



Community Development Department
Planning Division
12725 SW Millikan Way
Beaverton, OR 97006
General Information: (503) 526-2222 V/TDD
www.BeavertonOregon.gov

To: Interested Parties
From: City of Beaverton, Community Development Department
Date: April 30, 2018
Subject: **DI2017-0003 Director's Interpretation for Oregon Beverage Recycling Center (OBRC) Beverage Container Redemption Center (BCRC)**

Please find attached the Notice of Decision for the Director's Interpretation concerning OBRC – BCRC, case file number DI2017-0003. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for DI2017-0003 OBRC – BCRC is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for DR2017-0003 is 4:30 p.m., Monday, May 14th, 2018.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, Beaverton Building/City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Anna Slatinsky, Planning Division Manager, at (503) 526-2429.



**NOTICE OF DECISION
DIRECTOR'S INTERPRETATION
OREGON BEVERAGE RECYCLING COOPERATIVE (OBRC)
BEVERAGE CONTAINER REMPTION CENTER (BCRC)**

DECISION DATE: April 30, 2018

TO: All Interested Parties

FROM: Cheryl Twete, Community Development Director

CASE FILE NO: **DI2017-0003 OBRC - BCRC**


LOCATION: The subject property is addressed as 9307 SW Beaverton-Hillsdale Highway and is identified as Tax Lot 4100 on Washington County Assessor's Map 1S1-14AB.

SUMMARY: In response to the opinion issued by the Oregon Land Use Board of Appeals (LUBA, No. 2017-027), and the applicant's request for a Director's Interpretation application sought by the applicant, the Community Development Director has considered all materials submitted to the record and hereby makes this interpretation in support of the BCRC, finding it to be substantially similar to a use currently allowed in the Community Service zone, based on the facts and findings stated herein.

PROPERTY OWNER/APPLICANT: Stephanie Marcus, Jules Bailey
Oregon Beverage Recycling Cooperative
3900 NW Yeon Avenue
Portland, OR 97210

APPLICANTS REPRESENTATIVE: Michael C. Robinson, Garrett H. Stephenson
Schwabe, Williamson & Wyatt
1211 SW 5th Avenue, Ste. 1900
Portland, OR 97204

APPLICABLE CRITERIA: Director's Interpretation - BDC Section 40.25.15.1.C
Authorization for Similar Uses – BDC Section 10.50

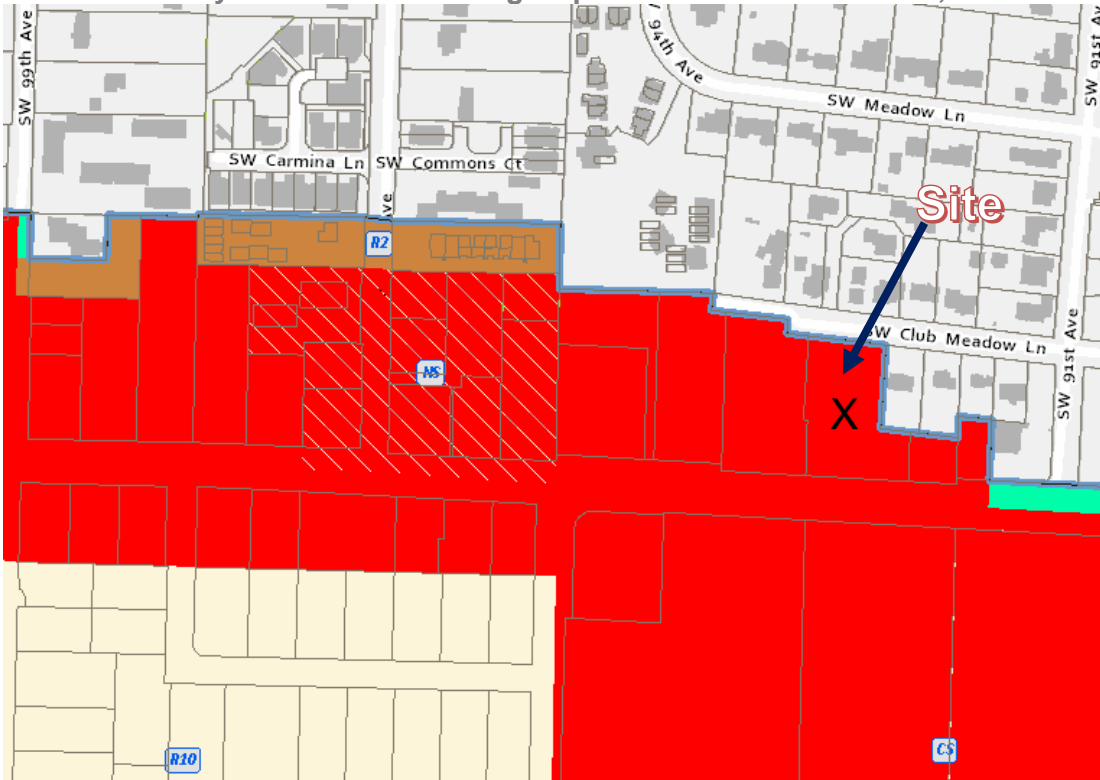
AUTHORIZATION: 
Cheryl Twete
Community Development Director

Zoning/Vicinity/Aerial Map

Aerial Photo from 2016



From City of Beaverton Zoning Map – Effective November 24, 2017



Washington County Zones in Vicinity



BACKGROUND

Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120th Day*</u>	<u>365th Day**</u>
DI2017-0003	December 21, 2017	January 10, 2018	May 10, 2018	January 10, 2018

* Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 calendar days from the date that the application was determined to be complete or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to subsection 9 or unless State law provides otherwise.

** Pursuant to ORS 227.178, the total of all extensions may not exceed 245 calendar days after the initial 120 calendar days. This is the latest date by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Community Service (CS)	
Land Use Designation	Community Commercial (CC)	
Current Development	Beverage Container Redemption Center	
Site Size	The subject property is approximately 38,717 square feet	
NAC	Denney Whitford / Raleigh West	
Surrounding Uses	<p style="text-align: center;"><u>Zoning:</u></p> <p>North: Washington County R-5</p> <p>South: City CS (Community Service)</p> <p>East: City CS / Washington County OC</p> <p>West: City CS</p>	<p style="text-align: center;"><u>Uses:</u></p> <p>North: Single Family Residential</p> <p>South: Commercial</p> <p>East: Single Family Residential / Commercial</p> <p>West: Commercial / Veterinary Hospital</p>

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Attachment A – Analysis and Findings for Director Interpretation

EXHIBITS

Exhibit 1. Materials by Beaverton Staff

- 1.1 LUBA Final Order and Opinion No. 2017-027
- 1.2 City of Beaverton Design Review Compliance Letter dated February 22, 2017
- 1.3 Beaverton Police Department statement dated April 9, 2018
- 1.4 Environmentally Conscious Recycling Renewal Application dated June, 2016
- 1.5 Sample online listings of Recycling Center products April 27, 2018

Exhibit 2. Materials Submitted by the Applicant

- 2.1 Combined application and materials package prepared by the applicant dated December 21, 2017
- 2.2 Existing Condition Traffic Analysis, prepared by Mackenzie dated March 20, 2018
- 2.3 OLCC orders and Graphic illustration of current Convenience Zone radius approved by OLCC for Beaverton store and current Convenience Zone approved for the Tigard store at 14411 SW Pacific Highway
- 2.4 Letter in response to public comments received, dated March 6, 2018
- 2.5 Updated review of zoning district locations of OBRC facilities in other cities, received March 21, 2018

Exhibit 3. Materials Received from the Public

Pursuant to Section 50.40.3.I of the Development Code, the comment closing date for written comments from the public, other than the applicant, was February 7, 2018.

- 3.1 E-mail dated February 7, 2018, by Joel Schoening, 3900 NW Yeon Ave
- 3.2 Letter dated January 5, 2018, by Meadow Park Middle School, 14100 SW Downing St
- 3.3 Letter dated February 7, 2018, signed by Tom Powers, 5715 SW Illinois
Christy Splitt, Portland, Oregon
Chris Parta, 13150 SW Haystack Dr.
Annika Read, 9180 SW Camille Terrace
Heidi Eggert, 9180 SW Camille Terrace
Michael Achterman, 1725 NW 131st Ave
Lauren Garrett, 7775 SW Maple Dr
Tennell Dietzman, 4285 SW Laurelwood
Sara DeNezza, 8670 SW Birchwood Road
Jon-Paul Praisler, 8065 SW Maple Dr

- 3.4** E-mail and letter dated February 7, 2018, by Mike Connors, 1331 NW Lovejoy St., Suite 950
- 3.5** Letter dated February 7, 2018, by Michael G. Neff of Haglund Kelley LLP, 200 SW Market Street, Suite 1777
- 3.6** E-mail dated February 7, 2018, by Richard Skayhan, 4820 SW Chestnut Place
- 3.7** Letter dated January 18, 2018, by Trisha McPherren, 9115 SW Club Meadow Lane
- 3.8** Letter dated January 30, 2018, by Karie Trujillo, 4770 SW Chestnut Place
- 3.9** Letter dated February 4, 2018, by Michael Matschiner, 9275 SW Club Meadow Lane
- 3.10** Letter dated January 10, 2018, by Brandon and Holli Bridgens, 9240 SW Club Meadow Lane
- 3.11** Note – not dated, by Marie and Tony Kikes, 4800 SW Chestnut Place
- 3.12** Letter dated February 6, 2018, by Michael H. Miller, 5950 SW Spruce Ave
- 3.13** Letter date-stamped February 5, 2018, by Joseph Conrad, 9207 SW Club Meadow Lane
- 3.14** E-mail dated February 5, 2018 and letter dated February 3, 2018, by Robert T. Franklin, no address provided
- 3.15** E-mail and letter dated February 5, 2018, by Ron Earp of Laurelwood Animal Hospital, 9315 SW Beaverton-Hillsdale Hwy
- 3.16** Letter dated February 2, 2018, by Jim and Georgia Hogan, 9025 SW Club Meadow Lane
- 3.17** Letter dated February 20, 2018, by Brandon and Holli Bridgens, 9240 SW Club Meadow Lane
- 3.18** Letter dated January 28, 2018, by Sue Staehli, 4477 SW 94th Ave
- 3.19** Letter dated January 24, 2018, by Lynne Cartmill, 9360 SW Club Meadow Lane
- 3.20** E-mail dated January 27, 2018, by Nupur Pande, 9265 SW Meadow Lane
- 3.21** E-mail dated January 19, 2018, by Trisha McPherren, 9115 SW Club Meadow Lane
- 3.22** Letter dated February 6, 2018, by Pat Bukieda and undersigned, address not provided
- 3.23** Letter dated February 2, 2018, by Lynn F. Erdman at Laurelwood Animal Hospital, 9315 SW Beaverton-Hillsdale Hwy

A full discussion of issues raised in the written comments listed in this section that are responsive to the approval criteria for the Director's Interpretation is provided in Attachment

A. However, a number of comments received from the public address other issues not directly or even indirectly related to the approval criteria. The applicant's letter of March 6, 2018 (Exhibit 2.4) includes responses to a number of these issues. Additional discussion is provided in this section.

Several comments describe concerns about safety of persons and property, and a decrease in livability in the neighborhoods near the BCRC. Some comments describe observing people collecting beverage containers from private waste receptacles, or people pushing carts, or carrying bags with redeemable containers. Some comments describe a certain level of discomfort in seeing people in their neighborhood that don't appear to be residents. More seriously, some comments describe criminal activity that allegedly is occurring in the area because people who engage in activities such as drug use and theft come to the neighborhood to redeem containers at the BCRC.

While criminal activity and nuisance behaviors are not regulated by the Beaverton Development Code, and are not related to criteria for approval for the Director's Interpretation, it is important that city officials be informed about these concerns so that the issues can be understood and addressed appropriately. Accordingly, the Beaverton Police Department conducted an analysis of complaint calls in the area surrounding the BCRC, comparing a time period before the facility opened with a time period when it was in operation (Exhibit 1.3).

The analysis noted an increase in the number of complaints in the time the BCRC was operating compared to the prior time period, but did not conclude that there was sufficient evidence that this increase was caused by the presence of the facility.

One of the factors to bear in mind when considering a possible connection between the BCRC and an increase in complaints and concerns in the area is the location of grocery stores that accepted redeemable containers prior to BCRC opening. According to documentation showing the locations of participating grocery stores provided by OBRC (Exhibit 2.3), several stores that have discontinued redemption services since the BCRC opened are located along the Beaverton Hillsdale Highway corridor. These include New Seasons, Fred Meyer, and Walgreens to the East, and Target, Trader Joes, BiMart, Natural Grocers, and Fred Meyer to the West.

The safety and quality of life concerns some commenters express may or may not be directly related to the BCRC. Beaverton leadership recognize the community concerns and are committed to maintaining the city's high quality of life.

The Mayor's Office established a Community Services Program last year. As outlined in the city's 2018-19 budget document, the program's goal is to build and maintain relationships with nonprofit partners providing social service assistance to the Beaverton community and to centralize internal sources of support, ensuring accountability in program objectives supporting Beaverton residents in need.

Program staff work on:

- Severe Weather Shelter Coordination – Coordinate the expanded season for the Beaverton Severe Weather Shelter tracking outcomes of services provided, supporting recruitment and training of volunteers, ensuring communication between the city and nonprofit staff, and overseeing donations.
- Expanded homelessness support – Oversee and coordinate with partners on expanded services for families and individuals experiencing homelessness, including

a social worker at the Beaverton City Library, contract and host support for Family Promise of Beaverton, explore parking programs, and convening with other local agencies.

- Social Service Funding Grant Management – Managed the Social Service Funding Committee and the grant process distributing nearly \$200,000 in funds to non-profit agencies.
- Nonprofit Technical Support – Offering workshops and technical support to nonprofit organizations and staff looking to grow their knowledge, skills, and abilities to better serve Beaverton residents.
- Charity Drive/Beneficiaries Management – Work with city staff to coordinate the designation of nonprofit beneficiaries for events.
- Strategic Partnerships – Manage service provision for Mayor and City Council social service priorities such as the Tax Assistance Program. Established contract with Family Promise of Beaverton, which will fulfill the identified need of temporary housing for homeless families in Beaverton. Working with the Beaverton City Library to establish contracts with social service providers that can refer individuals in need to appropriate services.