



FINAL AGENDA

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

REGULAR MEETING
JUNE 14, 2004
7:00 p.m.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

Flag Day: June 14, 2004

CITIZEN COMMUNICATIONS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of Regular Meeting of May 17, the Emergency Special Meeting of May 19 and the Special Meeting of June 8, 2004.

- 04104 Liquor Licenses: New Outlets – Hyundai Oriental Food & Gifts; La India Bonita 2
- 04105 A Resolution Stating the Official Results of the May 18, 2004 Primary Election (Resolution No. 3757)
- 04106 A Resolution Adopting the Revised Emergency Response and Recovery Plan (Resolution No. 3758)
- 04107 A Resolution Adopting Updated Planning Commission Bylaws (Resolution No. 3759)
- 04108 Traffic Commission Issues 548-551
- 04109 Authorization to Enter into an Intergovernmental Agreement for the Exchange of Federal MTIP Funds for State Transportation Funds for the Extension of SW Murray Boulevard
- 04110 Tualatin Basin Goal 5 Project Funding Update

04111 Authorize Amendment to Intergovernmental Agreement with Washington County Cooperative Library Services Regarding the Provision of Telephone Reference Service

04112 Authorize Intergovernmental Agreement with Washington County Cooperative Library Services Regarding the Washington County Inter-Library Information Network Agreement (WILInet)

Contract Review Board:

04113 Bid Award – Cedar Hills Boulevard Phase 2 Overlay Project

PUBLIC HEARING:

04114 Appeal Hearing on Traffic Commission Issue TC 500 Regarding Left Turn Restrictions on SW Greenway at the Driveway Near Hall Boulevard

04115 SNC 2004-0001 Street Name Change of SW Millikan Boulevard to SW Millikan Way

ORDINANCES:

First Reading:

04116 TA 2004-0005 (Spring 2004 Omnibus) (Ordinance No. 4312)

04117 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map, for Property Located at 1115 NW 158th Avenue, CPA 2004-0007/ ZMA 2004-0007 (Ordinance No. 4313)

04118 An Ordinance Annexing Property Generally Located at 9775 SW Denney Road to the City of Beaverton: Expedited Annexation 2004-0010 (Ordinance No. 4314)

04119 An Ordinance Amending Ordinance No. 4187 Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map, for Property Located at 9775 SW Denney Road; CPA 2004-0009/ ZMA 2004-0009 (Ordinance No. 4315)

Second Reading:

04100 An Ordinance Annexing Property Generally Located at 1115 NW 158th Avenue to the City of Beaverton. Expedited Annexation 2004-0007 (Ordinance No. 4310)

COUNCIL ITEMS:

Televised City Council Meetings

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) (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) (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 526-2222/voice TDD.

PROCLAMATION

OFFICE OF THE MAYOR CITY OF BEAVERTON



- WHEREAS,** by Act of Congress of the United States dated June 14, 1777; the first official Flag of the United States was adopted; and
- WHEREAS,** by Act of Congress dated August 3, 1949, June 14th of each year was designated "National Flag Day"; and
- WHEREAS,** the Congress has requested the President to issue annually a proclamation designating the week in which June 14th occurs as "National Flag Week"; and
- WHEREAS,** on December 8, 1982, the National Flag Day Foundation was chartered to conduct educational programs and to encourage all Americans to Pause for the Pledge of Allegiance on Flag Day, June 14th; and
- WHEREAS,** by Act of Congress, dated June 20, 1985, Public Law 99-54 was passed to have the Pause for the Pledge of Allegiance as part of the celebration of National Flag Day throughout the nation; and
- WHEREAS,** Flag Day celebrates our nation's symbol of unity, a democracy in a republic, and stands for our country's devotion to freedom, to the rule of all, and to equal rights for all;

NOW, THEREFORE, I, ROB DRAKE, MAYOR, of the City of Beaverton, do hereby proclaim June 14, 2004, as:

FLAG DAY

in the City of Beaverton and urge all citizens to pause wherever they are at 7:00 p.m. EDT on this date for the annual PAUSE FOR THE PLEDGE OF ALLEGIANCE to the Flag and join all Americans in reciting the Pledge of Allegiance to our Flag and Nation.

Rob Drake
Mayor



DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
MAY 17, 2004

POLICE DEPARTMENT HOLDING FACILITY INSPECTION:

At 6:06 p.m. the City Council met and Police Lieutenant David Gilbert conducted the Annual Inspection of the Police Department Holding Facility. Present at the inspection were: Mayor Rob Drake, Couns. Betty Bode, Dennis Doyle, Fred Ruby, Forrest Soth and Cathy Stanton. Also present was Deputy City Recorder Catherine Jansen.

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, May 17, 2004, at 6:34 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, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Captain Stan Newland, Utilities Engineer Dave Winship, Emergency Manager Mike Mumaw and Deputy City Recorder Catherine Jansen.

PROCLAMATIONS:

Mayor Drake proclaimed May 2004 as National Bike Month.

PRESENTATIONS:

04094 Presentation by Marci Hosier, Executive Director, Tualatin Valley Television

Marci Hosier, Executive Director, Tualatin Valley Television (TVTV), introduced Paul Sander, the new Chair of the Metropolitan Area Communications Commission (MACC).

Sander thanked Council for the support the City of Beaverton had provided to TVTV over the years and said he hoped to continue what had been a fruitful relationship.

Hosier explained the past year was successful for TVTV; programming increased by nine percent and reservations for the use of TVTV's equipment and facilities increased by a little over ten percent.

Hosier said a new program, "Talk of the Town" was started which enabled the cities and organizations in the area to talk about current issues, without having to create an independent program. She said the City's Chief of Staff Linda Adlard was filmed on the program and spoke on the Aggressive Driver Campaign, the Asian Health Services Center and the Business Incubator; that program would be aired May 26th at 8:00 p.m. on Channel 30. She encouraged Councilors and City staff to think of ideas for future "Talk of the Town" programs that would run through the summer and fall.

Hosier stated in April TVTV stopped charging the cities for coverage of city council meetings and work sessions. She said this decision was based on the amount of franchise fees the cities contributed for the operation of TVTV. She added this would save the City of Beaverton \$1,000 annually. She reported this year the City staff produced several programs using TVTV equipment and the built-in studio at City Hall; these programs included the *City Learning Series*, *We Thought You'd Like to Know* (covering Code Services) and *Your City With Mayor Rob Drake*. She noted TVTV trained City staff to use the civic studio and editing equipment.

Hosier explained TVTV won several awards this past year including three International Communicators Awards, three Pegasus awards and the Best of the Northwest Overall Excellence for PEG (Public, Education and Government) programming awarded by the Northwest Regional Alliance for Community Media. She said from July 1, 2003 to date, TVTV provided \$635,000 in services to the communities it served. She said Beaverton citizens comprised thirty percent of TVTV's active data base of producers, sponsors and crews for programming. She added TVTV hosted Washington County's Video Voter's Guide, the Beaverton Candidate Forum and the Martin Luther King Day Celebration Showcase, and would air election results tomorrow night beginning at 8:00 p.m. on Channel 30. She thanked the City for allocating franchise fees to keep PEG media access operating in this area.

Coun. Soth stated it was amazing to see how TVTV had progressed since the time when the City first considered a cable television franchise. He said the progress was not just technical; it was also in the relationships between and among the participants, and in the realization that this was one place where the whole was greater than the sum of its parts. He said without cooperation and participation, they would not have gotten to this point. He thanked them for their work.

Coun. Stanton said she always checked Channels 28 and 30 first, to see what was happening.

Coun. Bode asked what the new program was that was filmed with the Chief of Staff.

Hosier explained it was "Talk of the Town", a thirty-minute program with two guests from different organizations. She said each guest had thirteen minutes to talk about a specific topic. She said today the City of North Plains talked about its policing issues and the Mayor of Hillsboro spoke on the helicopter noise issue.

Coun. Bode asked if they would entertain issues that increased livability, such as the City opening its first federally-certified health clinic to serve the under-served and under-insured.

Hosier replied they would entertain any topic dealing with the City or with organizations that serve the community. She said she was the producer and those who were interested in being on the program should contact her.

Coun. Doyle urged everyone to tour TVTV's new facility, noting it was impressive.

Mayor Drake advised Sander that since Hosier had been the Director, it was like a breath of fresh air in terms of accessibility and approachability. He thanked Hosier for her work.

CITIZEN COMMUNICATIONS:

There were none.

COUNCIL ITEMS:

Coun. Stanton reminded everyone the deadline to vote would be 8:00 p.m., tomorrow night, and ballots could be dropped off at the Library. She stated every vote was needed.

STAFF ITEMS:

Chief of Staff Linda Adlard explained this last year the Mayor's staff adopted a route for the Meals on Wheels Program; staff alternated on Thursdays to deliver the meals. She said she was proud of their participation and noted the staff also received a Certificate of Appreciation for participating in the Program.

CONSENT AGENDA:

Mayor Drake pulled Agenda Bill 04098 stating the bidder withdrew from the contract.

Coun. Soth stated Agenda Bill 04097 would be considered separately as it would require two motions of approval in order to be effective.

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

Minutes of May 10, 2004

04095 Liquor License: New Outlet – Fallbrook Station

04096 Changes to Classifications

Contract Review Board:

04097 PULLED FOR SEPARATE CONSIDERATION: A Resolution Relating to Personal Service Contracts Involving the Hiring of Professionals on Retainer to the City and Amending the City of Beaverton Rules of Procedure for Public and Personal Services Contracts (Resolution No. 3708, Adopted February 24, 2003). (Resolution No. 3756)

04098 PULLED – NO ACTION TAKEN. Authorization to Enter into Lease Negotiations with Vendor to Provide Food Concession Services at City Park Kiosk

04099 Land Purchase for a Future Water Storage Reservoir; and Council Authorization for Mayor to Sign Intergovernmental Agreement with Tualatin Hills Parks and Recreation District

04101 Contract Award - Solid Waste Rate Analysis and Services

Coun. Stanton stated she had some corrections/additions to the May 10, 2004 Minutes and she wanted to revise the last paragraph on page 7 of those minutes to read "Melvin said she was so allergic to fluoride, that she couldn't even shower in fluoridated water. She said a water filter for her home would cost about \$4,000.00." Council agreed to the revision to the minutes.

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

04097 A Resolution Relating to Personal Service Contracts Involving the Hiring of Professionals on Retainer to the City and Amending the City of Beaverton Rules of Procedure for Public and Personal Services Contracts (Resolution No. 3708, Adopted February 24, 2003). (Resolution No. 3756)

Coun. Soth reiterated that this item required two motions to comply with Oregon State law.

Coun. Soth MOVED, SECONDED by Coun. Doyle that the City Council approve Agenda Bill 04097, A Resolution Relating to Personal Service Contracts Involving the Hiring of Professionals on Retainer to the City and Amending the City of Beaverton Rules of Procedure for Public and Personal Services Contracts (Resolution No. 3708, Adopted February 24, 2003). Couns. Bode, Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0) (Resolution No. 3756)

Coun. Soth MOVED, SECONDED by Coun. Stanton that the Contract Review Board approve Agenda Bill 04097, A Resolution Relating to Personal Service Contracts Involving the Hiring of Professionals on Retainer to the City and Amending the City of Beaverton Rules of Procedure for Public and Personal Services Contracts (Resolution No. 3708, Adopted February 24, 2003). Couns. Bode, Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0) (Resolution No. 3756)

ORDINANCES:

Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Ruby, that the rules be suspended, and that the ordinance embodied in Agenda Bill 04100 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Bode, Doyle, Soth, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

First Reading:

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

04100 An Ordinance Annexing Property Generally Located at 1115 NW 158th Avenue to the City of Beaverton. Expedited Annexation 2004-0007 (Ordinance No. 4310)

Second Reading:

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

04093 An Ordinance Relating to the Emergency Management Code Amending Beaverton Code Section 2.01.020 (Ordinance No. 4309)

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the ordinance embodied in Agenda Bill 04093, 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 6:52 p.m.

Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this _____ day of _____, 2004.

Rob Drake, Mayor

BEAVERTON CITY COUNCIL
EMERGENCY SPECIAL MEETING
MAY 19, 2004

DRAFT

CALL TO ORDER:

The Emergency Special Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Second Floor Conference Room, City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, on Wednesday May 19, 2004 at 9:20 p.m. Present were Mayor Rob Drake, Couns. Cathy Stanton, Forrest Soth and Betty Bode. Couns. Fred Ruby and Dennis Doyle were excused. Also present were Chief of Staff Linda Adlard, City Attorney Alan Rappleyea, City Recorder Sue Nelson, and The Oregonian Reporter Dick Colby.

Coun. Soth MOVED, SECONDED by Coun. Bode, that Council move into executive session in accordance with ORS 192.660(1)(h) Legal Counsel and (1)(e) Real Property Transactions. Couns. Bode, Soth, and Stanton voting AYE, the MOTION CARRIED unanimously. (3:0)

The executive session convened at 9:20 p.m.

The executive session adjourned at 9:45 p.m.

Coun. Stanton MOVED, SECONDED by Coun. Soth that staff continue negotiations with those entities that were discussed in Executive Session. Couns. Bode, Stanton and Soth voting AYE, the MOTION CARRIED (3:0).

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 9:45 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this _____ day of _____, 2004.

Rob Drake, Mayor

BEAVERTON CITY COUNCIL
SPECIAL MEETING
JUNE 8, 2004

DRAFT

CALL TO ORDER:

The Special Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Second Floor Conference Room at City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, on Tuesday, June 8, 2004, at 7:00 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Betty Bode, Dennis Doyle, Fred Ruby, Forrest Soth and Cathy Stanton. Also present were Chief of Staff Linda Adlard, City Attorney Alan Rappleyea, Finance Director Patrick O'Claire, Assistant Finance Director Shirley Baron-Kelly, and Recording Secretary Joanne Harrington.

CONSENT AGENDA:

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

04102 Authorize Annexation Agreement Between the City of Beaverton and the Beaverton School District 48.

Coun. Stanton noted the agreement attached to Agenda Bill 04102 was unsigned. She asked if there was a signed agreement, since this agreement was referred to in the ordinance under Agenda Bill 04103, also being considered at this meeting.

City Attorney Alan Rappleyea explained the Council's first action on the agenda would be authorization to sign the agreement. If approved, the agreement would then be signed ostensibly, and then Council would consider the ordinance. He noted the agreement was approved by the Beaverton School District.

Coun. Stanton asked if the ordinance would not bind the City to the agreement, if the School District were to reverse its approval on any portion of the agreement.

Mayor Drake said that was correct. He noted the School District wanted to annex the property.

Chief of Staff Linda Adlard explained if there was a change, it would be brought back to Council.

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

PUBLIC HEARING:

04086 A Resolution Adopting a Supplemental Budget (#S-04-2) for the Fiscal Year Commencing July 1, 2003, and Making Appropriations Therefrom. (Resolution No. 3755)

Finance Director Patrick O'Claire reported that earlier this evening the Budget Committee deliberated on Supplemental Budget #S-04-2 for Fiscal Year 2003-04. The Committee approved the Supplemental Budget with three amendments and recommended approval to Council. He explained the supplemental budget was a year-end cleanup to ensure the City was in legal compliance with Oregon budget law and provided for expenditures the Council previously approved through the agenda bill process.

Mayor Drake asked if there had been any changes to the Supplemental Budget since the Budget Committee and Council received the document.

O'Claire replied there were no changes other than the three authorized amendments noted earlier.

Mayor Drake opened the public hearing and asked for public comment.

There was no one present who wished to speak.

Mayor Drake closed the public hearing.

Coun. Soth MOVED, SECONDED by Coun. Doyle that Council approve Agenda Bill 04086, A Resolution Adopting a Supplemental Budget (#S-04-2) for the Fiscal Year Commencing July 1, 2003 (as amended by the Budget Committee and forwarded to City Council) and Making Appropriations Therefrom. (Resolution No. 3755) Couns. Bode, Doyle, Ruby, Stanton and Soth voting AYE, the MOTION CARRIED unanimously. (5:0)

ORDINANCES:

First and Second Reading and Adoption:

Coun. Soth MOVED, SECONDED by Coun. Bode, that the rules be suspended, and that the ordinance embodied in Agenda Bill 04103 be read for the first time in full at this meeting and for the second time by title only at this same meeting. Couns. Bode, Doyle, Soth, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

City Attorney Alan Rappleyea read the following ordinance for the first time in full and for the second time by title only at this same meeting.

04103 An Ordinance Annexing Property Owned by the Beaverton School District, Located South of NW Cornell Road and West of NW 114th Avenue, to the City of Beaverton: Expedited Annexation 2004-0009. (Ordinance No. 4311)

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the ordinance embodied in Agenda Bill 04103 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 7:14 p.m.

Joanne Harrington,
Finance Recording Secretary

Transcribed by:

Catherine Jansen,
Deputy City Recorder

APPROVAL:

Approved this _____ day of _____, 2004.

Rob Drake, Mayor

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: LIQUOR LICENSES

FOR AGENDA OF: 06/14/04 **BILL NO:** 04104

NEW OUTLETS

Hyundai Oriental Food & Gifts
3482 SW Cedar Hills Blvd.
Beaverton, OR 97005

MAYOR'S APPROVAL: 

DEPARTMENT OF ORIGIN:

Police 

DATE SUBMITTED:

06/01/04

La India Bonita 2
12090 SW Allen Blvd.
Beaverton, OR 97005

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

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

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

INFORMATION FOR CONSIDERATION:

Ryan Oh and Jung Kim, have made application for an Off-Premises Sales License under the trade name of Hyundai Oriental Food and Gifts. The establishment is a grocery store and operates seven days a week from 9:00 a.m. to 9:00 p.m. There will be no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

Mirta and Genaro Ontiveros, are opening a new establishment and have made application for an Off-Premises Sales License under the trade name of La India Bonita 2. The establishment is a retail store and operates seven days a week from 9:00 a.m. to 9:00 p.m. There will be no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

RECOMMENDED ACTION:

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

Agenda Bill No: 04104

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: A Resolution Stating the Official Results of
the May 18, 2004 Primary Election

FOR AGENDA OF: 6/14/04 **BILL NO:** 04105

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Recorder 

DATE SUBMITTED: 6/08/04

CLEARANCES: City Attorney 
Chief of Staff 

PROCEEDING: CONSENT AGENDA

EXHIBITS: Resolution

BUDGET IMPACT

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

Section 25 of the Beaverton City Charter requires that the results of each election be entered into the record of the City Council. The usual form of that record is a resolution stating the official results of the election.

INFORMATION FOR CONSIDERATION:

The results of the May 18, 2004, Primary Election are detailed in the attached resolution.

RECOMMENDED ACTION:

Council approve the resolution stating the official results of the Primary Election of May 18, 2004.

RESOLUTION NO. 3537

**A RESOLUTION STATING THE OFFICIAL RESULTS
OF THE MAY 18, 2004 PRIMARY ELECTION TO NOMINATE CANDIDATES
TO THE OFFICES OF MAYOR AND CITY COUNCIL POSITIONS NO. 3 AND 4**

WHEREAS, on the 18th day of May, 2004, the regular primary election was held to nominate persons to the offices of Mayor and City Council Positions No. 3 and 4; and

WHEREAS, the Washington County Director of Elections issued to the City in accordance with state law, a copy of the Abstract of Votes following canvass of the votes, officially setting forth the results of the aforesated election, a copy of which is attached hereto, marked "Exhibit A" and incorporated by reference herein; and

WHEREAS, Section 25 of the Beaverton City Charter requires that the results of each election shall be entered in the record of the City Council; now therefore

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

Section 1. The official results of the May 18, 2004, Primary Election for electing an official for the office of Mayor, are as follows:

- A. The total number of votes cast for the Office of Mayor was 10,465
- B. The number of votes cast for each person was:

	<u>NAME</u>	<u>VOTES</u>
1)	Rob Drake	10,156
2)	Write-In Votes	309

- C. Based on the official canvass of returns and the official Abstract of Votes issued by the Washington County Director of Elections, Rob Drake having received a majority of the votes cast, is nominated to the office of Mayor.

Section 2. The official results of the May 18, 2004, Primary Election for electing an official for the office of City Council, Position Number 3, are as follows:

- A. The total number of votes cast for Position Number 3 was 8,636
- B. The number of votes cast for each person was:

	<u>NAME</u>	<u>VOTES</u>
1)	Cathy Stanton	8,507
2)	Write-In Votes	129

- C. Based on the official canvass of returns and the official Abstract of Votes issued by the Washington County Director of Elections, Cathy Stanton having received a majority of the votes cast, is nominated to the office of City Council Position Number 3.

Section 1. The official results of the May 18, 2004, Primary Election for electing an official for the office of City Council, Position Number 4, are as follows:

- A. The total number of votes cast for Position Number 5 was 10,966
- B. The number of votes cast for each person was:

	<u>NAME</u>	<u>VOTES</u>
1)	Keith Parker	4,775
2)	Catherine Arnold	6,141
3)	Write-In Votes	50

- C. Based on the official canvass of returns and the official Abstract of Votes issued by the Washington County Director of Elections, Catherine Arnold having received a majority of the votes cast, is nominated to the office of City Council Position Number 4.

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

Approved by the Mayor this _____ day of June, 2004.

AYES: _____

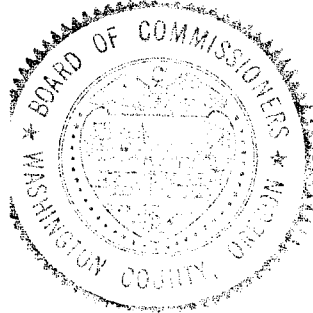
NAYS: _____

ATTEST:

APPROVED:

Sue Nelson, City Recorder

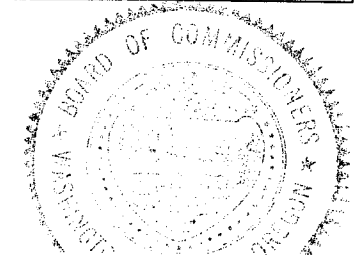
Rob Drake, Mayor

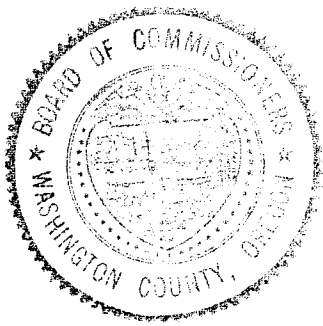


	COUNTY COMMISSIONER DIST 1				METRO COUNCILOR DIST 3				BEAVERTON CITY MAYOR			BEAVERTON CITY COUNCIL POSITION 3			BEAVERTON CITY COUNCIL POSITION 4			
	EILEEN QUITTEN	DICK SCHOUTEN	OVER VOTES	UNDER VOTES	STEVE SCHOPP	CARL HOSTICKA	OVER VOTES	UNDER VOTES	ROB DRAKE	OVER VOTES	UNDER VOTES	CATHY STANTON	OVER VOTES	UNDER VOTES	KEITH PARKER	CATHY ARNOLD	OVER VOTES	UNDER VOTES
302 KINNAMAN	299	277	1	129														
304 BUTTERNUT	374	325	1	156														
320 HAZELDALE	318	233	2	155														
322 JACKTOWN					7	3	0	5										
323 INDIAN HILLS	421	364	0	210														
325 HILLSBORO-ISLANDS	2	1	0	0														
348 LAKE OSWEGO					11	8	0	10										
349 DIVISION STREET	263	323	0	117	261	263	1	178										
350 FIR GROVE	631	802	5	319	525	648	4	578	1209	3	515	1038	2	708	639	740	6	369
351 ALOHA PARK	244	256	3	119														
352 BEAVERTON-CENTER	77	47	0	42	60	58	0	49	110	0	52	98	0	66	30	91	0	46
353 WALKER ROAD-SOUTH					198	197	0	177										
354 CHEHALEM SCHOOL	502	712	0	305	440	539	1	537	1013	3	483	852	0	655	479	665	3	371
356 ALOHA-WEST	192	191	0	134														
359 WATERHOUSE									952	1	401	779	0	586	452	544	0	373
360 PHEASANT LANE	253	283	1	141														
361 MILLIKAN	98	85	2	53					174	1	58	157	1	80	68	110	1	59
375 PORTLAND CITY					0	0	0	0										
378 CANYON LN									315	0	160	242	0	232	117	190	1	168
379 HALL BLVD	471	587	0	192	405	451	1	392	876	2	345	745	0	498	389	568	1	290
380 HIGHLAND PARK	373	428	0	163	317	343	1	302	668	0	268	543	0	411	331	376	1	256
381 BEAVERTON/CENTER ST	280	334	1	138	215	263	0	271	509	2	216	443	1	299	249	303	2	196
382 GREENWAY	433	433	2	165	359	364	0	310	739	0	274	638	0	394	332	447	0	252
383 BEAVERTON-HILLSDALE					133	229	0	212	357	0	211	296	0	273	174	222	1	175
384 GARDEN HOME					249	468	1	385										
385 PORTLAND GOLF CLUB					307	491	1	535										
386 RALEIGH PARK					315	733	1	701										
387 SUNSET CORRIDOR									39	0	35	36	0	38	17	27	0	30
388 WHITFORD					10	6	0	13	16	0	13	14	0	15	4	13	0	12
389 SEXTON MOUNTAIN	448	476	0	236	352	378	1	429	768	0	367	624	0	523	376	448	1	334
390 SOUTHRIDGE	535	606	2	215	435	457	3	463	916	2	412	782	1	567	460	529	1	369
391 PORTLAND CITY					19	23	1	23										
392 PORTLAND CITY COM 2					19	23	0	26										
393 MONTCLAIR					43	129	0	91	163	1	95	137	0	126	60	122	0	81
395 MURRAYHILL	360	326	0	155	271	279	0	290	603	0	225	475	0	363	270	326	0	245
396 DURHAM					83	122	0	96										
397 BULL MOUNTAIN					375	321	0	302										
398 COOPER MOUNTAIN					106	88	1	86										

399 METZGER					275	261	3	253										
400 WASHINGTON SQUARE					337	265	0	306										
401 MAY STREET					165	266	0	268										
402 TIGARD/WALNUT ST					107	133	0	120										
403 TIGARD/GAARDE ST					565	420	0	456										
404 FOWLER SCHOOL					355	257	1	331										
405 TUALITY SCHOOL					545	491	0	493										
406 TIGARD CITY HALL					386	378	1	373										
408 SUMMERFIELD					711	807	3	729										
409 SUMMERLAKE-WEST					290	217	0	273										
410 BEEF BEND RD					202	125	0	176										
411 SCHOLLS HEIGHTS					102	92	0	116	204	0	100	177	0	134	94	113	0	104
412 COOPER MT SCHOOL	258	232	1	116	231	174	0	202										
413 FISCHER/PACIFIC HWY					3	1	0	3										
414 BARROWS RD					164	116	0	102										
415 BEEF BEND/131 ST					78	135	1	109										
416 SUMMERLAKE-EAST					220	186	2	222										
417 ELDORADO					224	187	0	168										
418 HART ROAD	49	26	0	24	36	24	0	38	71	0	26	57	0	41	37	30	0	33
419 KING CITY					316	482	2	373										
420 TUALATIN CITY					480	403	1	361										
421 TRI-CITIES					1	6	0	1										
423 TUALATIN-NORTH					308	296	2	267										
424 NW SHERWOOD CITY					631	370	3	484										
425 SHERWOOD-UNINCORP					21	19	0	16										
426 GRONER					15	14	0	8										
427 SCHOLLS					0	0	0	0										
428 TUALATIN-WEST					142	97	0	142										
429 MILLER HILL	205	183	0	143	176	170	1	184										
432 WILSONVILLE					5	5	0	11										
433 ED BYROM SCHOOL					288	276	0	212										
434 ERROL HASSELL	409	413	0	289	397	319	0	393										
435 SE SHERWOOD CITY					466	274	0	375										
436 TUALATIN CITY					215	155	0	100										
437 HAZELBROOK					10	14	0	14										
438 SE COUNTY					81	59	0	60										
441 PORTLAND CITY-SOUTH					4	13	0	4										
442 KEMMER RD	104	54	0	44	73	65	0	64										
443 JENKINS/BASELINE	17	13	0	14														
445 SCHOLLS HTS N	58	41	0	46	64	27	0	54	87	0	56	72	0	72	45	46	0	54
446 LOMBARD	155	202	1	65	145	148	2	126	321	1	93	262	1	157	140	196	2	85
447 HWY 217 EAST	39	47	1	27	31	40	1	42										
448 CEDAR HILLS					23	21	0	14	43	0	16	38	0	21	12	32	0	14
449 CANYON/217					0	3	0	5	3	0	5	2	0	6	0	3	0	5
450 WALKER RD	21	17	0	3	14	18	0	9										
451 GRABHORN	68	75	0	35	75	51	0	52										
452 JOHNSON/185TH	293	249	0	165														
453 BASELINE/185TH	5	4	0	3														
454 BULL MT SPLIT					14	4	0	2										
455 S TIGARD/PACIFIC HW					0	0	0	0										
TOTALS	8255	8645	23	4118	14506	14768	40	14572	10156	16	4426	8507	6	6265	4775	6141	20	3921

Exhibit A (Pg. 2 of 3)





WASHINGTON COUNTY, OREGON
Write-In Tally – Primary Election, May 18, 2004

NON-PARTISIAN

NAME OF OFFICE	NAME OF CANDIDATE	VOTES CAST
SUPREME CT JUDGE POS. 4	MISC	225
SUPREME CT JUDGE POS. 7	MISC	243
APPEALS CT JUDGE POS. 7	MISC	223
SUPREME CT JUDGE POS. 5	MISC	856
APPEALS CT JUDGE POS. 4	MISC	737
APPEALS CT JUDGE POS. 9	MISC	756
CIRCUIT CT JUDGE DIST 20 POS. 1	MISC	722
CIRCUIT CT JUDGE DIST 20 POS. 8	MISC	806
CIRCUIT CT JUDGE DIST 20 POS. 10	MISC	757
COUNTY SHERIFF	MISC	341
COUNTY COMMISSIONER DIST 1	MISC	61
METRO COUNCILOR DIST 3	MISC	147
BEAVERTON CITY MAYOR	MISC	309
BEAVERTON CITY COUNCIL POS 3	MISC	129
BEAVERTON CITY COUNCIL POS 4	MISC	50
PORTLAND CITY MAYOR	MISC	1

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: A Resolution Adopting the Revised
Emergency Response and Recovery Plan

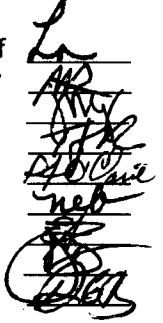
FOR AGENDA OF: 6-14-04 **BILL NO:** 04106

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Emergency Management 

DATE SUBMITTED: 5/26/04

CLEARANCES: Chief of Staff
City Attorney
CDD
Engineering
Finance
HR
Library
Operations
Police



PROCEEDING: CONSENT AGENDA

EXHIBITS: Resolution
City of Beaverton Emergency
Response and Recover Plan
(provided previously)

BUDGET IMPACT

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

The Emergency Response and Recovery Plan (ERRP) provides a framework to guide the City of Beaverton's efforts to respond to and recover from major emergencies or disasters. The City originally adopted the Emergency Response and Recovery Plan (ERRP) in May 1999 and is required to re-adopt the plan every four to five years, as part of its participation in the Emergency Management Performance Grant (EMPG) program.

INFORMATION FOR CONSIDERATION:

The plan was updated to reflect changes that have occurred over the past five years, that were not included in previous revisions of specific plan sections. The majority of the plan's operational content has not changed, with most of the revisions being in the format and layout of the plan sections. The City's Disaster Planning Team, which consists of members from each City Department, assisted with the plan's revision. Since, no changes were made to the Emergency Response and Recovery Plan since the Council's Work Session on May 10, 2004, and because of the size of the document, the Plan was not reprinted. The copy you received for the work session is applicable for this Agenda Bill. Also, a full copy of the Plan is on file in the City Recorder's Office for review.

RECOMMENDED ACTION:

City Council approve the resolution adopting the revised Emergency Response and Recovery Plan.

RESOLUTION NO. 3758

A RESOLUTION ADOPTING THE REVISED EMERGENCY RESPONSE
AND RECOVERY PLAN.

WHEREAS, the City of Beaverton is vulnerable to various natural, technological and manmade hazards which have the potential to affect the safety, health, and welfare of the population and cause damage or destruction to public and private property; and

WHEREAS, the City of Beaverton recognizes the need for a comprehensive incident management plan that addresses both response and recovery; and

WHEREAS, the City is required to re-adopt the plan every four to five years, as part of its participation in the Emergency Management Performance Grant (EMPG) program; and

WHEREAS, the Emergency Response and Recovery Plan was originally adopted in May 1999; and

WHEREAS, the revised Emergency Response and Recovery Plan reflects changes that have occurred in the plan since it was originally adopted, and

WHEREAS, the City Council is responsible for setting policy direction for emergency management through the adoption of an Emergency Management Plan (Beaverton Code 2.01.030),

WHEREAS, the Emergency Response and Recovery Plan was reviewed and revised in a cooperative effort of City staff; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beaverton adopts the revised Emergency Response and Recovery Plan.

Adopted by the Council this ____ day of June, 2004

Approved by the Mayor this ____ day of June, 2004

Ayes: ____

Nays: ____

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: A Resolution Adopting Updated Planning
Commission Bylaws

FOR AGENDA OF: 06-14-04 **BILL NO:** 04107

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 05-25-04

CLEARANCES: City Attorney
Dev. Serv. 

PROCEEDING: Consent

EXHIBITS: 1. Resolution
2. Draft PC Minutes Dated
April 28, 2004
3. Draft PC Minutes Dated
May 12, 2004

BUDGET IMPACT

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

On April 28, 2004, the Planning Commission reviewed the proposed update to the Planning Commission (Commission) Bylaws that rule and regulate the transaction of the Commission's business. The proposed update is part of a yearly review to ensure the Bylaws effectively govern the conduct of the Commission's work. The Commission determined the existing Bylaws are effective. The only significant amendment is to change the meeting start time to 6:30 p.m. from the existing 7:00 p.m. The Commission felt it is better to be consistent with the Council and Board of Design Review.

The Planning Commission voted 7-0 at their May 12, 2004 work session to adopt the new Planning Commission Bylaws as amended.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is the Resolution with the amended Planning Commission Bylaws and the draft Planning Commission meeting minutes.

RECOMMENDED ACTION:

Staff recommend the City Council approve the Resolution to adopt new Planning Commission Bylaws.

**A RESOLUTION ADOPTING REVISED BYLAWS AND RULES
OF PROCEDURE FOR THE ORGANIZATION OF AND
CONDUCT OF BUSINESS BY THE BEAVERTON PLANNING
COMMISSION.**

BE IT RESOLVED by the Planning Commission ("Commission") of the City of Beaverton, Oregon:

The following bylaws, rules, and regulations are hereby adopted by the Planning Commission for the transaction of its business effective on July 7, 2004:

ARTICLE I

GENERAL

Section 1. EXPLANATION AND INTERPRETATION

- (A) A seven member City Planning Commission has been established by Ordinance No. 1810, as amended. Ordinance No. 1810 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 Commission. The Commission 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 Commission 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 Commission's organization and procedures for the benefit of the Commission, applicants, and the general public. However, the omission in this resolution of any provision relating to the Commission 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 COMMISSION

Section 1. RESPONSIBILITIES

The purpose, objectives, and responsibilities of the City Planning Commission shall be:

- (A) Comprehensive Plan The Commission 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 Commission 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 Commission 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 Commission shall endeavor to advance cooperative and harmonious relationships with the City's Council, Board of Design Review, Committee for Citizen Involvement, Neighborhood Associations, other Planning Commissions, 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 Commission 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 Commission 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 Commission shall adopt and periodically review and amend rules of procedure. Rules of procedure shall govern the conduct of hearings and participation of Commission members on all matters coming before the Commission. 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 Commission 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 Commission. 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 Commission 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 Commission 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 Commission 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 Commission;
 2. Vote on all questions before the Commission;

3. Call special meetings of the Commission in accordance with these bylaws;
 4. Sign all documents memorializing Commission action promptly after approval by the Commission. The power to sign reports and other documents of the Commission may be delegated to the Secretary.
- (B) All decisions of the Chairperson as presiding officer shall be subject to review by a majority of Commission members present upon motion duly made and seconded. Upon a majority vote of the members present, the Commission 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 Commission;
 2. Prepare the agenda and minutes for all Commission meetings;
 3. Give all notices required by law;
 4. Inform the Commission of correspondence relating to Commission business and conduct all correspondence of the Commission;
 5. Attend all meetings and hearings of the Commission 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 Commission, its officers, and the Secretary.
- (C) The Secretary shall perform such other duties for the Commission as are customary in that role or as may, from time to time, be required by the Commission.

Section 6. CITY ATTORNEY

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

ARTICLE IV

MEETINGS

Section 1. REGULAR MEETINGS

Regular meetings of the Commission 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 Commission, at 6:30 p.m., or other time as determined by the Commission, on any Wednesday, 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 Commission's consideration. At regular meetings, the Commission 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 Commission shall be the first regular meeting of the Commission 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 Commission.

Section 3. SPECIAL MEETINGS

The Chairperson of the Commission upon his or her own motion may, or upon the request of a majority of the members of the Commission shall call upon a special meeting of the Commission. Unless otherwise specified in the call, all special meetings shall be held at the regular meeting place and time of the Commission. Notice of special meetings shall be given personally or by mail to all members of the Commission 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 Commission.

Section 4. OPEN MEETINGS

All meetings of the Commission shall be open to the public, except that the Commission 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 Commission.
- (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 this section, shall not invalidate any decision or proceeding of the Commission

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 Commission 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 Commission 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 Commission shall not consider a new item after 9:30 p.m. unless there is a motion by the Commission to extend the time for the agenda item.

Section 7. ATTENDANCE

If a member of the Commission 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 Commission that position shall be declared vacant. The Commission shall forward their action to the Mayor, who shall fill the vacant position.

Section 8. QUORUM

At any meeting of the Commission, 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 commissioners 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 commission.

Section 9. VOTING

- (A) Except as provided by these bylaws, rules of conduct, or state law, each member of the Commission is entitled to vote on all matters, at all meetings of the Commission. 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 Commission member is deemed to have notice of all prior Commission deliberations and proceedings.

- (B) Unless otherwise specified herein, the concurrence of a majority of the members of the Commission voting shall be necessary to determine any question before the Commission. 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 Commission 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 Commission 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 Commission shall be treated as a new item and proceedings shall be provided for as if the matter were initially before the Commission.
- (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 Commission 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 Commission, 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 Commission matters.
- (D) Commissioners 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 Commission's actions memorialized in the minutes.
- (E) Any Commissioner 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 Commission shall be by written order signed by the Chairperson or designee. The Chairperson may refer the order to the Commission 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 Commissioners for their review. The Commissioners 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 Commissions' action and not a further consideration of the matter. Commissioners opposed to the matter are nevertheless expected to vote for the approval of the order if it accurately reflects the previous determination of the Commission.

- (B) Commissioner 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 Commission 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 Commission;
- (B) Available at each Commission meeting;
- (C) Distributed to each member of the Commission; 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 Commission 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 Commissioner. 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.

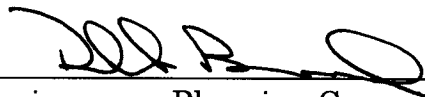
- (B) Notwithstanding subsection A above, any rule of procedure not required by law may be suspended temporarily at any meeting by majority vote of those members present and voting, except the rule on reconsideration.

ARTICLE VII

EFFECTIVE DATE

This Resolution shall take effect upon July 7, 2004, after approval by the Council and signature by the Mayor.

Adopted by the Planning Commission of the City of Beaverton, Oregon, with a quorum in attendance at its regular meeting of May 12, 2004, and signed by the Chairperson in authentication of its adoption this ____ day of _____, 2004.



Chairperson, Planning Commission
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 _____

DRAFT

PLANNING COMMISSION MINUTES

April 28, 2004

CALL TO ORDER:

Chairman Bob Barnard called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Bob Barnard, Planning Commissioners, Eric Johansen, Dan Maks, Alan DeHarpport Scott Winter, Gary Bliss and Shannon Pogue.

Senior Planner Colin Cooper, AICP, Planning Technician Jennifer Browning, Assistant City Attorney Ted Naemura and Recording Secretary Sheila Martin represented staff.

The meeting was called to order by Chairman Barnard, who presented the format for the meeting.

VISITORS:

Chairman Barnard asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Staff indicated that there were no communications at this time.

NEW BUSINESS:

Chairman Barnard opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or

1 disqualifications in any of the hearings on the agenda. There was no
2 response.

3
4 **PUBLIC HEARINGS:**

5
6 **A. MILLIKAN BLVD. TO MILLIKAN WAY STREET NAME**
7 **CHANGE**

8 **1. SNC2004-0001- STREET NAME CHANGE**

9 The City of Beaverton has filed a request for a Street Name Change to
10 establish a consistent street name along the entirety of SW Millikan.
11 The portion of SW Millikan from Tualatin Valley Highway to SW
12 Murray Blvd., is currently designated as SW Millikan Blvd. This
13 portion of SW Millikan is proposed to be renamed to SW Millikan Way.

14
15 Chairman Barnard welcomed Planning Technician, Jennifer Browning
16 and acknowledged that this was her first presentation before the
17 Planning Commission.

18
19 Planning Technician Jennifer Browning presented the Staff Report on
20 the proposed application. Concluding, she recommended that the
21 Planning Commission forward a recommendation of approval to the
22 City Council, thus acknowledging the City Council hearing scheduled
23 for June 14, 2004. Concluding, she offered to respond to any questions.

24
25 **PUBLIC TESTIMONY:**

26
27 No member of the public testified with regard to this application.

28
29 Ms. Browning indicated that staff had no further comments.

30
31 Mr. Naemura indicated that he had no comments with regard to this
32 application.

33
34 The public portion of the Public Hearing was closed.

35
36 Commissioner's Johansen, Bliss, Pogue, DeHarpport, Winter and
37 Chairman Barnard expressed their support of the application.

38
39 Commissioner Pogue **MOVED** and Commissioner Winter
40 **SECONDED** a motion for approval of SNC2004-0001 MILLIKAN
41 BOULEVARD TO MILLIKAN WAY STREET NAME CHANGE, based
42 upon the testimony, reports and exhibits and new evidence presented
43 during the Public Hearings on the matter, and upon the background

1 facts, findings and conclusions found in the Staff Report dated April
2 21, 2004.

3
4 Motion **CARRIED** by the following vote:

5
6 **AYES:** Pogue, Winter, Bliss, DeHarpport, Johansen, Maks
7 and Barnard.

8 **NAYS:** None.

9 **ABSTAIN:** None.

10 **ABSENT:** None.

11
12 Motion carried unanimously.

13
14
15 **APPROVAL OF MINUTES:**

16
17 Minutes of the meeting of March 17, 2004, were submitted.
18 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**
19 a motion that the minutes be approved as written.

20
21 Motion **CARRIED** by the following vote:

22
23 **AYES:** Maks, Winter, Bliss, and Barnard.

24 **NAYS:** None.

25 **ABSTAIN:** None.

26 **ABSENT:** DeHarpport and Johansen.

27
28
29 **MISCELLANEOUS BUSINESS:**

30
31 Senior Planner Colin Cooper requested feedback regarding the
32 distributed copies of the proposed update of the Planning Commission
33 by-laws. He pointed out that the purpose of updating the Planning
34 Commission by-laws was to bring them into conformance with the
35 Development Code Update project that took effect in September 2003.

36
37 Referring to page 8 of 19, Article IV, Section 9 (F) Voting,
38 Commissioner Maks requested to strike the following: "A motion to
39 reconsider can be made only at the same meeting the vote to be
40 reconsidered was taken. ~~Suspension of this rule is not permitted.~~"
41 He acknowledged that this had not happened on an actual action, but
42 in past situations on Conditions of Approval, and expressed his
43 opinion, that if one finds that a Condition of Approval was done
44 improperly; then one can technically suspend the rule and reconsider

1 the Conditions of Approval, adding that this could alleviate a much
2 disorganized previous action.

3
4 Commissioner Maks expressed his opinion that Article VI, pages 11
5 through 18 were unnecessary, adding that by-laws are to define the
6 make up of the organization, membership and how it occurred, how the
7 bodies are elected and the positions and offices that one holds, and
8 then, it is determined that the body will run accordingly by "Robert's
9 Rules of Order." He noted that the proposed text is in the State law
10 and in the City's Development code, and expressed his opinion that
11 once the State laws change then one should feel obligated to change
12 the by-laws.

13
14 Commissioner Maks referred to page 12 of 19, specifically No. 3.B2
15 which addressed the Challenges to Impartiality, and expressed his
16 opinion that this should be reconsidered in regards to legislative
17 actions.

18
19 Referring to Article IV which describes the "Rules for Conduct of
20 Hearings", Commissioner Maks noted that the procedure on how to
21 run a meeting has all ready been written in the Development Code,
22 and believes it unnecessary to include in the by-laws.

23
24 Commissioner Maks requested clarification on the time limits for
25 public testimony presentations, observing that he is not certain if the
26 limitations are three (3) minutes or five (5) minutes. He recommended
27 that the time limit be the same in the by-laws as it appears in the
28 Development Code.

29
30 Chairman Barnard stated that currently the code is three (3) minutes,
31 and noted that the limitations on public presentations may change
32 based upon the type of application in front of the Planning
33 Commission.

34
35 Commissioner Johansen noted that he didn't find anything that gave
36 the presiding officer any authority to depart from the time restrictions.

37
38 Chairman Barnard clarified that time limits are specified in the
39 Development Code under 50.82, 1. A-E, and gives the presiding officer
40 the authority to depart from the time restrictions. He noted that the
41 code stated public testimony is up to and including 5 minutes.

42
43 Commissioner Johansen referred to page 8 of 19, specifically the issue
44 regarding a quorum, which discussed the possibility, should a quorum

1 not be present for a meeting, the meeting shall automatically continue
2 to the next meeting. He explained that it had always been the practice
3 of the Chairman to show up and continue the hearing, and added that
4 since there's no quorum, the hearing will be continued until some other
5 date other than the next scheduled meeting date. He expressed his
6 concern that what is specified in the by-laws doesn't follow the practice
7 when a single item is continued to a different date.

8
9 Mr. Cooper clarified that the new text was intended to address the
10 issue that should there be an event that no quorum is present without
11 a previous discussion, then the hearing will be moved forward one
12 week automatically.

13
14 Chairman Barnard suggested adding a paragraph that gives the
15 Chairperson the authority to continue items without a quorum.

16
17 Commissioner Johansen referred to page 12 of 19, specifically Section
18 3.A.1, which discussed the qualifications of being challenged not less
19 than 48 hours in the time set for the hearing. He expressed his opinion
20 that if any person had a conflict of interest or had some reason for the
21 public to believe that a member of the Commission may not be
22 impartial; it would not become known prior to the hearing.

23
24 Referring to page 16 of 19, 1.G, specifically line 3 which reads: "The
25 presiding officer, as he deems it necessary or desirable, shall permit
26 the questioning of witnesses by the City Attorney, any other officer or
27 employee of the City and other interested persons at the conclusion of
28 the proponents or other interested persons presentation."
29 Commissioner Johansen interpreted this to mean that the public had
30 the right to ask the chairman for the opportunity to cross-examine
31 witnesses. He explained that he was uncomfortable with the idea that
32 the public might have expectations to lobby the chair for the right to
33 cross examine, and suggested to delete this item from the by-laws.

34
35 Assistant City Attorney, Ted Naemura, questioned if the Commission
36 was comfortable with the issue noted on page 7 of 19, specifically
37 Section 7, which discussed the issue of the attendance standard that is
38 written in the by-laws.

39
40 Responding to Mr. Naemura's question, Chairman Barnard asked who
41 determines the issue of "reasonable cause".

42
43 Mr. Naemura stated that typically it is the consensus of the body that
44 would determine the "reasonable cause".

Chairman Barnard questioned the procedure on removing a punctual commissioner, yet ineffectual member.

Mr. Naemura explained that performance expectations and attendance related issues are something that the Planning Commission body could communicate to the Mayor or the administration, and pointed out that the Mayor has the authority to exercise executive discretion pertaining to the quality of performance of an existing member.

Mr. Cooper questioned if the Commission had any additional comments pertaining to Article 4, Section 1, which proposed the new 6:30 p.m. starting time of regular meetings.

Commissioner's Pogue and Johansen suggested that the time change be announced to the CCI's and the NAC's in an expeditious manner and thus noted in public announcements as well.

Mr. Cooper explained that the time change will be included on the public notices as it is required by ORS, and noted that the time change would have to be made effective at a date outside of 20 days, which is the minimum notice period.

The meeting adjourned at 7:46 p.m.

CALENDAR

MAY 26	7:00 P.M.	PUBLIC HEARING	TA2004-0006 BEAVERTON OPS CENTER TA2004-0004 MINOR SIGN CODE TA2004-0007 2004 SPRING OMNIBUS
JUNE 2	7:00 P.M.	CONTINUANCES	TP2003-0033 LD2004-0012 CU2003-0024 FOX WOODS PUD
		PUBLIC HEARING	APP2004-0001 NOTTAGE MEADOWS SUBDIVISION
JUNE 16	7:00 PM	PUBLIC HEARING	CPA2004-0008 ZMA2004-0008 BEAVERTON SCHOOL DISTRICT SITE
JUNE 23	7:00 PM	PUBLIC HEARING	CPA2004-0005 IMPLEMENTATION OF CITY'S TITLE 7 COMPLIANCE REPORT SDM2003-0012 FS2003-0011 CU2003-0019 DR2003-0170 TP2003-0028 OES BUS BARN

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JUNE 30	7:00 PM	PUBLIC HEARING	CU2004-0013 PLAID PANTRY 24 HOUR OPERATION
			LD2003-0038
			TP2003-0031
			ADJ2003-0014
			ADJ2003-0015 JEN'S GROVE 19 LOT SUBDIVISION
JULY 7	7:00 PM	PUBLIC HEARING	LD2003-0030
			ADJ2004-0007
			SDM2004-0010 CASTHART PRELIMINARY PARTITION

DRAFT

PLANNING COMMISSION MINUTES

May 12, 2004

CALL TO ORDER:

Chairman Bob Barnard called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Bob Barnard, Planning Commissioners Gary Bliss, Alan DeHarpport, Eric Johansen, Dan Maks, Shannon Pogue, and Scott Winter.

Community Development Director Joe Grillo, Development Services Manager Steven Sparks, Planning Services Manager Hal Bergsma, Senior Planner Colin Cooper, Senior Planner John Osterberg, Senior Planner Scott Whyte, Associate Planner Sambo Kirkman, Associate Planner Ethan Edwards, Assistant City Attorney Ted Naemura and Recording Secretary Sheila Martin represented staff.

The meeting was called to order by Chairman Barnard, who presented the format for the meeting.

VISITORS:

Chairman Barnard asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Staff indicated that there were no communications at this time.

1
2 **OLD BUSINESS:**
3

4 Chairman Barnard opened the Public Hearing and read the format for
5 Public Hearings. There were no disqualifications of the Planning
6 Commission members. No one in the audience challenged the right of
7 any Commissioner to hear any of the agenda items, to participate in
8 the hearing or requested that the hearing be postponed to a later date.
9 He asked if there were any ex parte contact, conflict of interest or
10 disqualifications in any of the hearings on the agenda. There was no
11 response.
12

13 **CONTINUANCES:**
14

15 I. **TA 2003-0005 - SECTION 40.20 (DESIGN REVIEW) UPDATE**

16 *(Request for continuance to July 7, 2004)*

17 Substantive update to Section 40.20 (Design Review) of the Beaverton
18 Development Code to delete the current design review thresholds and
19 approval criteria and replace with performance oriented design
20 principles, design standards and design guidelines that will act as the
21 approval criteria. New application thresholds, buffering and screening
22 standards and requirements, and technical lighting requirements are
23 also proposed. In addition, existing design standards in Section
24 20.20.60 (Supplementary Regulations) of Chapter 20 (Land Uses) will
25 be struck and incorporated into the proposed amendments to Section
26 40.20 (Design Review).
27

28 Commissioner Bliss **MOVED** and Commissioner Winter **SECONDED** a
29 motion to **CONTINUE** TA 2003-0005 – Section 40.20 Design Review
30 Update until a date certain of July 7, 2004.
31

32 **NEW BUSINESS:**
33

34 **WORK SESSION:**

35 Work Session with Development Services, Planning Services, and the
36 City Attorney.
37

38 **1. Amended Planning Commission By-Laws**
39

40 Observing that a packet and cover letter had been distributed, Senior
41 Planner Colin Cooper discussed the amended Planning Commission
42 By-Laws and recommended the deletion of Article 6 in its entirety. He
43 pointed out that the most significant changes to the By-Laws involve

1 personal pronouns and the proposed meeting time of 6:30 p.m., rather
2 than 7:00 p.m.

3
4 Development Services Manager Steven Sparks explained that
5 assuming that the Commissioners are comfortable with all of the
6 proposed revisions to the By-Laws, these amendments would be
7 presented to the City Council for approval and adoption by Resolution,
8 observing that these changes would most likely become effective July
9 14, 2004.

10
11 Mr. Cooper suggested that the Commissioners review the revisions
12 made on page 8 of 19 of the Planning Commission By-laws.

13
14 By unanimous consent, the By-laws were adopted by a 7-0 vote.

15
16 *2. New Legislation, Case Law, and Meeting Law Review*

17
18 Noting that he had provided an outline of his material, Assistant City
19 Attorney Ted Naemura presented information with regard to
20 legislative and quasi-judicial distinctions, issues, and procedures. He
21 also discussed impartial hearing requirements and continuance issues.

22
23 Mr. Naemura provided some observations with regard to findings and
24 substantial evidence and discussed the structure of findings, observing
25 that appellate case law frequently explains that findings must identify
26 the relevant approval criteria, set out facts which are believed and
27 relied upon, and explain how those facts lead to the decision on
28 compliance with the approval criteria.

29
30 Mr. Naemura discussed the procedures for admitting evidence and
31 conducting a hearing, emphasizing that while it is necessary to focus
32 on the substantiality of the evidence that is submitted, it is also
33 necessary to be more tolerant of some of the individuals who submit
34 that evidence.

35
36 *3. Member Conduct/Questioning at Hearings*

37
38 Mr. Sparks discussed the hearing process and explained that it is the
39 decision of staff to deem an application complete. He discussed the
40 issues that are involved, emphasizing that the applicant has the right
41 to determine which documentation they intend to submit.

42
43 Senior Planner John Osterberg pointed out that staff needs to urge
44 applicants to be realistic and submit accurate and detailed

1 information. Mr. Sparks further commented on the Commission's need
2 to keep their level of review limited to the land use stage of review and
3 not to provide comment on Site Development and/or Building Permit
4 issues. Those types of permits have a separate review process and are
5 not within the jurisdiction of the Commission.

6
7 Observing that he is speaking from 30 years of personal experience,
8 Commissioner Bliss noted that in spite of great efforts to prepare your
9 best application, by the time an applicant reaches the final design,
10 parameters have often changed.

11
12 Community Development Director Joe Grillo stated that it is necessary
13 to determine whether or not the Commission can rely upon the
14 Preliminary Grading Plan as being credible and as being something
15 they are comfortable with relying upon.

16
17 Mr. Sparks emphasized that this involves a judgment call.

18
19 Commissioner Maks noted that the burden of proof is on the applicant
20 to provide adequate documentation indicating that applicable approval
21 criterion has been addressed.

22
23 Mr. Sparks suggested that the Commission refrain from making
24 remarks about other regional entities on the record.

25
26 Chairman Barnard clarified that each individual who provides
27 testimony has the opportunity to say what they want for the allotted
28 period of time, regardless of whether the information is relevant to the
29 application.

30
31 Observing that many individuals are or claim to have professional
32 experience with regard to particular issues, Mr. Sparks discussed
33 problems created by what he referred to as "dualing experts".

34
35 Commissioner Maks expressed his opinion that it is necessary to weigh
36 the level of the evidence.

37
38 **4. *Planning Services Division Look-Ahead***

39
40 Referring to a section within the packet entitled *Planning Services*
41 *Division Projects and Responsibilities FY 2004 – 2005*, – Planning
42 Services Manager Hal Bergsma explained that several items have been
43 removed from this list since the previous year. He discussed the types
44 and purposes of the various projects that are listed within this

document. He reviewed the ongoing responsibilities of the division, active projects, and future/potential projects, and discussed various issues pertaining to trees, affordable housing, and other concerns of the Commission.

5. Development Services Division Look-Ahead

Mr. Osterberg discussed the status of the various projects on the Development Services schedule, observing that this is all residential and does not involve any commercial property.

Mr. Sparks emphasized that there are many substantial projects on the horizon.

Observing that the reorganization of Development Code Chapter 20 (Design Review) has been on the back burner due to other priority issues, Mr. Cooper explained that this involves the review of every zone throughout the City of Beaverton. He discussed the proposed review of the Sign Code, noting that it is scheduled for May 26, 2004, adding that the City Attorney has advised staff that it is necessary to resolve issues pertaining to content, such as signs advertising garage sales.

Referring to the Design Review text, Mr. Sparks noted that commercial applicants had previously been accommodated as much as possible, adding that staff has several different recommendations to address this issue.

6. Development Services Organizational Assessment Results

Observing that the results have been determined with regard to a rather lengthy review and assessment in terms of the services that are provided, Mr. Sparks noted that the result is a number of changes, including the format of Staff Reports, which will be addressed at this time.

7. Staff Report Formats/Staff Presentations

Associate Planner Sambo Kirkman discussed the revised format for Staff Reports and briefly discussed changes that have been made.

Mr. Osterberg explained that staff has attempted to reduce the number of repetitions throughout the Staff Reports.

1 Mr. Sparks pointed out that these changes would be implemented
2 immediately, adding that suggestions and comments are encouraged.
3

4 Senior Planner Scott Whyte briefly described the combined application
5 submittal process, observing that the information for all applications,
6 each addressing the group criteria, would most likely be contained
7 within one binder, with a second binder that would include all of the
8 associated studies, such as the Traffic Study and the Geotechnical
9 Report. Noting that staff is attempting to provide the applicant with
10 more direction for the purpose of submitting materials in a concise
11 way.
12

13 Mr. Sparks explained that three applications would involve three
14 copies of the same Traffic Analysis with the combined application
15 submittal process, one analysis would be provided for the three
16 applications.
17

18 *8. New Code, Studies, or Projects Desired by Commission*
19

20 Mr. Sparks offered the Commission the opportunity to make
21 suggestions pertaining to any projects that staff should consider or
22 take action on at some future point.
23

24 Mr. Cooper noted that changes to State law necessitates changes to the
25 Development Code as well.
26

27 Commissioner Winter pointed out that the City of Beaverton is the
28 only local jurisdiction with a 25-foot rear yard setback within the R-5
29 zoning district.
30

31 MISCELLANEOUS BUSINESS:
32

33 Mr. Sparks expressed his appreciation to members of the Planning
34 Commission for their participation.
35

36 The meeting adjourned at 8:46 p.m.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Traffic Commission Issues TC 548-551

FOR AGENDA OF: 6-14-04 **BILL NO:** 04108

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Engineering *[Signature]*

DATE SUBMITTED: 6-01-04

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

PROCEEDING: Consent

- EXHIBITS:**
1. City Traffic Engineer's reports on Issues TC 548-551
 2. Final Written Orders on Issues TC 548 and 551
 3. Written comments received at the Traffic Commission meetings
 4. Minutes of the meeting of April 1, 2004 (excerpt related to TC 548)
 5. Draft minutes of the meeting of May 6, 2004 (excerpt)

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On May 6, 2004, the Traffic Commission considered the following issues:

- TC 548, Revisions to SW 144th Avenue from Tualatin Valley Highway to Millikan Way;
- TC 549, Parking Restrictions on SW Washington Avenue Between Second and Third Streets;
- TC 550, Yield Control on SW Larkspur Place at Barlow Road;
- TC 551, All-Way Stop Control at SW 20th Street and Cherryhill Drive.

Staff reports for Issues TC 548 - 551 are attached as Exhibit 1.

INFORMATION FOR CONSIDERATION:

A public hearing was held on Issue TC 548 in April. At the May meeting, the Traffic Commission adopted a final written order. The Commission recommended that left turn restrictions be implemented by the State at the intersection of Tualatin Valley Highway and 144th Avenue, but recommended against all other proposed revisions to 144th Avenue.

The Commission approved the staff recommendations on Issues TC 549 and 550 on consent agenda.

A public hearing was held on Issue TC 551. Following the public hearing, the Commission recommended denial of the request for all-way stop control at SW 20th and Cherryhill.

RECOMMENDED ACTION:

Approve the Traffic Commission recommendations on Issues TC 548 through TC 551.

Agenda Bill No: 04108

**CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 548****RECORD COPY****(Revisions to SW 144th Avenue from Tualatin Valley Highway to Millikan Way)****March 10, 2004****Background Information**

The Oregon Department of Transportation (ODOT) is concerned about safety at the intersection of SW 144th Avenue and Tualatin Valley Highway (TV). TV is an ODOT roadway. To address the safety concerns, ODOT is proposing that the City complete revisions to 144th Avenue to eliminate the need for left turns at TV and 144th. ODOT is offering to fund 90% of the project costs through a Hazard Elimination Program grant. See attached ODOT letter of February 24, 2004.

Currently 144th Avenue is a dead end street extending approximately 1500 feet north of TV to a dead end near Millikan Way. The southerly portion of the street has commercial and office development on both sides. The northerly portion of the street currently has single-family homes and duplex residences; however, the properties are zoned for Station Community – High Density and Station Community – Multiple Use, allowing for future redevelopment to much higher densities than exist today.

The northerly portion of the street is currently a narrow two-lane street with no sidewalks or shoulders. The portion of the street near TV has curbs and sidewalk.

The Traffic Commission previously held hearings regarding the intersection of TV and 144th. The hearings were held on April 2, 1998, and May 6, 1999, as TCB Issue No. 382. After considering many options, the Commission decided that the best option at the time was to do nothing. The Commission rejected proposals for a median barrier in TV and for extension of 144th to Millikan.

Attached are the following documents providing a record of past Traffic Commission hearings regarding 144th Avenue:

- Minutes of the hearing of May 6, 1999;
- Final Written Order on TCB 382 from May 1999;
- The Supplemental City Traffic Engineer's Report on TCB Issue No. 382 from May 1999, including Attachments A through D, providing a record of the April 1998 hearing.

The extension of 144th Avenue to connect with Millikan Way was one of the options considered in 1999. Approximately 40 feet separates the northern dead end of 144th Avenue from Millikan Way.

Several changes have occurred since the 1999 hearing:

- Millikan Way has become a City street.
- The frequency of reported collisions has increased at the intersection of 144th and TV.
- ODOT revised the striping pattern at the intersection in 2003 as part of the resurfacing of TV.

RECORD COPY

- ODOT is now offering to provide substantial funding for a project to extend 144th to Millikan and to provide traffic mitigation along 144th. ODOT proposes to use dedicated safety funds for the project based on ODOT's increased concern about safety at 144th and TV.

City staff proposes to accept the ODOT grant offer and to use the funding to complete the following revisions to SW 144th Avenue:

- Prohibit left turns at the intersection of TV and 144th.
- Extend 144th north to connect to Millikan Way, thereby providing an alternate access route to replace the left turn movements eliminated at TV.
- Construct curb and sidewalk along one side of 144th to improve safety. The extension to Millikan would be expected to increase traffic on the northern portions of 144th. The curb and sidewalk would provide a safe route for pedestrians. Currently, pedestrians must walk in the street.
- Construct approximately four speed bumps in the residential portion of 144th. In previous hearings, there was concern that an extension to Millikan Way would create problems with speeding and cut-through traffic on 144th. The speed bumps are intended to keep vehicle speeds near the 25 mph speed limit and to discourage cut-through traffic.

The street extension would not be opened to traffic until the speed bumps and sidewalk are completed. The turn restrictions at TV would not be posted until the street extension is opened to traffic.

The proposed curb would be near the edge of the existing pavement, leaving the street width at approximately 20 feet. The proposed curb and sidewalk would be considered as interim improvements to serve the existing low-density residential neighborhood until the area begins to redevelop in accordance with its zoning. In the future, as redevelopment occurs, the street will need to be reconstructed to fully comply with City standards and to meet the traffic demands of the future higher-density development.

The extension of 144th to Millikan will clearly increase traffic volumes at the north end on 144th. The portion of the street that currently serves only a few homes will be changed to an alternate access for all homes and businesses on the street. With the proposed turn restrictions at TV, it is likely that approximately half of the volume now using the TV approach to 144th will switch to the Millikan approach. With this change in traffic patterns, staff concludes that the traffic volumes along 144th will remain consistent with its designation as a local access street.

At the previous hearings, there was concern that a connection to Millikan will attract extensive cut-through traffic on 144th. Staff concludes that 144th will not be an attractive cut-through route for the following reasons:

- The proposed speed bumps and the narrow roadway on 144th will discourage through traffic.
- Eastbound traffic will be prevented from using 144th due to the proposed turn restrictions at TV.
- Westbound traffic already has a connection at 141st Avenue, a collector street. The 141st connection will remain more attractive due to its lack of traffic calming and due to existing all-way stop control that makes it easier to access Millikan from 141st.
- Because 144th is very close to the Murray signals, traffic queues on TV and Millikan tend to block the 144th intersections at peak hours. Again, 141st provides a more convenient access for through traffic.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1c (meet the overall circulation needs of the City);
- 1e (assure safe access and reasonable response times for emergency vehicles);
- 1g (carry anticipated traffic volumes safely);
- 1h (comply with Federal and State regulations).

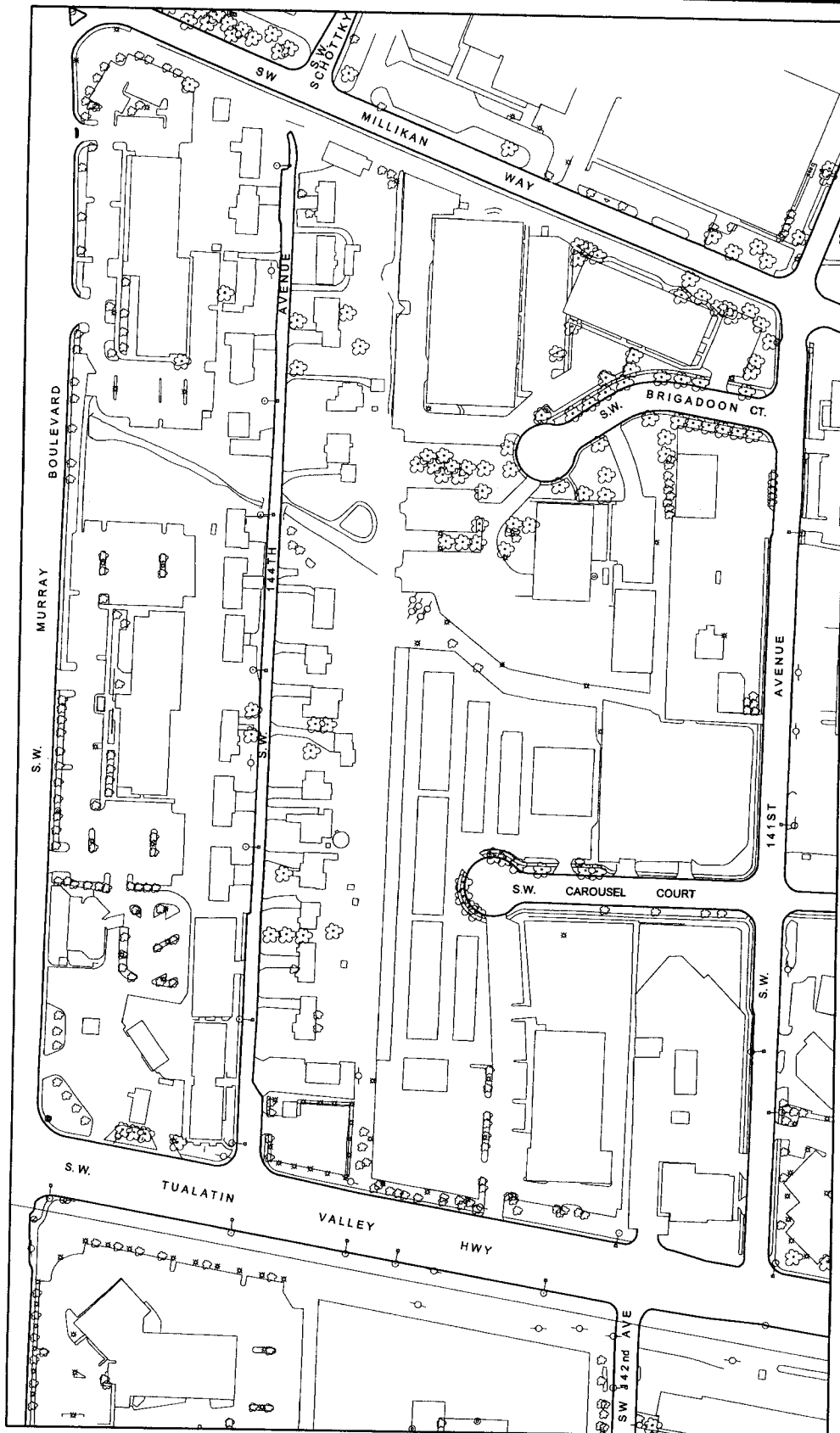
Conclusions:

1. ODOT reports that over 80% of the collisions at the intersection of TV and 144th involved left turns. Eliminating the left turns is expected to significantly reduce the number of collisions and injuries at the intersection. Construction of a sidewalk along 144th will improve safety for pedestrians. Therefore, Criterion 1a is satisfied.
2. Elimination of left turns at TV will reduce the number of vehicle conflicts, making vehicle movements more orderly and predictable at the intersection. The proposed sidewalk along 144th will provide a predictable route for pedestrians. Therefore, Criterion 1b is satisfied.
3. The extension to Millikan Way will provide an alternate route to 144th and will replace access that is otherwise eliminated by the proposed turn restrictions at TV. Elimination of left turns at TV will reduce the frequency of collisions at the intersection, helping to preserve the capacity of TV, a principal arterial. Therefore, Criterion 1c is satisfied.
4. The extension to Millikan Way will provide an alternative access for emergency vehicles, potentially reducing response times. Therefore, Criterion 1e is satisfied.
5. The proposed left-turn restrictions at 144th and TV will improve safety at the intersection. The proposed sidewalk on 144th will improve pedestrian safety on 144th. The proposed speed bumps and the narrow street width on 144th will discourage speeding and cut-through traffic on 144th. Criterion 1g is satisfied.
6. Proposed revisions to the intersection at TV have been approved by ODOT as required by State regulations. Criterion 1h is satisfied.

Recommendation:

The City should pursue the Hazard Elimination Program funding and, if successful, should use the funding to complete the following revisions to SW 144th Avenue:

- Construct a sidewalk along one side of the street.
- Install approximately four speed bumps, in accordance with City standards, on the portion of the street with residential uses.
- Extend the street north to connect with Millikan Way.
- Prohibit all left turns at the intersection with Tualatin Valley Highway.



TC 548



1"=250'

RECORD COPY

Y:\Traffic\Drawings\2003\03-58 144th at TV Hwy - Millikan (TC 548).dwg



City Of Beaverton

Revisions to SW 144th Ave
from Tualatin Valley Hwy to Millikan Way

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 3/09/04

Reviewed By: _____ Date: _____

Approved By: _____ Date: 4



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Region 1

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February 24, 2004

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RECEIVED

MAR - 2 2004

ENGINEERING DEPT.

Randy Wooley, Transportation Engineer
City of Beaverton
P.O. Box 4755
Beaverton, OR 97076

Subject: Proposed Hazard Elimination Program (HEP) Project
SW 144th Avenue – Tualatin Valley Highway to Millikan Ave

Dear Randy,

Regarding our conversation earlier this month, ODOT would like to recommend the City pursue a Hazard Elimination Program project to extend 144th Avenue north to Millikan Avenue and to restrict turning movements at the 144th Avenue / TV Highway intersection.

The 144th Avenue / TV Highway intersection is one of ODOT's Top 10% SPIS sites, with the majority of the accidents involving vehicles turning left onto or from TV Highway. From 1998 through 2002, there were 28 reported accidents at the intersection, 23 of which involved left-turning vehicles resulting in 13 injuries. Restricting 144th to a right-in, right out would significantly improve the safety of the intersection. Extending 144th to Millikan would, in turn, help mitigate the impacts of these turn restrictions by providing alternative access to Murray Blvd and 141st.

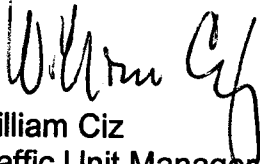
ODOT is prepared to set aside approximately \$350,000 in HEP funds for a City-sponsored project to extend 144th north to Millikan and to restrict its access to TV Highway to a right-in, right-out. The funds would be available once the project prospectus, which the City would develop, is approved by the Federal Highway Administration and an intergovernmental agreement between the City and ODOT is signed by both agencies. Based on our conversation, we would anticipate construction occurring during the 2006 fiscal year. The HEP funds require a 10% local match.



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I understand this proposal would need to be approved by the City's Traffic Safety Commission and the City Council. If you would like, I could have Dennis Mitchell or Marty Jensvold present this proposal to either our both of these groups.

I appreciate your consideration of this proposal. If you have any questions, please contact Marty Jensvold at 731-8219.



William Ciz
Traffic Unit Manager

cc: Matt Garrett
Dennis Mitchell
Marty Jensvold
Allan McDonald
Ron Kroop
Tom Weatherford
Michelle Thom

City of Beaverton

TRAFFIC COMMISSION**RECORD COPY**

Minutes of the May 6, 1999, Meeting

CALL TO ORDER

Chairman Young called the meeting to order at 7:00 p.m. in the Forrest C. Soth City Council Chambers at Beaverton City Hall.

ROLL CALL

Members present included Chairman Jack Young, Commissioners Holly Isaak, Scott Knees, Louise Clark, Elaine Wells and Patricia Griffiths. Commissioner Kathy Marcott was excused.

City of Beaverton staff included City Traffic Engineer Randall Wooley, Project Engineer Jabra Khasho, and Recording Secretary Debra Callender. Also in attendance was ODOT Traffic Engineer Dennis Mitchell.

VISITORS

No visitors came forward to address the Commission.

STAFF COMMENTS

Randy Wooley distributed information about open houses regarding the future boundary between Beaverton and Hillsboro. He distributed the portion of the City code relating to the Traffic Commission. He confirmed that the Commissioners had copies of all late correspondence for the hearing on TCB Issue 382.

Mr. Wooley said the photo red light bill may be appended to another Senate bill. The House bill on school zones that could change the definition of "when children are present" went through another Transportation Committee work session on April 21. In the Senate Transportation Committee, action has stalled on the bill on teenaged driver restrictions, and on the bill that would allow cities to establish speed limits.

CONSENT AGENDA

Commissioner Knees **MOVED** and Commissioner Clark **SECONDED** a **MOTION** to accept the minutes of the April 15, 1999, meeting with corrections. The **MOTION PASSED** unanimously, 6-0.

PUBLIC HEARING**TCB ISSUE 382: MEDIAN BARRIER ON THE TUALATIN VALLEY HIGHWAY AT 144TH AVENUE.**

Chairman Young opened the public hearing on TCB Issue 382.

Staff Report

Randy Wooley said TCB Issue 382 was originally heard by the Commission in April 1998 as a request for a median barrier to prevent left turns at 144th Avenue and Tualatin Valley Highway (TV Highway). He said TV Highway is a State roadway. At the first hearing a variety of alternatives were suggested. The Commission recommended that the request for a median barrier be denied, and then asked staff to review the alternatives suggested. Mr. Wooley said that because neighbors, staff, and the State disagree on the best alternative, it is unlikely that changes will occur at the 144th and TV Highway intersection in the near future.

The Oregon Department of Transportation (ODOT) would like to see 144th Avenue extended on the north to join Millikan Way. This was not an alternative at the 1998 hearing because Millikan was a private roadway owned by Tektronix, Inc. After the 1998 hearing, Washington County and Tektronix settled on a development agreement allowing Millikan Way to be dedicated as a public roadway. Tektronix recently signed the dedication. Washington County will maintain Millikan Way. A connection to 144th is now possible.

Mr. Wooley said that staff recommends opening the north end of 144th to Millikan Way to create more options for drivers. He said both ends of 144th might then require turn treatments. The design would also need to consider devices to control cut-through traffic and vehicle speeds on 144th Avenue.

Mr. Wooley said the hearing notice mailed to residents on 144th included a full staff report. This information was also mailed to everyone who testified at the April 1998 hearing.

Mr. Wooley introduced Dennis Mitchell, a traffic engineer from ODOT, who was attending to answer questions on the State viewpoint.

Public Testimony

Chairman Young said that the Commissioners had reviewed written testimony from the following individuals: Steve Baker, City Operations Director; Dorothy Upton, ODOT Region Traffic Investigations Team Leader; Bill Ciz, ODOT Region 1 Traffic Manager; Kenneth J. Ayers, original requestor; Dwight Estby, Texaco and Shell Wholesaler; Martin and Susan Silvia; Kathy Borchard; and Hal Ballard, Beaverton B.I.K.E. Task Force. *(All written testimony is on file.)*

Patrick Ring, 3775 SW 144th Avenue, Beaverton, Oregon, said that 144th Avenue is a dead-end, residential street with many children walking to and from the neighborhood park. He said opening 144th to Millikan Way would decrease their quality of life. He believes traffic would increase, endangering children.

Mr. Ring suggested that the City should move the dead-end sign nearer to the highway where drivers would notice it. He said this would immediately reduce their turn-around traffic problem.

Mr. Ring asked why nothing had been done to improve the street exit since the hearing last year. ODOT representative Dennis Mitchell said that the State had no objections to the original proposal of a median barrier on TV Highway, although it could potentially decrease intersection capacity. Chairman Young said the Commission rejected that proposal based on public testimony, the staff report, and the realization that there could be better alternatives. Mr. Ring asked how many residents of 144th (not business) testified at the 1998 hearing. Mr. Wooley reviewed the record and said it appeared that two residents testified in favor, and two testified in opposition to the proposed median barrier.

Martin Silvia, 3770 SW 144th Avenue, Beaverton, Oregon, said he also sent written testimony to the Commission. He has lived on 144th Avenue for 10 years. Mr. Silvia said a right-turn-only restriction on the exit onto TV Highway would help. He also thinks left turns out of the Texaco station driveway should be prohibited.

Mr. Silvia asked why TCB Issue 382 changed from being a hearing about a median barrier on TV Highway last year, to a hearing about opening one end of a dead-end street this year. Chairman Young answered that this happened because new circumstances arose with the ownership change for Millikan Way. Mr. Wooley confirmed that this information was in the staff report mailed to each business and residence on 144th Avenue.

Mr. Silvia said the street would need to be widened and sidewalks added if it was opened on the north. He said he purchased his home on 144th so that he could live on a quiet, dead-end street. He asked about the cost to homeowners for opening the street. Mr. Wooley said the project design would be worked out with input from the neighborhood. As far as who pays for the improvements, Mr. Wooley said that, typically, the City would pay for the street connection and whatever elements became a part of the project, including anything needed to mitigate increased traffic impacts. This impact mitigation might include sidewalks or even traffic calming devices. Mr. Silvia was still concerned about residents having to pay for sidewalks and perhaps losing frontage property.

Cory Stilson, 3720 SW 144th Avenue, Beaverton, Oregon, asked first about zoning. He said the area has recently gone from low-density to high-density zoning. Mr. Stilson said he testified at the 1998 TCB 382 hearing that he would like to see 144th opened up as a through street. He stands by that. He said he owns the largest piece of residential property on the street and that he purchased his property with plans to redevelop it. Mr. Stilson said there are many rental units on 144th. As few homeowners have shown up at either hearing, he assumes they do not care if the street is opened up or not.

Chairman Young asked Dennis Mitchell of ODOT what would be the best treatment for the 144th and TV Highway intersection, supposing that ODOT could go back in time and design the intersection

from scratch. Mr. Mitchell said, unfortunately, most of the streets ODOT works on were not initially designed to handle today's heavy traffic. The intersection of Murray and TV Highway is one of the most congested in the area. Mr. Mitchell said the 144th Avenue outlet is located too close to the major intersection. He said in similar circumstances, ODOT would install a median barrier at a large intersection, such as this one, to reduce the conflict points and increase safety. He said restricting movement is the best corrective option.

Mr. Stilson asked if 144th was ever a through street. Mr. Wooley said, to the best of his knowledge, it was always as it is now.

Chairman Young closed the public hearing on TCB Issue 382.

Staff Comments

Mr. Wooley reviewed the process involved in opening 144th Avenue to Millikan Way. First, it would need funding by Council, then a design process, and next permits from the County and possibly the State. Typically, there is a neighborhood involvement process and perhaps approval through the City's land use process. This would probably be a capital improvement project.

Mr. Wooley referred to the zoning map on the Council Chambers wall and determined that 144th Avenue was zoned commercial, although the north end currently consists of private homes and duplexes. Mr. Wooley said he is not aware of any recent zone changes on 144th.

Commission Deliberation

Commissioner Wells said she was not present at the 1998 hearing on TCB Issue 382. Recently, she drove 144th several times to observe the traffic flow and character of the street. Although it is zoned commercial, she said the reality is that 144th is mainly single family dwellings. If the street is opened, she said it is likely to become a busy cut-through street. She thought it might be appropriate to revisit the opening to Millikan if the makeup of the street changes to include more business. The Commissioner experimented by making left turns from 144th to TV Highway at various times during the day. She found that drivers on TV Highway opened space for her even when there were long queues of cars. Commissioner Wells found drivers amiable and polite when she attempted left turns from 144th. She said her wait was only one minute or so and she felt safe making a left turn even with heavy traffic. She is concerned about diminishing the resident's quality of life by opening the street to through traffic.

Commissioner Knees said, as in 1998, he continues to believe the median barrier should be rejected. He is against considering funding for an extension. The Commissioner said residents purchased their homes on this dead-end street in good faith that the street would keep its quiet, neighborhood character. He believes 144th should not be opened. As far as corrective action on the left turn onto TV Highway, he prefers to leave the situation as it is.

Commissioner Griffiths said, because the street is residential, her primary concern is livability. She said the street is tight and has no sidewalks for its many pedestrians. She said opening up the north end would create new problems, even as they are trying to resolve older problems. She found it difficult to make a left turn onto TV Highway in heavy traffic. Commissioner Griffiths said she

would consider rumble strips, or "right-in, right-out only" as a change to increase safety. She said if the character of the street became more commercial in the next 15 years, appropriate changes could be made then.

Commissioner Clark said she sees no value in opening 144th. She is concerned about the Texaco station's busy driveway and is open to hearing solutions.

Commissioner Isaak said, as in 1998, she continues to believe the median barrier proposal should be rejected. She thinks it is best to leave 144th as it is. Commissioner Isaak noted that 144th is zoned commercial and plans are already underway to redevelop the Tektronix campus. She encouraged residents of 144th to stay on top of neighborhood issues.

Discussion determined that there were several differences between the Commission's previous recommendation to remove a long-existing barricade on 149th and the circumstances of opening the north end of 144th.

Chairman Young said street openings and similar changes happen regularly. He said change is likely to occur on 144th too at some point. The Chairman said he is concerned about the difficulty of emergency vehicle access on a long, narrow street with one closed end. The residents' safety would be increased with a second emergency access route. He finds it gratifying that the Commissioners are sympathetic to the character of the street as it exists now, in contrast to superimposing a solution, while ignoring current circumstances.

Commissioner Knees **MOVED** and Commissioner Clark **SECONDED** a **MOTION** to adopt recommendation number one confirming that the Commission does not want a median barrier and that funding should not be considered for extending 144th Avenue to Millikan Way. The **MOTION PASSED** unanimously, 6:0.

Mr. Wooley asked that the Commission show their formal agreement for the facts and findings presented. He can then move the Commission's recommendation forward to City Council.

The meeting recessed briefly, reconvening at 8:30 p.m.

The following changes were suggested for the Final Written Order:

Section 1 and 2 would remain the same; Section 3 would have the last two bullets changed. The second-to-last bullet would read: "Millikan Way was previously a private roadway. There was no legal right to connect 144th Avenue to Millikan Way." The final bullet in Section 3 would read: "The Commission heard testimony that Millikan Way has recently become a public road. A connection to 144th Avenue can now be considered." Section 4 would be revised to read: "The Commission voted 6 aye, 0 nay to recommend the following action: Reject the request for a median barrier on Tualatin Valley highway. Do not consider funding the extension of 144th Avenue to Millikan Way at this time." The final two bullets in Section 5 would be changed. The last bullet would be deleted. The second to the last bullet would be changed to read: "An additional connection to Millikan Way could be expected to increase traffic on 144th Avenue. The existing street is not designed to accommodate additional traffic. Therefore, the connection to Millikan Way would not satisfy criteria 1a and 1g."

Commissioner Knees **MOVED** and Commissioner Griffiths **SECONDED** a **MOTION** to approve the Final Written Order as corrected. (To reject the request for a median barrier on SW Tualatin Valley Highway, and to not consider funding the extension of 144th Avenue to Millikan Way at this time.) No discussion followed. The **MOTION PASSED** unanimously, 6:0.

Commissioner Knees shared his observations concerning when a physical barrier is placed at an intersection in order to mandate how far back the left turn lane can extend. He believes those intersections work better if the left turn signal is activated at the end of the green light cycle, because if it is activated at the beginning, drivers scramble to try to get into the left turn lane. When the left turn indicator goes on at the end of the cycle, as drivers progress through the intersection, they merge to the left in a more orderly way. He asked how ODOT determined signal sequences.

Dennis Mitchell of ODOT said there are numerous considerations in intersection design, including turning volume, opposite direction opposition, driver expectation and linked intersection progression. He said, in some instances, it could make sense to include a "lag" (moving left turn traffic after the through movement) which is what Commissioner Knees described. He will have a signal manager review it.

A brief discussion followed about managing left turns at busy intersections when the left turn holding lane is over full. Mr. Mitchell explained several principles of traffic signal synchronization and progression speed.

Chairman Young asked why there are four traffic lights for three lanes of traffic at 117th Avenue where it crosses Canyon Road, southbound. He has observed that the two middle lights confuse some drivers. Mr. Mitchell said the standard is to now have two lights for the through lane.

Chairman Young expressed the Commission's gratitude for Mr. Mitchell's contribution to the hearing.

WORK SHOP

DISCUSSION OF DETERMINATION OF THE SURVEY AREA IN TRAFFIC CALMING PROCEDURES.

Mr. Wooley opened by saying that the adopted Traffic Calming Procedures have as many as three points where a neighborhood survey is required. The surveyed area is generally defined as the "affected area" which is usually the abutting properties within one block of the traffic calming device. After applying the procedures to real neighborhoods, some questions have arisen. Mr. Wooley said he is not proposing a change to the written procedures. However, as City Traffic Engineer he is responsible for making decisions about survey boundaries. He would like to be sure that his interpretation of the procedures follows the Commission's original intention.

Because neighborhood streets are laid out in a variety of patterns, Mr. Wooley provided maps showing the variety of decisions that must be made. He said that as staff starts working with the actual engineering and design process, the survey area might be expanded or narrowed. This involves making judgements. Mr. Wooley said traffic calming and neighborhood coordination takes up a great deal of staff time.

CITY OF BEAVERTON

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**FINAL WRITTEN ORDER OF
THE TRAFFIC COMMISSION**

**REGARDING TRAFFIC CONTROL BOARD ISSUE NUMBER 382
(Median Barrier on SW Tualatin Valley Highway at SW 144th Avenue)**

1. Hearings on the issue were held by the Traffic Commission on April 2, 1998, and May 6, 1999.
 2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
 - 1c (assure safe access and reasonable response times for emergency vehicles)
 - 1g (carry anticipated traffic volumes safely)
 - 1h (comply with Federal and State regulations)
 - 2 (comply with the standards of the Manual on Uniform Traffic Control Devices)
- In addition, the Traffic Commission found the following criteria to be relevant:
- (None)
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The request before the Commission is for installation of a median barrier on Tualatin Valley Highway at 144th Avenue. In addition, the Commission considered alternatives to address safety concerns at the intersection.
 - In a letter dated June 12, 1998, to the Oregon Department of Transportation, the City Traffic Engineer recommended a new alternative for consideration.
 - A letter dated February 8, 1999, from Dorothy Upton of the Oregon Department of Transportation (ODOT) indicates that none of the alternatives is acceptable to ODOT.
 - ODOT has recommended that a second access to 144th Avenue be provided via a new connection to Millikan Way.
 - Millikan Way was previously a private roadway. There was no legal right to connect 144th Avenue to Millikan Way.
 - The Commission heard testimony that Millikan Way has recently become a public road. A connection to 144th Avenue can now be considered.
 4. Following the public hearing, the Traffic Commission voted (6 aye, 0 nay) to recommend the following action:
 - Reject the request for a median barrier on Tualatin Valley Highway.
 - Do not consider funding the extension of 144th Avenue to Millikan Way at this time.
 5. The Traffic Commission decision was based on the following findings:

- The original proposal for a median barrier would improve safety at the intersection of 144th Avenue and Tualatin Valley Highway. However, the median barrier would create a safety concern at 142nd Avenue and Tualatin Valley Highway, where drivers would make U-turns to reach 144th Avenue. Testimony indicated that the median barrier would not satisfy criteria 1a, 1b and 1g.
 - The alternatives recommended by staff in June 1998 would improve vehicle safety and provide more orderly and predictable movement of vehicles, as required by criteria 1a and 1b.
 - The recommended alternative would maintain emergency access as required by criterion 1e. Addition of a connection between 144th and Millikan would improve emergency access to 144th.
 - ODOT indicates that the alternative recommended in June 1998 would not be approved. Therefore, it is not possible to satisfy criterion 1h. Further, ODOT argues that the recommended alternative does not provide safe bicycle crossing (criteria 1a and 1b) and does not maintain traffic capacity at the Murray intersection (criterion 1g).
 - The recommended alternative would be designed in accordance with MUTCD, satisfying criterion 2.
 - An additional connection to Millikan Way could be expected to increase traffic on 144th Avenue. The existing street is not designed to accommodate additional traffic. Therefore, the connection to Millikan Way would not satisfy criteria 1a and 1g.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 13th DAY OF MAY, 1999


Traffic Commission Chair

Rw/g/myfiles/word/tcb 382 final order

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SUPPLEMENTAL CITY TRAFFIC ENGINEER'S REPORT

TCB ISSUE NO. 382

(Median Barrier on SW Tualatin Valley Highway at SW 144th Avenue)

Background Information

The Traffic Commission held a hearing on TCB Issue 382 on April 2, 1998. At that meeting, the Commission voted to reject the original proposal for a median barrier. However, the Commission asked staff to investigate alternatives, including several alternatives suggested at that hearing. The Commission asked for an additional hearing on the alternatives following staff review.

Attachment A is the relevant portion of the previous staff report dated March 20, 1998.
Attachment B is the relevant portion of the minutes of the April 2, 1998, meeting.

As requested, staff considered other alternatives and prepared a report. The Tualatin Valley Highway is a state facility and the Oregon Department of Transportation (ODOT) must approve any revisions to the highway. On June 12, 1998, the report was sent to ODOT for comment (see Attachment C).

ODOT responded by letter in February 1999 (see Attachment D). The ODOT letter indicates that they will not approve any of the alternatives proposed. They are concerned about protecting the vehicle carrying capacity of the Tualatin Valley Highway and the Murray Boulevard intersection.

ODOT recommended providing a second access to 144th Avenue by extending the street to connect to Millikan Way. Currently, Millikan Way is a private roadway on property owned by Tektronix. The City of Beaverton has no legal right to connect a public street to a privately owned roadway.

The status of Millikan Way may soon change. Recently an agreement was signed between Tektronix and Washington County. This agreement outlines the various responsibilities of the two parties related to some proposed redevelopment of the Tektronix site. The agreement provides that Tektronix will dedicate Millikan Way as a public roadway. The County will provide improvements to the road at some unspecified future time. Washington County staff indicates that the dedication is likely to occur this year in conjunction with a land partition proposed by Tektronix. After Millikan becomes a public roadway, a connection to 144th can be considered.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movement)
- 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians)
- 1e (assure safe access and reasonable response times for emergency vehicles)

- 1g (carry anticipated traffic volumes safely)
- 1h (comply with Federal and State regulations)
- 2 (comply with the standards of the Manual on Uniform Traffic Control Devices)

Conclusions

1. The alternatives recommended by staff would improve vehicle safety and provide more orderly and predictable movement of vehicles, as required by criteria 1a and 1b.
2. The recommended alternative would maintain emergency access as required by criterion 1e. Addition of a connection between 144th and Millikan would improve emergency access to 144th.
3. ODOT indicates that the recommended alternative would not be approved. Therefore, it is not possible to satisfy criterion 1h. Further, ODOT argues that the recommended alternative does not provide safe bicycle crossing (criteria 1a and 1b) and does not maintain traffic capacity at the Murray intersection (criterion 1g).
4. The recommended alternative would be designed in accordance with MUTCD, satisfying criterion 2.
5. An extension of 144th Avenue to connect with Millikan would provide an additional access route. The additional access could be expected to result in a reduction in left-turning traffic at 144th and Tualatin Valley Highway, especially at times of peak traffic volumes, thereby reducing conflicts at the intersection. Turn restrictions could be considered as part of the design, in order to further improve safety and to discourage cut-through traffic. Properly designed, the connection would satisfy all of the applicable criteria.
6. The connection to Millikan is not currently feasible because Millikan is a private roadway. However, it appears likely that Millikan will become a public roadway within the next year.
7. Because ODOT is unlikely to approve any changes to the intersection of 144th and Tualatin Valley Highway and because the extension of 144th to Millikan (as suggested by ODOT) may soon become a feasible option, the City should focus its efforts on the future extension.

Recommendations

1. Reconfirm the 1998 decision rejecting the original request for a median barrier on Tualatin Valley Highway at 144th Avenue.
2. Recommend that extension of 144th Avenue to Millikan Way be considered for funding when Millikan Way becomes a public roadway.
3. Recommend that the design of the 144th extension include consideration of turn restrictions at the intersections of 144th with Tualatin Valley Highway and Millikan Way, where needed to enhance traffic safety or to discourage cut-through traffic on 144th.
4. Recommend that the design process for the 144th extension include opportunities for participation by residents, tenants and owners of all properties along 144th between Tualatin Valley Highway and Millikan Way.

RW/traffic/TC/1999/05/May0699/tcb 382 aapl engineer report

ATTACHMENT A

EXCERPT FROM THE STAFF REPORT PREPARED FOR THE APRIL 2, 1998, TRAFFIC COMMISSION MEETING. TEXT BELOW SHOWS THE PORTION OF THE STAFF REPORT PRETAINING TO THE PUBLIC HEARING OF TCB ISSUE 382.

MEMORANDUM

City of Beaverton

DATE: March 12, 1998

TO: Traffic Control Board Members

FROM: Randy Wooley, City Traffic Engineer
Daryl Steffan, Traffic Engineering Supervisor

RE: Traffic Control Board Issues 373 through 383

...

TCB Issue 382: Median Barrier on SW Tualatin Valley Highway at SW 144th Avenue.

Requested by Kenneth Ayers. The proposal is to install a raised, concrete median barrier on SW Tualatin Valley Highway from SW Murray Boulevard to SW 142nd Avenue. This barrier would restrict turning movements to right-in and right-out movements only. Left turning movements would be eliminated between SW Murray Boulevard and SW 142nd Avenue. The median would not effect turning movements at SW Murray Boulevard. Left turns and U-turns would be permitted at SW 142nd Avenue.

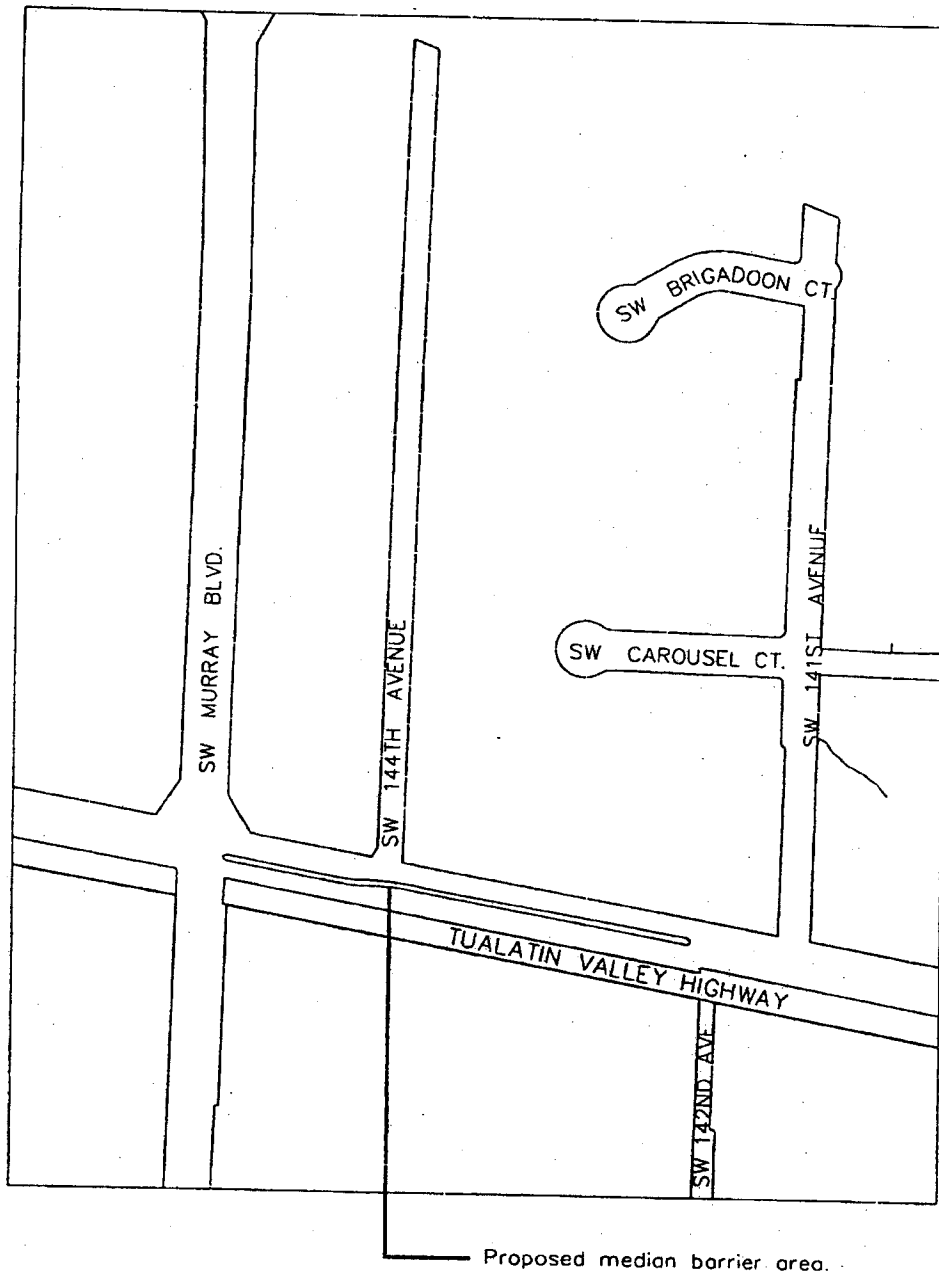
This intersection has a moderate accident history with eight accidents over a three-year period. Seven of the eight accidents were angle-type accidents involving left turn movements. Installing a median barrier would improve safety by eliminating the left turning conflicts at this location.

In the enclosed correspondence, the State suggests that, if installed, the median should be extended to SW 142nd Avenue where U-turns to get to SW 144th Avenue would be legal. The State also concurs with the need to involve the public to address access issues. Residents of SW 144th Avenue will be notified of the Traffic Commission hearing.

Funding for installation of the median is potentially available in the Hazard Elimination Program in the City's capital improvement program.

...

TCB #382



MC 0-107-0-1000



City Of Beaverton

PROPOSED SPEED ZONE RATIFICATION
ON TV HWY. FROM MURRAY BLVD. TO 142ND AVE.

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: MC Date: 3/11/98

Reviewed By: Date:

Approved By: Date:

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ATTACHMENT B

EXCERPT FROM THE MINUTES OF THE APRIL 2, 1998, TRAFFIC COMMISSION MEETING.
TEXT BELOW SHOWS THE PORTION OF THE MEETING PERTAINING TO THE PUBLIC
HEARING OF TCB ISSUE 382.

City of Beaverton

TRAFFIC COMMISSION

Minutes of the April 2, 1998, Meeting

CALL TO ORDER

Chairman Jack Young called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers.

ROLL CALL

Chairman Jack Young, Traffic Commissioners Kathy Marcott, Holly Isaak, Scott Knees, Louise Clark, and Matt Hsu. Commissioner Elaine Wells was excused.

Staff included City Traffic Engineer Randy Wooley, Associate Planner Margaret Middleton and Recording Secretary Debra Callender.

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PUBLIC HEARING

TCB 382: A proposal for a Median Barrier on SW Tualatin Valley Highway at SW 144th Avenue.

Chairman Jack Young opened the public hearing on TCB 382.

Staff Report

Mr. Wooley said TCB 382 was drafted in response to a citizen-initiated suggestion. The requester believes that prohibiting turns on 144th by erecting a narrow barrier down the center of the Tualatin Valley Highway would prevent turning accidents. City staff recognizes that a median barrier would be an inconvenience for vehicles wanting to turn on 144th. The goal of this hearing is to examine the trade-offs between improving safety, lowering street capacity, and the inconvenience of limiting access to side streets.

Mr. Wooley stated that the State of Oregon owns the highway and will support the barrier project; however, they will not pay for it. The City of Beaverton's Capital Improvement Program has a hazard elimination fund that provides monies for small safety projects such as this.

Mr. Wooley distributed copies of letters received by the City after the site was posted. Generally, they do not support building a barrier. More support was seen for efforts to discourage westbound traffic from entering the right or left turn lanes before reaching 144th.

Mr. Wooley directed attention to the traffic count data collected at the 144th Avenue site during peak traffic hours. The data shows eight accidents at the site during the previous three years, with two additional accidents documented since the data was collected in October. Peak-hour traffic routinely

backs up to 144th from the Murray-TV Highway intersection. Barriers may cause more traffic stacking because they affect a road's load-carrying capacity.

Staff will not make a recommendation until they hear the public testimony. Commissioner Knees and Mr. Wooley determined that the next traffic light is at Hocken Avenue about one-fourth mile east of 144th. Vehicles could make a legal U-turn at 142nd that would allow a safe direction change from east to west. Mr. Wooley stated that the City's Long-Range Plan, the Transportation System Plan, and the Downtown Connectivity Plan all call for eventual realigning and connecting 141st and 142nd. However, this is not expected in the near future.

Commissioner Clark asked about "Do Not Block Intersection" signs and about repainting the intersection. Mr. Wooley said this might not be enough to improve safety in this situation. Commissioner Knees suggested that extending 144th north to Millikan Way would also resolve the problem. Mr. Wooley said this connection may happen in the future. Currently, however, Millikan Way is a privately owned street and the City cannot make that connection.

Public Testimony

Maurice Monroe, 14145 SW Tualatin Valley Highway, Beaverton, Oregon, testified on behalf of Precision Body and Paint Shop located at the above address. Mr. Monroe stated that his company paid top dollar for easy access business property. He is concerned a barrier would limit customer access. Mr. Monroe also noted that auto repair shops are considered high fire risk, so he is concerned that a hard-turn barrier would slow emergency response. Commissioner Clark asked if staff had investigated how a barrier would effect emergency vehicles.

Mr. Wooley replied that emergency response teams prefer no curbs or barriers, thus careful project design would be critical; a curb could be designed so that a fire truck could cross.

Chairman Young asked staff if dual left turn lanes from the highway onto south-bound Murray Boulevard had been considered as a way to avoid traffic stacking, thus clearing the intersection before traffic could back up to 144th. Mr. Wooley answered that a two-turn lane solution had not been investigated, because it would further complicate signal timing.

Commissioner Isaak asked if the barrier could be made shorter to avoid impacting through traffic. Mr. Wooley answered that the City had originally proposed a shorter barrier; however, the State suggested lengthening it.

Guy F. Waughtel, 3640 SW 144th Avenue, Beaverton, Oregon supports installing a median barrier. He believes there have been more than eight accidents at 144th. He added that traffic cutting back to the east from the corner Texaco service station cause most of the accidents.

Dr. Tom Miller, 4095 SW 144th, Suite K, Beaverton, Oregon spoke against installing a barrier or limiting left turns onto 144th. He referred to Dr. Thompson's letter that proposed leaving openings in the barrier to discourage early entry to the turn lane. Commissioner Clark clarified that Dr. Thompson's proposal would leave openings in the barrier at each street, partway on the north and partway on the south. Dr. Miller added that the solution should also include making the third lane into a right-turn-only lane. Now it merges into two lanes creating a bottleneck.

Chairman Young asked about the viability of installing traffic signals at 142nd or 141st prior to the implementation of the Downtown Connectivity Plan. Mr. Wooley said a more likely scenario would be opening another access route to 144th.

Betty Dyer, 3650 SW 144th Avenue, Beaverton, Oregon, who has lived on 144th for more than ten years, spoke in favor of installing a median barrier. She has seen numerous accidents and near accidents.

Corey Stilson, 3720 SW 144th Avenue, Beaverton, Oregon, spoke against a median divider unless 144th is first opened at the north end. He likes the idea of clearly painting the intersection, adding blinking yellow lights and a "Do Not Block Intersection" sign. He does not believe a traffic light at 142nd would help.

Lennie Wong, 4095 SW 144th Avenue, Beaverton, Oregon, spoke as a representative of Dr. Thompson and other Tender Care staff. Many patients do need to turn left into 144th. They believe a median barrier is not a good idea. The far right lane has very fast traffic and would benefit from large, 10-inch traffic buttons (as used along Washington Square street entries).

Mr. Wong asked about the possibility of connecting Murray Boulevard and 144th. Mr. Wooley replied that the only location without buildings is a wetland area, so it would be a difficult and very expensive connection. A connection to Millikan Way would be an easy construction project, but as explained before, Millikan is a private road.

Craig West, 3805 SW 144th Avenue, Beaverton, Oregon, is against the barrier as proposed. He believes the real solution is to close 144th at the end of the business section, then connect the north end of 144th to Millikan. Painting the intersection, adding signs and increased police enforcement would help too, he stated.

Mr. Wooley reminded the Commission that the Tualatin Valley Highway is a State of Oregon roadway. Several of the alternate solutions just discussed would require the State's approval.

Chairman Jack Young closed the public hearing on TCB 382.

Commission Deliberations

Commissioner Marcott asked if the staff had considered restricting left turn movement on 144th to right-turn-in or right-turn-out, only. Mr. Wooley said a "pork chop" on 144th was one of the State's original suggestions, with the addition of a median barrier that allowed U-turns at the next intersection.

Commissioner Hsu asked about current use of the far right lane. Mr. Wooley said the lane is not marked as a right-turn-only lane and vehicles can proceed straight through the intersection in this lane. Vehicles must, however, merge back into the center lane on the west side of the intersection. He said it could be converted to a right-turn-only lane. He noted the Transportation System Plan calls for three lanes in each direction.

Commissioner Marcott asked about the cost of the barrier as proposed. Mr. Wooley answered approximately \$10,000. Commissioner Hsu asked about the cost of a split median. Mr. Wooley stated that costs would be similar.

Commissioner Clark is especially concerned about vehicles moving eastward being rear-ended. She likes the idea of designating the far right lane as a right-turn lane only. It should not cross the intersection. The right turn lane division should be highlighted with large traffic buttons designed to keep drivers

committed to a right turn. The Commissioner also favors marking the intersection with painted yellow lines and using signs with flashing yellow warning lights.

Commissioner Knees would like to see the far right, westbound lane used exclusively for right turns. He likes the divided barrier solution, although he believes it would only reinforce what the road striping already communicates. A solid barrier would be too much disruption for the business on 144th.

Commissioner Hsu likes the idea of a divided median. He is concerned that putting traffic buttons along the right turn divider would restrict turns out of Texaco. Commissioner Clark said eliminating the left turn option would help the situation. Commissioner Knees suggested that vehicles should exit Texaco onto Murray then turn left. Commissioner Isaak thought Texaco owners would object to having a turn restriction imposed. She offered the idea of having westbound TV Highway, as it enters southbound Murray, become a double lane. Mr. Wooley said this would require split-phase operation of traffic lights, which generally reduces carrying capacity.

Chairman Young identified a potential problem for vehicles attempting to make a left turn from 142nd onto TV Highway. The barrier would eliminate the center lane, which provides a place for vehicles to safely ease into westbound traffic. Mr. Wooley confirmed that the barrier would stop vehicles on 142nd from using the center lane. Chairman Young noted that the barrier would not only create a U-turn problem, but in addition, make turns from 142nd more dangerous.

Chairman Young and Mr. Wooley clarified that the original citizen proposal as stated in TCB 382 could be adopted with minor changes, without further staff reports. However, if the Commission chose to make substantial changes to TCB 382, a second neighborhood notification, staff report, and public hearing would be required.

Commissioner Marcott **MOVED** and Commissioner Clark **SECONDED** a **MOTION** to not install the TCB 382 median barrier. No discussion followed. The **MOTION PASSED** unanimously 6:0.

Commissioner Marcott **MOVED** and Commissioner Hsu **SECONDED** a **MOTION** asking staff to return to the Commission with one, or several, new solutions to remedy the problem. Discussion followed. Mr. Wooley said more time will be required, including time for State review. Commissioner Knees encouraged staff to consider a shorter split divider that would eliminate the need for U-turns. Chairman Young said that staff is also welcome to develop new solutions. Commissioner Clark would like to see citizen concerns and possible viable solutions moved forward to the Commission more quickly. Commissioner Knees said he would like to see staff consider suggestions from both the Commission deliberations and the public comments as they develop solutions.

The **MOTION PASSED** unanimously 6:0.

Chairman Young noted that those who testified, along with the surrounding neighborhood, will receive notice of the hearing on staff's new proposal. Chairman Young thanked the citizens who gave testimony for their interest and well-considered comments.

...



CITY of BEAVERTON

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

June 12, 1998

Bill Ciz, Region 1 Traffic Manager
Oregon Department of Transportation, Region 1
123 NW Flanders
Portland, Oregon 97209

Re: Tualatin Valley Highway at SW 144th Avenue (Oregon Route 8, MP 4.51)

Thank you for your letter of February 2, 1998, regarding Tualatin Valley Highway and 144th Avenue. Enclosed is a brief narrative of the outcome of the City of Beaverton Traffic Commission meeting and public testimony, for the proposed installation of a traffic median barrier on the highway between Murray Boulevard and 142nd Avenue. Due to the demonstrated opposition by businesses and residents in the area against installing the barrier, the Traffic Commission has requested an alternate solution.

In the enclosure you will find an alternate recommended solution. Please review the recommended solution and the ideas suggested at the public meeting, and let us know which of the ideas could be approved by ODOT. After we receive your comments, further discussion will be scheduled with the neighborhood and the Beaverton Traffic Commission.

Sincerely,

Randall R. Wooley
City Traffic Engineer

JK/RW:jk:i:traffic\1997\ext_cor\97_97B

enclosure

SW Tualatin Valley Highway at SW 144th Avenue.

This issue is continued from the Traffic Commission meeting of April 2, 1998. The issue was originated in response to the May 26, 1997 letter from Kenneth Ayers. Mr. Ayers believes that prohibiting left turns to and from 144th Avenue by constructing a concrete barrier down the center of the Tualatin Valley Highway would prevent turning accidents at the intersection.

For the period of three years, eight accidents were recorded with additional two accidents since the data was collected at the intersection. Two impact locations have been identified. The far right curb lane and the two-way continuous turn lane or median. It appears most of the accidents involved vehicles turning left on to or from 144th Avenue.

At the April 1998 meeting, the Commission heard testimony in favor and in opposition to the proposed median barrier. The majority opposed the median barrier and suggested other ideas to resolve the accident problems. The Commission requested that staff recommend other alternatives and consider the suggested ideas in their recommendation.

Ms. Betty Dyer and Mr. Guy Waughtel are residents on 144th Avenue. They both supported the median barrier and indicated that there have been more than eight accidents at 144th.

Mr. Maurice Monroe of Precision Body and Paint, Dr. Tom Miller and Mr. Lennie Wong, a representative of Dr. Thompson and other Tender Care Office professionals spoke against the installation of the median barrier and limiting left turns onto 144th. Their concern is that the barrier would make accessing their businesses very difficult. Mr. Craig West and Mr. Corey Stilson, residents on 144th, also spoke against the median barrier.

Through public testimony and Commission deliberation several ideas were suggested to remedy the accident problem. The commission requested that staff develop other solutions and consider some of the ideas suggested.

In developing a new solution, staff has reviewed the feasibility and effectiveness of each suggested alternative. Below are the findings and the staff recommendation.

SUGGESTED SOLUTIONS & FEASIBILITY

Convert westbound curb lane to right-turn only at Murray.

Dr. Tom Miller and Mr. Lennie Wong favor this solution. Mr. Wong also suggested the use of 10-inch buttons for delineation. The idea into converting the curb lane to right turn lane only is to eliminate the bottleneck as the curb lane merges into two lanes past Murray.

Currently the curb lane is functioning as a right-turn lane only. Converting this lane to right turn only at Murray would not alleviate the accidents at 144th Avenue. Also it would make it difficult for the westbound traffic exiting the Texaco gas station.

Post "DO NOT BLOCK INTERSECTION".

Mr. Corey Stilson and Mr. Craig West suggested that posting "DO NOT BLOCK INTERSECTION" would help alleviate the accident problem.

Currently there is a "DO NOT BLOCK INTERSECTION" sign on the northeast corner of the intersection.

Dual westbound left-turn lanes at Murray.

Chairman Jack Young suggested this option. The idea is to clear the intersection before traffic could back up to 144th.

Converting the far left westbound through lane to a left turn lane would require split phase operation of the traffic signal. This would require a longer cycle length and consequently having longer queues and longer delays. To make this option feasible would require reconstructing the intersection and the cost would far exceed the benefits.

Add flashing beacon at 144th.

Mr. Corey Stilson suggested this solution. Mr. Stilton suggests that a flashing light would alert drivers and make the intersection more visible.

Due to the close proximity of 144th Avenue to Murray Boulevard, installing a flashing beacon at 144th Avenue with the existing signal at Murray Boulevard may convey redundant confusing messages to motorist and would further complicate and create an unsafe situation.

Paint the intersection so it shows up better.

Mr. Corey Stilson and Mr. Craig West suggested painting the intersection so it will show up better and alert drivers.

Painting the intersection would make the intersection more visible and alert drivers. However this would not reduce the conflict occurring at the right curb lane or the median therefore having little affect in reducing the type of accidents occurring at the intersection. This option has a high initial installation cost and a high maintenance cost associated to the heavy volume of traffic.

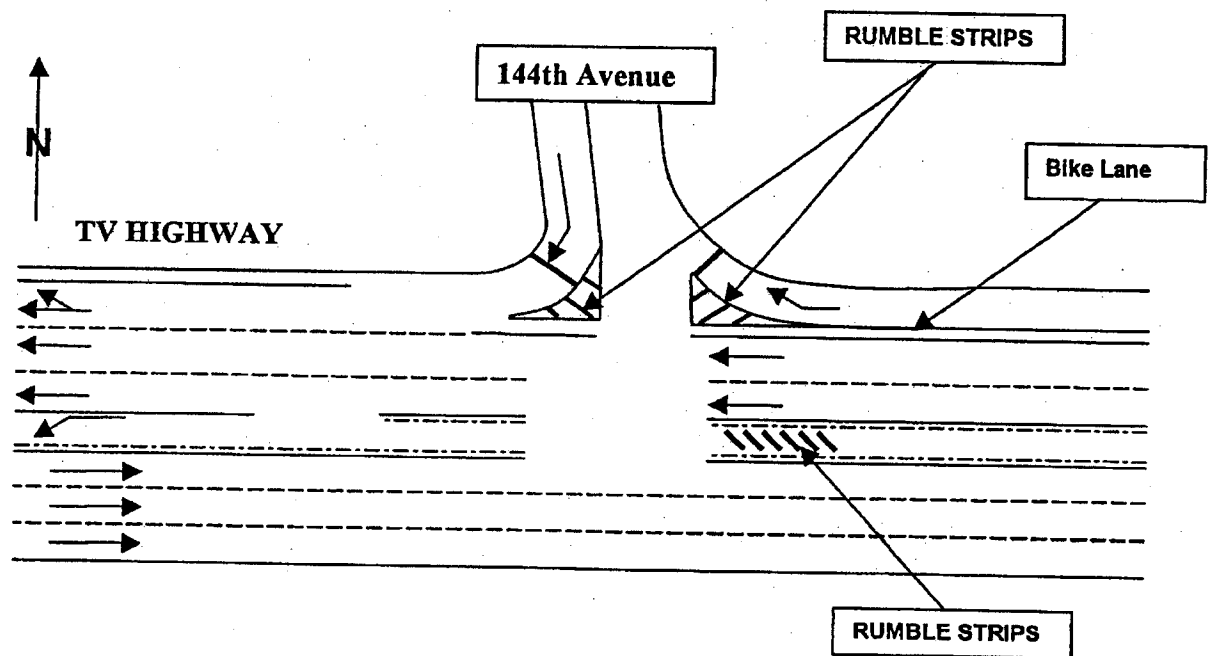
"Split median" on south side of center turn lane from Murray to 144th and on the north side from 144th to 142nd.

Dr. Robert Thompson suggested this idea in his letter responding to the installation of the median barrier. Dr. Miller brought it up during the hearing. The idea is to prevent westbound left turning traffic from entering the left turn lane before reaching 144th, and would still allow left turns at 144th.

This option would solve the accidents occurring in the median. However, there is a potential of rear end accidents due to the fact that this option would eliminate the use of the median as a refuge by vehicles turning left onto 144th and vehicles exiting the driveways on the south side going east on TV Highway. This option would not solve the accident problem in the westbound curb lane.

RECOMMENDED SOLUTION

This alternative is to install rumble strips in the median and convert the right curb lane east of 144th and the southbound lane on 144th to right turn lanes only. Converting the lanes to right turn lanes only could be accomplished by installing small islands using raised pavement markers as shown below. This would eliminate the conflict area and reduce the accidents occurring in the curb lane and in the median. It would also allow buses and traffic exiting the Texaco gas station to go through on TV Highway. Installing rumble strips in the median would discourage motorists from jumping the queue and driving in the median, and would also reduce the conflict with traffic turning left onto 144th Avenue. This option would also maintain access to businesses on 144th Avenue and on TV Highway.





Oregon

John A. Kitzhaber, M.D., Governor

Region 1 Traffic Unit
Phone: 503-731-8300

ATTACHMENT D

Department of Transportation

Region 1

123 NW Flanders

Portland, OR 97209-4037

(503) 731-8200

FAX (503) 731-8259

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FEB 10 1999

ENGINEERING DEPT

FILE CODE:

February 8, 1999

Randy Wooley
City of Beaverton
4755 SW Griffith Dr.
PO Box 4755
Beaverton, OR

Subject: Tualatin Valley Hwy. No. 29 at SW 144th (MP 4.51)

Dear Randy,

This letter is in response to your request concerning the subject intersection. I apologize for this response taking so long to get back to you.

Background:

In February 1998 Bill Ciz responded to your concern, agreeing that extending the traffic separator to SW142nd may be feasible, if the City wanted to pursue this action. In June, you responded to Bill's letter sharing the opposition to the traffic barrier. At that time you proposed to turn the curb lane into a right in/right out/left in with the installation of rumble strips to create islands. You also asked to have the rumble strips installed in the median to discourage its use for the left turn onto Murray Blvd. Because of restricting the turn movements, we requested turn movements be collected and some analysis be performed to understand how this area is currently functioning. This work was not completed until October. We have been working internally trying to come up with a solution that addresses the accident concern without degrading the operation of the state highway system.

Existing Conditions and Traffic Analysis:

This section of Tualatin Valley Highway has three lanes in each direction and a two-way left turn lane between SW 142nd and SW Murray Blvd. There are no accesses along the south side of the road because of the railroad tracks that parallel TV Hwy. There is approximately 280 feet from Murray to SW 144th and 580 feet from SW 144th to 42nd, with a driveway about 350 feet from the subject intersection.

The 24-hour volumes along TV Highway obtained during June and July, 1997 were:

Hocken: ADT = 42900 (EB) and 42750 (WB)

SW 148th: ADT = 47500 (EB) and 44850 (WB)

Turn Movements Counts were obtained at TV Hwy & Murray Blvd. on February 5, 1997 during am & pm peaks. These numbers were used to run the ODOT Signal Capacity Analysis program (SIGCAP). The existing conditions show an AM peak = LOS "F" and a

PM peak = LOS "E". These analysis calculations are overly optimistic since the program balances the through and right turn movements between the 3 available lanes. With the proposal for only 2 WB through lanes the AM peak = LOS "F" and the PM peak = LOS "F". Implementing your recommendation lowers the pm peak LOS to an unacceptable "F". Therefore, ODOT has been reviewing what other options may be feasible.

We reviewed the possibility of striping the median differently. However, as you can see by our standard drawing for a left turn pocket, the minimum distance for a left turn refuge is 150 feet (75 foot of storage and a 75 foot opening). Therefore, back-to-back turn refuges are not feasible in the 280 feet that is available. The queue analysis for WB TV Hwy to SB Murray shows a minimum storage length of 250 feet not including any distance for the opening to get into the lane. Therefore the area near the intersection should be maintained as a two-way left turn to allow for a pocket for the left turn move from TV Hwy onto 144th, since this is a movement you wish to maintain at this time.

Accident Review

To study the accident patterns near this intersection, a three-year accident listing from DMV records on Tualatin Valley Highway between mile points 4.46 and 4.60 was obtained. The analysis was concentrated around the intersections of TV Highway with 144th and Murray Blvd.

This intersection has a pattern of accidents between vehicles turning left onto 144th and vehicles westbound on TV Highway. This is the major accident pattern that needs to be addressed at this intersection. From our review and based on your proposed solution, we believe that many of these accidents involve vehicles turning through stopped traffic lanes being struck by westbound vehicles in the curb lane that are progressing westbound in the "open" lane to the signal.

Conclusions

The construction of islands as you proposed reduces the capacity of the TV Highway and Murray Boulevard intersection. Also constructing islands in this configuration may result in drivers being diverted onto 144th and into the neighborhood.

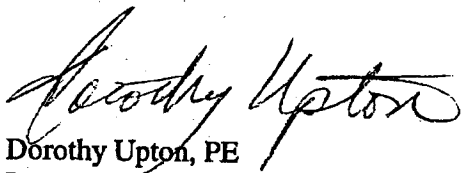
The intersection of TV Highway and SW 144th has a pattern of accidents between vehicles turning left onto 144th and vehicles westbound on TV Highway. This accident pattern occurs at similar intersections where left turns occur close to major intersections. A solution to this accident pattern is to eliminate the vehicles turning left onto 144th. This was the driving factor behind our proposal to install a median between Murray and 142nd.

Your proposal also does not consider providing a safe bicycle path through the intersection. In order to provide large enough islands to divert traffic, the area needed for the clear bike path would have to be used.

Solutions

At this time, ODOT cannot support installing islands to channelize traffic as you requested. ODOT believes that the City of Beaverton may want to consider connecting 144th to Millikan, since Millikan and Murray is also a signalized intersection. This would allow for access for vehicles from west of Murray Boulevard to have access to the homes and businesses along 144th Ave. We realize, however, there may be issues related to commercial traffic on the residential portion on 144th, but this would directly address the accident pattern. However, to visually aid drivers turning left onto 144th, ODOT will install three pavement arrows in the through lanes of the westbound travel lanes so drivers realize they must turn across three lanes of traffic.

If you need further information, please call Bill Ciz at 731-8227 or myself at 731-8205.



Dorothy Upton, PE
Region Traffic Investigations Team Leader

Attachments

Cc: Ron Kroop, District 2A

Tv@144th.doc

Accident Listing Summary
Tualatin Valley Highway No. 29
Summary from MP 4.46 - 4.60

D. Upton
1/25/1999

Mile Point	Landmark/Description			Turn	Angle	Rear	Fixed	Head-on	SS-O	Totals
4.46		2/3	Mixed				1			2
4.48		2	Driveway/Alley							2
4.49		3	Straight				1			2
4.5		2	Driveway/Alley							1
4.51	SW 144th	1	Intersection		17		1			18
4.52		2	Driveway/Alley							1
4.53		1/2/3/0	Mixed			1		1		2
4.54		2/3	Mixed				2			3
4.55		3	Straight				2			2
4.56		2/3	Mixed				4			6
4.57		3	Straight				2	1		2
4.58	SW Murray Blvd.	1	Intersection		4	1	22		1	28
4.59		3	Straight				2			2
4.6		2/3	Mixed		1		5			6
Distances	0.14 miles = 740 feet			33	2	43	1	1	1	81

Based on:										
All within 100' each side of 144th				23	1	3	1			28
All other turning between 4.46 & 4.56				5						5
				28	1	3	1			33

33/81 Accidents are related to this intersection (40.7%)

39/81 Accidents are rear-ends related to Murray Blvd. (48.2%)

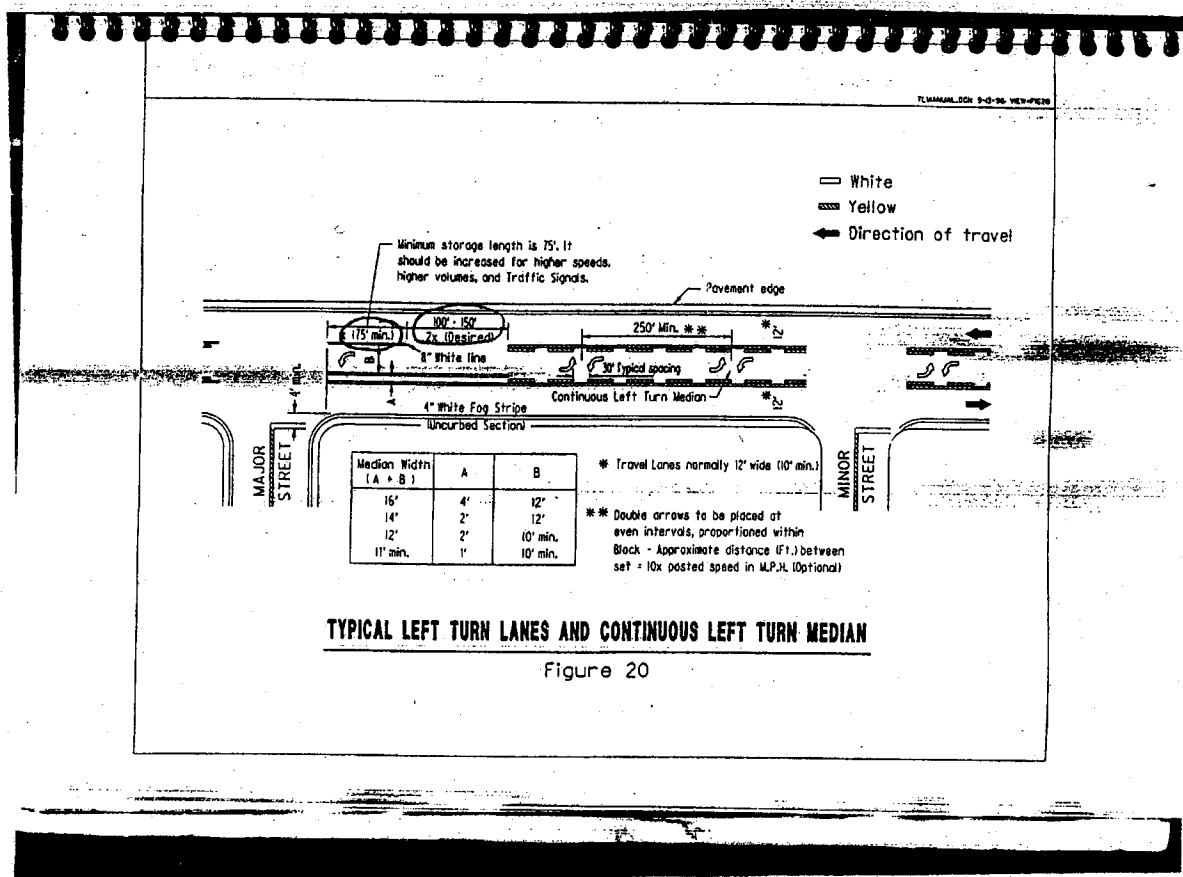
9/81 Accidents are miscellaneous or not related (11.1%)

Of these 33 Accidents Related to this Intersection

21/33 Turn Related = 63.64% (13 are turning left onto 144th and 8 are turning left out of this area).

4/33 Probably Unchanged = 12.12% (typical rear-end & a fixed object (curb))

8/33 Other accidents = 24.24% (Head-on, Angle, Misc.)





RECORD COPY

CITY of BEAVERTON

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

April 14, 1999

To the residents of SW 144th Avenue north of Tualatin Valley Highway:

Last year, the Beaverton Traffic Commission held a public hearing to consider a request for a median barrier on Tualatin Valley Highway at 144th Avenue. At the hearing, residents and business owners made suggestions for alternative ways to increase safety at 144th. The Traffic Commission asked City staff to review the alternatives and present their findings at a later public hearing.

Enclosed is a notice for the new hearing, scheduled on May 6, 1999. Also enclosed is a copy of the staff report that will be submitted to the Traffic Commission.

The Oregon Department of Transportation (ODOT) has not approved any of the suggested alternatives. Without ODOT approval, the City cannot implement the alternatives. Therefore, the enclosed staff report recommends no immediate changes to the intersection of 144th and Tualatin Valley Highway.

However, it may soon become feasible to provide a second access to 144th via a connection to Millikan Way. Please read the enclosed report for details of how this may come about. The staff report recommends that the City pursue the second access option.

If you have questions after reading the enclosed information, please call me at 526-2443.

Sincerely,

Randall R. Wooley
City Transportation Engineer

RW/gmyfiles/word/tcb 382 neighborhood letter

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APR 22 1999

ENGINEERING DEPT

12455 S.W. Chaps Ct., Apt. F
Beaverton, OR 97008-8261
April 19, 1999

Beaverton Traffic Commission
c/o City Traffic Engineer
P.O. Box 4755
Beaverton, OR 97076-4755

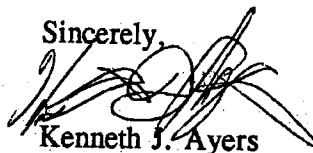
To Whom it May Concern:

Thank you for the attention given to my proposal (TCB issue 382). Due to the apparent deadlock regarding TCB issue 382, here are two additional ideas that may reduce, but not eliminate, accidents at 144th and TV Highway.

- I. Extend the 35 mile-per-hour speed limit to just west of Murray Boulevard. This would perhaps give drivers a little more time to see and/or avoid a potential problem.
- II. Install two signs.
 - A. Position a sign over TV Highway (with a flashing yellow light), 200 feet east of 144th over the west-bound lanes. The sign would say:
Slow
Watch for cross traffic 200 feet ahead
This would alert drivers to a potential hazard.
 - B. Install a second sign "Watch for cross traffic" at 144th so drivers in the west-bound curb lane will be reminded of a potential danger.

Once again, thank you for your consideration of this matter. Unfortunately, I will be unable to attend the hearing on May 9, 1999 due to a previous commitment. If you wish to contact me, I can be reached at the above address, or by phone: 524-7163.

Sincerely,



Kenneth J. Ayers

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APR 26 1999

ENGINEERING DEPT



Dwight Estby Enterprises

Texaco and Shell Wholesaler

874 SW Baseline
Hillsboro, OR 97123
Phone: (503) 681-0308 Fax: (503) 648-1089

City of Beaverton
Ronald R. Wooley – Traffic Engineer
P.O. Box #4755
Beaverton, Oregon #97076

RE: Tualatin Valley Highway at S.W. 144th Avenue

Dear Mr. Wooley,

Estby Enterprises is the leasee of the Texaco Service Station located at the corner of Murray (145th) and Tualatin Valley Highway. We lease the station from the Sisters of St. Mary's for a substantial amount of rent, which only can be paid if we retain our existing gasoline volume.

The recommended solution of installing rumble strips at the intersection of 144th and T.V., will be detrimental to our business by reducing our volume. It will interfere with curb lane traffic flow by forcing traffic to veer away from our busiest driveway and creating a dangerous drive in situation and stacking problem.

It is our opinion that the 144th intersection shouldn't be tampered with because it is a low volume intersection and will probably continue to be. I would recommend a raised median east from the Murray road – T.V. intersection past 144th in order to eliminate dangerous crossover traffic.

Sincerely,
Dwight Estby

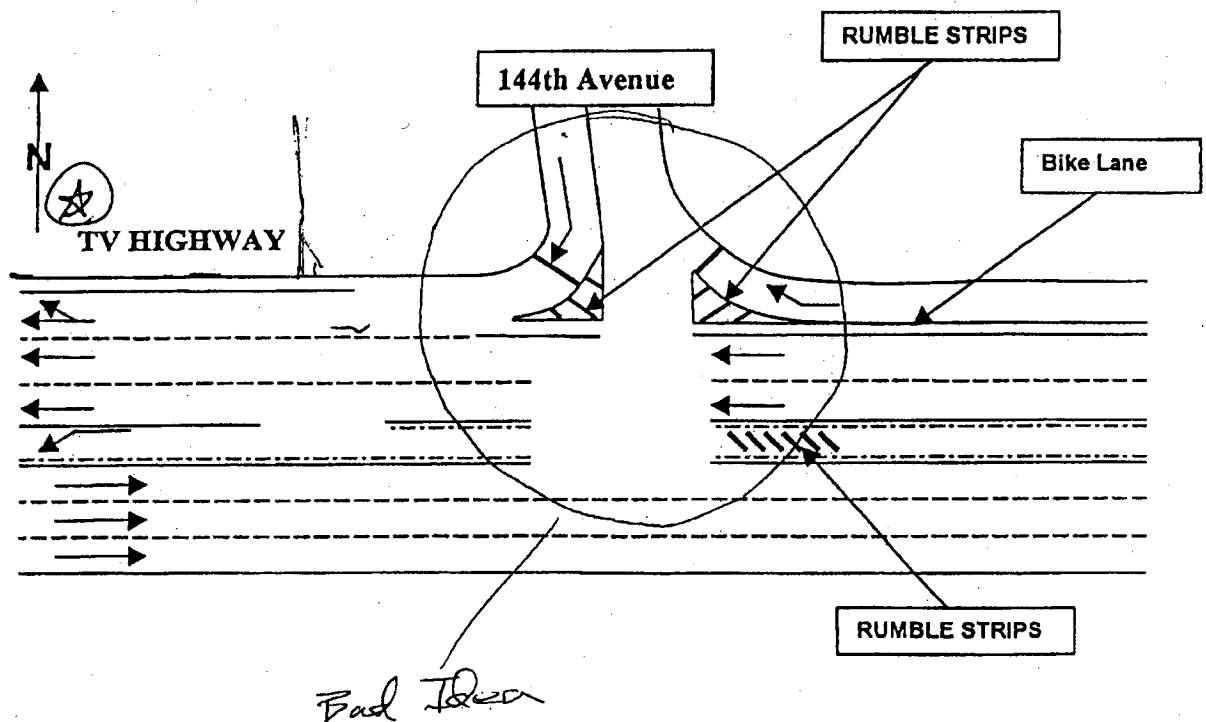
"Split median" on south side of center turn lane from Murray to 144th and on the north side from 144th to 142nd.

Dr. Robert Thompson suggested this idea in his letter responding to the installation of the median barrier. Dr. Miller brought it up during the hearing. The idea is to prevent westbound left turning traffic from entering the left turn lane before reaching 144th, and would still allow left turns at 144th.

This option would solve the accidents occurring in the median. However, there is a potential of rear end accidents due to the fact that this option would eliminate the use of the median as a refuge by vehicles turning left onto 144th and vehicles exiting the driveways on the south side going east on TV Highway. This option would not solve the accident problem in the westbound curb lane.

RECOMMENDED SOLUTION.

This alternative is to install rumble strips in the median and convert the right curb lane east of 144th and the southbound lane on 144th to right turn lanes only. Converting the lanes to right turn lanes only could be accomplished by installing small islands using raised pavement markers as shown below. This would eliminate the conflict area and reduce the accidents occurring in the curb lane and in the median. It would also allow buses and traffic exiting the Texaco gas station to go through on TV Highway. Installing rumble strips in the median would discourage motorists from jumping the queue and driving in the median, and would also reduce the conflict with traffic turning left onto 144th Avenue. This option would also maintain access to businesses on 144th Avenue and on TV Highway.



FILE COPY

April 23, 1999

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APR 27 1999

ENGINEERING DEPT

Beaverton Traffic Commission
C/O City Traffic Engineer
City of Beaverton
P.O. Box 4755
Beaverton, OR 97076-4755

To Whom It May Concern:

Please accept this letter in response to the memo we received dated March 12, 1999 regarding Traffic Control Board Issues 373 through 383.

We purchased our home at 3770 S.W. 144th Avenue in October of 1990. Immediately after purchasing our home, we realized the only safe way to enter in and out of 144th Avenue was to make a right turn exiting our street, and go around the block and up 142nd to TV Highway to enter 144th Avenue. This process is very easy, and adds little time to our commute.

We believe the Hazard Elimination Program would eliminate the accident problem at the intersection of 144th and TV Highway by making the following changes. First, post a right turn only sign at the south end of 144th Avenue. This would prohibit vehicles from turning left onto TV Highway. Second, post a right turn only sign at the exit from the Texaco station, which leads onto TV Highway. This would prohibit vehicles from turning left out of the Texaco station, which is even more dangerous than making a left out of 144th. Third, hang a blinking no left turn sign on one of the existing cables that run from one side of TV Highway to the other. This would eliminate vehicles from turning left off of TV Highway and onto 144th. These changes would be very effective and require minimal expense.

We are adamantly opposed to the proposal that would open up the north end of 144th. This idea would be disastrous. Instead of having one accident-riddled intersection on our street we would have two. We want our dead end street to remain a dead end street. 144th Avenue is currently bicycle and pedestrian friendly. If the north end of the street were opened up the street would have to be widened. Sidewalks would be a future requirement of those who reside on 144th. We are not willing to surrender any of our land for street expansion, nor are we in a position to afford paying for sidewalks.

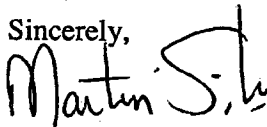
This street would become a popular thoroughfare for people hoping to avoid a light and save a few seconds. Several times a day we see vehicles racing down the street at nearly twice the legal limit in an effort to cut through to Millikan – they obviously have not seen the Dead End sign posted at the beginning of 144th. If 144th were opened up, the speeding vehicles would increase tenfold.

144th Avenue is home for children, pets, ducks and other living beings. We have a small park and creek which children enjoy, usually unaccompanied by an adult. The increase in traffic and the increased speed of that traffic would put all of us in danger, and diminish the livability of a quiet neighborhood.

If the residents of 144th Avenue are willing to adjust to the new provisions of vehicle movement at the intersection of 144th and TV Highway (right turn only onto TV Highway and out of the Texaco and no left turn onto 144th), the dental/chiropractic patients should also be willing to adjust. We have had to accept the reality that these businesses don't provide ample parking for their clients, which contributes to the safety problems of the intersection due to congestion.

A major requirement we had when we began our search for a home was that it had to be on a cul de sac or dead end street. We are appalled at the notion that someone would consider turning 144th Avenue into a cut through alley.

Sincerely,



Martin and Susan Silva
3770 S.W. 144th Avenue
Beaverton, Oregon 97005

April 27, 1999

RECEIVED

APR 28 1999

ENGINEERING DEPT

Beaverton Traffic Commission,
C/O City Traffic Engineer
City of Beaverton
P.O. Box 4755
Beaverton, OR 97076-4755

Re: TCB Issue 382

As a resident of SW 144th Ave I would like to express my concern over the possibility of opening a second access to this road via Millikan Way.

I find it hard to believe that a right-in, right-out limitation would truly discourage through traffic from using this as a shortcut.

Having lived on this road for 3 years I've seen many people mistakenly turn down here thinking they could bypass the SW Murray/TV Hwy intersection. The majority of those I have seen don't adhere to the posted speed limit of 25 MPH.

Being a resident of this neighborhood has made me aware of the children, elderly and animals (both wild and domestic) that regularly traverse this road riding bicycles, pushing strollers, walking and occasionally, using a wheelchair. I rarely drive over 15 to 20 MPH and am constantly on the alert. I'm afraid if motorists unfamiliar with the usual pedestrian traffic on this road begin to use it as a shortcut we could have accidents much worse than the ones we're trying to avoid by these traffic pattern changes.

I, personally, am against making SW 144th Ave a through street.

I'd also be curious to know how many of the accidents reported at the intersection of SW 144th Ave and TV Hwy actually involved residents.

Thank you for your time,

Kathy Borchard
3750 SW 144th Ave
Beaverton, OR 97005
(503) 644-0622 home
(503) 526-2720 work

5/6/99

Mr. Hal Ballard of the Beaverton BIKE task force called today. He is against the installation of a median barrier on TV Highway across from 144th. He indicated that if a barrier is installed then bicyclists coming from 144th have to go east or west so they will be able to cross to the south side of TV Highway.



MEMORANDUM

City of Beaverton
Operations Department

To: Randy Wooley, Traffic Engineer
From: Steve Baker, Operations Director
Date: April 21, 1999
Subject: TCB Issue 382

RECEIVED

APR 22 1999

ENGINEERING DEPT

The Operations Department has reviewed the proposal and we support your recommendations as outlined in the City Traffic Engineer's Report.

If you have any questions, please call me at extension 2444.

Thanks.

Steve



MEMORANDUM

RECORD COPY

City of Beaverton
Engineering Department
Transportation Division

To: Traffic Commission
From: Randy Wooley, City Transportation Engineer *R. Wooley*
Date: March 22, 2004
Subject: *TC 548, Revisions to SW 144th Avenue Between Tualatin Valley Highway and Millikan Way*

Additional Information

On March 16-18, 2004, we placed automatic traffic counters on 144th. The counters indicate that approximately 600 vehicles per day enter and leave 144th at TV (300 entering and 300 exiting from 144th).

The staff report estimates that approximately half of the existing traffic would divert to the north entrance if 144th is extended to Millikan. The report also estimates that there would be little cut-through traffic. Based on these estimates, the average weekday traffic on 144th near Millikan would be approximately 300 vehicles per day. This is a rather low volume typical of residential streets. In most neighborhoods, 300 vehicles per day is equivalent to the traffic from approximately 30 homes.

RECORD COPY

RECEIVED

03-11-04

MAR 15 2004

Thomas J. Parenteau, Jr.
3885 SW 144th AVE
Beaverton, OR 97005

ENGINEERING DEPT.

Traffic Commission,

I have lived on 144th AVE for 6 or 8 years, two different residences. Residents of this street love the lack of traffic due to its dead-endedness. I am sure the majority of us would not like the street to be "punched through" to Millikan Way.

At one time, I began to enjoy the game of "chicken" when attempting a left turn onto 144th from TV Highway. I have since given this "joy" up, and will only enter the street from the right by going around, using 141st as the entrance to TV Highway. I rarely attempt a left turn from 144th onto TV Highway, either. We all see the broken car-glass on the street there almost every morning. Prohibiting left turns, either from 144th or from TV Highway is a great idea. The traffic already prohibits them!

As for the sidewalk, with the slow & limited motor traffic of the mostly residents of the street, a sidewalk is not necessary as long as it remains a dead end. Sure, there is lots of foot & bicycle traffic. It's a good shortcut. But the motorists, for the most part, live here on this street. They are slow, and careful, and aware of the pedestrians & cyclists. This is OUR street. We don't go bombing up & down it recklessly!

A sidewalk will cost money. The property owners must not want to buy a sidewalk. The renters don't want the increase in rent because of the extra cost to the property owners. The sidewalk is not necessary, and is a bad idea for this street. Unless, of course, it's free!

Prohibit the attempted left turns, and eliminate the accidents that go along with them. Leave the rest of it alone.

Tom P.

**CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 549**

**(Parking Restrictions on SW Washington Avenue
Between Second and Third Streets)**

April 14, 2004

Background Information

The Beaverton Farmers Market is proposing to revise the limits of its operation, as described in the attached letter. As part of the revisions, the letter requests that parking be prohibited on SW Washington Avenue between Second and Third Streets on Saturdays between 1 a.m. and 3 p.m. during the months when the Market operates (May through October). Similar parking restrictions already exist on other streets within the boundaries of the Market operation. The restrictions are to assure that the streets remain clear for the set-up and operation of the Farmers Market.

The Market has agreed to provide evidence in writing that the businesses along Washington Avenue between Second and Third do not object to the proposed Saturday parking restrictions.

Temporary approval of the parking restrictions has been granted administratively under the Code provision that allows the City Traffic Engineer to approve temporary traffic regulations for special events. Traffic Commission approval is requested to make the restrictions permanent.

Only the parking restriction issue is before the Traffic Commission. The remainder of the request is reviewed through the City's land-use process.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion).

Conclusions:

The proposed parking restrictions are consistent with the restrictions previously imposed on other streets within the Farmers Market operating area. Adjoining businesses have indicated no objection to the parking restrictions. Therefore, Criterion 1d is satisfied.

Recommendation:

Prohibit parking on SW Washington Avenue between Second and Third Streets from 1 a.m. to 3 p.m. each Saturday from May through October.

PAUL K VON BERGEN
ATTORNEY AT LAW

RECEIVED
MAR 25 2004

12440 SW FIRST STREET, BEAVERTON, OREGON 97005 • TELEPHONE: (503) 641-5771 FAX: (503) 641-5773

March 24, 2004

Mayor Rob Drake
City of Beaverton
PO Box 4755
Beaverton, OR 97006-4755

RE: Changes to Beaverton Farmers Market Site

Dear Mayor Drake:

Thank you for your cooperation and support of the Beaverton Farmers Market.

As we discussed last Friday, the Market would like to place vendors on both sides of SW Third Street between the intersection at Washington Street and the West end of the Key Bank driveway. Vendors on the South side of Third Street would be placed from the intersection to the West end of the parking lot driveway. The spaces would be ten feet deep from the curb allowing a fifteen foot aisle in the middle of the road for emergency access.

Previously Third between Hall and Washington has been used exclusively for disabled parking. We propose to move the disabled parking to both sides of Washington Street between Second and Third. This will allow us to increase the amount of available spaces. We would also need to have signs placed on Washington between Second and Third like those on Third Street which say:

"NO PARKING
1 AM - 3 PM
SATURDAYS
MAY - OCTOBER"

Ingress on Washington South of Second would be monitored by a Market employee to limit access to disabled parking, customers of neighboring businesses and people accessing the "loading zone" at the intersection of Washington and Third Street.

The enclosed map shows the proposed changes outlined in yellow.

Mayor Rob Drake

March 24, 2004

Page 2

We understand that you see no problem with this arrangement and if there are any questions please call me at your earliest convenience.

Very truly yours,

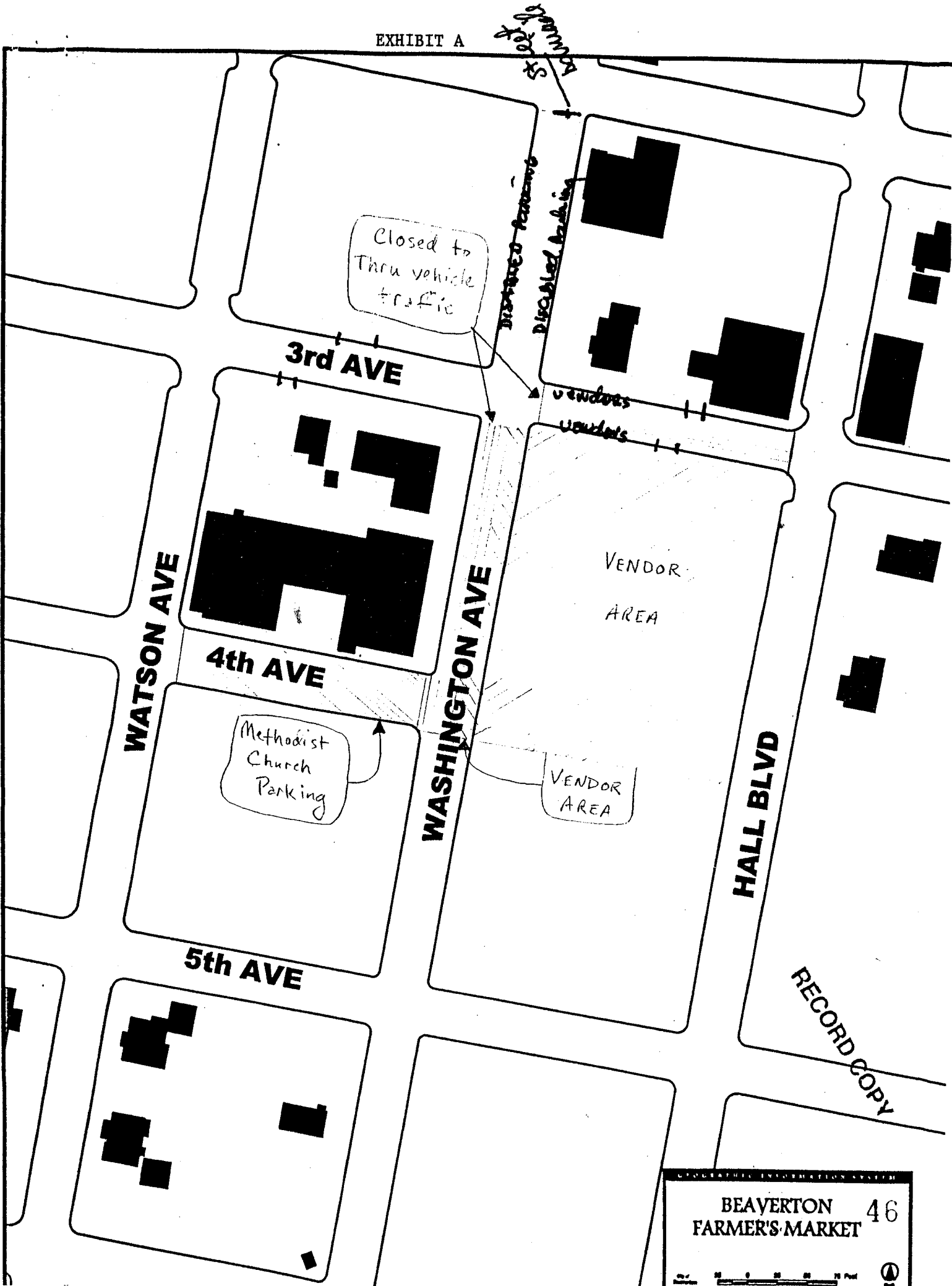


Paul K. vonBergen

:c

Encl

✓cc: Ms. Joyce Storms



Closed to
Thru vehicle
traffic

3rd AVE

WATSON AVE

4th AVE

Methodist
Church
Parking

5th AVE

WASHINGTON AVE

VENDOR
AREA

VENDOR
AREA

HALL BLVD

RECORD COPY

PAUL K VON BERGEN
ATTORNEY AT LAW

RECEIVED
APR 16 2004
COMMUNITY DEVELOP DEPT.

12440 SW FIRST STREET, BEAVERTON, OREGON 97005 • TELEPHONE: (503) 641-5771 FAX: (503) 641-5773

April 14, 2004

Jeff Caines
Community Development
Mr. City of Beaverton
PO Box 4755
Beaverton, OR. 97076

Re: Beaverton Farmers Market,
Washington Street, No Parking Signs

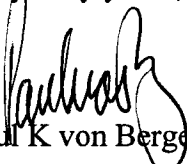
Dear Jeff:

Enclosed are signed permissions from Stella's Doll House, Jean Murray, speech pathologist, and Cadzone. A separate sheet from Washington County's Dan Bryan provides permission from the Health Clinic.

Also enclosed are approvals from Dr. Kelly Thomas, DMD, and Brian McComish, the owner of 4270 SW Washington.

Let me know if you need anything else.

Very truly yours,


Paul K von Bergen

:c
Encl

*Jeff - give me a call
please*

As an owner/occupier of property along SW Washington Street, between Second and Third Avenues, I have no objection to the City of Beaverton posting signs on SW Washington between Second and Third which say:

NO PARKING
1 AM - 3 PM
SATURDAY
MAY - OCT.

I understand that the purpose of these signs is to limit parking along the street to Disabled Parking for the Beaverton Farmers Market.

Dated: April 9, 2004.

Steve Plummer - Stellas Dallhouse

Jan [Signature] speech
12525 SW 3rd

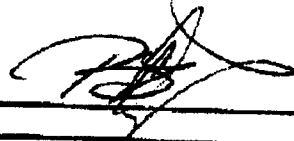
Jan L. [Signature] CAD ZONE
4790 SW WATSON

As an owner/occupier of property along SW Washington Street, between Second and Third Avenues, I have no objection to the City of Beaverton posting signs on SW Washington between Second and Third which say:

NO PARKING
1 AM - 3 PM
SATURDAY
MAY - OCT.

I understand that the purpose of these signs is to limit parking along the street to Disabled Parking for the Beaverton Farmers Market.

Dated: April 9, 2004.



Brian McConaha
OWNER

As an owner/occupier of property along SW Washington Street, between Second and Third Avenues, I have no objection to the City of Beaverton posting signs on SW Washington between Second and Third which say:

NO PARKING
1 AM - 3 PM
SATURDAY
MAY - OCT.

I understand that the purpose of these signs is to limit parking along the street to Disabled Parking for the Beaverton Farmers Market.

Dated: April 9, 2004.

Kelly R Thomas DMD
12575 S.W. Third -

CITY TRAFFIC ENGINEER'S REPORT

ISSUE NO. TC 550

(Yield Control on SW Larkspur Place at Barlow Road)

April 14, 2004

Background Information

This request is initiated by staff in response to traffic changes expected as the result of proposed new development.

Currently, the intersection of Larkspur Place and Barlow Road has no traffic controls. Larkspur Place ends in a cul de sac both north and south of Barlow Road.

For many years, Barlow Road has ended approximately 100 feet east of Larkspur Place. The stub of Barlow east of Larkspur has no driveway connections and receives very little use. However, development is beginning on a new subdivision to extend Barlow Road and to create lots for eight new houses. Barlow will then end in the new subdivision. There is potential for additional development in the future at the east end of Barlow.

The City Traffic Engineer recommends that Larkspur traffic be required to yield to Barlow traffic. Due to the small number of homes to be served by each street, expected traffic volumes are low. However, other four-way intersections in this neighborhood have stop and yield signs posted and drivers in the neighborhood are unaccustomed to an uncontrolled four-way intersection.

The MUTCD (Manual on Uniform Traffic Control Devices) Section 2B.05 provides that stop or yield control may be appropriate where a street enters a through street. Barlow serves as a through street in the neighborhood while Larkspur consists of two cul de sacs. The MUTCD further provides that Yield signs should be considered at intersections where a full stop is not required at all times. Due to good sight distance at the intersection, anticipated low traffic volumes and anticipated low speeds, the Yield signs are adequate control in the judgment of the City Traffic Engineer.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements)
- 2 (meet the standards of the MUTCD).

Conclusions:

- Yield signs will improve safety by clearly assigning right of way at the intersection, consistent with traffic controls at other neighborhood intersections. Criterion 1a is satisfied.
- Yield signs will meet the guidelines of the MUTCD. Criterion 2 is satisfied.

Recommendation:

Require traffic on SW Larkspur Place to yield to traffic on Barlow Road.

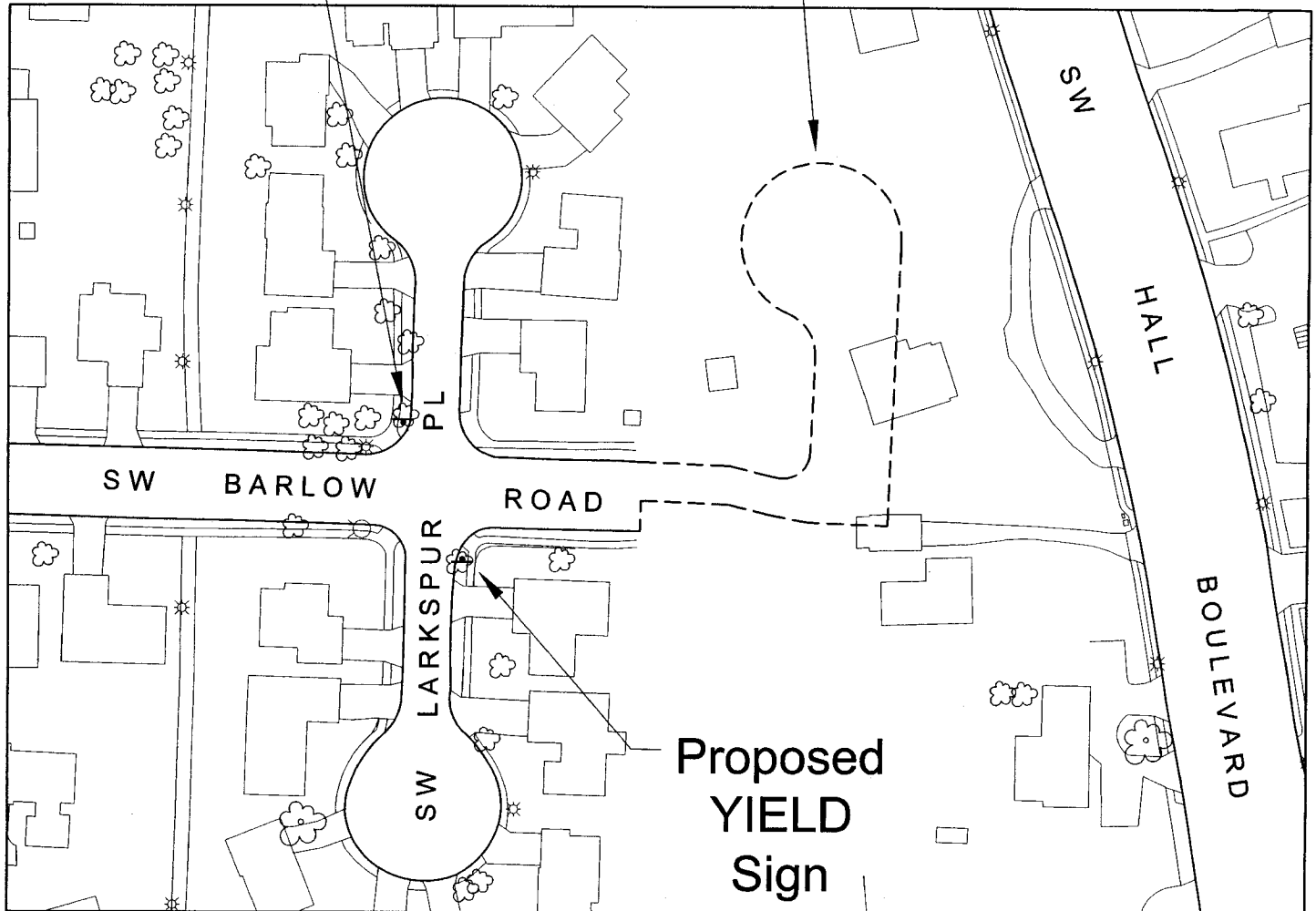
TC 550



1" = 100'

Proposed
YIELD
Sign

Proposed
Road
Extension



Y: \ Traffic \ Drawings \ 2004 \ 04-40 Larkspur at Barlow YIELD (TC 550).dwg



City Of Beaverton

Proposed Yield Control on
SW Larkspur Pl at Barlow Rd

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 4/15/04

Reviewed By: _____ Date: _____

Approved By: _____ Date: 52

CITY TRAFFIC ENGINEER'S REPORT

ISSUE NO. TC 551

(All-Way Stop Control at SW 20th Street and Cherryhill Drive)

April 14, 2004

Background Information

This request for all-way stop control was initiated by Mr. Randy Moomey. His e-mail request is attached.

The MUTCD (Manual on Uniform Traffic Control Devices), in Section 2B.07, provides criteria that should be considered in an engineering study for an all-way stop installation. A copy of Section 2B.07 is attached.

The MUTCD suggests that the all-way stop be used where the volume of traffic on the intersecting roads is approximately equal. Data collected in March 2004 showed the traffic approaching the intersection of 20th and Cherryhill to be as follows:

- 180 vehicles per day on eastbound 20th;
- 250 vehicles per day on westbound 20th;
- 80 vehicles per day on southbound Cherryhill;
- 75 vehicles per day on northbound Cherryhill.

This data shows that the traffic volumes are low on both streets. While 20th carries roughly two or three times the volume of Cherryhill, both operate as low-volume residential streets.

The MUTCD also provides criteria for all-way stops related to traffic volumes and crash history. The intersection does not meet any of these criteria. Traffic volumes are far below the thresholds. City records show no traffic crashes reported at the intersection in 2000 through 2002 (the most recent three years for which crash data is available).

Finally, the MUTCD provides some optional criteria that may be considered. Option C provides for consideration of all-way stop control where sight distance is severely limited. Staff concludes that the intersection of 20th and Cherryhill falls under Option C due to the horizontal and vertical alignment of the west leg of the intersection. Southbound traffic on Cherryhill is unable to adequately see eastbound traffic on 20th unless the eastbound traffic is slowed or stopped.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements)
- 2 (meet the standards of the MUTCD).

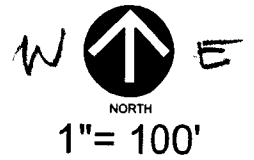
Conclusions:

- All-way stop control will improve intersection safety by providing adequate sight distance for traffic on all approaches. Criterion 1a is satisfied.
- All-way stop control will meet the guidelines of the MUTCD. Criterion 2 is satisfied.

Recommendation:

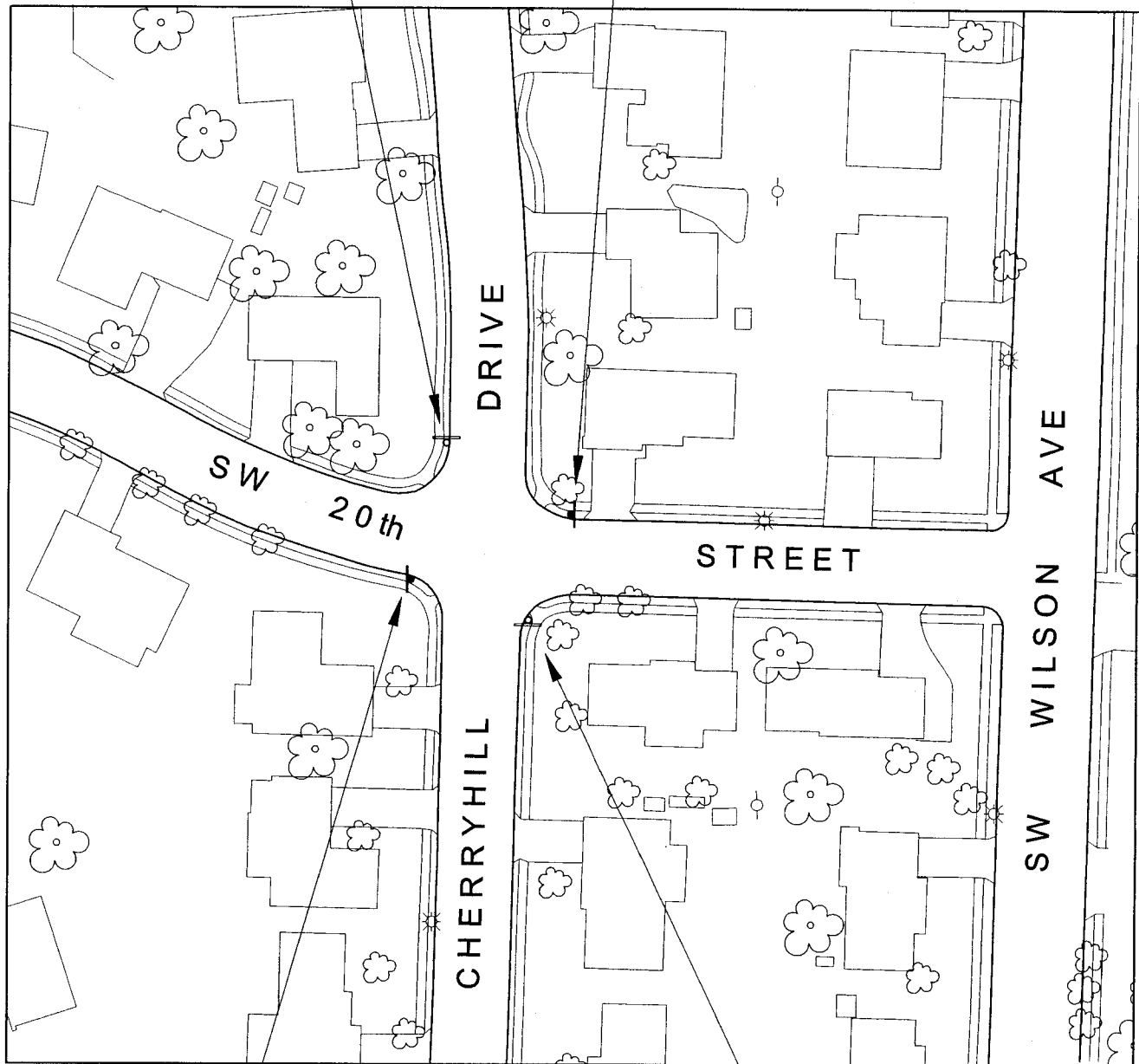
Require all approaching traffic on both streets to stop at the intersection of SW 20th Street and Cherryhill Drive.

TC 551



Existing
Stop Sign

Proposed
Stop Sign



Proposed
Stop Sign

Existing
Stop Sign

Y:\Traffic\Drawings\2004\ 04-19 Cherryhill at 20th All Way Stop (TC 551).dwg



City Of Beaverton

Proposed All-Way Stop Control
at SW 20th St & Cherryhill Dr

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 4/15/04

Reviewed By: _____ Date: _____

Approved By: _____ Date: 55

1" = 100'



Location # 1259
E/B ADT = 179
W/B ADT = 183
TOTAL ADT 362
85% SPEED 29.20
Study & Data
Collected on 3/04/04

Location # 1257
N/B ADT = 76
S/B ADT = 71
TOTAL ADT 147
85% SPEED 24.64
Study & Data
Collected on 3/04/04

Location # 1258
N/B ADT = 77
S/B ADT = 83
TOTAL ADT 160
85% SPEED 28.82
Study & Data
Collected on 3/04/04

Location # 1260
E/B ADT = 246
W/B ADT = 253
TOTAL ADT 499
85% SPEED 26.62
Study & Data
Collected on 3/04/04



Y:\Traffic\Drawings\2004\04-19 Cherryhill at 20th All Way Stop.dwg



City Of Beaverton

ADT & SPEED STUDY for All Way Stop
SW Cherryhill Ln at 20th St

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 3/08/04

Reviewed By: _____ Date: _____

Approved By: _____ Date: 56

Randy Wooley

From: Randy Moomey [randy.moomey@verizon.net]
Sent: Wednesday, February 25, 2004 10:31 AM
To: Randy Wooley
Subject: RE: Intersection of 20th and Cherryhill Drive [Dangerous Intersection]

Mr. Wooley,

Thanks for the quick follow up. Per your request, here is a better explanation of exactly how I almost ran into a jogger:

I was traveling eastbound on 20th at about 7:30 PM on a rainy, dark evening. (February 16, 2003)

I was preparing to make a left hand turn onto northbound Cherryhill Drive.

While I was still on 20th in the right hand side of the street, but starting to turn left, a jogger, whom I did not see during my first check to the left, came into the intersection and we almost collided. I was in the intersection first, but barely.

The jogger was on the sidewalk, on the west side of Cherryhill Drive, traveling south as he entered the intersection and could not see me.

The jogger did run through a stop sign. (Joggers and kids both do all the time. I still do not want to run over them!)

This was essentially a worst case scenario at this intersection if you are running or driving, as the "peninsula shaped" corner severely limits sight lines. My concern is somewhat heightened by the amount of pedestrian traffic that is generated by children walking or running to and from Fir Grove Elementary and Highland Middle Schools.

Thanks and Regards,
Randy Moomey

-----Original Message-----

From: Randy Wooley [mailto:rwooley@ci.beaverton.or.us]
Sent: Wednesday, February 25, 2004 9:19 AM
To: Randy Moomey
Cc: George Fetzer
Subject: RE: Intersection of 20th and Cherryhill Drive [Dangerous Intersection]

Mr. Moomey,

The Traffic Engineering Division will follow up on your request for all-way stop control at the intersection. Any changes to stop control require review by the City's Traffic Commission. We are collecting the data that the Commission would typically review, such as traffic volumes, collision history and sight distance measurements. We have scheduled the placement of automated traffic counters at the intersection next week. The counters will record both traffic volumes and speeds by time of day. After we finish the data collection, I will let you know what we find and our conclusions.

I know that your recent visit to City Hall was the result of a conflict with a runner. I would like to add your report to the data that we consider when we review collision history. To help me better understand the

incident, please tell me the direction you were traveling (the direction you were coming from and the direction you were turning) and the route of the runner (which street was the runner on and which side of the street).

Thanks for bringing this intersection to our attention. I have visited the site and agree that work is needed to improve intersection safety. George Fetzer and his staff have moved quickly on the need for trimming of trees and bushes. I will follow up on the all-way stop request but that process will take a bit more time.

Randy Wooley

-----Original Message-----

From: Randy Moomey [mailto:randy.moomey@verizon.net]

Sent: Tuesday, February 24, 2004 12:47 PM

To: George Fetzer

Cc: Randy Wooley

Subject: RE: Intersection of 20th and Cherryhill Drive [Dangerous Intersection]

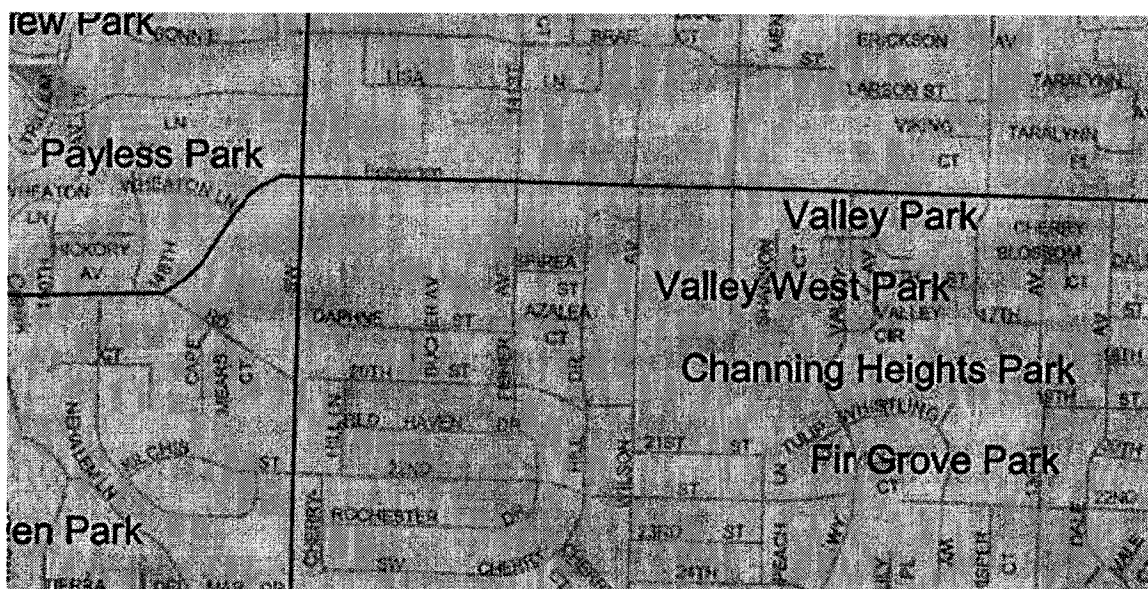
Mr. Fetzer,

First of all, Thank You for your quick response to my email.

Removing some vegetation is a positive step, however, I still believe that there needs to be a 4 way stop at this intersection.

I suggest that even after lowering the level of the vegetation to 3 foot [as measured from the curb, by the stop sign on Cherryhill Drive, when facing South, per my understanding of city code] it will still be difficult to impossible to see oncoming traffic traveling East on 20th. I have just tested this intersection again (in a common vehicle, a Toyota Camry) and I had to edge forward into the intersection until the front seat of my car was even with the sidewalk on the West side of 20th and well into the intersection on the East side of 20th before I could see clearly up the West side of 20th.

The insert, below, from a map on Beaverton's web site, further illustrates the problem. I would like to bring to your attention the offset on 20th between the East and West side of Cherryhill Drive. This map, while not a perfect representation of the intersection, portrays almost exactly the feel and sight lines of a driver of a common passenger sedan while sitting at the stop sign on Cherryhill Drive, headed South, i.e., you have to be in the middle of the intersection before you can see around that "peninsula."



So, is my argument convincing enough to establish the need for a 4 way stop at this intersection?

If not, where do we go from here? What department and or individual would I need to contact?

Any feedback will be appreciated.

Regards,
Randy Moomey

-----Original Message-----

From: George Fetzer [mailto:gfetzer@ci.beaverton.or.us]
Sent: Tuesday, February 24, 2004 8:45 AM
To: Randy Moomey
Cc: Randy Wooley
Subject: RE: Intersection of 20th and Cherryhill Drive [Dangerous Intersection]

Mr. Moomey,

We have inspected the intersection, verified that some trimming of the vegetation is needed, and written to the property owner to request her cooperation in this regard. We asked her to have the trimming completed by March 2, 2004, which is next Tuesday. If the work is not accomplished by that time, we will follow up with her. A copy of our letter is attached.

George Fetzer
Code Services Manager
City of Beaverton, Oregon
(503) 526-2271

Visit us on the web at www.ci.beaverton.or.us

-----Original Message-----

From: Randy Moomey [mailto:randy.moomey@verizon.net]
Sent: Monday, February 23, 2004 5:51 PM
To: George Fetzer
Cc: Randy Wooley; Mailbox Citymail
Subject: Intersection of 20th and Cherryhill Drive [Dangerous Intersection]

This email is a follow up regarding my near collision with a jogger and other instances of near collisions at the intersection of Cherryhill Drive and 20th. I have previously called the Washington County non emergency dispatch on February 17, 2004 and visited Mr.s Fetzer and Wooley at Beaverton City Hall on February 18, 2006.

The reason for my concern and subsequent complaints is that the **Northwest corner of Cherryhill Drive and 20th intersection** is very difficult to navigate, if you are walking or driving from either the North on Cherryhill or from the West on 20th. Two factors come together to make this a dangerous intersection.

1. The lot is rather heavily covered by trees and evergreen bushes from the house up to the sidewalk, making it difficult to see up the intersecting street.
2. The lot is of an irregular shape, pushing this corner out into the intersection almost as a peninsula jutting out into the

intersection, again making it difficult to see up the intersecting street.

There is a two fold solution that would make this a much safer intersection.

1. First, due to the shape of the northwest corner of this intersection and the proximity of this corner to an elementary school, I believe that there should be a 4 way stop at this intersection.
2. Secondly, the tree and bush cover on this lot should be cut back far enough that the driver or pedestrian traveling Southbound on Cherryhill or Eastbound on 20th can see the intersecting street before the individual is into the intersection as is currently the case.

I would like to bring mind the latest traffic change that I have encountered in the neighborhood which is the intersection of 22nd and Whistling Way, which has recently been improved so that there is now a 4 way stop at the intersection.

Of course, in my opinion, that intersection is not nearly as dangerous and the 20th and Cherryhill intersection with which I am concerned!

Please advise on what direction if any the city might take and what I need to do to follow up. I have started to discuss this with my neighbors and so far, I find that everyone else that I have spoken with shares my concern regarding this intersection.

Regards,
Randy Moomey
503-816-9702 or 503-643-1978
randy.moomey@verizon.net

From MUTCD

Section 2B.07 Multiway Stop Applications

Support:

Multiway stop control can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multiway stops include pedestrians, bicyclists, and all road users expecting other road users to stop. Multiway stop control is used where the volume of traffic on the intersecting roads is approximately equal.

The restrictions on the use of STOP signs described in Section 2B.05 also apply to multiway stop applications.

Guidance:

The decision to install multiway stop control should be based on an engineering study.

The following criteria should be considered in the engineering study for a multiway STOP sign installation:

- A. Where traffic control signals are justified, the multiway stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.
- B. A crash problem, as indicated by 5 or more reported crashes in a 12-month period that are susceptible to correction by a multiway stop installation. Such crashes include right- and left-turn collisions as well as right-angle collisions.

C. Minimum volumes:

1. The vehicular volume entering the intersection from the major street

approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day, and

2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour, but
 3. If the 85th-percentile approach speed of the major-street traffic exceeds 65 km/h (40 mph), the minimum vehicular volume warrants are 70 percent of the above values.
- D. Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.

Option:

Other criteria that may be considered in an engineering study include:

- A. The need to control left-turn conflicts;
- B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;
- C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to safely negotiate the intersection unless conflicting cross traffic is also required to stop; and
- D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multiway stop control would improve traffic operational characteristics of the intersection.

RECEIVED

APR 01 2004

March 30, 2004

ENGINEERING DEPT.

RECORD COPY

Randall R. Wooley,

My name is I.J. Henry, the man you talked to living on the corner of S.W. 20th and Cherryhill Drive. I know you are busy and I came to your office once but unable to see you so consider this as a note only as I am not a computer expert. I will say no more at this but wanted to go on record as not seeing a necessity of a stop on 4 corners here. I stayed neutral before. Everyone says city does as they please but I believe they do what is sometimes necessary.

Below are my reasons:

- ① I talked to the lady who helps children across at the school and she says she has no traffic problems.
- ② Traffic is not heavy here and it is not a dangerous intersection.
- ③ May benefit one person but an inconvenience for many others which wouldn't matter if safety was an issue but not here.
- ④ More traffic on Cherryhill Drive where children play.
- ⑤ More pollution from cars stopping on all corners and starting up, where children go to and from school.

RECORD COPY

Page 2

Personal

- ⑥ Stopping and going right in front of our driveway and my wife has Asthma problems.
- ⑦ I try to keep my place looking nice and stop sign doesn't help, the other 3 aren't right near anyone's home. A sore eye to my roses.

I realize 6 and 7 are only personal but so was the complaint that came in so don't let my personal feelings interfere. I do try to cooperate with the city though by keeping the drains uncovered etc. I appreciate what the city does but realize the rest of the city don't care if we have to stop here or not. I just don't see from living here since 1970 that it is necessary now. I don't get any complaints from around here.

I would be willing to go house to house in the area if needed.

I hear sayings all the time city does what they want to and they don't care. I don't believe that so wanted you know both sides.

Thanks for your work in the city of Beaverton.

P.S. I have been watching the traffic here lately and don't see anyone having trouble on any corners. Very few right hand corners on the corner where you were concerned and they don't have trouble.

Sincerely
 Janet Henry
 13855 S.W. 20th St
 Beaverton OR 97008

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APR 26 2004

April 22, 2004

ENGINEERING DEPT.

Traffic Commission
City of Beaverton

I am writing in opposition to the proposed new four-way stop at 20th street and Cherry Hill Drive. I use that intersection fairly often and have seen no reason for another four-way stop. Of course I don't live adjacent to this intersection but most drivers in our neighborhood generally observe traffic rules in these areas where there are children. Within the last year or two the city has added a four-way stop at 22nd avenue and Peach Street and a three-way stop at 22nd avenue and Hyland Way. Also recently a new four-way stop at 22nd avenue and Whistling Way was added. In my opinion all these additions were unnecessary and an expense for the city that was not needed.

I also oppose the increasing use of the traffic calming speed bumps and the corner curb extensions. Hart Road is an example and it is terrible!

Thank you.

Yours truly,

Troy Smith

14285 SW CHERRY HILL DR
BEAVERTON, OR. 97008

RECORD COPY**CITY OF BEAVERTON****FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION****REGARDING ISSUE NUMBER TC 548****(Revisions to SW 144th Avenue from Tualatin Valley Highway to Millikan Way)**

1. A hearing on the issue was held by the Traffic Commission on April 1, 2004.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
 - 1c (meet the overall circulation needs of the City);
 - 1e (assure safe access and reasonable response times for emergency vehicles);
 - 1g (carry anticipated traffic volumes safely);
 - 1h (comply with Federal and State regulations).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - SW 144th Avenue is currently a dead end City street extending approximately 1500 feet north from Tualatin Valley Highway (TV Highway) and ending near Millikan Way.
 - The Oregon Department of Transportation (ODOT) reports that there were 28 reported collisions at the intersection of 144th and TV Highway from 1998 through 2002. Of the 28 collisions, 23 involved left-turning vehicles resulting in 13 injuries.
 - To reduce the frequency of collisions and injuries at TV Highway, ODOT proposed that 144th be extended to Millikan Way to provide alternate access. Left turns would then be prohibited at TV Highway.
 - The extension would increase traffic volumes on the residential portion of 144th. A sidewalk and speed bumps were proposed by City staff to mitigate the impact of the increased traffic.
 - ODOT proposed to provide funding for the revisions to 144th.
 - Development along the northern portions of 144th is currently low-density residential uses. Existing zoning allows for redevelopment to higher density uses.
 - The Traffic Commission previously considered the intersection of 144th and TV Highway in hearings held in 1998 and 1999 on TCB Issue 382. At that time, the Commission rejected a proposal to extend 144th to Millikan and a proposal to restrict left turns at TV Highway.
 - Changes have occurred since 1999, including:
 - Millikan Way has become a City street.
 - The frequency of reported collisions has increased at the intersection of TV Highway and 144th.
 - ODOT has revised the striping pattern at the intersection.
 - ODOT is now offering to provide funding for the street extension and for addition of sidewalk and speed bumps along 144th.
 - At the hearing, eleven residents of 144th Avenue spoke and all agreed that they did not object to turn restrictions at the intersection, but they did object to the proposal to extend 144th Avenue to Millikan Way. Residents were concerned that the street extension would lead to increased traffic, cut-through traffic and speeding.

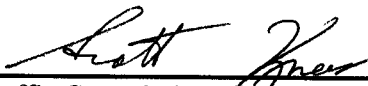
- At the hearing, a business owner indicated that the businesses and their customers will adapt to whatever plan is adopted by the City.
 - At the hearing, the Traffic Commission received written testimony from seven people. Six opposed the extension of 144th Avenue to Millikan. One was in favor of the extension. Three of the letters in opposition were from people who also provided oral testimony.
 - Residents testified that the sidewalk is not needed if the street remains closed at Millikan.
 - Residents testified that the inconvenience of turn restrictions at TV Highway would be offset by the increased safety of turn restrictions and the existing dead end street configuration. Many indicated that they already avoid left turns at TV Highway. Some thought that left turns were currently illegal at TV Highway.
4. Following the public hearing, the Traffic Commission voted (6 aye, 0 nay) to recommend the following action:
Prohibit all left turns at the intersection of SW 144th Avenue and Tualatin Valley Highway.
Install a median barrier in Tualatin Valley Highway at 144th Avenue to assure compliance with the turn restrictions.

The Commission did not recommend the extension of SW 144th Avenue to Millikan Way and did not recommend any revisions along 144th Avenue at this time.

5. The Traffic Commission decision was based on the following findings:
- ODOT reports that over 80 percent of the collisions at the intersection of TV Highway and 144th involved left turns. Eliminating the left turns is expected to significantly reduce the number of collisions and injuries at the intersection. Therefore, Criterion 1a is satisfied.
 - Elimination of left turns at TV Highway will reduce the number of vehicle conflicts, making vehicle movements more orderly and predictable at the intersection. Therefore, Criterion 1b is satisfied.
 - Elimination of left turns at TV Highway will reduce the frequency of collisions at the intersection, helping to preserve the capacity of TV Highway, a principal arterial. Residents have indicated that they are willing to tolerate the inconvenience of the turn restrictions in order to improve safety. Therefore, Criterion 1c is satisfied.
 - Emergency access to 144th Avenue will be unchanged. The median barrier in TV Highway can be designed to be crossed by fire trucks and other emergency vehicles. Therefore, Criterion 1e is satisfied.
 - The proposed left-turn restrictions at 144th and TV Highway will improve safety at the intersection. Criterion 1g is satisfied.
 - Proposed revisions to the intersection at TV Highway have been approved by ODOT as required by State regulations. Criterion 1h is satisfied.

The decision of the Traffic Commission shall become effective upon formal approval of the City Council

SIGNED THIS 6 DAY OF MAY 2004



Traffic Commission Chair

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 551

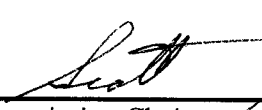
(All-Way Stop Control at SW 20th Street and Cherryhill Drive)

1. A hearing on the issue was held by the Traffic Commission on May 6, 2004.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 2 (meet the standards of the MUTCD).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The request for all-way stop control was initiated by Mr. Randy Moomey. He was concerned about the safety of the intersection.
 - The alignment of the west leg of the intersection and the presence of tall landscaping on the northwest corner of the intersection limit sight distance between eastbound and southbound drivers, even when the landscaping has been trimmed to comply with City requirements for intersection clearance areas.
 - The MUTCD (Manual on Uniform Traffic Control Devices) provides criteria for determining when all-way stop control is appropriate. The intersection does not meet the basic MUTCD criteria for all-way stop control based on traffic volumes, speed and crash history. The MUTCD also provides optional criteria that may be considered. Under the optional criteria, the intersection meets Option C related to restricted sight distance.
 - At the hearing, the Commission received testimony both in favor of the all-way stop and in opposition to the all-way stop. Those testifying in opposition stated that the intersection has worked well for many years without the all-way stop control. They indicated that the all-way stop control would be an inconvenience and that there is no safety problem to justify the inconvenience.
4. Following the public hearing, the Traffic Commission voted (6 aye, 0 nay) to recommend the following action:
Deny the request for all-way stop control at SW 20th Street and Cherryhill Drive.
5. The Traffic Commission decision was based on the following findings:
 - City records and public testimony indicate that the intersection has operated safely for many years without all-way stop control. There have been no changes at the intersection. Criterion 1a is satisfied.
 - The intersection does not meet the MUTCD basic criteria for all-way stop control. The MUTCD does not require consideration of the optional criteria such as sight distance. Criterion 2 is satisfied.

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6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 6 DAY OF MAY 2004



Traffic Commission Chair

RECORD COPY

MEMORANDUM
Beaverton Police Department



Chief David G. Bishop

DATE: March 12, 2004
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 547 and TC548

I concur with the traffic control changes as proposed for Parking Restrictions on SW Teal Boulevard between SW Murray Boulevard and SW 155th Avenue, TC 547.

I also concur with the traffic control changes as proposed for Revisions to SW 144th Avenue from Tualatin Valley highway to Millikan Way, TC 548.

MEMORANDUM
Beaverton Police Department

RECEIVED
APR 26 2004
ENGINEERING DEPT.



Chief David G. Bishop

DATE: April 23, 2004

TO: Randy Wooley

FROM: Jim Monger

RECORD COPY

SUBJECT: TC 549-551

TC 549: I concur with the traffic control changes as proposed for parking restrictions on SW Washington Avenue between SW 2nd and SW 3rd.

TC 550: I concur with the traffic control changes as proposed for yield signs to be placed on SW Larkspur Place at SW Barlow Road.

TC 551: I concur with the traffic control changes as proposed for a 4-way stop at the intersection of SW 20th Street and SW Cherryhill Drive. I view the addition of a 4-way stop as an additional safety measure for students arriving at and leaving from Fir Grove Elementary School.

3/24/04

RECORD COPY

TC 548

RECEIVED

MAR 25 2004

Beaverton Traffic Commission
Randall R. Wooley
P.O. Box 4755
Beaverton, Oregon 97076-4755

ENGINEERING DEPT.

Re: Issue No. TC 548: Revisions to SW 144th Avenue from TV Hwy. to Millikan Way

Dear Mr. Wooley,

Thank you for your letter advising me of the proposed changes to my neighborhood. I appreciate the opportunity to respond publicly and will be at the hearing April 1, 2004 @ 7pm.

I read the proposed changes and strongly disagree with ODOT's plan for the following reasons:

1. Costly. No one wants unnecessary expenses. If the primary concern for this proposal is safety, as we all agree, let's look at the whole picture including costs.
2. Environmental impact would be critical, especially in the rainy season where it floods, currently every year over the road from the creek and culverts. Increasing traffic, big trucks for example will help further compact the soil increasing run off.
3. Safety. There are at least 20 children from various families that live on SW 144th. These children play in their front yards and at Willow Park. Increased traffic increases safety risks. Residents on SW 144th are aware of areas where children are likely to be playing, other motorists would not. The last time TV Hwy. was striped it exacerbated the dangers in leaving our avenue. It became frustrating and dangerous to merge safely into traffic. No signs were posted prohibiting left hand turns, as obviously dangerous as it might appear. Motorists turn left from and into SW 144th yet today. Our son and daughter-in-law were clipped making a left hand turn from SW 144th onto TV Hwy., encouraged by other motorists making room in the intersection for them to turn, just like the sign that is still posted "DO NOT BLOCK INTERSECTION" that is generally ignored by most. Another motorist entering the left-hand turn lane early, down the medial divider, to go South on Murray Blvd. hit them. Their car was totaled and plus they got an ambulance ride to Emmanuel and a ticket for \$470.00 for a "high risk turn". Additionally, our street is not wide enough for two way traffic, if that is in the proposal and not mentioned.
4. Let's keep it simple. Make SW 144th a "no left turn intersection" period. Stripe TV Hwy. going West from Hocken just like the other streets prior to 141st. Right turn only. All continuity goes away at 141st. To try and merge into traffic at 5 pm is insanity. Make it a right turn only with areas to merge left where appropriate. This allows traffic to "safely" enter TV Hwy. going

5. West and still access businesses to the North. Don't open up SW 144th, this is a unique residential neighborhood in the midst of commerce. All the other streets East to Hocken run through to Millikan.

Again, thanks for the opportunity for input. It is very much appreciated.

Sincerely, 

Marc Pessin
3855 SW 144th Avenue
Beaverton, Oregon 97005

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TC 548

RECORD COPY

MAR 26 2004

3920 SW 144th Ave
Beaverton, OR 97005

ENGINEERING DEPT.

Beaverton Traffic Commission
C/O City Traffic Engineer
City of Beaverton
P. O. Box 4755
Beaverton, OR 97076-4755

To the Beaverton Traffic Commission:

We are writing to oppose the proposal (TC 548) to extend SW 144th Ave to Millikan Way. There are several reasons to oppose this proposal. We are only mentioning a few in this letter.

Our quiet dead end street will become a speeding raceway for hundreds of cars trying to avoid the traffic light at Tualatin Valley Highway and Murray Blvd. The children on this street now ride their bicycles and play in a relatively low traffic environment. Extending SW 144th Ave to Millikan Way will take that away. Don't we want to encourage children to play outside rather than to hide inside?

Extending SW 144th Ave to Millikan Way will not prevent people from making a left turn. It will only result in cars avoiding the traffic light at Tualatin Valley Highway and Murray Blvd. The only thing that will prevent left turns is to take that option away. A concrete barrier on Tualatin Valley Highway will prevent left turns on to 144th Ave, and off of 144th Ave. A concrete barrier preventing left turns is the simplest and easiest solution to stop left turn accidents. This solution will have minimal impact to the neighborhood.

The residents of 144th Ave are the people that are most affected by this decision, so it should be our decision to make. We beg you not to approve the extension of SW 144th Ave to Millikan Way. There is an option to prevent left turns without the extension. Our quiet little neighborhood would like to stay a quiet little neighborhood.

Sincerely,

Carl Warner
Vassa Warner

Nicolas Warner

Carl, Vassa and little Nicolas Warner

March 26, 2004

RECEIVED

TC 548

MAR 29 2004

RECORD COPY

ENGINEERING DEPT.

Beaverton Traffic Commission
C/o City Traffic Engineer
City of Beaverton
PO Box 4755
Beaverton, Oregon 97076-4755

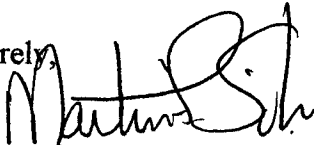
My wife and I purchased our home at 3770 SW 144th Avenue in October 1990. We have enjoyed the privacy of living on our quiet dead-end street for the past 14.

We are 100% opposed to the proposal to extend SW 144th to Millikan Way. The DOT and COB proposals are not going to solve any of the existing traffic problems at the TV Highway end of SW 144th Avenue. The residents of SW 144th Avenue have created a counter proposal that will solve the accident situation without destroying the quality of life of the residents. Our proposal is the product of a group of residents who have lived many years on this residential street, coping with the traffic conditions on TV Highway on a regular basis.

Four years ago we voiced our opposition to a similar proposal. Two significant facts came out of that proposal which was turned down, that are as pertinent today as they were then. First, the City Council decided against extending SW 144th Avenue to Millikan Way because they determined the proposal would have a negative affect on the quality of life of the residents of SW 144th Avenue. Second, the DOT representative informed us that if and when they ever repaved that area of TV Highway, they would install a thin median to prevent vehicles from turning left onto, or off of, SW 144th Avenue. TV Highway has been redone at least once since then, but the median was not added. This median would solve 90% of the unsafe conditions on that portion of TV Highway and would cost considerably less than the proposal to widen the street and make it a thoroughfare to reduce traffic flow on Murray.

We will be attending the meeting on April 1, 2004 in opposition of the COB proposal.

Sincerely,



Martin F. Silvia
Susan Silvia
3770 SW 144th Avenue
Beaverton, Oregon 97005

TC 548

RECEIVED

MAR 29 2004

ENGINEERING DEPT.

RECORD COPY

March 29, 2004

To: City of Beaverton - City Engineer - Traffic Commission

From: Randy Gravelle
3990 SW 144 Street

Regarding projected plans to open SW 144 Street with an outlet onto SW Millikan Way, I fully support the plan.

During certain hours of the day it is virtually impossible to turn left out of 144th onto TV Highway East bound, and is both difficult and dangerous at any hour of the day.

As there is no convenient or practical way to simply turn right and go around the block from this particular location, an outlet on the other end of the street would alleviate both the danger and the problem.

Access to Murray Blvd. South bound is also difficult and dangerous, and sometimes impossible, as it requires crossing TV Highway through three lanes of West bound traffic in order to reach the left turn lane onto Murray Blvd, in a distance of only a few hundred feet.

Randy Gravelle

RECEIVED

APR 1 2004

TC 548

Randy Wooley~~ENGINEERING DEPT.~~~~RECORD COPY~~

From: Joyce Storms
Sent: Thursday, April 01, 2004 2:43 PM
To: Rob Drake
Cc: Tom Ramisch; Randy Wooley
Subject: 144th Avenue

Rob,

You received a message from Danny Maloney who lives at 3690 SW 144th. He has resided at that address since 1998. He thanked you for having the hotline so he can express his opinion. Mr. Maloney is not able to attend the public hearing at the Traffic Commission regarding opening 144th Avenue to Milliken because he works swing shift.

Mr. Maloney expressed his opinion that he believed opening 144th Avenue would increase traffic volumes on the street, endanger children in the neighborhood and create a traffic jam/parking lot effect from folks trying to turn west onto Milliken.

He thanked you again for providing the hotline.

Joyce

*Joyce M. Storms
Executive Assistant to the Mayor
City of Beaverton
PO Box 4755
Beaverton, Oregon 97076
(503) 526-2481
(503) 526-2571 fax
jstorms@ci.beaverton.or.us*

RECEIVED

APR 1 2004

RECORD COPY

ENGINEERING DEPT.
FACSIMILE TRANSMITTAL SHEET

TC 548

To:	Beaverton Traffic Commission
From:	Kat Iverson
Subject:	TC 548, 144 th Ave.
No. of pages:	1
Date:	04/01/04

Hal Ballard, chair of the Beaverton Bike Advisory Committee planned to attend tonight's Beaverton Traffic Commission, but will be unable to make it there after all. He asked me to submit this information about a discussion the BBAC once had about 144th.

The BBAC is opposed to a full street connection from 144th to Millikan, but is in favor of a shared use path connection.

Kat Iverson
15597 NW Athens Dr. #229
Bethany, Oregon 97229
503-984-37561

Randy Wooley

From: Katherine Tokola [khtokola@hotmail.com]
Sent: Wednesday, April 28, 2004 6:53 PM
To: Randy Wooley
Subject: Traffic commission

RECORD COPY

Re: Proposed 4 way stop at SW 20th and Cherryhill Dr.

Mr. Wooley:

We are sorry we cannot attend the Traffic Commission meeting on May 6th, regarding the referenced matter, but we would like to voice our objection to placing additional stop signs at this intersection.

We have lived only 2 blocks from this intersection for over 26 years, go by there at least daily and do not feel that there is any need for additional stops in this area. It would cause more congestion, as there is a 3 way stop only one block East. We have discussed this and feel that we want to let you know our opinion is against any stop there.

Thank you,

Arthur and Katherine Tokola
14125 SW Red Haven Dr.
Beaverton, OR 97008

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APPROVED

May 6, 2004

EXHIBIT 4

City of Beaverton

TRAFFIC COMMISSION

Minutes of the April 1, 2004, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:05 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall.

ROLL CALL

Traffic Commissioners Scott Knees, Thomas Clodfelter, Ramona Crocker, Holly Isaak, and Louise Clark were present. Commissioner Andrea Soltman was excused. Commissioner Kim Overhage planned to arrive prior to the public hearing.

City of Beaverton staff was represented by City Traffic Engineer Randy Wooley, Project Engineer Jabra Khasho, Police Traffic Sergeant Jim Monger, Economic Development Project Coordinator Jennifer Polley, and Recording Secretary Debra Callender.

— EXCERPT START —

PUBLIC HEARING

ISSUE TC 548: REVISIONS TO SW 144TH AVENUE FROM TUALATIN VALLEY HIGHWAY TO MILLIKAN WAY

Chairman Knees opened the public hearing. He observed that there were many people waiting to testify on this issue. The Chairman placed a five minute time limit on individual testimony.

Staff Report

Mr. Wooley introduced Martin Jensvold, a transportation engineer with the Oregon Department of Transportation (ODOT). Mr. Jensvold is available to answer questions on the State perspective on TC 548.

Mr. Wooley said staff went to greater efforts than legally required to inform all stakeholders about this issue and the public hearing. Letters explaining the

proposal were mailed or hand delivered to each property owner, resident, and business address on SW 144th Avenue. Each also received a public hearing notice that explained the date and location of the hearing along with a staff name and phone number to help with questions. Staff also mailed a full staff report to many neighbors who sent letters of testimony. Typically, staff would only install two signs on such a short street, but in this case, staff posted four signs so that all interested parties would know about this hearing.

Mr. Wooley explained that this proposal is to prohibit left turns at 144th and Tualatin Valley Highway and to connect 144th Avenue to Millikan by extending the street about 40 feet across a public right of way. Other improvements on 144th would include a sidewalk and curb on one side, and adding four speed humps to the residential portion of the street.

Mr. Wooley reviewed that in 1998 and 1999 the Commission heard a proposal to prohibit left turns from 144th onto TV Highway by means of a median. A citizen originated that proposal. This time ODOT raised the issue. As shown in the staff report, this intersection has a high rate of crashes from left-hand turns.

Mr. Wooley said testimony from the hearings in 1998 and 1999 shows neighbors were concerned that connecting 144th to Millikan would cause problems for pedestrian safety, speeding, and potential cut-through traffic. Based on these concerns, staff proposed that a sidewalk and speed humps be installed to mitigate any potential problems. These safety features would be installed before 144th is opened to Millikan Way. Mr. Wooley said the biggest difference between this hearing and the two previous hearings is that this time ODOT is willing to provide most of the project funding through a hazard elimination grant. Property owners would not pay for these improvements. Residents would also gain a much safer eastbound exit from 144th.

Mr. Wooley said that since the 1999 hearing several things have changed near 144th, specifically: the collision rate at 144th and TV Highway has increased; Millikan Way has become a City street; and a striped, two-way turn lane at the entry to 144th was replaced by a striped island after the highway overlay last summer. Mr. Wooley said some have reported that they find this new striping confusing, especially when making a left turn onto 144th.

Mr. Wooley said some who testify tonight might think the best solution is to prohibit all left turns at 144th and leave the street a dead end. That would work and it would satisfy ODOT's safety concern. He said the written testimony shows that some neighbors have already stopped making left turns at this intersection because they have learned that these turns are too risky.

Mr. Wooley said, based on testimony from the previous hearing, it seemed likely that businesses on the south end of 144th would object to a dead end street once left turns are prohibited. He hopes a representative of the business community will clarify their position tonight.

Mr. Wooley said neighbors have asked if connecting 144th will increase traffic. He said traffic would certainly increase on the far north end of 144th. On the south end near the highway, traffic would likely decrease. Drivers who wanted to turn left onto the highway would need to first drive north then turn right on Millikan. Staff set out traffic counters prior to this hearing and determined that about 600 vehicles enter and leave 144th each day. About half of that traffic is associated with the commercial offices on the south end of the street. Counters showed about 200 trips per day on the residential portion of the street.

Mr. Wooley said that after reviewing all the information, he would expect very little cut through traffic to use this street. There are several reasons for this. For example, if left turns are prohibited by a median, eastbound traffic would be unable to use the street as a cut through route. For west or northbound traffic, 141st Avenue is a more attractive route because it is wider and carries traffic directly to the Millikan Light Rail Station and the Tektronix campus. The narrowness of 144th, along with the four proposed speed humps, would make this an unattractive cut through route. Cut through drivers consistently search for the quickest and most direct route.

Mr. Wooley said 144th measures about 20 feet wide and can just accommodate two-way traffic. This proposal would not widen 144th. It would only add a curb and sidewalk on one side. He pointed out that 144th is zoned for much higher density housing than currently exists there. When this new development begins to occur, the street will be rebuilt to current City standards.

Commissioner Isaak asked what method would be used to restrict left turns onto the highway.

Mr. Wooley said this has not yet been determined. Signing might be enough, or perhaps a raised island or curb would be installed.

Commissioner Isaak said the 1999 proposal involved building a concrete median in the middle of TV Highway. That plan raised strong objections from the surrounding businesses.

Mr. Wooley pointed out that in 1999 the center of TV Highway was still marked as a two-way turn lane. ODOT's 1999 proposal would have installed a concrete median all the way from the Murray intersection to 142nd, where vehicles would have been able to make a legal U-turn and return westbound to then turn north onto 144th.

Mr. Jensvold of ODOT confirmed that a median was considered in 1999. Another option, used either alone or in addition to a median, would be to install a "pork chop" in the entry to 144th. The size of the pork chop would depend on the existing right of way.

Commissioner Isaak said the title of the hearings in 1998 and 1999 began with the words "Median Barrier." The title of the current issue begins with the word "Revisions." She said this change might explain why staff has so far not been contacted by the businesses on 144th.

Commissioner Overhage asked if the plan is to align the north end of 144th directly with Schottky Terrace.

Mr. Wooley said it would roughly line up with Schottky.

Commissioner Overhage asked about the current congestion on Millikan at Murray Boulevard. Will traffic queues on Millikan impact 144th if these streets are connected?

Mr. Wooley said traffic congestion on Millikan is definitely a problem during certain hours. He sees this as also a deterrent to cut through traffic. Drivers would be stuck at a stop sign on the end of 144th and unable to merge into traffic on Millikan. Staying on TV Highway and turning north onto Murray would usually be a quicker route.

Referring to an earlier comment, Mr. Wooley said the public notices did use the word "revisions" in the title, but the explanation clearly stated that the proposal was to prohibit left turns at 144th and extend 144th to Millikan Way.

Commissioner Crocker asked about the "narrow finger" that shows up on the map at the far north end of the street. She recalled that staff said the street would not be widened; however, this "finger" looks very narrow.

Mr. Wooley said he does not know why the map shows that one narrow strip. In reality, the street widens to nearly a turnaround area.

Commissioner Crocker said most of 144th consists of single family homes on much larger than average lots. As this is completely out of sync with the street's high density zoning, she asked if the City of Beaverton planned to purchase these homes as they come up for sale.

Mr. Wooley said there is no plan for City purchase. The area will gradually come into compliance with the zoning as investors purchase properties on 144th to redevelop into high density housing. Washington County assessor's records show that this is already occurring. Market values and the current owners' willingness to sell property will control the speed of change.

Commissioner Clark said the street's design leads her to believe that the developer originally intended to have 144th connect to Millikan Way. The red and white barricade at the dead end looks temporary. Is this correct?

Mr. Wooley answered that the developer's original intention is hard to know at this point. The north subdivision boundary abuts property that was once the south boundary of the Tektronix industrial campus. For many years, Tektronix chose not to have public streets connecting with their private streets. When Tektronix dedicated Millikan Way as a public street, the 40 feet of Millikan frontage at the end of 144th became public right of way. Only pavement and curbs are needed to complete the connection.

Commissioner Overhage asked why the proposal specifies speed humps for 144th. Usually the neighborhood chooses the method of traffic calming they prefer.

Mr. Wooley said there are several reasons for this. First, staff had to come up with a cost estimate to bring this proposal forward. Also, 144th is such a narrow street that using any other calming method would require widening the roadway. This would increase project costs. He said the improvements under discussion for 144th are to be considered temporary.

Commissioner Clark asked what the fire department thought of this proposal.

Mr. Wooley said they sent a staff report and memo requesting comments to Tualatin Valley Fire and Rescue (TVF&R), but they received no input. In general, TVF&R is in favor of any new street connection because it decreases their emergency response time.

Public Testimony

Prior to the hearing, the Commission received written testimony on this issue from Thomas J. Parenteau, Jr.; Marc Pessin; Vassa, Little Nicolas, and Carl Warner; Martin F. and Susan Silvia; Randy Gravelle; Danny Maloney; Kat Iverson; and Sgt. Jim Monger. (*Written testimony is on file.*)

Daniel Newell, Beaverton, Oregon, said traffic would backup into the neighborhood if 144th was connected to Millikan. After entering 144th, drivers would soon be waiting in a queue to exit into the rush hour gridlock that already exists at Murray and Millikan. Mr. Newell believes that at least half the vehicles recorded on the City traffic counting devices are actually drivers that mistakenly turned down 144th thinking it was a short cut to Millikan. He said people constantly make this mistake even with two dead end signs posted on the street. Connecting the streets would make this even worse.

Mr. Newell said he specifically purchased his property because 144th is a dead end street. Connecting the street would negatively impact his current enjoyment of his property and home. He said the Commission's earlier comments to staff lead him to believe that they are mainly concerned about reducing collisions on TV Highway, and that they care little about maintaining the livability of his neighborhood.

Mr. Newell said a second exit on 144th would make it more convenient to exit the street. Still, he does not want to live with the resulting traffic.

Chairman Knees asked Mr. Newell for his recommendation on this issue.

Mr. Newell said connecting his street to Millikan will artificially force the change to high density redevelopment, which he strongly opposes. He believes either a physical median down the middle of TV Highway or a pork chop at the entry to 144th would increase traffic safety.

Commissioner Clodfelter said prohibiting left turns at the entry to this dead end street would mean that each time residents want to drive east, they must first turn right (west) to exit 144th, then right (north) onto Murray, then right (east) onto Millikan. This makes little sense, especially when they could conveniently exit 144th directly east onto Millikan if the roadways were connected.

Mr. Newell answered that a direct connection to Millikan is obviously more logical and convenient. Nevertheless, the primary reason he purchased his property was because of the quiet and privacy of this dead end street. He stated that he is willing "to pay with inordinate inconvenience to retain" his quiet lifestyle.

Carl Warner, Beaverton, Oregon, said he is opposed to the proposal. Mr. Warner has lived on 144th for four years and he enjoys living on a quiet, dead end street. Opening 144th would create many more problems than it would remedy. Comparing his street to nearby 141st, he said that street is "twice as wide with a 20 mph speed limit." He said 144th is very narrow but has a 25 mph speed limit. He said two cars cannot pass when a car is parked at the edge of the street.

Mr. Warner believes that the existing congestion at TV Highway and Murray Boulevard will encourage drivers to use 144th as a cut through route to avoid that intersection. Even now, impatient drivers turn onto 144th thinking it connects with Millikan. Once they discover their error, they speed back to the highway. Neighbors find this routine annoying.

Lennie Wong, Beaverton, Oregon, said he would let Dr. Thompson speak for him. He said they all represent the medical office on the corner of 144th and TV Highway.

Martin Silvia, Beaverton, Oregon, said he purchased his home 14 years ago believing in good faith that 144th would remain a dead end street. His review of the City staff reports from prior hearings pointed to three reasons why the City has not yet installed a median in TV Highway. One reason is that this is a State highway, a second reason was the high cost, and a third reason was a desire to preserve the highway's carrying capacity.

Mr. Silvia favors installing a median on TV Highway to stop left turns. He is adamantly opposed to the proposal to connect 144th to Millikan. This neighborhood has a high quality of life that should be maintained.

In Mr. Silvia's opinion, staff did not provide an accurate estimate of the amount of cut through traffic that would use 144th if it is connected. He thinks traffic counts should have been taken on TV Highway and on Millikan Way. Staff should then determine what percentage of that traffic would find it convenient to cut through on 144th. To that number they should add the 600 vehicles per day that currently use 144th. Mr. Silvia believes this calculation would accurately predict the amount of traffic that could be expected if the streets were connected.

Mr. Silvia said 144th must be widened significantly before opening it to two-way traffic. He wondered how much land the City could legally take from property owners in order to widen the road and build curbs and sidewalks. Mr. Silvia said he had a list of 20 questions that he wanted staff to answer before proceeding with this project.

Mr. Silvia said the proposed changes to 144th are a deeply emotional issue for him. Any "bad decision" the Commission makes would ruin his life. That outcome would not be acceptable.

Chairman Knees responded that it is also the Commission's hope that this issue can be resolved in a positive manner. The Chairman confirmed with staff that the 20 questions could be submitted to Mr. Wooley and he would respond promptly.

The Chairman confirmed with Mr. Silvia that his objection is to connecting 144th to Millikan, adding speed humps, and taking private land for a sidewalk. He has no objection to prohibiting left turns at the highway.

Tom Parenteau, Beaverton, Oregon, said he fails to see how connecting 144th to Millikan would make TV Highway any safer. The left turn signal at Murray is already difficult. Left turns out of 144th are almost impossible because of the highway's heavy oncoming traffic. He believes signs would be enough to correct the safety problem without harming the neighborhood on 144th.

Commissioner Overhage asked if Mr. Parenteau opposes installing a median in the highway, or if he means that signing the prohibited left turn would be enough.

Mr. Parenteau said he is not opposed to a median but he feels it is unnecessary.

Mary M. Newell, Beaverton, Oregon, said they purchased their first home on 144th and living on a dead end street is very important to them. Mrs. Newell said she feels much safer raising her four children on a quiet, dead end street. She is concerned that her children might "wander off" and be in danger if the street was connected to Millikan. On 144th, she has the feeling of living in the country

because it has no curbs and sidewalks. She does not want sidewalks or speed humps installed on this street.

Mrs. Newell reminded the Commission that the State of Oregon claims to be under a budget crisis and there have been several tries to raise taxes. It seems ridiculous to spend \$350,000 on a project that is not needed, and especially not wanted by the neighborhood. She suggested that ODOT again stripe a turn lane into the middle of the highway to make it easier to enter and exit 144th.

Mrs. Newell said installing a median barrier on TV Highway would be an acceptable way to increase safety at the intersection. Opening 144th would devastate the neighborhood's quality of life. She predicted that her family would have to sell their home and move within six months.

Commissioner Crocker asked if they were aware that 144th was zoned high density, not single-family residential, when they purchased their property.

Mrs. Newell said she was always aware that "they think 16 families should live on my lot." She understands how the street's composition might change in the future. She reiterated that the residential property owners are currently content with the street as it stands right now. Mrs. Newell said that many of the people who drive down 144th already mistakenly believe it is a cut through to Millikan.

Commissioner Crocker asked if Mrs. Newell has observed any of the neighbors requesting emergency fire or rescue service (connecting the streets would decrease emergency response time).

Mrs. Newell answered that she saw an ambulance respond to a neighbor's home once. She doubts they had trouble arriving.

Commissioner Overhage asked if Mrs. Newell would be satisfied if only right turns were allowed out of 144th and left turns completely prohibited, perhaps even by a median barrier.

Mrs. Newell said that is the neighborhood's consensus. She would agree with the majority. A median would be acceptable although it is "not desirable."

Commissioner Clark asked why she thinks it is undesirable.

Mrs. Newell said she had little trouble exiting the street before ODOT restriped the lanes. The new striping makes it more difficult. Her first preference would be for a pork chop barrier and sign prohibiting left turns. This solution would be less expensive than building a median barrier in the highway.

Dave Dyer, Beaverton, Oregon, opposes connecting 144th to Millikan. Mr. Dyer supports installing a highway median to prohibit left turns onto TV Highway. For thirteen years, he has lived in the last house on 144th. His brother lives in the

adjacent property. Neither objects to driving the extra distance if left turns are restricted. In fact, they much prefer that option, especially when compared to the option of having 144th connected to Millikan and seeing cars drive past their homes. Mr. Dyer added that the connections and improvements recently made to Millikan have really helped this whole area of Beaverton.

Mr. Dyer said he has assumed that left turns were automatically prohibited from 144th when ODOT restriped the highway and removed the center turn lane. He also thinks it is now illegal to turn right from 144th and cross three lanes of traffic to turn south onto Murray. The distance is too short to legally move from one lane to the next to reach the inside turn lane.

Mr. Dyer sees many cars zip down 144th thinking it is a through street; however, to the best of his knowledge, nearly all cars that exit the medical offices correctly turn right in the direction of the highway. He recommends installing flashing yellow beacons above the existing dead end signs. This would stop the misguided drivers who enter 144th expecting a cut through route.

Mr. Dyer strongly believes that the existing congestion at Murray and Millikan would cause long queues in front of his property if 144th is connected to Millikan.

Commissioner Clark said that the established congestion at Murray and Millikan is a very good argument against drivers finding 144th an attractive cut through route. They would get to the end of 144th and find that it is nearly impossible to turn left because of queued traffic. They would soon learn that they can reach their destination faster by staying on the main highways.

Mr. Dyer was not of the same mind.

Sean Haboush, Beaverton, Oregon, said he speaks for himself and his neighbor at 3890 SW 144th. Mr. Haboush said connecting 144th would endanger the neighborhood children, destroy existing trees, and create a traffic pattern similar to that on industrial 141st.

Mr. Haboush said the median barrier suggested in TCB 382 (1998-99) was a good idea. Placing a pork chop device at the entry of 144th also appeals to him. The pork chop could include a gap for bicycle traffic.

Mr. Haboush said the dead end signs do not even stop professionally driven semi-trucks from driving down 144th in their search for a quick connection to Millikan Way. His television cable has been "taken out at least 15 times in the last four years" by misdirected trucks when they turn around on this dead end street. He said this is an old neighborhood, on a narrow street, with small driveways that do not meet today's codes. He repeated earlier testimony about the difficulty drivers would face trying to turn left from 144th to Millikan at peak traffic hours.

Mr. Haboush said if the road is connected, he would feel inclined to burn his property to the ground and collect the insurance rather than lose his current privacy.

Mr. Haboush stated that the government should have better things to spend \$350,000 on than a project that no one wants. He suggested building an amphitheater in Griffith Park to bring bigger musical acts to Beaverton.

Wynter Rayne, Beaverton, Oregon, said she lives on the very end of 144th although her house faces Millikan Way.

Ms. Rayne said 144th fits her vision of an ideal neighborhood, a place where you can unload the groceries from your car while watching children play ball in the street—and “everyone is always safe.” She said 144th is so narrow that if one neighbor is driving out, when another neighbor is coming home, whoever has space on their side of the road gladly pulls over and allows the other to pass. All this would change if the street is connected and outside traffic begins to use 144th.

Ms. Rayne said a barrier on the highway would solve the problem without connecting 144th to Millikan. She said it was her impression that, beginning when ODOT restriped the highway, it was illegal to make a left turn from 144th. Ms. Rayne currently makes only right turns from 144th in the interest of safety. This is only slightly inconvenient.

Ms. Rayne likened Millikan Way to “a second TV Highway.” She said the fumes and pollution from the queued traffic fill her house whenever her windows are open. She described the noise and exhaust on Millikan as “horrific.” She fears it will become even worse if 144th is connected. She also told the Commission that young drivers use Millikan as a raceway in the very early morning hours.

Arturo V. Cortez, Beaverton, Oregon, said his parents bought their property on 144th in 1974 and they have watched the neighborhood grow. Mr. Cortez said the neighbors are very proud of their little neighborhood. He opposes the proposal because he believes sidewalks attract traffic and cars might park beside the sidewalks, further narrowing the roadway. He often sees cars park along the curb and sidewalk installed near the medical offices.

Mr. Cortez said it is only natural for people to want to avoid the congested intersection of Murray and TV Highway. Connecting 144th would definitely increase traffic and he doubts that speed humps would help at all.

Mr. Cortez asked the Commission to consider his alternate solution. He suggested permanently closing 144th after the last driveway into the commercial properties. The next step would be to open a driveway from 144th to Murray Boulevard, perhaps along the stream in the park. The final step would be to connect 144th at Millikan so neighbors would have a second way out of the neighborhood. He said this plan would probably cost the City more money, but it

would increase safety and maintain the privacy currently enjoyed by the neighborhood.

Commissioner Crocker thanked Mr. Cortez for his suggestion.

Commissioner Overhage also thanked Mr. Cortez. She then asked Mr. Cortez if he is currently comfortable making both right and left turns out of 144th.

Mr. Cortez answered that he is comfortable turning both ways at the highway. His preference would be to leave the turn choices as they stand now. Mr. Cortez said the neighborhood on 144th is "a very special community and a very special group of people live there." He pointed out that these few homes are the final neighborhood still standing in that area of Beaverton. In the end, he believes the City must choose between residential and commercial interests.

Brandy West, Beaverton, Oregon, said she has lived on 144th nearly nine years and is raising her three children on this street. Ms. West supports installing a concrete barrier on the highway, but she opposes connecting 144th to Millikan. She once had a collision at the highway intersection, so now she always turns right when she exits 144th.

Ms. West said that she fears that connecting Millikan will queue traffic back onto 144th into the part of the roadway where neighborhood children play and ride bikes. She counted at least 10 children who live on 144th. Ms. West said that if 144th is connected "the park would be useless" because it would be unsafe to allow her children to walk there, even with a sidewalk.

On other issues, Ms. West said the creek in the park overflows whenever there is heavy rain. She added that her husband wants the Commission to know that he strongly opposes installing speed humps.

Commissioner Crocker asked her to elaborate on her comments about no longer using the park if 144th is connected.

Ms. West answered that if the street is connected, she expects so much traffic to use this route that it will not be safe for children to walk across the street from the sidewalk to the park.

Vassa Warner, Beaverton, Oregon, said she understands what Commissioner Clark meant about the difficulty of turning left from 144th to Millikan if the roads are connected; however, Mrs. Warner said cars drive down 144th today searching for a quick exit onto Millikan and Murray. If the current dead end signs do not stop them, certainly speed humps and long queues will not stop them.

Ms. Warner told about a day when there was a collision at TV Highway and Murray. Only the far right, westbound lane remained open, allowing only a few cars through at one time. Ms. Warner said that she and her husband watched for

an hour while one car after another sped north on 144th, discovered that the road is a dead end, and then raced back to the highway. She said this demonstrates that there will be much cut through traffic if the road is connected. Ms. Warner can observe the parking lot of the medical building from her kitchen window. She has not observed any of their clients mistakenly turn down 144th looking for an exit.

Commissioner Overhage asked if she currently makes left turns out of 144th and if she objects to the proposal to prohibit left turns.

Ms. Warner said she currently makes left turns from 144th, if it seems appropriate. She believes installing a highway median to prohibit left turns will keep her street from "becoming a speedway."

Bob Thompson, Beaverton, Oregon, said he owns the commercial building on the west corner of 144th and TV Highway. Dr. Thompson said his comments reflect the thoughts of the other doctors associated with the Tender Care Clinic.

Dr. Thompson said that in 1999 he wrote several letters to City staff because he was concerned about the collisions at this intersection. He is in agreement with the resident's comments that 144th is a wonderful street. Dr. Thompson said he is also glad to hear that their patients do not exit the office parking lot in the direction of the dead end. His staff tries hard to educate patients on this point.

Dr. Thompson said his staff and patient's biggest problem is still the left turn onto the highway. In 1999 he thought the proposed median would restrict access for patients arriving from the south (driving north on Murray). Since that time, ODOT has restriped the highway with three westbound lanes.

Dr. Thompson said he is concerned about safety and preventing collisions at this intersection; however, he is equally concerned about peace of mind for the residents of 144th. He thinks a sidewalk would be a real safety advantage for the residential end on this street. He believes a median barrier and left turn prohibition will not cause him to lose patients. He indicated that they will adapt to whatever solution is adopted.

Dr. Thompson added that it would be handy if ODOT allowed U-turns at the end of the proposed median near 141st. From his viewpoint, left turns are mainly a problem during peak traffic hours. When ODOT removed the center turn lane, left turns became much more difficult.

As for having a single family residential neighborhood in the middle of an area zoned for high density housing, Dr. Thompson said he expects this issue to keep coming back and growing bigger each time. He has owned his commercial property since 1974 and he believes he has been a good neighbor to the residents on 144th.

Several Commissioners thanked Dr. Thompson for representing some of the commercial stakeholders in this issue.

Matt Dorado, Beaverton, Oregon, said he lives in another part of Beaverton but he wanted to let the residents know that narrow lanes, such as 144th, are used in Europe as a method to slow traffic.

Mr. Dorado suggested creating a cul-de-sac at the entry to 144th near the businesses with a narrow driveway leading back to the residential part of the street. That would make the street look more like a dead end road. Mr. Dorado also suggested adding “tiger striping” between the entry to 144th and the centerline of the highway. This would serve to remind drivers not to block cars trying to exit left out of 144th.

Staff Comments

Mr. Wooley explained that staff also counted traffic on the residential portion of 144th. The count in 24 hours was roughly 80 northbound cars and 80 southbound cars. There are about 20 to 22 residences on 144th so this equals about eight trips per household per day. Mr. Wooley said most Beaverton neighborhoods average 10 trips per household per day.

Mr. Wooley said the testimony he heard tonight was substantially different from the testimony he heard at the 1998 and 1999 public hearings. Tonight he heard strong consensus among both the residents and the represented commercial interest. Mr. Wooley said his recommendation, at this point, is to not pursue the ODOT funding to connect 144th and improve the roadway. Instead, he favors letting ODOT know that Beaverton favors prohibiting left turns at the intersection of 144th and TV Highway. ODOT can make the final decision as to how this result is best achieved; after all, the highway is their facility.

Commissioner Clark agreed that tonight’s testimony is completely different from the testimony in 1998 and 1999. She then asked staff if it is illegal to cross a double-double yellow line.

Mr. Jensvold said it is legal to cross a double yellow line if the driver is turning in to a driveway or street. The current TV Highway striping does not prohibit left turns, but it does make it uncomfortable for the driver.

Commissioner Clark asked if it is currently legal for eastbound drivers to make a U-turn at 141st and then return westbound to 144th.

Mr. Jensvold said that as long as a driver is at an unsignalized intersection it is legal to make a U-turn. He added that U-turns are illegal at signalized intersections unless a sign specifically allows it. A “three point” U-turn is not required.

Mr. Wooley agreed with Mr. Jensvold that U-turns are currently legal at 141st and TV Highway. That intersection also meets another important U-turn criterion, having at least 500 feet of sight distance in each direction. While legal, Mr. Wooley said there are peak traffic hours when it would still be quite difficult to make such a turn.

Commissioner Isaak asked about a U-turn sign that was posted on 183rd and Walker Road.

Mr. Wooley answered that the issue in that case involved sight distance of less than 500 feet.

Based on the public testimony heard tonight, Commissioner Overhage asked for ODOT's recommended solution to the issue of prohibiting left turns at the highway and connecting 144th to Millikan.

Mr. Jensvold said ODOT's primary concern is safety on the highway. Far too many collisions occur at this intersection. He said this discussion grew to include connecting 144th to Millikan as a way to mitigate impact to the neighborhood if left turns were restricted at the highway. Because only 40 feet of public right of way separate the two streets, making the connection seemed a reasonable way to compensate for the neighborhood's loss of highway access. Mr. Jensvold said normally businesses and residents strongly object to having their access restricted.

Mr. Jensvold said if the City, residents, and businesses are all satisfied with installation of only a median island or a pork chop, ODOT is certainly satisfied that their primary worry—public safety—has been successfully addressed.

Chairman Knees closed the public hearing.

The Commission took a brief recess. The meeting resumed at 10 p.m.

Commission Deliberation

Commissioner Clark asked for clarification on the legality of U-turns at 141st.

During the recess, Sgt. Monger brought in a copy of the *Oregon Revised Statutes* (ORS). Based on this manual, he concluded that three factors are required for a legal U-turn: 1) traffic cannot be controlled by an electrical signal; 2) the turn must take place within an intersection; and 3) the vehicle must be visible to a driver approaching from either direction within a distance of 500 feet within the incorporated limits of a city.

Sgt. Monger concluded that the intersection of 141st and TV Highway met all three U-turn criteria. Nevertheless, he still doubts making this U-turn is safe.

Commissioner Crocker noted the devotion of neighbors to preserving the quality of life in their little community. She expected more neighborhood conflict over this issue. She believes that some sort of median or barrier to prevent left turns would improve safety at this intersection. She is content to allow ODOT to decide what means is best. Clearly visible, no-left-turn signs should also be part of the design.

Commissioner Crocker added that she was very surprised the neighborhood does not want a sidewalk installed. This seems to be a very basic improvement; however, she will respect their choice.

Commissioner Overhage concurs. She said the applicable criteria force the Traffic Commission to deal with the safety issues at this intersection. A median and/or prohibition of left turns from 144th will satisfy that criterion. Commissioner Overhage is still concerned with the applicable criteria concerning "providing safe access and reasonable response times for emergency vehicles." She is concerned that it will take emergency vehicles at least another minute to cross a median barrier. She said it is very clear to her that the neighborhood does not want 144th connected to Millikan.

Commissioner Isaak likes to see neighbors come together to clarify the best solution. She believes that a median barrier would effectively prevent left turns. Commissioner Isaak is sure this neighborhood "will change drastically in 15 to 20 years." Regarding emergency access, the Commissioner wondered if a graveled and gated emergency fire access could be arranged from Millikan. She is troubled that TVF&R did not comment on this issue.

Commissioner Clodfelter likened 144th to "the land that time forgot." The Commissioner said he can see pros and cons to both viewpoints. He would like to see the neighborhood develop, yet there is an overwhelming consensus among the neighbors that they want to keep it as it is.

Commissioner Clodfelter said "high density redevelopment will come and 144th will open to Millikan." The neighbors should stay aware that change is absolutely on the way. He agrees with Commissioner Isaak that there could be an emergency response issue on 144th. The Commissioner said he appreciates the strong neighborhood voice and he hopes they enjoy more years of seclusion; however, he warned "it will not last." He supports leaving 144th as it is and asking ODOT to install an appropriate left turn barrier on the highway.

Commissioner Clark said she is also concerned about emergency response problems on a dead end street. She is disappointed that the Commission did not receive the usual advice on this issue from TVF&R. In 1998 and 1999, the businesses were very vocal in their opposition to the proposed median. For this proposal, there is consensus. Commissioner Clark agrees with the idea of a highway median, but she does not like pork chops as a traffic control measure. She has observed a pork chop on Scholls Ferry Road near Teal Boulevard that is

nearly useless at stopping left turns. Opening 144th to Millikan is not critical at this time.

Chairman Knees thanked the many neighbors who testified. If there is no compelling reason to open 144th to Millikan at this time, he believes they should leave the issue alone. Chairman Knees agrees with Commissioner Clodfelter that high density redevelopment will come to 144th. He believes that a left turn prohibition will solve the safety problem at the highway. He agrees with Commissioner Clark that medians are more effective at stopping illegal left turns than pork chop installations.

Chairman Knees called for a motion.

Commissioner Clark **MOVED** and Commissioner Crocker **SECONDED** a **MOTION** to prohibit all left turns in and out of 144th at Tualatin Valley Highway by means of a median barrier installed on Tualatin Valley Highway.

Mr. Jensvold said he was anticipating putting in both a median barrier and a pork chop. The pork chop would ensure that drivers exiting 144th are guided in the correct direction.

Chairman Knees said this approach seems reasonable. The Commission's concern is that a pork chop alone does not work.

There was no further discussion. The **MOTION CARRIED** unanimously, 6:0.

Mr. Wooley will rewrite the findings in the final written order to justify this decision. The new order will return to the Commission for approval on the May 6 consent agenda.

Mr. Wooley explained to the audience that the final written order will finalize the Traffic Commission's recommendation. After that, everyone who testified, either in person or by letter, will receive by mail a written notice informing them of the Commission's decision. The next step in the process will be approval of the recommendation by City Council.

— EXCERPT END —

City of Beaverton

TRAFFIC COMMISSION

Minutes of the May 6, 2004, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:05 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall, Beaverton, Oregon.

ROLL CALL

Traffic Commissioners Scott Knees, Tom Clodfelter, Ramona Crocker, Holly Isaak, Louise Clark, and Kim Overhage were present. Commissioner Andrea Soltman was absent and excused.

The City of Beaverton was represented by Traffic Engineer Randy Wooley, Project Engineer Jabra Khasho, Traffic Sergeant Jim Monger, and Recording Secretary Debra Callender.

— EXCERPT START —

CONSENT ITEMS

Chairman Knees reviewed the consent agenda, including approval of the April 1, 2004, Traffic Commission minutes, adoption of the final written order for Issue TC 548 (carried forward from the April 1, 2004, meeting), and TC 549 and 550.

Corrections to the April minutes were noted.

Commissioner Clark **MOVED** and Commissioner Overhage **SECONDED** a **MOTION** to approve the consent items consisting of the April 1, 2004, Traffic Commission minutes as corrected, adoption of a final written order for TC 548, and the staff recommendations for TC 549 and 550.

The **MOTION CARRIED** unanimously, 6:0.

PUBLIC HEARING**ISSUE TC 551: ALL-WAY STOP CONTROL AT SW 20TH STREET AND CHERRYHILL DRIVE**

Chairman Knees opened the public hearing on TC 551.

Staff Report

Mr. Wooley said the original request for an all-way stop at 20th and Cherryhill Drive came from Mr. Randy Moomey who believes this is an unsafe intersection. Others in the neighborhood feel that this intersection has worked fine for many years and should remain as it is.

Mr. Wooley stated that both sides have legitimate arguments. At issue is whether a car driving southbound on Cherryhill has enough sight distance to the west the angled intersection with 20th Street. The property on the northwest corner of 20th and Cherryhill is heavily landscaped.

Mr. Wooley said staff measured the sight distance on this corner based on the driver's view from a standard sedan automobile. This distance was compared with City sight distance standards. These standards measure whether a driver can see far enough down each leg of an intersection to find a traffic gap to cross the intersection without requiring the approaching driver to slow down.

Mr. Wooley said field tests showed that a southbound driver, stopped on Cherryhill and watching for eastbound traffic on 20th Street, has only 110 feet of sight distance. The standard requirement is 240 feet for a vehicle speed of 25 mph. Based on this, the sight distance is less than half what is required for safety. Typically, after stopping, a driver in this situation would slowly pull forward a few feet to get a better view of oncoming traffic. That technique does not work in this case because the northwest corner of this angled intersection is elongated and covered with large plants that block much of the view.

Mr. Wooley said the corner shrubbery on this lot was quite overgrown when City Code Enforcement staff first contacted him about the sight distance problems. Since then, the property owner has severely trimmed the shrubs; nevertheless, sight distance continues to be limited. He said the clipped shrubs now meet the City requirements for corner lots. Mr. Wooley pointed out that these arguments all support the idea that something should be changed.

Mr. Wooley said measuring the stopping sight distance is another way to gauge intersection safety. The question is then whether the eastbound driver on 20th could see a person or vehicle in the intersection in time to safely and comfortably stop. Staff measured this stopping sight distance at the intersection and found it to be 170 feet. The minimum required is 155 feet. This might support comments

in the written testimony from neighbors who insist that for decades there have been no problems at this intersection.

Mr. Wooley referred to the federal *Manual on Uniform Traffic Control Devices* (MUTCD) that lists the applicable criteria for placement of all-way stops. This intersection does not meet the basic speed and volume requirements for all-way stops. There are also no recorded crashes at this intersection. The MUTCD provides a few other options for engineers to consider and one of these is sight distance. Mr. Wooley said this is the only MUTCD criteria that could plausibly be applied to justify installing an all-way stop at this intersection.

Mr. Wooley told the Commission that he drafted two potential final written orders for this hearing, one in favor of installing an all-way stop and one to deny installing an all-way stop. He believes both viewpoints can be supported with logical arguments. Staff's recommendation supports an all-way stop based on the intersection's limited sight distance.

Commissioner Clark said a parallel roadway, 22nd Street, has a similar angled corner.

Mr. Wooley said the problem on 20th and Cherryhill is the way the northwest corner lot is landscaped and the mature size of the shrubbery.

Commissioner Crocker asked if the requestor, Mr. Moomey, lives in this neighborhood. She observed that the requestor's only address in the staff report was an e-mail address.

Mr. Wooley said Mr. Moomey lives on a cul-de-sac off Cherryhill. He also pointed out on the map approximately where Mr. Moomey's car confronted the jogger.

Commissioner Clodfelter said the neighborhood must have known about the sight distance problem at this intersection for years. Have there been other complaints over the years? The Commissioner also wanted to know the speed limit on 20th.

Mr. Wooley said the Engineering Department had heard no complaints about this intersection. Staff does not normally investigate neighborhood intersections when there is no crash history or complaints. The speed on both streets is 25 mph, the statutory neighborhood limit.

Public Testimony

Prior to the hearing, the Commission received written testimony on this issue from Randy Moomey, Imer J. Henry, Troy Smith, and Arthur and Katherine Tokola. (*Written testimony is on file.*)

Imer J. Henry, Beaverton, Oregon, said he has lived on the northeast corner of Cherryhill and 20th for more than 30 years. He firmly believes that 20th and Cherryhill is not a dangerous intersection. He has never seen a car crash there or any injuries. Mr. Henry said 20th Street is only six blocks long so the amount of traffic on the street is quite limited. Residents living on Cherryhill Drive generally exit directly onto Wilson to leave the neighborhood. He also pointed out that there is an all-way stop at 20th and Wilson, "less than half a block away."

Mr. Henry said the elderly lady who lives on the angled lot on the northwest corner of the intersection would like to have one of the overgrown trees cut down, but she just cannot afford it. The overgrown juniper bushes have been cut back.

Mr. Henry said he respectfully disagrees with the sight distance data in the staff report. He tested the sight distance several times in his car and he is convinced it is possible to see at least 300 feet if a driver rolls forward a few feet after stopping at the stop sign.

Mr. Henry said he spoke to Jim the neighborhood mailman about this issue. He believes Jim is an expert because he has driven this intersection six times a week for about 15 years. Jim told Mr. Henry that he has never seen any safety issues at this corner. Jim attributed this to the light traffic in the area. Mr. Henry agrees. Some days he works in his corner rose garden for hours without seeing even one car cross the intersection. He described resident's typical routes in and out of the neighborhood.

Mr. Henry assured the Commission that the intersection is not as bad as it sounds in the requestor's e-mail attached to the staff report.

Mr. Henry said he also has personal reasons for not wanting a stop sign installed on the corner of his property. He tries hard to keep his property looking nice for the enjoyment of passersby and he has even planted 14 rose bushes to beautify his corner of the intersection. One of the new signs would be only 25 feet from his garage which means cars would stop right in front of his driveway. The stopped car would burn extra gas and increase neighborhood pollution. This especially irks him because a stop sign on his corner of the intersection would do nothing to improve the sight distance problem on the opposite side of the intersection.

Mr. Henry stressed that he is not trying to belittle the engineer's report. He feels the traffic engineers were trying to do their job the best they could when they came out and tested the intersection for sight distance. However, he has observed this intersection day after day for 30 years. He firmly believes the risk is so low that more stop signs are not needed.

Commissioner Crocker asked if he sees many joggers in the neighborhood.

Mr. Henry answered that it is extremely rare to see a jogger in this older neighborhood. He said the collision with the jogger took place after dark so he would not have seen it.

Several Commissioners thanked Mr. Henry for his testimony.

Chairman Knees asked Mr. Henry to confirm his testimony regarding how drivers actually behave at the existing stop signs. Did he understand Mr. Henry to say that drivers stop at the stop line and then slowly ease forward until they can see if another vehicle is approaching?

Mr. Henry confirmed that was correct.

Randy Moomey, Beaverton, Oregon, said he is the “bad guy” who asked the City for an all-way stop. He has lived in this neighborhood for 17 years. Mr. Moomey said prior to tonight’s testimony, he had not considered that the proposed all-way stop might be unwanted by others in the neighborhood.

Mr. Moomey explained why he brought this intersection to the City’s attention. On a dark rainy night last February, he was traveling eastbound on 20th Street preparing to make a left-hand turn onto northbound Cherryhill Drive. Mr. Moomey slowed as he approached the intersection and checked for oncoming traffic in both directions. The intersection appeared to be completely clear. As he slowly started to make a left turn, a jogger hit the driver’s side of his vehicle. The jogger had been running southbound on the sidewalk on the west side of Cherryhill Drive and had not stopped at the stop sign.

The jogger was angry with him. Mr. Moomey said he was very disturbed by this collision because if the jogger had been injured (he was not) Mr. Moomey felt that he would have been at fault and liable even though he actually did have the legal right of way. He said as soon as he got home he called the police to report the incident. Mr. Moomey wanted to ensure the event was recorded.

Based on this unsettling experience, Mr. Moomey believes something should be done to improve sight distance at this intersection. Mr. Moomey said his daughter touched a children’s wagon with her vehicle at this intersection about five years ago. No one was hurt. He also called the police to complain about the intersection after that event.

Mr. Moomey believes this high, angled lot should never have been allowed when the subdivision was originally laid out. He also worries about the safety of children who walk through this intersection going and coming from school. Now that this issue is firmly in the public record, he feels he has followed through responsibly and made an honest effort to improve driver and pedestrian safety in his neighborhood.

Referring to an eastbound driver on 20th, Commissioner Clodfelter asked how far into the intersection this driver would need to go to see oncoming cars.

Mr. Moomey answered the driver would need to pull forward at least one full car length. He stated that the shrubbery trimming has helped a great deal; however, drivers are still “basically looking around a peninsula.”

Commissioner Crocker thanked Mr. Moomey for his testimony. She asked if the jogger actually hit his car.

Mr. Moomey said he slammed on his brakes, still the jogger almost slid under his car on the wet asphalt. He said the jogger then “popped back up and slammed the car with his fist because he was frustrated.” Mr. Moomey said he was frightened but did not want to get into a conflict.

He thinks that he, as the vehicle operator, would have been charged and financially liable if the jogger had been injured—even though the jogger should have stopped at the stop sign.

Margaret Drummond, Beaverton, Oregon, said she fully concurs with everything Mr. Henry stated in his testimony. Ms. Drummond said she drives through this intersection nearly every morning when children are walking to the nearby schools. She has never seen or heard of any problems there. She added that Cherryhill has very light traffic.

Staff Comments

Commissioner Overhage asked if the two existing stop signs could be moved farther in toward the intersection.

Mr. Wooley answered that stop signs need to be located before the sidewalk and before the unmarked crosswalk. The MUTCD allows signs to be located farther forward if visibility is restricted.

Chairman Knees asked if removing the large tree on the angular lot would resolve the sight distance issue.

Mr. Wooley said probably not. Originally, the tree was so large its branches even partially covered the stop sign. The tree has been trimmed and is no longer a problem. The shrubbery on the corner and along the driveway is now the problem. Trimming helped somewhat, but to really increase visibility, all the landscaping on the northwest corner would have to be redesigned and replanted.

Chairman Knees asked if the City of Beaverton would do the landscaping if the homeowner was willing.

Mr. Wooley said the City generally would not landscape private property. He said some other local group might want to consider the project.

Chairman Knees closed the public hearing on TC 551.

Commission Deliberation

Commissioner Clark is aware some joggers are careless. She finds it helpful when jogging to make eye contact with approaching drivers before crossing at intersections. Referring to Mr. Moomey's earlier comment, she asked Sgt. Monger if traffic law always assumes the driver is at fault when a pedestrian is hit by a vehicle.

Sgt. Monger stated that a pedestrian can definitely be in the wrong. Some traffic laws specifically cover pedestrians and unsafe pedestrian practices.

Commissioner Clark sees value in both the pro and con arguments. She thinks Mr. Moomey's experience was a "one time incident," at an intersection with low traffic volumes and no crash history. She thinks the current two stop signs are enough.

Commissioner Overhage said she sees four arguments against and one argument in favor of additional stop signs. She lives in a neighborhood with a nearly identical intersection. She said the amount of vegetation on the northwest corner of 20th and Cherryhill clearly limits sight distance. On the other hand, these streets have very little traffic. She favors denying the request.

Commissioner Clodfelter agrees with Mr. Moomey that a driver must pull a full car's length into the intersection to achieve safe sight distance on the northwest corner of 20th and Cherryhill. Moving the existing stop sign forward might help visibility. Even then, it will be hard for drivers to see around the corner. The Commissioner is not convinced that an all-way stop will solve the problem. He noted the low traffic volume and that there have been no complaints about speed in this neighborhood.

Commissioner Clodfelter said there is already a stop sign on Wilson at 20th. He does not support adding two more stop signs just two houses away. The Commissioner would like to go on record that he is still concerned about the sight distance issue.

Commissioner Crocker said she agrees with Commissioner Clark and Overhage that Mr. Moomey's collision with the jogger was a "rare occurrence." She also believes this intersection has a sight distance problem to be concerned about. She said this is another instance where the Traffic Commission has been asked to resolve a design issue that should never have been permitted when the neighborhood was planned.

Commissioner Crocker said she cannot support adding any more stop signs, but changing the location of one of the existing signs might better alert drivers. She suggested moving the stop sign from northbound Cherryhill (southeast intersection corner) to eastbound 20th Street (southwest intersection corner). Cutting back more shrubs and one tree might also help.

Commissioner Isaak concurs with Commissioner Crocker that a stop sign for eastbound 20th Street might help. As for the request to make this intersection an all-way stop, she does not see the need at this time. The Commissioner thought the Engineering Department should begin collecting data to learn if there are future problems at this intersection.

Chairman Knees said this issue is “clear cut in both directions,” because both arguments are equally justified. His thinking is that the traffic volumes are so low at this intersection that it does not make sense to add two more stop signs. Traffic is only 250 vehicles per 24 hours on the busiest leg of the intersection. In addition, this intersection is less than half a block away from the stop at 20th and Wilson. If an all-way stop were installed, he believes many drivers would ignore it. The Chairman cannot support this proposal.

Commissioner Clark said the jogger should have stopped at the existing stop sign on southbound Cherryhill. The whole incident is the fault of the jogger.

Commissioner Isaak said that no matter how many stop signs are installed on our streets, some joggers will never break their stride to check for cross traffic at intersections.

Commissioner Clark **MOVED** and Commissioner Overhage **SECONDED** a **MOTION** to deny the request for an all-way stop on the corner of SW Cherryhill Drive and 20th Street. There was no further discussion. The **MOTION CARRIED** unanimously, 6:0.

Commissioner Overhage **MOVED** and Commissioner Clark **SECONDED** a **MOTION** to approve a final written order for TC 551 to deny the request for an all-way stop on the corner of SW Cherryhill Drive and 20th Street. There was no further discussion. The **MOTION CARRIED** unanimously, 6:0.

— EXCERPT END —

AGENDA BILL

Beaverton City Council Beaverton, Oregon

SUBJECT: Authorization to Enter Into an Intergovernmental Agreement for the Exchange of Federal MTIP Funds for State Transportation Funds for the Extension of SW Murray Boulevard

FOR AGENDA OF 6-14-04 **BILL NO:** 04109

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering 

DATE SUBMITTED: 6-1-04

CLEARANCES: Finance
City Attorney
Capital Proj. 

PROCEEDING: Consent Agenda

EXHIBITS: 1. Intergovernmental Agreement
2. Map

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The City of Beaverton applied for and was granted \$984,400 in federal funds through the Metro Transportation Improvement Program (MTIP), for the extension of SW Murray Boulevard from SW Scholls Ferry Road to SW Barrows Road. The need for the extension of Murray Boulevard was identified in the 1988 Urban Planning Area Agreement between the City of Beaverton, City of Tigard, and Washington County. The extension of the street is essential in the improvement of multimodal access and circulation in the Murray/Scholls Town Center. In order to expedite the project and reduce costs, staff is proposing that the City of Beaverton exchange the federal funds with Oregon Department of Transportation funds.

INFORMATION FOR CONSIDERATION:

Staff is requesting the City Council authorize the exchange of federal MTIP funds for Oregon Department of Transportation funding. The exchange rate for this transfer is \$0.94 on the dollar. The City would exchange \$984,400 in federal funds for \$925,336 in state funds. Even though the grant amount is reduced by \$59,064, the City actually will save well over \$100,000 by reducing the costs associated with the more stringent federal requirements. In order to complete the exchange of funds the City is required to enter into an Intergovernmental Agreement with the Oregon Department of Transportation authorizing the exchange of funds (Exhibit 1).

RECOMMENDED ACTION:

Council authorize the Mayor to enter into the Intergovernmental Agreement, approved as to form by the City Attorney, with the State of Oregon.

2003 FUND EXCHANGE AGREEMENT
Project name: MURRAY BOULEVARD EXTENSION

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State", and CITY OF BEAVERTON, acting by and through its elected officials, hereinafter referred to as "Agency".

RECITALS

1. By the authority granted in ORS 190.110, 366.770 and 366.775, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. Agency has submitted a completed and signed Part 1 of the Project Prospectus, or a similar document agreed to by State, outlining the schedule and costs associated with all phases of the Murray Boulevard Extension, hereinafter referred to as "Project".

(WHEN AN AGREEMENT WITH PRESENT YEAR FUNDS USE THE FOLLOWING)

2. To assist in funding the Project, Agency has requested State to exchange 200__ Federal Funds, which have been allocated to Agency, for State funds based on the following ratio:

\$94 State for \$100 Federal

Based on this ratio, Agency wishes to trade \$984,400 Federal Funds for \$925,336 State Funds.

(WHEN AN AGREEMENT COMBINING MULTIPLE YEAR FUNDS USE THE FOLLOWING)

3. To assist in funding the Project, Agency has requested State to exchange Federal Funds in the following manner:

Fiscal Year	Federal Funds	Exchange Rate	State Funds
2001	\$	92%	\$
2002	\$	94%	\$
2003	\$984,400	94%	\$925,336
Total	\$984,400		\$925,336

Agency shall exchange a total of \$ 984,400 Federal Funds for State Funds at the ratios defined in the above table. State shall reimburse Agency up to the total of \$ 925,336 State Funds for eligible costs incurred.

4. State has reviewed Agency's prospectus, considered Agency's request for the fund exchange, and has determined that Agency's Project is eligible for the exchange funds.
5. This Agreement shall be for two years beginning on the date all required signatures are obtained and shall terminate two calendar years later on the same month and day, unless otherwise extended or renewed by formal agreement of the parties.
6. The parties agree that the exchange is subject to the following conditions:
 - A. The Federal Funds transferred to State may be used by State at its discretion.
 - B. State dollars transferred to Agency must be used for the **TITLE** Project. This fund exchange is to provide funding for specific roadway projects and is not intended for maintenance.
 - C. State funds may be used for all phases of the Project, including preliminary engineering, right of way, utility relocations and construction. Said use shall be consistent with the Oregon Constitution and statutes (Section 3a of Article IX Oregon Constitution). Agency shall be responsible to account for expenditure of State Funds.
 - D. This Fund Exchange shall be on a reimbursement basis, with State funds limited to a maximum amount of \$925,336. All costs incurred in excess of the fund exchange amount will be the sole responsibility of Agency.
 - E. State certifies at the time this Agreement is written that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation. Funds available for reimbursement on or after July 1, 2005, are contingent upon the legislatively approved budget of State.

- F. Agency shall be responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement, including but not limited to retirement contributions, workers' compensation, unemployment taxes, and State and Federal income tax withholding.
- G. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279.312, 279.314, 279.316, 279.320 and 279.555, which hereby are incorporated by reference. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Sections V and 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
- H. Agency, or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchase all necessary right of way in accordance with current State and Federal laws and regulations; obtain all required permits; be responsible for all utility relocations; advertise for bid proposals; award all contracts; perform all construction engineering; and make all contractor payments required to complete the Project.
- I. Agency shall compile accurate cost accounting records. Agency shall bill State in a form acceptable to State no more than once a month for costs incurred on the Project. State will reimburse Agency at 100 percent of the billing amount not to exceed \$925,336. The cost records and accounts pertaining to the work covered by this Agreement shall be retained for inspection by representatives of State for a period of three years following final payment. Copies shall be made available upon request.
- J. Agency shall upon completion of Project maintain and operate the Project at its own cost and expense.
- K. All employers, including City of Beaverton, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126, shall ensure that each of its subcontractors complies with these requirements.

- L. This Agreement may be terminated by mutual written consent of both parties.
 - 1. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within 10 days or such longer period as State may authorize.
 - 2. Either party may terminate this Agreement effective upon delivery of written notice to the other party, or at such later date as may be established by the terminating party, under any of the following conditions:
 - a. If either party fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow either party, in the exercise of their reasonable administrative discretion, to continue to make payments for performance of this agreement.
 - b. If Federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or either party is prohibited from paying for such work from the planned funding source.
 - 3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
- M. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain the particular term or provision held to be invalid.

6. Agency shall enter into and execute this Agreement during a duly authorized session of its City Council.
7. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

The funding for this fund exchange program was approved by the Oregon Transportation Commission on November 17, 2003, as a part of the 2004-2007 Statewide Transportation Improvement Program.

The Program and Funding Services Manager approved the fund exchange on _____.

(Required on all agreements)

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

(Choose the appropriate Approval Paragraph)

On September 6, 2002, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director delegates authority to the Executive Deputy Director for Highways, Executive Deputy Director for Central Services, Deputy Director for OTIA, and the Chief of Staff to approve and execute agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program, other system plans approved by the Commission such as the Traffic Safety Performance Plan, or in a line item in the approved biennial budget.

Agency/ODOT
Agreement No.

**City of Beaverton by and through its
Elected Officials**

By _____
Mayor

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
City Attorney
Date _____

Agency Billing Address

**STATE OF OREGON, by and through
its Department of Transportation**

By _____
Title

Date _____

APPROVAL RECOMMENDED

By _____
Technical Services Manager/Chief
Engineer (if over \$75,000)

Date _____

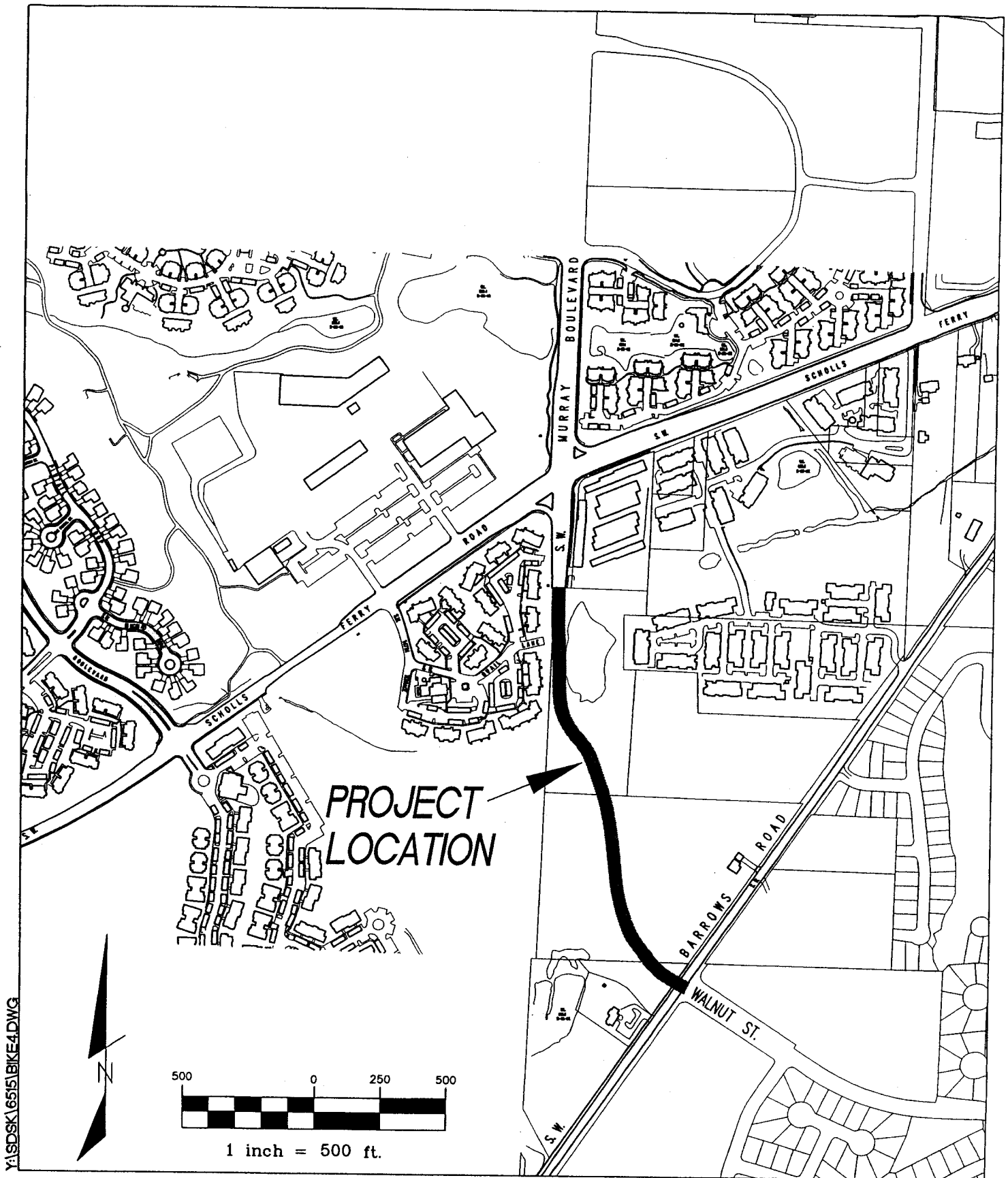
By _____
Region Manager (if appropriate)

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date _____



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City of Beaverton
Engineering Department
Transportation Division
4755 S.W. Griffith Drive
Beaverton, OR 97076-4755

MURRAY BOULEVARD EXTENSION

AGENDA BILL

Beaverton City Council Beaverton, Oregon


SUBJECT: Tualatin Basin Goal 5 Project Funding
Update

FOR AGENDA OF: 06/14/04 **BILL NO:** 04110.

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED:


03/23/04

CLEARANCES: Planning Services 
Finance 

PROCEEDING: Consent

EXHIBITS: A. Beaverton Funding to Date

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ 10,000	BUDGETED \$ 10,000*	REQUIRED \$ 0

*Account No. 001-70-0677-10-511 has an appropriation totaling \$40,000 from which this project can be funded.

HISTORICAL PERSPECTIVE:

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

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

- Step 1: **Map Significant Regional Resources:** Metro adopted a resolution establishing criteria to identify and define regionally significant riparian corridors and wildlife habitat. An intergovernmental agreement (IGA) between Metro and the Natural Resources Coordinating Committee established Metro's regionally significant resources as the inventory the Partners will use for Steps 2 and 3.
- Step 2: **Conduct an ESEE Analysis:** On April 12, the TBNRCC approved adjustments to the draft Allow, Limit, Prohibit (ALP) map and made a preliminary decision on the ALP map to allow for additional adjustments when program details are developed.
- Step 3: **Develop a Program:** According to the Statewide Planning Goal 5 guidelines, the program must achieve the goal of "conserving open space and protecting natural and scenic resources." Using the ESEE analysis, jurisdictions make findings to support decisions to protect the resource, allow conflicting uses or limit conflicting uses. Land use regulations must be specific enough for property owners to determine what uses and activities are allowed, not allowed, or conditionally allowed and must contain clear and objective conditions or standards.

Through the Metro-Tualatin Basin IGA, the primary objective of the Tualatin Basin project is to improve the environmental health in Metro's eleven sites within the Tualatin Basin. The TBNRCC has adopted a

Agenda Bill No: 04110

resolution directing consideration of three potential elements of regulatory program: additional stream buffers, revenue tools and design standards and guidelines. Clean Water Services (CWS) vegetated corridors and the City's tree program provide two examples of regulations. Revenue from a variety of sources could be used to mitigate development impacts or restore resources. Design standards and guidelines could promote low impact development that minimizes or reduces the impervious surface area for a project. A final program is likely to contain revenue tools and design standards and guidelines without application of additional stream buffers beyond those presently enforced by CWS. Open houses and public hearings on the draft program will occur in the summer with a TBNRCC decision in August. The program would be sent to Metro for review. By December, Metro Council would act on the Tualatin Basin program. Local governments in the Tualatin Basin would have 180 days after Metro Council's decision to implement the program.

INFORMATION FOR CONSIDERATION:

As noted in previous Agenda Bills regarding this project (00286, 02073, and 03128), the schedule for completion is aggressive with many partners assisting at all levels. At the May 20, 2004 Steering Committee meeting, the chair noted that additional funds would be necessary to provide adequate consultant assistance in the program phase. As such, the Steering Committee decided to return to their respective jurisdictions to request additional funds. Both Hillsboro and Beaverton staff agreed to pursue funding at the \$10,000 level due to the sizes of their jurisdictions relative to the other jurisdictions. Smaller jurisdictions are asked to remit up to \$2000. THPRD has not been asked to contribute. Similarly, CWS and Washington County will not be contributing supplemental funds as both agencies have contributed and will continue to contribute significant staff time beyond original expectations. (County staff have administrative responsibilities for the project, and CWS staff provide substantial technical assistance.)

RECOMMENDED ACTION:

Authorize the Mayor to appropriate \$10,000 to assist the Tualatin Basin Natural Resources Coordinating Committee in funding a consultant to assist in the Program phase of the project.

TUALATIN BASIN GOAL 5 PROJECT BUDGET SUMMARY

FUNDING				EXPENSES				Total Expenses & Balances
Date	City Council Agenda Bill Number	Beaverton	Total Project Funding	Planning & Technical Services	Legal	Contingency	Public Involvement	
8/14/2000*	00286	\$ 16,804.42	\$ 100,000	\$ 50,000	\$ 50,000	\$ -	\$ -	
*Pre-TBNRCC Formation								
4/1/2002	02073	\$ 25,708.88	\$ 150,000	\$ 60,000	\$ 25,000	\$ 15,000	\$ 50,000	
6/2/2003	03128	\$ 16,804.42	\$ 60,000	\$ 60,000	\$ -	\$ -	\$ -	
TOTAL as of 06/2004		\$ 59,317.72	\$ 310,000	\$ 170,000	\$ 75,000	\$ 15,000	\$ 50,000	\$ 310,000
EXPENDITURES to date				\$ (113,998)	\$ (63,901)	\$ -	\$ (11,951)	\$ (189,850)
BALANCE to date				\$ 56,002	\$ 11,099	\$ 15,000	\$ 38,049	\$ 120,150
Number not								
6/14/2004**	yet assigned	\$ 10,000.00	\$ 30,000	\$ 30,000	\$ -	\$ -	\$ -	\$ 30,000
BALANCE WITH PROPOSED FUNDING		\$ 69,317.72	\$ 340,000	\$ 86,002	\$ 11,099	\$ 15,000	\$ 38,049	\$ 150,150

**Proposed funding through this Agenda Bill and other interjurisdictional actions.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Authorize Amendment to Intergovernmental Agreement with Washington County Cooperative Library Services Regarding the Provision of Telephone Reference Service.

FOR AGENDA OF: 06-14-04 **BILL NO:** 04111

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Library 

DATE SUBMITTED: 06-01-04

CLEARANCES: Finance 
City Attorney 

PROCEEDING: Consent Agenda

EXHIBITS: Intergovernmental Agreement with Attachment A

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The Beaverton City Library has provided telephone reference service for the Washington County Cooperative Library Service (WCCLS) on a contractual basis since July 1994. The current one-year Intergovernmental Agreement (IGA) for services expires June 30, 2004.

INFORMATION FOR CONSIDERATION:

Staff is proposing a one-year extension of the current IGA. The City currently receives \$6,450 per month for the provision of telephone reference services. Under the one-year extension, the City will receive \$6,666 per month for FY2004-05.

RECOMMENDED ACTION:

Council authorize the Mayor to sign the attached Amendment to the IGA, which extends telephone reference services for a one-year period ending June 30, 2005 to the Washington County Cooperative Library Service.

Agenda Bill No: 04111

INTERGOVERNMENTAL AGREEMENT

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

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

Now, therefore, the parties agree as follows:

- 1) The effective date is: July 1, 2004, or upon final signature, whichever is later.
The expiration date is: June 30, 2005; unless otherwise amended.
- 2) The parties agree to the terms and conditions set forth in Attachment A, which is incorporated herein, and describes the responsibilities of the parties, including compensation, if any.
- 3) Each party shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or handicap.
- 4) To the extent applicable, the provisions of ORS 279.312, 279.313, 279.314, 279.316, 279.320 and 279.334 are incorporated by this reference as though fully set forth.
- 5) Each party is an independent contractor with regard to each other party(s) and agrees that the performing party has no control over the work and the manner in which it is performed. No party is an agent or employee of any other.
- 6) No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- 7) This Agreement may be terminated, with or without cause and at any time, by a party by providing 60 (30 if not otherwise marked) days written notice of intent to the other party(s).
- 8) Modifications to this Agreement are valid only if made in writing and signed by all parties.
- 9) Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party.
- 10) Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

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

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

Jurisdiction

Signature

Date

Printed Name

Title

Address: _____

WASHINGTON COUNTY:

Signature

Date

Printed Name

Title

Address:

155 N First avenue
Mail Stop #
Hillsboro, OR 97214

ATTACHMENT A

Statement of Work /Schedule/Payment Terms

This AGREEMENT is made and entered into by and between Washington County for Washington County Cooperative Library Services (hereafter the "Cooperative"), a political subdivision of the State of Oregon, and the City of Beaverton for the Beaverton City Library (hereafter "Library").

I. Services to be provided by Library

Beaverton City Library agrees to provide Telephone Reference Service to all residents of Washington County all hours the library is open to the public. Library agrees to maintain statistics related to the number of calls received and forward those statistics to the Cooperative monthly.

II. Payment Terms

The Cooperative shall pay Library \$6666 per month for services provided. Payments shall be made by the 15th of the month.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Authorize Intergovernmental Agreement
with Washington County Cooperative
Library Services Regarding the Washington
County Inter-Library Information Network
Agreement (WILInet)

FOR AGENDA OF: 06-14-04 **BILL NO:** 04112

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Library 

DATE SUBMITTED: 06-01-04

CLEARANCES: Finance 
City Attorney 

PROCEEDING: Consent Agenda

EXHIBITS: Washington County Inter-Library
Information Network (WILInet)
Agreement

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The Beaverton City Library has been a member of the Washington County Cooperative Library Service (WCCLS) since 1974. WCCLS, working through the County Library Advisory Board, periodically updates the Washington County Inter-Library Information Network (WILInet) Agreement in order to keep the agreements current with today's services and needs. The proposed agreement will be for five years, effective July 1, 2004 and expiring June 30, 2009.

INFORMATION FOR CONSIDERATION:

The proposed Washington County Inter-Library Information Network (WILInet) Agreement delineates duties and responsibilities of WILInet participants and reflects current practices.

RECOMMENDED ACTION:

Council authorize the Mayor to sign the attached Washington County Inter-Library Information Network (WILInet) Agreement.

Washington County Inter-Library Information Network (WILInet) Agreement

This Agreement is made by and between Washington County, a home rule subdivision of the State of Oregon hereinafter referred to as "County", on behalf of Washington County Cooperative Library Services, hereinafter referred to as "WCCLS" and the Cities of Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, Sherwood, Tigard and Tualatin, Cedar Mill Community Library Association, Garden Home Community Library Association, Tuality Healthcare and Oregon College of Art and Craft, hereinafter referred to as "WILInet Users."

WHEREAS, the parties hereto are currently participants in the WCCLS Network;

WHEREAS, the parties are either units of local government empowered by ORS 190.010 to enter into an intergovernmental agreement, or are private non-profit agencies operating libraries, and

WHEREAS, WCCLS has purchased and installed an automated integrated library system and is desirous of making this system available for use by libraries in Washington County;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. DEFINITIONS

The following definitions shall be used in constructing the following phrases, terms and abbreviations in this Agreement:

- A) WCCLS (Washington County Cooperative Library Services) - An agency of county government which exists to coordinate, contract for or provide a full range of library and information services to all residents of the county.
- B) WCCLS Network - The consortium of public, academic, special and school libraries in Washington County, which exists to provide countywide library service.
- C) WILInet (Washington County Inter-Library Information Network) - An integrated, automated library system, including but not limited to WILI, which is comprised of the integrated library system software (online circulation, public access catalog, cataloging and acquisitions software), software programs purchased by WCCLS and licensed for use at member libraries, other databases, Internet resources, central site hardware and telecommunications equipment. The necessary equipment, equipment configuration, communication links, and associated hardware and software necessary to provide the Integrated Library System (ILS), Internet access through WCCLS, and other appropriate network functions to member library locations. This includes but is not limited to equipment in the WCCLS office and WCCLS computer room.

- D) Host – Any intelligent device connected to WILInet that is addressable by a network/transport protocol. All workstations, network printers, routers, etc. are hosts.
- E) Broadband Users' Group – A membership organization through which WCCLS procures Internet and firewall network services.
- F) WCCLS Library Directors' Board - The executive body of the WCCLS Network; advisory to the Cooperative Library Advisory Board and the WCCLS Manager.
- G) WILInet Users' Group - A committee of the WCCLS Library Directors Board, advisory to the Automation Program Specialist/Library Systems Administration Supervisor on the operation of the automated library system as defined in the Library Directors' Board by-laws.
- H) Public Library Services Agreement - The Inter-Governmental Agreement between Washington County and library service providers to provide library services to all county residents, containing a reimbursement formula under which WCCLS makes payments to public libraries.
- I) Cooperative Library Advisory Board (CLAB) - The board appointed by the Washington County Board of Commissioners to develop, review and recommend library service policies, representing Public Library Services Agreement contractors and the West Slope Community Library. CLAB is advisory to the Board of Commissioners and to the Cooperative Library Services Manager.
- J) West Slope Community Library – The public library that is a department of WCCLS and managed by the County. For purposes of this Agreement, West Slope is treated as a WILInet Member Library, but is not a signatory to this Agreement.

2. TERM OF AGREEMENT

This agreement shall be in effect from July 1, 2004, through June 30, 2009, except as otherwise provided in Section 14 of this Agreement. It is the intent of the parties that this Agreement become effective on July 1, 2004.

3. OWNERSHIP AND MANAGEMENT OF WILInet

- A) The Washington County Board of Commissioners, as the governing body of WCCLS, retains final authority for decision-making related to WILInet and its operation.
- B) WCCLS shall have full ownership of all central site system hardware, software, and communications equipment and shall make the system available to the WILInet Users. All central site system upgrades will remain the property of WCCLS. All software and upgrades provided to WILInet Users by WCCLS will remain the property of WCCLS.

- C) Item records owned by WILnet Users, the associated bibliographic and patron records where the patron is registered at the WILnet User Library shall be considered the property of that WILnet User. On termination of this Agreement by either party WILnet User shall pay all reasonable costs associated with data extraction necessary to provide records in machine-readable format.

4. SERVICE AVAILABILITY

- A) WILnet shall be available for use twenty-four (24) hours a day except for routine maintenance and when software, hardware, or telecommunications upgrades/changes necessitate making the system unavailable. WCCLS agrees to provide WILnet User with prior notice of WILnet downtime if it will affect library operations and/or business hours except for unexpected outages due to WILnet failure or other circumstances beyond the control of WCCLS. No liability shall be assumed by WCCLS if WILnet experiences downtime.
- B) WCCLS staff shall be available to service WILnet and to support member libraries. No WILnet staff will be available on days that are official Washington County holidays. The hours of service will be as follows:
- 8:00 am – 8:30 pm, Monday – Thursday;
 - 8:00 am – 6:00 pm Friday,
 - 9:00 am – 5:00 pm Saturday, and
 - 10:30 am - 5:30 pm Sunday.

5. DATA RECOVERY

WCCLS will duplicate daily all data maintained in the WILnet database. WCCLS will rotate such tapes between on-site storage in a fire-safe box and off-site storage so that files can be reconstructed if a system malfunction occurs that requires restoring or rebuilding the databases, in whole or in part, from backup tapes. A minimum of one weekly tape will be stored in a location physically apart from the site of the central system in case of major disaster at the central site.

6. DUTIES AND RESPONSIBILITIES OF WCCLS

With the advice of the WILnet Users' Group, WCCLS shall:

- A) Purchase all central system hardware, software, and network equipment, housing such equipment in a suitable environment and maintaining said equipment in good operating condition.
- B) Purchase Integrated Library System client software licenses for WILnet Users and coordinate distribution of licenses.
- C) Provide, or contract for the provision of, maintenance of central site hardware, software, and the Wide Area Network.

- D) Employ personnel needed to maintain and operate WILInet and staff a help desk for in-person WILInet problem reporting and resolution.
- E) Administer contracts for all WILInet related software, network, hardware, and service vendors and organizations.
- F) Provide a source of, and maintain for WILInet Users, MARC bibliographic cataloging records and authority records in WILInet. This includes monitoring and evaluating bibliographic services to insure an appropriate and high quality bibliographic database.
- G) Purchase, and coordinate the use and licensing of, other library-related software licenses or equipment as deemed suitable by the Library Directors' Board.
- H) Purchase item barcodes and patron cards to be used by WILInet Users.
- I) Solicit requests from WILInet Users for group purchases of peripheral equipment when cost effective or desired by WILInet Users. WCCLS staff shall coordinate purchase of said equipment and invoice WILInet Users for cost plus 10%. Invoices will be issued at the time items are delivered or no later than June 1 of the year in which the equipment was purchased.
- J) Provide training and training materials to WILInet Users for WCCLS provided software.
- K) As time permits, assist WILInet User's staff with troubleshooting of Local Area Network cabling, equipment, software, and associated devices within WILInet User's building to which WILInet is connected.
- L) Provide specifications to WILInet Users for installation of peripheral equipment purchased through WCCLS.
- M) Provide documentation for the Integrated Library System.
- N) Provide software updates to WILInet Users for software programs purchased by WCCLS and licensed for use at member libraries.
- O) Regularly review the operations of WILInet hardware, software and network, evaluate performance, and develop plans for modifications, upgrades and new services, as outlined in the WCCLS Long Range Plan or as directed by WILInet Users.
- P) Provide periodic reports to WILInet Users on Wide Area Network performance and Integrated Library System performance.
- Q) Enforce Policies & Procedures adopted by the WILInet Users' Group and the Broadband Users' Group to coordinate orderly and secure use of the system.

- R) Conduct an independent network security audit of WILInet and implement recommendations to maintain the security and integrity of WILInet.
- S) Take steps to maintain WILInet security, up to and including terminating a connection between one or more network Hosts that appear to present a problem that threatens the security, integrity, or performance of WILInet. Prior notification of the impending disconnection will be given to the affected WILInet Users if time permits. Connectivity will be restored when the WCCLS staff determines that the problem is resolved or the threat removed.
- T) Manage WILInet pursuant to the terms and conditions of this Agreement.

7. DUTIES AND RESPONSIBILITIES OF WILINET USERS

The WILInet User shall:

- A) Participate in the use and operation of WILInet under the terms and conditions of this Agreement and the Policies & Procedures adopted by the WILInet Users' Group.
- B) Take full responsibility for linking item information for WILInet User's holdings to bibliographic records in the database.
- C) Provide, maintain, and administer Local Area Network cabling, equipment, software, and associated devices within WILInet User's building to which WILInet is connected.
- D) Provide site preparation, access, and environmental conditions necessary for optimal security and functioning of network hosts provided by WCCLS.
- E) Insure that devices configured by WILInet User and accessing WILInet comply at all times with hardware and software requirements deemed necessary by WCCLS staff.
- F) Insure that all Hosts connected to WILInet shall be secured and supervised by library staff during use. Public users shall not use staff workstations.
- G) Insure that any Host or device connected to WILInet shall neither cause, nor have the potential to cause, any network disruption, security breach, nor other deleterious outcome.
- H) Obtain permission from WCCLS before attaching any new type of equipment to WILInet.
- I) Notify WCCLS in advance of adding workstations that will run software programs purchased by WCCLS and licensed for use at member libraries.
- J) Protect system equipment and software from abuse, theft or misuse, and assume financial responsibility for repairing or replacing damaged equipment.

- K) Be responsible for system security by limiting access to non-public accounts to trained, authorized staff and volunteers.
- L) Notify WCCLS of changes in services, including but not limited to acquisition of additional domain accounts, ILS accounts, workstations, email accounts, and deletion of said accounts.
- M) Provide an inventory of WILnet Hosts in WILnet User's facility and connected to the Public Communications Network as needed by the Broadband Users Group.
- N) Conduct an annual inventory of WILnet software licenses in use by the WILnet User as instructed by WCCLS staff. Report inventory results by the November WILnet Users' Group meeting.
- O) Keep records and statistics when required by WCCLS to document system performance.
- P) Pay costs incurred by WCCLS for non-standard reports as defined by the WILnet Users' Group and WCCLS.
- Q) Designate at least one person as the WCCLS contact concerning use of the system.
- R) Reimburse WCCLS on a quarterly basis for the cost of printing and mailing patron notices.

9. CONFIDENTIALITY OF DATA

The patron and circulation records in the WILnet database shall be deemed to be exempt from public disclosure pursuant to ORS 192.502(22). All parties agree that they will not disclose patron and circulation information. All parties also agree that only library staff and designated library volunteers shall have access to such records in the course of operating the system. All parties may use patron name and address information for library purposes as long as it is used in accordance with the WILnet Policies & Procedures.

10. COST ALLOCATION FORMULA

WILnet Users which are not signatories to the Public Library Services Agreement, chiefly Tuality Health Resource Center and Oregon College of Art and Craft, shall be responsible for ten percent of their share of the cost allocation on an annual basis. These WILnet Users shall be notified of WILnet operating costs by April 1 as determined by the cost allocation formula used in EXHIBIT A "Cost Allocation Formula". These WILnet Member Libraries shall receive an invoice from WCCLS by April 15 for the annual cost, which shall be paid by June 30.

11. ADMISSION OF NEW WILnet USERS WHICH ARE NOT SIGNATORIES TO THE PUBLIC LIBRARY SERVICES AGREEMENT

WCCLS shall have the option of admitting other libraries to WILnet provided that any necessary system modification shall be undertaken to insure WILnet's continued security and performance.

Admission of New WILnet Users shall require unanimous approval of present WILnet Users and the Cooperative Library Advisory Board. New WILnet Users will be assessed a share of WILnet operating costs for the first year of membership as determined by the Cooperative Library Advisory Board. The "Cost Allocation Formula" in Exhibit A would be applicable during the second year and thereafter.

12. DEFAULT

A) Each of the following shall constitute a default:

1. Material noncompliance with the terms of the Agreement;
2. Misuse of WILnet system operating software, hardware, or peripherals.

B) In the event of a default by a WILnet User or by WCCLS, WCCLS or the WILnet User, respectively, shall:

1. Advise the party in writing of the alleged default and any action required to cure the default;
2. Set forth a time by which the default must be cured, a minimum of thirty (30) days.

13. MATERIAL NONCOMPLIANCE

A) In the event a WILnet User shall be found to be in material noncompliance under the terms of this Agreement, WCCLS may, following written notice to the WILnet User:

1. Prohibit WILnet User from the use of the WILnet system;
2. Take any action to cure or stop the default;
3. Recover any costs, expenses or disbursements incurred by WCCLS to cure the default.

B) In the event of an emergency involving, but not limited to, system damage or the breach of security or confidentiality of the database, WCCLS may lock out the WILnet User from the system without notice.

14. TERMINATION

A) The County shall have the right to terminate this Agreement in its entirety or as to any individual WILnet User upon sixty (60) days written notice, if it determines, in good faith, through an open, public process, that:

1. The public interest would be served by such termination;
2. Adequate funds are not available.

B) Each WILnet User shall have the right to terminate this Agreement upon sixty (60) days written notice, if the WILnet User determines, in good faith, that the public interest in its jurisdiction or area of service would be served by such termination.

C) County and each WILnet User shall have the right to terminate this Agreement for a default by the other party that has not been cured.

- D) Upon termination of this Agreement as to any individual WILnet User, this Agreement shall continue to be effective as to the remaining parties.
- E) Upon termination, the WILnet User shall be responsible for payment of any costs, expenses, or disbursements incurred by WCCLS to remove or otherwise mask WILnet User's data from WILnet.

15. INSURANCE

A) All parties to this Agreement shall maintain comprehensive general liability insurance or adequate reserves in a program of self-insurance covering personal injury and property damage for the WILnet Users, their employees and agents. The insurance coverage shall be for a minimum of \$200,000 per person, \$500,000 per occurrence and \$50,000 property damage. For WILnet Users who are not units of local government, certification of insurance shall be provided to WCCLS and all such insurance coverage shall name Washington County, its officers, employees and agents as additional insureds.

B) The County shall maintain insurance adequate to cover the replacement of the central site equipment including but not limited to the central processing unit, uninterruptible power supply and communications equipment. The insurance coverage shall be for a minimum of \$600,000.

C) WILnet Users shall maintain insurance adequate to cover the replacement of the telecommunications equipment owned by WCCLS and housed at WILnet User's site.

16. COMPLIANCE WITH APPLICABLE LAWS

Each party agrees to comply with all local, state, and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.

A) Equal Opportunity County Personnel Rules provide that County shall enter into contractual agreements only with Equal Opportunity Employers. Therefore, WILnet Users hereby agree that employees (and applicants for employment) shall not be discriminated against because of race, color, national origin, religion, physical or mental handicap, sex or age, except in the case of bona fide occupational qualifications as defined and provided by applicable federal or state law.

B) Compliance with Applicable Provisions of ORS Chapter 279 WILnet Users which are community libraries further agree that they shall comply fully with all applicable provisions of ORS 279.310 through 279.430. These include: ORS 279.310, ORS 279.312 relating to payment of labor, materialmen, the Industrial Accident Fund and the Department of Revenue and prohibiting any lien or claim to be filed against County on account of labor or material furnished; ORS 279.314 authorizing County to pay said claims on behalf of WILnet User; ORS 279.316 relating to overtime and 279.320 relating to medical care. Said provisions are hereby incorporated by reference and the applicable terms contained therein shall be binding upon WILnet Users that are community libraries in the same manner as if they were fully set forth herein.

17. INDEMNIFICATION

Each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party. If the indemnifying party is a unit of local government, such indemnification shall be subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution.

18. DEBT LIMITATION

This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon appropriation of funds.

19. NO BENEFITS

No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.

20. NOTICE

Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

21. COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

22. CAPTIONS

Captions and headings used in this Agreement are for convenience only and shall not be construed or interpreted so as to enlarge or diminish the rights or obligations of the parties hereto.

23. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Agreement is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Agreement unless the result of the holding is a failure of consideration of any party.

24. AMENDMENT

This Agreement may only be amended in writing signed by all of the parties.

EXHIBIT A - Cost Allocation Formula (updated annually).

FOR THE WILINET USER:

Signature

Title

Date

FOR WASHINGTON COUNTY:

Signature

Title

Date

APPROVED AS TO FORM:

Sr. Assistant County Counsel

Exhibit A: Cost Allocation Formula

Automation Program Benefit Allocation FY 02-03

Expenditures \$983,472

	Composite Percentage	Total Annual Cost Share
Outreach	0.79	\$7,769
Banks	1.34	\$13,226
Beaverton	25.92	\$254,904
Cedar Mill	13.83	\$136,038
Cornelius	1.58	\$15,554
Forest Grove	6.67	\$65,595
Garden Home	1.43	\$14,060
Hillsboro/Tanasbourne/Books By Rail	25.28	\$248,655
OR College of Art & Craft	0.55	\$5,378
Sherwood	2.58	\$25,336
Tigard	10.55	\$103,708
Tualatin	5.85	\$57,574
Tuality Health Info. Resource Ctr.	0.30	\$2,950
West Slope	3.33	\$32,725
Total	100.00	\$983,472

Note: Shared Operating Cost is Actual
Automation
Expenditures FY 02-03 less
cost recovery items (grant funds, peripherals and
notices/postage).

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Bid Award – Cedar Hills Boulevard
Phase 2 Overlay Project

FOR AGENDA OF: 6-14-04 **BILL NO:** 04113

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Engineering *TJR*

DATE SUBMITTED: 6-1-04

CLEARANCES:

Purchasing
Finance
City Attorney
Capital Proj.

[Signatures]
[Signature]
[Signature]
[Signature]

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: 1. CIP Project Data Sheet/Map
2. Bid Summary

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$273,321.78*	BUDGETED \$382,000*	REQUIRED \$0

* Project is funded from Street Fund's – Street Reconstruction Account (101-85-0732-422)

HISTORICAL PERSPECTIVE:

The Cedar Hills Boulevard Phase 2 Overlay Project is included in the FY 2003/04 Capital Improvements Plan (CIP) as part of the FY 2003/04 Street Rehabilitation Program.

The purpose of the overlay project on Cedar Hills Boulevard is to rehabilitate existing asphalt concrete pavement. Cedar Hills Boulevard is listed in the *Capital Improvements Plan* as the arterial street in most need of repair.



CEDAR HILLS BLVD NORTH OF HALL BLVD

INFORMATION FOR CONSIDERATION:

The invitation for bid was advertised in the Daily Journal of Commerce on April 12, 2004. A non-mandatory pre-bid meeting was held on April 20, 2004. Two contractors attended the meeting. Three (3) bids were received and opened on April 29, 2004 at 2:00 p.m. in the Finance Department Conference Room (Exhibit 2). Baker Rock Resources of Beaverton, Oregon, submitted the lowest responsive bid in the amount of \$273,321.78. The overall bid amount is \$83,196 or 23% lower than the Engineer's estimate of \$356,518.

Staff reviewed the qualifications of Baker Rock Resources and investigated their performance with previous customers. Baker Rock Resources performed the asphalt concrete paving for the Hart Road (155th Avenue to Murray Boulevard) project and the Cedar Hills Boulevard Phase 1 project. Their work has been acceptable on all projects. In summary, staff finds Baker Rock Resources has satisfied the bid requirements to construct street improvements in a built-up, high traffic volume environment.

Assuming City Council approval of the bid award, a Notice to Proceed (NTP) would be issued to the Contractor on or about August 2, 2004 after the completion of the Cedar Hills Boulevard Utility Improvements Phase 2 project. The overlay project contract requires substantial completion within 30 days of the NTP. The estimated substantial completion date for the overlay project is September 2, 2004.

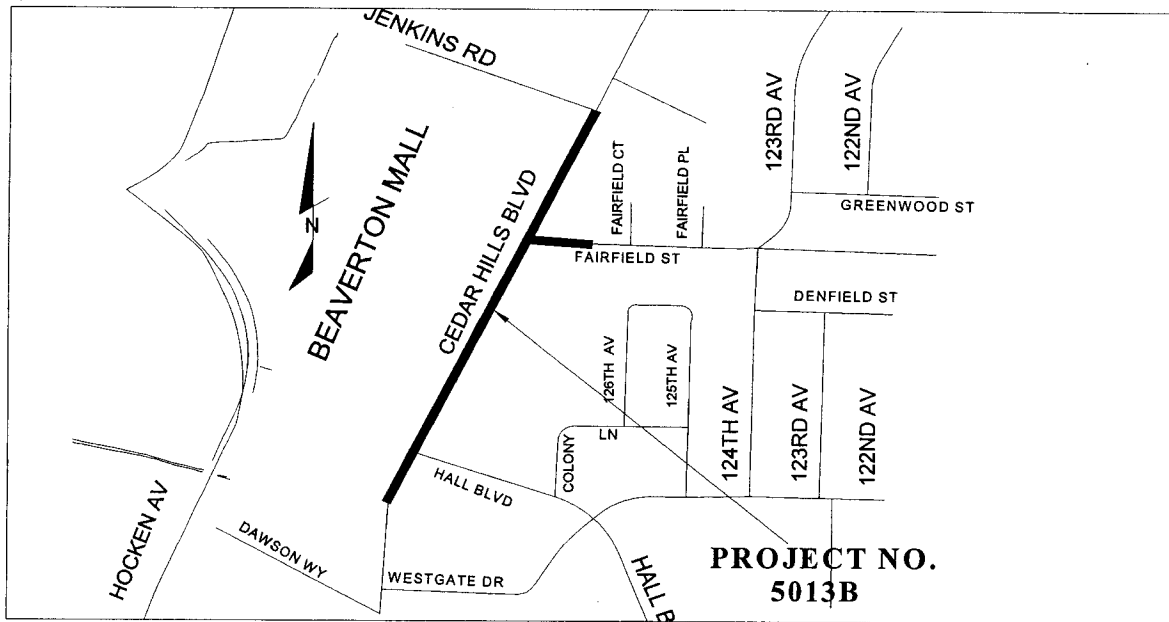
RECOMMENDED ACTION:

Council award the bid to Baker Rock Resources in the amount of \$273,321.78 as the lowest responsive bid received for the Cedar Hills Boulevard Phase 2 Overlay Project.

Project Data

Project Number: 5013B
Project Name: Cedar Hills Blvd Overlay, Phase 2
Project Description: Pavement overlay on Cedar Hills Blvd from Jenkins Rd to Beaverton Creek.

Map:



Project Justification: Provide asphalt concrete overlay on streets requiring rehabilitation as specified by the City's Pavement Management System.

Project Status: Advertised on 4-12-04. Non mandatory pre-bid held on 4-20-04. Bids opened on 4-29-04. Council award scheduled for 6-14-04. Estimated start date is 8-2-04. Estimated completion date is 9-2-04.

Estimated Date of Completion: 09/15/2004

Estimated Project Cost: \$382,000

First Year Budgeted: FY03/04

Funding Data:

<u>Project No.</u>	<u>Fund No.</u>	<u>Fund Name</u>	<u>Amount</u>	<u>FY</u>
5013B	101	Street Fund	\$382,000	FY2003/04
<u>Total for FY:</u>			\$382,000	

BID SUMMARY

CITY OF BEAVERTON

TO: Mayor & City Council

FROM: Purchasing Division

SUBJECT: Bid Opening

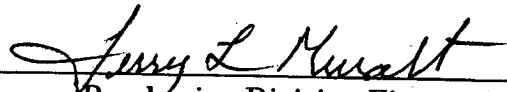
Bids were opened on APRIL 29TH, 2004 at 2:00PM in the FINANCE CONFERENCE ROOM

For: SW CEDAR HILL BLVD – OVERLAY PROJECT, FY 2003-04

Witnessed by: CHARLIE GOH

VENDOR NAME AND CITY, STATE	BID AMOUNT
LAKESIDE INDUSTRIES PORTLAND OR	\$391,614.00
BENGE CONSTRUCTION TUALATIN OR	\$331,331.00
BAKER ROCK BEAVERTON OR	\$273,321.78

The Purchasing process has been confirmed.

Signed: 
Purchasing Division-Finance Dept.

The above amounts have been checked: YES NO

Date: 4-29-04

AGENDA BILL

Beaverton City Council
Beaverton, Oregon


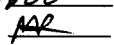
SUBJECT: Appeal Hearing on Traffic Commission
Issue TC 500 Regarding Left Turn
Restrictions on SW Greenway at the
Driveway Near Hall Boulevard

FOR AGENDA OF: 6-14-04 **BILL NO:** 04114

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering 

DATE SUBMITTED: 6-01-04

CLEARANCES: Transportation 
City Attorney 

PROCEEDING: Public Hearing

EXHIBITS:

- A. Traffic Operations Report
- B. Kittelson Update
- C. Improvement Options
Report
- D. Improvement Funding
Report
- E. 2003 Final Written Order
- F. Agenda Bill for 2003
Appeal Hearing
- G. Minutes of 6-16-03 Council
Meeting (excerpt)
- H. Correspondence

BUDGET IMPACT

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

On June 16, 2003, the City Council held a *de novo* hearing to consider an appeal of Traffic Commission Issue Number TC 500 regarding left turn restrictions on Greenway at the commercial driveway near Hall Boulevard. The agenda bill for that hearing is attached as Exhibit F. The minutes of the Council hearing are attached as Exhibit G.

The Final Written Order of the Council is attached as Exhibit E. The Final Written Order established a temporary left turn prohibition for southbound Greenway traffic at the driveway between 3 p.m. and 7 p.m. each day. The Order further directed staff to schedule a new hearing before the Council after turn restriction signs had been installed and monitored for six months. The order directs staff to provide a more detailed report on the feasibility and cost of widening Greenway near the driveway to provide a separate turn lane.

The required signs were installed on July 28, 2003. Scheduling of the new hearing was delayed to compensate for nearby road construction that temporarily revised traffic patterns. The delay provided additional time for monitoring under normal traffic patterns.

INFORMATION FOR CONSIDERATION:

Exhibits A and B provide information on the results of monitoring the turn prohibitions since signs were installed on July 28, 2003. Exhibit C is a report on the feasibility and cost of widening Greenway. Exhibit D discusses potential funding if the Council should choose to implement any of the options discussed in Exhibit C.

Agenda Bill No: 04114

RECOMMENDED ACTION:

- Conduct a *de novo* public hearing on Traffic Commission Issue Number TC 500.
- Amend the turn restrictions to be in effect only from 4 p.m. to 7 p.m. on weekdays and not on weekends.
- Continue the turn restrictions, as amended, until Greenway is widened or the driveway is no longer in use.
- Determine the priority of a project to widen Greenway in relation to the priorities for other unfunded street projects.
- Direct staff to prepare a final written order to be considered for Council approval at a future meeting.

EXHIBIT A

TRAFFIC OPERATIONS REPORT

**TRAFFIC COMMISSION ISSUE TC 500
(Left Turn Restrictions on SW Greenway
at the Driveway Near Hall Boulevard)**

May 28, 2004

History

When the Albertsons store was constructed (about 1983) at Hall and Greenway, it included driveways to Greenway and Hall as they exist today. At the time, a short left-turn lane was marked on Greenway for southbound Greenway traffic turning left into the driveway.

By the mid-1990s, traffic on Greenway and Hall had increased significantly. Congestion was routinely occurring during peak traffic periods at the Greenway/Hall intersection. The City determined that a longer left-turn lane was needed for northbound Greenway traffic at Hall. The turn lane for the driveway was removed and the turn lane from Hall was extended south to the Albertsons driveway. In 1997 additional changes were made to the striping to allow northbound morning peak traffic to form two lanes extending south of the Albertsons driveway.

Elimination of the turn lane at the driveway caused southbound traffic to sometimes block the southbound lane while waiting to turn left into the driveway. Records show that complaints were received as early as 1996 regarding left-turn traffic blocking the southbound lane during the evening peak traffic period.

A 2003 traffic report prepared by Kittelson and Associates (see Exhibit 5 which is part of Exhibit F) indicated queuing in the southbound lane primarily between 3 p.m. and 7 p.m. The report recognized that at times the queue from the driveway extended into the Hall intersection.

Exhibit B provides an update from Kittelson. The update indicates that afternoon queuing problems have decreased since the "no left turn" signs were installed. However, violations still occur and still cause queuing problems. Beaverton Police indicated similar observations from their enforcement activities last fall.

No additional crashes have been reported on Greenway at the driveway since the Traffic Commission hearing in 2003. However, complete crash records are not yet available for 2003.

Public Response

Public response has been primarily from drivers who were cited by the Police for violating the turn prohibition. During the fall of 2003, Police issued 70 citations for violations of the left turn prohibition; almost half of the citations were issued between 3 p.m. and 4 p.m. Complainants suggest that the turn restriction is not needed, that the hours (especially 3 p.m. to 5 p.m.) are inappropriate, and that the signing is difficult to see.

Staff has checked the visibility of the signing and found it to be visible at the point that drivers enter Greenway from Hall (approximately 250 feet before the driveway). However, some drivers are not seeing the signs. If the turn prohibition is to remain, it may be appropriate to install larger signs or otherwise draw more attention to the signs. One suggestion was to add a flashing beacon with each sign, with the beacon programmed to flash during the times that left turns are prohibited.

A complaint has also been received from The Park at Greenway Apartments. They are concerned about drivers using their parking area to make U-turns. See Exhibit H.

Traffic Volumes

Information on traffic volumes in the morning peak is available from counts in 1999 and 2004. During the morning peak, the southbound traffic on Greenway is relatively light. When a southbound vehicle stops to wait to turn left into the driveway during the morning peak, it causes little back up. There have been no complaints about the morning peak period.

Morning peak traffic volumes at Hall and Greenway in May 2004 are down 10% to 20% compared to June 1999. In the morning peak, the heavy traffic volumes are northbound on Greenway and eastbound on Hall. Traffic queues often extend from Hall past the Albertsons driveway. Queues generally are fully discharged on each signal cycle.

Information on evening peak traffic volumes is available from counts in 1996, 1999 and 2004. Evening peak traffic volumes are similar in all three years. In the evening peak, traffic is heavy in both directions on Hall. During the weekday evening peak, over 500 vehicles per hour make the left turn from westbound Hall to southbound Greenway. The 2004 counts show a slight decrease in the left turn volume compared to 1999 and 1996. The decrease may be due to the turn restriction that redirects Albertsons traffic to their Hall driveway. During the evening peak, some drivers on Hall are required to wait two signal cycles to clear the intersection (eastbound Hall and westbound Hall left turn).

Average 2004 peak hour traffic volumes are shown in Figure 1.

Past studies for the 2020 Transportation System Plan and the 125th Avenue Extension Project indicate that completion of the 125th Avenue extension will reduce traffic volumes at the Hall/Greenway intersection. However, regional growth will cause traffic on Hall to continue to grow over time. The increased traffic on Hall will be offset by a decrease in northbound Greenway left turn volumes as a result of the 125th extension. By 2020, the total evening peak hour volumes through the intersection will be similar to 2004 volumes if the 125th extension is completed.

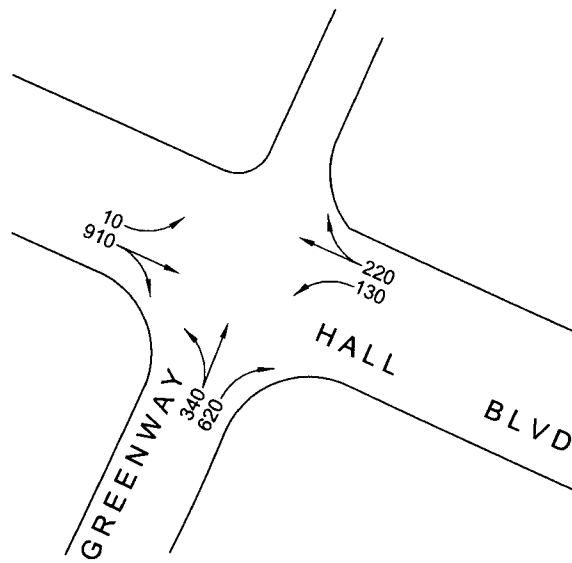
Hours and Days of Left-Turn Restrictions

The current turn restrictions are in effect seven days per week between 3 p.m. and 7 p.m. It may be possible to reduce the effective time without substantially increasing the impacts of queuing on Greenway.

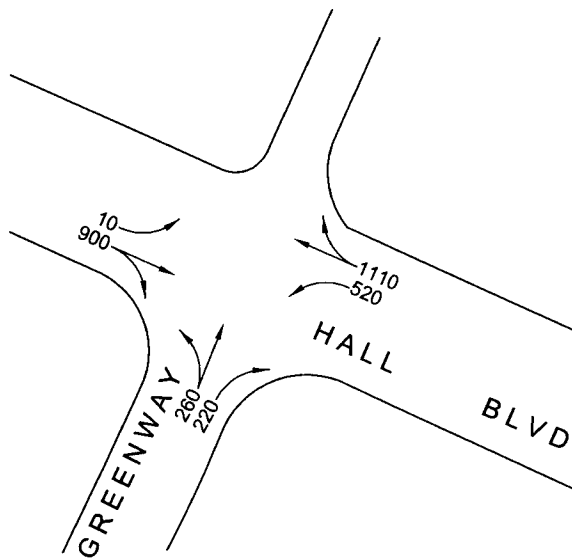
Past complaints and concerns have related primarily to the weekday evening peak hour time period. While we hear of queuing also on the weekends, the weekend problems do not occur with the same regularity as the weekday evening problems and do not necessarily occur during the same time periods. Therefore, the original goal of the turn restrictions could probably be satisfied if the restrictions were only in effect Monday through Friday.

It is staff observation that there are few impediments to southbound left turns during the 3 p.m. to 4 p.m. time period. During this time period, traffic is typically light in both directions on Greenway compared to the 4 p.m. to 7 p.m. time period. The left turn restrictions could probably be changed to be in effect only from 4 p.m. to 7 p.m. This change might help address some of the motorist complaints. When traffic is light and turns can be made with little problem, drivers are more likely to miss the turn restriction signs and are more likely to judge that the turn restrictions are unreasonable.

TC 500



Morning Peak



Afternoon Peak

Volumes are in vehicles per hour, based on information collected during the week of May 17-21, 2004.

AVERAGE WEEKDAY PEAK HOUR TRAFFIC VOLUMES MAY 2004

FIGURE 1

Y: \Traffic \ Drawings \ 2004 \ 96-77 Greenway near Hall Turn(TC 500).dwg



City Of Beaverton

Left Turn Restrictions on
SW Greenway at driveway near Hall Blvd

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 5/28/04

Reviewed By: Date:

Approved By: Date: 4



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

610 SW ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-5230 • FAX (503) 273-8169

EXHIBIT B

May 27, 2004

Project #: 6008.0

Mr. Eric Holzer
Albertson's, Inc. Store Support Center
West Plaza
250 Parkcenter Blvd.
Boise, ID 83726

RE: Review of Left-turn Restriction at Albertsons Access to Greenway Drive – Beaverton, Oregon

Dear Mr. Holzer:

This letter was prepared on behalf of Albertsons, Inc. to investigate the effectiveness of the signed left-turn restriction at the Albertsons site access driveway along Greenway Drive in Beaverton, Oregon.

SUMMARY OF ADDITIONAL DATA COLLECTION EFFORTS

At the request of Albertsons, Inc., Kittelson & Associates, Inc. collected traffic data at the site driveway along Greenway Drive. The purpose of collecting traffic information is to assess the frequency and magnitude of the vehicle queues which develop along Greenway Drive from vehicles turning left into the site driveway and the effectiveness of the posted 3 p.m. - 7 p.m. left-turn restriction into this driveway.

On a mid-week day in September 2003, video surveillance was set up at the Albertsons site driveway along Greenway Drive on a mid-week day in September 2003. Surveillance was conducted between the hours of 6 a.m. and 8 p.m. to cover the 14-hour period when the Albertsons store is open and when traffic volumes on the public street system are at their highest levels. From the video surveillance data, an hour-by-hour record was established of the volume of vehicles making a left-turn movement into the Albertsons site driveway. All instances where a vehicle slowed to a stop along Greenway Drive to make this left-turn movement was also noted, as well as the maximum number of vehicles in a developed southbound queue on Greenway Drive from the Albertsons site driveway/Greenway Drive intersection.

To gauge the impact of vehicle queues created by left-turning vehicles along Greenway Drive, it is important to point out that there is approximately 240 feet of distance between the Albertsons driveway and the crosswalk of the adjacent traffic signal at SW Hall Boulevard. Assuming that a typical vehicle takes up 25 feet of storage length, a queue length of 9 vehicles can develop between the Albertsons driveway and the adjacent intersection before mainline traffic on Hall Boulevard is disrupted.

Table 1 provides a summary of the September 2003 mid-week day observations for each individual hour between 6 a.m. and 8 p.m. As shown in Table 1, there were 21 queuing instances during the 3 p.m. – 7 p.m. left-turn restriction period with one instance where traffic backed up into the crosswalk at the Hall Boulevard/Greenway Drive intersection. No other significant queuing instances were observed outside of the 3 p.m. to 7 p.m. period.

Table 1
September 2003 Mid-Week Day Southbound Left-Turn Vehicle Queue Conditions
(With Left-turn Restriction between 3 p.m. and 7 p.m. in Effect)

Time	Left-turn Volume (vph)	Queuing Instances* (incidents/hour)	Maximum Queue (Vehicles)	Maximum Queue (Length in Feet)
6:00 a.m. - 7:00 a.m.	3	1	1	25
7:00 a.m. - 8:00 a.m.	11	8	3	75
8:00 a.m. - 9:00 a.m.	9	4	4	100
9:00 a.m. - 10:00 a.m.	10	2	2	50
10:00 a.m. - 11:00 a.m.	15	3	2	50
11:00 a.m. - 12:00 p.m.	9	2	2	50
12:00 p.m. - 1:00 p.m.	17	1	1	25
1:00 p.m. - 2:00 p.m.	14	6	3	75
2:00 p.m. - 3:00 p.m.	15	4	3	75
3:00 p.m. - 4:00 p.m.	14	6	4	100
4:00 p.m. - 5:00 p.m.	15	4	2	50
5:00 p.m. - 6:00 p.m.	9	4	5	125
6:00 p.m. - 7:00 p.m.	19	7	10**	250**
7:00 p.m. - 8:00 p.m.	10	4	2	50

* Queuing incidents occur when a vehicle stops to make a left-turn

** Queue backed-up into the crosswalk at the Hall Boulevard/Greenway Drive intersection.

It was believed at the time immediately following the installation of the left-turn restriction in 2003 that the behavior of customers would change over time and that drivers would eventually adhere to the posted left-turn restriction. Therefore, similar video surveillance was conducted on a mid-week day in May 2004 in order to reassess the effectiveness of the posted left turn restriction at the Albertsons site driveway. Surveillance was conducted between the hours of 2 p.m. and 8 p.m. to cover the time period when the left turn restriction is in effect and the period when traffic volumes on the public street system are at their highest levels in accordance with the findings in the previous study of September 2003. Similarly, an hour-by-hour record was established of the volume of vehicles making a left-turn movement into the Albertsons site driveway. All instances where a vehicle slowed to a stop along Greenway Drive to make this left-turn movement were noted, as was the maximum number of vehicles in a developed southbound queue on Greenway Drive from the Albertsons site driveway/Greenway Drive intersection.

Table 2 provides a summary of the mid-week day observations for each individual hour between 2 p.m. and 8 p.m. As shown in Table 2, there were 12 queuing instances during the 3 p.m. – 7 p.m. left-turn restriction period with one instance where vehicles backed up into the crosswalk at the Hall Boulevard/Greenway Drive intersection.

Table 2
May 2004 Mid-Week Day Southbound Left-Turn Vehicle Queues Conditions
(With Left-turn Restriction between 3 p.m. and 7 p.m. in Effect)

Time	Left-turn Volume (vph)	Queuing Instances (incidents/hour)	Maximum Queue (Vehicles)	Maximum Queue (Length in Feet)
2:00 p.m. - 3:00 p.m.	10	1*	1	25
3:00 p.m. - 4:00 p.m.	9	0	0	0
4:00 p.m. - 5:00 p.m.	13	0	0	0
5:00 p.m. - 6:00 p.m.	9	3	13**	250 +
6:00 p.m. - 7:00 p.m.	9	9	7	175
7:00 p.m. - 8:00 p.m.	28	6	4	100

* Vehicles passed through the right of the stopped vehicle

**Queue backed-up into the crosswalk at the Hall Boulevard/Greenway Drive intersection

ANALYSIS OF LEFT-TURN RESTRICTION EFFECTIVENESS

A comparison between the survey results shown in Table 2 and 1 indicates the volume of left-turns into the site driveway as well as the number of vehicle queuing instances have decreased dramatically over the last nine months (September 2003-May 2004) during the 3 p.m. to 7 p.m. restriction period. Specifically, there was a 30 percent reduction in left-turn movements and a 43 percent reduction in the number of queuing instances. However, the ability for left-turning vehicles to create a queue that spills back to the Hall Boulevard/Greenway Drive intersection still exists as observed in one of the incidents in the latest survey. Nevertheless, the results of the new survey indicate a pattern of improving conditions.

CONCLUSIONS

Based on the results of the latest video surveillance, driver adherence to the posted left-turn restriction at the site-access driveway between the hours of 3 p.m. and 7 p.m. has improved dramatically with less queuing incidents in southbound traffic on Greenway Drive. Based on the findings documented in this letter, it is recommended that the City of Beaverton implement new measures to further improve the effectiveness of the posted No-Left-Turn restriction. This would consist of establishing larger signs and flashing beacons to alert drivers of the left-turn restriction during specified hours of the day. It is also recommended that Albertsons implement a customer awareness and safety program to alert patrons of the store that left-turns off of Greenway Drive between the hours of 3 p.m. and 7 p.m. are not allowed and may create unsafe driving conditions.

If you have any questions or comments regarding the traffic analysis presented in this letter, please call me at (503) 228-5230.

Sincerely,
KITTELSON & ASSOCIATES, INC.



Brian Dunn, P.E.
Senior Engineer

EXHIBIT C

IMPROVEMENT OPTIONS REPORT

**TRAFFIC COMMISSION ISSUE TC 500
(Left Turn Restrictions on SW Greenway
at the Driveway Near Hall Boulevard)****May 28, 2004**Background

The final written order of the City Council on Issue TC 500 directs staff "to provide a more detailed report on the feasibility and cost of widening Greenway to provide a separate turn lane in Greenway at the Albertsons driveway." This report discusses five alternative designs and the approximate costs of each.

Each of the five alternatives is feasible. None requires relocation of existing traffic signal poles and controller cabinet at Hall Boulevard, which was a concern at the 2003 hearing. Some of the alternatives would impact existing trees between the existing curb and sidewalk of Greenway. None of the alternatives would impact the existing very large oak tree in the Albertsons parking lot.

Greenway is a collector street. The standard for a collector street is 46 feet of pavement between curbs and 74 feet of right of way, as shown in Figure 1. The cross-section for existing Greenway, also shown in Figure 1, is 40 feet of pavement centered within a right of way of 80 feet.

The turn restrictions of TC 500 were implemented to address a concern about vehicles blocking the southbound lane of Greenway while waiting to make a left turn into the driveway during the evening peak traffic period. The blocking vehicle increased traffic congestion at the busy Hall/Greenway intersection. There was also concern that the stopped vehicle was difficult to see due to the limited sight distance along the curve on Greenway.

Sight distance for southbound traffic is a frequent complaint between Hall and Windmill Drive. The elevated sidewalk on the northwest side of Greenway and existing landscaping limit sight distance around the curve. Existing stopping sight distance is adequate for 30 mph but not for the posted speed of 35 mph. Traffic entering Greenway from Windmill Drive (a private street) has intersection sight distance of approximately half the design standard for a 35 mph street.

During the morning weekday peak, northbound traffic frequently queues past the Albertsons driveway. Drivers routinely form two lines extending south of the Albertsons driveway. In 1997, a painted traffic island was removed to allow the

traffic to legally form into two lanes. The island allowed only one lane of traffic south of the Albertsons driveway, causing the queues to extend farther south.

Alternative #1 (Widen to the southeast to provide turn lane; add bike lane)

This alternative assumes that the turn lane is a long-term need. In this alternative, all widening occurs on the southeast side of Greenway. In the areas of widening, the southeast side would be brought to full City standards for a collector street, including the addition of a bike lane. Sidewalk would be replaced where necessary; however, some of the existing sidewalk could remain in place and would not be disturbed by the widening. See Figure 2.

It would be necessary to reconstruct the driveway into Albertsons. The revised driveway would be steeper than the existing driveway.

Estimated cost is \$140,000. This estimate assumes that any necessary right of way or easements would be provided by the owner of the Albertsons property at no cost to the City.

Advantages:

- Provides an adequate refuge for traffic waiting to turn left into Albertsons. The waiting traffic will no longer block the through lane.
- Turn restrictions can be removed.
- A bike lane is provided.
- Maintains queuing space for morning peak traffic.

Disadvantages:

- Albertsons driveway will become steeper.
- No improvement to sight distance for southbound through traffic.
- Cost.

Alternative #2 (Alternative #1 without bike lane)

Proper design of the bike lane in Alternative #1 is a problem. Typically, a bike lane is located between the through lane and the right-turn lane. However, as Greenway approaches Hall, most of the traffic is preparing to turn; it operates much like a tee intersection. It may actually be safer here not to mark a bike lane, especially since the remainder of Greenway has no marked bike lanes.

Alternative #2 is the same as the previous alternative but without the bike lane. See Figure 3.

It would still be necessary to reconstruct the driveway to Albertsons. The reconstructed driveway would be steeper than existing, but not as steep as Alternative #1.

Estimated cost is \$115,000.

Advantages:

- Provides an adequate refuge for traffic waiting to turn left into Albertsons. The waiting traffic will no longer block the through lane.
- Turn restrictions can be removed.
- Maintains queuing space for morning peak traffic.

Disadvantages:

- Albertsons driveway will become steeper.
- No improvement to sight distance for southbound through traffic.
- Cost.

Alternative #3 (Widening on northwest side)

This alternative assumes that sometime in the future the Albertsons site will see a major remodeling or redevelopment, at which time the existing driveway will be relocated. Therefore, this alternative widens Greenway to the ultimate 46-foot section providing room for 3 lanes plus bike lanes in the future. Until that future date when the driveway is removed, existing lane markings would not be revised.

The widened street would provide a 20-foot wide southbound lane, matching lane widths elsewhere on Greenway. The wider lane is adequate to allow a southbound vehicle to pass to the right of a stopped vehicle waiting to turn left. See Figure 4.

This alternative proposes a wide curb-tight sidewalk along the northwest side, similar to the nearby sidewalks on Hall Boulevard. The wide sidewalk at curb grade would substantially improve sight distance for southbound Greenway traffic. Stopping sight distance for southbound traffic would meet the design standard for 35 mph. Intersection sight distance at Windmill would be substantially improved.

A retaining wall would be required. The height of the wall would range from 0 to 6 feet. A railing would be installed along the top of the wall for the safety of users of the yard areas above the wall.

All work could be accomplished within the existing right of way.

The estimated cost is \$165,000.

Advantages:

- Meets long-term standard for the street.

- Provides room to pass a vehicle that is waiting to turn left.
- Substantially improves sight distance.
- Turn restrictions can be removed.
- Maintains queuing space for morning peak traffic.
- No change to existing Albertsons driveway.
- Least disruptive during construction.

Disadvantages:

- This is the most expensive alternative.

Alternative #4 (widening to the southeast)

This alternative would widen to a 46 foot street standard, the same as Alternative #3. However, in this alternative, the widening would be on the southeast side. The existing curb and sidewalk on the northwest side would remain unchanged. Like other southeast side alternatives, it would require reconstruction of the Albertsons driveway with a steeper grade. See Figure 5.

Existing striping would be adjusted to provide a 20 foot wide southbound lane, the same as Alternative #3.

Estimated cost is \$110,000.

Advantages:

- Meets long-term standard for the street.
- Provides room to pass a vehicle that is waiting to turn left.
- Turn restrictions can be removed.
- Maintains queuing space for morning peak traffic.
- Less cost than #3.

Disadvantages:

- No improvement to sight distance.
- Existing driveway becomes steeper.

Alternative #5 (relocate existing driveway)

This alternative would close the existing driveway and construct a new driveway adjacent to the west property line of the Albertsons property. The existing Greenway street and sidewalks would not be changed except to revise striping to provide a two-way left-turn lane near the new driveway. See Figure 6.

Morning peak traffic waiting to turn left at Hall would likely use the two-way left-turn lane to queue. Therefore, during the morning peak, a vehicle waiting to turn left into Albertsons might be required to wait in the southbound through lane, just as they do today at the existing driveway.

Under this alternative, Albertsons would lose approximately 10-15 parking spaces. The existing parking lots shared by Albertsons and Arby's have a total of 212 marked parking spaces. Under current codes, these buildings would be required to provide a minimum of approximately 140 spaces and a maximum of approximately 214 spaces. (Note: These are estimates based on building size scaled from aerial photos to determine approximate code requirements.) The loss of 10-15 spaces would leave the buildings still well within the range required by current codes.

Estimated cost is \$70,000.

Advantages:

- Least expensive. All or part of costs might be borne by private property owners.
- Provides an adequate refuge for traffic waiting to turn left into Albertsons, except during morning peak traffic time.
- Turn restrictions can be removed.
- Requires only minor changes to Greenway.
- Driveway grade less steep than existing driveway grade (new grade of approximately 6% compared to existing grade of approximately 8%).

Disadvantages:

- Does not improve sight distance along Greenway.
- Potential problems for queuing during the morning peak traffic time.
- Some loss of parking for Albertsons.
- Difficult entry route to Albertsons for trucks; some additional parking might need to be removed near corners to accommodate truck deliveries.
- No upgrade of Greenway to meet long-term standards.

Other Alternatives:

Portions of the various alternatives could be combined. For example, the driveway relocation of Alternative #5 could be combined with widening of one of the other alternatives. Generally speaking, the potential combinations are all more expensive than any of the five alternatives presented.

The alternatives all consider widening only on one side. Widening could be distributed to both sides. However, widening on both sides would substantially increase costs and would increase disruption of traffic during construction.

In Alternatives #3 and #4, instead of using the wide southbound lane, the existing lanes could be narrowed and a separate southbound left-turn lane could be created. The additional cost would be approximately \$10,000 for changes to striping and signal detection.

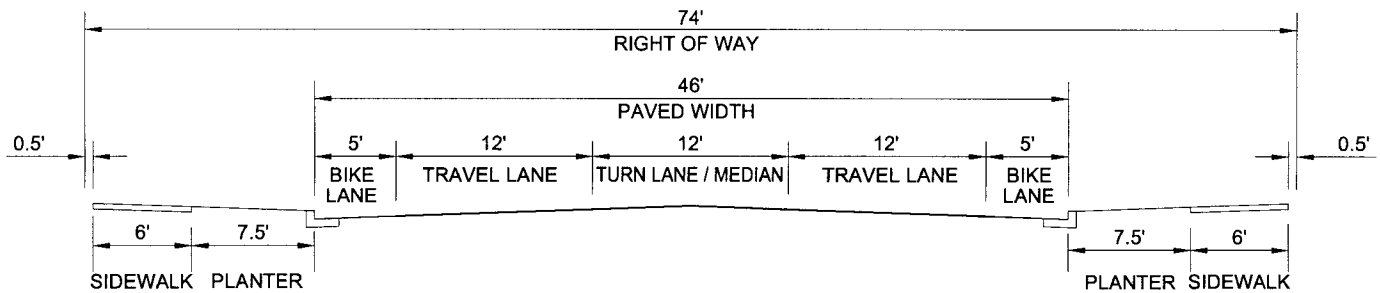
If the turn restrictions are to remain, it has been suggested that flashing beacons be installed above the "no left turn" signs to alert motorists to the times when the turn restriction is in effect. The beacons would only flash during the periods when left turns are prohibited. The cost of beacons would be approximately \$10,000 for one sign or \$20,000 for two signs. Most of the cost is to provide power to the sign location.

Recommendation:

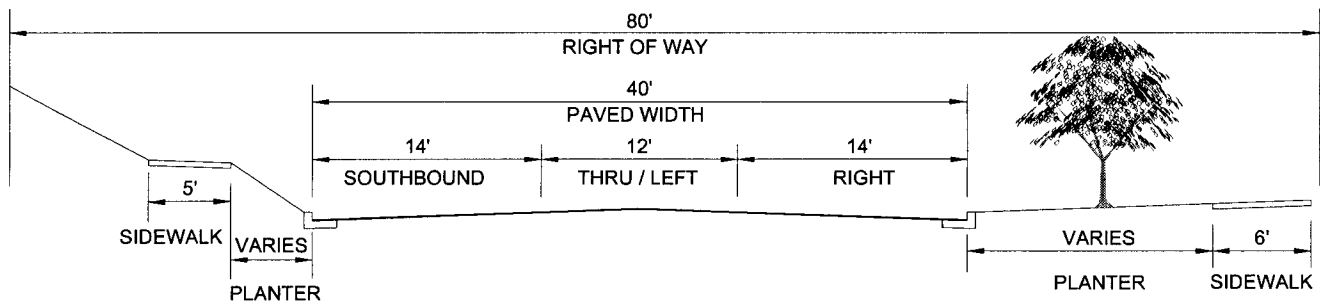
If Council determines that this project should be funded, staff recommends selection of Alternative #3. While this alternative is the most expensive, it provides substantial safety benefits not provided by the other alternatives. It is the only alternative that fully addresses the sight distance issue, while also providing room to pass a vehicle waiting to turn left.



EXPIRES 6-30-2004



STANDARD 3-LANE COLLECTOR STREET



EXISTING CROSS SECTION
on Greenway near Hall Blvd

FIGURE 1

Y: \Traffic\Drawings\2004\96-77 Greenway near Hall Turn (TC 500).dwg



City of Beaverton

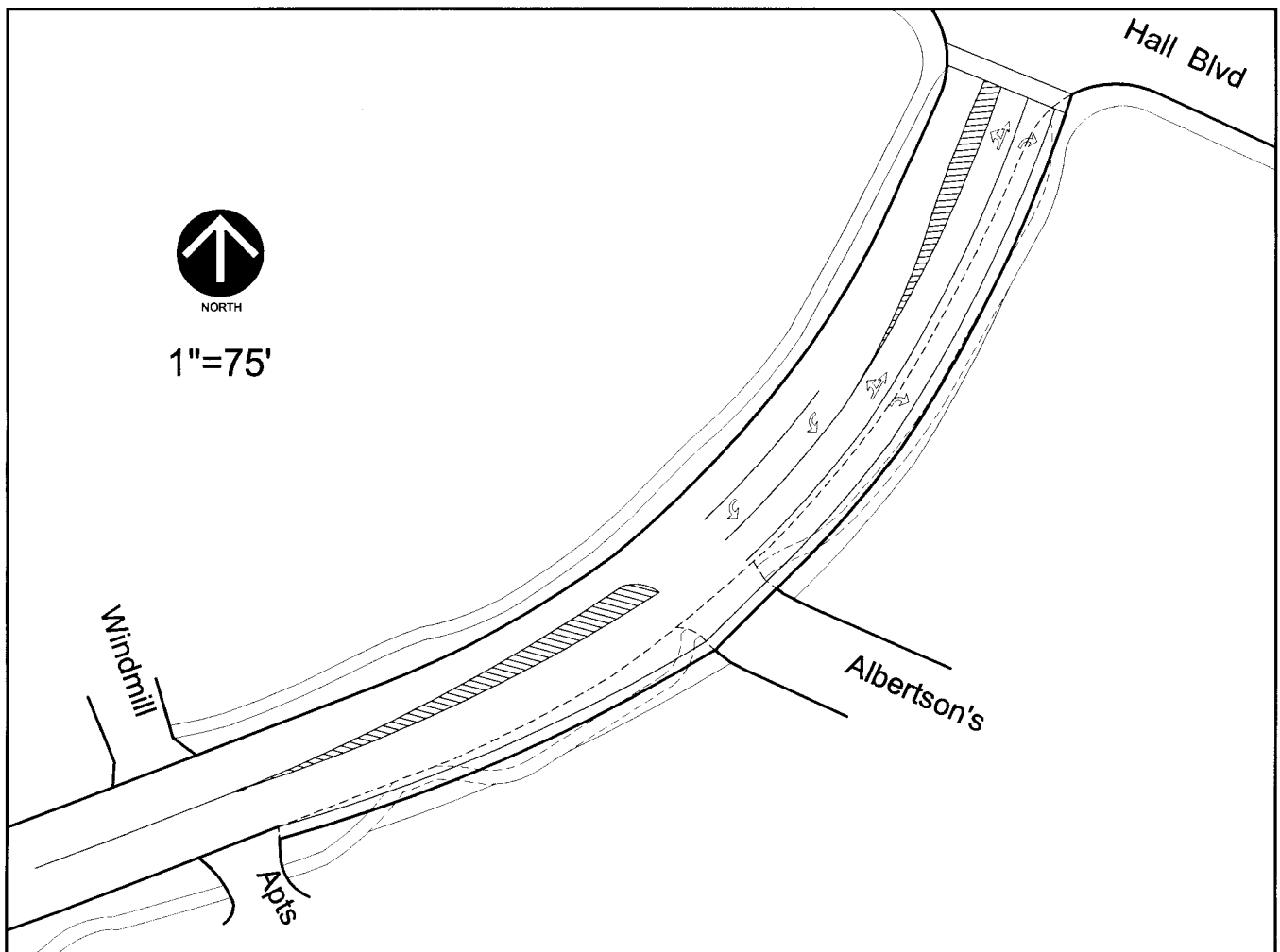
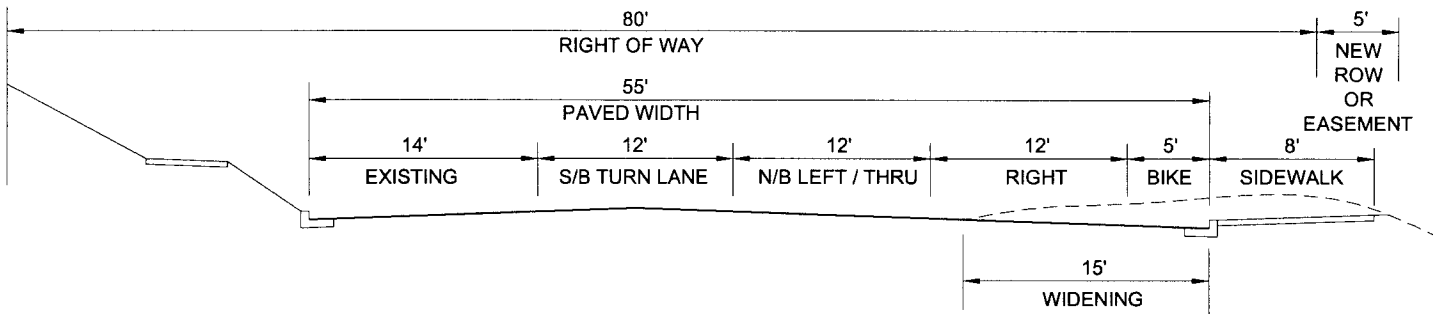
Left Turn Restrictions on
SW Greenway at driveway near Hall Blvd

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 5/24/04

Reviewed By: Date:

Approved By: Date: 14



ALTERNATIVE #1

Widen to Southeast for Turn Lane, add Bike Lane

FIGURE 2

Y: \ Traffic \ Drawings \ 2004 \ 96-77 Greenway near Hall Turn(TC 500).dwg



City Of Beaverton

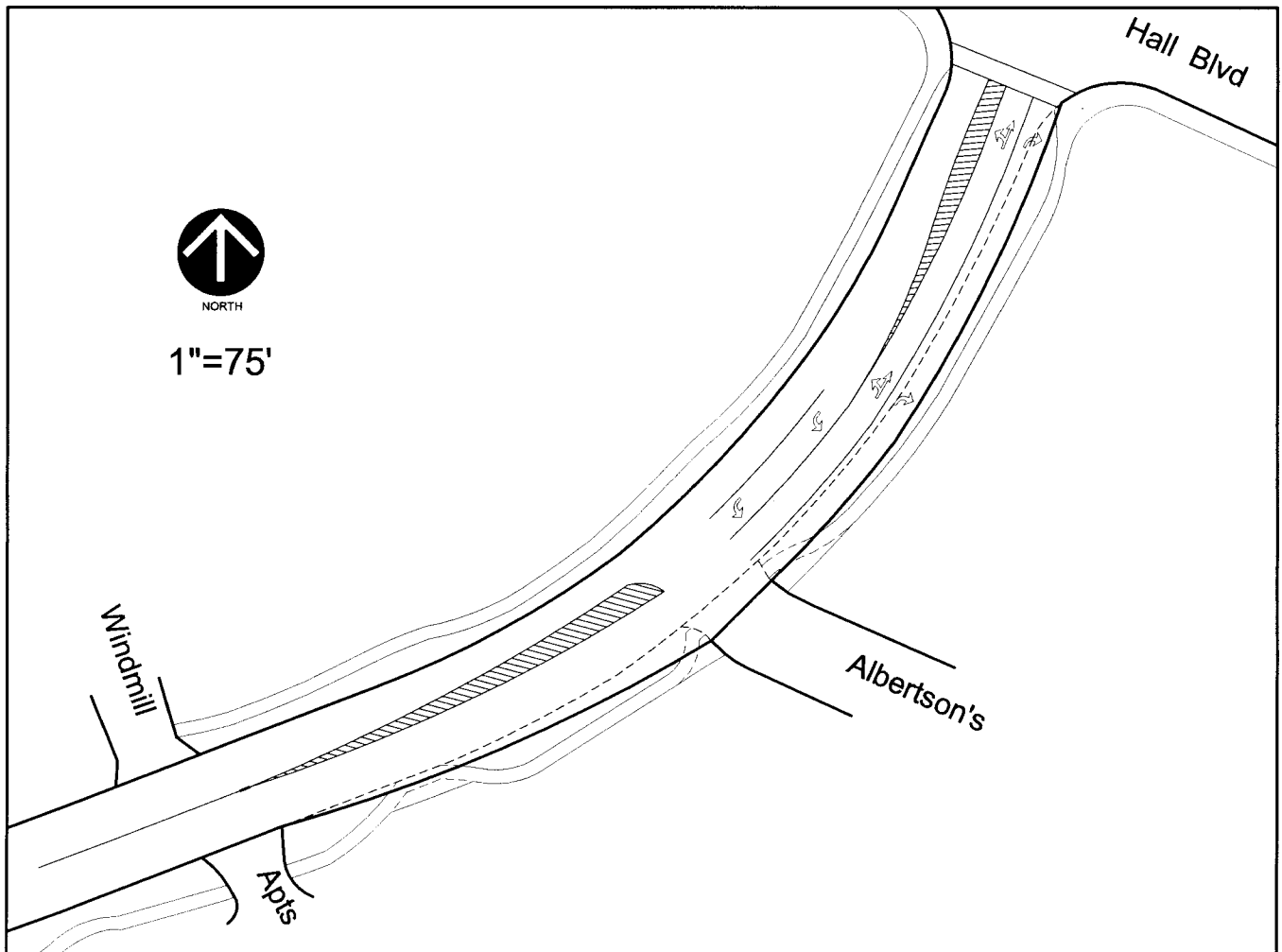
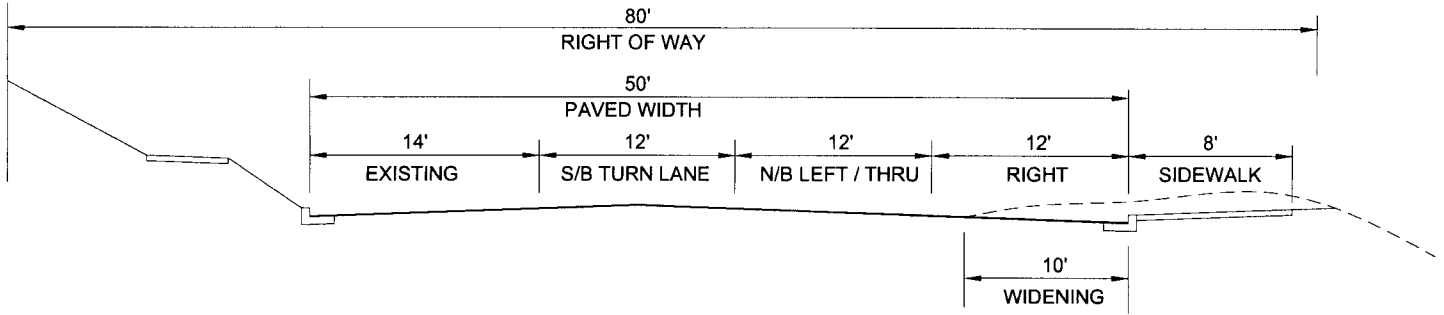
Left Turn Restrictions on
SW Greenway at driveway near Hall Blvd

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 5/24/04

Reviewed By: Date:

Approved By: Date: 15



ALTERNATIVE #2
Widen to Southeast for Turn Lane
FIGURE 3

Y: \Traffic \ Drawings \ 2004 \ 96-77 Greenway near Hall Turn(TC 500).dwg



City Of Beaverton

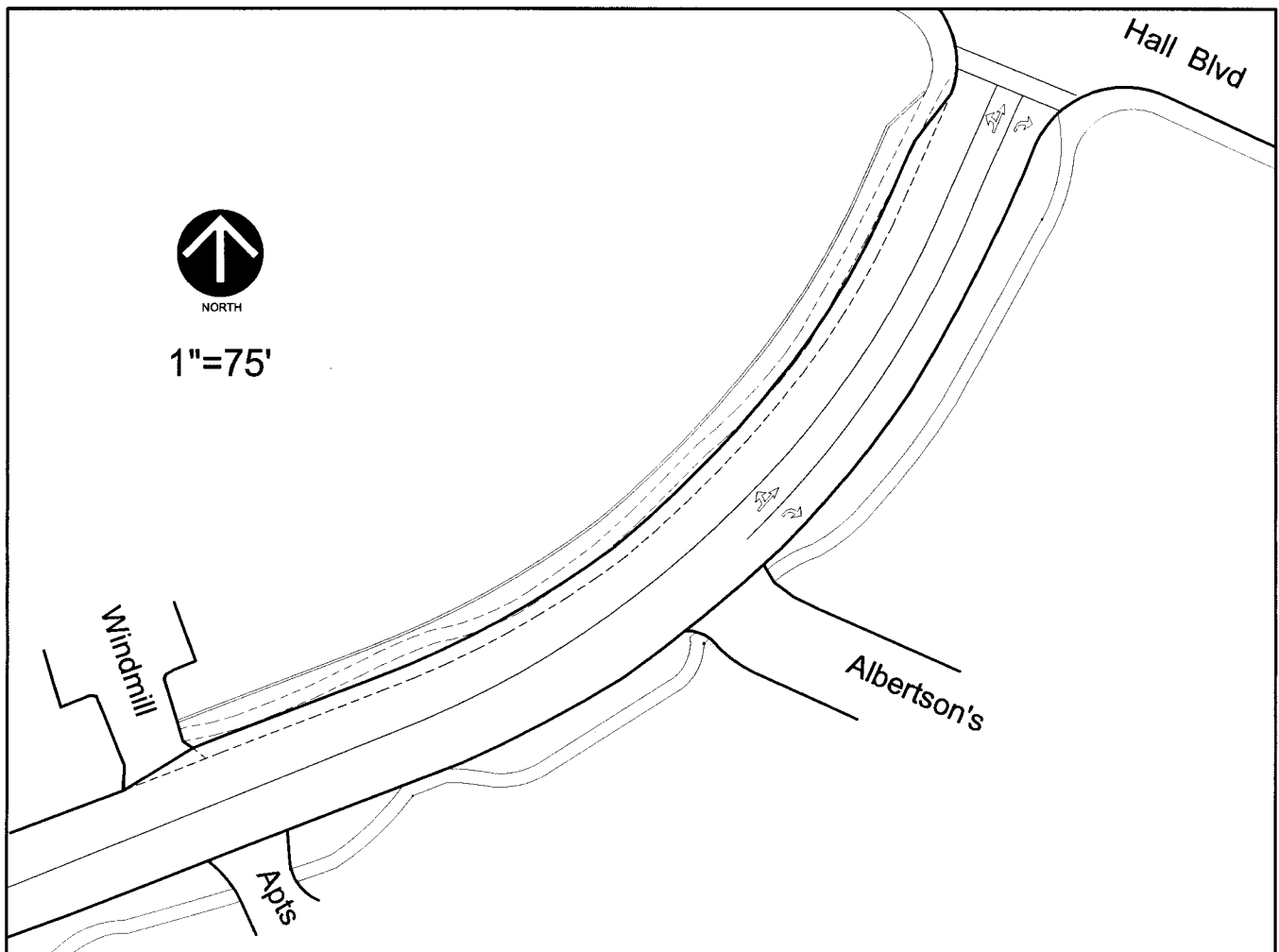
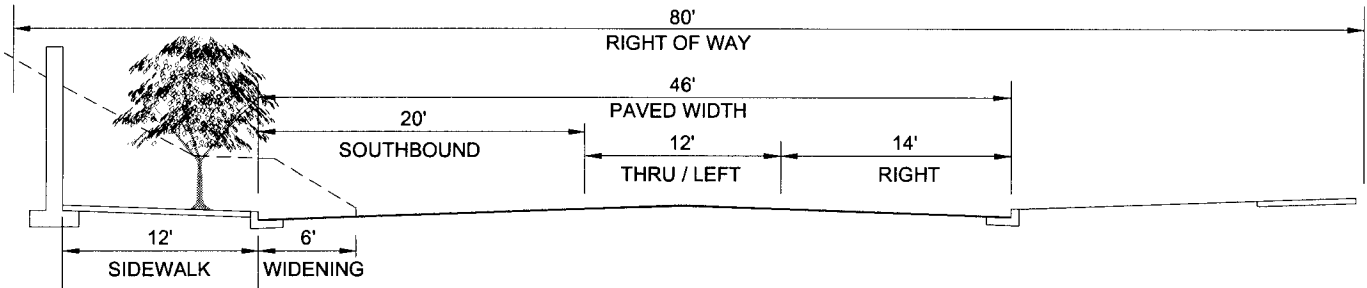
Left Turn Restrictions on
SW Greenway at driveway near Hall Blvd

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 5/26/04

Reviewed By: Date:

Approved By: Date: 16



ALTERNATIVE #3
Widen to Northwest side
FIGURE 4

Y:\Traffic\Drawings\2004\96-77 Greenway near Hall Turn(TC 500).dwg



City Of Beaverton

Left Turn Restrictions on
SW Greenway at driveway near Hall Blvd

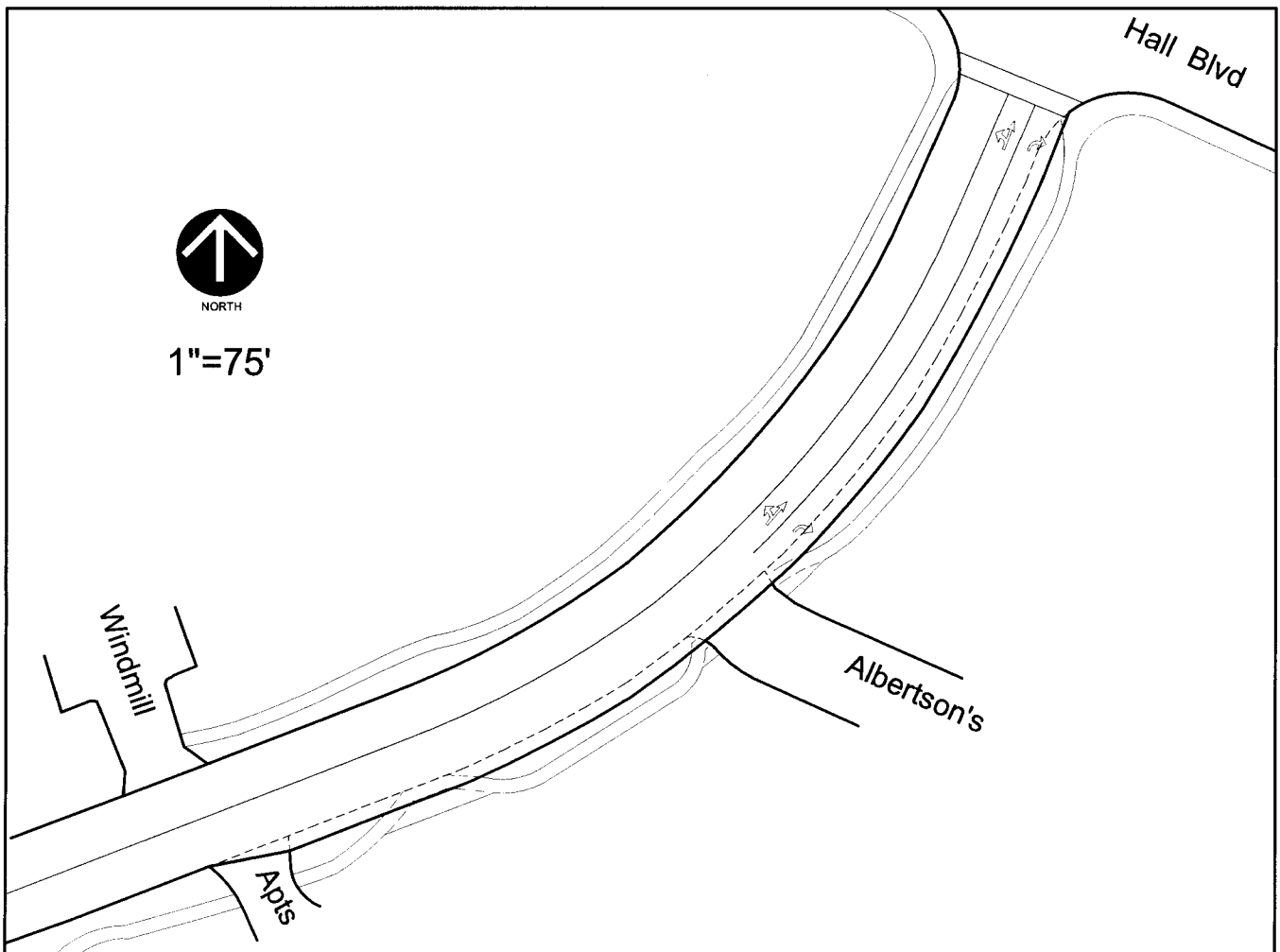
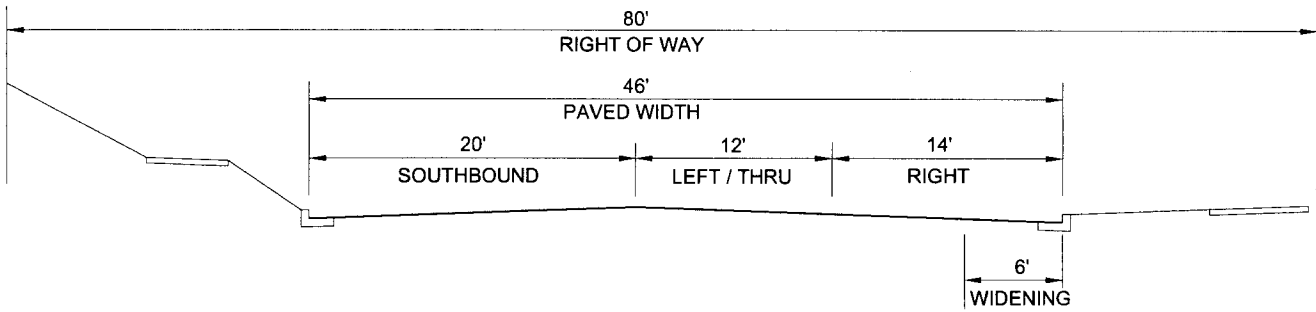
ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 5/26/04

Reviewed By: Date:

Approved By: Date: 17

TC 500



ALTERNATIVE #4

Widen to Southeast

FIGURE 5

Y: \ Traffic \ Drawings \ 2004 \ 96-77 Greenway near Hall Turn(TC 500).dwg



City Of Beaverton

Left Turn Restrictions on
SW Greenway at driveway near Hall Blvd

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 5/26/04

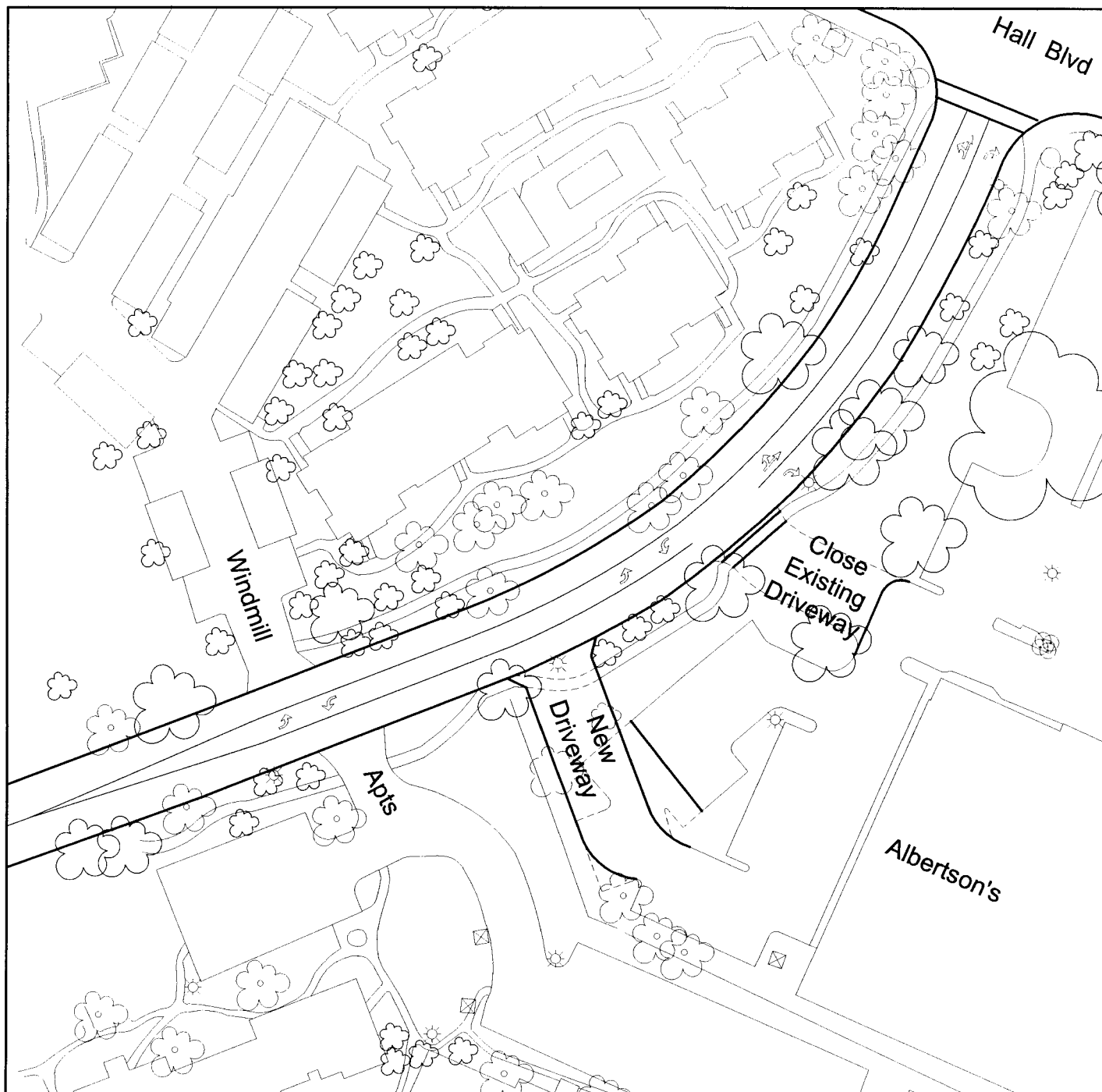
Reviewed By: Date:

Approved By: Date: 18



1"=75'

TC 500



ALTERNATIVE #5

Relocate Albertson's Driveway

FIGURE 6

Y: \Traffic \Drawings \ 2004 \ 96-77 Greenway near Hall Turn(TC 500).dwg



City of Beaverton

Left Turn Restrictions on
SW Greenway at driveway near Hall Blvd

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 5/26/04

Reviewed By: _____ Date: _____

Approved By: _____ Date: 19

**EXHIBIT D
IMPROVEMENT FUNDING REPORT**

**TRAFFIC COMMISSION ISSUE TC 500
(Left Turn Restrictions on SW Greenway
at the Driveway Near Hall Boulevard)**

May 28, 2004

Exhibit C identifies potential projects to resolve the left turn issue on Greenway at the Albertsons driveway. Estimated costs range between \$70,000 and \$165,000. If the City Council determines that the City should fund one of these projects, potential funding sources include TIF, Street Fund and General Fund.

Cost estimates are in 2004 dollars. If improvements are scheduled for construction in a future year, cost estimates should be adjusted for inflation.

If design were to occur during FY 04-05, construction could occur in FY 05-06 during the summer or fall of calendar year 2005.

TIF

TIF (Traffic Impact Fees) funds can be used only on specific projects defined in the countywide TIF ordinance. Currently, Greenway is not on the list. With approval of the County Commission, a street project could be added to the list if the project provided extra capacity. A project to add a turn lane would potentially qualify.

In the draft Capital Improvements Plan, TIF funds for the coming year are tentatively assigned to the 125th Extension project and the extension of Rose Biggi Avenue. A substantial balance is anticipated at the end of FY 04-05. The TIF balance is tentatively assigned to future phases of 125th Extension, completion of Rose Biggi Avenue extension, and Murray Boulevard Extension.

Street Fund

Revenues to the Street Fund have been increased by about \$600,000 per year from State changes to vehicle registration fees. However, even with the increased funding, there are already numerous potential street projects in the Capital Improvements Plan (CIP) and its Needs List that would be candidates for

these funds. If the Greenway project becomes a priority, the Engineering Department recommends including it in the FY 05-06 CIP.

General Fund

The Engineering Department does not consider the General Fund as an available source for street projects, but if the City Administration chose to fund a Greenway project from General Fund, it could be accomplished.

RECORD COPY

BEFORE THE CITY COUNCIL FOR THE CITY OF BEAVERTON, OREGON

**APPEAL FROM APPROVAL OF
THE TRAFFIC COMMISSION
ORDER ON ISSUE NO. TC 500
TITLED "LEFT TURN
RESTRICTIONS ON SW
GREENWAY AT THE DRIVEWAY
NEAR HALL BOULEVARD"**

**FINAL ORDER
GRANTING THE APPEAL
AND IMPOSING CONDITIONS**

1. Hearings on the issue were held by the Traffic Commission on December 5, 2002, and April 3, 2003. A Final Written Order of the Traffic Commission was approved on April 3, 2003. The Final Written Order recommended that left turns be prohibited at all times from southbound Greenway into the commercial driveway located approximately 250 feet south of Hall Boulevard, except motor trucks with a gross vehicle weight rating over 20,000 pounds. Mark Whitlow appealed the Traffic Commission's final order to the City Council on April 14, 2003. Whitlow included a request that the appeal hearing be de novo, which request was granted. The City Council conducted a hearing on June 16, 2003.
2. The following criteria (from BC 6.02.060.A) were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1c (meet the overall circulation needs of the City)
 - 1g (carry anticipated traffic volumes safely).
3. In making its decision, the City Council relied upon the following facts from the staff report, the record of the Traffic Commission hearing, and from public testimony:
 - The City has received complaints about left turns from the southbound lane of SW Greenway into the driveway to the Albertson's store.
 - While waiting to turn left into the driveway, a vehicle blocks the single southbound lane of Greenway.
 - A curve in Greenway limits the sight distance of a stopped vehicle for southbound motorists.
 - During peak hours, a stopped vehicle may cause southbound traffic to queue into the Hall Boulevard intersection.
 - At the intersection of Hall and Greenway, traffic demand frequently exceeds the intersection capacity during peak periods.

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- Alternative access to the Albertson's store is available via a driveway on Hall Boulevard.
 - The manager of the Albertson's store reported that trucks must use the Greenway driveway in order to safely access the store's loading dock.
 - At the City Council hearing, a report from Kittelson and Associates presented evidence that 3 pm to 7 pm is the time period when left turns are likely to cause traffic delays on Greenway. The report provided new evidence that had not been available at the Traffic Commission hearings.
 - The City Council heard testimony that a full-time turn restriction would cause significant economic impact to the adjoining Albertson's store.
 - The City Council heard testimony that Greenway could be widened to provide a separate turn lane in Greenway at the driveway, with estimated costs exceeding \$200,000. City Council heard testimony that the cost estimates were of limited reliability and were based on a design that would require exceptions to City standards. Council heard testimony that funding from either the City or from Albertson's was not available for the proposed widening and that, even if funding could be provided, the road widening would require more than six months to complete.
4. Following the public hearing, the City Council voted (4 aye, 1 nay) to grant the appeal with the following conditions:
- Prohibit left turns from the southbound lane of SW Greenway into the commercial (Albertson's) driveway located approximately 250 feet south of the Hall Boulevard intersection between the hours of 3 p.m. and 7 p.m. each day. Staff is authorized and directed to install the appropriate signing.
 - Staff is directed to monitor the effectiveness of the left-turn restrictions for a period of six months after the signs are installed.
 - Following completion of the six-month period of monitoring, staff is directed to schedule a new hearing before the City Council to consider whether to prohibit at all times the left turn movement of motor vehicle traffic from southbound Greenway as recommended by the Traffic Commission in Issue Number TC 500, to continue indefinitely the limited turning movement as approved in this order, or to impose such other condition(s) as Council deems appropriate. The hearing shall be noticed and conducted in accordance with the procedures for hearings on appeals of decisions of the Traffic Commission. At the hearing, staff is directed to provide a more detailed report on the feasibility and cost of widening Greenway to provide a separate turn lane in Greenway at the Albertson's driveway.
5. The City Council decision was based on the following findings:
- Restricting left turns will reduce the potential for rear-end collisions on Greenway at the driveway and will reduce the conflicts between left-turn traffic and northbound traffic, satisfying Criterion 1a.

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- Prohibiting left turns during peak hours will reduce restrictions to traffic capacity on Greenway. Limiting the prohibition to peak hours will allow the needed truck circulation during the remainder of the day. The proposal is a compromise to satisfy the circulation needs per Criterion 1c and to improve the ability of Greenway to carry peak hour traffic volumes safely per Criterion 1g.
- After six months, the left-turn restrictions will be reviewed by the Council to determine if additional or different restrictions or capital improvements are required

Approved and adopted this 14th day of July 2003.

Signed by: _____


Mayor Rob Drake

Attest: _____


City Recorder

RECEIVED**AGENDA BILL****EXHIBIT F****JUN 03 2003****Beaverton City Council
Beaverton, Oregon****ENGINEERING DEPT****For Meeting Of** 6-16-03

SUBJECT: Appeal Hearing on Traffic Commission
Issue TC 500 Regarding Left Turn
Restrictions on SW Greenway at the
Driveway Near Hall Boulevard

FOR AGENDA OF: 6-16-03 **BILL NO:** _____**Mayor's Approval:** Mark Deike**DEPARTMENT OF ORIGIN:** Engineering TJR**DATE SUBMITTED:** 5-28-03**CLEARANCES:** Transportation RW
City Attorney SWP**PROCEEDING:** Hearing

- EXHIBITS:**
1. City Traffic Engineer's report of 3-20-2003 on Issue TC 500
 2. Final Written Order of the Traffic Commission on Issue TC 500
 3. Minutes of Traffic Commission meeting of 4-3-2003 (portions related to Issue TC 500)
 4. Notice of Intent to Appeal
 5. New information submitted by Albertson's traffic engineer
 6. Staff memo of 5-28-2003, comments on the new information presented by Albertsons

BUDGET IMPACT

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

On December 5, 2002, the Traffic Commission held a hearing on Traffic Commission Issue Number TC 500 regarding left turn restrictions on Greenway at the commercial driveway near Hall Boulevard. The driveway serves an Albertson's store and an Arby's restaurant. The Commission tabled the issue until April to allow the Albertson's representative time to explore other options. On April 3, 2003, the Traffic Commission held a new hearing on Issue TC 500. Exhibits 1 through 4 provide the Traffic Commission record on Issue TC 500.

INFORMATION FOR CONSIDERATION:

On April 3, 2003, after hearing testimony on Issue TC 500, the Traffic Commission voted 5-0 to recommend prohibition of left turns into the driveway from Greenway at all times and adopted a final written order (Exhibit 2). On April 14, 2002, an appeal was received from Mark D. Whitlow representing Albertson's Inc. (Exhibit 4).

The appeal from Mr. Whitlow requested a de novo hearing to allow Albertson's to present additional information. On May 5, 2003, the City Council granted the request for a de novo hearing (Agenda Bill 03103)

The procedures for the Council appeal hearing are set forth in Beaverton Code section 2.11.020-G.2.

Agenda Bill No: _____

On May 27, 2003, Albertson's traffic engineer presented additional written information, included as Exhibit 5. Staff comments on the new information are contained in Exhibit 6.

RECOMMENDED ACTION:

Conduct a public hearing on the appeal. Staff recommendation is included in Exhibit 6.



MEMORANDUM

City of Beaverton
Engineering Department
Transportation Division

EXHIBIT 1

To: Traffic Commission
From: Randy Wooley, City Traffic Engineer *R. Wooley*
Date: March 20, 2003
Subject: *TC 500, Left Turn Restrictions on SW Greenway at the Driveway Near Hall Boulevard*

Background

On December 5, 2002, the Traffic Commission held a hearing on Issue TC 500 regarding left turns from southbound Greenway into the driveway serving the Albertsons store. The Commission tabled the issue until the April 2003 meeting to allow the Albertsons representative time to explore other options. The Commission also indicated that, unless Albertsons could present an acceptable alternative, the intent was to recommend prohibition of all left turns into the driveway except for delivery vehicles.

Process

The hearing was closed in December prior to the start of Commission discussion. During discussion, it was decided to allow time for additional input. In order to receive additional testimony and to consider the additional materials from Albertsons, the Commission should formally reopen the hearing.

Attachments

Attached is the following information:

- City Traffic Engineer's Report on Issue No. TC 500, dated November 13, 2002;
- Memo dated November 25, 2002, regarding collision data;
- Written comments received at the December meeting (from Dean Meisner and Ahmad Elmi)
- Minutes from the meeting of December 5, 2002 (excerpt related to TC 500);
- New information from Albertsons dated March 12 and March 20, 2003;
- Selected definitions from the Oregon Vehicle Code;
- Past citizen requests (Kent Kacir on 7-9-1997 and Diane Redfield on 3-16-2001)
- Draft final written orders (two options).

New Information

After the December meeting, staff recovered a previous file on the issue. The file contained 1998 correspondence between City staff and Albertsons. Copies of the correspondence were sent to Albertsons. The material is summarized in the attached report from Albertsons' traffic engineer. The file also contained two previous citizen requests (copies attached).

On March 12, 2003, Albertsons submitted additional information (attached). In the submittal from Albertsons, their traffic engineer recommends that left turns be prohibited on weekdays between 4 p.m. and 6 p.m.

At the December meeting, the consensus of the Commission was to prohibit all left turns into the driveway except for certain delivery vehicles that had no acceptable alternative access. There was some discussion of how to describe these vehicles. Review of the Oregon Vehicle Code and the Beaverton Code reveals the following:

- “Commercial Vehicle” is defined in the Vehicle Code. This term includes buses and taxis and appears broader than intended by the Commission.
- “Delivery Vehicle” is not defined in the codes. Staff recommends that this term not be used. It could be interpreted to include many vehicles not in the limited scope intended by the Commission.
- The City’s truck route ordinance defines trucks as vehicles with a Gross Vehicle Weight Rating (GVWR) of 20,000 pounds or more. This definition generally includes trucks with three or more axles. It excludes the smaller delivery trucks such as those commonly used by UPS or FedEx. The 20,000-pound GVWR could be used instead of “Commercial Vehicle” if the Commission’s intent is to allow only the larger delivery vehicles to be exempted from the left-turn restriction.
- “Motor Truck” is defined in the Vehicle Code and appears to describes the type of vehicle that the Commission intended to exempt from the turn restriction. For traffic signing purposes, “truck” is commonly understood to mean “motor truck”.

Final Written Order

Enclosed are two draft final written orders.

Draft #1 is the version that was provided to the Commission in December. It would support the decision recommended by Albertsons.

Draft #2 would prohibit all left turns at all times, as directed by the Commission in December. This draft would exempt “motor trucks with a gross vehicle weight rating over 20,000 pounds”. This term should be amended as appropriate if the Commission intent is to exempt other types of vehicles.

Recommendation:

1. Reopen the hearing and receive any additional testimony.
2. Review the previous oral decision, determine the appropriate decision, and adopt an appropriate final order.

CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 500

(Left Turn Restrictions on SW Greenway at the Driveway Near Hall Boulevard)

November 13, 2002

Background Information

Near Hall Boulevard, Greenway runs in a north-south direction. Vehicles going away from Hall are southbound. Those going toward Hall are northbound. On Greenway approximately 250 feet south of Hall there is a major driveway serving the parking lot of the adjoining Albertson's grocery store. At the driveway location, Greenway has one lane southbound and two lanes northbound.

The City has received numerous complaints about left turns into Albertson's driveway during afternoon peak hours. A southbound vehicle waiting to turn left at the driveway blocks the southbound lane. During the afternoon peak, left-turning vehicles sometimes cause the southbound traffic to queue into the Hall intersection. The queuing causes further reduction in the capacity of the Hall/Greenway intersection. The Hall/Greenway intersection experiences significant capacity problems. During the weekday afternoon peak, westbound traffic on Hall may queue to Creekside Drive or beyond, eastbound traffic may queue to near the top of the hill, and northbound traffic on Greenway may queue beyond the Albertson's driveway. The long traffic queues are caused primarily by lack of capacity on Greenway.

There is also concern about the potential for rear-end collisions at the driveway. Due to the curve in Greenway, it is difficult for southbound motorists to see a vehicle stopped to wait for a left-turn opportunity. This is a greater issue during peak hours when the wait for a left turn opportunity is often a long wait.

The Albertson's parking lot has an alternative access from Hall Boulevard east of Greenway. The Hall driveway provides good access for vehicles approaching on Hall. However, the manager of the Albertson's store indicates that delivery trucks need to use the Greenway entrance in order to be able to back into the store's loading dock. Due to truck restrictions and a low bridge to the south, trucks must approach the Greenway driveway southbound from Hall.

In order to address the capacity concerns, staff recommends that left turns be prohibited from southbound Greenway at the driveway from 4 p.m. to 6 p.m. on weekdays. The prohibition is recommended only during the peak hours in order to maintain truck access to the store during most of the day.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1c (meet the overall circulation needs of the City);
- 1g (carry anticipated traffic volumes safely).

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Conclusions:

1. Restricting left turns will reduce the potential for rear-end collisions on Greenway at the driveway and will reduce the conflicts between left-turn traffic and northbound traffic, satisfying Criterion 1a.
2. Prohibiting left turns during peak hours will reduce restrictions to traffic capacity on Greenway. Limiting the prohibition to peak hours will allow the needed truck circulation during the remainder of the day. The proposal is a compromise to satisfy the circulation needs per Criterion 1c and to improve the ability of Greenway to carry peak hour traffic volumes safely per Criterion 1g.

Recommendation:

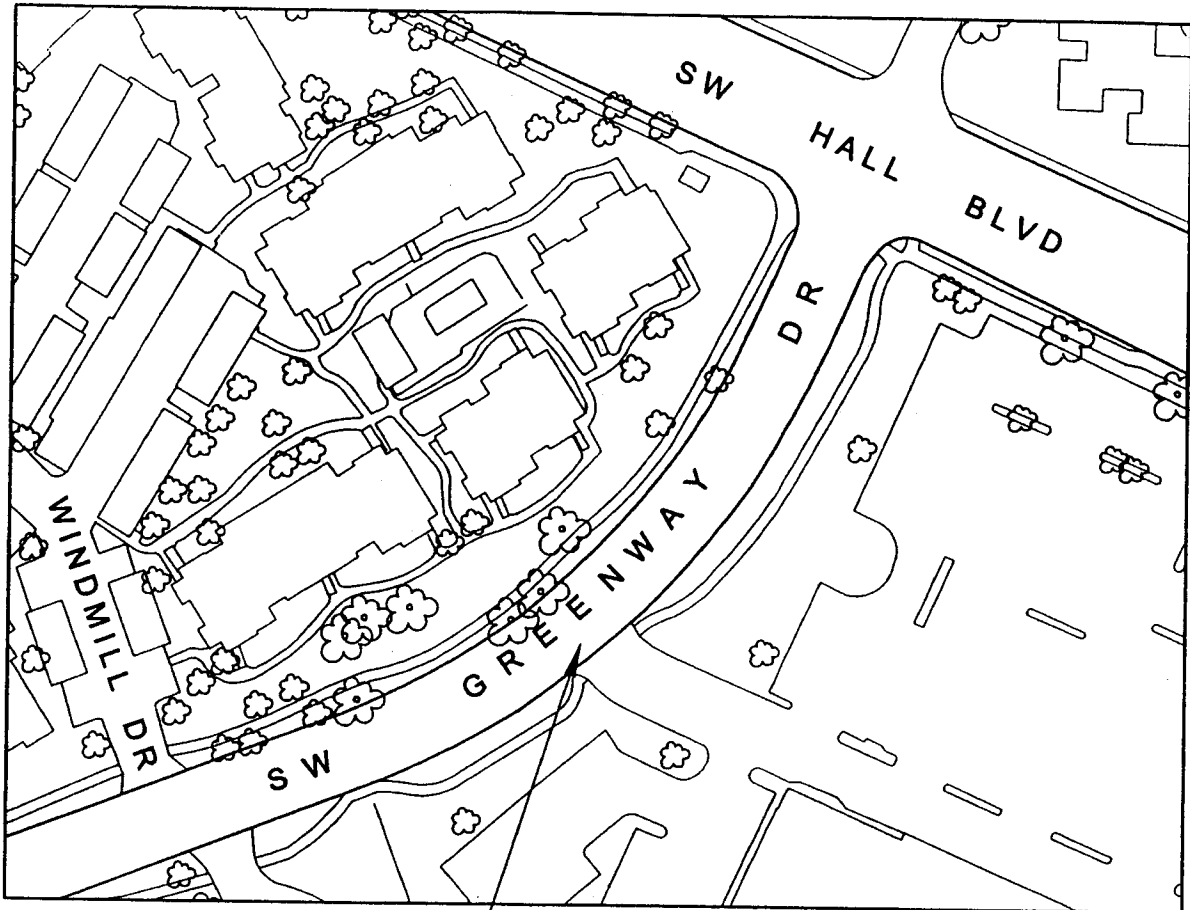
Between the hours of 4 p.m. and 6 p.m. on weekdays, prohibit left turns from southbound Greenway into the commercial driveway located approximately 250 feet south of the Hall Boulevard intersection.

RECORD COPY

TC # 500



1"=100'



Proposed Left
Turn Restrictions



City Of Beaverton

Proposed Left Turn Restrictions
on SW Greenway Dr at Driveway near Hall Blvd

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 11/13/02

Reviewed By: _____

Approved By: _____

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MEMORANDUM
City of Beaverton
Engineering Department
Transportation Division

RECORD COPY

To: Traffic Commission
From: Randy Wooley, City Transportation Engineer
Date: November 25, 2002
Subject: TC 500

Additional Information Regarding TC 500:

We have completed review of collision records for the years 1999-2001 (the latest three years for which records are available) related to Greenway at the driveway to Albertson's parking lot. The records indicate 5 collisions that appear to be related to left turns into the driveway. Only one collision was reported as involving a left-turning vehicle. The other four were reported as rear-end collisions on southbound Greenway.

Of the 5 collisions reported, only one was in the time period of 4 to 6 p.m. on a weekday.

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MEMORANDUM Beaverton Police Department



Chief David G. Bishop

DATE: 11/21/02
TO: Randy Wooley
FROM: Dean Meisner
SUBJECT: TCB 500

I concur with your recommendation prohibiting left turns at this location during the specified times. Your comments regarding backup and congestion in the Greenway/Hall interchange are valid; this area has special peak hours problems that this should help address.

RECORD COPY

Randy Wooley

TC 500

From: Ahmad & Farah Elmi [aelmi@worldaccessnet.com]
Sent: Wednesday, November 27, 2002 1:15 PM
To: Randy Wooley
Subject: "TC 500 Comments"

Dear committee,

I have been asking this for many years from the city to prohibit left turn from Greenway to the Albertson's driveway near the intersection all day and night. For those who want to enter Albertson's parking need to use Hall Blvd. entrance. Left turn from Greenway is too dangerous even when the traffic is low. I have been using this intersection for more that 20 years and I have seen many dangerous turns.

The only exception you may consider is to let the delivery trucks use the entrance because it would be easier for them to make their deliveries.

Thank you for your considerations.

Sincerely,

Ahmad Elmi
8040 SW Berryhill Ct.
Beaverton, OR 97008
aelmi@worldaccessnet.com

Traffic Commission Hearing! On Thursday December 5, 2002, at 7:00 PM the Beaverton Traffic Commission will hold a public hearing to hear comments on Issue No. TC 500: Left-Turn Restrictions on SW Greenway at the Driveway near Hall Boulevard. The Traffic Commission will consider a proposal to prohibit left turns from Greenway into the parking lot at Albertson's. Staff will recommend that turns be prohibited between 4 PM to 6 PM weekdays

APPROVED
February 6, 2003

City of Beaverton

TRAFFIC COMMISSION

Minutes of the December 5, 2002, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:04 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall.

ROLL CALL

Traffic Commissioners Scott Knees, Ramona Crocker, Patricia Griffiths, Holly Isaak, Kim Overhage, and Andrea Soltman were present. Commissioner Louise Clark was excused.

City Traffic Engineer Randy Wooley, Project Manager Sean Morrison, and Recording Secretary Debra Callender represented City of Beaverton staff.

— START EXCERPT —

PUBLIC HEARINGS

**TC 500: LEFT TURN RESTRICTIONS ON SW GREENWAY AT THE
 DRIVEWAY NEAR HALL BOULEVARD**

Chairman Knees opened the public hearing on Issue No. TC 500.

Staff Report

Mr. Wooley said this issue is a proposal to prohibit left turns from southbound Greenway into the Albertsons' driveway. He added that an article in *The Valley Times* newspaper incorrectly reported that this issue concerned the Albertsons' driveway on Hall Boulevard. He also clarified that TC 500 only addresses the southbound traffic turning into Albertsons, not traffic exiting the driveway.

Mr. Wooley said most complaints concern the traffic that backs up on Greenway while a southbound vehicle waits for a gap in northbound traffic in order to make a left turn into the Albertsons' driveway. This congestion occurs because there is no longer a dedicated turn lane for southbound traffic. That lane was converted into a longer turn lane at the approach to Hall Boulevard in the mid-1990s when traffic increased on Greenway and Hall.

During rush-hour traffic, the queue often extends into the Hall/Greenway intersection. Waiting cars are a safety concern because the curve in Greenway means drivers might not see the stopped cars. Mr. Wooley said that there were five reported collisions at this location in the past three years. Several of these were rear-end collisions.

City records show that as early as 1996 this issue was discussed with Albertsons. No changes were made because Albertsons maintained that their delivery trucks needed to enter from the Greenway driveway in order to safely back up to the store's loading dock. Reconfiguring the parking lot or adding a turn lane to Greenway would solve the problem, but either would be expensive. Mr. Wooley earlier gave Albertsons a rough estimate of \$70,000-170,000 to add a turn lane on Greenway.

Mr. Wooley said that TC 500 is a compromise that would accommodate Albertsons' delivery trucks while eliminating most of the left turn problems. The proposal prohibits left turns from 4 to 6 p.m. weekdays into the store's driveway for southbound traffic. He added that the store has another entrance on Hall.

Commissioner Griffiths asked if large trucks can access the store from Hall or only from Greenway.

Mr. Wooley understands that trucks entering the site from Greenway have more room to maneuver. He said that Mr. James Spitzer of Albertsons Corporation was present and would provide more detail.

Referring to the hours selected for turn restrictions, Commissioner Overhage asked if Hall and Greenway are generally clear of rush-hour traffic by 6 p.m.

Mr. Wooley said 4 to 6 p.m. seems to be the peak traffic hours. He has also had reports of this backup occurring on Saturday afternoon and at other hours not covered by the proposed restrictions. Drivers approaching the driveway would see signs with a no left turn symbol and the restricted hours posted below.

Commissioner Soltman asked for the number of collisions at the Albertsons' driveway on Hall. She thought that entry from Hall would also be difficult most times of day.

Mr. Wooley did not have that data at hand.

Commissioner Soltman suggested that delivery trucks could enter from Hall, turn right in front of the Arby's restaurant, drive around the perimeter of the parking lot, then reverse to reach the loading area. She asked if staff knew the turn radius of a semi truck.

Mr. Wooley said he would need to do some research to determine whether there is room for a truck to turn in the parking lot; however, he thought this maneuver would likely require reconfiguration of the parking lot. He has observed that the parking lot is nearly full during the store's peak business hours. He believes this would be a difficult maneuver with a semi truck.

Commissioner Soltman commented that it would be less expensive to reconfigure the parking lot than to add a dedicated turn lane on Greenway.

Mr. Wooley agreed.

Commissioner Crocker asked for more detail on the \$70,000-170,000 estimate for an additional turn lane that Mr. Wooley mentioned earlier.

Mr. Wooley said the cost estimate includes widening Greenway to create a left turn lane for southbound traffic. This would result in side-by-side left turn lanes, with the left turn lane onto Hall extending back past the Albertsons' driveway. He emphasized the estimate is "rough" because there are many unknown factors.

Commissioner Crocker asked about widening Greenway from Hall to the driveway. Had staff considered this option?

Mr. Wooley answered that installing a turn lane and tapers would essentially widen Greenway all the way to Hall. Any changes to the intersection's traffic signals would increase the cost.

Commissioner Isaak returned to staffs' earlier comment that they have heard citizen complaints about this driveway for many years. She asked what prompted the City's current interest in alleviating the problem.

Mr. Wooley said the complaints have continued. He has been trying to schedule this hearing since last autumn.

Chairman Knees asked who is the applicant for this issue.

Mr. Wooley answered that the applicant is City staff.

Public Testimony

Before the hearing, the Commission received written testimony on TC 500 from Ahmad and Farah Elmi and Sgt. Dean Meisner.

Cathy Stanton, Beaverton, Oregon, is an elected member of the Beaverton City Council. She stated that she has lived in the Greenway neighborhood for many years and has much experience with this situation. She said she would like the Commission to consider more extensive restrictions than those proposed in the staff report.

Councilor Stanton explained that Brockman/Greenway acts as an east-west connector and traffic volumes have increased dramatically in the last 22 years. She noted that Greenway was built to "minor collector" standards, even though it now handles more than 15,000 vehicles per day. Councilor Stanton attributes this heavy usage to the burgeoning development west of Murray Boulevard.

Councilor Stanton asked the Commission to consider prohibiting all non-commercial left turn movement every day of the week at this driveway. This would still allow delivery trucks to make the turn. If the Commission determines that this ban is not possible, the Councilor asked the Commission to consider expanding the prohibition to at least 3 to 7 p.m. She stated that traffic queuing begins as early as 2:30 p.m. when Southridge High School is dismissed.

Responding to earlier comments about possibly sending delivery trucks through the parking lot from the Hall driveway, the Councilor said that action could create a "hardship" on Albertsons if they had to re-stripe their parking lot and possibly lose parking spaces. She stressed that this grocery store provides an important service in the local community. The store is very busy and their parking lot is often filled to capacity.

Councilor Stanton said that adding another lane on Greenway would also be a bad idea. It would be very difficult to provide a safe travel lane when traffic waiting to turn west on Hall still queues down Greenway. She said that vehicles can only turn right from Albertsons onto Hall because of the heavy westbound traffic queuing to turn left onto Greenway. It is also very difficult to make the left turn out of Albertsons onto southbound Greenway because the vehicles waiting to turn into the driveway block drivers' view of on-coming traffic.

Councilor Stanton again asked the Commission to consider restricting the left turn to all non-commercial vehicles.

Commissioner Soltman asked if Councilor Stanton could visualize any alternatives besides those already discussed tonight.

Councilor Stanton replied that another, very speculative alternative would be to create a shared entrance between Albertsons and the Shannon Oaks Apartments. This would allow Albertsons' customers to exit farther south on Greenway, thus avoiding the congestion near the Hall/Greenway intersection. In addition to being a safer exit, it would avoid endangering the large Oregon white oak on the corner of Hall and Greenway.

Commissioner Griffiths asked if there is a precedent in Beaverton for time-restricted left turns.

Councilor Stanton answered that there is. Eastbound on Hall Boulevard across from Cascade, there was once such a sign prohibiting left turns onto southbound Highway 217 during peak hours. Hall was later widened and the sign was removed. As for a sign restricting turns for non-commercial traffic, the Councilor said this might be new in Beaverton.

Commissioner Griffiths suggested using the words "Delivery Entrance Only."

In conclusion, Councilor Stanton stated that the 125th extension must be built. She believes this connection will reduce overall traffic on Greenway, thus reducing the left-turn problem at the Greenway Albertsons' driveway. The Councilor believes that when the 125th extension opens, Greenway could once again become a "minor collector" as it was originally designed.

James Spitzer, Portland, Oregon, spoke as the representative of Albertsons Corporation. Mr. Spitzer said he is new to Albertsons but added that he has come to this meeting seeking solutions. He assured the Commission that customer safety is Albertsons' foremost priority.

Mr. Spitzer said that if a long-term solution can be found, Albertsons is "willing to come with resources and the ability to help." He said the proposed turn restriction might help

for now, but a long-term solution is more important. He touched on the possibility of taking land from the parking lot or constructing a retaining wall. Mr. Spitzer agreed with Councilor Stanton that the much-admired oak tree should be protected.

Mr. Spitzer said Albertsons needs more time to examine the alternatives. This would include talking with other engineers and City staff to determine whether or not adding another turn lane is a viable option.

As for a short-term solution, Mr. Spitzer said Albertsons could require delivery trucks to arrive at non-peak hours.

Commissioner Overhage asked about Councilor Stanton's suggestion that left turns not be allowed except deliveries. She asked how such a change would affect Albertsons' customers.

Mr. Spitzer answered that a turn restriction only at peak hours would have minimal impact on customers. Full, left-turn restrictions have had very negative business impacts at other Albertsons' locations. He would like to find a different solution.

Commissioner Crocker asked what time of day most deliveries occur.

Mr. Spitzer answered that he would need to get that information from the distribution section. He said that with the long history of congestion around this store, he would guess that most trucks already arrive at non-peak hours.

Commissioner Crocker asked his opinion of Councilor Stanton's suggestion that Albertsons share a driveway with the apartment complex to the south.

Mr. Spitzer said they should look at the suggestion in more detail. He said there may be some "topography issues related to the level of the parking lot." He said the company is willing to investigate and will contact the property owner.

Commissioner Crocker thanked Mr. Spitzer for Albertsons' willingness to work for the safety of its customers and the community.

Commissioner Griffiths discussed several entry scenarios. The Commissioner added that, in her experience, drivers tend to seek the easiest path to their goal. She asked Mr. Spitzer's opinion.

Mr. Spitzer said they need to study the entry preference of customers who approach the store driving eastbound on Hall. Do most customers enter the store at the Hall driveway, or do they turn left on Greenway and then turn left into the parking lot? Before attempting to change drivers' habits, he needs to review that data.

Commissioner Soltman asked about the various types of trucks that deliver to the store and where each type unloads.

Mr. Spitzer said the Albertsons' owned semi trucks must be unloaded in the loading area. Typically, at least one semi truck arrives at the store every day. The loading area also includes a ramp that is used by daily delivery vans.

Chairman Knees said that he finds it hard to make a left turn from the Albertsons' parking lot onto southbound Greenway at peak hours. Eliminating the in-bound vehicles that turn in front of waiting southbound drivers would be a great help for customers who want to shop then get home quickly.

Jack Young, Beaverton, Oregon, said that the proposed turn prohibition would be confusing to drivers. He noted that at peak hours drivers focus attention on finding a way home as quickly as possible through congested traffic. He said that traffic volumes and travel safety in the Hall/Greenway area are already matters of concern at all times of day.

Mr. Young compared the staff proposal with a right-in, right-out turn situation. He enumerated reasons why a left turn does not meet relevant evaluation criteria, then said that the left turn should be prohibited.

Commissioner Crocker said her understanding of Mr. Young's testimony is that he is opposed to any left turn from Greenway into the Albertsons' parking lot. She asked if this was correct.

Mr. Young replied that one alternative was already presented in prior testimony, and the Commission might yet discover other options. He believes that it does not make sense to locate any kind of left turn here. The street is too curved at that point, and the driveway is too near the Hall intersection for drivers to make a safe left turn.

Jim Percey, Beaverton, Oregon, introduced himself as chair of the Greenway Neighborhood Association Committee (NAC), but said he is presenting only his opinion because the NAC did not meet this month.

Mr. Percey said he likes the idea of either no left turn from 4 to 6 p.m. or no left turn except deliveries. Mr. Percey said that he would not want to impose any restrictions that Albertsons opposed.

Mr. Percey disagreed with Councilor Stanton's testimony that building the 125th extension would significantly lighten traffic on Greenway.

Staff Comments

Chairman Knees asked staff to comment on Councilor Stanton's suggestion about prohibiting all left turns except deliveries.

Mr. Wooley answered that Councilor Stanton's idea addresses the traffic problem. He said staff did not recommend that option because it might cause an undue hardship for Albertsons. If the Commission wants to pursue that option, Mr. Wooley asked additional time to research the correct legal wording.

Mr. Wooley said he is currently finding more interest and cooperation from Albertsons' management in resolving this safety issue. He would support giving Albertsons more time to study the problem.

After discussion, Mr. Spitzer said three months would be a minimum for the company to review their options.

Commissioner Overhage asked staff if prohibiting left turns at the driveway might encourage drivers to make a U-turn farther down Greenway.

Mr. Wooley said this could be a temporary problem when turn restriction signs are first installed. After drivers adjusted, they would learn the preferred way to enter the parking lot.

Commissioner Griffiths asked if Beaverton currently has timed turn-restriction signs or signs stating that only delivery trucks can make a turn.

Mr. Wooley answered that he can think of no such signs in Beaverton. He has seen such signs in the Portland area.

Commissioner Soltman asked for the distance from the Hall/Greenway intersection to each of the Albertsons' driveways.

Mr. Wooley answered that the driveway on Greenway is about 250 feet from the intersection and the Hall driveway is roughly 300 feet from the intersection. He said that drivers are typically able to make a left turn from westbound Hall into the Albertsons' driveway with little trouble. Mr. Wooley said that movement is helped by the traffic signal that stops eastbound traffic when the westbound left turn has a green signal. This provides convenient breaks in the traffic for drivers turning in to the Albertsons' lot.

Chairman Knees closed the public hearing on TC 500

Commission Deliberation

Commissioner Griffiths said she does not like timed restrictions in traffic situations. She has experienced these restrictions in Los Angeles and observed that drivers found the restrictions confusing. In this case, she said the sight distance is poor. It would be difficult for drivers to read the sign, check the hour restrictions, and then decide if they are allowed to make a left turn or not.

Commissioner Griffiths said the proposal does not feel safe. She heard two repeated themes in the testimony: 1) driver safety, and 2) the need to support a well-liked local business. She would like to delay the decision to allow time for research.

Commissioner Soltman suspects that if left turns were prohibited, some people would turn left anyway. The Commissioner is especially concerned about customers trying to exit the Albertsons' driveway to proceed south on Greenway. The in-bound cross traffic makes this very dangerous. She would like to restrict all left-bound turns at all times. If a better solution is later found, the turn restriction could be dropped.

Commissioner Overhage said she appreciates seeing Albertsons and the City cooperate to increase community safety.

Commissioner Overhage would like to table this discussion until the April 2003 Traffic Commission meeting. This would allow time for Albertsons to develop a proposal and for staff to give appropriate public notice of a new public hearing. At the April meeting, Commissioner Overhage would expect to hear either a proposal for signs stating "No Left Turn Except Deliveries" with appropriate legal wording or a new proposal from

Albertsons along with immediate plans to remedy the problem. She stressed that the results need a specific time frame in order to stop the collisions as soon as possible.

Commissioner Isaak said that she is uncomfortable with a time restriction on a no-turn sign. The Commissioner likes the idea of a total left-turn restriction with the exception of delivery trucks. Albertsons should request that neither semi nor vendor trucks arrive at peak traffic hours. Commissioner Isaak would like Albertsons to clearly communicate to their customers that entry from Hall is preferred. Signage or other methods could direct customers to "Enter Here." She would like to continue the hearing to a specific future date.

Commissioner Crocker said that when she moved to Beaverton, the left-turn lane into Albertsons from Greenway was restricted and no left turn was allowed. The Commissioner is pleased that the City and Albertsons are working together to resolve this public safety problem. Until a corrective plan is devised, she would like to see an immediate restriction of all left turns at that driveway with the one exception of Albertsons' delivery trucks. Commissioner Crocker suggested that these trucks immediately begin arriving at non-peak hours. She said that she generally agrees with the comments expressed by the other Commissioners.

Chairman Knees summarized that most of the Commission agrees that Albertsons needs more time to work with the City, other experts, and perhaps even the owners of the apartment complex to the south.

Chairman Knees said that traffic signs restricting actions during specific hours are inherently problematic. He thinks some drivers will make a left turn during the restricted hours. Chairman Knees reasoned that the next step would be to have the Police issue citations to Albertsons' customers. Obviously, this would be negative for both Albertsons and the City. He agreed that left turns from Greenway to the driveway are dangerous; however, the proposed solution might not be effective. Chairman Knees would like all parties to take more time to develop a long-term solution.

Commissioner Overhage **MOVED** and Commissioner Griffiths **SECONDED** a **MOTION** to table the discussion until the April 2003 Traffic Commission meeting at which time staff will present either a new proposal from Albertsons in the form of a TC Issue or staff will present a TC Issue for a "No Left Turn Except Deliveries" with wording approved by the City Attorney.

Commissioner Isaak asked Commissioner Overhage to consider adding to the motion a request that Albertsons' trucks arrive at non-peak hours and that Albertsons develops a plan to better focus customer attention on the Hall Boulevard store entry.

Commissioner Overhage **ACCEPTED** the **MODIFICATIONS** to the original **MOTION**.

Commissioner Griffiths did not accept the modifications. She explained that she supports the ideas but she does not want to "tie the hands" of either Albertsons or the City. Commissioner Griffiths would like these requests to be voluntary. After discussion with Commissioner Isaak, Commissioner Griffiths agreed to modify the motion as long as these additions are a "gentlemen's agreement" between the parties.

Commissioner Griffiths **ACCEPTED** the **MODIFICATIONS** to the original **MOTION**

Commissioner Overhage restated the motion as a recommendation to table Issue No. TC 500 until the April 2003 Traffic Commission meeting at which time there will either be a new proposal from Albertsons to address this issue or there will be a proposal for a "No Left Turn Except Deliveries" restriction with wording approved by the City Attorney. The Commission adds to this motion the recommendation that Albertsons schedule their delivery trucks to arrive at the store during non-peak hours to enhance safety. The Commission further recommends that Albertsons consider visual enhancements to the Hall Boulevard driveway to encourage customers to use Hall as the primary entry.

On discussion, Mr. Wooley asked if the Commission's intent is to bring this issue back for a new public hearing.

Chairman Knees said that is how he understands the motion. This would especially be the case if the new recommendation was a significant change from the present proposal.

Commissioner Crocker asked if this motion meant that during the coming four months no action would be taken about restricting turns into this driveway. She noted that collisions and near collisions continue. Commissioner Crocker would like to see an effort to educate the public that a left turn into this driveway is dangerous.

On discussion, there was concern that putting a sign up for four months and then possibly taking it down or replacing it with a reworded sign would be confusing for drivers. Most Commissioners agreed to a short delay, especially since this problem has been ongoing for at least six years.

The **MOTION PASSED** 5:1. Commissioner Soltman voted "nay."


— END EXCERPT —



Facsimile Cover Sheet

To:	Randy Wooley
Company:	City of Beaverton
Phone:	503/526-2443
Fax:	503/350-4052
From:	James Spitzer
Department:	Albertson's Inc. -- Real Estate Dept.
Phone:	503/251-9525
Fax:	503/251-9581
Date:	03/12/03
Pages including this cover page:	7
RE:	Traffic Analysis for Albertson's #559 -- Greenway & Hall Beaverton, OR



FAX TRANSMITTAL	
 Kittelson & Associates, Inc. Transportation Planning/Traffic Engineering 610 SW Alder, Suite 700 • Portland, OR 97205 Telephone: (503) 228-5230 FAX: (503) 273-8169 E-mail: THIS IS PAGE 1 OF 6 PAGE(S)	DATE: Mar. 10, 2003 PROJECT #: 5803.0
	PROJECT NAME: Traffic Analysis for Albertson's Store - Beaverton, Oregon
	PLEASE DELIVER AT ONCE TO: NAME: James Spitzer OF: Albertsons, Inc. 17001 NE San Rafael Street Portland, OR 97230 FAX: (503) 251-9581
FROM: Brian Dunn	
COPIES SENT TO:	FAX:

☒ Original to follow by mail

IN CASE OF INCOMPLETE TRANSMISSION PLEASE CALL OUR CONFIRMATION NUMBER: (503) 228-5230

SUBJECT:

Traffic Analysis Letter

COMMENTS:

Dear Mr. Spitzer:

Following is a stamped copy of the traffic analysis performed for the Albertson's store in Beaverton, Oregon. Please give me a call at (503) 228-5230 once you have reviewed this document to discuss any needed comments or edits. If changes are not necessary, the stamped letter sent to you in the mail can be sent to the City of Beaverton.

Thank you and I apologize again for the delay,

-Brian


Brian Dunn

H:\projfile\5803\corresp\01.28.03\contract fax.doc

NOTICE: This communication may be privileged or contain a client confidence. It is a private message to the person named above. DO NOT PERMIT ACCESS BY ANY OTHER PERSON. If the intended recipient is not currently or expected at the location where this message was received, please telephone us immediately at the confirmation number above, and mail all pages of this transmission to us at the address above.

**KITTELSON & ASSOCIATES, INC.****TRANSPORTATION PLANNING/TRAFFIC ENGINEERING**

810 SW ALOER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-5230 • FAX (503) 273-8169

March 10, 2003

Project #: 5803.0

Mr. James Spitzer
Albertsons, Inc.
17001 NE San Rafael Street
Portland, OR 97230

RE: Transportation Review of Albertson's Access to Greenway Drive – Beaverton, Oregon

Dear Mr. Spitzer,

Pursuant to your request, Kittelson & Associates has conducted a review of existing traffic conditions at the Albertson's access to Greenway Drive in Beaverton, Oregon. The review was based on observations made in the field at the Albertson's driveway during the weekday p.m. peak hour, and a review of previous correspondence between the City of Beaverton and Albertson's, Inc. regarding potential safety and vehicle queuing issues created by left-turning vehicles at this driveway. The purpose of this letter is to provide a summary of our investigation and findings associated with potential left-turn movement conflicts at the Albertson's driveway on Greenway Drive, including an evaluation of alternative treatments and a recommended course of action.

BACKGROUND INFORMATION

In a letter sent to Albertson's Inc., dated August 13, 1998, the City of Beaverton indicated it was receiving complaints from residents about vehicles making left-turns from Greenway Drive into the Albertson's driveway during the weekday p.m. peak hour. The intent of the letter was to notify Albertson's Inc. that during the peak p.m. period, left-turning vehicles could not find large enough gaps in oncoming traffic to make left-turns into the site, and that this conflict has the potential for causing other vehicles to back up into the adjacent signalized intersection at Hall Boulevard. The City made a proposal to prohibit left-turns into the driveway from Greenway Drive to improve driver safety and prevent vehicle spillback into the adjacent signalized intersection. The City also concluded that the left-turning traffic could be effectively rerouted to the other Albertson's driveway on Hall Boulevard.

Albertson's Inc. retained Richard Woelk, a Professional Engineer, to respond to the City of Beaverton's concerns. A letter was prepared and sent to the City October 20, 1998, indicating that Mr. Woelk did not agree with the City's conclusions. Mr. Woelk arrived at the following conclusions after his review of videotaped footage conducted on October 6, 1998 during the peak travel periods:

*Albertson's Greenway Access Study
March 10, 2003*

*Project #: 5803
Page: 2*

1. The problem outlined by the City of Beaverton did not occur during the a.m. peak hour.
2. During the p.m. peak hour, traffic on Greenway Drive was delayed between three and thirteen seconds for traffic turning left into the Albertson's driveway.
3. At no time did traffic back up into the adjacent signalized intersection at Hall Boulevard.
4. Traffic approaching Hall Boulevard in the opposing direction (northbound) did not block the Albertson's driveway. Vehicles stopped and let left-turning traffic into and out of the driveway.
5. Most of the delay for vehicles making left-turns into the Albertson's driveway was due to the oncoming traffic along Greenway Drive. Left-turning vehicles would wait and see if the approaching traffic would stop before entering the driveway, thereby causing some congestion and backup on Greenway Drive.

The City of Beaverton responded back with a letter dated November 13, 2002, indicating that the delay created by left-turn movements is still causing vehicles to spill back into the adjacent intersection at Hall Boulevard during the afternoon peak hours. This, in turn, is reducing the capacity of the Greenway Drive/Hall Boulevard intersection. The City also stated there is potential for rear-end type accidents due to the curvature of the roadway and the delay created by left-turning vehicles. The City of Beaverton modified its previous position to recommend that left-turns be prohibited between the hours of 4 p.m. and 6 p.m. on weekdays.

Based a review of all previous correspondence, the issue of greatest concern appears to involve vehicles attempting left-turns into the Albertson's driveway along Greenway Drive and that the delay created by these movements during the weekday p.m. peak period has the potential for causing rear-end accidents and causing other vehicles to back up into the adjacent intersection at Hall Boulevard.

EXISTING CONDITIONS

Access to the Albertson's site is provided via a full access driveway on Greenway Drive and an additional full access driveway on Hall Boulevard. The driveway on Greenway Drive is approximately 240 feet from the intersection of Greenway Drive/Hall Boulevard, with the driveway approximately 40 feet in width allowing for two outbound lanes (left and right) and one inbound lane.

Both Greenway Drive and Hall Boulevard are classified by the City of Beaverton as arterial streets. Near the site, Hall Boulevard is a five-lane roadway with two through lanes in each direction and a center turn lane. The posted speed is 40 miles per hour for Hall Boulevard. Greenway Drive is generally a two lane road, however, in front of the Albertson's access driveway the roadway widens from one to two lanes in the northbound direction on the approach to the traffic signal at Hall Boulevard. There is only one travel lane in the southbound direction, which is the lane where shared left-turn movements are made into the site driveway. Table 1 provides a summary of the facilities included in this analysis.

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Table 1
Existing Transportation Facilities and Roadway Designations

Roadway	City of Beaverton Classification ¹	Washington County Classification ²	Cross Section	Speed Limit	Side-walks	Bicycle Lanes	On-Street Parking
Greenway Drive	Arterial	Minor Arterial	5-lanes	40 mph	Yes	Yes	No
Hall Boulevard	Arterial	Minor Arterial	2-lanes	35 mph	Yes	No	No

¹ As identified in 2020 Update of Beaverton's Transportation System Plan (2001)

² As identified in the Washington County 2020 Transportation Plan A-Engrossed Ordinance 585

FIELD OBSERVATIONS

The Albertson's site was visited and inventoried in January 2003. At that time, site access and circulation was observed at both driveways along Greenway Drive and Hall Boulevard. Traffic signal operations and vehicle queuing were also observed at the intersection of Greenway Drive/Hall Boulevard. Field observations during the weekday p.m. peak hour revealed the following assessments:

- Demand for left-turn movements into the Albertson's driveway along Greenway Drive mainly appear to be originating from vehicles traveling eastbound on Hall Boulevard and then turning right onto Greenway Drive. A small proportion of left-turns into the site are related to vehicles traveling westbound on Hall Boulevard which make a left-turn onto Greenway Drive. These drivers have an opportunity to use the access on Hall Boulevard but instead choose to travel a longer route or make a late decision to shop at Albertson's once they have turned onto Greenway Drive.
- Vehicles turning left from Greenway Drive into the Albertson's driveway have difficulty completing the movement only when there is a constant flow of oncoming traffic moving at high speeds (i.e. there are no queues present on the approach to the adjacent traffic signal). However, left-turning vehicles are able to access the driveway freely when vehicle queues build up and extend back from the adjacent traffic signal at Hall Boulevard, forcing oncoming traffic to slow down and/or stop. Under these conditions, oncoming traffic stops and lets left-turning traffic into and out of the Albertson's driveway.
- One incident was observed during the weekday p.m. peak hour where a vehicle turning left into the Albertson's driveway on Greenway Drive caused vehicles to spillback into the adjacent intersection of Greenway Drive/Hall Boulevard. Heavy traffic demand for the westbound protected left turn movement from Hall Boulevard onto Greenway Drive exacerbated the observed queue spillback.
- Based on observed traffic conditions, the intersection of Greenway Drive/Hall Boulevard is operating at or near capacity during the weekday p.m. peak hour. The westbound left-turn lane along Hall Boulevard has extensive vehicle queuing, where drivers often have to wait more than one signal cycle before they clear the intersection.

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OPTIONS FOR MITIGATION

Kittelton and Associates, Inc. has identified two options to address the City of Beaverton's concerns regarding the left-turn movements made from Greenway Drive into the Albertson's driveway. These options include:

Option 1 - Construct Exclusive Left-turn Lane

This option involves adding an exclusive left turn lane on Greenway Drive for left-turning vehicles accessing the Albertson's driveway. This improvement would effectively separate left-turning vehicles from those traveling straight along Greenway Drive, and would eliminate the potential for vehicle queuing and spillback into the adjacent signalized intersection. Based on the current lane geometry and right-of-way limits, the only realistic means for establishing a separate left turn lane would be to widen Greenway Drive along the Albertson's property frontage beginning at the driveway and ending at the intersection with Hall Boulevard. There is an existing planting strip along the Albertson's frontage between the curb and the sidewalk (12 feet in width) which could accommodate the street widening. In order to develop the westbound left-turn lane in the center of the road, additional treatment would also be needed to separate directional traffic either by a median or by establishing another left-turn lane on the northbound approach (placed back to back with the left-turn lane into the site driveway).

The costs associated with constructing a separate left-turn lane for the site driveway would be expensive, not only because of the street widening along the Albertson's property frontage but also because the traffic signal control improvements which would be needed at the Hall Boulevard intersection. Funding for such a project would not be feasible for Albertson's Inc. and it is likely that the City of Beaverton will not fund a new transportation project to improve vehicle accessibility to the site.

Option 2 - Restrict Left-turns Between 4 p.m. and 6 p.m. on Weekdays

Option 2 is consistent with the latest proposal recommended by the City of Beaverton to restrict left turns from Greenway Drive into the Albertson's driveway during the critical weekday p.m. peak period (4-6 p.m.). Based on the site visit and the results of the video footage cited in Mr. Woelk's letter, the weekday p.m. peak period (4-6 p.m.) is the only time when traffic demand and travel patterns are such that vehicle queues may develop behind a left-turning vehicle accessing the site on Greenway Drive.

The proper method for enforcing turn restrictions during specific peak hours of the day would be the establishment of two signs posted near the Albertson's driveway which read "No Left Turns Weekdays 4-6 p.m.". As an additional precaution to Albertson's customers, two signs should also be posted for traffic traveling eastbound along Hall Boulevard which read "No Left Turns at Albertson's/Greenway Weekdays 4-6 p.m.". This would provide drivers with sufficient knowledge to continue eastbound on Hall Boulevard and use the other site driveway.

The associated costs for this option are minimal and would require up to four signs posted within the public right-of-way on Hall Boulevard and Greenway Drive.

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FINDINGS AND CONCLUSIONS

Based on the review of the two options considered for treating left-turns into the Albertson's driveway on Greenway Drive, the following findings and conclusions have been made:

- Option 2 would enforce left-turn restrictions during the appropriate time of day (on weekdays from 4 to 6 p.m.). Restricting left-turns during this period would eliminate the potential for vehicle queues to spill back into the adjacent intersection at Hall Boulevard, thus improving driver safety. It would also reduce the potential for rear-end accidents in front of the driveway along Greenway Drive. At all other times of the day, left-turn vehicles should be able to access the driveway along Greenway Drive without creating excessive vehicle queues or the potential for rear accidents.
- Restricting left-turns into the driveway along Greenway Drive during the weekday p.m. peak period would not be detrimental to the site accessibility and circulation, given that another full access driveway is provided along Hall Boulevard. Normal customers who make left-turns into the site today along Greenway Drive will be directed to use the Hall Boulevard driveway without any increase in trip length or duration. The left-turn restriction should not affect the travel patterns of delivery trucks on-site.
- The City of Beaverton could implement Option 2 with little cost to the City and without disrupting traffic flow on the public streets.
- It is conceivable that traffic volumes along Greenway Drive will be reduced in the future when the City of Beaverton implements the 125th Avenue street improvement project (recommended project in the City of Beaverton Transportation System Plan). This project will connect Greenway Drive/Brockman Road (southwest of the site) with Hall Boulevard (northwest of the site). Upon completion of this project, the City of Beaverton and Albertson's Inc. should re-evaluate the need for the left-turn movement restriction at the Greenway Drive access.

RECOMMENDATIONS

Based on the findings and conclusions of this study, the following recommendations are made:

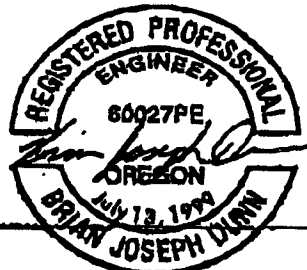
- The City of Beaverton should post two signs along Greenway Drive near the Albertson's driveway with the following inscription: "No Left Turns Weekdays 4-6 p.m.";
- The City should also post at least one sign on the eastbound approach of Hall Boulevard at Greenway Drive, with the following inscription: "No Left Turns at Albertson's/Greenway Weekdays 4-6 p.m."; and
- Upon completion of the 125th Avenue street improvement project, the City of Beaverton and Albertson's Inc. should re-evaluate the need for the left-turn movement restriction at the Greenway Drive access.

If you have any questions or comments regarding the traffic analysis presented in this letter, please call (503) 228-5230.

Sincerely,
KITTELSON & ASSOCIATES, INC.


Brian Dunn, P.E.
Senior Engineer

Kittel & Associates, Inc.



Portland, Oregon

EXPIRES: 12-31-03



RECORD COPY

March 20, 2003

Randall R. Wooley – City Transportation Engineer
City of Beaverton
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

RECEIVED

MAR 24 2003
ENGINEERING

RE: Proposed Access Modification
Albertson's #559
Greenway & Hall
Beaverton, OR

Dear Randy,

As you know, in December 2002, the City of Beaverton's Traffic Commission "tabled" its decision as to City Staff recommendation to restrict "left-turn in" movements to Albertson's store from Greenway Drive. The extra time was to give Albertson's and the City Staff time to determine if there was a more optimal solution to address the safety and traffic queuing issues related to Albertson's driveway at Greenway Drive.

As previously submitted to you by Albertson's traffic consultant, Kittelson & Associates, their analysis determined two (2) options for consideration:

1. Construct an exclusive left-turn lane in Greenway Drive for access to Albertson's.
2. Restrict left-turn between 4-6 pm on weekdays.

It is easy to agree that option #1 is cost prohibitive. Albertson's would also like to note that the "PM Peak" time is currently the only period during the day that there has been a safety or queuing issue. Based on Kittelson's analysis and report, Albertson's requests that if a restriction has to be adopted, that both the City Staff and the Traffic Commission Board support and recommend to the City Council option #2 for the following reasons:

- A. Currently there is no restriction in place. Should (after option #2 is implemented) the issue continues to be a safety and traffic queuing issue, the City can re-evaluate its decision. Albertson's requests that it be notified in advance so that it has an opportunity to participate and work with The City in determining the best course of action.
- B. The costs associated are minimal, requiring up to four (4) signs to be posted.
- C. The issue clearly seems to be a "P.M. Peak hour" issue. This option should address and resolve it.

Randall R. Wooley – City Transportation Engineer
City of Beaverton
March 20, 2003
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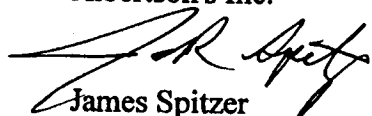
RECORD COPY

Albertson's also supports the consultant's recommendation as to re-evaluating the "left-turn" restriction when the 125th extension is completed. Further, if the issue no longer exists once the 125th extension is open, that the City will lift the turning restriction.

Thank you for your assistance, cooperation and consideration. My last request is that this letter be made a part of the Traffic Commission's review package for the upcoming April 3rd Commission Meeting.

Please contact me if you have any questions at 503/251-9525.

Sincerely,
Albertson's Inc.



James Spitzer
Senior Real Estate Manager Northwest

JS/mm

cc: Dave McKinney
Ken Elliott
Julie Testa
Mike Clawson
Jay Feeney

SELECTED DEFINITIONS FROM THE OREGON VEHICLE CODE

801.210 "Commercial vehicle." "Commercial vehicle" means a vehicle that:

- (1) Is used for the transportation of persons for compensation or profit; or
- (2) Is designed or used primarily for the transportation of property.

801.298 "Gross vehicle weight rating." "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle.

801.355 "Motor truck." "Motor truck" means a motor vehicle that is primarily designed or used for carrying loads other than passengers.

July 9, 1997

Randy Wooley
City Traffic Engineer
City of Beaverton
4755 SW Griffith Drive
Beaverton, OR 97076

RE: Safety Concern

Dear Randy,

I would like to identify for you a safety problem that the City may not be aware of. The hazardous condition is located at the intersection of Greenway and Hall Boulevard. More specifically, the Albertson's Greenway driveway access is hazardous to motorists driving southbound on Greenway. The hazard occurs mostly when westbound left-turn vehicles at the Greenway/Hall Boulevard signal are discharged and unexpectedly have to come to an immediate stop just after turning the corner. The immediate stop is due to southbound vehicles waiting for an acceptable gap in northbound traffic to turn eastbound into the Albertson's parking lot. During the p.m. peak period, the vehicle queue on the northbound approach to the Greenway/Hall Boulevard signalized intersection is often well past the Greenway driveway, which compounds the problem.

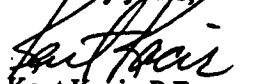
Last summer, the City of Beaverton reconditioned the asphalt roadway on Greenway and as part of their roadway improvement project, the City installed new pavement markings along this stretch of roadway. The identified problem above really occurs in violation of the existing lane striping on Greenway. The double yellow line markings clearly indicate that vehicle crossing those lines is an illegal maneuver. However, it frequently occurs.

I do not know the accident history related to the problem identified above. I travel through this intersection at least twice each weekday. I have frequently experienced and witnessed many near-miss rear-end accidents related to this problem.

There are few low cost solutions to this problem. One possible solution would be to install a raised curb, thus preventing all but right-in, right-out movements at the driveway. The street cross section within this section may not allow such an improvement. If fact, such an improvement may actually hinder intersection operations during the a.m. peak period when northbound vehicles use this space (center of the roadway), to bypass right-turning vehicles to get into the left-turn storage lane (northbound to westbound).

I thank you for your attention into this matter. I would like to hear from you on what action the City plans to take on this matter. Please feel free to contact me at the address listed below, by phone (work 228-5230).

Sincerely yours,


Kent Kacir, P.E.
12330 SW Fielding Court
Beaverton
579-7768

P.S. You can also contact me at the following e-mail addresses:
kacir@digiwest.com (home), or kkacir@kittelton.com (work)

C:\doc\HAZARD.BVN

Re'd 7-15-97

Jabra Khasho

From: Randy Wooley
Sent: Wednesday, March 21, 2001 3:34 PM
To: Jabra Khasho
Subject: FW: Online problem report

For your info and records

-----Original Message-----

From: Randy Wooley
Sent: Wednesday, March 21, 2001 3:33 PM
To: 'louisconstruction@hotmail.com'
Subject: FW: Online problem report

Dear Ms. Redfield:

We have been working with Albertson's to try to improve the situation that you describe on Greenway. Unfortunately, the solutions that we like best (moving the driveway farther from Hall and adding a left-turn lane) would be very expensive and funding is not available. Closing the driveway to left turns creates problems for Albertson's truck deliveries.

We are currently working on a proposal to prohibit left turns only during the afternoon peak traffic period. We will be discussing this idea with Albertson's in the near future. The turn restriction would require formal approval through the City's Traffic Commission process, which typically requires about 3 months due to legal notice requirements.

Thanks for your input. Be assured that we share your concerns and are seeking solutions.

Randy Wooley
City Traffic Engineer

City of Beaverton Problem Report:

Date Submitted: 03/16/2001 17:52:26
Report Type: Other
Department: Other

Location: SW Greenway near Hall Blvd, at Greenway entrance to Albertsons

Problem Description:

Traffic Problem: Vehicles proceeding onto Greenway from Hall Blvd need to stop abruptly if other vehicles are attempting a left-hand turn into Albertsons. I almost rear-ended a car that was stopped (3 cars were stopped) just around the corner. It wouldn't be good for Albertsons' business, but it sure would be safer if the left turn were blocked off.

Submitted By

Name: Diane Redfield
Address: 14483 SW Arabian Drive, Beaverton, OR 97008
Phone: 503-524-1115
Email: louisconstruction@hotmail.com

Elzbieta Craig
City of Beaverton
Website Manager
<http://www.ci.beaverton.or.us>
E-mail: ecraig@ci.beaverton.or.us
TEL: (503) 526-2580
FAX: (503) 526-2490

DRAFT #1

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 500

(Left Turn Restrictions on SW Greenway at the Driveway Near Hall Boulevard)

1. A hearing on the issue was held by the Traffic Commission on December 5, 2002, and continued on April 3, 2003.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1c (meet the overall circulation needs of the City);
 - 1g (carry anticipated traffic volumes safely).

In addition, the Traffic Commission found the following criteria to be relevant:

- (None)
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The City has received complaints about left turns from the southbound lane of SW Greenway into the driveway to the Albertson's store.
 - While waiting to turn left into the driveway, a vehicle blocks the southbound lane of Greenway.
 - A curve in Greenway limits the sight distance of a stopped vehicle for southbound motorists.
 - During peak hours, a stopped vehicle may cause southbound traffic to queue into the Hall Boulevard intersection.
 - At the intersection of Hall and Greenway, traffic demand frequently exceeds the intersection capacity on weekdays between 4 p.m. and 6 p.m.
 - Alternative access to the Albertson's store is available via a driveway on Hall Boulevard.
 - The manager of the Albertson's store reports that trucks must use the Greenway driveway in order to safely access the store's loading dock.

4. Following the public hearing, the Traffic Commission voted (___ aye, ___ nay) to recommend the following action:

Between the hours of 4 p.m. and 6 p.m. on weekdays, prohibit left turns from the southbound lane of SW Greenway into the commercial driveway located approximately 250 feet south of the Hall Boulevard intersection.

5. The Traffic Commission decision was based on the following findings:

- Restricting left turns will reduce the potential for rear-end collisions on Greenway at the driveway and will reduce the conflicts between left-turn traffic and northbound traffic, satisfying Criteria 1a and 1g.
- Prohibiting left turns during peak hours will reduce restrictions to traffic capacity on Greenway. Limiting the prohibition at peak hours will allow the needed truck circulation during the remainder of the day. The proposal is a compromise to satisfy the circulation needs per Criterion 1c and to improve the ability of Greenway to carry peak hour traffic volumes safely per Criterion 1g.

6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS ____ DAY OF APRIL, 2003

Traffic Commission Chair

DRAFT #2

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 500 (Left Turn Restrictions on SW Greenway at the Driveway Near Hall Boulevard)

1. A hearing on the issue was held by the Traffic Commission on December 5, 2002, and continued on April 3, 2003.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1c (meet the overall circulation needs of the City);
 - 1g (carry anticipated traffic volumes safely).

In addition, the Traffic Commission found the following criteria to be relevant:

- (None)
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The City has received complaints about left turns from the southbound lane of SW Greenway into the driveway to the Albertson's store.
 - While waiting to turn left into the driveway, a vehicle blocks the southbound lane of Greenway.
 - A curve in Greenway limits the sight distance of a stopped vehicle for southbound motorists.
 - During peak hours, a stopped vehicle may cause southbound traffic to queue into the Hall Boulevard intersection.
 - At the intersection of Hall and Greenway, traffic demand frequently exceeds the intersection capacity during peak periods.
 - Alternative access to the Albertson's store is available via a driveway on Hall Boulevard.
 - The manager of the Albertson's store reports that trucks must use the Greenway driveway in order to safely access the store's loading dock.

4. Following the public hearing, the Traffic Commission voted (___ aye, ___ nay) to recommend the following action:

Prohibit left turns from the southbound lane of SW Greenway into the commercial driveway located approximately 250 feet south of the Hall Boulevard intersection, except for motor trucks with a gross vehicle weight rating over 20,000 pounds.

5. The Traffic Commission decision was based on the following findings:

- Restricting left turns will reduce the potential for rear-end collisions on Greenway at the driveway and will reduce the conflicts between left-turn traffic and northbound traffic, satisfying Criteria 1a and 1g.
- Prohibiting left turns will reduce restrictions to traffic capacity on Greenway while still accommodating truck access to the commercial driveway, satisfying Criterion 1c.

6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS ___ DAY OF APRIL, 2003

Traffic Commission Chair

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CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

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2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1c (meet the overall circulation needs of the City);
 - 1g (carry anticipated traffic volumes safely).

In addition, the Traffic Commission found the following criteria to be relevant:

- (None)
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The City has received complaints about left turns from the southbound lane of SW Greenway into the driveway to the Albertson's store.
 - While waiting to turn left into the driveway, a vehicle blocks the southbound lane of Greenway.
 - A curve in Greenway limits the sight distance of a stopped vehicle for southbound motorists.
 - During peak hours, a stopped vehicle may cause southbound traffic to queue into the Hall Boulevard intersection.
 - At the intersection of Hall and Greenway, traffic demand frequently exceeds the intersection capacity during peak periods.
 - Alternative access to the Albertson's store is available via a driveway on Hall Boulevard.
 - The manager of the Albertson's store reports that trucks must use the Greenway driveway in order to safely access the store's loading dock.
 4. Following the public hearing, the Traffic Commission voted (5 aye, 0 nay) to recommend the following action:

Prohibit left turns from the southbound lane of SW Greenway into the commercial driveway located approximately 250 feet south of the Hall Boulevard intersection, except for motor trucks with a gross vehicle weight rating over 20,000 pounds.


RECORD COPY

5. The Traffic Commission decision was based on the following findings:

- Restricting left turns will reduce the potential for rear-end collisions on Greenway at the driveway and will reduce the conflicts between left-turn traffic and northbound traffic, satisfying Criteria 1a and 1g.
- Prohibiting left turns will reduce restrictions to traffic capacity on Greenway while still accommodating truck access to the commercial driveway, satisfying Criterion 1c.

6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 3 DAY OF APRIL, 2003



Traffic Commission Chair

APPROVED

May 1, 2003

City of Beaverton, Oregon

TRAFFIC COMMISSION

Minutes of the April 3, 2003, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:05 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall.

ROLL CALL

A quorum was present, including Commissioners Scott Knees, Ramona Crocker, Holly Isaak, Patricia Griffiths, and Kim Overhage. Commissioners Clark and Soltman were excused by prior arrangement. Alternate member Thomas Clodfelter was in the audience.

City of Beaverton staff included City Traffic Engineer Randy Wooley, Project Engineer Jabra Khasho, Traffic Sergeant Dean Meisner, and Recording Secretary Debra Callender.

— START EXCERPT —**PUBLIC HEARINGS**

TC 500: LEFT TURN RESTRICTIONS ON SW GREENWAY AT THE DRIVEWAY NEAR HALL BOULEVARD
(Continued from December 5, 2002)

Commissioner Overhage **MOVED** and Commissioner Crocker **SECONDED** a **MOTION** to reconsider the previous oral decision on TC 500 and reopen the public hearing.

There was no discussion on the motion. The **MOTION PASSED** unanimously, 5:0.

Staff Report

Mr. Wooley reviewed the staff report, as well as highlights of the December 2002 discussion. That discussion centered on whether the left-turn restriction into the Albertsons driveway on Greenway Drive should be limited to peak afternoon traffic hours, or if left turns should be restricted there at all hours. He stressed that restricting left turns out of the store's driveway is not under consideration. Any turn restrictions would be accomplished by signage; no barrier devices would be used.

Mr. Wooley said the hearing was continued until April to allow Albertson's Corporation time to make an independent study of the traffic problems at this driveway and investigate possible alternatives. A letter from Albertson's, Inc., including their consulting engineer's report, is included with the staff report. The City staff report and the consulting engineer both recommend that left turns be restricted only from 4 to 6 p.m. on weekdays.

Public Testimony

Before the hearing, the Commission received written testimony on TC 500 from Traffic Sgt. Dean Meisner. At the December 5, 2002, meeting the Commission received written testimony from Ahmad and Farah Elmi and Sgt. Dean Meisner. (*All written testimony is on file*).

James Spitzer, Portland, Oregon, testified in his capacity as real estate manager for Albertson's Corporation. Mr. Spitzer asked the Commission to support the staff recommendation to restrict left turns into the driveway only during the peak afternoon traffic from 4 to 6 p.m. This restriction should include the stipulation for review if new safety concerns arise.

Mr. Spitzer said their consulting engineer determined that the other option discussed last December, of adding an additional turn lane to Greenway, would be very expensive for both Albertsons and the City. A limited, left-turn restriction is less costly, and it might resolve the problem on its own.

Mr. Spitzer stated that Albertsons wants their customers and the citizens of Beaverton to remain safe while entering and exiting the store. Albertson's Corporation will help the City pay for new signage to indicate the left turn restriction and signage directing customers to the preferred store entry on Hall Boulevard.

Commissioner Overhage noted that Kittelson's report does not mention "except trucks" in its recommended left-turn restriction. She asked if Albertson's Corporation intends to schedule its delivery trucks to this store to arrive either before or after the restricted hours.

Mr. Spitzer assured her that Albertson's distribution center would instruct their drivers to arrive at non-peak hours. There might be rare exceptions, based on uncontrollable events.

Referring again to the Kittelson report, Commissioner Overhage asked what "hardship" Albertson's would face if all left turns into the Greenway driveway were prohibited (except trucks).

Mr. Spitzer said he could not document a similar example from another store with a restricted turn movement into the driveway; however, he said that if turn movements are restricted, "you do see often times a reduction in sales." He stressed that the grocery business "is a convenience business." Customers want to easily get into and out of a grocery store. If customers decide the route into the store is no longer convenient, they will likely look for another grocery store that has easier access. The result would be a loss of business for this Albertsons store.

Commissioner Griffiths noted that at the December meeting Mr. Spitzer made a similar comment about parking lot access problems possibly discouraging customers. She reviewed possible customer routes into the store parking lot and stated that, to her, both entries appear to be equally convenient. The only difference is that the Hall entry might be safer.

Mr. Spitzer answered that the entry from Hall has a protected left turn when the traffic signal at Hall/Greenway is in the red phase. He understands why Commissioner Griffiths might reason that this entry might be safer. Based on his experience, a driver might have to wait through several signal cycles to find a safe gap in traffic. He added that the negative effect on the store's business would be greater if the left turn was restricted for both entry and exit from the Greenway driveway. This would seriously restrict customer access and convenience, especially for customers who live south of the store.

Chairman Knees said he travels Hall during the p.m. peak, so he has direct experience with the traffic queues at Hall/Greenway. He explained that if the left turn signal for vehicles moving from Hall to Greenway is red, but while westbound traffic through the intersection is proceeding on a green signal, vehicles stop in the left turn lane to enter the store's driveway on Hall. These cars must wait until they find a gap in order to cross two lanes of 40 mph traffic coming down the hill. The Chairman reasoned that some drivers do not like to block the left turn lane at the Hall driveway because other drivers are forced to cut around then cut back into the left turn lane. He can understand why some customers might prefer to proceed on up the hill to the Hall/Greenway intersection, turn left on Greenway, and then left again into the store's driveway. While they still have to cross two lanes of traffic to enter at the Greenway driveway, this traffic is moving more slowly and safe gaps are easier to find.

Mr. Spitzer agreed that the speed of oncoming traffic is much faster on Hall than on Greenway. There are more opportunities on Greenway to find a gap in traffic and turn.

Commissioner Griffiths said she recently approached the driver of a bread delivery truck at this store and asked how he entered the parking lot. The driver replied that he entered from Hall. Based on this experience, she said restricting delivery trucks might not be an issue. She asked Mr. Spitzer which driveway he believes most delivery trucks use to enter store property.

After asking for more details on the type of truck the Commissioner had observed, Mr. Spitzer said Commissioner Griffiths probably observed a delivery van. These are more maneuverable and can use the Hall driveway. He explained that Albertson's Corporation semi trucks are the ones that might be excluded from the restriction. These very large trucks must use the Greenway driveway because of their size and restricted turn radius.

Commissioner Crocker said she was disappointed in the report. She said the Commission gave Albertson's Corporation an extra 90 days to come up with a new or better solution. Albertson's consultant's report presents the same solution originally discussed by the Commission last December. In addition, the data used in the Kittelson report to justify the recommendation was taken from another report compiled five years ago. Commissioner Crocker questioned the validity of this data because traffic volume, congestion, and the collision rate at the Hall/Greenway intersection have all increased in the last five years.

Commissioner Crocker stressed that of the five recorded accidents reviewed, four were rear-end accidents at non-peak hours. These facts indicate to her that this left turn is more hazardous than the consultant's report and recommendation imply.

Commissioner Crocker has observed that the store's parking lot has two sets of very severe, jarring speed humps that may actually deter customers from using the Hall driveway. It may appear to customers that the Greenway entry is safer, when in fact, drivers are more vulnerable to rear-end collisions on Greenway. The Commissioner asked Mr. Spitzer when the parking lot speed humps were installed and whether they could be modified.

Mr. Spitzer had no information on when the speed humps were installed. He said they were most likely installed during a time when the store had trouble with drivers cutting through the parking lot in order to avoid waiting at the Hall/Greenway intersection. Mr. Spitzer said that, typically, Albertson's Corporation does not install speed humps in a main drive aisle because it is difficult for customers to maneuver grocery carts over the humps. Albertson's only installs these devices when safety is a clear issue. He offered to investigate the history of the humps, and determine whether the design could be modified. Mr. Spitzer explained that this store will soon go through a remodel, so this is a good time to investigate site upgrades.

Commissioner Crocker asked if Albertson's had followed up on the suggestion made at the December hearing to possibly create a shared driveway with the apartment complex adjoining the store on the south. This would move the store's incoming Greenway traffic to a safer driveway located farther from the congestion of the Hall/Greenway intersection.

Mr. Spitzer answered that he discussed this idea with the engineering consultant to determine issues and costs. The idea never developed to the point of actually talking with the owner of the apartment complex. He said Albertson's experience with sharing driveway access has not been positive. Mr. Spitzer is concerned with both the safety of the children living in the apartments and the topography issues that must be overcome to install such a shared driveway.

Mr. Spitzer returned to Commissioner Crocker's earlier comment that Albertson's Corporation was given extra time to develop new ideas, but came up with nothing. He said the consultant's report also reviewed the idea of adding an additional left-turn lane. This idea was discussed before, but it is a very expensive option to pursue. He said that, at this time, "Albertson's doesn't have it in their budget to do so."

Mr. Spitzer acknowledged that the accident history shows that collisions occur throughout the day, not just at peak traffic hours. What is not known is how the number of collisions on this section of Greenway compares to similar roadways in Beaverton with similar business uses. He reiterated that, although the store would prefer full use of the driveway, in the interest of public safety, they agree to the timed left-turn restrictions recommended by City staff.

Commissioner Isaak asked if Albertson's Corporation had considered improving the store's signage on Hall to encourage customers to enter using that driveway. She asked if that improvement could be included in the site upgrade.

Mr. Spitzer answered that it could. With the City's approval, directional signs could be installed on eastbound Hall to encourage customers to drive straight through the Hall/Greenway intersection before entering the store's parking lot.

Donald Huffman, Beaverton, Oregon, explained that he lives nearby and he is a regular customer of the Albertsons store. He believes that making a left turn into this driveway from Greenway is inherently dangerous, especially considering the street's heavy traffic. Mr. Huffman stated that limiting the turn restriction to only peak afternoon hours is "insufficient and maybe meaningless" as a way to increase safety at this driveway. He said he would continue to shop at this Albertsons, even if full restrictions were implemented at the Greenway driveway.

Mr. Huffman referred to the discussion of this issue recorded in the December 2002 minutes. There, Beaverton City Councilor Cathy Stanton stated that traffic at the Hall/Greenway intersection becomes heavy by 2:30 p.m. on weekdays. While Mr. Huffman would prefer a 24-

hour-per-day restriction of all left turns into the store's Greenway driveway, he would also support restricting left turns from 2 p.m. to 8 p.m. He believes this proposal is safer than the limited 4 to 6 p.m. restriction recommended by City staff.

Staff Comments

Mr. Wooley had no additional comments.

Commissioner Griffiths asked if it would be difficult for the store's customers to make a U-turn at the Hall/Greenway intersection from driving westbound on Hall.

Mr. Wooley explained that making a U-turn at this signal would be illegal, unless a sign was posted stating that U-turns were allowed. He believes the intersection is too narrow for U-turns. Most intersections that allow legal U-turns have a median island.

Commissioner Griffiths asked about the best locations to place signs restricting left turns at the driveway.

Before answering, Mr. Wooley returned to the previous question. He added that a right-turn arrow was recently installed to help cars turning eastbound from Greenway onto Hall. He said this would make U-turns difficult.

As for signing on Greenway if turns are prohibited, Mr. Wooley said staff has not worked out all the details, but the right side of Greenway would be a standard location. He would also prefer to place one on the left side of the street near the driveway, so that drivers looking toward that driveway would see the sign. Placing signage on store property in order to direct customers to the Hall driveway, while they are still on Hall, is a good idea.

Chairman Knees asked Sgt. Meisner if he preferred a complete left-turn restriction, or if he thought the 4 to 6 p.m. restriction would be easier for police to enforce.

Sgt. Meisner answered that police would first approach enforcement at this driveway as a community education project. He said Beaverton has quite a few newer buildings with restricted turns in or out. He explained that officers visit these sites regularly during the first few weeks to educate drivers. Later, they write citations.

Sgt. Meisner explained that police have many enforcement priorities for their available time. Monitoring a grocery store driveway is not something police would devote much time to, unless there were regular citizen complaints. Sgt. Meisner added the hours of 4 to 6 p.m. are especially challenging because the shift changes at 4:30 p.m. and two motorcycle officers go off duty. He then has only two units available, and again, there are higher priorities demanding immediate attention. He said several officers keep a close watch on the restricted left turn driveway on Scholls Ferry Road near Teal at the Chevron station. There, police frequently write citations.

Chairman Knees asked which of the two options under consideration would be easier for police to enforce.

Sgt. Meisner said restricting left turns only during specific hours is more difficult for police to enforce, especially when compared to a complete restriction. Whether or not a citation stands up in court could depend on whose watch is consulted. He said if all left turns were restricted at this driveway, it would make more sense to "curb it" to fully eliminate the turn. He understands that

semi trucks must use the Greenway driveway to reach the store's loading dock, so closing the driveway with curbing is not a realistic option.

Commissioner Crocker asked Sgt. Meisner if he saw any parallel between Albertsons driveway on Greenway, and the southerly, left turn out of the Murray Boulevard Safeway store.

Sgt. Meisner answered that "Yes, it is a similar problem," but the big difference is that speeds on Murray are much higher.

Mr. Wooley clarified that the solution used to improve the driveway for the Safeway on Murray at Allen did not involve a turn restriction. The City applied for a grant to pay for median improvements to create a better center merge lane, along with other sight distance improvements. There are no turn restrictions in any direction imposed at that driveway.

Chairman Knees summarized that the exit was improved by adding a two-step, southbound left turn. There are no turn restrictions there that might make it inconvenient for customers to reach the Safeway store.

Commissioner Griffiths asked about the difficulty of turning left from Hall into the Albertsons driveway during peak hours. Would it create a new problem if drivers were required to turn left directly from Hall into the store's parking lot rather than turning left to Greenway and then left from Greenway?

Mr. Wooley responded that many drivers already make the left turn directly from Hall into the parking lot. He did not think that the proposed turn restriction on Greenway would create a new problem on Hall.

Chairman Knees closed the public hearing on TC 500.

Commission Deliberation

Commissioner Crocker said it is clear to her that Greenway is too narrow near the intersection with Hall and the intersection's congestion will continue to worsen as development to the south continues. She believes the city's lack of through streets leads to Greenway's heavy use. The Commissioner lives in the Greenway neighborhood and finds only two ways to enter the neighborhood when returning from Portland, either through the congestion on Hall Boulevard or through the congestion on Scholls Ferry Road.

Commissioner Crocker believes that allowing any left turn into this driveway is too dangerous. This driveway turn poses an immediate hazard to all drivers who must use Greenway Drive to reach their homes. She believes it would be irresponsible of the Commission to continue to permit left turns into this driveway.

Commissioner Crocker said she would have more empathy for Albertson's position if there were no other way for customers to reach the store. However, there is another safer way to reach the store and the public needs to be educated about the dangers of using the Greenway driveway. A full restriction of all left turns at this driveway would be easiest for customers to remember. Semi trucks would be the exception, but Albertson's still must ask their drivers to deliver at non-peak hours.

Commissioner Griffiths reasoned that a 4 to 6 p.m. restriction would include a learning curve because Beaverton residents are not generally familiar with time restrictions on traffic signs. She wonders if a partial restriction will be enough to actually change driver behavior. She is concerned that drivers will not see the signs in time to avoid having to turn around farther down the street and then return to the driveway from the south. This might be irritating to some drivers. Commissioner Griffiths said she is also concerned about the store's customers potentially enlarging Hall's northbound, left-turn queue for Greenway by blocking the left center lane at the driveway. Any decision will have tradeoffs. The Commissioner is also concerned about this store facing a negative business impact from a turn restriction.

Commissioner Overhage said she reasoned through many of the same points. She has no strong opinion one way or the other. Commissioner Overhage said that in Oregon's economic condition, she is very sensitive to the needs of local businesses. She said she is also very concerned about public safety. She reviewed the testimony of the people who came forward at these hearings. She said every individual who came forward to testify asked for longer restrictions than staff's preferred 4 to 6 p.m. recommendation.

Commissioner Isaak said she really wants to support the store because she knows there is a narrow profit margin in the grocery business, but public safety is still the overriding issue. Of the citizens who testified in this hearing, most asked either for a complete turn restriction, or for longer hour restrictions than those recommended by City staff.

Commissioner Isaak is also concerned about drivers being confused by the time restriction on the signs. This momentary driver confusion, by itself, could lead to collisions. She leans toward a full restriction except for semi trucks.

Commissioner Isaak believes this decision will likely adversely affect the store's profits, and this part of the decision she truly regrets. She continues to be concerned about cars turning into the driveway on northbound Hall Boulevard. Rear-end collisions are likely to increase at that driveway, but unlike the documented collisions on Greenway Drive, these collisions are likely to be at higher speeds. She is also concerned that some drivers making a left turn at the Hall driveway will misjudge the gap in oncoming traffic and be T-boned by cars speeding down Hall's incline. The decision hangs upon judging the known dangers against the unknown dangers.

Chairman Knees said left turns at Albertsons driveway on Greenway have been a long-standing safety problem. He said both solutions under review at this hearing are cost effective for the City of Beaverton and Albertson's Corporation. Between the two restrictions, he believes that a total turn restriction is easier for drivers to understand and then act upon. He said that the reality is that some drivers will continue to make left turns at this driveway even if it is restricted. The Chairman agrees with Commissioner Crocker's earlier comment that the recorded collisions do not fit neatly into the 4 to 6 p.m. time window. His preference is a full left-turn restriction, except for semi trucks.

Commissioner Griffiths said that she is still bothered that northbound drivers on Hall must make a left turn across traffic to enter the store driveway. They do not have the option of making a U-turn at Hall and then returning to make a right turn into the store driveway. She asked Mr. Wooley if the traffic signal at the intersection could be adjusted to make a legal U-turn possible for Hall drivers wanting to return to the store's driveway.

Mr. Wooley answered that the right-turn signal on Greenway at Hall was just recently installed. The recommendation came from the City's Transportation System Plan (TSP) as a way to

improve the intersection's traffic capacity, especially during peak morning hours. The only way to accommodate a U-turn would be to remove the right turn arrow. He recommends against that because of the inherent traffic movement conflicts. If the turn arrow had never been installed, a "U-turns Permitted" sign might have been an option, after a public hearing by the Traffic Commission.

Commissioner Crocker **MOVED** and Commissioner Isaak **SECONDED** a **MOTION** to prohibit left turns from the southbound lane of SW Greenway into the commercial driveway located approximately 250 feet south of the Hall Boulevard intersection, except for motor trucks with a gross vehicle weight rating over 20,000 pounds.

No discussion followed. The **MOTION PASSED** unanimously, 5:0.

Commissioner Crocker **MOVED** and Commissioner Isaak **SECONDED** a **MOTION** to approve the final written order for TC Issue 500 as stated.

No discussion followed. The **MOTION PASSED** unanimously, 5:0.

— END EXCERPT —

ADJOURNMENT

Chairman Knees adjourned the April 3, 2003, meeting of the Traffic Commission at 9:20 p.m. The next meeting will be May 1, 2003.

cc: Mayor, City Attorney, ^{Vij}
L. Adlard, T. Ramisch, R. Wadley

*Filed in City Records of
City of Beaverton
L. Adlard*

EXHIBIT 4

Coie

04-14-03P03:42 PAID

Mark D. Whitlow
PHONE: 503.727.2073
EMAIL: mwhitlow@perkinscoie.com

CITY OF BEAVERTON
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Portland, OR 97204-3715
PHONE: 503.727.2000
FAX: 503.727.2222
www.perkinscoie.com

April 14, 2003

BY MESSENGER

City Recorder
City of Beaverton
4755 SW Griffith Drive
Beaverton, OR 97076

**Re: Appeal of Traffic Commission Decision on Issue TC 500
Left Turn Restrictions on SW Greenway at the Driveway near
Hall Boulevard**

Dear City Recorder:

We represent Albertson's, Inc., and are submitting this appeal of the Traffic Commission Decision in the above-referenced matter. Enclosed is a check for the \$250 appeal fee. The Traffic Commission's decision would result in the closure of a left turn movement onto the Albertson's site from SW Greenway. Albertson's has appeared and testified orally and in writing in the proceedings leading up to this decision.

As an initial procedural matter, Albertson's requests that the City Council move to hold a de novo hearing on this appeal, as allowed by Beaverton Code Section 6.02.065.G. Albertson's would like to present additional information that was not included in the record before the Traffic Commission regarding the possibility of mitigation in the form of adding an additional lane to Greenway to accommodate a left turn refuge, as well as the impacts to Albertson's that would arise out of the closure of the left turn movement.

Regarding the Traffic Commission's decision, Albertson's understands and appreciates the safety concerns raised regarding reducing the potential for rear-end collisions on Greenway and reducing conflicts between left-turn traffic and northbound traffic on Greenway. However, Albertson's believes that a different solution can be reached that addresses these safety concerns, but does not require the complete prohibition of left turns into Albertson's from Greenway during all hours of

[37307-0015/PA031040.096]

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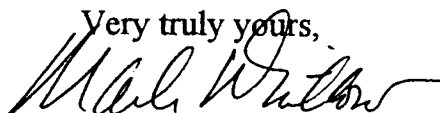
Perkins Coie LLP (Perkins Coie LLC in Illinois)

City Recorder
April 14, 2003
Page 2

the day. As explained in the report submitted by Kittelson & Associates dated March 10, 2003, delays due to left turns into Albertson's from SW Greenway only typically occur during the p.m. peak period of 4:00 to 6:00. Therefore, restricting left turn movements during this period is a reasonable way to address the problem, which will not be as detrimental to site accessibility.

Also, Albertson's has engaged Kittelson & Associates to provide an analysis of the feasibility of widening SW Greenway by providing additional right of way along the Albertson's frontage, and estimating the costs associated with such a project. If the widening appears feasible, Albertson's would like to include such an analysis as part of the proceedings before the City Council on this matter.

Very truly yours,



Mark D. Whitlow

MDW:djf

Enclosure

cc: Mark Pilliod
Albertson's, Inc.



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

610 SW ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-5230 • FAX (503) 273-8169

EXHIBIT 5

May 27, 2003

Project #: 6008.0

Mr. Randy Wooley
City of Beaverton Engineering Department
4755 SW Griffith Drive
Beaverton, OR 97076

RE: *Transportation Review of Albertsons Access to Greenway Drive – Beaverton, Oregon*

Dear Mr. Wooley:

This letter was prepared on behalf of Albertson's, Inc. as a response to the recommendation made by the City of Beaverton Transportation Commission to the City Council to impose a 24-hour left-turn restriction at the Albertsons site access driveway along Greenway Drive in Beaverton, Oregon. The intent of this letter is twofold: (1) To present new traffic data into the public record regarding the development of vehicle queues along Greenway Drive created by left-turning vehicles entering the Albertsons site; and (2) To present options for the City Council and/or Transportation Commission to consider other than restricting left-turn movements into the Albertsons site driveway for all hours of the day.

SUMMARY OF ADDITIONAL DATA COLLECTION EFFORTS

At the request of Albertson's, Inc., Kittelson & Associates, Inc. collected additional traffic data at the site driveway along Greenway Drive. The purpose of collecting this additional information is to provide members of the City Council and/or the Transportation Commission with a clearer understanding of the frequency and magnitude of the vehicle queues which develop along Greenway Drive from vehicles turning left into the site driveway.

To collect the traffic data, video surveillance was set up at the Albertsons site driveway on a mid-week day in April 2003. Surveillance was conducted between the hours of 6 a.m. and 8 p.m., to cover the 14-hour period when the Albertsons store is open and when traffic volumes on the public street system are at their highest levels. From the video surveillance data, an hour-by-hour record was established of all instances where a vehicle slowed to a stop along Greenway Drive to make a left-turn movement into the Albertsons site. Also established was a record of the maximum number of vehicles in a developed northbound queue on Greenway Drive from the SW Hall Boulevard intersection. Table 1 provides a summary of these observations for each individual hour between 6 a.m. and 8 p.m.

To gauge the impact of vehicle queues created by left-turning vehicles along Greenway Drive, it is important to point out that there is approximately 240 feet of distance between the Albertsons driveway and the crosswalk of the adjacent traffic signal at SW Hall Boulevard. Assuming that a typical vehicle takes up 25 feet of storage length, a queue length of 9 vehicles can develop between the Albertsons driveway and the adjacent intersection before mainline traffic on Hall Boulevard is disrupted.

Table 1
Observed Southbound Left-Turn Vehicle Queues (6 a.m. to 8 p.m.)

Time	Queuing Instances (Incidents/hour)	Maximum Queue (Vehicles)
6:00 a.m. - 7:00 a.m.	No recorded Queues	0
7:00 a.m. - 8:00 a.m.	4	2
8:00 a.m. - 9:00 a.m.	4	2
9:00 a.m. - 10:00 a.m.	1	1
10:00 a.m. - 11:00 a.m.	1	1
11:00 a.m. - 12:00 p.m.	1	1
12:00 p.m. - 1:00 p.m.	4	4
1:00 p.m. - 2:00 p.m.	5	3
2:00 p.m. - 3:00 p.m.	6	3
3:00 p.m. - 4:00 p.m.	9	4
4:00 p.m. - 5:00 p.m.	11	3
5:00 p.m. - 6:00 p.m.	5	4
6:00 p.m. - 7:00 p.m.	22	9*
7:00 p.m. - 8:00 p.m.	11	3

* Queue backed up into the crosswalk of the adjacent intersection at Hall Boulevard.

Based on the results of the survey shown in Table 1, queuing incidents reached their highest levels between the hours of 3 p.m. and 8 p.m. More importantly, there was only one time period when a southbound vehicle queue along Greenway Drive extended back into the crosswalk of the adjacent intersection at Hall Boulevard. This was during the period from 6 p.m. to 7 p.m. At all other time periods of the day, vehicle queues did not extend beyond 4 vehicles in length. Based on the patterns observed in the video surveillance, the only period of time when a left-turning vehicle has the potential to create a queue that could extend back into the adjacent intersection is between the hours of 3 p.m. and 7 p.m.

ANALYSIS OF OPTIONS

Kittelson & Associates, Inc. has identified and evaluated four other options for the City staff to consider, in lieu of a 24-hour restriction recommended by the Transportation Commission for the Albertsons driveway. These options are summarized in the following sections.

Option #1 – Restrict Left-turns Between 3 p.m. and 7 p.m. (All Days of the Week)

Option #1 is a modification of a previous concept proposed by Albertson's, Inc. and supported by you to restrict left-turns into the site between 4 p.m. and 6 p.m. Under this revised option, left turns would be restricted from Greenway Drive into the Albertsons driveway for a longer duration between the hours of 3 p.m. and 7 p.m. This recommendation is based on the observations made from the recent video surveillance conducted at the site driveway and the results of the vehicle queuing analysis (see Table 1). Such a restriction would effectively cover the time period for when the greatest potential exists for excessive vehicle queue buildup along Greenway Drive. Based on our study, this restriction is not needed during any other hours of the day.

The proposed method for restricting left-turn movements into the site driveway during specific hours of the day would be to establish two signs posted near the Albertsons driveway reading "No Left Turns – 3 PM to 7PM". It would also be beneficial to add an additional sign eastbound along Hall Boulevard's approach to Greenway Drive reading "Access to Albertsons- Use Hall Boulevard" to encourage Albertsons customers to use the Hall Boulevard site access. The associated costs for implementing this option are minimal and would only require signs posted within the public right-of-way on Greenway Drive.

Option #2 – Construct Exclusive Left-turn Lane on Greenway Drive

Option #2 involves adding an exclusive left turn lane on Greenway Drive for left-turning vehicles accessing the Albertsons driveway. This improvement would effectively separate left-turning vehicles from those traveling straight along Greenway Drive, and would eliminate the potential for vehicle queuing and spillback into the adjacent signalized intersection. Based on the current lane geometry and right-of-way limitations, the only realistic means for establishing a separate left turn lane would be to widen Greenway Drive along the Albertsons property frontage beginning at the driveway and ending at the intersection with Hall Boulevard. There is an existing planting strip along the Albertsons frontage between the curb and the sidewalk (approximately 12 feet in width) which could accommodate the street widening. The attached figure (Figure 1) shows how the proposed left turn lane could be established within the existing right-of-way and with no adverse impacts to the adjacent signalized intersection at Hall Boulevard.

The cost associated with constructing the southbound left-turn lane improvement shown in Figure 1 is estimated to be on the order of \$220,000. This cost includes street widening along the Albertsons property frontage, new sidewalk construction, re-grading of Albertsons driveway, modifications to the traffic signal at Hall Boulevard, and relocation of underground utilities. The cost of \$220,000 is not feasible for Albertson's, Inc., and based on conversations with City staff, the City of Beaverton does not have the funds available to implement a new transportation project to improve vehicle accessibility to the site.

The possibility of implementing Option #2 is also affected by the need to meet certain City standards. The improvements shown in Figure 1 are not consistent with the City's urban street design standards or the intersection curb radii standard. City code requires that improvements made along streets such as Greenway Drive be consistent with the urban street design standard. Since Greenway Drive is classified as an arterial road, additional widening would be necessary beyond what is shown in Figure 1 and would include a 5-foot bicycle lane and a 6.5-foot planting strip. Such improvements would force the dedication of additional right-of-way along the Albertsons site frontage. This would create issues with the City's landscaping and setback requirements and trigger significant improvements to the traffic signal at Hall Boulevard since the signal controller is located on the southeast corner of the intersection. The proposed curb radius of 30 feet shown in Figure 1 for the southeast corner of the Greenway Drive/Hall Boulevard intersection also does not meet the city standard. However, the City is currently pursuing an amendment to the engineering design standard to allow for smaller street corner radii. If additional frontage improvements are required beyond what is proposed in Figure 1 to meet certain design, engineering, and planning standards, the cost associated with such an improvement would far exceed the initial estimate of \$220,000, making this option even more unrealistic.

Option #3 – Relocation of Albertsons Driveway

Another option considered was to relocate the existing Albertsons driveway along Greenway Drive to the south end of the parking lot. This improvement would allow more storage for vehicle queuing on Greenway and reduce the likelihood of spillback into the adjacent signalized intersection. However, this concept would create internal circulation and parking problems based on Albertsons current parking lot and building layout. Cars and Albertsons delivery trucks circulating between the main parking lot and the relocated access would have a difficult time maneuvering around the Albertsons storefront and many parking spacing spaces would be eliminated as a result. Therefore, Albertsons does not consider this to be a feasible alternative.

Option #4 – Shared Driveway with Apartment Complex to the South

This option calls for the closure of the existing Albertsons driveway and the establishment of a new internal driveway connection to the adjacent apartment complex south of the site, where the existing apartment complex driveway to Greenway Drive could be used as a shared access. This option is similar to Option #3, in that more storage could be provided for vehicle queuing along Greenway but it has the same internal traffic circulation problems on site. This option is also not feasible, given the extreme elevation difference between the Albertsons parking lot and the apartment complex property. A driveway connecting the two

properties would be non-economical and the added traffic crossing the apartment complex parking lot could present a hazard to the residents and their children.

CONCLUSIONS

Based on the review of the additional traffic data collected in the field and the evaluation of four options considered for treating left-turns into the Albertsons driveway on Greenway Drive, the following recommendations are made for the Beaverton City staff to consider as part of the de-novo hearing process to appeal the Transportation Commission's recommendation to the City Council:

- Implement Option #1 and post two signs along Greenway Drive near the Albertsons driveway reading: "No Left Turn- 3PM to 7PM", plus one sign along the eastbound approach of Hall Boulevard at Greenway Drive reading "Access to Albertsons- Use Hall Boulevard".
- Either the City of Beaverton or Albertsons shall monitor the effectiveness of the left-turn restriction over a six-month period through additional video surveillance.
- Request the City Council reconvene after a six-month period to rule on the effectiveness of the proposed left-turn restriction through signage alone under Option #1. If the proposed signage is deemed ineffective by the City Council, alternative measures may then be selected for implementation such as the full left-turn lane improvement described under Option #2. If Option #2 is selected for implementation by the City, Albertson's, Inc., will contribute up to 50% of the project-related costs under the condition that the City will approve the proposed street widening scheme shown in Figure 1 and variances to the City's street and engineering design standards can be obtained.

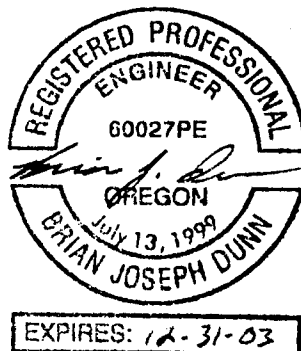
If you have any questions or comments regarding the traffic analysis presented in this letter, please call me at (503) 228-5230.

Sincerely,
KITTELSON & ASSOCIATES, INC.



Brian Dunn, P.E.
Senior Engineer

Attachment: Figure 1:







MEMORANDUM

City of Beaverton
Engineering Department
Transportation Division

EXHIBIT 6

To: Mayor and Council
From: Randy Wooley, City Transportation Engineer *R. Wooley*
Date: May 28, 2003
Subject: *Appeal of Traffic Commission Issue Number TC 500*

As a consultant to Albertsons, the traffic engineering firm of Kittelson & Associates has collected additional traffic data, presented in Exhibit 5 of the agenda bill. Based on the additional data, Kittelson concludes that the peak period when left turns may be a problem on Greenway at the driveway is the period between 3 p.m. and 7 p.m. This is consistent with the testimony from residents who spoke at the Traffic Commission hearings.

Kittelson has recommended that turn restrictions be established only between the hours of 3 p.m. and 7 p.m. and that the restrictions be established on a trial basis for a period of six months. After six months, the issue would be brought back to City Council for a final decision.

Staff supports the recommendation for a six-month trial period. The Traffic Commission was concerned that a turn prohibition only during peak hours would be confusing to drivers and difficult to enforce. Six months would be sufficient time to determine whether the limited hours would be a problem.

During the Traffic Commission hearings, Albertsons indicated that truck deliveries could be scheduled to avoid peak hour times. Therefore, staff recommends that the truck exemptions recommended by the Traffic Commission not be a part of any restrictions that are only during peak hours.

If Council agrees, the turn prohibition will be monitored for six months after the turn prohibition signs are installed. After the six-month trial, a new hearing will be scheduled before the Council to determine whether to make the turn prohibition permanent or to adopt an alternate solution.

Staff Recommendation:

- Prohibit left turns from the southbound lane of SW Greenway into the commercial driveway located approximately 250 feet south of the Hall Boulevard intersection between the hours of 3 p.m. and 7 p.m. each day and direct staff to install the appropriate signing.
- Direct staff to monitor the effectiveness of the left-turn restrictions for a period of six months after the signs are installed.
- Direct staff, following completion of the six-month period of monitoring, to schedule a new hearing before the City Council to consider a permanent decision

on Traffic Commission Issue Number TC 500. The hearing shall be noticed and conducted in accordance with the procedures for hearings on appeals of decisions of the Traffic Commission.

BEAVERTON CITY COUNCIL
REGULAR MEETING
JUNE 16, 2003

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forest C. Soth Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, June 16, 2003, at 6:30 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Betty Bode, Dennis Doyle, Fred Ruby, Forrest Soth and Cathy Stanton. Also present were Chief of Staff Linda Adlard, City Attorney Mark Pilliod, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Police Captain Wes Ervin, Transportation Engineer Randy Wooley, Beaverton Arts Commission Director Jayne Scott, Deputy City Recorder Catherine Jansen and City Recorder Sue Nelson.

— EXCERPT START —

PUBLIC HEARING:

03150 Appeal Hearing on Traffic Commission Issue TC 500 Regarding Left Turn Restrictions on SW Greenway at the Driveway Near Hall Boulevard

Mayor Drake announced the public hearing and asked if staff wanted to add anything to the staff report or if there were Council questions.

Transportation Engineering Randy Wooley noted a map of the Greenway/Hall intersection posted on the wall (page 51 of record). He said Coun. Stanton asked for the collision history of the driveway on Hall Boulevard from the Albertson's parking lot. He reported from 1999 to 2001, two accidents were reported there; one involved a left turn and the other a rear-end collision; both were between the hours of 5:00 p.m. and 6:00 p.m.

Mark D. Whitlow, Perkins Coie, attorney for Albertson's (appellant), introduced James Spitzer of Albertson's and Brian Dunne, Traffic Engineer, Kittelson & Associates. He reviewed their efforts to find a permanent solution for the infrastructure improvements and noted there were several physical, financial and planning roadblocks. He said additional data was collected which lead to a third interim solution they were asking Council to consider; he said this was the staff recommendation. He thanked staff for their help.

Brian Dunne, Traffic Engineer, Kittelson & Associates, Portland, referred to Exhibit 5, page 47 of the record, and the map on the wall. He introduced new evidence to the record, that was new data Kittelson obtained by conducting video surveillance of the first driveway off Greenway Drive entering Albertson's. He said the video surveillance was setup from 6:00 a.m. to 8:00 p.m. on a Wednesday, to capture the left turns into the site access, to determine how to treat left turns in the future. He said that the results of the survey were shown on Table 1, page 48, of the record. He said they also collected information on the maximum queue length. He noted the maximum queue length occurred around 6:15 p.m. and was nine vehicles. He noted the vehicle queue extended back to the crosswalk at Hall Boulevard.

Dunne explained the surveillance results indicated a more effective window for restricting left turns was from 3:00 p.m. to 7:00 p.m., using signage only. He said the other hours had not required a posted left-turn restriction. He said they looked at four options and went with Option 1 in the staff report, to post signs on Greenway restricting left turns between 3:00 p.m. and 7:00 p.m., for all days of the week. He noted Albertson's delivery trucks could be diverted from that time period. He noted Option 1 had a nominal cost and they could monitor the conditions for six months, after which the Council could make a final decision on the effectiveness of the posted restrictions.

Dunne reviewed the three other options they considered (in staff report). He said that to construct a left turn pocket would be costly (\$220,000) and neither the City nor Albertson's had funds to do this. He said Albertson's should not have to bear the full cost of improvements (as other properties also benefited) and if full street improvements were required, the cost would be much higher. He noted the third option to relocate the driveway resulted in the removal of parking stalls and a traffic bottleneck of cars, delivery trucks and pedestrians at the front entrance of Albertson's. The fourth option of closing the driveway and having a shared access with the neighboring residential development also created a traffic bottleneck at the front of Albertson's and created a mixture of commercial and residential traffic at that driveway which was not desirable. Based on these options, he said they were requesting posted left turn restrictions from the hours of 3:00 p.m. to 7:00 p.m. and that a sign be posted on Hall Boulevard (east) that said "Access to Albertson's use Hall Boulevard." He said they considered limiting the movements at that driveway with a median, but that made left turns out of Albertson's impossible. He asked that Council approve the signage and monitor the conditions to determine its effectiveness. He stressed they wanted to work with the City on the solution.

Coun. Soth noted that during the Traffic Commission's hearing, they mentioned the difficulty of maneuvering the large delivery trucks if they had to come in off of Hall Boulevard to access the Albertson's loading area. He asked how large were the trucks turning into Albertsons.

James Spitzer, Sr. Real Estate Manager, Albertson's NW Division, Portland, explained most of their trucks were 53 feet.

Coun. Ruby referred to the Kittelson letter dated May 27, 2003, (pages 47-50). He said he was puzzled that the cost of \$220,000 was not feasible for Albertson's or the City. He said that was a modest amount for a road improvement and he was not confident signage would take care of the problem. He asked what the obstacles were to coming up with the funding.

Dunne replied the \$220,000 cost was an estimate of the minimal improvement. He noted that meeting the City's full design standards and rebuilding the traffic signal were not included in the estimate. He said widening Greenway required rebuilding the traffic signal that was recently updated. He stressed the cost could be much higher and there were uncertainties in that variances were needed on the City's street standards.

Spitzer explained that with a remodel the budget was smaller and had not included off-site improvements. He said if there was a way to partner with the City for fifty percent of the cost, they could take that to their management.

Dunne said they were asking Council to consider testing the signage because they felt it would work. He said they talked to the Transportation Engineer about implementing this test for six months. He said having this access was crucial to their business and if the restriction was not effective, they were willing to entertain other options.

Engineering Director Tom Ramisch explained funding for this improvement came from the Street Fund and there were no extra funds in that account in the near term.

Coun. Ruby asked if they could declare an emergency to get the funding.

Mayor Drake said if that was the Council's wish, he recommended taking testimony tonight and having the discussion, then allowing staff to come back with a firmer definition of costs. He noted he thought the estimated cost was soft.

Coun. Bode asked who came up with the sign idea.

Wooley explained the idea of the left turn restriction during certain hours was initiated from staff.

Coun. Bode said she felt this idea could have been resolved at the Traffic Commission level if everyone had stayed at the table long enough. She said she felt it was worth trying.

Coun. Stanton asked if the \$220,000 estimate included design engineering.

Dunne replied it did.

Coun. Stanton asked if the queue for the left turn lane could be 200 feet, instead of 250 feet, to bypass the traffic signal controller.

Dunne pointed out on the map (page 51) the southeast corner had not changed; the estimate was based on the controller remaining in place. He said they started with a zero width which gradually transitioned into the left turn pocket. He noted the dashed line was the existing road and the solid line was where the new road would be; it resulted in a sharper turning radius on the corner for the northbound right turn onto Hall Boulevard. He said the controller would have to be moved if the improvement was consistent with full design standards.

Coun. Stanton said on page 6 that staff noted in the collision records there were five accidents and only one occurred in the 4:00 p.m. to 6:00 p.m. time period. She asked if staff knew at what time the other collisions occurred.

Wooley replied they were throughout the regular day.

Coun. Stanton asked if only one of the accidents was during the p.m. peak, and the other was during the day, why would having the restriction only during the p.m. solve the problem of collisions.

Mayor Drake noted stores were very busy from 3:00 p.m. to 7:00 p.m.

Dunne replied that it was the combined effect of being very busy between those hours and traffic on adjacent streets was at its highest. He noted accidents occur everywhere; it was human behavior.

Coun. Stanton noted in the April 3rd minutes, Spitzer spoke about the speed humps installed in the parking lot. She asked if he investigated the history of the speed humps and what was the conclusion.

Spitzer replied the speed humps were installed in 1999 at the City's request. He noted they were a tripping hazard for pedestrians and could be a maintenance problem. He said they determined the speed humps were definitely needed at this store and would remain through the remodel.

Coun. Stanton asked if Albertson's management had any discussion about modifying the speed humps; making them more like a table instead of a hump.

Spitzer said he could ask about that as part of the remodel.

Coun. Stanton said she agreed with Traffic Commissioner Crocker. She said she had not seen Albertson's come up with anything creative, though they did research the ideas that came up. She said this was her grocery store and she wanted Albertson's to stay there and be successful. She noted Albertson's had to be responsible for being there also and she was concerned that in the widening the white oak tree would not survive.

Spitzer explained they researched the options and there was consensus with City staff that the restriction was the next step. He noted the surveillance tape showed the peak time for traffic for the store was from 3:00 p.m. to 7:00 p.m. He said this same solution was used in Houston, Texas, where it appeared to work effectively. He said that if the cost for the signage was reasonable, Albertson's would pickup the tab if they could.

Coun. Stanton asked if Albertson's was planning to do a more visible monument closer to the Hall Boulevard driveway.

Spitzer replied it might be possible. He said he would ask Albertson's staff about that.

Coun. Stanton noted on Table 1 (page 48) on the southbound left turn vehicle queues; there were 22 incidents of recorded queues between 6:00 p.m. to 7:00 p.m. She asked how many cars made up a queue.

Dunne said one car having to stop was a queue. He said 90% of the incidents happened between 6:00 to 6:30 p.m. He said the video camera was posted towards the access.

Coun. Stanton said it was difficult trying to turn there.

Coun. Soth asked Dunne if he looked at the \$220,000 cost analysis from the standpoint of curbs and pavement.

Dunne said that was correct. He said a contingency factor (30% to 40%) was built in for such things as relocation of utilities and the signal.

Coun. Soth noted if the traffic signal required major modifications it could be expensive.

Dunne explained a new signal would cost about \$150,000 to \$200,000; relocation would be a fraction of that. He added if widening was done, there would be other issues to consider including a retaining wall on the Albertson's site and variances.

Coun. Doyle referred to the surveillance tape and asked how often there was more than one car attempting to turn left into the driveway.

Dunne said he saw only one instance where two cars in a row made a left turn.

Coun. Doyle asked about the economic impact on the store if the left turn was never allowed.

Spitzer replied that in the past they saw a significant loss in sales when access was removed from a store. He said he would need to look at empirical data to determine the loss. He confirmed more than 5% was a significant loss.

Coun. Doyle asked staff to review the collision history.

Wooley explained that over the 1999-2001 period, at the driveway on Greenway Drive there were five collisions and on the Hall Boulevard driveway there were two.

Coun. Doyle confirmed the five collisions were heading east on Greenway Drive.

Coun. Doyle said how many collisions there were in the other direction.

Wooley explained they looked at all the reported collisions at the Greenway driveway and came up with five. He noted sometimes accidents occurred and never were reported.

Coun. Bode said she was ready to close the discussion.

Mayor Drake opened the public hearing and asked for public testimony.

K. Robert Crocker, Beaverton, Greenway area resident, said he shopped at Albertson's and drove through that intersection at least four times a day. He said he had been a resident for twelve years and had watched the traffic increase greatly. He said at one of the last meetings he heard 27,000 motorists made that turn within a 24-hour period. He

said he thought a 14 hour review of that intersection was not adequate. He said he saw tremendous traffic lines develop to make left and right turns off of Hall onto Greenway. He said it was a dangerous intersection if you were driving eastbound on Hall and tried a right turn onto Greenway because there was no visibility until you actually made the turn and it was downhill. He said he knew there were accidents that were not reported. He stressed this was a major bottleneck and it was the only intersection available for Greenway residents to come out onto Hall. He noted that many drivers were not conscientious which made the intersection very dangerous. He said all the residents who testified at the Traffic Commission were in favor of prohibiting left turns; there weren't any residents in that area in favor of the left turn.

REBUTTAL:

Whitlow stated there was no doubt there was a traffic problem there; traffic had increased as a result of the success of the community. He noted everyone needed to work together in a public/private situation to find a solution. He said it was not just a result of Albertson's business the traffic had increased and it could not be left to Albertson's to fix the situation. He said they could participate in the solution on a proportionate basis. He noted if bicycle and turn lanes were required, right-of-way would have to come from both sides of the road to align the intersection. He noted if full improvements were required the intersection would have to be reworked; this would cost half a million dollars and should involve everyone. He stressed they felt the signage was worth a try. He urged Council to consider staff's recommendation.

Coun. Stanton said the statement that the increased traffic was a result of the success of the community was a good comment.

Mayor Drake noted legally the City could not put the responsibility for an improvement on just one party when there was shared responsibility. He suggested if Council felt it was pertinent in making a decision on the signage, or making this a project, it was advisable to ask staff to get a better cost estimate. He added if this became a project, key property use decisions would have to be made. He noted this project was not in the Capital Improvement Plan and, if added, it might change the priority of other projects.

Coun. Soth said he saw the opportunity to do both. He said getting a detailed analysis on the project would take time. He suggested setting up the six-month restriction during which time the analysis could be done.

Coun. Bode noted at the rate of 27,000 cars per day, over three years that would be 29 million cars. She noted a solution would take four or five variances. She suggested going back to the City's long range plan; to put funding into completing the 125th Avenue Project to remove the traffic from Greenway and Hall. She said she felt the signage should be done and it was a three party deal public, private and residential. She felt the City should then complete 125th Avenue.

Coun. Doyle said the livability of a neighborhood and the success of a business which adds to the livability, were important to him. He said if this solution was applied to this case, he knew other areas in town that needed signage and speed limits such as at Safeway at Murray Boulevard and Allen Boulevard. He noted that site bothered him more as there had been fatalities there.

Mayor Drake noted Council approved applying for a State grant for work on the Murray and Allen intersection. He noted Hall started only as a bike lane improvement and the Board of Design Review made it a major project.

Coun. Stanton said at the Traffic Commission hearing in December, she mentioned the City had experienced the restrictions on left turn lanes for specific times (Hall Boulevard ramp to Highway 217). She noted before the lights were installed, for five hours each day you could not get onto Highway 217 from Hall. She said she appreciated the staff recommendation to expand the hours to 3:00 p.m. to 7:00 p.m. She pointed out that during the summer they lose about 15% of the drivers in that area. She said she was not sure that Albertson's worked as hard as they could up front, to think these things through. She noted they got more information from Albertson's after the April decision. She said she felt the City should do the 24-hour restriction now until another solution could be brought forward by City staff and Kittelson. She said her biggest concern was safety and she agreed with Coun. Soth that both the restriction and the analysis could be done now. She said she supported having a 24-hour restriction and coming back in six months or less with another plan.

Coun. Ruby said he was persuaded that the partial-hour restriction for six months deserved a try. He noted the staff recommendation in the May 28, 2003, memorandum from Randy Wooley directed staff to report back to Council after that six month period. He said he was concerned about the possibility of confusion for drivers and asked that responses from motorists be part of the report that comes back to Council.

Mayor Drake reminded Council that if they went with the six-month trial period for restricted hours, by the time staff did the analysis of the project, construction would not be sooner than late spring or summer of next year. He added there was no short-term fix for increasing capacity at that intersection.

Coun. Stanton said she did not want to increase capacity; she wanted it to be safer.

Coun. Bode noted they were discussing vehicular flow of drivers using Greenway as a cut through. She said by focusing on the turn lane, they were not finding an answer for those drivers. She stressed the Council needs to look at the long-term plan and what will happen to 125th Avenue. She said this was a Band-Aid approach. She said she wished the Council would consider this appeal and note this is just one instance. She said the bigger issue was the growth and they needed to look at the long-term plan and deal with it under another topic and budget cycle.

Mayor Drake closed the hearing.

Coun. Soth MOVED, SECONDED by Coun. Doyle, that Council grant the appeal on Agenda Bill 03150 on the Traffic Commission Issue TC 500 Regarding Left Turn Restrictions on SW Greenway at the Driveway Near Hall Boulevard, with the conditions that the staff recommendations made in the second and third paragraphs of the Transportation Engineer's memorandum of May 28, 2003, be included and with the condition that staff, during the six-month period, analyze the cost of the left turn lane that was the subject of discussion this evening, and bring that back to the Council in six months or before.

Coun. Bode asked for clarification on the motion regarding analyzing the roadway.

Coun. Soth explained he was asking for an analysis on the feasibility and cost of the left turn lane.

Coun. Bode asked if the motion could be amended to ask staff to look at the feasibility of easing the traffic congestion in that whole neighborhood.

Coun. Soth responded that was beyond the subject of this hearing.

Mayor Drake advised enough work was already done that staff could finish the analysis within six months and develop a reliable estimate. He noted in six months the Capital Improvement Plan budget would be prepared and there would be time to incorporate a project into the budget if desired.

Coun. Bode asked when the signs would go up and handbills sent out.

Mayor Drake noted it would go into effect in about 30 days; the signs could go up immediately.

Mayor Drake asked Coun. Soth if the motion was to grant the appeal and, from Wooley's memorandum of May 28, 2003, that staff follow the first two bulleted items under staff recommendation and come back with a modified version of the third bulleted item to look specifically at the left turn lane.

Coun. Soth confirmed that was correct.

Coun. Stanton said she appreciated Dunne's conclusions on page 50 of the staff report. She noted he offered to have Albertson's included in the monitoring and asked if that could be included in the motion.

Coun. Soth said he was sure staff would seek Albertson's comments and they did not need to be mentioned in the motion.

Coun. Bode said she thought it was in the best interest for all parties to talk and she felt it should not be mandated.

Coun. Stanton said she would not support the motion. She noted all the testimony from the public was for the 24-hour restriction and she was not sure the restricted hours would work.

Coun. Doyle said he read through the testimony more than once and it did move him. He said this was a compromise and a start.

Question called on the motion. Couns. Bode, Doyle, Ruby and Soth voting AYE; Coun. Stanton voting NO, MOTION CARRIED. (4:1)

RECESS:

— EXCERPT END —

EXHIBIT H

JIL DEVELOPMENT, INC
19020 SW Shaw St
Aloha, OR 97007
503-642-7214 Fax 503-642-7285
www.jildevelopment.com

February 5, 2004

Randy Wooley
City Beaverton

Via Fax: 503-350-4052

Dear Randy:

As we discussed last week the property owner of The Park at Greenway Apartments is very concerned about the changes made to the Albertson's entrance on Greenway Boulevard.

All day long we have persons attempting to turn around in our driveway entrance, which is not large enough to accommodate them. They have driven over the curb onto our grass, broken our sprinkler heads, and there have been two accidents at our driveway entrance all since the entrance has been changed.

We understand why the driveway was made a no turn during certain hours and agree that it was causing traffic congestion, but the resulting property damage and in ability to get into our own driveway is not a solution.

My suggestion would be to entirely close that driveway into Albertson's or make it a one way only (exit only).

Thank you for your time and I look forward to hearing from you regarding a hearing date with the Counsel regarding this matter.

Sincerely,



Karri Pollard
Property Manager

AGENDA BILL

Beaverton City Council Beaverton, Oregon




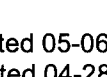
SUBJECT: SNC 2004-0001 Street Name Change of
SW Millikan Boulevard to SW Millikan Way

FOR AGENDA OF: 06-14-04 **BILL NO:** 04115

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 05-25-04

CLEARANCES: Development Services 
City Attorney 
Finance 
Operations 

PROCEEDING: Public Hearing

EXHIBITS: Vicinity Map
PC Recommendation Dated 05-06-04
PC Meeting Minutes Dated 04-28-04
Staff Report Dated 04-21-04

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$520.00	BUDGETED \$1,953*	REQUIRED \$0

*Account Number 101-85-0733-405 Street Fund – Traffic Maintenance Program – New Device Installation Account. The amount budgeted represents the remaining budgetary appropriation as of May 21, 2004.

HISTORICAL PERSPECTIVE:

On April 28, 2004, the Planning Commission conducted a public hearing and recommended approval of the City's proposal to change the name of SW Millikan Boulevard, between Murray Boulevard and TV Highway., to "SW Millikan Way".

INFORMATION FOR CONSIDERATION:

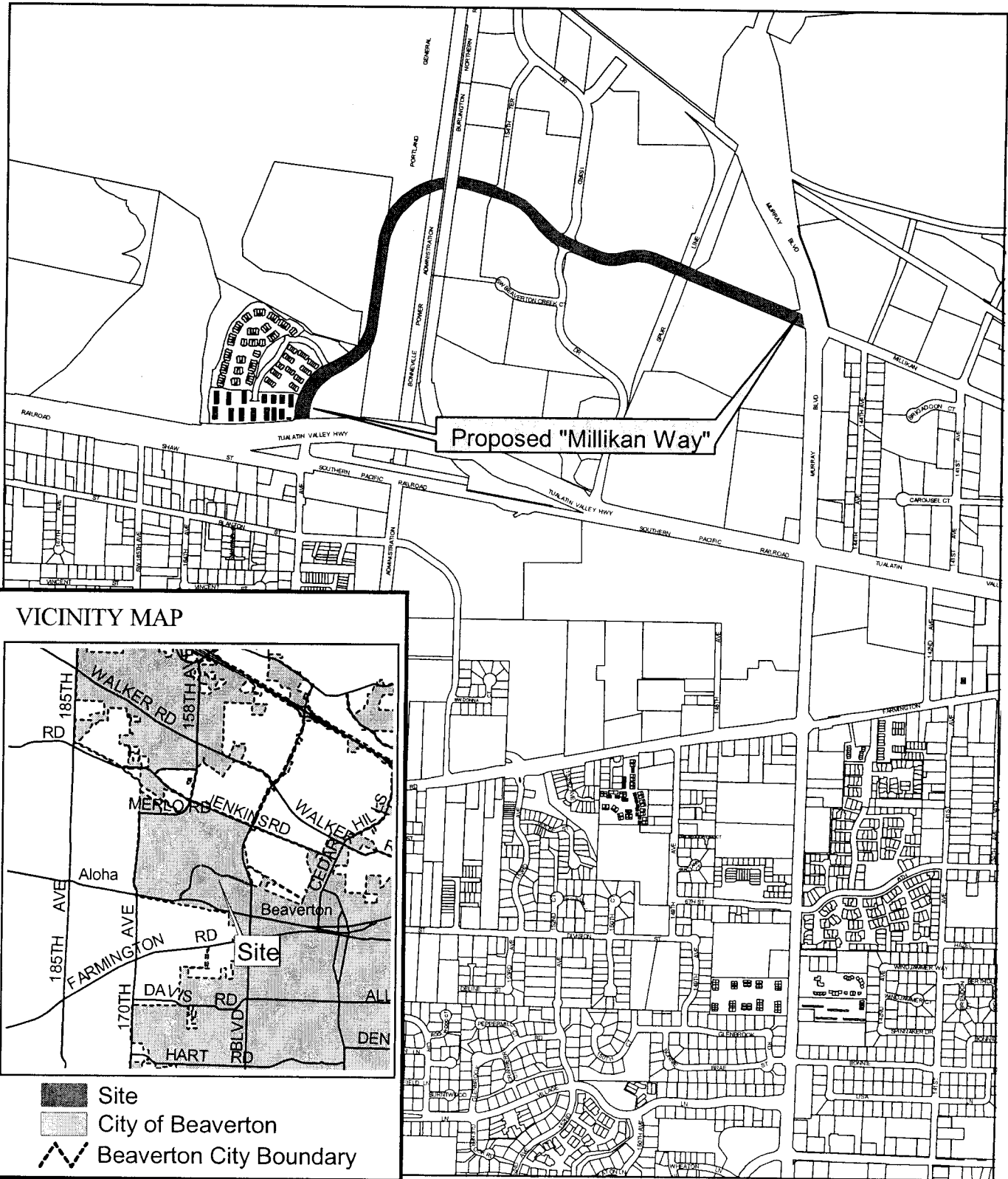
The Street Name Change, in accordance with Section 9.02.060.C of the Beaverton Code, requires a public hearing before the Planning Commission, and requires that the recommendation of the PC be submitted to the City Council. Public notice has been given of the June 14, 2004 City Council Public Hearing on this matter. The Council is the final decision maker and may choose to approve, approve with conditions, or deny the proposed street name change.

The \$520.00 expenditure represents the cost of materials for new street signs. If the street name change is approved, the signs will be fabricated and installed by the Operations Department's Street Sign crew.

RECOMMENDED ACTION:

Conduct a public hearing and adopt the recommendation of the Planning Commission, thereby approving the street name change. Direct staff to prepare an ordinance for adoption by the Council.

DETAIL MAP



City of Beaverton

Millikan Boulevard to Millikan Way Street Name Change

COMMUNITY DEVELOPMENT DEPARTMENT

Development Services Division

3/3/04

Map #

N



Application #

SNC 2004-0001

BEFORE THE PLANNING COMMISSION
FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST)	
	)	ORDER NO. 1700
FOR A STREET NAME CHANGE OF)	
	)	SNC 2004-0001
SW MILLIKAN BOULEVARD TO)	
	)	ORDER RECOMMENDING
SW MILLIKAN WAY (MILLIKAN)	
	)	APPROVAL OF THE
BOULEVARD TO MILLIKAN WAY)	
	)	REQUEST
STREET NAME CHANGE), CITY)	
)	
OF BEAVERTON, APPLICANT)	

This matter came before the Planning Commission on April 28, 2004, on a request for a street name change of SW Millikan Boulevard to SW Millikan Way in order to establish a consistent street name along the entirety of SW Millikan.

This street name change would affect the portion of SW Millikan from SW Tualatin Valley Highway to SW Murray Boulevard, which is currently designated as SW Millikan Boulevard and is proposed to be renamed to SW Millikan Way.

The proposed Street Name Change will affect the roads described above and are located on Washington County Assessor's Map 1S1-08. Properties abutting the streets are zoned Campus Industrial, Station Area- Medium Density, Light Industrial, Station Community- High Density, and R2- Urban Medium Density.

Pursuant to the Beaverton Code, Section 9.02.060, the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Planning Commission adopts the Staff Report dated April 21, 2004, as to applicable criteria contained in Sections 9.02.050 and 9.02.060 and findings thereon; now, therefore:

IT IS HEREBY ORDERED that SNC 2004-0001 is forwarded to the City Council with the **RECOMMENDATION FOR APPROVAL**, based on the facts and findings of the Planning Commission hearing on April 28, 2004, and based upon the following Conditions of Approval:

1. The street name of "SW Millikan Way" is hereby established as the new name of the street, as shown on Exhibit "1".
2. The applicant shall submit to the Washington County Records and Elections Department the adopted ordinance approving the street name change.

Motion **CARRIED** by the following vote:

AYES: Pogue, Winter, Bliss, DeHarpport, Johansen, Maks, and Barnard.
NAYS: None.
ABSTAIN: None.
ABSENT: None.

Dated this 6th day of May, 2004.

This recommendation of the Planning Commission to the City Council is articulated in Land Use Order No. 1700.

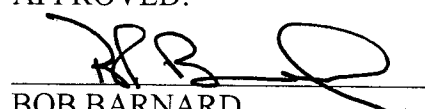
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:


JENNIFER BROWNING
Planning Technician


STEVEN A. SPARKS, AICP
Development Services Manager

APPROVED:


BOB BARNARD
Chairman

PLANNING COMMISSION MINUTES

April 28, 2004

CALL TO ORDER:

Chairman Bob Barnard called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Bob Barnard, Planning Commissioners, Eric Johansen, Dan Maks, Alan DeHarpport Scott Winter, Gary Bliss and Shannon Pogue.

Senior Planner Colin Cooper, AICP, Planning Technician Jennifer Browning, Assistant City Attorney Ted Naemura and Recording Secretary Sheila Martin represented staff.

The meeting was called to order by Chairman Barnard, who presented the format for the meeting.

VISITORS:

Chairman Barnard asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Staff indicated that there were no communications at this time.

NEW BUSINESS:

Chairman Barnard opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or

1 disqualifications in any of the hearings on the agenda. There was no
2 response.

3
4 **PUBLIC HEARINGS:**

5
6 **A. MILLIKAN BLVD. TO MILLIKAN WAY STREET NAME**
7 **CHANGE**

8 **1. SNC2004-0001- STREET NAME CHANGE**

9 The City of Beaverton has filed a request for a Street Name Change to
10 establish a consistent street name along the entirety of SW Millikan.
11 The portion of SW Millikan from Tualatin Valley Highway to SW
12 Murray Blvd., is currently designated as SW Millikan Blvd. This
13 portion of SW Millikan is proposed to be renamed to SW Millikan Way.

14
15 Chairman Barnard welcomed Planning Technician, Jennifer Browning
16 and acknowledged that this was her first presentation before the
17 Planning Commission.

18
19 Planning Technician Jennifer Browning presented the Staff Report on
20 the proposed application. Concluding, she recommended that the
21 Planning Commission forward a recommendation of approval to the
22 City Council, thus acknowledging the City Council hearing scheduled
23 for June 14, 2004. Concluding, she offered to respond to any questions.

24
25 **PUBLIC TESTIMONY:**

26
27 No member of the public testified with regard to this application.

28
29 Ms. Browning indicated that staff had no further comments.

30
31 Mr. Naemura indicated that he had no comments with regard to this
32 application.

33
34 The public portion of the Public Hearing was closed.

35
36 Commissioner's Johansen, Bliss, Pogue, DeHarpport, Winter and
37 Chairman Barnard expressed their support of the application.

38
39 Commissioner Pogue **MOVED** and Commissioner Winter
40 **SECONDED** a motion for approval of SNC2004-0001 MILLIKAN
41 BOULEVARD TO MILLIKAN WAY STREET NAME CHANGE, based
42 upon the testimony, reports and exhibits and new evidence presented
43 during the Public Hearings on the matter, and upon the background

1 facts, findings and conclusions found in the Staff Report dated April
2 21, 2004.

3
4 Motion **CARRIED** by the following vote:

5
6 **AYES:** Pogue, Winter, Bliss, DeHarpport, Johansen, Maks
7 and Barnard.

8 **NAYS:** None.

9 **ABSTAIN:** None.

10 **ABSENT:** None.

11
12 Motion carried unanimously.

13
14
15 **APPROVAL OF MINUTES:**

16
17 Minutes of the meeting of March 17, 2004, were submitted.
18 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**
19 a motion that the minutes be approved as written.

20
21 Motion **CARRIED** by the following vote:

22
23 **AYES:** Maks, Winter, Bliss, and Barnard.

24 **NAYS:** None.

25 **ABSTAIN:** None.

26 **ABSENT:** DeHarpport and Johansen.

27
28
29 Meeting adjourned at 7:46 p.m.



CITY of BEAVERTON

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

STAFF REPORT

TO: Planning Commission and City Council

STAFF REPORT DATE: April 21, 2004

STAFF: Jennifer Browning, Planning Technician *Bob G.O.*

APPLICATION: **SNC2004-0001 (Millikan Blvd. to Millikan Way Street Name Change)**

REQUEST: Request for street name change of SW Millikan Blvd. The City of Beaverton is proposing that the street name of SW Millikan Blvd., between Murray Blvd. and TV Hwy., be changed to SW Millikan Way.

PROPERTY OWNER: City of Beaverton (administrator of public right-of-way)
PO Box 4755
Beaverton, OR 97076

APPLICANT: City of Beaverton

AUTHORIZATION: Beaverton City Code

APPROVAL CRITERIA: City of Beaverton Code, Section 9.02.060

HEARING DATE: Planning Commission: April 28, 2004
City Council: June 14, 2004

RECOMMENDATION: **APPROVAL of SNC 2004-0001 (Millikan Blvd. to Millikan Way Street Name Change)**, subject to conditions identified at the end of this report.

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APPLICATION PROCESSING

Subject Application:

The Street Name Change, in accordance with Section 9.02.060.C of the City Code requires a public hearing before the Planning Commission, and requires that the recommendation of the Commission be submitted to the City Council. The Code provides for the Council to adopt the Commission's recommendation at a public hearing. Notice has been given of the Commission's hearing, on April 28, 2004, and of the date scheduled for City Council to conduct a public hearing. That date is June 14, 2004.

The Planning Commission, after the public hearing, shall provide a recommendation to City Council. Per Section 9.02.060, "the City Council shall have complete legislative discretion to change the name of any street in the City." The Council is the final decision maker and may chose to approve, approve with conditions, or deny the proposed street name change.

Public Notice:

1. Mailed notice to property owners fronting the street on March 11, 2004. Additional public notice, beyond the minimum notice requirement, was provided to the owners of property within 500 feet of Millikan Blvd., between Murray Blvd. and TV Hwy.
2. Legal notice was published in the Valley Times on March 11, 2004.
3. Mailed notice to the Beaverton Post Office on March 31, 2004.
4. In addition, notice was posted at the Library, City Hall, and Post Office.

BACKGROUND INFORMATION

Summary:

The City is requesting approval of a street name change for Millikan, west of Murray Blvd. Millikan has a suffix of "Boulevard" for that portion west of Murray Blvd. and "Way" for the portion east of Murray Blvd. It is proposed that the suffix of "Boulevard" for the portion of Millikan that is west of Murray Blvd. be changed to "Way". This change will provide a consistent street name of Millikan Way for the entire street.

Background of Current Street Name:

Millikan Boulevard:

This portion of Millikan, between Murray Blvd. and its westerly terminus at TV Hwy., was created by individually recorded street dedications in 1982. The street was built by the St. Mary's Local Improvement District.

Affected Addresses:

Staff have identified the potential need for address changes for properties affected by the street name change, if approved. It appears that the majority of the potentially affected properties are already using Millikan Way as their street address. A search of Washington County Assessor records and the City's Building Permit records indicates that most addresses have a suffix of Way. Three Building Permit addresses have a suffix of Blvd.: 14929 (Bldg. 11), 15027 (Bldg. 10), & 15133 (Bldg. 22) SW Millikan Blvd.

This property, (Tax Lot 107 of Map 1S1-08) is owned by ERP Operating LP and is the site of the LaSalle Apartments. However, according to a representative from the apartment complex, all units are currently using an address of Millikan Way and therefore no residents will need to change their address.

All other properties which abut Millikan Blvd. appear to be currently addressed with Millikan Way or addressed from other streets including 154TH Terrace, 153rd Drive, Beaverton Creek Ct., and Murray Blvd.

Public Contact:

No public testimony has been received.

FINDINGS

(Analysis)

Criteria for Approval:

Section 9.02.060 of the Beaverton Code identifies criteria for approval and also states that any request for a street name change must meet the requirement of Section 9.02.050. The criteria are listed below. The Planning Commission and City Council must find that the proposal meets all of the following criteria.

SECTION 9.02.050: Selection of Street Names

A. "Streets shall be named in accordance with the "Street Name Plan" developed by the planning department and approved by the Council."

Facts and Findings:

The request to change the name of Millikan Blvd. to Millikan Way meets the policies and guidelines of the Community Street Name Plan (CSNP). The CSNP consists of a Street Name Districts Map and street naming policies and guidelines to meet the purpose of the CSNP, which is to reduce the potential for confusion and to improve the delivery of emergency services.

Staff find that a single street name is necessary over the entire length of Millikan. Otherwise, the street as it exists contains two different names, both Millikan Way and Millikan Blvd. A single name will help to prevent delays in the delivery of emergency services. The potential for confusion will be reduced by having the consistent street name.

Therefore, staff find that the criterion is met.

B. "Designators such as road, avenue or lane for new streets shall conform to the "Street Name Plan."

Facts and Findings:

The CSNP's Street Designator Policy indicates that "Ways" can be used for either east-west or north-south minor, curvilinear thoroughfares of at least 1000 feet or more. The current Millikan Blvd. is an east-west and north-south curvilinear street, designated by the Comprehensive Plan as a "Collector" street. The CSNP also indicates that "Drive" and "Boulevard" may be acceptable designators for this street. The overall length of Millikan, between TV Hwy (at 160th Avenue), to its eastern terminus near Lombard Avenue, is over 2 miles long. The existing name of Millikan Way is already established and being used for addressing purposes, and therefore, "Way" is the most suitable choice for the single street name. The proposal to change Millikan Blvd. to Millikan Way best meets the objectives of the CSNP and is the best designator for the street.

Therefore, staff find that the criterion is met.

C. "A street name proposed pursuant to the "Street Name Plan shall be submitted to the Mayor prior to final approval of the street name by the Planning Commission or Council pursuant to subsection D. The Mayor may recommend rejection of a proposed street name that in the Mayor's judgment would tend to cause confusion, error or delay in matters affecting public safety."

Facts and Findings:

The Development Services Division of the City, under the authorization of the Mayor, is the applicant for this proposal. Staff have evaluated the street name change and find that the proposed name change to Millikan Way will help to prevent undue confusion, error and delay in matters affecting public safety. The proposed name will reduce the potential for confusion as most of the abutting properties are already using Millikan Way as their address.

Therefore, staff find that the criterion is met.

D. "The Planning Commission may approve all street names proposed as part of the subdivision approval process; all other street names shall be approved by the Council."

Facts and Findings:

The proposed street name change affects an existing roadway. The change is not proposed as part of a subdivision application. Therefore, Council's action on the street name is necessary

Therefore, staff find the criterion is met.

SECTION 9.02.060: Change of Street Names

1. "No recommendation for a name change shall be made unless the Planning Commission finds that a strong public need for the change exists."

Facts and Findings:

Staff find that a single street name is necessary over the entire length of SW Millikan. Otherwise, the street would contain two different names; Millikan Way and Millikan Blvd. Upon eventual construction of the street to Lombard Avenue, Millikan Way will be over 2 miles in length. A single name will reduce the possibility of confusion by the public, in comparison to two street names, and will assist in preventing delays in the delivery of emergency services. The name Millikan Way will establish a clear marked, alternative route of travel north of and parallel to, State Hwy 8 (Canyon Road - T.V. Hwy).

Staff find, that in order to prevent confusion and delay in emergency services, there is a strong public need for the use of a single street name. The specific proposal for the name "SW Millikan Way" will meet this public need.

CONCLUSION

Based on the facts and findings presented, staff conclude the proposal, **SNC2004-0001 (Millikan Blvd. to Millikan Way Street Name Change)**, meets the criteria for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **SNC2004-0001; Street Name Change Affecting SW Millikan Blvd., between Murray Blvd. and TV Hwy.,** with the following conditions:

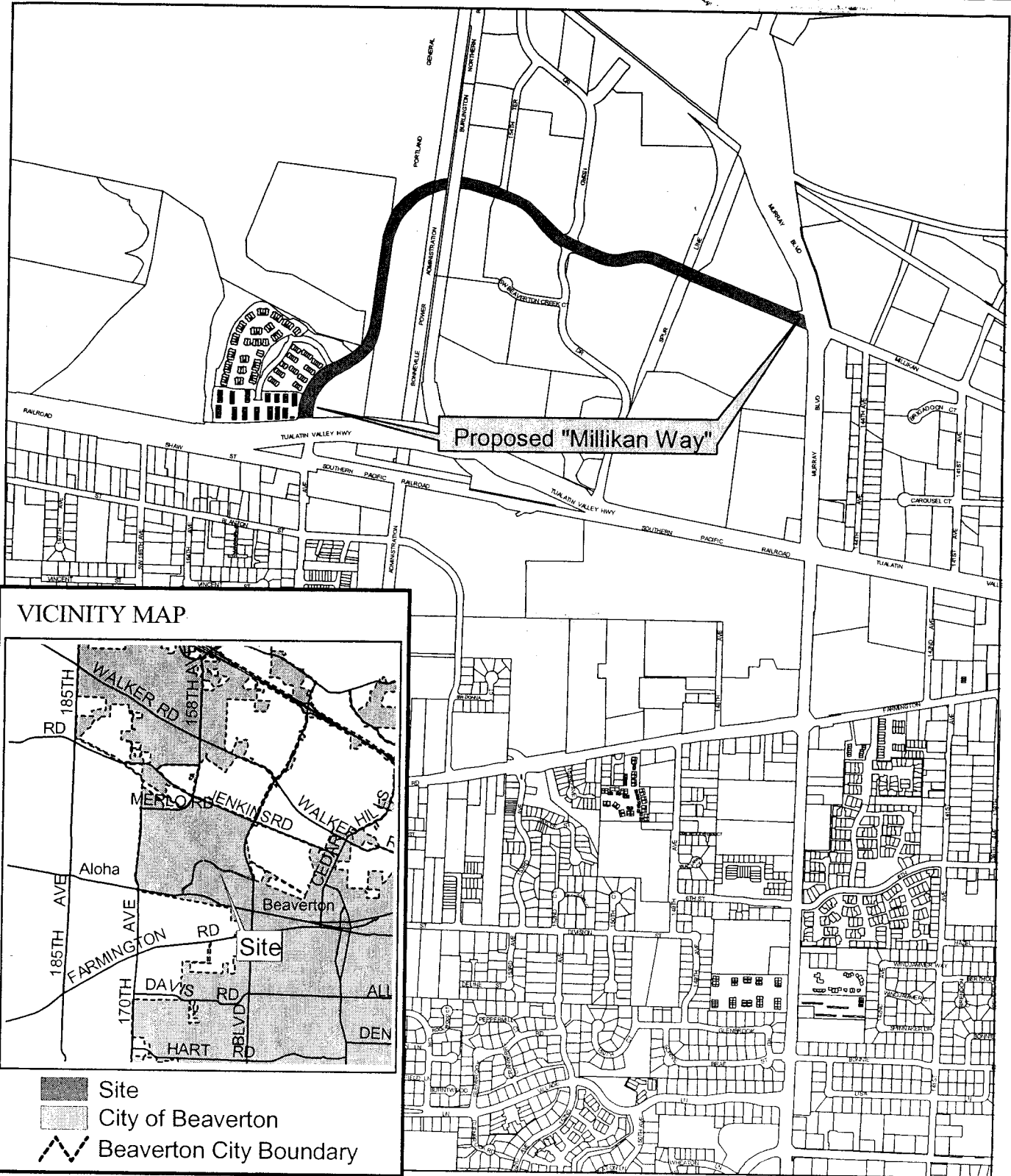
1. The street name of "SW Millikan Way" is hereby established as the new name of the street, as shown on Exhibit "1".
2. The applicant shall submit to the Washington County Records and Elections Department, the adopted ordinance approving the street name change.

EXHIBITS

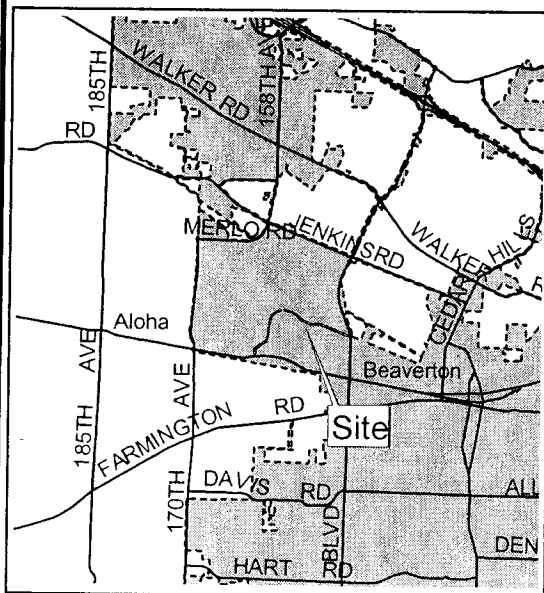
- Exhibit 1. Vicinity map
- Exhibit 2. Washington County Tax Assessor Map 1S1-08
- Exhibit 3. Beaverton Code; portion containing Section 9.02.050 & 9.02.060
- Exhibit 4. Community Street Name Plan
- Exhibit 5. Applicant's Narrative, dated March 3, 2004




DETAIL MAP

EXHIBIT # 1



VICINITY MAP



-  Site
-  City of Beaverton
-  Beaverton City Boundary



City of Beaverton

Millikan Boulevard to Millikan Way Street Name Change

COMMUNITY DEVELOPMENT DEPARTMENT

Development Services Division

3/3/04

Map #

N



Application #

SNC 2004-0001

WASHINGTON COUNTY OREGON

[illegible]

1. **RE. DOR. JOHN**
2. **ELLIOTT DLG 41**
3. **RE MAP**
4. **S 19BB**
5. **RE. DOR. GEORGE**
6. **DLG 41**

-55

51

- 50

FOR ASSESSMENT
PURPOSES ONLY.
DO NOT RELY ON
FOR ANY OTHER USE

SEE MAP
IS 1 9CB

SEE MAP
IS 1 SCC

IS 18

51-58
(C.S. 14329)
(C.S. 19429)

51-58

51-51

51-58

EXHIBIT # 2

5

Beaverton Code

9.02.050 Selection of Street Names.

A. Streets shall be named in accordance with "Street Name Plan" developed by the planning department and approved by the Council.

B. Designators such as road, avenue or lane for new streets shall conform to the "Street Name Plan".

C. A street name proposed pursuant to the "Street Name Plan" shall be submitted to the mayor prior to final approval of the street name by the planning commission or Council pursuant to subsection D. The mayor may recommend rejection of a proposed street name that in the mayor's judgment would tend to cause confusion, error or delay in matters affecting public safety.

D. The planning commission may approve all street names proposed as part of the subdivision approval process; all other street names shall be approved by the Council.

9.02.060 Change of Street Name. The Council shall have complete legislative discretion to change the name of any street in the City. Street name changes shall be made by ordinance and shall be filed with Washington County. The Council may use the following procedures in considering changes in street names.

A. A person, including the City, who desires a street name change shall submit a written request to the planning commission stating the reasons for the proposed name change and shall attach a scale diagram of the street.

B. Any proposed name change must meet the requirements of BC 9.02.050 B and C.

C. The planning commission shall consider the request at a public hearing.

1. Notice of the public hearing shall be given in accordance with provisions of section 128.2 A, B, and C of the Development Code except that written notice shall be provided to the owners of property fronting the street instead of owners included in the area of the proposed amendment and the United States Postal Service.

2. The scope of the hearing shall be limited to the change of the street name.

3. At the close of hearing, the planning commission shall make a recommendation in writing to the Council and identify the factors supporting the recommendations.

4. No recommendation for a name change shall be made unless the planning commission finds that a strong public need for the change exists.

5. The applicant's request for the name change, the planning commission's recommendation and any comments of the mayor shall be submitted to the Council for its consideration.

Beaverton Code

The Council may hold a public hearing to gather additional information. If a hearing is held, notice shall be given in accordance with subsection C 1.

9.02.070 Violation - Penalty. Violation of BC 9.02.010-.070 constitutes a Class 3 Civil Infraction, and shall be processed in accordance with the procedure set forth in BC 2.10.010-.050.

(Reserved)

STREET VACATIONS

9.03.010 [BC 9.03.010, repealed by Ordinance No. 4224, 8-19-02]

9.03.020 [BC 9.03.020, repealed by Ordinance No. 4224, 8-19-02]

9.03.030 [BC 9.03.030, repealed by Ordinance No. 4224, 8-19-02]

9.03.040 [BC 9.03.040, repealed by Ordinance No. 4224, 8-19-02]

9.03.050 [BC 9.03.050, repealed by Ordinance No. 4224, 8-19-02]

9.03.060 [BC 9.03.060, repealed by Ordinance No. 4224, 8-19-02]

Supplement 2003

CITY OF BEAVERTON
COMMUNITY STREET NAME PLAN
Amended by City Council March 14, 1983

Program

The specific purposes of this program are:

1. To provide for a neighborhood identity.
2. To establish a street name and designator system which will improve the delivery of emergency services.
3. To establish a street name and designator system which will reduce the expense for the delivery of public and private services.

The program consists of three components:

1. Street name districts.
2. Policies and guidelines.
3. Appendix of names.

An underlying premise of this program is that planning, in part, is directed toward providing rationality and order in community life and in making communities more efficient and convenient. A systematic street naming program, therefore, will assist in the location of places and facilities within the community. In addition, this program also includes a system of street designators such as Avenue, Way, Lane, etc.

Policies and Guidelines

1. Name assignment

Street names shall be assigned during the subdivision plat process on the basis of the adopted district theme and the following additional policies.

2. Continuation of a street name

A street should have one name only throughout its entire length. If a street is broken by undeveloped property or intervening land uses, continuity shall be provided by the use of the same name insofar as practicable.

3. East/West Thoroughfares

In the establishment of East/West streets, all streets must be named. Existing numbered East/West streets, if requested, may be changed to named streets.

4. North/South Thoroughfares

North/south thoroughfares of more than 2,000 feet in one direction must be numbered consistently with the metropolitan numbering system established by Ordinance 1351. North/south thoroughfares of less than 2,000 feet may be numbered or names.

5. Continuous streets through more than one district

A street which passes through one or more street naming district or changes direction should not be altered according to varying district names. The theme for establishing names of such streets shall be determined by the district of origin.

6. Contingency

Situations and circumstances will arise which do not conform with established street naming policies. Such situations must be evaluated on their own merits as well as conformance to general policies and guidelines. Review of street names should also take into account the issues that may tend to have a street name cause confusion, error, or delay in matters affecting public safety and delivery of services.

7. Street Designator Policy

- A. **Boulevards:** Major North/South or East/West streets providing through traffic across the community. A boulevard should be a four-lane arterial with either a median barrier, left turn lane, or landscaped divider through most of its length.
- B. **Roads:** Major East/West street providing through traffic movement across the community.
- C. **Avenues:** Continuous, North/South thoroughfares or extensions thereof.
- D. **Streets:** Continuous, East/West thoroughfares or extensions thereof.
- E. **Drives and Ways:** Minor, East/West or North/South curvilinear thoroughfares (less than 180 degrees) at least 1,000 feet in length or more. Boulevard may be used for a major thoroughfare if providing continuous, extended movement over 2,000 feet in length or more.
- F. **Lanes:** Short East/West streets under 2,000 feet in length.
- G. **Terraces:** Short North/South streets under 2,000 feet in length.
- H. **Court:** All East/West cul-de-sacs.
- I. **Place:** All North/South cul-de-sacs.
- J. **Loops and Circles:** All looping or circular streets exceeding 180 degrees having no through streets.
- K. **Ridge:** Directional street running along a ridge top less than 2,000 feet in length.
- L. **Hollow:** A curvilinear street running through a depression or gully less than 2,000 feet in length.

CITY FOUNDERS

Thayer, Oscar

Publisher of Beaverton's first newspaper, the Chronicle.

Watts, MaryAnn

Founder of City's original log cabin school.

Lockerman, Wm.

Early Downtown Beaverton Donation Land Claim settler.

Cady, A.B.

Cady, Mason

Early business leader, spearheaded the City's drive for incorporation, and the City's first Mayor. His son, Mason Cady, built the Cady Building downtown and later became Mayor himself.

Steel, James

Steel, George

Early City developers who laid out Steel's Addition in what is now Downtown Beaverton.

Biggi, Rose

Matriarch of well-known Beaverton family, long associated with farming and manufacture of Horseradish and other vegetables in the area north of Canyon Road. During her lifetime, Rose Biggi was honored as Beaverton's "Good Neighbor of the Year" in 1982, and had seen her family business (Beaverton Foods) declared an historic use in 1983.

SCIENCE & TECHNOLOGY NAMES

MILLIKAN R.A. Millikan is credited with measuring the electronic charge of the electron, by designing and performing the "oil-drop" experiment.

BARDEEN, after John Bardeen of Bell Telephone Laboratories. He shared the Nobel Prize in 1956 with W. Shockley and W. Brattain for basic research in semiconductor physics, culminating in 1946 with the invention of the transistor.

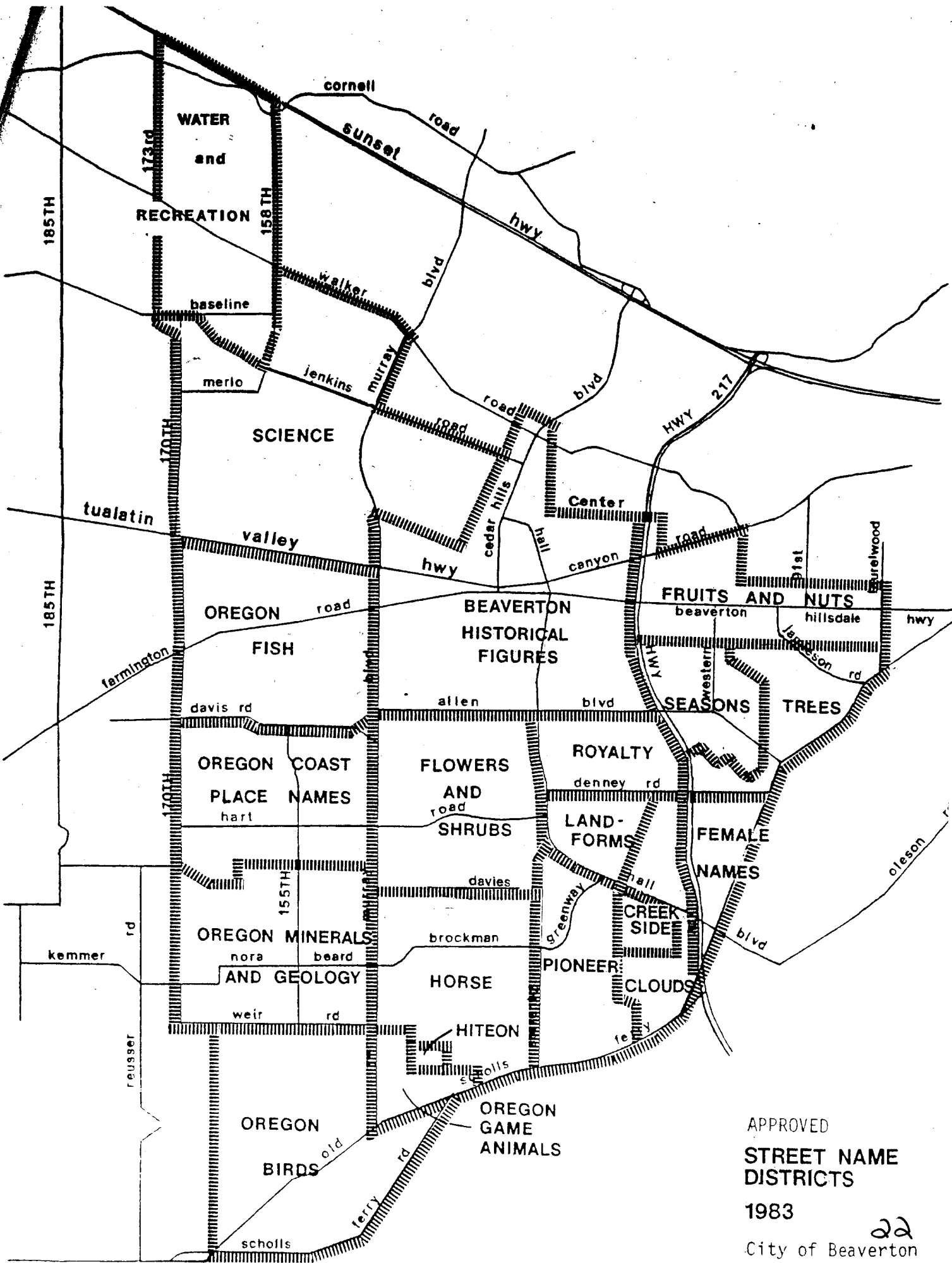
MAXWELL, after James Clerk Maxwell. Based on earlier work by Gauss, Ampere and others, Maxwell, a mathematician, developed a unified expression (known as Maxwell's equations) of the physical laws of electricity and magnetism. He accurately predicted the existence of radio waves more than a decade before they were experimentally observed.

JORDAN, after F.W. Jordan, co-inventor of the bistable multivibrator, the electronic memory device which is fundamental to all electronic digital computers.

ECKERT, after J.P. Eckert of University of Pennsylvania. He was chief engineer during 1943-45 for development of ENIAC, the first electronic digital computer.

BRATTAIN, for Walter Houser Brattain who won the Nobel Prize in Physics in 1956, and was also the co-inventor of the transistor.

FOURIER, for Baron Jean Baptiste Joseph Fourier, noted French mathematician and theoretical physicist.



APPROVED
STREET NAME
DISTRICTS

1983

City of Beaverton
Amended 12/86

22



CITY of BEAVERTON

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

EXHIBIT # 5

RECEIVED
MAR 03 2004
City of Beaverton
Development Services

To: Facilities Review Committee

From: Jennifer Browning, Planning Technician *JB*

Date: March 3, 2004

Subject: Proposed street name change of Millikan Blvd. to Millikan Way between TV Highway and Murray Blvd.

The Development Services Division proposes a street name change for SW Millikan, west of SW Murray Blvd. SW Millikan has a suffix of "Boulevard" for that portion west of SW Murray Blvd. and "Way" for the portion east of SW Murray Blvd. It is proposed that the suffix of "Boulevard" for the portion of Millikan that is west of Murray Blvd. be changed to "Way". Please see the attached map for the affected street area. This change will provide a consistent street name of Millikan Way for the entire street.

Background

In August 2002, a street name change (SNC2002-0001) created SW Millikan Way between SW Hocken Avenue and the streets east terminus near Lombard Avenue. This approval did not include any changes of SW Millikan between SW Hocken Avenue and TV Hwy. SW Millikan currently has a suffix of "Boulevard" for that portion west of SW Murray Blvd. and a suffix of "Way" for the portion east of SW Murray Blvd.

Purpose

It has come to the attention of the Community Development Department that most, if not all, of the properties addressing off of the existing SW Millikan Blvd. are actually using SW Millikan Way as their address. To some degree, this is causing confusion for emergency personnel when responding to an emergency call. A caller might state that they are on Millikan Way, when in fact they are on SW Millikan Blvd. This can cause a delay in emergency response time as it may take longer for emergency personnel to locate their destination.

In addition, the change from SW Millikan Blvd. to SW Millikan Way will provide a consistent street name for the entirety of SW Millikan. The continuous street name will make it easier for the public to find the street. The potential for confusion will be reduced by having the consistent street name.

Impacts

After reviewing the current addresses of the properties that abut and are near the current SW Millikan Blvd., it appears that there are few, if any, properties which use an address of SW Millikan Blvd. Many of the properties which abut SW Millikan and are currently using SW Millikan as their address are using the suffix of "Way" rather than "Boulevard". Based upon this research, it appears that there will be minimal address changes required as a result of this application.

Compliance with the City's Community Street Name Plan

The Community Street Name Plan, as amended by the City Council in 1983, establishes a purpose and policies and guidelines for the naming of streets. The plan provides that:

- A specific purpose of the program is to establish a street name and designator system which will improve the delivery of emergency services;
- A street should have one name only throughout its entire length; and
- Review of street names should also take into account the issues that may tend to have a street name cause confusion, error, or delay in matters affecting public safety and delivery of services.

The proposed street name change will comply with these guidelines. The name change will result in one name only throughout the entire length of the street and will improve the delivery of emergency services.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: TA 2004-0007 (Spring 2004 Omnibus)

FOR AGENDA OF: 06-14-04 **BILL NO:** 04116

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 6-1-04

CLEARANCES: City Attorney
Dev. Serv. 

PROCEEDING: First Reading

EXHIBITS:

1. Ordinance
2. Land Use Order No. 1705
3. Draft PC Minutes dated 05-26-04
4. Staff Report dated 05-19-04
5. Staff Memo dated 05-26-04

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On May 26, 2004, the Planning Commission held a public hearing to consider TA 2004-0007 (2004 Spring Omnibus) that proposes to amend selected sections of the Beaverton Development Code currently effective through Ordinance 4295 (April 2004) to clarify approval criteria, specify the applicability of certain regulations, renumber and reorder certain regulations, relocate certain sections, and remove certain sections. Affected chapters of the Development Code include, Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions). Following the close of the public hearing on May 26, 2004, the Planning Commission voted 5-1 (Maks absent) to recommend approval of the proposed Omnibus Text Amendment, as memorialized in Land Use Order No. 1705. After the Commission's hearing on the text amendment, staff discovered that a proposed definition found in Section 19 of the proposed text already exists in Chapter 90. The intent of the proposed definition was to add a definition to the Code rather than amend the existing definition. Therefore, staff request the Council remove the proposed definition of "Tract" found in Section 18 of the Planning Commission version of the proposed text amendment.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed text, Land Use Order No. 1705, the draft Planning Commission meeting minutes, staff report and memo.

RECOMMENDED ACTION:

Staff recommend the City Council approve the recommendation of the Planning Commission for TA 2004-0007 (2004 Spring Omnibus) as set forth in Land Use Order No. 1705 with the exception of including the definition of "Tract" in Section 18 of the proposed text amendment. Staff further recommends the Council conduct a First Reading of the attached ordinance.

ORDINANCE NO. 4312

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTER'S:
10, 20, 40, 50, 60, and 90;
TA 2004-0007 (2004 Spring Omnibus).

WHEREAS, the purpose of the 2004 Spring Omnibus Development Code Text Amendment is to amend selected sections of the Beaverton Development Code currently effective through Ordinance 4295 (April 2004) to clarify approval criteria, specify the applicability of certain regulations, renumber and reorder certain regulations, relocate certain sections, and remove certain sections. Affected chapters of the Development Code include, Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions),

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on May 19, 2004 published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on May 26, 2004; and,

WHEREAS, the Planning Commission held a public hearing on May 26, 2004 and approved the proposed 2004 Spring Omnibus Development Code Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated May 19, 2003, and staff memorandum dated May 26, 2004, as amended at the hearing; and

WHEREAS, on May 26, 2004, the Planning Commission conducted a public hearing for TA 2004-0007 (2004 Spring Omnibus) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1705; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2004-0007 (Spring 2004 Omnibus) following the issuance of the Planning Commission Land Use Order No. 1705; and,

WHEREAS, the Council find that a proposed definition of "Tract" contained with Section 18 of the recommended text amendment was erroneously included in the recommendation and is removed by the Council as reflected in Exhibit A of this Ordinance; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1705 dated June 2, 2004 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4295, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

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

1 **Section 1: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 20 – Land Uses, Sections 20.20.20.2.B.12., will be**
3 **amended to read as follows:**

4
5 *****

6 20.20.20.2.B.

- 7
8 12. Storage yard for fully operable vehicles for sale, lease, or
9 rent within one-quarter mile of the north side of the
10 Tualatin Valley Highway Corridor land use designation
11 between SW Murray Boulevard and SW Lloyd Avenue
12 (subject to use restrictions g, i, j, k) [ORD 4246; March
13 2003]
14

15 *****

1 **Section 2: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 20 – Land Uses, Sections 20.20.20.2.B.23., will be**
3 **amended to read as follows:**

4
5 *****

6
7 23. Storage yards, except as allowed under Section
8 20.20.20.2.B.12. [ORD 4246; March 2003]

9 *****

10

1 **Section 3: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 20 – Land Uses, Sections 20.20.50.3, will be amended to**
3 **read as follows:**

4
5 *****

6
7 20.20.20.2.D.2.

- 8
9 g. Except as otherwise provided in this paragraph, this
10 activity shall be conducted wholly within an
11 enclosed structure. No accessory open air sales,
12 display, or storage are allowed with this use., except
13 that the prohibition against storage shall not apply
14 to storage yards for fully operable vehicles for sale,
15 lease, or rent within one-quarter mile of the north
16 side of the Tualatin Valley Highway Corridor land
17 use designation between SW Murray Boulevard and
18 SW Lloyd Avenue. [ORD 4246; March 2003]

19
20 *****

- 21 i. Storage yards for fully operable vehicles for sale,
22 lease, or rent within one-quarter mile of the north
23 side of the Tualatin Valley Highway Corridor land
24 use designation between SW Murray Boulevard and
25 SW Lloyd Avenue may be authorized for a period
26 of time up to and including five (5) years. Upon
27 expiration of an approved time period Storage yard
28 use shall cease until a new authorization through a
29 separate conditional use permit is approved. [ORD
30 4246; March 2003]

- 31
32 j. Within approved storage yards located within one-
33 quarter mile of the Tualatin Valley Highway
34 Corridor land use designation between SW Murray
35 Boulevard and SW Lloyd Avenue open air sales or
36 display of fully operable vehicles for sale, lease, or
37 rent is prohibited. . [ORD 4246; March 2003]

- 38
39 k. The following existing site conditions must be
40 present as of January 1, 2003 in the South Texus
41 Station Community Plan Area, and more
42 specifically located on the north side of the Tualatin
43 Valley Highway Corridor land use designation
44 between SW Murray Boulevard and SW Lloyd
45 Avenue, in order for lots in this area to be
46 authorized for the development of storage yards for

1 fully operable vehicles for sale, lease, or rent. Other
2 site improvements, in addition to the following
3 existing site conditions, may be required by the
4 decision-making authority as conditions of approval
5 for a development application:
6

- 7 i. Are currently being used for the storage of
- 8 fully operable vehicles for sales, lease, or
- 9 rent.
- 10 ii. Are currently shielded from public view
- 11 with a sight-obscuring chain link fence.
- 12 iii. Currently have established landscaping
- 13 outside the fence along public right-of-way.
- 14 iv. Are currently lighted to prevent vandalism.
- 15 v. Are currently surfaced with compacted
- 16 gravel or paving. [ORD 4246; March 2003]
- 17
- 18
- 19

1 **Section 4: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 20 – Land Uses, Sections 20.20.50.E.3, will be amended**
3 **to read as follows:**

4
5 *****

6
7 20.20.50.E.3

8
9 **E.. Maximum setbacks do not apply along streets that form a**
10 **boundary of the Regional Center Districts, unless**
11 **specifically required and identified in Section 20.20.60.**

12
13 **FE.** Yards abutting single-family residential zones, when not
14 separated by a public street, shall have a minimum
15 setback of twenty (20) feet.

16
17 **GF.** No side or rear yard setbacks are required where side or
18 rear property lines abut a railroad right-of-way or spur
19 track.

20
21 **HG.** Alternative Maximum Setback – Large Retail Use.

22
23 *****

Section 5: The Development Code, Ordinance No. 2050, Ordinance 4248, Chapter 20 – Land Uses, Sections 20.20.50.E.5.B., will be amended to read as follows:

20.20.50.E.5.B.

MINIMUM SITE WIDTH	MINIMUM SITE DEPTH			
	0-120'	121'-139'	140'-175'	176'+
0-100'	0.1	0.2	0.25	0.25
101'-200'	0.1	0.3	0.45	0.45
201'+	0.1	0.45	0.45	0.45 0.60

Section 6: The Development Code, Ordinance No. 2050, Ordinance 4248, Chapter 20, Land Uses, Section 20.20.50.E.5.L. shall be deleted as follows:

20.20.50.E.5.

~~L. Maximum setbacks do not apply along streets that form a boundary of the Regional Center Districts, unless specifically required and identified in Section 20.20.60.~~

M L. Separation of buildings is subject to the State Building Code and the Uniform Fire Code.

1 **Section 7: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 20, Land Uses, Section 20.20.60.D.2. A. 3 shall be**
3 **amended to read as follows:**

4
5 *****

6
7 20.20.60.D.2.A.

- 8
9
10 3. Major Pedestrian Routes within the Murray Scholls
11 Town Center are shown on Map 20.20.60-12
12 ~~Within the Murray Scholls Town Center, Major~~
13 ~~Pedestrian Routes are divided into two types:~~
14 ~~Pedestrian Streets and Transit Streets. These two~~
15 ~~types of Major Pedestrian Routes, while subject to~~
16 ~~the requirements for Major Pedestrian Routes,~~
17 ~~serve different purposes. The Transit Street is~~
18 ~~distinguished by an emphasis on transit facilities~~
19 ~~and services.~~

20
21 *****
22

1 **Section 8: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 40, Applications, Section 40.20.15.2.A will be amended**
3 **to read as follows:**

4
5 *****

6 40.20.15.2.A.

7
8 14. Increase of landscaping area of more than ten
9 percent and up to and including fifty percent (10% -
10 50%) of the previously approved landscape area.

11
12 15. Modification to a previously approved landscaping
13 plan to alter the location of more than 25 percent of
14 the landscaping area, ~~change the~~ plant materials,
15 or both.

16
17 16. Excluding landscape maintenance, any change to
18 existing or approved grade that will result in the
19 excavation, fill, grading, or other form of earth
20 moving in excess of fifty (50) cubic yards of earth,
21 the disturbance of more than 500 square feet of
22 surface area, or both.

23
24 *****
25

1 **Section 10: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 50, Procedures, Section 50.30.C., will be amended to**
3 **read as follows:**

4
5 *****

6 50.30.

7
8 C. Not less than 20 calendar days prior to the Neighborhood
9 Review Meeting, the applicant shall post a notice on the
10 property which is subject of the proposed application. The
11 notice shall be posted within 50 feet of an adjoining public
12 right-of-way in a manner that can be read from the right-
13 of-way. The notice shall state that the site may be subject
14 to a proposed development and shall set forth the name of
15 the applicant and a telephone number where the
16 applicant can be reached for additional information. The
17 site shall remain posted until the conclusion of the
18 Neighborhood Review Meeting. The applicant may
19 purchase a second sign from the City or create a sign to
20 post at the Neighborhood Review Meeting location.

21
22 Standard signs are available from the City upon payment
23 of a fee. The City will not be responsible for posting of any
24 signs.

25
26 *****
27

1 **Section 11: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 50, Procedures, Section 50.35.2., will be amended to**
3 **read as follows:**

4
5 *****

6 50.35. Type 1

- 7
8 2. Except for Non-Discretionary Annexation Related Zoning Map
9 Amendment applications, the decision making authority shall
10 approve, approve with conditions, or deny an application subject
11 to a Type 1 procedure within approximately twenty eight (28)
12 calendar days after the date the application was deemed or
13 determined to be complete. In the case of a Type 1 application
14 for a site that is identified on the Local Wetland Inventory
15 (LWI), the decision shall be made within forty (40) calendar
16 days. In either case, an applicant may request in writing a
17 continuance of the time for decision by the Director, not to
18 exceed a total of 180 calendar days from the date the application
19 was deemed or determined to be complete. The decision making
20 authority shall issue a decision prior to the conclusion of the
21 continuance of time. The decision making authority may
22 consider new evidence the applicant introduces with or after
23 such request for continuance.

24 *****
25

1 **Section 12: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 50, Procedures, Section 50.40.3.B., shall be deleted as**
3 **follows:**

4
5 *****

6 3. The written notice of the pending application shall include the following
7 information:

8
9 A. The case file number for the application.

10
11 ~~B. The name and address of the applicant.~~

12
13 C. A description of the site reasonably sufficient to inform the reader
14 of its location including map and tax lot number, and if available,
15 site address, site zoning, and name of the NAC in which the
16 proposal is located.

17 *****

1 **Section 13: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 50, Procedures, Section 50.50.2., will be amended to**
3 **read as follows:**

4
5 *****

6 50.50

7
8 2. Not more than forty (40) nor less than twenty (20) calendar days
9 before the date of the initial hearing of the decision making
10 authority on an ordinance that proposes to legislatively change
11 the zoning map or to amend the text of the Development Code,
12 the Director shall mail notice of the hearing to:

13
14 A. The applicant if other than the City.

15
16 B. All NAC in whose area there is property that in the
17 Director's opinion could be affected by the proposed
18 ordinance, if adopted.

19
20 C. Owners of property within the City for which the
21 proposed ordinance, if adopted, may in the Director's
22 opinion affect the permissible uses of land.

23
24 1. The most recent property tax assessment roll of the
25 Washington County Department of Assessment
26 and Taxation shall be used for determining the
27 property owner of record. The failure of a property
28 owner to receive notice does not invalidate the
29 decision.

30
31 2. If a person owns more than one property that could
32 be affected by the proposed ordinance if adopted,
33 the Director may mail that person only one notice
34 of the hearing.

35
36 3. The notice of the initial hearing in a Type 4
37 procedure shall include at least the following
38 information:

39
40 **AD.** If required by ORS 227.186, a statement in bold type
41 across the top of the first page of the notice that reads as
42 follows: "This is to notify you that the City shall consider
43 a proposed land use regulation that ~~will~~ **may** affect the
44 permissible uses of your land."

1
2 ~~BE.~~ The date, time, and location of the hearing.

3
4 ~~CF.~~ The nature and purpose of the hearing.

5
6 ~~DG.~~ The case file number, title, or both of the proposed
7 ordinance to be considered at the hearing.

8
9 ~~EH.~~ A listing of the applicable approval criteria by
10 Development Code and Comprehensive Plan section
11 numbers.

12
13 ~~FI.~~ A statement that a copy of the staff report will be
14 available for inspection at no cost at least seven (7)
15 calendar days before the hearing, and a copy will be
16 provided at reasonable cost, and the name and telephone
17 number of a City representative to contact about the
18 ordinance.

19
20 ~~GJ.~~ A statement that failure to raise an issue in a hearing, in
21 person or by letter, or failure to provide statements or
22 evidence sufficient to afford the decision making authority
23 an opportunity to respond to the issue precludes appeal to
24 the Land Use Board of Appeals on that issue.

25
26 ~~HK.~~ Include a general explanation of the requirements for
27 submission of testimony and the procedure for conduct of
28 hearings.

29
30 ~~IL.~~ If applicable, a statement that the ordinance is a result of an order of
31 the Land Conservation and Development Commission or Metro.

1 **Section 14: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 50, Applications, Sections 50.60.1., 50.65.1., 50.70.1., will**
3 **be amended to read as follows:**

4
5 *****

6
7 **50.60. Appeal of a Type 1 Decision**

- 8
9 1. The decision making authority's decision on a Type 1 application
10 may be appealed only by the applicant. The appeal must be on
11 an Appeal Form provided by the Director and must be received
12 by the Community Development Department within twelve (12)
13 calendar days after signed written notice of the decision was
14 dated and mailed.

15
16 **50.65. Appeal of a Type 2 Decision**

- 17
18 1. The decision making authority's decision on a Type 2 application
19 may be appealed only by the applicant or by any other person
20 who submitted written evidence prior to the decision of the
21 Director. The appeal must be on an Appeal Form provided by
22 the Director and must be received within twelve (12) calendar
23 days after written notice of the decision was dated and mailed.

24
25 **50.70. Appeal of a Type 3 Decision**

- 26
27 1. The decision making authority's decision on a Type 3 application
28 may be appealed only by the applicant or any other person who
29 participated by providing either oral or written evidence on the
30 record leading to the decision by the decision making authority.
31 The appeal must be on an Appeal Form provided by the Director
32 and must be received within ten (10) calendar days after the
33 signed written land use order of the decision making authority
34 was dated and mailed.

35 *****

1 **Section 15: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 50, Procedures, Section 50.70.11., shall be amended to**
3 **read as follows:**

4
5 *****

6 50.70.

- 7
8 11. Within approximately **ten (10)** ~~seven (7)~~ calendar days from the
9 date that the appellate decision making authority votes on the
10 motion regarding the appeal, the Director shall cause a land use
11 order to be signed, dated, and mailed to the appellant and other
12 persons who appeared orally or in writing before the Planning
13 Commission, Board of Design Review, City Council, or all while
14 the public record on the appeal was open.

15 *****

Section 16: The Development Code, Ordinance No. 2050, Ordinance 4248, Chapter 60, Special Regulations, Section 60.30.7., shall be amended to read as follows:

60.30.

7. **Residential Parking Dimensions.** For all residential uses, any required parking space shall not be less than 8 1/2 feet wide and 18 1/2 feet long. (See also Section 60.30.15., Off-Street Parking Lot Design for other standards.)

1 **Section 17: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 60 Special Requirements, Section 60.50.25. (Drive In**
3 **Theatres), shall be deleted:**

4
5
6 **60.50.25. Uses Requiring Special Regulation.** In addition to other
7 standards and requirements by this ordinance, all uses included
8 in this section shall comply with the provisions stated herein.
9 Should a conflict arise between the requirements of this section
10 and other requirements of this ordinance, the more restrictive
11 provision shall control.
12

13 *****

14
15 ~~Drive-In Theatres. Drive-in theatres shall be located on a street~~
16 ~~of a "D" standard or greater as established by the~~
17 ~~Comprehensive Plan. Approval of a project by the reviewing~~
18 ~~body shall not be granted unless the body has made findings of~~
19 ~~fact adequate to support the conclusion that the project has been~~
20 ~~designed in a manner that will minimize the negative impacts~~
21 ~~on surrounding property and uses as a result of the traffic,~~
22 ~~noise, light, and glare created by the use.~~

1 **Section 18: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 90 Definitions, shall be amended to read as follows:**

3
4 **Tract:** A unit of land created through a land division. A tract shall be
5 unbuildable unless otherwise authorized by the governing body.
6

7
8 **Utility.** For purposes of this code, a utility includes but is not limited to a
9 local exchange carrier or an electric, gas, water, or other public utility, and
10 who owns or controls poles, ducts, conduits, or rights of way used, in whole or
11 in part, for any wire or cable communication.
12

13 **Utility.** [ORD 4118; August 2000] Infrastructure that is primarily
14 underground. For purposes of this code, utilities include but are not limited
15 to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas
16 lines, power lines and communications lines, and their appurtenances above
17 and below ground, and/or any component part(s) thereof.
18

19 **Utility, Public.** [ORD 4118; August 2000] Utilities that are subject to City
20 acceptance for operation and maintenance. For purposes of this code, public
21 utilities include water lines, sanitary sewer lines, storm sewer lines, and
22 their appurtenances and any component part(s) thereof.
23

24 **Utility, Private.** [ORD 4118; August 2000] Utilities that are not subject to
25 City acceptance for operation or maintenance. For purposes of this code,
26 private utilities include natural gas lines, power lines, telephone lines, cable
27 television lines and other communication lines, their appurtenances and any
28 component part(s) thereof, and the utility companies' operation, maintenance,
29 repair and replacement of same.

1 **Section 19: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 10, General Provisions, Section 10.40.2. shall be deleted**
3 **to read as follows:**

4
5
6 2. The City may consider the zoning for any area proposed for annexation at the
7 same time as it considers annexation of the area or at a later time. ~~The notice and hearing~~
8 ~~procedures shall be as set forth in Section 50.45 (Type 3) of this Code.~~ The zoning
9 decision shall not be a final decision for the purposes of judicial review until the date that
10 the question of annexation has received all approvals required by City and State law and
11 has become effective. [ORD 4135; November 2000] [ORD 4224; August 2002]

1 **Section 20: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 10, General Provisions, Section 10.40.2.3.B shall be**
3 **amended to read as follows:**
4

- 5
- 6 B. For parcels where the UPAA does not identify a specific City
7 zoning designation and discretion is required, a public hearing
8 shall be held pursuant to Section 40.97.15.4 (Discretionary
9 Annexation Related Zone Change) of this Code. The Planning
10 Commission will conduct the public hearing on the zoning change
11 unless State law requires the City Council to hold a public hearing
12 on the related annexation in which case the zoning map
13 amendment hearing will be conducted concurrently by the City
14 Council and the Planning Commission hearing ~~will~~ may not be
15 required. The most similar City zoning designation will be applied
16 as required by the UPAA. [ORD 4224; August 2002]
17
18
19

BEFORE THE PLANNING COMMISSION
FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST FOR	)	ORDER NO. 1705
)	
AMENDMENTS TO DEVELOPMENT	)	TA 2004-0007
)	
CODE CHAPTER 10 (GENERAL PROVISIONS),	)	(2004 SPRING OMNIBUS)
)	
CHAPTER 20 (LAND USES), CHAPTER 40	)	TO CITY COUNCIL
)	
(APPLICATIONS), CHAPTER 50 (PROCEDURES)	)	APPROVAL OF TEXT
)	
CHAPTER 60 (SPECIAL REGULATIONS),	)	AMENDMENT
)	
AND CHAPTER 90 (DEFINITIONS).)	

The matter of TA 2004-0007 (2004 Spring Omnibus) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

TA 2004-0007 proposes to amend selected sections of the Beaverton Development Code currently effective through Ordinance 4295 (April 2004) to clarify approval criteria, specify the applicability of certain regulations, renumber and reorder certain regulations, relocate certain sections, and remove certain sections. Affected chapters of the Development Code include, Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures) Chapter 60, (Special Regulations), and Chapter 90 (Definitions).

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance No. 4295 (April 2004), Section 40.85 and Section 50.50 (Type 4

Application), the Planning Commission conducted a public hearing on May 26, 2004 and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code. At the May 26, 2004 public hearing no public testimony was provided. The Planning Commission considered the staff report dated May 19, 2004 in support of the proposed text amendment. In addition, the Planning Commission considered a memorandum dated May 26, 2004 that amends Section 18 related to definitions of public and private utilities of the proposed text amendment and adds Sections 19 and 20 related to annexations (Chapter 10) to the proposed text amendment. The Planning Commission recommends to the City Council Approval of the proposal based on the following findings:

The Planning Commission adopts by reference the May 19, 2004 staff report and staff memo dated May 26, 2004 and the findings contained therein as to criteria contained in Section 40.85.15.1.C.1-7 applicable to this request and findings therein. The Planning Commission also found that Section 9 of the proposed text amendment was beyond the scope of the Omnibus Text Amendment; and, therefore should be considered at a later date; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** of TA 2004-0007 (2004 Spring Omnibus) to the Beaverton City Council. The Planning Commission finds, the proposed text amendment

Sections 1-8 and 10-20, that evidence has been provided demonstrating that all of the approval criteria specified in Section 40.85.15.1.C.1-7 are satisfied.

CARRIED by the following vote:

AYES: Barnard, Bliss, DeHarport, Pouge, and Winter
NAYS: Johansen
ABSTAIN: None
ABSENT: Maks.


Dated this 3rd day of June, 2004.


Appeals of a Type 4 decision are to be conducted in conformance to Section 50.75 of the Beaverton Development Code. To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1705 an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on Monday, June 14, 2004.

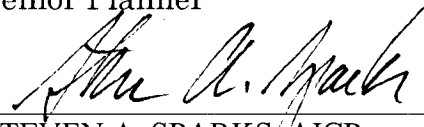
PLANNING COMMISSION
FOR BEAVERTON, OREGON:

ATTEST:

APPROVED:


COLIN COOPER, AICP
Senior Planner


BOB BARNARD
Chairman


STEVEN A. SPARKS, AICP
Development Services Manager

PLANNING COMMISSION MINUTES

May 26, 2004

CALL TO ORDER:

Chairman Bob Barnard called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Bob Barnard, Planning Commissioners Gary Bliss, Alan DeHarpport, Eric Johansen, Shannon Pogue, and Scott Winter. Planning Commissioner Dan Maks was excused.

Senior Planner Colin Cooper and Recording Secretary Sheila Martin represented staff.

The meeting was called to order by Chairman Barnard, who presented the format for the meeting.

VISITORS:

Chairman Barnard asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Observing that two of the Public Hearing Notices for Wednesday, June 2, 2004, had been inadvertently noticed for 6:30 p.m., rather than 7:00 p.m., Senior Planner Colin Cooper requested that the Commissioners arrive and be prepared to begin the public hearing at 6:30 p.m.

Commissioner Johansen requested that Commissioner Maks be advised of this time change.

NEW BUSINESS:

Chairman Barnard opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of

any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

PUBLIC HEARINGS:

I. TA 2004-0006 – BEAVERTON OPERATIONS CENTER

The proposed text amendment will add Operations Center for public entities as an allowed use in Sections 20.15.10 (Industrial Park), 20.15.15 (Light Industrial), and Chapter 90 (Definitions).

Chairman Barnard announced that this application has been withdrawn and that no action is necessary at this time.

II. TA 2004-0004 – MINOR SIGN CODE

(Indefinite continuance)

The proposed text amendment will update selected portions of the Beaverton Development Code currently effective through Ordinance 4248 to clarify code language related to sign definitions, methods of sign area calculation, and the removal of sections that are no longer applicable. Affected chapters of the Development Code include Chapter 60 Section 60.40 (Sign Regulations) and Chapter 90 (Definitions).

Chairman Barnard observed that this application has been continued indefinitely and will be re-noticed when a new hearing date has been scheduled.

Commissioner Johansen **MOVED** and Commissioner Winter **SECONDED** a motion that TA 2004-0004 – Minor Sign Code be continued indefinitely.

Motion **CARRIED**, unanimously.

III. TA 2004-0007 – 2004 SPRING OMNIBUS

The proposed text amendment to selected sections of the Beaverton Development Code currently effective through Ordinance 4248 to clarify approval criteria, specify applicability of certain regulations, relocate certain sections and remove non-applicable sections from the Code. Affected chapters of the Development Code include Chapter 40 (Permits & Applications), Chapter 50 (Procedures), Chapter 60 (Special Requirements), and Chapter 90 (Definitions).

1 Chairman Barnard congratulated Mr. Cooper on his new position.

2
3 Observing that his new position basically involves changes in his
4 responsibilities, Mr. Cooper pointed out that the major issue in the
5 coming year addresses revisions to Chapter 20, adding that several
6 Work Sessions associated with these revisions would be scheduled.

7
8 Mr. Cooper presented the Staff Report, noting that this contains a
9 series of fairly small text amendments intended to clarify or correct
10 errors within the Development Code. Expressing his opinion that none
11 of these amendments are significant in nature, he pointed out that he
12 had received questions from Commissioner Johansen pertaining to
13 Sections 9 and 12 of the packet and can respond at this time.

14
15 Referring to Section 9 which addresses tree mitigation, Mr. Cooper
16 noted that this proposed amendment had been suggested by a member
17 of a Home Owner's Association, adding that this individual had
18 expressed frustration at being required to provide mitigation for a dead
19 tree that was located in the middle of a Significant Natural Resource
20 Area at a significant cost. Observing that Mayor Drake had requested
21 a review of this issue, he explained that staff had proposed this change
22 and questioned whether the Commission prefers to continue to require
23 mitigation for hazardous trees.

24
25 Expressing his opinion that it is necessary to establish some standard,
26 Commissioner DeHarpport questioned whether a definition is
27 available of an arborist's determination of a hazardous tree.

28
29 Observing that he had discussed this issue with Development Services
30 Manager Steven Sparks, Mr. Cooper suggested that while language
31 describing a hazard could be added to the Development Code, different
32 experts could easily mean different definitions.

33
34 Noting that he is neither an expert nor an arborist and would not feel
35 comfortable proposing language, Commissioner DeHarpport responded
36 that it would be necessary to consult an expert for appropriate
37 language.

38
39 Chairman Barnard expressed his opinion that different experts and
40 different definitions could prove to be redundant, adding that the City
41 Arborist should identify exactly what constitutes a hazard.

42
43 Commissioner Johansen pointed out that there appears to be two
44 different categories of hazardous trees, observing that there are

1 hazardous trees that are required to be removed, adding that it is
2 necessary to mitigate the removal of any tree, unless it is a hazard to
3 public safety. He questioned whether there is any example of a
4 hazardous tree that is not a hazard to public safety.

5
6 Mr. Cooper advised Commissioner Johansen that there has been a
7 significant number of requests in the Murrayhill area for the removal
8 of trees that have died within a Significant Natural Resource Area,
9 emphasizing that these trees have the potential to create a hazardous
10 situation to the right-of-way and/or for adjoining property owners.

11
12 Commissioner Johansen expressed concern with discussing an issue of
13 mitigation that he is not certain should be addressed within the
14 Omnibus Text Amendment, and suggested that this should be
15 addressed through the tree project.

16
17 Mr. Cooper responded that this issue could be dealt with
18 comprehensively within the Scenic Tree Project, adding that staff
19 supports any attempt to provide assistance to homeowner's by helping
20 them to avoid the expense of mitigation.

21
22 Commissioner Johansen stated that he would prefer to defer this issue
23 until such time that it can be addressed through this broader context.

24
25 Commissioner Winter discussed the criteria and options for removal
26 and mitigation of a tree, expressing his opinion that this is not
27 extremely expensive.

28
29 Mr. Cooper advised Commissioner Winter that this mitigation has
30 been described as a hardship by certain members of the various Home
31 Owner's Association, adding that at the direction of Mayor Drake, staff
32 has attempted to respond appropriately.

33
34 Commissioner Bliss requested clarification of any difference between
35 public safety and private safety.

36
37 Mr. Cooper advised Commissioner Bliss that private safety could refer
38 to a tree that is located within the yard of a private property owner
39 and would not create any impact by falling on a structure or right-of-
40 way.

41
42 Emphasizing that a property owner is also a member of the public,
43 Commissioner Bliss pointed out that mitigation of a tree can be quite
44 costly and questioned whether an appeals process is available.

1
2 Observing that no appeals process for tree mitigation exists at this
3 time, Mr. Cooper suggested the possibility of not requiring property
4 owners to be subject to this mitigation.

5
6 Referring to a tree that is located on the public right-of-way between
7 his sidewalk and the street, Commissioner Winter pointed out that
8 this tree is a City tree.

9
10 Mr. Cooper advised Commissioner Winter that in most cases, the tree
11 he described would be the responsibility of the home owner, rather
12 than the City's, and that the home owner would be required to remove
13 this tree if it was determined to be a hazard to public safety, adding
14 that in this particular case, the property owner would not be subject to
15 the mitigation requirements.

16
17 Mr. Winter pointed out that he is having a problem with the difference
18 between public safety and private safety.

19
20 Chairman Barnard questioned whether Mr. Cooper has any
21 information with regard to when the Tree Plan will become available.

22
23 Observing that he has not discussed the issue with the Project
24 Manager, Barbara Fryer, Mr. Cooper emphasized that there is an
25 effort to move the Scenic Tree Project as quickly as possible, adding
26 that he anticipates that this would be available in less than a year,
27 possibly within the next six months. He briefly discussed the burden
28 that has been placed upon Home Owners' Associations in their effort to
29 address and mitigate trees that need to be removed.

30
31 Commissioner Pogue questioned whether an exception to the
32 mitigation requirement is possible.

33
34 Mr. Cooper advised Commissioner Pogue that the Development Code is
35 currently written in such a way that an exception is not allowed,
36 emphasizing that the lack of flexibility has created a challenge for staff
37 in some cases.

38
39 Observing that he can not support a provision allowing exceptions to
40 the tree mitigation requirements, Commissioner Johansen pointed out
41 that the final decision would be made by the City Council.

42
43 Chairman Barnard requested and received a consensus of his
44 suggestion for an amendment to the proposed amendment, providing

1 that removal of a hazardous tree is not subject to the mitigation
2 requirements of Section 60.60, as follows:

3 **AYES:** Barnard, Bliss, and Winter.

4 **NAYS:** DeHarpport, Johansen, and Pogue.

5
6 Observing that there is a tied vote on this amendment, Chairman
7 Barnard questioned whether Mr. Cooper has any suggestions to
8 resolve the issue.

9
10 Mr. Cooper explained that he does not have a good solution for this
11 problem, and suggested the possibility of tabling this issue and moving
12 on to other issues.

13
14 Chairman Barnard requested and received a consensus of the proposed
15 amendment, as it is currently written with no modifications, as follows:

16
17 **NAYS:** Barnard, Bliss, Johansen, Pogue.

18
19 Chairman Barnard pointed out that there are already four nays and
20 that it is not necessary to continue for a majority vote on this issue.

21
22 Chairman Barnard questioned whether any Commissioners have any
23 questions pertaining to Section No. 10.

24
25 At the request of Commissioner Winter, Mr. Cooper explained that
26 Section 10 addresses the continual issue with regard to complaints
27 that while applicants are removing their Neighborhood Review Meet-
28 ing boards to use at the meeting location, these signs are required to
29 remain at the subject site for the specified period of time, adding that
30 the applicant needs to provide an appropriate sign for the meeting site.

31
32 Following a discussion pertaining to information that is furnished on
33 the signs, Commissioner Bliss expressed his opinion that it is
34 necessary to provide certain applicant information.

35
36 Chairman Barnard advised Commissioner Bliss that the Commission
37 is currently discussing Section No. 10.

38
39 Observing that there appears to be no more discussion with regard to
40 Section No. 10, Chairman Barnard requested discussion regarding
41 Section No. 11.

1 Commissioner Bliss questioned why the application would be subject to
2 a Type 1 procedure within *approximately* 28 calendar days after the
3 date the application was deemed or determined to be complete.

4
5 Mr. Cooper responded that the word *approximately* provides the
6 guidance that allows the flexibility for staff to work cooperatively with
7 applicants.

8
9 Commissioner Bliss questioned the feasibility of providing this
10 flexibility when the 120-day deadline is involved.

11
12 Observing that this places some responsibility on staff to make certain
13 that the application process is completed in a timely manner, Mr.
14 Cooper pointed out that approximately 90% to 95% of the Type 1
15 applications are completed within a period of 14 to 20 days, which
16 should not jeopardize the 120-day deadline.

17
18 Chairman Barnard requested discussion regarding Section No. 12.

19
20 Observing that Section No. 12 addresses only Type 2 applications,
21 specifically the information with regard to the written notice of the
22 pending application, Commissioner Johansen expressed his opinion
23 that it is a mistake not to include this requirement in the Type 3
24 applications as well. He pointed out that this involves the right of the
25 public to know what is occurring as well as encouraging citizen
26 involvement, and suggested that the name and address of the
27 applicant should be restored to this section and that this requirement
28 should be inserted in the Type 3 application requirements. He
29 emphasized that more information furthers the opportunity for active
30 public participation.

31
32 Chairman Barnard pointed out that Section 12.3.C should address the
33 issue of public notification.

34
35 Commissioner Johansen observed that the map and tax lot number are
36 not usually adequate, adding that it is necessary to provide the site
37 address, or if it is not available, the nearest cross streets.

38
39 Emphasizing that staff agrees with the concept of public involvement,
40 Mr. Cooper explained that if an address is not available, staff generally
41 provides information describing the general location of the site. He
42 pointed out that any interested individual would have the option of
43 contacting the project planner to obtain additional information.

1 Commissioner Bliss noted that many individuals contacting public
2 agencies end up in the voice mail system and requested a guarantee
3 that these requests for information would receive a response in a
4 timely manner.

5 Mr. Cooper noted that the telephone number posted on the notices is
6 the project planner's direct line, adding that each planner attempts to
7 meet the 24-hour performance standard that is expected by the City of
8 Beaverton.

9
10 Chairman Barnard pointed out that even when the public has not
11 always been in agreement with staff's opinion, there has always been
12 very positive feedback with regard to staff's response.

13
14 Chairman Barnard requested and received a consensus of the proposed
15 Section No. 12 as it is currently written with no modifications, as
16 follows:

17
18 AYES: Barnard, Bliss, DeHarpport, Pogue, and Winter.

19 NAYS: Johansen
20

21 Chairman Barnard requested consensus of Commissioner Johansen's
22 amendments to the proposed Section 12.3.C, as follows:

- 23
24 C. A description of the site reasonably sufficient to inform
25 the reader of its location including map and tax lot
26 number, and if available, either the site address or the
27 street and nearest cross street of the proposed site
28 of the application. If available, the site zoning and
29 name of the NAC in which the proposal is located should
30 be provided.
31

32 Mr. Cooper expressed his opinion that most of these issues are covered
33 at this time, with the exception of the nearest cross street. He pointed
34 out that both Development Services Manager Steven Sparks and
35 Community Development Director Joe Grillo have indicated that they
36 would seek to revise any changes legislatively and/or pull this section if
37 it is amended.

38
39 Chairman Barnard requested and received a consensus for the
40 proposed Section 12.3.C without Commissioner Johansen's proposed
41 changes was received, as follows:

42
43 AYES: Barnard, Bliss, Pogue, Winter

44 NAYS: DeHarpport, Johansen.

Chairman Barnard requested and received no discussion regarding Section Nos. 13, 14, 15, and 16.

Chairman Barnard requested discussion regarding Section No. 17. In response to a brief discussion with regard to drive-in theaters, Mr. Cooper pointed out that it is unlikely that this would be an issue in the City of Beaverton at any time in the near future.

Chairman Barnard requested discussion regarding Section No. 18.

Mr. Cooper briefly discussed a Memorandum he had distributed proposing revisions to Section No. 18.

Chairman Barnard requested clarification with regard to Commissioner Johansen's question pertaining to a broadcast facility.

Mr. Cooper responded that the scope of this omnibus amendment is not applicable to the wireless section that has been adopted.

Chairman Barnard requested and received a consensus of the proposed Section No. 18 as it is currently written with no modifications, as follows:

AYES: Barnard, Bliss, DeHarpport, Johansen, Pogue, Winter.

NAYS: None.

Referring to his Memorandum, Mr. Cooper briefly discussed Section No. 19 which addresses the minor changes to Section 10.40.2 and Section 10.40.3.B. He also mentioned Senior Planner Alan Whitworth's request for a change in Section No. 20, adding that Mr. Sparks had indicated that he is comfortable with this proposal.

Chairman Barnard requested and received no discussion regarding Section Nos. 1, 2, 3, 4, 5, 6, and 7.

Chairman Barnard requested discussion regarding Section No. 8.

Referring to Section 8.15, Commissioner Pogue requested clarification with regard to how the 25% is determined and measured.

Mr. Cooper clarified that the percentage of the landscape area involved in the modification is measured and that the current Development

1 Code requires a Type 2 application for any modification, which creates
2 a tremendous burden for a commercial property owner, pointing out
3 that staff is attempting to reduce this burden.
4

5 Observing that the majority of the Commission is in favor of all
6 proposed revisions, with the exception of those to Section No. 9,
7 Chairman Barnard questioned whether the Commission is ready to
8 make a recommendation to the City Council or would prefer to build
9 consensus at this time.
10

11 Commissioner Johansen stated that he is prepared to make a motion
12 on all sections with the exception of Section No. 12.
13

14 Commissioner Winter pointed out that he is comfortable with all
15 sections with the exception of Section No. 9.
16

17 Commissioner Winter **MOVED** and Commissioner DeHarpport
18 **SECONDED** a motion to **APPROVE** TA 2004-0007 – 2004 Spring
19 Omnibus, based upon the testimony, reports and exhibits, and new
20 evidence presented during the Public Hearings on the matter, and
21 upon the background facts, findings and conclusions found in the Staff
22 Report dated May 19, 2004, as amended, with the addition of Section
23 Nos. 18 and 19, as provided in Staff Memorandum dated May 26, 2004,
24 and Section No. 20, as explained by Senior Planner Colin Cooper, and
25 excluding Section No. 9.
26

27 Commissioner Johansen reiterated his opposition to Section No. 12,
28 emphasizing that this section conflicts with the concept of public
29 participation.
30

31 Motion **CARRIED** by the following vote:
32

33 **AYES:** Winter, DeHarpport, Bliss, Pogue, and Barnard.

34 **NAYS:** Johansen.

35 **ABSTAIN:** None.

36 **ABSENT:** Maks.
37
38

39 **APPROVAL OF MINUTES:**
40

41 Acknowledging that he would not be attending the May 26, 2004,
42 meeting, Commissioner Maks had submitted his corrections of the
43 meeting minutes from April 21 and May 5, 2004, to Recording
44 Secretary, Sheila Martin.

Minutes of the meeting of April 14, 2004, submitted. Commissioner Winter **MOVED** and Commissioner DeHarpport **SECONDED** a motion that the minutes be approved as written.

Motion **CARRIED** by the following vote:

AYES: Winter, DeHarpport, Johansen, and Barnard.
NAYS: None.
ABSTAIN: Bliss and Pogue.
ABSENT: Maks.

Minutes of the meeting of April 21, 2004, submitted. Commissioner Maks requested that page 5 of 21, line 33, be amended as follows: "Mr. Mobley ~~explained that said he was not sure; he thought~~ the numbers for the Grace Community . . . " Commissioner Maks requested that page 6 of 21, line 5, be amended as follows: "Mr. Mobley ~~advised Vice Chairman Maks that was not sure; he believed~~ the trip distribution is . . . " Commissioner Winter **MOVED** and Commissioner DeHarpport **SECONDED** a motion that the minutes be amended as written.

Motion **CARRIED** by the following vote:

AYES: Winter, DeHarpport, Johansen, and Pogue.
NAYS: None.
ABSTAIN: Barnard and Bliss.
ABSENT: Maks.

Motion **CARRIED**, unanimously.

Minutes of the meeting of April 28, 2004, submitted. Commissioner Winter **MOVED** and Commissioner DeHarpport **SECONDED** a motion that the minutes be approved as written.

Motion **CARRIED** by the following vote:

AYES: Winter, DeHarpport, Bliss, Johansen, Pogue and Barnard.
NAYS: None.
ABSTAIN: None.
ABSENT: Maks.

Motion **CARRIED**, unanimously.

Minutes of the meeting of May 5, 2004, submitted. Commissioner Winter requested that page 11 of 14, line 15, and page 11 of 14, line 30, be amended as follows: "... he mentioned that ~~there it~~ ..." "... any parking ~~sign~~ sign ..." Commissioner Maks requested that page 10 of 14, line 9 and 10, be amended as follows: "... that ~~every parcel in the City of Beaverton should~~ areas within an urban growth boundary be developed." Commissioner Winter MOVED and Commissioner Bliss **SECONDED** a motion that the minutes be amended as written.

Motion **CARRIED** by the following vote:

AYES: Winter, Bliss, DeHarpport, Johansen, Pogue and Barnard.
NAYS: None.
ABSTAIN: None.
ABSENT: Maks.

Motion **CARRIED**, unanimously.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 8:46 p.m.

JUNE 9	7:00 PM	CONTINUANCE	APP2004-0001	APPEAL OF NOTTAGE MEADOWS SUBDIVISION
JUNE 16	7:00 PM	CONTINUANCE	TP2003-0033 LD2004-0012 CU2003-0024	FOX WOODS PUD (CONTINUED FROM JUNE 2, 2004)
		PUBLIC HEARING	CPA2004-0008 ZMA2004-0008	BEAVERTON SCHOOL DISTRICT SITE
JUNE 23	7:00 PM	PUBLIC HEARING	CPA2004-0005	IMPLEMENTATION OF CITY'S TITLE 7 COMPLIANCE REPORT
			SDM2003-0012 FS2003-0011 CU2003-0019 DR2003-0170 TP2003-0028	OES BUS BARN

1					
2	JUNE 30	7:00 PM	PUBLIC HEARING	CU2004-0013	PLAID PANTRY 24 HOUR
3					OPERATION
4					
5				LD2003-0038	
6				TP2003-0031	
7				ADJ2003-0014	
8				ADJ2003-0015	JEN'S GROVE 19 LOT
9					SUBDIVISION
10					
11	JULY 7	7:00 PM	CONTINUANCE	TA2003-0005	SECTION 40.20
12					(DESIGN REVIEW)
13					UPDATE
14					
15			PUBLIC HEARING	LD2003-0030	
16				ADJ2004-0007	
17				SDM2004-0010	CASTHART PRELIMINARY
18					PARTITION
19					
20					
21					



CITY of BEAVERTON

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

CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

TO: Planning Commission

STAFF REPORT DATE: Wednesday, May 19, 2004

STAFF: Colin Cooper, AICP, Senior Planner *cc*

SUBJECT: TA 2004-0007 (Spring 2004 Omnibus)

REQUEST: Annual omnibus text amendments to selected sections of the Beaverton Development Code currently effective through Ordinance 4295 (April 2004) to clarify approval criteria, specify the applicability of certain regulations to different types of applications, relocate certain sections and remove non-applicable sections from the Code. Affected chapters of the Development Code include Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions).

APPLICANT: City of Beaverton
Development Services Division
Colin Cooper, AICP, Senior Planner
4755 SW Griffith Drive
Beaverton, Oregon 97006

AUTHORIZATION: Ordinance 2050 (Development Code), effective through Ordinance 4295 (April 2004)

APPLICABLE CRITERIA: Ordinance 2050, effective through Ordinance 4295, Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING DATE: Wednesday, May 26, 2004

SUMMARY

A. SUMMARY OF PROPOSED TEXT AMENDMENT

TA 2004-0007 (Spring 2004 Omnibus) proposes annual omnibus text amendments to selected sections of the Beaverton Development Code currently effective through Ordinance 4295 (April 2004) to clarify approval criteria, specify the applicability of certain regulations to different types of applications, relocate certain section and remove non-applicable sections from the Code. Affected chapters of the Development Code include Chapter 20 (Land uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions).

STAFF RECOMMENDATION (S)

Staff offers the following recommendation for the conduct of the May 26, 2004 public hearing for TA 2004-0007 (Spring 2004 Omnibus):

1. Open the public hearing.
2. Receive all public testimony.
3. Close the public hearing.
4. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
5. Recommend **APPROVAL** of text amendment application **TA 2004-0007 (Spring 2004 Omnibus)** to the City Council.

PROPOSAL OVERVIEW

This application is similar to previous Omnibus Text Amendments as it proposes a series of minor changes to the Development Code that are intended to enhance the implementation of the regulations by providing greater clarity to the code. The proposed text amendments included in this application have been suggested by regular users of the Development Code including citizens, policy makers, and staff.

TA 2004-0007 proposes the following amendments to the Development Code:

Section 1- Proposes to add use restrictions for the use listed in Section 20.20.20.2.B.. These use restrictions were part of the original TA 2003-0006 and inadvertently left out of the Code citation at the time of printing.

Section 2 – Proposes to add the Ordinance and Date citations to this section that were inadvertently left out.

Section 3 - Proposes to add the Ordinance and Date citations to this section that were inadvertently left out.

Section 4 - Proposes to insert a code standard for Regional Center yard setbacks that is currently incorrectly located in Section 20.20.50.E.5, Regional Center Floor Area standards.

Section 5 – Proposes to correct the Floor Area standard for Section 20.20.50.E.5.B. which erroneously reduces the minimum Floor Area Ratio for sites that are greater than 201 feet wide and 176 feet deep.

Section 6., Proposes to delete Section 20.20.50.E.5. because it is proposed to be moved to Section 20.20.50.E.3 Regional Center Yard Setback standards.

Section 7 – Propose to delete section a portion of Section 20.20.60.D.2.A that references different types of Major Pedestrian Routes located within the Murray Scholls Town Center.

Section 8 - Proposes to create a numeric standard for Section 40.20.15.2.A.15 Design Review 2 Threshold 15, Modification to Landscape. Staff find that when read literally that this threshold requires a Type 2 Design Review in the case of any modification to the landscape area. Staff propose a change that will provide for relatively small modifications in approved landscape plans that is consistent with other previously adopted landscape thresholds.

Section 9 - Proposes to modify the applicability of the mitigation required for hazard trees where evidence is presented from the City Arborist and a private arborist that concur that the tree is a hazard to public safety.

Section 10 – Proposes to clarify that the site sign may not be removed to serve as the sign used at the Neighborhood Review Meeting location.

Section 11 – Proposes to insert the word “approximately” in front of the numeric standard for the length of time the City will take to render a written decision for a Type 1 Design Review. Staff find that on occasion additional time is necessary to process a Type 1 Design Review and that the 120-day timeline can be maintained without a formal continuance. In these cases staff seeks to avoid the expectation that regardless of the quality of the application that a decision will always be rendered within 28 days.

Section 12 – Proposes the deletion of an unnecessary notice standard. Staff has determined that ORS 197.763 does not require the name and address of the applicant to be included within the body of a land use notice.

Section 13 – Two changes are proposed in this section. The state legislature amended a portion of ORS better known as Ballot Measure 56 during the last legislative session. The new law passed in Senate Bill 516 changes the required wording contained in the Ballot Measure 56 Notice from “will” to “may” affect the permissible uses of your land.” Staff propose to change Development Code Section 50.50, accordingly. The second correction for this section is a simple correction to the alpha sequence of this provision.

Section 14 – The Director has developed an appeal form to help both applicants and staff ensure that the correct information necessary for an appeal is provided. The proposed code change will alert proposed appellants that a specific form is required to make their appeal.

Section 15 – Proposes to change the number of days in which an appellants decision must be made available. There are cases where staff resources have been extended in order to meet this deadline even though adequate time was available within the 120-day deadline to prepare findings for the Final Land Use Order.

Section 16 – Proposes the insertion of the word “Dimensions” to the Residential Parking Section 60.30.7 in order to simply make the purpose of this code section clear.

Section 17 – Proposes the deletion of Drive-In Theatres. There are no existing Drive-In Theatres and this use is seen as obsolete within the City.

Section 18 – Proposes the addition of the word “Tract” to the Chapter 90 Definitions. Staff find that it would be useful to add a definition of “Tract” for the processing of Land Divisions.

At the suggestion of the City Attorney, staff is proposing deletion of the existing definitions of “Utility, Public and Private” and insert of a new definition of Utility that encompasses all Utilities.

PUBLIC COMMENTS

The April 04, 2004 notice of application specified May 18, 2004 as the due date for written comments to be addressed in the staff report and recommendation. As of the date of issuance for the staff report and recommendation there were no written comments submitted to the record.

FACTS AND FINDINGS

A. CONFORMITY TO TEXT AMENDMENT APPROVAL CRITERIA

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2004-0007 (Spring 2004 Omnibus):

1. The proposal satisfies the threshold requirements for a Text Amendment application.

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2004-0007 (Section 20.20.50.E Text Amendment) proposes to amend various twelve separate sections of the Development Code. Therefore, staff find that approval criterion one has been met.

2. All City application fees related to the application under consideration by the decision-making authority have been submitted.

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Community Development Department, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Metro's Urban Growth Management Functional Plan is comprised of the following titles:

- Title 1: Requirements for Housing and Employment Accommodations
- Title 2: Regional Parking Policy
- Title 3: Water Quality and Flood Management Conservation
- Title 4: Retail in Employment and Industrial Areas
- Title 5: Neighbor Cities and Rural Reserves
- Title 6: Regional Accessibility
- Title 7: Affordable Housing
- Title 8: Compliance Procedures and
- Title 9: Performance Measures

TA 2004-0007 (Spring 2004 Omnibus) proposes to clarify 12 separate sections of the Development Code without making any substantive changes to the code. The proposed amendments have no applicability to the Metro titles. Staff find that approval criterion three is not applicable.

4. *The proposed text amendment is consistent with the City's Comprehensive Plan.*

There are no specific Comprehensive Plan policies that address omnibus text amendments. The proposed text amendments will not change the intent of the existing Development Code regulations, such that goals and policies of the Comprehensive Plan will be impacted. The following policies are addressed generally:

CHAPTER 2 – PUBLIC INVOLVEMENT ELEMENT

Staff suggest that Chapter 2 of the Comprehensive Plan (Public Involvement Element) is relevant to the proposed amendments. Although Chapter 2 of the Comprehensive Plan does not contain discrete policies to which the proposed amendment is applicable, staff suggest that the intent of Chapter 2 is met by the noticing efforts undertaken by the City to advertise the proposed text amendment.

Staff find that proposed amendments are consistent with the other provisions of the Development Code. Staff find, therefore, approval criterion five has been met.

6. *The proposed amendment is consistent with all applicable City ordinance requirements and regulations.*

Ordinance No. 4224, which adopted the current Development Code, and Ordinance No. 4187 which adopted the current Comprehensive Plan are applicable to the proposed text amendment, and are addressed in the findings of fact for approval criterion four and five. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendments. Therefore, staff find that approval criterion six has been met.

7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion is not applicable.

B. CONFORMANCE WITH STATEWIDE PLANNING GOALS

Because the proposal is for a text amendment to the Development Code, a demonstration of compliance with the Statewide Planning Goals is not required. ORS 197.225 requires that Statewide Planning Goals only be addressed for Comprehensive Plan Amendments. Nevertheless, staff make it a practice to review the Statewide Planning Goals as useful tool to ensure that the proposed amendments remain consistent with the City's position on the proposed amendments. The proposed text amendment's conformance to relevant Statewide Planning Goals is briefly discussed below:

GOAL ONE - CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City is in compliance with this Statewide Planning Goal through the establishment of a Committee for Citizen Involvement (CCI). The City has gone even further by establishing Neighborhood Association Committees (NACs) for the purpose of providing widespread citizen involvement, and distribution of information. The proposed text amendment to the Development Code will not change the City of Beaverton's commitment to providing opportunity for citizen involvement, or place the City out of compliance with Statewide Planning Goal One.

The City engaged in the adopted public notification efforts for the proposed text amendments. On April 4, 2004, notice was sent to the Department of Land Conservation and Development a minimum of 45 days prior to the initial hearing. On April 15, 2004, notice was sent to the CCI and other local governmental agencies as required by the Development Code. Posting of public hearing notices at Beaverton City Hall and the Beaverton City Library also occurred on April 15, 2004. On April 15, 2003, a legal notice of the proposed text amendment and the scheduled Planning Commission public hearing was published in the *Valley Times*.

GOAL TWO - LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton has adopted a Comprehensive Plan that includes text and maps (Ordinance 1800, and most recently amended by Ordinance 4187) along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4295). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text amendment proposal. The proposed Development Code amendment has been

processed in accordance with Section 40.85 (Text Amendment) and Section 50.50 (Type 4 Application) of the Development Code. Section 40.85 contains specific approval criteria for the decision-making authority to apply during its consideration of the text amendment application. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. The City of Beaverton's Comprehensive Plan is consistent with Statewide Planning Goal 2.

CONCLUSIONS

Based on the facts and findings presented, staff conclude that the proposed amendments to the Development Code are consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7.

STAFF RECOMMENDATION(S)

Staff offer the following recommendation for the conduct of the May 26, 2004 public hearing for TA 2004-0007 (Spring 2004 Omnibus):

1. Open the public hearing.
2. Receive all public testimony.
3. Close the public hearing.
4. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
5. Recommend **APPROVAL** of text amendment application **TA 2004-0007 (Spring 2004 Omnibus)** to the City Council.

EXHIBITS

Exhibit 1. Material Submitted by Staff

Exhibit 1.1 Proposed Omnibus Text Amendment

G:\mydocuments\text amendments 2004\ta2004-0007 staffrpt.doc

Exhibit 1.1

Proposed Omnibus Text Amendment

Section 1: The Development Code, Ordinance No. 2050, Ordinance 4248, Chapter 20 – Land Uses, Sections 20.20.20.2.B.12., will be amended to read as follows:

20.20.20.2.B.

12. Storage yard for fully operable vehicles for sale, lease, or rent within one-quarter mile of the north side of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue (subject to use restrictions g, i, j, k) [ORD 4246; March 2003]

1 **Section 2: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 20 – Land Uses, Sections 20.20.20.2.B.23., will be**
3 **amended to read as follows:**

4
5 *****

6
7 23. Storage yards, except as allowed under Section
8 20.20.20.2.B.12. [ORD 4246, March 2003]

9 *****
10

1 **Section 3: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 20 – Land Uses, Sections 20.20.50.3, will be amended to**
3 **read as follows:**

4
5 *****

6
7 20.20.20.2.D.2.

- 8
9 g. Except as otherwise provided in this paragraph, this
10 activity shall be conducted wholly within an
11 enclosed structure. No accessory open air sales,
12 display, or storage are allowed with this use., except
13 that the prohibition against storage shall not apply
14 to storage yards for fully operable vehicles for sale,
15 lease, or rent within one-quarter mile of the north
16 side of the Tualatin Valley Highway Corridor land
17 use designation between SW Murray Boulevard and
18 SW Lloyd Avenue. [ORD 4246; March 2003]

19
20 *****

- 21 i. Storage yards for fully operable vehicles for sale,
22 lease, or rent within one-quarter mile of the north
23 side of the Tualatin Valley Highway Corridor land
24 use designation between SW Murray Boulevard and
25 SW Lloyd Avenue may be authorized for a period
26 of time up to and including five (5) years. Upon
27 expiration of an approved time period Storage yard
28 use shall cease until a new authorization through a
29 separate conditional use permit is approved. [ORD
30 4246; March 2003]

- 31
32 j. Within approved storage yards located within one-
33 quarter mile of the Tualatin Valley Highway
34 Corridor land use designation between SW Murray
35 Boulevard and SW Lloyd Avenue open air sales or
36 display of fully operable vehicles for sale, lease, or
37 rent is prohibited. [ORD 4246; March 2003]

- 38
39 k. The following existing site conditions must be
40 present as of January 1, 2003 in the South Textronix
41 Station Community Plan Area, and more
42 specifically located on the north side of the Tualatin
43 Valley Highway Corridor land use designation
44 between SW Murray Boulevard and SW Lloyd
45 Avenue, in order for lots in this area to be
46 authorized for the development of storage yards for

1 fully operable vehicles for sale, lease, or rent. Other
2 site improvements, in addition to the following
3 existing site conditions, may be required by the
4 decision-making authority as conditions of approval
5 for a development application:
6

- 7 i. Are currently being used for the storage of
8 fully operable vehicles for sales, lease, or
9 rent.
10 ii. Are currently shielded from public view
11 with a sight-obscuring chain link fence.
12 iii. Currently have established landscaping
13 outside the fence along public right-of-way.
14 iv. Are currently lighted to prevent vandalism.
15 v. Are currently surfaced with compacted
16 gravel or paving. [ORD 4246; March 2003]
17
18
19

1 **Section 4: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 20 – Land Uses, Sections 20.20.50.E.3, will be amended**
3 **to read as follows:**

4
5 *****

6
7 20.20.50.E.3

8
9 E.. Maximum setbacks do not apply along streets that form a
10 boundary of the Regional Center Districts, unless
11 specifically required and identified in Section 20.20.60.

12
13 FE. Yards abutting single-family residential zones, when not
14 separated by a public street, shall have a minimum
15 setback of twenty (20) feet.

16
17 GF. No side or rear yard setbacks are required where side or
18 rear property lines abut a railroad right-of-way or spur
19 track.

20
21 HG. Alternative Maximum Setback – Large Retail Use.

22 *****
23

Section 5: The Development Code, Ordinance No. 2050, Ordinance 4248, Chapter 20 – Land Uses, Sections 20.20.50.E.5.B., will be amended to read as follows:

20.20.50.E.5.B.

MINIMUM SITE WIDTH	MINIMUM SITE DEPTH			
	0-120'	121'-139'	140'-175'	176'+
0-100'	0.1	0.2	0.25	0.25
101'-200'	0.1	0.3	0.45	0.45
201'+	0.1	0.45	0.45	0.45 0.60

1 **Section 6: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 20, Land Uses, Section 20.20.50.E.5.L. shall be deleted**
3 **as follows:**

4
5 *****

6
7 20.20.50.E.5.

8
9
10 ~~L. Maximum setbacks do not apply along streets that form a~~
11 ~~boundary of the Regional Center Districts, unless~~
12 ~~specifically required and identified in Section 20.20.60.~~

13
14 M L. Separation of buildings is subject to the State Building
15 Code and the Uniform Fire Code.

16 *****

1 **Section 7: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 20, Land Uses, Section 20.20.60.D.2. A. 3 shall be**
3 **amended to read as follows:**

4
5 *****

6
7 20.20.60.D.2.A.

- 8
9
10 3. Major Pedestrian Routes within the Murray Scholls
11 Town Center are shown on Map 20.20.60-12
12 ~~Within the Murray Scholls Town Center, Major~~
13 ~~Pedestrian Routes are divided into two types:~~
14 ~~Pedestrian Streets and Transit Streets. These two~~
15 ~~types of Major Pedestrian Routes, while subject to~~
16 ~~the requirements for Major Pedestrian Routes,~~
17 ~~serve different purposes. The Transit Street is~~
18 ~~distinguished by an emphasis on transit facilities~~
19 ~~and services.~~

20
21 *****
22

1 **Section 8: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 40, Applications, Section 40.20.15.2.A will be amended**
3 **to read as follows:**

4
5 *****

6 40.20.15.2.A.

- 7
8 14. Increase of landscaping area of more than ten
9 percent and up to and including fifty percent (10% -
10 50%) of the previously approved landscape area.
11
12 15. Modification to a previously approved landscaping
13 plan to alter the location of more than 25 percent of
14 the landscaping area, ~~change the~~ plant materials,
15 or both.
16
17 16. Excluding landscape maintenance, any change to
18 existing or approved grade that will result in the
19 excavation, fill, grading, or other form of earth
20 moving in excess of fifty (50) cubic yards of earth,
21 the disturbance of more than 500 square feet of
22 surface area, or both.
23

24 *****
25

1 **Section 9: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 40, Applications, Section 40.90.10.2., will be amended to**
3 **read as follows:**

4
5 *****

6
7 40.90.10. Applicability.

8
9 Different types of resources require different levels of protection. No
10 Tree Plan is required for the following actions:

- 11
12 1. Removal of up to four (4) community trees within an one (1)
13 calendar year period. Properties one-half acre or less in size
14 developed with a detached dwelling may remove any number of
15 community trees.
16
- 17 2. Removal of any hazardous tree or a portion of a hazardous tree
18 when the tree is identified as such by the City Arborist and the
19 removal is required by the City. The removal of a hazardous
20 tree is-subject to the mitigation requirements of Section 60.60
21 (Trees and-Vegetation) of this Code except in those cases where
22 the City Arborist determines that the tree poses a hazard to
23 public safety.
24
- 25 3. Pruning of trees consistent with the Vision Clearance
26 requirements of Section 60.55.50.

27
28 *****

1 **Section 10:** The Development Code, Ordinance No. 2050, Ordinance
2 4248, Chapter 50, Procedures, Section 50.30.C., will be amended to
3 read as follows:

4
5 *****

6 50.30.

7
8 C. Not less than 20 calendar days prior to the Neighborhood
9 Review Meeting, the applicant shall post a notice on the
10 property which is subject of the proposed application. The
11 notice shall be posted within 50 feet of an adjoining public
12 right-of-way in a manner that can be read from the right-
13 of-way. The notice shall state that the site may be subject
14 to a proposed development and shall set forth the name of
15 the applicant and a telephone number where the
16 applicant can be reached for additional information. The
17 site shall remain posted until the conclusion of the
18 Neighborhood Review Meeting. The applicant may
19 purchase a second sign from the City or create a sign to
20 post at the Neighborhood Review Meeting location.

21
22 Standard signs are available from the City upon payment
23 of a fee. The City will not be responsible for posting of any
24 signs.

25
26 *****
27

1 **Section 11: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 50, Procedures, Section 50.35.2., will be amended to**
3 **read as follows:**

4
5 *****

6 50.35. Type 1

- 7
8 2. Except for Non-Discretionary Annexation Related Zoning Map
9 Amendment applications, the decision making authority shall
10 approve, approve with conditions, or deny an application subject
11 to a Type 1 procedure within approximately twenty eight (28)
12 calendar days after the date the application was deemed or
13 determined to be complete. In the case of a Type 1 application
14 for a site that is identified on the Local Wetland Inventory
15 (LWI), the decision shall be made within forty (40) calendar
16 days. In either case, an applicant may request in writing a
17 continuance of the time for decision by the Director, not to
18 exceed a total of 180 calendar days from the date the application
19 was deemed or determined to be complete. The decision making
20 authority shall issue a decision prior to the conclusion of the
21 continuance of time. The decision making authority may
22 consider new evidence the applicant introduces with or after
23 such request for continuance.

24
25 *****

1 **Section 12: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 50, Procedures, Section 50.40.3.B., shall be deleted as**
3 **follows:**

4
5 *****

6 3. The written notice of the pending application shall include the following
7 information:

8
9 A. The case file number for the application.

10
11 ~~B. The name and address of the applicant.~~

12
13 C. A description of the site reasonably sufficient to inform the reader
14 of its location including map and tax lot number, and if available,
15 site address, site zoning, and name of the NAC in which the
16 proposal is located.

17 *****

1 **Section 13: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 50, Procedures, Section 50.50.2., will be amended to**
3 **read as follows:**

4
5 *****

6 50.50

7
8 2. Not more than forty (40) nor less than twenty (20) calendar days
9 before the date of the initial hearing of the decision making
10 authority on an ordinance that proposes to legislatively change
11 the zoning map or to amend the text of the Development Code,
12 the Director shall mail notice of the hearing to:

13
14 A. The applicant if other than the City.

15
16 B. All NAC in whose area there is property that in the
17 Director's opinion could be affected by the proposed
18 ordinance, if adopted.

19
20 C. Owners of property within the City for which the
21 proposed ordinance, if adopted, may in the Director's
22 opinion affect the permissible uses of land.

23
24 1. The most recent property tax assessment roll of the
25 Washington County Department of Assessment
26 and Taxation shall be used for determining the
27 property owner of record. The failure of a property
28 owner to receive notice does not invalidate the
29 decision.

30
31 2. If a person owns more than one property that could
32 be affected by the proposed ordinance if adopted,
33 the Director may mail that person only one notice
34 of the hearing.

35
36 3. The notice of the initial hearing in a Type 4
37 procedure shall include at least the following
38 information:

39
40 AD. If required by ORS 227.186, a statement in bold type
41 across the top of the first page of the notice that reads as
42 follows: "This is to notify you that the City shall consider
43 a proposed land use regulation that ~~will~~ **may** affect the
44 permissible uses of your land."

1
2 **BE.** The date, time, and location of the hearing.

3
4 **CF.** The nature and purpose of the hearing.

5
6 **DG.** The case file number, title, or both of the proposed
7 ordinance to be considered at the hearing.

8
9 **EH.** A listing of the applicable approval criteria by
10 Development Code and Comprehensive Plan section
11 numbers.

12
13 **FI.** A statement that a copy of the staff report will be
14 available for inspection at no cost at least seven (7)
15 calendar days before the hearing, and a copy will be
16 provided at reasonable cost, and the name and telephone
17 number of a City representative to contact about the
18 ordinance.

19
20 **GJ.** A statement that failure to raise an issue in a hearing, in
21 person or by letter, or failure to provide statements or
22 evidence sufficient to afford the decision making authority
23 an opportunity to respond to the issue precludes appeal to
24 the Land Use Board of Appeals on that issue.

25
26 **HK.** Include a general explanation of the requirements for
27 submission of testimony and the procedure for conduct of
28 hearings.

29
30 **IL.** If applicable, a statement that the ordinance is a result of an order of
31 the Land Conservation and Development Commission or Metro.

1 **Section 14: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 50, Applications, Sections 50.60.1., 50.65.1., 50.70.1., will**
3 **be amended to read as follows:**

4
5 *****

6
7 **50.60. Appeal of a Type 1 Decision**

- 8
9 1. The decision making authority's decision on a Type 1 application
10 may be appealed only by the applicant. The appeal must be on
11 an Appeal Form provided by the Director and must be received
12 by the Community Development Department within twelve (12)
13 calendar days after signed written notice of the decision was
14 dated and mailed.

15
16 **50.65. Appeal of a Type 2 Decision**

- 17
18 1. The decision making authority's decision on a Type 2 application
19 may be appealed only by the applicant or by any other person
20 who submitted written evidence prior to the decision of the
21 Director. The appeal must be on an Appeal Form provided by
22 the Director and must be received within twelve (12) calendar
23 days after written notice of the decision was dated and mailed.

24
25 **50.70. Appeal of a Type 3 Decision**

- 26
27 1. The decision making authority's decision on a Type 3 application
28 may be appealed only by the applicant or any other person who
29 participated by providing either oral or written evidence on the
30 record leading to the decision by the decision making authority.
31 The appeal must be on an Appeal Form provided by the Director
32 and must be received within ten (10) calendar days after the
33 signed written land use order of the decision making authority
34 was dated and mailed.

35 *****

1 **Section 15:** The Development Code, Ordinance No. 2050, Ordinance
2 4248, Chapter 50, Procedures, Section 50.70.11., shall be amended to
3 read as follows:

4
5 *****

6 50.70.

- 7
8 11. Within approximately ~~ten (10)~~ seven (7) calendar days from the
9 date that the appellate decision making authority votes on the
10 motion regarding the appeal, the Director shall cause a land use
11 order to be signed, dated, and mailed to the appellant and other
12 persons who appeared orally or in writing before the Planning
13 Commission, Board of Design Review, City Council, or all while
14 the public record on the appeal was open.

15 *****

1 **Section 16:** The Development Code, Ordinance No. 2050, Ordinance
2 4248, Chapter 60, Special Regulations, Section 60.30.7., shall be
3 amended to read as follows:

4
5 *****

6
7 60.30.

- 8
9 7. **Residential Parking Dimensions.** For all residential uses, any
10 required parking space shall not be less than 8 1/2 feet wide and
11 18 1/2 feet long. (See also Section 60.30.15., Off-Street Parking
12 Lot Design for other standards.)
13

14 *****
15

1 **Section 17: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 60 Special Requirements, Section 60.50.25. (Drive In**
3 **Theatres), shall be deleted:**
4
5

6 **60.50.25. Uses Requiring Special Regulation.** In addition to other
7 standards and requirements by this ordinance, all uses included
8 in this section shall comply with the provisions stated herein.
9 Should a conflict arise between the requirements of this section
10 and other requirements of this ordinance, the more restrictive
11 provision shall control.
12

13 *****
14

15 ~~Drive-In Theatres. Drive-in theatres shall be located on a street~~
16 ~~of a "D" standard or greater as established by the~~
17 ~~Comprehensive Plan. Approval of a project by the reviewing~~
18 ~~body shall not be granted unless the body has made findings of~~
19 ~~fact adequate to support the conclusion that the project has been~~
20 ~~designed in a manner that will minimize the negative impacts~~
21 ~~on surrounding property and uses as a result of the traffic,~~
22 ~~noise, light, and glare created by the use.~~

1 **Section 18: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 90 Definitions, shall be amended to read as follows:**

3
4 **Tract:** A unit of land created through a land division. A tract shall be
5 unbuildable unless otherwise authorized by the governing body.
6

7
8 **Utility.** For purposes of this code, a utility includes but is not limited to a
9 local exchange carrier or an electric, gas, water, or other public utility, and
10 who owns or controls poles, ducts, conduits, or rights of way used, in whole or
11 in part, for any wire or cable communication.
12

13 ~~**Utility.** [ORD 4118; August 2000] Infrastructure that is primarily~~
14 ~~underground. For purposes of this code, utilities include but are not limited~~
15 ~~to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas~~
16 ~~lines, power lines and communications lines, and their appurtenances above~~
17 ~~and below ground, and/or any component part(s) thereof.~~
18

19 ~~**Utility, Public.** [ORD 4118; August 2000] Utilities that are subject to City~~
20 ~~acceptance for operation and maintenance. For purposes of this code, public~~
21 ~~utilities include water lines, sanitary sewer lines, storm sewer lines, and~~
22 ~~their appurtenances and any component part(s) thereof.~~
23

24 ~~**Utility, Private.** [ORD 4118; August 2000] Utilities that are not subject to~~
25 ~~City acceptance for operation or maintenance. For purposes of this code,~~
26 ~~private utilities include natural gas lines, power lines, telephone lines, cable~~
27 ~~television lines and other communication lines, their appurtenances and any~~
28 ~~component part(s) thereof, and the utility companies' operation, maintenance,~~
29 ~~repair and replacement of same.~~
30




MEMORANDUM

"make it happen"

City of Beaverton

Community Development Department

To: Planning Commission
From: Colin Cooper, AICP, Senior Planner 
Date: May 26, 2004
Subject: *Modifications and Addition to 2004 Spring Omnibus*

Please find attached proposed changes to Section 18, Definitions, and an addition of Section 19, General Procedures.

Section 18 – Upon further review staff has determined that it is appropriate to continue to maintain definitions for both public and private utilities.

Section 19 – Planning Services staff requested the minor changes to Section 10.40.2. and Section 10.40.3.B today. Staff suggest striking the sentence regarding notice procedure as it is a duplication of the procedure found in Section 40.97.15.3.B. In Section 10.40.3.B., staff recommend the replacement of the word “will” with the word may in order to provide the City Council additional flexibility.

1 **Section 18: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 90 Definitions, shall be amended to read as follows:**
3

4 **Tract:** A unit of land created through a land division. A tract shall be
5 unbuildable unless otherwise authorized by the governing body.
6

7 **Utility.** For purposes of this code, a utility includes but is not limited to a
8 local exchange carrier or an electric, gas, water, or other public utility, or
9 control or ownership use of poles, ducts, conduits, rights of way or other
10 infrastructure used, in whole or in part, for any wire or cable communication.
11

12 ~~**Utility.** [ORD 4118; August 2000] Infrastructure that is primarily~~
13 ~~underground. For purposes of this code, utilities include but are not limited~~
14 ~~to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas~~
15 ~~lines, power lines and communications lines, and their appurtenances above~~
16 ~~and below ground, and/or any component part(s) thereof.~~
17

18 **Utility, Public.** [ORD 4118; August 2000] Utilities that are subject to City
19 acceptance for operation and maintenance. ~~For purposes of this code, public~~
20 ~~utilities include water lines, sanitary sewer lines, storm sewer lines, and~~
21 ~~their appurtenances and any component part(s) thereof.~~
22

23 **Utility, Private.** [ORD 4118; August 2000] Utilities that are not subject to
24 City acceptance for operation or maintenance. ~~For purposes of this code,~~
25 ~~private utilities include natural gas lines, power lines, telephone lines, cable~~
26 ~~television lines and other communication lines, their appurtenances and any~~
27 ~~component part(s) thereof, and the utility companies' operation, maintenance,~~
28 ~~repair and replacement of same.~~
29
30

1 **Section 19: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 10, General Provisions, Section 10.40.2. shall be deleted**
3 **to read as follows:**
4
5

6 2. The City may consider the zoning for any area proposed for annexation at the
7 same time as it considers annexation of the area or at a later time. ~~The notice and hearing~~
8 ~~procedures shall be as set forth in Section 50.45 (Type 3) of this Code.~~ The zoning
9 decision shall not be a final decision for the purposes of judicial review until the date that
10 the question of annexation has received all approvals required by City and State law and
11 has become effective. [ORD 4135; November 2000] [ORD 4224; August 2002]

1 **Section 20: The Development Code, Ordinance No. 2050, Ordinance**
2 **4248, Chapter 10, General Provisions, Section 10.40.2.3.B shall be**
3 **amended to read as follows:**
4

- 5
- 6 B. For parcels where the UPAA does not identify a specific City
7 zoning designation and discretion is required, a public hearing
8 shall be held pursuant to Section 40.97.15.4 (Discretionary
9 Annexation Related Zone Change) of this Code. The Planning
10 Commission will conduct the public hearing on the zoning change
11 unless State law requires the City Council to hold a public hearing
12 on the related annexation in which case the zoning map
13 amendment hearing will be conducted concurrently by the City
14 Council and the Planning Commission hearing ~~will~~ may not be
15 required. The most similar City zoning designation will be applied
16 as required by the UPAA. [ORD 4224; August 2002]
17

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located at 1115 NW 158 Avenue; CPA 2004-0007/ZMA 2004-0007

FOR AGENDA OF: 06/14/04 **BILL NO:** 04117

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: CDD *fy*

DATE SUBMITTED: 04/22/04

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

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B – Staff Report Dated 04/20/04

BUDGET IMPACT

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

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning designations for the subject property, replacing the Washington County land use designations.

The Urban Planning Area Agreement (UPAA) is specific on the appropriate Land Use Map and Zoning Map designations for this parcel, thus no public hearing is required. The appropriate Land Use Map designation is Neighborhood Residential - Medium Density (NR-MD), and the appropriate Zoning Map designation is Residential – 2,000 square foot minimum per dwelling unit (R-2). The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4313

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED AT 1115 NW 158TH AVENUE; CPA 2004-0007/ZMA 2004-0007

WHEREAS, A separate companion ordinance annexing this same property is set to be approved by the City Council, thus the property is being redesignated in this ordinance from the County's land use designations to the closest corresponding City designations as specified by the Urban Planning Area Agreement (UPAA); and

WHEREAS, Since the UPAA is specific on the appropriate designations for these parcels, no public hearing is required; and

WHEREAS, The Council adopts as to criteria applicable to this request and findings thereon the Community Development Department staff report by Senior Planner Alan Whitworth, dated April 20, 2004, attached hereto as Exhibit B; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject property located at 1115 NW 158th Avenue (Tax Map 1N132BC, Lots 00200 and 00300) Neighborhood Residential - Medium Density on the City of Beaverton Comprehensive Plan Land Use Map, as shown on Exhibit "A" and in accordance with the UPAA.

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate the same property in Section 1 Residential – 2,000 square foot minimum per dwelling unit (R-2) on the City of Beaverton Zoning Map, as shown on Exhibit "A" and in accordance with the UPAA.

First reading this _____ day of _____, 2004.

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

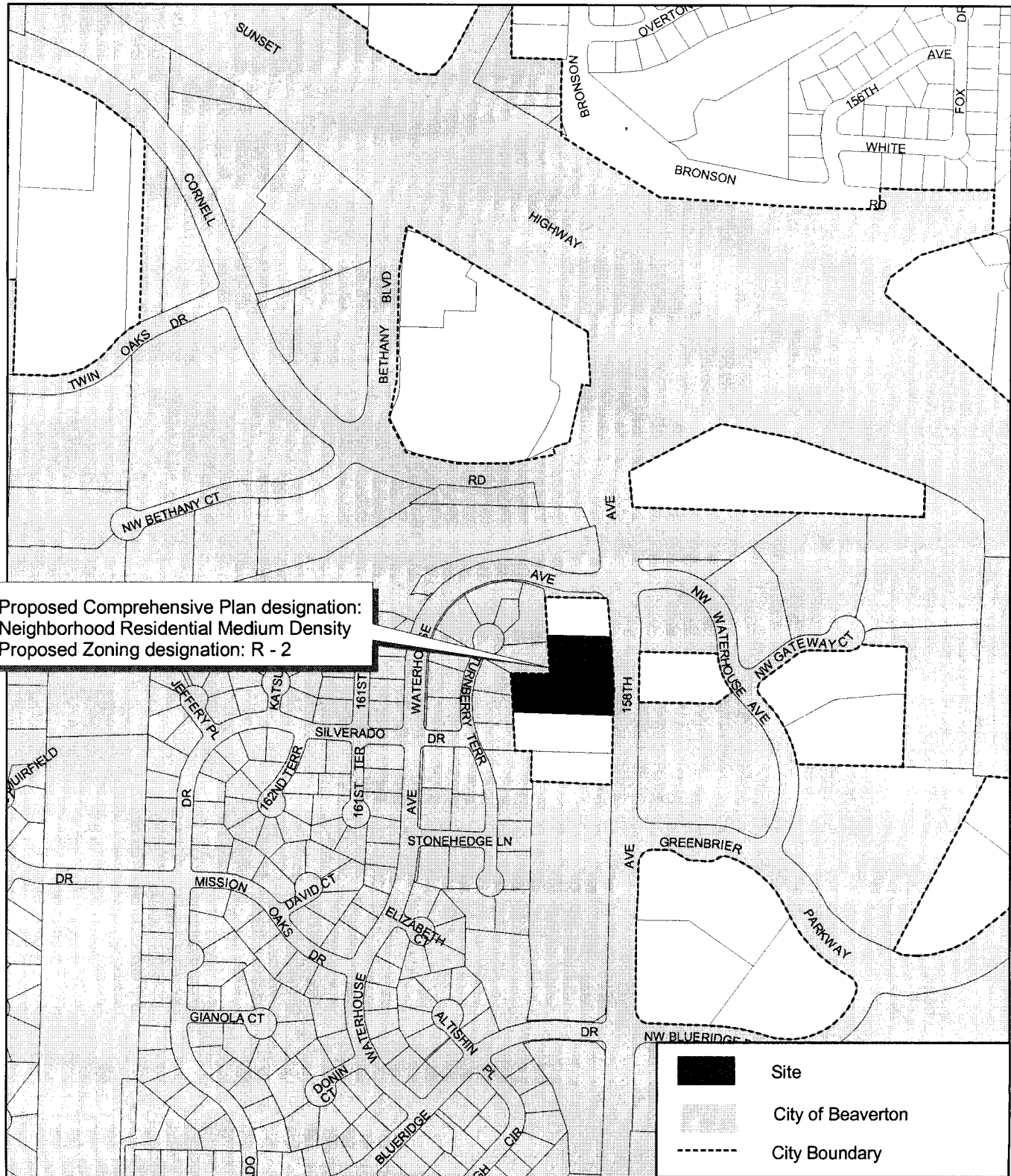
Approved by the Mayor this _____ day of _____, 2004.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor



City of Beaverton

1115 NW 158TH AVENUE COMPREHENSIVE PLAN
LAND USE MAP AMENDMENT AND ZONING MAP AMENDMENT

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

03/31/04

Map #
1n132bc00200
1n132bc00300



Application #
CPA 2004-0007/
ZMA 2004-0007

2

**CITY of BEAVERTON****Exhibit "B"**

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

STAFF REPORT

TO: City Council

AGENDA DATE: June 14, 2004

REPORT DATE: April 20, 2004 *Alan*

FROM: Alan Whitworth, Senior Planner, Community Development Department

SUBJECT: To assign City Land Use (CPA2004-0007) and zoning (ZMA2004-0007) designations for two parcels with one assigned street address of 1115 NW 158th Avenue (Tax Map 1N132BC, lots 00200 and 00300) being annexed into the City by separate action. The parcels are shown on the attached map and more particularly described by the attached legal description.

ACTIONS: Amend the City's Comprehensive Plan Land Use Map to show Neighborhood Residential Medium Density and the Zoning Map to show Residential – 2,000 square foot minimum per unit (R-2) for these two parcels.

APPLICANT: City of Beaverton

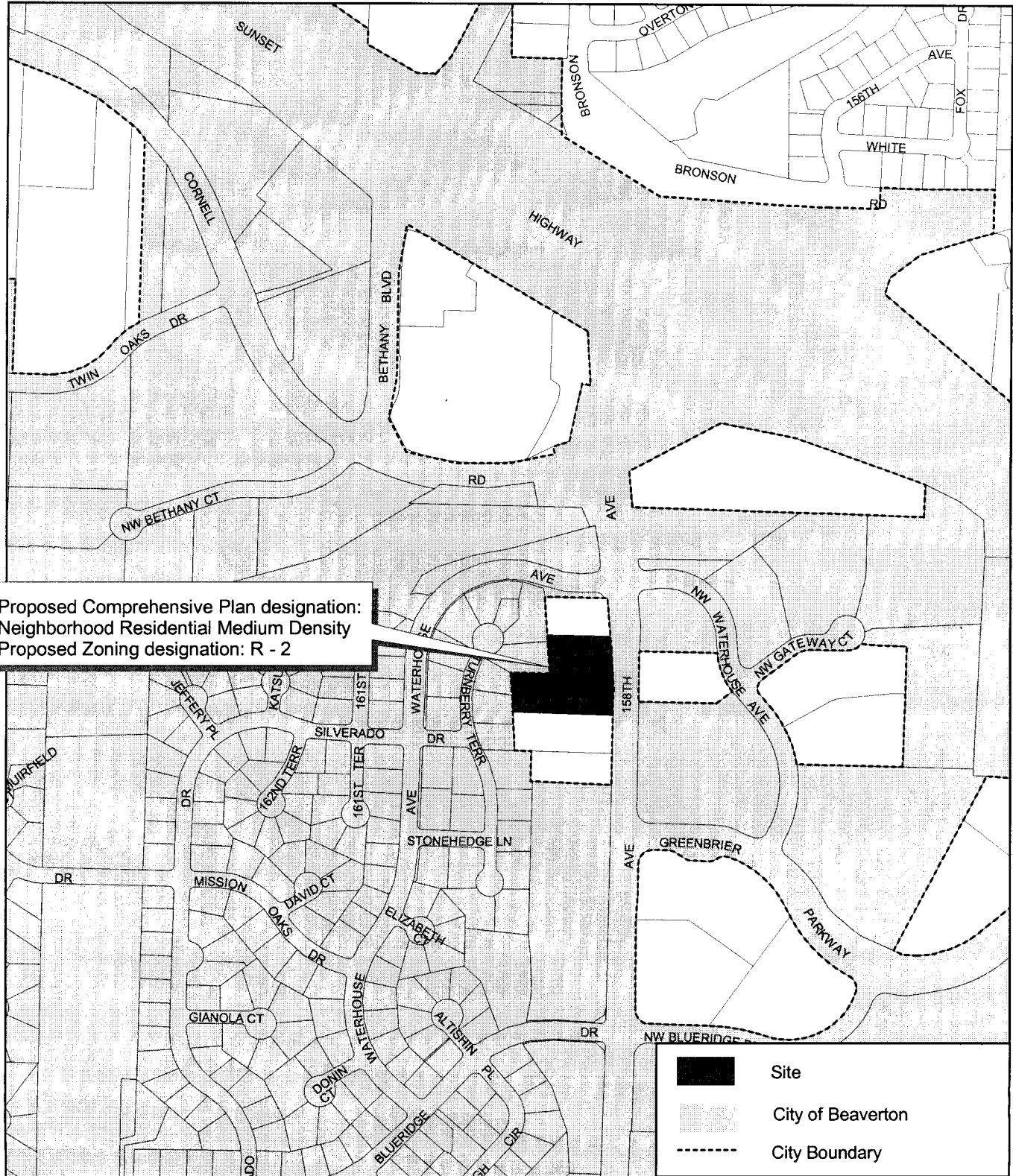
APPROVAL CRITERIA: Comprehensive Plan Section 1.3.1 and the new Development Code Section 40.97.15.3.C

SUMMARY AND RECOMMENDATION

The parcels are designated Residential – 15 units to the acre maximum (R-15) by Washington County. The City assigns Comprehensive Plan and Zoning designations to property being annexed into the City as prescribed by the Washington County – Beaverton Urban Planning Area Agreement (UPAA). The UPAA is specific that the appropriate City Land Use Map designation for this property is Neighborhood Residential - Medium Density and the appropriate zoning district is Residential – 2,000 square foot minimum per unit (R-2). No Public Hearing is required because the UPAA is specific as to the Comprehensive Plan Land Use Plan and Zoning Map designations, no discretion is required and, therefore, these are not land use decisions.

Staff recommends the City Council adopt the ordinance assigning the Neighborhood Residential – Medium Density Land Use and R-2 Zoning designations for tax lots 1N132BC 00200 and 1N132BC 00300 that are shown on the attached map and more particularly described by the attached legal description, effective thirty days after the Mayor's signature.

CPA/ZMA MAP



City of Beaverton

1115 NW 158TH AVENUE COMPREHENSIVE PLAN
LAND USE MAP AMENDMENT AND ZONING MAP AMENDMENT

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

03/31/04

Map #
1n132bc00200
1n132bc00300



Application #
CPA 2004-0007/
ZMA 2004-0007

EXISTING CONDITIONS

The two tax parcels are approximately 1.5 acres and located at 1115 NW 158th Avenue. The site is developed with a single-family residence.

COMPREHENSIVE PLANNING AND ZONING

The subject property is located in Washington County's Sunset West Community Plan Area and is designated for residential use at a maximum density of fifteen units to the acre (R-15) with a Neighborhood overlay. The Urban Planning Area Agreement is specific that the appropriate City Comprehensive Plan designation is Neighborhood Residential - Medium Density and the appropriate Zoning Map designation is Residential - 2,000 square foot minimum per unit (R-2). The Sunset West Community Plan indicates that this property is not in an area of special concern and no special policies apply to this property.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.3.1 includes the following minimum criteria for amendment decisions:

1.3.1.1. The proposed amendment is consistent and compatible with the Statewide Planning Goals; and

Of the 19 Statewide Planning Goals, Goal Two: Land Use Planning is applicable to the proposed map amendment.

Goal Two: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps, in a three-part report (Ordinance 1800) along with implementation measures, including the Development Code (Ordinance 2050) in the late 1980's. The City adopted a new Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The proposed Plan, including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before being adopted. The adopted Plan and findings supporting adoption were deemed acknowledged pursuant to a series of Approval

Orders from the Department of Land Conservation and Development, the last of which was issued on December 31, 2003. In 1989, the City and Washington County adopted the Urban Planning Area Agreement (UPAA), which is now section 3.15 of the Comprehensive Plan. The land use planning processes and policy framework described in the UPAA, Development Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments. In addition, both the Development Code and the Comprehensive Plan provide procedures to follow when assigning Land Use designations and zoning related to annexations.

Findings: Staff finds that the City and Washington County have established a land use planning process and policy framework as basis for assigning land use and zoning designations for recently annexed land. The proposed actions are those specified by the acknowledged Urban Planning Area Agreement between the City and Washington County. This amendment complies with Goal Two and criterion 1.3.1.1 is met.

1.3.1.2. The proposed amendment is consistent and compatible with Metro Regional Urban Growth Goals and Objectives and the Metro Regional Framework Plan; and

The City is only required to address provisions in the Urban Growth Management Functional Plan (UGMFP), which is an Element of the Framework Plan. Section 3.07.830 of the UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:

“For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map...”

The 2040 Growth Concept Plan map designates these parcels as Inner Neighborhood. Section 3.07.130 of the UGMFP states that Inner Neighborhoods are: “Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.” The introduction to Section 3.07.130 states: “For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general location shown on the 2040 Growth Concept Map...”. Washington County went through a planning process culminating in an amendment to their Comprehensive Framework Plan, in 2000, adopting Metro’s design types. It was determined through that process that the appropriate designation for these parcels was Neighborhood. The basic assumption behind the UPAA is that the County has gone through a deliberate planning process and applied their planning and zoning designation correctly. The

City's Neighborhood Residential Medium Density designation is recognized in the Comprehensive Plan and Zoning District Matrix in Chapter 3 of the City's Comprehensive Plan as being equivalent to Metro's Inner and Outer Neighborhood design type and consistent with the County's Neighborhood designation.

Findings: Criterion 1.3.1.2 is met for the proposed amendment.

1.3.1.3. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and

Applicable Comprehensive Plan procedures are found in Sections 1.3 (Amendment Procedures) and 2.6.3 (Annexation Related Map Amendments). These Sections require that annexation related Comprehensive Plan and Zoning Map amendments should be those stipulated by the UPAA.

Findings: This amendment is consistent with the Urban Planning Area Agreement and therefore Criterion 1.3.1.3 is met.

1.3.1.4. Potential effects of the proposed amendment have been evaluated and will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare; and

It is the intent of the UPAA to provide for a smooth transition from County designations to City designations by adopting designations that most closely approximate the County's designations. The transition does not significantly impact public services, economic factors or environmental elements. Property owners may benefit from the application of City designations to their property when applying for development services since City employees are more familiar with City regulations than County regulations. Staff finds that the proposed amendments will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare.

Findings: Criterion 1.3.1.4 is met for the proposed amendment.

1.3.1.5. The benefits of the proposed amendment will offset potential adverse impacts on surrounding areas, public facilities and services; and

The UPAA was developed to ensure that City designation of annexed property would have minimal impact to surrounding areas, public facilities and services. Existing public facility capacity is addressed in the separate annexation process and adequate public facility capacity for any proposed development will be addressed in the development review process. No adverse impacts on public facilities and services have been identified.

Findings: Criterion 1.3.1.5 is met for the proposed amendment.

1.3.1.6 There is a demonstrated public need, which will be satisfied by the amendment as compared with other properties with the same designation as the proposed amendment.

This amendment is associated with an annexation that will add property to the City. Annexation amendments are governed by the UPAA, which stipulates that the City designation most similar to the County designation, at the time of annexation, will be applied.

Findings: Criterion 1.3.1.6 does not apply to Comprehensive Plan map amendments associated with an annexation.

ZONING MAP AMENDMENT CRITERIA

Adoption by the City Council of an amendment to the Zoning Map must be supported by findings of fact based on the evidence provided by the applicant demonstrating the criteria of the Development Code Section 40.97.15.3.C (Non-Discretionary Annexation Related Zoning Map Amendment - Approval Criteria) have been met. The City Council may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings to the following criteria are the minimum requirements for Zone Map amendments.

40.97.15.3.C.1. *The proposal satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.*

There are two threshold requirements with the first requiring that "The change of zoning to a city zoning designation be the result of annexation of land to the City", which it is. The other requires that the UPAA be specific as to the City zoning designations to be applied and does not allow for discretion, and the UPAA is specific that County Residential fifteen units to the acre (R-15) goes to City Residential 2,000 square foot minimum per unit (R-2) and no discretion is required.

FINDING: *Staff finds that the proposed request satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.*

40.97.15.3.C.2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

FINDING: Since there are no fees for annexation related Land Use Map and Zoning Map Amendments staff finds that this criterion is not applicable.

40.97.15.3.C.3. *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.*

The UPAA is specific that County Residential fifteen units to the acre (R-15) goes to City Residential 2,000 square foot minimum per unit (R-2) and no discretion is required.

FINDING: Staff finds that the proposed zoning designation is that specified by the UPAA and is, therefore, consistent with it.

40.97.15.3.C.4. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The City processes Land Use Map and Zoning Map Amendments (CPA/ZMA) for property being annexed into the City and there are no further City approvals related to this request other than City Council and Mayor's approvals of this CPA/ZMA. The property owner may, in the future, submit a request to the City for redevelopment of the property, but that is not related to this request.

FINDING: Staff finds that there are no proposals related to this request that will require further City approvals and, therefore, no additional applications or documents are required.

PROCESS

Submission Requirements: An application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. A valid annexation agreement has been submitted.

Public Notice: Section 1.3.4.3(c) of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice as described below for hearings on non-discretionary annexation related CPA's must be provided not less than twenty (20) calendar days prior to the item first initially appears on the City Council's.

1. Legal notice will be published in the Beaverton Valley Times on May 20, 2004.
2. Notice will be mailed to the Five Oaks Neighborhood Association Committee (NAC), Sunset West/Rock Creek/Bethany Citizen Participation Organization

(CPO 7), Beaverton Neighborhood Office, and Chair of the Committee for Citizen Involvement (CCI) on or before May 25, 2004.

3. Notice will be mailed to the property owners by certified mail on or before May 14, 2004.
4. Notice and this staff report will be posted on the City of Beaverton's public web site.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above. The notice requirements for this CPA/ZMA will be met.

FINDING: Applicable procedural requirements have been met for these proposed Land Use Map and Zoning Map amendments.

Based on the findings in this report, staff concludes amending the Land Use Map to show Neighborhood Residential - Medium Density, and the Zoning Map to show R-2, is appropriate.

Attachment: Legal Description

LEGAL DESCRIPTION
CPA 2004-0007/ZMA 2004-0007
1115 NW 158TH AVENUE CPA/ZMA

A parcel of land (consisting entirely of tax lots 1N 1 32BC 200 and 300) situated in the Northwest 1/4 of Section 32, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

Beginning at the Northeast corner of Lot 92, WATERHOUSE NO.2, a plat of record, Washington County, Oregon; thence, following the South line of Lot 93, said plat, South 88° 32' 00" East, a distance of 126.17 feet; thence, following the East line of said Lot 93, North 04° 42' 00" West, a distance of 124.15 feet; thence, North 89° 13' East, a distance of 188 feet, more or less, to a point on the West line of SW 158th Avenue (aka County Road No. 2046); thence, following said West line, southerly, a distance of 249.94 feet; thence, South 89° 20' West, a distance of 318 feet, more or less, to a point on the East line of Lot 91, said plat; thence, following said East line, North 04° 42' 00" West, a distance of 125.71 feet, to the point of beginning.

11

AGENDA BILL

Beaverton City Council Beaverton, Oregon



SUBJECT: An Ordinance Annexing Property Generally
Located at 9775 SW Denney Road to the
City of Beaverton: Expedited Annexation
2004-0010

FOR AGENDA OF: 06/14/04 **BILL NO:** 04118

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 05/17/04

CLEARANCES: City Attorney 
Planning Services 

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report Dated 05/14/04

BUDGET IMPACT

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

This annexation consists of one parcel developed with a single family residence located at 9775 SW Denney Road. The parcel is identified on Tax Map 1S123BD as Lot 01100 and more particularly described by the attached legal description. The owners of this parcel have signed an annexation petition for an Expedited Annexation.

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 parcel to an appropriate Neighborhood Association Committee (NAC) at the time of annexation. This parcel is already within the boundaries of the Denney Whitford NAC.

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective 30 days after the Mayor's signature.

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4314

AN ORDINANCE ANNEXING PROPERTY GENERALLY
LOCATED AT 9775 SW DENNEY ROAD TO THE CITY OF
BEAVERTON: EXPEDITED ANNEXATION 2004-0010

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby the owners of the property and a majority of the electors have consented to annexation; 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,** City policy as adopted in Resolution No. 2660, Sections 2 and 4, is to extend City services to properties through annexation; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor.
- Section 2.** The Council accepts the staff report, dated May 14, 2004, attached hereto as Exhibit C, and finds that:
- a. There are no provisions in urban service provider agreements adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
 - b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services in that partial responsibility for sanitary and storm sewer facilities within the area annexed will transfer to the City upon this annexation.
- Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:
- a. The part of the property that lies within the Washington County Urban Road Maintenance District will be withdrawn from the district; and
 - b. The part of the property that lies within the Washington County Street Lighting District #1 will be withdrawn from the district; and
 - c. The part of the property that lies within the Washington County Enhanced Sheriff Patrol District will be withdrawn from the district; and
 - d. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall be annexed to or remain within that district; 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:

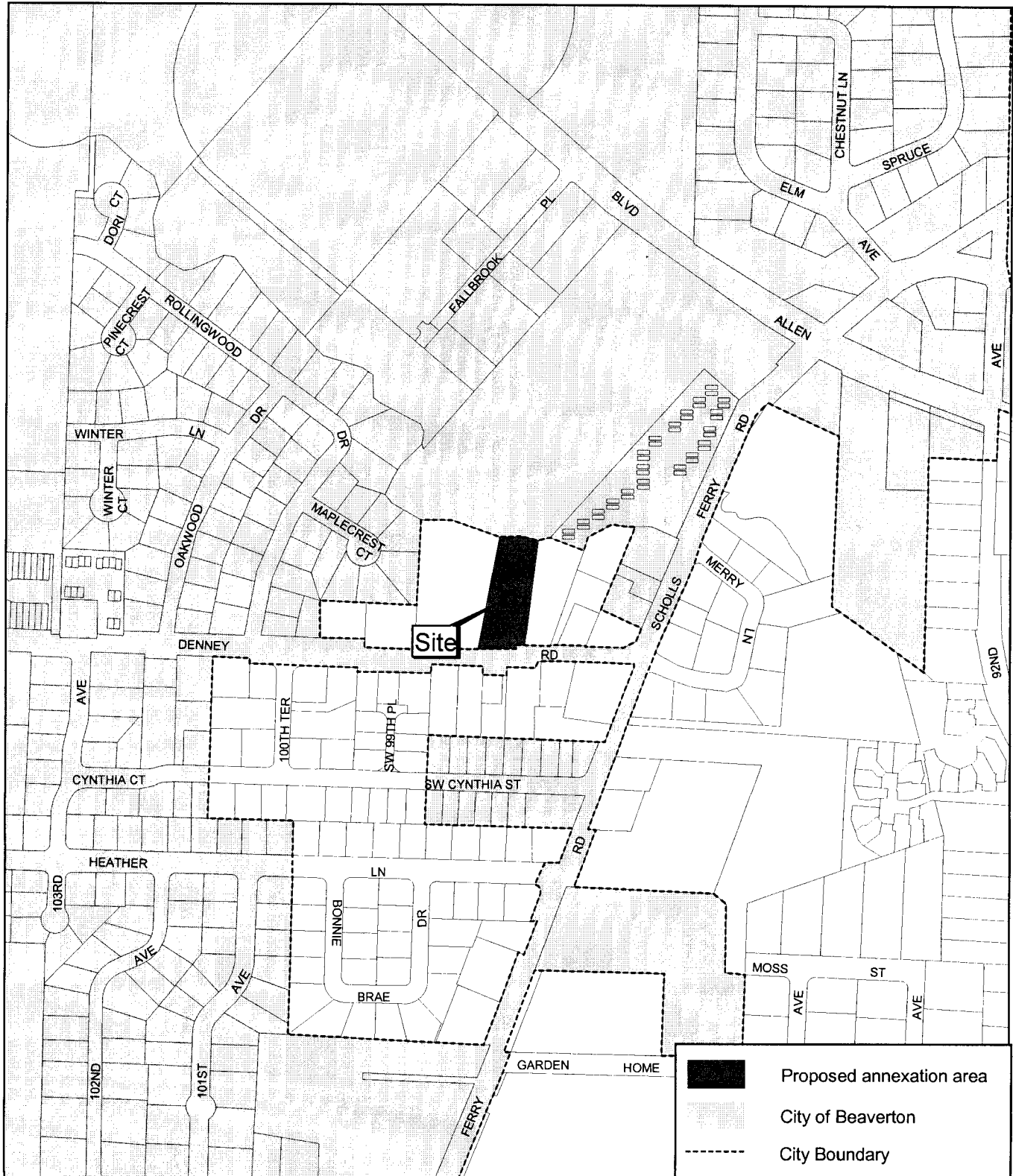
SUE NELSON, City Recorder

ROB DRAKE, Mayor

ANNEXATION MAP

ORDINANCE NO. 4314

Exhibit "A"



City of Beaverton

9775 SW Denney Road Expedited Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

4/27/04

Map #

1s123bd01100

Application #

ANX 2004-0010



LEGAL DESCRIPTION
ANX 2004-0010
9775 SW DENNEY ROAD EXPEDITED ANNEXATION

A parcel of land (consisting entirely of tax lot 1N 1 23BD 1100) situated in the Northwest 1/4 of Section 23, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

Beginning at a point on the South line of the Thos. Denny Donation Land Claim No. 47, said point being South 88° 45' East, a distance of 1831.7 feet from the 1/4 corner on the West line of said Section 23; thence, along said South line, South 88° 45' East, a distance of 143.4 feet; thence North 5° 49' East, a distance of 373.6 feet, to a point in the center of Fanno Creek; thence following down the center of Fanno Creek, with all the meanderings thereof, in a westerly direction, a distance of 160 feet, more or less, to a point which bears North 10° 41' East, from the point of beginning; thence South 10° 41' West, a distance of 381.7 feet, more or less, to the point of beginning. EXCEPTING therefrom, all that land that lies within the right-of-way of SW Denney Road.



CITY of BEAVERTON

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

STAFF REPORT

TO: City Council

REPORT DATE: May 14, 2004

AGENDA

DATE: June 14, 2004

FROM: Community Development Department
Alan Whitworth, Senior Planner

SUBJECT: 9775 SW Denney Road Expedited Annexation (ANX 2004-0010)

ACTIONS: Annexation to the City of Beaverton of one parcel located at 9775 SW Denney Road. The property is shown on the attached map, identified as tax lot 1S123BD 01100, and more particularly described by the attached legal description. The annexation of the property is owner initiated (petition attached) and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

NAC: This property is already in the Denney Whitford Neighborhood Association Committee (NAC) boundaries.

AREA: Approximately one acre

TAXABLE BM 50 ASSESSED VALUE: \$ 156,040

ASSESSOR'S REAL MARKET VALUE: \$ 233,940

NUMBER OF LOTS: 1

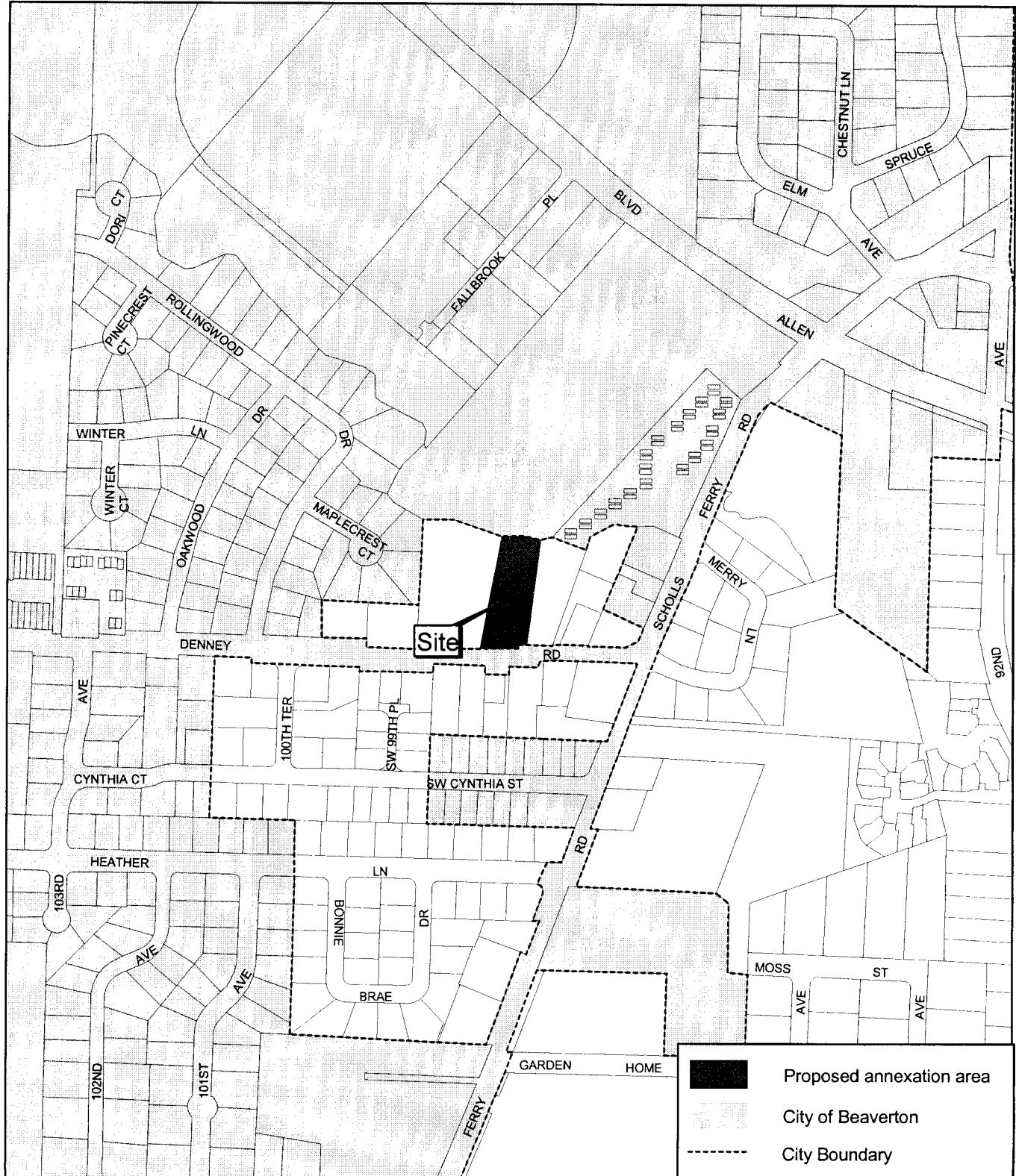
EXISTING COUNTY ZONE: R-9 (Residential - 9 units per acre)

SUMMARY AND RECOMMENDATION

This is a request to annex a parcel to the City of Beaverton located at 9775 SW Denney Road. The property is shown on the attached map, identified as tax lot 1S123BD 01100, and more particularly described in the attached legal description.

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective 30 days after the Mayor's signature.

ANNEXATION MAP



City of Beaverton

9775 SW Denney Road Expedited Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

4/27/04

Map #

1s123bd01100

Application #

ANX 2004-0010



BACKGROUND

The request is to annex one tax parcel located at 9775 SW Denney Road. The parcel is approximately one acre and developed with a single family residence. The property owners have consented to the annexation. Their consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

The property is currently in the Denney Whitford Neighborhood Association Committee (NAC) boundaries.

EXISTING CONDITIONS

SERVICE PROVISION:

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

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

This action is consistent with those agreements.

POLICE: The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District. Sheriff's protection will be withdrawn and the City will provide police service upon annexation. In practice whichever agency is able to respond first, to an emergency, does so.

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

SEWER: There currently is an 8-inch City maintained sanitary sewer pipe in Denney Road available to serve this property. 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 we would not withdraw property from the District when we annex it. TVWD will continue to provide service, maintenance and perform billing.
STORM WATER DRAINAGE:	The site is one acre and is developed with a single family residence. If the property were to redevelop, storm drainage would be reviewed in the development review process. Upon annexation billing responsibility will transfer to the City.
STREETS and ROADS:	Access to this property is from SW Denney Road which is 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. This proposed annexation will not affect either district boundary. 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 3.09.045, the City will send notice of the proposed annexation on or before May 25, 2004 (20 days prior to the agenda date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, the City will send notice to the following parties:

- Frank and Judy Oulman, the property owners; and
- The Denney Whitford Neighborhood Association Committee and the West Slope/Raleigh Hills/Garden Home Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

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

CRITERIA FOR APPROVAL

REGIONAL ANNEXATION CRITERIA:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exhibits: Annexation Petition
 Legal Description

Annexation Petition



CITY OF BEAVERTON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING SERVICES
4755 S.W. GRIFFITH DRIVE
P.O. BOX 4755
BEAVERTON, OR 97076-4755
PHONE: (503) 350-4039

PETITION FOR A CONSENT ANNEXATION PURSUANT TO ORS 222.125

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE USE	FILE NAME: <u>9775 SW Denney Road Expedited Annexation</u>
	FILE NUMBERS: <u>ANX 2004 - 0010</u>

MUST BE SIGNED BY ALL OWNERS. IF THE OWNER IS A CORPORATION OR AN ESTATE THE PERSON SIGNING MUST BE AUTHORIZED TO DO SO. MUST ALSO BE SIGNED NOT LESS THAN 50 PERCENT OF ELECTORS (REGISTERED VOTERS), IF ANY, RESIDING ON THE PROPERTY.

PROPERTY INFORMATION


MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNERS	# OF RESIDENT VOTERS	# OF RESIDENTS
1S123BD 01100	9775 SW DENNEY RD	2	2	2

CONTACT PERSON ☐ USE MAILING ADDRESS FOR NOTIFICATION

PRINT OR TYPE NAME	BUSINESS NAME	PHONE #
<u>FRANK OR Judy Culman</u>		<u>503-641-7816</u>
ADDRESS		
<u>9775 SW Denney Rd BEAVERTON OR 97008</u>		

SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)

PRINT OR TYPE NAME	SIGNATURE	DATE	<input checked="" type="checkbox"/> OWNER <input checked="" type="checkbox"/> ELECTOR
<u>FRANK Culman</u>	<u>Frank Culman</u>	<u>4-26-04</u>	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

JUDITH OULMAN		4-26-04	<input checked="" type="checkbox"/> OWNER <input checked="" type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

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			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

LEGAL DESCRIPTION
ANX 2004-0010
9775 SW DENNEY ROAD EXPEDITED ANNEXATION

A parcel of land (consisting entirely of tax lot 1N 1 23BD 1100) situated in the Northwest 1/4 of Section 23, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

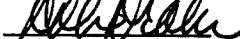
Beginning at a point on the South line of the Thos. Denny Donation Land Claim No. 47, said point being South 88° 45' East, a distance of 1831.7 feet from the 1/4 corner on the West line of said Section 23; thence, along said South line, South 88° 45' East, a distance of 143.4 feet; thence North 5° 49' East, a distance of 373.6 feet, to a point in the center of Fanno Creek; thence following down the center of Fanno Creek, with all the meanderings thereof, in a westerly direction, a distance of 160 feet, more or less, to a point which bears North 10° 41' East, from the point of beginning; thence South 10° 41' West, a distance of 381.7 feet, more or less, to the point of beginning. EXCEPTING therefrom, all that land that lies within the right-of-way of SW Denney Road.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

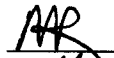

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located at 9775 SW Denney Road; CPA 2004-0009/ZMA 2004-0009

FOR AGENDA OF: 06/14/04 **BILL NO:** 04119

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 05/17/04

CLEARANCES: City Attorney 
Planning Services 

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B – Staff Report Dated 05/14/04

BUDGET IMPACT

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

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning designations for the subject property, replacing the Washington County land use designations.

The Urban Planning Area Agreement (UPAA) is specific on the appropriate Land Use Map and Zoning Map designations for this parcel, thus no public hearing is required. The appropriate Land Use Map designation is Neighborhood Residential – Standard Density (NR-SD), and the appropriate Zoning Map designation is Residential – 5,000 square foot minimum per dwelling unit (R-5). The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

First Reading

Agenda Bill No: 04119

ORDINANCE NO. 4315

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED AT 9775 SW DENNEY ROAD; CPA 2004-0009/ZMA 2004-0009

- WHEREAS,** A separate companion ordinance annexing this same property is set to be approved by the City Council, thus the property is being redesignated in this ordinance from the County's land use designations to the closest corresponding City designations as specified by the Urban Planning Area Agreement (UPAA); and
- WHEREAS,** Since the UPAA is specific on the appropriate designations for these parcels, no public hearing is required; and
- WHEREAS,** The Council adopts as to criteria applicable to this request and findings thereon the Community Development Department staff report by Senior Planner Alan Whitworth, dated May 14, 2004, attached hereto as Exhibit B; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject property located at 9775 SW Denney Road (Tax Map 1S123BD, Lot 01100) Neighborhood Residential - Standard Density on the City of Beaverton Comprehensive Plan Land Use Map, as shown on Exhibit "A" and in accordance with the UPAA.
- Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate the same property in Section 1 Residential – 5,000 square foot minimum per dwelling unit (R-5) on the City of Beaverton Zoning Map, as shown on Exhibit "A" and in accordance with the UPAA.

First reading this _____ day of _____, 2004.
Passed by the Council this _____ day of _____, 2004.
Approved by the Mayor this _____ day of _____, 2004.

ATTEST:

APPROVED:

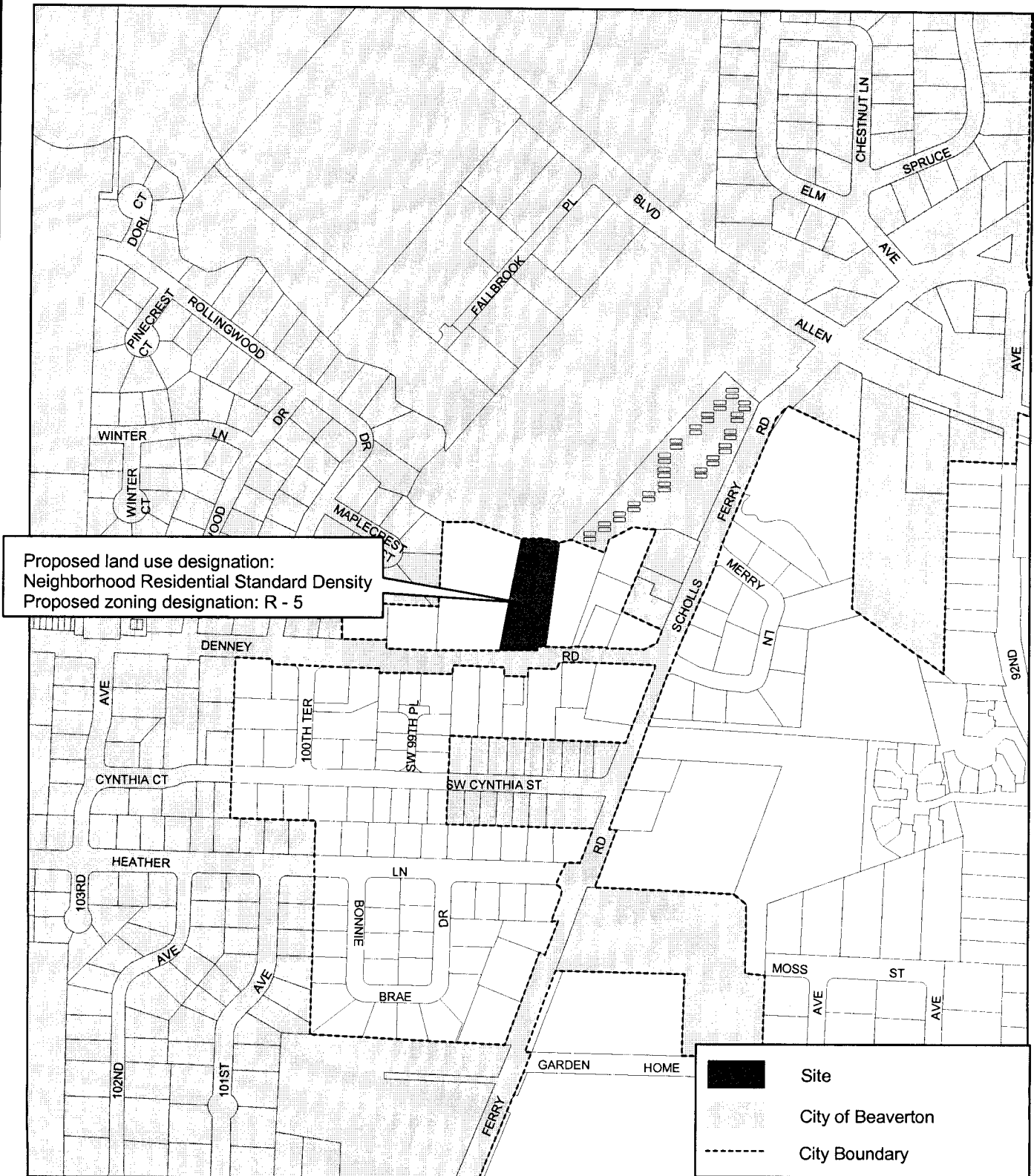
SUE NELSON, City Recorder

ROB DRAKE, Mayor

CPA/ZMA MAP

ORDINANCE NO. 4315

Exhibit "A"



City of Beaverton

9775 SW Denney Road Comprehensive Plan Land Use Map Amendment and Zoning Map Amendment

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

4/27/04

Map #

1s123bd01100



Application #

CPA 2004-0009/
ZMA 2004-0009

**CITY of BEAVERTON**

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

STAFF REPORT

TO: City Council

AGENDA DATE: June 14, 2004

REPORT DATE: May 14, 2004 *Alan*

FROM: Alan Whitworth, Senior Planner, Community Development Department

SUBJECT: To assign City Land Use (CPA2004-0009) and zoning (ZMA2004-0009) designations for a parcel located at 9775 SW Denney Road (Tax Lot 1S123BD 01100) being annexed into the City by separate action. The parcel is shown on the attached map and more particularly described by the attached legal description.

ACTIONS: Amend the City's Comprehensive Plan Land Use Map to show Neighborhood Residential Standard Density and the Zoning Map to show Residential – 5,000 square foot minimum per unit (R-5).

APPLICANT: City of Beaverton

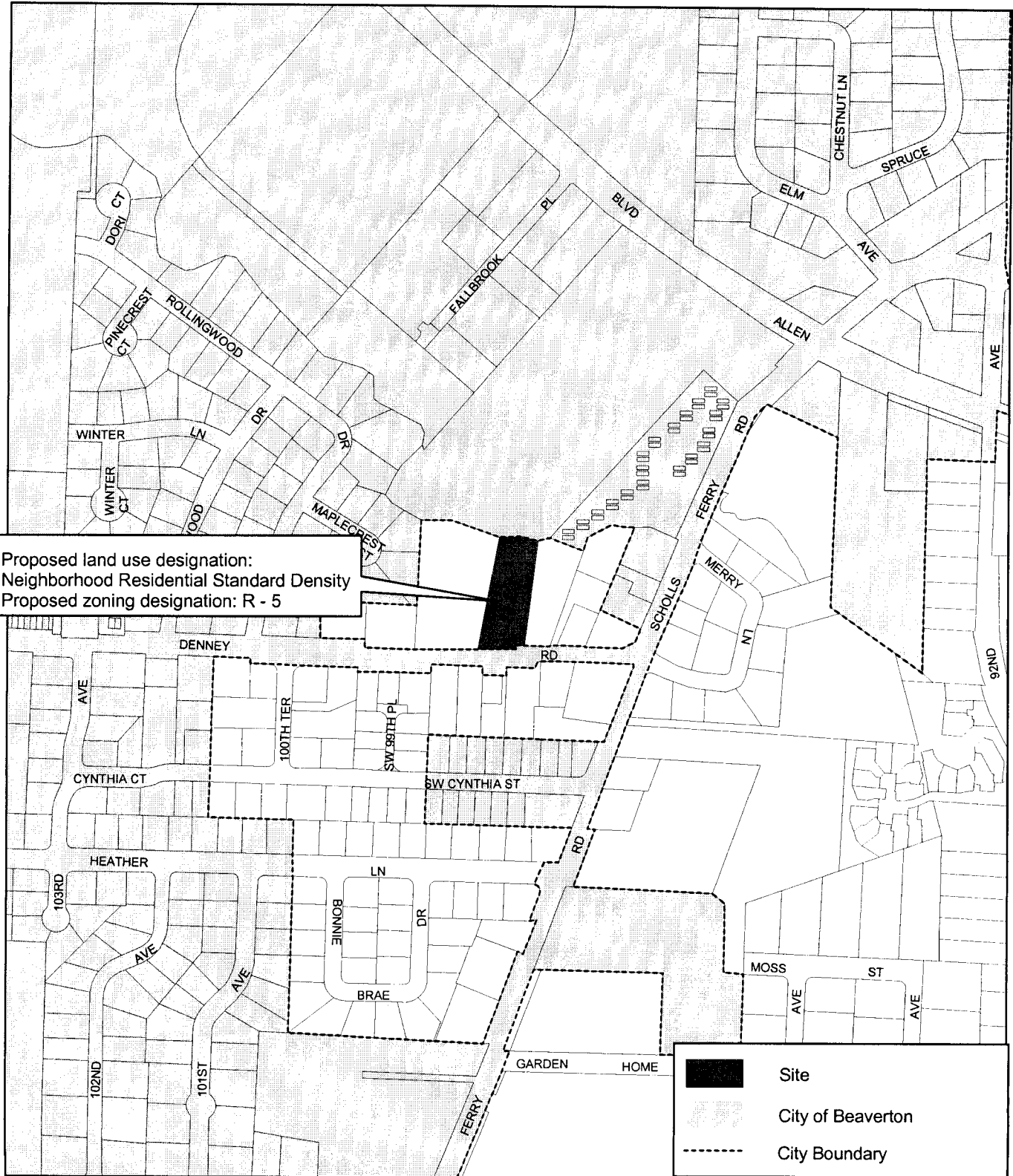
APPROVAL CRITERIA: Comprehensive Plan Section 1.3.1 and the new Development Code Section 40.97.15.3.C

SUMMARY AND RECOMMENDATION

The parcel is designated Residential – 9 units to the acre maximum (R-9) by Washington County. The City assigns Comprehensive Plan and Zoning designations to property being annexed into the City as prescribed by the Washington County – Beaverton Urban Planning Area Agreement (UPAA). The UPAA is specific that the appropriate City Land Use Map designation for this property is Neighborhood Residential - Standard Density and the appropriate zoning district is Residential – 5,000 square foot minimum per unit (R-5). No Public Hearing is required because the UPAA is specific as to the Comprehensive Plan Land Use Plan and Zoning Map designations, no discretion is required and, therefore, these are not land use decisions.

Staff recommends the City Council adopt the ordinance assigning the Neighborhood Residential – Standard Density Land Use and R-5 Zoning designations for tax lot 1S123BD 01100 that is shown on the attached map and more particularly described by the attached legal description, effective thirty days after the Mayor's signature.

CPA/ZMA MAP



City of Beaverton

9775 SW Denney Road Comprehensive Plan Land Use
Map Amendment and Zoning Map Amendment
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

4/27/04

Map #

1s123bd01100



Application #
CPA 2004-0009/
ZMA 2004-0009

EXISTING CONDITIONS

The parcel is approximately one acre and located at 9775 SW Denney Road. The site is developed with a single-family residence.

COMPREHENSIVE PLANNING AND ZONING

The subject property is located in Washington County's Raleigh Hills/Garden Home Community Plan Area and is designated for residential use at a maximum density of nine units to the acre (R-9) with a Neighborhood design type. The Urban Planning Area Agreement is specific that the appropriate City Comprehensive Plan designation is Neighborhood Residential - Standard Density and the appropriate Zoning Map designation is Residential – 5,000 square foot minimum per unit (R-5). The Raleigh Hills/Garden Home Community Plan indicates that this property is not in an area of special concern and no special policies apply to this property.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.3.1 includes the following minimum criteria for amendment decisions:

1.3.1.1. The proposed amendment is consistent and compatible with the Statewide Planning Goals; and

Of the 19 Statewide Planning Goals, Goal Two: Land Use Planning is applicable to the proposed map amendment.

Goal Two: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps, in a three-part report (Ordinance 1800) along with implementation measures, including the Development Code (Ordinance 2050) in the late 1980's. The City adopted a new Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The proposed Plan, including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before being adopted. The adopted Plan and findings supporting adoption were deemed acknowledged pursuant to a series of Approval

Orders from the Department of Land Conservation and Development, the last of which was issued on December 31, 2003. In 1989, the City and Washington County adopted the Urban Planning Area Agreement (UPAA), which is now section 3.15 of the Comprehensive Plan. The land use planning processes and policy framework described in the UPAA, Development Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments. In addition, both the Development Code and the Comprehensive Plan provide procedures to follow when assigning Land Use designations and zoning related to annexations.

Findings: Staff finds that the City and Washington County have established a land use planning process and policy framework as basis for assigning land use and zoning designations for recently annexed land. The proposed actions are those specified by the acknowledged Urban Planning Area Agreement between the City and Washington County. This amendment complies with Goal Two and criterion 1.3.1.1 is met.

1.3.1.2. The proposed amendment is consistent and compatible with Metro Regional Urban Growth Goals and Objectives and the Metro Regional Framework Plan; and

The City is only required to address provisions in the Urban Growth Management Functional Plan (UGMFP), which is an Element of the Framework Plan. Section 3.07.830 of the UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:

“For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map...”

The 2040 Growth Concept Plan map designates this parcel as Inner Neighborhood. Section 3.07.130 of the UGMFP states that Inner Neighborhoods are: “Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.” The introduction to Section 3.07.130 states: “For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general location shown on the 2040 Growth Concept Map...”. Washington County went through a planning process culminating in an amendment to their Comprehensive Framework Plan, in 2000, adopting Metro’s design types. It was determined through that process that the appropriate design type for this parcel was Neighborhood. The basic assumption behind the UPAA is that the County has gone through a deliberate planning process and applied their planning and zoning designation correctly. The City’s Neighborhood Residential

Standard Density designation is recognized in the Comprehensive Plan and Zoning District Matrix in Chapter 3 of the City's Comprehensive Plan as being equivalent to Metro's Inner and Outer Neighborhood design type and consistent with the County's Neighborhood design type.

Findings: Criterion 1.3.1.2 is met for the proposed amendment.

1.3.1.3. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and

Applicable Comprehensive Plan procedures are found in Sections 1.3 (Amendment Procedures) and 2.6.3 (Annexation Related Map Amendments). These Sections require that annexation related Comprehensive Plan and Zoning Map amendments should be those stipulated by the UPAA.

Findings: This amendment is consistent with the Urban Planning Area Agreement and therefore Criterion 1.3.1.3 is met.

1.3.1.4. Potential effects of the proposed amendment have been evaluated and will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare; and

It is the intent of the UPAA to provide for a smooth transition from County designations to City designations by adopting designations that most closely approximate the County's designations. The transition does not significantly impact public services, economic factors or environmental elements. Property owners may benefit from the application of City designations to their property when applying for development services since City employees are more familiar with City regulations than County regulations. Staff finds that the proposed amendments will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare.

Findings: Criterion 1.3.1.4 is met for the proposed amendment.

1.3.1.5. The benefits of the proposed amendment will offset potential adverse impacts on surrounding areas, public facilities and services; and

The UPAA was developed to ensure that City designation of annexed property would have minimal impact to surrounding areas, public facilities and services. Existing public facility capacity is addressed in the separate annexation process and adequate public facility capacity for any proposed development will be addressed in the development review process. No adverse impacts on public facilities and services have been identified.

Findings: Criterion 1.3.1.5 is met for the proposed amendment.

1.3.1.6 There is a demonstrated public need, which will be satisfied by the amendment as compared with other properties with the same designation as the proposed amendment.

This amendment is associated with an annexation that will add property to the City. Annexation amendments are governed by the UPAA, which stipulates that the City designation most similar to the County designation, at the time of annexation, will be applied.

Findings: Criterion 1.3.1.6 does not apply to Comprehensive Plan map amendments associated with an annexation.

ZONING MAP AMENDMENT CRITERIA

Adoption by the City Council of an amendment to the Zoning Map must be supported by findings of fact based on the evidence provided by the applicant demonstrating the criteria of the Development Code Section 40.97.15.3.C (Non-Discretionary Annexation Related Zoning Map Amendment - Approval Criteria) have been met. The City Council may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings to the following criteria are the minimum requirements for Zone Map amendments.

40.97.15.3.C.1. *The proposal satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.*

There are two threshold requirements with the first requiring that "The change of zoning to a city zoning designation be the result of annexation of land to the City", which it is. The other requires that the UPAA be specific as to the City zoning designations to be applied and does not allow for discretion, and the UPAA is specific that County Residential nine units to the acre (R-9) goes to City Residential 5,000 square foot minimum per unit (R-5) and no discretion is required.

FINDING: *Staff finds that the proposed request satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.*

40.97.15.3.C.2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

FINDING: *Since there are no fees for annexation related Land Use Map and Zoning Map Amendments staff finds that this criterion is not applicable.*

40.97.15.3.C.3. *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.*

The UPAA is specific that County Residential nine units to the acre (R-9) goes to City Residential 5,000 square foot minimum per unit (R-5) and no discretion is required.

FINDING: *Staff finds that the proposed zoning designation is that specified by the UPAA and is, therefore, consistent with it.*

40.97.15.3.C.4. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The City processes Land Use Map and Zoning Map Amendments (CPA/ZMA) for property being annexed into the City and there are no further City approvals related to this request other than City Council and Mayor's approvals of this CPA/ZMA. The property owner may, in the future, submit a request to the City for redevelopment of the property, but that is not related to this request.

FINDING: *Staff finds that there are no proposals related to this request that will require further City approvals and, therefore, no additional applications or documents are required.*

PROCESS

Submission Requirements: An application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. A valid annexation agreement has been submitted.

Public Notice: Section 1.3.4.3(c) of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice as described below for hearings on non-discretionary annexation related CPA's must be provided not less than twenty (20) calendar days prior to the item first initially appears on the City Council's.

1. Legal notice will be published in the Beaverton Valley Times on May 20, 2004.
2. Notice will be mailed to the Denney Whitford Neighborhood Association Committee, West Slope/Raleigh Hills/Garden Home Citizen Participation

Organization, Beaverton Neighborhood Office, and Chair of the Committee for Citizen Involvement (CCI) on or before May 25, 2004.

3. Notice will be mailed to the property owners by certified mail on or before May 14, 2004.
4. Notice and this staff report will be posted on the City of Beaverton's public web site.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above. The notice requirements for this CPA/ZMA will be met.

FINDING: Applicable procedural requirements have been met for these proposed Land Use Map and Zoning Map amendments.

Based on the findings in this report, staff concludes amending the Land Use Map to show Neighborhood Residential - Standard Density, and the Zoning Map to show R-5, is appropriate.

Attachment: Legal Description

LEGAL DESCRIPTION
ANX 2004-0010
9775 SW DENNEY ROAD EXPEDITED ANNEXATION

A parcel of land (consisting entirely of tax lot 1N 1 23BD 1100) situated in the Northwest 1/4 of Section 23, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:


Beginning at a point on the South line of the Thos. Denny Donation Land Claim No. 47, said point being South 88° 45' East, a distance of 1831.7 feet from the 1/4 corner on the West line of said Section 23; thence, along said South line, South 88° 45' East, a distance of 143.4 feet; thence North 5° 49' East, a distance of 373.6 feet, to a point in the center of Fanno Creek; thence following down the center of Fanno Creek, with all the meanderings thereof, in a westerly direction, a distance of 160 feet, more or less, to a point which bears North 10° 41' East, from the point of beginning; thence South 10° 41' West, a distance of 381.7 feet, more or less, to the point of beginning. EXCEPTING therefrom, all that land that lies within the right-of-way of SW Denney Road.

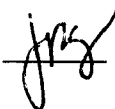
AGENDA BILL

Beaverton City Council
Beaverton, Oregon

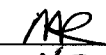

SUBJECT: An Ordinance Annexing Property Generally
Located at 1115 NW 158th Avenue to the
City of Beaverton: Expedited Annexation
2004-0007

06-14-04
FOR AGENDA OF: ~~05/17/04~~ **BILL NO:** 04100

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 04/22/04

CLEARANCES: City Attorney 
Planning Services 

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

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report Dated 04/20/04

BUDGET IMPACT

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

This annexation consists of two parcels with a single address of 1115 NW 158th Avenue developed with a single family house. The owners of this parcel have signed an annexation petition for an Expedited Annexation.

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 parcel to an appropriate Neighborhood Association Committee (NAC) at the time of annexation. This property is already within the boundaries of the Five Oaks NAC.

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective 30 days after the Mayor's signature.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading & Passage

ORDINANCE NO. 4310

AN ORDINANCE ANNEXING PROPERTY GENERALLY
LOCATED AT 1115 NW 158TH AVENUE TO THE CITY OF
BEAVERTON: EXPEDITED ANNEXATION 2004-0007

WHEREAS, This expedited annexation was initiated under authority of ORS 222.125, whereby the owners of the property and a majority of the electors have consented to annexation; 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, City policy as adopted in Resolution No. 2660, Sections 2 and 4, is to extend City services to properties through annexation; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor.

Section 2. The Council accepts the staff report, dated April 20, 2004, attached hereto as Exhibit C, and finds that:

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

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

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

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 17th day of May, 2004.

Passed by the Council this ____ day of _____, 2004.

Approved by the Mayor this ____ day of _____, 2004.

ATTEST:

APPROVED:

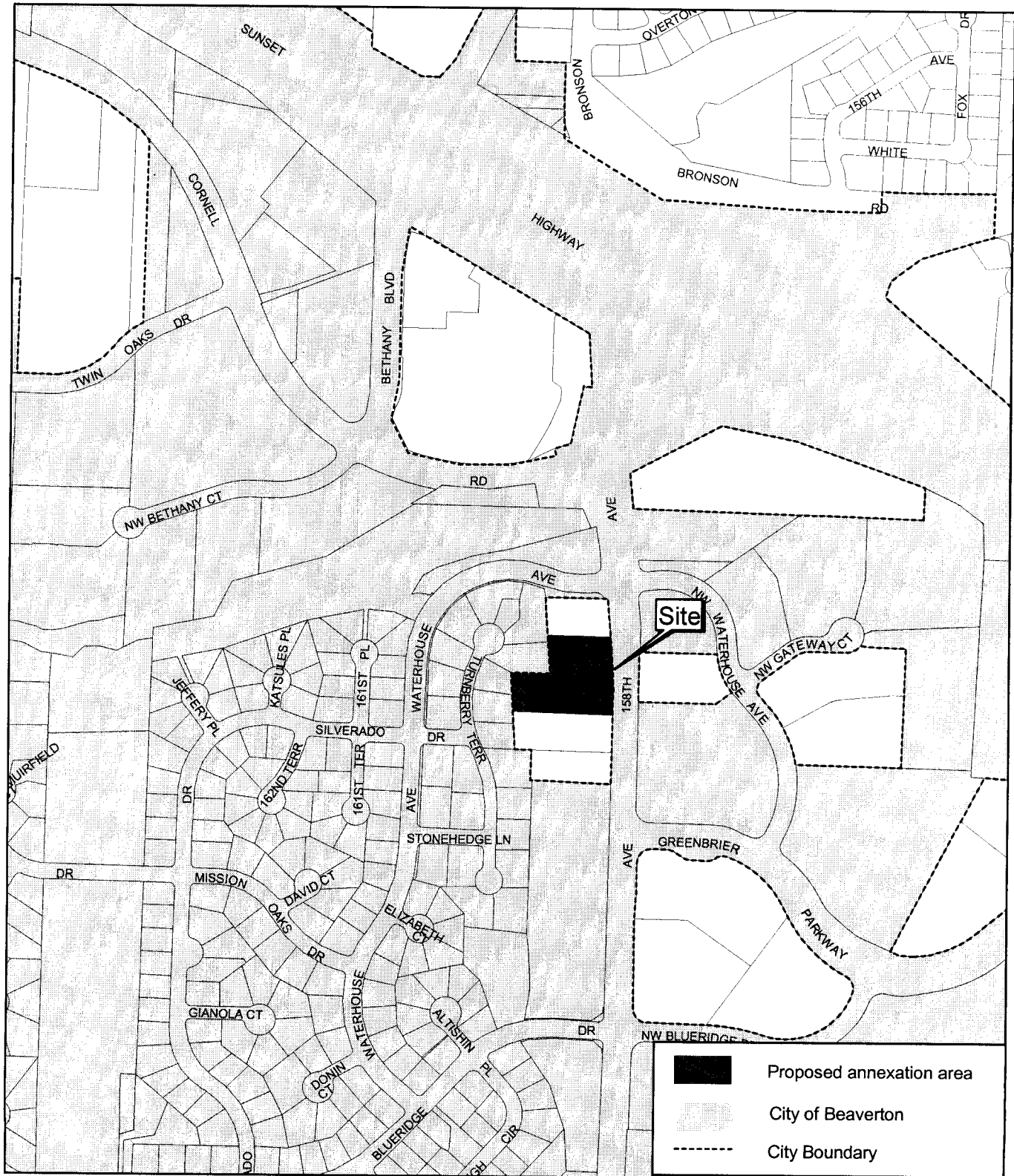
SUE NELSON, City Recorder

ROB DRAKE, Mayor

ANNEXATION MAP

ORDINANCE NO. 4310

Exhibit "A"



City of Beaverton

1115 NW 158TH AVENUE EXPEDITED ANNEXATION

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

03/31/04

Map #
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Application #

ANX 2004-0007

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