



ORDINANCE NO. 4096

AN ORDINANCE AMENDING CHAPTER 6 OF THE BEAVERTON CODE  
IMPLEMENTING THE ROAD CLOSURE POLICY BY PROVIDING  
STANDARDS AND PROCEDURES FOR SUCH DECISIONS

WHEREAS, the City Council has requested that an ordinance be adopted for the purpose of implementing its road closure policy by providing procedures and standards for decisions relating to requests for road closures; and

WHEREAS, the Traffic Commission reviewed draft text for a Beaverton Code amendment and forwarded its proposals to the Planning Commission through Engineering Department staff; and

WHEREAS, on January 5, 2000 the Planning Commission opened a public hearing (having first promulgated notice), conducted deliberations, and compiled a record that the City Council adopts as the record of this matter; and

WHEREAS, the Planning Commission reduced its recommendation to writing and memorialized its recommendation to the Council in a Memorial (with exhibits) dated February 28<sup>th</sup>, 2000, which the Council incorporates herein; the Council also finds these materials provide an adequate factual basis for this ordinance; therefore

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** BC 6.02. is hereby amended by adding the following provisions:

6.02.075 Road Closures.

- A. Procedure. A request for a road closure shall be processed as a Major Issue under BC 6.02.065 A.2 unless the request is part of a development review issue as defined in BC 6.02.055.
- B. Eligibility Criteria. In order to recommend a road closure, the Traffic Commission must find that the road closure meets all of the following eligibility criteria in addition to the standards of BC 6.02.060 A.:
  - 1. The subject road is classified in the Comprehensive Plan as a “local” street.
  - 2. Documentation has been submitted indicating that neighborhood users of the street support the proposed road closure. The documentation shall include written expressions of interest or a record of testimony at a public meeting. “Neighborhood user of the street” is defined as a person who, from their trip origin, can enter

or use the subject street or street section without first traveling on or crossing a collector or arterial street.

3. A change in traffic patterns has substantially increased traffic volumes beyond acceptable levels that could not have been reasonably anticipated or has created a substantial safety issue that cannot be resolved by other means.
4. Closure of the subject street will not substantially increase the traffic volumes on other local streets, will not substantially diminish safety on other streets, and will not substantially increase vehicle miles traveled.

C. Survey. If the Traffic Commission and City Council determine that a road closure request satisfies the standards and criteria for closure, a survey shall be conducted by the City to verify the extent of support from neighborhood users of the street. The survey area shall be conclusively determined by the City Traffic Engineer prior to the commencement of the survey, and shall generally include all properties where a person from their trip origin can enter or use the subject street or street section without first traveling on or crossing a collector or arterial street. For each tax lot within the survey area, one person may respond as a representative of the property owner(s). In addition, for each residential unit and each business in the survey area, if the occupant of the unit is not the property owner, one person may respond as a representative of the tenant(s) of the unit.

1. The City shall mail a response form to all the identified property owners, households, and business owners in the survey area. The response form shall provide a place for a respondent(s) to indicate whether the respondent favors or opposes the proposed closure and shall include a deadline of 30 days from the City's mailing date for return of the response form. The mailing shall also include a description of the proposed road closure and a neutral list of arguments for and against the proposed road closure. Failure of any person to receive a response form shall not invalidate survey results.

2. The road closure will continue to be considered only if responses in favor of the proposal are received from at least two-thirds of all those who were mailed a response form.

D. Test Period. If the results of the survey indicate that at least two-thirds of all those who were mailed a response form support the proposed road closure, the street shall be closed for a test period of at least 120 days. The test period shall be conducted at a time that, in the opinion of the City Traffic Engineer, reflects peak traffic volumes on weekdays, weekends, and seasonable peaks as appropriate.

E. Request for Permanent Closure. Following the 120-day test period, the City Traffic Engineer shall initiate a request for permanent street closure to be considered as a Major Issue under BC 6.02.065 A.2.

**Section 2. Savings Clause.**

A. Nothing in this ordinance shall affect a site development permit or other permit related to the development of land issued before the effective date of this ordinance.

B. Nothing in this ordinance shall affect a site development permit or other permit related to the development of land issued on or after the effective date of this ordinance, provided the City first received the application for the permit before the effective date of this ordinance.

C. Nothing in this ordinance shall affect the City's consideration of an application for a site development permit or other permit related to the development of land, provided the City first received the application for the permit before the effective date of this ordinance.

D. For purposes of this section, an incomplete application for a site development permit or other permit related to the development of land received before the effective date of this ordinance, and subsequently made complete by the applicant within 180 days of the date the application was first submitted, shall be considered an application for a permit first received by the City before the effective date of this ordinance.

**Section 3. Severance Clause.**

If the Land Use Board of Appeals, Circuit Court, or any other tribunal with competent appellate jurisdiction holds any part of this ordinance illegal, unconstitutional, or not in compliance with the statewide planning goals, the remaining parts of this ordinance shall remain in full force and effect.

First reading this 6<sup>th</sup> day of March, 2000.

Passed by the Council this 27<sup>th</sup> day of March, 2000.

Approved by the Mayor this 28<sup>th</sup> day of MARCH, 2000.

ATTEST:

  
DARLEEN COGBURN, City Recorder

APPROVED:

  
ROB DRAKE, Mayor