

CHAPTER 1 – AMENDMENT PROCEDURES ELEMENT

1.1 AMENDMENT INITIATION

Amendments to the Comprehensive Plan may be initiated by City Council, the Planning Commission, the City Manager, the Community Development Director, or the Public Works Director at any time. Landowners may also initiate an amendment to the Land Use Map pertaining only to their property at any time.

1.1.1 City-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a public hearing as described in 1.6. The City Council has the right to accept, reject or modify any specific request for amendment in accordance with the City's policies and procedures. The City Council may enlarge or reduce the geographic area of proposed map amendments, investigate alternative land use designations to those requested, or combine the request with other City-initiated amendments for comprehensive study and determination. The Planning Commission may recommend that the City Council enlarge or reduce the geographic area of proposed map amendments, investigate alternative land use designations to those requested, or combine the request with other City-initiated amendments for comprehensive study and determination.

1.1.2 Property Owner-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a public hearing as described in 1.6. The City Council reserves the right to approve, approve with modifications, or deny any specific request for amendment in accordance with the City's policies and procedures.

1.1.3 Amendment Processing

Proposed amendments shall be processed as expeditiously as possible, subject to the availability of staff and budgetary resources and project priorities set by the City Manager. Amendments shall be processed in compliance with the procedures established by this Plan as well as Oregon Revised Statutes, Oregon Administrative Rules, Metro Code, the City Charter, and City Ordinances. Property owner-initiated amendments should be processed in the order in

which they are submitted and accepted as complete, but the City Council may, by resolution, postpone processing proposed amendments to accelerate processing other amendments to which they give a higher priority.

1.2 PERIODIC REVIEW

Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and follow separate notice procedures outlined in the Oregon Revised Statutes and Oregon Administrative Rules governing Periodic Review.

1.3 AMENDMENT PROCEDURAL CATEGORIES

Comprehensive Plan Amendments fall into four general categories: Legislative, Quasi-Judicial, Non-Discretionary, and Statewide Planning Goal 5 Inventory Document Amendments.

Legislative Amendments are amendments to the Comprehensive Plan text or map of a generalized nature initiated by the City that applies to an entire land use map category or a large number of individuals or properties or that establishes or modifies policy or procedure. Legislative amendments include additions or deletions of text or land use map categories.

Quasi-Judicial Amendments are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties or locations.

Non-Discretionary Amendments are amendments to the Comprehensive Plan Land Use Map to add an annexed property, or properties, to the Map with a Land Use Map designation assigned through direct application of Table 1, Section 1.5.2. This section features a table of City Comprehensive Plan land use designations that correspond to zoning designations adopted by Washington County. The table is maintained by the City pursuant to the Washington County-Beaverton Urban Planning Area Agreement (UPAA). The County land use classification(s) remain in effect under provisions of Oregon Revised Statutes (ORS 197.175(1) and ORS 215.130(2)(a)) until the City acts to implement its own Comprehensive Plan Land Use designation(s) for the annexed territory.

Section V of the UPAA specifies the following:

- A. The CITY and COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon the process in B, below.

- B. Upon annexation, the CITY shall initiate changes to the Comprehensive Plan land use and zoning designations corresponding as closely as possible to designations already adopted by the COUNTY. The CITY shall maintain a list of COUNTY land use designations and the corresponding CITY comprehensive plan and zoning designations. If a property is subject to a concept, neighborhood, or community plan adopted by the CITY, the CITY shall apply the applicable CITY comprehensive plan and zoning designations to the property upon annexation. In addition, the COUNTY shall advise the CITY of adopted policies that apply to the annexed areas.

Table 1 in Section 1.5.2 was adopted pursuant to UPA Section V, which requires the city to maintain a list of corresponding county-to-city plan and zone designations where the decision to apply a specific Land Use Map designation is made under land use standards that do not require interpretation or the exercise of policy or legal judgment. Consequently, the decision is not a land use decision as defined by Oregon Revised Statutes (ORS 197.015(10)(b)(A)) [ORD 4759 January 2019].

Statewide Planning Goal 5 Inventory Resource Document Amendments are amendments to Volume III of the Comprehensive Plan. Amendments may be legislative, such as periodic review, or annual updates to maps, or quasi-judicial. Updates to the Significant Natural Resources Map (Local Wetland Inventory Map) incorporating changes approved by the Department of State Lands are non-discretionary map amendments, and the public notice, decision-making and appeal of the decision occurs when the Division of State Lands approves the wetland delineation and fill or removal permit (OAR 141-086-005 through OAR 141-090-0230, OAR 141-085-0018, OAR 141-085-0025, OAR 141-085-0028, OAR 141-085-0029, OAR 141-085-0031, OAR 141-085-0066, ORS 227.350 (2), and ORS 196.600 to 196.990). As noted under Non-Discretionary Amendments above, when no discretion is exercised, the decision is not a land use decision under Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

The Director may administratively renumber or reletter sections, and parts of sections; rearrange sections; change reference numbers to agree with renumbered sections or other parts; substitute proper subsection, chapter, article or other division numbers; strikeout figures or works that are merely repetitious; add, remove, or substitute photos, illustrations and diagrams that are merely illustrative; change capitalization for the purpose of uniformity; update language to be gender neutral; and correct clerical or typographical errors.

1.4 NOTICE REQUIREMENTS

The claim of a person to have not received notice, who may be entitled to notice as provided in this section, shall not invalidate such proceedings if the City can demonstrate by affidavit that such

notice was given.

If the Community Development Director or City Council determine that the proposed amendment substantially changes from the proposal described in the initial notice, then notice is required to be sent again as described in the appropriate subsection with specific notation that the proposal has changed and that a new hearing will be held on the matter.

1.4.1 Legislative Amendments

A. Notice of the initial hearing shall be provided as follows:

1. By providing the required inter-agency Department of Land Conservation and Development (DLCD) notice to DLCD, Metro, and Washington County at least thirty-five (35) calendar days prior to the initial hearing. When the legislative amendment is required through Periodic Review, DLCD notice is not required, therefore, it is not provided;
2. By mailing the required inter-agency DLCD notice to all Neighborhood Association Committee (NAC) chairs and Community Participation Organizations (CPO) in whose area there is property that in the Director's opinion could be affected by the proposed ordinance if adopted, and the Chair of the Beaverton Committee for Community Involvement, at least thirty-five (35) calendar days prior to the initial hearing;
3. Mail notice to owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land
 - a. The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
 - b. If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing;
4. By publication of a notice with the information specified in subsection 1.4.1 B.1, 2, and 3 in a newspaper of general circulation within the City;
5. By posting a notice with the applicable information specified in subsection 1.4.1 B at Beaverton City Hall and the Beaverton City Library; and
6. By placing a notice with the applicable information

specified in subsection 1.4.1 B on the City's website.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing Notices required by numbers 3 through 6 of this subsection, shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

For Legislative Periodic Review notices, notice described in 1.4.1.B shall be mailed at least 35 days in advance of the initial hearing to Metro, Washington County, all Neighborhood Association Committee (NAC) chairs in whose area there is property that in the Director's opinion could be affected by the proposed ordinance if adopted, and the Chair of the Beaverton Committee for Community Involvement.

- B. Mailed notice required in subsection 1.4.1.A.3., posted notice required in subsection 1.4.1.A.5., and web notice required in subsection 1.4.1.A.6. shall:
1. State the date, time and location of the hearing, and the hearings body;
 2. Explain the nature and purpose of the hearing;
 3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
 4. List the applicable approval criteria by Comprehensive Plan by section numbers that apply to the application at issue;
 5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
 6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost and include the days, times and location where available for inspection;
 7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
 8. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the

City Council and the Land Use Board of Appeals based on that issue; and

9. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186 also known as Ballot Measure 56).
- D. Notice of remand hearings, whether they be the entire legislative amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission, shall be given following subsections 1.4.1.A. and 1.4.1.B. with the following additional information:
1. The deadline for submitting written testimony and the place it is to be submitted;
 2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
 3. The scope of the testimony; and
 4. Whether the testimony is de novo or limited to the record and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection D. shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

1.4.2 Quasi-Judicial Amendments

- A. Notice of the initial hearing shall be provided as follows:
1. By providing the required inter-agency DLCD notice to DLCD, Metro, and Washington County at least thirty-five (35) calendar days prior to the initial hearing;
 2. By mailing the required inter-agency DLCD notice to the chair(s) of any City-recognized Neighborhood Association

Committee (NAC) or County-recognized Citizen Participation Organization whose boundaries include the property for which the change is contemplated, and the Chair of the Beaverton Committee for Community Involvement at least thirty-five (35) calendar days prior to the initial hearing;

3. By publication of a notice with the information specified in 1.4.2.B.1., 2., 3. and 4. in a newspaper of general circulation within the City;
4. By posting notice with the information specified in 1.4.2.B. at Beaverton City Hall and the Beaverton City Library;
5. By mailing notice with the information specified in 1.4.2.B. to property owners included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and
6. By placing notice with the information specified in 1.4.2.B. on the City's web site.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing notices required by numbers 3 through 6 of this subsection shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. Notice required in subsection 1.4.2.A.4. and 5. shall:

1. State the date, time, and location of the hearing, and the hearings body;
2. Explain the nature of the application and the use or uses, which could be authorized;
3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
4. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue;
5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost

- and will be provided at reasonable cost and include the days, times and location where available for inspection;
6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost include the days, times and location where available for inspection;
 7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
 8. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue;
 9. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing; and
 10. Set forth the street address or other easily understood geographical reference to the subject property and include a map, if applicable.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).
- D. Notice of remand hearings, whether for the entire quasi-judicial amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission shall be given following subsection 1.4.2.A. and 1.4.2.B. with the following additions:
1. Any deadline for submitting written testimony and the place it is to be submitted;
 2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
 3. The scope of the testimony; and
 4. Whether the testimony is limited to the record or de novo

and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection D. shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

1.4.3 Non-Discretionary Map Amendments

- A. Notice for Non-Discretionary Map Amendments shall be provided as follows:
1. By publication of a notice with the information specified in Section 1.4.3.B.1., 2. and 3. in a newspaper of general circulation within the City;
 2. By mailing notice with the information specified in Section 1.4.3.B. to the Chair of the Beaverton Committee for Community Involvement (BCCI), Neighborhood Association Committee (NAC), Community Participation Organization (CPO) and owners of record of the subject property on the most recent property tax assessment roll; and
 3. By placing notice with the information specified in Section 1.4.3.B. on the City's website.
 4. For annexation-related plan map amendments, by mailing notice with the information specified in Section 1.4.3.B to the Planning Director of the Washington County Department of Land Use and Transportation (DLUT). This notice shall be given not less than 35 days prior to the date the item initially appears on the City Council agenda. [ORD 4759 January 2019]

All notices required by 1. through 3. of this subsection A. shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date the item initially appears on the City Council agenda.

- B. Notice required by subsection 1.4.3.A. shall:
1. State the time, date, place, and purpose of the City Council agenda item;
 2. Explain the nature of the application;
 3. Include the case file number, title or both of the proposed ordinance to be considered;

4. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;
5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the meeting and will be provided at reasonable cost and include the days, times and location where available for inspection;
7. Include the name and phone number of the City staff person assigned to the application from who additional information may be obtained; and
8. Set forth the street address or other easily understood geographical reference to the subject property, including a map.

C. Notice of Decision for Non-Discretionary Map Amendments

Within five working days after the City Council decision on a Non-Discretionary Map Amendment, notice of the decision shall be mailed to the owner of record, DLCD, the Beaverton Neighborhood Office and the Chairperson of the Beaverton Committee for Community Involvement (BCCI). The notice of decision shall include the following:

1. A statement that the decision is final but may be appealed in a court of competent jurisdiction, and
2. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

1.4.4 Statewide Planning Goal 5 Inventory Resource Document (Volume III) Amendments

- A. If the proposal is legislative in nature, as in an update to one of the Statewide Planning Goal 5 Inventory Resource Documents or an addition of a new category of Statewide Planning Goal 5 Inventory Resource Documents, then notice shall follow the legislative notice procedure identified under subsection 1.4.1.

- B. If the proposal is quasi-judicial in nature, as in a change on one property or a limited group of properties, the notice shall follow the quasi-judicial notice procedure under subsection 1.4.2.
- C. If the proposal is to update the Local Wetland Inventory map of the Significant Natural Resource maps based on approvals of wetland delineations or fill or removal permits issued by the Oregon Department of State Lands, the amendment shall be deemed non-discretionary and shall be updated administratively by City Council ordinance adoption, following the Non-Discretionary Map Amendment procedure under 1.4.3.

1.5 CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments

- A. The following criteria apply to all legislative Comprehensive Plan amendments and non-annexation-related quasi-judicial Comprehensive Plan Amendments.
 - 1. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;
 - 2. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan; and
 - 3. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans.
- B. The following criteria apply to all annexation-related quasi-judicial Comprehensive Plan Amendments. [ORD 4759 January 2019]
 - 1. In applying the most appropriate Comprehensive Plan designation, the decision-making authority shall use the relevant criteria below.

- a. If the property is or properties are subject to a Beaverton-approved Community Plan, Neighborhood Plan, or Concept Plan approved consistent with Section 1.5.1.A. wherein the zoning is specified, the decision-making authority shall apply the specified Comprehensive Plan designation or designations; or
- b. If the Washington County designation is Institutional, the decision-making authority shall find that the designation is consistent with Beaverton Comprehensive Plan policies in the Land Use Element; or
- c. If neither Section 1.5.1.B 1. or 2. apply, the decision-making authority shall find that the designation is consistent with one or more of the following criteria in applying a Beaverton Comprehensive Plan designation:
 - i. City Comprehensive Plan policies in the Land Use Element
 - ii. Consistency with the County Land Use Districts.

1.52 Criteria for Non-Discretionary Map Amendments

A. Annexation-Related

The Washington County-Beaverton Urban Planning Area Agreement (UPAA) says: "Upon annexation, the city shall apply its Comprehensive Plan land use and zoning designations corresponding as closely as possible to designations already adopted by the county. The city shall maintain a list of county land use designations and the corresponding city comprehensive plan and zoning designations." The list in Table 1 of Section 1.5.2. identifies City Comprehensive Plan designations and zoning districts that most closely approximate the density, use provisions and standards of the County designations. When annexation related Comprehensive Plan Map amendments are proposed that convert County zoning to a City plan designation that is pursuant to Table 1 in Section 1.5.2. the City has no discretion.

This section describes the method by which City of Beaverton Comprehensive Plan designations and zoning districts shall be applied consistent with the Washington County-Beaverton Urban Planning Area Agreement when a property in unincorporated Washington County is annexed into the City of Beaverton.

Table 1 below shows city plan and zoning designations that

correspond closely with the county land use districts. Properties with Washington County land use districts in Table 1 can be processed with a Type 1 application using the city's non-discretionary process. County land use districts not consistent with Table 1 and associated footnotes shown shall be subject to a Type 3 discretionary process. The decision-maker for Type 1 and Type 3 applications shall be the City Council, which shall adopt such plan amendments according to the requirements of the City Charter.

Table 1, 1.5.2: Annexation-related plan and zone changes not requiring discretion (Type I CPA/ZMA Applications)

County Land Use District	City Comprehensive Plan Designation	City Zoning District
R-5, Residential 5 units/acre	Standard Density Neighborhoods (SDN)	R7
R-6, Residential 6 units/acre	Standard Density Neighborhoods (SDN)	R7
R-9, Residential 9 units/acre	Standard Density Neighborhoods (SDN)	R5
TO:R24-40, Transit Oriented Residential ¹	Station Community (SC)	SC-HDR
TO:R24-40, Transit Oriented Residential ²	Town Center (TC)	TC-HDR
TO:R40-80, Transit Oriented Residential ¹	Station Community (SC)	SC-HDR
TO:R80-120, Transit Oriented Residential ¹	Station Community (SC)	SC-HDR
TO:RC, Transit Oriented Retail Commercial ^{1, 3}	Station Community (SC)	SC-MU
TO:BUS, Transit Oriented Business ²	Town Center (TC)	TC-MU
TO:BUS, Transit Oriented Business ¹	Station Community (SC)	SC-MU
TO:EMP, Transit Oriented Employment ¹	Station Community (SC)	SC-E1

1 Applies to property located within a Metro designated Station Community Area

2 Applies to property located within a Metro designated Town Center Area

3 Unincorporated property zoned TO:RC located within a Metro designated Station Community Area which is entirely within 2,600 linear feet from a light rail transit platform.

B. Statewide Planning Goal 5

The Department of State Lands (DSL) and the US Army Corps of Engineers (COE) exercise discretion when these agencies approve wetland delineations and fill/removal permits (OAR 141-085, ORS 227.350, and ORS 196.600 to 196.990). Because the decision is made by another agency, acknowledging the locations of the delineated wetlands and fill/removal activities on the City's Local Wetland Inventory map involves no discretion.

1.53 Criteria for Statewide Planning Goal 5 Inventory Resource Document (Volume III) Comprehensive Plan Amendments

A. Local Wetland Inventory Amendments require following the criteria for adoption of a local wetland inventory found within Oregon Revised Statutes and Oregon Administrative Rules (as of November 2004, ORS 196 and OAR 141-086 and OAR 660-023).

B. Criteria for Addition of Historic Landmarks and Districts

To qualify as a historic landmark or district, the proposal must meet criterion 1 and at least one factor listed as criteria 2 through 5:

1. Conforms with the purposes of the Beaverton Comprehensive Plan; and
2. The proposed landmark or district is associated with natural history, historic people, or with important events in national, state, or local history; or
3. The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or
4. The proposed landmark is a notable work of a master builder, designer, or architect; or
5. The proposed landmark or district would serve one or more of the following purposes:
 - a. To preserve, enhance, and perpetuate landmarks and districts representing or reflecting elements of the City's cultural, social, economic, political, and architectural history;
 - b. To safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in said landmarks and districts;

- c. To complement any National Register properties or Historic Districts;
- d. To stabilize and improve property values in such districts;
- e. To foster civic pride in the beauty and accomplishments of the past;
- f. To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- g. To strengthen the economy of the City; and
- h. To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City's current and future citizens.

C. Criteria for Adding Historic Trees

The adoption by City Council and Planning Commission of any amendment to add a historic tree to the Historic Tree Inventory shall be based on the following criteria:

1. Conforms with applicable goals and policies of the Beaverton Comprehensive Plan;
2. The proposed historic tree designation is requested by the property owner as determined by the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and
3. The proposed historic tree is associated with historic properties, historic people, or with important events in national, state, or local history, or general growth and development of the city.

1.6 HEARINGS PROCEDURES

The initial body to review Quasi-Judicial and Legislative Comprehensive Plan amendment applications shall be the Planning Commission which shall make a written recommendation which is forwarded to the City Council. The City Council shall make the final decision as set forth in this section.

1.6.1. After appropriate notice is given, as provided in section 1.4. the Planning Commission shall hold a public hearing on the amendment, except for Non-Discretionary amendments.

- A. At the beginning of the hearing an announcement shall be made to those in attendance that:
 1. States the applicable approval criteria by Comprehensive Plan section number.
 2. States testimony, arguments and evidence must be directed toward the applicable criteria.
 3. States failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.
 4. States failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue may preclude an action for damages in circuit court.
 5. If a quasi-judicial application, states the Planning Commission must be impartial and that members of the Planning Commission shall not have any bias or personal or business interest in the outcome of the application.
 - a. Prior to the receipt of any testimony, members of the Planning Commission must announce any ex parte contacts. The Planning Commission shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest or ex parte contacts.
 - b. If any member of the Planning Commission has visited the site (if applicable), they should describe generally what was observed.
 6. Summarizes the procedure of the hearing.
 7. States that the hearing shall be recorded on audio only or audio and video.
 8. States any time limits for testimony set by the Planning Commission at the beginning of the hearing.
- B. After the aforementioned announcements, the Chair shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
- C. After the presentation of the staff report, the Chair shall call for the applicant's testimony, if the City is not the applicant.

- D. After the applicant's testimony, the Chair shall call for other evidence or testimony in the following sequence unless the Planning Commission consents to amend the sequence of testimony:
 - 1. First, evidence or testimony in support of the application
 - 2. Second, evidence or testimony in opposition to the application.
 - 3. Third, evidence or testimony that is neither in support nor in opposition to the application.
- E. If the City is not the applicant, the Chair shall call for rebuttal by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Chair shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.
- F. The Chair shall offer staff an opportunity to make final comments and answer questions.
- G. Provisions for holding a record open or continuing a hearing set forth in Oregon Revised Statutes (ORS 197.763 (6)) shall apply to this Chapter of the Comprehensive Plan, in accordance with the statute.

1.6.2. Following the conclusion of the hearing for a Legislative or Quasi-Judicial amendment, the Planning Commission shall take one of the following actions:

- A. Continue the hearing to a date, time and location certain, which shall be announced by the Chair. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
- B. Recommend approval, approval with modifications, or denial to the City Council.
 - 1. If the Planning Commission proposes to recommend approval, approval with modifications, or denial, the Planning Commission shall announce a brief summary of the basis for the recommendation and that recommendation shall be conveyed to the Council; provided, the proceedings may be continued for the purpose of considering such recommendation without taking new

testimony or evidence.

2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763(6) shall apply under this Ordinance in a manner consistent with state law.
3. Planning Commission's recommendation shall be presented for City Council consideration, consistent with City Charter requirements for adoption of an ordinance.
4. Within approximately seven (7) calendar days from the date that the Planning Commission recommendation is reduced to writing and signed by the Chair or the Chair's designee, the Director shall mail a written notice to the persons who appeared orally or in writing before the Planning Commission prior to the closing of the public records ("persons of record"). The written notice shall include the following information:
 - A statement indicating the Web page address on which the Planning Commission recommendation may be viewed and downloaded.
 - A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for more information about the case file.

1.6.3. After appropriate notice is given, as provided in Section 1.4, the City Council shall hold a public hearing on the amendment:

- A. At the beginning of the hearing an announcement shall be made to those in attendance that:
 1. States the applicable approval criteria by Comprehensive Plan section number.
 2. States testimony, arguments and evidence must be directed toward the applicable criteria.
 3. States failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the City Council and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.
 4. States failure of the applicant to raise constitutional or other issues related to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue may preclude an action for damages in circuit court.
 5. If a quasi-judicial application, states the City Council must

be impartial and that members of the City Council shall not have any bias or personal or business interest in the outcome of the application.

- a. Prior to the receipt of any testimony, members of the City Council must announce any ex parte contacts. The City Council shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest or ex parte contacts.
 - b. If any member of the City Council has visited the site (if applicable), they should describe generally what was observed.
6. Summarize the procedure of the hearing.
 7. States that the hearing shall be recorded on audio only or audio and video.
 8. States any time limits for testimony set by the City Council at the beginning of the meeting.
- B. After the aforementioned announcements, the Mayor shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
- C. After the presentation of the staff report, the Mayor shall call for the applicant's testimony, if the City is not the applicant.
- D. After the applicant's testimony, the Mayor shall call for other evidence or testimony in the following sequence unless the City Council consents to amend the sequence of testimony:
1. First, evidence or testimony in support of the application
 2. Second, evidence or testimony in opposition to the application.
 3. Third, evidence or testimony that is neither in support nor in opposition to the application.
- E. If the City is not the applicant, the Mayor shall call for rebuttal

by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Mayor shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.

- F. The Mayor shall offer staff an opportunity to make final comments and answer questions.
- G. Provisions for holding a record open or continuing a hearing set forth in Oregon Revised Statutes (ORS 197.763 (6)) shall apply to this Chapter of the Comprehensive Plan, in accordance with the statute.

1.6.4. Following the conclusion of the hearing for a Legislative or Quasi-Judicial amendment, the City Council shall take one of the following actions:

- A. Continue the hearing to a date, time and location certain, which shall be announced by the Mayor. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
- B. Vote to approve, approve with modifications, or deny the application. For Legislative amendment applications the City Council may also vote to take no action. If the City Council votes to approve, approve with modifications, or deny, the City Council shall announce a brief summary of the basis for the decision; the proceedings may be continued for the purpose of considering such order without taking new testimony or evidence.
 - 1. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763(6) shall apply under this Ordinance in a manner consistent with state law.
 - 2. Within approximately seven (7) calendar days from the date that the City Council final order is adopted, the Director shall mail a written notice to the persons who appeared orally or in writing before the City Council prior to the closing of the public records ("persons of record"). The written notice shall include the following information:

- a. A statement indicating the Web page address on which the City Council decision may be viewed and downloaded.
- b. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case file.

1.7. FINAL ADOPTION AND APPEALS

1.7.1 Final Order

- A. The written decision in the form of a final order shall be prepared regarding the application. The final order shall include:
 1. A listing of the applicable approval criteria by Comprehensive Plan section number.
 2. A statement or summary of the facts upon which the City Council relies to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. City Council may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the final order to satisfy this requirement.
 3. A statement of conclusions based on the facts and findings.
 4. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
- B. Within five (5) working days after the Final Decision (City Council Ordinance or Final Order adoption), mail the required DLCD Notice of Adoption to DLCD, pursuant to ORS 197.610 and OAR Chapter 660- Division 18.
- C. Within five (5) working days from the date that the City Council adopts a final order, the Community Development Director shall cause the order to be signed, dated, and mailed to the applicant, the property owner, the Neighborhood Association Committee or County Participation Organization in which the subject property is located, and other persons who appeared orally or in writing before the public record closed. The final order shall be accompanied by a written notice which shall

include the following information:

1. A statement that the City Council decision is final, but may be appealed to the Land Use Board of Appeals as provided in Oregon Revised Statutes (ORS 197.805 through 197.860) or to the Land Conservation and Development Commission as provided in Oregon Revised Statutes (ORS 197.633), in the case of Periodic Review Amendments.
2. A statement indicating the Amendment application number, date, and brief summary of the decision. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the proposal.
3. A statement of the name and address of the applicant.
4. If applicable, an easily understood geographic reference to the subject property and a map.

The following diagrams, Diagrams I-1 through I-4, are intended for illustrative purposes only and are not adopted as procedural requirements within this ordinance. Thus, periodic updates to Diagrams I-1 through I-4 will not require a Comprehensive Plan Amendment.

1.8. APPLICATION FEES

In order to defray expenses incurred in connection with the processing of applications, the City has established a reasonable fee to be paid to the City upon the filing of an application for a Plan amendment. Fees for privately initiated Plan amendments requiring extraordinary staff time or expertise beyond the scope of the average process may be subject to an additional project management fee as established by Council Resolution 3285.

PUBLIC FACILITIES AND SERVICES ELEMENT

5.1 OVERVIEW

Beaverton was platted in December 1868 in anticipation of a railroad link being constructed to Portland. The railroad arrived in 1871. Prior to the railroad the area was developed with farms. The construction of the railroad and electric trains provided reliable access to and from Portland, which was a major improvement over the wood plank Canyon Road constructed in 1851. This connection to Portland allowed Beaverton to develop as a bedroom community. Today Beaverton is an inner ring suburb in the Portland Metropolitan area. Except for the southwest corner of the City, which touches the Urban Growth Boundary, Beaverton is surrounded by urban development. There is very little undeveloped land in the City or in its Urban Services Area. What undeveloped land exists is being developed rapidly. The population of the existing City and its Urban Services Area will continue to increase due to measures taken by both the City and Washington County to allow for or require new development to be at a higher density than currently exists.

Public facilities and services are essential to an urban community. The availability and adequacy of these facilities and services is required for urban land uses. The need to provide these services historically has been a primary reason for cities to incorporate or for areas to annex to existing cities.

The City of Beaverton incorporated in 1893 primarily to provide municipal services. The City has provided these services in the most logical and economic way possible. Over the years, the City has made arrangements with special districts to provide services when that was the most logical route at the time. Because special district jurisdiction also included unincorporated portions of Washington County north, east and west of Beaverton, these areas were able to urbanize, with the provision of limited municipal services by the County such as police patrols, road maintenance and planning, without incorporation. Although the County has supported eventual annexation of these areas to the City, they have also established special districts for enhanced Sheriff's patrols and local road maintenance that allow for an adequate level of urban services to these areas until they are annexed.

Beaverton is not a full service city in terms of providing all necessary public facilities and services itself but has arranged for all of these services to be provided within its incorporated area. The Tualatin Hills Park and Recreation District (THPRD) provides parks and recreation facilities and services. The Tualatin Valley Fire and Rescue District (TVF&R) provides fire and emergency medical services. Several water districts as well as the City, provide potable water. Storm water management and sanitary sewers are provided by cooperation between the City and Clean Water Services (CWS). Solid waste disposal sites, including sites for inert waste, are the responsibility of Metro. Public transportation is primarily provided by Tri-Met, but the City and Washington County retain the option to augment Tri-Met's transit system. K through 12 schools are provided by the Beaverton School District with the exception of the West Slope area, which is in the Portland School District. The City provides library services and the library also is a member of the Washington Cooperative Library System in order to provide better service for residents. The City provides police, planning, zoning, development review, building permitting and subdivision control for its entire incorporated area.

An Urban Services Area has not yet been established for the City of Beaverton. The requirements for an Urban Services Boundary that will establish an Urban Services Area for Beaverton are set out in ORS 195.020 and 195.060 through 195.085. The basic concept behind the establishment of an Urban Services Area is to define the area that will eventually be incorporated into the City of Beaverton and for which the City will eventually be responsible for the provision of urban services after incorporation. Urban Service Agreements are required by State statute between the City, Washington County and the various service providers to insure a logical, rational and efficient provision of these services. The urban services required by ORS 195.065 to be included in these Urban Services Agreements are sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. The boundary has been agreed to for areas to the north, east and south of the City. The western boundary still has to be agreed to by the City, the City of Hillsboro and Washington County, or established by Metro if such agreement is not possible.

5.2 PUBLIC FACILITIES PLAN

The City's Public Facilities Plan (PFP), mandated by State statute for all cities with a population over 2,500, consists of this Element, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewage conveyance and processing, parks & recreation, schools and transportation. Master plan documents included in the Public Facilities Plan are:

- Tualatin Valley Water District Water Master and Management Plan
- Water System Plan for the West Slope Water District
- Raleigh Water District Water System Master Plan
- City of Beaverton Water System Facilities Plan
- City of Beaverton Sanitary Sewer Master Plan
- Clean Water Services of Washington County, Sewer System Master Plan
- The City of Beaverton Drainage Master Plan
- Tualatin Hills Park and Recreation District 20-Year Comprehensive Master Plan
- Tualatin Hills Park and Recreation District Trails Master Plan
- Beaverton School District Long-Range Facility Plan 2021 (Ord. 4567, Ord. #TBD)
- City of Beaverton Transportation System Plan

The City of Beaverton has chosen to define its Public Facilities Plan in this way because it provides a limited range of municipal services and relies on other independent public agencies to provide many facilities and services for Beaverton residents and property owners. The facilities and services provided by these agencies, as well as the City, are generally described in other sections of this element, by type of facility and service. The exception to this is transportation facilities and services, which are addressed in the Transportation Element of this Plan.

CAPITAL IMPROVEMENT PLAN

The City of Beaverton Capital Improvements Plan (CIP) is an annually updated document with listings of prioritized proposed improvements and expansions of the City's infrastructure system to maintain appropriate service levels to existing City residents and businesses, and to accommodate population growth and land development. The CIP reflects the needs and priorities established by the City and projects the financial resources available to fund projects within a four-year period. The CIP also prioritizes projects many years into the future. The CIP can be modified during the fiscal year (FY) through the supplemental budget process as needs, priorities, and resources change. Although the CIP is a separate document from the fiscal budget, it is used as a road map in preparing and administering the budget.

The CIP is updated and adopted by the City Council on a yearly basis. The City's fiscal year begins on July 1 of each calendar year and ends on June 30 of the next calendar year. Each year, the City Council adopts a fiscal budget in June for the upcoming fiscal year, as recommended to the Council by the City's Budget Committee. By Oregon law, the City of Beaverton can only fund (budget) projects for the current fiscal year and upcoming fiscal year. Therefore, only projects in the CIP that are shown in the first fiscal years are actually funded. Programmed but not funded projects (projects for the following three fiscal years) and future year projects are included in the CIP for information purposes.

Development of a realistic CIP and applying it to the City budgeting process helps provide orderly growth of the community at a manageable cost. The City's CIP only addresses the City's capital needs and projects and not those of the other providers of facilities and services in Beaverton and its proposed Urban Services Area. Service providers are responsible for their own CIP. The City's most current CIP, including any amendments, is adopted as part of this Element by reference and when the City adopts a new CIP or amends the CIP that will be the one referenced.

Beaverton's CIP addresses transportation, potable water, sanitary sewer and storm drainage capital projects. Sanitary sewer and storm drainage improvements are planned for the current incorporated area. Transportation improvements are also planned for the current incorporated area and include those transportation projects for which the City is responsible, namely local and collector roads, pedestrian facilities and bikeways. The City's CIP for potable water only includes those projects in the Beaverton Water Division's service area. The Beaverton School District, Clean Water Services, Tualatin Valley Fire and Rescue District, Tualatin Hills Park and Recreation District, Tualatin Valley Water District, West Slope Water District and Raleigh Water District are each responsible for their own Capital Improvement Plans, funding and project implementation. The City and these agencies coordinate their respective planning efforts pursuant to cooperative agreements that have been signed consistent with ORS 195.

5.3 URBAN SERVICES AREA

URBAN PLANNING AREA AGREEMENT

An Urban Planning Area was established by the adoption of the Washington County – Beaverton Urban Planning Area Agreement (UPAA), which was last updated in 2019. The UPAA is adopted in this Element by reference. The City and County entered into the UPAA to comply with Statewide Planning Goal #2 and requirements of the Oregon Land Conservation and Development Commission. The purposes of this agreement are to ensure coordinated and consistent comprehensive plans by creating a defined Urban Planning Area within which both the County and City maintain an interest in comprehensive planning and to create a process for coordinated comprehensive planning and development in this Urban Planning Area.

URBAN SERVICES AREA

Cities are traditionally established in the State of Oregon to be urban service providers and to provide a system of governance tailored to responding to and delivering urban services. Toward that end, an Urban Services Boundary is established for two primary purposes:

1. The boundary establishes the extent of the City of Beaverton’s direct interest and involvement in planning for and coordination of public facilities and services. This planning and coordination is accomplished through coordination with Washington County and the special districts that currently provide services within the area. It is not necessarily assumed that the City will directly provide all of the services within that boundary in the future. Services planning with the County and special districts will determine the most effective and efficient method of providing these services without further complicating the existing pattern of urban service provision.

The City provides the following services:

- a) Construction and maintenance of City maintained arterial, collector and local streets
- b) Police protection
- c) Water supply and distribution to approximately eighty-five percent of existing residents
- d) Planning, zoning, building, and development control
- e) Library Services
- f) Franchising of solid waste collection and recycling services provided by private contractors
- g) Municipal Court

Provision of the following facilities and services is shared or a joint responsibility, generally as specified in intergovernmental agreements:

- a) Sanitary sewer and storm drainage services in conjunction with Clean Water Services
- b) Parks and recreation services with Tualatin Hills Park and Recreation District

- c) Emergency communication system (911) through Washington County Consolidated Communications Agency

The following are services that are the responsibility of other agencies, but the City may be involved in planning and some aspects of provision of these services:

- a) Fire and emergency medical protection by Tualatin Valley Fire and Rescue
 - b) Solid waste disposal is the responsibility of Metro
 - c) Justice services are the responsibility of Washington County (with the exception of Municipal Court)
 - d) K - 12 schools are provided by Beaverton School District with the exception of the West Slope which is in the Portland School District and is a small percentage of our assumed urban services area
 - e) Community college services are provided by the Portland Community College District
 - f) Transit services are provided by Tri-Met
2. The Urban Services Boundary establishes the extent of the City's annexation interests, although it does not indicate when or if the City might annex properties within the boundary. In this respect, the boundary serves to inform property owners and citizens in the urban services area of the City's long-term expansion interests and intent.

The Urban Services Boundary is not intended to imply direct changes to land use plans or regulations as established by Washington County. However, to the extent that the establishment of the Boundary creates a planning area for services, it could indirectly influence changes in land use as a result of service planning.

An Urban Services Area has not yet been established for the City of Beaverton. The boundary has been agreed to for the areas to the north, east and south of the City.

In 1985, the cities of Tigard and Beaverton adopted by joint resolution an Annexation Planning Area Agreement -- in effect an urban services boundary between the two cities. The boundary generally lies to the south and east of Beaverton and to the north of Tigard. Metro Council established an Urban Services Boundary between the cities of Beaverton and Portland in 1997. The boundary to the north in the area not covered by the Metro Council's decision is the Urban Growth Boundary. The western boundary still has to be worked out between the City, the City of Hillsboro and Washington County or be determined by Metro. The City is presently working on the East Beaverton Urban Services Agreement with Washington County and the affected service providers. This agreement when adopted will establish an interim western boundary that will create an interim Urban Services Area for the City. The current debate concerns an area west of SW 185th Avenue, which is in the Beaverton School District, the Tualatin Valley Fire and Rescue District and the Tualatin Hills Park and Recreation District. The City is unaware of any objections to Beaverton's western Urban Services Boundary being at least as far west as 185th Avenue with the exception of that part of the City of Hillsboro which is currently east of 185th. This Element will assume that the western Urban Services Boundary is the eastern right-of-way line of SW 185th Avenue except that where a portion of the City of Hillsboro currently exists east of 185th the

boundary shall follow the Hillsboro City limit. Beaverton is not supporting this assumed western Urban Services Boundary as the final boundary but believes that at a minimum it will be located this far west if not further west. The complete assumed Urban Services Boundary and Urban Services Area are shown on Figure V-1.

Changes to the City's Urban Services Boundary will be required in the future if Metro expands the Urban Growth Boundary to the City's north and/or southwest.

5.3.1 Goal: *Ensure long-term provision of adequate urban services within existing City limits and areas to be annexed in the future.*

Policies:

- a) The City shall maintain agreements with the special districts and the County to plan for the long-term provision of services within the City's Urban Services Area.

Action 1: An Urban Services Boundary shall be established to identify the urban unincorporated area that the City is to consider in planning for urban public facilities and services and for future annexation.

Action 2: Adopt the East Beaverton Urban Services Agreement that will establish an interim Urban Services Area when the involved parties have reached agreement. This agreement shall be adopted as part of this Element by reference.

Action 3: Finalize the Urban Services Boundary between Beaverton and Hillsboro and adopt an Urban Services Agreement establishing the permanent Urban Services Area. This agreement shall be adopted as part of this Element by reference.

Action 4: Work with Washington County to maintain an up-to-date Washington County - Beaverton Urban Planning Area Agreement as needed.

- b) The City shall work cooperatively with service providers within its Urban Services Area in the development of master plans that are elements of the City's Public Facility Plan, so as to prescribe the most effective and efficient long-term methods of providing each service.
- c) The City will involve owners of properties and residents in the unincorporated portion of its urban services area in planning for facilities and services.
- d) The City shall seek to eventually incorporate its entire Urban Services Area.

5.4 STORM WATER AND DRAINAGE

The storm water collection and treatment system maintained by the City consists of inlets and pipe systems, regional detention facilities, streams and their adjacent riparian corridors, wetland areas, and habitat benefit areas. Many streams, habitat benefit areas, and wetland areas are located on

private or park district property and are not actively maintained.

Pursuant to the current intergovernmental agreement (IGA) with CWS, ownership and maintenance of facilities operated by CWS are transferred permanently to the City for all areas annexed to the City. The current IGA with CWS establishes certain maintenance service levels that the City follows and may be amended from time to time as allowed by the IGA.

Urban storm water runoff is a major water quantity and quality issue affecting Beaverton area streams. As development continues, the magnitude of this problem can increase without proper mitigation.

Predevelopment or natural hydrologic function is the relationship among the overland and subsurface flow, infiltration, storage and evapotranspiration characteristics of the landscape. Sustainable stormwater management avoids and minimizes impacts to natural resources by protecting native vegetation and natural hydrologic function. A sustainable system mimics natural water flow by minimizing land disturbances and incorporating natural landscape features into a development.

The process of planning, design, construction, and maintenance of storm water run-off facilities is more difficult and expensive when an area is already developed. The management of storm water run-off is a problem that crosses jurisdictional boundaries. The City of Beaverton has worked with CWS to conduct storm water planning, implement storm water utility and system development charge funding methods, develop design standards for storm water facilities and execute agreements for storm water facility operation and maintenance. In addition, the City contracts with CWS for regional stream system water testing and federal/state permitting such as the National Pollution Discharge Elimination System (NPDES) Permit.

In 1990, CWS's jurisdiction was expanded from exclusively sanitary sewer service to include storm water. The State Legislature officially authorized formation of CWS's Surface Water Management (SWM) program on July 23, 1990, to more effectively deal with the quantity (associated with flooding) and quality of urban surface (storm) water runoff. The Oregon Department of Environmental Quality and the U.S. Environmental Protection Agency had previously established strict regulations on water quality to control the pollutants that were being carried directly into streams and rivers. CWS in concert with other cities implemented the Surface Water Management utility to address the new regulations that affected the urbanized portion of Washington County (which includes all of Beaverton's assumed Urban Services Area). This was the first time that surface water runoff was administered regionally in Washington County. At the time that CWS formed the SWM program, the City of Beaverton and Washington County had long recognized and developed drainage systems to convey storm water and control flooding. Today, the City continues to own and operate the storm water conveyance system and non-regional detention basins within the City limits.

The CWS SWM program focuses on controlling pollution at the source thus reducing the sediments and pollutants that enter receiving streams and the Tualatin River. Preventative measures like using natural and artificial filtration systems, cleaning streets and catch basins, and building holding basins for quantity and quality detention are used. There are also rules for erosion

at construction sites, floodplains and wetlands. These methods and many more are currently being used by CWS and cities to effectively control flooding and reduce pollutant loads carried by receiving streams and the Tualatin River.

The City of Beaverton has been involved in a number of studies over the last several years relating to storm water planning and development of storm water design standards. These studies include:

Storm Water Planning

- Millikan Subbasin Drainage Analysis, August 2000, David Evans and Associates
- Beaverton Creek Watershed Management Plan, June 1999, Brown & Caldwell (CWS with City of Beaverton)
- Analysis of the Central Interceptor Drainage System, June 1999, Economic and Engineering Services
- Murray Scholls Town Center Master Plan, April 1998, Zimmer Gunsul Frasca Partnership
- Westside Interceptor Storm Drainage Project, December 1997, KCM
- Fanno Creek Watershed Management Plan, June 1997, Kurahashi & Associates (CWS with City of Beaverton)
- Carrying Capacity Analysis and Capital Improvement Plan for the Beaverton Regional Center and Tek Station Area, December 1996, KCM
- Subbasin Strategies Plan for Rock, Bronson and Willow Creeks, March 1996 (CWS with City of Beaverton)
- The most recent version of The City of Beaverton, Drainage Master Plan

Storm Water Design Standards

- City of Beaverton – Engineering Design Manual and Standard Drawings. CWS standards entitled “*Design and Construction Standards for Sanitary Sewer and Surface Water Management*” are incorporated by reference from the Beaverton Design Standards.

5.4.1 Goal: Ensure long-term provision of adequate storm water management within existing City limits and areas to be annexed in the future.

Policies:

- a) The City shall continue to participate in the CWS’s Surface Water Management (SWM)

program for the urban portion of the Tualatin River watershed. The City shall retain responsibility for planning, construction and maintenance of portions of the local storm water facilities within its incorporated limits.

***Action 1:** To facilitate and encourage low impact development techniques consider a reduction in SWM fees and Systems Development Charges (SDC) in proportion to the effective impervious area on site.*

- b) On-site detention will be used as a storm water management tool to mitigate the impacts of increased storm water run-off associated with new land development.

***Action 1:** Develop programs and adopt and apply regulations allowing and encouraging habitat friendly development practices and low-impact development techniques to reduce the impacts of storm water run-off.*

***Action 2:** If a SWM fee or SDC reduction program is implemented, include a biannual or annual monitoring program to allow for follow-up maintenance. If the area is not maintained then the property owner must pay the SWM and SDC fees and build a new structure to accommodate the water quality and quantity issues on site.*

- c) All new land development will be connected to a storm water drainage system. Each new development will be responsible for the construction or assurance of construction of their portion of the major storm water run-off facilities that are identified by the SWM program as being necessary to serve the new land development.

5.5 POTABLE WATER

The City operates and maintains a system for the storage and distribution of potable water within a service area that includes the majority of its residents. Several areas along the easterly boundary of the City are served by the West Slope Water District (WSWD), Raleigh Water District (RWD) or Tualatin Valley Water District (TVWD). Similarly, in the northern and western portions of the City, several areas receive water from the Tualatin Valley Water District. The water provider service areas are shown on Figure V-2.

In 1979, the City entered into a joint service agreement with the Cities of Forest Grove and Hillsboro to establish joint operations for the water supply, pumping, treatment and transmission. In conjunction with this agreement, the City constructed new transmission lines, several new reservoirs, and other improvements to the water system. The agreement was amended in 1994 to add the Tualatin Valley Water District. The joint facilities are administered by the Hillsboro - Forest Grove – Beaverton - Tualatin Valley Water District Joint Water Commission. The Joint Water Commission consists of twelve members with three members appointed by each agency. This joint system obtains raw water (prior to treatment) from the Trask and Tualatin Rivers with raw water storage in Barney Reservoir and Hagg Lake. Treatment is at the Joint Water Commission Treatment Plant located south of Forest Grove. Treated water is conveyed to Beaverton from the plant through 45, 42 and 36-inch transmission pipes.

The West Slope Water District, Raleigh Water District and a portion of the Tualatin Valley Water

District purchase their water from Portland's Bull Run system. Most of this water is delivered by way of the 60-inch Washington County supply line that comes from the Powell Butte reservoir in east Portland. The City has separate intergovernmental agreements for water supply with the Tualatin Valley Water District and West Slope Water District. The agreements establish obligations and boundaries between the parties.

The following documents set forth the City of Beaverton's water service plan, method of financing and maintenance program:

Water System Planning

- Fire Hydrant Replacement Program, Phase 1 Beta Test, Phase 1 Preliminary Prioritization, June 2000, Murray, Smith and Associates, Inc.
- Technical Memorandum, Fire Hydrant Replacement Program Prioritization, Phase 1 and 2 Summary, June 1, 2000.
- Regional Water Providers Consortium Regional Transmission and Storage Strategy, Board Discussion Draft Report, February 22, 2000, Montgomery Watson
- SW 155th Avenue Reservoir Preliminary Siting Evaluation, November 10, 1999, Murray, Smith and Associates, Inc.
- Joint Water Commission, Water Management Plan Final Report, August 1998, Montgomery Watson
- Murray Scholls Town Center Master Plan, April 1998, Zimmer Gunsul Frasca Partnership
- Carrying Capacity Analysis and Capital Improvement Plan for the Beaverton Regional Center and Tek Station Area, December 1996, KCM
- Regional Water Supply Plan for the Portland Metropolitan Area, Final Report, October 1996, Prepared by the Water Providers of the Portland Metropolitan Area
- Report for Phase I, Joint Infrastructure Planning Project for City of Beaverton and Tualatin Valley Water District, March 1993, Murray, Smith and Associates
- Report for Phase II, Joint Infrastructure Planning Project for City of Beaverton and Tualatin Valley Water District, June 1993, Murray, Smith and Associates
- Cooper Mountain Water Storage Tank, July 17, 1992, OTAK, Inc.
- Modeling TVWD/Beaverton Water System on Cooper Mountain, April 13, 1992, OTAK, Inc.
- The most recent version of the Water System Facility Plan

Water System Design Standards

- City of Beaverton – Engineering Design Manual and Standard Drawings

5.5.1 Goal: *The City shall continue to participate in the Joint Water Commission and work with the West Slope, Raleigh and Tualatin Valley Water Districts to ensure the provision of adequate water service to present and future customers in Beaverton.*

Policies:

- a) All new land development (residential subdivisions, multiple family dwelling development, and industrial and commercial developments) shall be connected to a public water system.
- b) All new development served by the Beaverton Water Division shall be reviewed by the City to determine that the pressure of water available to serve the proposed development meets City standards.
- c) The City shall encourage water conservation consistent with current intergovernmental agreements, to prolong existing supplies and to help postpone water system capacity improvements needed to supply expected future demands as a result of projected population increases.

Action 1: The City shall consider establishing a wellhead protection program.

- d) The City will comply with State and federal laws and regulations relating to potable water.

5.6 SANITARY SEWER

The City owns and maintains the wastewater collection system (all pipes 21-inches and smaller) within its incorporated limits and conveys flows to a trunk interceptor system that is owned and maintained by the sewer treatment service provider, CWS. CWS is a special district that was established in eastern Washington County to provide sanitary sewer service in a coordinated and economic manner necessary to meet federal, state, and regional water quality regulations. The City contracts with CWS for sanitary sewerage treatment, trunkline conveyance service, development of regional minimum design standards for sanitary sewer systems and regulation of industrial discharge permits. The National Pollution Discharge Elimination System Permit (NPDES) permit is held by CWS.

Pursuant to the current intergovernmental agreement (IGA) with CWS, ownership and maintenance of collection pipes 21-inches and less operated by CWS are transferred permanently to the City for all areas annexed to the City. The current IGA with CWS establishes certain maintenance service levels that the City follows and may be amended from time to time as allowed by the IGA.

The City's collection system directs flow to sewer trunk lines that convey the flow to two treatment plants: the Durham Treatment Plant and the Rock Creek Treatment Plant. Flows from Downtown Beaverton as well as the easterly and southerly areas of the City are conveyed to the Durham Plant located on the north side of the Tualatin River south of Tigard. Flows from the westerly portion of the City are directed to the Rock Creek Plant near Hillsboro.

The following documents set forth the City of Beaverton's sewer service plan and maintenance program:

Sewer System Planning

- Clean Water Services Conveyance System Management Study, Final Draft Report, November 1998, Shaun Pigott Associates
- Murray Scholls Town Center Master Plan, April 1998, Zimmer Gunsul Frasca Partnership
- Carrying Capacity Analysis and Capital Improvement Plan for the Beaverton Regional Center and Tek Station Area, December 1996, KCM
- Clean Water Services of Washington County, Sewer System Master Plan Update 1995, David Evans and Associates
- The most recent version of The City of Beaverton Sanitary Sewer Master Plan

Sewer System Design Standards

- City of Beaverton – Engineering Design Manual and Standard Drawings. CWS standards entitled “*Design and Construction Standards for Sanitary Sewer and Surface Water Management*” are incorporated by reference into the Beaverton Design Standards.

5.6.1. Goal: The City shall continue to cooperate with CWS to ensure long-term provision of an adequate sanitary sewer system within existing City limits and areas to be annexed in the future.

Policies:

- a) All new land development (residential subdivisions, and multiple family dwelling, industrial, and commercial developments) shall be connected to the City sewer system.
- b) When sewer service is extended into an area that contains existing development, all existing habitable buildings shall be connected to the new sewer if they are within 100 feet of the sewer line and if gravity lateral sewer lines can serve them.

5.7 SCHOOLS

The need for and location of schools is closely related to residential development and housing densities in the community. The location of public schools can significantly influence the direction and rate of growth of a given area. This is especially true of elementary schools. Beaverton School District #48J (the District) is responsible for providing public schools in the community. In order to assist the District with monitoring enrollment potential, the City provides the District with information on development proposals that may potentially impact a present or future school site and the capacity of existing schools. (Ord 4567, Ord #TBD)

The District is required, by State Statute (ORS 195.110), to adopt a School Facility Plan to identify school facility needs based on population growth projections and land use designations contained in local government comprehensive plans covering the area within the District. The School Facility Plan is a supporting document to this Comprehensive Plan and is adopted by reference. The District adopted the “Beaverton School District Long-Range Facility Plan 2021” on May 26, 2021, which is incorporated into this Element by reference. The District is responsible for planning its own facilities and the City may only cooperate and advise them in this process. (Ord. 4289, Ord 4567, Ord #TBD)

State Statute (ORS 195.110(9)(a) requires the City to accept the District’s formally adopted school capacity criteria as its own for purposes of evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment. Additionally, State Statutes (ORS 195.110(13) allows the City to deny a residential development request based on a lack of school capacity. The Statute also requires the City to provide notice to the “...District when considering a plan or land use regulation amendment that significantly impacts school capacity.” The City has gone beyond this minimal requirement in attempting to inform and assist the District regarding their facilities planning and the development of the School Facilities Plan. (Ord. 4289, Ord 4567, Ord #TBD)

5.7.1 Goal: Cooperate with the Beaverton School District in its efforts to provide the best possible educational facilities and services to Beaverton residents.

Policies:

- a) The City shall encourage the School District to provide facilities that will adequately accommodate growth while recognizing the limited supply of buildable land in the city for such facilities.
- b) Schools should locate within or adjacent to residential districts for the convenience of those the facilities serve. However, public and private school proposals should be assessed for compatibility in order to assure that the stated purposes of the residential districts are not unnecessarily eroded.
- c) The City shall encourage the District to provide for schools throughout the City in locations that are easily accessible to those they are intended to serve.

- d) The City shall work cooperatively with the School District in implementation of the Comprehensive Plan through the District's various programs, joint acquisition and development efforts.
- e) The City shall notify the school district of development proposals that may potentially impact a present or future school site to allow the district the opportunity to comment, purchase or request dedications.
- f) The City shall notify the School District when considering Comprehensive Plan or land use regulation amendments that may significantly impact school capacity.
- g) The City shall encourage the School District and the Tualatin Hills Park and Recreation District (THPRD) to continue their excellent level of cooperation in the joint acquisition, development and use of facilities for educational and recreational purposes.

5.8 PARKS AND RECREATION

Parks and recreation facilities are basic and essential for the health and welfare of the community. The City coordinates the land use aspects of locating these facilities but does not predetermine sites. Location and improvement decisions for these types of facilities are the responsibility of the Tualatin Hills Park and Recreation District (THPRD), which is the parks and recreation provider for the City of Beaverton.

As Beaverton and the Metro area become more densely developed, the number, location, size and quality of parks and recreation facilities have become increasingly more important. The demand for these facilities has been brought about in part by a higher standard of living; more leisure time resulting from such things as shorter work weeks, earlier retirement, and increasing life span; higher densities of development and a continuing emphasis on health and exercise. The by-products of urbanization in terms of congestion, air pollution and noise have also created a greater awareness of the need for open space in the urban environment. An adequate park and recreation system contributes to the physical and mental health of the community and can be a source of community pride.

As features in the urban landscape, parks improve the character of neighborhoods and tend to stabilize and improve property values. Also, many businesses and industries seek locations with a high level of environmental quality as a means of increasing their ability to attract and retain a stable and productive work force. THPRD facilities are available to residents of the district, to employees who work in the district and to others by paying an out of district fee. With improved transportation systems giving greater flexibility for business and industrial site selection, a well-developed park and recreation system can be an important factor in attracting such developments to the community.

THPRD is a special service district with its own elected five-member Board of Directors and taxing authority. THPRD was established in 1955. THPRD's boundary includes almost all of Beaverton's Urban Services Area. THPRD has developed an acquisition and development plan pursuant to the adopted Tualatin Hills Park & Recreation District 20-Year Comprehensive and

Trails Master Plans, which are adopted here by reference. In addition to donations and outright purchases, the THPRD works with the City and Washington County through the land development process to obtain sites by dedication.

The THPRD’s plan recognizes different types of park and recreation facilities including regional, neighborhood, community and specialty parks, school parks, recreational/aquatic center, multi-use trail system plan, off-street trail corridors and natural areas along streams. These descriptive park designations relate to the function or character of the parks shown on THPRD's 20-Year Comprehensive Park & Recreation and Trails Master Plans. As the area grows, opportunities will occur in addition to those shown on the plan. Each should be evaluated in terms of conformance with this plan’s goals and policies and those of the THPRD 20-Year Comprehensive Park & Recreation and Trails Master Plans.

The City has declared that THPRD is the park and recreation provider for the City. Almost all of the City’s current land area is in the district. Statewide Planning Goal 11: Public Facilities and Services requires cities and counties: “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” This requirement for urban areas includes recreation facilities and services. Beaverton has complied with this requirement by cooperating and coordinating with THPRD and by adopting their Plans into this Comprehensive Plan by reference. The City does provide some park and recreation facilities but it has no intention of being the primary provider of these facilities or services. Most of Beaverton’s unincorporated Urban Service Area is in THPRD. Some of Beaverton’s Urban Services Area is not in THPRD and since the City does not intend to be the primary parks and recreation provider to those areas they need to annex to the THPRD, if they develop in the City. To comply with Goal 11 the City will require the owners of property that is proposed for development or redevelopment but not in THPRD, to annex to the District and pay THPRD System Development Charges unless it can be demonstrated the development will provide park land, recreation facilities and services at a level that is similar to that provided by THPRD.

The Portland General Electric (PGE)/Bonneville Power Administration (BPA) transmission lines provide opportunities for open space and trail corridors in the community. These rights-of-way will not be converted to intensive urban land uses in the foreseeable future.

5.8.1 Goal: Cooperate with THPRD in implementation of its 20-Year Comprehensive Master Plan and Trails Master Plan in order to ensure adequate parks and recreation facilities and programs for current and future City residents.

POLICIES:

- a) The City shall support and encourage THPRD efforts to provide parks and recreation facilities that will accommodate growth while recognizing the limited supply of buildable land in the city for such facilities.
- b) The City shall encourage THPRD to provide parks and recreation facilities throughout the City

in locations that are easily accessible to those they are intended to serve.

- c) The City shall support and encourage acquisition of park and recreation sites in advance of need so that the most appropriate sites are available for these vital public facilities.

***Action 1:** The City shall work with THPRD to further explore opportunities for mixing public park and recreation activities with revenue-generating public/private partnerships such as restaurants, recreation and aquatic centers, sports complexes, or other concession activities, in order to help finance recreation programming, park acquisition, and maintenance.*

- d) The City shall notify THPRD of development proposals that may potentially impact a present or future park site to allow the district the opportunity to comment, purchase or request dedications.
- e) A number of financial incentives exist to encourage private property owners to donate, dedicate, or provide easements for resource preservation, park, trail or open space use. The City shall work cooperatively with property owners and THPRD to maximize the use of these tools for the benefit of the community.

***Action 1:** The City shall develop a program to encourage preservation and restoration of habitat benefit areas in cooperation with THPRD.*

- f) To offset increased densities and to meet the needs of the population, the City and THPRD should work together to provide urban scale public spaces in regional centers, town centers, station communities and main street areas within the city.
- g) The planning, acquisition and development of multi-use paths should be consistent with this Plan's Transportation Element and THPRD's Trail Master Plan.
- h) The City shall encourage park acquisition and appropriate development in areas designated as Significant Natural Resources, as defined by Volume III of this Comprehensive Plan.
- i) THPRD is the park and recreation provider for the City of Beaverton and the City desires that all property within its boundaries be within THPRD's boundaries.

***Action 1:** Amend the Development Code to require owners of properties applying for a conditional use, design review or land division to annex to THPRD and to pay THPRD's System Development Charges.*

5.9 POLICE

The Beaverton Police Department is a full service agency that operates under the community-oriented policing principle. The police department is comprised of over 130 men and women (circa year 2000). In addition to enforcement of all federal, state, and local laws; Police Department personnel respond to non-criminal calls for assistance. The department utilizes planning and research to maximize use of current technology, participates in the development of law enforcement legislation and interagency operations to combat regional crime problems, and

encourages and coordinates citizen crime prevention efforts through various methods and programs. Continuing education within the force has become increasingly important in order to respond appropriately to changes in society. Changes in the cultural mix of the City's population and the nature of crimes, for example, increased incidents of "white collar" crimes, may require modification of current methods. Operating under a community oriented policing and problem solving philosophy, the Department is guided in their efforts by the following mission statement:

“The Beaverton Police Department shall provide the highest quality service, preserving human rights, lives, and property, while striving to achieve the goals of the department, the City, and the community. We are committed to the highest professional standards, working in partnership with our citizens to problem solve and meet the challenges of reducing crime, creating a safer environment, and improving our quality of life.”

This philosophy and organizational strategy is based on forging a partnership between the police and the community for the purpose of working together to solve problems of crime and fear of crime and disorder to enhance the overall quality of life in the community's neighborhoods. Community oriented policing shifts the focus of police work from handling random calls, to solving community problems. To further this philosophy, the City has established a policy of providing 1.5 officers per thousand population. This policy was established after careful study to determine the optimal level of officers needed to provide normal police protection and community outreach in line with the City's financial restraints. City voters supported this policy in 1996, with their approval of a tax levy to fund maintaining the ratio of 1.5 officers per 1,000 population.

5.9.1 Goal: Provide full service police protection to the City's incorporated area and to new areas as they are annexed.

Policies:

- a) The City shall endeavor to provide one and a half (1.5) uniformed officers per 1000 population.
- b) Apply an integrated, department-wide program of identifying problems, analyzing causation, developing resource strategies, and assessing results as a means of long-term problem solving within the community.

Action 1: Provide drug and gang education and resistance programs in the community through teaching in the schools, Beaverton Youth Peer Court, adult awareness programs, community talks, and other related programs.

Action 2: Provide the community with crime prevention education as part of efforts to expand community policing.

Action 3: Target problem times and locations, and deploy police personnel to effect a positive change in our traffic flows and accident potentials.

Action 4: Continue the City's Police Department's participation in meeting with and regularly informing Neighborhood Association Committees (NACs).

- c) Be aggressively proactive in the investigation of narcotics and gang-related crimes.
- d) Aggressively investigate and pursue prosecution of violent crimes, such as sex abuse, child abuse, and homicide.
- e) Proactively train Police Department personnel so as to maximize their knowledge, skills and abilities. Challenge and empower them by delegating responsibility.
- f) Provide equipment and facilities of a standard that will make the organization operate efficiently and effectively in a safe, professional, and pleasant work environment.
- g) Promote cooperation, communication, and the sharing of vital information among other agencies and internally. Address opportunities as a team.

Action 1: Continue the City's participation in the first responder agreement with Washington County.

5.10 FIRE AND EMERGENCY MEDICAL SERVICES

The City has designated the Tualatin Valley Fire and Rescue District (TVF&RD) to be the service provider for fire and emergency medical services for Beaverton. The City no longer provides its own fire protection and emergency medical services. Rather, in 1996, the City annexed to TVF&RD, Oregon's largest fire district, for such services. As a result, the District levies its tax rate within the City and the City no longer levies taxes for these purposes. The district's elected five-member board of directors provides policy direction in the area of fire and emergency services.

The district operates two stations within, and a number of stations in close proximity to, the City. Recently, the District constructed a new main fire station on Farmington Road to better serve the City's residents. Another new facility, combined with recent modifications to the District's deployment strategies, has markedly improved fire and emergency medical services since the annexation.

5.10.1 Goal: Cooperate with TVF&RD to insure adequate fire and emergency medical services for the current and future residents of the City.

Policies:

- a) Retain TVF&RD as the provider of fire and emergency medical services for the entire City

of Beaverton incorporated area.

- b) The City shall cooperate with TVF&RD in the siting of new facilities.
- c) The TVF&RD shall enforce the Uniform Fire Code for existing buildings and the City shall enforce it for new construction.
- d) The City shall adopt and enforce the State Building Code.

***Action 1:** The City shall adopt and enforce an optional element of the State Building Code that requires automatic fire sprinkler systems for apartments buildings over one story or with more than sixteen (16) units for new construction.*