

CITY OF BEAVERTON



COUNCIL AGENDA

TELEVISED

FINAL AGENDA

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

REGULAR MEETING
OCTOBER 18, 2004
6:30 p.m.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

Make a Difference Day: October 25, 2004

Race Equality Week: October 18-22, 2004

CITIZEN COMMUNICATIONS:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of October 11, 2004

PUBLIC HEARINGS:

04208 Adopt Resolution Setting Fees for Appeals of Penalties for Violations of the Site Development Ordinance and the Engineering Design Manual and Standard Drawings, and for Appeals of Actions, Decisions and Interpretations of the City Engineer (Resolution No. 3783)

ORDINANCES:

First Reading:

04209 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 15865 SW Division Street; CPA 2004-0010/ ZMA 2004-0010 (Ordinance No. 4324)

- 04210 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Lilly K. Johnson Park which is Located North of SW Division Street and West of SW 153rd Avenue; CPA 2004-0012/ZMA 2004-0012 (Ordinance No. 4325)
- 04211 An Ordinance Annexing Property Located at 12030 SW Center Street to the City of Beaverton: Expedited Annexation 2004-0012 (Ordinance No. 4326)

Second Reading:

- 04207 An Ordinance Annexing Property Located at 15865 SW Division Street to the City of Beaverton: Expedited Annexation 2004-0011 (Ordinance No. 4323)

EXECUTIVE SESSION:

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

ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 503-526-2222/voice TDD.

PROCLAMATION

OFFICE OF THE MAYOR CITY OF BEAVERTON



WHEREAS, serious social problems concern our nation and threaten its future; and

WHEREAS, connecting with others and working together through volunteer service can bridge the differences that separate people and help solve serious social problems; and

WHEREAS, we, the American people, have a tradition of philanthropy and volunteerism; and

WHEREAS, millions of self-sacrificing individuals touched and enhance the lives of millions on the annual day of doing good by giving where there was a need, rebuilding what had been torn down, teaching where there was a desire to learn and inspiring those who had lost hope; and

WHEREAS, USA WEEKEND magazine and its affiliate newspapers and The Points of Light Foundation and its affiliate volunteer centers have joined to promote an annual national day of doing good that celebrates and strengthens the spirit of volunteer service; and


WHEREAS, volunteer service is an investment in the future we all must share; and

WHEREAS, this is an opportunity for Beaverton citizens to search out ways to make a difference in the lives of fellow citizens and, volunteer time and resources to the betterment of our community; and

NOW, THEREFORE, I, ROB DRAKE, MAYOR, of the City of Beaverton, Oregon, do hereby proclaim October 25, 2004 as:

MAKE A DIFFERENCE DAY

in the City of Beaverton, and urge fellow citizens to observe this day by joining with friends, fellow employees and relatives and with religious, school and civic groups to engage in projects benefiting the community.


Rob Drake, Mayor



PROCLAMATION

OFFICE OF THE MAYOR CITY OF BEAVERTON



WHEREAS, the Mayor and City Council of Beaverton are strongly committed to promoting racial equality and justice as fundamental aspects of a healthy community; and

WHEREAS, the Mayor and City Council of Beaverton urge local officials across the country to join together in a national campaign with the National League of Cities to promote racial equality and justice; and

WHEREAS, the Mayor and City Council of Beaverton declare racism unjust and advocate equal rights for all; and

WHEREAS, by Act of Congress of the United States dated July 2, 1964, the Civil Rights Act was adopted banning discrimination because of an individual's color or race; and

WHEREAS, the Mayor and City Council of Beaverton reaffirm their commitment to ensuring racial equality and justice in our city and to working with the Beaverton Human Rights Advisory Commission to sustain this commitment during the coming year; and

NOW, THEREFORE, I, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim the week of October 18-22, 2004 as:

Race Equality Week

in the City of Beaverton and urge all citizens of Beaverton to join together to support this effort.



Rob Drake
Mayor

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
OCTOBER 11, 2004

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, October 11, 2004, at 6:40 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Dennis Doyle, Fred Ruby, Forrest Soth and Cathy Stanton. Coun. Bode was excused. Also present were City Attorney Alan Rappleyea, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Deputy Chief Chris Gibson, Operations Manager Terry Priest, and City Recorder Sue Nelson.

PRESENTATIONS:

04204 Beaverton Creek Restoration Progress Update

Operations/Maintenance Director Gary Brentano and Operations Manager Terry Priest updated the Council on the progress of the Beaverton Creek Restoration.

Priest presented a slide presentation of the Beaverton Creek clean up project. He said the work included removing the blackberries, bank enhancement in areas where the bank had eroded, plantings to preserve and protect the bank and creek, and cleaning debris from the creek and pond area. He said the plants were provided by Clean Water Services.

Coun. Soth asked if Clean Water Services and the City were aware of the landscape plantings required by Consent Decree. He added the responsibility for this area rested with the City and Tri-Met and it would be good to review the restrictions.

Priest explained the City was consulting with Tri-Met on this project and the work being done was to restore the creek only.

Brentano said the Consent Decree was reviewed by the City Attorney and he indicated that the work the City was doing was within the terms of the Consent Decree.

Coun. Stanton complimented staff for an excellent presentation. She asked how they got rid of the blackberries.

Priest explained they cut and sprayed the blackberries and then treated the area.

Mayor Drake said the creek looked very good a few weeks ago when he toured the transit center terminus with the Director of the Federal Transit Administration.

Mayor Drake stated the Work Session on the Proposed Beaverton Civil Rights Ordinance would be heard before the Citizen Communication and the Consent Agenda

WORK SESSION

04206 Work Session for Discussion of Proposed Beaverton Civil Rights Ordinance

Mayor Drake thanked Jim Maguire, Chair of the Human Rights Advisory Commission (HRAC), for coming to the Council meeting. He explained the HRAC was formed in 1993 at a time when the community was facing a great deal of change. He said the intention was that the HRAC would be proactive in promoting diversity, tolerance and understanding in the community. He said Councilor Betty Bode was the first Chair of the HRAC.

Mayor Drake said a year ago Maguire approached him concerning a human rights ordinance. He stressed this ordinance was not in response to Ballot Measure 36; it was not a same sex marriage issue. He said this was about basic human rights. He said the HRAC and City Attorney did an excellent job embodying current State and case law into the ordinance. He said the process was that the ordinance would be considered under a work session at this meeting. He said if Council decided to proceed, a public hearing would be held, possibly in November. He said if after the hearing the Council decided to proceed, the ordinance would follow the standard process for ordinance adoption and signature.

City Attorney Alan Rappleyea said he reviewed the HRAC's proposed draft ordinance and streamlined it, to bring it into conformance with existing State law. He said he compared the HRAC proposed ordinance to other cities' and counties' ordinances and incorporated the main points from the other ordinances into this ordinance. He said the proposed ordinance before Council was very similar to the civil rights ordinances adopted by other cities and counties. He said this was not a huge leap forward in law. He said State statutes (ORS) incorporated sex discrimination laws in employment, property transactions and public accommodations. He said State and Federal courts extended sex discrimination to sexual orientation discrimination, so if State law was applied in Beaverton, it would be applied in the same way as this ordinance.

Rappleyea explained the largest policy issue before the Council was the creation of private cause of action for sexual orientation discrimination; he said that cause of action already existed in under State case law. He said the City of Portland went to court over the issue of local governments creating causes of action, and it was upheld by the State Appellate Court in *Sims v. Besaw's Cafe*. He said this was a difficult social issue and staff tried to be careful and respectful in drafting the language. He said on Page 3 there were provisions referring to ORS Chapter 659; those were revised in the latest Legislative session and they were now 659A. He said that would be revised in the ordinance but it was not a substantive change.

Coun. Soth asked Rappleyea if he had reviewed other cities' ordinances and the State statutes and if the proposed ordinance was based on that research.

Rappleyea said that was correct. He said the HRAC did a thorough review. He reviewed what the HRAC had done and compared it to other cities, counties and State law. He said the proposed ordinance was written from that review.

Coun. Stanton quoted from the agenda bill and asked if any cities or counties had passed ordinances for gender identity but not sexual orientation.

Rappleyea said he recalled that all cities and counties included both sexual orientation and gender identity. He said he would confirm that.

Coun. Doyle asked Rappleyea if this ordinance was similar to what the City did with other areas of the City Codes; was the City following the normal process of basing this on State law, State practices and State opinion.

Rappleyea replied that was correct and the City was following standard procedure.

Mayor Drake said the Beaverton community was very diverse; this ordinance would recognize that the community had changed and however anyone wanted to live was their own business, as long as it did not affect someone else. He said this was the law of the land and this ordinance said that Beaverton recognized and honored that.

HRAC Chair Jim Maguire said this was his third year on the HRAC and second year as Chair. He said Senate Bill 786 was introduced at the last State legislative session and it would have added sexual orientation and gender identity to the Oregon Revised Statutes. He said the City Council endorsed the bill and the Mayor testified on behalf of the bill in Salem. He said the Legislature had not taken any action on the bill and it died. He said in October 2003 the HRAC voted unanimously to recommend to Council a local ordinance that provided the same protections currently in the Oregon Revised Statutes. He said they did this to demonstrate this was the right thing to do and to demonstrate to the State Legislature that this legislation was important and correct.

Maguire said the cities of Eugene, Lake Oswego, Portland, Bend and Salem, and Benton and Multnomah Counties, had local civil rights ordinances. He said the laws were well received and implemented, and the Portland law was upheld in the Appellate Court. He said Beaverton would join these communities in doing the right thing. He said this created a local non-discrimination ordinance, which included State protections and added the wording sexual orientation and gender identity. He said this was not in response to Ballot Measure 36. He said this ordinance created parity in the City Code by adding sexual orientation and gender identity; it did not add any special rights. He said this ordinance was needed because discrimination on the basis of sexual orientation was a harsh reality. He said all Oregonians deserved basic human rights under the law and it was important to pursue equity in the law to ensure basic rights for all Oregonians. He said a local ordinance in Beaverton was an important step in achieving this goal. He said 80% of Oregonians believed people should be protected from discrimination based on sexual orientation and gender identity.

Coun. Ruby asked if current Oregon statutes prohibited discrimination in all these aspects of life, based upon sex, but not sexual orientation and gender identity.

Maguire replied that was correct.

Coun. Ruby said there was case law that extended the protection against discrimination to sexual orientation and gender identity; however, that case law pertained to actions of State and local governments, and not other parties. He asked the City Attorney if that was correct.

Rappleyea said the language in applicable case law (Tanner v. OHSU) was very broad and it stated sexual orientation was equivalent to sexual discrimination. He said this was easily extended to a non-governmental agency. He said Federal case law (Heller v. Columbia Edgewater Resort Golf Club) also extended sexual discrimination to include sexual orientation.

Coun. Ruby asked about the exception prohibiting against discriminating on the basis of sexual orientation and gender did not apply to the lease or renting of space within a church, temple, synagogue, etc. (Sec. 5.15.040A.1). He said he assumed this appeared in other model ordinances and the reason was to give special latitude to religious groups. He asked why the exception was only limited to sexual orientation and gender identity. He said as an example, he was aware that certain religious groups did not allow women to pray in the same premises as men. He asked why the exception wasn't broader to include sex, as well as sexual orientation.

Rappleyea replied the U. S. Constitution prohibited government from imposing religious viewpoints and did not allow government to entangle itself in religious affairs. He said the ordinance made a clear exemption for that.

Coun. Ruby asked if the City Attorney was saying the issue he raised about men and women praying together was probably a settled issue under existing law.

Rappleyea said that was correct.

Coun. Soth quoted from Sec. 5.16.060 "*...the Mayor and Council find that discrimination on the basis of sexual orientation and gender identity exists in the City of Beaverton and that state law does not clearly prohibit such discrimination.*" He asked Maguire if he researched this and had a basis for that statement.

Maguire responded the Oregon Revised Statutes did not clearly prohibit discrimination based on sexual orientation and gender identity. He said there was case law where the Appellate Courts extended sex discrimination to sexual orientation and gender identity. He said the HRAC's intent was to purposely add sexual orientation and gender identity to the groups already listed in State law. He said it was similar to what Senate Bill 786 would have done. He said in his experience in Beaverton, he and his partner were discriminated against when they tried to rent a one-bedroom apartment and they were turned down twice. He said if the ordinance went to public hearing, people would come forward to share their experiences with the Council. He said this was a big step forward in showing the City of Beaverton honored all of its citizens and all families.

Coun. Soth said the U. S. and Oregon Constitutions said "all citizens" and did not refer to citizens of certain ancestry. He asked if that was the approach used in the development of the ordinance.

Maguire said one of the guiding reasons he wanted to see the ordinance adopted was he was a firm believer in "all men are created equal" and that statement in the Constitution had not always been applied. He said he believed this ordinance would put the City of Beaverton on the side of right when it came to discriminating against two marginalized communities, which it was still okay to discriminate against in this country.

Mayor Drake said in the first year of the Youth Advisory Board, at the first Youth Summit one of the major topics was sexual orientation. He said it was enlightening and sad because the discussion was very heated and people were polarized on the issue. He said the kids related incidences about early discrimination based on perceived or real sexual orientation. He said it struck him that it was learned early and continued. He said in being consistent with the values of the Council, regardless of lifestyle, discrimination was not to be tolerated.

Coun. Stanton said she also attended that Summit and remembered that discussion. She asked if the HRAC voted on this.

Maguire said the HRAC voted unanimously in favor of this ordinance.

Maguire said the ordinance set a strong example for youth and would send a message to the LGBT (Lesbian, Gay, Bisexual and Transgender) youth that their life and experiences were just as important as the lives and experiences of non-LGBT youth. He said according to the Youth Suicide Prevention Task Force, in Oregon youth suicide was the second leading cause of death between those aged ten and 24; the U. S. Department of Health and Human Services found that suicide was the leading cause of death for gay and lesbian youth. He said youth experienced harassment in schools; those at greatest risk for harassment were those who were perceived to be gay, lesbian or bi-sexual. He said these students were three times as likely to attempt suicide as compared to those who were not harassed. He said this sent a strong message to youth that it was not okay to discriminate based on perceived sexual orientation.

Coun. Doyle said after the first Youth Summit, the Valley Times wrote a moving piece about what the kids go through and what they had to deal with if they were perceived to be different. He said the treatment they received was not normal.

Coun. Soth asked Maguire if he was a registered voter and if any of his friends were ever refused voting privileges for any of the reasons enumerated in the ordinance.

Maguire said he was a registered voter and he did not believe anyone was refused their right to vote.

Coun. Soth stated the voting rights in the Constitution applied to all citizens.

Mayor Drake asked for Council direction.

Coun. Stanton said she spoke previously with the City Attorney regarding Sec. 5.15.040 E.3 which did not flow well; she suggested incorporating 3 into E. She asked for clarification on the issue that current State laws did not give any of these protections to persons with sexual orientation or gender identity issues.

Rappleyea explained State Statutes (ORS) did not include sexual orientation and gender identity. He said State case law stated these rights were present for sexual orientation and gender identity, and the City would follow case law.

Coun. Stanton asked if the Legislative Review Committee normally looked at new case law and brought legislation forward to incorporate it into the ORS.

Rappleyea, said typically that would be done if it was a clear cut issue. He said on difficult and controversial issues, the bills don't always go through, as in this case.

Mayor Drake said the hearing on the Senate Bill 786 was held but no action was taken by the Committee.

Maguire said the Legislative majority said this bill was not on its priority list.

Coun. Doyle asked if Lake Oswego's ordinance helped the city correct problems. He said he had not read anything on the results or impacts of this ordinance.

Rappleyea said there were the two cases noted earlier; Besaw's Café and Columbia Edgewater Resort Golf Club. He said the Bureau of Labor said it investigated 20 cases per year on claims made under Portland's Civil Rights Ordinance.

Mayor Drake asked if the Council was comfortable with having the City Attorney cleanup the one section requested by Coun. Stanton and then bringing the proposed ordinance forward for a public hearing.

There was Council consensus to proceed.

CITIZEN COMMUNICATIONS:

Rev. Ja West stated her viewpoints on various religious and social issues.

Pavel Goberman, Beaverton, said youth often used the Library computers in the adult section when adults were waiting to use them. He said the Police Department had inaccurate records regarding him. He had asked that the records be deleted and nothing was done. He said his freedom of speech and human rights were violated by the City. He said he was an official write-in candidate for State Representative for District 28, which he previously informed Council of, and he was not invited to the Candidates' Forum. He said he wanted to know why. He said he called the Mayor and did not get an answer. He said he wanted the City to obey the law and invite him to participate in the forum. He said otherwise he would file a lawsuit against the City for violation of the Constitution.

Mayor Drake explained he had the City Attorney respond to Goberman's previous calls. He asked the City Attorney to repeat his previous response to Goberman.

Rappleyea explained the question was whether Goberman could appear at the Candidate's Forum that the Beaverton Citizens for Community Involvement was sponsoring. He said the invitations that went out were for the official candidates to make presentations. He said as a government, the City could not promote one candidate or

the other. He said that was why the decision was to invite official candidates and give them an equal amount of time to make presentations. He said if it was opened to anyone who could be a write-in candidate, it would not be an efficient presentation.

Goberman objected saying the City could not make that law.

Mayor Drake said the criteria was that the participants be official candidates as recognized by the Secretary of State.

Coun. Soth asked Goberman if he was in the Voter's Pamphlet.

Goberman replied no, he was not in the pamphlet.

Henry Kane, Beaverton, stated he distributed to Council a seven-page analysis of the proposed Civil Rights Ordinance. He said in the analysis he pointed out areas he felt should get additional attention. He said there should be a penalty, and the enforcement official or agency should be listed. He said there were a number of problems in the ordinance which he hoped the City Attorney would address. He asked what the City was trying to accomplish and said it should be defined.

Catherine Arnold, Beaverton, said she questioned if Ballot Measure 37 if it would help or hurt citizens, and what it meant to city governments. She said at first glance the measure sounded fair, but a closer look showed it was the opposite especially for citizens in urban areas. She said BM 37 removed protections for homeowners because it allowed someone to develop their own property without regard to the affect on the neighbors. She said new land use regulations would not be effective and current regulations would be applied sporadically. She said the affect on local government was unclear and the measure would end up in court for clarification. She said in talking to people, it sounded like cities would end up in court for enforcing or waiving rules. She noted the Hillsboro Argus called this measure "a wolf in sheep's clothing" because it was represented as protecting property rights but it was an attack on Oregon's land use planning system which the State's voters upheld several times. She noted governments would have to create a new bureaucracy to process the claims this measure generated. She said if the owners did not like the decisions, they could still go to court adding another layer of expense. She said she was concerned because this issue would confuse Beaverton voters, and most citizens would end up paying for the few who would benefit. She encouraged the Councilors to become familiar with this measure and consider taking a position on it, for the good of the citizens.

Coun. Doyle asked Arnold what position she felt the Council should take.

Arnold replied she would like to see the City take a position that this measure was not good for the citizens and they should vote "no" on Measure 37.

Coun. Doyle said this posed some interesting repercussions if BM 37 became law.

Arnold said the measure would make it easier for some to avoid planning laws forever. She said there was the likelihood that any regulation passed by the Council would not mean anything in the future; but the City would still have to meet State requirements.

Coun. Doyle said the measure begged real problems that could be fixed in other ways. He said hopefully those who have the power at the State level to fix these problems would start working to do so.

COUNCIL ITEMS:

Coun. Stanton said the Voter's Forum would be tomorrow night, October 12, 2004, at 7:00 p.m. in the Council Chambers. She invited all interested citizens to attend. She noted on Friday, October 15, 2004, Congressman David Wu and Republican candidate Goli Ameri, would be debating at Liberty High School at 8:00 a.m.

Coun. Stanton noted for the record that she and Ms. Arnold were not in collusion; however, she said she would like to see the Council take a stand against Ballot Measure 37 (BM 37). She distributed copies of the proposed resolution opposing BM 37 which she wanted Council to adopt. She said she felt this measure was a disservice to the citizenry and any seated body. She explained Federal law was not affected by the measure; many land use and wetland issues were governed by the Department of the Interior, so BM 37 would not apply. She said she thought many people were concerned about the Goal 5 issues in the Tualatin Basin and if the issues fall under the Federal government, the measure would not apply.

Coun. Stanton said the speakers for the breakfast forum for the Westside Economic Alliance on October 21, 2004, would be Lane Shetterly, Director of the OR Department of Land Conservation and Development, and David Bragdon, Metro Council President, and they would be presenting "Do Our Land Use Laws Control or Constrain Oregon's Future Growth." She said the Legislature needed to look at Senate Bill 100 and current land use laws and look for common-sense approaches to some of the constraints on long-term property owners outside the Urban Growth Boundary.

Coun. Doyle said Saturday, November 20, 2004, the Police Activities League (PAL) would hold its annual auction at the Embassy Suites in Tigard.

Coun. Soth reminded Councilors to register for the League of Oregon Cities Conference on November 4 and 5, 2004.

STAFF ITEMS:

Finance Director Patrick O'Claire reminded Council of the Budget Committee meeting on Thursday, November 18, 2004, at 6:30 p.m. in the second floor conference room at City Hall.

CONSENT AGENDA:

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

Minutes of Special Meeting of September 27, 2004 and Regular Meeting of October 4, 2004

04205 Liquor License: New Outlet - Hot Plate Asian Cuisine; Atlas International Food Market

Mayor Drake noted Coun. Stanton submitted changes to the September 27, 2004 Minutes, which were given to the Recorder.

Question called on the motion. Couns. Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

RECESS:

Mayor Drake called for a brief recess at 8:05 p.m.

RECONVENE:

Mayor Drake reconvened the meeting at 8:10 p.m.

OTHER BUSINESS:

Resolution in Opposition of Ballot Measure 37 (Takings)

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the Council support a Resolution in Opposition to Ballot Measure 37.

Coun. Stanton noted Councilors had a copy of the resolution and she encouraged Council to adopt the resolution because she felt this measure was not in the best interests of the citizens or the City. She said the Comprehensive Plan and Development Code were crafted over time to meet the needs of the citizenry and she was concerned Ballot Measure 37 would throw the Comprehensive Plan out the window.

Mayor Drake said this measure created more confusion rather than less, it was extremely costly with no funding source, and it treated people differently.

Coun. Doyle said he was comfortable with moving forward on this because he had heard the opposing side extensively on other occasions. He said he read a great deal of information on BM 37 and he was comfortable taking a position on this resolution.

Coun. Soth said he felt this should be passed. He said everything in the measure would depend on appraisals by certified appraisers and these issues could be tied up for a long time, especially going through the court system. He asked if the City Attorney reviewed the resolution to ensure it conformed to the City's existing ordinances and codes.

Mayor Drake said he was the author of the resolution and it was not done on staff time. He said the City Attorney reviewed it for legal accuracy, but not on City time.

Coun. Ruby said he appreciated the information. He said he was respectfully declining to take a position on the resolution because he thought it was better to not take positions on ballot measures until the Council had a format where both sides could present their case before Council took a stand on a measure.

Coun. Doyle said he appreciated Coun. Ruby's position and he had heard both sides of the issue. He said he hoped the State Legislature would address the problems with land use regulations.

Mayor Drake said he thought BM 37 opened doors its authors had not intended. He said it was poorly written and created many problems that were difficult to overcome.

Coun. Stanton read to the audience the resolving paragraphs of the resolution for those watching the meeting on television.

Coun. Stanton said she wanted to amend her motion to include additional language in the second Be It Resolved paragraph to say "...urges all Beaverton citizens and elected city officials to actively oppose...". Coun. Doyle, as seconder, agreed to the amendment.

Question called on motion. Coun. Doyle, Soth and Stanton voting AYE, Coun. Ruby abstaining, the MOTION CARRIED. (3:0:1)

ORDINANCES:

Suspend Rules:

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that the rules be suspended, and that the ordinance embodied in Agenda Bill 04027 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. (4:0)

First Reading:

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

04207 An Ordinance Annexing Property Located at 15865 SW Division Street to the City of Beaverton: Expedited Annexation 2004-0011 (Ordinance No. 4323)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 8:25 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this _____ day of _____, 2004.

Rob Drake, Mayor

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Adopt Resolution Setting Fees for Appeals of Penalties for Violations of the Site Development Ordinance and the Engineering Design Manual and Standard Drawings, and for Appeals of Actions, Decisions and Interpretations of the City Engineer

FOR AGENDA OF: 10/18/04 **BILL NO:** 04208

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering 

DATE SUBMITTED: 10-5-04

CLEARANCES: Finance
City Attorney
Capital Proj.





PROCEEDING: Public Hearing

EXHIBITS:

1. Estimated Cost of Processing Appeals
2. Summary of Penalties, Appeal Processes and Filing Fees in Other Jurisdictions
3. Resolution Setting Amount of Appeal Fee

BUDGET IMPACT

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

On April 7, 2003, Council adopted Ordinance No. 4249, An Ordinance Amending BC 9.05.005 - .170, the Site Development Ordinance, to Allow Reduced Penalties for Site Development Work Performed without a Permit, and directed staff to return to Council in the future with a resolution setting the fee for appealing such penalties. On May 5, 2003, Council adopted Resolution No. 3715, A Resolution Amending the Building Code Administrative Rules and Establishing an Appeal for the Appeals of Penalties for City Building Code Work Performed without a Permit Required by BC 8.02.005 - 8.05.100, which set the fee amount for such appeals at \$1,750. This amount was based in part on an analysis of the staff time required to process such appeals (attached as Exhibit #1) and a survey of appeal policies and fees in other jurisdictions (attached as Exhibit #2) which were provided to Council in April 2003. Meanwhile, staff were working on updates to the City's Engineering Design Manual and Standard Drawings ("the *Manual*") that included provisions for appealing a City Engineer's action, decision or interpretation pertaining to the Site Development Ordinance or the *Manual*.

INFORMATION FOR CONSIDERATION:

On May 11, 2004, Council adopted the updated *Manual*, Ordinance No. 4303, including the provisions for appeals mentioned above. Therefore, a resolution setting the fee for (a) appeals of penalties for violations of the Site Development Ordinance (b) appeals of penalties for violations of the *Manual* (Sections 110.5 and 145.1.3), and (c) appeals of a City Engineer's action, decision or interpretation (BC 9.05.091) should now be adopted. A draft resolution for that purpose was provided to Council for the Work Session in 2003. Staff have redrafted that resolution to include all of the aforementioned types of appeals and are recommending adoption of the redrafted resolution (attached as Exhibit #3).

RECOMMENDED ACTION:


Council to hold a public hearing and adopt the attached resolution setting the filing fee for appeals of penalties for violations of the Site Development Ordinance (BC 9.05.005 - .170) and the Engineering Design Manual and Standard Drawings (Ordinance No. 4303), and for appeals of actions, decisions or interpretations by the City Engineer pertaining to those ordinances, at the amount of \$1,750.00.

MEMORANDUM

Engineering Department

DATE: October 13, 2004

TO: Mayor Drake and City Councilors

FROM: Tom Ramisch, Engineering Director 

SUBJECT: Revised Exhibit

Attached you will find a revised version of the first two pages of Exhibit 2, which is part of the agenda bill entitled "Adopt Resolution Setting Fees for Appeals of Penalties for Violations of the Site Development Ordinance and the Engineering Design Manual and Standard Drawings, and for Appeals of Actions, Decisions and Interpretations of the City Engineer."

After submitting the agenda bill, staff revisited the estimated appeal processing costs as they were calculated in December 2002. Although staff still recommends the \$1,750 filing fee, as proposed in the original version of Exhibit 2, staff thought it important to advise Council that the estimated costs had been recalculated. A more detailed explanation of this process is included in the final paragraph of Exhibit 2 under "Conclusion and Recommendation."

tr/ac

EXHIBIT #1**ESTIMATED COST OF PROCESSING AN APPEAL OF A PENALTY FOR A SITE
DEVELOPMENT PERMIT VIOLATION**

December 17, 2002

STAFF POSITION (PROCESSING ACTIVITIES)	ESTIMATED HOURS	HOURLY RATE (Average)	ESTIMATED COST
City Engineer and/or Development Services Engineer (includes time spent on fact finding, correspondence, discussions with appellant, preparation of appeal agenda bill and attachments, coordination with City Attorney's office, appearance at Council Meeting, etc.)	12 - 16 hours	\$66.00*	\$792.00 - \$1,056.00
Engineering Inspector and Lead Engineering Inspector (includes time spent on site visit(s), discussions with appellant, photographing on-site conditions, estimating areas and volumes, recording findings in daily journal, coordinating with other staff, appearing at Council Meeting, etc.)	4 - 6 hours	\$46.50	\$186.00 - \$279.00
City Attorney and Assistant City Attorney (includes time spent in interpretation of codes, advising other staff, reviewing agenda bill and attachments, attendance at Council Meeting, etc.)	2 - 3 hours	\$75.50	\$151.00 - \$226.50
City Recorder (includes coordination of scheduling of agenda item on Council agenda with other staff, inclusion of appeal on agenda, minutes of hearing testimony and discussion, etc.)	2 - 3 hours	\$40.00	\$80.00 - \$120.00
Mayor and Department Heads (supervision and policy direction)	1 - 2 hours	\$89.50	\$89.50 - \$179.00
TOTAL			\$1,298.50 - \$1,860.50

* Based on 1/4 City Engineer and 3/4 Development Services Engineer (hours distributed accordingly)

SUMMARY OF PENALTIES, APPEAL PROCESSES AND FILING FEES IN OTHER JURISDICTIONS

3/4/03

Revised 10/12/04

Introduction

On March 17, 2003, the City Council held a Work Session on proposed revisions of the City Code to modify the Code's then mandatory penalty for beginning site work without a Site Development Permit (BC 9.05.032.D) and the Code's provisions for appeal of that penalty (BC 9.05.091). This report summarizes the results of a survey of other jurisdictions' site development permitting policies and practices. This report was first submitted to the Council with the Agenda Bill for the March 17, 2003 Work Session as Appendix #2 to Exhibit #4 of that Agenda Bill, a draft Resolution for establishing an appeal filing fee, which was to be brought back to the Council for adoption at a later date. This report has been revised only to provide the historical background for the filing fee amount recommended in the draft Resolution.

Survey Results

Engineering staff surveyed six local jurisdictions for their policies on site grading, drainage and erosion control, and the results of the survey are summarized in the table on the next page. (Other jurisdictions' policies on permits for other types of site development work such as utility construction and paving work, and the penalties for beginning such work without a permit, were not included in this survey because violations of those policies have been less frequent historically.)

The table that follows summarizes each of the surveyed jurisdictions' policies on penalties for violations of their permit requirements on site grading, drainage and erosion control, including the penalty amounts, appeal fees, and recent enforcement experience. Three of the six jurisdictions surveyed have adopted the Appendix, Chapter 33, of the Uniform Building Code (UBC) as their policy on site grading, drainage and erosion control. (The City of Beaverton has not adopted UBC Appendix, Chapter 33 but has adopted its Site Development Ordinance, City Code 9.05.005 -.170, to serve the same purpose.) Clean Water Services (CWS) and two other jurisdictions have not adopted Appendix, Chapter 33 of the UBC. CWS has adopted Resolution and Order No. 00-7 as its policy on site drainage and erosion control. CWS does not regulate site grading, which is regulated by Washington County under the UBC Appendix, Chapter 33.

The Oregon Building Codes Division (BCD) enforces the UBC for the state and for the local governments that refer violations to them for enforcement. The BCD's fine for site grading without a permit was \$250 per violation (with each day counted as a separate violation) until January 1, 2003 when it was increased to \$1,000 per violation. An appeal is possible, but there is no fee for the appeal. City staff contacted the BCD's Chief Compliance Officer, and she knew of no enforcement actions by the BCD against a contractor for performing grading or other site work regulated by the UBC without a permit during her six-year tenure.

The table that follows summarizes the policies and enforcement experiences of three jurisdictions that regulate site work through the UBC Appendix, Chapter 33 and three jurisdictions that, like the City of Beaverton, have and enforce their own policies or a combination of their own policies and UBC Appendix, Chapter 33. Although this summary is now almost two (2) years old, staff believes it is still generally representative of the processes being used in the jurisdictions surveyed.

On May 5, 2003, Council adopted Resolution No. 3715, "A Resolution Amending the Building Code Administrative Rules and Establishing an Appeal Filing Fee for the Appeals of Penalties for City Building Code Work Performed without a Permit Required by BC 8.02.005 – 8.05.100." Resolution No. 3715 set the fee amount for such appeals at \$1,750.00. This amount was calculated using as models the City Engineer's analysis of the staff time required to process similar appeals, which was dated December 17, 2002, and the City Engineer's recommendation for the amount of the filing fee for appeals of penalties for violations of the Site Development Ordinance at the Work Session held on March 17, 2003.

Conclusion and Recommendation

The proposed \$1,750.00 filing fee in the draft Resolution of March 17, 2003 was approximately the average of the high and low estimated appeal processing costs. Because the estimated appeal processing costs in Exhibit #1 were calculated in December 2002, staff have recalculated them to ensure that they are still representative. In doing so, staff found that, in the months since the original cost estimates were prepared, there have been changes in staff who typically participate in the appeal process and, due to those changes in staff and the associated changes in the pay rates used in the cost estimates, the total estimated high and low processing costs have changed; however, these changes have been only negligible amounts (relative to the accuracy of the estimates of hours required and therefore relative to the overall accuracy of the estimates of the high and low total appeal processing costs). Therefore, staff recommends that the \$1,750.00 figure be proposed again at this time without any adjustment, so that it is the same as the current Building Code appeal filing fee.

SUMMARY OF PENALTIES, APPEAL PROCESSES AND FILING FEES IN OTHER JURISDICTIONS

March 3, 2003

Revised September 7, 2004

JURISDICTION	PENALTY FOR BEGINNING SITE WORK WITHOUT A PERMIT; APPEAL PROCESS	FILING FEE	HISTORY
Gresham	City uses "phased permit" approach similar to Beaverton's, i.e. City issues grading permits, site utilities permits, foundation permits, public works permits (for work in City ROW), and "full" permits. City imposes penalty of \$500 per day for site work started without a permit. A proposal for increasing the penalty to \$1,000 per day is scheduled to go to the City Council for approval in March. Penalties may be appealed to a hearings officer. There is an appeal fee, which is based on the severity of the violation.	Varies	Gresham has experienced many incidents of work without a permit and has imposed penalties in those cases, but the penalty amounts have been relatively small in comparison to Beaverton's recent incidents. Gresham's largest penalty to date is \$2,000. All others have been \$500. None of their enforcement proceedings in recent years have been appealed. City considers Red Tags (Stop Work Orders) to be its primary enforcement tool.
Hillsboro	City has no penalty per se. With Council's approval, staff may charge violator for actual City costs incurred in enforcing code.	No local appeal	In past 15 years, City has levied no fines or penalties. On only one occasion, City requested DEQ enforcement of erosion control rules, and DEQ fined the violator. Current practice is to rely on DEQ or Clean Water Services for enforcement. City considers Red Tags (Stop Work Orders) to be its primary enforcement tool.
Lake Oswego	Tree removal is City's most common site-related violation. Fine for tree removal is \$317.00 plus \$30.00 per tree. There is also a restoration fee assessed of \$102.00 per caliper inch. City's fine for grading, drainage and erosion control violations is equal to permit fee, as Beaverton's is.	No local appeal	Aside from numerous tree removal enforcement actions by the City, there have been no other pertinent enforcement proceedings in the last few years. Tree removal penalties have averaged about \$1,200 each. City considers Red Tags (Stop Work Orders) to be its primary enforcement tool.
Tigard	Violations of UBC Appendix, Chapter 33 are referred to the State of Oregon Building Codes Division for enforcement.	No local appeal	City has had no enforcement proceedings or appeals in the past several years. City uses Red Tags (Stop Work Orders) as its primary enforcement tool.

(Continued on next page.)

SUMMARY OF PENALTIES, APPEAL PROCESSES AND FILING FEES

JURISDICTION	PENALTY FOR BEGINNING SITE WORK WITHOUT A PERMIT; APPEAL PROCESS	FILING FEE	HISTORY
Washington County DLUT	DLUT has adopted the Appendix, Chapter 33, of the Uniform Building Code (UBC) as its policy on site grading. DLUT defers to Clean Water Services (CWS) for administration of drainage and erosion control policies. Washington County Code Section 14.04 established a fine of from \$494 to \$1,000 for grading violations, and the fine may be any amount in between, proportional to the severity of the violation. For grading violations, County relies on Justice Court judge to set penalty amount. Fine can be assessed for each day of violation, but has never been assessed in that manner.	No local appeal	County has initiated no enforcement proceedings against un-permitted site work in the past two years.
Clean Water Services (CWS) (formerly USA)	CWS has adopted Resolution & Order (R&O) No. 00-7 as its policy on drainage and erosion control, and defers to Washington County DLUT for administration of site grading policy (UBC Appendix, Chapter 33.) For erosion control violations, CWS can impose a penalty of up to \$1,000 per violation per day and/or a penalty equal to the permit fee, as determined by a hearings officer. Appeal of an erosion control penalty goes to the hearings officer or to CWS's General Manager, depending on the circumstances. For other violations, CWS may impose a penalty of \$100 or 20 percent of the permit fee, whichever is greater, and an appeal goes to Justice Court.	Generally less than \$100.	CWS has initiated only one or two enforcement proceedings for violations of their R&O 00-7 in the past several years, and in neither case did CWS impose a penalty, so there was no appeal. CWS considers Red Tags (Stop Work Orders) to be its primary enforcement tool.

SUMMARY OF PENALTIES, APPEAL PROCESSES AND FILING FEES

RESOLUTION NO. 3783

A RESOLUTION ESTABLISHING A FILING FEE FOR APPEALS OF PENALTIES FOR VIOLATIONS OF THE SITE DEVELOPMENT ORDINANCE AND THE ENGINEERING DESIGN MANUAL AND STANDARD DRAWINGS (ORDINANCE NO. 4303), AND FOR APPEALS OF THE CITY ENGINEER'S ACTIONS, DECISIONS, AND INTERPRETATIONS RELATING TO SAID ORDINANCES

WHEREAS, the Site Development Ordinance, BC 9.05.005 - .170, requires a Site Development Permit for certain development work on private and public property and authorizes the City to impose penalties on any person who violates said Ordinance; and

WHEREAS, prior to City Council action on April 7, 2003, BC 9.05.032.D required that a person who began work on a project requiring a permit under BC 9.05.005 - .170 without first securing a permit must pay as a penalty an amount equal to the permit fee authorized by Council resolution, with certain exceptions; and

WHEREAS, pursuant to BC 9.05.091, an applicant, a permittee or any affected person aggrieved by any action, decision or interpretation of the City Engineer may appeal to the City Council; and

WHEREAS, on April 7, 2003 the City Council adopted Ordinance No. 4249, which amended BC 9.05.091 to allow the reduction of penalties for violations of the Site Development Ordinance; required as a condition of obtaining appellate review by the City Council that the appellant pay an appeal filing fee based upon Council determination that the City recover its costs for processing such appeals; and clarified the requirements for written notices of appeal in BC 9.05.091; and

WHEREAS, on May 11, 2004, the City Council adopted Ordinance No. 4303, the updated Engineering Design Manual and Standard Drawings ("the *Manual*"), which in Section 110.4 "Violations"; makes it clear that violations of the standards or requirements of the *Manual* are civil infractions and a public nuisance and are subject to the provisions and remedies of *Beaverton Code* sections 2.05.050 - .066, sections 2.10.010 - .050, and sections 9.05.005 - .170 and in Section 110.5 "Appeals", provides for appeals of such penalties; and

WHEREAS, the City Council desires to establish a fee schedule for filing appeals of penalties for violations of the Site Development Ordinance, BC 9.05.005 - .170, appeals of penalties for violations of the *Manual*; and appeals of any action, decision or interpretation of the City Engineer pertaining to the Site Development Ordinance or the *Manual*; and

WHEREAS, preparatory to the City Council's consideration of Ordinance 4303 on April 7, 2003, the City Engineer provided a range of estimates of the City's cost to process appeals of penalties assessed by the City under the Site Development Ordinance and the *Manual*, with the average of the high and low estimates being approximately \$1,750.00; and

WHEREAS, on May 5, 2003, the City Council adopted Resolution No. 3715, which amended the Building Code administrative rules and established a single appeal filing fee for all appeals of penalties for City Building Code work performed without a permit required by BC 8.02.005 - .100 in the amount of \$1,750; and

RESOLUTION NO. 3783

Agenda Bill No: 04208

WHEREAS, the City Engineer has surveyed other jurisdictions for information about their appeal processes and has reported his findings in a report to the Council entitled "Summary of Penalties, Appeal Processes and Filing Fees in Other Jurisdictions, 3/4/03" which was subsequently revised 9/7/04, and

WHEREAS, City staff recommend a single appeal filing fee, as was adopted for the Building Code appeal fee, rather than a fee schedule per se, and in the same amount of \$1,750.00, now therefore,

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

Section 1. The Council hereby establishes the appeal filing fee for processing of appeals allowed by the Site Development Ordinance, BC 9.05.005 - 9.05.170, as amended by Ordinance No. 4249, and the *Manual*, Ordinance No. 4303, in the amount of \$1,750.00, except that pursuant to BC 9.05.091.A.2, no filing fee is required if the appeal is filed by or on behalf of the Mayor or another public agency. This fee shall be effective on October 25, 2004 as to all applications for appeals filed on or after that date.

Section 2. The Council directs the Mayor annually to adjust the fee adopted by this Resolution effective for applications for appeals received on and after July 1 of each succeeding calendar year after 2003, according to the United States Department of Labor Consumer Price Index "West-C" published for the interval last preceding that effective date. The first fee adjustment shall be performed within a reasonable period of time after July 1, 2005. The Mayor shall endeavor to give 60 days public notice of the fee adjustment prior to the effective date of each adjustment, but failure to give such notice shall not invalidate the adjustment.

Section 3. The Council may refund all or a portion of the appeal filing fee established in accordance with Section 1 of this Resolution, if the Council decides the appeal in the appellant's favor in whole or in part.

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

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

Ayes: ____ Nays: ____

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

RESOLUTION NO. 3783

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 15865 SW Division Street; CPA 2004-0010/ZMA 2004-0010

FOR AGENDA OF: 10/18/04 **BILL NO:** 04209

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 09/21/04

CLEARANCES: City Attorney 
Planning Services HB

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Staff Report Dated 09/09/04

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 these parcels, 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

ORDINANCE NO. 4324

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 15865 SW DIVISION STREET; CPA 2004-0010/ZMA 2004-0010

- 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 September 9, 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 15865 SW Division Street (Tax Map 1S117AC, Lot 11400) 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. 4324

Exhibit "A"



City of Beaverton

15865 SW DIVISION STREET COMPREHENSIVE PLAN LAND USE MAP AMENDMENT & ZONING MAP AMENDMENT COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

09/14/04

Map #

1s117ca11400
1s117ca11500

Application #

CPA 2004-0010/
ZMA 2004-0010





CITY of BEAVERTON

Exhibit "B"

ORDINANCE NO. 4324

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: October 18, 2004

REPORT DATE: September 9, 2004

FROM: Alan Whitworth, Senior Planner, Community Development Department

SUBJECT: To assign City Land Use (CPA2004-0010) and zoning (ZMA2004-0010) designations for two parcels located at 15865 SW Division Street (Tax Map 1S117CA lots 11400 and 11500) being annexed into the City by separate action. The property 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 Development Code Section 40.97.15.3.C

SUMMARY AND RECOMMENDATION

The property 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 Map 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 lots 1S117CA 11400 and 11500 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

15865 SW DIVISION STREET COMPREHENSIVE PLAN
LAND USE MAP AMENDMENT & ZONING MAP AMENDMENT

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

09/14/04

Map #

1s117ca11400

1s117ca11500

N



Application #

CPA 2004-0010/
ZMA 2004-0010

EXISTING CONDITIONS

The parcel is approximately 0.3 acres and located at 15865 SW Division Street. Currently there are two houses stored on the site. The stated intention of the property owner is to process a lot split through Washington County and place two relocated houses on foundations. Since the annexation petition was submitted the lot partition has gone through and the property is now two tax parcels.

COMPREHENSIVE PLANNING AND ZONING

The subject property is located in Washington County's Aloha-Reedville-Cooper Mountain 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 Aloha-Reedville-Cooper Mountain 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 design type for this property 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 Washington 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 petition 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 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 agenda.

1. Legal notice will be published in the Beaverton Valley Times on September 23, 2004.
2. Notice will be mailed to the West Beaverton Neighborhood Association Committee, Reedville/Cooper Mountain /Aloha Citizen Participation Organization, Beaverton Neighborhood Office, and Chair of the Committee for Citizen Involvement (CCI) on or before September 28, 2004.
3. Notice will be mailed to the property owners by certified mail on or before September 17, 2004.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above, however, notice and this staff report will be posted on the City of Beaverton's public web site. 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 2004-0011

15865 SW DIVISION STREET EXPEDITED ANNEXATION

A parcel of land (consisting entirely of tax lot 1S 1 17CA 300) situated in the Southwest 1/4 of Section 17, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

All of PARCEL 2, PARTITION PLAT NO. 1992-038, a plat of record, Washington County, Oregon.

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 Lilly K. Johnson Park which is Located North of SW Division Street and West of SW 153rd Avenue; CPA 2004-0012/ZMA 2004-0012

FOR AGENDA OF: 10/18/04 **BILL NO:** 04210

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 09/21/04

CLEARANCES: City Attorney 
Planning Services 

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B – Staff Report Dated 09/10/04

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

ORDINANCE NO. 4325

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR LILLY K. JOHNSON PARK WHICH IS LOCATED NORTH OF SW DIVISION STREET AND WEST OF SW 153RD AVENUE; CPA 2004-0012/ZMA 2004-0012

WHEREAS, This property has been annexed to the City of Beaverton, 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 this parcel, 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 September 10, 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 known as Lilly K. Johnson Park (Tax Map 1S117AC, Lot 11400) 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:

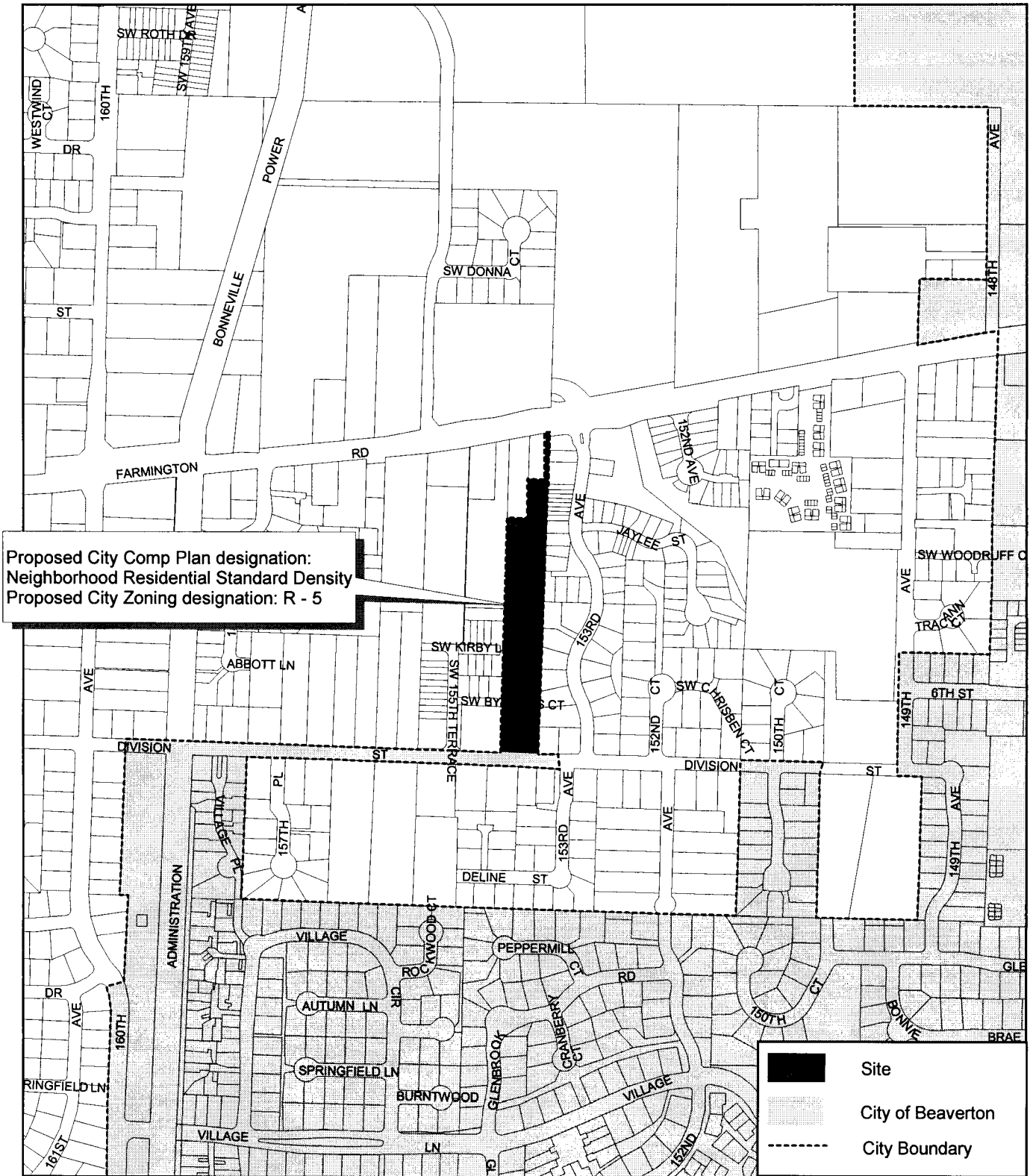
SUE NELSON, City Recorder

ROB DRAKE, Mayor

CPA/ZMA MAP

ORDINANCE NO. 4325

Exhibit "A"



City of Beaverton

Lilly K Johnson Park Comprehensive Plan Land Use Map Amendment & Zoning Map Amendment COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

7/29/04

Map #

1s117ac11400

N



Application #
CPA 2004-0012/
ZMA 2004-0012

**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 **REPORT DATE:** September 10, 2004

AGENDA DATE: October 18, 2004

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

SUBJECT: **CPA2004-0012/ZMA2004-0012 Lilly K. Johnson Park Land Use Map Amendment and Zoning Map Amendment:** To assign City Land Use Map and Zoning Map designations to one lot annexed to the City through a different process. Involves tax lot 1S117AC 11400 that is shown on the attached map.

REQUEST: 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 of land area per unit (R-5)

APPLICANT: City of Beaverton

APPROVAL CRITERIA: Comprehensive Plan Section 1.3.1 and Development Code Section 40.97.15.3.C.

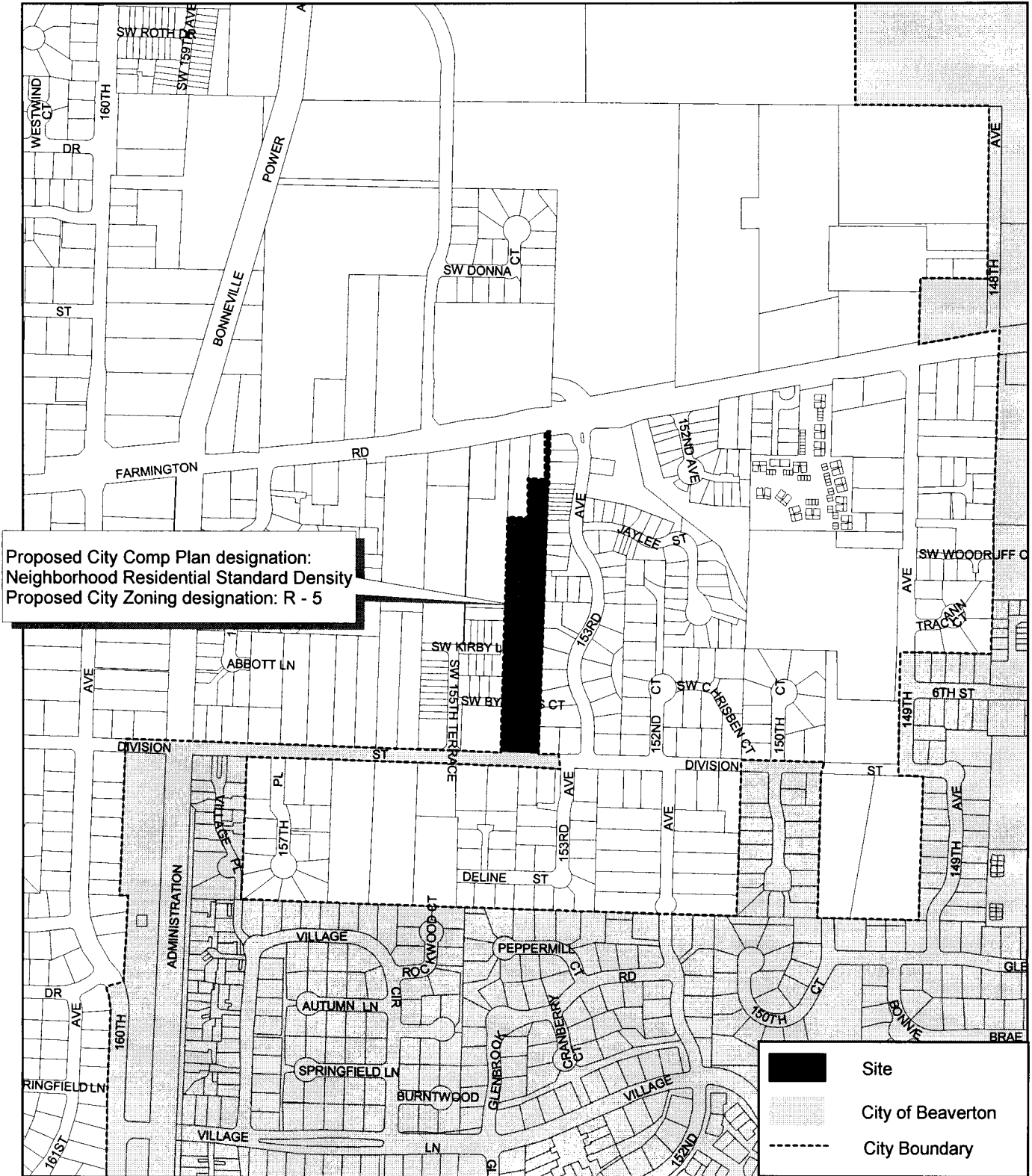
LOCATION: There is no assigned street address. The property is located on the north side of SW Division Street with a small portion of it touching SW Farmington Road and is a little west of SW 153rd Avenue.

EXISTING USE: The property is approximately 3.4 acres and is a nature preserve owned by the Tualatin Hills Park and Recreation District.

RECOMMENDATION

Based on findings in this report that the criteria contained in Comprehensive Plan Section 1.3.1 and Development Code Section 40.97.15.3.C. are met, staff recommends approval of the Neighborhood Residential – Standard Density Comprehensive Plan Land Use Map designation and Residential – 5,000 square foot minimum per unit (R-5) on the Zoning Map for tax lot 1S117AC 11400 that is shown on the attached map.

CPA/ZMA MAP



City of Beaverton

Lilly K Johnson Park Comprehensive Plan Land Use Map Amendment & Zoning Map Amendment COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

7/29/04

Map #

1s117ac11400

Application #
CPA 2004-0012/
ZMA 2004-0012



ANALYSIS OF COMPREHENSIVE PLAN AMENDMENT

The purpose of the proposed amendments to the Comprehensive Plan Land Use Map and Zoning Map is to assign appropriate City Land Use and Zoning designations to a parcel that has been annexed into the City of Beaverton through a different process. The Washington County - Beaverton Urban Planning Area Agreement (UPAA) calls for the City to assign our most similar Land Use Map and Zoning Map designations to those of the County's. This parcel is designated/zoned Residential: 9 units to the acre (R-9) by Washington County on the Aloha-Reedville-Cooper Mountain Community Plan. In 2000, the County amended their Comprehensive Framework Plan to place a Neighborhood design type on most of this property but that portion that is within 360 feet of the centerline of SW Farmington Road was designated Corridor. The UPAA does not require us to comply with their Framework Plan. Staff does not believe it is appropriate to designate the northern portion of this site Corridor since the land south of Farmington Road north, east and west of this parcel is zoned for residential development at either five or nine units to the acre. The lowest density allowed in our Corridor Land Use Designation is Residential - 4,000 square feet per unit. The UPAA is specific that the correct Comprehensive Plan designation is Neighborhood Residential - Standard Density (NR-SD). The Metro 2040 Growth Concept Map also shows this property as a Park design type. The County has not adopted a Park design type nor does the City have a Park Comprehensive Plan Designation. For these reasons, staff recommends the Comprehensive Plan Land Use Map be amended to show this parcel as Neighborhood Residential - Standard Density (NR-SD) as specified by the UPAA.

ANALYSIS OF ZONING MAP AMENDMENT

Washington County has designated this property Residential: 9 units per acre (R-9). The UPAA is specific as to our appropriate zoning designation which is Residential - 5,000 square feet per unit (R-5). Since the UPAA is specific as to the appropriate zoning for this property, staff recommends the Zoning Map be amended to show R-5 on this property.

The UPAA requires the City to review the relevant Community Plan, which in this case is the Aloha-Reedville-Cooper Mountain Community Plan. This property is not in an area of special concern.

COMPREHENSIVE PLAN AMENDMENT FINDINGS

Comprehensive Plan Section 1.3.1 includes the following minimum criteria for amendment decisions:

Compliance with Plan Amendment Criteria:

1.3.1.1. The proposed amendment is consistent and compatible with the Statewide Planning Goals.

Of the 19 Statewide Planning Goals, Goal Two: Land Use Planning is applicable to the proposed map amendments.

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.

Metro's Urban Growth Management Functional Plan Section 3.07.830 requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. The City is only required to address provisions in the Urban

Growth Management Functional Plan, which is an Element of the Framework Plan. The Regional Framework Plan (which includes the RUGGOs and the Urban Growth Management Functional Plan) does not contain policies or criteria directly applicable to decisions of this type.

The Metro 2040 Growth Concept Map shows this property as a Park design type. Washington County has not adopted a Park design type in their Framework Plan nor does Beaverton have a Park designation for its Land Use Map. Parks are permitted in the NR-SD designation.

FINDING: Staff finds that the requested Land Use Map designation of Neighborhood Residential – Standard Density (NR-SD) is consistent and compatible with regional plans and guidelines. The requirements of Criterion 1.3.1.2 are met.

1.3.1.3 The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans.

Applicable Comprehensive Plan procedures are found in Section 1.3 (Amendment Procedures), Section 2.6.3 (Annexation Related Map Amendments), and Section 3.15 (Urban Planning Area Agreement). These Sections require that annexation related Comprehensive Plan and Zoning Map amendments should be those stipulated by the UPAA.

Finding: Staff finds that the requested Comprehensive Plan change to Neighborhood Residential – Standard Density (NR-SD) is consistent and compatible with Comprehensive Plan Sections 2.6.3 and 3.15 (UPAA), which are the relevant sections of the Plan. The requirements of Criterion 1.3.1.3 are 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.

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.

FINDING: Staff finds that the potential effects of the proposed amendment will not be detrimental to quality of life, including the economy,

environment, public health, safety or welfare. Criterion 1.3.1.4 is met for the annexation related Comprehensive Plan Land Use Map amendment of Neighborhood Residential – Standard Density (NR-SD) as proposed in this staff report.

1.3.1.5 *The benefits of the proposed amendment will offset potential adverse impacts on surrounding areas, public facilities and services.*

The UPAA was developed to ensure that City designation of annexed parcels would have minimal impact to surrounding areas, public facilities and services. The assumption behind this is that the County went through a proper planning, evaluation and review process prior to assigning plan designations and issuing development approvals. The City reviewed impacts on public facilities and services as part of the annexation review 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 were identified.

FINDING: *Staff finds the benefits of the proposed Land Use Map amendment will offset potential adverse impacts on surrounding areas, public facilities and services. Criterion 1.3.1.5 is met for the proposed Comprehensive Plan Land Use Map 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 has added property to the City. It is necessary for property within the City to have City Comprehensive Plan and zoning designations in place of the County designations.

FINDING: *Criterion 1.3.1.6 does not apply to annexation related Comprehensive Plan Land Use Map amendments.*

ZONING MAP AMENDMENT FINDINGS

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 Washington County Residential - 9 units to the acre (R-9) goes to City Residential - 5,000 square foot minimum land area per lot (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 - 9 units to the acre (R-9) goes to City Residential 5,000 square foot minimum per lot (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. An annexation petition 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 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 agenda.

1. Legal notice will be published in the *Beaverton Valley Times* on September 23, 2004.
2. Notice will be mailed to the West Beaverton Neighborhood Association Committee, Reedville/Cooper Mountain /Aloha Citizen Participation Organization, Beaverton Neighborhood Office, and Chair of the Committee for Citizen Involvement (CCI) on or before September 21, 2004.
3. Notice will be mailed to the property owners by certified mail on or before September 21, 2004.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above, however, notice and this staff report will be posted on the City of Beaverton's public web site. 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.


AGENDA BILL

Beaverton City Council Beaverton, Oregon

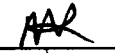

SUBJECT: An Ordinance Annexing Property Located at 12030 SW Center Street to the City of Beaverton: Expedited Annexation 2004-0012

FOR AGENDA OF: 10/18/04 **BILL NO:** 04211

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 10/04/04

CLEARANCES: City Attorney 
Planning Services 

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report Dated 09/23/04

BUDGET IMPACT

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

This request is to annex one tax parcel located at 12030 SW Center Street. The property is approximately 0.4 acres and currently has a single family house on it. No one resides on the property. The property owner also owns the adjacent Beaver Creek Apartments. The property owner has consented to the annexation. His 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.

INFORMATION FOR CONSIDERATION:

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

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

Staff recommends the City Council adopt an ordinance annexing the referenced property and adding it to the Central Beaverton NAC, effective 30 days after Council approval and the Mayor's signature on this ordinance.

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4326

AN ORDINANCE ANNEXING PROPERTY LOCATED AT 12030
SW CENTER STREET TO THE CITY OF BEAVERTON:
EXPEDITED ANNEXATION 2004-0012

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. Pursuant to Beaverton Code Section 9.06.035A, this property shall be added to the Central Beaverton Neighborhood Association boundaries.

Section 3. The Council accepts the staff report, dated September 23, 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 4. The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:

- a. The part of the property that lies within the Washington County Urban Road Maintenance District will be withdrawn from the district; and
- b. The part of the property that lies within the Washington County Street Lighting District #1 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 5. The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.

Section 6. The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five days of the effective date.

Section 7. The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First reading this ____ day of _____, 2004.

Passed by the Council this ____ day of _____, 2004.

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

ATTEST:

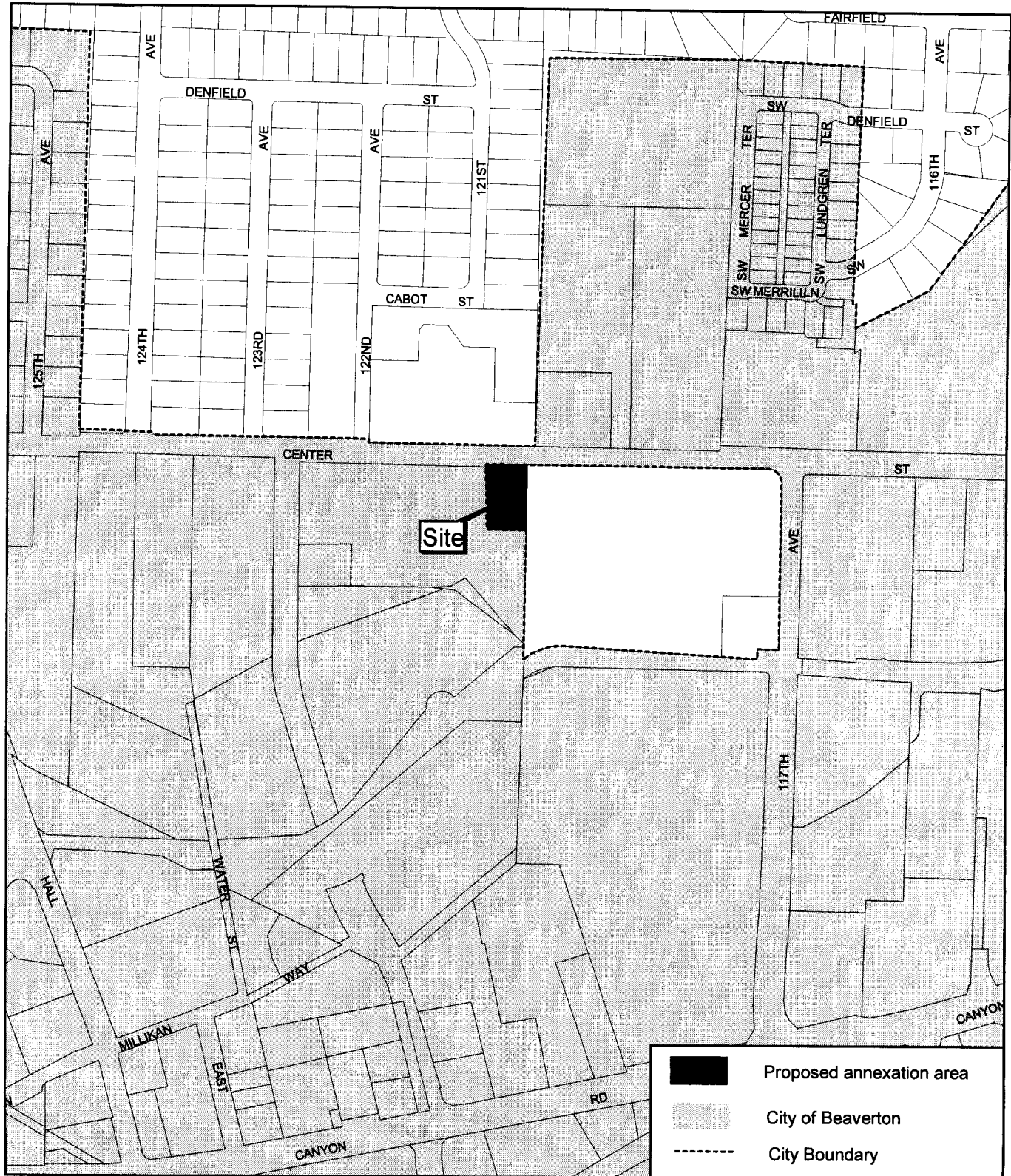
APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

ANNEXATION MAP

ORDINANCE NO. 4326 Exhibit "A"



City of Beaverton

12030 SW Center Street Expedited Annexation
 COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

08/25/04

Map #

1s110cc00100

Application #

ANX 2004-0012

N



ORDINANCE NO. 4326

Exhibit "B"

LEGAL DESCRIPTION

ANX 2004-0012

12030 SW CENTER STREET EXPEDITED ANNEXATION

A parcel of land (consisting entirely of tax lot 1S 1 10CC 100) situated in the Southwest 1/4 of Section 10, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

Beginning at a point on the South line of SW Center Street, said point bears South 01° 11' East, a distance of 20.00 feet from the Northwest corner of the Lockerman DLC No. 45; thence South 01° 11' East, a distance of 180.00 feet; thence South 88° 44' West, a distance of 100.00 feet; thence North 01° 11' West, a distance of 180.00 feet, to a point on said South line; thence along said South line, North 88° 48' East, a distance of 100.00 feet to the point of beginning.

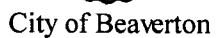
**CITY of BEAVERTON**

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

STAFF REPORT**TO:** City Council**REPORT DATE:** September 23, 2004**AGENDA****DATE:** October 18, 2004**FROM:** Community Development Department
Alan Whitworth, Senior Planner *Alan***SUBJECT:** 12030 SW Center Street Expedited Annexation (ANX 2004-0012)**ACTIONS:** Annexation to the City of Beaverton of one parcel located at 12030 SW Center Street. The property is shown on the attached map, identified as tax lot 1S110CC 00100, 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 not currently within a Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that this property be added to the Central Beaverton NAC boundaries.**AREA:** Approximately 0.4 acres**TAXABLE BM 50 ASSESSED VALUE:** \$ 99,640**ASSESSOR'S REAL MARKET VALUE:** \$ 151,240**NUMBER OF LOTS:** 1**EXISTING COUNTY ZONE:** R-25 (Residential - 25 units per acre)**SUMMARY AND RECOMMENDATION**

This is a request to annex one parcel to the City of Beaverton and add it to the Central Beaverton Neighborhood Association Committee boundaries. The parcel is located at 12030 SW Center Street. The property is shown on the attached map, identified as tax lot 1S110CC 00100, and more particularly described in the attached legal description.

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective thirty days after the Mayor's signature.



ANX 2004-0012



BACKGROUND

The request is to annex one tax parcel located at 12030 SW Center Street. The parcel is approximately 0.4 acres and contains a single family house. The property owner has consented to the annexation. His 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 Neighborhood Office is recommending that this property be added to the Central Beaverton 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.

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 a 24-inch sanitary sewer pipe in Center Street and an 8-inch pipe running through the Beaver Creek Apartments available to serve this property. This parcel is owned by the same company that owns Beaver Creek Apartments. 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 0.4 acres and is developed with a single family residence. There is a 21-inch storm water pipe in Center Street. If the site redevelops in the future, storm drainage should 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 Center Street, 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. 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 September 28, 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:

- Paul H. Labby, Carla Properties, LTD, the property owner;
- Rick Martinson the listed contact person; and
- The Central Beaverton Neighborhood Association Committee and the Cedar Hills/Cedar Mill 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 (g) Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.

Findings: This criterion is not applicable to this 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	FILE NAME: <u>12030 SW Center Street</u>
USE	FILE NUMBERS: <u>ANX 2004-0012, CPA 2004-0015, ZMA 2004-0015</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
1S110CC-00100 Steels Addition To Beaverton Lots 37&81_	12030 SW Center St., Beaverton, Or.		N/A	N/A

CONTACT PERSON ☒ USE MAILING ADDRESS FOR NOTIFICATION

Rick Martinson	Business Name	Phone #
PRINT OR TYPE NAME 633 NW 19 th Ave., Portland, Or. 97209	Carla Properties, Ltd.	503-227-6501

ADDRESS

SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)

PAUL H. LABBY		8-6-04	<input checked="" type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
Paul Labby			
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			
633 NW 19 th Ave., Portland, Or.			

LEGAL DESCRIPTION
ANX 2004-0012
12030 SW CENTER STREET EXPEDITED ANNEXATION

A parcel of land (consisting entirely of tax lot 1S 1 10CC 100) situated in the Southwest 1/4 of Section 10, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

Beginning at a point on the South line of SW Center Street, said point bears South 01° 11' East, a distance of 20.00 feet from the Northwest corner of the Lockerman DLC No. 45; thence South 01° 11' East, a distance of 180.00 feet; thence South 88° 44' West, a distance of 100.00 feet; thence North 01° 11' West, a distance of 180.00 feet, to a point on said South line; thence along said South line, North 88° 48' East, a distance of 100.00 feet to the point of beginning.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon



SUBJECT: An Ordinance Annexing Property Located at
15865 SW Division Street to the City of
Beaverton: Expedited Annexation 2004-
0011

10/18/04
FOR AGENDA OF: ~~10/11/04~~ **BILL NO:** 04207

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 09/21/04

CLEARANCES: City Attorney 
Planning Services 

PROCEEDING: ~~First Reading~~
Second Reading and Passage

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report Dated 09/09/04

BUDGET IMPACT

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

This request is to annex one tax parcel located at 15865 SW Division Street. Since the petition was submitted the property has been partitioned into two parcels. The property is approximately 0.3 acres and currently has two single family houses stored on it. No one resides on the property. The property owner has consented to the annexation. His 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.

INFORMATION FOR CONSIDERATION:

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

Beaverton Code Section 9.06.035A provides the City Council the option of adding this property to an appropriate Neighborhood Association Committee (NAC) at the time of annexation. This property is currently in the West Beaverton Neighborhood Association Committee (NAC) boundaries.

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective 30 days after the Council approval and the Mayor's signature on this ordinance.

RECOMMENDED ACTION:

First Reading
Second Reading and Passage

Agenda Bill No: 04207

ORDINANCE NO. 4323

AN ORDINANCE ANNEXING PROPERTY LOCATED AT 15865
SW DIVISION STREET TO THE CITY OF BEAVERTON:
EXPEDITED ANNEXATION 2004-0011

- 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 September 9, 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 11th day of October, 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. 4323

Exhibit "A"



City of Beaverton

15865 SW DIVISION STREET EXPEDITED ANNEXATION

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

09/14/04

Map #

1s117ca11400

1s117ca11500

Application #

ANX 2004-0011

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