



TELEVISED

FINAL AGENDA

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

REGULAR MEETING
DECEMBER 6, 2004
6:30 p.m.

CALL TO ORDER:

ROLL CALL:

CITIZEN COMMUNICATIONS:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of November 15, 2004, and the Special Meetings of November 18 and 22, 2004

04239 Liquor License Application: New Outlet - Broadway Wines

04240 A Resolution Adopting Updated Board of Design Review Bylaws
(Resolution No. 3792)

Contract Review Board:

04241 Design Contract Award - South Central Area A Sanitary Sewer
Improvements Project No. 6038

04242 Emergency Contract Award Ratification - SW Avocet Court Waterline
and Storm Drainage Repair

PUBLIC HEARINGS:

04243 Adopt Resolution and Authorize Implementation of Building, Mechanical
and Electrical Permit Fee Increases (Resolution No. 3793)

04244 A Public Hearing to Receive Public Input Regarding the Annexation of
Several Parcels Located in the Vicinity of Barnes and Cedar Hills Blvd. to
the City of Beaverton: Annexation 2004-0013

04245 A Public Hearing to Receive Public Input Regarding the Annexation of Two Parcels Located at 3737 SW 117th Avenue and Commonly Known as the Mobile Home Corral to the City of Beaverton: Annexation 2004-0014

ORDINANCES:

First Reading:

04246 An Ordinance Annexing Several Parcels Located in the Vicinity of Barnes Road and Cedar Hills Blvd. to the City of Beaverton: Annexation 2004-0013 (Ordinance No. 4334)

04247 An Ordinance Annexing Property Located at 3737 SW 117th Avenue and Commonly Known as the Mobile Home Corral to the City of Beaverton: Annexation 2004-0014 (Ordinance No. 4335)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (1) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations, and 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. 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.

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
NOVEMBER 15, 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, November 15, 2004, at 6:32 p.m.

ROLL CALL:

Present were Mayor Drake, Counc. Betty Bode, Dennis Doyle, Fred Ruby, Forrest Soth and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, 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, Risk Manager Tim Pope and Deputy City Recorder Catherine Jansen.

PROCLAMATIONS:

Mayor Drake proclaimed the week of November 14 – 20, 2004, as Association of Operating Room Nurses Perioperative Nurse Week.

PRESENTATIONS:

04231 Presentation of Risk Management Function for the City of Beaverton

Human Resources Director Nancy Bates introduced Risk Manager Tim Pope, who presented a program on the City's Risk Management Program.

Pope explained the Risk Management Program covered a broad range of functions; the goals of Risk Management were to ensure public safety and reduce the City's potential liability. He said Risk Management included: Public Risk – Assessing public buildings and open spaces to ensure they were free of hazardous conditions and to maintain a safe environment for the public and City employees; ADA Compliance - Ensuring City properties meet ADA (Americans with Disabilities Act) standards for accessibility; Environmental Risk – Training City employees involved in environmental issues and in the handling, storage and disposal of hazardous materials. He displayed photographs of the handling of hazardous waste in the cleanup of soils and buildings.

Pope said Employee Safety and Security was a function of Risk Management. He said security was at the forefront for everyone since the attacks of September 11, 2001. He said employees were trained on worksite safety, OSHA standards, hazard training, and First Aid/CPR. He added worksite surveys were conducted to ensure compliance with safety standards.

Pope explained Risk Management included Insurance Review and Renewal, Employee Health and Welfare, the Employee Wellness Program and Workers' Compensation. He said very few agencies had an Employee Wellness Program. He said the Wellness Program fostered healthier employees, healthier lifestyles and lower health care costs. He said regarding Workers' Compensation, the City had a strong and effective workplace-safety program, which was supported by all City managers; this kept Workers' Compensation costs down. He said the City's Workers' Compensation Current Experience Modification rate was .78; the average employer in Oregon had a Current Experience Modification rate of 1.02. He said the City was about 24% below the average rate.

Coun. Stanton thanked Pope for doing a good job in keeping the costs down for Workers' Compensation.

Pope said he would pass that on to the City's department heads, supervisors and employees who worked very hard to ensure the City's rates remained low.

Pope reviewed what constituted Third Party Liability Claims, Damage to Third Party Property and Damage to City Property. He reviewed a few of the City's insurance cases and showed pictures of damaged bridges, vehicles, homes and sewer laterals. He concluded Risk Management was a continual evaluation of the City's exposure to accidental, legal and regulatory risks; and continual self-education on current developments and insurance loss trends and costs.

Coun. Bode confirmed with Pope that there were 453 City employees. She asked how many participated in the Wellness Program in the last 24 months.

Pope explained at the last Wellness Fair 138 employees attended. He added the brown bag wellness sessions during employees lunch hours were well attended.

Coun. Doyle asked who provided the Workers' Compensation Program for the City.

Pope explained the City was self-insured and claims were processed through Pinnacle Risk Management. He said the City's liability was handled by CCIS (City County Insurance Services), a consortium of cities and counties throughout the State, in conjunction with the League of Oregon Cities, which provided insurance and risk management services to public agencies. He said CCIS was a very efficient and effective organization and Pinnacle was a member of CCIS.

Coun. Soth asked how often the City collected on its insurance claims.

Pope explained the City collected 60% to 70% of the time. He said the remainder of the claims were hit-and-run or uninsured motorists. He said the City used collection services to collect some of those claims, but the return was low.

Mayor Drake thanked Pope for the presentation.

CITIZEN COMMUNICATIONS:

Barbara Wilson, Beaverton, referred to Ballot Measure 34 (BM 34 – Tillamook 50/50 Plan) that had failed in the November, 2004 Election. She said the Council adopted a resolution opposing BM 34, although Beaverton was not a logging community. She said she never thought the Council would take a stand on old growth forest. She said she cared deeply about endangered and threatened species because it was morally wrong to push a threatened species toward extinction. She said she wanted the Council and the majority of voters to recognize the impact they had in pushing the spotted owl and marbled murrelet toward extinction. She said both birds were totally dependent on old growth forest for existence. She said there was no hope for the marbled murrelet; it would become extinct in a short time. She said the murrelet lived at sea and came into the old growth forest to lay one egg; if there was no old growth forest, it returned to the sea without offspring. She said there was hope for the spotted owl as long as government agencies did not take actions which removed the old growth.

Wilson said at a previous meeting, Coun. Soth talked about the risk of forest fires. She said the serious fires in the Tillamook were caused by careless and illegal logging activities. She said old growth forests were not the same type of forests that burned in those fires. She said Ballot Measure 34 allowed logging of the smaller undergrowth trees in 100% of the forest to reduce fuel in the forest, and it retained 50% of the old growth forest. She said a lot of money would have come from logging the allowed 50% of the old growth and the understory. She said this measure failed because of greed; she wanted Council to hear these facts for there was considerable misinformation publicized on this measure.

COUNCIL ITEMS:

Coun. Soth thanked Mayor Drake for the "Your City" article the Mayor wrote about him in the City's newsletter. He said he had no idea the Mayor was writing an article and it was overwhelming to him that the Mayor put his feelings into print. He said he appreciated that very deeply and it would stay in his memory forever.

Mayor Drake said the subject matter was easy to write about. He complimented Coun. Soth for his dedication and level of professionalism, stating he earned the respect and honor of Beaverton citizens. He said on December 13, 2004, the Council would be holding a short Council Meeting from 6:30 p.m. to 7:00 p.m. and from 7:00 p.m. to 9:00 p.m. there would be a reception to honor Coun. Soth for his many years of service. He invited the community to attend the reception.

STAFF ITEMS:

Finance Director Patrick O'Claire reminded Council of the Budget Committee Meeting on Thursday, November 18, 2004, at 6:30 p.m., to discuss the supplemental budget.

CONSENT AGENDA:

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

Minutes of Regular Meeting of November 8, 2004.

- 04232 Authorize Acceptance of FY03 Critical Infrastructure Protection Grant Awarded to the City of Beaverton and Establish the Necessary Appropriations Through a Specific Purpose Grant Budget Adjustment Resolution (Resolution No. 3787)
- 04233 Special Purpose Grant Budget Adjustment Resolution for 2004 Local Law Enforcement Block Grant (LLEBG) (Resolution No. 3788)
- 04234 A Resolution Designating Territory in the Vicinity of the Intersection of Cedar Hills Boulevard and Barnes Road to be Annexed to the City of Beaverton (Resolution No. 3789)
- 04235 A Resolution Designating Territory Near Downtown Beaverton to be Annexed to the City of Beaverton (Resolution No. 3790)

Coun. Stanton said she had a minor clarification to the minutes that she gave to the Deputy City Recorder. She also stated she would not be attending the Budget Committee Meeting on Thursday for she would be out of town.

Question called on the motion. Couns. Bode, Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

WORK SESSION:

- 04236 An Ordinance Amending Chapter 2 of the Beaverton City Code by Establishing a Process for Evaluating Claims for Compensation Under the Amendments to Oregon Revised Statute Chapter 197 As Approved Under Ballot Measure 37 in the 2004 General Election and Declaring an Emergency (Ordinance No. 4333)

City Attorney Alan Rappleyea distributed to Council a copy of a Briefing on Impacts of Measure 37, dated November 15, 2004, that he had prepared.

RECESS:

Mayor Drake declared a brief recess for Council to review the Briefing on Impacts of Measure 37.

RECONVENE:

Mayor Drake reconvened the meeting at 7:18 p.m.

Rappleyea explained that last Wednesday there was a joint meeting of the area's city attorneys and county counsels to discuss how Ballot Measure 37 (BM 37) should be interpreted and implemented. He said one of the main issues considered was whether local governments should adopt a claims processing ordinance to implement this measure. He said it was decided that the majority of agencies were going to do an ordinance and it had to be done before December 2, 2004, the effective date of BM 37. He said that was why this item was brought quickly to Council.

Rappleyea reviewed the Impacts of Measure 37 (in the record). He said there were still more questions than answers to BM 37 and assistance was needed from the courts to interpret the measure.

Rappleyea said BM 37 allowed property owners to file claims for compensation with government agencies whose land use regulations restricted the use of their private property, if the restriction reduced the value of the property. He said BM 37 was retroactive because it applied to existing and new regulations and to family members. He said it also applied to forest practices, Metro's regional and framework plans, Comprehensive Plans, and transportation, zoning and land division ordinances. He said the applicability to the Traffic Impact Fees (TIF) would be a major impact to the City.

Coun. Stanton asked if SDCs (System Development Charges) would be affected.

Rappleyea said park SDCs would probably not be affected by BM 37, but the Traffic Impact Fees would be.

Mayor Drake explained that meant if a large national retail store, with thousands of customers per day, were to locate on a vacant lot, this would remove the requirement for fees based on the traffic generated by the new store. He said that meant the City would not be able to require a Traffic Impact Fee to cover the cost of expanding the road system to offset the increased traffic from the new store. He said as a result, traffic congestion would increase and the City could not mitigate the impact. He said this would be development not paying its share.

Coun. Stanton asked how this would affect conditions of development, such as sidewalks or turn lanes.

Rappleyea explained the conditions could be subject to a waiver. He said if the conditions reduced the property value, the City could not require any traffic capacity improvements or amenities such as street trees or sidewalks. He said potentially, the City could require certain improvements to ensure safety.

Coun. Stanton asked if there would be a mechanism to indicate sidewalks were a safety issue.

Rappleyea said the measure talked about Fire and Building Code issues; however, that was one of the questions BM 37 raised but did not answer. He said it would probably have to go to court. He said BM 37 exempted ordinances which addressed public nuisances, public safety and health, Health and Building Codes, solid waste regulations, and measures that complied with Federal law.

Rappleyea said that within 180 days of a filed claim the City may either pay compensation or remove or modify the offending regulation. He said in discussion with other cities there was no funding available to pay these claims; and the City had no funding in its current budget to pay the claims.

Coun. Doyle asked how a tree could reduce the value of a property; was it because the tree could take space that could be used for parking.

Rappleyea said if the City imposed a tree ordinance that required people to plant trees on their property they could argue that by having to purchase the trees that would reduce the value of the property.

Coun. Doyle asked if the argument couldn't be made that it improved the property value.

Rappleyea said that would have to be shown in an appraisal.

Coun. Doyle confirmed with Rappleyea that the same claim could be made for turn lanes. He asked if what was being considered was the value of the unimproved or improved land.

Rappleyea said the measure stated "Compensation shall be equal to the reduction in fair market value of the affected property resulting from the enactment or the enforcement of the land use regulation at the date the owner makes the written demand." He said the City would look to condemnation legal principles to measure that valuation. He said at the date the owner filed a claim, the City would look at the highest and best use of the property; then it would look at the value of the land with the restriction and without the restriction to determine just compensation.

Coun. Soth asked if it was correct this would not apply to eminent domain proceedings, as that would be settled in court if an agreement was not reached.

Rappleyea said that was correct, but the principles the Court would apply to determine just compensation would be similar.

Rappleyea explained the City would either pay just compensation, which was unlikely, or it would modify or waive the regulation. He said the waiver was limited to the use of the property by the present owner. He said there was a big question about whether land division, partition or subdivision statutes from State law were subject to BM 37, as they did not address the use of the property. He said the City could make a good argument that following subdivision requirements made sense because the City needed to have a parcel description and a method to record that. He said the development conditions might be in doubt.

Coun. Stanton asked about the exemption from BM 37 for "Regulations enacted prior to the date of acquisition of the property by the owner or family member of that owner ("owner" is present owner; "family member" probably includes legal entities owned by one or more family members)."

Rappleyea said that was one of the big questions from this measure. He said the long-term retroactivity of the measure may be in doubt because of how it was written and how it applied only to the owner. He said the provisions regarding waiving the ordinance were restricted to the current owner and the regulations when that owner had the property. He said the only time the term "family member" was found in the measure was in a subsection that discussed compensation, but the waiver only applied to the current owner. He said the City would have to waive or pay, but there may be a situation where the waiver was not available because of the definition of family member. He said the retroactivity was one of the biggest issues of the measure.

Rappleyea explained the claimant could seek compensation through the courts if the regulation continued after 180 days and would be entitled to costs, including attorneys fees, if he prevailed. He said there was no provision for the City to be awarded attorneys fees if the City prevailed. He said cities could adopt procedures for processing claims; however, there was no requirement that claimants follow the procedures and they could still file a court claim.

Rappleyea explained there was no requirement in BM 47 for property owners to provide cities with needed information (who owned the property, when they purchased it, what land use regulations applied and when, what reduction in valuation occurred) to make determinations on their claims. He said that was why it was recommended that cities provide some type of framework for owners to provide the information needed so Councils could make a decision. He said without proper information, it would be difficult to process the claim and make a decision.

Coun. Soth said it appeared the burden was on the City to do necessary research of title records to clarify who owned what and when; and the present owner had no obligation to work with the City to provide that information. He added it would be current land use regulations that had to be applied.

Rappleyea replied that was correct and it will be burdensome on City to make these determinations. He said it will take a lot of work which was why the process was written so the owners supplied the information, as they had the best information available on ownership and property values.

Coun. Doyle said it sounded as if the government body was guilty until proven innocent.

Rappleyea said the burden was on the City to decide these issues within 180 days and there was no obligation that the claimants provide needed information to the City.

Coun. Doyle said he found it interesting that this measure would make it difficult to enforce the public desire for order and sensibility. He said this was a silly way to do business and in private business this would be laughed out of the building. He said he did not understand why people voted for it and it was an awful way to conduct public business.

Rappleyea said the proponents have said this will not cost governments a lot of money because governments will just waive the regulations and that was the intention of the measure.

Coun. Doyle said this was a bullying tactic.

Rappleyea reviewed how BM 37 would impact various City programs (in the record).

Coun. Doyle said he hoped the Council would get an estimate of the departments' personnel costs for staff hours needed to handle the increased workload, for the next budget.

Rappleyea said the City will look at that. He said the City was waiting to see the number of claims that were filed after the effective date.

Coun. Soth gave as an example, a situation where he and his neighbor wanted to develop the rear of their property and the Code required 25 feet for access. If he said the 25 feet impacted his property value, so he would develop 15 feet, would that be considered a claim.

Rappleyea replied that would constitute a claim and the limitation would be what was required by the Fire Department for access. He said if the Fire Department only required 15 feet, the claim would be valid. He added paving could also be a potential issue.

Coun. Stanton asked if the 15 feet was an easement, for utilities lines or pipes, how would that be affected by the measure.

Rappleyea said that would be exempted as there was an exemption for health and safety and for sewer regulations. He said that would not qualify for a claim.

Coun. Stanton asked if storm water permits, issued by DEQ, to meet Clean Water Act standards, were exempt under health and safety or Federal requirements.

Rappleyea responded they would probably be exempt. He said the State DEQ administered this through an agreement with the EPA. He said he thought most courts would find this was a health, safety or Federal regulation, but that was one of the issues that needed to be answered.

Rappleyea reviewed the proposed ordinance in detail (in the record). He said the City could do a waiver of a regulation through a license, which would be non-transferable if the ownership changed.

Coun. Stanton asked if someone owned a parcel and had not installed sidewalks; if the property was sold, could the City require the new owner to install sidewalks.

Rappleyea said no for that would be a non-conforming use. He said if they wanted to develop a new use of the property, improvements could be required.

Community Development Director Joe Grillo said if the property was being remodeled at 51%, hypothetically the improvements could be required. He said there was a possibility that it could not be required; it would depend on what was being done in the remodel.

Rappleyea explained this will create a new way to describe properties and ownerships, because property transactions will try to reach back as far as possible. He said the ordinance will require an application be made and application fee paid. The application includes information on property ownership, regulations being contested and the amount of the claim supported by an appraisal.

Coun. Soth said he heard that a certified appraisal would not be required under the measure.

Rappleyea repeated the applicant did not have to provide any information to the City to perfect their claim under BM 37. He said the City was trying to establish a process where the City could get the information needed in order to make a good determination

on the claim. He said that was why the ordinance included a provision for a licensed appraisal on the property.

Coun. Stanton confirmed with Rappleyea that all the points under Section 2.07.015C were suggestions and not mandatory. She said the application did not have to be perfected to file a claim.

Rappleyea said the City was hoping people would provide the needed information but it would not be necessary to start the 180-day clock. He said it was hoped that case law would be forthcoming to help cities on the information needed to process claims.

Mayor Drake said staff was torn on what to do. He said when each Councilor was sworn in they swore to a fiduciary responsibility to the citizens who elected them. He said it was critical that staff supply as much information as possible to Council so it could make its determination. He explained how this involved protecting neighboring property owners. He said the Council owed it to all property owners and the 80,000 citizens of Beaverton to make the right decision. He said he hoped most property owners would understand and believing they have a fair claim, they would cooperate. He spoke on the need to let people know how BM 37 affects their City. He said he felt the exemption process should be noticed and the public should have the opportunity to comment; once a decision was made the public would know why that decision was made.

Coun. Stanton asked if there was a way to allow an adjacent property owner to make a claim for a reduction in their property value because of something a neighboring owner did.

Rappleyea said that was covered in the ordinance and he would review it.

Coun. Bode asked if the procedure was optional; how could the application fee be mandatory.

Rappleyea said the cities were hoping for guidance from the court, stating this was what local governments need.

Rappleyea reviewed the sections on recovering costs for invalid claims and the public part of the process, which was a detailed process requiring notice to owners within 500 feet of the property owner making the waiver request. He said this was consistent with current land use notice requirements. He said the claims will be reviewed by the Community Development Director who will make a recommendation to grant the waiver through a license or deny the waiver. He said the Council would then make a determination on that recommendation.

Coun. Stanton asked what was the difference between granting a waiver or giving a license.

Rappleyea explained a license was a term of property law and it was revocable. He said there was a body of law that dealt with licenses and a license was not a permanent right to use a piece of property. He said it allowed property owners to do what they wanted with their property but it was recorded in the title, so subsequent purchasers would know when they buy the property the land use regulations would apply to them.

Rappleyea reviewed the options available to Council in the ordinance (in the record). He noted in the last section there was a fund to which people could contribute if they wished to keep the land use regulation in place. He reviewed the burden of proof was on the applicant to substantiate they had a legitimate claim and the City had the burden of proof to show the regulation was exempt from the obligation. He reviewed the standards of interpretation, the licensing, the payment of claim, and the recording requirements. Rappleyea explained local government attorneys were concerned that if they waived a regulation that was duly enacted, and someone put a large intensive use on a property that negatively affected neighboring property values, how would that be dealt with. He said the ordinance had a potential cause of action which was directed toward the person seeking the waiver of the requirement and not the local government.

Coun. Doyle referred to Section 2.07.045A and asked if a property was inherited by a family member, would that person lose the license.

Rappleyea said they would lose the license but the property would still be a non-conforming use.

Coun. Stanton asked if private cause of action would leave the City subject to further claims from neighboring property owners.

Rappleyea said BM 37 was clear if someone made a claim to put a large retail development on their property, and the City had to waive a requirement because it could not afford to pay the just compensation, and neighbors property values were greatly reduced, BM 37 did not provide any method for neighboring property owners to put a claim against the City. He said the neighboring property owners could seek redress from the person benefiting from BM 37. He said the City was a home rule City so it had the authority to craft the ordinances needed to fill in the blanks of BM 37. He said this was what the staff was trying to do. He said based on the home rule authority, the last section of the ordinance provided that if the City won in a court action on an invalid claim, that the court would grant the City its attorneys fees.

Coun. Stanton thanked the City Attorney for his diligence with writing the ordinance.

Mayor Drake noted the ordinance was scheduled for first reading and the second reading included an Emergency Provision that would make the ordinance effective upon passage and Mayor's signature.

Rappleyea noted a few amendments might be needed which would be brought back at the second reading. He thanked the Community Development staff for their input in writing the ordinance.

ORDINANCES:

Suspend Rules:

Coun. Doyle MOVED, SECONDED by Coun. Soth, that the rules be suspended, and that the ordinance embodied in Agenda Bill 04237 be read for the first time by title only at this meeting, and for the second time by title only at the next Special 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:

04237 An Ordinance Amending Chapter 2 of the Beaverton City Code by Establishing a Process for Evaluating Claims for Compensation Under the Amendments to Oregon Revised Statute Chapter 197 As Approved Under Ballot Measure 37 in the 2004 General Election and Declaring an Emergency (Ordinance No. 4333)

Second Reading:

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

04228 An Ordinance Amending Chapter 5 of the Beaverton Code to Add a New Section 5.16 Relating to Civil Rights (Ordinance No. 4330)

04229 An Ordinance Amending Provisions of Chapters Four and Five of the Beaverton City Code Relating to Nuisances Affecting the Public Health (Ordinance No. 4331)

04230 Design Review Update (Ordinance No. 4332)

Rappleyea noted Ordinance 4332 was amended to add Section 7 to make the effective date of the ordinance January 1, 2005.

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the ordinances embodied in Agenda Bills 04228, 04229 and 04230, now pass. Roll call vote. Couns. Bode, Doyle, Ruby, Soth and Stanton 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 8:20 p.m.

Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this _____ day of _____, 2004.

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
SPECIAL MEETING
NOVEMBER 18, 2004

CALL TO ORDER:

The Special Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the City Hall Second Floor Conference Room at 4755 SW Griffith Drive, Beaverton, Oregon, on Thursday, November 18, 2004, at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Betty Bode, Fred Ruby, Dennis Doyle, and Forrest Soth. Coun. Cathy Stanton was excused. Also present were Finance Director Patrick O'Claire, Assistant Finance Director Shirley Baron-Kelly and Finance Recording Secretary Joanne Harrington.

PUBLIC HEARING:

04222 A Resolution Adopting a Supplemental Budget (#S-05-1) for the Fiscal Year Commencing July 1, 2004 and Making Appropriations Therefrom.

Mayor Drake opened the public hearing at 7:09 p.m.

There was no public testimony.

Mayor Drake closed the public hearing was closed at 7:10 p.m.

Coun. Soth MOVED, SECONDED by Coun. Doyle to approve the Resolution Adopting a Supplemental Budget for the Fiscal Year Commencing July 1, 2004, and Making Appropriations Therefrom. Couns. Bode, Doyle, Soth, and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0) (Res. No. 3786)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:13 p.m.

Joanne Harrington, Recording Secretary

APPROVAL:

Approved this _____ day of _____, 2004.

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
SPECIAL MEETING
NOVEMBER 22, 2004

CALL TO ORDER:

The Special 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, November 22, 2004, at 5:35 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, Chief of Staff Linda Adlard, Community Development Director Joe Grillo, and City Recorder Sue Nelson.

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Doyle, 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) (f) to consider information or records that are exempt by law from public inspection. Couns. Bode, Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

The executive session convened at 5:35 p.m.

The executive session adjourned at 6:30 p.m.

The regular meeting reconvened at 6:30 p.m.

CONSENT AGENDA:

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the Consent Agenda be approved as follows:

04238 A Resolution Establishing Fees for Measure 37 Claims (Resolution No. 3791)

Question called on the motion. Couns. Bode, Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

ORDINANCES:

Second Reading:

04237 An Ordinance Amending Chapter 2 of the Beaverton City Code by Establishing a Process for Evaluating Claims for Compensation Under the Amendments to Oregon Revised Statute Chapter 197 As Approved Under Ballot Measure 37 in the 2004 General Election and Declaring an Emergency (Ordinance No. 4333)

City Attorney Alan Rappleyea read the title of the Ordinance No. 4333 (Agenda Bill 04237) and read in full all the revisions made to the ordinance since the first reading, as follows:

Pg. 1, Sec. 2.07.001, Short Title, "BC 2.07.001-.080" changed to read "BC 2.07.001-075" to reflect removal of Sec. 2.07.080.

Pg. 2, Sec. 2.07.010: New Definition of Enforcement added to read: "A land use regulation is enforced only after a property owner makes an application for a land use and a final decision is made by the City under the Beaverton Development Code. A land use regulation will also be "enforced" if a citation is issued to the property owner for a violation of the Beaverton Development Code. The denial of a site development permit is not the enforcement of a land use regulation."

Pg. 3, Sec. 2.07.001, Restricts the Use, word change from "...a regulation that effects..." to "...a regulation that affects..."

Pg. 4, Sec. 2.07.015, Application, added new sentence as first line to read "An application for a claim may only be filed after there is enforcement by the City of a land use regulation."

Pg. 6, Sec. 2.07.015.C.6, last sentence changed to read "The claimant shall describe the land use that was applied for and the results of that application."

Pg. 14, Sec. 2.07.045.A.6, added A.6 to read "Upon termination of the license, any land uses allowed under the waiver shall becoming non-conforming uses under the Beaverton Development Code."

Pg. 16, Sec. 2.07.080, Attorney Fees on Delayed Compensation Claims, this section was removed in its entirety.

Coun. Soth MOVED, SECONDED by Coun. Ruby, that the ordinance embodied in Agenda Bill 04237, as read by title by the City Attorney, now pass with the revisions read by the City Attorney. Roll call vote. Couns. Bode, Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

OTHER BUSINESS

Coun. Bode asked for clarification from the City Attorney regarding the City Council using e-mail for sharing information and opinions about upcoming items that would come before Council. She said she questioned the security of using e-mail, the content of e-mails and how that differed from the Councilors meeting together.

Mayor Drake said the City Attorney would prepare information and an opinion to help guide the Council.

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 6:30 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this _____ day of _____, 2004.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: LIQUOR LICENSE APPLICATION: **FOR AGENDA OF:** 12/06/04 **BILL NO:** 04239
NEW OUTLET **MAYOR'S APPROVAL:** *David Bral*
Broadway Wines **DEPARTMENT OF ORIGIN:** Police *DM*
12424 SW Broadway **DATE SUBMITTED:** 11/23/04

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

A background investigation has been completed, and the Chief of Police has found that the applicant meets 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 application.

INFORMATION FOR CONSIDERATION:

Frank Siller has made application for an Off-Premises Sales Licenses under the trade name of Broadway Wines. The business is a wine retail store and will operate Monday through Saturday from 11:00 a.m. to 7:00 p.m. There will be no entertainment offered. An Off-Premises Sales License allows the sale of additional beverages in sealed containers to go.

RECOMMENDED ACTION:

The Chief of Police for the City of Beaverton recommends the City Council approve the OLCC license application.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: A Resolution Adopting Updated Board of Design Review Bylaws

FOR AGENDA OF: 12-06-04 **BILL NO:** 04240

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 11-23-04

CLEARANCES: City Attorney 
Dev. Serv. 

PROCEEDING: Consent

EXHIBITS: 1. Resolution
2. Draft BDR Minutes Dated November 4, 2004

BUDGET IMPACT

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

On November 4, 2004, the Board of Design Review reviewed the proposed update to the Board of Design Review (Board) Bylaws that rule and regulate the transaction of the Board's business. The proposed update is part of a yearly review to ensure the Bylaws effectively govern the conduct of the Board's work. No significant procedural amendments to the Bylaws are proposed. The Board determined the proposed Bylaws are effective.

The Board of Design Review voted 6-0 at their November 4, 2004 meeting to adopt the new Board of Design Review Bylaws as amended.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is the Resolution of amended Board of Design Review Bylaws and the draft Board of Design Review meeting minutes of November 4, 2004.

RECOMMENDED ACTION:

Staff recommend the City Council approve the Resolution to adopt new Board of Design Review Bylaws.

**A RESOLUTION ADOPTING REVISED BYLAWS AND RULES
OF PROCEDURE FOR THE ORGANIZATION OF AND
CONDUCT OF BUSINESS BY THE BEAVERTON BOARD OF
DESIGN REVIEW.**

BE IT RESOLVED by the Board of Design Review ("Board") of the City of Beaverton, Oregon:

The following bylaws, rules, and regulations are hereby adopted by the Board of Design Review for the transaction of its business effective on January 5, 2005:

ARTICLE I

GENERAL

Section 1. EXPLANATION AND INTERPRETATION

- (A) A seven member City Board of Design Review has been established by Ordinance No. 2050, as amended. Ordinance No. 2050 was enacted by the City Council pursuant to the authority of the home rule Charter of the City of Beaverton. The Council has also adopted other ordinances, resolutions, and policy statements relating to the organization, powers, duties, and procedures of the Board. The Board is empowered to adopt and amend rules and regulations, to govern the conduct of its business consistent with the Charter and ordinances of the City, and official policies promulgated by the Council.
- (B) It is the intention of the Board to set forth in this resolution not only rules and regulations governing its organization and procedures, but also certain other provisions relating thereto, now contained in various ordinances, resolutions, and other documents. The intent is to set forth in one document the essential information relating to the Board's organization and procedures for the benefit of the Board, applicants, and the general public. However, the omission in this resolution of any provision relating to the Board in some other documents shall not be construed as an implied repeal of such provision.
- (C) This resolution replaces and repeals Resolution Nos. 82-1, 1751, 2720, and 3253.

ARTICLE II

RESPONSIBILITIES OF THE BOARD

Section 1. RESPONSIBILITIES

The purpose, objectives, and responsibilities of the City Board of Design Review shall be:

- (A) Comprehensive Plan The Board shall carry out duties assigned to it by the Council relating to development, updating, and general maintenance of the Plan.
- (B) Capital Improvement Program The Board may assist the Council in the formulation of a Capital Improvement Program and, after adoption of said Program, may submit periodic reports and recommendations to the Council relating to the integration and conformance of the Program with the Beaverton Comprehensive Plan.
- (C) Application of Development Regulations Except for those matters which may be delegated to the Director, the Board shall review and take action on quasi judicial and legislative matters, and other proposals which result from the application of development regulations contained within the Development Code on specific pieces of property and uses of land, buildings, etc. The Development Code shall be followed in holding hearings and taking required action.
- (D) Coordination and Cooperation The Board shall endeavor to advance cooperative and harmonious relationships with the City's Council, Planning Commission, Committee for Citizen Involvement, Neighborhood Associations, other Board of Design Reviews, public and semi-public agencies and officials, and civic and private organizations, with a view to coordinating and integrating public and private planning and developmental and policy conflicts. The Board may, and is encouraged to, exchange research, information, ideas and experiences, participate in joint meetings, develop programs and undertake such other formal and informal actions to facilitate cooperation and coordination.
- (E) General Welfare Upon its own initiative or direction of the Council, the Board shall study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the City of Beaverton and its environs related to its particular area of responsibility.

- (F) Rules of Procedure The Board shall adopt and periodically review and amend rules of procedure. Rules of procedure shall govern the conduct of hearings and participation of Board members on all matters coming before the Board. These rules shall be consistent with State law and City ordinances relating to the same matters.

ARTICLE III

OFFICERS

Section 1. OFFICERS

The Officers of the Board shall be a Chairperson and Vice-chairperson. The Community Development Director ("Director"), appointed by the Mayor under the Charter, shall be the Secretary of the Board. In the event the Secretary is absent from any meeting, the Secretary may send a designee.

Section 2. ELECTION

- (A) The Chairperson and Vice-chairperson shall be elected in December for a term of one calendar year, and shall serve until their successors are elected and qualified. The term shall start with the first meeting in January, following election.
- (B) If the office of the Chairperson or Vice-chairperson becomes vacant, the Board shall elect a successor from its membership who shall serve the unexpired term of the predecessor.
- (C) Nominations shall be by oral motion. At the close of nominations, the Board shall vote by voice vote upon the names nominated for the office. If requested by any member, written ballots shall be used for voting purposes.
- (D) Members of the Board holding office at the time of adoption of this resolution shall continue to hold office for the term for which they were elected and until their successors are elected.

Section 3. CHAIRPERSON

- (A) Except as otherwise provided herein, the Chairperson shall have the duties and powers to:
 - 1. Preside over all deliberations and meetings of the Board;
 - 2. Vote on all questions before the Board;

3. Call special meetings of the Board in accordance with these bylaws;
 4. Sign all documents memorializing Board action promptly after approval by the Board. The power to sign reports and other documents of the Board may be delegated to the Secretary.
- (B) All decisions of the Chairperson as presiding officer shall be subject to review by a majority of Board members present upon motion duly made and seconded. Upon a majority vote of the members present, the Board may overturn a decision of the Chairperson.

Section 4. VICE-CHAIRPERSON

During the absence, disability, or disqualification of the Chairperson, the Vice-chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson. In the absence of the Chairperson and Vice-chairperson, the remaining members present shall elect an acting Chairperson.

Section 5. SECRETARY

- (A) The Secretary shall be the Director or their designee.

The Secretary shall:

1. Maintain an accurate, permanent, and complete record of all proceedings conducted before the Board;
 2. Prepare the agenda and minutes for all Board meetings;
 3. Give all notices required by law;
 4. Inform the Board of correspondence relating to Board business and conduct all correspondence of the Board;
 5. Attend all meetings and hearings of the Board or send a designee;
 6. Compile all required records and maintain the necessary files, indexes, maps, and plans.
- (B) The Secretary shall maintain records indicating all applications, appeals, hearings, continuances, postponements, date of sending notice, final disposition of matters, and other steps taken or acts performed by the Board, its officers, and the Secretary.
- (C) The Secretary shall perform such other duties for the Board as are customary in that role or as may, from time to time, be required by the Board.

Section 6. CITY ATTORNEY

The City Attorney or an assistant shall be an ex-officio member of the Board. The City Attorney shall provide legal assistance to the Board on matters coming before it, prepare documents memorializing Board action, and may question witnesses testifying before the Board.

ARTICLE IV

MEETINGS

Section 1. REGULAR MEETINGS

Regular meetings of the Board shall be held in the Council Chambers, City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, or at such other places as may be determined by the Board, at 6:30 p.m., or other time as determined by the Board, on every Thursday of each week of each month, except an official city holiday or the day before an official holiday. Meeting dates are normally chosen for timely action on applications submitted for the Board's consideration. At regular meetings, the Board shall consider all matters properly brought before it without the necessity of prior notice thereof given to any members.

Section 2. ANNUAL MEETING

The annual meeting of the Board shall be the first regular meeting of the Board in January of each year. Such meeting shall be devoted to orientation of new members, education, training, and other matters related to the organization and administration of the Board.

Section 3. SPECIAL MEETINGS

The Chairperson of the Board upon his or her own motion may, or upon the request of a majority of the members of the Board shall call upon a special meeting of the Board. Unless otherwise specified in the call, all special meetings shall be held at the regular meeting place and time of the Board. Notice of special meetings shall be given personally or by mail to all members of the Board and the Secretary not less than forty-eight (48) hours in advance thereof. In case of an emergency, a special meeting may be held upon such notice as is appropriate in the circumstances; provided, however, that reasonable effort is made to notify all members of the Board.

Section 4. OPEN MEETINGS

All meetings of the Board shall be open to the public, except that the Board may hold executive sessions, from which the public may be excluded, in such manner

and for such purposes as may be authorized by law. Representatives of the news media shall be allowed to attend executive sessions under such conditions governing the disclosure of information as provided by law.

Section 5. NOTICE OF MEETINGS

- (A) Notices shall conform to applicable provisions of state law and local regulations.
- (B) Notice shall be posted on a bulletin board in the City Hall and the City Library and disseminated to the City Recorder, local news media representatives, and other persons and organizations as provided by law. At the discretion of the Secretary, notice may also be provided to persons and organizations known to have special interest in matters to be considered by the Board.
- (C) Notice shall be given not less than twenty (20) days) in advance of a meeting; provided, however, that in case of an emergency, a meeting may be held upon such public notice as is appropriate in the circumstances.
- (D) Failure to provide notice as specified in his section, shall not invalidate any decision or proceeding of the Board

Section 6. AGENDA: ORDER OF BUSINESS

- (A) The order of business at all meetings shall be determined by the agenda which shall be composed generally of the following items:
 - 1. Call to order and roll call;
 - 2. Visitors;
 - 3. Staff Communications;
 - 4. Old business – continuances;
 - 5. New business;
 - 6. Minutes of previous meetings;
 - 7. Approval of orders;
 - 8. Miscellaneous business;
 - 9. Planning Director's report; and
 - 10. Adjournment
- (B) Any item may be taken out of order by direction of the Chairperson.
- (C) Actions of the Board are not limited to the prepared agenda.

- (D) Public hearings will be stopped at 10:30 p.m. unless there is a motion from the Board to extend the time of the hearing in progress. In the absence of that motion, pending matters shall automatically be taken up at the following meeting.
- (E) The Board shall not consider a new item after 9:30 p.m. unless there is a motion by the Board to extend the time for the agenda item.

Section 7. ATTENDANCE

If a member of the Board is unable to attend a meeting, he or she is expected to notify the Chairperson or Secretary. If, without reasonable cause, any member is absent from 6 meetings within one calendar year or three consecutive meetings, then upon majority vote of the Board that position shall be declared vacant. The Board shall forward their action to the Mayor, who shall fill the vacant position.

Section 8. QUORUM

At any meeting of the Board, a quorum shall consist of four (4) members. No action shall be taken in the absence of a quorum except to adjourn the meeting and to continue public hearings to a time and place certain. For the purposes of forming a quorum, members who have disqualified or excused themselves from participation in any matter shall be counted as present.

In the event a quorum will not be present at any meeting, the Secretary shall notify the board members in advance of that fact, and all items scheduled before that meeting shall be continued either to the next regularly scheduled meeting, or to such date specified in the Final Agenda for the meeting at which the quorum will not be present. The Secretary shall post notice of the continuance on the door of the Council Chambers notifying the public of the continuance and specifying the date and time when the matter will be before the Board.

Section 9. VOTING

- (A) Except as provided by these bylaws, rules of conduct, or state law, each member of the Board is entitled to vote on all matters, at all meetings of the Board. The Mayor, the City Attorney, and such other City personnel as the Mayor may, from time to time designate, are entitled to participate in discussion, but do not have the right to vote. Each Board member is deemed to have notice of all prior Board deliberations and proceedings.
- (B) Unless otherwise specified herein, the concurrence of a majority of the members of the Board voting shall be necessary to determine any question before the Board. Majority is based on the number of votes

cast, excluding abstentions, disqualifications, and absences. A tie vote causes the motion to fail.

- (C) When a matter is called for a vote, the Chairperson shall, before a vote is taken, restate the motion and shall announce the decision of the Board after such vote.
- (D) Voting shall be by voice vote. All votes, whether positive, negative, or abstentions, shall be recorded in the minutes.
- (E) Voting "in absentia" or by proxy is not permitted.
- (F) A motion to reconsider can be made only at the same meeting the vote to be reconsidered was taken. Further, a motion to reconsider may only be made by a member who voted on the prevailing side of the issue.

Section 10. CONTINUANCES; REMANDS

- (A) Any item before the Board may be continued to a subsequent meeting. A motion to continue an item shall specify the date or event upon which continuation is to be based. If a matter which originally required public notice is continued without setting the time and place certain, the public notification must be repeated when time and place are made certain. A list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the Secretary and made available to the public.
- (B) Unless otherwise provided by the Council upon remand, any item remanded by the Council for reconsideration by the Board shall be treated as a new item and proceedings shall be provided for as if the matter were initially before the Board.
- (C) A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final determination regarding the matter of the hearing, unless he or she has reviewed the evidence received.

Section 11. RULES OF PROCEDURE

All rules of order not herein provided for shall be determined in accordance with the latest edition of "Robert's Rules of Order Newly Revised". However, the Board has an obligation to be as clear and simple in its procedure as possible.

Section 12. MINUTES

- (A) Secretary or a designee shall be present at each meeting and shall cause the proceedings to be stenographically or electronically recorded. A full transcript is not required, but written minutes giving a true reflection of the matters discussed at a meeting and the view of the participants shall be prepared and maintained by the Secretary. Executive sessions are excluded from published minutes.
- (B) Minutes shall be available to the public, upon request, within a reasonable time after a meeting and shall include the following:
1. Members present;
 2. Motions, proposals, measures proposed and their disposition;
 3. Results of all votes, including the vote of each member by name is not unanimous; and
 4. Substance of any discussion of any matter.

If the minutes are not approved by the Board, if requested, draft minutes, if available, may be provided.

- (C) The Secretary may charge a reasonable fee for copies of minutes and other materials relating to Board matters.
- (D) Board members are expected to vote for approval of the minutes based on the accuracy of representation of events at the meeting. If there are no corrections, the Chairperson may declare the minutes approved as submitted, without the need for a motion and vote. A vote in favor of adopting minutes does not signify agreement or disagreement with the Board's actions memorialized in the minutes.
- (E) Any Board member not present at a meeting must abstain from voting on approval of the minutes of that meeting.

Section 13. ORDERS.

- (A) The decision of the Board shall be by written order signed by the Chairperson or designee. The Chairperson may refer the order to the Board for approval prior to signing. In the event that there is not a regularly scheduled meeting, a copy of the order shall be mailed to the Board members for their review. The Board members shall submit their vote on the order in writing to the Chairperson. If there is a majority vote for approval, the Chairperson may sign the order. If there is not a majority vote for approval, then the order shall return to the next regularly scheduled meeting for consideration. Adoption of

the order is expected to be a formality memorializing the Boards' action and not a further consideration of the matter. Board members opposed to the matter are nevertheless expected to vote for the approval of the order if it accurately reflects the previous determination of the Board.

- (B) Board member must abstain from voting on approval of an order prepared as a result of action taken at a meeting at which he or she was not present.

ARTICLE V

ADVISORY COMMITTEES

Section 1. APPOINTMENT.

The Board may form advisory committees for the consideration of special assignments.

ARTICLE VI

PUBLICATION AND AMENDMENT OF BYLAWS AND RULES OF PROCEDURES

Section 1. PUBLICATION AND DISTRIBUTION

A copy of these approved bylaws and rules of procedures shall be:

- (A) Placed on record with the City Recorder and the Secretary of the Board;
- (B) Available at each Board meeting;
- (C) Distributed to each member of the Board; and
- (D) Available to the public for the cost of publication.

Section 2. AMENDMENT AND SUSPENSION

- (A) These bylaws, rules, and regulations may be amended by approval of a majority of the members of the entire Board at a regular or special meeting, provided notice of the proposed amendment is given at the preceding regular meeting, or at least five (5) days written notice is delivered to, or mailed to the home address of each Board member. The notice shall identify the section or sections of this resolution

proposed to be amended. The Council shall give final approval to any amendment of the bylaws.

- (B) Notwithstanding subsection A above, any rule of procedure not required by law may be suspended temporarily at any meeting by majority vote of those members present and voting, except the rule on reconsideration.

ARTICLE VII

EFFECTIVE DATE

This Resolution shall take effect upon January 5, 2005, after approval by the Council and signature by the Mayor.

Adopted by the Board of Design Review of the City of Beaverton, Oregon, with a quorum in attendance at its regular meeting of November 4, 2004, and signed by the Chairperson in authentication of its adoption this 12th day of November, 2004.



Chairperson, Board of Design Review
City of Beaverton, Oregon

Adopted by the Council this _____ day of _____, 2004.

Ayes: _____ Nays: _____

ATTEST:

APPROVED:

Sue Nelson
City Recorder

Rob B. Drake
Mayor

RESOLUTION NO _____

STAFF COMMUNICATION:**DRAFT****REVIEW AND ADOPTION OF UPDATED BY-LAWS**

Planning Technician Jennifer Browning presented the proposed update to the Board of Design Review Bylaws and explained that the primary purpose was to bring them into conformance with the Development Code Update project which took effect in September 2003. Concluding, she offered to respond to questions.

Chair Doukas questioned what changes were made to the time limits on testimony.

Ms. Browning referred to page 7 of 11, Section 6 (D) and (E), and pointed out that this refers to the time extension of the hearing in process, not time limits on public testimony.

Senior Planner Colin Cooper interjected and noted that the Board may suspend their own rules.

Mr. Straus observed that the previous bylaws were gutted and replaced and requested Ms. Browning to summarize the proposed changes.

Ms. Browning pointed out that the majority of the bylaws remain the same, and that some of the procedures have been updated to bring them into conformance with the current Development Code and State of Oregon Administrative Law.

Mr. Cooper pointed out that the Planning Commission had recently adopted the same set of bylaws and explained that there are no significant procedural items of change. He stated that Staff felt that it was appropriate to have the BDR bylaws correspond with that of the Planning Commission, and to replace, if nothing else, the old, archaic title of Board of Site and Design Review, among other important considerations.

Referring to the Annual Meetings section, Mr. Straus expressed his opinion that the Board hasn't had the opportunity to meet with the Mayor or the City Attorney for the past seven to eight years. He explained that when he first joined the Board, an annual meeting was held to give them an idea of where their interests may be heading, and what issues the Board may need to be dealing with that go beyond simply what Staff might be able to offer. He emphasized that it would be nice to meet in January or at some time during the first month or two of each year to do everything that the bylaws say that they're supposed to do.

Mr. Cooper concurred with Mr. Straus' statement and pointed out that Staff will faithfully deliver this message back to the Development Services Manager and Planning Director.

Mr. Straus **MOVED** and Mr. Nardoza **SECONDED** a motion for adoption of the new bylaws as drafted.

Motion **CARRIED** by the following vote:

AYES: Straus, Nardozza, Collins, Shipley, Weathers, and Doukas.
NAYS: None.
ABSTAIN: None.
ABSENT: Beighley.

Motion carried unanimously.

APPROVAL OF MINUTES:

The minutes of September 9, 2004, as written, were submitted. Ms. Shipley **MOVED** and Mr. Nardozza **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously, with the exception of Mr. Collins and Chair Doukas who abstained from voting.

MISCELLANEOUS BUSINESS:

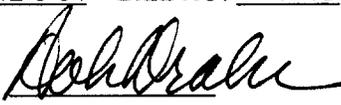
The meeting adjourned at 7:16 p.m.

AGENDA BILL

Beaverton City Council Beaverton, Oregon

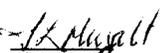
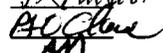
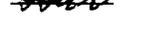
SUBJECT: Design Contract Award – South Central
Area A Sanitary Sewer Improvements
Project No. 6038

FOR AGENDA OF: 12-6-04 **BILL NO:** 04241

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering 

DATE SUBMITTED: 11-23-04

CLEARANCES: Purchasing 
Finance 
City Attorney 
Operations 
Cap. Projects 

PROCEEDING: Consent
(Contract Review Board)

EXHIBITS: 1. Location Map
2. Scope of Work

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$164,300*	BUDGETED \$1,068,215**	REQUIRED \$0

* Funding is from Account Numbers 502-75-3850 (\$151,300) – Sanitary Sewer Maintenance & Replacement Program; 505-75-3620 (\$6,000) – Water Extra Capacity Supply System; 501-75-3701 (\$7,000) – Water System Improvements.

** Funding for this specific project is found in the current FY 2004-05 Capital Improvements Plan (CIP) listed as follows: Sewer Fund, Account Number 502-75-3850, South Central Area A, \$938,215; Water Construction Fund, Account Number 505-75-3620, 9th Street – Lombard Avenue to Hall Boulevard, \$60,000; Water Fund, Account Number 501-75-3701, 9th Street – Lombard Avenue to Hall Boulevard, \$70,000.

HISTORICAL PERSPECTIVE:

As identified in the 2004 Sanitary Sewer Collection System Master Plan prepared by Tetra Tech/KCM, sanitary sewers in the project area shown on Exhibit 1 (Park Haven Area) are 60 to 80 years old and have high water inflow and infiltration causing line capacity issues. The pipes also have severe root intrusion and require a high level of maintenance. The project includes replacement of approximately 5,800 lineal feet of deteriorated sanitary sewer lines and is a continuation of the City's ongoing sewer rehabilitation and replacement program to upgrade the older portions of the sanitary sewer system.

In addition to the sanitary sewer work scheduled for 9th Street, the Water Division has identified the existing waterlines along this segment of 9th street, a 2-inch waterline (875 lineal feet in length) and a 6-inch waterline (385 lineal feet in length), as being undersized and having exceeded their useful life. The project also includes replacement of these waterlines with approximately 1,260 lineal feet of 8-inch ductile iron pipe, and upgrades to water services and replacement of fire hydrants.

A street pavement overlay is scheduled in FY 2005/06 for 9th Street between Hall Boulevard and Lombard Avenue. The sanitary sewer rehabilitation and waterline replacement will be completed prior to the planned pavement overlay.

INFORMATION FOR CONSIDERATION:

In order to ensure that construction is in accordance with the 2004 *Engineering Design Manual and Standard Drawings for the City of Beaverton*, construction plans and specifications need to be prepared for the project. Staff selected Lee Engineering, Incorporated from the Approved Professional Services Retainer List for 2004-05. A fee proposal not to exceed \$164,300 was submitted by Lee Engineering, Incorporated based on a detailed scope of services. Lee Engineering, Incorporated, of Oregon City, Oregon, was selected because of its familiarity with the design and construction issues to be addressed with this project. The consultant scope of work is attached. Lee Engineering, Incorporated is on the latest Professional Services Retainer List as approved by Council on August 9, 2004. Staff reviewed the proposal and found the tasks and associated fees to be consistent with information submitted by the firm to qualify for the current Professional Services Retainer List. Funding of the recommended contract to Lee Engineering, Incorporated is from the accounts noted above.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, award a contract to Lee Engineering, Incorporated for an amount not to exceed \$164,300 to provide engineering design and construction services for the subject project as listed in the scope of work in conformance with the provisions of the Professional Service Retainer Agreement and in a form approved by the City Attorney.



November 19, 2004

David A. Lee, P.E., P.L.S.
R. Phil Beverly, P.E., W.R.E.
Joseph D. Eskew, P.E.
James R. Shaver, P.E.
Mark D. Nelson, P.E., S.E.
Brian D. Lee, P.E.
Patrick K. Murphy, P.E., S.E.

RECEIVED
NOV 22 2004

ENGINEERING DEPT.

Robert George PE
City of Beaverton
4755 S.W. Griffith Drive
Beaverton, OR 97076-4755

Re: Scope of Work for Engineering Services
SOUTH CENTRAL AREA A SANITARY SEWER IMPROVEMENTS

Mr. George:

We are pleased to present the following Scope of Work for the South Central Area A Sanitary Sewer Improvements project.

Project Understanding

This project is a sanitary sewer rehabilitation project that also includes a segment of drinking water main replacement. The project is identified in the Capital Improvements Plan for fiscal year 2004/2005 through 2007/2008 as Project No. 6038. The improvements include the replacement/rehabilitation of approximately 5850 lineal feet of 8-inch sanitary sewer, up-sizing of 475 lineal feet of 6-inch to 8-inch sanitary sewer and the replacement of 1260 lineal feet of 8-inch water main, all within or near the Parkhaven subdivision. The existing sanitary sewers are 60 to 80 years old with a high level of infiltration and inflow. The water main work is parallel to a segment of sanitary sewer replacement work within the same roadway (9th St.) which is scheduled for street rehabilitation in FY 2005/2006.

Engineering Scope Of Work

Based on our understanding of the work to be done, we have developed the following scope of work for engineering services associated with the design of the sanitary sewer and water main improvements.

1. Task 1 - Project Management

- 1.1. Progress Reports and Schedules.
- 1.2. Coordinate with City departments and staff for project coordination and data acquisition.
- 1.3. Staff meetings also including one public meeting.

- 1.4. Public Relations - Provide notice to local residents of intent to perform work for general information and for utility locates and surveys. Receive comments and provide information through public telephone and/or e-mail inquiries.

2. Task 2 – Preliminary Engineering Report

The Preliminary Engineering Report will focus only on the sanitary sewer rehabilitation improvements and will not address drinking water system issues unless non-compliance to OAR rules are identified.

- 2.1. Review sanitary sewer master plan and other pertinent data.
- 2.2. Coordinate video survey of project sewers. Receive and review video and video inspection reports.
- 2.3. Evaluate pipe size, route and condition.
- 2.4. Evaluate manhole size, location and condition.
- 2.5. Provide findings of existing conditions.
- 2.6. Present discussion of technologies available for rehabilitation of the sanitary sewers and/or manholes.
- 2.7. Recommend applicable and most pertinent rehabilitation methods. Discuss and recommend sewer route changes if appropriate.
- 2.8. Provide Statement of Probable Construction Cost for most appropriate rehabilitation methods.
- 2.9. Field survey to locate and diagram sanitary sewer laterals from sewer main to residence. (Optional)

3. Task 3 – Design

- 3.1. Coordinate topographic survey of project route. Receive and review available data and maps. Field verify base map and design concept.
- 3.2. Prepare preliminary construction plans and profiles. Deliver drawings at 30% complete for conceptual review. Deliver drawings and specifications (ODOT/APWA Standard Specifications with Supplemental Specifications) at 70% for compliance review.
- 3.3. Prepare preliminary construction and/or permanent easements as directed. (Optional)
- 3.4. Prepare final design drawings and specifications. Perform Internal QA/QC reviews.
- 3.5. Deliver 90% complete documents for final review with Statement of Probable Construction Cost.

3.6. Prepare and deliver bid ready stamped and signed drawings which shall consist of two each of "camera ready" 11" x 17" reduced and 22" x 34" drawings.

3.7. Prepare and deliver one bid ready stamped and signed contract document and technical specifications on white bond, hard copy and electronic format.

4. Task 4 - Bidding and Construction Services

4.1. Respond to bidders questions during project solicitation through telephone and e-mail.

4.2. Prepare and issue clarifications and addenda to plan holders resulting from questions from bidders/suppliers.

4.3. Attend project meetings including pre-bid and pre-construction meetings.

4.4. Review submittals of products to be incorporated into the work.

4.5. Review and respond to Contractors Request For Information. Review Contractors request for contract changes and recommend action to City. Issue change orders as needed.

4.6. Construction Administration including initiating and preparing progress payments; coordinating construction stake-out, progress reports, etc.

4.7. Provide field observation of work in progress. Prepare and submit field report, track and sketch change in the work, coordinate with Contractor and City.

4.8. Provide Drawings of Record at completion of project, Mylar hard copy and ACAD files.

5. Task 5 - Extra work as Authorized - Perform additional engineering services as requested and authorized by City.

Fees

The above scope of work provides for a wide range of services. The City may decide that certain services are best provided by staff. Deviations from the scope of work outlined are acceptable to the extent that design changes are not included. Any design change must be reviewed and accepted by the Engineer prior to implementation.

Lee Engineering, Inc. agrees to provide engineering services for the above scope of work on an hourly basis plus expenses according to the Engineering Service Retainer Agreement and amendments. An estimate for the services outlined is approximately \$164,256 which will not be exceeded without prior written authorization. A breakdown of the estimated man hours, fees and expenses is attached.

November 19, 2004

Page 4

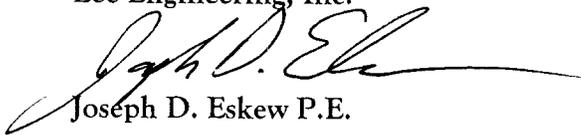
Schedule

The following is a target schedule which will commence immediately upon your Notice to Proceed.

December 20, 2004 - Tentative Notice to Proceed
February 15, 2005 - Complete Condition Survey
March 30, 2005 - Complete Preliminary Engineering Report
April 30, 2005 - Deliver 30% Conceptual Plans
May 30, 2005 - Deliver 70% Design and Specifications
June 30, 2005 - Deliver 90% Design and Specifications
July 30, 2005 - Deliver Final Documents

Respectfully Submitted,

Lee Engineering, Inc.



Joseph D. Eskew P.E.

CITY OF BEAVERTON
South Central Area A Sanitary Sewer Improvements

Manhour and Fee Estimate

	Senior Principal G10 \$120.00	Project Manager G6 \$96.00	Project Engineer G2 \$65.00	Design Engineer G2 \$65.00	Drafting Tech 1 \$54.00	Admin. Sec. \$50.00	Labor	Expenses	Total
Labor cost: \$/hour (No. 123-2004)									
Task 1 Project Management									
Project Admin	8.0	24.0	40.0			16.0	88.0	\$250	
Coordinate with City			24.0			8.0	32.0	\$50	
Public Relations	2.0	8.0	40.0	24.0	16.0	16.0	106.0	\$500	
Meetings		8.0	40.0			8.0	56.0	\$240	
SUBTOTAL MAN HOURS	10.0	40.0	144.0	24.0	16.0	48.0	282.0		
SUBTOTAL LABOR & EXPENSE COSTS	\$1,200	\$3,840	\$9,360	\$1,560	\$864	\$2,400	\$19,224	\$1,040	\$20,264
Task 2 Preliminary Engr. Report									
Gather and Review Data		1.0	8.0	8.0		2.0	19.0	\$100.00	
Site Reconnaissance			24.0	24.0		1.0	49.0	\$150.00	
Review TV Video and Reports		1.0	24.0	24.0		1.0	50.0	\$10.00	
Manhole Evaluation		4.0	24.0		8.0	8.0	44.0	\$220.00	
Mapping			2.0	8.0	16.0		26.0	\$160.00	
Evaluate Alternatives		16.0	24.0				40.0	\$0.00	
Miscellaneous Drafting					16.0		16.0	\$160.00	
Easement Research		4.0		8.0			12.0	\$120.00	
Quantity Take off / Cost Estimate		4.0	16.0	24.0			44.0	\$10.00	
Report Writing		8.0	24.0	40.0		16.0	88.0	\$300.00	
QA/QC	4.0	4.0					8.0	\$0.00	
SUBTOTAL MAN HOURS	4.0	42.0	146.0	136.0	40.0	28.0	396.0		
SUBTOTAL LABOR & EXPENSE COSTS	\$480	\$4,032	\$9,490	\$8,840	\$2,160	\$1,400	\$26,402	\$1,230.00	\$27,632
Task 3 Design									
Topo Survey		1.0	4.0	4.0			9.0	\$15,000.00	
Base Map		8.0	24.0	88.0	32.0		152.0	\$800.00	
Sanitary Plan and Profile		16.0	40.0	80.0	40.0		176.0	\$1,200.00	
Waterline Plan		4.0	8.0	8.0	16.0		36.0	\$160.00	
Details		4.0	16.0	24.0	24.0		68.0	\$480.00	
QA/QC (30%-70%)	16.0	24.0					40.0	\$0.00	
Draft Documents and Specifications		16.0	40.0	40.0		24.0	120.0	\$200.00	
Meetings		16.0	32.0				48.0	\$1,400.00	
QA/QC (95%)	8.0	16.0					24.0	\$0.00	
Final Cost Estimate		4.0	8.0	24.0			36.0	\$20.00	
Final Documents and Specifications		2.0	4.0	16.0		16.0	38.0	\$1,600.00	
SUBTOTAL MAN HOURS	24.0	111.0	176.0	284.0	112.0	40.0	747.0		
SUBTOTAL LABOR & EXPENSE COSTS	\$2,880	\$10,656	\$11,440	\$18,460	\$6,048	\$2,000	\$51,484	\$20,860	\$72,344
Task 4 Bidding and Construction Services									
Respond to Bidders		4.0	8.0			2.0	14.0	\$20.00	
Addenda		4.0	8.0			2.0	14.0	\$20.00	
Meetings		8.0	24.0			4.0	36.0	\$120.00	
Submittal Review		4.0	8.0			1.0	13.0	\$30.00	
Respond to RFIs / Change Orders	4.0	8.0	16.0			8.0	36.0	\$100.00	
Construction Administration	4.0	8.0	40.0	24.0		8.0	84.0	\$100.00	
Field Observation		8.0	40.0		220.0		268.0	\$2,600.00	
Drawings of Record		8.0	16.0	24.0	56.0		104.0	\$400.00	
SUBTOTAL MAN HOURS	8.0	52.0	160.0	48.0	276.0	25.0	569.0		
SUBTOTAL LABOR & EXPENSE COSTS	\$960	\$4,992	\$10,400	\$3,120	\$14,904	\$1,250	\$35,626	\$3,390	\$39,016
Task 5 Extra Work as Directed									
							0.0	\$5,000.00	
SUBTOTAL MAN HOURS	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
SUBTOTAL LABOR & EXPENSE COSTS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000	\$5,000
SUMMARY									
Task 1 Project Management	10.0	40.0	144.0	24.0	16.0	48.0	282.0	\$1,040	\$20,264
Task 2 Preliminary Engr. Report	4.0	42.0	146.0	136.0	40.0	28.0	396.0	\$1,230	\$27,632
Task 3 Design	24.0	111.0	176.0	284.0	112.0	40.0	747.0	\$20,860	\$72,344
Task 4 Bidding and Construction Services	8.0	52.0	160.0	48.0	276.0	25.0	569.0	\$3,390	\$39,016
Task 5 Extra Work as Directed	0.0	0.0	0.0	0.0	0.0	0.0	0.0	\$5,000	\$5,000
BASIC MAN HOURS	36.0	205.0	482.0	468.0	428.0	93.0	1712.0		
BASIC LABOR & EXPENSE COSTS	\$4,320	\$19,680	\$31,330	\$30,420	\$23,112	\$4,650	\$113,512	\$31,520	\$164,256

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Emergency Contract Award
Ratification– SW Avocet Court
Waterline and Storm Drainage Repair

FOR AGENDA OF: 12-6-04 **BILL NO:** 04242

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: Engineering *TJK*

DATE SUBMITTED: 11-23-04

CLEARANCES: Purchasing *[Signature]*
Finance *[Signature]*
City Attorney *[Signature]*
Operations *[Signature]*

PROCEEDING: Consent
(Contract Review Board)

EXHIBITS: 1. Declaration of Emergency
2. Project Location Map

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$35,762	BUDGETED \$300,000 *	REQUIRED \$0

* Funding is from the FY 2004-05 Budget and Capital Improvements Plan (CIP): Account No. 513-75-3950 (50%) Storm Drain Fund, Maintenance & Replacement Program, Small Works Projects; and Account No. 501-75-3700 (50%) Water Fund Budget, Maintenance & Replacement Program, Small Works – Miscellaneous Maintenance and Replacement Projects. These line items contain funding for engineering and construction of unscheduled projects that may arise during the budget year.

HISTORICAL PERSPECTIVE:

Late in summer 2004, staff was notified of an exposed pipe on a steep wooded hillside in a public open space owned by the Murrayhill Homeowners Association in southwest Beaverton. The exposed pipe, initially thought to be a storm drain, was first reported by a young man planning a project to earn his Eagle rank in Boy Scouts of America. Subsequent investigation by City staff revealed that the pipe was a 12-inch diameter ductile iron waterline running from SW Avocet Court to SW Falcon Drive in Murrayhill. From Avocet Court, the waterline extends down a steep grade under an intermittent creek in the bottom of a canyon, and then up the other side of the canyon to Falcon Drive, approximately 600 linear feet. The 12-inch waterline was installed in 1990 during the development of the Murrayhill subdivision and lies in a large natural tract on which the City holds a blanket utility easement for operation, maintenance and replacement of those facilities. The original engineering design of the utilities in this area of Murrayhill was prepared by a private engineering firm working for the developer at the time.

The public storm drainage system in Avocet Court consists of a series of interconnected catch basins which collect runoff from the street and then discharge the storm water from a collection pipe onto the heavily vegetated hillside outside of the roadway embankment where it travels overland to the creek in the bottom of the canyon. At some point in time since 1990, the combination of natural runoff and storm water from the drainage system concentrated along a segment of the City's waterline trench and began to erode the gravel trench backfill. The affected segment of waterline is approximately 90 linear feet in length and is completely exposed. The exposed water pipeline is located in a rugged, heavily wooded natural area accessible only by foot paths.

Staff searched for a way to replace the trench backfill to protect the waterline, and prevent the problem from reoccurring without excessive damage to the natural area. A plan was developed to pump controlled density fill (CDF) down the hill from Avocet Court to backfill the pipe trench area and protect the waterline. CDF is a quick-setting flowable material similar to low strength concrete that is particularly effective where mechanical compaction of backfill material is not practical.

To prevent the erosion from reoccurring, the energy of overland flowing storm drain water must be controlled, so staff included in the design plan a 12-inch storm drain pipe installed in the same trench as the waterline. Because of the steep grade, a special high density polyethylene (HDPE) pipe was specified because sections of the pipe are heat fused together creating a flexible pipe system with no joints to separate or pull apart.

INFORMATION FOR CONSIDERATION:

Once the utility repair bid package was completed, proposals were solicited from three local contractors. The project was not formally advertised for bids because of the emergency nature of the repairs, and because the cost of the project was anticipated to be under \$25,000.

Proposals were requested from the contractors listed below:

<u>Contractor</u>	<u>Bid Amount</u>
Moore Excavation, Incorporated	Declined to Submit Proposal
Mort's Construction, Incorporated	\$33,421 (could not obtain required bonding)
Oregon Underground, Incorporated	\$35,762 (includes required bonding)

Although both of the proposals received exceeded the standard \$25,000 limit established in the City's purchasing policy for goods and services without formal competitive procurement, the importance of repairing the exposed waterline required timely action. Therefore, staff requested assistance from the City Attorney's office and Mayor to declare an emergency to quickly award a construction contract. City Resolution 3708, as amended, modified the City of Beaverton Purchasing Code to allow the City to enter into a public contract without formal competitive procurement should an emergency exist. The City Attorney's office prepared a Declaration of Emergency pursuant to the Purchasing Code for the SW Avocet Court Waterline and Storm Drainage Repair. Following review of the declaration, the Mayor signed the document on October 21, 2004, authorizing award of the emergency contract to the lowest responsible and responsive bidder (Exhibit 1).

Following execution of the Declaration of Emergency, staff recommended to the City Attorney award of a contract to Oregon Underground, Incorporated, of Clackamas, Oregon, as the lowest responsible and responsive bidder. Although Mort's Construction, Incorporated, submitted the initial apparent low bid, the firm was not able to obtain bonding as required by the City's contracting rules. This left Oregon Underground, Incorporated, as the bidder meeting all necessary City contract requirements with a price reasonably close to the bid by Mort's Construction, Incorporated. Oregon Underground, Incorporated, also was immediately available to begin the work to make the repairs in a minimum of time to prevent further erosion. A contract with Oregon Underground, Incorporated, in the amount of \$35,762 was prepared and approved as to form by the City Attorney's office and signed by the Mayor.

Funding of the work is to be shared from funds available for miscellaneous unscheduled projects in the Water and Storm Drain Funds. The two budget accounts are listed above.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, ratify the award of a contract to Oregon Underground, Incorporated, of Clackamas, Oregon, in the amount of \$35,762 as the lowest responsible and responsive bidder for the SW Avocet Court Waterline and Storm Drainage Repair. Approve the recommended funding as shown above.

A DECLARATION OF EMERGENCY
 Authorizing the City of Beaverton to Enter into a Public Contract Without
 Formal Competitive Procurement

Section III-0040 of the City of Beaverton's Purchasing Code (Resolution 30708, as amended), permits the city to enter into a public contract without formal competitive procurement if an emergency exists.¹

Based upon the facts and conclusions described herein, I, Rob Drake, Mayor of Beaverton, hereby declare that an emergency exists and further authorize the city to enter into an emergency contract to backfill and protect 90 linear feet of 12-inch waterline that has been exposed by erosion and to install a storm drain pipe in the same area to prevent further erosion.

Facts

For the past 15 years, stormwater from SW Avocet Court in the Murrayhill area of Beaverton has been discharged onto an extremely steep (30% grade), forested hillside. The stormwater runs on the ground, down the hillside, to a creek that runs along the base of the hill. The creek flows into Murrayhill Pond.

¹ In full, Section III-0040 provides as follows:

III-0040 Emergency Contracts

A. Authorization

Pursuant to the requirements of these Rules, the City may enter into a Public Contract without formal competitive procurement if an emergency exists. "Emergency" as used in this section means circumstances that create a substantial risk of loss, damage, interruption of services or threat to public health or safety that require prompt execution of a Contract to remedy the condition.

B. Declaration of Emergency Required

Pursuant to ORS 279.0150 (4) and (5), the City Council, Mayor or another officer authorized by the City shall declare the existence of the emergency, as required by subsection C of this section, which shall authorize the City to enter into an emergency Contract.

C. Mandatory Actions

Regardless of the dollar value of the Contract, when the City enters into an emergency Contract, the City shall:

1. Make a Written declaration of emergency, including findings describing the emergency circumstances that require the prompt performance of the Contract, stating the anticipated harm from failure to establish the Contract on an expedited basis;
2. Encourage competition to the extent reasonable under the circumstances; and
3. Record the measures taken under subsection (2) of this section to encourage competition, the amounts of the Bids, Quotes or Proposals obtained, and the reason for selecting the Contractor.

D. Time Limitation

Any Contract awarded under this exemption and delegation shall be awarded within 60 days following declaration of the emergency, unless the Contract Review Board grants an extension pursuant to ORS 279.015(5) and ORS 279.727.

E. Ratification

For contracts greater than \$25,000 in value, the City shall submit a copy of the Written documentation required in subsection C of this section to the Contract Review Board within 60 days following the declaration of an emergency, unless the Contract Review Board grants a reasonable extension of time for reasons related to the emergency.

On the same hillside is a 12-inch waterline. The waterline runs down the hillside, crosses under the creek and goes up another hillside, heading toward SW Falcon Drive. When the waterline was constructed, a trench was excavated to a depth of five to seven feet. The waterline was then laid in the trench and the trench backfilled to ground level.

About 90 feet from the creek, on the SW Avocet Court side of the canyon formed by the two hillsides, the route the stormwater takes on its course to the creek intercepts the trench for the waterline. The stormwater then generally follows the waterline trench 90 feet to the creek. Over the years, the flow of stormwater has eroded the backfill in the waterline trench. This erosion has now completely exposed the waterline that is supposed to be buried five to seven feet underground. The waterline now lies in the bottom of the open trench.

The erosion of 90 linear feet of backfill from the waterline trench eliminates the surrounding support that engineers expect to be present to help keep the waterline in tact and unbroken. Without that support, city engineers are of the opinion that there is a substantial risk that the waterline will fail.

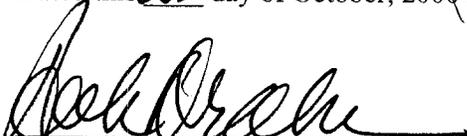
Conclusions

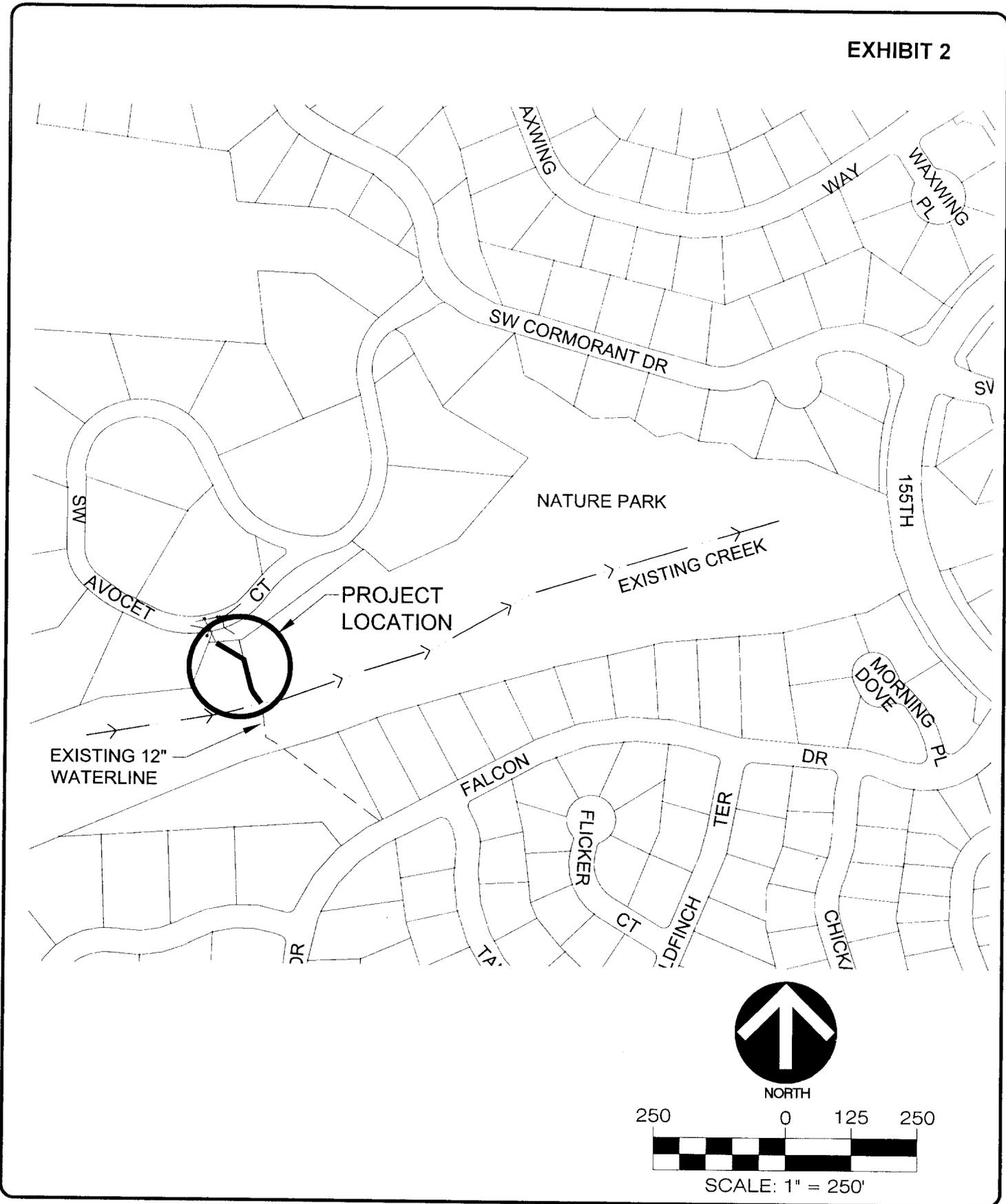
The exposure of the 12-inch waterline as described above creates a substantial risk of loss, damage, interruption of services and threat to public health and safety. Failure of the waterline would interrupt water service in the Murrayhill area. Water for both domestic and fire-suppression use would be affected. Failure of the waterline also would cause substantial property damage. Sedimentation would become excessive if water blew out of a broken 12-inch pipe. This volume of discharge would quickly erode the hillside. The sediment-filled, muddy water would then flow into Murrayhill Pond, which is a highly visible pond located nearby the intersection of SW Murray Blvd and SW Teal Blvd.

These circumstances require prompt execution of a contract to remedy the described condition. The terrain where the repair work needs to be done is very steep. Rain will make the work harder, more dangerous and more expensive to accomplish. Given the season of the year, the sooner a contractor can be given notice to proceed, the more chance there is that the contractor can do the repairs in drier (or "less wet") conditions.

In procurement of this emergency contract, the city shall invite written bids from at least three contractors. The scope of work shall include the replacement of the lost waterline trench backfill and the construction of a storm drain pipe to prevent future erosion of the waterline trench. Of the bids submitted for the work, the city will award a contract to the responsible offeror who offers the lowest responsive bid. Written documentation will be kept to record the measures taken to encourage competition consistent with the provisions of this paragraph. If the contract awarded is greater than \$25,000 in value, the City shall submit a copy of the written documentation to the Contract Review Board for ratification within 60 days following this declaration.

Dated this 21st day of October, 20004


Rob Drake
Mayor



City Of Beaverton

ENGINEERING
DEPARTMENT

AVOCET WATERLINE AND
STORM DRAINAGE REPAIR

CITY ENGINEER
Terry Waldele, P.E.

DATE
11 - 22 - 04

DRAWN BY
JCH - CPD

DRAWING NO.
AVOCET AGENDA

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Adopt Resolution and Authorize
Implementation of Building, Mechanical, and
Electrical Permit Fee Increases

FOR AGENDA OF: 12-06-04 **BILL NO:** 04243

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 10-11-04

CLEARANCES: Finance *[Signature]*
City Attorney *[Signature]*

PROCEEDING: Public Hearing

EXHIBITS: Resolution with Exhibits A and B
Revenue and Expense Data
Current and Proposed Fee Tables

BUDGET IMPACT

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

Each budget year, revenues and expenditures for the Building Operating Fund (Fund) are evaluated to determine if adjustments are needed. Revenue for the Fund have remained static while costs associated with the operation of the Building Services Division (Division) have risen. The Division's Fund is intended to be wholly permit-fee supported while maintaining a reasonable contingency fund. There are several programs within the Fund with expenses exceeding revenues to the point they are diminishing the contingency fund.

INFORMATION FOR CONSIDERATION:

Since the last fee adjustment, costs associated with the Building, Mechanical, and Electrical Permit Programs have continued to exceed revenues and will continue to diminish the Division's contingency fund unless the fees are adjusted. As a method to more closely cover the costs associated with the Building, Mechanical, and Electrical Permit Programs, staff propose a 10-percent increase in building and mechanical permit fees. The building and mechanical fee adjustments are proposed to take effect January 1, 2005. In addition, staff propose an incremental increase in electrical permit fees of 10-percent to take effect on January 1, 2005 and an additional 10-percent increase to take effect on July 1, 2005.

Details of the proposed fee adjustments were reviewed by the City's Development Liaison Committee and found to be necessary. Information providing greater detail for the basis of the proposed fee adjustments is included in the attached exhibits. The information provides the programs' revenues, expenditures, and contingency balances including estimates through FY 05-06.

RECOMMENDED ACTION:

Council to hold a public hearing and adopt attached resolutions authorizing increases in building, mechanical, and electrical permit fees.

A RESOLUTION TO INCREASE BUILDING, MECHANICAL, AND ELECTRICAL PERMIT FEES

WHEREAS, the Building Operating Fund is entirely dependent upon revenue generated by the sale of permits for the construction of buildings and their support systems; and,

WHEREAS, the current building permit fee levels do not generate sufficient revenue to offset operating costs for FY 2004-05; and,

WHEREAS, the current mechanical permit fee levels do not generate sufficient revenue to offset operating costs for FY 2004-05; and,

WHEREAS, the current electrical permit fee levels do not generate sufficient revenue to offset operating costs for FY 2004-05; and,

WHEREAS, it is desirable to increase electrical permit fees in two incremental steps; and,

WHEREAS, Beaverton Code Section 8.02.040 allows the Council by resolution to set certain fees for permits relating to site development; and,

WHEREAS, the Council has previously adopted schedules of fees for those services and now desires to adopt a new schedule that will supercede those formerly adopted; therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

Section 1. The Council adopts the Building and Mechanical and Electrical Permit Fee Tables attached as Exhibit A to this Resolution, effective on January 1, 2005; and the Electrical Permit Fee Table attached as Exhibit B to this Resolution, effective on July 1, 2005 as to all applications for Building or Mechanical permits that are completed on or after that date.

Section 2. This resolution shall take effect on January 1, 2005.

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

CITY OF BEAVERTON

NEW ONE AND TWO FAMILY DWELLING BUILDING PERMIT FEE TABLE

(See below for determining valuation.)

\$0.00 to \$500.00 valuation	\$45.75
\$501.00 to \$2,000.00 valuation	\$45.75 for the first \$500.00 and \$2.05 for each additional \$100.00 or fraction thereof
\$2,001.00 to \$25,000.00 valuation	\$76.50 for the first \$2,000.00 and \$6.95 for each additional \$1,000.00 or fraction thereof
\$25,001.00 to \$50,000.00 valuation.....	\$236.35 for the first \$25,000.00 and \$6.15 for each additional \$1,000.00 or fraction thereof
\$50,001.00 to \$100,000.00 valuation.....	\$390.10 for the first \$50,000.00 and \$4.90 for each additional \$1,000.00 or fraction thereof
\$100,001.00 to \$500,000.00 valuation.....	\$635.10 for the first \$100,000.00 and \$2.90 for each additional \$1,000.00 or fraction thereof
\$500,001.00 to \$1,000,000.00 valuation.....	\$1,795.10 for the first \$500,000.00 and \$2.05 for each additional \$1,000.00 or fraction thereof
\$1,000,001.00 and over valuation	\$2,820.10 for the first \$1,000,000.00 and \$1.40 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge – two hours) \$76.40 per hour*
2. Reinspection fees assessed under provisions of Building Division Administrative Rules Section 309.10..... \$76.40
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)..... \$76.40 per hour*
4. Additional plans review required by changes, additions, or revisions to proposed or approved plans (minimum charge – one-half hour) \$76.40 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Structural Plans Review Fee	65 percent of building permit fee
State Surcharge	8 percent of building permit fee
Development Code Review Fee	\$75.00
Sidewalk/Driveway/Approach Fee	\$25.00
Utility Locate Fee.....	\$25.00
Engineering Division Review Fee	\$33.75

Erosion Control Fee –Value:	\$0 to \$25,000.00	\$25.00
	\$25,001.00 to 50,000.00.....	\$35.00
	\$50,001.00 to \$100,000.00.....	\$50.00
	\$100,001.00 and over.....	\$50.00 plus \$32.00 per
	\$100,000.00 of valuation or fraction thereof over \$100,000.00	

Erosion Control Plans Review: 65 percent of erosion control fee

Valuation is determined by multiplying the square footage of the dwelling and garage by the “per square foot cost factor” identified in the Building Valuation Data Table.

(New one and two family dwelling building permit fee table, continued.)

Building Permit Fee Schedule For Stand-Alone Residential Fire Sprinkler Systems

Square Footage of Dwelling (including garage)	Permit/Plans Review Fee
0-2,000 square feet	\$136.10
2,001-3,600 square feet	\$173.25
3,601-7,200 square feet	\$235.10
Greater than 7,200 square feet.....	\$297.00

CITY OF BEAVERTON

COMMERCIAL, MULTI-FAMILY, AND INDUSTRIAL BUILDING PERMIT FEE TABLE FOR NEW BUILDINGS

(See below for determining valuation.)

\$0.00 to \$500.00 valuation	\$69.60
\$501.00 to \$2,000.00 valuation	\$69.60 for the first \$500.00 and \$2.75 for each additional \$100.00 or fraction thereof
\$2,001.00 to \$25,000.00 valuation	\$110.85 for the first \$2,000.00 and \$11.10 for each additional \$1,000.00 or fraction thereof
\$25,001.00 to \$50,000.00 valuation.....	\$366.15 for the first \$25,000.00 and \$8.35 for each additional \$1,000.00 or fraction thereof
\$50,001.00 to \$100,000.00 valuation.....	\$574.90 for the first \$50,000.00 and \$5.90 for each additional \$1,000.00 or fraction thereof
\$100,001.00 to \$500,000.00 valuation.....	\$869.90 for the first \$100,000.00 and \$4.40 for each additional \$1,000.00 or fraction thereof
\$500,001.00 to \$1,000,000.00 valuation.....	\$2,629.90 for the first \$500,000.00 and \$3.85 for each additional \$1,000.00 or fraction thereof
\$1,000,001.00 to \$10,000,000.00 valuation.....	\$4554.90 for the first \$1,000,000.00 and \$2.50 for each additional \$1,000.00 or fraction thereof
\$10,000,001.00 and over valuation.....	\$27,054.90 for the first \$10,000,000.00 and \$2.40 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge – two hours) \$76.40 per hour*
2. Reinspection fees assessed under provisions of Building Division Administrative Rules Section 309.10..... \$76.40
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)..... \$76.40 per hour*
4. Additional plans review required by changes, additions, or revisions to proposed or approved plans (minimum charge – one-half hour)..... \$76.40 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Structural Plans Review Fee	65 percent of building permit fee
Fire and Life Safety Plans Review Fee	40 percent of building permit fee
State Surcharge	8 percent of building permit fee
Development Code Review Fee	\$75.00
Sidewalk/Driveway/Approach Fee	\$25.00
Engineering Division Review Fee	\$33.75

(Commercial, multi-family, and industrial building permit fee table for new buildings, continued.)

Erosion Control Fee - Value:	\$0 to \$25,000.00	\$25.00
	\$25,001.00 to 50,000.00.....	\$35.00
	\$50,001.00 to \$100,000.00.....	\$50.00
	\$100,001.00 and over.....	\$50.00 plus \$32.00 per
	\$100,000.00 of valuation or fraction thereof over \$100,000.00	

Erosion Control Plans Review: 65 percent of erosion control fee

Valuation is determined by multiplying the square footage of the building (based on use and construction type) by the "per square foot cost factor" identified in the Building Valuation Data Table.

Phased Projects: There shall be a minimum plans review phasing fee of \$152.90 for each separate phased portion of the project. In addition, a plans review phasing fee shall be charged in an amount equal to ten percent of the total project building permit fee calculated in accordance with OAR 918-050-100 through 110 not to exceed an additional \$1,500 for each phase.

Deferred Submittals: The plans review fee for processing deferred plan submittals shall be an amount equal to 65 percent of the building permit fee calculated in accordance with OAR 918-050-110(2) and (3) using the value of the particular deferred portion of the project with a minimum fee of \$114.40. This fee is in addition to the project plans review fee based on total project value.

CITY OF BEAVERTON

SINGLE FAMILY, MULTI-FAMILY, COMMERCIAL, AND INDUSTRIAL BUILDING PERMIT FEE TABLE FOR ALTERATIONS, ADDITIONS, AND DEMOLITIONS.

\$0.00 to \$500.00 valuation	\$43.80
\$501.00 to \$2,000.00 valuation	\$43.80 for the first \$500.00 and \$2.75 for each additional \$100.00 or fraction thereof
\$2,001.00 to \$25,000.00 valuation	\$85.05 for the first \$2,000.00 and \$12.50 for each additional \$1,000.00 or fraction thereof
\$25,001.00 to \$50,000.00 valuation.....	\$372.55 for the first \$25,000.00 and \$9.00 for each additional \$1,000.00 or fraction thereof
\$50,001.00 to \$100,000.00 valuation.....	\$597.55 for the first \$50,000.00 and \$6.15 for each additional \$1,000.00 or fraction thereof
\$100,001.00 to \$500,000.00 valuation.....	\$905.05 for the first \$100,000.00 and \$4.95 for each additional \$1,000.00 or fraction thereof
\$500,001.00 to \$1,000,000.00 valuation.....	\$2,885.05 for the first \$500,000.00 and \$4.15 for each additional \$1,000.00 or fraction thereof
\$1,000,001.00 and over valuation	\$4,960.05 for the first \$1,000,000.00 and \$2.75 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge – two hours) \$76.40 per hour*
2. Reinspection fees assessed under provisions of Building Division Administrative Rules Section 309.10..... \$76.40
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)..... \$76.40 per hour*
4. Additional plans review required by changes, additions, or revisions to proposed or approved plans (minimum charge – one-half hour)..... \$76.40 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Structural Plans Review Fee	65 percent of building permit fee
Fire and Life Safety Plans Review Fee	40 percent of building permit fee
State Surcharge	8 percent of building permit fee
Development Code Review Fee	\$75.00
Sidewalk/Driveway/Approach Fee	\$25.00
Engineering Division Review Fee	\$33.75

Erosion Control Fee - Value:	\$0 to \$25,000.00	\$25.00
	\$25,001.00 to 50,000.00.....	\$35.00
	\$50,001.00 to \$100,000.00.....	\$50.00
	\$100,001.00 and over.....	\$50.00 plus \$32.00 per
	\$100,000.00 of valuation or fraction thereof over \$100,000.00	

Erosion Control Plans Review: 65 percent of erosion control fee

(Commercial, multi-family, and industrial building permit fee table for alterations, additions, and demolitions, continued.)

Building Permit Fee Schedule For Stand-Alone Residential Fire Sprinkler Systems

Square Footage of Dwelling (including garage)	Permit/Plans Review Fee
0-2,000 square feet	\$136.15
2,001-3,600 square feet	\$173.25
3,601-7,200 square feet	\$235.10
Greater than 7,200 square feet.....	\$297.00

Phased Projects: There shall be a minimum plans review phasing fee of \$152.90 for each separate phased portion of the project. In addition, a plans review phasing fee shall be charged in an amount equal to ten percent of the total project building permit fee calculated in accordance with OAR 918-050-100 through 110 not to exceed an additional \$1,500 for each phase.

Deferred Submittals: The plans review fee for processing deferred plan submittals shall be an amount equal to 65 percent of the building permit fee calculated in accordance with OAR 918-050-110(2) and (3) using the value of the particular deferred portion of the project with a minimum fee of \$114.40. This fee is in addition to the project plans review fee based on total project value.

CITY OF BEAVERTON

MECHANICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO ONE AND TWO FAMILY DWELLINGS

Air Handling Units.....	\$28.60 per appliance
Air Conditioning.....	\$40.00 per appliance
Alteration of Existing HVAC System.....	\$28.60 per appliance
Heat Pump.....	\$52.25 per appliance
Install/Replace Furnace	
Up to 100,000 btu.....	\$40.00 per appliance
Over 100,000 btu.....	\$46.95 per appliance
Install/Replace/Relocate Heaters	
Suspended, Wall, or Floor Mounted.....	\$40.00 per appliance
Vent for Appliance other than Furnace.....	\$28.60 per appliance
Appliance Vent.....	\$19.95 per appliance
Dryer Exhaust.....	\$28.60 per appliance
Hood.....	\$28.60 per appliance
Exhaust Fan Connected to a Single Duct.....	\$19.95 per appliance
Gas Piping: 1 to 4 Outlets.....	\$12.10
Each Additional Outlet.....	\$3.45
Fireplace.....	\$28.60 per appliance
Wood Stove.....	\$28.60 per appliance
Other.....	\$19.95 per appliance
Minimum Fee.....	\$83.55
State Surcharge.....	8 percent of mechanical permit fee

Other Inspections and Fees:

1. Inspections outside of normal business hours
(minimum charge – two hours) \$76.40 per hour*
2. Reinspection fees assessed under provisions of
Building Division Administrative Rules Section 309.10..... \$76.40
3. Inspections for which no fee is specifically indicated
(minimum charge – one-half hour)..... \$76.40 per hour*
4. Additional plans review required by changes, additions,
or revisions to proposed or approved plans
(minimum charge – one-half hour)..... \$76.40 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

CITY OF BEAVERTON

MECHANICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO COMMERCIAL, MULTI-FAMILY, AND INDUSTRIAL PROJECTS

(See Mechanical Valuation Table to determine valuation.)

\$0.00 to \$500.00 valuation	\$59.10
\$501.00 to \$5,000.00 valuation	\$59.10 for the first \$500.00 and \$2.60 for each additional \$100.00 or fraction thereof
\$5,001.00 to \$10,000.00 valuation	\$176.10 for the first \$5,000.00 and \$2.40 for each additional \$100.00 or fraction thereof
\$10,001.00 to \$50,000.00 valuation.....	\$296.10 for the first \$10,000.00 and \$2.20 for each additional \$100.00 or fraction thereof
\$50,001.00 to \$100,000.00 valuation.....	\$1,176.10 for the first \$50,000.00 and \$2.15 for each additional \$100.00 or fraction thereof
\$100,001.00 and over valuation	\$2,251.10 for the first \$100,000.00 and \$2.50 for each additional \$100.00 or fraction thereof
Minimum Fee	\$83.55

Plans review equals 25 percent of the mechanical permit fee.

State surcharge equals 8 percent of the mechanical permit fee.

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge – two hours) \$76.40 per hour*
2. Reinspection fees assessed under provisions of Building Division Administrative Rules Section 309.10..... \$76.40
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)..... \$76.40 per hour*
4. Additional plans review required by changes, additions, or revisions to proposed or approved plans (minimum charge – one-half hour)..... \$76.40 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

CITY OF BEAVERTON

ELECTRICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO MULTI-FAMILY, COMMERCIAL, INDUSTRIAL PROJECTS, AND ONE AND TWO FAMILY DWELLINGS

New residential – single or multi-family per dwelling unit (includes attached garage).

Service Included:

1000 square feet or less	\$81.40
Each additional 500 square feet or portion thereof	\$14.50
Limited energy, residential.....	\$19.35
Limited energy, nonresidential.....	\$38.30
Each manufactured home or modular dwelling service and/or feeder.....	\$38.30

Services or feeders – installation, alteration, or relocation:

200 amps or less	\$48.40
201 amps to 400 amps	\$57.65
401 amps to 600 amps	\$95.90
601 amps to 1000 amps	\$125.40
Over 1000 amps or volt	\$288.65
Reconnect only.....	\$38.30

Temporary services or feeders – installation, alteration, or relocation:

200 amps or less	\$38.30
201 amps to 400 amps	\$53.25
401 amps to 600 amps	\$77.00

Branch circuits – new, alteration, or extension per panel:

A. Fee for branch circuits with purchase of service or feeder fee, each branch circuit	\$1.75
B. Fee for branch circuits without purchase of service or feeder fee, first branch circuit	\$33.90
Each additional branch circuit.....	\$1.75

Miscellaneous (service or feeder not included):

Each pump or irrigation circle	\$38.30
Each sign or outline lighting.....	\$38.30
Signal circuit(s) or a limited energy panel, alteration, or extension	\$38.30

Plan review equals 25 percent of the electrical permit fee.
State Surcharge equals 8 percent of the electrical permit fee.

1. Inspections outside of normal business hours
(minimum charge – two hours)
2. Each additional inspection over the allowable for
the permitted work
3. Inspections for which no fee is specifically indicated
(minimum charge – one-half hour).....
4. Additional plans review required by changes, additions,
or revisions to proposed or approved plans
(minimum charge – one-half hour).....

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Proposed Fee Schedule Effective July 1, 2005

CITY OF BEAVERTON

Exhibit B
Resolution No. 3793

ELECTRICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO MULTI-FAMILY, COMMERCIAL, INDUSTRIAL PROJECTS, AND ONE AND TWO FAMILY DWELLINGS

New residential – single or multi-family per dwelling unit. Includes attached garage.

Service Included:

1000 square feet or less	\$89.55
Each additional 500 square feet or portion thereof	\$15.95
Limited energy, residential.....	\$21.30
Limited energy, non-residential.....	\$42.15
Each manufactured home or modular dwelling service and/or feeder	\$42.15

Services or feeders – installation, alteration or relocation:

200 amps or less	\$53.25
201 amps to 400 amps	\$63.40
401 amps to 600 amps	\$105.50
601 amps to 1000 amps	\$137.95
Over 1000 amps or volt	\$317.50
Reconnect only.....	\$42.15

Temporary services or feeders – Installation, alteration, or relocation:

200 amps or less	\$42.15
201 amps to 400 amps	\$58.60
401 amps to 600 amps	\$84.70

Branch circuits – new, alteration, or extension per panel:

A. Fee for branch circuits with purchase of service or feeder fee, each branch circuit	\$1.95
B. Fee for branch circuits without purchase of service or feeder fee, first branch circuit	\$37.30
Each additional branch circuit.....	\$1.95

Miscellaneous (Service or feeder not included):

Each pump or irrigation circle	\$42.15
Each sign or outline lighting.....	\$42.15
Signal Circuit(s) or a limited energy panel, alteration, or extension	\$42.15

Plan review equals 25 percent of the electrical permit fee.
State Surcharge equals 8 percent of the electrical permit fee.

(Electrical fee schedule for new and additions or alterations to multi-family, commercial, industrial projects, and one and two family dwellings continued.)

- 1. Inspections outside of normal business hours
(minimum charge – two hours) \$53.25 per hour*
- 2. Each additional inspection over the allowable for
the permitted work \$37.30
- 3. Inspections for which no fee is specifically indicated
(minimum charge – one-half hour) \$53.25 per hour*
- 4. Additional plans review required by changes, additions,
or revisions to proposed or approved plans
(minimum charge – one-half hour) \$53.25 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

CITY OF BEAVERTON
BUILDING SERVICES DIVISION
Building Operating Fund

Building Operating Fund History

In FY 92-93 the Beaverton City Council established the Building Operating Fund (Fund) to account for the Building Services Division's (Division) revenues and expenditures. The Fund is intended to have each individual program (building/mechanical, plumbing, and electrical) generate permit revenue sufficient to cover operating costs and maintain a reasonable contingency fund. When the Fund was initiated, the Council determined it would not assess the full amount of reasonable overhead charges, so the Fund could appropriately build a contingency fund. Over the following years, the City increased the overhead charges to 70 percent of the rate for FY 01-02; however, this rate has since decreased in FY 04-05 to a **current level of 53 percent of the expected rate**. In addition, personnel and material costs have risen. The program's contingency increased considerably until FY 98-99 when some programs began to experience expenditures exceeding revenues. Because the contingency had grown to over one year's operating costs, it was determined to spend down the contingency to an appropriate level.

Revenues and Expenditures

The Building Division (Division) is made up of five programs:

1. Administration
2. Plan Review and Permit Processing
3. Building and Mechanical Field Inspection
4. Plumbing Plan Review and Field Inspection
5. Electrical Plan Review and Field Inspection

The Division operates through a dedicated fund. Fees collected by the Division in connection with the above programs are to be used only for the administration and enforcement of those programs. Each program has revenue and expenditures accounted for individually. The fees collected by the Division are established in Beaverton Code (BC) 8.02.040 to provide funding of each program. Each program is budgeted out of the Building Operating Fund with revenue and expenditures not exceeding the reasonable and necessary costs of administration and enforcement of these programs (including establishing and maintaining a reasonable contingency fund).

Direct expenditures are charged to the applicable program fund account. Administration, general supplies, training, overhead, accounting, reprographic, and Information Systems Department (ISD) costs are charged to the Division Administration Fund. These administrative costs are divided (based on the number of employees) into two programs (Plan Review and Permits, and Building Inspection). Revenues collected in excess of expenditures are placed in the Building Services Division's contingency fund for the purpose of maintaining services **during short duration reductions in** development activity. The amount of funds to be maintained in the contingency is determined by the City Administration with the consultation of the **development community** through the City Development Liaison Committee (DLC).

Revenue

- Revenue from building and mechanical permit fees funds the Building and Mechanical Field Inspection Program.
- Revenue from plan review fees funds the Plan Review and Permit Processing Program.
- Revenue from plumbing permit fees funds the Plumbing Plan Review and Field Inspection Program.
- Revenue from electrical permit fees funds the Electrical Plan Review and Field Inspection Program.
- Revenue from miscellaneous fees are divided into the Building and Mechanical Field Inspection Program, the Plan Review and Permit Processing Program, the Plumbing Plan Review and Field Inspection Program, and the Electrical Plan Review and Field Inspection Program based on the number of employees in each program.
- Revenue from investment income is divided into two programs (Plan Review and Permits, and Building Inspection) based on the amount of contingency in each fund.

Expenditures

Each program has a separate fund to account for expenditures directly related to each program. This includes personnel costs, materials, and supplies (furniture, equipment, code books, cellular telephones, etc.). The Division's budget has transfers to several accounts to pay for services provided by those sections of the City.

- Overhead: This pays a portion of Mayor/City Administration, City Council, City Attorney, Records Management, Human Resources, light, heat, water, power, and building space.
- Reprographics: Permit and inspection printing, copier/fax maintenance and replacement, and paper supplies.
- ISD: Computer system repair, maintenance, and technical support.
- Finance: Daily deposit; Division's accounting, payroll, and accounts payable.
- Mapping and Technical Services: Mapping and address database.
- Garage: Inspection vehicle operation, repair, maintenance, and replacement.

Recent authorization by the City Council to issue an RFP to seek replacement of the Community Development Department's permits tracking system will eventually result in an additional expenditure for the fund; however, the cost is unknown at this time and not included in any of the figures provided below.

BUILDING PERMIT ACTIVITY

The information below provides a brief history of workload statistics. In addition, a forecast for future indicators is also provided.

Permit Activity

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04	FY 04-05*	FY 05-06*
Single Family New/Alterations	415	453	517	450	425
Commercial Tenant Improvement	497	658	695	700	700
New Commercial, Multi- Family	42	39	51	100	100

Inspections

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04	FY 04-05*	FY 05-06*
Building, Mechanical, Plumbing, and Electrical Inspections	33,615	35,807	34,399	42,800	42,000

BUILDING PERMIT FEE INCREASE

A 10-percent building permit and plan review fee increase is proposed. The proposed increase would generate an estimated \$68,500 of additional revenue for FY 04-05. The Plan Review/Inspection programs would, however, continue to see an operating loss of \$14,040 for FY 04-05.

The Plan Review and Building Inspection programs have been experiencing losses since FY 98-99; however, because the program contingency had grown beyond a reasonable amount, it was determined to spend down the contingency through these losses. The Plan Review and Building Inspection program contingency was at the targeted amount through FY 03-04; however, the coming fiscal years indicate the program will continue to experience losses. These projected losses will eliminate the contingency without the proposed adjustments. Industry support of previous fee increases has allowed the City some flexibility in incremental fee adjustments. Staff recommends implementation of the proposed increase, with further evaluations in twelve months, until the program is self-supporting. The information below provides a brief history of workload, revenue, and expenditure statistics. In addition, a forecast for future indicators is also provided. The proposed increase is based on the anticipated revenue and expenditures through FY 05-06.

Permits Issued

	FY 01-02	FY 02-03	FY 03-04	FY 04-05*	FY 05-06*
Building Permits	954	1,150	1,301	1,200	1,175

Inspections

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04	FY 04-05*	FY 05-06*
Building Inspections	11,274	14,051	12,601	16,450	16,000

Program Revenues

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04 Actual	FY 04-05* Without Increase/With Increase	FY 05-06* Without Increase/With Increase
Permit Fees:					
Building Inspection	\$489,184	\$524,637	\$645,179	\$730,000/ \$766,500	\$730,000/ \$803,000
Plan Review	\$474,433	\$426,115	\$682,820	\$640,000/ \$672,000	\$640,000/ \$704,000
Interest Income:					
Building Inspection	\$57,801	\$28,366	\$25,601	\$14,398	\$12,000
Plan Review	\$0	\$0	\$0	\$0	\$0

Miscellaneous Fees:					
Building Inspection	\$30,072	\$60,918	\$13,735	\$6,593	\$5,000
Plan Review	\$65,374	\$106,236	\$32,912	\$25,305	\$20,000
Totals					
Building Inspection	\$577,057	\$613,921	\$684,515	\$763,318/ \$787,491	\$747,000/ \$820,000
Plan Review	\$539,807	\$532,351	\$715,732	\$665,305/ \$697,305	\$660,000/ \$724,000

Expenditures

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04 Actual	FY 04-05*	FY 05-06*
Building Inspection	\$460,234	\$478,184	\$474,043	\$578,845	\$620,000
Plan Review	\$612,366	\$629,669	\$687,487	\$919,991	\$985,000

FY Income/Loss

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04 Actual	FY 04-05* Without Increase/With Increase	FY 05-06* Without Increase/With Increase
+ / (-) Building Inspection	\$116,823	\$135,737	\$210,472	\$184,473/ \$208,646	\$127,000/ \$200,000
Plan Review	(\$72,559)	(\$97,318)	\$28,245	(\$254,686)/ (\$222,686)	(\$325,000)/ (\$261,000)

Contingency

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04 Actual	FY 04-05* Without Increase/With Increase	FY 05-06* Without Increase/With Increase
+ / (-) Building Inspection	\$1,918,469	\$2,054,206	\$2,264,678	\$2,449,151/ \$2,473,324	\$2,576,151/ \$2,673,324
Plan Review	(\$363,186)	(\$460,504)	(\$432,259)	(\$686,945)/ (\$654,945)	(\$1,011,945)/ (\$915,945)
Total Contingency	\$1,555,283	\$1,593,702	\$1,832,419	\$1,762,206/ \$1,818,379	\$1,564,206 / \$1,757,379

*Estimated

MECHANICAL PERMIT FEE INCREASE

A 10-percent permit fee increase is proposed. The mechanical permits are a part of the Building/Mechanical Program. The same personnel conduct plan reviews and inspections. Revenues and expenditures for these programs have historically been included in the plan review and building inspection programs.

The proposed increase would generate an estimated \$8,500 of additional revenue for FY 04-05. The program would, however, continue to see an operating loss of \$61,700 for FY 04-05.

In spite of a 12.5-percent fee increase in FY 03-04, mechanical fees continue to be under funding the program. The revenue projected with this increase indicated it was not enough to make the program pay for itself. The coming fiscal years indicate the Mechanical Program will continue to experience losses, draining the overall program. The City is heeding the request from industry to increase fees to reasonable and necessary levels in smaller increments over several years rather than large jumps. Staff recommends implementation of the proposed increase, with further evaluations in 12-month increments, until the program is self-supporting. The information below provides a brief history of workload, revenue, and expenditure statistics. In addition, a forecast for future indicators is also provided. The proposed increase is based on the anticipated revenue and expenditures through FY 05-06.

Permits Issued

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04	FY 04-05*	FY 05-06*
Mechanical Permits	1,093	1,169	1,355	1,275	1,200

Inspections

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04	FY 04-05*	FY 05-06*
Mechanical Inspections	5,390	5,786	4,587	7,050	6,900

Program Revenues

	FY 01-02 Actual	FY 02-03* Actual	FY 03-04 Actual	FY 04-05* Without Increase/With Increase	FY 05-06* Without Increase/With Increase
Mechanical Permit Fees	\$115,197	\$125,174	\$169,459	\$170,000/ \$178,500	\$170,000/ \$187,000
Miscellaneous Fees	\$12,888	\$5,741	\$5,886	\$7,876	\$5,000
Interest Income	\$0	\$0	\$0	\$0	\$0
Total	\$128,085	\$130,915	\$175,345	\$177,876/ \$186,376	\$175,000/ \$192,000

Expenditures

	FY 01-01 Actual	FY 02-03 Actual	FY 03-04 Actual	FY 04-05*	FY 05-06*
Mechanical Inspection	\$197,312	\$204,936	\$203,161	\$248,000	\$265,000

FY Income/Loss

	FY 01-02 Actual	FY 02-03* Actual	FY 03-04 Actual	FY 04-05* Without Increase/With Increase	FY 05-06* Without Increase/With Increase
+ / (-)	(\$69,227)	(\$74,021)	(\$27,816)	(\$70,200)/ (\$61,700)	(\$90,000)/ (\$73,000)

Contingency

	FY 01-02 Actual	FY 02-03* Actual	FY 03-04 Actual	FY 04-05* Without Increase/With Increase	FY 05-06* Without Increase/With Increase
+ / (-)	(\$472,482)	(\$546,503)	(\$574,319)	(\$644,519)/ (\$636,019)	(\$734,519)/ (\$717,519)

*Estimated

ELECTRICAL PERMIT FEE INCREASE

Electrical permit fees were decreased by 20 percent January 1, 2002 as a result of the contingency fund for this program having grown beyond a reasonable level. With annual increases in costs to the program **and the addition of electrical inspection staff to support the growing electrical plans review and inspection workload**, the contingency fund for the Electrical Plan Review and Field Inspection Program is anticipated to drop below a reasonable level by the end of FY 04-05. In order to maintain the contingency funds at a reasonable level, incremental electrical permit fee increases are necessary. A larger fee increase is necessary in order to create a revenue source that covers expenditures. The City, however, is heeding the request from industry to increase fees to reasonable and necessary levels in smaller increments rather than large jumps.

An Incremental increase in electrical permits fees of 10 percent January 1, 2005 and 10 percent July 1, 2005 is proposed. The proposed increase would generate an estimated \$11,750 of additional revenue for FY 04-05. The Electrical Plan Review and Field Inspection Program would, however, continue to see an operating loss of \$134,152 for FY 04-05.

Permits Issued

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04 Actual	FY 04-05*	FY 05-06*
Electrical Permits	1,832	1,832	2,144	2,000	1,900

Inspections

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04 Actual	FY 04-05*	FY 05-06*
Electrical Inspections	7,858	8,718	9,682	9,500	9,200

Program Revenues

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04 Actual	FY 04-05* Without Increase/With Increase	FY 05-06* Without Increase/With Increase
Electrical Permit Fees	\$187,937	\$169,419	\$173,886	\$235,000/ \$246,750	\$235,000/ \$282,000
Miscellaneous Fees	\$6,767	\$30,400	\$9,550	\$7,214	\$5,000
Interest Income	\$11,029	\$5,050	\$4,556	\$2,724	\$2,000
Total	\$205,733	\$204,869	\$187,992	\$244,938/ \$256,688	\$242,000/ \$289,000

Expenditures

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04 Actual	FY 04-05*	FY 05-06*
Electrical Inspection	\$212,941	\$234,221	\$260,312	\$390,840	\$420,000

FY Income/Loss

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04 Actual	FY 04-05* Without Increase/With Increase	FY 05-06* Without Increase/With Increase
+ / (-)	(\$7,208)	(\$29,352)	(\$72,320)	(\$145,902)/ (\$134,152)	(\$178,000)/ (\$131,000)

Contingency

	FY 01-02 Actual	FY 02-03 Actual	FY 03-04 Actual	FY 04-05* Without Increase/With Increase	FY 05-06* Without Increase/With Increase
+ / (-)	\$319,159	\$289,807	\$217,487	\$71,585/ \$83,335	(\$106,415)/ (\$47,665)

*Estimated

Current Fee Schedule

CITY OF BEAVERTON

NEW ONE AND TWO FAMILY DWELLING BUILDING PERMIT FEE TABLE

(See below for determining valuation.)

\$0.00 to \$500.00 valuation	\$41.60
\$501.00 to \$2,000.00 valuation	\$41.60 for the first \$500.00 and \$1.85 for each additional \$100.00 or fraction thereof
\$2,001.00 to \$25,000.00 valuation	\$69.35 for the first \$2,000.00 and \$6.30 for each additional \$1,000.00 or fraction thereof
\$25,001.00 to \$50,000.00 valuation.....	\$214.25 for the first \$25,000.00 and \$5.60 for each additional \$1,000.00 or fraction thereof
\$50,001.00 to \$100,000.00 valuation.....	\$354.25 for the first \$50,000.00 and \$4.45 for each additional \$1,000.00 or fraction thereof
\$100,001.00 to \$500,000.00 valuation.....	\$576.75 for the first \$100,000.00 and \$2.65 for each additional \$1,000.00 or fraction thereof
\$500,001.00 to \$1,000,000.00 valuation.....	\$1,636.75 for the first \$500,000.00 and \$1.85 for each additional \$1,000.00 or fraction thereof
\$1,000,001.00 and over valuation	\$2,561.75 for the first \$1,000,000.00 and \$1.25 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge – two hours) \$69.45 per hour*
2. Reinspection fees assessed under provisions of Building Division Administrative Rules Section 309.10..... \$69.45
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)..... \$69.45 per hour*
4. Additional plans review required by changes, additions, or revisions to proposed or approved plans (minimum charge – one-half hour)..... \$69.45 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Structural Plans Review Fee	65 percent of building permit fee
State Surcharge	8 percent of building permit fee
Development Code Review Fee	\$75.00
Sidewalk/Driveway/Approach Fee	\$25.00
Utility Locate Fee.....	\$25.00
Engineering Division Review Fee	\$33.75

Erosion Control Fee –Value:	\$0 to \$25,000.00	\$25.00
	\$25,001.00 to 50,000.00.....	\$35.00
	\$50,001.00 to \$100,000.00.....	\$50.00
	\$100,001.00 and over.....	\$50.00 plus \$32.00 per
	\$100,000.00 of valuation or fraction thereof over \$100,000.00	

Erosion Control Plans Review: 65 percent of erosion control fee

Valuation is determined by multiplying the square footage of the dwelling and garage by the “per square foot cost factor” identified in the Building Valuation Data Table.

(New one and two family dwelling building permit fee table, continued.)

Building Permit Fee Schedule For Stand-Alone Residential Fire Sprinkler Systems

Square Footage of Dwelling (including garage)	Permit/Plans Review Fee
0-2,000 square feet	\$123.75
2,001-3,600 square feet	\$157.50
3,601-7,200 square feet	\$213.75
Greater than 7,200 square feet.....	\$270.00

Proposed Fee Schedule

CITY OF BEAVERTON

NEW ONE AND TWO FAMILY DWELLING BUILDING PERMIT FEE TABLE

(See below for determining valuation.)

\$0.00 to \$500.00 valuation	\$45.75
\$501.00 to \$2,000.00 valuation	\$45.75 for the first \$500.00 and \$2.05 for each additional \$100.00 or fraction thereof
\$2,001.00 to \$25,000.00 valuation	\$76.50 for the first \$2,000.00 and \$6.95 for each additional \$1,000.00 or fraction thereof
\$25,001.00 to \$50,000.00 valuation.....	\$236.35 for the first \$25,000.00 and \$6.15 for each additional \$1,000.00 or fraction thereof
\$50,001.00 to \$100,000.00 valuation.....	\$390.10 for the first \$50,000.00 and \$4.90 for each additional \$1,000.00 or fraction thereof
\$100,001.00 to \$500,000.00 valuation.....	\$635.10 for the first \$100,000.00 and \$2.90 for each additional \$1,000.00 or fraction thereof
\$500,001.00 to \$1,000,000.00 valuation.....	\$1,795.10 for the first \$500,000.00 and \$2.05 for each additional \$1,000.00 or fraction thereof
\$1,000,001.00 and over valuation	\$2,820.10 for the first \$1,000,000.00 and \$1.40 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge – two hours) \$76.40 per hour*
2. Reinspection fees assessed under provisions of Building Division Administrative Rules Section 309.10..... \$76.40
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)..... \$76.40 per hour*
4. Additional plans review required by changes, additions, or revisions to proposed or approved plans (minimum charge – one-half hour)..... \$76.40 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Structural Plans Review Fee	65 percent of building permit fee
State Surcharge	8 percent of building permit fee
Development Code Review Fee	\$75.00
Sidewalk/Driveway/Approach Fee	\$25.00
Utility Locate Fee.....	\$25.00
Engineering Division Review Fee	\$33.75

Erosion Control Fee –Value:	\$0 to \$25,000.00	\$25.00
	\$25,001.00 to 50,000.00.....	\$35.00
	\$50,001.00 to \$100,000.00.....	\$50.00
	\$100,001.00 and over.....	\$50.00 plus \$32.00 per
	\$100,000.00 of valuation or fraction thereof over \$100,000.00	

Erosion Control Plans Review: 65 percent of erosion control fee

Valuation is determined by multiplying the square footage of the dwelling and garage by the “per square foot cost factor” identified in the Building Valuation Data Table.

(New one and two family dwelling building permit fee table, continued.)

Building Permit Fee Schedule For Stand-Alone Residential Fire Sprinkler Systems

Square Footage of Dwelling (including garage)	Permit/Plans Review Fee
0-2,000 square feet	\$136.10
2,001-3,600 square feet	\$173.25
3,601-7,200 square feet	\$235.10
Greater than 7,200 square feet.....	\$297.00

Current Fee Schedule

CITY OF BEAVERTON

COMMERCIAL, MULTI-FAMILY, AND INDUSTRIAL BUILDING PERMIT FEE TABLE FOR NEW BUILDINGS

(See below for determining valuation.)

\$0.00 to \$500.00 valuation	\$63.25
\$501.00 to \$2,000.00 valuation	\$63.25 for the first \$500.00 and \$2.50 for each additional \$100.00 or fraction thereof
\$2,001.00 to \$25,000.00 valuation	\$100.75 for the first \$2,000.00 and \$10.10 for each additional \$1,000.00 or fraction thereof
\$25,001.00 to \$50,000.00 valuation.....	\$333.05 for the first \$25,000.00 and \$7.60 for each additional \$1,000.00 or fraction thereof
\$50,001.00 to \$100,000.00 valuation.....	\$523.05 for the first \$50,000.00 and \$5.35 for each additional \$1,000.00 or fraction thereof
\$100,001.00 to \$500,000.00 valuation.....	\$790.55 for the first \$100,000.00 and \$4.00 for each additional \$1,000.00 or fraction thereof
\$500,001.00 to \$1,000,000.00 valuation.....	\$2,390.55 for the first \$500,000.00 and \$3.50 for each additional \$1,000.00 or fraction thereof
\$1,000,001.00 to \$10,000,000.00 valuation.....	\$4,140.55 for the first \$1,000,000.00 and \$2.25 for each additional \$1,000.00 or fraction thereof
\$10,000,001.00 and over valuation.....	\$24,390.55 for the first \$10,000,000.00 and \$2.20 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge – two hours) \$69.45 per hour*
2. Reinspection fees assessed under provisions of Building Division Administrative Rules Section 309.10..... \$69.45
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)..... \$69.45 per hour*
4. Additional plans review required by changes, additions, or revisions to proposed or approved plans (minimum charge – one-half hour)..... \$69.45 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Structural Plans Review Fee	65 percent of building permit fee
Fire and Life Safety Plans Review Fee.....	40 percent of building permit fee
State Surcharge	8 percent of building permit fee
Development Code Review Fee	\$75.00
Sidewalk/Driveway/Approach Fee	\$25.00
Engineering Division Review Fee	\$33.75

(Commercial, multi-family, and industrial building permit fee table for new buildings, continued.)

Erosion Control Fee –Value:	\$0 to \$25,000.00	\$25.00
	\$25,001.00 to 50,000.00.....	\$35.00
	\$50,001.00 to \$100,000.00.....	\$50.00
	\$100,001.00 and over.....	\$50.00 plus \$32.00 per
	\$100,000.00 of valuation or fraction thereof over \$100,000.00	

Erosion Control Plans Review: 65 percent of erosion control fee

Valuation is determined by multiplying the square footage of the Building (based on use and construction type) by the “per square foot cost factor” identified in the Building Valuation Data Table.

Phased Projects: There shall be a minimum plans review phasing fee of \$139 for each separate phased portion of the project. In addition, a plans review phasing fee shall be charged in an amount equal to ten percent of the total project building permit fee calculated in accordance with OAR 918-050-100 through 110 not to exceed an additional \$1,500 for each phase.

Deferred Submittals: The plans review fee for processing deferred plan submittals shall be an amount equal to 65 percent of the building permit fee calculated in accordance with OAR 918-050-110(2) and (3) using the value of the particular deferred portion of the project with a minimum fee of \$104. This fee is in addition to the project plans review fee based on total project value.

Proposed Fee Schedule

CITY OF BEAVERTON

COMMERCIAL, MULTI-FAMILY, AND INDUSTRIAL BUILDING PERMIT FEE TABLE FOR NEW BUILDINGS

(See below for determining valuation.)

\$0.00 to \$500.00 valuation	\$69.60
\$501.00 to \$2,000.00 valuation	\$69.60 for the first \$500.00 and \$2.75 for each additional \$100.00 or fraction thereof
\$2,001.00 to \$25,000.00 valuation	\$110.85 for the first \$2,000.00 and \$11.10 for each additional \$1,000.00 or fraction thereof
\$25,001.00 to \$50,000.00 valuation.....	\$366.15 for the first \$25,000.00 and \$8.35 for each additional \$1,000.00 or fraction thereof
\$50,001.00 to \$100,000.00 valuation.....	\$574.90 for the first \$50,000.00 and \$5.90 for each additional \$1,000.00 or fraction thereof
\$100,001.00 to \$500,000.00 valuation.....	\$869.90 for the first \$100,000.00 and \$4.40 for each additional \$1,000.00 or fraction thereof
\$500,001.00 to \$1,000,000.00 valuation.....	\$2,629.90 for the first \$500,000.00 and \$3.85 for each additional \$1,000.00 or fraction thereof
\$1,000,001.00 to \$10,000,000.00 valuation.....	\$4554.90 for the first \$1,000,000.00 and \$2.50 for each additional \$1,000.00 or fraction thereof
\$10,000,001.00 and over valuation.....	\$27,054.90 for the first \$10,000,000.00 and \$2.40 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge – two hours) \$76.40 per hour*
2. Reinspection fees assessed under provisions of Building Division Administrative Rules Section 309.10..... \$76.40
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour) \$76.40 per hour*
4. Additional plans review required by changes, additions, or revisions to proposed or approved plans (minimum charge – one-half hour)..... \$76.40 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Structural Plans Review Fee	65 percent of building permit fee
Fire and Life Safety Plans Review Fee	40 percent of building permit fee
State Surcharge	8 percent of building permit fee
Development Code Review Fee	\$75.00
Sidewalk/Driveway/Approach Fee	\$25.00
Engineering Division Review Fee	\$33.75

(Commercial, multi-family, and industrial building permit fee table for new buildings, continued.)

Erosion Control Fee - Value:	\$0 to \$25,000.00	\$25.00
	\$25,001.00 to 50,000.00	\$35.00
	\$50,001.00 to \$100,000.00	\$50.00
	\$100,001.00 and over	\$50.00 plus \$32.00 per
	\$100,000.00 of valuation or fraction thereof over \$100,000.00	

Erosion Control Plans Review: 65 percent of erosion control fee

Valuation is determined by multiplying the square footage of the building (based on use and construction type) by the "per square foot cost factor" identified in the Building Valuation Data Table.

Phased Projects: There shall be a minimum plans review phasing fee of \$152.90 for each separate phased portion of the project. In addition, a plans review phasing fee shall be charged in an amount equal to ten percent of the total project building permit fee calculated in accordance with OAR 918-050-100 through 110 not to exceed an additional \$1,500 for each phase.

Deferred Submittals: The plans review fee for processing deferred plan submittals shall be an amount equal to 65 percent of the building permit fee calculated in accordance with OAR 918-050-110(2) and (3) using the value of the particular deferred portion of the project with a minimum fee of \$114.40. This fee is in addition to the project plans review fee based on total project value.

Current Fee Schedule

CITY OF BEAVERTON

SINGLE FAMILY, MULTI-FAMILY, COMMERCIAL, AND INDUSTRIAL BUILDING PERMIT FEE TABLE FOR ALTERATIONS, ADDITIONS, AND DEMOLITIONS

\$0.00 to \$500.00 valuation	\$39.80
\$501.00 to \$2,000.00 valuation	\$39.80 for the first \$500.00 and \$2.50 for each additional \$100.00 or fraction thereof
\$2,001.00 to \$25,000.00 valuation	\$77.30 for the first \$2,000.00 and \$11.35 for each additional \$1,000.00 or fraction thereof
\$25,001.00 to \$50,000.00 valuation.....	\$338.35 for the first \$25,000.00 and \$8.20 for each additional \$1,000.00 or fraction thereof
\$50,001.00 to \$100,000.00 valuation.....	\$543.35 for the first \$50,000.00 and \$5.60 for each additional \$1,000.00 or fraction thereof
\$100,001.00 to \$500,000.00 valuation.....	\$823.35 for the first \$100,000.00 and \$4.50 for each additional \$1,000.00 or fraction thereof
\$500,001.00 to \$1,000,000.00 valuation.....	\$2,623.35 for the first \$500,000.00 and \$3.75 for each additional \$1,000.00 or fraction thereof
\$1,000,001.00 and over valuation	\$4,498.35 for the first \$1,000,000.00 and \$2.50 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge – two hours) \$69.45 per hour*
2. Reinspection fees assessed under provisions of Building Division Administrative Rules Section 309.10..... \$69.45
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)..... \$69.45 per hour*
4. Additional plans review required by changes, additions, or revisions to proposed or approved plans (minimum charge – one-half hour)..... \$69.45 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Structural Plans Review Fee	65 percent of building permit fee
Fire and Life Safety Plans Review Fee	40 percent of building permit fee
State Surcharge	8 percent of building permit fee
Development Code Review Fee	\$75.00
Sidewalk/Driveway/Approach Fee	\$25.00
Engineering Division Review Fee	\$33.75

Erosion Control Fee –Value:	\$0 to \$25,000.00	\$25.00
	\$25,001.00 to 50,000.00.....	\$35.00
	\$50,001.00 to \$100,000.00.....	\$50.00
	\$100,001.00 and over.....	\$50.00 plus \$32.00 per
		\$100,000.00 of valuation or fraction thereof over \$100,000.00
Erosion Control Plans Review:	65 percent of erosion control fee	

(Commercial, multi-family, and industrial building permit fee table for alterations, additions and demolitions, continued.)

Building Permit Fee Schedule For Stand-Alone Residential Fire Sprinkler Systems

Square Footage of Dwelling (including garage)	Permit/Plans Review Fee
0-2,000 square feet	\$123.75
2,001-3,600 square feet	\$157.50
3,601-7,200 square feet	\$213.75
Greater than 7,200 square feet.....	\$270.00

Phased Projects: There shall be a minimum plans review phasing fee of \$139 for each separate phased portion of the project. In addition, a plans review phasing fee shall be charged in an amount equal to ten percent of the total project building permit fee calculated in accordance with OAR 918-050-100 through 110 not to exceed an additional \$1,500 for each phase.

Deferred Submittals: The plans review fee for processing deferred plan submittals shall be an amount equal to 65 percent of the building permit fee calculated in accordance with OAR 918-050-110(2) and (3) using the value of the particular deferred portion of the project with a minimum fee of \$104. This fee is in addition to the project plans review fee based on total project value.

Proposed Fee Schedule

CITY OF BEAVERTON

SINGLE FAMILY, MULTI-FAMILY, COMMERCIAL, AND INDUSTRIAL BUILDING PERMIT FEE TABLE FOR ALTERATIONS, ADDITIONS, AND DEMOLITIONS.

\$0.00 to \$500.00 valuation	\$43.80
\$501.00 to \$2,000.00 valuation	\$43.80 for the first \$500.00 and \$2.75 for each additional \$100.00 or fraction thereof
\$2,001.00 to \$25,000.00 valuation	\$85.05 for the first \$2,000.00 and \$12.50 for each additional \$1,000.00 or fraction thereof
\$25,001.00 to \$50,000.00 valuation.....	\$372.55 for the first \$25,000.00 and \$9.00 for each additional \$1,000.00 or fraction thereof
\$50,001.00 to \$100,000.00 valuation.....	\$597.55 for the first \$50,000.00 and \$6.15 for each additional \$1,000.00 or fraction thereof
\$100,001.00 to \$500,000.00 valuation.....	\$905.05 for the first \$100,000.00 and \$4.95 for each additional \$1,000.00 or fraction thereof
\$500,001.00 to \$1,000,000.00 valuation.....	\$2,885.05 for the first \$500,000.00 and \$4.15 for each additional \$1,000.00 or fraction thereof
\$1,000,001.00 and over valuation	\$4,960.05 for the first \$1,000,000.00 and \$2.75 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge – two hours) \$76.40 per hour*
2. Reinspection fees assessed under provisions of Building Division Administrative Rules Section 309.10..... \$76.40
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)..... \$76.40 per hour*
4. Additional plans review required by changes, additions, or revisions to proposed or approved plans (minimum charge – one-half hour)..... \$76.40 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Structural Plans Review Fee	65 percent of building permit fee
Fire and Life Safety Plans Review Fee.....	40 percent of building permit fee
State Surcharge	8 percent of building permit fee
Development Code Review Fee	\$75.00
Sidewalk/Driveway/Approach Fee	\$25.00
Engineering Division Review Fee	\$33.75

Erosion Control Fee - Value:	\$0 to \$25,000.00	\$25.00
	\$25,001.00 to 50,000.00.....	\$35.00
	\$50,001.00 to \$100,000.00.....	\$50.00
	\$100,001.00 and over.....	\$50.00 plus \$32.00 per \$100,000.00 of valuation or fraction thereof over \$100,000.00

Erosion Control Plans Review: 65 percent of erosion control fee

(Commercial, multi-family, and industrial building permit fee table for alterations, additions, and demolitions, continued.)

Building Permit Fee Schedule For Stand-Alone Residential Fire Sprinkler Systems

Square Footage of Dwelling (including garage)	Permit/Plans Review Fee
0-2,000 square feet	\$136.15
2,001-3,600 square feet	\$173.25
3,601-7,200 square feet	\$235.10
Greater than 7,200 square feet.....	\$297.00

Phased Projects: There shall be a minimum plans review phasing fee of \$152.90 for each separate phased portion of the project. In addition, a plans review phasing fee shall be charged in an amount equal to ten percent of the total project building permit fee calculated in accordance with OAR 918-050-100 through 110 not to exceed an additional \$1,500 for each phase.

Deferred Submittals: The plans review fee for processing deferred plan submittals shall be an amount equal to 65 percent of the building permit fee calculated in accordance with OAR 918-050-110(2) and (3) using the value of the particular deferred portion of the project with a minimum fee of \$114.40. This fee is in addition to the project plans review fee based on total project value.

Current Fee Schedule

CITY OF BEAVERTON

MECHANICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO ONE AND TWO FAMILY DWELLINGS

Air Handling Units.....	\$26.00 per appliance
Air Conditioning	\$36.35 per appliance
Alteration of Existing HVAC System	\$26.00 per appliance
Heat Pump	\$47.50 per appliance
Install/Replace Furnace	
Up to 100,000 btu.....	\$36.35 per appliance
Over 100,000 btu.....	\$42.70 per appliance
Install/Replace/Relocate Heaters	
Suspended, Wall or Floor Mounted	\$36.35 per appliance
Vent for Appliance other than Furnace	\$26.00 per appliance
Appliance Vent	\$18.15 per appliance
Dryer Exhaust	\$26.00 per appliance
Hood	\$26.00 per appliance
Exhaust Fan Connected to a Single Duct	\$18.15 per appliance
Gas Piping: 1 to 4 Outlets.....	\$11.00
Each Additional Outlet.....	\$3.15
Fireplace	\$26.00 per appliance
Wood Stove.....	\$26.00 per appliance
Other	\$18.15 per appliance
Minimum Fee	\$75.95
State Surcharge	8 percent of mechanical permit fee

Other Inspections and Fees:

1. Inspections outside of normal business hours
(minimum charge – two hours) \$69.45 per hour*
2. Reinspection fees assessed under provisions of
Building Division Administrative Rules Section 309.10..... \$69.45
3. Inspections for which no fee is specifically indicated
(minimum charge – one-half hour)..... \$69.45 per hour*
4. Additional plans review required by changes, additions,
or revisions to proposed or approved plans
(minimum charge – one-half hour)..... \$69.45 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Current Fee Schedule

CITY OF BEAVERTON

MECHANICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO COMMERCIAL, MULTI-FAMILY, AND INDUSTRIAL PROJECTS

(See Mechanical Valuation Table to determine valuation.)

\$0.00 to \$500.00 valuation	\$53.75
\$501.00 to \$5,000.00 valuation	\$53.75 for the first \$500.00 and \$2.35 for each additional \$100.00 or fraction thereof
\$5,001.00 to \$10,000.00 valuation	\$159.50 for the first \$5,000.00 and \$2.20 for each additional \$100.00 or fraction thereof
\$10,001.00 to \$50,000.00 valuation.....	\$269.50 for the first \$10,000.00 and \$2.00 for each additional \$100.00 or fraction thereof
\$50,001.00 to \$100,000.00 valuation.....	\$1,069.50 for the first \$50,000.00 and \$1.95 for each additional \$100.00 or fraction thereof
\$100,001.00 and over valuation	\$2,044.50 for the first \$100,000.00 and \$2.25 for each additional \$100.00 or fraction thereof
Minimum Fee	\$75.95

Plans review equals 25 percent of the mechanical permit fee.
State surcharge equals 8 percent of the mechanical permit fee.

Other Inspections and Fees:

1. Inspections outside of normal business hours
(minimum charge – two hours) \$69.45 per hour*
2. Reinspection fees assessed under provisions of
Building Division Administrative Rules Section 309.10..... \$69.45
3. Inspections for which no fee is specifically indicated
(minimum charge – one-half hour)..... \$69.45 per hour*
4. Additional plans review required by changes, additions,
or revisions to proposed or approved plans
(minimum charge – one-half hour)..... \$69.45 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Proposed Fee Schedule

CITY OF BEAVERTON

MECHANICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO ONE AND TWO FAMILY DWELLINGS

Air Handling Units.....	\$28.60 per appliance
Air Conditioning.....	\$40.00 per appliance
Alteration of Existing HVAC System.....	\$28.60 per appliance
Heat Pump.....	\$52.25 per appliance
Install/Replace Furnace	
Up to 100,000 btu.....	\$40.00 per appliance
Over 100,000 btu.....	\$46.95 per appliance
Install/Replace/Relocate Heaters	
Suspended, Wall, or Floor Mounted.....	\$40.00 per appliance
Vent for Appliance other than Furnace.....	\$28.60 per appliance
Appliance Vent.....	\$19.95 per appliance
Dryer Exhaust.....	\$28.60 per appliance
Hood.....	\$28.60 per appliance
Exhaust Fan Connected to a Single Duct.....	\$19.95 per appliance
Gas Piping: 1 to 4 Outlets.....	\$12.10
Each Additional Outlet.....	\$3.45
Fireplace.....	\$28.60 per appliance
Wood Stove.....	\$28.60 per appliance
Other.....	\$19.95 per appliance
Minimum Fee.....	\$83.55
State Surcharge.....	8 percent of mechanical permit fee

Other Inspections and Fees:

1. Inspections outside of normal business hours
(minimum charge – two hours) \$76.40 per hour*
2. Reinspection fees assessed under provisions of
Building Division Administrative Rules Section 309.10..... \$76.40
3. Inspections for which no fee is specifically indicated
(minimum charge – one-half hour)..... \$76.40 per hour*
4. Additional plans review required by changes, additions,
or revisions to proposed or approved plans
(minimum charge – one-half hour)..... \$76.40 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Proposed Fee Schedule

CITY OF BEAVERTON

MECHANICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO COMMERCIAL, MULTI-FAMILY, AND INDUSTRIAL PROJECTS

(See Mechanical Valuation Table to determine valuation.)

\$0.00 to \$500.00 valuation	\$59.10
\$501.00 to \$5,000.00 valuation	\$59.10 for the first \$500.00 and \$2.60 for each additional \$100.00 or fraction thereof
\$5,001.00 to \$10,000.00 valuation	\$176.10 for the first \$5,000.00 and \$2.40 for each additional \$100.00 or fraction thereof
\$10,001.00 to \$50,000.00 valuation.....	\$296.10 for the first \$10,000.00 and \$2.20 for each additional \$100.00 or fraction thereof
\$50,001.00 to \$100,000.00 valuation.....	\$1,176.10 for the first \$50,000.00 and \$2.15 for each additional \$100.00 or fraction thereof
\$100,001.00 and over valuation	\$2,251.10 for the first \$100,000.00 and \$2.50 for each additional \$100.00 or fraction thereof
Minimum Fee	\$83.55

Plans review equals 25 percent of the mechanical permit fee.

State surcharge equals 8 percent of the mechanical permit fee.

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge – two hours) \$76.40 per hour*
2. Reinspection fees assessed under provisions of Building Division Administrative Rules Section 309.10..... \$76.40
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)..... \$76.40 per hour*
4. Additional plans review required by changes, additions, or revisions to proposed or approved plans (minimum charge – one-half hour)..... \$76.40 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Current Fee Schedule

CITY OF BEAVERTON

ELECTRICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO MULTI-FAMILY, COMMERCIAL, INDUSTRIAL PROJECTS, AND ONE AND TWO FAMILY DWELLINGS

New residential – single or multi-family per dwelling unit. Includes attached garage.

Service Included:

1000 square feet or less	\$74.00
Each additional 500 square feet or portion thereof	\$13.20
Limited energy, residential.....	\$17.60
Limited energy, non-residential.....	\$34.80
Each manufactured home or modular dwelling service and/or feeder	\$34.80

Services or feeders – installation, alteration, or relocation:

200 amps or less	\$44.00
201 amps to 400 amps	\$52.40
401 amps to 600 amps	\$87.20
601 amps to 1000 amps	\$114.00
Over 1000 amps or volt	\$262.40
Reconnect only.....	\$34.80

Temporary services or feeders – installation, alteration, or relocation:

200 amps or less	\$34.80
201 amps to 400 amps	\$48.40
401 amps to 600 amps	\$70.00

Branch circuits – new, alteration, or extension per panel:

A. Fee for branch circuits with purchase of service or feeder fee, each branch circuit	\$1.60
B. Fee for branch circuits without purchase of service or feeder fee, first branch circuit	\$30.80
Each additional branch circuit	\$1.60

Miscellaneous (Service or feeder not included):

Each pump or irrigation circle	\$34.80
Each sign or outline lighting.....	\$34.80
Signal Circuit(s) or a limited energy panel, alteration, or extension	\$34.80

Plan review equals 25 percent of the electrical permit fee.

State Surcharge equals 8 percent of the electrical permit fee.

1. Inspections outside of normal business hours
(minimum charge – two hours)
2. Each additional inspection over the allowable for
the permitted work
3. Inspections for which no fee is specifically indicated
(minimum charge – one-half hour).....
4. Additional plans review required by changes, additions,
or revisions to proposed or approved plans
(minimum charge – one-half hour).....

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Proposed Fee Schedule

CITY OF BEAVERTON

ELECTRICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO MULTI-FAMILY, COMMERCIAL, INDUSTRIAL PROJECTS, AND ONE AND TWO FAMILY DWELLINGS

New residential – single or multi-family per dwelling unit (includes attached garage).

Service Included:

1000 square feet or less	\$81.40
Each additional 500 square feet or portion thereof	\$14.50
Limited energy, residential.....	\$19.35
Limited energy, nonresidential.....	\$38.30
Each manufactured home or modular dwelling service and/or feeder.....	\$38.30

Services or feeders – installation, alteration, or relocation:

200 amps or less	\$48.40
201 amps to 400 amps	\$57.65
401 amps to 600 amps	\$95.90
601 amps to 1000 amps	\$125.40
Over 1000 amps or volt	\$288.65
Reconnect only.....	\$38.30

Temporary services or feeders – installation, alteration, or relocation:

200 amps or less	\$38.30
201 amps to 400 amps	\$53.25
401 amps to 600 amps	\$77.00

Branch circuits – new, alteration, or extension per panel:

A. Fee for branch circuits with purchase of service or feeder fee, each branch circuit	\$1.75
B. Fee for branch circuits without purchase of service or feeder fee, first branch circuit	\$33.90
Each additional branch circuit	\$1.75

Miscellaneous (service or feeder not included):

Each pump or irrigation circle	\$38.30
Each sign or outline lighting.....	\$38.30
Signal circuit(s) or a limited energy panel, alteration, or extension	\$38.30

Plan review equals 25 percent of the electrical permit fee.

State Surcharge equals 8 percent of the electrical permit fee.

1. Inspections outside of normal business hours
(minimum charge – two hours)
2. Each additional inspection over the allowable for
the permitted work
3. Inspections for which no fee is specifically indicated
(minimum charge – one-half hour).....
4. Additional plans review required by changes, additions,
or revisions to proposed or approved plans
(minimum charge – one-half hour).....

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Proposed Fee Schedule Effective July 1, 2005

CITY OF BEAVERTON

ELECTRICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO MULTI-FAMILY, COMMERCIAL, INDUSTRIAL PROJECTS, AND ONE AND TWO FAMILY DWELLINGS

New residential – single or multi-family per dwelling unit. Includes attached garage.

Service Included:

1000 square feet or less	\$89.55
Each additional 500 square feet or portion thereof	\$15.95
Limited energy, residential.....	\$21.30
Limited energy, non-residential.....	\$42.15
Each manufactured home or modular dwelling service and/or feeder.....	\$42.15

Services or feeders – installation, alteration or relocation:

200 amps or less	\$53.25
201 amps to 400 amps	\$63.40
401 amps to 600 amps	\$105.50
601 amps to 1000 amps	\$137.95
Over 1000 amps or volt	\$317.50
Reconnect only.....	\$42.15

Temporary services or feeders – Installation, alteration, or relocation:

200 amps or less	\$42.15
201 amps to 400 amps	\$58.60
401 amps to 600 amps	\$84.70

Branch circuits – new, alteration, or extension per panel:

A. Fee for branch circuits with purchase of service or feeder fee, each branch circuit	\$1.95
B. Fee for branch circuits without purchase of service or feeder fee, first branch circuit	\$37.30
Each additional branch circuit.....	\$1.95

Miscellaneous (Service or feeder not included):

Each pump or irrigation circle	\$42.15
Each sign or outline lighting.....	\$42.15
Signal Circuit(s) or a limited energy panel, alteration, or extension	\$42.15

Plan review equals 25 percent of the electrical permit fee.

State Surcharge equals 8 percent of the electrical permit fee.

(Electrical fee schedule for new and additions or alterations to multi-family, commercial, industrial projects, and one and two family dwellings continued.)

1. Inspections outside of normal business hours
(minimum charge – two hours) \$53.25 per hour*
2. Each additional inspection over the allowable for
the permitted work \$37.30
3. Inspections for which no fee is specifically indicated
(minimum charge – one-half hour)..... \$53.25 per hour*
4. Additional plans review required by changes, additions,
or revisions to proposed or approved plans
(minimum charge – one-half hour)..... \$53.25 per hour*

*Or total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: A Public Hearing to Receive Public Input Regarding the Annexation of Several Parcels Located in the Vicinity of Barnes and Cedar Hills Blvd. to the City of Beaverton: Annexation 2004-0013

FOR AGENDA OF: 12/06/04 **BILL NO:** 04244

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 11/22/04

CLEARANCES: City Attorney [Signature]

Planning Services [Signature]

PROCEEDING: Public Hearing

EXHIBITS:

BUDGET IMPACT

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

The City Council in Resolution No. 3789 directed the Mayor to pursue the annexation of several parcels located in the vicinity of Barnes and Cedar Hills Blvd. to the City of Beaverton. This is to be processed as what is commonly referred to as an island annexation and may proceed without the consent of the property owners or residents after the City Council holds a public hearing. This annexation is being processed under ORS 222.750 and Metro Code Chapter 3.09.

INFORMATION FOR CONSIDERATION:

Oregon Revised Statutes Section 222.120(2) states "When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation." Staff has therefore scheduled a public hearing.

Metro Code Section 3.09.030 requires that "necessary parties" be notified at least 45 days prior to the date of decision for proposed boundary changes such as this. Necessary parties are defined by Metro Code as any county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory. Metro Code Section 3.09.050(c) states that "In order to have standing to appeal a boundary change decision pursuant to Section 3.09.070 a necessary party must appear at the hearing in person or in writing and state reasons why the necessary party believes the boundary change is inconsistent with approval criteria."

The petition/staff report for this proposed annexation is attached to the Ordinance that would approve it, which is scheduled for first reading on this same agenda.

RECOMMENDED ACTION:

Conduct a public hearing and receive public input from City electors, necessary parties, owners of property in the proposed annexation area or their representatives, and residents of the proposed annexation area.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: A Public Hearing to Receive Public Input Regarding the Annexation of Two Parcels Located at 3737 SW 117th Avenue and Commonly Known as the Mobile Home Corral to the City of Beaverton: Annexation 2004-0014

FOR AGENDA OF: 12/06/04 **BILL NO:** 04245

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 11/22/04

CLEARANCES: City Attorney [Signature]
Planning Services [Signature]

PROCEEDING: Public Hearing

EXHIBITS:

BUDGET IMPACT

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

The City Council in Resolution No. 3790 directed the Mayor to pursue the annexation of two parcels located at 3737 SW 117th Avenue to the City of Beaverton. These two parcels are commonly known as the Mobile Home Corral. This is to be processed as what is commonly referred to as an island annexation and may proceed without the consent of the property owners or residents after the City Council holds a public hearing. This annexation is being processed under ORS 222.750 and Metro Code Chapter 3.09.

INFORMATION FOR CONSIDERATION:

Oregon Revised Statutes Section 222.120(2) states "When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation." Staff has therefore scheduled a public hearing.

Metro Code Section 3.09.030 requires that "necessary parties" be notified at least 45 days prior to the date of decision for proposed boundary changes such as this. Necessary parties are defined by Metro Code as any county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory. Metro Code Section 3.09.050(c) states that "In order to have standing to appeal a boundary change decision pursuant to Section 3.09.070 a necessary party must appear at the hearing in person or in writing and state reasons why the necessary party believes the boundary change is inconsistent with approval criteria."

The petition/staff report for this proposed annexation is attached to the Ordinance that would approve it, which is scheduled for first reading on this same agenda.

RECOMMENDED ACTION:

Conduct a public hearing and receive public input from City electors, necessary parties, owners of property in the proposed annexation area or their representatives, and residents of the proposed annexation area.

Agenda Bill No: 04245

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Annexing Several Parcels
Located in the Vicinity of Barnes Road and
Cedar Hills Blvd. to the City of Beaverton:
Annexation 2004-0013

FOR AGENDA OF: 12/06/04 **BILL NO:** 04246

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]
DATE SUBMITTED: 11/22/04

CLEARANCES: City Attorney [Signature]
Planning Services HB

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report Dated 11/19/04

BUDGET IMPACT

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

This request is to annex approximately 162 acres in the vicinity of Barnes Road and Cedar Hills Blvd. to the City of Beaverton. This is what is commonly referred to as an island annexation and may proceed without the consent of the property owners or residents after the City Council holds a public hearing. It is being processed under ORS 222.750 and Metro Code 3.09.

INFORMATION FOR CONSIDERATION:

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

Beaverton Code Section 9.06.035A provides the City Council the option of adding this property to an appropriate Neighborhood Association Committee (NAC) at the time of annexation. The Neighborhood Office recommends not adding this property to a Neighborhood Association Committee (NAC) boundary at this time.

Staff recommends that the City Council adopt an ordinance annexing the referenced property, effective 30 days after Council approval and the Mayor's signature on this ordinance or the date the ordinance is filed with the Secretary of State, whichever is later.

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4334

AN ORDINANCE ANNEXING SEVERAL PARCELS LOCATED IN THE GENERAL VICINITY OF BARNES ROAD AND CEDAR HILLS BLVD. TO THE CITY OF BEAVERTON: ANNEXATION 2004-0013

- WHEREAS,** This annexation was initiated under authority of ORS 222.750, whereby the City may annex territory that is not within the City but that is surrounded by the corporate boundaries of the City, or by the corporate boundaries of the City and a stream, with or without the consent of property owners or residents; and
- WHEREAS,** This property is in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City and this action implements those policies; 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 30 days after Council approval and signature by the Mayor or the date the ordinance is filed with the Secretary of State, whichever is later.
- Section 2.** The Council accepts the staff report, dated November 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 subsequent to 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, if any, 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 remain within that district; and
 - e. The territory will remain within boundaries of the Tualatin Valley Water District.

- Section 4.** The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.
- 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:

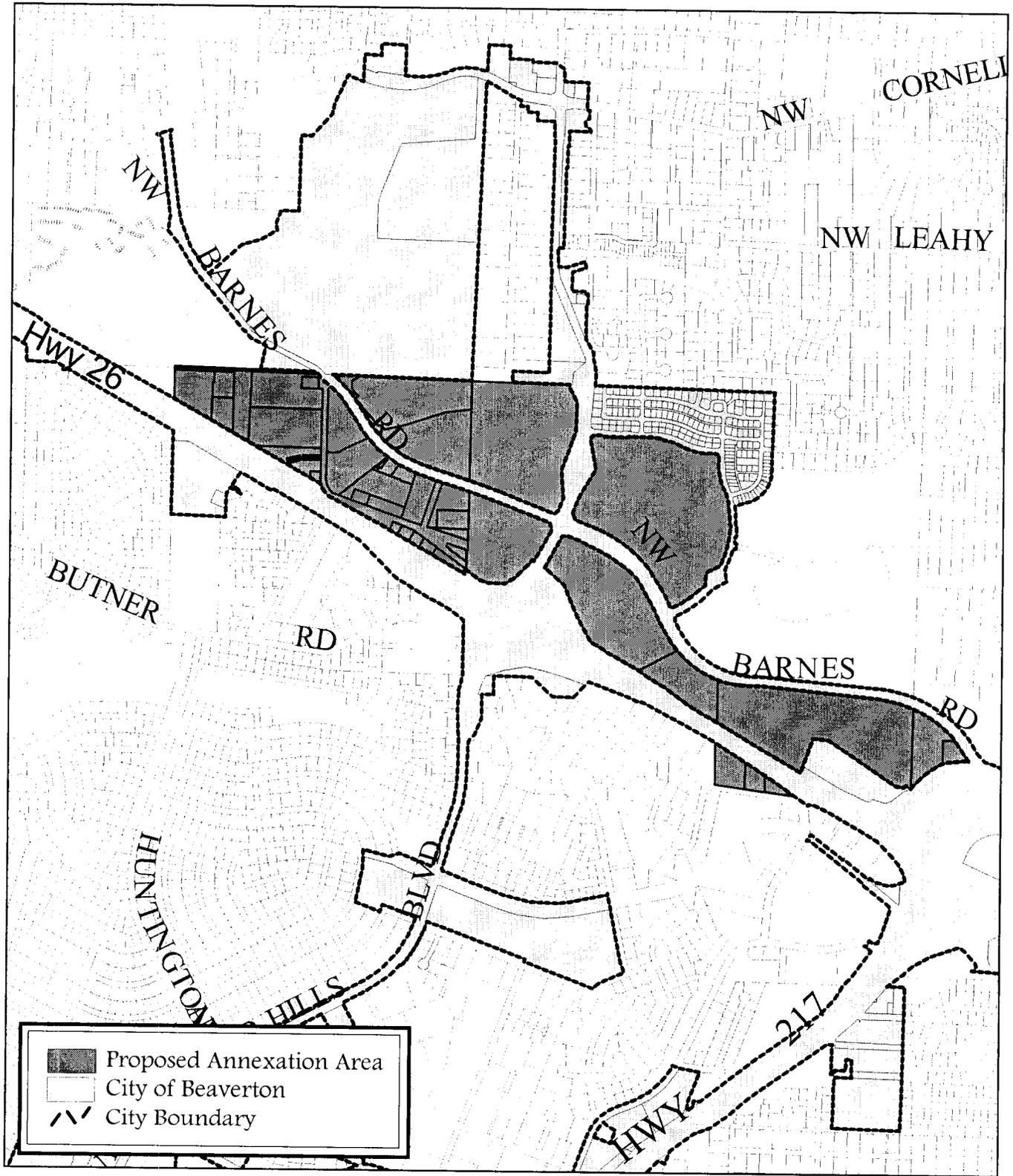
SUE NELSON, City Recorder

ROB DRAKE, Mayor

ANNEXATION MAP

Ordinance No. 4334

Exhibit A



	Proposed Annexation Area
	City of Beaverton
	City Boundary



City of Beaverton

Barnes Road / Cedar Hills Blvd. Area Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/06/04

Map #
Various

003

Application #
ANX2004-0013

Barnes Road / Cedar Hills Boulevard Area Annexation
ANX2004-0013

PARCEL 1

Beginning at a point in the SW ¼ of the SW ¼ Section 34, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, said point being North 19.9 feet from the Southwest Corner of said Section 34; thence running East parallel with the south line of said Section 34 to the westerly right of way line of SW Barnes Road; thence running southeasterly along the southwesterly right of way of SW Barnes Road to the point of intersection with the westerly right of way of SW Cedar Hills Boulevard; thence southerly along said right of way line of Cedar Hills Boulevard until it becomes the northerly right of way line of U.S. Highway 26 (Sunset Highway); thence northwesterly along the northerly right of way line of U.S. Highway 26 until said right of way line intersects the south line of the Josiah Hall D.L.C. No. 58; thence east along the south line of Josiah Hall D.L.C. No.58 to a point on the north right of way line of SW Corby Drive; thence northwesterly along the northerly right of way line of SW Corby Drive to the point where the right of way line of SW Corby Drive bears North said point also being on the northerly right of way line of U. S. Highway 26; thence northwesterly along the northerly right of way line of U.S. Highway 26 to the point where the northerly right of way line of U.S. Highway 26 intersects the west line of Section 3 Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence North 265.9 feet to the Southwest corner of Section 34, Township 1 North, Range 1 South, Willamette Meridian, Washington County, Oregon; thence North along the west line of said Section 34, 19.9 feet to the point of beginning.

Barnes Road / Cedar Hills Area Annexation
ANX2004-0013

Parcel 2

Beginning at the Southeast corner of the Southwest $\frac{1}{4}$ of Section 34, Township 1 North, Range 1 West, of the Willamette Meridian, Washington County, Oregon, said point also being the Northeast Corner of the Josiah Hall D.L.C. No. 58; thence West along the south line of said Section 34 to a point where said Section line intersects the Northeasterly right of way line of SW Barnes Road; thence southeasterly along said right of way line to a point where said right of way line intersects with the westerly right of way line of SW Cedar Hills Boulevard; thence northerly along said right of way line to a point where said right of way line of SW Cedar Hills Boulevard intersects with the south line of Section 34, Township 1 North, Range 1 West of the Willamette Meridian, Washington County, Oregon; thence west along the south line of said Section 34 to the point of beginning.

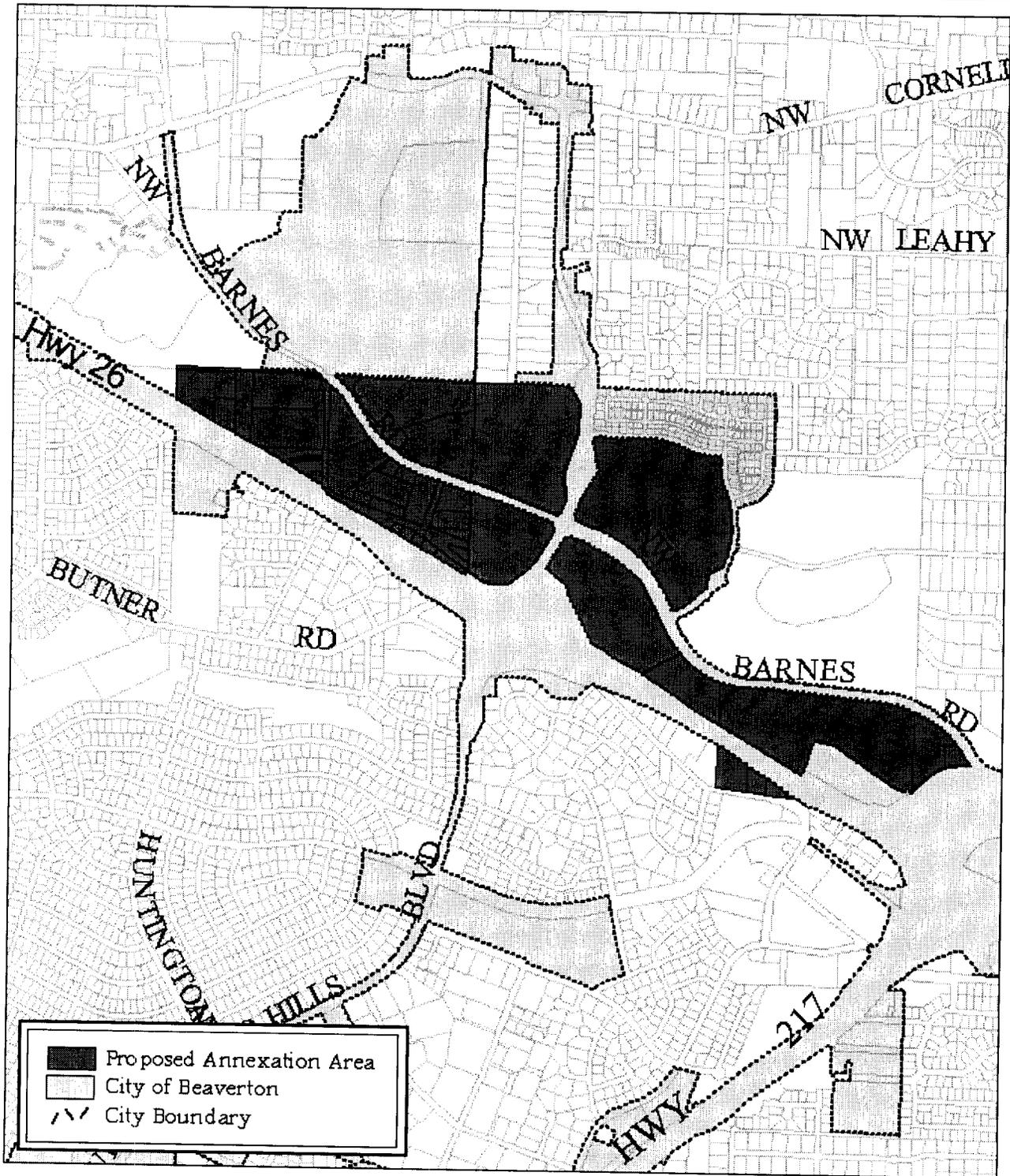
**CITY of BEAVERTON**

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

PETITION AND STAFF REPORT**TO:** City Council **REPORT DATE:** November 19, 2004**HEARING****DATE:** December 6, 2004**FROM:** Community Development Department
Hal Bergsma, Planning Services Manager
Alan Whitworth, Senior Planner**SUBJECT:** Barnes Road/Cedar Hills Blvd. Island Annexation (ANX 2004-0013)**ACTIONS:** Annexation to the City of Beaverton of several parcels located in the vicinity of the Barnes Road and Cedar Hills Boulevard intersection. The territory is shown on the attached map and more particularly described by the attached legal description. The annexation of the territory is City initiated and is being processed under ORS 222.750 and Metro Code 3.09.050.**NAC:** This property is not currently within a Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that this territory not be added to a NAC. It is anticipated a new NAC will eventually be established in the area.**AREA:** Approximately 163 acres**TAXABLE BM 50 ASSESSED VALUE:** \$ 34,756,200**ASSESSOR'S REAL MARKET BUILDING VALUE:** \$ 31,947,860**ASSESSOR'S REAL MARKET TOTAL VALUE:** \$ 52,006,090**NUMBER OF TAX PARCELS:** 60**RECOMMENDATION**

Staff recommends the City Council adopt an ordinance annexing the referenced territory, effective thirty days after the Mayor's signature or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, which ever is later.

ANNEXATION MAP



	Proposed Annexation Area
	City of Beaverton
	City Boundary



City of Beaverton

Barnes Road / Cedar Hills Blvd. Area Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/08/04

Map #
Various

007

Application #

ANX2004-0013

BACKGROUND

This is commonly referred to as an Island Annexation that is being processed under Oregon Revised Statutes Section 222.750 and Metro Code Chapter 3.09.

ORS 222.750 Annexation of unincorporated territory surrounded by city. When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, it is within the power and authority of that city to annex such territory. However, this section does not apply when the territory not within a city is surrounded entirely by water. Unless otherwise required by its charter, annexation by a city under this section shall be by ordinance or resolution subject to referendum, with or without the consent of any owner of property within the territory or resident in the territory.

The subject properties are within islands primarily defined by the City's corporate limits, except at the area's western end where an island is partly defined by a stream, Cedar Mill Creek. Some of the properties that are the subject of this proposed annexation constitute only part of an island. The statutory provision cited above does not require annexation of an entire island. The City has chosen to annex the subject properties and not others based on guidance provided by the City Council provided through their adoption of Resolution No. 3785 (Exhibit A) on November 1, 2004.

ORS 222.120 requires a public hearing to allow the electors of the City to appear and be heard on the question. It requires notice to be published in a newspaper of general circulation for a period of two weeks and notice to be posted in four public places for a similar period.

Metro Code Section 3.09.030 does not require a public hearing but does require waterproof posting of the notice in the general vicinity of the site and publishing notice in a newspaper of general circulation. The required notice to necessary parties and the posting are to be done at least 45 days prior to the date of decision. 3.09.050(b) requires the staff report to be available at least 15 days prior to the date of decision.

The request is to annex sixty tax parcels located in the general vicinity of Barnes Road and Cedar Hills Blvd. The area proposed for annexation is approximately 163 acres and contains 24 dwelling units.

The Neighborhood Office is recommending that this territory not be added to a Neighborhood Association Committee at this time. It is anticipated a new NAC will eventually be established in the area.

MINIMUM REQUIREMENTS FOR PETITIONS

The following is from Metro Code:

3.09.040 Minimum Requirements for Petitions

(a) A petition for a boundary change shall be deemed complete if it includes the following information:

(1) The jurisdiction of the approving entity to act on the petition;

Finding: As defined by section 3.09.020(c) of the Metro Code, "Approving entity" means the governing body of a city, county, city-county or district authorized to make a decision on a boundary change, or its designee. ORS 222.111(2) states:

"A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by petition to the legislative body of the city by owners of real property in the territory to be annexed."

The Beaverton City Council directed the initiation of this annexation by its adoption of Resolution No. 3789 (Exhibit B). This annexation is allowed by ORS 222.750 without the consent of any owner of property within the territory or resident in the territory through ordinance adoption by the Council, subject to referendum.

(2) A narrative, legal and graphical description of the affected territory in the form prescribed by Metro Chief Operating Officer;

Finding: The Metro Chief Operating Officer has not prescribed a particular form for providing a narrative, legal and graphical description of a territory that would be affected by a proposed annexation. The practice has been to provide such information in a form prescribed by the State Department of Revenue. Consistent with Department of Revenue requirements, a map of the affected territory is included as page two of this petition/report, a narrative legal is attached to this petition/report (Exhibit C), and marked tax maps are in the project file. This complies with the requirements of Metro, the Oregon Department of Revenue, and the Oregon Secretary of State's Office.

(3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected

territory as shown in the records of the tax assessors and county clerk;

Finding: A list of the names and mailing addresses of all persons owning property and a list of all electors within the affected territory as shown in the records of the Washington County Assessment and Taxation Department are will be placed in the file.

- (4) A listing of the present providers of urban services to the affected territory;

Finding: Sanitary sewers and treatment are presently provided by and maintained by Clean Water Services. Potable water is presently provided by the Tualatin Valley Water District. Fire protection and emergency medical service is presently provided by Tualatin Valley Fire and Rescue. Parks, open space, and recreation services are presently provided by Tualatin Hills Park and Recreation District. Public streets and roads are presently maintained by Washington County. Mass transit is presently provided by TRI-MET.

- (5) A listing of the proposed providers of urban services to the affected territory following the proposed boundary change;

Finding: Pursuant to a July 1, 2004 intergovernmental agreement between the City of Beaverton and Clean Water Services, as of July 1, 2005 sanitary sewer pipes in the proposed annexation area that are smaller than 24-inches in diameter will be maintained by the City of Beaverton and pipes equal to or greater than 24-inches in diameter will be maintained by Clean Water Services. Clean Water Services will also provide sewage treatment. Potable water will be provided by Tualatin Valley Water District. Fire protection and emergency medical service will be provided by Tualatin Valley Fire and Rescue. Parks, open space, and recreation services will be provided by Tualatin Hills Park and Recreation District. Barnes Road and Cedar Hills Blvd. will be maintained by Washington County for the foreseeable future and maintenance of other Washington County maintained streets will transfer to the City of Beaverton through a different process. Mass transit will continue to be provided by TRI-MET.

- (6) The current tax assessed value of the affected territory; and

Findings: The current Ballot Measure 50 assessed value of the affected territory is \$34,756,200. A spreadsheet listing tax lot identification number, approximate acreage, Ballot Measure 50 value, real market building value and total real market value is attached as Exhibit D. This information is

based on information from the Washington County Assessment and Taxation Department.

(7) Any other information required by state or local law.

Findings: No other information is required by state or local law.

(b) A City or county may charge a fee to recover its reasonable costs to carry out its duties and responsibility under this chapter.

Findings: The City of Beaverton has chosen not to charge a fee for annexations.

EXISTING CONDITIONS

SERVICE PROVISION:

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

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Park 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 City has been a party to a series of ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon", the last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency situation outside its jurisdiction when requested by another law enforcement agency.

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 in accordance with the mutual aid agreement described above.

FIRE:

Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to this area. The City annexed its own fire services to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.

SEWER:

The area is adequately served by sanitary sewer at this time. As the area redevelops at higher density the issue of sanitary sewer will be dealt with through the development review process. If the area is annexed the City of Beaverton will take over maintenance of sanitary sewer pipes smaller than 24-inches in diameter and Clean Water Services will continue to maintain the larger pipes and provide sewage treatment. Upon annexation the City will be responsible for billing.

WATER:

Tualatin Valley Water District (TVWD) provides water service to the area. ORS 222.520 allows cities to assume water service responsibilities when annexing less than an entire district. However, the City entered into an intergovernmental agreement with TVWD in 2002 that the City would not withdraw property from the District upon annexation. TVWD will continue to provide service, maintenance and perform billing.

**STORM WATER
DRAINAGE:**

The area is adequately served by storm sewers and drainage at this time. As the area redevelops at higher density the issue of storm drainage will be dealt with through the development review process. Upon annexation billing responsibility will transfer to the City.

**STREETS and
ROADS:**

This area is served by an east/west arterial (Barnes Road) and a north/south arterial (Cedar Hills Blvd.). Both of these roads are maintained by Washington County and will be for the foreseeable future. The Sunset Highway (US 26) runs along the southern edge of the subject territory with an entrance/exit at Cedar Hills Blvd. and is a State maintained Freeway. The subject property abuts the light rail station on the southeast corner and the station is also served by five bus lines. SW Stark Street and the entrance to Tri-met parking garage are private streets. SW Shilo Lane and SW Choban Lane are public roads and may become the City of Beaverton's

responsibility pursuant to an understanding between City and County road operations managers. SW Corby Drive and SW 117th Avenue are County maintained roads and will be formally transferred after annexation to City maintenance under a separate process pursuant to the same understanding.

**PARKS and
SCHOOLS:**

The proposed annexation is within both the Beaverton School District and the Tualatin Hills Park and Recreation District. Neither services nor district boundaries associated with these districts will be affected by the proposed annexation.

**PLANNING,
ZONING and
BUILDING:**

Washington County currently provides long-range planning, development review and building inspection for the property. Upon annexation, the City will provide those services. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations will be applied to this parcel in a separate action within six months of annexation.

PUBLIC INVOLVEMENT

Consistent with Metro Code Section 3.09.030, the City has sent notice of the proposed annexation on or before October 22, 2004 (45 days prior to the hearing date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, eight weatherproof signs with the notice mailed to the necessary parties attached were posted in the general vicinity of the affected territory. Affidavits of mailing and posting, including information on the locations where the weatherproof signs were posted, are in the casefile for this proposed application.

In compliance with ORS 222.120, notice of the hearing will be published once each week for two successive weeks prior to the day of the hearing in the Beaverton Valley Times newspaper; and notices of the proposed annexation will be posted in four public places in the city (at the Beaverton Post Office, the Beaverton City Library, the Beaverton City Hall, and in the lobby of the administrative offices of the Tualatin Hills Park and Recreation District) for a like period. Evidence that this notification was provided will be available at the public hearing.

Although not required by Metro Code or State statute, the City also sent the notice mailed to the necessary parties to the following parties at least 45 days in advance of the anticipated date of decision, December 13, 2004:

- the property owners of record in the subject area as shown on the most recent

property tax assessment roll of the Washington County Department of Assessment and Taxation; and

- The Central Beaverton and West Slope Neighborhood Association Committees and the Cedar Hills/Cedar Mill Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

The mailed notice and a copy of this petition/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 of this type:

3.09.050 Uniform Hearing and Decision Requirements for Final Decisions Other Than Expedited Decisions

(a) The following minimum requirements for hearings on decisions operate in addition to all procedural requirements for boundary changes provided for under ORS chapters 198, 221 and 222. Nothing in this chapter allows an approving entity to dispense with a public hearing on a proposed boundary change when the public hearing is required by applicable state statutes or is required by the approving entity's charter, ordinances or resolutions.

Findings: A public hearing has been scheduled and noticed for December 6, 2004.

3.09.050 (b) Not later than 15 days prior to the date set for a decision, the approving entity addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

Findings: Urban Services are defined by Metro Code Section 3.09.020(m) as "...sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit." The area is currently served by sanitary sewers. As of July 1, 2005, the City of Beaverton will take over maintenance of all pipes less than 24-inches in diameter pursuant to an "Intergovernmental Agreement Between City of Beaverton and Clean Water Services" entered into as of July 1, 2004. The area is served by Tualatin

Valley Water and they have the capacity to continue serving the area. Fire protection is provided by Tualatin Valley Fire and Rescue which is the provider for the entire City of Beaverton and they have the capacity to serve the area. Parks, open space and recreation are provided by the Tualatin Hills Park and Recreation District which will continue to provide those services. This area is served by an east/west arterial (Barnes Road) and a north/south arterial (Cedar Hills Blvd.). SW Butner Road, a collector, provides access to two properties south of the Sunset Highway that are included in the proposed annexation area. These roads are maintained by Washington County and will be for the foreseeable future. The Sunset Highway (US 26) runs along the southern edge of the subject territory (except for the two properties) with an entrance/exit at Cedar Hills Blvd. and is a State maintained Freeway. TRI-MET provides mass transit to the area with a transit center abutting the subject territory on its southeast corner, which is served by light rail and five bus lines.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

Findings: 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. These agreements follow a standard format, and prescribe coordination of the planning and development activities of the parties through notification to provide each with the opportunity to participate, review and comment on proposed comprehensive plan and land use regulation amendments and development actions requiring individual notice to property owners, as well as other specified activities. Annexations are not listed as actions that require notification of the other parties to the cooperative agreements. In fact, annexations are defined as not being development actions or land use regulation amendments. Therefore, the ORS Chapter 195 cooperative agreements listed above do not appear to be relevant to this proposed annexation.

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. The agreement defines long-term service areas for each party, independent of whether the area is in or outside the City. The subject area is defined as being within TVWD's long-term service area, and the proposed annexation would not change that. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.

The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. The new agreement defines the subject area as being within the "Beaverton Area of Future Maintenance Responsibility" where, subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would transfer to the City of July 1 of any year if so requested by the City by January 1 of that year. If the proposed annexation is approved, it is the City's intent to notify Clean Water Services by January 1, 2005 that the City will assume the maintenance responsibilities for the area as previously described as of July 1, 2005.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

Findings:

Comprehensive Plans: *The only relevant policy of the City of Beaverton's Comprehensive Plan is Policy 5.3.1.d, which states "The City shall seek to eventually incorporate its entire Urban Services Area." The subject territory is within Beaverton's Assumed Urban Services Area, which is Figure V-1 of the City of Beaverton's Acknowledged Comprehensive Plan.*

After reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 598) as well as ordinances adopted subsequently up to the date of this staff report that amended the Comprehensive Framework Plan, staff finds that the following provisions may be applicable to this proposed annexation:

- *A paragraph in the "County-Wide Development Concept" at the beginning of the Comprehensive Framework Plan which states:*

As development occurs in accordance with this development concept, issues of annexation or incorporation may arise. Annexation or incorporation issues will necessarily relate to various other planning issues such as community identity, fiscal impacts of growth and service provision, coordination between service providers to achieve efficiencies and ensure availability, etc. As such issues arise, the County should evaluate community identity as an issue of equal importance

with public service provision issues when developing policy positions on specific annexation or incorporation proposals.

Staff views this statement as direction to the County itself in how to evaluate annexation proposals, and not guidance to the City regarding this specific proposal. As a necessary party, the County has an opportunity to comment on and appeal this proposed boundary change if it appears at the scheduled December 6, 2004 hearing on the proposal and states reasons why they believe the boundary change is inconsistent with the approval criteria (see Metro Code section 3.09).

- *Policy 15 of the Comprehensive Framework Plan, relating to Roles and Responsibilities for Serving Growth, says:*

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Two implementing strategies under Policy 15 that relate to annexation state:

The County will:

- f. *If appropriate in the future, enter into agreements with service providers which address one or more of the following:*
 - 3. *Service district or city annexation*
- g. *Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.*

The City of Beaverton, Washington County and the other urban service providers for the subject area have been working off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues have been resolved, a few issues remain between the County and the City that have prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. In staff's view, this can be resolved subsequent to annexation of the subject area and need not delay this proposed annexation.

Staff has reviewed other elements of the County Comprehensive Plan, particularly the Cedar Hills – Cedar Mill Community Plan that includes the subject area, and was unable to identify any provision relating to this proposed annexation.

Public Facilities Plans: The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewerage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. The only relevant urban services defined by Metro Code Section 3.09.020(m) that will change subsequent to annexation are the maintenance of sanitary sewer lines under 24" in diameter and the maintenance of local and collector roads.

The change in sanitary sewer line maintenance is consistent with the aforementioned IGA between the City and Clean Water Services, which in turn is consistent with facilities master plans of both agencies.

The change in local and collector road maintenance is not specifically prescribed by any element of the Beaverton Comprehensive Plan or the Washington County Comprehensive Plan, but an understanding in 2002 between the Manager of the Washington County Operations Division, which currently maintains local and collector roads through the County's Urban Road Maintenance District, and the Director of the City's Operations Department, generally defines the conditions under which the City would assume maintenance responsibility subsequent to annexation. The proposed annexation should not adversely affect the Urban Road Maintenance District. Although revenues received by the District may be reduced slightly as a result of the annexation, the District's maintenance costs will also be reduced by the City assuming local and collector road maintenance in the area. Policy 6.2.7(g) of the City's Comprehensive Plan is to "Provide adequate funding for maintenance of the capital investment in transportation facilities." According to the Transportation Element of the Comprehensive Plan (page VI-62), the majority of the City's gas tax revenues are used for maintenance. "The City's pavement management program tracks pavement condition so that repairs can be made at an optimum time in pavement life. Pavement management projects are scheduled and funded through the City's capital improvement plan."

Staff is could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.

The regional framework plan, functional plan, and regional urban growth goals and objectives: These Metro documents do not specifically address minor boundary changes of this type.

The Washington County - Beaverton Urban Planning Area Agreement: Adopted in 1989, this agreement does not contain provisions relating to annexations, other than (1) calling for execution of a memorandum of understanding outlining the methodology for transferring County records regarding land use activities to the City after annexation; (2) calling for execution of a memorandum of understanding outlining responsibilities for collection of fees, inspections and drainage districts on platted subdivisions annexed to the City; and (3) prescribing that when the City applies plan and zoning designations subsequent to annexation that a table in the agreement be followed in determining which to apply based on existing County designations, or that the most similar designation be applied. The City is presently drafting a memorandum of understanding on records transfer for County consideration, and the City will also enter into a memorandum of understanding regarding fees collection and inspections if necessary (drainage maintenance districts are no longer used by Washington County). It has been the City's practice in the past to comply with the provision relating to the application of City plan and zone designations, through a subsequent process that will be done in this case if the area is annexed.

As discussed previously in this report, this annexation is consistent with all other agreements that the City is party to relating to annexations.

- (4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

Findings: The affected territory will be withdrawn from the Enhanced Sheriff's Patrol District (ESPD) and the Urban Road Maintenance District (URMD). The subject territory will not be withdrawn from the legal boundary of any other necessary party by this action.

- (5) The proposed effective date of the decision.

Findings: The effective date for this annexation is thirty (30) days after the Mayor's signature on the ordinance or the date the records of the

annexation are filed with the Secretary of State (ORS 222.180), which ever is later.

3.09.050 (c) In order to have standing to appeal a boundary change to Section 3.09.070 a necessary party must appear at the hearing in person or in writing and state reasons why the necessary party believes the boundary change is inconsistent with the approval criteria. A necessary party may not contest a boundary change where the boundary change is explicitly authorized by an urban services agreement adopted pursuant to ORS 195.065. At any public hearing, the persons or entities proposing the boundary change shall have the burden to prove that the petition meets the criteria for a boundary change.

Findings: This section of Metro Code is included in this report for information only. It is not a criterion for decision. The City of Beaverton is the entity proposing this boundary change, and acknowledges that it has the burden to prove that the petition meets relevant criteria. The purpose of this petition/staff report is to prove that the relevant criteria for a boundary change under Metro Code have been met.

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: Existing agreements relevant to this annexation are discussed in findings above addressing Section 3.09.050(b)(2) of the Metro Code. The City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the city, although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan. The City has entered into one agreement that has been designated an ORS 195.065 Urban Service Agreement with Tualatin Valley Water District and this proposed action is consistent with that agreement, as explained in the findings above addressing Metro Code Section 3.09.050(b)(2) .

- (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: The acknowledged Washington County - Beaverton Urban

Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. As explained previously in this report, in findings addressing Metro Code Section 3.09.050(b)(3), the UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process. Findings discussing other relevant agreements, and demonstrating that the proposed annexation is consistent with those agreements, are located in the findings of this report addressing Metro Code Section 3.09.050(b)(2).

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

Findings: The 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. There are no other specific directly applicable standards or criteria for boundary changes in Beaverton's Comprehensive Plan, Washington County's Comprehensive Plan, or the Public Facilities Plans of either jurisdiction 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 petition/staff report contains information addressing how the provision of public facilities and services to the subject area would be affected by this annexation. As noted previously in this report, only two legally relevant urban services would change as a result of the proposed annexation, the maintenance of sanitary sewer pipes under 24" in diameter, and the maintenance of local and collector roads in the area. The City would also assume primary responsibility for police protection, maintenance of storm drainage facilities, maintenance of street lights, and planning, development review

and building permit issuance. The provision of public facilities to the area will not change.

The City has sufficient staff and budgetary resources to accommodate the provision of the public facilities and services, for which it would be responsible, to the subject area. The City's 2004-2005 Fiscal Year (FY) tax rate is approximately \$4.10 per thousand dollars of assessed property value, including the tax rate for bonded debt. The FY 2004-2005 tax rate, excluding bonded debt, is \$3.68 which is less than the City's authorized tax rate of \$4.62 authorized under State Ballot Measure 50 in 1997. This allows the City to generate more property tax revenues if needed to provide public facilities and services in a timely and orderly manner. The Beaverton City Council, however, is careful to balance the need to provide city facilities and services at an adequate level with the need to be good stewards of the taxpayers' money. The City Council has set eight goals for the City. Three of those goals that are relevant to this discussion are:

- Use City resources efficiently to ensure long-term financial stability;*
- Continue to plan for, improve and maintain the City's infrastructure;*
and
- Provide responsive, cost effective service to the community.*

One service that the City is especially concerned about providing at a high level is police protection. As a result of the passage of City Ballot Measure 34-52 in 1996, the City has maintained a ratio of approximately 1.5 police officers per thousand population. This contrasts with a ratio of approximately 0.9 officers per thousand population in the County's Enhanced Sheriff's Patrol District (ESPD), which presently encompasses the subject area. Partly because of this higher number of police officers per thousand population, in addition to other factors such as the present location of several high value industrial and commercial properties just outside the city but in the ESPD and the Urban Road Maintenance District (URMD), the City's tax rate is higher than the rate presently paid to those special districts. After annexation, area property owners would pay approximately \$2.72 more per thousand dollars in assessed valuation than they presently do, based on FY 2004-2005 tax rates. A decrease in the differential is possible in future years if higher value properties are annexed to the City and removed from the ESPD and URMD.

Based on the above information, staff concludes that the proposed annexation will not interfere with the timely, orderly and economic provision of public facilities and services, and that the City is financially able to provide the urban services that it will take over from CWS and the County. Staff is not aware of any evidence that such a takeover will

interfere with County's ability to continue to provide those services to areas remaining within the jurisdiction of the County's Urban Road Maintenance District or Enhanced Sheriff's Patrol District.

(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 under criterion number (3) above. The applicable Comprehensive Plan policy cited under criterion number (3) above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003, meaning it became unnecessary for the City to address the Statewide Planning Goals after that date in considering proposed annexations. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton does have Annexation Policies (Exhibit A to this Petition/Staff Report) adopted by resolution and this proposed annexation is consistent with those policies. 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 (e) When there is no urban service agreement adopted pursuant 195.065 that is applicable, and a boundary change decision is contested by a necessary party, the approving entity shall also address and consider, information on the following factors in determining whether the proposed boundary change meets the criteria of Sections 3.09.050(d)and (g). The findings and conclusions adopted by the approving entity shall explain how these factors have been considered.

Findings: There is no urban service agreement adopted pursuant to ORS 195.065 that is applicable to this area. At the time this staff report was completed, however, no necessary party had contested the proposed annexation. Nevertheless, staff has chosen to briefly address each of the applicable factors below, reserving the right to supplement the findings for each factor if the boundary change decision is contested by a necessary party.

(1) The relative financial, operational and managerial capacities of alternative providers of the disputed urban services to the affected area;

Findings: Metro Code [3.09.020(m)] and Oregon Revised Statutes 195.065(4) defines "Urban Services" as meaning sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. The providers of these urban services are not in dispute for the area proposed for annexation if the annexation is approved, and there is no evidence that their financial, operational and managerial capacities to serve the area are inadequate.

(2) The quality and quantity of the urban services at issue with alternative providers of the urban services, including differences in cost and allocations of costs of the services and accountability of the alternative providers;

Findings: The only providers of legally relevant urban services that will change as a result of this proposed annexation are maintenance of sanitary sewers and local roads. Sanitary sewer maintenance responsibility for pipes smaller than 24 inches in diameter will shift from Clean Water Services to the City's Operations Department. Maintenance of local roads in the area will be transferred, by separate action, from the Washington County Department of Land Use and Transportation to the City's Operations Department. There is no evidence that the quality or quantity of either of these services will be reduced as a result of the proposed annexation, or that there will be significant differences in their cost, allocation of costs or the accountability of the alternative providers.

(3) Physical factors related to the provision of urban services by alternative providers;

Findings: As noted above, the only providers of legally relevant urban services that will change as a result of this proposed annexation are maintenance of sanitary sewers and local roads. There is no evidence of physical factors that would adversely affect the City's ability to provide these services as compared to the present providers.

(4) For proposals to create a new entity the feasibility of creating the new entity.

Findings: No new entity is proposed and this criterion is not applicable.

(5) The elimination or avoidance of unnecessary duplication of facilities;

Findings: The City of Beaverton has previously taken action to eliminate and avoid the unnecessary duplication of facilities. Beaverton has annexed itself to the Tualatin Valley Fire and Rescue District because it was determined that the District could provide services and operate its facilities at a higher economy of scale. For the same reason, virtually all of Beaverton is in the Tualatin Hills Park and Recreation District. Beaverton is part of Washington County Cooperative Library System, allowing use of the City's highly rated library by all county residents, and use of other library facilities in the county by City residents. As previously discussed, pursuant to an intergovernmental agreement the City works cooperatively with Clean Water Services to maintain sanitary sewer pipes less than 24" in diameter within the City limits as well as to maintain certain stormwater management facilities. The City of Beaverton is a member of the Joint Water Commission (JWC), an intergovernmental group whose members also include Hillsboro, Forest Grove, and the Tualatin Valley Water District, which has jointly developed and operates water reservoirs and transmission lines. This proposed annexation will not create any duplication of facilities.

(6) Economic, demographic and sociological trends and projections relevant to the provision of the urban services;

Findings: Washington County has designated most of this area as part of the Sunset Transit Center Station Community, except for the western part which is part of the Cedar Mill Town Center. Both designations have resulted in County zoning that calls for more intense urban development, allowing higher density office, retail and residential land uses. The City has previously cooperated with the County and other affected local governments in planning for this area's projected growth and development. There is no evidence that the City of Beaverton will be unable to provide the services to this area for which it will be responsible given its economic, demographic and sociological trends and projections.

(7) Matching the recipients of tax supported urban services with the payers of the tax;

Findings: The Beaverton Police Department responds to emergency calls outside of the City limits. Beaverton provides approximately 1.5 police officers per 1,000 population compared to Washington County's Enhanced Sheriff Patrol District which provides approximately 0.9 deputies per 1,000 population. As this area develops at higher density it is anticipated that emergency responses will increase. The City is providing police protection to this unincorporated island and receiving no revenues in return. This annexation will provide tax revenues to support this service.

(8) The equitable allocation of costs to alternative urban service providers between new development and prior development; and

Findings: As explained above, as a result of the proposed annexation the City will take over maintenance of local and collector roads and sanitary sewer pipes under 24-inches in diameter. No other relevant urban service providers will change. Washington County will have to bring County maintained local and collector roads up to an agreed to standard, if they are not currently, before the City will accept maintenance responsibility. There is no evidence that the changes in service provision that would result from the proposed annexation will result in an inequitable allocation of costs to the previous service providers of the specified services and the City between new development and prior development.

(9) Economies of scale.

Findings: The City of Beaverton's current boundaries create an inefficient situation for provision of urban services. The City of Beaverton believes it is the logical provider of services for its assumed urban service area, including the area that is the subject of this proposed annexation. There is no evidence that the City cannot offer the services for which it will be responsible in the area after annexation at an economy of scale that meets or exceeds that which is available to present service providers.

(10) Where a proposed decision is inconsistent with an adopted intergovernmental agreement, that the decision better fulfills the criteria of Section 3.09.050(d) considering Factors (1) through (9) above.

Findings: There is no evidence that the proposed annexation of the subject territory is inconsistent with the various intergovernmental agreements relating to annexation that the City of Beaverton is party to.

3.09.050 (f) A final boundary change decision by an approving entity shall state the effective date, which date shall be no earlier than 10 days following the date that the decision is reduced to writing, and mailed to all necessary parties. However, a decision that has not been contested by any necessary party may become effective upon adoption.

Findings: The effective date for this annexation is recommended to be 30 days after the mayor signs an ordinance adopted by the City Council approving the annexation or the date the ordinance is submitted to the Secretary of State, by Metro, as provided in ORS 222.180 and Metro Code 3.09.030(e), which ever is later.

3.09.050 (g) 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 proposed annexation because the territory in question has been inside of the Portland Metro Urban Growth Boundary since the boundary was created.

CONCLUSION

Based on the information and findings in this petition and staff report, staff concludes that the proposed annexation should be approved by the Council through adoption of a City ordinance.

Exhibits: A. Resolution No. 3785
B. Resolution No. 3789
C. Legal Description
D. A spreadsheet listing tax lot identification numbers, approximate acreage, Ballot Measure 50 value, real market building value and total real market value

EXHIBIT A

RESOLUTION NO. 3785

A RESOLUTION ESTABLISHING CITY OF BEAVERTON URBAN SERVICE AREA AND CORPORATE LIMITS ANNEXATION POLICIES

WHEREAS, the City of Beaverton presently has no defined policies regarding annexation of adjacent urban unincorporated areas, including unincorporated islands; and

WHEREAS, the City's progress toward annexing its assumed urban services area has been slow; and

WHEREAS, previous incremental annexations have resulted in City limits that are odd and create confusion about their location, with many unincorporated "islands" surrounded by properties within the City; and

WHEREAS, the City desires to create more logical boundaries and create complete incorporated neighborhoods; and

WHEREAS, a more assertive policy toward annexation of certain types of properties could improve the City's ability to provide services to its residents efficiently and at a reasonable cost; and

WHEREAS, a more assertive annexation policy could result in more City control of development in adjacent unincorporated areas that could affect the City; and

WHEREAS, the Washington County 2000 policy is to have all urban unincorporated areas annexed by cities over time; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON

Council directs the Mayor to pursue the annexation of properties in adjacent urban unincorporated areas in accordance with the policies in Attachment A to this resolution.

Adopted by the Council this 1st day of November, 2004.

Approved by the Mayor this 2ND day of NOVEMBER, 2004.

Ayes: 4

Nays: 0

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

City of Beaverton Urban Service Area and Corporate Limits Annexation Policies

A. City of Beaverton Urban Service Area Policy

The City remains committed to annexing its urban services area over time, but the City will be selective regarding the methods of annexation it chooses to use. The City of Beaverton prefers to avoid use of annexation methods that may force annexation against the will of a majority of voters in larger unincorporated residential neighborhoods. The City is, however, open to annexation of these areas by other means where support for annexation is expressed, pursuant to a process specified by State law, by a majority of area voters and/or property owners. The City is open to pursuing infrastructure/service planning for the purposes of determining the current and future needs of such areas and how such areas might best fit into the City of Beaverton provided such unincorporated residents pursue an interest of annexing into the City.

B. City of Beaverton Corporate Limits Policy

The City of Beaverton is committed to annexing those unincorporated areas that generally exist inside the City's corporate limits. Most of these areas, known as "islands", generally receive either direct or indirect benefit from City services. The Washington County 2000 Policy, adopted in the mid-1980s, recognizes that the County should not be a long-term provider of municipal services and that urban unincorporated areas including unincorporated islands should eventually be annexed to cities. As such, primarily through the use of the 'island annexation method', the City's objectives in annexing such areas are to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In order to achieve these stated objectives, the City chooses to generally pursue the following areas for 'island annexation' into the City of Beaverton:

- Undeveloped property zoned for industrial, commercial uses or mixed uses;
- Developed or redevelopable property zoned for industrial, commercial or mixed uses;
- Undeveloped or redevelopable property zoned for residential use;
- Smaller developed property zoned residential (within a neighborhood that is largely incorporated within the City of Beaverton).

EXHIBIT B

RESOLUTION NO. 3789

A RESOLUTION DIRECTING CITY INITIATION OF
ANNEXATION OF TERRITORY

WHEREAS, the City of Beaverton has adopted Urban Service Area and Corporate Limits Annexation Policies; and

WHEREAS, the City's progress toward annexing its assumed urban services area has been slow; and

WHEREAS, previous incremental annexations have resulted in City limits that are odd and create confusion about their location, with many unincorporated "islands" surrounded by properties within the City; and

WHEREAS, the City desires to create more logical boundaries and create complete incorporated neighborhoods; and

WHEREAS, a more assertive policy toward annexation of certain types of properties could improve the City's ability to provide services to its residents efficiently and at a reasonable cost; and

WHEREAS, a more assertive annexation policy could result in more City control of development in adjacent unincorporated areas that could affect the City; and

WHEREAS, the Washington County 2000 policy is to have all urban unincorporated areas annexed by cities over time; and

WHEREAS, the City now needs to identify particular areas to begin implementing the adopted Annexation Policies; therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
BEAVERTON, OREGON**

Council directs the Mayor to pursue the annexation of territory identified on the map attached hereto as Exhibit A to this resolution.

Adopted by the Council this 15th day of November, 2004.

Approved by the Mayor this 16th day of NOVEMBER, 2004.

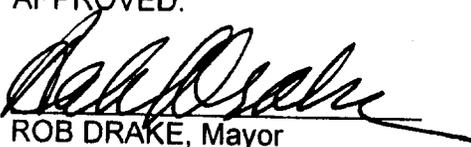
Ayes: 5

Nays: 0

ATTEST:


SUE NELSON, City Recorder

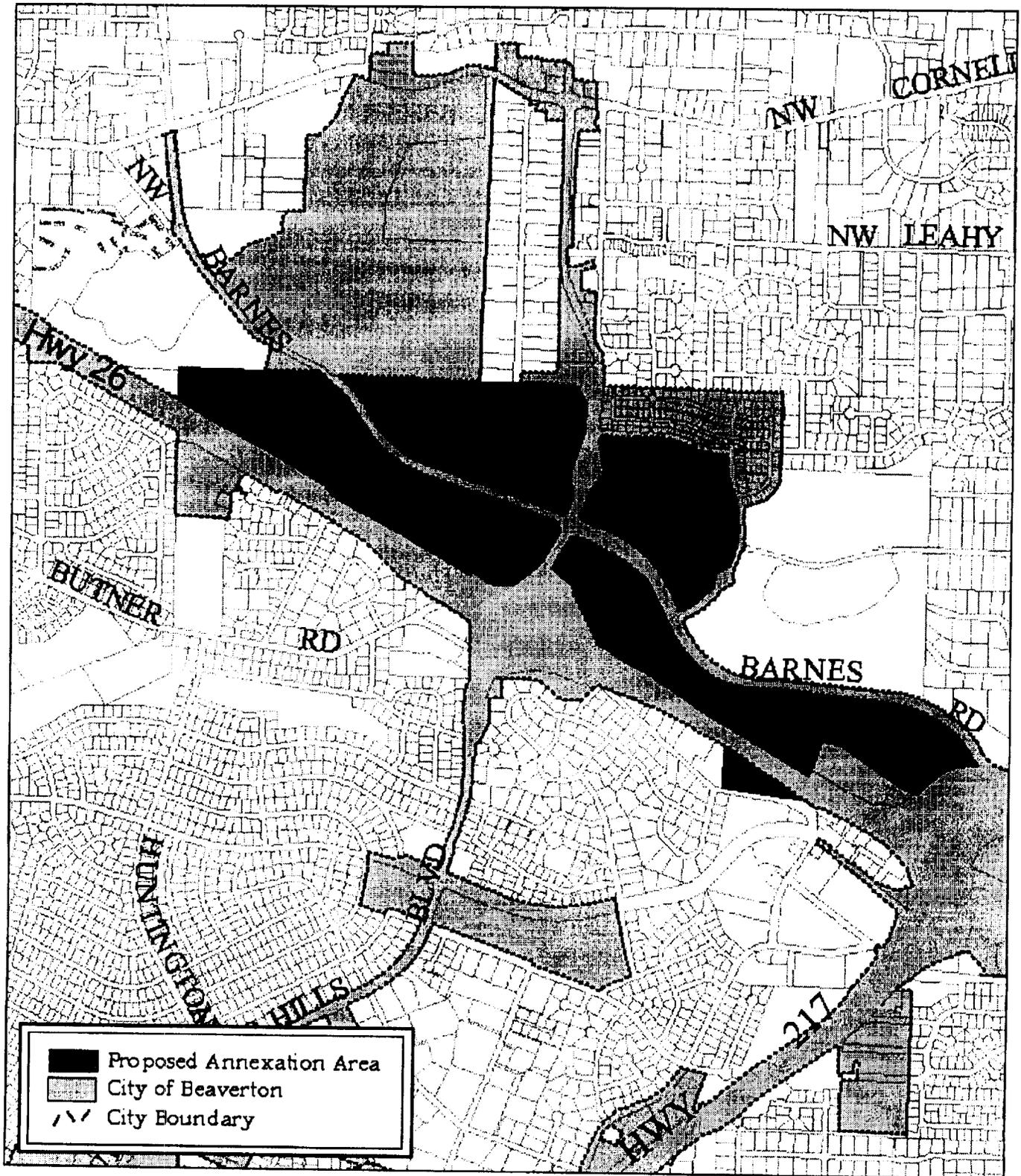
APPROVED:


ROB DRAKE, Mayor

ANNEXATION MAP

Resolution
No. 3789

Exhibit A



- Proposed Annexation Area
- City of Beaverton
- City Boundary



City of Beaverton

Barnes Road / Cedar Hills Blvd. Area Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/08/04

Map #
Various

Aggregation #

ANX2004-0013

033

EXHIBIT C

Barnes Road / Cedar Hills Boulevard Area Annexation
ANX2004-0013

PARCEL 1

Beginning at a point in the SW ¼ of the SW ¼ Section 34, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, said point being North 19.9 feet from the Southwest Corner of said Section 34; thence running East parallel with the south line of said Section 34 to the westerly right of way line of SW Barnes Road; thence running southeasterly along the southwesterly right of way of SW Barnes Road to the point of intersection with the westerly right of way of SW Cedar Hills Boulevard; thence southerly along said right of way line of Cedar Hills Boulevard until it becomes the northerly right of way line of U.S. Highway 26 (Sunset Highway); thence northwesterly along the northerly right of way line of U.S. Highway 26 until said right of way line intersects the south line of the Josiah Hall D.L.C. No. 58; thence east along the south line of Josiah Hall D.L.C. No.58 to a point on the north right of way line of SW Corby Drive; thence northwesterly along the northerly right of way line of SW Corby Drive to the point where the right of way line of SW Corby Drive bears North said point also being on the northerly right of way line of U. S. Highway 26; thence northwesterly along the northerly right of way line of U.S. Highway 26 to the point where the northerly right of way line of U.S. Highway 26 intersects the west line of Section 3 Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence North 265.9 feet to the Southwest corner of Section 34, Township 1 North, Range 1 South, Willamette Meridian, Washington County, Oregon; thence North along the west line of said Section 34, 19.9 feet to the point of beginning.

Barnes Road / Cedar Hills Area Annexation
ANX2004-0013

Parcel 2

Beginning at the Southeast corner of the Southwest $\frac{1}{4}$ of Section 34, Township 1 North, Range 1 West, of the Willamette Meridian, Washington County, Oregon, said point also being the Northeast Corner of the Josiah Hall D.L.C. No. 58; thence West along the south line of said Section 34 to a point where said Section line intersects the Northeasterly right of way line of SW Barnes Road; thence southeasterly along said right of way line to a point where said right of way line intersects with the westerly right of way line of SW Cedar Hills Boulevard; thence northerly along said right of way line to a point where said right of way line of SW Cedar Hills Boulevard intersects with the south line of Section 34, Township 1 North, Range 1 West of the Willamette Meridian, Washington County, Oregon; thence west along the south line of said Section 34 to the point of beginning.

EXHIBIT D

**BASED ON INFORMATION FROM THE WASHINGTON COUNTY
DEPARTMENT OF ASSESSMENT AND TAXATION**

	Tax Lot Number	Acreage	Measure 50	Building Value	Total Value
1	1S102CA00600	0.8	\$450	\$0	\$600
2	1S102CA00500	3.3	\$2,070	\$0	\$2,760
3	1S102CB00100	22.1	\$161,340	\$158,700	\$176,790
4	1S103AD00500	4.7	\$0	\$0	\$0
5	1S103A001600	15.6	\$16,641,550	\$16,633,280	\$24,825,760
6	1S102CB00600	1.9	\$519,630	\$116,200	\$1,008,090
7	1S102CB00500	0.8	\$227,240	\$18,120	\$355,100
8	1S102CB00400	0.4	\$222,780	\$89,290	\$415,460
9	1S103A001700	9.5	\$416,180	\$0	\$416,180
10	1S102CB00300	0.1	\$3,060	\$0	\$5,660
11	1S103A001900	30.8	\$11,890	\$0	\$15,990
12	1S103AB00100	20.4	\$1,337,660	\$1,700,500	\$2,127,390
13	1S103BA01100	7.8	\$634,960	\$0	\$1,003,020
14	1S103BA01000	8.2	\$0	\$0	\$183,000
15	1S103BA01200	1.6	\$472,300	\$0	\$747,280
16	1S103BA01300	1.0	\$537,810	\$502,080	\$855,300
17	1S103BA01400	0.4	\$92,740	\$10,250	\$189,760
18	1S103BA02100	0.3	\$305,140	\$310,170	\$429,050
19	1S103BA02000	0.5	\$1,029,490	\$1,271,580	\$1,518,510
20	1S103BA01900	0.3	\$157,610	\$93,410	\$223,930
21	1S103BA01800	0.2	\$95,530	\$107,740	\$211,260
22	1S103BA01700	0.3	\$85,370	\$12,160	\$133,680
23	1S103BA01600	0.2	\$21,830	\$0	\$35,520
24	1S103BA01500	1.8	\$4,246,970	\$3,385,680	\$4,435,780
25	1S103BA00400	0.8	\$285,480	\$0	\$461,940
26	1S103BA00600	0.3	\$798,660	\$1,042,410	\$1,247,270
27	1S103BA00300	2.4	\$831,160	\$0	\$1,344,940
28	1S103BA00200	0.5	\$178,970	\$0	\$289,600
29	1S103BA00100	0.4	\$158,140	\$0	\$255,890
30	1S103BA00700	0.1	\$0	\$0	\$0
31	1S103BA00800	3.5	\$2,763,730	\$3,780,820	\$4,716,040
32	1S103BA00900	2.8	\$0	\$0	\$27,000
33	1S103BB00200	0.3	\$170,160	\$88,640	\$261,490
34	1S103BB00500	4.1	\$476,230	\$110,890	\$749,290
35	1S103BB00600	5.0	\$0	\$0	\$97,800
36	1S103BB00900	0.2	\$98,920	\$51,410	\$149,550
37	1S103BB90000	1.7	\$0	\$0	\$0

	Tax Lot Number	Acreage	Measure 50	Building Value	Total Value
38	1S103BB90171	0	\$71,530	\$122,080	\$122,080
39	1S103BB90151	0	\$71,530	\$122,080	\$122,080
40	1S103BB90131	0	\$71,530	\$122,080	\$122,080
41	1S103BB90111	0	\$71,530	\$122,080	\$122,080
42	1S103BB90122	0	\$71,530	\$122,080	\$122,080
43	1S103BB90142	0	\$71,530	\$122,080	\$122,080
44	1S103BB90162	0	\$71,530	\$122,080	\$122,080
45	1S103BB90182	0	\$71,530	\$122,080	\$122,080
46	1S103BB90091	0	\$71,530	\$122,080	\$122,080
47	1S103BB90071	0	\$71,530	\$122,080	\$122,080
48	1S103BB90051	0	\$71,530	\$122,080	\$122,080
49	1S103BB90031	0	\$71,530	\$122,080	\$122,080
50	1S103BB90011	0	\$71,530	\$122,280	\$122,280
51	1S103BB90022	0	\$71,530	\$122,080	\$122,080
52	1S103BB90042	0	\$71,530	\$122,080	\$122,080
53	1S103BB90062	0	\$71,530	\$122,080	\$122,080
54	1S103BB90082	0	\$71,530	\$122,080	\$122,080
55	1S103BB90102	0	\$71,530	\$122,080	\$122,080
56	1S103BB01100	2.2	\$86,620	\$0	\$159,380
57	1S103BB01200	0.9	\$108,010	\$139,190	\$224,690
58	1S103BB01300	1.1	\$48,330	\$0	\$85,500
59	1S103BB01400	2.7	\$228,430	\$127,700	\$392,270
60	1N133DD00500	0.6	\$12,220	\$0	\$29,930

	Tax Lot Number	Acreage	Measure 50	Building Value	Total Value
	TOTALS	162.6	\$34,756,200	\$31,947,860	\$52,006,090

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Annexing Property Located at
3737 SW 117th Avenue and Commonly
Known as the Mobile Home Corral to the
City of Beaverton: Annexation 2004-0014

FOR AGENDA OF: 12/06/04 **BILL NO:** 04247

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 11/22/04

CLEARANCES: City Attorney [Signature]
Planning Services HB

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report Dated 11/19/04

BUDGET IMPACT

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

This request is to annex two tax parcels that total approximately 7.4 acres located at 3737 SW 117th Avenue to the City of Beaverton. These two parcels are commonly known as the Mobile Home Corral. This is what is commonly referred to as an island annexation and may proceed without the consent of the property owners or residents after the City Council holds a public hearing. It is being processed under ORS 222.750 and Metro Code 3.09.

INFORMATION FOR CONSIDERATION:

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

Beaverton Code Section 9.06.035A provides the City Council the option of adding this property to an appropriate Neighborhood Association Committee (NAC) at the time of annexation. The Neighborhood Office recommends adding this property to Central Beaverton Neighborhood Association Committee (NAC) boundary.

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective 30 days after Council approval and the Mayor's signature on this ordinance or the date the ordinance is filed with the Secretary of State, whichever is later.

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4335

AN ORDINANCE ANNEXING PROPERTY LOCATED AT 3737 SW 117TH AVENUE AND COMMONLY KNOWN AS THE MOBILE HOME CORRAL TO THE CITY OF BEAVERTON: ANNEXATION 2004-0014

- WHEREAS,** This annexation was initiated under authority of ORS 222.750, whereby the City may annex territory that is not within the City but that is surrounded by the corporate boundaries of the City, or by the corporate boundaries of the City and a stream, with or without the consent of property owners or residents; and
- WHEREAS,** This property is in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City and this action implements those policies; 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 30 days after Council approval and signature by the Mayor or the date the ordinance is filed with the Secretary of State, whichever is later.
- Section 2.** Pursuant to Beaverton Code Section 9.06.035A, this property shall be added to the Central Beaverton Neighborhood Association boundaries.
- Section 3.** The Council accepts the staff report, dated November 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 subsequent to this annexation.
- Section 4.** 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, if any, 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 remain within that district; and

e. The territory will remain within boundaries of the West Slope Water District.

Section 5. The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.

Section 6. 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 7. 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

Exhibit "B"

Mobile Home Corral Annexation
ANX2004-0014

A parcel of land being within the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ Section 10, Township 1 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the Northwest Corner of the William Lockerman Donation Land Claim (DLC) No. 45 said point also being on the centerline of SW Center Street; thence proceeding east along the north line of said DLC No. 45 to a point of intersection with the extension of the westerly right of way line of SW 117th Avenue; thence south, 7.50 chains along said westerly right of way line; thence west, parallel with the north line of said DLC No. 45 to a point on the west line of said DLC No. 45; thence North, 7.50 chains to the point of beginning.

**CITY of BEAVERTON****Exhibit C**

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

PETITION AND STAFF REPORT

TO: City Council **REPORT DATE:** November 19, 2004

HEARING DATE: December 6, 2004

FROM: Community Development Department
Hal Bergsma, Planning Services Manager
Alan Whitworth, Senior Planner

SUBJECT: Mobile Home Corral Island Annexation (ANX 2004-0014)

ACTIONS: Annexation to the City of Beaverton of the Mobile Home Corral located at the southwest corner of SW 117th Avenue and SW Center Street. The property is shown on the attached map and more particularly described by the attached legal description. The annexation of the property is City initiated and is being processed under ORS 222.750 and Metro Code 3.09.

NAC: This property is not currently within a Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that this territory be added to the Central Beaverton NAC.

AREA: Approximately 7.4 acres

TAXABLE BM 50 ASSESSED VALUE: \$ 1,584,100

ASSESSOR'S REAL MARKET BUILDING VALUE: \$ 1,250,360

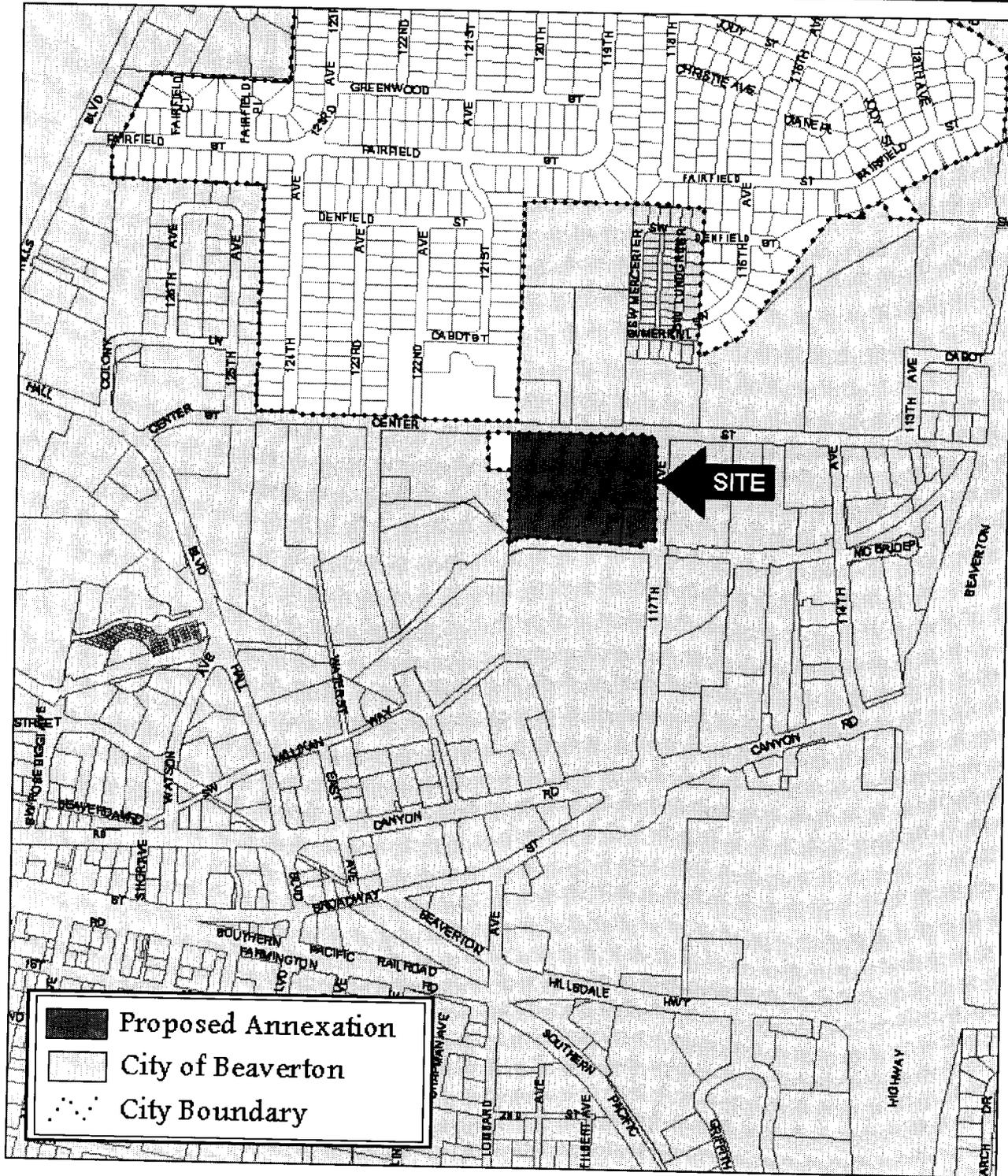
ASSESSOR'S REAL MARKET TOTAL VALUE: \$ 3, 151,160

NUMBER OF TAX LOTS: 2

RECOMMENDATION

Staff recommends the City Council adopt an ordinance annexing the referenced territory and adding it to the Central Beaverton Neighborhood Association Committee, effective thirty days after the Mayor's signature or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, which ever is later.

VICINITY MAP



City of Beaverton

Mobile Home Corral Annexation
 COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

12/08/04

Map #
1s110CD

006

Application #
ANX2004-0014

BACKGROUND

This is commonly referred to as an Island Annexation that is being processed under Oregon Revised Statutes Section 222.750 and Metro Code Chapter 3.09.

ORS 222.750 Annexation of unincorporated territory surrounded by city. When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, it is within the power and authority of that city to annex such territory. However, this section does not apply when the territory not within a city is surrounded entirely by water. Unless otherwise required by its charter, annexation by a city under this section shall be by ordinance or resolution subject to referendum, with or without the consent of any owner of property within the territory or resident in the territory.

The subject property is an island surrounded by the City of Beaverton. The City has chosen to annex the subject properties based on guidance provided by the City Council provided through their adoption of Resolution No. 3785 (Exhibit A) on November 1, 2004.

ORS 222.120 requires a public hearing to allow the electors of the City to appear and be heard on the question. It requires notice to be published in a newspaper of general circulation for a period of two weeks and notice to be posted in four public places for a similar period.

Metro Code Section 3.09.030 does not require a public hearing but does require waterproof posting of the notice in the general vicinity of the site and publishing notice in a newspaper of general circulation. The required notice to necessary parties and the posting are to be done at least 45 days prior to the date of decision. 3.09.050(b) requires the staff report to be available at least 15 days prior to the date of decision.

The request is to annex two tax parcels located in the southwest corner of SW 117th Avenue and SW Center Street. The area proposed for annexation is approximately 7.4 acres and has 86 dwelling sites.

The Neighborhood Office is recommending that this territory be added to Central Beaverton Neighborhood Association Committee.

MINIMUM REQUIREMENTS FOR PETITIONS

The following is from Metro Code:

3.09.040 Minimum Requirements for Petitions

(a) A petition for a boundary change shall be deemed complete if it includes the following information:

(1) The jurisdiction of the approving entity to act on the petition;

Finding: As defined by section 3.09.020(c) of the Metro Code, "Approving entity" means the governing body of a city, county, city-county or district authorized to make a decision on a boundary change, or its designee. ORS 222.111(2) states:

"A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by petition to the legislative body of the city by owners of real property in the territory to be annexed."

The Beaverton City Council directed the initiation of this annexation by its adoption of Resolution No. 3790 (Exhibit B). This annexation is allowed by ORS 222.750 without the consent of any owner of property within the territory or resident in the territory through ordinance adoption by the Council, subject to referendum.

(2) A narrative, legal and graphical description of the affected territory in the form prescribed by Metro Chief Operating Officer;

Finding: The Metro Chief Operating Officer has not prescribed a particular form for providing a narrative, legal and graphical description of a territory that would be affected by a proposed annexation. The practice has been to provide such information in a form prescribed by the State Department of Revenue. Consistent with Department of Revenue requirements, a map of the affected territory is included as page two of this petition/report, a narrative legal is attached to this petition/report (Exhibit C), and marked tax maps are in the project file. This complies with the requirements of Metro, the Oregon Department of Revenue, and the Oregon Secretary of State's Office.

(3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected

territory as shown in the records of the tax assessors and county clerk;

Finding: A list of the names and mailing addresses of all persons owning property and a list of all electors within the affected territory as shown in the records of the Washington County Assessment and Taxation Department are in the case file for this proposed annexation.

- (4) A listing of the present providers of urban services to the affected territory;

Finding: Sanitary sewers is provided by a Clean Water Services pipe which then flows into the City maintained system which then flows to Clean Water Services pipes for treatment. Storm water flows into a creek which then flows into a City of Beaverton maintained system. Potable water is presently provided by West Slope Water District. Fire protection and emergency medical service is presently provided by Tualatin Valley Fire and Rescue. Parks, open space, and recreation services are presently provided by Tualatin Hills Park and Recreation District. Public streets and roads are presently maintained by the City of Beaverton. Mass transit is presently provided by TRI-MET.

- (5) A listing of the proposed providers of urban services to the affected territory following the proposed boundary change;

Finding: Pursuant to a July 1, 2004 intergovernmental agreement between the City of Beaverton and Clean Water Services sanitary sewer pipes in the proposed annexation area that are smaller than 24-inches in diameter will be maintained by the City of Beaverton and pipes equal to or greater than 24-inches diameter will be maintained by Clean Water Services. Clean Water Services will also provide sewage treatment. Potable water will be provided by West Slope Water District. Fire protection and emergency medical service will be provided by Tualatin Valley Fire and Rescue. Parks, open space, and recreation services will be provided by Tualatin Hills Park and Recreation District. SW 117th Avenue and SW Center Street are and will continue to be maintained by the City of Beaverton. Mass transit will continue to be provided by TRI-MET.

- (6) The current tax assessed value of the affected territory; and

Findings: The current Ballot Measure 50 assessed value of the affected territory is \$1,584,100. This information is based on information from the Washington County Assessment and Taxation Department.

(7) Any other information required by state or local law.

Findings: No other information is required by state or local law.

(b) A City or county may charge a fee to recover its reasonable costs to carry out its duties and responsibility under this chapter.

Findings: The City of Beaverton has chosen not to charge a fee for annexations.

EXISTING CONDITIONS

SERVICE PROVISION:

The following analysis details the various services available to the properties to be annexed. Cooperative, urban service and intergovernmental agreements affecting provision of service to the subject properties 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 ORS Chapter 190 intergovernmental agreements with Clean Water Services and West Slope Water District.
- The City has been a party to a series of ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon", the last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency situation outside its jurisdiction when requested by another law enforcement agency.

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 in accordance with the mutual aid agreement described above.

FIRE:

Tualatin Valley Fire & Rescue (TVF&R) provides fire and

ambulance service to this area. The City annexed its own fire services to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.

SEWER:

The area is adequately served by sanitary sewer at this time. The property is served by an 8-inch pipe that enters the south west corner of the property and leaves the south edge of the property as a 14 inch pipe. There is also a 24-inch pipe in Center Street and a 30-inch pipe in 117th Avenue. If the area is annexed the City of Beaverton will take over maintenance of sanitary sewer pipes smaller than 24-inches in diameter and Clean Water Services will continue to maintain the larger pipes and provide sewage treatment. Upon annexation the City will be responsible for billing.

WATER:

West Slope Water District provides water service to the area. ORS 222.520 allows cities to assume water service responsibilities when annexing less than an entire district. However, the City entered into an intergovernmental agreement with West Slope in 1990 that the City would not withdraw property from the District upon annexation. West Slope will continue to provide service, maintenance and perform billing.

STORM WATER DRAINAGE:

The area is adequately served by storm sewers and drainage at this time. The property currently drains to a creek that runs through the site which then flows into the City of Beaverton maintained system. If the area redevelops at higher density, the issue of storm drainage will be dealt with through the development review process. Upon annexation billing responsibility will transfer to the City.

STREETS and ROADS:

The site has access from SW 117th Avenue, a City maintained collector.

PARKS and SCHOOLS:

The proposed annexation is within both the Beaverton School District and the Tualatin Hills Parks and Recreation District. Neither services nor district boundaries associated with these districts will be affected by the proposed annexation.

PLANNING, ZONING and BUILDING:

Washington County currently provides long-range planning, development review and building inspection for the property. Upon annexation, the City will provide those services. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations will be applied to this parcel in a separate action within six months of annexation.

PUBLIC INVOLVEMENT

Consistent with Metro Code Section 3.09.030, the City has sent notice of the proposed annexation on or before October 29, 2004 (45 days prior to the decision date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally a weatherproof sign with the notice mailed to the necessary parties attached was posted in the general vicinity of the affected territory. Affidavits of mailing and posting, including information on the location where the weatherproof sign was posted, are in the case file for this proposed application.

In compliance with ORS 222.120, notice of the hearing will be published once each week for two successive weeks prior to the day of the hearing in the Beaverton Valley Times newspaper; and notices of the proposed annexation will be posted in four public places in the city (at the Beaverton Post Office, the Beaverton City Library, the Beaverton City Hall, and in the lobby of the administrative offices of the Tualatin Hills Park and Recreation District) for a like period. Evidence that this notification was provided will be available at the public hearing.

Although not required by Metro Code or State statute, the City also sent the notice mailed to the necessary parties to the following parties at least 45 days in advance of the anticipated date of decision, December 13, 2004:

- the property owner of record as shown on the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and
- The Central Beaverton Neighborhood Association Committees and the Cedar Hills/Cedar Mill Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

The mailed notice and a copy of this petition/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 of this type:

3.09.050 Uniform Hearing and Decision Requirements for Final Decisions Other Than Expedited Decisions

(a) The following minimum requirements for hearings on decisions operate in addition to all procedural requirements for boundary changes provided for under ORS chapters 198, 221 and 222. Nothing in this chapter allows an approving entity to dispense with a public hearing on a proposed boundary change when the public hearing is required by applicable state statutes or is required by the approving entity's charter, ordinances or resolutions.

Findings: A public hearing has been scheduled and noticed for December 6, 2004.

3.09.050 (b) Not later than 15 days prior to the date set for a decision, the approving entity addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

Findings: Urban Services are defined by Metro Code Section 3.09.020(m) as "...sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit." The area is currently served by sanitary sewers. The City of Beaverton will take over maintenance of all pipes less than 24-inches in diameter pursuant to an "Intergovernmental Agreement Between City of Beaverton and Clean Water Services" entered into as of July 1, 2004. The area is served by West Slope Water District and they have the capacity to continue serving the area. Fire protection is provided by Tualatin Valley Fire and Rescue which is the provider for the entire City of Beaverton and they have the capacity to serve the area. Parks, open space and recreation are provided by the Tualatin Hills Park and Recreation District which will continue to provide those services. This area has access from SW 117th, a collector. TRI-MET provides mass transit to the area with a transit center abutting the subject territory on its southwest corner, which is served by light rail and eleven bus lines.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

Findings: 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. These agreements follow a standard format, and prescribe coordination of the planning and development activities of the parties through notification to provide each with the opportunity to participate, review and comment on proposed comprehensive plan and land use regulation amendments and development actions requiring individual notice to property owners, as well as other specified activities. Annexations are not listed as actions that require notification of the other parties to the cooperative agreements. In fact, annexations are defined as not being development actions or land use regulation amendments. Therefore, the ORS Chapter 195 cooperative agreements listed above does not appear to be relevant to this proposed annexation.

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. The agreement defines long-term service areas for each party, independent of whether the area is in or outside the City. The subject area is not defined by the agreement as being within the long-term service area of either party, and the proposed annexation would not change that. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.

The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. The new agreement defines the subject area as being within the Beaverton Area for assuming maintenance responsibility where, subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would transfer. If the proposed annexation is approved, it is the City's intent to notify Clean Water Services by January 1, 2005 that the City will assume the maintenance responsibilities for the area as previously described as of July 1, 2005.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

Findings:

Comprehensive Plans: *The only relevant policy of the City of Beaverton's Comprehensive Plan is Policy 5.3.1.d, which states "The City shall seek to eventually incorporate its entire Urban Services Area." The subject*

territory is within Beaverton's Assumed Urban Services Area, which is Figure V-1 of the City of Beaverton's Acknowledged Comprehensive Plan.

After reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 598) as well as ordinances adopted subsequently up to the date of this staff report that amended the Comprehensive Framework Plan, staff finds that the following provisions may be applicable to this proposed annexation:

- *A paragraph in the "County-Wide Development Concept" at the beginning of the Comprehensive Framework Plan which states:*

As development occurs in accordance with this development concept, issues of annexation or incorporation may arise. Annexation or incorporation issues will necessarily relate to various other planning issues such as community identity, fiscal impacts of growth and service provision, coordination between service providers to achieve efficiencies and ensure availability, etc. As such issues arise; the County should evaluate community identity as an issue of equal importance with public service provision issues when developing policy positions on specific annexation or incorporation proposals.

Staff views this statement as direction to the County itself in how to evaluate annexation proposals, and not specific guidance to the City regarding this specific proposal. As a necessary party, the County has an opportunity to comment on and appeal this proposed boundary change if it appears at the scheduled December 6, 2004 hearing on the proposal and states reasons why they believe the boundary change is inconsistent with the approval criteria (see Metro Code section 3.09).

- *Policy 15 of the Comprehensive Framework Plan, relating to Roles and Responsibilities for Serving Growth, says:*

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Two implementing strategies under Policy 15 that relate to annexation state:

The County will:

- f. *If appropriate in the future, enter into agreements with service providers which address one or more of the following:*

3. *Service district or city annexation*
 - g. *Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.*

The City of Beaverton, Washington County and the other urban service providers for the subject area have been working off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues have been resolved, a few issues remain between the County and the City that have prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. In staff's view, this can be resolved subsequent to annexation of the subject area and need not delay this proposed annexation.

Staff has reviewed other elements of the County Comprehensive Plan, particularly the Cedar Hills - Cedar Mill Community Plan that includes the subject area, and was unable to identify any provision relating to this proposed annexation.

Public Facilities Plans: The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewerage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. The only relevant urban service defined by Metro Code Section 3.09.020(m) that will change subsequent to annexation is the maintenance of sanitary sewer lines under 24" in diameter.

The change in sanitary sewer line maintenance is consistent with the aforementioned IGA between the City and Clean Water Services, which in turn is consistent with facilities master plans of both agencies.

Staff is could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.

The regional framework plan, functional plan, and regional urban growth goals and objectives: *These Metro documents do not specifically address minor boundary changes of this type.*

The Washington County - Beaverton Urban Planning Area Agreement: *Adopted in 1989, this agreement does not contain provisions relating to annexations, other than (1) calling for execution of a memorandum of understanding outlining the methodology for transferring County records regarding land use activities to the City after annexation; (2) calling for execution of a memorandum of understanding outlining responsibilities for collection of fees, inspections and drainage districts on platted subdivisions annexed to the City; and (3) prescribing that when the City applies plan and zoning designations subsequent to annexation that a table in the agreement be followed in determining which to apply based on existing County designations, or that the most similar designation be applied. The City is presently drafting a memorandum of understanding on records transfer for County consideration, and the City will also enter into a memorandum of understanding regarding fees collection and inspections if necessary (drainage maintenance districts are no longer used by Washington County). It has been the City's practice in the past to comply with the provision relating to the application of City plan and zone designations, and through a subsequent process that will be done in this case if the area is annexed.*

As discussed previously in this report, this annexation is consistent with all other agreements that the City is party to relating to annexations.

- (4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

Findings: The affected territory will be withdrawn from the Enhanced Sheriff's Patrol District (ESPD) and the Urban Road Maintenance District (URMD). The subject territory will not be withdrawn from the legal boundary of any other necessary party by this action.

- (5) The proposed effective date of the decision.

Findings: The effective date for this annexation is thirty (30) days after the Mayor's signature on the ordinance or the date the records of the annexation are filed with the Secretary of State (ORS 222.180), which ever is later.

3.09.050 (c) In order to have standing to appeal a boundary change to Section 3.09.070 a necessary party must appear at the hearing in person or in writing and state reasons why the necessary party believes the boundary change is inconsistent with the approval criteria. A necessary party may not contest a boundary change where the boundary change is explicitly authorized by an urban services agreement adopted pursuant to ORS 195.065. At any public hearing, the persons or entities proposing the boundary change shall have the burden to prove that the petition meets the criteria for a boundary change.

Findings: This section of Metro Code is included in this report for information only. It is not a criterion for decision. The City of Beaverton is the entity proposing this boundary change, and acknowledges that it has the burden to prove that the petition meets relevant criteria. The purpose of this petition/staff report is to prove that the relevant criteria for a boundary change under Metro Code have been met.

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: Existing agreements relevant to this annexation are discussed in findings above addressing Section 3.09.050(b)(2) of the Metro Code. The City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the city, although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan. The City has entered into one agreement that has been designated an ORS 195.065 Urban Service Agreement with Tualatin Valley Water District but that agreement is not relevant since this property is not within the district.

- (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: The acknowledged Washington County - Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. As explained previously in this report, in findings addressing Metro Code Section 3.09.050(b)(3), the

UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process. Findings discussing other relevant agreements, and demonstrating that the proposed annexation is consistent with those agreements, are located in the findings of this report addressing Metro Code Section 3.09.050(b)(2).

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

Findings: The 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. There are no other specific directly applicable standards or criteria for boundary changes in Beaverton's Comprehensive Plan, Washington County's Comprehensive Plan, or the Public Facilities Plans of either jurisdiction 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 petition/staff report contains information addressing how the provision of public facilities and services to the subject area would be affected by this annexation. As noted previously in this report, only one legally relevant urban service would change as a result of the proposed annexation, the maintenance of sanitary sewer pipes under 24" in diameter. The City would also assume primary responsibility for police protection, maintenance of storm drainage facilities, maintenance of street lights, and planning, development review and building permit issuance. The provision of public facilities to the area will not change.

The City has sufficient staff and budgetary resources to accommodate the provision of the public facilities and services, for which it would be responsible, to the subject area. The City's 2004-2005 Fiscal Year (FY) tax rate is approximately \$4.10 per thousand dollars of assessed property value, including the tax rate for bonded debt. The FY 2004-2005 tax rate, excluding bonded debt, is \$3.68 which is less than the City's authorized tax rate of \$4.62 authorized under State Ballot Measure 50 in 1997. This allows the City to generate more property tax revenues if needed to provide public facilities and services in a timely and orderly manner. The Beaverton City Council, however, is careful to balance the need to provide city facilities and services at an adequate level with the need to be good stewards of the taxpayers' money. The City Council has set eight goals for the City. Three of those goals that are relevant to this discussion are:

- Use City resources efficiently to ensure long-term financial stability;*
- Continue to plan for, improve and maintain the City's infrastructure;*
and
- Provide responsive, cost effective service to the community.*

One service that the City is especially concerned about providing at a high level is police protection. As a result of the passage of City Ballot Measure 34-52 in 1996, the City has maintained a ratio of approximately 1.5 police officers per thousand population. This contrasts with a ratio of approximately 0.9 officers per thousand population in the County's Enhanced Sheriff's Patrol District (ESPD), which presently encompasses the subject area. Partly because of this higher number of police officers per thousand population, in addition to other factors such as the present location of several high value industrial and commercial properties just outside the city but in the ESPD and the Urban Road Maintenance District (URMD), the City's tax rate is higher than the rate presently paid to those special districts. After annexation, area property owners would pay approximately \$2.72 more per thousand dollars in assessed valuation than they presently do, based on FY 2004-2005 tax rates. A decrease in the differential is possible in future years if higher value properties are annexed to the City and removed from the ESPD and URMD.

Based on the above information, staff concludes that the proposed annexation will not interfere with the timely, orderly and economic provision of public facilities and services, and that the City is financially able to provide the urban services that it will take over from CWS and the County. Staff is not aware of any evidence that such a takeover will interfere with County's ability to continue to provide those services to areas remaining within the jurisdiction of the County's Urban Road Maintenance District or Enhanced Sheriff's Patrol District.

(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 under criterion number (3) above. The applicable Comprehensive Plan policy cited under criterion number (3) above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003, meaning it became unnecessary for the City to address the Statewide Planning Goals after that date in considering proposed annexations. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton does have Annexation Policies (Exhibit A to this Petition/Staff Report) adopted by resolution and this proposed annexation is consistent with those policies. 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 (e) When there is no urban service agreement adopted pursuant 195.065 that is applicable, and a boundary change decision is contested by a necessary party, the approving entity shall also address and consider, information on the following factors in determining whether the proposed boundary change meets the criteria of Sections 3.09.050(d)and (g). The findings and conclusions adopted by the approving entity shall explain how these factors have been considered.

Findings: *There is no comprehensive urban service agreement adopted pursuant to ORS 195.065 that is applicable to this area. At the time this staff report was completed, however, no necessary party had contested the proposed annexation. Nevertheless, staff has chosen to briefly address each of the applicable factors below, reserving the right to supplement the findings for each factor if the boundary change decision is contested by a necessary party.*

(1) The relative financial, operational and managerial capacities of alternative providers of the disputed urban services to the affected area;

Findings: Metro Code [3.09.020(m)] and Oregon Revised Statutes 195.065(4) defines "Urban Services" as meaning sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. The providers of these urban services are not in dispute for the area proposed for annexation if the annexation is approved, and there is no evidence that their financial, operational and managerial capacities to serve the area are inadequate.

- (2) The quality and quantity of the urban services at issue with alternative providers of the urban services, including differences in cost and allocations of costs of the services and accountability of the alternative providers;

Findings: The only provider of legally relevant urban service that will change as a result of this proposed annexation is maintenance of sanitary sewers. Sanitary sewer maintenance responsibility for pipes smaller than 24 inches in diameter will shift from Clean Water Services to the City's Operations Department. There is no evidence that the quality or quantity of this service will be reduced as a result of the proposed annexation, or that there will be significant differences in their cost, allocation of costs or the accountability of the alternative provider.

- (3) Physical factors related to the provision of urban services by alternative providers;

Findings: As noted above, the only providers of legally relevant urban services that will change as a result of this proposed annexation are maintenance of sanitary sewers. There is no evidence of physical factors that would adversely affect the City's ability to provide this service as compared to the present provider.

- (4) For proposals to create a new entity the feasibility of creating the new entity.

Findings: No new entity is proposed and this criterion is not applicable.

- (5) The elimination or avoidance of unnecessary duplication of facilities;

Findings: The City of Beaverton has previously taken action to eliminate and avoid the unnecessary duplication of facilities. Beaverton has annexed itself to the Tualatin Valley Fire and Rescue District because it was determined that the District could provide services and operate its facilities at a higher economy of scale. For the same reason, virtually all of Beaverton is in the Tualatin Hills Park and Recreation District. Beaverton is part of Washington County Cooperative Library System, allowing use of

the City's highly rated library by all county residents, and use of other library facilities in the county by City residents. As previously discussed, pursuant to an intergovernmental agreement the City works cooperatively with Clean Water Services to maintain sanitary sewer pipes less than 24" in diameter within the City limits as well as to maintain certain storm water management facilities. This property will remain in the West Slope Water District. The City of Beaverton is a member of the Joint Water Commission (JWC), an intergovernmental group whose members also include Hillsboro, Forest Grove, and the Tualatin Valley Water District, which has jointly developed and operates water reservoirs and transmission lines. This proposed annexation will not create any duplication of facilities.

(6) Economic, demographic and sociological trends and projections relevant to the provision of the urban services;

Findings: This property is in Washington County's Cedar Hills/Cedar Mill Community Plan and there are no special policies that apply to it. It is zoned R-25+. That means twenty-five plus dwelling units to the acre. Both designations have resulted in County zoning that calls for more intense urban development, allowing higher density office, retail and residential land uses. The property is in Beaverton's Regional Center and it will receive a similar zoning. There is no evidence that the City of Beaverton will be unable to provide the services to this area for which it will be responsible given its economic, demographic and sociological trends and projections.

(7) Matching the recipients of tax supported urban services with the payers of the tax;

Findings: The Beaverton Police Department responds to emergency calls outside of the City limits. Beaverton provides approximately 1.5 police officers per 1,000 population compared to Washington County's Enhanced Sheriff Patrol District which provides approximately 0.9 deputies per 1,000 population. The property is located approximately one-half mile from the Beaverton Police Department headquarters and the City's police frequently patrol the area. The City is providing police protection to this unincorporated island and receiving no revenues in return. This annexation will provide tax revenues to support this service.

(8) The equitable allocation of costs to alternative urban service providers between new development and prior development; and

Findings: As explained above, as a result of the proposed annexation the City will take over maintenance of sanitary sewer pipes under 24-inches in

diameter. No other relevant urban service providers will change. There is no evidence that the change in service provision that would result from the proposed annexation will result in an inequitable allocation of costs to the previous service provider of the specified service and the City between new development and prior development.

(9) Economies of scale.

Findings: The City of Beaverton's current boundaries create an inefficient situation for provision of urban services. The City of Beaverton believes it is the logical provider of services for our assumed urban service area, including the area that is the subject of this proposed annexation. There is no evidence that the City cannot offer the services for which it will be responsible in the area after annexation at an economy of scale that meets or exceeds that which is available to present service providers.

(10) Where a proposed decision is inconsistent with an adopted intergovernmental agreement, that the decision better fulfills the criteria of Section 3.09.050(d) considering Factors (1) through (9) above.

Findings: There is no evidence that the proposed annexation of the subject territory is inconsistent with the various intergovernmental agreements relating to annexation that the City of Beaverton is party to.

3.09.050 (f) A final boundary change decision by an approving entity shall state the effective date, which date shall be no earlier than 10 days following the date that the decision is reduced to writing, and mailed to all necessary parties. However, a decision that has not been contested by any necessary party may become effective upon adoption.

Findings: The effective date for this annexation is recommended to be 30 days after the mayor signs an ordinance adopted by the City Council approving the annexation or the date the ordinance is submitted to the Secretary of State, by Metro, as provided in ORS 222.180 and Metro Code 3.09.030(e), which ever is later.

3.09.050 (g) 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 proposed annexation because the territory in question has been inside of the Portland Metro Urban Growth Boundary since the boundary was created.

CONCLUSION

Based on the information and findings in this petition and staff report, staff concludes that the proposed annexation should be approved by the Council through adoption of a City ordinance.

- Exhibits:**
- A. Resolution No. 3785
 - B. Resolution No. 3790
 - C. Legal Description

EXHIBIT A

RESOLUTION NO. 3785

A RESOLUTION ESTABLISHING CITY OF BEAVERTON URBAN SERVICE AREA AND CORPORATE LIMITS ANNEXATION POLICIES

WHEREAS, the City of Beaverton presently has no defined policies regarding annexation of adjacent urban unincorporated areas, including unincorporated islands; and

WHEREAS, the City's progress toward annexing its assumed urban services area has been slow; and

WHEREAS, previous incremental annexations have resulted in City limits that are odd and create confusion about their location, with many unincorporated "islands" surrounded by properties within the City; and

WHEREAS, the City desires to create more logical boundaries and create complete incorporated neighborhoods; and

WHEREAS, a more assertive policy toward annexation of certain types of properties could improve the City's ability to provide services to its residents efficiently and at a reasonable cost; and

WHEREAS, a more assertive annexation policy could result in more City control of development in adjacent unincorporated areas that could affect the City; and

WHEREAS, the Washington County 2000 policy is to have all urban unincorporated areas annexed by cities over time; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON

Council directs the Mayor to pursue the annexation of properties in adjacent urban unincorporated areas in accordance with the policies in Attachment A to this resolution.

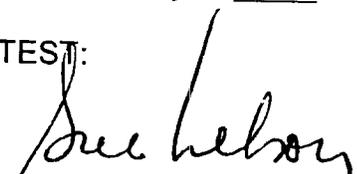
Adopted by the Council this 1st day of November, 2004.

Approved by the Mayor this 2ND day of NOVEMBER, 2004.

Ayes: 4

Nays: 0

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor

City of Beaverton Urban Service Area and Corporate Limits Annexation Policies

A. City of Beaverton Urban Service Area Policy

The City remains committed to annexing its urban services area over time, but the City will be selective regarding the methods of annexation it chooses to use. The City of Beaverton prefers to avoid use of annexation methods that may force annexation against the will of a majority of voters in larger unincorporated residential neighborhoods. The City is, however, open to annexation of these areas by other means where support for annexation is expressed, pursuant to a process specified by State law, by a majority of area voters and/or property owners. The City is open to pursuing infrastructure/service planning for the purposes of determining the current and future needs of such areas and how such areas might best fit into the City of Beaverton provided such unincorporated residents pursue an interest of annexing into the City.

B. City of Beaverton Corporate Limits Policy

The City of Beaverton is committed to annexing those unincorporated areas that generally exist inside the City's corporate limits. Most of these areas, known as "islands", generally receive either direct or indirect benefit from City services. The Washington County 2000 Policy, adopted in the mid-1980s, recognizes that the County should not be a long-term provider of municipal services and that urban unincorporated areas including unincorporated islands should eventually be annexed to cities. As such, primarily through the use of the 'island annexation method', the City's objectives in annexing such areas are to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In order to achieve these stated objectives, the City chooses to generally pursue the following areas for 'island annexation' into the City of Beaverton:

- Undeveloped property zoned for industrial, commercial uses or mixed uses;
- Developed or redevelopable property zoned for industrial, commercial or mixed uses;
- Undeveloped or redevelopable property zoned for residential use;
- Smaller developed property zoned residential (within a neighborhood that is largely incorporated within the City of Beaverton).

EXHIBIT B

RESOLUTION NO. 3790

A RESOLUTION DIRECTING CITY INITIATION OF
ANNEXATION OF TERRITORY

WHEREAS, the City of Beaverton has adopted Urban Service Area and Corporate Limits Annexation Policies; and

WHEREAS, the City's progress toward annexing its assumed urban services area has been slow; and

WHEREAS, previous incremental annexations have resulted in City limits that are odd and create confusion about their location, with many unincorporated "islands" surrounded by properties within the City; and

WHEREAS, the City desires to create more logical boundaries and create complete incorporated neighborhoods; and

WHEREAS, a more assertive policy toward annexation of certain types of properties could improve the City's ability to provide services to its residents efficiently and at a reasonable cost; and

WHEREAS, a more assertive annexation policy could result in more City control of development in adjacent unincorporated areas that could affect the City; and

WHEREAS, the Washington County 2000 policy is to have all urban unincorporated areas annexed by cities over time; and

WHEREAS, the City now needs to identify particular areas to begin implementing the adopted Annexation Policies; therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
BEAVERTON, OREGON**

Council directs the Mayor to pursue the annexation of territory identified on the map attached hereto as Exhibit A to this resolution.

Adopted by the Council this 15th day of November, 2004.

Approved by the Mayor this 16th day of NOVEMBER, 2004.

Ayes: 5

Nays: 0

ATTEST:


SUE NELSON, City Recorder

APPROVED:

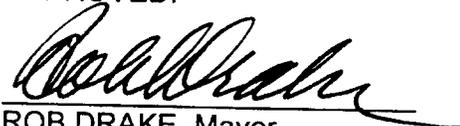

ROB DRAKE, Mayor

EXHIBIT C

Mobile Home Corral Annexation
ANX2004-0014

A parcel of land being within the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ Section 10, Township 1 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the Northwest Corner of the William Lockerman Donation Land Claim (DLC) No. 45 said point also being on the centerline of SW Center Street; thence proceeding east along the north line of said DLC No. 45 to a point of intersection with the extension of the westerly right of way line of SW 117th Avenue; thence south, 7.50 chains along said westerly right of way line; thence west, parallel with the north line of said DLC No. 45 to a point on the west line of said DLC No. 45; thence North, 7.50 chains to the point of beginning.