

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 City Engineering 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 Planning Commission public hearing or City Council consideration. The Planning Commission and City Council have the right to accept, reject or modify any specific request for amendment in accordance with the City's policies and procedures. The Planning Commission or 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. If the decision to modify a requested amendment is made after public hearing notice has been provided, the notice shall be reissued and, if necessary, the hearing rescheduled.

1.1.2 Property Owner-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing. The Planning Commission and City Council reserve the right to approve, approve with conditions, 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 Mayor. 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



Beaverton City Hall

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.

Beaverton Downtown Historic District



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 UPAA 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)).

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

*Neighborhood Association
Committee members*



- (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)

Beaverton Main City Library



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.

*Highland Neighborhood
Association Committee*



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;

*Planning staff testifying
before Planning Commission*



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;

Meeting between the City of Beaverton and Washington County Community Participation Organization-7



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;



Greenway Park is one of the natural resource areas included in city's Statewide Planning Goal 5 Inventory.

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, DLCDD, 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 casefile 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. 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.

1.5.2 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.

1.5.3 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

Fanno Farmhouse, a historic landmark designed and built in 1859, is listed on the National Registry of Historical Places.



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.

City Council Hearing with Mayor Denny Doyle, 2017



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 tape.
 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.

Planning Commission Hearing



- 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 City Council as described in 1.7.; 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. If the Planning Commission recommends approval, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.
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 record ("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 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.

- H. 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.

City Council Hearing with
Mayor Denny Doyle, 2017



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 City Council 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 City Council 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 City Council 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 tape.
 8. States any time limits for testimony set by the City Council at the beginning of the hearing.
- I. After the aforementioned announcements, the Mayor shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.

Planning Commission Hearing



- J. After the presentation of the staff report, the Mayor shall call for the applicant's testimony, if the City is not the applicant.
- K. 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.
- L. 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.
- M. The Mayor shall offer staff an opportunity to make final comments and answer questions.
- N. 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:

- O. 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.
- P. 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.

- a. 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.
- b. 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 record ("persons of record"). The written notice shall include the following information:
 - i. A statement indicating the Web page address on which the City Council decision may be viewed and downloaded.
 - ii. 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

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 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:
- D. Within five (5) working days from the date that 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.

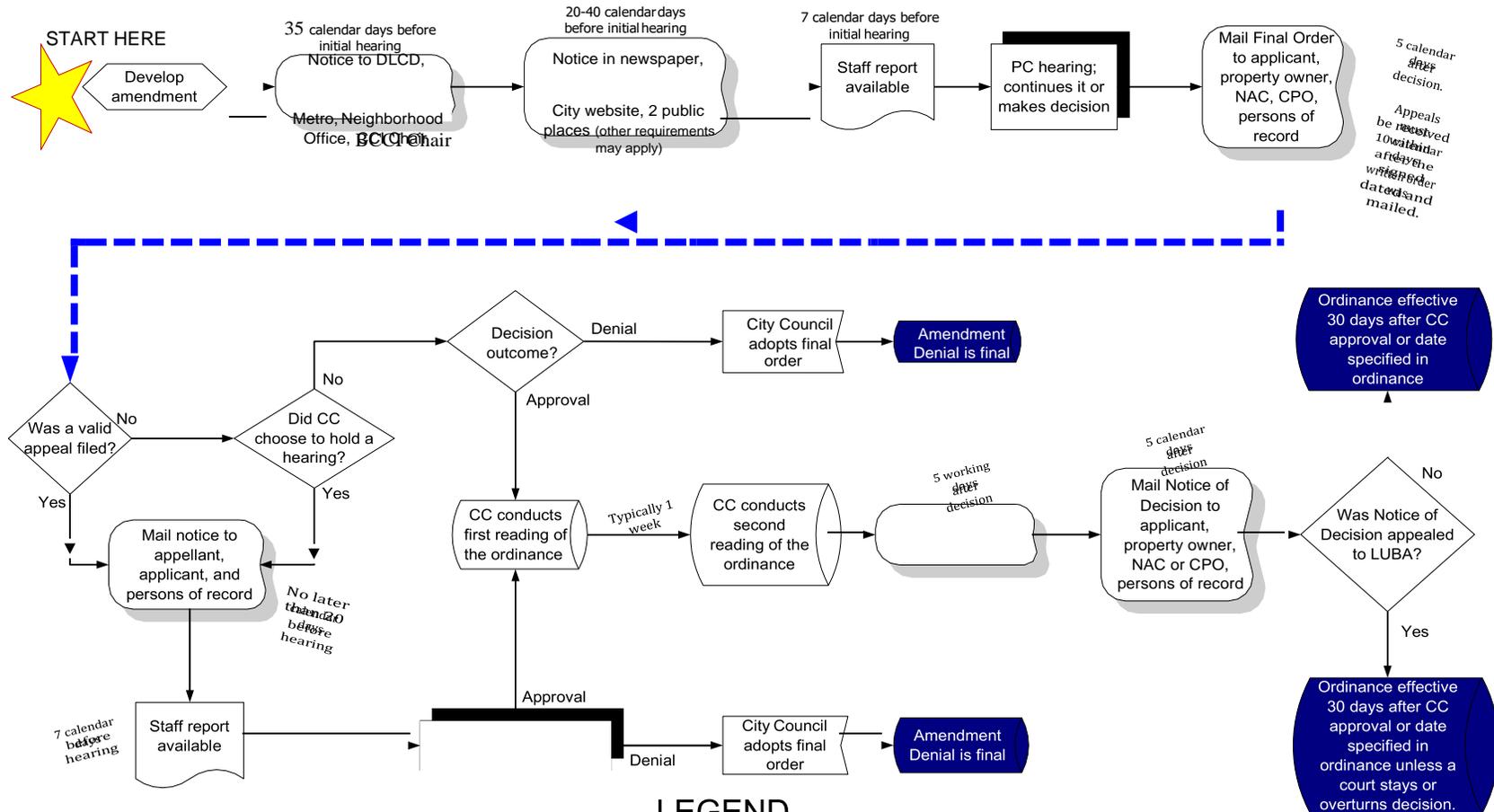
The following diagrams, Diagram I-1 through I-4, are intended for illustrative purposes only and are not adopted as procedural requirements within this ordinance. Thus, periodic updates to Diagrams I-1 through I-4 will not require a Comprehensive Plan Amendment.

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.

**Diagram I-1
Legislative Process**



LEGEND



DLCD: DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
 BCCI: BEAVERTON COMMITTEE FOR COMMUNITY INVOLVEMENT
 PC: PLANNING COMMISSION
 NAC: NEIGHBORHOOD ASSOCIATION COMMITTEE
 CPO: COMMUNITY PARTICIPATION ORGANIZATION

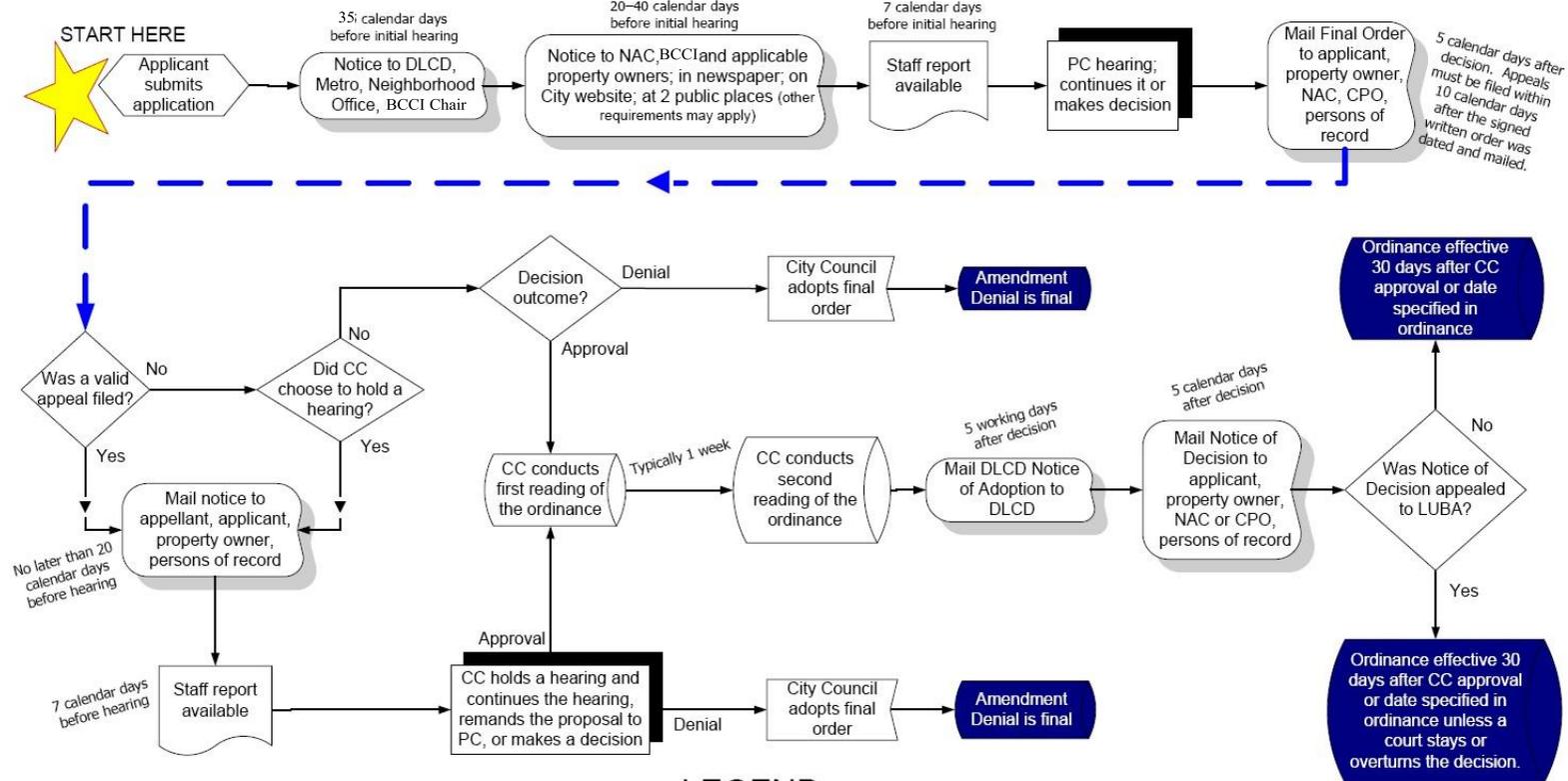
3/15/06 Supp SR

CC: CITY COUNCIL

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

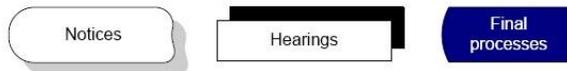
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**Diagram I-2
Quasi-Judicial Process**



DLCD: DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
 BCCI: BEAVERTON COMMUNITY CITIZEN COMMUNITY INVOLVEMENT
 PC: PLANNING COMMISSION
 NAC: NEIGHBORHOOD ASSOCIATION COMMITTEE
 CPO: COMMUNITY PARTICIPATION ORGANIZATION
 CC: CITY COUNCIL

LEGEND

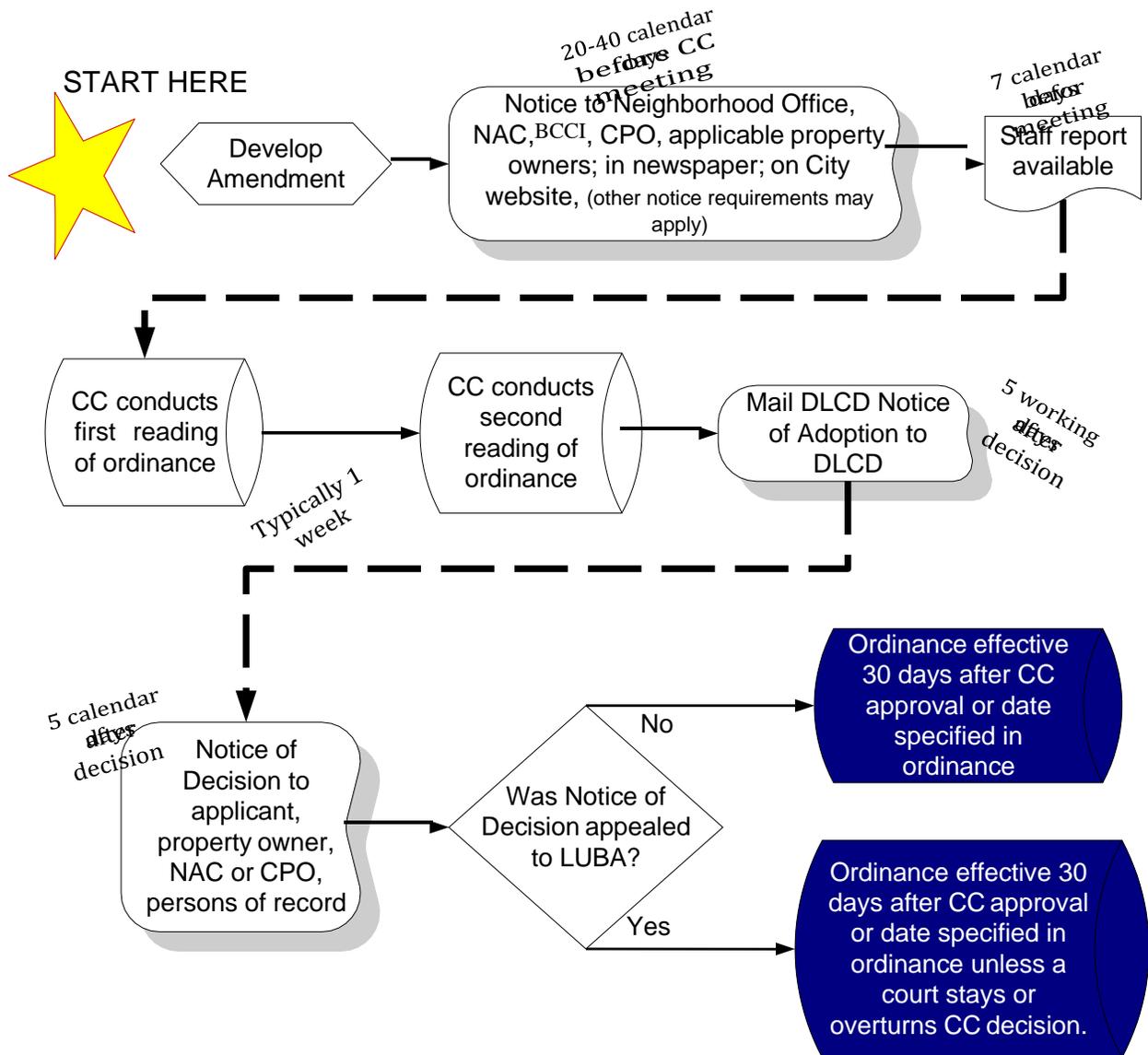


3/15/06 Supp SR

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

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Diagram I-3 Non-Discretionary Process



LEGEND

DLCD: DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
 BCCI: BEAVERTON COMMITTEE FOR COMMUNITY INVOLVEMENT
 CPO: COMMUNITY PARTICIPATION ORGANIZATION
 NAC: NEIGHBORHOOD ASSOCIATION COMMITTEE
 PC: PLANNING COMMISSION
 CC: CITY COUNCIL

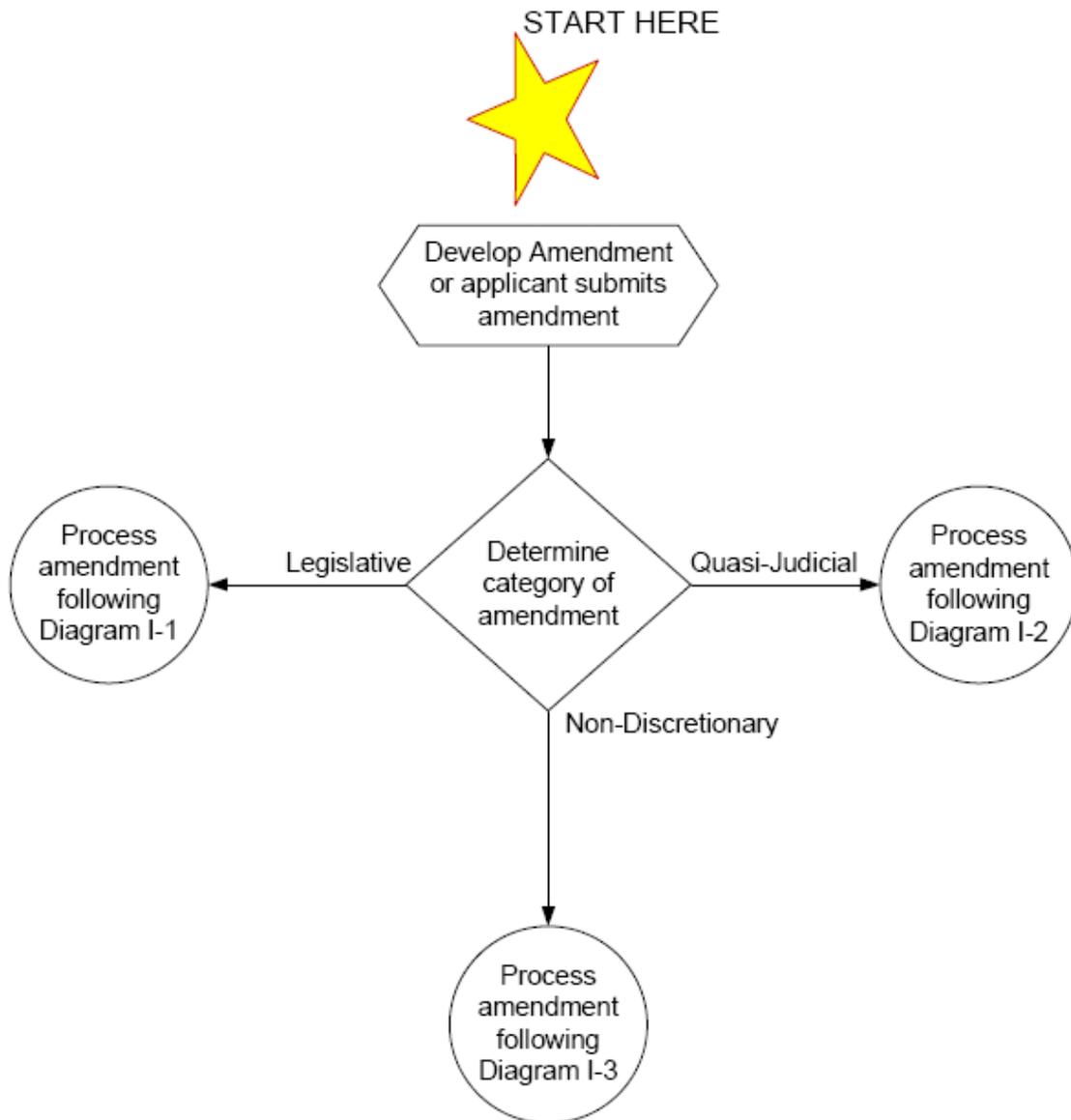
3/15/06 Sup SR



Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

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Diagram I-4 Statewide Planning Goal 5 Inventory Resource Document Process



3/15/06 Sup SR

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.