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Retired

June 26, 2018

VIA EMAIL

City Council Members and the Honorable Denny Doyle
c/o Anna Slatinsky, Planning Division Manager
City of Beaverton
12725 SW Millikan Way
Beaverton, OR 97005

Re: Oregon Beverage Recycling Cooperative (Beaverton BottleDrop)
APP 2018-0001 and APP 2018-0002 (Appeal of DI2017-0003)

Dear Council Members and Mayor Doyle:

This letter and attached materials represent additional evidence submitted on behalf of Brendan and Holli Bridgens and their family, Michael Matschiner, Joseph Conrad, Trisha McPharren and her family, Jesuit High School, and Rick Skayhan and his family.

1. Attachment A – Written Comments Submitted by Neighbors During Director’s Interpretation Comment Period

Attachment A includes written comments made in response to Director Twete’s Notice of Pending Director’s Decision. All are taken from Exhibit 3 of the Staff Report issued in response to Director Tweet’s Notice. Director Twete’s Notice was the first acknowledgement by the City of Beaverton that the public would be allowed to provide input concerning whether the use being made by the BottleDrop owners is a legal use and compatible with surrounding residential, educational, and commercial uses. It is unfortunate that this process and request for public input did not occur until more than eight months after the BottleDrop opened for business, an approach completely contrary to Beaverton Development Code (“BDC”) 40.25 (requests for DI should be made prior to or concurrent with applications for development).

2. Attachment B – OLCC Local Government Notification Form

Attachment B does not appear to be in the record for this appeal even though it should be. This is a second version of a completed OLCC Local Government Notification Form filed by the City of Beaverton for the BottleDrop project. In this form, Beaverton Senior Planner Scott Whyte annotates the form to make clear he believes the Beaverton Municipal Code “does not address such facilities directly.” The “such facilities” referenced are the OBRC’s BottleDrops. Beaverton’s code at BDC 40.25 directs that this would have been the time for issuance of a Notice of Director’s Decision given that staff believed the code did not directly address the use being made at BottleDrops.

3. Attachment C – Letter of March 16, 2018 to Director Twete

Evidence in the record establishes that Senior Planner Scott Whyte, who staffed the initial determination that the BottleDrop was a Service Business and therefore a commercial use, did not realize processing took place in the back end of a BottleDrop facility. Despite our request Director Twete visit the site and see the backend (see Attachment C), nothing in the record establishes Director Twete or any of her staff inspected the backend of the facility. You have in the record a declaration which describes the backend operations of the BottleDrops located in Bend and Redmond. My clients respectfully request you conduct a site visit to determine if the backend operation of the Beaverton BottleDrop is similar to the description of the Bend and Redmond BottleDrops. City Council clearly has authority to conduct this site visit if it chooses.

4. Attachment D – Safety/Security Incidents Documented by Jesuit High School

Attachment D is a list of safety and security incidents compiled by Cathe Kent, the Jesuit High School (“JHS”) Chief Security Officer. Record testimony previously has been submitted through JHS President Tom Arndorfer, JHS Dean of Students and Security Khalid Maxie, and others that Ms. Kent has documented a significant increase in security and safety incidents in and around Jesuit High School since the BottleDrop began operating in May 2017.

5. Attachments E-G – The BottleDrop is Not an Accessory Use

The Beaverton Development Code defines an “Accessory Use” as a use “incidental, appropriate, and subordinate to the main structure or use.” BDC Chapter 90. The BDC provides accessory uses customarily associated with the principal use of a property “shall be permitted” where the principal commercial use type is authorized, and allows structures or uses incidental and subordinate to the uses allowed as Permitted and Conditional Uses. BDC 60.50.05 (1) and (4). Consistent with this code provision, Beaverton historically has treated reverse vending machines and the storage of redeemable recycled containers as a use accessory to retail beverage sales. This can be inferred from a review of City of Beaverton files CU2012-0002, which represents the land use review files identified by the City of Beaverton for the Walmart store at 17275 NW Cornell Road. Nowhere in this file is any reference made to reverse vending machines or beverage container recycling needing review or approval by the City of Beaverton. Because the Walmart store is an allowed use in the commercial zone where it is located, reverse vending machines and storage of crushed glass, aluminum, and plastic beverage containers is an accessory use allowed as of right because it is incidental and subordinate to and customarily associated with the retail sale of beverages. That this use is incidental is readily evident when one compares the portion of the facility dedicated to container redemption and recycling with the portion of the facility dedicated to actual display and retail sale of merchandise. Compare Attachments F-G to Attachment E.

At the Beaverton BottleDrop, however, the recycling and redemption of beverage containers is the Principal Use made on that property. See BDC Chapter 90 (“the main or primary purpose of which land or a structure is designed . . . or intended”). As such, the Beaverton BottleDrop must qualify as a Principal Use allowed under the BDC before it can be sited in Beaverton. BDC 10.20(5) (“Uses of land not expressly allowed or not incidental to a Permitted or Conditional Use are Prohibited”).

To equate the BottleDrop – which is a Principal Use under the BDC, which is responsible for providing off-site service to 25 grocery stores within its convenience area, and which processes in excess of 80,000 beverage containers every day of the year – to recycling and redemption of beverage containers at grocery stores is a false analogue. The analogy is inapt both legally and on the facts. Grocery store recycling and redemption is an Accessory use which is subordinate and incidental to the Principal use. The BottleDrop is a centrally-located facility that serves one function, stands alone as a Principal use, and in scale and intensity dwarfs the reverse vending machines found at individual grocery stores. To suggest these incidental and subordinate Accessory uses provides justification for concluding a BottleDrop is commercial in nature is not persuasive or logical.

6. Attachments H-I -- Additional Testimony from Brandon and Holli Bridgens

Brandon and Holli Bridgens live immediately across the fence and east of the BottleDrop. The Bridgens live in an area that borders the Beaverton Community Service Commercial zone. While the Bridgens have lived next to the building that now houses the Beaverton BottleDrop for 17 years, their letters (Attachments H and I) relate that the noise, smell, trash, and safety/security issues they have faced since the BottleDrop opened are fundamentally different and significantly more invasive than any issues now or previously caused by nearby fast food restaurants and other nearby commercial businesses.

7. Attachment J – Additional Testimony from Trisha McPherren

Attachment J is email correspondence from Trisha McPherren recounting her latest BottleDrop-related problems and her decision to contact Beaverton Code Compliance about these problems.

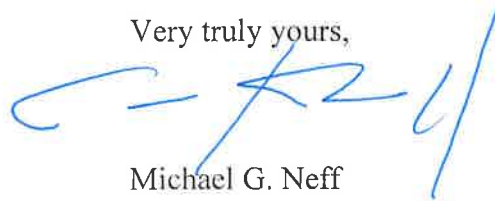
8. Attachment K – Declaration from Richard Skayhan

Attachment K is a declaration from Richard Skayhan, one of the appellants. Mr. Skayhan articulates that despite testimony from OBRC representatives they have attempted to engage neighbors about livability issues caused by BottleDrop operations, that OBRC representatives have not made any effort to reach out to him. Given this fact, and given that OBRC representatives have encountered Mr. Skayhan at NAC meetings and City Council meetings multiple times in recent months, Mr. Skayhan is skeptical that OBRC’s management is serious about its claims that it wants to work in good-faith to achieve a real solution with those affected

City Council Members and the Honorable Denny Doyle
c/o Anna Slatinsky, Planning Division Manager
June 26, 2018
Page 4 of 4

by BottleDrop operations. Mr. Skayhan believes that re-siting the facility in a location where it satisfies the BDC is the best solution for Beaverton's citizens.

Very truly yours,



Michael G. Neff

MGN/akt
Attachments



EXHIBIT A

Anna Slatinsky

From: richard.skayhan <richard.skayhan@comcast.net>
Sent: Wednesday, February 07, 2018 3:01 PM
To: Anna Slatinsky
Cc: Cheryl Twete
Subject: Fwd: OBRC

----- Original Message -----

From: Rick Skayhan <ricks@lacoinsurance.com>
To: "richard.skayhan@comcast.net" <richard.skayhan@comcast.net>
Date: February 7, 2018 at 11:27 AM
Subject: OBRC

Dear Ms. Slatinsky and Director Tweete,

I've been informed today is the final day to submit comments about an upcoming decision regarding the Oregon Bottle Recycling Center on Beaverton Hillsdale Highway in Beaverton.

I've heard from neighbors who let me know they had planned to do the same and how they've been impacted by the opening of the center. I know some attorneys will be writing to you as well about the legal considerations related to the OBRC.

Rather than do a long diatribe . . . I thought maybe giving you a short walk through our 11 year history in the neighborhood will paint the appropriate picture. We have a wonderful neighborhood. Almost every house on our street has remodeled or improved their home in the last five years, an illustration of how committed we all are to staying in the neighborhood.

When we first arrived, the area around McMillan Park was a known hangout for drug deals and high school parties on the weekend or after local sports events. Many of us made repeated calls to both THPRD security and BPD to alert them to what was happening. Even though patrols increased, the crime, litter and park vandalism was still happening. About 3-4 years ago, THPRD brought in crews to eradicate and remove much of the brush in the park and created a clear line of sight from Chestnut Place to the apartment complex on Jamieson Road and some additional thinning of the scrub trees around the creek. Unsurprisingly, much of the negative activity stopped. Two years ago, THPRD moved the playground area from the back side of the park to close to Chestnut Place. Since that time we've had all kinds of families, couples and dog walkers amicably use the park without major incident.

That all has changed in the last year. We've witnessed car break ins on our street, hypodermic needles in the park, panhandling in the park, public drinking of alcoholic beverages, abandoned grocery carts and persons unknown pawing through recycle containers on the sidewalk. Further, I commute every day from our home in Beaverton to an office in Sylvan and have personally witnessed people going through recycle containers on SW 96th, SW 103rd, SW 102nd, SW Laurelwood and SW 87th. Two weeks ago, I was driving down SW 96th and saw a car on the side of the road near the intersection with SW McMillan---with its flashers on. I slowed down anticipating a need to stop and saw a male with knit cap, dark jacket and jeans going through a recycle container across from the car. As I neared, I noticed he had a white plastic bag of cans and bottles at his feet and was dropping containers from the bin into the bag. I've witnessed multiple near misses on BHH as drivers are trying to go east out of the OBRC and conflicting with traffic coming out of Valley Plaza and the west entrance to Jesuit HS.

While there's no direct evidence the OBRC has caused the negative changes to our neighborhood, the history of the last year I think speaks for itself.

I urge you to define the facility as a Recycling Center so that it can be justifiably moved to an industrial space. I understand such a decision could put it just a stone's throw from our street in the industrial area on SW Western but I personally believe it is the appropriate move for our neighborhood, the businesses on BHH and the City of Beaverton.

Thank you for your time. Feel free to contact me about any of the above.

Sincerely,

Richard Skayhan

4820 SW Chestnut Place

Beaverton, OR 97005

C. 503.810.8499

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Trisha McPherran
9115 SW Ciub Meadow Lane
Portland, OR 97225

JAN 23 2018

COMMUNITY DEVELOPMENT

January 18, 2018

Anna Slatinsky
Planning Division Manager
City of Beaverton, Community Planning Department
12725 SW Millikan Way
Beaverton, OR 97076

RE: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container Redemption Center (BCRC) Director's Interpretation

Dear Ms. Slatinsky,

It has come to my attention that the BCRC land use for the property at 9307 SW Beaverton-Hillsdale Hwy, is not of a use listed in BDC Section 20.10, as allowed in the city's Community Service (CS) Zone.

Rather, the BCRC is of an industrial type, as defined in Section 20.15.10. Specifically, it is a recycling center. A recycling center is not currently mentioned in the CS Zone Section, but it is conditionally approved for Industrial Land Use. The problem is, the OBRC does not consider the BCRC to be a recycling center, but rather a redemption or collection business. However, the collection of beverage containers, packaging, and transportation of those containers, is still subject to the same considerations as a recycling center, namely, potentially toxic substance containment near the Hall Creek Wetlands area, increased vector control concern, and bigger traffic flow issues.

Throughout the process, ORBC has repeatedly promised that the facility will be clean and staffed during the open hours of operation. I can assure you that this is most often not the case, simply due to the nature of the business of recycling beverage containers. While I concur that the facility most often has one staff member on site during normal business hours, my family members have visited during normal business hours and found no attendant, broken collection machines, and dirty floors.

It makes more sense for the business to operate in the Regional Center, an area that is more equipped to handle traffic, trucks, noise, and waste. This would also be more convenient for pedestrian patrons, who must now travel several miles on foot, often pushing a shopping cart from a Regional Center business, which is abandoned along Beaverton-Hillsdale Highway once their patronage is concluded. Who would want to push it all the way back?

I urge your department to consider the impact that an Industrial business is currently having on the Community Service Zone and the Residential Zones immediately adjacent to it. Industrial traffic, noise, and vector control are all factors that cannot be reasonably managed in the CS Zone and are more suited to an Industrial Land Use or Regional Center property. The families in our neighborhood would be most grateful for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Trisha McPherran".

Trisha McPherran

503-442-1121

mcpherrent@gmail.com

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CITY OF BEAVERTON

FEB 02 2018

January 30, 2018

COMMUNITY DEVELOPMENT

Cheryl Twete
Director, Community Development Department
City of Beaverton
12725 SW Millikan Way
Beaverton, OR 97076

RE: City of Beaverton Notice re Oregon Beverage Recycling Cooperative Beverage Container Redemption Center, Director's Interpretation

Dear Ms. Twete:

I am a 15-year resident of the Royal Woodlands neighborhood, just south of the Bottle Drop recycling center. I am writing to bring your attention to how the siting of the Bottle Drop has affected my neighborhood and my family's quality of life.

First, I am very sympathetic to the low-income and homeless population. I am the board president of Farmers Market Fund, a non-profit that raises money to help low-income and underserved communities buy fresh fruits and vegetables at area farmers markets. I also contribute to various organizations throughout the year that assist the homeless. Also, I am a big fan of the Bottle Bill.

Since the Bottle Drop has opened, we have experienced car prowls, suspicious people drinking and loitering in our neighborhood, and trash and human feces on sidewalks. We have found needles in MacMillan Park, just three houses down from our home. Other neighbors have reported suspicious strangers ringing their doorbells late at night, going through their trash and intimidating them while out walking in the neighborhood. My husband noticed a homeless man with a shopping cart full of bottles and cans loitering in our neighbor's back yard while they were away at work. We recently had to install security and doorbell cameras because we simply do not feel safe.

My daughter is 17 and takes the public bus from Fred Meyer on Beaverton Hillsdale Highway to our house in the Royal Woodlands neighborhood. Several weeks ago, a homeless man with a sack full of cans and bottles intimidated her at the bus stop and she had to call my husband to pick her up.

I do not understand why the City and the ORBC failed to engage the community in the decision to site the Bottle Drop on Beaverton Hillsdale Highway. It appears to us that the lack of public transparency was intentional. We had no idea the center was going into the former Pier One location until the sign was installed. The Bottle Drop takes the place of approximately 19 former drop off locations. Having this amount of activity concentrated in a small location, near

residential neighborhoods, businesses and a high school, is a public safety concern for me, my family and my neighbors.

I hope that you will determine that the Bottle Drop Center should be relocated to Beaverton's industrial area.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Karie Trujillo". The signature is written in black ink and is positioned above the typed name and address.

Karie Trujillo
4770 SW Chestnut Place
Beaverton, OR 97005

Cc: Beaverton Mayor, Denny Doyle

Michael Matschiner
9275 SW Club Meadow Lane
Portland, Oregon 97225
(503) 969-3807

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FEB 07 2018

COMMUNITY DEVELOPMENT

February 4, 2018

City of Beaverton
Community Development Department
Planning Director
PO Box 4755
Beaverton, Oregon 97076

REGARDING: OREGON BEAVERTON COOPERATION (OBRC) BEVERAGE CONTAINER REDEMPTION CENTER (BCRC) DIRECTOR'S INTERPRETION

To Whom it May Concern:

I have lived at my current address for over 25 years raising my children and grandchildren. Since the opening of the OBRC, BCRC facility, my neighborhood has changed dramatically. Specifically, since the opening of the OBRC, BCRC facility:

- Public urination and defecation on my property;
- Intoxicated people drinking on my property;
- People leaving their garbage on my property;
- Mentally ill people climbing trees and shouting obscenities;
- People rummaging through my garbage;
- Abandoned shopping carts on my property
- Constant bottle rattling, rolling, breaking;
- People hollering, swearing, shouting;
- People throwing food over my fence;
- People trying to break into my vehicles;

I was never – not once – informed by the City of Beaverton about this facility and the impact it would have on my neighborhood. This facility does not support a residential neighborhood. A facility of this type belongs in a commercial space not adjacent to a neighborhood.

I am requesting a written response to my letter detailing why the City of Beaverton located the OBRC, BCRC facility adjacent to a neighborhood. And, I am requesting that the OBRC, BCRC facility be moved from its current location.

Michael Matschiner

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FEB 07 2018

COMMUNITY DEVELOPMENT

Brandon and Holli Bridgens
9240 SW Club Meadow Lane
Portland, OR 97225

January 20, 2018

Anna Slatinsky
Planning Division Manager
City of Beaverton, Community Planning Department
12725 SW Millikan Way
Beaverton, OR 97076

RE: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container Redemption Center (BCRC) Director's Interpretation

Dear Ms. Slatinsky,

It has come to our attention that the BCRC's land use for the property at 9307 SW Beaverton-Hillsdale Hwy, is not a use listed in BDC Section 20.10, as allowed in the city's Community Service (CS) Zone.

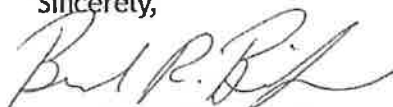
The BCRC is an industrial type, as defined in Section 20.15.10. It is a recycling center. A recycling center is not currently mentioned in the Community Service (CS) Zone Section, but it is conditionally approved for Industrial Land Use. The OBRC does not consider the BCRC to be a recycling center, but rather a redemption or collection business which is not accurate.

I urge your department to consider the impact that an industrial use business is currently having on the Community Service Zone and the Residential Zones immediately adjacent to it. Industrial traffic, increased auto traffic, increased pedestrian traffic, noise (both BCRC industrial noise, i.e. conveyors belts, compactors, bottles rolling down the hill, bottles being loaded in carts to be taken inside and patron's conversations/arguments/offensive language) and offensive odors, i.e. alcohol and smoke are all factors that we are currently experiencing. These factors cannot be managed in the Community Service Zone and are more suited to an Industrial Land Use property.

As long-time residents (of 17 years) and parents of 2 young children, the impact this is having on our lives and personal safety is concerning. We have contacted the police department numerous occasions for public urination, littering, vulgar language, patron arguments, loitering and people peering over our fence line. We live next door and witness daily events. We are concerned about our livability and long-term property values. Prior to the BCRC, Pier One Imports was located in the property and we had no issues. They were excellent neighbors. We have many businesses that are located near us but have never experienced any problems or concerns like we are currently experiencing with the BCRC.

I appreciate your time in reviewing this information. If you have any questions, please feel free to contact us.

Sincerely,



Brandon and Holli Bridgens
brbridgens@icloud.com
hsbridgens@hotmail.com



Brandon: 503-349-4138
Holli: 503-348-0238
Home: 503-297-4791

Oregon Beverage Recycling
Cooperative
Beverage Container Redemption
Center - Director's Interpretation

#D12017-0003

Exhibit 3.11

anna glatinski,

I would like to note that I am not against recycling. I have been an avid bottle & can recycler since the early '70's. My issue is with the OBRE on Beaverton Hillsdale Hwy. Since the recycling center opened our lovely neighborhood has drastically changed, not for the better.

Just to name a few things
Locked cars being broken into.
Pan-handlers in McMillan Park.
Springs found by young children in McMillan Park.
extra vehicles & pedestrians.
Everyone has seen the difference

Marie and Tony Kikes

and, we no longer feel safe.
The elected officials did not
work in our best interest
when locating the bottle recycl-
ing center. We feel that a better
place would have been in an
industrial area.

Thank you for listening,
Marie Kikes

My husband & I are both native
Oregonians & have lived on the
SW side all our lives.

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Exhibit 3.12

FEB 06 2018

COMMUNITY DEVELOPMENT

Feb 6, 2018

City of Beaverton
Community Development Department
Planning Division
12725 SW Millikan Way
Beaverton, OR 97006

Attn: Cheryl Tweete

Dear Cheryl/


I'm writing to voice my concerns with the location and safety issues regarding the Bottle Drop Recycling Center on SW Beaverton Hillsdale Highway.

We live nearby in Royal Woodlands and I've been to the recycling center several times. Besides the traffic issues at the center and safety concerns getting in and out onto Beaverton Hillsdale Highway, I've found that the only safe times to drop off bottles and cans are early daytime hours. Evenings seem to present both safety and possible criminal issues. The areas surrounding the center are fraught with discarded shopping carts and litter and the center itself does not have adequate security. The concept of the center is good, but the location turned into a very bad choice.

I've heard neighbors tell me stories of personal safety concerns at McMillan Park, people coming through the neighborhood going thru recycling containers and car break-ins, that's been verified by the increased police patrols in Royal Woodlands - something we've not seen before. This increased crime and safety concerns coincides with the opening of the center.

I doubt these issues were anticipated when the center was approved, but it should be moved to a location where proper zoning, safety and security concerns can be addressed.

Thank you


Michael H. Miller

5950 SW Spruce Ave
Beaverton OR 97005

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FEB 05 2018

Anna Slatinsky
Planning Division Manager
City of Beaverton
Community development department
P O Box 4755 Beaverton Oregon 97076

COMMUNITY DEVELOPMENT

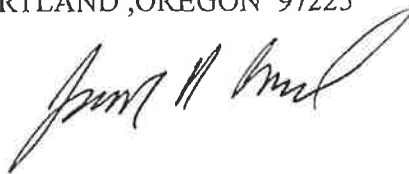
Case file D12017 -0003

503 526 2429

As a resident living on CLUB MEADOW LANE since 1968 I have watched the development of the commercial property across the street from me for many years . I was always well done and had little affect on the livability of my neighborhood . However the change of the building now known as Oregon Beverage Recycling Cooperative has dramatically changed that. Looking at the map you will see 13 residential tax lots directly affected buy this intrusion on the value and quality of living on CLUB MEADOW LANE Each I am guessing adding 2000 dollars or more to Washington county Tax base. OR 26000 revenue on residential C ML. No small thing. I believe we should have been informed by Planning depart that our property values will all be diminished by the collection center. The noise, the horrific smell [walk in the center yourself and imagine it were you live] and the new transit people visiting our street. has profoundly reduced the livability and value of our homes. The closer to the collection center the greater the loss. Would you buy a home that smells of stale beer and bottles clanning. The Grocers Assoc, are glad to get rid of the responsibility and nuisance of bottle redemption since it adds nothing to there bottom line, however the impact of there actions should not fall on a residential neighborhood who has little power to protect itself. This is clearly a miss-use of the zoning rules and it disappoints me that the Beaverton Planning Depart let this happen to our neighborhood. I cant speak for my neighbors but but at age 77 living on SS, my home represents the savings of a lifetime of work and I am deeply depressed by this government action taking what little I have from me.

JOSEPH CONRAD
9207 SW CLUB MEADOW LANE
PORTLAND ,OREGON 97225

CC Greg Malinowski Dist 2
155 North First Ave MS-21
Hillsboro, Oregon 97214



Anna Slatinsky

From: info ovshosp.com <info@ovshosp.com>
Sent: Monday, February 05, 2018 1:46 PM
To: Anna Slatinsky
Subject: Bottle drop at 9307 Beaverton Hillsdale Hwy
Attachments: Anna Slantinsky.docx

Ms. Slatinsky:

Attached is my letter opposing the current location of the bottle drop./

Robert T. Franklin, DVM

Anna Slantinsky

Planning Division Manager

City of Beaverton

Community Development Department

12725 SW Millikan Way

Beaverton, OR 97076

February 3, 2018

Dear Ms. Slantinsky:

I am writing this letter in regards to the Bottle Drop at 9307 SW Beaverton Hillsdale Highway, Beaverton, OR 97005. Since the opening of the Bottle Drop things have changed markedly. In the almost 12 years the Oregon Veterinary Specialty Hospital has been in our current location we have had very little problems. Unfortunately this changed markedly when the Bottle Drop opened.

Since the beginning of the operation of the bottle drop we have had an increase in security related problems. Our security camera was stolen. One of our tenants (hair dresser) had property stolen from the space. We were not able to identify the person because the security camera that had been stolen covered the area in front of the entry to the hair dresser. We had to lock the restrooms our clients use because we have had an individual that returned cans to the bottle deposit came onto our property, locked himself into the restroom on our property and injected drugs. He left the paraphernalia in the restroom to be found by my kennel staff. When the police came to investigate we were told that they used to never come out here, but now they are being called out to this area on a much more frequent basis.

We have had problems with people loitering outside our building and hassling our clients as they are bringing their pets to us. When we ask some of these people to please move they are frequently belligerent and verbally abusive. Our employees have become so concerned about security that we had to put panic buttons at the front desk for safety.

We are having people who are regularly using our parking lot to go the bottle drop. This can make it difficult for my clients to find parking spaces. We have asked the individuals parking in our lot not to do so but they ignore us or get rude to our staff making their experience working here not enjoyable. Since our parking lot has a cut through access we frequently have cars and trucks driving through our parking lot to get to the stoplight on 91st so they can make a left hand turn because it is so difficult to do so onto Beaverton Hillsdale Highway from the entrance and exit to the bottle drop. Since they often are going at an excessive speed it potentially put my clients, employees, and their pets at risk. This was not a problem before the bottle drop was open.

The noise level and trash around the area has increased. The noise relates to the dumping of cans and bottles into the carts they get from the building to bring their recycling into the building. Bottles are frequently dropped in the parking lot leaving pieces of glass on the ground which cannot be entirely cleaned up. There are bottle tops dropped on the ground that are left and they are being dropped on my property, too. We never had problems with cigarette butts being dropped on the ground. Now they are all over the landscaping.

When we initially talked to the city about the bottle drop, the city compared it with a Salvation Army drop box. I do not understand how you can compare a Salvation Army drop box to a place recycling cans, glass and plastic bottles from 24 grocery stores. The facility is processing cans and bottles which makes it a light industrial business and should not be in a commercial zone next to a high school and residential area.

For the above reason I request you do not to approve the Bottle Drop at its current location and have it moved to an area zoned for industrial use.

Thank you for your consideration in this matter.

Robert T. Franklin, DVM

Anna Slatinsky

From: Ron Earp <info@laurelwoodvets.com>
Sent: Monday, February 05, 2018 1:11 PM
To: Anna Slatinsky
Subject: Case File Number DI2017-0003; OBRC BCRC Directors Interpretation
Attachments: OBRC letter AS.docx

February 3, 2018

Anna Slatinsky

Planning Division Manager

City of Beaverton

Ms. Slatinsky;

My name is Ron Earp. I am a founding partner of Laurelwood Animal Hospital, located across from Jesuit High School at 9315 SW Beaverton-Hillsdale Highway. We have been in operation since June 2006. Until recently, our practice has had scarce few problems, and we have been able to maintain a clean, respectful business. But that has changed since the opening of the Beverage Container Redemption Center next door.

Whereas our grounds have been very well kept, we now find a variety of trash, including cigarette butts and bottle caps, regularly strewn across our parking lot. Customers from the redemption center regularly park in our limited lot, and when we inform them that our parking is for our customers only, they frequently get abusive to our employees. Since our lot has a cut through from the highway to Club Meadow Lane, and therefore a stoplight for easier access to turn left onto the highway, many people are racing down our drive, potentially endangering our patients, our clients and our employees.

We have become very concerned about the security and safety of our patrons and employees as well. Since the redemption center opened, we have had people coming from the center into our bathrooms and injecting drugs, leaving their paraphernalia behind. We have had to resort to locking the bathrooms and restricting access to our clients. We have had a security camera stolen, one that monitors the area where a compounding pharmacy is located. Our front desk staff has become so nervous about this situation that we had to place panic buttons up front, so they could discreetly call police when they are abused.

All of this is particularly difficult to understand when considering that this operation, one of unprecedented scope, was thrust into this building without due process to allow input from adjacent businesses and families adjoining this property. What little input we were able to give – which was only after the project was approved by the City of Beaverton – we voiced concerns which now are transpiring. By most reasonable definitions, this business is of an industrial nature, and is therefore operating outside of the appropriate zoning area. Nearby areas are available which are adequately zoned.

I hope you will take all these issues into consideration as you deliberate on this issue. Please don't let this facility ruin what has been a clean, safe, family friendly area. Thank you for your consideration.

Ronald F. Earp, DVM

Laurelwood Animal Hospital

9315 SW Beaverton-Hillsdale Highway

Beaverton, OR 97005

971-244-4230

info@laurelwoodvets.com

RECEIVED
City of Beaverton

FEB 02 2018

Planning Division

2/2/18

*Anna Slatinsky/Planning Division Manager
12725 SW Millikan Way
Beaverton, OR 97076*

*RE: D12017-0003 Oregon Beverage Recycling
Cooperative (OBRC) Beverage Container Redemption
Center (BCRC) Director's Interpretation*

Dear Ms. Slatinsky,

*Though I live on the east side of 91st Avenue on
Club Meadow Lane, I have felt the direct impact
of this facility in our neighborhood. One afternoon
a man walking down our street turned suddenly and
walked down our driveway to our garbage can which is
on our property behind a hedge and proceeded to
go through our garbage. My husband followed him and
found him at the bottle drop.*

We have lived in this neighborhood for 40+ years and have never experienced this.

We hope you will consider the residents when you make your decision.

Sincerely,

Jim and Georgia Hogan

RECEIVED
City of Beaverton

FEB 02 2018

Planning Division

Brandon and Holli Bridgens
9240 SW Club Meadow Lane
Portland, OR 97225

January 20, 2018

Anna Slatinsky
Planning Division Manager
City of Beaverton, Community Planning Department
12725 SW Millikan Way
Beaverton, OR 97076

RE: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container Redemption Center (BCRC) Director's Interpretation

Dear Ms. Slatinsky,

It has come to our attention that the BCRC's land use for the property at 9307 SW Beaverton-Hillsdale Hwy, is not a use listed in BDC Section 20.10, as allowed in the city's Community Service (CS) Zone.

The BCRC is an **industrial** type, as defined in Section 20.15.10. It is a **recycling center**. A recycling center is not currently mentioned in the Community Service (CS) Zone Section, but it is conditionally approved for Industrial Land Use. The OBRC does not consider the BCRC to be a recycling center, but rather a redemption or collection business which is not accurate.

I urge your department to consider the impact that an industrial use business is currently having on the Community Service Zone and the Residential Zones immediately adjacent to it. Industrial traffic, increased auto traffic, increased pedestrian traffic, noise (both BCRC industrial noise, i.e. conveyors belts, compactors, bottles rolling down the hill, bottles being loaded in carts to be taken inside and patron's conversations/arguments/offensive language) and offensive odors, i.e. alcohol and smoke are all factors that we are currently experiencing. These factors cannot be managed in the Community Service Zone and are more suited to an Industrial Land Use property.

As long-time residents (of 17 years) and parents of 2 young children, the impact this is having on our lives and personal safety is concerning. We have contacted the police department numerous occasions for public urination, littering, vulgar language, patron arguments, loitering and people peering over our fence line. We live next door and witness daily events. We are concerned about our livability and long-term property values. Prior to the BCRC, Pier One Imports was located in the property and we had no issues. They were excellent neighbors. We have many businesses that are located near us but have never experienced any problems or concerns like we are currently experiencing with the BCRC.

I appreciate your time in reviewing this information. If you have any questions, please feel free to contact us.

Sincerely,



Brandon and Holli Bridgens
brbridgens@icloud.com
hsbridgens@hotmail.com



Brandon: 503-349-4138
Holli: 503-348-0238
Home: 503-297-4791

January 24, 2017

Anna Slatinsky
Planning Division Manager
12725 SW Millikan Way
Beaverton, Oregon 97076

RECEIVED
CITY OF BEAVERTON

JAN 29 2018

COMMUNITY DEVELOPMENT

Project Name: Oregon Beverage Recycling Cooperative
Case File No: D12017-0003

Greetings Anna,

I am writing today out of concern the impact the new beverage redemption center has had on our neighborhood. My first concern is the safety of our area once the center opened. We have lived in this neighborhood for 40 years and I have always felt safe to walk our streets and go out at night, now I don't! We live one block behind the center. Since it has opened we have had a meth lab try to establish its self at the top of our street, luckily the person trying to sell the house happened to pull up to check on the house and a 15+ police chase ensued. Thank heavens, our wonderful police force was able to apprehend both parties involved after 6 hours of intense searching. This is a first for our neighborhood. To name a few more incidents of late: a homeless person tried to set up camp in our neighborhood, car break ins, lots of shopping carts left laying around, people on bikes pulling shopping carts full of bottles, drug selling at our local 7-eleven, hypodermic needles found in our local parks, local business robberies have drastically increased and the most alarming, a big spike in home invasions (day and night). We can no longer walk down by Western and 5th avenue without getting cursed at and yelled at by the people living in the RV's parked there. Very rare that any of these incidents happened before the center was established.

Are there any rules on notifications that should go to the residence that live so close to the facility? I would have liked to have voiced my opinion of this center going in so close to a school and residential neighborhood. If so we never received anything that the Redemption Center was going in our area.

I know our police force resources are spread thin, but I feel this center has increased the crime in our area and thus caused our officers to lose even more, with the spike in crime in our area.

BOTTOM LINE: I no longer feel safe!! I would like to see the center move to an industrial area where schools and residential neighborhoods are not impacted.

Thank you for your time,

Lynne Cartmill

Anna Slatinsky

From: Mailbox CDD Planning
Sent: Monday, January 29, 2018 8:36 AM
To: Anna Slatinsky
Subject: FW: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container Redemption Center (BCRC) Director's Interpretation

From: Nupur pande [mailto:nupeyji@gmail.com]
Sent: Saturday, January 27, 2018 3:10 PM
To: Mailbox CDD Planning <MailboxCEDDPlanning@beavertonoregon.gov>
Subject: RE: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container Redemption Center (BCRC) Director's Interpretation

Attention: Ms. Anna Slatinsky.

Anna Slatinsky
Planning Division Manager
City of Beaverton, Community Planning Department
12725 SW Millikan Way
Beaverton, OR 97076

RE: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container Redemption Center (BCRC) Director's Interpretation

Dear Ms. Slatinsky,

It has come to my attention that the BCRC land use for the property at 9307 SW Beaverton-Hillsdale Hwy, is not of a use listed in BDC Section 20.10, as allowed in the city's Community Service (CS) Zone.

Rather, the BCRC is an industrial type operation, as defined in Section 20.15.10. Specifically, it is a recycling center. A recycling center is not currently mentioned in the CS Zone Section, but it is conditionally approved for Industrial Land Use.

The OBRC does not consider the BCRC to be a recycling center, but rather a redemption or collection business. Herein lies the problem: Collecting beverage containers, packaging, and transporting these containers, is still subject to the same considerations as a recycling center. This includes processing, fabrication, and storage, including outdoor storage areas, heavy equipment and other similar uses incompatible with the CS zone. These practices by the current industry are generating, potentially toxic substance(s), concerns about containment near the Hall Creek Wetlands area, increased vector control concern, and bigger traffic flow issues.

Throughout the process, OBRC repeatedly promised that the facility will be clean and staffed during the open hours of operation. We assure you that this is most often not the case, simply due to the nature of the business of recycling beverage containers. While this facility most often has one staff member on site during normal business hours, my family members have visited during normal business hours and found no attendant, broken collection machines, and dirty floors.

We, as a community petition your department to consider the impact of this industrial business on the CS Zone and the Residential Zones immediately adjacent to it. Industrial traffic, noise, pollution, and vector control are all factors

are of great concern. These cannot be reasonably managed in the CS Zone and are more suited for an Industrial Land Use property.

It makes more sense for the business to operate in the Regional Center, an area that is more equipped to handle traffic, trucks, noise, and waste. This would also be more convenient for pedestrian patrons, who must now travel several miles on foot, often pushing a shopping cart from a Regional Center business, which they abandon along Beaverton-Hillsdale Highway once their patronage is concluded.

In addition to aforementioned zoning issues, other issues impacting our lives, and our families have cropped up. People are trespassing our properties looking for recyclables, endangering their safety and ours. There is increased grime and grunge on our streets because these same scavengers think nothing of throwing things around if they deem it not useful for their purposes. Since Hall Creek meanders through our neighborhood and is an easy conduit to transporting toxic materials downstream, it endangers our environment. Increased traffic has meant, longer time getting out of side streets for vehicles. Idling vehicles spewing out greenhouse gasses certainly can not be great for environment.

The families in our neighborhood would be most grateful for your consideration of this matter.

Thanking you,

Nupur Pande,
Resident.
9265 SW Meadow Ln
Portland, OR 97225

Sent from Mail for Windows 10

Anna Slatinsky

From: Trisha McPherren <mcpherrent@gmail.com>
Sent: Friday, January 19, 2018 9:44 AM
To: Anna Slatinsky
Subject: DI2017-0003 OBRC BCRC Director's Interpretation

Dear Anna,

I am sending a formal letter by mail regarding this case, but I realized that I failed to mention in it that I commend the environmental stewardship and goals of the ORBC. They have, however, simply chosen a site that is inconvenient to their patrons, untenable for their operation, and inapplicable under the development code for the Community Service Zone.

I appreciate the time you are spending to solve this dilemma.

Thank you!

Trisha McPherren
503-442-1121



Ronald Earp, D.V.M. • Lynn Erdman, D.V.M.

February 2, 2018

City of Beaverton
 Mayor Doyle
 12725 SW Millikan Way
 Beaverton, Oregon 97005

Dear Mayor Doyle:

Over the past year I have been in contact with my state legislators regarding the inappropriate placement of a bottle and can recycling and processing center located at 9307 SW Beaverton-Hillsdale HWY. I am a veterinarian and owner-partner of Laurelwood Animal Hospital located at 9315 SW Beaverton-Hillsdale HWY. The Oregon Veterinary Specialty Hospital shares our building, and we have a human hospital compounding pharmacy and beauty salon in the rear of the building.

The selection for the Bottle Drop recycling site was flawed from conception. This is a CS commercial zone Site, previously occupied by Pier One Imports for several years. There was no public notification that there was a "proposed" use for recycling, no traffic analysis, and it is in opposition to BDC 10.2.4. There have been media coverage locally, the latest featured on Channel 2 news. After one of the reports, it seemed that OBRC hastily arranged for a "town hall" meeting at Garden Home Recreation Center. When City Planner White was surrounded by residents and business owners, he refused to address our concerns and quickly walked away from our questions. OBRC is a big business, yet the public perceives it to be a green non-profit organization. As you are aware, it is a collective with an out-of-state hedge fund and its financial information is unattainable.

I invite you and the City Council members to visit the neighborhoods impacted by the Bottle Drop. This is a vibrant, busy area of the city. There are home owners and families that live next door and behind the recycling site. Beaverton police officers told us that they never had calls from this area until the recycling site arrived. Now the neighbors complain of thefts, garbage and human waste on property and in our parking lots. We have a private road next to our hospital used only for residents behind our building. Children could play there and ride their bikes. Not now, because cars race down this private roadway and endanger the safe of children and residents on their own street.

We had a security camera cut away and stolen, it monitored the compounding pharmacy.

We now have to lock our waiting room restrooms after a man who asked to use our restroom left his needles and heroin paraphernalia behind. Washington county sheriffs were here with a search dog after the beauty shop reported a theft. The owner of the shop had her cell phone located in the Bottle Drop dumpster. Watch the huge trucks pull in as this site alone services 20 major retailers. I invite you and the council members to listen to the crashing sounds of crushing cans and broken glass. Because this is a recycling center, and it belongs in an industrial zoned location, we have industrial noise, garbage, and

Phone 971.244.4230 • Fax 503.292.6808
 9315 SW Beaverton-Hillsdale Hwy, Beaverton, OR 97005
www.LaurelwoodVets.com

odor. One of your representatives told us that it wasn't any different than a drop-off depository, just like a Good Will box. Are you really serious?

I invite you and the council members to visit the neighbors and the business owners in our area. Of course, we want to promote recycling waste. But it should have been located at the proper Industrial site, not in a commercial zone CS with adjacent zoned residential properties and existing residences. The City proceeded with a Type 1 Design Review that failed to allow any opportunity to comment on the application instead of a Type 2 procedure that is required by the Director's Interpretation. It was handled so clandestinely. What was so secret that the City would only allow a design review approval? How many council members have students attending Jesuit High School, and how many council members live next door or behind the recycling site? If they don't reside in this neighborhood and don't have students attending Jesuit High School, I suggest you and the council members gain a better line of communication with your constituents, including the parents and faculty of Jesuit High School.

The goals of the City Council are to assure a safe and healthy community and maintain a livable city that preserves and enhances our sense of community. It is necessary for the City Council to understand the impact on the quality of life and the safety of citizens that work and live here. The recycling center is precisely that, an industrial use processor that receives the bottles and cans of 20 large retailers in the area. Locate the bottle drop where it can be properly managed, in an accessible area that can handle the traffic of large trucks and 25 to 30 cars an hour, in a safe area away from schools and residential areas so people don't see their property be degraded and their children endangered. Require the OBRC and the City of Beaverton to cooperate with the local municipalities and meet all zoning requirements.

Thank you for this opportunity to raise your awareness and anticipate the removal and re-location of the Beaverton bottle drop facility to a proper industrial site.

Sincerely,

A handwritten signature in cursive script that reads "Lynn F. Erdman DVM".

Lynn F. Erdman DVM

Cc: City of Beaverton Council
Lacey Beaty
Betty Bode
Mark Fagin
Cate Arnold
Marc San Soucie

EXHIBIT B

OREGON LIQUOR CONTROL COMMISSION
BEVERAGE CONTAINER REDEMPTION CENTER
Local Government Notification Form

To be completed by an authorized representative of the City Council or Board of County Commissioners (identified in #9 of the Beverage Redemption Center Application).

PLEASE PRINT

RE: Beverage Container Redemption Center Application for:
OREGON BEVERAGE RECYCLING COOPERATIVE, BGA BOTTLE DROP REDEMPTION CENTERS
9307 SW BEAVERTON-HILLSDALE HIGHWAY, BEAVERTON, OR 97005

The City or County of BEAVERTON
(Name of City or County)

Certifies that the proposed Redemption Center meets city/county zoning requirements *allowed use*

Certifies that the proposed Redemption Center is compliant with all local ordinances - as applicable. *The Beaverton Municipal Code does not address such facilities directly.*

Scott Whyte
Signature of Authorized City/County Representative

Senior Planner, City of Beaverton *Sept 22, 2016*
Title Date

→ update of Dec. 6, 2016
SW



Scott Whyte, AICP
Senior Planner
Community Development, City of Beaverton
swhyte@beavertonoregon.gov
p: 503-526-2652 f: 503-526-2550
12725 SW MILLIKAN WAY • PO BOX 4255 • BEAVERTON, OR 97008

EXHIBIT C



200 SW Market Street, Suite 1777
Portland, Oregon 97201-5771

T 503.225.0777
F 503.225.1257

www.hk-law.com

Michael E. Haglund
Michael K. Kelley
Michael G. Neff
Julie A. Weis
Christopher Lundberg
Matt Malmshemer
Joshua Stellman
Eric J. Brickenstein
Christopher T. Griffith

Lefroy W. Wilder
Retired

March 16, 2018

Ms. Cheryl Twete, Community Development Director
c/o Anna Slatinsky, Planning Division Manager
City of Beaverton
12725 SW Millikan Way
Beaverton, OR 97076-4755

Re: Notice of Pending Director's Interpretation

Project Name: Oregon Beverage Recycling Cooperative Beverage Container
Redemption Center

Case File No. DI2017-0003

Dear Ms. Twete and Ms. Slatinsky:

We write you about two matters of importance regarding your January 11, 2018, Notice of Pending Director's Interpretation ("Notice"). Both of our clients submitted timely written comments to your Notice.

The first matter is the timing of when you issue your decision. Given that: (1) the period for appeal of your decision to the Beaverton City Council is only 12 days and (2) given that spring break [which this year is March 24-April 1] is a time when many Oregon families travel for non-work pursuits, we respectfully request you delay issuance of your decision until at least March 29 or March 30. If you can accommodate this request, it would be greatly appreciated.

The second matter concerns the industrial nature of the use which both of us took issue with in the respective comments we filed on behalf of our clients in response to your Notice (see the February 7, 2018 letter of Michael G. Neff and the February 7, 2018 comments of E. Michael Connors). The comments filed by E. Michael Connors state that the "BCRC process clearly alters the form or condition of the containers" and this process "includes activities such as separating, crushing, compacting, and pulverizing." The comments filed by Michael G. Neff also note the OBRC operation involves "sorting" and "crushing" and that some of these materials may be "baled" before they are loaded to be "shipped off-site for further processing." E. Michael Connors also points out that in any given year the facility will process approximately 30 million containers a year. Since filing these comments, we have learned the following additional detail concerning processing activities on site: (1) that aluminum cans are crushed and multiple crushed cans are then formed into cubes before being stacked on pallets for loading and transport; (2) that glass bottles are pulverized before being transported off site in large containers; and (3) that plastic containers are compacted before loading and transport. This

Cheryl Twete
Friday, March 16, 2018
Page 2

activity requires machinery to sort, crush, compact, and pulverize three discrete types of recycled containers.

OBRC's Application of Director's Interpretation features several photographs of its facility, but none of these photographs feature the crushing, pulverizing, and compacting part of the facility's operation. If you have not had the opportunity to view the back end of the facility, where this crushing, pulverizing, and compacting part of the activity at the site takes place, we urge you to request the OBRC allow you to view the "back end" of the facility. We believe that if you have not already inspected what occurs in this portion of the facility, that such a viewing would be helpful to your evaluation of whether the facility is in fact a recycling center. If you do determine that a viewing would be helpful and you schedule such a viewing with OBRC, we respectfully request we be allowed to participate in the viewing.

Very truly yours,



Michael G. Neff
Haglund Kelley, LLP



E. Michael Connors
Hathaway Larson, LLP

MGN:frf
cc: Peter Livingston



EXHIBIT D

Impact – safety/security incidents (from Cathe Kent) as of 6/6/18

Overall higher transient population in and around the school - started in summer of 2017

July 2017	Jesuit residence - transients by foot and bike scavenging for bottles/cans
August 2017	Dumped mattress/garbage into our drop box - filled it up (several hundred dollars)
August 2017	Early morning bicyclist empty reciprocals near Cronin/Knight pavers
November 2017	JHS put in lockout for extended period due to police chase of two individuals who were squatting in a house in the immediate neighborhood. Suspected meth use. Possible connection with BottleDrop.
February 2018	Man on foot coming out of the bushes behind PAC
January 2018	Incidents around Valley parking lot with transients climbing on the Super Play roof.

September 2017 - February 2018

Chevy Astro Van - 5 occurrences:

1. During summer 2017 Officer Cotton found van parked in Valley Parking by theatre. Occupants were living out of the van. Officer Cotton had them move
2. September 2017 - drove onto campus and parked along flag pole. Occupants went through recycle bins. Took bottles/cans
3. October 2017 - returned and did all the above from September however, climbed fences by Jack's office. Took approx. \$300 of bottles and cans stored.
4. November 2017 - returned again, climbed fence and went through sheds. Took several items that could not be determined.
5. February 2018 - parked in Valley Parking approx. 0630hrs were seen smoking drugs in van. Later arrested at BottleDrop by Officer Cotton. Female driver arrested for Theft/Trespass/Burglary from earlier incidents listed above. Male occupant arrested for a warrant.

March 2018 Intruder on campus went down stairs to Cronin.

Subject acting strangely around Valley theatre. Edison students alerted their faculty. Officer Cotton arrested subject who had a felony warrant for drugs.

School Year 2017-18 Rising thefts/missing items from Knight locker rooms during school year

June 1, 2018 Needle found by flag pole gate - disposed of

June 4, 2018 Needle found by flag pole gate - found by faculty

EXHIBIT E

Copy already filed with City of Beaverton
on June 26, 2018 by Anna Slatinsky and
designated for the record in APP 2018-
0001/APP 2018-0002

EXHIBIT F



EXHIBIT G



EXHIBIT H

Holli Bridgens
9240 SW Club Meadow Lane
Portland, OR 97225

June 24, 2018

Anna Slatinsky
Planning Division Manager
City of Beaverton
Community Planning Department
12725 SW Millikan Way
Beaverton, OR 97005

RE: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container Redemption Center (BCRC) Director's Interpretation

Dear Ms. Slatinsky,

I attended the City Council Meeting on June 19th and appreciate being able to discuss our experiences we have had since the Bottle Drop has opened. I understand the difficulty in reviewing this issue but feel the correct action to take is to reverse the Director's Interpretation.

While I, like many others, appreciate the convenience of stores/businesses being close by, I don't think convenience outweighs those issues of personal safety, livability and what is appropriate in a commercial zone. Given that we border numerous businesses and have not had any issues until the Bottle Drop has opened is something that can not be ignored. This is impacting our life here and others in the neighborhood, and while the Bottle Drop representatives feel there is no noise or they mitigate what noise there is, that is simply not true. We live here and we know what we hear and smell on a daily basis, especially because we share a property line. What happens in the Bottle Drop, happens in my front and backyard.

I am all for supporting recycling as are others. In fact, I don't think you would find someone in our neighborhood who doesn't support any recycling efforts. The question is where the Bottle Drop is located and how it came to be that the Bottle Drop would be viewed as a service business rather than a recycling center. The issue is why weren't neighborhoods properly notified, both business and residential, of the Bottle Drop opening? Why is it that other businesses in the area making any changes to their property, send out a notice to the neighborhood while the Bottle Drop did nothing?

The sounds of the Bottle Drop are extraordinary. Not only is there processing noise of bottles and cans being compacted and running on conveyor belts, we also have noise from the parking lot as patrons are moving the bottles and cans around, someone is always dropping a bag and then we listen to it rolling down the hill. The carts are loud, the patrons are loud and that is going on starting from 6:30 am some days till 7:00 pm. Then until 10:00 pm, we are listening to patrons dropping off the green bags. I have cleaned up garbage from both our front and back yard and have seen the garbage that is left in the parking lot. Brandon Bridgens, in his letter, will discuss a smoldering pile of bark dust that was found on Father's Day - last Sunday just on the other side of our fence. We deal with litter, noise and smells daily. I have had to bring my children indoors because patrons have been peering over our fence line making them uncomfortable. We have had people parking on our street claiming that there is no available parking in the Bottle Drop parking lot. The smells are not contained either. On warm days, the smell of stale alcohol and soft drinks is overwhelming. Why is it

that we have numerous businesses around us and the Bottle Drop is who we hear and smell daily?

This simply can not continue. The Bottle Drop needs to be relocated and sited in an appropriate location. The needs of other neighborhoods and businesses must be taken into account. Thank you for allowing us to comment. If you have any questions, please feel free to contact me at 503-348-0238.

Sincerely,

Holli Bridgens

Holli Bridgens
503-348-0238

EXHIBIT I

Brandon Bridgens
9240 SW Club Meadow Lane
Portland, OR 97225

June 24, 2018

Anna Slatinsky
Planning Division Manager
City of Beaverton
Community Planning Department
12725 SW Millikan Way
Beaverton, OR 97005

RE: DI2017-0003 Oregon Beverage Recycling Cooperative (OBRC) Beverage Container Redemption Center (BCRC) Director's Interpretation

Dear Ms. Slatinsky,

My name is Brandon Bridgens and I have lived at my house at 9240 SW Club Meadow Ln. for nearly 17 years. For nearly 16 of those years, Pier One Imports was the business located where the Bottle Drop now resides. Not once in those 16 years have I had the need to contact the Beaverton Police. Now that the Bottle Drop has moved in, contacting the Police has become a nearly weekly occurrence. There have been countless things that I've witnessed such as public intoxication on numerous occasions, people cursing extremely loud (while in my front yard with my two daughters). I have also noticed an uptick in people loitering/ leaving trash and cigarette butts all over the property, an increase of vehicles up and down our street and parking on our street and going to the Bottle Drop. I've noticed a lot of these vehicles have expired tags and the occupants seem to get quite agitated if I or my neighbor seem to notice that we are looking in their direction. Even going as far as saying, "What the F is your problem?!". I've been confronted by a man in my front yard carrying a small bag of cans as he was rummaging around by a spot by my fence. I asked him if I could help him and he became angry and started yelling and cursing as he quickly sped away on his bike. It's a pretty sad day when my youngest daughter has friends over playing in the front yard and has to come and get me because she feels very uneasy because a guy is leering at them over our fence from the Bottle Drop property.

I have attached a picture below of what I discovered on Sunday, July 17th around 6:30 pm. I was outside in my backyard just about to enjoy a Father's Day dinner and noticed smoke by my fence line. When I looked over the fence, there was a smoldering area of bark dust. This was approximately 3 feet from my fence line. This area is extremely dry and this could have easily turned into a fire that could have spread through my property and home. This is extremely concerning. I watered down the area to make sure this area was no longer burning. I also checked on this a few hours later to make sure it was extinguished.



Last Monday, June 18th, I stayed home from work as my youngest daughter wasn't feeling well and stayed home from school. I was really quite shocked at how loud the Bottle Drop was before opening at 8 am. Around 7:40 am there were 4-5 people at the entrance waiting to get in at opening time and between them, there were at least 20 garbage bags full of cans and bottles. This was quite loud as the bags were being moved by hand and carts. This is a reoccurring type of activity, even as early as 6:30 am, patrons creating noise while waiting for the Bottle Drop to open. We have heard patrons fighting and arguing at that hour numerous times. Even though our windows are closed, my family and I can hear this going on quite clearly. The Bottle Drop claims that you can't hear the processing going on during the day, but trust me, you can clearly hear the noise as I am "lucky" enough to experience this on a daily basis. And as for the "wonderful" odor that supposedly doesn't exist, it is quite prominent on warmer days and when the Bottle Drop stacks bundles or processed materials on their loading dock waiting for pick-up. The smell of stale alcohol and soda is disgusting and it makes using our backyard/front yard a trying experience.

On June 21st I arrived home from work and was immediately hit with a brand new odor, this time it was some sort of cleaning agent emanating from the Bottle Drop. My neighbor to the East of me, next to 91st Ave, also noticed this and made a complaint call to code enforcement.

I want to thank you for allowing me the time and means to express my views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Bridgens". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Brandon Bridgens
503-349-4138

EXHIBIT J

From: Trisha McPherren <mcpherrent@gmail.com>
Sent: Saturday, June 23, 2018 3:11 PM
To: Anna Slatinsky <aslatinsky@beavertonoregon.gov>
Cc: Mike Neff <neff@hk-law.com>
Subject: Recent incidents at the Bottledrop

June 23, 2018

Dear Ms. Slatinsky,

I would like to tell you about the two incidents this week that had me calling the Bottledrop supervisor, Claire Schmidt. One of those incidents resulted in a call to the code compliance John Douglas, and I am waiting for a response.

In the first incident on the afternoon of June 20, 2018, I observed that several shopping carts had been lined up in the shrubbery along the front of the property. They sat in such a way that would constitute a trip hazard to pedestrians. I called Claire, and she promised to talk to the employees about it.

The second incident involved a nuisance odor that was above and beyond the usual mixed drink smell. On the afternoon of June 21, 2018, my children and I were in our yard at 9115 SW Club Meadow Lane, when the odor of a chemical solvent and artificial pine scent reached us. Personally, artificial pine fragrance is an asthmatic trigger for me, so I went in search of the source. Walking several yards west on Club Meadow, we realized that the source was Bottledrop, who had all doors (including the side roll-up) open for cleaning. I called and left a voicemail with Claire. About an hour later, the smell had lessened, so again, I walked to where I could see the building, and the doors had all been shut. We could still smell the solvent as far away as the adjacent property, 9240 SW Club Meadow Ln. I again called and left a voicemail advising Claire that I would now be calling the Beaverton Code Compliance Program for advice about this use of cleaning products. I did call and leave a voicemail with John Douglas, but I also wrote him an email that explained the issue. I can provide a copy if you would like it. About an hour after all of this, Claire returned my call, told me that the facility cleans with Pine Sol, and promised to look into it.

These are just two examples of the daily offerings that my neighbor Bottledrop provides. At the City Council, neighbors were asked why we never complained, called code compliance, or tried to work with the Bottledrop to come to a solution. I appreciate their advice. I am now calling nearly every day.

Thank you for your consideration of this matter.

Sincerely,

Trisha McPherran

PUBLIC RECORDS LAW DISCLOSURE

This e-mail is a public record of the City of Beaverton and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

EXHIBIT K

1. I am one of the appellants in APP2018-0001/APP2018-0002.
2. I personally have been impacted by the degradation of safety and security in my neighborhood since the Beaverton BottleDrop opened in May 2017.
3. When Director Twete issued her Notice of Pending Director's Interpretation in January 2018, I filed written comments informing her that the siting of BottleDrop had degraded my neighborhood and that I viewed the siting of the BottleDrop in a commercial zone as improper and illegal under the Beaverton Development Code.
4. I attended a March 2018 meeting of the Denney Whitford/Raleigh West NAC at which representatives of the Oregon Beverage Recycling Cooperative ("OBRC") were present and delivered a public presentation. At that meeting, when I asked Mr. Jules Bailey, the Stewardship Officer for the OBRC why his group continued to build out the BottleDrop after appeal of the project was made to the Land Use Board of Appeals, his response was the grocery store owners were clamoring for the facility to open because it would solve the grocers' "vagrancy problem."
5. I also attended a June 2018 meeting of the Denney Whitford/Raleigh West NAC at which representatives of the OBRC were present. On June 19, I offered written and oral testimony to the Beaverton City Council concerning what I believe was an illegal siting of the Beaverton BottleDrop.
6. At no time has anyone with the OBRC articulated to me that anyone at the OBRC is willing to engage in a discussion with me about the degradation of my neighborhood as a result of the opening and operation of the Beaverton BottleDrop. I also have not been made aware that any such request to meet with me has been made through my attorney, and I have asked my attorney to advise me if such a request is made.
7. Nothing that I have heard said or seen written by OBRC representatives has led me to believe that the OBRC is willing to: (a) have a serious discussion about resiting their BottleDrop facility to a location that is better situated to handle the externalities (odor, noise, trash/littering, and security/safety incidents) caused by the location and operation of the BottleDrop in a commercial zone close to residences, a high school, and non-compatible businesses; or (b) is able to articulate a plan that will result in removing the degradation that the BottleDrop operations have brought to my neighborhood. My observation is that the OBRC's strategy is to manage the problems the Beaverton BottleDrop has created until after City Council decides on the appeals which are now before it.
8. I am open to having a discussion that includes the subject of resiting the BottleDrop anytime and anyplace when the OBRC is ready. Given that I have been active in this matter since submitting comments on February 7, 2018, I am skeptical OBRC representatives will agree to meet and include this subject as part of our discussion.

I DECLARE THAT THE ABOVE IS ACCURATE TO THE BEST OF MY BELIEF



Richard J. Skayhan

4840 SW Chestnut Place

Beaverton