



ANALYSIS OF THE PROPOSED  
 AMENDMENTS TO THE BEAVERTON DEVELOPMENT CODE  
 CHARTER IMPLEMENTATION TEXT AMENDMENT

Proposed Text Amendment	Staff Comments
<b>Chapter 10 - General Provisions</b>	
<p><b>10.40. Annexation.</b></p> <p>3.B. For parcels where Table 1 in Section 1.5.2. of the Comprehensive Plan does not identify a specific City zone and discretion is required, a public hearing shall be held pursuant to Section 40.97.15.4. (Discretionary Annexation Related Zone Change) of this Code. The Planning Commission may conduct the public hearing on the zone change unless State law requires the City Council to hold a public hearing in which case the <del>zoning map amendment</del> hearing will be conducted by the City Council <u>in accordance with Section 50.50</u> and the Planning Commission hearing will not be required.</p>	<p>Charter requires a hearing at Council.</p>
<p><b>10.65. Conditions of Approvals</b></p> <p>3. <u>Contract for Conditions.</u> When the approval requires a contract, conditions may be set forth in a contract executed between the City, acting by and through the <del>Mayor</del> <u>City Manager</u>, and the property owner and any contract purchasers, and approved as to form by the City Attorney. If a contract is required, no development permits in connection with approval shall be issued until the properly executed contract is recorded with the Department of Records and Elections of Washington County at the expense of the applicant. The condition, as set forth in the contract and recorded, shall constitute a covenant running with the land in favor of the City of Beaverton and, unless otherwise provided, shall be removed only with the express authorization of the City Council. In return for the granting of the application, the property owner, contract purchasers and their heirs, successors and assigns shall be responsible for performing the conditions set forth therein. Said contract shall contain provisions that it is enforceable against the signing parties, their heirs, successors and assigns by the City by appropriate legal proceedings.</p>	<p>Updated role reflecting provisions of the City Charter.</p>

<p><b>10.70. Enforcement.</b></p> <p>1. <u>General.</u> It shall be the duty of the <del>Mayor-City Manager</del> to enforce the provisions of this Code. The term, "this Code", means not only the provisions expressed herein but also the conditions or terms of any permit, certificate, license or approval granted pursuant to this Code. The <del>Mayor-City Manager</del> may use the resources of any City department to assist in carrying out the City's responsibilities under this section.</p>	<p>Updated role reflecting provisions of the City Charter.</p>
<p><b>10.70. Enforcement</b></p> <p>5. <u>Injunctive Relief.</u> Upon request of the <del>Mayor-City Manager</del>, the City Attorney may institute a suit in equity in the Circuit Court of the State of Oregon to enjoin the maintenance of any use, occupation, building or structure or any activity being conducted or proposed to be conducted in violation of any provision of this Code.</p>	<p>Updated role reflecting provisions of the City Charter.</p>
<p><b>10.75. Administrative Rules.</b></p> <p>1. The <del>Mayor-City Manager</del> may promulgate such rules and regulations as <del>he</del> <u>they</u> considers necessary to facilitate the administration and interpretation of this Code.</p>	<p>Updated role reflecting provisions of the City Charter.</p> <p>Updated language to be gender neutral.</p>
<p><b>10.95 Development Review Participants</b></p> <p><b>City Council</b></p> <p>1.A. <u>Membership.</u> The City Council is composed of <del>five a mayor and six councilors nominated and</del> <u>from the city</u> elected at large to serve a four-year term.</p>	<p>The Charter provides for additional council seats, from five seats, to a mayor and six council seats.</p>
<b>Chapter 20 – Land Use</b>	
	<p>No revisions proposed.</p>
<b>Chapter 30 – Nonconforming Uses</b>	
	<p>No revisions proposed.</p>
<b>Chapter 40 – Applications</b>	
<p><b>40.75.15 Street Vacation</b></p> <p>1.D. <u>Submission Requirements.</u> An application for a Street Vacation shall be made by the owner of property abutting the right-of-way or easement, or the owner's authorized agent, the City Council,</p>	<p>Updated role reflecting provisions of the City Charter.</p>

<p><del>Mayor City Manager</del>, or their designee on a form provided by the Director and shall be filed with the Director. The Street Vacation application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.</p>	
<p><b>40.85.15 Text Amendment</b></p> <p>1.D <u>Submission Requirements.</u> An application for Text Amendment to the City’s Development Code shall be initiated by the City Council, <del>Mayor City Manager</del>, the Director, or any interested person on a form provided by the Director and shall be filed with the Director. The Text Amendment application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.</p>	<p>Updated role reflecting provisions of the City Charter.</p>
<p><b>40.97.15 Zoning Map Amendment</b></p> <p><b>Quasi-Judicial Map Amendment</b></p> <p>1.D <u>Submission Requirements.</u> An application for Quasi-Judicial Zoning Map Amendment to the City’s zoning map shall be made by the owner of the subject property, or the owner’s authorized agent, the City Council, <del>Mayor City Manager</del>, or their designee on a form provided by the Director. All Quasi-Judicial Zoning Map Amendment applications shall be filed with the Director and shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.</p>	<p>Updated role reflecting provisions of the City Charter.</p>
<p><b>40.97.15 Zoning Map Amendment</b></p> <p><b>Legislative Zoning Map Amendment</b></p> <p>2.D. <u>Submission Requirements.</u> An application for Legislative Zoning Map Amendment to the City’s zoning map may only be initiated by the City Council, <del>Mayor City Manager</del>, or their designee. All Legislative Zoning Map Amendment applications shall be filed with the Director and shall be accompanied by the information required by the application form, and by Section 50.25.</p>	<p>Updated role reflecting provisions of the City Charter.</p>

(Application Completeness).	
<b>Chapter 50 - Procedures</b>	
<p><b>50.05 Initiation of an Application</b></p> <p>1.B. The City Council, <del>Mayor, City Manager,</del> or Director, as to property owned by the City, including public right of way and easements, or which the City intends to acquire.</p>	Updated role reflecting provisions of the City Charter.
<p><b>50.05 Initiation of an Application</b></p> <p>2. A Text Amendment application subject to a Type 4 procedure may be filed by an interested person, City Council, <del>Mayor, City Manager,</del> or Director.</p>	Updated role reflecting provisions of the City Charter.
<p><b>50.05 Initiation of an Application</b></p> <p>3. Zoning Map Amendment application subject to a Type 1 or Type 3 procedure may be filed by the owner or the contract purchaser of the subject property, City Council, <del>Mayor, City Manager,</del> or Director. [ORD 4265; October 2003] [ORD 4498; January 2009]</p>	Updated role reflecting provisions of the City Charter.
<p><b>50.05 Initiation of an Application</b></p> <p>4. A Zoning Map Amendment application subject to a Type 4 procedure may be filed only by the City Council, <del>Mayor, City Manager,</del> or Director. [ORD 4498; January 2009]</p>	Updated role reflecting provisions of the City Charter.
<p><b>50.15 Classification of Applications</b></p> <p>1.D. A Type 4 procedure typically involves the <u>legislative</u> adoption, implementation or amendment of policy or law by ordinance. <del>The subject This includes amendments to the text of the zoning ordinance or the comprehensive plan. Large scale changes in planning and development maps also may be characterized as legislative where a Type 4 procedure generally applies to a relatively large geographic area containing number of</del> property owners- <u>are directly affected.</u></p>	Clarification of a Type 4 application classification.
<p><b>50.20 Pre-Application Conference</b></p> <p>1. With the exception of City initiated or Wireless Facility applications, a pre-application conference shall be required for all proposals which require</p>	Remove requirement for a pre-application conference for Type 4 applications.

<p>Type 2, <del>Type 3</del>, or Type 4 <del>applications 3 applications</del>. An applicant may choose to forgo the required pre-application conference for a Type 2 application upon completion of a form for that purpose provided by the Director. A pre-application conference is optional for an applicant for proposals which require only Type 1 applications. [ORD 4702; January 2017]</p>	
<p><b>50.25 Application Completeness</b></p> <p>1.E. For a Type 2, <del>Type 3</del>, or Type 4 <del>3</del> application, a copy of the pre- application conference summary.</p>	<p>Remove requirement for a pre-application conference for Type 4 applications.</p>
<p><b>50.25 Application Completeness</b></p> <p>10. The applicant may amend the application up to and including fourteen (14) calendar days after the application has been deemed complete. Amendments to an application submitted more than fourteen (14) calendar days after the application is deemed complete may be determined by the Director to be so substantial that the application should be treated as having been refiled. In such a case, the Director shall provide the applicant with the following options: provide the City with a waiver of the 120-day timeframe set forth in ORS 227.178 <del>of for</del> a minimum of fourteen (14) calendar days from the date the amendment was submitted; treat the application as having been refiled as of the date the amendment was submitted; or, decide the application on the basis of the applicant’s materials without the amendment.</p>	<p>Clarification of Application Completeness.</p>
<p><b>50.50 Type 4</b></p> <p>1. The initial <del>decision-making authority for</del> <u>body to review</u> Type 4 applications shall be the Planning Commission. <del>The Commission’s decision on a Type-4 application, which shall be make</del> a written recommendation <del>which is forwarded</del> to the City Council. The City Council shall make the final decision on Type 4 applications as set forth in this Section. [ORD 4532; April 2010]</p>	<p>Clarification of the Type 4 procedure for making recommendations to the City Council.</p>
<p><b>50.50 Type 4</b></p> <p>2. [ORD 4462; January 2008] No less than thirty-five (35) calendar days before the date of the initial hearing of the <del>decision-making authority</del> <u>Planning</u></p>	<p>Clarification of the Type 4 procedure.</p>

<p><u>Commission</u> on an ordinance that proposes to legislatively change the zoning map or to amend the text of the Development Code, the Director shall mail notice of the hearing to: [ORD 4584; June 2012]</p> <p>A. All NAC Chairs in whose area there is property that in the Director’s opinion could be affected by the proposed ordinance, if adopted.</p> <p>B. The Chair of Washington County’s Community Participation Organizations (CPO) in which <del>the subject</del> property <u>that could be affected by the proposed ordinance</u> is located and the Chair of any other CPOs whose boundaries are within five hundred (500) feet of the <del>subject property.</del> <u>area affected by the ordinance.</u> [ORD 4782; April 2020]</p>	
<p><b>50.50            Type 4</b></p> <p>4.E. A listing of the applicable approval criteria <del>by Development Code and,</del> <u>including as relevant the Statewide Planning Goals, the Metro Code, the Comprehensive Plan and the Development Code</u> section numbers.</p>	<p>Clarification for Type 4 noticing requirements.</p>
<p><b>50.50            Type 4</b></p> <p>5. At least ten (10) calendar days before the Planning Commission’s <del>initial</del> hearing in a Type 4 procedure, the Director shall:</p>	<p>Delete the word “initial,” reference for hearing.</p>
<p><b>50.50            Type 4</b></p> <p>6. At least seven (7) calendar days before the <del>initial-Planning Commission’s</del> hearing in a Type 4 procedure, the Director shall publish a written staff report and recommendation regarding the ordinance and shall make available to the public a copy of the staff report for review and inspection. The Director shall provide a copy of the staff report at reasonable charge to members of the public upon request.</p>	<p>Delete the word “initial,” reference for hearing.</p>



<p><b>50.50 Type 4</b></p> <p>7. <del>Initial</del> <u>H</u>earings shall be conducted in manner specified in Sections 50.55. through 50.58. of this Code. Hearings shall be recorded on audio or audio and video tape.</p>	<p>Delete the word “initial,” reference for hearing.</p>
<p><b>50.50 Type 4</b></p> <p>8. At the conclusion of the hearing <del>on a Type 4 procedure</del> the following options are available to the <del>decision-making authority</del> <u>Planning Commission</u>: [ORD 4265; October 2003]</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.50 Type 4</b></p> <p>8.B. Hold open the public record for the receipt of additional evidence, argument, or both to a date and time certain which is not less than seven (7) calendar days after the hearing. The <del>decision-making authority</del> <u>Planning Commission</u> shall state where additional written evidence and testimony may be sent and shall announce any limits on the nature of the evidence that will be received while the hearing record remains open.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.50 Type 4</b></p> <p>9. After the public record closes, a written <del>decision in the form of a land use order</del> <u>recommendation</u> shall be prepared regarding the application.</p>	<p>Planning Commission issues a recommendation not a land use order to the City Council on Type 4 applications.</p>
<p><b>50.50 Type 4</b></p> <p>10. Within approximately seven (7) calendar days from the date that the <del>decision-making authority adopts a land use order</del> <u>Planning Commission recommendation is reduced to writing and signed by the Chair or the Chair’s designee</u>, the Director shall mail a written notice to the persons who appeared orally or in writing before the decision making authority prior to the closing of the public record (“persons of record”). The <del>land use order shall be accompanied by a written</del> notice which shall include the following information: [ORD 4462; January 2008]</p> <p>A. A statement indicating the Web page address on which the <del>land use order</del> <u>Planning Commission recommendation</u> may be viewed and downloaded.</p>	<p>The provision that a recommendation of the Planning Commission is struck, because a recommendation to the City Council cannot be appealed. The final decision of the City Council may be appealed to LUBA.</p>

<p><del>B. — A statement that the recommendation may be appealed as provided in Section 50.75, within ten (10) calendar days after the date the signed notice is dated and mailed. The appeal closing date, which is ten (10) days after the date the signed notice is dated and mailed, shall be listed in boldface type. The statement shall generally describe the requirements for filing an appeal.</del></p> <p><del>C. B.</del> A statement that the complete case file is available for review. The statement shall list when and where the <del>ease</del> file is available and the name and telephone number of the City representative to contact for information about the <del>ease</del> <u>file</u>.</p>	
<p><b>50.50            Type 4</b></p> <p>11.    Not more than thirty (30) calendar days after the <del>decision-making authority</del> <u>Planning Commission</u> issues its <del>land use order recommendation</del> and not less than ten (10) calendar days before the date of City Council consideration of the <del>decision-making authority's recommendation if the decision-making authority's land use order was not appealed recommendation</del>, the Director shall mail notice to the persons of record. The notice shall contain at least the following information:</p> <p>A.     The date, time, and location of the City Council meeting.</p> <p>B.     The nature and purpose of the City Council meeting.</p> <p>C.     The case file number, title, or both of the <del>land use order to</del> <u>Planning Commission recommendation</u> that will be considered at the City Council meeting.</p> <p>D.     A statement that a copy of the <del>land use order</del> <u>Planning Commission recommendation</u> is available for inspection at no cost at least (7) days prior to Council consideration, and a</p>	<p>The provision that a recommendation of the Planning Commission is struck, because a recommendation to the City Council cannot be appealed. The final decision of the City Council may be appealed to LUBA.</p>



<p>copy will be provided at reasonable cost, and the telephone number of a City representative to contact about <u>obtaining</u> the <del>ordinance</del> <u>recommendation</u>.</p>	
<p><b>50.50 Type 4</b></p> <p>12. Consideration by the City Council of the Planning Commission’s recommendation on a land use order shall be conducted in accordance with the rules of procedure adopted by the Council, except as otherwise required by statute. <del>The process for filing an appeal to City Council from the decision-making authority’s land use order is set forth in Section 50.75. [ORD 4532; April 2010][ORD 4532; April 2010]</del></p>	<p>The provision that a recommendation of the Planning Commission is struck, because a recommendation to the City Council cannot be appealed. The final decision of the City Council may be appealed to LUBA.</p>
<p><b>50.50 Type 4</b></p> <p>13. <del>In the absence of an appeal from the Planning Commission’s recommendation, at</del> <u>At</u> the conclusion of the City Council consideration of the <del>decision-making authority’s</del> <u>Planning Commission’s land use order recommendation</u> in a Type 4 procedure, the Council shall take one of the following actions:</p>	<p>The provision that a recommendation of the Planning Commission is struck, because a recommendation to the City Council cannot be appealed. The final action of the City Council may be appealed to LUBA.</p>
<p><b>50.50 Type 4</b></p> <p>13.E. <del>The</del> <u>If the</u> City Council <u>approves the proposal, in its original form or as amended, it</u> shall adopt <del>or approve</del> written findings <del>which</del> <u>that</u> demonstrate that adoption of the proposed ordinance will <del>or will not</del> comply with applicable approval criteria.</p>	<p>Clarification of Type 4 process.</p>
<p><b>50.50 Type 4</b></p> <p>14. After the adoption <del>or rejection</del> of an ordinance, the Director shall mail or otherwise submit notice to the Department of Land Conservation and Development (DLCD) on DLCD forms provided for such notice in conformance with ORS 197.615. [ORD 4659; June 2015]</p>	<p>Clarification of Type 4 process.</p>
<p><b>50.50 Type 4</b></p> <p>15. Not more than seven (7) calendar days after the date of the adoption <del>or rejection</del> of an ordinance, the Director shall mail or otherwise submit notice to persons who testified orally or in writing to the</p>	<p>Clarification of Type 4 process. Subsections of 50.50.15 are not proposed for revision.</p>

<p>Planning Commission or City Council while the public record was open regarding the proposed ordinance. The notice shall include at least the following information:</p>	
<p><b>50.55 Conduct of Planning Commission Hearing</b></p> <p>1.E. The <del>decision-making authority</del> <u>Planning Commission</u> must be impartial and <del>that members of the decision-making authority commissioners</del> shall not have any bias or personal or business interest in the outcome of the application. Prior to the receipt of any testimony, <del>members of the decision-making authority commissioners</del> must announce any ex parte contacts. The <del>decision-making authority-Planning Commission</del> shall afford parties an opportunity to challenge any <del>member commissioner thereof</del> based on bias, conflicts of interest, or ex parte contacts.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.55 Conduct of Planning Commission Hearing</b></p> <p>1.F. States that if any <del>member of the decision-making authority commissioner</del> has visited the site, they should describe generally what was observed.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.55 Conduct of Planning Commission Hearing</b></p> <p>4. After the applicant's testimony, the Chair shall call for other evidence or testimony in the following sequence unless the <del>decision-making authority-Planning Commission</del> consents to amend the sequence of testimony:</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.57 Time Limits on Planning Commission Hearing Testimony</b></p> <p>1. The purpose of time limits on testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony while at the same time ensuring that hearings conducted by the Planning Commission are conducted in an efficient and expeditious manner. Time limits on testimony shall not be placed on staff presentations. The following time limits on testimony shall be observed during a <u>Planning Commission</u> hearing <del>conducted by the decision-making authority</del> unless the <del>decision-making authority commissioners</del> consents to adjust the time limits in a particular instance:</p>	<p>Clarification of the decision-making authority.</p>

<p><b>50.57 Time Limits on Planning Commission Hearing Testimony</b></p> <p>2. The time limits set forth in Section 50.57.1. shall not include time taken by questions from or response to questions of the <del>decision-making authority</del> <u>Planning Commission</u>.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.58 Testimony, Exhibits, and Other Evidence before the Planning Commission</b></p> <p>1. Any person may present evidence at a hearing before the <u>Planning Commission</u> <del>decision-making authority</del> on a Type 3 or Type 4 proposal.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.58 Testimony, Exhibits, and Other Evidence before the Planning Commission</b></p> <p>3. In order to be made part of the record, written comments or exhibits submitted at the hearing must be filed with the recording secretary and offered to the <del>decision-making authority</del> <u>Planning Commission</u> as part of the record. No fewer than ten (10) copies of written comments or exhibits must be provided if those materials are submitted at the hearing.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.58 Testimony, Exhibits, and Other Evidence before the Planning Commission</b></p> <p>4. Exhibits or written comments that are merely referred to in testimony but which are not offered to the <del>decision-making authority</del> <u>Planning Commission</u> as part of the record in accordance with this Section shall not become part of the record of the proceedings.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.60 Appeal of a Type 1 Decision</b></p> <p>1. The <del>decision-making authority's</del> <u>Director's</u> decision on a Type 1 application may be appealed only by the applicant.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.60 Appeal of a Type 1 Decision</b></p> <p>3. <u>The appellate decision making authority on appeal of Type 1 decisions shall be the Planning Commission.</u> Failure to comply with the requirements of Sections 50.60.1 and 50.60.2 is</p>	<p>Clarification of the decision-making authority.</p>

<p>jurisdictional and deprives the appellant of an opportunity for the <del>appellate decision-making authority</del> <u>Planning Commission</u> to hear an appeal.</p>	
<p><b>50.60 Appeal of a Type 1 Decision</b></p> <p>4. <del>The appellate decision-making authority on appeal of Type 1 decisions shall be the Planning Commission.</del> The appeal hearing shall be <u>de novo</u>, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Sections 50.80. through 50.83. The decision of the <u>Planning Commission</u> <del>appellate decision-making authority</del> for appeals of Type 1 decisions shall be the final decision and shall not be subject to further appeals <del>ed</del> to the City Council. [ORD 4532; April 2010]</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.60 Appeal of a Type 1 Decision</b></p> <p>6. Not less than seven (7) calendar days before the date of the appeal hearing, the Director shall prepare and make available to the public, for review and inspection, a copy of the staff report regarding the appeal and shall provide a copy of the staff report and recommendation to the <del>appellate decision-making authority</del> <u>Planning Commission</u> and to the appellant. The Director shall provide a copy of the staff report to the public at reasonable cost upon request.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.60 Appeal of a Type 1 Decision</b></p> <p>8. At the conclusion of the hearing on the appeal, the <del>appellate decision-making authority</del> <u>Planning Commission</u> shall take one of the following actions:</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.60 Appeal of a Type 1 Decision</b></p> <p>8.B.1 If the <del>decision-making authority</del> <u>Planning Commission</u> takes action pursuant to Section 50.60.8.B., the <del>decision-making authority</del> <u>Planning Commission</u> shall announce a brief summary of the basis for the decision, and that a land use order will be issued as provided in Section 50.60.9.; provided, the proceedings may be continued for the purpose of considering such land use order without taking new testimony or evidence.</p>	<p>Clarification of the decision-making authority.</p>

<p><b>50.60 Appeal of a Type 1 Decision</b></p> <p>9.A. A statement of the facts that the <del>appellate decision-making authority</del> <u>Planning Commission</u> has relied on which demonstrate the decision under appeal is reversed or affirmed based on the criteria relevant to the appeal.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.60 Appeal of a Type 1 Decision</b></p> <p>10. Within approximately seven (7) calendar days from the date that the <del>appellate decision-making authority</del> <u>Planning Commission</u> adopts a land use order, the Director shall cause the order to be signed, dated, and mailed to the appellant and other persons who appeared orally or in writing before the public record closed.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.60 Appeal of a Type 1 Decision</b></p> <p>13. If a decision of the <del>appellate decision-making authority</del> <u>Planning Commission</u> is remanded to the City by the State of Oregon Land Use Board of Appeals (LUBA), the <del>appellate decision-making authority</del> <u>Planning Commission</u> shall either:</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.60 Appeal of a Type 1 Decision</b></p> <p>13.A. Hold a hearing on the issue upon which LUBA remanded the decision without opening the record for additional evidence. Notice of the hearing on remand shall be given to all persons who testified either orally or in writing before the <del>appellate decision-making authority</del> <u>Planning Commission</u> at the hearing that led to the decision remanded by LUBA. The notice shall set forth issues on remand that will be considered by the <del>appellate decision-making authority</del> <u>Planning Commission</u>. Testimony shall be allowed at the hearing before the <del>appellate decision-making authority</del> <u>Planning Commission</u>, except that testimony shall be limited to the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the <del>appellate decision-making authority</del> <u>Planning Commission</u> based its decision regarding an issue or issues not remanded, testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, the <del>appellate decision-making authority</del> <u>Planning Commission</u> shall</p>	<p>Clarification of the decision-making authority.</p>

<p>render a written decision; or</p>	
<p><b>50.60 Appeal of a Type 1 Decision</b></p> <p>13.B. Hold a hearing on the issue upon which LUBA remanded the decision and open the record for additional evidence. Notice of the hearing on remand shall be given in the same manner in which the original hearing notice was provided. The notice shall list the applicable approval criteria and state that testimony will be limited to the criteria or the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the <del>appellate decision-making authority</del> <u>Planning Commission</u> based its decision regarding an issue or issues not remanded, the notice shall list the applicable approval criteria and state that testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, the <del>appellate decision-making authority</del> <u>Planning Commission</u> shall render a written decision. A decision of the <del>appellate decision-making authority</del> <u>Planning Commission</u> on remand may be appealed to LUBA.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.65 Appeal of a Type 2 Decision</b></p> <p>1. The <del>decision-making authority's</del> <u>Director's</u> decision on a Type 2 application may be appealed only by the applicant or by any other person who submitted written evidence prior to the decision of the Director. The appeal must be on an Appeal Form provide by the Director and must be received within twelve (12) calendar days after written notice of the decision was dated and mailed. [ORD 4312; July 2004]</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.65 Appeal of a Type 2 Decision</b></p> <p>5. Except for the appeals of Director's Interpretation (Section 40.25.), the appellate decision making authority on appeal of Type 2 decisions shall be the Planning Commission. The appeal hearing for Type 2 decisions shall be de novo, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Sections 50.80. through 50.83. The decision of the <del>appellate decision-making authority</del> <u>Planning</u></p>	<p>Clarification of the decision-making authority.</p>



<p><u>Commission</u> for appeals of Type 2 decisions shall be the final decision and shall not be subject to further appeal to the City Council. [ORD 4532; April 2010]</p>	
<p><b>50.70 Appeal of a Type 3 Decision</b></p> <p>1. The <del>decision-making authority</del> <u>Planning Commission's</u> decision on a Type 3 application may be appealed only by the applicant or any other <u>person</u> who participated by providing either oral or written evidence on the record leading to the decision by the <del>decision-making authority</del> <u>Planning Commission</u>. The appeal must be on an Appeal Form provided by the Director and must be received within ten (10) calendar <u>days</u> after the signed written land use order of the <del>decision-making authority</del> <u>Planning Commission</u> was dated and mailed. [ORD 4312; July 2004]</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.70 Appeal of a Type 3 Decision</b></p> <p>3.C. Reference to the oral or written evidence provided to the <del>decision-making authority</del> <u>Planning Commission</u> by the appellant that is contrary to the decision.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.70 Appeal of a Type 3 Decision</b></p> <p>3.D. If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the <del>decision-making authority</del> <u>Planning Commission</u> and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.70 Appeal of a Type 3 Decision</b></p> <p>4. <u>The appellate decision making authority on appeal of Type 3 decisions shall be the City Council.</u> Failure to comply with the requirements of Sections 50.70.1 and 50.70.2 is jurisdictional and deprives the City Council of authority to consider the appellant's submittal and the appellant of an opportunity for the appellate decision making authority to hear an appeal.</p>	<p>Clarification of the decision-making authority.</p>



<p><b>50.70 Appeal of a Type 3 Decision</b></p> <p>5. <del>The appellate decision making authority on appeal of Type 3 decisions shall be the City Council.</del> The appeal hearing shall be de novo, which means new evidence and argument can be introduced in writing, orally, or both.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.70 Appeal of a Type 3 Decision</b></p> <p>6. The record shall consist of the following:</p> <p>A. All staff reports and memoranda prepared regarding the proposal that were presented to the <del>decision making authority</del> <u>Planning Commission</u>.</p> <p>B. All written testimony and all exhibits, maps, documents or other written materials presented to and not rejected by the <del>decision making authority</del> <u>Planning Commission</u> during the proceedings on the proposal.</p> <p>C. The land use order of the <del>decision making authority</del> <u>Planning Commission</u>.</p> <p>D. The minutes of the <del>decision making authority</del> <u>Planning Commission</u> proceedings regarding the proposal.</p> <p>E. The appellant may request, and the City Council may allow, the appeal hearing be conducted on the record established at the <del>decision making authority</del> <u>Planning Commission</u> public hearing. If such a request is made and granted, a transcript of the <del>decision making authority</del> <u>Planning Commission</u> proceedings is required. The appellant shall remit a fee to cover the cost of the transcript of the <del>decision making authority</del> <u>Planning Commission</u> proceedings within five days after the Planning Director estimates the cost of the transcript. Within ten days of notice of completion of the transcript, the appellant shall remit the balance due on the cost of</p>	<p>Clarification of the decision-making authority.</p>

<p>the transcript. In the event that the <u>City</u> Council denies the request for an on the record appeal hearing, and holds a de novo hearing, the transcript fee may be refunded. If the transcription estimate exceeds the transcription cost, the balance shall be refunded to the appellant.</p>	
<p><b>50.70 Appeal of a Type 3 Decision</b></p> <p>9. Not less than seven (7) calendar days before the date of the appeal hearing, the Director shall prepare and make available to the public, for review and inspection, a copy of the staff report and shall provide a copy of the staff report to the <del>appellate decision making authority</del> <u>City Council</u> and to the appellant. The Director shall provide a copy of the staff report to members of the public at reasonable cost upon request.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.70 Appeal of a Type 3 Decision</b></p> <p>10. At the conclusion of the hearing on the appeal, the <del>appellate decision making authority</del> <u>City Council</u> shall take one of the following actions:</p> <p>A. Continue the hearing to a date, time, and location certain, which shall be announced by the Chair. Notice of the 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> <p>B. Reverse or affirm the decision under appeal, with or without conditions or changes.</p> <p>1. If the <del>decision making authority</del> <u>City Council</u> takes action pursuant to Section 50.70.9.B., the <del>decision making authority</del> <u>City Council</u> shall announce a brief summary of the basis for the decision, and that a land use order will be issued as provided in Section 50.70.10.; provided, the proceedings may be continued for the purpose of considering such land use order without taking new testimony</p>	<p>Clarification of the decision-making authority.</p>

<p>or evidence.</p> <p>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.</p> <p>C. Remand the decision to the <del>decision-making authority</del> <u>Planning Commission</u> for further proceedings consistent with the decision on appeal provided that the <del>appellate decision-making authority</del> <u>City Council</u> first determines whether the remand would conflict with the City's obligation under ORS 227.178 to issue a timely final decision. If the decision is to remand, the purpose of the remand, including any specific procedures or subjects to be addressed shall be directed to the <del>decision-making authority</del> <u>Planning Commission</u>.</p>	
<p><b>50.70 Appeal of a Type 3 Decision</b></p> <p>11. After the public record on the appeal closes, a written decision in the form of a land use order regarding the application shall be prepared and contain the following:</p> <p>A. A statement of the facts that the <del>appellate decision-making authority</del> <u>City Council</u> finds <del>that show</del> the decision under appeal is reversed or affirmed based on the criteria relevant to the appeal.</p> <p>B. A statement of conclusions based on the findings.</p> <p>C. If the <del>appellate decision-making authority</del> <u>City Council</u> changes conditions of approval, changes denial to approval, changes denial to approval subject to conditions, or changes approval to denial, the order shall include findings explaining the basis for such change and condition.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.70 Appeal of a Type 3 Decision</b></p> <p>12. Within approximately ten (10) calendar days from the date that the <del>appellate decision-making</del></p>	<p>Clarification of the decision-making authority.</p>

<p><del>authority</del> <u>City Council</u> votes on the motion regarding the appeal, the Director shall cause a land use order to be signed, dated, and mailed to the appellant and other persons who appeared orally or in writing before the Planning Commission, City Council, or all while the public record on the appeal was open. [ORD 4312; July 2004] [ORD 4532; April 2010]</p>	
<p><b>50.70 Appeal of a Type 3 Decision</b></p> <p>15.B. Remand the application, ordinance, or both to the <del>decision-making authority</del> <u>Planning Commission</u> if the issue upon which LUBA remanded the decision requires reopening the record for additional evidence. Notice of the hearing on remand shall be given in the same manner in which the initial public hearing notice was provided. The notice shall list the applicable approval criteria and state that testimony will be limited to the criteria or the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the City Council based its decision regarding an issue or issues not remanded, the notice shall list the applicable approval criteria and state that testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, <del>the -decision-making authority</del> <u>Planning Commission</u> shall render a written decision. A decision of the <del>-decision-making authority</del> <u>Planning Commission</u> on remand may be appealed to the City Council pursuant to Section 50.70.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.75 City Council Consideration of a Proposal for a Type 4 Decision.</b></p> <ol style="list-style-type: none"> <li>1. At least ten (10) days before the City Council considers the Planning Commission's recommendation on a Type 4 proposal, the Director shall publish in a newspaper of general circulation in the City of Beaverton a summary of the hearing notice, including the date, time, and location of the hearing and the number and nature of the ordinance to be considered.</li> <li>2. At the conclusion of the City Council's consideration of the Type 4 proposal and the close of the public record, the Council shall take one of</li> </ol>	<p>For ease of review Section 50.75 has been edited in its entirety. The revised and struck language is located after the edited version.</p>

the following actions:

- A. Continue the matter to a date, time, and location certain. Notice of the 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. Remand the matter back to the Planning Commission for additional deliberation. If the decision is to refer, the purpose of the referral, including any specific procedures or subjects to be addressed shall be directed to the Planning Commission; or
  - C. Reject the proposed ordinance.
3. If Council indicates an intention to adopt one or more ordinances to amend the zone map, text, or both pursuant to Section 50.75.7.C., then the City Attorney shall prepare the ordinance. Ordinances shall thereafter be adopted pursuant to the City Charter. The City Council shall adopt or approve written findings that demonstrate either that approval will comply with applicable approval criteria or that, in the case of denial, the approval criteria gave not been satisfied.
  4. Within approximately seven (7) calendar days from the date that the City Council adopts a final decision, the Director shall cause notice in the form of a land use order to be signed, dated, and mailed to the persons who appeared orally or in writing before the Planning Commission, City Council, or all while the public record on the appeal was open. [ORD 4532; April 2010]
  5. A decision is final on the date the signed land use order is dated and mailed. A land use order may include an ordinance.
  6. The notice of the City Council's decision shall include a summary of the requirements for appealing the City Council decision to the Land Use Board of Appeals as provided in ORS 197.805 through ORS 197.860.

**50.75**      Appeal of a City Council Consideration  
of a Proposal for a Type 4 Decision.

1.      ~~The decision making authority's At least ten (10) days before the City Council considers the Planning Commission's recommendation on a Type 4 application may be appealed only by the applicant or any other person who participated by providing either oral or written evidence leading to the decision of proposal, the decision making authority. The appeal must be received within ten (10) calendar days after the signed written land use order of the decision making authority was dated and mailed.~~

2. The Director shall determine whether an appeal contains at least the following information:

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

3. Failure to comply with the requirements of Sections 50.75.1 and 50.75.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.

4. The appellate decision making authority on appeal of Type 4 decision shall be the City Council. The appeal hearing shall be de novo, which means

~~new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Sections 50.85. through 50.88. except as otherwise required by statute.~~

~~5. For appeals filed under Section 50.75., the City shall mail written notice of an appeal hearing to parties described in Section 50.75.1. not less than twenty (20) calendar days prior to the appeal hearing, but need not post or publish the notice in a newspaper.~~

~~6. Not less than seven (7) calendar days before the of general circulation in the City of Beaverton a summary of the hearing notice including the date of the appeal hearing, the Director shall prepare and make available to the public, for review and inspection, a copy of the staff report and shall provide a copy of the staff report to the appellate decision making authority and to the appellant. The Director shall provide a copy of the staff report to the public at reasonable cost upon request. time, and location of the hearing and the number and nature of the ordinance to be considered.~~

7. 2. At the conclusion of the City Council's ~~hearing in the appeal of a Type 4 decision,~~ consideration of the Type 4 proposal and the close of the public record, the Council shall take one of the following actions:

- A. Continue the ~~hearing matter~~ matter to a date, time, and location certain, ~~which shall be announced by the Mayor.~~ Notice of the 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. Remand the ~~decision matter back~~ decision matter back to the ~~decision making authority~~ Planning Commission for ~~further proceedings consistent with the Council's decision unless the remand would conflict with the City's obligation under ORS 227.178 to issue a timely final decision~~ additional deliberation.



If the decision is to ~~remand refer~~, the purpose of the ~~remand-referral~~, including any specific procedures or subjects to be addressed shall be directed to the ~~decision-making authority~~ Planning Commission; or

C. ~~Reverse or affirm the decision being appealed, with or without changes. Reject the proposed ordinance.~~

~~1-3.~~ If Council indicates an intention to adopt one or more ordinances to amend the zone map, text, or both pursuant to Section 50.75.7.C., then the City Attorney shall prepare the ordinance. Ordinances shall thereafter be adopted pursuant to the City Charter. The City Council shall adopt or approve written findings ~~which that~~ demonstrate either that approval will comply with applicable approval criteria or that, in the case of denial, the approval criteria gave not been satisfied.

~~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.~~

~~8. After the public record on the appeal closes, a written decision in the form of a land use order.~~

~~9.~~ 4. Within approximately seven (7) calendar days from the date that the ~~appellate decision-making authority~~ City Council adopts a final decision ~~under appeal~~, the Director shall cause notice in the form of a land use order to be signed, dated, and mailed to the ~~appellant and other~~ persons who appeared orally or in writing before the Planning Commission, City Council, or all while the public record on the appeal was open. [ORD 4532; April 2010]

~~10.~~ 5. A decision ~~on an appeal~~ is final on the date the signed land use order is dated and mailed. A land use order may include an ordinance.

~~11.~~ 6. ~~Only one appeal~~ The notice of a the City Council's decision is permitted before the City. Therefore shall include a summary of the notice of a requirements for appealing the City Council decision on appeal shall indicate the decision may be appealed to the Land Use Board of Appeals as provided in ORS 197.805 through ORS 197.860.

<p><del>12.7.</del> <u>7.</u> If a decision of the City Council is remanded to the City by the State of Oregon Land Use Board of Appeals (LUBA), the City Council shall either:</p>	
<p><b>50.80 Conduct of Planning Commission Appeal Hearing</b></p> <p>2.D. Failure to raise an issue accompanied by statements or evidence sufficient to afford the <del>appellate decision making authority</del> <u>Planning Commission</u> and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.80 Conduct of Planning Commission Appeal Hearing</b></p> <p>2.F. The <del>appellate decision making authority</del> <u>Planning Commission</u> must be impartial and that members of the <del>appellate decision making authority</del> <u>Planning Commission</u> shall not have any bias or personal or business interest in the outcome of the application. Members of the <del>appellate decision making authority</del> <u>Planning Commission</u> must announce any ex parte contacts. <del>appellate decision making authority</del> <u>Planning Commission</u> shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest, or ex parte contacts.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.80 Conduct of Planning Commission Appeal Hearing</b></p> <p>2.G. States that if any member of the <del>appellate decision making authority</del> <u>Planning Commission</u> has visited the site, they describe generally what was observed.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.80 Conduct of Planning Commission Appeal Hearing</b></p> <p>3. The Chair shall next ask if there is any challenge to a member of the <del>appellate decision making authority</del> <u>Planning Commission</u> right to consider the appeal. Unless the challenge is based upon information disclosed pursuant to Section 50.80.2.F. and G., a challenging party must deliver a written document stating the reasons and authority for such challenge to the member challenged and the City at least 24 hours prior to the hearing.</p>	<p>Clarification of the decision-making authority.</p>

<p><b>50.80 Conduct of Planning Commission Appeal Hearing</b></p> <p>7. The <del>appellate decision-making authority</del> <u>Planning Commission</u> shall deliberate and make a decision. Deliberations may include questions to or testimony by City staff regarding the criteria, evidence and testimony in the record.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.82 Time Limits on Planning Commission Appeal Hearing Testimony</b></p> <p>1. The purpose of time limits on testimony at an appeal hearing before the Planning Commission is to provide all interested persons with an adequate opportunity to present and respond to testimony while at the same time ensuring that the hearing can be conducted in an efficient and expeditious manner. Time limits on testimony shall not be placed on staff presentations. The following time limits on testimony shall be observed during a hearing conducted by the <del>appellate decision-making authority</del> <u>Planning Commission</u> unless the <del>appellate decision-making authority</del> <u>Planning Commission</u> consents to adjust the time limits in a particular instance:</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.82 Time Limits on Planning Commission Appeal Hearing Testimony</b></p> <p>1.C. Up to and including 10 minutes for a representative of a recognized NAC, government or government agency, or other organized group recognized by the <del>appellate decision-making authority</del> <u>Planning Commission</u>.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.82 Time Limits on Planning Commission Appeal Hearing Testimony</b></p> <p>2. The time limits set forth in Section 50.82.1. shall not include time taken by questions from or response to questions of the <del>appellate decision-making authority</del> <u>Planning Commission</u>.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.83 Testimony, Exhibits, and Other Evidence before the Planning Commission</b></p> <p>1. Any person may present testimony at a hearing before the <del>appellate decision-making authority</del> <u>Planning Commission</u> on an appeal of a Type 1 or</p>	<p>Clarification of the decision-making authority.</p>

Type 2 decision.		
<b>50.83</b>	<b>Testimony, Exhibits, and Other Evidence before the Planning Commission</b>	Clarification of the decision-making authority.
3.	Written comments or exhibits submitted at the hearing must be filed with the recording secretary and offered into the record before the <del>appellate decision-making authority</del> <u>Planning Commission</u> . No fewer than ten (10) copies of written comments or exhibits must be provided if those materials are submitted at the hearing.	
<b>50.83</b>	<b>Testimony, Exhibits, and Other Evidence before the Planning Commission</b>	Clarification of the decision-making authority.
4.	Exhibits or written comments that are merely referred to in testimony but which are not offered into the record before the <del>appellate decision-making authority</del> <u>Planning Commission</u> in accordance with this Section shall not become part of the record of the proceedings.	
<b>50.85</b>	<b>Conduct of the City Council Appeal Hearing</b>	Clarification of the decision-making authority.
1.D.	Failure to raise an issue accompanied by statements or evidence sufficient to afford the <del>appellate decision-making authority</del> <u>City Council</u> and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.	
<b>50.85</b>	<b>Conduct of the City Council Appeal Hearing</b>	Clarification of the decision-making authority.
1.F.	The <del>appellate decision-making authority</del> <u>City Council</u> must be impartial and that members of the <del>appellate decision-making authority</del> <u>City Council</u> shall not have any bias or personal or business interest in the outcome of the application. Members of the <del>appellate decision-making authority</del> <u>City Council</u> must announce any ex parte contacts. The <del>appellate decision-making authority</del> <u>City Council</u> shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest, or ex parte contacts.	

<p><b>50.85 Conduct of the City Council Appeal Hearing</b></p> <p>1.G. States that if any member of the <del>appellate decision-making authority</del> <u>City Council</u> has visited the site, they describe generally what was observed.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.85 Conduct of the City Council Appeal Hearing</b></p> <p>4. If the appeal hearing for a Type 3 decision is an on the record hearing, the Chair shall state that City Council review is confined to the record established before the <del>decision-making authority</del> <u>Planning Commission</u>, that only persons who testified either orally or in writing before the <del>decision-making authority</del> <u>Planning Commission</u> may testify before the City Council, and that the only arguments that may be raised before the City Council are arguments that were raised in the letter of appeal and those arguments raised before the <del>decision-making authority</del> <u>Planning Commission</u> with sufficient specificity to enable the decision making authority to respond.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.85 Conduct of the City Council Appeal Hearing</b></p> <p>6. The Chair shall invite testimony on the appeal to take place in the following order unless the <del>appellate decision-making authority</del> <u>City Council</u> consents to amend the order of testimony:</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.87 Time Limits on City Council Appeal Hearing Testimony</b></p> <p>1. The purpose of time limits on testimony at an appeal hearing before the City Council is to provide persons with an adequate opportunity to present and respond to testimony while at the same time ensuring that the hearing can be conducted in an efficient and expeditious manner. Time limits on testimony shall not be placed on staff presentations. The following time limits on testimony shall be observed during a hearing conducted by the <del>appellate decision-making authority</del> <u>City Council</u> unless the <del>appellate decision-making authority</del> <u>City Council</u>, subject to the right of the Mayor, with Council consent, waive or extend the time limits in a particular instance:</p>	<p>Clarification of the decision-making authority.</p>

<p><b>50.88 Testimony, Exhibits, and Other Evidence before the City Council</b></p> <p>1. For appeal hearings which are conducted on the record, only those persons who testified either orally or in writing before the <del>decision-making authority</del> <u>Planning Commission</u> may testify either orally or in writing before the Council on appeal. Such testimony shall be limited to argument regarding issues raised before the <del>decision-making authority</del> <u>Planning Commission</u>. The only issues that may be raised in an appeal hearing are the issues in the written appeal and shall be based solely upon the record of the proceedings before the <del>decision-making authority</del> <u>Planning Commission</u>. Enlargements, illustrations, maps or other exhibits may be submitted as long as they are part of the record or are entirely derived from evidence in the record.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.88 Testimony, Exhibits, and Other Evidence before the City Council</b></p> <p>6. At appeal hearings which are conducted on the record, written material that attempts to present new evidence or raises new issues which were not presented or raised before the <del>decision-making authority</del> <u>Planning Commission</u> shall be rejected.</p>	<p>Clarification of the decision-making authority.</p>
<p><b>50.93 Extension of a Decision</b></p> <p>6. In order to approve an extension of time application, the <del>decision-making authority</del> <u>Director</u> shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied: [ORD 4365; October 2005]</p>	<p>Clarification of the decision-making authority.</p>
<p><b>Chapter 60 – Special Requirements</b></p>	
<p><b><u>60.30.20. Enforcement</u></b></p> <p><b><u>Enforcement.</u></b> <u>The Director is authorized to suspend any permit if the usage of parking by the original use or temporary use or both increases beyond the capacity of the on-site parking or that the use is causing a nuisance to the public or surrounding properties. The Director shall notify the applicant of the Director's intent to suspend the permit and shall provide an opportunity for a hearing prior to suspension. However, in any case</u></p>	<p>The enforcement of the parking regulations is a new subsection. The numbering reflects the numbering pattern in the code.</p>



Proposed new language is underlined.  
 Proposed deleted language is ~~stricken~~.

<p><u>where the Director, or any Code Enforcement Officer designated by the City Manager, finds a serious danger to the public health or safety, the Director or Code Enforcement Officer may suspend the permit without a hearing.</u></p>	
<p><b>Chapter 90 – Definition</b></p>	
<p><b>Mayor.</b> The Mayor of the City of Beaverton <del>or his designate is the</del> <u>Full-time official head of the city for political, ceremonial, emergency management, and military purposes. The mayor is a voting council member.</u></p>	<p>Charter definition.</p>
<p><b>City Manager.</b> <u>Administrative head of the city government. The city manager is responsible to the council for the proper administration of all city business.</u></p>	<p>Charter definition.</p>