

CHARTER IMPLEMENTATION TEXT AMENDMENT
PROPOSED TEXT – UPDATED JULY 12, 2021

CHAPTER 10 - GENERAL PROVISIONS

10.40. Annexation.

3. [ORD 4135; December 2000] The process for zoning map amendments that are associated with annexations shall be as follows:

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 hearing will be conducted by the City Council in accordance with Section 50.50 and the Planning Commission hearing will not be required. 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 as required by the UPAA. Criteria for annexation-related zone changes requiring discretion are in Section 40.97.15.4.C. [ORD 4224; August 2002] [ORD 4397; August 2006] [ORD 4759; March 2019]

10.65. Conditions of Approvals. [ORD 4224; August 2002]

3. Contract for Conditions. When the approval requires a contract, conditions may be set forth in a contract executed between the City, acting by and through the City Manager, 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.

10.70. Enforcement.

1. General. It shall be the duty of the City Manager 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 City Manager may use the resources of any City department to assist in carrying out the City's responsibilities under this section. [ORD 3226; October 1981]
2. Official Action. All officials, departments and employees of the City vested with authority to issue permits, certificates, licenses, or grant approvals, shall adhere to and require conformance with this Code and shall issue no permit, certificate, license or grant approval for any use, building or purpose which violates or fails to comply with conditions or standards imposed by this Code. Any permit, certificate, license or approval issued or granted in conflict with the provisions of this Code, intentionally or otherwise, shall be void.
3. Maintenance. [ORD 4224; August 2002] All improvement(s) constructed pursuant to an approval under this Code shall be maintained in perpetuity by the property owner in compliance with the relevant conditions of approval unless otherwise modified by action of the City.
4. Abatement. Any use which is established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to this Code or to any permit or approval granted under this Code shall be and is hereby declared to be unlawful and a public nuisance, and may be abated as such. [ORD 4224; August 2002]
5. Injunctive Relief. Upon request of the City Manager, 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. [ORD 3739; September 1990]

10.75 Administrative Rules.

1. The City Manager may promulgate such rules and regulations as they consider necessary to facilitate the administration and interpretation of this Code.

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10.95. Development Review Participants.

The following are the primary participants in the planning and development review decision making process in the City of Beaverton. The roles of these participants are outlined in this Section and may be further defined by the City Council through ordinance or resolution.

1. **City Council.**
 - A. Membership. The City Council is composed of a mayor and six councilors nominated and elected from the city at large to serve a four year term.

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40.75. Street Vacation

40.75.15. Application.

There is a single Street Vacation application which is subject to the following requirements.

4. **Street Vacation.**

- D. Submission Requirements. 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, City Manager, 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.

40.85. Text Amendment

40.85.15. Application.

There is a single Text Amendment application which is subject to the following requirements.

1. Text Amendment.

- D. Submission Requirements. An application for Text Amendment to the City’s Development Code shall be initiated by the City Council, City Manager, 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.

40.97. Zoning Map Amendment

40.97.15. Application.

There are four (4) Zoning Map Amendment applications which are as follows: Quasi-Judicial Zoning Map Amendment, Legislative Zoning Map Amendment, Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Related Zoning Map Amendment. The Director shall determine if a zone change is quasi-judicial or legislative. For annexation related zone change applications, the Director shall determine if the applications are discretionary or non-discretionary. The City Council is the decision-making authority for all Zoning Map Amendments, which shall be adopted by ordinance according to the requirements of the City Charter.

1. Quasi-Judicial Zoning Map Amendment.

A. Threshold. An application for Quasi-Judicial Zoning Map Amendment shall be required when the following threshold applies:

- 1. The change of zoning designation for a specific property or limited number of specific properties.

B. Procedure Type. The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for Quasi-Judicial Zoning Map Amendment. The initial review of a Quasi-Judicial Zoning Map Amendments is conducted by the Planning Commission, which shall make a recommendation to the City Council.

D. Submission Requirements. 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, Mayor, 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.

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2. Legislative Zoning Map Amendment.

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D. Submission Requirements. An application for Legislative Zoning Map Amendment to the City’s zoning map may only be initiated by the City Council, Mayor, 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. (Application Completeness)

3. 40.97.15 4. Discretionary Annexation Related Zoning Map Amendment

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B. Procedure Type. The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for Discretionary Annexation Related Zoning Map Amendment to the City’s zoning map. The decision making authority is the Planning Commission. The initial review of a Discretionary Annexation Related Zoning Map Amendment is conducted by the Planning Commission, which shall make a recommendation to the City Council.

CHAPTER 50 - PROCEDURES

50.05. Initiation of an Application.

1. An application subject to a Type 1, Type 2, or Type 3 procedure may be filed by:
 - A. The owner or the contract purchaser of the subject property, or any person authorized in writing to act as agent of the owner or contract purchaser.
 - B. The City Council, Mayor, or Director, as to property owned by the City, including public right of way and easements, or which the City intends to acquire.
 - C. Public agencies that own the property or have passed a resolution declaring that they intend to exercise their statutory authority to condemn the property.
2. A Text Amendment application subject to a Type 4 procedure may be filed by an interested person, City Council, City Manager, or Director.
3. A 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, Mayor, or Director. [ORD 4265; October 2003] [ORD 4498; January 2009]
4. A Zoning Map Amendment application subject to a Type 4 procedure may be filed only by the City Council, City Manager, or Director. [ORD 4498; January 2009]

50.15. Classification of Applications.

1. An application shall be subject to the procedure type specified in the Code, if any. If the Code does not specify a procedure type for a given application and another procedure is not required by law, the Director shall determine the appropriate procedure based on the following guidelines. Where two or more procedure types could be applied to a particular application, the selected procedure will be the type providing the broadest notice and opportunity to participate.
 - A. A Type 1 procedure typically involves an application that is subject to non-discretionary criteria or criteria that require the exercise of professional judgment only about technical issues.
 - B. A Type 2 procedure typically involves an application that is subject to criteria that require the exercise of limited discretion about non-technical issues and about which there may be limited public interest.
 - C. A Type 3 procedure typically involves an application that is subject to criteria that require the exercise of substantial discretion and about which there may be broad public interest, although the application applies to a limited number of land owners and properties.
A Type 4 procedure typically involves the legislative adoption, implementation or amendment of policy or law by ordinance. 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 number of property owners are directly affected.

50.20. Pre-Application Conference.

1. With the exception of City initiated or Wireless Facility applications, a pre-application conference shall be required for all proposals which require Type 2 or Type 3 applications. 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]

50.25. Application Completeness.

1. A complete application is one which contains the information required by the Director to address the relevant criteria, development requirements, and procedures of this Code. Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement. All other complete application shall consist of the requisite number of copies of the following: [ORD 4265; October 2003]

- E. For a Type 2 or Type 3 application, a copy of the pre-application conference summary.

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 for 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.

50.50. Type 4.

1. The initial body to review Type 4 applications shall be the Planning Commission which shall make a written recommendation 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]
2. [ORD 4462; January 2008] No less than thirty-five (35) calendar days before the date of the initial hearing of the Planning Commission 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]
 - 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.
 - B. The Chair of Washington County’s Community Participation Organizations (CPO) in which property that could be affected by the proposed ordinance is located and the Chair of any other CPOs whose boundaries are within five hundred (500) feet of the area affected by the ordinance. [ORD 4782; April 2020]
 - C. The Chair of the Beaverton Committee for Community Involvement. [ORD 4782; April 2020]
 - D. Department of Land Conservation and Development (DLCD), Metro, and Washington County Department of Land Use and Transportation. [ORD 4782; April 2020]
3. Not more than forty (40) nor less than twenty (20) calendar days before the date of the initial hearing of the decision making authority 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 4462; January 2008]
 - A. The applicant if other than the City.
 - B. 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.
 1. 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.
 2. 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. The notice of the initial hearing in a Type 4 procedure shall include at least the following information:

- A. If required by ORS 227.186, a statement in bold type across the top of the first page of the notice that reads as follows: “This is to notify you that the City shall consider a proposed land use regulation that may affect the permissible uses of your land.” [ORD 4312; July 2004]
 - B. The date, time, and location of the hearing.
 - C. The nature and purpose of the hearing.
 - D. The case file number, title, or both of the proposed ordinance to be considered at the hearing.
 - E. A listing of the applicable approval criteria, including as relevant the Statewide Planning Goals, the Metro Code, the Comprehensive Plan and the Development Code section numbers.
 - F. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days before the hearing, and a copy will be provided at reasonable cost, and the name and telephone number of a City representative to contact about the ordinance.
 - G. A statement that failure to raise an issue in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision making authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
 - H. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
 - I. If applicable, a statement that the ordinance is a result of an order of the Land Conservation and Development Commission or Metro.
5. At least ten (10) calendar days before the Planning Commission’s hearing in a Type 4 procedure, the Director shall:
 - A. 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.
 - B. Make copies of the hearing notice available in at least City Hall and the City Library.
 6. At least seven (7) calendar days before the Planning Commission’s 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.
 7. Hearings 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.
 8. At the conclusion of the hearing, the following options are available to the Planning Commission: [ORD 4265; October 2003]
 - 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 not continued to 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. 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 decision making authority 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.
 - C. Recommend that the City Council reject or adopt the ordinance with or without certain changes, conditions, or both, together with a written justification for the recommendation; provided, the hearing may be continued to a date, time, and location certain for the purpose of considering such a written recommendation without receiving new evidence or argument.
 9. After the public record closes, a written recommendation shall be prepared regarding the application.

10. 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 decision making authority prior to the closing of the public record ("persons of record"). The notice shall include the following information: [ORD 4462; January 2008]
 - A. A statement indicating the Web page address on which the Planning Commission recommendation may be viewed and downloaded.
 - B. A statement that the complete case file is available for review. The statement shall list when and where the file is available and the name and telephone number of the City representative to contact for information about the file.
11. Not more than thirty (30) calendar days after the Planning Commission issues its recommendation and not less than ten (10) calendar days before the date of City Council consideration of the recommendation, the Director shall mail notice to the persons of record. The notice shall contain at least the following information:
 - A. The date, time, and location of the City Council meeting.
 - B. The nature and purpose of the City Council meeting.
 - C. The case file number, title, or both of the Planning Commission recommendation that will be considered at the City Council meeting.
 - D. A statement that a copy of the Planning Commission recommendation is available for inspection at no cost at least (7) days prior to Council consideration, and a copy will be provided at reasonable cost, and the telephone number of a City representative to contact about obtaining the recommendation..
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.
13. At the conclusion of the City Council consideration of the Planning Commission's recommendation in a Type 4 procedure, the Council shall take one of 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 matter is not required to be mailed, published or posted, unless the matter is not continued to a date, time, and location certain, in which case notice of the continued matter shall be given.
 - B. Remand the matter back to the Planning Commission.
 - C. Approve the proposal, with or without certain changes. If Council approval indicates an intention to adopt one or more ordinances to amend the zone map, text, or both, then the City Attorney shall prepare the ordinance with findings. Ordinances shall thereafter be adopted pursuant to the City Charter. The City Council shall adopt or approve written findings which demonstrate that adoption will comply with applicable approval criteria.
 - D. Reject the proposed ordinance.
 - E. If the City Council approves the proposal, in its original form or as amended, it shall adopt written findings that demonstrate that adoption of the proposed ordinance will comply with applicable approval criteria.

[ORD 4532; April 2010]

14. After the adoption 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]
15. Not more than seven (7) calendar days after the date of the adoption of an ordinance, the Director shall mail or otherwise submit notice to persons who testified orally or in writing to the Planning Commission or City Council while the public record was open regarding the proposed ordinance. The notice shall include at least the following information:
 - A. A brief summary of the ordinance.
 - B. The date of the decision on the ordinance.

- C. The place where and the time when the ordinance and related findings may be reviewed.
- D. A summary of the requirements for appealing the City decision on the ordinance under ORS 197.830 to 197.845.

[ORD 4532; April 2010]

50.55. Conduct of Planning Commission Hearing.

- 1. At the beginning of a hearing an announcement shall be made to those in attendance that:
 - A. Lists the applicable approval criteria by Development Code section number and Comprehensive Plan section number.
 - B. Testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the Comprehensive Plan or Development Code which the person believes to apply to the application.
 - C. Failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the decision making authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
 - D. 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 precludes an action for damages in circuit court.
 - E. The Planning Commission must be impartial and commissioners shall not have any bias or personal or business interest in the outcome of the application. Prior to the receipt of any testimony, commissioners must announce any ex parte contacts. The Planning Commission shall afford parties an opportunity to challenge any commissioner based on bias, conflicts of interest, or ex parte contacts.
 - F. States that if any commissioner has visited the site, they should describe generally what was observed.
 - G. Summarizes the procedure of the hearing.
- 2. After the announcements described in Section 50.55.1., the Chair shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
- 3. After the presentation of the staff report, the Chair shall call for the applicant's testimony.
- 4. 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:
 - A. First, evidence or testimony in support of the application.
 - B. Second, evidence or testimony in opposition to the application.
 - C. Finally, evidence or testimony that is neither in support nor in opposition to the application.

50.57. Time Limits on Planning Commission Hearing Testimony.

- 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 hearing conducted by the Planning Commission unless the commissioners consent to adjust the time limits in a particular instance:

- A. Up to and including 20 minutes for the applicant's presentation.
- B. Up to and including 10 minutes for a representative of a recognized NAC, government or government agency, or other organized group recognized by the Planning Commission. [ORD 4584; June 2012]
- C. Up to and including 5 minutes each for other persons.
- D. Up to and including 5 minutes for rebuttal.

[ORD 4532; April 2010]

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 Planning Commission.

50.58. Testimony, Exhibits, and Other Evidence before the Planning Commission.

1. Any person may present evidence at a hearing before the Planning Commission on a Type 3 or Type 4 proposal.
2. Any person may submit exhibits or written comments prior to the hearing. All submittals which are more than two (2) letter sized pages must include no fewer than ten (10) complete copies of the materials being submitted. Written comments or exhibits submitted prior to the hearing to be submitted by staff at the hearing must be received by the Director no later than 4:30 p.m. on the day of the scheduled hearing.
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 Planning Commission 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.
4. Exhibits or written comments that are merely referred to in testimony but which are not offered to the Planning Commission as part of the record in accordance with this Section shall not become part of the record of the proceedings.

50.60. Appeal of a Type 1 Decision.

1. The Director's decision on a Type 1 application may be appealed only by the applicant. The appeal must be on an Appeal Form provided by the Director and must be received by the Community Development Department within twelve (12) calendar days after signed written notice of the decision was dated and mailed. [ORD 4312; July 2004]
2. Within seven (7) calendar days after an appeal has been filed, the Director shall determine whether it contains at least the following information:
 - A. The case file number designated by the City,
 - B. The name and signature of the applicant as appellant.
 - C. Specification of evidence or written testimony provided with the application to which the decision under appeal is contrary.
 - D. The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to prove the error.
 - E. The appeal fee, as established by resolution of the City Council.
3. The appellate decision making authority on appeal of Type 1 decisions shall be the Planning Commission. Failure to comply with the requirements of Sections 50.60.1 and 50.60.2 is jurisdictional and deprives the appellant of an opportunity for the Planning Commission to hear an appeal.

4. The appellate decision making authority on appeal of Type 1 decisions shall be the Planning Commission. 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 50.80. through 50.83. The decision of the Planning Commission for appeals of Type 1 decisions shall be the final decision and shall not be subject to further appealed to the City Council. [ORD 4532; April 2010]
5. For appeals of Type 1 decisions filed under Section 50.60., the Director shall mail written notice of an appeal hearing to the appellant 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 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 Planning Commission and to the appellant. The Director shall provide a copy of the staff report to the public at reasonable cost upon request.
7. Appeal hearings before the Planning Commission shall be conducted in accordance with Sections 50.80. through 50.83. of this Code. Appeal hearings shall be recorded on audio only or audio and video tape. [ORD 4532; April 2010]
8. At the conclusion of the hearing on the appeal, 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 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. Reverse or affirm the decision under appeal, with or without conditions or changes.
 1. If the Planning Commission takes action pursuant to Section 50.60.8.B., the Planning Commission 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.
 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.
9. 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:
 - A. A statement of the facts that the Planning Commission has relied on which demonstrate the decision under appeal is reversed or affirmed based on the criteria relevant to the appeal.
 - B. A statement of conclusions based on the findings.
 - C. If the appellate decision making authority 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.
10. Within approximately seven (7) calendar days from the date that the Planning Commission 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.
11. A decision on an appeal is final on the date the signed land use order is dated and mailed.
12. Only one appeal of a Type 1 decision is permitted before the City. Therefore, the notice of a Type 1 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.
13. If a decision of the Planning Commission is remanded to the City by the State of Oregon Land Use Board of Appeals (LUBA), the Planning Commission shall either:
 - 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 appellate decision making authority 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 Planning Commission. Testimony shall be allowed at the hearing before the Planning Commission, 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 Planning Commission 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 Planning Commission shall render a written decision; or

- 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 Planning Commission 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 Planning Commission shall render a written decision. A decision of the Planning Commission on remand may be appealed to LUBA.

50.65. Appeal of a Type 2 Decision.

1. The Director's 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]
2. For a project that contains multiple applications approved concurrently, a separate appeal application is required to address each decision being appealed. [ORD 4782; April 2020]
3. Within seven (7) calendar days after an appeal has been filed, 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 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 a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
 - F. The appeal fee, as established by resolution of the City Council.
4. Failure to comply with the requirements of Sections 50.65.1 and 50.65.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.
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 Planning Commission 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]

50.70. Appeal of a Type 3 Decision.

1. The Planning Commission's decision on a Type 3 application may be appealed only by the applicant or any other person who participated by providing either oral or written evidence on the record leading to the decision by the decision making authority. The appeal must be on an Appeal Form provided by the Director and must be received within ten (10) calendar days after the signed written land use order of the Planning Commission was dated and mailed. [ORD 4312; July 2004]
2. For a project that contains multiple applications approved concurrently, a separate appeal application is required to address each decision being appealed. [ORD 4782; April 2020]
3. Within seven (7) calendar days after an appeal has been filed, 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 Planning Commission 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 Planning Commission 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 a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
 - F. The appeal fee, as established by resolution of the City Council.
4. The appellate decision making authority on appeal of Type 3 decisions shall be the City Council. 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.
5. The appeal hearing shall be de novo, which means new evidence and argument can be introduced in writing, orally, or both.
6. The record shall consist of the following:
 - A. All staff reports and memoranda prepared regarding the proposal that were presented to the Planning Commission.
 - B. All written testimony and all exhibits, maps, documents or other written materials presented to and not rejected by the Planning Commission during the proceedings on the proposal.
 - C. The land use order of the Planning Commission.
 - D. The minutes of the Planning Commission proceedings regarding the proposal.
 - E. The appellant may request, and the City Council may allow, the appeal hearing be conducted on the record established at the Planning Commission public hearing. If such a request is made and granted, a transcript of the Planning Commission proceedings is required. The appellant shall remit a fee to cover the cost of the

transcript of the Planning Commission's 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 the transcript. In the event that the City 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.

7. The appeal hearing shall be conducted in accordance with Sections 50.85. through 50.88. except as otherwise required by statute.
8. For appeals of Type 3 decisions filed under Section 50.70., the City shall mail written notice of an appeal hearing to parties described in Section 50.45.2. not less than ten (10) calendar days prior to the appeal hearing, but need not post or publish the notice in a newspaper.
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 City Council and to the appellant. The Director shall provide a copy of the staff report to members of the public at reasonable cost upon request.
10. At the conclusion of the hearing on the appeal, the City Council shall take one of the following actions:
 - A. Continue the hearing to a date, time, and location certain, which shall be announced by the 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.
 - B. Reverse or affirm the decision under appeal, with or without conditions or changes.
 1. If the City Council takes action pursuant to Section 50.70.9.B., the City Council 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 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.
 - C. Remand the decision to the Planning Commission for further proceedings consistent with the decision on appeal provided that the City Council 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 Planning Commission.
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:
 - A. A statement of the facts that the City Council finds show the decision under appeal is reversed or affirmed based on the criteria relevant to the appeal.
 - B. A statement of conclusions based on the findings.
 - C. If the City Council 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.
12. Within approximately ten (10) calendar days from the date that the City Council 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]
13. A decision on an appeal is final on the date the signed land use order is dated and mailed. A land use order may consist of an ordinance where appropriate. The Mayor or designee shall sign the land use order.

14. [ORD 4462; January 2008] Only one appeal of a Type 3 decision is permitted before the City. Therefore the notice of a Type 3 decision on appeal shall indicate the decision may be appealed to the Land Use Board of Appeals as provided in ORS 197.805 through 197.860.
15. 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:
 - A. Hold a hearing on remand if the issue upon which LUBA remanded the decision can be resolved by the City Council without reopening the record for additional evidence. Notice thereof shall be given to all persons who testified either orally or in writing before the City Council at the hearing or hearings that led to the decision remanded by LUBA. The notice shall set forth issues on remand that will be considered by the City Council. Testimony shall be allowed at the hearing before the City Council, 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 City Council 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 City Council shall render a written decision; or
 - B. Remand the application, ordinance, or both to the Planning Commission 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, the Planning Commission shall render a written decision. A decision of the Planning Commission on remand may be appealed to the City Council pursuant to Section 50.70.

50.75. City Council Consideration of a Type 4, Street Vacation, Non-Discretionary Annexation Related Zoning Map Amendment, Quasi-Judicial Zoning Map Amendment, and Discretionary Annexation Related Zoning Map Amendment application.

1. At least ten (10) days before the City Council considers the Planning Commission's recommendation on a Type 4, Street Vacation, Non-Discretionary Annexation Related Zoning Map Amendment, Quasi-Judicial Zoning Map Amendment, and Discretionary Annexation Related Zoning Map Amendment 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.
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 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. Other than for a Street Vacation or Non-Discretionary Annexation Related Zoning Map Amendment, remand the matter back to the Planning Commission for additional deliberation. 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;

- C. Reject the proposed ordinance; or
 - D. Approve 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. If an ordinance has been prepared and properly noticed pursuant to the City Charter prior to the hearing, the City Council may act to adopt the ordinance on the same date as the hearing.
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.

50.80. Conduct of Planning Commission Appeal Hearing.

1. The Planning Commission shall conduct appeal hearings pursuant to the requirements of this Section. [ORD 4532; April 2010]
2. At the beginning of the appeal hearing, an announcement shall be made to those in attendance that:
 - A. States the general nature of the appeal.
 - B. Lists the applicable approval criteria.
 - C. Testimony, arguments, and evidence must be directed toward the applicable criteria or other criteria in the Comprehensive Plan or Development Code which the person believes to apply to the decision.
 - D. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
 - E. Failure of the applicant, applicant as appellant, or appellant to raise constitutional or other issues relating to the proposed condition of approval with sufficient specificity to allow the City or its designee to respond to the issue precludes an action for damages in circuit court.
 - F. 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. 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.
 - G. States that if any member of the Planning Commission has visited the site, they describe generally what was observed.
 - H. Summarize the procedure of the hearing.
3. The Chair shall next ask if there is any challenge to a member of the Planning Commission 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.

4. After the announcements and statements of Sections 50.80.2 and 50.80.3 are concluded, the Chair shall call for presentation of the staff report. Staff shall describe the proposal and explain the reasons behind the Director's decision.
5. The Chair shall invite testimony on the appeal to take place in the following order unless the appellate decision making authority consents to amend the order of testimony:
 - A. The applicant, if not the appellant.
 - B. The applicant as appellant.
 - C. The appellant, if not the applicant.
 - D. Testimony in support of the appeal.
 - E. Testimony in opposition to the appeal.
 - F. Testimony that is neither in support nor in opposition to the appeal.
 - G. Rebuttal testimony by the appellant, if the appellant is the applicant. The appellant's rebuttal is limited to responding to testimony previously submitted and shall be based solely on the evidence in the record.
6. The Chair shall allow for final comments from staff.
7. The Planning Commission 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.

50.82. Time Limits on Planning Commission Appeal Hearing Testimony.

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 Planning Commission unless the Planning Commission consents to adjust the time limits in a particular instance:
 - A. Up to and including 20 minutes for the applicant, if not the appellant, or the applicant as appellant's presentation.
 - B. Up to and including 20 minutes for the appellant's, if not the applicant, presentation.
 - 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 Planning Commission.
 - D. Up to and including 5 minutes each for other persons.
 - E. Up to and including 5 minutes of rebuttal for the applicant, if not the appellant, or the appellant who is the applicant.

[ORD 4532; April 2010]
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 appellate decision making authority.

50.83. Testimony, Exhibits, and Other Evidence before the Planning Commission.

1. Any person may present testimony at a hearing before the Planning Commission on an appeal of a Type 1 or Type 2 decision.

2. Any person may submit exhibits or written comments prior to the hearing. All submittals shall be made on 8 ½ by 11 inch standard bond paper. All submittals which are more than two (2) letter sized pages must include of no fewer than ten (10) complete copies of the materials being submitted. Written comments or exhibits submitted prior to the hearing to be submitted by staff at the hearing must be received by the Director no later than 4:30 p.m. on the day of the scheduled hearing. [ORD 4397; August 2006]
3. Written comments or exhibits submitted at the hearing must be filed with the recording secretary and offered into the record before the Planning Commission. No fewer than ten (10) copies of written comments or exhibits must be provided if those materials are submitted at the hearing.
4. Exhibits or written comments that are merely referred to in testimony but which are not offered into the record before the Planning Commission in accordance with this Section shall not become part of the record of the proceedings.

50.85. Conduct of the City Council Appeal Hearing.

1. The City Council shall conduct a hearing on appeal pursuant to the requirements of this Section and the Municipal Code except as otherwise required by statute. At the beginning of the appeal hearing, the Chair shall make an announcement to those in attendance that:
 - A. States the general nature of the appeal.
 - B. Lists the applicable approval criteria.
 - C. Testimony, arguments, and evidence must be directed toward the applicable approval criteria or other criteria in the Comprehensive Plan or Development Code which the person believes to apply to the decision.
 - D. Failure to raise an issue accompanied by statements or evidence sufficient to afford the City Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
 - E. Failure of the applicant to raise constitutional or other issues relating to the proposed condition of approval with sufficient specificity to allow the City or its designee to respond to the issue precludes an action for damages in circuit court.
 - F. The City Council must be impartial and that members of the City Council shall not have any bias or personal or business interest in the outcome of the application. Members of the appellate decision making authority must announce any ex parte contacts. The appellate decision making authority shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest, or ex parte contacts.
 - G. States that if any member of the City Council has visited the site, they describe generally what was observed.
 - H. Summarizes the procedure of the hearing.
2. The Chair shall next ask if there is any challenge to the Mayor's or a Councilor's right to consider the appeal. Unless the challenge is based upon information revealed pursuant to Section 50.85.1.F. and .G., a challenging party must deliver a written document at least 24 hours prior to the hearing setting forth the reasons and authority for such challenge to the member challenged and the Mayor.
3. After the announcements and statements of Sections 50.85.1. and .2. are made, the Chair shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
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 Planning Commission, that only persons who testified either orally or in writing before the decision making authority 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 Planning Commission with sufficient specificity to enable the Planning Commission to respond.
5. If the appeal hearing is to consider an appeal of a Type 4 decision, the Chair shall state that City Council review is not confined to the arguments that were raised in the letter of appeal.

6. The Chair shall invite testimony on the appeal to take place in the following order unless the City Council consents to amend the order of testimony:
 - A. The applicant, if not the appellant.
 - B. The appellant, if not the applicant.
 - C. Testimony in support of the appeal.
 - D. Testimony in opposition to the appeal.
 - E. Testimony that is neither in support nor in opposition to the appeal.
 - F. Rebuttal testimony by the appellant, if the appellant is the applicant. The appellant's rebuttal is limited to responding to testimony previously submitted and shall be based solely on the evidence in the record.

50.87. Time Limits on City Council Appeal Hearing Testimony.

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 City Council unless the City Council, subject to the right of the Mayor, with Council consent, waive or extend the time limits in a particular instance:
 - A. Up to and including 15 minutes for the applicant, if not the appellant, or applicant as appellant's presentation.
 - B. Up to and including 15 minutes for the appellant's presentation, if not the applicant.
 - C. Up to and including 10 minutes for a representative of a recognized NAC, Homeowners' Association, government or government agency, or other organized group recognized by the City Council.
 - D. Up to and including 5 minutes each for other persons.
 - E. Up to and including 5 minutes of rebuttal for the applicant, if not the appellant, or the appellant who is the applicant.

50.88. Testimony, Exhibits, and Other Evidence before the City Council.

1. For appeal hearings which are conducted on the record, only those persons who testified either orally or in writing before the Planning Commission may testify either orally or in writing before the Council on appeal. Such testimony shall be limited to argument regarding issues raised before the Planning Commission. 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 Planning Commission. 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.
2. For appeal hearings which are conducted de novo, any interested person may testify either orally or in writing before the Council on appeal. Such testimony shall be limited to addressing the applicable approval criteria or other criteria in the Comprehensive Plan or Development Code which the person believes to apply to the decision.

3. Subject to the limitations in Sections 50.88.1. and 50.88.2., written testimony may be submitted prior to the hearing. All submittals which are more than two (2) letter sized pages must include no fewer ten (10) complete copies of the materials being submitted. Written testimony submitted prior to the hearing must be received by the City Recorder by 5:00 p.m. on the day of the scheduled hearing.
4. Subject to the limitations in Sections 50.88.1 and 50.88.2, written testimony submitted at the hearing must be filed with the recording secretary and offered into the record before the City Council. No fewer than ten (10) copies of written comments or exhibits must be provided if those materials are submitted at the hearing.
5. Written evidence that is merely referred to in testimony but which is not provided to the City Council pursuant to this section shall not become part of the record of the proceedings.
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 Planning Commission shall be rejected.

50.93. Extension of a Decision.

6. In order to approve an extension of time application, the Director shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied: [ORD 4365; October 2005]
 - A. It is not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.
 - B. There has been no change in circumstances or the applicable regulations or Statutes likely to necessitate modification of the decision or conditions of approval since the effective date of the decision for which the extension is sought.
 - C. The previously approved land use decision is not being modified in design, use, or conditions of approval.

60.30.20. Enforcement.

Enforcement. 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 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.

CHAPTER 90 - DEFINITIONS

City Manager. Administrative head of the City Government. The city manager is responsible to the council for the proper administration of all city business.

Mayor. The Mayor of the City of Beaverton is the full-time official head of the city for political, ceremonial, emergency management, and military purposes. The mayor is a voting council member.

