



FINAL AGENDA

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

REGULAR MEETING
APRIL 5, 2004
6:30 p.m.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

National Community Development Week: April 12-18, 2004

PRESENTATIONS:

- 04047 Westside PAL Presentation
- 04048 Tualatin Basin Goal 5 Project Update

CITIZEN COMMUNICATIONS:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Special Meeting of March 11, 2004 and the Regular Meeting of March 15, 2004.

- 04049 Liquor License Application: Greater Privilege - Koreana Restaurant
- 04050 Boards and Commissions Appointment Alan DeHarpport for Planning Commission
- 04051 Allocation of Traffic Enhancement Program Funds to Additional Projects for Traffic Calming, Accessible Pedestrian Signals, and Advance Street Name Signing
- 04052 Traffic Commission Issues No. TC 544-546
- 04053 Transfer of Road Jurisdiction from Washington County to the City of Beaverton (SW 150th Avenue from SW Walker Road to SW Surrey Street) (Resolution No. 3752)
- 04054 Transfer of Road Jurisdiction from Washington County to the City of Beaverton (SW Barrows Road from SW Walnut Street west to the B.P.A. Power Lines) (Resolution No. 3753)

04055 Transfer of Road Jurisdiction from Washington County to the City of Beaverton (SW Barrows Road from SW Scholls Ferry Road East to the B.P.A. Power Lines) (Resolution No. 3754)

Contract Review Board:

04056 Bid Award – Purchase One (1) New Trencher/Backhoe

04057 Consultant Contract Award – Fluoride Distribution Analysis and Disinfection Byproducts (DBP) Analysis for the City's Drinking Water System

04058 Bid Award-Cedar Hills Boulevard Utility Improvements Phase 2

ORDINANCES:

First Reading:

04059 An Ordinance Adopting TA 2004-0001 to Amend Development Code Section 10.70 (Enforcement) (Ordinance No. 4294)

Second Reading:

04044 An Ordinance Amending Ordinance No. 4187, Figure III-1 (Volume I), the Comprehensive Plan Land Use Map, the Significant Natural Resources Map (Volume III) and Ordinance No. 2050, the Zoning Map for Property Located at 12345 NW Barnes Road (Teufel Property); CPA 2003-0017/ ZMA 2003-0019 (Ordinance No. 4292).

04045 An Ordinance Implementing the Comprehensive Plan to Create Teufel Property Review Procedures (Ordinance No. 4293)

EXECUTIVE SESSION:

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

ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 48 hours advance notice. To request these services, please call 526-2222/voice TDD.

PROCLAMATION

OFFICE OF THE MAYOR CITY OF BEAVERTON



WHEREAS,

the U.S. Department of Housing and Urban Development's Community Development Block Grant (CDBG) Program has operated since 1975 to provide local governments with the resources required to meet the needs of person of low- and moderate-income, and CDBG funds are used by thousands of neighborhood-based, non-profit organizations throughout the nation to address pressing neighborhood and human service needs; and

WHEREAS,

the Community Development Block Grant program has had a significant impact in assisting low- and moderate-income individuals and families with home repair, fire and life safety, public and community services, and public facilities construction; and

WHEREAS,

Beaverton, Oregon, and other local governments have clearly demonstrated the capacity to administer and customize the CDBG program to identify, prioritize and resolve pressing local problems; and

NOW, THEREFORE,

I, ROB DRAKE, MAYOR, City of Beaverton, Oregon, do hereby proclaim the week of **April 12 – April 18, 2004**, as:

COMMUNITY DEVELOPMENT WEEK

in Beaverton, Oregon, and urge all citizens to join us in recognizing the Community Development Block Grant program and the important role it plays in our community.




Rob Drake, Mayor

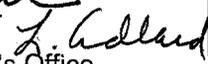
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Westside PAL Presentation

FOR AGENDA OF: 04-05-04 **BILL NO:** 04047

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office 

DATE SUBMITTED: 03-12-04

CLEARANCES:

PROCEEDING: Presentation

EXHIBITS:

BUDGET IMPACT

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

Westside PAL was founded in 1997 and officially launched in the spring of 1998 with support from the City of Beaverton, founder Chief David G. Bishop and Beaverton City Council as a result of a growing need in the community to provide an organization with multiple programs targeted to underserved youth. Since 2001, the PAL Youth Center and administrative offices have been located in the City-owned Beaverton Resource Center. The growth rates in PAL membership have grown substantially since the opening of the new Youth Center in the City's Resource Center facility.

INFORMATION FOR CONSIDERATION:

The Executive Director of PAL will make a brief presentation on their organization's activities and progress since their last presentation to City Council in the fall of 2000.

RECOMMENDED ACTION:

Staff respectfully recommends that the City Council listen to the presentation and provide feedback on PAL's progress in providing services to youth in our community.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Tualatin Basin Goal 5 Project Update **FOR AGENDA OF:** 04/05/04 **BILL NO:** 04048

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: CDD *JMG*

DATE SUBMITTED: 03/23/04

CLEARANCES: Planning Services *HB*

PROCEEDING: Presentation

EXHIBITS: Partners for Natural Places
Winter 2004 Newsletter

BUDGET IMPACT

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

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

TBSC, Metro, and Clean Water Services staff conducted two open houses to inform the community about the general Environmental, Social, Economic, and Energy (ESEE) consequences analysis. Attendance at the March 1 open house in Hillsboro was approximately 150 people, while attendance at the March 4 open house in Tualatin was approximately 100 people. On March 29, the TBNRCC held a public hearing to receive testimony about the current phase of the project.

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

Step 1: **Map Significant Regional Resources:** Metro adopted a resolution establishing criteria to identify and define regionally significant riparian corridors and wildlife habitat. An intergovernmental agreement (IGA) between Metro and the Natural Resources Coordinating Committee established Metro's regionally significant resources as the inventory the Partners will use for Steps 2 and 3.

Step 2: **Conduct an ESEE Analysis:** Land uses that conflict with the Goal 5 resources and impact areas where conflicting uses could adversely affect a resource were identified. Consultants and TBSC staff analyzed the economic, social, environmental, and energy consequences of allowing, limiting, or prohibiting conflicting uses within the resources and impact areas. Open houses and the public hearing in March focused on the draft ESEE analysis and a draft Allow, Limit, and Prohibit (ALP) map. On April 12, the TBNRCC will consider limited adjustments to the

draft ALP map and make a decision on the ALP map. The TBSC requested the TBNRCC retain the ability to revisit the ESEE analysis and adjust the ALP when program details are developed.

Step 3: **Develop a Program:** According to the Statewide Planning Goal 5 guidelines, the program must achieve the goal of "conserving open space and protecting natural and scenic resources." Using the ESEE analysis, jurisdictions make findings to support decisions to protect the resource, allow conflicting uses, or limit conflicting uses. Land use regulations must be specific enough for property owners to determine what uses and activities are allowed, not allowed, or conditionally allowed and must contain clear and objective conditions or standards.

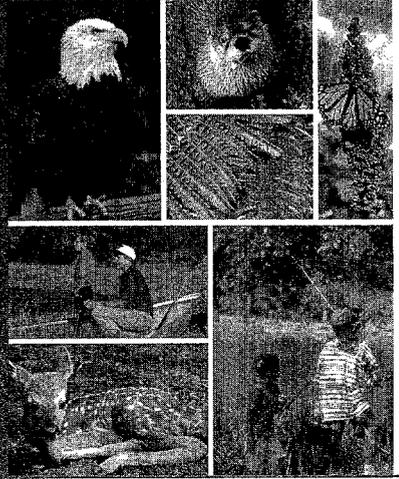
Through the Metro-Tualatin Basin IGA, the primary objective of the Tualatin Basin project is to improve the environmental health in Metro's 11 sites within the Tualatin Basin. Preliminary discussions at the TBSC focus on a three-pronged approach to a potential program: regulation, revenue, and design. Clean Water Services vegetated corridors and the City's tree program provide two examples of regulations. Revenue from a variety of sources could be used to mitigate development impacts or restore resources. Design guidelines could promote low impact development that minimizes or reduces the impervious surface area for a project. A final program is likely to contain aspects of regulation, revenue, and design with perhaps a menu of options to provide flexibility at the site level. Open houses and public hearings on the draft program will occur in the summer with a TBNRCC decision in August. The program would be sent to Metro for review. By December, Metro Council would act on the Tualatin Basin program. Local governments in the Tualatin Basin would have 180 days after Metro Council's decision to implement the program.

RECOMMENDED ACTION:

View the staff presentation.

Partners for Natural Places

Protecting Fish & Wildlife Habitat in the Tualatin Basin



Fish & wildlife habitat protection analysis underway

Ten Washington County cities have joined with the County, Clean Water Services and the Tualatin Hills Park and Recreation District to develop a fish and wildlife habitat protection program for the Tualatin River Basin. This collaborative effort, known as the Tualatin Basin Partners for Natural Places (Partners), is being completed in cooperation with Metro. The Partners' recommendation to improve the environmental health of the Tualatin Basin will be forwarded to Metro later this year for Metro Council action as part of their regional habitat protection efforts to meet statewide planning Goal 5 (Natural Resources).

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

Background

In 2001 Metro undertook a region-wide fish and wildlife habitat protection project to ensure a coordinated program for resource protection and enhancement, since fish and wildlife habitat does not fit neatly into city and county boundaries. The project is guided by state-wide Planning Goal 5 and the federal Clean Water and Endangered Species Acts. In 2002 Metro approved an inventory of regionally significant fish and wildlife habitat.

During 2003 Metro identified the economic, social, environmental and energy (ESEE) consequences of protecting - or not protecting - habitat on a regional scale. The Tualatin Basin *Partners* are using Metro's inventory to conduct a more site-specific local ESEE analysis.

Clean Water Services has also done extensive watershed data gathering and scientific analysis to fulfill the requirements of the Endangered Species and Clean Water Acts. This data is being used to assess the existing environmental health of riparian areas in the Basin as well as to document the quality of the identified significant resources.

Next Steps

In the spring of 2004 the *Partners* will complete the local ESEE analysis and recommend the degree of fish and wildlife habitat protection for the Tualatin Basin. Metro will also complete the regional ESEE analysis and adopt a map showing where future development may be affected around the region.

The final step will be the development of a program to protect significant habitat. Potential education, incentives, programs for site and improvement as regulatory standards that impacts of new on the habitat. tools include funding pro-acquisition well as regulatory standards that development areas. All potentially affected property owners and interested persons will be notified prior to final program adoption.

At this stage, recommendations have been made only for lands included in Metro's inventory of natural resources, covering areas generally within one mile of the urban growth boundary (UGB). Rural resources beyond the Metro inventory area will be addressed with the third and final phase of the Tualatin Basin's Goal 5 work. For these properties, a parallel program to encourage streamside protection strategies for improving water quality is being considered.



What is Goal 5?

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

The Goal 5 process has three phases:

Phase One: completed in 2002

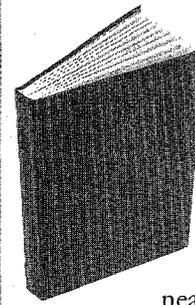
- Conduct an **inventory** of fish and wildlife habitats, including information about resource location, quality and quantity (region-wide inventory conducted by Metro)
- Determine the **significance** of the resources identified

Phase Two: underway fall 2003-spring 2004

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

Phase Three: early spring-August 2004

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



Definitions of Allow - Limit - Prohibit

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

- An "allow" decision means that development would be permitted to occur within or near significant fish and wildlife habitat areas, subject to existing regulations such as Clean Water Services' Design and Construction Standards and local, state and federal wetland regulations.
- A "limit" decision means that there is a balance between allowing development within or near significant fish and wildlife habitat areas and protecting those areas from negative impacts that can result from development activities.
- A "prohibit" decision means that development would be prohibited within significant fish and wildlife habitat areas.



Phase Two: Conducting the ESEE Analysis

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

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

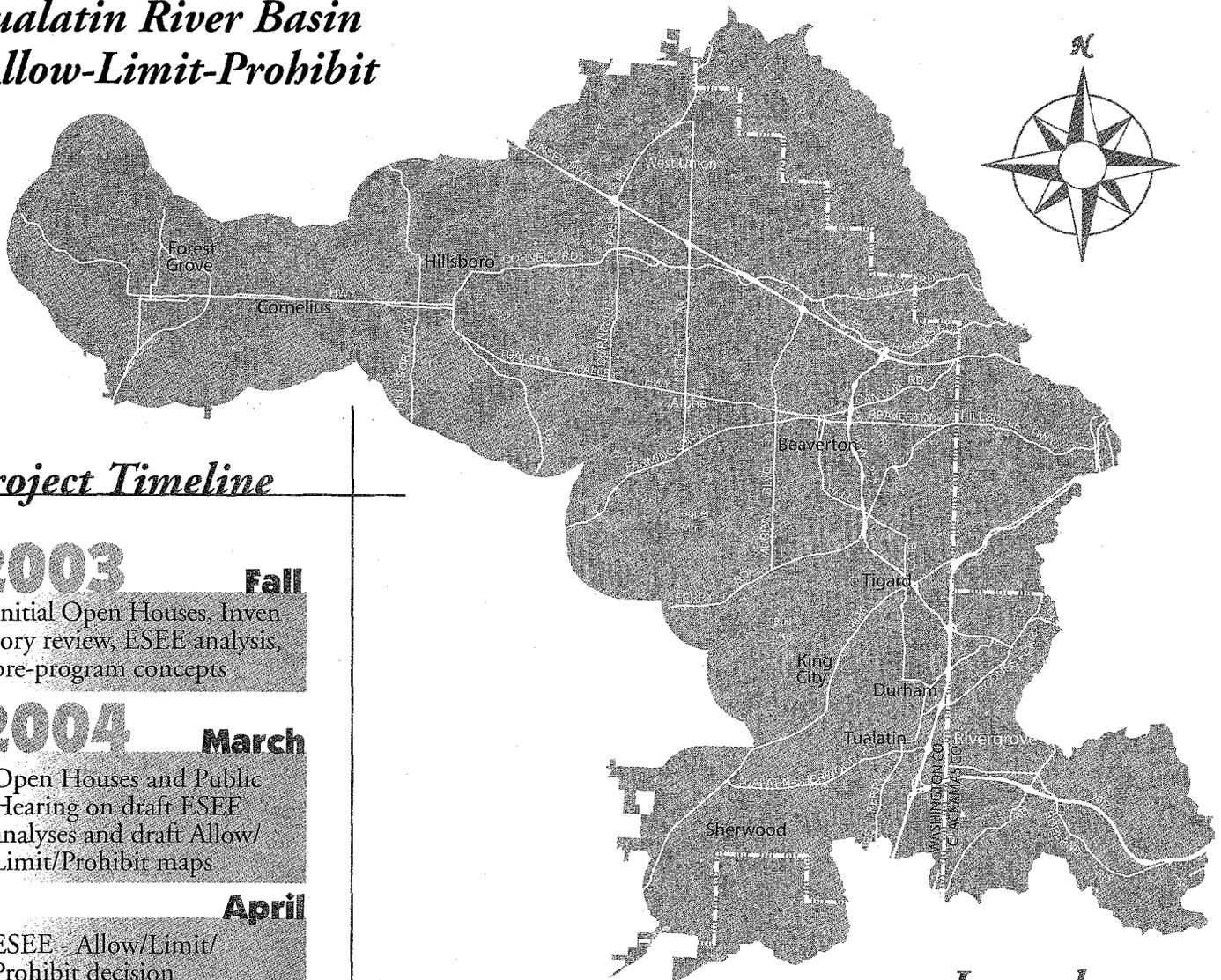
Phase Three: Defining a Protection Program



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

Metro's process is slightly different. Rather than propose one Allow-Limit-Prohibit map to which the public can react, Metro is suggesting six options for A-L-P which they are taking to the public in Open Houses in March of 2004. For each option, several hypothetical regulatory and non-regulatory approaches are being analyzed. The trade-offs associated with each option will be evaluated and results compared, providing information to the Metro Council as it considers where and how much to protect habitat.

Tualatin River Basin Allow-Limit-Prohibit



Project Timeline

2003

Fall

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

2004

March

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

April

ESEE - Allow/Limit/Prohibit decision

Summer

Open Houses and Public Hearings on Draft Program

August

Preliminary program proposal finalized and forwarded to Metro for review

December

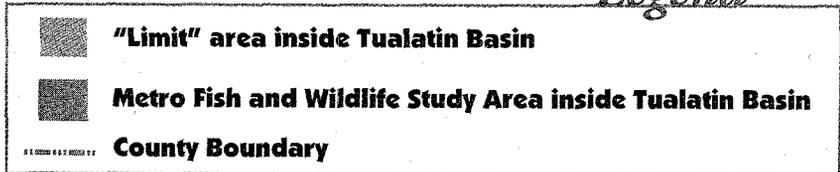
Metro Council acts on the regional program and Tualatin Basin Plan for fish and wildlife habitat protection

2005

Spring

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

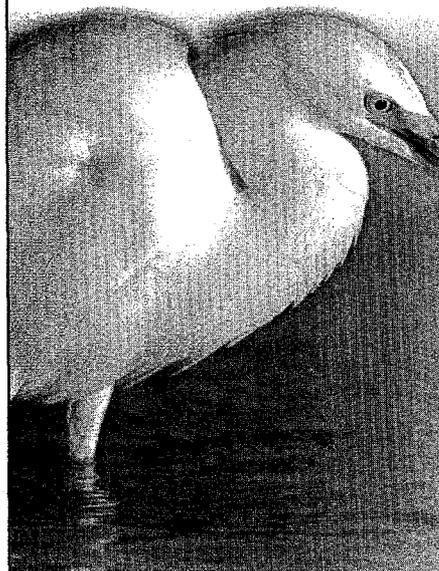
Legend



What effect will this have on private property?

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

- Technical assistance to landowners to adopt voluntary conservation practices
- Incentives for resource protection
- Education and outreach to encourage resource protection practices
- Regulations to achieve additional resource protection
- Funding programs for:
 - Acquisition of key resource sites
 - Improvements to enhance stream corridor conditions



Once the Partners have completed the analyses and determined which lands will require further protection, programs to achieve the goal of conserving and protecting sensitive habitat will be drawn up. The program proposals will be presented for public review and comment in the summer of 2004.

After public hearings, elected officials (the Tualatin Basin Natural Resource Coordinating Committee) will make final recommendations to the Metro Council on a Goal 5 program for the Tualatin River Basin. Following Metro's approval, local governments have 180 days to adopt implementing ordinances.

Opportunities for public input

There will be many opportunities for input from the general public and directly affected property owners as the project progresses. You may *attend* Open Houses this spring and summer 2004, where you can fill out and submit a comment card, or you may *testify* in person at Public Hearings. At any time before the summer hearing, you may also *write* to:

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

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

If your property might be affected, you will receive official notices of open houses and public hearings. If you would like to be added to this mailing list, call your local City or the County's Planning Division, 503-846-3519.

Our website <http://www.co.washington.or.us/goal5> offers information and convenient e-mail access to local planning staff. You may also attend the Tualatin Basin Natural Resource Coordinating Committee meetings and make comments. Call 503-846-3519 for a schedule.

Participating Partner Agencies

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

Private organizations are also involved, adding their expertise to be sure the final programs are acceptable to and workable for the community. Some of these are:

- Tualatin Riverkeepers
- Audubon Society of Portland
- Westside Economic Alliance
- Home Builders Association
- Associated General Contractors
- SOLV
- and more...

Partner contacts:



Beaverton

Barbara Fryer
503-526-3718
bfryer@ci.beaverton.or.us



Forest Grove

Jeff Beiswenger
503-992-3226
jbeiswenger@ci.forest-grove.or.us



Hillsboro

Jennifer Wells
503-681-6214
jenniferw@ci.hillsboro.or.us



Metro

24-hour hotline
503-797-1888, option 2; also
check www.metro-region.org



Tigard

Julia Hajduk
503-639-4171
julia@ci.tigard.or.us



Tualatin

Stacy Hopkins
503-691-3028,
shopkins@ci.tualatin.or.us



Clean Water Services

Sheri Wantland
503-846-3601
wantlans@cleanwaterservices.org



Tualatin Hills Park and Recreation District

David Endres, 503-645-6433,
dendres@thprd.com



Washington County

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

Cities not listed,
call Washington County



BEAVERTON CITY COUNCIL
SPECIAL MEETING
MARCH 11, 2004

DRAFT

CALL TO ORDER:

The Special Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Mayor's Conference Room, Third Floor, City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, on Thursday, March 11, 2004, at 11:00 a.m. Present were Mayor Drake, Couns. Dennis Doyle, Forrest Soth and Cathy Stanton. Couns. Fred Ruby and Betty Bode attended via telephone conference calls. Also present were Chief of Staff Linda Adlard, City Attorney Alan Rappleyea, Assistant City Attorney Bill Scheiderich, Finance Director Patrick O'Claire, Program Manager Janet Young, City Recorder Sue Nelson, and The Oregonian Reporter Dick Colby.

Coun. Soth MOVED, SECONDED by Coun. Doyle, that Council move into executive session in accordance with ORS 192.660(1)(h) Legal Counsel and (1)(e) Real Property Transactions. Couns. Bode, Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

The executive session convened at 11:00 a.m.

The executive session adjourned at 12:10 p.m.

Coun. Soth MOVED for staff to continue negotiations with those entities that were discussed in Executive Session, Seconded by Coun. Doyle. All in Favor, voting AYE, Motion carried (5:0).

Coun. Soth MOVED that Council direct staff to bring back a Resolution at the next regular City Council Meeting regarding Eminent Domain, Seconded by Coun. Stanton. All in Favor voting AYE, motion carried (5:0).

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 12:10 p.m.

Sue Nelson, City Recorder

Approval:

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
MARCH 15, 2004

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, March 15, 2004, at 6:33 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Betty Bode, Dennis Doyle and Forrest Soth. Couns. Fred Ruby and Cathy Stanton were 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 Captain Chris Gibson, Traffic Engineer Randy Wooley, Human Resources Consultant Barbara Huson and Deputy City Recorder Catherine Jansen.

PROCLAMATIONS:

Mayor Drake proclaimed Saturday, March 20, 2004, Iranian New Year Celebration Day.

CITIZEN COMMUNICATIONS:

There were none.

COUNCIL ITEMS:

Coun. Soth reminded Councilors it was time to file their annual Statement of Economic Interest Reports with the State Government Standards and Practices Commission.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Mayor Drake noted the Council Agenda had been revised to add Agenda Bill 04046 to the Consent Agenda.

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

Minutes of the Regular Meeting of March 1, 2004.

04036 Traffic Commission Issues No. TC 542 and 543

04037 Funding Plan Change – 125th Avenue Improvement

04038 Liquor License Applications: Best Western Greenwood Inn; Progress Grocery and Deli; Santana's & Pho Saigon

04046 A Resolution of Intent to Acquire Real and Personal Property Generally Located at 12725 SW Millikan Way (Resolution No. 3751)

Contract Review Board:

04039 Authorization to Enter Into a Contract for Legal Services

04040 Rejection of Proposal to Provide Food Concession Services at City Park Kiosk

04041 Purchase of Software License Renewals and New Licenses from the State of Oregon Price Agreement

04042 Contract Award – Marketing/Advertising Consultant Services for Identity Theft and Fraud Prevention Program Community Education Campaign

04043 Waiver of Sealed Bidding – Purchase Asphalt from the Washington County Requirement Contract

Coun. Bode stated she would abstain from voting on the March 1, 2004 Minutes as she was not at that meeting.

Question called on the motion. Couns. Bode, Doyle and Soth voting AYE, the MOTION CARRIED unanimously. (3:0) Coun. Bode abstained.

ORDINANCES:

Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the rules be suspended, and that the ordinances embodied in Agenda Bills 04044 and 04045 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 and Soth voting AYE, the MOTION CARRIED unanimously. (5:0)

First Reading:

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

- 04044 An Ordinance Amending Ordinance No. 4187, Figure III-1 (Volume I), the Comprehensive Plan Land Use Map, the Significant Natural Resources Map (Volume III) and Ordinance No. 2050, the Zoning Map for Property Located at 12345 NW Barnes Road (Teufel Property); CPA 2003-0017/ ZMA 2003-0019 (Ordinance No. 4292)
- 04045 An Ordinance Implementing the Comprehensive Plan to Create Teufel Property Review Procedures (Ordinance No. 4293)

Second Reading:

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

- 04033 An Ordinance Amending Ordinance 4187, The Comprehensive Plan, by Adopting the "Beaverton School District Facility Plan 2002" by Reference and Deleting References to Outdated Provisions (Ordinance No. 4289)
- 04034 An Ordinance Annexing Property Generally Located at 1250 NW Waterhouse Avenue, in the Cornell Oaks Corporate Center, to the City of Beaverton: Expedited Annexation 2003-0013 (Ordinance No. 4290) (With revised legal description supplied by Washington County on 3/03/04.)
- 04035 An Ordinance Amending Ordinance No. 2050, The Development Code, Chapter 20; TA 2003-0009 (Section 20.20.60-2 Murray Scholls Town Center Pedestrian Route Map) (Ordinance No. 4291)

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the ordinances embodied in Agenda Bills 04033, 04034 and 04035, now pass. Roll call vote. Couns. Bode, Doyle and Soth AYE, the MOTION CARRIED unanimously. (3:0)

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Doyle, that Council move into executive session in accordance with ORS 192.660(1)(d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Couns. Bode, Doyle and Soth voting AYE, the MOTION CARRIED unanimously. (3:0)

The executive session convened at 6:42 p.m.

The executive session adjourned at 7:12 p.m.

The regular meeting reconvened 7:12 at p.m.

Coun. Soth MOVED, SECONDED by Coun. Bode that Council direct the Human Resources staff to follow-up with the discussions in executive session regarding Beaverton Police Association compensation and benefits. Couns. Bode, Doyle and Soth voting AYE, the MOTION CARRIED unanimously. (3:0)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 7:14 p.m.

Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this _____ day of _____, 2004.

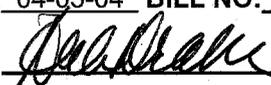
Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Boards and Commissions Appointment
Alan DeHarpport for Planning Commission

FOR AGENDA OF: 04-05-04 **BILL NO:** 04050

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office,
Neighborhood Program

DATE SUBMITTED: 03-16-04

CLEARANCES:

PROCEEDING: CONSENT AGENDA

EXHIBITS: Application

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The Planning Commission has a vacancy for a permanent member due to the resignation of Vlad M. Voytilla. It is the Mayor's recommendation that Alan DeHarpport be appointed to the Planning Commission. Mr. DeHarpport will continue Mr. Voytilla's term, which expires on December 31, 2005. A copy of Mr. DeHarpport's application is attached.

RECOMMENDED ACTION:

Confirm recommended appointment to the Planning Commission.

Thank you!

Thank you for submitting this Boards and Commissions Application form.

For additional information, please call the Neighborhood program at (503) 526-2543.

Back

The information you submitted is displayed below:

Board/Commission Applying for:

First Choice: Planning Commission

Second Choice: Budget Committee

Name: Alan DeHarpport

Employer: Four D Development and Round Stone Properties

Position: Sec'y/Treas. and Member

Address:

City:

Zip Code:

Home Phone: 4

Business Phone:

Email Address:

How did you hear of the opening?

Joyce Storms

Are you a City resident? yes

If yes, how long have you lived in the City? Ten years.

May we keep your name on a list if not appointed at this time? yes

Briefly describe your background and experience:

1977 - 1982 grew up working construction jobs from ages 13 to 18. * 1982 Graduated Sunset High School, Beaverton. * 1986 BA Asian Studies University of Puget Sound. * 1987-1990 US-China Business Council Washington, DC. Wrote, edited, and produced market studies for US corporations looking to invest in China and magazine articles for The China Business Review, bi-monthly periodical. * 1990 - 1994 WJS, Inc, Director, US operations. Negotiated contracts on behalf of US clients selling to People's Republic of China. Product lines included: laboratory testing systems, machine tools, oil and gas equipment, and telecommunications hardware. Traveled extensively throughout Asia and Europe. * 1994 - 2003 Real Estate Broker, Equity Group (now Re/Max equitygroup) and Four D Development. Focus on land acquisition, contract negotiations, land development, new home construction, and new home sales. * Jan 2004, Principal Broker, Round Stone Properties, 9550 SW Beaverton-Hillsdale Hwy, 97005. Small real estate brokerage of 20 seasoned real estate brokers with an emphasis on land development and new, detached, single family homes in Washington County and West Portland.

List any special training, skills or experience you may have that are pertinent to the

Board/Commission to which you are applying:

As the applicant and main contact at Four D Development for several land use applications in Beaverton, I have first hand experience working with the Planning Commission and the sometimes complex decisionmaking process. Four D projects approved within the City of Beaverton include: Spruce Woods (28 five thousand square foot lots at 149th and Hart Rd.), Redstone (38 single family and 19 townhomes at 155th and Redstone Drive), Sunrise at Cooper Mountain (55 five thousand square foot lots and 5 fifteen thousand square foot lots at the end of SW Red Rock Way), Holland Park (34 three to four thousand square foot detached, single family lots on Denney Road next to Vose Elementary) and Stewart Heights (To be annexed. 22 five thousand square foot lots on Nora Road across from SW Sexton Mt. Drive). By working closely with City staff and the local NACs, I believe I have been told that I am a responsible developer who is willing to listen to others and compromise. City staff, Planning Commission, and the neighborhoods have all given positive feedback about the outcome of Four D's projects. Based on this "hands-on" experience, I am confident that my vision of the future landscape of Beaverton will compliment the Planning Commission, City staff, and our community's goals.

Discuss your motivation for serving on this Board/Commission:

I am a fourth generation Oregonian. I attended Cedar Mill Elementary for six years, Cedar Park Intermediate for three years and Sunset High for three years. I have travelled extensively, but would never consider living anywhere but Beaverton. This is my family's home and I love it here. I want to ensure that when the next generation is grown, the City of Beaverton will continue to enjoy the highest level of livability possible. As a Planning Commissioner, I would be motivated to ensure that Beaverton's growth provides a balance between the existing residents/business owners concerns and the rights of the developers to improve their property. Density, aesthetics and sound infrastructural planning must be considered for every project to ensure Beaverton provides quality developments that will stand the test of time.

State your goals for the City:

As a Planning Commissioner my comprehensive goal would be to ensure that as the City develops in-fill sites, redevelops, and expands its territory northward, livability is not compromised, but enhanced. Public health, welfare, and safety are not just catch-all phrases—they must be seriously weighed for each application. All aspects of civil engineering must be carefully reviewed including: soils and slope stability, grading, retaining walls, utilities, streets, and walkways. Significant natural resources, including significant groves of trees and wetlands, must be preserved. Clean Water Services regulations must be met. Roads, sidewalks, and bike paths need to be included with any development plan to ensure connectivity and public safety. The Oregon Transportation Law must be met. Parks need to be established in park-deficient areas. Tualatin Hills Park and Recreation District and the City will need to continue to work in a spirit of cooperation as the District grows with the City. The interests of School District #48 must be taken into account. Police, medical, and fire safety must be adequate to serve the proposal. Smart engineering and planning are the keys to ensuring Beaverton's Planning Commissions' decisions will leave the City with a proud legacy. As a Planning Commissioner, I would ensure that any land use decision made meets City code, complies with the City Comprehensive Plan, and does not violate State law. As Beaverton grows, so will the responsibilities of commissioners and councilors. I feel honored and grateful to be considered for the position. Best regards, Alan DeHarpport

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Allocation of Traffic Enhancement Program Funds to Additional Projects for Traffic Calming, Accessible Pedestrian Signals and Advance Street Name Signing

FOR AGENDA OF: 4-5-04 **BILL NO:** 04051

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: Engineering [Signature]

DATE SUBMITTED: 3-23-04

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

PROCEEDING: Consent

- EXHIBITS:**
1. Memo to Traffic Commission from City Transportation Engineer dated February 23, 2004
 2. Draft minutes (excerpt) of Traffic Commission meeting of March 4, 2004

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$1,129,685*	APPROPRIATION REQUIRED \$0
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*Fund 310-75-3223 (Traffic Enhancement Projects).

HISTORICAL PERSPECTIVE:

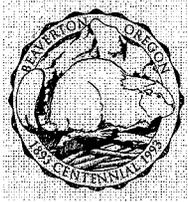
In 1997, the City Council directed staff to work with the Traffic Commission to develop recommendations for specific projects to be funded under the Traffic Enhancement Program. Through this process, 16 projects have been previously funded in five phases as shown in Attachment A to Exhibit 1. On March 4, 2004, the Traffic Commission considered a staff recommendation to allocate \$175,000 for additional traffic calming projects, \$15,000 for accessible pedestrian signals, and \$10,000 for advance street name signing. Additional information is shown in Exhibit 1.

INFORMATION FOR CONSIDERATION:

The Traffic Commission held a hearing on the issue. Following the public hearing, the Traffic Commission approved the staff recommendations shown in Exhibit 1.

RECOMMENDED ACTION:

Approve the recommendations of attached Exhibit 1 allocating Traffic Enhancement Program funds in the amount of \$175,000 for traffic calming on four additional streets, \$15,000 for accessible pedestrian signals, and \$10,000 for advance street name signing.



MEMORANDUM

EXHIBIT 1

City of Beaverton
Engineering Department
Transportation Division

To: Traffic Commission
From: Randy Wooley, City Transportation Engineer 
Date: February 23, 2004
Subject: *Traffic Enhancement Program Budget*
Request for Funding for Additional Projects

Funding Request

This is a request to amend the allocation of Traffic Enhancement Program funds to include funding for Phase 6 of the Traffic Calming Program, installation of accessible pedestrian signals at selected intersections, and installation of advance street name signs on approaches to City traffic signals.

Background

Funding for the Traffic Enhancement Program was a part of the tax base measure approved by the voters in 1996. The funds are to be used for improvements to the traffic signal system and neighborhood traffic relief. In 1997, the City Council directed staff to work with the Traffic Commission to develop recommendations for specific projects to be funded under the Program.

In past actions, the Traffic Commission and the City Council have approved allocation of Traffic Enhancement Funds to 16 projects.

Program Status

Attachment A provides an update on project costs. Attachment B explains the differences between current cost estimates and the estimates reviewed in May 2003.

This Traffic Enhancement Program is drawing to a close. It appears that this recommended allocation will use most of the remaining funding. Next year, the City will need to identify a new funding source to continue the traffic calming program and other Traffic Enhancement projects.

The Program was originally envisioned as a three-year program. The funds have actually been extended to cover projects over an eight-year period.

When the Traffic Enhancement Program was started, a portion of the funds were used to hire additional staff in the Transportation Division. The additional staff positions were

needed to manage the new projects. With the new staff, we have been able to design most of the projects in-house with few design costs charged to the capital program.

Because the program has extended longer than originally envisioned, more staff funding has been needed. In the coming fiscal year, it will likely be necessary to transfer most of the remaining balance from the capital improvements budget to the operating budget of the Transportation Division to cover staffing costs. Therefore, most of the remaining balance (Item 20 on Attachment A) will no longer be available for future projects. Even with the expected budget adjustment, there is still at least \$200,000 available for allocation to additional projects.

Proposal

Attachment A proposes allocation of \$175,000 for a Phase 6 of the Traffic Calming Program. This funding level is adequate for the four projects on the current ranking list approved by the Commission in December 2003 as Issue TC 540. These projects are on Indian Hill Lane, 155th Avenue, 6th Street and Davies Road.

An additional \$15,000 is proposed for installation of accessible pedestrian signals. These signals are to assist the visually impaired to locate the pedestrian signal button and to know when it is appropriate to cross the street. The technology for accessible signals has been much improved in recent years. The Citizens with Disabilities Advisory Committee has recommended locations where such signals are needed. The proposed funding would be used to install the accessible signals on four existing City-owned traffic signals. The locations are at the intersections of Greenway & Hall, Farmington & Lombard, Allen & Menlo and at the pedestrian signal on Hall at the Library. The locations were selected based on frequency of usage of the intersection by visually impaired people and any unusual traffic patterns that make the intersection difficult for the visually impaired.

Finally, \$10,000 is proposed to fund the installation of advanced street name signing on the approaches to traffic signals on multi-lane streets. These signs are posted prior to the signal. Typical wording is "X Street Next Intersection". The signing helps motorists who are unfamiliar with the location to anticipate the turn and to position their vehicle in the proper lane. The advance signs improve safety by reducing last-minute lane changes at the intersection. Washington County has begun installing advance street name signing on County roads. The proposed allocation would extend the program to include City-controlled signalized intersections. The signing request comes from discussions of the Senior Citizens Advisory Committee.

Recommendation:

Approve the allocation of \$175,000 in Traffic Enhancement Program funds for Phase 6 Traffic Calming projects, \$15,000 for accessible pedestrian signals and \$10,000 for advance street name signing.

Attachment A
Traffic Enhancement Program
Projected Expenditures
01/14/2004

<u>Project</u>	<u>Previous Budget</u>	<u>Cost to Date</u>	<u>Estimated Total Cost</u>
1. Traffic Calming Phase 1 (Waterhouse, Canyon Ln., 130th, Conestoga, Haystack/135th)	\$75,157	\$75,157	\$75,157 *
2. School Zone Flashing Beacons	217,073	217,073	217,073 *
3. Expert Panel	3,248	3,248	3,248 *
4. Signal Detection Improvements	346,000	323,817	324,000
5. Protected/Permitted Signal Mod.	50,000	22,419	65,000
6. Signal Modifications (Brockman/Bridletrail, Denney/King, 5th/Lombard, 5th/Hall)	177,774	177,774	177,774 *
7. New Signal at Murray & 6th	260,000	259,278	259,278 *
8. New Signal at Scholls Ferry & Davies	0	0	0
9. Traffic Calming Phase 2 (Bel Aire, 152nd)	110,000	88,747	110,000
10. In-house Engineering Costs (Surveying and other staff time outside Transportation Division)	12,000	11,560	16,000
11. Traffic Calming Phase 3 (Laurelwood/Birchwood/87th, Sorrento, Davies)	207,000	187,960	187,960 *
12. Traffic Calming Phase 4 (Erickson/17th, 141st, Fieldstone, Nora, 6th)	100,000	34,566	34,566 *
13. New Signals			
Cedar Hills/Fairfield	200,000	147,166	200,000
Farmington/Erickson	200,000	0	200,000
(To be determined)	200,000	0	200,000
14. Pedestrian Countdown Signals	25,000	0	25,000
15. Traffic Calming Phase 5 (Heather Lane; 170th Dr.)	100,000	300	120,000

16. Signal Revisions at B-H & Griffith	60,000	0	60,000
Total for Phases 1 through 6	2,343,252	1,548,959	2,275,056
Proposed New Allocations:			
17. Traffic Calming Phase 6 (Indian Hill, 6th, Davies, 155th)	0	0	175,000
18. Accessible Pedestrian Signals	0	0	15,000
19. Advance Street Name Signing	0	0	10,000
20. Approximate Amount Remaining for Staffing & Contingency			335,944
Estimated Total Traffic Enhancement Program Revenue & Expenditures			2,811,000

*final cost

Attachment B
Traffic Enhancement Program
Changes to Project Estimates
2/23/04

An explanation of the estimates that have changed since the last update to the Traffic Commission in May of 2003:

Items 4 & 5: In the past, some costs had been incorrectly charged to Item 4. These costs have now been correctly charged to Item 5. Contingencies on both items have been reduced as more work has been completed.

Item 7: This item now shows final cost.

Item 10: The selected signal projects have tight right-of-way constraints that will require additional work by surveyors. Therefore, estimated in-house engineering costs have been increased.

Item 11 & 12: These projects now show final costs.

Item 15: Project estimates have been increased based on current discussions with the neighborhoods and the potential need for drainage work in conjunction with the traffic calming.

Items 17-19: Proposed new project allocations.

Item 20: This figure represents the estimated funding that is not allocated to projects. As explained in the memo, most of this sum will likely be needed to fund staff costs during the coming year. Any remaining funding will serve as contingency and, if not needed, could be allocated to additional projects in the future.

Total Revenue: Revised to reflect additional interest income anticipated in the coming fiscal year.

DRAFT

EXHIBIT 2

City of Beaverton

TRAFFIC COMMISSION

Minutes of the March 4, 2004, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:04 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall.

ROLL CALL

Traffic Commissioners Scott Knees, Thomas Clodfelter, Ramona Crocker, Holly Isaak, Kim Overhage, and Andrea Soltman were present. Commissioner Louise Clark was excused.

City Traffic Engineer Randy Wooley, Traffic Safety Team Officer Jeffrey DeBolt, Senior Transportation Planner Margaret Middleton, Engineering Director Tom Ramisch, and Recording Secretary Debra Callender represented City of Beaverton staff.

— EXCERPT START —

PUBLIC HEARING

**ALLOCATION OF TRAFFIC ENHANCEMENT PROGRAM FUNDS TO
ADDITIONAL PROJECTS**

Chairman Knees opened the public hearing.

Staff Report

Mr. Wooley said staff updates the Traffic Enhancement Program cost estimates every few months. Staff then knows how much of the funds are left to allocate to additional projects. The program status is shown in the memo dated February 23, 2004.

Mr. Wooley asked the Commission to allocate the remaining Traffic Enhancement Funds as follows: \$175,000 to the next phase of traffic calming, including the four projects the Commission approved in December 2003; \$15,000 for additional accessible pedestrian crossing signals for the blind and visually impaired; and \$10,000 for advance street name signing at signalized intersections.

Mr. Wooley said the Traffic Enhancement Funding was planned to last for three years; however, careful budgeting and lower project costs have stretched the funds through eight years. The program is now running out of money. Because the Traffic Enhancement monies have funded projects that are popular with Beaverton's residents,

City administration is now investigating alternate funding sources to continue this service.

Commissioner Overhage asked about Item 20, Amount Remaining for Staffing and Contingency. What do these costs cover?

Mr. Wooley answered that the "staffing costs" covers salary and supplies for three Transportation Division staff.

Commissioner Crocker asked if it is correct that these three staff salaries were not included in the original funds approved by voters.

Mr. Wooley said they were included in the Traffic Enhancement budget but were separated from the Capital Improvement budget that is reviewed by the Traffic Commission. The plan at that point was that all the Traffic Enhancement funds would be used within three years. In fact, the funds lasted for eight years. That is why staffing costs have exceeded the amount originally budgeted.

Chairman Knees asked about the accessible pedestrian signals. Earlier Mr. Crimi spoke about the pedestrian buttons outside the library that make sounds. Will the \$15,000 be used for more of these signals?

Mr. Wooley said Mr. Crimi referred to pedestrian signal buttons that make a special sound to reassure pedestrians that their request to cross has been received. This sound keeps people from repeatedly tapping the button in the false hope that the signal might change more quickly.

Mr. Wooley said accessible pedestrian signals make a low, humming sound that aids vision impaired people to locate the crossing button. When depressed in a particular pattern, the buttons also tell sight impaired pedestrians when it is time to begin crossing the intersection.

Public Testimony

Rich Crimi, Beaverton, Oregon, said his comments will relate to traffic calming in general more than to funding approval.

Mr. Crimi said that at the public hearing for the 6th Street traffic calming project (west of Murray), he was told the speed humps would not jar vehicles when crossed at the posted speed. He said the reality is that when a driver hits one, there is a distinct "kuh-thud." He stated that the 6th Street humps are jarring at any speed more than 10 miles per hour.

Mr. Crimi suggested constructing a smoother transition slope between the street and the top of the speed hump. He has heard many negative comments about the speed humps installed on SW 78th Avenue.

Mr. Crimi is concerned that more cars will cut through surrounding neighborhoods in an effort to avoid streets with traffic calming. He said this increases the total impact area for every new traffic calming project. Mr. Crimi stated he lives on a street near the 6th Street project. He has observed an increase in both the number of vehicles and the traffic speed on his street since this project was installed. He said the 6th Street project was never

reviewed on a neighborhood level; instead, the City's goal was to quiet the complaints from just one street.

Mr. Crimi fears that the proliferation of speed humps in Beaverton will soon detract from the City's livability. He would like to encourage the Commission to consider the livability of the whole neighborhood—not just one vocal group of complainers on one section of street—when reviewing new traffic calming requests.

Chairman Knees said that although this particular issue is a specific request for funding, the Commission will keep Mr. Crimi's testimony in mind as they review other traffic calming issues in the future.

Chairman Knees commended staff for stretching three years' worth of funding into eight years' worth of projects. He said their careful stewardship of these funds is the kind of news Beaverton citizens should hear about.

Staff Comments

Mr. Wooley had no additional comments.

Chairman Knees closed the public hearing.

Commission Deliberation

Commissioner Crocker also thanked staff for being frugal with public funds. Many of these projects were actually a bonus for this community. Commissioner Crocker is pleased that the advance street signs are part of this funding package. She said these are a great aid to drivers, particularly those driving in heavy traffic in an unfamiliar area.

Commissioner Clodfelter also commended staff, saying most of these projects came in either right on, or under, budget. This Commissioner also believes spending money on advance signs will benefit the community. He finds advance signs especially helpful when traveling.

Commissioner Overhage **MOVED** and Commissioner Isaak **SECONDED** a **MOTION** to approve the Traffic Enhancement Program budget request for funding for additional projects as presented by staff.

There was no further discussion. The **MOTION CARRIED** unanimously, 6:0

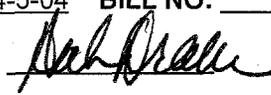
— EXCERPT END —

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Traffic Commission Issues No. TC 544-546

FOR AGENDA OF: 4-5-04 **BILL NO:** 04052

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering 

DATE SUBMITTED: 3-23-04

CLEARANCES: Transportation 
City Attorney 

PROCEEDING: Consent

- EXHIBITS:**
1. City Traffic Engineer's reports on Issues TC 544-546
 2. Final Written Order on Issue TC 544
 3. Written comments and photos received at the Traffic Commission meeting
 4. Minutes of the meeting of February 5, 2004 (excerpt related to TC 544)
 5. Draft minutes of the meeting of March 4, 2004 (excerpt)

BUDGET IMPACT

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

On March 4, 2004, the Traffic Commission considered the following issues:

- TC 544, Parking Restrictions on SW Osprey Drive Between Murray and Teal Boulevards;
- TC 545, Speed Zoning on SW Celeste Lane;
- TC 546, Speed Zoning on SW Valeria View Drive.

Staff reports for Issues 544 - 546 are attached as Exhibit 1.

INFORMATION FOR CONSIDERATION:

A public hearing was held on Issue TC 544 in February. At the March meeting, the Traffic Commission adopted a final written order. The Commission recommended that all parking be prohibited along the south and east side of Osprey Drive west of Murray Boulevard.

The Commission approved the staff recommendations on Issues TC 545 and 546 on consent agenda, with some discussion on Issue TC 546.

RECOMMENDED ACTION:

Approve the Traffic Commission recommendations on Issues TC 544 through TC 546.

Agenda Bill No: 04052

**CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 544**

(Parking Restrictions on SW Osprey Drive Between Murray Boulevard and Teal Boulevard)

January 14, 2004

Background Information

The Murrayhill Owners Association has requested that the Traffic Commission again consider removal of all parking along the south side of SW Osprey Drive between Murray and Teal. See attached letter.

An identical request was considered by the Commission in December of 2002 as Issue TC 501. The record for TC 501 is attached. Following the hearing on TC 501, the Commission voted unanimously to reject the request to prohibit all parking on the south side of Osprey. Instead, the Commission voted to restrict parking near driveways to improve sight distance. Signing for the parking restrictions near driveways was installed in early 2003.

Collision records received since December 2002 include the State summary of 2002 collisions. The records reveal two additional reported collisions that were not included in the record for TC 501. In February 2002, a moving vehicle struck a parked vehicle in the vicinity of the shopping center. In July 2003, a driver fell asleep and hit a tree near Teal.

Staff finds no other changes on Osprey Drive since the previous hearing.

Applicable Criteria

See attached report on TC 501.

Conclusions:

Parking restrictions were established near driveways in early 2003. These restrictions provide additional areas for oncoming vehicles to pass. There have been no other changes since the Traffic Commission considered this issue in December 2002. The conclusions of the Commission on TC 501 are still valid.

Recommendation:

Reject the request for additional parking restrictions.

MURRAY HILL TC 543

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DEC 12 2003

November 21, 2003

ENGINEERING DEPT.

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

Regarding: Parking Requests for Osprey Drive

Attn: Traffic Commission

The traffic on SW Osprey Drive between Murray Road and Teal Blvd. Always flowed smoothly as it has not had the speeding that occurs on Teal Blvd.

A while ago, the Overlook apartments requested permission to build fifty-six garages on their property, and the City granted their request, which has caused traffic congestion for the people who use SW Osprey Drive in the Murrayhill community.

Many Overlook residents now park their vehicles on both sides of Osprey Drive. As you know, Osprey Drive is narrower than the present city code, therefore, there is not enough space for two vehicles to pass each other. Mornings and evenings are affected the most by this situation.

Our suggestion is to place "no parking" signs on the south side of the street as this would keep the traffic moving smoothly at all times. The residents of Overlook would continue to park on the north side all the way from Murray Road to Teal Blvd.

Your consideration of this matter is greatly appreciated.

Thank you,
On Behalf of the Murrayhill Owners Association
Board of Directors

Mike Jubinville
Board of Directors President

MJ:cv

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CITY TRAFFIC ENGINEER'S REPORT

ISSUE NO. TC 501

(Parking Restrictions on SW Osprey Drive Between Murray Boulevard and Teal Boulevard)

November 13, 2002

Background Information

At the request of the Traffic Commission, staff have investigated the on street parking on SW Osprey Drive. Observations show the adjacent apartments and office building use the street for guest and visitor parking. Also observed was the slowing of one or both vehicles approaching each other when parking on both sides of SW Osprey Drive had narrowed lane widths. On street parking appears to be most heavy during night and weekends when more apartment tenants are at home. The apartment complex meets minimum City of Beaverton development code requirements for off street parking.

Staff investigated the on street parking issue in June 2002. Concerns of residents in Osprey Ct. about narrow lane width resulting from parked vehicles, prompted investigation. At that time, based on traffic volumes and street width, no action was taken. SW Osprey Drive is a 32-foot wide local street with volumes of traffic averaging approximately 2350 vehicles per weekday. Daily traffic volumes are consistent with Functional Classification Plan volumes on neighborhood routes. The current City of Beaverton residential street standards require a NR-1 (Neighborhood Route) street to have 34-feet of pavement in order to allow parking on both sides of the street. The NR-2 standard has a pavement width of 28-feet and allows parking on one side.

Two accidents, both near the intersection with SW Murray Blvd. have been recorded since 1999.

Field review noted the sweeping curve of SW Osprey Drive. It is in this location where most issues with sight distance and 'veering' into opposing traffic lanes could occur.

Staff proposes that the south and east sides of SW Osprey Drive have a parking restriction. Prohibiting parking along the south and east sides of SW Osprey Drive and maintaining parking along the north and west sides will improve sight distance. Current City standards allow parking on both sides of a NR-1 neighborhood route with 34-feet of paved width (Engineering Design Manual Drawing No. 3). The existing conditions (32-feet of pavement) do not meet this standard. Restricting parking on one side of the street will result in additional room for two-way traffic. One possible result of removing parking and widening the travel lanes may be the increase in vehicle speeds.

Alternate Options

As an alternate solution, the traffic commission may choose to restrict parking only in the area of the curve of SW Osprey Drive from east/west to north/south. Traffic Commission may also consider only restricting parking around driveways (20-feet to each side) to create larger gaps in parking, this provides refuge for passing vehicles, and improves sight distance for vehicles exiting driveways

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

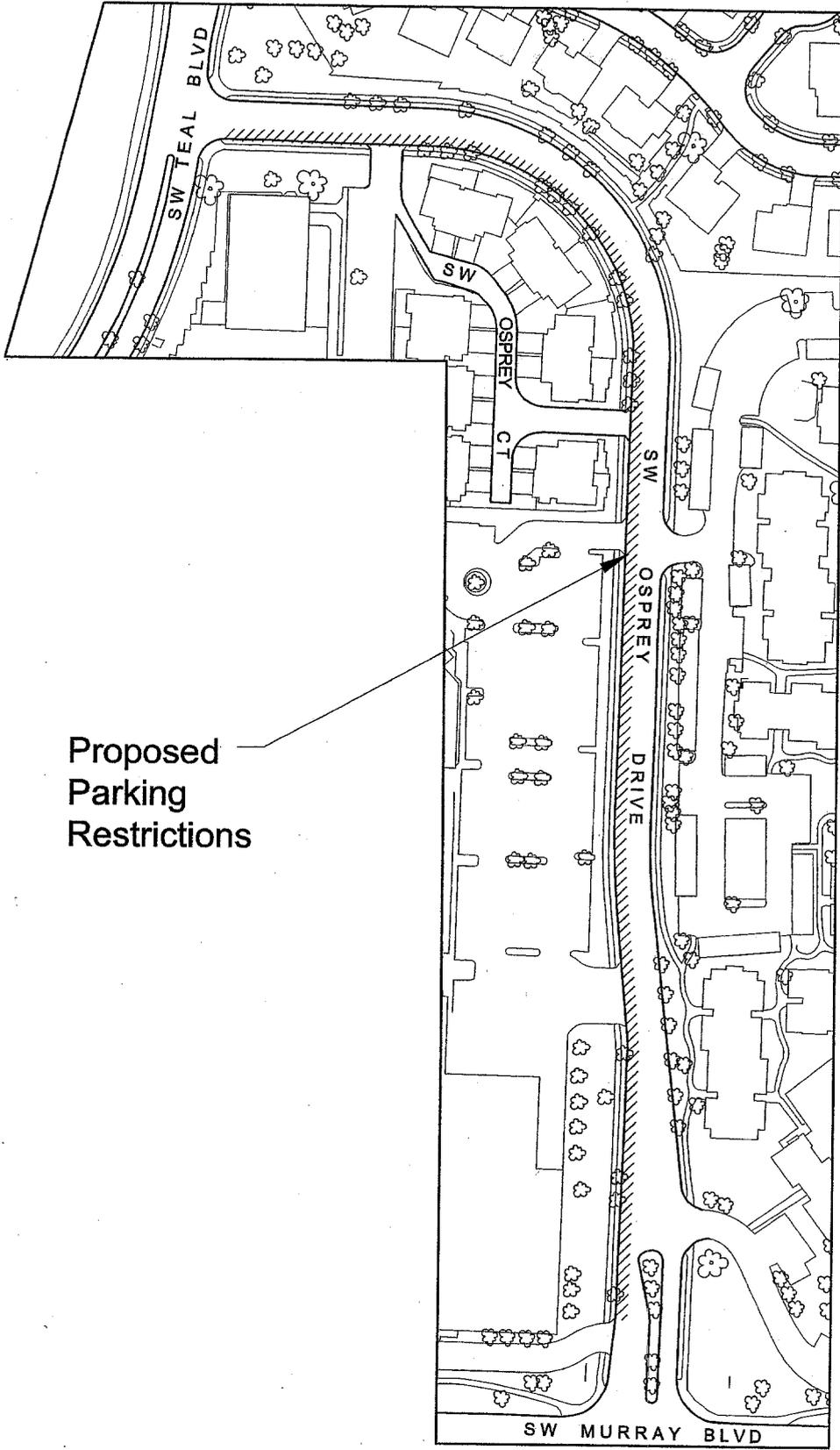
- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1d (accommodate the parking needs of patrons and businesses in a safe and equitable fashion);
- 1g (carry anticipated traffic volumes safely).

Conclusions:

1. Prohibiting parking on SW Osprey Drive on the south and east sides will accommodate parking needs and the orderly movement of vehicles, satisfying criteria 1a, 1b, 1d and 1g.

Recommendation:

1. Prohibit parking on the south and east sides of SW Osprey Drive between SW Murray Blvd. and SW Teal Blvd.



Proposed
Parking
Restrictions

TC # 501



1" = 150'

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Y:\ Traffic \ Drawings \ 2002 \ 02-TC-501 Osprey at Murray-Teal Parking.dwg



City Of Beaverton

Proposed Parking Restrictions on
SW Osprey Dr between Murray Blvd & Teal Blvd

**ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION**

Drawn By: JR Date: 11/13/02
 Reviewed By: _____ Date: _____
 Approved By: _____ Date: 4

TC 501

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November 20, 2002

RECEIVED

NOV 22 2002

ENGINEERING DEPT.

Inese Peterson
14873 S.W. Osprey Ct.
Beaverton OR 97007

To Whom it May Concern:

RE: Issue #TC 501

Parking restrictions on S.W. Osprey Dr. between Murray
and Teal.

Since the Overlook Apartments built 55 garages, Osprey Dr. has become a parking lot on both sides of the street. This makes it difficult for traffic to navigate when traveling in both directions.

As a resident of Osprey Ct., I find it next to impossible to see an oncoming vehicle when a SUV is parked just to the right hand side as I'm trying to exit onto Osprey Dr. This is the same problem the other residents on Osprey Ct. are having.

Your suggestion for posting no parking signs on the south side of Osprey Dr. is a good idea and should solve the problem.

Your assistance in this matter is greatly appreciated.

Sincerely,



Inese Peterson

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MEMORANDUM Beaverton Police Department



Chief David G. Bishop

DATE: 11/21/02
TO: Randy Wooley
FROM: Dean Meisner
SUBJECT: TCB 501

I find this TCB issue an interesting problem. I consider the speed mitigation provided by the constriction caused by on street parking a positive, and feel that this outweighs the negatives of limited sight distance and congestion. We have repeat speeding complaints on the surrounding surface streets that have no on-street parking; I am afraid that we would see similar problems on Osprey if we remove all on street parking.

I would support removing parking adjacent to the driveways.

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CITY OF BEAVERTON

**FINAL WRITTEN ORDER OF
THE TRAFFIC COMMISSION**

REGARDING ISSUE NUMBER T [REDACTED]

(Parking Restrictions on SW Osprey Drive Between Murray Blvd. and Teal Boulevard)

1. The Traffic Commission held a hearing on the issue on December 5, 2002.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
 - 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion).
 - 1g (carry anticipated traffic volumes safely).

In addition the Traffic Commission found the following criteria to be relevant:

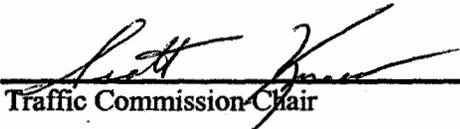
- (none)

3. In making its decision the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - SW Osprey Drive is a 32-foot wide local street with volumes of traffic averaging approximately 2350 vehicles per weekday.
 - The current engineering design manual standard for allowing parking on both sides of a street carrying this type of volume is 34-feet.
 - The Commission heard testimony that the primary concern is sight distance at driveways and at Osprey Court (a private street). Parked cars limit sight distance at the driveways.
 - The Commission heard testimony that on-street parking on Osprey Drive is needed for visitors to nearby townhouse residences.
 - The Commission heard testimony that parked cars make it difficult to pass oncoming traffic.
 - The Commission heard testimony that removing all parking on one side of Osprey Drive would increase traffic speeds on the street.
4. Following the public hearing the Traffic Commission voted (6 aye, 0 nay) to recommend the following action:
 - Prohibit parking at the northern entrance to Osprey Court for 35-feet to the east and 30-feet to the west. At the commercial driveway immediately to the east of Osprey Court, prohibit parking for 15-feet to the west and 30-feet to the east. Prohibit parking at all other private driveways on the south and east sides of SW Osprey Drive (between Murray Blvd. and Teal Blvd.) for a distance of 30-feet on either side.
 - Prohibit parking on the portion of SW Osprey Drive where a traffic island exists west of Murray Boulevard.

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5. The Traffic Commission decision was based on the following findings:
 - Prohibiting parking on SW Osprey Drive on the south and east sides for a distance of 30-feet on either side of each intersecting driveway (with noted exceptions) will accommodate parking needs and the orderly movement of vehicles, satisfying criteria 1a, 1b, 1d and 1g. Modification will improve sight distance for vehicles entering the roadway and facilitate two-way traffic.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 6 DAY OF FEBRUARY, 2003


Traffic Commission Chair

COPY

~~Commissioners agreed to a short delay, especially since this problem has been ongoing for at least six years.~~

~~The MOTION PASSED 5:1. Commissioner Soltman voted "nay."~~

PUBLIC HEARING

TC 501: PARKING RESTRICTIONS ON SW OSPREY DRIVE BETWEEN MURRAY BOULEVARD AND TEAL BOULEVARD

Chairman Knees opened the public hearing on TC 501.

Staff Report

Project Manager Sean Morrison said that staff reviewed this issue in June 2002 and proposed no action. Mr. Morrison said that when Osprey Drive was built, City standards allowed parking on both sides of a 32-foot-wide street. City standards have since changed. Now, a street carrying Osprey's traffic volume would need to be 34 feet wide to allow parking on both sides.

Mr. Morrison said there have been two collisions reported on Osprey in the past three years. Both collisions occurred within 200 feet of the Murray Boulevard intersection. Both collisions were sideswipes against a parked vehicle. No injuries were reported.

Mr. Morrison said staff recommends restricting parking along the south and east sides of Osprey Drive. Before the hearing, staff received one letter in support of the proposal. Traffic Sergeant Dean Meisner also wrote that he is concerned that speed on Osprey will increase if parking is removed. Mr. Morrison said that is what happened on Outrigger Terrace when the City removed parking on one side of the street at the urging of local residents and businesses. Now staff hears complaints about higher speeds on Outrigger.

Commissioner Isaak asked why staff decided to take no action on this issue after first reviewing it in June 2002.

Mr. Morrison said that issue primarily involved the exit at Osprey Court. Ms. Peterson (letter on file) had complained about cars parking too close to the fire hydrant on the corner. Mr. Morrison said it was not an issue of high enough concern at that point to take action. He visited the site and determined that there was heavy parking and cars did have to slow down because of the congestion. He said he left the issue open in case there were more complaints later. As it turned out, the next complaint came from the Traffic Commission.

Commissioner Griffiths asked if staff had recommended restricting parking on the entire south and east side of Osprey based solely on the road's limited width.

Mr. Morrison reiterated that the current City standards would not allow parking on both sides of a 32-foot-wide street. He said it is a "reasonable action" to restrict parking on one side. Staff has prepared two alternate options explained in the report.

Chairman Knees asked on which side of the street the collisions occurred.

Mr. Morrison thought they occurred on the south side of the street. One collision involved a speeding car that had just exited Murray.

Public Testimony

Before the hearing, the Commission received written testimony on TC 501 from Inese Peterson and Traffic Sergeant Dean Meisner.

Susan Busch, Beaverton, Oregon, said she represents the 14 residents of Osprey Court. Last June at a residents' meeting, they voted unanimously to request no parking on the south side of the street. Ms. Busch said it is very dangerous to try to exit either of their driveways when cars are parked up to the driveways. Cars also park in front of their mailboxes so the mail carrier cannot always deliver the mail.

Ms. Busch said that since the Overlook Apartments (on the north side of Osprey Drive) built more garages, there are many more cars parked on the street. Some evenings the whole street is parked full. Usually, when on-coming cars approach, one car will have to stop and wait. Larger vehicles, like school buses, have to proceed even more cautiously. Ms. Busch emphasized that this is a safety issue and asked the Commission to remove parking on one side of Osprey.

Commissioner Overhage referred to Sgt. Meisner's memo about the potential for increased speed. She asked how homeowners feel about this possibility.

Ms. Busch said that the homeowners did not discuss speeding at the mentioned meeting. She said that she has lived on Osprey Court for five years and has never felt threatened by a speeder. On the other hand, she has had some "close calls" when pulling out of her driveway.

Commissioner Griffiths said that she is surprised that the Osprey Court residents do not want the extra on-street parking for guests. She asked if the residents have enough parking for visitors.

Ms. Busch said that they use the street behind the homes for extra parking. She recognizes that guest parking is a problem.

Commissioner Griffiths asked if homeowners would benefit if parking was prohibited on the corner and near the driveway entries but allowed between the Osprey Court driveway and the entry to the commercial parking lot.

Ms. Busch said that would help because they have almost no guest parking. She was unsure how it would affect traffic flow on Osprey Drive. She said that they cannot use the parking lot of the childcare center. It was agreed that if the Marketplace parking was off limits, few parking choices would be left for the townhomes.

Chairman Knees returned to the issue of the new garages at the apartment complex on the north side of Osprey Drive. He asked if these garages, or something else, has shifted tenant parking on to the street.

Ms. Bush said her guess is that the new garages are being rented as storage areas, not as a place to park cars. Since the garages were built, neighbors have observed a sharp increase in on-street parking.

Chairman Knees confirmed with Ms. Busch that Osprey Drive is a school bus route.

Tom Love, Beaverton, Oregon, said he lives across Murray Boulevard in the Cougar Ridge townhomes. Mr. Love said they have 46 townhomes with only five guest parking spaces. Because of this shortage, he said many owners use a "valet parking" arrangement to shuttle people and cars over to Osprey Drive where street parking is available.

Mr. Love blamed the City for removing up to six parking places after the townhomes sold. Owners were told this was done to allow fire trucks more space to turn around.

Mr. Love has also observed a sharp increase in Osprey Drive on-street parking after the apartment garages were built. He typically sees 20 to 40 cars parked on Osprey. Mr. Love warned that this proposal will eliminate much needed parking. He does not oppose the alternate options of eliminating parking next to driveways and around the curve.

Mr. Love fears that TC 501 might be a first step to eliminating all parking on Osprey Drive. He agrees with Sgt. Meisner that vehicle speed on Osprey will increase when the removed parking visually widens the street. Mr. Love said removing parking on Osprey will leave Cougar Ridge residents "driving miles" to find visitor parking.

Jack Young, Beaverton, Oregon, referred to the letter from Inese Peterson. He said that she was, at the time of the decision, the chair of the Architectural Review Committee (the ARC is a subcommittee of the Murrayhill Owner's Association). Mr. Young said that when the new garages were first proposed, there was concern that they might increase the parking problem on Osprey Drive. He said now that the garages are built, they have observed what they predicted from the ARC viewpoint.

Mr. Young said that, in his opinion, the memo from Sgt. Meisner is the most important piece of testimony. He urged the Commission to think carefully before removing the parking proposed by TC 501.

Mr. Young said that he discussed the staff report on TC 501 with Inese Peterson. He stated that the report's alternative option of removing parking on 20 feet on each side of the driveways would satisfy her concern.

Commissioner Griffiths said she is concerned about "pushing" vehicles from a public street into private parking lots, such as the one behind the Murrayhill shopping center. This action might create a long-term problem for area business.

Chairman Knees said that earlier today he observed oncoming traffic speeding on Osprey Drive, even though cars were parked along both sides of the road. He said he would prefer to face a speeding oncoming car after one line of parked cars has been removed to widen the roadway.

Mr. Young replied that narrowing the roadway (in this case via parked cars) naturally inhibits speeding.

Chairman Knees reasoned that allowing cars to park on both sides of Osprey Drive currently has little or no effect on speeding.

Mr. Young maintained that removing parking would lead to more speeding.

Lyle G. Kendahl, Beaverton, Oregon, said that a 32-foot street with cars parked on both sides leaves little room for an "18-wheeler" to safely squeeze by an oncoming car. He said semi trucks use Osprey many times each day to access the grocery store and other mall businesses. Mr. Kendahl said that the school bus also has a tight squeeze when delivering children on Osprey.

Mr. Kendahl said there is a speeding problem on Osprey Drive right now, even with cars parked on both sides.

Mr. Morrison commented that compared to the 2000 to 3000 vehicles that use Osprey each day, the number of school buses and semi trucks is small. He said that on a 32-foot-wide road drivers would expect to drive cautiously around such large vehicles. He added that there is no collision data to show injury or property damage from large vehicles on this street.

Staff Comments

Mr. Morrison said Ms. Peterson's letter focuses on the sight distance problems at the driveway exits. Removing smaller amounts of parking near the driveways would resolve her concern.

Referring to Mr. Love's comments about the lack of parking on Cougar Ridge, Mr. Morrison said that Cougar Ridge is a privately owned street in a development that was planned with limited visitor parking.

As for the concerns about speeding, Mr. Morrison said that drivers generally feel more comfortable at higher speeds when the road is wider.

Chairman Knees closed the public hearing on Issue No. TC 501.

Commission Deliberation

Commissioner Griffiths feels strongly about the sight distance safety issues on Osprey, especially between Murray and the first driveway on the south. She said trucks and buses have been making it through Osprey for years. Commissioner Griffiths is concerned about pushing cars now parked on the street onto private commercial property. She recommends prohibiting parking between Murray and first grocery store driveway and then removing parking around either side of the residential driveway. She would like to retain the remaining street parking.

Chairman Knees asked staff the distance between the east end of Osprey Court and the west shopping center driveway on Osprey Drive. He asked if 20 feet on both sides of each driveway had parking prohibited, would there still be room to park legally between the driveways.

Mr. Morrison answered that this would leave approximately one vehicle parking space between the restricted areas.

Chairman Knees said he is also concerned about the area where Osprey Drive approaches Murray. He noted that the traffic island forms a "pinch point" on Osprey Drive. The Chairman would like restricted parking in that area to keep the through lanes as wide as possible near Murray.

Mr. Morrison said staff would support a no-parking restriction from the traffic island to Murray Boulevard.

Chairman Knees asked staff about the 90-degree corner on Osprey Drive that circles both entries to Osprey Court. Is there enough driveway visibility if that corner continues to have full parking?

Mr. Morrison answered that there are no reported collisions at this location. He said that when he went out and drove the area he noted that this corner is a point where a driver might "drift" into the oncoming traffic lane. On the other hand, he noted that this part of the street is fairly distant from the apartments and is probably not a convenient parking choice for tenants. He reasoned that, on a typical day, this curve would not be parked anyway, so he does not recommend restrictions.

Commissioner Soltman said that when she drove a field test of Osprey Drive during the middle of the day, there were few cars parked on the street. She believes that a visually narrow road reduces speeding and that visually widening the street by removing parking will increase speeds. Commissioner Soltman supports restricting parking near the driveways and at the street entry points.

Commissioner Crocker also agrees that restricting parking near the driveways and street entry points would benefit the neighborhood. She would like parking removed from Murray Boulevard to the end of the traffic island.

Commissioner Isaak and Commissioner Overhage concurred.

Commissioner Griffiths said that for safety, she would also like parking restricted from the end of the traffic island near Murray to the first driveway leading to the commercial parking lot.

The Commission and staff discussed the width of the street at the end of the island. It was determined that between the easternmost commercial driveway (near the tip of the "Proposed Parking Restrictions" arrow on the staff report drawing) and the western tip of the traffic island there is parking space for at least six to seven vehicles.

Commissioner Griffiths **MOVED** and Commissioner Isaak **SECONDED** a **MOTION** to restrict parking on the southeast side of Osprey Drive within 20 feet on either side of the driveways and of Osprey Court and from the westernmost part of the island to Murray Boulevard.

On discussion, Commissioner Soltman asked if this motion would restrict parking on the north side of Osprey Drive.

Commissioner Isaak commented that the public notice for this hearing mentioned only the south and east sides of Osprey Drive.

The **MOTION PASSED** unanimously, 6:0. Staff will bring a rewritten draft final written order to the next Commission meeting.

Mr. Wooley told the audience that after a final written order is adopted by the Traffic Commission, City Council still needs to give TC 501 final approval. Signs will be installed after this process is complete.

OLD BUSINESS

Mr. Wooley said that traffic signal changes have been completed by the County at the intersection of SW 185th and Kinnaman Road. Chairman Knees expressed his appreciation.

Mr. Wooley said this year's traffic calming meetings are underway. The two neighborhoods near Fieldstone (183rd and Autumn Ridge Park) have agreed to work together. He said the neighborhoods going through the process this year are smaller so the meetings are moving forward quickly.

Mr. Wooley reviewed that the Beaverton Traffic Commission was earlier nominated for a Good Governance Award with the League of Oregon Cities. Although Tigard won the award, the Beaverton Traffic Commission received a Certificate of Recognition.

Chairman Knees reported that the Farmington Road Project Advisory Committee (PAC) met to determine intersection alignment for the Murray Boulevard and Farmington Road intersection. The PAC sent two options forward for a decision.

Chairman Knees said the PAC also discussed connectivity between 141st and 142nd Avenues. The PAC recommended two coordinated, phased-movement traffic signals, one installed at 141st and one at 142nd. The fact that 142nd currently cannot move traffic north of TV Highway troubled the PAC.

Commissioner Griffiths asked about making the pedestrian crossing at Teal Boulevard near the shopping center more noticeable. Mr. Wooley said that staff is working on a solution.

Commissioner Overhage referred to a comment earlier in the meeting that removing parking on Outrigger Terrace has led to speeding. The Commissioner said she drives Outrigger regularly. She observed that her speed has increased from a slow 3 to 5 mph to about 10 mph since the change. She asked staff if speeding has really become a problem.

Mr. Wooley answered that because this is a business district, the statutory speed is 20 mph. Signs are posted showing that speed. Staff has not measured speed since the change. Commissioner Overhage appreciates the new signs.



MEMORANDUM

City of Beaverton
Engineering Department
Transportation Division

To: Traffic Commission
From: Randy Wooley, City Transportation Engineer
Date: January 10, 2003
Subject: *Final Order for Issue TC 501*

At the December meeting, the Commission approved an oral decision on Issue TC 501 regarding parking on Osprey Drive. The Commission decided to prohibit parking on the south and east sides of Osprey only near driveways and adjacent to the traffic island near Murray Boulevard. The issue was continued to allow time to prepare a written final order.

In preparing the final order, staff has again reviewed Osprey Drive and is recommending two minor changes to the December decision as follows:

- Increase the length of the “no parking” area adjacent to driveways from 20 feet to 30 feet to provide additional sight distance.
- In the area between Osprey Court and the adjoining driveway to the east, amend the 30-foot “no parking” standard to include the existing mailboxes in the “no parking” zone. The amended distances are 35 feet from Osprey Court and 15 feet from the commercial driveway. This change is in response to discussion at the December hearing. The change will protect access to the mailboxes and still provide parking for one vehicle.

The recommended changes are included in the attached draft final order.

Recommendation:

Reconsider the oral decision of December 5, 2002, regarding Issue TC 501, adopt the changes described in this memorandum and approve the attached final written order.

CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 545

(Speed Zoning on SW Celeste Lane)

February 11, 2004

Background Information

Currently Celeste Lane has a temporary posted speed of 30 mph. This temporary speed was posted by Washington County before the street was annexed into the City.

The property on the north side of Celeste Lane is zoned and developed as a medium density residential district. The property on the south side of the street is currently outside the City and is zoned by the County for mixed use development. It is expected to develop with mostly residential uses and at a density higher than the existing development on the north side.

In January 2004, a traffic survey and a speed study were conducted on SW Celeste Lane. The average daily traffic was approximately 1300 vehicles per day. The measured 85th percentile speed ranged between 32 and 35 mph.

The 85th percentile speed is a common indicator used in determining speed limits. Other factors include roadway geometry, sight distance, design speed, land use and amount of direct access. It is not unusual for a street to have an 85th percentile speed ranging from 5 to 10 mph above the posted speed limit. However, very large variance between the posted speed and the 85th percentile speed may result in noncompliance with the posted speed.

Celeste Lane is a two-lane roadway with bike lanes and parking. Based on the measured 85th percentile speed, the geometry of the street and the designated land use, staff is proposing to forward to the State a request for a speed zone investigation on SW Celeste lane with a recommended speed of 30 mph. If approved, the recommendation will establish the temporary speed limit of 30 mph as the permanent speed limit.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1h (comply with Federal and State regulations).

Conclusions

1. Forwarding to the State a request for a speed zone investigation on SW Celeste lane with a recommended speed of 30 mph would comply with State regulations, satisfying Criterion 1h.
2. If the recommended speed zoning is approved by the State, it will provide safe and orderly movements of vehicles, bicycles and pedestrians, satisfying Criteria 1a and 1b.

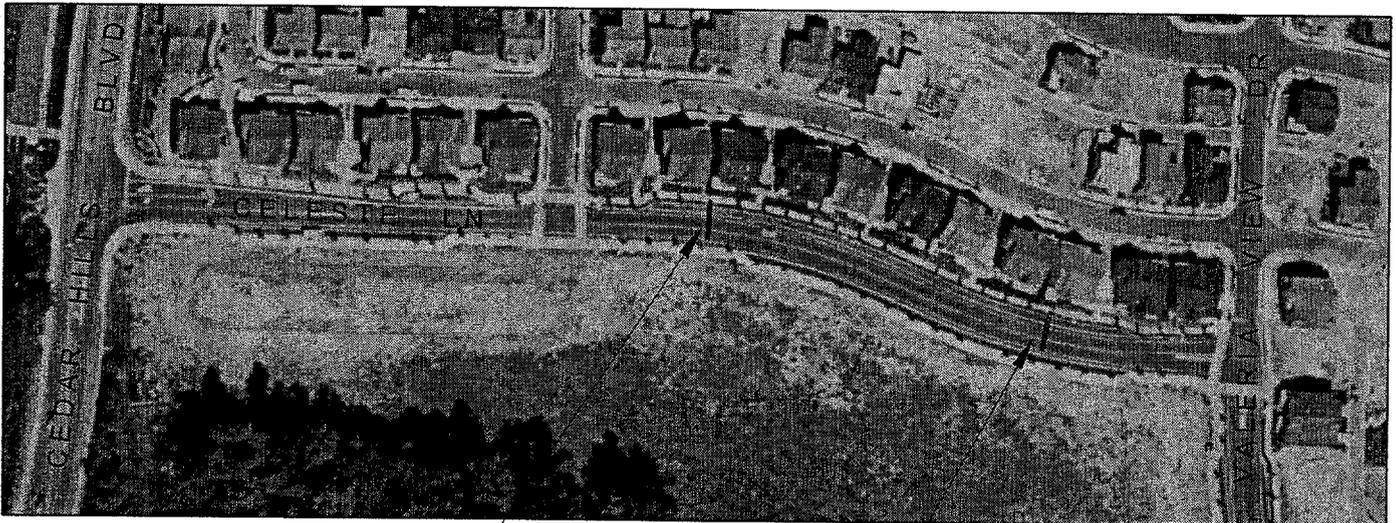
Recommendation

Forward to the State a request for a speed zone investigation on SW Celeste Lane with a recommended speed of 30 mph.

TC 545



1" = 200'



Location # 1251
E/B ADT = 694
W/B ADT = 561
TOTAL ADT = 1255

85% Speed = 35.55
Study & Data
Collected on 1/29/04

Location # 1250
E/B ADT = 768
W/B ADT = 558
TOTAL ADT = 1326

85% Speed = 32.20
Study & Data
Collected on 1/29/04

Y:\Traffic\Drawings\2003\03-84 Celeste at Cedar Hills Speed (TC 545).dwg



City Of Beaverton

Speed Zoning on SW Celeste Lane
between Cedar Hills Blvd & SW Valeria View Dr

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 2/11/04

Reviewed By: _____ Date: _____

Approved By: _____ Date: 18

CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 546

(Speed Zoning on SW Valeria View Drive)

February 11, 2004

Background Information

Currently Valeria View Drive between SW Barnes Road and SW Celeste Lane has a temporary posted speed of 30 mph. This temporary speed was posted by Washington County before the street was annexed into the City.

The developed property adjoining the northerly portion of Valeria View Drive is zoned as a medium density residential district. The remainder of the property along the street is currently mostly outside the City limits and is zoned by the County for mixed use development. The vacant property is expected to develop with mostly residential uses and at a density higher than the existing development.

In January 2004, a traffic survey and a speed study were conducted on SW Valeria View Drive. The average daily traffic was approximately 3800 vehicles per day. The measured 85th percentile speed ranged between 39 and 42 mph.

The 85th percentile speed is a common indicator used in determining speed limits. Other factors include roadway geometry, sight distance, design speed, land use and amount of direct access. It is not unusual for a street to have an 85th percentile speed ranging from 5 to 10 mph above the posted speed limit. However, very large variance between the posted speed and the 85th percentile speed may result in noncompliance with the posted speed.

Valeria View Drive between SW Barnes Road and SW Celeste Lane is a two-lane roadway with bike lanes and parking. As the surrounding area develops and on-street parking is utilized, it is anticipated that the 85th percentile speed will decrease. In a mixed-use development, buildings will be close to the street and pedestrian activity will increase.

Based on the geometry of the street and the designated land use, staff is proposing to forward to the State a request for a speed zone investigation on SW Valeria View Drive from Barnes Road to Celeste Lane with a recommended speed of 30 mph. If approved, the recommendation will establish the temporary speed limit of 30 mph as the permanent speed limit.

Typically, staff would recommend a speed limit of 35 or 40 mph—closer to the current 85th percentile speed. However, in this case, staff anticipates that additional development will occur before completion of the State's field analysis and that the State will find 85th percentile speeds lower than those measured in January 2004.

If development does not occur as quickly as anticipated, the State may propose a higher speed limit. In that case, the City could request a new State review after development occurs.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1h (comply with Federal and State regulations).

Conclusions:

1. Forwarding to the State a request for a speed zone investigation on Valeria View Drive from Barnes Road to Celeste Lane with a recommended speed of 30 mph would comply with State regulations, satisfying Criterion 1h.
2. If the recommended speed were approved by the State, it would provide safe and orderly movements of vehicles, bicycles and pedestrians, satisfying Criteria 1a and 1b.

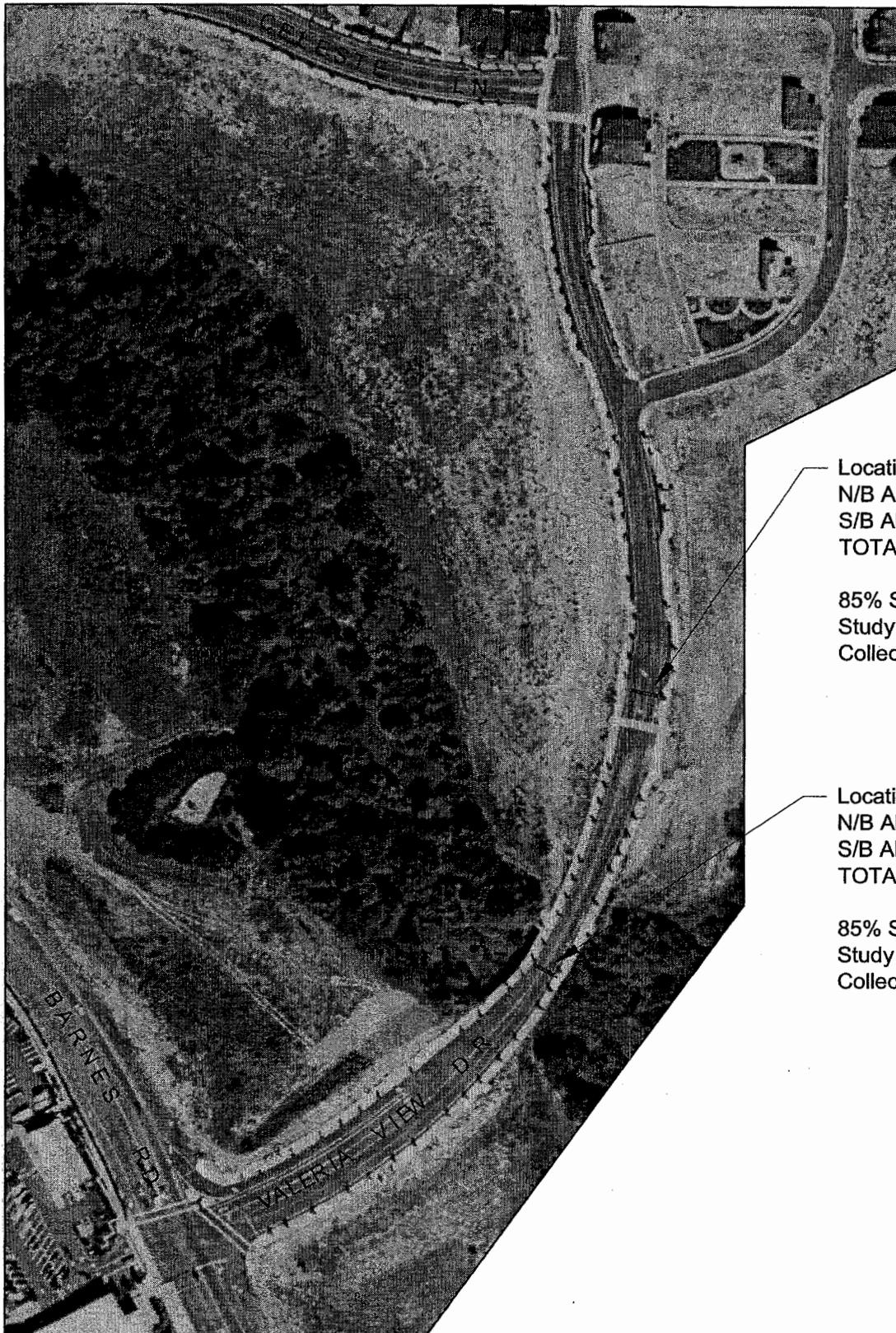
Recommendation:

Forward to the State a request for a speed zone investigation on SW Valeria View Drive from Barnes Road to Celeste Lane with a recommended speed of 30 mph.

TC 546



1" = 200'



Location # 1249
N/B ADT = 1820
S/B ADT = 1980
TOTAL ADT = 3800

85% Speed = 39.19
Study & Data
Collected on 1/29/04

Location # 1248
N/B ADT = 1834
S/B ADT = 1985
TOTAL ADT = 3819

85% Speed = 42.16
Study & Data
Collected on 1/29/04

Y:\Traffic\Drawings\2003\03-85 Valeria View at Barnes Speed (TC 546).dwg



City Of Beaverton

Speed Zoning on SW Valeria View Dr
between SW Barnes Rd & Celeste Ln

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 2/11/04

Reviewed By: _____ Date: _____

Approved By: _____ Date: _____

21

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 544
(Parking Restrictions on SW Osprey Drive
Between Murray Boulevard and Teal Boulevard)

1. A hearing on the issue was held by the Traffic Commission on February 5, 2004.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
 - 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion)
 - 1g (carry anticipated traffic volumes safely).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The Murrayhill Owners Association requested that parking be prohibited on the south side of SW Osprey Drive west of Murray Boulevard.
 - The Traffic Commission considered an identical request in December of 2002 as Issue TC 501.
 - Following the hearing on Issue TC 501, the Traffic Commission recommended limited parking restrictions along the south side of Osprey Drive near driveways and traffic islands. These recommendations of the Traffic Commission have been implemented.
 - The Traffic Commission heard that the parking restrictions adopted under Issue TC 501 helped by resolving concerns about sight distance at driveways. However, residents still considered the street unsafe with cars parked on both sides. Testimony indicated that residents find the street too narrow for safely meeting and passing oncoming traffic when cars are parked on both sides.
 - At the hearing on Issue TC 501, the Traffic Commission heard testimony that removing parking on one side of the street could lead to speeding problems. However, at the hearing on Issue TC 544, the Commission heard testimony that speeding was not a problem on Osprey Drive in past years when on-street parking was less common.
 - The Commission received additional traffic collision records indicating a crash between a moving car and a parked vehicle in 2002. This information was not available at the time of the hearing on Issue TC 501.
 - The Commission heard testimony that adequate parking is available along the north side of Osprey Drive to accommodate the number of vehicles currently being parked on the street.

4. Following the public hearing, the Traffic Commission voted (5 aye, 1 nay) to recommend the following action:

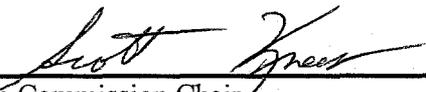
Prohibit all parking along the south and east side of SW Osprey Drive between Murray Boulevard and Teal Boulevard.

5. The Traffic Commission decision was based on the following findings:

- The parking restrictions imposed under Issue TC 501 helped but additional restrictions are needed. When cars are parked on both sides of Osprey Drive, the street is too narrow to safely meet and pass oncoming traffic. Prohibition of parking on one side will improve safety and make passing maneuvers more predictable. Therefore, prohibition of traffic on one side satisfies Criteria 1a, 1b and 1g.
- Available parking on the north side of Osprey Drive is adequate for the current parking demand on the street. Relocation of all parking to the north side of Osprey Drive will improve safety. Therefore, Criterion 1d is satisfied.

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

SIGNED THIS 4 DAY OF MARCH 2004



Traffic Commission Chair

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**You Don't
Have to be
a Detective
to find extra
storage space.**

RECEIVED

FEB 5 2004

ENGINEERING DEPT

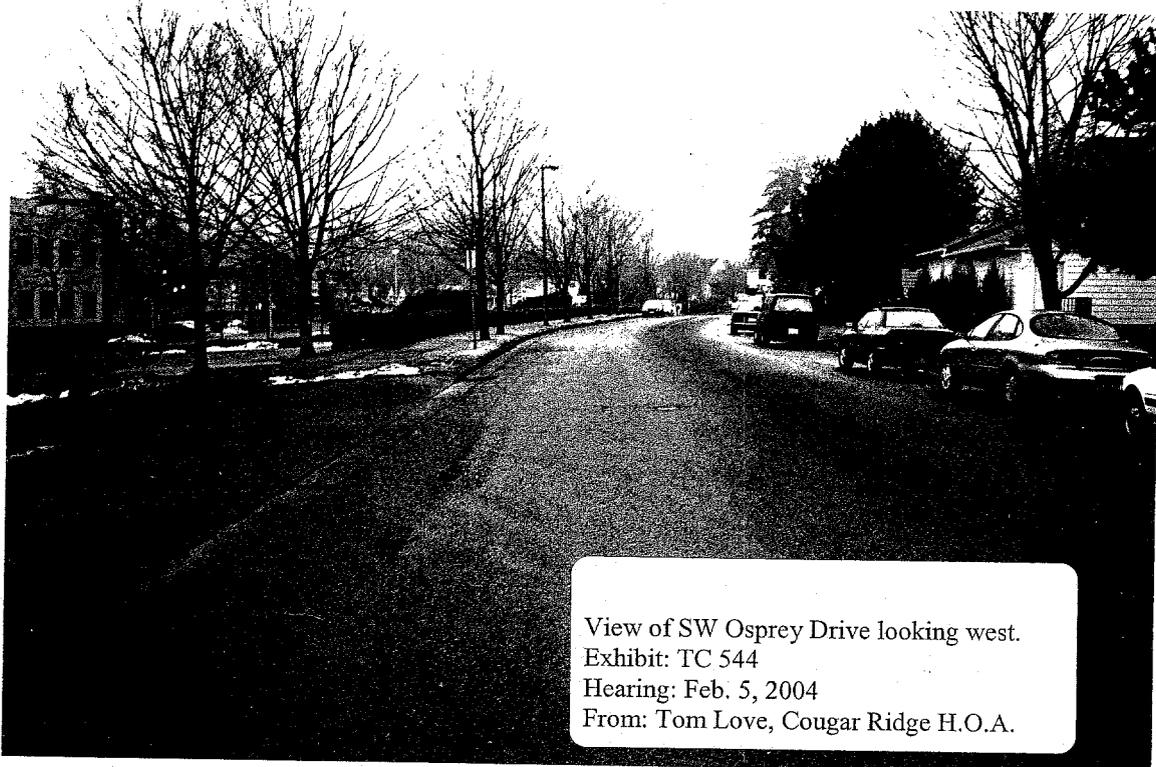
**Come to the Overlook office we have what you
need!!**

Garages 10' x 20' \$75.00

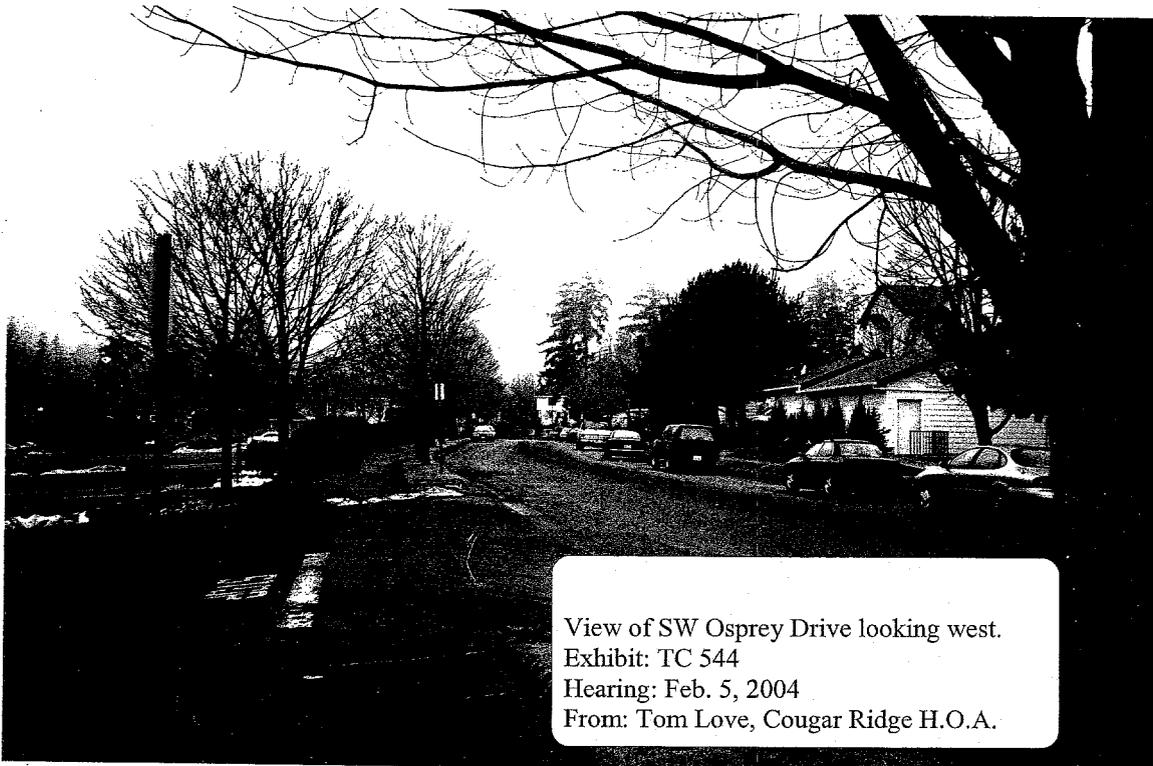
Storage 5' x 10' \$45.00

Storage 5' x 5' \$35.00



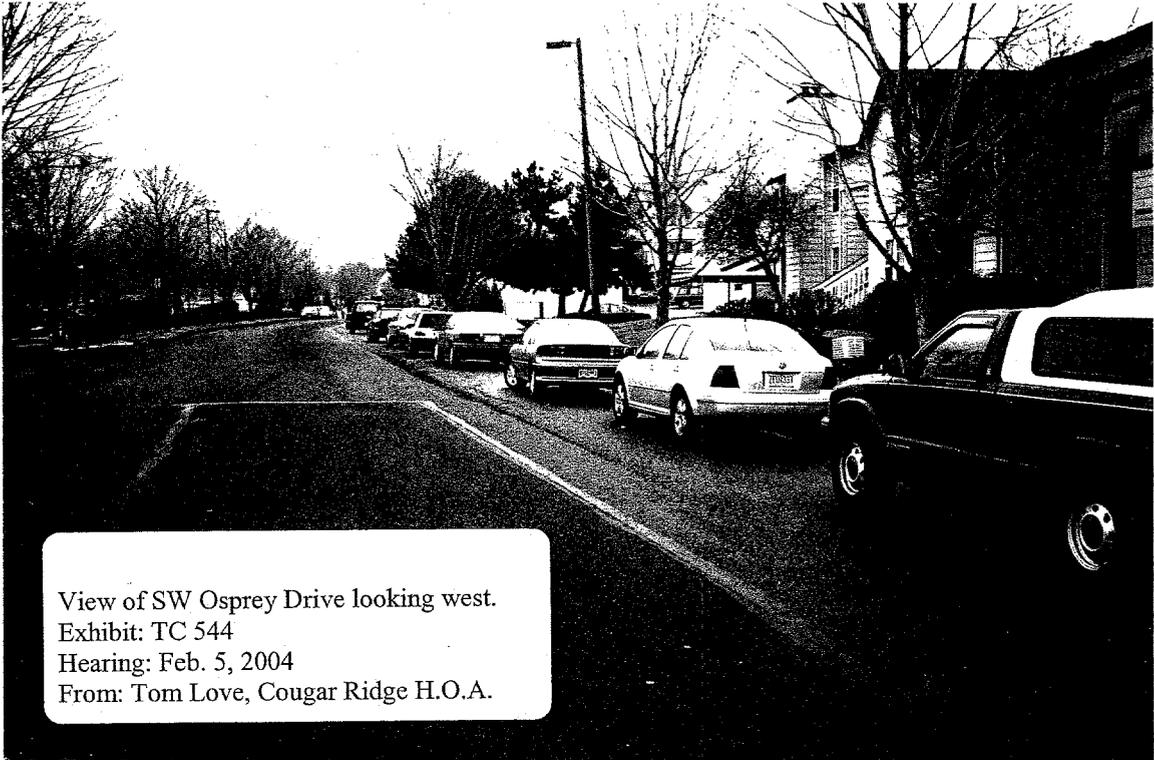


View of SW Osprey Drive looking west.
Exhibit: TC 544
Hearing: Feb. 5, 2004
From: Tom Love, Cougar Ridge H.O.A.



View of SW Osprey Drive looking west.
Exhibit: TC 544
Hearing: Feb. 5, 2004
From: Tom Love, Cougar Ridge H.O.A.

RECORD COPY



View of SW Osprey Drive looking west.
Exhibit: TC 544
Hearing: Feb. 5, 2004
From: Tom Love, Cougar Ridge H.O.A.

RECORD COPY

COUGAR RIDGE HOMEOWNERS ASSOCIATION
%Superior Community Management
15685 SW 116th Ave.
PMB Box 325
Tigard, Oregon 97224
Phone 503-524-4315 Fax 503-579-8387
E-mail: Bob@superiorcommunity.com

RECEIVED
FEB - 3 2004
ENGINEERING DEPT

January 25, 2004

Re: Osprey Street Parking --- issue No. TC 544

Traffic Commission

As the Commission is fully aware the issue before you is one of great importance to the Murray Hill Association and to the many citizens who use Osprey to travel and park.

The Cougar Ridge Homeowners Association feels the Commission's decision to place signs restricting parking near driveways to improve sight distance was an equitable one.

As it now stands, the surveys by Police and some private individuals conclude no other action is needed or appropriate.

It is felt that further parking restrictions would not be in the best interest of the public in general.

It is also realistic to envision, as the Police Department does, that eliminating all parking on Osprey will increase the danger of automobile and pedestrian accidents due to speeding vehicles.

Since the City limited parking in the Cougar Ridge community, and took away six parking spaces originally platted, it is fair to say the elimination of further parking on Osprey would only cause additional challenges in other areas.

In summary it appears that the restrictions placed on Osprey to restrict parking close to driveways were prudent and resolved the issue.

Cougar Ridge Homeowner Association commends the initial City Traffic Engineers' Report and their decision to allow parking along Osprey.

Tom Love, Treasurer
Cougar Ridge Homeowners Association.

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RECORD COPY

MEMORANDUM
Beaverton Police Department



Chief David G. Bishop

DATE: January 21, 2004
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 544

I concur with not restricting additional parking on SW Osprey Drive Between SW Murray Boulevard and SW Teal Boulevard.

City of Beaverton

TRAFFIC COMMISSION

Minutes of the February 5, 2004, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:04 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall.

ROLL CALL

Traffic Commissioners Scott Knees, Thomas Clodfelter, Ramona Crocker, Holly Isaak, Louise Clark, and Kim Overhage were present. Commissioner Andrea Soltman was excused.

City Traffic Engineer Randy Wooley, Traffic Sergeant Jim Monger, and Recording Secretary Debra Callender represented City of Beaverton staff.

Chairman Knees welcomed newly appointed Commission member Thomas Clodfelter. Commissioner Clodfelter spent the last year attending as an alternate member.

— EXCERPT START —

**TC 544: PARKING RESTRICTIONS ON SW OSPREY DRIVE BETWEEN
MURRAY AND TEAL BOULEVARDS**

Chairman Knees opened the public hearing on TC 544.

Staff Report

Mr. Wooley said this same issue came before the Commission in December 2002. The Commission decided, at that time, to only eliminate parking near driveways on the south side of Osprey. The Murrayhill Owners Association (MOA) requested that this issue be reviewed by the Commission.

Mr. Wooley has field checked parking on Osprey at different times of day to see if he can identify a clear problem. From an engineering point of view, he thinks it makes little difference whether or not cars park on the south side of Osprey. It is likely the neighborhood holds several viewpoints on this issue. He asks that the Commission hear the testimony and make a recommendation.

If parking were removed, Mr. Wooley believes there will still be adequate on-street parking; however, it might be slightly less convenient. He said Osprey is narrower than current street standards for parking on both sides. Osprey is classified as a local street, but it tends to serve more as a neighborhood route or collector street. Traffic volumes are still low and the many driveways offer enough gaps in parking so that drivers can easily

pull to the side when approached by large vehicles from the opposite direction. Mr. Wooley said not all drivers pull to the side, some occasionally prefer to play "chicken." There are no reported crashes attributed to the narrowness of the roadway. Some neighbors are still concerned.

Mr. Wooley said the issue of speed came up at the last hearing. Police were then concerned that if parking were removed from one side of Osprey, driver speeds would increase. Police thought that drivers would be more cautious and drive more slowly on a visually narrower street. Mr. Wooley agrees that wider streets encourage higher speeds. The Commission will have to decide whether removing parking on one side of Osprey will increase, or decrease, driver safety.

At the last hearing, sight distance at driveways was an issue. The Commission remedied this by removing parking near driveways and mailboxes.

Mr. Wooley said he expects the Commission will hear public testimony about apartment garages being used for extra storage instead of vehicle parking. This results in more residents parking on Osprey. He stressed this practice is legal, in fact, it is a common practice for both homeowners and renters.

Mr. Wooley reminded the Commission that they must show new facts to support any parking changes they might recommend. Staff recommends no changes to the parking on Osprey Drive.

Public Testimony

Before the hearing, the Commission received written testimony on TC 544 from Tom Love, on behalf of Cougar Ridge Homeowners Association.

Chairman Knees asked for a representative of the Murrayhill Owners Association, to testify first as the applicant. Ms. Inese Peterson said she would speak for MOA.

Inese Peterson, Beaverton, Oregon, stated that she is president of Murrayhill Town Homes, which is a sub-association of MOA. She thanked the Commission for removing parking around driveways on Osprey last year. Residents can now see on-coming traffic much better when exiting their driveways. Ms. Peterson described Osprey Drive as a narrow street with a bend, a small hill, and a traffic signal at one end. She said they have not had serious speeding problems on Osprey. When she purchased her home six years ago, only a few cars regularly parked on Osprey. These parked near Murray Boulevard where the street is much wider.

Ms. Peterson said the congestion on Osprey began after the City approved an application by the Overlook Apartments to build 56 new garages on their property. She was present when the Overlook representatives presented their project to the MOA Board of Directors. She recalls they were promised the new garages would be used to park cars—not as storage areas. With this promise, the Board agreed to the project. Ms. Peterson said she has personally observed that some of these garages are used only for storage. In evidence, she submitted a flyer distributed by Overlook Apartments management. The flyer advertises rental of 10' x 20' garages specifically for storage for \$75 per month (*exhibit is on file*).

Ms. Peterson believes that Osprey is too narrow to safely have parking on both sides. She said the congestion begins at Osprey Court and continues to where Osprey Drive widens near Murray Boulevard. She believes that removing all parking on the south side of Osprey Drive will eliminate this congestion. The Overlook Apartments would still have the entire north side of the street to use for overflow parking.

Commissioner Overhage asked how she felt about the police concern that removing parking might increase vehicle speed.

Ms. Peterson said Osprey Drive does not have a speeding problem. She said that speed was not a problem previously, even when there was less parking on the street. Ms. Peterson believes the current parking problem is more serious than any potential speeding problem.

Commissioner Clodfelter asked if Murrayhill Town Home residents or guests use Osprey Drive for parking.

Ms. Peterson answered that, on rare occasions, guests might park on Osprey Drive. She said each town home has on-site parking for four cars, plus shared parking for at least four more.

Chairman Knees referred to the letter from Mike Jubinville where he stated that the MOA's primary concern is that "there is not enough space for two vehicles to pass each other."

Ms. Peterson said that summarizes her concern, too. She wants the safety of the roadway restored to how it was before the 56 garages were built.

Tom Love, Beaverton, Oregon, said he represents the 46 town homes in the Cougar Ridge Owners Association. Mr. Love said the Commission made a good decision last time and nothing has changed. In that case, there was a clear safety issue based on parked cars causing sight distance problems. That was resolved.

Mr. Love suggested the residents of Murrayhill Town Homes turn left out of Osprey Court and drive west on Teal if they are so worried about congestion and safety problems on Osprey Drive.

Mr. Love said the Overlook Apartments have more than 200 units. Cougar Ridge Town Homes, on the east side of Murray, has 46 units with only five guest parking spaces. He noted that the shopping center does not allow neighborhood parking. If parking is removed from one side of Osprey, Mr. Love asked, where does the petitioner propose that people park? He believes that the total number of cars parking on Osprey will continue to grow because there is simply no other place for guests to park.

Mr. Love repeated that the Commission made a fair and correct decision on this issue last year. The safety problem was corrected; in 12 months nothing substantial has changed.

Commissioner Clark wondered if Mr. Love's guests have trouble finding a place to park on Osprey. Her impression is that most of the cars parked on Osprey are overflow from the apartments.

Mr. Love agreed, saying that only occasionally do Cougar Ridge guests need to park on Osprey Drive.

Susan Busch, Beaverton, Oregon, said she is also an officer of the Murrayhill Town Home Owners Association. Ms. Busch agreed with earlier testimony that the last hearing resolved many of the sight distance issues at driveways on Osprey. She still believes there is a safety issue. Ms. Busch said Osprey has become “like some back street in Northwest Portland,” where drivers have to weave around parked cars to use the street. Ms. Busch said she sympathizes with the residents of Cougar Ridge and their guest parking problems. She still believes that eliminating parking on one side of Osprey will increase safety for the whole area.

Ms. Busch turned to Sgt. Monger and asked if he had any hard data to support his conclusion that traffic speeds on Osprey would increase if parking was removed from one side.

Sgt. Monger answered it is his opinion—based on 18 years of law enforcement experience—that it is very likely speeds on Osprey will increase if parking is removed on one side. This is because the street will become “visually wider” and wider streets encourage higher speeds. A basic principle of traffic calming is that making a street appear narrower will cause drivers to slow down.

Sgt. Monger said he travels Osprey Drive regularly. He believes the current slower speeds on Osprey increase safety. Sgt. Monger admitted that having to yield to on-coming vehicles might be considered inconvenient by some. Still, the slow speed makes it safer.

Ms. Busch commented that perhaps all streets should be crowded with parked cars to slow traffic. She asked if Teal Boulevard is available for parking. She noted that Teal is a wide street that certainly has a speeding problem.

Chairman Knees answered that parking is permitted on Teal.

Ms. Busch reasoned that drivers are welcome to park on Teal instead of Osprey. She thought Teal should easily accommodate at least 25 vehicles on both sides. She remains more concerned about collisions than she is about speeding.

Commissioner Clodfelter asked her to specifically state her position on this issue.

Ms. Busch answered that she is in favor of reducing the parking on Osprey Drive.

Lyle G. Kendall, Beaverton, Oregon, said he lives in a town home on Osprey Court and he is concerned about 18-wheeler trucks, grocery delivery vans, and school buses that crowd cars on Osprey Drive. He said car drivers have to hope there is space available to pull to the side. Mr. Kendall is in favor of removing more parking.

Staff Comments

Mr. Wooley had no additional comments.

Commissioner Clark asked for more information about the functional classification of Osprey Drive.

Mr. Wooley said Osprey Drive is shown on the current map with no specific classification, meaning it is classified as a local street. In Mr. Wooley's opinion, Osprey is functioning more as a collector street or neighborhood route because it serves more than just the people whose property fronts it. Teal is classified as a collector street. He explained that functional classification describes what kind of traffic a roadway is designed to carry.

Commissioner Clark asked why width standards for collector streets have changed.

Mr. Wooley responded that he did not recall the specific reasons for the changes to collector street standards and he did not recall when the change had been made.

Commissioner Clark asked again about the clarification of Osprey Drive.

Mr. Wooley answered that the Comprehensive Plan considers Osprey Drive to be a local street. Local streets are typically narrower with parking allowed on both sides. On a local street, it is common to pull to the side to pass on coming traffic. Osprey could also be considered a neighborhood route, which has the same size standard as a local street. That standard is narrower than a collector street.

Commissioner Clark concluded that Osprey Drive really functions as a collector street.

Commissioner Clark said she is very disappointed that no one from the Overlook Apartments testified on this issue. She asked staff if a parking space is always included when a tenant rents an apartment.

Mr. Wooley said that depends completely on the apartment being rented and what was promised in the rental agreement.

Commissioner Clark reasoned that the Overlook Apartments management removed 56 parking spaces from the available pool of tenant parking. They then built garages on these spaces and rented these garages back to the tenants as storage space.

Mr. Wooley said that for City zoning and code purposes, the garages would be counted the same as parking spaces. Zoning code does not regulate whether the garages are free or rented. Zoning code only requires that a specific number of parking spaces are available on the property.

Chairman Knees asked if there would be sufficient capacity for all the cars that regularly park on both sides of Osprey to park on just the north side of Osprey.

Mr. Wooley said it appears to him this would be possible. Some might need to move around the corner closer to Teal. Currently, less than half the available parking on the north side of Teal is used.

Chairman Knees closed the public hearing on TC Issue 544.

Commission Deliberation

Commissioner Crocker referred to the two new collisions from 2002 State of Oregon data mentioned in the staff report. The Commission was not aware of these collisions when they made their decision on TC 501 in December 2002. She believes these are new facts that demonstrate a safety issue. These facts should be considered when making a decision on TC 544.

Commissioner Crocker recently drove Osprey on a dark, rainy night and she observed that it is hard to pass on coming cars in this situation. She believes Osprey would be safer if parking was eliminated on one side of the street.

Commissioner Clodfelter also drove Osprey on a rainy night. He said Osprey is definitely a "skinny street." He believes that a street this narrow is a traffic hazard. He concurs with Commissioner Crocker's points. He would like to see all parking eliminated on the south side of Osprey all the way down to Teal.

Commissioner Overhage said this is a tough decision because there were several valid viewpoints presented in testimony. She thanked all those who testified.

Commissioner Overhage said she has heard no dramatically new facts that would change the recommendation made in December 2002. She understands that Osprey might be partially functioning as a collector street and that the new Overlook Apartments garages might have pushed more parked cars onto the street. The only new information she heard tonight is the testimony that last year's removal of parking at driveway entrances has made Osprey much safer.

Commissioner Overhage pondered whether it is better to have a skinny, local street with parking on both sides and slower traffic, or if it is better to allow Osprey to become a true collector street with higher speeds, higher traffic volumes, and more cut-through traffic. She has heard nothing to convince her that more parking should be removed.

Commissioner Isaak referred to the draft TVF&R emergency response time report that was distributed to the Commission last year. When Osprey was built it met the criteria for a local street with a 32 foot width. She is concerned that if parking is removed on one side of Osprey, speed will increase and neighbors will petition the City for traffic calming. As for the two new collisions recorded since the last hearing, she said one involved a driver falling asleep—which could happen anywhere. There have been no reports of head-on collisions. She is not yet convinced that it is time to remove parking from one side of Osprey.

Commissioner Crocker asked if she is waiting for a head-on collision before taking action.

Commissioner Isaak answered "no." She has simply not heard anything to sway her from last year's recommendation. Removing parking will widen the road and increase both traffic speed and volume. That could result in more collisions.

Commissioner Clark asked staff if Osprey would qualify for traffic calming under the City's Traffic Calming Procedures.

Mr. Wooley answered that its posted speed of 25 mph is appropriate for traffic calming. Testing would need to demonstrate that drivers regularly violate that speed. Functional classification is not a condition for traffic calming.

Commissioner Clark reminded the Commission that the original request to remove parking on Osprey came from a Traffic Commissioner. The Commission has previously reviewed parking issues that arose when high-density housing was planned without enough parking and residents were forced to park on the street. She finds this practice annoying in the extreme.

Commissioner Clark said she is forced to assume, from their lack of testimony, that the residents of the Overlook Apartments are not concerned about losing parking. She said the City is not responsible for ensuring that residents find curbside parking close to their front door. She would like to see all parking removed on the south side of Osprey Drive from Osprey Court to the wide area at the island near Murray.

Chairman Knees confirmed the first hearing on this issue was at the request of several Traffic Commissioners. Murrayhill Owners Association requested this hearing because more needed to be done. He said the first time he heard this issue, he believed few people besides the Commission were very concerned. His preference at that time was to remove all parking on the south side of Osprey Drive. Instead of pressing the issue, he supported the Commission consensus to only remove parking where it would directly increase sight distance at driveway exits. Chairman Knees said the letter from the president of the MOA greatly expands the scope of the request.

Chairman Knees disagrees with staff's conclusion that the perception of a visually narrower road slows traffic. He believes this is valid only when the driver sees another car approaching. His experience driving on Osprey is that drivers cut right down the center once they realize it is a narrow street with no painted centerline.

Commissioner Isaak explained why she had now changed her opinion on this issue. She quoted from project manager Sean Morrison's comments in the TC 501 hearing minutes where he stated: "...that current City standards would not allow parking on both sides of a 32-foot-wide street. He said it is a reasonable action to restrict parking on one side." (*December 5, 2002, Traffic Commission Minutes, page 10*).

Commissioner Isaak said if speeding later becomes a problem, the City has a program in place to remedy it.

Commissioner Overhage expressed concern for the safety of apartment residents who must park on the street late at night when there is no parking left in the Overlook parking lot. She lived in a situation like that. Commissioner Overhage asked if traffic flow could be improved by adding a striped centerline on Osprey.

Chairman Knees stated his opinion that drivers would go right over it. He said Teal Boulevard has some gentle bends where the yellow lines are completely worn away from cars driving over them.

(AUDIO TAPED RECORD ENDS HERE DUE TO MALFUNCTION)

Commissioner Clark **MOVED** and Commissioner Clodfelter **SECONDED** a **MOTION** to restrict parking on the south side of Osprey Drive, from 30 feet west of Osprey Court to 30 feet east of the last driveway near Murray Boulevard.

Commissioner Crocker noted that parking is no longer allowed on both sides of a 32-foot wide street such as Osprey. After further discussion, the motion was revised.

Commissioner Clark **AMENDED** the **MOTION** to prohibit all parking along the south and east side of SW Osprey Drive between Murray Boulevard and Teal Boulevard.

Commissioner Clodfelter **SECONDED** the **AMENDED MOTION**.

The **MOTION CARRIED**, 5:1. Commissioner Overhage voted "nay."

— EXCERPT END —

DRAFT

EXHIBIT 5

City of Beaverton

TRAFFIC COMMISSION

Minutes of the March 4, 2004, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:04 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall.

ROLL CALL

Traffic Commissioners Scott Knees, Thomas Clodfelter, Ramona Crocker, Holly Isaak, Kim Overhage, and Andrea Soltman were present. Commissioner Louise Clark was excused.

City Traffic Engineer Randy Wooley, Traffic Safety Team Officer Jeffrey DeBolt, Senior Transportation Planner Margaret Middleton, Engineering Director Tom Ramisch, and Recording Secretary Debra Callender represented City of Beaverton staff.

— EXCERPT START —

CONSENT ITEMS

Chairman Knees reviewed the consent items including approval of the February 5, 2004, Traffic Commission minutes, the final written order on TC 544, and the staff recommendations on TC 545 and 546.

Commissioner Crocker asked that TC 546 be pulled for separate consideration.

Commissioner Overhage **MOVED** and Commissioner Crocker **SECONDED** a **MOTION** to approve the February 5, 2004, Traffic Commission minutes, the final written order on TC 544, and the staff recommendation on TC 545.

There was no further discussion. The **MOTION CARRIED** 6:0. Commissioner Soltman abstained from approving the final written order for TC 544 and the February minutes as she was not present at that meeting.

Chairman Knees opened discussion of TC 546, Speed Zoning on SW Valeria View Drive.

Commissioner Crocker said the 30 mph speed requested by staff seems unreasonably slow. When she field checked Valeria View Drive prior to this hearing, she observed some development, but not nearly enough to justify this speed. She thinks a 30 mph speed will encourage noncompliance. She suggested a 35 mph speed limit.

Commissioner Crocker said it might be years before significant development happens here. She asked Mr. Wooley to explain staff's thinking on this point.

Mr. Wooley said the conditions at Valeria View Drive are unique. The street was annexed into the City, yet most of the surrounding property is still in the County. New development applications will go through the County approval process. The current posted speed is temporary and might not be enforceable. As development stands today, Mr. Wooley would agree with Commissioner Crocker that 30 mph is too slow. Staff is confident that new development is about to occur. That development is projected to be high density housing. Historically, the State speed limit review process takes at least one year, so staff presumes that by the time the State actually tests the road, development will be nearly complete. He reiterated that this request is totally different from other speed zone recommendations staff has brought to the Commission.

Commissioner Isaak asked what kind of development the County expects here.

Mr. Wooley answered that the County zoned the area for high density development with buildings located close to the street.

Tom Ramisch, City of Beaverton Engineering Director, said the County indicates that single family homes are planned on the east side of Valeria View between the proposed Taylor Street and the creek. On the south side of Celeste, extending to Valeria View, the plans are for high density apartments. Mr. Ramisch said this area is part of the Peterkort Development. He described the new construction's timing as "imminent."

Commissioner Isaak asked if driveways will directly connect to Valeria View.

Mr. Ramisch said he doubts there will be driveways onto this street. He bases this view on discussions with Washington County about connecting storm drains and sewers along these streets.

Mr. Wooley said, while we cannot guess where access points will be located, the drawing attached to the staff report shows this street was planned with enough width for on-street parking on both sides.

Chairman Knees called for a motion.

Commissioner Soltman **MOVED** Commissioner Clodfelter **SECONDED** a **MOTION** to accept the staff recommendation on TC 546 to ask the State for a speed of 30 mph for Valeria View Drive.

There was no further discussion. The **MOTION CARRIED** unanimously, 6:0.

— EXCERPT END —

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Transfer of Road Jurisdiction from Washington County to the City of Beaverton (SW 150th Avenue from SW Walker Road to SW Surrey Street)

FOR AGENDA OF: 04-05-04 **BILL NO:** 04053

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Operations 

DATE SUBMITTED: 03-10-04

CLEARANCES: City Attorney 
Engineering 
Comm. Dev. 
Finance 

PROCEEDING: Consent Agenda

EXHIBITS: Resolution
Exhibit A (Legal Description)
Exhibit B (Vicinity Map)

BUDGET IMPACT

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

Exhibit "A". SW 150th Avenue The roadway indicated on the attached map (SW 150th Avenue between SW Walker Road and SW Surrey Court) was annexed to the City of Beaverton as part of three separate annexations. Two were authorized by the Boundary Commission as part of the 1) 105th and Walker Annexation (BC 2728) which was effective on March 8, 1990, and 2) 105th and Walker II Annexation (BC 2974) which was effective July 25, 1991. The third portion of this roadway was annexed by the City as part of the Hendrickson Annexation (Ord. 4077) and was effective on December 9, 1999.

INFORMATION FOR CONSIDERATION:

The Operations Department has inspected SW 150th Avenue as described in Exhibit A and finds it acceptable. Operations staff has requested Washington County to transfer jurisdiction of the road to the City of Beaverton. If Council approves the recommended action, then Council's resolution will be forwarded to the County as a formal request. Separate action of the Board of County Commissions to accept the City's request will accomplish the road transfer.

RECOMMENDED ACTION:

Approve the attached resolution to initiate the transfer of jurisdiction from Washington County to the City of Beaverton of the road listed and described on Exhibit A.

RESOLUTION NO. 3752

**A RESOLUTION INITIATING ACTION TO
TRANSFER JURISDICTION OF CERTAIN COUNTY ROADS
WITHIN THE CITY TO THE CITY.**

WHEREAS, ORS 373.270(6) provides a mechanism for a city to transfer jurisdiction of county roads located within a city to a city; and

WHEREAS, the City of Beaverton has determined it necessary, expedient and for the best interest of the city to acquire jurisdiction over certain county roads or part thereof to the same extent as it has over other public streets and alleys of the city; now, therefore,

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

The Council hereby initiates the transfer of jurisdiction over those Washington County roads described and depicted in Exhibits "A" and "B", which are attached hereto and incorporated.

ADOPTED by the Council this ____ day of ____, ____.

APPROVED by the Mayor this ____ day of ____, ____.

AYES: _____

NAYS: _____

ATTEST:

APPROVED:

SUE NELSON, CITY RECORDER

ROB DRAKE, MAYOR

RESOLUTION NO. 3752

EXHIBIT "A"

SW 150TH AVENUE

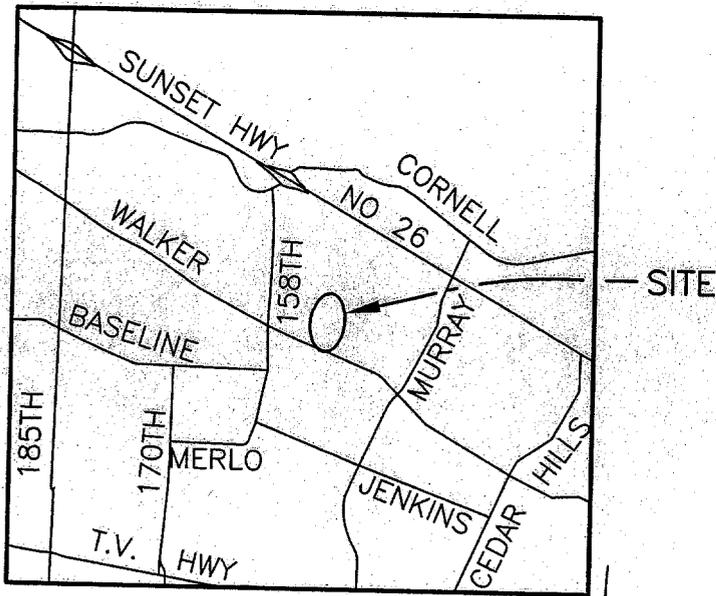
FROM SW WALKER ROAD TO SW SURREY STREET

SEE EXHIBIT "B"

All that portion of County Road No. 1515 lying between the northerly right of way of County Road No. 215 (SW Walker Road) and the westerly extension of the north line of Lot 1, Surrey Pines, a plat of record, Washington County, Oregon. Said road being situated in the Northeast one-quarter of Section 5, T1S, R1W, W.M.

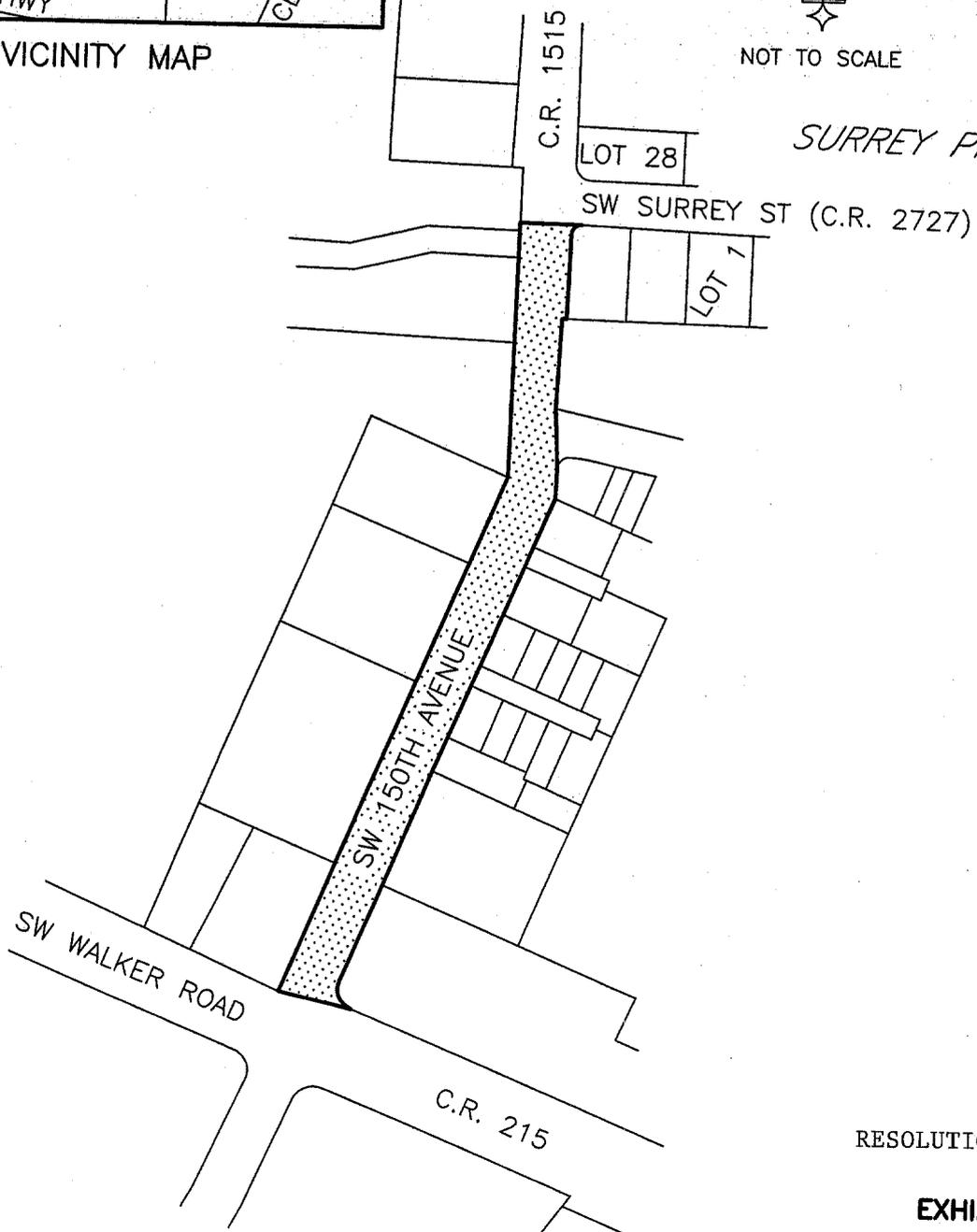
PROPOSED TRANSFER

SW 150TH AVENUE



NOT TO SCALE

SURREY PINES



RESOLUTION NO. 3752

EXHIBIT "B"

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Transfer of Road Jurisdiction from Washington County to the City of Beaverton (SW Barrows Road from SW Walnut Street west to the B.P.A. power lines)

FOR AGENDA OF: 04-05-04 **BILL NO:** 04054

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Operations *[Signature]*

DATE SUBMITTED: 03-23-04

CLEARANCES:
City Attorney *[Signature]*
Engineering *[Signature]*
Comm. Dev. *[Signature]*
Finance *[Signature]*

PROCEEDING: Consent Agenda

EXHIBITS: Resolution
Exhibit A (Legal Description)
Exhibit B, (Vicinity Map)

BUDGET IMPACT

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

SW Barrows Road is currently maintained as a County Road. City staff has initiated the transfer of the Barrows Road jurisdiction from SW Loon Drive to SW Walnut Street. The County has requested the City to transfer Barrows Road in two separate agenda items for administrative purposes. The road boundaries for this agenda bill are from SW Walnut Street west to the B.P.A. power lines, as described in Exhibit A. The road transfer will streamline the development process.

INFORMATION FOR CONSIDERATION:

The Operations Department has inspected the roads as described in Exhibits A & B and negotiated the cost of a street overlay with Washington County Land Use and Transportation. If Council approves the recommended action, then Council's resolution will be forwarded to the County as a formal request. The City must annex the Barrows Road right-of-way prior to a separate action of the Board of County Commissions to accept and accomplish the road transfer.

RECOMMENDED ACTION:

Approve the attached resolution to initiate the transfer of SW Barrows Road jurisdiction from Washington County to the City of Beaverton as listed and described on Exhibit A.

RESOLUTION NO. 3753

**A RESOLUTION INITIATING ACTION TO
TRANSFER JURISDICTION OF CERTAIN COUNTY ROADS
WITHIN THE CITY TO THE CITY.**

WHEREAS, ORS 373.270(6) provides a mechanism for a city to transfer jurisdiction of county roads located within a city to a city; and

WHEREAS, the City of Beaverton has determined it necessary, expedient and for the best interest of the city to acquire jurisdiction over certain county roads or part thereof to the same extent as it has over other public streets and alleys of the city; now, therefore,

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

The Council hereby initiates the transfer of jurisdiction over those Washington County roads described and depicted in Exhibits "A" and "B", which are attached hereto and incorporated.

ADOPTED by the Council this ____ day of ____, ____.

APPROVED by the Mayor this ____ day of ____, ____.

AYES: _____

NAYS: _____

ATTEST:

APPROVED:

SUE NELSON, CITY RECORDER

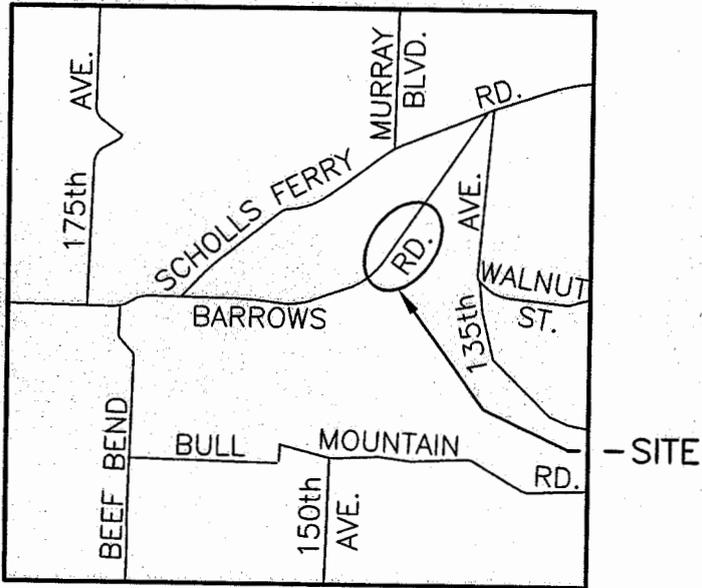
ROB DRAKE, MAYOR

EXHIBIT "A"
PAGE 1 OF 1

- 1. SW BARROWS ROAD**
BETWEEN THE B.P.A. LINES AND A POINT ± 100 FEET
NORTHEASTERLY FROM THE INTERSECTION OF SW BARROWS
ROAD AND SW WALNUT STREET AND LYING WITHIN THE CITY OF
BEAVERTON.

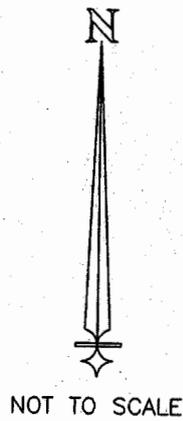
SEE EXHIBIT "B"

All that portion of County Road No. 812 lying northwesterly of the
centerline of said road and being situated in the Northwest one-quarter of
Section 4, T2S, R1W, W.M.

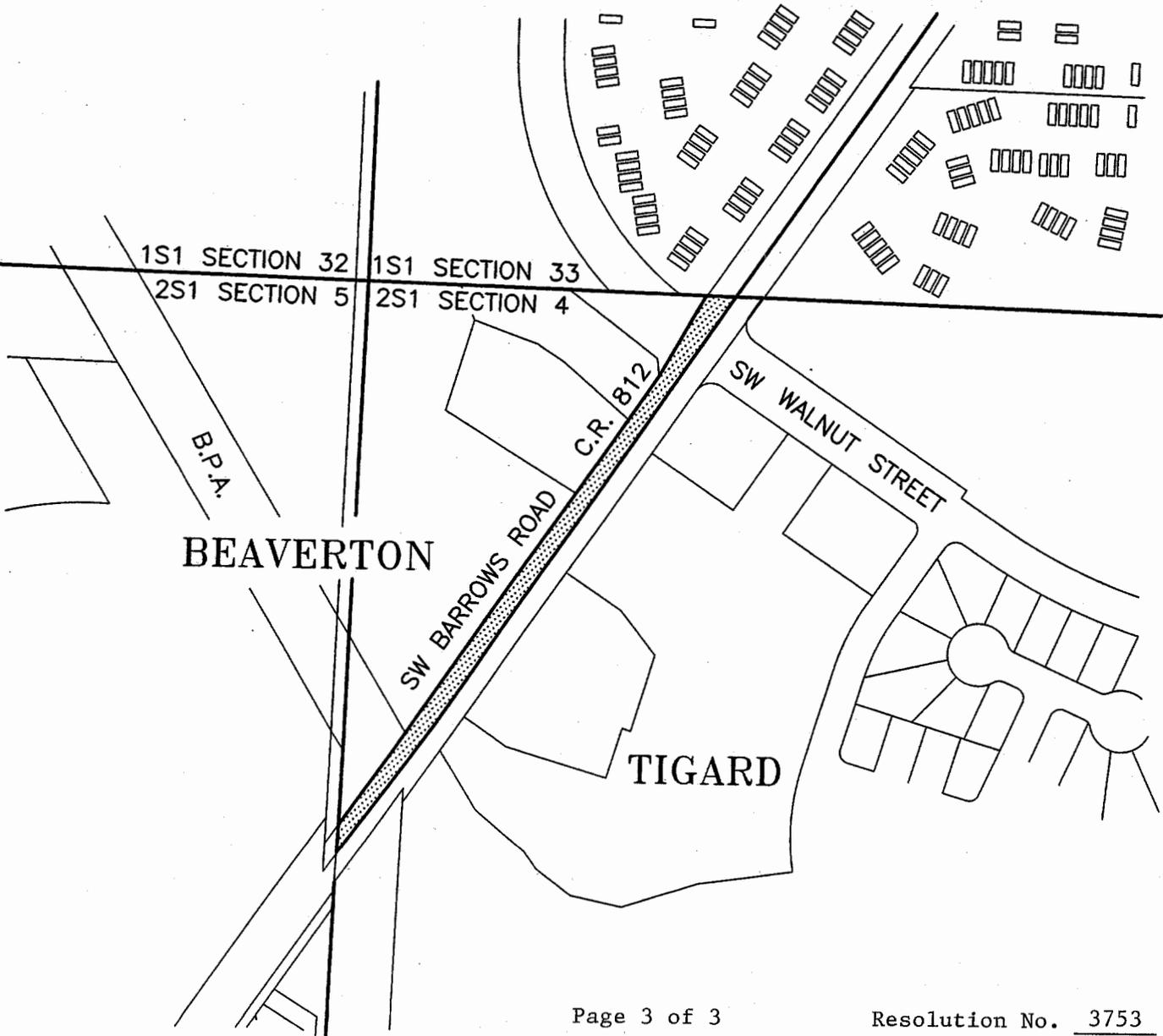


VICINITY MAP

TRANSFER OF JURISDICTION



A PORTION OF
SW BARROWS ROAD



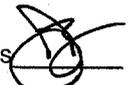
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

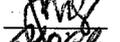
SUBJECT: Transfer of Road Jurisdiction from Washington County to the City of Beaverton (SW Barrows Road from SW Scholls Ferry Road east to the B.P.A power lines)

FOR AGENDA OF: 04-05-04 **BILL NO:** 04055

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Operations 

DATE SUBMITTED: 03-23-04

CLEARANCES: City Attorney 
Engineering 
Comm. Dev. 
Finance 

PROCEEDING: Consent Agenda

EXHIBITS: Resolution
Exhibit A (Legal Description)
Exhibit B, 1 - 3 (Vicinity Map)

BUDGET IMPACT

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

SW Barrows Road is currently maintained as a County Road. City staff has initiated the transfer of the Barrows Road jurisdiction from SW Loon Drive to SW Walnut Street. The County has requested the City to transfer Barrows Road in two separate agenda items for administrative purposes. The road boundaries for this agenda bill are from SW Scholls Ferry Road east to the B.P.A. power lines. The road transfer will streamline the development process.

INFORMATION FOR CONSIDERATION:

The Operations Department has inspected the roads as described in Exhibits A & B and negotiated the cost of a street overlay with Washington County Land Use and Transportation. Once the road jurisdiction is transferred to the City, an Intergovernmental Agreement will be completed between the City and the County for overlay funding from Washington County in the amount of \$67,067. The County's contribution is needed to resurface Barrows Road to an acceptable City Standard as outlined in the Urban Services Agreement. If Council approves the recommended action, then Council's resolution will be forwarded to the County as a formal request. The City must annex the Barrows Road right-of-way prior to a separate action of the Board of County Commissions to accept and accomplish the road transfer.

RECOMMENDED ACTION:

Approve the attached resolution to initiate the transfer of SW Barrows Road jurisdiction from Washington County to the City of Beaverton as listed and described on Exhibit A, and authorize the Mayor to enter into and Intergovernmental Agreement with Washington County for the County's \$67,067 contribution towards the overlay of Barrows Road.

RESOLUTION NO. 3754

**A RESOLUTION INITIATING ACTION TO
TRANSFER JURISDICTION OF CERTAIN COUNTY ROADS
WITHIN THE CITY TO THE CITY.**

WHEREAS, ORS 373.270(6) provides a mechanism for a city to transfer jurisdiction of county roads located within a city to a city; and

WHEREAS, the City of Beaverton has determined it necessary, expedient and for the best interest of the city to acquire jurisdiction over certain county roads or part thereof to the same extent as it has over other public streets and alleys of the city; now, therefore,

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

The Council hereby initiates the transfer of jurisdiction over those Washington County roads described and depicted in Exhibits "A" and "B", which are attached hereto and incorporated.

ADOPTED by the Council this ____ day of _____, _____.

APPROVED by the Mayor this ____ day of _____, _____.

AYES: _____

NAYS: _____

ATTEST:

APPROVED:

SUE NELSON, CITY RECORDER

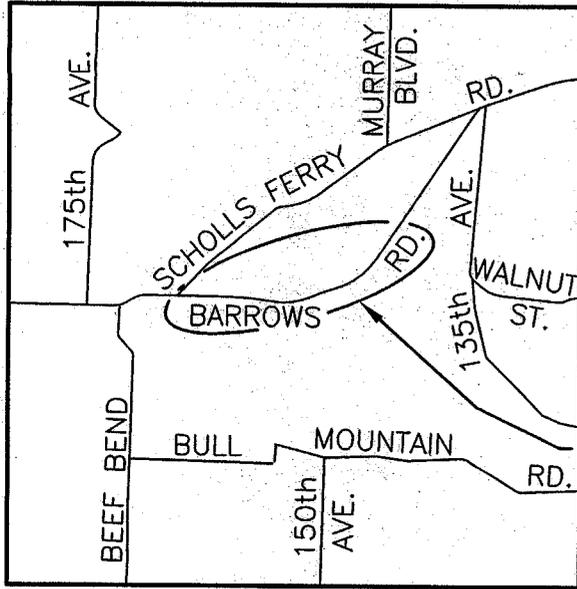
ROB DRAKE, MAYOR

EXHIBIT "A"
PAGE 1 OF 1

- 1. SW BARROWS ROAD**
FROM SW SCHOLLS FERRY ROAD EAST TO THE B.P.A. LINES

SEE EXHIBIT "B"

All that portion of County Road No. 2156 lying southeasterly of the southeasterly right of way of SW Scholls Ferry Road as shown on Survey Number 27,548 **and** all that portion of County Road No. 812 lying between the northwesterly right of way of County Road No. 2156 and the east line of Section 5, T2S, R1W, W.M.. Said road being situated in the Northwest one-quarter of Section 6 and in the North one-half of Section 5, T2S, R1W, W.M.



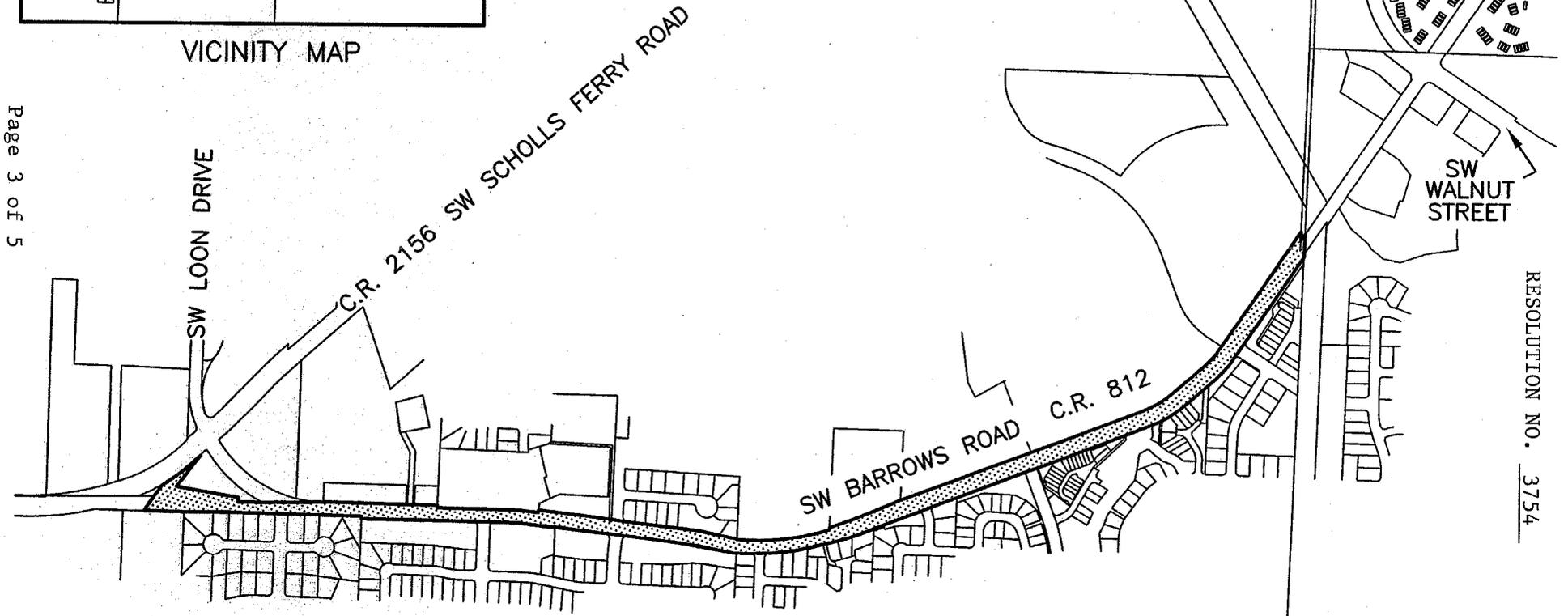
VICINITY MAP

TRANSFER OF JURISDICITON

A PORTION OF SW BARROWS ROAD

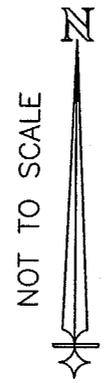
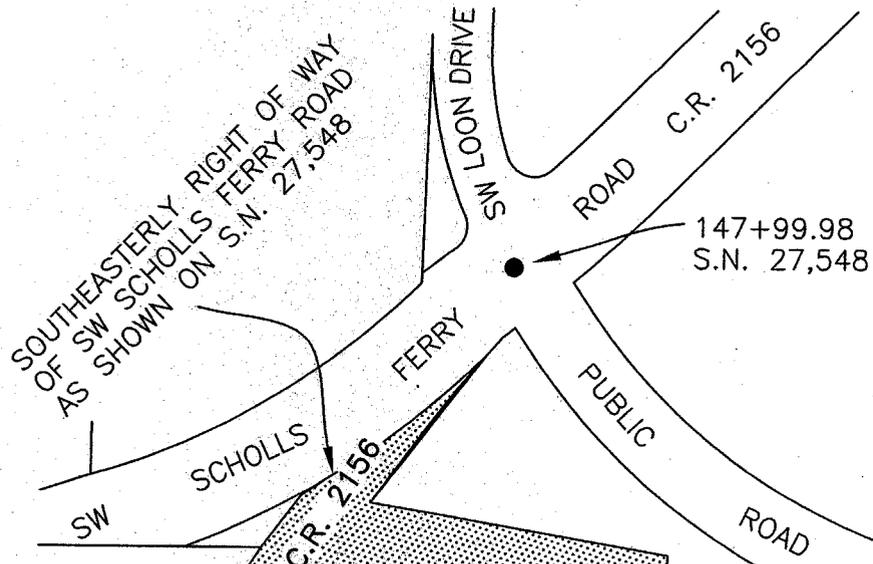


NOT TO SCALE



RESOLUTION NO. 3754

Page 3 of 5



Page 4 of 5

WESTERLY
RIGHT OF WAY
OF C.R. 2156

C.R. 812

SW BARROWS ROAD

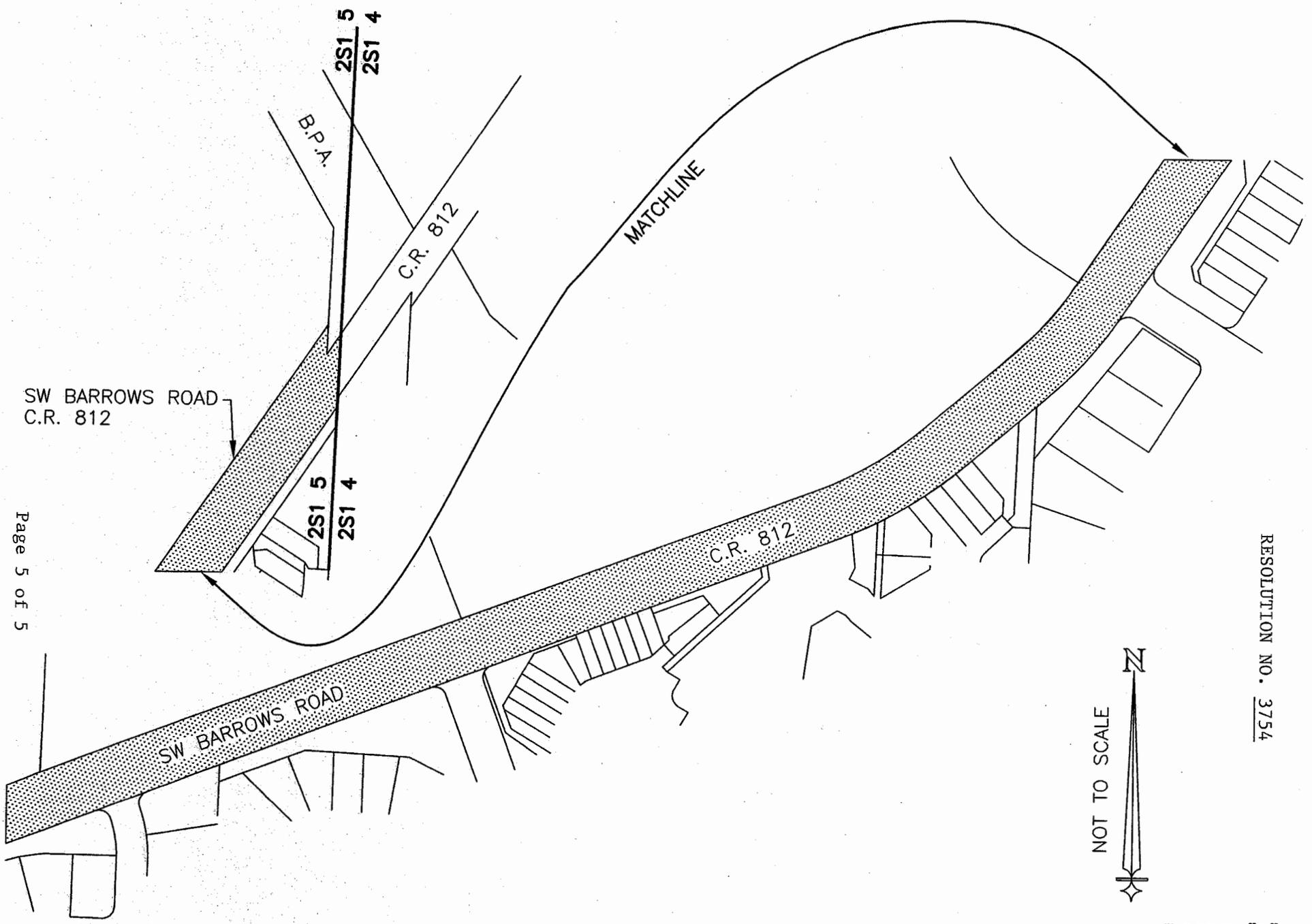
MATCHLINE

SW BARROWS ROAD

C.R. 812

RESOLUTION NO. 3754

EXHIBIT "B"
PAGE 2 OF 3



SW BARROWS ROAD
C.R. 812

Page 5 of 5

SW BARROWS ROAD

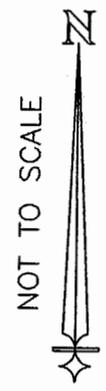
2S1 5
2S1 4

2S1 5
2S1 4

C.R. 812

MATCHLINE

C.R. 812



RESOLUTION NO. 3754

EXHIBIT "B"
PAGE 3 OF 3

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Bid Award – Purchase One (1) New
Trencher/Backhoe

FOR AGENDA OF: 4-5-04 **BILL NO:** 04056

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering 

DATE SUBMITTED: 3-26-04

CLEARANCES: Purchasing
Finance
City Attorney
Operations 

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: Bid Summary

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$30,962.50	BUDGETED \$40,000*	REQUIRED \$

* Account number 501-80-0743-671 Water Fund – Water System Maintenance – Equipment Account.

HISTORICAL PERSPECTIVE:

The FY 2003-04 budget includes funding for the replacement of one trencher/backhoe for the Water Maintenance section in the Engineering Department. The City currently owns a 1980 Davis trencher/backhoe. The existing trencher will be sold through the State of Oregon surplus auction.

INFORMATION FOR CONSIDERATION:

Invitation for bid was advertised in the Portland Daily Journal of Commerce on March 9, 2004. Two bids were received and opened on March 24, 2004 in the Finance Department conference room. The low bid was received from Western Power & Equipment of Portland, Oregon in the amount of \$30,962.50. The other bid received was from Vermeer in the amount of \$43,000.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, award the low bid and authorize the Finance Department to issue a purchase order to Western Power & Equipment of Portland, Oregon in the amount of \$30,962.50 for the purchase of a new trencher/backhoe.

BID SUMMARY

CITY OF BEAVERTON

TO: Mayor & City Council

FROM: Purchasing Division

SUBJECT: Bid Opening

Bids were opened on **MARCH 24, 2004** at **2:00 PM** in the **FINANCE CONFERENCE ROOM**

For: **"ONE (1) NEW -2004 TRENCHER/BACKHOE", FY 2003-04**

Witnessed by: **CRAIG CRAWFORD**

VENDOR NAME AND CITY, STATE	BID AMOUNT
VERMEER	\$43,000.00
WESTERN POWER & EQUIPMENT	\$30,962.50

The Purchasing process has been confirmed.

Signed: *Amy L. Murrill*
Purchasing Division-Finance Dept.

The above amounts have been checked: YES NO

Date: 3-24-04

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Consultant Contract Award – Fluoride Distribution Analysis and Disinfection Byproducts (DBP) Analysis for the City's Drinking Water System

FOR AGENDA OF: 4-5-04 **BILL NO:** 04057

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: Engineering *JPK*

DATE SUBMITTED: 3-23-04

CLEARANCES: City Attorney *AP*
Finance *RTO*
Purchasing *AW*

PROCEEDING: Consent Agenda
(Contract Review Board)

- EXHIBITS:**
1. Consultant Proposal
 2. Agenda Bill No. 03074 (without exhibits)
 3. Agenda Bill No. 03255 (without exhibits)
 4. PowerPoint Slide
 5. Agenda Bill No. 04002 (without exhibits)

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$82,844	BUDGETED \$0-	REQUIRED \$82,844 *

* Funding is a proposed supplemental budget transfer of \$82,844 in unspent funds in the Water Fund, Joint Water Commission Project Program, Account No. 501-75-3611 to the Water Fund, Water System Improvements Program, Account No. 501-75-3701. Staff recommend Council authorize the Finance Director to include the budget transfer in the next supplemental budget.

HISTORICAL PERSPECTIVE:

Fluoride Distribution Analysis. As was confirmed by Council on January 5, 2004, in Agenda Bill No. 04002 (attached as Exhibit 5), a construction contract was awarded to build a fluoride feed facility for eventual addition of fluoride to City water upon completion and testing. The fluoride feed facility construction is underway and substantial completion for start-up and testing is expected by the end of May.

Leading up to the Council's authorization to move forward with bidding and construction of the fluoride feed facility, a Work Session was held with Council on November 17, 2003, as described in Agenda Bill No. 03255 (attached as Exhibit 3). The purpose of the Work Session was to brief the Council on various aspects of implementing fluoridation. One of the PowerPoint slides (attached as Exhibit 4) presented to Council in the Work Session described a geo-chemical evaluation performed by a hydrogeological consultant to demonstrate that storing fluoridated water in the City's ASR (Aquifer Storage and Recovery) groundwater wells would not negatively impact the

operation of the same. As the slide documents, the November 3, 2003, consultant final report concludes that fluoridated water stored in the ASR wells is unlikely to cause harm to their operation. The geo-chemical evaluation was to assess the potential of fluoride compounds precipitating (sticking to the aquifer rock formation) inside the groundwater aquifer, which if it were to occur, could cause plugging of the aquifer and eventual detrimental clogging. From testing performed with both Joint Water Commission (JWC) source water, which is stored in the ASR wells, and native groundwater drawn from the wells, the hydrogeological consultant, Groundwater Solutions Incorporated, found that fluoride added to JWC water will most likely remain in-solution during the time the fluoridated JWC water is stored in the aquifer.

As a part of the fluoridation implementation strategy, during the Council Work Session staff advised the Council that monitoring of fluoride levels in the City's water distribution piping system and in the ASR wells would be carried out through installation of on-line electronic monitoring equipment at four different locations in the City. The on-line testing equipment will be tied to the Water Division telemetry system so that data can be carefully collected and analyzed. With this data, staff proposes to work with a consultant to study the fluoride levels over the first year of the fluoride feed facility operation. The outcome of monitoring and analysis is to consistently maintain desired levels of fluoride and to determine whether adding fluoride to native groundwater pumped out of the ASR wells is necessary. Un-fluoridated native groundwater will be pumped out of the ASR wells once the stored JWC (fluoridated) water is fully pumped out in the latter part of the summer season.

Disinfection Byproducts (DBP) Analysis. Separate from fluoride is a drinking water issue for which the City has been collecting samples and reporting test results to the State Department of Human Services for a number of years. Although the City has maintained compliance with the US EPA rules on disinfection byproducts, water quality requirements continue to increase in complexity and the number of regulated compounds, and allowable levels of regulated contaminants are increasingly more stringent. These rules apply to all public drinking water providers. The attached proposal (Exhibit 1) from the consultant team Groundwater Solutions Incorporated, and subconsultant HDR Engineering Incorporated, describes in detail the evolving US EPA regulations on disinfectant byproducts in drinking water. From the attached proposal, in "the August 18, 2003 Federal Register, EPA proposed Stage 2 Disinfectant Byproducts Rule (Stage 2 DBPR). EPA has proposed this rule to reduce disease incidence associated with disinfection byproducts that form when public water supply systems add disinfectants (in the City's case - free chlorine at the Joint Water Commission water treatment plant and at the City's above ground storage reservoirs). The Stage 2 DBPR will supplement the existing regulation by requiring water systems to meet maximum contaminant levels (MCLs) for total trihalomethanes (TTHM) and haloacetic acids (HAA5) at each monitoring site within the distribution system. The rule also contains a risk-targeting approach to better identify monitoring sites where customers may be exposed to a higher level of disinfection byproducts (DBPs)." The City is required to comply with the new Stage 2 DBPR regulations over the next several years. For reasons of economy of scale, staff recommends completing the proposed compliance plan for disinfection byproducts water quality as a part of this project.

INFORMATION FOR CONSIDERATION:

To assist with the two drinking water quality tasks staff requested a proposal from Groundwater Solutions Incorporated, and its selected subconsultant HDR Engineering Incorporated, a very large national firm known as a leader in drinking water science. Groundwater Solutions Incorporated (GSI) has been providing hydrogeological services to the City for development and

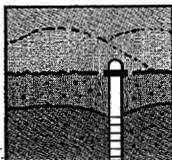
operation of the ASR wells. Attached (as Exhibit 2) is Agenda Bill No. 03074 describing the last contract with GSI related to operational technical support for the City's ASR program.

The attached proposal (Exhibit 1) submitted by GSI is broken into two subtasks, each comprising roughly half of the overall project cost of \$82,844.

Staff reviewed the submitted proposal and finds the hours and rates for the consultant scope of work to be consistent with similar tasks in existing contracts. Groundwater Solutions Incorporated is on the approved list of firms for geotechnical engineering professional services and has signed a Professional Service Retainer Agreement authorized by Council in Agenda Bill No. 02230 on July 15, 2002. Staff recommends Council award a contract to Groundwater Solutions Incorporated for the services described in the attached proposal. Funding of the project is recommended above and proposes an appropriation in the form of a supplemental budget transfer of budget funds in the Water Funds which will not be spent in the current fiscal year 2003-04.

RECOMMENDED ACTION:

1. Council, acting as Contract Review Board, award an engineering consultant contract to Groundwater Solutions Incorporated, in the amount of \$82,844, for the services described in the attached proposal and in a form approved by the City Attorney.
2. Authorize the Finance Director to include a transfer to fund the project as noted above in the next supplemental budget.

**Groundwater Solutions Inc.**

3758 SE Milwaukie Ave. Portland, Oregon 97202
ph:503.239.8799 fx:503.239.8940 e:groundwatersolutions.com

March 1, 2004

Mr. David Winship, P.E. -- City Utility Engineer
City of Beaverton
P.O. Box 4755
Beaverton, Oregon 97076

Subject: Fluoride Distribution Analysis and Disinfection Byproduct (DBP) Analysis

Dear David:

At your request, Groundwater Solutions, Inc. (GSI) and our teaming partner HDR have prepared this scope of work and cost estimate for two primary tasks for the City of Beaverton: a fluoride distribution analysis and a disinfection byproduct (DBP) analysis. A background discussion and objectives for each primary task is presented below along with a detailed scope of work. A cost estimate also is presented.

Scope of Work

Task 1: Fluoride Distribution Analysis

We understand that the City will begin fluoridating their municipal water supply system in Spring 2004. In support of this effort, the objectives of the fluoridation study are as follows:

- Determine reporting requirements for the Consumer Confidence Report (CCR) and the Oregon Department of Human Services Drinking Water Program (DWP) for fluoride.
- Evaluate the fluoride concentrations under existing demand conditions and Aquifer Storage and Recovery (ASR) operations within the City's distribution system.
- Determine recommended fluoride concentrations for injection at the Joint Water Commission (JWC)/Beaverton master meter.
- Determine if fluoride feed is needed at the ASR wells during recovery operations.
- Develop a conceptual plan for dosing fluoride at the ASR wells.

A detailed scope of work for the fluoride distribution analysis is presented on the following page.

Task 1.1: Fluoride Reporting Requirements

- Examine Federal Reporting Regulations.
- Examine State Reporting Regulations.
- Contact DWP to discuss reporting requirements.
- Contact one other municipality in Oregon or Washington that adds fluoride to discuss reporting procedures.
- Prepare a draft technical memorandum (TM) summarizing the fluoride reporting requirements. Address draft review comments and submit the final TM.

Task 1.2: Fluoride Distribution Modeling and Recommendations

- Assist the City in selecting on-line monitoring sites for fluoride. City to make final site selection.
- Validate steady state model results. Obtain hydraulic model and recent hydrant flow tests at approximately 5 locations within the distribution system.
- Validate extended period simulation results under current average day and maximum day demand conditions. Obtain pump station and tank level records for City staff for approximately 2-days of data corresponding to a recent average day and maximum day demand.
- Perform a source trace analysis under maximum day demands and the ASR wells in recovery mode. Identify extent of ASR influence and area of potentially reduced fluoride concentrations.
- Evaluate best and worst case ASR recovery fluoride concentrations. Develop model scenarios for ASR recovery concentrations of 0 ppm and 0.7 ppm with master meter fluoride concentrations of 0.7 ppm and 1.0 ppm. Obtain and review fluoride water quality data from GSI for the ASR wells.
- Evaluate and map model results. Summarize distribution system fluoride concentrations for each of the four model scenarios. Identify, through mapping, locations of low concentration based on model results and system samples. City to determine minimum and maximum allowable fluoride concentrations.
- Identify recommended fluoride concentrations at JWC meter and if a feed is needed at the ASR well site to maintain desired fluoride concentration levels within the distribution system. City to decide if ASR fluoride feed is desired given resulting improvement in minimum fluoride concentrations.
- Prepare a draft TM summarizing analysis and recommendations. Address draft review comments and submit the final TM.

Task 1.3: Fluoride Water Quality Model Verification

- After fluoride feed system at JWC master meter and on-line sampling sites are operational, obtain fluoride sampling results, ASR recovery concentrations, and feed concentration.

- Create an extended period model scenario that reflects demand conditions during on-line sample collection period. Model fluoride concentration at feed JWC meter point and concentration in ASR system during recovery as model input.
- Compare model results with sampled data. Identify areas where sampled and modeled concentrations differ in model and modify global model parameters for additional calibration.

Task 1.4: Develop a Conceptual Plan for Dosing Fluoride at the ASR wells

- Review planned operation of ASR wells and the sequence of operations.
- Review ASR well structures for potential fluoride chemical feed locations.
- Review existing instrumentation and SCADA information.
- Examine potential to dose fluoride directly to main 16-inch transmission line if routed to Well #4 property.
- Develop, present and discuss conceptual plan for fluoride addition. City to decide various aspects of fluoride dosing system including location of fluoride, flow- or residual-based pacing, dry or liquid chemical, and remote monitoring and control requirements.

Task 1.5: Hydraulic Model Calibration

(This task will be executed if the City's current model does not include current demand conditions.)

- Calibrate steady state and extended period model simulations for current demand conditions.

Task 1 Deliverables

- Fluoride Reporting Requirements TM (5-copies).
- Fluoride Distribution Recommendations TM (5-copies).
- Updated distribution system model with water quality scenarios.
- Conceptual plan for dosing fluoride at the ASR wells (5-copies).

Assumptions

- System analysis is for existing distribution system configuration and does not include future system improvements or demands.
- City to supply CyberNet system model with current average and maximum day demand and extended period simulation scenarios. The CyberNet hydraulic model is well calibrated under extended period simulations.
- GSI will provide ASR fluoride concentrations, under recovery operations.

Task 2 Disinfection Byproduct (DBP) Analysis

As part of the August 18, 2003 Federal Register (68 FR 49547) EPA proposed the Stage 2 Disinfectant Byproducts Rule (Stage 2 DBPR). EPA has proposed this rule to reduce disease incidence associated with disinfection byproducts that form when public water supply systems add disinfectants. The Stage 2 DBPR will supplement the existing regulations by requiring water systems to meet maximum contaminant levels (MCLs) for total trihalomethanes (TTHM) and haloacetic acids (HAA5) at each monitoring site within the distribution system. The rule also contains a risk-targeting approach to better identify monitoring sites where customers are exposed to high level of disinfection byproducts (DBPs).

The Stage 2 DBPR applies to all water systems that add a disinfectant other than ultraviolet light or provide water that has been treated with a disinfectant other than ultraviolet light. Under the Stage 2 DBPR, the City of Beaverton will be required to either 1.) Conduct an Initial Distribution System Evaluation (IDSE) using the Standard Monitoring Program approach (Task 2.2); 2) Conduct a System Specific Study approach (Task 2.3); or 3) submit a 40/30 certification (submission of a waiver). A flow chart that highlight the steps and decision points for the City of Beaverton Stage 2 Disinfection Byproduct Analysis can be found on the following page.

The first approach would involve performing an Initial Distribution System Evaluation (IDSE), which evaluates the distribution system to identify the locations with high disinfection byproduct concentrations. With this approach, these locations are then used as sampling sites for Stage 2 DBPR compliance monitoring. Monitoring under the IDSE would be in addition to routine monitoring under the Stage 1 DBPR and IDSE results will not be used for determining compliance. Under the IDSE approach, our team will recommend the specified number of TTHM and HAA5 samples that are to be collected by the City over a one-year period. Our team will evaluate the results to ensure the optimal monitoring locations are used under Stage 2 DBPR. (Task 2.2)

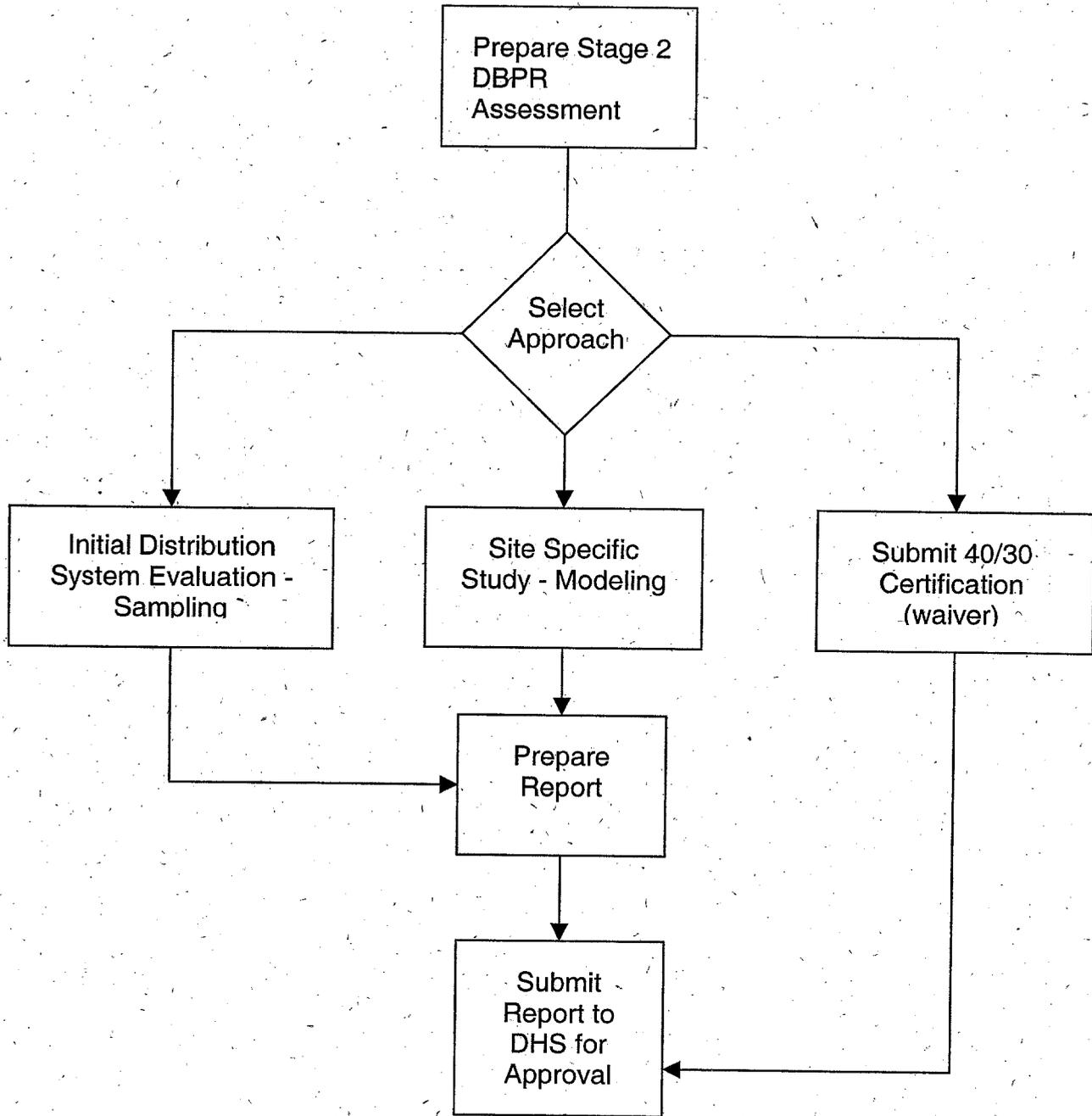
The second approach would be to perform a site-specific study in lieu of IDSE, provided that the study will produce the necessary information to enable the system to identify Stage 2 DBPR sample locations, (System Specific Study - Task 2.3.) The third approach would be to submit a waiver if Stage 1 DBPR results support this, in this case neither Task 2.2 nor Task 2.3 would need to be executed.

The primary objectives of the DBP analysis are:

- Define Stage 2 DBPR requirements and how they pertain to the City's water system.
- Evaluate options to comply with Stage 2 DBPR.

Our specific scope of work for the disinfection byproduct analysis is presented in the following pages.

City of Beaverton Stage 2 Disinfection Byproduct Analysis



Task 2.1: Stage 2 DBP Regulation Recommendations

- Review and summarize water quality data from the last three years: disinfection byproduct; chlorine residual; and temperature.
- Compute compliance values using historical data and advise the City if any compliance issues are anticipated.
- Summarize the three possible approaches to meet the IDSE requirement: 1) Standard Monitoring Program (Task 2.2); 2) System Specific Study (Task 2.3); 3) 40/30 certification (submission of a waiver).
- Work with City Staff and DHS to determine which of the three possible approaches is preferred. City to select preferred approach that will dictate if Task 2.2 or Task 2.3 are performed. If the Stage 1 DBP results support it, the City would submit a waiver and neither task 2.2 nor 2.3 would need to be performed. Communicate with Oregon DHS to define their expectations.
- Summarize the rule requirements with respect to the City's water system and provide recommendations in a Technical Memorandum.

Task 2.2: Prepare a Monitoring Plan to Satisfy the IDSE Requirement (to be authorized by June 2004) and Prepare the IDSE Report Describing Sampling Results (to be authorized by June 2005)

- Prepare system description: general characteristics; source water information; entry points and service areas; treatment; description of distribution system; schematic of distribution system.
- Determine the number of sampling locations. The "Standard Monitoring Program" (SMP) requires collection of samples at 16 locations for consecutive systems of Beaverton's size. The sample locations must represent: 1) near entry points; 2) average residence times; high TTHM locations; and high HAA locations. City to confirm sampling locations.
- Use the hydraulic model to select sampling sites with average residence times.
- Select and justify sampling locations. Prepare a map of sampling locations. Tabulate data used in selecting sampling sites.
- Determine the sampling timing and frequency. This depends on the evaluation of historical DBP sampling results.
- Specify the water quality parameters to be tested and analytical methods.
- Develop a budget for the laboratory testing. City to select a laboratory.
- Provide guidance for reporting.
- Establish a schedule for completing the IDSE study.
- Prepare the monitoring plan sufficient for submission to the State.
- After the initial monitoring period, describe any deviations to the monitoring plan.
- Report all TTHM and HAA5 analytical results from the Standard Monitoring Plan and the Stage 1 DBPR compliance sites.

- Prepare a schematic map of the distribution system with results, location, and date of all IDSE SMP and Stage 1 compliance samples.
- Compute the locational running annual averages (LRAAs) for TTHMs and HAAs.
- Describe the recommended Stage 2B compliance monitoring sites with justification and prepare a map. City to confirm new sampling locations.
- Propose a schedule for monitoring for Stage 2B compliance.
- Prepare the IDSE report sufficient for submission to the State.

Task 2.3: Prepare a System Specific Study to Satisfy the IDSE Requirement (to be authorized by June 2004) & Prepare the IDSE Report Describing System Specific Study (to be authorized by September 2004)

- Approximate the water age using the City's distribution system model under current summer and winter demand conditions. Evaluate flow distribution and water age within the system. Prepare mapping illustrating flow distribution and age within the distribution system. Identify areas of susceptible age with respect to DBP concerns.
- Select monitoring sites based on the preliminary modeling results and prepare a sampling protocol memorandum.
- Create and calibrate the chlorine water quality scenario. Obtain chlorine sampling data within the distribution system to be used in water quality model calibration. Add chlorine feed concentrations as model input/concentration at JWC meter. Modify global model inputs (bulk, wall and tank reaction rate coefficients) as calibration parameters.
- Determine bulk reaction rate for TTHM/HAA based on correlation with chlorine reaction rate. Update model inputs for TTHM/HAA and create new water quality scenario.
- Obtain quarterly DBP sampling data. Run TTHM/HAA water quality model and compare with sampled data for model validation.
- Evaluate results and optimize selection of Stage 2 DBP compliance sites. City to confirm sampling locations.
- Prepare system description: general characteristics; source water information; entry points and service areas; treatment; description of distribution system; schematic of distribution system.
- Prepare a schematic map of the distribution system with results, location, and date of all IDSE SMP and Stage 1 compliance samples.
- Describe studies, reports, data, analytical results, and modeling to support the System Specific Study.
- Describe the recommended Stage 2B compliance monitoring sites with justification and prepare a map.
- Propose a schedule for monitoring for Stage 2B compliance.
- Prepare the IDSE report sufficient for submission to the State.

Deliverables

- Draft and Final Technical Memoranda.

Assumptions

- City to collect water quality samples; pay for laboratory analyses; and provide data to our team.

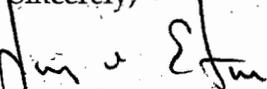
Cost and Schedule

A cost estimate for the project is attached. The cost estimate to complete the effort outlined in this proposal is \$82,844. This estimate includes a 5% markup on HDR's labor effort as subcontractor to GSI, and it includes a 10% contingency. This costs includes completing either Task 2.2 or 2.3, but not both tasks.

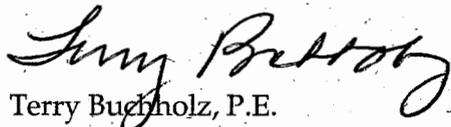
GSI will complete the scope of work outlined in this proposal on a time and materials basis. We can begin work on this project within 2 weeks after receiving notification to proceed. We estimate that it will take approximately 11 months to complete the fluoride analysis assuming that the City will be able to perform the fluoride monitoring during the summer and fall 2004. The DBP analysis will take up to 14 months to complete. It is assumed that the work will be completed by July 2005.

If you have any questions or need clarification regarding this proposal, please feel free to contact either Larry Eaton at (503) 239-8799 or Terry Buchholz at (503) 423-3743.

Sincerely,



Larry G. Eaton, R.G.
Principal Hydrogeologist
Groundwater Solutions, Inc.



Terry Buchholz, P.E.
Senior Project Manager
HDR

Cost Estimate -- Fluoride Analysis and DBP Analysis											
Task Description	GSI	Project Manager	QA/QC	Project Engineer Total	Clerical	Hours	Labor	Total Expenses	HDR Fee	Total Fee (includes 5% markup on HDR)	
	\$98	\$ 170	\$ 170	\$ 128	\$ 62						
Task 1: Fluoride Distribution Analysis											
Task 1.1: Fluoride Reporting Requirements	8	2	4	24	2	32	\$ 4,216	\$ 461	\$ 4,677	\$5,695	
Task 1.2: Fluoride Distribution Modeling and Recommendations	8	4	6	70	2	82	\$ 10,784	\$ 1,153	\$ 11,937	\$13,318	
Task 1.3: Fluoride Water Quality Model Verification	8	2	2	30	2	36	\$ 4,644	\$ 500	\$ 5,144	\$6,185	
Task 1.4: Develop a Conceptual Plan for Dosing Fluoride at the ASR wells	4	4	0	36	2	42	\$ 5,412	\$ 594	\$ 6,006	\$6,698	
Task 1.5: Hydraulic Model Calibration	4	1	2	24	0	27	\$ 3,582	\$ 381	\$ 3,963	\$4,553	
Sub-total	32	13	14	24	8	219	\$ 28,638	\$ 3,089	\$ 31,727	\$36,449	
Task 2: Disinfection Byproduct Analysis											
Task 2.1: Stage 2 DBP Regulation Recommendations	8	4	4	40	2	50	\$ 6,604	\$ 721	\$ 7,325	\$8,475	
Task 2.2 or 2.3: Prepare IDSE or Site Specific Study	12	8	11	162	8	189	\$ 24,462	\$ 3,359	\$ 27,821	\$30,388	
Sub-total	20	12	15	202	10	239	\$ 31,066	\$ 4,080	\$ 35,146	\$38,863	
Hours	52	25	29	226	18	458					
Fee	\$5,096	\$4,250	\$4,930	\$28,928	\$1,116	\$0	\$59,704	\$7,169	\$66,873	\$75,313	
Contingency (10%)										\$7,531	
Total Fee with Contingency										\$82,844	

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Consultant Contract Award –
Hydrogeological Operational Services
for Groundwater Aquifer Storage and
Recovery (ASR) Wells

FOR AGENDA OF: 3/31/03 **BILL NO:** 03074

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Engineering *[Initials]*

DATE SUBMITTED: 3/18/03

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

PROCEEDING: Consent Agenda
(Contract Review Board)

- EXHIBITS:**
- Consultant Proposal
 - ASR Meeting Notice
 - AB No. 02068 (w/2 Exhibits)

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$74,020 *	BUDGETED \$100,000 *	REQUIRED \$-0-

* Source of funding is the Water Fund, Engineering Department, Program: Water System Maintenance, Object: Professional Services (engineering services for monitoring/testing water injection and recovery of ASR well Nos. 1, 2, and 3), Account No. 501-80-0743-511

HISTORICAL PERSPECTIVE:

On March 18, 2002, Council approved Agenda Bill No. 02068 (attached without exhibits) and awarded a contract to CH2M Hill, Incorporated, and subconsultant Groundwater Solutions Incorporated, to provide hydrogeological and engineering services for 2002/03 Aquifer Storage and Recovery (ASR) production monitoring and testing of ASR Well Nos. 1 and 2. The consultant contract also includes services to confirm the feasibility of a new ASR No. 4 well near the Sorrento Water Works site, where the existing ASR Well Nos. 1 and 2 are located, and assuming positive feasibility to design and provide construction-engineering services. The contract further provides for other hydrogeology services related to wellhead protection planning; groundwater protection and monitoring of the Cobb Quarry (near SW Maverick and Murray Boulevard); and on-going monitoring and technical review of reports generated by environmental consultants and the State of Oregon in connection with the Mattel/Tyco well contamination issue (near Cascade Avenue and Hall Boulevard).

Since 1999, staff have included in the fiscal budget and have been returning to Council each year to request award of a consultant contract to assist staff with technical data analysis and report writing for on-going mandatory submittals to Oregon Water Resources Department to meet permit requirements. The consultant, which has consistently been CH2M Hill, Incorporated, and subconsultant Groundwater Solutions Incorporated, has also provided invaluable technical advise in operating the wells during the storage and recovery modes of operation, and assistance in meeting sampling requirements as mandated by another State

agency, the Oregon Department of Health Services (formerly Oregon Health Division). Staff believe that this technical assistance by a qualified expert in groundwater ASR has helped make Beaverton's ASR program one of the most successful in Oregon and Washington.

Attached to this agenda bill as an exhibit is a copy of a notice of a neighborhood meeting that is being sent to nearby residents of the proposed ASR No. 4 Water Well Pump Building in the Hanson Subdivision prior to submittal of land use permit applications. The City has completed purchase of two building lots on which to site the facility. The notice contains a fact sheet with an update of the City's ASR program.

INFORMATION FOR CONSIDERATION:

Two individuals formerly with CH2M Hill, who were principally responsible for the original conversion of the old Hanson Road well to an aquifer storage and recovery well (now known as ASR Well No. 1), formed a new hydrogeological/geotechnical engineering firm, Groundwater Solutions Incorporated, in 2001. Until now, Groundwater Solutions Incorporated (GSI) has performed most of the hydrogeological tasks as a subconsultant in previous CH2M Hill ASR contracts. This year staff proposes to reverse the contractual consultant relationship to reflect the focus of the proposed work and project management specifically around the hydrogeological aspects of the services to be provided.

Staff have endeavored to reduce the cost of the hydrogeological operational consultant services this year and Council will find that the proposal is well below the budgeted amount of \$100,000 for this project. Future improvements in efficiency of the ASR program will continue to be the goal of the Water Division (a division in the Engineering Department), which manages and operates the water system.

Responding to a staff request, Groundwater Solutions Incorporated, and subconsultant CH2M Hill, provided the attached proposal totaling \$74,020. Groundwater Solutions Incorporated and CH2M Hill, Incorporated, are currently under contract to the City for other projects. Staff reviewed the submitted proposal and finds the hours and rates for the consultant scope of work to be consistent with similar tasks in existing contracts. Groundwater Solutions Incorporated is on the approved list of firms for geotechnical engineering professional services and has signed a Professional Service Retainer Agreement authorized by Council in Agenda Bill No. 02230 on July 15, 2002. GSI's subconsultant CH2M Hill, Incorporated, is on the approved list of firms for water system professional services and has signed a Professional Service Retainer Agreement. Staff recommends Council award a contract to Groundwater Solutions Incorporated for the services described in the attached proposal.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, award an engineering consultant contract to Groundwater Solutions Incorporated, in the amount of \$74,020, for the services described in the attached proposal and in a form approved by the City Attorney. Funding of the contract is recommended from the FY 2002-03 budget account listed above.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Drinking Water Fluoridation
Implementation

FOR AGENDA OF: 11/17/03 **BILL NO:** 03255

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Engineering *TJR*

DATE SUBMITTED: 11/04/03

CLEARANCES: City Attorney *[Signature]*

PROCEEDING: Work Session/Action Item

EXHIBITS: 1. Agenda Bill No. 03010

BUDGET IMPACT

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

In November 2002, the Council referred an advisory ballot measure to a vote of the people of Beaverton regarding whether the City should fluoridate the drinking water provided to about 62,000 Beaverton residents served with City water. The majority of the remaining 16,820 persons residing within the Beaverton City limits already receive fluoride in their drinking water as customers of the Tualatin Valley Water District. The results of the November 2002 vote supported fluoridation. Subsequent to the vote, the Mayor and Council directed Engineering Department staff to move forward with design and construction of the facilities to add fluoride to the City's drinking water.

INFORMATION FOR CONSIDERATION:

Since Council approved Agenda Bill No. 03010 awarding an engineering services contract for engineering services to design and construct a water fluoridation facility, staff have been working with the firm Economic and Engineering Services, Incorporated, to design a fluoridation system for Beaverton. The current schedule for initial start-up of a fluoride feed system is mid-March. Staff propose a Council Work Session to brief Council on various aspects of implementing fluoridation including an overview of the design work to date.

RECOMMENDED ACTION:

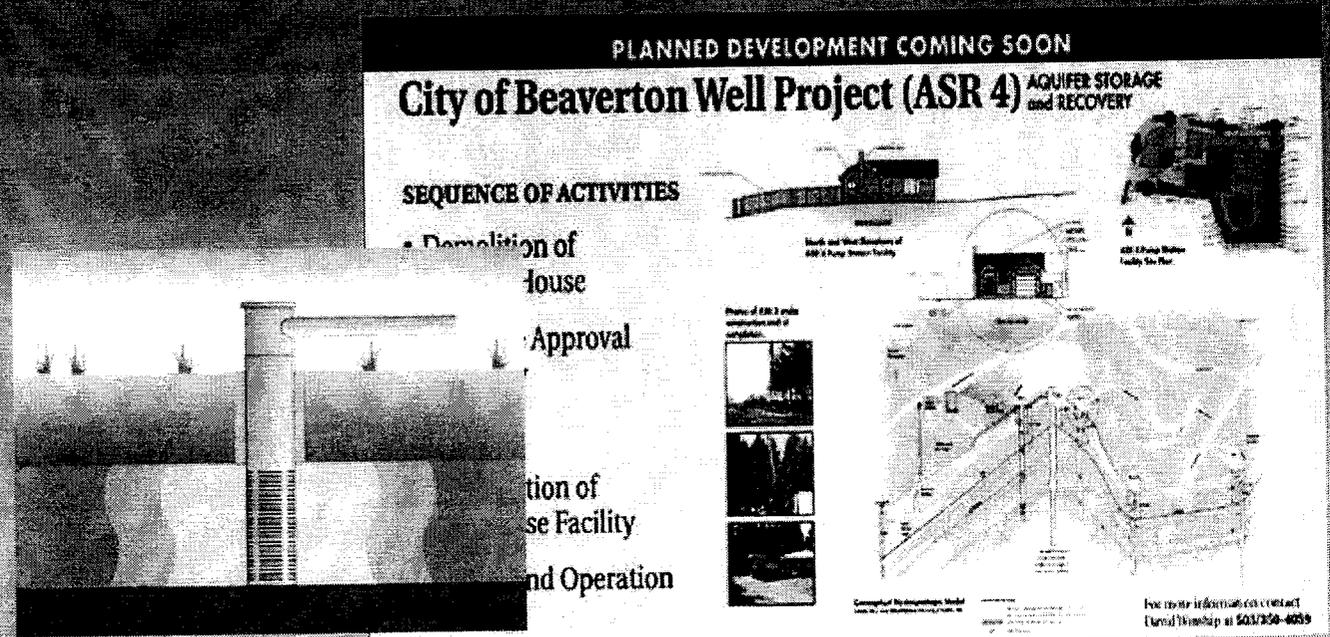
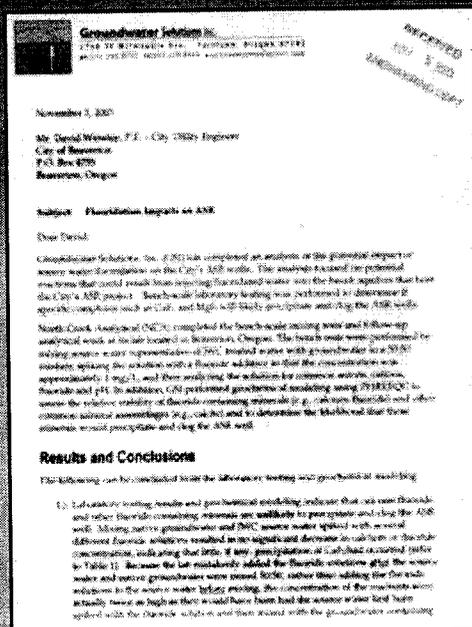
Council hold the work session, and direct staff on fluoride implementation plan.

Evaluation of Potential Fluoridation Impacts on Aquifer Storage and Recovery (ASR)

A geo-chemical evaluation of potential reactions resulting from introducing fluoridated water into basalt aquifers was needed to assure continued operation of ASR wells.

December 17, 2002 Water samples from ASR wells and JWC source were collected for laboratory analysis to begin consultant geo-chemical evaluation of potential impacts of fluoridation. A fluoride additive was mixed with the JWC treated source water samples to simulate.

November 3, 2003 The final report was submitted to City by consultant concluding that fluoridated water stored in ASR wells is unlikely to harm wells by clogging or precipitating in the basalt aquifer.



AGENDA BILL**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Council Notification of Award of the Bid by the Mayor – Drinking Water Fluoride Feed Facility

FOR AGENDA OF: 1-5-04 **BILL NO:** 04002

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Engineering *[Signature]*

DATE SUBMITTED: 12-22-03

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

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: 1. Staff Memoranda (2)
2. Bid Summary
3. Agenda Bill No. 03275

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$588,375 *	BUDGETED \$550,000 **	REQUIRED \$0-

* Bid amount as awarded by Mayor on December 19, 2003.

** The budgeted amount for this project is \$550,000 (Water Fund; Water System Improvements Program, Account No. 501-75-3701). Staff recommend that the \$38,375 difference between the bid award amount and the budgeted amount be funded with available remaining funds intended for miscellaneous small works projects in the same budget account.

HISTORICAL PERSPECTIVE:

On December 15, 2003, Council approved the following staff recommendations found in Agenda Bill No. 03275 (attached):

1. Council, acting as Contract Review Board, authorize the Mayor, following bid opening and evaluation of bids on December 17, 2003, to award to the lowest responsible bidder submitting the lowest responsive bid a contract to build the Fluoride Feed Facility Project.
2. Council, acting as Contract Review Board, direct staff to return to Council on January 5, 2004, with details of the contract award and for approval of any required appropriation to fully fund the contract.

INFORMATION FOR CONSIDERATION:

On December 17, 2003 at 2:00 p.m., four bids were received and opened in the Finance Department Conference Room for construction of the Fluoride Feed Facility. A detailed account of the results of the bid opening and staff recommendations to the Mayor are described in the two attached staff memoranda from the Engineering Department. The apparent low bid was from Hollinger Construction, Incorporated (HCI), of Longview, Washington, in the amount of \$588,375. The bid summary is attached.

As noted in the staff memoranda, all four bids were carefully evaluated and the apparent low bidder was contacted and the firm confirmed a willingness to sign a construction contract with the City. During the Request for Qualifications process, the apparent low bidder was found to have sufficient and relevant experience with the type of work proposed. Hollinger Construction's bid was found to be very close and slightly below the engineering cost estimate, which was prepared prior to the bid opening. Therefore, staff recommended award of the contract to Hollinger Construction, Incorporated, as the lowest responsible and responsive bid. The Mayor accepted the staff recommendation and awarded the bid on December 19, 2003, to Hollinger Construction, Incorporated (HCI), of Longview, Washington, in the amount of \$588,375.

Staff recommend that the \$38,375 difference between the bid award amount and the budgeted amount be funded with available remaining funds intended for miscellaneous small works projects in the same budget account.

RECOMMENDED ACTION:

1. Council, acting as Contract Review Board, review and confirm the Mayor's award of the bid on December 19, 2003, to Hollinger Construction, Incorporated (HCI), of Longview, Washington, in the amount of \$588,375 as the lowest responsible bidder submitting the lowest responsive bid to build the Fluoride Feed Facility Project.
2. Approve funding of project as recommended by staff above.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Bid Award – Cedar Hills Boulevard
Utility Improvements Phase 2

FOR AGENDA OF: 04-05-2004 **BILL NO:** 04058

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Engineering *[Signature]*

DATE SUBMITTED: 03-31-2004

CLEARANCES: Purchasing *[Signature]*
Finance *[Signature]*
City Attorney *[Signature]*
Capital Projects *[Signature]*

PROCEEDING: Consent Agenda

- EXHIBITS:**
1. CIP Project Data Sheets/Maps
 2. Bid Summary
 3. Funding Plan

BUDGET IMPACT

EXPENDITURE REQUIRED *	AMOUNT BUDGETED *	APPROPRIATION REQUIRED \$0
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* See attached Funding Plan (Exhibit 3)

HISTORICAL PERSPECTIVE:

The Cedar Hills Boulevard Utility Improvement Project is included in the FY 2003/04 Capital Improvements Plan (CIP) under CIP Project Number 8006B (Exhibit 1).

The Cedar Hills Boulevard Utility Improvement Project extends from Jenkins Road to Beaverton Creek. The purpose of Utility Improvement Project is to complete water, storm, and sanitary improvements prior to an overlay of Cedar Hills Boulevard Phase 2 (Jenkins Road to Beaverton Creek) scheduled for August 2004. The project scope of work for Phase 2 utility improvements consists of 404 lineal feet (LF) of 12" water pipe, 1,920 LF of 8" water pipe (waterline improvements extend from Fairfield to Beaverton Creek), seven (7) fire hydrants and other associated water structures, 167 LF of 36" storm pipe, 140 LF of 30" storm pipe, 352 LF of 10" storm pipe, and one (1) 96" water quality manhole and other associated storm drainage structures.

Phase 1 (Huntington Avenue to Jenkins Road) utility improvements and overlay were completed in FY 2003-04 and Phase 3 (Beaverton Creek to Farmington Road) utility and overlay improvements are programmed for FY 2004-05.

INFORMATION FOR CONSIDERATION:

The invitation for bid was advertised in the Daily Journal of Commerce on March 8, 2004. A mandatory pre-bid meeting was held on March 17, 2004. Eight contractors attended the pre-bid meeting. Seven (7) bids were received and opened on March 30 at 2:00 p.m. in the Finance Department Conference Room (Exhibit 2). Landis & Landis Construction of Portland, Oregon,

submitted the lowest responsive bid in the amount of \$596,554.25. The overall bid amount is \$26,130 or 4% lower than the Engineer's Estimate (Exhibit 3).

Staff reviewed the qualifications of Landis & Landis Construction and investigated their performance with previous customers. They performed satisfactorily on the utility portion of the Hall/Watson Improvement Phase 1 Project and received positive recommendations from three recent customers. Staff finds Landis & Landis Construction has satisfied the bid requirements to construct utility improvements in a built-up, urban environment.

Assuming City Council approval of the bid award, a Notice to Proceed (NTP) would be issued to the Contractor on or about April 19, 2004. The project contract requires substantial completion, which includes all work other than punch-list corrections and final cleanup, within 90 days of the NTP. This means the project estimated substantial completion date is July 19, 2004.

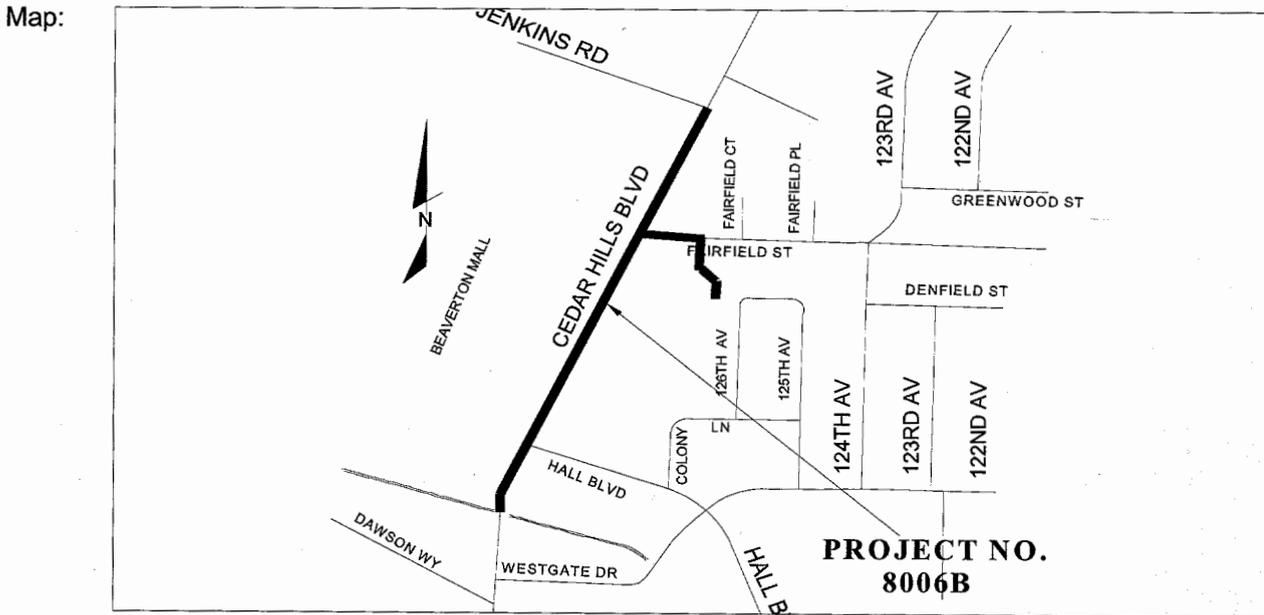
RECOMMENDED ACTION:

Council award the bid to Landis & Landis Construction in the amount of \$596,554.25 as the lowest responsive bid received for the Cedar Hills Boulevard Utility Improvement Phase 2 Project.

Project Data

Storm

Project Number: 8006B
Project Name: Cedar Hills Blvd, Phase 2
Project Description: Upgrade public utilities on Cedar Hills Blvd from Jenkins Rd to Beaverton Creek. Waterline upgrade is from Fairfield St to north of Beaverton Creek. This project is coordinated with the FY2003/04 overlay program, with CIP Project Nop. 8006B1 (the Cedar Hills Blvd/Fairfield St intersection improvement and the Beaverton Mall utility and sidewalk improvements).



Project Justification: Public utilities need to be upgraded or repaired prior to a pavement overlay scheduled for the Summer of 2004.

Project Status: Project advertised 3-8-04. Mandatory pre-bid held on 3-17-04. Bids opened 3-30-04. Landis & Landis construction is the apparent low bidder. Construction is scheduled to begin on or about 4-19-04. Substantial completion is required within 90 days.

Estimated Date of Completion: 07/19/2004
Estimated Project Cost: \$1,183,000
First Year Budgeted: FY02/03

Funding Data:

<u>Project No.</u>	<u>Fund No.</u>	<u>Fund Name</u>	<u>Amount</u>	<u>FY</u>
8006B	3620	Water Extra Capacity Supply	\$165,000	FY2003/04
	3701	Water Improvements	\$320,000	FY2003/04
	3850	Sewer Maint/Replacement	\$45,000	FY2003/04
	3917	Storm SDC Water Quality	\$39,600	FY2003/04
	3950	Storm Maint/Replacement	\$242,000	FY2003/04
<u>Total for FY:</u>			\$811,600	

BID SUMMARY
CITY OF BEAVERTON

TO: Mayor & City Council

FROM: Purchasing Division

SUBJECT: Bid Opening

Bids were opened on MARCH 30, 2004 at 2:00PM in the FINANCE CONFERENCE ROOM

For: "UTILITY IMPROVEMENTS ON CEDAR HILLS BLVD (PHASE 2) PROJECT" FY 2003-04

Witnessed by: JIM BRINK

VENDOR NAME AND CITY, STATE	BID AMOUNT
CIVIL WORK NW INC VANCOUVER WA	\$642,177.50
RCI CONSTRUCTION GROUP TIGARD OR	\$691,623.50
DUNN CONSTRUCTION GROUP PORTLAND OR	\$746,003.00
EMERY & SONS, INC STAYTON OR	\$630,132.00
CANBY EXCAVATING INC CANBY OR	\$698,365.90
LANDIS & LANDIS CONSTRUCTION PORTLAND OR	\$596,554.25
KERR CONTRACTORS TUALATIN OR	\$605,111.00

The Purchasing process has been confirmed.

Signed: *Jerry L Muralt*
Purchasing Division-Finance Dept.

The above amounts have been checked YES NO

Date: 3-30-04

EXHIBIT 2

Funding Plan - Cedar Hills Blvd Utility Improvements Phase 2			
Project No. 8006B			
Fund Number	FY2003-04 Budget	Engineer's Estimate	Share of Bid Amount*
501-75-3701-682 (Water System Improvements)	\$1,050,000	\$205,555	\$184,623
505-75-3620-682 (Water Extra Capacity Improvements)	\$1,115,000	\$205,555	\$184,624
513-75-3917-682 Storm Water Quality Improvements	\$97,000	\$61,213	\$40,000
513-75-3950-682 Storm Maintenance & Replacement	\$881,000	\$139,477	\$176,330
502-75-3850-682 Sanitary Maintenance & Replacement	\$1,522,600	\$10,884	\$10,977
Totals		\$622,684	\$596,554
* Includes Extra Work As Authorized			

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Adopting TA 2004-0001 to Amend Development Code Section 10.70 (Enforcement)

FOR AGENDA OF: 04-05-04 **BILL NO:** 04059

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 03-19-04

CLEARANCES: City Attorney [Signature]
Dev. Serv. [Signature]

PROCEEDING: First Reading

- EXHIBITS:**
1. Ordinance
 2. Land Use Order No. 1680
 3. Draft PC Minutes
 4. Staff Report dated 03-03-04

BUDGET IMPACT

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

The purpose of the newly created Code Section (10.70 Enforcement) in the Development Code is to create a means in which the City can regulate and enforce development agreements between various parties which enter into contracts with the City of Beaverton. This text amendment will give the City of Beaverton a tool to quickly enforce development agreements in situations where the other party does not fulfill their obligation of the contract.

On March 10, 2004, the Planning Commission held a public hearing to consider TA 2004-0001 to provide for the termination of a Development Agreement in the event that there is a violation of the Development Agreement. As a result, a new section to the Development Code was created for Section 10.70 (Enforcement).

Following the close of the public hearing on March 10, 2004, the Planning Commission voted 7-0 to recommend approval of the proposed text amendment to Section 10.70, as memorialized in Land Use Order No. 1680.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill are Land Use Order No. 1680, the recommended text, the draft Planning Commission meeting minutes, and the staff report.

RECOMMENDED ACTION:

Staff recommend the City Council approve the recommendation of the Planning Commission for TA 2004-0001 (Section 10.70 Enforcement Text Amendment) as set forth in Land Use Order No. 1680. Staff further recommend the Council conduct a First Reading of the attached ordinance and schedule a second reading and adoption of the draft ordinance at the next available City Council hearing.

ORDINANCE NO. 4294

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTER 10;
TA 2004-0001 (SECTION 10.70 Enforcement Text
Amendment)

WHEREAS, the Beaverton Community Development Department has proposed a text amendment application to amend Development Code Section 10.70 (Enforcement Text Amendment) to provide for the termination of a Development Agreement in the event that there is a violation of the Development Agreement,

WHEREAS, pursuant to Section 50.50.2-4 of the Development Code, the Beaverton Development Services Division conducted public noticing for a new section to the Development Code; and,

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on March 3, 2004, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on March 10, 2004; and,

WHEREAS, on March 10, 2004, the Planning Commission conducted a public hearing for TA 2004-0001 (Section 10.70 Enforcement Text Amendment) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1680; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2004-0001 (Section 10.70 Enforcement Text Amendment) following the issuance of the Planning Commission Land Use Order No. 1680; and,

WHEREAS, in accordance with City Council Rules of Procedure, the Council conducted a first reading of the Ordinance on April 5, 2004; and,

WHEREAS, specific to the proposed amendments to Section 10.70 (Enforcement Text Amendment) of the Development Code as summarized in Planning Commission Land Use Order No. 1680, the Council consents to and adopts as to facts and findings for this Ordinance the materials described in Land Use Order No. 1680 dated March 17, 2004, all of which the Council incorporates by their reference herein and finds constitute an adequate factual basis for this Ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4248, the Development Code, Chapter 10, Section 10.70, is amended to read as follows:

9. Violation of Development Agreement. If the City has entered a development agreement with any party concerning the development of land within the City and has mailed or delivered a written notice that the party is in breach or default of the development agreement, the City may deny any application for land use or building permits on such property because of the breach or default of the development agreement.

Section 2. Severance Clause.

The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this ___ day of _____, 2004.

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

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

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

BEFORE THE PLANNING COMMISSION
FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST	)	ORDER NO. 1680
)	
TO AMEND BEAVERTON	)	TA 2004-0001
)	
DEVELOPMENT CODE (SECTION 10.70	)	RECOMMENDING
)	
ENFORCEMENT TEXT AMENDMENT).	)	TO CITY COUNCIL
)	
CITY OF BEAVERTON, APPLICANT.	)	APPROVAL OF
)	
	)	TEXT AMENDMENTS

The matter of TA 2004-0001 (Beaverton Development Code Section 10.70) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4424, Section 40.85 (Text Amendment) and Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearing on March 10, 2004, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code.

TA 2004-0001 proposes to add a new subsection to Development Code Section 10.70. The new subsection will provide for the termination of a Development Agreement in the event that there is a violation of the Development Agreement.

The Planning Commission adopts by reference the March 3, 2004 staff report as to criteria contained in Section 40.85.15.1.C.1-7 applicable to this request and findings thereon; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** of TA 2004-0001 (Section 10.70 Enforcement Test Amendment) to the Beaverton City Council. The Planning Commission finds that evidence has been provided demonstrating that all of the approval criteria specified in Section 40.85.15.1.C.1-7 are satisfied.

CARRIED by the following vote:

AYES: Voytilla, Johansen, Maks, Pogue, Bliss and Barnard.
NAYS: None
ABSTAIN: None.
ABSENT: Winter.

Dated this 18th day of March, 2004.

Appeals of a Type 4 decision are to be conducted in conformance to Section 50.75 of the Beaverton Development Code. To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1680 an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on Monday, March 29, 2004.

(2)

PLANNING COMMISSION
FOR BEAVERTON, OREGON:

ATTEST:

APPROVED:



JEFF CAINES
Assistant Planner



BOB BARNARD
Chairman



STEVEN SPARKS, AICP
Development Services Manager

DRAFT

PLANNING COMMISSION MINUTES

March 10, 2004

CALL TO ORDER:

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

ROLL CALL:

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

Senior Planner Colin Cooper, Assistant Planner Jeff Caines, and Recording Secretary Sheila Martin represented staff.

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

VISITORS:

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

STAFF COMMUNICATION:

Assistant Planner Jeff Caines indicated that there were no staff communications at this time.

NEW BUSINESS:

PUBLIC HEARING:

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

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

3

4 **I. TA 2004-0001 - DEVELOPMENT CODE SECTION 10.70**
5 **AMENDMENT**

6 The proposed text amendment will update Development Code Section
7 10.70 to provide for the termination of a Development Agreement in
8 the event that there is a violation of the Development Agreement.

9

10 Assistant Planner Jeff Caines presented the Staff Report and briefly
11 explained the purpose of the proposed amendment. Concluding he
12 recommended approval of the amendment and offered to respond to
13 questions.

14

15 **PUBLIC TESTIMONY:**

16

17 No member of the public testified with regard to this amendment.

18

19 The public portion of the Public Hearing was closed.

20

21 Commissioner Bliss referred to the middle paragraph on page 2 of the
22 Staff Report, which addressed the Enforcement amendment,
23 specifically the sentence: "...the City may deny any application..." He
24 requested clarification on the term "any."

25

26 Mr. Caines responded that the term "any" most likely suggests "any
27 pending application", noting that the amendment states, "any
28 application." He explained that this would specifically mean any
29 application that comes through.

30

31 Mr. Cooper noted that the intent is "any" and that this would not
32 necessarily be unusual under the normal enforcement practices of the
33 Development Code. He indicated that in Section 10.70, the city does
34 have the ability to withdraw an approval if there was a violation of the
35 Development Code itself.

36

37 Commissioner Voytilla questioned if the proposed amendment would
38 conflict with any other project the applicant may have developing in
39 the city.

40

41 Mr. Caines responded that the proposed amendment will not affect any
42 other applications.

43

1 Commissioner Voytilla pointed out that "any application" could be
2 construed as anything the applicant is working on in the city.

3
4 Commissioner Bliss interjected and noted that it states, "...on such
5 property..."

6
7 Commissioner Voytilla questioned the affect the amendment might
8 have on multiple phase projects.

9
10 Mr. Caines responded that the proposed amendment is a development
11 agreement with any party concerning the development of land. He
12 added that if there's a PUD with multiple phases, and should a
13 problem occur on a different parcel in another section of the city, it
14 would only affect that one piece of land.

15
16 Mr. Cooper further clarified that the intent is the development
17 agreement and it should not be confused with an approval of a land use
18 permit. He added that this isn't the case of a city private party
19 development agreement which is fairly specific.

20
21 Commissioner Voytilla questioned the type of recourse an applicant
22 would take if the city does not fulfill its end of the obligation.

23
24 Mr. Caines responded that the applicant most likely would contact the
25 city and point out their lack of fulfillment to the obligation, adding that
26 the applicant may take some sort of legal recourse against the city.

27
28 Commissioner Voytilla explained that this is the reason why the city's
29 proposing this amendment, to avoid the length of time the legal
30 recourse would be provided.

31
32 Mr. Caines responded that this proposed amendment is a way of
33 covering the basis from code standpoint.

34
35 Commissioner Johansen questioned whether the proposed amendment
36 change applies to existing or future development agreements.

37
38 Mr. Caines explained that the proposed amendment will be for future
39 development agreements, adding that he does not believe this to be
40 retro active.

41
42 Mr. Cooper added that this question has been put forth to the City
43 Attorney's office and there has been no response thus far. He noted

1 that there have been some speculations that this would apply to
2 existing development agreements only.

3
4 Commissioner Voytilla stated that he supports this application, adding
5 that this gives the city ability to remedy any problems they may have
6 with whoever enters into such an agreement.

7
8 Commissioner Pogue, Maks, Bliss and Chairman Barnard stated that
9 they are in support of the application.

10
11 Commissioner Johansen stated that he's in support of the application,
12 expressing that this is an effective tool to enforce the provisions of the
13 development agreement.

14
15 Commissioner Winter concurs with Commissioner Johansen's
16 statement, and supports the application.

17
18 Commissioner Pogue **MOVED** and Commissioner Winter
19 **SECONDED** TA2004-0001 (Section 10.70 Enforcement Text
20 Amendment) based upon the testimony, reports and exhibits and new
21 evidence presented during the Public Hearings on the matter, and
22 upon the background facts, findings and conclusions found in the Staff
23 Report dated March 3, 2004.

24
25 Motion **CARRIED** by the following vote:

26
27 **AYES:** Pogue, Winter, Bliss, Johansen, Maks, Voytilla,
28 and Barnard.

29 **NAYS:** None.

30 **ABSTAIN:** None.

31 **ABSENT:** None.

32
33 **APPROVAL OF MINUTES**

34
35 Minutes of the meeting of January 7, 2004, submitted. Being the only
36 Commissioner in attendance at this meeting, Chairman Barnard
37 **ACCEPTED** the minutes as written.

38
39 Minutes of the meeting of February 18, 2004, submitted. Being the
40 only Commissioner in attendance at this meeting, Chairman Barnard
41 **ACCEPTED** the minutes as written.

MISCELLANEOUS BUSINESS:

Commissioner Voytilla announced that he will be taking a position in the Houston area and thus, no longer serve as a Planning Commissioner.

Commissioner Johansen reminded his fellow Commissioners to complete their statement of economic interest.

The meeting adjourned at 7: 17 p.m.

CALENDAR

16	<i>March</i>	<i>17</i>	<i>7:00 PM</i>	<i>Continuances</i>	<i>LD2003-0033</i>	
17					<i>SDM2003-0010</i>	
18					<i>TP2003-0026</i>	
19					<i>FS2003-0013</i>	<i>Blackstone Subdivision continued</i>
20						<i>from 02/25/04</i>
22				<i>Pubic Hearing</i>	<i>CPA 2003-0008</i>	
23					<i>TA 2003-0015</i>	<i>Transportation Facilities</i>
25		<i>24</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>CPA2004-0001</i>	
26					<i>ZMA2004-0001</i>	<i>Murray/Walker CPA/ZMA</i>
28					<i>TA2004-0002</i>	<i>Commuter Rail Use Amendments</i>
31	<i>April</i>	<i>7</i>	<i>7:00 PM</i>	<i>Continuances</i>	<i>TA 2003-0005</i>	<i>Design Review Updated continued</i>
32						<i>from 1/28/04</i>
34		<i>14</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>LD2004-0006</i>	
35					<i>FS2004-0001</i>	
36					<i>TP2004-0003</i>	<i>Cabot Street Subdivision</i>
38		<i>21</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>CU2004-0004</i>	
39					<i>CU2004-0005</i>	
40					<i>DR2003-0185</i>	
41					<i>LD2004-0010</i>	<i>Baseline Station</i>
43		<i>28</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>CU2003-0024</i>	
44					<i>TP2003-0033</i>	
45					<i>LD2004-0012</i>	<i>Fox Wood PUD</i>



CITY of BEAVERTON

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

CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

TO: Planning Commission

STAFF REPORT DATE: Wednesday, March 3, 2004

STAFF: Jeff Caines, Assistant Planner *ASC* *CC*

SUBJECT: TA 2004-0001 (Section 10.70 Enforcement Text Amendment)

REQUEST: The proposed text amendment will add a new subsection to Development Code Section 10.70. This new subsection will provide for the termination of a Development Agreement in the event that there is a violation of the Development Agreement.

APPLICANT: City of Beaverton - Development Services Division

AUTHORIZATION: Ordinance 2050 (Development Code), effective through Ordinance 4265)

APPLICABLE CRITERIA: Ordinance 2050, effective through Ordinance 4265, Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING DATE: Wednesday, March 10, 2004

RECOMMENDATION: Staff recommends APPROVAL of text amendment application TA 2004-0001 (Section 10.70 Enforcement Text Amendment).

9

I. Proposed Legislative Text Amendment

The purpose of the newly created Code Section (10.70 Enforcement) in the Development Code is to create a means in which the City can regulate and enforce development agreements between various parties which enter into contracts with the City of Beaverton. Currently, once a party has entered into such an agreement with the City of Beaverton it was reliant upon each party to fulfill their obligation of the contract. Currently, to enforce a development agreement would require filing a circuit court action, which could take many months to prosecute. This text amendment will give the City of Beaverton a tool to quickly enforce development agreements in situations where the other party does not fulfill their obligation of the contract.

10.70. Enforcement

9. Violation of Development Agreement. If the City has entered a development agreement with any party concerning the development of land within the City and has mailed or delivered a written notice that the party is in breach or default of the development agreement, the City may deny any application for land use or building permits on such property because of the breach or default of the development agreement.

II. Facts and Findings

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2004-0001 (Section 10.70 Enforcement Text Amendment):

1. The proposal satisfies the threshold requirements for a Text Amendment application.

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed change to the Development Code, excluding changes to the zoning map. TA 2004-0001 (Section 10.70 Enforcement Text Amendment) proposes to amend Section 10.70 of the Beaverton Development Code currently effective through Ordinance 4265 (October 2003). Therefore, staff find that approval criterion one has been met.

(10)

2. All City application fees related to the application under consideration by the decision-making authority have been submitted.

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Development Services Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Metro's Urban Growth Management Functional Plan is comprised of the following titles:

- Title 1: Requirements for Housing and Employment Accommodations
- Title 2: Regional Parking Policy
- Title 3: Water Quality and Flood Management Conservation
- Title 4: Retail in Employment and Industrial Areas
- Title 5: Neighbor Cities and Rural Reserves
- Title 6: Regional Accessibility
- Title 7: Affordable Housing
- Title 8: Compliance Procedures and
- Title 9: Performance Measures

The purpose of TA 2004-0001 is to provide for the termination of a Development Agreement in the event that there is a violation of the Development Agreement. The proposed amendment has no applicability to the Metro titles. Therefore, staff find that approval criterion three is not applicable.

4. The proposed text amendment is consistent with the City's Comprehensive Plan.

There are no specific Comprehensive Plan policies that address the proposed amendments to Section 10.70 (Enforcement). The proposed text amendment will not change the intent of the existing Development Code regulations, such that goals and policies of the Comprehensive Plan will be impacted. The following policies are addressed generally:

Chapter 2 – Public Involvement Element

Staff suggests that Chapter 2 of the Comprehensive Plan (Public Involvement Element) is relevant to the proposed amendments. Although Chapter 2 of the

Comprehensive Plan does not contain discrete policies to which the proposed amendments are applicable, staff suggests that the intent of Chapter 2 is met by the proposed text amendments, the required public noticing for the proposed amendments, and the requirement for a public hearing process before the Planning Commission as the initial decision-making authority followed by subsequent City Council consideration of the Planning Commission's recommendation. Staff find that the proposed text amendments is consistent with the provisions of the Beaverton Comprehensive Plan. Therefore, staff find that approval criterion four has been met.

5. The proposed text amendment is consistent with other provisions within the City's Development Code.

The proposed amendment does not create an impact or conflict with other provisions within the Development Code. Staff find that proposed amendment is consistent with the other provisions of the Development Code. Staff find, therefore, approval criterion five has been met.

6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.

The current Development Code and Ordinance No. 4187, which adopted the current Comprehensive Plan, are applicable to the proposed text amendment and are addressed in the findings of fact for approval criterion four and five. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendment. Therefore, staff find that approval criterion six has been met.

7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion seven has been met.

III. Conformance with Statewide Planning Goals

Because the proposal is for a text amendment to the Development Code, a demonstration of compliance with the Statewide Planning Goals is not required. ORS 197.225 requires that Statewide Planning Goals only be addressed for Comprehensive Plan Amendments. Nevertheless, the Statewide Planning Goals are useful to support the City's position on the proposed amendments. The proposed text amendment's conformance to relevant Statewide Planning Goals is briefly discussed below:

GOAL ONE - CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City is in compliance with this Statewide Planning Goal through the establishment of a Committee for Citizen Involvement (CCI). The City has gone even further by establishing Neighborhood Association Committees (NACs) for the purpose of providing widespread citizen involvement, and distribution of information. The proposed text amendment to the Development Code will not change the City of Beaverton's commitment to providing opportunity for citizen involvement, or place the City out of compliance with Statewide Planning Goal One.

GOAL TWO - LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton has adopted a Comprehensive Plan that includes text and maps (Ordinance 1800, and most recently amended by Ordinance 4187) along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4265). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text amendment proposal. The proposed Development Code amendment has been processed in accordance with Section 40.85 (Text Amendment) and Section 50.50 (Type 4 Application) of the Development Code. Section 40.85 contains specific approval criteria for the decision-making authority to apply during its consideration of the text amendment application. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. The City of Beaverton's Comprehensive Plan is consistent with Statewide Planning Goal 2.

IV. Conclusion and Staff Recommendation

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7. Therefore, staff recommend the Planning Commission **APPROVE** TA 2004-0001 (Section 10.70 Enforcement Text Amendment) at the March 10, 2004 regular Commission hearing.

V. Exhibits

Exhibit 1.1 Proposed Text Amendment

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1 (Volume I), the Comprehensive Plan Land Use Map, the Significant Natural Resources Map (Volume III), and Ordinance No. 2050, the Zoning Map for Property Located at 12345 NW Barnes Road (Teufel Property); CPA 2003-0017/ZMA 2003-0019.

04/05/04
FOR AGENDA OF: ~~03/15/04~~ **BILL NO:** 04044

Mayor's Approval: *Linda G. Holland*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 03/02/04

CLEARANCES: City Attorney's *AM*
Planning Services *HB*

PROCEEDING: Second Reading
~~First Reading~~

- EXHIBITS:** Ordinance
Exhibit A – CPA/ZMA Map
Exhibit A1-Significant Natural Resources Map
Planning Commission Order No. 1672
Draft PC Minutes of 02/25/04 Hearing
Staff Report Dated 02/06/04
Staff Memorandum Dated 02/25/04

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The attached Ordinance relates to property recently annexed to the City located at 12345 NW Barnes Road, identified as lots 00100 and 02800 on tax map 1N134C0, and commonly referred to as the Teufel Nursery. On February 25, 2004, the Planning Commission held a public hearing on two amendments to the Comprehensive Plan: 1) to amend the Land Use Map in Volume I to show Town Center; and 2) to amend the Significant Natural Resources Map in Volume III to apply Significant Natural Resources Overlay Zones, and Significant Riparian and Wetland designations to portions of the property. In addition, the Planning Commission considered a request to amend the Zoning Map to show Town Center – High Density Residential (TC-HDR) on approximately 65 acres of the property and Town Center Multiple Use (TC-MU) on the remaining 22 acres. The Planning Commission voted to approve the requests as submitted. These decisions have not been appealed.

INFORMATION FOR CONSIDERATION:

These Comprehensive Plan Land Use Map, Significant Natural Resources Map and Zoning Map Amendments are to assign designations for a parcel recently annexed into the City and are governed by the Washington County – Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was not specific as to the appropriate Land Use Map designation and discretion was necessary to assign our most similar designations to the County's designations. This ordinance makes the appropriate changes to Ordinance No. 4187 the Comprehensive Plan, Figure III-1, the Land Use Map; the Significant Natural Resources Map in Volume III; and also amends Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

Second Reading and Passage.
~~First Reading.~~

ORDINANCE NO. 4292

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, (VOLUME I), THE COMPREHENSIVE PLAN LAND USE MAP, THE SIGNIFICANT NATURAL RESOURCES MAP (VOLUME III), AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED AT 12345 NW BARNES ROAD (TEUFEL PROPERTY); CPA 2003-0017/ZMA 2003-0019.

WHEREAS, The intent of the proposed amendments to the Comprehensive Plan Land Use Map, Significant Natural Resources Map and Zoning Map is to assign appropriate City land use designations to two parcels annexed into the City through a different process; and

WHEREAS, On February 25, 2004 the Planning Commission held a public hearing to consider amendments to the Comprehensive Plan Land Use Map, Significant Natural Resources Map and Zoning Map and voted to recommend approval of amending the Comprehensive Plan Land Use Map to show the Town Center (TC) designation on all of the property; to amend the Significant Natural Resources Map to designate portions of the property as Natural Resources, Wetland and Riparian areas; and to amend the Zoning Map to show Town Center-High Density Residential (TC-HDR) on approximately 65 acres of the property and Town Center-Multiple Use on the remaining 22 acres in place of the comparable County designations; and

WHEREAS, The Council incorporates by reference the Community Development Department staff report on CPA 2003-0017/ZMA 2003-0019 by Senior Planner Alan Whitworth, dated February 6, 2004 and the staff memorandum dated February 25, 2004 by Senior Planner Colin Cooper, Senior Planner Barbara Fryer and City Transportation Engineer Randy Wooley and finds these materials constitute an adequate factual basis for this decision; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, Volume I, the Comprehensive Plan Land Use Map, is amended to designate the subject property located at 12345 NW Barnes Road [Tax Map 1N134C0, Tax Lots 100 and 2800] Town Center (TC) on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

Section 2. Ordinance No. 4187, Volume III, the Comprehensive Plan Significant Natural Resources Map is amended to show portions of the same property specified in Section 1 as Significant Natural Resources Overlay and Significant Wetland and Riparian Areas on portions of the property as indicated on Exhibit "A1", in accordance with the UPAA.

Section 3. Ordinance No. 2050, the Zoning Map, is amended to zone approximately 65 acres of the same property specified in Section 1 as Town Center – High density

Residential (TC-HDR) and the remaining 22 acres Town Center – Multiple Use (TC-MU), as shown on Exhibit "A", in accordance with the UPAA.

First reading this 15th day of March, 2004.

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

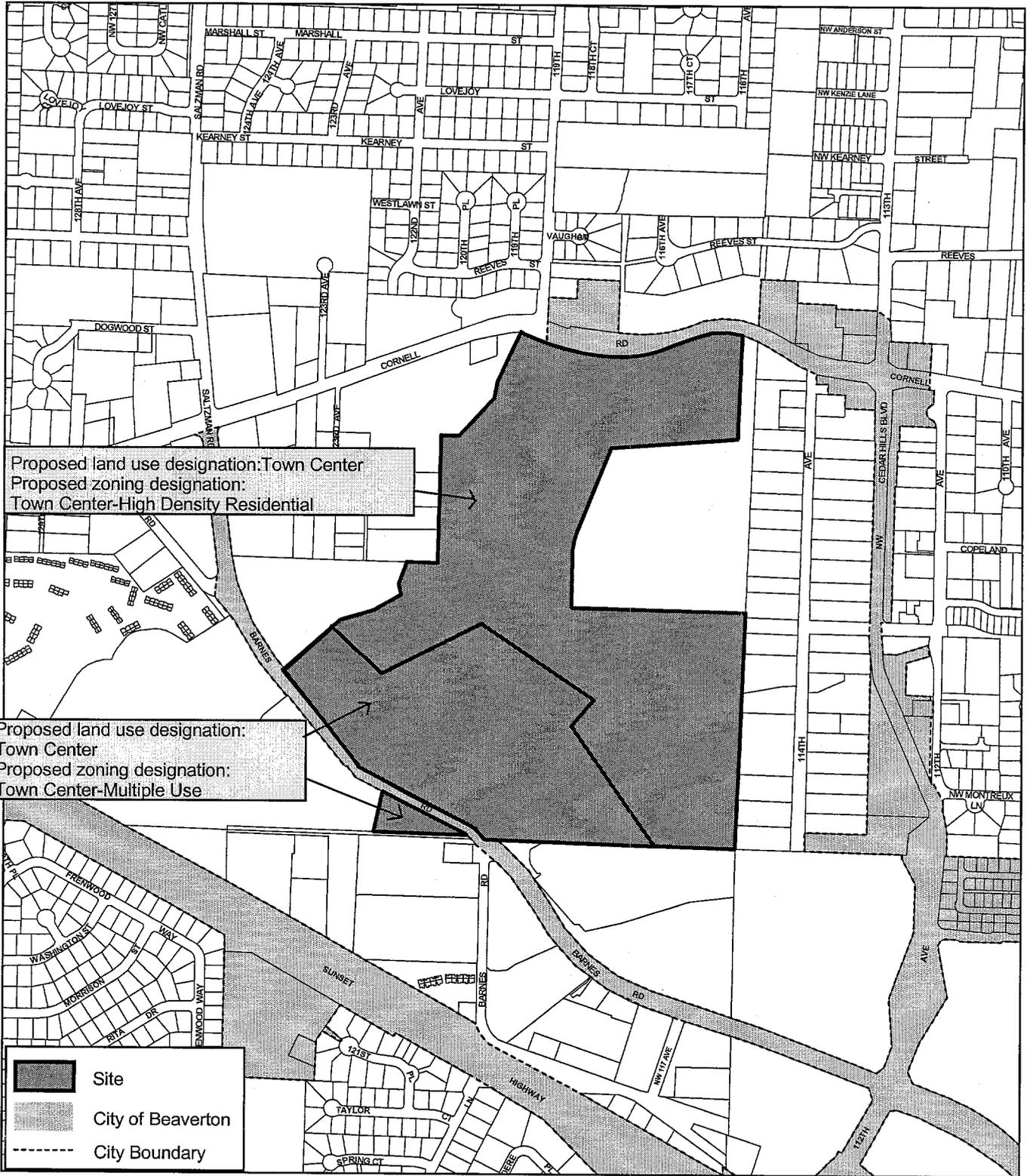
Approved by the Mayor this _____ day of _____, 2004.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor



City of Beaverton

TEUFEL COMPREHENSIVE PLAN LAND USE
 MAP AMENDMENT & ZONING MAP AMENDMENT

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/29/03

Map #
 1n134c000100
 1n134c002800

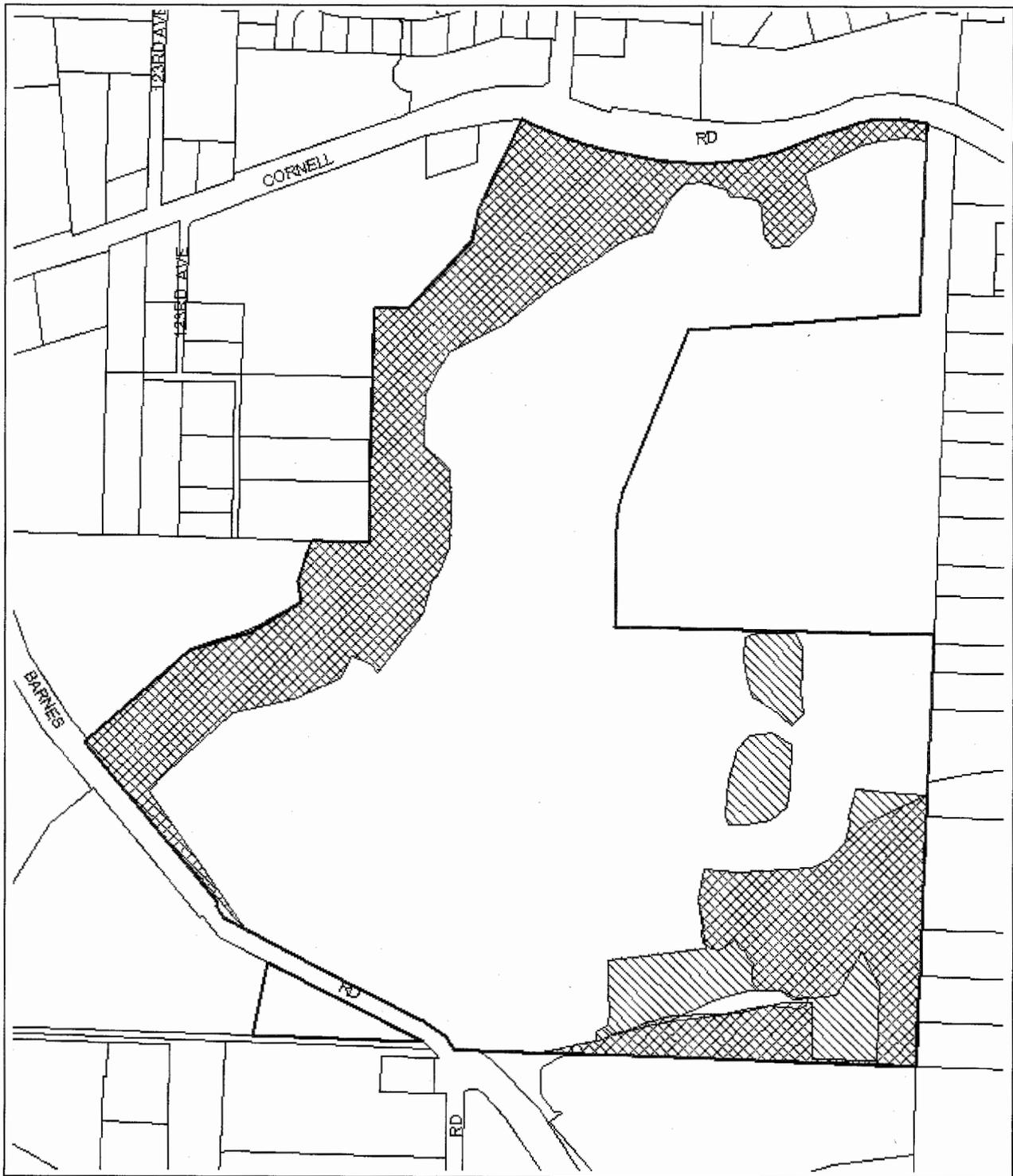


Application #
 CPA 2003-0017/
 ZMA 2003-0019

Proposed SNRA CPA

ORDINANCE NO. 4292

Exhibit A1



City of Beaverton



Significant Natural Resources Overlay
Significant Wetland and Riparian Area
Subject Property



02/07/04

BEFORE THE PLANNING COMMISSION
FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST TO)	
	)	ORDER NO. 1672
AMEND CITY COMPREHENSIVE PLAN)	
	)	CPA 2003-0017
MAPS AND THE ZONING MAP APPLICABLE)	
	)	ZMA 2003-0019
TO PROPERTY LOCATED AT 12345)	
	)	ORDER APPROVING
NW BARNES ROAD (TEUFEL MULTIPLE)	
	)	REQUEST
CPA AND ZONING MAP AMENDMENTS),)	
)	
ALAN WHITWORTH, CITY OF BEAVERTON,)	
)	
APPLICANT)	

The matter came before the Planning Commission on February 25, 2004, on a proposal to amend two maps in the Comprehensive Plan: the Land Use Map (Figure III-1 of Volume I) to designate property annexed into the City by a separate process, as Town Center (TC); and the Significant Natural Resources Map (Volume III) to apply the Significant Natural Resources Overlay Zone and significant riparian and wetlands designations to parts of the property. Secondly, to amend the Zoning Map to show Town Center-High Density Residential (TC-HDR) on approximately 65 acres of the property and Town Center-Multiple Use (TC-MU) on the remaining 22 acres of the property in place of the current Washington County designations of Transit Oriented Residential: 24-40 units to the acre (TO: R24-40) and Transit Oriented: Retail Commercial (TO:RC). These are Beaverton's most similar land use and zoning designations to those that

Washington County has placed on these properties. The address of the parcels is 12345 NW Barnes Road on property commonly known as a portion of the Teufel Nursery and more specifically identified as Tax Lots 00100 and 02800 on Washington County Tax Assessor's Map 1N1-34CO.

Pursuant to Ordinance 4187 (Comprehensive Plan), Sections 1.3.6.1 and 1.3.6.2 and Ordinance 2050 (Development Code), Sections 50.55 and 50.58, the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Planning Commission adopts the Staff Report dated February 6, 2004 and Staff Memorandum dated February 25, 2004, as to applicable criteria contained in Section 1.3.1 of the Comprehensive Plan and Section 40.97.15.4.C and Section 40.97.15.1 of the Development Code and findings thereon; now, therefore:

IT IS HEREBY ORDERED that CPA 2003-0017 is **APPROVED** based on the facts and findings of the Planning Commission on February 25, 2004.

IT IS HEREBY ORDERED that ZMA 2003-0019 is **APPROVED** based on the facts and findings of the Planning Commission on February 25, 2004.

Motion **CARRIED** by the following vote:

AYES:	Voytilla, Pogue, Bliss, Johansen, Winter and Barnard.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Maks.

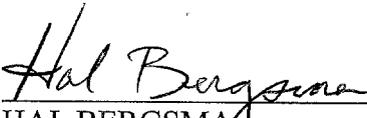
Dated this 1ST day of March, 2004.

To appeal the decision of the Planning Commission, as articulated in Order No. 1672, an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on March 11, 2004.

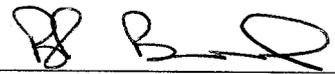
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

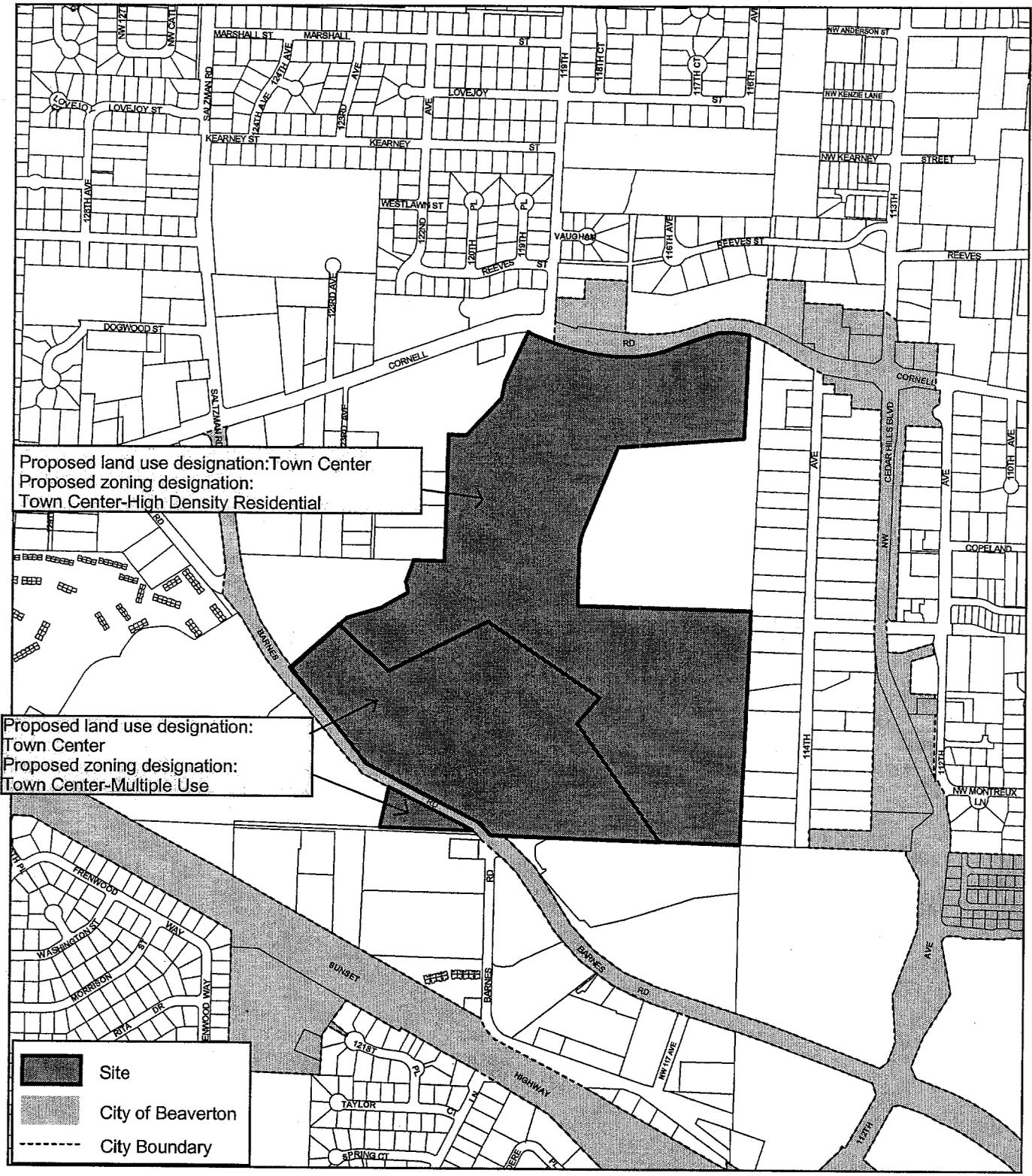

ALAN WHITWORTH
Senior Planner


HAL BERGSMA
Planning Services Manager

APPROVED:


BOB BARNARD
Chairman

CPA/ZMA MAP



City of Beaverton

TEUFEL COMPREHENSIVE PLAN LAND USE MAP AMENDMENT & ZONING MAP AMENDMENT

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/29/03

Map #

1n134c000100

1n134c002800

N



Application #
 CPA 2003-0017/
 ZMA 2003-0019

PLANNING COMMISSION MINUTES

February 25, 2004

CALL TO ORDER:

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

ROLL CALL:

Present were Chairman Bob Barnard, Planning Commissioners Gary Bliss, Eric Johansen, Shannon Pogue, Vlad Voytilla, and Scott Winter. Planning Commissioner Maks was excused.

Development Services Manger Steven Sparks, Planning Services Manager Hal Bergsma, Senior Planner Colin Cooper, Senior Planner Alan Whitworth, Assistant City Attorney Ted Naemura, and Recording Secretary Sheila Martin represented staff.

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

VISITORS:

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

STAFF COMMUNICATION:

Senior Planner Colin Cooper stated that staff has no communications at this time.

OLD BUSINESS:

Chairman Barnard opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of

1 any Commissioner to hear any of the agenda items, to participate in
 2 the hearing or requested that the hearing be postponed to a later date.
 3 He asked if there were any ex parte contact, conflict of interest or
 4 disqualifications in any of the hearings on the agenda. There was no
 5 response.

6
 7 **CONTINUANCES:**

8
 9 **A. BLACKSTONE SUBDIVISION**

- 10 1. **LD 2003-0033 – Land Division**
 11 2. **SDM 2003-0010 – Street Design Modification**
 12 3. **TP 2003-0026 – Tree Plan**
 13 4. **FS 2003-0013 – Flexible Setback**

14 The applicant requests Land Division, Flexible Setback, Street Design
 15 Modification and Tree Plan 2 approvals for the proposed 23-lot
 16 subdivision. The Land Division application proposes to create 23
 17 single-family lots with public roadways connecting to SW Cynthia
 18 Court and SW 155th Avenue, a water quality facility, and other public
 19 improvements. The Flexible Setback application requests a 15-foot
 20 front and 20-foot rear yard setback for multiple lots within the
 21 subdivision. The Street Design Modification application requests
 22 reductions to the radius of the proposed cul-de-sac and the minimum
 23 standards for a local street. The Tree Plan application requests the
 24 removal of more than four Community Trees within the Subdivision.
 25 Community Trees are trees with diameters greater than 10-inches at
 26 breast height.

27
 28 Commissioner Johansen **MOVED** and Commissioner Voytilla
 29 **SECONDED** a motion to grant the applicant's request to **CONTINUE**
 30 LD 2003-0033 – Blackstone Subdivision Land Division, SDM 2003-
 31 0010 – Blackstone Subdivision Street Design Modification, TP 2003-
 32 0026 – Blackstone Subdivision Tree Plan, and FS 2003-0013 – Black-
 33 stone Subdivision Flexible Setback to a date certain of March 17, 2004.

34
 35 Motion **CARRIED**, unanimously.

36
 37 **NEW BUSINESS:**

38
 39 **PUBLIC HEARINGS:**

40
 41 **A. TEUFEL PROPERTY**

- 42 1. **CPA 2003-0017 – Comprehensive Plan Map Amendments**
 43 2. **ZMA 2003-0019 – Zoning Map Amendment**
 44 3. **Teufel Property Review Procedures Ordinance**

1 The first proposal is to amend two maps in the Comprehensive Plan:
2 the Land Use Map (Figure III-1 of Volume I) to designate property
3 annexed into the City by a separate process, as Town Center (TC); and
4 the Significant Natural Resources Map (Volume III) to apply the
5 Significant Natural Resources Overlay Zone and significant riparian
6 and wetlands designations to parts of the property. Secondly, to
7 amend the Zoning Map to show Town Center-High Density Residential
8 (TC-HDR) on approximately 64 acres of the property and Town Center-
9 Multiple Use (TC-MU) on the remaining 22 acres of the property in
10 place of the current Washington County designations of Transit
11 Oriented Residential: 24-40 units to the acre (TO: R24-40) and Transit
12 Oriented: Retail Commercial (TO: RC). These are Beaverton's most
13 similar land use and zoning designations to those that Washington
14 County has placed on these properties. The third action is the
15 adoption of a special ordinance that will guide notice and review
16 procedures for the Teufel property. The address of the parcels is 12345
17 NW Barnes Road, it is identified on tax map 1N134C0 as lots 00100
18 and 02800, and is commonly known as a portion of the Teufel Nursery.

19
20 Commissioner Voytilla disclosed that while he is a member of staff of
21 the Beaverton School District and that the district has an interest in
22 this property, this proposal involves a legislative action and would not
23 affect his ability to participate in a fair and impartial decision.

24
25 Chairman Barnard provided a brief description of the hearing process.

26
27 Planning Services Manager Hal Bergsma introduced himself and
28 Development Services Manager Steven Sparks and explained that the
29 proposed Comprehensive Plan Amendment and Zoning Map
30 Amendment had been necessitated by the recent annexation of the
31 subject property, adding that this annexation had become effective
32 February 13, 2004. Referring to the Washington County/Beaverton
33 Urban Planning Area Agreement which requires adoption of plan
34 designations and zoning as similar as possible to previous Washington
35 County zoning within six months of annexation, he explained that the
36 proposed Comprehensive Plan designation and Zoning Map
37 designation are in compliance with this requirement. Observing that
38 it is also necessary to consider adoption of special provisions related to
39 the subject property that have been adopted by Washington County, he
40 pointed out that while such special provisions generally do not exist, in
41 this particular situation, there are numerous special provisions.

42
43 Mr. Bergsma explained that Washington County had gone through an
44 extensive public process in the late 1990's in an effort to prepare for

1 the future development of this specific property as part of the Cedar
2 Mill Town Center Planning Process, noting that this process had ended
3 in the year 2000 with the adoption of an Ordinance containing several
4 provisions relating specifically to this property. Concluding, he noted
5 that staff has provided within the Staff Report documentation of
6 findings from Washington County's planning process, as well as a copy
7 of the applicable provisions of the Ordinance relating to this property,
8 adding that Mr. Sparks would provide an overview of these provisions,
9 including information with regard to how staff proposes to incorporate
10 these provisions within the City of Beaverton's development
11 regulations.

12
13 Development Services Manager Steven Sparks pointed out that the
14 special provisions relate largely to procedural issues, such as noticing
15 requirements and requirements for open houses. He explained that
16 staff is proposing to create a special ordinance that contains all of the
17 special provisions identified by Washington County in their
18 Community Plan. Pointing out that this special ordinance would work
19 in concert with the Development Code, he emphasized that it would
20 supersede the Development Code in certain situations.

21
22 Mr. Sparks entered into the record correspondence that been
23 submitted pertaining to this proposal, as follows:

- 24
25 1. From Miguel Estrada, dated February 18, 2004;
26 2. From *Fishman Environmental Services, LLC*, dated February
27 23, 2004;
28 3. From Kathy Lehtola, Director of Washington County Land Use
29 and Transportation, dated February 24, 2004; and
30 4. From Charles B. Thompson, dated February 25, 2004.

31
32 Mr. Sparks referenced a supplemental Staff Memorandum, dated
33 February 25, 2004, observing that this document responds to issues
34 described in the correspondence received from *Fishman Environmental*
35 *Services* and Washington County Land Use and Transportation.

36
37 Referring to the correspondence from Miguel Estrada, Mr. Bergsma
38 pointed out that this document basically raises questions with regard
39 to the accuracy of the current process for applying proposed zoning and
40 other provisions within the ordinance, as prepared by staff. He
41 explained that Mr. Estrada has indicated that there should be more
42 findings within the Staff Report addressing a variety of issues,
43 including public process, emphasizing that these findings are
44 contained within Washington County's findings with regard to the

1 extensive process that they had gone through for this property and
2 that these findings have become part of the record for this proceeding
3 as well. He noted that while Mr. Estrada had likely not been a
4 resident at the time that Washington County had gone through that
5 process, the residents of the area had been provided with a number of
6 public involvement opportunities.

7
8 Referring to the correspondence from Mr. Thompson, Mr. Bergsma
9 pointed out that because this individual appears to have a great deal of
10 background with regard to planning in that area, this serves to
11 indicate that there had been extensive interaction with the community
12 as part of that planning process.

13
14 Mr. Bergsma referred to the correspondence from *Fishman*
15 *Environmental Services*, observing that this had actually been
16 submitted to the potential developer of the site, Fred Gast, who
17 represents *Polygon NW*. He explained that Mr. Gast had requested
18 that this document be included in the record because he is concerned
19 with regard to one of the map amendments, and specifically that one of
20 the properties that includes some ponds would be shown under the
21 Significant Natural Resource Area designation. Noting that the
22 proposed map had been based upon the Goal 5 designations developed
23 by Washington County for this property in the early 1980's, as well as
24 more recent Goal 5 inventory work that had been prepared by Metro
25 for the entire region and adopted by resolution in 2003.

26
27 Referring to the correspondence from Charles Thompson, Mr. Sparks
28 explained that the main issue involves the extension of NW Leahy
29 Road, which is an east/west road that would connect with NW 114th
30 Avenue. Emphasizing that staff has considered and appreciates the
31 validity of Mr. Thompson's comments, he noted that it is not
32 appropriate to discuss the existence of this road at this particular time
33 and clarified that because the Community Plan did not identify this
34 road, this issue is best addressed at the development review stage.

35
36 Mr. Sparks referred to the correspondence submitted by Kathy Lehtola
37 of Washington County Land Use and Transportation, observing that
38 this letter identifies six specific issues with regard to amendments or
39 augmentation to the special ordinance. He explained that staff's
40 Memorandum dated February 25, 2004 does not recommend changing
41 the ordinance as it has been prepared, adding that staff has
42 determined that the ordinance presented this evening sufficiently
43 addresses Washington County's Community Plan and the provisions
44 within that plan. Noting that some of the issues referenced by Ms

1 Lehtola are beyond what was originally included in the Community
2 Plan, he suggested that there is a reason these issues had not been
3 included and expressed his opinion that it is not fair to attempt to
4 impose these provisions at this time. Concluding, he offered to respond
5 to questions.

6
7 Assistant City Attorney Ted Naemura commented that the City
8 Attorney's office intends to review the whereas clauses, noting that
9 they would like to insert [REDACTED] between the whereas clauses in
10 order to more fully clarify the land use nature of this ordinance as it
11 relates to the Comprehensive Plan.

12
13 Mr. Sparks emphasized that this action is intended to demonstrate
14 consistency with the Washington County Community Plan, rather
15 than to review development and development potential.

16
17 Commissioner Johansen discussed correspondence from Washington
18 County Land Use and Transportation, specifically Issue 1, which
19 questions wither the North-South Road on the property should be
20 designated a Collector or an Arterial. He questioned whether the
21 development review process would provide an opportunity to review
22 the classification and specific design elements of this street.

23
24 Mr. Sparks responded that the City's Traffic Engineer has reviewed
25 this issue and prepared a response, observing that the Collector
26 designation proposed by the City has sufficient flexibility that it would
27 be possible to address concerns identified by Washington County. He
28 pointed out that additional concerns could be conditioned with any
29 specific development that is proposed.

30
31 Commissioner Johansen noted that he would be satisfied with a future
32 ability to consider the specifics of the road design and the functional
33 classification.

34
35 Observing that the document from Washington County Land Use and
36 Transportation had been dated the previous day, Commissioner
37 Voytilla expressed concern with receiving this correspondence so late
38 in the process, adding that while this has occurred in the past with
39 other agencies, in his experience, Washington County is typically more
40 cooperative.

41
42 Mr. Bergsma advised Commissioner Voytilla that this correspondence
43 had only arrived this morning.

1 Commissioner Voytilla emphasized that this correspondence is
2 basically a few late-minute recommendations, rather than the County's
3 obligation to advise the City on existing policy regarding to this
4 property, as indicated in the first paragraph, and expressed his opinion
5 that this seems inconsistent.

6
7 Mr. Bergsma clarified that Washington County has no obligation to
8 advise the City of Beaverton of anything.

9
10 On behalf of staff, Mr. Sparks informed Commissioner Voytilla that
11 this information only became available this morning.

12
13 Commissioner Bliss requested verification that the City's designation
14 of Collector will or can support the County's designation for an
15 Arterial.

16
17 Mr. Sparks confirmed that the City's designation of Collector will or
18 can support the County's designation for an Arterial.

19
20 Mr. Bergsma explained that while there may be some differences with
21 regard to design, the appropriate capacity would be addressed.

22
23 Observing that the planning for this area involves a Town Center, Mr.
24 Sparks pointed out that a Town Center includes certain design
25 implications, specifically as a pedestrian-oriented area.

26
27 **PUBLIC TESTIMONY:**

28
29 **FRED GAST**, representing *Polygon NW*, expressed his support of the
30 application, expressing his opinion that this action essentially replaces
31 Washington County's zoning designates with those of the City of
32 Beaverton. He emphasized that this does not mean that the
33 commitments made by Washington County to the residents of the area
34 would not be honored, noting that these have been simply transferred
35 over to the City of Beaverton. Concluding, he offered to respond to
36 questions.

37
38 Mr. Sparks recommended approval of all three Ordinances to the City
39 Council.

40
41 The public portion of the Public Hearing was closed.

42
43 Commissioners Voytilla, Johansen, Pogue, Bliss, and Winter, and
44 Chairman Barnard expressed support of staff's' recommendations.

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Commissioner Voytilla **MOVED** and Commissioner Winter **SECONDED** a motion for approval of CPA 2003-0017 – Teufel Multiple Comprehensive Plan Map Amendments, based upon the testimony, reports and exhibits and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated February 6, 2004, and Staff Memorandum dated February 25, 2004.

Motion **CARRIED** by the following vote:

- AYES:** Voytilla, Winter, Bliss, Johansen, Pogue, and Barnard
- NAYS:** None.
- ABSTAIN:** None.
- ABSENT:** Maks.

Commissioner Voytilla **MOVED** and Commissioner Winter **SECONDED** a motion for approval of ZMA 2003-0019, based upon the testimony, reports and exhibits and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated February 6, 2004, and Staff Memorandum dated February 25, 2004.

Motion **CARRIED** by the following vote:

- AYES:** Voytilla, Winter, Bliss, Johansen, Pogue, and Barnard
- NAYS:** None.
- ABSTAIN:** None.
- ABSENT:** Maks.

Commissioner Voytilla **MOVED** and Commissioner Winter **SECONDED** a motion for approval of the Teufel Property Development Review Procedures Ordinance, based upon the testimony, reports and exhibits and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated February 6, 2004, and Staff Memorandum dated February 25, 2004.

Motion **CARRIED** by the following vote:

- AYES:** Voytilla, Winter, Bliss, Johansen, Pogue, and Barnard

1 **NAYS:** None.
 2 **ABSTAIN:** None.
 3 **ABSENT:** Maks.

4
 5 **B. 1250 NW WATERHOUSE AVENUE**

6 **4. CPA 2003-0018 – Land Use Map Amendment**

7 **5. ZMA 2003-0020 – Zoning Map Amendment**

8 This proposal is to amend the Land Use Map in the Comprehensive
 9 Plan and Zoning Map to designate one parcel being annexed into
 10 the City, by a separate process, Employment (EMP) on the Land
 11 Use Map and Campus Industrial on the Zoning Map in place of the
 12 current Washington County designation of Industrial with an
 13 Employment Area overlay. These are Beaverton’s most similar
 14 land use and zoning destinations to those that Washington County
 15 has placed on this property. The address of this parcel is 1250 NW
 16 Waterhouse Avenue; it is identified on tax map 1N132BD as Tax
 17 Lot 00400.

18
 19 Chairman Barnard and Commissioner Pogue indicated that he had
 20 visited the site.

21
 22 Senior Planner Alan Whitworth presented the Staff Report and offered
 23 to respond to questions.

24
 25 **PUBLIC TESTIMONY:**

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

28
 29 Mr. Whitworth indicated that staff had no further comments.

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

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

35
 36 Commissioners Johansen, Winter, Pogue, Bliss, and Voytilla, and
 37 Chairman Barnard expressed their support of the application.

38
 39 Commissioner Pogue **MOVED** and Commissioner Bliss **SECONDED** a
 40 motion for approval of CPA 2003-0018 – 1250 NW Waterhouse Avenue
 41 Land Use Map Amendments, based upon the testimony, reports and
 42 exhibits and new evidence presented during the Public Hearings on the
 43 matter, and upon the background facts, findings and conclusions found
 44 in the Staff Report dated February 6, 2004.

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Motion **CARRIED** by the following vote:

- AYES:** Pogue, Bliss, Voytilla, Winter, Johansen, and Barnard
- NAYS:** None.
- ABSTAIN:** None.
- ABSENT:** Maks.

Commissioner Pogue **MOVED** and Commissioner Bliss **SECONDED** a motion for approval of ZMA 2003-0020 – 1250 NW Waterhouse Avenue Zoning Map Amendments, based upon the testimony, reports and exhibits and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated February 6, 2004.

Motion **CARRIED** by the following vote:

- AYES:** Pogue, Bliss, Voytilla, Winter, Johansen, and Barnard
- NAYS:** None.
- ABSTAIN:** None.
- ABSENT:** Maks.

APPROVAL OF MINUTES:

Minutes of the meeting of January 28, 2004, submitted. Commissioner Voytilla requested that the date on the header be amended, as follows: "January ~~24~~ **28**, 2004". Commissioner Pogue **MOVED** and Commissioner Voytilla **SECONDED** a motion that the minutes be amended as amended.

Motion **CARRIED**, unanimously.

MISCELLANEOUS BUSINESS:

Mr. Sparks introduced Associate Planner Ethan Edwards, observing that he has recently come from the City of Santa Monica and has experience in both public and private sector planning.

The meeting adjourned at 7:53 p.m.



CITY of BEAVERTON

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

STAFF REPORT

TO: Planning Commission

FROM: Alan Whitworth, Senior Planner *Alan*

REPORT DATE: February 6, 2004

HEARING DATE: February 25, 2004

REQUEST: **CPA2003-0017/ZMA2003-0019 (Teufel Multiple CPA and Zoning Map Amendments and Special Property Review Procedures Ordinance)** Quasi-judicial hearings for three separate actions that will be considered by the Planning Commission. The first proposal is to amend two maps in the Comprehensive Plan: the Land Use Map (Figure III-1 of Volume I) to designate property annexed into the City by a separate process, as Town Center (TC); and the Significant Natural Resources Map (Volume III) to apply the Significant Natural Resources Overlay Zone and significant riparian and wetlands designations to parts of the property. Secondly, to amend the Zoning Map to show Town Center-High Density Residential (TC-HDR) on approximately 65 acres of the property and Town Center-Multiple Use (TC-MU) on the remaining 22 acres of the property in place of the current Washington County designations of Transit Oriented Residential: 24-40 units to the acre (TO: R24-40) and Transit Oriented: Retail Commercial (TO: RC). These are Beaverton's most similar land use and zoning designations to those that Washington County has placed on these properties. A separate action that will be considered by the Planning Commission is the adoption of a special ordinance that will guide notice and review procedures for the Teufel property. The address of the property is 12345 NW Barnes Road, it is identified on tax map 1N134C0 as lots 00100 and 02800, and is commonly known as a portion of the Teufel Nursery. The Exhibit A shows the property and its location and depicts the proposed Comprehensive Plan Land Use Map and Zoning Map designations.

APPLICANT: City of Beaverton

APPROVAL CRITERIA: Comprehensive Plan Section 1.3.1 and Development Code Section 40.97.15.4.C.

LOCATION: The address for the larger parcel is 12345 NW Barnes Road and the smaller parcel does not have an assigned address.

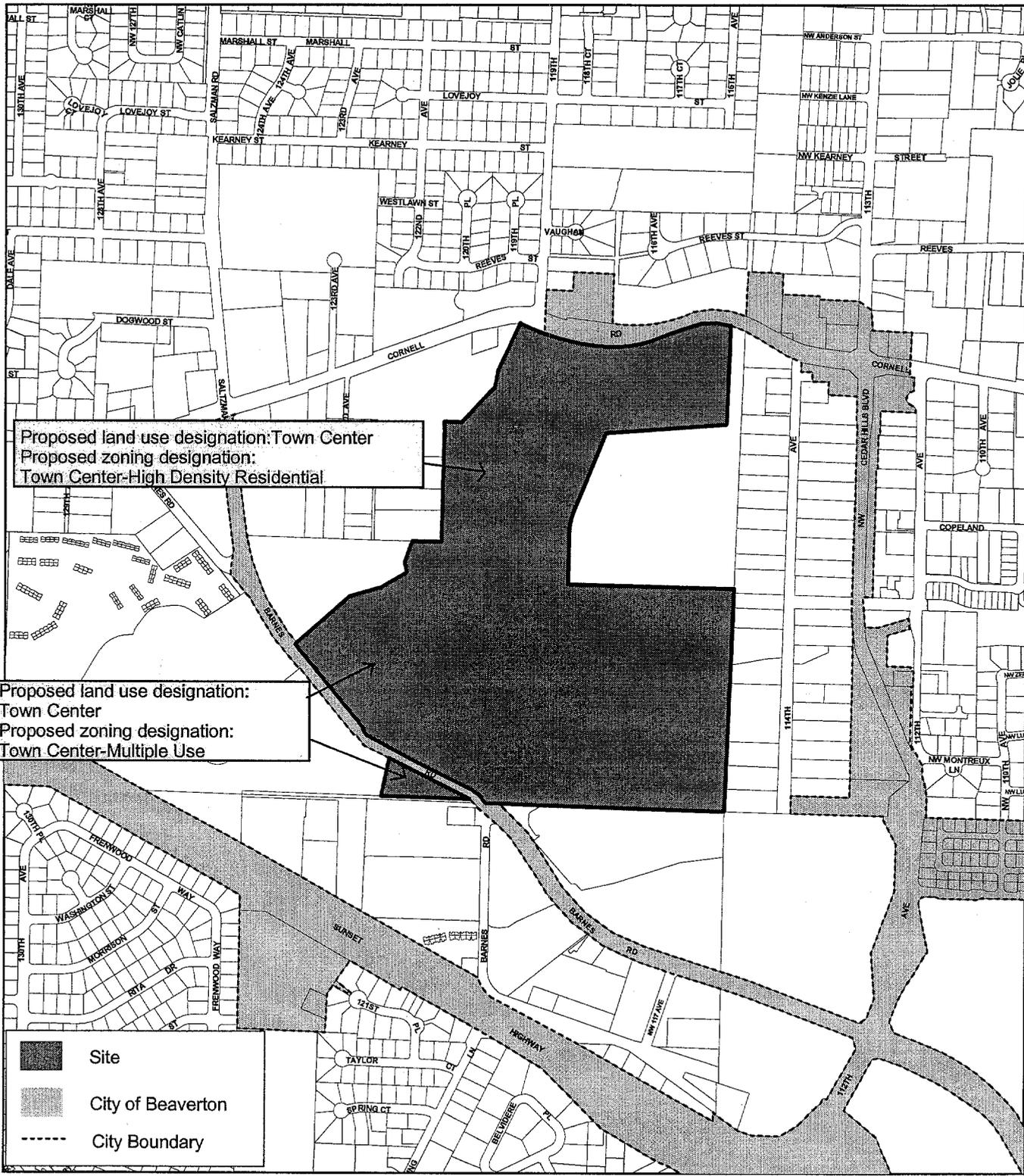
EXISTING USE: The two parcels have a combined acreage of approximately 87 acres. Tax lot 02800 is developed as a wholesale nursery with a retail store fronting on the north side of Barnes Road.

ANNEXATION ISSUE: The annexation of this property has been appealed to the Land Use Board of Appeals (LUBA). All of the actions proposed in this staff report and the accompanying staff report for the "Teufel Property Development Review Procedures Ordinance" will not be valid or apply to the property if the annexation is over turned.

RECOMMENDATION

Based on findings in this report that the criteria contained in Comprehensive Plan Section 1.3.1 and Development Code Section 40.97.15.4.C. are met, staff recommends approval of the Town Center (TC) Comprehensive Plan Land Use Map designation and Zoning Map designations of Town Center – Multiple Use (TC-MU) for 22 acres along Barnes Road and Town Center – High Density Residential (TC-HDR) for the remainder of the subject properties as shown on the attached map. Staff also recommends amending the Significant Natural Resources Map in Volume III of the Comprehensive Plan to show the Significant Natural Resources Overlay Zone and significant riparian and wetlands designations on parts of this property as shown on the attached map (Exhibit B).

EXHIBIT "A"



City of Beaverton

TEUFEL COMPREHENSIVE PLAN LAND USE MAP AMENDMENT & ZONING MAP AMENDMENT

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/29/03

Map #
 1N1340C000100
 1N1340C002800



Application #
 CPA 2003-0017/
 ZMA 2003-0019

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 being 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 property is designated Transit Oriented by Washington County on the Cedar Hills - Cedar Mill Community Plan. In 2000 the County amended their Comprehensive Framework Plan to place a Town Center overlay on this property. The UPAA is not specific as to the correct Comprehensive Plan designation because these designations did not exist when the UPAA was adopted. The Metro 2040 Growth Concept Map also shows this property as Town Center and both the County and the City adopted the Town Center to comply with Metro requirements. Staff finds that the City Land Use Map designation most similar to the County's Town Center overlay and Transit Oriented designation is our Town Center designation. For these reasons staff recommends the Comprehensive Plan Land Use Map be amended to show this parcel as Town Center.

ANALYSIS OF ZONING MAP AMENDMENT

Washington County has designated 22 acres of this property Transit Oriented - Retail Commercial (TO: RC) and the remainder Transit Oriented Residential: 24-40 units to the acre (TO: R24-40). The UPAA is not specific as to our appropriate zoning designation because these zoning designations did not exist when the UPAA was adopted. According to Section 3.14 of Beaverton's Comprehensive Plan, the Comprehensive Plan and Zoning District Matrix; Town Center - Multiple Use (TC-MU), High Density Residential (TC-HDR) or Medium Density Residential (TC-MDR) are the only zoning districts that can be applied to implement a Town Center Land Use Map designation. TC-MU is the only one of the three allowed designations that allows development that is primarily commercial and, therefore, is the obvious match for the County's TO: RC district. The other two districts are primarily residential with the TC-HDR having a minimum density of 24 units per net acre and TC-MDR having a minimum density of 18 units to the net acre. Clearly the density of TC-HDR most closely matches that of Washington County's TO: R24-40. For these reasons staff recommends the Zoning Map be amended to show TC-MU on the 22 acres zoned TO: RC by the County and to show TC-HDR on the remainder of the site.

The UPAA requires the City to review the relevant Community Plan, which in this case is the Cedar Hills-Cedar Mill Community Plan. This property is Area of Special Concern Number 4 of that Plan. A separate staff report and a "Teufel Property Development Review Procedures Ordinance" will address the special provisions applicable to the property in the Washington County Community Plan. Excerpts from the Cedar Hills-Cedar Mill Community Plan containing the provisions that

need to be addressed in the development review process are attached as Exhibit C to this staff report.

COMPREHENSIVE PLAN AMENDMENT FINDINGS

Adoption by the City Council and Planning Commission of an amendment to the Plan must be supported by findings of fact, based on the record, that demonstrate the criteria of Comprehensive Plan Section 1.3.1 (Amendment Criteria) have been met. The City Council and Planning Commission 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 Land Use Map amendments.

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, staff has determined that Goals 1, 2, 5, 6, 7 and 8 are applicable to these proposed map amendments.

Goal One: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

This proposed application for a Comprehensive Plan Land Use Map amendment and zone change is subject to the public notice requirements of the City Charter, Comprehensive Plan Section 1.3.4.3 and Development Code Section 50.45. The following summarizes public involvement opportunities and notification requirements specified in these sections:

- Mailing notice to DLCD, Metro, the City's Neighborhood Office and the CCI Chair at least forty-five days prior to the public hearing.
- A Public Hearing before the Planning Commission that must be advertised 20 days in advance in the Valley Times and posted in three conspicuous places. Thirty days prior to the hearing notice must be mailed to the owners of the subject property by certified mail and twenty days prior to the hearing notice must be mailed to residents and owners of property within 500 feet of the subject property. (Consistent with special provisions of the Cedar Hills/Cedar Mill Community Plan, the City also mailed notice of the hearing to owners of property located within between 500 and 1000 feet of the subject property.)

The Planning Commission at their hearing considers written comments and oral testimony before they make a decision. The procedures outlined in Comprehensive Plan Section 1.3.4.3 and Development Code Section 50.45 allow for proper notice and

public hearing opportunities on the proposed Comprehensive Plan Land Use Map amendment and zone change as required by this Statewide Planning Goal. These procedures have been followed.

Finding: *Staff finds that the City through its Charter, Comprehensive Plan and Development Code and the State through numerous statutes have created proper procedures to insure citizens the opportunity to have input in these proposed Comprehensive Plan Map amendments and that those procedures have been or will be complied with.*

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 multiple DLCD Approval Orders, the last of which were issued on December 31, 2003. In 1989, the City and Washington County adopted the Washington County - Beaverton 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.

Section II.D. of the UPAA states:

The CITY and the COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan. Upon annexation, the CITY agrees to convert COUNTY plan and zoning designations to CITY plan and zoning designations which most closely approximate the density, use provisions and standards of the COUNTY designations. Such conversions shall be made according to the tables shown on Exhibit "B" to this agreement.

This property is currently designated TO: RC and TO: R24-40. The Washington County Comprehensive Framework Plan places the property within a Town Center

design type, consistent with the Metro 2040 Growth Concept. The UPAA does not reference any of these designations because they did exist when it was written. Since the County has designated this property Town Center in their Comprehensive Framework Plan staff recommends the Comprehensive Plan Land Use Map be amended to show this parcel as Town Center.

Washington County's Comprehensive Framework Plan is implemented by ten Community Plans. County Community Plan documents consist of a Land Use District Map, a Significant Natural and Cultural Resources Map and Plan text. Each Community Plan Map shows the adopted land use designation for each parcel within the planning area. The Significant Natural and Cultural Resources Map shows the general location of: three categories of natural resources – water areas and wetlands, wildlife habitat, and areas with a combination of water areas and wetlands and fish and wildlife habitat; properties subject to the County's Historic and Cultural Resource Overlay District; the location of scenic views and features; park deficient areas; and potential park/open space/recreation areas. The Community Plan text provides a written description of the Community Plan Map, Community Design Elements and Areas of Special Concern. Individual, site-specific policy design elements are sometimes included in the Community Plan text.

City staff has reviewed the Cedar Hills-Cedar Mill Community Plan Significant Natural and Cultural Resources (SNCR) map to determine if any for relevant site-specific policies. The map shows Cedar Mill Creek, which flows along the west edge of the subject property, as a water area area/wetland and fish and wildlife habitat. Land along the creek is identified as wildlife habitat. Johnson Creek, which flows through the southeast corner of the subject property, is also shown as a water area area/wetland and fish and wildlife habitat, while flood plain along Johnson Creek and tributaries of the creek on the property, including detention ponds along a northern tributary, are shown as water areas and wetlands. The significance of these designations will be addressed below under Statewide Planning Goals 5, 6 and 7.

The SNCR map also shows Cedar Mill Falls, on the subject property, as a scenic resource. This designation will be addressed below under Goal 5.

The SNCR map also shows the subject property as within Potential Park/ Open Space/ Recreation Area E: Cedar Mill Creek and Falls. Text in the Community Plan notes the Tualatin Hills Park and Recreation District has proposed three neighborhood parks in this area, and describes the general intended location and size of the area. The text also describes Cedar Mill Falls as "an integral cultural and natural resource amenity for the Cedar Mill Creek Neighborhood Trail Corridor Loop." The significance of these designations will be discussed below under Goal 8.

The subject property is identified as Area of Special Concern (ASC) Number 4. Community Plan text provisions applicable to ASC 4 are addressed in a separate staff report and ordinance.

Finding: *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. These amendments comply with Goal Two.*

Goal Five: Natural Resources, Scenic and Historic Areas, and Open Spaces

To protect natural resources and conserve scenic and historic areas and open spaces.

As noted in the discussion under Statewide Planning Goal Two, Washington County's Community Plan documents include a Significant Natural and Cultural Resources Map and related text. The County Significant Natural and Cultural Resources Map shows the general location of:

- three categories of natural resources
 1. water areas and wetlands,
 2. wildlife habitat, and
 3. areas with a combination of water areas and wetlands and fish and wildlife habitat;
- the County's Historic and Cultural Resource Overlay District;
- scenic views and features;
- park deficient areas; and
- potential park/open space/recreation areas.

County designations satisfy Statewide Planning Goal 5 requirements of inventorying resources listed under the goal, assigning significance to the resources, completing an environmental, social, economic, and energy (ESEE) analysis on the significant resources and impact areas, and adopting a program to implement the goal. However, the Goal has been revised since the County's adoption and new information has been approved through Metro (Regionally Significant Resource Inventory Map) depicting Regionally Significant Riparian and Wildlife Habitat. This information provides some refinement of the County's mapped areas related to riparian and wildlife habitat.

For this proposal, the Cedar Hills-Cedar Mill Community Plan Significant Natural and Cultural Resources (SNCR) map depicts Cedar Mill Creek flowing in a southerly direction along the western portion of the subject property. The County designation is "water area area/wetland and fish and wildlife habitat" adjacent to Cedar Mill Creek, while the "wildlife habitat" designation falls adjacent to the aforementioned designation. Additionally, the Community Plan SNCR map designates Johnson Creek, which flows through the southeast corner of the subject property, as a "water area area/wetland and fish and wildlife habitat". Flood

plain along Johnson Creek, its tributaries, and three ponds are designated as “**water areas and wetlands**”. The Significant Natural and Cultural Resources map for Cedar Hills-Cedar Mill Community Plan is attached as Exhibit D.

The Barnes- Peterkort subarea of the Cedar Hills-Cedar Mill Community Plan states the following:

Varied natural features in the subarea – streams, slopes and wooded areas – provide a backdrop for development designs which accomplish that protection while accommodating new residential and commercial uses.

Design Elements within the Cedar Hills-Cedar Mill Community Plan provide the following additional guidance:

2. Cedar Mill and Johnson Creek, their tributaries and immediately adjacent riparian zone, shall be retained in their natural condition in keeping with the provisions of the Community Development Code.
3. In order to maintain the open space and wildlife attributes of the resource, future development is encouraged to use trees, riparian vegetation, and steeply sloping lands coincidental with the Cedar Mill and Johnson Creek flood plains and drainage hazard areas as open space if allowable densities can be accommodated elsewhere on the site.

Metro’s Regionally Significant Resources Inventory Map identifies similar areas as Washington County’s SNCR map. Metro’s designations on the site include Wildlife Habitat Resources and Riparian Corridor Resources as shown on Exhibit E. Metro’s Wildlife Habitat Map shows a significant portion of the site as Habitat of Concern (HOC) #51. This HOC is described on Metro’s *Habitats of Concern Master List* as follows:

Cedar Mill Creek wetlands and forest: This was one of the most significant sites on Mike Houck’s 1984 Washington County Goal 5 Inventory. Large population of Wood Ducks uses open water bodies here. The site is identified as a Bottomland Hardwood and Wetland. It is also an important connector or corridor.

. The city of Beaverton and nine (9) other cities in Washington County, the County, THPRD, and Clean Water Services (CWS) have partnered together to analyze Metro’s inventory and develop a program to achieve the goal. (The group is called the Tualatin Basin Partners for Natural Places.) Currently, the Tualatin Basin Partners are working on an Environmental, Social, Economic, and Energy (ESEE) analysis of Metro’s inventory (Metro is also conducting a similar analysis). Following the ESEE analysis, the Tualatin Basin will prepare a program to protect the resources. Following Metro’s approval of the ESEE analysis and program, the local governments in the Tualatin Basin have 180 days to implement the program.

While the County's designations are currently adopted and acknowledged, new information exists that further refines the boundaries and extent of the resources in the form of Metro's Inventory. In this area, the generic Tualatin Basin Partners recommendation is shown on Exhibit F. In the interim, staff proposes that the Metro regionally significant inventory for this area be used to adopt new designations on the City's *Significant Natural Resources Map* (Volume III of the Comprehensive Plan, *Statewide Planning Goal 5 Resource Inventory Documents and Comprehensive Plan Significant Natural Resources Map*). Staff proposes the following changes to the City's *Comprehensive Plan Significant Natural Resources Map*:

- Adopt Metro's Regionally Significant Riparian Corridors as locally significant resources by adding the areas to the wetland and riparian areas on the City's Local Wetland Inventory map (a subset of the City's *Comprehensive Plan Significant Natural Resources Map*), and
- Adopt Metro's Regionally Significant Wildlife Habitat as Significant Natural Resources Overlay Zone on the City's *Comprehensive Plan Significant Natural Resources Map*.

Existing regulations within the City's Development Code and Clean Water Services Design and Construction Standards for Sanitary Sewer and Surface Water Management (CWS D&C Standards) would apply to development proposals on the site, unless the Tualatin Basin local governments adopt the new program prior to submission of an application for development. Thus, existing regulations such as the City's tree preservation plan requirements within Significant Natural Resources, CWS Vegetated Corridors regulations, and Division of State Lands wetland delineation and removal/fill permitting requirements would protect the resource.

The SNCR map also shows Cedar Mill Falls, on the subject property, as a scenic resource.

Currently, the City does not have a map of Significant Natural Resources that includes scenic resources as a category. Under Section 7.4 of the City's Comprehensive Plan, Scenic Views and Sites, text refers to sites as streams, wetlands, forested areas or single specimen trees identified on either public or private land. Further the text states that the City has focused on forested areas and specimen trees as scenic sites. Finally, the text explains "*Other Scenic sites, including streams and wetlands are protected to some degree under federal, state and local regulations.*" Also, under the Goal 5 amendments of 1996, Scenic Views and Sites became an optional resource for local governments to inventory and protect through the Goal. Thus, staff is not proposing changes to the Volume III of the City's Comprehensive Plan to address the Cedar Mill Falls site as a scenic resource.

Finding: *Staff finds that applying the City's significant local wetland and significant riparian corridor designation to the Metro Regionally Significant Riparian Corridor areas and applying the City's Significant*

Natural Resources Overlay to Metro's Regionally Significant Wildlife Habitat (by amending Volume III Statewide Planning Goal 5 Inventory Resource Documents and Comprehensive Plan Significant Natural Resources Map) provides refined definition of the County designations and provides a program to protect the resources through CWS, City, and State regulations.

Goal Six: Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Both the City of Beaverton and Washington County address water and land resource quality through implementation of Clean Water Services Design and Construction Standards for Sanitary Sewer and Surface Water Management. Air quality is maintained by following the Transportation Planning Rule, building facilities identified on the County and City Transportation System Plans, and the region's investment in light rail and other transit options.

***Finding:** Staff finds that the City and Washington County have established programs to address Goal Six. Thus, this amendment complies with the Goal.*

Goal Seven: Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters and hazards.

As noted in the discussion in this staff report under Statewide Planning Goal Two, the Cedar Mill-Cedar Hills Community Plan identifies floodplain adjacent to Johnson Creek and drainage hazard areas adjacent to Cedar Mill Creek. Both the City of Beaverton and Washington County address areas subject to natural disasters and hazards through implementation of CWS D&C Standards and special regulations within drainage hazard areas. Additionally, the CWS D&C Standards apply regulations to areas with greater than 25 percent slopes adjacent to stream corridors. All of these regulations apply regardless of the incorporated or unincorporated status of the property.

***Finding:** Staff finds that the City and Washington County have existing programs to address areas subject to natural disasters and hazards. This amendment complies with Goal Seven.*

Goal Eight: Recreational Needs

To satisfy the recreational needs of the citizens of the state and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

The SNCR map also shows the subject property as within Potential Park/ Open Space/ Recreation Area E: Cedar Mill Creek and Falls. Text in the Community Plan (as amended through County Ordinance 536) notes the Tualatin Hills Park and Recreation District (THPRD) has proposed three neighborhood parks in this area as approximately 3 to 5 acres in size (except reductions to 3 acres can occur if they are within one-quarter mile or less of the station area or Town Center core). Additionally, the text states: "The Cedar Mill Falls area would remain as a natural area as an integral cultural and natural resource amenity of the Cedar Mill Creek Neighborhood Trail Corridor Loop."

THPRD provides park services for the city of Beaverton and surrounding community. Within the Tualatin Hills Park and Recreation District 20 Year Master Plan (20 Year Master Plan), only one park is proposed at this site at Cedar Mill Falls. An additional site is proposed east of the subject site of this proposal. Two Community Trails are proposed in the vicinity of this property, a north-south and an east-west route. These trails are the N. Johnson Creek Trail (3.7 miles total length, 0.8 miles existing trail) and the Cedar Mill Creek Trail (2.1 miles in length). Additional future Neighborhood Trails (1.5 miles total length) are proposed to connect Cedar Mill Creek to the proposed Cedar Mill Community Trail (see Exhibit G).

***Finding:** Staff finds that THPRD, the City's Park Provider, identifies similar, if not the same, recreational areas on its Master Plan. Through implementation of the THPRD Master Plan, this goal is met.*

Goal Twelve: Transportation

To provide and encourage a safe, convenient and economic transportation system.

The proposed Comprehensive Plan Land Use Map and Zoning Map designations call for a large and dense development. The County has studied this area with the prescribed land uses factored in. The property has direct access to two arterial roads (Barnes and Cornell) and is close to a third arterial road (Cedar Hills Blvd.). Cedar Hills Blvd. and Barnes Road provide access to the Sunset Highway, a freeway, within a mile of the property. Public transportation in the form of bus routes is available on Barnes Road, Cornell Road and Cedar Hills Blvd. These routes can be used to reach the Sunset Transit Center, a light rail stop, which is within two miles of the property.

The Community Plan has numerous factors that are to be considered in the development review process relating to roads and pedestrian circulation. In the Community Plan, the County shows an "Arterial Corridor" as a study area on this property, as shown in Exhibit C. The proposed Teufel Property Review Ordinance includes a map depicting this same study area. The Community Plan previously applied a minor arterial classification to the proposed road, but that classification was changed to arterial pursuant to County A-

Engrossed Ordinance No. 588 in 2002 because the minor arterial classification is no longer used by the County in its Transportation Plan. A minor arterial was in between an arterial and a collector in the road classification hierarchy. Beaverton's transportation planners believe it should be downgraded one step to collector rather than upgraded to arterial because in our classification system it qualifies as a collector. Arterials and collectors are defined in our Comprehensive Plan as follows:

Arterial streets serve to interconnect and support the freeway system. These streets link major commercial, residential, industrial, and institutional areas. Arterial streets are typically spaced about one mile apart to assure accessibility and reduce the incidence of traffic using collectors or local streets in lieu of a well-placed arterial street. Many of these routes connect to cities surrounding Beaverton.

Collector streets provide both access and circulation within residential, commercial, and industrial areas. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive access control, and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system.

The exact location of this road within the defined study area will be determined in the development review process.

Finding: *Staff finds that Washington County went through a lengthy process with extensive public input leading to the adoption of the Cedar Hills-Cedar Mill Community Plan which addressed in a serious way transportation issues and have established provisions that are to be addressed in the development review process for the property. The City has considered these provisions in applying its Comprehensive Plan and zoning upon annexation. The amendments proposed by these applications comply with Goal Twelve.*

SUMMARY FINDING: *Staff finds that the requested Comprehensive Plan change to Town Center is consistent with the Statewide Planning Goals and the requirements of Criterion 1.3.1.1 are 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 having four design types, those being: Corridor, Inner Neighborhood, Outer Neighborhood, and Resource Land. These design types are considered to be guidelines and local governments are supposed to use their own judgment in applying the design types. Washington County, went through a comprehensive planning process and determined that a Town Center design type should be applied to the property, with land use designations of Transit Oriented: Retail Commercial and Oriented: Residential 24-40 units to the acre.

FINDING: Staff finds that the requested Land Use Map designation of Town Center 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.

Section 2.6.3 of the City Comprehensive Plan addresses Annexation Related Map Amendments. This section explains that Comprehensive Plan and Zoning map amendments of annexed properties are subject to the provisions of the UPAA (the UPAA is Section 3.15 of the Plan). The UPAA does not reference TO: RC, TO: R24-40 or Town Center because these designations did not exist when it was written. When the UPAA is not specific the City is to assign the most similar designations to the County designations. The County has defined this property in its Comprehensive Framework Plan as being a Town Center Area which matches our Town Center Land Use Map designation and Metro's Town Center designated. Staff is unaware of any other relevant plans affecting this decision. The Town Center Land Use designation allows for TC-MU and TC-HDR zoning designations. Staff concludes that Town Center is the appropriate Land Use Map designation.

FINDING: Staff finds that the requested Comprehensive Plan change to Town Center is consistent and compatible with Comprehensive Plan Sections 2.6.3 and 3.15 (UPAA), which are the relevant section 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. Residents and business 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 Employment 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 prior to approving the annexation (ANX 2003-0012). 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 will add 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 designation.

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 and Planning Commission 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 40.97.15.4.C (Discretionary Annexation Related Zoning Map Amendment - Approval Criteria) have been met. The City Council and Planning Commission 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.

40.97.15.4.C.1. *The proposal satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.*

There is one threshold requirement, which is "The change of zoning to a City zoning designation as a result of annexation of land to the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation." The UPAA does not list TO: RC or TO: R24-40 because they did not exist at the time it was written.

FINDING: Staff finds that the proposed request satisfies the threshold requirement for a Discretionary Annexation Related Zoning Map Amendment application.

40.97.15.4.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.

40.97.15.4.C.3. *The proposed zoning designation most closely approximates the density, use provisions, and development standards of the Washington County designation which applied to the subject property prior to annexation.*

The UPAA does not list TO: RC or TO: R24-40. The County has designated this area Town Center in their Framework Plan and staff is recommending that the Land Use Map show this as Town Center. The Comprehensive Plan and Zoning District Matrix which is contained in Section 3.14 of the Comprehensive Plan only allows for TC-HDR, TC-MU or TC-MDR in Town Center areas. The TC-MU is the only one of the three that is primarily retail/commercial in nature and, therefore, is our best match for their TO: RC. TC-HDR has a minimum of 24 units per net acre and TC-MDR has a minimum of 18 units per net acre. TC-HDR is our closest available match to their TO: R24-40.

FINDING: Staff finds that the proposed zoning designations are the closest available districts to those of the County's as specified by the UPAA given the County's overlay designation of Town Center.

40.97.15.4.C.4 *The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.*

The UPAA does not reference the currently County zoning designations but does require that we assign our most similar zoning designations to the ones assigned by the County. The zoning matrix contained in section 3.14 of the Comprehensive Plan allows three zoning districts in the Town Center Land Use Category those being TC-HDR, TC-MU and TC-MDR. The TC-MU is the only one that is primarily retail/commercial in nature and is the best match for the County's TO: RC. The TC-HDR requires a minimum of 24 units to the net acre, whereas, the TC-MDR has a minimum requirement of 18 units to the net acre. Since the TO: R24-40 has a minimum of 24 units. The TC- MU is our most similar zoning for the County's TO: RC and our TC-HDR is our most similar zoning for their TO: R24-40 as specified by the UPAA and is in compliance with the guidance provided by the UPAA

FINDING: *Staff finds that the proposed zoning designations are our most similar designation to those applied by the County as specified by the UPAA and, therefore, is consistent with it.*

40.97.15.4.C.5. *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 the Planning Commission, City Council and Mayor's approvals of this CPA/ZMA. The property owner may, in the future, submit a request to the City for development 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 Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. An annexation agreement has been executed.

Public Hearing: Annexation Related Land Use Map amendments follow the procedures in the Comprehensive Plan and Annexation Related Zoning Map amendments follow the procedures in the City Charter and the Development Code. When the UPAA is not specific as to exactly which designations to assign, both processes require a public hearing before the Planning Commission. In this case the UPAA is not specific about either the Land Use Map or Zoning Map designations. This circumstance requires the Land Use Map and Zoning Map amendments to have

a public hearing before the Planning Commission. The Zoning Map amendment will be processed as a Type 3 application. A public hearing has been scheduled before the Planning Commission on February 25, 2004 for the proposed amendments.

Public Notice: Section 43 of the City Charter, Section 1.3.4.3(a) of the Comprehensive Plan and Section 50.45.2 of the Development Code prescribe the notice to be provided for a public hearing on these types of applications.

Notice as described below for hearings on annexation related CPA's must be provided not less than twenty (20) calendar days prior to the City Planning Commission hearing and rezones must provided notice not less than seven (7) days prior to the hearing with the exception of the property owner who must, as required by the City Charter, be sent notice by certified mail at least thirty (30) calendar days prior to the hearing.

1. Legal notice was published in the Beaverton Valley Times on February 5, 2004.
2. Notice was posted at the Post Office, Beaverton Library and City Hall on or before February 5, 2004.
3. Notice was mailed to the Central Beaverton Neighborhood Association Committee (NAC), Cedar Hills-Cedar Mill Citizen Participation Organization (CPO 1), all residents within 500 feet of the subject property, and all property owners of record within 1,000 feet of the subject property on or before February 5, 2005.
4. Notice was mailed to the property owner by certified mail on or before January 26, 2004.

Notice was also mailed to Metro and the State Department of Land Conservation and Development on January 6, 2004 more than the 45 days in advance of the initial hearing as required by the Metro Code and Section 660-018-0020 of the Oregon Administrative Rules.

The Planning Commission has not directed staff to provide additional notice for this amendment beyond the notices described above. The notice requirements for this CPA/ZMA will be met.

Decision: Following a Planning Commission action, a Planning Commission order will be prepared and mailed to the property owner and any person submitting written comments prior to or at the hearing or testifying before the Planning Commission during the hearing.

Appeals: Appeals of the Commission decision regarding CPA's and rezones are made to the City Council. The procedure for filing such an appeal and the manner of the hearing is governed by Section 1.3.6 of the Comprehensive Plan for the CPA and Section 50.70 of the Development Code for the ZMA. The appeal request must be made in writing and delivered to the City within 10 calendar days of the land use

order date. In addition, there is a non-refundable \$620.00 fee, which must accompany the request for hearing.

120-Day Rule: This rezone request is quasi-judicial. The applicant (City of Beaverton) has waived the 120-day rule (Oregon Revised Statutes Chapter 227 Section 178). The CPA is not subject to the 120-day rule.

FINDING: *Applicable procedural requirements have been met for these proposed Land Use Map and Zoning Map amendments.*

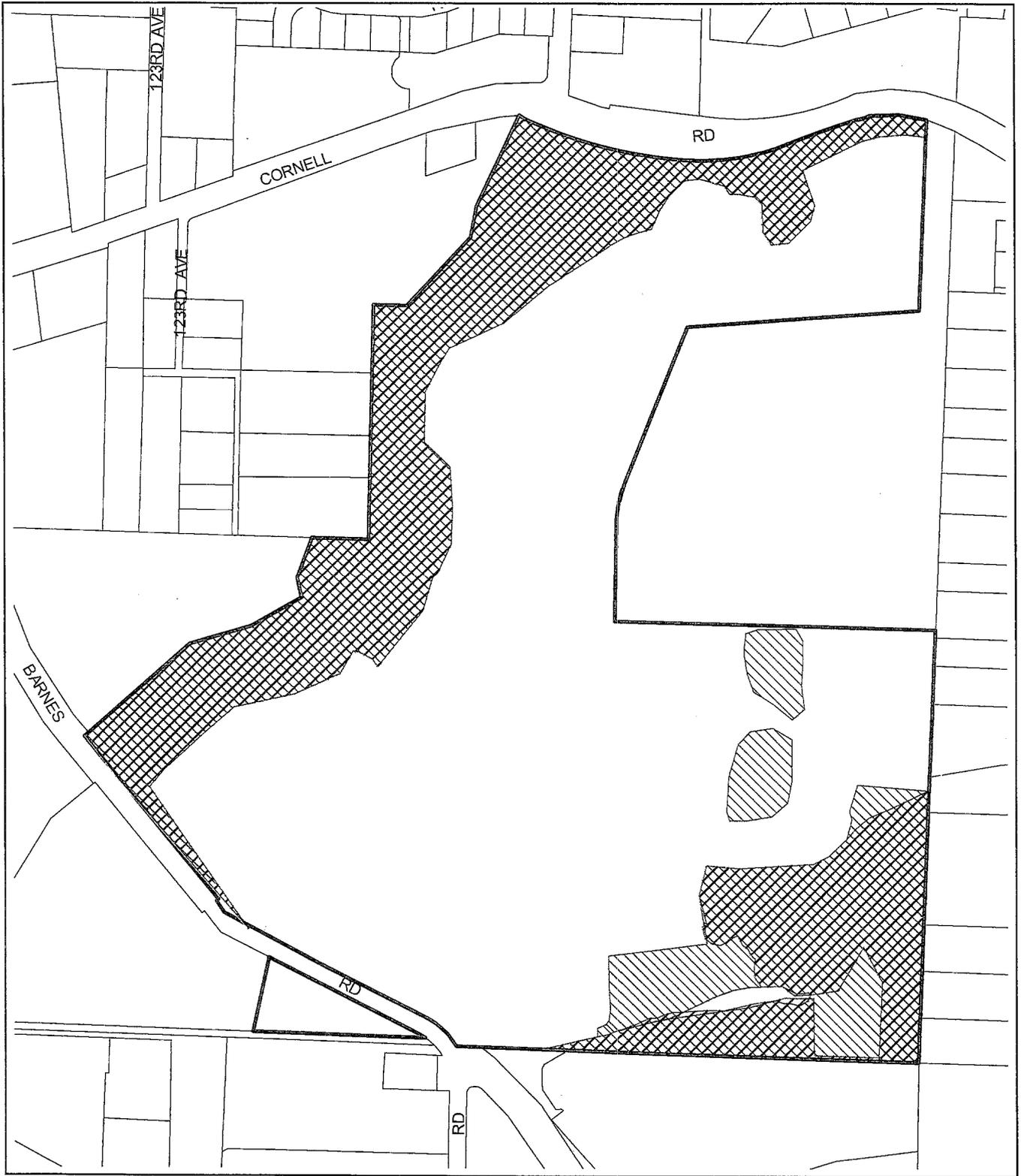
Based on the findings in this report, staff concludes amending the Land Use Map to show Town Center in place of Washington County's Transit Oriented, and the Zoning Map to show Town Center-Multiple Use (TC-MU) in place of their Transit Oriented: Retail Commercial (TO: RC) and Town Center-High Density Residential (TC-HDR) in place of their Transit Oriented: Residential 24-40 (TO: R24-40), is appropriate. Staff also concludes that amending the Significant Natural Resources Map in Volume III of the Comprehensive Plan to show the Significant Natural Resources Overlay Zone and significant riparian and wetlands designations to parts of this property complies with the UPA and State Planning Goals.

Exhibits: A through H

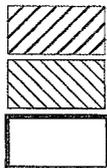
EXHIBIT B

Proposed SNRA CPA

Exhibit B



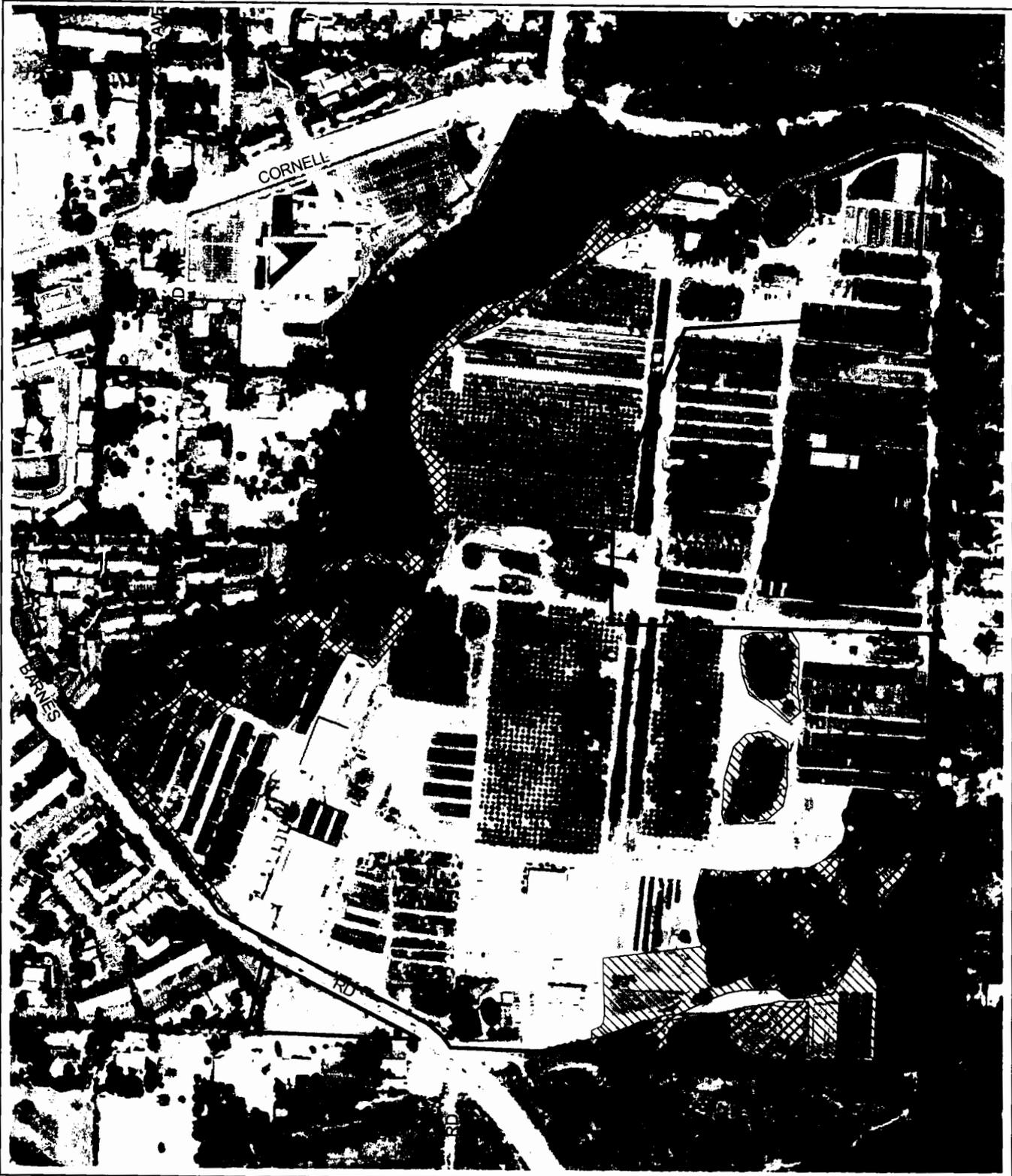
City of Beaverton



Significant Natural Resources Overlay
Significant Wetland and Riparian Area
Subject Property



02/07/04



City of Beaverton

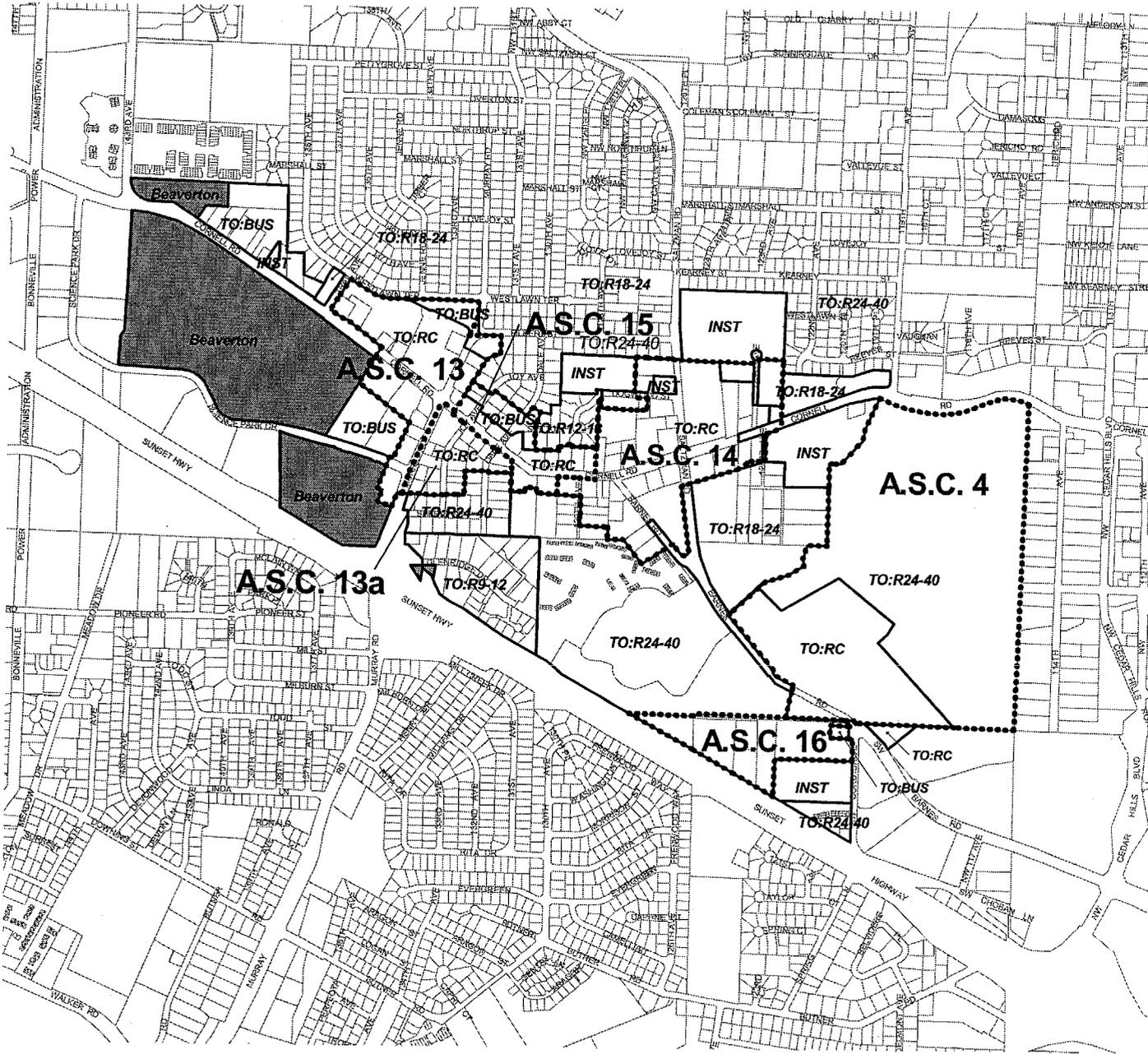


Significant Natural Resources Overlay
Significant Wetland and Riparian Area
Subject Property



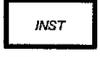
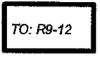
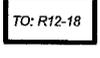
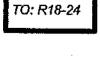
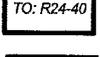
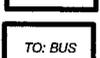
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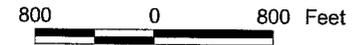
EXHIBIT C

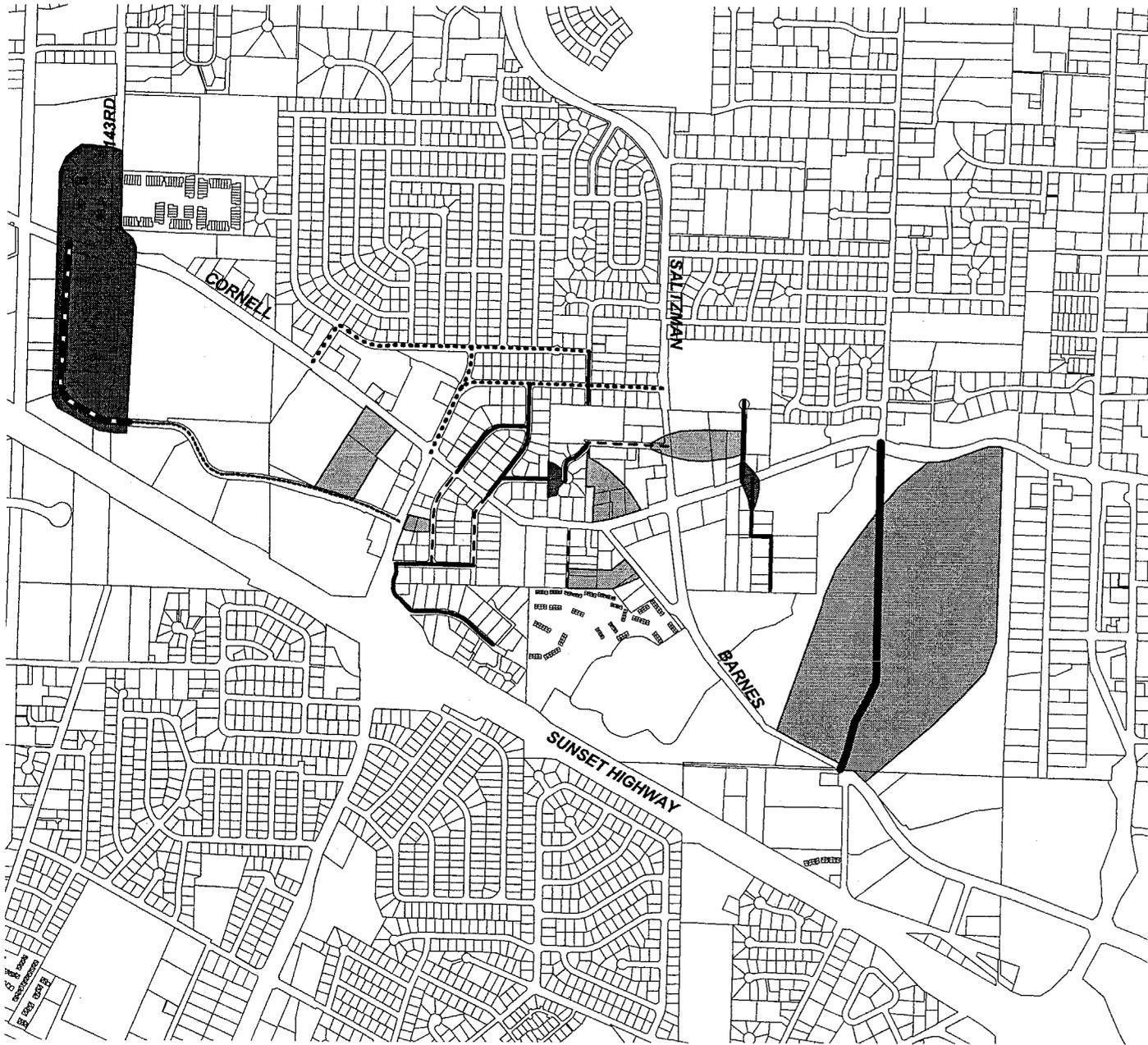


The Cedar Hills-Cedar Mill Community Plan Land Use District map shall be amended to remove existing plan designations and apply new designations, as indicated on the map below. Additionally, the boundary for Area of Special No. 4 shall be amended to include the Areas of Special Concern No. 4a. The boundaries for new Areas of Special Concern 13, 13a, 14, and 15 shall be added as indicated.

B-Engrossed Ordinance 536
Exhibit 1
August 3, 2000
Page 1 of 1

-  **ASC. 14**
Area of Special Concern
-  Town Center Core
-  Institutional District
-  City of Beaverton
- TRANSIT ORIENTED DISTRICTS:**
-  Residential District
9-12 units per acre
-  Residential District
12-18 units per acre
-  Residential District
18-24 units per acre
-  Residential District
24-40 units per acre
-  Retail Commercial District
-  Business District
-  Employment District





The Cedar Hills-Cedar Mill Community Plan map shall be amended to include the following features identified on this map.

H-Engrossed Ordinance 536 Exhibit 2 August 3, 2000 Page 1 of 2

Transportation Circulation Designations

-  Change from "Minor Collector" to "Special Area Major Collector"
-  Change from "Local Street" to "Special Area Local Street"
-  Change from "Minor Collector" to "Special Area Minor Collector"
-  Change from "Local Street" to "Special Area Commercial Street"
-  Remove "Minor Collector"
-  Remove "Proposed Minor Arterial"
-  Add as a "Special Area Major Collector Corridor"
-  Add as a "Special Area Local Street Corridor"
-  Add as a "Special Area Commercial Street Corridor"
-  Add as a "Minor Arterial Corridor"

The following note is also added:
 Turn restrictions at intersections with arterials may be required based on traffic analysis through the development review process. However, special area streets shown on this map do not need to meet access spacing requirements.

800 0 800 Feet

Amendments to Map shown in bold or patterned line; other features not amended by the exhibit on this page remain in effect as shown on the Plan Map

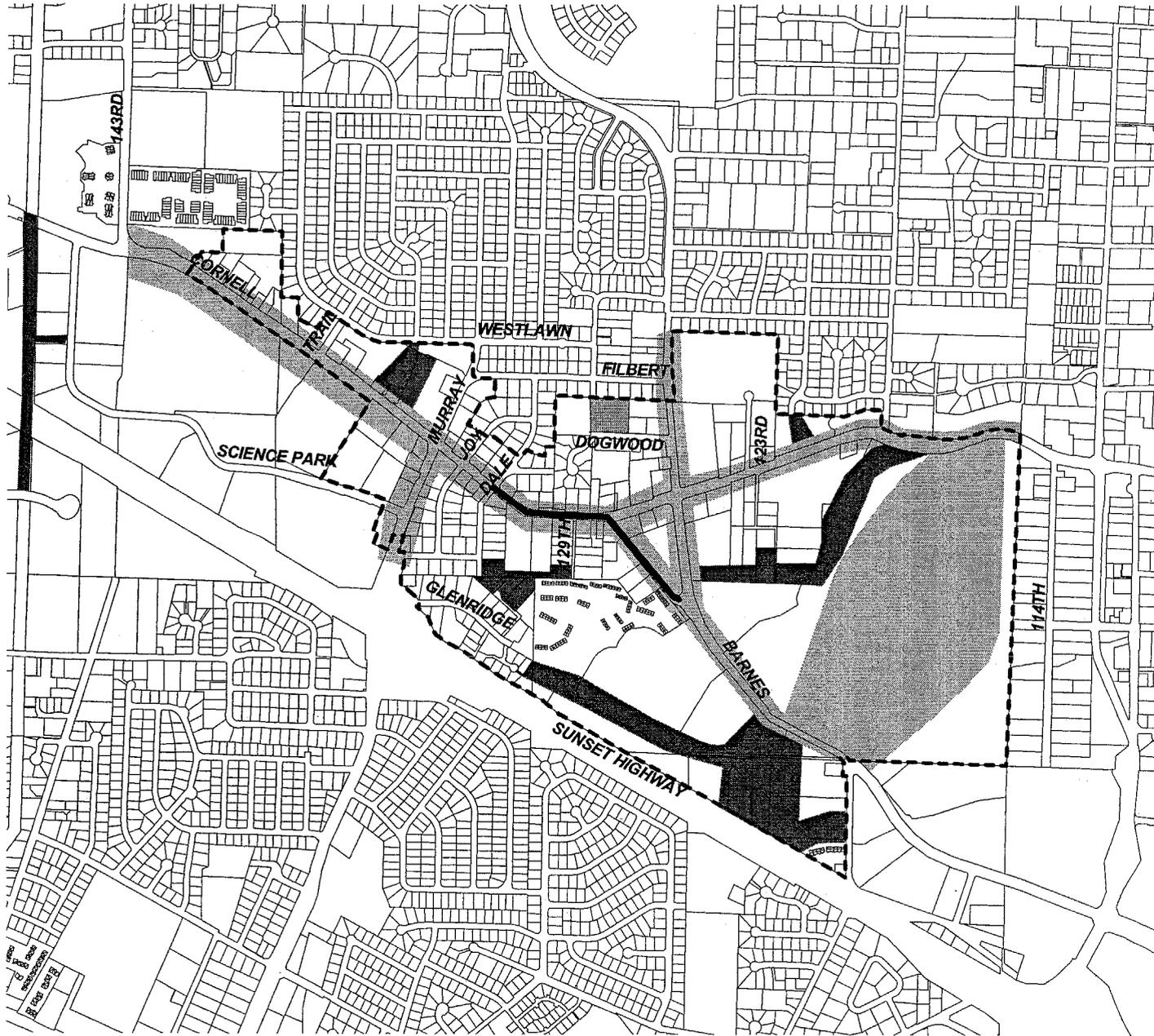


The Cedar Hills-Cedar Mill Community Plan Street Corridor, Arterial Access and Pedestrian System Designations Map shall be amended to include the following features identified on this map.

B-Engrossed Ordinance 536 Exhibit 2 August 3, 2000 Page 2 of 2

Street Corridor, Area of Special Concern, Arterial Access and Pedestrian System Designations

-  Area of Special Concern No.12
-  Special Area Off-Street Pathway Corridor
-  Special Area Trail Corridor
-  Accessway Corridor
-  Main Street
-  Town Center Boundary



800 0 800 Feet



Amendments to Map shown in bold or patterned line; other features not amended by the exhibits on this page remain in effect as shown on the Plan Map.

Amend the Cedar Hills – Cedar Mill Community Plan description of Area of Special Concern No. 4 delete existing text and replace with the text shown below

Area of Special Concern No. 4: This area encompasses a property that has been the main site of the Teufel Nursery operation, generally known as the Teufel property.

This area is planned for mixed use with retail commercial and high-density residential use. Approximately 22 acres of the property is designated TO:RC and the remaining area is TO:R24-40. A minor arterial road is proposed through the site. The Transportation Plan designates a broad corridor within which the road shall be located.

The following shall guide development of the property:

A. The property has a tremendous opportunity to be developed as a vibrant mixed-use pedestrian-friendly development. The property provides a rare and unique circumstance to create a distinct and special place in the Cedar Mill community. Given the size and location of the property, a comprehensive and relatively detailed planning process which goes beyond general land use designations and corridors to much more specific urban design elements and specifications would be beneficial and desirable.

As part of development of the Cedar Mill Town Center Plan, circumstances did not allow for the creation and broad acceptance of a specific plan for the Teufel Property. It is likely that the Teufel Property will be developed in stages over a number of years, responding to market demands. Parts of the Teufel Property should be viewed as units in planning their development to assure those individual developments in each unit are complementary and designed in the context of an overall development plan for that unit. Therefore, an overall master plan must be approved for the Teufel Property before final development can proceed in any unit. The required master plan application may be processed individually or in conjunction with a subsequent unit development application. An exception to this provision is that the development of the north/south arterial shall not require the approval of a master plan for abutting subarea land if the development of the road is a stand-alone project and will not occur in conjunction with the development of an abutting subarea or subareas.

An applicant wishing to proceed with the overall master plan of the property and/or development of a subarea or subareas of the Teufel Property shall initiate the quasi-judicial process set forth herein:

- (1) Prior to filing the application, there shall be at least one open house for the Citizen's Participation Organization 1 ("CPO 1") residents to review the application, obtain citizen input and identify potential issues regarding the application;
- (2) All required notices, including but not limited to the notice for the open house for CPO 1 residents, the neighborhood review meetings and the public hearings shall be done in accordance with CDC 204-4, except that notice shall be provided to all property owners of record within 1000 feet of the Teufel Property and all property owners of record between the Teufel Property and Cedar Hills Blvd.;
- (3) Prior to filing the application, there shall be at least two neighborhood review meetings (including the one required neighborhood meeting) pursuant to CDC 203-3;
- (4) The overall master plan application shall be reviewed through a Type III master plan process pursuant to CDC Article IV, with the additional requirements and/or modifications set forth herein;
- (5) The Washington County Planning Commission shall review the application pursuant to a Type III public hearing under CDC 205 and make a recommendation to the Washington County Board of County Commissioners;
- (6) The Washington County Board of County Commissioners shall review the application pursuant to a Type III public hearing under CDC 205 and render the final decision regarding the application;
- (7) The County shall have 180 days to render a final decision on the application once the application has been deemed complete by the County based on the extension of time granted by the Teufel family pursuant to ORS 215.427(4) during the adoption of the Cedar Mill Town Center Plan. This period may be extended for a reasonable period of time at the request of the applicant pursuant to ORS 215.427(4).

The development application shall address land use, urban design and transportation issues associated with the site, including, but not limited to the following:

- Demonstrating compliance with the public involvement process set forth above for ASC 4 regarding the master planning and development of the Teufel Property.
- Providing the public with more certainty regarding future development of the property.
- Providing the property owners some flexibility in meeting their development objectives.
- Developing a plan that will produce a high degree of urbanism on the property.
- Identifying and locating a skeletal circulation system.
- Identifying, locating and developing design standards for main streets on the site.
- Developing a sketch building orientation and on-street parking plan.
- Focusing the development around an identifiably public place such as a park, square or plaza.
- Examining how to best integrate the different uses on the site.
- Examining the off-street pathway and trail system relating to the neighborhoods surrounding the property.
- If the Beaverton School District owns a portion of the property, examining design issues regarding developing schools.
- Identifying how the site will access the surrounding arterial system, including an examination of extending Leahy between the site and Cedar Hills Boulevard.
- Locating the north-south arterial on the site, and determining how it integrates with development on the site, including but not limited to determining appropriate sidewalk widths.

abcdef Proposed additions

~~abedef~~ Proposed deletions

- As appropriate, incorporating Cedar Mill and Johnson Creek into the development of the property.
 - Addressing screening and buffering issues relative to the 114th neighborhood.
 - Examining how to provide acceptable access to tax lot 1S1 3B/102.
 - Examining phasing issues.
- B. Regarding street connectivity, the Teufel Property shall be developed consistent with the Design Option listed in Section 3.07.630 of Metro's Urban Growth Management Functional Plan.
- C. Except for the 22-acre portion designated TO:RC, the property shall be primarily developed as an area of high density housing. In keeping with regional objectives for intensification of development in mixed-use areas well-served by transit to accommodate future population growth within the present urban area, the minimum amount of residential development on the property at build-out shall be 1,946 dwelling units. Provided that future plan amendments are for non-institutional uses, this number shall be achieved even if future plan amendments change the plan designations on the property. However, this number shall be reduced proportionally for future plan amendments which change residential development areas to institutional land use designations.
- D. At the time of adoption of the Cedar Mill Town Center Plan, the Beaverton School District had identified the need for additional school facilities in the area and was proceeding with condemning a portion of the Teufel Property at the northeast corner of the property for a future school site. If and when the School District acquires a portion of the property, a plan amendment changing the area to an institutional land use designation would need to be approved in order to build a school on the site. Additionally, if and when the School District condemns a portion of the Teufel Property for a future school site, the 1,946 residential units designated for the site will be commensurately reduced for the area taken by the School District for the school site. No other land use designation applicable to the Teufel Property will be affected by the School District's siting of a school on the Teufel Property. Development of a school on the site may proceed on the Property prior to the process outlined in A. above.

abcdef Proposed additions

~~abedef~~ Proposed deletions

Replace the text of the Cedar Hills – Cedar Mill Community Plan describing “Potential Park/Open Space/Recreation Area E” with the following text.

Potential Park/Open Space/Recreation Area E: Cedar Mill Creek and Falls

THPRD has proposed three neighborhood parks in this area. Generally these parks are located near the juncture of Cedar Mill Creek and Barnes Road, Cedar Mill Falls and parallel to Cedar Hills Boulevard between Cornell and Johnson Creek. Specific park locations shall be determined during the review of particular development plans. Neighborhood parks are ideally 3 to 5 acres in size, except within light rail transit station areas or Town Centers where they may be less than 3 acres in size if they are within one-quarter mile or less of the station or the Town Center core.

The Cedar Mill Falls area would remain as a natural area as an integral cultural and natural resource amenity of the Cedar Mill Creek Neighborhood Trail Corridor Loop.

Delete the description of the North-South Access in the Transportation section of the Cedar Hills – Cedar Mill Community Plan as follows:

~~North-South Access~~

~~The Transportation Plan continues the designation of NW and SW 112th Avenue between SW Barnes and NW Cornell Roads as an Arterial. The plan also designates a general alignment for a new Arterial connection across the Teufel Nursery property, also to provide a link between Barnes and Cornell. Significant improvements will be required before 112th can actually serve arterial-level traffic. Some of these improvements will be accomplished in conjunction with development of the Peterkert property. The exact nature of the improvements and the responsibility for financing will be determined through application of the County's Growth Management Policies.~~

~~The purpose of the arterial facility on the Teufel Nursery property is to serve high density residential development shown in the Community Plan for the site as well as to provide additional north-south access for the community.~~

~~Lane requirements for each of the two above arterials shall be re-evaluated pursuant to studies the County participates in with Metro, Multnomah County and the City of Portland regarding traffic circulation in the Cedar Mill area and its affect on adjacent jurisdictions.~~

Add descriptions of new Areas of Special Concern 12, 13, 13a, 14, 15, and 16 to the text of the Cedar Hills – Cedar Mill Community Plan under the description of the Cedar Mill West Subarea, as follows:

Area of Special Concern No. 12:

The intent of this area of special concern is to consider, and in some cases, require additional pedestrian, bicycle and transit design elements along arterial roads within the Cedar Mill Town Center. An objective is to develop arterials in this area as an integrated whole, considering the inter-relationship among land uses, the auto travelway, and pedestrian, transit and bicycle needs.

a. Subsection "a" applies to Cornell Road between Dale and Barnes Road. This is considered a portion of the Main Street for the Cedar Mill Town Center. Cornell Road shall be built as a 3 lane road with bike lanes and sidewalks. The road shall include on-street parking. The road shall generally include 12 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. The design speed shall be no greater than 35 miles per hour. Alternate pavement treatment for crossings, a raised landscaped center median, and, as appropriate, smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

Project Development for this section of Cornell Road shall follow the public involvement guidelines identified in RO 93-124. Public Involvement for Large Projects along this section of the roadway shall utilize a Citizen Advisory Committee.

A legislative plan amendment shall be necessary in order to increase the proposed number of lanes on this portion of Cornell to more than 3 lanes.

The right of way for this section shall be 90 feet. For land development actions, buildings along this section of Cornell shall be setback at least four feet from the edge of ultimate ROW.

For land development actions, the following shall be required: 12 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian

abcdef Proposed additions

scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet.

b. Subsection "b" applies to Murray Road between Sherry Street and Cornell Road. For capital projects, the ultimate design of the road shall generally include 10 foot sidewalks at a minimum with street trees in tree wells. The ultimate design shall consider installation of a gateway treatment. Interim projects are not required to include all of the elements mentioned above.

For land development actions, 10 foot sidewalks with street trees in tree wells shall be required. Right of way shall be 98 feet. A five foot utility easement shall be required where buildings do not front within five feet of the back of sidewalk.

c. Subsection "c" applies to Barnes Road between Saltzman and where it intersects the Johnson Creek wetland (approximately 2000 feet southeast of the Barnes/Saltzman intersection). For capital projects, the ultimate design of the road shall generally include 10 foot sidewalks at a minimum with street trees in tree wells. The ultimate design shall consider installation of a gateway treatment. Interim projects are not required to include all of the elements mentioned above.

For land development actions, 10 foot sidewalks with street trees in tree wells shall be required. Right of way shall be 98 feet. A five foot utility easement shall be required where buildings do not front within five feet of the back of sidewalk.

d. Subsection "d" applies to Barnes Road between Saltzman and Cornell. This is considered a portion of the Main Street for the Cedar Mill Town Center. This section of Barnes shall be built as a 3 lane road with bike lanes and sidewalks. The road shall include on-street parking. The road shall generally include 12 foot sidewalks at a minimum with street trees in tree wells, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above. For land development actions, the following shall be required: 12 foot sidewalks with street trees in tree wells, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet. Right of way shall be 86 feet.

abcdef Proposed additions

e: Subsection "e" applies to Cornell Road between Barnes and the eastern boundary of the Teufel Property. The road shall generally include 10 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. However, sidewalks may be 5 feet wide on the north side of Cornell east of 119th Avenue. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Gateway treatments, alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

For land development actions, the following shall be required: 10 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet. Right of way shall be 90 feet. Between Barnes and 123rd, buildings shall be setback at least four feet from the right of way.

f. Subsection "f" applies to Saltzman Road between Barnes and just south of Kearney Street. The road shall generally include 10 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Gateway treatments, alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

For land development actions, the following shall be required: 10 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet.

g. Subsection "g" applies to the extension of 119th on the Teufel property between Cornell and Barnes. The road shall generally include 12 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Alternate pavement treatment for crossings, and smaller

abcdef Proposed additions

curb radii at intersections shall be considered as part of the project development process. The ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan

h. Subsection "h" applies to Cornell Road between Dale and 143rd. The road shall generally include 10 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Gateway treatments, alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

For land development actions, the following shall be required: 10 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet. Right of way shall be 98 feet. A five foot utility easement shall be required where buildings do not front within five feet of the back of sidewalk.

Area of Special Concern No. 13:

Area of Special Concern 13 encompasses land designated for commercial or mixed (commercial, office and residential) development in the vicinity of the intersection of Cornell Road and Murray Road.

Area of Special Concern 13 is substantially developed, but portions are anticipated to redevelop in the future. The intent of this area of special concern is to provide direction to the future development and redevelopment in the area, in addition to direction provided by applicable provisions of the Community Development Code.

As properties in the area develop or redevelop, the new development shall be designed to encourage walking, bicycling and transit use in the area. Consistent with design principles or standards of Section 431 of the Community Development Code, buildings shall be located to front on adjacent pedestrian streets, and designed to present front facades with a significant percentage of window space. Building entries shall be oriented to the adjacent pedestrian street if on-street parking is allowed in front of the building.

abcdef Proposed additions

EXHIBIT D

SIGNIFICANT NATURAL AND CULTURAL RESOURCES

This is a generalized description of the significant resources. Additional information concerning each identified resource is available from the Washington County Department of Land Use and Transportation, Hillsboro, Oregon.

WATER AREAS AND WETLANDS

100 year flood plain, drainage hazard areas and ponds, except those already developed.

WILDLIFE HABITAT

Sensitive habitats identified by the Oregon Department of Fish and Wildlife, the Audubon Society Urban Wildlife Habitat Map, and forested areas coincidental with water areas and wetlands.

WATER AREAS AND WETLANDS & FISH AND WILDLIFE HABITAT

Water areas and wetlands that are also fish and wildlife habitat.

OPEN SPACE/BICYCLE PATHWAYS

Existing parks, recreation sites, golf courses, cemeteries, school playgrounds, powerline rights-of-way, and future park sites owned by the Tualatin Hills Park and Recreation District.

Existing bicycle pathways.

HISTORIC AND CULTURAL RESOURCE OVERLAY DISTRICT

Historic Resources described in the Washington County Cultural Resources Inventory, including sites, structures, objects and buildings. Historic buildings and structures are protected by regulations in the County's Historic and Cultural Resource Overlay District.

SCENIC RESOURCES

SCENIC VIEWS Viewpoints providing a vista of the Tualatin Valley, the Cascade Mountains, or other scenic features.

SCENIC FEATURES Land forms, vegetation or water courses with aesthetic value to the surrounding area.

PARK DEFICIENT AREA

Area more than 1/2 mile from a park site or a public school playground.

POTENTIAL PARK/OPEN SPACE/RECREATION AREA

Generalized indication of an area described in the Community Plan text as offering the opportunity for private or public recreational or open space uses.

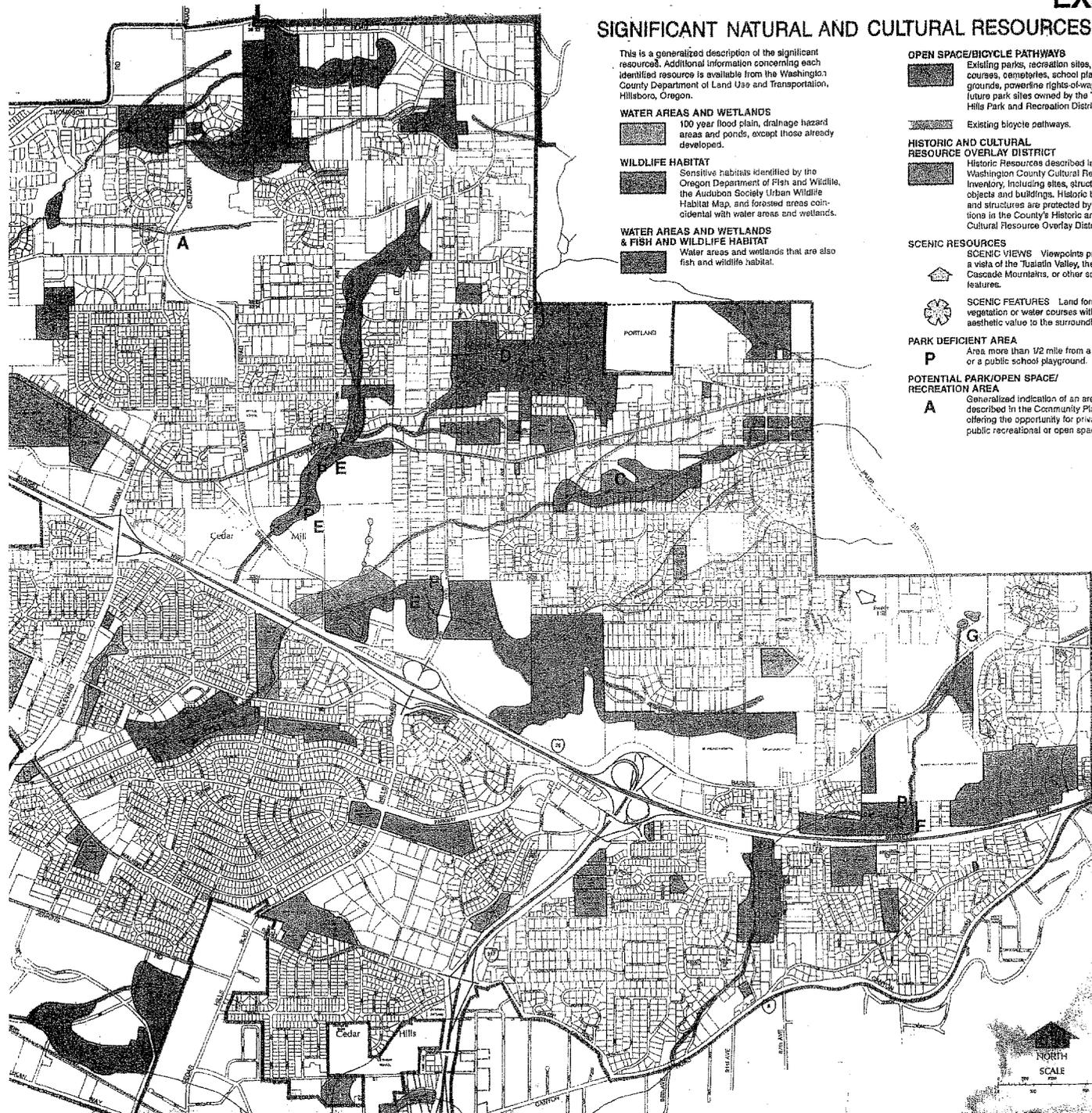
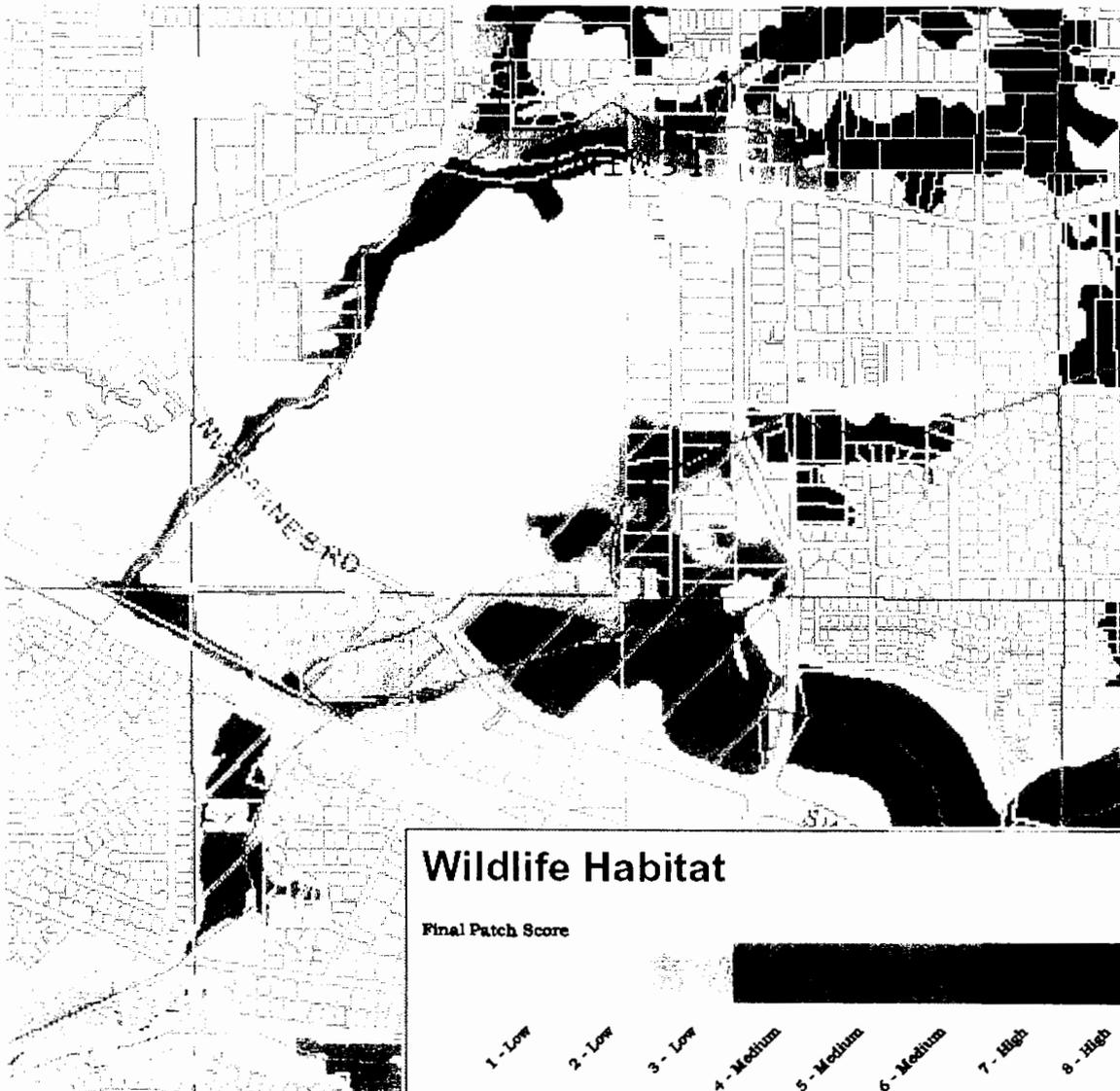


EXHIBIT E



Wildlife Habitat

Final Patch Score

- 1 - Low
- 2 - Low
- 3 - Low
- 4 - Medium
- 5 - Medium
- 6 - Medium
- 7 - High
- 8 - High
- 9 - High

Habitats of Concern Boundaries 5/17/2002

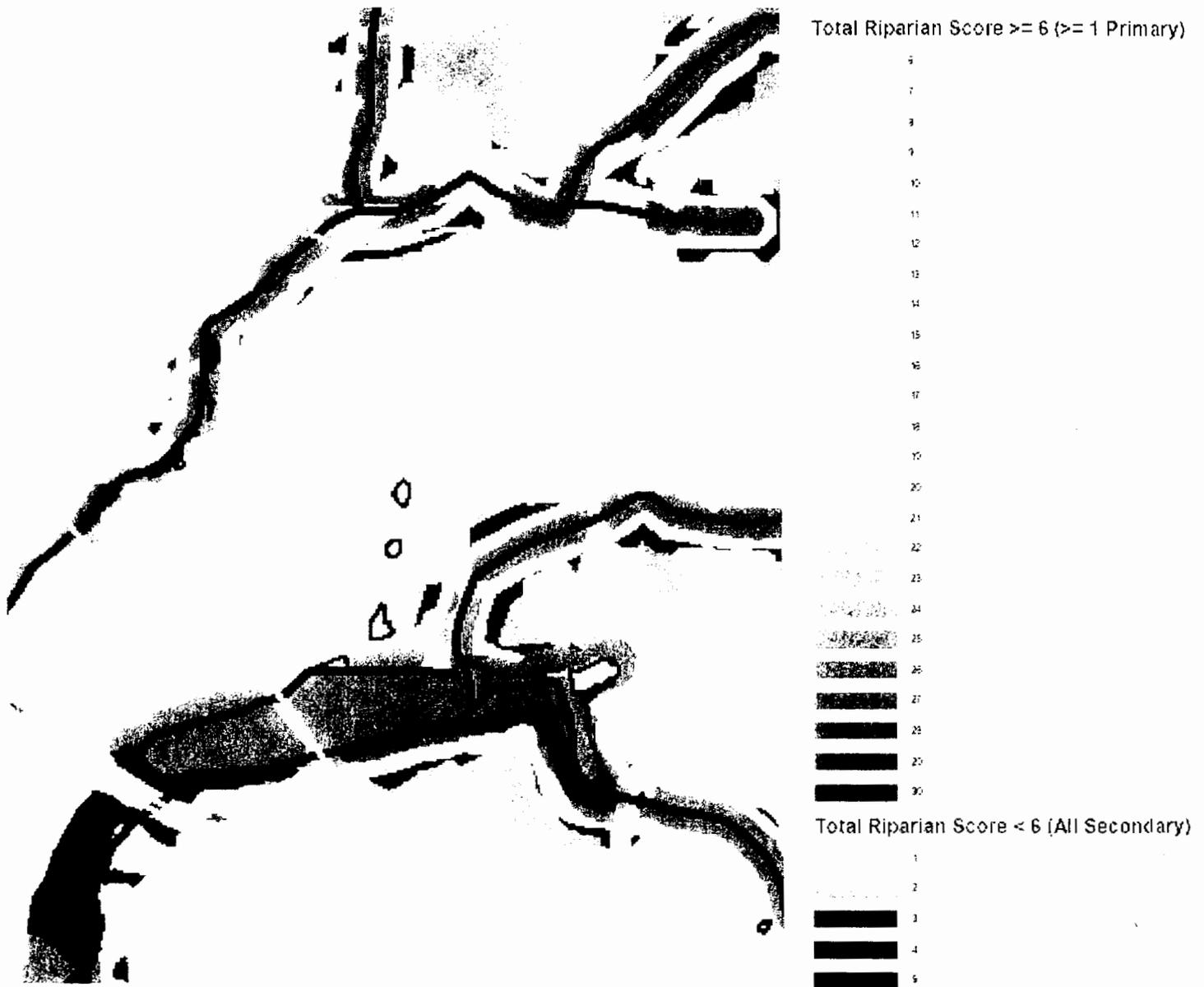
Hatched box symbol: HOC Wetlands

Site scores based on relative performance of the following wildlife values:

1. Size
2. Interior Area
3. Proximity & Connectivity Between Patches
4. Connectivity to Water

EXHIBIT F

METRO RIPARIAN CORRIDOR INVENTORY Exhibit F



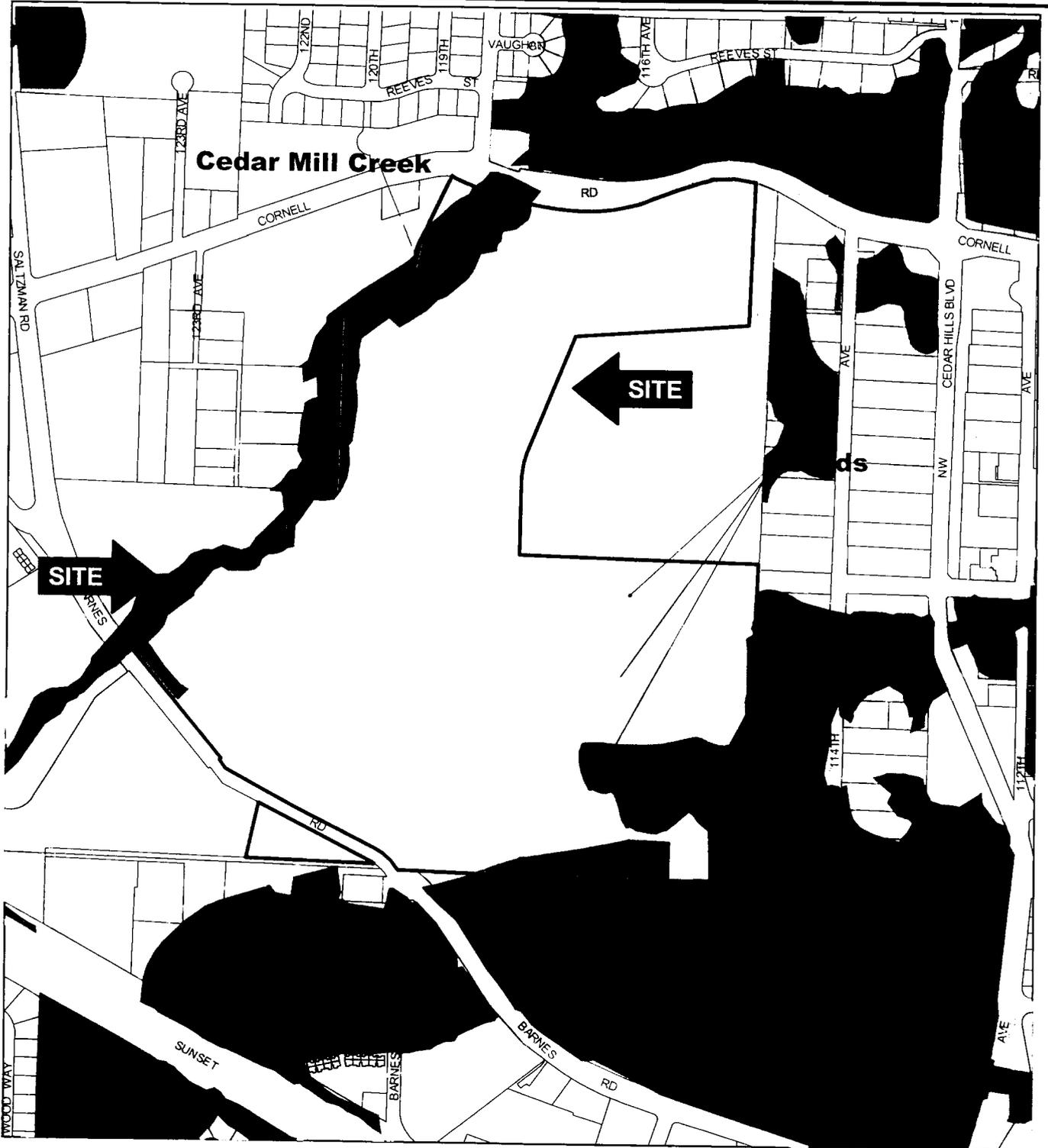
Site scores based on relative performance of the following Riparian functions:

1. Microclimate and Shade
2. Streamflow Moderation and Water Storage
3. Bank Stabilization, Sediment and Pollution Control
4. Large Wood and Channel Dynamics
5. Organic Material Sources

EXHIBIT G

Tualatin Basin Partners Generic Recommendation

Exhibit G



City of Beaverton

CPA2003-0017 Comprehensive Plan Map Amendments

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

02/07/04

Map #

1N134C000100
1N134C002800

N



Application #

CPA2003-0017

EXHIBIT H

EXHIBIT

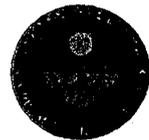
H

Tualatin Hills Park & Recreation District

Proposed Park Service and Conceptual Major Trails

Legend

-  Area included in Half-mile buffer zone around parks
-  Schools
-  Community Parks
-  Neighborhood Parks
-  Other District Parks
-  Metro Parks and Open Space
-  City of Hillsboro
-  City of Portland
-  City of Tigard
-  Collectors
-  Major Roads
-  Study Area Boundary
-  Beaverton School District
-  Light Rail Under Construction
-  Light Rail (Proposed)
-  Major Trail
-  Urban Growth Boundary
-  Proposed Neighborhood Park
-  Proposed Community Recreation Center





MEMORANDUM

"make it happen"

City of Beaverton

Community Development Department

To: Planning Commission

From: Colin Cooper, AICP, Senior Planner, Barbara Fryer, AICP, Senior Planner, Randy Wooley, P.E., City Transportation Engineer

Date: February 25, 2004

Subject: *Teufel Property - Washington County Comment Letter and Fishman Environmental Letter*

The purpose of this memo is to provide a brief staff response to the letters referenced above that were submitted to the City on Wednesday, February 25, 2004. The Washington County letter addresses six major issues related to the Teufel Property, while the Fishman letter addresses the desire to remove several environmental features from the Local Wetland Inventory.

Washington County Letter Response:

Issue 1: Should the North-South Road on the property be designated a Collector or an Arterial?

Transportation planning staff recommend that the north-south road be designed as a collector. The collector designation best fits the definitions contained in Section 6.3.4 of the Comprehensive Plan. Arterials are intended to accommodate through traffic. Section 6.3.4 defines collectors as follows:

“Collector streets balance access and circulation within residential, commercial, and industrial areas. Collectors differ from arterials in that they provide circulation within the city and distribute trips onto neighborhood routes and local streets.”

The north-south road is intended to function as a collector for the Teufel area, not as an arterial for through traffic. Under City standards, there is no direct link between functional classification and the number of lanes. Beaverton has arterials as narrow as two lanes and it has collectors with more than three lanes. Under any functional classification, the number of lanes will be determined based on traffic analysis at the time of development.

Unlike Washington County, the City does not determine the locations of on-street parking as part of its Transportation Plan. Staff feels that City processes adequately provide for review of on-street parking as part of the development process. Therefore, staff recommend that no conditions be adopted at this time related to on-street parking. Depending on the actual development proposed, some on-street parking may be desirable in some locations, such as along the frontage of the future school.

If the street is to function as a collector, staff feel that the City standards for street spacing are adequate. During development review, street spacing will be reviewed to assure adequate space for turn lanes and traffic queues. This review will be required as part of the traffic analysis.

Therefore, staff recommend that no amendment be made to the proposed Teufel Ordinance.

Issue 2: Should the north-south road be designed as Five lanes/Three lanes in the plan or should road width be determined as part of the land development process?

The County requests that the Teufel Ordinance be amended to specify the width of the proposed north-south road. The exact size of the north-south road will be determined based on development application.

Therefore, staff recommend that no amendment to the proposed Teufel Ordinance.

Issue 3: Will a half street improvement be required on arterial that abut the site?

Two arterials abut the site, Barnes Road and Cornell Road. Transportation staff find that there is no need for additional conditions within the Teufel Ordinance because the Development Code currently requires that development construct half-street improvements that meet the "rough proportionality" test.

The Commission should be aware that the developer of this property is not required to construct a half-street frontage on Barnes Road because this portion of Barnes Road is contained within the Washington County MSTIP 3 that is scheduled to construct the entire street cross-section.

Therefore, staff recommend that no amendment be made to the proposed Teufel Ordinance.

Issue 4: Will the off-street pathway and trail system on-site relate to planned off-street pathways abutting the site?

As noted in the County response to this question, the Teufel Ordinance does address the need for any pathways proposed in the development to relate to surrounding neighborhoods. This statement is intended to require the applicant to provide connection with those pathway systems contained within the City's TSP, Washington Counties TSP, and Metro RTP when appropriate and feasible. The City is aware of the east west pathway to which the County refers and will review that connection with the development proposal.

Therefore, staff recommend that no amendments be made to the proposed Teufel Ordinance.

Issue 5: How will property withdrawn for other purposes be considered in establishing a new dwelling unit capacity total?

The County letter states that the 1,946 dwelling unit figure is based on a net developable acreage already accounting for both environmentally sensitive areas and public rights-of-way. However, staff find that County net acreage figure does not account for either the Metro Goal 5 Natural Resource Inventory or site specific natural resource assessments. Further, staff find that the proposed 1,946 dwelling unit count assume development of the area withdrawn for the School District which is arguably the best area to place density on the site leading to questions of whether it is feasible to develop other portions of the site at the same density. While the City is committed to the development of 1,946 new dwelling, units it may be through the increase of units on other properties.

Therefore, staff recommend no changes to the proposed ordinance.

Issue 6 : Is the Sunset Clause in Section 8 necessary?

Staff has included the Sunset Clause in anticipation that the development will proceed in a timely manner and that the unique provisions related to development of this property will be largely fulfilled within the 2 year time line specified. Staff suggest that the Commission and Council can modify the timeline for the Ordinance on an as needed basis.

Therefore, staff recommend no changes to the proposed ordinance.

Fishman Technical Memorandum and Current Development Processes Response:

Fishman Environmental Services prepared a Technical Memorandum, dated February 23, 2004, for Fred Gast of Polygon NW. The Technical Memorandum reviews the history and examines the soil, vegetation, and hydrologic structure of the four irrigation ponds on the subject site and concludes that three of the ponds would not be considered jurisdictional waters or wetlands by the Division of State Lands (DSL). While the Technical Memorandum may be accurate, DSL has not concurred with the findings and would not be the ultimate arbiter of regulatory jurisdiction. Clean Water Services (CWS) provides storm water quality services to the urban areas of Washington County. The two applicable definitions of 'edge of a sensitive area' in *CWS 2004 Design & Construction Standards* are as follows: the delineated boundary of the wetland per DSL/Corps procedures for wetland delineation and the outside edge of spring emergence. However, a 'sensitive area' does not include storm water infrastructure, off-stream recreational lakes, wastewater treatment lagoons, fire ponds or reservoirs or drainage ditches. In Beaverton's Local Wetlands Inventory (LWI), existing regulations specify that wetland delineations completed as part of a development proposal and approved through DSL or the US Army Corps of Engineers provide more accurate assessment of the wetland resources and their boundaries.

CPA Resource Data Source

As noted in the CPA2003-0017 staff report dated February 6, 2004 prepared for the February 25, 2004 Planning Commission hearing, the areas proposed as Significant Goal 5 resources are based on Metro's *Regionally Significant Riparian Corridors by Total Functional Score* and *Potential Wildlife Habitat by Total Wildlife Value Score* Maps approved by Metro Council Resolutions 02-3176 and 02-3177. The Metro Maps are based on functional scores or wildlife values considered important on a regional scale. Metro assumed some map errors may result from this methodology, thus they established a process to correct the maps. That process is available to the developer of the subject property.

Tualatin Basin Goal 5 ESEE Analysis

The cities in Washington County, the County, THPRD and CWS have entered into an agreement with Metro to complete a regional Goal 5 process relating to stream corridors and wildlife habitat for the Tualatin River Basin. In signing that formal agreement, all the participating local governments, including Beaverton, agreed to use the Metro inventory of natural resources as the basis for developing a program for resource protection after analyzing the environmental, social, economic, and energy (ESEE) consequences of allowing, permitting or limiting to some degree development of inventoried resources. The Metro inventory does show the subject ponds as regionally significant natural resources. Therefore, the City should also show these resources on its maps of significant natural areas until they are removed from the Metro map.

This area is within the Cedar Mill Creek Streamshed Analysis area for the Tualatin Basin Goal 5 ESEE analysis. The preliminary draft streamshed analysis provides the following narrative applicable to the subject property: "There is a large split-zoned parcel located between Cornell and Saltzman Roads that is currently used as a commercial nursery (Teufel). Cedar Creek articulates the western property line of this parcel which has a 'moderately limit' program recommendation for the class I portion of the Riparian Corridor – the vast majority of which corresponds with the new FEMA floodplain boundary data. There are no pending land use decisions for the development of this property, although it is not anticipated that future development will conflict with resource protection."

The preliminary draft Cedar Mill Creek Streamshed Analysis does not propose to adjust the general allow, limit, prohibit recommendation noted on Exhibit G to the CPA 2003-0017 staff report, however, adjustment criteria discussions continue within the Tualatin Basin Goal 5 Steering Committee. One of the proposed adjustment criteria includes reduction of the program recommendation to "allow" where water quality/detention facilities or farm ponds occur.

Recommendation

Staff recommends the Planning Commission retain the Significant Natural Resource, Significant Wetland and Significant Riparian Corridor designations as proposed in the CPA2003-0017 staff report. The decision about whether the ponds can be developed should be made through the City's development review process, in conjunction with Clean Water Services.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Implementing the Comprehensive Plan to Create Teufel Property Review Procedures.

04/05/04
FOR AGENDA OF: ~~03-15-04~~ **BILL NO:** 04045

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 03-02-04

CLEARANCES: City Attorney *[Signature]*
Dev. Serv. *[Signature]*

PROCEEDING: Second Reading
First Reading

- EXHIBITS:**
1. Ordinance
 2. Land Use Order No. 1673
 3. Draft PC Minutes
 4. Staff Memo dated 02-25-04
 5. Staff Report dated 02-05-04

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On February 25, 2004, the Planning Commission held a public hearing to consider a special land use ordinance entitled the Teufel Property Development Review Procedure. The special ordinance will adopt special noticing and development review standards contained within Washington County's Cedar Hill-Cedar Mills Community Plan for the Teufel property. The Teufel property special standards do not correspond with the City Development Code nor will they apply to other future annexed areas covered by the Urban Planning Area Agreement (UPAA). Because these standards are unique to the Teufel Property, it is proposed that the noticing and development review requirements be contained in a special land use ordinance separate from the Development Code.

The Planning Commission accepted oral testimony in favor of the ordinance, and written testimony related to transportation, environmental, and density issues contained in the ordinance.

Following the close of the public hearing on February 25, 2004, the Planning Commission voted 6-0 (Maks absent) to recommend approval of the proposed special ordinance.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill are Land Use Order No. 1673, the recommended text, the draft Planning Commission meeting minutes, and the staff report.

RECOMMENDED ACTION:

Staff recommend the City Council approve the recommendation of the Planning Commission for the Teufel Property Development Review Procedure Ordinance as set forth in Land Use Order No. 1673. Staff further recommends the Council conduct a First Reading of the attached ordinance.

ORDINANCE NO. 4293

AN ORDINANCE IMPLEMENTING THE COMPREHENSIVE
PLAN TO CREATE
TEUFEL PROPERTY REVIEW PROCEDURES

WHEREAS, the City of Beaverton has entered into an Annexation Agreement for the Teufel Nursery property located at 12345 NW Barnes Road, in Washington County, Oregon, Tax Lot Numbers 00100 and 02800 on Assessor's Map 1N1-34C; and,

WHEREAS, the City Council recognizes the need to maintain continuity of the planning efforts conducted by Washington County and the review procedures and development standards of the City of Beaverton; and,

WHEREAS, the City Council further recognizes the unique development standards developed for the Teufel Property within the Washington County Cedar Mill Community Plan; and,

WHEREAS, this Ordinance implements Beaverton's Comprehensive Plan provisions for this property consistent with the Urban Planning Area Agreement; and

WHEREAS, the City Council desires to establish the Teufel Property Review Procedures that along with the Beaverton Development Code will serve as guidance for the development of the Teufel Property; and,

WHEREAS, in accordance with City Council Rules of Procedure, the Council adopts the following for the Teufel Property; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Background

The standards contained herein encompass a property that has generally been described as the Teufel Nursery, referred to in this document as the Teufel Property and precisely described as Washington County Assessor Map 1N1-34C Tax Lots 00100 and 02800 (Exhibit 1.1).

The Teufel Property is planned for a vibrant mixed use development with retail commercial and high-density residential uses. Approximately 22 acres of the property carries the Washington County TO:RC zoning designation and the remaining area carries the Washington County TO:R24-44 zoning designation. Pursuant to the City of Beaverton Washington County Urban Planning Area Agreement, when the property is annexed into the City the zoning designations will be changed to Town Center – Mixed Use (TC-MU) and Town Center – High Density Residential (TC-HDR) respectively. In addition, a public road has been designed through the site to connect SW Barnes Road

with NW Cornell Road. These actions will occur by separate ordinance.

Section 2. Public Notice and Development Application Filing Procedure

Notwithstanding the requirements for conducting a Neighborhood Review Meeting as specified in Section 50.30 of the Beaverton Development Code, development of the Teufel property shall be subject to the following:

1. Prior to filing the development application(s), there shall be at least one open house for the Citizen's Participation Organization 1 ("CPO 1") residents to review the application, obtain citizen input and identify potential issues regarding the application;
2. Prior to filing the application, there shall be at least two neighborhood review meetings (including one required neighborhood meeting conducted in accordance with Section 50.30 of the Development Code);
3. All required notices, including but not limited to the notice for the open house for CPO 1 residents, the neighborhood review meetings, and the public hearing(s) shall be done in accordance with Beaverton Development Code Section 50.45, except that notice shall be provided to all property owners of record within 1000 feet of the Teufel Property;
4. Open house, neighborhood review meetings, or both which have occurred prior to the effective date of this ordinance shall be accepted by the City of Beaverton as fulfilling the requirements of this ordinance provided that it is demonstrated that the meetings were conducted in accordance with the provisions of Washington County Ordinance 536.
5. The overall master plan development application shall be reviewed at a minimum through a Type 3 Planned Unit Development process pursuant to Development Code Section 40.15.15.5, 40.15.15.6, or both;

Section 3. Land Use, Design, and Transportation Issues

1. The development application shall address land use, urban design and transportation issues associated with the site, including, but not limited to the following:
 - a) Demonstrate compliance with the public involvement process set forth in Section 2 above regarding the Planned Unit Development process;
 - b) Provide the property owners some flexibility in meeting their development objectives;

- c) Develop a plan that will produce a high degree of urbanism on the property;
- d) Identify and locate a vehicular and pedestrian circulation system;
- e) Identify and develop design standards for main street on the site;
- f) Develop a sketch building orientation and on-street parking plan;
- g) Focus the development around an identifiable public place such as a park, square or plaza;
- h) Integrate the different uses on the site;
- i) Develop an off-street pathway and trail system relating to the neighborhoods surrounding the property;
- j) Integrate the Beaverton School District site into the overall development PUD;
- k) Identify how the site will access the surrounding arterial system, including an examination of extending Leahy between the site and Cedar Hills Boulevard.
- l) Incorporate Cedar Mill and Johnson Creek into the development of the property as appropriate;
- m) Provide buffering and screening to the 114th neighbors;
- n) Examine how to provide acceptable access to tax lot 102 Assessor Map # 1S1-3B.

Section 4. Dwelling Unit Capacity

The development of this property is required to provide 1,946 dwelling units less the number of dwelling units that would have been provided for on any area withdrawn from the Teufel Property for the use by the Beaverton School District. Property withdrawn for other purposes such as environmental protection may also be considered in establishing a new dwelling unit capacity total. Pursuant to Development Code Section 40.25 the Developer of this property shall submit for a Director's Interpretation in order to provide for a determination of a reduced number of dwelling units to be provided on site.

Section 5. Natural Resources

The development of this property will require the completion of a wetland delineation by a certified wetland scientist that is consistent with the standards of the City and Clean Water Services. The development of the property requires the completion of a tree survey by a certified arborist of all trees located on the site which has a diameter at breast height of ten (10) inches or more.

Section 6. Parks

The development of this property shall provide consideration for the creation of Park, Open Space, or Recreation areas within the Teufel Property and will work with the Tualatin Hills Park and Recreation District to dedicate these area to THPRD.

Section 7. Transportation

The development of this property shall require the construction of a north south collector street with an alignment located within the "Special Area Major Collector Corridor" identified by the Teufel Property Collector Street Study Area Map.

Section 8. Sunset Clause

The provisions of Section 2 and 3 of this ordinance shall expire no less than two years after the effective date of this ordinance.

Section 9. Severance Clause.

The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

Section 10. Effective Date

On account of the appellate litigation filed for Ordinance 4284, the ordinance annexing the Teufel Property into the City of Beaverton, this Ordinance shall take effect upon the date the Land Use Board of Appeals renders a Final Opinion and Order affirming the annexation, or the date the Court of Appeals renders a decision or opinion affirming the same, whichever is later.

First reading this 15th day of March, 2004.

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

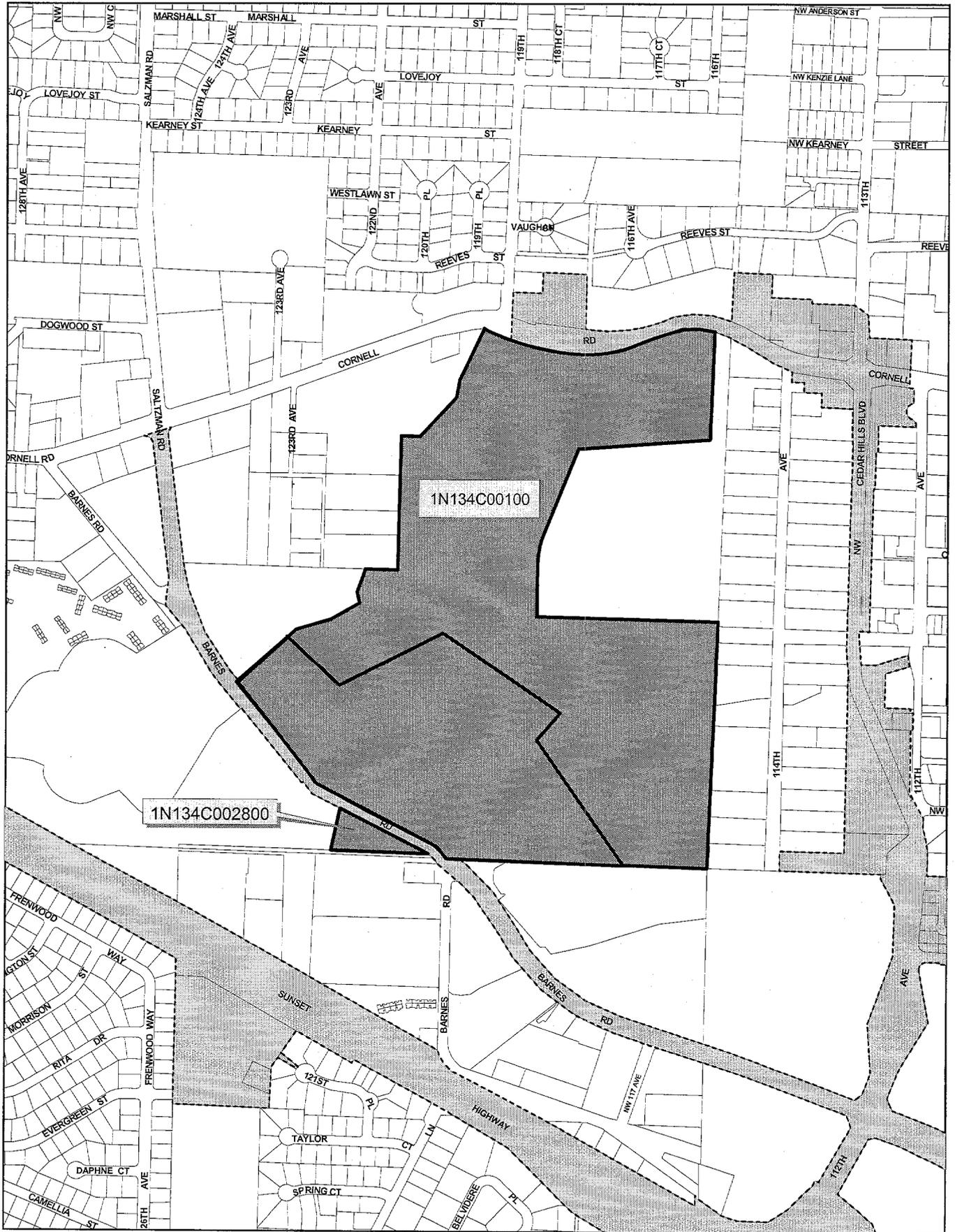
Approved by the Mayor this ___ day of _____, 2004.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor



**BEFORE THE PLANNING COMMISSION
FOR THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF A REQUEST)	
)	
TO ADOPT A SPECIAL ORDINANCE	)	ORDER NO. 1673
)	
THAT WILL GUIDE NOTICE AND	)	RECOMMENDING
)	
REVIEW PROCEDURES FOR THE	)	TO CITY COUNCIL
)	
TEUFEL PROPERTY AT 12345 NW	)	APPROVAL OF
)	
BARNES ROAD (TEUFEL ORDINANCE,	)	SPECIAL ORDINANCE
)	
CITY OF BEAVERTON, APPLICANT)	

The matter of the Teufel Property Review Procedures Ordinance was initiated by the City of Beaverton in order to guide notice and review procedures for the Teufel property. The proposed ordinance involves property commonly known as a portion of the Teufel Nursery located at 12345 NW Barnes Road and more specifically described as Tax Lots 00100 and 02800 on Washington County Assessor's Map 1N134C0.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance No. 4248, Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearing on February 25, 2004, and considered oral and written testimony and exhibits for the proposed

amendment to adopt the Teufel Property Development Review Procedures Ordinance.

The Planning Commission accepted oral testimony from Fred Gast, Polygon Northwest, in support of the Teufel Ordinance. The Planning Commission also considered three letters related to the Teufel Ordinance that had been submitted suggesting possible changes to the proposed Ordinance. The first letter, dated February 23, 2004, was from Fishman Environmental Services summarized potential jurisdictional status of four irrigation ponds on the Teufel Property. The second letter, dated February 24, 2004, was from Kathy Lehtola, Director of Land Use and Transportation, Washington County discussing issues related to transportation, site density, and the sunset clause of the Teufel Ordinance. The third letter, dated February 24, 2004, from Charles B. Thompson discusses the potential transportation connections between the Teufel Property and the Leahy Road. The Planning Commission considered all three of these letters along with a staff memorandum prepared in response the letters. Upon deliberation the Planning Commission felt that the proposed Teufel Ordinance properly considered the transportation, environmental, and process issues raised by the three letters and chose not to amend the proposed Teufel Ordinance based on the written testimony.

The Planning Commission adopts by reference the February 5, 2004 staff report, and February 25, 2004 staff memorandum, as to criteria

contained in the City Charter, Comprehensive Plan, and Development Code applicable to this request and findings thereon; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** of the Teufel Property Development Review Ordinance to the Beaverton City Council. The Planning Commission finds that evidence has been provided demonstrating that proposed Teufel Ordinance is in conformance with the City Charter, Comprehensive Plan, and Development Code.

CARRIED by the following vote:

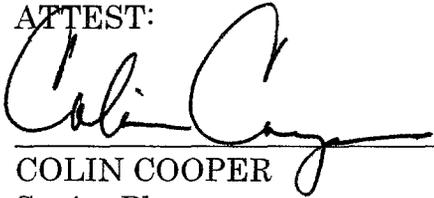
AYES: Voytilla, Winter, Bliss, Johansen, Pogue, and Barnard.
NAYS: None
ABSTAIN: None.
ABSENT: Maks.

Dated this 1st day of March, 2004.

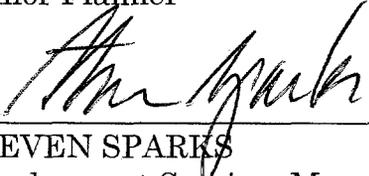
Appeals of a Type 4 decision are to be conducted in conformance to Section 50.75 of the Beaverton Development Code. To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1673 an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on Thursday, March 11, 2004.

PLANNING COMMISSION
FOR BEAVERTON, OREGON:

ATTEST:

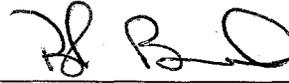


COLIN COOPER
Senior Planner



STEVEN SPARKS
Development Services Manager

APPROVED:



BOB BARNARD
Chairman

PLANNING COMMISSION MINUTES

February 25, 2004

CALL TO ORDER:

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

ROLL CALL:

Present were Chairman Bob Barnard, Planning Commissioners Gary Bliss, Eric Johansen, Shannon Pogue, Vlad Voytilla, and Scott Winter. Planning Commissioner Maks was excused.

Development Services Manger Steven Sparks, Planning Services Manager Hal Bergsma, Senior Planner Colin Cooper, Senior Planner Alan Whitworth, Assistant City Attorney Ted Naemura, and Recording Secretary Sheila Martin represented staff.

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

VISITORS:

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

STAFF COMMUNICATION:

Senior Planner Colin Cooper stated that staff has no communications at this time.

OLD BUSINESS:

Chairman Barnard opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of

1 any Commissioner to hear any of the agenda items, to participate in
 2 the hearing or requested that the hearing be postponed to a later date.
 3 He asked if there were any ex parte contact, conflict of interest or
 4 disqualifications in any of the hearings on the agenda. There was no
 5 response.

6
 7 **CONTINUANCES:**

8
 9 **A. BLACKSTONE SUBDIVISION**

- 10 1. **LD 2003-0033 – Land Division**
 11 2. **SDM 2003-0010 – Street Design Modification**
 12 3. **TP 2003-0026 – Tree Plan**
 13 4. **FS 2003-0013 – Flexible Setback**

14 The applicant requests Land Division, Flexible Setback, Street Design
 15 Modification and Tree Plan 2 approvals for the proposed 23-lot
 16 subdivision. The Land Division application proposes to create 23
 17 single-family lots with public roadways connecting to SW Cynthia
 18 Court and SW 155th Avenue, a water quality facility, and other public
 19 improvements. The Flexible Setback application requests a 15-foot
 20 front and 20-foot rear yard setback for multiple lots within the
 21 subdivision. The Street Design Modification application requests
 22 reductions to the radius of the proposed cul-de-sac and the minimum
 23 standards for a local street. The Tree Plan application requests the
 24 removal of more than four Community Trees within the Subdivision.
 25 Community Trees are trees with diameters greater than 10-inches at
 26 breast height.

27
 28 Commissioner Johansen **MOVED** and Commissioner Voytilla
 29 **SECONDED** a motion to grant the applicant's request to **CONTINUE**
 30 LD 2003-0033 – Blackstone Subdivision Land Division, SDM 2003-
 31 0010 – Blackstone Subdivision Street Design Modification, TP 2003-
 32 0026 – Blackstone Subdivision Tree Plan, and FS 2003-0013 – Black-
 33 stone Subdivision Flexible Setback to a date certain of March 17, 2004.

34
 35 Motion **CARRIED**, unanimously.

36
 37 **NEW BUSINESS:**

38
 39 **PUBLIC HEARINGS:**

40
 41 **A. TEUFEL PROPERTY**

- 42 1. **CPA 2003-0017 – Comprehensive Plan Map Amendments**
 43 2. **ZMA 2003-0019 – Zoning Map Amendment**
 44 3. **Teufel Property Review Procedures Ordinance**

1 The first proposal is to amend two maps in the Comprehensive Plan:
2 the Land Use Map (Figure III-1 of Volume I) to designate property
3 annexed into the City by a separate process, as Town Center (TC); and
4 the Significant Natural Resources Map (Volume III) to apply the
5 Significant Natural Resources Overlay Zone and significant riparian
6 and wetlands designations to parts of the property. Secondly, to
7 amend the Zoning Map to show Town Center-High Density Residential
8 (TC-HDR) on approximately 64 acres of the property and Town Center-
9 Multiple Use (TC-MU) on the remaining 22 acres of the property in
10 place of the current Washington County designations of Transit
11 Oriented Residential: 24-40 units to the acre (TO: R24-40) and Transit
12 Oriented: Retail Commercial (TO: RC). These are Beaverton's most
13 similar land use and zoning designations to those that Washington
14 County has placed on these properties. The third action is the
15 adoption of a special ordinance that will guide notice and review
16 procedures for the Teufel property. The address of the parcels is 12345
17 NW Barnes Road, it is identified on tax map 1N134C0 as lots 00100
18 and 02800, and is commonly known as a portion of the Teufel Nursery.
19

20 Commissioner Voytilla disclosed that while he is a member of staff of
21 the Beaverton School District and that the district has an interest in
22 this property; this proposal involves a legislative action and would not
23 affect his ability to participate in a fair and impartial decision.
24

25 Chairman Barnard provided a brief description of the hearing process.
26

27 Planning Services Manager Hal Bergsma introduced himself and
28 Development Services Manager Steven Sparks and explained that the
29 proposed Comprehensive Plan Amendment and Zoning Map
30 Amendment had been necessitated by the recent annexation of the
31 subject property, adding that this annexation had become effective
32 February 13, 2004. Referring to the Washington County/Beaverton
33 Urban Planning Area Agreement which requires adoption of plan
34 designations and zoning as similar as possible to previous Washington
35 County zoning within six months of annexation, he explained that the
36 proposed Comprehensive Plan designation and Zoning Map
37 designation are in compliance with this requirement. Observing that
38 it is also necessary to consider adoption of special provisions related to
39 the subject property that have been adopted by Washington County, he
40 pointed out that while such special provisions generally do not exist, in
41 this particular situation, there are numerous special provisions.
42

43 Mr. Bergsma explained that Washington County had gone through an
44 extensive public process in the late 1990's in an effort to prepare for

1 the future development of this specific property as part of the Cedar
2 Mill Town Center Planning Process, noting that this process had ended
3 in the year 2000 with the adoption of an Ordinance containing several
4 provisions relating specifically to this property. Concluding, he noted
5 that staff has provided within the Staff Report documentation of
6 findings from Washington County's planning process, as well as a copy
7 of the applicable provisions of the Ordinance relating to this property,
8 adding that Mr. Sparks would provide an overview of these provisions,
9 including information with regard to how staff proposes to incorporate
10 these provisions within the City of Beaverton's development
11 regulations.

12
13 Development Services Manager Steven Sparks pointed out that the
14 special provisions relate largely to procedural issues, such as noticing
15 requirements and requirements for open houses. He explained that
16 staff is proposing to create a special ordinance that contains all of the
17 special provisions identified by Washington County in their
18 Community Plan. Pointing out that this special ordinance would work
19 in concert with the Development Code, he emphasized that it would
20 supercede the Development Code in certain situations.

21
22 Mr. Sparks entered into the record correspondence that been
23 submitted pertaining to this proposal, as follows:

- 24
25 1. From Miguel Estrada, dated February 18, 2004;
26 2. From *Fishman Environmental Services, LLC*, dated February
27 23, 2004;
28 3. From Kathy Lehtola, Director of Washington County Land Use
29 and Transportation, dated February 24, 2004; and
30 4. From Charles B. Thompson, dated February 25, 2004.

31
32 Mr. Sparks referenced a supplemental Staff Memorandum, dated
33 February 25, 2004, observing that this document responds to issues
34 described in the correspondence received from *Fishman Environmental*
35 *Services* and Washington County Land Use and Transportation.

36
37 Referring to the correspondence from Miguel Estrada, Mr. Bergsma
38 pointed out that this document basically raises questions with regard
39 to the accuracy of the current process for applying proposed zoning and
40 other provisions within the ordinance, as prepared by staff. He
41 explained that Mr. Estrada has indicated that there should be more
42 findings within the Staff Report addressing a variety of issues,
43 including public process, emphasizing that these findings are
44 contained within Washington County's findings with regard to the

1 extensive process that they had gone through for this property and
2 that these findings have become part of the record for this proceeding
3 as well. He noted that while Mr. Estrada had likely not been a
4 resident at the time that Washington County had gone through that
5 process, the residents of the area had been provided with a number of
6 public involvement opportunities.

7
8 Referring to the correspondence from Mr. Thompson, Mr. Bergsma
9 pointed out that because this individual appears to have a great deal of
10 background with regard to planning in that area, this serves to
11 indicate that there had been extensive interaction with the community
12 as part of that planning process.

13
14 Mr. Bergsma referred to the correspondence from *Fishman*
15 *Environmental Services*, observing that this had actually been
16 submitted to the potential developer of the site, Fred Gast, who
17 represents *Polygon NW*. He explained that Mr. Gast had requested
18 that this document be included in the record because he is concerned
19 with regard to one of the map amendments, and specifically that one of
20 the properties that includes some ponds would be shown under the
21 Significant Natural Resource Area designation. Noting that the
22 proposed map had been based upon the Goal 5 designations developed
23 by Washington County for this property in the early 1980's, as well as
24 more recent Goal 5 inventory work that had been prepared by Metro
25 for the entire region and adopted by resolution in 2003.

26
27 Referring to the correspondence from Charles Thompson, Mr. Sparks
28 explained that the main issue involves the extension of NW Leahy
29 Road, which is an east/west road that would connect with NW 114th
30 Avenue. Emphasizing that staff has considered and appreciates the
31 validity of Mr. Thompson's comments, he noted that it is not
32 appropriate to discuss the existence of this road at this particular time
33 and clarified that because the Community Plan did not identify this
34 road, this issue is best addressed at the development review stage.

35
36 Mr. Sparks referred to the correspondence submitted by Kathy Lehtola
37 of Washington County Land Use and Transportation, observing that
38 this letter identifies six specific issues with regard to amendments or
39 augmentation to the special ordinance. He explained that staff's
40 Memorandum dated February 25, 2004 does not recommend changing
41 the ordinance as it has been prepared, adding that staff has
42 determined that the ordinance presented this evening sufficiently
43 addresses Washington County's Community Plan and the provisions
44 within that plan. Noting that some of the issues referenced by Ms

1 Lehtola are beyond what was originally included in the Community
2 Plan, he suggested that there is a reason these issues had not been
3 included and expressed his opinion that it is not fair to attempt to
4 impose these provisions at this time. Concluding, he offered to respond
5 to questions.

6
7 Assistant City Attorney Ted Naemura commented that the City
8 Attorney's office intends to review the whereas clauses, noting that
9 they would like to insert ?????????? between the whereas clauses in
10 order to more fully clarify the land use nature of this ordinance as it
11 relates to the Comprehensive Plan.

12
13 Mr. Sparks emphasized that this action is intended to demonstrate
14 consistency with the Washington County Community Plan, rather
15 than to review development and development potential.

16
17 Commissioner Johansen discussed correspondence from Washington
18 County Land Use and Transportation, specifically Issue 1, which
19 questions wither the North-South Road on the property should be
20 designated a Collector or an Arterial. He questioned whether the
21 development review process would provide an opportunity to review
22 the classification and specific design elements of this street.

23
24 Mr. Sparks responded that the City's Traffic Engineer has reviewed
25 this issue and prepared a response, observing that the Collector
26 designation proposed by the City has sufficient flexibility that it would
27 be possible to address concerns identified by Washington County. He
28 pointed out that additional concerns could be conditioned with any
29 specific development that is proposed.

30
31 Commissioner Johansen noted that he would be satisfied with a future
32 ability to consider the specifics of the road design and the functional
33 classification.

34
35 Observing that the document from Washington County Land Use and
36 Transportation had been dated the previous day, Commissioner
37 Voytilla expressed concern with receiving this correspondence so late
38 in the process, adding that while this has occurred in the past with
39 other agencies, in his experience, Washington County is typically more
40 cooperative.

41
42 Mr. Bergsma advised Commissioner Voytilla that this correspondence
43 had only arrived this morning.

44

1 Commissioner Voytilla emphasized that this correspondence is
2 basically a few late-minute recommendations, rather than the County's
3 obligation to advise the City on existing policy regarding to this
4 property, as indicated in the first paragraph, and expressed his opinion
5 that this seems inconsistent.

6
7 Mr. Bergsma clarified that Washington County has no obligation to
8 advise the City of Beaverton of anything.

9
10 On behalf of staff, Mr. Sparks informed Commissioner Voytilla that
11 this information only became available this morning.

12
13 Commissioner Bliss requested verification that the City's designation
14 of Collector will or can support the County's designation for an
15 Arterial.

16
17 Mr. Sparks confirmed that the City's designation of Collector will or
18 can support the County's designation for an Arterial.

19
20 Mr. Bergsma explained that while there may be some differences with
21 regard to design, the appropriate capacity would be addressed.

22
23 Observing that the planning for this area involves a Town Center, Mr.
24 Sparks pointed out that a Town Center includes certain design
25 implications, specifically as a pedestrian-oriented area.

26
27 **PUBLIC TESTIMONY:**

28
29 **FRED GAST**, representing *Polygon NW*, expressed his support of the
30 application, expressing his opinion that this action essentially replaces
31 Washington County's zoning designates with those of the City of
32 Beaverton. He emphasized that this does not mean that the
33 commitments made by Washington County to the residents of the area
34 would not be honored, noting that these have been simply transferred
35 over to the City of Beaverton. Concluding, he offered to respond to
36 questions.

37
38 Mr. Sparks recommended approval of all three Ordinances to the City
39 Council.

40
41 The public portion of the Public Hearing was closed.

42
43 Commissioners Voytilla, Johansen, Pogue, Bliss, and Winter, and
44 Chairman Barnard expressed support of staff's' recommendations.

1
2 Commissioner Voytilla **MOVED** and Commissioner Winter
3 **SECONDED** a motion for approval of CPA 2003-0017 – Teufel Multiple
4 Comprehensive Plan Map Amendments, based upon the testimony,
5 reports and exhibits and new evidence presented during the Public
6 Hearings on the matter, and upon the background facts, findings and
7 conclusions found in the Staff Report dated February 6, 2004, and Staff
8 Memorandum dated February 25, 2004.

9
10 Motion **CARRIED** by the following vote:

11
12 **AYES:** Voytilla, Winter, Bliss, Johansen, Pogue, and
13 Barnard
14 **NAYS:** None.
15 **ABSTAIN:** None.
16 **ABSENT:** Maks.

17
18 Commissioner Voytilla **MOVED** and Commissioner Winter
19 **SECONDED** a motion for approval of ZMA 2003-0019, based upon the
20 testimony, reports and exhibits and new evidence presented during the
21 Public Hearings on the matter, and upon the background facts,
22 findings and conclusions found in the Staff Report dated February 6,
23 2004, and Staff Memorandum dated February 25, 2004.

24
25 Motion **CARRIED** by the following vote:

26
27 **AYES:** Voytilla, Winter, Bliss, Johansen, Pogue, and
28 Barnard
29 **NAYS:** None.
30 **ABSTAIN:** None.
31 **ABSENT:** Maks.

32
33 Commissioner Voytilla **MOVED** and Commissioner Winter
34 **SECONDED** a motion for approval of the Teufel Property Development
35 Review Procedures Ordinance, based upon the testimony, reports and
36 exhibits and new evidence presented during the Public Hearings on the
37 matter, and upon the background facts, findings and conclusions found
38 in the Staff Report dated February 6, 2004, and Staff Memorandum
39 dated February 25, 2004.

40
41 Motion **CARRIED** by the following vote:

42
43 **AYES:** Voytilla, Winter, Bliss, Johansen, Pogue, and
44 Barnard

1 **NAYS:** None.
 2 **ABSTAIN:** None.
 3 **ABSENT:** Maks.
 4

5 **B. 1250 NW WATERHOUSE AVENUE**

6 **4. CPA 2003-0018 – Land Use Map Amendment**

7 **5. ZMA 2003-0020 – Zoning Map Amendment**

8 This proposal is to amend the Land Use Map in the Comprehensive
 9 Plan and Zoning Map to designate one parcel being annexed into
 10 the City, by a separate process, Employment (EMP) on the Land
 11 Use Map and Campus Industrial on the Zoning Map in place of the
 12 current Washington County designation of Industrial with an
 13 Employment Area overlay. These are Beaverton’s most similar
 14 land use and zoning destinations to those that Washington County
 15 has placed on this property. The address of this parcel is 1250 NW
 16 Waterhouse Avenue; it is identified on tax map 1N132BD as Tax
 17 Lot 00400.
 18

19 Chairman Barnard and Commissioner Pogue indicated that he had
 20 visited the site.
 21

22 Senior Planner Alan Whitworth presented the Staff Report and offered
 23 to respond to questions.
 24

25 **PUBLIC TESTIMONY:**

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

28 Mr. Whitworth indicated that staff had no further comments.
 29

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

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

35 Commissioners Johansen, Winter, Pogue, Bliss, and Voytilla, and
 36 Chairman Barnard expressed their support of the application.
 37

38 Commissioner Pogue **MOVED** and Commissioner Bliss **SECONDED** a
 39 motion for approval of CPA 2003-0018 – 1250 NW Waterhouse Avenue
 40 Land Use Map Amendments, based upon the testimony, reports and
 41 exhibits and new evidence presented during the Public Hearings on the
 42 matter, and upon the background facts, findings and conclusions found
 43 in the Staff Report dated February 6, 2004.
 44

1
2 Motion **CARRIED** by the following vote:

- 3
4 **AYES:** Pogue, Bliss, Voytilla, Winter, Johansen, and
5 Barnard
6 **NAYS:** None.
7 **ABSTAIN:** None.
8 **ABSENT:** Maks.
9

10 Commissioner Pogue **MOVED** and Commissioner Bliss **SECONDED** a
11 motion for approval of ZMA 2003-0020 – 1250 NW Waterhouse Avenue
12 Zoning Map Amendments, based upon the testimony, reports and
13 exhibits and new evidence presented during the Public Hearings on the
14 matter, and upon the background facts, findings and conclusions found
15 in the Staff Report dated February 6, 2004.
16

17 Motion **CARRIED** by the following vote:

- 18
19 **AYES:** Pogue, Bliss, Voytilla, Winter, Johansen, and
20 Barnard
21 **NAYS:** None.
22 **ABSTAIN:** None.
23 **ABSENT:** Maks.
24

25 **APPROVAL OF MINUTES:**

26
27 Minutes of the meeting of January 28, 2004, submitted. Commissioner
28 Voytilla requested that the date on the header be amended, as follows:
29 “January ~~21~~ 28, 2004”. Commissioner Pogue **MOVED** and
30 Commissioner Voytilla **SECONDED** a motion that the minutes be
31 amended as amended.
32

33 Motion **CARRIED**, unanimously.

34
35 **MISCELLANEOUS BUSINESS:**

36
37 Mr. Sparks introduced Associate Planner Ethan Edwards, observing
38 that he has recently come from the City of Santa Monica and has
39 experience in both public and private sector planning.
40

41 The meeting adjourned at 7:53 p.m.
42
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CALENDAR

<i>Feb</i>	<i>11</i>	<i>7:00 PM</i>	<i>Continuances</i>	<i>TD 2003-0026</i> <i>FS 2003-0013</i> <i>LD 2003-0033</i> <i>SDM 2003-0010</i>	<i>Blackstone Subdivision continued from 1/7/04</i>
	<i>18</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>CU 2003-0022</i> <i>DR 2003-0180</i>	<i>AT& T Wireless Communications Facility @ SW Center Street</i>
	<i>25</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>CPA 2003-0017</i> <i>ZMA 2003-0019</i> <i>CPA 2003-0018</i> <i>ZMA 2003-0020</i>	<i>Teufel Property</i> <i>1250 NW Waterhouse Avenue</i>
<i>March</i>	<i>3</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>FS 2003-0014</i> <i>CU 2003-0023</i> <i>DR 2003-0189</i>	<i>Kolding Meadows Lot#5 Flex Setback</i> <i>Murrayhill Safeway Full Station</i>
	<i>10</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>TA 2004-0001</i> <i>CPA 2004-0001</i> <i>ZMA 2004-0001</i>	<i>Development Code Section 10.70 Amendment</i> <i>Murray/Walker CPA/ZMA</i>
	<i>17</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>CPA 2003-0008</i> <i>TA 2003-0015</i>	<i>Transportation Facilities</i>
<i>April</i>	<i>7</i>	<i>7:00 PM</i>	<i>Continuances</i>	<i>TA 2003-0005</i>	<i>Design Review Updated continued from 1/28/04</i>



MEMORANDUM

City of Beaverton
Community Development Department

"make it happen"

To: Planning Commission

From: Colin Cooper, AICP, Senior Planner, Barbara Fryer, AICP, Senior Planner, Randy Wooley, P.E., City Transportation Engineer

Date: February 25, 2004

Subject: *Teufel Property - Washington County Comment Letter and Fishman Environmental Letter*

The purpose of this memo is to provide a brief staff response to the letters referenced above that were submitted to the City on Wednesday, February 25, 2004. The Washington County letter addresses six major issues related to the Teufel Property, while the Fishman letter addresses the desire to remove several environmental features from the Local Wetland Inventory.

Washington County Letter Response:

Issue 1: Should the North-South Road on the property be designated a Collector or an Arterial?

Transportation planning staff recommend that the north-south road be designed as a collector. The collector designation best fits the definitions contained in Section 6.3.4 of the Comprehensive Plan. Arterials are intended to accommodate through traffic. Section 6.3.4 defines collectors as follows:

"Collector streets balance access and circulation within residential, commercial, and industrial areas. Collectors differ from arterials in that they provide circulation within the city and distribute trips onto neighborhood routes and local streets."

The north-south road is intended to function as a collector for the Teufel area, not as an arterial for through traffic. Under City standards, there is no direct link between functional classification and the number of lanes. Beaverton has arterials as narrow as two lanes and it has collectors with more than three lanes. Under any functional classification, the number of lanes will be determined based on traffic analysis at the time of development.

Unlike Washington County, the City does not determine the locations of on-street parking as part of its Transportation Plan. Staff feels that City processes adequately provide for review of on-street parking as part of the development process. Therefore, staff recommend that no conditions be adopted at this time related to on-street parking. Depending on the actual development proposed, some on-street parking may be desirable in some locations, such as along the frontage of the future school.

If the street is to function as a collector, staff feel that the City standards for street spacing are adequate. During development review, street spacing will be reviewed to assure adequate space for turn lanes and traffic queues. This review will be required as part of the traffic analysis.

Therefore, staff recommend that no amendment be made to the proposed Teufel Ordinance.

Issue 2: Should the north-south road be designed as Five lanes/Three lanes in the plan or should road width be determined as part of the land development process?

The County requests that the Teufel Ordinance be amended to specify the width of the proposed north-south road. The exact size of the north-south road will be determined based on development application.

Therefore, staff recommend that no amendment to the proposed Teufel Ordinance.

Issue 3: Will a half street improvement be required on arterial that abut the site?

Two arterials abut the site, Barnes Road and Cornell Road. Transportation staff find that there is no need for additional conditions within the Teufel Ordinance because the Development Code currently requires that development construct half-street improvements that meet the "rough proportionality" test.

The Commission should be aware that the developer of this property is not required to construct a half-street frontage on Barnes Road because this portion of Barnes Road is contained within the Washington County MSTIP 3 that is scheduled to construct the entire street cross-section.

Therefore, staff recommend that no amendment be made to the proposed Teufel Ordinance.

Issue 4: Will the off-street pathway and trail system on-site relate to planned off-street pathways abutting the site?

As noted in the County response to this question, the Teufel Ordinance does address the need for any pathways proposed in the development to relate to surrounding neighborhoods. This statement is intended to require the applicant to provide connection with those pathway systems contained within the City's TSP, Washington Counties TSP, and Metro RTP when appropriate and feasible. The City is aware of the east west pathway to which the County refers and will review that connection with the development proposal.

Therefore, staff recommend that no amendments be made to the proposed Teufel Ordinance.

Issue 5: How will property withdrawn for other purposes be considered in establishing a new dwelling unit capacity total?

The County letter states that the 1,946 dwelling unit figure is based on a net developable acreage already accounting for both environmentally sensitive areas and public rights-of-way. However, staff find that County net acreage figure does not account for either the Metro Goal 5 Natural Resource Inventory or site specific natural resource assessments. Further, staff find that the proposed 1,946 dwelling unit count assume development of the area withdrawn for the School District which is arguably the best area to place density on the site leading to questions of whether it is feasible to develop other portions of the site at the same density. While the City is committed to the development of 1,946 new dwelling, units it may be through the increase of units on other properties.

Therefore, staff recommend no changes to the proposed ordinance.

Issue 6 : Is the Sunset Clause in Section 8 necessary?

Staff has included the Sunset Clause in anticipation that the development will proceed in a timely manner and that the unique provisions related to development of this property will be largely fulfilled within the 2 year time line specified. Staff suggest that the Commission and Council can modify the timeline for the Ordinance on an as needed basis.

Therefore, staff recommend no changes to the proposed ordinance.

Fishman Technical Memorandum and Current Development Processes Response:

Fishman Environmental Services prepared a Technical Memorandum, dated February 23, 2004, for Fred Gast of Polygon NW. The Technical Memorandum reviews the history and examines the soil, vegetation, and hydrologic structure of the four irrigation ponds on the subject site and concludes that three of the ponds would not be considered jurisdictional waters or wetlands by the Division of State Lands (DSL). While the Technical Memorandum may be accurate, DSL has not concurred with the findings and would not be the ultimate arbiter of regulatory jurisdiction. Clean Water Services (CWS) provides storm water quality services to the urban areas of Washington County. The two applicable definitions of 'edge of a sensitive area' in *CWS 2004 Design & Construction Standards* are as follows: the delineated boundary of the wetland per DSL/Corps procedures for wetland delineation and the outside edge of spring emergence. However, a 'sensitive area' does not include storm water infrastructure, off-stream recreational lakes, wastewater treatment lagoons, fire ponds or reservoirs or drainage ditches. In Beaverton's Local Wetlands Inventory (LWI), existing regulations specify that wetland delineations completed as part of a development proposal and approved through DSL or the US Army Corps of Engineers provide more accurate assessment of the wetland resources and their boundaries.

CPA Resource Data Source

As noted in the CPA2003-0017 staff report dated February 6, 2004 prepared for the February 25, 2004 Planning Commission hearing, the areas proposed as Significant Goal 5 resources are based on Metro's *Regionally Significant Riparian Corridors by Total Functional Score* and *Potential Wildlife Habitat by Total Wildlife Value Score* Maps approved by Metro Council Resolutions 02-3176 and 02-3177. The Metro Maps are based on functional scores or wildlife values considered important on a regional scale. Metro assumed some map errors may result from this methodology, thus they established a process to correct the maps. That process is available to the developer of the subject property.

Tualatin Basin Goal 5 ESEE Analysis

The cities in Washington County, the County, THPRD and CWS have entered into an agreement with Metro to complete a regional Goal 5 process relating to stream corridors and wildlife habitat for the Tualatin River Basin. In signing that formal agreement, all the participating local governments, including Beaverton, agreed to use the Metro inventory of natural resources as the basis for developing a program for resource protection after analyzing the environmental, social, economic, and energy (ESEE) consequences of allowing, permitting or limiting to some degree development of inventoried resources. The Metro inventory does show the subject ponds as regionally significant natural resources. Therefore, the City should also show these resources on its maps of significant natural areas until they are removed from the Metro map.

This area is within the Cedar Mill Creek Streamshed Analysis area for the Tualatin Basin Goal 5 ESEE analysis. The preliminary draft streamshed analysis provides the following narrative applicable to the subject property: "There is a large split-zoned parcel located between Cornell and Saltzman Roads that is currently used as a commercial nursery (Teufel). Cedar Creek articulates the western property line of this parcel which has a 'moderately limit' program recommendation for the class I portion of the Riparian Corridor – the vast majority of which corresponds with the new FEMA floodplain boundary data. There are no pending land use decisions for the development of this property, although it is not anticipated that future development will conflict with resource protection."

The preliminary draft Cedar Mill Creek Streamshed Analysis does not propose to adjust the general allow, limit, prohibit recommendation noted on Exhibit G to the CPA 2003-0017 staff report, however, adjustment criteria discussions continue within the Tualatin Basin Goal 5 Steering Committee. One of the proposed adjustment criteria includes reduction of the program recommendation to "allow" where water quality/detention facilities or farm ponds occur.

Recommendation

Staff recommends the Planning Commission retain the Significant Natural Resource, Significant Wetland and Significant Riparian Corridor designations as proposed in the CPA2003-0017 staff report. The decision about whether the ponds can be developed should be made through the City's development review process, in conjunction with Clean Water Services.



CITY of BEAVERTON

EXHIBIT # 5

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

CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

TO: Planning Commission

STAFF REPORT DATE: February 5, 2004

STAFF: Colin Cooper, AICP, Senior Planner *cc*

SUBJECT: Teufel Property Development Review Procedures Ordinance (Teufel Ordinance)

REQUEST: Teufel Property Development Review Procedures Ordinance (Teufel Ordinance)
Consideration for the adoption of an ordinance that outlines special notice and review procedures for the Teufel Property. The proposed ordinance involves two parcels identified on tax map 1N134C0 as lots 00100 and 02800 that are shown on the attached map and described by the attached legal description (Exhibit 1.4).

APPLICANT: City of Beaverton - Development Services Division

HEARING DATE: Wednesday, February 25, 2004

RECOMMENDATION:
Based on the facts and findings in this report and the facts and findings in the associated staff report for CPA2003-0017/ZMA2003-0019, staff recommend APPROVAL of Teufel Property Development Review Procedures Ordinance (Teufel Ordinance)

I. BACKGROUND AND PROPOSAL

Background

The City Council entered into an Annexation Agreement with the owners of the Teufel property on January 5, 2004 (Exhibit 1.3). The Urban Planning Area Agreement (UPAA) between Washington County and the City provides, in Section II. A. that "... the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has adopted, through B-Engrossed Ordinance No. 536 (an ordinance amending the Cedar Hills-Cedar Mill Community Plan; the Bethany Community Plan; and the Transportation Plan; relating to the Cedar Mill Town Center) special provisions that apply to the subject property, as shown in Exhibit 1.2. The purpose of the Teufel Property Ordinance is to adopt, regulations reflecting the previous County planning efforts associated directly with this property. This staff report and the associated staff report relating to proposed changes to City Comprehensive Plan maps and the City Zoning Map (CPA2003-0017/ZMA2003-0019) contain staff's analysis and findings regarding whether adoption of City adoption of County policies for the subject property is appropriate.

The Teufel Nursery Property was included as part of the Washington County Cedar Hills-Cedar Mill Community Plan and was called out as "Special Area of Concern No. 4" within the Plan boundary. The Teufel Nursery Property was recognized for both the unique natural features and the potential for significant urban mixed use development. The Cedar Hills-Cedar Mills Community Plan calls for a "vibrant mixed-use pedestrian-friendly development." The property is one of the largest underdeveloped sites adjacent to major arterials and transit service in Washington County; Therefore, as the Cedar Hills-Cedar Mills Community Plan states, the Teufel property provides an excellent opportunity for "distinct and special place within the Cedar Mill community."

Proposal

The Cedar Hills – Cedar Mills Community Plan contains unique noticing procedures that do not correspond with the City's Noticing Procedures as contained in Chapter 50 (Procedures) of the Development Code. In response to the UPAA, staff propose the creation of a special procedures ordinance that will guide land use notice and review processes for the Teufel property without amending the Development Code directly (Exhibit 1.1). Staff recommend the special ordinance rather than a Development Code amendment because of the unique agreements made by the County to the

surrounding Cedar Hill/Cedar Mills community for noticing the development of this property which are not required in other surrounding areas anticipated for annexation. Further, the Cedar Hills/Cedar Mill noticing requirements extend well beyond those required within the current City of Beaverton boundary. Beyond the specific notice and review requirements called for in the proposed ordinance, all other land use permits and associated development standards required for the development of the Teufel Property shall follow the City's Development Code.

Along with the special noticing procedures, the Teufel Ordinance includes development standards that provide guidance for the physical development of the property. The proposed ordinance requires that the development standards be considered within the framework of the land use applications contained in Development Code.

II. Facts and Findings

The proposed Teufel Ordinance is not an amendment to the text of the Development Code; however, staff has determined Section 40.85.15.1.C. of the Development Code provides the most appropriate approval criterion for review of the proposed ordinance. Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment (ordinance) application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7. are satisfied. The following are the findings of fact for the Teufel Property Development Review Procedures Ordinance (Teufel Ordinance):

1. The proposal satisfies the threshold requirements for a Text Amendment application.

As described above the proposed ordinance is not an amendment to the Development Code, but rather is a unique set of standards that apply only to the Teufel property based on standards adopted by Washington County's Cedar Hills-Cedar Mills Community Plan. Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map.

Therefore, staff find that approval criterion one has been met.

2. All City application fees related to the application under consideration by the decision-making authority have been submitted.

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Development Services Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required.

Staff find that approval criterion two is not applicable.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Metro's Urban Growth Management Functional Plan is comprised of the following titles:

Title 1: Requirements for Housing and Employment Accommodations

Title 2: Regional Parking Policy

Title 3: Water Quality and Flood Management Conservation

Title 4: Retail in Employment and Industrial Areas

Title 5: Neighbor Cities and Rural Reserves

Title 6: Central City, Regional Centers, Town Centers and Station Communities

Title 7: Affordable Housing

Title 8: Compliance Procedures and

Title 9: Performance Measures

As described on page 1 of this report, the primary purpose the Teufel Ordinance is to adopt the special procedures and development regulations contained within the Washington County's Cedar Hills-Cedar Mills Community Plan. The County's plan addressed all the Title's of Metro's Urban Growth Management Functional Plan and was acknowledged by Metro. By adopting the special provisions of the Cedar Hills-Cedar Mills Community Plan, the City addresses the Urban Growth Management Plan.

Therefore, staff find that this criterion has been met.

4. The proposed text amendment is consistent with the City's Comprehensive Plan.

Chapter 2 – Public Involvement Element

Consistency with Chapter 2, and specifically Goal 1, Citizen Involvement, is one of the primary objectives of the Teufel Ordinance. The ordinance outlines notice procedures that were incorporated into Washington County's Cedar Hills-Cedar Mills Community Plan, and will, by this ordinance, continue to be enforced during the development of the Teufel Property.

Staff find that the intent of Chapter 2 is met by the proposed ordinance public noticing for proposed development of the site.

Chapter 3 – Land Use Element

Section 1 of the Teufel Ordinance recognizes that CPA 2003-0017/ZMA 2003-0017 proposes to change the existing Washington County zones to corresponding City plan and zoning designations pursuant to the UPAA. The proposed special ordinance further responds to the requirement of the UPAA Section II.A by substantially adopting relevant provisions of the County's Community Plan. The proposed Teufel Ordinance includes the notice standards and development guidance that is unique to this site and not contained within the City's existing Comprehensive Plan or Development Code standards.

3.4.1 Goal: Provide a policy framework for a community designed to establish a positive identity while enhancing livability.

Policies:

- a) The City, through its development review process, shall apply urban design standards to guide public and private investment toward creating a positive community identity.*
- b) The City's urban design standards shall promote creation of public spaces and a good pedestrian environment.*

The proposed Teufel Ordinance provides the framework that is required by the above goal and policies because it will carry forward the specific requirements for the zoning designations and density agreed upon through the County's community planning process. Furthermore, the proposed ordinance provides broad guidance for the design of development on the subject property that will augment the existing City standards.

Chapter 4 – Housing Element

Goal 4.2.1.1: Maximize use of buildable residential land in the City.

Policies:

- a) Increase residential capacity in the City to substantially comply with requirements of Title 1 of the Metro Urban Growth Management Functional Plan.*

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

Policies:

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

As described within the CPA 2003-0017/ZMA 2003-0019 staff report the City is implementing City Comprehensive Plan and Zoning designations consistent with the requirements of the UPAA. The County's current Comprehensive Framework Plan design type designation for the Teufel property, adopted pursuant to Title 1 of the Metro Urban Growth Management Functional Plan, is Town Center. To be consistent with the requirement in the UPAA that the City should "...convert COUNTY plan and zoning designations to CITY plan and zoning designation which most closely approximate the density, use provisions and standards of the COUNTY designations", the City proposes under CPA2003-0017 to place its Town Center Comprehensive Plan Map designation on the property. The City zoning designations that most closely approximate the existing County designations of Transit Oriented: Retail Commercial (TO-RC) and Transit Oriented-Residential 24-40 units per acre (TO-R24-40 are Town Center-Multiple Use (TC-MU) and Town Center-High Density Residential (TC-HDR) respectively. The proposed Teufel Ordinance recognizes that these land use and zoning designations will be placed on the property if approved by the City Council. Thus the proposed ordinance is in conformance with the goals and policies of the Chapter 3, Land Uses of the Comprehensive Plan.

The Cedar Hills-Cedar Mill Community Plan requires a minimum of 1,946 dwelling units be constructed on the property. The proposed Teufel Ordinance recognizes this requirement in Section 4 of the proposed ordinance. Section 4 of the ordinance provides that a reduction in the total dwelling units may occur based on, for example, the removal of the approximately 18 acres purchased by the Beaverton School District to site a new school. The developer of the site is required by the proposed ordinance to apply for a Director's Interpretation to determine the final minimum dwelling unit count for the remaining property.

The City zoning designations of TC-MU and TC-HDR both allow for a maximum of 40 dwelling units per acre, which is analogous to the County zoning.

Chapter 6 – Transportation Element

6.2.1. Goal: Transportation facilities designed and constructed in a manner to enhance Beaverton's livability.

Policies:

- a) Maintain the livability of Beaverton through proper location and design of transportation facilities.*
- c) Locate and design recreation and bicycle pathways so as to balance the needs of human use and enjoyment with resource preservation in areas*

identified on the Natural Resource Inventory Plan Map for their Significant Natural Resource values.

6.2.2. Goal: A balanced transportation system.

The Cedar Hills-Cedar Mill Community Plan Transportation Circulation Plan shows a "Minor Arterial Corridor" on a portion of the subject property, reflecting the extent of optional routes to be explored for a road that is planned to transition from five to three lanes as it goes through the property from south to north to connect Barnes and Cornell roads. The proposed Teufel Ordinance designates the same corridor but does not show a specific number of lanes or a transition point from three to five lanes based on a City transportation staff determination that the number of lanes on the road is best determined through the development review process. Additionally, because the City Functional Classification Map in Chapter 6 does not have a minor arterial classification, and because the function of an arterial road is to connect principal arterials and freeways, which is not consistent with the function of the proposed road (neither Barnes Road nor Cornell Road is a principal arterial), the planned road is proposed to be classified as a collector. Section 3 of the proposed ordinance provides guidance for the integration of a multi-modal circulation network on the property with any development application.

Chapter 7 - Natural, Cultural Historic, Scenic, Energy, and Groundwater Resources Element

7.1.1 Goal: Balance development rights with natural resource protection

Chapter 8 – Environmental Quality and Safety

8.2.1. Goal: Maintain and improve water quality, and protect the beneficial uses, functions and values of water resources.

POLICIES:

- a) *All water resource areas within the City shall be enhanced, restored or protected to the extent practicable.*

Section 3 and 5 of the Teufel Ordinance require that development of the property consider the protection and integration of the unique natural resources that border and are contained within the site. The proposed ordinance specifically requires that a natural resource area delineation consistent with City and Clean Water Service standards be completed as part of the development application.

Finding: Staff find that the proposed ordinance is consistent with the provisions of the Beaverton Comprehensive Plan.

5. The proposed text amendment is consistent with other provisions within the City's Development Code.

The proposed Teufel Ordinance does not change or create impacts or conflicts with other provisions within the Development Code. As described earlier in this report, the intention of the Teufel Ordinance is to carry forward specific notice and development procedures associated only with the Teufel Property. Development on the Teufel Property will be subject to applicable standards found in the City Development Code (Ordinance 2040 and effective through Ordinance 4265) as well as the provisions in the proposed Teufel Ordinance.

The Teufel Ordinance does not restrict the type of uses or provide limitation on the site development beyond those standards that will apply for the TC-MU and TC-HDR zoning designations contained within Chapter 20 (Land Uses) of the Development Code.

The Teufel Ordinance, Section 2, requires that an overall master plan be processed as a Type 3 Planned Unit Development (PUD) in conformance with Development Code Section 40.15.15.5 and 40.15.15.6. There are no other specific land use application requirements placed on development of the Teufel property by the proposed ordinance.

Section 2 of the Teufel Ordinance also requires special procedures for both neighborhood review meetings and public notice. In each case the provisions require more noticing and neighborhood meetings than those required by Chapter 50 of the Development Code. For example, in Section 50.45.2.B requires notice within five hundred (500) feet of the property for a Type 3 PUD application. The proposed ordinance doubles the noticing requirement to one thousand (1000) feet. Because the provisions of Section 2 of the proposed ordinance do not decrease but rather increase the requirements for public notice, staff find that they are consistent with the existing notice standards found in Chapter 50 of the Development Code.

Finding: Staff find that the proposed ordinance is consistent with the provisions of the Beaverton Development Code.

6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.

The current Development Code and Ordinance No. 4187, which adopted the current Comprehensive Plan, are applicable to the proposed ordinance and are addressed in the findings of fact for review of the special ordinance. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by the proposed ordinance.

Findings: Staff find that the proposed ordinance is in conformance with all applicable City ordinance requirements and regulations.

7. **Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.**

Staff has determined that there are no other applications and documents related to the proposed ordinance that will require further City approval.

Findings: Staff find that this approval criterion seven has been met.

III. Conformance with Statewide Planning Goals

ORS 197.225 requires that Statewide Planning Goals only need to be addressed for Comprehensive Plan Amendments. Although the proposed ordinance is not a Comprehensive Plan amendment, staff find that the Statewide Planning Goals are useful to support the City's position on the proposed ordinance. The proposed ordinance's conformance to relevant Statewide Planning Goals is briefly discussed below:

GOAL ONE - CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City is in compliance with this Statewide Planning Goal through the establishment of a Committee for Citizen Involvement (CCI). The City has gone even further by establishing Neighborhood Association Committees (NACs) for the purpose of providing widespread citizen involvement, and distribution of information. The proposed text amendments to the Development Code will not change the City of Beaverton's commitment to providing opportunity for citizen involvement, or place the City out of compliance with Statewide Planning Goal One. The proposed ordinance will require the developer of the site to meet with CPO 1 at Open Houses and Neighborhood Meetings.

GOAL TWO - LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton has adopted a Comprehensive Plan that includes text and maps (Ordinance 1800, and most recently amended by Ordinance 4187)

along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4265). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text amendment proposal. The proposed special ordinance has been processed using Section 50.50 (Type 4 Application) of the Development Code as a guide. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. Following these procedures and providing 1000 notice of the public hearing on this ordinance, staff find that the proposed ordinance has been prepared and reviewed it is consistent with Statewide Planning Goal 2.

GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

To conserve open space and protect natural and scenic resources:

The City is currently working with other local governments in the Tualatin River Basin and Metro on an update local regulations previously adopted to implement Statewide Planning Goal 5 as it pertains to the protection of natural resources. To ensure compliance with Goal 5, Section 5 of the proposed Teufel Ordinance requires the precise identification of the location, quality and quantity of wetlands, riparian corridors and significant trees in proximity to areas proposed to be mapped, pursuant to CPA2003-0017, as Significant based on the Natural Resource areas.

GOAL 12 – TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

The City is in compliance with this Statewide Planning Goal by having an acknowledged Transportation Element as part of the Comprehensive Plan. In addition, the City has developed and continues to maintain a Transportation System Plan in conformance with the State Transportation Planning Rule in an effort to reduce overall Vehicle Miles Traveled (VMT). The proposed Teufel Ordinance carries forward a requirement of the Cedar Hills-Cedar Mill Community Plan that development of the Teufel Property includes a street connection between SW Barnes Road and SW Cornell Road. This road connection and others required as part of the future development will ensure a safe and convenient transportation system. When the alignment of the proposed road is determined through the development review process, necessary amendments to maps and text of Chapter 6 of the Comprehensive Plan, the Transportation Element, will be made to recognize the decision.

Finding: Staff find that based on the facts and findings that the proposed ordinance is consistent with applicable Statewide Planning Goals.

III. Conclusion and Staff Recommendation

Based on the facts and findings presented, staff concludes that the proposed ordinance is consistent with all the applicable Comprehensive Plan Goals and Policies, the Development Code, and the applicable Statewide Planning Goals. Therefore, staff recommend the Planning Commission **APPROVE** Teufel Property Development Review Procedures Ordinance (Teufel Ordinance) at the February 25, 2004, regular Commission hearing.

IV. EXHIBITS

- 1.1 Teufel Property Development Review Procedures Ordinance
- 1.2 Washington County B-Engrossed Ordinance No. 536
- 1.3 Teufel Property Annexation Agreement
- 1.4 Site Map

ORDINANCE NO. _____

AN ORDINANCE TO CREATE
THE TEUFEL PROPERTY DEVELOPMENT
REVIEW PROCEDURE;

WHEREAS, the City of Beaverton has entered into an Annexation Agreement for the Teufel Nursery property located at 123454 NW Barnes Road, in Washington County, Oregon, Tax Lot Numbers 00100 and 02800 on Assessor's Mp 1N1-34C; and,

WHEREAS, the City Council recognizes the need to maintain continuity of the planning efforts conducted by Washington County while applying the review procedures and development standards of the City of Beaverton; and,

WHEREAS, the City Council further recognizes the unique development provisions adopted for the Teufel Property within the Washington County Cedar Hills-Cedar Mill Community Plan; and,

WHEREAS, the City Council desires to establish the Teufel Property Review Procedures that along with the Beaverton Development Code will serve as guidance for the development of the Teufel Property; and,

WHEREAS, in accordance with City Council Rules of Procedure, the Council adopts the following for the Teufel Property; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Background

The standards contained herein encompass a property that has generally been described as the Teufel Nursery, referred to in this document as the Teufel Property and precisely described as Washington County Assessor Map 1N1-34C Tax Lots 00100 and 02800 (Exhibit 1.1).

The Teufel Property is planned for a vibrant mixed use development with retail commercial and high-density residential uses. Approximately 22 acres of the property carries a the Washington County TO:RC zoning designation and the remaining area is carries the Washington County TO:R24-40 zoning designation. Pursuant to the Washington County - Beaverton Urban Planning Area Agreement (1989), when the property's annexation into the City is final the appropriate City zoning designations shall be Town Center - Mixed Use (TC-MU) and Town Center - High Density Residential (TC-HDR) respectively. Additionally, the City shall consider adoption of County significant natural resource designations on the property and amendment of the Transportation Element of the Comprehensive Plan to designate a public collector road that the County has planned through the site to connect SW Barnes Road with NW

Cornell Road. These actions will occur by separate ordinance.

Section 2. Public Notice and Development Application Filing Procedure

Notwithstanding the requirements for conducting a Neighborhood Review Meeting as specified in Section 50.40 of the Beaverton Development Code, development of the Teufel property shall be subject to the following:

1. Prior to filing the development application(s), there shall be at least one open house for Citizen's Participation Organization 1 ("CPO 1") residents to review the application, obtain citizen input and identify potential issues regarding the application;
2. Prior to filing the application, there shall be at least two neighborhood review meetings (including the one required neighborhood meeting) conducted in accordance with Section 50.30 of the Development Code;
3. All required notices, including but not limited to the notice for the open house for CPO 1 residents, the neighborhood review meetings, and the public hearing(s) shall be done in accordance with Beaverton Development Code Section 50.45, except that notice shall be provided to all property owners of record within 1000 feet of the Teufel Property and all property owners of record between the Teufel property and Cedar Hills Blvd.;
4. Open house, neighborhood review meetings, or both which have occurred prior to the effective date of this ordinance shall be accepted by the City of Beaverton as fulfilling the requirements of this ordinance provided that it is demonstrated that the meetings were conducted in accordance with the provisions of Washington County B-Engrossed Ordinance 536.
5. The overall master plan development application shall be reviewed at a minimum through a Type 3 Planned Unit Development process pursuant to Development Code Section 40.15.15.5, or Section 40.15.15.6, or both;

Section 3. Land Use, Design, and Transportation Issues

The development application shall address land use, urban design and transportation issues associated with the site, including, but not limited to the following:

1. Demonstrate compliance with the public involvement process set forth in Section 2 above regarding the Planned Unit Development process;
2. Provide the public with more certainty regarding future development of the property;
3. Provide the property owners some flexibility in meeting their development objectives;
4. Develop a plan that will produce a high degree of urbanism on the property;
5. Identify and locate a vehicular and pedestrian circulation system;

6. Locate one or more main streets on the site and establish design standards for their development;
7. Develop a sketch building orientation and on-street parking plan;
8. Focus the development around an identifiably public place such as a park, square or plaza;
9. Integrate the different uses on the site;
10. Develop an off-street pathway and trail system relating to the neighborhoods surrounding the property;
11. Integrate the Beaverton School District site into the overall development PUD;
12. Identify how the site will access the surrounding arterial system, including an examination of extending Leahy between the site and Cedar Hills Boulevard.
13. Within the study area shown in Exhibit 1, determine the alignment and design for the north-south collector on the site, including but not limited to determining (1) how it will integrate with development on the site and (2) appropriate sidewalk widths consistent with an urban, pedestrian friendly community.
14. Incorporate Cedar Mill and Johnson Creeks and adjacent riparian areas, wetlands, flood plains and trees into the development of the property as appropriate;
15. Provide buffering and screening to the 114th neighbors;
16. Examine how to provide acceptable access to tax lot 102 Assessor Map # 1S1-3B.

Section 4. Dwelling Unit Capacity

The development of this property is required to provide 1,946 dwelling units less the number of dwelling units that would have been provided for on any area withdrawn from the Teufel Property for the use by the Beaverton School District. Property withdrawn for other purposes such as environmental protection may also be considered in establishing a new dwelling unit capacity total. Pursuant to Development Code Section 40.25 the Developer of this property shall submit for a Director's Interpretation in order to provide for a determination of a reduced number of dwelling units to be developed on site.

Section 5. Natural Resources

The development of this property will require the completion of a wetland and riparian corridor delineation by a certified wetland scientist that is consistent with the standards of the City and Clean Water Services. The development of the property requires the completion of a tree survey by a certified arborist of all trees located on the site which have a diameter at breast height of ten (10) inches or more.

Section 6. Parks

The development of this property shall provide consideration for the creation of Park, Open Space, or Recreation areas within the Teufel Property and will work with the Tualatin Hills Park and Recreation District to dedicate these areas to THPRD. Special attention shall be given to protection of and dedication to THPRD of the portion of the

site containing Cedar Mill Falls because of its scenic and cultural importance to the community.

Section 7 Transportation

The development of this property shall require the construction of the north-south collector street addressed in subsection 3.13 of this ordinance.

Section 8. Sunset Clause

The provisions of Section 2 and 3 of this ordinance shall expire two years after the effective date of this ordinance.

Section 9. Severance Clause.

The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

- Exhibit 1.1 Teufel Property Site Map
- Exhibit 1.2 Teufel Collector Road Study Area

First reading this ___ day of _____, 2004.

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

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

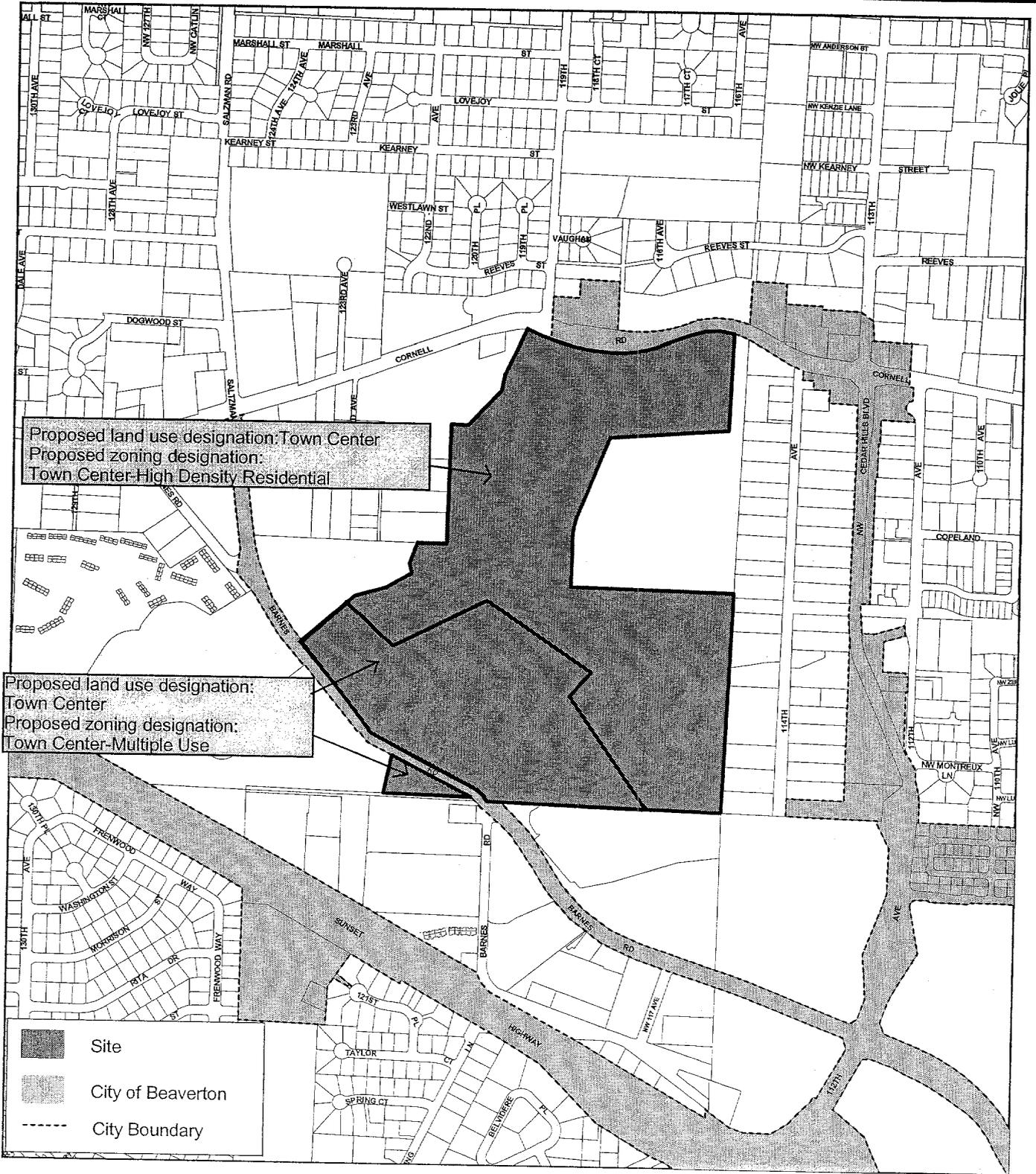
ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

Teufel Property



City of Beaverton

Teufel Property Development Review Procedure Ordinance

COMMUNITY DEVELOPMENT DEPARTMENT

Development Services Division

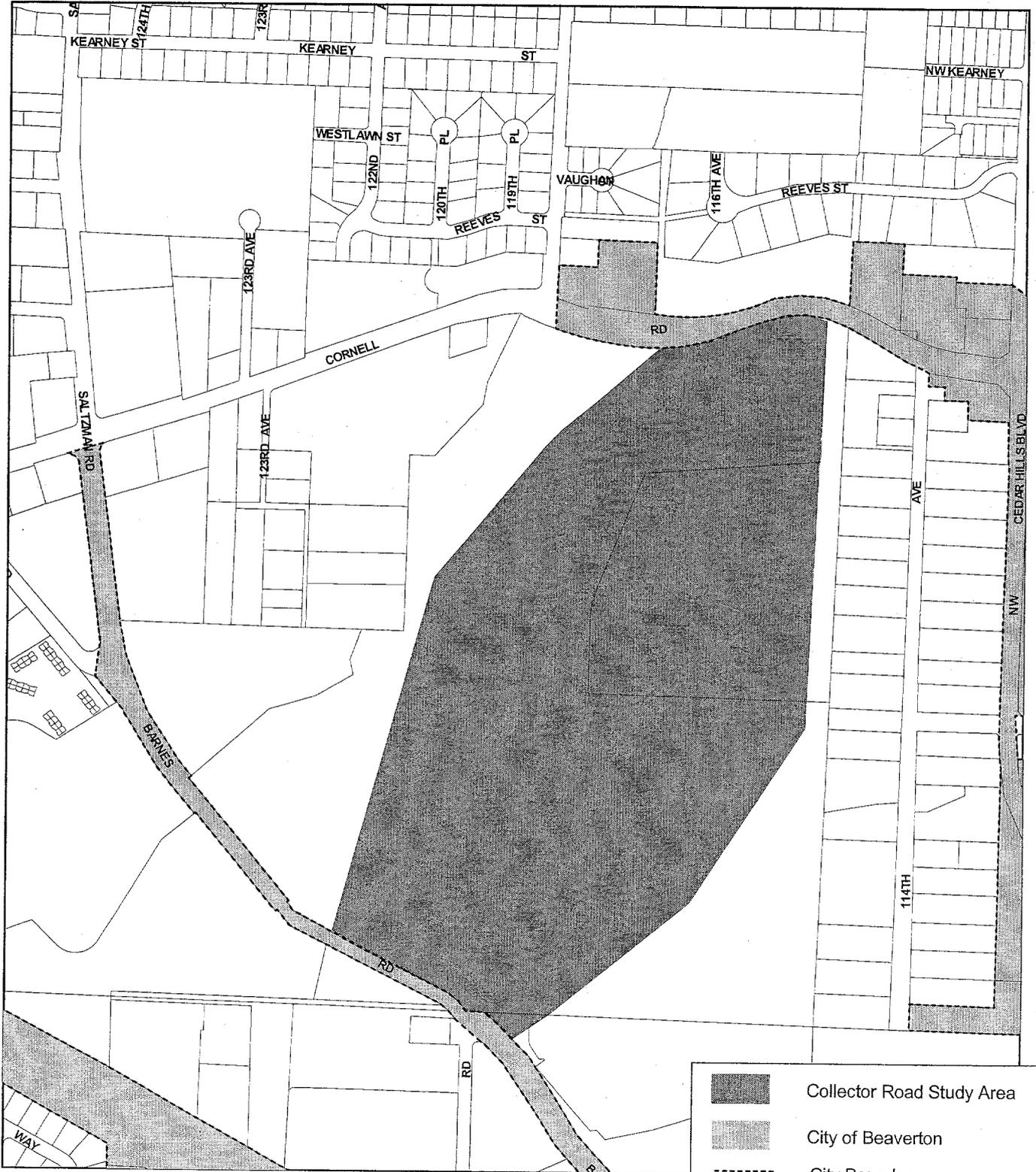
2/6/04

Map #
 1N134C000100
 1N134C0002800



Application #
 CPA 2003-0017/
 ZMA 2003-0019

EXHIBIT



City of Beaverton

TEUFEL COLLECTOR ROAD STUDY AREA COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division



12/29/03

FILED

AUG 2 2000

Washington County
County Clerk

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

2
3 B-ENGROSSED
4 ORDINANCE No. 536

(An Ordinance Amending the Cedar Hills-
(Cedar Mill Community Plan; the Bethany
(Community Plan; and the Transportation Plan;
(Relating to the Cedar Mill Town-Center

6 The Board of County Commissioners of Washington County, Oregon, ordains:

7 SECTION 1

8 A. The Board of County Commissioners of Washington County, Oregon, recognizes
9 that the Cedar Hills-Cedar Mill Community Plan was adopted by Ordinance Nos. 263 and 265 and
10 amended by Ordinance Nos. 346, 369, 396, 418, 420, 450, 471, 484, and 526; and that the Bethany
11 Community Plan was adopted by Ordinance Nos. 263 and 265 and amended by Ordinance Nos.
12 345, 420, 471, 480, and 546 and that the Transportation Plan Element (Volume XV) was adopted
13 on October 25, 1988, by way of Ordinance Nos. 332 and 333, with portions subsequently amended
14 by Ordinance Nos. 343, 382, 409, 419 (remanded), 426, 432, 450, 463, 470, 471, 473, 474, 483,
15 484, 485, 493, 494 503, 515, and 526.

16 B. Subsequent ongoing planning efforts of the County indicate a need for an update of
17 the Cedar Hills-Cedar Mill Community Plan, the Bethany Community Plan and the Transportation
18 Plan elements of the Comprehensive Plan. The Board takes note that such changes are necessary
19 for the benefit of the health, safety, and general welfare of the residents of Washington County,
20 Oregon.

21 C. Under the provisions of Washington County Charter Chapter X, the Land Use
22 Ordinance Advisory Commission has carried out its responsibilities, including preparation of

1 notices, and the County Planning Commission has conducted public hearings on the proposed
2 amendments and have submitted its recommendations to the Board. The Board finds that this
3 Ordinance is based on those recommendations and any modifications made by the Board, as a result
4 of the public hearings process.

5 D. The Board finds and takes public notice that it is in receipt of all matters and
6 information necessary to consider in an adequate manner this Ordinance, and that this Ordinance
7 complies with the Statewide Planning Goals, the Metro Urban Growth Management Functional
8 Plan, and the standards for legislative plan adoption as set forth in Chapters 197 and 215 of the
9 Oregon Revised Statutes, the Washington County Charter and the Washington County Community
10 Development Code.

11 SECTION 2

12 The following exhibits, attached and incorporated herein by reference, are hereby adopted as
13 amendments to the designated documents:

- 14 1. Exhibit "1" (1 page) amending the Cedar Hills-Cedar Mill
15 Community Plan Land Use District Map.
- 16 2. Exhibit "2" (2 pages) amending the Cedar Hills-Cedar Mill
17 Community Plan concerning Transportation Circulation
18 Designations Map.
- 19 3. Exhibit "3" (1 page) amending Functional Classification System
20 Map (Figure 7) of the Transportation Plan Map.
- 21 4. Exhibit "4" (4 pages) amending the Cedar Hills-Cedar Mill
22 Community Plan description for Area of Special Concern 4 and 4a.

- 1 5. Exhibit "5" (1 page) amending the Cedar Hills-Cedar Mill
2 Community Plan to amend the text concerning the Significant and
3 Natural and Cultural Resources map.
- 4 6. Exhibit "6" (1 page) amending the Cedar Hills-Cedar Mill
5 Community Plan to delete the description of the North-South
6 Access in the Transportation section.
- 7 7. Exhibit "7" (7 pages) amending the Cedar Hills-Cedar Mill
8 Community Plan to add descriptions of new Areas of Special
9 Concern.
- 10 8. Exhibit "8" (2 pages) amending the Land Use District map of the
11 Bethany Community Plan.

12 SECTION 3

13 All other Comprehensive Plan provisions, which have been adopted by prior ordinances
14 and are not expressly amended or repealed herein, shall remain in full force and effect.

15 SECTION 4

16 All applications completed and submitted under former land use ordinances shall continue
17 to be processed pursuant to the provisions of the former ordinance, until a final decision is rendered
18 by the County or the application is withdrawn, unless specifically provided otherwise by law.

19 SECTION 5

20 If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid
21 or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby
22 and shall remain in full force and effect, and any provision of a prior land use ordinance amended or

1 repealed by the stricken portion of this Ordinance shall be revived and again be considered in full
2 force and effect.

3 SECTION 6

4 The Office of County Counsel and Department of Land Use and Transportation are
5 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this
6 Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,
7 adding photographs and accompanying captions, that illustrate design principles and standards, and
8 making any technical changes not affecting the substance of these amendments as necessary to
9 conform to the Washington County Development Code format.

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1 SECTION 7

2 This Ordinance shall take effect 30 days after enactment if this Ordinance.

3 ENACTED this ____ day of _____, 2000, being the _____ reading
4 and _____ public hearing before the Board of County Commissioners of Washington County,
5 Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 _____
9 CHAIR

10 _____
11 RECORDING SECRETARY

12 READING

PUBLIC HEARING

13 First _____
14 Second _____
15 Third _____
16 Fourth _____
17 Fifth _____
18 Sixth _____
19 Seventh _____
20 Eighth _____
21 Ninth _____
22 Tenth _____

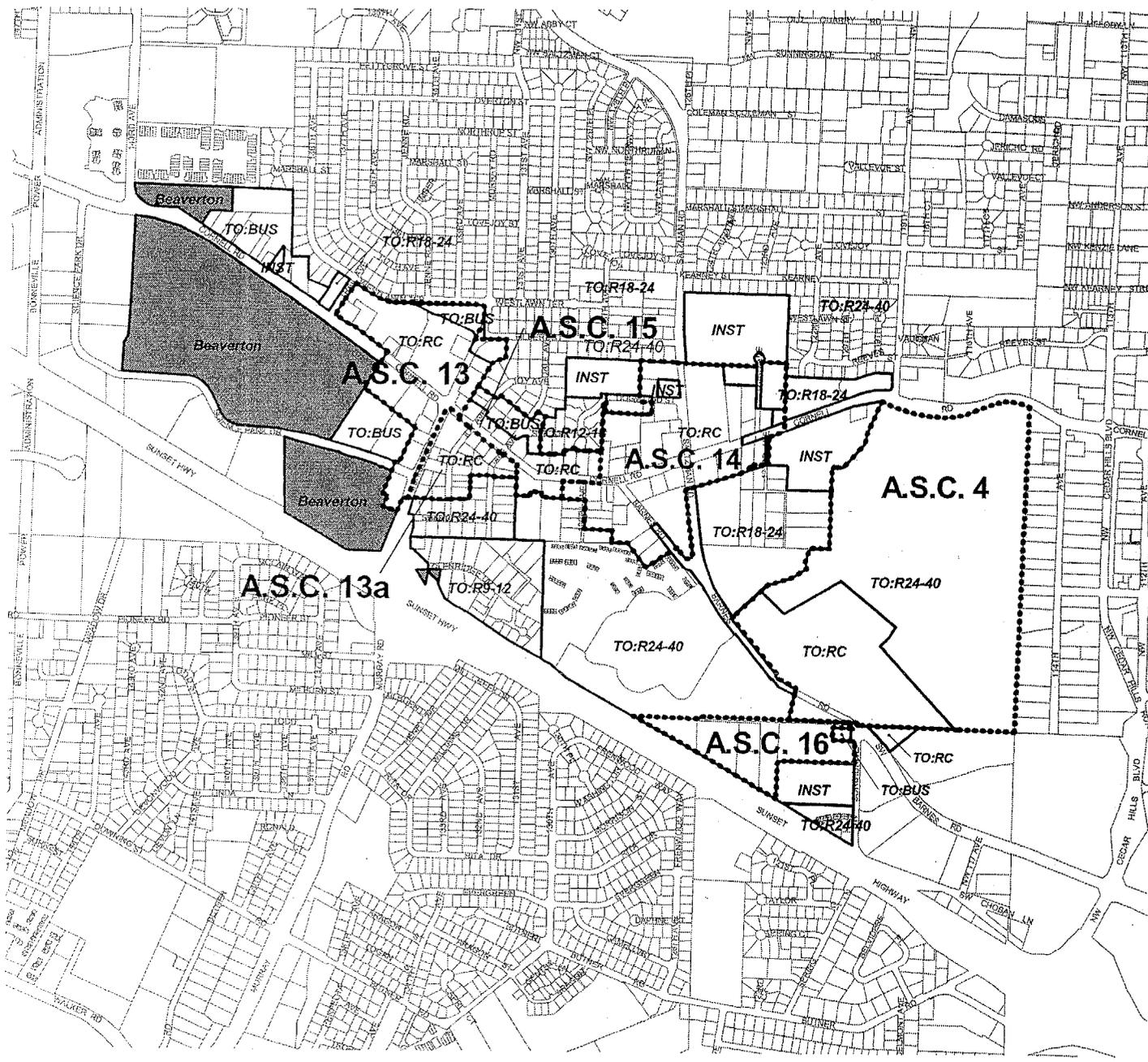
VOTE Aye: _____

Nay: _____

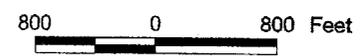
Recording Secretary: _____

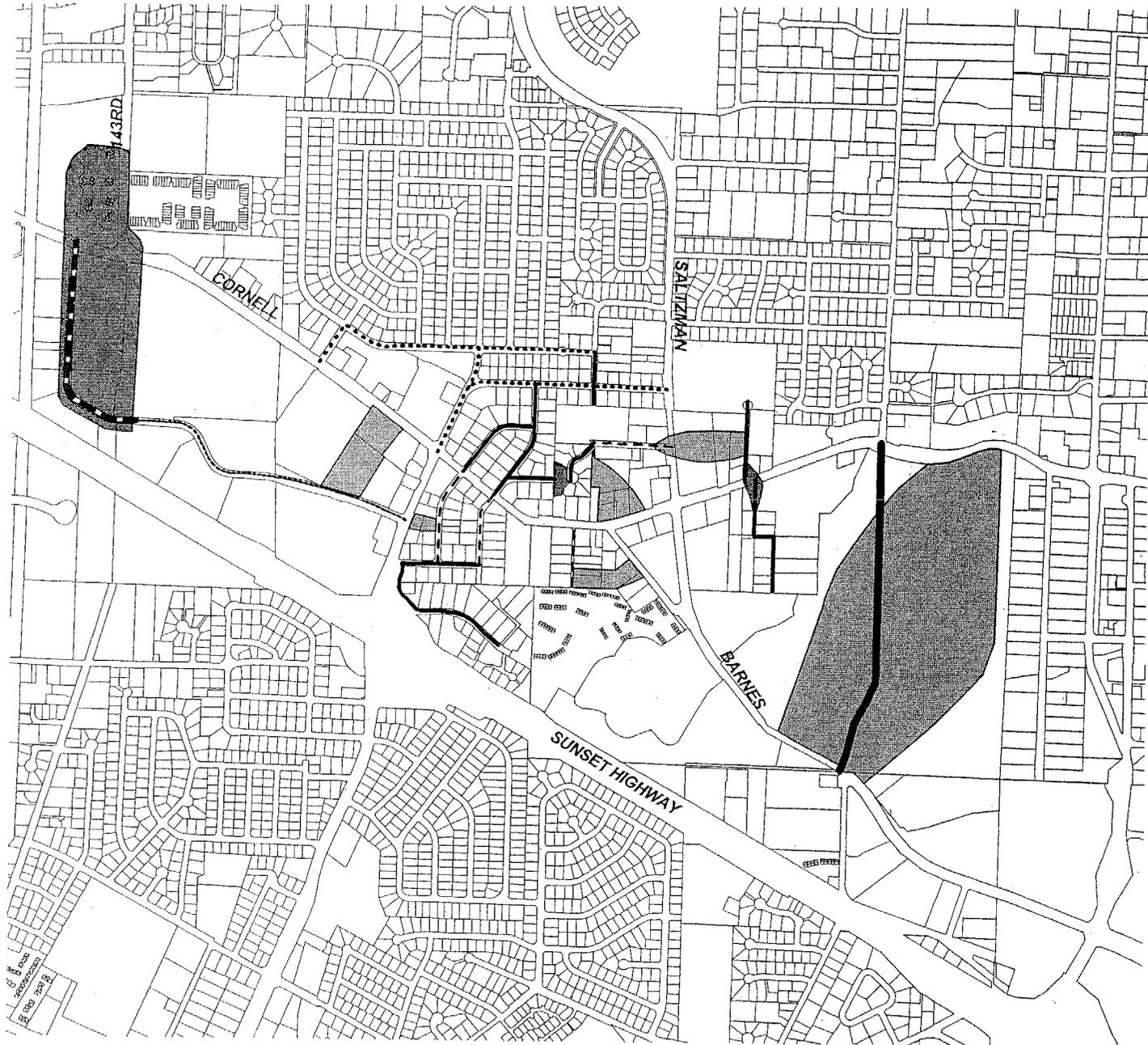
Date: _____

The Cedar Hills-Cedar Mill Community Plan Land Use District map shall be amended to remove existing plan designations and apply new designations, as indicated on the map below. Additionally, the boundary for Area of Special No. 4 shall be amended to include the Areas of Special Concern No. 4a. The boundaries for new Areas of Special Concern 13, 13a, 14, and 15 shall be added as indicated.



-  A.S.C. 14
-  Area of Special Concern
-  Town Center Core
-  Institutional District
-  City of Beaverton
- TRANSIT ORIENTED DISTRICTS:**
-  Residential District 9-12 units per acre
-  Residential District 12-18 units per acre
-  Residential District 18-24 units per acre
-  Residential District 24-40 units per acre
-  Retail Commercial District
-  Business District
-  Employment District





The Cedar Hills-Cedar Mill Community Plan map shall be amended to include the following features identified on this map.

Revised Ordinance 536
Exhibit 2
August 3, 2000
Page 1 of 2

Transportation Circulation Designations

-  Change from "Minor Collector" to "Special Area Major Collector"
-  Change from "Local Street" to "Special Area Local Street"
-  Change from "Minor Collector" to "Special Area Minor Collector"
-  Change from "Local Street" to "Special Area Commercial Street"
-  Remove "Minor Collector"
-  Remove "Proposed Minor Arterial"
-  Add as a "Special Area Major Collector Corridor"
-  Add as a "Special Area Local Street Corridor"
-  Add as a "Special Area Commercial Street Corridor"
-  Add as a "Minor Arterial Corridor"

The following note is also added:
Turn restrictions at intersections with arterials may be required based on traffic analysis through the development review process. However, special area streets shown on this map do not need to meet access spacing requirements.

800 0 800 Feet

Amendments to Map shown in bold or patterned line; other features not amended by the exhibits on this page remain in effect as shown on the Plan Map

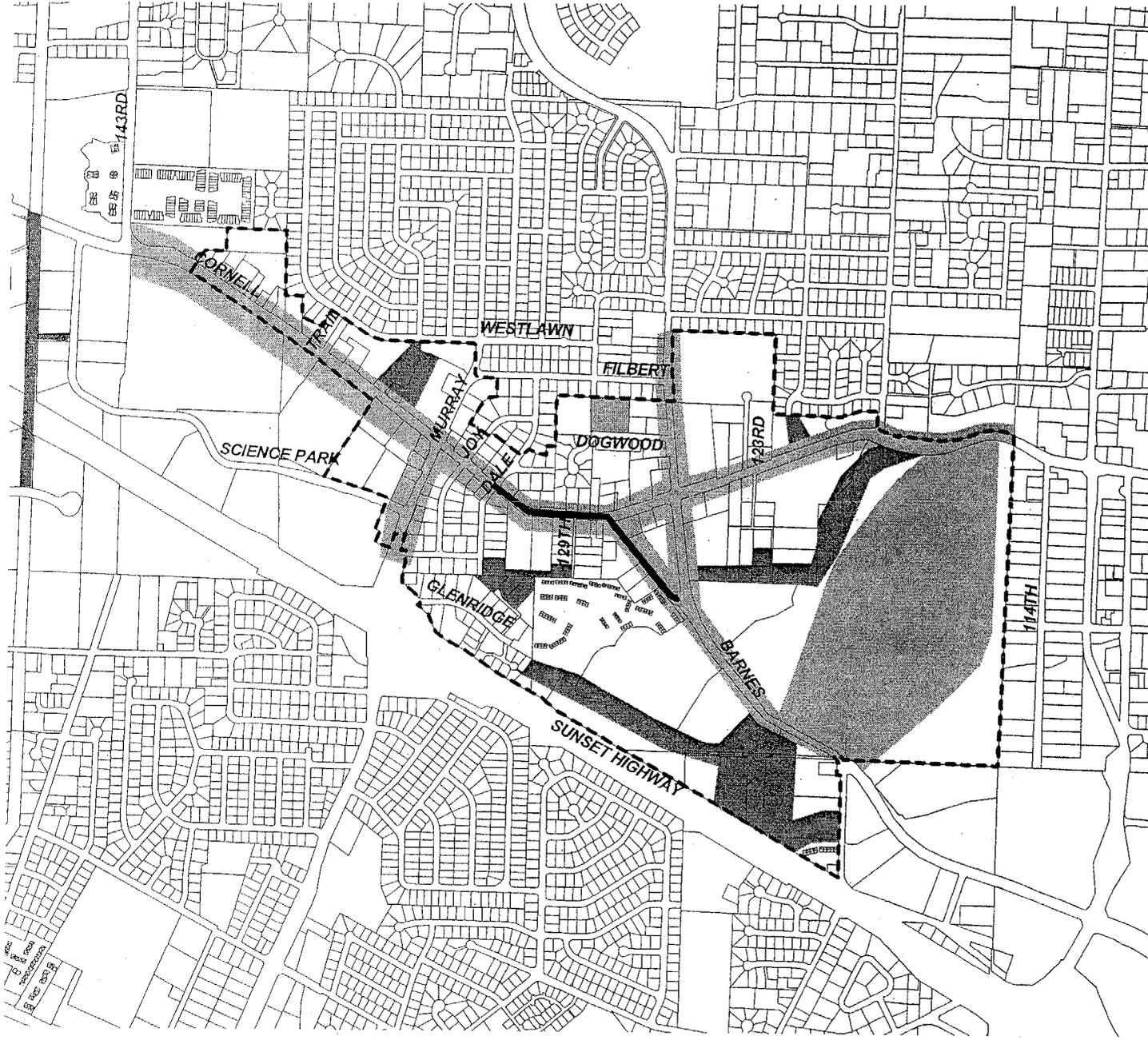


The Cedar Hills-Cedar Mill Community Plan Street Corridor, Arterial Access and Pedestrian System Designations Map shall be amended to include the following features identified on this map.

B-Engrossed Ordinance 536 Exhibit 2 August 3, 2000 Page 2 of 2 *

Street Corridor, Area of Special Concern, Arterial Access and Pedestrian System Designations

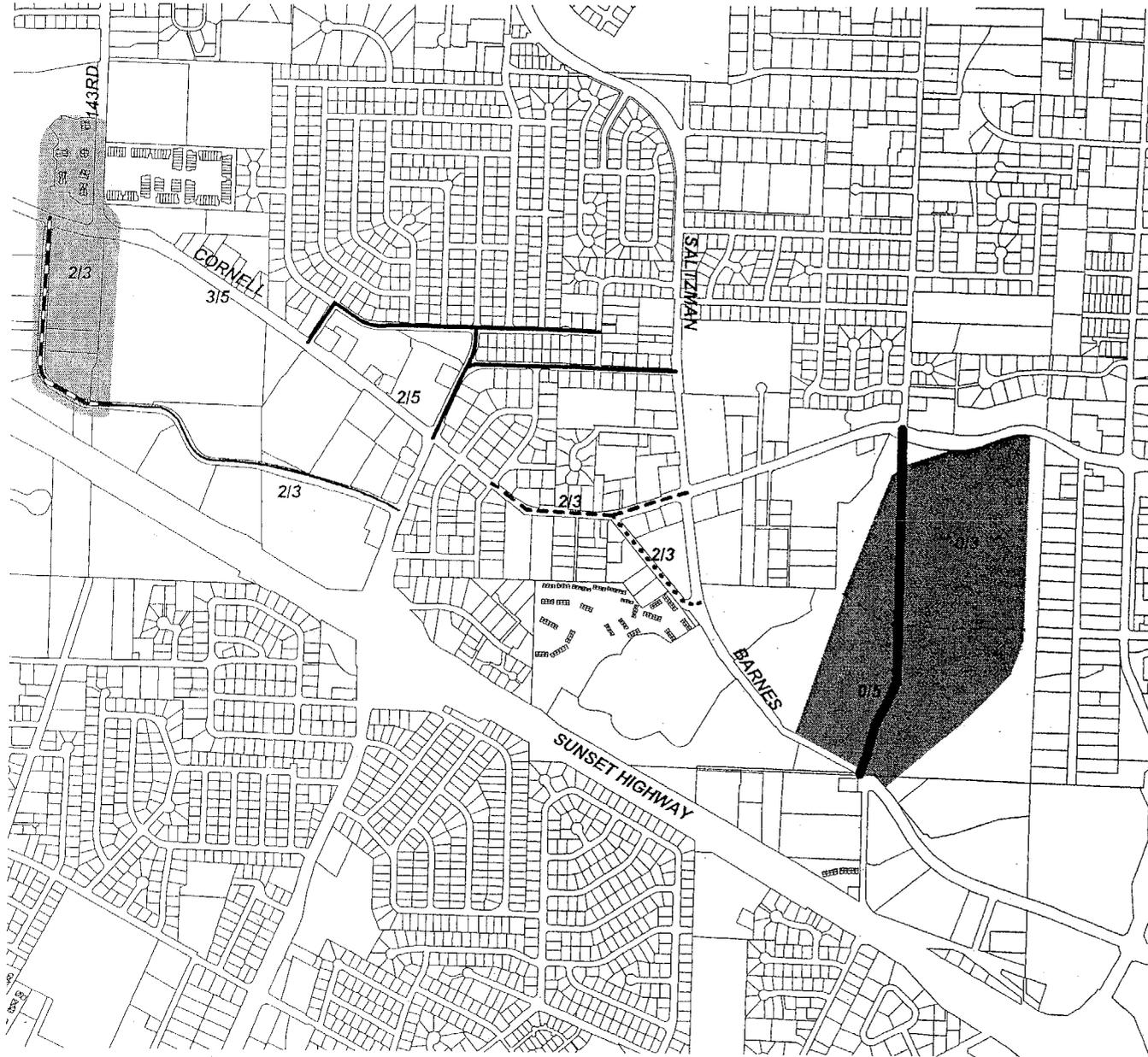
-  Area of Special Concern No.12
-  Special Area Off-Street Pathway Corridor
-  Special Area Trail Corridor
-  Accessway Corridor
-  Main Street
-  Town Center Boundary



800 0 800 Feet

Amendments to Map shown in bold or patterned line; other features not amended by the exhibits on this page remain in effect as shown on the Plan Map





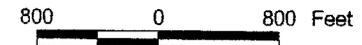
The Functional Classification System Map (Figure 7) of the Transportation Plan shall be amended to include the following features identified on this map.

B-Engrossed Ordinance 536 Exhibit 3 August 3, 2000 Page 1 of 1

Transportation Circulation Designations

-  Change from "Minor Collector" to "Special Area Major Collector"
-  Change from "Minor Collector" to "Special Area Minor Collector"
-  Change from "Local Street" to "Major Collector" (2/3)
-  Remove "Minor Collector"
-  Change proposed number of lanes from 5 to 3
-  Remove "Proposed Minor Arterial"
-  Add as a "Special Area Major Collector Corridor"
-  Add as a "Minor Arterial Corridor"

The following note is also added:
Turn restrictions at intersections with arterials may be required based on traffic analysis through the development review process.



Amendments to Map shown in bold or patterned line; other features not amended by the exhibits on this page remain in effect as shown on the Plan Map

Amend the Cedar Hills – Cedar Mill Community Plan description of Area of Special Concern No. 4 delete existing text and replace with the text shown below

Area of Special Concern No. 4: This area encompasses a property that has been the main site of the Teufel Nursery operation, generally known as the Teufel property.

This area is planned for mixed use with retail commercial and high-density residential use. Approximately 22 acres of the property is designated TO:RC and the remaining area is TO:R24-40. A minor arterial road is proposed through the site. The Transportation Plan designates a broad corridor within which the road shall be located.

The following shall guide development of the property:

A. The property has a tremendous opportunity to be developed as a vibrant mixed-use pedestrian-friendly development. The property provides a rare and unique circumstance to create a distinct and special place in the Cedar Mill community. Given the size and location of the property, a comprehensive and relatively detailed planning process which goes beyond general land use designations and corridors to much more specific urban design elements and specifications would be beneficial and desirable.

As part of development of the Cedar Mill Town Center Plan, circumstances did not allow for the creation and broad acceptance of a specific plan for the Teufel Property. It is likely that the Teufel Property will be developed in stages over a number of years, responding to market demands. Parts of the Teufel Property should be viewed as units in planning their development to assure those individual developments in each unit are complementary and designed in the context of an overall development plan for that unit. Therefore, an overall master plan must be approved for the Teufel Property before final development can proceed in any unit. The required master plan application may be processed individually or in conjunction with a subsequent unit development application. An exception to this provision is that the development of the north/south arterial shall not require the approval of a master plan for abutting subarea land if the development of the road is a stand-alone project and will not occur in conjunction with the development of an abutting subarea or subareas.

An applicant wishing to proceed with the overall master plan of the property and/or development of a subarea or subareas of the Teufel Property shall initiate the quasi-judicial process set forth herein:

abcdef Proposed additions

~~abcdef~~ Proposed deletions

- (1) Prior to filing the application, there shall be at least one open house for the Citizen's Participation Organization 1 ("CPO 1") residents to review the application, obtain citizen input and identify potential issues regarding the application;
- (2) All required notices, including but not limited to the notice for the open house for CPO 1 residents, the neighborhood review meetings and the public hearings shall be done in accordance with CDC 204-4, except that notice shall be provided to all property owners of record within 1000 feet of the Teufel Property and all property owners of record between the Teufel Property and Cedar Hills Blvd.;
- (3) Prior to filing the application, there shall be at least two neighborhood review meetings (including the one required neighborhood meeting) pursuant to CDC 203-3;
- (4) The overall master plan application shall be reviewed through a Type III master plan process pursuant to CDC Article IV, with the additional requirements and/or modifications set forth herein;
- N/A (5) The Washington County Planning Commission shall review the application pursuant to a Type III public hearing under CDC 205 and make a recommendation to the Washington County Board of County Commissioners;
- N/A (6) The Washington County Board of County Commissioners shall review the application pursuant to a Type III public hearing under CDC 205 and render the final decision regarding the application;
- N/A (7) The County shall have 180 days to render a final decision on the application once the application has been deemed complete by the County based on the extension of time granted by the Teufel family pursuant to ORS 215.427(4) during the adoption of the Cedar Mill Town Center Plan. This period may be extended for a reasonable period of time at the request of the applicant pursuant to ORS 215.427(4).

The development application shall address land use, urban design and transportation issues associated with the site, including, but not limited to the following:

- Demonstrating compliance with the public involvement process set forth above for ASC 4 regarding the master planning and development of the Teufel Property.
- Providing the public with more certainty regarding future development of the property.
- Providing the property owners some flexibility in meeting their development objectives.
- Developing a plan that will produce a high degree of urbanism on the property.
- Identifying and locating a skeletal circulation system.
- Identifying, locating and developing design standards for main streets on the site.
- Developing a sketch building orientation and on-street parking plan.
- Focusing the development around an identifiably public place such as a park, square or plaza.
- Examining how to best integrate the different uses on the site.
- Examining the off-street pathway and trail system relating to the neighborhoods surrounding the property.
- If the Beaverton School District owns a portion of the property, examining design issues regarding developing schools.
- Identifying how the site will access the surrounding arterial system, including an examination of extending Leahy between the site and Cedar Hills Boulevard.
- Locating the north-south arterial on the site, and determining how it integrates with development on the site, including but not limited to determining appropriate sidewalk widths.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

- As appropriate, incorporating Cedar Mill and Johnson Creek into the development of the property.
 - Addressing screening and buffering issues relative to the 114th neighborhood.
 - Examining how to provide acceptable access to tax lot 1S1 3B/102.
 - Examining phasing issues.
- B. Regarding street connectivity, the Teufel Property shall be developed consistent with the Design Option listed in Section 3.07.630 of Metro's Urban Growth Management Functional Plan.
- C. Except for the 22-acre portion designated TO:RC, the property shall be primarily developed as an area of high density housing. In keeping with regional objectives for intensification of development in mixed-use areas well-served by transit to accommodate future population growth within the present urban area, the minimum amount of residential development on the property at build-out shall be 1,946 dwelling units. Provided that future plan amendments are for non-institutional uses, this number shall be achieved even if future plan amendments change the plan designations on the property. However, this number shall be reduced proportionally for future plan amendments which change residential development areas to institutional land use designations.
- D. At the time of adoption of the Cedar Mill Town Center Plan, the Beaverton School District had identified the need for additional school facilities in the area and was proceeding with condemning a portion of the Teufel Property at the northeast corner of the property for a future school site. If and when the School District acquires a portion of the property, a plan amendment changing the area to an institutional land use designation would need to be approved in order to build a school on the site. Additionally, if and when the School District condemns a portion of the Teufel Property for a future school site, the 1,946 residential units designated for the site will be commensurately reduced for the area taken by the School District for the school site. No other land use designation applicable to the Teufel Property will be affected by the School District's siting of a school on the Teufel Property. Development of a school on the site may proceed on the Property prior to the process outlined in A. above.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

Replace the text of the Cedar Hills – Cedar Mill Community Plan describing “Potential Park/Open Space/Recreation Area E” with the following text.

Potential Park/Open Space/Recreation Area E: Cedar Mill Creek and Falls

THPRD has proposed three neighborhood parks in this area. Generally these parks are located near the juncture of Cedar Mill Creek and Barnes Road, Cedar Mill Falls and parallel to Cedar Hills Boulevard between Cornell and Johnson Creek. Specific park locations shall be determined during the review of particular development plans. Neighborhood parks are ideally 3 to 5 acres in size, except within light rail transit station areas or Town Centers where they may be less than 3 acres in size if they are within one-quarter mile or less of the station or the Town Center core.

The Cedar Mill Falls area would remain as a natural area as an integral cultural and natural resource amenity of the Cedar Mill Creek Neighborhood Trail Corridor Loop.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

Delete the description of the North-South Access in the Transportation section of the Cedar Hills – Cedar Mill Community Plan as follows:

~~North-South Access~~

~~The Transportation Plan continues the designation of NW and SW 112th Avenue between SW Barnes and NW Cornell Roads as an Arterial. The plan also designates a general alignment for a new Arterial connection across the Teufel Nursery property, also to provide a link between Barnes and Cornell. Significant improvements will be required before 112th can actually serve arterial level traffic. Some of these improvements will be accomplished in conjunction with development of the Peterkort property. The exact nature of the improvements and the responsibility for financing will be determined through application of the County's Growth Management Policies.~~

~~The purpose of the arterial facility on the Teufel Nursery property is to serve high density residential development shown in the Community Plan for the site as well as to provide additional north-south access for the community.~~

~~Lane requirements for each of the two above arterials shall be re-evaluated pursuant to studies the County participates in with Metro, Multnomah County and the City of Portland regarding traffic circulation in the Cedar Mill area and its affect on adjacent jurisdictions.~~

Add descriptions of new Areas of Special Concern 12, 13, 13a, 14, 15, and 16 to the text of the Cedar Hills – Cedar Mill Community Plan under the description of the Cedar Mill West Subarea, as follows:

Area of Special Concern No. 12:

The intent of this area of special concern is to consider, and in some cases, require additional pedestrian, bicycle and transit design elements along arterial roads within the Cedar Mill Town Center. An objective is to develop arterials in this area as an integrated whole, considering the inter-relationship among land uses, the auto travelway, and pedestrian, transit and bicycle needs.

a. Subsection "a" applies to Cornell Road between Dale and Barnes Road. This is considered a portion of the Main Street for the Cedar Mill Town Center. Cornell Road shall be built as a 3 lane road with bike lanes and sidewalks. The road shall include on-street parking. The road shall generally include 12 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. The design speed shall be no greater than 35 miles per hour. Alternate pavement treatment for crossings, a raised landscaped center median, and, as appropriate, smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

Project Development for this section of Cornell Road shall follow the public involvement guidelines identified in RO 93-124. Public Involvement for Large Projects along this section of the roadway shall utilize a Citizen Advisory Committee.

A legislative plan amendment shall be necessary in order to increase the proposed number of lanes on this portion of Cornell to more than 3 lanes.

The right of way for this section shall be 90 feet. For land development actions, buildings along this section of Cornell shall be setback at least four feet from the edge of ultimate ROW.

For land development actions, the following shall be required: 12 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian

abcdef Proposed additions

scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet.

b. Subsection "b" applies to Murray Road between Sherry Street and Cornell Road. For capital projects, the ultimate design of the road shall generally include 10 foot sidewalks at a minimum with street trees in tree wells. The ultimate design shall consider installation of a gateway treatment. Interim projects are not required to include all of the elements mentioned above.

For land development actions, 10 foot sidewalks with street trees in tree wells shall be required. Right of way shall be 98 feet. A five foot utility easement shall be required where buildings do not front within five feet of the back of sidewalk.

c. Subsection "c" applies to Barnes Road between Saltzman and where it intersects the Johnson Creek wetland (approximately 2000 feet southeast of the Barnes/Saltzman intersection). For capital projects, the ultimate design of the road shall generally include 10 foot sidewalks at a minimum with street trees in tree wells. The ultimate design shall consider installation of a gateway treatment. Interim projects are not required to include all of the elements mentioned above.

For land development actions, 10 foot sidewalks with street trees in tree wells shall be required. Right of way shall be 98 feet. A five foot utility easement shall be required where buildings do not front within five feet of the back of sidewalk.

d. Subsection "d" applies to Barnes Road between Saltzman and Cornell. This is considered a portion of the Main Street for the Cedar Mill Town Center. This section of Barnes shall be built as a 3 lane road with bike lanes and sidewalks. The road shall include on-street parking. The road shall generally include 12 foot sidewalks at a minimum with street trees in tree wells, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above. For land development actions, the following shall be required: 12 foot sidewalks with street trees in tree wells, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet. Right of way shall be 86 feet.

e: Subsection "e" applies to Cornell Road between Barnes and the eastern boundary of the Teufel Property. The road shall generally include 10 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. However, sidewalks may be 5 feet wide on the north side of Cornell east of 119th Avenue. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Gateway treatments, alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

For land development actions, the following shall be required: 10 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet. Right of way shall be 90 feet. Between Barnes and 123rd, buildings shall be setback at least four feet from the right of way.

f. Subsection "f" applies to Saltzman Road between Barnes and just south of Kearney Street. The road shall generally include 10 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Gateway treatments, alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

For land development actions, the following shall be required: 10 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet.

g. Subsection "g" applies to the extension of 119th on the Teufel property between Cornell and Barnes. The road shall generally include 12 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Alternate pavement treatment for crossings, and smaller

abcdef Proposed additions

curb radii at intersections shall be considered as part of the project development process. The ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan

h. Subsection "h" applies to Cornell Road between Dale and 143rd. The road shall generally include 10 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Gateway treatments, alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

For land development actions, the following shall be required: 10 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet. Right of way shall be 98 feet. A five foot utility easement shall be required where buildings do not front within five feet of the back of sidewalk.

Area of Special Concern No. 13:

Area of Special Concern 13 encompasses land designated for commercial or mixed (commercial, office and residential) development in the vicinity of the intersection of Cornell Road and Murray Road.

Area of Special Concern 13 is substantially developed, but portions are anticipated to redevelop in the future. The intent of this area of special concern is to provide direction to the future development and redevelopment in the area, in addition to direction provided by applicable provisions of the Community Development Code.

As properties in the area develop or redevelop, the new development shall be designed to encourage walking, bicycling and transit use in the area. Consistent with design principles or standards of Section 431 of the Community Development Code, buildings shall be located to front on adjacent pedestrian streets, and designed to present front facades with a significant percentage of window space. Building entries shall be oriented to the adjacent pedestrian street if on-street parking is allowed in front of the building.

As the properties at the four corners of the intersection of Murray and Cornell redevelop, the new development shall be designed so that buildings are placed at the corner, with parking to the side or behind the building. Each corner building shall be at least two stories or twenty feet high. This same provision shall also apply to redevelopment of properties at the corners of the intersection of Murray and Science Park Drive.

Area of Special Concern No. 13a:

This is the portion of Area of Special Concern 13 at the southeast corner of Murray and Cornell Roads. This is one of the core areas of the Cedar Mill Town Center. Properties in this area are designated TO:RC and are likely to redevelop in the future. Portions of this area are already developed with commercial uses, while other parts are developed with apartment buildings and single family dwellings. There are multiple property owners in the area. In order for these properties to redevelop in a cohesive and complementary manner, they will either have to be consolidated under fewer ownerships, or the owners of the properties will have to cooperatively plan for the area's overall redevelopment. To assure that cooperative planning of the area's overall redevelopment will occur, no development application for a property in the area, other than for a limited expansion (no more than 20 percent of existing floor area), shall be approved prior to approval of an overall Master Plan for all properties that are within ASC No. 13a. This overall Master Plan shall be agreed to by 50 percent of the property owners in the area and property owners in the area representing at least 50 percent of the acreage. ASC 13a shall also meet the all of the requirements of ASC 13.

Regarding tax lots 1N133DB03700 and 01, the County shall not build the extension of Science Park between Murray and Joy prior to the year 2010. If prior to the year 2010, the owners of tax lot 1N133DB03700 or tax lot 1N133DB03701 or their successors want to sell their property (including contiguous parcels) to the County, the County shall negotiate to buy the property including the contiguous parcels to the extent permitted by law.

Area of Special Concern No. 14:

Area of Special Concern 14 encompasses land designated for commercial or mixed (commercial, office and residential) development in the vicinity of the intersection of Cornell Road and Saltzman Road. This is one of the core areas of the Cedar Mill Town Center.

Area of Special Concern 14 is substantially developed, but portions are anticipated to redevelop in the future. The intent of this area of special concern is to provide direction to the future development and redevelopment in the area, in

abcdef Proposed additions

addition to direction provided by applicable provisions of the Community Development Code.

As properties in the area develop or redevelop, the new development shall be designed to encourage walking, bicycling and transit use in the area. Consistent with design principles or standards of Section 431 of the Community Development Code, buildings shall be located to front on adjacent pedestrian streets, and designed to present front facades with a significant percentage of window space. Building entries shall be oriented to the adjacent pedestrian street if on-street parking is allowed in front of the building.

This plan envisions that as properties in the area develop or redevelop, a "main street" commercial area will be established in the vicinity of the intersection of Dogwood Street and Saltzman Road. The plan assumes that Dogwood will be extended east of Saltzman to 123rd Avenue. Future development along both sides of this new section of Dogwood (between Saltzman and 123rd) shall be designed so that buildings are built to the back of the sidewalk along at least 90 percent of a development site's frontage on the street (excluding street, driveway and accessway intersections). Consistent with applicable Community Development Code provisions, at least one main building entrance shall be oriented to and visible from the street.

A building shall be located on at least three of the four corners of the intersection of Saltzman and Dogwood with parking to the side or behind the building. Instead of a building at the corner, a fourth corner (to be determined by which corner property owner chooses to develop it first) may be occupied by a public space complying with the Community Development Code standards for a common open space. Each corner building shall be at least two stories or twenty feet high.

Similarly, two story buildings or buildings that are at least 20 feet high shall be located at the corners of the following intersections, when properties at those locations redevelop:

- Saltzman and Cornell;
- 123rd and Cornell;
- Barnes and Cornell; and
- 129th and Cornell

Area of Special Concern No. 15:

Area of Special Concern 15 encompasses land designated for office and retail development near Cornell Road. Properties along Cornell Road are considered part of the core of the Town Center.

abcdef Proposed additions

Area of Special Concern 15 is substantially developed, but portions are anticipated to redevelop in the future. The intent of this area of special concern is to provide direction to the future development and redevelopment in the area, in addition to direction provided by applicable provisions of the Community Development Code.

As properties in the area develop or redevelop, the new development shall be designed to encourage walking, bicycling and transit use along Cornell Road. Consistent with design principles or standards of Section 431 of the Community Development Code, buildings shall be located to front on Cornell, and designed to present front facades with a significant percentage of window space. Building entries shall be oriented to the adjacent pedestrian street if on-street parking is allowed.

Because of the importance of this corridor, future development along Cornell shall be designed so that building fronts are located between four to nine feet from the ultimate right-of-way line along at least 90 percent of a development site's frontage on the street (excluding accessway and driveway intersections).

Area of Special Concern No. 16:

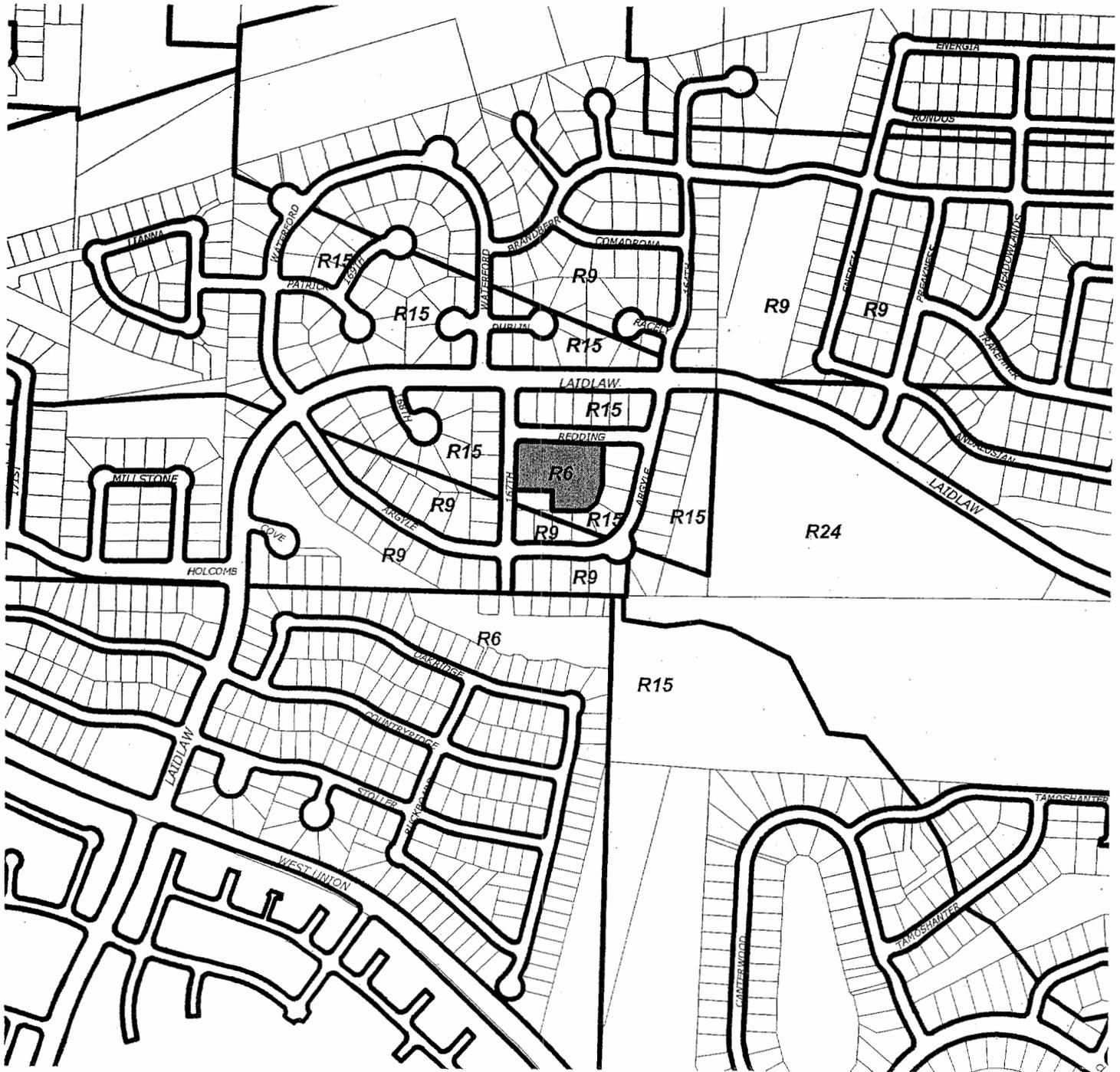
Regarding street connectivity, properties within ASC #16 shall be developed consistent with the Design Option listed in Section 3.07.630 of Metro's Urban Growth Management Functional Plan.

*Amend the Land Use District map of the Bethany Community Plan by changing the land use designation for parcel 1N1 19AD / 10900 from **R-15** to **R-6** (See Exhibit 8, Page 2 of 2); and*

Amend the ordinance cover for Ordinance 536 to include a reference to the amendment to the Bethany Community Plan.

The Bethany Community Plan Land Use District map shall be amended to remove existing plan designations and apply new designations, as indicated on the map below.

B-Engrossed Ordinance 536
 Exhibit 8
 August 3, 2000
 Page 2 of 2



R6 Plan designation changed to Residential District - 6 units per acre



200 0 200 400 Feet

ANNEXATION AGREEMENT

This Agreement is between and among the City of Beaverton, an Oregon municipal corporation ("City"), and Ilona M. Teufel as Trustee of the Teufel Marital Trust A and Trustee of the Teufel Residual Trust B, Teufel Nursery, Inc., an Oregon corporation, and Teufel Properties, LLC an Oregon limited liability company (collectively "Owners") and Polygon Northwest Company, a Washington corporation ("Buyer"). This agreement shall be effective when signed by all parties.

RECITALS

A. The Agreement concerns the Teufel Nursery property, located at 12345 NW Barnes Road, in Washington County, Oregon, Tax Lot Numbers 00100 and 02800 on Assessor's Map 1N1 34C("Property"). The Property is shown on the map attached as Exhibit 1 and legally described in Exhibit 2. These exhibits are incorporated herein by reference. The Property is contiguous to the jurisdictional limits of the City and is subject to annexation by the City.

B. Buyer wishes to develop the Property into a mixed use planned unit development with housing to be limited to a certain density. In order to attain this objective, the City must make the following discretionary decisions: annexation of the Property; withdrawal of the Property from the Washington County Service Districts for Enhanced Sheriff's Patrol and Urban Road Maintenance; designation of the Property as "Town Center" on the Beaverton Comprehensive Plan Land Use Map and related text amendments; amendment to the Beaverton Transportation System Plan; rezoning of the Property to Town Center – High Density Residential (TC-HDR) and Town Center – Multiple Use (TC-MU) zoning districts, with one proposal for such rezoning generally shown on Exhibit 3, which is attached and incorporated herein; approval of a master plan, planned unit development concept, preliminary planned unit development and final planned unit development on the first phase of the PUD; design review; land division; and, a Planning Director's Interpretation of density credit to Map 1N134C, Tax Lot 101, not necessarily in the foregoing order ("Decisions"). In order to facilitate development of the Property, City wishes to provide assurances on withdrawal of the Property if those Decisions are not made and to agree to fair tax treatment of the Property pending its development.

AGREEMENT

1. Consent to Annexation. Owners consent to annexation of the Property to the City, subject to the terms of this Agreement. The Property is unoccupied and this consent suffices to excuse the need for an annexation election under ORS 222.125 and 222.170. The City agrees to initiate annexation of the Property.

2. Withdrawal from City. If City has not made final Decisions by July 1, 2005, the City agrees to facilitate withdrawal of the Property from the City in the following ways:

2.1. The City Council will initiate a withdrawal of the Property from the City by a resolution adopted under ORS 222.460(2) no later than September 1, 2005;

2.2. The City staff will support withdrawal in the public hearings on the withdrawal;

2.3. If Buyer is unable to purchase and develop the Property as planned and there is a lack of need of municipal facilities and services, the lack of need shall be a determinative factor in adjudicating the withdrawal.

3. Property Tax Differential Approval. The parties will estimate the amount of property taxes to be levied by the City upon the Property over the first two fiscal years that follow the effective date of annexation. As part of any annexation approval, the City will approve a property tax differential under ORS 222.111 for those two years allowing the rate of taxation for City purposes on the Property to be at a specified ratio of the highest rate of taxation applicable for City purposes to other property in the City. The approval shall provide for the ratio to be 25% of the rate of taxation for the first two fiscal years in which City taxes are imposed upon the Property; thereafter the City taxes will be imposed at 100% of the rate of taxation.

4. Building Permit Fees. In order to facilitate allocation of private resources to quicker development of the Property, and in partial consideration of Owners' consent to annexation, City will discount the fees charged for the following permits and reviews by 10% of the amount customarily charged: building permits fees, including structural, mechanical, plumbing and master building permit fees, but not including electrical permit fees, structural plan review, fire and life safety plan review inspection and re-inspection fees, temporary certificate of occupancy fees, sidewalk and driveway and demolition permit fees. The discount shall be applied to fees imposed for the first building permit or plan review for the Property after the annexation is effective and for any fees imposed during a three year period after imposition of that first building permit or plan review fee.

5. Allocation of Dwelling Units. Cedar Hills-Cedar Mill Community Plan, Area of Special Concern No. 4, Policy C provides for development of 1,946 dwelling units on property identified as Tax Lots 00100, 00101 and 02800 on Assessor's Map 1N1 34C. The policy, however allows the required number of dwelling units to "...be reduced proportionally for future plan amendments which change residential development area to institutional land use designations." Tax Lot 00101 on Assessor's Map 1N1 34C has been acquired by the Beaverton School District for a school site and the appropriate zone for such a use is an institutional zone. Therefore, the City agrees to consider a Planning Director's Interpretation of the relevant City ordinance, to assign required dwelling units to Tax Lot 00100 on Assessor's Map 1N1 34C so as to reflect the lost potential for residential development of Tax Lot 00101 on Assessor's Map 1N1 34C.

6. Transfer of Allocated Dwelling Units. City agrees to allow transfer of up to 20% of the City's required number of dwelling units on the Property to other residential/multiple use properties in which Buyer has a recorded property interest and located within the City of Beaverton. The transfer can only occur in conjunction with a City approved rezoning of another residential/multiple use property to a higher residential density, and/or through City final approval of a residential development on another property that exceeds 80% of the maximum allowed density of dwelling units on the development site but does not exceed the maximum

density allowed by law. The transfer will be considered to be final when the required number of dwelling units on the Property is reduced through a final Planning Director's Interpretation. Buyer may need to amend the Concept Master Plan for the Property.

7. Covenants Running With the Land. Except for the obligations of paragraph six of this Agreement, the provisions of this Agreement touch and concern the Property, bind the heirs and successors of the parties, and are covenants running with the Property. This Agreement shall be recorded upon its execution. The Agreement may be assigned.

8. Modification of Agreement. This Agreement may only be modified by a writing signed by all parties.

9. Counterparts. This Agreement may be signed in counterparts.

IN WITNESS WHEREOF, the parties have executed this agreement.

TEUFEL PROPERTIES, LLC, an Oregon limited liability company

By: _____
LAWRENCE A. TEUFEL
Manager

Date: _____

TEUFEL NURSERY, Inc., an Oregon corporation

By: _____
LAWRENCE A. TEUFEL
President

Date: _____

ILONA M. TEUFEL
Trustee of the Teufel Marital Trust A and Trustee of the Teufel Residual Trust B

Date: _____

POLYGON NORTHWEST COMPANY

By: _____
FRED GAST
Assistant Vice-President

Date: _____

CITY OF BEAVERTON, OREGON

By: Rob Drake
ROB DRAKE
Mayor

Date: 12/17/03

Approved As To Form:

William Scheiderich
WILLIAM SCHEIDERICH
Assistant City Attorney

EXHIBIT 1

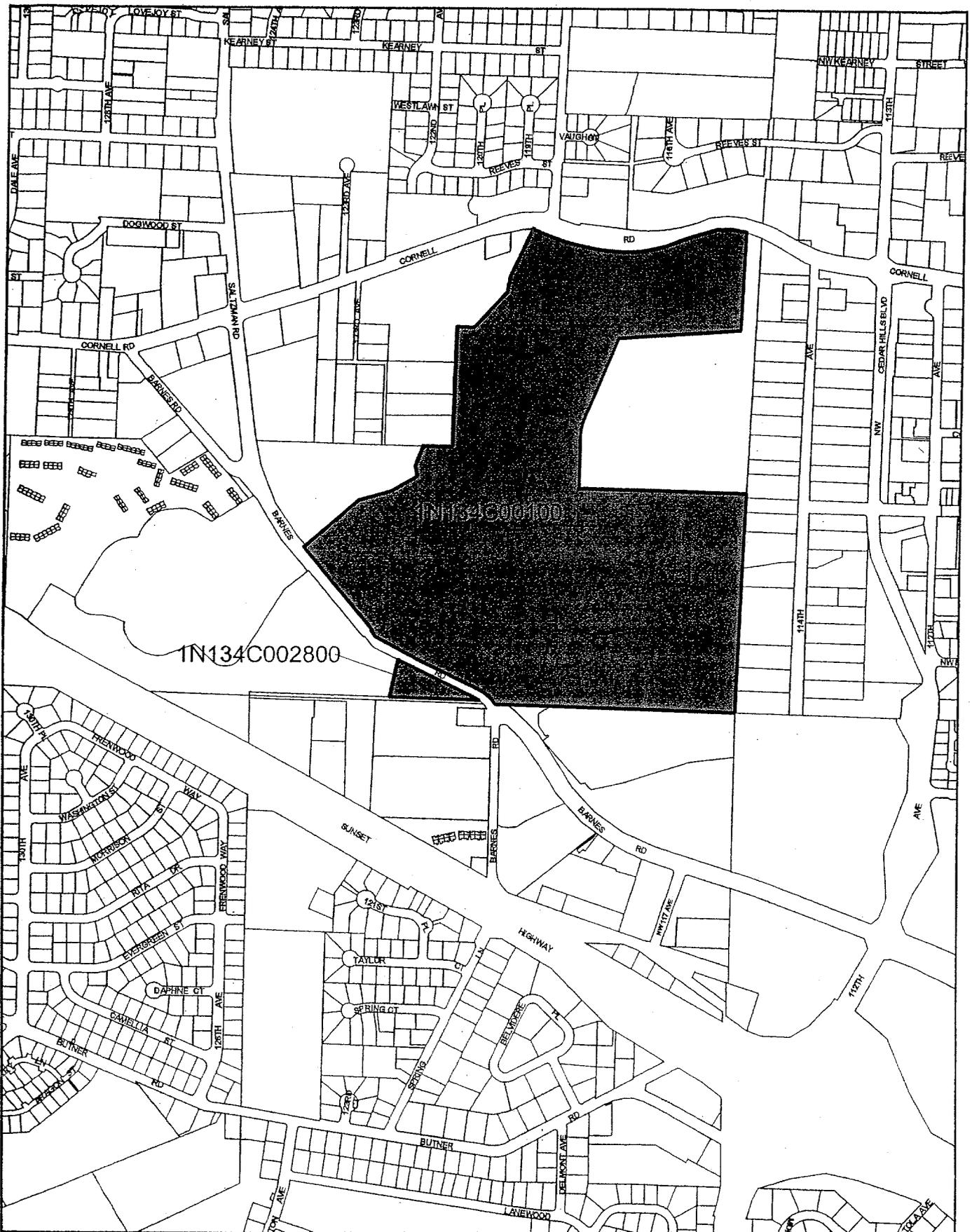


Exhibit 2

Teufel Annexation Legal Description

Parcel 1:

Beginning at the SE corner of the SW $\frac{1}{4}$ Section 34; Township 1 North; Range 1 West; Willamette Meridian, Washington County, Oregon; said point also being the SE corner of the Josiah Hall DLC No. 53; thence running west along the south line of said Josiah Hall DLC to a point where the south line of said DLC intersects the easterly right of way line of Barnes Road; thence northwesterly along the easterly right of way line of Barnes Road to a point on said easterly right of way, said point being North 840.1 feet and East 245.2 feet from the SW corner of Section 34 T1N; R1W; W.M.; Washington County, Oregon; said point also being the point where the right of way of Barnes Road widens from 70 feet to 89 feet; thence N46 $^{\circ}$ 41'E, 426.0 feet; thence N70 $^{\circ}$ 32'50"E, 184.4 feet; thence N58 $^{\circ}$ 02'42"E 160.2 feet; thence N14 $^{\circ}$ 47'55"W, 54.3 feet; thence N17 $^{\circ}$ 55'36"E, 125.0 feet to the North line of the Josiah Hall DLC No. 53; Thence east along said line, 158 feet more or less, to a stone; thence North, 467.7 feet; thence N88 $^{\circ}$ 43'E, 91.80 feet; thence N49 $^{\circ}$ 38"E, 259.20 feet; thence N07 $^{\circ}$ 30'E, 84.0 feet; thence N22 $^{\circ}$ 45'E, 294.73 feet to the south right of way of Cornell Road; thence easterly along said right of way line to a point approximately 85 feet west of the east line of the SW $\frac{1}{4}$ of said Section 34, thence south parallel with said east line 540.65 feet; thence S82 $^{\circ}$ 45'19"W, 652.67 feet; thence S18 $^{\circ}$ 53'20"W, 463.22 feet; thence southerly along the arc of a 378 foot radius curve to the left, 138 feet; thence South, 270.54 feet; thence N88 $^{\circ}$ 26'51"E, 899.67 feet to the east line of Josiah Hall DLC No. 53; thence South, 1228.82 feet to the Point of Beginning.

Parcel 2:

Beginning at point which is East, 763.62 feet and North 19.9 feet from the SW Corner of Section 34, T1N; R1W; W.M., Washington County, Oregon; thence N12 $^{\circ}$ E, 203.93 feet to the southerly right of way line of Barnes Road; thence S64 $^{\circ}$ 10'E, 460.31 feet along said southerly right of way line, to a point where the southerly right of way line of Barnes Road intersects the south line of said Section 34; thence West, 456.77 feet to the place of beginning.

Teufel Property

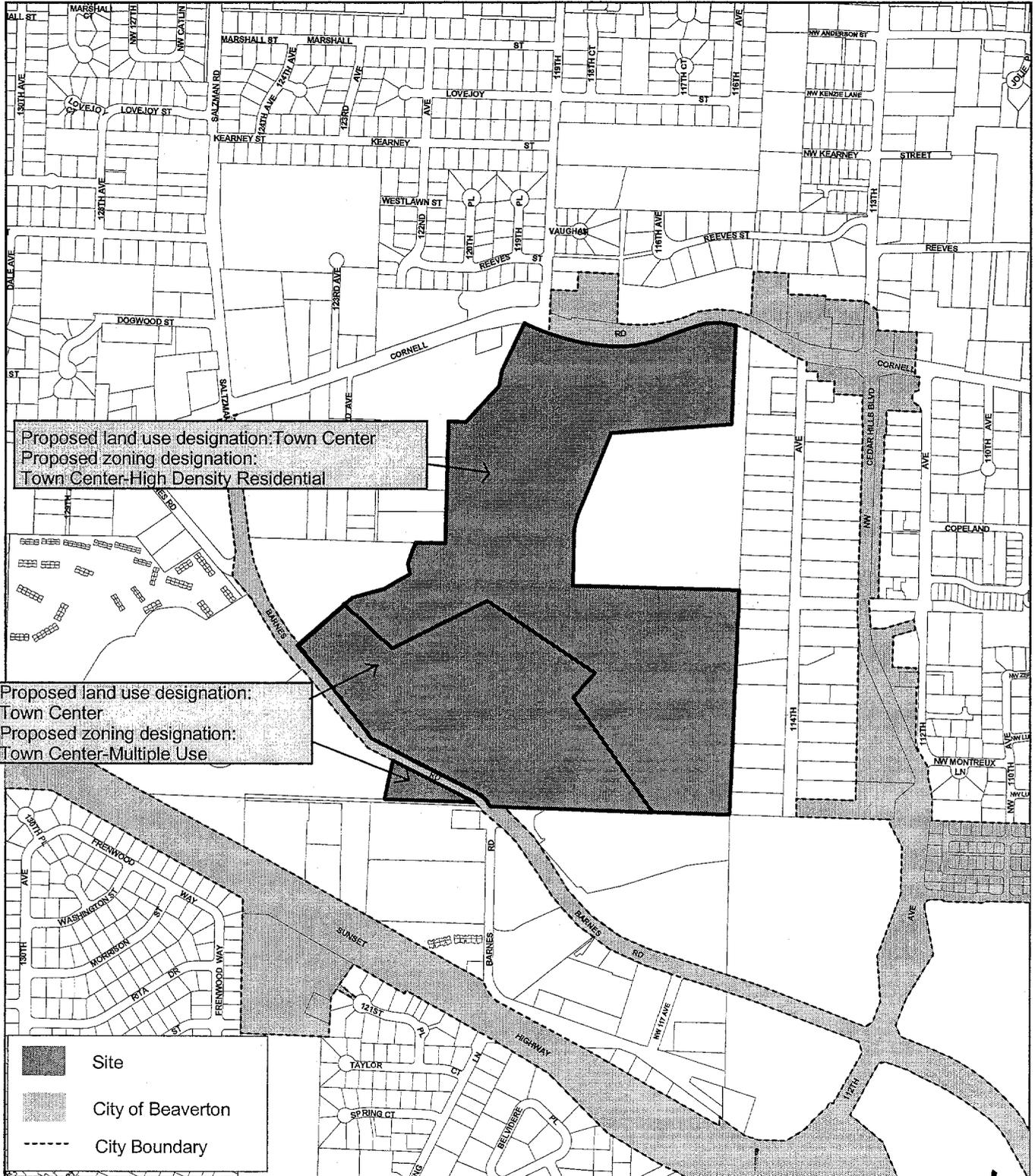


EXHIBIT # 1.4



City of Beaverton

Teufel Property Development Review Procedure Ordinance
COMMUNITY DEVELOPMENT DEPARTMENT
 Development Services Division

2/6/04

Map #
 1N134C000100
 1N134C0002800



Application #
 CPA 2003-0017/
 ZMA 2003-0019