

**CITY OF BEAVERTON
STAFF REPORT AND RECOMMENDATION**

TO: Planning Commission

STAFF REPORT DATE: Wednesday, October 22, 2014

STAFF: Jeff Salvon, AICP, Associate Planner

SUBJECT: CPA 2014-0010 (Amendment to Public Involvement Element)

REQUEST: The City is proposing to update Chapter 2 of the City's Comprehensive Plan (the Public Involvement Element)

APPLICANT: City of Beaverton - Planning Division

APPLICABLE CRITERIA: Comprehensive Plan Section 1.5.1 (Criteria for Amending the Comprehensive Plan)

HEARING DATE: Wednesday, October 29, 2014

RECOMMENDATION: Staff recommend the Planning Commission review the proposal, hold a public hearing, and recommend approval of CPA2014-0010 to the City Council.

1. Background

The State of Oregon has a set of 19 Statewide Planning Goals that are the foundation of the state's land use program. These goals serve as a framework for guiding Oregon's planning process and form a basis for how cities, counties, and regional governments plan for the future. Local municipalities are required to adopt comprehensive plans that contain goals and policies that are consistent with statewide planning goals. The statewide goals were essentially established to serve as a checklist for determining whether local plans further state land use objectives. The state of Oregon ensures that local plans are consistent with statewide goals periodically via a formalized work program referred to as Periodic Review.

In recent years, the City has participated in a number of planning efforts that have required or will require amendments to the City's Comprehensive Plan in order to fully implement the plans that have been or will be adopted. These include the Beaverton Community Vision, the Beaverton Civic Plan, the South Cooper Mountain Concept Plan, and the Beaverton Creekside Master Plan. The amendments deriving from these plans are needed not only to update the Comprehensive Plan so that the document remains relevant and vital, but are needed to provide a policy basis for many of the implementation plans and actions that will follow.

One particular theme that has arisen repeatedly in recent planning efforts pertains to the role that the Comprehensive Plan serves, its intended users, and the fact that the tone and tenor of the document is overly technical and not particularly user friendly. This issue is particularly applicable to Chapter 2 (Public Involvement), which itself is intended to address the role that Beaverton's residents play in planning the City's future. It is this concern that is driving the current proposal.

The City is not currently in periodic review with the State of Oregon. However, staff is moving forward with a series of amendments to the Comprehensive Plan in order to account for current conditions and trends, resolve inconsistencies between the Comprehensive Plan and recent planning efforts, and to make the document more readable and user-friendly. The current proposal to update the City's Public Involvement Element will be followed by proposed amendments to the housing, economy, transportation, and additional elements. Given that community involvement is a vital component in the adoption of the proposed amendments to come, it is natural that it should be the first to be considered as part of this process.

2. Summary of Proposed Text Amendment

Statewide Planning Goal 1 (Citizen Involvement) speaks to the topic of public involvement and identifies specific policies and protocols that cities can use to ensure that the public is afforded adequate opportunity to participate in all phases of the

decision making process with regard to land use matters. Chapter 2 (Public Involvement) of the City of Beaverton's Comprehensive Plan implements Oregon's Goal 1 provisions and was formally acknowledged by the State of Oregon on December 27, 1974.

Over the past several years, the City of Beaverton has undertaken a number of public engagement programs and conducted various studies that have shown how general attitudes have shifted with regard to how the city can/should communicate with its residents. One aspect of this change involves the overall tone and communication style that is articulated within the City's Comprehensive Plan. This proposal would amend the Public Involvement Element (Volume 1, Chapter 2 of the Comprehensive Plan) to make it more understandable and user friendly to the City's residents.

3. Analysis

Statewide Goal 1 and the current proposal

Oregon's Goal 1 provisions are embedded in the Oregon Administrative Rules under OAR 660-015-0000. The goal establishes policies and protocols that local jurisdictions must adhere to when involving the public in local planning and policy making. It requires that cities and counties establish citizen involvement committees, that mechanisms be established to ensure effective communication, and that citizens are provided the opportunity to be involved in all phases of the planning process. It further requires that relevant information be made available and understandable, that feedback mechanisms from policymakers be assured, and that these tools receive adequate funding to ensure that they remain in place.

Beaverton's policies pertaining to Goal 1 are assigned to Chapter 2 of the City's Comprehensive Plan. As stated previously, the City has been deemed compliant with Goal 1 on previous occasions and has been found to be in accordance with state law in all prior reviews. The proposed amendments are not intended to alter the substantive content of the chapter. Care was taken to ensure that all provisions pertaining to Goal 1 were maintained with the proposal, and in most cases expanded upon. It should be noted, however, that all revisions will once again be reviewed by LCDC to assess Goal 1 compliance, as was the case in previous reviews.

In its current form, Chapter 2 gives a rough description of the City's Public Involvement Program and provides a cursory portrayal of the organizational framework that the City provides in accordance with Goal 1. This includes a very general explanation of the program's objectives, a description of several committees that are charged with reviewing land use proposals, the basic means that the City uses to engage these its residents in decisions, and a few broad opportunities in which to get involved.

City residents have raised numerous concerns over the years that the voice and tenor of the chapter create the impression that the City's primary objective in adopting the chapter was to demonstrate compliance with state required mandates, as opposed to encouraging public involvement in the planning process. This perception has in turn raised several fundamental questions as to for whom the chapter is written and what is, in fact, its intended use. This proposal addresses that concern, and in so doing changes the perspective on the document's target audience and how the public can be engaged.

What's different in this version?

A. The User: The language was drafted on the premise that the reader is a Beaverton resident that seeks to be involved and engaged in the planning process and wants to understand the city's framework for participation in the decision making process. From this premise, staff reinterpreted the intended functionality of the element and added content so that it can serve as an information resource or toolbox for the public's use.

In essence, the proposed element draws on the current chapter but devotes more attention to the processes involved in the land use decision making. The supplemental language includes a series of tables and flowcharts, to help users identify involvement opportunities depending upon the type of decision being considered. It also identifies tools and strategies that are commonly used to gather support or build consensus. The information has also been reformatted to resemble a workbook of sorts with visual aids and text boxes that are intended to demystify what can be a complex and multi-faceted public involvement process.

B. Reorganization and Content: In reformatting the chapter, a few key principles were employed in organizing the content to provide a clear distinction between the various processes involved. The content follows a logical sequence that begins with a general discussion around process and the different levels (Types) of land use decisions and the public input opportunities that exist therein. The text then moves to a discussion on public involvement opportunities from the perspective of an individual interested in gaining information about a project, to a more formal involvement with a group that monitors and comment on civic issues, to a position where the resident is a party involved in proposing a change that affects city policy. Throughout this discussion, specific key concepts were stressed in order to provide perspective. They include:

- The complexity of public involvement processes will vary depending upon the scope of the proposal and/or the scale of impact that is imposed upon other city residents.

- Different land use decisions require different levels of review. The adoption process and the opportunities for public input become more expansive as the scope of the project increases.
- Certain tools and strategies are more appropriate than others for specific types of land use decisions.
- Different approaches with regard to planning will be required when a resident is the party proposing a land use change than when a resident is the party responding to a proposal.

C. Social Equity: The proposal adds a section to the element that stresses the inclusion of cultural and ethnic populations in the city’s public involvement processes. This addition was added not only to recognize the city’s rapidly changing demographic makeup, but also to officially integrate the concept of social equity into the public involvement policy arena.

D. New Title: The proposal includes a renaming of the Public Involvement Element to the Community Involvement Element. This was a suggestion that originated in the Beaverton Committee for Citizen Involvement and was recommended to reflect the importance that Beaverton residents place upon community within the City.

4. Public Comment

Public input has played a major role over the years in the composition of this proposal, and came from a variety of sources over the span of many years. City staff have made considerable efforts in the drafting of this document to ensure that the proposal is reflective of what city residents consider useful and affective. The resulting document can be viewed as a compilation of many comments, reviews, and edits from numerous individuals and groups. A short accounting of that process is provided in the following timeline:

- October 5, 2012: Staff met with the chair of BCCI’s New Initiative Subcommittee and requested that he review and distribute a draft to the proposed element to committee members. In the following weeks, comments were received and edits incorporated into the draft for further review and revision.
- December 17, 2012: Staff made a presentation to the BCCI to brief them on the topic. A revised draft was distributed and emailed to all members accompanied by a request that additional comment and proposed changes be submitted to staff for revision to the draft.

- January 28, 2013: Staff returned to the BCCI with a revised version of the draft. After reviewing the updated document, the Chair of the Development Liaison Subcommittee requested an opportunity to review the revised document to provide further comment. Staff subsequently emailed copies to Development Liaison Subcommittee members.
- February 5, 2013: Staff provided an internet link that members of the Development Liaison Subcommittee could access to download the draft element for their review. In the weeks that followed, no further comments were received.
- February 25, 2013: All comments by the BCCI and subcommittees were incorporated into the draft element and the document was distributed to all BCCI members, with no further comment or edits
- July 30, 2014: Staff emailed a copy of the draft document to the newly formed Comprehensive Plan Community Advisory Committed for their review. No comments were received from that body.

Public notice was provided consistent with Section 1.4 of the Comprehensive Plan on the following dates.

- September 12, 2014: Notice and a draft of the proposed element was sent to DLCD, Metro, BCCI, and the NAC chairs announcing a hearing scheduled for the Planning Commission on October 29, 2014.
- September 30, 2014: Notice of the public hearing was posted at the Beaverton Building, the City Library, and on the City's website.
- October 2, 2014: Notice of a public hearing was published in the Beaverton Valley Times.

As of the date of issuance for the staff report and recommendation, staff has received no comments in response to that notice of public hearing.

5. Facts and Findings

Section 1.5.1 of the Comprehensive Plan outlines the minimum criteria for legislative and quasi-judicial amendment decisions. For the proposed Comprehensive Plan text amendment, the findings are as follows:

1.5.1.A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;

Of the 19 Statewide Planning Goals, only Goal 1 is applicable to the proposed amendment.

Goal One: Public Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Statewide Planning Goal One requires that governing bodies charged with preparing and adopting comprehensive plans adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process. It requires that the citizen involvement program be appropriate to the scale of the planning effort and that the program provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

In 1978 the City of Beaverton adopted Resolution 2058, which established a process for the formation of an advisory committee of citizen involvement and defined its responsibilities and duties. That resolution was officially codified in 1982 (Ord. 2058) and amended in 2013 (Ord.4624) to provide clarification with regard to membership. In its current form, Section 2.03.050 through 2.03.056 provide specifications that govern the membership, powers and duties, and bylaws for the Committee. All adoption and amendment procedures were processed under the auspices and supervision of DLCD to ensure Goal 1 compliance.

The current proposal has taken care not to alter substantive elements of Comprehensive Plan language that would alter the City's compliance status with regard to Goal One. The purpose of this proposal is to supplement elements of this chapter in order to better fulfill the directives as specified by Goal One above. It performs this by:

- Augmenting existing element text with detail to assist the reader in understanding what can be a complicated and at times rigorous process in the processing of land use decisions;
- Identifying opportunities, resources, and organizations that can improve proficiency of residents in their ability to affect the city's decision making;
- Providing format changes and visual aids to demystify and reduce confusion associated with city policy; and
- Promoting and encouraging city residents of all types to get more involved in the City's land use decision making process.

This proposed amendment is subject to the public notice requirements of the Comprehensive Plan which, as stated previously, administers the objectives outlined in Goal One. All notices were distributed in accordance to the Plan requirements for legislative land use applications.

At the hearing, the Planning Commission will consider written comments and oral testimony before they make a decision. The amendment procedures outlined in Comprehensive Plan Section 1.4 allow for proper notice and public comment opportunities on the proposed Comprehensive Plan amendments as required by this Statewide Planning Goal.

Finding: Staff find that the City, through its Comprehensive Plan and adherence to State statutes, has created proper procedures to insure citizens an opportunity to provide their input regarding proposed Comprehensive Plan amendments and that the City has complied with those procedures. Staff finds that the proposed amendment is consistent and compatible with Goal One, and satisfies Criterion 1.5.1.A.

1.5.1.B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and Regional Transportation Plan;

Staff have identified the following titles to be applicable to this application:

Title 8: Compliance Procedures

3.07.810 Compliance With the Functional Plan

A. The purpose of this section is to establish a process for determining whether city or county comprehensive plans and land use regulations comply with requirements of the Urban Growth Management Functional Plan. ...

Notice and a copy of the proposed amendment was sent to Metro more than 45 days prior to the first evidentiary hearing as required by Metro Code Section 3.07.820. No responses from Metro have been received to date.

Finding: The proposed map does not affect the City's compliance with the UGMFP Titles and the RTP. Criterion 1.5.1.B is satisfied.

1.5.1.C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans;

Chapter One: Procedures

Chapter Two: Public Involvement Elements

The proposal complies with the procedures and requirements for legislative Comprehensive Plan amendments as established in Chapter One. In complying with the procedures, the amendment provides the opportunity for public involvement as noted in Chapter Two.

Notices for the Planning Commission public hearing were mailed to DLCD, Metro, Washington County, the NAC Chairs, and the BCCI Chair on September 12, 2014 (at least 45 days prior to the scheduled hearing); posted in the Beaverton Building, the City Library, and on the city website on September 30, 2014 (between 20 and 40 days prior to the hearing); and was published in the Beaverton Valley on October 2, 2014 (between 20 and 40 days prior to the hearing). No written testimony has been received since the posting date of this report.

Finding: This amendment is consistent with the policies of Chapters 1 through 9 of the Comprehensive Plan; therefore, Criterion 1.5.1.C is met.

1.5.1.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.

The proposal does not include changes to the Land Use Map; therefore, approval criteria 1.5.1.D is not applicable.

Finding: Approval criteria 1.5.1.D is not applicable.

Summary Findings for CPA 2014-0010: Based on the facts and findings presented, staff conclude that the proposed text amendment to the Comprehensive Plan is consistent with all the Legislative Comprehensive Plan amendment approval criteria of Section 1.5.1.A through D.

6. Staff Recommendation(s)

Staff offers the following recommendation for the conduct of the October 29, 2014 public hearing for CPA 2011-0010 (Public Involvement Element Update Text Amendment):

A. Open the public hearing.

- B. Receive all public testimony.
- C. Close the public hearing.
- D. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
- E. Recommend **APPROVAL** of text amendment application CPA 2014-0010 to the City Council.

7. Exhibits

- Exhibit A. Proposed Community Involvement Comprehensive Plan text amendment.
- Exhibit B. Existing Public Involvement Element.
- Exhibit C. Statewide Goal 1 Goals and Guidelines