

**BEFORE THE CITY COUNCIL
FOR THE CITY OF BEAVERTON, OREGON**

In the Matter of an Appeal of the)	FINDINGS OF FACT
Director’s Interpretation Requested by)	AND CONCLUSIONS OF LAW
Applicant Oregon Beverage Recycling)	AND FINAL ORDER REJECTING
Center (the “OBRC”) for the Beverage)	THE APPEAL AND AFFIRMING THE
Container Redemption Center (the “BCRC”))	DIRECTOR’S DECISION
or “redemption center”) Located at)	
9307 SW Beaverton-Hillsdale Highway)	
and identified as Tax Lot 4100,)	Beaverton Case File No. DI 2017-0003
Washington County Assessor’s Map)	
1S1-14AB in the Community Service)	
(the “CS”) Zoning District)	

I. INTRODUCTION.

OBRC submitted a request for a Director’s Interpretation pursuant to Beaverton Development Code (“BDC”) Section 40.25.15.1C, including an authorization for a similar use determination pursuant to BDC Section 10.50, so that the existing building at 9307 SW Beaverton-Hillsdale Highway (the “Site”) may be used for a beverage container redemption center (the “BCRC”) permitted by right in the CS Zoning District because the use is of the same general type and is similar to the “service business or professional services” use. The Applicant submitted the Application to the City on December 21, 2017. The City deemed the Application complete on January 10, 2018. The Applicant has extended the 120-day period in ORS 227.178(1) to August 28, 2018 in order to allow the Beaverton City Council (the “City Council”) to make a final decision on this Application.

The City followed its Type II process to make the Director’s Decision on April 30, 2018.

Two Appellants filed timely appeals of the Director’s Decision.

The City scheduled a *de novo* appeal hearing before the City Council on June 19, 2018. The City Council followed the Type III process in conducting the appeal. At the conclusion of the appeal hearing, the City Council left the written record open instead of continuing the public hearing, pursuant to ORS 197.763(6)(a). The City Council left the written record open through July 10, 2018 at 5:00 p.m. The City Council reconvened in a public meeting on July 17, 2018 with the record closed and, with a quorum present, voted to tentatively approve the Application with the Staff recommended conditions of approval on a motion adopted by a vote of 3-1. The City Council adopted the final decision in a public meeting on August 14, 2018.

The complete official Planning Department file for this Application was physically before the Beaverton City Council on all three meeting dates.

II. DECISION.

The appeal is denied.

The decision of the Planning Director with conditions of approval as shown in **Attachment A** is affirmed for all the reasons contained in this decision.

The City Council affirms the Director's decision for the following reasons as explained in more detail in these Findings.

A. The Director correctly found that the approval criteria for the determination are satisfied by substantial evidence in the whole record. The redemption center is a business similar to existing uses allowed in the CS Zoning District.

B. The BCRC is not a recycling use. The center redeems beverage containers to return deposits to consumers, and prepares the containers for transport to plants where the containers are recycled. "Recycling" is turning something into a different product, which does not occur at this location. The "back room" operations have been occurring for years at grocery stores in the CS Zoning District, in addition to the beverage container redemption activity.

C. The redemption center is not similar to uses allowed in the IND Zoning District, and because it is not a recycling use or other type of industrial use, it is inappropriate to locate the BCRC in the IND Zoning District.

D. If the BCRC is not allowed in the CS Zoning District and is not an industrial use, then the City's citizens, who use and rely on the BCRC, will be deprived of a convenient location to redeem their beverage containers.

E. Some activities described by and objected to by some of the BCRC's neighbors can be further addressed through the implementation of the reasonable and feasible conditions of approval, including a "Good Neighbor Agreement," which will foster conversation between the redemption center and its neighbors. The conditions include, among other things, a sound-blocking fence or wall on the east property line, a new insulated door at the loading door, an "air knife" to control odors at the front door, blocking or removing the stairway on the west property line, additional security on the property during business hours and regular security patrols during other hours, a limitation on how long loading and unloading activities can occur (thus limiting the time during which the loading door is open and minimizing noise and odor from the loading door), obtaining a noise study that may contain other recommendations (which the Applicant has agreed to implement), and a commitment to promptly respond to all complaints.

The City Council has the authority to impose the conditions of approval and the City may enforce them.

F. Other issues raised by some parties, like drug use, are societal problems that may occur elsewhere and are not caused by the redemption center. For the sake of discussion, if those activities are correlated with the BCRC, then moving the BCRC would relocate the undesirable activities without addressing them. The record shows that the City has had to address camping

on public streets and the attendant problems associated with camping and that drug use occurs in many locations, including libraries.

III. PRIOR LUBA DECISION.

Prior to submittal of the Type II Application, the City approved a Type I Application authorizing the use. The Oregon Land Use Board of Appeals (“LUBA”) remanded the City’s decision in *Glenwood 2006, LLC v. City of Beaverton*, ____ Or LUBA ____ (LUBA No. 2017-027, September 21, 2017). LUBA determined that the authorization of the use had to occur through a Type II process. LUBA affirmed the City’s determination that the after-hours drop-door where beverage containers could be left when the BCRC is closed did not violate the requirements that a use operate between the hours of 10:00 p.m. and 7:00 a.m. pursuant to a conditional use permit. No party appealed LUBA’s decision to the Oregon Court of Appeals.

IV. RELEVANT FACTS.

A. Factual Description of the OBRC Site and Surrounding Land Uses.

The BCRC 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”). The Site is located in the CS Zoning District. The BCRC replaced twenty-six retail redemption facilities within 2.8 miles of the facility.

Customer access to the BCRC 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.

The BCRC 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. One person testified about early morning truck traffic. OBRC limits its trucks’ access times.

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.

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.

The BCRC has two driveways to Beaverton-Hillsdale Highway, a corridor surrounded by commercial zoning on both sides, with residential uses behind the commercial uses to south and 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. There is a maneuvering area in back of the building on its north side, but no parking.

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

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

The BCRC’s surrounding property uses include the tattoo parlor to the east, the Glenwood 2006 (veterinary clinic) property to the west, and one single family dwelling to the west (north of the tattoo parlor) 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 BCRC does not have vehicular access to Club Meadow Lane, but the Glenwood 2006 property has driveway access.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

A. Incorporation of Documents into This Decision.

The City Council accepts, adopts and incorporates within these Findings, by reference, the Director’s Decision approving the Application, titled “Analysis and Findings, Director’s Interpretation, DI2017-0003, OBRC-BCRC,” labeled as “Attachment A” and containing nine pages and the Application narrative submitted to the City on December 21, 2017, beginning at Page 7, entitled “Responses to Applicable BDC Provisions”, and continuing through page 19. In the event of a conflict between the two incorporated documents and these Findings, these Findings shall control.

B. Compliance with Applicable Approval Criteria.

1. Satisfaction of BDC 40.25.15.1.C and 10.50.

The applicable approval criteria are found in BDC 40.25.15.1.C, “Director’s Interpretation,” relevant Beaverton Comprehensive Plan (the “Plan”) provisions and BDC 10.50, “Authorization for Similar Uses.”

The City Council finds that the Application satisfies the applicable requirements of BDC 40.25.15.1.C for the reasons contained in the “Analysis and Findings, Director’s Interpretation,

DI 2017-0003 OBRC-BCRC” and relevant Plan provisions also as explained in the above-referenced Findings.

Additionally, the City Council finds that BDC 10.50 is satisfied for the reasons explained in the above-referenced Findings. The City Council finds that the proposed use, a beverage container redemption center, is of the same general type as and is similar to allowed and existing uses in the CS Zoning District, as explained in the above-referenced Findings. The City Council also finds that a beverage container redemption center is not a use already allowed in any other zoning district in the BDC.

BDC 10.50 provides that, when a use does not clearly fall into one or more of the categories of uses permitted in Beaverton, the Planning Director must determine whether that use is permitted in the zone proposed for it.

“Authorization for Similar Uses. The Director may authorize that a use, not specifically named in the allowed uses, be Permitted if the use is of the same general type and is similar to the allowed uses; provided, however, that the Director may not permit a use already allowed in any other zoning district of this Code. Application for such a decision shall be processed as a Director’s Interpretation, as provided by Section 40.25 of this Code.”

BDC 40.25.15.1.C provides, in relevant part:

Approval Criteria. In order to approve a Director’s Interpretation application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

“* * * * *

“3. That the interpretation is consistent with the City’s Comprehensive Plan and other provisions within the Development Code.

“4. When interpreting that a use not identified in the Development Code is a Permitted, Conditional, or Prohibited Use, that use must be substantially similar to a use currently identified in the subject zoning district or elsewhere in the Development Code.”

Plan Goal 3.7.3 establishes the following policies for “Community Commercial” areas:

“a) Allow commercial uses at a range of scales, including large-format retail, to address community needs.

“* * * * *

“c) Prohibit land-intensive vehicle sales and service uses and uses requiring extensive outdoor storage.

“d) Use development standards and/or conditional use review to address potential issues related to compatibility of commercial uses with adjacent housing, including noise, access and parking.”

The Director considered the evidence in the record and found that the Redemption Center is “substantially similar” to other uses permitted in the CS Zoning District for a number of reasons, which include the following:

- The Redemption Center is a new type of use recently created by the legislature;
- The Redemption Center does not fit within the use category of Salvage Yards, Recycling Centers and Solid Waste Transfer Stations because that use category denotes uses with a substantially higher external impact than the Redemption Center;
- The Redemption Center is not similar to other examples of recycling centers and transfer stations, and does not meet the City’s definition of “Salvage Yards”;
- The Redemption Center is substantially similar to three use categories permitted in the CS Zoning District, “Service Business and Professional Services,” “Eating and Drinking Establishments,” and “Retail Trade,” based on the following factors:
 - The users or customers that the establishment services;
 - Noise, odors, and other potential impacts;
 - Whether the use is outdoors or enclosed; and
 - The volume and type of traffic generated by a use;
- In addition to the above, the Director observed that the “specific activity of beverage container redemption that takes place at the BCRC has been part of ordinary grocery store operations since the Bottle Bill was passed in 1971,” and that the Redemption Center is most similar in terms of its essential characteristics to a grocery store. *Id.* at 8.

The Director applied Criterion 4 consistent with the purpose statement for the CS Zoning District, which is 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.” BDC 20.10.10.2. The Director properly focused on whether the Redemption Center is of a “similar scale” and, based on its physical and operational characteristics, is “compatible with” other uses in the CS Zoning District.

The BDC can allow an interpretation based on the physical and operational characteristics or “impacts” of a use. If any use that handles a recyclable material is a “recycling center,” several permitted and existing uses in the CS Zoning District would now only be allowable with Conditional Use permits in the IND Zoning District. In the absence of any specific analytical methodology required by the BDC, it is acceptable to analyze and compare the impacts of the Redemption Center use to other established uses in the CS and IND zones.

As described herein and in OBRC’s prior testimony, there is no basis upon which to reverse the Director’s decision. The City Council finds that the Decision was correctly decided but with the proposed conditions of approval including the “Good Neighbor Agreement,” discussed above.

2. Additional Findings Responding to Issues Raised Prior to the Close of the Record.

a. Nuisance activities related to homelessness.

Homelessness and nuisance activities related to homelessness are a societal problem throughout the Portland metropolitan area. The fact that businesses must take measures to discourage undesirable activities does not mean the businesses themselves are undesirable activities. OBRC has agreed to work with its neighbors and the City in addressing nuisance activities in its area through a "Good Neighbor Agreement". However, this issue is unrelated to any particular use or location, and does not mean that a bottle redemption facility is dissimilar to allowed uses in the CS Zoning District.

BDC 10.50 and 40.25 prohibit the Director from making a similar use determination for a use that is identified elsewhere in the zoning code. However, neither staff, OBRC, nor LUBA agreed with Glenwood that the Redemption Center fits within the use category "Salvage Yards, Recycling Centers and Solid Waste Transfer Stations." This is for three reasons that have been fully explained in the record, and are summarized below.

b. The BCRC's "backroom" operations are not recycling.

The Council finds that the sorting and packaging of returned beverage containers is not a recycling center. The inputs (unsorted containers) and outputs (sorted and crushed containers) are the same as the inputs and outputs of the bottle return machines associated with grocery stores. The fact that these outputs are taken to OBRC's processing center for recycling after being deposited at its redemption centers belies the assertion that the BCRC is a recycling or processing center. The appearance of the equipment at the Redemption Center, which includes conveyor belts and other sorting machinery, does not make BCRC an industrial use.

c. Other CS Zoning District uses also emit odor and noise.

Many of the external impacts can be found in any use allowed in the CS Zoning District. BDC 20.10.20, "Land Uses," describes the land uses allowed in the CS Zoning District. Among the permitted uses are drive-up window facility, retail trade (including grocery stores), food cart pods and eating and drinking establishments. Redemption centers located in or near grocery stores generate the same kind of noise and odor issues as a bottle redemption facility: 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. There are four drive-up facilities for eating and drinking within a quarter mile of the OBRC facility that create noise from the vehicle and from the speaker box, and also food odors.

d. Redemption centers are allowed at retail facilities in the CS Zoning District.

The City Council finds that regardless of whether the redemption use at a grocery store is a primary use or an accessory use, it is an allowed use. No one has argued that a redemption center at a retail facility in the CS Zoning District is not a permitted use. Further, no one has argued in the past that a redemption center at a retail store in the CS Zoning District was a recycling facility.

e. The use is not appropriate in the IND Zoning District.

The issue in this case is whether the BCRC is “substantially similar” to uses permitted in the CS Zoning District, not whether it is “substantially similar” to uses permitted in the IND Zoning District.

OBRC has practical reasons for not wanting its Redemption Centers to be located in the IND zone. First, the Redemption Center generates a relatively large amount of single-occupancy vehicle traffic, similar to a grocery store, which would certainly conflict with truck traffic in the IND zone. Second, the legislature intends that redemption centers be close to bottle retailers to ensure that they are convenient for consumers, as explained in OBRC’s March 6, 2018 letter. Third, the OLCC has already approved two convenience zones around the Redemption Center, which the OBRC would likely violate if it had to move the Redemption Center to an IND Zoning District property, even assuming it could secure a different site (see OBRC’s January 12, 2018 letter at Exhibit 1). And, doing so would violate the many contracts OBRC has with Beaverton’s beverage retailers, as it testified at the June 19, 2018 hearing.

The Appellants argued that BCRC should be classified as a recycling use and located in the Industrial (“IND”) zone. However, the City Council finds that the BCRC is generally dissimilar to uses allowed in the IND zone (BDC 20.15.20) and concludes that mixing pedestrians and vehicles with inherently dangerous industrial land uses, heavy trucks, forklifts and other industrial equipment means the proposed use will create conflicts. Retail and service uses are not allowed in the IND Zoning District and are expressly prohibited. Moreover, the City must guard 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.

f. The BCRC is not a Recycling Center.

The Redemption Center is a less than 10,000 square-foot, fully-enclosed retail building 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 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.

There is no definition of “recycling center” in the BDC that would compel the City to find that the Redemption Center is permitted in another zone.

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

Redemption centers are a new use discussed separately in ORS chapter 459A. Unlike a “recycling center,” which takes a wide variety of discarded materials for any purpose, a “redemption center” is established primarily to return deposits to people who return beverage containers. Redemption centers must be located in sufficiently close proximity to beverage retailers to make those container returns convenient. As discussed in testimony before the City Council, a redemption center can be compared to EcoBinary’s specific-purpose facility, which is also located in the CS Zoning District.

Aside from the semantics of the word “center,” a redemption center cannot be considered a “recycling center,” as that term is interpreted in the context of that use category; that is, even if a redemption center were a “recycling center” of some kind, is not the kind of recycling center that is similar to a “salvage yard” or “solid waste transfer station,” both of which are considered very high-impact uses. This point is further supported by the fact that “Salvage Yards, Recycling Centers and Solid Waste Transfer Stations” are permitted in only one zone—IND—and even then, only with an approved conditional use permit. It strains credulity to suggest that a 10,000 square foot redemption center, which operates entirely indoors and is used by retail end-point customers, should require a *conditional use permit* to operate in the IND Zoning District, which allows, among other things, warehousing, distribution, “fuel oil distributors,” “manufacturing, fabricating, assembly, processing, packing, and storage,” “heavy equipment sales,” and “wholesale or retail lumber, building and or landscaping materials yard” as uses permitted *outright*. BDC 20.15.20. There is simply nothing similar in scale, impact, or any other measurable attribute of the Redemption Center that makes it similar to a salvage yard, recycling center, or solid waste transfer station.

g. The Director correctly considered the scale of the Redemption Center’s building and activities in the decision.

Both the Plan and the BDC provide that the CS Zoning District is intended for uses that will be compatible with and of a similar scale to other uses along the City’s main streets. The terms “compatible” and “scale” both require some understanding of the external impacts of the Redemption Center. By analyzing whether the Redemption Center is of a similar scale to other uses in the CS Zoning District, 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 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.

h. A conditional use permit is not required for the BCRC.

BDC 10.50 provides that a similar use authorization is used to determine whether a use is a “Permitted” use in a given zone “if the use is of the same general type and similar to the allowed uses.” Therefore, the Director’s Interpretation process is not intended to establish a new *conditional use* allowance, and such action would be inconsistent with LUBA’s direction that the Council determine whether the Redemption Center is a permitted use in the CS Zoning District.

However, to the extent that the Council wishes to impose conditions on this Director’s Interpretation, it may do so pursuant to BDC 40.25.15.1.E and BDC 10.65(1). OBRC has proposed mitigation measures based on public testimony and private concerns and recommends that the City require these as conditions of approval. This includes a “Good Neighbor Agreement.”

i. The BCRC is not violating the 7 am to 10 pm operating hours restrictions.

The BCRC’s operating hours are from 8:00 AM to 6:00 PM, and the drop door is available between 7:00 AM and 10:00 PM. Outside of those hours, the public-facing portion of the facility is locked and inaccessible. There have been no official noise complaints of any kind submitted to the City. Nevertheless, OBRC has instructed its pick-up service to ensure that trucks do not arrive before 7:00 AM and will continue to address any instance of an early pickup if they occur in the future. For these reasons, the City Council finds that the BCRC operates within the allowable times permitted in the CS Zoning District.

VI. CONCLUSION.

For the reasons contained in these Findings and based upon substantial evidence in the whole record, the City Council finds that the Application meets the applicable approval criteria and satisfies its burden of proof, rejects the Appellants’ appeals and affirms the Planning Director’s Decision. The City Council finds that the BCRC is not a recycling use, is not appropriate in the IND Zoning District because families and pedestrians redeem beverage containers for money which is not an industrial use and the external impacts of the BCRC can be mitigated and eliminated through the conditions of approval. The conditions of approval are attached as **Exhibit A** to this Decision.

Therefore, **IT IS HEREBY ORDERED** that APP2018-0001 and APP2018-0002 are **DENIED** and the Director’s **APPROVAL** of DI2017-0003 is **AFFIRMED**, based on the testimony and evidence presented during the public hearing and the supplemental materials provided prior to the hearing and the findings contained herein. The Mayor shall have the authority to sign the Good Neighbor Agreement discussed herein.

Motion **CARRIED**, by the following vote:

AYES: Arnold, Beatty, Fagin,

NAYS: San Soucie

ABSTAIN: None

ABSENT: Bode

Dated this 14th day of August 2018.

CITY COUNCIL

FOR BEAVERTON, OREGON

ATTEST

APPROVED:

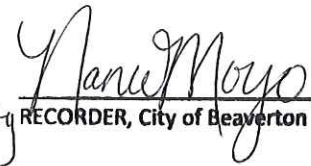

CATHY JANSEN
City Recorder


DENNIS DOYLE
Mayor

STATE OF OREGON }
COUNTY OF WASHINGTON } ss CERTIFICATION
CITY OF BEAVERTON }

I, Nanci Mayo Deputy Recorder for the City of Beaverton, Washington County, Oregon, certify and attest that I have compared this copy with its original and determined this instrument is a true and correct copy of the original which is part of the official records of the City of Beaverton, Oregon.

Dated this 15th day of August, 2018.


Deputy RECORDER, City of Beaverton

Proposed Conditions of Approval for OBRC Director's Interpretation (DI2017-0003):

Continued operation of the Bottle Drop located on BCRC 9300 Beaverton Hillsdale Highway as a permitted use pursuant to DI2017-0003 is contingent on compliance with the following conditions of approval. Failure to comply with the conditions of approval could result in a revocation of the Director's Interpretation and an order to vacate the premises.

- A. The applicant shall continually comply with the following conditions:
 1. Roll down door accessing the loading dock on the east side of the building shall remain closed while back room machinery is in operation, except during active loading and unloading not to exceed a total of 60 minutes per day. All doors to the building shall be used only for entry and exit of persons and materials only and shall not be propped open at any time.
 2. All improvements and agreements required below must be kept current and/or in good repair to perform the intended function.
 3. Prior to January 15th of each calendar year, provide and produce an annual report to the Beaverton Community Development Department for the previous calendar year containing a log of any neighborhood complaints received and how those complaints were addressed.
- B. Prior to September 1, 2018:
 4. The applicant shall enter into a "Good Neighbor Agreement" with City of Beaverton for the benefit of neighboring property owners and tenants. A draft of the agreement shall be provided to the City Attorney and Planning Director for review and approval by 8/7/2018. The agreement shall describe mitigations and ongoing measures to ensure the operation of the BCRC does not create undue impact on surrounding uses. The Agreement shall include the following elements:
 - a. Mitigation measures consistent with recommendations of the noise study.
 - b. Provide full time on-site security during all business hours;
 - c. Provide regular security patrols on an hourly basis outside business hours.
 - d. Implementation of OBRC's trespass policy.
 - e. 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.
 - f. 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.
 - g. Agreement to cooperate with Jesuit High School on security issues concerning Jesuit High School's property.
 - h. 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.
- C. Prior to October 15, 2018:

5. The applicant shall perform the following measure related to noise mitigation, including completing any necessary permitting and construction activities related to these improvements.
 - a. Provide a noise study prepared and stamped by acoustical engineer registered in the state of Oregon that details measures needed to achieve compliance with BC 5.15 and minimize impacts on neighboring properties, including details for a noise attenuating fence as required by (b) below.
 - b. Construct a solid fence or wall a minimum of six feet in height 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. The material, construction details, location and size of the fence or wall shall be consistent with the noise study recommendations.
 - c. Installation of a sound-proof insulated loading dock door.
 - d. 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."
 - e. Installation of a six-foot solid fence on west side of the Bottle Drop window.
6. The applicant shall perform the following measure related to odor mitigation, including completing any necessary permitting and construction activities related to these improvements.
 - a. Measures to ensure the BCRC complies with BC 5.05.050 F. These shall include but not be limited to installation of an "air knife" at main building entrance, and operational measures such as a schedule for regular cleaning of interior and exterior areas.
7. The applicant shall perform the following measure related to circulation and parking, including completing any necessary permitting and construction activities related to these improvements.
 - a. Remove stair connection to the neighboring commercial property and construct fence, as desired by property owner.
 - b. Signing "Employee Only" parking for the parking spaces on the OBRC east property line adjacent to the single family dwelling.
 - c. Signing the balance of the parking spaces not designated in (c) above to be occupied a for a maximum of 20 minutes or while active container redemption is occurring.
8. The applicant shall permit and construct a solid waste enclosure that complies with the standards of Section 60.05.20.2 of the Beaverton Development Code and provides adequate gated access for the solid waste facilities to be accessed by the hauler.