that Measure 56 required that CPAs be noticed city wide.

Fryer said that for CPAs, Measure 56 required that the affected property owners be noticed 20 to 40 days in advance of the initial hearing and there has to be a statement at the top of the notice that states "This may affect the value of your property."

City Attorney Alan Rappleyea explained that Zoning Map Amendments (ZMA) only deal with one property and only that property owner would get a Measure 56 notice. He said a CPA would involve a whole city, so everyone in the City would be noticed.

Fryer referred to page 27, where it was noted that the notice required by ORS 227.186 (Ballot Measure 56) shall be provided when applicable. She said it was written this way to avoid having to rewrite the Comprehensive Plan if the statute would change.

Coun. Stanton referred to page 86 and asked why the process for an accelerated amendment was being deleted.

Fryer explained that one of the amendments was to remove the quarterly review, so having an accelerated process was irrelevant under this new proposal. She said it would not make sense to have criteria for an accelerated process, since there is no accelerated process.

Coun. Stanton asked if there was criteria for the regular process somewhere else in the Comprehensive Plan.

Fryer said there were City-initiated amendments at the top of page 86, where amendment requests shall be submitted to the Community Development Director for preparation and analysis.

Coun. Stanton asked if there was any language regarding doing amendments to protect the public health, safety and welfare, or to comply with Federal regulations.

Bergsma said that the criteria that refers to the public health, safety and welfare on page 86 was stricken as it only applies to the accelerated review process. He said it never related to approval.

Coun. Arnold asked for clarification of a statement at the bottom of page 88, "Consequently, the decision is not a land use decision as defined by Oregon Revised Statutes."

Bergsma said this related to annexation-related Comprehensive Plan amendments. He said this section says that the City has an Urban Planning Area Agreement with Washington County and in that agreement there is a table that lists the County zones and what City zone would be applied to that County zone. He said that table does not cover all changes in zoning from County to City designations because the zoning has changed a bit since that agreement was approved, so for some properties there may be some flexibility; however, for properties that are covered by the table, there is no choice. He said in those cases where there is no discretion, there is no land use decision as defined by State law.

Coun. Arnold noted that Wal-Mart was an instance where there was a difference in the zoning requirements. She said she would like to see this table to get a better understanding of the zones.

Bergsma said the table was toward the end of Chapter 3 of the Comprehensive Plan.

Coun. Dalrymple asked in regard to issues similar to Wal-Mart, was the Code text structured sufficiently so that an issue like this could not happen again. He clarified his question by noting if a property was annexed, a zone designation is applied and then someone can then file an application based on a City zone. He asked if that was clarified in the Comprehensive Plan.

Bergsma said that was not yet clarified. He said after the City entered into the Urban Planning Area Agreement with the County in the late 1980's, the County and City adopted new zones. He said the crosswalk between the new zones is not shown in that table. He said when those properties are annexed, there is discretion as to which City zone applies.

Coun. Dalrymple asked if it was correct that once a property annexed it is not stated that the City has to apply a City zone on that parcel before a land use application can be heard.

Bergsma said that was correct. He said the City would respond to whatever zoning was in place at the time the application is submitted. He said if City zoning has not been applied, then the City follows County zoning.

Coun. Dalrymple asked if the City wished to maintain that process or should a hold be placed on a property until a City zone is applied.

Rappleyea said there is a statute that describes what happens in those situations. He said until a City zone is applied to a property, the County zone is applied. He said the City cannot refuse to accept an application. He said what the City can do is to be sure it processes all its annexations concurrently with the zone amendments. He said this draft language makes it a non-discretionary decision where the zone is clear and would speed up the process. He said the situation could more likely be avoided under this proposal, so it does help address the problem to some degree.

Bergsma said the real solution would be to update the Urban Planning Area Agreement and the table, so that all zone exchanges are clear.

Coun. Dalrymple asked when that could happen.

Bergsma said they have wanted to do that for a long time. He said they have been discussing updating Chapter 20 of the Development Code and that is where they will look at the multiple use zones and make them more comparable to the City's transit oriented zones. He said the current problem is that they are not at all comparable.

Community Development Director Joe Grillo said that Coun. Dalrymple made a good point in that there is no one single initiative that would resolve the question he asked. He said staff would like to go back and clarify these changes in the Comprehensive Plan and they would like to have discussions with the County regarding updating the Urban Planning Area Agreement. He said staff was in the process of trying to move forward on a variety of fronts to deal with these annexed properties. He said he could not say that the City would not get another application that comes in as the City moves through all of the initiatives involved in the process.

Bergsma said he submitted a memorandum to the Council addressing a few additional changes to Chapter 1. He said most of those changes were in response to a question from Coun. Arnold about renumbering the items in sections 1.4.1B, 1.4.2.B, and 1.4.3B so that all the items are arranged in the same order. He said attached to his memo were the Comprehensive Plan pages that show how the items in those sections were re-arranged to be in the same order. He said the memorandum also included a few minor text changes to Chapter 1. He said if the Council chose to go ahead with the first reading, the City Attorney would read those changes into the record.

Rappleyea said the other alternative was to delay the first reading and bring back the ordinance with all the changes incorporated at a future meeting.

Mayor Drake suggested that staff bring this back with a complete ordinance that shows all the changes. He said these were good changes, but they were significant and since they were last minute changes it would be better to return with a revised ordinance.

Coun. Arnold referred to page 97, Section 1.4.3.A1, that requires newspaper publication of a notice for Non-Discretionary Map Amendments. She asked why this had to be done when this was not a land-use decision.

Rappleyea said it is always better to give notice because people then know what is going on and it cuts off appeal rights. He said it was still a Plan amendment, but it was a non-discretionary amendment. He recommended keeping that text.

Coun. Arnold said that the City does not send notices to the Neighborhood Association Committees (NACs). She said several other agencies and the neighborhoods are given 30-days notice.

Fryer said that was correct. She said in the proposed amendment there was a 45-day notice to the Department of Land Use and Conservation (DLUC), Metro, the Neighborhood Office, the Chair of the CCI.

Coun. Arnold said she would prefer to see the 45 day notice go to the NACs rather than the Neighborhood Office, to ensure the NACs have sufficient time to review and respond.

Mayor Drake noted that some NACs do not meet regularly, or do not meet during the summer. He said regardless of the number of days in the notice, it was still incumbent upon the citizens to make a difference. He asked staff to comment to Coun. Arnold's suggestion.

Bergsma said staff would need guidance from Council. He said currently they rely on the Neighborhood Office to distribute information about the CPA and legislative amendments, rather than going to the neighborhoods.

Coun. Arnold said that was valuable and it is the job of the Neighborhoods Office to distribute this information. She said if they were not responsive in distributing the information right away, that is a procedural and staffing issue in the Neighborhoods Office.

Chief of Staff Linda Arnold said that was not the function of the Neighborhoods Office. She said their function was to include development information in the packet that has the minutes and the agenda. She said they do not give notice to the NACs of anything. She said they share information as soon as they can, but it is just an information piece that goes with the packets.

Mayor Drake said he agreed with Adlard and he suggested including the Chairs of the NACs and the CCI Chair in the process. He said the NAC Chairs would then need to get notice out to their members.

Coun. Bode asked if staff had a record of people who did not feel they were given adequate notice.

Bergsma said they did not have such a list. He said they were proposing to change the notification period for quasi-judicial amendments where a NAC might be affected from 30 to 20 days. He said only the affected NAC would be notified.

Mayor Drake said he would agree about noticing those who are most directly impacted. He said regardless of how much notice is given, there will always be someone who says they did not get the notice. He said this was a concerted effort to cut a step in the process and go directly to those who are most interested in land use.

Coun. Stanton added the notice would also be placed on the Web site.

Coun. Bode said she would support a 30-day notice.

Bergsma said that was the current requirement. He said the recommendation is to go to 20 days because that is the Development Code requirement. He said the Code has a 20 to 40 day noticing limit; 20 days is the minimum and that is what is most often used.

Coun. Dalrymple asked why not just have one time limit for both the Plan and Code.

Bergsma explained that Measure 56 is the source of the 20-to-40 day requirement. He said it was thought that if the notice went out too early in the process, people would forget about it.

Coun. Arnold commented she still felt a 45-day notice requirement should be used.

Bergsma explained the current requirement is for 30 days and that is inconsistent with the Development Code that uses 20 days. He asked if the Council wanted to be inconsistent with the Code.

Mayor Drake said consistency was needed. He said 20-to-40 days, also deals with staff workload and the last two years this has stretched staff a great deal.

Bergsma clarified that the 45-day notice that went to the Neighborhood Office and CCI Chair was the DLUC notice. He asked if the Council wanted them to send the DLUC notice to the NAC Chairs.

Mayor Drake said that the DLUC notice was not as critical because the information on that notice was limited. He said the critical notice was the one that comes once the application is received. He suggested that the staff continue to have limited distribution of the DLUC notice.

Coun. Dalrymple complimented all staff involved in this process. He said from the development side, eliminating the quarterly review was great and there were many people who would be happy to learn that the City was looking at how to expedite the processing of these applications. He thanked them for this action.

Coun. Arnold complimented staff for doing a great job. She said clearing up the definitions was awesome and the citizen involvement process was done exceptionally well. She said as Council Liaison to the CCI, she heard that the CCI felt they were very well heard.

Mayor Drake noted that under the motion for first reading, the City Attorney would not be reading the ordinance under Agenda Bill 06115. He said the ordinance would be returned to Council for first reading at a future meeting. He also noted that the ordinance under Agenda Bill 06168 would not be read as it was denied under the action taken on Agenda Bill 06155 earlier in the meeting.

ORDINANCES:

Coun. Doyle MOVED, SECONDED by Coun. Bode, that the rules be suspended, and that the ordinances embodied in Agenda Bills 06164, 06165, 06166 and 06167 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

First Reading:

Rappleyea read the following ordinances for the first time by title only:

06115 An Ordinance Amending Comprehensive Plan Chapters 1, 2, and the Glossary (Ordinance No. 4187) Related to CPA 2006-0001(Ordinance No. 4395) - *To be brought back for first reading at future meeting.*

06164 TA 2006-0005 Facilities Review Text Amendment (Ordinance No. 4404)

06165 TA 2006-0006 (Lot Line Adjustment/Consolidation) (Ordinance No. 4405)

06166 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located in South Beaverton; CPA 2006-0004/ZMA 2006-0003 (Ordinance No. 4406)

06167 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Two Properties in Northwest Beaverton; CPA 2006-0010/ZMA 2006-0013 (17200 & 17225 NW Corridor Court) (Ordinance No. 4407)

06168 PULLED - An Ordinance Annexing a Parcel Located at 4500 SW 91<sup>st</sup> Avenue to the City of Beaverton: Expedited Annexation 2006-0002 (Ordinance No. 4408) - Ordinance did not receive first reading; was not approved per discussion under Agenda Bill 06155.

Second Reading:

Rappleyea read the following ordinances for the second time by title only:

06149 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Two Properties in Northwest Beaverton; CPA 2006-0007/ZMA 2006-0010 (11845 and 11915 SW Walker Road) (Ordinance No. 4401)

06150 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Two Properties in Northeast Beaverton; CPA 2006-0008/ZMA 2006-0011 (Tax Lots 1S1 10 DA 01800 and 01802) (Ordinance No. 4402)

06151 An Ordinance Amending Section 6.02.390 of the Beaverton Code Relating to the Downtown Permit Parking District (Ordinance No. 4403)

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the ordinances embodied in Agenda Bills 06149, 06150 and 06151, now pass. Roll call vote. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

#### ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 9:50 p.m.

---

Sue Nelson, City Recorder

#### APPROVAL:

Approved this     day of     , 2006.

---

Rob Drake, Mayor

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** LIQUOR LICENSE

**FOR AGENDA OF:** 10/02/06 **BILL NO:** 06181

**NEW OUTLET**

Mexicali Express  
12950 SW Canyon Rd.

Thai Flavor  
11461 SW Scholls Ferry Rd.

**MAYOR'S APPROVAL:** 

**DEPARTMENT OF ORIGIN:** Police

**DATE SUBMITTED:** 09/20/06

**PROCEEDING:** Consent Agenda

**EXHIBITS:** None

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ 0	BUDGETED \$ 0	REQUIRED \$ 0

**HISTORICAL PERSPECTIVE:**

Background investigations have been completed and the Chief of Police finds that the applicants have met 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 applications.

**INFORMATION FOR CONSIDERATION:**

Mexicali Express, Inc., has made application for a Limited On-Premises Sales License under the trade name of Mexicali Express. The establishment will serve Mexican food. It will operate Sunday through Saturday, from 9:00 a.m. to 11:00 p.m. 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.

Aliyah Rose, LLC, has made application for a Limited On-Premises Sales License under the trade name of Thai Flavor. The establishment will serve Thai food. It will operate Monday through Friday, from 11:00 a.m. to 9:00 p.m., Saturday, from 12:00 p.m. to 9:00 p.m., and Sunday from 5:00 p.m. to 9:00 p.m. 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:**

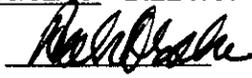
The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC license applications.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

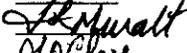
**SUBJECT:** A Resolution Relating to Special Procurements and Amending Sections 50-0015 and 47-0700 of the Beaverton Purchasing Code

**FOR AGENDA OF:** 10/02/06 **BILL NO:** 06182

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Purchasing 

**DATE SUBMITTED:** 09/07/06

**CLEARANCES:** City Attorney   
Purchasing   
Finance 

-Resolution

**PROCEEDING:** Consent  
(Contract Review Board)

**EXHIBITS:** -Comparative Version of BPC 50-0015  
-Comparative Version of BPC 47-0700

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$-0-	AMOUNT BUDGETED \$-0-	APPROPRIATION REQUIRED \$-0-
-------------------------------	--------------------------	---------------------------------

**HISTORICAL PERSPECTIVE:**

One manner in which the City may procure goods or services is through a special procurement. In a special procurement, a contracting agency may custom design a contracting approach to best meet its procurement needs.

Under Section 50-0015 of the Beaverton Purchasing Code, the City is required to give substantially greater notice of its intention to seek Contract Review Board authorization of a special procurement than is required under state law. The result is that the City spends more time and money publishing notices related to special procurements than is required under state law.

The City experiences further delay in awarding contracts pursuant to an authorized special procurement due to the fact that Section 50-0015 imposes a 14-day period between the City's publication of notice of the Contract Review Board's approval of a special procurement authorization and the award of a contract under that authorization. The state only imposes a seven-day interval. In both instances, the purpose of the delay is to allow an adversely affected person a reasonable opportunity to file a protest against the approval of a special procurement. The manner a person protests the approval of a special procurement is set out in Section 47-0700 of the Beaverton Purchasing Code.

**INFORMATION FOR CONSIDERATION:**

To eliminate unnecessary costs and delays and to make the Beaverton Purchasing Code uniform with state law with regard to special procurements, the City seeks to amend Sections 50-0015 and 47-0700 of its purchasing code. Exhibits 1 and 2 to this agenda bill show the text added to and deleted from the current versions of these code sections to accomplish this objective.

If these amendments are approved, Section 50-0015 will no longer require the City to provide notice by special publication of the City's intent to request Contract Review Board approval of a special procurement

and Section 47-0700 will be amended to eliminate references to the filing of a protest against the City's intention to seek Contract Review Board approval of a special procurement. Additionally, the approval of the proposed amendment to Section 50-0015 will shorten to seven days the period between the City's publication of a notice of the Contract Review Board's approval of a requested special procurement authorization and the actual award of a contract pursuant to that authorization. These changes will make the Beaverton Purchasing Code provisions relating to special procurements consistent with similar provisions under state law.

If these amendments are approved, the following practices will remain in place and are consistent with current practices followed by the state in relation to special procurements:

- the City will continue to provide public notice of its intention to request authorization of a special procurement pursuant to the public notice provisions set forth in Oregon's Public Meeting Law;
- the City will continue to give notice of the Contract Review Board's approval of a special procurement in the same manner as public notice of competitive sealed bids under ORS 279B.055(4);
- the City will continue to describe in its notice of approval the goods or services or class of goods or services to be acquired through the special procurement; and,
- an adversely affected person will continue to have the right to protest the Contract Review Board's approval of a special procurement.

**RECOMMENDED ACTION:**

Pass resolution.

**RESOLUTION NO.** 3875

**A RESOLUTION RELATING TO SPECIAL PROCUREMENTS  
AND AMENDING SECTIONS 50-0015 AND 47-0700 OF THE  
BEAVERTON PURCHASING CODE**

**WHEREAS**, Oregon Revised Statute 279B.085 provides that a public contracting agency may award a contract as a special procurement; and

**WHEREAS**, Beaverton Purchasing Code Section 50-0015 specifically permits the City to award a contract as a special procurement; and

**WHEREAS**, Beaverton Purchasing Code Section 50-0015 requires that special public notice be given of the City's intention to seek Contract Review Board approval of a special procurement authorization and that the City wait 14 days after approval of a special procurement authorization to award a contract pursuant to that authorization; and

**WHEREAS**, Beaverton Purchasing Code Section 47-0700 allows an adversely affected party to protest the City's intention to seek Contract Review Board approval of a special procurement authorization; and

**WHEREAS**, state law does not require a public contracting agency to provide special public notice of the agency's intention to seek contract review board approval of a special procurement and does not allow a person to protest the agency's mere intention to seek such authorization; and

**WHEREAS**, state law requires a public body to wait seven days after approval of a special procurement authorization to award a contract under that authorization and during those seven days allows an adversely affected party to protest the actual approval of a special procurement; and

**WHEREAS**, the City generally seeks to conform its purchasing rules and procedures to state law; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF BEAVERTON, OREGON:**

Section 1. Beaverton Purchasing Code Section 50-0015 is struck in its entirety and is replaced with the following:

**"50-0015 Special Procurements: Single Contract; Single Class**

**A. Generally.**

The City may Award a Contract as a Special Procurement pursuant to the requirements of ORS 279B.085.

B. Public Notice.

The City shall give public notice of the Contract Review Board's approval of a Special Procurement in the same manner as public notice of competitive sealed Bids under ORS 279B.055(4) and BPC 47-0300. The public notice shall describe the Goods or Services or class of Goods or Services to be acquired through the Special Procurement. The City shall give such public notice of the approval of a Special Procurement at least seven Days before Award of the Contract.

C. Protest.

An Affected Person may protest the request for approval of a Special Procurement in accordance with ORS 279B.400 and BPC 47-0700."

Section 2. Beaverton Purchasing Code Section 47-0700 is struck in its entirety and is replaced with the following:

**"47-0700 Protests and Judicial Review of Special Procurements**

A. Purpose.

An Affected Person may protest the approval of a Special Procurement. Pursuant to ORS 279B.400(1), before seeking judicial review of the approval of a Special Procurement, an Affected Person must file a Written protest with the Contract Review Board and exhaust all administrative remedies.

B. Delivery.

Notwithstanding the requirements for filing a writ of review under ORS chapter 34 pursuant to ORS 279B.400(4)(a), an Affected Person must deliver a Written protest to the Contract Review Board or designee within seven days after the first date of public notice of the approval of a Special Procurement by the Contract Review Board, unless a different protest period is provided in the public notice of the approval of a Special Procurement.

C. Content of Protest.

The Written protest must include:

1. A detailed statement of the legal and factual grounds for the protest;
2. A description of the resulting harm to the Affected Person; and
3. The relief requested.

D. Contract Review Board.

The Contract Review Board shall not consider an Affected Person's protest of the approval of a Special Procurement submitted after the timeline established for submitting such protest under this rule or such different time period as may be provided in the public notice of the approval of a Special Procurement. The Contract Review Board shall issue a Written disposition of the protest in a timely manner. If the Contract Review Board upholds the protest, in whole or in part, it may in its sole discretion implement the sustained protest in the approval of the Special Procurement, or revoke the approval of the Special Procurement.

E. Judicial Review.

An Affected Person may seek judicial review of the Contract Review Board's decision relating to a protest of the approval of a Special Procurement in accordance with ORS 279B.400."

Section 3. Section 1 of this Resolution applies to special procurements authorized or pending on or after the effective date of this Resolution.

Section 4. Section 2 of this Resolution applies to protests commenced on or after the effective date of this Resolution.

Adopted by the City Council this \_\_\_\_ day of October 2006.

Ayes: \_\_\_\_

Nays: \_\_\_\_

Approved by the Mayor this \_\_\_\_ day of October 2006.

Attest:

Approved:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

Resolution No. 3875

**Exhibit 1:**  
**Comparative version of BPC 50-0015**

(Shows text added to and ~~deleted~~ from existing section.)

---

**50-0015      Special Procurements: Single Contract; Single Class**

A.      Generally.

The City may Award a ~~Public~~ Contract as a Special Procurement pursuant to the requirements of ORS 279B.085.

B.      Public Notice.

The City shall give public notice of ~~(1) its request for approval of a Special Procurement and (2) the Contract Review Board's approval of a Special Procurement in a~~ the same manner similar to as public notice of competitive sealed Bids under ORS 279B.055(4) and BPC 47-0300. The public notice shall describe the Goods or Services or class of Goods or Services to be acquired through the Special Procurement. The City shall give such public notice of ~~its request for~~ the approval of a Special Procurement at least seven ~~(7) Days prior to the approval of the Special Procurement by the Contract Review Board. The City shall give such public notice of the approval of a Special Procurement at least fourteen (14) Days~~ before Award of the Contract.

C.      Protest.

An Affected Person may protest the ~~approval of or~~ request for approval of a Special Procurement in accordance with ORS 279B.400 and BPC 47-0700.

**Exhibit 2:**  
**Comparative version of BPC 47-0700**

(Shows text added to and ~~deleted~~ from existing section.)

---

**47-0700      Protests and Judicial Review of Special Procurements**

A.      Purpose.

An Affected Person may protest the approval of ~~or request for approval of~~ a Special Procurement. Pursuant to ORS 279B.400(1), before seeking judicial review of the approval ~~or request for approval of~~ a Special Procurement, an Affected Person must file a Written protest with the Contract Review Board and exhaust all administrative remedies.

B.      Delivery.

~~1.      Protest of Request for Approval of a Special Procurement. An Affected Person must deliver a Written protest to the Contract Review Board or designee within 14 Days after the first date of public notice of a proposed Special Procurement, unless a different protest period is provided in the public notice of the proposed Special Procurement.~~

~~2.      Protest of Approval of a Special Procurement. Notwithstanding the requirements for filing a writ of review under ORS chapter 34 pursuant to ORS 279B.400(4)(a), an Affected Person must deliver a Written protest to the Contract Review Board or designee within 14 seven Days after the first date of public notice of the approval of a Special Procurement by the Contract Review Board, unless a different protest period is provided in the public notice of the approval of a Special Procurement.~~

C.      Content of Protest.

The Written protest must include:

1.      A detailed statement of the legal and factual grounds for the protest;
2.      A description of the resulting harm to the Affected Person; and
3.      The relief requested.

D.      Contract Review Board.

~~1.      Protest of Request for Approval of a Special Procurement: The Contract Review Board shall not consider an Affected Person's protest of City's request for approval of a Special Procurement submitted after the timeline established for submitting such protest under this rule or such different time period as may be provided in the public notice of the request for approval of a proposed Special Procurement. The Contract Review Board shall issue a Written disposition of the protest in a timely manner. If the Contract Review Board upholds the protest, in whole or in part, it may in its sole discretion implement the~~

~~sustained protest in the approval of the Special Procurement, or deny the request for approval of the Special Procurement.~~

2. ~~Protest of Approval of a Special Procurement:~~ The Contract Review Board shall not consider an Affected Person's protest of the approval of a Special Procurement submitted after the timeline established for submitting such protest under this rule or such different time period as may be provided in the public notice of the approval of a Special Procurement. The Contract Review Board shall issue a Written disposition of the protest in a timely manner. If the Contract Review Board upholds the protest, in whole or in part, it may in its sole discretion implement the sustained protest in the approval of the Special Procurement, or revoke the approval of the Special Procurement.

E. Judicial Review.

~~An Affected Person may not seek judicial review of the Contract Review Board's denial of a protest of a request for approval of a Special Procurement. An Affected Person may seek judicial review of the Contract Review Board's decision relating to a protest of the approval of a Special Procurement in accordance with ORS 279B.400.~~

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Comprehensive Plan Chapters 1, 2, and the Glossary (Ordinance No. 4187) Related to CPA 2006-0001

**FOR AGENDA OF:** 10/02/06 **BILL NO:** 06183

**Mayor's Approval:** [Signature]

**DEPARTMENT OF ORIGIN:** CDD [Signature]

**DATE SUBMITTED:** 09/25/06

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

**PROCEEDING:** First Reading

- EXHIBITS:**
- A. Proposed Ordinance and Exhibit A – Proposed Text
  - B. Chapters One and Two and the Glossary showing all recommended amendments

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

**HISTORICAL PERSPECTIVE:**

The Comprehensive Plan Public Involvement and Procedures chapters were developed in 1995 in response to Periodic Review and Statewide Planning Goal 1. Since then, several amendments to various chapters resulted in amendments to definitions. Additionally, several definitions were changed in the Development Code. These actions resulted in some conflicting and confusing definitions.

In September 2002, January 2005 and July 2006 Beaverton Development Code Chapter 50 Procedures were amended, specifically Type 3 and Type 4 processing and noticing requirements. These application procedures provide some of the requirements that Comprehensive Plan amendments must follow. The revised procedures resulted in inconsistencies between the procedures in the Comprehensive Plan and those in the Development Code. Additionally, in 1998 the state's voters approved Ballot Measure 56, which set notification timeframes for Comprehensive Plan amendments that differ from those set in the Comprehensive Plan. This proposed amendment eliminates those inconsistencies and updates Chapters 1, 2, and the Glossary.

The Planning Commission held a public hearing on March 15, April 5 and April 12, 2006. On April 12, 2006, the Commission discussed and decided on various changes to the original proposal as reflected in their Order No. 1859. On September 11, 2006, the City Council held a work session to discuss 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.

**INFORMATION FOR CONSIDERATION:**

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 work session. Changes to the Planning Commission version, which affect only Chapter One of Exhibit A to the ordinance, are shown in Exhibit B to this agenda bill as shaded text.

The ordinance is ready for the required readings.

**RECOMMENDED ACTION:**

First Reading.

**Exhibit A. Proposed Ordinance and  
Exhibit A – Proposed Text**

**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 \_\_\_ day of \_\_\_\_\_, 2006.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2006.

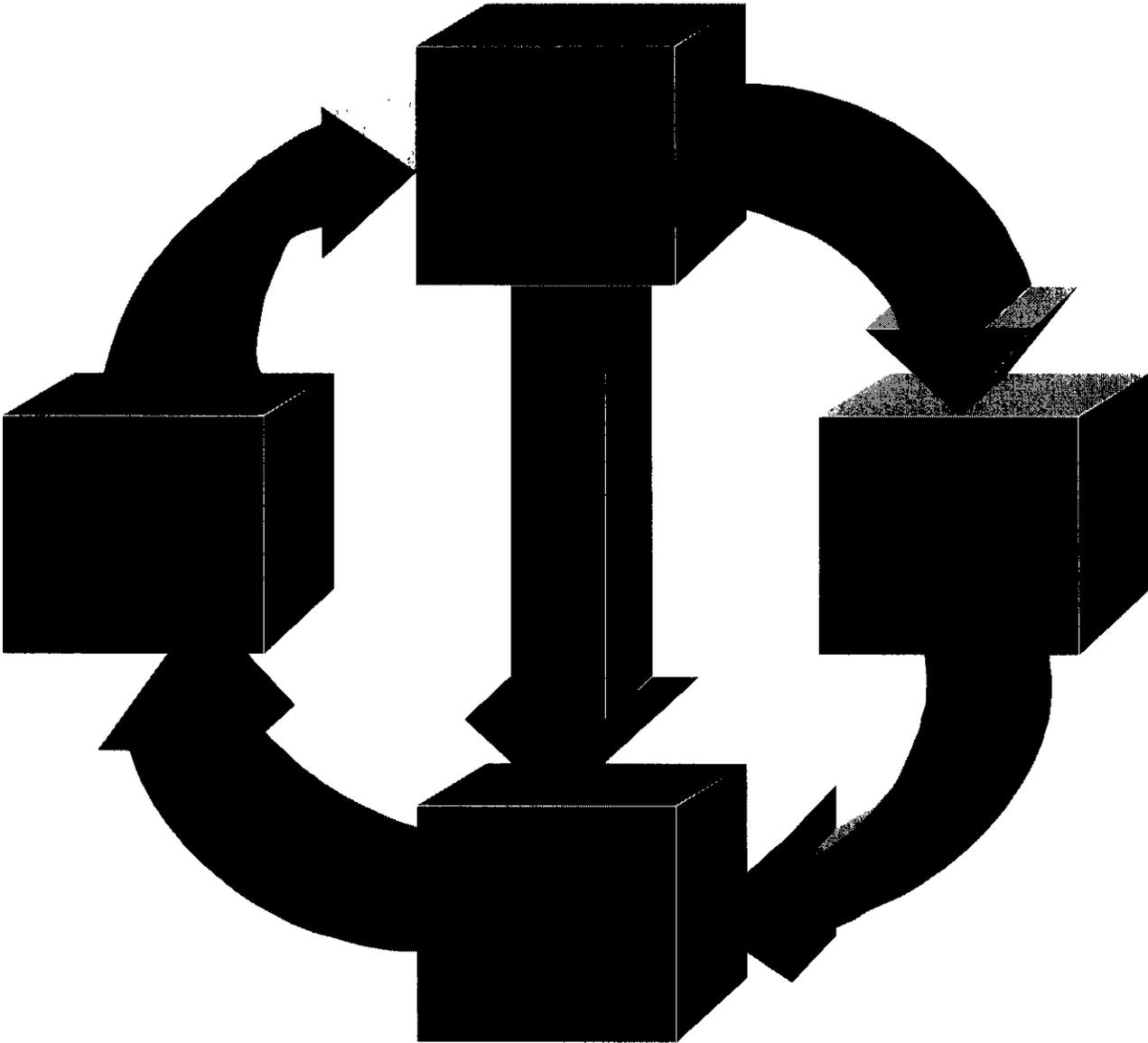
ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

# CHAPTER ONE: COMPREHENSIVE PLAN AMENDMENT PROCEDURES ELEMENT



# **COMPREHENSIVE PLAN AMENDMENT PROCEDURES**

## **1.1 AMENDMENT INITIATION.**

Amendments to the Comprehensive Plan may be initiated by City Council, the Planning Commission, the Mayor, the Community Development Director, or the Engineering Director at any time. Landowners may also initiate an amendment to the Land Use Map pertaining only to their property at any time.

### **1.1.1 City-initiated Amendments**

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council have the right to accept, reject or modify any specific request for amendment in accordance with the City's policies and procedures. The Planning Commission or City Council may enlarge or reduce the geographic area of proposed map amendments, investigate alternative land use designations to those requested, or combine the request with other City-initiated amendments for comprehensive study and determination. If the decision to modify a requested amendment is made after public hearing notice has been provided, the notice shall be reissued and, if necessary, the hearing rescheduled.

### **1.1.2 Property Owner-initiated Amendments**

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing. The Planning Commission and City Council reserve the right to approve, approve with conditions, or deny any specific request for amendment in accordance with the City's policies and procedures.

### **1.1.3 Amendment Processing**

Proposed amendments shall be processed as expeditiously as possible, subject to the availability of staff and budgetary resources and project priorities set by the Mayor. Amendments shall be processed in compliance with the procedures established by this Plan as well as Oregon Revised Statutes, Oregon Administrative Rules, Metro Code, the City Charter, and City Ordinances. Property owner-initiated amendments should be processed in the order in which they are submitted and accepted as complete, but the City Council may, by resolution, postpone processing proposed amendments to accelerate processing other amendments to which they give a higher priority.

## **1.2 PERIODIC REVIEW**

Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and follow separate notice procedures outlined in the Oregon Revised Statutes and Oregon Administrative Rules governing Periodic Review.

## **1.3 AMENDMENT PROCEDURAL CATEGORIES**

Comprehensive Plan Amendments fall into five general categories: Legislative, Quasi-Judicial, Historic Landmark, District and Tree designation removal, Non-Discretionary, and Statewide

Planning Goal 5 Inventory Document Amendments.

**Legislative Amendments** are amendments to the Comprehensive Plan text or map of a generalized nature initiated by the City that applies to an entire land use map category or a large number of individuals or properties or that establishes or modifies policy or procedure. Legislative amendments include additions or deletions of text or land use map categories.

**Quasi-Judicial Amendments** are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties or locations.

**Historic Landmark, District or Tree Designation Removal** are amendments, requested from the property owner, to remove said designation pursuant to ORS 197.772. Upon receipt of a letter request to remove said designation, the Community Development Director shall issue a letter removing said designation based on ORS 197.772 and shall cause such letter to be mailed to the property owner and the property owners within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the subject property.

**Non-Discretionary Amendments** are amendments to the Comprehensive Plan Land Use Map to add an annexed property, or properties, to the Map with a Land Use Map designation assigned through direct application of the Washington County-Beaverton Urban Planning Area Agreement (UPAA). The County land use classification(s) remain in effect under provisions of Oregon Revised Statutes (ORS 197.175(1) and ORS 215.130(2)(a)) until the City acts to implement its own Comprehensive Plan Land Use designation(s) for the annexed territory.

The UPAA requires the City to assign a particular, or most similar, City Comprehensive Plan Land Use designation to the annexed property based on the Washington County designation. Exhibit "B" of the UPAA contains a chart describing a one-to-one relationship between County and City land use designations. The UPAA and the chart referenced as Exhibit "B" is found within Chapter 3 of the Comprehensive Plan in Section 3.15. Where UPAA Exhibit "B" provides a one-to-one relationship and the annexed property is **not** subject to any special policies within the applicable Washington County Community Plan, the decision to apply a specific Land Use Map designation is made under land use standards that do not require interpretation or the exercise of policy or legal judgement. Consequently, the decision is not a land use decision as defined by Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

**Statewide Planning Goal 5 Inventory Resource Document Amendments** are amendments to Volume III of the Comprehensive Plan. Amendments may be legislative, such as periodic review, or annual updates to maps, or quasi-judicial. Updates to the Significant Natural Resources Map (Local Wetland Inventory Map) incorporating changes approved by the Department of State Lands are non-discretionary map amendments the public notice, decision-making and appeal of the decision occurs when the Division of State Lands approves the wetland delineation and fill or removal permit (OAR 141-086-005 through OAR 141-090-0230, OAR 141-085-0018, OAR 141-085-0025, OAR 141-085-0028, OAR 141-085-0029, OAR 141-085-0031, OAR 141-085-0066, ORS 227.350 (2), and ORS 196.600 to 196.990). As noted under Non-Discretionary Amendments above, when no discretion is exercised, the decision is not a land use decision under Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

## **1.4 NOTICE REQUIREMENTS**

The claim of a person to have not received notice, who may be entitled to notice as provided in this section, shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was given.

If the Community Development Director or City Council determine that the proposed amendment substantially changes from the proposal described in the initial notice, then notice is required to be sent again as described in the appropriate subsection with specific notation that the proposal has changed and that a new hearing will be held on the matter.

### 1.4.1 Legislative Amendments.

#### A. Notice of the initial hearing shall be provided as follows:

1. By mailing the required inter-agency Department of Land Conservation and Development (DLCDD) notice to DLCDD, Metro, and Washington County at least forty-five (45) calendar days prior to the initial hearing. When the legislative amendment is required through Periodic Review, DLCDD notice is not required, therefore, it is not provided.
2. Mail notice to owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land
  - a) The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
  - b) If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing.
3. By publication of a notice with the information specified in subsection 1.4.1 (B)(1), (2), and (3) in a newspaper of general circulation within the City,;
4. By posting a notice with the applicable information specified in subsection 1.4.1 (B) at Beaverton City Hall and the Beaverton City Library;
5. By placing a notice with the applicable information specified in subsection 1.4.1 (B) on the City's website; and

6. By mailing notice with the information specified in subsection 1.4.1.(B) to all Neighborhood Association Committee chairs in whose area there is property that in the Director's opinion could be affected by the proposed ordinance if adopted and the Chair of the Committee for Citizen Involvement.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing Notices required by numbers 2 through 5 of this subsection, shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

- B. Mailed notice required in subsection 1.4.1 (A) (2), posted notice required in subsection 1.4.1 (A) (4), and web notice required in subsection 1.4.1 (A) 5 shall:
  1. State the date, time and location of the hearing, and the hearings body;
  2. Explain the nature and purpose of the hearing;
  3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
  4. List the applicable approval criteria by Comprehensive Plan by section numbers that apply to the application at issue;
  5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
  6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost and include the days, times and location where available for inspection;
  7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
  8. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue; and
  9. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).
- D. Notice of remand hearings, whether they be the entire legislative amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission, shall be given following subsections 1.4.1 (A) and 1.4.1 (B) with the following additional information:
  1. The deadline for submitting written testimony and the place it is to be submitted;
  2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
  3. The scope of the testimony; and

4. Whether the testimony is de novo or limited to the record and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

#### 1.4.2 Quasi-Judicial Amendments

##### A. Notice of the initial hearing shall be provided as follows:

1. By mailing the required inter-agency DLCD notice to DLCD, Metro, and Washington County at least forty-five (45) calendar days prior to the initial hearing.
2. By publication of a notice with the information specified in 1.4.2 (B) (1), (2), (3) and (4) in a newspaper of general circulation within the City;
3. By posting notice with the information specified in 1.4.2 (B) at Beaverton City Hall and the Beaverton City Library; 4. By mailing notice with the information specified in 1.4.2 (B) to property owners included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated;
5. By mailing notice with the information specified in 1.4.2 (B) to any City-recognized Neighborhood Association Committee (NAC) chair or County-recognized Citizen Participation Organization (CPO) whose boundaries include the property for which the change is contemplated and the chair of the Committee for Citizen Involvement; and
6. By placing notice with the information specified in 1.4.2 (B) on the City's web site.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing notices required by numbers 2 through 6 of this subsection shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

##### B. Mailed notice required in subsection 1.4.2 (A) (4) and (5) shall:

1. State the date, time, and location of the hearing, and the hearings body;
2. Explain the nature of the application and the use or uses, which could be authorized;
3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
4. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue;
5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost include the days, times and location where available for inspection;
7. Include the name and phone number of the City staff person assigned to the

- application from whom additional information may be obtained;
8. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue;
  9. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing; and
  10. Set forth the street address or other easily understood geographical reference to the subject property and include a map, if applicable.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).
- D. Notice of remand hearings, whether for the entire quasi-judicial amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission shall be given following subsection 1.4.2 (A) and 1.4.2 (B) with the following additions:
1. Any deadline for submitting written testimony and the place it is to be submitted;
  2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
  3. The scope of the testimony;
  4. Whether the testimony is limited to the record or de novo and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

#### 1.4.3 Non-Discretionary Map Amendments

A Notice for Non-Discretionary Map Amendments shall be provided as follows:

1. By publication of a notice with the information specified in 1.4.3 (B) (1), (2) and (3) in a newspaper of general circulation within the City,;
2. By mailing notice with the information specified in 1.4.3 (B) to the Beaverton Neighborhood Office, Chair of the Committee for Citizen Involvement (CCI), Neighborhood Association Committee, Community Participation Organization and owners of record of the subject property on the most recent property tax assessment roll; and
3. By placing notice with the information specified in 1.4.3 (B) on the City's web site..

All notices required by 1. through 3. of this subsection (A) shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date the item initially appears on the City Council agenda.

B. Notice required by subsection 1.4.3.(A) shall:

1. State the time, date, place, and purpose of the City Council agenda item;
2. Explain the nature of the application;

3. Include the case file number, title or both of the proposed ordinance to be considered;
4. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;
5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the meeting and will be provided at reasonable cost and include the days, times and location where available for inspection;
7. Include the name and phone number of the City staff person assigned to the application from who additional information may be obtained; and
8. Set forth the street address or other easily understood geographical reference to the subject property, including a map.

C. Notice of Decision for Non-Discretionary Map Amendments

Within five working days after the City Council decision on a Non-Discretionary Map Amendment, notice of the decision shall be mailed to the owner of record, DLCDD, the Beaverton Neighborhood Office and the Chairperson of the Committee for Citizen Involvement (CCI). The notice of decision shall include the following:

1. A statement that the decision is final but may be appealed in a court of competent jurisdiction, and
2. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

1.4.4 Statewide Planning Goal 5 Inventory Resource Document (Volume III) Amendments

- A. If the proposal is legislative in nature, as in an update to one of the Statewide Planning Goal 5 Inventory Resource Documents or an addition of a new category of Statewide Planning Goal 5 Inventory Resource Documents, then notice shall follow the legislative notice procedure identified under subsection 1.4.1.
- B. If the proposal is quasi-judicial in nature, as in a change on one property or a limited group of properties, the notice shall follow the quasi-judicial notice procedure under subsection 1.4.2.
- C. If the proposal is to update the Local Wetland Inventory map of the Significant Natural Resource maps based on approvals of wetland delineations or fill or removal permits issued by the Oregon Department of State Lands, the amendment shall be deemed non-discretionary and shall be updated administratively by City Council ordinance adoption, following the Non-Discretionary Map Amendment procedure under 1.4.3.

**1.5 CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN**

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City

Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

#### 1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments

- A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;
- B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan;
- C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and
- D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

#### 1.5.2 Criteria for Non-Discretionary Map Amendments

##### A. Annexation-Related

Discretion occurs when the Washington County-Beaverton Urban Planning Area Agreement (UPAA) is adopted or amended by the County and the City. The UPAA provides specific City-County Land Use Designation Equivalents. Specifically, the UPAA states in Section II (D) “Upon annexation, the city agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations. Such conversion shall be made according to the tables shown on Exhibit “B” to this agreement.” Consequently, when the conversion from County to City designation is shown on Exhibit B, the City has no discretion.

##### B. Statewide Planning Goal 5

The Department of State Lands (DSL) and the US Army Corps of Engineers (COE) exercise discretion when these agencies approve wetland delineations and fill/removal permits (OAR 141-085, ORS 227.350, and ORS 196.600 to 196.990). Because the decision is made by another agency, acknowledging the locations of the delineated wetlands and fill/removal activities on the City’s Local Wetland Inventory map involves no discretion.

#### 1.5.3 Criteria for Statewide Planning Goal 5 Inventory Resource Document (Volume III) Comprehensive Plan Amendments

- A. Local Wetland Inventory Amendments require following the criteria for adoption of a local wetland inventory found within Oregon Revised Statutes and Oregon Administrative Rules (as of November 2004, ORS 196 and OAR 141-086 and OAR 660-023).

##### B Criteria for Addition of Historic Landmarks and Districts

To qualify as a historic landmark or district, the proposal must meet criterion 1 and at least one factor listed as criteria 2 through 5:

1. Conforms with the purposes of the Beaverton Comprehensive Plan; and
2. The proposed landmark or district is associated with natural history, historic people, or with important events in national, state, or local history; or
3. The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or
4. The proposed landmark is a notable work of a master builder, designer, or architect; or
5. The proposed landmark or district would serve one or more of the following purposes:
  - a) To preserve, enhance, and perpetuate landmarks and districts representing or reflecting elements of the City's cultural, social, economic, political, and architectural history;
  - b) To safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in said landmarks and districts;
  - c) To complement any National Register properties or Historic Districts;
  - d) To stabilize and improve property values in such districts;
  - e) To foster civic pride in the beauty and accomplishments of the past;
  - f) To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
  - g) To strengthen the economy of the City; and
  - h) To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City's current and future citizens.

C. Criteria for Adding Historic Trees

The adoption by City Council and Planning Commission of any amendment to add a historic tree to the Historic Tree Inventory shall be based on the following criteria:

1. Conforms with applicable goals and policies of the Beaverton Comprehensive Plan;
2. The proposed historic tree designation is requested by the property owner as determined by the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and
3. The proposed historic tree is associated with historic properties, historic people, or with important events in national, state, or local history, or general growth and development of the city.

## **1.6 HEARINGS PROCEDURES**

Before the City Council may adopt any amendment to the Comprehensive Plan, the procedures within this section shall be followed. In the case of Non-Discretionary amendments, no hearing will be held. Consideration of the proposal shall be placed on the City Council Agenda for adoption by ordinance.

- 1.6.1. After appropriate notice is given, as provided in section 1.4 the Planning Commission or City Council shall hold a public hearing on the amendment, except for Non-Discretionary amendments.
  - A. At the beginning of the hearing an announcement shall be made to those in attendance that:
    1. States the applicable approval criteria by Comprehensive Plan section number.
    2. States testimony, arguments and evidence must be directed toward the applicable criteria.
    3. States failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the Planning Commission or City Council and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.
    4. States failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue may preclude an action for damages in circuit court.
    5. If a quasi-judicial application, states the Planning Commission and City Council must be impartial and that members of the Planning Commission and City Council shall not have any bias or personal or business interest in the outcome of the application.
      - a) Prior to the receipt of any testimony, members of the Planning Commission or City Council must announce any ex parte contacts. The Planning Commission or City Council shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest or ex parte contacts.
      - b) If any member of the Planning Commission or City Council has visited the site (if applicable), they should describe generally what was observed.
    6. Summarizes the procedure of the hearing.
    7. States that the hearing shall be recorded on audio only or audio and video tape.
    8. States any time limits for testimony set by the Planning Commission or City Council at the beginning of the hearing.
  - B. After the aforementioned announcements, the Chair or Mayor shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
  - C. After the presentation of the staff report, the Chair or Mayor shall call for the applicant's testimony, if the City is not the applicant.
  - D. After the applicant's testimony, the Chair or Mayor shall call for other evidence or testimony in the following sequence unless the Planning Commission or City Council consents to amend the sequence of testimony:
    1. First, evidence or testimony in support of the application.
    2. Second, evidence or testimony in opposition to the application.
    3. Third, evidence or testimony that is neither in support nor in opposition to the application.

- E. If the City is not the applicant, the Chair or Mayor shall call for rebuttal by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Chair or Mayor shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.
  - F. The Chair or Mayor shall offer staff an opportunity to make final comments and answer questions.
  - G. Provisions for holding a record open or continuing a hearing set forth in Oregon Revised Statutes (ORS 197.763 (6)) shall apply to this Chapter of the Comprehensive Plan, in accordance with the statute.
- 1.6.2. Following the conclusion of the hearing, the Planning Commission shall take one of the following actions:
- A. Continue the hearing to a date, time and location certain, which shall be announced by the Chair. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
  - B. Deny the application, approve the application, or approve the application with conditions.
    - 1. If the Planning Commission proposes to deny, approve, or approve with conditions, the Planning Commission shall announce a brief summary of the basis for the decision and that an order shall be issued as described in 1.7; provided, the proceedings may be continued for the purpose of considering such order without taking new testimony or evidence.
    - 2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763(6) shall apply under this Ordinance in a manner consistent with state law.
    - 3. If the Planning Commission proposes to approve, or approve with conditions, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.
    - 4. In conjunction with their adoption of an ordinance approving or approving with conditions a Comprehensive Plan Amendment, the City Council shall adopt written findings which demonstrate that the approval complies with applicable approval criteria.

## **1.7. FINAL ADOPTION AND APPEALS**

### **1.7.1 Final Order**

- A. The written decision in the form of a final order shall be prepared regarding the application. The final order shall include:
  - 1. A listing of the applicable approval criteria by Comprehensive Plan section number.
  - 2. A statement or summary of the facts upon which the Planning Commission or City Council relies to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. The Planning Commission or City Council may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the final order to satisfy this requirement.

3. A statement of conclusions based on the facts and findings.
  4. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
- B. Within five (5) working days after the Final Decision (City Council Ordinance or Final Order adoption), mail the required DLCD Notice of Adoption to DLCD, pursuant to ORS 197.610 and OAR Chapter 660- Division 18.
- C. Within five (5) working days from the date that the Planning Commission or City Council adopts a final order, the Community Development Director shall cause the order to be signed, dated, and mailed to the applicant, the property owner, the Neighborhood Association Committee or County Participation Organization in which the subject property is located, and other persons who appeared orally or in writing before the public record closed. The final order shall be accompanied by a written notice which shall include the following information:
1. In the case of a Planning Commission decision, a statement that the Planning Commission decision can be appealed to the City Council following the procedures listed in 1.7.2. The appeal date and the statement that the appeal must be filed within ten (10) calendar days after the date of the signed notice is dated and mailed shall be placed on the notice, with the appeal closing date shown in boldface type. The statement shall generally describe the requirements for filing an appeal and include the name, address and phone number of the Community Development Director.
  2. In the case of a City Council decision, a statement that the decision is final, but may be appealed to the Land Use Board of Appeals as provided in Oregon Revised Statutes (ORS 197.805 through 197.860) or to the Land Conservation and Development Commission as provided in Oregon Revised Statutes (ORS 197.633), in the case of Periodic Review Amendments.
  3. A statement indicating the Amendment application number, date, and brief summary of the decision. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the proposal.
  4. A statement of the name and address of the applicant.
  5. If applicable, an easily understood geographic reference to the subject property and a map.

#### 1.7.2 Notice of Intent to Appeal

- A. The Planning Commission decision may be appealed to the City Council only by the applicant, a person whose name appears on the application, or any person who appeared before the Planning Commission either orally or in writing. An appeal shall be made by filing a Notice of Intent to Appeal with the Community Development Director and within ten (10) calendar days after the signed written order was dated and mailed.
- B. A notice of Intent to Appeal shall be in writing and shall contain:
1. A reference to the application number and date of the Planning Commission order;
  2. A statement that demonstrates the appellant is the applicant or their representative, a person whose name appears on the application, or a person who appeared before the Planning Commission either orally or in writing;
  3. The name, address, and signature of the appellant or the appellant's representative;

4. An appeal fee, as established by Council resolution; if more than one person files an appeal on a specific decision, the appeals shall be consolidated and the appeal fee shall be divided equally among the multiple appellants; and
  5. A discussion of the specific issues raised for Council's consideration and specific reasons why the appellant contends that the Planning Commission's findings and/or recommendation is incorrect or not in conformance with applicable criteria.
- C. The Community Development Director shall reject the appeal if it
1. is not filed within the ten (10) day appeal period set forth in subsection A of this section,
  2. is not filed in the form required by subsection B of this section, or
  3. does not include the filing fee required by subsection B of this section.

If the Community Development Director rejects the appeal, the Community Development Director will so notify the appellant by letter. This letter shall include a brief explanation of the reason why the Community Development Director rejects the appeal. A decision of the Community Development Director to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to the City Council. The appellant shall be allowed to correct a failure to comply with subsection B of this section if the correction can be made and is made within the 10 day appeal period provided in subsection A of this section.

- D. If a Notice of Intent to Appeal is not filed, or is rejected, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.

If the application is denied, the City Council will adopt a final order which sets forth its decision together with any reasons therefor. The Council's final order or the ordinance is the final decision of the City on the application. Notice of the decision shall be given as provided in 1.7.1.

- E. Notwithstanding the provisions of this section, City Council on its own motion, may order a public hearing before the City Council at any time prior to adopting a Council final order or ordinance.

### 1.7.3 Notice of Appeal Hearing

- A. Written notice of the appeal hearing before the City Council will be sent
1. by regular mail,
  2. no later than twenty (20) days prior to the date of the hearing
  3. to the appellant, the property owner, the applicant, if different from the appellant, persons whose names appear on the application, and all persons who previously testified either orally or in writing before the Planning Commission.
- B. Notice of the hearing shall:
1. State the date, time and location of the hearing;
  2. State that an appeal has been filed, set forth the name of the appellant or appellants and contain a brief description of the reasons for appeal;

3. Reference the CPA file number or numbers and the appeal number;
4. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue
5. State that a copy of the Planning Commission's written order, the application, all documents and evidence contained in the record, and the applicable criteria are available for inspection at no cost at least seven (7) calendar days prior to the hearing and can be provided at reasonable cost including the days, times and location where available for inspection;
6. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
8. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing; and
- 9) Set forth the street address or other easily understood geographical reference to the subject property, if applicable.

#### 1.7.4 Preparation of the Record; Staff Report; Transcript

- A. Following receipt of a Notice of Intent to Appeal filed in compliance with 1.7.2, the Community Development Department Director shall prepare a record for Council review containing:
  1. All staff reports and memoranda prepared regarding the application that were presented to the Planning Commission;
  2. Minutes of the Planning Commission proceedings at which the application was considered;
  3. All written testimony and all exhibits, maps documents or other written materials presented to and or rejected by the Planning Commission during the proceedings on the application; and
  4. the Planning Commission's Final written order.
  5. The appellant may request, and the City Council may allow, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission public hearing. If such a request is made and granted, a transcript of the Planning Commission proceeding is required. The appellant shall remit a fee to cover the cost fo the transcript of the Planning Commission hearing within five (5) calendar days after the Community Development Director estimates the cost of the transcript. Within ten (10) calendar days of notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. In the event that the Council denies the request for an on the record appeal hearing, and holds a de novo hearing, the transcript fee may be refunded. If the transcription fee estimate exceeds the transcription cost, the balance shall be refunded to the appellant.

- B. The Community Development Department Director shall prepare a staff report on the appeal explaining the basis for the Planning Commission's decision as relates to the reason for appeal set forth in the Notice of Intent to Appeal, and such other matters relating to the appeal as the Director deems appropriate.

#### 1.7.5 Scope of Review

##### A.

- 4. The City Council appeal hearing shall be de novo, which means any new evidence and argument can be introduced in writing, orally, or both. The City Council may allow, at the appellant's request, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission hearing.
- B. The Council may take official notice of and may consider in determining the matter any material which may be judicially noticed pursuant to the Oregon Rules of Evidence, ORS 40.060 through 40.090, including an ordinance, comprehensive plan, resolution, order, written policy or other enactment of the City.

##### C. Preliminary Decision.

At the conclusion of deliberations, the Council shall make a preliminary oral decision. The Council may affirm, reverse or modify the Planning Commission's order in whole or in part, or may remand the decision back to the Planning Commission for additional consideration. (Procedures for noticing a remand hearing are found in sections 1.4.1 (D) and 1.4.2 (D).) The preliminary oral decision is not a final decision. At any time prior to adoption of the final order or Ordinance pursuant to subsection D of this section, the Council may modify its decision based upon the record or may reopen the hearing.

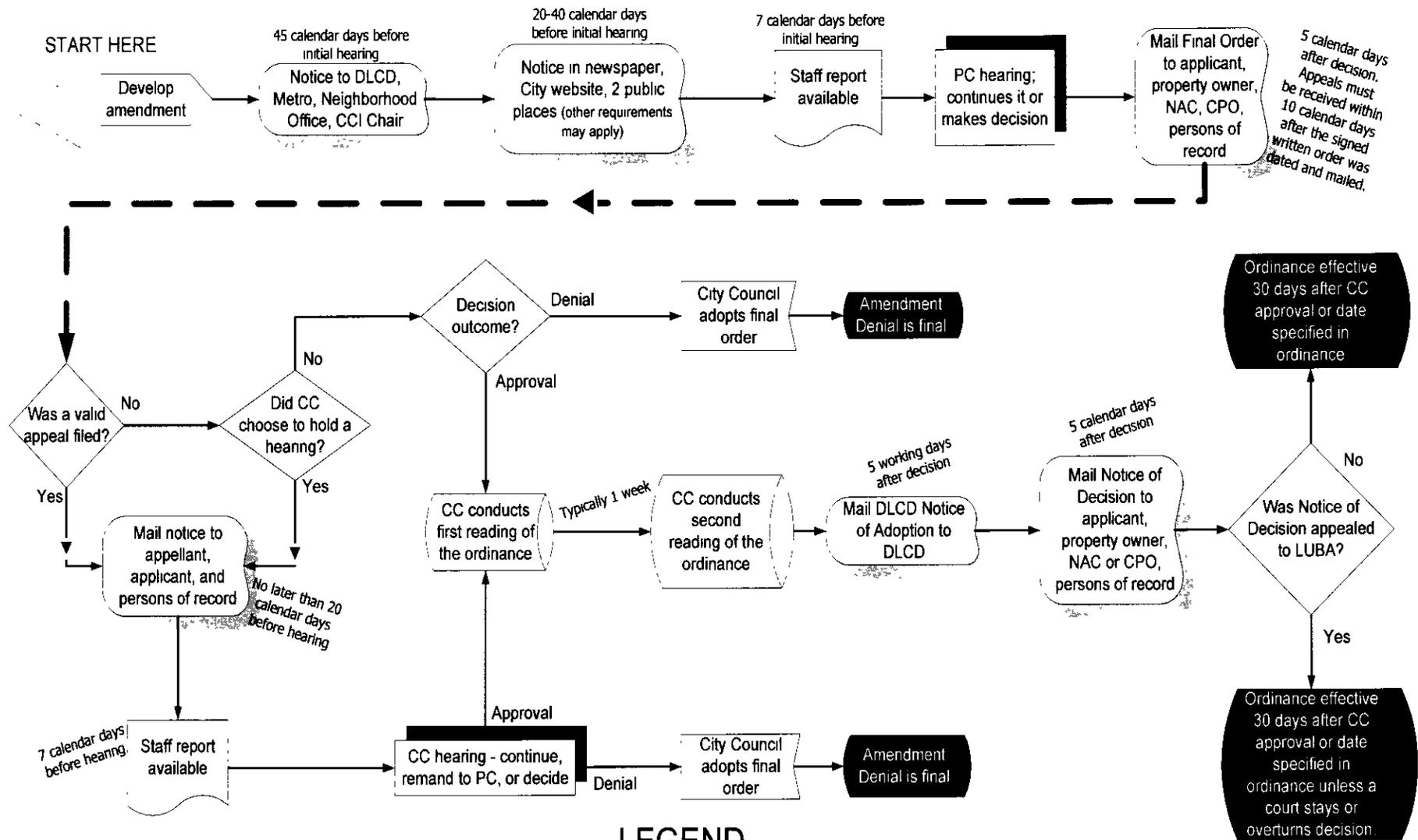
##### D. Final Order or Ordinance

In the case of a denial, the City Council shall direct staff to prepare a final order or in the case of approval, the Council shall cause the preparation of an Ordinance. The Ordinance or final order shall consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied on in rendering the decision, and explaining the justification for the decision based upon the criteria and facts set forth. The final order, or Ordinance, is the final decision on the application and the date of the order, or Ordinance, for purposes of appeal is the date on which it is signed by the Mayor.

Procedures for preparation of the Final Order, Ordinance and distribution of the Notice of Decision are found in section 1.7.

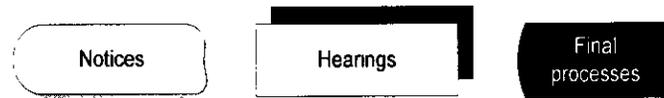
The following diagrams, Diagram I-1 through I-4, are intended for illustrative purposes only and are not adopted as procedural requirements within this ordinance. Thus, periodic updates to Diagrams I-1 through I-4 will not require a Comprehensive Plan Amendment.

# Diagram I-1 Legislative Process



## LEGEND

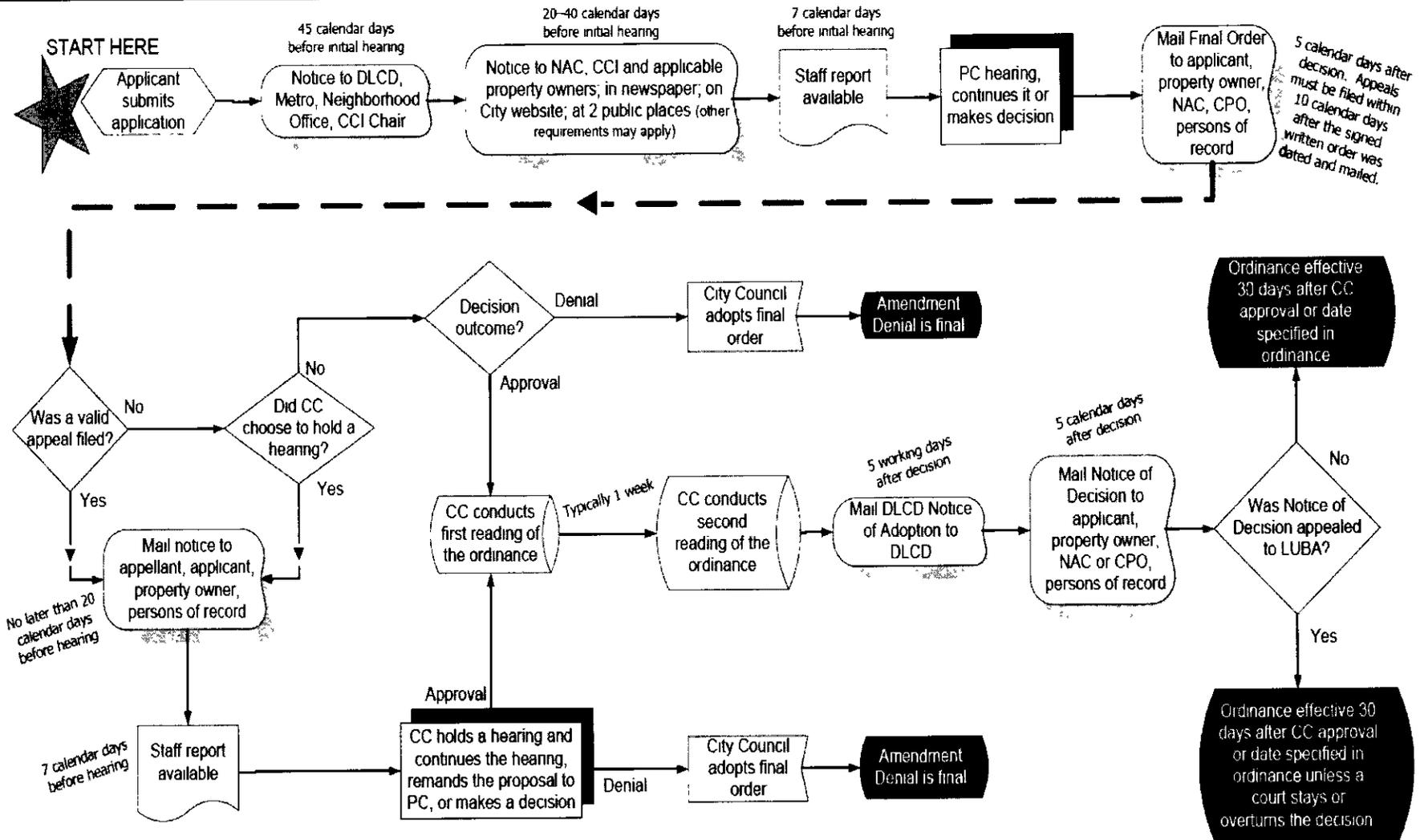
DLCD: DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
 CCI: COMMITTEE FOR CITIZEN INVOLVEMENT  
 PC: PLANNING COMMISSION  
 NAC: NEIGHBORHOOD ASSOCIATION COMMITTEE  
 CPO: COMMUNITY PARTICIPATION ORGANIZATION  
 CC: CITY COUNCIL



3/15/06 Supp SR

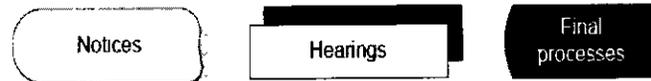
Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

**Diagram I-2  
Quasi-Judicial Process**



**LEGEND**

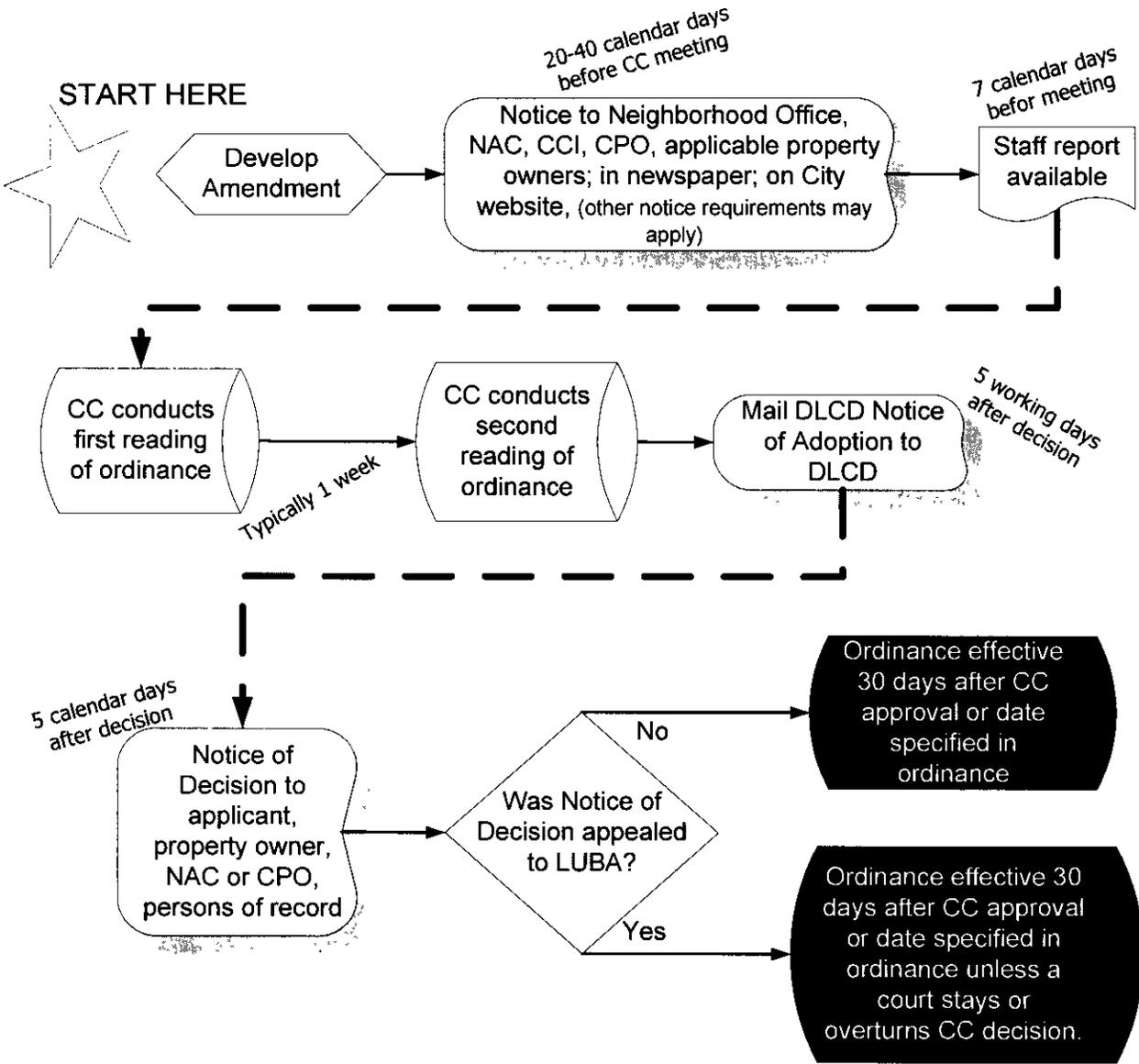
DLCD: DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
 CCI: COMMITTEE FOR CITIZEN INVOLVEMENT  
 PC: PLANNING COMMISSION  
 NAC: NEIGHBORHOOD ASSOCIATION COMMITTEE  
 CPO: COMMUNITY PARTICIPATION ORGANIZATION  
 CC: CITY COUNCIL



3/15/06 Supp SR

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

# Diagram I-3 Non-Discretionary Process



## LEGEND

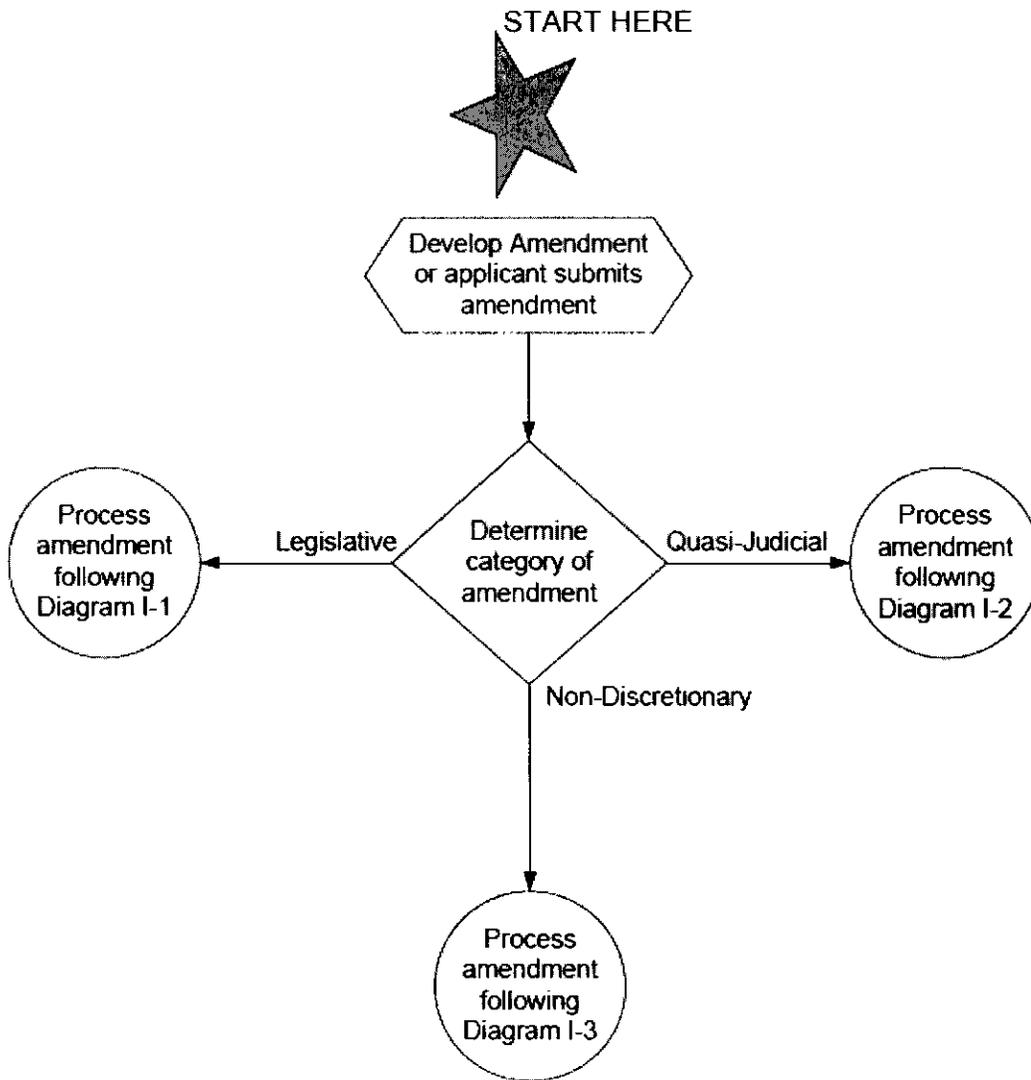
DLCD: DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
 CCI: COMMITTEE FOR CITIZEN INVOLVEMENT  
 CPO: COMMUNITY PARTICIPATION ORGANIZATION  
 NAC: NEIGHBORHOOD ASSOCIATION COMMITTEE  
 PC: PLANNING COMMISSION  
 CC: CITY COUNCIL

3/15/06 Sup SR



**Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.**

Statewide Planning Goal 5 Inventory Resource Document Process



3/15/06 Sup SR

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

### **1.8 APPLICATION FEES**

In order to defray expenses incurred in connection with the processing of applications, the City has established a reasonable fee to be paid to the City upon the filing of an application for a Plan amendment. Fees for privately initiated Plan amendments requiring extraordinary staff time or expertise beyond the scope of the average process may be subject to an additional project management fee as established by Council Resolution 3285.

# CHAPTER TWO: PUBLIC INVOLVEMENT ELEMENT



## **PUBLIC INVOLVEMENT ELEMENT**

### **2.1 OVERVIEW**

Engaging the public early and often in the decision-making process is critical to the success of any planning effort, especially in relation to land use and transportation issues. In addition, numerous state and federal laws, as well as local policies, require public review and feedback at critical points in public policy development. For example, the federal Intermodal Surface Transportation Efficiency Act of 1991 underscores the need for public involvement, calling on planning agencies to provide the public, affected public and private agencies, and other interested parties “with a reasonable opportunity to comment” on plans and programs.

### **2.2 PUBLIC INVOLVEMENT GOALS**

Oregon’s Statewide Planning Goal 1 charges the governing body with preparing and adopting a comprehensive program for public involvement that clearly defines the procedures by which the general public can become involved in the planning process:

**Goal 1 Citizen Involvement:** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.  
(Department of Land Conservation and Development, adopted 1974, amended 1988)

The City of Beaverton’s commitment to ensure an optimum level of public participation is reflected in its public involvement goals:

**City Council Goal:** Enhance citizen involvement and participation.

**Comprehensive Plan Public Involvement Goal:** The Planning Commission, Council, and other decision making bodies shall use their best efforts to involve the public in the planning process.

In response to these goals, the City has developed a Public Involvement program aimed at expanding opportunities for public involvement throughout the planning process.

### **2.2 PUBLIC INVOLVEMENT PROGRAM**

In order to encourage public participation it is critical that issues important to different groups be identified and addressed early in the planning process. The need for and desirable level of public participation should be determined in the early stages of any planning activity.

Public participation provides information and assistance to staff and policy makers in dealing with issues of interest to the public. When the community and its decision makers

work from a common base of information, an active, rather than reactive program can evolve. Such a program will provide information more suitable to the public's needs.

### **2.3 PUBLIC INVOLVEMENT PROGRAM OBJECTIVES**

- A. To involve a cross section of the community in the community planning process.
- B. To ensure effective two-way communication between the City and the public.
- C. To provide an opportunity for the public to be involved in all phases of the planning process (e.g., scoping, analysis, plan preparation, adoption, implementation, and monitoring).
- D. To ensure that technical information is presented in an understandable form.
- E. To ensure that the public will receive a response from policy-makers.
- F. To ensure appropriate funding for the public involvement program.

### **2.4 PROGRAM IMPLEMENTATION**

#### **2.4.1 CITY-WIDE PUBLIC INVOLVEMENT OUTREACH MECHANISMS**

Several existing mechanisms ensure city-wide public involvement in Beaverton's planning process. The City's primary outreach mechanisms are through:

- A. The Committee for Citizen Involvement, an advisory committee to the City Council;
- B. The Neighborhood Program Office;
- C. The Neighborhood Association Committees;
- D. Specific committees and special interest groups;
- E. *Your City*, a newsletter published six times per year, subject to continued funding, that is designed to keep the public informed and invite participation;
- F. Periodic news releases in area newspapers;
- G. Contact with the local media;
- H. The City's public internet web site;
- I. Public workshops and focus groups; and

J. Public hearings.

Each public involvement opportunity is tailored to meet the needs and conditions of the outreach effort, and techniques are often combined.

**2.4.2 PUBLIC INVOLVEMENT IN CITY DECISION MAKING PROCESSES**

The City's formal decision making processes include several opportunities for public involvement. The public is invited to present their views at the various City board and committee meetings, including but not limited to City Council, Planning Commission, Traffic Commission and Board of Design Review. Public notices, complete with the hearing date, time, location, and hearing body, are mailed out at least twenty (20) calendar days prior to the date of the public hearing. Notices of public hearings are primarily published in the advertisement section of *The Valley Times*. On occasion, public hearing notices are published in *The Oregonian*. Notices are also posted on the City's web site.

Final agendas are posted at least seven calendar days in advance of the meeting at City Hall, located at 4755 S.W. Griffith Drive and the Beaverton Library at 12375 SW Fifth Street. Agendas and meeting notices are available upon request from the City. Documents containing the proposals to be considered at the public hearings are available at the Public Counter of the Community Development Department at least seven (7) calendar days in advance of the hearing, at least twenty (20) calendar days for Comprehensive Plan Amendments.

The public is encouraged to provide staff with written comments or copies of presentations, particularly if the statement is too long to be orally presented in its entirety at a meeting. Individuals unable to attend meetings can submit concerns and ideas in writing to the Community Development Department office prior to the close of the public comment period. Copies of all materials submitted prior to distribution to the appropriate decision making body are included in documentation provided for the deliberation on the matter.

All meetings are held in locations accessible to persons with disabilities. Listening devices or other auxiliary aids, sign language interpreters for people with hearing impairments, and readers for people with visual impairments are provided if requested at least three working days (72 hours) prior to the meeting.

The City may also conduct public meetings, workshops, and focus groups on particular issues to solicit input and involvement in various planning issues. Adopted plans are also available to the public for review at the Community Development Department and the Beaverton Library, and are posted on the City's internet web site. Copies may be acquired for the cost of duplication at the Community Development Department.

### **2.4.3 CITY-SPONSORED PUBLIC GROUPS**

#### **2.4.3.1. Committee for Citizen Involvement (CCI)**

Council Resolution 2058 (1978) established the CCI, defining its responsibilities as an advisory committee to the City Council. The *Beaverton Code* specifies membership of the CCI as five at-large members appointed by the Mayor and confirmed by the Council and one member from each recognized Neighborhood Association Committee. The CCI's role is to assure that the community has a continuous opportunity to exchange ideas and information with the City, and to monitor and evaluate City programs as specified in the *Beaverton Code, 1982*, as amended (BC 2.03.050 through 2.03.054).

The Citizen Involvement Program, adopted by Resolution 2229 (1980), established a formalized public participation program for the CCI and provided a method by which the committee and other members of the community could communicate their opinions, inquiries, or complaints about City departments, committees, or the Council.

The program also provides for a newsletter and calendar of City meetings, information flyers, community meetings, and funding for these activities as well as staff support and public hearing notices. The City is committed to providing financial support for public outreach and public participation processes. Staff and resource needs are determined during work program development for each plan, program, and project. In addition, the City's Neighborhood Program Office staff are available to coordinate outreach and work with City departments to realize the full potential of each public participation effort.

#### **2.4.3.2 Neighborhood Association Committees (NACs)**

The *Beaverton Code* identifies the procedures by which residents can form Neighborhood Association Committees, add or delete areas of acknowledged NACs and provides a process for termination of NAC Recognition and NAC Grievances (BC 9.06.010 through 9.06.040) Boundaries of the NACs are shown on maps available at City Hall or on the City's website.

NACs provide a forum to identify, discuss, and offer solutions to neighborhood concerns such as traffic, safety, land use, and economic development. Supported by the Neighborhood Program Office, Beaverton's NACs are organized by volunteers, meet regularly, and participate in the public comment process. Monthly agendas and minutes are mailed to active participants. Neighborhood and city-wide issues are usually the main agenda topics.

2.4.3.3. The *Beaverton Code* (Section 2.03.002 – 2.03.300) identifies other City Boards, Commissions and Committees created by ordinance. Additional committees or review commissions may be established to address special projects, such as the Code Review Advisory Committee. These committees provide input to staff as they develop specific proposals, such as amendments to the Development Code.

#### **2.4.4. Citizen’s Participation Organizations (CPOs)**

Washington County CPOs bordering the City limits are also involved in City planning issues through their newsletters and processes. Each CPO’s newsletter details issues of county, city, and region-wide interest to its readers. Public hearing notices and articles of interest concerning Beaverton issues are often included in the CPO newsletters.

#### **2.4.5 PUBLICATIONS AND MAIL NOTIFICATION**

“Your City” newsletter is distributed city-wide. It provides information on current issues to the residents of Beaverton. Published approximately six times per year, subject to available funding, “Your City” includes notification of regularly scheduled Board, Commission, Advisory Committee and Neighborhood Association Committee meetings and hearings, articles of interest to residents, and educational opportunities relating to planning and other community issues. Specific mailings, public notices, flyers, surveys and questionnaires, as well as the City’s web site, cable broadcasts and other media, are used by the City to obtain input and provide information.

### **2.5 OPPORTUNITIES FOR PUBLIC INVOLVEMENT**

Many City planning processes incorporate specific public involvement procedures, which are identified in Chapter I of this Plan and in the City of Beaverton Development Code.

In addition to the City’s public participation processes, Metro requires transportation plans and programs to conform with its adopted Local Public Involvement Policy. This policy defines procedures and includes a certification process for projects proposed for federal funding through Metro.

Early public participation is critical to identifying needs and issues, evaluating alternatives, and developing, implementing, and evaluating projects. Opportunities for public involvement are available during preparation and review phases of City plans. Comments received during plan preparation and review are also made part of the public record. At public hearings, comments are recorded and responses are noted. Public participation opportunities and public notice requirements for city plan and code revisions and updates are specified in the respective plan or code.

## **GLOSSARY OF COMPREHENSIVE PLAN TERMS**

The terms in this Plan embody the legislative intent of the City Council. Terms of ordinary usage are to be given their usual and reasonable meanings. Key words and concepts used in this Plan are explained below.

When the meaning ascribed to a term in this section conflicts with an identical or nearly identical term appearing in a closely-related state, regional, or federal law, the intent under this ordinance shall prevail unless a superior source of law requires a different result.

Where terms are not defined in this section, and a term conflicts with a provision of statewide, regional, or City of Beaverton law, the more restrictive interpretation will prevail unless it leads to an unlawful result.



<b>ACCESS</b>	The place, means or way by which pedestrians, vehicles, or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement. (Beaverton Development Code)
<b>ACCESSIBILITY</b>	The amount of time required to reach a given location or service by any mode of travel. (Metro Code 3.07.1010(a)) (Also Metro Regional Framework Plan)
<b>ACCESSORY DWELLING UNIT</b>	A dwelling unit incidental or subordinate to the principal use of a building or project and located on the same site.
<b>ACCESSORY STRUCTURE OR USE</b>	A structure or use incidental, appropriate and subordinate to the main structure or use. (Beaverton Development Code)
<b>ACKNOWLEDGEMENT</b>	A Land Conservation and Development Commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro Urban Growth Management Functional Plan, amendments to Metro planning goals and objectives or amendments to the Metro Urban Growth Management Functional Plan comply with the statewide planning goals. (ORS 197.015(1))
<b>ACQUIRE OR ACQUISITION</b>	The acquisition of land by purchase, lease, gift, grant, or devise.
<b>ACTIONS</b>	With regard to implementation actions identified in this Plan: Direct specific City activities or events, consistent with the Comprehensive Plan goals and policies.
<b>ADJACENT</b>	Near or close or next to. For example, an Industrial District across the street from a Residential District shall be considered as “adjacent”. (Beaverton Development Code)
<b>ADVERSE IMPACT</b>	A negative consequence, demonstrated through evidence, to the physical, social or economic environment resulting from an action or development.
<b>AFFORDABLE HOUSING</b>	For the purposes of complying with Metro’s Title 7 provisions, affordable housing is defined as housing that is affordable to residents earning less than 50% of the Metro area median income whereby no more than 30% of the household’s gross income is expended toward housing costs.
<b>ALTERNATIVE MODES</b>	Alternative methods of travel to the automobile, including public transportation (light rail, bus and other forms of public transportation), bicycles and walking.
<b>APARTMENT</b>	(1) One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose; (2) A separate suite, not owner occupied, which includes kitchen facilities and is designed for and rented as the

home, residence, or sleeping place of one or more persons living as a single housekeeping unit.

**APPROPRIATE**

An act, condition, or state suitable under the circumstances.

**AQUIFER**

An underground, water bearing layer of earth, porous rock, sand, or gravel, through which water can seep or be held in natural storage.

**ARCHAEOLOGICAL**

Relating to the material remains of past human life, culture, or activities.

**ARTERIAL STREET**

Arterial streets serve to interconnect and support the freeway system. These streets link major areas of the city. Arterial streets are typically spaced about one mile apart to assure accessibility and reduce the incidence of traffic using collectors, neighborhood routes, or local streets in lieu of an arterial street.

**AWNING**

A roof like structure of fabric stretched over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection. (Beaverton Development Code)

**BEAVERTON CODE**

The Beaverton Code, 1982, as amended.

**BEAVERTON DEVELOPMENT CODE** Development Code of the City of Beaverton, Ordinance 2050, as amended, is an ordinance establishing the zoning standards, regulations and procedures, providing related development requirements and providing penalties and otherwise implementing this Plan.

**B**

**BEAVERTON ENGINEERING DESIGN MANUAL AND STANDARD DRAWINGS** A compilation of resolutions and ordinances setting forth the technical engineering standards that implement the City's Site Development Ordinance.

**BICYCLE LANE (BIKE LANE)**

Bicycle lane means the area within the street right-of-way designated specifically for use by bicyclists. The same area may also be referred to as a "bike lane." Bicycle lanes are striped and accommodate only one-way travel. (Beaverton Development Code)

**BIKEWAY**

Bikeway means any path or roadway facility that is intended and suitable for bicycle use. (Beaverton Development Code)

**BOULEVARD DESIGN**

A design concept that emphasizes pedestrian travel, bicycling and the use of public transportation, and accommodates motor vehicle travel.

**BUFFER ZONE**

An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

**BUILDABLE LANDS** Lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. Buildable lands includes both vacant land and developed land likely to be redeveloped. (ORS 197.295(1))

**BUS** A motor vehicle designed for carrying 15 or more passengers, exclusive of the driver, and used for the transportation of persons. (ORS 184.675(6))

**CAPITAL IMPROVEMENT** Physical assets constructed or purchased to provide, improve or replace a public facility and that are large in scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing.

C

**CAPITAL IMPROVEMENT PROGRAM (CIP)**

A multi-year (usually five or six) schedule of capital improvement projects, including cost estimates and priorities, budgeted to fit financial resources. The CIP is administered by a city or county government and reviewed by its planning commission. It schedules permanent improvements needed in the future, taking into consideration the projected fiscal capability of the local jurisdiction. The CIP is generally reviewed annually for conformance to and consistency with the comprehensive plan. In Beaverton, the CIP is called the Capital Improvements Plan.

**CLUSTER DEVELOPMENT** Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.

**COLLECTOR STREET** Collector streets provide both access and circulation within major areas of the city. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive access control, and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system.

**COMMERCIAL USES** Activities within land areas that are predominantly connected with the sale, rental and distribution of products, or performance of services.

**COMMUNITY DEVELOPMENT DIRECTOR** The Director of Community Development for the City of Beaverton, Oregon, or designee.

**COMMUNITY PLAN** Volume V of the Comprehensive Plan. These documents describe policies and action statements and map designations specific to a particular geographic location.

**COMPATIBLE** Capable of existing together without discord or disharmony.

<b>COMPREHENSIVE PLAN</b>	A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. (ORS 197.015(5))
<b>CONDOMINIUM</b>	A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units.
<b>CONGESTION</b>	Occurs when traffic demand nears or exceeds the available capacity of the system.
<b>CONNECTIVITY</b>	The degree to which the street systems in a given area are interconnected. (Metro Code 3.07.1010(j))
<b>CONSERVATION EASEMENT</b>	An easement specifically written to maintain or protect a natural resource.
<b>CORRIDORS</b>	<p>While some corridors may be continuous, narrow bands of higher-intensity development along arterial roads, others may be more 'nodal,' that is, a series of smaller centers at major intersections or other locations along the arterial that have high-quality pedestrian environments, good connections to adjacent neighborhoods and good transit service. As long as the average target densities and uses are allowed and encouraged along the corridor, many different development patterns--nodal or linear--may meet the corridor objective. (Metro Regional Framework Plan)</p> <p>Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities. (Metro Code 3.07.130) An average of 25 persons per acre is recommended. (Metro Code 3.07.170)</p>
<b>CRITICAL PUBLIC FACILITIES</b>	Critical public facilities and services shall include public water, public sanitary sewer, storm water system (including storm water quality and quantity facilities), transportation, and fire protection. (Engineering Design Manual and Standard Drawings Proposed Definition)
<b>CULTURAL RESOURCES</b>	Areas characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs, and social forms. For example, an archaeological site, such as an Indian burial ground could be an important cultural site.

# D

<b>DECISION, DISCRETIONARY</b>	An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project. (See <i>Decision, Quasi-Judicial</i> )
<b>DECISION, LEGISLATIVE</b>	A decision of a local official or entity based upon the decision-maker's perception of the best course of action. The city typically employs legislative decisions in adopting an ordinance or resolution establishing a basic principle or policy. Examples are decisions to adopt a comprehensive plan, apply a plan designation to a large number of properties, or decisions which affect a large geographic area or number of persons.
<b>DECISION, QUASI-JUDICIAL</b>	Quasi-judicial decisions bear different aspects than legislative decisions. For example, requests of quasi-judicial decisions usually must actually result in a decision; quasi-judicial decisions are bound to apply pre-existing criteria to concrete facts; and they are customarily directed at a closely-circumscribed factual situation or small number of persons. The more a local government decision bears these emblems, the more it is a quasi-judicial decision.
<b>DEDICATION</b>	The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses are often made conditions for approval of development.
<b>DENSITY</b>	The ratio of dwelling units or employees per unit of area (square feet, acre, square mile, etc.). Density generally refers to residential uses. A measure of the intensity of the development generally expressed in terms of dwelling units (du) per acre (i.e., less than 7.5 du per acre = low density; 7.5 to 15 du per acre = medium density, etc.) It can also be expressed in terms of population density (people per acre). It is useful for establishing a balance between potential local service use and service capacities.
<b>DENSITY BONUS</b>	The allocation of development rights that allows a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is planned or zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location.
<b>DENSITY CREDIT</b>	The transfer of development density rights from one piece of one property to another piece of the same property. A project site that contains environmentally sensitive areas or other lands that should not be developed, as defined in this comprehensive plan, may be entitled to a density credit.
<b>DENSITY, GROSS</b>	The number of dwelling units per gross acre. Gross acreage is the total amount of raw land, including all developable and undevelopable portions.

<b>DENSITY, NET</b>	The number of dwelling units allowed on the total acreage of developable portions of the site (net developable acre) within a given land area.
<b>DENSITY, RESIDENTIAL</b>	The number of permanent residential dwelling units per acre of land. Densities specified in the comprehensive plan may be expressed in units per gross acre or per net developable acre (See Gross Acres and Net Acres).
<b>DESIGN PLAN</b>	A plan for a defined geographic area in a single or multiple ownership that is consistent with the Comprehensive Plan and includes, but is not limited to, a land use and circulation plan, development standards, design guidelines, an open space plan, utilities plans and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the Design Review process. (Beaverton Development Code)
<b>DESIGN TYPE</b>	The conceptual areas described in the Metro 2040 Growth Concept text and map in Metro's regional goals and objectives, including central city, regional centers, town centers, station communities, corridors, main streets, inner and outer neighborhoods, industrial areas, and employment areas. (Metro Code 3.07.1010(m))
<b>DEVELOPER</b>	An individual who or business that prepares land for the construction of buildings or causes to be built physical space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental to another business or activity.
<b>DEVELOPMENT</b>	Generally, any man-made change to existing or proposed use of real property. Development activities include: land divisions, lot line adjustments, construction or alteration of structures, construction of roads and any other accessway, establishing utilities or other associated facilities, grading, deposit of refuse, debris or fill, and clearing of vegetative cover. Does not include routine acts of repair or maintenance.
<b>DWELLING UNIT</b>	A structure or part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. (ORS 90.010(9))
<b>EARTHQUAKE HAZARDS</b>	Ground shaking, landslides, liquefaction and amplification are all earthquake hazards that can cause damage to structures and infrastructure. (Beaverton Natural Hazards Mitigation Plan)
<b>EASEMENT</b>	A form of nonpossessory right to use property owned by another for specific purposes or to gain access to some portion of another's property. For example, utility companies often have easements on the private property of individuals in order to install and maintain utility facilities.

**E**

<b>EMPLOYMENT AREAS</b>	Areas of mixed employment that include various types of manufacturing, distribution and warehousing uses, commercial and retail development as well as some residential development. Retail uses should primarily serve the needs of people working or living in the immediate employment area. Exceptions to this general policy can be made only for certain areas indicated in a functional plan. Commercial uses are to be limited.
<b>ENCROACHMENT AREA</b>	Areas in floodplains and floodways where development is restricted due to potential impacts on natural hydrologic characteristics. Development or raising of the ground level (e.g., to avoid flood damage) in encroachment areas will obstruct flood water flows, raising the water surface level. Demand to build structures in the flood plain, regardless of potential flooding dangers, is common in urban areas. Reasons typically include lack of suitable land or lower flat land development costs compared to building on steeper gradients.
<b>ENDANGERED SPECIES</b>	A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes. (See Title 50 of the Code of Federal Regulations)
<b>ENHANCE</b>	To improve existing conditions by increasing the quantity or quality of beneficial uses.
<b>ESSENTIAL PUBLIC FACILITIES</b>	Essential facilities and services shall include schools, transit improvements, police protection, and public pedestrian and bicycle facilities.
<b>ESTABLISHED NEIGHBORHOOD</b>	A neighborhood where platted lands are at least eighty percent developed and occupied, and where substantial deterioration since development has either not occurred or been reversed.
<b>FAMILY</b>	(1) Two or more persons related by birth, marriage or adoption [U.S. Bureau of the Census]. (2) An individual or a group of persons living together who constitute a <i>bona fide</i> single family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club or other group of persons occupying a hotel, lodging house or institution of any kind.
<b>FEASIBLE</b>	Capable of being done, executed, or managed successfully from the standpoint of the physical and/or financial abilities of the implementer(s).

# F

<b>FLOODPLAIN</b>	Land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events. The floodplain includes the land area identified and designated by the United States Army Corps of Engineers, the Oregon Department of State Lands, FEMA, or Washington County that has been or may be covered temporarily by water as a result of a storm event of identified frequency and the area along a watercourse enclosed by the outer limits of land that is subject to inundation in its natural or lower floodway fringe, and equal to the FIRM designation of an area of special hazard.
<b>FLOODWAY</b>	The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights.
<b>FLOOR AREA RATIO (FAR)</b>	The amount of gross floor area in relation to the amount of net site area, expressed in square feet. (Beaverton Development Code)
<b>FREEWAY</b>	Freeways provide the highest level of connectivity. These roadways generally span several jurisdictions and are often of statewide importance.
<b>FUNCTIONAL CLASSIFICATION OR MAP</b>	Street Functional Classification
<b>FUNCTIONAL PLAN</b>	in the context of the Comprehensive Plan, Functional Plan means the Metro Urban Growth Management Functional Plan. Metro's Urban Growth Management Functional Plan is one of several Metro Functional Plans.
<b>GOAL</b>	A general, long term aim or end toward which programs or activities are ultimately directed.
<b>GOALS</b>	The mandatory statewide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS chapters 195, 196, and 197. (ORS 197.015(8)) (OAR 660-018-0010(10))
<b>GROSS ACRES</b>	The entire acreage of a site, including proposed rights of way, easements, environmental lands, etc. Gross acreage is measured from the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.
<b>GROUNDWATER</b>	Water under the earth's surface, often confined <i>in</i> aquifers, capable of supplying wells and springs.
<b>GROWTH CONCEPT</b>	As defined in the Metro Regional Framework Plan, the Growth Concept is a concept for the long-term growth management of our region stating the preferred form of the regional growth and development, including where and how much the UGB should be expanded, what densities should characterize

G

different areas, and which areas should be protected as open space.

**GROWTH CONCEPT MAP**

The conceptual map demonstrating the 2040 Growth Concept design types attached to the Urban Growth Management Functional Plan Appendix and adopted as Metro Code 3.07.1010(z).

**GROWTH MANAGEMENT**

A method to guide development in order to minimize adverse environmental and fiscal impacts and maximize the health, safety, and welfare benefits to the residents of the community.

**HABITAT**

Any area where there is naturally occurring food and cover for wildlife.



**HAZARDOUS MATERIALS**

Hazardous material or substance includes but is not limited to a substance designated under 33 U.S.C. §1321 (b)(2)(A), any element, compound, mixture, solution or substance designated under 42 U.S.C. §9602, any hazardous waste having characteristics identified under or listed under 42 U.S.C. §6921, any toxic pollutant listed under 33 U.S.C. §1317 (a), any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action under 15 U.S.C. §2606, and any residue classified as hazardous waste pursuant to ORS 466.020(3). (CWS Design and Construction Standards)

**HIGH CAPACITY TRANSIT**

Transit routes that may be either a road designated for frequent bus service or for a light-rail line. (Metro Regional Framework Plan definition)

**HIGH OCCUPANCY VEHICLE (HOV)** Any vehicle other than a single occupancy vehicle (e.g., a vanpool, a bus, or two or more persons to a car).

**HIGHWAY**

High speed, high capacity, limited access transportation facility serving regional and countywide travel. Highways may cross at a different grade level.

**HILLSIDE AREAS**

Land that has an average percent of slope equal to or exceeding fifteen percent.

**HISTORIC**

An historic building or site is one that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts.

**HISTORIC BUILDINGS OR STRUCTURES** Also known as Historic Resources, these are all areas, districts or sites containing properties listed on the city of Beaverton List of Historic Properties, or the State Historic Preservation Office, or the National Register of Historic Places.

<b>HOUSEHOLD</b>	All those persons, related or unrelated, who occupy a single housing unit. (See <i>Family</i> )
<b>HOUSING AFFORDABILITY</b>	The availability of housing such that no more than 30 percent (an index derived from federal, state and local housing agencies) of the monthly income of the household need be spent on shelter. (Metro Regional Framework Plan definition)
<b>HOUSING UNIT</b>	The place of permanent or customary abode of a person or family. A housing unit may be a single family dwelling, multifamily dwelling, condominium, modular home, mobile home, cooperative, or any other residential unit considered real property under State law. A housing unit has, at least, cooking facilities, a bathroom, and a place to sleep.
<b>IMPACT</b>	The effect of any direct manmade actions or indirect repercussions of manmade actions on existing physical, social, or economic conditions.
<b>IMPACT FEE</b>	A fee, also called a development fee, levied on the developer of a project by a city, county, or other public agency as compensation for otherwise unmitigated impacts the project will produce.
<b>INDUSTRIAL</b>	Activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, distribution and research and development. Industrial uses may have unique land, infrastructure and transportation requirements. Industrial uses tend to have external impacts on surrounding uses and cluster in traditional or new industrial areas where they are segregated from other non-industrial activities. (OAR 660-009-0005(2))
<b>INDUSTRIAL AREAS</b>	An area set aside for industrial activities. Supporting commercial and related uses may be allowed, provided they are intended to serve the primary industrial users. Residential development shall not be considered a supporting use, nor shall retail users whose market area is notably larger than the industrial area be considered supporting uses. (Metro Regional Framework Plan)
<b>INDUSTRIAL PARK</b>	See City of Beaverton Development Code
<b>INFILL DEVELOPMENT</b>	Development on scattered vacant sites within the urbanized area of a community.
<b>INFLUENT</b>	Wastewater coming into a treatment plant.
<b>INFRASTRUCTURE</b>	Component of a functioning, orderly urban fabric, such as roads, water systems, sewage systems, systems for storm drainage, telecommunications and energy transmission and



distribution systems, bridges, transportation facilities, parks, schools and public facilities developed to support the functioning of the developed portions of the environment. Areas of the undeveloped portions of the environment such as floodplains, riparian and wetland zones, groundwater recharge and discharge areas and Greenspaces that provide important functions related to maintaining the region's air and water quality, reduce the need for infrastructure expenses and contribute to the region's quality of life. (Metro Regional Framework Plan definition)

**INNER NEIGHBORHOODS**

Areas in Portland and the older cities that are primarily residential, close to employment and shopping areas, and have slightly smaller lot sizes and higher population densities than in outer neighborhoods. (Metro Regional Framework Plan) Beaverton's Land Use Designation Neighborhood Residential identifies its Inner Neighborhoods.

**INSTITUTIONAL**

(1) Privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools; (2) churches and other religious institutions; and (3) other nonprofit activities of an education, youth, welfare, or philanthropic nature that cannot be considered a residential, commercial or industrial activity (4) academic, governmental and community service uses, either publicly owned or operated by nonprofit organizations; and (5) facilities including transportation, sewer, solid waste, drainage, potable water, and parks and recreation systems or facilities.

**INTENSITY**

A measure of land use activity based on density, use, mass, size, and/or impact.

**LANDSCAPING**

The combination of natural elements such as trees, shrubs, ground covers, vines and other living organic and inorganic material which are installed for purposes such as creating an attractive and pleasing environment and screening unsightly views. Other improvements that promote an attractive and pleasing environment that may be included as landscaping includes features such as fountains, patios, decks, fences, street furniture and ornamental concrete or stonework areas. (Beaverton Development Code)

**L**

**LANDSCAPE STRIP**

The portion of public right-of-way located between the sidewalk and curb. (Metro Code 3.07.1010(ee))

**LAND USE**

The occupation or use of land or water area for any human activity or any purpose defined in a comprehensive plan.

**LAND USE MAP (SERIES)**

The graphic aid(s) intended to depict the spatial distribution of various land uses by land use category, subject to the goals,

policies, implementation measures; and the exceptions and provisions of the Land Use Element text and applicable land development regulations.

**LAND USE REGULATION**

Any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. (ORS 197.015(11))

**LEVEL OF SERVICE (LOS)**

An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service generally indicates the capacity per unit of demand for a public facility.

**LIGHT RAIL TRANSIT (LRT) STATION SITE**

Land currently or eventually to be owned or leased by Tri-Met, on which facilities will be located related to a light rail transit station. The station site may include station platforms, park and ride lots, bus stops, and other similar facilities. (Beaverton Development Code)

**LOCAL STREET**

Local streets have the primary function of providing access to adjacent land. Service to through-traffic movement on local streets is deliberately discouraged by design. Residential local streets serve a traffic function as well as being important to neighborhood identity.

**LOCAL TRIP**

A trip of 2½ miles or less in length.

**LOT OF RECORD**

A lot that is part of a subdivision, the plat of which has been recorded in the Office of the Washington County Surveyor; or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the County Surveyor, provided such lot met the minimum dimensions for lots in the zoning district in which it was located at the time of recording, or was recorded prior to the effective date of zoning in the area where the lot is located and met the requirements of any subdivision regulations in effect at the time of the recording.

**LOT**

A single unit of land such as a tract, lot, block or parcel. A continuous area owned or under the lawful control and in the lawful possession of one distinct ownership undivided by a dedicated street, alley, or other ownership. An abutting "platted lot, or property described by metes and bounds, in the same ownership, shall be considered part of such 'lot'."

<b>MAJOR PEDESTRIAN ROUTE</b>	Any pedestrian way in a public right-of-way or easement which assists access to a light rail station or transit stop, that is presently used or is likely to be to be used by pedestrians to access public transportation service including light rail or transit stations. (Beaverton Development Code)
<b>MAIN STREETS</b>	Neighborhood shopping areas along a main street or at an intersection, sometimes having a unique character that draws people from outside the area. Beaverton's main streets generally include two nodes on Allen Boulevard 1) between Hall Boulevard and Murray Road, and 2) at Oleson Road.
<b>MANUFACTURED HOME</b>	A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. (ORS 446.003(26)(a)(C)(1))
<b>MASS TRANSIT</b>	Passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rapid rail transit, light rail transit, fixed guideway transit, express bus, and local fixed route bus.
<b>MASTER PLAN</b>	A plan for a defined geographic area in single or multiple ownership that is consistent with the Comprehensive Plan and includes a land use and circulation plan, land use regulations, development standards, design guidelines, open space plan, utilities plans, and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the land use review process, pursuant to the City of Beaverton Development Code. (Beaverton Development Code)
<b>METRO</b>	The Metropolitan Services District of the Portland metropolitan area, a municipal corporation established and existing pursuant to Section 14 of Article XI of the Oregon Constitution, ORS Chapter 268 and the Metro Charter. (Metro Code 1.01.040(e))
<b>METRO PLANNING GOALS AND OBJECTIVES</b>	The land use goals and objectives that a metropolitan service district is required to adopt under ORS 268.380(1). The goals and objectives do not constitute a comprehensive plan. (ORS 197.015(15))
<b>METRO REGIONAL FRAMEWORK PLAN</b>	The regional framework plan and implementing ordinances required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan. (ORS 197.015(16))



**METRO URBAN GROWTH BOUNDARY** The urban growth boundary as adopted and amended by the Metro Council, consistent with state law. Also referred to as “UGB”. (Metro Code 3.07.1010(kk))

Means the Urban Growth Boundary for Metro pursuant to ORS 268.390 and 197.005 through 197.430. (Metro Code 1.01.010(v))

**METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN** The functional plan that implements regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. (Metro Code 3.07.010)

**METROPOLITAN AREA** The area which on October 4, 1997, lies within the boundaries of Clackamas, Multnomah and Washington Counties (ORS 268.020(3))

**METROPOLITAN HOUSING RULE** A rule (OAR 660, Division 7) adopted by the Land Conservation and Development Commission to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro UGB. This rule establishes minimum overall net residential densities for all cities and counties within the UGB, and specifies that 50 percent of the land set aside for new residential development be zoned for multi-family housing.

**METROPOLITAN SIGNIFICANCE** An issue or action with major or significant impact throughout the metropolitan area.

**MIXED USE** Comprehensive plan or implementing regulations that permit a mixture of commercial and residential development.

Properties on which various uses, such as office, commercial, institutional and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. Land uses, which when combined constitute mixed or multiple uses, exclude parks, golf courses, schools, and public facilities (fire stations, utility substations, etc.).

Mixed- use development is a type of multiple-use in which one or more structures on a lot or contiguous lots in common ownership, accommodate any of the following combinations of uses

(1) Residential Mixed-Use Project with residential units occupying a minimum of 25 percent of the total floor area and the remaining floor area occupied by retail, office, light industrial, community service or other residentially compatible uses or combinations thereof;

(2) Non-Residential Mixed-Use Project consisting of office retail, light industrial, community service or other compatible uses or combination thereof with retail space

or other pedestrian oriented commercial uses occupying a minimum of 60% of the street level building frontage.

A building or groups of buildings under one ownership, to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses.

**MOBILE HOME**

A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

**MULTI-FAMILY DWELLING UNITS**

Means attached housing where each dwelling unit is not located on a separate lot. (OAR 660-007-0005(11))

**MULTI-MODAL**

Transportation facilities or programs designed to serve many or all methods of travel, including all forms of motor vehicles, public transportation, bicycles and walking. (Metro Code 3.07.1010(rr))

**MULTI-USE OR SHARED-USE PATH**

Multi-use or Shared-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Multi-use paths accommodate two-way travel.

**MULTIPLE USE DEVELOPMENTS**

A building or groups of buildings designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, recreational, light industrial, and other miscellaneous uses. (Beaverton Development Code)

**NATURAL AREA**

Any landscape unit substantially without any human development that is substantially in a native and unaffected state and may be composed of plant and animal communities, water bodies, soil and rock and mitigated habitat. Natural areas must be identified in a city, county or special district open space inventory or plan. (Metro Code 3.01.010(h))

Natural areas may include, but are not limited to, wetlands, riparian areas, Significant Natural Resource Areas, and significant groves of trees. (Beaverton Development Code)

**NEEDED HOUSING**

Housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing" also means:

**N**

- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated dwelling subdivisions. (ORS 197.303(1)) (OAR 660-007-00005(12))

**NEIGHBORHOOD ROUTE** A street that is usually long relative to local streets and provides connectivity to collectors or arterials. Neighborhood routes generally have more traffic than local streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide or large area circulation.

**NET DEVELOPABLE ACRE** The net developable 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 developable 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 set aside in 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. (Beaverton Development Code)

**NET BUILDABLE LAND** See Net Developable Acre.

**NET DEVELOPED ACRE** Consists of 43,560 square feet of land, after excluding present and future rights-of-way, school lands and other public uses. (Metro Code 3.07.1010(vv))

Consists of 43,560 square feet of residentially designated buildable land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces and restricted resource protection areas. (OAR 660-0007-0005(1))

**NEWSPAPER** A newspaper of general circulation, published in the English language for the dissemination of local or transmitted news or for the dissemination of legal news, made up of at least four pages of at least five columns each, with type matter of a depth of at least 14 inches, or, if smaller pages, then comprising and equivalent amount of type matter, which has bona fide subscribers representing more than half of the total

distribution of copies circulated, or distribution verified by an independent circulation auditing firm, and which has been established and regularly and uninterruptedly published at least once a week during a period of at least 12 consecutive months immediately preceding the first publication of a public notice. (ORS 193.101(2))

**NOTICE**

Any notice that is required by law to be published. (ORS 193.310(2))

**OBJECTIVE**

A specific, measurable, intermediate end that is achievable and marks progress toward a goal. An objective should be achievable and, where possible, should be measurable and time specific.

**OFFICE**

A structure for conducting business, professional, or governmental activities in which the showing or delivery from the premises of retail or wholesale goods to a customer is not the typical or principal activity. Office uses include general business offices, medical and professional offices, administrative or headquarters offices for large wholesaling or manufacturing operations, and research and development.

**OPEN SPACE**

Publicly and privately-owned area of land, including parks, natural areas and areas of very low density development inside the UGB. Open spaces may include active or passive recreation. (Metro Regional Framework Plan)

**PARCEL**

A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

**PARK**

Open space land on which the primary purpose is recreation. A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district.

**PARK AND RIDE**

A parking facility near a transit station or stop for the purpose of parking motor vehicles by transit riders. (Beaverton Development Code)

A mode of travel usually associated with movements between work and home that involves use of a private auto on one portion of the trip and a transit vehicle (i.e., a bus or a light-rail vehicle) on another portion of the trip. A park-and-ride trip could consist of an auto trip from home to a parking lot, and transfer at that point to a bus in order to complete the work trip. (Metro Regional Transportation Plan Definition)

O

P

<b>PARKING RATIO</b>	The number of parking spaces provided per employee or per 1,000 square feet of floor area (e.g., 2:1 or "two per thousand").
<b>PARKING STRUCTURE</b>	A parking garage located above or underground consisting of two (2) or more levels.
<b>PEAK HOUR/PEAK PERIOD</b>	For any given roadway, a daily hour or longer period of time during which traffic volume is highest, usually occurring during morning and evening commute times. Where "F" Levels of Service exist, the "peak hour" may stretch into a "peak period" of several hours duration.
<b>PEDESTRIAN ORIENTED DESIGN</b>	Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic. (Adapted from the Model Development Code and User's Guide for Small Cities, Funded by the Transportation and Growth Management Program of the Oregon Department of Transportation and Oregon Department of Land Conservation and Development)
<b>PEDESTRIAN SCALE</b>	Site and building design elements that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering. Examples include ornamental lighting no higher than twelve feet; bricks, pavers or other paving modules with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the perception of the height of walls; and signage and signpost details designed for viewing from a short distance.
<b>PEDESTRIAN WAY</b>	Any paved public or private route intended for pedestrian use, including a multi-use path and esplanade, regardless of use by other transportation modes. A general term used to describe any sidewalk or walkway that is intended and suitable for pedestrian use. (Beaverton Development Code) "Paved" can include any Americans with Disability Act approved surface including pavements and surfaces that are pervious.
<b>PERSON</b>	A natural or artificial person, including but not limited to, a human, corporation, partnership, unit of government, an agency, a trust or descendant's estate, or other legal entity whatsoever.
<b>PEOPLE OR PERSONS PER ACRE</b>	This is a term expressing the intensity of building development by combining residents per net acre and employees per net acre. (Metro Code 3.07.1010(zz)) (Metro Regional Framework Plan definition)

<b>PLANNING COMMISSION</b>	The Planning Commission of the City or any subcommittee thereof. (Beaverton Development Code)
<b>POLICY</b>	The way in which programs and activities are conducted to achieve an identified goal. A general direction that a governmental agency sets to follow, in order to meet its goals through implementation measures or action programs.
<b>PRACTICABLE</b>	Capable of being accomplished after taking into consideration barriers both existing and reasonably foreseeable.
<b>PRINCIPLE</b>	An assumption, fundamental rule, or doctrine that will guide comprehensive plan policies, proposals, standards and implementation measures.
<b>PROGRAMMED</b>	A facility that has been officially scheduled for construction in a Capital Improvements Program, Budget, or other local, state, or federal funding document.
<b>PUBLIC FACILITIES</b>	A public facility includes water, sewer and transportation facilities.
<b>PUBLIC RIGHT-OF-WAY</b>	Land that by deed, conveyance, agreement, easement, dedication, usage or process of law is conveyed, reserved for or dedicated to the use of the general public for street, road or highway purposes, including curbs, gutters, parking strips, pedestrian ways, and sidewalks and bicycle trails. (BC 5.05.015)
<b>PUBLIC ROAD</b>	Every public way, road, highway thoroughfare and place including bridges, viaducts and other structures, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right. (BC 6.02.030)
<b>PUBLIC WORKS DIRECTOR</b>	The director of the Public Works Department of the City of Beaverton, Oregon, or designee.
<b>RARE OR ENDANGERED SPECIES</b>	A species of animal or plant listed in Title 50, Code of Federal Regulations, Section 17.11 or 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.
<b>RECREATION</b>	The pursuit of leisure time activities occurring in an indoor or outdoor setting.
<b>RECREATION, ACTIVE</b>	A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment.
<b>RECREATION, PASSIVE</b>	A type of recreation or activity that does not require the use of organized play areas, and which may function as a view shed (an elevation in the earth's surface from which a view may be seen.), etc. (See <i>Open Space</i> )

# R

<b>REDEVELOPABLE LAND</b>	Land on which development has already occurred which, due to present or future market forces, there exists the strong likelihood that existing development will be converted to more intensive uses during the planning period. (Metro Code 3.07.1010(ddd))
<b>REDEVELOPMENT</b>	Development of land that replaces previous development, usually to achieve a higher return on the owner's investment. Redevelopment may occur due to market forces if the value of land equals or exceeds the value of improvements on that land. A local government may assist in redevelopment by means such as paying for certain on or off-site facilities (e.g. streets or parking structures), assembling small parcels to create a larger site, reducing or deferring up-front development fees, or reducing property taxes over a certain time period. For purposes of the City's commercial and industrial, and residential, buildable lands inventories (Volume II of the Comprehensive Plan) any parcel with a land value to improvement value ratio of 1.25: 1 or greater is assumed to have development or redevelopment potential.
<b>REGIONAL</b>	Pertaining to activities or economies at a scale greater than that of a single city, county, or combination thereof, and affecting a broad, related area. (Metro Regional Framework Plan definition)
<b>REGIONAL CENTER</b>	<p>Areas of mixed residential and commercial use that serve hundreds of thousands of people and are easily accessible by different types of transit. Examples include traditional centers such as downtown Gresham and new centers such as Clackamas Town Center. (Metro Regional Framework Plan)</p> <p>Seven regional centers in the Metro region are the focus of compact development, redevelopment and high-quality transit service and multi-modal street networks. (Metro Code 3.07.130, updated) An average of 60 persons per acre is recommended. (Metro Code 3.07.170)</p>
<b>REGIONAL FRAMEWORK PLAN</b>	Required of Metro under the Metro Charter, the Regional Framework Plan must address nine specific growth management and land use planning issues (including transportation), with the consultation and advice of the Metropolitan Policy Advisory Committee.
<b>REGIONAL TRANSPORTATION PLAN</b>	The official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area. (Metro Framework Plan definition)
<b>REGIONAL URBAN GROWTH GOALS AND OBJECTIVES</b>	The land use goals and objectives that Metro is required to adopt under ORS 268.380(1). (Metro Code 3.07.1010(eee))

	An urban growth policy framework that represents the starting point for the agency’s long-range planning program. (Metro Regional Framework Plan definition)
<b>REGULATION</b>	A rule or order prescribed for management of government.
<b>RESIDENTIAL USE</b>	Activities within land areas used predominantly for housing.
<b>RESIDENTIAL, MULTIPLE FAMILY</b>	See Multi Family Dwelling Unit
<b>RESIDENTIAL, SINGLE FAMILY</b>	A single dwelling unit on a building site.
<b>RETAIL</b>	Activities which include the sale, lease or rent of new or used products to the general public or the provisions of product repair or services for consumer and business goods.
<b>RIGHT-OF-WAY</b>	Land in which the state, a county, or a municipality owns the fee simple title or holds an easement or dedication dedicated or required for a transportation or utility use. A strip of land over which transportation and public use facilities are built, such as roadways, railroads, and utility lines.
<b>RIPARIAN</b>	A zone of transition from an aquatic ecosystem to a terrestrial ecosystem as defined in ORS 541.351(10). (OAR 141-085-0010(188))
<b>RIPARIAN AREA</b>	A zone of transition from an aquatic ecosystem to a terrestrial ecosystem, dependent upon surface or subsurface water, that reveals through the zone’s existing or potential soil-vegetation complex the influence of such surface or subsurface water. A riparian area may be located adjacent to a lake, reservoir, estuary, pothole, spring, bog, wet meadow, muskeg or ephemeral, intermittent or perennial stream. (ORS 541.351(10)) (OAR 690-300-0010(44))
<b>RIPARIAN CORRIDOR</b>	The water influences area adjacent to a river, lake or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. It can be identified primarily by a combination of geomorphologic and ecologic characteristics. (Metro Code 3.07.1010(iii)) A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary (OAR 660-023-090(1)(c))
<b>RISK</b>	The danger or degree of hazard or potential loss.
<b>ROAD</b>	The entire right -of- way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. “Road” includes, but is not limited to: <ul style="list-style-type: none"> <li>(a) Ways described as streets, highways, throughways or alleys;</li> </ul>

(b) Road-related structures that are in the right-of-way such as tunnels, culverts or similar structures; and

(c) Structures that provide for continuity of the right of way such as bridges. (ORS 368.001(6))

**RUNOFF** That portion of precipitation that does not percolate into the ground and is instead discharged into streams.

**SCALE** Generally refers to relative size or extent.

**SCENIC VIEWS AND SITES** Lands that are valued for their aesthetic appearance. (OAR 660-023-230(1))

**SEISMIC** Caused by or subject to earthquakes or earth vibrations.

**SETBACK** The distance between the property line and any structure.

The minimum allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a principal building or structure as defined herein. The point of line of reference will be the lot line following any required dedication, or a special or reservation line if one is required pursuant to this ordinance. (Beaverton Development Code)

**SHALL, MUST OR MAY** “Shall and must” are mandatory and “may” is permissive. (BC)

**SHALL (WILL), V.** A directive verb signifying the action is obligatory or necessary.

**SHARED ROADWAY** A shared roadway is a street that is recommended for bicycle use but does not have a specific area designated within the right-of-way. (Beaverton Development Code)

**SHARED-USE OR MULTI-USE PATH** Shared-use or Multi-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Shared-use paths accommodate two-way travel. (Beaverton Development Code)

**SHOULD, V.** A directive verb signifying the action is to be carried out unless circumstances make it impracticable .

**SIGNIFICANT NATURAL RESOURCES** Areas identified on the City’s Statewide Planning Goal 5 Inventories, Volume III of the Comprehensive Plan. (Beaverton Development Code)

**SINGLE FAMILY ATTACHED DWELLINGS** A structure containing two or more single family dwelling units with both side walls (except end units of building) attached from ground to roof.

**SINGLE FAMILY DETACHED DWELLING** A dwelling unit that is free standing and separate from other dwelling units. (OAR 660-007-0005(4))



<b>SINGLE FAMILY DWELLING</b>	A structure containing one or more single family units with each unit occupying the building from ground to roof.
<b>SINGLE OCCUPANT VEHICLE (SOV)</b>	Private passenger vehicle carrying one occupant. (Metro Code 3.07.1010(ooo)) (Metro Regional Framework Plan definition)
<b>SITE</b>	Any tract, lot or parcel of land or combination of tracts, lots or parcels of land that are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project. <b>SLOPE</b> Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.
<b>SLOPE</b>	Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.
<b>SOIL</b>	The unconsolidated material on the immediate surface of the earth created by natural forces that serves as natural medium for growing land plants.
<b>SOLID WASTE</b>	“Solid Waste” shall have the same meaning as given that term under Beaverton Code section 4.08.030.
<b>SPECIAL DISTRICT</b>	Any unit of local government, other than a city, county, metropolitan service district formed under ORS Chapter 268 or an association of local governments performing land use planning functions under ORS 195.025 authorized and regulated by statute and includes but is not limited to: Water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts. (ORS 197.015(19))  Any “district” formed under ORS 198.
<b>STANDARDS</b>	A rule or measure establishing a level of quality or quantity that must be complied with or satisfied.
<b>STATE IMPLEMENTATION PLAN</b>	A plan for ensuring that all parts of Oregon remain in compliance with federal air quality standards.
<b>STATEWIDE PLANNING GOALS</b>	The mandatory state-wide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS Chapters 195, 196 and 197. (ORS 197.015(8))
<b>STATION COMMUNITIES</b>	That area generally within a ¼ - to ½ - mile radius of light-rail stations or other high-capacity transit that is planned as a multi-modal community of mixed uses and substantial pedestrian accessibility improvements. (Metro Regional Framework Plan)  Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature

	a high-quality pedestrian environment. (Metro Code 3.01.130) An average of 45 persons per acre is recommended. (Metro Code 3.01.170)
<b>STORM WATER</b>	The water that runs off only from impervious surfaces during rain events. (CWS Design and Construction Standards)
<b>STREAM</b>	Means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment. (Metro Code 3.01.1010(qqq)).
<b>STREAM CHANNEL</b>	A natural (perennial or intermittent stream) or human made (e.g. drainage ditch) waterway of perceptible extent that periodically or continuously contains moving water and has a definite bed and banks that serve to confine the water. (OAR 141-085-0010(22))
<b>STREET</b>	(1) means a public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures used or intended for use of the general public for pedestrian, bicycle, and vehicular travel as a matter of right, or  (2) when used with the word "private" as a modifier, means a non-public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures, exclusively used or intended for the exclusive use of the underlying property owner or, other persons, for pedestrian, bicycle, and vehicular travel. (Proposed Engineering Design Manual and Standard Drawings Definition)
<b>STREET FUNCTIONAL CLASSIFICATION</b>	The assignment of streets into categories according to the character of service they provide in relation to the total street network. Basic functional categories in Beaverton include freeways, arterials, collectors, neighborhood routes, and local streets. Functional classification reflects mobility, access needs, and connectivity. Where appropriate, the levels may be further grouped into urban and rural categories.
<b>STREET FURNITURE</b>	Those features associated with a street that are intended to enhance its physical character and use by pedestrians, such as benches, trash receptacles, kiosks, lights, newspaper racks.
<b>STEWARDSHIP</b>	A planning and management approach that considers environmental impacts and public benefits of actions as well as public and private dollar costs.
<b>SUBDIVISION</b>	The division of a tract of land into defined lots, parcels, tracts, or other divisions of land as defined in applicable State statutes and local land development regulations, subdivided lots can be separately conveyed by sale or lease, and altered, or developed.

<b>SUBURBAN</b>	Generally, development on the periphery of urban areas, which is predominantly residential in nature and has most urban services available. The intensity of suburban development is usually lower than in urban areas.
<b>SURFACE WATER</b>	Water that drains from the landscape via overland flow or ground water resurgence. Surface water flows can and often do include storm water runoff. (CWS Design and Construction Standards)
<b>SYSTEM DEVELOPMENT CHARGE</b>	Means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the local government for its average cost of inspecting and installing connections with water and sewer facilities. (ORS 223.299(4)(a))
<b>TARGET DENSITIES</b>	The average combined household and employment densities established for each design type in the Regional Urban Growth Goals and Objectives 2040 Growth Concept. (Metro Code 3.07.1010(ttt))
<b>TOWN CENTERS</b>	<p>Areas of mixed residential and commercial use that serve tens of thousands of people. Examples include the downtowns of Forest Grove and Lake Oswego. (Metro Regional Framework Plan) Town centers provide local shopping, employment and cultural and recreational opportunities within a local market area. They are designed to provide local retail and services, at a minimum. They would also vary greatly in character.</p> <p>Compact development and transit service should be provided in town centers. An average of 40 persons per acre is recommended. (Metro Code 3.07.170)</p>
<b>TOWNHOUSES</b>	Two or more attached single family dwelling units within a structure having common side walls, front and rear yards, and individual entryways. (See Single Family Attached Dwellings)
<b>TRAFFIC CALMING</b>	A traffic management program usually designed to address safety and aesthetic issues related to automobile use in residential areas, and which reduces the operating speed of motor vehicles. Features include, landscaping, walkways, speed swales, roadway narrowing and/or increasing the width of bicycle lanes and sidewalks.



<b>TRAFFIC INTENSIVE USES</b>	A land use that attracts or generates a relatively high level of traffic activity. A non exhaustive list of such uses would include drive through facilities, supermarkets, and most retail shopping centers. The ITE Trip Generation manual shall be the city's primary reference source for determining whether a particular proposed use is traffic intensive or not.
<b>TRANSIT</b>	For the purposes of the Comprehensive Plan, this term refers to publicly funded and managed transportation services and programs within the urban area, including light-rail, regional rapid bus, frequent bus, primary bus, secondary bus, minibus, paratransit and park-and-ride. (Metro Regional Transportation Plan definition)
<b>TRANSPORTATION OR TRAVEL DEMAND MANAGEMENT (TDM)</b>	A strategy or action for reducing demand on the road system by reducing the number of vehicles using streets and roads, and/or increasing the number of persons per vehicle. Typically, TDM attempts to reduce the number of persons who drive alone during peak commute periods and to increase the number of people commuting via carpools, vanpools, buses and trains, walking, and biking.
<b>TRANSPORTATION PLANNING RULE</b>	The implementing rule of statewide land use planning Goal #12 dealing with transportation, as adopted by the State Land Conservation and Development Commission. (Metro Framework Plan definition)
<b>TRANSPORTATION SYSTEM PLAN</b>	A plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas. (Metro Regional Framework Plan definition) (OAR 660-012-0005(32))
<b>TREES, STREET</b>	Any tree located within public or private right of way or an easement for vehicular access, or associated public utility easements. (Beaverton Development Code)
<b>TRIP GENERATION</b>	The dynamics that account for people making trips in automobiles or by means of public transportation. Trip generation is the basis for estimating the level of use for a transportation system and the impact of additional development or transportation facilities on an existing, local transportation system.
<b>TURBIDITY</b>	A measure of water agitation.

<b>URBAN</b>	Generally, an area having the characteristics of a city, with intensive development and a full or extensive range of public facilities and services.
<b>URBAN FORM</b>	The net result of efforts to <u>preserve</u> environmental quality, <u>coordinate</u> the development of jobs, housing and public services and facilities, and <u>interrelate</u> the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another.
<b>URBAN GROWTH BOUNDARY</b>	An acknowledged urban growth boundary contained in a city or county comprehensive plan or an acknowledged urban growth boundary that has been adopted by a metropolitan service district council under ORS 268.390(3). (ORS 195.060(2))
<b>URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN</b>	See Metro Urban Growth Management Functional Plan.
<b>URBAN PLANNING AREA</b>	A geographical area within an urban growth boundary. (OAR 660-003-0005(6))
<b>URBAN SERVICES</b>	The term includes the following services and facilities: a public sanitary and storm sewer system, a public water supply, a street system, police and fire protection, public schools, public parks and library services. (Beaverton Development Code)
<b>URBAN SERVICE AREA</b>	The area for which the City is the appropriate and agreed-upon long-term provider of municipal services except for those services that are to be provided by a special or county service district. (Beaverton – Washington County Intergovernmental Agreement Interim Urban Services Plan)
<b>URBAN SERVICE BOUNDARY</b>	The boundary establishing the extent of the City's direct interest and involvement in planning for and coordination of public facilities and services and the extent of the City's annexation interest.
<b>USE</b>	The main or primary purpose of which land or a structure is designed, arranged or intended or for which it is occupied or maintained. (Beaverton Development Code)
<b>USE PERMIT</b>	The discretionary and conditional review of an activity or function or operation on a site or in a building or facility.
<b>VACANT</b>	Lands or buildings that are not actively used for any purpose.
<b>VACANT LAND</b>	Land identified in the Metro or local government inventory as undeveloped land. (Metro Code 3.07.1010(zzz))
<b>VARIANCE</b>	A discretionary decision to permit modification of the terms of an implementing ordinance based on a demonstration of unusual hardship or exceptional circumstance unique to a specific property. (Metro Code 3.07.1010(aaaa))

# U

# V

**VEGETATIVE CORRIDOR** A corridor adjacent to a water quality sensitive area that is preserved and maintained to protect the water quality functions of the water quality sensitive area. (CWS Design and Construction Standards)

**VIEW CORRIDOR** The line of sight, identified as to height, width and distance, of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewers' attention.

**VOLUME-TO-CAPACITY RATIO** A measure of the operating capacity of a roadway or intersection, in terms of the number of vehicles passing through, divided by the number of vehicles that theoretically could pass through when the roadway or intersection is operating at its designed capacity. Abbreviated as "v/c". At a v/c ratio of 1.0, the roadway or intersection is operating at capacity. If the ratio is less than 1.0, the traffic facility has additional capacity. Although ratios slightly greater than 1.0 are possible, it is more likely that the peak hour will elongate into a "peak period." (See *Peak Hour* and *Level of Service*)

**WAREHOUSE** A structure that is primarily used for storage and distribution facilities.

**WATER QUALITY SENSITIVE AREA** or "sensitive area"  
A) shall include the following:  
1. Existing or created wetlands;  
2. Rivers, streams, and springs, whether flow is perennial or intermittent;  
3. Natural lakes, ponds and instream impoundments  
B) Sensitive areas shall not include:  
1. Stormwater infrastructure  
2. A vegetated corridor (a buffer) adjacent to the sensitive area;  
3. An off-stream recreational lake, lagoon, fire pond or reservoir; or  
4. Drainage ditches.

(CWS Design and Construction Standards)

**WATERSHED** The entire land area drained by a stream or system of connected streams such that all stream flow originating in the area is discharged through a single outlet. (ORS 541.351(14))

**WETLANDS** Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Categories of wetlands include:

a) Created Wetlands: those wetlands developed in an area previously identified as non-wetland to replace, or mitigate



wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.

b) **Constructed Wetlands:** those wetlands developed as a storm water facility, subject to change and maintenance as such. These areas must be clearly defined or separated from existing or created wetlands. Constructed wetlands shall be regulated as created wetlands only if they serve as wetland mitigation.

c) **Existing Jurisdictional Wetlands:** jurisdictional wetlands as determined by the Department of State Lands (DSL) or the US Army Corps of Engineers (COE).

(CWS Design and Construction Standards)

**ZONE, TRAFFIC**

In a mathematical traffic model the area to be studied is divided into zones, with each zone treated as producing and attracting trips. The production of trips by a zone is based on the number of trips to or from work or shopping, or other trips produced per dwelling unit.



**ZONING**

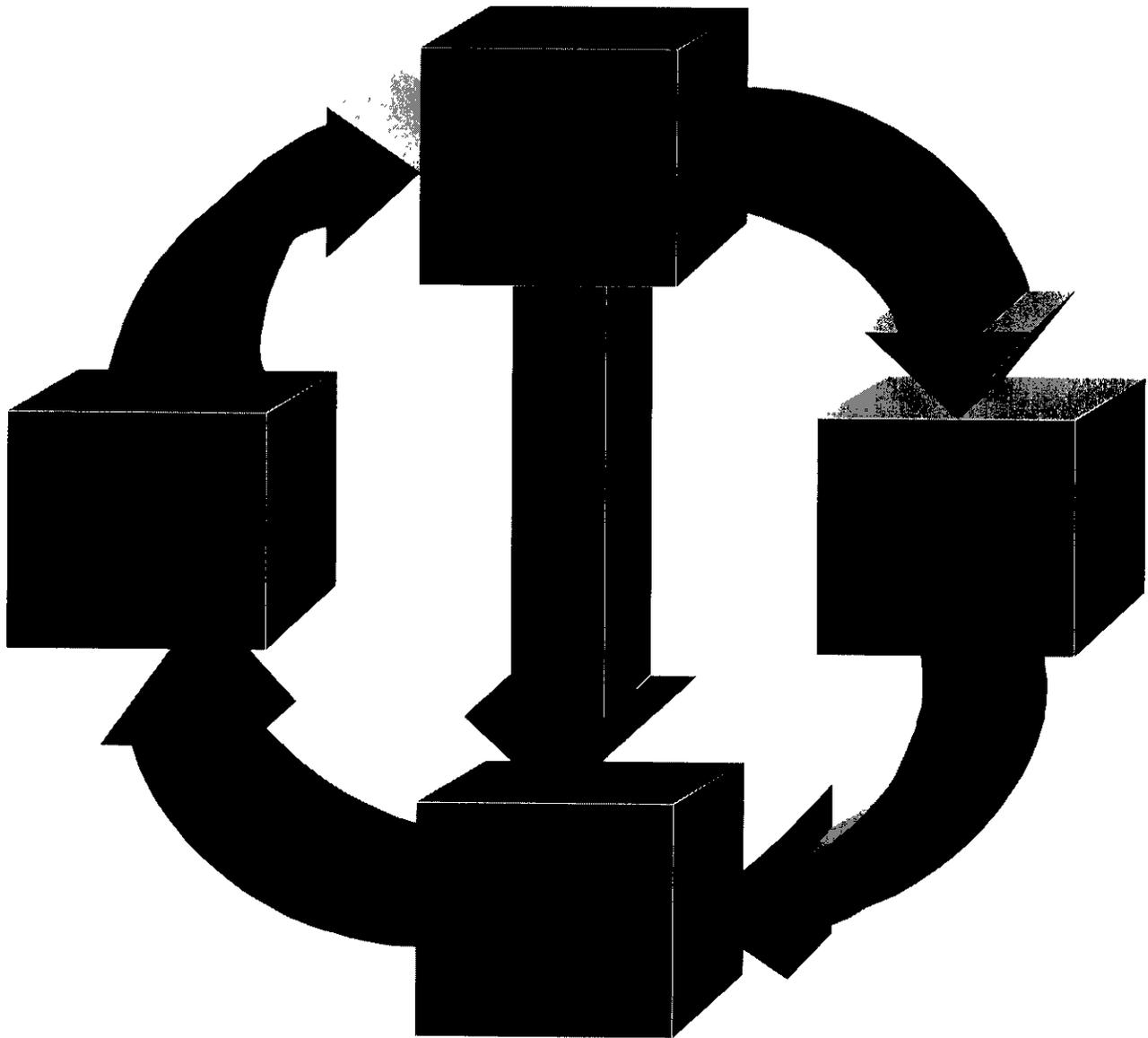
In general, the demarcation of an area by ordinance (text and map) into zones and the establishment of regulations to govern the uses within those zones (commercial, industrial, residential, type of residential) and the location, bulk, height, shape, use, and coverage of structures within each zone.

**ZONING, INCLUSIONARY**

Regulations that increase housing choice by requiring construction of more diverse and economical housing to meet the needs of low income families. Such regulations often require a minimum percentage of housing for low and/or moderate income households in new housing developments.

**Exhibit C. Chapters One and Two and the  
Glossary showing all recommended  
amendments (City Council 9/11  
meeting changes shown in  
shaded text)**

CHAPTER ONE:  
COMPREHENSIVE PLAN  
AMENDMENT PROCEDURES  
ELEMENT



# COMPREHENSIVE PLAN AMENDMENT PROCEDURES

## 1.1 QUARTERLY REVIEW AMENDMENT INITIATION.

~~Amendments to the Comprehensive Plan may be initiated by City Council, the Planning Commission, the Mayor, the Community Development Director, or the Engineering Director at any time. Landowners may also initiate an amendment to the Land Use Map pertaining only to their property at any time, or any other person or groups of persons. Amendment requests may be submitted to the Commission by the Planning Director at any time. Amendment requests will be processed as a package of amendments on a quarterly basis.~~

### 1.1.1 City-initiated Amendments

~~Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council reserve have the right to accept, reject, alter or modify any specific request for amendment in accordance with the City's policies and procedures, and in such a manner as will be most beneficial to the citizens of Beaverton. Only those requests for comprehensive plan amendments accepted by the Planning Commission prior to the fifteenth day of January, April, July and October will be processed during the quarter year which begins with that month.~~

~~The Planning Commission or City Council may enlarge or reduce the geographic area of proposed map amendments, investigate alternative land use designations to those requested, or combine the request with other similar requests City-initiated amendments for comprehensive study and determination. If the decision to modify a requested amendment is made after public hearing notice has been provided, the notice shall be reissued and, if necessary, the hearing rescheduled. The Planning Commission, may establish subcommittees, or in response to direction from the Mayor or City Council, create citizen committees or task forces to aid and assist them in arriving at recommendations on plan amendments.~~

~~The Council may allow an amendment to proceed under an accelerated amendment process and order a suspension of the quarterly cycle when the quarterly cycle will inhibit the timely consideration of City-initiated amendments which would have the effect of:~~

- ~~1. protecting the public health, safety or welfare, or~~
- ~~2. complying with federal or state judicial or legislative actions or mandates, or the requirements of other regional or local units of government, which have jurisdiction on a matter affecting the Plan, or~~
- ~~3. providing substantial public benefits, which could otherwise be lost under the adopted quarterly review procedure due to special conditions or circumstances.~~

~~Staff and/or the Planning Commission may recommend to the Council a suspension of the quarterly policy and procedure when it can be found the proposed amendment falls within at least one of the above three criteria. In no circumstances can mandatory procedures established by statute or ordinance be suspended. The Planning Director may recommend that the Commission or Council postpone other plan amendment studies to process other amendments in an accelerated process.~~

#### 1.1.2 Property Owner-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing. The Planning Commission and City Council reserve the right to approve, approve with conditions, or deny any specific request for amendment in accordance with the City's policies and procedures.

#### 1.1.3 Amendment Processing

Proposed amendments shall be processed as expeditiously as possible, subject to the availability of staff and budgetary resources and project priorities set by the Mayor. Amendments shall be processed in compliance with the procedures established by this Plan as well as Oregon Revised Statutes, Oregon Administrative Rules, Metro Code, the City Charter, and City Ordinances. Property owner-initiated amendments should be processed in the order in which they are submitted and accepted as complete, but the City Council may, by resolution, postpone processing proposed amendments to accelerate processing other amendments to which they give a higher priority.

### 1.2 PERIODIC REVIEW

~~Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and follow separate notice procedures outlined in the Oregon Revised Statutes and Oregon Administrative Rules governing Periodic Review. The Council, from time to time, may amend the Plan during periodic review update, or when public need or changed circumstances or conditions warrant an amendment. Proposed amendments to the Plan may be initiated by the Council, Commission, Mayor or other interested persons according to the adopted policy and procedure established in Section 1.3 Amendment Procedures.~~

~~Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and are processed outside the quarterly review procedure established under Section 1.1.~~

### 1.3 AMENDMENT PROCEDURES PROCEDURAL CATEGORIES

~~Comprehensive Plan Amendments fall into four five general categories: Legislative, Quasi-Judicial, Historic Landmark, District and Tree designation removal, Annexation Related Non-Discretionary, and Historic Landmark and District Designations Statewide Planning Goal 5 Inventory Document Amendments.~~

~~**Legislative Amendments** are amendments to the comprehensive Comprehensive plan-Plan text or map of a generalized nature initiated either by the City that applies to an entire land use map~~

category or a large number of individuals or properties or that establishes or modifies policy or procedure, or by an applicant. Legislative amendments include additions or deletions of text or land use map categories.

**Quasi-Judicial Amendments** are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties, interests or situations or locations. ~~This type of amendment is typically a privately initiated amendment coupled with a corresponding zone change.~~

**Historic Landmark, District or Tree Designation Removal** are amendments, requested from the property owner, to remove said designation pursuant to ORS 197.772. Upon receipt of a letter request to remove said designation, the Community Development Director shall issue a letter removing said designation based on ORS 197.772 and shall cause such letter to be mailed to the property owner and the property owners within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the subject property.

~~**Annexation-Related Map Amendments.**~~ **Non-Discretionary Amendments** are amendments to the Comprehensive Plan Land Use Map to add an annexed property, or properties, to the Map with a Land Use Map designation assigned through direct application of the ~~The~~ acknowledged Washington County-Beaverton Urban Planning Area Agreement (UPAA), ~~governs the assignment of Comprehensive Plan and zoning designations to land annexed into the City. The UPAA requires the City to assign particular City Comprehensive Plan and zoning designations or the most similar Plan and zoning designations to the annexed property based upon the Washington County designation.~~ The County land use classification(s) Comprehensive Plan and zoning designation remains remain in effect under provisions of Oregon Revised State Statutes (ORS 197.175(1) and ORS 215.130(2)(a)) until the City acts to implement its own Comprehensive Plan Land Use and zoning map designation(s) in for the annexed territory. For that reason the act of annexation itself is deemed a political or governance decision separate and distinct from the decision to implement this plan (and the Development Code) as to those properties that have been annexed.

The UPAA requires the City to assign a particular, or most similar, City Comprehensive Plan Land Use designation to the annexed property based on the Washington County designation. Exhibit "B" of the UPAA contains a chart describing a one-to-one relationship between County and City land use designations. The UPAA and the chart referenced as Exhibit "B" is found within Chapter 3 of the Comprehensive Plan in Section 3.15. Where UPAA Exhibit "B" provides a one-to-one relationship and the annexed property is **not** subject to any special policies within the applicable Washington County Community Plan, the decision to apply a specific Land Use Map designation is made under land use standards that do not require interpretation or the exercise of policy or legal judgement. Consequently, the decision is not a land use decision as defined by Oregon Revised Statutes (ORS 197.015(10)(b)(A)). ~~The following describes the various processes for review of annexation related Comprehensive Plan map amendments. Annexation related zone map amendments will be considered concurrently with Comprehensive Plan map amendments, but are subject to procedures described in the Development Code (Ord. 2050).~~

- ~~NON-DISCRETIONARY ANNEXATION RELATED MAP AMENDMENTS:~~ In most cases the UPAA is specific and leaves no discretion about which City Comprehensive Plan designation and zoning district to assign. The chart contained in Exhibit "B" of the UPAA describes a one-to-one relationship between County and City designations and the parcel(s) is not subject to any special policies contained in the Washington County Community Plan. In these cases where no discretion is involved the Comprehensive Plan designation and zoning district will be assigned by the City Council with no public hearing being required in accordance with the notice procedures in 1.3.4.3.(c). These decisions are made under land use standards that do not require interpretation or the exercise of policy or legal judgement and, therefore, are not land use decisions as defined by Oregon Statutes. Since these are not land use decisions the criteria in section 1.3.1 do not apply.

**EXPLANATORY NOTE:** ~~The above are not land use decisions under Oregon Law because they are simply assigning a designation required by the acknowledged UPAA. ORS 197.015(10)(b) states that a Land Use Decision... "Does not include a decision of a local government: Which is made under land use standards which do not require interpretation or the exercise of policy or legal judgement".~~

**EXPLANATORY NOTE:** ~~ORS 197.175(1) states that cities..."shall exercise their planning and zoning responsibilities...in accordance with ORS Chapters 195, 196, and 197 and the goals approved under ORS Chapters 195, 196, and 197." With regard to applying Comprehensive Plan and zoning designations when the UPAA is specific and leaves no discretion, the State Planning Goals were addressed at the time that the County adopted the land use designation for a property and again when the City and County adopted the UPAA.~~

- ~~A public hearing will be required in those cases where the UPAA is not specific and requires discretion about which City Comprehensive Plan designation and zoning district to assign or when the County's Community Plan has special policy applicable to the parcel. The Planning Commission will hold the public hearing unless State law requires that the related annexation is subject to a public hearing before City Council. In that case the Comprehensive Plan Map amendment hearing will be conducted by the City Council concurrently with the annexation hearing and the Planning Commission hearing is dispensed with. The most similar designation will be applied as required by the UPAA.~~
- ~~DISCRETIONARY QUASI JUDICIAL MAP AMENDMENT:~~ Most discretionary annexation related amendments will follow the quasi-judicial procedures specified in 1.3.4.3(a).

- ~~DISCRETIONARY LEGISLATIVE MAP AMENDMENTS: Map amendments affecting a large area, a substantial number of ownerships or the application of several different plan designations may be processed legislatively as specified in 1.3.4.3(b). The Community Development Director or his or her designee will determine on a case-by-case basis whether to use the quasi-judicial or legislative process.~~

~~No neighborhood review meeting is required for annexation related amendments because these amendments merely assign the City Comprehensive Plan and zoning district designation that is most similar to the existing Washington County designation in compliance with the UPAA.~~

Statewide Planning Goal 5 Inventory Resource Document Amendments are amendments to Volume III of the Comprehensive Plan. Amendments may be legislative, such as periodic review, or annual updates to maps, or quasi-judicial. Updates to the Significant Natural Resources Map (Local Wetland Inventory Map) incorporating changes approved by the Department of State Lands are non-discretionary map amendments the public notice, decision-making and appeal of the decision occurs when the Division of State Lands approves the wetland delineation and fill or removal permit (OAR 141-086-005 through OAR 141-090-0230, OAR 141-085-0018, OAR 141-085-0025, OAR 141-085-0028, OAR 141-085-0029, OAR 141-085-0031, OAR 141-085-0066, ORS 227.350 (2), and ORS 196.600 to 196.990). As noted under Non-Discretionary Amendments above, when no discretion is exercised, the decision is not a land use decision under Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

~~Historic Landmark and District Designation Amendments are Comprehensive Plan Amendments that are evaluated based upon the criteria for amendment identified in 1.3.2 below. Comprehensive Plan Amendments within this category may be staff initiated through Periodic Review or may be initiated by the property owner or by the Historic Resources Review Committee. Historic Landmark and District Designations shall be recommended to the Planning Commission following a public hearing by the Historic Resource Review Committee (HRCC). Historic Landmark designation will satisfy the Notice Requirements for Quasi-Judicial Comprehensive Plan Amendments under 1.3.3.2. Historic District Designation will satisfy the Notice Requirements for Legislative Comprehensive Plan Amendments under 1.3.3.1. Where conflicts may exist between this element and Section 243 of Ordinance 2050 this Element shall control.~~

### ~~1.3.1 — AMENDMENT CRITERIA.~~

~~The adoption by the City Council and Planning Commission of any amendment to the Plan, except non-discretionary annexation related map amendments, shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section, or Section 1.3.2, if applicable, have been met. The City Council and Planning Commission may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings relative to all of the following criteria are the minimum required for a Plan amendment (non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement):~~

~~1.3.1.1 The proposed amendment is consistent and compatible with the Statewide Planning Goals; and~~

~~1.3.1.2 The proposed amendment is consistent and compatible with Metro Regional Urban Growth Goals and Objectives and the Metro Regional Framework Plan; and~~

~~1.3.1.3 The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and~~

~~1.3.1.4 Potential effects of the proposed amendment have been evaluated and will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare; and~~

~~1.3.1.5 The benefits of the proposed amendment will offset potential adverse impacts on surrounding areas, public facilities and services; and~~

~~1.3.1.6 There is a demonstrated public need, which will be satisfied by the amendment as compared with other properties with the same designation as the proposed amendment.~~

~~1.3.2 HISTORIC LANDMARK AND DISTRICT DESIGNATION CRITERIA.~~

~~The adoption by the City Council and Planning Commission of any amendment to the Plan relating to designation of historic resources shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. The HRRC, Planning Commission and City Council shall consider the following criteria and find that the proposal meets at least one factor in addition to 1.3.2.1:~~

~~1.3.2.1 Conforms with the purposes of the Beaverton Comprehensive Plan; and~~

~~1.3.2.2 The proposed landmark or district is associated with natural history, historic people, or with important events in national, state or local history; or~~

~~1.3.2.3 The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or~~

~~1.3.2.4 The proposed landmark is a notable work of a master builder, designer or architect; or~~

~~1.3.2.5 The proposed Landmark or District would serve one or more of the following purposes:~~

- ~~A. To preserve, enhance and perpetuate landmarks and districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history;~~
- ~~B. To safeguard the City's historic, aesthetic and cultural heritage as embodied and reflected in said landmarks and districts;~~
- ~~C. To complement any National Register properties or Historic Districts;~~
- ~~D. To stabilize and improve property values in such districts;~~
- ~~E. To foster civic pride in the beauty and accomplishments of the past;~~
- ~~F. To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;~~
- ~~G. To strengthen the economy of the City; and~~
- ~~H. To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the City's current and future citizens.~~

~~1.3.3 QUASI-JUDICIAL COMPREHENSIVE PLAN AMENDMENT NEIGHBORHOOD REVIEW MEETING~~

~~1.3.3.1 Staff will advise the applicant to arrange a neighborhood information meeting. Staff will provide guidance documents relating to the Comprehensive Plan Amendment to the NAC and the applicant for distribution at the meeting. The application will be deemed incomplete until such time as the provisions of this section have been met.~~

~~1.3.3.2 The applicant will provide notice to the NAC and property owners within 500 feet, and post a sign on the property indicating the date, time and location of the meeting. Notice will be postmarked not less than 20 calendar days prior to the meeting.~~

~~1.3.3.3 The applicant will conduct the Neighborhood Review Meeting to introduce the proposal and to document neighborhood comments.~~

~~1.3.3.4 The applicant will send a copy of the meeting notes to the NAC chair by certified mail.~~

~~1.3.3.5 The applicant will demonstrate compliance with this section by submitting the following information with the application:~~

- ~~A. A copy of the notice sent to the NAC and surrounding property owners;~~
- ~~B. A copy of the mailing list including the property owners and the NAC representatives;~~
- ~~C. A copy of the information contained on the posted sign;~~
- ~~D. Notes of the meeting which include the meeting date and time, the name~~

- and address of attendees, and the oral and written comments received; and
- E. ~~A certified mail receipt indicating mailing of the meeting notes to the NAC Chair.~~

#### 1.3.41.4 NOTICE REQUIREMENTS

The failure claim of a person to have not received notice, who may be entitled to notice as provided in this section, to receive notice, shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was given.

If the Community Development Director or City Council determine that the proposed amendment substantially changes from the proposal described in the initial notice, then notice is required to be sent again as described in the appropriate subsection with specific notation that the proposal has changed and that a new hearing will be held on the matter.

##### 1.3.4.11.4.1 Legislative Amendments.

A. Notice for Legislative Amendments of the initial hearing shall be provided as follows:

- A1. By mailing the required inter-agency Department of Land Conservation and Development (DLCD) notice to DLCD, Metro, and Washington County the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty-five (45) calendar days prior to the Planning Commission initial hearing. When the legislative amendment is required through Periodic Review, DLCD notice is not required, therefore, it is not provided.
2. Mail notice to owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land
  - a) The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
  - b) If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing.
- B3. By publication of a notice with the information specified in subsection 1.4.1 (B)-(1), (2), and (3) in a newspaper of general circulation within the City, giving the time, date, place, and purpose of the hearing, and
- C4. By posting a notice with the applicable information specified in subsection 1.4.1 (B) in three conspicuous public places in the City at Beaverton City Hall and the Beaverton City Library, and
- D5. By such other notice as the Planning Commission or City Council may deem in the public interest. By placing a notice with the applicable information specified in subsection 1.4.1 (B) on the City's website; and
6. By mailing notice with the information specified in subsection 1.4.1 (B) to all Neighborhood Association Committee chairs in whose area there is property that in the Director's opinion could be affected by the proposed ordinance if adopted and

the Chair of the Committee for Citizen Involvement.

E. ~~Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.~~

Hearing Notices required by numbers 2 through 5 of this subsection, shall be given not less than twenty (20) and not more than forty (40) All hearing notices required by this section shall be given not less than thirty (30) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.1 (A) (2), posted notice required in subsection 1.4.1 (A) (4), and web notice required in subsection 1.4.1 (A) 5 shall:

1. State the date, time and location of the hearing, and the hearings body;
2. Explain the nature and purpose of the hearing;
3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
4. List the applicable approval criteria by Comprehensive Plan by section numbers that apply to the application at issue;
5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost and include the days, times and location where available for inspection;
7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
8. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue; and
9. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.

C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).

D. Notice of remand hearings, whether they be the entire legislative amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission, shall be given following subsections 1.4.1 (A) and 1.4.1 (B) with the following additional information:

1. The deadline for submitting written testimony and the place it is to be submitted;
2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
3. The scope of the testimony; and
4. Whether the testimony is de novo or limited to the record and whether it must be submitted in writing or whether oral testimony will be allowed.

~~The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.~~

#### 1.3.4.21.4.2 Quasi-Judicial Amendments

A. Notice of the initial hearing for Quasi-Judicial Amendments shall be provided as follows:

~~A1. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office, and the CCI Clatsop Washington County at least forty-five (45) calendar days prior days prior to the Planning Commission initial hearing.~~

~~B2. By publication of a notice with the information specified in 1.4.2 (B) (1), (2), (3) and (4) in a newspaper of general circulation within the City, giving time, date, place and purpose of the hearing; and~~

~~C3. By posting notice with the information specified in 1.4.2 (B) in three (3) conspicuous public places in the City, stating the property is subject to an application for a Plan amendment and the telephone number of the City department to call for further information at Beaverton City Hall and the Beaverton City Library; and~~

~~D4. By mailing notice with the information specified in 1.4.2 (B) to property owners included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and~~

~~E5. By posting the property, stating a land use decision will be made about the property and giving the Community Development Department phone number. Signs shall be of sufficient number, size and location so as to be visible to a passing motorist; and By mailing notice with the information specified in 1.4.2 (B) to any City-recognized Neighborhood Association Committee (NAC) chair or County-recognized Citizen Participation Organization (CPO) whose boundaries include the property for which the change is contemplated and the chair of the Committee for Citizen Involvement; and~~

~~F6. By such other notice as the Planning Commission or City Council may deem in the public interest. By placing notice with the information specified in 1.4.2 (B) on the City's web site.~~

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing notices required by numbers 2 through 6 of this subsection shall be given not less than thirty (30) twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.2 (A) (4) and (5) shall:

1. State the date, time, and location of the hearing, and the hearings body;

2. Explain the nature of the application and the use or uses, which could be authorized;

3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;

4. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue;
5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost include the days, times and location where available for inspection;
7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
8. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue;
9. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing; and
10. Set forth the street address or other easily understood geographical reference to the subject property and include a map, if applicable.

C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).

D. Notice of remand hearings, whether for the entire quasi-judicial amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission shall be given following subsection 1.4.2 (A) and 1.4.2 (B) with the following additions:

1. Any deadline for submitting written testimony and the place it is to be submitted;
2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
3. The scope of the testimony;
4. Whether the testimony is limited to the record or de novo and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

#### 1.3.4.31.4.3 Annexation-Related Non-Discretionary Map Amendments

~~a) Notice for hearings on discretionary Quasi Judicial Annexation Related Map Amendments shall be as follows:~~

~~A. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty five (45) calendar days prior to the initial hearing; and~~

- ~~B. By publication of a notice in a newspaper of general circulation within the City, giving the time, date, place, and purpose of the hearing; and~~
  - ~~C. By posting notice in three conspicuous public places in the City, stating the property is subject to an application for a Plan amendment and the telephone number of the City department to call for further information; and~~
  - ~~D. By mailing notice to the NAC, the CPO, property owners and residents included in the proposed change and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and~~
  - ~~E. By such other notice as the Planning Commission or City Council may deem in the public interest; and~~
  - ~~F. All hearing notices required by B. through D. of this subsection (a) shall be given not less than twenty (20) calendar days prior to the date of the hearing and staff reports shall be available in this time frame.~~
- b) ~~Notice for hearing on discretionary Legislative Annexation Related Map Amendments shall be as follows:~~
- ~~A. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty five (45) calendar days prior to the hearing; and~~
  - ~~B. By publication of a notice in a newspaper of general circulation within the City, giving the time, date, place, and purpose of the hearing; and~~
  - ~~C. By mailing notice to the NAC, the CPO and owners of record of the subject property on the most recent property tax assessment roll; and~~
  - ~~D. By posting notice in three conspicuous public places in the City, stating the property is subject to an application for a Plan amendment and the telephone number of the City department to call for further information; and~~
  - ~~E. By such other notice as the Planning Commission or City Council may deem in the public interest; and~~
  - ~~F. All hearing notices required by B. through D. of this subsection (b) shall be given not less than twenty (20) calendar days prior to the date of the hearing and staff reports shall be available in this time frame.~~
- Ae) Notice for Non-Discretionary Annexation Related Map Amendments shall be provided as follows:
- A1. By publication of a notice with the information specified in 1.4.3 (B) (1), (2) and (3) in a newspaper of general circulation within the City, ~~giving the time, date, place, and purpose of the City Council agenda item; and~~
  - 2B. By mailing notice with the information specified in 1.4.3 (B) to the Beaverton Neighborhood Office, Chair of the Committee for Citizen Involvement (CCI), ~~NAC, CPO~~ Neighborhood Association Committee, Community Participation Organization and owners of record of the subject property on the most recent property tax assessment roll; and

€3. ~~By such other notice as the City Council may deem in the public interest~~ By placing notice with the information specified in 1.4.3 (B) on the City's web site.

All notices required by A1. through €3. of this subsection (eA) shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date the item initially appears on the City Council agenda. ~~Staff reports must be available at the time notice is provided.~~

B. Notice required by subsection 1.4.3.(A) shall:

1. State the time, date, place, and purpose of the City Council agenda item.
2. Explain the nature of the application.
3. Include the case file number, title or both of the proposed ordinance to be considered at the time of meeting.
4. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue.
5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection.
6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the meeting and will be provided at reasonable cost and include the days, times and location where available for inspection.
7. Include the name and phone number of the City staff person assigned to the application from who additional information may be obtained, and
8. Set forth the street address or other easily understood geographical reference to the subject property, including a map.

EC. Notice of Decision for Non-Discretionary Map Amendments

Within five working days after the final City Council decision on a Non-Discretionary Annexation-Related Map Amendment, notice of the decision shall be mailed to the owner of record, DLCD, Metro, the Beaverton Neighborhood Office and the Chairperson of the Committee for Citizen Involvement (CCI). The notice of decision shall include the following:

1. A statement that the decision is final but may be appealed in a court of competent jurisdiction, and
2. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

1.4.4 Statewide Planning Goal 5 Inventory Resource Document (Volume III) Amendments

A. If the proposal is legislative in nature, as in an update to one of the Statewide Planning Goal 5 Inventory Resource Documents or an addition of a new category of Statewide Planning Goal 5 Inventory Resource Documents, then notice shall follow the legislative notice procedure identified under subsection 1.4.1.

- B. If the proposal is quasi-judicial in nature, as in a change on one property or a limited group of properties, the notice shall follow the quasi-judicial notice procedure under subsection 1.4.2.
- C. If the proposal is to update the Local Wetland Inventory map of the Significant Natural Resource maps based on approvals of wetland delineations or fill or removal permits issued by the Oregon Department of State Lands, the amendment shall be deemed non-discretionary and shall be updated administratively by City Council ordinance adoption, following the Non-Discretionary Map Amendment procedure under 1.4.3.

## **1.5 CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN**

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

### 1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments

- A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;
- B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan;
- C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and
- D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

### 1.5.2 Criteria for Non-Discretionary Map Amendments

#### A. Annexation-Related

Discretion occurs when the Washington County-Beaverton Urban Planning Area Agreement (UPAA) is adopted or amended by the County and the City. The UPAA provides specific City-County Land Use Designation Equivalents. Specifically, the UPAA states in Section II (D) "Upon annexation, the city agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations. Such conversion shall be made according to the tables shown on Exhibit "B" to this agreement." Consequently, when the conversion from County to City designation is shown on Exhibit B, the City has no discretion.

#### B. Statewide Planning Goal 5

The Department of State Lands (DSL) and the US Army Corps of Engineers (COE) exercise discretion when these agencies approve wetland delineations and fill/removal permits (OAR 141-085, ORS 227.350, and ORS 196.600 to 196.990). Because the decision is made by another agency, acknowledging the locations of the delineated

wetlands and fill/removal activities on the City's Local Wetland Inventory map involves no discretion.

1.5.3 Criteria for Statewide Planning Goal 5 Inventory Resource Document (Volume III) Comprehensive Plan Amendments

A. Local Wetland Inventory Amendments require following the criteria for adoption of a local wetland inventory found within Oregon Revised Statutes and Oregon Administrative Rules (as of November 2004, ORS 196 and OAR 141-086 and OAR 660-023).

B. Criteria for Addition of Historic Landmarks and Districts

To qualify as a historic landmark or district, the proposal must meet criterion 1 and at least one factor listed as criteria 2 through 5:

1. Conforms with the purposes of the Beaverton Comprehensive Plan; and
2. The proposed landmark or district is associated with natural history, historic people, or with important events in national, state, or local history; or
3. The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or
4. The proposed landmark is a notable work of a master builder, designer, or architect; or
5. The proposed landmark or district would serve one or more of the following purposes:
  - a) To preserve, enhance, and perpetuate landmarks and districts representing or reflecting elements of the City's cultural, social, economic, political, and architectural history;
  - b) To safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in said landmarks and districts;
  - c) To complement any National Register properties or Historic Districts;
  - d) To stabilize and improve property values in such districts;
  - e) To foster civic pride in the beauty and accomplishments of the past;
  - f) To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
  - g) To strengthen the economy of the City; and
  - h) To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City's current and future citizens.

C. Criteria for Adding Historic Trees

The adoption by City Council and Planning Commission of any amendment to add a historic tree to the Historic Tree Inventory shall be based on the following criteria:

1. Conforms with applicable goals and policies of the Beaverton Comprehensive Plan;
2. The proposed historic tree designation is requested by the property owner as

determined by the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and

3. The proposed historic tree is associated with historic properties, historic people, or with important events in national, state, or local history, or general growth and development of the city.

**EXPLANATORY NOTE: ~~When feasible the notice for annexations and the related map changes shall be combined.~~**

1.3.4.4 ~~————~~ The mailed Notice required by this section shall:

- A. ~~Explain the nature of the application and the use or uses which could be authorized;~~
- B. ~~List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;~~
- C. ~~Set forth the street address or other easily understood geographical reference to the subject property;~~
- D. ~~State the date, time and location of the hearing;~~
- E. ~~State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and Oregon State Land Use Board of Appeals on that issue;~~
- F. ~~Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;~~
- G. ~~State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;~~
- H. ~~State that a copy of the staff report will be available for inspection at no cost at least thirty days prior to the hearing and will be provided at reasonable cost; and~~
- I. ~~Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.~~

### **1.3.5 — STAFF REPORTS**

~~Comprehensive Plan Amendment staff reports will be available thirty (30) calendar days prior to the Planning Commission public hearing. Similarly, Comprehensive Plan Amendment staff reports prepared for CPA public hearings scheduled by City Council will be available to the public thirty (30) calendar days prior to the hearing. Comprehensive Plan Amendment staff reports for annexation related map amendments will be available at least twenty (20) calendar days prior to their first public hearing or agenda date.~~

### **1.3.6.1.6 HEARINGS PROCEDURES FINAL ADOPTION AND APPEALS**

~~Before the City Council may adopt any amendment to the Comprehensive Plan, the following procedures within this section shall be followed: In the case of Non-Discretionary amendments, no hearing will be held. Consideration of the proposal shall be placed on the City Council Agenda for adoption by ordinance.~~

~~1.3.6.1.6.1. After appropriate notice is given, as provided in section 1.4 as provided in section 1.3.4 the Planning Commission or City Council shall hold a public hearing on the amendment, except for Non-Discretionary amendments.~~

~~A. At the beginning of the hearing an announcement shall be made to those in attendance that:~~

- ~~1. States the applicable approval criteria by Comprehensive Plan section number.~~
- ~~2. States testimony, arguments and evidence must be directed toward the applicable criteria.~~
- ~~3. States failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the Planning Commission or City Council and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.~~
- ~~4. States failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue may preclude an action for damages in circuit court.~~
- ~~5. If a quasi-judicial application, states the Planning Commission and City Council must be impartial and that members of the Planning Commission and City Council shall not have any bias or personal or business interest in the outcome of the application.~~
  - ~~a) Prior to the receipt of any testimony, members of the Planning Commission or City Council must announce any ex parte contacts. The Planning Commission or City Council shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest or ex parte contacts.~~
  - ~~b) If any member of the Planning Commission or City Council has visited the site (if applicable), they should describe generally what was observed.~~
- ~~6. Summarizes the procedure of the hearing.~~
- ~~7. States that the hearing shall be recorded on audio only or audio and video tape.~~
- ~~8. States any time limits for testimony set by the Planning Commission or City Council at the beginning of the hearing.~~

~~B. After the aforementioned announcements, the Chair or Mayor shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.~~

~~C. After the presentation of the staff report, the Chair or Mayor shall call for the applicant's~~

testimony, if the City is not the applicant.

- D. After the applicant's testimony, the Chair or Mayor shall call for other evidence or testimony in the following sequence unless the Planning Commission or City Council consents to amend the sequence of testimony:
  - 1. First, evidence or testimony in support of the application.
  - 2. Second, evidence or testimony in opposition to the application.
  - 3. Third, evidence or testimony that is neither in support nor in opposition to the application.
- E. If the City is not the applicant, the Chair or Mayor shall call for rebuttal by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Chair or Mayor shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.
- F. The Chair or Mayor shall offer staff an opportunity to make final comments and answer questions.
- G. Provisions for holding a record open or continuing a hearing set forth in Oregon Revised Statutes (ORS 197.763 (6)) shall apply to this Chapter of the Comprehensive Plan, in accordance with the statute.

1.3.6.21.6.2. Following the conclusion of the hearing, the Planning Commission shall take one of the following actions:

- A. Continue the hearing to a date, time and location certain, which shall be announced by the Chair. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
- B. Deny the application, approve the application, or approve the application with conditions.
  - 1. If the Planning Commission proposes to deny, approve, or approve with conditions, the Planning Commission shall announce a brief summary of the basis for the decision and that an order shall be issued as described in 1.7; provided, the proceedings may be continued for the purpose of considering such order without taking new testimony or evidence.
  - 2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763(6) shall apply under this Ordinance in a manner consistent with state law.
  - 3. If the Planning Commission proposes to approve, or approve with conditions, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.
  - 4. In conjunction with their adoption of an ordinance approving or approving with conditions a Comprehensive Plan Amendment, the City Council shall adopt written findings which demonstrate that the approval complies with applicable approval criteria.

## **1.7. FINAL ADOPTION AND APPEALS**

### **1.7.1 Final Order**

- A. The written decision in the form of a final order shall be prepared regarding the

application. The final order shall include:

1. A listing of the applicable approval criteria by Comprehensive Plan section number.
  2. A statement or summary of the facts upon which the Planning Commission or City Council relies to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. The Planning Commission or City Council may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the final order to satisfy this requirement.
  3. A statement of conclusions based on the facts and findings.
  4. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
- B. Within five (5) working days after the Final Decision (City Council Ordinance or Final Order adoption), mail the required DLCD Notice of Adoption to DLCD, pursuant to ORS 197.610 and OAR Chapter 660- Division 18.
- C. Within five (5) ~~calendar~~ working days from the date that the Planning Commission or City Council adopts a final order, the Community Development Director shall cause the order to be signed, dated, and mailed to the applicant, the property owner, the Neighborhood Association Committee or County Participation Organization in which the subject property is located, and other persons who appeared orally or in writing before the public record closed. The final order shall be accompanied by a written notice which shall include the following information:
1. In the case of a Planning Commission decision, a statement that the Planning Commission decision can be appealed to the City Council following the procedures listed in 1.7.2. The appeal date and the statement that the appeal must be filed within ten (10) calendar days after the date of the signed notice is dated and mailed shall be placed on the notice, with the appeal closing date shown in boldface type. The statement shall generally describe the requirements for filing an appeal and include the name, address and phone number of the Community Development Director.
  2. In the case of a City Council decision, a statement that the decision is final, but may be appealed to the Land Use Board of Appeals as provided in Oregon Revised Statutes (ORS 197.805 through 197.860) or to the Land Conservation and Development Commission as provided in Oregon Revised Statutes (ORS 197.633), in the case of Periodic Review Amendments.
  3. A statement indicating the Amendment application number, date, and brief summary of the decision. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the proposal.
  4. A statement of the name and address of the applicant.
  5. If applicable, an easily understood geographic reference to the subject property and a map. ~~deliberations the Planning Commission shall forward a recommendation to City Council to approve, approve with modifications or deny the amendment request based on the plan amendment criteria and the evidence and testimony in the record. The Planning Commission shall adopt a final order, either immediately after making its recommendation or at a public meeting within a reasonable time after making the recommendation.~~

~~\_\_\_\_\_The final order will consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied upon in rendering the recommendation, and explaining the justification for the recommendation based on the criteria and facts set forth. The Planning Commission's final order is a recommendation, which is forwarded to the City Council for final action.~~

~~1.3.6.3 Notice of the Planning Commission's recommendation shall be sent to the applicant, other persons whose names appear on the application, and to all persons who testified either orally or in writing before the Planning Commission, as applicable. The notice of decision shall:~~

- ~~A. Include the CPA Application number, date, and brief summary of the final decision;~~
- ~~B. Include the name and address of the applicant;~~
- ~~C. Include, if applicable, an easily understood geographic reference to the subject property and map;~~
- ~~D. State that a copy of the final order is available for review, and that a copy can be obtained at cost; and~~
- ~~E. State that the decision is a recommendation, which will be forwarded to the Council for final decision, and that, unless appealed by filing a written Notice of Intent to Appeal with the City Recorder within ten (10) calendar days of the date of the Planning Commission's final order, that the Council will make a final decision based on the record and recommendation of the Planning Commission.~~
- ~~F. The notice shall include the requirements for filing a Notice of Intent to Appeal contained in 1.3.6.4.B, together with the name, address and phone number of the City Recorder.~~

~~1.3.6.4.1.7.2~~ Notice of Intent to Appeal

~~A. The Planning Commission decision may be appealed to the City Council only by the applicant, a person whose name appears on the application, or any person who appeared before the Planning Commission either orally or in writing. An appeal shall be made by filing a Notice of Intent to Appeal with the Community Development Director and City Recorder within ten (10) calendar days after the signed written order was dated and mailed.~~of the date of the Planning Commission's final written order.~~~~

~~B. A notice of Intent to Appeal shall be in writing and shall contain:~~

~~1.i) A reference to the CPA application number and date of the Planning Commission decision order;~~

~~2.ii) A statement that demonstrates the appellant is the applicant or their representative, a person whose name appears on the application, or a person who appeared before the Planning Commission either orally or in writing;~~

- 3.iii) The name, address, and signature of the appellant or the appellant's representative;
- 4.iv) An appeal fee, as established by Council resolution; if more than one person files an appeal on a specific decision, the appeals shall be consolidated and the appeal fee shall be divided equally among the multiple appellants; and
- 5.v) A discussion of the specific issues raised for Council's consideration and specific reasons why the appellant contends that the Planning Commission's findings and/or recommendation is incorrect or not in conformance with applicable criteria.

- C. The ~~City Recorder~~ Community Development Director shall reject the appeal if it
- 1.i) is not filed within the ten (10) day appeal period set forth in subsection A of this section,
  - 2.ii) is not filed in the form required by subsection B of this section, or
  - 3.iii) does not include the filing fee required by subsection B of this section.

If the ~~City Recorder~~ Community Development Director rejects the appeal, the ~~City Recorder~~ Community Development Director will so notify the appellant by letter. This letter shall include a brief explanation of the reason why the ~~City Recorder~~ Community Development Director rejects the appeal. A decision of the ~~City Recorder~~ Community Development Director to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to the City Council. The appellant shall be allowed to correct a failure to comply with subsection B of this section if the correction can be made and is made within the 10 day appeal period provided in subsection A of this section.

- D. If a Notice of Intent to Appeal is not filed, or is rejected, ~~the an ordinance shall be prepared for City Council consideration, consistent with the City Charter. Planning Commission's final order will be submitted for approval as a consent item at a subsequent public meeting of the City Council.~~

~~Following approval by the City Council of the Planning Commission's order the Council will, if the application is approved, adopt an ordinance as provided by the Charter for the City of Beaverton.~~

If the application is denied, the City Council will adopt a final order which sets forth its decision together with any reasons therefor. The Council's final order or the ordinance is the final decision of the City on the application. Notice of the decision shall be given as provided in ~~1.3.6.81.7.1.~~

- E. Notwithstanding the provisions of this section, ~~and in the absence of a properly and timely filed Notice of Intent to Appeal the Planning Commission decision, the City Council on its own motion, may order a public hearing at the before the City Council level at any time prior to adopting a Council final order or ordinance. This Council hearing may be on the record or de novo at the discretion of the Council.~~

1.3.6.51.7.3 Notice of Appeal Hearing

A. Written notice of the appeal hearing before the City Council will be sent

1. by regular mail,
2. no later than ~~thirty~~ twenty (320) days prior to the date of the hearing
3. to the appellant, the property owner, the applicant, if different from the appellant, persons whose names appear on the application, and all persons who previously testified either orally or in writing before the Planning Commission.

B. Notice of the hearing shall:

- 1) State the date, time and location of the hearing;
- 2) State the name of the appellant or appellants;
- 3) State the address of the property;
- 4) State the zoning district and the Commission's written order, if any, which is the subject of the appeal;
- 5) State that a copy of the Planning Commission's written order, the application, all documents and evidence contained in the record, and the applicable criteria are available for inspection at least seven (7) calendar days prior to the hearing and shall be provided at reasonable cost, including the days, times and location where available for inspection;
- 6) State the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
- 7) State the time, general explanation of the requirements for submission of testimony, and the procedure for submission of testimony;
- 8) State the street address or other easily understood geographical reference to the subject property, if applicable;
- 9) State the date, time and location of the hearing;
- 10) State the name of the appellant or appellants;
- 11) State the address of the property;
- 12) State the zoning district and the Commission's written order, if any, which is the subject of the appeal;
- 13) State that a copy of the Planning Commission's written order, the application, all documents and evidence contained in the record, and the applicable criteria are available for inspection at least seven (7) calendar days prior to the hearing and shall be provided at reasonable cost, including the days, times and location where available for inspection;
- 14) State the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
- 15) State the time, general explanation of the requirements for submission of testimony, and the procedure for submission of testimony;
- 16) State the street address or other easily understood geographical reference to the subject property, if applicable;

1.3.6.61.7.4 Preparation of the Record; Staff Report; Transcript

A. Following receipt of a Notice of Intent to Appeal filed in compliance with 4.3.6.41.7.2, the Community Development Department Director shall prepare a record for Council review containing:

- i)1. All staff reports and memoranda prepared regarding the application that were presented to the Planning Commission;
- ii)2. Minutes of the Planning Commission proceedings at which the application was considered;
- iii)3. All written testimony and all exhibits, maps documents or other written materials presented to and or rejected by the Planning Commission during the proceedings on the application; and
- iv)4. the Planning Commission's Final written order.

5. The appellant may request, and the City Council may allow, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission public hearing. If such a request is made and granted, a transcript of the Planning Commission proceeding is required. The appellant shall remit a fee to cover the cost fo the transcript of the Planning Commission hearing within five (5) calendar days after the Community Development Director estimates the cost of the transcript. Within ten (10) calendar days of notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. In the event that the Council denies the request for an on the record appeal hearing, and holds a de novo hearing, the transcript fee may be refunded. If the transcription fee estimate exceeds the transcription cost, the balance shall be refunded to the appellant.

B. The Community Development Department Director shall prepare a staff report on the appeal explaining the basis for the Planning Commission's decision as relates to the reason for appeal set forth in the Notice of Intent to Appeal, and such other matters relating to the appeal as the Director deems appropriate.

~~C. Transcript. A verbatim transcript of the Planning Commission proceedings is not required. Any person who appeared before the hearing body on the application may prepare a certified verbatim transcript of all or part of the Planning Commission's proceedings at that person's own expense. The Community Development Department Director may prepare a certified verbatim transcript of all or part of the Planning Commission's proceedings at the City's expense.~~

~~D. A certified transcript prepared pursuant to this subsection shall be considered to be part of the record of the Planning Commission's proceedings, and, if offered, shall be accepted into evidence and considered by the City Council.~~

#### 4.3.6.71.7.5 Scope of Review

A. ~~Except as provided in subsection B of this section,~~

- i)1. The City Council review appeal hearing shall be de novo, which means any new evidence and argument can be introduced in writing, orally, or both. The City Council may allow, at the appellant's request, a quasi-judicial comprehensive plan amendment

~~appeal hearing be conducted on the record established at the Planning Commission hearing, limited to the evidence in the record before the Planning Commission. Evidence means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision. No new evidence may be presented at the hearing before the Council and no person may testify before the Council unless that person appeared either orally or in writing before the Planning Commission. No issue may be raised on appeal to the Council that was not raised before the Planning Commission with sufficient specificity to enable the Planning Commission and the parties to respond.~~

ii) ~~B.~~ The Council may take official notice of and may consider in determining the matter any material which may be judicially noticed pursuant to the Oregon Rules of Evidence, ORS 40.060 through 40.090, including an ordinance, comprehensive plan, resolution, order, written policy or other enactment of the City.

iii) ~~The Council may reopen the record and consider new evidence if such a request is made prior to or at the Council hearing by the appellant or any person who testified before the Planning Commission, and the requesting party demonstrates:~~

1) ~~That the hearing body committed a procedural error that prejudiced the requesting party's substantial rights and that reopening the record is the only alternative to remanding the application to the Planning Commission to correct the error; or~~

2) ~~That new evidence material to the decision on appeal exists and could not have been presented to the Planning Commission. A requesting party may only qualify for this exception if he or she demonstrates that the new evidence concerns an unanticipated event which occurred after the close of the hearing before the Planning Commission. This exception shall be strictly construed by the Council in order to ensure that all relevant evidence and testimony is submitted to the Planning Commission.~~

#### ~~B. De Novo Hearing.~~

#### C. Preliminary Decision.

At the conclusion of deliberations, the Council shall make a preliminary oral decision. The Council may affirm, reverse or modify the Planning Commission's ~~recommendation order~~ in whole or in part, or may remand the decision back to the Planning Commission for additional consideration. (Procedures for noticing a remand hearing are found in sections 1.4.1 (D) and 1.4.2 (D).) The preliminary oral decision is not a final decision. At any time prior to adoption of the final order or Ordinance pursuant to ~~subsection D~~ subsection D of this section, the Council may modify its decision based upon the record or may reopen the hearing.

#### D. Final Order or Ordinance

In the case of a denial, the City Council shall direct staff to prepare a final order or in the case of approval, the Council shall cause the preparation of an Ordinance. The Ordinance or final order adopt a final order either immediately after making its

~~preliminary oral decision or at a public meeting within a reasonable time after making the preliminary oral decision. The final written order shall consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied on in rendering the decision, and explaining the justification for the decision based upon the criteria and facts set forth and, if the plan amendment is approved, an ordinance which adopts the proposed amendment. The written final order, or Ordinance, is the final decision on the application and the date of the order, or Ordinance, for purposes of appeal is the date on which it is adopted by the Council signed by the Mayor.~~

Procedures for preparation of the Final Order, Ordinance and distribution of the Notice of Decision are found in section 1.7.

~~1.3.6.8 Notice of Decision:~~

~~A notice of decision shall be prepared not later than five (5) working days after the final decision. The Plan amendment, findings and notice of decision shall be mailed to the DLCD not later than five (5) working days after the final decision.~~

~~A. In addition, the notice of decision shall be sent by regular mail to:~~

- ~~i) persons who participated in the proceedings leading to adoption of the amendment; and~~
- ~~ii) persons who requested, in writing, to receive the notice of decision.~~

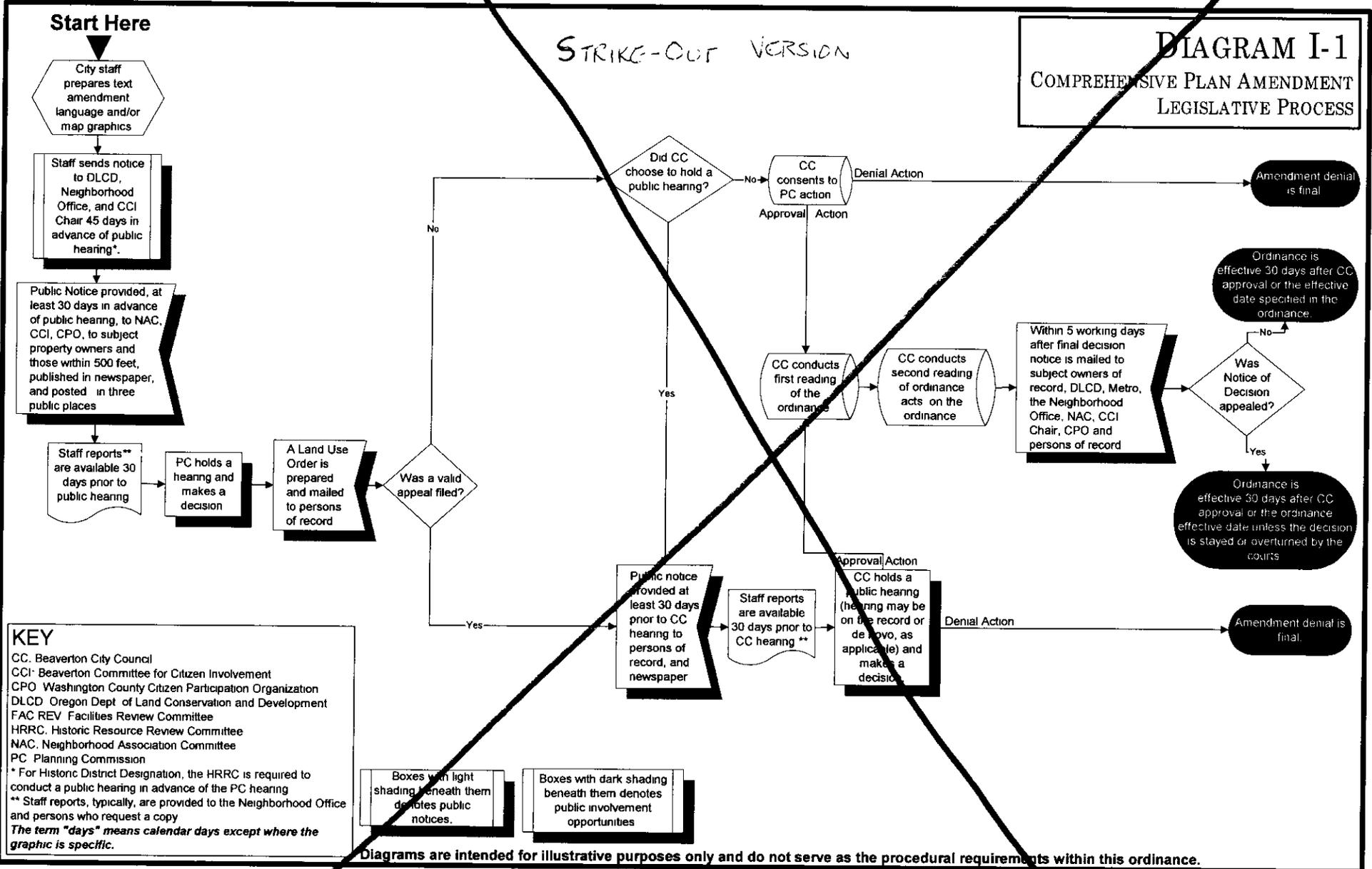
~~B. The notice of decision shall:~~

- ~~i) include the CPA and appeal number, date and brief summary of the final decision;~~
- ~~ii) include the name and address of the applicant;~~
- ~~iii) include an easily understood geographical reference to the subject property and a map, if applicable;~~
- ~~iv) State that the decision is available for review, and that a copy can be obtained at cost; and~~
- ~~v) State that the decision may be appealed by filing a written Notice of Intent to Appeal with the Oregon State Land Use Board of Appeals (LUBA) within 21 days of the date of the final decision in accordance with ORS 197.830(8).~~

The following diagrams, Diagram ~~IA~~ through ~~I-1~~ through ~~I-4C~~, are intended for illustrative purposes only and are not adopted as procedural requirements within this ordinance. Thus, periodic updates to Diagrams ~~I-1A~~ through ~~I-4C~~ will not require a Comprehensive Plan Amendment.

STRIKE-OUT VERSION

**DIAGRAM I-1**  
**COMPREHENSIVE PLAN AMENDMENT**  
**LEGISLATIVE PROCESS**



**KEY**  
 CC: Beaverton City Council  
 CCI: Beaverton Committee for Citizen Involvement  
 CPO: Washington County Citizen Participation Organization  
 DLCD: Oregon Dept. of Land Conservation and Development  
 FAC REV: Facilities Review Committee  
 HRRC: Historic Resource Review Committee  
 NAC: Neighborhood Association Committee  
 PC: Planning Commission  
 \* For Historic District Designation, the HRRC is required to conduct a public hearing in advance of the PC hearing  
 \*\* Staff reports, typically, are provided to the Neighborhood Office and persons who request a copy  
 The term "days" means calendar days except where the graphic is specific.

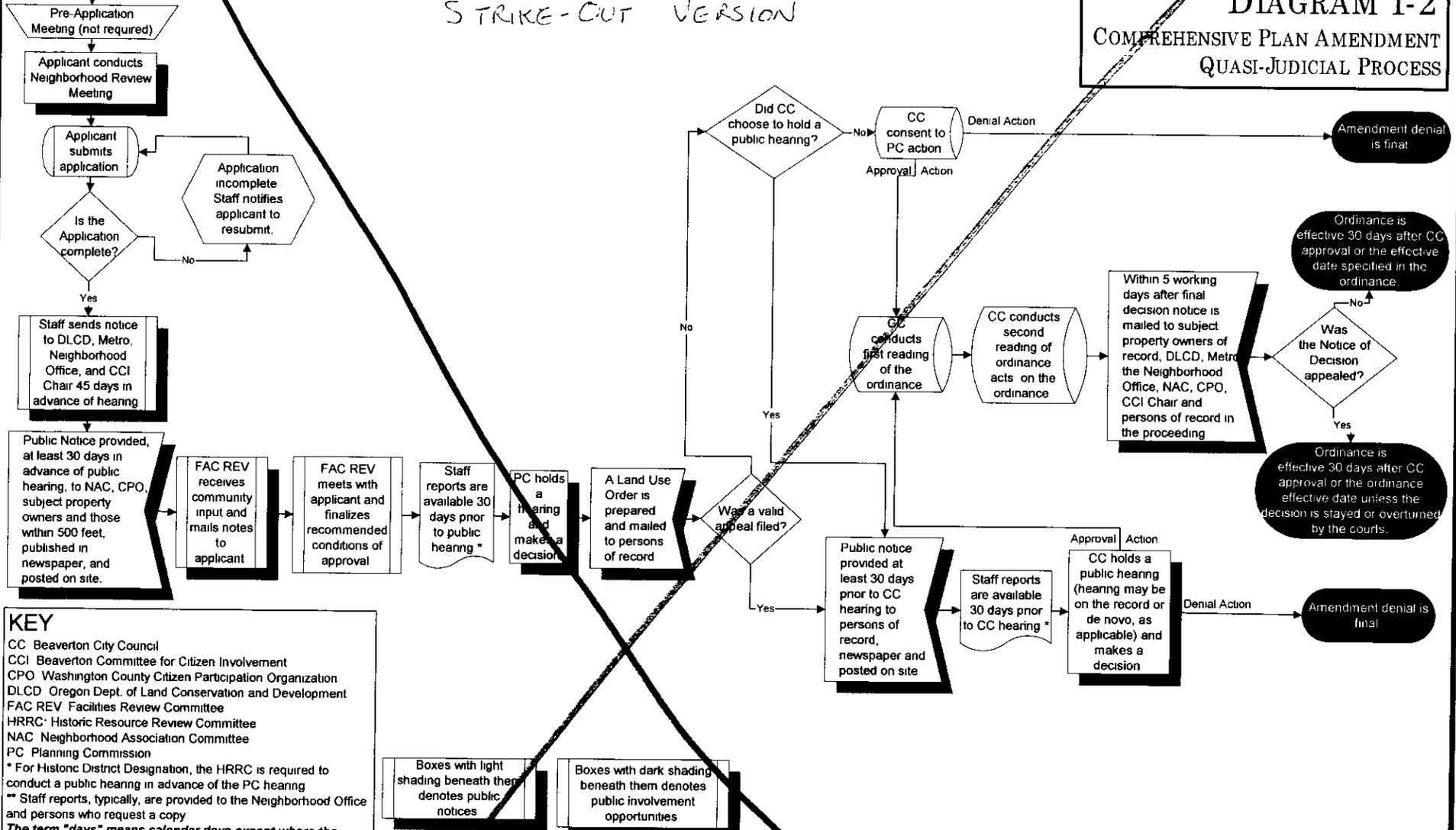
Boxes with light shading beneath them denotes public notices.  
 Boxes with dark shading beneath them denotes public involvement opportunities

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

Start Here

STRIKE-OUT VERSION

# DIAGRAM I-2 COMPREHENSIVE PLAN AMENDMENT QUASI-JUDICIAL PROCESS



**KEY**

- CC Beaverton City Council
- CCI Beaverton Committee for Citizen Involvement
- CPO Washington County Citizen Participation Organization
- DLCD Oregon Dept. of Land Conservation and Development
- FAC REV Facilities Review Committee
- HRRC Historic Resource Review Committee
- NAC Neighborhood Association Committee
- PC Planning Commission

\* For Historic District Designation, the HRRC is required to conduct a public hearing in advance of the PC hearing  
 \*\* Staff reports, typically, are provided to the Neighborhood Office and persons who request a copy  
 The term "days" means calendar days except where the graphic is specific.

Boxes with light shading beneath them denotes public notices

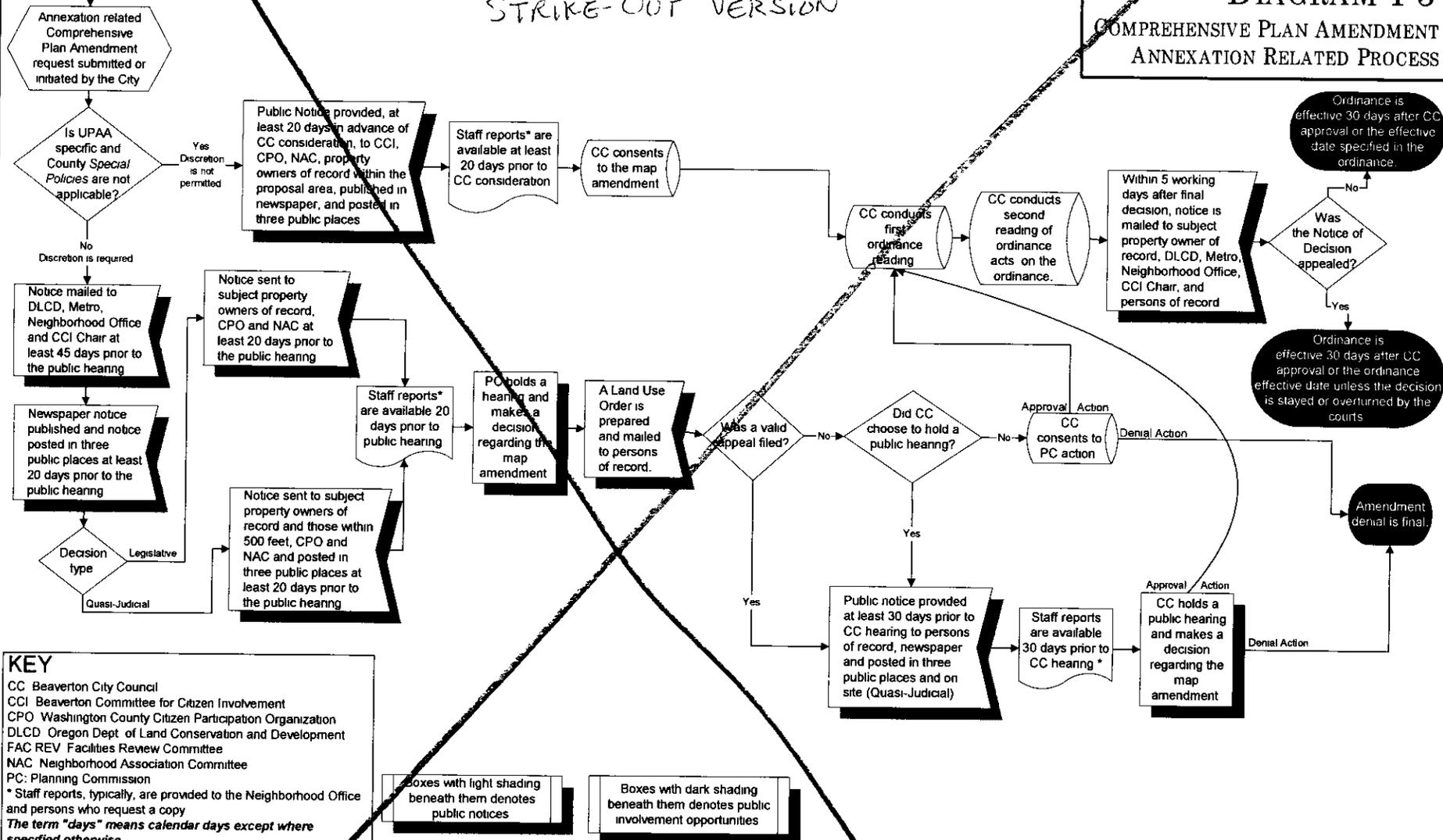
Boxes with dark shading beneath them denotes public involvement opportunities

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

STRIKE-OUT VERSION

**DIAGRAM I-3**  
**COMPREHENSIVE PLAN AMENDMENT**  
**ANNEXATION RELATED PROCESS**

**Start Here**

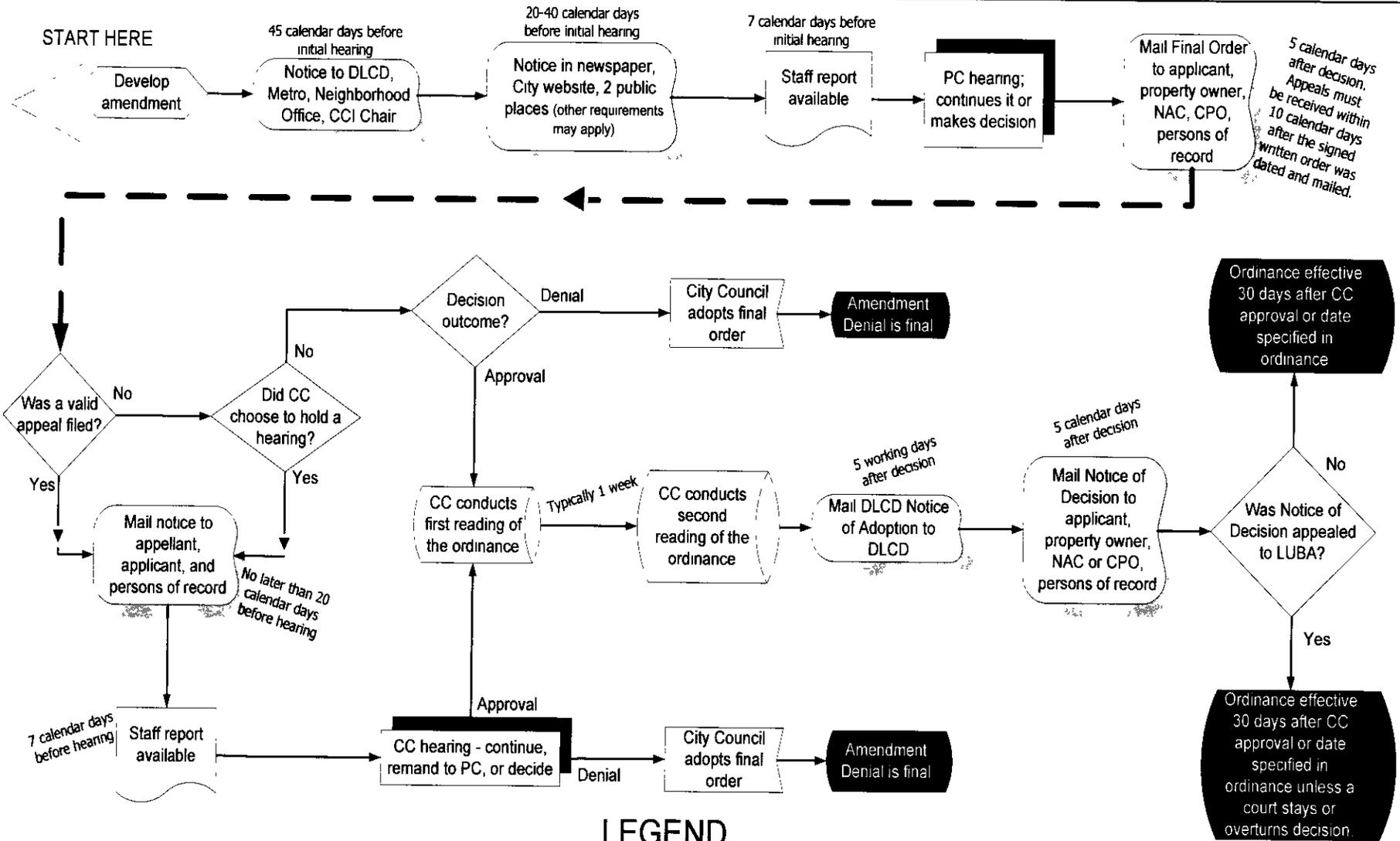


**KEY**  
 CC Beaverton City Council  
 CCI Beaverton Committee for Citizen Involvement  
 CPO Washington County Citizen Participation Organization  
 DLCD Oregon Dept. of Land Conservation and Development  
 FAC REV Facilities Review Committee  
 NAC Neighborhood Association Committee  
 PC: Planning Commission  
 \* Staff reports, typically, are provided to the Neighborhood Office and persons who request a copy  
 The term "days" means calendar days except where specified otherwise.

Boxes with light shading beneath them denotes public notices  
 Boxes with dark shading beneath them denotes public involvement opportunities

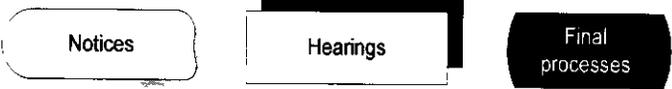
Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

# Diagram I-1 Legislative Process



## LEGEND

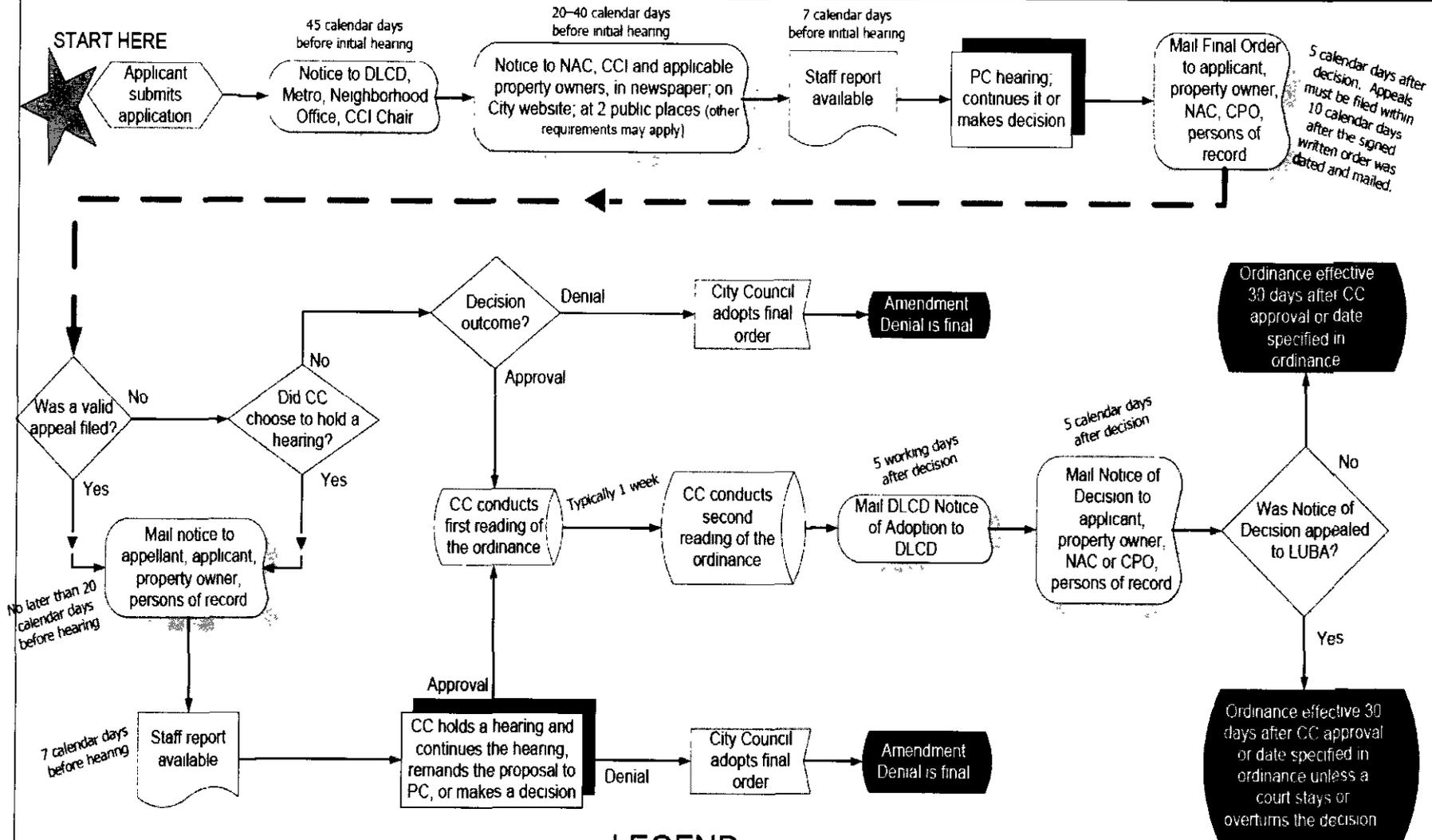
DLCD DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
 CCI COMMITTEE FOR CITIZEN INVOLVEMENT  
 PC. PLANNING COMMISSION  
 NAC. NEIGHBORHOOD ASSOCIATION COMMITTEE  
 CPO: COMMUNITY PARTICIPATION ORGANIZATION  
 CC. CITY COUNCIL



3/15/06 Supp SR

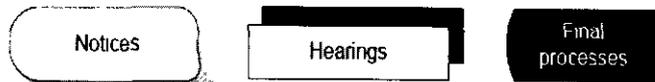
Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

**Diagram I-2  
Quasi-Judicial Process**



DLCD: DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
 CCI: COMMITTEE FOR CITIZEN INVOLVEMENT  
 PC: PLANNING COMMISSION  
 NAC: NEIGHBORHOOD ASSOCIATION COMMITTEE  
 CPO: COMMUNITY PARTICIPATION ORGANIZATION  
 CC: CITY COUNCIL

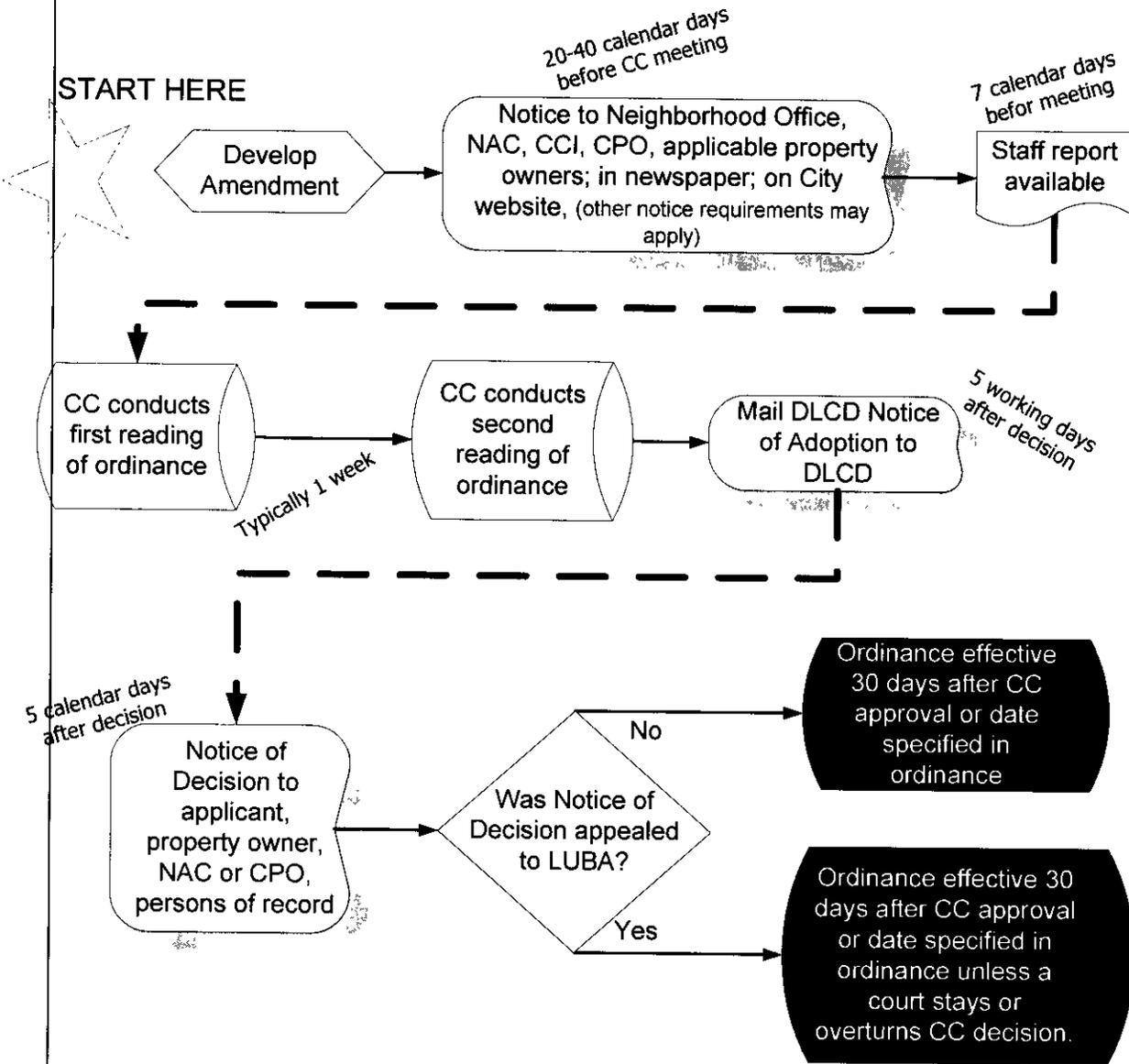
**LEGEND**



3/15/06 Supp SR

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

# Diagram I-3 Non-Discretionary Process



## LEGEND

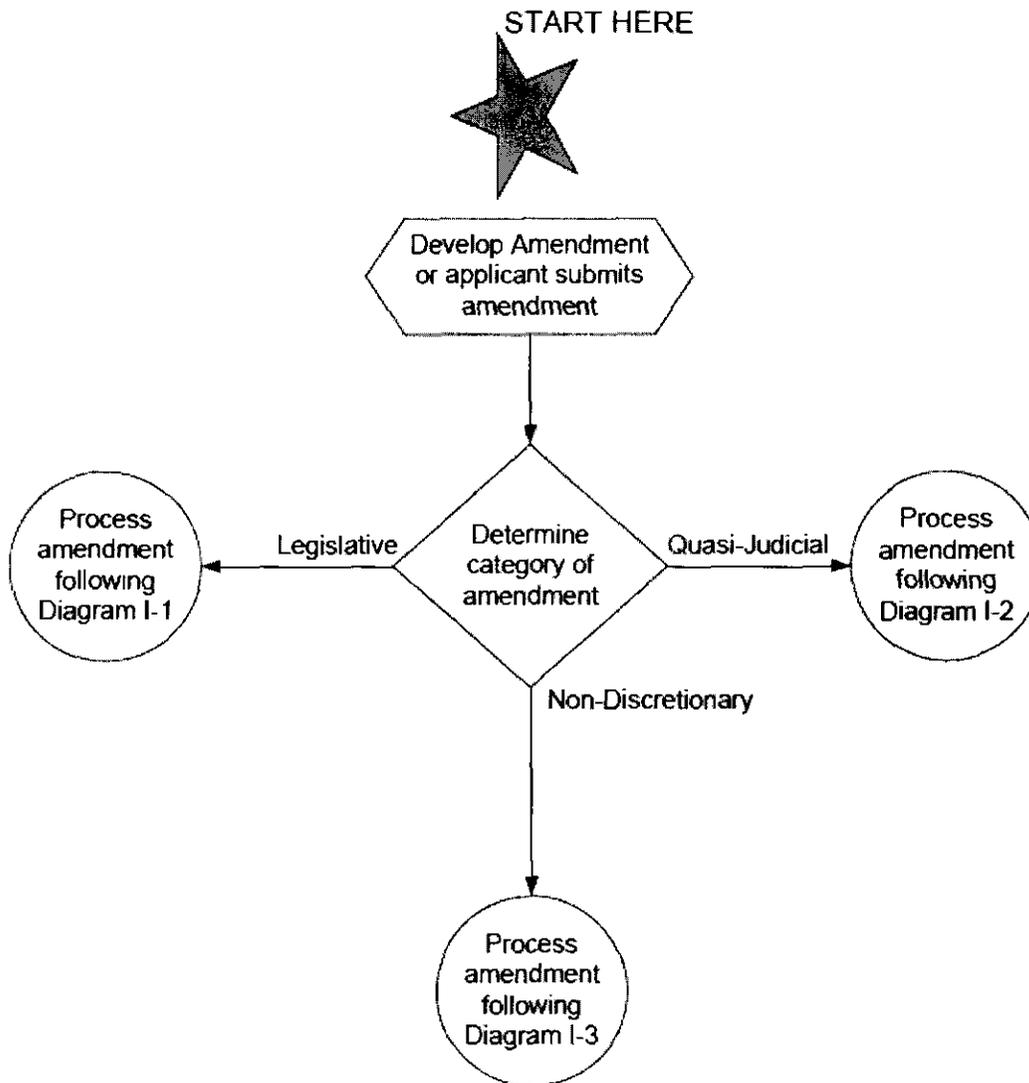
DLCD: DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
 CCI: COMMITTEE FOR CITIZEN INVOLVEMENT  
 CPO: COMMUNITY PARTICIPATION ORGANIZATION  
 NAC: NEIGHBORHOOD ASSOCIATION COMMITTEE  
 PC: PLANNING COMMISSION  
 CC: CITY COUNCIL

3/15/06 Sup SR



**Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.**

# Diagram I-4 Statewide Planning Goal 5 Inventory Resource Document Process



3/15/06 Sup SR

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

### **1.8 APPLICATION FEES**

In order to defray expenses incurred in connection with the processing of applications, the City has established a reasonable fee to be paid to the City upon the filing of an application for a Plan amendment. Fees for privately initiated Plan amendments requiring extraordinary staff time or expertise beyond the scope of the average process may be subject to an additional project management fee as established by Council Resolution 3285.

# CHAPTER TWO: PUBLIC INVOLVEMENT ELEMENT



# PUBLIC INVOLVEMENT ELEMENT

## 2.1 OVERVIEW

Engaging the public early and often in the decision-making process is critical to the success of any planning effort, especially in relation to land use and transportation issues. In addition, numerous state and federal laws, as well as local policies, require public review and feedback at critical points in public policy development. For example, the federal Intermodal Surface Transportation Efficiency Act of 1991 underscores the need for public involvement, calling on planning agencies to provide the public, affected public and private agencies, and other interested parties “with a reasonable opportunity to comment” on plans and programs.

## 2.2 PUBLIC INVOLVEMENT GOALS

Oregon’s Statewide Planning Goal 1 charges the governing body with preparing and adopting a comprehensive program for public involvement that clearly defines the procedures by which the general public can become involved in the planning process:

**Goal 1 Citizen Involvement:** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. (Department of Land Conservation and Development, adopted 1974, amended 1988)

The City of Beaverton’s commitment to ensuring an optimum level of public participation is reflected in its public involvement goals:

**City Council Goal:** Enhance citizen involvement and participation.

**Comprehensive Plan Public Involvement Goal:** The Planning Commission, Council, and other decision making bodies shall use their best efforts to involve the public in the planning process.

In response to these goals, the City has developed a Public Involvement program aimed at expanding opportunities for public involvement throughout the planning process.

## 2.2 PUBLIC INVOLVEMENT PROGRAM

In order to encourage public participation it is critical that issues important to different groups be identified and addressed early in the planning process. The need for and ~~desired~~ desirable level for public participation should be determined in the early stages of any planning activity.

Public participation provides information and assistance to staff and policy makers in dealing with issues of interest to the public. When the community and its decision-makers

work from a common base of information, an active, rather than reactive program can evolve. Such a program will provide information more suitable to the public's needs.

### **2.3 PUBLIC INVOLVEMENT PROGRAM OBJECTIVES**

- A. To involve a cross section of the community in the community planning process.
- B. To ensure effective two-way communication between the City and the public.
- C. To provide an opportunity for the public to be involved in all phases of the planning process (e.g., scoping, analysis, plan preparation, adoption, implementation, and monitoring).
- D. To ensure that technical information is presented in an understandable form.
- E. To ensure that the public will receive a response from policy-makers.
- F. To ensure appropriate funding for the public involvement program.

### **2.4 PROGRAM IMPLEMENTATION**

#### **2.4.1 CITY-WIDE PUBLIC INVOLVEMENT OUTREACH MECHANISMS**

Several existing mechanisms ensure city-wide public involvement in Beaverton's planning process. The City's primary outreach mechanisms are through:

- A. The Committee for Citizen Involvement, an advisory committee to the City Council;
- B. The Neighborhood Program Office;
- C. The Neighborhood Association Committees;
- D. Specific committees and special interest groups;
- E. *Your City*, a newsletter published six times per year, subject to continued funding, that is designed to keep the public informed and invite participation;
- F. Periodic news releases in area newspapers;
- G. Contact with the local media;
- H. The City's public internet web site;
- I. Public workshops and focus groups; and

## J. Public hearings.

Each public involvement opportunity is tailored to meet the needs and conditions of the outreach effort, and techniques are often combined.

### 2.4.2 PUBLIC INVOLVEMENT IN CITY DECISION MAKING PROCESSES

The City's formal decision making processes include several opportunities for public involvement. The public is invited to present their views at the various City board and committee meetings, including but not limited to City Council, Planning Commission, Traffic Commission, and Board of Design Review, ~~and Historic Resources Review Committee and Facilities Review Committee.~~ Public notices, complete with the hearing date, time, location, and hearing body, are mailed out at least twenty (20) calendar days prior to the date of the public hearing, ~~with thirty (30) calendar days notice given for Comprehensive Plan Amendments.~~ Notices of public hearings are primarily published in the advertisement section of *The Valley Times*. On occasion, public hearing notices are published in *The Oregonian*. Notices are also posted on the City's web site.

Final agendas are posted at least seven calendar days in advance of the meeting at City Hall, located at 4755 S.W. Griffith Drive, ~~the Beaverton post office on SW Betts and Farmington Road,~~ and the Beaverton Library at ~~Allen and Hall Boulevards~~ 12375 SW Fifth Street. Agendas and meeting notices are available upon request from the City. Documents containing the proposals to be considered at the public hearings are available at the ~~Planning Public Counter of the Community Development Department~~ at least seven (7) calendar days in advance of the hearing, at least twenty (20) calendar days for Comprehensive Plan Amendments. ~~When the plan amendment affects a specific parcel or group of parcels, the site in question is also posted with a notice of a pending land use public hearing and a telephone number to call for further information.~~

The public is encouraged to provide staff with written comments or copies of presentations, particularly if the statement is too long to be orally presented in its entirety at a meeting. Individuals unable to attend meetings can submit concerns and ideas in writing to the Community Development Department office prior to the close of the public comment period. Copies of all materials submitted prior to distribution to the appropriate decision making body are included in documentation provided for the hearing ~~deliberation~~ on the matter.

All meetings are held in locations accessible to persons with disabilities. Listening devices or other auxiliary aids, sign language interpreters for people with hearing impairments, and readers for people with visual impairments are provided if requested at least three working days (72 hours) prior to the meeting.

The City may also conducts public meetings, workshops, and focus groups on particular issues to solicit input and involvement in various planning issues. Adopted plans are also available to the public for review at the Community Development Department and the

Beaverton Library, and are posted on the City's internet web site. Copies may be acquired for the cost of duplication at the Community Development Department.

### 2.4.3 CITY-SPONSORED PUBLIC GROUPS

#### 2.4.3.1. Committee for Citizen Involvement (CCI)

Council Resolution 2058 (1978) established the CCI, defining its responsibilities as an advisory committee to the City Council. Ordinance 3557 established The Beaverton Code specifies membership of CCI as five at-large members appointed by the Mayor and confirmed by the Council and one member from each recognized Neighborhood Association Committee. The CCI's role is to assure that the community has a continuous opportunity to exchange ideas and information with the City, and to monitor and evaluate City programs as specified in the Beaverton Code, 1982, as amended (BC 2.03.050 through 2.03.054).

The Citizen Involvement Program, adopted by Resolution 2229 (1980), established a formalized public participation program for the CCI and provided a method by which the committee and other members of the community could communicate their opinions, inquiries, or complaints about City departments, committees, or the Council.

The program also provides for a newsletter (~~the CCI Herald~~) and calendar of City meetings, information flyers, community meetings, and funding for these activities as well as staff support and public hearing notices. The City is committed to providing financial support for public outreach and public participation processes. Staff and resource needs are determined during work program development for each plan, program, and project. In addition, the City's Neighborhood Program Office staff are available to coordinate outreach and work with City departments to realize the full potential of each public participation effort.

#### 2.4.3.2 Neighborhood Association Committees (NACs)

The Beaverton Code identifies the procedures by which residents can form Neighborhood Association Committees, add or delete areas of acknowledged NACs and provides a process for termination of NAC Recognition and NAC Grievances (BC 9.06.010 through 9.06.040) (Ordinance 3120) have been adopted by the City. Additions or deletions of Neighborhood Associations do not require a Comprehensive Plan Amendment. As the City expands, new NACs will be formed in accordance with the provisions of Ordinance 3120. Figure II-1 shows a graphic representation of the general boundaries for the existing NACs. Boundaries of the Neighborhood Association Committees NACs are shown on maps available at City Hall or on the City's website ([www.ci.beaverton.or.us](http://www.ci.beaverton.or.us)).

Currently there are thirteen neighborhood association committees in Beaverton:

South Beaverton	Greenway	Triple Creek	Vose
West Beaverton	Five Oaks	Denney Whitford	Raleigh West
Central Beaverton	Highland	Sexton Mountain	Raleigh Park

| ~~Neighbors-Southwest~~

| NACs provide a forum to identify, discuss, and offer solutions to neighborhood concerns such as traffic, safety, land use, and economic development. Supported by the Neighborhood Program Office, Beaverton's NACs are organized by volunteers, meet regularly, and participate in the public comment process. Monthly agendas and minutes are mailed to active participants. Neighborhood and city-wide issues are usually the main agenda topics.

*Figure II-1 Beaverton Neighborhood Associations*

2.4.3.3. The Beaverton Code (Section 2.03.002 – 2.03.300) identifies other City Boards, Commissions and Committees created by ordinance. Additional committees or review commissions may be established to address special projects, such as the Code Review Advisory Committee. These committees provide input to staff as they develop specific proposals, such as amendments to the Development Code.

#### **2.4.3.34. Citizen's Participation Organizations (CPOs)**

Washington County CPOs bordering the City limits are also involved in City planning issues through their newsletters and processes. Each CPO's newsletter details issues of county, city, and region-wide interest to its readers. ~~Often, p~~Public hearing notices and articles of interest concerning Beaverton issues are often included in the CPO newsletters.

#### ~~2.4.3.4. Other Public Boards and Commissions~~

~~The public may also attend and serve on City boards, commissions, and task forces. Appointments are usually made by the Mayor, the term is usually one year, and special experience is not necessary. Such boards currently include:~~

~~B.I.K.E. Task Force  
Citizens with Disabilities Advisory Committee  
Development Liaison Committee  
Planning Commission  
Traffic Commission  
Historic Resources Review Committee  
Board of Design Review  
Code Review Advisory Committee~~

#### **2.4.45 PUBLICATIONS AND MAIL NOTIFICATION**

"Your City" newsletter is ~~published and distributed city-wide.~~ It provides information on current issues to the residents of Beaverton. Published approximately six times per year, subject to available funding, "Your City" includes notification of regularly scheduled Board, Commission, Advisory Committee and Neighborhood Association Committee meetings and hearings, articles of interest to residents, and educational opportunities relating to planning and other community issues. Specific mailings, public notices, flyers, surveys and questionnaires, as well as the City's web site, cable broadcasts and other media, are used by the City to obtain input and provide information.

~~In addition, if information relates to a specific development proposal, such as for a Design Review Type I, II, III, Administrative or Quasi-Judicial decision, formal notice is provided in accordance with the Beaverton Development Code (ORD 2050).~~

## **2.5 OPPORTUNITIES FOR PUBLIC INVOLVEMENT**

Many City planning processes incorporate specific public involvement procedures, which are identified in Chapter I of this Plan and in the City of Beaverton Development Code, Ordinance 2050.

In addition to the City's public participation processes, Metro requires transportation plans and programs to conform with its adopted Local Public Involvement Policy. This policy defines procedures and includes a certification process for projects proposed for federal funding through Metro.

Early public participation is critical to identifying needs and issues, evaluating alternatives, and developing, implementing, and evaluating projects. Opportunities for public involvement are available during the following development preparation and review phases of City plans:

#### ~~2.5.1 Comments and Response to Comments~~

~~Comments received while plans are developed, adopted, implemented, and monitored are during plan preparation and review are also made part of the public record. At public hearings, comments are recorded and responses are noted. Public participation opportunities and public notice requirements for city plan and code revisions and updates are specified in the respective plan or code.~~

#### ~~2.5.2 FINANCIAL SUPPORT~~

~~The City is committed to providing financial support for public outreach and public participation processes. Staff and resource needs are determined during work program development for each plan, program, and project. In addition, the City's Neighborhood Program Office staff are available to coordinate outreach and work with City departments to realize the full potential of each public participation effort.~~

#### ~~2.5.3 EVALUATION OF THE PUBLIC INVOLVEMENT PROGRAM~~

~~At regular intervals, the City's Public Involvement Program is evaluated to ensure its continued effectiveness. Revisions may be made in portions of the program related to long range planning through the Comprehensive Plan Amendment process outlined in this Plan.~~

### ~~2.6 PUBLIC INVOLVEMENT IN COMPREHENSIVE PLAN AMENDMENT PROCESSES~~

~~Comprehensive Plan Amendments fall into four general categories: (1) Legislative Amendments to the Comprehensive Plan text, Map or both; (2) Quasi-Judicial Amendments (i.e., parcel specific amendments to the Comprehensive Plan Map resulting from privately initiated actions); (3) Annexation-Related Map Amendments; and (4) Historic Landmark or District Designation. Diagrams IA through IC, which appear in Chapter One, illustrate the steps in these amendment processes.~~

~~Public participation in Comprehensive Plan Amendments occurs in conformance with the processes described in Chapter One: Comprehensive Plan Amendment Procedures. Site-specific map amendments also include posted notification of the action pending on the subject property.~~

~~In addition to statutorily required notice and hearing procedures, and where formally recognized neighborhood association committees (NACs) exist, copies of proposed amendments affecting a neighborhood will be sent to association representatives. At the NAC's request, public information presentations on legislative amendments will be given to these groups prior to public hearings. The Planning Commission and City Council will employ a variety of means to provide information and will seek public participation. In addition, the Planning Commission or City Council may request public agencies and other organizations for recommendations on proposed amendments.~~

~~At times, amendments are accompanied by other development applications such as zone changes, conditional use permits, or land divisions. Public involvement opportunities for comprehensive plan amendments are shown graphically in Diagrams IA through IC in Chapter One and summarized below:~~

#### ~~2.6.1 LEGISLATIVE AMENDMENTS~~

##### ~~2.6.1.1 Comprehensive Plan Text Amendment~~

~~Comprehensive Plan Text Amendments (CPTAs) alter the language in the Comprehensive Plan but do not alter the Comprehensive Plan Map. CPTAs may be accompanied by Development Code text amendments.~~

~~CPTAs follow the process described in Chapter One of the Comprehensive Plan (Ordinance 1800, as amended). Diagram IA in Chapter One illustrates specific procedures and opportunities for public involvement.~~

~~Public involvement is accomplished in the CPTA process through the following means:~~

~~CPTAs are typically City initiated and include public involvement through advisory committees, Neighborhood Association Committees and public meetings.~~

~~CPTAs may be placed on the Facilities Review Committee agenda. If scheduled for the Facilities Review Committee agenda, notice will be provided to NAC chairs at least 15 calendar days in advance of the community input Facilities Review meeting.~~

~~A copy of the required inter-agency DLCD notice will be mailed to DLCD, the neighborhood office and the CCI chair 45 days prior to the Planning Commission hearing.~~

~~All NAC chairs or their designees are sent notice of the Planning Commission hearing at least 30 calendar days prior to the hearing. The staff report is available at least 30 calendar days prior to the hearing. Public comments at the Planning Commission hearing are entered into the public record. Comments are noted and included in the minutes of the meeting.~~

~~At the conclusion of the Planning Commission hearing, the Planning Commission makes a recommendation on the amendment to the City Council. The recommendation may be approval, denial or modification of the request.~~

~~The Planning Commission recommendation is acted on by the City Council on the consent agenda usually without a second public hearing. The City Council may choose to hold a public hearing or, if an appeal is filed, a public hearing is scheduled.~~

~~The public may provide testimony, both written and oral, at the City Council meeting, if the City Council holds a public hearing on the amendment.~~

#### ~~2.6.1.2 Comprehensive Plan Map Amendment~~

~~Legislative Comprehensive Plan Map Amendments are those actions that produce a general rule or policy which is applicable to all parcels within a particular designation. An example of this type of comprehensive plan map amendment would be to change certain industrial lands to a different designation with policies applicable to all parcels with that particular designation.~~

~~CPMAs follow the process in Chapter One of the Comprehensive Plan (Ordinance 1800, as amended). Diagram IA illustrates specific procedures for these amendments and is shown in Chapter One.~~

~~Public involvement is accomplished in this same way as Comprehensive Plan Text Amendments except in the initial stage of staff report development. Prior to Department of Land Conservation and Development notification, staff initiates public meeting(s) with affected parties, takes comments, and, if appropriate, amends the application.~~

#### ~~2.6.2 QUASI JUDICIAL AMENDMENTS~~

~~Quasi-Judicial Comprehensive Plan Amendments are amendments to the map that are limited to specific parcels, interests or situations. This type of~~

amendment is typically coupled with a corresponding zone change.

Quasi-judicial development review applications requiring a public hearing may be processed concurrently with the Quasi-Judicial Comprehensive Plan Amendment. If a public hearing is required before the Board of Design Review, then the Planning Commission hearing on the comprehensive plan amendment will precede the Board of Design Review hearing. Specific development review procedures are contained in the City of Beaverton Development Code (Ordinance 2050). Diagram 1B illustrates specific procedures for these amendments and is shown in Chapter 1.

Public involvement is accomplished in this process through the following means:

A neighborhood meeting will be held in accordance with the provisions in Chapter One, Section 1.3.3.

A copy of the required inter-agency DLCD notice will be mailed to DLCD, the neighborhood office and the CCI chair 45 days prior to the Planning Commission hearing.

Property owners and NACs are mailed notice of the community involvement meeting with the Facilities Review Committee at least 15 calendar days prior to the meeting. Comments provided at that meeting, either written or oral will be included in the Comment section of the staff report to the Planning Commission.

Property owners and NAC chairs are mailed notice of the Planning Commission hearing 30 calendar days prior to the hearing. Board of Design Review hearing notice for related applications is mailed pursuant to Ordinance 2050. Public comments at the Planning Commission hearing are entered into the public record. Comments are noted and included in the minutes of the meeting.

At the conclusion of the Planning Commission hearing, the Planning Commission makes a recommendation on the amendment to the City Council. The recommendation may be approval, denial or modification of the request.

The Planning Commission recommendation is acted on by the City Council on the consent agenda usually without a second public hearing. The City Council may choose to hold a public hearing or, if an appeal is filed, a public hearing is scheduled.

~~The public may provide testimony, both written and oral, at the City Council meeting, if the City Council holds a public hearing.~~

#### ~~2.6.3 ANNEXATION RELATED MAP AMENDMENTS~~

~~Comprehensive Plan Map amendments are required for adoption of appropriate Comprehensive Plan designations for lands annexed into the City of Beaverton. The City has adopted an Urban Planning Area Agreement (UPAA) with Washington County, which identifies City Comprehensive Plan and zoning designation equivalents to those found in the Washington County Comprehensive Plan and Community Development Code. Annexation related map amendments follow the procedures set forth in Chapter One.~~

#### ~~2.6.4 HISTORIC LANDMARK AND DISTRICT DESIGNATION AMENDMENTS~~

~~Some comprehensive plan amendments are required to designate Historic Landmarks and Historic Districts on the Historic Resources Inventory. The Historic Resources Review Committee (HRRC) shall hold a public hearing on the proposed landmark or district designation. The Planning Commission then holds a hearing on the matter and forwards the recommendation to the City Council. See Chapter One for further processing requirements.~~

## GLOSSARY OF COMPREHENSIVE PLAN TERMS

The terms in this Plan embody the legislative intent of the City Council. Terms of ordinary usage are to be given their usual and reasonable meanings. Key words and concepts used in this Plan are explained below.

When the meaning ascribed to a term in this section conflicts with an identical or nearly identical term appearing in a closely-related state, regional, or federal law, the intent under this ordinance shall prevail unless a superior source of law requires a different result.

Where terms are not defined in this section, and a term conflicts with a provision of statewide, regional, or City of Beaverton law, the more restrictive interpretation will prevail unless it leads to an unlawful result.

Definitions of terms used throughout this comprehensive plan rely on applicable statutory definitions when they appear in Oregon law, and are implicit to in the comprehensive plan. Definitions appearing in the City of Beaverton Municipal Code Beaverton Code, 1982 are also incorporated by reference when they are not otherwise defined in this section. In cases where terms are not defined in this section, and the city's Beaverton Municipal Code and state statute law conflict, the more restrictive of the two shall be considered to govern. When defined in this section, the comprehensive plan definition will prevail, unless it explicitly conflicts with definitions appearing in applicable state or federal laws.

Key words necessary to understand the various comprehensive plan elements, which may not be defined by federal, state or local laws, are defined below for the reader's convenience:

**ACCESS** The place, or means or way by which pedestrians, vehicles, or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement. (Beaverton Development Code) to safely enter a site from a roadway and exit a site onto a roadway by pedestrians, bicycles or motorized vehicles.



**ACCESSIBILITY** The amount of time required to reach a given location or service by any mode of travel. (Metro Code 3.07.1010(a)) (Also Metro Regional Framework Plan)

**ACCESSORY STRUCTURE OR USE DWELLING UNIT** A use or structuredwelling unit incidental or subordinate to the principal use of a building or project and located on the same site.

**ACCESSORY STRUCTURE OR USE** A structure or use incidental, appropriate and subordinate to the main structure or use. (Beaverton Development Code)

**ACKNOWLEDGEMENT** An Land Conservation and Development Commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro Urban Growth Management Functional Plan, amendments to Metro planning goals and objectives or amendments to the Metro Urban Growth Management Functional Plan comply with the statewide planning goals. (ORS 197.015(1))

**ACQUIRE OR ACQUISITION** The acquisition of land, by purchase, lease, gift, grant, or devise, construction, installation, reconstruction, repair and alteration, and the equipment, improvement and extension of mass transit facilities. ORS 391.510

**ACRE FOOT** The quantity of water required to cover one acre one foot deep. One acre foot equals 325,850 gallons.

**ACRES, GROSS** The entire acreage of a site, including proposed rights of way, easements, environmental lands, etc. Gross acreage is measured from the centerline of proposed bounding streets and to the edge of the right of way of existing or dedicated streets.

<b>ACRES, NET</b>	The acreage of a site, not including public or private road rights of way, other easements, public open space, environmental lands, and floodways.
<b>ACTIONS</b>	With regard to implementation actions identified in this Plan: <u>Direct specific City activities or events, consistent with the Comprehensive Plan goals and policies.</u>
<b>ADJACENT</b>	Near or close. To have property lines or portions thereof in common or facing each other across a right-of-way, street, or alley. <u>Near or close or next to.</u> For example, an Industrial District across the street from a Residential District shall be considered as "adjacent". (Beaverton Development Code)
<b>ADVERSE IMPACT</b>	A negative consequence, <u>demonstrated through evidence,</u> for to the physical, social, or economic environment resulting from an action or a development project.
<b>AFFORDABLE HOUSING</b>	<u>For the purposes of complying with Metro's Title 7 provisions, affordable housing is defined as housing that is affordable to residents earning less than 50% of the Metro area median income whereby no more than 30% of the household's gross income is expended toward housing costs.</u>
<b>AGRICULTURE</b>	Use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on prime or improved pasture land.
<b>AGRICULTURAL LAND</b>	Lands with commercially productive soils and/or in viable agricultural production. All agriculturally zoned land within the city of Beaverton is considered a short-term zone.
<b>AIRPORT CLEAR ZONE</b>	A designated area of land that is subject to peak aircraft noise and on which there is the highest potential of danger from airport operations.
<b>ALLUVIAL</b>	Soils deposited by stream action.
<b>ALTERNATIVE MODES</b>	Alternative methods of travel to the automobile, including public transportation (light rail, bus and other forms of public transportation), bicycles and walking.
<b>AMBIENT</b>	Surrounding on all sides; this term is used to describe measurements of existing conditions with respect to traffic, noise, air and other environments.
<b>APARTMENT</b>	(1) One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose; (2) A separate suite, not owner occupied, which includes kitchen facilities and is designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.
<b>APPROACH ROAD</b>	Includes a private road that crosses a state highway or a county road. ORS 374.305

<b>APPROPRIATE</b>	An act, condition, or state <del>that is considered suitable</del> <u>under the circumstances.</u>
<b>AQUIFER</b>	An underground, water bearing layer of earth, porous rock, sand, or gravel, through which water can seep or be held in natural storage.
<b>AQUIFER RECHARGE</b>	<del>The replenishment of ground water in an aquifer.</del>
<b>ARCADE</b>	<del>A continuously covered area which functions as a weather-protected extension adjacent to a public pedestrian way or sidewalk, with a minimum height of eight (8) feet above finished grade.</del>
<b>ARCHAEOLOGICAL</b>	Relating to the material remains of past human life, culture, or activities.
<b>ARCHITECTURAL REVIEW</b>	<del>Regulations and procedures requiring the exterior design of structures to be suitable, harmonious, and in keeping with the general appearance, historical character, and/or style of surrounding areas. A process used to exercise control over the design of buildings and their settings.</del>
<b>AREAS AND ACTIVITIES OF METROPOLITAN CONCERN</b>	
	<del>A program, area or activity, having significant impact upon the orderly and responsible development of the metropolitan area that can benefit from a coordinated multi-jurisdictional response.</del>
<b>ARTERIAL STREET</b>	Arterial streets serve to interconnect and support the freeway system. These streets link major areas of the city. Arterial streets are typically spaced about one mile apart to assure accessibility and reduce the incidence of traffic using collectors, neighborhood routes, or local streets in lieu of an arterial street.
<b>AUTO MALL</b>	<del>A single location that provides sales space and centralized services for a number of automobile dealers, which may include related services.</del>
<b>AWNING</b>	A roof like structure of fabric stretched over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection. ( <u>Beaverton Development Code</u> )
<b>BALANCED CUT AND FILL</b>	<del>No net increase in fill within the floodplain.</del>
<b>BASE WASTEWATER FLOW (BWF)</b>	<del>Refers to the amount of sewage incoming for treatment.</del>
<b>BEAVERTON CODE</b>	<u>The Beaverton Code, 1982, as amended.</u>

# B

<b>BEAVERTON DEVELOPMENT CODE</b>	<u>Development Code of the City of Beaverton, Ordinance 2050, as amended, is an ordinance establishing the zoning standards, regulations and procedures, providing related development requirements and providing penalties and otherwise implementing this Plan.</u>
<b>BEAVERTON ENGINEERING DESIGN MANUAL AND STANDARD DRAWINGS</b>	<u>A compilation of resolutions and ordinances setting forth the technical engineering standards that implement the City's Site Development Ordinance.</u>
<b>BELOW MARKET RATE (BMR) HOUSING</b>	<del>Any housing unit specifically priced to be sold or rented to very low, low or moderate income households for an amount less than the fair market value of the unit.</del>
<b>BENEFICIAL USE STANDARDS</b>	<del>Under Oregon law, specific uses of water within a drainage basin deemed to be important to the ecology of that basin as well as to the needs of local communities are designated as "beneficial uses." Hence, "beneficial use standards" are adopted to preserve water quality or quantity necessary to sustain the identified beneficial uses.</del>
<b>BICYCLE LANE (BIKE LANE)</b>	Bicycle lane means the area within the street right-of-way designated specifically for use by bicyclists. The same area may also be referred to as a "bike lane." Bicycle lanes are striped and accommodate only one-way travel. ( <u>Beaverton Development Code</u> )
<b>BIKEWAY</b>	Bikeway means any path or roadway facility that is intended for and suitable for bicycle use. ( <u>Beaverton Development Code</u> )
<b>BLIGHTED AREA</b>	<del>An area where there are a substantial number of slum, deteriorated, or deteriorating structures and conditions that endanger life or property by fire or other causes or one or more of the following factors that substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use: predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of the site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; and/or diversity of ownership or defective or unusual conditions of title that prevent the free alienability of land within the deteriorated or hazardous area.</del>

**BOD<sub>5</sub>** (5-DAY BIOCHEMICAL OXYGEN DEMAND)

is a measure of the "strength" of sewage. It refers to the amount of oxygen required to stabilize the organic waste in 5 days.

**BOULEVARD DESIGN**

A design concept that emphasizes pedestrian travel, bicycling and the use of public transportation, and accommodates motor vehicle travel.

**BUFFER ZONE**

An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

**BUILDABLE LANDS**

Lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. Buildable lands includes both vacant land and developed land likely to be redeveloped. (ORS 197.295(1))

**BUILDING, MAXIMUM HEIGHT** The vertical distance from the average elevation of the finished grade to the highest point of the structure.

**BUILDING; BUILD OUT** Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

**BULK ELECTRIC TRANSMISSION CORRIDORS**

Rights-of-way and associated easements used for the placement of an interconnected group of electric lines and associated equipment for the movement or transfer of electricity in bulk between points of supply and points of delivery, where the transmission voltage is 230 KV or above.

**BULK RETAIL USE** A retail or wholesale to the public use that sells primarily institutional sized or multi-pack products in bulk quantities.

**BUS**

A motor vehicle designed for carrying 15 or more passengers, exclusive of the driver, and used for the transportation of persons. (ORS 184.674675(6))

# C

**CALCULATED CAPACITY** The number of dwelling units and jobs that can be contained in an area based on the calculation required by the Metro Functional Plan.

**CAMPUS DEVELOPMENT** A development which meets the following criteria:

- (1) is located on a lot or contiguous lots within the Industrial or Institutional districts that total at least five acres in size; and
- (2) includes multiple buildings, which are interrelated in a common business or educational activity or process, and share a common infrastructure such as pedestrian ways and spaces, parking and vehicular accessways.

**CAPITAL BUDGET** — A portion of each local government's budget that reflects capital improvements scheduled for a funded fiscal year.

**CAPITAL IMPROVEMENT** — Physical assets constructed or purchased to provide, improve or replace a public facility and that are large in scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing.

**CAPITAL IMPROVEMENTS PROGRAM (CIP)**

A multi-year (usually five or six) schedule of capital improvement projects, including cost estimates and priorities, budgeted to fit financial resources. The CIP is administered by a city or county government and reviewed by its planning commission. It schedules permanent improvements needed in the future, taking into consideration the projected fiscal capability of the local jurisdiction. The CIP is generally reviewed annually for conformance to and consistency with the comprehensive plan. In Beaverton, the CIP is called the Capital Improvements Plan.

**CAPACITY EXPANSION** — Constructed or operational improvements to the regional motor vehicle system that increase the capacity of the system.

**CARBON DIOXIDE** — A colorless, odorless, non-poison gas that is a normal part of the atmosphere.

**CARBON MONOXIDE** — A colorless, odorless, highly poisonous gas produced by automobiles and other machines with internal combustion engines that imperfectly burn fossil fuels such as oil and gas.

**CENTRAL BUSINESS DISTRICT (CBD)**

— The major commercial downtown center of a community.

**CENTRAL CITY** — The downtown and adjacent portions of the city of Portland. See the Growth Concept map and text.

— Downtown Portland is the Central city, which serves as the major regional center, an employment and cultural center for the metropolitan area. An average of 250 persons per acre are recommended.

**CITY STREET** — Any street located within the city or city and county, except a freeway, state highway, or county highway. ORS 376.705

<b>CLUSTER DEVELOPMENT</b>	Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.
<b>CLUSTERING</b>	<del>The practice of grouping permitted types of residential uses close together rather than distributing them evenly throughout a site while remaining at/or below the permitted density.</del>
<b>COLLECTOR STREET</b>	Collector streets provide both access and circulation within major areas of the city. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive access control, and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system.
<b>COMMERCIAL PARKING FACILITY</b>	<del>A parking structure or surface parking lot operated for profit that has parking spaces that are not accessory to a primary use. This term does not include a park and ride lot.</del>
<b>COMMERCIAL USES</b>	Activities within land areas that are predominantly connected with the sale, rental and distribution of products, or performance of services.
<b>COMMUNITY DEVELOPMENT DIRECTOR</b>	<u>The Director of Community Development for the City of Beaverton, Oregon, or designee.</u>
<b>COMMUNITY PLAN</b>	<u>Volume V of the Comprehensive Plan. These documents describe policies and action statements and map designations specific to a particular geographic location.</u>
<b>COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)</b>	<del>A 24-hour energy equivalent level derived from a variety of single noise events, with weighting factors of 5 and 10 dBA applied to the evening (7:00 to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 am) periods, respectively, to allow for the greater sensitivity to noise during these hours.</del>
<b>COMPATIBLE</b>	Capable of existing together without <del>conflict or ill effects</del> <u>discord or disharmony.</u>
<b>COMPREHENSIVE</b>	<del>All inclusive, both in terms of geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. ORS 197.015</del>
<b>COMPREHENSIVE PLAN</b>	A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. (ORS 197.015(5))

<b>CONCURRENCY</b>	A regulation specifying that before a development permit can be issued, what public facilities must be provided to the proposed development, when these facilities will be provided, and who will pay for them.
<b>CONDOMINIUM</b>	A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units.
<b>CONGESTION</b>	<u>Occurs when traffic demand nears or exceeds the available capacity of the system.</u>
<b>CONGREGATE LIVING FACILITY</b>	Any building(s), section of a building, residence, private home, boarding house, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding twenty-four hours, housing, food services and one or more personal care services to persons not related to the owner or operator by blood, marriage, or adoption. Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. For purposes of this comprehensive plan, congregate living facilities shall not be deemed to include boarding/rooming houses; fraternities/sororities; monasteries; convents; hotels/motels; professional residential facilities; or nursing convalescent and extended care facilities.
<b>CONNECTIVITY</b>	The degree to which the local and regional street systems in a given area are interconnected. <u>(Metro Code 3.07.1010(j))</u>
<b>CONSERVATION EASEMENT</b>	<u>The management of natural resources to prevent waste, destruction or neglect. An easement specifically written to maintain or protect a natural resource.</u>
<b>CONSERVATION USES</b>	<u>Activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities and wildlife habitats.</u>
<b>CONVENIENCE GOODS</b>	Retail items generally necessary or desirable for everyday living, usually purchased at a convenient nearby location. Because these goods cost relatively little compared to income, they are often purchased without comparison shopping.

<del>COORDINATED PLAN</del>	<del>When the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. ORS 197.015</del>
CORRIDORS	<p>While some corridors may be continuous, narrow bands of higher-intensity development along arterial roads, others may be more 'nodal,' that is, a series of smaller centers at major intersections or other locations along the arterial that have high-quality pedestrian environments, good connections to adjacent neighborhoods and good transit service. As long as the average target densities and uses are allowed and encouraged along the corridor, many different development patterns--nodal or linear--may meet the corridor objective. (Metro Regional Framework Plan)</p> <p>Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities. (Metro Code 3.07.130) An average of 25 persons per acre is recommended. (Metro Code 3.07.170)</p>
CRITICAL PUBLIC FACILITIES	<u>Critical public facilities and services shall include public water, public sanitary sewer, storm water system (including storm water quality and quantity facilities), transportation, and fire protection. (Engineering Design Manual and Standard Drawings Proposed Definition)</u>
CULTURAL RESOURCES	<u>Areas characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs, and social forms. For example, an archaeological site, such as an Indian burial ground could be an important cultural site.</u>
dB	Decibel; a unit used to express the relative intensity of a sound as it is heard by the human ear.
dBA	The "A-weighted" scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of 10 dBA doubles the perceived loudness, though the noise is actually ten times more intense.
DBH	The diameter of a tree measured at breast height (4 feet).
DECISION, DISCRETIONARY	An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project. (See <i>Decision, Quasi-Judicial</i> )
DECISION, LEGISLATIVE	<u>A decision of a local official or entity based upon the decision-maker's perception of the best course of action. The city typically employs legislative decisions in adopting an ordinance or resolution establishing a basic principle or policy. Examples are decisions to adopt a comprehensive plan, apply a plan designation to a large number of properties, or decisions which affect a large geographic area or number of persons. A decision</u>

D

made by elected officials of a local, state, or federal government based on their perception of the best course of action. No evidence must be present in the record to support the decision, and findings of fact based on the record are therefore not required. Legislative decisions typically occur when the city is adopting an ordinance or resolution, or establishing a basic principle or policies, such as during adoption of a comprehensive plan

**DECISION, QUASI-JUDICIAL** Refers to "judicial" acts by agencies and authorities that are not really constituted as courts of law, and which must make findings of fact based on the record and substantial evidence as part of their decision-making process. For example, a ruling by the Planning Commission is a quasi-judicial decision, which must be based on findings of fact. Quasi-judicial decisions bear different aspects than legislative decisions. For example, requests of quasi-judicial decisions usually must actually result in a decision; quasi-judicial decisions are bound to apply pre-existing criteria to concrete facts; and they are customarily directed at a closely-circumscribed factual situation or small number of persons. The more a local government decision bears these emblems, the more it is a quasi-judicial decision.

**DEDICATION** The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses are often made conditions for approval of development.

**DENSITY** The ratio of dwelling units or employees per unit of area (square feet, acre, square mile, etc.). Density generally refers to residential uses. A measure of the intensity of the development generally expressed in terms of dwelling units (du) per acre (i.e., less than 7.5 du per acre = low density; 7.5 to 15 du per acre = medium density, etc.) It can also be expressed in terms of population density (people per acre). It is useful for establishing a balance between potential local service use and service capacities.

**DENSITY BONUS** The allocation of development rights that allows a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is planned or zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location. *(See Development Rights, Transfer of)*

**DENSITY CREDIT** The transfer of development density rights from one piece of one property to another piece of the same property. A project site that contains environmentally sensitive areas or other

lands that should not be developed, as defined in this comprehensive plan, may be entitled to a density credit.

**DENSITY, GROSS**

The number of dwelling units per gross acre. Gross acreage is the total amount of land, including all developable and undevelopable portions.

**DENSITY, NET**

The number of dwelling units allowed on per net developable acre (the total acreage of developable portions of the site) (net developable acre) within a given land area.

**DENSITY, RESIDENTIAL**

The number of permanent residential dwelling units per acre of land. Densities specified in the comprehensive plan may be expressed in units per gross acre or per net developable acre (See Gross Acres and Net Acres, Acres, Gross and Acres, Net).

**DENSITY TRANSFER**

A way of retaining open space by concentrating densities, usually in compact areas adjacent to existing urbanization and utilities, while leaving unchanged historic, sensitive, or hazardous areas. In some jurisdictions, for example, developers can buy development rights of properties targeted for public open space and transfer the additional density to the base number of units permitted in the zone in which they propose to develop.

**DESIGN PLAN**

A plan for a defined geographic area in a single or multiple ownership that is consistent with the Comprehensive Plan and includes, but is not limited to, a land use and circulation plan, development standards, design guidelines, an open space plan, utilities plans and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the Design Review process. (Beaverton Development Code)

**DESIGNATED BENEFICIAL WATER USES**

The same as the term as defined by the Oregon Department of Water Resources, which is: an instream public use of water for the benefit of an appropriator for a purpose consistent with the laws and the economic and general welfare of the people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stockwater and wildlife uses.

**DESIGN TYPE**

The conceptual areas described in the Metro 2040 Growth Concept text and map in Metro's regional goals and objectives, including central city, regional centers, town centers, station communities, corridors, main streets, inner and outer neighborhoods, industrial areas, and employment areas. (Metro Code 3.07.1010(m))

**DEVELOPABLE LAND**

Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

**DEVELOPER**

An individual who or business that prepares raw land for the construction of buildings or causes to be built physical space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental to another business or activity.

**DEVELOPMENT**

Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. In addition, any other activity that results in removal of more than 10% of the existing vegetated area on the lot is defined as development, for the purposes of Title 3 (of the Regional Functional Plan).

Exceptions:

a. Stream enhancement or restoration projects approved by cities or counties.

b. Agricultural activity.

c. Replacement, additions, alternations and accessory uses for existing structures and development that do not encroach into the Water Quality and Flood Management Area more than the existing structure or development.

The physical extension and/or construction of urban land uses. Development activities include: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetation cover (with the exception of agricultural activities). The making of any material change in the use of any building or other land is development, while routine repair and maintenance activities are not. Generally, any man-made change to existing or proposed use of real property. Development activities include: land divisions, lot line adjustments, construction or alteration of structures, construction of roads and any other accessway, establishing utilities or other associated facilities, grading, deposit of refuse, debris or fill, and clearing of vegetative cover. Does not include routine acts of repair or maintenance.

**DEVELOPMENT APPLICATION** — An application for a land use decision, limited land use decisions including expedited land divisions, but excluding partitions as defined in ORS 92.010(7) and ministerial decisions such as a building permit.

**DEVELOPMENT PHASING** — The process by which a large scale project is built in stages over a period of time, concurrent with market conditions or the provision of public facilities.

**DEVELOPMENT RIGHTS, TRANSFER OF (TDR)**

Also known as "Transfer of Development Credits," a program that can relocate potential development from areas where proposed land use or environmental impacts are considered undesirable (the "donor" site) to another ("receiver") site chosen on the basis of its ability to accommodate additional units of development beyond that for which it was zoned, with minimal environmental, social, and aesthetic impacts.

**DISABLED (HANDICAPPED)**

A person determined to have a physical impairment or mental disorder expected to be of long or indefinite duration. Many such impairments or disorders are of such a nature that a person's ability to live independently can be improved by appropriate housing conditions.

**DRIVE-THROUGH FACILITIES**

A building or use where the primary method of selling or servicing of goods or services is designed to allow drivers to remain in their vehicles before and during an activity on the site.

**DWELLING UNIT**

A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long term basis.

A structure or part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. (ORS 90.010(9))

**EARTHQUAKE HAZARDS**

Ground shaking, landslides, liquefaction and amplification are all earthquake hazards that can cause damage to structures and infrastructure. (Beaverton Natural Hazards Mitigation Plan)

**EASEMENT**

A form of nonpossessory ~~Usually~~ the right to use property owned by another for specific purposes or to gain access to some portion of another's property. For example, utility companies often have easements on the private property of individuals in order to install and maintain utility facilities.



**ECONOMIC OPPORTUNITIES ANALYSIS**

An "economic opportunities analysis" is a strategic assessment of the likely trends for growth of local economies in the state consistent with OAR 660-09-015. Such an analysis is critical for economic planning and for ensuring that the land supply in an urban area will meet long-term employment needs.

**EDUCATIONAL USES**

Activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities, including the areas of buildings, campus open space, dormitories, recreational facilities and parking

<b>EFFLUENT</b>	Wastewater leaving a treatment plant.
<b>ELDERLY HOUSING</b>	Typically one and two bedroom apartments designed to meet the needs of persons 62 years of age or older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them. (See <i>Congregate Living Facility</i> )
<b>EMPLOYMENT AREAS</b>	Areas of mixed employment that include various types of manufacturing, distribution and warehousing uses, commercial and retail development as well as some residential development. Retail uses should primarily serve the needs of people working or living in the immediate employment area. Exceptions to this general policy can be made only for certain areas indicated in a functional plan. <u>Commercial uses are to be limited.</u>  Various types of employment and some residential development are encouraged in employment areas with limited commercial uses. <u>Recommended density is 20 persons per acre.</u>
<b>ENCLAVE</b>	A geographical area that is surrounded partially or totally by land managed by another jurisdiction, and for which the management of that area by the governing jurisdiction is impeded because of its inaccessibility.
<b>ENCROACHMENT AREA</b>	Areas in floodplains and floodways where development is restricted due to potential impacts on natural hydrologic characteristics. Development or raising of the ground level (e.g., to avoid flood damage) in encroachment areas will obstruct flood water flows, raising the water surface level. Demand to build structures in the flood plain, regardless of potential flooding dangers, is common in urban areas. Reasons typically include lack of suitable land or lower flat land development costs compared to building on steeper gradients.
<b>ENDANGERED SPECIES</b>	A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes. <u>(See Title 50 of the Code of Federal Regulations)</u>
<b>ENGINEERING DIRECTOR</b>	The director of the Engineering Department of the City of Beaverton, Oregon, or designee.
<b>ENHANCE</b>	To improve existing conditions by increasing the quantity or quality of beneficial uses.
<b>ESSENTIAL PUBLIC FACILITIES</b>	<u>Essential facilities and services shall include schools, transit improvements, police protection, and public pedestrian and bicycle facilities.</u>
<b>ESTABLISHED NEIGHBORHOOD</b>	A neighborhood where platted lands are at least eighty percent developed and occupied, and where substantial deterioration since development has either not occurred or been reversed.

**EQUIVALENT DWELLING UNITS (EDU's)**

The standard unit of measurement for determining wastewater system capacity, which indexes all wastewater system generation and use to the amount used by an average dwelling unit.

**EXCEPTION** — An exception is taken for land when either commitments for use, current uses or other reasons make it impossible to meet the requirements of one or a number of the statewide planning goals.

**EXPANSIVE SOILS** — Soils that swell when they absorb water and shrink as they dry.

**EXPRESSWAY** — A divided multi-lane arterial highway for through traffic with full or partial access control and (generally) grade separations at major intersections.

**FAIR SHARE** — A proportionate amount by local jurisdiction. Used in the context of affordable housing in this document. "Fair share" means that each city and county within the region working with Metro to establish local and regional policies that will provide the opportunity within each jurisdiction for accommodating a portion of the region's need for affordable housing.

**FAMILY** (1) Two or more persons related by birth, marriage or adoption [U.S. Bureau of the Census]. (2) An individual or a group of persons living together who constitute a *bona fide* single family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club or other group of persons occupying a hotel, lodging house or institution of any kind.

**FAMILY WAGE JOB** — A permanent job with an annual income greater than or equal to the average annual covered wage in the region. The most current average annual covered wage information from the Oregon Employment Division shall be used to determine the family wage job rate for the region or for counties within the region.

**FEASIBLE** — Capable of being done, executed, or managed successfully from the standpoint of the physical and/or financial abilities of the implementer(s).

**FINANCE OF FINANCING** — The issuance of revenue bonds pursuant to ORS 391.570 by the authority for the purpose of providing financial assistance to districts. ORS 391.510

**FINANCIAL ASSISTANCE** — Providing of methods of financing of costs of mass transit facilities under ORS 267.227 and 391.500 to 391.660. ORS 391.510

**FIRE HAZARD ZONE** — An area where, due to slope, fuel, weather, or other fire-related conditions, the potential loss of life and property from a fire

F

necessitates special fire protection measures and planning before development occurs.

**FIRM YIELD** ————— The amount of water a supply source can provide on a continuous basis, without deficit, under a full range of hydrological conditions (may be based on records of previous 40 or 50 years.) Since that is a worse case scenario, supply is sometimes measured by a percentage of time a particular yield can be supplied.

**FISCAL TAX EQUITY** ————— The process by which interjurisdictional fiscal disparities can be addressed through a partial redistribution of the revenue gained from economic wealth, particularly the increment gained through economic growth.

**FISH AND WILDLIFE HABITAT CONSERVATION AREA**

————— The area defined on the Metro Water Quality and Flood Management Area Map to be completed and attached to the Urban Growth Management Functional Plan. These include all Water Quality and Flood Management Areas that require regulation in order to protect fish and wildlife habitat. This area has been mapped to generally include the area 200 feet from top of bank of streams in undeveloped areas with less than 25% slope, and 100 feet from edge of mapped wetland on undeveloped land.

**FLOOD PLAIN/FLOODPLAIN** Land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events. — The floodplain includes the land area identified and designated by the United States Army Corps of Engineers, the Oregon Department of State Lands, FEMA, or Washington County that has been or may be covered temporarily by water as a result of a storm event of identified frequency and the area along a watercourse enclosed by the outer limits of land that is subject to inundation in its natural or lower floodway fringe, and equal to the FIRM designation of an area of special hazard.

**FLOODWAY FRINGE** ————— Areas inundated during a 100-year flood event or identified by the National Flood Insurance Program as an "A" Zone or "V" Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps. The area of the flood plain, lying outside the floodway, which does not contribute appreciably to the passage of flood water, but serves as a retention area.

**FLOODWAY** The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights.

**FLOOR AREA RATIO (FAR)** The amount of gross floor area in relation to the amount of net site area, expressed in square feet. (Beaverton Development Code)

**FLOOR AREA RATIO (FAR) CREDIT**

The transfer of development intensity rights from one piece of one property to another piece of the same property. A project site that contains environmentally sensitive areas or other areas that should remain undeveloped, may be entitled to an intensity credit.

**FREEWAY**

Freeways provide the highest level of connectivity. These roadways generally span several jurisdictions and are often of statewide importance.

**FREIGHT MOBILITY**

The efficient movement of goods from point of origin to destination.

**FRONTAGE YARD**

The yard between a building and a street or public right-of-way or easement for public travel.

**FUNCTIONAL CLASSIFICATION OR MAP** Street Functional Classification

**FUNCTIONAL PLAN**

A limited-purpose multi-jurisdictional plan for an area or activity having significant district-wide impact upon the orderly and responsible development of the metropolitan area that serves as a guideline for local comprehensive plans consistent with ORS 268.390, in the context of the Comprehensive Plan, Functional Plan means the Metro Urban Growth Management Functional Plan. Metro's Urban Growth Management Functional Plan is one of several Metro Functional Plans.

**FUNCTIONS AND VALUES OF STREAM CORRIDORS**

Stream corridors have the following functions and values: water quality retention and enhancement, flood attenuation, fish and wildlife habitat, recreation, erosion control, education, aesthetic, open space and wildlife corridor.

**GATEWAY**

A point along a roadway entering the city at which a motorist gains a sense of having left the environs and of having entered the city.

**GENERAL NATURE**

A summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. ORS 197.015

**GEOLOGIC REVIEW**

The analysis of geologic hazards, including all potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, and the potential for erosion and sedimentation.

**GOAL**

The mandatory state-wide planning standards adopted by LCDC pursuant to ORS Chapters 195, 196 and 197. ORS 197.015. A general, long term aim or end toward which programs or activities are ultimately directed.

G

<b>GOALS</b>	The mandatory statewide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS chapters 195, 196, and 197. (ORS 197.015(8)) (OAR 660-018-0010(10))
<b>GREENBELT</b>	An open space area surrounding an urbanized community; sometimes defined as an open space buffer separating one community from another. A greenbelt is generally composed of different types of open space: parks, agricultural land, land with other important natural resource values, and land that is left open to protect the public health and safety.
<b>GROSS ACRES</b>	The entire acreage of a site, including proposed rights of way, easements, environmental lands, etc. Gross acreage is measured from the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.
<b>GROUNDWATER</b>	Water under the earth's surface, often confined to <i>in</i> aquifers, capable of supplying wells and springs.
<b>GROUNDWATER RECHARGE</b>	The natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into water holding rocks that provide underground storage (See <i>Aquifer</i> ).
<b>GROWTH CONCEPT</b>	As defined in the Metro Regional Framework Plan, the Growth Concept is <u>Aa</u> concept for the long-term growth management of our region stating the preferred form of the regional growth and development, including where and how much the UGB should be expanded, what densities should characterize different areas, and which areas should be protected as open space.
<b>GROWTH CONCEPT MAP</b>	The conceptual map demonstrating the 2040 Growth Concept design types attached to the Urban Growth Management Functional Plan Appendix and adopted as <u>-Metro Code 3.07.1010(z)</u> .
<b>GROWTH MANAGEMENT</b>	A method to guide development in order to minimize adverse environmental and fiscal impacts and maximize the health, safety, and welfare benefits to the residents of the community.
<b>GUIDELINES</b>	Suggested approaches designed to aid cities and counties in preparation, adoption and implementation of comprehensive plans in compliance with goals and to aid state agencies and special districts in the preparation, adoption and implementation of plans, programs and regulations in compliance with goals. Guidelines shall be advisory and shall not limit state agencies, cities, counties and special districts to a single approach. ORS 197.015



# H

<b>HABITAT</b>	Any area where there is naturally occurring food and cover for wildlife.
<del><b>HARD SURFACED HIGHWAYS</b></del>	<del>Any state road or highway constructed and surfaced or to be constructed and surfaced with such materials or combinations of materials as to produce what is commonly known or styled "pavement", and not such construction or surfacing as is commonly known as "macadam". ORS 366.015</del>
<b>HAZARDOUS MATERIALS</b>	Materials described as hazardous by Oregon Department of Environmental Quality.  <del>Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.</del>  <u>Hazardous material or substance includes but is not limited to a substance designated under 33 U.S.C. §1321 (b)(2)(A), any element, compound, mixture, solution or substance designated under 42 U.S.C. §9602, any hazardous waste having characteristics identified under or listed under 42 U.S.C. §6921, any toxic pollutant listed under 33 U.S.C. §1317 (a), any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action under 15 U.S.C. §2606, and any residue classified as hazardous waste pursuant to ORS 466.020(3). (CWS Design and Construction Standards)</u>
<b>HIGH CAPACITY TRANSIT</b>	Transit routes that may be either a road designated for frequent bus service or for a light-rail line. ( <u>Metro Regional Framework Plan definition</u> )
<b>HIGH OCCUPANCY VEHICLE (HOV)</b>	<u>Any vehicle other than a driver-only automobile single occupancy vehicle (e.g., a vanpool, a bus, or two or more persons to a car).</u>
<b>HIGHWAY</b>	High speed, high capacity, limited access transportation facility serving regional and countywide travel. Highways may cross at a different grade level.

**HILLSIDE AREAS** Land that has an average percent of slope equal to or exceeding fifteen percent.

**HISTORIC** An historic building or site is one that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts.

~~**HISTORIC PRESERVATION** The preservation of historically significant structures and neighborhoods in order to facilitate restoration and rehabilitation of the building(s) to a former condition.~~

**HISTORIC BUILDINGS OR STRUCTURES RESOURCES** Also known as Historic Resources, these are aAll areas, districts or sites containing properties listed on the city of Beaverton List of Historic Properties, or the State Historic Preservation Office, or the National Register of Historic Places.

**HOUSEHOLD** All those persons, related or unrelated, who occupy a single housing unit. (See *Family*)

**HOUSING AFFORDABILITY** The availability of housing such that no more than 30 percent (an index derived from federal, state and local housing agencies) of the monthly income of the household need be spent on shelter. (Metro Regional Framework Plan definition)

**HOUSING UNIT** The place of permanent or customary abode of a person or family. A housing unit may be a single family dwelling, multifamily dwelling, condominium, modular home, mobile home, cooperative, or any other residential unit considered real property under State law. A housing unit has, at least, cooking facilities, a bathroom, and a place to sleep. (See *Dwelling Unit, Family, and Household*)

# I

**IMPACT** The effect of any direct manmade actions or indirect repercussions of manmade actions on existing physical, social, or economic conditions.

**IMPACT FEE** A fee, also called a development fee, levied on the developer of a project by a city, county, or other public agency as compensation for otherwise unmitigated impacts the project will produce.

~~**IMPLEMENTING REGULATIONS**~~

~~Any city or county land use regulation as defined by ORS 197.015(11) which includes zoning, land division or other~~

ordinances which establishes standards for implementing a comprehensive plan.

**INDUSTRIAL**

The manufacture, production, assembly, processing, or storage of consumer goods. Industrial is often divided into "heavy industrial" uses, such as construction yards, quarrying, and factories; and "light industrial" uses, such as research and development and less intensive warehousing and manufacturing. Activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, distribution and research and development. Industrial uses may have unique land, infrastructure and transportation requirements. Industrial uses tend to have external impacts on surrounding uses and cluster in traditional or new industrial areas where they are segregated from other non-industrial activities. (OAR 660-009-0005(2))

**INDUSTRIAL AREAS**

An area set aside for industrial activities. Supporting commercial and related uses may be allowed, provided they are intended to serve the primary industrial users. Residential development shall not be considered a supporting use, nor shall retail users whose market area is substantially-notably larger than the industrial area be considered supporting uses. (Metro Regional Framework Plan)

~~Industrial areas would be set aside primarily for industrial activities. Other supporting uses, including some retail uses, may be allowed if limited to sizes and locations intended to serve the primary industrial uses. They include land-intensive employers, such as those around the Portland International Airport, the Hillsboro Airport and some areas along Highway 212/224. Areas of high agglomerative economic potential, such as the Sunset Corridor for electronic products and the Northwest Industrial sanctuary for metal products, shall be supported with transportation planning and infrastructure development designed to meet their needs. Industrial areas are expected to accommodate 10 percent of regional employment and no households. Retail uses whose market area is substantially larger than the employment area shall not be considered supporting uses.~~

~~The siting and development of new industrial areas would consider the proximity of housing for all income ranges provided by employment in the projected industrial center, as well as accessibility to convenient and inexpensive non-auto transportation. The continued development of existing industrial areas would include attention to these two issues as well.~~

~~Industrial area are set aside primarily for industrial activities with limited supporting uses. Average recommended density is 9 employees per acre. Retail uses larger than 60,000 square feet of gross leasable area per building or business are prohibited in Industrial Areas designated on the Metro Employment and Industrial Areas Map.~~

**INDUSTRIAL PARK**

See City of Beaverton Development Code

<b>INFILL</b>	New development on a parcel or parcels of less than one contiguous acre located within the Urban Growth Boundary.
<b>INFILL DEVELOPMENT</b>	Development on scattered vacant sites within the urbanized area of a community.
<b>INFLUENT</b>	Wastewater coming into a treatment plant.
<b>INFRASTRUCTURE</b>	<p><u>Component of a functioning, orderly urban fabric, such as roads, water systems, sewage systems, systems for storm drainage, telecommunications and energy transmission and distribution systems, bridges, transportation facilities, parks, schools and public facilities developed to support the functioning of the developed portions of the environment. Areas of the undeveloped portions of the environment such as floodplains, riparian and wetland zones, groundwater recharge and discharge areas and Greenspaces that provide important functions related to maintaining the region's air and water quality, reduce the need for infrastructure expenses and contribute to the region's quality of life. (Metro Regional Framework Plan definition)</u></p> <p><del>Those manmade structures serving the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; revetments; causeways; marinas; navigation channels; bridges; roadways; and streets.</del></p>
<b>INNER NEIGHBORHOODS</b>	<p>Areas in Portland and the older cities that are primarily residential, close to employment and shopping areas, and have slightly smaller lot sizes and higher population densities than in outer neighborhoods. <u>(Metro Regional Framework Plan) Beaverton's Land Use Designation Neighborhood Residential identifies its Inner Neighborhoods.</u></p> <p><del>Inner neighborhoods include areas such as Portland, Beaverton, Milwaukie and Lake Oswego, and would include primarily residential areas that are accessible to employment. lot sizes would be smaller to accommodate densities increasing from 1990 levels of about 11 people per acre to about 14 people per acre. Innerneighborhood would trade smaller lot sizes for better access to jobs and shopping. They would accommodate about 28 percent of new households and 15 percent of new employment. (Some of the employment would be home occupations and the balance would be neighborhood-based employment such as schools, daycare and some neighborhood businesses)</del></p> <p><del>Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods. Average recommended density is 14 persons per acre.</del></p>

<b>INTERMODAL</b>	The connection of one type of transportation mode with another.
<b>INTERMODAL FACILITY</b>	A transportation element that accommodates and interconnects different modes of transportation and serves the statewide, interstate and international movement of people and goods.
<b>INSTITUTIONAL</b>	(1) Privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools; (2) churches and other religious institutions; and (3) other nonprofit activities of an education, youth, welfare, or philanthropic nature that cannot be considered a residential, commercial or industrial activity (4) <u>academic, governmental and community service uses, either publicly owned or operated by nonprofit organizations;</u> and (5) <u>facilities including transportation, sewer, solid waste, drainage, potable water, and parks and recreation systems or facilities.</u>
<b>INTENSITY</b>	A measure of land use activity based on density, use, mass, size, and/or impact.
<b>INTERCHANGE</b>	A system of interconnecting roadways in conjunction with one or more grade separations, providing for the interchange of traffic between two or more roadways on different levels.
<b>INTERIOR YARD</b>	The yard between a building and a lot line that does not abut a street or public right-of-way or easement for public travel.
<b>INTERIM USE</b>	Any use permitted conditionally for a fixed period of time not to exceed five years, at which time the interim use shall be eliminated unless extended through the conditional use permit process for a specified time not to exceed three years.
<b>INTERSECTING STREET</b>	Any street which meets or crosses a pedestrian mall at a mall intersection but includes only those portions thereof on either side of a mall intersection which lie between the mall intersection and the first intersection of the intersecting street with a public street or highway open to vehicular traffic. ORS 376.705
<b>JOBS/HOUSING BALANCE</b>	The relationship between the number, type, mix and wages of existing and anticipated jobs balanced with housing costs and availability so that non-auto trips are optimized in every part of the region.
<b>JOBS/HOUSING RATIO</b>	Numerical ratio of number of employment positions to dwelling units, where 1 is a balanced community $\geq 1$ is a job rich community and $\leq 1$ is a job poor community.

**J**

**K**

**KEY OR CRITICAL PUBLIC FACILITIES AND SERVICES**

Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including transportation, water supply, sewage, parks, schools and solid waste disposal.

**L**

**L**

**LANDSCAPING**

Planting, including trees, shrubs, and ground covers, suitably designed, selected, installed, and maintained so as to enhance a site, street, or roadway permanently.

The combination of natural elements such as trees, shrubs, ground covers, vines and other living organic and inorganic material which are installed for purposes such as creating an attractive and pleasing environment and screening unsightly views. Other improvements that promote an attractive and pleasing environment that may be included as landscaping includes features such as fountains, patios, decks, fences, street furniture and ornamental concrete or stonework areas.  
(Beaverton Development Code)

**LANDSCAPE STRIP**

The portion of public right-of-way located between the sidewalk and curb. (Metro Code 3.07.1010(cc))

**LAND USE**

The occupation or use of land or water area for any human activity or any purpose defined in the a comprehensive plan.

**LAND USE CATEGORY**

A classification used to designate, geographically on a map and/or in text form, what activities are permitted within the area designated.

**LAND USE DECISION** (a) Includes:

(A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

- (i) The goals;
- (ii) A comprehensive plan provision;
- (iii) A land use regulation; or
- (iv) A new land use regulation; or

	<del>(B) A final decision or determination of a state agency other than LCDC with respect of which the agency [m] is required to apply the goals; and</del>
	<del>(b) Does not include a decision of a local government:</del>
	<del>(A) Which is made under land use standards which do not require interpretation or the exercise of policy or legal judgment;</del>
	<del>(B) Which approves or denies a building permit issued under clear and objective land use standards;</del>
	<del>(C) Which is a limited land use decision; or</del>
	<del>(D) Which determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; and</del>
	<del>(e) Does not include a decision by a school district to close a school. ORS 197.015</del>
<b>LAND USE ELEMENT</b>	A long range development guide <u>in a comprehensive plan</u> to coordinate the various functional plans related to the physical development of the community, which also guide future growth and development.
<b>LAND USE MAP (SERIES)</b>	The graphic aid(s) intended to depict the spatial distribution of various land uses by land use category, subject to the goals, policies, implementation measures; and the exceptions and provisions of the Land Use Element text and applicable land development regulations.
<b>LAND USE REGULATION</b>	Any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. (OR <del>9</del> 197.015(11))
<b>LAND DEVELOPMENT REGULATIONS</b>	
	<del>Ordinances enacted by local governing bodies for the regulation of any aspect of development, including any local government zoning, rezoning, subdivision, building construction or sign regulations or any other regulations controlling the development of land.</del>
<b>LATERALS</b>	The sewer lines that connect users to sewer mains.
<b>L<sub>dn</sub> (Day-Night Average Sound Level)</b>	
	The A-weighted average sound level for a given area (measured in decibels) during a 24-hour period with a 10 dB weighting applied to nighttime sound levels. The L <sub>dn</sub> is approximately

numerically equal to the CNEL for most environmental settings.

**LEVEL OF SERVICE (LOS)**

An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service generally indicates the capacity per unit of demand for a public facility.

~~LIGHT INDUSTRIAL LAND USE DISTRICT (LI)~~

~~See City of Beaverton Development Code.~~

**LIGHT RAIL TRANSIT (LRT) STATION SITE**

Land currently or eventually to be owned or leased by Tri-Met, on which facilities will be located related to a light rail transit station. The station site may include station platforms, park and ride lots, bus stops, and other similar facilities. (Beaverton Development Code)

~~LIMITED ACCESS FACILITY~~

~~A roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.~~

~~LIMITED LAND USE DECISION~~

~~A final decision or determination made by a local government pertaining to a site within an urban growth boundary which concerns:~~

~~(a) The approval or denial of a subdivision or partition, as described in ORS Chapter 92.~~

~~(b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review. ORS 197.015~~

~~LINEAR RETAIL~~

~~Areas characterized by free standing retail and office uses lining high volume roads, which experience decreased operating speeds as a result of the multiple curbcuts, signage and other site design factors associated with such uses. This type of development pattern is also referred to as strip commercial.~~

~~LIQUEFACTION~~

~~The transformation of loose water saturated granular materials (such as sand or silt) from a solid into a liquid state. A type of ground failure that can occur during an earthquake.~~

~~LIVE/WORK FACILITIES~~

~~Facilities combining Residential use types with Commercial or Limited Light Industrial use types.~~

~~LOCAL ACCESS ROAD~~

~~A public road that is not a county road, state highway or federal road. ORS 368.001~~

<b>LOCAL STREET</b>	Local streets have the primary function of providing access to adjacent land. Service to through-traffic movement on local streets is deliberately discouraged by design. Residential local streets serve a traffic function as well as being important to neighborhood identity.
<b>LOCAL TRIP</b>	A trip of 2½ miles or less in length.
<b>LOT OF RECORD</b>	A lot that is part of a subdivision, the plat of which has been recorded in the Office of the Washington County Surveyor; or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the County Surveyor, provided such lot met the minimum dimensions for lots in the zoning district in which it was located at the time of recording, or was recorded prior to the effective date of zoning in the area where the lot is located and met the requirements of any subdivision regulations in effect at the time of the recording.
<b>LOT</b>	<u>A single unit of land such as a tract, lot, block or parcel. A continuous area owned or under the lawful control and in the lawful possession of one distinct ownership undivided by a dedicated street, alley, or other ownership. An abutting "platted lot, or property described by metes and bounds, in the same ownership, shall be considered part of such 'lot'."</u>
<b>LOW INCOME HOUSEHOLD (FAMILY)</b>	<del>A household with an annual income usually no greater than 80% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.</del>
<b>MAJOR AMENDMENT</b>	<del>A proposal made to the Metro Council for expansion of the Urban Growth Boundary of 20 acres or more, consistent with the provisions of the Metro Code.</del>
<b>MAJOR PEDESTRIAN ROUTE</b>	Any pedestrian way in a public right-of-way or easement <u>which assists access to a light rail station or transit stop leading to a light rail station or transit stop,</u> that is presently used or is likely to be to be used by pedestrians to access public transportation service including light rail or transit stations. <u>(Beaverton Development Code)</u>
<b>MAIN STREETS</b>	Neighborhood shopping areas along a main street or at an intersection, sometimes having a unique character that draws people from outside the area. <del>Northwest 23rd Avenue and Southeast Hawthorne Boulevard are current examples of main streets.</del> <u>Beaverton's main streets generally include two nodes on Allen Boulevard 1) between Hall Boulevard and Murray Road, and 2) at Oleson Road.</u>

M

	<p>Main streets typically will serve neighborhoods and may develop a regional specialization—such as antiques, fine dining, entertainment or specialty clothing—that draws people from other parts of the region. Main S</p> <p>Neighborhoods will be served by main streets with retail and service developments served by transit. An average of 39 persons per acre is recommended</p>
<b>MAJOR TRANSIT STREET</b>	A street whose functions include providing vehicular access to a LRT station, other transit stops, or transit serving parking or serves as a major route for transit vehicles. All such routes are designated in the Beaverton Comprehensive Plan.
<b>MAIN TRAVELED WAY</b>	The through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps. ORS 377.605
<b>MAINTAIN, v.</b>	To keep in an existing state. (See <i>Preserve, v.</i> )
<b>MALL INTERSECTION</b>	Any intersection of a city street constituting a part of a pedestrian mall with any street, which intersection is itself part of the pedestrian mall. ORS 376.705
<b>MAN-MADE WATER BODIES</b>	For the purposes of determining permitted density, these shall be defined as those water covered lands, either existing or to be created as part of a proposed development including land excavation and lake creation as defined in applicable development regulations, which do not satisfy the definition of "Water Bodies" as defined in this section.
<b>MANUFACTURED HOME</b>	<u>A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. (ORS 446.003(26)(a)(C)(i))</u>
<b>MASS TRANSIT</b>	Passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rapid rail transit, light rail transit, fixed guideway transit, express bus, and local fixed route bus.
<b>MASS TRANSIT FACILITY OR FACILITIES</b>	Any or all property constituting a mass transit system, or any portion thereof, in any manner owned, used, leased or operated by a district and which is located wherever a district is authorized to operate. ORS 391.510
<b>MASS TRANSIT SYSTEM</b>	The property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide for the movement of people, including park and ride stations, transfer stations, parking lots, malls, and skyways.

provided that nothing contained herein shall limit the power of a city to exercise its general powers over or provide such stations, lots, malls, or skyways. ORS 267.010

**MASTER PLAN**

A plan for a defined geographic area in single or multiple ownership that is consistent with the Comprehensive Plan and includes a land use and circulation plan, land use regulations, development standards, design guidelines, open space plan, utilities plans, and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the land use review process, pursuant to the City of Beaverton Development Code. (Beaverton Development Code)

**MEDIAN**

The center portion of public right-of-way, located between opposing directions of motor vehicle travel lanes. A median is usually raised and may be landscaped, and usually incorporates left turn lanes for motor vehicles at intersections and major access points.

**METRO**

The Metropolitan Service District for the Portland Metropolitan Area regional governmental agency, responsible for coordinating the provision of transportation services and developing the region's priorities for expenditure of State and Federal transportation funding, responsible for regional planning and regional service provision. (ORS 195)

**METRO**

The regional government of the metropolitan area, the elected Metro Council as the policy-setting body of government. The Metropolitan Services District of the Portland metropolitan area, a municipal corporation established and existing pursuant to Section 14 of Article XI of the Oregon Constitution, ORS Chapter 268 and the Metro Charter. (Metro Code 1.01.040(e))

**METRO BOUNDARY**

The jurisdictional boundary of Metro, the elected regional government of the metropolitan area.

**METRO PLANNING GOALS AND OBJECTIVES**

The land use goals and objectives that a metropolitan service district is required to adopt under ORS 268.380. (1). The goals and objectives do not constitute a comprehensive plan. (ORS 197.015(15))

**METRO REGIONAL FRAMEWORK PLAN**

The regional framework plan and implementing ordinances required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan. (ORS 197.015(16))

**METRO URBAN GROWTH BOUNDARY**

The urban growth boundary as adopted and amended by the Metro Council, consistent with state law. Also referred to as "UGB". (Metro Code 3.07.1010(kk))

Means the Urban Growth Boundary for Metro pursuant to ORS 268.390 and 197.005 through 197.430. (Metro Code 1.01.010(v))

#### **METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

The functional plan that implements regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. (Metro Code 3.07.010)

**METROPOLITAN AREA** — The area which on October 4, 1997, lies within the boundaries of Clackamas, Multnomah and Washington Counties (ORS 268.020(3))

~~The regional framework plan required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan. — ORS 197.015~~

#### **METROPOLITAN HOUSING RULE**

A rule (OAR 660, Division 7) adopted by the Land Conservation and Development Commission to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro UGB. This rule establishes minimum overall net residential densities for all cities and counties within the UGB, and specifies that 50 percent of the land set aside for new residential development be zoned for multi-family housing.

~~**SERVICE DISTRICT (METRO)** — The Portland Metropolitan Area regional governmental agency, responsible for coordinating the provision of transportation services and developing the region's priorities for expenditure of State and Federal transportation funding, responsible for regional planning and regional service provision. (ORS 195)~~

#### ~~METROPOLITAN SIGNIFICANCE~~ **METROPOLITAN SIGNIFICANCE**

~~Having major or significant district-wide impact. ORS 268.020~~ An issue or action with major or significant impact throughout the metropolitan area.

**MINERAL RESOURCE** — Land on which known deposits of commercially viable mineral or aggregate deposits exist. This designation is applied to sites determined by the State Division of Geology and Mines as being a resource of regional significance, and is intended to help maintain quarrying operations and protect them from encroachment of incompatible land uses.

**MINIMIZE, v.** — To reduce or lessen, but not necessarily to eliminate.

~~(e) MITIGATE, V. To ameliorate, alleviate, or avoid to the extent reasonably feasible.~~

**MIXED USE**

Comprehensive plan or implementing regulations that permit a mixture of commercial and residential development.

Properties on which various uses, such as office, commercial, institutional and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. Land uses, which when combined constitute mixed or multiple uses, exclude parks, golf courses, schools, and public facilities (fire stations, utility substations, etc.).

Mixed-use development is a type of multiple-use in which one or more structures on a lot or contiguous lots in common ownership, accommodate any of the following combinations of uses

- (1) Residential Mixed-Use Project with residential units occupying a minimum of 25 percent of the total floor area and the remaining floor area occupied by retail, office, light industrial, community service or other residentially compatible uses or combinations thereof;
- (2) Non-Residential Mixed-Use Project consisting of office retail, light industrial, community service or other compatible uses or combination thereof with retail space or other pedestrian oriented commercial uses occupying a minimum of 60% of the street level building frontage.

A building or groups of buildings under one ownership, to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses.

~~MOBILITY The speed at which a given mode of travel operates in a specific location.~~

**MOBILE HOME**

A structure, transportable in one or more sections, built on a permanent chassis and designed for use as a single family dwelling unit and that (1) has a minimum of 400 square feet of living space; (2) has a minimum width in excess of 102 inches; (3) is connected to all available permanent utilities; and (4) is tied down (a) to a permanent foundation on a lot either owned or leased by the homeowner or (b) is set on piers, with wheels removed and skirted, in a mobile home park under a lease with a minimum period of one year. If fabricated after June 15, 1976, each section bears a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards. A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

**MODERATE INCOME HOUSEHOLD (FAMILY)**

A household with an annual income between the lower income eligibility limits and 120 percent of the area median family income adjusted by household size, usually as established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program. (See *Low Income Household*)

**MODE SPLIT TARGET**

The individual percentage of public transportation, pedestrian, bicycle and shared-ride trips expressed as a share of total person-trips.

**MOTOR VEHICLE**

Automobiles, vans, public and private buses, trucks and semi-trucks, motoreycles and mopeds.

**MULTI-FAMILY DWELLING UNITS**

Three or more attached dwelling units either stacked vertically above one another and/or attached by both side and rear walls.

Means attached housing where each dwelling unit is not located on a separate lot. (OAR 660-007-0005(11))

**MULTI-MODAL**

Transportation facilities or programs designed to serve many or all methods of travel, including all forms of motor vehicles, public transportation, bicycles and walking. (Metro Code 3.07.1010(rr))

**MULTI-MODAL ARTERIALS**

These represent most of the region's arterials. They include a variety of design styles and speeds, and are the backbone for a system of multi-modal travel options. Older sections of the regional are better designed for multi-modal travel than new areas. Although these streets are often smaller than suburban arterials, they carry a great deal of traffic (up to 30,000 vehicles

a day), experiences heavy bus ridership along their routes and are constructed in dense networks that encourage bicycle and pedestrian travel. The RTP shall identify these multi-modal streets and develop a plan to further encourage alternative travel modes within these corridors.

Many new streets, however, are designed to accommodate heavy auto and freight traffic at the expense of other travel modes. Multiple, wide lanes, dedicated turning lanes, narrow sidewalks exposed to moving traffic, and widely spaced intersections and street crossings create an environment that is difficult and dangerous to negotiate without a car. The RTP shall identify these potential multi-modal corridors and establish design standards that encourage other modes of travel along these routes.

Some multi-modal arterials also carry significant volumes of freight. The RTP will ensure that freight mobility on these routes is adequately protected by considering freight needs when identifying multi-modal routes, and in establishing design standards intended to encourage alternative modes of passenger travel.

**MULTI-PURPOSE PROJECT** — A structure(s) that contains more than one use, but that lacks either part or all of the integration, scale, and diversity of mixed-use developments.

**MULTI-USE OR SHARED-USE PATH**

Multi-use or Shared-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Multi-use paths accommodate two-way travel.

**MULTIPLE USE DEVELOPMENTS** A building or groups of buildings under one ownership designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, recreational, light industrial, and other miscellaneous uses. (Beaverton Development Code)

**NATURAL AREA**

Any landscape unit substantially without any human development that is substantially in a native and unaffected state and may be composed of plant and animal communities, water bodies, soil and rock and mitigated

N

habitat. Natural areas must be identified in a city, county or special district open space inventory or plan. (Metro Code 3.01.010(h))

Natural areas may include, but are not limited to, wetlands, riparian areas, Significant Natural Resource Areas, and significant groves of trees. (Beaverton Development Code)

~~NATURAL AQUIFER RECHARGE~~ — The replenishment of ground water in an aquifer.

~~NARROW STREET DESIGN~~ — Streets with less than 46 feet of total right-of-way and no more than 28 feet of pavement width between curbs.

**NEEDED HOUSING** Housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing" also means:

(a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated dwelling subdivisions. (ORS 197.303(1))045 (OAR 660-007-00005(12))

~~NEIGHBORHOOD CENTER~~ — Retail and service development that surrounds major MAX stations and other major intersections, extending out for one-quarter to one-half mile.

~~NEIGHBORHOOD CITIES~~ — Cities such as Sandy, Canby and Newberg that are outside Metro's jurisdiction but will be affected by the growth policies adopted by the Metro Council or other jurisdictions, such as North Plains, Estacada or Scappoose, which may be affected by Metro actions.

**NEIGHBORHOOD ROUTE** A street that is usually long relative to local streets and provides connectivity to collectors or arterials. Neighborhood routes generally have more traffic than local streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide or large area circulation.

**NET DEVELOPABLE ACRE** An area measuring 43,560 square feet which excludes:

1) any developed road rights-of-way through or on the edge of the land; and

2) environmentally constrained areas, including any open water areas, floodplains, natural resource areas protected under

statewide planning Goal 5 in the comprehensive plans of cities and counties in the region, slopes in excess of 25 percent and wetlands requiring a Federal fill and removal permit under Section 404 of the Federal Clean Water Act, as amended. These excluded areas do not include land for which the local zoning code provides a density bonus or other mechanism which allows the transfer of the allowable density or use to another area or to development elsewhere on the same site; and

3) ~~all publicly owned land designated for park and open space uses. The net developable 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 developable 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 set aside in 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 (Beaverton Development Code)

**NET BUILDABLE LAND** ~~See Net Developable Acre.~~

**NET DEVELOPED ACRE** Consists of 43,560 square feet of land, after excluding present and future rights-of-way, school lands and other public uses. (Metro Code 3.07.1010(vv))

~~Consists of 43,560 square feet of residentially designated buildable land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces and restricted resource protection areas. (OAR 660-0007-0005(1))~~

**NEW LAND USE REGULATION** ~~A land use regulation other than an amendment to an acknowledged land use regulation adopted by a local government that already has a comprehensive plan and land use regulations acknowledged under ORS 197.251. ORS 197.015~~

**NEWSPAPER** A newspaper of general circulation, published in the English language for the dissemination of local or transmitted news or for the dissemination of legal news, made up of at least four pages of at least five columns each, with type matter of a depth of at least 14 inches, or, if smaller pages, then comprising and equivalent amount of type matter, which has bona fide subscribers representing more than half of the total distribution of copies circulated, or distribution verified by an independent circulation auditing firm, and which has been established and regularly and uninterruptedly published at least once a week during a period of at least 12 consecutive

months immediately preceding the first publication of a public notice. (ORS 193.020101(2))

**NEXUS** ..... A "connection" or "linkage." Generally referred to in regards to Assembly Bill 1600 that requires jurisdictions show a reasonable nexus between the fees charged new development and the cost of providing new services to the development.

**NITROGEN OXIDE(S)** ..... A reddish brown gas that is a byproduct of combustion and ozone formation processes. Often referred to as NOX, this gas gives smog its "dirty air" appearance.

**NODE** ..... A focal point within the context of a larger, contiguous area surrounding it. A node is an area of concentrated activity that attracts people from outside its boundaries for purposes of interaction within that area.

**NOISE CONTOUR** ..... A line connecting points of equal noise level as measured on the same scale. Noise levels greater than the 60 L<sub>dn</sub> contour (measured in dBA) require noise attenuation in residential development.

**NOTICE** ..... Any notice that is required by law to be published. (ORS 193.310(2))

# O

**OBJECTIVE** ..... A specific, measurable, intermediate end that is achievable and marks progress toward a goal. An objective should be achievable and, where possible, should be measurable and time specific.

**OFFICE** ..... A structure for conducting business, professional, or governmental activities in which the showing or delivery from the premises of retail or wholesale goods to a customer is not the typical or principal activity. Office uses include general business offices, medical and professional offices, administrative or headquarters offices for large wholesaling or manufacturing operations, and research and development.

**OPEN SPACE** ..... Publicly and privately-owned area of land, including parks, natural areas and areas of very low density development inside the UGB. Open spaces may include active or passive recreation. (Metro Regional Framework Plan)

..... Any parcel or area of land or water that is unimproved and suitable for purposes of (1) preservation of natural resources;

(2) managed production of resources, (3) outdoor recreation, and/or (4) public health and safety.

**OPERATING AGREEMENT** — An agreement for the operation or maintenance on behalf of the Department of Transportation of all or part of a public transportation system, but does not include agreements by which the department provides only financial or technical assistance or transportation facilities or equipment and which do not control routes, rates or levels of service, or agreements under which such control is exercised by the Federal Government through the Department. ORS 184.675

**OUTER NEIGHBORHOOD** — Areas in the outlying cities that are primarily residential, farther from employment and shopping areas, and have larger lot sizes and lower population densities than inner neighborhoods.

Residential neighborhoods farther away from large employment centers with larger lot sizes and lower densities are outer neighborhoods. Average recommended density is 13 persons per acre.

**OUTFALL** — The natural or manmade stormwater conveyance system that drains the land.

**OVERLAY** — A land use designation on a land use map, or a zoning designation on a zoning map, which modifies the basic underlying designation in some specific manner.

**OZONE** — A tri-atomic form of oxygen (O<sub>3</sub>) created naturally in the upper atmosphere by a photochemical reaction with solar ultraviolet radiation. In the lower atmosphere, ozone is a recognized air pollutant that is not emitted directly into the environment, but is formed by complex chemical reactions between oxides of nitrogen and reactive organic compounds in the presence of sunlight, becoming a major agent in the formation of smog.

**PARATRANSIT** — Transportation services that operate vehicles (e.g., buses, jitneys, taxis, and vans) in a curb to curb, demand/response mode.

**PARCEL** — A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

**PARK** — Open space land on which the primary purpose is recreation. A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district.

**PARK AND RIDE LOT** — Parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage car pooling for purposes of commuting that is owned or operated either by Tri-Met or by another entity with the concurrence of Tri-Met.

P

<b>PARK AND RIDE</b>	<u>A parking facility near a transit station or stop for the purpose of parking motor vehicles by transit riders. (Beaverton Development Code)</u>
	<u>A mode of travel usually associated with movements between work and home that involves use of a private auto on one portion of the trip and a transit vehicle (i.e., a bus or a light-rail vehicle) on another portion of the trip. A park-and-ride trip could consist of an auto trip from home to a parking lot, and transfer at that point to a bus in order to complete the work trip. (Metro Regional Transportation Plan Definition)</u>
<b>PARKING RATIO</b>	The number of parking spaces provided <u>per employee or per 1,000 square feet of floor area (e.g., 2:1 or "two per thousand").</u>
<b>PARKING STRUCTURE</b>	A parking garage located above or underground consisting of two (2) or more levels.
<b>PARKWAY</b>	<del>An expressway or arterial designed for noncommercial traffic only, usually located within a strip of landscaped park or natural vegetation.</del>
<b>PEAK HOUR/PEAK PERIOD</b>	For any given roadway, a daily <u>hour/ or longer period of time period during which traffic volume is highest, usually occurring during morning and evening commute times. Where "F" Levels of Service exist, the "peak hour" may stretch into a "peak period" of several hours duration.</u>
<b>PEAK SENSITIVE LANDS</b>	<del>Outfalls with inadequate flow.</del>
<b>PEDESTRIAN MALL</b>	<del>One or more city streets, or portions thereof, on which vehicular traffic is or is to be restricted in whole or in part and which is or is to be used exclusively or primarily for pedestrian travel. ORS 376.705</del>
<b>PEDESTRIAN ORIENTED DESIGN</b>	<u>Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic. (Adapted from the Model Development Code and User's Guide for Small Cities, Funded by the Transportation and Growth Management Program of the Oregon Department of Transportation and Oregon Department of Land Conservation and Development)</u>
<b>PEDESTRIAN-ORIENTED DEVELOPMENT</b>	

---

Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas.

#### PEDESTRIAN-ORIENTED FRONTAGE

---

Building Frontage devoted to uses which stimulate pedestrian activity. Uses are typically sidewalk-oriented and physically or visually accessible by pedestrians from the sidewalk. Uses which compose pedestrian-oriented frontage include, but are not limited to, specialty retail stores, groceries, drugstores, shoe repair shops, cleaning establishments, floral shops, beauty shops, barber shops, department stores, hardware stores, apparel shops, travel agencies and other services, restaurants, and theaters. Banks and financial institutions are not pedestrian-oriented uses.

#### PEDESTRIAN SCALE

An urban development pattern where walking is a safe, convenient and interesting travel mode. It is an area where walking is at least as attractive as any other mode to all destinations within the area. The following elements are not cited as requirements, but illustrate examples of pedestrian scale: continuous, smooth and wide walking surfaces; easily visible from streets and buildings and safe for walking; minimal points where high-speed automobile traffic and pedestrians mix; frequent crossing; storefronts, trees, bollards, on-street parking, awnings, outdoor seating, signs, doorways and lighting designed to serve those on foot; well-integrated into the transit system and having uses that cater to people on foot. Site and building design elements that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering. Examples include ornamental lighting no higher than twelve feet; bricks, pavers or other paving modules with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the perception of the height of walls; and signage and signpost details designed for viewing from a short distance.

#### PEDESTRIAN SENSITIVE DEVELOPMENT

---

Development which is designed with an emphasis on pedestrian access to the site and building, rather than on auto access and parking areas.

#### PEDESTRIAN SPACE

---

An area or plaza on public or private property which is directly accessible to the public. Features which compose pedestrian spaces include, but are not limited to, seating areas, awnings or other overhead weather protection designs, pedestrian-scale outdoor lighting, landscaped areas (an outdoor area providing visually or physically accessible space for tenants of the development of which it is part), water features (a fountain, cascade, stream, water sculpture, or reflection pond), public art, kiosks, and outdoor eating areas and/or food vendors.

<b>PEDESTRIAN WAY</b>	Any paved public or private route intended for pedestrian use, including a multi-use path and esplanade, regardless of use by other transportation modes. A general term used to describe any sidewalk or walkway that is intended and suitable for pedestrian use. <u>(Beaverton Development Code) "Paved" can include any Americans with Disability Act approved surface including pavements and surfaces that are pervious.</u>
<del>PERENNIAL STREAMS</del>	<del>All primary and secondary perennial water ways as mapped by the U.S. Geological Survey.</del>
<del>PERFORMANCE MEASURE</del>	<del>A measurement derived from technical analysis aimed at determining whether a planning policy is achieving the expected outcome or intent associated with the policy.</del>
	<del><b>PERSON</b> <u>A natural or artificial person, including but not limited to, a human, corporation, partnership, unit of government, an agency, a trust or descendant's estate, or other legal entity whatsoever. The United States or any state or any department or agency of any of the above, or any nonprofit corporation or entity or any other individual, corporation or entity, either public or private. ORS 184.674</u></del>
	<del>Any individual, partnership, corporation, association, governmental subdivision or agency or public or private organization of any kind. ORS 197.015</del>
	<del>The state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity. ORS 268.020</del>
<del>PERSONS-TO-DWELLING UNIT CONVERSION FACTOR</del>	<del>The impacts of certain groups of people (e.g., the elderly) on land and supporting infrastructure vary widely from the average. A person-to-dwelling unit conversion factor is a method that assigns weights to these groups of people so that their impacts can be objectively assessed in comparison to groups of people whose impacts approximate the average.</del>
<del>PEOPLE OR PERSONS PER ACRE</del>	<del>This is a term expressing the intensity of building development by combining residents per net acre and employees per net acre. <u>(Metro Code 3.07.1010(z)) (Metro Regional Framework Plan definition)</u></del>
<del>PERSON TRIPS</del>	<del>The total number of discrete trips by individuals using any mode of travel.</del>
<del>PLANNING COMMISSION</del>	<del>The <u>Planning Commission of the City or any subcommittee thereof. (Beaverton Development Code)</u></del>
<del>PLANNED</del>	<del>A future project, event, or land area use that has been anticipated and prepared for, usually with a site plan, a land use plan and/or the Capital Improvement Program and Budget.</del>

<b>PLANNING ACTIVITIES</b>	Planning Activities cited in the RUGGOs are not regulatory by contain implementation ideas for future study in various stages of development that may or may not lead to RUGGO amendments, new functional plans, functional plan amendments, or regional framework plan elements. Planning activities for any given year will be subject to Metro Executive Officer budget recommendations and Metro Council budget adoption.
<b>PLAZA</b>	A continuous open space which is readily accessible to the public at all times, predominately open above and designed specifically for use by people as opposed to serving as a setting for a building.
<b>POLICY</b>	The way in which programs and activities are conducted to achieve an identified goal. A general direction that a governmental agency sets to follow, in order to meets its goals through implementation measures or action programs. (See <i>Program</i> )
<b>POUNDS PER SQUARE INCH (PSI)</b>	A unit of pressure, usually employed in measurements of water system capacity.
<b>PRACTICABLE</b>	Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose. <u>Capable of being accomplished after taking into consideration barriers both existing and reasonably foreseeable.</u>
<b>PRESERVE, V.</b>	To keep safe from destruction or decay; to maintain or keep intact. (See <i>Maintain</i> )
<b>PRIMARY TRANSIT SUPPORTIVE SYSTEM</b>	Those facilities upon which or adjacent to which the mass transit and transportation district physically operates. ORS 267.300
<b>PRIMARILY DEVELOPED</b>	Areas where less than 10% of parcels are either vacant or underdeveloped.
<b>PRIVATE ROAD CROSSING</b>	A privately owned road designed for use by trucks which are prohibited by law from using state highways, county roads or other public highways. ORS 374.305
<b>PRINCIPLE</b>	An assumption, fundamental rule, or doctrine that will guide comprehensive plan policies, proposals, standards and implementation measures.
<b>PROGRAMMED</b>	A facility that has been officially scheduled for construction in the a <u>Capital Improvements Program, and/or Budget, or other local, state, or federal funding document.</u>
<b>PROTECT, V.</b>	To maintain and preserve beneficial uses in their present condition as nearly as possible. (See <i>Enhance</i> )

**PUBLIC BUILDINGS AND GROUNDS** —

Structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings.

**PUBLIC NOTICE AUTHORITY** — Any legal publication which requires an affidavit of publication as required in ORS 193.070, or is required by law to be published. ORS 193.010

**PUBLIC FACILITIES** — A public facility includes water, sewer and transportation facilities.

**PUBLIC RIGHT-OF-WAY** — Land that by deed, conveyance, agreement, easement, dedication, usage or process of law is conveyed, reserved for or dedicated to the use of the general public for street, road or highway purposes, including curbs, gutters, parking strips, pedestrian ways, and sidewalks and bicycle trails. (BC 5.05.015)

**PUBLIC AND QUASI-PUBLIC FACILITIES** —

(1) Institutional, academic, governmental and community service uses, either publicly owned or operated by nonprofit organizations; or (2) Facilities including transportation, sewer, solid waste, drainage, potable water, and parks and recreation systems or facilities.

**PUBLIC ROAD** — The entire right of way of any road over which the public has the right of use or any right of way held by the state or a political subdivision of the state for road purposes that is not open for public use. ORS 376.150

A road over which the public has a right of use that is a matter of public record. ORS 368.001 Every public way, road, highway thoroughfare and place including bridges, viaducts and other structures, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right. (BC 6.02.030)

**PUBLIC TRANSPORTATION ENTITY** —

Includes a city, county, transportation district, mass transit district, metropolitan service district or private nonprofit corporation operating a public transportation system. ORS 184.674

**PUBLIC TRANSPORTATION SYSTEM** —

Any form of passenger transportation system, whether or not for hire, including but not limited to air, rail, other fixed guideway, bus, jitney, taxi and dial-a-ride passenger transportation systems within, between and outside of urban and urbanized areas, and including related passenger terminal facilities and motor vehicle parking facilities. ORS 184.674

# R

**RARE OR ENDANGERED SPECIES** A species of animal or plant listed in Title 50, Code of Federal Regulations, Section 17.11 or 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.

**RECREATION** The pursuit of leisure time activities occurring in an indoor or outdoor setting.

**RECREATION, ACTIVE** A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment.

**RECREATION, PASSIVE** A type of recreation or activity that does not require the use of organized play areas, and which may function as a view shed (an elevation in the earth's surface from which a view may be seen.), etc. (See *Open Space*)

~~**RECYCLE** The process of extraction and reuse of materials from waste products.~~

**REDEVELOPABLE LAND** Land on which development has already occurred which, due to present or expected future market forces, there exists the strong likelihood that existing development will be converted to more intensive uses during the planning period. (Metro Code 3.07.1010(ddd))

**REDEVELOPMENT** Development of land that replaces previous development, usually to achieve a higher return on the owner's investment. Redevelopment may occur due to market forces if the value of land equals or exceeds the value of improvements on that land. A local government may assist in redevelopment by means such as paying for certain on or off-site facilities (e.g. streets or parking structures), assembling small parcels to create a larger site, reducing or deferring up-front development fees, or reducing property taxes over a certain time period. For purposes of the City's commercial and industrial, and residential, buildable lands inventories (Volume II of the Comprehensive Plan) any parcel with a land value to improvement value ratio of 1.25: 1 or greater is assumed to have development or redevelopment potential.

~~A process used in developed areas to rehabilitate and infill underused areas more efficiently and/or replace blighted areas by changing the types of uses, intensities or densities of the land uses, usually to achieve an economically higher and better use of the land.~~

**REGIONAL** Pertaining to activities or economies at a scale greater than that of a single city, county, or combination thereof, and affecting a broad, related area. (Metro Regional Framework Plan definition)

**REGIONAL CENTER**

Areas of mixed residential and commercial use that serve hundreds of thousands of people and are easily accessible by different types of transit. Examples include traditional centers such as downtown Gresham and new centers such as Clackamas Town Center. (Metro Regional Framework Plan)

~~Nine-Seven regional centers will become~~in the Metro region are the focus of compact development, redevelopment and high-quality transit service and multi-modal street networks. (Metro Code 3.07.130, updated) An average of 60 persons per acre is recommended. (Metro Code 3.07.170)

REGIONAL FRAMEWORK PLAN Required of Metro under the Metro Charter, the Regional Framework Plan must address nine specific growth management and land use planning issues (including transportation), with the consultation and advice of the Metropolitan Policy Advisory Committee.

REGIONAL TRANSPORTATION PLAN The official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area. (Metro Framework Plan definition)

REGIONAL URBAN GROWTH GOALS AND OBJECTIVES The land use goals and objectives that Metro is required to adopt under ORS 268.380(1). (Metro Code 3.07.1010(ecc))

An urban growth policy framework that represents the starting point for the agency's long-range planning program (Metro Regional Framework Plan definition)

~~REGIONAL THROUGH ROUTES~~ These are routes that move people and goods through and around the region, connect regional centers to each other and to the Central City, and connect the region to the statewide and interstate transportation system. They include freeways, limited-access highways and heavily traveled arterials, and usually function as through-routes. As such, they are important not only because of the movement of people, but as one of the region's major freight systems. Since much of our regional economy depends on the movement of goods and services, it is essential to keep congestion on these roads at manageable levels. These major routes frequently serve as transit corridors but are seldom conducive to bicycles or pedestrians because of the volume of auto and freight traffic that they carry.

~~With their heavy traffic and high visibility, these routes are attractive to business. However, when they serve as a location for auto-oriented businesses, the primary function of these routes, to move regional and statewide traffic, can be eroded. While they serve as an appropriate location for auto-oriented businesses, they are poor locations for businesses that are designed to serve neighborhoods or sub-regions. These are better located on multi-modal arterials. They need the highest levels of access control. In addition, it is important that they~~

not become barriers to movements across them by other forms of travel, auto, pedestrian, transit or bicycle. They shall focus on providing access to centers and neighbor cities, rather than access to the lands that front them.

**REGULATION**

A rule or order prescribed for management of government.

**RESIDENTIAL USE**

Activities within land areas used predominantly for housing.

**RESIDENTIAL, MULTIPLE FAMILY**

Usually three or more dwelling units on a single site, that may be in the same or separate buildings. See Multi Family Dwelling Unit

**RESIDENTIAL, SINGLE FAMILY** A single dwelling unit on a building site.

**RETAIL**

Activities which include the sale, lease or rent of new or used products to the general public or the provisions of product repair or services for consumer and business goods. Hotels or motels, restaurants or firms involved in the provisions of personal services or office space are not considered retail uses.

**RIDGELINE**

A line connecting the highest points along a ridge and separating drainage basins or small scale drainage systems from one another.

**RIGHT-OF-WAY**

Land in which the state, a county, or a municipality owns the fee simple title or has holds an easement or dedication dedicated or required for a transportation or utility use. A strip of land over which transportation and public use facilities are built, such as roadways, railroads, and utility lines.

**RIPARIAN**

A zone of transition from an aquatic ecosystem to a terrestrial ecosystem as defined in ORS 541.351(10). (OAR 141-085-0010(188))

**RIPARIAN AREA**

A zone of transition from an aquatic ecosystem to a terrestrial ecosystem, dependent upon surface or subsurface water, that reveals through the zone's existing or potential soil-vegetation complex the influence of such surface or subsurface water. A riparian area may be located adjacent to a lake, reservoir, estuary, pothole, spring, bog, wet meadow, muskeg or ephemeral, intermittent or perennial stream. (ORS 541.351(10)) (OAR 690-300-0010(44))

**RIPARIAN CORRIDOR**

The water influences area adjacent to a river, lake or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. It can be identified primarily by a combination of geomorphologic and ecologic characteristics. (Metro Code 3.07.1010(iii))

	<u>A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary (OAR 660-023-090(1)(c))</u>
<b>RIPARIAN LANDS</b>	Lands comprised of vegetative and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near fresh water.
<b>RISK</b>	The danger or degree of hazard or potential loss.
<b>ROAD</b>	The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to: <ul style="list-style-type: none"> <li>(a) Ways described as streets, highways, throughways or alleys;</li> <li>(b) Road-related structures that are in the right-of-way such as tunnels, culverts or similar structures; and</li> <li>(c) Structures that provide for continuity of the right of way such as bridges. (ORS 368.001(6))</li> </ul> <p><del>Includes necessary bridges and culverts, and city streets, subject to such restriction and limitations as are provided. ORS 366.010</del></p>
<b>RUNOFF</b>	That portion of <del>rain or snow</del> precipitation that does not percolate into the ground and is instead discharged into streams.
<b>S</b>	<b>S</b>
<b>SANITARY SEWER FACILITIES (SEWERAGE)</b>	<del>The structure or systems designed for the collection, transmission, treatment, or disposal of sewage, and this includes trunk mains, interceptors, treatment plants and disposal systems.</del>
<b>SCALE</b>	Generally refers to relative size or extent.
<b>SCENIC VIEWS AND SITES</b>	Lands that are valued for their aesthetic appearance. (OAR 660-023-230(1))
<b>SECOND UNIT</b>	<del>A self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. Sometimes called a "Granny Flat."</del>

<b>SECONDARY TRANSIT SUPPORTIVE SYSTEM</b>	<del>The remainder of those facilities, beyond primary facilities, that constitute the surface transportation system, but over which the mass transit and transportation district's operation or facilities are not physically present.</del> ORS 267.300
<b>SEISMIC</b>	Caused by or subject to earthquakes or earth vibrations.
<b>SENIOR HOUSING</b>	<del>See <i>Elderly Housing</i>.</del>
<b>SENIORS</b>	<del>Persons age 62 or older.</del>
<b>SETBACK</b>	The distance between the property line and any structure.  <u>The minimum allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a principal building or structure as defined herein. The point of line of reference will be the lot line following any required dedication, or a special or reservation line if one is required pursuant to this ordinance. (Beaverton Development Code)</u>
<b>SHALL, MUST OR MAY</b>	<del>"Shall and must" are mandatory and "may" is permissive. (BC)</del>
<b>SHALL (WILL), v.</b>	A directive verb signifying the action is obligatory or necessary.
<b>SHARED-RIDE</b>	<del>Private passenger vehicles carrying more than one occupant.</del>
<b>SHARED ROADWAY</b>	A shared roadway is a street that is recommended for bicycle use but does not have a specific area designated within the right-of-way. <u>(Beaverton Development Code)</u>
<b>SHOPPING CENTER</b>	<del>A group of commercial establishments, planned, developed, owned or managed as a unit, with off street parking provided on-site.</del>
<b>SHARED-USE OR MULTI-USE PATH</b>	<u>Shared-use or Multi-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Shared-use paths accommodate two-way travel. (Beaverton Development Code)</u>
<b>SHOULD, v.</b>	A directive verb signifying the action is to be carried out unless circumstances make it <del>impracticable</del> impossible.
<b>SIGNIFICANT NATURAL RESOURCES</b>	<u>Areas identified on the City's Statewide Planning Goal 5 Inventories, Volume III of the Comprehensive Plan. (Beaverton Development Code)</u>
<b>SSINGLE FAMILY ATTACHED DWELLINGS</b>	A structure containing two or more single family dwelling units with both side walls (except end units of building) attached from ground to roof. <del>This type of dwelling is sometimes referred to as a duplex when no more than two units are joined (See <i>Townhouses</i>).</del>

**SINGLE FAMILY DETACHED DWELLING**

~~A single family dwelling with open space on all sides.~~

~~A dwelling unit that is free standing and separate from other dwelling units. (OAR 660-007-0005(4))~~

**SINGLE FAMILY DWELLING**

A structure containing one or more single family units with each unit occupying the building from ground to roof.

~~**SINGLE FAMILY SEMI DETACHED DWELLING**~~

~~A structure containing two single family dwellings attached by a common side or rear wall.~~

**SINGLE OCCUPANT VEHICLE (SOV)**

Private passenger vehicles carrying one occupant. (Metro Code 3.07.1010(000)) (Metro Regional Framework Plan definition)

**SITE**

Any tract, lot or parcel of land or combination of tracts, lots or parcels of land that are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

~~**SITE AREA**~~

~~The total square footage or acreage of a lot or contiguous lots proposed for a development, excluding existing or required rights-of-way.~~

**SLOPE**

Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.

**SOIL**

The unconsolidated material on the immediate surface of the earth created by natural forces that serves as natural medium for growing land plants.

**SOLID WASTE**

~~A general category that includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes and wood. Organic wastes and paper products comprise about 75 percent of the typical urban solid waste stream. "Solid Waste" shall have the same meaning as given that term under Beaverton Code section 4.08.030.~~

**SPECIAL DISTRICT**

Any unit of local government, other than a city, county, metropolitan service district formed under ORS Chapter 268 or an association of local governments performing land use planning functions under ORS 195.025 authorized and regulated by statute and includes but is not limited to: Water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts. (ORS 197.015(19))

~~Any "district" formed under ORS 198.~~

**SPECIFIC PLAN** ————— A legal tool for detailed design and implementation of a defined portion of the area covered by a general plan. A specific plan may include detailed regulations, conditions, programs and/or proposed legislation that may be necessary or convenient for the systematic implementation of a general plan element(s).

**STANDARDS** (1) A rule or measure establishing a level of quality or quantity that must be complied with or satisfied.

**STANDARD METROPOLITAN STATISTICAL AREA** —————  
An area designated and published by the United States Bureau of the Budget as a standard metropolitan statistical area. ORS 227.010

**STATE IMPLEMENTATION PLAN**  
A plan for ensuring that all parts of Oregon remain in compliance with federal air quality standards.

**STATEWIDE PLANNING GOALS** The mandatory state-wide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS Chapters 195, 196 and 197. (ORS 197.015(8))

**STATION COMMUNITIES** That area generally within a ¼ - to ½ - mile radius of light-rail stations or other high-capacity transit that is planned as a multi-modal community of mixed uses and substantial pedestrian accessibility improvements. (Metro Regional Framework Plan)

—————  
Nodes of development centered around a light rail or high-capacity transit station that feature a high-quality pedestrian environment. They provide for the highest density outside centers. The Station communities would encompass an area approximately one-half mile from a station stop. The densities of new development would average about 45 persons per acre.

Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment. (Metro Code 3.01.130)  
An average of 45 persons per acre is recommended. (Metro Code 3.01.170)

**STORM WATER** ————— The water that runs off only from impervious surfaces during rain events. (CWS Design and Construction Standards)

**STRAIGHT-LINE DISTANCE** — The shortest distance between two points.

**STREAM** ————— Means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment. (Metro Code 3.01.1010(qqq)).

**STREAM CHANNEL**

The area continuously covered with flowing. The width of the stream channel is the distance between the tops of the stream bank. The location of each stream bank top is determined by defining the exact location that is the division point between the relatively steep gradient of a channel side and the relatively flat gradient of the land surface adjacent to that channel side.

A natural (perennial or intermittent stream) or human made (e.g. drainage ditch) waterway of perceptible extent that periodically or continuously contains moving water and has a definite bed and banks that serve to confine the water. (OAR 141-085-0010(22))

**STREET**

(1) means a public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures used or intended for use of the general public for pedestrian, bicycle, and vehicular travel as a matter of right, or

(2) when used with the word "private" as a modifier, means a non-public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures, exclusively used or intended for the exclusive use of the underlying property owner or other persons, for pedestrian, bicycle, and vehicular travel. (Proposed Engineering Design Manual and Standard Drawings Definition)

**STREET FUNCTIONAL CLASSIFICATION**

The assignment of streets into categories according to the character of service they provide in relation to the total street network. Basic functional categories in Beaverton include freeways, arterials, collectors, neighborhood routes, and local streets. Functional classification reflects mobility, access needs, and connectivity. Where appropriate, the levels may be further grouped into urban and rural categories.

**STREET FURNITURE**

Those features associated with a street that are intended to enhance its physical character and use by pedestrians, such as benches, trash receptacles, kiosks, lights, newspaper racks.

**STEWARDSHIP**

A planning and management approach that considers environmental impacts and public benefits of actions as well as public and private dollar costs.

**SUBDIVISION**

The division of a tract of land into defined lots, parcels, tracts, or other divisions of land as defined in applicable State statutes and local land development regulations, subdivided lots which can be separately conveyed by sale or lease, and which can be altered, or developed.

**SUBREGION**

An area of analysis used by Metro centered on each regional center and used for analyzing jobs/housing balance.

**SUBURBAN** Generally, development on the periphery of urban areas, which is predominantly residential in nature and has most urban services available. The intensity of suburban development is usually lower than in urban areas.

**SURFACE WATER** Water that comes from lakes, reservoirs, and rivers, as opposed wells that draw water out of the ground.

Water that drains from the landscape via overland flow or ground water resurgence. Surface water flows can and often do include storm water runoff. (CWS Design and Construction Standards)

**SYSTEM DEVELOPMENT CHARGE** Means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the local government for its average cost of inspecting and installing connections with water and sewer facilities. (ORS 223.299(4)(a))

**TARGET CAPACITIES** The capacities in Table I (Metro Urban Growth Management Functional Plan) required to be demonstrated by cities and counties for compliance with Title I, Section 2.

**TARGET DENSITIES** The average combined household and employment densities established for each design type in the Regional Urban Growth Goals and Objectives 2040 Growth Concept. (Metro Code 3.07.1010(ttt))

**THROUGHWAY** A highway or street especially designed for through traffic, over from or to which owners or occupants of abutting land or other persons have no easement of access or only a limited easement of access, light, air or view, by reason of the fact that their property abuts upon the throughway or for any other reason. ORS 374.010

**TOP OF BANK** Means the same as "bankfull stage" defined in OAR 141-85-010(2).

**TOWN CENTERS** Areas of mixed residential and commercial use that serve tens of thousands of people. Examples include the downtowns of Forest Grove and Lake Oswego. (Metro Regional Framework Plan)

Town centers provide local shopping, employment and cultural and recreational opportunities within a local market area. They are designed to provide local retail and services, at a minimum. They would also vary greatly in character.

Local retail and services will be provided in town centers with compact-Compact development and transit service. (Metro

T

	<u>Code 3.01.130) should be provided in town centers. An average of 40 persons per acre is recommended. (Metro Code 3.07.170)</u>
<b>TOWNHOUSES</b>	Two or more attached single family dwelling units within a structure having common side walls, front and rear yards, and individual entryways. (See Single Family Attached Dwellings)
<b>TRAFFIC CALMING</b>	Street design or operational features intended to maintain a given motor vehicle travel speed.
	A traffic management program usually designed to address safety and aesthetic issues related to automobile use in residential areas, and which reduces the operating speed of motor vehicles. Features includes through, landscaping, walkways, speed swales, roadway narrowing and/or increasing the width of bicycle lanes and sidewalks.
<b>TRAFFIC INTENSIVE USES</b>	A land use that attracts or generates a relatively high level of traffic activity. A non exhaustive list of such uses would include drive through facilities, supermarkets, and most retail shopping centers. The ITE Trip Generation manual shall be the city's primary reference source for determining whether a particular proposed use is traffic intensive or not.
<b>TRANSIT</b>	The conveyance of persons or goods from one place to another by means of a local, public transportation system.
<b>TRANSIT-ORIENTED DEVELOPMENT</b>	Development which has a mix of residential, retail and office uses and a supporting network of roads, bicycle and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features of transit-oriented development shall include: (a) a mixed use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area; (b) high density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD; (c) a network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.
<b>TRANSIT, PUBLIC</b>	<u>A system of regularly scheduled buses and/or trains available to the public on a fee per ride basis. Also called "Mass Transit." For the purposes of the Comprehensive Plan, this term refers to publicly funded and managed transportation services and programs within the urban area, including light-rail, regional rapid bus, frequent bus, primary bus, secondary bus, minibus, paratransit and park-and-ride. (Metro Regional Transportation Plan definition)</u>
<b>TRANSIT STOP</b>	Improvements and facilities at selected points along transit routes for passenger pickup, drop off, and waiting. Facilities and improvements may include shelters, benches, sign structures,

and other improvements to provide security, protection from the weather and access to nearby services.

**TRANSIT STREET** Any street that is an existing public transit route, or any street that is likely to be a public transit route.

**TRANSIT SUPPORTIVE SYSTEM** Those facilities in any county in which a district operates that constitute the surface transportation system in the county, including highways, roads, streets, roadside rest areas, park-and-ride stations, transfer stations, parking lots, malls and skyways. ORS 267.300

**TRANSIT SUPPORTIVE USES** Uses which reinforce the transit system and support ridership growth and, by their nature and location, promote pedestrian traffic to and from the use and transit facilities.

**TRANSPORTATION OR TRAVEL DEMAND MANAGEMENT (TDM)**

A strategy or action for reducing demand on the road system by reducing the number of vehicles using streets and roads, and/or increasing the number of persons per vehicle. Typically, TDM attempts to reduce the number of persons who drive alone during peak commute periods and to increase the number of people commuting via carpools, vanpools, buses and trains, walking, and biking.

**TRANSPORTATION PLANNING RULE** The implementing rule of statewide land use planning Goal #12 dealing with transportation, as adopted by the State Land Conservation and Development Commission. (Metro Framework Plan definition)

**TRANSPORTATION SYSTEM PLAN** A plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas. (Metro Regional Framework Plan definition) (OAR 660-012-0005(32))

**TREES, LANDMARK** Trees whose size, visual impact, or association with a historically significant structure or event have led the city to designate them as landmarks.

**TREES, STREET** Trees strategically planted, usually in parkway strips, medians, or along streets, to enhance the visual quality of a street.

Any tree located within public or private right of way or an easement for vehicular access, or associated public utility easements. (Beaverton Development Code)

**TRIP GENERATION** The dynamics that account for people making trips in automobiles or by means of public transportation. Trip generation is the basis for estimating the level of use for a transportation system and the impact of additional development or transportation facilities on an existing, local

transportation system. Trip generations of households are correlated with destinations that attract household members for specific purposes.

**TRUCK ROUTE** A path of circulation required for all vehicles exceeding set weight or axle limits. A truck route usually follows arterials through commercial or industrial areas, avoiding residential areas.

**TRUCK STOP** Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, which includes as a primary function the dispensing of motor fuel or other petroleum products directly into motor vehicles and which may include the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities for the use of truck crews.

**TURBIDITY** A measure of water agitation. The higher the turbidity of water, the more difficult it is to process for potable water purposes.

**UNDERDEVELOPED PARCELS** Those parcels of land with less than 10% of the net acreage developed with permanent structures.

**URBAN** Generally, an area having the characteristics of a city, with intensive development and a full or extensive range of public facilities and services.

**URBAN FORM** The net result of efforts to preserve environmental quality, coordinate the development of jobs, housing and public services and facilities, and interrelate the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another. Urban form, therefore, describes an overall framework within which regional urban growth management can occur. Clearly stating objectives for urban form and pursuing them comprehensively provides the focal strategy for rising to the challenges posed by the growth trends present in the region today.

**URBAN GROWTH BOUNDARY** An acknowledged urban growth boundary contained in a city or county comprehensive plan or an acknowledged urban growth boundary that has been adopted by a metropolitan service district council under ORS 268.390 (3). (ORS 195.060(2))

**URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN** See Metro Urban Growth Management Functional Plan.

**URBAN PLANNING AREA** A geographical area within an urban growth boundary. (OAR 660-003-0005(6))

**URBAN SERVICES** The term includes the following services and facilities: a public sanitary and storm sewer system, a public water supply, a

# U

street system, police and fire protection, public schools, public parks and library services. (Beaverton Development Code)

**URBAN SERVICE AREA** — The area for which the City is the appropriate and agreed-upon long-term provider of municipal services except for those services that are to be provided by a special or county service district. (Beaverton – Washington County Intergovernmental Agreement Interim Urban Services Plan)

**URBAN SERVICE BOUNDARY** — The boundary establishing the extent of the City's direct interest and involvement in planning for and coordination of public facilities and services and the extent of the City's annexation interest.

**URBAN RESERVE AREA** — An area adjacent to the present UGB defined to be a priority location for any future UGB amendments when needed. Urban reserves are intended to provide cities, counties, other service providers, and both urban and rural landowners with a greater degree of certainty regarding future regional urban form. Whereas the UGB describes an area needed to accommodate the urban growth forecasted over a 20-year period, the urban reserves plus the area inside the UGB estimate the area capable of accommodating the growth expected for 50 years.

**URBAN SPRAWL** — Uncontrolled and untimely expansion and/or dispersal of an urban community into outlying rural areas. Urban sprawl is also sometimes referred to as *suburbanization*.

**UNDEVELOPABLE** — Specific areas where topographic, geologic, and/or surficial soil conditions indicate a significant danger to future occupants, and a potential liability to the city, which justify their designation as undevelopable.

**UNIFORM BUILDING CODE (UBC)**

— A national, standard building code that sets forth minimum standards for construction.

**USE** — The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged as per the city's land development regulations and general plan.

The main or primary purpose of which land or a structure is designed, arranged or intended or for which it is occupied or maintained. (Beaverton Development Code)

**USE PERMIT** — The discretionary and conditional review of an activity or function or operation on a site or in a building or facility.

**UTILITY RIGHTS OF WAY** — Land dedicated to a public authority for community services, including but not limited to, electricity, telephone, water supply, gas, and wastewater disposal.

# V

<b>VACANT</b>	Lands or buildings that are not actively used for any purpose.
<b>VACANT LAND</b>	Land identified in the Metro or local government inventory as undeveloped land. ( <u>Metro Code 3.07.1010(zzz)</u> )
<b>VARIANCE</b>	A discretionary decision to permit modification of the terms of an implementing ordinance based on a demonstration of unusual hardship or exceptional circumstance unique to a specific property. ( <u>Metro Code 3.07.1010(aaaa)</u> )
<b>VEGETATIVE CORRIDOR</b>	A corridor adjacent to a water quality sensitive area that is preserved and maintained to protect the water quality functions of the water quality sensitive area. ( <u>CWS Design and Construction Standards</u> )
<del><b>VEHICLE-RELATED SERVICES</b></del>	<del>A building or use primarily engaged in the service or repair of automobiles, trucks, and motorcycles, including gas service stations, tire sales and installation, drive-up oil service, automobile or similar light vehicle washing, body and fender shops, wheel and brake shops, vehicle dismantling and salvage, vehicle storage, and commercial parking facilities.</del>
<del><b>VEHICLE SALES AND RENTALS</b></del>	<del>A building or use for the sale or rental of automobiles, motorcycles, trucks, and similar equipment, including storage and incidental maintenance.</del>
<del><b>VERY LOW INCOME HOUSEHOLD (FAMILY)</b></del>	<del>A household with an annual income usually no greater than fifty percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.</del>
<del><b>VIABLE</b></del>	<del>Capable of surviving and/or growing; workable.</del>
<b>VIEW CORRIDOR</b>	The line of sight, identified as to height, width and distance, of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewers' attention.
<b>VOLUME-TO-CAPACITY RATIO</b>	A measure of the operating capacity of a roadway or intersection, in terms of the number of vehicles passing through, divided by the number of vehicles that theoretically could pass through when the roadway or intersection is operating at its designed capacity. Abbreviated as "v/c". At a v/c ratio of 1.0, the roadway or intersection is operating at capacity. If the ratio is less than 1.0, the traffic facility has additional capacity. Although ratios slightly greater than 1.0 are possible, it is more likely that the peak hour will elongate into a "peak period." (See <i>Peak Hour</i> and <i>Level of Service</i> )

**VOLUME SENSITIVE LANDS** — Lands that drain into areas without a positive outfall. Positive outfall is the condition when the natural or manmade stormwater conveyance system that drains the land is functioning adequately. This includes manmade swales, waterways or other means of conveyance systems, but does not include sheet flow.

**WATER QUALITY AND FLOOD MANAGEMENT AREA** —

An area defined on the Metro Water Quality and Flood Management Area Map, to be attached to the Metro Urban Growth Management Functional Plan. These are areas that require regulation in order to mitigate flood hazards and to preserve and enhance water quality. This area has been mapped to generally include the following: stream or river channels, known and mapped wetlands, areas with floodprone soils adjacent to the stream, floodplains, and sensitive water areas. The sensitive areas are generally defined as 50 feet from top of bank of streams for areas of less than 25% slope, and 200 feet from top of bank on either side of the streams of areas greater than 25% slope, and 50 feet from the edge of a mapped wetland.

W

**WAREHOUSING USE** — A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

**WAREHOUSE** A structure that is primarily used for storage and distribution facilities.

**WATER BODIES** — For the purpose of determining density credits on sites, these are defined to include river, stream, lake, or pond beds and any other permanently or historically water covered land that occurs naturally at the site up to the mean high water level.

**WATER QUALITY SENSITIVE AREA**

or "sensitive area" A) shall include the following:

1. Existing or created wetlands;
2. Rivers, streams, and springs, whether flow is perennial with year-round or intermittent flow;
3. Natural lakes, ponds and instream impoundments (including natural lakes and ponds) with average water in the summer of one acre-foot or more, or with an average depth of three feet or more;

B) Sensitive areas shall not include:

1. Stormwater infrastructure  
~~1. treatment ponds or swales;~~
2. Stormwater treatment wetlands;  
~~3. Detention ponds;~~
2. A vegetated corridor (a buffer) adjacent to the sensitive area;
3. An off-stream recreational lake, lagoon, fire pond or reservoir; and/or

4. Drainage ditches constructed in uplands solely for the purpose of draining roads, lots, and outfalls of storm drains. (CWS Design and Construction Standards)

**WATERSHED**

The total area above a given point on a watercourse that contributes water to its flow; the entire region drained by a waterway or watercourse that drains into a lake, or reservoir.

The entire land area drained by a stream or system of connected streams such that all stream flow originating in the area is discharged through a single outlet. (ORS 541.351(14))

**WAY OF NECESSITY**

~~(a) A road established under ORS 376.150 to 376.200 to provide motor vehicle access from a public road to land that would otherwise have no motor vehicle access; or~~

~~(b) A route established under ORS 376.150 to 376.200 to provide utility service access from an existing service location to a service point that would otherwise have no utility service access. ORS 376.150~~

**WETLANDS**

~~Transitional areas between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. Wetlands are statutorily defined in Presidential Executive Order 11990 as; those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does, or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds.~~

~~Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. ORS 197.015~~  
Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Categories of wetlands include:

~~a) Created Wetlands: those wetlands developed in an area previously identified as non-wetland to replace, or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.~~

~~b) Constructed Wetlands: those wetlands developed as a storm water facility, subject to change and maintenance as such. These areas must be clearly defined or separated from existing or created wetlands. Constructed wetlands shall be regulated as created wetlands only if they serve as wetland mitigation.~~

c) Existing Jurisdictional Wetlands: jurisdictional wetlands as determined by the Department of State Lands (DSL) or the US Army Corps of Engineers (COE). (CWS Design and Construction Standards)

# Z

**WILDLIFE REFUGE** — An area maintained in a natural state for the preservation of both animal and plant life.

**ZONE, TRAFFIC** In a mathematical traffic model the area to be studied is divided into zones, with each zone treated as producing and attracting trips. The production of trips by a zone is based on the number of trips to or from work or shopping, or other trips produced per dwelling unit.

**ZONED CAPACITY** — The highest number of dwelling units or jobs that are allowed to be contained in an area by zoning or other city or county jurisdiction regulations.

**ZONING** In general, the demarcation of an area by ordinance (text and map) into zones and the establishment of regulations to govern the uses within those zones (commercial, industrial, residential, type of residential) and the location, bulk, height, shape, use, and coverage of structures within each zone.

**ZONING CONFORMANCE** — The process by which zoning in areas is maintained or changed to carry out the specific intent of the land use plan categories as defined by the Land Use Element and adopted zoning conformance matrix illustrating where specific zoning classifications are allowed. State law requires that in general law cities all land development regulations must be in conformance with the specified and implied intent of the comprehensive general plan.

**ZONING, INCLUSIONARY** Regulations that increase housing choice by requiring construction of more diverse and economical housing to meet the needs of low income families. Such regulations often require a minimum percentage of housing for low and/or moderate income households in new housing developments.