



HATHAWAY LARSON

Koback • Connors • Heth

June 26, 2018

VIA EMAIL

City Council
c/o Anna Slatinsky, Planning Division Manager
City of Beaverton
12725 SW Millikan Way
Beaverton, OR 97005

Re: Oregon Beverage Recycling Cooperative - 9307 SW Beaverton Hillsdale Hwy
Appeal of Director's Interpretation Decision
Post-hearing Supplemental Submission
Our Client: Glenwood 2006, LLC

Dear Mayor Doyle and Councilors:

As you know, this firm represents Glenwood 2006, LLC ("Glenwood"), the owners of the Laurelwood Animal Hospital and the Oregon Veterinary Specialty Hospital located adjacent to the above-referenced Oregon Beverage Recycling Cooperative ("OBRC") beverage container redemption center ("BCRC"). At the June 19, 2018 appeal hearing, the City Council left the record open to allow the parties the opportunity to submit additional evidence into the record on or before June 26, 2018. Glenwood is submitting this letter, the June 21, 2018 letter from Dr. Robert Franklin, Dr. Lynn Erdman and Dr. Ron Earp, attached as Exhibit A, and the other attachments as additional evidence for the City Council to consider.

A. The legislative history of the 2011 Oregon Bottle Bill demonstrates that the legislature rejected a proposal to treat BCRCs as commercial uses and site them in commercial zones.

OBRC has repeatedly claimed that the 2011 Bottle Bill intended for the BCRCs to be treated as commercial uses and sited in commercial zones. Notwithstanding the lack of any language in the adopted bill to support that theory, OBRC claims that the legislature *intended* this outcome when it adopted the 2011 Bottle Bill. OBRC based this claim on the April 11, 2018 letter from two Oregon legislators and Jules Bailey's testimony regarding his personal experience working on the 2011 Bottle Bill as a former legislator. These claims, however, are a classic example of why Oregon courts reject post-enactment statements of legislators as relevant to the legislative intent, especially when one of those legislators has a vested interest in the outcome of the case. *Salem-Keizer Ass'n of Classified Employees v. Salem-Keizer School Dist.* 24J, 186 Or App 1961 P3d

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970 (2003). The legislative history of the 2011 Bottle Bill proves the opposite of OBRC's claim – the Oregon legislature specifically rejected a proposal to treat BCRCs as commercial uses and require them to be sited in commercial zones.

The originally introduced House Bill 3145 (2011 Bottle Bill) is attached as Exhibit B. Section 9 through 11 of the introduced bill included specific language that does precisely what OBRC claims the legislature intended to do when it adopted the 2011 Bottle Bill:

“LAND USE

SECTION 9. { + Section 10 of this 2011 Act is added to and made a part of ORS chapter 197. + }

SECTION 10. { + A redemption center certified under ORS 459A.735 is a commercial use. A local government shall allow the siting of a redemption center on the same or substantially similar basis in areas planned or zoned for commercial use as the local government allows a place of business of a dealer of similar size. + }

SECTION 11. { + A local government shall adopt changes, if necessary, to the acknowledged comprehensive plan or land use regulations to implement section 10 of this 2011 Act within six months after the effective date of this 2011 Act. + }.”

However, these provisions never made it into the final bill. The legislature rejected this proposed language and it was removed from the final bill that was adopted.

The legislature's consideration and rejection of this proposal demonstrates that it did not intend for the BCRCs to be treated as a commercial use and sited in commercial zones. *Doe v. Chao*, 540 U.S. 614, 623, 124 S.Ct. 1204, 157 L.Ed.2d 1122 (2004); *Nuclear Information and Resource Service v. U.S. Dept. of Transp.*, 457 F.3d 956, 962 (9th Cir, 2006); *State v. Supanchick*, 354 Or. 737, 751 (2014). That is why the OLCC process requires the applicant to obtain local government approval and demonstrate that the BCRC complies with the local zoning requirements and ordinances. OAR 845-020-0020(f) & OAR 845-020-0025(8). As the appellants have demonstrated, other local jurisdictions have permitted BCRCs based on their local zoning code and/or adopted legislative code amendments to determine where they will be allowed.

The legislature clearly did not intend what OBRC claims it intended when it adopted the 2011 Bottle Bill. The legislative history and OLCC regulations demonstrate that the legislature intended the opposite. Local governments must determine where these facilities can be sited based on their local zoning codes. It is troubling that Mr. Bailey, who must have known about this legislative history and the rejection of this language in the introduced bill, withheld this information from the City Council and misrepresented the true legislative intent.

B. Even if the City Council wants to allow BCRCs in commercial zones, it should require a conditional use permit.

Although most of the focus of the appeal has been whether or not the BCRC should be allowed in commercial zones or limited to industrial zones like other Recycling Centers, the City Council

must also consider if *any* limitations or restrictions should be imposed on these facilities. As we previously explained, the Director's decision would allow BCRC facilities in every Commercial zoning district and the Office Industrial District without any public notice or process, or any restrictions. At a minimum, the City Council should require a conditional use permit.

Based on the nature of the BCRC and the testimony of the neighbors who have had to live with this facility in their area, requiring a conditional use permit is clearly necessary. BDC 40.15.05 provides: "The purpose of a Conditional Use application is to *review uses that may be compatible in the underlying zoning district but because of their size, operation, or other characteristics require review on a case-by-case basis*. These uses are subject to the regulations in this Section because they may, but do not necessarily, *result in significant adverse effects upon the environment, overburden public services, alter the character of the surrounding area or create nuisances*." (Emphasis added). The BCRC is the type of use that at a minimum requires a conditional use permit to address unique impacts on the surrounding community.

A conditional use permit would enable the City to put reasonable restrictions and limitations on the facility to limit its impacts on the surrounding area. Conditional uses "may be approved, *approved with site specific conditions designed to minimize or mitigate identified adverse impacts*, or denied." BDC 40.15.05. (Emphasis added). The applicant is required to demonstrate that the "location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site." The conditional use process would require OBRC to demonstrate that it will minimize impacts on the surrounding areas *before* it starts operating and will provide the City some authority to restrict or limit the impacts in some manner.

This is yet another example of why the City Council should not adopt the Director's interpretation and allow these BCRC facilities without limitations or restrictions. The proper way for the City Council to decide this important and consequential issue of first impression is to undergo a legislative process to determine both where these facilities should be allowed and what limitations or restrictions should be imposed on these operations to mitigate the impacts on the surrounding community.

C. OBRC attended NAC meetings after the City approved the BCRC and the meetings were designed to promote the BCRC not address neighborhood concerns.

At the appeal hearing, Mr. Bailey testified that OBRC attended multiple Neighborhood Association Committee ("NAC") meetings prior to opening the BCRC in an attempt to address neighborhood concerns. Mr. Bailey's testimony mischaracterizes the NAC meetings and is misleading. OBRC only attended these meetings after the City had approved the BCRC, which was made clear at the meetings, and OBRC did not actually respond to neighborhood concerns. OBRC attended these meetings to promote the new BCRC, not to address neighborhood concerns.

A copy of the Denney Whitford/Raleigh West NAC minutes for the March 9, 2017 meeting is attached as Exhibit C. The NAC chair made clear at the beginning of the meeting that “OBRC has already filed their permits with the City and has been approved to move into that space” and it was only “an informational presentation to let people know how the new center will work and to give them a chance to ask questions.” Exhibit C, p.2. Although several participants raised concerns about the lack of public notice and impacts from the BCRC, the City planner at that meeting (Scott Whyte) responded that “OBRC’s permits have already been processed and they have met the conditions required by City code.” Exhibit C, p.4.

A copy of the Washington County Community Participation Organization District 3 (“CPO3”) minutes for the March 16, 2017 meeting is attached as Exhibit D. Once again, in response to concerns raised about the BCRC Mr. Whyte responded that the property “is zoned commercial on a commercial street, and all requirements were met by them.” Exhibit D, p.6. When neighbors asked what they should do in the event they have problems with the BCRC, Mr. Whyte advised them to call the “Beaverton Police” or “Washington County Sheriff.” Exhibit D, p.6. The City made it clear at these meetings that the BCRC had already been approved and future neighborhood concerns needed to be addressed by the police.

D. OBRC’s claim that it is willing to work with the neighborhood is disingenuous and inconsistent with OBRC’s actions.

OBRC claimed at the appeal hearing that it wants to be part of the solution and is willing to work with the neighbors to address their concerns, but it is unable to do so because the neighbors are not willing to engage with OBRC. That claim is wholly inaccurate. OBRC has known about the neighbors’ concerns for over a year and one-half, whom have communicated their concerns directly to OBRC, but it has consistently ignored these concerns and not engaged with the neighbors.

As reflected in the January 24 and January 31, 2017 emails to Mayor Doyle, attached as Exhibit E, Glenwood reached out to both the City and OBRC months before the BCRC opened to explain its concerns and attempted to generate a dialogue to determine how to address those concerns. And yet, when Glenwood scheduled a site meeting with the City and OBRC on January 30, 2017 to discuss these issues, the City and OBRC started the meeting by stating that they were only there to review if the proposal fits the Design Review Type 1 threshold and were not willing to consider Glenwood’s use related concerns. Exhibit E, p.1.

Around this same time, I personally reached out to OBRC’s attorney at the time, Dave Sweeney at Brownstein Rask, to explore if OBRC was willing to consider a good neighbor agreement and mitigation measures to address the impacts, such as onsite security, removing the stairs between the two properties, measures to maintain the landscaping, pick up trash, and keep people from loitering. Mr. Sweeney never returned my call or otherwise responded.

As explained in the June 21, 2018 letter from Dr. Robert Franklin, Dr. Lynn Erdman and Dr. Ron Earp, Glenwood continued to communicate with OBRC before it opened the BCRC in an attempt to address Glenwood’s concerns. Among other requests, Glenwood asked OBRC to provide security guards to address security and criminal incidents associated with the BCRC.

Even though OBRC acknowledged that it has security guards at some of its BCRC facilities, OBRC was unwilling to provide them at this location or address the other concerns. Exhibit A, p.3.

As reflected in the March 2017 NAC and CPO3 meeting minutes, Glenwood and other neighbors made their concerns very clear to OBRC prior to opening the BCRC. OBRC did not offer any proposals or mitigation measures to address these concerns at the meetings or subsequent to these meetings. Exhibits C & D.

Shortly after the BCRC opened, Glenwood sent a June 1, 2017 email to OBRC, attached as Exhibit F, describing a series of problems that had already started, including customers parking in the Glenwood parking lot, litter, abandoned shopping carts, etc. OBRC never responded to this email. Glenwood subsequently asked OBRC to post no-parking signs to address the parking lot conflicts, clean up the trash and take other measures to address continuing problems with the BCRC. OBRC has routinely ignored these requests. Exhibit A, p.2-3.

After LUBA remanded the City's original approval, Glenwood and other appellants requested a NAC meeting to address what OBRC intended to do to respond to the remand and neighborhood concerns about the BCRC. A copy of the Denney Whitford/Raleigh West NAC minutes for the March 8, 2018 meeting is attached as Exhibit G. Once again, Glenwood and other neighbors made their concerns about the BCRC very clear at this meeting. Exhibit G, p.2-3. Mr. Bailey "acknowledged the need to consider how to address the issues raised," admitted that "grocery stores are dealing with similar issues and have been asking for bottle drop facilities as a potential solution to their issues" and indicated that "vagrancy is not acceptable." Exhibit G, p.4. And yet, neither Mr. Bailey nor anyone else from OBRC followed up with the neighbors or proposed any solutions.

At the June 14, 2018 Denney Whitford/Raleigh West NAC meeting, OBRC actually admitted that it was not following through with proposals it had discussed with some neighbors because it did not want to invest in the site unless the City approved it. The June 14, 2018 meeting minutes, attached as Exhibit H, provided:

"A representative from OBRC explained that the public hearing is trying to resolve ambiguity in the City code. It's possible that the City will adopt a code amendment that bars this kind of business in a commercial zone (*this is one reason OBRC has not moved forward with some of the improvements it has discussed with neighbors; OBRC does not want to invest in the site if they will soon have to move*)." (Emphasis added).

For over a year and one-half, Glenwood and other neighbors have been trying to engage OBRC to get them to take their concerns seriously and do *something* about it. OBRC is well aware of the issues, but instead of offering mitigation measures or proposals to address these issues it continues to feign ignorance about what to do. It is up to OBRC as the applicant, not the affected neighbors, to propose solutions to the problems its facility is creating. OBRC's promise at the appeal hearing to be a good neighbor and work with the neighbors rings hollow and is nothing more than a public relations ploy to get an approval. If OBRC has been unwilling to

work with the neighbors while the legality of the use was still uncertain, they will surely ignore the neighbors if the City Council approves the Application with no restrictions.

E. The Beaverton Police Department analysis and other evidence supports the neighborhood claims that the increase in criminal and security problems is a direct result of the BCRC.

At the appeal hearing, OBRC and the City staff suggested that there is no evidence that the criminal and security related issues are a result of the BCRC. They relied in part on the Beaverton Police Department's analysis of complaint calls in the area surrounding the BCRC, claiming that the analysis determined that there was insufficient evidence that the increase in incidents was caused by the presence of the BCRC. This claim is not an accurate or complete description of the Beaverton Police Department's analysis ("BDP Analysis"), which noticeably was not included in the City Council agenda packet. Therefore, we enclosed a copy of the BDP Analysis, dated April 9, 2018, attached as Exhibit I, so the City Council can review it itself.

The BDP Analysis concluded that there has been a significant increase in reported criminal incidents in the area since the BCRC began operating last year. Exhibit H, p.6. Reported criminal activity has increased 42.86% within 0.25 miles and 73.68% within 0.5 miles of the BCRC since it opened. The analysis also notes that this increase in rates is "greater in the analyzed radius than rates experienced throughout the entire jurisdiction of the Beaverton Police Department," demonstrating that this increase is not due to general increases in criminal activity throughout the City. The BDP Analysis concluded that "this data supports a possible explanation" that this activity is connected to the BCRC. The BDP Analysis noted that additional analysis of other factors "would need to be explored for a more accurate understanding of this data," but the factors cited are ones that would likely increase the number of incidents (the willingness of the public to report incidents, additional incidents reported to the Washington County Sheriff's Office). The BDP Analysis did not conclude that there was insufficient evidence that this increase was caused by the presence of the facility as suggested in the Decision.

The direct correlation between the BCRC and increased criminal activity in the surrounding area is further supported by the testimony of Glenwood and other neighbors. Virtually all of the neighbors testified that there has been a dramatic increase in criminal activity since the BCRC opened and many have connected specific incidents to the BCRC. The June 21, 2018 letter from Glenwood describes numerous criminal and security related incidents they reported to the Beaverton Police Department since the BCRC opened for business in May of 2017. Exhibit A, p.1-2. In the prior 11 years they have operated at this location, there was not a single criminal or security related incident that required them to contact the police. Therefore, there is clearly substantial evidence that the BCRC created a significant and persistent increase in criminal and security related incidents.

F. OBRC is violating the 7 am to 10 pm operating hours restrictions.

In the CS zone, the BDC requires most commercial uses to obtain a conditional use permit if it will operate between the hours of 10 p.m. and 7 a.m. BDC 20.10.20.27.5 & 20.10.25.7. Since

the BCRC is within 500 feet of an existing residential use in a residential zone, there is no question that OBRC must limit the hours of operation from 7 am to 10 pm. OBRC claims that it has been limiting the operating hours to 7 am to 10 pm, but new evidence indicates otherwise.

The City Council heard testimony at the appeal hearing from a Jesuit High School representative that OBRC has been regularly violating this operating hours restriction. The Jesuit representative noted a truck that regularly parks and/or leaves the BCRC prior to 7 am. Glenwood has noticed the same regular violations. The June 21, 2018 letter from Glenwood describes these violations and includes pictures time stamped between 6:30 and 6:42 am to corroborate the statements. Exhibit A, p.4. Since OBRC has not been willing or able to comply with the operating hours restriction, at a minimum the City Council should require a conditional use permit.

G. The City Council should do a site visit and see the back area of the BCRC.

One of the key issues of contention in this appeal is whether or not OBRC is doing any recycling processing activity in the back area of the BCRC. As Councilor San Soucie noted at the appeal hearing, none of the Councilors have seen the back area of the BCRC so it makes it difficult for the Councilors to judge for themselves. Given the importance of this issue, the City Council should do a site visit and see the back area of the BCRC in order to judge for themselves. The City Council has the authority to do so by either doing it as part of this post-hearing record process or reopening the record. Glenwood is confident that if the City Council were to see the back area of the BCRC, you would all agree that OBRC is clearly doing some processing on site. This is too important of a case and too critical of an issue in this case for the City Council not to take this opportunity to see the back area operations.

We appreciate your consideration of these additional comments and evidence.

Very truly yours,

HATHAWAY LARSON LLP



E. Michael Connors

EMC/mo
Attachments

cc: Glenwood 2006, LLC

Exhibit A, Page 1 of 4
GLENWOOD 2006, LLC

STEVEN F. SKINNER, D.V.M.
ROBERT T. FRANKLIN, D.V.M.

RONALD F. EARP, D.V.M.
LYNN F. ERDMAN, D.V.M.

June 21, 2018

City Council

City of Beaverton

12725 SW Millikan Way

Beaverton, OR 97005

Re: Oregon Beverage Recycling Cooperative – 9307 SW Beaverton Hillsdale Hwy
Appeal of Director's Interpretation Decision

Dear Mayor Doyle and City Councilors:

We own and operate the Laurelwood Animal Hospital and the Oregon Veterinary Specialty Hospital located adjacent to the bottle drop. We are writing this letter in response to some of the testimony given by the OBRC representatives regarding criminal activity, their wiliness to work with the surrounding businesses and neighbors, and their compliance with the operating hour restrictions.

A. Criminal and security related problems increased significantly since the bottle drop.

Since the bottle drop opened for business in May of 2017, we have experienced a marked increase in criminal activity that we reported to the Beaverton Police and required them to come out to this area. WE have been at our current location for 12 years and I do not remember having to call the Beaverton Police for any issue prior to the bottle drop. We are listing the recent calls to the police over the last year to the best of our recollection:

In July, 2017, the police came out and arrested an individual who was loitering in our court yard.

On September 14, 2017, we reported the theft of one of our security cameras. This was discovered after an individual late at night had entered the hair salon downstairs and had taken property of the owners and left with property from the salon. The police came with police dogs and found her cellphone in the dumpster at the bottle drop. Incident 17-2570827, bloose@beavertonoregon.gov

Exhibit A, Page 2 of 4

On October 19, 2017, a man entered the Oregon Veterinary Specialist Hospital restroom and injected heroin and left the paraphernalia, syringe, etc., in the trash can. The police identified the man, Avery Erickson, Caucasian, age 30.

In Mid-March, a woman was camped out in our courtyard, around 10 PM at night. The police came and talked to her and finally arrested her.

On April 1, 2018, we found emptied stolen green bags from the bottle drop that was deposited left in our court yard after the individuals had transferred the cans and bottles to another bag. This was caught on our security cameras and given to the police department.

On May 17, 2018, a woman who had just come from the bottle drop attempted to break into the car of our tenant, the owner of the hair salon. This was witnessed by the neighbor behind our building and called it into the Washington County Sheriff, Wesley Johnson, case number 50 181 371087.

On May 19, 2018, after the hospital had closed a can of paint was found in our entry way upright with paint spread on both sides of the can with the lid about 2 feet away. The paint was the same color as the paint used to paint the bottle drop building. It was placed in a way that a car coming onto our property would hit it and spread paint all over our parking lot as well as the car that would have hit it. Reported to NMcGuie@beavertonoregon.gov. Our conversation with the officer confirmed in his opinion this was intentional and not by accident.

During the first week of June, 2018, we called the Beaverton police department because at about 10:30 at night a man was loitering around our building. The police came out with a police dog and canvassed the area and found in the woods behind us a place where someone was setting up a place to live. The police returned the next day to reinvestigate.

On June 14, 2018, the neighbors asked us if our alarms went off early in the morning. Our alarms are silent. Apparently, an alarm in the adjacent building was blaring. The police came out walled off the area and searched the area with police dogs. This was reported to us the next day by the neighbor behind my facility.

These are all the incidences that we can personally remember. When talking to the police officers who have investigated these incidences they felt they were related to the bottle drop. They stated that when incidences are reported they are listed to the address that called. Just because the bottle drops address is not on the report does not mean that the culprits are not drawn to the area or coming from the bottle drop. Since we have had no issues for the previous 11 years we have been here and now we have multiple times when the police have been called it stands to reason the bottle drop is the center of the problem.

B. OBRC has not been willing to work with us and address our concerns.

The OBRC representatives say they want to be good neighbors and work to deal with our concerns. That has not been the case in our experience.

Before the bottle drop went in we met with the OBRC representatives at the site and discussed our concerns. Among other requests, we asked if they would provide 24-hour guards to monitor criminal behavior as they have done at some of their other facilities. They refused and told us they had security cameras which are sufficient. We asked if the cameras are monitored 24/7 and they answered no. The

Exhibit A, Page 3 of 4

security cameras appear to only be designed to protect their property, not to address security-related problems on our property or the surrounding properties.

We have asked several times for them to post signs to the people using the recycling center to not use our parking lot and they have repeatedly ignored my request. Frequently I have had to ask them to clean up the trash left behind by the people using the bottle drop that is left on the ground bordering and on our property. They have either ignored our requests or left it there for several days.

As mentioned at the appeal hearing, at a neighborhood association meeting after the bottle drop was approved it was brought up that OBRC had still not replaced the fence that borders the house directly to the east of the bottle drop. Jules Bailey with OBRC admitted at the appeal hearing that they had discussed this issue with the owner but he had not gotten back to them. It seems to us it was OBRC's responsibility to contact the neighbor to follow through on this matter not the other way around.


In that same neighborhood association meeting, Mr. Bailey stated that the grocery stores were begging OBRC to open these bottle drops to solve their vagrancy problem. If the grocery stores are experiencing vagrancy problems, a bottle drop that replaces 25 grocery stores is clearly going to have a much more significant problem. But OBRC has done nothing about the problem around the current bottle drop.

We have found the representative of the bottle drop to be very insincere in their desire to help alleviate the incidents that have happened since they opened. If the City Council approves this bottle drop notwithstanding all of the problems mentioned by us and other neighbors, OBRC will have no incentive to address our concerns.

C. Operating outside the restricted hours of operation.

The bottle drop is supposed to be limiting their operations from 7 am to 10 pm. As noted by a Jesuit High School representative at the appeal hearing, a large transport truck is regularly parked at the bottle drop and/or leaves the site prior to 7 am. I enclosed pictures on June 6 and 15, 2018 showing this truck parked and leaving the facility prior to 7 am. This is hardly the only time this has occurred. OBRC appears to be operating prior to 7 am.

We are not against the redemption of cans and bottles, or the concept of the bottle drop. But we are opposed to a bottle drop at this location in a commercial and residential area. We believe our experience has proven why this is an inappropriate site and should be relocated to a more appropriate area.


Robert T. Franklyn, DVM


Lynn F. Erdman, DVM

Ron F. Earp, DVM

Glenwood 2006

9315 and 9339 SW Beaverton Hillsdale Hwy

Beaverton, Oregon 97005

Exhibit A, Page 4 of 4



Exhibit B, Page 1 of 6

Go

BottleBill.org - Bottle Bill Resource Guide

Bottle Bill Campaigns:

Oregon 2011 bill text

House Bill 3145 (as introduced)

[Amended and engrossed version](#)The following text was found at <http://www.leg.state.or.us/11reg/measure/hb3100.dir/hb3145.intro.html>

76th OREGON LEGISLATIVE ASSEMBLY--2011 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + } .

LC 1597

House Bill 3145

Sponsored by Representatives BERGER, CANNON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Changes definition of 'beverage. '

Allows beverage distributors or importers to establish distributor cooperative for certain purposes. Provides that dealer that uses distributor cooperative is not required to return beverage containers to distributor or importer that does not participate in distributor cooperative. Requires distributor cooperative and distributors and importers that do not participate in distributor cooperative to provide Oregon Liquor Control Commission with report on beverage container return rate each calendar year.

Increases refund value for beverage containers.

Requires local governments to allow siting of redemption center in certain cases.

A BILL FOR AN ACT

Relating to beverage containers; creating new provisions; and amending ORS 459A.700, 459A.705 and 471.501.

Be It Enacted by the People of the State of Oregon:

{ +

BEVERAGE CONTAINERS + }

SECTION 1. ORS 459A.700 is amended to read:

459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740, unless the context requires otherwise:

(1) 'Beverage' means { + any of the following in liquid form and intended for human consumption:

(a) + } Water and flavored water { - , - } { + ;

(b) + } Beer or other malt beverages { - and - } { + ;

(c) + } Mineral waters, soda water and similar carbonated soft drinks { - in liquid form and intended for human consumption - } { + ; and

(d) Sports drinks, energy drinks, coffee, tea, juice and similar noncarbonated drinks + }.

(2) (a) 'Beverage container' means an individual, separate, sealed glass, metal or plastic bottle or can containing a beverage in a quantity less than or equal to three fluid liters.

(b) 'Beverage container' does not include cartons, foil pouches and drink boxes.

(3) 'Commission' means the Oregon Liquor Control Commission.

Exhibit B, Page 2 of 6

(4) 'Consumer' means every person who purchases a beverage in a beverage container for use or consumption.

(5) 'Dealer' means every person in this state who engages in the sale of beverages in beverage containers to a consumer, or means a redemption center certified under ORS 459A.735.

(6) 'Distributor' means every person who engages in the sale of beverages in beverage containers to a dealer in this state including any manufacturer who engages in such sales.

(7) 'Importer' means any dealer or manufacturer who directly imports beverage containers into this state.

(8) 'In this state' means within the exterior limits of the State of Oregon and includes all territory within these limits owned by or ceded to the United States of America.

(9) 'Manufacturer' means every person bottling, canning or otherwise filling beverage containers for sale to distributors, importers or dealers.

(10) 'Place of business of a dealer' means the location at which a dealer sells or offers for sale beverages in beverage containers to consumers.

(11) 'Use or consumption' includes the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for the purposes of sale.

(12) 'Water and flavored water' means any beverage identified through the use of letters, words or symbols on its product label as a type of water.

SECTION 2. { + The amendments to ORS 459A.700 by section 1 of this 2011 Act become operative January 1, 2014. + }

{ +
DISTRIBUTOR COOPERATIVES + }

SECTION 3. { + Section 4 of this 2011 Act is added to and made a part of ORS 459A.700 to 459A.740. + }

SECTION 4. { + (1) Two or more distributors or importers may establish a distributor cooperative for the purposes of:

(a) Collecting the refund value of beverage containers as established by ORS 459A.705 from distributors or importers and refunding to dealers the amount the dealers paid for the refund value of empty beverage containers;

(b) Paying the refund value as established by ORS 459A.705 for beverage containers sold in this state; and

(c) Processing beverage containers sold in this state.

(2) A distributor cooperative established under this section must service a majority of the dealers in this state.

(3) If a distributor cooperative is established, a dealer that uses the distributor cooperative to redeem and process beverage containers sold in this state is not required to return beverage containers to a distributor or importer that does not participate in the distributor cooperative, provided that the dealer or the distributor cooperative provides an accounting to the distributor or importer of the beverage containers by brand and kind that were distributed by the distributor or importer and subsequently redeemed by the dealer or distributor cooperative.

(4) Upon receipt of the accounting required by subsection (3) of this section, a distributor or importer that does not participate in the distributor cooperative must pay the refund value of the redeemed beverage containers specified in the accounting to the dealer or distributor cooperative that provided the accounting.

(5) (a) For purposes of this subsection, beverage container return rate is calculated by dividing the number of beverage containers returned in Oregon during the calendar year by the number of beverage containers sold for a refund value during the calendar year.

(b) By July 1 of each calendar year, a distributor cooperative shall provide the Oregon Liquor Control Commission with a report that lists, in aggregate form for all distributors and importers that participate in the distributor cooperative, the previous calendar year's beverage container return rate, calculated separately for aluminum, glass and plastic containers.

(c) By July 1 of each calendar year, a distributor or importer that does not participate in a distributor cooperative shall provide the commission with a report that lists the distributor's or the importer's beverage container return rate for the previous calendar year, calculated separately for aluminum, glass and plastic containers. + }

SECTION 5. { + The first reports to the Oregon Liquor Control Commission under section 4 (5) of this 2011 Act must be filed no later than July 1, 2012, for calendar year 2011. + }

Exhibit B, Page 3 of 6

{ +
10-CENT REFUND VALUE + }

SECTION 6. ORS 459A.705 is amended to read:
459A.705. (1) Except as provided in subsection (2) of this section, every beverage container sold or offered for sale in this state shall have a refund value of not less than { - five - } { + 10 + } cents.
(2) Every beverage container certified as provided in ORS 459A.725, sold or offered for sale in this state, shall have a refund value of not less than two cents.

SECTION 7. ORS 471.501 is amended to read:
471.501. Nothing in this chapter prevents a brewery licensed under ORS 471.220 or a brewery-public house licensed under ORS 471.200 from establishing a refund value for malt beverage containers under the provisions of ORS 459A.705 that is in excess of { - five - } { + 10 + } cents per container for the purpose of encouraging purchasers to return the containers directly to the brewery or brewery-public house. A refund value in excess of { - five - } { + 10 + } cents per container may be paid under this section only to persons who are not licensed under this chapter and who return the containers directly to the brewery or brewery-public house.

SECTION 8. { + The amendments to ORS 459A.705 and 471.501 by sections 6 and 7 of this 2011 Act become operative January 1, 2015. + }

{ +
LAND USE + }

SECTION 9. { + Section 10 of this 2011 Act is added to and made a part of ORS chapter 197. + }

SECTION 10. { + A redemption center certified under ORS 459A.735 is a commercial use. A local government shall allow the siting of a redemption center on the same or substantially similar basis in areas planned or zoned for commercial use as the local government allows a place of business of a dealer of similar size. + }

SECTION 11. { + A local government shall adopt changes, if necessary, to the acknowledged comprehensive plan or land use regulations to implement section 10 of this 2011 Act within six months after the effective date of this 2011 Act. + }

{ +
UNIT CAPTIONS + }

SECTION 12. { + The unit captions used in this 2011 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2011 Act. + }

HB 3145 (As amended and engrossed)

B-Engrossed

House Bill 3145

Ordered by the House May 3

Including House Amendments dated April 26 and May 3

Sponsored by Representatives BERGER, CANNON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Changes definition of 'beverage' and 'beverage container.'
Specifies application of laws regulating redemption of beverage containers. Expands application of such laws one year after date on which Oregon Liquor Control Commission determines that at least 60 percent of beverage containers are returned or on January 1, 2018, whichever comes first.

Increases refund value for beverage containers { - beginning on January 1 of calendar year - } { + by specified date + } following determination by commission that, in each of two previous calendar years, less than 80 percent of total number of beverage containers sold in Oregon were returned.

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{ - Authorizes - } { + Requires + } commission to create one pilot project for establishment of beverage container redemption center.

A BILL FOR AN ACT

Relating to beverage containers; creating new provisions; and amending ORS 459A.700, 459A.705 and 471.501.

Be It Enacted by the People of the State of Oregon:

{ +
BEVERAGE CONTAINERS + }

SECTION 1. ORS 459A.700 is amended to read:

459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740, unless the context requires otherwise:

(1) 'Beverage' { - means water and flavored water, beer or other malt beverages and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption - } { + means a fluid described in section 2 of this 2011 Act + }.

(2) { - (a) - } 'Beverage container' { - means an individual, separate, sealed glass, metal or plastic bottle or can containing a beverage in a quantity less than or equal to three fluid liters - } { + means a container described in section 2 of this 2011 Act + }.

{ - (b) 'Beverage container' does not include cartons, foil pouches and drink boxes. - }

(3) 'Commission' means the Oregon Liquor Control Commission.

(4) 'Consumer' means every person who purchases a beverage in a beverage container for use or consumption.

(5) 'Dealer' means every person in this state who engages in the sale of beverages in beverage containers to a consumer, or means a redemption center certified under ORS 459A.735.

(6) 'Distributor' means every person who engages in the sale of beverages in beverage containers to a dealer in this state including any manufacturer who engages in such sales.

(7) 'Importer' means any dealer or manufacturer who directly imports beverage containers into this state.

(8) 'In this state' means within the exterior limits of the State of Oregon and includes all territory within these limits owned by or ceded to the United States of America.

(9) 'Manufacturer' means every person bottling, canning or otherwise filling beverage containers for sale to distributors, importers or dealers.

(10) 'Place of business of a dealer' means the location at which a dealer sells or offers for sale beverages in beverage containers to consumers.

(11) 'Use or consumption' includes the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for the purposes of sale.

(12) 'Water and flavored water' means any beverage identified through the use of letters, words or symbols on its product label as a type of water.

SECTION 2. { + (1) Except as provided in subsection (2) of this section, ORS 459A.700 to 459A.740 apply to any individual, separate, sealed glass, metal or plastic bottle or can, except for cartons, foil pouches and drink boxes, that contains the following beverages, intended for human consumption and in a quantity less than or equal to three fluid liters:

(a) Water and flavored water;

(b) Beer or other malt beverages; and

(c) Mineral waters, soda water and similar carbonated soft drinks.

(2) One year after the date on which the Oregon Liquor Control Commission determines that at least 60 percent of the beverage containers returned for the refund value specified in ORS 459A.705 are returned statewide to redemption centers approved under ORS 459A.735, or on January 1, 2018, whichever comes first, ORS 459A.700 to 459A.740 apply to any individual, separate, sealed glass, metal or plastic bottle or can, except for cartons, foil pouches, drink boxes and metal containers that require a tool to be opened, that contains:

(a) The following beverages, intended for human consumption and in a quantity less than or equal to three fluid liters:

(A) Water and flavored water;

(B) Beer or other malt beverages; and

(C) Mineral waters, soda water and similar carbonated soft drinks.

(b) Any beverage other than those specified in paragraph (a) of this subsection that is intended for human consumption and is in a quantity more than or equal to four fluid ounces and less than or equal to one and one-half fluid liters, except distilled

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liquor, wine, dairy or plant-based milks, infant formula and any other exemptions set forth in rule of the Oregon Liquor Control Commission. + }

10-CENT REFUND VALUE + }

SECTION 3. ORS 459A.705 is amended to read:
459A.705. (1) Except as provided in { - subsection (2) - } { + subsections (2) and (3) + } of this section, every beverage container sold or offered for sale in this state shall have a refund value of not less than five cents.

{ + (2) (a) Every beverage container sold or offered for sale in this state shall have a refund value of not less than 10 cents, beginning on the later of:

(A) Eight months after the Oregon Liquor Control Commission determines that, in each of the two previous calendar years, the number of beverage containers returned for the refund value specified in this section was less than 80 percent of the total number of beverage containers that were sold in this state; or

(B) January 1 of the calendar year following the determination by the commission described in subparagraph (A) of this paragraph.

(b) The commission may not make a determination under this subsection before January 1, 2016.

(c) In making a determination under this subsection, the commission may not include the beverage containers and beverages described in section 2 (2) (b) of this 2011 Act before January 1, 2021. + }

{ - (2) - } { + (3) + } Every beverage container certified as provided in ORS 459A.725, sold or offered for sale in this state, shall have a refund value of not less than two cents.

SECTION 4. ORS 471.501 is amended to read:

471.501. Nothing in this chapter prevents a brewery licensed under ORS 471.220 or a brewery-public house licensed under ORS 471.200 from establishing a refund value for malt beverage containers under the provisions of ORS 459A.705 that is in excess of five cents { + , or in excess of 10 cents as described in ORS 459A.705 (2), + } per container for the purpose of encouraging purchasers to return the containers directly to the brewery or brewery-public house. A refund value in excess of five cents { + , or in excess of 10 cents as described in ORS 459A.705 (2), + } per container may be paid under this section only to persons who are not licensed under this chapter and who return the containers directly to the brewery or brewery-public house.

PILOT PROJECT + }

SECTION 5. { + (1) (a) Pursuant to the provisions of ORS 459A.735, the Oregon Liquor Control Commission shall approve one beverage container redemption center pilot project in a city having a population of less than 300,000, operated by a distributor cooperative serving a majority of the dealers in this state.

(b) Notwithstanding any other provision of ORS 459A.700 to 459A.740, the beverage container redemption center operated under the pilot project may not refuse to accept and to pay the refund value of up to 300 individual empty beverage containers, as established by ORS 459A.705, returned by any one person during one day.

(2) (a) The commission shall specify two convenience zones for the pilot project. The first convenience zone shall be the sector within the one and one-half mile radius around the beverage container redemption center pilot project, and the second convenience zone shall be the sector within the three mile radius around the beverage container redemption center pilot project.

(b) All dealers doing business within the first convenience zone that occupy a space of 5,000 or more square feet in a single area may participate in, and be served by, the pilot project and, if such a dealer participates in, and is served by, the pilot project, the dealer may, notwithstanding any other provision of ORS 459A.700 to 459A.740, refuse to accept and to pay the refund value of empty beverage containers.

(c) All dealers doing business within the second convenience zone that occupy a space of 5,000 or more square feet in a single area may participate in, and be served by, the pilot project and, if such a dealer participates in, and is served by, the pilot project, the dealer may, notwithstanding any other provision of ORS 459A.700 to 459A.740, refuse to accept and to pay the refund value of more than 24 individual empty beverage containers returned by any one person during one day.

(d) All dealers doing business within either convenience zone

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that occupy a space of less than 5,000 square feet in a single area may, notwithstanding any other provision of ORS 459A.700 to 459A.740, refuse to accept and to pay the refund value of more than 24 individual empty beverage containers returned by any one person during one day.

(e) Any dealer doing business in either convenience zone that occupies a space of 5,000 or more square feet in a single area that does not participate in, and is not served by, the pilot project may not refuse to accept and to pay the refund value of up to 300 individual empty beverage containers, as established by ORS 459A.705, returned by any one person during one day and must provide services similar to those provided by the pilot project, including hand counting of individual empty beverage containers that are returned for the refund value established by ORS 459A.705.

(3) The commission may adopt all rules necessary to implement and administer the provisions of this section. + }

MISCELLANEOUS + } { +

SECTION 6. { + Sections 2 and 5 of this 2011 Act are added to and made a part of ORS 459A.700 to 459A.740. + }

UNIT CAPTIONS + } { +

SECTION 7. { + The unit captions used in this 2011 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2011 Act. + }

Updated September 21, 2011

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City of Beaverton
Neighborhood Association Committee Meeting Minutes

NAC: Denney Whitford / Raleigh West

Date: March 9, 2017

Board members present:

Co-Chair: Sherry Moore
 Co-Chair: Ernie Conway
 BCCI Rep: Michelle Lupo

Treasurer: Sheri Struk
 Recorder: Tracy Thornton

Quorum present? Yes No

Meeting start time: 7:00

Beaverton Police Department Report: Officer Justin Haugen gave an update on crime stats. In last month's meeting, one of the concerns was graffiti, and he noted that for February there were 3 reports of vandalism (which includes graffiti), but January had 8, so there appears to be a decrease. In general, most crime types have gone down except DUIs, which the department tends to focus on.

The department is close to implement the use of body cameras. A "train the trainer" session is coming up in the next couple of weeks, and the plan is to roll out this new technology to the officers after that.

Check the department website for car seat clinics and drug recycling events:
<http://www.beavertonpolice.org/>

Michelle Lupo asked about cables laid across Larch Drive between Beaverton-Hillsdale Highway and 5th Street. Officer Haugen said that those are normally set up by the Traffic Department for cases where, for example, they receive a report that people are speeding in a neighborhood. The cables allow the Traffic Department to gather statistics and take appropriate action and/or report back to the person who reported the issue.

The department plans to hire about five new officers in June. The officers who were placed on administrative leave due to the shooting on 170th are due back to work in a couple of weeks.

Tualatin Valley Fire & Rescue Report (Station 53): No report.

Tualatin Hills Parks & Recreation District Report: Kelly McNutt continues to cover for Heath Wright as the temporary center supervisor at the Harman Swim Center and as our THPRD rep. She reported that THPRD's master sign replacement plan, due to a logo change, is phasing in sign updates. The plan is to replace the remaining 266 signs by the end of March. The Cedar Hills rec center is getting a new playground; work has started and will continue through the end of May.

The Nature Park has changed its volunteer strategy. It used to try to get volunteers who could commit to a lengthy term, but it was difficult to find people willing to commit to that much time. They have switched to shorter volunteer assignments and they have seen a huge increase (73%) in volunteers; thus, they'll continue to use this system. Volunteering is open to all ages, and they're seeing a lot of student volunteers.

THPRD won the budget presentation award for the 13th consecutive year. This award judges the effectiveness of an organization's policy document, their financial planning, and how the budget presentation works as a communications device. Kelly reminded us that THPRD budget meetings are open to the public.

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THPRD has won a \$3.7 million grant from Metro for a new, 1.5 mile long, 12 feet wide section of trail that will connect the Beavercreek trail to Hocken Ave. The anticipated benefits are more pleasant, off street passage for its users, a safer way to travel that area, and improved access to light rail for people not using cars; this trail section will also feed into commercial areas. This trail fills a gap in THPRD's 70 mile trail system.

In the aquatics area, THPRD's 50 meter pool is in its second remodeling phase, and will be closed down for a portion of summer into fall; exact dates are TBD (but will be announced as soon as they're known). This will create an influx of people into the other swim centers. The swim centers continue to host "Dive-In Movies"; the next one is scheduled for March 25th from 6:00 pm to 8:00 pm at Harmon and the movie is Disney's "Beauty and the Beast." These have been popular events. The "first free Fridays" program is also continuing; this program allows people to use the aquatics facilities at no cost for open swim, lap swim, and/or family swim on the first Friday of every month.

Guest Speaker:

Cherilyn Bertges from Oregon Beverage Recycling Cooperative (OBRC) gave a presentation on a new, stand-alone "bottle drop" center that is going in where Pier 1 used to be located, at 9307 SW Beaverton-Hillsdale Highway. Ernie noted for the attendees that this was not a public hearing or a preliminary meeting; OBRC has already filed their permits with the City and has been approved to move into that space. This is an informational presentation to let people know how the new center will work and to give them a chance to ask questions.

A bottle drop center accepts and processes deposit containers returned in Oregon, regardless of where they're purchased. This function, now being performed by many retail grocery stores (such as Fred Meyer or Safeway) is being moved, with the financial support of those stores, to stand alone centers like the one OBRC is creating. There are currently 19 of these centers open across the state, including one on Highway 99 in Tigard; the Beaverton location will be their 20th. These drop centers are different from grocery store self-service facilities. These locations are staffed, indoor facilities that provide additional services, such as a bag drop program, a manual bottle count by staff, and state of the art self-service vending machines that are able to both accept containers more quickly and to accept mixed containers; glass, aluminum, and plastic containers can all be recycled together. OBRC strives to provide a good retail experience and focuses on keeping the facilities safe and clean.

For people wanting their bottle returns hand counted, staff will count up to 50 containers at a time while you wait. The self-service machines work much like those at grocery stores, only faster, and they're designed in such a way that they don't break down as often. The biggest difference between these centers and a grocery store is the "green bag" drop-off program. To participate in this program, you need to sign up for an account. You are then given a green plastic bag to take home along with bag tags; each bag holds between 75 and 100 containers. You then fill the bag and drop it off at the center any time during drop-off hours (7:00 am to 10:00 pm; note that while some other centers are open 24/7, City of Beaverton code restricts retail business hours to this range.) Staff members then count your bottles and deposit the redemption value to your account. You can access those funds at any center or also at participating retailers, such as Fred Meyer and Safeway. At those locations, you get your cash by going to a special bottle drop kiosk where you print out a receipt and then redeem that for cash from a cashier. As an added incentive, if you're going to use your cash to shop in that store, the store will give you \$.06 for every \$.05 in redemption value. You can take out as much as \$80 at a time (which would have a shopping value of \$96).

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These centers are an important way for retailers to manage the growing volume of recycling that is expected when all other containers (such as Gatorade and juices) fall under the Oregon bottle bill starting in 2018. The Oregon Liquor Control Commission oversees the state's recycling program and ensures that certain conveniences stay in place when recycling moves from grocers to these centers, such as easy parking, onsite wheel carts to help with transporting your containers, the drop off service, and open hours seven days per week. The only retailers who can participate in this program (that is, retailers that can stop accepting recycled containers or severely limit the number they will accept) are those with stores that are over 5000 square feet. There are 19 participating retailers, who fund these centers so that the centers can take over their bottle bill obligations. Six of these retailers will continue to accept up to 24 containers per person per day.

The new Beaverton center will have winter hours (when the facility is staffed) from 9:00 am to 6:00 pm, and it will be open until 7:00 pm in the summer. The center will hire 7-8 employees. The green bag drop off door will be accessible from 7:00 am to 10:00 pm for users of that program.

For more information, see the website at www.BottleDropCenters.com.

Questions/concerns

Security: Cherilyn noted that the other centers have not had issues with loitering because the facilities are staffed during business hours and they do not allow loitering on their sites. Security cameras will be placed throughout the facility. In some other locations around the state, security guards have been hired; the determination for whether that is needed will come after the facility has been up and running.

The Tigard facility is the one considered most like the Beaverton facility in terms of volume and the neighborhood area. An audience member noted that the two sites are not alike, because the Tigard facility is part of a large strip mall area and has a very large parking lot; there was concern that the parking lot at this facility would be too small.

One person expressed concerns that this site would see people dumping cans at night, creating sanitation and safety issues. Cherilyn noted that staff of the centers will keep the area clean during business hours and it's not expected that people will drop off redeemable containers outside of business hours, since the purpose of the facility is to redeem recyclable containers for money, and there will be no way to do that outside of the regular hours.

Traffic: Beaverton-Hillsdale Highway is a very busy street and there are concerns about people trying to turn left out of the parking lot, which is quite difficult at certain times of the day or on certain days of the week, such as Saturdays, when the facility is likely to be busy. Trucks will enter the facility to pick up recycling during regular business hours; when truck drivers plan their routes, they ensure that they take only right turns as this is more logistically and cost efficient for them. It was also noted that there would be less truck traffic overall because a truck is going to one facility to pick up recycling rather than having to stop at Fred Meyer, then New Seasons, then Rite Aid (for example).

Someone asked why a traffic study was not done. Scott Whyte, Senior Planner with the City, explained that because the use did not change, there was no requirement for a traffic study. An individual can request a traffic study if a specific issue is noticed, which could lead to a hearing before the Traffic Commission (Ernie, who is also chair of the Traffic Commission, commented about this process.) However, Scott noted that the best place to start is for neighbors to talk to each other about concerns; sometimes these issues can be resolved simply with additional signage (for example).

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There's a concern that this is located next to a medical/veterinary facility. There is a private road between the bottle drop center and the veterinary clinic, and it was assumed that people wanting to turn left would make a right turn out of the bottle drop center, then make another quick right turn onto this road as a way of getting to a road that would allow drivers to get to a light which would make a left turn onto BHH possible. There was no discussion about whether this was an issue when Pier 1 was operating at this location.

Other concerns:

Several people expressed general frustration with the fact that they were not notified about this new facility. Scott Whyte explained that the usage for this facility commercial (e.g. retail), not industrial, and nothing is being processed on site; containers are collected and then transported to another facility for processing. Because the usage did not change from the previous occupant (Pier 1), City law does not require any notifications to go out, and the City must follow the law equitably for all businesses seeking permits. (This is the same reason no traffic study was required.) On the other hand, if OBRC wanted to have the facility open for extended hours (before 7:00 am or after 10:00 pm), for example, then they would need to apply for a conditional use permit, and that would have triggered a notification to neighboring property owners. Ernie noted that an ongoing and frustrating problem in this NAC is that so many properties are next to unincorporated areas or county areas, making jurisdictional concerns and differences difficult for the average citizen. This is a similar issue to the one faced when Walmart put in its Apple Way location; because it was a grocery store going into a location that had previously been a grocery store, no notification process was triggered. However, Walmart did ask for a conditional use permit for extended hours, which created the need for them to have a public meeting. Scott Whyte noted that OBRC's permits have already been processed and they have met the conditions required by City code (such as using lighting techniques that shield light from neighboring properties). One person noted that he had been working with the City for four months to have a public process where these issue could be discussed, claiming that neither the City nor the applicant would agree to this process.

Scott explained that there was no requirement for a public hearing because the usage was not changing. This is City law. OBRC is going into an existing building. They are remodeling the building and doing some minor landscaping. They will have to meet specific design and lighting standards, but all of this is handled, by law, through an administrative review process at the City. This facility falls under the permitted use for its zone (commercial), so they must be treated the same as any other facility that would fall under permitted use. One person questioned how this could be considered permitted use when this is the first facility of its kind to be located in Beaverton. Scott noted that this usage is already done in commercial use areas, such as the stand-alone bottle return area at Fred Meyer. Businesses change owners all the time in Beaverton; when the usage does not change, no notification or public hearing is required.

OBRC's attendance at this NAC meeting was something they chose to do, not a requirement like other types of public meetings (as Ernie had noted at the beginning). Cherilyn noted that applications for these facilities go through OLCC, and those applications are always open for public comment. Comments are reviewed and considered by OLCC before they approve a site. Once a site is approved, OBRC follows the process outlined by the city in which they are locating the facility.

Ernie noted that if one has a concern about the City's development code, which is currently under review, contact the City Planning Department or Traffic Department for more information.

Useful links:

Washington County and City of Beaverton Community Development Needs questionnaire:

<https://www.surveymonkey.com/r/CDBGNeedsSurvey>

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City of Beaverton Development Code:

<http://www.beavertonoregon.gov/463/Development-Code>

The City's survey about the development code is now closed, but this link gives you more information and an e-mail address to send more feedback:

<http://www.beavertonoregon.gov/1165/Custom-Survey>

Guest Speaker: Holly Thompson, candidate for THPRD Board of Directors. Holly lives in Beaverton and is a heavy user of THPRD facilities and parks; in fact, this was part of the reason she chose to move to Beaverton. She is running for the board because she noticed that no one looks like her on the board; there are no women, no moms. She believes that we have an amazing park district, but wants to spotlight some issues, particularly affordability and equitable access. She works for the City of Beaverton and wants government to be open, transparent, and good at communication and will bring that perspective to the THPRD board. She does not have a passion for only one particular area (such as nature parks or rec centers); she wants to represent all areas, all age groups. She will be part of the special election held on May 16th. She noted that these special elections can be neglected but encouraged everyone to vote, even if they're not voting for her. More information about Holly can be found at <https://ThompsonforTHPRD.com>.

Treasurer's Report: We had one deposit from the City: \$545.00 for volunteer activities. Our current checking account balance is \$6,306.85.

BCCI Report: The last BCCI meeting was an update to City Council, where they presented a review of what they did last year. They sponsored and/or organized several different events, including the Voters' Forum, three meetings about the new Public Safety Center, two neighborhood cleanups; they and partnered with Visioning Committee to adopt their priorities; and they continue to support the community booth at the Farmer's Market, which allows groups to create awareness and earn some money. BCCI is taking over matching grant program; with this program, the City will match volunteer hours for improvements in your neighborhood. Contact your NAC leaders if you have any ideas for improvements.

Old Business:

McKay Elementary book club update: Sherry procured over 75 books, with some more at the Harmon Swim Center. Books or gift cards are accepted.

Consent Agenda

Approval of minutes (October and February (January was canceled due to weather)): Sherry moved to accept the consent agenda. Michelle seconded. The motion passed 5-0.

New Business:

Ernie proposed that the Denney Whitford/Raleigh West NAC will take over sponsoring a ten-gallon garbage can at two TriMet bus stops on Scholls Ferry Road near Harmon Swim Center. Ernie and Tracy both use these stops regularly and there is no trash can and a trash problem there. TriMet will put out the cans, but they must be sponsored by a group, who agrees to empty them. Because an individual cannot sponsor them, Ernie would like the NAC to be the sponsor, and then he will take on the responsibility of emptying the can. (There was no vote taken on this; we will revisit at the next meeting.)

Miles suggested a matching grant for an iPad with a data service package and upgrade to the WebEx account so that we can establish the process for allowing people to attend NAC meetings remotely (or

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watch recording after the fact). The grant should cover the cost of equipment and one year of data; after that, we will need to decide whether to continue the program or not.

Sherry asked whether any NAC was using a PO box so we don't lose mail when the person on our bank account moves. Miles said that we could have checks held at the City, but someone would have to go pick it up.

Question: Why there are sidewalks on Denney Road west of Hwy 217 and the speed limit is 35 mph, while east of 217 there are no sidewalks and the speed limit is 30 mph; the east side is considerably narrower. Ernie explained that speed limits are set by ODOT; the City technically can't change speed limit. However, concerns about speed limits can be brought before the Traffic Commission; if they agree that there are good reasons to change the speed limit, then they will make a recommendation to ODOT. Ernie also noted that the area from BelAire east to Scholls Ferry Road is on the capital improvement plan and may eventually get sidewalks or other improvements. The work is not scheduled for 2017-18, but it's on the radar.

Question: Does the City have an input on the route TriMet chose for its new bus line from Washington Square down Denney Road to the Beaverton Transit Center? Scott Whyte (noting this was not his area of expertise) commented that usually TriMet and the City work together. They gather information from surveys and other community feedback but also consider that the City has made getting around without a car is a key issue. Ernie noted that this new bus line addresses TriMet's "last mile" program; TriMet has found that if someone has to walk more than ½ a mile to transit, they won't use it. So TriMet is reviewing areas without service (such as the Vose neighborhood along Denney Road) and trying to fill in those gaps. This new bus line is not a direct line from Washington Square to Beaverton Transit Center; there will be stops along Denney Road. This may create traffic backups. People were encouraged to contact TriMet with their concerns.

Meeting end time: 8:34

Exhibit D, Page 1 of 7

Community Participation Organization, District 3 West Slope, Raleigh Hills, Garden Home Washington County

7pm, Garden Home Recreation Center, Room 13

Monthly Meeting, March 16, 2017 Minutes

Ross Peterson, CPO3 Chair called the meeting to order at 7pm. A hard copy of the February minutes was offered and they are now posted on NextDoor and the Washington County website for review. February and March minutes will be approved at the April meeting.

Public Safety:

TVF&R did not attend the meeting.

Deputy Earl Brown introduced himself. He is new to our CPO3 area. He brought with him the printout of 34 reported calls for Feb 1-28 as follows: Of 34 calls for service: 11 Theft; 6 Theft/Vehicle; 3 Stolen Vehicle; 1 Recover Stolen Vehicle, 3 Burglary; 10 Vandalism; 0 Graffiti. Not all of the calls indicated an actual crime.

www.wcsheriff-or.com Traffic Safety Unit of the Sheriff. Non-Emergency report 503-629-0111

Lee Blevins, Community Outreach Specialist lee_blevins@co.washington.or.us (underscore after lee_) announced a HIRING WORKSHOP for a career in law enforcement, April 27, 6:30-8:30pm WCSO Training Rooms, 215 SW Adams Avenue, Hillsboro, 97123. Questions or to RSVP, about the workshop go online JoinWCSO@co.washington.or.us Space is limited.

Lee asked to speak about the upcoming Enhanced Sheriff's Patrol District proposed Levy Renewal for the May 2017 election. Ross asked for Robert's Rules to approve this request and the community vote was all affirmative. Lee will speak about the levy at the April 20th meeting.

Code Enforcement was briefly discussed, as always. Civil issues are mediated in Beaverton (503-615-6651) and Hillsboro (503-526-2523); Landlord questions to 503-846-2781; Garbage, Weeds, or Noise to (503-846-3605); Building Code Violations to (503-846-4875); Abandoned Vehicles to (503-846-2700). Keep in mind unincorporated Washington County has little code enforcement compared to local cities.

THPRD:

Catherine Ellis, Garden Home Recreation Center Supervisor introduced Roger Whitaker, Park Maintenance Coordinator THPRD responsible for the Vista Brook Park plan of an athletic circuit to be used FREE for all ages and ability. Vista Brook Park is about halfway between the Fanno Creek Trail beginning at SW Oleson Road, down through SW 92nd/Allen Blvd. Roger expects the project to take about 2 weeks and will not require the park to be closed. They expect to break ground after July and expect to be done by August 1st, if not sooner.

A moment to thank Catherine Ellis and Tualatin Hills Park & Recreation District for their hospitality in allowing CPO3 to hold our monthly meetings in the Rec Center was expressed. Thank you THPRD.

CCI: Stan Houseman spoke about the focus of this committee of volunteers who oversee CPO's in Washington County. The committee is looking at the future of Washington County, continuing the county effort for QuakeUp Emergency Preparedness; as well as the marketing of the CPO Program, leadership and subcommittees, transportation issues, and continuing codes and ordinances of our unincorporated Washington County. Reminding that Cities have their own government leadership.

Other Announcements:

Exhibit D, Page 2 of 7

SPRING CLEANING????? RHBA, Raleigh Hills Business Association, is hosting their annual free "Earth Day" Recycling Event on Saturday, April 22, 2017, at the Triple AAA Building on SW Apple Way. For more information, go to www.RaleighHillsBusinessAssn.org for details.

HIRING WORKSHOP, April 27, 6:30-8:30pm Washington County Law Enforcement,
JoinWCSO@co.washington.or.us

PRESCRIPTION DRUG TURN-IN, Washington County Sheriff's Office, SATURDAY APRIL 29 10am-2pm @ Aloha Villa Shopping Center, WCSO Bethany Station, Cornelius Police Department, THE SERVICE IS FREE AND ANONYMOUS. Questions... call 503-846-5578.

Land Use Updates

Ross began by saying two volunteers helped go through all of the mail for CPO3 and spoke about the Land Use projects under review. Many of the notices were about hearings that had passed. Jay Gilbert has volunteered to pick up the mail and organize it for us. He created a spreadsheet with updates. I'd like to talk with folks who expressed interest in learning about the land use process to see if anyone is interested in working with Jay to keep us all apprised of the incoming land use notices.

Dan Schauer, of Washington County will help us get around the County website to review Land Use Types II and III. A reminder that Type I projects are not subject to "neighborhood" review.

Washington County Web access to land use decision and process information (unincorporated areas)

See following pages: illustrated instructions to mine the County web!

Browsing options to find projects and resources, and quick tips to get right to the page you want.

Dan followed up right after the meeting with the following links that you can bookmark, and he worked with CPO 3's Secretary and Chair to make a handy guide for you.

WASHINGTON COUNTY CURRENT LAND USE

Land Use Projects Under Review

www.co.washington.or.us/devreview

Land Use Public Notices Open for Comment

www.co.washington.or.us/devnotice

Current Planning Notices of Decision

www.co.washington.or.us/devdecision

Current Planning Hearings Officer schedule *

<http://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/PublicHearing/index.cfm>

WASHINGTON COUNTY LAND USE REGULATIONS

Land Use Ordinances *

www.co.washington.or.us/landuseordinances

WASHINGTON COUNTY - ALL LAND USE PROJECTS, INCLUDING HISTORICAL

Look up any land use development project

<http://washims.co.washington.or.us/GIS/index.cfm?id=31>

**There is an eSubscription available to receive email of the Current Planning Hearings Officer notices and the Land Use Ordinances. Sign up at <http://washtech.co.washington.or.us/subscriptions/>*

For Land Use Ordinances only, residents can also receive mailed notice of all filed land use ordinances for an annual fee of \$8.

Washington County Web access to land use decision and process information (unincorporated areas)

Option B is quicker, but you'll learn more in Option A!



Option A: Three-step path for any land project and to browse resources. Oh, the resources!!

1. From www.co.washington.or.us, choose Land Use & Building from the beige box at the left, under **KEY SERVICES & INFORMATION**.

The Zoning & Land Use Planning/Building Information page will load.

2. Choose the very first link, **Current Planning Section**, in the text.

Zoning and Land Use Planning/Building Information

Planning and Development Services

Planning responsibilities for Washington County are divided between the Long Range Planning Section , the Current Planning Section and the Building Services Section.

[Current Planning Section](#)
 This section handles current development in unincorporated Washington County and provides plan and development review.

A new tab will open for the Current Planning page. Your browser should keep the above page open.

Next, look-up any casefile in Washington County, sorted by CPO and other categories. One more click on a large graphic to take you to the form, shown below in step 3. You can search like a pro.

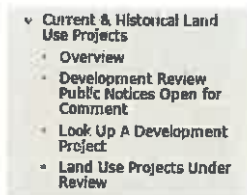


Exhibit D, Page 4 of 7

3. Click **Look Up A Land Development Project** in the top-right panel of large graphic boxes.

You will reach a form to **search the entire development project casefile database**. Congratulations!!

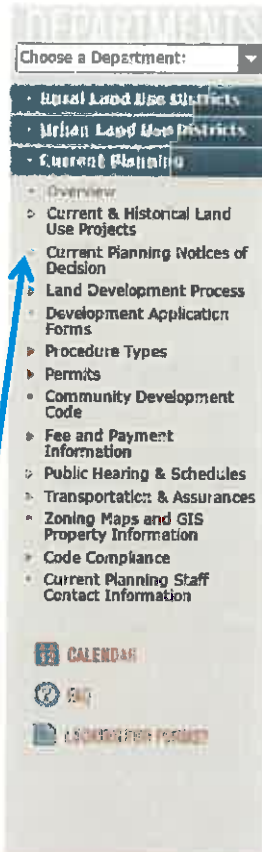
Just enter your CPO and the year, including past years. (Take a walk down memory lane ...)



Click the **Current & Historical Land Use Projects** triangle and unfold to see the best pages ever.

LAND USE PROJECTS UNDER REVIEW: all the applications currently pending a decision.

DECISIONS, decisions!
Find 'em.



Current Planning

Andy Back,
Planning and Development Services Manager
Tom Harry, Principal Planner

Current Planning Services works with developers, consultants, residents and the public to ensure that development in unincorporated areas of the county complies with state, Metro, and Washington County plans, policies, and codes.

Development Review

In many cases, Development Review approval must be obtained prior to the issuance of building permits. Our Development Review staff reviews development proposals to ensure compliance with the **Community Development Code (CDC)** which regulates land use and development activities in unincorporated areas of the county. The CDC is intended to implement the county's Community Plans and state and Metro requirements.

[Washington County Land Development Process - Part 1 brochure](#) **NEW!**

Code Compliance

Code Compliance staff process complaints regarding potential improper uses or conditions on property in unincorporated areas of the county.

Contact the Code Compliance Team at PDSCodeCompliance@co.washington.or.us.

Resources:

- Community Development Code
- Greening the Code
- Look up a development casefile
- Development Review Public Notices Open for Comment **NEW!**
- View videos about how to find Development Activity information online **NEW!**
- Find your property and zoning information
- Get a development application form
- Find out about Code Compliance
- Urban Streetscape Design Toolkit

Be Ready, Your Time to Comment Will Come!



KEEP YOUR EYE ON THE BALL and GET SMARTER WITH YOUR CPO!

Within the Urban Growth Boundary, all properties within 500 feet of a proposed development site are mailed public notices of the two-week comment period. (Outside the UGB, it's 1,000 ft.) If you are outside that area and you consider yourself to be impacted or affected, or you are interested, **you have to keep an eye out for notices and read them!** Once a development application is accepted, a copy is mailed to the designated CPO for that area. Hint: The CPO has to be active, **which takes volunteer power**. Otherwise, who should it be mailed to, and why? This is one of the benefits of having a CPO – you can go to your active group and use it in a meaningful, purposeful way. People join together to learn more about development and land use, as informed neighbors and community members. County staff appreciate connecting and engaging with CPOs to hear your voice and to help those who want to be better informed.

See the **Development Review Public Notices Open for Comment** link next to that kind of smiley face? Shows just the casefiles open for comment right now. Sort by CPO.

WATCH A VIDEO! Version en Español Pssst, the County makes videos. Check these out!

CPO FUTURE VISION: Apps, custom alerts?



Avatars? Bots? Hmmm. Stay tuned to the future.

Exhibit D, Page 5 of 7

OPTION B: Just take me to the maps already, dude. From the main page, back in the box at the lefthand side with the services from A-Z, click Maps & GIS.

<http://washims.co.washington.or.us/gis/>

From there, click the Land Services item the in the left column and you'll get a FIND CASEFILES link.

That takes you right to step 3 in Option A – that **Development Project (Casefile) Search Tool** where you can find everything. <http://washims.co.washington.or.us/gis/index.cfm?id=31>

(To view more maps from here, InterMap is the Individual Property / Taxlot Research tool. It's fairly accessible. For more technical maps, see iSPIRITS, the Survey Records Research Tool.)

Whew. What a tutorial. Thanks for reading! In closing, one more hint. From any County page you're browsing, always at the top-left, you can access the pull-down menu Choose a Department. This gives you an at-a-glance view of Washington County departments, divisions, and offices, by general categories in this scroll-down menu. It's also grouped in service areas according to the county organizational and budgeting structure—regardless of whether delivery is through a department or an office. Check out the categories of interest to you:

Administration: Board of Commissioners, County Administrative Office (now home to the Community Engagement Program and CPO support)

General Government: includes Assessment & Taxation, County Auditor, County Counsel, Elections, Emergency Management

Public Safety & Justice: Sheriff's Office plus the law, juvenile, justice and corrections systems, and links from County to State of Oregon

Housing, Health & Human Services: We work in many ways to care for and protect our quality of life! Children & Family, Animals, Community Development, Developmental Disabilities, Disability, Aging & Veterans, Emergency Medical Services, Environmental Health, Housing, Mental Health, Public Health, Solid Waste & Recycling.

Culture, Education & Recreation: Libraries, Oregon State University Extension Service, County Fair and Fairgrounds, Henry Hagg Lake/Scoggins Valley Park, Metzger Park

.....

Main Program: CPO3 Priorities Recap

Ross recapped the discussion from February and highlighted the three priorities that emerged from that conversation:

1. Educating ourselves about the Land Use permitting and decision making process in unincorporated Washington County
2. Advancing the Oleson Road / Beaverton Hillsdale Highway redesign
3. Stormwater related issues

The group was split into three sub-groups to discuss these topics. We had several minutes to discuss "Who is interested in being involved?" and "What is one action toward success we can take this year?"

Each group reported out at the end of the discussion but detailed notes were not kept of the report outs. Ross reported the next step in being proactive as a CPO is to begin forming committees around these priority areas.

Exhibit D, Page 6 of 7

Guest Speaker: Oregon Beverage Recycling Cooperative, Beaverton-Hillsdale bottle drop

Although the Bottle Drop redemption center is a City of Beaverton decision at 9307 SW Beaverton-Hillsdale Hwy, Ross decided to invite a presentation by the company, as the property lines back to unincorporated Washington county in our CPO3 district. An estimated 15 people attended to specifically for this agenda item.

Representing Bottle Drop, with 19 previous installations up and running was Cheryl Bertages, of OBRC Their website is www.BottleDropCenters.com.

Bertages spoke about these redemption centers around our state. It seems that big stores are buying in to these redemption centers so they don't have to have centers in their stores; Fred Meyers as an example. The store will employ 7-8. **The building will have clean, modern bottle receivers and no crushing mechanism in each unit.**

She explained they work in cooperation with certain big retailers, and that the smaller outlets who sell bottled beverages will still redeem on their sites. BottleDropCenters.com has a green bag account to fill a large bag and drop off 2 bags daily. She explained that they offer a great Fundraising opportunity with Blue Bags for nonprofits, taking 10 bags daily, or 50 bags with an appointment and stickers can be placed on the bags by the nonprofit to get credit for the bags. Nonprofit drop off hours are winter 9am-6pm; summer 9am-7pm. She also spoke to the BottleDropPlus effort offering rewards.

Questions from the community were raised and it was argued that the site (previously the Pier 1 store) sits next to a medical facility (vet hospital), and the noise factor will not be acceptable for all of the neighbors bordering the site. The store hours are usually 24/7, however the Beaverton site will operate from 7am to 10pm 7 days per week. Other objections were "no notification" of intent for this land use; "no left turn" allowed out of the business entrance, forcing trucks turn right only and then find another way to turn east on Beaverton Hillsdale Highway. Being across the street from Jesuit High School, as well as the strip mall, housing the ice rink, bowling alley and movie theater creates a lot of traffic. It was questioned about an actual traffic study taking place. An objection as to why no one heard about this was asked. (For clarification on this comment, see Type-1 process information below.)

Further, it was pointed out that the other locations visited in Tigard and Milwaukie were located in strip malls with abundant parking and easy entrance/exit access. Others raised the fact that the Denny Road recycle center is closing March 31, and why wasn't that location considered for this place?

TYPE-I Decisions in Beaverton: Scott Whyte AICP, Senior Planner, Community Development, City of Beaverton indicated the permit is being processed as a "Type I," which does not require a neighborhood meeting. "It is zoned commercial on a commercial street, and all requirements were met by them," Whyte stated. When asked about hours/noise violations of the future, he suggested directing calls to Beaverton Police 503-526-2260 or 503-526-2790. Note the City of Beaverton Non-Emergency phone is the same as Washington County Sheriff: 503-629-0111.

Wrap up

Ross closed the meeting by pointing out that land use decisions like the bottle drop facility are based on zoning decisions and that if we don't like the direction land uses are heading in our neighborhoods we need to engage in the planning process. This is a good example of why it is important for us to educate ourselves about the land use decision making process in our community. Ross closed by inviting participants to come to future CPO3 meetings and to get involved in our land use subcommittee. Joy reminded citizens that email testimony is now accepted by Washington County, for future reference.

The meeting was promptly adjourned at 8:30pm.

Exhibit D, Page 7 of 7

The next meeting will be held April 20, 7pm, in The Garden Home Recreation Center. Respectively submitted, Joy Patterson, CPO3 Secretary

Exhibit E, Page 1 of 6

From: [Greg Hathaway](#)
To: mayormail@beavertonoregon.gov
Cc: [Mike Connors](#)
Subject: RE: Request for Assistance
Date: Tuesday, January 31, 2017 10:26:43 AM

Hi Mayor Doyle,

I'm following up on my email from last week regarding the proposed beverage container redemption center. My partner Mike Connors and our client met on site last week with Scott Whyte from the City and Oregon Beverage Recycling Cooperative ("OBRC") representatives to discuss the project and our client's concerns.

While we appreciate the City's willingness to participate in this meeting, Mr. Whyte indicated at that meeting that the City is only reviewing if the proposal fits the Design Review Type 1 threshold, is not willing to consider our client's other concerns and believes our client's concerns must be addressed privately with OBRC. As I explained in my email last week, we believe that the City incorrectly determined that this proposal is an allowed use and that it should be more proactive in attempting to help address our client's concerns. Our client is attempting to be collaborative with everyone to have their concerns reasonably addressed.

We are hoping that you can look into this matter further and assist us with trying to facilitate a resolution. I'd appreciate it if you could check into this matter and get back to me.

Thanks for your consideration.

Exhibit E, Page 2 of 6

Greg

Gregory S. Hathaway

520 SW Yamhill St., Suite 235

Portland, OR 97204

Telephone: 503-205-8403 (Direct)

Fax No.: 503-205-8406

Email: greghathaway@hkcllp.com

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From: Greg Hathaway

Sent: Tuesday, January 24, 2017 4:54 PM

To: 'mayormail@beavertonoregon.gov' <mayormail@beavertonoregon.gov>

Cc: Mike Connors <MikeConnors@hkcllp.com>

Subject: Request for Assistance

Hi Mayor Doyle,

My firm represents Glenwood 2006, LLC ("Glenwood"), the owners of the property located at 9339 SW Beaverton Hillsdale Highway in Beaverton. Glenwood operates the two veterinary hospitals located on the property, the Laurelwood Animal Hospital and the Oregon Veterinary Specialty Hospital.

Exhibit E, Page 3 of 6

I'm sending you this email in the hopes that you can help us with a situation involving a proposed development on the adjacent property located at 9307 SW Beaverton Hillsdale Hwy, where the Pier One used to be located.

Oregon Beverage Recycling Cooperative ("OBRC") is proposing a new beverage container redemption center on the adjacent property. The redemption center is intended to collect beverage containers from over 20 grocery stores in the surrounding area, as well as individuals whom bring their containers to the site. Our client is very concerned about this adjacent development due to the noise, odor, rodent infestation, traffic and security issues associated with this type of use. Given that the other surrounding uses are commercial and residential in nature, we believe these other property owners will have similar concerns about this proposed development when they realize what is being proposed on this property.

Unfortunately, the City thus far has not provided any public notice or process in which to evaluate the proposed development and consider the concerns of the affected surrounding properties. Our client found out about the proposal from an OLCC public notice posted on the property. When we looked into the matter, we discovered that the City Community Development Department submitted a local government notification form to the OLCC stating that the proposed development was an "allowed use" without any

Exhibit E, Page 4 of 6

explanation why the use qualified as an allowed use. It is our opinion that the proposed use is not an allowed use by right in the underlying zone. Apparently, this use determination was made without any public notice, input or process. OBRC was the only party that was provided an opportunity to provide information and discuss this issue with staff.

In December, my partner, Mike Connors, and our client met with City staff (Scott Whyte) and City attorney (Peter Livingston) to discuss our concerns. As a result of that meeting, we scheduled a site visit on January 6, 2017 with our client, Mr. Whyte and OBRC to discuss the proposal and determine how best to address our client's concerns. We were hopeful that this meeting would be productive and could be an effective means of discussing and determining how to best address our client's concerns.

Since that time, however, we increasingly feel that the City and OBRC are not treating our client's concerns seriously and do not intend to make any meaningful effort to address them. OBRC has rescheduled the onsite meeting multiple times (current meeting is scheduled for January 26) and has been unwilling to slow the permit process down in order to ensure that the meeting occurs before the City issues the permits. OBRC submitted its Design Review Compliance Letter (DRCL) application on January 13, shortly after it postponed the site meeting scheduled for that same day due to weather. We previously requested a copy of the application when it was

Exhibit E, Page 5 of 6

filed, but City staff told us it is not willing to provide us a copy since we are not entitled to notice under the Beaverton Development Code.

The City staff has given us no assurance that it will wait to issue any decision regarding the Design Review Compliance Letter (DRCL) until after the January 26 meeting. Beaverton Development Code Section 50.35.3 grants the City 28 days to issue the DRCL. In other words, the City is not required to issue a permit under the City's Code until February 10th. Meanwhile, construction contractors have been on site on several days giving the clear impression that OBRC is preparing to move ahead as soon as the City issues its permits.

We are respectfully requesting your assistance in ensuring that the City will not issue its decision prior to the scheduled January 26th meeting and that the City will require OBRC to provide reasonable mitigation to address our client's concerns which we believe the City has the authority to require. We believe that a constructive onsite meeting before a decision is made is the best approach in resolving our client's concerns and will avoid a potential challenge of the City's decision.

We believe that the request by OBRC for the proposed beverage container redemption center will establish a precedent since it's likely that there will be other similar applications filed with the City in the future. As a result, we believe it's important for the City to establish a process that

Exhibit E, Page 6 of 6

will genuinely address potential impacts caused by a redemption center if the City takes the position that such a use is an allowed use by right.

Please let me know if you think our request is appropriate and if there is any way you can assist us.

Thanks for your consideration. I look forward to hearing from you.

Greg

<< OLE Object: Picture (Device Independent Bitmap) >>

Gregory S. Hathaway

520 SW Yamhill St., Suite 235

Portland, OR 97204

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Fax No.: 503-205-8406

Email: greghathaway@hkcllp.com

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Exhibit F

From: RFrank1029@aol.com
To: customerservice@obrc.com; smarcus@obrc.com; Cbertges@obrc.com
Cc: [Mike Connors](#)
Subject: Trash and Carts around bottle drop at 9301 BHH
Date: Thursday, June 1, 2017 7:19:29 AM

Stephanie and Cheryl:

The concern I have had regarding this location is coming true. Grocery carts are being left around the area with trash in them. This was not a problem before you opened this facility. These carts even when in your parking lots are left to 2 to 3 days. The amount of trash being deposit on the ground is much higher, especially in the landscaping and is not being picked up. We are getting people parking in our lot and using your facility and when asked not the people are belligerent to my staff. Your assured me that you would take care of all this and that you would be a good neighbor, but you have just open up and it is becoming more than a minor issue. I have enough parking for my staff and my clients not for the bottle drop. I would appreciate you posting a sign large enough to be seen at your entrance to the building advising people using the bottle drop not to park in Laurelwood Veterinary Hospital lot. I would like to see the grocery carts not left of several days around our building and the area.

I would hope that you could accommodate us.

Robert T Franklin, DVM

Exhibit G, Page 1 of 5

City of Beaverton
Neighborhood Association Committee Meeting Minutes

NAC: Denney Whitford / Raleigh West

Date: March 8, 2018

Board members present:

Co-Chair: Sherry Moore

Co-Chair: Ernie Conway

BCCI Rep: (vacant)

Treasurer: Sheri Struk

Recorder: Tracy Thornton

Quorum present? Yes No

Meeting start time: 7:00

Tualatin Valley Fire & Rescue Report (Station 53): Lt. Price reminded everyone that it's time to check your smoke detectors (to coincide with Daylight Savings Time). He explained the ballot measure to expand the TVF&R district into Newberg. TVF&R has been providing service to Newberg since 2016 due to the city's budget constraints. In Nov. 2017, voters in Newberg voted to be annexed into the TVF&R district, but Oregon law allows residents to file a petition to require a district-wide vote. This happened, so we have the current ballot measure. Ballots are due by March 13. Call 503-649-8577 for more information.

Beaverton Police Department Report: Officer Justin Haugen reviewed the monthly crime statistics. If you want more detail on crime statistics, contact the department for statistics within Beaverton and the sheriff's office can direct you to statistics for unincorporated Washington County. Thefts are a consistent crime in our area but it's not increasing.

On April 28, there will be a free document shredding at Sunset Presbyterian Church from 10:00 am to 1:00 pm.

A new scam involves fraudulent phone calls that con elderly people by offering to fix their computers. The department works on these cases, but most of the fraud originates from outside the country, so they focus on education rather than prosecution.

5th & Western update: Work is being done at the City level to address the issue. They need to distinguish between homeless people living in vehicles, people camping temporarily, and abandoned cars, which are all distinct issues. The current city code doesn't address all these issues with enough clarity for the current situation, so the city needs to come up with new codes. Those changes will be rolled out in stages. Officer Haugen said he is seeing progress.

Code enforcement is now done by the Police Department. Abandoned vehicles are being dealt with a lot quicker now.

Tualatin Hills Parks & Recreation District Report: Heath Wright reported that the Natural Resources department is updating the trail maps to take into effect new trails that have been created.

There will be an open house for public input on Greenway Park on March 20; drop in hours are from 7:00-8:15 pm at the Conestoga Rec Center.

The spring Native Plant Sale sponsored by Friends of Tualatin Hills Nature Park will be on Saturday, April 28 at the Nature Park from 10:00 am to 2:00 pm.

Exhibit G, Page 2 of 5

City of Beaverton Neighborhood Association Committee Meeting Minutes

NAC: Denney Whitford / Raleigh West

See THPRD's website for more information about free events to learn more about parks.

The Maintenance Department continues to work on lead paint abatement at the Garden home Rec Center; they will be repainting March 26-28.

In aquatics, free first Fridays open swims continue. The next Dive-In Movie Night will be at Harman Swim Center on March 23 at 6:30 pm, and the movie is Disney's *Brave*. The Aloha Swim Center turns 40 years old in March, so open swims on March 10 will be just \$0.40

Spring term registration started March 3; space is still available in many classes.

City Update: Lani Parr reported that the City is working on their ADA self-evaluation plan and they are looking for feedback on facilities and programs. The plan is posted online; send feedback to ada@beavertonoregon.gov and go to beavertonoregon.gov/ada to see the areas needing feedback.

This year, City Council has made it a priority to consolidate water services, with a long term goal to bring all Beaverton residents into the City's water system. Currently, the City provides water to 70% of residents. They are starting this process by working to transfer water service from Tualatin Valley Water District, which serves the area south of Highway 26 and east of Scholls Ferry Road. There will be a public hearing on March 20 about this. Residents will save an average of \$188 per year.

The City is updating its Building Department webpages to make them more user friendly so that people working on building projects can navigate and find information about how to go about the building projects more easily. Public feedback is welcome. Beavertonoregon.gov/building.

The Allen Blvd District Plan survey is considering what to do with the Allen Blvd district. The City would like residents to share their ideas for the area between 217 and Murray. The survey goes through March: beavertonoregon.gov/allen. The website also gives information about upcoming projects.

Volunteers are providing free tax assistance at the Activities Center on Allen Blvd. They can help people with deductions such as the earned income tax credit. They are open Tuesday through Friday from 10:00 am-6:00 pm and Saturday 9:00 am-4:00 pm.

Lani brought mini-Bundt cakes to celebrate the "For the Love of Neighborhoods" campaign.

Guest Speaker:

Because there were a lot of new attendees at this meeting, Co-Chair Ernie explained the purpose of the NACs (City of Beaverton) and the CPO program (Washington County) and why it's important to attend these meetings.

Michael Neff, a land use lawyer, discussed his clients' concerns about the OBRC Bottle Drop building (in the old Pier1 building). His clients believe that the increase in crime in the area is due to the OBRC facility. They have seen evidence of drug use and increased crime in the last 9 months. The question he brought to the meeting is how to approach the increase in crime.

Mr. Neff noted that none of his clients are opposed to the objectives of the Oregon Bottle Bill or the concept of a free-standing beverage container redemption center. The issue they have is with the location chosen for this particular facility without outreach to the neighbors. They would like to have a discussion with OBRC about moving the facility.

Exhibit G, Page 3 of 5

City of Beaverton Neighborhood Association Committee Meeting Minutes

NAC: Denney Whitford / Raleigh West

Mike Larsen, the lawyer who represented the appeal brought by the Laurelwood Veterinary Hospital which is next door to the Bottle Drop, believes the location is now illegal. In November of 2016 a public notice was posted on the property adjacent to the hospital. The owners contacted Mr. Larsen and asked about their rights and he looked at the city code. He determined the facility was a recycling center (rather than a redemption center), which means that it could not be sited in a commercial zone without a public hearing. The City believed it was a permitted use for that location (as a redemption center, much like the redemption process in grocery stores), thus the City did not require a public hearing. Mr. Larsen's clients appealed the City's decision to the state's Land Use Board of Appeals, who advised that the City needed to render a decision with an open process. Because of this, Mr. Larsen claims that the OBRC is operating illegally because they do not technically have a permit for the location. The City believes the OBRC facility can continue to operate as long as they are working toward addressing issues.

The City will decide if this facility is a recycling center, which cannot be sited in a commercial zone (i.e., it must be cited in an industrial zone), or some other kind of facility (such as a redemption center).

Mr. Larsen believes there will be an appeal to City Council regardless of the City's decision. He wants to make sure everyone understands what's going on and encourages neighbors to get involved and show up at the appeal hearing.

Bob Franklin works near the OBRC facility. He had no concerns in the 12 years he's been at that location but recently has had issues with vandalism, break-ins, having a security camera stolen, drug use, and having trash and grocery carts left on the property. He has had to install panic buttons because his staff are nervous.

Jesuit High School is located 175 feet away (across Beaverton-Hillsdale Highway) from the property. The President of Jesuit, Tom Arndorfer, reported that the school has seen a troubling increase in security issues, trespassing on campus, theft, and drug paraphernalia and alcohol bottles left on campus.

Susan from the Royal Woodlands neighborhood spoke about the increase in crime in her area.

Mr. Neff stated that he would like to talk with OBRC about finding an industrial location for the facility. If they can't do that, he encourages everyone at the meeting to submit comments to the City.

OBRC's lawyer spoke in response, noting that this meeting is not the forum where the land use issue will be resolved. OBRC was set up in 2008 as a cooperative, with the first pilot Bottle Drop in 2011. The state was not seeing the recycling rate it wanted to see, and the Oregon Legislature was looking for ways to fix this. The pilot project for redemption centers became permanent in 2013 in response to a legislative mandate. The goal was to make recycling more convenient so that recycling rates would increase.

OBRC claims that the Bottle Drop facility is not an industrial use (i.e. a recycling center) because it functions the same way that bottle drops at the grocery stores function. No bottles or cans are being processed on site. A Type 2 review process is going on now, which requires public notice. The Planning Department is going through the city code and looking at other permitted uses in commercial zones to determine if this facility is similar enough to other facilities in a commercial zone to be located there.

Bottle drop centers are fairly new, so "bottle redemption center" isn't written into any of the codes. There are still disagreements on the technicalities of what "recycling center" means.

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City of Beaverton Neighborhood Association Committee Meeting Minutes

NAC: Denney Whitford / Raleigh West

OBRC is providing a place for people to redeem bottles and cans. They acknowledge that they probably won't change the minds of people who think OBRC is causing these issues with crime. They are happy to talk to anyone about these issues and how to reduce the impacts, but they are not willing to talk about where else the facility should be located.

Jules Bailey from OBRC chaired the committee that wrote this law about redemption centers when he was a state representative. The purpose was convenience. He noted that these centers are used by families, and we don't want to send families to inconvenient, farther-away industrial areas where danger may be higher. The legislature wanted the facilities located in places close to where people are.

In addition, OBRC redemption centers are involved with the community through the Bottle Drop Give program, which has worked with organizations such as Home Plate, Neighborhood Pantry, Virginia Garcia to serve as a place where bottles can be brought back easily and donated to these causes.

Mr. Bailey acknowledged the need to consider how to address the issues raised. He said that grocery stores are dealing with similar issues and have been asking for bottle drop facilities as a potential solution to their issues. OBRC wants to help provide solutions. They can't control who comes in the door, but vagrancy is not acceptable.

He also noted the unfortunate timing of the Beaverton facility. It was opened shortly after the redemption value on bottles and cans was increased to \$0.10, and there has been a big increase in returns since then. This has resulted in more people taking bottles and cans from curbside recycling and returning them, and this is happening around the state. OBRC believes the vast majority of people using their facility appreciate it; they have thousands of people signed up for accounts in our area. They want to be part of the solution, but believe they didn't cause the problem of vagrancy and homelessness.

Ernie ended the discussion by noting that aside from the specific land use issue in this case, all of the concerns and complaints neighbors are bringing up are not new and have been going on in Beaverton for years. OBRC came to our NAC meeting previously, so they did do outreach. He said that neighbors need to be involved in their community if they want to effectively address issues like this. They can attend NAC or CPO meetings and they can always speak at City Council or Planning Commission meetings. He invited the meeting attendees to stay after the meeting if they wanted more discussion.

Board Updates:

- **Treasurer's Report:** Sheri reported that \$1.23 (our dividend) was added to our account this month.
- **BCCI Report:** The BCCI Representative position is currently vacant. Lani reported that BCCI is focusing on two events: the Volunteer Fair at the Library from 10:00 am to 1:00 pm, and the April 23rd Voters' Forum. The Voters' Forum will feature candidates for City Council seats, County Commission Chair, and Metro. There is a reception at 6:30 to talk to candidates and the forum starts at 7:00 pm. BCCI determines the format for the evening and comes up with questions.

Consent Agenda

- Minutes from February. Ernie moved that we accept the minutes with a minor change (United to Union Gospel Mission). Sheri seconded. Motion passed.

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City of Beaverton Neighborhood Association Committee Meeting Minutes

NAC: Denney Whitford / Raleigh West

New Business:

At next month's meeting, a representative from the Beaverton School District will be explaining changes at Raleigh Hills K-8 school, and someone from the City will attend to explain why they need a public information meeting and the process involved.

Meeting end time: 8:26 pm

Next meeting is April 12, 2018.

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City of Beaverton
Neighborhood Association Committee Meeting Minutes

NAC: Denney Whitford / Raleigh West

Date: June 14, 2018

Board members present:

- Co-Chair: Sherry Moore
- Co-Chair: Ernie Conway
- BCCI Rep: Rick Skayhan

- Treasurer: Sheri Struk
- Recorder: Tracy Thornton

Quorum present? Yes No

Meeting start time: 7:03

Tualatin Valley Fire & Rescue Report (Station 53): No report.

Beaverton Police Department Report: No report.

Tualatin Hills Parks & Recreation District Report: Heath Wright reported that the Summer Concert schedule is now available. The first concert is July 4th, featuring country singer Brittany Kellogg. The concert runs from 11:00 am to 1:00 pm in Veterans Memorial Park. A detailed schedule is available at thprd.org/summer-celebrations. In our NAC, there's a concert in Raleigh Park on Aug 23, from 6:00 pm to 8:00 pm, featuring My Happy Pill (and Heath will be hosting).

Summer Nature programs still have availability for campers ages 4 to 13. The Nature Mobile will be around all summer long, from June 25 to August 24. In our NAC, it will be at Greenway Park on Monday afternoons from 12:30 pm to 3:00 pm, and at the Garden Home Rec Center on Tuesday afternoons 12:30 pm to 3:00 pm.

THPRD is working on ADA improvements to the parking lots at the Elsie Stuhr Center and Harman Swim Center. They are in the first analysis phase and are meeting to see what auditors have found.

The outdoor pools at Raleigh and Somerset West Swim Centers are opening June 25. A lot of cleanup work will be done before then.

The Parks Functional Plan, last updated 2015, is now being updated again. This district is working with consultants and the community; there will be community surveys this month and open houses will take place over the summer. They hope to have the plan approved by the Board this winter.

Free open swims continue on the first Friday of every month for people both in and out of district, as well as women's only swims at Sunset and Aloha Swim Centers. New classes start June 25. Registration is now open for a family triathlon scheduled for Saturday, July 28; participants must provide their own bike and are required to wear helmets.

City Update:

Lani Parr reported that Summer Reading sign-up started June 1 for kids, teens, and adults. This year's theme is "Libraries Rock!" Kids and teens can sign up through July 23 to read and win prizes; sign up for adults goes through July 31. Visit www.BeavertonLibrary.org/SRP for more information.

The Placemaking Matching Grant program received 15 applications and are recommending 5 awardees. More details on the winners will be coming soon.

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City of Beaverton
Neighborhood Association Committee Meeting Minutes

NAC: Denney Whitford / Raleigh West

Two Beaverton NACs won national awards from Neighborhoods USA at an event in Alabama. Highland NAC received a second place prize for Neighborliness, and Five Oaks Triple Creek received a first place award for Neighborhood Beautification.

Our Picnic in the Park is scheduled for Aug. 1 in Camille Park. We need volunteers to work a table and hand out meal tickets.

Old Business:

Proposed Overnight Camping Ordinance

The City Council voted to approve the new ordinance (4-1). The ordinance goes into effect 30 days after the Mayor signs it. However, this isn't a final solution and there's more work to be done on the issue.

Oregon Beverage Redemption Center Upcoming Public Hearing

The public hearing regarding the appeal of the Director's decision on the BottleDrop facility will be next Tuesday at City Council. Ernie noted that another NAC (Five Oaks Triple Creek) took a position on the issue without inviting both sides to comment at their meeting, and despite the fact that the issue is happening in our NAC. Ernie thought it was important to make it clear that our NAC was not contacted by FOTC and chose not to take a position on this issue. He feels that their concerns (as described in their position paper, which was about issues with the process rather than neighborhood issues), should have been addressed at the BCCI level.

Rick, who was at the FOTC NAC meeting when this position was voted on, said that the discussion there was around the murky language in the code. They felt they were trying to be ahead of the curve in case a business like this decides to locate in their NAC.

A representative from OBRC explained that the public hearing is trying to resolve ambiguity in the City code. It's possible that the City will adopt a code amendment that bars this kind of business in a commercial zone (this is one reason OBRC has not moved forward with some of the improvements it has discussed with neighbors; OBRC does not want to invest in the site if they will soon have to move).

Michael Neff, the attorney challenging the City's decision, says that when OBRC came to present at our NAC, the use determination was already made, and he believes the process should have required a public hearing prior to that decision. He feels this is an important point for the Council meeting next week.

Ernie moved that we submit a statement, either in writing or by attending the Council meeting, saying that our NAC was not involved in the FOTC letter and we are not taking a position on the issue. Sheri seconded the motion. The motion passed 4-1.

ACTION: Ernie will write a statement and send to the NAC Board for final approval, and also attend the Council meeting.

Ernie suggested that if there are still issues after Tuesday's decision, we could bring both sides back at our September meeting to help mediate that. Tracy asked whether that's the NAC's role; perhaps the City's mediation program is a more appropriate place.

New Business:

Whitford School Safety Incident Recap of the Parents and Beaverton School District Meeting

Laurie Day, a social worker who works with issues of trauma treatment using techniques such as mindfulness, is very concerned about the escalation to violence in our community. The recent events at

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City of Beaverton
Neighborhood Association Committee Meeting Minutes

NAC: Denney Whitford / Raleigh West

Whitford Middle School, where a child was beaten up during school hours, reflects this trend. Children have a fundamental need to feel safe, and she believes we have many resources available to heal and prevent such incidents, but it's not easy to get them into the schools. She presented her vision: Introducing mindfulness, the practice of healthy breathing, into schools across the country. She believes that if every teacher was taught the practice and spent a couple of minutes each day breathing with their classes, it would be transformational. Because people come from a range of family situations and backgrounds, there's an opportunity for the schools to intervene.

She has similar concerns about hunger and thinks we can all agree that no child should be hungry, ever, in America. She wondered whether each school knows how many students are homeless or dealing with hunger. Sherry confirmed that they do. Laurie believes that children can help each other, and even we as adults could use more of that. It's important to teach children empathy and caring from an early age. Sherry suggested that Laurie contact the Beaverton School District. Lani will provide Laurie with the appropriate contact information.

Board Updates:

- **Treasurer's Report:** Sheri reported that \$1.37 (our dividend) was added to our account this month.
- **BCCI Report:** Rick reported that Grace Wong, Assistant City Attorney, gave two presentations at the last BCCI meeting. The first was about public meetings, where you can legally have one and how you communicate about it. The second was about a task force on Beaverton's parking issues, which are somewhat related to the camping ordinance. The task force is looking at an ordinance to improve Code Enforcement's ability to deal with people violating parking rules in a variety of situations.

Ernie suggested that the City consider doing a training for NAC leaders about the distinction between neighborhood issues and BCCI issues.

Consent Agenda:

- Minutes from May: Sheri noted that the May minutes were not posted on the website, so we will vote on them in September.

Public Comment:

Sara Wergin from Northpoint Development introduced herself and explained that her business is working on developing a property at Hwy 217 and Allen Blvd in the industrial park there. (The site address is 5355 SW 107th.) They plan to tear down the existing building and put up a new building, which will be an all-enclosed, self-storage building and all loading and unloading will happen inside the building. They hope to have their pre-application completed at the end of June and may attend a future NAC meeting to present on the project.

Meeting end time: 8:10 pm

Next meeting is Sept. 13, 2018.

MEMORANDUM

Beaverton Police Department



DATE: April 9, 2018

TO: Chief Monger

FROM: Captain Williams *JAW*

COPY: Christy Ray, Crime Analyst

SUBJECT: BPD Public Demand Calls Surrounding 9307 SW Beaverton-Hillsdale Highway

SUMMARY

In March 2018, I was tasked to analyze crime data geospatially related to a business located at 9307 SW Beaverton-Hillsdale Highway. There have been numerous reports to public safety agencies and information shared with the City of Beaverton Community Development Department regarding events which may or may not be associated with the business located at 9307 SW Beaverton-Hillsdale Highway. Visual signs of social and physical disorder in public spaces reflect powerfully on our inferences about urban communities.¹ Without in-depth analysis of specific public demand requests for police services, I am unable to draw causal conclusions regarding the presence of the business located in question. The analysis is further complicated by a number of various criminological factors which are present in any attempt to understand criminal or public disorder behavior.

DEFINITIONS

“Disorder triggers attributions and predictions in the minds of insiders and outsiders alike. It changes the calculus of prospective home buyers, real estate agents, insurance agents, and investors and shapes the perceptions of residents who might be considering moving.”² Based on this context of disorder, examples of public demand calls which could be considered public disorder calls and are part of this analysis are:

- **WCK: Welfare Check** - Reported concern for a person based on hazardous environment, verification of health status (family member out of contact without explanation, medically fragile), unknown life status of person observed down (e.g.

¹ Sampson, R. J., & Raudenbush, S. W. (1999). Systematic Social Observation of Public Spaces: A New Look at Disorder in Urban Neighborhoods. *American Journal Of Sociology*, 105(3), 603.

² *ibid*

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man down in field, female slumped over in parked car, etc.), person observed stumbling around

- **SPP: Suspicious Person** - A person acting strangely or unusually for their surroundings, is obviously not familiar with the area, acting furtively or sneaky (e.g. checking the doors of different buildings/businesses, checking the doors of parked vehicles, appearing to be hiding in shrubbery, naked, etc.)
- **SPC: Suspicious Circumstance** - A situation or condition that is “out of the ordinary” or something that doesn’t look right or normal (not usual) – e.g. an unlocked door that is usually locked, lights in a normally dark area, etc.
- **SPV: Suspicious Vehicle** - A vehicle that is not familiar in the neighborhood or is out of place – like a vehicle near a closed business, or a vehicle that shows obvious damage (broken windows, punched ignition, flat tires, etc.)
- **UNW: Unwanted Person** - Reports of a subject(s) failure to leave a premise when asked/told
- **NOI: Noise Complaint** - Used for nuisance type incidents, not crimes in progress or suspicious activity (e.g. loud parties, construction noise, etc.)
- **DIS: Disturbance** – General disturbance or fight
- **THF: Theft** – Self-Explanatory
- **THV: Theft from Vehicle** – Self-Explanatory
- **BHI: Behavior Health Incident** – Self-Explanatory
- **VCD: Vice Drugs** - Reports of drug activity, suspected drug houses, witnessed buying/selling drugs
- **THS: Theft** – Shoplifter- Self-Explanatory
- **LTR: Littering** – Littering or dumping
- **PWL: Prowler** - A person observed near a residence or commercial business acting suspiciously: actively looking in windows, climbing over a fence, moving stealthily around a building

This list is not all-inclusive, but should provide sufficient types of calls to understand the nature of activity in the area surrounding 9307 SW Beaverton-Hillsdale Highway. In part, definitions of these calls are provided by the Washington County Consolidated Communications Agency (WCCCA).

FACTORS

Many factors contribute to both the presence of crimes and reporting of crime. Additionally, “correlation means that observable phenomena ‘tend to vary with each other

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systematically,' as height and weight do. Positive correlations refer to variations in the same direction. Negative correlations refer to variations in the opposite direction. Correlations are necessary to causation because if two phenomena do not vary together, one phenomenon cannot cause the other. But correlation is not enough to prove causation. There has to be a theoretical rationale – a sensible explanation for the correlation. Even if both the elements of correlation and a theoretical rationale are present, cause in theories of crime and criminal behavior is still a statement of probabilities not certainties.”³

DATA

Data on public demand calls for service reflects calls within .5 miles and .25 miles from 9307 SW Beaverton-Hillsboro Highway. Additionally, calls throughout the BPD jurisdiction are provided for comparison purposes. This data reflects reports made to BPD, not necessarily events which resulted in confirmed criminal investigations. For example, a report of a theft may not have included the elements required to establish the crime of theft – and thus a subsequent criminal investigation.

<u>Welfare Checks</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	12	
5/15/16 to 3/15/17 .5 Radius	23	
<u>5/15/16 to 3/15/17 All City</u>	<u>2057</u>	
5/15/17 to 3/15/18 .25 Radius	15	25.00%
5/15/17 to 3/15/18 .5 Radius	30	30.43%
5/15/17 to 3/15/18 All City	2308	12.20%

<u>Suspicious Person</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	6	
5/15/16 to 3/15/17 .5 Radius	12	
<u>5/15/16 to 3/15/17 All City</u>	<u>1086</u>	
5/15/17 to 3/15/18 .25 Radius	6	0.00%
5/15/17 to 3/15/18 .5 Radius	18	50.00%
5/15/17 to 3/15/18 All City	1274	17.31%

<u>Suspicious Vehicle</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	18	
5/15/16 to 3/15/17 .5 Radius	11	
<u>5/15/16 to 3/15/17 All City</u>	<u>621</u>	
5/15/17 to 3/15/18 .25 Radius	1	-94.44%
5/15/17 to 3/15/18 .5 Radius	13	18.18%
5/15/17 to 3/15/18 All City	822	32.37%

³ Myers, Myers & Samaha. (2010). CJUS. Wadsworth, Cengage Learning. 29-30.

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<u>Unwanted Person</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	6	
5/15/16 to 3/15/17 .5 Radius	12	
<u>5/15/16 to 3/15/17 All City</u>	<u>877</u>	
5/15/17 to 3/15/18 .25 Radius	9	50.00%
5/15/17 to 3/15/18 .5 Radius	16	33.33%
5/15/17 to 3/15/18 All City	971	10.72%

<u>Noise Complaint</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	2	
5/15/16 to 3/15/17 .5 Radius	9	
<u>5/15/16 to 3/15/17 All City</u>	<u>640</u>	
5/15/17 to 3/15/18 .25 Radius	7	250.00%
5/15/17 to 3/15/18 .5 Radius	10	11.11%
5/15/17 to 3/15/18 All City	630	-1.56%

<u>Disturbance</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	4	
5/15/16 to 3/15/17 .5 Radius	8	
<u>5/15/16 to 3/15/17 All City</u>	<u>434</u>	
5/15/17 to 3/15/18 .25 Radius	5	25.00%
5/15/17 to 3/15/18 .5 Radius	12	50.00%
5/15/17 to 3/15/18 All City	451	3.92%

<u>Theft</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	5	
5/15/16 to 3/15/17 .5 Radius	8	
<u>5/15/16 to 3/15/17 All City</u>	<u>782</u>	
5/15/17 to 3/15/18 .25 Radius	11	120.00%
5/15/17 to 3/15/18 .5 Radius	20	150.00%
5/15/17 to 3/15/18 All City	897	14.71%

<u>Theft from Vehicle</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	1	
5/15/16 to 3/15/17 .5 Radius	8	
<u>5/15/16 to 3/15/17 All City</u>	<u>394</u>	
5/15/17 to 3/15/18 .25 Radius	5	400.00%
5/15/17 to 3/15/18 .5 Radius	15	87.50%
5/15/17 to 3/15/18 All City	388	-1.52%

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<u>Behavior Health</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	0	
5/15/16 to 3/15/17 .5 Radius	1	
<u>5/15/16 to 3/15/17 All City</u>	<u>56</u>	
5/15/17 to 3/15/18 .25 Radius	0	0.00%
5/15/17 to 3/15/18 .5 Radius	3	200.00%
5/15/17 to 3/15/18 All City	218	289.29%

<u>Vice - Drugs</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	0	
5/15/16 to 3/15/17 .5 Radius	1	
<u>5/15/16 to 3/15/17 All City</u>	<u>121</u>	
5/15/17 to 3/15/18 .25 Radius	0	0.00%
5/15/17 to 3/15/18 .5 Radius	1	0.00%
5/15/17 to 3/15/18 All City	122	0.83%

<u>Theft - Shoplifter</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	0	
5/15/16 to 3/15/17 .5 Radius	1	
<u>5/15/16 to 3/15/17 All City</u>	<u>107</u>	
5/15/17 to 3/15/18 .25 Radius	0	0.00%
5/15/17 to 3/15/18 .5 Radius	6	500.00%
5/15/17 to 3/15/18 All City	85	-20.56%

<u>Littering</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	1	
5/15/16 to 3/15/17 .5 Radius	1	
<u>5/15/16 to 3/15/17 All City</u>	<u>49</u>	
5/15/17 to 3/15/18 .25 Radius	1	0.00%
5/15/17 to 3/15/18 .5 Radius	3	200.00%
5/15/17 to 3/15/18 All City	48	-2.04%

<u>Prowler</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	0	
5/15/16 to 3/15/17 .5 Radius	0	
<u>5/15/16 to 3/15/17 All City</u>	<u>27</u>	
5/15/17 to 3/15/18 .25 Radius	0	0.00%
5/15/17 to 3/15/18 .5 Radius	1	100.00%
5/15/17 to 3/15/18 All City	35	29.63%

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<u>Suspicious Circumstances</u>	<u>Count</u>	<u>Difference Between Last Year to This Year</u>
5/15/16 to 3/15/17 .25 Radius	7	
5/15/16 to 3/15/17 .5 Radius	19	
<u>5/15/16 to 3/15/17 All City</u>	<u>964</u>	
5/15/17 to 3/15/18 .25 Radius	10	42.86%
5/15/17 to 3/15/18 .5 Radius	33	73.68%
5/15/17 to 3/15/18 All City	1103	14.42%

CONCLUSION

The above data generally reflects increases in reportable activity from last year to this year from the address in question. Additionally, rates of reportable activity are generally greater in the analyzed radius than rates experienced throughout the entire jurisdiction of the Beaverton Police Department. It should be noted that in some cases above, the sample size of reported calls is very small and may contribute to significantly high percentage changes.

As stated earlier, this data supports a possible explanation, but more analysis surrounding other factors present within the .25 and .5 radius of the address in question would need to be explored for a more accurate understanding of this data. Some of the other factors to be considered include, but are not limited to, the willingness of the public to report public disorder and the public's respective perceptions of the same public disorder. Additionally, this analysis did not include data from the jurisdiction of the Washington County Sheriff's Office which is in close proximity to the address in question.

#