



## TELEVISED

## FINAL AGENDA

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

REGULAR MEETING  
MARCH 1, 2004  
6:30 p.m.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

- 04026 Presentation of Shields and Swearing In of Two Officers to the Beaverton Police Department
- 04027 Project Update - Beaverton Software-Focused Business Incubator
- 04028 Traffic Commission Presentation

CITIZEN COMMUNICATIONS:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of February 9, 2004.

- 04029 Boards and Commissions Appointment: Charmagne Ehrenhaus to Library Board
- 04030 A Resolution Adopting a Map Entitled "Solid Waste Franchise Service Areas of the City of Beaverton" (Resolution No. 3749)
- 04031 A Resolution Adopting an Intergovernmental Agreement with Metro Regional Government for Commercial Technical Assistance Program Funding (Resolution No. 3750)

Contract Review Board:

- 04032 Personal Services Contract with Business Cluster Development for First Phase of Business Incubator Implementation

## ORDINANCES:

### First Reading:

- 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Plan, by Adopting the "Beaverton School District Facility Plan 2002" by Reference and Deleting References to Outdated Provisions (Ordinance No. 4289)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)
- 04035 An Ordinance Adopting TA 2003-0009 to Amend Development Code Section 20.20.60-2 (Murray Scholls Town Center Pedestrian Route Map) (Ordinance No. 4291)

### Second Reading:

- 04024 An Ordinance Adopting the JWC Water Service Agreement as Amended, the Tigard Joinder Agreement and the Barney Joint Ownership Agreement (Ordinance No. 4288)

## 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.

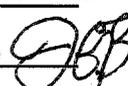
**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Presentation of Shields and Swearing In of  
Two Officers to the Beaverton Police  
Department

**FOR AGENDA OF:** 03/01/04 **BILL NO:** 04026

**MAYOR'S APPROVAL:** 

**DEPARTMENT OF ORIGIN:** Police 

**DATE SUBMITTED:** 02/23/04

**PRESENTATION:** Presentation

**EXHIBITS:**

**BUDGET IMPACT**

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

The Beaverton Police Department is in the process of filling two officer positions that are vacant as a result of attrition. As part of the hiring process, these individuals are sworn in before the City Council during a brief ceremony.

**INFORMATION FOR CONSIDERATION:**

The department is pleased to swear in Ryan Murphy, who has served as a reserve officer with the Beaverton Police Department for 18 months, and Mandi Nichol森 who served as a reserve member for the Bend Police Department.

**RECOMMENDED ACTION:**

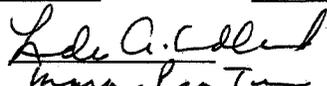
City Council offer their support to the new officers through a presentation made during the City Council meeting.

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Project Update –Beaverton Software-  
Focused Business Incubator

**FOR AGENDA OF:** 03-01-04 **BILL NO:** 04027

**Mayor's Approval:**   
**DEPARTMENT OF ORIGIN:** Mayor's Office 

**DATE SUBMITTED:** 02-23-04

**CLEARANCES:** City Attorney 

**PROCEEDING:** PRESENTATION

**EXHIBITS:**

### **BUDGET IMPACT**

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

On January 12, 2004, City Council approved the Business Plan for a software-focused business incubator and authorized staff to move forward to implementation. This report is an update on progress toward opening the incubator.

#### **INFORMATION FOR CONSIDERATION:**

Over the course of the last six weeks, the focus has been on ramping up for implementation. A separate agenda bill is on tonight's Council Agenda to continue the services of Business Cluster Development, the firm which prepared the Business Plan. From our research, the decisions which get made at this stage, at the inception of the incubator, are fundamental to its future success. Continuing to work with acknowledged experts in the field of sector-focused incubation will be critical to ensure we find the right facility, set up appropriate policies and criteria, hire the best staff and make cost-effective decisions.

Staff has begun looking for space in downtown Beaverton which could accommodate the business incubator. Preliminary assessment shows there may be several spaces available which could meet the needs of the incubator. The leasing market is dynamic, however, so there is no guarantee space will still be available in a few months.

A number of meetings have occurred with parties interested in all aspects of the incubator, from potential tenants and staff members, to possible sponsors and advisory board members. The immediate next steps involve reviewing potential spaces in detail, beginning the articles of incorporation and bylaws for the 501(c)(3) designation and developing a strategy for sponsorships and partnerships.

#### **RECOMMENDED ACTION:**

Staff respectfully recommends that the City Council listen to the update and provide feedback on implementation of the business incubator.

**Agenda Bill No:** 04027

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Traffic Commission Presentation

**FOR AGENDA OF:** 3-01-04 **BILL NO:** 04028

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Engineering *[Signature]*

**DATE SUBMITTED:** 2-19-04

**CLEARANCES:** Transportation *[Signature]*

**PROCEEDING:** Presentation

**EXHIBITS:**

**BUDGET IMPACT**

<b>EXPENDITURE REQUIRED \$0</b>	<b>AMOUNT BUDGETED \$0</b>	<b>APPROPRIATION REQUIRED \$0</b>
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**HISTORICAL PERSPECTIVE:**

During 2003 the Traffic Commission reviewed 41 traffic issues. In addition, the Commission reviewed the priorities for new traffic signals, Traffic Enhancement Program funding allocations, and the experimental program for flashing yellow arrow signal displays. The Commission initiated a survey to help measure the success of the traffic calming program and reviewed suggestions for changes to the program.

**INFORMATION FOR CONSIDERATION:**

The Traffic Commission chair will make a brief presentation on the activities of the Commission during the past year.

**RECOMMENDED ACTION:**

Hear presentation.

## DRAFT

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 9, 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, February 9, 2004, at 6:35 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Betty Bode, Dennis Doyle, Fred Ruby, Forrest Soth and Cathy Stanton. Also present were Chief of Staff Linda Adlard, City Attorney Alan Rappleyea, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop, Utilities Engineer Dave Winship and City Recorder Sue Nelson.

### PRESENTATIONS:

#### 04021 2003 Police Department Review

Mayor Drake introduced Police Chief David Bishop. Chief Bishop presented an overview of the Police Department's programs and accomplishments for 2003.

Police Chief David Bishop said the Community Policing was the Police Department's top priority. He reported after September 11 most police departments abandoned Community Policing. He said the Police Department's working partnerships with the community, elected officials and other law enforcement agencies were critical to the Department's operation, which was why the Department was committed 100% to community-oriented, problem-solving policing.

Bishop explained there were three major divisions in the Police Department: Field Services, Support Services and Criminal Investigation. He said the majority of the Department's personnel (61%) were assigned to the Field Services Division, which was responsible for the operations of the Department. He said last year there were 110,779 calls for service, which was an increase of 6% from the previous year. He said 54% of those calls (59,928) were self-initiated officer calls. He explained when more than 50% of a department's calls were officer-initiated; it indicated the department had a very proactive form of policing. He stated Beaverton's Police Department was committed to maintaining its proactive approach.

Bishop reviewed the programs and activities within each division:

### FIELD SERVICES DIVISION:

Patrol Division: Bishop explained the Patrol Division was the first responder to calls; they took the initial reports and handled initial investigations. He stated this Division also conducted sting operations for prostitution, selling alcohol to minors, purse thefts, and joint sting operations with Tri-Met. There were 39 sting operations conducted in 2003.

Traffic Safety Team: He said the Traffic Safety Team had a staff of eight, who proactively enforced the traffic safety laws. He said they issued 40% of all traffic citations issued by officers. There were 27,575 traffic stops last year with 16,802 citations issued, which was up 12% from the previous year. He said 3,331 accidents were investigated with 424 drunken driving arrests (DUII). He noted the majority of DUII arrests were from saturation patrols and were funded by Federal grants. He explained that the team worked closely with the neighborhood associations to identify and handle traffic problems.

Crash Analysis Reconstruction Team (CART): Bishop explained CART investigated all major accidents in Washington County and any accident involving a police officer. He said this was a multi-agency team and Beaverton had three members on CART. He said because of its high success ratio, CART was now utilized for diagramming major crime scenes. He said in 2003 CART investigated nineteen incidents.

Photo Radar: Bishop said Photo Radar monitoring averaged 300 hours per month, which was an increase of 32% from last year; 4,585 citations were issued. The Red Light Photo Radar was located at four intersections and more than 3,350 citations were issued at those intersections. He said additional intersections would be added next year.

K-9 Unit: Bishop said the K-9 Unit consisted of four officers and four canines that were trained to support officers in the field by tracking, locating evidence, and finding missing persons. He reported last year the K-9 Unit handled 1,496 calls for service, which was an increase of 25% from the previous year. He said county-wide they were establishing a scheduling process to ensure canine services were available county-wide, seven days a week.

Bicycle Patrol Unit: Bishop said this unit had two full-time officers whose responsibilities included patrolling Beaverton's core area, the malls and special school events, and conducting bicycle safety seminars. He said this was a successful patrol unit with a good citation record.

Tri-Met Unit: Bishop said this unit had thirty-three members; two were from Beaverton. He noted Tri-Met funded this unit with no cost to the City. He added the longest stretch of the Max train track was in Beaverton (eighteen miles). The officers ride the rail back and forth working in plain clothes and in uniform.

Community Service Officers: Bishop explained this unit consisted of two officers and was responsible for transporting prisoners and parking enforcement. He said one of the unit's major accomplishments this year was video arraignment which was a big asset to the Department. Over 400 prisoners were arraigned by video this year which had enhanced safety in the Department.

Reserve and Cadet Units: Bishop reported these units combined had 37 volunteer members who donated more than 8,500 hours in 2003. Their responsibilities included Peer Court, curfew sweeps, assisting with alcohol/tobacco sting operations, patrolling high school and community events, and assisting regular officers in major incidents.

Mobile Response Team: Bishop explained this team consisted of 24 members who handled civil disturbances, preparing for regional response to Homeland Security Issues and natural disasters. This team worked in conjunction with the Sheriff's Office team. The Department received a \$40,000 grant for equipment for this team. He said in 2003 the team assisted the Portland Police with presidential visits and war protests.

#### SUPPORT SERVICES DIVISION:

Record Division: Bishop explained this division operated twenty-four hours a day/seven days a week serving internal and external customers. This division was responsible for all data entry from reports and citations, confirming outstanding warrants, and processing and controlling evidence.

Training Division: Bishop said this division developed, administered and documented all mandated and specialized training for Department personnel; recruitment and training of new officers and supervised the Field Training Officers Program. In 2003, officers received 20,163 hours of training, of which 13,482 were mandated for certification. He noted this averaged 118 hours per employee.

Alarm Program: Bishop said the Department was required to issue business and residential alarm permits by City ordinance. He said the goal of this program was to reduce the volume of false alarms; 99% of the alarms were false. He noted this program would be re-evaluated in the future.

Crime Analysis: Bishop reported the Crime Analyst supported many Department functions, including officer deployment, investigations, research and planning, crime prevention and administrative support. He said this position interfaced with all divisions of the department.

Community Resource Team: Bishop stated this team's mission was to educate and assist the Department in Community Policing. In 2003, the team was involved in the Meet and Greet Program, the Revitalized Landlord Program, the Citizens Academy, the Trespass Agreement Program and the Neighborhood Watch Program. In 2004, this team will participate in the community education portion of the Identity Theft Grant.

School Resource Officers: Bishop said these officers were role models in the schools and maintained an atmosphere where teachers and students felt safe. He said they served 32 public and private schools, with a population of 30,000 students. He added they also developed the Student Academy and a summer COPP Camp for students.

Volunteer Program: Bishop stated this program was a partnership between the Police Department and the citizens. Currently, there were 70 active volunteers and 150 volunteers who could be called in an emergency; there were 5,066 hours logged of volunteer service. These volunteers assisted with the SMART Trailer Program, Peer Court, Homesafe, special projects, and community events.

### INVESTIGATIONS DIVISION:

Criminal Investigations Division: Bishop said this division investigated major crimes against people and property. There were 13 members in this division, some of whom worked in other divisions. He added this division worked on identity theft and fraud crimes in partnership with the Fraud and Identity Theft Enforcement Task Force, which included other Washington County agencies.

Bishop noted there were several Interagency Teams under the Investigations Division, which included:

Westside Interagency Narcotics Team: Bishop explained this team consisted of 12 members, with three from Beaverton. He said Washington County was number one in the state for identifying and processing methamphetamine labs. In 2003, they seized \$6.5 million in illegal narcotics compared to \$1.8 million in 2002. He noted their work load had increased 51%.

Major Crimes Team: Bishop said this team had 24 members, including two from Beaverton and staff from the District Attorney's Office. He noted this unit responded to major homicides and crimes, and officer-involved shootings. The team was activated eight times in 2003.

Tactical Negotiations Team: Bishop said this team consisted of 30 members, including five from Beaverton. He stressed this was one of the more dangerous assignments in the agency. He said last year they responded to 52 incidents, two were in Beaverton, and often they involved violent domestic situations with barricades and hostages. He said the training for this unit was serious and extreme. He said this team was selected as one of the top teams in the Northwest last year.

Gang Enforcement Team: Bishop noted this team had 25 members, two were from Beaverton. He explained this team's mission was to aggressively track, monitor and document gang members and investigate criminal activity. He said gang-related investigations had increased 24% from last year and drug arrests had increased 20%. He reported Los Angeles had 1.3 gang members per thousand; Washington County had 1.01 per thousand. He stressed there was a gang problem in this region and the agencies were working hard on it.

High Tech Crime Team: Bishop reported there was a Task Force consisting of Beaverton, Hillsboro and the FBI, which investigated criminal activity associated with computers and the Internet. He said they were looking at expanding this to include the FBI Regional Computer Forensic Team in Portland. He explained they had an aggressive undercover program investigating sex crimes with children; there were ten arrests in 2003 for child enticement and possession of child pornography.

Bishop concluded by stating 2003 was a very successful year. He said Beaverton was rated one of the safest cities in the country; 47<sup>th</sup> out of 350 cities with populations over 75,000. He said they were very proud that the City received almost one-half million dollars in grants, which included the Identity Theft Grant (\$248,375). He added the Department was averaging one arrest per night on fraud cases. He said the City was one of the top five finalists for the Webber Seavey Award for the Student Academy,

which was one of the highest awards given by the International Chiefs of Police. He said the Federal government committed \$76 million for at-risk children in the State of Oregon. He said based on comments by Senator Smith, he believed a large portion of these funds would go to Washington County.

Bishop thanked the Mayor and Council for their support of the Police Department. He thanked all the men and women of the Beaverton Police Department for their dedication and commitment to their jobs and the citizens of Beaverton for their help over the years. He also thanked the other agencies in the region who partnered with the Beaverton Police Department.

Coun. Soth asked about the status of the reimbursement from Homeland Security, for the expenses the City incurred.

Bishop replied the City just received a \$150,000 grant from Homeland Security. He said other agencies in the County had also received funds. He said the intent was that equipment and services be shared throughout the County.

Mayor Drake explained Homeland Security was not paying retroactively for costs the way FEMA would reimburse agencies for qualified disaster expenditures. He said Homeland Security was handled through an application process for equipment, training or specific personnel. He explained the City's Citizen Emergency Response Team (CERT) position was funded by a Federal grant.

Coun. Soth asked how many personnel in the Department were graduates of the FBI Academy or would attend in the next year.

Bishop responded there were four or five graduates, and one was attending next month.

Coun. Soth asked how the extended training period for recruits and new officers was affecting the Department.

Bishop stated it was working well. He explained the Police Academy handled the basic academy. He said they were negotiating to have management and supervisory classes provided through Portland State University and Portland Community College.

Coun. Soth asked how many officers had been to the disaster training courses in Maryland.

Bishop replied all the lieutenants and some of the sergeants had been to similar schools. He noted this was on-going training and was funded by Homeland Security.

Coun. Soth complimented all the people in the Police Department for a great job.

Coun. Stanton noted 1% of the alarms for residences and commercial building were legitimate; she asked if the alarm companies could be charged for the false alarms.

Bishop explained the alarm companies were very cooperative and the Department would schedule a meeting with the shareholders regarding changing business practices. He said the problem was that those who set off the alarms were the business owners or staff, or the residents, and the alarm companies questioned why they should pay for that person's mistake.

Coun. Stanton asked about the percentage of car alarms.

Bishop said they did not track that information as the Department was not often called to car alarms.

Coun. Stanton asked how many of the hostage calls were in Washington County compared to in the City.

Bishop replied there were two hostage incidents in Beaverton last year.

Coun. Stanton asked if the community resource officers went to the Head Start pre-schools.

Bishop explained they only assigned officers to the elementary and high schools. He noted this unit also had a drug dog.

Coun. Bode asked Bishop to talk about the Department's recruitment plans to replace several officers who recently retired.

Bishop replied they liked to promote from within the Department and they trained staff to move into promotional positions. He said they would continue recruiting for entry positions as needed.

Coun. Doyle said he was happy to hear about the rebirth of the Landlord Program. He asked if part of the grant money could go to Beaverton Together.

Bishop responded he thought Beaverton Together and similar organizations, would administer part of the funds.

Coun. Doyle commented that the public would be alarmed if they knew the extent of the drug problems in the neighborhoods.

Bishop noted 80% of crimes were drug related.

Coun. Doyle thanked the entire Police Force for an excellent job.

Mayor Drake asked about volunteering opportunities within the Police Department.

Bishop replied there were many volunteer opportunities within the Department. He asked that anyone interested contact Volunteer Coordinator Sue Hayes in the Police Department.

Mayor Drake thanked him for the presentation.

CITIZEN COMMUNICATIONS:

Reverend Ja West, Beaverton, thanked the Beaverton Police Department for providing extra patrols in her area. She said she was the most politically incorrect person in the country.

Pavel Goberman, Beaverton, said he wanted to hold a meeting at the Library to speak to senior citizens about new prescription drug policies. He said he filled out the City's room reservation application and he questioned why he had to pay the room use fee. He stated this meeting would not promote his business and he was not profiting from this meeting. He said it was an informational meeting only.

Chief of Staff Linda Adlard explained the City had an extensive room policy for all of the City's meeting rooms. She said the policy was designed to categorize an applicant's business or lecture series; depending on the information in the application, an applicant was categorized as to the type of use. She noted the deposit and fees were set based on those categories. She asked Goberman to put his request in writing and bring it in to the Mayor's Office and it would be determined if he could use the room. She said that displaying literature about services offered or suggesting future purchases to the people at the meeting was not allowed. She said if it was a lecture series the City would probably be able to accommodate him but a deposit would be required.

Goberman replied he would pay the deposit but he didn't feel he should pay a fee.

Mayor Drake explained everyone was required to pay the deposit in the event of potential damage to the room. He noted Goberman had spoken to him and the Council about the services he sold, so the application might have been interpreted to mean he was promoting his business. He emphasized the public meeting rooms were for non-profit use only; promotion of products or services was not allowed.

Goberman said this meeting was to benefit senior citizens by giving them information on prescription drug policies and fitness. He said he was not promoting his business.

Mayor Drake asked Goberman to resubmit his application and be clear that he was not promoting his products or services.

Goberman thanked the Mayor.

COUNCIL ITEMS:

Coun. Stanton invited everyone to visit the Library and view the artwork displayed for the Beaverton Art Commission's Showcase.

Coun. Stanton asked about the status report on TC 500, which involved a left turn lane restriction on Greenway Drive into the Albertson's store at the corner of Hall Avenue and Greenway Drive. She asked if the left turn restriction would stay in place.

Engineering Director Tom Ramisch explained it was intended that the left turn restriction would stay in place until the construction on 125<sup>th</sup> Avenue was completed and traffic had time to resume its normal course and volume. He explained once that happened, time

was needed to monitor the traffic and gather data for reevaluation. He said once the data was reevaluated staff would prepare a recommendation to Council on the final disposition on that turn restriction.

Coun. Stanton asked if any thought was given to leaving the stop sign at 125<sup>th</sup> instead of putting in a signal. She said the neighbors liked the stop sign; it was slowing the traffic and it was easier to enter and exit Greenway Drive.

Ramisch replied that would entail an engineering analysis since the signal there would be replaced. He noted the School District would probably want to provide input.

Mayor Drake noted there was a dynamic interaction with the Sorrento and Brockman intersections; the two interplayed. He said having the signal in place provided the opportunity for cars going south on Sorrento to go east or west; otherwise, the traffic was continuous.

Coun. Doyle said he had citizens comment to him about keeping the four-way stop, but on further discussion the need for the signal was noted during the rush hour.

Coun. Stanton noted Council received an e-mail complimenting the City's on its professional and comprehensive Web page. She asked that the Web Manager be given a copy of the e-mail.

#### STAFF ITEMS:

There were none.

#### CONSENT AGENDA:

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

Minutes of the Regular Meeting of February 2, 2004.

Coun. Soth commended the City Recorder's staff, noting it was the first time he could recall having the minutes from the previous meeting ready at the next meeting. He said he thought that was very good.

Coun. Doyle said he concurred with that commendation.

04022 Authorize the Mayor to Sign Letter Agreement with ODOT Regarding City Reimbursement for Utility Relocation in Beaverton-Hillsdale Highway/ Highway 217 (Beaverton/Tigard Hwy) to Multnomah/Washington County Line

04023 Liquor License Application: New Outlet - Hooters Restaurant

04025 Liquor License Renewals - Annual Renewals

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

ORDINANCES:

Suspend Rules:

Coun. Stanton MOVED, SECONDED by Coun. Soth, that the rules be suspended, and that the ordinance embodied in Agenda Bill 04024 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Bode, Doyle, Soth, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

First Reading:

04024 An Ordinance Adopting the JWC Water Service Agreement as Amended, the Tigard Joinder Agreement and the Barney Joint Ownership Agreement (Ordinance No. 4288)

Second Reading:

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

04020 An Ordinance Annexing Property Generally Located at 8200 SW Scholls Ferry Road and Commonly Referred to as Redtail Golf Course Plus Portions of SW Hall Boulevard and SW Oleson Road Rights-of-Way to the City of Beaverton: Expedited Annexation 2003-0008 (Ordinance No. 4287)

Coun. Stanton MOVED, SECONDED by Coun. Soth, that the ordinance embodied in Agenda Bill 04020, now pass. Roll call vote. Couns. Bode, Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 7:55 p.m.

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Sue Nelson, City Recorder

APPROVAL:

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

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Rob Drake, Mayor

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Boards and Commissions Appointment:  
Charmagne Ehrenhaus to Library Board

**FOR AGENDA OF:** 03-01-04 **BILL NO:** 04029

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Mayor's Office,  
Neighborhood Program

**DATE SUBMITTED:** 02-18-04

**CLEARANCES:**

**PROCEEDING:** CONSENT AGENDA

**EXHIBITS:** Application

**BUDGET IMPACT**

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

The Library Board has a vacancy for a permanent member due to the resignation of Ellen Rubard. It is the Mayor's recommendation that Charmagne Ehrenhaus be appointed from an alternate to a permanent position. Ms. Ehrenhaus will continue Ms. Rubard's term expiring on December 31, 2004. A copy of her application is attached.

**RECOMMENDED ACTION:**

Confirm recommended appointment to the Library Board.

FW Ehrenhaus Lib app - AGENDA BILL

From: Mailbox Citymail  
Sent: Wednesday, October 22, 2003 12:15 PM  
To: Megan Callahan  
Subject: FW: Boards and Commissions Application

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

From: bcaplication@ci.beaverton.or.us [mailto:bcaplication@ci.beaverton.or.us]  
Sent: Wednesday, October 22, 2003 1:11 PM  
To: Mailbox Citymail  
Subject: Boards and Commissions Application

### Boards and Commissions Application

Board/Commission Applying for:  
First Choice: Library Board  
Second Choice: none

Name: Charmagne Ehrenhaus  
Employer:  
Position:

Address:  
City: Beaverton  
Zip Code: 97008

Home Phone:  
Business Phone:  
Email Address:

How did you hear of the opening? Evelyn Brzezinski, former City Council member encouraged me to apply. Met with Ed House last summer to gain a better understanding of the position.

Are you a City resident? yes  
If yes, how long have you lived in the City? 11 years

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

Briefly describe your background and experience: Over 25 years experience managing educational programs, marketing, budget, and facilities:  
Serve as the director of the Oregon Center for Advanced Technology Education (OCATE), a division of the Oregon University System since 1997. Responsible for all aspects of the design and delivery of graduate-level engineering programs for professionals. Includes management of the CAPITAL Center facility (185th and Walker); statewide marketing of educational programs; web-cast delivery of courses and lectures; and oversight of public funds for research and education. Twenty years experience in higher education and university public relations programs at five colleges and universities. Masters degree from the University of Minnesota and doctoral work at Rutgers University.

Having spent my entire professional career in public education, I place great value on reading and free access to research materials. Also, I understand the public and private resources required to maintain and enhance our libraries.

List any special training, skills or experience you may have that are pertinent to the Board/Commission to which you are applying: Work experience includes: Managing public funds for educational purposes; developing and administering public policy

FW Ehrenhaus Lib app - AGENDA BILL

for higher education; remodeling and managing a large education and meeting facility including advanced technology infrastructure; marketing education and community programs using both print and electronic means; designing and delivering education programs live and web-cast.

Volunteer experience includes:

Served on the Board of the Business Education Compact since 1988 including 3 years on the Executive Committee; chaired multiple committees including the annual award dinner.

This year serve on the host committee for the Intel International Science and Engineering Fair, the world's largest high school science competition, which is being brought to Portland in May, 2004.

Discuss your motivation for serving on this Board/Commission: I believe public libraries are the bedrock of our culture and essential to sustain a vibrant community. Some of my fondest childhood memories are of the local book mobile which parked within walking distance of my home and the pleasure of my first library card. My Grandfather had a 6th grade education and I was the first child in our family to attend college. The public library was my greatest preparation for college and my profession.

I believe that our city library and other cultural institutions serve a central function which requires active participation by members of the local community. I have reduced my volunteer and work commitments in order to free time to serve on the Library Board and believe I can contribute to its good work

State your goals for the City: Green space and parks;  
Educated and successful population;  
Solid and diverse economy;  
Balanced infrastructure including transportation; Community-based policing and responsive City employees; and Fun!

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** A Resolution Adopting a Map Entitled "Solid Waste Franchise Service Areas of the City of Beaverton"

**FOR AGENDA OF:** 03/01/04 **BILL NO:** 04030

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Mayor's Office

**DATE SUBMITTED:** 02/17/04

**CLEARANCES:** Finance   
City Attorney 

**PROCEEDING:** Consent Agenda

**EXHIBITS:** Resolution  
Map

**BUDGET IMPACT**

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

In April 2002, Council adopted Ordinance 4203, known as the Solid Waste and Recycling Ordinance and it took effect on July 1, 2002.

The section that became Beaverton Code 4.08.130 states that "A City Solid Waste Franchise service area shall include single unit residential customers and any multi-family residential, commercial and industrial customers within that service area. The service areas shall be determined by Council resolution. The Franchise areas and the Franchisees serving such areas shall be indicated on a map entitled "Solid Waste Franchise Service Areas of the City of Beaverton" (the "Map"). A copy of the Map shall be dated with the effective date of the Council resolution and maintained in the Office of the Mayor. Amendments to the map may be made by Council resolution, and copies of amendments shall be kept on file by the City Recorder."

Over the past 12 months, City staff has worked with area franchised haulers to create a map that accurately recorded the areas currently being serviced by each hauler.

**INFORMATION FOR CONSIDERATION:**

Aloha Garbage, Garbarino Disposal, Valley Garbage, Walker Garbage, Waste Management, and West Slope Garbage are the companies that have franchise agreements with the City (effective July 1, 2002 for a period of seven years). In addition to these six haulers, City staff also worked with Pride Disposal and Armstrong Disposal/Garrett in the process of creating the map for Council consideration.

Staff circulated several draft versions of franchise boundaries and worked with each hauler to develop a map that accurately reflected existing hauler franchise service areas. This process was not intended to make changes to the areas each hauler has historically serviced. After each version, the City's corrections were made on a new draft map and recirculated for comments on accuracy.

In January 2004, all participating haulers agreed that the draft accurately reflected the current service areas, leading Staff to prepare this Agenda Bill and Resolution to officially adopt the "Map" as required by Code.

**RECOMMENDED ACTION:**

Council adopt the resolution establishing the map entitled "Solid Waste Franchise Service Areas of the City of Beaverton".

RESOLUTION NO. 3749

A RESOLUTION ADOPTING THE MAP ENTITLED "SOLID WASTE FRANCHISE SERVICE AREAS OF THE CITY OF BEAVERTON"

WHEREAS, the City of Beaverton has six garbage haulers operating within the City limits and two additional haulers operating in areas contiguous to the City; and,

WHEREAS, City staff with the participation of its solid waste haulers has drafted a map that more accurately reflects existing service areas than did previous versions of that map; and,

WHEREAS, Beaverton Code Section 4.08.130 provides for Council adoption, by resolution, of amended maps showing Council-awarded solid waste franchise service area boundaries, now therefore,

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

The Council adopts the map entitled "Solid Waste Franchise Service Areas of the City of Beaverton" attached to this Resolution and incorporated by this reference.

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

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

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

ATTEST:

APPROVED:

\_\_\_\_\_  
Sue Nelson, City Recorder

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

# Proposed Hauler Franchises

- Legend**
- Aloha Garbage
  - Armstrong Disposal/Garrett
  - Garbarino Disposal
  - Lehl Disposal
  - Pride Disposal
  - Roseman Sanitary Service
  - Valley Garbage
  - Valley West Refuse
  - Walker Garbage Service
  - Waste Management
  - West Slope Garbage Service
  - Light Rail Station
  - Light Rail Line
  - Beaverton City Limits
  - County Line
  - Urban Growth Boundary

City of Beaverton

January 2004

0 0.3 0.6 1.2 Miles



**SOURCE DATA**  
City of Beaverton Community Development Department -  
Beaverton City Limits - Current as of January 2004  
Hauler Boundaries - Current as of January 2004  
Washington Co. Taxlots - Current as of January 2004  
METRC Regional Land Information System (RLIS) -  
County Line - Current as of November 2000  
Multnomah Co. Taxlots - Current as of July 2003  
Light Rail Line and Stations - Current as of October 2002  
Streets and Street Names - Current as of July 2003  
Urban Growth Boundary - Current as of July 2003

**DISCLAIMER**  
This product is for information purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review, or consult, the primary data and information sources to ascertain the usability of the information. This map represents the best data available at the time of publication. While reasonable effort has been made to insure the accuracy of the information shown on this page, the City of Beaverton assumes no responsibility, or liability, for any errors, omissions, or use of this information. Metadata available on request.

## AGENDA BILL

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** A Resolution Adopting an Intergovernmental Agreement with Metro Regional Government for Commercial Technical Assistance Program Funding

**FOR AGENDA OF:** 03/01/04 **BILL NO:** 04031

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Mayor's Office

**DATE SUBMITTED:** 02/17/04

**CLEARANCES:** Finance   
City Attorney 

**PROCEEDING:** Consent Agenda

**EXHIBITS:** Resolution  
Metro IGA

### **BUDGET IMPACT**

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

All jurisdictions in the service area of Metro are required under Metro's *Regional Solid Waste Management Plan (RSWMP)* to implement an annual waste reduction work plan. The regional plans emphasize waste prevention and reduction and resource conservation with a commitment to public education, technical assistance and consistent cooperation with local governments.

As part of the effort to meet RSWMP goals, Metro created a Commercial Technical Assistance Program (CTAP) to aid local governments in providing assistance to businesses. The City's Commercial Waste Reduction Coordinator is primarily responsible for the implementation of this task. Each year participating jurisdictions are asked to sign an intergovernmental agreement and approve the scope of work of the CTAP program. The proposed IGA is attached to this agenda bill.

#### **INFORMATION FOR CONSIDERATION:**

This is the fourth IGA in which Metro has provided funding to local jurisdictions to support waste reduction and recycling assistance to businesses. The previous three agreements were based on a calendar year cycle (January to December); the current proposed agreement changes the cycle to coincide with Metro and local government fiscal years.

Beaverton's allocation for this six-month (January 1 to June 30) installment is \$19,585. Beaverton is expected to receive approximately \$39,500 for a full-fiscal year (July 1, 2004-June 30, 2005) in an IGA after Metro's annual budget for FY 2004-05 is adopted and new agreements are drawn up.

This IGA was received by Staff in mid-February, leading to the situation where the time period covered is half-over before it receives consideration by Council. The scope of work, however, remains consistent with the previous agreements (including the priority of providing assistance to local

**Agenda Bill No:** 04031

government jurisdictions themselves to assure that governments lead by example in waste reduction and recycling efforts) and the program has continued without interruption.

Since the inception of this program, Beaverton staff has provided on-site recycling information and assistance to over 1000 Beaverton businesses and distributed over 3600 desk-side recycling boxes as part of the City's Commercial Waste Reduction program.

Council approved a separate IGA with Metro for the City's annual solid waste and recycling "Waste Reduction Maintenance Program Plan" providing \$33,525 in funding in September 2003.

**RECOMMENDED ACTION:**

Council authorize the Mayor to sign, in a form approved by the City Attorney, an Intergovernmental Agreement with Metro Regional Government for implementation of the Commercial Technical Assistance Program for the period January 1, 2004 through June 30, 2004.

RESOLUTION NO. 3750

A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT WITH METRO REGIONAL GOVERNMENT FOR IMPLEMENTATION OF THE COMMERCIAL TECHNICAL ASSISTANCE PROGRAM

WHEREAS, all jurisdictions in the service area of Metro are required under Metro's Regional Solid Waste Management Plan (RSWMP) to implement an annual waste reduction work plan; and

WHEREAS, the City Council of the City of Beaverton recognizes the need to reduce solid waste disposal through reuse, recycling and other methods; and

WHEREAS, in accordance with the policy established by the City of Beaverton City Council, a Commercial Waste Reduction Program has been established to provide technical assistance to businesses; now therefore:

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

The Council adopts the Intergovernmental Agreement with Metro Regional Government for implementing the Commercial Technical Assistance Program, attached to this Resolution and incorporated by this reference.

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

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

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

ATTEST:

APPROVED:

\_\_\_\_\_  
Sue Nelson, City Recorder

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

**INTERGOVERNMENTAL AGREEMENT**

THIS AGREEMENT, entered into under the provisions of ORS Chapter 190, is between METRO, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, and the CITY OF BEAVERTON, hereinafter referred to as "City", whose address is P.O. Box 4755, Beaverton, OR 97076.

In exchange for the promises and other valuable consideration set forth below, the parties agree as follows:

1. Purpose. The purpose of this Agreement is to establish the responsibilities of the parties in implementing the Commercial Technical Assistance Program.

2. Term. This Agreement shall be effective January 1, 2004, and shall remain in effect through June 30, 2004 unless earlier terminated in conformance with this Agreement.

3. Services Provided. City and Metro shall perform the services described in the attached Scope of Work, which is made part of this Agreement by reference, and otherwise fully comply with the provisions in the attached Scope of Work.

4. Payment for Services. Metro shall pay City for services performed and materials delivered in the maximum sum of NINETEEN THOUSAND, FIVE HUNDRED EIGHTY FIVE AND NO/100THS DOLLARS (\$19,585.00) in the manner and at the time designated in the Scope of Work, Attachment A.

5. Insurance. City agrees to maintain insurance levels, or self-insurance in accordance with ORS 30.282, for the duration of this Agreement to levels necessary to protect against public body liability as specified in ORS 30.270. City also agrees to maintain for the duration of this Agreement, Workers' Compensation Insurance coverage for all its employees as a self-insured employer, as provided by ORS chapter 656, or disability coverage under its Disability, Retirement and Death Benefits Plan.

6. Indemnification. To the maximum extent permitted by law, City shall hold

harmless Metro, its officers and employees from any claims or damages to property or injury to persons or for any penalties or fines, which may be occasioned in whole or in part by City's performance of this Agreement.

7. Termination. This Agreement may be terminated by either party without cause upon giving 90 days written notice of intent to terminate. This Agreement may be terminated with less than 90 days notice if a party is in default of the terms of this Agreement. In the case of a default, the party alleging the default shall give the other party at least 30 days written notice of the alleged default, with opportunity to cure within the 30-day period.

8. State Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and to the extent those provisions apply, they are incorporated into this Agreement by reference. Specifically, it is a condition of this Contract that all employers working under this Agreement are subject employers that will comply with ORS 656.017.

9. Notices. Legal notice provided under this Agreement shall be delivered personally or by certified mail to the following individuals:

**For City:**

Scott Keller  
City of Beaverton  
P.O. Box 4755  
Beaverton, OR 97076

**For Metro:**

Office of General Counsel  
Metro  
600 NE Grand Avenue  
Portland, OR 97232-2736

Informal coordination of this Agreement will be conducted by the following designated Project Managers:

**For City:**

Scott Keller  
City of Beaverton  
P.O. Box 4755  
Beaverton, OR 97076  
(503) 526-2217  
FAX (503) 526-3730

**For Metro:**

Robin Hawley  
Metro  
600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1535  
FAX (503) 797-1795

City may change the above- designated Project Manager by written notice to Metro.. Metro may change the above-designated Project Managers by written notice to City.

10. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party without prior written approval by the other party.

11. Integration. This writing contains the entire Agreement between the parties, and may only be amended by written instrument, signed by both parties.

12. Severability. If any portion of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken.

This Agreement is dated as of the last signature date below.

CITY OF BEAVERTON

METRO

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

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

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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**ATTACHMENT A**

**SCOPE OF WORK**

Purpose: Funding to local governments to hire staff or contractors for the Commercial Technical Assistance Program (CTAP) who will assist businesses in increasing their waste prevention, recycling and buying-recycled efforts. Funding is not intended to replace currently funded non-CTAP business assistance programs.

- A) Term: January 1, 2004 to July 30, 2004.
- B) Payment: Payment shall be made in one lump sum to the City of Beaverton. One invoice in the amount of \$19,585 shall be received by Metro prior to June 30, 2004.
- C) Funding level: The City shall hire at a minimum the equivalent of .63 FTE as business recycling specialists. This number is calculated at \$62,000 per 1.0 annual FTE.
- D) Eligible businesses: All businesses, institutions, government facilities, schools (internal business operations and not education of students) in the city of Beaverton.
- E) Program goals: The one-year program goal is that 80% of the businesses that receive a baseline evaluation will implement one or more of the mutually agreed upon recommendations provided by recycling specialists. The five-year program goal is that 80% of the recommendations for each activity will be implemented by the businesses that received them. These goals may be revised and updated by the CRWG at any time.
- F) Key Terms:
  - 1. *Commercial Recovery Work Group (CRWG)* – The CRWG is a regional waste reduction initiative that comprises local government representatives who develop and implement strategies to meet the region’s 2005 recovery goal and encourage behavior change in the business sector. Immediate emphasis is on recovery, with importance and long-term emphasis given to waste prevention and buying recycled products.
  - 2. *Commercial Technical Assistance Program (CTAP)* – The CTAP is designed to provide local governments the resources to hire recycling specialists to provide on-site (whenever possible and appropriate), customized assistance to businesses in the region on recycling, waste prevention and/or buying recycled-content products and to develop related materials as needed.
  - 3. *Baseline Evaluation* – A baseline evaluation constitutes a recycling specialist’s first contact with a business to evaluate programs in one or more of the following areas (recycling, waste prevention or buying recycled products) and providing a set of mutually agreed upon recommendations to the business.
  - 4. *Metro* – In this document, “Metro” refers to staff in the Solid Waste & Recycling Department who convene and work with the CRWG.
  - 5. *City of Beaverton* – In this document, “City” refers to staff who participate in the CRWG.

6. *Recycling Specialists* – In this document, “recycling specialists” refers to individuals who specialize in business recycling assistance, who are hired as City staff, as contractors who work in City offices or as external contractors.

G) Metro responsibilities. Metro shall:

1. Convene the Commercial Recovery Work Group (CRWG), which shall consist of Metro, the City and other local governments staff who oversee commercial recovery programs.
2. Develop, in conjunction with the CRWG, a plan that will be provided to the City, which outlines the outreach campaigns scheduled for the term of the IGA. In this plan will be included draft guidelines and protocols for the City to respond to requests by businesses and to conduct assessments. The plan should also include a timeline for the campaigns and a process for notifying the City of press releases.
3. Develop, in conjunction with the CRWG, the list of core actions in recycling, waste prevention and buy recycled that shall be addressed by the City in its on-site visits to businesses and that will be incorporated into the CTAP database.
4. Develop, in conjunction with the CRWG and recycling specialists, the resources, such as desk side paper collection containers that shall be provided to businesses and training that will be given to recycling specialists.
5. Provide the City with a database of businesses in the City's jurisdiction to be used by the City or its contractors only for outreach to businesses related to the recycling, waste prevention and buy-recycled product focus of the CTAP.
6. Provide technical assistance and resources to the City as needed to develop, execute, monitor and evaluate the CTAP.
7. Provide the City written guidelines and protocol on the CTAP database, on-going support and updates.
8. Provide the City with standardized reporting forms for quarterly and final reports.
9. Coordinate and convene quarterly roundtables and trainings for recycling specialists as determined by the CRWG.
10. Act as a liaison for information to flow to, between and among, recycling specialists in each jurisdiction. Coordinate and facilitate ongoing communication with recycling specialists and CRWG members on activities such as Metro's website on commercial recycling, waste prevention and buy-recycled activities, e-mail between and among jurisdictions, listserv dialogue, trainings, and roundtables.
11. If applicable, work with local government recycling specialists to evaluate Metro buildings and facilities in recycling, waste prevention and buy recycled areas.
12. Develop and review the program goals and budget in conjunction with the CRWG.
13. Conduct an evaluation of the CTAP program as needed, which may include on-site visits to regional businesses by Metro staff or independent third-party contractors.

H) City of Beaverton's responsibilities. The City shall:

1. Hire individuals as staff, contractors who work in City offices or external contractors whose primary responsibilities and duties are to provide waste evaluations and technical assistance services to businesses.
2. Provide technical assistance to businesses by conducting evaluations in recycling, waste prevention and buying recycled-content products through on-site visits, phone conversations, and written communication as necessary, following CTAP core actions.
3. Develop an outreach plan that will be provided to Metro on the City's eligible businesses that identifies the strategies and criteria for targeted businesses (e.g., sector, size, tenure at location or some other criteria) and outreach elements (e.g., direct mail, calls, cold visits, partnerships with trade associations or business councils) for each strategy that will be used to reach these businesses. The plan must include a strategy for contacting the City's government facilities and providing waste reduction technical assistance to them. In addition, the plan should take into account regional outreach campaigns. Other elements of the outreach plan include estimated hours to be spent on outreach, businesses or institutions that are targeted, and desired outcomes.
4. Participate in regional outreach campaigns as developed by the CRWG and provide follow-up technical assistance as required by the outreach program design.
5. Provide waste evaluation reports, information and documents related to CTAP to businesses and Metro electronically or printed on recyclable, double-sided recycled paper (minimum 30% post-consumer content).
6. Make available resources to businesses as identified by the CRWG and appropriate for the jurisdiction.
7. Collect data for each business that summarizes key contact information and the actions taken in recycling, waste prevention and buy recycled.
8. Enter all data in the CTAP database developed by Metro and the CRWG, whose design allows for regional analysis of program data.
9. Provide a copy of the City's commercial technical assistance business database to Metro upon request.
10. Contact each business that has received technical assistance and conduct an on-site evaluation, whenever possible and appropriate, of the changes the business has made; follow-up evaluation visits and assistance should occur no later than six months after receiving the initial visit.
11. Prepare progress reports as indicated in Section J, Deliverables 3 and 4.
12. Assist Metro in a regional evaluation of businesses that have received technical assistance under CTAP and those businesses that have not.

I) Deliverables. Metro shall:

1. Provide a database of businesses in the City's jurisdiction to the City two times per year to use in outreach to businesses.
2. Act as liaison between jurisdictions' recycling specialists.

3. Provide resources, including information on the availability of recycled-content products in the region, desk side containers, trainings and printed material, to City recycling specialists as determined by the CRWG.
4. Work with CRWG to identify elements to be included in the outreach strategy due to Metro on January 30, 2004.
5. Work with CRWG to identify additional items to be included in quarterly reports and final report.

J) Deliverables. The City of Beaverton shall:

1. Develop an outreach strategy for recycling specialists that will provide them a proactive approach to get businesses to request or accept assistance. The written outreach strategy is due to Metro on or before January 30, 2004 reflecting a six-month period (January 1, 2004 – June 30, 2004) with forecasting for the following fiscal year (July 1, 2004 – June 30, 2005).
2. Identify primary contact responsible for receiving referrals from the Recycling Information Center (RIC) and forwarding them on to the recycling specialists.
3. Prepare quarterly progress reports on the accomplishments of CTAP to include the number of businesses visited and assisted, evaluations performed, actions recommended and implemented, and resources delivered. For the term of this contract, a progress report will be due no later than 30 days following the conclusion of the winter quarter, with a report to be submitted on or before April 30, 2004.
4. A final report will be due on or before July 30, 2004 for the previous six-month period. This report will include the following elements:
  - Fiscal summary of program budget, including dollars received and spent from Metro for this program and contribution by the City.
  - Employee hour distribution by activity, such as outreach plan actions and regional outreach campaigns, travel, on-site assistance, progress evaluations, resources delivered, market research, trainings, data entry and report preparation to visited businesses.
  - Results of outreach plan and recommendations for changes.
  - Summary of all accomplishments as requested in the quarterly report (Section J, 3) and progress toward the program's goals (as stated in Section E).

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## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Personal Services Contract with Business Cluster Development for First Phase of Business Incubator Implementation

**FOR AGENDA OF:** 03/01/04 **BILL NO:** 04032

**Mayor's Approval:** *L. G. C. [Signature]*  
*Mayor [Signature]*  
**DEPARTMENT OF ORIGIN:** Mayor's Office *he*

**DATE SUBMITTED:** 2/23/04

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

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

**EXHIBITS:** Scope of Work

### BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$50,000	BUDGETED \$ 50,000*	REQUIRED \$ 0

\* Account Number 001-10-0654-511 Economic Development Program, Professional Services Account. The amount budgeted includes \$50,000 for professional services for incubator implementation.

### HISTORICAL PERSPECTIVE:

On January 12, 2004, Council approved the Business Plan for a software-focused business incubator in Beaverton and authorized staff to implement the Plan. The firm which wrote the Business Plan, Business Cluster Development (BCD), was chosen for their extensive experience in starting up cluster-focused incubators.

### INFORMATION FOR CONSIDERATION:

Setting a firm foundation for success of an incubator is critical to ensuring a wise expenditure of public funds for this endeavor. The attached Scope of Work shows BCD being involved in each phase of implementation up to a point prior to actual opening of the facility. The City could then choose whether to continue working with the company through opening and selection of the first few companies.

The Scope includes the following activities:

1. Site Assessment and Selection:  
Assistance on selecting the best site for the incubator and negotiating favorable terms.
2. Site Specific Budget:  
Preparation of budgets for three years for the selected site.
3. Visit to Model Incubators in Silicon Valley:  
Tour City staff to successful incubators in Silicon Valley.
4. Organization Structure:  
Interim and permanent strategies for creation of a new 501(c)3 organization.
5. Office Layout and Design:  
Work with the local architect or space designer on design requirements for the incubator.
6. Fit-up of the Incubator Facility:  
Advise incubator fit-up issues.
7. Partner and Sponsor Strategy:  
Advise on strategy for securing partners, and guidance on optimal structures for the partnerships.

8. Advisory Board:  
Provide guidance on the formation of the Advisory Board in accordance with incubator best practices, including selection of actual participants.
9. Marketing Strategy  
Create a strategy for marketing and public relations that is aimed at effective client recruitment. Develop a schedule for marketing activities. Assist with the development of marketing materials.
10. Application and Selection Process for Client Companies:  
Design of an application and selection process for client companies which utilizes best practices to enhance the success of the incubator. Training of City and Incubator staff on the application and selection process.
11. Hiring and Training of Incubator Director and Staff:  
Assist in the recruitment and selection of the Incubator Director and staff. Train the staff in incubator best practices, the model for the Beaverton Incubator, and in all aspects of incubator operations.
12. General Implementation of the Incubator:  
Provide advice on all aspects of the development of the Beaverton Incubator during Phase 1.

The City's contracting rules permit the issuance of a personal services contract valued over \$25,000 when the specific services are available from only one known consultant that has the special skills uniquely required for the adequate performance of the services. The Contract Review Board should find that this is the case with this particular consultant. BDC was selected to develop the cluster-focused incubator's business plan as they had the most extensive and unique experience in this field.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, authorize a personal services contract with Business Cluster Development, in a form acceptable to the City Attorney, in an amount not to exceed \$50,000 for professional services described in the attached Scope of Work.

**City of Beaverton  
Proposed Scope of Work**

**Phase 1**

Business Cluster Development (BCD) proposes to assist the City of Beaverton with the initial development and implementation of the Beaverton Incubator. The proposed scope of work for Phase 1 is described below. The scope is based upon the dedication of a half-time, on-site staff person provided by the City, and later in the project, the hiring of staff for the incubator.

**1. Scope of Work**

Generally, BCD's role would be to incorporate incubation best practices and its extensive experience in incubator development into the implementation of the Beaverton Incubator, and to provide guidance to the City during the initial phase of implementation. The designated City staff person would conduct most of the on-site work. General descriptions of the implementation work are provided below, and are intended to clarify the general responsibilities of BCD.

**A. Site Assessment and Selection:**

Assistance to include advising the City on selecting a site for the incubator, discussing potential sites for the incubator as identified by City staff (including the review of floor plans and other printed materials), guidance to the City in narrowing the potential sites to a "short list", a visit to Beaverton to assess the potential sites, discussion with City staff to select the site for the Beaverton Incubator, preparation of a written memo recommending the most suitable site. Provide advice regarding lease negotiations with developers concerning the incubator site and recommend optimum use of Tenant Improvements, free rent, etc., in order to develop the best possible incubator facility.

**B. Site Specific Budget:**

Preparation of budgets (including development, and first through third year of operations) for the selected site. The budget will provide a projection of the specific budget implications for the City and the specific subsidy required by the City for the selected site.

**C. Visit to Model Incubators in Silicon Valley:**

BCD will design an informative day for the designated City staff person, and other appropriate City staff as determined by the City, to participate in a tour of incubators in Silicon Valley and discussions on successful incubation practices. This is an important step in the implementation process that assists the City staff in gaining an understanding of successful incubators, and it will be invaluable as the Beaverton project moves ahead.

D. Organization Structure:

Research and recommend an interim strategy for an organization--until the creation of a new 501(c)3--that will enable the City to proceed more rapidly with the creation of the incubator. BCD will review potential, existing 501(c)3 organizations that can "host" the incubator during this interim period, and make recommendations on the most appropriate organization. Advise on negotiations with the potential host organization. Advise on formation of new 501(c)3 to operate incubator.

E. Office Layout and Design:

Work with the local architect or space designer on design requirements for the incubator.

F. Fit-up of the Incubator Facility:

Advise City staff on incubator fit-up issues, help to create a list of necessary furniture and equipment, assist with the identification of furniture and equipment. At least one site visit during fit-up phase.

G. Partner and Sponsor Strategy:

Advise the City on a strategy for securing partners, in addition to exploring partnerships with potential partners. Provide guidance on optimal structures for the partnerships that will provide the maximum benefit to the incubator. Participate in meetings with a few potential partners, if appropriate

H. Advisory Board:

Provide guidance on the formation of the Advisory Board for the incubator in accordance with incubator best practices, including selection of actual participants. Help to establish the agenda for the initial meeting. Participate in the Committee's kick-off meeting focusing on the orientation of Committee members on their roles and responsibilities.

I. Marketing Strategy

Create a strategy for marketing and public relations that is aimed at effective client recruitment. Develop a schedule for marketing milestones and activities.

J. Application and Selection Process for Client Companies:

Design of an application and selection process for client companies which utilizes best practices to enhance the success of the incubator.

**K. Hiring of Incubator Director and Staff:**

Assist in the recruitment and selection of the Incubator Director and staff. Prepare draft job descriptions for publication. Assist the City in the review of resumes, and participate in the interviews of the "short-listed" candidates. (Director and administrative assistant to start work when the building becomes available, approximately 30-60 days prior to the actual opening of the incubator.)

**L. General Implementation of the Incubator:**

Provide advice on all aspects of the development of the Beaverton Incubator during Phase 1.

**2. Process and Timeframe**

The proposed scope does not provide for the management of the incubator given that the city will dedicate at least a half-time city staff person to work on the incubator project. The scope also assumes that an Incubator Director and an administrative staff person will be hired 30-60 days prior to the incubator facility becoming available in order to monitor the fit-up of the facility and to help prepare the incubator for clients. It is anticipated that the described scope of work will take approximately 5 months.

**3. Project Cost**

BCD proposes to complete the work as a fixed-price contract for a total project cost of \$50,000. The contract includes travel by BCD to Beaverton as deemed necessary by BCD in order to complete the scope of work.

The schedule for payment would be as follows:

Execution of contract	\$10,000
Completion of Site Assessment (A) and Budget (B)	\$10,000
Completion of Organizational Structure (D) and Design/Layout (E)	\$10,000
Completion of Partner Strategy (G), Advisory Board (H), Marketing Strategy (I), and Application/Selection Process (J)	\$10,000
Completion of contract, including Fit-up (F) and Hiring of Staff (K)	\$10,000

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

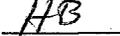
**SUBJECT:** An Ordinance Amending Ordinance 4187, The Comprehensive Plan, by Adopting the "Beaverton School District Facility Plan 2002", by Reference and Deleting References to Outdated Provisions.

**FOR AGENDA OF:** 03/01/04 **BILL NO:** 04033

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 02/05/04

**CLEARANCES:** City Attorney   
Planning Services 

**PROCEEDING:** First Reading

**EXHIBITS:** Exhibit A - Ordinance  
Exhibit B - Planning Commission Order  
Exhibit C - Draft Planning Commission Minutes  
Exhibit D - Staff Report dated 12/22/03  
Exhibit E - Beaverton School District Facility Plan 2002

**BUDGET IMPACT**

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

Oregon Revised Statutes Section 195.110 requires that high growth school districts prepare a facilities plan and also requires a city containing a high growth school to adopt the plan prepared by the school district into its Comprehensive Plan unless the city contains less than ten percent of the population of that high growth district. Beaverton School District #48 is a high growth school district and after a lengthy process, with public involvement, the Beaverton School District School Board adopted the "Beaverton School District Facility Plan 2002". The Planning Commission held a Public Hearing on January 21, 2004, and they recommended adoption of the Ordinance that will adopt the "Beaverton School District Facility Plan 2002" into the Comprehensive Plan by reference and delete references to the old school plan.

**INFORMATION FOR CONSIDERATION:**

This is a City initiated legislative amendment to the Comprehensive Plan (Sections 5.2 and 5.7) implementing part of Revised Periodic Review Work Program Order # 001444, Work Task 7. The Ordinance would adopt the "Beaverton School District Facilities Plan 2002" by reference into the Public Facilities Plan and delete references to the old "Beaverton School District School Facilities Plan" as required by Oregon Revised Statutes Section 195.110.

**RECOMMENDED ACTION:**

Adopt the attached Ordinance.

**ORDINANCE NO. 4289**

AN ORDINANCE AMENDING ORDINANCE 4187, THE COMPREHENSIVE PLAN, BY ADOPTING THE "BEAVERTON SCHOOL DISTRICT PLAN 2002", BY REFERENCE AND DELETING REFERENCES TO OUTDATED PROVISIONS.

- WHEREAS,** Oregon Revised Statutes (ORS) Section 195.110 requires that high growth school districts shall prepare a facilities plan; and
- WHEREAS,** ORS Section 195.110 also requires a city containing a high growth school to adopt the plan prepared by the school district into its Comprehensive Plan unless the city contains less than ten percent of the population of that high growth district; and
- WHEREAS,** Beaverton School District #48 is a high growth school district; and
- WHEREAS,** Beaverton School District Board, after a lengthy process with public involvement, adopted the "Beaverton School District Facility Plan 2002"; and
- WHEREAS,** the Planning Commission held a Public Hearing on January 21, 2004, and
- WHEREAS,** an order was prepared memorializing the Planning Commission recommendation to adopt the "Beaverton School District Facility Plan 2002" into the Comprehensive Plan by reference and deleting references to the old school plan; now, therefore,

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

**Section 1:** The Comprehensive Plan, Ordinance No. 4187 (as amended), Chapter 5 – Public Facilities And Services Element, Sections 5.2 and 5.7, will be amended to read as follows:

**5.2 PUBLIC FACILITIES PLAN**

The City's Public Facilities Plan (PFP), mandated by State statute for all cities with a population over 2,500, consists of this Element, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewage conveyance and processing, parks & recreation, schools and transportation. Master plan documents included in the Public Facilities Plan are:

- Tualatin Valley Water District Water Master and Management Plan
- Water System Plan for the West Slope Water District
- Raleigh Water District Water System Master Plan
- City of Beaverton Water System Facilities Plan
- City of Beaverton Sanitary Sewer Master Plan
- Clean Water Services of Washington County, Sewer System Master Plan
- The City of Beaverton Drainage Master Plan
- Tualatin Hills Park and Recreation District 20-Year Comprehensive Master Plan

- Tualatin Hills Park and Recreation District Trails Master Plan
- Beaverton School District Facilities Plan 2002
- City of Beaverton Transportation System Plan

The City of Beaverton has chosen to define its Public Facilities Plan in this way because it provides a limited range of municipal services and relies on other independent public agencies to provide many facilities and services for Beaverton residents and property owners. The facilities and services provided by these agencies, as well as the City, are generally described in other sections of this element, by type of facility and service. The exception to this is transportation facilities and services, which are addressed in the Transportation Element of this Plan.

#### CAPITAL IMPROVEMENT PLAN

The City of Beaverton Capital Improvements Plan (CIP) is an annually updated document with listings of prioritized proposed improvements and expansions of the City's infrastructure system to maintain appropriate service levels to existing City residents and businesses, and to accommodate population growth and land development. The CIP reflects the needs and priorities established by the City and projects the financial resources available to fund projects within a four-year period. The CIP also prioritizes projects many years into the future. The CIP can be modified during the fiscal year (FY) through the supplemental budget process as needs, priorities, and resources change. Although the CIP is a separate document from the fiscal budget, it is used as a road map in preparing and administering the budget.

The CIP is updated and adopted by the City Council on a yearly basis. The City's fiscal year begins on July 1 of each calendar year and ends on June 30 of the next calendar year. Each year, the City Council adopts a fiscal budget in June for the upcoming fiscal year, as recommended to the Council by the City's Budget Committee. By Oregon law, the City of Beaverton can only fund (budget) projects for the current fiscal year and upcoming fiscal year. Therefore, only projects in the CIP that are shown in the first fiscal years are actually funded. Programmed but not funded projects (projects for the following three fiscal years) and future year projects are included in the CIP for information purposes.

Development of a realistic CIP and applying it to the City budgeting process helps provide orderly growth of the community at a manageable cost. The City's CIP only addresses the City's capital needs and projects and not those of the other providers of facilities and services in Beaverton and its proposed Urban Services Area. Service providers are responsible for their own CIP. The City's most current CIP, including any amendments, is adopted as part of this Element by reference and when the City adopts a new CIP or amends the CIP that will be the one referenced.

Beaverton's CIP addresses transportation, potable water, sanitary sewer and storm drainage capital projects. Sanitary sewer and storm drainage improvements are planned for the current incorporated area. Transportation improvements are also planned for the current incorporated area and include those transportation projects for which the City is responsible, namely local and collector roads, pedestrian facilities and bikeways. The City's CIP for potable water only includes those projects in the Beaverton Water Division's service area. The Beaverton School District, Clean Water Services, Tualatin Valley Fire and Rescue District, Tualatin Hills Park and Recreation District, Tualatin Valley Water District, West Slope Water District and Raleigh Water District are each responsible for their own Capital Improvement Plans, funding and

project implementation. The City and these agencies coordinate their respective planning efforts pursuant to cooperative agreements that have been signed consistent with ORS 195.

\*\*\*\*\*

## **5.7 Schools**

The need for and location of schools is closely related to residential development and housing densities in the community. The location of public schools can significantly influence the direction and rate of growth of a given area. This is especially true of elementary schools. Beaverton School District #48 (the District) is responsible for providing public schools in the community. In order to assist the District with monitoring enrollment potential, the City provides the District with information on development proposals that may potentially impact a present or future school site.

The District is required, by State Statute (ORS 195.110), to adopt a School Facility Plan to identify school facility needs based on population growth projections and land use designations contained in local government comprehensive plans covering the area within the District. A School Facility Plan was adopted by the District on June 13, 1994 in compliance with ORS 195.110 and adopted by the City as a supporting document to the Comprehensive Plan on March 7, 1995 by ORD. 3920. The School Facility Plan is a supporting document to this Comprehensive Plan and is adopted by reference. The District has adopted the "Beaverton School District Facility Plan 2002" on June 17, 2002, which is incorporated into this Element by reference. The District is responsible for planning its own facilities and the City may only cooperate and advise them in this process.

State Statutes (ORS 195 and 197) do not allow the City to deny a development request based on school capacity, unless the application involves changes to the local government comprehensive plan or land use regulations, but these Statutes do require the City to provide notice to the "...District when considering a plan or land use regulation amendment that significantly impacts school capacity." The City has gone beyond this minimal requirement in attempting to inform and assist the District regarding their facilities planning and the development of the School Facilities Plan.

***5.7.1 Goal: Cooperate with the Beaverton School District in its efforts to provide the best possible educational facilities and services to Beaverton residents.***

### *POLICIES:*

- a) The City shall encourage the School District to provide facilities that will adequately accommodate growth while recognizing the limited supply of buildable land in the city for such facilities.
- b) Schools should locate within or adjacent to residential districts for the convenience of those the facilities serve. However, public and private school proposals should be assessed for compatibility in order to assure that the stated purposes of the residential districts are not unnecessarily eroded.

- c) The City shall encourage the District to provide for schools throughout the City in locations that are easily accessible to those they are intended to serve.
- d) The City shall work cooperatively with the School District in implementation of the Comprehensive Plan through the District's various programs, joint acquisition and development efforts.
- e) The City shall notify the school district of development proposals that may potentially impact a present or future school site to allow the district the opportunity to comment, purchase or request dedications.
- f) The City shall notify the School District when considering Comprehensive Plan or land use regulation amendments that may significantly impact school capacity.
- g) The City shall encourage the School District and the Tualatin Hills Park and Recreation District (THPRD) to continue their excellent level of cooperation in the joint acquisition, development and use of facilities for educational and recreational purposes.

\*\*\*\*\*

**Section 2.** The Council accepts the staff report, dated December 22, 2003, attached hereto as Exhibit D, which includes a highlight/strikethrough version of the text amendment, as an adequate factual basis for this decision and incorporates that report into this decision by reference, and

**Section 3.** Severability. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any 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 reasonable 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 TO	)	
	)	ORDER NO. 1664
AMEND THE CITY'S COMPREHENSIVE	)	
	)	CPA 2003-0016
PLAN IMPLEMENTING TO ADOPT BY	)	
	)	ORDER APPROVING
REFERENCE THE BEAVERTON	)	
	)	REQUEST
SCHOOL DISTRICT FACILITIES PLAN 2002	)	
	)	
CITY OF BEAVERTON, APPLICANT	)	

This matter came before the Planning Commission on January 21, 2004, as a city initiated legislative request to amend the Beaverton Comprehensive Plan (Section 5.2 and 5.7) thereby implementing part of Revised Periodic Review Work Program Order # 001444 Work Task 7. The amendment would adopt the Beaverton School District Facilities Plan 2002 by reference, and delete references to the old Beaverton School District School Facilities Plan, as required by Oregon Revised Statutes (ORS) Section 195.110.

Pursuant to Ordinance 4187 (Comprehensive Plan), Section 1.3.1, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Planning Commission adopts the Staff Report dated December 22, 2003, as to applicable approval criteria contained in Section 1.3.1 and findings thereon; now, therefore:

**IT IS HEREBY ORDERED** that CPA 2003-0016 is approved, based on the facts testimony, reports, and exhibits presented during the public hearing on the matter based on the findings and conclusions in the Staff Report dated December 22, 2003.

Motion **CARRIED** by the following vote:

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

Dated this 29<sup>th</sup> day of January, 2004.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1664, an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on February 9, 2004.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

  
ALAN WHITWORTH  
Senior Planner

APPROVED:

  
BOB BARNARD  
Chairman

  
HAL BERGSMAN  
Planning Services Manager

**DRAFT**

EXHIBIT C

ORDINANCE NO. 4289

## **PLANNING COMMISSION MINUTES**

**January 21, 2004**

1  
2  
3  
4  
5  
6 **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.

10  
11 **ROLL CALL:**

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

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Senior Planner Alan Whitworth, Planning Services Director Hal Bergsma, Assistant City Attorney Ted Naemura, Recording Secretary Sandra Pearson, and Recording Secretary Sheila Martin represented staff.

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

28 **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.

34 **STAFF COMMUNICATION:**

Staff indicated that there were no communications.

38 **NEW BUSINESS:**

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

1 He asked if there were any ex parte contact, conflict of interest or  
2 disqualifications in any of the hearings on the agenda. There was no  
3 response.  
4

5 **PUBLIC HEARING:**  
6

- 7 **A. CPA 2003-0016 Comprehensive Plan Text Amendment**  
8 **Acknowledging "Beaverton School District Facility Plan 2002".**  
9 **The intent of the proposed Comprehensive Plan Amendment is**  
10 **to adopt the "Beaverton School District Facility Plan 2002" into**  
11 **the City of Beaverton's Comprehensive Plan by reference and**  
12 **delete reference to the old Beaverton School Facility Plan in**  
13 **Sections 5.2 and 5.7. This is being done to reflect that the**  
14 **Beaverton School District has adopted a new plan and to**  
15 **comply with State regulations.**

16 Senior Planner Alan Whitworth presented the Staff Report and  
17 introduced Jan Youngquist, representing the Beaverton School  
18 District. He briefly explained the purpose of this application, and  
19 offered to respond to questions.  
20

21 **APPLICANT:**  
22

23 **JAN YOUNGQUIST**, representing the Beaverton School District,  
24 described the application and the process involved. She shared several  
25 key points with regard to this issue, including the growth expectations  
26 for the district and the number and types of facilities necessary to  
27 accommodate this growth. She discussed the options utilized in order  
28 to facilitate this growth and the funding that would be needed to  
29 provide the required facilities.  
30

31 Commissioner Maks complimented the Beaverton School District on  
32 the process, emphasizing that they had done an excellent job of  
33 involving all stakeholders that are involved.  
34

35 **PUBLIC TESTIMONY:**  
36

37 No member of the public testified with regard to this proposal.  
38

39 The public testimony portion of the Public Hearing was closed.  
40

41 Observing that the proposal meets applicable approval criteria,  
42 Commissioners, Pogue, Winter, Bliss, and Maks, and Chairman  
43 Barnard expressed their support of this application.  
44

1 B. Commissioner Pogue **MOVED** and Commissioner Winter  
 2 **SECONDED** a motion for approval of CPA 2003-0016 -  
 3 Comprehensive Plan Text Amendment Acknowledging "Beaverton  
 4 School District Facility Plan 2002", based upon the testimony, reports  
 5 and exhibits, and new evidence presented during Public Hearings on  
 6 the matter, and upon the background facts, findings and conclusions  
 7 found in the Staff Report dated December 22, 2003.

8  
 9 Motion **CARRIED** by the following vote:

- 10  
 11 **AYES:** Pogue, Winter, Bliss, Maks, and Barnard  
 12 **NAYS:** None.  
 13 **ABSTAIN:** None.  
 14 **ABSENT:** Johansen and Voytilla  
 15

16 **APPROVAL OF MINUTES:**

17  
 18 Minutes of the meeting of November 12, 2003, submitted.  
 19 Commissioner Maks requested that line 26 of page 8 be amended as  
 20 follows: "Observing that employer-assisted housing cannot be  
 21 mandated, Commissioner Maks suggested that this strategy should  
 22 **not** be a high priority." Commissioner Winter requested that line 3 of  
 23 page 10 be amended as follows: "...operating approximately ~~15-25~~  
 24 years ago..." Commissioner Barnard requested that line 21 of page 9  
 25 be amended as follows: "...noting that Beaverton is not downtown  
 26 Portland and ~~affects~~ **effects** the livability of the neighborhoods..."  
 27 Commissioner Pogue **MOVED** and Commissioner Bliss **SECONDED**  
 28 a motion that the minutes be approved as amended.  
 29

30 Motion **CARRIED**, unanimously.

31  
 32 Minutes of the meeting of November 19, 2003, submitted.  
 33 Commissioner Maks **MOVED** and Commissioner Winter  
 34 **SECONDED** a motion that the minutes be approved as written.  
 35

36 Motion **CARRIED**, unanimously, with the exception of Commissioner  
 37 Pogue, who abstained from voting on this issue.  
 38

39 Minutes of the meeting of December 10, 2003, submitted.  
 40 Commissioner Barnard requested that the last sentence in paragraph  
 41 28-33 on page 6 "...He expressed his concern with being required to  
 42 provide security that should be the responsibility of the bicycle owner,  
 43 ~~noting that damage involves a quantifiable issue...~~" Commissioner





# CITY of BEAVERTON

EXHIBIT D

ORDINANCE NO. 4289

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:** December 22, 2003

**HEARING DATE:** January 21, 2004

**SUBJECT:** Beaverton School District Facilities Plan 2002 (CPA 2003-0016)

**REQUEST:** City initiated legislative amendment to the Comprehensive Plan (Sections 5.2 and 5.7) implementing Revised Periodic Review Work Program Order # 001444 Work Task 7 (in part). The amendment would adopt the Beaverton School District Facilities Plan 2002 by reference into the Public Facilities Plan and delete references to the old Beaverton School District School Facilities Plan as required by Oregon Revised Statutes (ORS) Section 195.110.

**APPLICANT:** City of Beaverton

**APPROVAL CRITERIA:** Comprehensive Plan (Ordinance 4187) Section 1.3.1.

## RECOMMENDATION

Approve CPA 2003-0016 amending Comprehensive Plan Sections 5.2 and 5.7 thereby adopting the "Beaverton School District Facilities Plan 2002" by reference into the Public Facilities Plan and deleting references to the old Beaverton School District School Facilities Plan, as required by Oregon Revised Statutes (ORS) Section 195.110.

## SUMMARY

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Oregon Revised Statutes Section 195.110 requires high growth school districts to prepare a school facilities plan in cooperation with the city and/or county that have land use planning jurisdiction within the district. The plan must then be included as an element of the city's and/or county's comprehensive plan. The Beaverton School District has prepared and adopted on June 17, 2002 an updated facilities plan. This updated plan has been adopted by Washington County since much of the District is within their jurisdiction. The City of Beaverton needs to adopt this plan as one of the last tasks of Periodic Review.

The guidelines for State Planning Goal 11: Public Facilities and Services require a public facilities plan that is to be a supporting document or documents to the Comprehensive Plan. The City of Beaverton is not a full service provider but has made arrangement for the full range of urban services to be provided in the most logical manner. Several agencies provide these services other than the City and it seems logical to adopt the facilities plans of the various providers by reference since the City was not the planner of these facilities. The Comprehensive Plan currently references the "Beaverton School District School Facilities Plan" which was adopted in 1994. The attached ordinance basically deletes reference to the 1994 facilities plan and replaces them with references to the new "Beaverton School District Facilities Plan 2002", which was adopted by the School Board on June 17, 2002.

## ANALYSIS

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□ Facts and findings, based on the record, demonstrating the amendment criteria have been met, must support adoption of any amendment to the Comprehensive Plan by the City Council and Planning Commission. The City Council and Planning Commission may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings relative to all of the following criteria are the minimum required for a Plan amendment. Each criterion is applied to the proposal. The criteria and any applicable goals, policies and objectives are shown in *bold italic type print*. Staff discussion follows in normal text.

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

**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 has an adopted and acknowledged Comprehensive Plan, which outlines the citizen involvement program for the land use planning process. Specifically, Chapter One: Comprehensive Plan Amendment Procedures Element describes procedures for ensuring public involvement regarding comprehensive plan amendments. This amendment is following those procedures. Thus, the City has met its obligation of providing for Citizen Involvement under Statewide Planning Goal One, as defined through the City's adopted procedures.

**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 document (Ordinance 1800) along with implementation measures, including the Development Code (Ordinance 2050) in the late 1980's. An updated Comprehensive Plan was adopted in early 2002 via Ordinance 4187. The Plan was recently acknowledged by the State Department of Land Conservation and Development as complying with applicable provisions of the Metro Urban Growth Management Functional Plan, Statewide Planning Goals, and Oregon Administrative Rules. The land use planning processes and policy framework found in the Comprehensive Plan form the basis for decisions and actions, such as the subject amendment. The proposed amendments follow procedures explained in the Comprehensive Plan that allow for sound decision making and public input.

The main purpose of this amendment is to acknowledge the Beaverton School District planning process and continue our cooperative planning efforts. This furthers the intent of Goal Two and the requirements of State statutes and regulations.

**Goal Eleven: Public Facilities and Services**

***To plan and develop a timely orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.***

Schools are important facilities for Beaverton's residents and the provision of school facilities to provide educational services represents a major public investment. The City cooperates with the School District in their facilities planning but it is the District's responsibility to plan, acquire, construct and maintain their facilities. The State recognized the importance of this in ORS 195 by requiring counties and cities with a high growth school district to include in their comprehensive plans a school facilities plan prepared by the school district. The Beaverton School District is a high growth school district as defined by ORS 195.

The main purpose of this amendment is to acknowledge the Beaverton School District planning process and continue our cooperative planning efforts. This furthers the intent of Goal Eleven and the requirements of State statutes and regulations.

**Goals Three Through Ten and Twelve Through Nineteen**

The proposal is to acknowledge and adopt by reference into our Public Facilities Plan the updated Beaverton School Facilities Plan 2002. Goals Three through Ten and Eleven through Nineteen do not apply to the proposed amendments because they address subjects that are not directly relevant.

**FINDING: CRITERION 1.3.1.1 IS MET FOR THESE PROPOSED AMENDMENTS.**

***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.***

The City is only required to address issues in the Urban Growth Management Functional Plan (UGMFP), which is an Element of the Framework Plan.

Staff has reviewed all the UGMFP Titles and determined they are relevant to an amendment that is administrative in nature as this one is. Replacing a reference to an outdated school facilities plan with references to the currently adopted school facilities plan as required by state statute is consistent with all of the titles.

**FINDING: CRITERION 1.3.1.2, COMPLIANCE WITH THE REGIONAL URBAN GROWTH GOALS AND OBJECTIVES AND THE UGMFP HAS BEEN MET FOR THESE PROPOSED AMENDMENTS.**

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

The proposed amendment is primarily a procedural amendment to the Comprehensive Plan to replace an outdated school facilities plan with the currently adopted by the Beaverton School Board and Washington County. This amendment if adopted will be consistent and compatible with the remainder of the Comprehensive Plan.

**FINDING: CRITERION 1.3.1.3, CONSISTENCY AND COMPATIBILITY WITH THE COMPREHENSIVE PLAN AND OTHER APPLICABLE LOCAL PLANS, IS MET FOR THE PROPOSED AMENDMENTS.**

*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.*

Replacing references to a out of date school facilities plan with references to the currently adopt school facilities plan will be not negatively impact the economy, environment, public health safety or welfare.

**FINDING: THIS PROPOSAL WILL NOT BE DETRIMENTAL TO THE QUALITY OF LIFE, INCLUDING THE ECONOMY, ENVIRONMENT, PUBLIC HEALTH, SAFETY OR WELFARE. THUS, CRITERION 1.3.1.4 HAS BEEN MET FOR THE PROPOSED AMENDMENTS.**

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

This criterion is primarily intended for site specific map amendments. The school facilities plan was adopted to address the provision of K -12 educational services and facilities in response to rapid growth in the Beaverton area and impacts of that growth. Adopting the updated school facilities plan as part of the Comprehensive Plan will produce no adverse impacts on surrounding areas, public facilities and services.

**FINDING: CRITERION 1.3.1.5 REGARDING BENEFITS OF THE PROPOSAL OFFSETTING POTENTIAL ADVERSE IMPACTS IS MET FOR THE PROPOSED AMENDMENTS.**

**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.*

The City is still in Periodic Review and this proposal implements one component of the City's response to updating its Comprehensive Plan and complying with ORS 195. The public will be served by having the updated school facilities plan referenced by our Comprehensive Plan. This is a text amendment and does not apply to particular properties.

**FINDING: PUBLIC NEED, CRITERION 1.3.1.6, IS MET WITH RESPECT TO THE PROPOSED AMENDMENTS.**

**APPLICATION PROCESSING**

**Processing:**

City staff proposes a legislative Comprehensive Plan text amendment requiring a public hearing before the Planning Commission. Notice was given in accordance with Section 1.3.4 of the Comprehensive Plan.

The Commission, after the public hearing, shall approve, approve with modification, continue, or reject the amendment proposal.

This application type requires a final Planning Commission Order be prepared and mailed to any person submitting written or oral testimony to the Planning Commission.

**Appeals:**

Appeals of the Commission decision regarding the proposed amendments is to the City Council. The procedure for filing such an appeal and the manner of the hearing is governed by the provisions found within Section 1.3 of the Comprehensive Plan. The appeal request must be made in writing and delivered to the city within 10 calendar days from the date of the Land Use Order memorializing the Commission's decision. In addition, there is a non-refundable \$620.00 fee, which must accompany the request for hearing.

Appeals of the City Council decision regarding this proposal shall be made to the Land Use Board of Appeals (LUBA).

For the purposes of Periodic Review, DLCD shall provide reasonable opportunity for persons to prepare and submit to the Land Conservation and Development Commission written comments and objections to the City's Periodic Review Work Tasks. Objectors shall state their objections in writing, and submit a letter to DLCD no later than 21 days from the date the notice is mailed by the City of Beaverton. This comment period shall be afforded to persons who participated either orally or in writing in the local government proceedings leading to the

adoption of the amendments. The procedure for filing a notice of objection shall be in the manner governed by OAR 660-025-0140.

**120 Day Requirement:**

Legislative amendments to the Comprehensive Plan are not subject to the 120 rule (Oregon Revised Statute 227.178).

**Public Notice:**

1. Legal notice was published in the Beaverton Valley Times on December 18, 2003.
2. No property posting is required.
3. Notice was posted in three public places, Beaverton City Hall, Beaverton Library, and Beaverton Post Office by December 18, 2003.
4. All amendments have been prepared pursuant to Periodic Review; therefore, advanced notice to DLCD is not required.

All notice requirements have been satisfied.

## **CONCLUSION**

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Staff finds that the proposed Comprehensive Plan Amendment meets the burden of proof regarding Comprehensive Plan amendment criteria 1.3.1.1 through 1.3.1.6.

Attachment: Proposed Amendment to the Comprehensive Plan  
"Beaverton School District Facilities Plan 2002"

**Section 1: The Comprehensive Plan, Ordinance No. 4187 (as amended), Chapter 5 – Public Facilities And Services Element, Sections 5.2 and 5.7, will be amended to read as follows:**

## **5.2 PUBLIC FACILITIES PLAN**

The City's Public Facilities Plan (PFP), mandated by State statute for all cities with a population over 2,500, consists of this Element, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewage conveyance and processing, parks & recreation, schools and transportation. Master plan documents included in the Public Facilities Plan are:

- Tualatin Valley Water District Water Master and Management Plan
- Water System Plan for the West Slope Water District
- Raleigh Water District Water System Master Plan
- City of Beaverton Water System Facilities Plan
- City of Beaverton Sanitary Sewer Master Plan
- Clean Water Services of Washington County, Sewer System Master Plan
- The City of Beaverton Drainage Master Plan
- Tualatin Hills Park and Recreation District 20-Year Comprehensive Master Plan
- Tualatin Hills Park and Recreation District Trails Master Plan
- Beaverton School District ~~School~~ Facilities Plan 2002
- City of Beaverton Transportation System Plan

The City of Beaverton has chosen to define its Public Facilities Plan in this way because it provides a limited range of municipal services and relies on other independent public agencies to provide many facilities and services for Beaverton residents and property owners. The facilities and services provided by these agencies, as well as the City, are generally described in other sections of this element, by type of facility and service. The exception to this is transportation facilities and services, which are addressed in the Transportation Element of this Plan.

## **CAPITAL IMPROVEMENT PLAN**

The City of Beaverton Capital Improvements Plan (CIP) is an annually updated document with listings of prioritized proposed improvements and expansions of the City's infrastructure system to maintain appropriate service levels to existing City residents and businesses, and to accommodate population growth and land development. The CIP reflects the needs and priorities established by the City and projects the financial resources available to fund projects within a four-year period. The CIP also prioritizes projects many years into the future. The CIP can be modified during the fiscal year (FY) through the supplemental budget process as needs, priorities, and resources change. Although the CIP is a separate document from the fiscal budget, it is used as a road map in preparing and administering the budget.

The CIP is updated and adopted by the City Council on a yearly basis. The City's fiscal year begins on July 1 of each calendar year and ends on June 30 of the next calendar year. Each year, the City Council adopts a fiscal budget in June for the upcoming fiscal year, as recommended to the Council by the City's Budget Committee. By Oregon law, the City of Beaverton can only fund (budget) projects for the current fiscal year and upcoming fiscal year. Therefore, only

projects in the CIP that are shown in the first fiscal years are actually funded. Programmed but not funded projects (projects for the following three fiscal years) and future year projects are included in the CIP for information purposes.

Development of a realistic CIP and applying it to the City budgeting process helps provide orderly growth of the community at a manageable cost. The City's CIP only addresses the City's capital needs and projects and not those of the other providers of facilities and services in Beaverton and its proposed Urban Services Area. Service providers are responsible for their own CIP. The City's most current CIP, including any amendments, is adopted as part of this Element by reference and when the City adopts a new CIP or amends the CIP that will be the one referenced.

Beaverton's CIP addresses transportation, potable water, sanitary sewer and storm drainage capital projects. Sanitary sewer and storm drainage improvements are planned for the current incorporated area. Transportation improvements are also planned for the current incorporated area and include those transportation projects for which the City is responsible, namely local and collector roads, pedestrian facilities and bikeways. The City's CIP for potable water only includes those projects in the Beaverton Water Division's service area. The Beaverton School District, Clean Water Services, Tualatin Valley Fire and Rescue District, Tualatin Hills Park and Recreation District, Tualatin Valley Water District, West Slope Water District and Raleigh Water District are each responsible for their own Capital Improvement Plans, funding and project implementation. The City and these agencies coordinate their respective planning efforts pursuant to cooperative agreements that have been signed consistent with ORS 195.

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## **5.7 Schools**

The need for and location of schools is closely related to residential development and housing densities in the community. The location of public schools can significantly influence the direction and rate of growth of a given area. This is especially true of elementary schools. Beaverton School District #48 (the District) is responsible for providing public schools in the community. In order to assist the District with monitoring enrollment potential, the City provides the District with information on development proposals that may potentially impact a present or future school site.

The District is required, by State Statute (ORS 195.110), to adopt a School Facility Plan to identify school facility needs based on population growth projections and land use designations contained in local government comprehensive plans covering the area within the District. ~~The current~~ A School Facility Plan was adopted by the District on June 13, 1994 in compliance with ORS 195.110 and adopted by the City as a supporting document to the Comprehensive Plan on March 7, 1995 by ORD. 3920. The School Facility Plan is a supporting document to this Comprehensive Plan and is adopted by reference. The District ~~is currently in the process of~~ ~~has adopted~~ updating the "Beaverton School District Facility Plan 2002" on June 17, 2002, which ~~will be~~ ~~is~~ incorporated into this Element by reference ~~after the District adopts it~~. The District is responsible for planning its own facilities and the City may only cooperate and advise them in this process.

State Statutes (ORS 195 and 197) do not allow the City to deny a development request based on school capacity, **unless the application involves changes to the local government comprehensive plan or land use regulations**, but these Statutes do require the City to provide notice to the "...District when considering a plan or land use regulation amendment that significantly impacts school capacity." The City has gone beyond this minimal requirement in attempting to inform and assist the District regarding their facilities planning and the development of the School Facilities Plan.

~~In most cases, the School Facilities Plan recommends a park adjacent to each school. School parks serve essentially the same area as the school and can combine to make a year-round educational and recreational center for part of the community.~~

***5.7.1 Goal: Cooperate with the Beaverton School District in its efforts to provide the best possible educational facilities and services to Beaverton residents.***

*POLICIES:*

- a) The City shall encourage the School District to provide facilities that will adequately accommodate growth while recognizing the limited supply of buildable land in the city for such facilities.
- b) Schools should locate within or adjacent to residential districts for the convenience of those the facilities serve. However, public and private school proposals should be assessed for compatibility in order to assure that the stated purposes of the residential districts are not unnecessarily eroded.
- c) The City shall encourage the District to provide for schools throughout the City in locations that are easily accessible to those they are intended to serve.
- d) The City shall work cooperatively with the School District in implementation of the Comprehensive Plan through the District's various programs, joint acquisition and development efforts.
- e) The City shall notify the school district of development proposals that may potentially impact a present or future school site to allow the district the opportunity to comment, purchase or request dedications.
- f) The City shall notify the School District when considering Comprehensive Plan or land use regulation amendments that may significantly impact school capacity.
- g) The City shall encourage the School District and the Tualatin Hills Park and Recreation District THPRD to continue their excellent level of cooperation in the joint acquisition, development and use of facilities for educational and recreational purposes.

\*\*\*\*\*

Agenda Bill 04033

EXHIBIT E

**Beaverton School District Facility Plan 2002**

A full copy of the Facility Plan is available in the Office of the City Recorder for review. The Plan was not reprinted for inclusion with the Agenda Bill due to the large size of the document.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** 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.

**FOR AGENDA OF:** 03/01/04 **BILL NO:** 04034

**Mayor's Approval:** [Signature]

**DEPARTMENT OF ORIGIN:** CDD [Signature]

**DATE SUBMITTED:** 01/29/04

**CLEARANCES:** City Attorney's [Signature]  
Planning Services [Signature]

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Legal Description  
Exhibit C - Staff Report Dated 01/27/04

**BUDGET IMPACT**

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

This annexation consists of one parcel located at 1250 NW Waterhouse Avenue developed with an Elmer's restaurant. The owner of this parcel has signed an annexation petition and the property is in the Cornell Oaks Corporate Center which the City has an annexation agreement covering all of the property in the Corporate Center.

**INFORMATION FOR CONSIDERATION:**

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

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

The annexation will become effective 30 days after Council approval and the Mayor's signature on this ordinance.

**RECOMMENDED ACTION:**

First Reading.

**ORDINANCE NO. 4290**

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.

**WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby the owners of the property and a majority of the electors have consented to annexation; and

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

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

**Section 1.** The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor.

**Section 2.** The Council accepts the staff report, dated January 27, 2004, attached hereto as Exhibit C, and finds that:

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

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

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

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

**Section 5.** The City Recorder shall place a certified copy of this Ordinance in the City's permanent records and the Community Development Department shall forward a

certified copy of this Ordinance to Metro and all necessary parties within five days of the effective date.

**Section 6.** The Community Development Department shall transmit copies of this ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First reading this \_\_\_ 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



**Legal Description**

**ANX 2003-0013**

**1250 NW Waterhouse Avenue Expedited Annexation**

Beginning at a point at the Northwest Corner of Lot 21 of Corporate Center at Cornell Oaks in the SE ¼, NW ¼, Section 32, T1N; R1W; W.M., Washington County, Oregon, said point also being on the westerly right of way line of NW Waterhouse Avenue; thence southerly along said right of way line, along the arc of a 230 foot radius curve to the left, 134.86 feet; thence southwesterly, perpendicular to said right of way line 63.99 feet; thence westerly, 247 feet to the east right of way line of NW 158<sup>th</sup> Avenue, said point also being the SW corner of Lot 21 Corporate Center at Cornell Oaks; thence northerly along said easterly right of way line of NW 158<sup>th</sup> Avenue, 146.70 feet; thence continuing northerly along said right of way line, 12.15 feet to the NW corner of said Lot 21; thence easterly 248.35 feet to the Point of Beginning.



# CITY of BEAVERTON

Exhibit "C"

ORDINANCE NO. 4290

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

## STAFF REPORT

**TO:** City Council **REPORT DATE:** January 27, 2004

**AGENDA**

**DATE:** March 1, 2004

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

**SUBJECT:** 1250 NW Waterhouse Avenue Expedited Annexation (ANX 2003-0013)

**ACTIONS:** Annexation to the City of Beaverton of one parcel located at 1250 NW Waterhouse Avenue, in the Cornell Oaks Corporate Center, that is shown on the attached map and more particularly described by the attached legal description. The annexation of the parcel is owner initiated (petitions attached) and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

**NAC:** This property is already in the Five Oaks NAC.

**AREA:** Approximately one acre

**TAXABLE BM 50 ASSESSED VALUE:** \$ 168,500

**ASSESSOR'S REAL MARKET VALUE:** \$ 598,950

**NUMBER OF LOTS:** 1 **POPULATION:** 0

### SUMMARY AND RECOMMENDATION

This is a request to annex one parcel to the City of Beaverton. The property is shown on the attached map, identified as tax lot 1N132BD 00400 and more particularly described in the attached legal description.

**Staff recommends the City Council adopt an ordinance annexing the referenced property, effective thirty (30) after the Mayor's signature.**



## **BACKGROUND**

The request is to annex one parcel located at 1250 NW Waterhouse Avenue. The parcel is approximately one acre and is occupied by a newly constructed Elmer's Restaurant. The property owner has consented to the annexation. This allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

On January 30, 1995, the City Council approved a Resolution authorizing an annexation agreement with Hartford Underwriters Insurance Company for the property known as Cornell Oaks Corporate Center, a 117.93 acre industrial park. The Council found that phased annexation to the City of the referenced corporate center would ultimately result in more logical city boundaries and provide clearer identification of the City as the logical provider of urban services. Additionally, the Council found that phased annexation, as the property develops, "should enhance the city's tax base and result in additional general tax revenue equal to or better to the cost of providing service to the area".

Resolution No.3300 memorialized Council's findings regarding the agreement. The agreement was signed by Kevin North, Vice President of Hartford Underwriters Insurance Company on January 30, 1995 and by Mayor Drake on February 1, 1995. Mr. North also signed a stipulation to be offered into the record in any petition for minor boundary change effective until February 1, 2005 for the properties described as Cornell Oaks Corporate Center. This stipulation serves as the property owner's agreement to annex property once it is "substantially complete".

The property is currently in the Five Oaks Neighborhood Association Committee (NAC) boundaries.

## **EXISTING CONDITIONS**

### **SERVICE PROVISION:**

The following analysis details the various services available to the property to be annexed. Any cooperative and intergovernmental agreements affecting service provision are also noted. The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District and Clean Water Services. The City has entered into a cooperative agreement with Tualatin Valley Water District that has been designated an ORS 195 Urban Services Agreement by the parties. This action is consistent with those cooperative agreements. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this decision.

**POLICE:** The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District. Sheriff's protection will be withdrawn and the City will provide police service upon annexation. In practice whichever agency is able to respond first, to an emergency, does so.

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

**SEWER:** Sanitary sewer is available to this parcel via an 8-inch City maintained pipe in NW Waterhouse Avenue. Upon annexation the City will be responsible for billing.

**WATER:** Tualatin Valley Water District (TVWD) provides water service to the area. ORS 222.520 allows cities to assume water service responsibilities when annexing less than an entire district. However, the City does not anticipate withdrawing the property from the District. TVWD will continue to provide service, maintenance and perform billing

**STORM WATER DRAINAGE:** Storm drainage is available via a City maintained 12-inch pipe in NW Waterhouse Avenue which flows to a catch basin located immediately south of the Sunset Highway and west of NW 158th Avenue. Upon annexation billing responsibility will transfer to the City.

**STREETS and ROADS:** Access to this parcel is provided from NW Waterhouse Avenue. The parcel also backs up to NW 158th Avenue. NW Waterhouse Avenue is a City maintained neighborhood street and NW 158th is a County maintained Arterial.

**PARKS and SCHOOLS:** The proposed annexation is within both the Beaverton School District and the Tualatin Hills Parks and Recreation District. This proposed annexation will not affect either district boundary. Neither services nor district boundaries associated with these districts will be affected by the proposed annexation.

**PLANNING, ZONING and BUILDING:** Washington County currently provides long-range planning, development review and building inspection for the properties. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations will be applied to these parcels in a separate action within six months of annexation.

## PUBLIC INVOLVEMENT

Consistent with Metro Code Section 3.09.045, the City will send notice of the proposed annexation on or before February 10, 2004 (20 days prior to the agenda date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, the City will send notice to the following parties:

- Dennis R. Miller, Elmer's Restaurant, (the property owners), and
- The Five Oaks Neighborhood Association Committee and the Sunset West-Rock Creek-Bethany Citizen Participation Organization (interested parties as set forth in City Code Section 9.06.035).

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

## CRITERIA FOR APPROVAL

### REGIONAL ANNEXATION CRITERIA:

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

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

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

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

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

*Findings: This proposed annexation is consistent with agreements between the City of Beaverton and Clean Water Services. The acknowledged Washington County - Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. The UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process.*

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

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

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

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

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

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

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

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

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

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

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

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

Exhibits:      Annexation Petition  
                    Legal Description

## **Annexation Petition**



CITY OF BEAVERTON  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 PLANNING SERVICES  
 4755 S.W. GRIFFITH DRIVE  
 P.O. BOX 4755  
 BEAVERTON, OR 97076-4755  
 PHONE: (503) 350-4039

# PETITION FOR A CONSENT ANNEXATION PURSUANT TO ORS 222.125

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE USE	FILE NAME: <u>1250 NW Waterhouse Avenue Expedited Annexation</u>
	FILE NUMBERS: <u>ANX2003-0013</u>

**MUST BE SIGNED BY ALL OWNERS. IF THE OWNER IS A CORPORATION OR AN ESTATE THE PERSON SIGNING MUST BE AUTHORIZED TO DO SO. MUST ALSO BE SIGNED NOT LESS THAN 50 PERCENT OF ELECTORS (REGISTERED VOTERS), IF ANY, RESIDING ON THE PROPERTY.**

**PROPERTY INFORMATION**

MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNERS	# OF RESIDENT VOTERS	# OF RESIDENTS
1N1 32BD 00400	1250 NW WATERHOUSE AVE	1		

**CONTACT PERSON**  USE MAILING ADDRESS FOR NOTIFICATION

<u>Dennis R. Miller</u>	<u>ELMERS RESTAURANTS INC</u>	<u>503-252-1485</u>
PRINT OR TYPE NAME	BUSINESS NAME	PHONE #
<u>P.O. Box 16938 Portland, OR 97292-0938</u>		
ADDRESS		

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

<u>Dennis R Miller</u>	<u>Dennis R Miller</u>	<u>12-11-03</u>	<input checked="" type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
<u>P.O. Box 16938 Portland, OR 97292-0938</u>			
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Adopting TA 2003-0009 to Amend Development Code Section 20.20.60-2. (Murray Scholls Town Center Pedestrian Route Map)

**FOR AGENDA OF:** 03-01-04 **BILL NO:** 04035

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 02-20-04

**CLEARANCES:** City Attorney   
Dev. Serv.

**PROCEEDING:** First Reading

- EXHIBITS:**
1. Ordinance
  2. Land Use Order No. 1670
  3. Draft PC Minutes
  4. Proposed Text Amendment
  5. Staff Report dated 02-04-04

**BUDGET IMPACT**

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

On February 11, 2004, the Planning Commission held a public hearing to consider TA 2003-0009 to update Development Code Map 20.20.60-2 (Murray Scholls Town Center Pedestrian Route Map) to update the existing conceptual Major Pedestrian Route map to reflect the road alignments approved by the Planning Commission as part of the Progress Quarry Planned Unit Development and Subdivision. Following the close of the public hearing on February 11, 2004, the Planning Commission voted 6-0 (Winter absent) to recommend approval of the proposed text ("map") amendment to Section 20.20.60-2, as memorialized in Land Use Order No. 1670.

**INFORMATION FOR CONSIDERATION:**

Attached to this Agenda Bill are Land Use Order No. 1670, 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 2003-0009 (Murray Scholls Town Center Pedestrian Route Map) as set forth in Land Use Order No. 1670. Staff further recommends the Council conduct a First Reading of the attached ordinance.

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).

**WHEREAS**, the Beaverton Community Development Department has proposed a text amendment application to: Amend Development Code Map 20.20.60-2 (Murray Scholls Town Center Pedestrian Route Map) to update the existing conceptual Major Pedestrian Route map to reflect the road alignments approved by the Planning Commission as part of the Progress Quarry Planned Unit Development and Subdivision; and,

**WHEREAS**, pursuant to Section 50.50.2-4 of the Development Code, the Beaverton Development Services Division conducted public noticing for the text Amendment application; and,

**WHEREAS**, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on February 4, 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 February 11, 2004; and,

**WHEREAS**, on February 11, 2004, the Planning Commission conducted a public hearing for TA 2003-0009 (Section 20.20.60-2 Application Completeness) 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. 1670; and,

**WHEREAS**, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2003-0009 (Section 20.20.60-2 Murray Scholls Town Center Pedestrian Route Map) following the issuance of the Planning Commission Land Use Order No. 1670; and,

**WHEREAS**, in accordance with City Council Rules of Procedure, the Council conducted a first reading of the ordinance on March 1, 2004; and,

**WHEREAS**, specific to the proposed amendments to Section 20.20.60-2 (Section 20.20.60-2 Murray Scholls Town Center Pedestrian Route Map) of the Development Code as summarized in Planning Commission Land Use Order No. 1670, the Council consents to and adopts as to facts and findings for this Ordinance the materials described in Land Use Order 1670 dated February 20, 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 20, Section 20.20.60-2, is amended as set out in Exhibit "A" to this Ordinance attached to and incorporated herein by this reference.

**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

ORDINANCE  
NO. 4291

# EXHIBIT # A

GEOGRAPHIC INFORMATION SYSTEM

## MAP 20.20.60-2

### Major Pedestrian Routes

#### Legend

Major Pedestrian Routes

- Proposed
- - - Future



Murray Scholls Town Center

02/19/04



250 0 250 500 750 1000 Feet

City of  
Beaverton



#### Source Data:

City of Beaverton Community Development Department -  
Progress Quarry Data - Current as of February 2004  
Murray Scholls Town Center Data - Current as of October 2003  
METRO Regional Land Information System (RLIS) -  
Street Names - Current as of October 2003  
Washington County Assessment and Taxation -  
Washington Co. Taxlots - Current as of February 2004

#### Disclaimer:

This product is for information purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review, or consult, the primary data and information sources to ascertain the usability of the information. This map represents the best data available at the time of publication. While reasonable effort has been made to insure the accuracy of the information shown on this page, the City of Beaverton assumes no responsibility, or liability, for any errors, omissions, or use of this information. Metadata available on request.

**BEFORE THE PLANNING COMMISSION  
FOR THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF A REQUEST	)	ORDER NO. 1670
	)	
TO AMEND THE DEVELOPMENT	)	TA 2003-0009
	)	
CODE MAP -- MURRAY/SCHOLLS	)	RECOMMENDING
	)	
TOWN CENTER PEDESTRIAN	)	TO CITY COUNCIL
	)	
ROUTE MAP PROGRESS QUARRY	)	APPROVAL OF
	)	
MAJOR PEDESTRIAN ROUTE MAP	)	TEXT AMENDMENTS
	)	
AMENDMENTS), CITY OF	)	
	)	
BEAVERTON, APPLICANT	)	

The matter of TA 2003-0009 Progress Quarry Major Pedestrian Route Map Amendments) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

TA 2003-0009 proposes to update the existing conceptual Major Pedestrian Route Map (Development Code Map 20.20.60-2) to reflect the road alignments approved by the Planning Commission as part of the Progress Quarry Planned Unit Development and Subdivision (Exhibit 1).

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance No. 4248, Section 40.85 (Text Amendment) and Section 50.50

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. 1670 an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on \_\_\_\_\_, 2004.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON:

ATTEST:

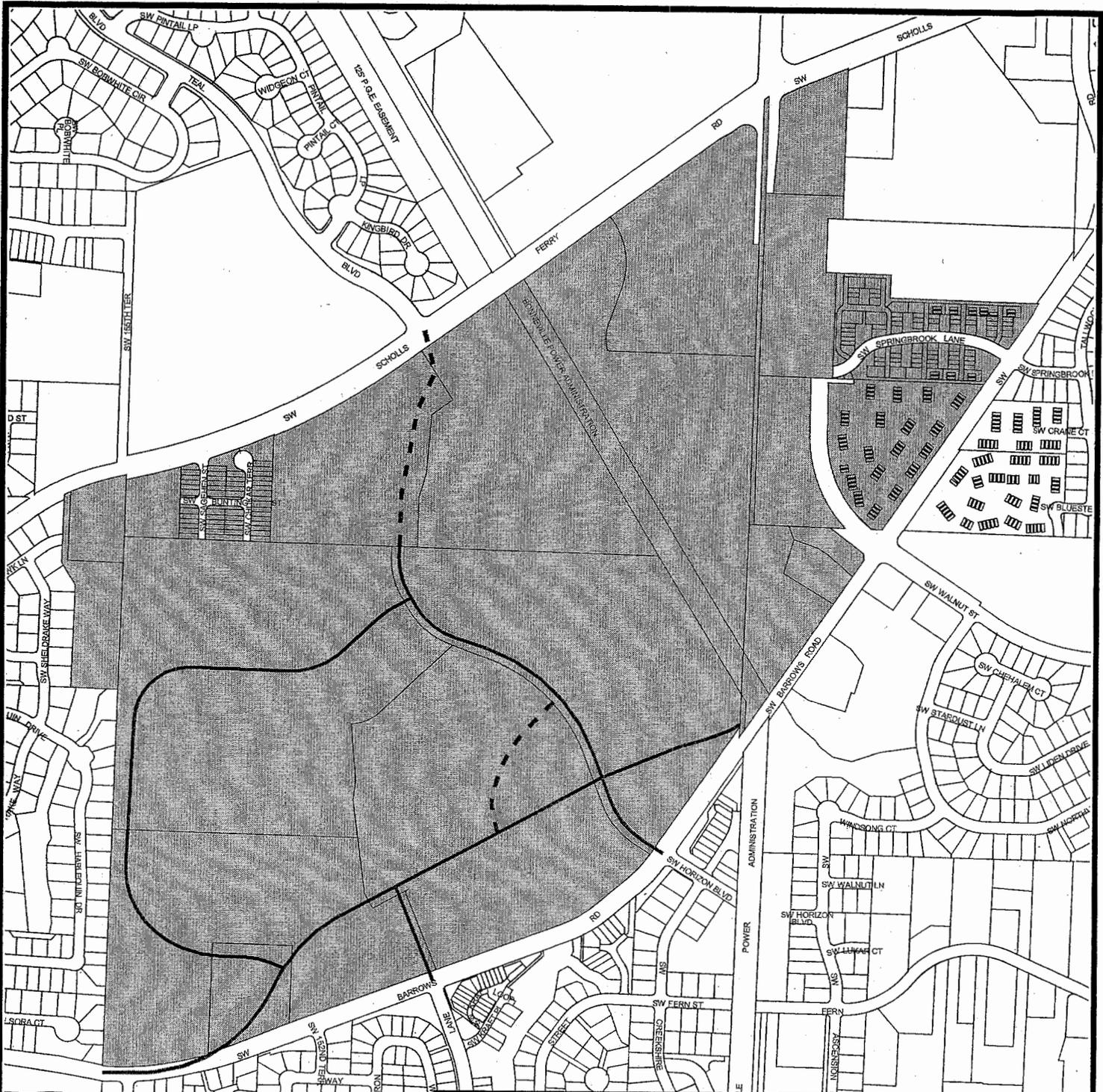
  
\_\_\_\_\_  
COLIN COOPER, AICP  
Senior Planner

APPROVED:

  
\_\_\_\_\_  
BOB BARNARD  
Chairman

  
\_\_\_\_\_  
STEVEN SPARKS, AICP  
Development Services Manager

5



GEOGRAPHIC INFORMATION SYSTEM

# MAP 20.20.60-2

## Major Pedestrian Routes

Legend

**EXHIBIT # 1**

Major Pedestrian Routes

-  Proposed
-  Future



Murray Scholls Town Center

02/19/04

(6)

250 0 250 500 750 1000 Feet

City of Beaverton



**Source Data:**

City of Beaverton Community Development Department - Progress Quarry Data - Current as of February 2004  
 Murray Scholls Town Center Data - Current as of October 2003  
 METRO Regional Land Information System (RLIS) - Street Names - Current as of October 2003  
 Washington County Assessment and Taxation - Washington Co. Taxlots - Current as of February 2004

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**DRAFT**

EXCERPT FROM

**PLANNING COMMISSION MINUTES**

February 11, 2004

**EXHIBIT #3**

**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, Dan Maks, Shannon Pogue, Eric Johansen and Vlad Voytilla. Planning Commissioner Scott Winter was excused.

Senior Planner John Osterberg, Senior Planner Colin Cooper, Associate Planner Sambo Kirkland, Assistant City Attorney Ted Naemura, and Recording Secretary Sheila Martin represented staff.

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

**VISITORS:**

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

**STAFF COMMUNICATION:**

Staff indicated that there were no communications at this time.

A request was made to change the order of the agenda starting with New Business following with the Old Business portion.

**NEW BUSINESS:**

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

**PUBLIC HEARING:**

**I. PROGRESS QUARRY - MAJOR PEDESTRIAN ROUTE MAP UPDATE**

**1. TA2003-0009 - PROGRESS QUARRY - MAJOR PEDESTRIAN ROUTE MAP UPDATE**

The proposed text amendment will update Development Code Map 20.20.60.2 which currently illustrates a conceptual pedestrian network to reflect the alignment of SW Barrows Road and other roads internal to the Progress Quarry PUD approved by the Planning Commission.

Senior Planner Colin Cooper presented the Staff Report and briefly explained the purpose of the amendment. Concluding, Mr. Cooper recommended approval of the amendment and offered to respond to questions.

**PUBLIC TESTIMONY:**

No member of the public testified with regard to this proposal.

The public testimony portion of the Public Hearing was closed.

Observing that the proposal meets applicable approval criteria, Commissioners, Voytilla, Johansen, Maks, Pogue, and Bliss, and Chairman Barnard expressed their support of this amendment.

Commissioner Pogue **MOVED** and Commissioner Voytilla **SECONDED** a motion for approval of TA 2003 -0009 - Progress Quarry - Major Pedestrian Route Map Update, 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 4, 2004.

Motion **CARRIED** by the following vote:

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

**OLD BUSINESS:**

**CONTINUANCE:**

**II. BLACKSTONE SUBDIVISION**

1. LD2003 -0033 - LAND DIVISION
2. SDM2003-0010 - STREET DESIGN MODIFICATION
3. TP2003-0026 - TREE PLAN II
4. FS2003-0013 - FLEXIBLE SETBACK

(Continued from January 7, 2004)

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

Commissioners Voytilla, Johansen, Maks, Pogue, Bliss, and Chairman Barnard indicated that they had visited the site and had no contact with any individual(s) with regard to these applications.

Associate Planner Sambo Kirkman presented Staff Reports and explained briefly the purpose of these applications. She stated that staff has submitted to





EXHIBIT # 5

## 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, February 4, 2004

**STAFF:** Colin Cooper, AICP, Senior Planner *cc*

**SUBJECT:** TA 2003-0009 (Progress Quarry Major Pedestrian Route Map Amendments)

**REQUEST:** Amendment to Development Code Map 20.20.60-2 (Murray Scholls Town Center Pedestrian Route Map) to update the existing conceptual Major Pedestrian Route map to reflect the road alignments approved by the Planning Commission as part of the Progress Quarry Planned Unit Development.

**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, February 11, 2004

**RECOMMENDATION:** Staff recommend APPROVAL of text amendment application TA 2003-0009 (Progress Quarry Major Pedestrian Route Map Amendments).

## **I. Proposed Legislative Text Amendment**

Metro's 2040 Growth Concept Plan identified the Progress Quarry and areas bounded by SW Scholls Ferry Road and Barrows Road as a "Town Center" which led to the development of the Murray Scholls Town Center Master Plan. The purpose of the plan was to identify how development of a Town Center with the projected housing and employment targets could be achieved in this area. Several changes to the City's Comprehensive Plan and Development Code resulted from the Murray Scholls Town Center Master Plan. Included in these changes was the adoption of a set of Town Center Zoning Designations and corresponding development standards that included Major Pedestrian Routes. Part of the plan identified a conceptual network of roads and pathways within the plan area, which resulted in the adoption of the Murray Scholls Town Center Major Pedestrian Route Map, Section 20.20.60-2 (Exhibit 1.1).

On April 7, 2003, the Planning Commission approved the Progress Quarry Planned Unit Development (PUD) and Preliminary Subdivision (SUB) that included specific roadway alignments. The proposed text amendment provides a map that illustrates Major Pedestrian Routes following the road alignments approved by the Planning Commission as part of the Progress Quarry PUD and SUB (Exhibit 1.2).

The proposed text amendment also proposes several other minor changes Map 20.20.60-2. First, is the removal of the Major Pedestrian Route designation on two proposed "transit streets." These routes are proposed for removal because it has been determined that the "transit streets" are not feasible to construct because of environmental and physical site constraints identified during the Progress Quarry PUD/SUB review and approval. Secondly, is the removal of one of the three connections illustrated on the existing map between the Progress Quarry and SW Barrows Road. Two of the connections continue existing streets and were included as part of the Progress Quarry PUD/SUB approval. The third connection was not included because it was not seen as desirable or necessary during the review and approval of the Progress Quarry PUD/SUB. The third modification to the map is the removal of the route that begins at SW Barrows Road adjacent to the BPA/PGE easements and proceeds north to connect with SW Scholls Ferry Road. The Murray Scholls Master Plan originally intended a public right-of-way at this location that would be located either within or adjacent to environmentally constrained lands which make it impractical or completely infeasible construct and to require building orientations towards this route. The fourth and final modification to the map is to illustrate a future route in the location of a public street as conditioned by the Planning Commission as part of the Progress Quarry PUD approval.

The proposed amendments to the Development Code text as shown above are attached in Exhibit 1.1.

## **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 2003-0009 (Progress Quarry Major Pedestrian Route Map Amendments):

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

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2003-0009 (Progress Quarry Major Pedestrian Route Map Amendments) proposes to amend Map 20.20.60-2 of the Beaverton Development Code currently effective through Ordinance 4265 (October 2003). 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

TA 2003-0009 proposes to update an existing map and will not have any impact on compliance with any portion of Metro's Urban Growth Management Functional Plan. The proposed amendments have no applicability to the Metro titles. Staff find that approval criterion three is not applicable.

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

The proposed text amendments will not change the intent of the existing Development Code regulations, such that goals and policies of the Comprehensive Plan will be impacted. The following transportation policies are addressed generally:

**Chapter 6 – Transportation Element**

The proposed text amendment will amend the location and remove Major Pedestrian Route alignments within the Murray Scholls Town Center area in order to be consistent with the Progress Quarry Planned Unit Development which comprises a significant area subject to the Map 20.20.60-2.

*6.2.1. Goal Transportation facilities designed and constructed in a manner to enhance Beaverton's livability and meet federal, state, regional, and local requirements.*

*6.2.2 Goal A Balanced transportation system*

The proposed text amendment does not decrease the opportunities for providing a balanced multi-modal transportation system within public rights-of-way. Rather as required by Goal 6.2.1. policy "a" the proposed text amendment will help avoid confusion with the location of the Major Pedestrian routes in relation to future development that may occur with Progress Quarry site and to recognize alignments that are not practical due to environmental constraints. The proposed text amendment also recognizes the need of multi-use paths as the terminus of the Major Pedestrian Route along SW Barrows will connect to the Powerline Linear Trail.

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

The proposed amendments do not change or create impacts or conflicts with other provisions within the Development Code. As noted earlier in this report the Murray Scholls Master Plan was implemented with the adoption of the Town Center zoning designations and associated development standards including Map 20.20.60-2. The proposed amendment reflects Progress Quarry development approvals that have

been reviewed against the Town Center development standards. Staff find that proposed amendments are consistent with the other provisions of the Development Code. Staff find, therefore, approval criterion five has been met.

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

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

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

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

## 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.

## 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 amendment does not directly impact either of these documents, but continues to support the provision of pedestrian network that improve livability and reduces the need for trip chaining and providing for improved pedestrian facilities and building orientations towards those facilities.

## **IV. Conclusion and Staff Recommendation**

Based on the facts and findings presented, staff concludes that the proposed amendments to the Development Code are consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7. Therefore, staff recommend the Planning Commission **APPROVE** TA 2003-0009 (Progress Quarry Major Pedestrian Route Map Amendments) at the February 11, 2004, regular Commission hearing.

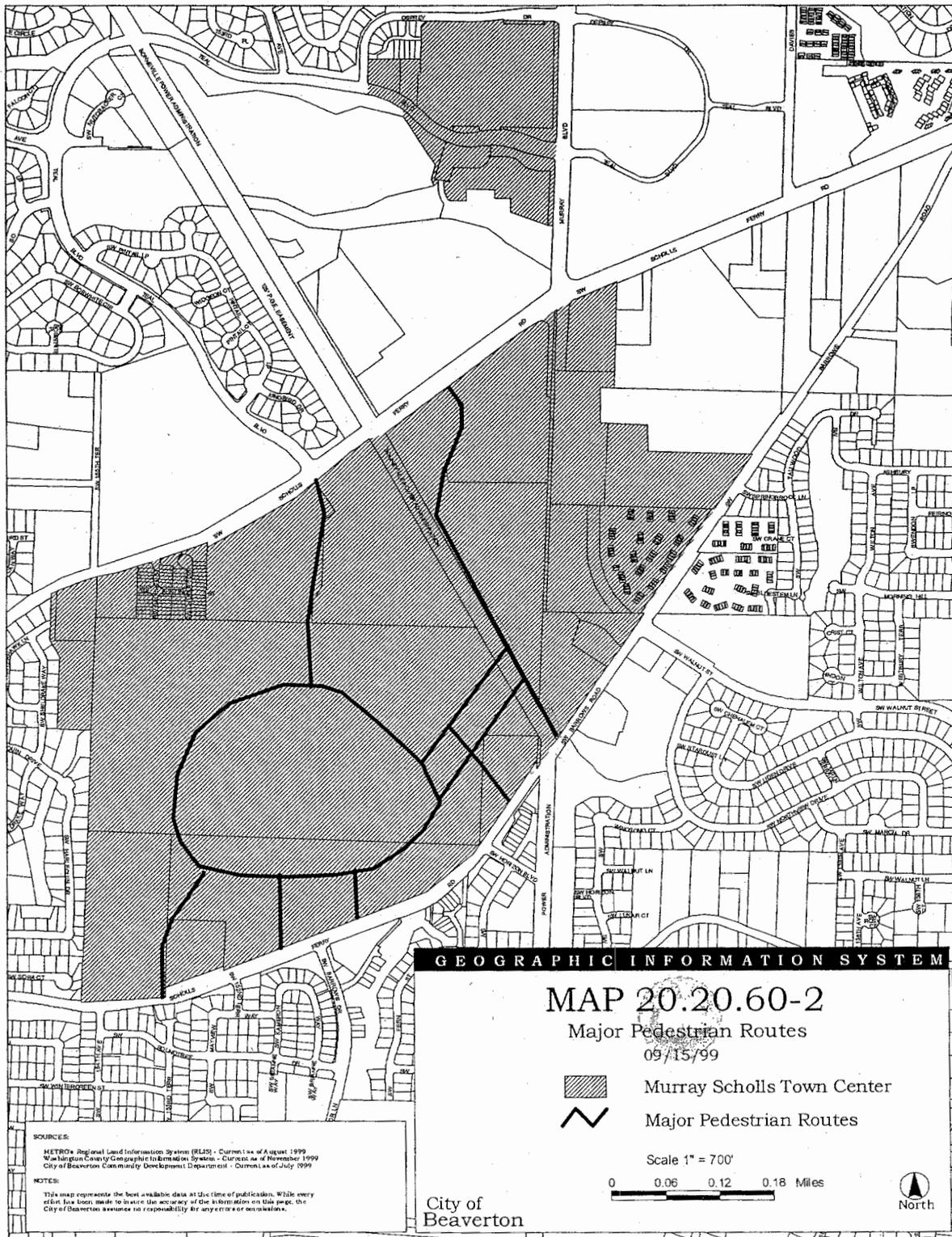
**V. Exhibits**

Exhibit 1.1 Existing Text Map Section 20.20.60-2

Exhibit 1.2 Proposed Text Amendment Map Section 20.20.60-2

Multiple Use Districts: Supplementary Regulations

20.20.60.



**EXHIBIT # 1.1**



**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

03-01-04

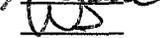
**SUBJECT:** An Ordinance Adopting the JWC Water Service Agreement as Amended, the Tigard Joinder Agreement and the Barney Joint Ownership Agreement

**FOR AGENDA OF:** 02-09-04 **BILL NO:** 04024

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Engineering 

**DATE SUBMITTED:** 01-27-04

**CLEARANCES:** Finance   
City Attorney 

**PROCEEDING:** Second Reading and Passage  
First-Reading

- EXHIBITS:**
1. Proposed Ordinance
  2. Agenda Bill No. 03072
  3. Agenda Bill No. 03127
  4. Agenda Bill No. 01338 (w/o exhibits)

**BUDGET IMPACT**

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

**HISTORICAL PERSPECTIVE:**

On March 31, 2003 the Council authorized a revised Joint Water Commission (JWC) – Hillsboro, Forest Grove, Beaverton and Tualatin Valley Water District - Water Service Agreement to replace a number of similar but decades-old and partially obsolete agreements for ownership and use of various aspects of the JWC system. A copy of Agenda Bill No. 03072, which includes a copy of the Agreement, is attached as Exhibit 2. In a separate action on that same date the Council authorized the Mayor to sign the Joint Ownership Agreement for the Barney (Reservoir) Project – Hillsboro, Forest Grove, Beaverton, Tualatin Valley Water District, and Clean Water Services.

During the years 2000 and 2001, to supplement sometimes limited sources of drinking water, the City of Tigard purchased a total of 147 million gallons of drinking water from the City of Beaverton. At the time, the two cities had two existing meters to convey water from one to the other, but there was a limitation of about 1-3 million gallons per day depending upon available pressure on the Beaverton side of the meters. Water pressure varies between the cities with time of day and time of year. On November 5, 2001, Council approved Agenda Bill No. 01338 (Exhibit 4), an intergovernmental agreement with the City of Tigard to build a jointly funded water intertie pipeline and master meter to convey up to 4 million gallons per day of drinking water from Beaverton to Tigard. A subsequent Water Service Agreement between the JWC and Tigard dated May 18, 2001 allowed the sale of surplus JWC water to Tigard delivered through Beaverton's system and through this new Beaverton-Tigard intertie. Beaverton and Tigard completed the intertie pipeline and master meter with a capacity of between 4 and 5 million gallons per day in late 2002. During 2003, an average of 3.14 million gallons of JWC water per day was supplied through Beaverton to Tigard.

**INFORMATION FOR CONSIDERATION:**

The Council's action on March 31, 2003, adopting the revised JWC agreement; and on June 2, 2003, adopting the revised Barney Reservoir agreement (attached as Exhibit 3), did not include this first amendment to the former, which includes an agreement to join Tigard as a party. Some JWC entities prefer that the new agreements be adopted by ordinance as ORS is unclear whether adoption may be by ordinance or resolution; the means of adoption could make a difference if and when the JWC or the Barney Reservoir owners ever choose to issue debt in their combined names - not predicted for the foreseeable future, but still possible. For that reason staff has formatted the amended 2003 JWC Agreement and the Joinder Agreement, and 2003 Barney Reservoir agreement for adoption by ordinance.

On January 9, 2004, the Joint Water Commission recommended that each member approve the First Amendment to the Water Service Agreement and (Tigard) Joinder Agreement. The amendment modifies the main agreement and grants Tigard a full membership as an equal party pending the results of current studies to add a source of additional raw (untreated) water for use by all JWC member entities.

**RECOMMENDED ACTION:**

~~First Reading of Ordinance.~~

Second Reading and Passage.



## AGENDA BILL 04024

A full copy of all the exhibits  
for Ordinance 4288 is  
available in the Office of the  
City Recorder for review.