LAND USE REVIEW: UNDERSTANDING THE PROCESS AND GETTING INVOLVED

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Agenda

1. Beaverton Planning Efforts
2. How we plan
3. How to participate
4. Discussion and questions
5. Case study

Beaverton Planning Efforts

Current Planning

- Development Review

Long Range

- Urban Renewal
- Comprehensive Plan Update
- Area 6B/South Cooper Mountain

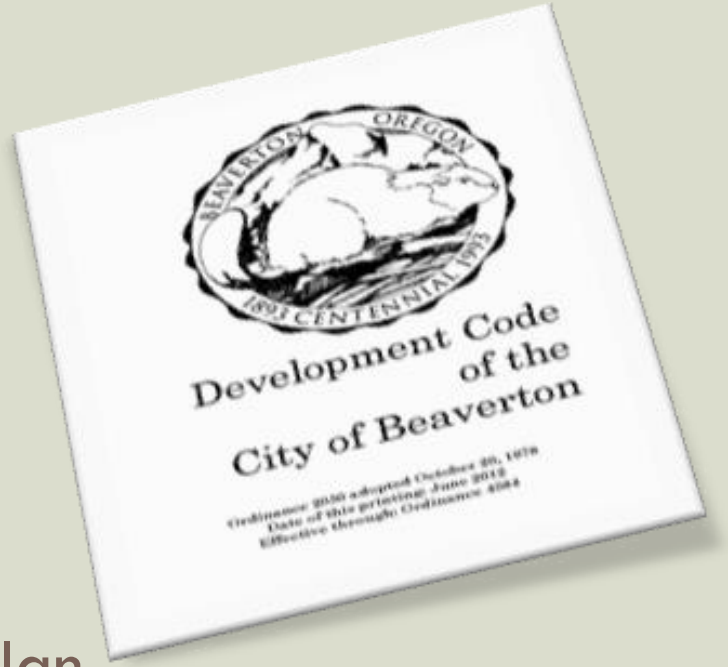
Project Implementation

- Creekside Master Plan
- Downtown Redevelopment

Land Use Documents

Comprehensive Plan

- High level policy document
- Creates vision for the City
- Broad statements



Development Code

- Implements the Comprehensive Plan
- Specific standards and requirements
- Governs most land use review

Common Land Use Applications

Conditional Use

Design Review

Land Division

Variance/Adjustment

Zoning Map Amendment

Decision Makers

The Director (CDD Director or designated staff)

- Type 1 & 2 Decisions
- Non-discretionary standards

Planning Commission

- Type 3 & 4 Decisions
- Public Hearing
- Discretionary standards
- Appeals of Planning Director decisions

City Council

- Land Use Applications requiring ordinances
- Appeals of Planning Commission decisions

Application Types

Type 1

- Limited scope
- Clear and objective standards
- Planning Director is decision maker
- No notice required

Examples

- Design Review Compliance Letter
- Flexible Setback
- Temporary Use

Application Types

Type 2

- Broader scope
- Clear and objective standards
- Planning Director is decision maker
- 300 ft. notice required

Examples

- Design Review Two
- Land Division
- Tree Plan

Application Types

Type 3

- Large projects or projects that do not meet objective standards
- Discretionary approval criteria
- Planning Commission is decision maker
- 500 ft. notice required

Examples

- New Conditional Use
- Design Review Three
- Variance

Application Types

Type 4

- Legislative decisions
- Create or amend policies, rules or procedures
- Planning Commission makes recommendation to City Council
- Notice requirements vary by application

Examples

- Comprehensive Plan Map Amendments
- Legislative Zoning Map Amendments
- Text Amendment

Land Use Process

Pre-Application Conference

- Required for Type 2, 3, and 4 applications
- Identify applicable requirements, applications and procedures
- Notes from meetings are supplied to the applicant and available to the public upon request
- Not a land use application

Land Use Process

Neighborhood Meeting

- Required for Type 3 applications
- Applicant led (not City)
- Notice to NAC and property owners within 500 ft.
- Discuss initial development proposal
- Get feedback from neighbors

Land Use Process

120-Day Rule

- Final decision within 120 days from date the application is deemed complete
- Only the applicant can extend that time frame (240 days maximum)
- City may face legal action for not meeting the 120-day requirement

Land Use Process

Completeness Review

- Within 30 days of submittal, make sure all necessary items have been provided
- Does not review the materials for content or compliance
- The 120 day clock starts when deemed complete
- The applicant has 180 days to provide any missing information

Land Use Process

Facilities Review

- Representatives from City departments and outside agencies
- Evaluates conformance with technical criteria such as streets, utilities and fire
- Holds a meeting with the applicant to discuss preliminary findings and conditions of approval
- Not a public hearing

Land Use Process

Notice of Decision (Type 2's)

- 1-2 weeks after Facilities Review meeting
- Includes all written comments received during the noticing period
- Final decision, unless appealed within 12 days
- Appeals go to the Planning Commission

Land Use Process

Public Hearings-Planning Commission

- Type 3 and Type 4 applications
- Staff report published 7 days prior to hearing
- Citizens/NAC may provide comments at the hearing
- Decisions memorialized in a Land Use Order

Public Hearing Process

General Procedure:

- Staff report
- Applicant testimony
- Public testimony
- Rebuttal
- Deliberation
- Decision

Land Use Process

Appeals

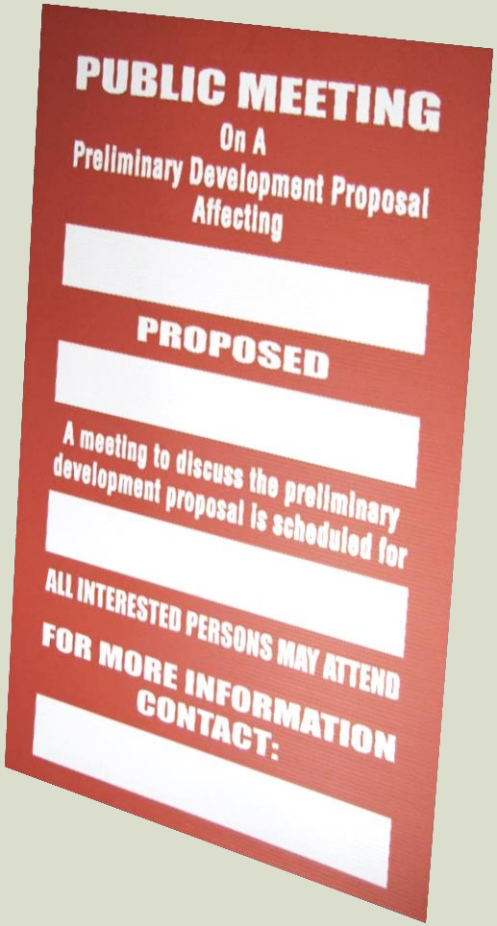
- Appeals may only be filed by a party of record
- Appeals of Director decisions (Type 1 & Type 2) are heard by the Planning Commission
- Appeals of Planning Commission decisions (Type 3) and recommendations (Type 4) are heard by the City Council
- Appeal hearings are generally *de novo*
- Appeals of final City decisions are heard by the state Land Use Board of Appeals (LUBA)

Land Uses	Type 1	Type 2	Type 3	Type 4
Pre-Application Conference		✦	✦	✦
Neighborhood Review Meeting			✦	✦
Public Notice		✦	✦	✦
120 Day Rule	✦	✦	✦	
Director's Decision	✦	✦		
Public Hearing			✦	✦
City Council Ordinance				✦

How to Participate

Attend the Neighborhood Review Meeting

- This is your first, and best, opportunity to influence design
- Take your own notes at the neighborhood review meeting
- After the meeting, watch for an application to be filed



How to Participate

Watch for public notices

- Written notice: sent to all property owners within 300 or 500 feet of the proposal
- Newspaper notice-published every Thursday in the Beaverton Valley Times
- Notice Board: posted on the site
- If you see a notice, come to City Hall to review the file or contact the assigned planner

How to Participate

Understand the approval criteria

- Applicable approval criteria will be included in the written notice
- Testimony should address how a proposal meets or does not meet the approval criteria
- The most effective public testimony speaks to the approval criteria

How to Participate

Talk to Staff

- Write down questions ahead of time
- Start with the front desk staff and ask to see the project file
- For in-depth questions, ask to speak to the project planner
- Understand it is staff's job to work with both you and the applicant on a project

How to Participate

Through the NAC

- Formal position at NAC meeting (voted on)
- NAC testimony (addressing approval criteria & reflective of NAC decisions)
- Resource for information, even if not taking a formal position

How to Participate

Submit Written Comments

- Review the applicant materials
- Know your facts
- Stick to the approval criteria
- Submit your comments 10 days prior to hearing (Type 3 & Type 4) to be included in the staff report or prior to the end of the public comment period, as specified in the notice (Type 2)

How to Participate

Testify at the Public Hearing

- Review the Staff Report & applicant materials
- Know your facts and approval criteria
- Practice your testimony
- Be concise, professional and polite

NAC Appeal Reimbursement Process

- Each NAC eligible for one per fiscal year
- Must hold at least one public meeting with topic on agenda
  - Take position, vote & record it (address the approval criteria)
  - Vote to request reimbursement & record it
  - Submit oral/written testimony
- Filing an appeal with a short timeline
- Filing the reimbursement request
- Decision making process

Resources

City Web Page www.BeavertonOregon.gov

- Public Notice and Staff Reports by NAC

Planning Counter – City Hall

- Phone Number 503-526-2420

Neighborhood Association Committees

- Contact the City's Neighborhood Office
- Phone: 503-526-2243

Questions?

Anatomy of a Public Notice

CITY OF BEAVERTON
Community and Economic Development Department
Planning Division
4755 SW Griffith Drive
PO Box 4755
Beaverton, OR 97076
Tel: (503) 526-2420
Fax: (503) 526-3720

PUBLIC HEARING NOTICE

Date of the public hearing; mark your calendars if you wish to attend.

Hearing Date: May 30, 2012 **Hearing Body:** Planning Commission

Case file numbers should be referenced in written testimony.

Project Name: **Lowami Hart Woods Nature Park**

Case File No.: **CU2012-0001, DR2012-0004, TP2012-0001**

Summary of Application: The applicant, THPRD, requests approval by the Planning Commission to improve Lowami Hart Woods Nature Park. The applicant requests approval of a Conditional Use permit for a new park in the R7 zone and Design Review Three approval for the proposed improvements. Proposed park improvements include construction of three paved trails six feet in width, one soft surface trail, a parking area, picnic and restroom facilities, and other associated improvements. The applicant requests approval of a Tree Plan Two for removal of trees within Significant Natural Resource Areas 47 and 48 and Significant Grove G49. The applicant surveyed the trees within the general area of proposed impact. Of the 1,307 trees that were surveyed 502 have the potential to be impacted by trail construction and site improvements. The applicant proposes to remove 80 trees; and will attempt to retain the remaining 422 trees which may potentially be impacted. The project area will affect a portion of the Federal Emergency Management Agency (FEMA) designated floodplain of South Johnson Creek. Plans are available for review at City Hall.

Project Location: In the general vicinity of SW Hart Road and SW 152nd Avenue; Tax Lots 100 on Washington County Tax Assessor's Map 1S1-20DB and 9200 on Washington County Tax Assessor's Map 1S1-20DA

Zoning & NAC: Urban Standard Density (R7) / West Beaverton NAC

Applicable Development Code Criteria: Section 40.03 *Facilities Review*, Section 40.15.15.3.C *Conditional Use*, Section 40.20.15.3.C *Design Review Three*, and Section 40.90.15.2.C *Tree Plan Two*.

Applicable Comprehensive Plan Policies: Policies "b and g" of Goal 5.8.1, Policy "c" of Goal 6.2.1, Policies "b and c" of 6.2.2, Policy "e" of Goal 6.2.3, Policies "a, f, and h" of Goal 7.3.1, Policies "a and b" of Goal 7.3.2, Policies "a, b, and c" of Goal 7.3.3, Policy "a" of Goal 7.3.4, and Policy "a" of Goal 8.7.1.

Hearing Time and Place: City Council Chambers, First Floor, Beaverton City Hall, 4755 SW Griffith Drive, beginning at 6:30 p.m.

Staff Contact: Jana Fox, Associate Planner, 503.526.3710 / jfox@beavertonoregon.gov

The staff planner can provide you with the best information about a proposal.

A Zoning Map can be found on the city website and zoning standards are in Chapter 20 of the Development Code.

This is the final date for written comments to be included in the staff report.

Mailed written comments to the Commission should be sent to the attention of Jana Fox, Planning Division, PO Box 4755, Beaverton, OR 97076. To be made a part of the staff report, correspondence needs to be received by Friday, May 11, 2012. Please reference the Case File Number and Project Name in your written comments. If you decide to submit written comments or exhibits before the public hearing, all submittals prior to or at the hearing that are more than two (2) letter size pages must include no fewer than ten (10) complete copies of the materials being submitted.

Facilities Review Committee Meeting Date: May 2, 2012

Date of the Facilities Review Meeting. The public may attend but may not comment as it is not a public hearing.

The Facilities Review Committee is not a decision-making body, but advises the Director and Planning Commission on a project's conformity to the technical criteria specified in Section 40.03 of the Beaverton Development Code. The Director will include the Committee's recommendation in the staff report to the decision-making authority. The Facilities Review Committee meeting is open to the public, but is not intended for public testimony.

A copy of the pre-application conference notes, neighborhood meeting information, and all other documents and evidence submitted by or on behalf of the applicant, and applicable review criteria, are available for inspection at the Beaverton Planning Division, 2nd floor, Beaverton City Hall, 4755 SW Griffith Drive, between the hours of 7:30 a.m. to 5:00 p.m., Monday through Friday. A copy of the staff report will be available for inspection at no cost at least seven (7) calendar days before the hearing. A copy of any or all materials will be provided at reasonable cost. A copy of the staff report may also be viewed on-line at www.beavertonoregon.gov/DevelopmentProjects

Link to the page that will have the staff report 7 days prior to the public hearing.

The Planning Commission shall conduct hearings in accordance with adopted rules of procedure and shall make a decision on the development application after the hearing closes. Failure to raise an issue in a hearing, by testifying in person or by letter, or failure to provide statements or evidence with sufficient specificity to afford the decision-making authority an opportunity to respond to such issue, may preclude appeal to the Land Use Board of Appeals on that issue.

THIS INFORMATION IS AVAILABLE IN LARGE PRINT OR AUDIO TAPE UPON REQUEST. IN ADDITION, ASSISTED LISTENING DEVICES, SIGN LANGUAGE INTERPRETERS, OR QUALIFIED BILINGUAL INTERPRETERS WILL BE MADE AVAILABLE AT ANY PUBLIC MEETING OR PROGRAM WITH 72 HOURS ADVANCE NOTICE. TO REQUEST THESE SERVICES, PLEASE CALL 526-2222/VOICE/TDD.

The references here correspond to the Development Code and are the criteria which the Decision Making Authority make their decision based on. Comments should address these criteria. The first Number in the sequence identified the Chapter in the Development Code the criteria is located. Approval criteria are almost always located in Chapter 40 but may refer to other sections of the Code.

The references here can be found in the Comprehensive Plan The first number in the sequence refers to the chapter of the Comprehensive Plan that the goal/policy is located in. (For example Goal 5.8.1 is in Chapter 5 of the Comprehensive Plan).

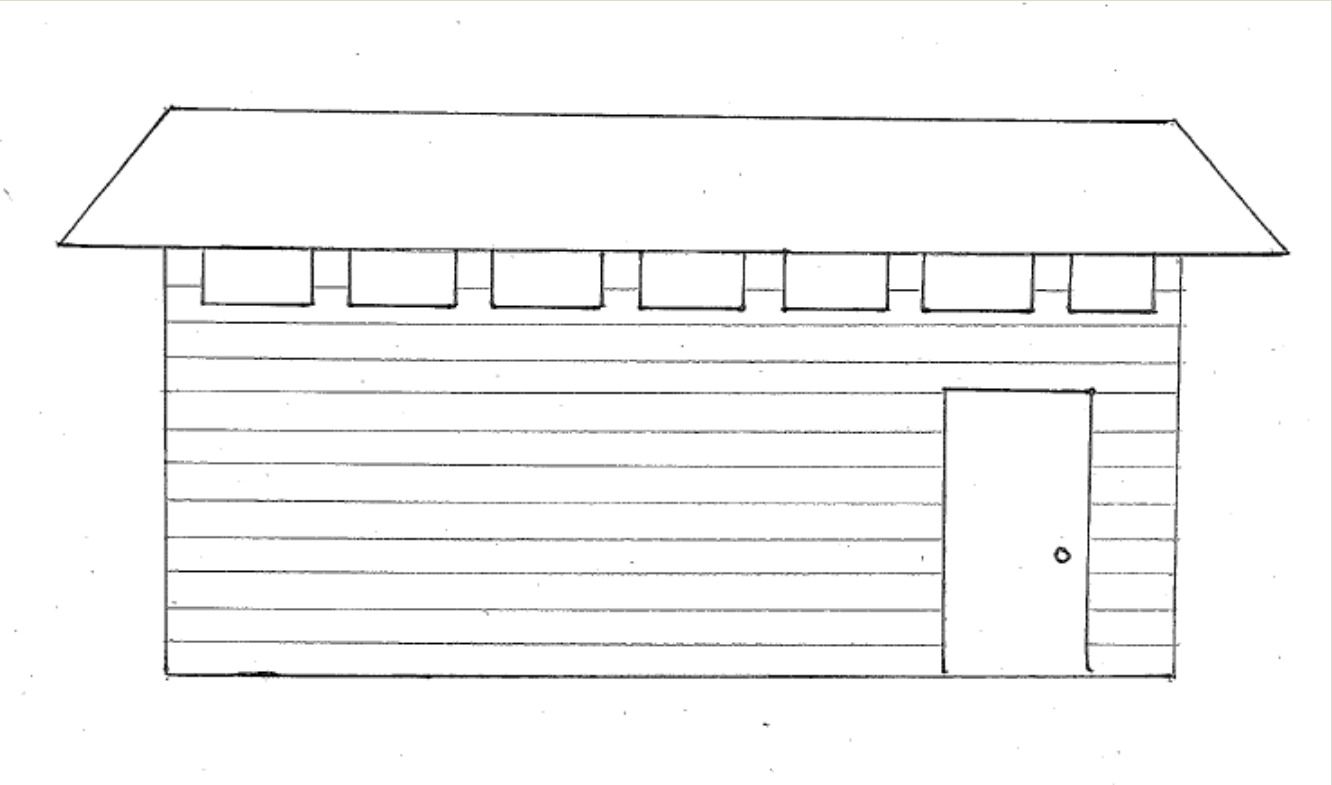
Case Study- The Iron Price Pub

Zone:
Community Service (CS)

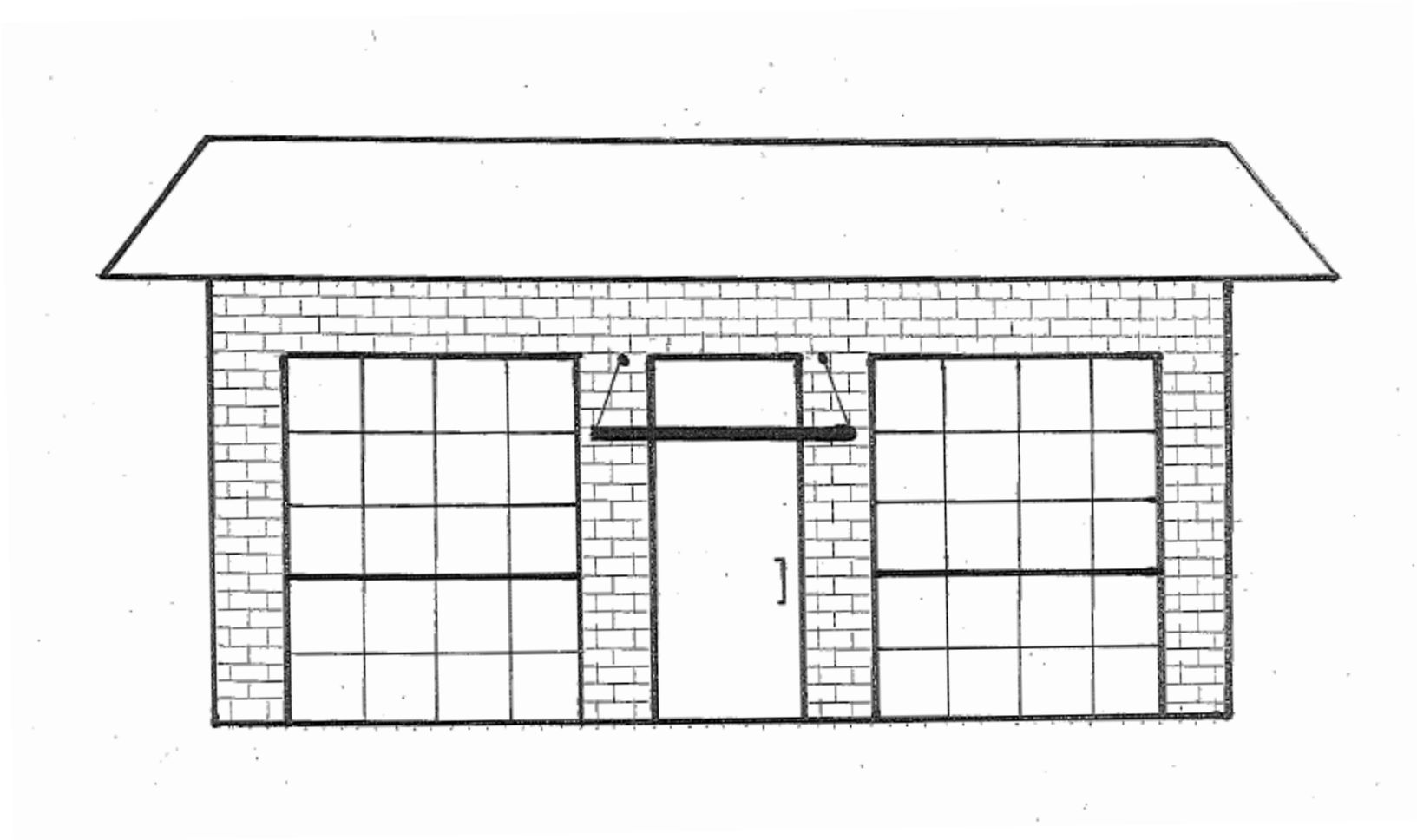
Use:
Eating & Drinking Establishment

Lot Size:
16,500 square feet

Proposed Building Size:
3,000 square feet



The Iron Price Pub



Iron Price Pub Hours of Operation

Proposed Hours of Operation:

7:00am-2:00am

Adjacent to residentially zoned property (R7) with existing residential uses

Outdoor Patio: Yes (Rear of Building)