

June 26, 2018

**Michael C. Robinson**  
Admitted in Oregon  
T: 503-796-3756  
C: 503-407-2578  
mrobinson@schwabe.com

**VIA EMAIL BEFORE 5:00 P.M.**

Mr. Denny Doyle, Mayor  
City of Beaverton City Council  
12725 SW Millikan Way  
Beaverton, OR 97076

**RE:** Applicant's First Open Record Period Submittal; City of Beaverton File Nos.  
DI2017-0003, APP 2018-0002

Dear Mayor Doyle and Members of the City Council:

This office represents Oregon Beverage Recycling Cooperative ("OBRC"). This letter is the Applicant's first open record period letter, timely submitted on Tuesday, June 26, 2018 before 5:00 p.m. While this letter contains both argument and evidence as those terms are defined in ORS 197.763(9)(a) and (b), this letter focuses on evidence responding to issues and evidence raised by opponents to the Planning Director's Decision approving the similar use determination pursuant to Beaverton Development Code ("BDC") Chapter 40.25. The Applicant will reserve the majority of its legal argument without new evidence for its final written argument.

**1. Procedural Status.**

The City Council opened the initial evidentiary public hearing on the appeal of the Director's Decision on June 19, 2018. The City Council provided an opportunity for everyone who wished to do so to testify. With the exception of an issue concerning the Appellants' right to rebuttal at the public hearing, no party raised any procedural objections.

The Appellants objected to the Mayor's determination that they were not entitled to oral rebuttal. After hearing Appellants' arguments, the Mayor provided each Appellant an opportunity for oral rebuttal, followed by Applicant's response to Appellants' oral rebuttal.

The City Council closed the public hearing but left the written record open as follows:

- Until Tuesday, June 26, 2018 at 5:00 p.m. for any person to submit argument and evidence as those terms are defined in ORS 197.763(9)(a) and (b);
- Until Tuesday, July 2, 2018 at 5:00 p.m. for any person to submit argument and evidence in rebuttal to the first open record period submittal; and

- Until July 9, 2018 at 5:00 p.m. for the Applicant to submit written argument only without new evidence.

The Applicant extended the 120-day period in ORS 227.179(1) by twenty-one days, the period that the written record will remain open.

The Appellants argued that, rather than an open record period submittal, the City Council should continue the public hearing. After hearing argument from both the Applicant and the Appellants, the City Council determined, pursuant to ORS 197.763(6)(c), that it would adopt an open record period schedule and close the public hearing.

## 2. Factual Description of the OBRC Site and Surrounding Land Uses.

Because much of the opposition testimony focused on external impacts from the OBRC facility, it is important for the City Council to understand how the OBRC facility is located on the site and how surrounding uses relate to the site.

The OBRC facility consists of a single structure, located on a lot of record with two driveways providing ingress and egress to Beaverton-Hillsdale Highway, a major road in the city of Beaverton (the "City") (**Exhibit 1**). The OBRC facility replaced twenty-six retail redemption facilities within 2.8 miles of the facility (**Exhibit 2**). The City Council will recall that at the public hearing not only did several witnesses testify about the value of OBRC's facility in its present location but OBRC also submitted a petition with over 1,400 signatures from those who support OBRC's location and efforts.

Customer access to the facility is provided through a single set of doors on the south side of the building facing the parking lot. No other pedestrian access, with the exception of emergency access, is provided to the building. **Exhibit 3** consists of photographs of the site and surrounding land uses taken on Friday, June 22, 2018 at approximately 10:00 a.m.

The OBRC building is constructed of exterior cinder block walls and, with the exception of the described pedestrian access on the south side, the roll-up loading door on the east and emergency access entrances, the building contains no other windows or doors. The west wall of the OBRC facility is a solid wall adjacent to the Glenwood 2006 property. The OBRC facility's dumpsters are located on the north property line. A stairway connects the Glenwood 2006 property to the OBRC property.

The only loading dock is on the east side of the building. The loading dock is served by a roll-up door from the interior of the OBRC facility (the area known as the "backroom operations"). Trucks pick up redeemed beverage containers by backing to the north end of the loading dock. The loading dock contains a solid fence on its east and south sides. Other activities may cause noise issues, which OBRC cannot control. One person testified about early morning truck traffic. OBRC limits its trucks' access times but cannot control garbage truck times (**Exhibit 4**). However, other noise sources, including garbage trucks, are common throughout the City.

The “backroom operations” consist of a conveyor belt for sorting redeemed cans, a device that compacts cans and a device that compacts plastic containers. The compacted containers are then prepared for transport to trucks through the exterior loading door.

As OBRC told the City Council at the public hearing, the “backroom operations” at the OBRC facility are no different than those conducted at grocery stores that redeem beverage containers; the only difference is size and scale. Nevertheless, redemption is not recycling for the reasons offered in the Applicant’s letter submitted to the City Council and in the Director’s Decision.

The topography between the single family dwelling to the east and the OBRC property somewhat explains the perceived impacts of OBRC by the single family dwelling’s residents. The single family dwelling has a six foot high wooden fence on its west side but the single family dwelling property slopes to the north toward Club Meadow Lane, whereas while the OBRC facility has trees and a berm on its property, its property remains level to Club Meadow Lane. Thus, the height of the dwelling’s fence is reduced adjacent to the OBRC property the further the property line runs to the north to Club Meadow Lane.

The “container drop” door is located on the south side of the building at its southwest corner. The container drop is available to the public only between the hours of 7:00 a.m. and 10:00 p.m., consistent with BDC 20.10.20, note 5, providing that retail uses within 500 feet of a residential use in a residential zone require a conditional use permit to operate between 10:00 p.m. and 7:00 a.m. The Oregon Land Use Board of Appeals (“LUBA”) addressed this issue in its unappealed Final Order and Opinion entitled *Glenwood 2006, LLC v. City of Beaverton*, \_\_\_ Or LUBA \_\_\_ (LUBA No. 2017-027, September 21, 2017). The Petitioner, Glenwood 2006, argued to LUBA that the container drop window required OBRC to obtain a conditional use permit. LUBA rejected this argument and found that the Planning Director’s Decision prohibits the container drop door from operating between the hours of 10:00 p.m. and 7:00 a.m. *Id.*, slip op 1.

The OBRC property has two driveways to Beaverton-Hillsdale Highway. Beaverton-Hillsdale Highway is a corridor surrounded by commercial zoning on both sides with residential uses behind the commercial uses on the south and the north. A sidewalk is located on the south side of the OBRC property adjacent to Beaverton-Hillsdale Highway. Parking for the facility is located along the east property line and to the south of the buildings adjacent to Beaverton-Hillsdale Highway. A maneuvering area is located in the back of the building on its north side but no parking is provided in that area.

The OBRC facility’s dumpsters are located on the north property line.

The OBRC facility contains landscaping along its east property line (adjacent to the tattoo studio), along the west property line (adjacent to the Glenwood 2006 property) and contains a six foot high metal fence with opaque slats and tall landscaping consisting of trees and scrubs on its north side adjacent to Club Meadow Lane.

Surrounding property uses include the tattoo parlor to the east, the Glenwood 2006 property to the west, one single family dwelling to the west (north of the tattoo studio) accessing Club Meadow Lane and Club Meadow Lane on the north side. The single family homes on the north side of Club Meadow Lane do not abut the OBRC property. The OBRC property does not have vehicular access to Club Meadow Lane but the Glenwood 2006 property does have a driveway to Club Meadow Lane.

The City Council can find that the existing OBRC facility is well landscaped and buffered from its surrounding uses and pedestrian, that vehicular and truck activity is oriented to the south adjacent to Beaverton-Hillsdale Highway. The absence of exterior doors and windows on the north and west sides of the building eliminate the possibility of most noise from the OBRC facility to the adjacent properties to the west and north. The pedestrian access to the south means that most noise, if any, from the facility goes to Beaverton-Hillsdale Highway and not to adjacent residences. Sporadic noise, when the roll-up loading door is opened, is mitigated by the solid fence on the loading dock's south and east sides. Because the OBRC building has few exterior openings and those openings are oriented to the south and to the east but not to the west or north, odor has the opportunity to escape the building only through the pedestrian access and the loading door.

Based on the above factual information and testimony presented to the City Council, the next section of this letter explains mitigation measures proposed by OBRC to address the external impacts.

### **3. Proposed Mitigation Measures.**

OBRC takes its role as a good citizen in the City seriously. OBRC sincerely wants to be a good neighbor to the surrounding property owners and respond to legitimate complaints regarding its operations. However, as noted in the Applicant's testimony to the City Council and in the attached complaint log (**Exhibit 15**), very few complaints have been directed to OBRC. OBRC will promptly respond to those complaints it does receive. While OBRC proposes these mitigation measures, OBRC does not believe that all of the impacts complained of are more than episodic or that they are caused by the OBRC.

OBRC proposes that, in the event the City Council affirms the Planning Director's Decision, that it impose a condition of approval requiring OBRC to make the following on-site improvements no later than six months from the final effective date of the City Council's decision (the final effective date includes the resolution of all appeals that might be filed):

- A. Construction of an appropriately high solid fence with gates around the dumpsters;
- B. Construction of a six foot high solid wooden fence along OBRC's east property line from a point adjacent to Beaverton-Hillsdale Highway (consistent with a sight distance

analysis) to its property line on Club Meadow Lane (to add a barrier for the single family dwelling).

C. Blocking the stairway between the Glenwood 2006 property and the OBRC property at a location reflecting the property line. OBRC will cooperate with Glenwood 2006, to the extent that Glenwood 2006 is willing to do so, on the location and materials for blocking the stairway (to discourage parking on the Glenwood 2006 property).

D. Installation of a sound-proof insulated loading dock door. The insulated loading dock door will further reduce the minimal odor and noise sporadically emitted from the "backroom operations" when trucks arrive for loading of redeemed beverage containers.

E. Installation of a sign at the pedestrian access to the OBRC facility stating, "Please be respectful of our neighbors by not talking loudly, loitering or smoking on this property."

F. Installation of a six foot solid fence on the south and west side of the BottleDrop window.

G. Signing "Employee Only" parking for the parking spaces on the OBRC property east property line adjacent to the single family dwelling.

H. Requiring approval of a "Good Neighbor Agreement" between the City and OBRC that includes the following elements:

1. OBRC's obligation to comply with applicable City noise, odor, hours of operation and truck access requirements now or in future effective versions of the Beaverton Municipal Code. **Note:** Some testimony indicated that OBRC trucks arrived before 7:00 a.m. OBRC has investigated this testimony and determined that the testimony was accurate. OBRC has instructed its trucks not to arrive before 7:00 a.m.
2. A commitment to appear at homeowners associations and recognized neighborhood association meetings when requested to address questions or concerns about operation of the OBRC facility.
3. Production of an annual report to the Beaverton Planning Department containing a log of any complaints received and how those complaints were addressed.
4. Publication of a contact person with an email address for persons to submit complaints or questions about the operation of the OBRC facility and a commitment to respond within 72 hours to the complaint, if at all possible.
5. Implementation of OBRC's trespass policy (**Exhibit 5**).

6. Agreement to cooperate with the City, recognized neighborhood associations and homeowners associations on any City plans to address larger societal issues associated with homelessness and nuisance activities.

7. Agreement to cooperate with Jesuit High School on security issues concerning Jesuit High School's property.

Further, OBRC will add additional staff to ensure faster customer service and to patrol the OBRC property for litter.

The City Council can find that BDC 40.20.15.1.A.a and h authorize minor design changes to existing buildings, including adding or modifying fences and façade changes. The proposed installation of new fencing and the installation of an insulated, roll-up loading door are permitted changes to the facility within the scope of a Design Review Compliance letter.

The City Council can find that while external impacts related to the OBRC facility are unrelated to the legal approval criteria for the Director's Decision, OBRC is nevertheless committed to being a good citizen and to addressing all real and perceived impacts of its facilities through the above mitigation proposals. OBRC waives any objection to the City Council imposing a condition of approval requiring the above mitigation improvements in the event it affirms the Director's Decision.

#### **4. Response to Testimony Regarding Nuisance Issues.**

Much of the public testimony against the Director's Decision had to do with real and perceived external impacts assumed to be the cause of the location and operation of the OBRC facility. However, the City Council should consider other issues in response to that testimony.

##### **A. Nuisance activities related to homelessness.**

Homelessness and nuisance activities related to homelessness are a societal problem throughout the Portland metropolitan area. **Exhibit 6** is an article from the Oregonian entitled "Opioid Crisis Felt Even in the Libraries", dated June 2, 2018. The article details the experiences of the Multnomah County Library system in addressing opioid users in the library and their impacts on the library and its patrons.

No one would suggest closing the library because of nuisance activities associated with drug users. Instead, a reasonable person would suggest addressing the issue through increased security and other programs to address opioid use. The same response is appropriate here. OBRC will be a partner with its neighbors and the City in addressing nuisance activities in its area. However, as evidenced by the City Council hearing on auto camping by homeless persons (**Exhibit 7**), the issue is unrelated to any particular use or location.

**B. Other CS zone uses also emit odor and noise.**

Nany of the external impacts relayed to the City Council can be found in any use allowed in the Community Service (“CS”) Zoning District. BDC 20.10.20, “Land Uses”, describes the land uses allowed in the CS zone. Among the permitted uses are drive-up window facility, retail trade (including grocery stores), food cart pods and eating and drinking establishments. With respect to grocery stores where redemption centers are or were formerly located, the same kind of noise and odor issues alleged to be perpetuated by OBRC are found there: carts rolling across driveways, noise associated with bottles going into carts and being redeemed, operation of the redemption machines (which, at grocery stores, are typically located outside without much, if any, noise buffering, as opposed to OBRC’s facility which is located inside), and truck loading. Further, with respect to noise, within a quarter mile of the OBRC facility are four drive-up facilities for eating and drinking establishments, all with speaker boxes which create noise from the vehicle and from the speaker box, and odors associated with the four eating and drinking establishments.

**C. Redemption centers are allowed at retail facilities in the CS zone.**

Mr. Neff argued in response to the Applicant’s argument that the Director’s Decision is supported because the redemption center use has traditionally occurred at retail facilities in the CS zone that the use was simply an accessory use. While Mr. Neff may or may not be correct about that, the City Council should remember that regardless of whether the redemption use at a grocery store is a primary use or an accessory use, it is an allowed use and no one has argued that a redemption center at a retail facility in the CS zone is not a permitted use in the zone. Further, no one has argued in the past that a redemption center at a retail store in the CS zone was a recycling facility.

**D. The use is not appropriate in the IND zone.**

The Appellants also argued that OBRC’s use should be classified as recycling use and located in the Industrial (“IND”) zone. However, the City Council need only review the uses allowed in the IND zone (BDC 20.15.20; **Exhibit 8**) to conclude that mixing pedestrians and vehicles with inherently dangerous industrial land uses, heavy trucks, forklifts and other industrial equipment, is poor public policy. Retail and service uses are not allowed in the IND zone and are expressly prohibited. Moreover, the City has long guarded its industrial land for job creation. Suggesting that retail trade facilities unrelated to industrial uses should be located in industrial zones is inconsistent with this purpose.

**E. Glenwood 2006, LLC argued to LUBA that the Type 2 process was appropriate.**

Appellant Glenwood 2006 argued that the proper course for determining if the OBRC facility should be allowed in the CS zone is through a legislative amendment. However, Glenwood 2006

took exactly the opposite position in its Petition for Review in the LUBA appeal. LUBA's decision noted at Page 5 that:

**“Petitioner argued to the City that the only procedural mechanism the City has under the BDC that might allow it to conclude that a BCRC may be approved in the CS district is BDC 10.50, which authorizes the City to find unless the uses are ‘similar to allowed uses.’” *Id.*, slip op 5.**

In other words, Glenwood 2006 made the opposite argument to LUBA that it made to the City Council.

**F. LUBA did not agree with Glenwood 2006's recycling argument.**

Petitioner Glenwood 2006 also made the recycling argument to LUBA and LUBA declined to rule in its favor. Petitioner did not appeal LUBA's decision to the Oregon Court of Appeals. In declining to agree with Petitioner, LUBA held:

**“The term ‘recycling center’ is not defined in the BDC, and we are unprepared to say based on the current state of the briefing that the term could not be interpreted to exclude BCRCs. Although the Planning Commission would not be entitled to any particular deference regarding such an interpretation, we believe the City should have an opportunity to address that question in the first instance. In addition, the BDC 40.25.15(1)(C)(4) authority to permit uses that are ‘substantially similar to a use currently identified in the subject zoning district’ is a sufficiently subjective exercise that we are also unprepared to say that the City Council could not determine that the proposed BCRC is substantially similar to [permitted uses] in the CS zone.” *Id.*, slip op 10-11.**

In other words, LUBA left it to the City to decide if the use is a similar use to other uses allowed in the CS zone, rejecting Petitioner Glenwood 2006's argument to the contrary. Petitioner Glenwood 2006 should have appealed LUBA's decision to the Oregon Court of Appeals but having failed to do so, it is bound by its argument that a Type 2 similar use determination is appropriate and that the OBRC use is neither a recycling use nor is it excluded from the CS zone as a matter of first impression; that decision is up to the City Council in this proceeding.

**5. Additional Testimony in Support of the Redemption Center.**

Enclosed the following additional testimony in support of the Redemption Center:

- a. **Email from Joel Simon**, explaining how the location of the Redemption Center makes it ideal for returning beverage containers (**Exhibit 9**).
- b. **Letter from Chuck Furham**, landlord of the Salem Redemption Center, explaining that OBRC has been an outstanding tenant (**Exhibit 10**).
- c. **Letter from Gerald Kolve**, landlord of the Tigard Redemption Center, explaining that there have been no issues with the Redemption Center in that location (**Exhibit 11**).
- d. **Letter from Bob Smith**, landlord of the Sunnyview Salem Redemption Center, in support of OBRC's application (**Exhibit 12**).

**6. OBRC Has and Continues to Work with the Surrounding Recognized Neighborhood Associations to Address Their Concerns.**

Appellants and the Five Oaks/Triple Creek NAC (the "FOTC NAC") testified that OBRC was not forthcoming with the NACs and surrounding property owners about the Redemption Center. Such testimony ignores the fact that OBRC has been engaged with surrounding property owners and the Denny Whitford/Raleigh West NAC (the "DWRW NAC") before the Redemption Center began operating.

**a. OBRC has been in contact with the Denny Whitford/Raleigh West NAC.**

OBRC first met with the DWRW NAC in March of 2017, and met with the NAC on a number of other occasions, including on March 8 and June 14, 2018 (**Exhibit 13**). It also met with Washington County CPO-3 on March 16, 2017 (**Exhibit 14**).

**b. OBRC was never invited to speak before the Five Oaks/Triple Creek NAC.**

OBRC did not address the FOTC NAC prior to opening the Redemption Center because it is not located within the NAC. In fact, the nearest boundary of the FOTC NAC is more than 2.5 miles from the Redemption Center. Nonetheless, the FOTC NAC submitted a letter opposing the Project, apparently at the behest of legal counsel for Jesuit High School. OBRC was neither invited to nor notified of either the NAC's April 10<sup>th</sup> or May 8<sup>th</sup> meetings at which OBRC's application was discussed, but certainly would have attended if it had been.

**c. OBRC offered to meet with Jesuit High School but was initially rebuffed.**

At the beginning of the year, OBRC sought to meet with Jesuit High School to discuss ways in which it could address Jesuit's security concerns. It was initially rebuffed, as demonstrated by the enclosed email to OBRC staff from Tom Arndorfer, Jesuit President (**Exhibit 15**). As Mr. Arndorfer explained in his response to OBRC's offer to meet, Jesuit has generally been uninterested in discussing ways in which OBRC could help ensure the safety of its students and

seeks only that the BottleDrop is shut down. A meeting with Jesuit was finally held on June 7<sup>th</sup>, 2018, at which time OBRC offered to assist Jesuit with security (**Exhibit 16**).

**d. OBRC has worked with individual neighbors to address their concerns.**

The enclosed emails demonstrate how OBRC has worked with two neighboring property owners, Holli and Brandon Bridgens, to address their concerns with noise and customer behavior near the rear of the site (**Exhibit 17**). This included discussions related to fencing, relocation of parking, and additional sound deadening in the facility. Fencing and sound deadening have not been constructed yet because it is uncertain whether the Redemption Center will be able to keep operating in this location, but OBRC is willing to provide such mitigation if the Council affirms the Director's Interpretation, as explained above.

A complete log of neighborhood complaints and OBRC's response is enclosed as **Exhibit 18**.

**7. Response to Certain of Appellants' Legal Arguments Raised During the City Council Public Hearing.**

OBRC will provide a complete response to all legal arguments made during its final written argument, but offers the following general points regarding Appellants' main arguments.

**a. The issue in this appeal is whether the Planning Director correctly concluded that the Redemption Center is "substantially similar" to other uses permitted in the Community Service ("CS") zoning district.**

Appellant Glenwood 2006, LLC argued that the central question in this appeal is whether the redemption center is most similar to a recycling center. That is an incorrect statement of the applicable criteria. The central question in this appeal is whether the redemption center is substantially similar to other uses in the CS Zone.

The redemption center is a less-than 10,000 square-foot, fully-enclosed retail building<sup>1</sup> that is open to the public during normal business hours. The purpose of a redemption center, unlike a recycling center, is to quickly and efficiently refund deposits to customers. It accepts only empty beverage containers that customers present for their entitled 10 cent refund value, and then forwards those containers on to recycling centers for actual processing. It does not accept any curbside recycling. It does not generate a substantial amount of truck traffic. It is intended, by State statute, to be located as close as possible to the beverage retailers and their customers. In this way, it is very much *unlike* the common understanding of a recycling center, transfer station or a salvage yard.

Glenwood argued that the Redemption Center should be considered a "recycling center" simply because it handles a recyclable material. This is not a realistic or appropriate indication of how

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<sup>1</sup> Note that the building was constructed and used for retail sales even before its sale to OBRC.

the use should be defined because it would lump a number of commercial uses into a category which can only be permitted as a conditional use in the City's industrial zone.

Take, for example, the very similar use of EcoBinary Electronics Recycling (10120 SW Beaverton-Hillsdale Hwy), which is located less than one-half mile from the Redemption Center and within the CS zone. This facility consists of over 40,000 square feet<sup>2</sup> and focuses on the recycling, refurbishment, and resale of e-waste, as indicated by the following description on the company's website:

"EcoBinary is an e-waste collector, refurbisher, reseller, and recycler. Our company vehicles come onsite, we load your e-waste items, and can handle all your data destruction needs. Your items are securely transported back to our facility and remain under lock and key during the entire process. e-waste items are then sorted and processed for re-utilization or recycling."<sup>3</sup>

EcoBinary does not bill itself as a general-purpose recycling center, nor should it. Just like the Redemption Center, it collects small amounts of discarded materials from each individual patron, sorts it, packages it, and sends it offsite for actual processing. It includes a small retail component that sells repurposed electronics, but under Glenwood's theory, the great bulk of the facility would have to be moved to an industrial zone. So too would any business that primarily deals with recycled materials, no matter how small or customer-facing. There is no reasonable argument that a business like EcoBinary, Play-It-Again Sports, or the Goodwill Store should have to move to an industrial zone simply because they receive and handle discarded or recyclable materials. These uses are permitted in the CS zone for the same reason as the Redemption Center should be: because they are similar in scale to other commercial businesses in that zone. For this reason, the Council should reject Glenwood's argument that the simple act of receiving a recyclable makes the Redemption Center a "recycling center."

**b. The Director correctly considered the scale of the Redemption Center's building and activities in her decision.**

Both the Comprehensive Plan and the BDC provide that the CS Zone is intended for uses that will be compatible with and of a similar scale to other uses along the City's main streets.<sup>4</sup> The terms "compatible" and "scale" both require some understanding of the external impacts of the redemption center. By looking to see whether the Redemption Center is of a similar scale to other uses in the CS Zone, the Director's analysis is entirely consistent with those policy statements. Moreover, in the absence of any specific analytical methodology required by the BDC, the Director applied best planning practices by analyzing the elements of a land use which

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<sup>2</sup> Washington County Assessor's Data.

<sup>3</sup> <http://www.ecobinary.com/>, retrieved June 25, 2018.

<sup>4</sup> Comprehensive Plan Policy 3.7.3.a provides that Community Commercial area should "allow commercial uses at a range of scales, including large-format retail, to address community needs. BDC 20.10.10.1 provides that the purpose of the CS zone is to "to provide for a variety of business types compatible with and of similar scale to commercial activities found principally along the City's major streets."

can be readily measured and which actually matter for land use purposes, such as the size of the Redemption Center, the type of customers it attracts, the traffic that it generates, as well as the need for convenient access to a bottle return in commercial areas.

**c. There is no “plain language” definition of “recycling center” that requires the Council to find that the Redemption Center is a recycling center.**

Jesuit argued that the plain language of the BDC requires the Council to find that the redemption center is a recycling center. This simply is not the case. There is no one-size-fits-all “plain language” definition of recycling center and there is no definition of recycling center in the BDC. There is also no dictionary definition of recycling center and Jesuit has not offered one. As a matter of fact, the Land Use Board of Appeals recognized the ambiguity of the term when it rejected Glenwood’s argument and declined to find that the Redemption Center is a recycling center in its 2017 decision.

The BDC provides for the Director’s Interpretation process where an ambiguity in the Code has been identified. This process is all the more appropriate here, where the legislature effectively created an entirely new “Redemption Center” use.

For these reasons, the Council should reject Jesuit’s argument.

**8. Conclusion**

For all of the reasons contained in this letter and the Applicant’s prior oral and written testimony, the City Council can find the Director correctly complied with the requirements of BDC Chapter 40.25 in finding that the redemption center is a similar use to uses permitted in the CS zone. Further, for the reasons contained in this letter, the City Council can find that the external impact issues raised in the public hearing can be addressed by the proposed mitigation measures voluntarily offered by the Applicant. Finally, for the reasons contained in this letter, the City Council can find that the redemption center is not a recycling use and should not be required to be located in the City’s IND zone. At the conclusion of the open record period, the City Council will be able to affirm the Director’s Decision and reject the appeals based on substantial evidence in the whole record.

Very truly yours,



Michael C. Robinson

MCR:jmh  
Enclosures

Mr. Denny Doyle, Mayor

June 26, 2018

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cc: Mr. John Andersen (*via email*) (*w/ encls.*)  
Mr. Jules Bailey (*via email*) (*w/ encls.*)  
Mr. Garrett Stephenson (*via email*) (*w/ encls.*)  
Mr. K. C. Safley (*via email*) (*w/ encls.*)  
Mr. Michael Connors (*via email*) (*w/ encls.*)  
Mr. Michael Neff (*via email*) (*w/ encls.*)  
Ms. Anna Slatinsky (*via email*) (*w/ encls.*)  
Mr. Peter Livingston (*via email*) (*w/ encls.*)

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## EXHIBITS

- Exhibit 1 Google Earth image of the OBRC facility
- Exhibit 2 Twenty-eight retail facilities replaced by the OBRC facility
- Exhibit 3 Photographs of OBRC facility and surrounding uses taken on June 22, 2018 at approximately 10:00 a.m.
- Exhibit 4 Photograph of garbage truck
- Exhibit 5 OBRC Trespass Policy
- Exhibit 6 "Oregonian" article dated June 2, 2018
- Exhibit 7 Beaverton City Council documents related to camping
- Exhibit 8 Beaverton Development Code 20.15.10
- Exhibit 9 Email from Joe Simon
- Exhibit 10 Letter from Chuck Furham
- Exhibit 11 Letter from Gerald Kolve
- Exhibit 12 Letter from Bob Smith
- Exhibit 13 NAC Agendas
- Exhibit 14 CPO-3 Agenda
- Exhibit 15 Tom Arndorfer email
- Exhibit 16 John Anderson email to Tom Arndorfer
- Exhibit 17 Holli and Brandon Bridgens emails
- Exhibit 18 OBRC Complaint log

# OBRC Redemption Center

Site Vicinity

SW Club Meadow Ln

Beaverton Bottle Drop Redemption Center

SW Beaverton-Hillsdale Hwy

10

SW 91st Ave

Google Earth

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Exhibit 1  
Page 1 of 1



300 ft

4/19/2018

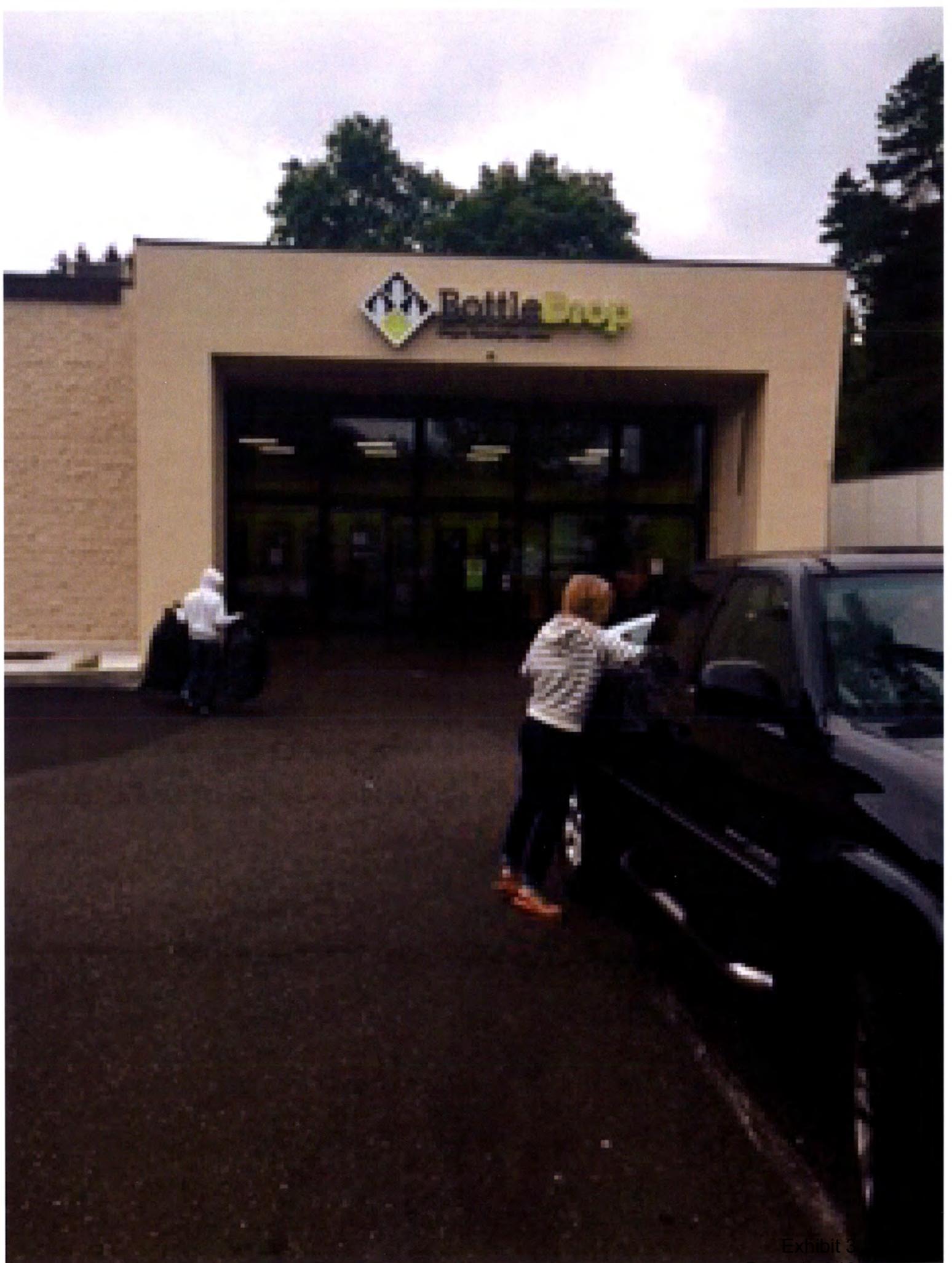
## Beaverton Redemption Center Retailer Participation

### Zone 1 (0-2 miles):

- Albertsons #505: 5415 SW Beaverton-Hillsdale Highway
- Aston Food Center: 3849 SW 117<sup>th</sup> Ave
- Bi-Mart #662: 4750 SW Western Ave
- Fred Meyer #285: 7700 SW Beaverton-Hillsdale Highway
- Fred Meyer #35: 11425 SW Beaverton-Hillsdale Highway
- Lambs Thriftway: 7410 SW Oleson Road
- Natural Grocers #U071: 12155 SW Broadway St
- New Seasons Cedar Hills: 9495 SW Cedar Hills Blvd
- New Seasons Raleigh Hills: 7300 SW Beaverton-Hillsdale Highway
- Rite Aid #5322: 12575 SW Walker Road
- Rite Aid #5351: 5431 SW Beaverton-Hillsdale Highway
- Target #344: 10775 SW Beaverton-Hillsdale Highway
- Trader Joes #141: 11753 SW Beaverton-Hillsdale Highway
- Uwajimaya - Beaverton: 10500 SW Beaverton Hillsdale Highway
- Walgreens #5952: 7280 SW Beaverton-Hillsdale Highway
- Winco #14: 3025 SW Cedar Hills Blvd

### Zone 2 (2.0-2.8 miles):

- 99 Ranch: 8155 SW Hall Blvd
- Grocery Outlet Beaverton: 8620 SW Hall Blvd
- Kmart #4455: 8955 SW Murray Blvd
- Market of Choice #02: 250 NW Lost Springs Terrace
- QFC #202: 7525 SW Barnes Rd
- Rite Aid #5323: 14625 SW Allen Blvd
- Rite Aid #5356: 11190 SW Barnes Rd
- Safeway #1073: 6194 SW Murray Blvd
- Target #345: 9009 SW Hall Blvd







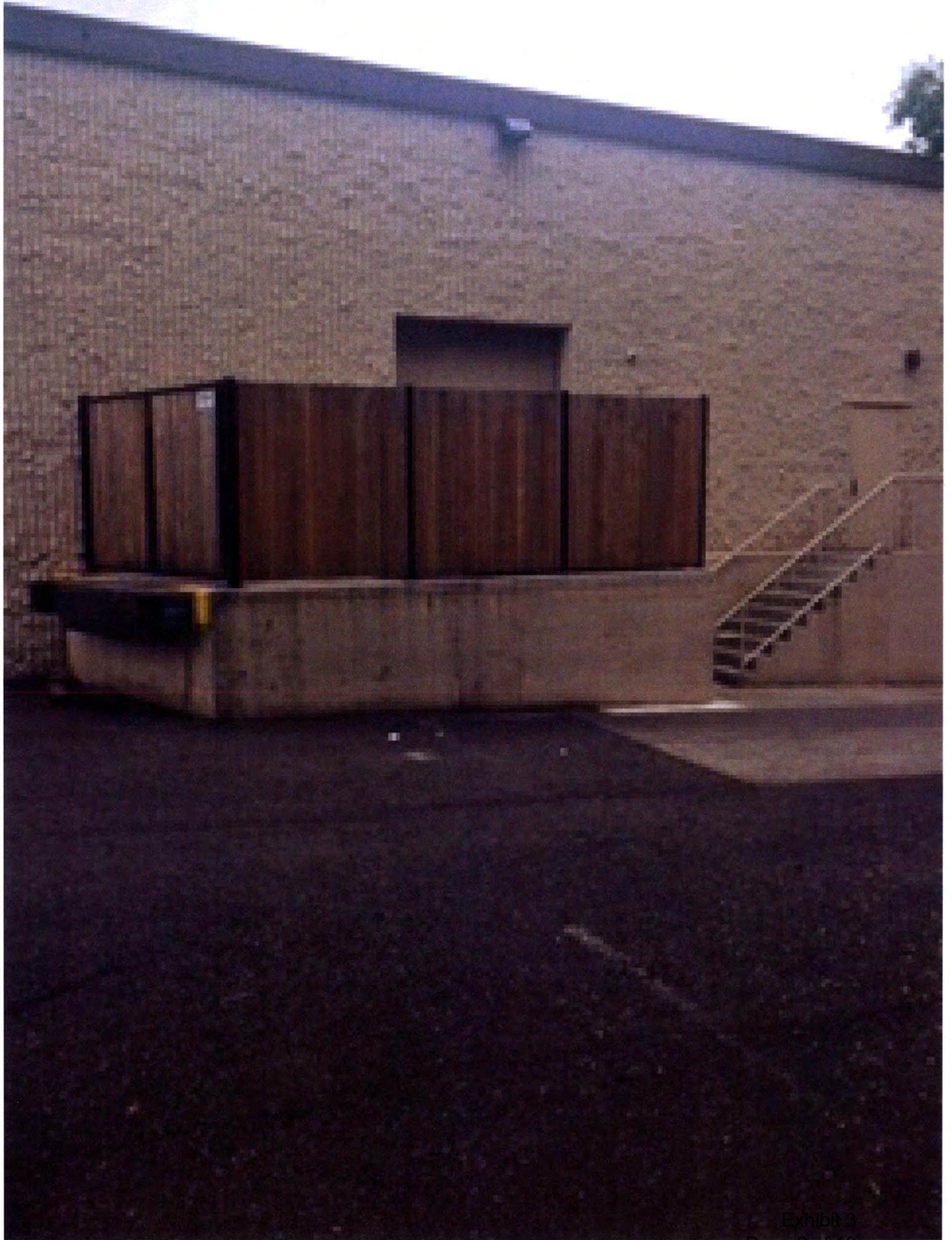














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### Trespass Requirements:

The following issues are grounds for immediate trespass from property owned or controlled by Oregon Beverage Recycling Cooperative/BottleDrop:

- Assault of a customer or associate occurring on property owned or controlled by Oregon Beverage Recycling Cooperative/BottleDrop
- Drinking alcohol on property owned or controlled by Oregon Beverage Recycling Cooperative/BottleDrop.
- Using illegal drugs on property owned or controlled by Oregon Beverage Recycling Cooperative/BottleDrop.
- Disorderly conduct, including provoking or instigating a fight, or using language that can reasonably be deemed as harassment, threatening, or as a means of intimidation.
- Refusal to vacate property owned or controlled by Oregon Beverage Recycling Cooperative/BottleDrop when asked to leave.
- Intentional destruction of Oregon Beverage Recycling Cooperative/BottleDrop property.
- Tampering with a reverse vending machine.
- Theft.
- Vandalism.
- Other activity after it has been reviewed by the Loss Prevention department and authorization to issue a trespass has been granted.

When issuing a trespass notice it is required that the Security Engagement Specialist have at minimum one witness, be firm but courteous, clearly state the reason for issuing the trespass notice and explain the actions that will be taken if the trespassed person were to return to property owned or controlled by Oregon Beverage Recycling Cooperative/BottleDrop.



OREGONIAN  
4/2/18

DRUG OVERDOSES

# Opioid crisis felt even in the libraries

## Opioid overdose-reversing drug on hand at five Multnomah County sites

Abby Lynes *The Oregonian/OregonLive*

Donna Cain was doing her rounds in the Belmont Public Library one night in early April when it happened.

The library research assistant knocked on a locked bathroom door, following protocol, and called out, "Library staff, the library is closing."

No response.

She has a soft voice, so she tried again, speaking louder this time.

Still nothing.

That's when she knew something was wrong. She raced to the library's front desk to grab the bathroom key and then came back and unlocked the door to find a man on his knees, bent over on the floor. A needle lay beside him.

Cain called 911 from her library-issued cellphone and kept speaking to the gently snoring man, trying to talk him out of his stupor, to no avail.

It seemed like it took forever for emergency services to arrive, she said — time tends to pass slowly in emergencies. It was really only about five minutes, though, before the paramedics got to the library and could revive the man.

This scene is all too common, as librarians across the country have become unexpected soldiers in the battle against the opioid crisis. While opioid overdoses aren't as common at Portland-libraries — happening at a rate

SEE OPIOIDS, A7

## OPIOIDS

FROM A1

of about one suspected overdose per year — they are beginning to happen more frequently.

This month, the Multnomah County Library system is rolling out naloxone, in the form of nasal spray, at five of its locations — Belmont, Central, Holgate, Hollywood and Midland. They are also training staff how to administer the opioid overdose-reversing drug so they will know what to do in case they have less time than Cain did to save someone's life.

In the current system for dealing with overdoses, there is one person who acts as a point of contact at each library branch. They know what to look for, often checking the bathrooms for people lingering. There's a rule against sleeping in the library, because it can be hard to tell if someone's napping or unconscious. If library personnel can't wake someone up, they know what they have to do.

Up until now, they have depended on paramedics to respond to drug overdoses. Most overdoses have been concentrated in Central Library, by far Portland's most-frequented library. Emergency service response times are generally pretty fast downtown, said Dave Ratliff, the county's neighborhood libraries director who worked at Central for 14 years.

But the opioid epidemic has spread, increasingly affecting vulnerable populations across the area.

There have been three suspected overdoses at Multnomah County libraries since February 2017. And response times throughout the county vary, Ratliff said. Sometimes it takes paramedics longer to get to libraries farther away from the city's center.

"If someone's not breathing, three or four minutes makes a big difference," he said.

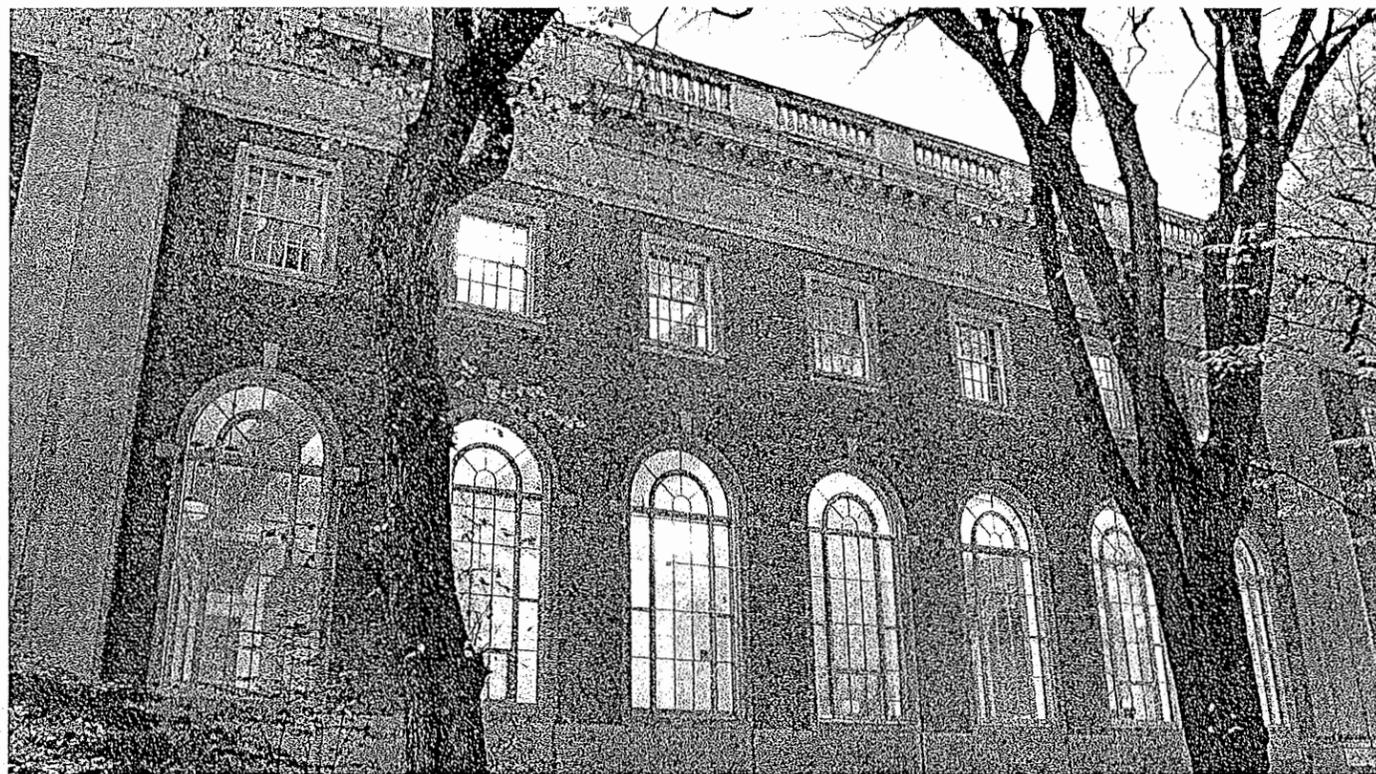
Maintenance crews and librarians regularly find needles lying in the grass and on sidewalks surrounding libraries, Director of Libraries Vailey Oehlke said. To help people dispose of syringes more safely, the library has installed sharps containers in most bathrooms.

Drug use is prohibited in libraries, but staff can't always control if people use drugs outside, where people sometimes sit or sleep for the night.

Libraries are one of the most public places in every city, making them appealing to homeless and addicted people looking for warmth and shelter.

"What happens in our community happens in our buildings," Oehlke said.

Libraries' fundamental job in any com-



The Multnomah County Central Library is one of five in the system that will be carrying an opioid overdose-reversing drug.

munity is to ensure equal access to information for all, but often, securing that access requires more than just stocking bookshelves and preparing for children's story hour.

So many serious issues affecting the community walk into library doors each day that Multnomah County has joined other larger cities in hiring social workers to help visitors of Central Library access a wide array of resources.

Oehlke said that in one social worker's first year, she saw more than 1,100 people, helping them with everything from mental health access to getting new pairs of shoes.

And while Portland libraries naturally have more overdoses because of the city's higher population, opioid overdoses have also hit rural counties hard.

Library directors in two counties in Oregon with high rates of opioid overdose deaths — Lincoln and Clatsop Counties — said they were happy enough with ambulance response times in their smaller cities that they didn't feel like they need naloxone on site.

Jackson County Library staff members, however, have started to discuss possibly purchasing naloxone for librarians to use, assistant director Laura Kimberly said. The library has had three suspected overdoses in

the past five years, she said, but she feels like drug use has escalated.

"You can definitely tell there's been a change in the last few years," Kimberly said.

Oregon isn't the only state having this conversation. Librarians across the country are constantly debating about which services libraries should provide. The American Libraries Association writes on its website that "it is crucial that libraries recognize their role in enabling poor people to participate fully in a democratic society."

But how far should libraries go? Should administering naloxone be part of a librarian's job description?

"It's a perfect example of how time and time again, the government turns to libraries to step up and fill in," Jeremy Johannesen, executive director of the New York Library Association, told the New York Times in February. He pointed out that libraries distributed tax forms and had assisted with enrollment for the Affordable Care Act.

Salt Lake County (Utah) Library recently started distributing free naloxone kits on site, and cities such as Denver and San Francisco are also training librarians how to use the drug. Last fall, a representative from New York even introduced the Life-saving Librarians Act to Congress, a bill that would help make naloxone kits more

affordable for libraries.

Oehlke said she understood other libraries have different needs and resources, and sometimes it might not make sense to keep naloxone on site. For Multnomah County, though, she said the opioid epidemic was a problem serious enough that it's everyone's job to step in and help where they can.

"We're not afraid of this conversation," she said. "This is our reality."

Ratliff said he figured that if people were going to overdose somewhere, he's glad it's where someone could help them.

After thinking about her experience that day in early April, Cain said she was glad the library would make naloxone available to managers. If she had found someone closer to death, she might not have been able to get them help in time.

Still, she thinks back to when she first started working for Multnomah County Library 26 years ago, and how different her perception of the job was.

When most librarians start their careers, they don't picture themselves standing in a bathroom doorway, talking to an unconscious man having an overdose. But many find themselves there.

"None of us in library work, when we got started, signed up for this kind of thing," Cain said.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

6-12-18

**SUBJECT:** An Ordinance Amending Beaverton Code Chapter 5 by Including BC 5.05.117 and BC 5.05.118 Relating to Overnight Camping and Notice of Campsite Cleanup and Storage of Personal Property

**FOR AGENDA OF:** ~~06-05-18~~ **BILL NO:** 18120

**MAYOR'S APPROVAL:** Denny Oak

**DEPARTMENT OF ORIGIN:** Mayor

**DATE SUBMITTED:** 05-22-18

**CLEARANCES:** City Attorney W. Skid  
Mayor's Office AE  
Police Jim

**PROCEEDING:** ~~FIRST READING~~  
Second Reading and Consideration of Adoption

**EXHIBITS:** 1. Overnight Camping Ordinance and Notice of Campsite Cleanup and Storage of Personal Property

**BUDGET IMPACT**

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

**RECOMMENDED ACTION:** Second Reading  
City Council conducts a ~~first reading~~ of Beaverton Code 5.05.117 and 5.05.118 relating to overnight camping and notice of campsite cleanup and storage of personal property.

**HISTORICAL PERSPECTIVE:**  
The City has recently seen a marked increase in complaints of overnight camping on City streets. These complainants report an increased number of individuals camping in recreational vehicles and trailers. They state that they have noticed a noticeable decrease in the level of sanitation and have a reduced sense of safety in certain areas.

**INFORMATION FOR CONSIDERATION:**  
The ordinance provides written findings by City Council describing the need for action and why the City will be prohibiting overnight camping. The ordinance provides that camping on the public right of way is prohibited. "To camp" means to set up or remain in or at a campsite for the purpose of establishing or maintaining a place to live.

A police officer is required to issue a 72-hour written warning if it is a person's first offense and the police officer has probable cause to believe a violation has occurred. There is template language in the ordinance for the warning. Police officers may tow the vehicle if the person has received a citation for violating City ordinance within 30 days before the current violation.

Creating a policy and procedures for campsite cleanups are required by ORS 203.079. This version of BC 5.05.118 incorporates the required elements identified by that law.

**ORDINANCE NO. 4732**

**AN ORDINANCE AMENDING BEAVERTON CODE CHAPTER 5.05 BY INCLUDING 5.05.117 AND 5.05.118 RELATING TO OVERNIGHT CAMPING AND NOTICE OF CAMPSITE CLEANUP AND STORAGE OF PERSONAL PROPERTY**

**Whereas**, the streets and sidewalks within the City of Beaverton are intended to be readily accessible and available to residents and the public at large;

**Whereas**, the use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended;

**Whereas**, such activities can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas; and

**Whereas**, the purpose of the ordinance is to maintain streets and sidewalks within the City of Beaverton in a clean, sanitary, and accessible condition and to adequately protect the health, safety, and public welfare of the community;

Now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Beaverton Code Chapter 5.05 is amended by including Beaverton Code Section 5.05.117 and 5.05.118, and reads as follows:

**5.05.117      Camping Prohibited on the Public Right of Way**

**A. City Council finds:**

1. From time to time persons establish campsites on public rights of way.
2. Such persons, by such actions, create unsafe and unsanitary living conditions which pose a threat to the peace, health, and safety of themselves and the community; and,
3. The enactment of this Section is necessary to protect the peace, health, and safety of the city and its inhabitants.

**B. As used in this Section:**

1. "To camp" means to set up, or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary place to live.
2. "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

3. "Public right of way" means any thoroughfare or area intended, designed, or used for vehicular or pedestrian traffic.
- C. It is unlawful for any person to camp in or upon any public right of way, unless otherwise specifically authorized by this Code or a declaration of the Mayor in emergency circumstances.
- D. A violation of this Section is punishable, upon conviction, by a fine of not more than \$100 or by imprisonment for a period not to exceed 30 days or both.
- E. A peace officer shall deliver a 72-hour written warning to a person that the peace officer has probable cause to believe that the person has violated BC 5.05.117(C) and that violation is a first offense. The written warning shall be personally delivered to the person named in the notice and the written warning must be in substantially the following form:

**NOTICE**  
**PLEASE READ THIS NOTICE CAREFULLY**

Your campsite is in violation of Beaverton Code Section 5.05.117. You have 72 hours to stop camping and remove your campsite. You may be subject to fines and/or arrest if you do not stop camping and remove your campsite. Your vehicle may also be subject to a tow if it was used to commit a violation of Beaverton Code Section 5.05.117.

Name: \_\_\_\_\_ (name of person)  
 Date: \_\_\_\_\_ (date of notice)  
 Time: \_\_\_\_\_ (time of contact with peace officer)  
 Officer: \_\_\_\_\_ (name of peace officer making contact)  
 Address: \_\_\_\_\_ (address to obtain more information)  
 Phone No.: \_\_\_\_\_ (contact information for the City)

- F. A vehicle used to commit a violation of this Section may be impounded if the person has received, within 30 days preceding the current violation, a citation for violating BC 5.05.117(C).
- G. The Police Chief shall submit an annual written report to the City Council about enforcement measures that were taken under this ordinance upon passage of this ordinance. The report must include, but is not limited to, information about the financial assistance offered, referrals to other agencies, warnings issued, citations issued, vehicles impounded, and the number of individuals arrested under the ordinance and any challenges faced by the Beaverton Police Department with regard to enforcement of this ordinance.

**5.05.118 Notice of Campsite Cleanup and Storage of Personal Property**

A. As used in this Section:

1. "Personal property" means any item that has apparent utility and is reasonably recognizable as belonging to a person. Personal property does not include items that have no apparent utility.
2. "Campsite" has the meaning provided in BC 5.05.117.

- B. The Police Chief or a designee shall schedule a cleanup of illegal campsites on an as-needed basis.
- C. Except as provided in subsection D, before cleaning up an illegal campsite, the Police Chief or a designee shall post a notice adjacent to the campsite, written in English and Spanish, 24 hours in advance of the cleanup.
- D. The Police Chief or a designee may clean up a campsite as necessary without notice if (1) an exceptional emergency exists, which includes possible site contamination by hazardous materials or an immediate danger to human life or safety; or (2) conditions of illegal activity other than camping have occurred.
- E. The Police Chief or a designee shall take all unclaimed personal property and store the personal property for a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. Any item that is in an unsanitary or hazardous condition may be immediately discarded upon removal of the item from the camping site. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be retained by the Police Department.
- F. The storage facility for personal property obtained under this Section shall be reasonably secure and the location should be preferably served by public transportation.
- G. At the time of the cleanup, written notice will be posted and distributed announcing the telephone number and an address where information on picking up the stored property can be obtained during normal business hours.

**Section 2.** If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

- A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or
- B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

First reading this 5<sup>th</sup> day of June, 2018.

Second reading and passage by this Council this \_\_\_\_\_ day of June, 2018.

Approved by the Mayor this \_\_\_\_\_ day of June, 2018.

ATTEST:

APPROVED:

\_\_\_\_\_  
CATHERINE L. JANSEN, City Recorder

\_\_\_\_\_  
DENNY DOYLE, Mayor

**20.15.20. LAND USES**

The following Land Uses are Permitted (P), allowed with a Conditional Use (C) approval, or Prohibited (N) as identified in the following table for the Employment and Industrial Zoning Districts. All superscript notations refer to applicable Use Restrictions Section 20.15.25. [ORD 4584; June 2012]

<b>Commercial</b>		<b>Category and Specific Use</b> <i>Superscript Numbers Refer to Footnote</i>	<b>OI</b>	<b>OI-NC</b>	<b>IND</b>
			<b>P: Permitted</b>	<b>C: Conditional</b>	<b>N: Prohibited</b>
1. Animal <sup>1</sup>	A. Animal Care, Major		N	N	C
	B. Animal Care, Minor		P	N	P
2. Care <sup>1</sup>	A. Hospitals		P	N	C
	B. Medical Clinics		P	P <sup>24</sup>	C
	C. Child Care Facilities		P	P <sup>24</sup>	P
3. Parking as the Principal Use	A. Structures		P	N	C
	B. Surface		N	N	C
4. Retail and Service Business	A. Bulk Retail		C <sup>3</sup>	N	N
	B. Eating and Drinking Establishments		P <sup>2</sup>	P <sup>24</sup>	C <sup>2</sup>
	C. Equipment and Supply Sales <sup>4</sup>		P	N	P <sup>5</sup>
	D. Equipment Rental Agencies <sup>5</sup>		C	N	C
	E. Freestanding Retail or Service Business up to and Including 5,000 sq ft <sup>7</sup>		P	P <sup>24</sup>	N
	F. Freestanding or Combination of Retail or Service Business of More than 5,000 but Less than 30,000 sq ft <sup>7</sup>		C	P <sup>24</sup>	N
	G. Professional Services		P	P <sup>24</sup>	C
	H. Wholesale or Retail Lumber, Building, and or Landscaping Materials Yard		P	N	P
	I. Wholesale Marijuana Sales		P	N	P
	J. Marijuana Dispensaries		N	N	N
K. Retail Marijuana Sales		N	N	N	

Category and Specific Use Superscript Numbers Refer to Footnote		OI	OI-NC	IND
		P: Permitted	C: Conditional	N: Prohibited
5. Storage <sup>1</sup>	A. Cold Storage Plants	N	N	P
	B. Self-Storage Facilities	N	N	C
	C. Storage or Sale Yards <sup>1</sup>	N	P <sup>24</sup>	P
	D. Storage Yard for Building Materials	N	N	P
6. Temporary Living Quarters	A. Auto, Truck and Trailer Rental	N	N	N
	B. Automotive Service, Major	N	N	C
	C. Automotive Service, Minor	N	N	P <sup>10</sup>
	D. Bulk Fuel Dealerships	N	N	P
	E. Heavy Equipment Sales <sup>11</sup>	N	N	P
	F. Trailer, Recreational Vehicle or Boat Storage	N	P <sup>24</sup>	P
	G. Trailer Sales or Repair	N	N	C
	H. Vehicle Storage Yards	N	N	C
8. Food Cart Pods <sup>25</sup>		P	N	N
<b>Industrial</b>				
9. Concrete Mixing and Asphalt Batch Plants		N	N	C
10. Fuel Oil Distributors		N	N	P
11. Heliport		C	C	C
12. Mail Order Houses, Wholesale or Retail, Exclusive of On-Site Sales to the Public <sup>1</sup>		P	P	P
13. Manufacturing, Fabricating, Assembly, Processing, Packing, and Storage <sup>1</sup>		P <sup>12 13</sup>	P	P <sup>13</sup>
14. Marijuana Processing		P <sup>12</sup>	N	P <sup>12</sup>
15. Motor Freight Terminal		N	N	C
16. Operation Centers <sup>14</sup>		N	N	P
17. Laboratory <sup>1</sup>		C	P	P
18. Salvage Yards, Recycling Centers and Solid Waste Transfer Stations <sup>1</sup>		N	N	C
19. Warehousing, Wholesale and Distributive Activities <sup>1</sup>		P <sup>12</sup>	P	P

Employment / Industrial  
LAND USES

## Stephenson, Garrett H.

---

**From:** Joel Schoening <jschoening@obrc.com>  
**Sent:** Wednesday, June 20, 2018 1:39 PM  
**To:** Stephenson, Garrett H.  
**Subject:** FW: Testimony Supporting OBRC

Garrett,

This is the testimony from our supporter who had to leave last night. Include it with the next round of testimony we submit?

Not copying the whole group here. Figured this was a simple enough matter.

Thanks,  
Joel

---

**From:** Joel Simon [mailto:joelsimon1@yahoo.com]  
**Sent:** Tuesday, June 19, 2018 9:30 PM  
**To:** citymail@beavertonoregon.gov  
**Cc:** Joel Schoening  
**Subject:** Testimony Supporting OBRC

To Whom it may concern,

I am a resident of Tigard, Oregon living at address 7433 SW Landau Street, Tigard, Oregon 97223.

I live in close proximity of the OBRC location in Beaverton. This location suits me and my family perfectly, as we pass by frequently, if not daily. The location is strategically located, nestled between many grocery stores that we frequent. New Seasons, Fred Meyer, Trader Joe's and Thriftway, to name just a few. Utilizing the pre-printed personal upc codes and applying the OBRC supplied plastic bags makes this process so simple and easy.

One of the attributes of ORBC is our finances, the addition of an added 15% credit applied in-store at select locations and of course the minimal amount of time required to turn in redemption qualified containers,

My neighbors also use this location and find this to be so simple and easy, we often comment that we wish it was in place years ago!

Having this redemption center located where it is, frankly I'm not certain I'd be so readily willing to turn my containers in. They might be simply placed curb-side and taken to the Metro recycling center.

I often have my kids run the bags from my car while I wait for them, and I have not experienced one single safety issue in over 12 months of using OBRC.

As with any type of business, there will always be concerns of less than savory clientele, so to attempt to single out this location of OBRC is unfair and mis-guided, in my opinion.

I fully support OBRC in their continued effort to accommodate the local community and find it refreshing to see a company go to great efforts to comply with all city codes and be a good neighbor.

Sincerely,  
Joel Simon

June 25<sup>th</sup>, 2018

Beaverton City Council  
12725 SW Millikan Way  
Beaverton, OR 97005

Dear members of the Beaverton City Council,

It has been brought to my attention that you are considering whether the Beaverton BottleDrop is a suitable commercial use, and as part of that decision, you have questions about the impact of BottleDrop on the surrounding community. As landlord for BottleDrop in Salem for 6 years, I can speak first hand to the operation and its impact on my property and neighbors.

Simply put, BottleDrop is an outstanding tenant. While my community in Salem is obviously different from Beaverton, my guess is that the customers are fairly similar, and the impact on the community would be similar as well. BottleDrop is professionally run and well managed. They take care of the building, the customers, and the surrounding community. There are rarely issues, and when there are, they are addressed promptly. I wish all my tenants were this way.

In addition, I value the foot traffic the BottleDrop brings to the area. BottleDrop customers reflect the community and come from all walks of life. I particularly like that it brings out families. For a commercial area, this helps bring people to the neighborhood, and is another reason for other commercial businesses to locate nearby.

I am not familiar with the particulars of your situation, but I do know this: I would want my business next to a BottleDrop, and I certainly value them as a tenant.

Please don't hesitate to reach out with any questions.

All the best,



Chuck Furhman  
Managing Partner  
Winfrey Company  
5515 Summit Street  
West Linn, OR 97068

June 25, 2018

Stephanie Marcus

Director of Operations – OBRC

To Whom It May Concern;

The purpose of this letter is to discuss problems which have occurred from Oregon Beverage Recycling Cooperative (OBRC) being a tenant at the Canterbury Square Shopping Center, a neighborhood/community shopping center of approximately seven acres with 18 tenants located in Tigard, Oregon. The answer is NONE.

We have received no complaints from the neighborhood, or other tenants. OBRC has been very responsive to any issues that have arisen within the shopping center; i.e., parking lot stains from spilled bottle contents, and promptly and amicably resolved them.

What we do hear from the neighborhood are comments like “we are so glad to have this place to take our bottles. It’s so much better than before when we had to turn them in at the grocery store”. Any community should be pleased to have this service.

Sincerely,



Gerald Kolve – Owner

Canterbury Square Shopping Center

## Hicks, Jane M.

---

**From:** Jules Bailey <jbailey@obrc.com>  
**Sent:** Tuesday, June 26, 2018 1:01 PM  
**To:** Stephenson, Garrett H.; Robinson, Michael C.  
**Subject:** FW: Bottle Drop

**From:** Stephanie Marcus  
**Sent:** Tuesday, June 26, 2018 1:00 PM  
**To:** Jules Bailey  
**Subject:** FW: Bottle Drop

**From:** Robert E. Smith [<mailto:rsmith291@hotmail.com>]  
**Sent:** Friday, June 22, 2018 12:42 PM  
**To:** Stephanie Marcus <[SMarcus@obrc.com](mailto:SMarcus@obrc.com)>  
**Subject:** Bottle Drop

Hi Steph,

I just wanted to take a moment to express the wonderful experience we have had with the Bottle Drop tenancy at our Sunnyview Retail Center in Salem, starting in July 2013.

It was a learning experience for everyone, and the major investment you folks made in your buildout, convinced me that BD was professional and very serious.

We have always had a close relationship, and any issue on either side, is easily and quickly resolved. Your responsiveness is always positive, and appreciated.

One of our greatest benefit is the large increase in business derived by our other tenants, from this big influx of center traffic (customers).

So, there are only upsides with the tenancy of Bottle Drop in any property.

We appreciate your tennancy in every way, and hope for a very long term relationship.

Best,

Bob Smith  
Pacific Capital Partners

# DENNEY WHITFORD/RALEIGH WEST NEIGHBORHOOD ASSOCIATION COMMITTEE (NAC)

**Thursday, March 9, 2017 (7:00 PM)**

**Garden Home Recreation Center, Room 12  
7475 SW Oleson Rd.  
Portland, Oregon 97223**

## VISIT US ON THE WEB

[www.BeavertonOregon.gov/DenneyWhitfordRaleighWest](http://www.BeavertonOregon.gov/DenneyWhitfordRaleighWest)



[www.Facebook.com/DenneyWhitfordRaleighWestNeighborhood](https://www.Facebook.com/DenneyWhitfordRaleighWestNeighborhood)

## AGENDA

- 7:00 – 7:05 Welcome and Introductions - All in attendance. Please be sure to complete the sign-in sheet.
- 7:05 – 7:20 Tualatin Valley Fire & Rescue Report (Fire Station 53)
- 7:20 – 7:35 Beaverton Police Department - Monthly Update and Report
- 7:35 – 7:50 Tualatin Hills Park and Recreation District (THPRD) Report – Heath Wright
- 7:50 – 8:10 Cherlyn Bertges represents the Oregon Bottle Recycling Center and would like to speak regarding preliminary plans to modify an existing structure on BHH near 96th into a reclamation facility. OBRC has posted notices at nearby grocers with whom they will be contracting with. This is an informational meeting required by the Beaverton Planning Commission prior to filing the official development permits.
- 8:10 – 8:15 Board Updates:
- Treasurer's Report
  - Beaverton Committee for Community Involvement (BCCI) Report – Michelle Lupo
- 8:15 – 8:20 Old Business:
- Book Club Update
- 8:20 – 8:25 Consent Agenda:
- Approval of minutes
- 8:25 – 8:30 New Business:
- Community Issues in your neighborhood
- 8:30 Adjourn

### NEIGHBORHOOD PROGRAM

Miles Glowacki, 503-526-3706  
[mglowacki@BeavertonOregon.gov](mailto:mglowacki@BeavertonOregon.gov)  
Lani Parr, 503-526-2243  
[lparr@BeavertonOregon.gov](mailto:lparr@BeavertonOregon.gov)  
Emily Van Vleet, 503-526-2543  
[evanvleet@BeavertonOregon.gov](mailto:evanvleet@BeavertonOregon.gov)



### VISIT THE CITY CALENDAR

[www.BeavertonOregon.gov/Calendar.aspx](http://www.BeavertonOregon.gov/Calendar.aspx)

#### *Don't have a computer?*

Use free internet access at the  
Beaverton City Library, 12375 SW Fifth Street

**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](http://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](mailto: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](mailto: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 20<sup>th</sup> 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 92<sup>nd</sup>/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 1<sup>st</sup>, 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:**

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](http://www.RaleighHillsBusinessAssn.org) for details.

HIRING WORKSHOP, April 27, 6:30-8:30pm Washington County Law Enforcement,  
[JoinWCSO@co.washington.or.us](mailto: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](http://www.co.washington.or.us/devreview)

Land Use Public Notices Open for Comment

[www.co.washington.or.us/devnotice](http://www.co.washington.or.us/devnotice)

Current Planning Notices of Decision

[www.co.washington.or.us/devdecision](http://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](http://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](http://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

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### 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.



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 ...)

- Current & Historical Land Use Projects
  - Overview
  - Development Review Public Notices Open for Comment
  - Look Up A Development Project
  - Land Use Projects Under Review

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.

DEPARTMENTS

Choose a Department:

- Rural Land Use Districts
- Urban Land Use Districts
- Current Planning**
  - Overview
  - Current & Historical Land Use Projects
  - Current Planning Notices of Decision
  - Land Development Process
  - Development Application Forms
  - Procedure Types
  - Permits
  - Community Development Code
  - Fee and Payment Information
  - Public Hearing & Schedules
  - Transportation & Assurances
  - Zoning Maps and GIS Property Information
  - Code Compliance
  - Current Planning Staff Contact Information

12 CALENDAR

FAQ

LOOKING FOR FORMS?

## 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](mailto: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.

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

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**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.

## **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 Cherilyn Bertages, of OBRC Their website is [www.BottleDropCenters.com](http://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.**

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

## Stephenson, Garrett H.

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**From:** Robinson, Michael C.  
**Sent:** Thursday, February 15, 2018 4:05 PM  
**To:** Douglas Grim  
**Cc:** Stephenson, Garrett H.  
**Subject:** FW: Following up on OBRC/Jesuit

### Schwabe Williamson & Wyatt

#### Michael C. Robinson

Shareholder  
Real Estate and Land Use  
Pacwest Center  
1211 SW 5<sup>th</sup> Avenue, Suite 1900  
Portland, OR 97204  
Direct: 503-796-3756  
Cell: 503-407-2578  
[mrobinson@schwabe.com](mailto:mrobinson@schwabe.com)

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**From:** Jules Bailey [mailto:[jbailey@obrc.com](mailto:jbailey@obrc.com)]  
**Sent:** Thursday, February 15, 2018 4:03 PM  
**To:** Robinson, Michael C.  
**Subject:** Fwd: Following up on OBRC/Jesuit

Jules Bailey  
Pecked on a mobile device.

Begin forwarded message:

**From:** Jules Bailey <[jbailey@obrc.com](mailto:jbailey@obrc.com)>  
**Date:** January 15, 2018 at 1:55:49 PM PST  
**To:** "Arndorfer, Tom" <[tarndorfer@jesuitportland.org](mailto:tarndorfer@jesuitportland.org)>  
**Subject:** RE: Following up on OBRC/Jesuit

Dear President Arndorfer,

Thank you for your reply. While we are obviously disappointed, our offer to help stands. We understand your desire to keep your students and staff safe, and that is our goal, too. We think we have real ways to help you.

Unfortunately, BottleDrop and OBRC can't fix vagrancy, poverty, and homelessness, and as I explained to your staff, many of these people are attracted to containers because they are worth more now, not because of the BottleDrop. We've seen similar behavior near grocery stores that are nowhere near a BottleDrop. We believe our facility and our staff are better positioned to assist you than if people were taking these containers to nearby stores. Those stores are generally unable to help.

We understand you don't want any more communication from us, so we'll wait to hear from you. We hope we do. We know that as a Catholic, and Jesuit, institution, you want what's best for the poor and homeless in our community, while keeping students safe. We agree.

Best,  
Jules Bailey

PS. I want to personally apologize for speaking to Mr. Krahmer. I did not discuss details with him – I simply noted we had a mutual friend in him, and asked him to let you know that I am someone who would listen, and with whom you could work.

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**From:** Arndorfer, Tom [<mailto:tarndorfer@jesuitportland.org>]  
**Sent:** Monday, January 15, 2018 11:58 AM  
**To:** Jules Bailey <[jbailey@obrc.com](mailto:jbailey@obrc.com)>  
**Subject:** RE: Following up on OBRC/Jesuit

Mr. Bailey,

Many thanks for your email.

I was extremely disappointed to learn last night from our mutual friend, Mr. Don Krahmer, that you had reached out to him to discuss the issue between the Oregon Beverage Recycling Cooperative and Jesuit High School. My naïve assumption was that this would be handled with a great deal more discretion and privacy between our two parties. Obviously, I was wrong. That is unfortunate, but very helpful to know going forward.

To specifically respond to your note, I do not believe that there has been any miscommunication whatsoever. You called me a couple of weeks ago and left a voicemail, asking if we could discuss our issue. I responded immediately by asking our Communications Director, Ms. Tuenge, and our Chief Security Officer, Ms. Kent, to directly follow up with you which they did. It's my understanding from my discussion with both of them that the conversation was less than productive, and that their request for a public meeting with OBRC and members of the community to discuss the location of the facility and the public's concerns was met with dismissiveness.

Ms. Tuenge and Ms. Kent (a 25-year veteran of the Portland Police Department) explained to you that recycling center is a direct security and safety threat to our high school campus, which includes 1,264 teenage students and minors. They outlined the specific incidents which have routinely occurred here since the recycling center was placed across the street from our high school which endanger our students. Your paltry solutions included stickers on recycling bins/containers as well as more training for your employees, neither of which will address the fundamental problem which is the location of your facility across from our high school.

The two of us have diametrically opposed objectives. Your goal is to ensure that your recycling center stays exactly where it is while sweeping this issue under the carpet as quickly as possible to avoid a more public scrutiny. My objective is to ensure the safety and security of the 1,264 teenage lives which have been placed in our care and protection. Those two positions are irreconcilable unless your facility moves to a different location.

If you want to discuss in good faith the relocation of your recycling center, we are always available to do so. If not, then brainstorming about superficial and insubstantial ways to mitigate the serious problems we are experiencing here that impact safety and security of our students is a waste of our time.

You are on notice now about the issues resulting from your facility's presence which directly jeopardize the safety of our community; to continue to operate that facility across the street from our high school is clear negligence on your part.

Do know this: If we experience a serious safety issue on our campus as a result of the facility that you so capably represent, then I will go out of my way to ensure the public is made aware of your personal and professional lack of concern for our students and their families.

Sincerely,

Tom Arndorfer



**Thomas D. Arndorfer**

*President*

*Jesuit High School*

*Portland, OR*

*503-291-5421*

---

**From:** Jules Bailey [<mailto:jbailey@obrc.com>]  
**Sent:** Monday, January 15, 2018 9:25 AM  
**To:** Arndorfer, Tom <[tarndorfer@jesuitportland.org](mailto:tarndorfer@jesuitportland.org)>  
**Subject:** Following up on OBRC/Jesuit

Dear President Arndorfer,  
Happy MLK Day! I wanted to follow up with you again after I spoke with our mutual friend, Don Krahrmer. I am concerned we have some miscommunication.

For clarification, OBRC has only ever had one conversation, over the phone, with your institution. That call was shortly after New Years Day, with Erika and Cathe. That preliminary phone call ended with an agreement to continue the discussion, and an offer from OBRC to meet, see what is happening, and help resolve the problem. There has been no response from Jesuit on follow up since then. I want to stress that there have been no other meetings, calls, tours, or any other kind of interaction other than that one phone call.

As I stated in my conversation with your staff, and in my follow up communications with you and staff, I believe OBRC can be a helpful partner. Your institution is struggling with an issue a lot of others are facing, and we understand your desire to keep your students and campus safe. Our resources and experience may be worth the follow up, and I'd love to engage in good faith.

All the best,  
Jules

**Jules Bailey**

Chief Stewardship Officer and Director of External Relations

[Oregon Beverage Recycling Cooperative](#)

3900 NW Yeon Ave. Portland, OR 97210

O: (503) 973-6959 | M: (503) 804-6910



## John Andersen

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**From:** John Andersen  
**Sent:** Monday, June 11, 2018 1:17 PM  
**To:** Arndorfer, Tom  
**Cc:** Jules Bailey  
**Subject:** Fw: OBRC

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**From:** JAndersen@obrc.com  
**Sent:** June 8, 2018 10:10 AM  
**To:** tarndorfer@jesuitportland.org  
**Subject:** OBRC

Good Morning Tom,

This is John from OBRC, I hope this is the correct email address for you. Thank you for taking time yesterday to meet with me. I wish our meeting was under more cordial circumstances.

I want to reiterate my personal commitment and that of OBRC's to support any security concerns in the neighborhood surrounding your shopping mall, school and our BottleDrop location. Please let me know in what way(s) you suggest we contribute.

Regards,  
John

**Hicks, Jane M.**

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**From:** Clare Schmidt <cschmidt@obrc.com>  
**Sent:** Friday, August 4, 2017 5:19 PM  
**To:** hsbridgens@hotmail.com; brbridgens@icloud.com  
**Subject:** Hello and a follow up from BottleDrop

Hi Holli and Brandon,

Thank you so much for taking the time to meet with Jules, Mike, and I this afternoon. I wanted to ensure to send a quick note with a follow up and also make sure that you had my email info moving forward.

I will be working with Mike in the coordination of the discussed projects from this afternoon and we should have a better idea on timeline by early next week.

We appreciate you reaching out and allowing us the opportunity to improve on a number of issues regarding the Beaverton location. We truly want to be respectful of the community that we have moved into and hope that these fixes will make for smoother days in the future.

I will reach back out next week, but please do not hesitate to reach out to me directly in the meantime should you need anything at all.

Thank you again for your time! I hope that you have a wonderful weekend!

Best,  
Clare Schmidt

Sent from my iPhone

## Hicks, Jane M.

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**From:** Clare Schmidt <cschmidt@obr.com>  
**Sent:** Wednesday, August 9, 2017 10:14 AM  
**To:** Holli Bridgens  
**Cc:** Brandon Bridgens  
**Subject:** RE: Hello and a follow up from BottleDrop

Hi Holli and Brandon,

I hope that you had a wonderful weekend! Just wanted to send a quick follow-up after we've been able to have some discussions here in the corporate office. Some of the solutions will be a little more short term and some will require a little planning on our part to implement.

- We have advised our Beaverton Site Supervisor that we are turning the back parking lot that runs along your fence line into employee parking. We will be placing striping and signage to the effect, but we have asked that employees start using that as their parking area immediately in an attempt to keep customers (and non-customers) away from parking down there and to make it so that we have a bit more of an employee presence in that area.
- We have our architect looking into fencing options for the length of our property as well as whether or not we need to go through the permit process with the city for this. Similar with the corral for the garbage cans.
- We are pulling together some options for the roll door for some sound proofing and should have a couple options coming down the pipeline that our staff think will work.

The wheels are definitely in motion! Just wanted to give you a quick recap of where we are :)

Please let me know if there is anything at all that you might need from me or anyone from the team. Happy to assist however I can.

Clare Schmidt  
Ombudsman/Customer Advocate  
Oregon Beverage Recycling Cooperative  
3900 NW Yeon Avenue  
Portland, OR 97210  
(d) 503.542.3795 ext.6833  
(m) 971.284.6344

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

**From:** Holli Bridgens [mailto:hsbridgens@hotmail.com]  
**Sent:** Friday, August 4, 2017 5:55 PM  
**To:** Clare Schmidt <cschmidt@obr.com>  
**Cc:** Brandon Bridgens <brbridgens@icloud.com>  
**Subject:** Re: Hello and a follow up from BottleDrop

Thank you as well - we appreciate everyone's time. Have a nice weekend as well!

> On Aug 4, 2017, at 5:18 PM, Clare Schmidt <cschmidt@obr.com> wrote:  
>

> Hi Hollie and Brandon,

>

> Thank you so much for taking the time to meet with Jules, Mike, and I this afternoon. I wanted to ensure to send a quick note with a follow up and also make sure that you had my email info moving forward.

>

> I will be working with Mike in the coordination of the discussed projects from this afternoon and we should have a better idea on timeline by early next week.

>

> We appreciate you reaching out and allowing us the opportunity to improve on a number of issues regarding the Beaverton location. We truly want to be respectful of the community that we have moved into and hope that these fixes will make for smoother days in the future.

>

> I will reach back out next week, but please do not hesitate to reach out to me directly in the meantime should you need anything at all.

>

> Thank you again for your time! I hope that you have a wonderful weekend!

>

> Best,

> Clare Schmidt

>

> Sent from my iPhone

**Hicks, Jane M.**

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**From:** Clare Schmidt <cschmidt@obrc.com>  
**Sent:** Monday, August 21, 2017 4:13 PM  
**To:** Holli Bridgens  
**Cc:** Brandon Bridgens  
**Subject:** RE: Bottle drop

Hi Holli,

Thank you so much for your note, please feel free to reach out to me with anything that pops up! I'm going to loop in Mike as well and I will see what updates I can get you two by tomorrow morning.

Appreciate the note very much. I hope you two were able to enjoy the eclipse today!

Clare Schmidt  
Ombudsman/Customer Advocate  
Oregon Beverage Recycling Cooperative  
3900 NW Yeon Avenue, Portland, OR 97210  
(d) 503.542.3795 ext.6833 (m) 971.284.6344

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

**From:** Holli Bridgens [mailto:brbridgens@icloud.com]  
**Sent:** Monday, August 21, 2017 3:52 PM  
**To:** Clare Schmidt <cschmidt@obrc.com>  
**Subject:** Bottle drop

Hi Clare, I just wanted to take a minute and say that there's still some issues going on at the bottle drop on Beaverton Hillsdale Hwy. On 8/20/17 I witnessed a man urinating in front of the loading dock just after the store had closed, also there has been an increase in garbage/litter in the parking lot and surrounding areas. Just thought you should be aware of these problems.

Thank you for your time. Brandon Bridgens (Brbridgens@icloud.com) Sent from my iPhone

## Hicks, Jane M.

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**From:** Clare Schmidt <cschmidt@obrc.com>  
**Sent:** Thursday, August 24, 2017 11:01 AM  
**To:** Holli Bridgens  
**Subject:** RE: Bottle drop

Hi Holli,

Just wanted to send a note of follow up. This is the current status on our pieces in motion:

- Mike went out to the location on Tuesday and is working with our garbage company to ensure that they are locking that bin when they do their pickups...according to our info, it looks like that is where the disconnect is happening.
- The striping of the employee lot is on the schedule, but apparently this is THE SEASON for everyone to have their striping done, so we are on the schedule for early October.
- A couple of us went to the location this morning to walk through the fence option quotes that we now need to submit to the city. The downside is that can sometimes take some time, but know that the wheels are in motion. We are actually looking at one option that would put a fence across our parking lot to your fence that would have an opener on it for our employees and also the garbage company, thus blocking off that entire back area from customers (or non customers).

Please feel free to send me a message any time you have anything pop up, Mike has access to pulling up prior video footage, so if we can pin point particular customer (or again non-customers) trespassing on that space, it helps us solve some of those problems.

Thanks again for your time, I hope that you two are having a wonderful week!

Clare Schmidt  
Ombudsman/Customer Advocate  
Oregon Beverage Recycling Cooperative  
3900 NW Yeon Avenue, Portland, OR 97210  
(d) 503.542.3795 ext.6833 (m) 971.284.6344

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

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**Sent:** Monday, August 21, 2017 3:52 PM  
**To:** Clare Schmidt <cschmidt@obrc.com>  
**Subject:** Bottle drop

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**Hicks, Jane M.**

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**From:** Clare Schmidt <cschmidt@obrc.com>  
**Sent:** Tuesday, September 19, 2017 10:55 AM  
**To:** Holli Bridgens  
**Subject:** A couple updates

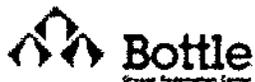
Hi Holli,

I wanted to loop back with a few updates for you as I had them. The additional material for sound proofing as far as the glass at the Beaverton location arrived last Friday and the team is working on the install the remainder of this week and possibly next. I would love your feedback on this to ensure that you see a decrease in noise. We are told the materials should show a significant decrease.

Quotes have all been submitted for the fence so we are hoping that one of the companies can get it scheduled for us sooner rather than later. There is so much demand in the city right now that finding someone who is available in the short term has seemed to be a bit of a challenge as everyone is trying to get work done before the rainy season. More wheels are finally in motion though.

Have the two of you had any other issues arise at that location? I hope that you are having a wonderful day!

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**Hicks, Jane M.**

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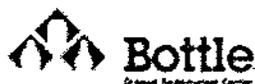
**From:** Clare Schmidt <cschmidt@obrc.com>  
**Sent:** Tuesday, November 14, 2017 10:34 AM  
**To:** Holli Bridgens  
**Subject:** Fence Design - Beaverton BottleDrop

Hi Holli,

I hope that you are having a wonderful day! We've been looking over our fence quotes and design and wanted to check in and see if at some point we could connect about fencing options by the redemption center. We want to ensure that the fence design that we have in mind will address your concerns.

Have you noticed improvement with noise at all? I've been on site n a couple of occasions and it feel like there has been improvement, but am hoping that you are noticing that from your location as well. 😊 Thanks Holli, I will look forward to hearing from you!

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8.4.2017-11.14.2017 Beaverton RC Holt and Brandon Bridges	Customers had ongoing communication with Jules and Claire regarding a number of issues with the location. Customers met with Jules, Claire, and Mike at the location to walk through issues and had ongoing email contact with Claire. Customer ceased responding. All emails between Claire and Customers are dated and attached.
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5.16.2018 Beaverton RC Rep. Malstrom 402135083	Rep. Malstrom reached out regarding issues involving the customer service process of opening an account. Email recap from Jules is attached and titled "FW: Rep. Malstrom and Beaverton"
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6.7.2018 Beaverton RC Marcele Daeges No known account	Customer reached out to Rep. Malstroms office regarding concerns over the Beaverton location. Email thread attached and titled "Re: Bottle Return System".
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6.20.2018 Beaverton RC Ticia RC Neighbor	Customer called and let me know that she was at the Beaverton hearing on 5.19 and was advised by our attorney's that we want to have open communication with them and that they should let us know when there are issues. She said that as she and her neighbors saw issues that they would be reaching out and she wanted to ensure that I was notating her call "for the record." Her complaint was that there were carts within the shrubbery and on the sidewalk that were a nuisance and hazard for pedestrians and that if we did not remove them that she would have to call and report the violation. She asked for my name and direct phone number which I gave her. I called BV and spoke with Rick who advised he would do a full sweep of our lot and all of our areas to ensure that all carts were removed to the back. I sent a recap email to Jules and Joel who looped in the team. Alisa advised that she would be sending a facilities maintenance tech to the location as well.
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6.21.2018 Beaverton RC Ticia RC Neighbor	Customer called and left a message stating that there was a strong odor of solvent or cleaner that was permeating out of the center and she wanted it to be recorded. I called her back on the number that the call was listed (503.422.1121) to let her know that I have recieved the message and would inform my team as well. I let her know that we often use Pine Sol as a cleaning agent and she stated that was the smell and that it was an asthmatic trigger for her. She said that when she smelled it, that the doors to the center were all open allowing the fumes out. She followed that by saying when she went by later that all of the doors were closed and the scent had dissipated. She wanted to ensure that I had written record of our conversation. I sent a recap email to Jules and Joel.
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