



## FINAL AGENDA

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

REGULAR MEETING  
MARCH 15, 2004  
6:30 p.m.

CALL TO ORDER:

ROLL CALL:

CITIZEN COMMUNICATIONS:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of March 1, 2004.

- 04036 Traffic Commission Issues No. TC 542 and 543
- 04037 Funding Plan Change – 125<sup>th</sup> Avenue Improvement
- 04038 Liquor License Applications: Best Western Greenwood Inn; Progress Grocery and Deli; Santana's & Pho Saigon

Contract Review Board:

- 04039 Authorization to Enter Into a Contract for Legal Services
- 04040 Rejection of Proposal to Provide Food Concession Services at City Park Kiosk
- 04041 Purchase of Software License Renewals and New Licenses from the State of Oregon Price Agreement
- 04042 Contract Award – Marketing/Advertising Consultant Services for Identity Theft and Fraud Prevention Program Community Education Campaign
- 04043 Waiver of Sealed Bidding – Purchase Asphalt from the Washington County Requirement Contract

## ORDINANCES:

### First Reading:

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

### Second 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Plan, by Adopting the "Beaverton School District Facility Plan 2002" by Reference and Deleting References to Outdated Provisions (Ordinance No. 4289)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)

## EXECUTIVE SESSION:

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

## ADJOURNMENT

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

**DRAFT**

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
MARCH 1, 2004

**CALL TO ORDER:**

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, March 1, 2004, at 6:35 p.m.

**ROLL CALL:**

Present were Mayor Drake, Couns. Dennis Doyle, Fred Ruby, Forrest Soth and Cathy Stanton. Coun. Betty Bode was excused. 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, Economic Development Manager Janet Young and City Recorder Sue Nelson.

**PRESENTATIONS:**

04026 Presentation of Shields and Swearing In of Two Officers to the Beaverton Police Department

Mayor Drake welcomed the new Beaverton Police Officers Ryan Murphy and Mandi NicholSEN to the City.

Police Chief David Bishop swore in Officers Murphy and NicholSEN and presented them with their shields. He thanked the officers' families for their support.

04027 Project Update - Beaverton Software-Focused Business Incubator

Economic Development Manager Janet Young updated the Council about the Beaverton Software-Focused Business Incubator Project. She explained the Council adopted the Business Plan for this project on January 12, 2004, and staff was busy implementing that Plan. She said that the Council Agenda for this meeting included a recommendation to approve a contract with Business Cluster Development for the First Phase of the Business Incubator implementation. She added staff was looking for space in downtown Beaverton to accommodate the incubator. She said several meetings had occurred with parties interested in all aspects of the incubator and there was a high interest level in the community.

Young explained the next steps included continuing the search for downtown Beaverton office space, beginning the articles of incorporation and bylaws for the 503(c)(3) designation, establishing the policies and membership for the Board of Directors, and developing a strategy for sponsorships and partnerships.

Coun. Soth noted a lot of enthusiasm had been generated about this project. He said that currently 95% of all jobs were created by small business; so this offered a great opportunity for entrepreneurs to begin their businesses. He said he was sure it would be successful.

#### 04028 Traffic Commission Presentation

Traffic Commission Chair Scott Knees introduced fellow Commissioners Ramona Crocker and Thomas Clodfelter who were in attendance; he acknowledged Commissioners Holly Isaak, Louise Clark, Kim Overhage and Andrea Soltman, who were not in attendance. He complimented Traffic Engineer Randy Wooley, Project Engineer Jabra Khasho, and Support Specialist Debra Callender, and said it was with their help that the Commission was able to meet its mission to produce well-engineered, effective and citizen-endorsed traffic solutions.

Knees said that in 2003 the Traffic Commission met nine times, considered 22 consent agenda items and 23 public hearing issues. He said the public hearings covered various traffic and funding issues and only one issue was appealed to the City Council; the turn restriction on Greenway at the Albertson's Store. He reported the major issues included parking, traffic signal installation, stop signs and traffic calming. He added traffic calming generated a lot of interest in the community; the Commission had asked staff to prepare a report on the effectiveness of traffic calming, which resulted in interesting data. He said 17 traffic calming projects were installed within the last few years. He said that prior to installation of traffic calming measures, the recorded high (in areas where traffic calming was requested) for traffic traveling over the speed limit was 66%; after traffic calming devices it was reduced to 50%. He said in general the citizens were happy with the results. He said a survey was sent to residents who were impacted by the traffic calming devices and the response was 24%. He noted that citizen's who followed through on the whole process were satisfied.

Knees reported that the Commission also reviewed new technology for flashing yellow arrows. He said there were three of these installed in Beaverton as a pilot project at Allen and Menlo, Allen and Wilson and 125<sup>th</sup> and Longhorn. He said they were successful. He said other cities in Oregon were going to implement the flashing yellow arrows and they were going to become part of the Federal standards. He said the Commission felt privileged to help the City be a pioneer in this new technology. He said another new technology incorporated in the City was the countdown pedestrian crosswalk signals; there were several installed throughout the City.

Mayor Drake thanked Knees and noted the citizens were well served by the Commission.

Coun. Soth said he appreciated the flashing yellow lights as they were very helpful. He asked if the Commission had received any input from the Fire Department concerning traffic calming methods that allowed the fire trucks to straddle the bars on the street.

Knees said the Commission had received input and they had heard a presentation by Tualatin Valley Fire & Rescue on preferred traffic calming methods. He said they were glad TVF&R was working with them on this issue.

Coun. Soth explained that speed bumps were engineering projects funded from the Gasoline Tax Money; they were not construction projects.

Coun. Stanton asked if the funds for traffic calming came out of the serial levy.

Engineering Director Tom Ramisch explained that traffic calming was currently funded from the Traffic Enhancement Fund. He said some staff charges for this work came from Gas Tax funds. He said staff was preparing a plan for future funding which would be in the upcoming budget.

Coun. Stanton referred to traffic calming and review of speeds, and asked what street had traffic that was 67% above the speed limit.

Scott replied it was Davies Road, between Scholls and Brockman; he added Sorrento was 61% above the speed limit.

Coun. Stanton asked if the Council could get copies of the data presented by Mr. Knees.

Transportation Engineer Randy Wooley explained the technical data was currently on the City's Web site. He said the packet of citizen comments was quite thick and available in the Engineering Department.

Coun. Stanton commented that she would review the packet of citizen comments in the Engineering Department. She added that she appreciated the flashing yellow arrows.

Coun. Doyle agreed the flashing yellow arrows were great. He asked if there had been any feedback on the countdown pedestrian crosswalk signals.

Scott said he asked staff that question a few months ago and Wooley had indicated that the City had not heard any negative comments but they had received a handful of positive comments.

Coun. Doyle suggested that once the City had more flashing yellow lights in use, and more statistics available, the City might be able to convince the County to use the flashing lights on certain County roads.

RECESS:

Mayor Drake called for a brief recess at 7:05 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 7:15 p.m.

CITIZEN COMMUNICATIONS:

Kathryn Sayles, Aloha, read from a letter dated March 1, 2004, regarding an Urban Services Agreement between the City and the Tualatin Hills Park & Recreation District. She explained the District intended to place an annexation plan on the election ballot this Fall. In order to do this the District had to get an Urban Services Agreement with the City and County; the County had signed an agreement with the District but the City had not. She said the District chose to use the annexation method provided under ORS 195.205, which was ambiguous. She said this provision could be interpreted to mean either a double-majority election or a single election with a 'combined vote' total. She said the combined vote counted the votes from 200,000 in-District voters, with the votes from the 14,000 voters in the targeted area. She added the outcome of such an election seemed certain and voters in the targeted area would be denied their right to self-determination. She urged the Council to not sign any Urban Services Agreement which included the ORS 195 provision, until the provision was clarified by law, which would probably happen at the next legislative session. She submitted a copy of her full testimony for the record.

Mayor Drake explained it was premature for Council to give an opinion. He said discussions were still underway with the County and the double majority was only one factor of the agreement.

Sayles explained the County had already signed the agreement with the District and it was too late to get that provision removed from their agreement.

Mayor Drake explained the City could not control what the County did in its business matters. He said the City was still in its negotiation stage and at this time the Council had not received an agreement.

Coun. Ruby complimented Sayles for her fine service in bringing this forward. He said he was glad to hear that Council would have the chance to fully evaluate the issues she raised before an agreement was signed. He continued by explaining the District believed this statute allowed the District to put forward this cumulative election process. He said the most important issue before the City was the evaluation of this method; the Council needed to determine if this was a good method for an annexation election. He noted that Sayles made a good point that this cumulative process seemed to produce a manipulated election. He said he was glad to hear the Council would have the opportunity to discuss this before any agreement was signed. He said he intended to appear at the District's final public hearing on this annexation plan, which was scheduled for March 15, 2004. He said he hoped many citizens would attend that hearing. He thanked her for bringing this forward.

Sayles indicated she was concerned about citizen notification of the hearing.

Coun. Ruby said he was sure the District followed the notification rules for this issue. He also noted the District's Annexation Plan, dated February 2, 2004, was available on the District Web site. He said the District's plan to use the cumulative election process was spelled out in the Annexation Plan. He urged that citizens study this issue.

Mayor Drake explained the plan was a policy document that the Council would review.

Coun. Ruby explained that he heard from Sayles about a week ago; until then he had no idea the District planned on using this method of annexation which he believed was quite controversial based on its track record with other jurisdictions. He said the main point he was making was that this was an important decision that the Council should make. He said since the statute only allowed the District to move forward with this type of election if the City and County agreed to it in writing, that placed independent responsibility on the City to determine if this was a fair method of annexation that respected democratic principles. He said he looked forward to having that discussion.

Coun. Stanton said she appreciated Sayles coming forward with this information and she wanted to hear additional information about the District.

Henry Kane, Beaverton, said the Council received a copy of his letter and editorial on commuter rail. He said that subject to the approval of the Federal Highway Administration next year, the commuter rail will cross Farmington Road, Broadway and Canyon Road during the peak rush hour. He said the City taxpayers spent \$25 million dollars to remove the railroad tracks off Canyon Road; this project would put the tracks back on Canyon Road. He said there would be no problem if the commuter rail obeyed traffic signals as the MAX trains do in Portland. He suggested it was in the best interest of the City to support an agreement between commuter rail sponsors and the Federal Highway Administration. He said if it was good enough for TriMet in Portland, it was good for Beaverton, Tigard and Wilsonville. He added the Metro Council Office informed him that the Metro Council would issue an opinion about the constitutionality of the proposed toll lanes on Highway 217.

#### COUNCIL ITEMS:

Coun. Stanton said the Tualatin Basin Goal 5 Update was being held tonight and again Thursday night (March 4, 2004) in Tualatin. She explained this was a State mandated program to protect open spaces and natural resources. She noted on March 29, 2004, at the Beaverton Library from 4:00 p.m. to 7:30 p.m., informational displays on this issue would be available in Meeting Rooms A and B, and a public hearing would be held at 8:00 p.m. in the auditorium. She noted additional information was available on the Metro Web site and urged interested citizens to attend the public hearing.

#### STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

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

Coun. Stanton explained she added additional language to page 7 of the February 9, 2004, minutes to clarify her question on Traffic Commission Issue No. 500. The Council agreed to add additional language.

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

ORDINANCES:

Suspend Rules:

Coun. Stanton MOVED, SECONDED by Coun. Soth, that the rules be suspended, and that the ordinances embodied in Agenda Bills 04033, 04034 and 04035 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. Doyle, Soth, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

First Reading:

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

04033 An Ordinance Amending Ordinance 4187, The Comprehensive Plan, by Adopting the "Beaverton School District Facility Plan 2002" by Reference and Deleting References to Outdated Provisions (Ordinance No. 4289)

04034 An Ordinance Annexing Property Generally Located at 1250 NW Waterhouse Avenue, in the Cornell Oaks Corporate Center, to the City of Beaverton: Expedited Annexation 2003-0013 (Ordinance No. 4290)

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:

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

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

Coun. Stanton MOVED, SECONDED by Coun. Soth, that the ordinance embodied in Agenda Bill 04024, now pass. Roll call vote. Couns. Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 7:40 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:** Traffic Commission Issues No. TC 542  
and 543

**FOR AGENDA OF:** 3-15-04 **BILL NO:** 04036

**Mayor's Approval:** *L. Adland*

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

**DATE SUBMITTED:** 3-2-04

**CLEARANCES:** Transportation *AW*  
City Attorney *AA*

**PROCEEDING:** Consent

- EXHIBITS:**
1. City Traffic Engineer's reports on Issues TC 542 and 543
  2. Final Written Order on Issue TC 543
  3. Written comments and photographs received at the Traffic Commission hearing
  4. Draft minutes of the meeting of February 5, 2004 (excerpt)

**BUDGET IMPACT**

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

On February 5, 2004, the Traffic Commission considered the following issues:

- TC 542, Centerline on SW King Boulevard Near Denney Road
- TC 543, Short-Term Parking on SW 130<sup>th</sup> Avenue at Southridge High School
- TC 544, Parking Restrictions on SW Osprey Drive Between Murray and Teal Boulevards

Staff reports for Issues TC 542 and 543 are attached as Exhibit 1. Information for Issue TC 544 will be presented at a future date after the Traffic Commission adopts a final written order.

**INFORMATION FOR CONSIDERATION:**

On Consent Agenda, the Traffic Commission approved the staff recommendation on Issue TC 542. After a public hearing, the Traffic Commission approved the staff recommendations on Issue TC 543.

A public hearing was held on Issue TC 544. The issue was continued to the next meeting to provide time to draft a new final written order.

**RECOMMENDED ACTION:**

Approve the Traffic Commission recommendations on Issues TC 542 and TC 543.

## CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 542

(Centerline on SW King Boulevard Near Denney Road)

January 7, 2004

### **Background Information**

Staff received a phone call from Mr. Cleve Friedman, 11570 SW Bruce St., requesting centerline striping at the curves on King Blvd. near Denney Road. For safety concerns the City may stripe the centerline of a neighborhood route to delineate travel lanes. At the Denney Road intersection, SW King Boulevard is a neighborhood route with two lanes of traffic and parking on both sides of the street.

The paved width of SW King Blvd. from Denney Road to approximately 740 feet to the north of the intersection is 36 feet. Adding centerline striping would allow for parking to remain on both sides of the street and a combined width for parking and one lane of vehicle travel of 18 feet. The proposed widths exceed City Engineering Design Manual standards (Minimum Neighborhood Route Standards Appendix B drawing 3).

### **Applicable Criteria**

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1c (meet the overall circulation need of the City);
- 1g (carry anticipated traffic volumes safely);
- 2 (all proposed new traffic control devices shall be based on the standards of the MUTCD).

### **Conclusions:**

1. The addition of centerline striping will provide drivers, pedestrians, and bicyclists with improved safety. With striping in this location road users will have an expectation on where drivers and vehicles will travel, satisfying criteria 1a, 1b, 1c, and 1g.
2. The proposed centerline stripe will be installed to Oregon DOT criteria and will meet centerline striping criteria identified in the MUTCD Section 3B.01, satisfying criterion 2.

### **Recommendation:**

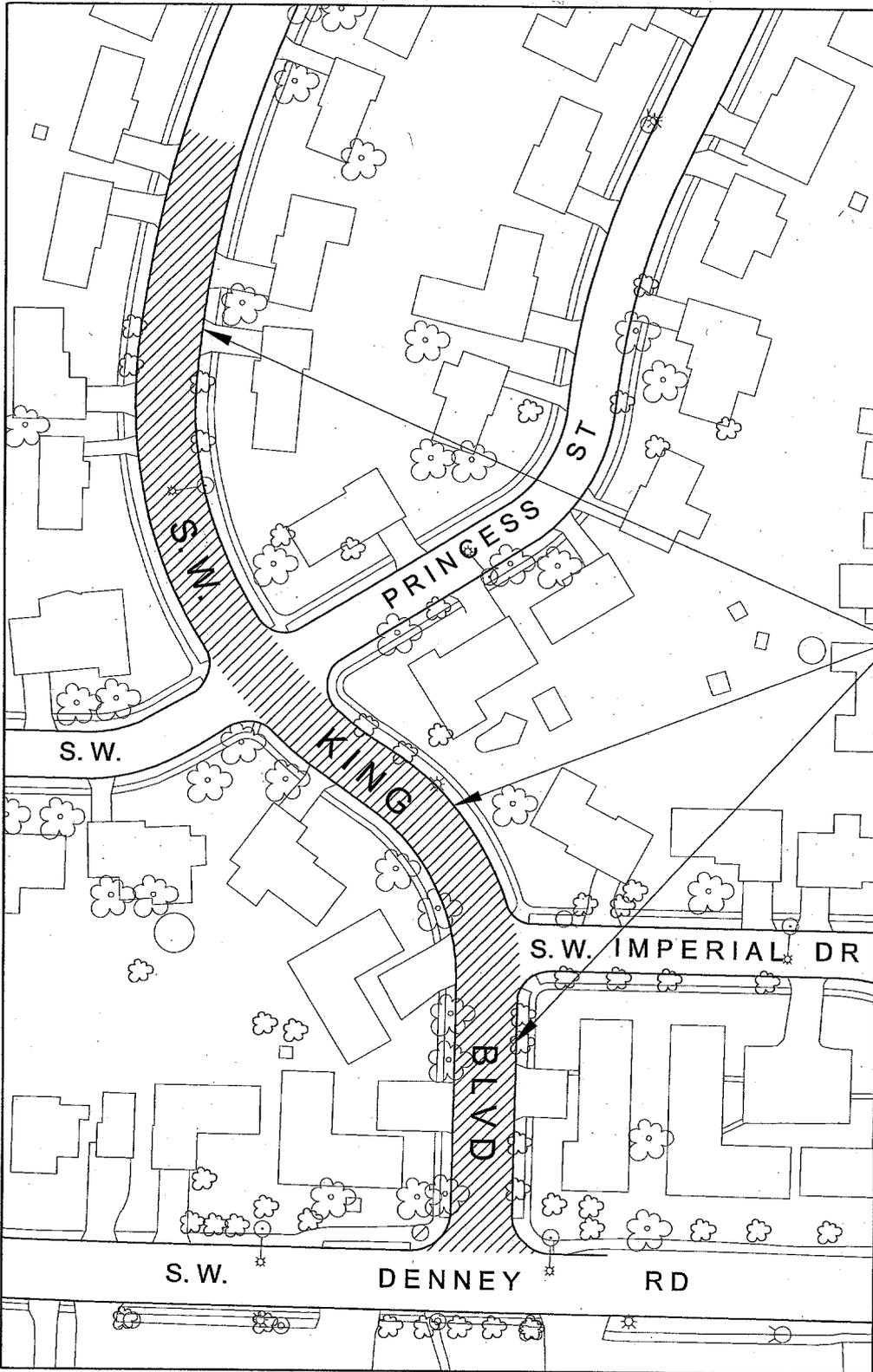
1. Install centerline striping on SW King Blvd. from the SW Denney Road intersection to approximately 740 feet to the north.

TC 542



1"=100'

Area of  
Proposed  
Centerline  
Striping



Y:\Traffic\Drawings\2003\03-124 King at Denney Striping (TC 542).dwg



City Of Beaverton

CENTERLINE on  
SW King Blvd near Denney Rd

**ENGINEERING DEPARTMENT**  
**TRANSPORTATION DIVISION**

Drawn By: JR Date: 12/29/03

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

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# CITY TRAFFIC ENGINEER'S REPORT

## ISSUE NO. TC 543

(Short-Term Parking on SW 130<sup>th</sup> Avenue at Southridge High School)

January 14, 2004

### Background Information

Mr. Dennis Marley requested a "no parking" zone on SW 130<sup>th</sup> at the west gate to Southridge High School. Attached is an e-mail describing his concerns. In his e-mail, "NPA" stands for "No Parking Anytime".

Staff has observed traffic on 130<sup>th</sup> at the start and end of the school day and find the traffic situation during those times to be as described by Mr. Marley. Students use the on-street parking adjacent to the school for all-day parking. Parents use 130<sup>th</sup> as a drop-off and pick-up area and prefer to load students close to the school gate. For a short period (15-20 minutes) before and after school there is substantial vehicle congestion and substantial pedestrian activity on 130<sup>th</sup> Avenue near the school entrance. Parents queue in the street or double park, waiting to drop off or pick up students, blocking the street to through traffic.

Staff propose to establish a 15-minute parking restriction on the east side of SW 130<sup>th</sup> extending 40 feet north of the school gate and 100 feet south of the school gate. The 15-minute restriction would apply only between 7 a.m. and 3 p.m. on school days. Mr. Marley has indicated agreement with these revisions to his proposal. From City Police, the traffic sergeant and the school resource officer have indicated support. The Security Director for the School District has indicated support provided that the neighbors do not object. The public hearing will provide an opportunity for neighbors to comment.

The 15-minute parking restriction has worked well at other schools to provide a loading zone. Staff is proposing that the loading zone be primarily south of the gate (i.e., before drivers reach the gate) in recognition of drivers' reluctance to stop beyond the gate for student drop-off, as pointed out by Mr. Marley.

The proposed loading area will require the all-day student parking to move further from the gate. It will involve approximately 6 parking spaces. Adequate space is available for the all-day parking to be relocated along the school frontage of SW 130<sup>th</sup>.

### Applicable Criteria

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

**Conclusions:**

- The proposed loading zone would reduce queuing and double parking in the street, thereby providing safer and more orderly vehicle movements. Criteria 1a and 1b are satisfied.
- The restrictions would apply only to the school frontage and to school times, when there is little demand for residential parking. During evenings and weekends, the area would be available for parking for residents and guests. Criterion 1d is satisfied.

**Recommendation:**

Limit parking along the east side of SW 130<sup>th</sup> Avenue near the gate to Southridge High School to a maximum duration of 15 minutes between the hours of 7 a.m. and 3 p.m. on school days. The City Traffic Engineer is authorized to establish the precise location of the 15-minute parking zone, not to exceed a distance of 150 feet along the east side of SW 130<sup>th</sup> Avenue.

**Randy Wooley**

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**From:** Dennis Marley  
**Sent:** Wednesday, November 12, 2003 12:00 PM  
**To:** Randy Wooley  
**Subject:** NPA signs

Randy:

I'd like to request consideration for NPA signs and yellow curbing along SW 130<sup>th</sup> behind Southridge High School. Currently signage isn't in place behind the school along the eastern curb. The back gate/access to the school is used by possibly several hundred students each morning that come by personal car or that are dropped off by parents.

Because there isn't any yellow curbs the first students that arrive park near the gate opening and cars then fill up all the parking both north and south of the gate. Parents dropping off students can't pull over to the curb briefly to allow their child to exit their car so they block the roadway completely, and sometimes this line of cars is about ten at a time.

Then the parent that doesn't believe their child could stand a little exercise won't have their student get out of the car two or three car lengths back from the gate opening and has the child sit in the car until they can drop them off at the gate and not a foot prior. If you're backed up in traffic trying to get to work this can be most frustrating. The kid can walk up and down the halls all day long but can't get out of the car 20 feet before the gate opening so you just sit waiting for little Johnny.

I believe that NPA signs and yellow paint for a distance of 75 feet in both directions of the gate would relieve this traffic problem. I believe that placing the NPA signs with hours and days of restriction would be important. I would suggest the NPA be in place only during school days between 7:00 AM and 3 PM.

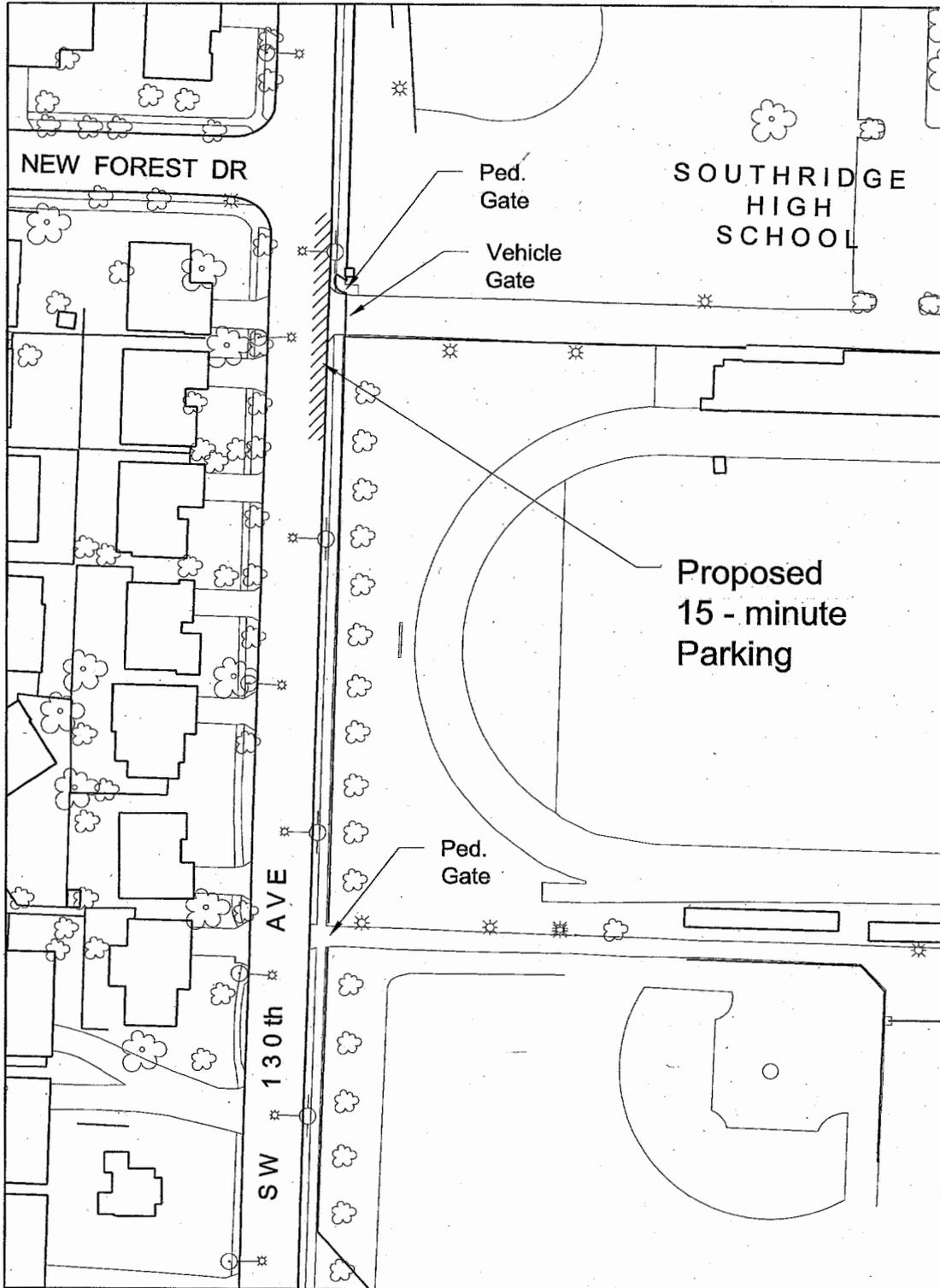
Thank you for your consideration.

Dennis Marley  
BPD Detective Division  
526-2285

TC 543



1" = 100'



Y:\Traffic\Drawings\2003\03-127 130th at Southridge Parking (TC 543).dwg



City Of Beaverton

Short-Term Parking on SW 130th Ave  
at Southridge High School

**ENGINEERING DEPARTMENT**  
**TRANSPORTATION DIVISION**

Drawn By: JR Date: 12/29/03

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: 6

## CITY OF BEAVERTON

## FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 543  
(Short-Term Parking on SW 130<sup>th</sup> Avenue at Southridge High School)

1. A hearing on the issue was held by the Traffic Commission on February 5, 2004.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
  - 1a (provide for safe vehicle, bicycle and pedestrian movements);
  - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
  - 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
  - A Southridge High School parent has requested that all-day parking be prohibited on SW 130<sup>th</sup> Avenue near the west entrance to the school, in order to provide a loading area for parents to drop off and pick up students.
  - Currently, substantial congestion exists on SW 130<sup>th</sup> Avenue at the start and end of the school day, as parents queue in the street or double park waiting to drop off or pick up students.
  - To provide the requested loading area, the City Traffic Engineer has recommended a 15-minute parking limit on the east side of SW 130<sup>th</sup> Avenue near the school gate between 7 a.m. and 3 p.m. on school days. City Police and School District representatives have indicated support for this recommendation.
  - Adequate unrestricted space will remain along the school frontage to accommodate the current level of all-day parking.
4. Following the public hearing, the Traffic Commission voted (6 aye, 0 nay) to recommend the following action:

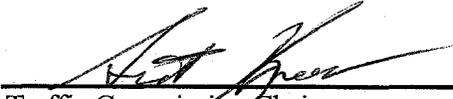
Limit parking along the east side of SW 130<sup>th</sup> Avenue near the gate to Southridge High School to a maximum duration of 15 minutes between the hours of 7 a.m. and 3 p.m. on school days. The City Traffic Engineer is authorized to establish the precise location of the 15-minute parking zone, not to exceed a distance of 150 feet along the east side of SW 130<sup>th</sup> Avenue.

5. The Traffic Commission decision was based on the following findings:
  - The proposed loading zone would reduce queuing and double parking in the street, thereby providing safer and more orderly vehicle movements. Criteria 1a and 1b are satisfied.

## RECORD COPY

- The restrictions would apply only to the school frontage and to school times, when there is little demand for residential parking. During evenings and weekends, the area would be available for parking for residents and guests. Criterion 1d is satisfied.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

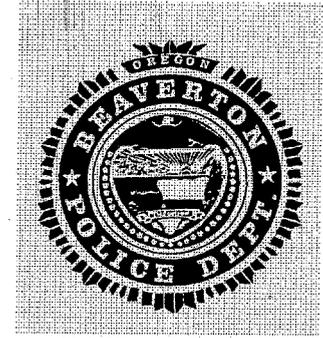
SIGNED THIS 5<sup>th</sup> DAY OF FEBRUARY 2004



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Traffic Commission Chair

MEMORANDUM  
Beaverton Police Department



Chief David G. Bishop

DATE: January 21, 2004  
TO: Randy Wooley  
FROM: Jim Monger  
SUBJECT: TC 542

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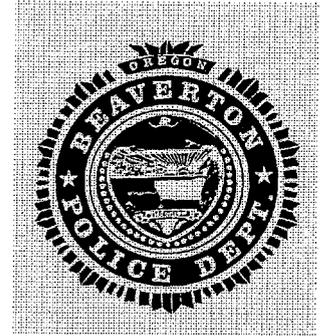
I concur with the traffic control changes proposed for SW King Boulevard near SW Denney Road

RECORD COPY

MEMORANDUM  
Beaverton Police Department

DATE: January 21, 2004  
TO: Randy Wooley  
FROM: Jim Monger  
SUBJECT: TC 543

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Chief David G. Bishop

I concur with the traffic control changes as proposed for SW 130<sup>th</sup> at Southridge High School.



SW 130<sup>th</sup> Ave. & SW New Forest Ct.



SW 130<sup>th</sup> Ave. & SW New Forest Ct.



SW New Forest Ct. & SW Appaloosa Pl.



SW New Forest Ct. & Appaloosa Pl.



Wall at SW 130<sup>th</sup> Ave. & SW New Forest Ct.

City of Beaverton

**TRAFFIC COMMISSION**

Minutes of the February 5, 2004, Meeting

CALL TO ORDER

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

ROLL CALL

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

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

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

--EXCERPT--

CONSENT ITEMS

Chairman Knees reviewed the consent items, including the approval of the December 4, 2003, Traffic Commission minutes and TC 542.

Commissioner Clark **MOVED** and Commissioner Isaak **SECONDED** a **MOTION** to approve the consent items consisting of the December 4, 2003, Traffic Commission minutes and TC 542.

Commissioner Crocker asked for one correction to the minutes.

Chairman Knees asked if the centerline referred to in TC 542 will include reflectors along with the striping.

Mr. Wooley said reflectors are typically installed with striping.

There was no further discussion.

The **MOTION PASSED** unanimously, 6:0. Commissioners Crocker and Overhage abstained from approving the minutes because they were not present at the December meeting. Commissioner Clodfelter abstained from approving the minutes because he was not appointed to the Commission at the December meeting.

### PUBLIC HEARINGS

#### **TC 543: SHORT-TERM PARKING ON SW 130TH AVENUE AT SOUTHRIDGE HIGH SCHOOL**

*Chairman Knees opened the public hearing on TC 543.*

#### Staff Report

Mr. Wooley said Mr. Dennis Marley wrote to request a no parking zone on SW 130<sup>th</sup> Avenue at the west pedestrian gate to Southridge High School (letter of request is attached to staff report). This request pertains to the northerly gate near New Forest Drive. Student drivers arrive early and park along the curb in front of this gate. Mr. Marley said in his letter that parents use this gate area as a loading zone to drop-off and pickup students. The vehicles parked all day in front of the gate force waiting parents to queue into a second line of cars that dangerously double-parks in the street. This practice results in 15 to 20 minutes of chaos in the morning and at dismissal.

Mr. Wooley watched this situation on several different school days. He agrees with Mr. Marley that a student loading zone would improve safety at the gate. Staff proposes a 15-minute parking time limit around this gate. This will remove the cars that currently park all day and create a safer location for parents to deliver and pickup students. The parking restriction would apply only between 7 a.m. to 3 p.m. on school days and apply to only about 150 feet of street length (about six parking spaces). During other hours, neighbors would be free to use this area for additional parking. Mr. Wooley said a 15-minute parking restriction has worked well at other Beaverton schools to create a loading zone for parents.

Commissioner Crocker asked if there are evening events at the school that increase parking demand on 130<sup>th</sup> Avenue.

Mr. Wooley answered that after school activities draw many cars to this neighborhood searching for parking, but students are not waiting at the gate during times when school is not in session.

Commissioner Clark asked why this is not also a problem at the second (southerly) gate.

Mr. Wooley said the south gate does not lead directly to the school. That path is a public easement that leads in the general direction of the swim center. The gate attracts little or no student traffic in morning or afternoon.

### Public Testimony

Before the hearing, the Commission received no written testimony on TC 543.

Randy Kayfes, Beaverton, Oregon, is the Safety Director for the Beaverton School District. He spoke as the District's representative on this issue. Mr. Kayfes said he supports the recommendation for a 15-minute parking restriction at this site—depending on the views of the neighborhood. The District wants to maintain a positive relationship with neighbors living around the school.

Mr. Kayfes stressed that double parking is hazardous for both student pedestrians and drivers. A 15-minute parking zone has successfully eliminated this problem at other local schools.

Commissioner Clark asked if six car lengths is really enough distance for a safe student loading zone.

Mr. Kayfes answered that this distance seems appropriate given the amount of enforcement required. He has observed that, for safety reasons, most parents prefer to wait a few extra moments to watch their child enter the school grounds.

Commissioner Clodfelter asked Mr. Kayfes' opinion on lowering the parking time to just ten minutes. Fifteen minutes seems a long time to wait in a loading zone.

Mr. Kayfes said the traffic engineers chose the 15-minute interval. He defers to their experience. Mr. Kayfes said 15-minute zones seem to work well at other schools in the district.

Charles Holden, Beaverton, Oregon, said he attended all the meetings between the School District and surrounding neighbors prior to the construction of Southridge High School. Mr. Holden said the neighbors were promised there would be no school entrance on the west side. They were told that there would be a foot path, but not parking. He feels the neighborhood has been "deceived" by the District.

Mr. Holden said that, at the beginning of the school day and at dismissal, traffic on 130<sup>th</sup> is chaotic. He reported that students walk down the middle of the street, drivers speed through neighborhood streets, and other cars make U-turns or turn around in residential driveways. He has often watched parents drop their children off in an unsafe manner.

Mr. Holden would like to see all student parking prohibited on 130<sup>th</sup> and on New Forest Drive. Parents' and students' irresponsible behavior deeply irritate members of this neighborhood. Mr. Holden cited several examples.

Commissioner Overhage asked Mr. Kayfes if there is adequate parking on the school grounds for students who drive to school.

Mr. Holden interjected that neighbors were promised most students would arrive at school on buses, on foot, or on bicycles. He believes the majority of students actually drive to school.

Mr. Kayfes answered that there is adequate parking provided in the student parking lots. He said school administrators can suggest, as strongly as possible, which specific locations parents should use to drop off students. In the end, administrators have no ability to force parents to drop students only in certain areas, or to impose how students will behave when dropped off. He said if the neighborhood really wants absolutely no parking allowed on 130<sup>th</sup>, the District would support their request.

Anne Muhler, Beaverton, Oregon, said she represents three households on SW Appaloosa Place. They support restricting parking on 130<sup>th</sup>; however, they worry that more students will begin parking along New Forest Drive, Appaloosa Place, and Pimlico Terrace. Ms. Muhler presented five photos to demonstrate that some students are already parking on these streets, and in some cases even blocking line of sight vision at corners (*photos on file*). She added that Appaloosa Place also has a problem with student littering, loitering, and smoking along one neighborhood wall that is entirely on private property. When the owner objected, graffiti appeared on his wall. Some students have been verbally abusive when neighbors asked them to stop these destructive behaviors.

Ms. Muhler stated that she has lived in this neighborhood more than 20 years and they never had these problems until Southridge opened. She added that Southridge is supposed to be a "closed campus" where students are not allowed to leave school property during school hours.

Ms. Muhler complained that parents block traffic on 130<sup>th</sup> and at adjoining intersections while they drop students and unload backpacks from the car trunk. She suggested that the City install yellow striping on the corners of 130<sup>th</sup> and nearby streets to prevent students from parking on corners.

Ms. Muhler added that school games bring so many cars into the neighborhood that they limit emergency vehicle access. Neighbors are frustrated because some of the attendees block driveways and street corners. Neighbors are inconvenienced by this thoughtless behavior.

Ms. Muhler also related that some students walk away from the school after they get out of their parent's car. Ideally, she would like to see all parking restricted on 130<sup>th</sup> from 7 a.m. to 3 p.m. She would also like to see signs on adjacent side streets that prohibit student parking during the day. This would prevent the displaced student vehicles from moving to neighborhood streets.

Vicki Mead, Beaverton, Oregon, requested speed bumps on 130<sup>th</sup>. As she had no comments pertaining to the parking issue under consideration, Chairman Knees asked staff to talk with Ms. Mead separately about traffic calming.

Dan Maks, Beaverton, Oregon, identified himself as the president of the Southridge High School Local School Committee (LSC) and a member of the City of Beaverton Planning Commission. He said no one ever promised the neighbors that Southridge would be built with no property access on the west side. Vehicular access from the west was discussed and decided against. On the earlier question about the purpose of the south gate, Mr. Maks said it does not lead directly to a school entrance, so students do not use it.

Mr. Maks said he supports the proposal to limit parking at the north gate to a maximum of 15 minutes. He agrees with the neighbors that the queuing and double parking on 130<sup>th</sup> is dangerous and creates turmoil.

Mr. Maks believes the biggest problems come from parents, not students. He said the students just park, while he has seen parents do U-turns, speed, and drop trash. He thinks six car lengths create an adequate student loading zone. The loading zone at Beaverton High School on Erickson Avenue is only four car lengths. The School District assured him the Beaverton High zone works well. Based on this, the proposed six car lengths should be more than enough.

Mr. Maks addressed the public nuisance issues brought up by neighbors. He said they try to have personnel posted at the north gate before and after school. Mr. Maks said the LSC has about six parent volunteers on duty each day to monitor non-classroom behavior of 1,950 students. The school also employs security monitors. He believes the school, LSC, and neighbors need to talk regularly and honestly to resolve these nuisance issues. Mr. Maks thanked the neighbors for their cooperation with an earlier school request to clean up after they exercise their dogs on the playing fields. He provided his home phone number and E-mail address so neighbors could contact him directly on future nuisance problems.

Mr. Maks discussed with the Commission how "conditional use" can impact neighborhoods around public facilities. He added that a parking variance was granted at Southridge so that the school and swim center share common parking.

Commissioner Clark asked if only juniors and seniors are allowed to park on school property.

Mr. Maks answered that juniors and seniors can apply for school parking permits. There are adequate student parking spaces in September and October. Throughout the school year, as more students reach their sixteenth birthday and begin to drive, parking becomes more limited. For example, this month there are only about 25 cars parked along 130<sup>th</sup>. This number will increase slightly each month to the end of the school year. He believes the proposed parking restriction

will move traffic through the area more smoothly and safely.

### Staff Comments

When they first began to review this issue, Mr. Wooley said staff was immediately concerned that removing parking along 130<sup>th</sup> would negatively impact parking on adjacent neighborhood streets. That is why they proposed removing only six parking spaces.

On the suggestion that curbs in the area be painted yellow, Mr. Wooley said "no parking" signs would also need to be installed to make parking restrictions enforceable. Staff will follow up.

Regarding Ms. Muhler's suggestion that student parking be restricted on adjacent streets, Mr. Wooley said it is not legal to exclude only one group from parking on a public street. It is also unrealistic to expect enforcement personnel to determine which vehicles students own and which neighbors own.

Mr. Wooley clarified that the recommended 150 feet of restricted parking is an approximate length. Staff retains some flexibility so they can adjust the length of the zone if needed without returning to the Commission.

Commissioner Crocker referred to Ms. Muhler's comment that evening football games create parking problems throughout this neighborhood. She asked if this needs to be addressed as a separate issue.

Mr. Wooley said this proposal would not change how people park for after school events. He said parking around schools for games is a separate issue that is better handled by police.

Chairman Knees asked Sgt. Monger if police could look into citizen concerns about a van parking on one corner so that it blocks sight distance. The photos entered into the record by Ms. Muhler show that cars park far too close to the corners.

Sgt. Monger said he made notes during the public testimony and he will talk with his officers tomorrow about follow up. He will also talk with the school resource officer to get more attention directed to this gate.

*Chairman Knees closed the public hearing on TC 543.*

### Commission Deliberation

Commissioner Isaak supports the staff recommendation to restrict parking to 15 minutes during school hours. She believes this neighborhood still needs more attention to resolve the other nuisance issues discussed tonight.

Commissioner Crocker concurs with Commissioner Isaak that this is only a start. She too believes more needs to be done to resolve these problems.

Commissioner Overhage concurs. She would like to see students participate in solving the problem by including an article in the student newspaper explaining parking regulations.

Commissioner Clodfelter concurs with the staff report; however, he thinks limiting parking time to a maximum of ten minutes would move cars through the neighborhood more quickly.

Chairman Knees asked if the 15 minute restriction came from a City standard and if it can be varied.

Mr. Wooley answered that a 15 minute restriction is not a formal standard. It has worked well for other school loading zones. He said the extra few minutes is especially useful at dismissal time; for example, if a student dawdles leaving the school building or if parents arrive too early and must park and wait.

Commissioner Clark concurs with the recommended 15-minute zone. She also believes there should be more communication directly with parents about how and where to safely drop off students. Commissioner Clark added that when she visited 130<sup>th</sup>, she only saw 20 to 25 cars parked on the street.

Chairman Knees said he is familiar with these issues because his children attended this school. The Chairman said this proposal is intended to remedy only the parking problems around the north pedestrian gate. He supports giving the City Traffic Engineer discretion as to the exact length and placement of the restricted parking zone. He supports the staff recommendation.

Commissioner Overhage **MOVED** and Commissioner Isaak **SECONDED** a **MOTION** to approve the staff recommendation on TC 543 and the final written order as drafted.

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

*The meeting recessed, reconvening at 9:15 p.m.*

--END EXCERPT--

## AGENDA BILL

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Funding Plan Change – 125<sup>th</sup> Avenue  
Improvement

**FOR AGENDA OF:** 3-15-04 **BILL NO:** 04037

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

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

**DATE SUBMITTED:** 3-02-04

**CLEARANCES:** Purchasing *[Signature]*  
Finance *[Signature]*  
City Attorney *[Signature]*  
Capital Proj. *[Signature]*

**PROCEEDING:** Consent Agenda

**EXHIBITS:** 1. Project Location Map, Phase 1  
2. Project Location Map, Phase 2  
3. Funding Plan

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$-0-	BUDGETED \$1,041,745*	REQUIRED \$-0-

\*Account Number 310-75-3158 Capital Projects Fund - 125<sup>th</sup> Avenue Improvement

### **HISTORICAL PERSPECTIVE:**

Project No. 3158 in the City's Capital Improvements Plan (CIP) is the 125<sup>th</sup> Avenue Improvement. The first phase (No. 3158A) of this project is to reconstruct the intersection of Brockman Street/Greenway and 125<sup>th</sup> Avenue to allow for adequate intersection site distance and prepare the intersection for the ultimate extension of 125<sup>th</sup> Avenue. Phase 2 (No. 3158B) of the project is to construct storm water detention, water quality and wetland mitigation facilities near Green Lane and Hall Boulevard. Project location maps for each phase are attached as Exhibit 1 and 2.

For the Phase 1 construction, Council authorized award of a contract to Emery & Sons Construction of Stayton, Oregon on June 2, 2003 for \$2,245,247.95. Funding for the project comes mainly from Traffic Impact Fee (TIF) funds.

### **INFORMATION FOR CONSIDERATION:**

During construction of the phase 1 improvements, a few items have increased the construction cost of the project. Although the total increase is only nine percent of the total construction cost, this adds up to approximately \$200,000. The cost increase is a result of the need for the following items:

- **Temporary street lights** – Within the project area, existing street lights were removed prior to the installation of the new street lighting. Because private utility companies took a significant length of time to underground their facilities, the project area was very dark at night. In response to safety complaints from both pedestrians and drivers about the darkness, temporary lights were installed. The temporary street lights are estimated to cost approximately \$25,000.
- **Higher retaining walls** – The original design of the five retaining walls on the project required a level backfill behind each of the walls. The level backfill is required because the design calculations were based on a level backfill; the backfill area will either be part of the public infrastructure (sidewalk and planter strip), or will be maintained by the adjacent property owners (discussed with property owners in obtaining a construction easement). However, when the walls were constructed, the walls were observed to be short and the wall height needed to be increased. Increasing the wall height increased the cost of the relevant bid items approximately \$100,000.

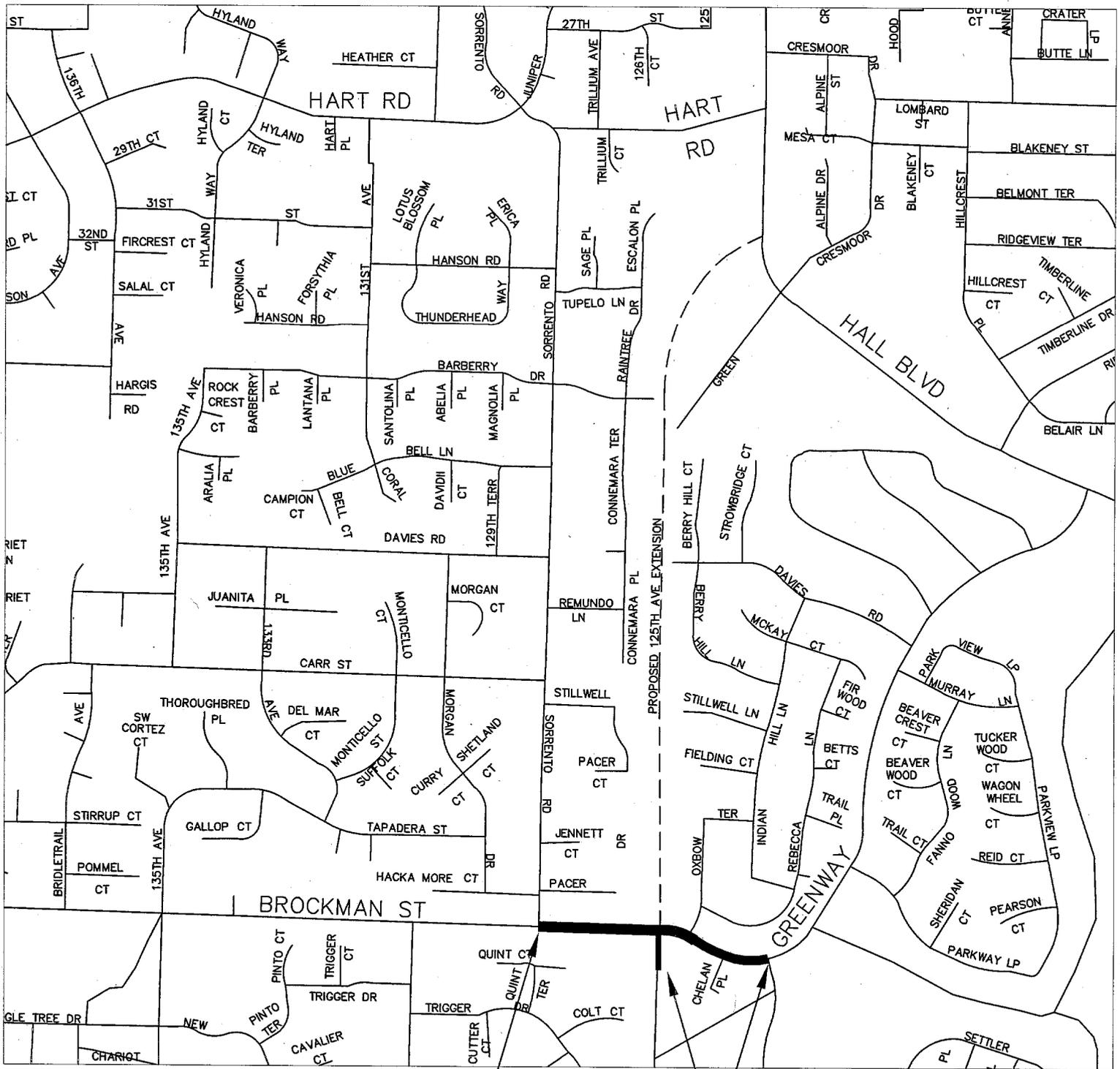
**Agenda Bill No:** 04037

- **Additional electrical conduits and sidewalk replacement** – Additional electrical conduit was required beyond the project limits in order to complete the undergrounding of PGE's facilities. The full extent of the limits on PGE's plans was not apparent at the time. However, once the limits were clarified, additional electrical conduit and sidewalk removal was required that increased the bid item cost approximately \$15,000.
- **Additional aggregate base** – It was originally anticipated that fill areas on Oxbow Terrace and Greenway would be backfilled with native material. However, by the time that Oxbow and Greenway were ready to be backfilled, the rainy season had arrived. With significant moisture, the native material would not accommodate vehicle traffic. However, imported aggregate base would be able to handle the moisture and vehicle traffic. Therefore, to keep the project progressing, aggregate base was used in lieu of the native backfill adding approximately \$50,000 to the aggregate base bid item.
- **Additional drainage pipe and cleanouts behind retaining wall number 1** (north side of Brockman Street between 125<sup>th</sup> Avenue and Sorrento Road) – When the slopes were excavated behind retaining wall number 1, seven rain drains originating from the adjacent properties were discovered. Therefore, additional drainage pipe and cleanouts were required to connect the rain drains to the public storm system. The estimated additional cost for this item is \$10,000.

Although there is a cost increase to the construction budget, the total amount to be spent in this fiscal year's (FY 2003-04) budget is expected to be less than the total budget for the project. This is a result of delaying the right of way portion of phase 2 until next fiscal year (FY 2004-05). Delaying the right of way portion is necessary to assimilate the results of the Blakeney Pond Study that is being performed in the local drainage basin. However, this agenda bill is necessary to inform the Council on a timely basis of the construction cost increase and request Council to approve a funding plan change for this fiscal year's budget. A funding plan is attached as Exhibit No. 3.

**RECOMMENDED ACTION:**

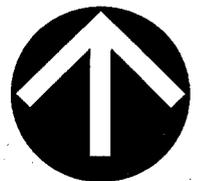
Council direct the Finance Director to make the funding plan changes in the next supplemental budget.



END OF PROJECT  
 BEGINNING OF PROJECT



EXHIBIT #1  
 125TH AVENUE IMPROVEMENTS,  
 PHASE 1 PROJECT



NORTH  
 SCALE 1" = 750'

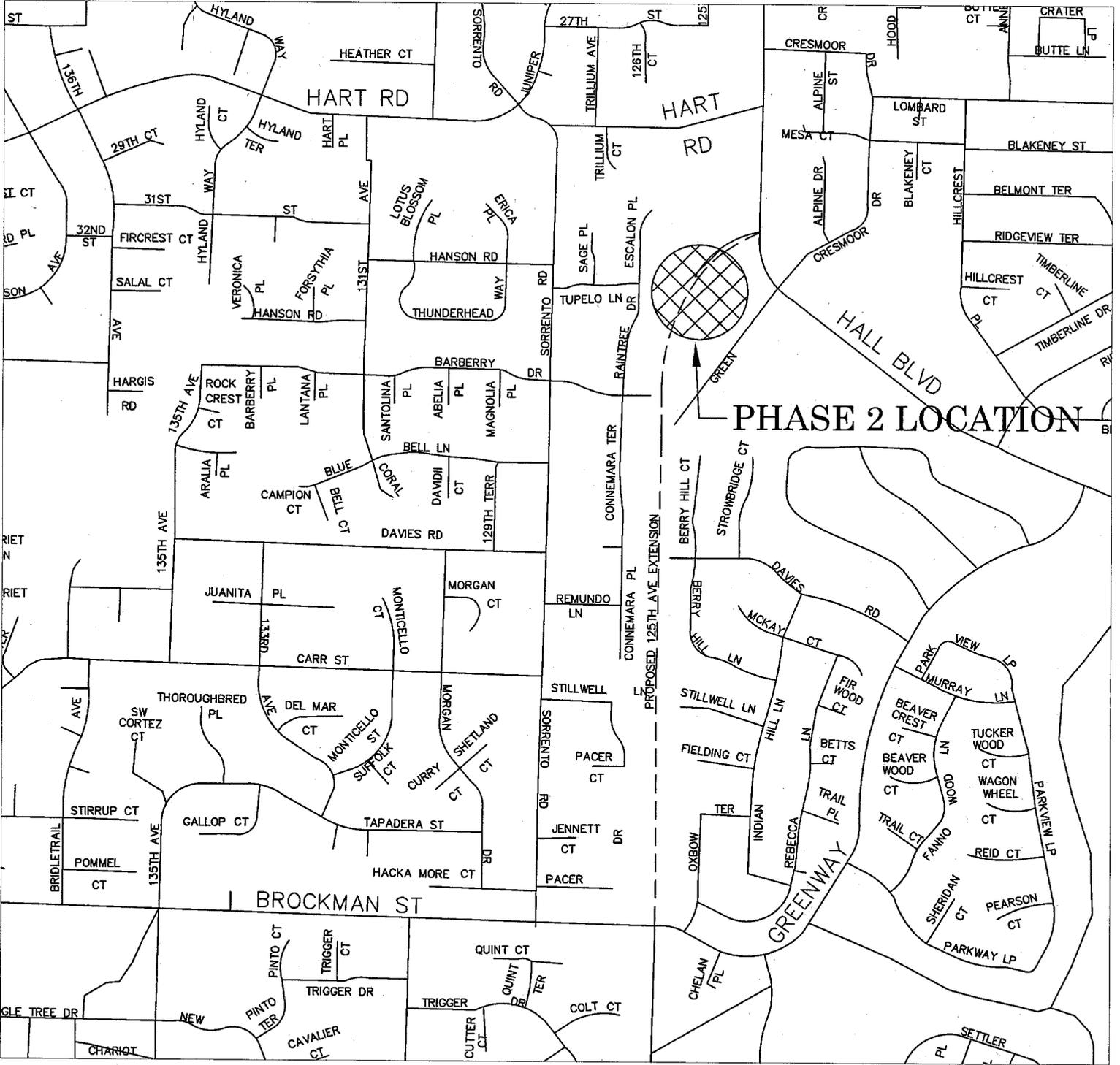


EXHIBIT #2  
 125TH AVENUE IMPROVEMENTS,  
 PHASE 2 PROJECT



SCALE 1" = 750'

### EXHIBIT #3

#### Funding Plan for the 125th Avenue Improvements Project Original Budget for FY 2003/04

Account Description	Account Number	Budget
Right of Way and Easement Cost	310-75-3158-652	\$750,000
Construction	310-75-3158-682	\$41,745
Design and Engineering	310-75-3158-683	\$250,000
<b>TOTAL</b>		<b>\$1,041,745</b>

#### Revised Budget for FY 2003/04

Account Description	Account Number	Budget
Right of Way and Easement Cost	310-75-3158-652	\$35,000
Construction	310-75-3158-682	\$250,000
Design and Engineering	310-75-3158-683	\$125,000
<b>TOTAL</b>		<b>\$410,000</b>

#### Proposed Budget for FY 2004/05

Account Description	Account Number	Budget
Right of Way and Easement Cost	310-75-3158-652	\$715,000
Construction	310-75-3158-682	\$0
Design and Engineering	310-75-3158-683	\$0
<b>TOTAL</b>		<b>\$715,000</b>

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT: LIQUOR LICENSE APPLICATIONS: FOR AGENDA OF: 03/15/04 BILL NO: 04038**

**CHANGES OF OWNERSHIP**

Best Western Greenwood Inn & Suites  
Pavilion Trattoria  
10700 SW Allen Blvd

Progress Grocery & Deli  
8624 SW Hall Blvd

**LICENSE RENEWAL**

Santana's & Pho Saigon  
3655 SW Hall Blvd

**MAYOR'S APPROVAL:** *Linda G. Holden*

**DEPARTMENT OF ORIGIN:** Police *CA*

**DATE SUBMITTED:** 03/02/04

**PROCEEDING:** Consent Agenda

**EXHIBITS:** None

**BUDGET IMPACT**

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

**HISTORICAL PERSPECTIVE:**

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

**INFORMATION FOR CONSIDERATION:**

**CHANGES OF OWNERSHIP**

The Greenwood Inn & Suites, formerly licensed by the OLCC to G Inn Management LLC, is undergoing a change of ownership. Greenwood Lodge Management LLC and NorPac Management LLC are applying for a Full On-Premises Sales License under the trade name of Best Western Greenwood Inn & Suites/Pavilion Trattoria. The establishment serves Italian food. It serves breakfast Monday through Friday from 6:30 a.m. to 11:00 a.m., and it serves breakfast Saturday and Sunday from 8:00 a.m. to 11:00 a.m. It serves lunch Sunday through Saturday from 11:30 a.m. to 2:00 p.m., and it serves dinner from 5:00 p.m. to 10:00 p.m. Dinner is served in the bar Sunday through Saturday from 5:00 p.m. to 1:00 a.m. There is entertainment offered in the form of disc jockey music and dancing. A Full On-Premises Sales License allows the sale of distilled spirits, malt beverages, wine and cider for consumption at the licensed business.

Progress Grocery & Deli, formerly licensed by the OLCC to Howard Wexler, is undergoing a change of ownership. Paul & John LLC is applying for an Off-Premises Sales License under the trade name of Progress Grocery & Deli. The establishment is a convenience food store. Its hours of operation are Monday through Thursday from 7:00 a.m. to 10:00 p.m., Saturday from 8:00 a.m. to 10:30 p.m., and Sunday from 9:00 a.m. to 7:00 p.m. There is no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

**RENEWAL**

Santana's & Pho Saigon is renewing its liquor license through the City of Beaverton as part of the City's and the Oregon Liquor Control Commission's annual renewal process. The establishment has operated according to the City of Beaverton's standards and criteria throughout the past year, and its license is eligible for renewal.

**RECOMMENDED ACTION:**

The Chief of Police for the City of Beaverton recommends the City Council approves the OLCC license applications and renewal.

## AGENDA BILL

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Authorization To Enter Into A Contract For  
Legal Services

**FOR AGENDA OF:** 03-15-04 **BILL NO:** 04039

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Human Resources

**DATE SUBMITTED:**

**CLEARANCES:** Purchasing  
Finance  
City Attorney



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

**EXHIBITS:**

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$5,000	BUDGETED \$6,425*	REQUIRED \$0

\*Account No. 001-15-0534-511 General Fund Human Resources Maintenance and Acquisition Program Professional Services Account. The FY 2003-2004 budget included \$20,000 for professional services for various services. To date, \$13,575 has been expended leaving \$6,425 as the current appropriation available in the professional services account.

### **HISTORICAL PERSPECTIVE:**

The Beaverton Police Association was certified as the bargaining representative for the majority of Police Department employees effective January 18, 2000. The City and the BPA have bargained two agreements, and the next round of negotiations will begin in this next budget year. Between now and the end of this fiscal year there will be a need for their outside legal consultation for pending arbitrations.

### **INFORMATION FOR CONSIDERATION:**

The BPA has been represented by a labor law firm that specializes in employment law, representing many public employee bargaining units in the area. The City Attorney's office employs five attorneys to represent the City in the Municipal Court and in other legal proceedings at the State and Federal court levels; and two Assistant City Attorneys have considerable knowledge of labor law but could use assistance from an expert in the field. The City has retained a number of different attorneys to help with bargaining and arbitrations and wishes to establish a relationship with one firm that is local and represents many of the surrounding government entities.

In the past the City has used the firm of Bullard Smith Jernstedt Wilson to represent it in the matters concerning the BPA contract. Since that time, the City has also retained other individual attorneys. At this time, the Mayor, Police Chief and Human Resources Director believe the firm of Bullard Smith Jernstedt Wilson will be a good choice to bring back and represent the City in negotiating future contracts and in arbitrations when the City Attorney's office needs assistance. The City Attorney supports the recommendation to retain this firm.

Funding for this contract is available in the Human Resources Department professional services budget.

### **RECOMMENDED ACTION:**

Council, acting as Contract Review Board, authorize the City to enter into a contract with the law firm of Bullard Smith Jernstedt and Wilson in a form approved by the City Attorney to represent the City in collective bargaining issues with the Beaverton Police Association in an amount not to exceed \$5,000 for the remainder of FY 2003-2004 and \$25,000 in FY 2004-2005 pending final Council approval of the FY 2004-05 Budget.

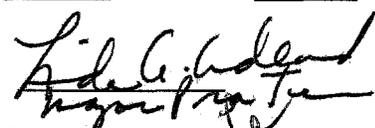
**Agenda Bill No:** 04039

## AGENDA BILL

**Beaverton City Council  
Beaverton, Oregon**

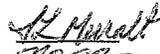
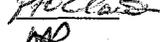
**SUBJECT:** Rejection of Proposal to Provide Food  
Concession Services at City Park Kiosk

**FOR AGENDA OF:** 03-15-04 **BILL NO:** 04040

**Mayor's Approval:** 

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

**DATE SUBMITTED:** 03-01-04

**CLEARANCES:** Purchasing   
Finance   
City Attorney   
Econ. Devel. 

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

**EXHIBITS:** 1. Scope of Work  
2. Bid Summary

### **BUDGET IMPACT**

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

The City of Beaverton installed two kiosks as part of the Hall/Watson Beautification Project – Phase 1 (CIP 3308). The City has agreed to lease the kiosk within Bakery Plaza to Beaverton Bakery through a separate agreement. The kiosk at City Park will be leased to a qualified vendor to sell coffee, pastries, and snack food in addition to renting play equipment to park patrons.

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

The request for proposal (RFP) to provide food concession services at the City Park Kiosk was advertised in the *Daily Journal of Commerce* on January 22, 2004. Ten (10) copies of the RFP were distributed and one (1) proposal was received and opened on February 17, 2004, at 4:00PM in the Finance Department. The sole proposer was Meal Co. from Portland, Oregon.

The single proposal did not provide the following required information: financials, detailed work history, designs of interior space, fee proposal, price list, or operating information.

Staff contacted the vendors that requested copies of the RFP but did not respond. The following are the reasons given for not responding to the RFP: the rent was too expensive, did not have at least three (3) years food service experience, did not want to expand business at this time, and did not have enough time to respond to the RFP.

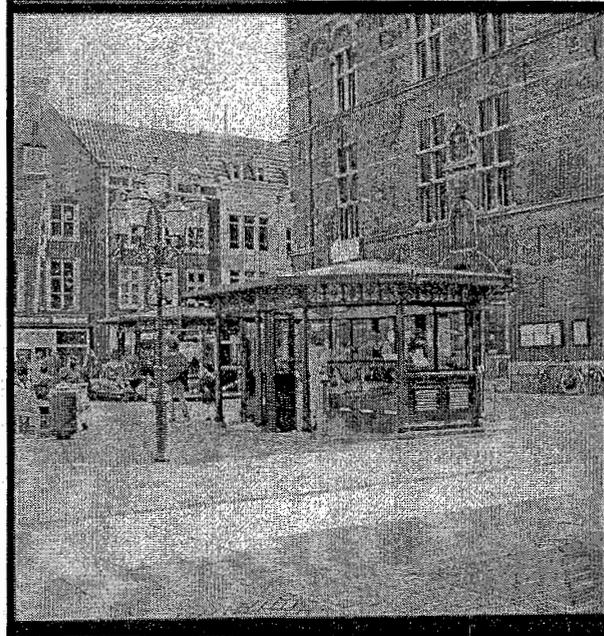
Staff is revising the RFP and facilitating a process which will encourage responses that are suitable for providing food concession services at the City Park Kiosk in a timely manner.

The City's Purchasing Rules (Section II-0150 Rejection of an Offer) permits the City to reject an Offer based upon any one of seven criteria. Criteria 6 states that the offer may be rejected when it is not in substantial compliance with the Solicitation Document. Staff recommends rejection of the offer based upon the solicitation's required information that was not included in the proposal received as further detailed in the attached Bid Summary.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, reject the bid received from Meal Co. as non-responsive.

**CITY OF BEAVERTON**  
**REQUEST FOR PROPOSALS**  
**TO PROVIDE FOOD CONCESSION SERVICES**  
**AT CITY PARK KIOSK**



**Mayor**  
Rob Drake

**City Councilors**

Cathy Stanton

Forrest Soth

Betty Bode

Fred Ruby

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City of Beaverton  
Purchasing Division  
4755 SW Griffith Drive  
Beaverton, OR 97005  
503-526-2228

## ADVERTISEMENT

### REQUEST FOR PROPOSALS

#### To Provide Food Concession Services at City Park Kiosk

The City of Beaverton is seeking proposals from qualified food service providers to provide services for a Kiosk that will be located in the City Park located at the NW corner of 5<sup>th</sup> Street and Hall Boulevard, Beaverton, OR next to the Beaverton Library. The anticipated date of installation of the Kiosk is January 30, 2004, with vending operations commencing by Memorial Day weekend, 2004.

To obtain a copy of the Request for Proposal packet please contact the Purchasing Division, 4755 SW Griffith Drive, Suite 260, Beaverton, OR 97005, 503-526-2228. All questions concerning the proposal process or specifications should be directed to Terry Muralt, Purchasing Agent, at 503-526-2229.

An original and three copies of each proposal must be submitted in sealed envelopes marked "**SEALED PROPOSAL – FOOD SERVICE PROVIDER**" to Terry Muralt, Purchasing Agent, 4755 SW Griffith Drive, Beaverton, OR 97005, no later than 4:00 P.M. on February 17, 2004.

The City intends to make a selection from the proposals submitted; however, more information and interviews may be requested. The City reserves the right to accept or reject any or all of the proposals and to waive any informalities or irregularities in the proposals as it sees fit.

The City is not responsible for any costs incurred by the proposers while submitting proposals. All proposers who respond to this request do so at their own expense. The City may at any time during the solicitation process, reject any or all proposals or cancel the solicitation without liability if it is in the public interest to do so.

Terry Muralt  
PURCHASING AGENT  
CITY OF BEAVERTON, OREGON

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## I. BACKGROUND

As part of the Hall/Watson Beautification project, the City will be constructing a concession building ("Kiosk") at the City Park located at the NW corner of 5<sup>th</sup> Street and Hall Boulevard, Beaverton, OR for the purpose of serving food and beverages, renting park equipment, and selling concessions. There are no other food service or concession providers at this location, and temporary mobile sales (of similar items) are prohibited within 500 feet of the park.

The anticipated date of installation of the Kiosk is January 30, 2004, with vending operations anticipated to begin on Memorial Day weekend 2004.

The Kiosk is octagonal in shape, and approximately 112 square feet – each side of the kiosk is approximately 5 feet wide and the inside height is approximately 9 feet. When installed, the building will have walls, windows, a ceiling, one overhead light, and two adjacent doors. Once a Lessee is chosen, it is the City's intention to work with them to complete the necessary tenant improvements. The City will pay for reasonable, permanent tenant improvements (not to exceed \$25,000) to include counter top(s), sink(s), front counter, and utility hookups. The Lessee will be required to provide any equipment necessary for business to include, but not limited to, refrigerator(s), freezer(s), display case(s), cash register(s), and specialty appliances (these items will NOT be covered by the City's investment of up to \$25,000). All tenant improvements shall be completed by designers and/or contractors hired by the City.

The kiosk location will serve visitors to the park, visitors to the library, and commuters along Hall Blvd. Statistics regarding the average number of visits to the area are listed below:

- The total number of vehicle trips per day along Hall at the kiosk site is **9,645/day**.
- The average number of daily library visitors ranges from approximately 1,500 on Sundays to between 2,000 and **3,000/day** on weekdays.
- Approximately **12,000** visitors attend the Beaverton Farmers Market adjacent to City Park each Saturday morning between May and October. A Wednesday evening Farmers Market also occurs at the same location in the summer months.
- Average daily attendance at the park during the summer is approximately **500/day** and approximately 50-75/day in the off-season.

## II. SCOPE OF WORK

### A. CONCEPT

Lessee will be responsible for operating and managing the Kiosk located within City Park, located at the NW corner of 5<sup>th</sup> Street and Hall Boulevard in downtown Beaverton. The Kiosk is intended to serve as an amenity to the park and provide goods and services to visitors to the park and Library.

It is the intent of the City to have the Lessee under contract during the interior design process for the Kiosk. This timing would allow the Lessee input into the final design of the Kiosk interior space. All final designs shall be reviewed and approved by the City. Once a final design is agreed upon by the City and Lessee, City will pay for permits, design documents, and construction of reasonable improvements not to exceed \$25,000. All expenses that exceed \$25,000 will be paid for by Lessee.

### B. DETAILS

Details involved in this project include:

1. **Location**

The location of the Kiosk will be on the NW corner of 5<sup>th</sup> Street and Hall Boulevard, Beaverton, OR in City Park.

2. **Kiosk Size**

The size of the Kiosk will be approximately 112 square feet. The Kiosk is octagonal in shape, with each outer side dimension measuring 5 feet and an interior height of approximately 9 feet.

3. **Storage**

The only on-site storage available is inside the kiosk in the cabinet space designed during the tenant improvements. Inventory shall not be stored above waist level.

4. **Equipment**

Lessee will be required to provide all equipment not listed in this packet that is necessary to the operation of the Kiosk. The City is not responsible for damage, loss, or theft of property in Kiosk.

5. **Seating**

Seating may be provided by Lessee at Lessee's expense only after prior City approval of seating style, quality, and placement. Lessee will be required to maintain and store seating and tables.

It is the intention of the City to provide a limited number of tables and chairs for Kiosk patron use in the Park area. This is contingent upon available finances and is subject to change.

6. **Menu Profile**

It is the intent of the City for the menu to include the following:

- Espresso drinks
- Coffee, tea, sodas
- Bottled water
- Bottled juices
- Fresh Pastries
- Ice cream (June through September)
- Prepared sandwiches, salads or soups (optional)

**There will be no alcoholic beverages permitted on site.**

The City reserves the right to review and shall have final approval of the menu prior to posting to the public. The City further reserves the right to review any changes to the menu prior to the change being available to the public.

7. **Retail**

Lessee may also offer park/fountain related items for sale such as disposable cameras and swim diapers. Lessee shall offer park equipment for rental such as frisbees, croquet sets, etc. Retail and rental products must be stored inside the Kiosks location and must not "spill" outside into the City Park. The City reserves the right to review and shall have final approval of retail items prior to sale or rental to the public. Lessee is responsible for purchasing, renting, and managing deposits of rental items.

8. **Pricing**

The City will require the Lessee to charge reasonable prices for all food and beverages. The City reserves the right to review and approve menu prices and any changes made to pricing prior to posting to the public.

9. **Hours of Operation**

Minimum hours of operation are as follows:

<u>Memorial Day - Labor Day</u>		<u>Labor Day - Memorial Day</u>
Monday	7:00 AM – 6:00 PM	7:00 AM – 2:00 PM
Tuesday	7:00 AM – 6:00 PM	7:00 AM – 2:00 PM
Wednesday	7:00 AM – 6:00 PM	7:00 AM – 2:00 PM
Thursday	7:00 AM – 6:00 PM	7:00 AM – 2:00 PM
Friday	7:00 AM – 6:00 PM	7:00 AM – 2:00 PM
Saturday	9:00 AM – 4:00 PM	
Sunday	11:00 AM – 4:00 PM	

City and Lessee will determine the hours of operation during contract negotiation. The hours of operation may be modified during the course of the contract depending on the level of business, subject to written approval by the City.

10. **Rent**

The Lessee's rent to the City shall be a guaranteed minimum monthly fee of \$500 (Base Rent) plus a monthly fee of five percent (5%) of the prior month's gross revenues (Gross Revenue Rent).

For the purpose of this Lease, the term "gross revenues" will include, for each calendar month, all cash and cash equivalent revenues received by Lessee during that month for all food, beverages, and other items sold or rented in the Kiosk by the Lessee, reduced by all refunds given during that month for sales that would otherwise be included in any gross revenues and for which Lessee has maintained adequate records of proof. Records of proof will be deemed adequate if they describe the reason for and amount of the refund and are acknowledged by the customer that receives the refund.

The Base Rent and the Gross Revenue Rent shall be due and payable on the 10<sup>th</sup> of each month with respect to gross revenues received in the previous month.

11. **Utilities**

All electric, sanitary, storm, water, gas, solid waste collection, and telephone utility fees used in the operation of the Kiosk shall be paid by the Lessee.

**12. General Design Considerations**

- a. The area allocated for the Kiosk is limited, and special attention must be given to the organization of each element necessary to Kiosk operation.
- b. The equipment and its placement are important visual elements of the overall design and appearance of the Kiosk. Careful attention must be given to each piece of equipment and how it is viewed by the public. All equipment is subject to review by the City.
- c. All utilities shall be concealed; surface mounted or exposed utilities are not permitted.
- d. Structures such as sneeze guards and canopies are not permitted inside the kiosk.
- e. Any lighting must compliment the design of the Kiosk.
- f. Design of tenant improvements shall be subject to review and approval of the City and Washington County and must conform to the Food Sanitation Rules published by the Oregon Health Division.

**13. Signage**

All signage must meet the City of Beaverton's Development Code requirements and is subject to aesthetic review by the City's Economic Development Division.

**C. DESIGN SPECIFICATIONS**

The following design standard for the Kiosk must be followed:

**1. Material Standards**

- a. Casework and surfaces in public view:
  - 1) Accents/finish
    - a) Approval by City in advance is required for design, materials, colors, and installation details.
  - 2) Code Compliance
    - a) Casework and surfaces shall meet all Health Department and other regulatory agency code requirements.
- b. Casework, cabinets, and counters not in public view:
  - 1) Plastic laminate permitted.
  - 2) Cabinets and drawers should be designed to be lockable. City is not responsible for damage, loss, or theft of property in Kiosk.
  - 3) Code Compliance
    - a) Casework and surfaces shall meet all Health Department and other regulatory agency code requirements.

- 4) Approval by City in advance is required for design, materials, colors, and installation details.
- c. Counter tops:
- 1) Solid surfacing matching or complimenting the material in the Kiosk
  - 2) Code Compliance
    - a) Counter tops and surfaces shall meet all Health Department and other regulatory agency code requirements.
  - 3) Approval by City in advance is required for design, materials, colors, and installation details.
- d. Signage (Provided by Lessee):
- 1) Materials
    - a) Must compliment materials and signage within the Kiosk and be approved by the City prior to fabrication and installation.
  - 2) Mounting
    - a) Signage shall be directly attached to Lessee's casework, or wall mounted. All wall mounting shall be designed and installed in such a way to minimize wall or structure damage. All signage mounting locations must be approved by the City.
  - 3) Extent
    - a) Lessee will not be permitted to post signage anywhere outside of the Kiosk.
    - b) Lessee must apply for a sign permit through the City's Community Development Department.
- e. Lighting One overhead light is provided within the Kiosk. If additional lighting is requested, it must meet the following requirements: *(Provided by Lessee):*
- 1) Type
    - a) All lighting must employ use of energy efficient fixtures and shall be approved by the City.
  - 2) Mounting
    - a) Lighting shall be fixed, securely supported and meet all applicable regulatory agency codes. Sconces or wall mounting may be permitted only with prior City approval.
  - 3) Approval by City in advance is required for fixtures, lamp color temperature and installation details.

f. Tables and Chairs (*Provided by City and Lessee*):

- 1) It is the intention of the City to provide a limited number of tables and chairs for Kiosk patron use in the Park area. This is contingent upon available finances and is subject to change.
- 2) Additional tables and chairs beyond what is provided by the City shall not be installed without prior approval of the City. Additional tables and chairs may be provided by Lessee at Lessee's expense only after prior City approval of seating style, quality, and placement.

g. Floor Finishes (*Concrete Slab Provided by City, Finish and Underslab Elements Provided by Lessee*):

- 1) City will provide concrete slab in the Kiosk. Lessee may refinish at own expense only after prior City approval.
- 2) Code Compliance;
  - a) Floor finish shall meet all Health Department and other regulatory agency code requirements.
- 3) Approval by City in advance is required for design, materials, colors, and installation details.

h. Telephone/Data (*Provided by Lessee*):

- 1) City will provide telephone service to the Kiosk. Lessee is responsible for coordination with the telephone utility, installation of all cable, wiring, and devices necessary to support the Kiosk, and shall pay all charges for installation and service.

i. Appliances (*Provided by Lessee*):

- 1) All appliances shall be provided by Lessee, new or used in excellent condition, and shall exhibit a clean and attractive appearance.
- 2) Approval by City in advance is required for proposed products, design and colors, and installation details.

j. Electrical (*Provided by Lessee and City*):

- 1) City will provide an electrical panel, sub-meter, and feeder to electrical panel.
- 2) Lessee is responsible for all wiring, devices, switches, and lighting on load side of the panel.
- 3) Code Compliance
  - a) Electrical materials, installation, and finish shall meet all regulatory agency code requirements.

- 4) Approval by City in advance is required for proposed products, design and colors, and installation details.
- 5) Lessee shall provide, and City will only approve, energy efficient electrical devices, and lighting.
- 6) Surface mounted conduit will not be approved by City.

k. Mechanical (*Provided by Lessee and City*):

- 1) City will stub out cold water and sanitary lines to the Kiosk.
- 2) City will provide a water sub-meter on the cold water supply line.
- 3) Lessee shall be responsible for extension and installation of all plumbing lines and trim, floor sinks, hot water heater, and code required devices.
- 4) City will install gas service to Kiosk. Lessee has option to use electric heat or gas heat. Lessee shall pay all installation costs and utility charges.
- 5) Code Compliance
  - a) Plumbing and HVAC materials, installation, and finish shall meet all regulatory agency code requirements.
- 6) Approval by City in advance is required for proposed products and installation details. Plumbing plans and an integrated reflected ceiling plan showing all plumbing lines, drains and devices, lighting, HVAC, fire sprinkler, and other features shall be submitted to the City for approval.

**D. PROVIDED BY CITY**

City will provide the following:

1. Space for the Kiosk measuring approximately 112 square feet
2. Tables and chairs in the Park area (subject to available funds)
3. Concrete floor slab
4. Walls (metal)
5. Door, frame and hardware at entry to the Kiosk
6. Soffits (outside down-lighting around Kiosk)

7. Roughed in plumbing
  - a. Stub out for cold water supply
  - b. Stub-out for sanitary line
  - c. Water sub-meter
8. Roughed in electrical supply
  - a. 120/208 3 phase / 4 wire panel in the Kiosk
  - b. Electrical sub-meter
9. Roughed in gas supply
  - a. Stub out for gas
  - b. Gas meter
10. Access to City and City's Project Manager (Jennifer Polley – (503) 526-2533)
11. Up to \$25,000 for actual design, construction, and construction related services to furnish the interior of the Kiosk with permanent fixtures (i.e. counters, sinks, front counter, interior storage area, plumbing lines, fixtures, and hot water heater).

**E. PROVIDED BY LESSEE**

Lessee will provide the following:

1. Payment for all design, construction, and construction related services to furnish the interior of the Kiosk for use as a coffee/retail establishment in excess of \$25,000.
2. All necessary appliances, fixtures, equipment, supplies, and employees for running a successful food service/park Kiosk;
3. Signage;
4. All necessary games and park equipment for rental for day use at the park;
5. Direct access to Lessee's contract administrator.

**F. OPERATING STANDARDS**

The following operating standards must be met and followed on a daily basis:

**1. Health Standards**

The Lessee shall be responsible for meeting all federal, state, and local health standards that may be associated with the operation of a Kiosk.

**2. Service**

Lessee's service shall be timely, attentive, and friendly. Service shall be conducted in a professional manner in accordance with the standards of the City and the Library.

**3. Employee Standards**

Lessee staff shall ensure timely, attentive, and friendly service. Beverage and food orders shall be taken in a prompt, friendly, and courteous manner. The Lessee will be required to recruit, train, supervise, direct, and deploy the optimum number of employees to match the requirements of the work. Employees should be clean, neat, well-groomed, be free from offensive body odor, professional, courteous and friendly. Lessee will be required to have a drug testing program in place for all their employees.

**ALL EMPLOYEES WORKING AT THE KIOSK MUST POSSESS A CURRENT OREGON FOOD HANDLER'S CERTIFICATE.**

**4. Pricing**

The City will require the Lessee to charge reasonable prices for all food and beverages. The City reserves the right to review and approve menu prices and any changes made to pricing prior to posting to the public.

**5. Food Quality**

a. Lessee shall comply with all health regulations related to the processing, preparing, serving, storing, and disposal of food items, including but not limited to:

- 1) Regulations for the handling of food waste;
- 2) Monitoring;
- 3) Adjusting and maintenance of temperature controls for refrigeration equipment;
- 4) Testing and re-use of unrefrigerated items; and
- 5) Items accessible to customers.

b. Lessee shall make every effort to ensure that only the highest quality of food is sold in the Kiosk. Efforts should include, but are not limited to:

- 1) Coffee shall be ground on demand from whole beans from a quality roaster, competitive in quality with the best roasters in the Northwest for flavor, aroma, body, and acidity;
- 2) Espresso beans shall be appropriate for industry-recognized professional espresso use;
- 3) Unopened packages of coffee beans should be used within two months and open packages used within ten (10) days;
- 4) Butter, milk, and milk products shall be USDA Grade "A";
- 5) Pastries shall be fresh daily.

**6. Delivery**

Deliveries must be carried or hand-trucked onto the site, vehicles shall not drive on the Park area.

**7. Maintenance Obligations**

The following maintenance obligations will be required of the Lessee:

a. Daily Maintenance

Lessee will be responsible for keeping the brick area around the kiosk (within 20 feet) clean, neat, and in good working order.

b. Trash

Two trash cans are available at the kiosk site for the use of park visitors and kiosk customers. The emptying of these trashcans will be the responsibility of the City. Lessee shall use off-site trashcans/dumpsters for disposal of trash/refuse generated by business. Lessee shall not use dumpsters behind Library. If Lessee requires dumpster for use of trash/refuse disposal, City will provide space in City park parking lot for a small dumpster. Lessee shall pay all rental/disposal fees associated with this small dumpster.

**8. Access**

Lessee shall exercise extreme caution and care with respect to the handling and use of access to the Kiosk and of any keys provided by the City for entry to the Kiosk. Lessee shall **immediately** report any lost or missing keys to the City and will pay City any fees requested by City for replacement of such devices.

**9. Non-Compliance**

Failure to comply with any of these Operating Standards may result in a fine of \$100 per day if the issue is not addressed within seven (7) days of receiving a formal letter of notice from the City. If the issue continues unaddressed beyond fifteen (15) days, the City reserves the right to terminate the Agreement.

### **III. PROPOSAL INSTRUCTIONS**

Proposers should read all instructions carefully, as proposals must address all the requirements included in the RFP. Proposals not meeting these requirements may be rejected if, in the City's opinion, such rejection is in the best interest of the City. The City further reserves the right to reject any and all proposals or cancel this RFP without liability if the City deems that the public interest so requires. The City is not responsible for any costs of any proposers incurred while submitting a proposal; all proposers who respond to this RFP do so solely at their own expense.

#### **A. MINIMUM QUALIFICATIONS**

Proposers must meet all of the following minimum qualifications to be eligible to respond to this RFP and to enter into a contract:

1. Demonstrate at least three (3) years of continuous operation within the last (10) years in the operation and management of specialty coffee facilities.
2. Provided requested information on all fees/costs.
3. Provided references and finance information.
4. Provided a project schedule that demonstrates meeting the City's specific deadlines.

The City will not consider a proposal from any Vendors who do not meet the minimum requirements described above.

#### **B. GENERAL REQUIREMENTS**

1. Proposals must be typewritten or prepared in ink.
2. No facsimile proposals will be accepted.
3. An authorized representative of the proposer must sign the proposal.
4. The name and title of the person signing the proposal must appear below the person's signature.
5. The signing of the proposal certifies:
  - a. The person signing the proposal has the legal authority to do so on behalf of the proposer;

- b. The proposer has not made and will not make any attempt to induce any other person or firm to submit or not submit a proposal;
  - c. That to the best of proposer's knowledge, no employee of the City of Beaverton, or any partnership or corporation in which a City employee has an interest, will or has received any remuneration of any description from proposer, either directly or indirectly, in connection with the letting or performance of any contract resulting from this RFP;
  - d. The statements contained in the proposal are true and complete to the best of the proposer's knowledge; and
  - e. The information and costs included in the proposal remain valid for 90 days after the proposal due date or until the contract is approved.
6. Submit an original and three complete copies of each proposal in a sealed envelope marked "**SEALED PROPOSAL – FOOD SERVICE PROVIDER**" to:

Terry Muralt  
Purchasing Agent  
City of Beaverton  
4755 SW Griffith Drive, Suite 260  
Beaverton, OR 97005

no later than at 4:00 PM on February 17, 2004.

- 7. Proposals received after the day and time listed above will not be considered.
- 8. All proposals become public records, subject to public disclosure as provided under Oregon's Public Records Law.
- 9. If it is necessary to submit confidential information in order to comply with the terms and conditions of this RFP, each page containing confidential information should be marked "**NOT FOR PUBLIC DISCLOSURE – CONFIDENTIAL TRADE SECRETS**".
- 10. The City accepts no responsibility for the unavoidable release of any confidential information submitted.

11. Any proposer requiring clarification about this RFP or the solicitation process may contact Terry Muralt, Purchasing Agent, at 503-526-2229
12. The City's clarification in no event changes the RFP and is not binding on the City unless the City amends this RFP by addenda.
13. The City reserves the right to seek clarifications from each proposer.
14. Upon award of proposal and prior to signing of contract, Lessee shall obtain a City of Beaverton Business License and submit the Taxpayer Identification Number and Certification Request Form (W-9) to City. A copy of the W-9 form is available from the City or the IRS.

**C. FORM OF CONTRACT**

A copy of the City's Lease Agreement, which the City expects the successful firm or individual to enter in to, is included as ATTACHMENT A. The lease will incorporate the terms and conditions from this RFP document and the Lessee's response documents. Firms taking exception to any of the lease terms should indicate the same in their proposals or their exceptions will be deemed waived.

**D. TERM OF CONTRACT**

The term of the contract shall be a period of three (3) years with the option to renew for an additional three (3).

**E. TERMINATION**

At any time during the term of the Lease, the City may, upon thirty (30) days written notice to Lessee, terminate the Lease and require that Lessee vacate the Premises and return the premises to the City in the condition prior to Lessee occupation of Premises. Additional termination terms and conditions are detailed in ATTACHMENT A – City of Beaverton Lease Agreement.

## IV. PROPOSAL CONTENT AND EVALUATION

### A. **FORMAT**

To provide a degree of consistency in review of the written proposals, **firms are requested to prepare a proposal which includes, but is not limited to, the following information:**

#### 1. **Title Page**

Proposer should identify the RFP title, the firm's name of business, business address, a contact individual's name, title, telephone number, fax number, and email address, and the date of Proposal submission.

#### 2. **Cover Letter**

The transmittal letter should be not more than two (2) pages long and should include as a minimum the following:

- a. A brief statement of the Proposer's understanding of the project and services to be performed;
- b. Information regarding the Proposer's financial standing should be included which detail how the Proposer's finances allow for the undertaking of the project. Details may include balance sheets for the last three (3) years prepared in accordance with the generally accepted accounting principles (GAAP), reflecting the current financial condition of the Proposer.
- c. A positive commitment to perform the services within the time period specified, starting and completing the project within the deadlines stated in this RFP; and the names of persons authorized to represent the Proposer, their title, address and telephone number (if different from the individual who signs the transmittal letter).

#### 3. **Table of Contents**

The table of contents should include a clear and complete identification by section and page number of the materials submitted.

#### 4. **Firm Qualifications**

Proposers shall have a minimum of three (3) or more years of continuous experience within the last (10) years in the operation and management of specialty coffee facilities. Information regarding the firm's qualifications that must be included in the Proposal includes, but is not limited to, the following:

- a. Background of the firm. This should include a brief history of the firm and types of services the firm is qualified to perform; and

- b. Qualifications of the firm in performing this type of work. This should include examples of related experience and references for similar projects.

5. **Project Timeframe**

Proposers shall prepare a timeframe that demonstrates a practical approach to meeting the City's specific deadlines, including being prepared to have the Kiosk fully operational by Memorial Day weekend 2004.

6. **Fee evaluation**

The Lessee's rent to the City shall be a guaranteed minimum monthly fee of \$500 (Base Rent) plus a monthly fee of five percent (5%) of the prior month's gross revenues (Gross Revenue Rent). Calculation will be based on the first of each month to the last day. Rent begins the first month the Kiosk is open to the public. In the case that the first month of operation is not a full month, rent will be based on sales from the first day to the end of that month or pro-rated on monthly rent, whichever is higher. The Base Rent and the Gross Revenue Rent shall be due and payable on the 10<sup>th</sup> of each month with respect to gross revenues received in the previous month. **The City reserves the right to conduct an audit of the Lessee's finances related to the Kiosk at any time.**

7. **Product Selection and Pricing**

Proposer shall submit a list of proposed food, beverage, and other items for sale at the Kiosk; include both a summary of the variety of items and the proposed price. In addition, the proposer shall submit a list of proposed items for rent, the rental rates, and quantities.

8. **Operating Information**

The proposer shall provide the following information:

- Summary of operating hours for the summer season (Memorial Day to Labor Day) and the remainder of the year;
- Summary of shifts and number of employees per shift;
- List of acceptable methods of payment;
- Description of how rental deposits will be handled;
- Proposed list of interior finishings with an estimated cost for design and construction.
- Location of off-site storage facility(s).

9. **Additional Information**

Please provide any other information you feel would help the Selection Committee evaluate your firm for this project.

10. **References**

Please provide three (3) references with the following information:

<u>Contact Person</u>	<u>Title</u>	<u>Phone</u>	<u>Email</u>
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11. **Disputes**

Should any doubt or difference of opinion arise between the City and a Proposer as to the items to be furnished hereunder or the interpretation of the provisions of this RFP, the decision of the City shall be final and binding upon all parties.

**B. PROPOSAL EVALUATION PROCEDURES**

1. **Selection and Evaluation Process**

A Selection Committee will review the written proposals. Proposals will be evaluated to determine which ones best meet the needs of the City. After meeting all mandatory requirements, the proposals will be evaluated based on the criteria listed below. The Selection Committee will select the firm which best meets the City's needs based upon its evaluation of a firm's proposal. The City also reserves the right to conduct interviews, request samples from, and conduct site visits with the top firms.

**Proposal Evaluation Criteria and Point Distribution:**

Proposals will be evaluated in accordance with the following:

- |    |   |                         |
|----|---|-------------------------|
| a. | <b><u>Completed Proposal submitted on time</u></b>  | <b><u>Pass/Fail</u></b> |
| b. | <b><u>An original plus three (3) copies of the complete proposal</u></b>  | <b><u>Pass/Fail</u></b> |
| c. | <b><u>Cover letter</u></b>  | <b><u>Pass/Fail</u></b> |
| d. | <b><u>Firm qualifications</u></b><br>Technical and management experience of the firm and prior coffee facilities operation and management experience will be evaluated. Details on a firm's experience in providing coffee facilities operations and management to governmental and municipal entities will receive particular attention. | <b><u>45 points</u></b> |

- e. **Project timeframe** **15 points**  
An evaluation of the proposer's practical approach to meeting the City's specific deadline for the Kiosk's opening.
- f. **Fee evaluation** **30 points**  
**Note: The minimum requirement to apply for this RFP is a Base Rent of \$500 each month plus a monthly fee of five percent (5%) of the prior month's gross revenues (Gross Revenue Rent).**  
Responses to this criterion meeting the minimum requirement are worth up to 20 points. Proposals submitted in excess of the minimum requirements may earn up to an additional 10 points.
- Total Evaluation Points** **90 points**

## V. CITY MAY REQUEST MORE INFORMATION

It is the intent of the City to make a selection from the proposals submitted. However, more information may be requested to fully and accurately evaluate proposals if two or more proposals seem to be equally qualified. Interviews of selected Proposers may be held at the City's option.

The City reserves the right to investigate the references and past performance of any proposer with respect to its successful performance of similar services, compliance with specifications and contractual obligations, and its lawful payment of suppliers, subcontractors, and workers. The City may postpone the award or execution of the contract after the announcement of the apparent successful proposer in order to complete its investigation.

## VI. PROTESTS

### A. PROTEST OF BID DOCUMENT

Any proposer may submit a written protest or request for change of particular RFP provisions or specifications to the City no later than 10 calendar days prior to the close of the RFP. The protest or request must include a detailed statement of its legal and factual grounds, a description of the resulting prejudice to the proposer, and a statement of the desired changes to the solicitation specifications or contract terms and conditions. The Purchasing Office shall respond to any protest or request for change and, where appropriate, shall issue any revisions, substitutions, or clarification via addenda to all interested Proposers. **Only questions answered by formal written addenda will be binding.** Oral and other interpretations or clarifications will be without legal effect.

### B. PROTEST OF AWARD

An adversely affected or aggrieved proposer may protest the City's intention to award this contract by delivering written protest to the City Purchasing Agent within 14 days after issuance of the City's notice of intent to award the contract. A written protest must specify the grounds upon which the protest is based. An adversely affected or aggrieved proposer must exhaust all avenues of administrative review and relief before seeking judicial review of the City's contract award decision.

This section only summarizes a proposer's rights to protest. State and local regulations control all protest procedures.

**ATTACHMENT "A"**  
**COMMERCIAL LEASE**

**DATE:** FEBRUARY \_\_\_\_\_, 2004

**BETWEEN: CITY OF BEAVERTON** ("Landlord")  
4755 SW GRIFFITH DRIVE  
BEAVERTON, OREGON 97076

**AND:** ("Tenant")

In consideration of the mutual promises and covenants contained herein, Landlord leases to Tenant and Tenant leases from Landlord the real- and personal property described on the attached Exhibit "A" (the "Premises") on the following terms and conditions:

Section 1. Occupancy

**1.1 Original Term.** The term of this Lease shall commence March 1, 2004 and continue through February 28, 2007 unless sooner terminated as hereinafter provided.

**1.2 Possession.** Tenant's right to possession and obligations under the Lease shall commence on March 1, 2004, or when the Premises are available for possession and use by Tenant, whichever is first. Landlord shall have no liability to Tenant for any delay in delivery of possession and Tenant will not have the right to terminate this Lease because of delay in delivery of possession except as hereinafter provided.

**1.3 Renewal Option.** If the Lease is not in default at the time each option is exercised or at the time the renewal term is to commence, Tenant shall have the option to renew this Lease for one (1) term of three (3) years, as follows:

(a) The renewal term shall commence on the day following expiration of the preceding term.

(b) The option may be exercised by written notice to Landlord given not less than one hundred eighty (180) days prior to the last day of the expiring term. The giving of such notice shall be sufficient to make the Lease binding for the renewal term without further act of the parties. Landlord and Tenant shall then be bound to take the steps required in connection with the determination of rent as specified below.

(c) The terms and conditions of the Lease for the renewal term shall be identical with the original term except for rent and except that Tenant will no longer have

any option to renew this Lease that has been exercised. Rent for a renewal term shall be determined as provided for herein.

(d) If the parties do not agree on the rent within thirty (30) days after notice of election to renew, the rent shall determine by an independent real estate broker familiar with commercial rental values in the area. The broker shall be chosen by Tenant from a list of not fewer than five (5) such individuals submitted by Landlord. If Tenant does not make the choice within five (5) days after submission of the list, Landlord may do so. If Landlord does not submit such a list within ten (10) days after written request from Tenant to do so, Tenant may name as a broker any individual qualified as stated in this section. Within 30 days after his or her appointment, the broker shall return his or her decision, which shall be final and binding upon both parties. The broker's fee for its work shall be shared equally by Landlord and Tenant.

**1.4 Termination of Lease By Landlord.** Notwithstanding the foregoing, Landlord may at any time during the original term or any renewal term terminate Tenant's Lease without cause upon thirty (30) days written notice to Tenant.

## **Section 2. Rent**

**2.1 Base Rent.** Tenant shall pay to Landlord as base rent during the lease term the sum of Five Hundred (**\$500.00 Dollars**) per month. Rent shall be payable the tenth (10<sup>th</sup>) day of each month in advance at such place as may be designated by Landlord.

**2.2 Additional Rent.** All taxes, insurance costs, utility charges that Tenant is required to pay by this Lease, and any other sum that Tenant is required to pay to Landlord or third parties shall be "additional rent" as that term is used herein.

## **Section 3. Percentage Rent**

**3.1 Amount.** In addition to the base rent, beginning May 1, 2004, Tenant shall pay to Landlord as percentage rent an amount equal to five percent (5%) of Tenant's monthly gross receipts.

**3.2 Definition of Gross Receipts.** "Gross Receipts" means the amount paid or payable for all goods or services sold or provided from the Premises by Tenant or any other party, for cash or on credit and including the value of any exchanges. Sales made or services rendered by Tenant, directly or indirectly, from any other premises because of orders originating in or arising out of business transacted on the Premises shall be excluded.

**3.3 Monthly Payments.** Payments of percentage rental shall be made on the tenth (10<sup>th</sup>) day of each month. Each monthly payment shall be determined by applying the percentage to the gross receipts for the month.

**3.4 Records.** Tenant shall keep proper books of account and other records pertaining to gross receipts for at least two years and shall give Landlord monthly statements of gross receipts at the time monthly payments of percentage rent are due. The books and records shall be kept or made available at a location reasonably accessible to Landlord, who may inspect all such books and records, and copies of Tenant's federal and state income tax returns for relevant years, at any time during those two years to verify Tenant's gross receipts. Tenant shall submit to Landlord a copy of any sales report filed by Tenant with any local, state, or federal taxing authority promptly after filing.

**3.5 Continuous Operation.** Tenant shall occupy the Premises continuously for the purpose stated in this lease and carry on business during the hours customary in comparable businesses similarly situated and with adequate inventory and personnel. In addition, Tenant shall maintain the following minimum hours of operation for the conduct of its business on the premises unless otherwise mutually agreed between Landlord and Tenant in writing:

<u>Memorial Day - Labor Day</u>		<u>Labor Day - Memorial Day</u>
Monday	7:00 AM – 6:00 PM	7:00 AM – 2:00 PM
Tuesday	7:00 AM – 6:00 PM	7:00 AM – 2:00 PM
Wednesday	7:00 AM – 6:00 PM	7:00 AM – 2:00 PM
Thursday	7:00 AM – 6:00 PM	7:00 AM – 2:00 PM
Friday	7:00 AM – 6:00 PM	7:00 AM – 2:00 PM
Saturday	9:00 AM – 4:00 PM	
Sunday	11:00 AM – 4:00 PM	

Tenant may close business operations on legal holidays as described in ORS 187.010 et seq., as amended from time to time and for brief periods when reasonably necessary for inventory, repairs, remodeling (when permitted), or other legitimate purpose related to the business carried on, or when closure is the result of a labor dispute, however caused, or other factors not within Tenant's control.

**3.6 No Partnership.** Landlord is not by virtue of this section a partner or joint venture with Tenant in connection with the business carried on under this lease, and shall have no obligation with respect to Tenant's debts or other liabilities, and no interest in Tenant's profits.

**Section 4. Use of the Premises**

**4.1 Permitted Use.**

(1) Permitted Use. The Premises shall be used for the sale of food and non-alcoholic beverages, park-related concessions and the rental of play equipment. The Premises shall be used for no other purpose without the prior written consent of Landlord, which consent shall not unreasonably be withheld

(2) **Non-Exclusive Use.** In connection with Tenant's use of the Premises, Tenant is hereby granted the non-exclusive right to use a portion of the City Park extending 15 feet from the face of the Kiosk, excluding sidewalks. Tenant may place portable tables and chairs for day use in this area for use by Tenant's customers of a design and appearance consistent with that of the Kiosk. Tenant's use of this area shall be subject to all of Tenants obligations under this Lease including, without limitation, Tenants maintenance obligations under Section 5.2(5).

**4.2 Restrictions on Use.** In connection with the use of the Premises, Tenant shall:

(1) Conform to all applicable laws and regulations of any public authority affecting the Premises and the use, and correct at Tenant's own expense any failure of compliance created through Tenant's fault or by reason of Tenant's use, but Tenant shall not be required to make any structural changes to effect such compliance.

(2) Conform all signage on or about the Premises to Landlord's City Code and Development Code.

(3) Refrain from any activity that would make it impossible to insure the Premises against casualty, would increase the insurance rate, or would prevent Landlord from taking advantage of any ruling of the Oregon Insurance Rating Bureau, or its successor, allowing Landlord to obtain reduced premium rates for long-term fire insurance policies, unless Tenant pays the additional cost of the insurance.

(4) Refrain from any use that would be unreasonably offensive to other tenants or owners or users of neighboring Premises or that would tend to create a nuisance or damage Landlord's reputation.

(5) Refrain from loading the electrical system or floors beyond the point considered safe by a competent engineer or architect selected by Landlord.

(6) Refrain from making any marks on or attaching any sign, insignia, antenna, aerial, or other device to the exterior or interior walls, windows, or roof of the Premises without the written consent of Landlord which consent shall not be withheld unreasonably.

(7) Maintain visibility into and from the Premises and keep windows and glazing of the Premises free from obstruction by shelving, displays, and signs.

**4.3 Hazardous Substances.** Tenant shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Premises. Tenant may use or otherwise handle on the Premises only those Hazardous Substances typically used or sold in the prudent and safe operation of the business specified in Section 3.1. Tenant may store such Hazardous Substances on the Premises only in quantities necessary to satisfy Tenant's reasonably anticipated needs.

Tenant shall comply with all Environmental Laws and exercise the highest degree of care in the use, handling, and storage of Hazardous Substances and shall take all practicable measures to minimize the quantity and toxicity of Hazardous Substances used, handled, or stored on the Premises. Upon the expiration or termination of this Lease, Tenant shall remove all Hazardous Substances from the Premises. The term Environmental Law shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety or the environment. The term Hazardous Substance shall mean any hazardous, toxic, infectious, or radioactive substance, waste, and material as defined or listed by any Environmental Law and shall include, without limitation, petroleum oil and its fractions.

## **Section 5. Repairs and Maintenance**

**5.1 Landlord's Obligations.** The following shall be the responsibility of Landlord:

- (1) Repairs and maintenance of the roof and gutters, exterior walls (including painting), bearing walls, structural members, floor slabs and foundation.
- (2) Repair of the City Park brick areas surrounding the Premises.
- (3) Repair and maintenance of exterior water, sewage, gas, and electrical services up to the point of entry to the leased Premises.
- (4) Maintenance of brick surfaces surrounding the Premises to the same extent that Landlord maintains similar other public places, provided that Tenant shall daily sweep the brick areas surrounding the Premises and otherwise daily keep the area free of trash, litter, and debris.

**5.2 Tenant's Obligations.** The following shall be the responsibility of Tenant:

- (1) Repair of interior walls, ceilings, doors, windows, and related hardware, light fixtures, switches, and wiring and plumbing from the point of entry to the Premises;
- (2) Any repairs necessitated by the negligence of Tenant, its agents, employees, and invitees, except as provided in Section 7.2 dealing with waiver of subrogation, but including repairs that would otherwise be the responsibility of Landlord under Section 5.1.
- (3) Any repairs necessitated by damage to the brick paved areas surrounding the Premises as a result of construction of improvements, initiated by Tenant, to the Premises.

(4) All other repairs to the Premises, which Landlord is not required to make under Section 5.1.

**5.3 Landlord's Interference with Tenant.** In performing any repairs, replacements, alterations, or other work performed on or around the Premises, Landlord shall not cause unreasonable interference with use of the Premises by Tenant. Tenant shall have no right to an abatement of rent nor any claim against Landlord for any inconvenience or disturbance resulting from Landlord's activities performed in conformance with the requirement of this provision.

**5.4 Reimbursement for Repairs Assumed.** If Tenant fails or refuses to make repairs that are required by this Section 5, Landlord may make the repairs and charge the actual costs of repairs to Tenant. Such expenditures by Landlord shall be reimbursed by Tenant on demand. Except in an emergency creating an immediate risk of personal injury or property damage, neither party may perform repairs which are the obligation of the other party and charge the other party for the resulting expense unless at least ten (10) days before work is commenced, the defaulting party is given notice in writing outlining with reasonable particularity the repairs required, and such party fails within that time to initiate such repairs in good faith.

**5.5 Inspection of Premises.** Landlord shall have the right to inspect the Premises at any reasonable time to determine the need for repair, but Landlord shall have no duty to make repairs until a reasonable time after Landlord has received from Tenant written notice of the repairs that are required.

## **Section 6. Alterations**

**6.1 Alterations Prohibited.** Tenant shall make no improvements or alterations on the Premises of any kind without first obtaining Landlord's written consent. All alterations shall be made in a good and workmanlike manner, and in compliance with applicable laws and building codes. "Alterations" shall include the installation of computer and telecommunications wiring, cables, and conduit.

**6.2 Ownership and Removal of Alterations.** All improvements and alterations performed on the Premises by either Landlord or Tenant shall be the property of Landlord when installed unless Landlord in its sole discretion agrees otherwise. Improvements and alterations installed by Tenant shall, at Landlord's option, be removed by Tenant and the Premises restored unless Landlord in its sole discretion agrees otherwise.

## **Section 7. Insurance**

**7.1 Insurance Required.** Tenant shall keep the Premises insured at Tenant's expense against fire and other risks covered by a standard fire insurance policy with an endorsement for extended coverage. Tenant shall carry similar insurance insuring the Property of Tenant on the Premises against such risks.

**7.2 Waiver of Subrogation.** Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire or any of the risks enumerated in a standard fire insurance policy with an extended coverage endorsement, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other. This waiver shall be valid only if the insurance policy in question expressly permits waiver of subrogation or if the insurance company agrees in writing that such a waiver will not affect coverage under the policies. Each party agrees to use best efforts to obtain such an agreement from its insurer if the policy does not expressly permit a waiver of subrogation.

## **Section 8. Taxes and Utilities**

**8.1 Property Taxes.** Tenant shall pay as due all taxes on its personal property located on the Premises. Tenant shall pay as due all real property taxes and special assessments levied against the Premises. As used herein, real property taxes include any fee or charge relating to the ownership, use, or rental of the Premises, other than taxes on the net income of Landlord or Tenant.

**8.2 Special Assessments.** If an assessment for a public improvement is made against the Premises, Tenant may elect to cause such assessment to be paid in installments, in which case all of the installments payable with respect to the lease term shall be treated the same as general real property taxes for purposes of Section **8.1**.

**8.3 Contest of Taxes.** Tenant shall be permitted to contest the amount of any tax or assessment as long as such contest is conducted in a manner that does not cause any risk that Landlord's interest in the Premises will be foreclosed for nonpayment. Landlord shall cooperate in any reasonable manner with such contest by Tenant.

**8.4 Prorating of Taxes.** Tenant's share of real property taxes and assessments for the years in which this Lease commences or terminates shall be prorated based on the portion of the tax year that this Lease is in effect.

**8.5 New Charges or Fees.** If a new charge or fee relating to the ownership or use of the Premises or the receipt of rental there from or in lieu of property taxes is assessed or imposed, then, to the extent permitted by law, Landlord shall pay such charge or fee. Tenant, however, shall have no obligation to pay any income, profits, or franchise tax levied on the net income derived by Landlord from this Lease.

**8.6 Payment of Utilities Charges.** Tenant shall pay when due all charges for services and utilities incurred in connection with the use, occupancy, operation, and maintenance of the Premises, including (but not limited to) charges for fuel, water, gas, electricity, sewage disposal, power, refrigeration, air conditioning, telephone, solid waste collection, and janitorial services.

## **Section 9. Damage and Destruction**

**9.1 Partial Damage.** If the Premises are partly damaged and Section 9.2 does not apply, the Premises shall be repaired by Landlord at Landlord's expense. Repairs shall be accomplished with all reasonable dispatch subject to interruptions and delays from labor disputes and matters beyond the control of Landlord and shall be performed in accordance with the provisions of Section 5.3.

**9.2 Destruction.** If the Premises are destroyed or damaged such that the cost of repair exceeds fifty (50%) percent of the value of the structure before the damage, either party may elect to terminate the Lease as of the date of the damage or destruction by notice given to the other in writing not more than thirty (30) days following the date of damage. In such event all rights and obligations of the parties shall cease as of the date of termination, and Tenant shall be entitled to the reimbursement of any prepaid amounts paid by Tenant and attributable to the anticipated term. If neither party elects to terminate, Landlord shall proceed to restore the Premises to substantially the same form as prior to the damage or destruction. Work shall be commenced as soon as reasonably possible and thereafter shall proceed without interruption except for work stoppages on account of labor disputes and matters beyond Landlord's reasonable control.

**9.3 Rent Abatement.** Rent shall be abated during the repair of any damage to the extent the Premises are untenantable.

**9.4 Damage Late in Term.** If damage or destruction to which Section 9.2 would apply occurs within one (1) year before the end of the then-current lease term, Tenant may elect to terminate the Lease by written notice to Landlord given within thirty (30) days after the date of the damage. Such termination shall have the same effect as termination by Landlord under Section 9.2.

## **Section 10. Liability and Indemnity**

### **10.1 Liens**

(1) Except with respect to activities for which Landlord is responsible, Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises free from any liens. If Tenant fails to pay any such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Such action by Landlord shall not constitute a waiver of any right or remedy, which Landlord may have on account of Tenant's default.

(2) Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, as long as Landlord's property interests are not jeopardized. If a lien is filed as a result of nonpayment, Tenant shall, within ten (10) days after knowledge of the filing, secure the discharge of the lien or deposit with Landlord cash or sufficient corporate surety bond or other surety satisfactory to

Landlord in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure or sale under the lien.

**10.2 Indemnification.** Tenant shall indemnify and defend Landlord from any claim, loss, or liability arising out of or related to any negligent activity of Tenant on the Premises or any condition of the Premises in the possession or under the control of Tenant. Landlord shall have no liability to Tenant for any injury, loss, or damage caused by third parties, or by any condition of the Premises except to the extent caused by Landlord's negligence or breach of duty under this Lease.

**10.3 Liability Insurance.** Before going into possession of the Premises, Tenant shall procure and thereafter during the term of the Lease shall continue to carry the following insurance at Tenant's cost: comprehensive general liability insurance in a responsible company with limits of not less than \$500,000 for injury to one person, \$1,000,000 for injury to two or more persons in one occurrence, and \$500,000 for damage to property. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the Premises, whether or not related to an occurrence caused or contributed to by Landlord's negligence. Such insurance shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under Section 10.2 and shall include an endorsement naming Landlord as an additional insured. Certificates evidencing such insurance and bearing endorsements requiring ten (10) days written notice to Landlord prior to any change or cancellation shall be furnished to Landlord prior to Tenant's occupancy of the property.

## **Section 11. Quiet Enjoyment**

**11.1 Landlord's Warranty.** Landlord warrants that it is the owner of the Premises and has the right to lease them free of all encumbrances. Landlord will defend Tenant's right to quiet enjoyment of the Premises from the lawful claims of all persons during the lease term.

## **Section 12. Assignment and Subletting**

No part of the Premises may be assigned, mortgaged, or subleased, nor may a right of use of any portion of the property be conferred on any third person by any other means, without the prior written consent of Landlord. This provision shall apply to all transfers by operation of law. If Tenant is a corporation or partnership, this provision shall apply to any transfer of a majority voting interest in stock or partnership interest of Tenant. No consent in one instance shall prevent the provision from applying to a subsequent instance. Landlord shall not unreasonably delay consent and shall give consent under circumstances where withholding it shall be unreasonable.

## **Section 13. Default**

The following shall be events of default:

**13.1 Default in Rent.** Failure of Tenant to pay any rent (base rent, additional rent or percentage rent) or other charge within ten (10) days after written notice that it is due.

**13.2 Default in Other Covenants.** Failure of Tenant to comply with any term or condition or fulfill any obligation of the Lease (other than the payment of rent or other charges) within thirty (30) days after written notice by Landlord specifying the nature of the default with reasonable particularity. Except for default of the Tenant's obligations under Section 5.2 of this lease, if the default is of such a nature that it cannot be completely remedied within the thirty (30) day period, this provision shall be complied with if Tenant begins correction of the default within the twenty (20) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.

**13.3 Insolvency.** Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; an adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of any involuntary petition of bankruptcy and failure of Tenant to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levying of execution on the leasehold interest and failure of Tenant to secure discharge of the attachment or release of the levy of execution within ten (10) days shall constitute a default. If Tenant consists of two or more individuals or business entities, the events of default specified in this Section 13.3 shall apply to each individual unless within ten (10) days after an event of default occurs, the remaining individuals produce evidence satisfactory to Landlord that they have unconditionally acquired the interest of the one causing the default. If the Lease has been assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Tenant under the Lease.

**13.4 Abandonment.** Failure of Tenant for thirty (30) days or more to occupy or operate the business conducted on the Premises for one or more of the purposes permitted under this Lease unless such failure is excused under other provisions of this Lease shall constitute Tenant's abandonment of the Premises and a default of this lease agreement.

#### **Section 14. Remedies on Default**

**14.1 Termination.** In the event of a default, the Lease may be terminated at the option of Landlord by written notice to Tenant. Whether or not the Lease is terminated by the election of Landlord or otherwise, Landlord shall be entitled to recover damages from Tenant for the default, and Landlord may reenter, take possession of the Premises, and remove any persons or property by legal action or by self-help with the use of reasonable force and without liability for damages and without having accepted a surrender.

**14.2 Reletting.** Following reentry or abandonment, Landlord may relet the Premises and in that connection may make any suitable alterations or refurbish the Premises, or both, or change the character or use of the Premises, but Landlord shall not be required to relet for any use or purpose other than that specified in the Lease or which Landlord may reasonably consider injurious to the Premises, or to any tenant that Landlord may reasonably consider objectionable. Landlord may relet all or part of the Premises, alone or in conjunction with other properties, for a term longer or shorter than the term of this Lease, upon any reasonable terms and conditions, including the granting of some rent-free occupancy or other rent concession.

**14.3 Damages.** In the event of termination or retaking of possession following default, Landlord shall be entitled to recover immediately, without waiting until the due date of any future rent or until the date fixed for expiration of the Lease term, the following amounts as damages:

(1) The loss of rental from the date of default until a new tenant is, or with the exercise of reasonable efforts could have been, secured and paying out.

(2) The reasonable costs of reentry and reletting including without limitation the cost of any cleanup, refurbishing, removal of Tenant's property and fixtures, costs incurred under Section 15.5, or any other expense occasioned by Tenant's default including but not limited to, any remodeling or repair costs, attorney fees, court costs, broker commissions, and advertising costs.

**14.4 Right to Sue More than Once.** Landlord may sue periodically to recover damages during the period corresponding to the remainder of the lease term, and no action for damages shall bar a later action for damages subsequently accruing.

**14.5 Landlord's Right to Cure Defaults.** If Tenant fails to perform any obligation under this Lease, Landlord shall have the option to do so after thirty (30) days written notice to Tenant. All of Landlord's expenditures to correct the default shall be reimbursed by Tenant on demand with interest at the rate of ten (10%) percent annum from the date of expenditure by Landlord. Such action by Landlord shall not waive any other remedies available to Landlord because of the default.

**14.6 Remedies Cumulative.** The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Landlord under applicable law.

## Section 15. Surrender at Expiration

**15.1 Condition of Premises.** Upon expiration of the Lease term or earlier termination on account of default, Tenant shall deliver all keys to Landlord and surrender the Premises in first-class condition and broom clean. Alterations constructed by Tenant with permission from Landlord shall not be removed or restored to the original condition unless the terms of permission for the alteration so require. Depreciation and wear from ordinary use for the purpose for which the Premises are

leased shall be accepted but repairs for which Tenant is responsible shall be completed to the latest practical date prior to such surrender. Tenant's obligations under this section shall be subordinate to the provisions of Section 9 relating to destruction.

## **15.2 Fixtures**

(1) All fixtures placed upon the Premises during the term, other than Tenant's trade fixtures, shall, at Landlord's option, become the property of Landlord. If Landlord so elects, Tenant shall remove any or all fixtures that would otherwise remain the property of Landlord, and shall repair any physical damage resulting from the removal. If Tenant fails to remove such fixtures, Landlord may do so and charge the cost to Tenant with interest at the legal rate from the date of expenditure.

(2) Prior to expiration or other termination of the lease term Tenant shall remove all furnishings, furniture, and trade fixtures that remain its property. If Tenant fails to do so, this shall be an abandonment of the property, and Landlord may retain the property and all rights of Tenant with respect to it shall cease or, by notice in writing given to Tenant within 20 days after removal was required, Landlord may elect to hold Tenant to its obligation of removal. If Landlord elects to require Tenant to remove, Landlord may effect a removal and place the property in public storage for Tenant's account. Tenant shall be liable to Landlord for the cost of removal, transportation to storage, and storage, with interest at the legal rate on all such expenses from the date of expenditure by Landlord.

## **15.3 Holdover**

(1) If Tenant does not vacate the Premises at the time required, Landlord shall have the option to treat Tenant as a tenant from month to month, subject to all of the provisions of this Lease except the provisions for term and renewal and at a rental rate equal to One Hundred Fifty (150%) Percent of the rent last paid by Tenant during the original term, or to eject Tenant from the Premises and recover damages caused by wrongful holdover. Failure of Tenant to remove fixtures, furniture, furnishings, or trade fixtures that Tenant is required to remove under this Lease shall constitute a failure to vacate to which this section shall apply if the property not removed will substantially interfere with occupancy of the Premises by another tenant or with occupancy by Landlord for any purpose including preparation for a new tenant.

(2) If a month-to-month tenancy results from a holdover by Tenant under this Section 15.3, the tenancy shall be terminable at the end of any monthly rental period on written notice from Landlord given not less than ten (10) days prior to the termination date which shall be specified in the notice. Tenant waives any notice that would otherwise be provided by law with respect to a month-to-month tenancy.

## **Section 16. Miscellaneous**

**16.1 Non-waiver.** Waiver by either party of strict performance of any provision of this Lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

**16.2 Notices.** Any notice required or permitted under this Lease shall be deemed given when actually delivered or forty-eight (48) hours after deposit with the United States Postal Service, addressed to the address first given in this Lease or to such other address as may be specified from time to time by either Party in writing.

**16.3 Succession.** Subject to the above-stated limitations on transfer of Tenant's interest, this Lease shall be binding on and inure to the benefit of the parties and their respective successors and assigns.

**16.4 Recordation.** A memorandum of this Lease may be recorded in the deed records of Washington County, Oregon at Landlord's initiative and expense.

**16.5 Entry for Inspection.** Landlord shall have the right to enter upon the Premises at any time to determine Tenant's compliance with this Lease, to make necessary repairs to the Building or to the Premises, or to show the Premises to any prospective tenant or purchaser, and in addition shall have the right, at any time during the last two months of the term of this Lease, to place and maintain upon the Premises notices for leasing or selling of the Premises.

**16.6 Proration of Rent.** In the event of commencement or termination of this Lease at a time other than the beginning or end of one of the specified rental periods, then the rent shall be prorated as of the date of commencement or termination and in the event of termination for reasons other than default, all prepaid rent shall be refunded to Tenant or paid on its account.

**16.7 Time of Essence.** Time is of the essence of the performance of each of Tenant's obligations under this Lease.

**LANDLORD:**

**TENANT:**

**CITY OF BEAVERTON**

**tbd.**

**BY:** \_\_\_\_\_

**BY** \_\_\_\_\_

## City Park Kiosk Bid Summary

The City received one response to the RFP advertising for vendors for the City Park kiosk. The one proposal is from Meal Co. Food Service Company – and lists Siyavash Eslamizar as the president of the company. Below is a summary of the response:

RFP Criteria	Response	Requirement Met
Title Page	Yes	Yes
Cover Letter	Narrative, no financials	No
Table of Contents	None	No
Firm Qualifications	Food service provider for the City of Hillsboro Court House, Intel, and other hi-tech companies – does not list when, for how long, and if still operating those businesses	No
Project Time Frame	States kiosk can be open before Memorial Day. No details were provided of: when they will design the interior, when the interior will be constructed, or when or how they will work with County Dept. of Health, etc.	No
Fee Evaluation	No response	No
Product Selection and Pricing	Provides a list of food items for sale, but no prices. Did not list proposed items for rent or their rental rates.	No
Operating Information	No response	No
References	Lists the Mayor, the Chief of Police, and a realtor	Yes

Bid Received on: 2/17/04  
 Bid Opened on: 4:00 PM  
 Bid Opened by: Terry L. Marshall, Purchasing Agent

## AGENDA BILL

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Purchase of Software License  
Renewals and New Licenses  
From the State of Oregon Price  
Agreement

**FOR AGENDA OF:** 03-15-04 **BILL NO:** 04041

**Mayor's Approval:** *L. G. G. G.*

**DEPARTMENT OF ORIGIN:** Finance *P. H. H.*

**DATE SUBMITTED:** 03-03-04

**CLEARANCES:** Inf. Systems *P. H. H.*  
Purchasing *L. H. H.*  
City Attorney *A. H. H.*

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

**EXHIBITS:** Software Purchase Spreadsheet

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$90,026.68	BUDGETED \$80,000*	REQUIRED \$10,026.68**

\*Account Number 603-30-0713-318 Information Systems Fund Software Purchases Account.

\*\* The additional appropriation required is available from the Information Systems Fund's Contingency Account and has been submitted for the approval in the next supplemental budget.

### **HISTORICAL PERSPECTIVE:**

The FY 2003-04 budget includes an appropriation to renew the City's site licenses for our suite of software operating systems and application programs. The software suite is detailed on the attached worksheet and includes SQL Server (database), Windows Server, Server Client and XP Workstations, Software Management System, and Microsoft Office Professional suite of programs. The software purchase accomplishes two items as further detailed in the attached worksheet:

- Purchase of Enterprise full Desktop software licenses for 349 PC's at a unit price of \$151.88 for a total of \$53,006.12 for this year. Staff estimates that the cost for the next one year period (to be paid in FY 2004-05) will be \$55,000 due to additional PC's added to the City's network.
- Purchase of the Server software licenses through the vendor's Select Enrollment Agreement for a one time payment of \$37,020.56 which covers a three year license period.

Under these programs, the City will be entitled without cost to any new software version releases during the terms of the agreements.

### **INFORMATION FOR CONSIDERATION:**

The software purchases are available from the Oregon State Price Agreement with ASAP Incorporated, of Buffalo Grove, Illinois. Oregon state law provides an exemption from competitive bidding requirements if the purchase is made from an existing bid award through the State of Oregon price agreements. The Price Agreement is valid until August 5, 2005.

The combined cost for the software license renewals is \$90,026.68, which is \$10,026.68 more than was estimated when the FY 2003-04 budget was developed. The additional appropriation is available from the Information Systems Fund's Contingency Account and is recommended to be included in the next supplemental budget.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, authorize the Finance Department to issue a purchase order to ASAP Incorporated, for the renewal and purchase of site software licenses in the amount of \$90,026.68 from the State of Oregon State Price Agreement Number 0121 for this fiscal year and an estimated \$55,000.00 in FY 2004-2005 pending final Council approval of the FY 2004-05 Budget and direct the Finance Director to include the additional \$10,026.68 appropriation in the next Supplemental Budget.

City of Beaverton  
Schedule of Site Licensing Software Pricing

1. The Enterprise Agreement for the desktop is an **annual cost** which is adjusted each year according to the number of desktops the City has purchased or made obsolete. The cost for this year is \$53,006.12 and the cost for next year will be approximately \$55,000.

Enterprise full desktop includes the following licenses:

- SQL Server Client Version Upgrade License
- Windows XP Client Version Upgrade License
- SMS Client Version Upgrade License
- Exchange Client Version Upgrade License
- Office XP Pro Version Upgrade License

Number of Units	Unit Price	Total Cost
349	\$151.88	\$53,006.12

Microsoft Enterprise Agreement Renewal Desktop Pro License

2. The licensing cost for the Select Enrollment Agreement is a one time cost to cover the licenses for a three year period at the following individual prices:

Number of Units	Unit Price	Total Cost
6	\$659.65	\$3,957.90
1	\$6,322.27	\$6,322.27
1	\$3,962.15	\$3,962.15
32	\$711.82	\$22,778.24
		\$37,020.56
		\$90,026.68

- VLA SQL Server Standard License/Software Assurance English
- VLA SQL Server Enterprise License/Software Assurance English
- VLA Exchange Server Enterprise License/Software Assurance English
- VLA Windows Server Std 2003 License/Software Assurance English

**Subtotal Section 2**

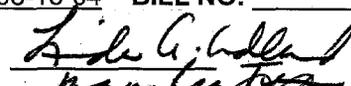
**GRAND TOTAL (both sections 1 and 2)**

## AGENDA BILL

**Beaverton City Council  
Beaverton, Oregon**

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

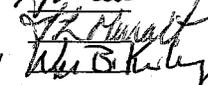
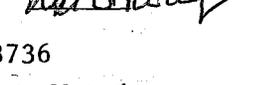
**FOR AGENDA OF:** 03-15-04 **BILL NO:** 04042

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Police 

**DATE SUBMITTED:** 03-05-04

**CLEARANCES:**

Finance   
Purchasing   
City Attorney 

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

**EXHIBITS:** Resolution No. 3736  
Scoring Evaluation Matrix

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$25,000	BUDGETED \$80,490*	REQUIRED \$25,000

\*Account Number 001-60-0628-511 General Fund – Police Department – ID Theft and Fraud Prevention Program – Professional Services Account. The \$25,000 expenditure is part of the \$80,490 budgetary appropriation for professional services to assist in developing the program.

### **HISTORICAL PERSPECTIVE:**

In September 2003, the U.S. Department of Justice awarded the City \$248,375 to develop a two-year program to address the increasing cases of identity theft and fraud crimes in Beaverton, and help reduce victimization through education and aggressive, proactive law enforcement.

On November 3, 2003, Council approved a resolution authorizing acceptance of the grant and associated appropriations (Exhibit 1). One of the goals of the Identity Theft and Fraud Prevention Program is to develop a community education campaign. To accomplish this, the City has engaged in a competitive bidding process to select a consultant to provide marketing and advertising services for the campaign. Grant funds have been budgeted in the amount of \$25,000 to hire a consultant.

### **INFORMATION FOR CONSIDERATION:**

Requests for proposals (RFPs) were advertised in the *Daily Journal of Commerce* on January 16, 2004. In addition, copies of the RFP were mailed to advertising agencies listed in *The Business Journal: 2004 Book of Lists*. Seven agencies responded by the February 11, 2004, deadline.

Staff reviewed the proposals and ranked them based on a combination of firm qualifications, work product samples and explanations, project approach and timeframe, and professional fees and commissions. The four highest ranked agencies were invited to make a presentation of their proposal to a review committee comprised of four staff members.

Based on evaluation of the proposals (copy of evaluation matrix attached – Exhibit 2), the review committee determined Ant Hill Marketing best meets the needs of the Beaverton Police Department in connection with the Identity Theft and Fraud Prevention Program community education campaign. Ant Hill Marketing has strong firm qualifications; creative and professional work product; innovative and resourceful project approach; met the timeline of the project, and value provided in services.

### **RECOMMENDED ACTION:**

Council, acting as Contract Review Board, award a personal services contract with Ant Hill Marketing of Portland, Oregon, for marketing and advertising services for the Identity Theft and Fraud Prevention Program's community education campaign in the amount of \$25,000 and in a form approved by the City Attorney.

**Agenda Bill No:** 04042

A RESOLUTION APPROVING THE ACCEPTANCE OF THE SPECIFIC PURPOSE GRANT AND THE ASSOCIATED APPROPRIATIONS FOR THE IDENTITY THEFT AND FRAUD PREVENTION PROGRAM IN THE GENERAL FUND OF THE CITY DURING THE FY 2003-04 BUDGET YEAR AND APPROVING THE APPROPRIATIONS FOR THE FUND

WHEREAS, the City Council reviews and approves the annual budget; and,

WHEREAS, during the year the Council may authorize the acceptance of specific purpose grant funds and the associated appropriations through a specific purpose grant budget adjustment resolution; and,

WHEREAS, a Specific Purpose Grant entitled "FY 2003 Bureau of Justice Assistance (BJA) Congressionally Mandated Awards" was received in the amount of \$248,375 for the purpose of developing an Identity Theft and Fraud Prevention program, and the Council desires to appropriate the grant award in the General Fund; now therefore,

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

Section 1. The Finance Director is hereby authorized and instructed to adjust the General Fund's budget to reflect receipt of the specific purpose grant revenue, and the associated appropriation:

General Fund

Revenues:

Grants – Federal	001-03-0000-327	<u>\$248,375</u>
------------------	-----------------	------------------

ID Theft Fraud Prevention Grant Expenditures:

Postage Expense	001-60-0628-302	\$ 3,626
Department Equipment Expense	-304	\$ 6,000
Special Department Supplies	-305	\$ 849
Advertising, Recording and Filing	-316	\$ 12,120
Computer Equipment	-317	\$ 48,140
Computer Software	-318	\$ 8,950
Travel and Subsistence	-321	\$ 29,250
Training	-326	\$ 18,000
Communications Expense	-341	\$ 2,000
Special Expense	-461	\$ 16,200
Professional Services	-511	\$ 80,490
Rents and Leases	-551	<u>\$ 22,750</u>
	Total	<u>\$248,375</u>

Adopted by the Council this 3rd day of November, 2003.

Approved by the Mayor this 4th day of NOVEMBER, 2003.

Ayes: 5

Nays: 0

ATTEST:

Sue Nelson  
Sue Nelson, City Recorder

APPROVED:

Rob Drake  
Rob Drake, Mayor

RESOLUTION NO. 3736

Agenda Bill No: 03236

**Identity Theft and Fraud Prevention Community Education Campaign  
Marketing/Advertising RFP  
Evaluation Matrix - March 4, 2004**

	Maximum Points	Ant Hill Marketing	Agency 86 and The Ulum Group	The Marketing Director	CFM	Creative Strategies	TLC Marketing	Migima Designs
<b>Firm Qualifications</b>	30	28	25	20	27	17	15	18
<b>Work Product Samples and Explanations</b>	30	28	23	28	20	24	15	18
<b>Project Approach and Timeframe</b>	30	27	24	24	24	20	18	10
<b>Professional Fees and Commissions</b>	10	8	5	8	6	5	5	3
<b>Subtotal</b>	100	91	77	80	77	66	53	49
<b>Interview (Top 4)</b>	25	23.25	21.25	15.5	15.5	--	--	--
<b>Total Evaluation Points</b>	125	114.25	98.25	95.5	92.5	66	53	49

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**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Waiver of Sealed Bidding – Purchase Asphalt from the Washington County Requirement Contract.

**FOR AGENDA OF:** 03-15-04 **BILL NO:** 04043

**Mayor's Approval:** *L. C. Goddard*  
*Mayor Pro Tem*  
**DEPARTMENT OF ORIGIN:** Operations *[Signature]*

**DATE SUBMITTED:** 03-02-04

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

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

**EXHIBITS:** 2004-05 & 05-06 In-house Overlay List

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$60,000*	BUDGETED \$60,000*	REQUIRED \$

\*Account number 101-85-0732-422 Street Fund – Street Maintenance Program – Street Improvements Account. The amount budgeted indicates the funding for asphalt materials that was a component of the \$764,000 budget that was appropriated for in-house street overlay projects and street maintenance activities. Staff anticipates the estimated amount of asphalt that will be purchased for the in-house street overlay projects and street maintenance activities to be \$60,000 for FY 2003-04 and an estimated \$237,607 for FY 2004-05 and an estimated \$364,776 for FY2005-06 pending Council's future approval of the FY 2004-05 and FY 2005-06 Budgets.

**HISTORICAL PERSPECTIVE:**

The FY 2004-05 Budget includes funding to purchase asphalt for street overlays and street maintenance activities. City staff will resurface seventeen (17) local streets as detailed in the attached overlay listing. Oregon law and the City's purchasing policies provide an exemption from formal competitive bidding for contracts which utilize an existing solicitation or current requirements contract of another public agency. In order to utilize this exemption the existing contract, which would form the basis for extending the price to the City, must be one which was based on a solicitation conforming to public contracting requirements; it must allow other public agencies to use the contract; and the original contracting public agency must concur.

**INFORMATION FOR CONSIDERATION:**

Washington County has obtained through a competitive bid process a Requirements Contract with five (5) suppliers of road mix; Baker Rock, KF Jacobson, Lakeside Industries, Morse Brothers and Oregon Asphaltic. The contract allows other public agencies to utilize the unit prices of that contract. Furthermore Washington County has consented to the City's use of the unit prices from that contract. Washington County's Requirement Contract includes the following language; "The Invitation to Bid indicated that a recommendation would be made to award a three-year requirements contract to each responsible bidder. The contract expires on July 31, 2006 and will allow the Operations Division to purchase asphaltic concrete on an as-needed basis for FY 2004-05 and FY 2005-06. No contractor will be promised minimum or maximum quantities. In purchasing asphaltic concrete for a particular project, Operations will choose the lowest priced contractor (with available product, at the time required) on the basis of contract price plus the Operations Division's estimate of the cost of transporting the product to the job-site.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, waive the sealed bidding requirements and authorize the Finance Department to utilize the asphalt unit pricing from the three-year Requirements Contract from Washington County, Oregon for the remainder FY 2003-04 in the amount of \$60,000 and for future years estimated in the amounts of \$237,607 for FY 2004-05, and \$364,776 for FY 2005-06 pending Council's approval of the future budgets for FY 2004-05 and FY 2005-06.

## In-House Overlay List Fiscal Year 2004-05

Street Name	Street Boundaries
2 <sup>nd</sup> St.	Watson to Lombard
Autumn Lane	Village Circle to cul-de-sac
Burntwood Ct	Village Cr. to cul-de-sac
Camden Lane	Lombard to Denny
Denney	Hall to 217 overpass
Longhorn Ln.	Downing to 125th
Harvest Ct	Arctic to cul-de-sac
Rockwood Ct	Village Cr. to cul-de-sac
Springfield Lane	Village Circle to cul-de-sac
Sunshine Ct	Arctic to cul-de-sac
Sussex St	Camden Ln to Hall
Village Circle	Village Ln to Village Ln
Village Ct	Village Circle to cul-de-sac
Salix Ct.	Salix Ridge to cul-de-sac
Salix Pl.	Salix Terr to cul-de-sac
Salix Ridge	Salix Terr to cul-de-sac
Salix Terr. (includes spur)	185 <sup>th</sup> to Salix Ridge

## Fiscal Year 2005-06

Street Name	Street Boundaries
110 <sup>th</sup> Ave	North & South cul-de-sacs
114 <sup>th</sup> Ave	Canyon to Center
136 <sup>th</sup> Ave	Hart to 27th
139 <sup>th</sup> Ave	6 <sup>th</sup> to Farmington
142 <sup>nd</sup> Ave	Hart to Barlow
142 <sup>nd</sup> Ave	TV Hwy to Farmington
173 <sup>rd</sup> Ave	Cornell to Walker
17 <sup>th</sup> St	Menlo to Erickson
27 <sup>th</sup> St	Wilson to 136th
31 <sup>st</sup> St	136 <sup>th</sup> to Hyland
99 <sup>th</sup> Ave	BH Hwy to City Limits
9 <sup>th</sup> St.	Hall to Lombard
Barrows Rd	Walnut to Roshak
Alameda Ln	Carolwood to Carlsbad
Carlsbad Dr	Carolwood to Alameda
Carolwood Dr	Murray to 149th
Dunsmuir Ln	Carolwood to Hart
Everett Ct	Carolwood to cul-de-sac
Everett Pl	Carolwood to cul-de-sac
Hall Blvd.	12 <sup>th</sup> to Allen
Hart Rd	Murray to Wilson
Heather Ct.	130 <sup>th</sup> to cul-de-sac
Heather Ln	105 <sup>th</sup> to 101st
Kimberly Dr	Hart to 141st
Pacific Ave	2 <sup>nd</sup> to 4th
Single Tree Dr.	Davies to Buckskin

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

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

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

**Mayor's Approval:** Linda G. Holland

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

**DATE SUBMITTED:** 03/02/04

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

**PROCEEDING:** First Reading

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

**BUDGET IMPACT**

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

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

**INFORMATION FOR CONSIDERATION:**

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

**RECOMMENDED ACTION:**

First Reading.

**ORDINANCE NO. 4292**

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

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

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

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

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

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

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

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

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

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

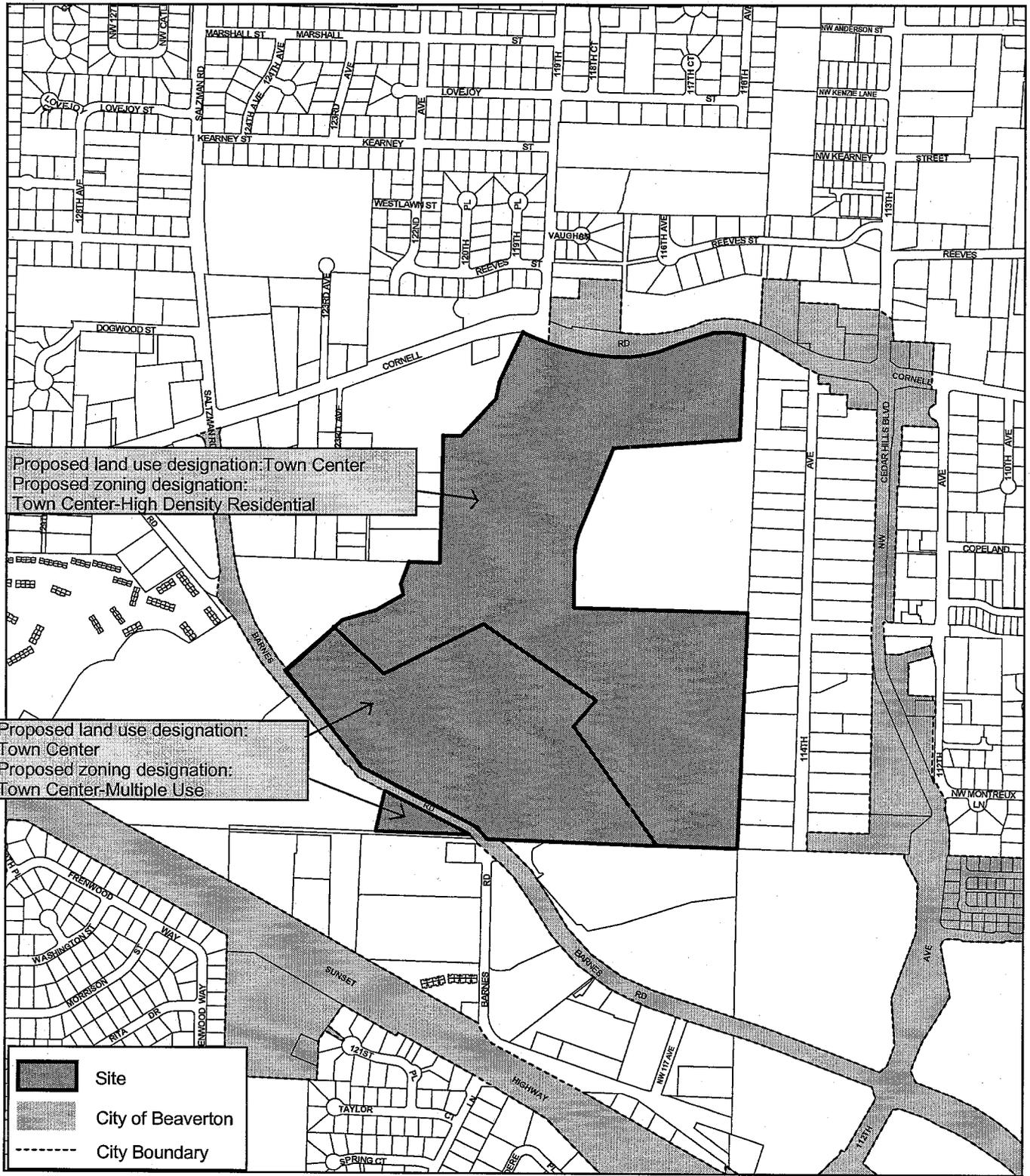
Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor



City of Beaverton

TEUFEL COMPREHENSIVE PLAN LAND USE  
 MAP AMENDMENT & ZONING MAP AMENDMENT

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/29/03

Map #  
 1n134c000100  
 1n134c002800

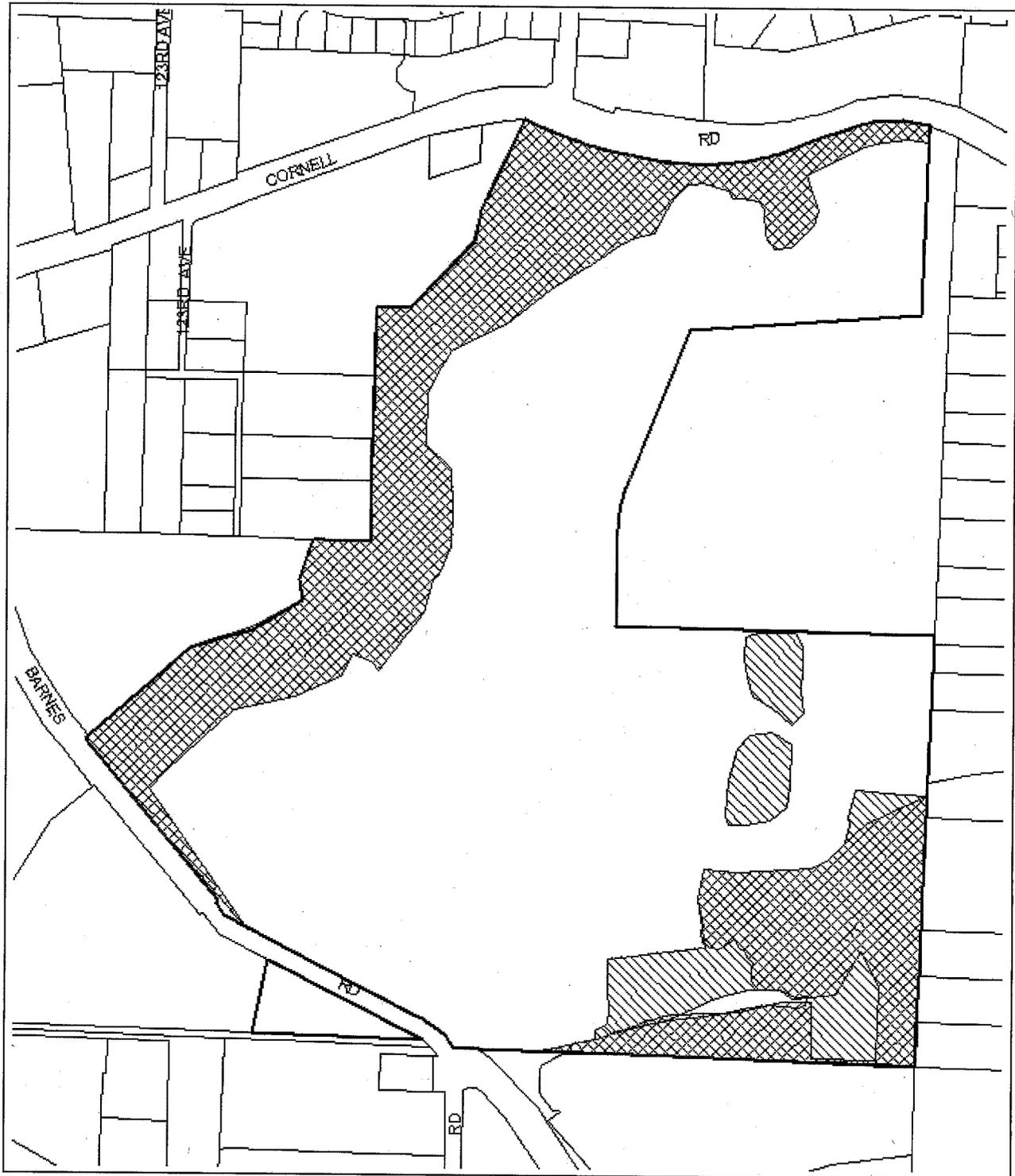


Application #  
 CPA 2003-0017/  
 ZMA 2003-0019

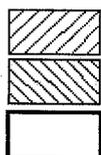
# Proposed SNRA CPA

ORDINANCE NO. 4292

# Exhibit A 1



City of Beaverton



Significant Natural Resources Overlay  
Significant Wetland and Riparian Area  
Subject Property



02/07/04

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

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

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

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

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

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

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

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

Motion **CARRIED** by the following vote:

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

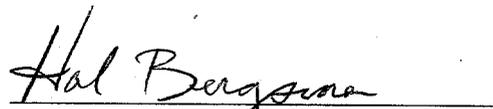
Dated this 1<sup>ST</sup> day of March, 2004.

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

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

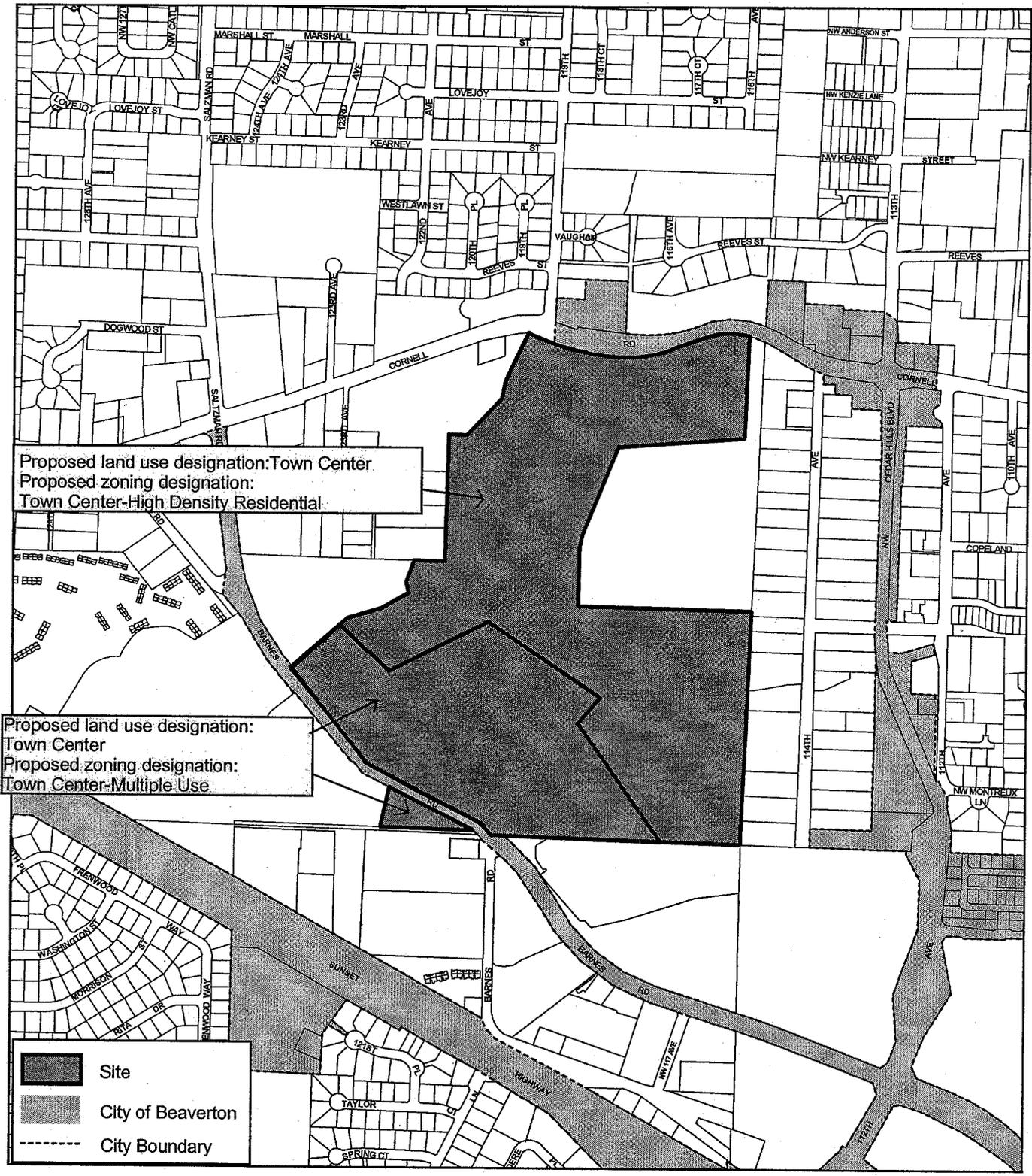
  
ALAN WHITWORTH  
Senior Planner

  
HAL BERGSMAN  
Planning Services Manager

APPROVED:

  
BOB BARNARD  
Chairman

# CPA/ZMA MAP



City of Beaverton

## TEUFEL COMPREHENSIVE PLAN LAND USE MAP AMENDMENT & ZONING MAP AMENDMENT

### COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/29/03

Map #  
 1n134c000100  
 1n134c002800



Application #  
 CPA 2003-0017/  
 ZMA 2003-0019

**PLANNING COMMISSION MINUTES**

**February 25, 2004**

**CALL TO ORDER:**

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

**ROLL CALL:**

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

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

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

**VISITORS:**

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

**STAFF COMMUNICATION:**

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

**OLD BUSINESS:**

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

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

6  
7 **CONTINUANCES:**

8  
9 **A. BLACKSTONE SUBDIVISION**

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

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

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

34  
35 Motion **CARRIED**, unanimously.

36  
37 **NEW BUSINESS:**

38  
39 **PUBLIC HEARINGS:**

40  
41 **A. TEUFEL PROPERTY**

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

1 The first proposal is to amend two maps in the Comprehensive Plan:  
2 the Land Use Map (Figure III-1 of Volume I) to designate property  
3 annexed into the City by a separate process, as Town Center (TC); and  
4 the Significant Natural Resources Map (Volume III) to apply the  
5 Significant Natural Resources Overlay Zone and significant riparian  
6 and wetlands designations to parts of the property. Secondly, to  
7 amend the Zoning Map to show Town Center-High Density Residential  
8 (TC-HDR) on approximately 64 acres of the property and Town Center-  
9 Multiple Use (TC-MU) on the remaining 22 acres of the property in  
10 place of the current Washington County designations of Transit  
11 Oriented Residential: 24-40 units to the acre (TO: R24-40) and Transit  
12 Oriented: Retail Commercial (TO: RC). These are Beaverton's most  
13 similar land use and zoning designations to those that Washington  
14 County has placed on these properties. The third action is the  
15 adoption of a special ordinance that will guide notice and review  
16 procedures for the Teufel property. The address of the parcels is 12345  
17 NW Barnes Road, it is identified on tax map 1N134C0 as lots 00100  
18 and 02800, and is commonly known as a portion of the Teufel Nursery.  
19

20 Commissioner Voytilla disclosed that while he is a member of staff of  
21 the Beaverton School District and that the district has an interest in  
22 this property, this proposal involves a legislative action and would not  
23 affect his ability to participate in a fair and impartial decision.  
24

25 Chairman Barnard provided a brief description of the hearing process.  
26

27 Planning Services Manager Hal Bergsma introduced himself and  
28 Development Services Manager Steven Sparks and explained that the  
29 proposed Comprehensive Plan Amendment and Zoning Map  
30 Amendment had been necessitated by the recent annexation of the  
31 subject property, adding that this annexation had become effective  
32 February 13, 2004. Referring to the Washington County/Beaverton  
33 Urban Planning Area Agreement which requires adoption of plan  
34 designations and zoning as similar as possible to previous Washington  
35 County zoning within six months of annexation, he explained that the  
36 proposed Comprehensive Plan designation and Zoning Map  
37 designation are in compliance with this requirement. Observing that  
38 it is also necessary to consider adoption of special provisions related to  
39 the subject property that have been adopted by Washington County, he  
40 pointed out that while such special provisions generally do not exist, in  
41 this particular situation, there are numerous special provisions.  
42

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41  
42 Mr. Bergsma advised Commissioner Voytilla that this correspondence  
43 had only arrived this morning.  
44

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

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

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

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

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

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

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

26  
27 **PUBLIC TESTIMONY:**

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

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

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

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

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Commissioner Voytilla **MOVED** and Commissioner Winter **SECONDED** a motion for approval of CPA 2003-0017 – Teufel Multiple Comprehensive Plan Map Amendments, based upon the testimony, reports and exhibits and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated February 6, 2004, and Staff Memorandum dated February 25, 2004.

Motion **CARRIED** by the following vote:

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

Commissioner Voytilla **MOVED** and Commissioner Winter **SECONDED** a motion for approval of ZMA 2003-0019, based upon the testimony, reports and exhibits and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated February 6, 2004, and Staff Memorandum dated February 25, 2004.

Motion **CARRIED** by the following vote:

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

Commissioner Voytilla **MOVED** and Commissioner Winter **SECONDED** a motion for approval of the Teufel Property Development Review Procedures Ordinance, based upon the testimony, reports and exhibits and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated February 6, 2004, and Staff Memorandum dated February 25, 2004.

Motion **CARRIED** by the following vote:

- AYES:** Voytilla, Winter, Bliss, Johansen, Pogue, and Barnard

1           **NAYS:**       None.  
 2           **ABSTAIN:** None.  
 3           **ABSENT:**  Maks.  
 4

5   **B.    1250 NW WATERHOUSE AVENUE**

6       **4.   CPA 2003-0018 – Land Use Map Amendment**

7       **5.   ZMA 2003-0020 – Zoning Map Amendment**

8           This proposal is to amend the Land Use Map in the Comprehensive  
 9           Plan and Zoning Map to designate one parcel being annexed into  
 10          the City, by a separate process, Employment (EMP) on the Land  
 11          Use Map and Campus Industrial on the Zoning Map in place of the  
 12          current Washington County designation of Industrial with an  
 13          Employment Area overlay. These are Beaverton’s most similar  
 14          land use and zoning destinations to those that Washington County  
 15          has placed on this property. The address of this parcel is 1250 NW  
 16          Waterhouse Avenue; it is identified on tax map 1N132BD as Tax  
 17          Lot 00400.  
 18

19          Chairman Barnard and Commissioner Pogue indicated that he had  
 20          visited the site.  
 21

22          Senior Planner Alan Whitworth presented the Staff Report and offered  
 23          to respond to questions.  
 24

25          **PUBLIC TESTIMONY:**

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

28          Mr. Whitworth indicated that staff had no further comments.  
 29

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

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

35          Commissioners Johansen, Winter, Pogue, Bliss, and Voytilla, and  
 36          Chairman Barnard expressed their support of the application.  
 37

38          Commissioner Pogue **MOVED** and Commissioner Bliss **SECONDED** a  
 39          motion for approval of CPA 2003-0018 – 1250 NW Waterhouse Avenue  
 40          Land Use Map Amendments, based upon the testimony, reports and  
 41          exhibits and new evidence presented during the Public Hearings on the  
 42          matter, and upon the background facts, findings and conclusions found  
 43          in the Staff Report dated February 6, 2004.  
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Motion **CARRIED** by the following vote:

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

Commissioner Pogue **MOVED** and Commissioner Bliss **SECONDED** a motion for approval of ZMA 2003-0020 – 1250 NW Waterhouse Avenue Zoning Map Amendments, based upon the testimony, reports and exhibits and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated February 6, 2004.

Motion **CARRIED** by the following vote:

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

**APPROVAL OF MINUTES:**

Minutes of the meeting of January 28, 2004, submitted. Commissioner Voytilla requested that the date on the header be amended, as follows: "January ~~21~~ **28**, 2004". Commissioner Pogue **MOVED** and Commissioner Voytilla **SECONDED** a motion that the minutes be amended as amended.

Motion **CARRIED**, unanimously.

**MISCELLANEOUS BUSINESS:**

Mr. Sparks introduced Associate Planner Ethan Edwards, observing that he has recently come from the City of Santa Monica and has experience in both public and private sector planning.

The meeting adjourned at 7:53 p.m.



# CITY of BEAVERTON

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

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Alan Whitworth, Senior Planner *Alan*

**REPORT DATE:** February 6, 2004

**HEARING DATE:** February 25, 2004

**REQUEST:** CPA2003-0017/ZMA2003-0019 (Teufel Multiple CPA and Zoning Map Amendments and Special Property Review Procedures Ordinance) Quasi-judicial hearings for three separate actions that will be considered by the Planning Commission. The first proposal is to amend two maps in the Comprehensive Plan: the Land Use Map (Figure III-1 of Volume I) to designate property annexed into the City by a separate process, as Town Center (TC); and the Significant Natural Resources Map (Volume III) to apply the Significant Natural Resources Overlay Zone and significant riparian and wetlands designations to parts of the property. Secondly, to amend the Zoning Map to show Town Center-High Density Residential (TC-HDR) on approximately 65 acres of the property and Town Center-Multiple Use (TC-MU) on the remaining 22 acres of the property in place of the current Washington County designations of Transit Oriented Residential: 24-40 units to the acre (TO: R24-40) and Transit Oriented: Retail Commercial (TO: RC). These are Beaverton's most similar land use and zoning designations to those that Washington County has placed on these properties. A separate action that will be considered by the Planning Commission is the adoption of a special ordinance that will guide notice and review procedures for the Teufel property. The address of the property is 12345 NW Barnes Road, it is identified on tax map 1N134C0 as lots 00100 and 02800, and is commonly known as a portion of the Teufel Nursery. The Exhibit A shows the property and its location and depicts the proposed Comprehensive Plan Land Use Map and Zoning Map designations.

**APPLICANT:** City of Beaverton

**APPROVAL CRITERIA:** Comprehensive Plan Section 1.3.1 and Development Code Section 40.97.15.4.C.

**LOCATION:** The address for the larger parcel is 12345 NW Barnes Road and the smaller parcel does not have an assigned address.

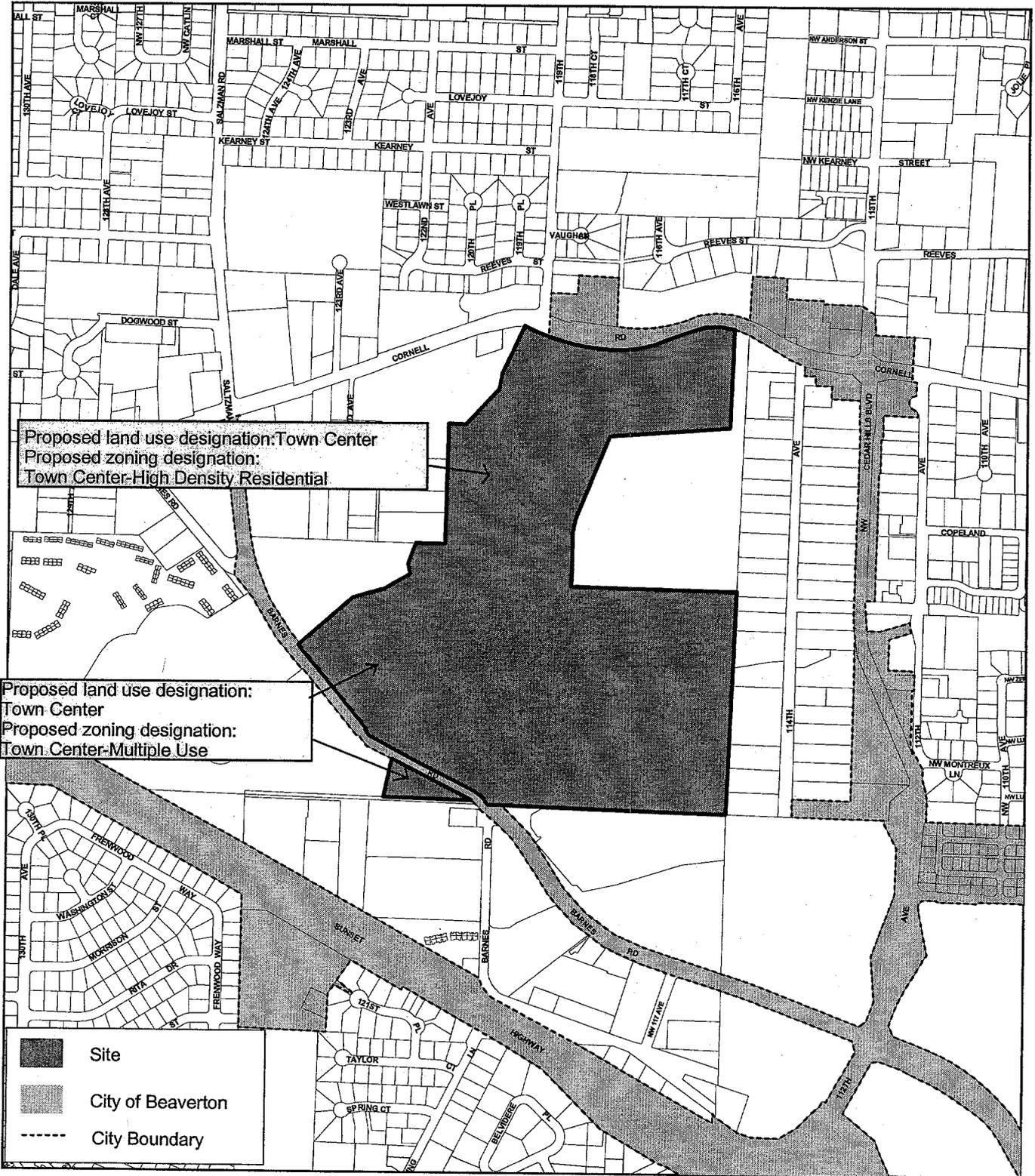
**EXISTING USE:** The two parcels have a combined acreage of approximately 87 acres. Tax lot 02800 is developed as a wholesale nursery with a retail store fronting on the north side of Barnes Road.

**ANNEXATION ISSUE:** The annexation of this property has been appealed to the Land Use Board of Appeals (LUBA). All of the actions proposed in this staff report and the accompanying staff report for the "Teufel Property Development Review Procedures Ordinance" will not be valid or apply to the property if the annexation is over turned.

### **RECOMMENDATION**

Based on findings in this report that the criteria contained in Comprehensive Plan Section 1.3.1 and Development Code Section 40.97.15.4.C. are met, staff recommends approval of the Town Center (TC) Comprehensive Plan Land Use Map designation and Zoning Map designations of Town Center – Multiple Use (TC-MU) for 22 acres along Barnes Road and Town Center – High Density Residential (TC-HDR) for the remainder of the subject properties as shown on the attached map. Staff also recommends amending the Significant Natural Resources Map in Volume III of the Comprehensive Plan to show the Significant Natural Resources Overlay Zone and significant riparian and wetlands designations on parts of this property as shown on the attached map (Exhibit B).

# EXHIBIT "A"



City of Beaverton

## TEUFEL COMPREHENSIVE PLAN LAND USE MAP AMENDMENT & ZONING MAP AMENDMENT COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/29/03

Map #  
 1N1340C000100  
 1N134C0002800

Application #  
 CPA 2003-0017/  
 ZMA 2003-0019



## **ANALYSIS OF COMPREHENSIVE PLAN AMENDMENT**

The purpose of the proposed amendments to the Comprehensive Plan Land Use Map and Zoning Map is to assign appropriate City Land Use and Zoning designations to a parcel being annexed into the City of Beaverton through a different process. The Washington County - Beaverton Urban Planning Area Agreement (UPAA) calls for the City to assign our most similar Land Use Map and Zoning Map designations to those of the County's. This property is designated Transit Oriented by Washington County on the Cedar Hills - Cedar Mill Community Plan. In 2000 the County amended their Comprehensive Framework Plan to place a Town Center overlay on this property. The UPAA is not specific as to the correct Comprehensive Plan designation because these designations did not exist when the UPAA was adopted. The Metro 2040 Growth Concept Map also shows this property as Town Center and both the County and the City adopted the Town Center to comply with Metro requirements. Staff finds that the City Land Use Map designation most similar to the County's Town Center overlay and Transit Oriented designation is our Town Center designation. For these reasons staff recommends the Comprehensive Plan Land Use Map be amended to show this parcel as Town Center.

## **ANALYSIS OF ZONING MAP AMENDMENT**

Washington County has designated 22 acres of this property Transit Oriented - Retail Commercial (TO: RC) and the remainder Transit Oriented Residential: 24-40 units to the acre (TO: R24-40). The UPAA is not specific as to our appropriate zoning designation because these zoning designations did not exist when the UPAA was adopted. According to Section 3.14 of Beaverton's Comprehensive Plan, the Comprehensive Plan and Zoning District Matrix; Town Center - Multiple Use (TC-MU), High Density Residential (TC-HDR) or Medium Density Residential (TC-MDR) are the only zoning districts that can be applied to implement a Town Center Land Use Map designation. TC-MU is the only one of the three allowed designations that allows development that is primarily commercial and, therefore, is the obvious match for the County's TO: RC district. The other two districts are primarily residential with the TC-HDR having a minimum density of 24 units per net acre and TC-MDR having a minimum density of 18 units to the net acre. Clearly the density of TC-HDR most closely matches that of Washington County's TO: R24-40. For these reasons staff recommends the Zoning Map be amended to show TC-MU on the 22 acres zoned TO: RC by the County and to show TC-HDR on the remainder of the site.

The UPAA requires the City to review the relevant Community Plan, which in this case is the Cedar Hills-Cedar Mill Community Plan. This property is Area of Special Concern Number 4 of that Plan. A separate staff report and a "Teufel Property Development Review Procedures Ordinance" will address the special provisions applicable to the property in the Washington County Community Plan. Excerpts from the Cedar Hills-Cedar Mill Community Plan containing the provisions that

need to be addressed in the development review process are attached as Exhibit C to this staff report.

## **COMPREHENSIVE PLAN AMENDMENT FINDINGS**

Adoption by the City Council and Planning Commission of an amendment to the Plan must be supported by findings of fact, based on the record, that demonstrate the criteria of Comprehensive Plan Section 1.3.1 (Amendment Criteria) have been met. The City Council and Planning Commission may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings to the following criteria are the minimum requirements for Land Use Map amendments.

### **Compliance with Plan Amendment Criteria:**

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

Of the 19 Statewide Planning Goals, staff has determined that Goals 1, 2, 5, 6, 7 and 8 are applicable to these proposed map amendments.

#### **Goal One: Citizen Involvement**

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

This proposed application for a Comprehensive Plan Land Use Map amendment and zone change is subject to the public notice requirements of the City Charter, Comprehensive Plan Section 1.3.4.3 and Development Code Section 50.45. The following summarizes public involvement opportunities and notification requirements specified in these sections:

- Mailing notice to DLCD, Metro, the City's Neighborhood Office and the CCI Chair at least forty-five days prior to the public hearing.
- A Public Hearing before the Planning Commission that must be advertised 20 days in advance in the Valley Times and posted in three conspicuous places. Thirty days prior to the hearing notice must be mailed to the owners of the subject property by certified mail and twenty days prior to the hearing notice must be mailed to residents and owners of property within 500 feet of the subject property. (Consistent with special provisions of the Cedar Hills/Cedar Mill Community Plan, the City also mailed notice of the hearing to owners of property located within between 500 and 1000 feet of the subject property.)

The Planning Commission at their hearing considers written comments and oral testimony before they make a decision. The procedures outlined in Comprehensive Plan Section 1.3.4.3 and Development Code Section 50.45 allow for proper notice and

public hearing opportunities on the proposed Comprehensive Plan Land Use Map amendment and zone change as required by this Statewide Planning Goal. These procedures have been followed.

***Finding:*** *Staff finds that the City through its Charter, Comprehensive Plan and Development Code and the State through numerous statutes have created proper procedures to insure citizens the opportunity to have input in these proposed Comprehensive Plan Map amendments and that those procedures have been or will be complied with.*

**Goal Two: Land Use Planning**

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

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps, in a three-part report (Ordinance 1800) along with implementation measures, including the Development Code (Ordinance 2050) in the late 1980's. The City adopted a new Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The proposed Plan, including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before being adopted. The adopted Plan and findings supporting adoption were deemed acknowledged pursuant to multiple DLCD Approval Orders, the last of which were issued on December 31, 2003. In 1989, the City and Washington County adopted the Washington County - Beaverton Urban Planning Area Agreement (UPAA), which is now section 3.15 of the Comprehensive Plan. The land use planning processes and policy framework described in the UPAA, Development Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments. In addition, both the Development Code and the Comprehensive Plan provide procedures to follow when assigning land use designations and zoning related to annexations.

Section II.D. of the UPAA states:

*The CITY and the COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan. Upon annexation, the CITY agrees to convert COUNTY plan and zoning designations to CITY plan and zoning designations which most closely approximate the density, use provisions and standards of the COUNTY designations. Such conversions shall be made according to the tables shown on Exhibit "B" to this agreement.*

This property is currently designated TO: RC and TO: R24-40. The Washington County Comprehensive Framework Plan places the property within a Town Center

design type, consistent with the Metro 2040 Growth Concept. The UPAA does not reference any of these designations because they did exist when it was written. Since the County has designated this property Town Center in their Comprehensive Framework Plan staff recommends the Comprehensive Plan Land Use Map be amended to show this parcel as Town Center.

Washington County's Comprehensive Framework Plan is implemented by ten Community Plans. County Community Plan documents consist of a Land Use District Map, a Significant Natural and Cultural Resources Map and Plan text. Each Community Plan Map shows the adopted land use designation for each parcel within the planning area. The Significant Natural and Cultural Resources Map shows the general location of: three categories of natural resources – water areas and wetlands, wildlife habitat, and areas with a combination of water areas and wetlands and fish and wildlife habitat; properties subject to the County's Historic and Cultural Resource Overlay District; the location of scenic views and features; park deficient areas; and potential park/open space/recreation areas. The Community Plan text provides a written description of the Community Plan Map, Community Design Elements and Areas of Special Concern. Individual, site-specific policy design elements are sometimes included in the Community Plan text.

City staff has reviewed the Cedar Hills-Cedar Mill Community Plan Significant Natural and Cultural Resources (SNCR) map to determine if any for relevant site-specific policies. The map shows Cedar Mill Creek, which flows along the west edge of the subject property, as a water area area/wetland and fish and wildlife habitat. Land along the creek is identified as wildlife habitat. Johnson Creek, which flows through the southeast corner of the subject property, is also shown as a water area area/wetland and fish and wildlife habitat, while flood plain along Johnson Creek and tributaries of the creek on the property, including detention ponds along a northern tributary, are shown as water areas and wetlands. The significance of these designations will be addressed below under Statewide Planning Goals 5, 6 and 7.

The SNCR map also shows Cedar Mill Falls, on the subject property, as a scenic resource. This designation will be addressed below under Goal 5.

The SNCR map also shows the subject property as within Potential Park/ Open Space/ Recreation Area E: Cedar Mill Creek and Falls. Text in the Community Plan notes the Tualatin Hills Park and Recreation District has proposed three neighborhood parks in this area, and describes the general intended location and size of the area. The text also describes Cedar Mill Falls as "an integral cultural and natural resource amenity for the Cedar Mill Creek Neighborhood Trail Corridor Loop." The significance of these designations will be discussed below under Goal 8.

The subject property is identified as Area of Special Concern (ASC) Number 4. Community Plan text provisions applicable to ASC 4 are addressed in a separate staff report and ordinance.

***Finding: Staff finds that the City and Washington County have established a land use planning process and policy framework as basis for assigning land use and zoning designations for recently annexed land. These amendments comply with Goal Two.***

**Goal Five: Natural Resources, Scenic and Historic Areas, and Open Spaces**

**To protect natural resources and conserve scenic and historic areas and open spaces.**

As noted in the discussion under Statewide Planning Goal Two, Washington County's Community Plan documents include a Significant Natural and Cultural Resources Map and related text. The County Significant Natural and Cultural Resources Map shows the general location of:

- three categories of natural resources
  1. water areas and wetlands,
  2. wildlife habitat, and
  3. areas with a combination of water areas and wetlands and fish and wildlife habitat;
- the County's Historic and Cultural Resource Overlay District;
- scenic views and features;
- park deficient areas; and
- potential park/open space/recreation areas.

County designations satisfy Statewide Planning Goal 5 requirements of inventorying resources listed under the goal, assigning significance to the resources, completing an environmental, social, economic, and energy (ESEE) analysis on the significant resources and impact areas, and adopting a program to implement the goal. However, the Goal has been revised since the County's adoption and new information has been approved through Metro (Regionally Significant Resource Inventory Map) depicting Regionally Significant Riparian and Wildlife Habitat. This information provides some refinement of the County's mapped areas related to riparian and wildlife habitat.

For this proposal, the Cedar Hills-Cedar Mill Community Plan Significant Natural and Cultural Resources (SNCR) map depicts Cedar Mill Creek flowing in a southerly direction along the western portion of the subject property. The County designation is "water area area/wetland and fish and wildlife habitat" adjacent to Cedar Mill Creek, while the "wildlife habitat" designation falls adjacent to the aforementioned designation. Additionally, the Community Plan SNCR map designates Johnson Creek, which flows through the southeast corner of the subject property, as a "water area area/wetland and fish and wildlife habitat". Flood

plain along Johnson Creek, its tributaries, and three ponds are designated as "water areas and wetlands". The Significant Natural and Cultural Resources map for Cedar Hills-Cedar Mill Community Plan is attached as Exhibit D.

The Barnes- Peterkort subarea of the Cedar Hills-Cedar Mill Community Plan states the following:

*Varied natural features in the subarea – streams, slopes and wooded areas – provide a backdrop for development designs which accomplish that protection while accommodating new residential and commercial uses.*

*Design Elements* within the Cedar Hills-Cedar Mill Community Plan provide the following additional guidance:

2. Cedar Mill and Johnson Creek, their tributaries and immediately adjacent riparian zone, shall be retained in their natural condition in keeping with the provisions of the Community Development Code.
3. In order to maintain the open space and wildlife attributes of the resource, future development is encouraged to use trees, riparian vegetation, and steeply sloping lands coincidental with the Cedar Mill and Johnson Creek flood plains and drainage hazard areas as open space if allowable densities can be accommodated elsewhere on the site.

Metro's Regionally Significant Resources Inventory Map identifies similar areas as Washington County's SNCR map. Metro's designations on the site include Wildlife Habitat Resources and Riparian Corridor Resources as shown on Exhibit E. Metro's Wildlife Habitat Map shows a significant portion of the site as Habitat of Concern (HOC) #51. This HOC is described on Metro's *Habitats of Concern Master List* as follows:

*Cedar Mill Creek wetlands and forest: This was one of the most significant sites on Mike Houck's 1984 Washington County Goal 5 Inventory. Large population of Wood Ducks uses open water bodies here. The site is identified as a Bottomland Hardwood and Wetland. It is also an important connector or corridor.*

The city of Beaverton and nine (9) other cities in Washington County, the County, THPRD, and Clean Water Services (CWS) have partnered together to analyze Metro's inventory and develop a program to achieve the goal. (The group is called the Tualatin Basin Partners for Natural Places.) Currently, the Tualatin Basin Partners are working on an Environmental, Social, Economic, and Energy (ESEE) analysis of Metro's inventory (Metro is also conducting a similar analysis). Following the ESEE analysis, the Tualatin Basin will prepare a program to protect the resources. Following Metro's approval of the ESEE analysis and program, the local governments in the Tualatin Basin have 180 days to implement the program.

While the County's designations are currently adopted and acknowledged, new information exists that further refines the boundaries and extent of the resources in the form of Metro's Inventory. In this area, the generic Tualatin Basin Partners recommendation is shown on Exhibit F. In the interim, staff proposes that the Metro regionally significant inventory for this area be used to adopt new designations on the City's *Significant Natural Resources Map* (Volume III of the Comprehensive Plan, *Statewide Planning Goal 5 Resource Inventory Documents and Comprehensive Plan Significant Natural Resources Map*). Staff proposes the following changes to the City's *Comprehensive Plan Significant Natural Resources Map*:

- Adopt Metro's Regionally Significant Riparian Corridors as locally significant resources by adding the areas to the wetland and riparian areas on the City's Local Wetland Inventory map (a subset of the City's *Comprehensive Plan Significant Natural Resources Map*), and
- Adopt Metro's Regionally Significant Wildlife Habitat as Significant Natural Resources Overlay Zone on the City's *Comprehensive Plan Significant Natural Resources Map*.

Existing regulations within the City's Development Code and Clean Water Services Design and Construction Standards for Sanitary Sewer and Surface Water Management (CWS D&C Standards) would apply to development proposals on the site, unless the Tualatin Basin local governments adopt the new program prior to submission of an application for development. Thus, existing regulations such as the City's tree preservation plan requirements within Significant Natural Resources, CWS Vegetated Corridors regulations, and Division of State Lands wetland delineation and removal/fill permitting requirements would protect the resource.

The SNCR map also shows Cedar Mill Falls, on the subject property, as a scenic resource.

Currently, the City does not have a map of Significant Natural Resources that includes scenic resources as a category. Under Section 7.4 of the City's Comprehensive Plan, Scenic Views and Sites, text refers to sites as streams, wetlands, forested areas or single specimen trees identified on either public or private land. Further the text states that the City has focused on forested areas and specimen trees as scenic sites. Finally, the text explains "*Other Scenic sites, including streams and wetlands are protected to some degree under federal, state and local regulations.*" Also, under the Goal 5 amendments of 1996, Scenic Views and Sites became an optional resource for local governments to inventory and protect through the Goal. Thus, staff is not proposing changes to the Volume III of the City's Comprehensive Plan to address the Cedar Mill Falls site as a scenic resource.

***Finding:*** *Staff finds that applying the City's significant local wetland and significant riparian corridor designation to the Metro Regionally Significant Riparian Corridor areas and applying the City's Significant*

*Natural Resources Overlay to Metro's Regionally Significant Wildlife Habitat (by amending Volume III Statewide Planning Goal 5 Inventory Resource Documents and Comprehensive Plan Significant Natural Resources Map) provides refined definition of the County designations and provides a program to protect the resources through CWS, City, and State regulations.*

**Goal Six: Air, Water and Land Resources Quality**

**To maintain and improve the quality of the air, water and land resources of the state.**

Both the City of Beaverton and Washington County address water and land resource quality through implementation of Clean Water Services Design and Construction Standards for Sanitary Sewer and Surface Water Management. Air quality is maintained by following the Transportation Planning Rule, building facilities identified on the County and City Transportation System Plans, and the region's investment in light rail and other transit options.

***Finding:** Staff finds that the City and Washington County have established programs to address Goal Six. Thus, this amendment complies with the Goal.*

**Goal Seven: Areas Subject to Natural Disasters and Hazards**

**To protect life and property from natural disasters and hazards.**

As noted in the discussion in this staff report under Statewide Planning Goal Two, the Cedar Mill-Cedar Hills Community Plan identifies floodplain adjacent to Johnson Creek and drainage hazard areas adjacent to Cedar Mill Creek. Both the City of Beaverton and Washington County address areas subject to natural disasters and hazards through implementation of CWS D&C Standards and special regulations within drainage hazard areas. Additionally, the CWS D&C Standards apply regulations to areas with greater than 25 percent slopes adjacent to stream corridors. All of these regulations apply regardless of the incorporated or unincorporated status of the property.

***Finding:** Staff finds that the City and Washington County have existing programs to address areas subject to natural disasters and hazards. This amendment complies with Goal Seven.*

**Goal Eight: Recreational Needs**

**To satisfy the recreational needs of the citizens of the state and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

The SNCR map also shows the subject property as within Potential Park/ Open Space/ Recreation Area E: Cedar Mill Creek and Falls. Text in the Community Plan (as amended through County Ordinance 536) notes the Tualatin Hills Park and Recreation District (THPRD) has proposed three neighborhood parks in this area as approximately 3 to 5 acres in size (except reductions to 3 acres can occur if they are within one-quarter mile or less of the station area or Town Center core). Additionally, the text states: "The Cedar Mill Falls area would remain as a natural area as an integral cultural and natural resource amenity of the Cedar Mill Creek Neighborhood Trail Corridor Loop."

THPRD provides park services for the city of Beaverton and surrounding community. Within the Tualatin Hills Park and Recreation District 20 Year Master Plan (20 Year Master Plan), only one park is proposed at this site at Cedar Mill Falls. An additional site is proposed east of the subject site of this proposal. Two Community Trails are proposed in the vicinity of this property, a north-south and an east-west route. These trails are the N. Johnson Creek Trail (3.7 miles total length, 0.8 miles existing trail) and the Cedar Mill Creek Trail (2.1 miles in length). Additional future Neighborhood Trails (1.5 miles total length) are proposed to connect Cedar Mill Creek to the proposed Cedar Mill Community Trail (see Exhibit G).

***Finding:** Staff finds that THPRD, the City's Park Provider, identifies similar, if not the same, recreational areas on its Master Plan. Through implementation of the THPRD Master Plan, this goal is met.*

**Goal Twelve: Transportation**

**To provide and encourage a safe, convenient and economic transportation system.**

The proposed Comprehensive Plan Land Use Map and Zoning Map designations call for a large and dense development. The County has studied this area with the prescribed land uses factored in. The property has direct access to two arterial roads (Barnes and Cornell) and is close to a third arterial road (Cedar Hills Blvd.). Cedar Hills Blvd. and Barnes Road provide access to the Sunset Highway, a freeway, within a mile of the property. Public transportation in the form of bus routes is available on Barnes Road, Cornell Road and Cedar Hills Blvd. These routes can be used to reach the Sunset Transit Center, a light rail stop, which is within two miles of the property.

The Community Plan has numerous factors that are to be considered in the development review process relating to roads and pedestrian circulation. In the Community Plan, the County shows an "Arterial Corridor" as a study area on this property, as shown in Exhibit C. The proposed Teufel Property Review Ordinance includes a map depicting this same study area. The Community Plan previously applied a minor arterial classification to the proposed road, but that classification was changed to arterial pursuant to County A-

Engrossed Ordinance No. 588 in 2002 because the minor arterial classification is no longer used by the County in its Transportation Plan. A minor arterial was in between an arterial and a collector in the road classification hierarchy. Beaverton's transportation planners believe it should be downgraded one step to collector rather than upgraded to arterial because in our classification system it qualifies as a collector. Arterials and collectors are defined in our Comprehensive Plan as follows:

*Arterial streets serve to interconnect and support the freeway system. These streets link major commercial, residential, industrial, and institutional areas. Arterial streets are typically spaced about one mile apart to assure accessibility and reduce the incidence of traffic using collectors or local streets in lieu of a well-placed arterial street. Many of these routes connect to cities surrounding Beaverton.*

*Collector streets provide both access and circulation within residential, commercial, and industrial areas. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive access control, and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system.*

The exact location of this road within the defined study area will be determined in the development review process.

***Finding:*** *Staff finds that Washington County went through a lengthy process with extensive public input leading to the adoption of the Cedar Hills-Cedar Mill Community Plan which addressed in a serious way transportation issues and have established provisions that are to be addressed in the development review process for the property. The City has considered these provisions in applying its Comprehensive Plan and zoning upon annexation. The amendments proposed by these applications comply with Goal Twelve.*

***SUMMARY FINDING:*** *Staff finds that the requested Comprehensive Plan change to Town Center is consistent with the Statewide Planning Goals and the requirements of Criterion 1.3.1.1 are met.*

***1.3.1.2. The proposed amendment is consistent and compatible with Metro Regional Urban Growth Goals and Objectives and the Metro Regional Framework Plan.***

Metro's Urban Growth Management Functional Plan Section 3.07.830 requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. The City is only required to address provisions in the Urban Growth Management Functional Plan, which is an Element of the Framework Plan. The Regional Framework Plan (which includes the RUGGOs and the Urban Growth

Management Functional Plan) does not contain policies or criteria directly applicable to decisions of this type.

The Metro 2040 Growth Concept Map shows this property as having four design types, those being: Corridor, Inner Neighborhood, Outer Neighborhood, and Resource Land. These design types are considered to be guidelines and local governments are supposed to use their own judgment in applying the design types. Washington County, went through a comprehensive planning process and determined that a Town Center design type should be applied to the property, with land use designations of Transit Oriented: Retail Commercial and Oriented: Residential 24-40 units to the acre.

***FINDING: Staff finds that the requested Land Use Map designation of Town Center is consistent and compatible with regional plans and guidelines. The requirements of Criterion 1.3.1.2 are met.***

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

Section 2.6.3 of the City Comprehensive Plan addresses Annexation Related Map Amendments. This section explains that Comprehensive Plan and Zoning map amendments of annexed properties are subject to the provisions of the UPAA (the UPAA is Section 3.15 of the Plan). The UPAA does not reference TO: RC, TO: R24-40 or Town Center because these designations did not exist when it was written. When the UPAA is not specific the City is to assign the most similar designations to the County designations. The County has defined this property in its Comprehensive Framework Plan as being a Town Center Area which matches our Town Center Land Use Map designation and Metro's Town Center designated. Staff is unaware of any other relevant plans affecting this decision. The Town Center Land Use designation allows for TC-MU and TC-HDR zoning designations. Staff concludes that Town Center is the appropriate Land Use Map designation.

***FINDING: Staff finds that the requested Comprehensive Plan change to Town Center is consistent and compatible with Comprehensive Plan Sections 2.6.3 and 3.15 (UPAA), which are the relevant section of the Plan. The requirements of Criterion 1.3.1.3 are met.***

***1.3.1.4 Potential effects of the proposed amendment have been evaluated and will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare.***

It is the intent of the UPAA to provide for a smooth transition from County designations to City designations by adopting designations that most closely approximate the County's designations. The transition does not significantly impact public services, economic factors or environmental elements. Residents and business owners may benefit from the application of City designations to their property when applying for development services since City employees are more familiar with City

regulations than County regulations. Staff finds that the proposed amendments will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare.

***FINDING: Staff finds that the potential effects of the proposed amendment will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare. Criterion 1.3.1.4 is met for the annexation related Comprehensive Plan Land Use Map amendment of Employment as proposed in this staff report.***

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

The UPAA was developed to ensure that City designation of annexed parcels would have minimal impact to surrounding areas, public facilities and services. The assumption behind this is that the County went through a proper planning, evaluation and review process prior to assigning plan designations and issuing development approvals. The City reviewed impacts on public facilities and services as part of the annexation review process prior to approving the annexation (ANX 2003-0012). No adverse impacts on public facilities and services were identified.

***FINDING: Staff finds the benefits of the proposed Land Use Map amendment will offset potential adverse impacts on surrounding areas, public facilities and services. Criterion 1.3.1.5 is met for the proposed Comprehensive Plan Land Use Map amendment.***

***1.3.1.6 There is a demonstrated public need, which will be satisfied by the amendment as compared with other properties with the same designation as the proposed amendment.***

This amendment is associated with an annexation that will add property to the City. It is necessary for property within the City to have City Comprehensive Plan and zoning designations in place of the County designation.

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

## ZONING MAP AMENDMENT FINDINGS

Adoption by the City Council and Planning Commission of an amendment to the Zoning Map must be supported by findings of fact based on the evidence provided by the applicant demonstrating the criteria of the Development Code Section 40.97.15.4.C (Discretionary Annexation Related Zoning Map Amendment - Approval Criteria) have been met. The City Council and Planning Commission may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or

others. Affirmative findings to the following criteria are the minimum requirements for Zone Map amendments.

**40.97.15.4.C.1. *The proposal satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.***

There is one threshold requirement, which is "The change of zoning to a City zoning designation as a result of annexation of land to the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation." The UPAA does not list TO: RC or TO: R24-40 because they did not exist at the time it was written.

***FINDING: Staff finds that the proposed request satisfies the threshold requirement for a Discretionary Annexation Related Zoning Map Amendment application.***

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

***FINDING: Since there are no fees for annexation related Land Use Map and Zoning Map Amendments. Staff finds that this criterion is not applicable.***

**40.97.15.4.C.3. *The proposed zoning designation most closely approximates the density, use provisions, and development standards of the Washington County designation which applied to the subject property prior to annexation.***

The UPAA does not list TO: RC or TO: R24-40. The County has designated this area Town Center in their Framework Plan and staff is recommending that the Land Use Map show this as Town Center. The Comprehensive Plan and Zoning District Matrix which is contained in Section 3.14 of the Comprehensive Plan only allows for TC-HDR, TC-MU or TC-MDR in Town Center areas. The TC-MU is the only one of the three that is primarily retail/commercial in nature and, therefore, is our best match for their TO: RC. TC-HDR has a minimum of 24 units per net acre and TC-MDR has a minimum of 18 units per net acre. TC-HDR is our closest available match to their TO: R24-40.

***FINDING: Staff finds that the proposed zoning designations are the closest available districts to those of the County's as specified by the UPAA given the County's overlay designation of Town Center.***

**40.97.15.4.C.4 *The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.***

The UPAA does not reference the currently County zoning designations but does require that we assign our most similar zoning designations to the ones assigned by the County. The zoning matrix contained in section 3.14 of the Comprehensive Plan allows three zoning districts in the Town Center Land Use Category those being TC-HDR, TC-MU and TC-MDR. The TC-MU is the only one that is primarily retail/commercial in nature and is the best match for the County's TO: RC. The TC-HDR requires a minimum of 24 units to the net acre, whereas, the TC-MDR has a minimum requirement of 18 units to the net acre. Since the TO: R24-40 has a minimum of 24 units. The TC- MU is our most similar zoning for the County's TO: RC and our TC-HDR is our most similar zoning for their TO: R24-40 as specified by the UPAA and is in compliance with the guidance provided by the UPAA

***FINDING:*** *Staff finds that the proposed zoning designations are our most similar designation to those applied by the County as specified by the UPAA and, therefore, is consistent with it.*

**40.97.15.4.C.5.** *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The City processes Land Use Map and Zoning Map Amendments (CPA/ZMA) for property being annexed into the City and there are no further City approvals related to this request other than the Planning Commission, City Council and Mayor's approvals of this CPA/ZMA. The property owner may, in the future, submit a request to the City for development of the property, but that is not related to this request.

***FINDING:*** *Staff finds that there are no proposals related to this request that will require further City approvals and, therefore, no additional applications or documents are required.*

## PROCESS

**Submission Requirements:** An application for a Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. An annexation agreement has been executed.

**Public Hearing:** Annexation Related Land Use Map amendments follow the procedures in the Comprehensive Plan and Annexation Related Zoning Map amendments follow the procedures in the City Charter and the Development Code. When the UPAA is not specific as to exactly which designations to assign, both processes require a public hearing before the Planning Commission. In this case the UPAA is not specific about either the Land Use Map or Zoning Map designations. This circumstance requires the Land Use Map and Zoning Map amendments to have

a public hearing before the Planning Commission. The Zoning Map amendment will be processed as a Type 3 application. A public hearing has been scheduled before the Planning Commission on February 25, 2004 for the proposed amendments.

**Public Notice:** Section 43 of the City Charter, Section 1.3.4.3(a) of the Comprehensive Plan and Section 50.45.2 of the Development Code prescribe the notice to be provided for a public hearing on these types of applications.

Notice as described below for hearings on annexation related CPA's must be provided not less than twenty (20) calendar days prior to the City Planning Commission hearing and rezones must provided notice not less than seven (7) days prior to the hearing with the exception of the property owner who must, as required by the City Charter, be sent notice by certified mail at least thirty (30) calendar days prior to the hearing.

1. Legal notice was published in the Beaverton Valley Times on February 5, 2004.
2. Notice was posted at the Post Office, Beaverton Library and City Hall on or before February 5, 2004.
3. Notice was mailed to the Central Beaverton Neighborhood Association Committee (NAC), Cedar Hills-Cedar Mill Citizen Participation Organization (CPO 1), all residents within 500 feet of the subject property, and all property owners of record within 1,000 feet of the subject property on or before February 5, 2005.
4. Notice was mailed to the property owner by certified mail on or before January 26, 2004.

Notice was also mailed to Metro and the State Department of Land Conservation and Development on January 6, 2004 more than the 45 days in advance of the initial hearing as required by the Metro Code and Section 660-018-0020 of the Oregon Administrative Rules.

The Planning Commission has not directed staff to provide additional notice for this amendment beyond the notices described above. The notice requirements for this CPA/ZMA will be met.

**Decision:** Following a Planning Commission action, a Planning Commission order will be prepared and mailed to the property owner and any person submitting written comments prior to or at the hearing or testifying before the Planning Commission during the hearing.

**Appeals:** Appeals of the Commission decision regarding CPA's and rezones are made to the City Council. The procedure for filing such an appeal and the manner of the hearing is governed by Section 1.3.6 of the Comprehensive Plan for the CPA and Section 50.70 of the Development Code for the ZMA. The appeal request must be made in writing and delivered to the City within 10 calendar days of the land use

order date. In addition, there is a non-refundable \$620.00 fee, which must accompany the request for hearing.

**120-Day Rule:** This rezone request is quasi-judicial. The applicant (City of Beaverton) has waived the 120-day rule (Oregon Revised Statutes Chapter 227 Section 178). The CPA is not subject to the 120-day rule.

***FINDING:*** *Applicable procedural requirements have been met for these proposed Land Use Map and Zoning Map amendments.*

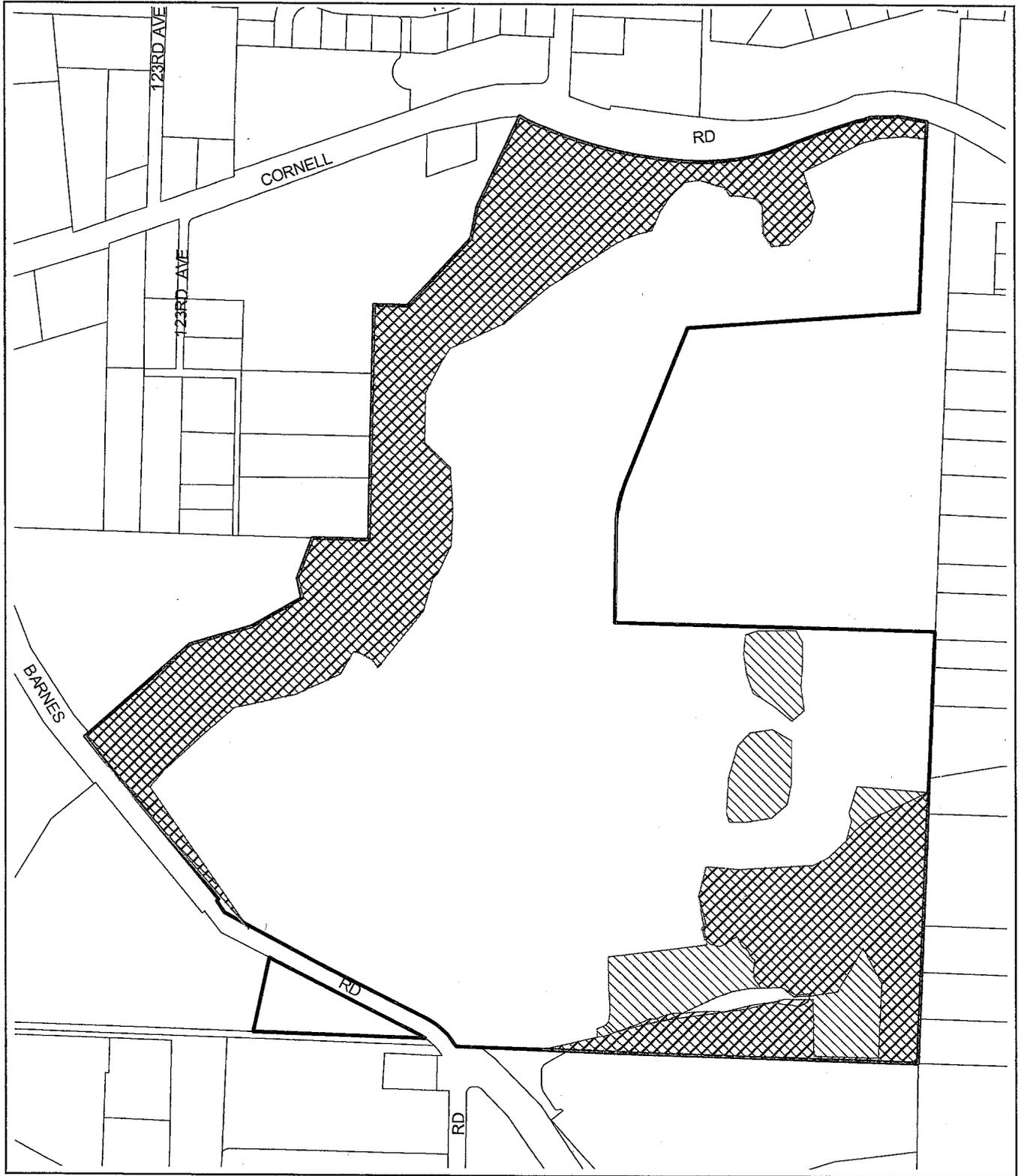
Based on the findings in this report, staff concludes amending the Land Use Map to show Town Center in place of Washington County's Transit Oriented, and the Zoning Map to show Town Center-Multiple Use (TC-MU) in place of their Transit Oriented: Retail Commercial (TO: RC) and Town Center-High Density Residential (TC-HDR) in place of their Transit Oriented: Residential 24-40 (TO: R24-40), is appropriate. Staff also concludes that amending the Significant Natural Resources Map in Volume III of the Comprehensive Plan to show the Significant Natural Resources Overlay Zone and significant riparian and wetlands designations to parts of this property complies with the UPAA and State Planning Goals.

Exhibits: A through H

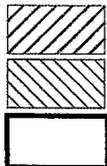
**EXHIBIT B**

# Proposed SNRA CPA

# Exhibit B



City of Beaverton

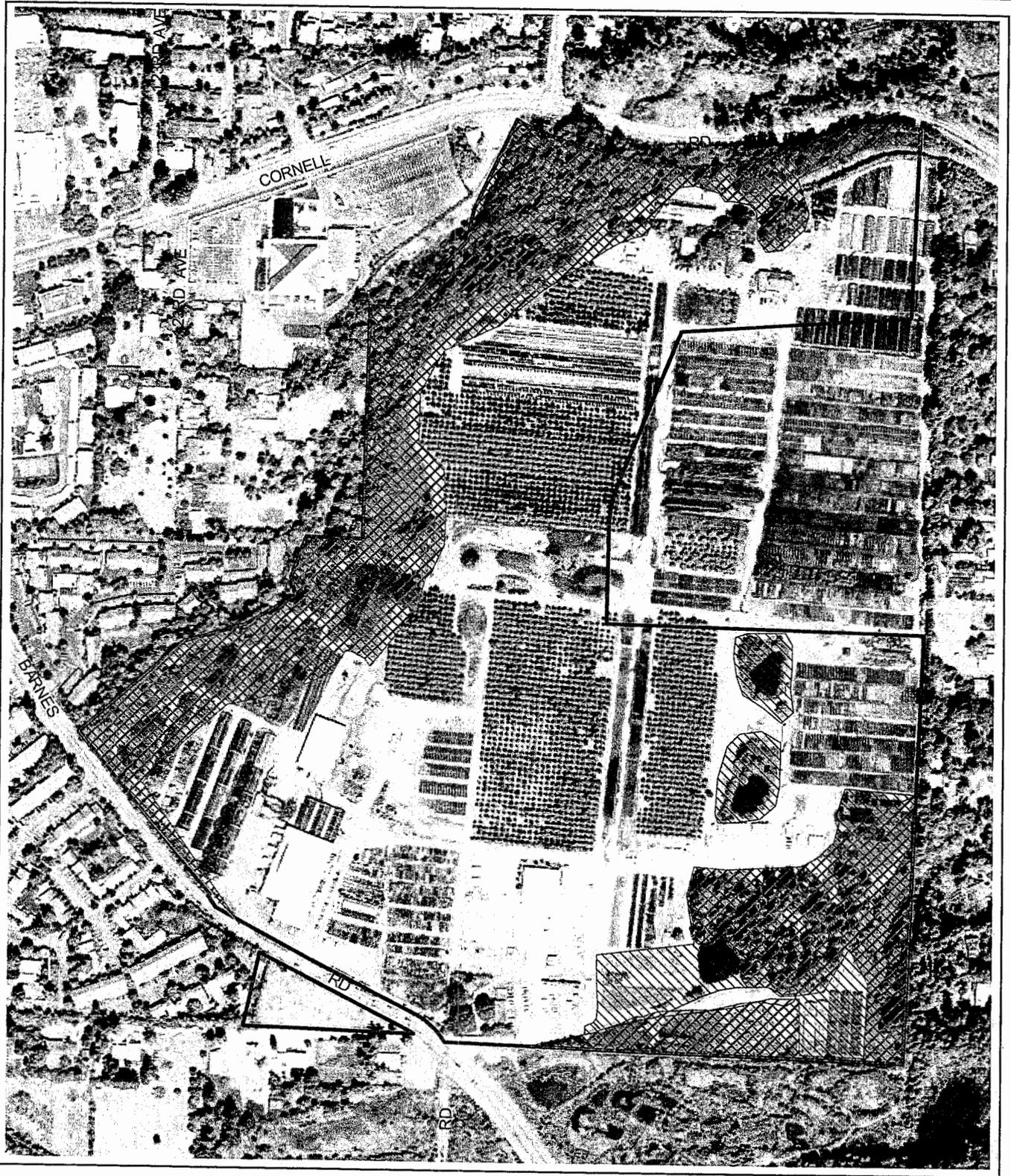


Significant Natural Resources Overlay  
Significant Wetland and Riparian Area  
Subject Property

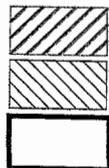
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City of Beaverton

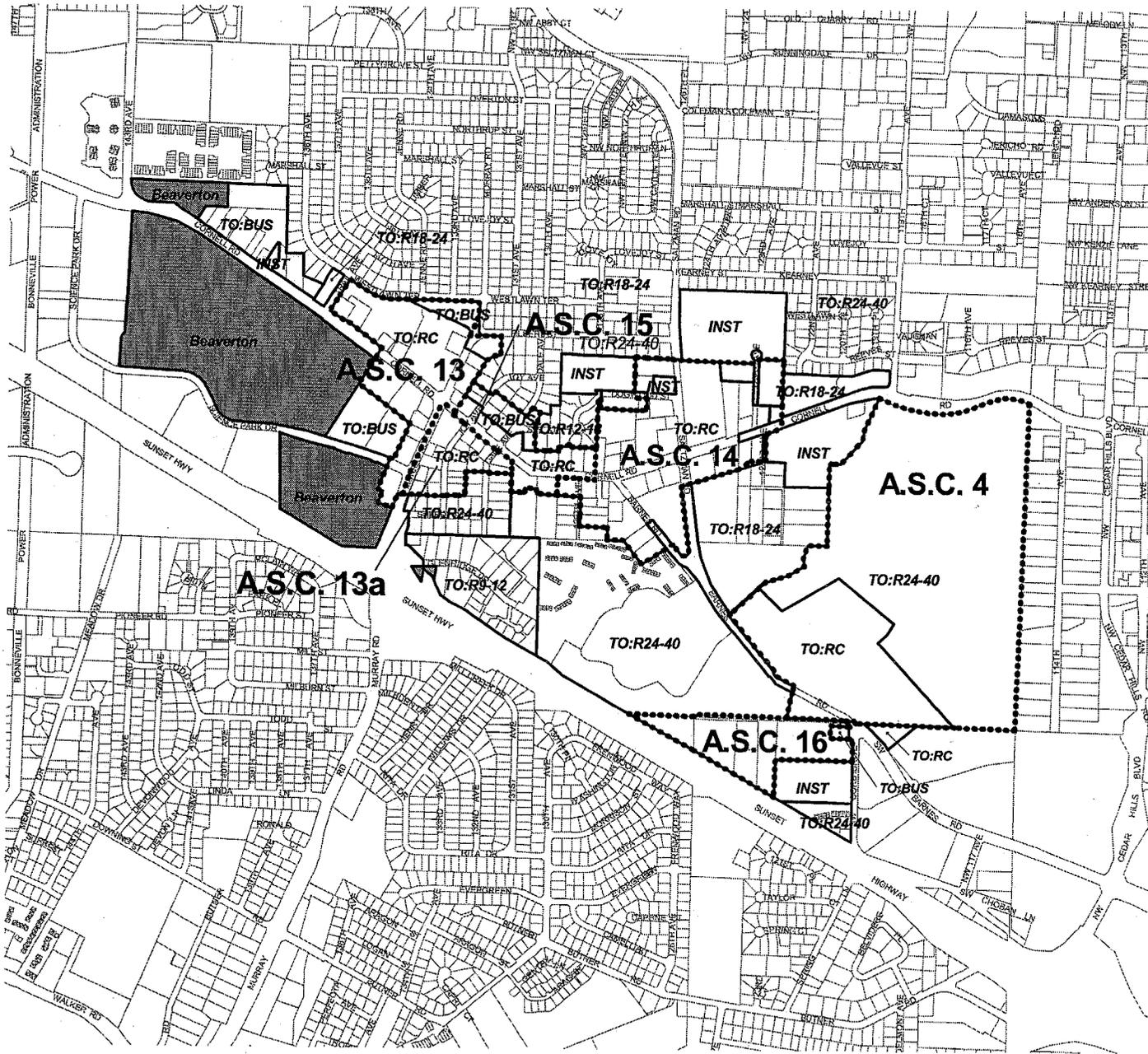


Significant Natural Resources Overlay  
Significant Wetland and Riparian Area  
Subject Property



02/07/04

**EXHIBIT C**



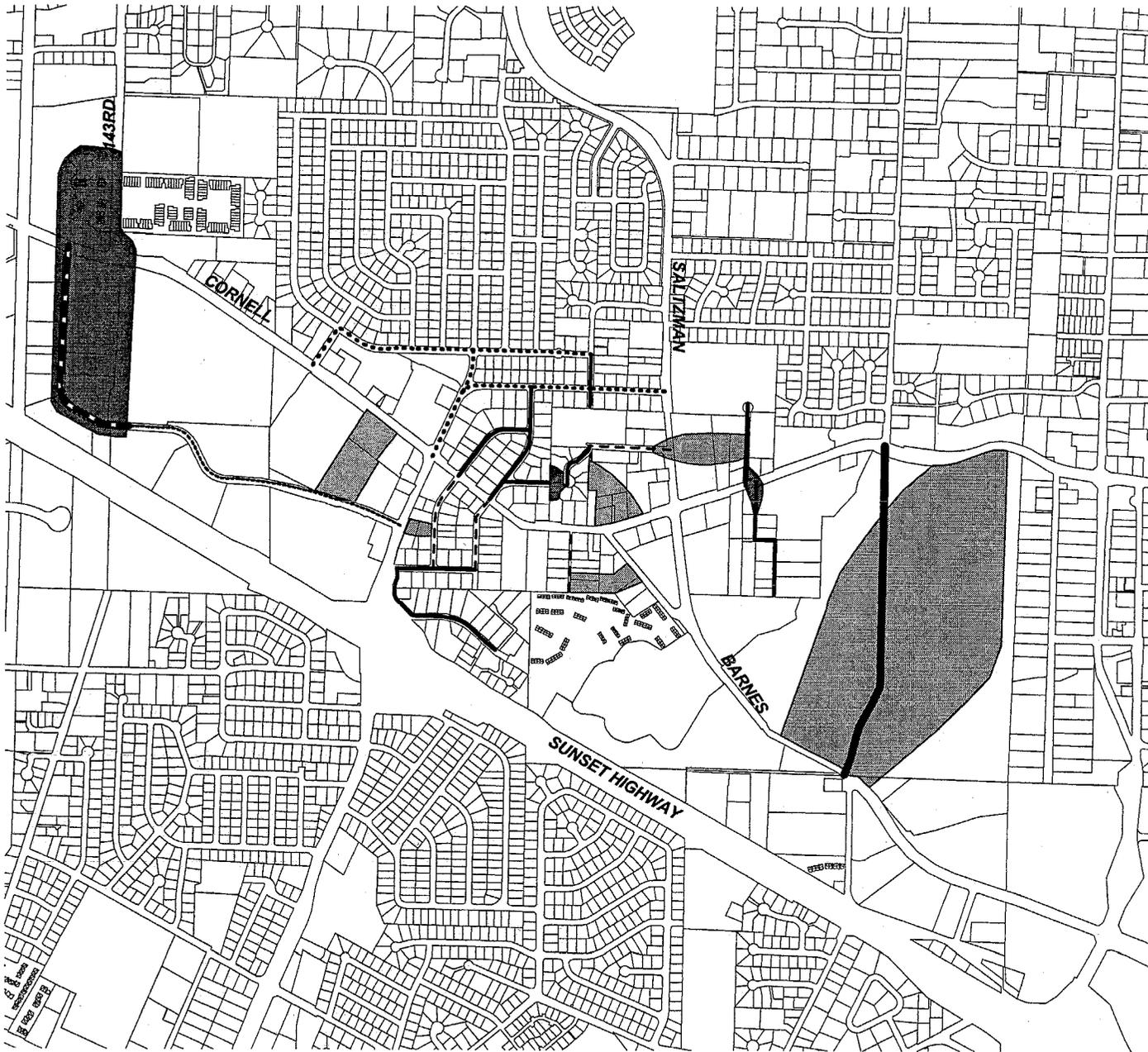
The Cedar Hills-Cedar Mill Community Plan Land Use District map shall be amended to remove existing plan designations and apply new designations, as indicated on the map below. Additionally, the boundary for Area of Special No. 4 shall be amended to include the Areas of Special Concern No. 4a., The boundaries for new Areas of Special Concern 13, 13a, 14, and 15 shall be added as indicated.

B-Engrossed Ordinance 536  
Exhibit 1  
August 3, 2000  
Page 1 of 1

-  A.S.C. 14
-  Area of Special Concern
-  Town Center Core
-  Institutional District
-  City of Beaverton
- TRANSIT ORIENTED DISTRICTS:**
-  Residential District 9-12 units per acre
-  Residential District 12-18 units per acre
-  Residential District 18-24 units per acre
-  Residential District 24-40 units per acre
-  Retail Commercial District
-  Business District
-  Employment District

800 0 800 Feet





The Cedar Hills-Cedar Mill Community Plan map shall be amended to include the following features identified on this map.

B-Engrossed Ordinance 536  
Exhibit 2  
August 3, 2000  
Page 1 of 2

### Transportation Circulation Designations

-  Change from "Minor Collector" to "Special Area Major Collector"
-  Change from "Local Street" to "Special Area Local Street"
-  Change from "Minor Collector" to "Special Area Minor Collector"
-  Change from "Local Street" to "Special Area Commercial Street"
-  Remove "Minor Collector"
-  Remove "Proposed Minor Arterial"
-  Add as a "Special Area Major Collector Corridor"
-  Add as a "Special Area Local Street Corridor"
-  Add as a "Special Area Commercial Street Corridor"
-  Add as a "Minor Arterial Corridor"

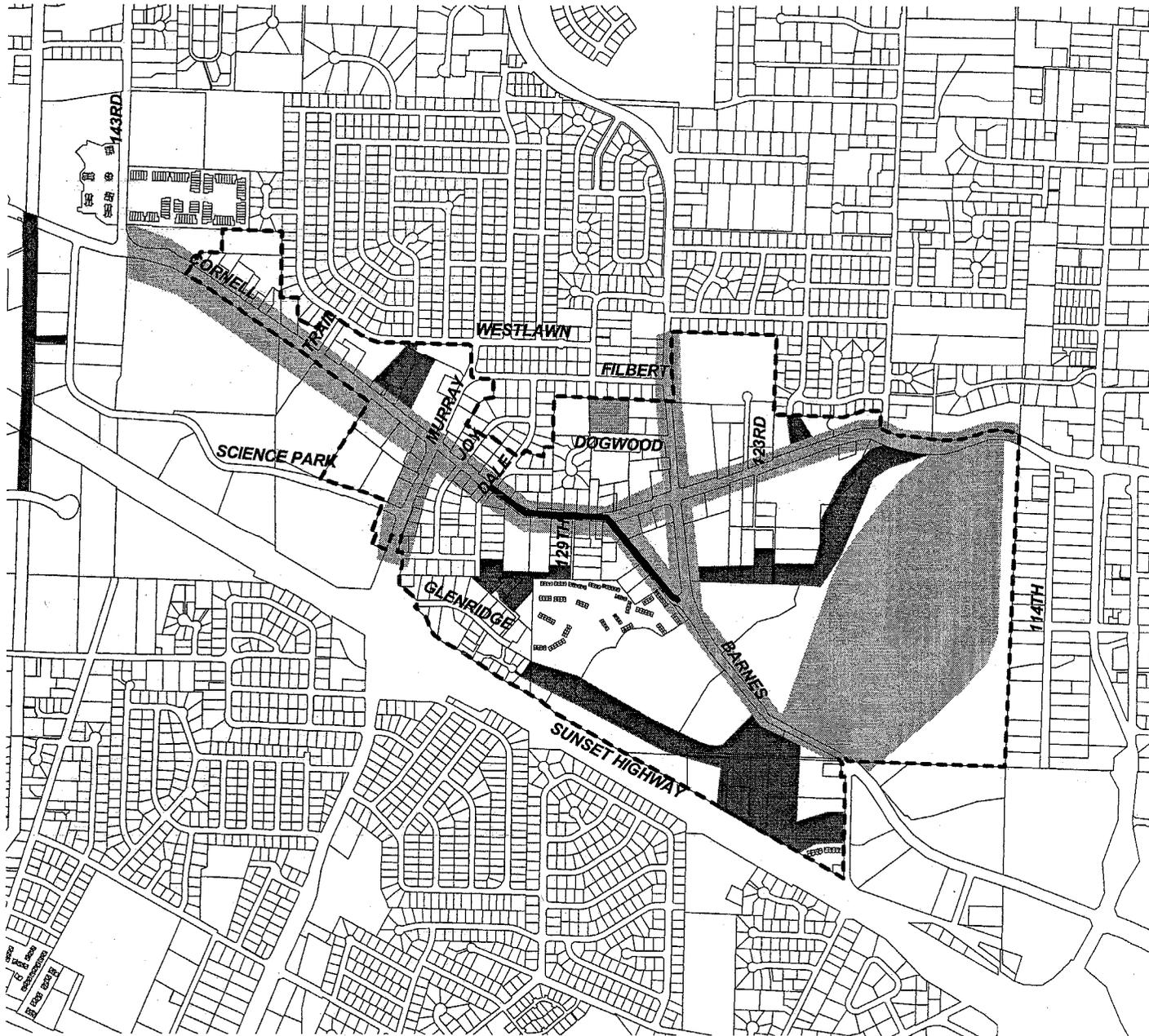
The following note is also added:  
Turn restrictions at intersections with arterials may be required based on traffic analysis through the development review process. However, special area streets shown on this map do not need to meet access spacing requirements.

800 0 800 Feet



Amendments to Map shown in bold or patterned line; other features not amended by the exhibits on this page remain in effect as shown on the Plan Map





### Street Corridor, Area of Special Concern, Arterial Access and Pedestrian System Designations

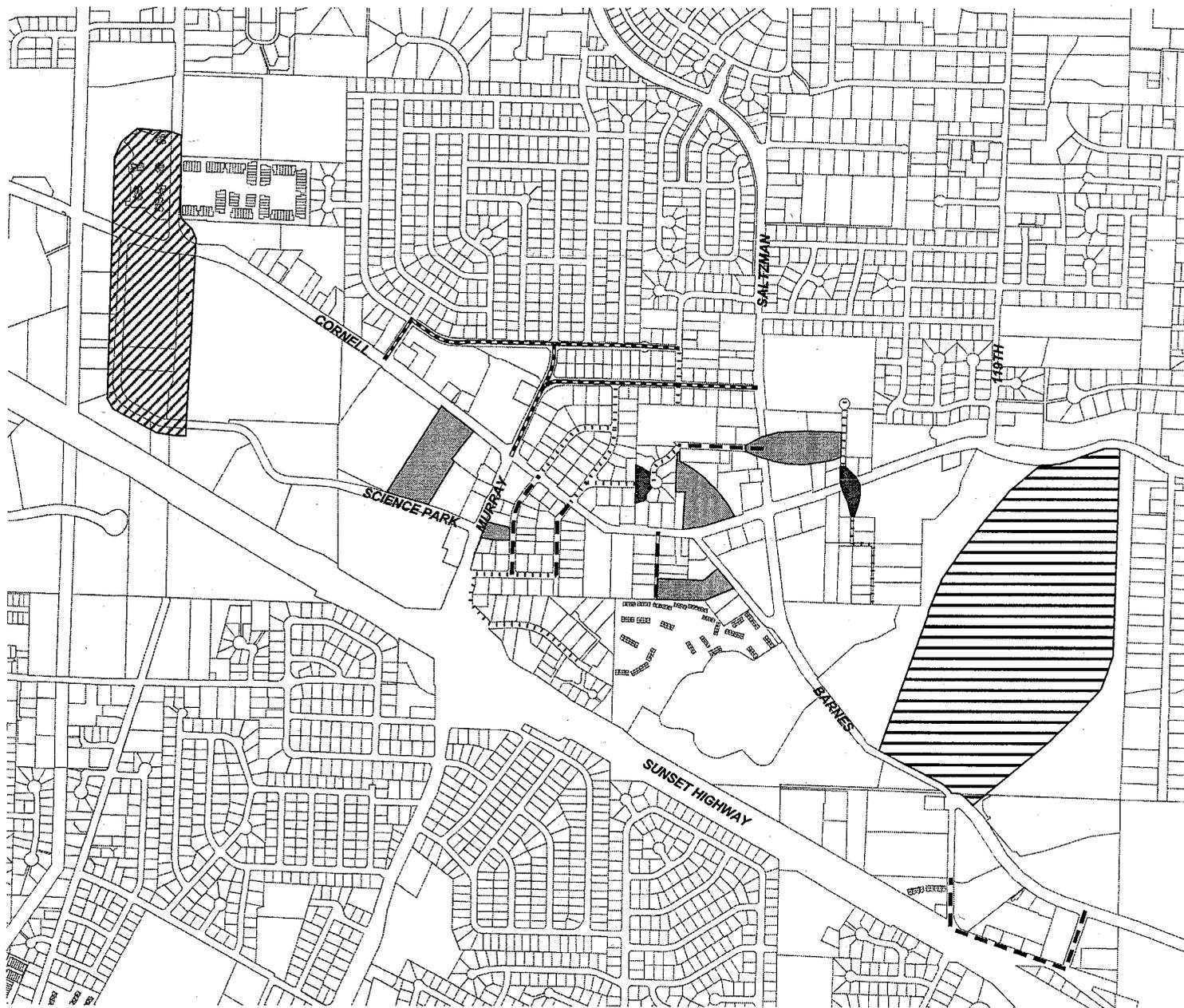
-  Area of Special Concern No.12
-  Special Area Off-Street Pathway Corridor
-  Special Area Trail Corridor
-  Accessway Corridor
-  Main Street
-  Town Center Boundary

800 0 800 Feet



Amendments to Map shown in bold or patterned line; other features not amended by the exhibits on this page remain in effect as shown on the Plan Map

### Washington County Special Area Street Overlay Cedar Mill Town Center



- Special Area Collector
- - - Special Area Neighborhood Route
- ..... Special Area Local Street
- . - . Special Area Commercial Street
- - - Proposed Special Area Collector
- - - Proposed Special Area Neighborhood Route
- ..... Proposed Special Area Local Street
- - - Proposed Special Area Commercial Street
  
- Special Area Commercial Street Corridor
- Special Area Local Street Corridor
- ▨ Special Area Collector Corridor
- ▨ Arterial Corridor



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10/10/02 10:51 AM

*Amend the Cedar Hills – Cedar Mill Community Plan description of Area of Special Concern No. 4 delete existing text and replace with the text shown below*

**Area of Special Concern No. 4:** This area encompasses a property that has been the main site of the Teufel Nursery operation, generally known as the Teufel property.

This area is planned for mixed use with retail commercial and high-density residential use. Approximately 22 acres of the property is designated TO:RC and the remaining area is TO:R24-40. A minor arterial road is proposed through the site. The Transportation Plan designates a broad corridor within which the road shall be located.

The following shall guide development of the property:

A. The property has a tremendous opportunity to be developed as a vibrant mixed-use pedestrian-friendly development. The property provides a rare and unique circumstance to create a distinct and special place in the Cedar Mill community. Given the size and location of the property, a comprehensive and relatively detailed planning process which goes beyond general land use designations and corridors to much more specific urban design elements and specifications would be beneficial and desirable.

As part of development of the Cedar Mill Town Center Plan, circumstances did not allow for the creation and broad acceptance of a specific plan for the Teufel Property. It is likely that the Teufel Property will be developed in stages over a number of years, responding to market demands. Parts of the Teufel Property should be viewed as units in planning their development to assure those individual developments in each unit are complementary and designed in the context of an overall development plan for that unit. Therefore, an overall master plan must be approved for the Teufel Property before final development can proceed in any unit. The required master plan application may be processed individually or in conjunction with a subsequent unit development application. An exception to this provision is that the development of the north/south arterial shall not require the approval of a master plan for abutting subarea land if the development of the road is a stand-alone project and will not occur in conjunction with the development of an abutting subarea or subareas.

An applicant wishing to proceed with the overall master plan of the property and/or development of a subarea or subareas of the Teufel Property shall initiate the quasi-judicial process set forth herein:

abcdef Proposed additions

~~abedef~~ Proposed deletions

- (1) Prior to filing the application, there shall be at least one open house for the Citizen's Participation Organization 1 ("CPO 1") residents to review the application, obtain citizen input and identify potential issues regarding the application;
- (2) All required notices, including but not limited to the notice for the open house for CPO 1 residents, the neighborhood review meetings and the public hearings shall be done in accordance with CDC 204-4, except that notice shall be provided to all property owners of record within 1000 feet of the Teufel Property and all property owners of record between the Teufel Property and Cedar Hills Blvd.;
- (3) Prior to filing the application, there shall be at least two neighborhood review meetings (including the one required neighborhood meeting) pursuant to CDC 203-3;
- (4) The overall master plan application shall be reviewed through a Type III master plan process pursuant to CDC Article IV, with the additional requirements and/or modifications set forth herein;
- (5) The Washington County Planning Commission shall review the application pursuant to a Type III public hearing under CDC 205 and make a recommendation to the Washington County Board of County Commissioners;
- (6) The Washington County Board of County Commissioners shall review the application pursuant to a Type III public hearing under CDC 205 and render the final decision regarding the application;
- (7) The County shall have 180 days to render a final decision on the application once the application has been deemed complete by the County based on the extension of time granted by the Teufel family pursuant to ORS 215.427(4) during the adoption of the Cedar Mill Town Center Plan. This period may be extended for a reasonable period of time at the request of the applicant pursuant to ORS 215.427(4).

The development application shall address land use, urban design and transportation issues associated with the site, including, but not limited to the following:

- Demonstrating compliance with the public involvement process set forth above for ASC 4 regarding the master planning and development of the Teufel Property.
- Providing the public with more certainty regarding future development of the property.
- Providing the property owners some flexibility in meeting their development objectives.
- Developing a plan that will produce a high degree of urbanism on the property.
- Identifying and locating a skeletal circulation system.
- Identifying, locating and developing design standards for main streets on the site.
- Developing a sketch building orientation and on-street parking plan.
- Focusing the development around an identifiably public place such as a park, square or plaza.
- Examining how to best integrate the different uses on the site.
- Examining the off-street pathway and trail system relating to the neighborhoods surrounding the property.
- If the Beaverton School District owns a portion of the property, examining design issues regarding developing schools.
- Identifying how the site will access the surrounding arterial system, including an examination of extending Leahy between the site and Cedar Hills Boulevard.
- Locating the north-south arterial on the site, and determining how it integrates with development on the site, including but not limited to determining appropriate sidewalk widths.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

- As appropriate, incorporating Cedar Mill and Johnson Creek into the development of the property.
- Addressing screening and buffering issues relative to the 114th neighborhood.
- Examining how to provide acceptable access to tax lot 1S1 3B/102.
- Examining phasing issues.

B. Regarding street connectivity, the Teufel Property shall be developed consistent with the Design Option listed in Section 3.07.630 of Metro's Urban Growth Management Functional Plan.

C. Except for the 22-acre portion designated TO:RC, the property shall be primarily developed as an area of high density housing. In keeping with regional objectives for intensification of development in mixed-use areas well-served by transit to accommodate future population growth within the present urban area, the minimum amount of residential development on the property at build-out shall be 1,946 dwelling units. Provided that future plan amendments are for non-institutional uses, this number shall be achieved even if future plan amendments change the plan designations on the property. However, this number shall be reduced proportionally for future plan amendments which change residential development areas to institutional land use designations.

D. At the time of adoption of the Cedar Mill Town Center Plan, the Beaverton School District had identified the need for additional school facilities in the area and was proceeding with condemning a portion of the Teufel Property at the northeast corner of the property for a future school site. If and when the School District acquires a portion of the property, a plan amendment changing the area to an institutional land use designation would need to be approved in order to build a school on the site. Additionally, if and when the School District condemns a portion of the Teufel Property for a future school site, the 1,946 residential units designated for the site will be commensurately reduced for the area taken by the School District for the school site. No other land use designation applicable to the Teufel Property will be affected by the School District's siting of a school on the Teufel Property. Development of a school on the site may proceed on the Property prior to the process outlined in A. above.

abcdef Proposed additions  
~~abedef~~ Proposed deletions

*Replace the text of the Cedar Hills – Cedar Mill Community Plan describing “Potential Park/Open Space/Recreation Area E” with the following text.*

**Potential Park/Open Space/Recreation Area E: Cedar Mill Creek and Falls**

THPRD has proposed three neighborhood parks in this area. Generally these parks are located near the juncture of Cedar Mill Creek and Barnes Road, Cedar Mill Falls and parallel to Cedar Hills Boulevard between Cornell and Johnson Creek. Specific park locations shall be determined during the review of particular development plans. Neighborhood parks are ideally 3 to 5 acres in size, except within light rail transit station areas or Town Centers where they may be less than 3 acres in size if they are within one-quarter mile or less of the station or the Town Center core.

The Cedar Mill Falls area would remain as a natural area as an integral cultural and natural resource amenity of the Cedar Mill Creek Neighborhood Trail Corridor Loop.

*Delete the description of the North-South Access in the Transportation section of the Cedar Hills – Cedar Mill Community Plan as follows:*

**~~North-South Access~~**

~~The Transportation Plan continues the designation of NW and SW 112th Avenue between SW Barnes and NW Cornell Roads as an Arterial. The plan also designates a general alignment for a new Arterial connection across the Teufel Nursery property, also to provide a link between Barnes and Cornell. Significant improvements will be required before 112th can actually serve arterial-level traffic. Some of these improvements will be accomplished in conjunction with development of the Peterkort property. The exact nature of the improvements and the responsibility for financing will be determined through application of the County's Growth Management Policies.~~

~~The purpose of the arterial facility on the Teufel Nursery property is to serve high density residential development shown in the Community Plan for the site as well as to provide additional north-south access for the community.~~

~~Lane requirements for each of the two above arterials shall be re-evaluated pursuant to studies the County participates in with Metro, Multnomah County and the City of Portland regarding traffic circulation in the Cedar Mill area and its affect on adjacent jurisdictions.~~

*Add descriptions of new Areas of Special Concern 12, 13, 13a, 14, 15, and 16 to the text of the Cedar Hills – Cedar Mill Community Plan under the description of the Cedar Mill West Subarea, as follows:*

**Area of Special Concern No. 12:**

The intent of this area of special concern is to consider, and in some cases, require additional pedestrian, bicycle and transit design elements along arterial roads within the Cedar Mill Town Center. An objective is to develop arterials in this area as an integrated whole, considering the inter-relationship among land uses, the auto travelway, and pedestrian, transit and bicycle needs.

a. Subsection "a" applies to Cornell Road between Dale and Barnes Road. This is considered a portion of the Main Street for the Cedar Mill Town Center. Cornell Road shall be built as a 3 lane road with bike lanes and sidewalks. The road shall include on-street parking. The road shall generally include 12 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. The design speed shall be no greater than 35 miles per hour. Alternate pavement treatment for crossings, a raised landscaped center median, and, as appropriate, smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

Project Development for this section of Cornell Road shall follow the public involvement guidelines identified in RO 93-124. Public Involvement for Large Projects along this section of the roadway shall utilize a Citizen Advisory Committee.

A legislative plan amendment shall be necessary in order to increase the proposed number of lanes on this portion of Cornell to more than 3 lanes.

The right of way for this section shall be 90 feet. For land development actions, buildings along this section of Cornell shall be setback at least four feet from the edge of ultimate ROW.

For land development actions, the following shall be required: 12 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian

abcdef Proposed additions

scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet.

b. Subsection "b" applies to Murray Road between Sherry Street and Cornell Road. For capital projects, the ultimate design of the road shall generally include 10 foot sidewalks at a minimum with street trees in tree wells. The ultimate design shall consider installation of a gateway treatment. Interim projects are not required to include all of the elements mentioned above.

For land development actions, 10 foot sidewalks with street trees in tree wells shall be required. Right of way shall be 98 feet. A five foot utility easement shall be required where buildings do not front within five feet of the back of sidewalk.

c. Subsection "c" applies to Barnes Road between Saltzman and where it intersects the Johnson Creek wetland (approximately 2000 feet southeast of the Barnes/Saltzman intersection). For capital projects, the ultimate design of the road shall generally include 10 foot sidewalks at a minimum with street trees in tree wells. The ultimate design shall consider installation of a gateway treatment. Interim projects are not required to include all of the elements mentioned above.

For land development actions, 10 foot sidewalks with street trees in tree wells shall be required. Right of way shall be 98 feet. A five foot utility easement shall be required where buildings do not front within five feet of the back of sidewalk.

d. Subsection "d" applies to Barnes Road between Saltzman and Cornell. This is considered a portion of the Main Street for the Cedar Mill Town Center. This section of Barnes shall be built as a 3 lane road with bike lanes and sidewalks. The road shall include on-street parking. The road shall generally include 12 foot sidewalks at a minimum with street trees in tree wells, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above. For land development actions, the following shall be required: 12 foot sidewalks with street trees in tree wells, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet. Right of way shall be 86 feet.

abcdef Proposed additions

e: Subsection "e" applies to Cornell Road between Barnes and the eastern boundary of the Teufel Property. The road shall generally include 10 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. However, sidewalks may be 5 feet wide on the north side of Cornell east of 119<sup>th</sup> Avenue. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Gateway treatments, alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

For land development actions, the following shall be required: 10 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet. Right of way shall be 90 feet. Between Barnes and 123<sup>rd</sup>, buildings shall be setback at least four feet from the right of way.

f. Subsection "f" applies to Saltzman Road between Barnes and just south of Kearney Street. The road shall generally include 10 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Gateway treatments, alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

For land development actions, the following shall be required: 10 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet.

g. Subsection "g" applies to the extension of 119<sup>th</sup> on the Teufel property between Cornell and Barnes. The road shall generally include 12 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Alternate pavement treatment for crossings, and smaller

abcdef Proposed additions

curb radii at intersections shall be considered as part of the project development process. The ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan

h. Subsection "h" applies to Cornell Road between Dale and 143<sup>rd</sup>. The road shall generally include 10 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Gateway treatments, alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

For land development actions, the following shall be required: 10 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet. Right of way shall be 98 feet. A five foot utility easement shall be required where buildings do not front within five feet of the back of sidewalk.

**Area of Special Concern No. 13:**

Area of Special Concern 13 encompasses land designated for commercial or mixed (commercial, office and residential) development in the vicinity of the intersection of Cornell Road and Murray Road.

Area of Special Concern 13 is substantially developed, but portions are anticipated to redevelop in the future. The intent of this area of special concern is to provide direction to the future development and redevelopment in the area, in addition to direction provided by applicable provisions of the Community Development Code.

As properties in the area develop or redevelop, the new development shall be designed to encourage walking, bicycling and transit use in the area. Consistent with design principles or standards of Section 431 of the Community Development Code, buildings shall be located to front on adjacent pedestrian streets, and designed to present front facades with a significant percentage of window space. Building entries shall be oriented to the adjacent pedestrian street if on-street parking is allowed in front of the building.

abcdef Proposed additions

**EXHIBIT D**

**SIGNIFICANT NATURAL AND CULTURAL RESOURCES**

This is a generalized description of the significant resources. Additional information concerning each identified resource is available from the Washington County Department of Land Use and Transportation, Hillsboro, Oregon.

**WATER AREAS AND WETLANDS**  
 100 year flood plain, drainage hazard areas and ponds, except those already developed.

**WILDLIFE HABITAT**  
 Sensitive habitats identified by the Oregon Department of Fish and Wildlife, the Audubon Society Urban Wildlife Habitat Map, and forested areas coincidental with water areas and wetlands.

**WATER AREAS AND WETLANDS & FISH AND WILDLIFE HABITAT**  
 Water areas and wetlands that are also fish and wildlife habitat.

**OPEN SPACE/BICYCLE PATHWAYS**

Existing parks, recreation sites, golf courses, cemeteries, school playgrounds, powerline rights-of-way, and future park sites owned by the Tualatin Hills Park and Recreation District.

Existing bicycle pathways.

**HISTORIC AND CULTURAL RESOURCE OVERLAY DISTRICT**

Historic Resources described in the Washington County Cultural Resources Inventory, including sites, structures, objects and buildings. Historic buildings and structures are protected by regulations in the County's Historic and Cultural Resource Overlay District.

**SCENIC RESOURCES**

**SCENIC VIEWS** Viewpoints providing a vista of the Tualatin Valley, the Cascade Mountains, or other scenic features.

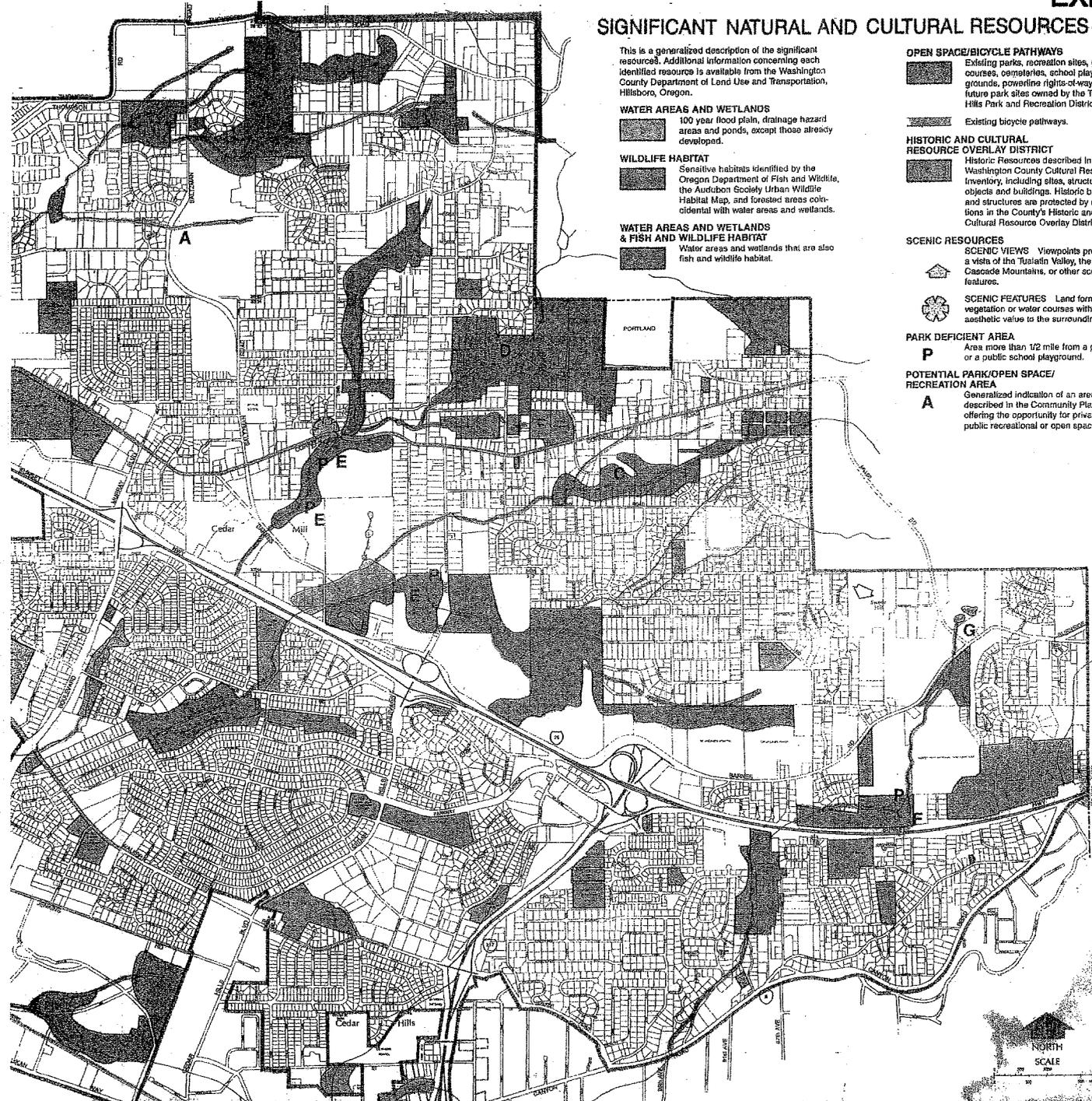
**SCENIC FEATURES** Land forms, vegetation or water courses with aesthetic value to the surrounding area.

**PARK DEFICIENT AREA**

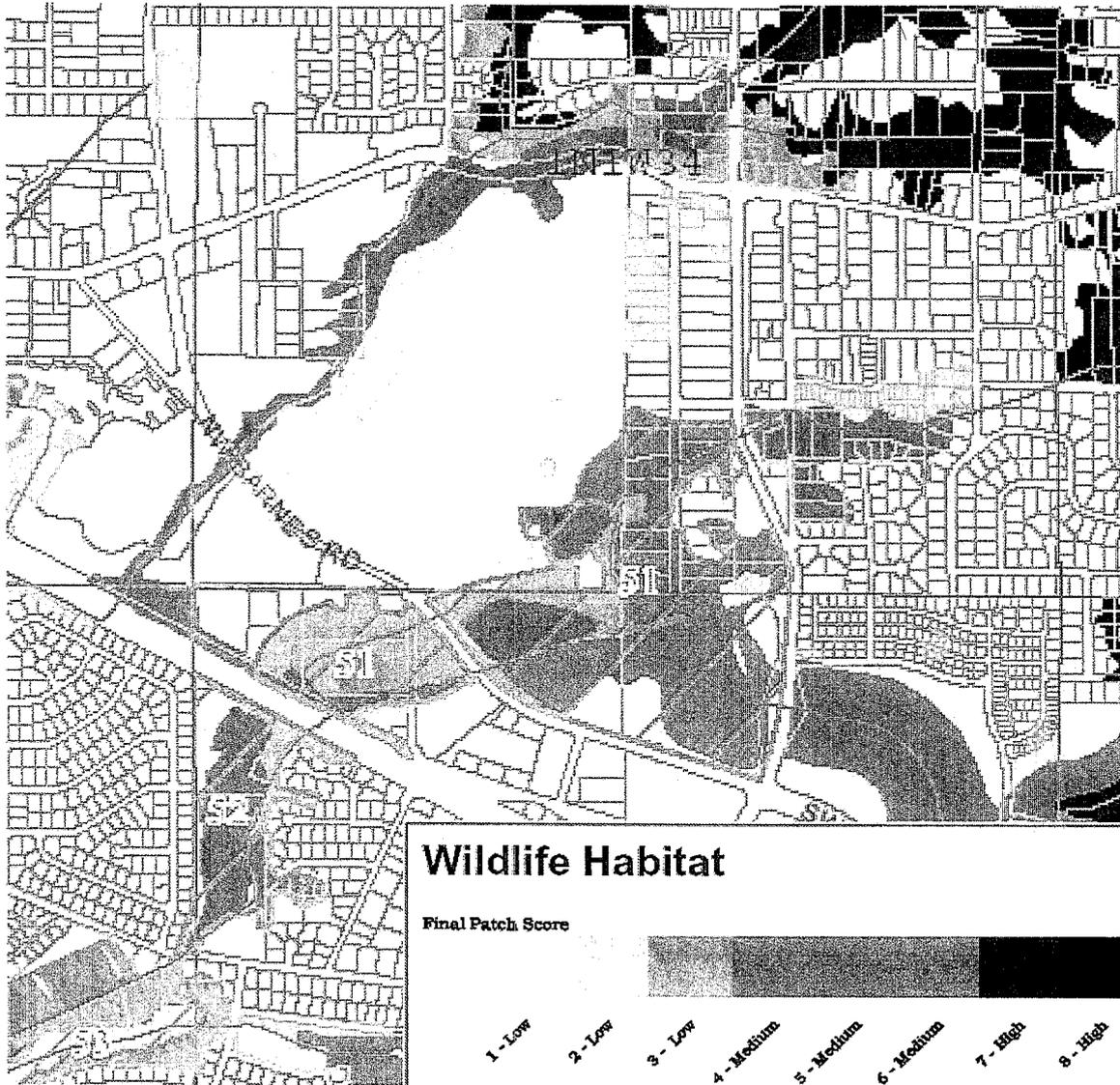
Area more than 1/2 mile from a park site or a public school playground.

**POTENTIAL PARK/OPEN SPACE/RECREATION AREA**

Generalized indication of an area described in the Community Plan text as offering the opportunity for private or public recreational or open space uses.

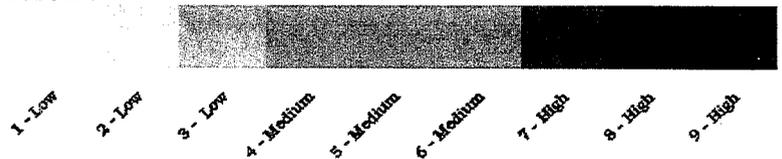


**EXHIBIT E**



### Wildlife Habitat

Final Patch Score



Habitats of Concern Boundaries 5/17/2002

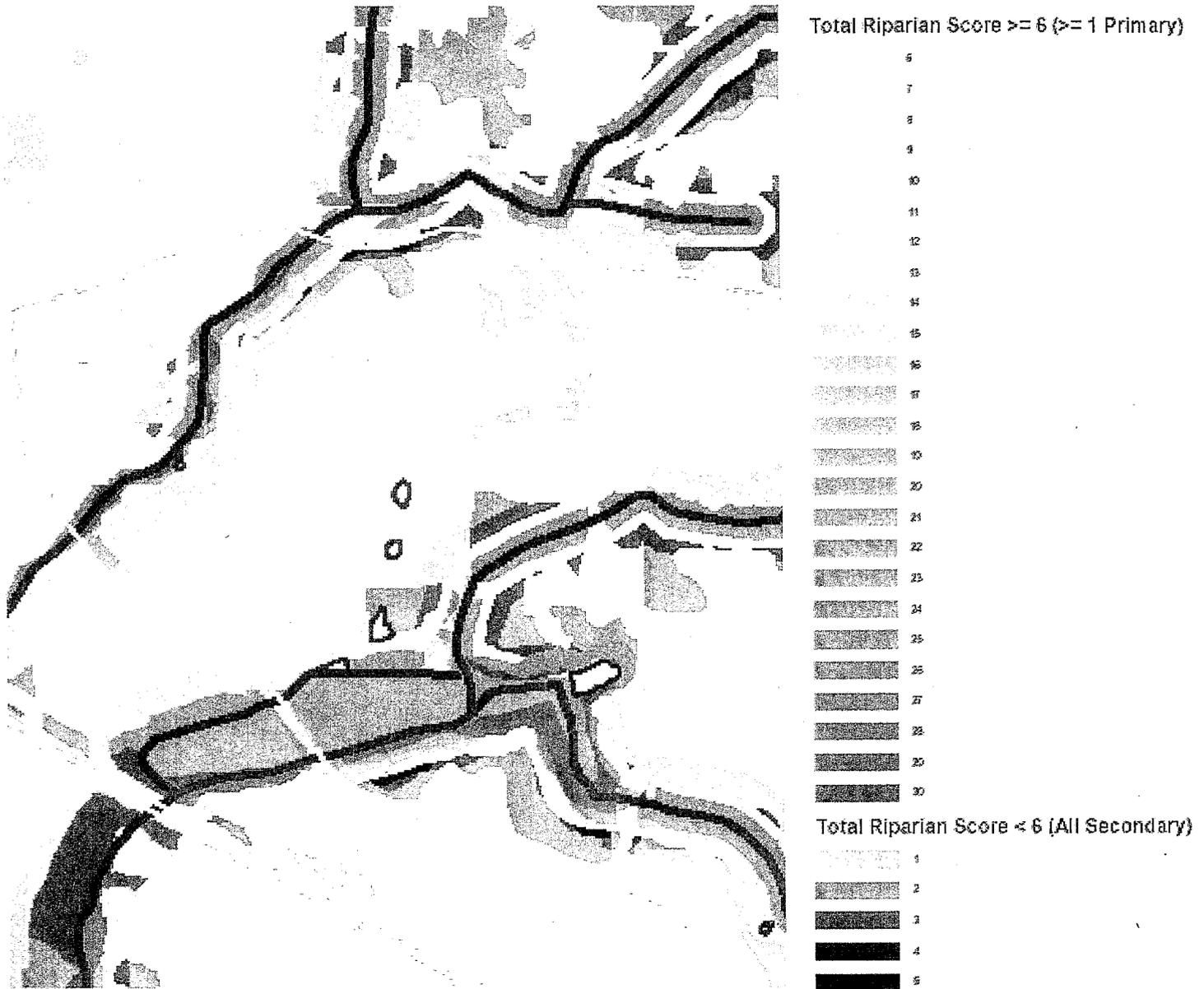


HOC Wetlands

Site scores based on relative performance of the following wildlife values:

1. Size
2. Interior Area
3. Proximity & Connectivity Between Patches
4. Connectivity to Water

**EXHIBIT F**



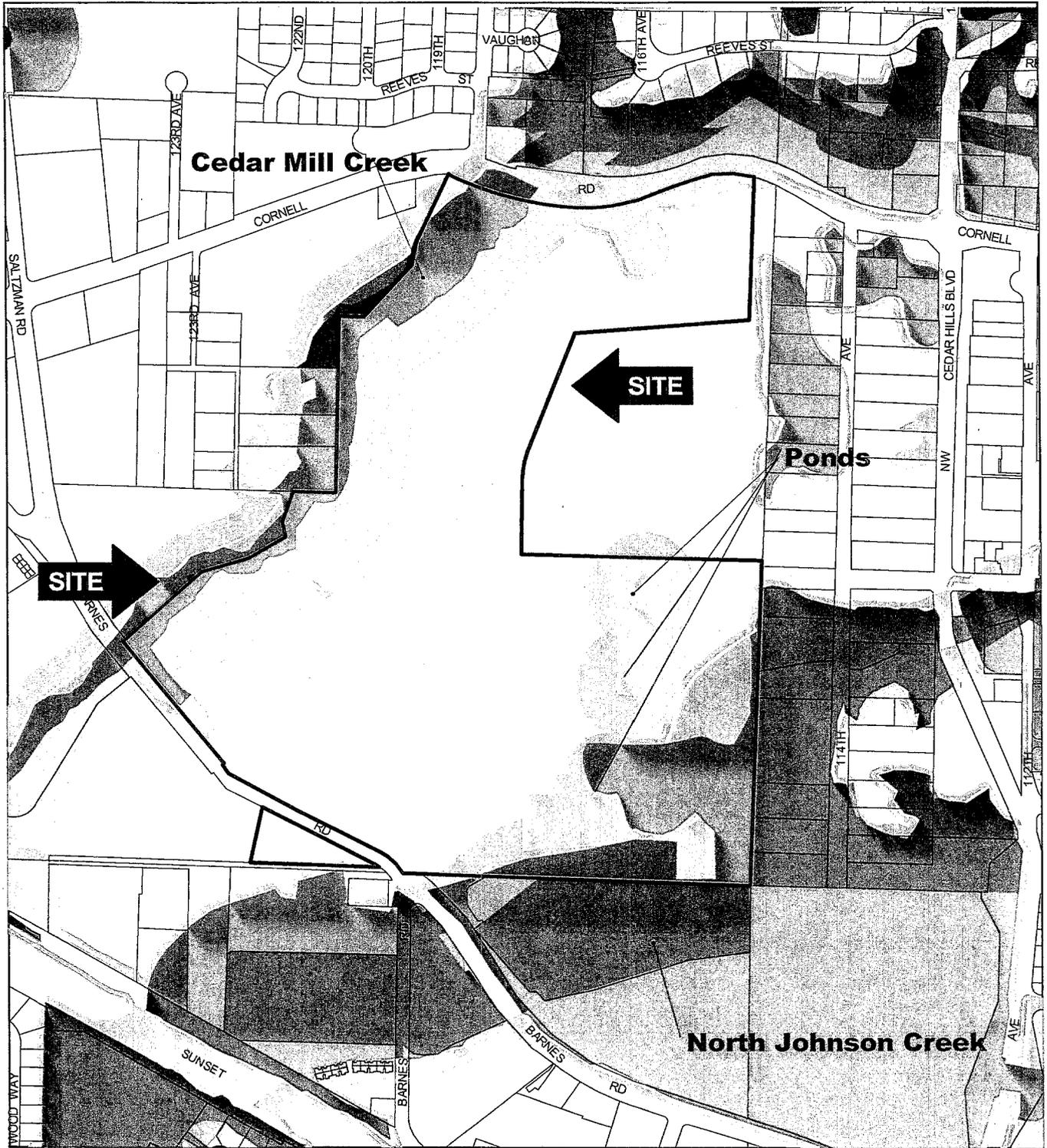
Site scores based on relative performance of the following Riparian functions:

1. Microclimate and Shade
2. Streamflow Moderation and Water Storage
3. Bank Stabilization, Sediment and Pollution Control
4. Large Wood and Channel Dynamics
5. Organic Material Sources

**EXHIBIT G**

# Tualatin Basin Partners Generic Recommendation

# Exhibit G



City of Beaverton

CPA2003-0017 Comprehensive Plan Map Amendments

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

02/07/04

Map #

1N134C000100  
1N134C002800

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Application #

CPA2003-0017

**EXHIBIT H**

# EXHIBIT

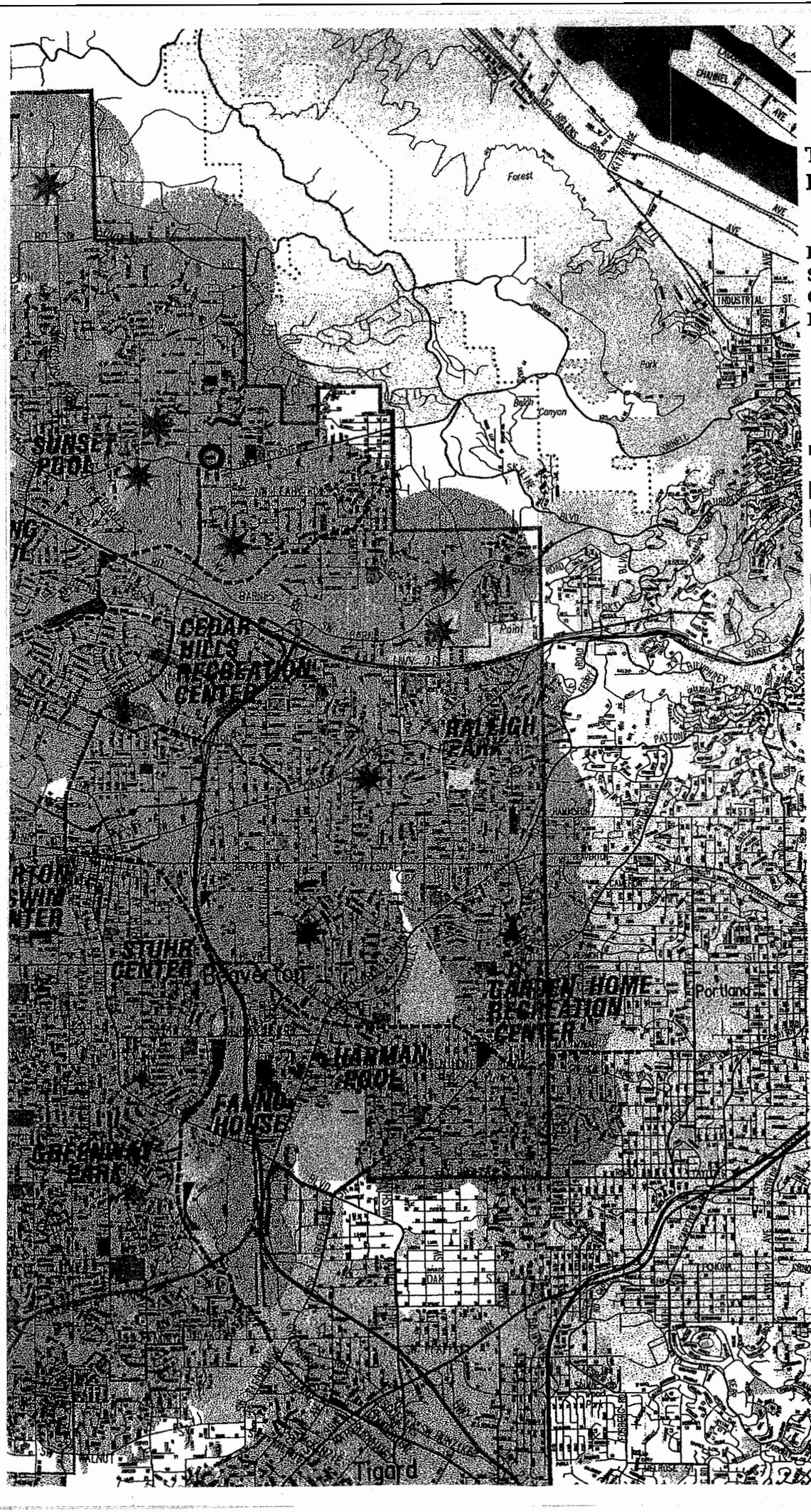
# H

## Tualatin Hills Park & Recreation District

### Proposed Park Service and Conceptual Major Trails

### Legend

-  Area included in Half-mile buffer zone around parks
-  Schools
-  Community Parks
-  Neighborhood Parks
-  Other District Parks
-  Metro Parks and Open Space
-  City of Hillsboro
-  City of Portland
-  City of Tigard
-  Collectors
-  Major Roads
-  Study Area Boundary
-  Beaverton School District
-  Light Rail Under Construction
-  Light Rail (Proposed)
-  Major Trail
-  Urban Growth Boundary
-  Proposed Neighborhood Park
-  Proposed Community Recreation Center





# MEMORANDUM

*"make it happen"*

City of Beaverton

Community Development Department

**To:** Planning Commission

**From:** Colin Cooper, AICP, Senior Planner, Barbara Fryer, AICP, Senior Planner, Randy Wooley, P.E., City Transportation Engineer

**Date:** February 25, 2004

**Subject:** *Teufel Property - Washington County Comment Letter and Fishman Environmental Letter*

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The purpose of this memo is to provide a brief staff response to the letters referenced above that were submitted to the City on Wednesday, February 25, 2004. The Washington County letter addresses six major issues related to the Teufel Property, while the Fishman letter addresses the desire to remove several environmental features from the Local Wetland Inventory.

## **Washington County Letter Response:**

### **Issue 1: Should the North-South Road on the property be designated a Collector or an Arterial?**

Transportation planning staff recommend that the north-south road be designed as a collector. The collector designation best fits the definitions contained in Section 6.3.4 of the Comprehensive Plan. Arterials are intended to accommodate through traffic. Section 6.3.4 defines collectors as follows:

“Collector streets balance access and circulation within residential, commercial, and industrial areas. Collectors differ from arterials in that they provide circulation within the city and distribute trips onto neighborhood routes and local streets.”

The north-south road is intended to function as a collector for the Teufel area, not as an arterial for through traffic. Under City standards, there is no direct link between functional classification and the number of lanes. Beaverton has arterials as narrow as two lanes and it has collectors with more than three lanes. Under any functional classification, the number of lanes will be determined based on traffic analysis at the time of development.

Unlike Washington County, the City does not determine the locations of on-street parking as part of its Transportation Plan. Staff feels that City processes adequately provide for review of on-street parking as part of the development process. Therefore, staff recommend that no conditions be adopted at this time related to on-street parking. Depending on the actual development proposed, some on-street parking may be desirable in some locations, such as along the frontage of the future school.

If the street is to function as a collector, staff feel that the City standards for street spacing are adequate. During development review, street spacing will be reviewed to assure adequate space for turn lanes and traffic queues. This review will be required as part of the traffic analysis.

Therefore, staff recommend that no amendment be made to the proposed Teufel Ordinance.

**Issue 2: Should the north-south road be designed as Five lanes/Three lanes in the plan or should road width be determined as part of the land development process?**

The County requests that the Teufel Ordinance be amended to specify the width of the proposed north-south road. The exact size of the north-south road will be determined based on development application.

Therefore, staff recommend that no amendment to the proposed Teufel Ordinance.

**Issue 3: Will a half street improvement be required on arterial that abut the site?**

Two arterials abut the site, Barnes Road and Cornell Road. Transportation staff find that there is no need for additional conditions within the Teufel Ordinance because the Development Code currently requires that development construct half-street improvements that meet the "rough proportionality" test.

The Commission should be aware that the developer of this property is not required to construct a half-street frontage on Barnes Road because this portion of Barnes Road is contained within the Washington County MSTIP 3 that is scheduled to construct the entire street cross-section.

Therefore, staff recommend that no amendment be made to the proposed Teufel Ordinance.

**Issue 4: Will the off-street pathway and trail system on-site relate to planned off-street pathways abutting the site?**

As noted in the County response to this question, the Teufel Ordinance does address the need for any pathways proposed in the development to relate to surrounding neighborhoods. This statement is intended to require the applicant to provide connection with those pathway systems contained within the City's TSP, Washington Counties TSP, and Metro RTP when appropriate and feasible. The City is aware of the east west pathway to which the County refers and will review that connection with the development proposal.

Therefore, staff recommend that no amendments be made to the proposed Teufel Ordinance.

**Issue 5; How will property withdrawn for other purposes be considered in establishing a new dwelling unit capacity total?**

The County letter states that the 1,946 dwelling unit figure is based on a net developable acreage already accounting for both environmentally sensitive areas and public rights-of-way. However, staff find that County net acreage figure does not account for either the Metro Goal 5 Natural Resource Inventory or site specific natural resource assessments. Further, staff find that the proposed 1,946 dwelling unit count assume development of the area withdrawn for the School District which is arguably the best area to place density on the site leading to questions of whether it is feasible to develop other portions of the site at the same density. While the City is committed to the development of 1,946 new dwelling, units it may be through the increase of units on other properties.

Therefore, staff recommend no changes to the proposed ordinance.

**Issue 6 : Is the Sunset Clause in Section 8 necessary?**

Staff has included the Sunset Clause in anticipation that the development will proceed in a timely manner and that the unique provisions related to development of this property will be largely fulfilled within the 2 year time line specified. Staff suggest that the Commission and Council can modify the timeline for the Ordinance on an as needed basis.

Therefore, staff recommend no changes to the proposed ordinance.

## **Fishman Technical Memorandum and Current Development Processes Response:**

Fishman Environmental Services prepared a Technical Memorandum, dated February 23, 2004, for Fred Gast of Polygon NW. The Technical Memorandum reviews the history and examines the soil, vegetation, and hydrologic structure of the four irrigation ponds on the subject site and concludes that three of the ponds would not be considered jurisdictional waters or wetlands by the Division of State Lands (DSL). While the Technical Memorandum may be accurate, DSL has not concurred with the findings and would not be the ultimate arbiter of regulatory jurisdiction. Clean Water Services (CWS) provides storm water quality services to the urban areas of Washington County. The two applicable definitions of 'edge of a sensitive area' in *CWS 2004 Design & Construction Standards* are as follows: the delineated boundary of the wetland per DSL/Corps procedures for wetland delineation and the outside edge of spring emergence. However, a 'sensitive area' does not include storm water infrastructure, off-stream recreational lakes, wastewater treatment lagoons, fire ponds or reservoirs or drainage ditches. In Beaverton's Local Wetlands Inventory (LWI), existing regulations specify that wetland delineations completed as part of a development proposal and approved through DSL or the US Army Corps of Engineers provide more accurate assessment of the wetland resources and their boundaries.

### CPA Resource Data Source

As noted in the CPA2003-0017 staff report dated February 6, 2004 prepared for the February 25, 2004 Planning Commission hearing, the areas proposed as Significant Goal 5 resources are based on Metro's *Regionally Significant Riparian Corridors by Total Functional Score* and *Potential Wildlife Habitat by Total Wildlife Value Score* Maps approved by Metro Council Resolutions 02-3176 and 02-3177. The Metro Maps are based on functional scores or wildlife values considered important on a regional scale. Metro assumed some map errors may result from this methodology, thus they established a process to correct the maps. That process is available to the developer of the subject property.

### Tualatin Basin Goal 5 ESEE Analysis

The cities in Washington County, the County, THPRD and CWS have entered into an agreement with Metro to complete a regional Goal 5 process relating to stream corridors and wildlife habitat for the Tualatin River Basin. In signing that formal agreement, all the participating local governments, including Beaverton, agreed to use the Metro inventory of natural resources as the basis for developing a program for resource protection after analyzing the environmental, social, economic, and energy (ESEE) consequences of allowing, permitting or limiting to some degree development of inventoried resources. The Metro inventory does show the subject ponds as regionally significant natural resources. Therefore, the City should also show these resources on its maps of significant natural areas until they are removed from the Metro map.

This area is within the Cedar Mill Creek Streamshed Analysis area for the Tualatin Basin Goal 5 ESEE analysis. The preliminary draft streamshed analysis provides the following narrative applicable to the subject property: "There is a large split-zoned parcel located between Cornell and Saltzman Roads that is currently used as a commercial nursery (Teufel). Cedar Creek articulates the western property line of this parcel which has a 'moderately limit' program recommendation for the class I portion of the Riparian Corridor – the vast majority of which corresponds with the new FEMA floodplain boundary data. There are no pending land use decisions for the development of this property, although it is not anticipated that future development will conflict with resource protection."

The preliminary draft Cedar Mill Creek Streamshed Analysis does not propose to adjust the general allow, limit, prohibit recommendation noted on Exhibit G to the CPA 2003-0017 staff report, however, adjustment criteria discussions continue within the Tualatin Basin Goal 5 Steering Committee. One of the proposed adjustment criteria includes reduction of the program recommendation to "allow" where water quality/detention facilities or farm ponds occur.

#### Recommendation

Staff recommends the Planning Commission retain the Significant Natural Resource, Significant Wetland and Significant Riparian Corridor designations as proposed in the CPA2003-0017 staff report. The decision about whether the ponds can be developed should be made through the City's development review process, in conjunction with Clean Water Services.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Implementing the Comprehensive Plan to Create Teufel Property Review Procedures.

**FOR AGENDA OF:** 03-15-04 **BILL NO:** 04045

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

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

**DATE SUBMITTED:** 03-02-04

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

**PROCEEDING:** First Reading

- EXHIBITS:**
1. Ordinance
  2. Land Use Order No. 1673
  3. Draft PC Minutes
  4. Staff Memo dated 02-25-04
  5. Staff Report dated 02-05-04

**BUDGET IMPACT**

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

On February 25, 2004, the Planning Commission held a public hearing to consider a special land use ordinance entitled the Teufel Property Development Review Procedure. The special ordinance will adopt special noticing and development review standards contained within Washington County's Cedar Hill-Cedar Mills Community Plan for the Teufel property. The Teufel property special standards do not correspond with the City Development Code nor will they apply to other future annexed areas covered by the Urban Planning Area Agreement (UPAA). Because these standards are unique to the Teufel Property, it is proposed that the noticing and development review requirements be contained in a special land use ordinance separate from the Development Code.

The Planning Commission accepted oral testimony in favor of the ordinance, and written testimony related to transportation, environmental, and density issues contained in the ordinance.

Following the close of the public hearing on February 25, 2004, the Planning Commission voted 6-0 (Maks absent) to recommend approval of the proposed special ordinance.

**INFORMATION FOR CONSIDERATION:**

Attached to this Agenda Bill are Land Use Order No. 1673, the recommended text, the draft Planning Commission meeting minutes, and the staff report.

**RECOMMENDED ACTION:**

Staff recommend the City Council approve the recommendation of the Planning Commission for the Teufel Property Development Review Procedure Ordinance as set forth in Land Use Order No. 1673. Staff further recommends the Council conduct a First Reading of the attached ordinance.

ORDINANCE NO. 4293

AN ORDINANCE IMPLEMENTING THE COMPREHENSIVE  
PLAN TO CREATE  
TEUFEL PROPERTY REVIEW PROCEDURES

**WHEREAS**, the City of Beaverton has entered into an Annexation Agreement for the Teufel Nursery property located at 12345 NW Barnes Road, in Washington County, Oregon, Tax Lot Numbers 00100 and 02800 on Assessor's Map 1N1-34C; and,

**WHEREAS**, the City Council recognizes the need to maintain continuity of the planning efforts conducted by Washington County and the review procedures and development standards of the City of Beaverton; and,

**WHEREAS**, the City Council further recognizes the unique development standards developed for the Teufel Property within the Washington County Cedar Mill Community Plan; and,

**WHEREAS**, this Ordinance implements Beaverton's Comprehensive Plan provisions for this property consistent with the Urban Planning Area Agreement; and

**WHEREAS**, the City Council desires to establish the Teufel Property Review Procedures that along with the Beaverton Development Code will serve as guidance for the development of the Teufel Property; and,

**WHEREAS**, in accordance with City Council Rules of Procedure, the Council adopts the following for the Teufel Property; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

**Section 1. Background**

The standards contained herein encompass a property that has generally been described as the Teufel Nursery, referred to in this document as the Teufel Property and precisely described as Washington County Assessor Map 1N1-34C Tax Lots 00100 and 02800 (Exhibit 1.1).

The Teufel Property is planned for a vibrant mixed use development with retail commercial and high-density residential uses. Approximately 22 acres of the property carries the Washington County TO:RC zoning designation and the remaining area carries the Washington County TO:R24-44 zoning designation. Pursuant to the City of Beaverton Washington County Urban Planning Area Agreement, when the property is annexed into the City the zoning designations will be changed to Town Center – Mixed Use (TC-MU) and Town Center – High Density Residential (TC-HDR) respectively. In addition, a public road has been designed through the site to connect SW Barnes Road

with NW Cornell Road. These actions will occur by separate ordinance.

**Section 2. Public Notice and Development Application Filing Procedure**

Notwithstanding the requirements for conducting a Neighborhood Review Meeting as specified in Section 50.30 of the Beaverton Development Code, development of the Teufel property shall be subject to the following:

1. Prior to filing the development application(s), there shall be at least one open house for the Citizen's Participation Organization 1 ("CPO 1") residents to review the application, obtain citizen input and identify potential issues regarding the application;
2. Prior to filing the application, there shall be at least two neighborhood review meetings (including one required neighborhood meeting conducted in accordance with Section 50.30 of the Development Code);
3. All required notices, including but not limited to the notice for the open house for CPO 1 residents, the neighborhood review meetings, and the public hearing(s) shall be done in accordance with Beaverton Development Code Section 50.45, except that notice shall be provided to all property owners of record within 1000 feet of the Teufel Property;
4. Open house, neighborhood review meetings, or both which have occurred prior to the effective date of this ordinance shall be accepted by the City of Beaverton as fulfilling the requirements of this ordinance provided that it is demonstrated that the meetings were conducted in accordance with the provisions of Washington County Ordinance 536.
5. The overall master plan development application shall be reviewed at a minimum through a Type 3 Planned Unit Development process pursuant to Development Code Section 40.15.15.5, 40.15.15.6, or both;

**Section 3. Land Use, Design, and Transportation Issues**

1. The development application shall address land use, urban design and transportation issues associated with the site, including, but not limited to the following:
  - a) Demonstrate compliance with the public involvement process set forth in Section 2 above regarding the Planned Unit Development process;
  - b) Provide the property owners some flexibility in meeting their development objectives;

- c) Develop a plan that will produce a high degree of urbanism on the property;
- d) Identify and locate a vehicular and pedestrian circulation system;
- e) Identify and develop design standards for main street on the site;
- f) Develop a sketch building orientation and on-street parking plan;
- g) Focus the development around an identifiable public place such as a park, square or plaza;
- h) Integrate the different uses on the site;
- i) Develop an off-street pathway and trail system relating to the neighborhoods surrounding the property;
- j) Integrate the Beaverton School District site into the overall development PUD;
- k) Identify how the site will access the surrounding arterial system, including an examination of extending Leahy between the site and Cedar Hills Boulevard.
- l) Incorporate Cedar Mill and Johnson Creek into the development of the property as appropriate;
- m) Provide buffering and screening to the 114<sup>th</sup> neighbors;
- n) Examine how to provide acceptable access to tax lot 102 Assessor Map # 1S1-3B.

#### **Section 4. Dwelling Unit Capacity**

The development of this property is required to provide 1,946 dwelling units less the number of dwelling units that would have been provided for on any area withdrawn from the Teufel Property for the use by the Beaverton School District. Property withdrawn for other purposes such as environmental protection may also be considered in establishing a new dwelling unit capacity total. Pursuant to Development Code Section 40.25 the Developer of this property shall submit for a Director's Interpretation in order to provide for a determination of a reduced number of dwelling units to be provided on site.

#### **Section 5. Natural Resources**

The development of this property will require the completion of a wetland delineation by a certified wetland scientist that is consistent with the standards of the City and Clean Water Services. The development of the property requires the completion of a tree survey by a certified arborist of all trees located on the site which has a diameter at breast height of ten (10) inches or more.

#### **Section 6. Parks**

The development of this property shall provide consideration for the creation of Park, Open Space, or Recreation areas within the Teufel Property and will work with the Tualatin Hills Park and Recreation District to dedicate these area to THPRD.

**Section 7. Transportation**

The development of this property shall require the construction of a north south collector street with an alignment located within the "Special Area Major Collector Corridor" identified by the Teufel Property Collector Street Study Area Map.

**Section 8. Sunset Clause**

The provisions of Section 2 and 3 of this ordinance shall expire no less than two years after the effective date of this ordinance.

**Section 9. Severance Clause.**

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

**Section 10. Effective Date**

On account of the appellate litigation filed for Ordinance 4284, the ordinance annexing the Teufel Property into the City of Beaverton, this Ordinance shall take effect upon the date the Land Use Board of Appeals renders a Final Opinion and Order affirming the annexation, or the date the Court of Appeals renders a decision or opinion affirming the same, whichever is later.

First reading this \_\_\_ 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 ADOPT A SPECIAL ORDINANCE	)	ORDER NO. 1673
	)	
THAT WILL GUIDE NOTICE AND	)	RECOMMENDING
	)	
REVIEW PROCEDURES FOR THE	)	TO CITY COUNCIL
	)	
TEUFEL PROPERTY AT 12345 NW	)	APPROVAL OF
	)	
BARNES ROAD (TEUFEL ORDINANCE,	)	SPECIAL ORDINANCE
	)	
CITY OF BEAVERTON, APPLICANT	)	

The matter of the Teufel Property Review Procedures Ordinance was initiated by the City of Beaverton in order to guide notice and review procedures for the Teufel property. The proposed ordinance involves property commonly known as a portion of the Teufel Nursery located at 12345 NW Barnes Road and more specifically described as Tax Lots 00100 and 02800 on Washington County Assessor's Map 1N134C0.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance No. 4248, Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearing on February 25, 2004, and considered oral and written testimony and exhibits for the proposed

amendment to adopt the Teufel Property Development Review Procedures Ordinance.

The Planning Commission accepted oral testimony from Fred Gast, Polygon Northwest, in support of the Teufel Ordinance. The Planning Commission also considered three letters related to the Teufel Ordinance that had been submitted suggesting possible changes to the proposed Ordinance. The first letter, dated February 23, 2004, was from Fishman Environmental Services summarized potential jurisdictional status of four irrigation ponds on the Teufel Property. The second letter, dated February 24, 2004, was from Kathy Lehtola, Director of Land Use and Transportation, Washington County discussing issues related to transportation, site density, and the sunset clause of the Teufel Ordinance. The third letter, dated February 24, 2004, from Charles B. Thompson discusses the potential transportation connections between the Teufel Property and the Leahy Road. The Planning Commission considered all three of these letters along with a staff memorandum prepared in response the letters. Upon deliberation the Planning Commission felt that the proposed Teufel Ordinance properly considered the transportation, environmental, and process issues raised by the three letters and chose not to amend the proposed Teufel Ordinance based on the written testimony.

The Planning Commission adopts by reference the February 5, 2004 staff report, and February 25, 2004 staff memorandum, as to criteria

contained in the City Charter, Comprehensive Plan, and Development Code applicable to this request and findings thereon; now, therefore:

**IT IS HEREBY ORDERED** that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** of the Teufel Property Development Review Ordinance to the Beaverton City Council. The Planning Commission finds that evidence has been provided demonstrating that proposed Teufel Ordinance is in conformance with the City Charter, Comprehensive Plan, and Development Code.

**CARRIED** by the following vote:

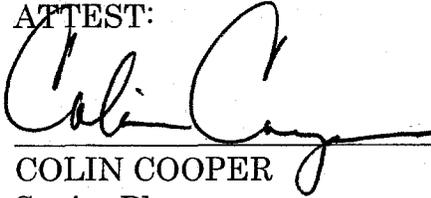
**AYES:** Voytilla, Winter, Bliss, Johansen, Pogue, and Barnard.  
**NAYS:** None  
**ABSTAIN:** None.  
**ABSENT:** Maks.

Dated this 1<sup>st</sup> day of March, 2004.

Appeals of a Type 4 decision are to be conducted in conformance to Section 50.75 of the Beaverton Development Code. To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1673 an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on Thursday, March 11, 2004.

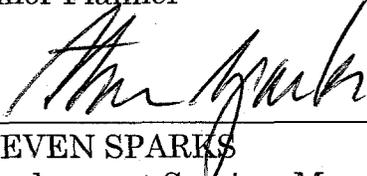
PLANNING COMMISSION  
FOR BEAVERTON, OREGON:

ATTEST:



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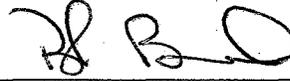
COLIN COOPER  
Senior Planner



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STEVEN SPARKS  
Development Services Manager

APPROVED:



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BOB BARNARD  
Chairman

**PLANNING COMMISSION MINUTES**

February 25, 2004

**CALL TO ORDER:**

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

**ROLL CALL:**

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

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

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

**VISITORS:**

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

**STAFF COMMUNICATION:**

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

**OLD BUSINESS:**

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

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

6  
7 **CONTINUANCES:**

8  
9 **A. BLACKSTONE SUBDIVISION**

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

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

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

34  
35 Motion **CARRIED**, unanimously.

36  
37 **NEW BUSINESS:**

38  
39 **PUBLIC HEARINGS:**

40  
41 **A. TEUFEL PROPERTY**

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

1 The first proposal is to amend two maps in the Comprehensive Plan:  
2 the Land Use Map (Figure III-1 of Volume I) to designate property  
3 annexed into the City by a separate process, as Town Center (TC); and  
4 the Significant Natural Resources Map (Volume III) to apply the  
5 Significant Natural Resources Overlay Zone and significant riparian  
6 and wetlands designations to parts of the property. Secondly, to  
7 amend the Zoning Map to show Town Center-High Density Residential  
8 (TC-HDR) on approximately 64 acres of the property and Town Center-  
9 Multiple Use (TC-MU) on the remaining 22 acres of the property in  
10 place of the current Washington County designations of Transit  
11 Oriented Residential: 24-40 units to the acre (TO: R24-40) and Transit  
12 Oriented: Retail Commercial (TO: RC). These are Beaverton's most  
13 similar land use and zoning designations to those that Washington  
14 County has placed on these properties. The third action is the  
15 adoption of a special ordinance that will guide notice and review  
16 procedures for the Teufel property. The address of the parcels is 12345  
17 NW Barnes Road, it is identified on tax map 1N134C0 as lots 00100  
18 and 02800, and is commonly known as a portion of the Teufel Nursery.  
19

20 Commissioner Voytilla disclosed that while he is a member of staff of  
21 the Beaverton School District and that the district has an interest in  
22 this property; this proposal involves a legislative action and would not  
23 affect his ability to participate in a fair and impartial decision.  
24

25 Chairman Barnard provided a brief description of the hearing process.  
26

27 Planning Services Manager Hal Bergsma introduced himself and  
28 Development Services Manager Steven Sparks and explained that the  
29 proposed Comprehensive Plan Amendment and Zoning Map  
30 Amendment had been necessitated by the recent annexation of the  
31 subject property, adding that this annexation had become effective  
32 February 13, 2004. Referring to the Washington County/Beaverton  
33 Urban Planning Area Agreement which requires adoption of plan  
34 designations and zoning as similar as possible to previous Washington  
35 County zoning within six months of annexation, he explained that the  
36 proposed Comprehensive Plan designation and Zoning Map  
37 designation are in compliance with this requirement. Observing that  
38 it is also necessary to consider adoption of special provisions related to  
39 the subject property that have been adopted by Washington County, he  
40 pointed out that while such special provisions generally do not exist, in  
41 this particular situation, there are numerous special provisions.  
42

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41  
42 Mr. Bergsma advised Commissioner Voytilla that this correspondence  
43 had only arrived this morning.  
44

1 Commissioner Voytilla emphasized that this correspondence is  
2 basically a few late-minute recommendations, rather than the County's  
3 obligation to advise the City on existing policy regarding to this  
4 property, as indicated in the first paragraph, and expressed his opinion  
5 that this seems inconsistent.  
6

7 Mr. Bergsma clarified that Washington County has no obligation to  
8 advise the City of Beaverton of anything.  
9

10 On behalf of staff, Mr. Sparks informed Commissioner Voytilla that  
11 this information only became available this morning.  
12

13 Commissioner Bliss requested verification that the City's designation  
14 of Collector will or can support the County's designation for an  
15 Arterial.  
16

17 Mr. Sparks confirmed that the City's designation of Collector will or  
18 can support the County's designation for an Arterial.  
19

20 Mr. Bergsma explained that while there may be some differences with  
21 regard to design, the appropriate capacity would be addressed.  
22

23 Observing that the planning for this area involves a Town Center, Mr.  
24 Sparks pointed out that a Town Center includes certain design  
25 implications, specifically as a pedestrian-oriented area.  
26

27 **PUBLIC TESTIMONY:**  
28

29 **FRED GAST**, representing *Polygon NW*, expressed his support of the  
30 application, expressing his opinion that this action essentially replaces  
31 Washington County's zoning designates with those of the City of  
32 Beaverton. He emphasized that this does not mean that the  
33 commitments made by Washington County to the residents of the area  
34 would not be honored, noting that these have been simply transferred  
35 over to the City of Beaverton. Concluding, he offered to respond to  
36 questions.  
37

38 Mr. Sparks recommended approval of all three Ordinances to the City  
39 Council.  
40

41 The public portion of the Public Hearing was closed.  
42

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

1  
2 Commissioner Voytilla **MOVED** and Commissioner Winter  
3 **SECONDED** a motion for approval of CPA 2003-0017 – Teufel Multiple  
4 Comprehensive Plan Map Amendments, based upon the testimony,  
5 reports and exhibits and new evidence presented during the Public  
6 Hearings on the matter, and upon the background facts, findings and  
7 conclusions found in the Staff Report dated February 6, 2004, and Staff  
8 Memorandum dated February 25, 2004.

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

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

17  
18 Commissioner Voytilla **MOVED** and Commissioner Winter  
19 **SECONDED** a motion for approval of ZMA 2003-0019, based upon the  
20 testimony, reports and exhibits and new evidence presented during the  
21 Public Hearings on the matter, and upon the background facts,  
22 findings and conclusions found in the Staff Report dated February 6,  
23 2004, and Staff Memorandum dated February 25, 2004.

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

26  
27 **AYES:** Voytilla, Winter, Bliss, Johansen, Pogue, and  
28 Barnard  
29 **NAYS:** None.  
30 **ABSTAIN:** None.  
31 **ABSENT:** Maks.

32  
33 Commissioner Voytilla **MOVED** and Commissioner Winter  
34 **SECONDED** a motion for approval of the Teufel Property Development  
35 Review Procedures Ordinance, based upon the testimony, reports and  
36 exhibits and new evidence presented during the Public Hearings on the  
37 matter, and upon the background facts, findings and conclusions found  
38 in the Staff Report dated February 6, 2004, and Staff Memorandum  
39 dated February 25, 2004.

40  
41 Motion **CARRIED** by the following vote:

42  
43 **AYES:** Voytilla, Winter, Bliss, Johansen, Pogue, and  
44 Barnard

1           **NAYS:**       None.  
 2           **ABSTAIN:** None.  
 3           **ABSENT:**  Maks.

4  
 5   **B.    1250 NW WATERHOUSE AVENUE**

6           **4. CPA 2003-0018 – Land Use Map Amendment**

7           **5. ZMA 2003-0020 – Zoning Map Amendment**

8           This proposal is to amend the Land Use Map in the Comprehensive  
 9           Plan and Zoning Map to designate one parcel being annexed into  
 10          the City, by a separate process, Employment (EMP) on the Land  
 11          Use Map and Campus Industrial on the Zoning Map in place of the  
 12          current Washington County designation of Industrial with an  
 13          Employment Area overlay. These are Beaverton’s most similar  
 14          land use and zoning destinations to those that Washington County  
 15          has placed on this property. The address of this parcel is 1250 NW  
 16          Waterhouse Avenue; it is identified on tax map 1N132BD as Tax  
 17          Lot 00400.

18  
 19          Chairman Barnard and Commissioner Pogue indicated that he had  
 20          visited the site.

21  
 22          Senior Planner Alan Whitworth presented the Staff Report and offered  
 23          to respond to questions.

24  
 25          **PUBLIC TESTIMONY:**

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

28  
 29          Mr. Whitworth indicated that staff had no further comments.

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

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

35  
 36          Commissioners Johansen, Winter, Pogue, Bliss, and Voytilla, and  
 37          Chairman Barnard expressed their support of the application.

38  
 39          Commissioner Pogue **MOVED** and Commissioner Bliss **SECONDED** a  
 40          motion for approval of CPA 2003-0018 – 1250 NW Waterhouse Avenue  
 41          Land Use Map Amendments, based upon the testimony, reports and  
 42          exhibits and new evidence presented during the Public Hearings on the  
 43          matter, and upon the background facts, findings and conclusions found  
 44          in the Staff Report dated February 6, 2004.

1  
2 Motion **CARRIED** by the following vote:

3  
4 **AYES:** Pogue, Bliss, Voytilla, Winter, Johansen, and  
5 Barnard

6 **NAYS:** None.

7 **ABSTAIN:** None.

8 **ABSENT:** Maks.  
9

10 Commissioner Pogue **MOVED** and Commissioner Bliss **SECONDED** a  
11 motion for approval of ZMA 2003-0020 – 1250 NW Waterhouse Avenue  
12 Zoning Map Amendments, based upon the testimony, reports and  
13 exhibits and new evidence presented during the Public Hearings on the  
14 matter, and upon the background facts, findings and conclusions found  
15 in the Staff Report dated February 6, 2004.  
16

17 Motion **CARRIED** by the following vote:

18  
19 **AYES:** Pogue, Bliss, Voytilla, Winter, Johansen, and  
20 Barnard

21 **NAYS:** None.

22 **ABSTAIN:** None.

23 **ABSENT:** Maks.  
24

25 **APPROVAL OF MINUTES:**

26  
27 Minutes of the meeting of January 28, 2004, submitted. Commissioner  
28 Voytilla requested that the date on the header be amended, as follows:  
29 “January ~~24~~ 28, 2004”. Commissioner Pogue **MOVED** and  
30 Commissioner Voytilla **SECONDED** a motion that the minutes be  
31 amended as amended.  
32

33 Motion **CARRIED**, unanimously.  
34

35 **MISCELLANEOUS BUSINESS:**

36  
37 Mr. Sparks introduced Associate Planner Ethan Edwards, observing  
38 that he has recently come from the City of Santa Monica and has  
39 experience in both public and private sector planning.  
40

41 The meeting adjourned at 7:53 p.m.  
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CALENDAR

<i>Feb</i>	<i>11</i>	<i>7:00 PM</i>	<i>Continuances</i>	<i>TD 2003-0026</i> <i>FS 2003-0013</i> <i>LD 2003-0033</i> <i>SDM 2003-0010</i>	<i>Blackstone Subdivision continued from 1/7/04</i>
	<i>18</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>CU 2003-0022</i> <i>DR 2003-0180</i>	<i>AT&amp; T Wireless Communications Facility @ SW Center Street</i>
	<i>25</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>CPA 2003-0017</i> <i>ZMA 2003-0019</i> <i>CPA 2003-0018</i> <i>ZMA 2003-0020</i>	<i>Teufel Property</i> <i>1250 NW Waterhouse Avenue</i>
<i>March</i>	<i>3</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>FS 2003-0014</i> <i>CU 2003-0023</i> <i>DR 2003-0189</i>	<i>Kolding Meadows Lot#5 Flex Setback</i> <i>Murrayhill Safeway Full Station</i>
	<i>10</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>TA 2004-0001</i> <i>CPA 2004-0001</i> <i>ZMA 2004-0001</i>	<i>Development Code Section 10.70 Amendment</i> <i>Murray/Walker CPA/ZMA</i>
	<i>17</i>	<i>7:00 PM</i>	<i>Public Hearing</i>	<i>CPA 2003-0008</i> <i>TA 2003-0015</i>	<i>Transportation Facilities</i>
<i>April</i>	<i>7</i>	<i>7:00 PM</i>	<i>Continuances</i>	<i>TA 2003-0005</i>	<i>Design Review Updated continued from 1/28/04</i>



# MEMORANDUM

City of Beaverton  
Community Development Department

"make it happen"

**To:** Planning Commission

**From:** Colin Cooper, AICP, Senior Planner, Barbara Fryer, AICP, Senior Planner, Randy Wooley, P.E., City Transportation Engineer

**Date:** February 25, 2004

**Subject:** *Teufel Property – Washington County Comment Letter and Fishman Environmental Letter*

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The purpose of this memo is to provide a brief staff response to the letters referenced above that were submitted to the City on Wednesday, February 25, 2004. The Washington County letter addresses six major issues related to the Teufel Property, while the Fishman letter addresses the desire to remove several environmental features from the Local Wetland Inventory.

## Washington County Letter Response:

### **Issue 1: Should the North-South Road on the property be designated a Collector or an Arterial?**

Transportation planning staff recommend that the north-south road be designed as a collector. The collector designation best fits the definitions contained in Section 6.3.4 of the Comprehensive Plan. Arterials are intended to accommodate through traffic. Section 6.3.4 defines collectors as follows:

“Collector streets balance access and circulation within residential, commercial, and industrial areas. Collectors differ from arterials in that they provide circulation within the city and distribute trips onto neighborhood routes and local streets.”

The north-south road is intended to function as a collector for the Teufel area, not as an arterial for through traffic. Under City standards, there is no direct link between functional classification and the number of lanes. Beaverton has arterials as narrow as two lanes and it has collectors with more than three lanes. Under any functional classification, the number of lanes will be determined based on traffic analysis at the time of development.

Unlike Washington County, the City does not determine the locations of on-street parking as part of its Transportation Plan. Staff feels that City processes adequately provide for review of on-street parking as part of the development process. Therefore, staff recommend that no conditions be adopted at this time related to on-street parking. Depending on the actual development proposed, some on-street parking may be desirable in some locations, such as along the frontage of the future school.

If the street is to function as a collector, staff feel that the City standards for street spacing are adequate. During development review, street spacing will be reviewed to assure adequate space for turn lanes and traffic queues. This review will be required as part of the traffic analysis.

Therefore, staff recommend that no amendment be made to the proposed Teufel Ordinance.

**Issue 2: Should the north-south road be designed as Five lanes/Three lanes in the plan or should road width be determined as part of the land development process?**

The County requests that the Teufel Ordinance be amended to specify the width of the proposed north-south road. The exact size of the north-south road will be determined based on development application.

Therefore, staff recommend that no amendment to the proposed Teufel Ordinance.

**Issue 3: Will a half street improvement be required on arterial that abut the site?**

Two arterials abut the site, Barnes Road and Cornell Road. Transportation staff find that there is no need for additional conditions within the Teufel Ordinance because the Development Code currently requires that development construct half-street improvements that meet the "rough proportionality" test.

The Commission should be aware that the developer of this property is not required to construct a half-street frontage on Barnes Road because this portion of Barnes Road is contained within the Washington County MSTIP 3 that is scheduled to construct the entire street cross-section.

Therefore, staff recommend that no amendment be made to the proposed Teufel Ordinance.

**Issue 4: Will the off-street pathway and trail system on-site relate to planned off-street pathways abutting the site?**

As noted in the County response to this question, the Teufel Ordinance does address the need for any pathways proposed in the development to relate to surrounding neighborhoods. This statement is intended to require the applicant to provide connection with those pathway systems contained within the City's TSP, Washington Counties TSP, and Metro RTP when appropriate and feasible. The City is aware of the east west pathway to which the County refers and will review that connection with the development proposal.

Therefore, staff recommend that no amendments be made to the proposed Teufel Ordinance.

**Issue 5: How will property withdrawn for other purposes be considered in establishing a new dwelling unit capacity total?**

The County letter states that the 1,946 dwelling unit figure is based on a net developable acreage already accounting for both environmentally sensitive areas and public rights-of-way. However, staff find that County net acreage figure does not account for either the Metro Goal 5 Natural Resource Inventory or site specific natural resource assessments. Further, staff find that the proposed 1,946 dwelling unit count assume development of the area withdrawn for the School District which is arguably the best area to place density on the site leading to questions of whether it is feasible to develop other portions of the site at the same density. While the City is committed to the development of 1,946 new dwelling, units it may be through the increase of units on other properties.

Therefore, staff recommend no changes to the proposed ordinance.

**Issue 6 : Is the Sunset Clause in Section 8 necessary?**

Staff has included the Sunset Clause in anticipation that the development will proceed in a timely manner and that the unique provisions related to development of this property will be largely fulfilled within the 2 year time line specified. Staff suggest that the Commission and Council can modify the timeline for the Ordinance on an as needed basis.

Therefore, staff recommend no changes to the proposed ordinance.

## **Fishman Technical Memorandum and Current Development Processes Response:**

Fishman Environmental Services prepared a Technical Memorandum, dated February 23, 2004, for Fred Gast of Polygon NW. The Technical Memorandum reviews the history and examines the soil, vegetation, and hydrologic structure of the four irrigation ponds on the subject site and concludes that three of the ponds would not be considered jurisdictional waters or wetlands by the Division of State Lands (DSL). While the Technical Memorandum may be accurate, DSL has not concurred with the findings and would not be the ultimate arbiter of regulatory jurisdiction. Clean Water Services (CWS) provides storm water quality services to the urban areas of Washington County. The two applicable definitions of 'edge of a sensitive area' in *CWS 2004 Design & Construction Standards* are as follows: the delineated boundary of the wetland per DSL/Corps procedures for wetland delineation and the outside edge of spring emergence. However, a 'sensitive area' does not include storm water infrastructure, off-stream recreational lakes, wastewater treatment lagoons, fire ponds or reservoirs or drainage ditches. In Beaverton's Local Wetlands Inventory (LWI), existing regulations specify that wetland delineations completed as part of a development proposal and approved through DSL or the US Army Corps of Engineers provide more accurate assessment of the wetland resources and their boundaries.

### CPA Resource Data Source

As noted in the CPA2003-0017 staff report dated February 6, 2004 prepared for the February 25, 2004 Planning Commission hearing, the areas proposed as Significant Goal 5 resources are based on Metro's *Regionally Significant Riparian Corridors by Total Functional Score and Potential Wildlife Habitat by Total Wildlife Value Score* Maps approved by Metro Council Resolutions 02-3176 and 02-3177. The Metro Maps are based on functional scores or wildlife values considered important on a regional scale. Metro assumed some map errors may result from this methodology, thus they established a process to correct the maps. That process is available to the developer of the subject property.

### Tualatin Basin Goal 5 ESEE Analysis

The cities in Washington County, the County, THPRD and CWS have entered into an agreement with Metro to complete a regional Goal 5 process relating to stream corridors and wildlife habitat for the Tualatin River Basin. In signing that formal agreement, all the participating local governments, including Beaverton, agreed to use the Metro inventory of natural resources as the basis for developing a program for resource protection after analyzing the environmental, social, economic, and energy (ESEE) consequences of allowing, permitting or limiting to some degree development of inventoried resources. The Metro inventory does show the subject ponds as regionally significant natural resources. Therefore, the City should also show these resources on its maps of significant natural areas until they are removed from the Metro map.

This area is within the Cedar Mill Creek Streamshed Analysis area for the Tualatin Basin Goal 5 ESEE analysis. The preliminary draft streamshed analysis provides the following narrative applicable to the subject property: "There is a large split-zoned parcel located between Cornell and Saltzman Roads that is currently used as a commercial nursery (Teufel). Cedar Creek articulates the western property line of this parcel which has a 'moderately limit' program recommendation for the class I portion of the Riparian Corridor – the vast majority of which corresponds with the new FEMA floodplain boundary data. There are no pending land use decisions for the development of this property, although it is not anticipated that future development will conflict with resource protection."

The preliminary draft Cedar Mill Creek Streamshed Analysis does not propose to adjust the general allow, limit, prohibit recommendation noted on Exhibit G to the CPA 2003-0017 staff report, however, adjustment criteria discussions continue within the Tualatin Basin Goal 5 Steering Committee. One of the proposed adjustment criteria includes reduction of the program recommendation to "allow" where water quality/detention facilities or farm ponds occur.

#### Recommendation

Staff recommends the Planning Commission retain the Significant Natural Resource, Significant Wetland and Significant Riparian Corridor designations as proposed in the CPA2003-0017 staff report. The decision about whether the ponds can be developed should be made through the City's development review process, in conjunction with Clean Water Services.



# CITY of BEAVERTON

EXHIBIT # 5

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

## CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

**TO:** Planning Commission

**STAFF REPORT DATE:** February 5, 2004

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

**SUBJECT:** Teufel Property Development Review  
Procedures Ordinance (Teufel Ordinance)

**REQUEST:** Teufel Property Development Review  
Procedures Ordinance (Teufel Ordinance)  
Consideration for the adoption of an ordinance that  
outlines special notice and review procedures for  
the Teufel Property. The proposed ordinance  
involves two parcels identified on tax map  
1N134C0 as lots 00100 and 02800 that are shown  
on the attached map and described by the attached  
legal description (Exhibit 1.4).

**APPLICANT:** City of Beaverton - Development Services Division

**HEARING DATE:** Wednesday, February 25, 2004

**RECOMMENDATION:**  
Based on the facts and findings in this report and the facts and findings in  
the associated staff report for CPA2003-0017/ZMA2003-0019, staff  
recommend APPROVAL of Teufel Property Development Review Procedures  
Ordinance (Teufel Ordinance)

## **I. BACKGROUND AND PROPOSAL**

### **Background**

The City Council entered into an Annexation Agreement with the owners of the Teufel property on January 5, 2004 (Exhibit 1.3). The Urban Planning Area Agreement (UPAA) between Washington County and the City provides, in Section II. A. that "... the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has adopted, through B-Engrossed Ordinance No. 536 (an ordinance amending the Cedar Hills-Cedar Mill Community Plan; the Bethany Community Plan; and the Transportation Plan; relating to the Cedar Mill Town Center) special provisions that apply to the subject property, as shown in Exhibit 1.2. The purpose of the Teufel Property Ordinance is to adopt, regulations reflecting the previous County planning efforts associated directly with this property. This staff report and the associated staff report relating to proposed changes to City Comprehensive Plan maps and the City Zoning Map (CPA2003-0017/ZMA2003-0019) contain staff's analysis and findings regarding whether adoption of City adoption of County policies for the subject property is appropriate.

The Teufel Nursery Property was included as part of the Washington County Cedar Hills-Cedar Mill Community Plan and was called out as "Special Area of Concern No. 4" within the Plan boundary. The Teufel Nursery Property was recognized for both the unique natural features and the potential for significant urban mixed use development. The Cedar Hills-Cedar Mills Community Plan calls for a "vibrant mixed-use pedestrian-friendly development." The property is one of the largest underdeveloped sites adjacent to major arterials and transit service in Washington County; Therefore, as the Cedar Hills-Cedar Mills Community Plan states, the Teufel property provides an excellent opportunity for "distinct and special place within the Cedar Mill community."

### **Proposal**

The Cedar Hills – Cedar Mills Community Plan contains unique noticing procedures that do not correspond with the City's Noticing Procedures as contained in Chapter 50 (Procedures) of the Development Code. In response to the UPAA, staff propose the creation of a special procedures ordinance that will guide land use notice and review processes for the Teufel property without amending the Development Code directly (Exhibit 1.1). Staff recommend the special ordinance rather than a Development Code amendment because of the unique agreements made by the County to the

surrounding Cedar Hill/Cedar Mills community for noticing the development of this property which are not required in other surrounding areas anticipated for annexation. Further, the Cedar Hills/Cedar Mill noticing requirements extend well beyond those required within the current City of Beaverton boundary. Beyond the specific notice and review requirements called for in the proposed ordinance, all other land use permits and associated development standards required for the development of the Teufel Property shall follow the City's Development Code.

Along with the special noticing procedures, the Teufel Ordinance includes development standards that provide guidance for the physical development of the property. The proposed ordinance requires that the development standards be considered within the framework of the land use applications contained in Development Code.

## **II. Facts and Findings**

The proposed Teufel Ordinance is not an amendment to the text of the Development Code; however, staff has determined Section 40.85.15.1.C. of the Development Code provides the most appropriate approval criterion for review of the proposed ordinance. Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment (ordinance) application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7. are satisfied. The following are the findings of fact for the Teufel Property Development Review Procedures Ordinance (Teufel Ordinance):

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

As described above the proposed ordinance is not an amendment to the Development Code, but rather is a unique set of standards that apply only to the Teufel property based on standards adopted by Washington County's Cedar Hills-Cedar Mills Community Plan. Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map.

Therefore, staff find that approval criterion one has been met.

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

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

Staff find that approval criterion two is not applicable.

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

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

Title 1: Requirements for Housing and Employment Accommodations

Title 2: Regional Parking Policy

Title 3: Water Quality and Flood Management Conservation

Title 4: Retail in Employment and Industrial Areas

Title 5: Neighbor Cities and Rural Reserves

Title 6: Central City, Regional Centers, Town Centers and Station Communities

Title 7: Affordable Housing

Title 8: Compliance Procedures and

Title 9: Performance Measures

As described on page 1 of this report, the primary purpose the Teufel Ordinance is to adopt the special procedures and development regulations contained within the Washington County's Cedar Hills-Cedar Mills Community Plan. The County's plan addressed all the Title's of Metro's Urban Growth Management Functional Plan and was acknowledged by Metro. By adopting the special provisions of the Cedar Hills-Cedar Mills Community Plan, the City addresses the Urban Growth Management Plan.

Therefore, staff find that this criterion has been met.

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

Chapter 2 – Public Involvement Element

Consistency with Chapter 2, and specifically Goal 1, Citizen Involvement, is one of the primary objectives of the Teufel Ordinance. The ordinance outlines notice procedures that were incorporated into Washington County's Cedar Hills-Cedar Mills Community Plan, and will, by this ordinance, continue to be enforced during the development of the Teufel Property.

Staff find that the intent of Chapter 2 is met by the proposed ordinance public noticing for proposed development of the site.

### Chapter 3 – Land Use Element

Section 1 of the Teufel Ordinance recognizes that CPA 2003-0017/ZMA 2003-0017 proposes to change the existing Washington County zones to corresponding City plan and zoning designations pursuant to the UPAA. The proposed special ordinance further responds to the requirement of the UPAA Section II.A by substantially adopting relevant provisions of the County's Community Plan. The proposed Teufel Ordinance includes the notice standards and development guidance that is unique to this site and not contained within the City's existing Comprehensive Plan or Development Code standards.

*3.4.1 Goal: Provide a policy framework for a community designed to establish a positive identity while enhancing livability.*

*Policies:*

- a) The City, through its development review process, shall apply urban design standards to guide public and private investment toward creating a positive community identity.*
- b) The City's urban design standards shall promote creation of public spaces and a good pedestrian environment.*

The proposed Teufel Ordinance provides the framework that is required by the above goal and policies because it will carry forward the specific requirements for the zoning designations and density agreed upon through the County's community planning process. Furthermore, the proposed ordinance provides broad guidance for the design of development on the subject property that will augment the existing City standards.

### Chapter 4 – Housing Element

*Goal 4.2.1.1: Maximize use of buildable residential land in the City.*

*Policies:*

- a) Increase residential capacity in the City to substantially comply with requirements of Title 1 of the Metro Urban Growth Management Functional Plan.*

*4.2.2.1 Goal: Provide an adequate variety of quality housing types to serve Beaverton's citizenry.*

*Policies:*

- a) Allow development of a wide variety of housing types in the City.*

As described within the CPA 2003-0017/ZMA 2003-0019 staff report the City is implementing City Comprehensive Plan and Zoning designations consistent with the requirements of the UPAA. The County's current Comprehensive Framework Plan design type designation for the Teufel property, adopted pursuant to Title 1 of the Metro Urban Growth Management Functional Plan, is Town Center. To be consistent with the requirement in the UPAA that the City should "...convert COUNTY plan and zoning designations to CITY plan and zoning designation which most closely approximate the density, use provisions and standards of the COUNTY designations", the City proposes under CPA2003-0017 to place its Town Center Comprehensive Plan Map designation on the property. The City zoning designations that most closely approximate the existing County designations of Transit Oriented: Retail Commercial (TO-RC) and Transit Oriented-Residential 24-40 units per acre (TO-R24-40 are Town Center-Multiple Use (TC-MU) and Town Center-High Density Residential (TC-HDR) respectively. The proposed Teufel Ordinance recognizes that these land use and zoning designations will be placed on the property if approved by the City Council. Thus the proposed ordinance is in conformance with the goals and policies of the Chapter 3, Land Uses of the Comprehensive Plan.

The Cedar Hills-Cedar Mill Community Plan requires a minimum of 1,946 dwelling units be constructed on the property. The proposed Teufel Ordinance recognizes this requirement in Section 4 of the proposed ordinance. Section 4 of the ordinance provides that a reduction in the total dwelling units may occur based on, for example, the removal of the approximately 18 acres purchased by the Beaverton School District to site a new school. The developer of the site is required by the proposed ordinance to apply for a Director's Interpretation to determine the final minimum dwelling unit count for the remaining property.

The City zoning designations of TC-MU and TC-HDR both allow for a maximum of 40 dwelling units per acre, which is analogous to the County zoning.

## Chapter 6 – Transportation Element

*6.2.1. Goal: Transportation facilities designed and constructed in a manner to enhance Beaverton's livability.*

*Policies:*

- a) Maintain the livability of Beaverton through proper location and design of transportation facilities.*
- c) Locate and design recreation and bicycle pathways so as to balance the needs of human use and enjoyment with resource preservation in areas*

*identified on the Natural Resource Inventory Plan Map for their Significant Natural Resource values.*

*6.2.2. Goal: A balanced transportation system.*

The Cedar Hills-Cedar Mill Community Plan Transportation Circulation Plan shows a "Minor Arterial Corridor" on a portion of the subject property, reflecting the extent of optional routes to be explored for a road that is planned to transition from five to three lanes as it goes through the property from south to north to connect Barnes and Cornell roads. The proposed Teufel Ordinance designates the same corridor but does not show a specific number of lanes or a transition point from three to five lanes based on a City transportation staff determination that the number of lanes on the road is best determined through the development review process. Additionally, because the City Functional Classification Map in Chapter 6 does not have a minor arterial classification, and because the function of an arterial road is to connect principal arterials and freeways, which is not consistent with the function of the proposed road (neither Barnes Road nor Cornell Road is a principal arterial), the planned road is proposed to be classified as a collector. Section 3 of the proposed ordinance provides guidance for the integration of a multi-modal circulation network on the property with any development application.

Chapter 7 - Natural, Cultural Historic, Scenic, Energy, and Groundwater Resources Element

*7.1.1 Goal: Balance development rights with natural resource protection*

Chapter 8 – Environmental Quality and Safety

*8.2.1. Goal: Maintain and improve water quality, and protect the beneficial uses, functions and values of water resources.*

**POLICIES:**

- a) *All water resource areas within the City shall be enhanced, restored or protected to the extent practicable.*

Section 3 and 5 of the Teufel Ordinance require that development of the property consider the protection and integration of the unique natural resources that border and are contained within the site. The proposed ordinance specifically requires that a natural resource area delineation consistent with City and Clean Water Service standards be completed as part of the development application.

**Finding: Staff find that the proposed ordinance is consistent with the provisions of the Beaverton Comprehensive Plan.**

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

The proposed Teufel Ordinance does not change or create impacts or conflicts with other provisions within the Development Code. As described earlier in this report, the intention of the Teufel Ordinance is to carry forward specific notice and development procedures associated only with the Teufel Property. Development on the Teufel Property will be subject to applicable standards found in the City Development Code (Ordinance 2040 and effective through Ordinance 4265) as well as the provisions in the proposed Teufel Ordinance.

The Teufel Ordinance does not restrict the type of uses or provide limitation on the site development beyond those standards that will apply for the TC-MU and TC-HDR zoning designations contained within Chapter 20 (Land Uses) of the Development Code.

The Teufel Ordinance, Section 2, requires that an overall master plan be processed as a Type 3 Planned Unit Development (PUD) in conformance with Development Code Section 40.15.15.5 and 40.15.15.6. There are no other specific land use application requirements placed on development of the Teufel property by the proposed ordinance.

Section 2 of the Teufel Ordinance also requires special procedures for both neighborhood review meetings and public notice. In each case the provisions require more noticing and neighborhood meetings than those required by Chapter 50 of the Development Code. For example, in Section 50.45.2.B requires notice within five hundred (500) feet of the property for a Type 3 PUD application. The proposed ordinance doubles the noticing requirement to one thousand (1000) feet. Because the provisions of Section 2 of the proposed ordinance do not decrease but rather increase the requirements for public notice, staff find that they are consistent with the existing notice standards found in Chapter 50 of the Development Code.

**Finding: Staff find that the proposed ordinance is consistent with the provisions of the Beaverton Development Code.**

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

The current Development Code and Ordinance No. 4187, which adopted the current Comprehensive Plan, are applicable to the proposed ordinance and are addressed in the findings of fact for review of the special ordinance. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by the proposed ordinance.

**Findings: Staff find that the proposed ordinance is in conformance with all applicable City ordinance requirements and regulations.**

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

Staff has determined that there are no other applications and documents related to the proposed ordinance that will require further City approval.

**Findings: Staff find that this approval criterion seven has been met.**

### **III. Conformance with Statewide Planning Goals**

ORS 197.225 requires that Statewide Planning Goals only need to be addressed for Comprehensive Plan Amendments. Although the proposed ordinance is not a Comprehensive Plan amendment, staff find that the Statewide Planning Goals are useful to support the City's position on the proposed ordinance. The proposed ordinance's conformance to relevant Statewide Planning Goals is briefly discussed below:

#### **GOAL ONE - CITIZEN INVOLVEMENT**

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

The City is in compliance with this Statewide Planning Goal through the establishment of a Committee for Citizen Involvement (CCI). The City has gone even further by establishing Neighborhood Association Committees (NACs) for the purpose of providing widespread citizen involvement, and distribution of information. The proposed text amendments to the Development Code will not change the City of Beaverton's commitment to providing opportunity for citizen involvement, or place the City out of compliance with Statewide Planning Goal One. The proposed ordinance will require the developer of the site to meet with CPO 1 at Open Houses and Neighborhood Meetings.

#### **GOAL TWO - LAND USE PLANNING**

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

The City of Beaverton has adopted a Comprehensive Plan that includes text and maps (Ordinance 1800, and most recently amended by Ordinance 4187)

along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4265). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text amendment proposal. The proposed special ordinance has been processed using Section 50.50 (Type 4 Application) of the Development Code as a guide. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. Following these procedures and providing 1000 notice of the public hearing on this ordinance, staff find that the proposed ordinance has been prepared and reviewed it is consistent with Statewide Planning Goal 2.

#### GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

*To conserve open space and protect natural and scenic resources:*

The City is currently working with other local governments in the Tualatin River Basin and Metro on an update local regulations previously adopted to implement Statewide Planning Goal 5 as it pertains to the protection of natural resources. To ensure compliance with Goal 5, Section 5 of the proposed Teufel Ordinance requires the precise identification of the location, quality and quantity of wetlands, riparian corridors and significant trees in proximity to areas proposed to be mapped, pursuant to CPA2003-0017, as Significant based on the Natural Resource areas.

#### GOAL 12 – TRANSPORTATION

*To provide and encourage a safe, convenient and economic transportation system.*

The City is in compliance with this Statewide Planning Goal by having an acknowledged Transportation Element as part of the Comprehensive Plan. In addition, the City has developed and continues to maintain a Transportation System Plan in conformance with the State Transportation Planning Rule in an effort to reduce overall Vehicle Miles Traveled (VMT). The proposed Teufel Ordinance carries forward a requirement of the Cedar Hills-Cedar Mill Community Plan that development of the Teufel Property includes a street connection between SW Barnes Road and SW Cornell Road. This road connection and others required as part of the future development will ensure a safe and convenient transportation system. When the alignment of the proposed road is determined through the development review process, necessary amendments to maps and text of Chapter 6 of the Comprehensive Plan, the Transportation Element, will be made to recognize the decision.

**Finding:** Staff find that based on the facts and findings that the proposed ordinance is consistent with applicable Statewide Planning Goals.

### **III. Conclusion and Staff Recommendation**

Based on the facts and findings presented, staff concludes that the proposed ordinance is consistent with all the applicable Comprehensive Plan Goals and Policies, the Development Code, and the applicable Statewide Planning Goals. Therefore, staff recommend the Planning Commission **APPROVE** Teufel Property Development Review Procedures Ordinance (Teufel Ordinance) at the February 25, 2004, regular Commission hearing.

### **IV. EXHIBITS**

- 1.1 Teufel Property Development Review Procedures Ordinance
- 1.2 Washington County B-Engrossed Ordinance No. 536
- 1.3 Teufel Property Annexation Agreement
- 1.4 Site Map

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO CREATE  
THE TEUFEL PROPERTY DEVELOPMENT  
REVIEW PROCEDURE;

**WHEREAS**, the City of Beaverton has entered into an Annexation Agreement for the Teufel Nursery property located at 123454 NW Barnes Road, in Washington County, Oregon, Tax Lot Numbers 00100 and 02800 on Assessor's Mp 1N1-34C; and,

**WHEREAS**, the City Council recognizes the need to maintain continuity of the planning efforts conducted by Washington County while applying the review procedures and development standards of the City of Beaverton; and,

**WHEREAS**, the City Council further recognizes the unique development provisions adopted for the Teufel Property within the Washington County Cedar Hills-Cedar Mill Community Plan; and,

**WHEREAS**, the City Council desires to establish the Teufel Property Review Procedures that along with the Beaverton Development Code will serve as guidance for the development of the Teufel Property; and,

**WHEREAS**, in accordance with City Council Rules of Procedure, the Council adopts the following for the Teufel Property; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

**Section 1. Background**

The standards contained herein encompass a property that has generally been described as the Teufel Nursery, referred to in this document as the Teufel Property and precisely described as Washington County Assessor Map 1N1-34C Tax Lots 00100 and 02800 (Exhibit 1.1).

The Teufel Property is planned for a vibrant mixed use development with retail commercial and high-density residential uses. Approximately 22 acres of the property carries a the Washington County TO:RC zoning designation and the remaining area is carries the Washington County TO:R24-40 zoning designation. Pursuant to the Washington County - Beaverton Urban Planning Area Agreement (1989), when the property's annexation into the City is final the appropriate City zoning designations shall be Town Center - Mixed Use (TC-MU) and Town Center - High Density Residential (TC-HDR) respectively. Additionally, the City shall consider adoption of County significant natural resource designations on the property and amendment of the Transportation Element of the Comprehensive Plan to designate a public collector road that the County has planned through the site to connect SW Barnes Road with NW

Cornell Road. These actions will occur by separate ordinance.

**Section 2. Public Notice and Development Application Filing Procedure**

Notwithstanding the requirements for conducting a Neighborhood Review Meeting as specified in Section 50.40 of the Beaverton Development Code, development of the Teufel property shall be subject to the following:

1. Prior to filing the development application(s), there shall be at least one open house for Citizen's Participation Organization 1 ("CPO 1") residents to review the application, obtain citizen input and identify potential issues regarding the application;
2. Prior to filing the application, there shall be at least two neighborhood review meetings (including the one required neighborhood meeting) conducted in accordance with Section 50.30 of the Development Code;
3. All required notices, including but not limited to the notice for the open house for CPO 1 residents, the neighborhood review meetings, and the public hearing(s) shall be done in accordance with Beaverton Development Code Section 50.45, except that notice shall be provided to all property owners of record within 1000 feet of the Teufel Property and all property owners of record between the Teufel property and Cedar Hills Blvd.;
4. Open house, neighborhood review meetings, or both which have occurred prior to the effective date of this ordinance shall be accepted by the City of Beaverton as fulfilling the requirements of this ordinance provided that it is demonstrated that the meetings were conducted in accordance with the provisions of Washington County B-Engrossed Ordinance 536.
5. The overall master plan development application shall be reviewed at a minimum through a Type 3 Planned Unit Development process pursuant to Development Code Section 40.15.15.5, or Section 40.15.15.6, or both;

**Section 3. Land Use, Design, and Transportation Issues**

The development application shall address land use, urban design and transportation issues associated with the site, including, but not limited to the following:

1. Demonstrate compliance with the public involvement process set forth in Section 2 above regarding the Planned Unit Development process;
2. Provide the public with more certainty regarding future development of the property;
3. Provide the property owners some flexibility in meeting their development objectives;
4. Develop a plan that will produce a high degree of urbanism on the property;
5. Identify and locate a vehicular and pedestrian circulation system;

6. Locate one or more main streets on the site and establish design standards for their development;
7. Develop a sketch building orientation and on-street parking plan;
8. Focus the development around an identifiably public place such as a park, square or plaza;
9. Integrate the different uses on the site;
10. Develop an off-street pathway and trail system relating to the neighborhoods surrounding the property;
11. Integrate the Beaverton School District site into the overall development PUD;
12. Identify how the site will access the surrounding arterial system, including an examination of extending Leahy between the site and Cedar Hills Boulevard.
13. Within the study area shown in Exhibit 1, determine the alignment and design for the north-south collector on the site, including but not limited to determining (1) how it will integrate with development on the site and (2) appropriate sidewalk widths consistent with an urban, pedestrian friendly community.
14. Incorporate Cedar Mill and Johnson Creeks and adjacent riparian areas, wetlands, flood plains and trees into the development of the property as appropriate;
15. Provide buffering and screening to the 114<sup>th</sup> neighbors;
16. Examine how to provide acceptable access to tax lot 102 Assessor Map # 1S1-3B.

#### **Section 4. Dwelling Unit Capacity**

The development of this property is required to provide 1,946 dwelling units less the number of dwelling units that would have been provided for on any area withdrawn from the Teufel Property for the use by the Beaverton School District. Property withdrawn for other purposes such as environmental protection may also be considered in establishing a new dwelling unit capacity total. Pursuant to Development Code Section 40.25 the Developer of this property shall submit for a Director's Interpretation in order to provide for a determination of a reduced number of dwelling units to be developed on site.

#### **Section 5. Natural Resources**

The development of this property will require the completion of a wetland and riparian corridor delineation by a certified wetland scientist that is consistent with the standards of the City and Clean Water Services. The development of the property requires the completion of a tree survey by a certified arborist of all trees located on the site which have a diameter at breast height of ten (10) inches or more.

#### **Section 6. Parks**

The development of this property shall provide consideration for the creation of Park, Open Space, or Recreation areas within the Teufel Property and will work with the Tualatin Hills Park and Recreation District to dedicate these areas to THPRD. Special attention shall be given to protection of and dedication to THPRD of the portion of the

site containing Cedar Mill Falls because of its scenic and cultural importance to the community.

**Section 7** Transportation

The development of this property shall require the construction of the north-south collector street addressed in subsection 3.13 of this ordinance.

**Section 8.** Sunset Clause

The provisions of Section 2 and 3 of this ordinance shall expire two years after the effective date of this ordinance.

**Section 9.** Severance Clause.

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

- Exhibit 1.1 Teufel Property Site Map
- Exhibit 1.2 Teufel Collector Road Study Area

First reading this \_\_\_ day of \_\_\_\_\_, 2004.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2004.

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

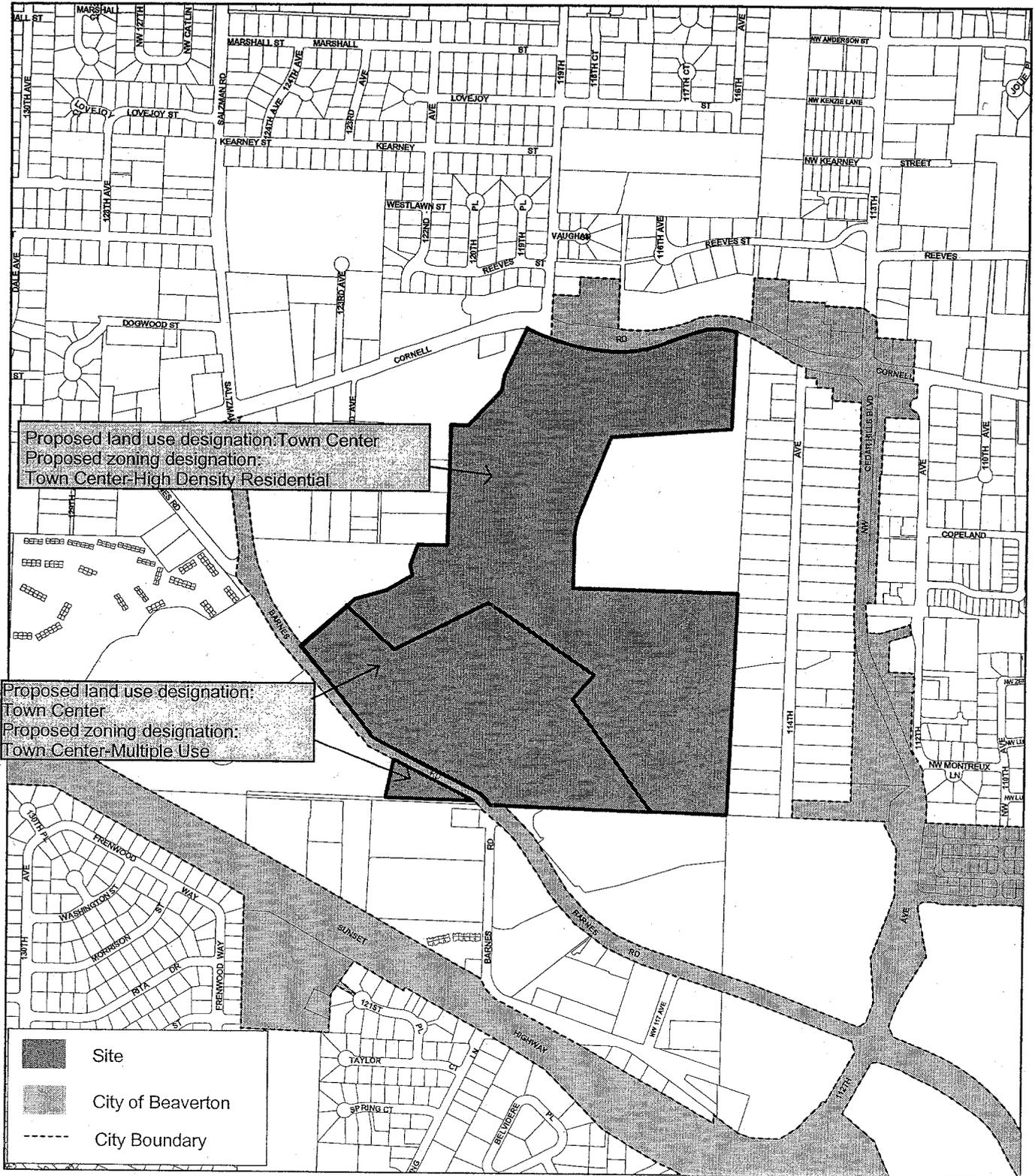
ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

# Teufel Property



City of Beaverton

Teufel Property Development Review Procedure Ordinance

COMMUNITY DEVELOPMENT DEPARTMENT

Development Services Division

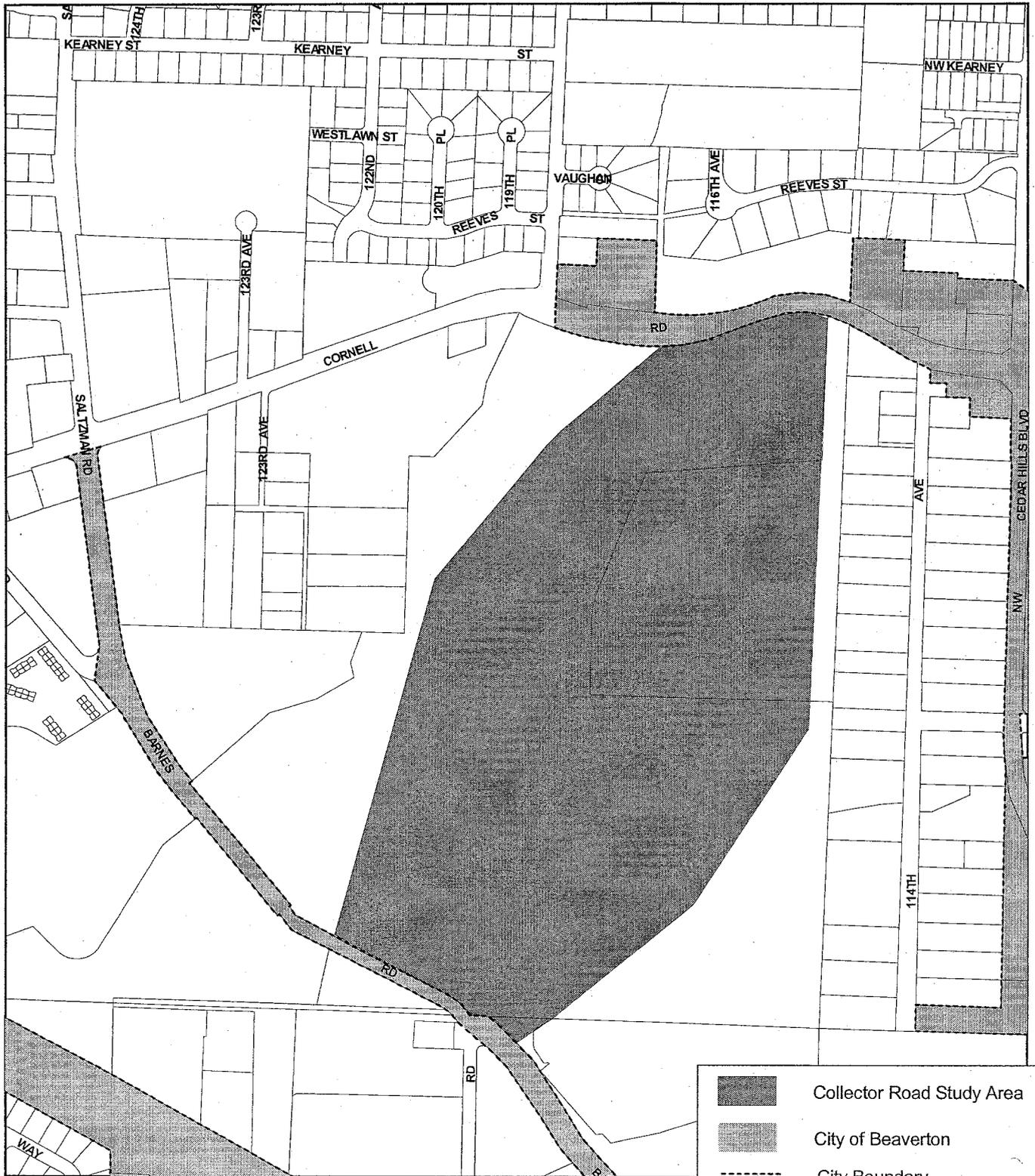
2/6/04

Map #  
1N134C000100  
1N134C0002800



Application #  
CPA 2003-0017/  
ZMA 2003-0019

# EXHIBIT



City of Beaverton

## TEUFEL COLLECTOR ROAD STUDY AREA

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division



12/29/03

FILED

AUG 2 2000

Washington County  
County Clerk

IN THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

B-ENGROSSED  
ORDINANCE No. 536

( An Ordinance Amending the Cedar Hills-  
( Cedar Mill Community Plan; the Bethany  
( Community Plan; and the Transportation Plan;  
( Relating to the Cedar Mill Town-Center

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Cedar Hills-Cedar Mill Community Plan was adopted by Ordinance Nos. 263 and 265 and amended by Ordinance Nos. 346, 369, 396, 418, 420, 450, 471, 484, and 526; and that the Bethany Community Plan was adopted by Ordinance Nos. 263 and 265 and amended by Ordinance Nos. 345, 420, 471, 480, and 546 and that the Transportation Plan Element (Volume XV) was adopted on October 25, 1988, by way of Ordinance Nos. 332 and 333, with portions subsequently amended by Ordinance Nos. 343, 382, 409, 419 (remanded), 426, 432, 450, 463, 470, 471, 473, 474, 483, 484, 485, 493, 494 503, 515, and 526.

B. Subsequent ongoing planning efforts of the County indicate a need for an update of the Cedar Hills-Cedar Mill Community Plan, the Bethany Community Plan and the Transportation Plan elements of the Comprehensive Plan. The Board takes note that such changes are necessary for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

C. Under the provisions of Washington County Charter Chapter X, the Land Use Ordinance Advisory Commission has carried out its responsibilities, including preparation of

1 notices, and the County Planning Commission has conducted public hearings on the proposed  
2 amendments and have submitted its recommendations to the Board. The Board finds that this  
3 Ordinance is based on those recommendations and any modifications made by the Board, as a result  
4 of the public hearings process.

5 D. The Board finds and takes public notice that it is in receipt of all matters and  
6 information necessary to consider in an adequate manner this Ordinance, and that this Ordinance  
7 complies with the Statewide Planning Goals, the Metro Urban Growth Management Functional  
8 Plan, and the standards for legislative plan adoption as set forth in Chapters 197 and 215 of the  
9 Oregon Revised Statutes, the Washington County Charter and the Washington County Community  
10 Development Code.

11 SECTION 2

12 The following exhibits, attached and incorporated herein by reference, are hereby adopted as  
13 amendments to the designated documents:

- 14 1. Exhibit "1" (1 page) amending the Cedar Hills-Cedar Mill  
15 Community Plan Land Use District Map.
- 16 2. Exhibit "2" (2 pages) amending the Cedar Hills-Cedar Mill  
17 Community Plan concerning Transportation Circulation  
18 Designations Map.
- 19 3. Exhibit "3" (1 page) amending Functional Classification System  
20 Map (Figure 7) of the Transportation Plan Map.
- 21 4. Exhibit "4" (4 pages) amending the Cedar Hills-Cedar Mill  
22 Community Plan description for Area of Special Concern 4 and 4a.

- 1           5.     Exhibit "5" (1 page) amending the Cedar Hills-Cedar Mill
- 2                 Community Plan to amend the text concerning the Significant and
- 3                 Natural and Cultural Resources map.
- 4           6.     Exhibit "6" (1 page) amending the Cedar Hills-Cedar Mill
- 5                 Community Plan to delete the description of the North-South
- 6                 Access in the Transportation section.
- 7           7.     Exhibit "7" (7 pages) amending the Cedar Hills-Cedar Mill
- 8                 Community Plan to add descriptions of new Areas of Special
- 9                 Concern.
- 10          8.     Exhibit "8" (2 pages) amending the Land Use District map of the
- 11                 Bethany Community Plan.

12     SECTION 3

13             All other Comprehensive Plan provisions, which have been adopted by prior ordinances  
14     and are not expressly amended or repealed herein, shall remain in full force and effect.

15     SECTION 4

16             All applications completed and submitted under former land use ordinances shall continue  
17     to be processed pursuant to the provisions of the former ordinance, until a final decision is rendered  
18     by the County or the application is withdrawn, unless specifically provided otherwise by law.

19     SECTION 5

20             If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid  
21     or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby  
22     and shall remain in full force and effect, and any provision of a prior land use ordinance amended or

1 repealed by the stricken portion of this Ordinance shall be revived and again be considered in full  
2 force and effect.

3 SECTION 6

4 The Office of County Counsel and Department of Land Use and Transportation are  
5 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this  
6 Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,  
7 adding photographs and accompanying captions, that illustrate design principles and standards, and  
8 making any technical changes not affecting the substance of these amendments as necessary to  
9 conform to the Washington County Development Code format.

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1 **SECTION 7**

2 This Ordinance shall take effect 30 days after enactment if this Ordinance.

3 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2000, being the \_\_\_\_\_ reading  
4 and \_\_\_\_\_ public hearing before the Board of County Commissioners of Washington County,  
5 Oregon.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 \_\_\_\_\_  
9 CHAIR

10 \_\_\_\_\_  
11 RECORDING SECRETARY

12 **READING**

12 **PUBLIC HEARING**

13 First \_\_\_\_\_  
14 Second \_\_\_\_\_  
15 Third \_\_\_\_\_  
16 Fourth \_\_\_\_\_  
17 Fifth \_\_\_\_\_  
18 Sixth \_\_\_\_\_  
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22 Tenth \_\_\_\_\_

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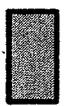
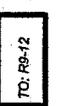
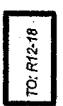
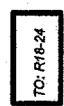
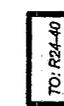
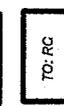
VOTE Aye: \_\_\_\_\_

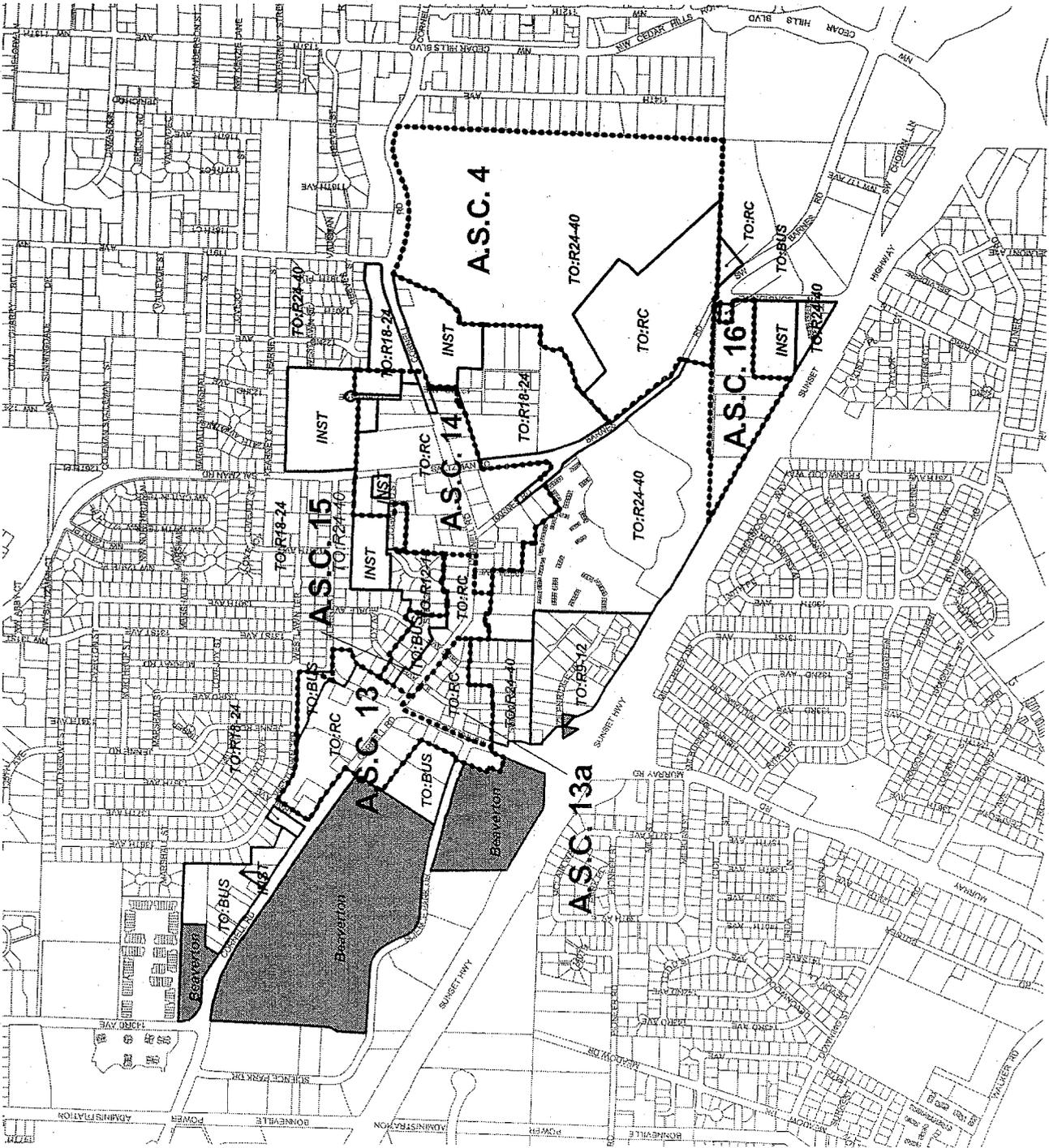
Nay: \_\_\_\_\_

Recording Secretary: \_\_\_\_\_

Date: \_\_\_\_\_

The Cedar Hills-Cedar Mill Community Plan Land Use District map shall be amended to remove existing plan designations and apply new designations, as indicated on the map below. Additionally, the boundary for Area of Special Concern No. 4 shall be amended to include the Areas of Special Concern No. 4a, 13a, 14, and 15 for new Areas of Special Concern 13, 13a, 14, and 15 shall be added as indicated.

-  A.S.C. 14
-  Area of Special Concern
-  Town Center Core
-  Institutional District
-  City of Beaverton
- TRANSIT ORIENTED DISTRICTS:**
-  Residential District 9-12 units per acre
-  Residential District 12-18 units per acre
-  Residential District 18-24 units per acre
-  Residential District 24-40 units per acre
-  Retail Commercial District
-  Business District
-  Employment District



The Cedar Hills-Cedar Mill Community Plan map shall be amended to include the following features identified on this map.

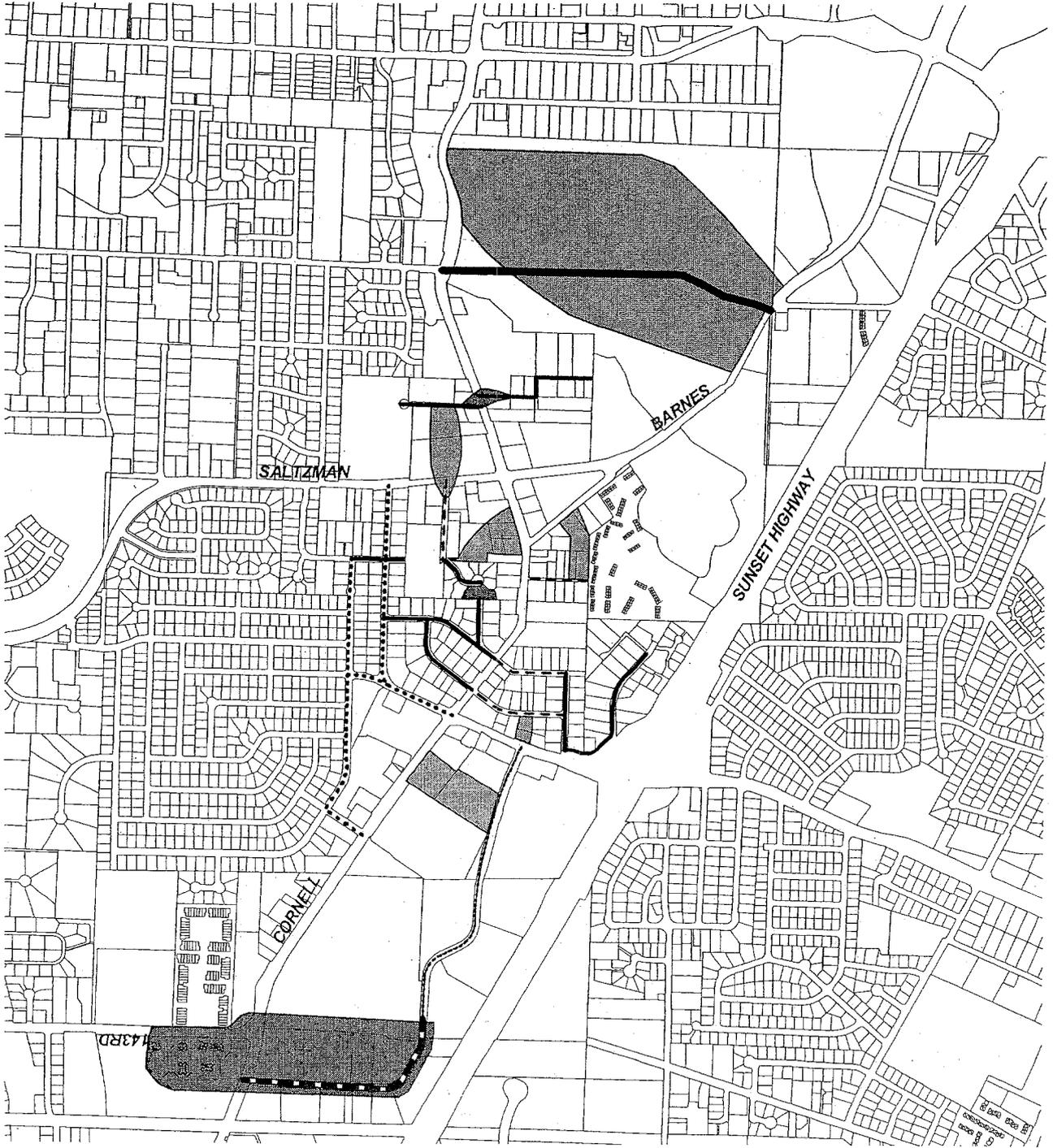
## Transportation Circulation Designations

- Change from "Minor Collector" to "Special Area Major Collector" 
- Change from "Local Street" to "Special Area Local Street" 
- Change from "Minor Collector" to "Special Area Minor Collector" 
- Change from "Local Street" to "Special Area Commercial Street" 
- Remove "Minor Collector" 
- Remove "Proposed Minor Arterial" 
- Add as a "Special Area Major Collector Corridor" 
- Add as a "Special Area Local Street Corridor" 
- Add as a "Special Area Commercial Street Corridor" 
- Add as a "Minor Arterial Corridor" 

The following note is also added:  
Turn restrictions at intersections with arterials may be required based on traffic analysis through the development review process. However, special area streets shown on this map do not need to meet access spacing requirements.

800 0 800 Feet

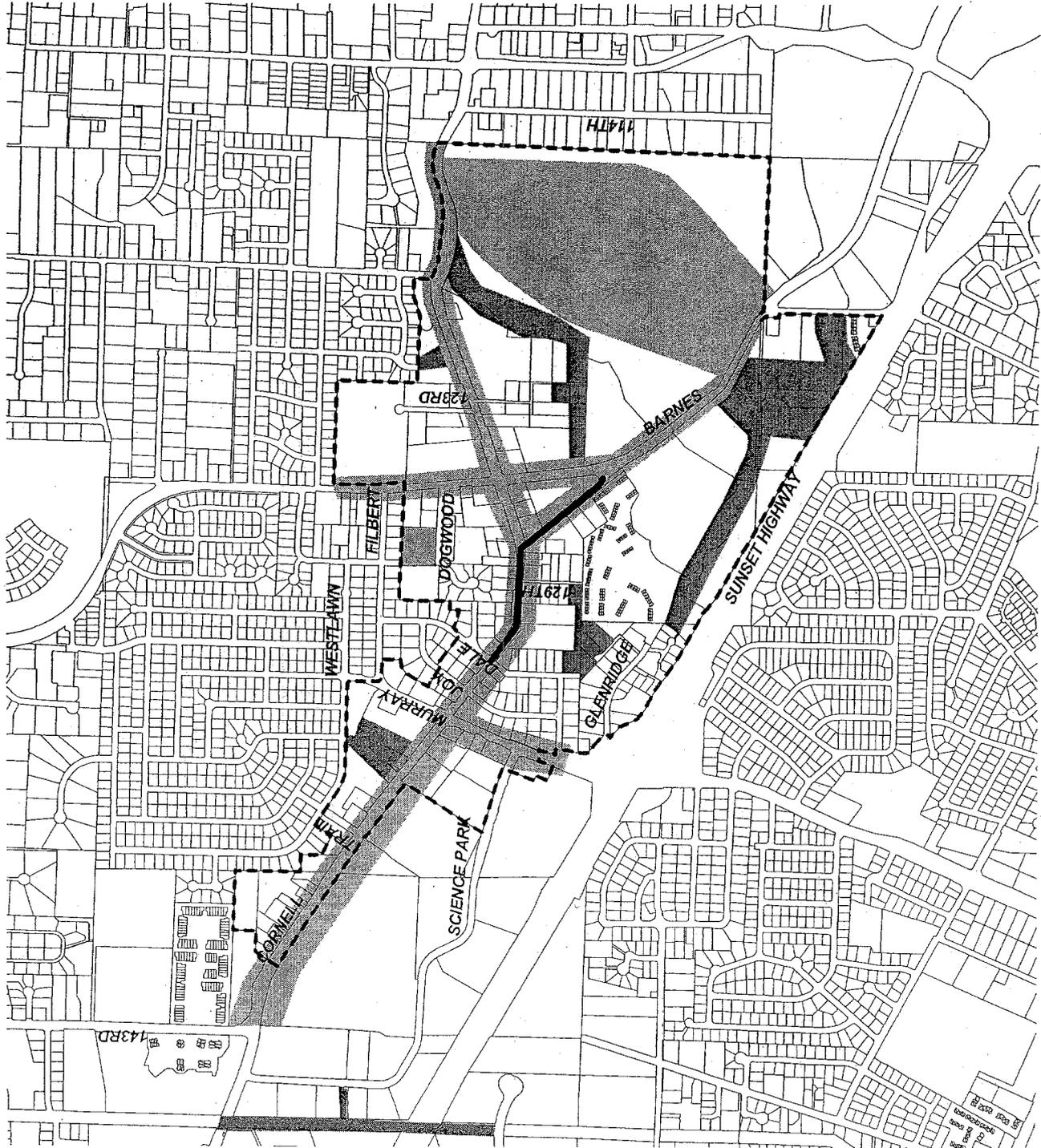
Amendments to Map shown in bold or outlined. See other features not amended by the exhibits on this page, remain in effect as shown on the Plan Map.



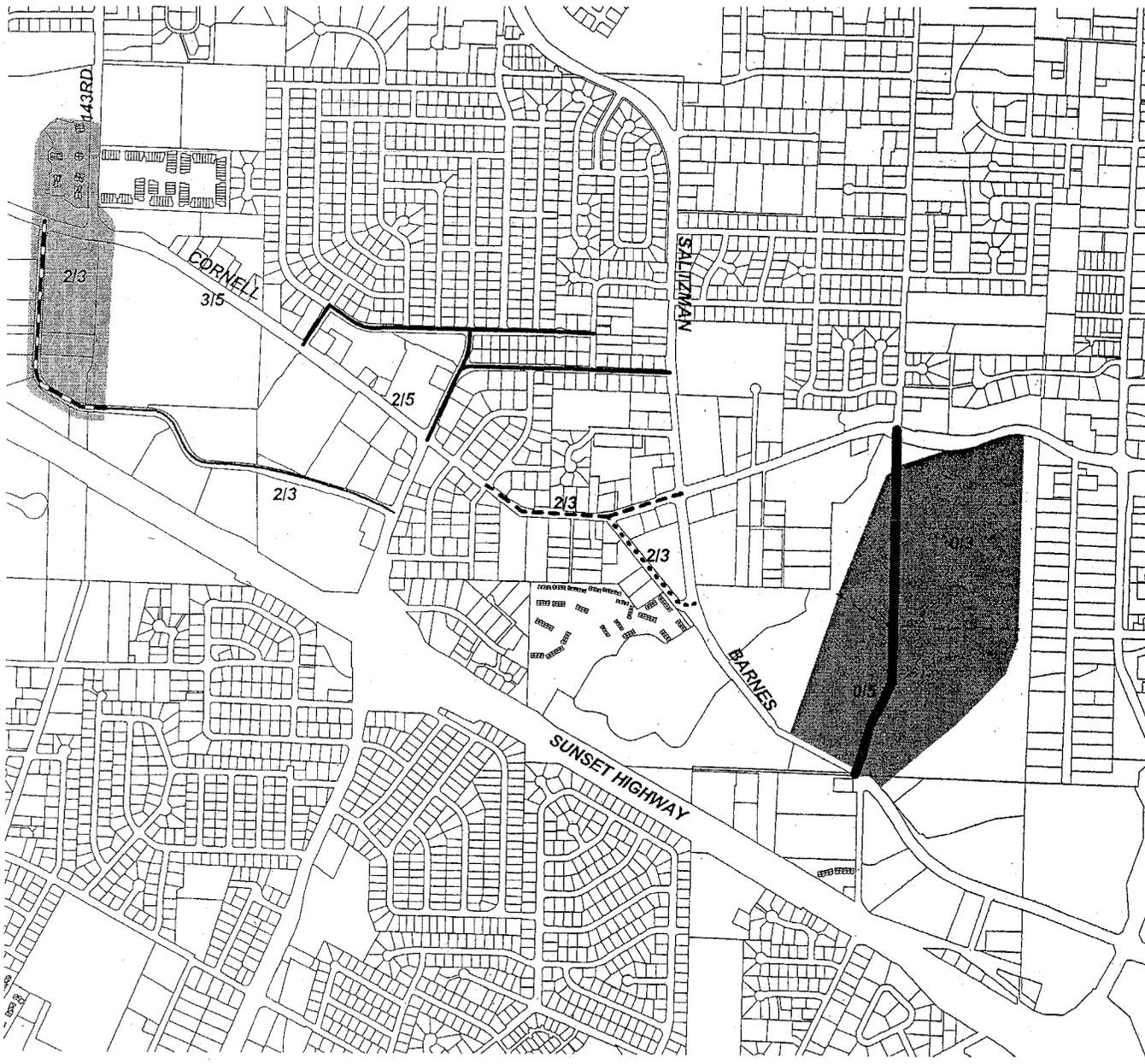
The Cedar Hills-Cedar Mill Community Plan  
Street Corridor, Arterial Access and  
Pedestrian System Designations Map shall be  
amended to include the following features  
identified on this map.

## Street Corridor, Area of Special Concern, Arterial Access and Pedestrian System Designations

-  Area of Special Concern No.12
-  Special Area Off-Street  
Pathway Corridor
-  Special Area Trail Corridor
-  Accessway Corridor
-  Main Street
-  Town Center Boundary



Amendments to Map shown in bold or patterned lines; other features not amended by the ordinance on this page remain in effect as shown on the Plan Map



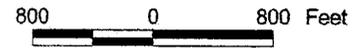
The Functional Classification System Map (Figure 7) of the Transportation Plan shall be amended to include the following features identified on this map.

B-Engrossed Ordinance 536 Exhibit 3 August 3, 2000 Page 1 of 1

### Transportation Circulation Designations

-  Change from "Minor Collector" to "Special Area Major Collector"
-  Change from "Minor Collector" to "Special Area Minor Collector"
-  Change from "Local Street" to "Major Collector" (2/3)
-  Remove "Minor Collector"
-  Change proposed number of lanes from 5 to 3
-  Remove "Proposed Minor Arterial"
-  Add as a "Special Area Major Collector Corridor"
-  Add as a "Minor Arterial Corridor"

The following note is also added:  
Turn restrictions at intersections with arterials may be required based on traffic analysis through the development review process.



Amendments to Map shown in bold or patterned lines; other features not amended by the exhibits on this page remain in effect as shown on the Plan Map.

*Amend the Cedar Hills – Cedar Mill Community Plan description of Area of Special Concern No. 4 delete existing text and replace with the text shown below*

**Area of Special Concern No. 4: This area encompasses a property that has been the main site of the Teufel Nursery operation, generally known as the Teufel property.**

This area is planned for mixed use with retail commercial and high-density residential use. Approximately 22 acres of the property is designated TO:RC and the remaining area is TO:R24-40. A minor arterial road is proposed through the site. The Transportation Plan designates a broad corridor within which the road shall be located.

The following shall guide development of the property:

- A. The property has a tremendous opportunity to be developed as a vibrant mixed-use pedestrian-friendly development. The property provides a rare and unique circumstance to create a distinct and special place in the Cedar Mill community. Given the size and location of the property, a comprehensive and relatively detailed planning process which goes beyond general land use designations and corridors to much more specific urban design elements and specifications would be beneficial and desirable.

As part of development of the Cedar Mill Town Center Plan, circumstances did not allow for the creation and broad acceptance of a specific plan for the Teufel Property. It is likely that the Teufel Property will be developed in stages over a number of years, responding to market demands. Parts of the Teufel Property should be viewed as units in planning their development to assure those individual developments in each unit are complementary and designed in the context of an overall development plan for that unit. Therefore, an overall master plan must be approved for the Teufel Property before final development can proceed in any unit. The required master plan application may be processed individually or in conjunction with a subsequent unit development application. An exception to this provision is that the development of the north/south arterial shall not require the approval of a master plan for abutting subarea land if the development of the road is a stand-alone project and will not occur in conjunction with the development of an abutting subarea or subareas.

An applicant wishing to proceed with the overall master plan of the property and/or development of a subarea or subareas of the Teufel Property shall initiate the quasi-judicial process set forth herein:

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- (1) Prior to filing the application, there shall be at least one open house for the Citizen's Participation Organization 1 ("CPO 1") residents to review the application, obtain citizen input and identify potential issues regarding the application;
- (2) All required notices, including but not limited to the notice for the open house for CPO 1 residents, the neighborhood review meetings and the public hearings shall be done in accordance with CDC 204-4, except that notice shall be provided to all property owners of record within 1000 feet of the Teufel Property and all property owners of record between the Teufel Property and Cedar Hills Blvd.;
- (3) Prior to filing the application, there shall be at least two neighborhood review meetings (including the one required neighborhood meeting) pursuant to CDC 203-3;
- (4) The overall master plan application shall be reviewed through a Type III master plan process pursuant to CDC Article IV, with the additional requirements and/or modifications set forth herein;
- N/A (5) The Washington County Planning Commission shall review the application pursuant to a Type III public hearing under CDC 205 and make a recommendation to the Washington County Board of County Commissioners;
- N/A (6) The Washington County Board of County Commissioners shall review the application pursuant to a Type III public hearing under CDC 205 and render the final decision regarding the application;
- N/A (7) The County shall have 180 days to render a final decision on the application once the application has been deemed complete by the County based on the extension of time granted by the Teufel family pursuant to ORS 215.427(4) during the adoption of the Cedar Mill Town Center Plan. This period may be extended for a reasonable period of time at the request of the applicant pursuant to ORS 215.427(4).

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The development application shall address land use, urban design and transportation issues associated with the site, including, but not limited to the following:

- Demonstrating compliance with the public involvement process set forth above for ASC 4 regarding the master planning and development of the Teufel Property.
- Providing the public with more certainty regarding future development of the property.
- Providing the property owners some flexibility in meeting their development objectives.
- Developing a plan that will produce a high degree of urbanism on the property.
- Identifying and locating a skeletal circulation system.
- Identifying, locating and developing design standards for main streets on the site.
- Developing a sketch building orientation and on-street parking plan.
- Focusing the development around an identifiably public place such as a park, square or plaza.
- Examining how to best integrate the different uses on the site.
- Examining the off-street pathway and trail system relating to the neighborhoods surrounding the property.
- If the Beaverton School District owns a portion of the property, examining design issues regarding developing schools.
- Identifying how the site will access the surrounding arterial system, including an examination of extending Leahy between the site and Cedar Hills Boulevard.
- Locating the north-south arterial on the site, and determining how it integrates with development on the site, including but not limited to determining appropriate sidewalk widths.

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- As appropriate, incorporating Cedar Mill and Johnson Creek into the development of the property.
- Addressing screening and buffering issues relative to the 114th neighborhood.
- Examining how to provide acceptable access to tax lot 1S1 3B/102.
- Examining phasing issues.

B. Regarding street connectivity, the Teufel Property shall be developed consistent with the Design Option listed in Section 3.07.630 of Metro's Urban Growth Management Functional Plan.

C. Except for the 22-acre portion designated TO:RC, the property shall be primarily developed as an area of high density housing. In keeping with regional objectives for intensification of development in mixed-use areas well-served by transit to accommodate future population growth within the present urban area, the minimum amount of residential development on the property at build-out shall be 1,946 dwelling units. Provided that future plan amendments are for non-institutional uses, this number shall be achieved even if future plan amendments change the plan designations on the property. However, this number shall be reduced proportionally for future plan amendments which change residential development areas to institutional land use designations.

D. At the time of adoption of the Cedar Mill Town Center Plan, the Beaverton School District had identified the need for additional school facilities in the area and was proceeding with condemning a portion of the Teufel Property at the northeast corner of the property for a future school site. If and when the School District acquires a portion of the property, a plan amendment changing the area to an institutional land use designation would need to be approved in order to build a school on the site. Additionally, if and when the School District condemns a portion of the Teufel Property for a future school site, the 1,946 residential units designated for the site will be commensurately reduced for the area taken by the School District for the school site. No other land use designation applicable to the Teufel Property will be affected by the School District's siting of a school on the Teufel Property. Development of a school on the site may proceed on the Property prior to the process outlined in A. above.

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*Replace the text of the Cedar Hills – Cedar Mill Community Plan describing “Potential Park/Open Space/Recreation Area E” with the following text.*

**Potential Park/Open Space/Recreation Area E: Cedar Mill Creek and Falls**

THPRD has proposed three neighborhood parks in this area. Generally these parks are located near the juncture of Cedar Mill Creek and Barnes Road, Cedar Mill Falls and parallel to Cedar Hills Boulevard between Cornell and Johnson Creek. Specific park locations shall be determined during the review of particular development plans. Neighborhood parks are ideally 3 to 5 acres in size, except within light rail transit station areas or Town Centers where they may be less than 3 acres in size if they are within one-quarter mile or less of the station or the Town Center core.

The Cedar Mill Falls area would remain as a natural area as an integral cultural and natural resource amenity of the Cedar Mill Creek Neighborhood Trail Corridor Loop.

*Delete the description of the North-South Access in the Transportation section of the Cedar Hills – Cedar Mill Community Plan as follows:*

**~~North-South Access~~**

~~The Transportation Plan continues the designation of NW and SW 112th Avenue between SW Barnes and NW Cornell Roads as an Arterial. The plan also designates a general alignment for a new Arterial connection across the Teufel Nursery property, also to provide a link between Barnes and Cornell. Significant improvements will be required before 112th can actually serve arterial level traffic. Some of these improvements will be accomplished in conjunction with development of the Peterkort property. The exact nature of the improvements and the responsibility for financing will be determined through application of the County's Growth Management Policies.~~

~~The purpose of the arterial facility on the Teufel Nursery property is to serve high density residential development shown in the Community Plan for the site as well as to provide additional north-south access for the community.~~

~~Lane requirements for each of the two above arterials shall be re-evaluated pursuant to studies the County participates in with Metro, Multnomah County and the City of Portland regarding traffic circulation in the Cedar Mill area and its effect on adjacent jurisdictions.~~

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*Add descriptions of new Areas of Special Concern 12, 13, 13a, 14, 15, and 16 to the text of the Cedar Hills – Cedar Mill Community Plan under the description of the Cedar Mill West Subarea, as follows:*

**Area of Special Concern No. 12:**

The intent of this area of special concern is to consider, and in some cases, require additional pedestrian, bicycle and transit design elements along arterial roads within the Cedar Mill Town Center. An objective is to develop arterials in this area as an integrated whole, considering the inter-relationship among land uses, the auto travelway, and pedestrian, transit and bicycle needs.

a. Subsection "a" applies to Cornell Road between Dale and Barnes Road. This is considered a portion of the Main Street for the Cedar Mill Town Center. Cornell Road shall be built as a 3 lane road with bike lanes and sidewalks. The road shall include on-street parking. The road shall generally include 12 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. The design speed shall be no greater than 35 miles per hour. Alternate pavement treatment for crossings, a raised landscaped center median, and, as appropriate, smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

Project Development for this section of Cornell Road shall follow the public involvement guidelines identified in RO 93-124. Public Involvement for Large Projects along this section of the roadway shall utilize a Citizen Advisory Committee.

A legislative plan amendment shall be necessary in order to increase the proposed number of lanes on this portion of Cornell to more than 3 lanes.

The right of way for this section shall be 90 feet. For land development actions, buildings along this section of Cornell shall be setback at least four feet from the edge of ultimate ROW.

For land development actions, the following shall be required: 12 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian

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scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet.

b. Subsection "b" applies to Murray Road between Sherry Street and Cornell Road. For capital projects, the ultimate design of the road shall generally include 10 foot sidewalks at a minimum with street trees in tree wells. The ultimate design shall consider installation of a gateway treatment. Interim projects are not required to include all of the elements mentioned above.

For land development actions, 10 foot sidewalks with street trees in tree wells shall be required. Right of way shall be 98 feet. A five foot utility easement shall be required where buildings do not front within five feet of the back of sidewalk.

c. Subsection "c" applies to Barnes Road between Saltzman and where it intersects the Johnson Creek wetland (approximately 2000 feet southeast of the Barnes/Saltzman intersection). For capital projects, the ultimate design of the road shall generally include 10 foot sidewalks at a minimum with street trees in tree wells. The ultimate design shall consider installation of a gateway treatment. Interim projects are not required to include all of the elements mentioned above.

For land development actions, 10 foot sidewalks with street trees in tree wells shall be required. Right of way shall be 98 feet. A five foot utility easement shall be required where buildings do not front within five feet of the back of sidewalk.

d. Subsection "d" applies to Barnes Road between Saltzman and Cornell. This is considered a portion of the Main Street for the Cedar Mill Town Center. This section of Barnes shall be built as a 3 lane road with bike lanes and sidewalks. The road shall include on-street parking. The road shall generally include 12 foot sidewalks at a minimum with street trees in tree wells, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above. For land development actions, the following shall be required: 12 foot sidewalks with street trees in tree wells, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet. Right of way shall be 86 feet.

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e: Subsection "e" applies to Cornell Road between Barnes and the eastern boundary of the Teufel Property. The road shall generally include 10 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. However, sidewalks may be 5 feet wide on the north side of Cornell east of 119<sup>th</sup> Avenue. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Gateway treatments, alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

For land development actions, the following shall be required: 10 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet. Right of way shall be 90 feet. Between Barnes and 123<sup>rd</sup>, buildings shall be setback at least four feet from the right of way.

f. Subsection "f" applies to Saltzman Road between Barnes and just south of Kearney Street. The road shall generally include 10 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Gateway treatments, alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

For land development actions, the following shall be required: 10 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet.

g. Subsection "g" applies to the extension of 119<sup>th</sup> on the Teufel property between Cornell and Barnes. The road shall generally include 12 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Alternate pavement treatment for crossings, and smaller

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curb radii at intersections shall be considered as part of the project development process. The ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan

h. Subsection "h" applies to Cornell Road between Dale and 143<sup>rd</sup>. The road shall generally include 10 foot sidewalks at a minimum with street trees, and curb extensions at public streets where appropriate. The ultimate design of the road shall include pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area. Gateway treatments, alternate pavement treatment for crossings, and smaller curb radii at intersections shall be considered as part of the project development process. For capital projects, the ultimate design of the road shall consider installation of the boulevard design elements included in Title 6, Section 2 of the Urban Growth Management Functional Plan. Interim capital projects are not required to include all of the items mentioned above.

For land development actions, the following shall be required: 10 foot sidewalks with street trees, curb extensions at public streets where appropriate, pedestrian scale street lights, and pedestrian-scaled amenities such as street furniture and/or plantings in the sidewalk area every 100 feet. Right of way shall be 98 feet. A five foot utility easement shall be required where buildings do not front within five feet of the back of sidewalk.

**Area of Special Concern No. 13:**

Area of Special Concern 13 encompasses land designated for commercial or mixed (commercial, office and residential) development in the vicinity of the intersection of Cornell Road and Murray Road.

Area of Special Concern 13 is substantially developed, but portions are anticipated to redevelop in the future. The intent of this area of special concern is to provide direction to the future development and redevelopment in the area, in addition to direction provided by applicable provisions of the Community Development Code.

As properties in the area develop or redevelop, the new development shall be designed to encourage walking, bicycling and transit use in the area. Consistent with design principles or standards of Section 431 of the Community Development Code, buildings shall be located to front on adjacent pedestrian streets, and designed to present front facades with a significant percentage of window space. Building entries shall be oriented to the adjacent pedestrian street if on-street parking is allowed in front of the building.

As the properties at the four corners of the intersection of Murray and Cornell redevelop, the new development shall be designed so that buildings are placed at the corner, with parking to the side or behind the building. Each corner building shall be at least two stories or twenty feet high. This same provision shall also apply to redevelopment of properties at the corners of the intersection of Murray and Science Park Drive.

**Area of Special Concern No. 13a:**

This is the portion of Area of Special Concern 13 at the southeast corner of Murray and Cornell Roads. This is one of the core areas of the Cedar Mill Town Center. Properties in this area are designated TO:RC and are likely to redevelop in the future. Portions of this area are already developed with commercial uses, while other parts are developed with apartment buildings and single family dwellings. There are multiple property owners in the area. In order for these properties to redevelop in a cohesive and complementary manner, they will either have to be consolidated under fewer ownerships, or the owners of the properties will have to cooperatively plan for the area's overall redevelopment. To assure that cooperative planning of the area's overall redevelopment will occur, no development application for a property in the area, other than for a limited expansion (no more than 20 percent of existing floor area), shall be approved prior to approval of an overall Master Plan for all properties that are within ASC No. 13a. This overall Master Plan shall be agreed to by 50 percent of the property owners in the area and property owners in the area representing at least 50 percent of the acreage. ASC 13a shall also meet the all of the requirements of ASC 13.

Regarding tax lots 1N133DB03700 and 01, the County shall not build the extension of Science Park between Murray and Joy prior to the year 2010. If prior to the year 2010, the owners of tax lot 1N133DB03700 or tax lot 1N133DB03701 or their successors want to sell their property (including contiguous parcels) to the County, the County shall negotiate to buy the property including the contiguous parcels to the extent permitted by law.

**Area of Special Concern No. 14:**

Area of Special Concern 14 encompasses land designated for commercial or mixed (commercial, office and residential) development in the vicinity of the intersection of Cornell Road and Saltzman Road. This is one of the core areas of the Cedar Mill Town Center.

Area of Special Concern 14 is substantially developed, but portions are anticipated to redevelop in the future. The intent of this area of special concern is to provide direction to the future development and redevelopment in the area, in

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addition to direction provided by applicable provisions of the Community Development Code.

As properties in the area develop or redevelop, the new development shall be designed to encourage walking, bicycling and transit use in the area. Consistent with design principles or standards of Section 431 of the Community Development Code, buildings shall be located to front on adjacent pedestrian streets, and designed to present front facades with a significant percentage of window space. Building entries shall be oriented to the adjacent pedestrian street if on-street parking is allowed in front of the building.

This plan envisions that as properties in the area develop or redevelop, a "main street" commercial area will be established in the vicinity of the intersection of Dogwood Street and Saltzman Road. The plan assumes that Dogwood will be extended east of Saltzman to 123<sup>rd</sup> Avenue. Future development along both sides of this new section of Dogwood (between Saltzman and 123<sup>rd</sup>) shall be designed so that buildings are built to the back of the sidewalk along at least 90 percent of a development site's frontage on the street (excluding street, driveway and accessway intersections). Consistent with applicable Community Development Code provisions, at least one main building entrance shall be oriented to and visible from the street.

A building shall be located on at least three of the four corners of the intersection of Saltzman and Dogwood with parking to the side or behind the building. Instead of a building at the corner, a fourth corner (to be determined by which corner property owner chooses to develop it first) may be occupied by a public space complying with the Community Development Code standards for a common open space. Each corner building shall be at least two stories or twenty feet high.

Similarly, two story buildings or buildings that are at least 20 feet high shall be located at the corners of the following intersections, when properties at those locations redevelop:

- Saltzman and Cornell;
- 123<sup>rd</sup> and Cornell;
- Barnes and Cornell; and
- 129<sup>th</sup> and Cornell

**Area of Special Concern No. 15:**

Area of Special Concern 15 encompasses land designated for office and retail development near Cornell Road. Properties along Cornell Road are considered part of the core of the Town Center.

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Area of Special Concern 15 is substantially developed, but portions are anticipated to redevelop in the future. The intent of this area of special concern is to provide direction to the future development and redevelopment in the area, in addition to direction provided by applicable provisions of the Community Development Code.

As properties in the area develop or redevelop, the new development shall be designed to encourage walking, bicycling and transit use along Cornell Road. Consistent with design principles or standards of Section 431 of the Community Development Code, buildings shall be located to front on Cornell, and designed to present front facades with a significant percentage of window space. Building entries shall be oriented to the adjacent pedestrian street if on-street parking is allowed.

Because of the importance of this corridor, future development along Cornell shall be designed so that building fronts are located between four to nine feet from the ultimate right-of-way line along at least 90 percent of a development site's frontage on the street (excluding accessway and driveway intersections).

**Area of Special Concern No. 16:**

Regarding street connectivity, properties within ASC #16 shall be developed consistent with the Design Option listed in Section 3.07.630 of Metro's Urban Growth Management Functional Plan.

*Amend the Land Use District map of the Bethany Community Plan by changing the land use designation for parcel 1N1 19AD / 10900 from R-15 to R-6 (See Exhibit 8, Page 2 of 2); and*

*Amend the ordinance cover for Ordinance 536 to include a reference to the amendment to the Bethany Community Plan.*



## ANNEXATION AGREEMENT

This Agreement is between and among the City of Beaverton, an Oregon municipal corporation ("City"), and Ilona M. Teufel as Trustee of the Teufel Marital Trust A and Trustee of the Teufel Residual Trust B, Teufel Nursery, Inc., an Oregon corporation, and Teufel Properties, LLC an Oregon limited liability company (collectively "Owners") and Polygon Northwest Company, a Washington corporation ("Buyer"). This agreement shall be effective when signed by all parties.

### RECITALS

A. The Agreement concerns the Teufel Nursery property, located at 12345 NW Barnes Road, in Washington County, Oregon, Tax Lot Numbers 00100 and 02800 on Assessor's Map 1N1 34C ("Property"). The Property is shown on the map attached as Exhibit 1 and legally described in Exhibit 2. These exhibits are incorporated herein by reference. The Property is contiguous to the jurisdictional limits of the City and is subject to annexation by the City.

B. Buyer wishes to develop the Property into a mixed use planned unit development with housing to be limited to a certain density. In order to attain this objective, the City must make the following discretionary decisions: annexation of the Property; withdrawal of the Property from the Washington County Service Districts for Enhanced Sheriff's Patrol and Urban Road Maintenance; designation of the Property as "Town Center" on the Beaverton Comprehensive Plan Land Use Map and related text amendments; amendment to the Beaverton Transportation System Plan; rezoning of the Property to Town Center – High Density Residential (TC-HDR) and Town Center – Multiple Use (TC-MU) zoning districts, with one proposal for such rezoning generally shown on Exhibit 3, which is attached and incorporated herein; approval of a master plan, planned unit development concept, preliminary planned unit development and final planned unit development on the first phase of the PUD; design review; land division; and, a Planning Director's Interpretation of density credit to Map 1N134C, Tax Lot 101, not necessarily in the foregoing order ("Decisions"). In order to facilitate development of the Property, City wishes to provide assurances on withdrawal of the Property if those Decisions are not made and to agree to fair tax treatment of the Property pending its development.

### AGREEMENT

1. Consent to Annexation. Owners consent to annexation of the Property to the City, subject to the terms of this Agreement. The Property is unoccupied and this consent suffices to excuse the need for an annexation election under ORS 222.125 and 222.170. The City agrees to initiate annexation of the Property.

2. Withdrawal from City. If City has not made final Decisions by July 1, 2005, the City agrees to facilitate withdrawal of the Property from the City in the following ways:

2.1. The City Council will initiate a withdrawal of the Property from the City by a resolution adopted under ORS 222.460(2) no later than September 1, 2005;

2.2. The City staff will support withdrawal in the public hearings on the withdrawal;

2.3. If Buyer is unable to purchase and develop the Property as planned and there is a lack of need of municipal facilities and services, the lack of need shall be a determinative factor in adjudicating the withdrawal.

3. Property Tax Differential Approval. The parties will estimate the amount of property taxes to be levied by the City upon the Property over the first two fiscal years that follow the effective date of annexation. As part of any annexation approval, the City will approve a property tax differential under ORS 222.111 for those two years allowing the rate of taxation for City purposes on the Property to be at a specified ratio of the highest rate of taxation applicable for City purposes to other property in the City. The approval shall provide for the ratio to be 25% of the rate of taxation for the first two fiscal years in which City taxes are imposed upon the Property; thereafter the City taxes will be imposed at 100% of the rate of taxation.

4. Building Permit Fees. In order to facilitate allocation of private resources to quicker development of the Property, and in partial consideration of Owners' consent to annexation, City will discount the fees charged for the following permits and reviews by 10% of the amount customarily charged: building permits fees, including structural, mechanical, plumbing and master building permit fees, but not including electrical permit fees, structural plan review, fire and life safety plan review inspection and re-inspection fees, temporary certificate of occupancy fees, sidewalk and driveway and demolition permit fees. The discount shall be applied to fees imposed for the first building permit or plan review for the Property after the annexation is effective and for any fees imposed during a three year period after imposition of that first building permit or plan review fee.

5. Allocation of Dwelling Units. Cedar Hills-Cedar Mill Community Plan, Area of Special Concern No. 4, Policy C provides for development of 1,946 dwelling units on property identified as Tax Lots 00100, 00101 and 02800 on Assessor's Map 1N1 34C. The policy, however allows the required number of dwelling units to "...be reduced proportionally for future plan amendments which change residential development area to institutional land use designations." Tax Lot 00101 on Assessor's Map 1N1 34C has been acquired by the Beaverton School District for a school site and the appropriate zone for such a use is an institutional zone. Therefore, the City agrees to consider a Planning Director's Interpretation of the relevant City ordinance, to assign required dwelling units to Tax Lot 00100 on Assessor's Map 1N1 34C so as to reflect the lost potential for residential development of Tax Lot 00101 on Assessor's Map 1N1 34C.

6. Transfer of Allocated Dwelling Units. City agrees to allow transfer of up to 20% of the City's required number of dwelling units on the Property to other residential/multiple use properties in which Buyer has a recorded property interest and located within the City of Beaverton. The transfer can only occur in conjunction with a City approved rezoning of another residential/multiple use property to a higher residential density, and/or through City final approval of a residential development on another property that exceeds 80% of the maximum allowed density of dwelling units on the development site but does not exceed the maximum

density allowed by law. The transfer will be considered to be final when the required number of dwelling units on the Property is reduced through a final Planning Director's Interpretation. Buyer may need to amend the Concept Master Plan for the Property.

7. Covenants Running With the Land. Except for the obligations of paragraph six of this Agreement, the provisions of this Agreement touch and concern the Property, bind the heirs and successors of the parties, and are covenants running with the Property. This Agreement shall be recorded upon its execution. The Agreement may be assigned.

8. Modification of Agreement. This Agreement may only be modified by a writing signed by all parties.

9. Counterparts. This Agreement may be signed in counterparts.

IN WITNESS WHEREOF, the parties have executed this agreement.

TEUFEL PROPERTIES, LLC, an Oregon limited liability company

By: \_\_\_\_\_  
LAWRENCE A. TEUFEL  
Manager

Date: \_\_\_\_\_

TEUFEL NURSERY, Inc., an Oregon corporation

By: \_\_\_\_\_  
LAWRENCE A. TEUFEL  
President

Date: \_\_\_\_\_

\_\_\_\_\_  
ILONA M. TEUFEL  
Trustee of the Teufel Marital Trust A and Trustee of the Teufel Residual Trust B

Date: \_\_\_\_\_

POLYGON NORTHWEST COMPANY

By: \_\_\_\_\_  
FRED GAST  
Assistant Vice-President

Date: \_\_\_\_\_

CITY OF BEAVERTON, OREGON

By: Rob Drake  
ROB DRAKE  
Mayor

Date: 12/17/03

Approved As To Form:

William Scheiderich  
WILLIAM SCHEIDERICH  
Assistant City Attorney



## Exhibit 2

### Teufel Annexation Legal Description

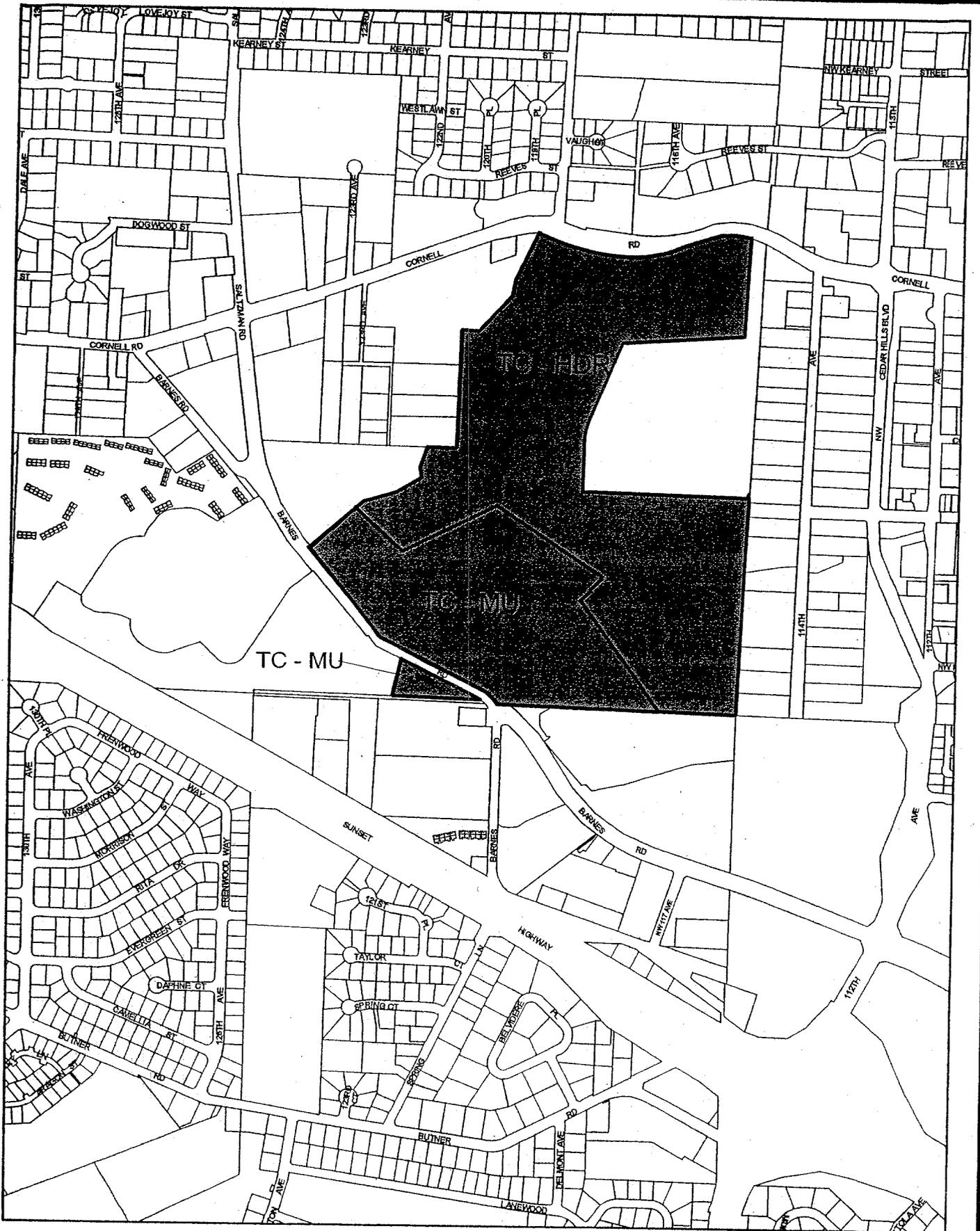
#### Parcel 1:

Beginning at the SE corner of the SW ¼ Section 34; Township 1 North; Range 1 West; Willamette Meridian, Washington County, Oregon; said point also being the SE corner of the Josiah Hall DLC No. 53; thence running west along the south line of said Josiah Hall DLC to a point where the south line of said DLC intersects the easterly right of way line of Barnes Road; thence northwesterly along the easterly right of way line of Barnes Road to a point on said easterly right of way, said point being North 840.1 feet and East 245.2 feet from the SW corner of Section 34 T1N; R1W; W.M.; Washington County, Oregon; said point also being the point where the right of way of Barnes Road widens from 70 feet to 89 feet; thence N46°41'E, 426.0 feet; thence N70°32'50"E, 184.4 feet; thence N58°02'42"E 160.2 feet; thence N14°47'55"W, 54.3 feet; thence N17°55'36"E, 125.0 feet to the North line of the Josiah Hall DLC No. 53; Thence east along said line, 158 feet more or less, to a stone; thence North, 467.7 feet; thence N88°43'E, 91.80 feet; thence N49°38"E, 259.20 feet; thence N07°30'E, 84.0 feet; thence N22°45'E, 294.73 feet to the south right of way of Cornell Road; thence easterly along said right of way line to a point approximately 85 feet west of the east line of the SW ¼ of said Section 34, thence south parallel with said east line 540.65 feet; thence S82°45'19"W, 652.67 feet; thence S18°53'20"W, 463.22 feet; thence southerly along the arc of a 378 foot radius curve to the left, 138 feet; thence South, 270.54 feet; thence N88°26'51"E, 899.67 feet to the east line of Josiah Hall DLC No. 53; thence South, 1228.82 feet to the Point of Beginning.

#### Parcel 2:

Beginning at point which is East, 763.62 feet and North 19.9 feet from the SW Corner of Section 34, T1N; R1W; W.M., Washington County, Oregon; thence N12°E, 203.93 feet to the southerly right of way line of Barnes Road; thence S64°10'E, 460.31 feet along said southerly right of way line, to a point where the southerly right of way line of Barnes Road intersects the south line of said Section 34; thence West, 456.77 feet to the place of beginning.

# EXHIBIT 3



# Teufel Property

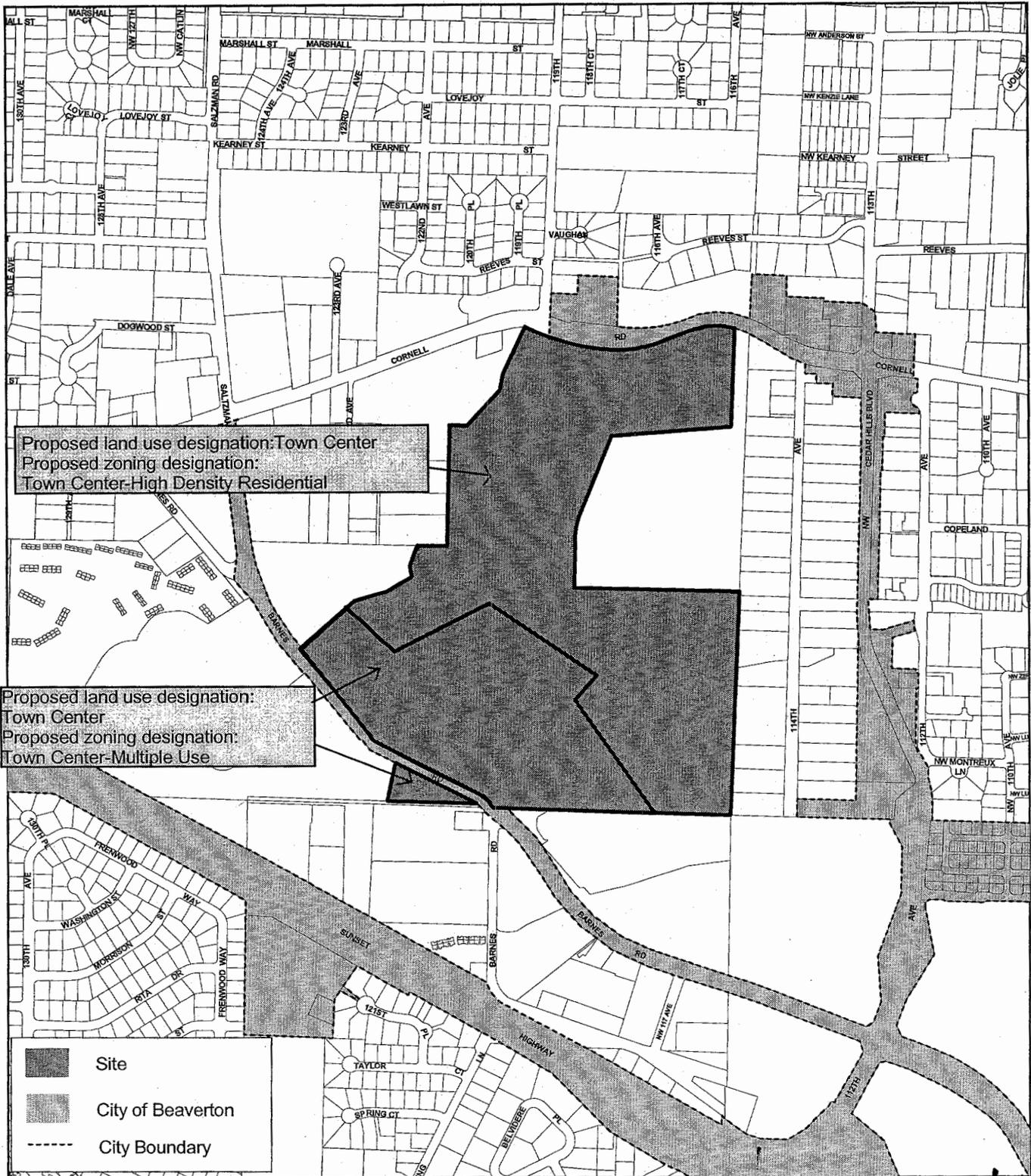


EXHIBIT # 1.4



City of Beaverton

Teufel Property Development Review Procedure Ordinance

COMMUNITY DEVELOPMENT DEPARTMENT

Development Services Division

2/6/04

Map #  
 1N1340C000100  
 1N1340C002800



Application #  
 CPA 2003-0017/  
 ZMA 2003-0019

**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.

03/15/04  
**FOR AGENDA OF:** ~~03/01/04~~ **BILL NO:** 04033

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

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

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

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

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

- 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.

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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. 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 1st day of March, 2004.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2004.

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

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

**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:** ~~03/04/04~~ **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~~ Second Reading and Passage

**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:**

Second Reading and Passage  
~~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 1st day of March, 2004.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2004.

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

ATTEST:

APPROVED:

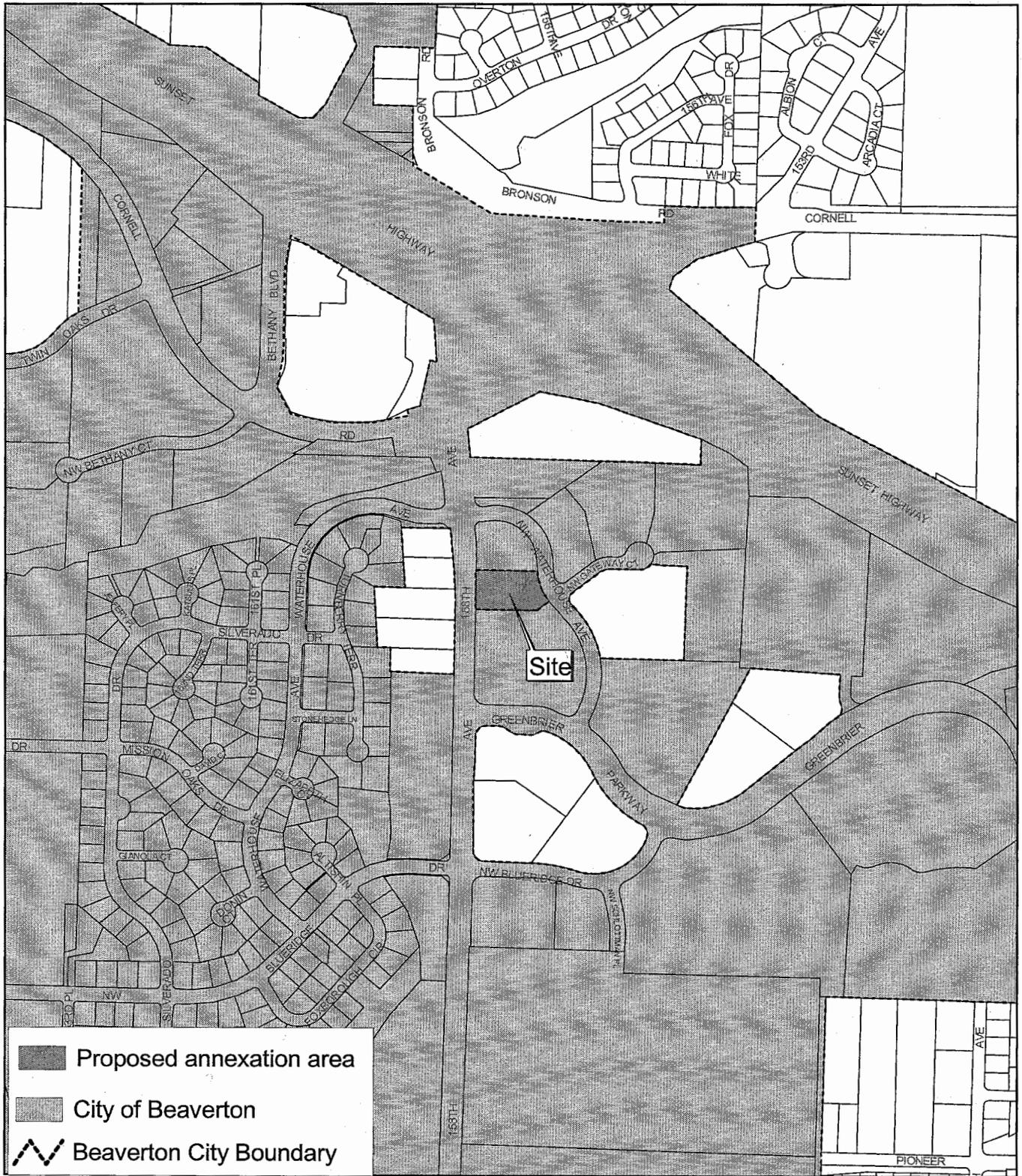
\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

# ANNEXATION MAP

ORDINANCE NO. 4290

Exhibit "A"



1250 NW WATERHOUSE AVENUE  
 EXPEDITED ANNEXATION  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 Planning Services Division

12/29/03	N ↑
Map #	
1n132bd00400	Application #
	ANX 2003-0013

**LEGAL DESCRIPTION  
ANX 2003-0013**

EXHIBIT B

ORDINANCE NO. 4290

**1250 NW WATERHOUSE AVENUE EXPEDITED ANNEXATION**

A parcel of land (consisting of the entirety of tax lot 1N 1 32BD 400) situated in the Southeast 1/4 of the Northwest 1/4 of Section 32, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

All of Lot 21, CORPORATE CENTER AT CORNELL OAKS, a plat of record, Washington County, Oregon.

Revised Description Submitted per  
State Request. Submitted 3/3/04  
prior to second reading.

4

**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)

03-15-04  
~~03-01-04~~ **FOR AGENDA OF:** **BILL NO:** 04035

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

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

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

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

- EXHIBITS:**
- 1. Ordinance
  - 2. Land Use Order No. 1670
  - 3. Draft PC Minutes of 02/11/04
  - 4. Proposed Text Amendment
  - 5. Staff Report dated 02-04-04

**BUDGET IMPACT**

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

**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 1st day of March, 2004.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2004.

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

ATTEST:

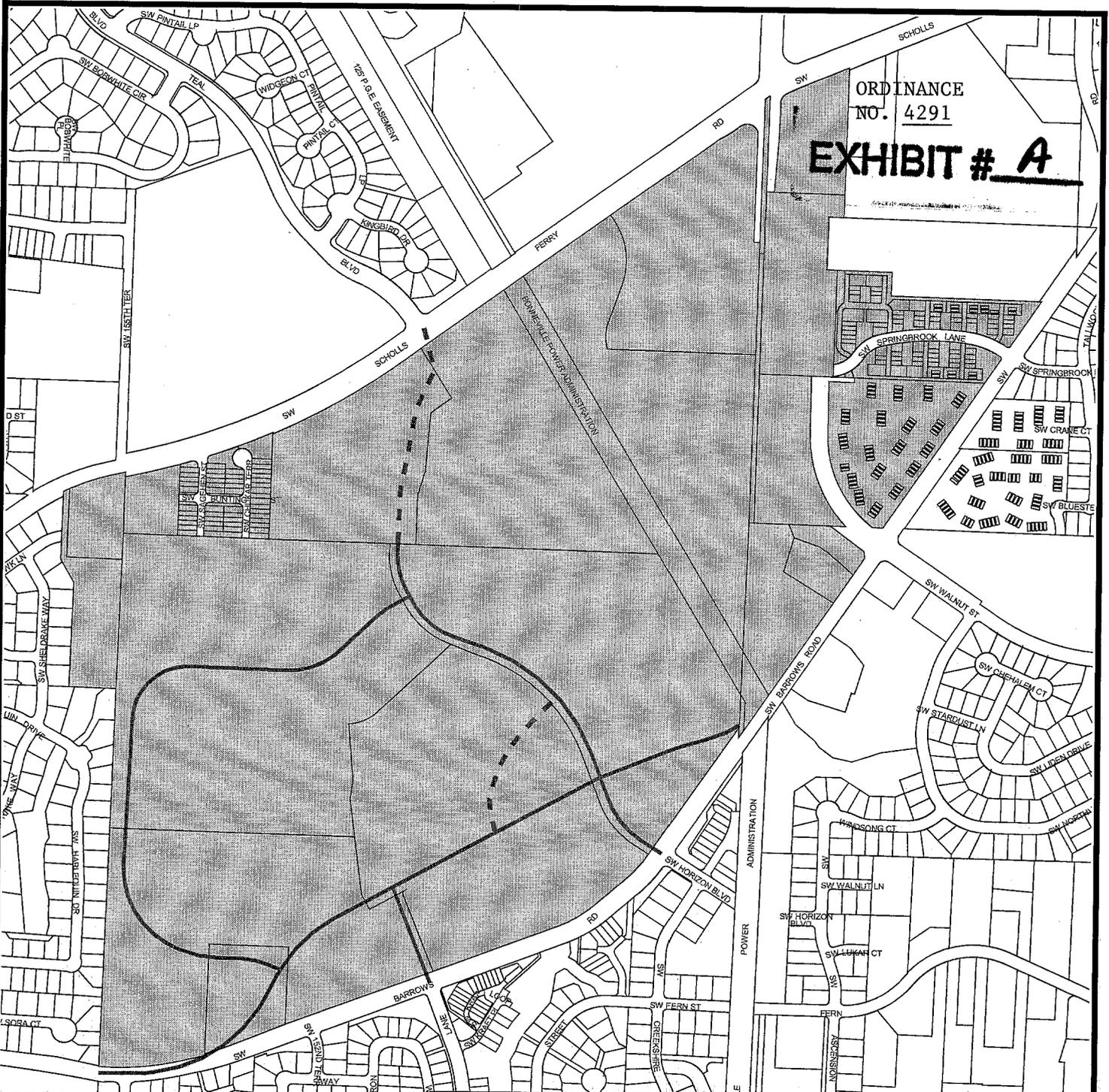
APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

ORDINANCE  
NO. 4291

# EXHIBIT # A



G E O G R A P H I C I N F O R M A T I O N S Y S T E M

## MAP 20.20.60-2

### Major Pedestrian Routes

#### Legend

Major Pedestrian Routes

-  Proposed
-  Future



Murray Scholls Town Center

02/19/04

3

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.