



## TELEVISED

## FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER  
4755 SW GRIFFITH DRIVE  
BEAVERTON, OR 97005

REGULAR MEETING  
AUGUST 9, 2004  
6:30 p.m.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

04166 Tualatin Basin Goal 5 Project Update

CITIZEN COMMUNICATIONS:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of Regular Meeting of July 19, 2004

04167 Liquor License – New Outlet: Diamond Head Grill, Alina's Wine, Co-Ho Imports Oregon

04168 A Resolution Concurring with the Vacation of a Portion of West Baseline Road by Washington County (Resolution No. 3772)

04169 Intergovernmental Agreement for Mutual Aid, Mutual Assistance and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon

Contract Review Board:

04170 Retainer Agreements for Professional Services in Support of the FY 2004-05 and 2005-06 Capital Improvements Plan

ORDINANCES:

First Reading:

- 04171      An Ordinance Annexing Property Generally Known as a Portion of SW Barrows Road to the City of Beaverton: Expedited Annexation 2004-0006 (Ordinance No. 4320)

Second Reading:

- 04165      An Ordinance Amending Ordinance 4187, the Comprehensive Plan, to Adopt Various Affordable Housing Policies and Action Statements in order to Comply with Title 7 of Metro's Urban Growth Management Functional Plan and Advance the City Toward Meeting its Affordable Housing Target (Ordinance No. 4319)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (1) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (1) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (1) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive 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 503-526-2222/voice TDD.



## AGENDA BILL

### Beaverton City Council Beaverton, Oregon

**SUBJECT:** Tualatin Basin Goal 5 Project Update      **FOR AGENDA OF:** 08/09/04 **BILL NO:** 04166

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD

**DATE SUBMITTED:** 07/23/04 

**CLEARANCES:** Planning Services 

**PROCEEDING:** Presentation

**EXHIBITS:** A) Open House and Public Hearing Notice  
B) Summer Newssheet

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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### **HISTORICAL PERSPECTIVE:**

"Partners for Natural Places" is the name of the collective community efforts underway to improve the natural environment. The Partners' work will lead to programs to conserve, protect, and restore streams and waterways, and to support healthy fish and wildlife habitat. Tualatin Basin Partners for Natural Places is an alliance of local governments in the Tualatin River Basin working together with Metro to meet federal, state, and regional requirements for protecting natural resources. Technical staff from local jurisdictions, the Tualatin Basin Steering Committee (TBSC), makes recommendations to the elected officials representing local jurisdictions, the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC), who make decisions on the project.

The Partners' Goal 5 planning process includes three key steps:

- Step 1: **Map Significant Regional Resources:** Metro adopted a resolution establishing criteria to identify and define regionally significant riparian corridors and wildlife habitat. An intergovernmental agreement (IGA) between Metro and the Natural Resources Coordinating Committee established Metro's regionally significant resources as the inventory the Partners will use for Steps 2 and 3.
- Step 2: **Conduct an ESEE Analysis:** Land uses that conflict with the Goal 5 resources and impact areas where conflicting uses could adversely affect a resource were identified. Consultants and TBSC staff analyzed the economic, social, environmental, and energy (ESEE) consequences of allowing, limiting, or prohibiting conflicting uses within the resources and impact areas. Open houses and the public hearing in March focused on the draft ESEE analyses and a draft Allow, Limit, and Prohibit (ALP) map. On April 12, the TBNRCC made a tentative decision on the ALP map after approving limited adjustments. The TBSC requested the TBNRCC retain the ability to revisit the ESEE analysis and further adjust the ALP when program details are developed.
- Step 3: **Develop a Program:** According to an agreement between the Coordinating Committee and Metro, the program must achieve the goal of Metro's Goal 5 Vision Statement, which essentially requires demonstration of improvement, over time, of the environmental health in each Metro site in the Tualatin Basin (the watersheds of 11 major tributaries to the Tualatin River) as well as for the entire Tualatin River watershed. Land use regulations adopted to achieve the program goal must be specific enough for property owners to determine what uses and activities are allowed,

**Agenda Bill No:** 04166

not allowed, or conditionally allowed and must contain clear and objective conditions or standards.

Open Houses will be conducted in Beaverton on July 26, Forest Grove on July 28, and Tualatin on July 29. The TBNRCC will hold a public hearing on the Program phase of the project on August 2, 2004. It is anticipated that on August 16, 2004 they will make their final decision on the program and recommend it to Metro. Updated information about the open houses and the August 2 public hearing will occur at the City Council meeting.

**RECOMMENDED ACTION:**

View the staff presentation.



The Tualatin Basin Natural Resources  
Coordinating Committee  
Washington County/ DLUT, Planning Division  
155 N. 1st Avenue, Suite 350-14  
Hillsboro, OR 97124

[www.co.washington.or.us/goal5](http://www.co.washington.or.us/goal5)

## Public Notice

### Protecting fish and wildlife habitat in your community

Attention property owners and other interested residents

You received this notice for one of two reasons:

- Your property is located in or near the regional habitat inventory area
- You have expressed an interest in being informed about fish and wildlife habitat protection



*Please come and learn about habitat protection in the Tualatin Basin. A proposed new program will affect our natural resources and may affect your property and your pocketbook.*

### Natural resource protection program developing

Ten Washington County cities have joined with the County, Clean Water Services and the Tualatin Hills Park and Recreation District to develop a fish and wildlife habitat protection program for the Tualatin River Basin. This collaborative effort, known as the Partners for Natural Places, is being completed in cooperation with Metro. The Partners' recommendation to protect natural areas in the Tualatin Basin will be forwarded to Metro this August for consideration by Metro as part of the regional habitat protection plan.

### Invitation

You are invited to attend an open house where you can learn more about the Tualatin Basin Goal 5 Program, and to a public hearing where you can offer oral testimony on the recommendations. You may also submit written testimony to the Tualatin Basin Natural Resources Coordinating Committee at any time up to 5 pm on August 9. (Be sure to include your name and address.) Write to:

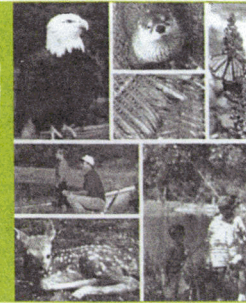
The Tualatin Basin Natural Resources Coordinating Committee  
Washington County/ DLUT, Planning Division  
155 N. 1st Avenue, Suite 350-14  
Hillsboro, OR 97124

E-mail address: [lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us)

### Partners for Natural Places



### Protecting Fish & Wildlife Habitat in the Tualatin Basin



## Public Notice

### Attention:

- **Property owners: this may affect your property**
- **Interested residents: this will affect the environmental health of the Tualatin Basin**

July 2004



### Open Houses:

Monday July 26, 4 to 8 pm  
Beaverton Library  
12375 SW 5th Street, Beaverton

Wednesday July 28, 4 to 8 pm  
Forest Grove Community Auditorium  
1915 Main St., Forest Grove

Thursday July 29, 4 to 8 pm  
Tualatin High School  
22300 SW Boones Ferry Rd., Tualatin

### Public Hearing:

Monday August 2, 6 to 8 pm  
Public Services Building Auditorium  
155 N. 1st Ave., Hillsboro  
*Testimony sign-up and informational displays will be available beginning at 4 pm.*

### Background

In 2001 Metro began development of a fish and wildlife habitat protection program to ensure regionally coordinated resource protection and enhancement. Metro did this because fish and wildlife habitat does not fit neatly into city and county boundaries. The work is guided by statewide planning Goal 5 and the federal Clean Water and Endangered Species Acts. In 2002 Metro approved an inventory of regionally significant fish and wildlife habitat.

During 2003 Metro identified the economic, social, environmental and energy (ESEE) consequences of protecting - or not protecting - habitat on a regional scale. The Tualatin Basin Partners used Metro's inventory to conduct a more site-specific local ESEE analysis. In April 2004 the Partners recommended areas where development would be subject to new standards designed to protect fish and wildlife habitat.

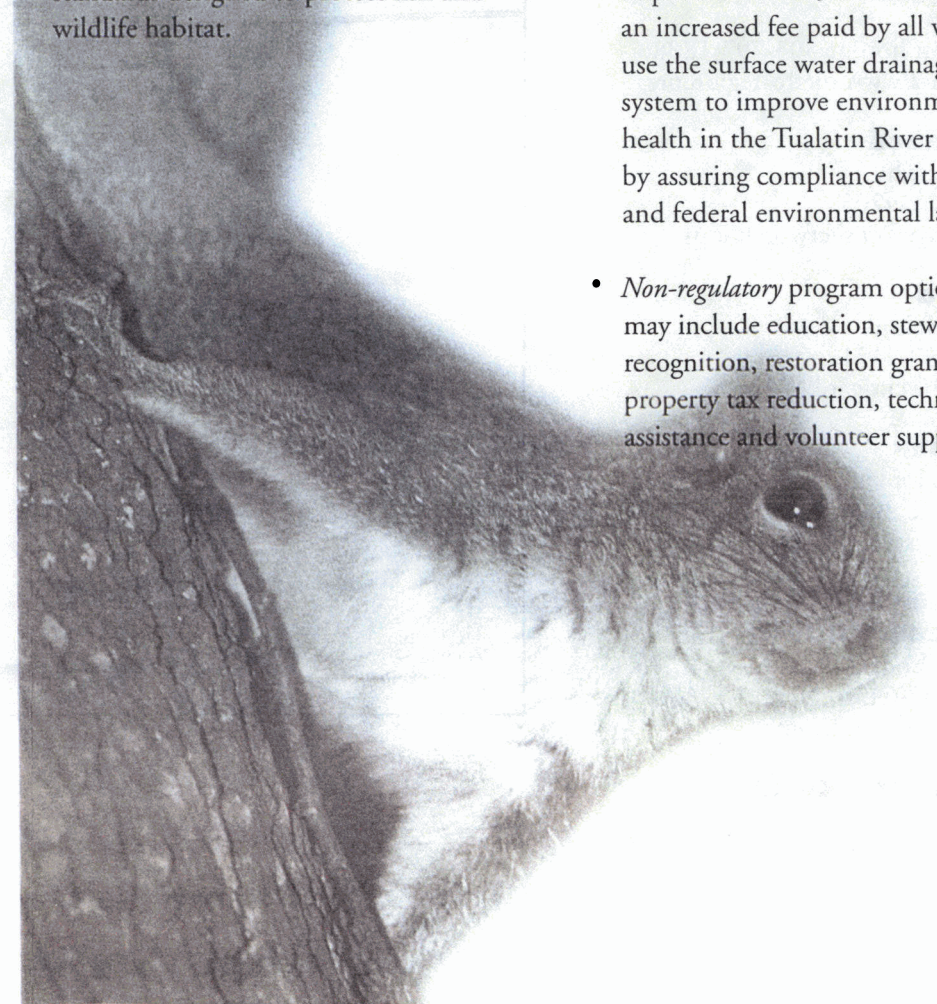
### Next Step

The Partners are now developing a program to protect regionally significant habitat. They are guided by two principles:

- Improve the environmental health of the watershed
- Recognize the need to allow economic use of land in accord with adopted Comprehensive Plans

The program has design standards, revenue and non-regulatory components.

- *Design* regulations encourage or require low impact development practices, ultimately seeking to avoid, minimize and mitigate the impacts of development in resource areas.
- *Revenue* components include development fees designed to mitigate impacts on Goal 5 resources and an increased fee paid by all who use the surface water drainage system to improve environmental health in the Tualatin River Basin by assuring compliance with state and federal environmental laws.
- *Non-regulatory* program options may include education, stewardship recognition, restoration grants, property tax reduction, technical assistance and volunteer support.





# Tualatin Basin Partners for Natural Places

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## Forest Grove

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## Hillsboro

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## Metro

24-hour hotline 503-797-1888,  
option 2 [www.metro-region.org](http://www.metro-region.org)

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## Tualatin

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## Tualatin Hills Park and Recreation District

David Endres  
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dendres@thprd.com

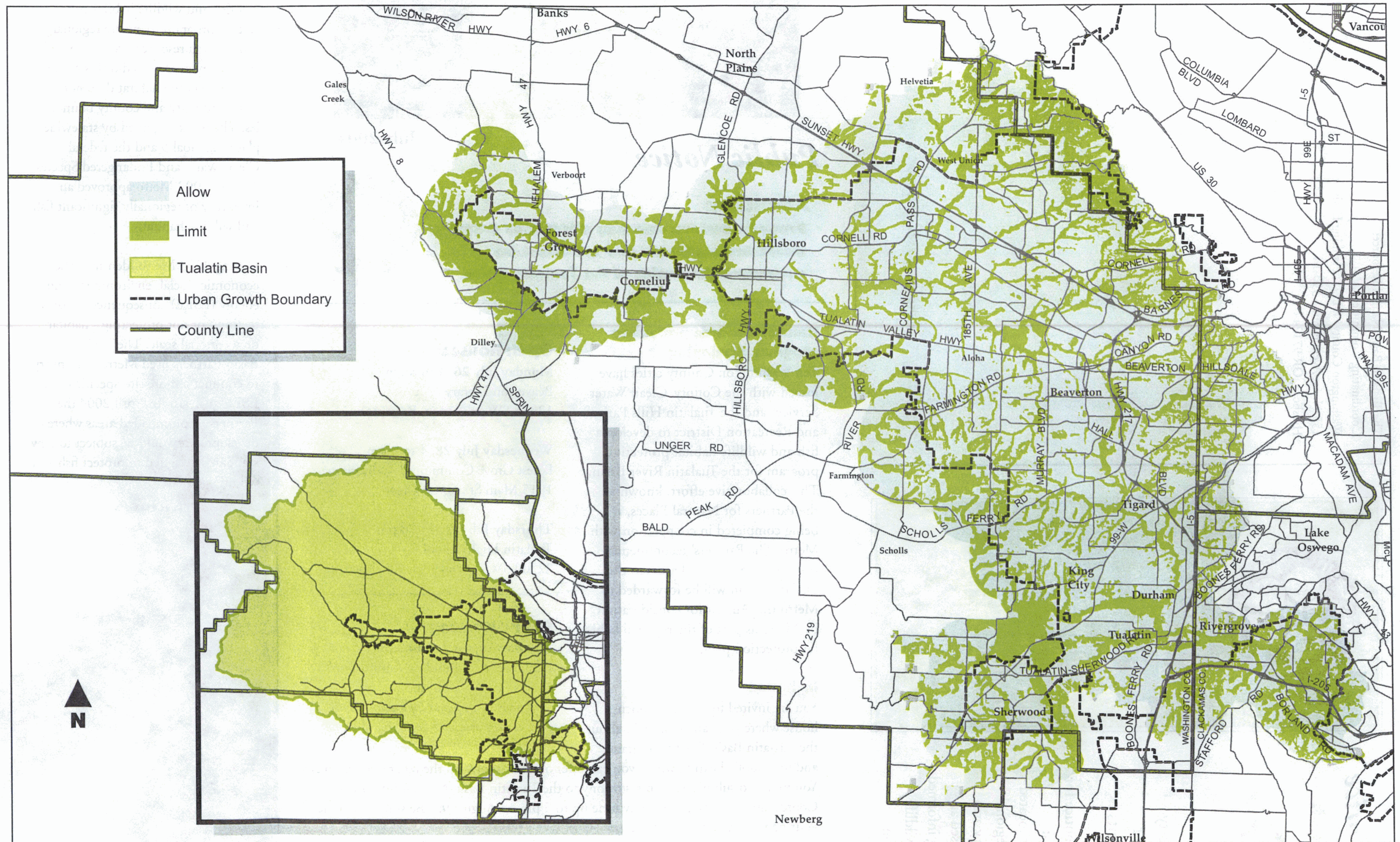
## Washington County

503-846-3519 or  
lutplan@co.washington.or.us

*If your city is not listed, call  
Washington County*



*Thank you for your interest in the Tualatin Basin watershed. <http://www.co.washington.or.us/goal5>*



### What if my property is outside the Urban Growth Boundary?

If your property is located outside the Urban Growth Boundary (UGB), then it falls within one of two categories. Properties generally within one mile of the UGB are part of Metro's natural resource inventory and are being included in the Tualatin Basin's Goal 5 work. For properties outside the Metro inventory area, a parallel program designed to improve water quality and riparian habitat will be developed. Call 503-846-3519 for more information.



## Partners for Natural Places

## Protecting Fish & Wildlife Habitat in the Tualatin Basin

the identified significant resources. In April 2004 the Partners recommended areas where development would be subject to new standards designed to protect fish and wildlife habitat.

### Next Steps

The Partners are now developing a program to protect regionally significant habitat. They are guided by two principles:

- Improve the environmental health of the watershed
- Recognize the need to allow economic use of land in accord with adopted Comprehensive Plans

### Effects on private property

Much of the land being studied is already protected under existing regulations for water quality and flood management (vegetated corridor rules implemented by Clean Water Services under Metro Title 3), is in public ownership (such as parks), or is already protected under local governments' Goal 5 programs. Under the Partners' efforts, private owners may be offered incentives to protect their land and/or they may be required to meet new regulations. Possible program tools to protect fish and wildlife habitat include *design standards, revenue and non-regulatory components*.

### Natural resource protection program developing

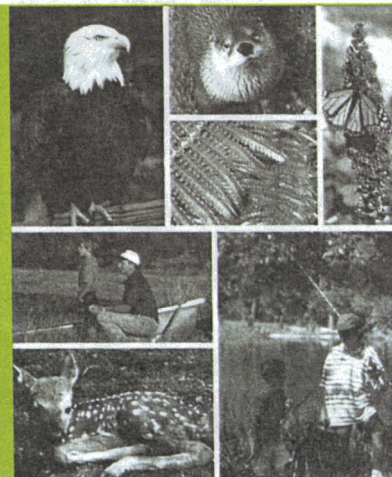
Ten Washington County cities have joined with the County, Clean Water Services and the Tualatin Hills Park and Recreation District to develop a fish and wildlife habitat protection program for the Tualatin River Basin. This collaborative effort, known as the Partners for Natural Places, is being completed in cooperation with Metro. The Partners' recommendation to protect natural areas in the Tualatin Basin will be forwarded to Metro this August for consideration by Metro as part of the regional habitat protection plan.

Because of legal requirements, Goal 5 work in the rural area will differ from the application in the urban area. Riparian areas, floodplains and water quality issues for the rural area will be addressed as a separate process.

### Background

In 2001 Metro began development of a fish and wildlife habitat protection program to ensure regionally coordinated resource protection and enhancement. Metro did this because fish and wildlife habitat does not fit neatly into city and county boundaries. The work is guided by state-wide planning Goal 5 and the federal Clean Water and Endangered Species acts. In 2002 Metro approved an inventory of regionally significant fish and wildlife habitat.

During 2003 Metro identified the economic, social, environmental and energy (ESEE) consequences of protecting - or not protecting - habitat on a regional scale. The Tualatin Basin Partners used Metro's inventory to conduct a more site-specific local ESEE analysis. Clean Water Services had done extensive watershed data gathering and scientific analysis to fulfill the requirements of the Endangered Species and Clean Water Acts. This data was used to assess the existing environmental health of riparian areas in the Basin as well as to document the quality of





## What is Goal 5?

Goal 5 is the statewide planning goal that requires the conservation of open space and protection of natural and scenic resources. Rather than targeting a specific program or product, Goal 5 specifies a process by which fish and wildlife habitats are inventoried, analyzed and protected. Trade-offs are allowed, as statewide planning goals recognize the need for balance in the use of our resources.

### The Goal 5 process has three phases:

#### Phase One: completed in 2002

- Conduct an **inventory** of fish and wildlife habitats, including information about resource location, quality and quantity (region-wide inventory conducted by Metro).
- Determine the **significance** of the resources identified.

#### Phase Two: fall 2003-spring 2004

- Identify uses that may **conflict** with the resource.
- Determine the **impact** areas around the resource.
- Conduct an **economic, social, environmental and energy (ESEE) analysis** to identify consequences that could result from allowing, limiting or prohibiting the conflicting uses.
- Decide whether to **allow, limit or prohibit conflicting uses** based on the ESEE analysis (congruent efforts by Metro and Partners).

#### Phase Three: spring-August 2004

- Develop a **program** to achieve resource protection (congruent efforts by Metro and Partners).



#### Definitions of Allow - Limit - Prohibit

The Partners reviewed the ESEE consequences of allowing, limiting or prohibiting development in or near significant fish and wildlife habitat areas. What does "allow", "limit", or "prohibit" mean?

- An "allow" decision means that development would be permitted to occur within or near significant fish and wildlife habitat areas, subject to existing regulations such as Clean Water Services' Design and Construction Standards and local, state and federal wetland regulations.

- A "limit" decision means that there is a balance between allowing development within or near significant fish and wildlife habitat areas and protecting those areas from negative impacts that can result from development activities.

- A "prohibit" decision means that development would be prohibited within significant fish and wildlife habitat areas.



### Phase Two: Conducting the ESEE Analysis

The Partners reviewed the economic, social, environmental and energy (ESEE) consequences of allowing, limiting or prohibiting development in the urban portion of the Tualatin Basin, drawing upon a variety of information sources. These sources included Metro and local government inventories and plans.

Positive and negative consequences which could result from a decision to allow, limit or prohibit development on or near significant habitat areas were drawn up and taken to the public for review in March 2004. Trade-offs were discussed and possible program solutions suggested.

### Phase Three: Defining a Protection Program

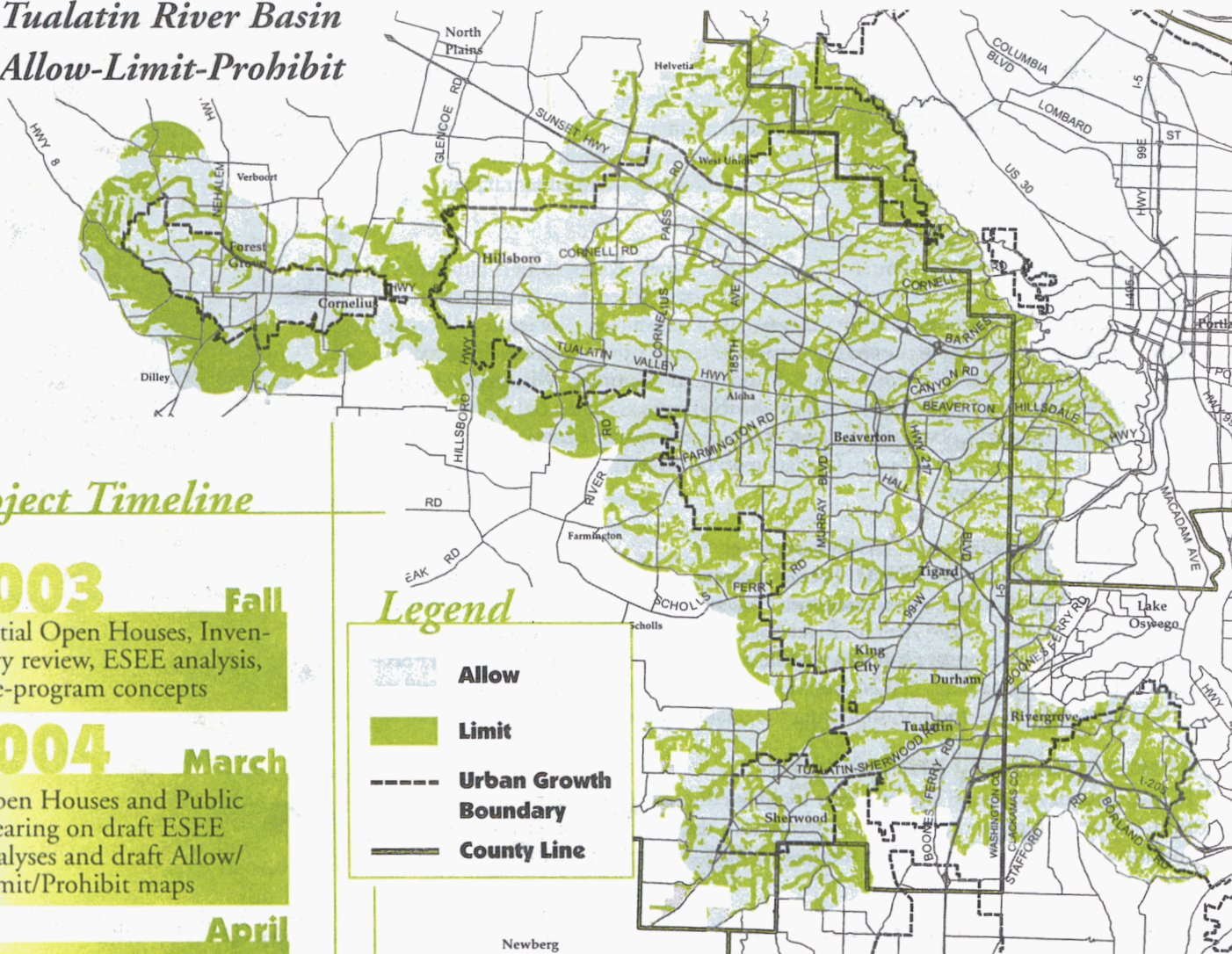
For each resource site, local governments must develop a program that allows, limits or prohibits uses that could conflict with significant fish and wildlife habitats, and incorporate that program in local policies and regulations. Draft Allow-Limit-Prohibit (ALP) maps, along with the results of the ESEE analysis, were presented for public review in March 2004.

In April 2004 the Partners' Coordinating Committee (Tualatin Basin elected officials) accepted the analyses and determined which lands require further protection. They then directed staff to draw up a program to achieve the goal of conserving and protecting sensitive habitat. The program proposals are being presented for public review and comment this summer. After a public hearing, the Coordinating Committee will make final recommendations to the Metro Council on a Goal 5 program for the Tualatin River Basin. Following Metro's approval, local governments have 180 days to adopt implementing ordinances.





# Tualatin River Basin Allow-Limit-Prohibit



## Project Timeline

**2003**

**Fall**

Initial Open Houses, Inventory review, ESEE analysis, pre-program concepts

**2004**

**March**

Open Houses and Public Hearing on draft ESEE analyses and draft Allow/Limit/Prohibit maps

**April**

ESEE - Allow/Limit/Prohibit decision

**Summer**

Open Houses and Public Hearings on Draft Program

**August**

Preliminary program proposal finalized and forwarded to Metro for review

**December**

Metro Council considers the regional program and Tualatin Basin Plan for fish and wildlife habitat protection

**2005**

Board of County Commissioners and City Councils act on local implementation for the new Tualatin Basin Goal 5 program

## Legend

- Allow**
- Limit**
- Urban Growth Boundary**
- County Line**

## Design Approaches

Design regulations are meant to hold the line on further environmental degradation in the Basin. They include low impact development practices, ultimately seeking to avoid, minimize and mitigate the impacts of development in resource areas. This involves providing financial and other incentives for avoiding direct resource disturbances on site.

- **On-site Design Flexibility:** If a property owner or developer chooses to or cannot avoid disturbance of the habitat areas, minimization of disturbance can be encouraged with financial incentives and by providing tools for minimizing disturbance areas, which may include density reduction, on-site density transfers, height and setback variances. Any areas that are disturbed will require mitigation.
- **Low Impact Development:** Beyond the limits of identified resource areas are inner and outer impact areas. The design approaches under consideration for impact areas are based upon a "low impact development" (LID) approach that requires indirect impacts to habitat to be mitigated through on-site water quality management. Low-impact development includes a variety of environmentally sensitive design techniques, such as vegetated rooftops, rain gardens, green streets, bio-retentive landscape areas and permeable pavements. This approach may require either complete or partial mitigation of these impacts.



## Revenue components

Revenue tools will be used to enhance, improve and restore the overall environmental health of the Basin. Revenue components include development fees designed to mitigate impacts on fish and wildlife habitat and an increased fee paid by all who use the surface water drainage system to improve environmental health in the Tualatin River Basin by assuring compliance with state and federal environmental laws.

- **Development Fee in Lieu of On-site Mitigation:**

This new fee would provide remedy for property owners & developers who are unable to avoid impact to the designated habitat areas when they develop and also are unable or decide not to fully mitigate impacts on site. Revenue collected from this program would be pooled and spent on mitigation projects designed to compensate for the lost functional value of impacted resources. Mitigation projects would be targeted to the watershed within which the fee is collected. The amount of fee would be based upon the estimated cost to replace the functional value of the impacted habitat resource off-site. Credits may be offered as incentives to utilize low-impact (green) design.

- **Surface Water Management (SWM)-type Fee:**

Surface Water Management (SWM) Fees are currently collected by Clean Water Services. Paid by all urban area residents and businesses, they are used to improve the environmental health of the Tualatin River Basin. Raising this fee moderately would provide financing to improve fish and wildlife habitat in accord with Clean Water Services' Healthy Streams Plan. SWM fees have proven themselves to be legally sound and a fair and affordable method of improving the quality of life in the Tualatin Basin.

## Non-regulatory components

Non-regulatory program options may include education, stewardship recognition, restoration grants, property tax reduction, technical assistance and volunteer support. A small portion of the enhanced SWM fee could be dedicated to support some of these options.

## Opportunities for public input

There have been many opportunities for input from the general public and directly affected property owners since 2003. You may attend Open Houses this summer (July 26, 28 and 29), where you can fill out and submit a comment card, or you may testify in person at the August 2 Public Hearing. At any time before August 9 at 5 pm, you may also write to:

**The Tualatin Basin Natural Resource Coordinating Committee**  
**Washington County's Department of Land Use and Transportation**  
**Planning Division, 155 N. 1st Avenue, Suite 350-14**  
**Hillsboro, OR 97124**

If your property might be affected, you will continue to receive official notices of public hearings. If you would like to be added to this mailing list, call or e-mail your local City or the County's Planning Division (see contact information on right).

Our website <http://www.co.washington.or.us/goal5> offers information and convenient e-mail access to local planning staff.

## Participating Partner Agencies

The Cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard and Tualatin; Clean Water Services, Tualatin Hills Park and Recreation District (THPRD), Washington County, Metro.

Private organizations are also involved, adding their expertise to be sure the final programs are acceptable to and workable for the community. Some of these are: Tualatin Riverkeepers, Audubon Society of Portland, Westside Economic Alliance, Home Builders Association, Associated General Contractors, SOLV and the Wetlands Conservancy.

## Partner contacts:

### Beaverton

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### Forest Grove

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### Hillsboro

Jennifer Wells  
503-681-6214  
[jenniferw@ci.hillsboro.or.us](mailto:jenniferw@ci.hillsboro.or.us)

### Metro

24-hour hotline  
503-797-1888, option 2  
[www.metro-region.org](http://www.metro-region.org)

### Tigard

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### Tualatin

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### Clean Water Services

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### Tualatin Hills Park and Recreation District

David Endres  
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[dendres@thprd.com](mailto:dendres@thprd.com)

### Washington County

503-846-3519  
[lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us)

Cities not listed,  
call Washington County



## DRAFT

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
JULY 19, 2004

### CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, July 19, 2004, at 6:37 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Betty Bode, Dennis Doyle, Fred Ruby, Forrest Soth and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop, Principal Planner Hal Bergsma, Associate Planner Jeff Salvon, Transportation Engineer Randy Wooley and Deputy City Recorder Catherine Jansen.

### PRESENTATIONS:

04155 Presentation to Brief the Council on a Proposed Comprehensive Plan Amendment to Implement Tools and Strategies for Development of More Affordable Housing in Beaverton

Principal Planner Hal Bergsman introduced himself and Associate Planner Jeff Salvon.

Bergsma said the presentation was related to Agenda Bill 04165 (proposed Ordinance regarding Title 7/Affordable Housing) also brought before Council at this meeting. He said the dilemma concerning affordable housing was that housing costs were rising faster than wages for most of the population; low income, single-parent and senior populations were particularly affected. He said many affected households turned to public services for aid and to reduce their housing costs. He said cities with a high percentage of low-income households were often the least able to address the problem. In recognition of this, Metro engaged in an effort to develop ways to provide affordable housing; Title 7 of the Urban Growth Management Functional Plan was the plan to address this situation.

Bergsma said Title 7 estimated the regional need for affordable housing and assigned affordable housing targets to each city and county. He said the targets related to those who were at 30% and 50% of median household income. He said Title 7 required that each city and county consider adopting various tools and strategies to encourage the development of affordable housing. It also required that each city and county submit a series of three compliance reports on the progress they were making in considering the adoption of these tools and strategies.



Bergsma said the City submitted its first compliance report in November, 2002 and reported on the availability and use of Federal funds, waivers that were granted for development fees and regulatory changes made to the Development Code and Comprehensive Plan. He said the second compliance report was completed at the end of last year and the City evaluated seven mandatory and ten optional affordable housing tools. He said each tool was ranked and recommendations for each tool were developed. He said the Planning Commission and City Council held public hearings to review the recommendations and Council adopted the recommendations. He said in December, 2003, the Council approved submittal of the second report and authorized completion of the third compliance report, which included implementation of the higher-rated tools and strategies. He reviewed the list of tools and strategies that were considered (in the record).

Bergsma reviewed the key recommendations proposed in the Comprehensive Plan Amendment in detail (in the record). Major recommendations included reduction of barriers to development of housing for elderly and disabled populations, investigating regulatory constraints, land banking and assembly, and property tax abatements. He concluded that the next steps in the process would be to adopt the proposed Comprehensive Plan amendments, to complete and submit the third compliance report to Metro, and to develop programs and practices that respond to the adopted policies.

Coun. Soth asked if ADA requirements would be met.

Bergsma replied they were not specifically recognized but for senior and disabled housing they had to comply with ADA requirements.

Coun. Soth asked if Metro contributed to subsidizing these projects.

Bergsma replied this was an unfunded mandate.

Coun. Soth asked where in the proposal the law that mobilehomes were allowed in any residential area was addressed.

Bergsma replied this law was still in effect. He noted certain design standards could be applied to mobilehomes.

Coun. Soth asked Bergsma to explain the term "inclusionary zoning."

Bergsma explained inclusionary zoning required a certain percentage of a housing development be developed as low-income housing. He said in Oregon it was illegal to mandate inclusionary zoning. He stated Metro required that cities consider voluntary inclusionary housing, i.e., that cities provide incentives for developers to set aside a certain number of units in their project for low-income housing.

Coun. Soth stated Beaverton was 95% built out which presented problems in terms of developable area.

Bergsma agreed there was not a lot of vacant land in Beaverton; however, there was a lot of redevelopment potential, especially in the center and downtown areas. He said the downtown might be a good area for redevelopment for affordable housing.

Coun. Stanton asked how the City could assist housing developers in determining market demand.

Bergsma explained in 2000 the City conducted an affordable housing survey and developed rough figures on how many people in Beaverton needed affordable housing. He said they also had census data available. He said the City might want to update this data to stay on top of the information.

Coun. Stanton asked if the City would be soliciting comments from developers of senior and disabled housing.

Bergsma replied the City would solicit comments from those developers.

Coun. Stanton said she was pleased with this document and with the work done by the Planning Commission and staff. She said she was glad the City was moving forward.

Coun. Bode asked if mixed use housing was being considered.

Bergsma replied it might be possible to have a mixed use element in an affordable housing project.

Coun. Bode suggested for the redevelopment of the downtown Beaverton area, there was a need to consider family residential development, to give families access to the resources in that area (schools, park, library). She said she hoped to see that type of development.

Coun. Soth stated that all housing was affordable to someone. He asked why the euphemism "affordable housing" was used instead of privately or publicly subsidized housing, such as the Section 8 Federal Program which would soon be phased out. He said it appeared to him that this was an attempt to make local jurisdictions pickup what has been the Federal government's role.

Bergsma replied the Federal government still had a major role and Federal funds would be utilized for some of these programs. He said affordable housing was determined when Metro established targets for households at certain income levels and the biggest demand was for those at 30% of income. He said sometimes the market could meet the need of affordable housing, depending on the community and cost of housing; in communities where housing was higher, there usually had to be some subsidy.

Coun. Soth asked what the difference was between subsidizing the developer and subsidizing an applicant by giving them a cash voucher to provide their own living quarters wherever they chose, if they could makeup the difference.

Bergsma replied that was another program to be considered and that described the Section 8 Program. He said the City had not considered a program to subsidize the applicant because of the administrative complexity. He said this was better handled at the State or Federal level.

Mayor Drake stated a City program to subsidize an applicant would require creating a new bureaucracy which would be costly. He said there already were efficient bureaucracies at the State, Federal and private levels to handle such programs.

Coun. Soth said he agreed such a program should be subsidized at the Federal or State levels.

Mayor Drake thanked staff for the presentation.

#### CITIZEN COMMUNICATIONS:

Mayor Drake introduced Eric Knutsen, a scout in Boy Scout Troop 870 and a student at Aloha High School, who was working on his Communications Merit Badge.

Rev. Ja West spoke on various aspects of her personal life.

Henry Kane, Beaverton, commended Coun. Soth for his earlier comments regarding subsidized housing. He said the City was not considering affordable housing; this was taxpayer subsidized housing. He said over the years subsidized housing was associated with waste, political corruption and voter disdain. He questioned whether Metro had any authority to tell a home-rule city how to spend its taxpayers' funds. He said he submitted a letter to Council and asked that before the second reading of the affordable housing ordinance, the City prepare a supplemental report answering the questions in his letter. He stated subsidized housing was a county, State or Federal function, not a City function.

Coun. Stanton explained to Kane that nothing being considered at this meeting required the City to subsidize anything. She stressed Council Goals No. 1, 5 and 6, compelled the City to do its utmost to provide affordable housing

#### COUNCIL ITEMS:

Coun. Soth expressed appreciation to the Chamber of Commerce for choosing him to be Grand Marshal of the SummerFEST parade. He said as he rode along in the parade, he was struck once again by the diversity of the people all along the parade route. He said it was very gratifying because it showed Beaverton was a cosmopolitan City, as represented by those who lived here. He thanked the Chamber for this opportunity.

Coun. Stanton announced the City Council's Picnic in Park would be on Thursday, July 22, 2004, at 6:00 p.m., at Schiffler Park for the Central Beaverton, Highland and Vose Neighborhood Associations. She also stated on Friday at 4:00 p.m., The Bridge at 141<sup>st</sup> and Allen, an affordable disabled housing project developed in cooperation with the Tualatin Valley Housing Partners, would hold a groundbreaking ceremony.

#### STAFF ITEMS:

There were none.

CONSENT AGENDA:

Coun. Stanton MOVED, SECONDED by Coun. Ruby, that the Consent Agenda be approved as follows:

Minutes for the Regular Meeting of July 12, 2004

- 04148 Final Order for Traffic Commission Issue No. TC 500 Regarding Left Turn Restrictions on SW Greenway at the Driveway Near Hall Boulevard (Carried over from meeting of 7/12/04)
- 04156 Establish a Special Assignment Pay Rate for Deputy Police Chief Duties
- 04157 Approve Application for ODOT Bicycle and Pedestrian Grant and Adopt Resolution of Support (Resolution No. 3767)
- 04158 Traffic Commission Issues No. TC 557-661
- 04159 Special Purpose Grant Budget Adjustment Resolution for 2003 Local Law Enforcement Block Grant (LLEBG) (Resolution No. 3768)
- 04160 Special Purpose Grant Budget Adjustment Resolution for FY 2004 State Homeland Security Program/Law Enforcement Terrorism Prevention Program (Resolution No. 3769)
- 04161 A Resolution Authorizing the Mayor to Sign an Interagency Agreement with the Oregon Department of Transportation (ODOT) to Receive Grant Funds to Enforce Traffic Laws Related to the 2003-05 Work Zone Enforcement Project (Resolution No. 3770)
- 04162 A Resolution Authorizing the Filing of an Application for a Local Law Enforcement Block Grant for the 2004 Fiscal Year (Resolution No. 3771)

Contract Review Board:

- 04163 Exemption from Competitive Bids and Authorize a Sole Seller/Brand Name Purchase of I/TX SI 2000 Mugshot System

Coun. Ruby thanked the City for finding the funds to improve the intersection of the bikepath on Fifth Street with the railroad tracks. He said he was glad to see the improvement and thanked the Bike Task Force for their input.

Coun. Bode stated she would abstain from voting on the July 12, 2004 Council Minutes as she was not at the meeting.

Coun. Stanton stated she had a few changes to the minutes that she would give to the City Recorder.

Question called on the motion. Couns. Bode, Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously (5:0). Coun. Bode abstained from voting on the July 12, 2004 Council Minutes as she was not at that meeting.

RECESS:

Mayor Drake called for a brief recess at 7:28 p.m.

RECONVENE:

Mayor Drake reconvened the meeting at 7:38 p.m.

PUBLIC HEARINGS:

04164 Appeal Hearing on Traffic Commission Issue TC 556 Regarding Parking Restrictions on SW 158<sup>th</sup> Place, South of Rigert Road

Mayor Drake explained this was an appeal of Traffic Commission Issue TC 556 regarding parking restrictions on SW 158<sup>th</sup> Place.

Transportation Engineer Randy Wooley reviewed the location of 158<sup>th</sup> Place, off of Rigert Road. He explained 158<sup>th</sup> Place was currently a dead end road, with the south end barricaded. He said long-term plans called for the road to be improved and connected to Sexton Mountain Drive, so it would become a through street. He pointed out the pathway to Sexton Mountain School and said the issue was that people were dropping off their children on 158<sup>th</sup> Place to use the pathway to access Sexton Mountain School. He explained the residents asked the City to do something about the drop-off traffic.

Wooley said at the Traffic Commission hearing, the residents asked for signage to limit parking on 158<sup>th</sup> Place to residents only, or to prohibit school traffic parking. He explained on public streets the City could not legally prohibit parking to everyone but residents; and prohibiting parking would not prevent drop-off traffic which only stops briefly to drop-off or pickup passengers. He explained 158<sup>th</sup> Place did not qualify for the City's permit parking process. He said at the hearing, safety was a big issue with children leaving school and crossing the street without watching for traffic, and with driveways being used as turn arounds.

Wooley reported the Traffic Commission recommended creation of a No Stopping zone on 158<sup>th</sup> Place, within 60 feet of the school path for two hours in the morning and two hours in the afternoon. He said the goal was to encourage people to use the school's designated loading zone, at the front of the school. He said Ms. Mackey had appealed the No Stopping zone. He explained the staff report did recommend modifying the Traffic Commission decision slightly by using shorter time periods. He said the Commission also asked that once this was implemented, it be monitored with the start of school and that staff report back to the Commission in November. He said that could be documented in the final order to reassure the neighborhood.

Coun. Soth asked what was the distance was between the intersection of Rigert Road and the end of 158<sup>th</sup> Place.

Wooley replied it was about 900 feet.



Coun. Bode asked if the school administration was obligated to ensure drop-off and pickup was done at the school, and if this issue was taken to the school administration.

Wooley replied school administration was included and the Superintendent and Safety Director testified at the hearing. He said the Safety Director stated they could regulate traffic on their property but not on the street, and they could encourage parents to use the loading zone but they could not regulate it.

Coun. Bode asked if the School District was obligated to have an adequate drop-off site for the school.

Wooley said he was not aware of any obligations except what was required of new schools through the land use process. He said the School administrators indicated they had a good setup and it worked well. Wooley said he suspected part of the problem was the intersection of 155<sup>th</sup> and Sexton Mountain, which was the only access and was congested with school traffic in the morning and afternoon.

Coun. Ruby said he was concerned if the restriction was only between 8:00 a.m. and 8:30 a.m., it suggested to the public that it was not a serious restriction. He asked if constricting the hours that much would make it difficult to enforce.

Wooley explained that was the reason for the longer hours initially. He said with shorter hours there was the possibility of enforcement problems. He said the idea was that once people saw police enforcing the restriction, they would start going to the school to drop the children off. He offered to check the school hours and report back to Council after the testimony.

Coun. Doyle asked if there was anything in the Code, or would there be a way to change the Code, to prohibit the behavior rather than putting up these restrictions.

City Attorney Alan Rappleyea explained there were legal problems to crafting such specific language because it has to be written from a broad base approach, so as not to target a specific group, i.e. school children in residential areas at certain times. He said the most narrowly tailored restriction possible was a no-stopping prohibition.

Coun. Stanton asked if there was a crossing guard at that location.

Wooley explained the School District had crossing guards on 155<sup>th</sup> and on Rigert Road. He said the correct walking route was for the children to be on the east side of the street and walk down the street to the path.

Coun. Stanton asked how far it was from 158<sup>th</sup> Place to the school.

Wooley replied it was about 100 feet to the school grounds and then another 100 feet across the grounds to the school.

Coun. Stanton confirmed with Wooley that the pathway was fenced on both sides and then opened up onto the school grounds.

Mayor Drake noted the report indicated there was usually between ten and twenty-five cars that stopped to drop students off at the school. He asked if that number varied depending upon the weather.

Wooley said from the number of observations it did not appear to be weather related.

Coun. Doyle asked if staff believed restricting the activity for sixty feet would be sufficient to discourage the behavior.

Wooley replied they hoped it would and the monitoring was recommended to observe the results and report back to the Traffic Commission. He said if the parents had to stop further away and they could not see the children entering the path, it would be more of an incentive for them to go to the front of the school.

Coun. Soth asked if the area was posted as a school zone.

Wooley said 158<sup>th</sup> Place was not, but the other streets were.

Coun. Stanton confirmed the street was thirty-two feet wide.

Mayor Drake opened the hearing to public testimony.

Mrs. Macie Mackey, Beaverton, appellant, said she was appealing the Traffic Commission's decision to place No Parking or Standing signs on 158<sup>th</sup> Place. She said posting these signs would not prevent the drop-off traffic and would be an unnecessary inconvenience for residents and their guests. She said with the exception of a few school functions, the street was not used for event parking. She said in the morning it was rare for cars to be parked to drop-off students and in the afternoon there were a few cars parked waiting to pickup students. She stressed the only approved pickup and drop-off site was in front of the school. She said parking permits were not an option because of the criteria in the City Code. She said if these signs were posted, homeowners and their guests would no longer have the freedom to park in front of their homes.

Mackey said she owned two commercial properties in downtown Beaverton, including the Dairy Queen, and she was a corporate officer for Dairy Queen of the Pacific Northwest. She said as the elected Treasurer, she often met with the Office Manager, who frequently came to Mrs. Mackey's home to have checks signed. She said the proposed signage would not allow the manager to park in front of her home. She said this made them uncomfortable and was a safety concern. She added the proposed signage would affect Federal Express and postal deliveries, garbage pickup, landscapers, and utility trucks.

Mackey explained the residents on SW 158<sup>th</sup> Place were predominantly families and with the number of children riding bikes on the sidewalk, she felt the signage was a safety hazard. She read from a letter written by real estate agent Robert Law, that stated this No Parking proposal would negatively impact property values for the affected homes and buyers had a negative response when parking was limited.

Mackey continued by stating her neighbors expressed concern about the signature list originally submitted to the Traffic Commission. She said the signatures were dated April 22 or 23, 2004, and the accompanying letter was dated May 6, 2004. She said she was sure the document was submitted with good intentions, but the residents did not agree with the resolution. She noted parking was already prohibited on the east side of the restricted area because of a mailbox, driveways and a fire hydrant. She suggested the Police Department enforce this restriction. She said many people she talked with agreed the signage would not prevent the school drop-offs. She urged that the parking restriction signs not be posted on 158<sup>th</sup> Place.

Mr. Joe Mackey stated he was glad Coun. Bode brought up the point of enhancing the school's drop-off site. He said he felt they were beating this issue to death and there were other alternatives available. He said he was aware of turn-off parking that was available on 155<sup>th</sup> for parents to drop-off students. He said he commuted on his bike and through his own observation, he felt the turn-offs were utilized at one-third of what they could be. He noted his points were on record from the Commission hearing and he would like to have peace under his roof on this issue.

Coun. Soth confirmed the Mackeys lived on 158<sup>th</sup> Place directly across from the path. He asked the Mackeys how they were directly affected by the parking restriction for those hours.

Mrs. Mackey responded it would be an inconvenience for business purposes and when she had family visiting in town, since they could not park in front of their home. She said when they came home from work they could not park in front of their house because she did not want to have to get up the next morning to move the car. She noted if visitors were parking on the street, they would have to move their vehicles during those hours.

Coun. Stanton noted the petition that was signed and stamped in April, said the residents wanted some type of relief on the school drop-offs. She noted Mrs. Mackey was now saying they would prefer to have nothing as opposed to having the restriction in front of their home.

The Mackey's replied that was correct.

Mayor Drake asked if the Mackey's were asking for no restrictions on the west side, and if they did not care about the east side.

Mrs. Mackey replied that was correct.

Coun. Doyle confirmed it was the Mackey's position that parking was already restricted on the east side; it was just a matter of enforcement.

Coun. Soth noted the Mackey's lived on the west side and across from the path. He asked when cars were parked on the west side of the street, did the children jump out between the cars on the west side.

Mrs. Mackey replied that cars rarely parked on her side of the street; they would drive down the road turn around, stop/drop-off and then leave.

Coun. Soth asked if she had observed students leaving the school running out between the parked cars and creating a hazard.

Mrs. Mackey said she had not observed this as she was usually at work at that time.

Coun. Doyle asked if this problem had been getting worse over years or was it steady.

Mrs. Mackey replied over the years there had been increased traffic.

Coun. Stanton confirmed with Mrs. Mackey that there was no crosswalk from the pathway west, to her side of the street.

Mahro Emamzadeh, Beaverton, stated she strongly opposed having No Parking signs in front of her home because she runs a daycare business and the parents drop-off and pickup their children during the restricted hours. She said facility inspectors come to inspect her daycare and park in front of the house; if this was restricted, they could not park on the street. She explained she had grown children who brought their kids to her for daycare. She said her children, visitors and landscapers park in front of her house and no parking would be inconvenient. She stressed she did not want the parking restriction in front of her home and she supported the Mackey's appeal. She said she did not think having parents park in her driveway or on the street to pickup their children was a problem.

Coun. Stanton asked Emamzadeh if she signed the original petition.

Emamzadeh said when it was brought to her door she told the person she did not care but she went ahead and signed it. She said she had not realized they wanted to prohibit parking in front of her house and prevent parents from dropping off their children. She said she would prefer to keep things the way they were.

Coun. Soth asked Emamzadeh when her clients arrived in the morning.

Emamzadeh replied her hours for drop-off were identical to the schools and pickup was before and after school. She said she was licensed to care for ten children.

Coun. Ruby asked if even with the restrictions in place, people could use her driveway to drop off their children.

Emamzadeh explained she and her daughter both had cars in the driveway and people were also using the driveway to turn around.

Shahrokh Shahidzadeh, Beaverton, stated he had two children and was the son of Emamzadeh. He said he dropped off his children daily at his mother's and they visited her often throughout the week. He said it would be an absolute inconvenience if he had to deal with no parking/no stopping on that street. He said he believed the property value would drop if there was a parking restriction. He said the convenience that they have would go away. He said they hold many family parties at his mother's house and have guests from out of town quite often. This restriction would hinder the parking for those cars.

Coun. Soth asked if he was saying that any restriction concerning parking would impose a burden on them as an inconvenience. He asked if having to walk that 60 feet would be an inconvenience.

Shahidzadeh said having to walk with his two young children especially during bad weather, was an inconvenience.

Coun. Stanton asked what school his children attended.

Shahidzadeh explained they were in preschool. He said they were considering sending the oldest child to Sexton Mountain when she starts school since it was close to his mother's house.

Patrick Freeman, Beaverton, stated he lived next to the path, on the north side. He said he was the person who originated the petition. He said he was disturbed about the testimony; there seemed to be a tone about dishonesty on his part about the petition. He said that was not the case. He said he was very frank with the neighbors about what was going on with the traffic situation and the petition was to bring it before the Traffic Commission. He said he could understand why some neighbors didn't want the restriction. He said he and his neighbor to the south caught the brunt of all the traffic; he said there was a mailbox and fire hydrant that were constantly being blocked which was illegal. He said there was a lot of traffic and they had a neighbor say that a potential buyer for her home did not like the street because of traffic. He said he wanted the restriction because a buffer is needed on both sides of the path so cars are not stopped there when children are leaving school, or someday a child could be injured by a car. He said he was tired of the garbage being thrown into his yard and the vandalism, and he was tired of people parking in his driveway. He stressed the children were not the problem; the traffic was the problem. He said he wanted the traffic restrictions on his side of the street in front of his house. He said he felt the school was responsible for how the children get there and how they leave and he wanted the school to take a more assertive role to discourage this from happening. He asked if they could have a sign that said "No School Drop-off" in front of the path.

Mayor Drake explained years ago the bikepath between Highland Middle School and Fir Grove School was being vandalized. He said Superintendent Katz agreed the school had some responsibility for children within reasonable proximity of the school. He said he thought the new Superintendent carried some of the same attitudes as Dr. Katz and the City could discuss this with the Superintendent. He asked Freeman what his bottom line was if the Council granted the Mackey appeal.

Freeman said if the decision was to not restrict parking, then he wanted to see the school take a more active role in policing the situation. He said he wanted it addressed from the safety and homeowners' point of view because it was their livability.

Coun. Stanton asked if he still preferred to have the parking restriction in front of his home.

Freeman replied he would.

Coun. Stanton explained the Traffic Commission often dealt with neighborhoods that wanted something done about traffic volume and speeding. She said volume was very difficult to deal with because the streets are public and State law controls what restrictions are allowed. She said she appreciated his realizing the value of the path and the need for parking restrictions to ensure adequate sight distance on either side of the path. She said whether or not people complied would depend on enforcement by the Police Department and the school taking a more active role by providing a crossing guard to prevent the drop-offs.

Coun. Doyle said he understood the situation and annoyance. He asked Freeman if he thought the restrictions would solve the problem.

Freeman said that would not be known until it was tried and he did not know why it could not be tried.

Coun. Soth asked Freeman if he spoke with the school principal.

Freeman said he had and he was told there was nothing the administration could do about it once the kids left the school property.

Coun. Soth asked if he talked with the Local School Committee.

Freeman said he wrote a letter to the School District Superintendent and received no response. He added that as of the last meeting, the school administration had agreed to take a more active role.

Coun. Stanton suggested he worked with the Local School Committee.

Scott Knees, Traffic Commission Chair, offered to answer questions from the Traffic Commission's meeting. He said the Commission tried to come up with a solution to the child safety issue, and this was the solution being appealed. He explained the Commission could not tell the public it could not use a public street. He said he personally believed parking restrictions were publicly not a good idea unless it was for safety. He said that was why the Commission went with the recommendation on the safety issue. He pointed out that one of the alternatives on the staff recommendation was to "do nothing" and he wanted to add that to the list of alternatives as well.

Coun. Soth confirmed with Knees that in the Commission's discussion, the main issue was the children's safety when utilizing the pathway to and from school. He also confirmed with Knees that the traffic on 158<sup>th</sup> Place contributed to the safety issue because the street was not a through street and traffic had to turn around and double back. He said it was clear in the Commission minutes that this was seen as a safety issue and the Commission recognized the inconvenience this would pose on some of the residents.

Knees said the Commission was not aware they were impacting a small business and a daycare facility. He said that was not raised at the Commission's hearing.



William Folck, Beaverton, he said he lived one house to north of Mr. Freeman. He said he and his wife supported the Traffic Commission's recommendation to establish a safety corridor on both sides of 158<sup>th</sup> Place at the pathway leading to and from Sexton Mountain Elementary School. He asked that the hours and the signs be changed to 7:30 a.m. to 8:30 a.m., and 2:30 p.m. to 3:30 p.m. He said one hour in the morning and one in the afternoon was what was needed; not four hours a day. He asked that the days on the sign to be changed to "On School Days" rather than "Monday through Friday" since school may be out for holidays or summer. He noted Mrs. Mackey had said that posting signage would negatively affect her property value. He said he felt this action showed this was an involved neighborhood that cared about the safety of the children and adults in the area. He said they lived across the street from the Mackeys for twelve years and the volume of traffic associated with her home was lower than was stated and there would continue to be sufficient parking on the street after the safety corridor was established. He said neighbors also offered to let Mrs. Mackey use their driveways when she needed additional parking space. He said people walked and biked down sidewalks everyday without running into signs. He stated no one that lived on 158<sup>th</sup> Place would be unjustly affected by the safety corridor. He said he felt the appeal was groundless and he asked that the Council support the establishment of the safety corridor on both sides of 158<sup>th</sup> Place to protect the children and adults who use the pathway when school opens in the morning and dismisses in the afternoon.

Folck explained Emamzadeh should have received a letter advising her of the Commission's meeting on this matter and there were signs on the corner of Rigert Road and 158<sup>th</sup> Place, and at the mailboxes that announced the meeting. He said if Emamzadeh had concerns she knew who to call, yet she did not attend the Commission hearing. He asked that Emamzadeh's comments not be included in the appeal. He added that the traffic volume was not affected by the weather.

Coun. Soth asked if Folck's recommendation was a compromise between the No Parking and the hours the Commission proposed.

Folck replied that was correct.

Coun. Doyle asked Folck if the parking restriction was in front of his house.

Folck said he was one house over from where the sign would be posted. He offered to let people park in front of his home.

Coun. Stanton asked Folck if he felt as strongly about the parking restrictions on the west side of 158<sup>th</sup> Place as he did on the east side.

Folck said he wanted to see the restriction on both sides of the street to diminish traffic volume. He said to place it on one side only limited the value of the restriction. He said they needed to be proactive on this because when the street finally goes through, the amount of traffic will increase.

Coun. Doyle asked Folck if he thought the signage would change anything without enforcement.



Folck said he thought the neighbors could be involved and people would see the signage and think twice before stopping. He said it would make it less attractive for a drop-off and pickup point. He said he believed it was worth a try and it could be reviewed again in November to determine its effectiveness.

Ann Bush, Beaverton, said she lived toward the end of 158<sup>th</sup> Place. She said though this was a safety issue, she felt they had gone from one extreme to the other. She said she felt signage could be placed asking people to drop students off at 155<sup>th</sup> and the Police could enforce the No Parking that already existed at the mailbox and fire hydrant locations. She suggested asking the school to provide a safety guard in the area to ask people not to drop-off students on 158<sup>th</sup> Place. She thought this was more reasonable and would not interfere with parking. She said she had lived on 158<sup>th</sup> Place for 15 years.

Coun. Doyle asked Bush if she had a problem with people using her driveway to turn around.

Bush said that did happen at her home but she felt the more reasonable solutions should be tried first before looking at restricting parking.

#### REBUTTAL:

Mrs. Mackey explained, regarding property values, when she questioned Mr. Law she asked him to give a ballpark figure of how much the property value would be affected. She said he responded it would be anywhere from \$5,000 to \$15,000. She said she felt that was a considerable amount which was why she included it in the testimony. She said that as a business owner, she took it as a compliment that it had not been noticed that the Office Manager stopped by her home between 7:30 a.m. and 7:45 a.m., and for about five minutes only.

Mr. Mackey stated he was disappointed in Folck's opinions on the amount of traffic by their home. He said they recently had a birthday party and 25 children attended, which might give a perspective on the amount of parking in front of their home. He said he did not see why Folck's testimony was seen as a compromise, as he thought it was Folck's own agenda. He stated this was a democracy and the majority at the meeting was against the Commission's decision.

Mayor Drake asked if staff had any further comments.

Wooley responded to Coun. Ruby's questions concerning the hours. He said on the days when they recorded the traffic volume, cars started showing up about ten minutes after the restriction times started. He stressed that the Traffic Commission's recommendation was for a No Stopping zone, not a No Parking zone. He said this was a stronger recommendation, because in most cases it was legal to stop in a No Parking zone to unload passengers. He said much of the testimony referred to No Parking zones and he wanted to be sure everyone understood it was a No Stopping zone.

Coun. Stanton asked Wooley about 130<sup>th</sup> Avenue for Southridge High School and how they handled the school traffic.

Wooley explained for Southridge the solution was to create a fifteen-minute parking zone on the east side of 130<sup>th</sup> Avenue; on the west side there were no restrictions. He said that issue involved keeping the students from parking too close to the drop-off zone.

Mayor Drake closed the public hearing.

Coun. Ruby MOVED, SECONDED by Coun. Doyle, that the Council grant the Mackey Appeal and overturn the Traffic Commission's final written order concerning parking restrictions on SW 158<sup>th</sup> Place, south of Rigert Road, and remove the proposed parking restrictions.

Coun. Bode requested an amendment to the motion to add a requirement that the School Board and Community Development Department work together to come up with a role that the school can play in providing a crossing guard as a safety element.

Coun. Ruby said he approved the initiative behind the suggestion. He deferred to the Mayor and City Attorney as to whether that should be part of the motion or a separate direction to staff to pursue those discussions with the School District.

Mayor Drake suggested they instruct staff, through the Mayor's Office and Transportation Office, to approach the School District about more focused efforts in the area. He suggested reporting back the findings to the Traffic Commission in November.

Coun. Stanton asked if the motion could be amended to restrict the appeal to the west side of 158<sup>th</sup> Place.

Coun. Ruby said he would not support Coun. Stanton's amendment as he was persuaded by the testimony that the restriction impacted the use and enjoyment of the affected residences. He said he thought involving the School District in the enforcement was a better way to proceed.

Rappleyea advised the amendment could be part of the motion or a separate action. He added the seconder of the motion would need to agree to the amendment. He noted if it was a separate recommendation, it would not have the force of law.

Coun. Stanton said she supported having Coun. Bode's amendment as part of the motion because it gave it the force of the Council's deliberation.

Couns. Ruby and Doyle agreed to include Coun. Bode's amendment in the motion.

Coun. Soth said he would not support the motion. He said in this situation they needed to ask if this was a commercial zone or a residential zone. He stated any business must accept the conditions they were dealing with. He said he was very concerned about the children's safety and when 158<sup>th</sup> Place was eventually connected the traffic would be much worse. He said he did not think the turn around was a problem with a 32-foot street. He said Folck's recommendation on the hours made sense to him, because the people who stopped at the daycare facility and at the Mackey's did not stay long and in those cases parking was not an issue. He said the perceived drop in property value was a red herring; unless it was supported by certified appraisals it had no value. He concluded he would not support the motion for those reasons.

Coun. Doyle said he respected the solution the Traffic Commission tried to craft but his concern was enforcement. He felt this had to be solved with signage and using current laws. He said when the road goes through and traffic increases, more solutions would probably be needed. He said he thought people would not comply without enforcement by the Police.

Coun. Stanton said she would not support the motion because this was a safety issue for children and this motion did not advance the safety issue. She said if the motion failed she wanted to craft a motion asking for parking restrictions on the east side of the street.

Mayor Drake stated the motion included granting the appeal, removing the proposed restriction, and directing staff to work with the School District to provide more passive enforcement and directing the Police to focus enforcement in that area. He asked if the motion included reporting back to the Traffic Commission. He noted the original motion said to report back in November, but he thought December was better to give staff sufficient time.

Coun. Ruby said originally Coun. Bode amended the motion to instruct staff to work with the School District to make it clear this was a cooperative effort to discourage use of that street for dropping off and picking up children. He said the discussions would include methods the School District could use to accomplish this.

Coun. Bode responded her amendment included providing better drop-off and pickup service in front of the school itself.

Coun. Doyle said he wanted to be clear that he felt signage was needed to let people know the rules for each side of the street and this needed to be enforced. He said if that failed, they could discuss this again to see what was needed to get people to respect the signage. He confirmed the City had the capability now to do the signage and let people know this activity was not allowed.

Mayor Drake said he recommended reporting back to the Commission in December because advance time was needed on the staff report.

Coun. Stanton stated that during the deliberation she changed her mind and she would support the motion.

Mayor Drake and Coun. Doyle confirmed the report back would go to the Traffic Commission through the normal process.

Question called on the motion. Couns. Bode, Doyle, Ruby and Stanton voting AYE, Coun. Soth voting NAY, the motion carried (4:1).

Wooley confirmed with the Council and Mayor Drake that the motion included granting the appeal, working with the School District to resolve the issues, placing signs in the area stating the existing restrictions, providing police enforcement and reporting back to the Traffic Commission in December.

ORDINANCES:

Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Ruby, that the rules be suspended, and that the ordinance embodied in Agenda Bill 04165 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Bode, Doyle, Soth, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

First Reading:

Rappleyea read the following ordinance for the first time by title only:

- 04165 An Ordinance Amending Ordinance 4187, the Comprehensive Plan, to Adopt Various Affordable Housing Policies and Action Statements in order to Comply with Title 7 of Metro's Urban Growth Management Functional Plan and Advance the City Toward Meeting its Affordable Housing Target (Ordinance No. 4319)

Second Reading:

Rappleyea read the following ordinances for the second time by title only:

- 04151 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located South of NW Cornell Road and West of NW 114<sup>th</sup> Avenue; CPA 2004-0008/ZMA 2004-0008 (Ordinance No. 4316)
- 04152 An Ordinance Renaming SW Millikan Boulevard Between Murray Boulevard and Tualatin Valley Highway to "SW Millikan Way"; SNC 2004-0001 (Ordinance No. 4317)
- 04153 An Ordinance Amending Ordinance No. 2050, the Zoning Map, as to a Specific Parcel, From Office Commercial (OC) to Community Service (CS); ZMA 2004-0006 Summit View Zoning Map Amendment (Ordinance No. 4318)

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the ordinances embodied in Agenda Bills 04151, 04152 and 04153 now pass. Roll call vote. Couns. Doyle, Ruby, Soth voting AYE, the MOTION CARRIED unanimously. (3:0) Couns. Bode and Stanton left the Council dais and did not vote on this item. They returned shortly after the vote.

RECESS:

Mayor Drake called for a brief recess at 9:14 p.m.

RECONVENE:

Mayor Drake reconvened the meeting at 9:20 p.m.

EXECUTIVE SESSION:

Coun. Stanton MOVED, SECONDED by Coun. Soth, that Council move into executive session in accordance with ORS 192.660(1)(h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660(1)(e) to deliberate with persons designated by the governing body to negotiate real property transactions. Couns. Bode, Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

The executive session convened at 9:21 p.m.

The executive session adjourned at 10:16 p.m.

The regular meeting reconvened at 10:16 p.m.

Coun. Soth MOVED, SECONDED by Coun. Stanton, that Council authorizes the City Attorney to proceed with the two issues discussed in executive session. Couns. Bode, Doyle, Ruby, Stanton and Soth voting AYE, the MOTION CARRIED unanimously. (5:0)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 10:17 p.m.

\_\_\_\_\_  
Catherine L. Jansen, Deputy City Recorder

APPROVAL:

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Rob Drake, Mayor

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** LIQUOR LICENSE

**FOR AGENDA OF:** 08/09/04 **BILL NO:** 04167

**NEW OUTLET**

Diamond Head Grill  
13435 SW Tualatin Valley Hwy  
Beaverton, OR

**MAYOR'S APPROVAL:** 

**DEPARTMENT OF ORIGIN:**

Police 

**DATE SUBMITTED:**

07/27/04

Alina's Wine  
12424 SW Broadway  
Beaverton, OR

Co-Ho Imports Oregon  
10905 SW Denney Rd  
Beaverton, OR

**PROCEEDING:** Consent Agenda

**EXHIBITS:** None

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ 0	BUDGETED \$ 0	REQUIRED \$ 0

### **HISTORICAL PERSPECTIVE:**

Background investigations have been completed and the Chief of Police finds that the applicants meet the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license applications.

### **INFORMATION FOR CONSIDERATION:**

Diamond Head Grill, Inc., is opening a new establishment and has made application for a Full On-Premises Sales License under the trade name of Diamond Head Grill. The establishment will serve Hawaiiin food. It will operate seven days a week, and serve breakfast from 6:00 a.m. to 11:00 a.m., lunch from 11:00 a.m. to 5:00 p.m., and dinner from 5:00 p.m. to 10:00 p.m. Live music, Jula Halau, and Karaoke entertainment will be offered. A Full On-Premises Sales License allows the sale of distilled spirits, malt beverages, wine, and cider for consumption at the licensed business.

Sanith Khongkakoune is opening a new establishment and has made application for an Off-Premises Sales License under the trade name of Alina's Wine. The establishment is a wine tasting establishment and will operate Monday through Saturday from 10:00 a.m. to 8:00 p.m. There will be no entertainment offered. An Off-Premises Sales License allows the sale of additional beverages in sealed containers to go.

**Agenda Bill No:** 04167

GFA Corporation is opening a new establishment and has made application for a Wholesale Malt Beverage and Wine Sales License and a Certificate of Approval under the trade name of Co-Ho Imports Oregon. The establishment is a beer and wine distribution company and will operate Monday through Friday from 8:00 a.m. to 5:00 p.m. There will be no entertainment offered. A Wholesale Malt Beverage and Wine Sales License allows the importation, storage, transportation and wholesale sale of malt beverages and wine to OLCC licensees and limited retail sales to the public. A Certificate of Approval allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine and malt beverages to Oregon licensees.

**RECOMMENDED ACTION:**

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC license applications.



## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** A Resolution Concurring With The Vacation  
Of A Portion Of West Baseline Road By  
Washington County.

**FOR AGENDA OF:** 08-09-2004 **BILL NO:** 04168

**Mayor's Approval:** *Andrew*

**DEPARTMENT OF ORIGIN:** City Attorney's *CS*

**DATE SUBMITTED:** 7-26-04

**CLEARANCES:** Planning *May*  
Engineering *Ben*

**PROCEEDING:** Consent.

**EXHIBITS:** City Resolution  
County R&O # 04-85  
Exhibit A & B (Legal & Map)

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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### **HISTORICAL PERSPECTIVE:**

A development applicant at Washington County has requested, and the County Commission has approved, the vacation of a small portion of West Baseline Road. The portion to be vacated is a county road but lies entirely within the city limits. ORS requires that the City concur in any action by the County to vacate such a (portion of a) county road.

### **INFORMATION FOR CONSIDERATION:**

The Resolution recites the Council's finding, based on CDD staff's recommendation, that vacating this portion of the West Baseline Road right of way is consistent with City's Comprehensive Plan.

### **RECOMMENDED ACTION:**

Pass Resolution.

RESOLUTION NO. 3772

A RESOLUTION CONCURRING WITH THE VACATION OF A PORTION OF  
WEST BASELINE ROAD BY WASHINGTON COUNTY.

WHEREAS, ORS 368.361(3) provides that a county governing body may vacate county right of way that is entirely within the limits of city if that city by resolution or order, concurs with a county governing body's finding that the right of way should be vacated; and,

WHEREAS, Howard E. and Ellen B. Wilson, Tuffli Family Trust, and Mary M. Padua have petitioned Washington County to vacate a portion of West Baseline Road (County Road No. 223) described and depicted in Exhibits "A" and "B" attached hereto; and,

WHEREAS, that portion of West Baseline Road proposed to be vacated is a county road entirely within the incorporated area of the City of Beaverton; and,

WHEREAS, on July 20, 2004, the Washington County Board of Commissioners found that the proposed vacation will be in the public interest and that the portion of County Road No. 223 (West Baseline Road) to be vacated is not necessary for future access, provided that the City of Beaverton concurs in their findings; and,

WHEREAS, the Council finds that the vacation of that portion of County Road No. 223 (West Baseline Road) is consistent with the Functional Classification Plan of the City of Beaverton's Comprehensive Plan and that vacation of that portion of right of way within the City is in the public interest,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEAVERTON, OREGON that the City Council does hereby concur with the findings of the Board of Commissioners of Washington County, Oregon contained in Washington County Resolution and Order No. 04-85 and that the City Recorder shall notify the County Commission of this Council Resolution.

Adopted by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

RESOLUTION NO. 3772  
ATTACHMENT

IN THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

In the Matter of the Vacation of a Portion of County  
Road No. 223; in Section 6, T1S, R1W, W.M., )  
Washington County, Oregon, VACATION NO. 439)

RESOLUTION AND ORDER

NO. 04-85

The above-entitled matter having come on regularly before the Board at its meeting of July 20, 2004; and

It appearing to the Board that a petition has been filed for the Vacation of a Portion of County Road No. 223 (West Baseline Road), situated in Section 6, T1S, R1W, W.M., Washington County, Oregon, and that said petition was signed by owners of 100% of the property to be vacated and by the owners of 100% of the abutting property, pursuant to ORS 368.351(2); and

It appearing to the Board that said petition did describe the Portion of County Road No. 223 (West Baseline Road), the names of the parties to be particularly affected thereby, and set forth the particular circumstances of the case; and

It appearing to the Board that the Portion of County Road No. 223 (West Baseline Road), proposed to be vacated, is within the boundary of the City of Beaverton and the County may vacate property provided the City concurs with the County's findings, as provided in ORS 368.361(3); and

It appearing to the Board that the Portion of County Road No. 223 (West Baseline Road), proposed to be vacated is not necessary for access as stated in the attached Vacation Report; and

It appearing to the Board that the County Road Official did examine the area proposed to be vacated as described below and hereby submits to the Board, the Vacation Report attached hereto; and by this reference made a part hereof, in accordance with ORS 368.351(1); it is therefore

RESOLVED AND ORDERED that the Board finds, based on the County Engineer's Report, that the proposed Vacation will be in the public interest and that the Portion of County Road No. 223 (West Baseline Road), proposed to be vacated is not necessary for future access; and it is further

RESOLVED AND ORDERED that the Portion of County Road No. 223 (West Baseline Road), proposed to be vacated is being more particularly described in the Vacation Report attached hereto and by this reference made a part hereof, is to be vacated upon concurrence of the City Council of the City of Beaverton with this Resolution and Order, pursuant to ORS 368.361(3); and it is further

RESOLVED AND ORDERED that the County Engineer be directed to forward a copy of this Resolution and Order to the City of Beaverton and request its concurrence with the findings herein; and it is further

RESOLVED AND ORDERED that this matter shall be continued to September 21, 2004, Board meeting to receive the concurrence of the City of Beaverton with the findings of this Resolution and Order and to take final action on the proposed vacation.

Dated this 20th day of July, 2004.

	AYE	NAY	ABSENT
BRIAN			✓
SCHOUTEN	✓		
LEEPER	✓		
ROGERS	✓		
DUYCK	✓		

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

Dick Schouten  
Vice Chairperson

Barbara Hejtmancik  
Recording Secretary

Approved as to form:

Loretta Skurdahl  
Loretta Skurdahl  
Senior Assistant County Counsel  
for Washington County, Oregon  
Date: 6/16/04

Page 2 - R&O No.  
Vacation No. 439

## EXHIBIT "A"

LEGAL DESCRIPTION  
OF WEST BASELINE ROAD VACATION

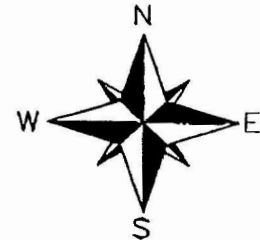
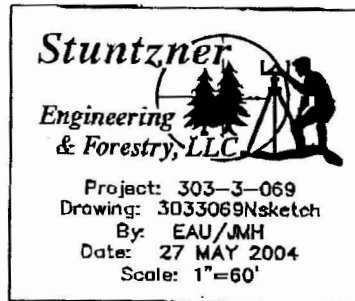
A tract of land in both the northeast one-quarter and the southeast one-quarter of Section 6 of Township 1 South, Range 1 West, Willamette Meridian, Washington County, and being more particularly described as follows:

Beginning at the northeast corner of Lot 4, ELMONICA STATION, which point is a 5/8-inch iron rod with yellow plastic cap marked "D.E.A. Inc.," and which point is on the northwesterly right of way line of the relocated Southwest Baseline Road and running thence North  $01^{\circ} 48' 52''$  East 9.34 feet; thence North  $87^{\circ} 59' 35''$  West 116.55 feet; thence along an arc to the right with radius of 45.10 feet and arc length of 102.27 feet (chord bears North  $23^{\circ} 01' 46''$  West 81.72 feet) to the intersection with the arc in the southeast portion of Lot 1, CARLTON SPRINGS NO. 1; thence southwesterly along the arc in the southeast portion of Lot 1, CARLTON SPRINGS NO. 1, to the easterly boundary of the vacated West Baseline Road per County Board of Commissioners Resolution and Order No. 99-77, recorded on May 20, 1999 as Document No. 99061262 of the Records of Washington County, Oregon; thence southerly following the easterly line of said vacation of West Baseline Road to the intersection with the southerly right-of-way line of West Baseline Road; thence easterly along the southerly right-of-way line of West Baseline Road to the point of beginning.

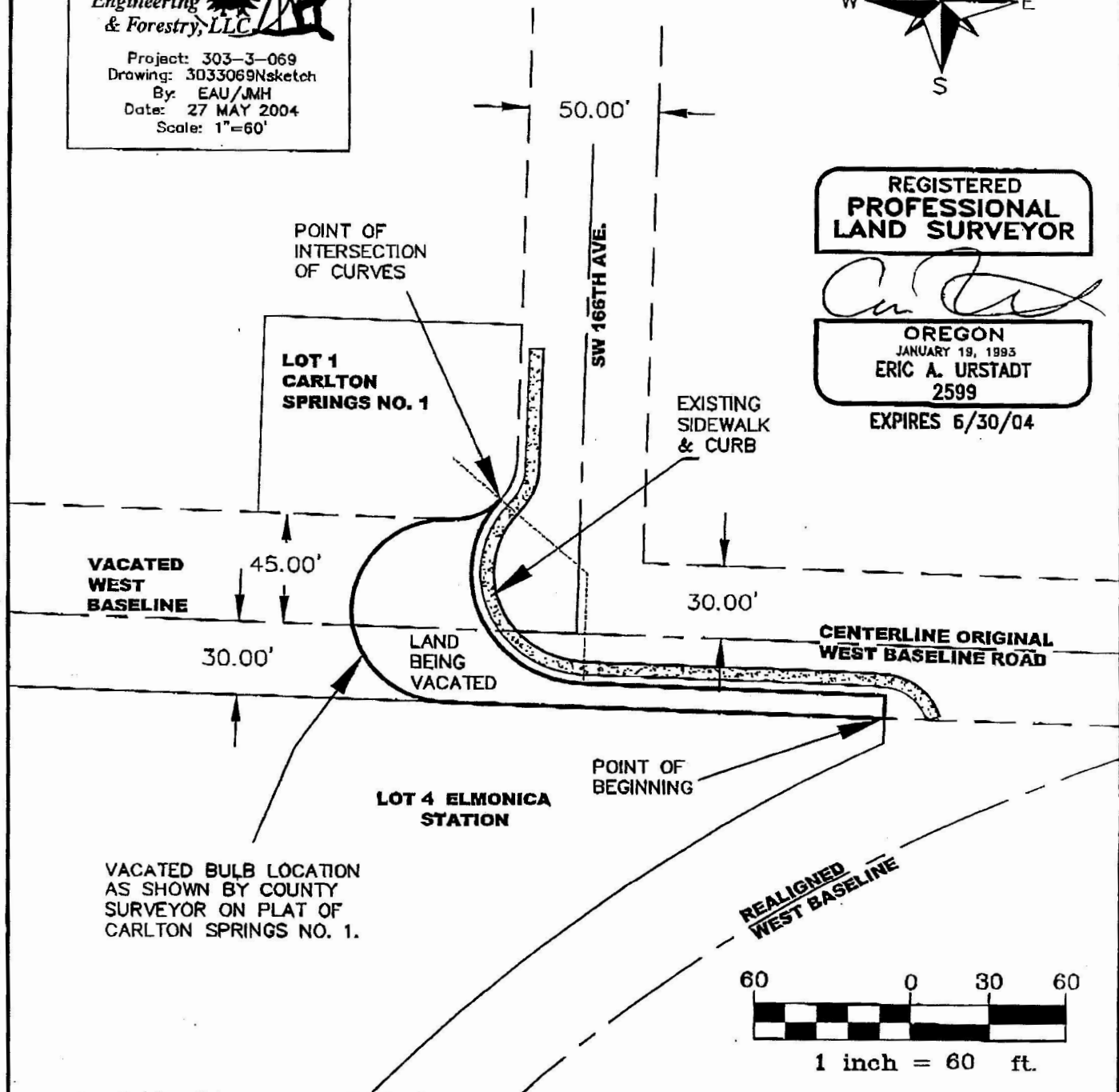


RESOLUTION NO. 3772 - ATTACHMENT

RESOLUTION NO. 3772 - ATTACHMENT

**EXHIBIT 'B'****SKETCH MAP FOR VACATION OF WEST BASELINE**LOCATED IN THE NE 1/4 AND SE 1/4 OF SECTION 6, T1S, R1W, WM  
WASHINGTON COUNTY, OREGON.**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR****OREGON**  
JANUARY 19, 1993  
**ERIC A. URSTADT**  
2599

EXPIRES 6/30/04



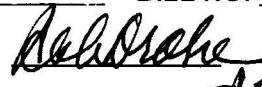


## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Intergovernmental Agreement for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon

**FOR AGENDA OF:** 8-09-04 **BILL NO:** 04169

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Police 

**DATE SUBMITTED:** 07-27-04

**CLEARANCES:** City Attorney 

**PROCEEDING:** CONSENT AGENDA

**EXHIBITS:** 1. Intergovernmental Agreement

### **BUDGET IMPACT**

EXPENDITURE REQUIRED\$-0-	AMOUNT BUDGETED\$-0-	APPROPRIATION REQUIRED \$-0-
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### **HISTORICAL PERSPECTIVE:**

Washington County law enforcement agencies wish to establish an accepted means to coordinate the efficient and effective delivery of mutual aid and mutual assistance between and among law enforcement agencies.

Providing mutual aid and mutual assistance to one another at a reasonable cost eliminates duplication where feasible and makes the most efficient and effective use of resources. Additionally, Washington County law enforcement agencies want to provide an efficient system of implementing and coordinating interagency cooperation.

### **INFORMATION FOR CONSIDERATION:**

By authorizing the Mayor to sign the attached Intergovernmental Agreement (Exhibit 1), the Beaverton Police Department will coordinate mutual aid and mutual assistance with other Washington County law enforcement agencies. Mutual aid includes the provision of additional personnel, equipment, or expertise by one law enforcement agency for the primary benefit of another law enforcement agency to assist in responding to emergency situations, such as a major crime investigations and/or enforcement of narcotics laws. Mutual assistance includes the provision of additional personnel, equipment or expertise on an occasional basis, such as assisting another agency with routine calls for service, or to provide a cover car.

The attached multi-jurisdictional agreement is a result of two years of discussion and input of all Washington County signing agencies. Washington County, the City of Hillsboro, and the City of Tigard have signed the Intergovernmental Agreement in the form presented. The City Attorney has reviewed and commented on the Intergovernmental Agreement.

### **RECOMMENDED ACTION:**

Authorize Mayor to sign Intergovernmental Agreement for Mutual Aid, Mutual Assistance, and Interagency Cooperation among law enforcement agencies in Washington County, such agreement to be in a form acceptable to the City Attorney.

**Agenda Bill No:** 04169

**INTERGOVERNMENTAL AGREEMENT  
for Mutual Aid, Mutual Assistance, And Interagency Cooperation  
Among Law Enforcement Agencies  
Located in Washington County, Oregon**

This Intergovernmental Agreement is made and entered into by and among the undersigned units of local government located in Washington County, Oregon, and additional Oregon law enforcement agencies as may be added.

WHEREAS, the parties desire to establish an accepted means to coordinate the efficient and effective delivery of mutual aid and mutual assistance between and among their law enforcement agencies, and;

WHEREAS, the parties desire to provide mutual aid and mutual assistance to one another at a reasonable cost by eliminating duplication where feasible and making the most efficient and effective use of their resources; and

WHEREAS, the parties desire to provide for an efficient system of implementing and coordinating interagency cooperation between their law enforcement agencies;

NOW, THEREFORE, under authority of Chapter 190, Oregon Revised Statutes, the parties agree as follows:

1. **DEFINITIONS:** The following definitions shall be used in construing the following terms used in this agreement.

- A. Agency: A public body as defined in ORS 30.260(4)(b) or 30.260(4)(c).
- B. Mutual Aid: The provision of additional personnel, equipment, or expertise by one law enforcement agency for the primary benefit of another law enforcement agency to assist in responding to an emergency situation.

The term includes, but is not limited to, the provision of additional personnel, equipment, or expertise by one law enforcement agency to another law enforcement agency in relation to major crimes investigation and/or the enforcement of narcotics laws, as provided in any memorandum of understanding agreed to by the undersigned participating agencies, so long as the terms of the memorandum of understanding are consistent with the terms of this Agreement.

- C. Mutual Assistance: The provision of additional personnel, equipment, or expertise on an occasional basis such as assisting another agency with routine calls for service or to provide a cover car. Mutual Assistance is normally requested by WCCCA, such as requesting an agency to handle a call for service in an adjoining jurisdiction due to a shortage of personnel in that jurisdiction, or a request to provide a cover officer to a domestic disturbance in an adjoining jurisdiction. An

officer providing Mutual Assistance shall remain under the supervision and control of his or her own agency, and shall not be under the direction or control of the agency to whom the Mutual Assistance is provided.

- C. Requesting Agency: The agency requesting mutual aid.
- D. Police Officer, Peace Officer, General Authority Oregon Police: Officer means a full-time, fully compensated police officer commissioned by the State of Oregon or any full-time, fully compensated police officer commissioned by a public agency or unit of local government of the State of Oregon to enforce the criminal laws of Oregon and includes the definitions contained or employed on ORS 181.610 and ORS 190.472, as now enacted or hereafter amended.

- 2. **MUTUAL AID - AUTHORITY TO REQUEST, GRANT, REFUSE, OR TERMINATE AID**  
Every police officer of every law enforcement agency participating in this agreement has the authority to request mutual aid, to grant or refuse a request for mutual aid, and to terminate the provision of mutual aid once granted.

An agency may have internal procedures or regulations that control the exercise of the authority granted by this section so long as the procedures or regulations do not unduly hinder the ability of an agency to make or respond to a request for mutual aid.

Pursuant to ORS 133.235, peace officers have statutory authority to act anywhere within the State of Oregon, regardless of whether the offense occurs within their primary jurisdiction.

- 3. **MUTUAL AID -PROCEDURE TO REQUEST, GRANT, REFUSE, OR TERMINATE**  
A police officer of the requesting agency who has authority to request mutual aid must make the request for mutual aid to a police officer of the responding agency who has the authority to grant a request for mutual aid.

The responding agency may grant or deny, in whole or in part, the request to supply aid to the requesting agency.

A police officer of the requesting agency may relieve all or part of the personnel or equipment of the responding agency from mutual aid duty if, in the opinion of the officer of the requesting agency, the personnel or equipment is no longer needed in the requesting agency's jurisdiction.

- 4. **MUTUAL AID - CONTROL AND DIRECTION OF PERSONNEL AND EQUIPMENT**  
Once the responding agency decides to supply aid to a requesting agency, the aid is delivered to the requesting agency in that the aid is physically present within the requesting agency's jurisdictional boundaries, and the responding agency reports to the incident commander of the requesting agency upon arriving at the scene. The requesting agency is fully responsible for the supervision and control of the aid provided. This responsibility shall continue until the requesting agency terminates its request for aid or until the responding agency recalls the aid or withdraws from providing further aid to the responding agency.

The requesting agency shall designate an incident commander who shall be in command of the scene. The personnel and equipment of the responding agency shall be under the direction and control of the requesting agency until the requesting agency relieves the responding agency or the responding agency withdraws assistance. The incident supervisor shall designate radio channels and all agencies will follow WCCCA radio procedures.

If the request for mutual aid involves an Interagency Team, the Team Leader will report to the incident commander for directions as to where and when the team should be deployed, and any rules of engagement. The Incident Commander and Team Leader shall confer regarding the team's mission and its objectives. After agreeing upon the mission, the Team Leader shall deploy the team to accomplish the mission. Notwithstanding any other provision of this agreement, the Team Leader shall retain supervision of the team at all times and shall make decisions regarding tactical deployment of the team. If the Incident Commander and Team Leader cannot agree upon the deployment of the team, either one may terminate the provision of mutual aid and withdraw or relieve the team.

The senior officer of the responding agency or the Team Leader of an Interagency Team may recall all or part of the personnel or equipment as needed. The senior officer of the responding agency or the Team Leader of an Interagency Team shall withdraw from an incident if so directed by the incident commander.

**5. MUTUAL AID - LIABILITY AND INDEMNITY**

A responding agency's refusal to provide mutual aid to a requesting agency, or a responding agency's recall of mutual aid already provided to a requesting agency, shall not be a basis upon which the requesting agency may impose liability for damages upon the responding agency.

The responding agencies employees shall be considered employees of the requesting agency for purposes of the Oregon Tort Claims Act, during such times the responding agency's employees are providing mutual aid under this Agreement. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act, the requesting agency agrees to defend and indemnify the responding agency and its employees for any liability claims, actions, suits, or proceedings brought by a third party and arising from the provision of mutual aid under this Agreement.

**6. MUTUAL AID - WORKERS COMPENSATION**

Each agency shall remain solely responsible for workers' compensation claims by its employees, notwithstanding that the injury complained of occurs while under the supervision and control of the requesting agency. Each agency will maintain worker's compensation coverage or self-insurance coverage on its personnel while they are providing assistance pursuant to this agreement. Each agency agrees not to bring any claim, action, suit, or proceeding against any agency involved in requesting or providing mutual aid to recover the cost of worker's compensation benefits paid to employees, volunteers, or their dependents, even if the injuries were caused wholly or partially by the negligence of any other agency or its officers, employees, or volunteers.

**7. MUTUAL AID - FINANCE, COSTS, AND ACCOUNTING**

Each responding agency shall pay all wages and benefits due any of its personnel, including overtime pay, workers' compensation benefits, and death benefits, as if those employees were on duty working directly for the agency by which he or she is employed.

Each responding agency shall pay for the ordinary wear and tear and routine maintenance of its equipment. Additionally, each responding agency shall pay for the repair or replacement of its own property, if the property is damaged by the sole fault of an employee of the responding agency.

Expenses incurred in the nature of travel, meals and lodging, and other expenses not otherwise specifically mentioned here shall be paid by one or more of the participating agencies in a manner determined on a case-by-case basis.

If a requesting agency needs mutual aid for an emergency event, such as a flood, earthquake, or other natural disaster, the requesting agency shall reimburse the responding agency for costs associated with providing the mutual aid, including wages, benefits, and overtime, if the responding agency provides mutual aid for more than twenty-four hours on any incident.

**8. MUTUAL ASSISTANCE – LIABILITY**

Notwithstanding any other provision of this agreement, providing Mutual Assistance shall not be a basis for one agency imposing liability upon another agency. Each agency shall retain supervision and control of its own officers at all times during the requesting, receiving, or providing of Mutual Assistance. No agency requesting, receiving, or providing Mutual Assistance shall be liable for the acts and omissions of any other agency as a result of requesting, receiving, or providing Mutual Assistance.

**9. COMMENCEMENT AND DURATION OF AGREEMENT**

This agreement shall take effect when it has been signed by more than one of the parties to it. The agreement shall be reviewed in January of every odd year.

**10. ADDITIONAL PARTIES**

Any Oregon law enforcement agency not a party to this agreement, when it first becomes effective, may become a party to it by signing the agreement after being authorized to do so by its governing body. Upon the signing of the agreement by the additional party, the agreement shall become binding among all the parties that have signed the agreement.

**11. TERMINATION, SUSPENSION, OR WITHDRAWAL FROM AGREEMENT**

Upon mutual consent of all the parties, this agreement may be amended or terminated at any time. Any party may withdraw from this agreement upon giving written notice to the other participating agencies, provided that such notice shall not be given while the agency seeking to withdraw is actively receiving mutual aid from any other participating agency.

**12. WAIVER**

The failure of any party to enforce a provision of this agreement shall not constitute a waiver by it of that or any other provision.

**13. CAPTIONS**

Captions and heading used in this agreement are inserted for convenience of reference only and are not intended to affect the interpretation or construction of the agreement.

**14. PARTIAL INVALIDITY**

Whenever possible, each provision of this agreement shall be interpreted in such a way as to be effective and valid under applicable law. If any provision of this agreement is adjudged invalid, such adjudication shall not affect the remainder of such provision or the remaining provisions of this agreement, if such remainder would then continue to conform to the terms and requirements of applicable law and the intent of this agreement.

**15. AMENDMENTS**

Only a written instrument, executed by all of the parties to it, may amend this agreement.

**16. SIGNATORIES' AUTHORITY TO ENTER INTO AGREEMENT**

Every person signing this agreement hereby represents to all the others that they are duly authorized by their unit of local government to enter into this agreement.

IN WITNESS WHEREOF the parties, by the signatures of their authorized representatives, have executed this agreement effective on the date shown below each signature.

***CITY OF BEAVERTON***

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

***CITY OF CORNELIUS***

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

***CITY OF FOREST GROVE***

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

***CITY OF NORTH PLAINS***

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**CITY OF GASTON**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF SHERWOOD**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF HILLSBORO**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF TIGARD**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF KING CITY**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF TUALATIN**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**WASHINGTON COUNTY**

By: Tom Brian

Printed Name: Tom Brian

Title: Chairman Board of Commissioners

Date: 12-2-03

APPROVED WASHINGTON COUNTY

BOARD OF COMMISSIONERS

MINUTE ORDER # 03-400

DATE 12-2-03

BY Barbara Hejmanek  
CLERK OF THE BOARD

**CITY OF GASTON**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF SHERWOOD**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF HILLSBORO**

By: Tom Hughes

Printed Name: Tom Hughes

Title: Mayor

Date: 11/18/03

ATTESTED BY: Gail Waibel  
Gail Waibel, City Recorder

**CITY OF TIGARD**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF KING CITY**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF TUALATIN**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**WASHINGTON COUNTY**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF GASTON**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF SHERWOOD**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF HILLSBORO**

By: \_\_\_\_\_

Printed Name: Tom Hughes

Title: Mayor

Date: \_\_\_\_\_

ATTESTED BY: \_\_\_\_\_

Gail Waibel, City Recorder

**CITY OF TIGARD**

By: 

Printed Name: William A. Monahan

Title: City Manager

Date: 3/29/2004

**CITY OF KING CITY**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF TUALATIN**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**WASHINGTON COUNTY**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Retainer Agreements for Professional Services in Support of the FY 2004/05 and 2005/06 Capital Improvements Plans

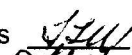
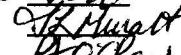
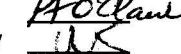
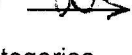
**FOR AGENDA OF:** 8-09-04 **BILL NO:** 04170

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Engineering 

**DATE SUBMITTED:** 7-27-04

**CLEARANCES:**

Cap. Projects   
Purchasing   
Finance   
City Attorney 

**PROCEEDING:** Consent Agenda  
(Contract Review Board)

**EXHIBITS:** 1. List of Categories and Subcategories  
2. List of Recommended Consultants  
Grouped in Specific Categories or  
Subcategories

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$-0-	AMOUNT BUDGETED \$-0-	APPROPRIATION REQUIRED \$-0-
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### **HISTORICAL PERSPECTIVE:**

The Engineering Department's current list of consultant retainer agreements for professional engineering services expired June 30, 2004. The list prequalified consultants to perform engineering-related professional services from which contracts are awarded for specific items of work. Staff advertised a new Request for Proposal (RFP) in May of 2004 to support the Capital Improvements Plans for fiscal years 2004/05 and 2005/06, with an option to extend an additional third year for 2006/07. Also, to ensure compliance with City of Beaverton purchasing rules, Resolution Number 3756, adopted May 17, 2004, established an exemption from formal competitive bidding requirements with regard to personal service contracts involving the hiring of professionals on retainer to the City.

The previous RFP contained three categories and 17 subcategories. In the new RFP, three subcategories were eliminated where professional services are expected to decrease (Traffic Engineering Design, Traffic Engineering Studies and Cad Drafting Services).

### **INFORMATION FOR CONSIDERATION:**

The RFP was advertised on May 24, 2004, in the *Portland Daily Journal of Commerce*. Proposals were received by 4:00 p.m. on June 23, 2004. A total of 156 proposals from 78 consultants were received in the three categories and 14 subcategories listed in Exhibit 1.

The proposals were reviewed and rated by a consultant selection committee comprised of 25 City staff, divided into 17 review teams (typically 3 on a team). The proposals were distributed so that each committee member reviewed only those proposals in their particular field of knowledge and expertise. Consultants in each category were rated based on firm qualifications, key personnel qualifications, client service, cost schedules, and other supporting information. When sub-consultants were included in a proposal as a team, the entire team was rated as a whole.

**Agenda Bill No:** 04170

To complete the review, a list was compiled for each of the three categories that are not divided into subcategories. For those that have subcategories, a list was compiled for each of the 14 subcategories. As specified in the RFP, the consultants that ranked 70 or higher (based on the average score of each proposal) in each category or subcategory were selected for each list. Exhibit 2 contains the recommended list in each category and subcategory.

Staff recommends that Council award retainer agreement contracts to all of the engineering consultants listed in Exhibit 2. After Council approves the consultant list, staff will issue the contracts immediately. Staff will then prepare scopes of work and negotiate work plans, schedules, and fees for projects in the FY 2004/05 Capital Improvements Plan with consultants selected from the list.

In selecting consultants from the list, staff will maintain a project list in each category or subcategory in an effort to distribute City work among all consultants retained. If the anticipated total fee is \$250,000 or less, consultants will be selected based on the consultant's fee, availability, competency and project familiarity. If the anticipated total fee is over \$250,000 and under \$350,000, a minimum of two consultants on the list shall be requested to submit a written proposal with the selection based on the consultant submitting the best responsive proposal. However, the department head may, with written justification, select a particular consultant on retainer to work on a specific project. If the anticipated total fee is \$350,000 or more, a consultant's services must be procured through a separate request for proposal process. Staff will return to Council in the future with recommendations to award professional services contracts to specific consultants for work on specific projects of \$25,000 or greater.

When it is determined that specific expertise in a category or subcategory is needed for a project, staff will first select a prime consultant for the project from the list. If the prime consultant lacks expertise in another category or subcategory that is required for the project, staff will require the prime consultant to subcontract with a consultant selected by the City from the appropriate list.

**RECOMMENDED ACTION:**

Council award retainer agreement contracts to the consultants listed on Exhibit 2, and direct staff to begin negotiating Professional Services contracts for projects in the FY 2004/05 Capital Improvements Plan.

## Exhibit #1

### List of Categories and Subcategories for Engineering Professional Services

No.	Category or Subcategory	Number of Proposals
1	Engineering Services for Transportation Improvements	16
2	Environmental Site Assessments and Investigations	9
3	Natural Resources Assessments	14
4	Geotechnical Engineering Services	6
5	Water and Waterworks Improvements	17
6	Stormwater and Wastewater Improvements	23
7	Hydrology and/or Hydraulic Modeling	14
8	Subsurface Utility Investigation Services	3
9	Construction Inspection Services	6
10	Survey Services	9
11	Landscape Architecture Services	6
12	GIS Services	10
13	Aerial Photography and Mapping Services	5
14	Pavement Management Services	3
15	Services in Support of the Public Involvement Process	4
16	Real Property, Right of Way and Easement Services for Acquisition and Negotiation Services	5
17	Real Property, Right of Way and Easement Services for Appraisal Services	6

**TOTAL** 156



## EXHIBIT #2

### Proposed Professional Services Retainer List

Geotechnical Engineering Services		
Consultant	Number	Score
Squier/Kleinfelder Beaverton, OR	1	77.7
Northwest Geotech Wilsonville, OR	2	75.0
GeoDesign Portland, OR	3	71.0
Groundwater Solutions Portland, OR	4	70.3

Engineering Services for Transportation Improvements		
Consultant	Number	Score
David Evans & Associates Portland, OR	1	87.9
Harper Houf Peterson Righellis Portland, OR	2	87.7
OTAK Lake Oswego, OR	3	85.2
Wallis Engineering Vancouver, WA	4	80.6
Kurahashi & Associates Beaverton, OR	5	75.8
Lee Engineering Oregon City, OR	6	75.8
DeHaas & Associates Wilsonville, OR	7	75.0
KPFF Portland, OR	8	72.9

Services in Support of the Public Involvement Process		
Consultant	Number	Score
Debie Garner Vancouver, WA	1	95.7
The JD White Co. Vancouver, WA	2	93.0
Cogan Owens Cogan Portland, OR	3	88.3

Real Property, Right of Way and Easement Services					
A. Acquisition and Negotiation Services			B. Appraisal Services		
Consultant	Number	Score	Consultant	Number	Score
David Evans & Associates Portland, OR	1	90.0	David Evans and Associates Portland, OR	1	77.1
Right of Way Associates Beaverton, OR	2	89.5	RP Herman & Associates Portland, OR	2	74.1
Universal Field Services Salem, OR	3	88.0	Day Appraisal, Co. Portland, OR	3	73.7
Epic Land Solutions Gresham, OR	4	81.5	Arvidson & Associates Beaverton, OR	4	72.5

Environmental Engineering Services					
A. Environmental Site Assessments and Investigations			B. Natural Resource Assessments		
Consultant	Number	Score	Consultant	Number	Score
Squier/Kleinfelder Beaverton, OR	1	85.7	Vigil Agrimis Portland, OR	1	83.0
GeoEngineers Portland, OR	2	81	Pacific Habitat Services Wilsonville, OR	2	82.5
GeoDesign Portland, OR	3	78.3	Adolfson & Associates Portland, OR	3	79.0
Hahn & Associates Portland, OR	4	76.3	PBS Engineering & Environmental Portland, OR	4	77.5
PBS Engineering & Environmental Portland, OR	5	75.3	Environmental Science & Assessment Portland, OR	5	74.5
AMEC Portland, OR	6	75.0			
ATC Associates Tigard, OR	7	72.3			
HDR Portland, OR	8	71.7			

## EXHIBIT #2

### Proposed Professional Services Retainer List

Technical Support Services											
A. Subsurface Utility Investigation Services			B. Construction Management and/or Inspection Services			C. Survey Services			D. Landscape Architecture Services		
Consultant	Number	Score	Consultant	Number	Score	Consultant	Number	Score	Consultant	Number	Score
TBE Group Kent, WA	1	92.0	CMTS Portland, OR	1	79.3	CES/NW Lake Oswego, OR	1	89.8	WRG Design Portland, OR	1	87.7
Loy Clark Pipeline Tualatin, OR	2	89.0	MacKay & Sposito Vancouver, WA	2	76.0	DeHaas & Associates Wilsonville, OR	2	89	Walker Macy Portland, OR	2	86.0
			W&H Pacific Portland, OR	3	71.8	W&H Pacific Portland, OR	3	87.7	Greenworks Portland, OR	3	85.3
						Westlake Consultants Tigard, OR	4	87.7	OTAK Lake Oswego, OR	4	81.3
						Tom Nelson & Associates Portland, OR	5	87.3			
						OTAK Lake Oswego, OR	6	86.7			
						Crane and Merseth Milwaukie, OR	7	85.3			
						WRG Design Portland, OR	8	84.3			
						Kurahashi & Associates Beaverton, OR	9	77.3			

Technical Support Services (Continued)											
E. Geographical Information System (GIS) Services			F. Aerial Photography and Mapping Services			G. Pavement Management Services					
Consultant	Number	Score	Consultant	Number	Score	Consultant	Number	Score			
Alsea Geospatial Corvallis, OR	1	87.5	David Smith & Associates Portland, OR	1	99.0	Engineering Information Services Salem, OR	1	100.0			
GeoNorth Portland, OR	2	87.5	OSI Geomatics Bellevue, WA	2	93.5	Squier/Kleinfelder Beaverton, OR	2	87.5			
Marshall & Associates Olympia, WA	3	78.5	3Di West Eugene, OR	3	88.0						
CH2MHill Portland, OR	4	73.0									
GeoEngineers Portland, OR	5	72.5									
California CAD Solutions Modesto, CA	6	70.5									

## EXHIBIT #2

### Proposed Professional Services Retainer List

Utility Infrastructure Improvement Services								
A. Water and Waterworks Improvements			B. Wastewater and Stormwater Improvements			C. Hydrology and/or Hydraulic Modeling		
Consultant	Number	Score	Consultant	Number	Score	Consultant	Number	Score
Economic and Engineering Services Portland, OR	1	78.3	Tetra Tech/KCM Portland, OR	1	82.7	Pacific Water Resources Beaverton, OR	1	82.7
Murray, Smith & Associates Portland, OR	2	76.7	David Evans & Associates Portland, OR	2	78.0	Tetra Tech/KCM Portland, OR	2	78.3
Lee Engineering Oregon City, OR	3	76.3	Kennedy/Jenks Portland, OR	3	73.7	David Evans & Associates Portland, OR	3	76.3
West Yost & Associates West Linn, OR	4	74.3	Lee Engineering Oregon City, OR	4	73.7	OTAK Lake Oswego, OR	4	70.0
CH2MHill Portland, OR	5	71.3	KPFF Consulting Engineers Portland, OR	4	72.0			
HDR Portland, OR	6	70.0						



## AGENDA BILL

### Beaverton City Council Beaverton, Oregon



**SUBJECT:** An Ordinance Annexing Property Generally  
Known As a Portion of SW Barrows Road to  
the City of Beaverton: Expedited  
Annexation 2004-0006

**FOR AGENDA OF:** 08/09/04 **BILL NO:** 04171

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 07/20/04

**CLEARANCES:** City Attorney   
Planning Services 

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Legal Description  
Exhibit C - Staff Report Dated 07/16/04

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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### **HISTORICAL PERSPECTIVE:**

This annexation consists of two pieces of property that are part of the SW Barrows Road right-of-way. Generally, the Beaverton city limits go to the center line of Barrows Road from the Bonneville Power Administration (BPA) powerline easement to a little west of SW 154th Avenue. In addition, there is a sliver of unincorporated right-of-way at SW 157th Avenue that runs the entire width of the right-of-way. The Progress Quarry (Progress Ridge) development is proposing to relocate Barrows Road to the north in this area and to turn the existing right-of-way into a bike path/trail that will eventually connect to a bike path/trail system in the BPA powerline easement. Washington County is agreeable to transferring jurisdiction and maintenance to the City of Beaverton to facilitate the review and approvals of this project but under State Statutes (ORS 373.270) cities can only assume responsibility for right-of-way that is in their corporate limits. This annexation is being proposed to facilitate the transfer of jurisdiction for Barrows Road in this area and to facilitate the Progress Quarry proposal to relocate the road and turn the existing right-of-way into a bike path/trail that will eventually be part of a large trail system.

### **INFORMATION FOR CONSIDERATION:**

This ordinance and the attached staff report address the criteria for annexation in Metro Code Section 3.09.

The annexation will become effective November 3, 2004.

### **RECOMMENDED ACTION:**

First Reading.

**ORDINANCE NO. 4320**

AN ORDINANCE ANNEXING PROPERTY GENERALLY KNOWN  
AS A PORTION OF SW BARROWS ROAD TO THE CITY OF  
BEAVERTON: EXPEDITED ANNEXATION 2004-0006

**WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby Washington County has consented to annexation; and

**WHEREAS,** City policy as adopted in Resolution No. 2660, Sections 2 and 4, is to extend City services to properties through annexation; now, therefore,

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

**Section 1.** The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective November 3, 2004.

**Section 2.** The Council accepts the staff report, dated July 19, 2004, attached hereto as Exhibit C, and finds that:

- a. There are no provisions in urban service provider agreements adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
- b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services in that partial responsibility for sanitary and storm sewer facilities within the area annexed will transfer to the City upon this annexation.

**Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:

- a. The part of the property that lies within the Washington County Urban Road Maintenance District will be withdrawn from the district; and
- b. The part of the property that lies within the Washington County Street Lighting District #1 will be withdrawn from the district; and
- c. The part of the property that lies within the Washington County Enhanced Sheriff Patrol District will be withdrawn from the district; and
- d. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall be annexed to or remain within that district.

**Section 4.** The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09.

**Section 5.** The City Recorder shall place a certified copy of this Ordinance in the City's permanent records and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five days of the effective date.

**Section 6.** The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and

telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First reading this \_\_\_\_ day of \_\_\_\_\_, 2004.

Passed by the Council this \_\_\_\_ day of \_\_\_\_\_, 2004.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor



# ANNEXATION MAP

ORDINANCE NO. 4320

Exhibit "A"



BARROWS ROAD EXPEDITED ANNEXATION  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

03/20/04  
Map #  
Application #  
ANX 2004-0006



## EXHIBIT "B"

ORDINANCE NO. 4320

### LEGAL DESCRIPTION

ANX 2004-0006

### BARROWS ROAD EXPEDITED ANNEXATION

Two parcels of land (consisting entirely of right-of-way of SW Barrows Road) situated in the Northwest 1/4 of Section 4 and the North half of Section 5, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

#### Parcel I

All that portion of SW Barrows Road that lies between the southerly extension of the East line of tract "A", AUTUMN CREST NO.3, a plat of record, Washington County, Oregon (said extension also being the City Limits line of the City of Beaverton) and the southerly extension of the westerly most West line of DAVID'S WINDSOR PARK NO.2, a plat of record, Washington County, Oregon.

#### Parcel II

All that portion of SW Barrows Road that lies southerly and southeasterly of the center line of said Road (said center line also being the City Limits line of the City of Beaverton); and that lies between a line (said line being the City Limits line of the City of Beaverton) beginning at the Northeast corner of Tract "B", BULL MOUNTAIN MEADOWS, a plat of record, Washington County, Oregon, bearing North 0° 17' East to the North line of said Road; and to the northerly extension of the East line of HILLSHIRE CREEK ESTATES NO. 2, a plat of record, Washington County, Oregon.



## **CITY of BEAVERTON**

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

### **STAFF REPORT**

**TO:** City Council

**REPORT DATE:** July 16, 2004

**AGENDA**

**DATE:** August 9, 2004

**FROM:** Community Development Department  
Alan Whitworth, Senior Planner

**SUBJECT:** Barrows Road Expedited Annexation (ANX 2004-0006)

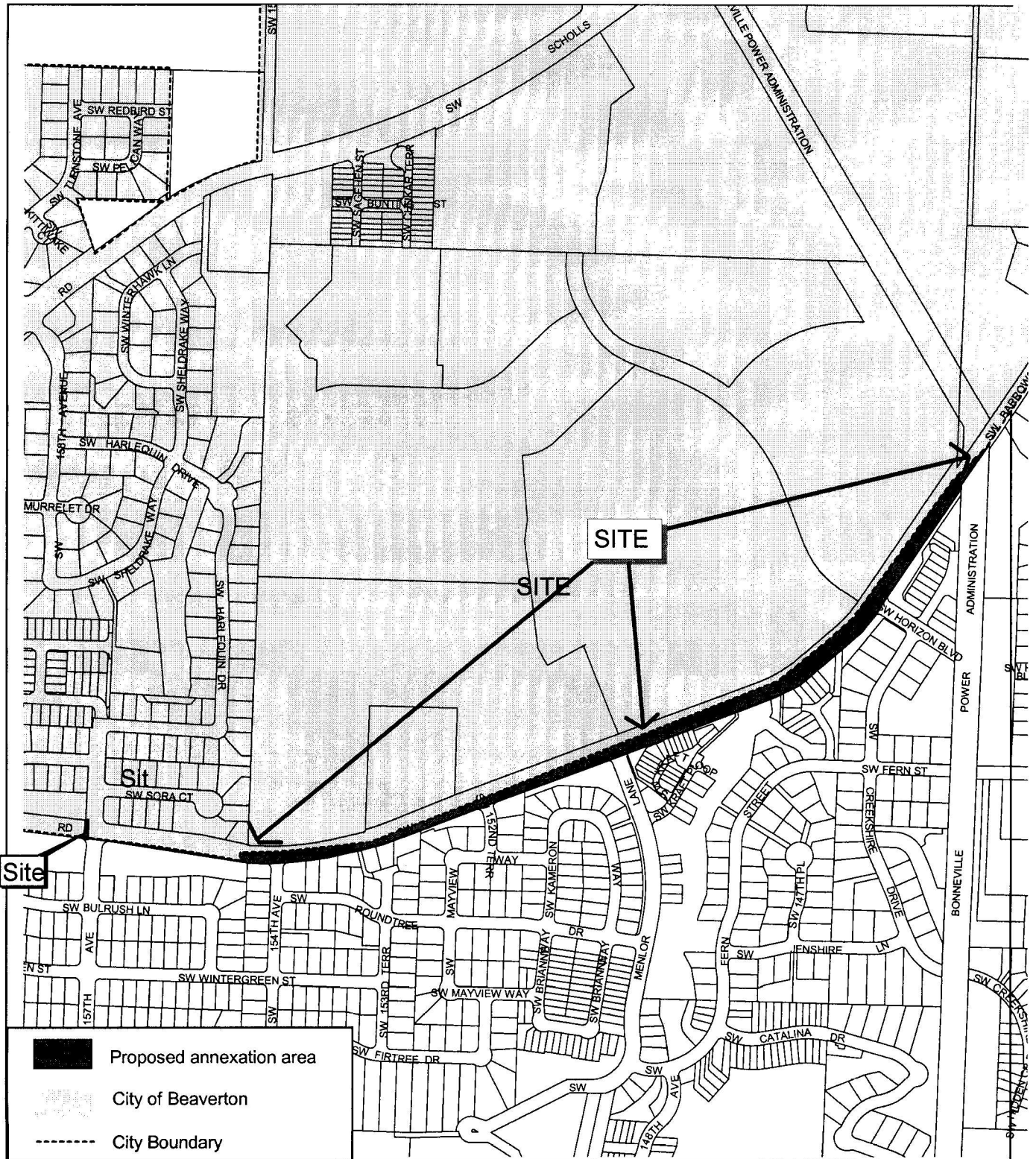
**ACTIONS:** Annexation to the City of Beaverton of that portion of Barrows Road from 157th Avenue to the Bonneville Power Administration easement that is not currently within the City limits to facilitate the transfer of jurisdiction of the roadway from Washington County to the City of Beaverton. The property proposed for annexation is shown on the attached map and more particularly described by the attached legal description. The annexation of the property has been initiated by Washington County (agreement is attached) and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

### **SUMMARY AND RECOMMENDATION**

This is a request to annex a portion of Barrows Road right-of-way to the City of Beaverton. Washington County wishes to transfer jurisdiction and road maintenance of this portion of Barrows Road to the City of Beaverton and under Oregon Statutes the road must be within the City limits for the City to take over jurisdiction. The property is shown on the attached map and more particularly described in the attached legal description.

**Staff recommends the City Council adopt an ordinance annexing the referenced property, effective November 3, 2004.**

# ANNEXATION MAP



City of Beaverton

## BARROWS ROAD EXPEDITED ANNEXATION COMMUNITY DEVELOPMENT DEPARTMENT Planning Services Division

03/20/04

Map #



Application #  
ANX 2004-0006



## **BACKGROUND**

The 110-acre Progress Quarry development project proposes to realign Barrows Road to the north and to develop the current Barrows Road right-of-way as a linear park. The proposed linear park is conceptual at this time but it is planned to have a bike path and trail that is planned to connect to the bike path/trail in the Bonneville Power Administration easement. The Beaverton City limits is the center line of Barrows Road in the area of Progress Quarry's proposed development with the southerly portion of the right-of-way being unincorporated Washington County. Under the present situation development approvals for this linear park will have to be issued by both Beaverton and Washington County making the review process very cumbersome. Washington County is aware of the problem and has agreed to transfer jurisdiction and road maintenance over to the City of Beaverton but they can only do it if the right-of-way is within the City limits (ORS 373.270). Staff is proposing annexing this right-of-way in order to facilitate the road transfer, the proposed realignment of Barrows Road and the redevelopment of the right-of-way as part of a regional trail system.

Washington County and the City of Beaverton have entered into an agreement authorizing the annexation of this property. This allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

## **EXISTING CONDITIONS**

### **SERVICE PROVISION:**

The following analysis details the various services available to the property to be annexed. Cooperative, urban service and intergovernmental agreements affecting provision of service to the subject property are:

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District, Tualatin Valley Water District and Clean Water Services.
- The City has entered into an agreement with Tualatin Valley Water District that has been designated an ORS 195.065 Urban Service Agreement by the parties. (No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this decision.)
- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services (the Unified Sewerage Agency at the time of the agreement).

This action is consistent with those agreements.

- POLICE:** The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District. Sheriff's protection will be withdrawn and the City will provide police service upon annexation. In practice whichever agency is able to respond first, to an emergency, does so.
- FIRE:** Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to the property. The City annexed to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.
- SEWER:** This is an annexation of right-of-way and no sanitary sewer is required.
- WATER:** This is an annexation of right-of-way and no water service is required but the City can provide water to the area.
- STORM WATER DRAINAGE:** Storm water drainage currently is handled by numerous facilities in the area. If the area redevelops as a bike path/trail, storm water issues will be reviewed in the development review process by the City.
- PARKS and SCHOOLS:** This is an annexation of right-of-way with no residents and parks and schools will not be affected.
- PLANNING, ZONING and BUILDING:** Washington County currently provides long-range planning, development review and building inspection for the property. Upon annexation these responsibilities will transfer to the City.

## **PUBLIC INVOLVEMENT**

Consistent with Metro Code Section 3.09.045, the City will send notice of the proposed annexation on or before July 20, 2004 (20 days prior to the agenda date) to all necessary parties including Washington County, City of Tigard, Metro, affected special districts and County service districts. Additionally, the City will send notice to the Neighbors Southwest Neighborhood Association Committee, the Bull Mountain/Tigard Citizen Participation Organization and the Reedville-Cooper Mountain-Aloha Citizen Participation Organization (interested parties as set forth in City Code Section 9.06.035).

Notices of the proposed annexation will also be posted in the Beaverton Post Office, City Library and City Hall. Notice and a copy of this staff report will be posted on the City's web page.

## CRITERIA FOR APPROVAL

### REGIONAL ANNEXATION CRITERIA:

In December 1998 the Metro Council adopted Metro Code Section 3.09 (Local Government Boundary Changes). Metro code Section 3.09.050 includes the following minimum criteria for annexation decisions:

**3.09.050 (d)** An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

- (1) Consistency with directly applicable provisions in an urban services provider agreement or annexation plan adopted pursuant to ORS 195.065;

*Findings: This staff report addresses the provision of services in detail and the provision of these services is consistent with cooperative agreements between Beaverton and the service providers.*

- (2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

*Findings: This proposed annexation is consistent with the intergovernmental agreement between the City of Beaverton and Clean Water Services. The acknowledged Washington County - Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation.*

- (3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans;

*Findings: City of Beaverton Comprehensive Plan Policy 5.3.1.d states: "The City shall seek to eventually incorporate its entire Urban Services Area." The subject property is within Beaverton's assumed Urban Services Area and annexing it furthers this policy. This annexation furthers Policy 5.3.1.d of the Comprehensive Plan. There are no other specific directly applicable standards or criteria for boundary changes in Beaverton's Comprehensive Plan or Public Facilities Plan and, therefore, this criterion is met.*

- (4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

*Findings: The Regional Framework Plan (which includes the RUGGOs and the Urban Growth Management Functional Plan) does not contain policies or criteria directly applicable to annexation decisions of this type.*

- (5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

***Findings: The Existing Conditions section of this staff report contains information addressing this criterion in detail. The proposed annexation will not interfere with the provision of public facilities and services. The provision of public facilities and services is prescribed by urban services provider agreements and the City's capital budget.***

- (6) The territory lies within the Urban Growth Boundary; and

***Findings: The property lies within the Urban Growth Boundary.***

- (7) Consistency with other applicable criteria for the boundary change in question under state and local law.

***Findings: OAR 660-001-0310 states "A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) shall be considered by Land Conservation and Development Commission to have been made in accordance with the goals...". Compliance with the Comprehensive Plan was addressed in number 3 above. The applicable Comprehensive Plan policy cited under number 3 above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003. There are no other criteria applicable to this boundary change in State Law or local ordinances. Staff finds this annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above.***

**3.09.050 (f)** Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.

***Findings: This criterion is not applicable to this application because the territory in question has been inside of the Portland Metro Urban Growth Boundary since the boundary was created.***

Exhibits: Agreement with Washington County  
Legal Description



## INTERGOVERNMENTAL AGREEMENT

This Agreement is entered into, by and between Washington County, a political subdivision of the State of Oregon, and the City of Beaverton.

WHEREAS ORS 190.010 authorizes the parties to enter into this Agreement for the performance of any or all functions and activities that a party to the Agreement has authority to perform.

Now, therefore, the parties agree as follows:

- 1) The effective date is: February 1st, 2004, or upon final signature, whichever is later.  
The expiration date is: February 1st, 2005; unless otherwise amended.
- 2) The parties agree to the terms and conditions set forth in Attachment A, which is incorporated herein, and describes the responsibilities of the parties, including compensation, if any.
- 3) Each party shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or handicap.
- 4) To the extent applicable, the provisions of ORS 279.312, 279.313, 279.314, 279.316, 279.320 and 279.334 are incorporated by this reference as though fully set forth.
- 5) Each party is an independent contractor with regard to each other party(s) and agrees that the performing party has no control over the work and the manner in which it is performed. No party is an agent or employee of any other.
- 6) No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- 7) This Agreement may be terminated, with or without cause and at any time, by a party by providing 30 (30 if not otherwise marked) days written notice of intent to the other party(s).
- 8) Modifications to this Agreement are valid only if made in writing and signed by all parties.
- 9) Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party.
- 10) Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

- 11) Each party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.270.
- 12) Each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.
- 13) This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefor.
- 14) This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

WHEREAS, all the aforementioned is hereby agreed upon by the parties and executed by the duly authorized signatures below.

CITY OF BEAVERTON  
Jurisdiction

Approved as to form  
Alan R. Pyley 5/4/04  
City Attorney

Rob Drake  
Signature

5/4/04  
Date

ROB DRAKE  
Printed Name

MAYOR  
Title

Address: PO BOX 4755 BEAVERTON, OR 97076

WASHINGTON COUNTY:

Chairman Dick Shorter for Tom Brian  
Signature

June 15, 2004  
Date

Tom Brian  
Printed Name

Chairman Board of Commissioners  
Title

Address:

1400 SW Walnut Street  
Mail Stop # 51  
Hillsboro, OR 97123

APPROVED WASHINGTON COUNTY  
BOARD OF COMMISSIONERS  
MINUTE ORDER # 04-197  
DATE 6-15-04  
BY Barbara Hejmanek  
CLERK OF THE BOARD

**Attachment A**

**Washington County – City of Beaverton**

**Intergovernmental Agreement**

**SW Barrows Road Overlay and Transfer of Jurisdiction**

1. The City and County agree to initiate and diligently pursue the Transfer of Jurisdiction of SW Barrows Road from the west end of SW Scholls Ferry Road (Loon Drive) to the east side of Walnut Street, under the terms of this agreement, including the conditions set forth in the attached letter dated August 6, 2003, from Pete Davis, as modified below.
2. The parties agree that an asphalt overlay is needed, that the County will fund it and the City will be responsible for the overlay and related work as described in the attached letter dated September 29, 2003, from Pete Davis. County will pay City the sum of \$67,067 to cover the cost of the work on or before August 5, 2004, provided that the City Council has adopted a resolution under ORS 373.270, requesting that the County surrender jurisdiction to the City. City shall use the funds transferred by County for the work described.
3. The City will initiate the transfer of jurisdiction in two separate resolutions, one for the portion of Barrows from SW Loon Drive to the BPA power lines, and one for the portion from the BPA power lines to the east side of SW Walnut Street. County also has requested the City of Tigard to initiate a transfer of jurisdiction for the portion of SW Barrows Road within that city. This will enable the County to complete the transfer of the western portion to Beaverton, and separately transfer the eastern portion to Beaverton and Tigard. It is contemplated that, following transfer of jurisdiction, the City of Beaverton will provide for maintenance of both sections of the SW Barrows Road for the life of the overlay and then Beaverton will negotiate with the City of Tigard for future maintenance.
4. County consents to the annexation of the right of way of SW Barrows Road from SW Loon Drive to the BPA power lines. City will initiate and diligently pursue annexation of this portion of the right of way of SW Barrows Road.
5. The County hereby delegates to the City the authority to approve modifications to the existing Barrows Road, between SW Loon Drive and the BPA power lines, in conjunction with development within the City north of Barrows Road and south of Scholls Ferry Road. Any changes to Barrows under this paragraph shall be according to City standards and procedures, even if the subject portion of Barrows Road has not yet been transferred to City jurisdiction.
6. As a result of the delegation in paragraph 5, the City assumes maintenance responsibility and liability for permitting and alterations, for Barrows from SW Loon Drive to the BPA power lines, as of the effective date of this Agreement.
7. Notwithstanding Section 1 of this Intergovernmental Agreement, this Agreement will be automatically renewed for successive terms of five years, at the expiration of the first term, in the event that the transfer of jurisdiction of SW Barrows is not completed by April 1, 2005.

**LEGAL DESCRIPTION**  
**ANX 2004-0006**  
**BARROWS ROAD EXPEDITED ANNEXATION**

Two parcels of land (consisting entirely of right-of-way of SW Barrows Road) situated in the Northwest 1/4 of Section 4 and the North half of Section 5, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

Parcel I

All that portion of SW Barrows Road that lies between the southerly extension of the East line of tract "A", AUTUMN CREST NO.3, a plat of record, Washington County, Oregon (said extension also being the City Limits line of the City of Beaverton) and the southerly extension of the westerly most West line of DAVID'S WINDSOR PARK NO.2, a plat of record, Washington County, Oregon.

Parcel II

All that portion of SW Barrows Road that lies southerly and southeasterly of the center line of said Road (said center line also being the City Limits line of the City of Beaverton); and that lies between a line (said line being the City Limits line of the City of Beaverton) beginning at the Northeast corner of Tract "B", BULL MOUNTAIN MEADOWS, a plat of record, Washington County, Oregon, bearing North 0° 17' East to the North line of said Road; and to the northerly extension of the East line of HILLSHIRE CREEK ESTATES NO. 2, a plat of record, Washington County, Oregon.



## AGENDA BILL

### Beaverton City Council Beaverton, Oregon

08/09/04

**SUBJECT:** An Ordinance Amending Ordinance 4187, the Comprehensive Plan, to Adopt Various Affordable Housing Policies and Action Statements in order to Comply with Title 7 of Metro's Urban Growth Management Functional Plan and Advance the City Toward Meeting its Affordable Housing Target.

**FOR AGENDA OF:** 07/19/04 **BILL NO:** 04165

**Mayor's Approval:** Bob Drake

**DEPARTMENT OF ORIGIN:** CDD jay

**DATE SUBMITTED:** 07/02/04

**CLEARANCES:** City Attorney WS  
Planning Services HB

**PROCEEDING:** ~~First Reading~~  
Second Reading & Passage

**EXHIBITS:** Exhibit A - Ordinance  
Exhibit B - Planning Commission Order 1718  
Exhibit C - Draft PC Minutes Dated 6/23/04  
Exhibit D - Staff Report Dated 05/21/04  
Exhibit E - Addendum Memo Dated 06-23-04  
Exhibit F - Written Testimony

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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### **HISTORICAL PERSPECTIVE:**

On January 18, 2001, Metro Council adopted amendments to Metro's Regional Framework Plan and Urban Growth Management Functional Plan to address the regional need for affordable housing. The amendments (incorporated under Title 7 of Metro's Functional Plan), require that cities and counties in the region formally consider the adoption of various tools and strategies designed to promote the development of affordable housing. They further require each city and county to submit a series of three reports to Metro recounting their efforts. In November of 2002 the City of Beaverton submitted the first of these reports reviewing previous efforts the City had made to promote the development of affordable housing prior to the adoption of Title 7. The second report (prepared by the consulting firm Cogan Owens Cogan) examined 17 affordable housing tools and made recommendations as to which tools should be implemented. The findings and recommendations in the Cogan report subsequently received the City Council's endorsement by resolution and in December of 2003 the resolution was offered to Metro as an exhibit to Compliance Report No 2.

### **INFORMATION FOR CONSIDERATION:**

In preparation of the third and final compliance report, staff have reviewed the Council approved recommendations for the second compliance report and proposed a series of Comprehensive Plan Amendments to implement them. On June 23, 2004 the Planning Commission considered staff's proposed amendments in a public hearing. After receiving testimony and deliberating, the Planning Commission voted to recommend approval with minor revisions. The ordinance that is the subject of this agenda bill incorporates the Planning Commission's recommended Comprehensive Plan Amendments. The Council's action on this ordinance will be reported back to Metro in Compliance Report No. 3 and thereby will address the City's obligation in meeting Metro's Title 7 affordable housing requirements.

### **RECOMMENDED ACTION:**

First reading.  
Second Reading & Passage

**Agenda Bill No:** 04165



# MEMORANDUM

City of Beaverton  
Community Development Department

"make it  
happen"

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**To:** Alan Rappleyea, City Attorney  
**From:** Jeff P Salvon, Associate Planner  
**Date:** July 26, 2004  
**Subject:** Minor Revision to Ordinance #4319

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On July 19, 2004 the City Council heard a short presentation to brief the Council on a proposed Comprehensive Plan amendment to implement tools and strategies for development of more affordable housing in Beaverton. The presentation was given by staff in order to provide background for Agenda Bill # 04165 which was scheduled for first reading later in that evening's agenda.

At the conclusion of the presentation, Councilor Stanton raised a question as to the meaning of one of the proposed Comprehensive Plan Amendments (Section 4.2.3.2 (a) Action 5). The text in question appeared as follows:

***Action 5:** Consider comments received from developers of affordable senior and disabled housing when considering amendments to the City's Development Code in order to minimize impediments to such projects.*

Her concern involved a focus that directed attention to senior and disabled populations with no mention of the larger population in need of affordable housing. Staff replied that a comma appeared to be missing from the text which had the affect of altering its meaning to a certain extent. The Council agreed that insertion of that comma would remedy Councilor Stanton's concern and staff agreed revise the proposed ordinance so as to include the missing comma and offer the amended version for the bill's second reading on August 9.

In keeping with the directive from Council, staff propose to amend the statement from what had previously been proposed to appear as follows:

***Action 5:** Consider comments received from developers of affordable, senior and disabled housing when considering amendments to the City's Development Code in order to minimize impediments to such projects.*

ORDINANCE NO. 4319

AN ORDINANCE AMENDING ORDINANCE 4187, THE COMPREHENSIVE PLAN, TO ADOPT VARIOUS AFFORDABLE HOUSING POLICIES AND ACTION STATEMENTS IN ORDER TO COMPLY WITH TITLE 7 OF METRO'S URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN AND ADVANCE THE CITY TOWARD MEETING ITS AFFORDABLE HOUSING TARGET.

- WHEREAS,** Title 7 of Metro's Urban Growth Management Functional Plan requires all cities and counties within Metro's jurisdiction to formally consider a variety of affordable housing tools and submit a series of three reports recounting progress toward implementing those tools in order to advance the jurisdiction toward its voluntary affordable housing production goal; and
- WHEREAS,** In November 2002, the City submitted the first of these Title 7 Functional Plan Compliance Reports to Metro which described the City's standing in regard to its existing affordable housing policies; and
- WHEREAS,** In May 2003 the City secured the services of a consultant to 1) analyze a variety of affordable housing production tools, 2) make recommendations as to which tools were most appropriate for implementation, and 3) draft the second City of Beaverton Title 7 Functional Plan Compliance Report; and
- WHEREAS,** In December 2003 the City Council adopted Resolution 3742 authorizing staff to submit the City's Second Functional Plan Compliance Report to Metro and directing staff to prepare Comprehensive Plan and Code Text Amendments to implement recommended affordable housing production tools; and
- WHEREAS,** The proposed Comprehensive Plan amendment contained in this ordinance achieves the Resolution 3742 directive; and
- WHEREAS,** the Planning Commission held a Public Hearing on the proposed Comprehensive Plan amendment on June 23, 2004 and after reviewing public testimony and deliberating recommended approval of the proposed amendment with minor revisions as memorialized in Planning Commission Order No. 1718; now, therefore,

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

- Section 1.** The Comprehensive Plan, Ordinance No. 4187 (as amended), Chapter 4 – Housing Element, Sections 4.2.2 and 4.2.3, will be amended to read as shown in Exhibit 1 to this ordinance, and
- Section 2.** The Council accepts the staff report, dated May 21, 2004, attached hereto as Exhibit D, which includes a highlight/strikethrough version of the text amendment,

and the addendum memo dated June 23, 2004 as an adequate factual basis for this decision and incorporates that report into this decision by reference, and

**Section 3.** Severability. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance.

First reading this 19 day of July, 2004.

Passed by the Council this \_\_\_\_ day of \_\_\_\_\_, 2004.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor



## EXHIBIT 1

### 4.2.2 Availability of Housing Types

Statewide Planning Goal 10 (Housing), ORS 197.296 – 314, .480, & .677, and OAR 660-007-0030 all have provisions requiring that jurisdictions assess the availability of, and provide for, a variety of housing types. Specifically, the intent of these provisions is to “...encourage availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density”. To satisfy the directives expressed in these provisions, the City of Beaverton conducted a buildable lands analysis and a residential mix and density study. ORS 197.296 requires that local jurisdictions “determine the actual density and actual average mix of housing types of residential development that have occurred within the urban growth boundary since the last periodic review...” Upon examining the results of these studies the City found that for the development occurring between the City’s last Periodic Review in 1988 through 12/31/99, over 66% of new development consisted of multiple family residential units. Broken down into individual types, percentages of units developed were 33.6% single family dwellings, 4.1% townhouses & rowhouses, .9% condominiums, .4% duplexes, and 61% apartments. In total, the City’s housing base consists of approximately 50% single family residential (sfr) and 50% multiple family residential (mfr) units with a healthy mix of housing types.

Apart from Beaverton’s existing inventory, OAR 660-007-0018 provides that “Sufficient buildable lands shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection.” In attempting to address the requirements of this provision and determine the City’s future need, the City also conducted a Housing Types Needs Analysis. This study examined the City’s capacity to accommodate future need by first examining which income groups occupy which housing types, by proportion, and then applying those ratios to Metro’s 20-year housing need projection. Types included in the model include sfr dwellings, apartments, 2-, 3-, & 4-plex buildings, condominiums, and mobile homes. In identifying which types were associated with each income segment, special consideration was given to that segment of the population under 50% of the median income in order to determine if the City could accommodate Metro’s projected affordable housing goal for the City. The study then determined which housing types were permitted in which zones and then proceeded to cross check the need with the buildable lands analysis to derive an estimation of the number of units able to be accommodated in each zone. The study concluded that the City contains adequate buildable land to accommodate housing types associated with each price range and rent level. The map depicting the City’s buildable lands is associated with this element as a supporting document labeled Figure 1 in the Housing Inventory section of Comprehensive Plan - Volume 2.

The Housing Type Needs Analysis succeeded in identifying a nexus between income level and housing type. However, three housing types requiring attention were not considered in this study and are therefore be addressed separately below. They include seasonal farmworker housing, manufactured housing, and government assisted housing.

ORS 197.675 requires that every state and local government agency address the health, safety, and welfare needs of seasonal farmworker housing.

- **Seasonal Farmworker Housing:** Activities associated with this group are centered in the western portion of Washington County. No need to develop or maintain housing for farmworkers in Beaverton has been identified. Therefore provisions to address the development and maintenance of farmworker housing are not considered to be applicable to the City.

OAR 660-007-0033 provides that “Each local government shall consider the needs for manufactured housing and government assisted housing within the Portland Metropolitan UGB [Urban Growth Boundary] in arriving at an allocation of housing types.”

- **Manufactured Housing:** The City’s Development Code allows for manufactured homes in the City’s RA, R5, R7, & R10 zones, mobile home parks in the City’s R5 zone and conditionally in the City’s R2 zone, and manufactured subdivisions in the City’s R5 zone. The City does retain a set of clear and objective criteria relating to the design and placement of manufactured housing without having the effect of discouraging manufactured housing through unreasonable cost or delay. To this extent, the City finds that no further provisions are necessary in order to demonstrate compliance.
- **Government Assisted Housing:** According to the City of Beaverton’s year 2000 Housing Survey, approximately 3% of the City’s households receive public housing assistance of one sort or another (10% - 15% of which are in non-affordable housing). Washington County’s Housing Authority is the agency responsible for administering public housing authority-related programs in Beaverton. The City’s has no role in allocating public housing assistance funding. The City can assist the Washington County Housing Authority in a limited capacity, however, by referring qualified households to the agency.

Although the City’s Housing Types Needs Analysis indicated that the City of Beaverton does possess enough buildable land to accommodate a mix of needed housing types, the City recognizes the value of accessory dwelling units as a sensible housing type alternative. This housing type has the effect of increasing urban densities with minimal impact to neighborhood character. Further, this housing type is often accessible to lower income and special needs populations. In response to Metro’s Title 1 requirements, the City recently updated its Development Code provisions to allow for accessory dwelling units within all zoning districts allowing single family residential uses.

The following provisions reflect the City’s intent to allow a variety of needed housing types.

**4.2.2.1 Goal:** *Provide an adequate variety of quality housing types to serve Beaverton’s citizenry*

## **Policies:**

- a) Allow development of a wide variety of housing types in the City.

*Action 1: Work in partnership with the Washington County Housing Authority to preserve its portfolio of federally assisted housing at rent levels affordable to extremely and very low-income households.*

*Action 2: Determine if Development Code restrictions exist that might impede the development of co-housing, halfway houses, or other innovative housing types and, where evident, make amendments to eliminate or reduce those restrictions.*

- b) Maintain the quality and safety of existing Beaverton housing stock.

*Action 1: Investigate the possibility of establishing a Housing Code Enforcement Program to insure that various housing quality and safety standards are met in order assure that low income renters are provided with decent living conditions.*

### **4.2.3 AVAILABILITY OF AFFORDABLE HOUSING**

Conventional wisdom among those closest to the affordable housing issue is that the problems associated with the lack of affordable housing must be addressed from a regional perspective. This outlook derives from an acknowledgement that those local governments that bear a disproportionate share of the region's low-income housing are often the least equipped to bear the fiscal impacts that result. Therefore, in a metropolitan region where fiscal resources are unequally distributed among local governments, each local government should play a role in addressing the problem. It is from this premise that Metro developed its Urban Growth Management Functional Plan (UGMFP) Title 7 provisions. This section specifies that "The Metro Council shall adopt a "fair share" strategy for meeting the housing needs of the urban population in cities and counties based on a subregional analysis..." and proceeds to identify specific affordable housing related factors to be considered. Further, it provides that an Affordable Housing Technical Advisory Committee (H-TAC) be convened in order to formulate policy recommendations that may later be incorporated into Metro's UGMFP.

HTAC did produce a Regional Affordable Housing Strategy (RAHS) and in it established both production targets (which the City has used in conducting its housing needs analysis) as well as a set of recommended "tools" which can be used by local governments to encourage the development of affordable housing. In the years 2002, 2003, and 2004, the City formally considered these tools and other strategies for implementation and where appropriate, has incorporated them into them into the policies that follow.

To address the City's need to provide affordable housing, two areas of concern should receive consideration: 1) the retention of the City's existing affordable housing stock and 2) the production of new units.

**1) Retention of Existing Housing Stock:**

The City should adopt measures to minimize loss of its existing affordable stock. As the value of Beaverton's housing continues to appreciate, additional cost burdens are placed upon City residents. For city residents deemed "at risk" as a result of their low or fixed income status, this prospect has the potential to cause them to move from their place of residence or spend limited income or resources to retain their residence. Typically, residents under these circumstances will alleviate the escalating burden by drawing upon either the equity invested in their home or upon any disposable income they may have in order to cover costs associated with maintaining their housing. As the burden increases however, they may be forced to deprive themselves of some basic living necessities such as heat or divert funds away from costs associated with housing maintenance. Substandard living conditions that may ensue could pose a risk to the resident's health and safety. Low income renters can also be at risk when they neglect to demand building improvements from their landlords out of fear that their tenant status may be compromised.

The City can assist residents in this predicament by continuing to provide funding through its Community Development Block Grant and H.O.M.E. programs to service providers that assist this "at risk" population. Additionally, the City can explore the idea of establishing a housing code enforcement program to monitor apartment maintenance as both Tigard and Portland have done. Finally, the City has developed a sound relationship with its community housing development organization (CHDO) partner Tualatin Valley Housing Partners (TVHP). This relationship has resulted in the retention of almost 100 multifamily units affordable to those at or below 60% of the MFI that most likely would have been converted to higher market rate housing. The City can continue to work with this organization to retain endangered affordable housing stock.

<p><b><i>4.2.3.1 Goal: Promote the retention of existing affordable housing stock in the City.</i></b></p>
--

**Policies:**

- a) Support low-income homeowners with housing rehabilitation needs through continued funding and administration of the Citywide Housing Rehabilitation Loan Program.
- b) Continue to devote funding through the City's CDBG and HOME Programs to local non-profit agencies in order to aid in the rehabilitation of existing long-term affordable housing in the City.
- c) Provide continued CDBG funding support to local non-profit service providers so that they may continue to supply needed living and service assistance to low income homeowners and renters.



- d) Work in partnership with TVHP, the Bridge Housing Corporation, Community Partners for Affordable Housing, the Housing Development Corporation, and Habitat for Humanity to preserve housing that is affordable to households at or below 60% of the MFI.
- e) Assure the long term affordability of City funded housing projects.

***Action: 1** Review CDBG and HOME program requirements that relate to housing assistance and where necessary, establish long term affordability requirements, standards, and guidelines.*

## **2) Production of new affordable housing stock:**

According to Metro's RAHS report, the City of Beaverton should seek the development of an additional 656 affordable units within the next five years. Of that number, 229 units should be available to households earning between 30-50% MFI and 427 should be available to households earning under 30% MFI. This task is by no means a small endeavor. The problem in providing these units lies in the fact that it is very difficult for the free market to produce this housing and still realize the profit necessary to make it stay in business. Often, the only housing developers able to make projects of this kind work are non-profit Community Housing Development Organizations (CHDOs) who receive their funding via public subsidy and private donations of money, materials, or labor, and are able to structure their housing development financing near the break even point. These organizations are proficient in not only creating units affordable to low-income residents, but also play a role in maintaining the affordability status of rented units through their continuous monitoring and effective property management activities.

### ***4.2.3.2 Goal: Promote the production of new affordable housing units in the City.***

#### **Policies:**

- a) Inform Beaverton's residents, property owners, and business owners of the need for additional affordable housing within the City.

***Action 1:** Continue participation in statewide efforts to fund affordable housing programs.*

***Action 2:** Conduct outreach to local media to raise public awareness of affordable housing needs and build public support for such programs.*

***Action 3:** Continue to support and participate in efforts being undertaken by other groups to develop affordable housing in and around Beaverton (e.g., the Washington County Vision Action Network, the Inter-religious Action Network, and the Housing Advocacy Group).*

- b) Partner with and assist local non-profit developers (including TVHP, the Bridge Housing Corporation, Community Partners for Affordable Housing, the Housing Development Corporation, and Habitat for Humanity) in supplying additional affordable units throughout the City for “at risk” populations including those at or below 60% of the MFI.

*Action 1: Assign the responsibility of coordinating and responding to inquiries about the development review process that involve the development of affordable housing to a specific staff member.*

*Action 2: Whenever possible, assist developers of affordable housing in the development application and review process by providing a single staff contact to assist with application processing.*

*Action 3: Whenever possible, assign a priority status in the development review and permitting process to applications where affordable housing is being proposed so that application processing time may be reduced.*

*Action 4: Assist housing developers in determining market demand for low income, elderly and special needs housing in the City and identify specific buildable parcels for affordable housing to serve these populations.*

*Action 5: Consider comments received from developers of affordable, senior and disabled housing when considering amendments to the City's Development Code in order to minimize impediments to such projects.*

*Action 6: Consider refining and clarifying criteria for approving alternative parking requirements to reduce the cost of providing parking for affordable housing projects.*

*Action 7: Establish a revolving loan program to assist affordable housing developers with system development charges, development review and permit fees.*

*Action 8: In the interest of leveraging the fund raising capacity of the City's non-profit housing developers, dedicate funding to the Washington County Community Housing Fund. Dedication of funding will be contingent upon establishment by fund trustees of award criteria that would result in allocation of a reasonable proportion of that fund to projects located within or near the City.*

*Action 9: Establish criteria that qualify affordable housing development proposals for property tax abatements.*

- c) Continue to devote funding through the City's CDBG/HOME Program to local non-profit housing development agencies in order to aid in the development and maintenance of new long-term affordable housing in the City.

**Action 1:** Establish a land banking program utilizing the City's CDBG/HOME entitlement to acquire and make available to developers land for the purpose of increasing the City's inventory of affordable housing units.

**Action 2:** Explore the idea of establishing a program using City funds to leverage employer efforts to secure affordable housing for their lower-income employees.

**Action 3:** Explore establishing a Community Land Trust that would acquire and hold land for affordable housing projects in Beaverton or Washington County as a whole.

- d) Pursue sources of revenue to be directed toward increasing the City's inventory of affordable housing units.

**Action 1:** Support efforts to establish a real estate transfer tax or fee with revenues dedicated to assisting in the provision of affordable housing.

- e) Continue to comply or substantially comply with Metro Urban Growth Management Functional Plan (UGMFP) provisions that pertain to affordable housing.

**Action 1:** Annually monitor the progress of efforts to increase the supply of affordable housing in Beaverton, and report the findings to Metro as specified by relevant provisions of the UGMFP.

- f) Continue over time to explore various tools and strategies that may serve to encourage the development of affordable housing in Beaverton.

**Action 1:** Consider implementing a density bonus or density credit program that focuses on achieving the City's affordable housing goals.

**Action 2:** Consider future implementation of a residential demolition delay policy targeted for residentially zoned properties where redevelopment of the property could result in the loss of affordable units.

**Action 3:** Explore implementing a voluntary inclusionary housing program to be used in combination with various affordable housing incentives.