



FINAL AGENDA

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

REGULAR MEETING
MAY 2, 2005
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

Days of Remembrance: May 1 – 8, 2005

Municipal Clerks Week: May 1 - 7, 2005

Building Safety Week: May 8-14, 2005

Emergency Medical Services Week: May 15 - 21, 2005

National Day of Prayer: May 5, 2005

Asian Pacific American Heritage Month: May 2005

PRESENTATIONS:

05084 Asian Pacific Heritage Month Art Exhibit

05085 Highway 217 Corridor Study Presentation and Update

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of April 18 and Special Meeting of April 22, 2005

05086 Approval of the City of Beaverton 2005 Action Plan and 2005-2010 Consolidated Plan Submission to Washington County

05087 Traffic Commission Issues No. TC 574-576

05088 Authorize the Mayor to Enter Into an Intergovernmental Agreement for Shared Use of a Public Communication Network to Access the Portland Police Data System (PPDS)

Contract Review Board:

05089 Contract Award for Printing and Mailing of City Newsletter

PUBLIC HEARINGS:

05090 APP 2005-0002 Appeal of Garden Grove Preliminary PUD (CU 2004-0021), and Decision on Final PUD Development Plan

ORDINANCES:

First Reading:

05091 An Ordinance Annexing Property Located Immediately North of the Sunset Highway and Generally Southwest of NW Barnes Road to the City of Beaverton: Expedited Annexation 2004-0015 (Ordinance No. 4353)

Second Reading:

05080 An Ordinance Annexing Nine Parcels Located in the Cornell Oaks Corporate Center to the City of Beaverton: Annexation 2005-0002 (Ordinance No. 4349)

05081 An Ordinance Annexing Five Parcels Located in the Vicinity of the Cornell Oaks Corporate Center, Owned by Leupold & Stevens, Inc., to the City of Beaverton: Annexation 2005-0003 (Ordinance No. 4350)

05082 An Ordinance Adopting TA 2004-0009 to Amend Development Code Section 50.25.7 (Completeness Processing Amendment) (Ordinance No. 4351)

05083 An Ordinance Amending Beaverton Code Chapter 2 by Repealing Sections 2.03.141 to 2.03.148 Providing for a Historic Resource Review Committee (Ordinance No. 4352)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (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 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT:

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

PROCLAMATION

OFFICE OF THE MAYOR
CITY OF BEAVERTON



WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945. Jews were the primary victims - six million were murdered; Gypsies, the handicapped, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons. Millions more including homosexuals, Jehovah's Witnesses, Soviet prisoner of war and political dissidents, also suffered grievous oppression and death under Nazi tyranny.

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, we the people of the City of Beaverton should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

WHEREAS, the Days of Remembrance have been set aside for the people of the City of Beaverton to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

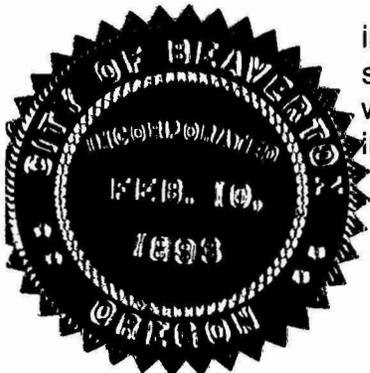
WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of the Victims of the Holocaust to be Sunday, May 1 through Sunday May 8, 2005, including the international Day of Remembrance know as *Yom Hashoah*, May 6;

NOW, THEREFORE, I, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim the week of Sunday, May 1 through Sunday, May 8, 2005 as:

DAYS OF REMEMBRANCE

in the memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and further proclaim that we, as citizens of the City of Beaverton, should strive to overcome intolerance and indifference through learning and remembrance.

Rob Drake
Mayor



PROCLAMATION
OFFICE OF THE MAYOR
CITY OF BEAVERTON



- WHEREAS,** the Office of the Municipal Clerk is a time honored and vital part of local government that exists throughout the world; and
- WHEREAS,** the Office of the Municipal Clerk is the oldest among public servants; and,
- WHEREAS,** the Office of Municipal Clerk provides the professional link between the citizens, the local government bodies and agencies of government at other levels; and
- WHEREAS,** Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and
- WHEREAS,** the Municipal Clerk serves as the information center on functions of local government and community; and
- WHEREAS,** Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meeting of their state, province, county and international professional organizations; and
- NOW, THEREFORE,** I, ROB DRAKE, MAYOR, City of Beaverton, Oregon, do hereby proclaim the week of May 1 – May 7, 2005 as:

MUNICIPAL CLERKS WEEK

in the City of Beaverton and extend appreciation to our Municipal Clerks, Sue Nelson and Cathy Jansen and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.


Rob Drake
Mayor



PROCLAMATION

OFFICE OF THE MAYOR CITY OF BEAVERTON



WHEREAS, through our continuing attention to building safety, we enjoy the comfort and peace of mind of structures that are safe and sound; and,

WHEREAS, the City of Beaverton Building Division staff are at work year round to guide the safe construction of buildings; and,

WHEREAS, the dedicated members of the International Code Council, along with the City of Beaverton develop, maintain and enforce modern building codes to safeguard Americans in the buildings where we live, work, play, and learn. These modern building safety codes also include safeguards to protect the public from natural disasters that can occur, such as snowstorms, hurricanes, tornadoes, wildland fires, and earthquakes; and,

WHEREAS, Building Safety Week, sponsored by the International Code Council Foundation, is an excellent opportunity to educate the public and increase public awareness of the role building safety and fire prevention officials, local and state building departments, and federal agencies play in protecting lives and property; and,

WHEREAS, this year's theme, "Making Homes, Schools and Workplaces Safer Together," encourages all Americans to raise our awareness of building safety and to take appropriate steps to ensure that the places where we live, work, play, and learn are safe. Countless lives have been saved because of the building safety codes adopted and enforced by local and state agencies; and,

WHEREAS, this year, as we observe Building Safety Week, we ask all Americans to consider projects to improve building safety at home and in the community and to recognize the local building safety and fire prevention officials and the important role they play in public safety.

NOW, THEREFORE, I, ROB DRAKE, MAYOR, of the City of Beaverton, Oregon do hereby proclaim May 8-14, 2005 as:

BUILDING SAFETY WEEK

in the City of Beaverton.

Rob Drake
Mayor



PROCLAMATION
OFFICE OF THE MAYOR
CITY OF BEAVERTON



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- WHEREAS**, emergency medical services is a vital public service; and
- WHEREAS**, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and
- WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and
- WHEREAS**, emergency medical teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and
- WHEREAS**, the members of emergency medical services teams, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and
- WHEREAS**, Americans benefit daily from the knowledge and skills of these highly trained individuals; and
- WHEREAS**, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and
- WHEREAS**, injury prevention and the appropriate use of the EMS system will reduce national health care costs; and
- NOW, THEREFORE**, I, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim the week of May 15-21, 2005 as:

EMERGENCY MEDICAL SERVICES WEEK

in the City of Beaverton and everyone on the community is encouraged to observe this week with appropriate programs, ceremonies and activities.




Rob Drake
Mayor

PROCLAMATION

OFFICE OF THE MAYOR CITY OF BEAVERTON



WHEREAS, Thursday, May 5, 2005, marks the 54th consecutive observance of the National Day of Prayer; and

WHEREAS, National Days of Prayer are traditional since the first was declared by the Continental Congress in 1775; and

WHEREAS, in 1988, Congress and President Ronald Reagan signed an act declaring that the National Day of Prayer will fall on the first Thursday of May each year; and

WHEREAS, we are keenly aware of the social and family needs in our city and country, and it is known that inspiration and strength are advanced through united prayer; and

WHEREAS, the National Day of Prayer Task Force, a non-sectarian group with no political affiliation, encourages citizens to pray for our nation and its leaders;

NOW, THEREFORE, I, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim Thursday, May 5, 2005 to be the:

NATIONAL DAY OF PRAYER

in the City of Beaverton and encourage all citizens to join in this observance.




Rob Drake
Mayor

PROCLAMATION

OFFICE OF THE MAYOR CITY OF BEAVERTON



WHEREAS, in 1992 to honor the achievements and contributions of Asian Pacific American's the 102nd Congress designated the month of May as Asian Pacific American Heritage Month; and

WHEREAS, Asian Pacific Americans have long been a part of the cultural heritage of Oregon and the City of Beaverton, they have contributed both in economical and cultural richness to the community; and

WHEREAS, 10% of Beaverton's population is comprised of Asian Pacific American's. In some neighborhoods, their population represents more than 30% of the residents; and

WHEREAS, the arts and heritages of Asian Pacific Americans represents the beauty of a diverse community, they are different but united and they play a unique role in the lives of our families, our communities, and our state; and

WHEREAS, the Asian Health and Service Center partnered with City in 2004 to bring in health, social and cultural services to strengthen the community; and

NOW, THEREFORE, I, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim May 2005, as:

ASIAN PACIFIC AMERICAN HERITAGE MONTH

in the City of Beaverton and call upon the citizens of Beaverton to participate and celebrate the arts and heritage during the month.



Rob Drake
Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Asian Pacific Heritage Month Art Exhibit

FOR AGENDA OF: 05-02-05 **BILL NO:** 05084

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

DATE SUBMITTED: 4/22/05

CLEARANCES: None

PROCEEDING: PRESENTATION

EXHIBITS: NONE

BUDGET IMPACT

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

The Asian Health and Service Center will exhibit works of art during the month of May in Beaverton City Hall. The works were created by students and instructors involved in the Asian Health and Service Center's art classes, located in the Beaverton Resource Center. The exhibit is one of several art exhibits scheduled for the month of May in recognition and celebration of Asian Pacific Heritage Month and being sponsored in part by a grant from the Oregon Arts Commission and the National Endowment for the Arts. The City Hall exhibit is being hosted by the Beaverton Arts Commission.

INFORMATION FOR CONSIDERATION:

A representative from the Asian Health and Service Center will invite the community to view the art exhibits and attend a public reception scheduled for Saturday, May 14th, 10:30-11:30 a.m. in the Forrest C. Soth Council Chambers.

RECOMMENDED ACTION:

Hear presentation.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Highway 217 Corridor Study Presentation
and Update

FOR AGENDA OF: 05-02-05 **BILL NO:** 05085

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering 

DATE SUBMITTED: 04-19-05

CLEARANCES: Transportation 

PROCEEDING: Presentation

EXHIBITS: 1. Highway 217 Corridor Study
Options

BUDGET IMPACT

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

Metro is studying options to improve travel in the Highway 217 corridor. The Highway 217 corridor was selected for study during a comprehensive evaluation of corridors throughout the region. Highway 217 is a high priority because it is the major north-south route connecting major growth areas in Washington County. Traffic in the corridor has increased by 100 percent in the past 20 years.

The Highway 217 Corridor Study is in its second phase. This part of the study will consider project phasing and financing aspects of three types of lanes that could be added to Highway 217 including rush-hour toll and general-purpose lanes. Financing and phasing are important because of the limited available funds and expense of construction.

All of the options studied in the second phase include improvements to the arterial system and bike routes in the corridor, as well as improvements to Highway 217's interchanges. The options are: a new general-purpose (free, unrestricted) lane in each direction on Highway 217; a new rush-hour toll lane in each direction on Highway 217; a new lane in each direction on Highway 217 with new tolled ramp meter bypass lanes on highway entrances.

INFORMATION FOR CONSIDERATION:

Bridget Weighart, Metro staff, will present an update on the Highway 217 Corridor Study to Council. Exhibit 1 is the latest newsletter providing Phase I findings and a Phase II update and schedule for completion.

RECOMMENDED ACTION:

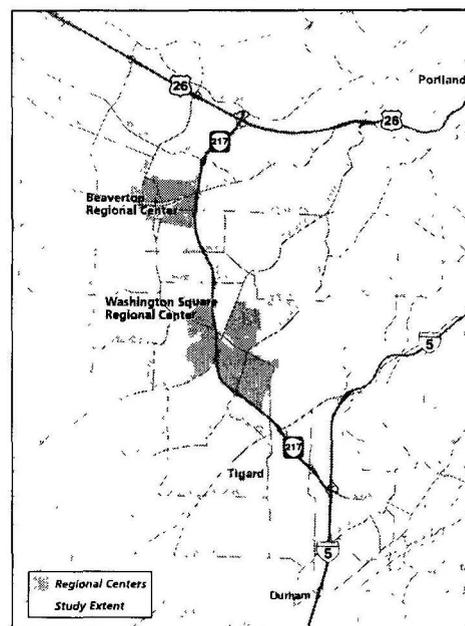
Presentation. No action requested.

Highway 217 corridor study options



Highway 217 is the major north-south transportation route for the urbanized portion of Washington County. Traffic volumes have doubled in the past 20 years as the county has grown into a booming high-tech and retail center. Peak corridor travel is expected to increase an additional 30 percent during the next 20 years.

Nearly every transportation planning effort that has looked at this part of the region has identified the need for additional capacity on Highway 217. In a 2001 prioritization study, Metro recognized Highway 217 as one of the most crucial corridors for improvement. During the summer of 2003, work began on the Highway 217 Corridor Study with funds from Metro, local jurisdictions and a grant from the Federal Highway Administration. The Highway 217 Corridor Study is developing multi-modal transportation solutions for traffic problems on Highway 217 and the rest of the corridor.



STUDY PHASES

The first phase of the Highway 217 Corridor Study, completed in fall 2004, considered a range of six options to improve Highway 217, other streets in the area, transit service, and bike and pedestrian routes.

The Highway 217 Policy Advisory Committee, made up of community members, business representatives and elected officials, has selected three options to be considered in the second phase of the corridor study. The second study phase is focusing on a more detailed study of how each option could be implemented in terms of public support, environmental and neighborhood effects, financial feasibility and phasing.

The study is a cooperative effort by Metro, Washington County, the Oregon Department of Transportation, TriMet and the cities of Beaverton, Lake Oswego and Tigard. The second phase of the study is expected to conclude in summer 2005 with the selection of one or two options that would be the focus of detailed environmental analysis.

Options to improve travel by car, bike, truck and transit to central housing, employment and recreational areas in the corridor such as the Washington Square and Beaverton regional centers are being considered. In addition, travel improvements to regional industrial and employment areas outside the corridor will be considered.



K y Phas I findings

Option	Travel performanc	Environmental and neighborhood impacts	Cost (millions, in 2004 \$)	PAC recommendation
1. Arterial, transit and interchange improvements	<ul style="list-style-type: none"> Does not improve overall drive times on Highway 217 Most congestion relief on surface streets 	Potentially high	\$544 (\$505 funding gap)*	Consider selected arterials as part of Phase II options
2. Six lanes without interchange improvements	<ul style="list-style-type: none"> Some congestion relief on Highway 217 Does not resolve merge/weave problems 	Low	\$405 (\$366 funding gap)*	No further action
3. Six lanes plus interchange improvements	<ul style="list-style-type: none"> Provides most overall congestion relief and fastest average trip on Highway 217 	Medium	\$496 (\$457 funding gap)*	Moved forward to Phase II
4. Six lanes with carpool lanes	<ul style="list-style-type: none"> Provides fastest trip in carpool lane Does not relieve congestion on general-purpose lanes Does not increase carpooling 	Medium	\$522 (\$481 funding gap)*	No further action
5. Six lanes with express toll lanes	<ul style="list-style-type: none"> Provides fastest trip in toll lane Reduces overall congestion on Highway 217 Significant benefit to trucks 	Medium	\$564 (\$124 funding gap)*	Moved forward to Phase II
6. Six lanes with tolled ramp meter bypass	<ul style="list-style-type: none"> Provides most overall congestion relief and fastest average trip on Highway 217 Provides most benefit to trucks 	Medium	\$510 (\$404 funding gap)*	Moved forward to Phase II

* Funding gap is the balance remaining to be financed after applying anticipated regional, federal and toll funds.

Improvements considered in all options

Phase I findings clearly showed that an additional through lane is necessary to handle anticipated growth in corridor travel. Merge/weave problems caused by short distances between interchanges also need to be addressed through interchange improvements and improvements to arterial streets. Therefore, all options to be considered in phase II include:

- a new lane in each direction
- improvements to interchanges, arterial streets and the bike network.

Each study option assumes the construction of projects on arterial streets and transit service improvements that are in the region's adopted financially constrained transportation plan. The financially constrained transportation plan includes road, transit, bike and pedestrian projects expected to be constructed in the next 20 years given current funding streams. Because these projects are likely to be constructed, they are included as the base for each of the options that will be studied.

Improvements to interchanges

Only options that included interchange improvements were selected to move into phase II because closely spaced interchanges on Highway 217 need to be addressed in order to relieve congestion and minimize safety hazards.

- **Braided ramps** separate exiting traffic from entering traffic by creating a bridge for traffic entering the freeway that does not descend to the freeway until it has crossed over traffic exiting the freeway. In this way, traffic engineers "braid" ramps with some traffic crossing over and some crossing under to prevent accidents.
- **Consolidated interchanges** address the merge/weave conflict by reducing the number of interchanges and connecting them with frontage roads. This solution was applied at Canyon Road and Beaverton-Hillsdale Highway on Highway 217 where access to two streets is combined into one interchange. Drivers entering Highway 217 going north from Beaverton-Hillsdale Highway use a frontage road to enter at the Canyon Road entrance.

Frontage roads are less expensive to construct than braided ramps but require more right of way. Frontage roads also remove local trips from the freeway by providing a parallel off-freeway connection between streets. Phase II options are studying the consolidation of the Denney Road and Allen Boulevard interchanges.

Improvements to arterial streets

A subcommittee of policy advisory committee members and local jurisdictions identified additional arterial street projects that are included in the region’s preferred transportation plan but are not expected to be constructed in the next 20 years unless additional funding sources are identified.

The committee decided to focus on projects that would improve the network of north-south local streets near Highway 217 as well as routes that will improve access from Highway 217 to the Washington Square or Beaverton regional centers.

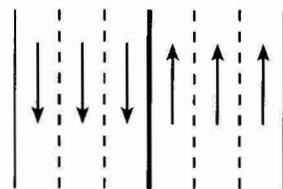
Improvements to the bike network

All study options include improvements to the bike network in the corridor with a focus on improving north-south bike routes west of Highway 217. In addition to bike lanes constructed along with planned roadway improvements, the Fanno Creek Trail crossing of Highway 217 near Denney Road and a section of Hunzinger Trail near the intersection of I-5 and Highway 217 are included. The bike improvements would connect centers in the corridor and provide clear and direct routes for bicyclists.

STUDY OPTIONS

(A) General travel lane option

This option would include an additional travel lane in each direction that will be open to all traffic on Highway 217.



In phase I, this option offered the most overall congestion relief and fastest average drive times for all drivers on Highway 217. It would provide some benefits for trucks in the corridor due to reduced congestion and a reduction in hours of congestion a day. This option had a significant funding gap.

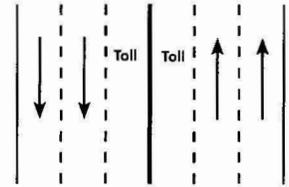
Express-tolling options

In other cities, a concept called express tolling (or value pricing) has been successfully implemented to give drivers another option to sitting in traffic and to help fund construction of new lanes. In these options, drivers pay a fee to bypass congestion by traveling in an express lane. Tolls would be collected electronically without requiring drivers to stop at tollbooth and would be higher at more congested times of day. Only new lanes would be tolled.

Tolling options also include new bus service on Highway 217 from Tualatin and Lake Oswego to the Sunset Transit Center. Buses would use the tolled lanes to provide a fast, reliable trip for transit users.

(B) Express toll lane option

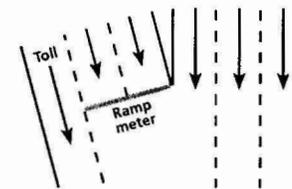
This option would include a rush-hour toll lane in each direction in addition to the existing lanes of Highway 217. Drivers would be able to enter and leave the express lane at I-5 and US 26 as well as at one intermediate point between the Washington Square and Beaverton regional centers. Small trucks would be allowed to use the rush-hour toll lane.



In phase I, this option offered the fastest trip for those in the rush-hour toll lane as well as improvements in congestion and drive time for all drivers. It also increased transit use in the corridor by offering an attractive express bus service. It would provide significant benefits for trucks in the corridor, especially small trucks that would be able to use the rush-hour toll lane. This option had the smallest funding gap because the rush-hour toll lane would provide revenue to cover some of the construction costs.

(C) Express tolled ramp meter bypass option

This option would include an additional unrestricted travel lane in each direction on Highway 217 in addition to a new lane on entrance ramps. Drivers who choose to use the new express ramp lane to bypass the queue at the ramp meter would pay a toll. Trucks would be allowed to use the ramp meter bypass.



In phase I, this option seemed to operate very similarly to the option of six general purpose lanes. It provided congestion relief and a fast drive time for all drivers on Highway 217. It would provide significant benefits to trucks in the corridor because trucks could use the tolled ramp meter bypass to save time. The tolls would provide some revenue to cover a portion of the construction costs. This option had a somewhat smaller funding gap than the option without tolling, but a much larger funding gap than the rush-hour toll lane option.



Phase II timeline

- | | |
|--------------------|---|
| Spring/summer 2005 | <ul style="list-style-type: none">• Discussions with stakeholder groups about options• Financing and phasing plans developed for each option |
| Summer 2005 | <ul style="list-style-type: none">• Public review and input• Policy Advisory Committee recommendation |
| Fall 2005 | <ul style="list-style-type: none">• Public hearings• PAC recommendation reviewed by Metro Council and local jurisdictions |
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Public involvement opportunities

Public input is a crucial part of this process and your feedback is important. The Phase I process offered numerous opportunities for public involvement including stakeholder interviews, focus groups, two surveys, open houses and meetings with community and neighborhood groups. Phase II will continue the public outreach process through a series of community meetings. The Metro Council will hold public hearings and seek comments once the Policy Advisory Committee selects recommended option(s), expected late summer 2005. For a complete list of open houses and comment opportunities, see the Metro web site at www.metro-region.org. For more information or to schedule a presentation to a community group, contact Patty Unfred Montgomery at (503) 797-1685 or send e-mail to montgomeryp@metro.dst.or.us.



DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
APRIL 18, 2005

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, April 18, 2005, at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Dennis Doyle, Fred Ruby and Cathy Stanton. Coun. Bode was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Human Resources Director Nancy Bates, Police Chief David Bishop and City Recorder Sue Nelson.

VISITOR COMMENT PERIOD:

Francine Kaufman, Portland, asked The Mayor and City Council how the Operations Department was structured in terms of what services that Department provided.

Mayor Drake replied the Operations Department was responsible for maintenance of City streets, storm and sewer drains, and City facilities. He said that since her questions may take more time, he suggested that she speak with the Operations Director Mr. Gary Brentano.

Ms. Kaufman met with Mr. Brentano outside the Council Chamber.

COUNCIL ITEMS:

Coun. Stanton said the Greenway Neighborhood Association would be meeting Thursday, April 21, 2005; the program would include the Highway 217 Corridor Study. She also said this Saturday, April 23, 2005, the Neighborhood Summit would be held at City Hall with several sessions on City programs and policies. She said anyone who was interested was welcome to attend; registration for the Summit was through the Neighborhood Office at 503-526-2243. She said lunch would be available for a \$5.00 charge.

Coun. Stanton said May 5th would be National Day of Prayer and the Big Brothers and Big Sisters of Metropolitan Portland would be holding an interfaith prayer breakfast at the Kingstad Meeting Center. She said information was available by calling 503-249-4859, Extension 240.

STAFF ITEMS:

Chief of Staff Linda Adlard said she was pleased to announce that the National Civic League announced the finalists for the 2005 All American City Award and Beaverton was one of 30 cities that would be competing for the ten final spots for the All American City Award. She congratulated the Council and City.

CONSENT AGENDA:

Coun. Stanton pulled Agenda Bill 05076 for separate consideration.

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

Minutes of the Regular Meeting of April 11, 2005

05075 Liquor License Application: New Outlet - Ringo's Bar & Grill

05076 Social Service Funding Committee Recommendations - Pulled for separate consideration

05077 Boards and Commissions Appointment - Bryan Thompson to Bicycle Advisory Committee

05078 Ratify Tentative Contract Agreement with Beaverton Police Association

Coun. Doyle said he would abstain from voting on the April 11, 2005 minutes as he was not at that meeting.

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

05076 Social Service Funding Committee Recommendations

Coun. Stanton said she asked that Agenda Bill 05076, the Social Service Funding Committee Recommendations, be pulled for separate consideration. She said the City receives State Revenue Sharing Funds annually. She said every year the City uses part of this money to fund non-profit agencies that provide social services to Washington County citizens; this year \$200,000 was recommended to fund these social services. She highlighted some of the programs receiving funding this year, which included: 1) The CASA (Court Appointed Special Advocate) Program, which is a volunteer group that advocates for children to protect children's rights in various abuse or legal cases; 2) The Domestic Violence Resource Center; 3) The Beaverton Loaves and Fishes; 4) The Good Neighbor Center, which is a family homeless shelter; and 5) The Youth Contact. She said there were over 20 recipients, and the grants ranged from \$2,000 to \$29,000. She said she was thankful the State Legislators have allowed the cities to use the Shared Revenue funds to help non-profit agencies in the community.

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that Council approve Agenda Bill 05076, the Social Service Funding Committee Recommendations. Couns. Arnold, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

Coun. Doyle congratulated and thanked staff and the Beaverton Police Association for reaching agreement and conclusion on the police negotiations.

Mayor Drake welcomed the scouts from Scout Troop 592, from the Valley Presbyterian School, who were at the meeting to earn their merit badges.

PUBLIC HEARINGS:

05079 A Public Hearing to Receive Public Input Regarding the Annexation of Several Parcels Located in the Vicinity of Cornell Oaks Corporate Center to the City of Beaverton: Annexations 2005-0002 and 2005-0003

Community Development Director Joe Grillo said this was the last round of City Council authorized annexations that began in November of 2004. He read a prepared statement defining the process to be followed for the hearing (in the record).

Principal Planner Hal Bergsma said this was the fourth and final set of annexations that Council will consider this year. He said these annexations would have been considered with other North Beaverton annexations earlier this year, but most of the properties could not be considered for annexation at that time because of a 1995 annexation agreement with the owners of the Cornell Oaks Corporate Center. He said until that agreement expired on February 1, 2005, the City could not initiate annexation of the Cornell Oaks properties before they developed in the County. The Council authorized initiation of these proposed annexations on February 15, 2005. He said the properties owned by Leupold & Stevens, Inc., were not completely surrounded by right-of-way in the City, but they were part of a larger island. He said staff interprets ORS 222.750 to allow for annexation of part of an island. He said Leupold & Stevens' employees access their property through the Cornell Oaks Corporate Center by using City-maintained streets, including Greenbrier Parkway; so Leupold & Stevens currently benefits from City-provided services.

Bergsma said Robert Van Brocklin, Stoel Rives, LLP, attorney for Leupold & Stevens, submitted a letter in which he stated that the City could not annex his client's property against their will because they fall under a section of law originally adopted to exempt Tektronix from forced annexation. He said a Supplemental Staff report distributed to Council this evening responded to the information in Van Brocklin's letter and provided additional information relevant to the cited law. He said based on a review of Van Brocklin's information and information provided by staff, the City Attorney had advised that the Leupold & Stevens property was not exempt from annexation under ORS 222.750. He said staff recommends the City Council adopt the ordinances that would annex the subject properties. He said it should be noted that the effective date of the Leupold & Stevens annexation proposed date be June 30, 2006 to allow for their completion of a planned parking lot improvement project through the County's process.

Bergsma said there were two corrections to the Supplemental Staff Report: 1) Page 3, Item 3, middle of the paragraph, the sentence on legislative history should read "The

legislative history is clear that this is special legislation." 2) Page 4, Section 3C, the first sentence should read "The letter further states that in 1995...." He said that concluded the staff report.

City Attorney Alan Rappleyea said he had additional information that was not in the staff report. He said regarding the special legislation which exempts property that has its own sewer and water lines, the legislative history indicated this legislation applied to Tektronix and was amended in 1997 to apply to a Reynolds Aluminum Plant outside of Troutdale. He said he talked to the Troutdale City Attorney, who confirmed the plant does have its own treatment plant on site, as did Tektronix originally.

Coun. Stanton asked if all the 14 parcels being considered fell under the original 1995 annexation agreement for Cornell Oaks.

Bergsma said that 11 parcels fell under the agreement; the nine that were west of the power lines and two that were Leupold & Stevens' parcels.

Coun. Stanton reconfirmed with Bergsma that 11 of the 14 subject properties were part of the original 1995 agreement to go through a scheduled annexation; as the lots developed they would be platted in the County and then annexed to the City to obtain City services.

Mayor Drake opened the public hearing.

Henry Kane, Beaverton, said he examined the statute relied upon by Leupold & Stevens, and it said nothing about Tektronix. He said he had three motions. He said the first was to reschedule and renote the two annexations because the two mailed notices do not comply with the public hearing notice provisions of ORS 197.763. He said the second was to keep the record open for seven days after close of testimony. He said the third motion was that the oral statement at the beginning of the public hearings, comply with ORS 197.763(5). He said it was important to tell the people in the audience the criteria. He said the current oral statement and the hearing notice do not include the criteria, so people do not know the criteria to address. He said he thought the hearing should be renoted to comply with the statute.

Coun. Stanton asked the City Attorney if Kane was correct that the written notification was not done in accordance with ORS 197.763(5) and that the City's opening oral statement did not comply with ORS 197.763(5).

Rappleyea replied Kane was not correct. He said the City properly followed all noticing procedures.

Coun. Arnold said for many years cities throughout the country have not allowed people to vote on annexations. She referred to how Houston, Texas, annexed areas 20 miles down a freeway, bringing 20,000 people into the City of Houston without a public vote. She said what Beaverton was doing was vastly different, as it was annexing areas already surrounded by the City. She said this would not be a clean vote as people living in an island area would not want to annex into a city when they already received the services. She said she understood why this was allowed by State law.

Frances Kaufman, Vice President of Manufacturing and Engineering, Leupold & Stevens, said Leupold & Stevens began business in Oregon in 1907 and will soon achieve 100 years of continuous operation. He said this was a family-owned enterprise and they were committed to maintaining viability well into the future.

Kaufman said the factory moved to its current location on Greenbrier Parkway in 1967 and currently employs 500 people. He said in the 1990's the company expanded its facilities and positioned itself for future growth by purchasing two undeveloped lots from Cornell Oaks that lay adjacent to existing Leupold property. He said two years ago the company began to pursue preparations to develop these properties and subsequently discovered that a section of wetland had developed on this property which was not discovered during previous acquisition activities. He said Leupold invested considerable time and money to generate the designs and permits required to mitigate the wetland area and develop the property for potential growth and expansion. He said this included working with a number of agencies. He said an agreement was reached with the Tualatin Hills Park and Recreation District to improve the neighboring park property, at Leupold's expense, to mitigate the wetlands. He said Leupold had not yet obtained all the permits required for the planned improvements to this property. He said they were approaching final approval from all the agencies and intended to continue with this expansion. He said the proposed annexation would add additional cost to their operation and it was not in the best interest of Leupold & Stevens. He said it was for this reason Leupold opposed the annexation of their property.

Robert Van Brocklin, attorney representing Leupold & Stevens, Portland, submitted his letter dated April 8, 2005, into the record. He said they had received the Supplemental Staff Report just before the meeting and had not had a chance to review it. He said since the record would remain open, he was reserving the right to respond to the Supplemental Report before the record closed. He said they felt the ORS statute referred to earlier do apply to their case and that statute would expire in July 2009. He said they would provide additional written material to the Council and he appreciated the Council's thoughtful consideration of his letter and their position on this matter.

Mayor Drake thanked Van Brocklin for his letter and for working with the City Attorney in the exchange of ideas.

Coun. Ruby asked Kaufman, in relation to the development process, if there had been any suggestion that annexation would require them to go through any of "the hoops" they had already gone through and accomplished.

Kaufman said that had not happened; it was more a matter of going through the process and hoping no new requirements would crop up. He said in this project, everytime they turned around there had been new requirements and it had been difficult. He said they were not looking for any more challenges than what they already encountered.

Van Brocklin added that in going through the wetlands process, one of the review authorities was to the State of Oregon, Division of State Lands.

Coun. Ruby asked if annexation would cause the applicant to be required to re-establish any of these review procedures.

Rappleyea replied there was a provision in this ordinance to delay the annexation for one year to allow them to complete their permits under the Washington County system.

Mayor Drake said he appreciated being able to work on this with Leupold & Stevens. He said being part of the process regionally and at the State level; the requirements were all well-intended. He said he believed they were all good stewards of their properties; and he and the Council appreciated what they went through. He said the City's goal in the long-term was to make it easier for successful businesses to survive in the City.

Coun. Doyle thanked Kaufman for working out the agreement with the Tualatin Hills Park and Recreation District. He asked Kaufman if he was comfortable that none of the permits he had in process would be stymied by this action.

Kaufman said he was not aware of any that would be affected.

Coun. Stanton referred to the Supplemental Report which was distributed before the meeting; she asked if Leupold & Stevens had its own sewerage treatment plant on site.

Kaufman said they did not.

Mayor Drake closed the public hearing.

Coun. Stanton said she voted no on the original agreement in 1995 because she did not want to wait ten years for the annexations. She said she finds it disconcerting that whenever someone develops a plat in the County, and then annexes to the City for services, the City gets County-design and not City design. She said she wanted the annexation to take place in 1995 so the City could be involved in the development design. She said she lost on that vote. She said she would support the annexation as after ten years she felt it was time for all the parcels to come into the City.

Mayor Drake said the first reading of the annexation ordinances was next on the agenda and asked the Council's preference.

ORDINANCES:

Suspend Rules:

Coun. Doyle MOVED, SECONDED by Coun. Ruby, that the rules be suspended, and that the ordinances embodied in Agenda Bills 05080, 05081, 05082 and 05083, 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, with the provision that the record be kept open for Agenda Bills 05080 and 05081 until next Monday, April 25, 2005, at 5:00 p.m. Couns. Arnold, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously.
(4:0)

First Reading:

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

- 05080 An Ordinance Annexing Nine Parcels Located in the Cornell Oaks Corporate Center to the City of Beaverton: Annexation 2005-0002 (Ordinance No. 4349)
- 05081 An Ordinance Annexing Five Parcels Located in the Vicinity of the Cornell Oaks Corporate Center, Owned by Leupold & Stevens, Inc., to the City of Beaverton: Annexation 2005-0003 (Ordinance No. 4350)
- 05082 An Ordinance Adopting TA 2004-0009 to Amend Development Code Section 50.25.7 (Completeness Processing Amendment) (Ordinance No. 4351)
- 05083 An Ordinance Amending Beaverton Code Chapter 2 by Repealing Sections 2.03.141 to 2.03.148 Providing for a Historic Resource Review Committee (Ordinance No. 4352)

Second Reading:

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

- 05074 TA 2004-0011 Tree Code Text Amendment (Ordinance No. 4348)

Mayor Drake explained that Coun. Arnold had asked that the staff report back to Council in one year on any updates to the Tree Code Text Amendment and provide a report on the impacts this new Tree Code has had on development, on the City and on the trees.

Coun. Arnold MOVED, SECONDED by Coun. Doyle, that the ordinance embodied in Agenda Bill 05074, TA 2004-0011 Tree Code Text Amendment, Ordinance No. 4348, now pass, with the additional request that Planning Department staff report back in one year on the effectiveness of the ordinance as noted above.

Coun. Arnold said she appreciated all the work of the Planning Commission, the staff and the citizens, to develop a reasonable ordinance that helped preserve the trees in a way that made sense. She said she thought it would do a lot of good but it was such a big change, she wanted to hear how it was working after one year.

Question called on the motion. Roll call vote. Couns. Arnold, Doyle, Ruby 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 7:30 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2005.

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
SPECIAL MEETING – TOUR OF WATER FACILITIES
APRIL 22, 2005
8:30 a.m. – 5:00 p.m.

The Beaverton City Council met on April 22, 2005, to tour the Barney Reservoir and related Joint Water Commission facilities and projects.

Present on the tour were Counc. Catherine Arnold, Dennis Doyle and Fred Ruby. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Engineering Director Tom Ramisch, Utilities Engineer David Winship, Engineering Tech Charlie Harrison and Joint Water Commission staff members Chuck Kingston and Jesse Lowman.

TOUR:

The tour included the following:

- A site visit of the City's Dernbach (Mt. Williams) property;
- The Joint Water Commission's Water Treatment Plant;
- U. S. Bureau of Reclamation/Tualatin Valley Irrigation District - Spring Hill Pumping station (JWC/TVID raw water intake) with description of the future Raw Water Pipeline Pumpback Option;
- Barney Reservoir, located in the coast range of the head waters of the Trask River; and
- A description and tracing of portions of the route of the Raw Water Pipeline Project

ADJOURNMENT:

The tour concluded at 4:30 p.m.

Linda Adlard, Chief of Staff

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Approval of the City of Beaverton 2005
Action Plan and 2005-2010 Consolidated
Plan Submission to Washington County

FOR AGENDA OF: 05-02-05 **BILL NO:** 05086

Mayor's Approval: *Linda A. Goddard*
Mayor Pro Tem
DEPARTMENT OF ORIGIN: Mayor's Office *La*

DATE SUBMITTED: 04-18-05

CLEARANCES: CDBG
Finance *JJ*
Attorney *WJ*

PROCEEDING: Consent Agenda

EXHIBITS: City of Beaverton 2005 Action Plan
2005-2010 Consolidated Plan for
Housing and Community
Development

BUDGET IMPACT

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

Every five years, the City is required to update its Consolidated Plan for Housing and Community Development, which spells out community development and housing needs and priorities, and submit this to the U.S. Department of Housing and Urban Development (HUD). The Consolidated Plan defines priorities for the two federal housing and community development programs the City participates in – the HOME program and Community Development Block Grants (CDBG). Each year, the City also produces an annual Action Plan describing projects to be funded by these programs. Both the Consolidated Plan and the Action Plan are produced jointly with Washington County.

The 2005-2010 Consolidated Plan is the product of a long and extensive process of fact-finding and public comment, with multiple stakeholders' meetings and public hearings over the last year. Public hearings for both the Consolidated Plan and Action Plan were held on March 30, 2005 in Beaverton and on April 14, 2005 in Hillsboro. Oral testimony on the draft Plans was received at these public hearings, while written testimony was accepted during the public comment period from March 16 through April 14, 2005. Summaries of oral and written testimonies are incorporated into the two Plans.

INFORMATION FOR CONSIDERATION:

The five-year Consolidated Plan includes extensive data on housing and community development needs for both Beaverton and the County as a whole. Sections addressing Beaverton appear throughout the document, but are also collected in a document called the "City of Beaverton Strategic Plan for Community Development and Housing" in Appendix B. The City's Consolidated Plan emphasizes the need for investments in affordable housing, public facilities, and public services.

The City's Plan articulates three Programmatic Objectives that will guide projects undertaken with both CDBG and HOME over the next five years:

- A) Downtown Redevelopment/Revitalization
- B) Affordable Housing
- C) Public Services

In addition, the Plan identifies two Tiers of Housing Priorities, with Tier I Priorities (those most likely to be funded by the City) focusing on assisting those at very low incomes, new housing downtown, and housing for those with special needs. Tier II Priorities include housing for moderate income residents (those at 50%-80% of the area median income), and homeownership initiatives. Projects meeting a Tier II Priority would be considered as funding is available, but would not be funded over solid projects meeting a Tier I Priority.

Projects described in the City's Program Year (PY) 2005 Action Plan address these priority needs established in the 2005-2010 Consolidated Plan. HUD has allocated \$673,640 of CDBG funds to the City of Beaverton for PY 2005. This is a decrease of more than 5% from last year's allocation. The following is a list of proposed CDBG and HOME activities and funding amounts for PY 2005:

- \$197,866 for the acquisition of land at a location yet to be determined in the Regional Center as a site for a future low-to-moderate income housing project. This amount will supplement an allocation of \$459,950 from the last two program years (for a total of \$657,816). Staff are looking at a variety of ways to leverage these funds to develop a project that can serve as a catalyst for additional investment and redevelopment in Beaverton's downtown.
- \$101,046 (the maximum allowable 15 percent of our annual CDBG allocation) to fund a wide range of public service projects that benefit the low- and moderate-income citizens of Beaverton. The Social Service Funding Committee reviewed and selected projects for funding and passed along those recommendations to the City Council for approval on April 18, 2005.
- \$100,000 to continue the Adapt-a-Home program, providing small grants to both homeowners and renters for ramps, bathroom fixtures and other modifications to increase the permanent supply of accessible housing in the City and help residents with impaired mobility continue to live independently in their homes.
- \$140,000 to initiate a pilot project for downtown storefront improvement grants, modeled on successful programs elsewhere, as an effective way to help local businesses improve their appearance and attract further investment in our downtown.
- \$200,000 for the Housing Rehabilitation Program carried over from prior years.
- \$134,728 of CDBG funds for general planning and administration of the program (including staff costs). General planning and administrative activities include housing planning, public hearings, fair housing, budgeting, preparing HUD-required documents and reports, program monitoring, and financial oversight of CDBG-funded activities.

In addition, the City of Beaverton is able to direct the allocation of a share of Washington County HOME Consortium funds (\$308,418 for Program Year 2005). The Action Plan proposes committing the entire City 2005 HOME allocation to the Senior Housing Project to be built in conjunction with the Virginia Garcia Health Clinic on SW Farmington Road.

RECOMMENDED ACTION:

Council approve the City of Beaverton 2005-2010 Consolidated Plan for Housing and Community Development and the Program Year 2005 Action Plan submission to Washington County.

MEMORANDUM

City of Beaverton
Office of the City Recorder

"make it happen"

To: Mayor Drake and Councilors
From: Sue Nelson, City Recorder
Date: April 27, 2005
Subject: *Agenda Bill 05086 – City of Beaverton
2005 Action Plan and 2005-2010
Consolidated Plan Submission to
Washington County*

A complete copy of the City of Beaverton 2005 Action Plan and 2005-2010 Consolidated Plan for Housing and Community Development is available for review at the Office of the City Recorder on the third floor of Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, OR. The office is open weekdays between 8:00 a.m. and 5:00 p.m. Due to the large size of the Plan, it is not being scanned into this document.

If you have any questions regarding this item, please call me at (503) 526-2650.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Traffic Commission Issues No. TC 574
- 576

FOR AGENDA OF: 5-2-05 **BILL NO:** 05087

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Engineering *[Signature]*

DATE SUBMITTED: 4-19-05

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

PROCEEDING: Consent

- EXHIBITS:**
1. Vicinity Map
 2. City Traffic Engineer's reports on Issues TC 574-576
 3. Final Written Orders on TC 575 & 576
 4. Draft minutes of the meeting of April 7, 2005 (excerpt)

BUDGET IMPACT

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

On April 7, 2005, the Traffic Commission considered the following issues:

- TC 574, Stop Sign on SW Sierra Lane at Tephra Terrace;
- TC 575, Traffic Calming Plan for SW 6th Street Between Menlo Drive and Erickson Avenue;
- TC 576, Traffic Calming Plan for SW 155th Avenue Between Davis Road and Beverly Beach Court.

The staff reports for Issues TC 574-576 are attached as Exhibit 2.

INFORMATION FOR CONSIDERATION:

Issue TC 574 was approved by the Commission on consent agenda.

Hearings were held on Issues TC 575 and 576. Following each hearing, the Commission approved the staff recommendations by a unanimous vote of 7:0.

RECOMMENDED ACTION:

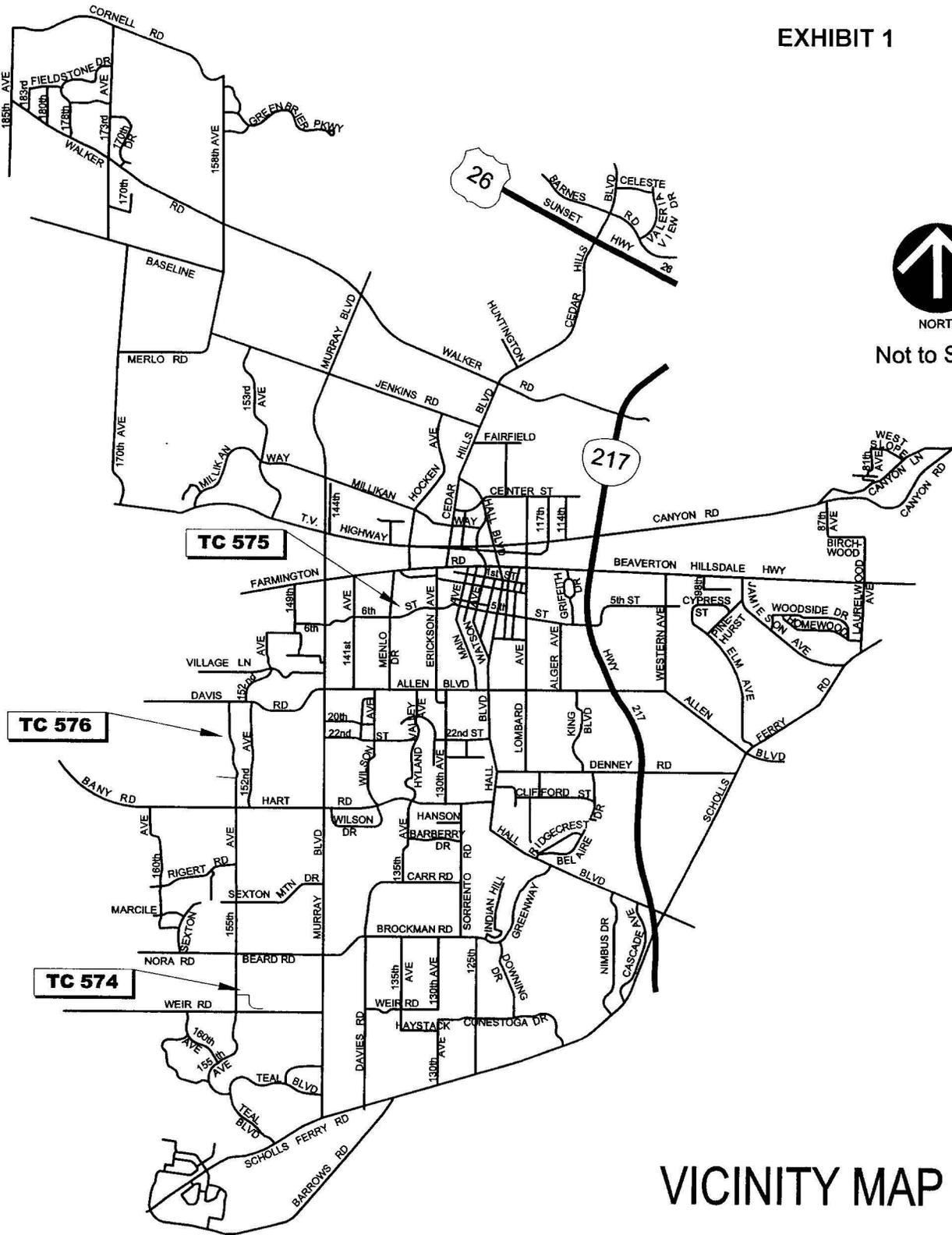
Approve the Traffic Commission recommendations on Issues TC 574-576.

EXHIBIT 1



NORTH

Not to Scale



VICINITY MAP

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City Of Beaverton

VICINITY MAP for April, 2005
TC ISSUES: 574, 575 & 576

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 3/21/05

Reviewed By: _____ Date: _____

Approved By: _____ Date: 1

**CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 574**

(Stop Sign on SW Sierra Lane at Tephra Terrace)

March 15, 2005

Background Information

Property owner Dawn Vance has requested a stop sign at the intersection of SW Sierra Lane and Tephra Terrace. She cites the restricted view of drivers on Sierra approaching the intersection as a future hazard once Tephra Terrace is open to through traffic.

The intersection of Sierra Lane and Tephra Terrace is a T-intersection. Because of the new subdivision construction, Tephra Terrace is temporarily gated on the south side of the intersection. The new Sierra Lane slopes down to Tephra Terrace at noticeable grade and sight distance to the south is obscured by the slope and the existing house until just prior to the intersection.

The Manual on Uniform Traffic Control Devices (MUTCD) guides the installation of a stop control as follows (Section 2B.05):

STOP signs should not be used unless engineering judgment indicates that one or more of the following conditions exist...

D. High speeds, restricted view, or crash records indicate a need for control by the STOP sign.

The restricted view condition at the intersection of SW Sierra Lane and Tephra Terrace does meet the MUTCD condition.

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);
- 2 (all proposed new traffic control devices shall be based on the standards of the MUTCD).

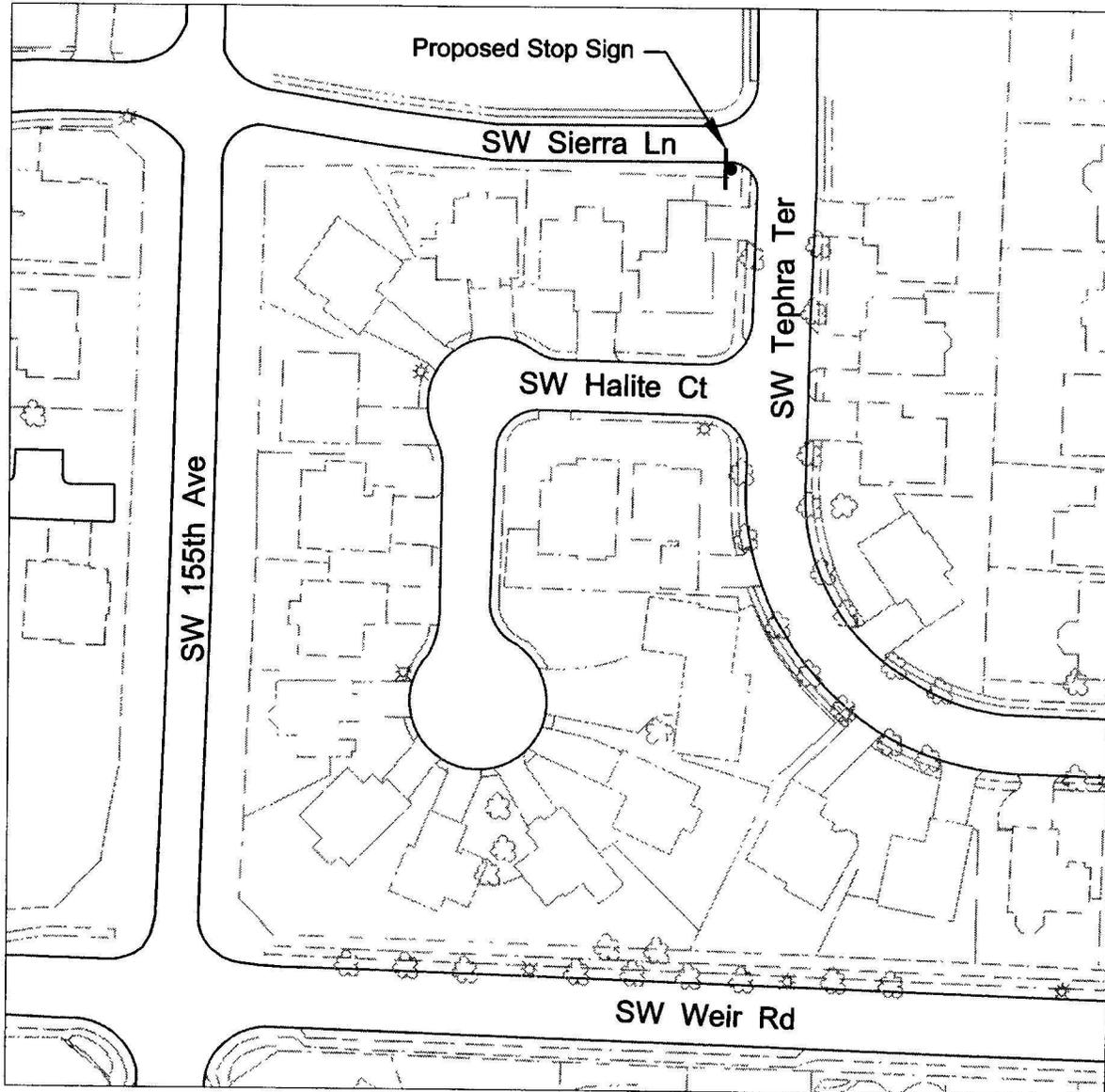
Conclusions:

1. Based on engineering judgment, staff conclude that a stop sign on Sierra Lane would improve safety at the intersection. Therefore, installing a stop sign at the intersection of Sierra Lane and Tephra Terrace would meet Criteria 1a and 1b.
2. A stop sign does meet the guidance criteria of the MUTCD satisfying Criterion 2.

Recommendation

1. Approve the request for the installation of stop sign at the intersection of SW Sierra Lane and Tephra Terrace.

TC 574



Y:\Traffic\Drawings\2005\05-09 Sierra at Tephra Stop.dwg



City Of Beaverton

Stop Sign Installation
On SW Sierra Ln At SW Tephra Ter

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: MC Date: 3/10/05

Reviewed By: _____ Date: _____

Approved By: _____ Date: 3

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: March 22, 2005
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 574

TC 574. I concur with the recommendations for the installation of a stop sign for eastbound SW Sierra Lane at SW Tephra Terrace.

CITY TRAFFIC ENGINEER'S REPORT

ISSUE NO. TC 575

Traffic Calming Plan for SW 6th Street Between Menlo Drive and Erickson Avenue

(March 17, 2005)

Background Information

In December of 2003, the Traffic Commission approved the traffic calming project rankings for 2004 in Issue TC 540. Out of the four neighborhoods that were on the ranking list, 6th Street ranked third. City Council approved the ranking list and directed staff to begin project development for the four projects.

Project design was accomplished in accordance with the adopted traffic calming procedures. City staff held three meetings with residents of the SW 6th Street project area. City staff and the residents assessed the needs for traffic calming throughout the project area. For those identified needs, two proposed traffic calming plans were developed and one was selected.

On February 8, 2005, the City held an open house to show the proposed selected plan and to receive feedback from the neighborhood. The proposed plan received high approval from the neighbors who attended the open house.

A support survey was conducted by the City to determine support for the proposed selected plan. On February 16, 2005, a copy of the proposed selected plan and a response card were mailed to the homes within the project area in accordance with the Neighborhood Traffic Calming Program. Out of the 30 response cards that were delivered, 23 response cards were returned with a "Yes" response and 3 response cards were returned with a "No" response. The remaining 4 response cards were not returned.

The proposed selected plan received a 77 percent approval rate, which exceeds the 67 percent majority approval rate required by the Neighborhood Traffic Calming Program. The estimated construction cost for the proposed selected plan is \$25,000.

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);

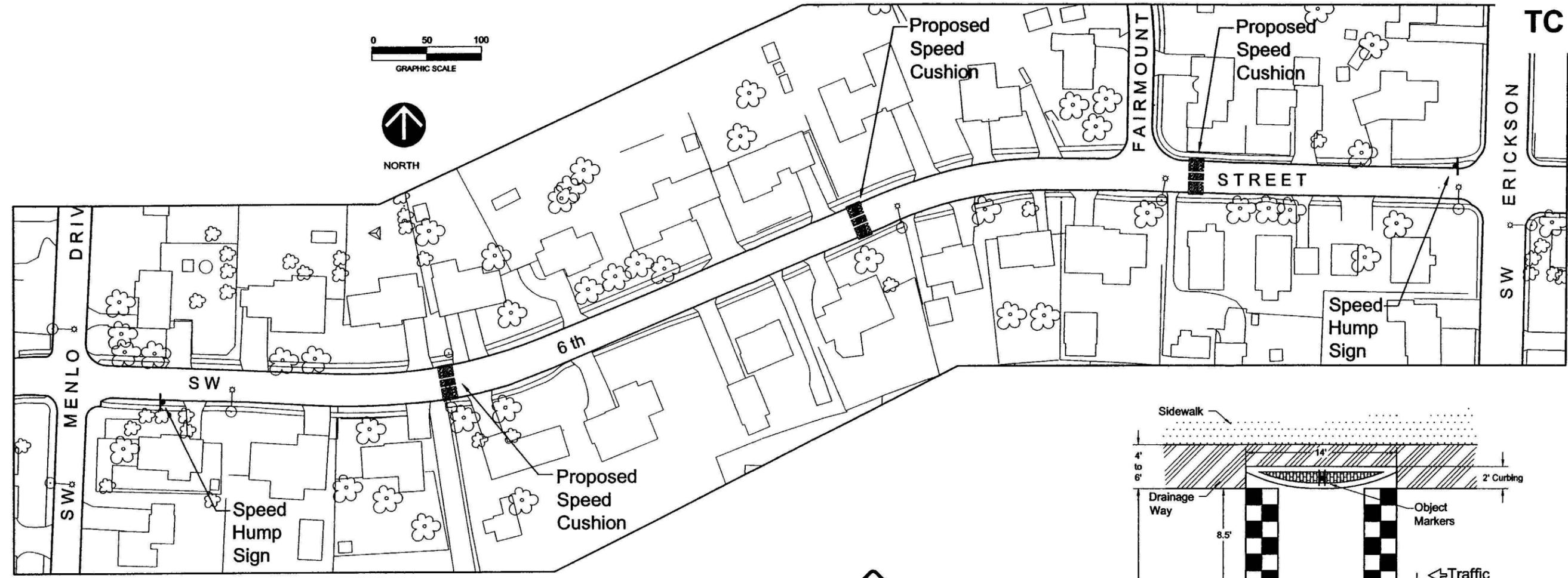
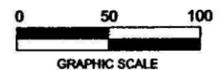
- 3 (all decisions shall comply with officially approved policies of the City Council, specifically, the Neighborhood Traffic Calming Program procedures adopted in July 1998 and revised in December 2000).

Conclusions

1. Implementing the proposed selected traffic calming plan would provide safe and orderly movement of vehicles, bicycles, and pedestrians, satisfying Criteria 1a and 1b.
2. The procedures and processes used in developing and selecting a traffic calming plan for SW 6th Street comply with the Neighborhood Traffic Calming Program procedures, satisfying Criterion 3.

Recommendation

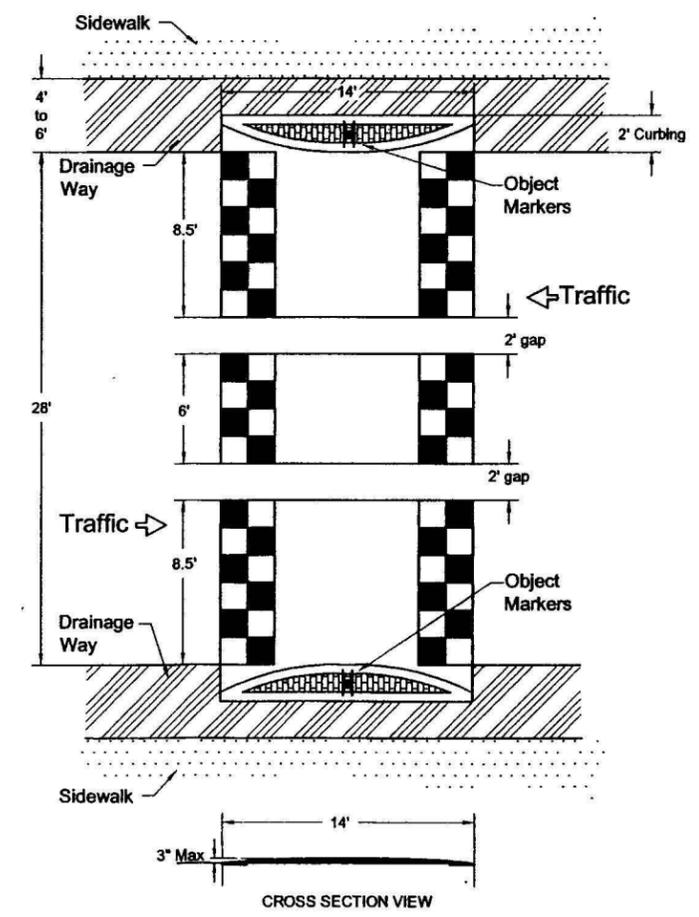
Approve the proposed SW 6th Street traffic calming plan for construction as shown on the attached plan.



OBJECT MARKER



SIGNS DETAIL



SPEED CUSHION DETAILS



CITY OF BEAVERTON
ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

DESIGNED BY:	NO.	DATE	REVISION	BY
- JK				
DRAWN BY:				
- JR				
CHECKED BY:				
-				
APPROVED BY:				
-				

SW 6th Street
between Menlo Dr & Erickson Ave

Proposed
TRAFFIC CALMING PLAN

DATE:	PROJECT NO:
1/27/05	7
SHEET NO:	1 - OF - 1

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MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: March 22, 2005
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 575

TC 575. I concur with the recommendations to approve the proposed traffic calming plan for SW 6th Street between SW Merlo Drive and SW Erickson Avenue.

CITY TRAFFIC ENGINEER'S REPORT

ISSUE NO. TC 576

Traffic Calming Plan for SW 155th Avenue Between Davis Road and Beverly Beach Court

(March 17, 2005)

Background Information

In December of 2003, the Traffic Commission approved the traffic calming project rankings for 2004 in Issue TC 540. Out of the four neighborhoods that were on the ranking list, 155th Avenue ranked the second highest on the list. City Council approved the ranking list and directed staff to begin project development for the four projects.

Project design has been accomplished in accordance with the adopted traffic calming procedures. City staff held three meetings with residents of the SW 155th Avenue project area. City staff and the residents assessed the needs for traffic calming throughout the project area. For those identified needs, a proposed traffic calming plan was selected.

On February 9, 2005, the City held an open house to show the proposed selected plan and to receive feedback from the neighborhood. The proposed plan received high approval from the neighbors who attended the open house.

A support survey was conducted by the City to determine support for the proposed selected plan. On February 16, 2005, a copy of the proposed selected plan and a response card were mailed to the homes within the project area in accordance with the Neighborhood Traffic Calming Program. Out of the 29 response cards that were delivered, 21 response cards were returned with a "Yes" response, one response card was returned with a "No" response and one response card was returned with "Abstain" response. The remaining 6 response cards were not returned.

The proposed selected plan received a 75 percent approval rate, which exceeds the 67 percent majority approval rate required by the Neighborhood Traffic Calming Program. The estimated construction cost for the proposed selected plan is \$25,000.

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);

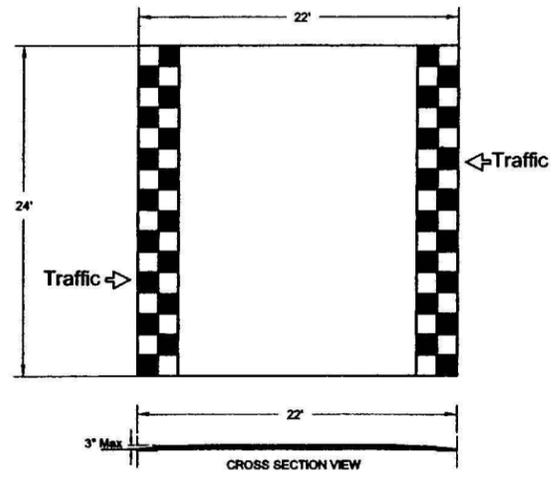
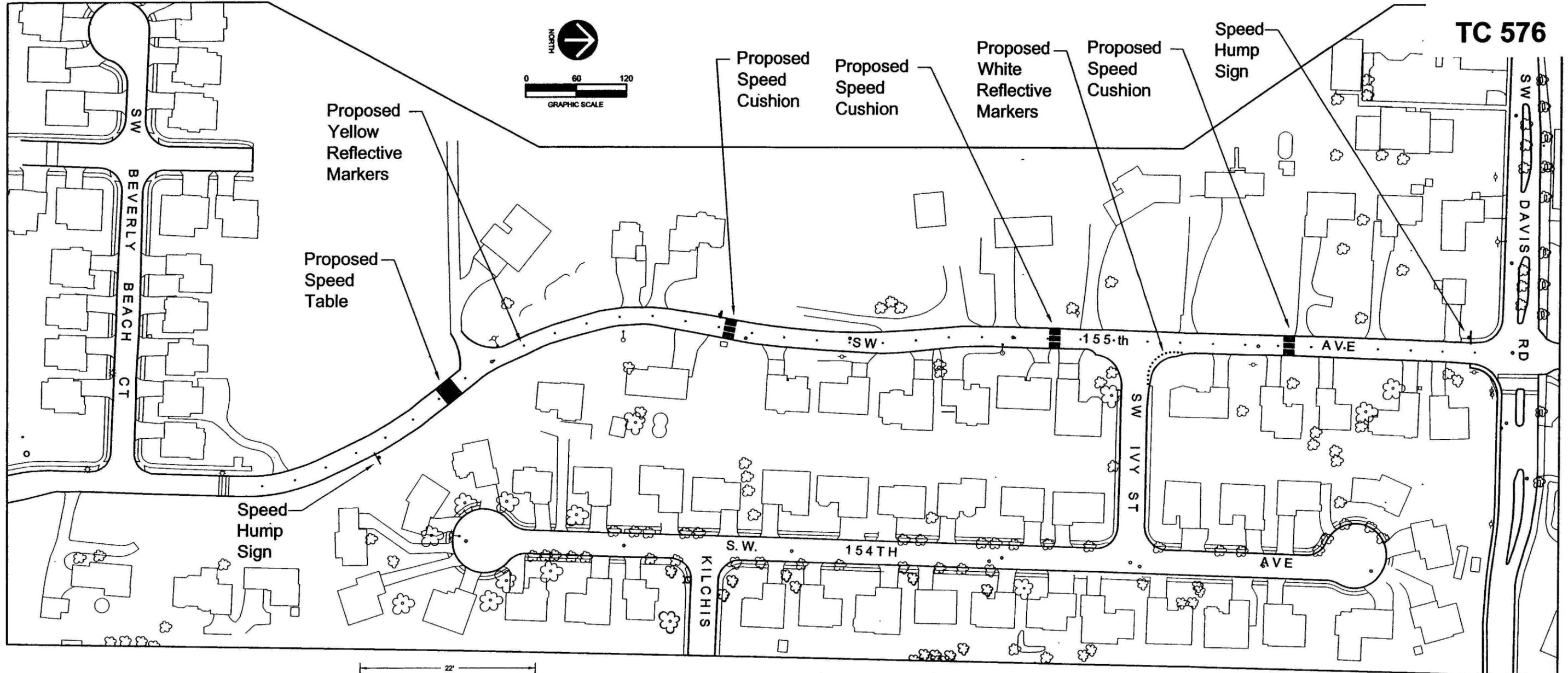
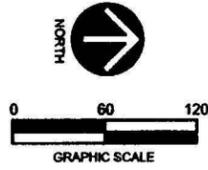
- 3 (all decisions shall comply with officially approved policies of the City Council, specifically the Neighborhood Traffic Calming Program procedures adopted in July 1998 and revised in December 2000).

Conclusions

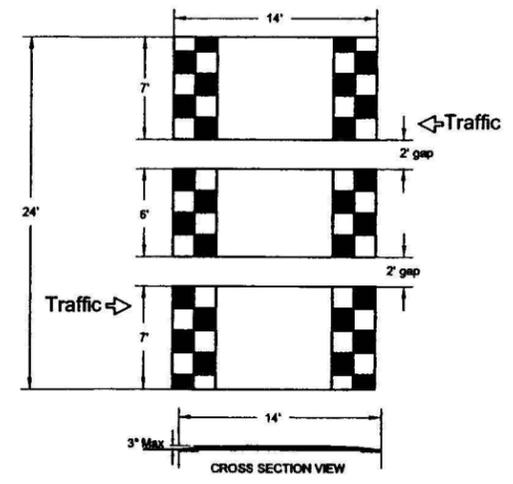
1. Implementing the proposed selected traffic calming plan would provide safe and orderly movement of vehicles, bicycles, and pedestrians, satisfying Criteria 1a and 1b.
2. The procedures and processes used in developing and selecting a traffic calming plan for SW 155th Avenue comply with the Neighborhood Traffic Calming Program procedures, satisfying Criterion 3.

Recommendation

Approve the proposed SW 155th Avenue traffic calming plan for construction as shown on the attached plan.



SPEED TABLE DETAILS



SPEED CUSHION DETAILS



SIGNS DETAIL



CITY OF BEAVERTON
ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

DESIGNED BY:	NO.	DATE	REVISION	BY
- JK				
DRAWN BY:				
- JR				
CHECKED BY:				
-				
APPROVED BY:				
-				

SW 155th Ave
between Davis & Beverly Beach

Proposed
TRAFFIC CALMING PLAN

DATE	PROJECT NO.
1/28/05	1
SHEET NO.	
	1 - OF - 1

Y:\Traffic\Drawings\2005\05-07-1586-Davis to Beverly Beach Traffic Calming Plan.dwg

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: March 22, 2005
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 576

TC 576. I concur with the recommendations to approve the proposed traffic calming plan for SW 155th Avenue between SW Davies Road and SW Beverly Beach Court.

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 575

(Traffic Calming Plan for SW 6th Street Between Menlo Drive and Erickson Avenue)

1. A hearing on the issue was held by the Traffic Commission on April 7, 2005.
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);
 - 3 (all decisions shall comply with officially approved policies of the City Council, specifically the Neighborhood Traffic Calming Program Procedures adopted July 1998 and revised December 2000).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - In Traffic Commission Issue Number TC 540, SW 6th Street between Menlo Drive and Erickson Avenue was previously determined to be eligible for the traffic calming program.
 - The proposed traffic calming plan was developed through a series of neighborhood meetings in accordance with the adopted Traffic Calming Procedures.
 - A support survey determined that more than 67 percent of the residents of the neighborhood support the proposed traffic calming plan.
4. Following the public hearing, the Traffic Commission voted (__ aye, __ nay) to recommend the following action:
 - Approve the proposed traffic calming plan for construction on SW 6th Street.
5. The Traffic Commission decision was based on the following findings:
 - The proposed plan will improve safety on the residential streets and provide more orderly movement of vehicles, bicycles and pedestrians, satisfying Criteria 1a and 1b.
 - The plan was developed in accordance with the Neighborhood Traffic Calming Program Procedures, satisfying Criterion 3.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 7 DAY OF APRIL 2004



Traffic Commission Chair

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 576

(Traffic Calming Plan for SW 155th Avenue between Davis Road and Beverly Beach Court)

1. A hearing on the issue was held by the Traffic Commission on April 7, 2005.
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);
 - 3 (all decisions shall comply with officially approved policies of the City Council, specifically the Neighborhood Traffic Calming Program Procedures adopted July 1998 and revised December 2000).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - In Traffic Commission Issue Number TC 540, SW 155th Avenue between Davis Road and Beverly Beach Court was previously determined to be eligible for the traffic calming program.
 - The proposed traffic calming plan was developed through a series of neighborhood meetings in accordance with the adopted Traffic Calming Procedures.
 - A support survey determined that more than 67 percent of the residents of the neighborhood support the proposed traffic calming plan.
4. Following the public hearing, the Traffic Commission voted (__ aye, __ nay) to recommend the following action:
 - Approve the proposed traffic calming plan for construction on SW 155th Avenue.
5. The Traffic Commission decision was based on the following findings:
 - The proposed plan will improve safety on the residential streets and provide more orderly movement of vehicles, bicycles and pedestrians, satisfying Criteria 1a and 1b.
 - The plan was developed in accordance with the Neighborhood Traffic Calming Program Procedures, satisfying Criterion 3.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 7 DAY OF APRIL 2004



Traffic Commission Chair

Draft

City of Beaverton

TRAFFIC COMMISSION

Minutes of the April 7, 2005, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:00 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall, Beaverton, Oregon.

ROLL CALL

Traffic Commissioners Scott Knees, Holly Isaak, Carl Teitelbaum, Louise Clark, Kim Overhage, Tom Clodfelter, and Ramona Crocker constituted a quorum. Alternate member Bob Sadler was in the audience to observe.

City staff included City Traffic Engineer Randy Wooley, Project Engineer Jabra Khasho, Traffic Sergeant Jim Monger, and Recording Secretary Debra Callender.

— EXCERPT START —

CONSENT ITEMS

Chairman Knees reviewed the consent items, including the March 2005 Traffic Commission minutes and Issue TC 574 “Stop Sign on SW Sierra Lane at Tephra Terrace.”

Commissioner Overhage **MOVED** and Commissioner Clark **SECONDED** a **MOTION** to approve the consent items. There was no discussion. The **MOTION CARRIED** unanimously, 7:0.

PUBLIC HEARINGS

**ISSUE TC 575: TRAFFIC CALMING PLAN FOR SW 6TH STREET
BETWEEN MENLO DRIVE AND ERICKSON
AVENUE**

Chairman Knees opened the public hearing on Issue TC 575.

Staff Report

Mr. Wooley said project engineer Jabra Khasho worked directly with the two projects under discussion, so he would present the staff reports.

Mr. Khasho said that in December 2003 the Traffic Commission approved the traffic calming rankings for 2004. Of the four qualified neighborhoods on the ranking list, 6th Street ranked third.

Mr. Khasho said staff held three meetings with the neighborhood to assess that area's traffic calming needs. Together they developed two traffic calming plans, of which one was selected. Last February the City held an open house to show the proposed plan and to receive neighborhood feedback. The proposed plan received high approval from the neighbors who attended the open house.

Following the Neighborhood Traffic Calming Program procedures, the City then conducted a survey to determine the percent of neighborhood support for the proposed plan. On February 16, 2005, staff mailed a copy of the proposed plan and a postage-paid response card to each home within the project area. The proposed plan received a 77 percent approval rating, which exceeds the 67 percent majority approval rate required by the procedures. The estimated cost of constructing this project is \$25,000. Mr. Khasho asked the Commission to approve the proposed plan as submitted.

Commissioner Clark noted that 6th Street has no curbs. With this in mind, she asked what is on the end of each speed cushion.

Mr. Khasho referred to the drawing attached to the staff report and said each speed cushion ends with a curb designed to promote drainage. The curb section is topped with an object marker that will draw drivers' attention to the location of the speed cushion.

Chairman Knees referred to the western most speed hump shown on the drawing and noted that it almost completely fills in an area between two adjacent driveways. The Chairman asked if this raised curb will create problems for garbage haulers when they retrieve garbage roll carts.

Mr. Khasho said Beaverton has similar speed cushions and/or humps on Hart Road and on Conestoga Drive. He pointed out that the curb extends only three inches above the pavement. This is unlikely to present a problem for service trucks.

Public Testimony

The Commission received written testimony relating to this hearing from Traffic Sergeant Jim Monger.

Seth D. Alford, Portland, Oregon, said he supports traffic calming, but in this case he has reservations about the design. Mr. Alford is a bicyclist. He added that 6th Street is an important east-west bike route for this side of Beaverton.

Mr. Alford objects to the raised curb on the ends of the speed cushions because they are located where he typically rides his bike. He believes the raised curbs will push bicyclists farther out into the roadway. He prefers to ride his bicycle on the edge of the roadway instead of sharing a lane with motorized vehicles. He asked that the curbs be removed from the plan.

Referring to the staff report drawing, Mr. Alford said the area drawn with diagonal lines between the roadway and sidewalk will likely collect trash. Bicyclists who do not want to share the speed cushion with motor vehicles will have to drive through trash when they cross this area. Mr. Alford said the raised curbs are unsafe for bicyclist because the rider must quickly decide whether they will ride to the right or left of the curb. This creates an unpredictable environment for bike and motor vehicle travel. He said it would be better to leave an unfinished gap at the end of the speed cushions.

Commissioner Teitelbaum asked Mr. Khasho for more information about the gap between the end of the speed cushion curb and the sidewalk.

Mr. Khasho said this is a paved gutter. He added that some property owners have elected to pave the public right of way between the sidewalk and the street. Others have opted to landscape this area and some fill this area with gravel.

Mr. Alford said the drawing is deceptive. The diagonal marks are actually the road's shoulder labeled as a drainage way.

Commissioner Clark suggested painting a fog line along the edge of the pavement. This would show drivers that bicyclist could be driving to the left of the fog line.

Mr. Alford said that the curbs would be OK as long as they did not force bikes into the street.

Mr. Khasho agreed that the fog line could be added near speed cushions.

Mr. Khasho pointed out that even with speed cushions, this street is still 28-foot wide. A motor vehicle and a bicycle can share a 14-foot wide travel lane without difficulty.

Jack Franklin, Beaverton, Oregon, lives on Fairmount which intersects the east end of 6th Street. He supports installing the traffic calming project on 6th Street.

Mr. Franklin said a representative from Tualatin Valley Fire and Rescue (TVF&R) attended the neighborhood meetings and encouraged the neighborhood

to install speed cushions instead of speed humps. Speed cushions lessen the response time for emergency vehicles. Mr. Franklin said the neighbors reached consensus that speed cushions were the best way to go.

Mr. Franklin said he occasionally rides a bicycle on 6th, and he thinks the street is comfortably wide for both motorized vehicles and bicyclists. Mr. Franklin said the neighborhood continues to have a problem with students from nearby Beaverton High School speeding on this street before and after school. He mentioned that one nearby neighbor is an Oregon State Police officer. The officer used her radar gun on 6th Street and recorded a driver speeding along at 39 mph.

Mr. Franklin said his only concern is that some drivers might begin using Fairmount as a short cut to avoid the traffic calming installed on 6th Street. Mr. Franklin said if that happens, the Fairmount neighbors will also ask the City for help with a traffic calming project.

Staff Comments

Mr. Khasho had no further comments.

Commissioner Overhage asked staff if traffic calming should also be considered for Fairmount.

Mr. Khasho said that possibility was considered. Fairmount is a very winding street, which limits drivers' speed. Most drivers would rather travel over traffic calming on a fairly straight street, such as 6th, than slow down to negotiate the curves on a winding lane. He added that if Fairmount needs traffic calming in the future, the City will certainly work with them.

Chairman Knees asked why there is no centerline on 6th. A centerline would stop vehicles from straddling the middle of the speed cushions.

Mr. Khasho said the neighborhood discussed adding a centerline during the project planning meetings, and the idea was rejected for several reasons. The neighbors want to keep the look of a quiet neighborhood street; also, 6th Street's traffic is too heavy for drivers to be tempted to drive in the middle of the street.

Commissioner Crocker asked if bicyclists would be safe riding across the speed cushions.

Mr. Khasho said the speed cushions are very similar in design to a 12-foot wide speed hump. Bicyclist should find the crossing safe.

Chairman Knees closed the public hearing on Issue TC 575.

Commission Deliberation

Commissioner Clark supports the proposal.

Commissioner Teitelbaum noted that 6th Street is the closest east/west connection to the south end of the Beaverton High School campus. This makes it likely that more young drivers, who like to speed, will use 6th Street several times each day. The proposed plan makes sense and he supports it.

Commissioner Isaak concurs.

Commissioner Overhage concurs.

Commissioner Clodfelter also supports the proposal, but with the addition of fog lines.

Commissioner Crocker supports the proposal as written

Commissioner Clark **MOVED** and Commissioner Isaak **SECONDED** a **MOTION** to approve the proposed SW 6th Street traffic calming plan for construction as shown on the attached plan with the addition of fog lines. The motion includes approval of the final written order.

In response to a question, Mr. Wooley suggested that staff understood the intent to add fog lines to the project, and this detail did not require a revision to the final written order.

The **MOTION CARRIED** unanimously, 7:0.

ISSUE TC 576: TRAFFIC CALMING PLAN FOR SW 155TH AVENUE BETWEEN DAVIS ROAD AND BEVERLY BEACH COURT

Chairman Knees opened the public hearing on Issue TC 576.

Staff Report

Mr. Khasho said that in December 2003 the Traffic Commission approved the traffic calming rankings for 2004. Of the four qualified neighborhoods on the ranking list, 155th Avenue between Davis Road and Beverly Beach Court ranked second.

Mr. Khasho said staff held three meetings with the neighborhood to assess that area's traffic calming needs. Together, they developed a traffic calming plan. The 155th traffic calming plan includes three speed cushions and one speed table. The speed table is located at the top of a slight hill near Beverly Beach Court

where the street is too narrow for a speed cushion. Mr. Khasho said that because 155th is only 22-feet wide, the calming options from which the neighborhood could select were limited.

Last February the City held an open house to show the proposed plan and to receive neighborhood feedback. The proposed plan received high approval from the neighbors who attended.

Following the Neighborhood Traffic Calming Program procedures, the City then conducted a survey to determine the percent of neighborhood support for the proposed plan. On February 16, 2005, staff mailed a copy of the proposed plan and a postage-paid response card to each home within the project area. The proposed plan received a 75 percent approval rating, which exceeds the 67 percent majority approval rate required by the procedures. The estimated cost of constructing this project is \$25,000. Mr. Khasho asked the Commission to approve the proposed plan as submitted.

Commissioner Overhage asked about the safety of locating a speed table on a slope. What about ice and snow?

Mr. Khasho said the slope is on a grade that is less than 8 percent. This amount of slope is allowable.

Public Testimony

The Commission received written testimony relating to this hearing from Traffic Sergeant Jim Monger.

Steve Martes, Beaverton, Oregon, has lived on 155th for 23 years and remembers when it was just a gravel road. Mr. Martes said a neighbor used a speed radar gun to monitor 155th traffic and clocked a car driving 44 mph. He said 155th is a neighborhood street with many families with children. Speeding has become a serious problem. He stressed that 155th is a narrow street, especially at the top of the road near Beverly Beach Court.

Mr. Martes asked the Commission to please approve this traffic calming project for construction. He only regrets that the project was not done years ago.

Staff Comments

Mr. Khasho had no additional comments.

Chairman Knees closed the public hearing on Issue TC 576.

Commission Deliberation

Commissioner Overhage supports the proposal. She added that the downhill speeds are especially fast. From a street-design standpoint, the Commissioner commented that 155th is far less attractive than most Beaverton streets.

Commissioner Isaak supports the proposal as written.

Commissioner Teitelbaum drove 155th before the hearing and said it certainly appears to be a dangerous street for children. He supports the proposal.

Commissioners Clark, Clodfelter, and Crocker all concurred.

Commissioner Overhage **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to approve the proposed SW 155th Avenue traffic calming plan for construction as shown on the attached plan and approve the final written order.

There was no further discussion.

The **MOTION CARRIED** unanimously, 7:0.

— EXCERPT END —

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Authorize the Mayor to Enter Into an Intergovernmental Agreement for Shared Use of a Public Communication Network to Access the Portland Police Data System (PPDS)

FOR AGENDA OF: 05/02/05 **BILL NO:** 05088

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Finance 

DATE SUBMITTED: 04/19/05

CLEARANCES: City Attorney 
Information Systems 

PROCEEDING: Consent Agenda

EXHIBITS: Intergovernmental Agreement

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$13,000 to \$20,000	BUDGETED \$20,000*	REQUIRED \$-0-

* Account Number 001-60-0621-318 General Fund – Police Support Services Program

HISTORICAL PERSPECTIVE:

Over the past 18 months, the cities of Beaverton, Tigard, Lake Oswego and Hillsboro, and Washington County have been working with the City of Portland to permit high speed access to the Portland's Police Data System (PPDS). The PPDS is the region's criminal records management system currently hosted by the City of Portland's Police Bureau. The major challenge to the project was to secure a route for the fiber optic network from the downtown Portland Police Building to the City of Hillsboro. The IGA group was able to secure the route using TriMet's existing conduits along the light rail line. Each jurisdiction is responsible for a one-fifth share of the cost of installing the fiber network estimated at \$13,000 to \$20,000 for each party and for ongoing yearly maintenance and operation costs estimated at \$2,000 per year for each party.

INFORMATION FOR CONSIDERATION:

The fiber network connectivity to the PPDS will enable each jurisdiction's law enforcement officers to access real-time, region-wide crime and criminal information. For Beaverton, this system will permit electronic upload of information from our police information system into the PPDS thereby eliminating the current need to enter data twice (once into our system and then duplicated into the PPDS). The fiber connection will provide increased band-width to permit the transfer and viewing of mug shot images, fingerprints and video.

Attached is the IGA setting forth the terms and conditions for participating, operating, and maintaining the fiber optic network and connectivity to the PPDS. Funding for Beaverton's portion of the installation costs are included in the FY 2004-05 adopted budget.

RECOMMENDED ACTION:

Council authorize the Mayor to enter into and sign an Intergovernmental Agreement for Shared Use of a Public Communication Network to Access the Portland Police Data System (PPDS) in a form approved by the City Attorney.

**INTERGOVERNMENTAL AGREEMENT
FOR
SHARED USE OF PUBLIC COMMUNICATION NETWORK
AND RELATED EQUIPMENT
TO ACCESS THE PORTLAND POLICE DATA SYSTEM (PPDS)**

This is an Agreement by and among the City of Beaverton ("Beaverton"), City of Lake Oswego ("Lake Oswego"), City of Tigard ("Tigard"), City of Hillsboro ("Hillsboro") and Washington County "(County)", political subdivisions of the State of Oregon, collectively referred to herein as the "parties," under Chapter 190, Oregon Revised Statutes for shared installation, operation and maintenance of computer and telecom hardware and software to allow secure, high speed access to the Portland Police Data System ("PPDS".)

In consideration of each party's performance of its obligations under this Agreement as they run to the benefit of the other parties, the parties now agree:

1. Scope; Shared Tasks. The parties agree to jointly purchase and cause to be installed at Hillsboro's premises a high speed fiber optic network connection to the City of Portland (Portland), to transmit voice, video and data to and from the PPDS server now maintained by Portland on Portland's premises and the microcomputers (or other workstations) that access the PPDS. A firewall server that is currently jointly owned by Beaverton, County, Hillsboro, and Tigard for use in providing PPDS connectivity and security and it will be provided to perform the same functions under this agreement at no additional cost to the parties beyond the normal maintenance costs associated with its operation.

2. Placement and Maintenance of Certain System Components. Hillsboro agrees to provide and maintain a suitable location for the firewall server, all communication lines connecting to same and all software installed on the server at Hillsboro's data center in Hillsboro, Oregon at no cost to the other parties. Hillsboro shall control all physical connections to the server by the parties hereto and shall limit use of this server to the purpose of providing secure access to the Portland Police Data System for the parties as well as any additional parties added through the procedures specified in Section 8. Portland will continue to maintain the PPDS server and all connections at suitable premises to be furnished by Portland and at no cost to the other parties. Hillsboro and Portland through a separate IGA agree to maintain in reasonable working condition, the fiber optic network connection and other telecom connections between the PPDS server housed at Portland to the point where that connection terminates at the communications equipment on the firewall housed at Hillsboro, not including the firewall hardware and software installed on the firewall at Hillsboro.

3. Organization.

a. Representation. The parties shall form a PPDS User Group with one voting representative to be appointed from each party. Each party may send additional non-voting staff to attend User Group Meetings.

b. Meetings. The PPDS User Group shall meet at least once per year, in July, to review

the list of IP addresses and devices currently assigned and determine the pro rata share of each party. Additional business may also be conducted at this meeting including the election of the group chairperson if the term of the then current chairperson is close to expiration.

c. Chairperson. At its first meeting the User Group shall elect a chairperson. The term of this chairperson and each subsequently elected chairperson shall be one year or until a successor is elected. The Chairperson shall devise the agenda for each meeting and shall interpret and enforce the procedures manual for use of the PPDS connection.

d. Quorum Required. A majority of the existing voting members constitutes a quorum for conducting business, including the addition of parties and addition of voting members. Any action taken at a meeting requires an affirmative vote by a majority of the voting parties attending the meeting.

4. Budget and Cost Share.

a. The original parties shall share the costs of initial purchase and installation of the fiber optic network connection between the firewall housed at Hillsboro and the PPDS server(s) housed at Portland. Each party's share shall be an equal portion of the total estimated purchase and installation costs. If the estimate exceeds the amount actually paid for the initial installation of the shared system, the balance shall be retained in a common fund to be applied to future system upgrades and other purchases and to the costs of shared maintenance of the system. If the actual costs of the installation of the fiber optic network exceed the amount collected, each party shall pay an equal share of the excessive costs.

b. At the initial organizational meeting referenced in Section 3, the parties shall establish a reasonable cost necessary to maintain the shared components. Each party shall annually pay a pro rata share of those costs to maintain the shared components of the system that are not maintained by any one of the parties at its own cost. Each Party's pro rata share shall be based on the number of fixed addresses each party has connected to the system on July 1 of each fiscal year.

c. Shared costs will be billed to each of the parties annually each August based on costs associated with the maintenance and operation of the connection and equipment. Full payment shall be due within 30 days of receipt of the invoice. Any excess funds received by the PPDS User Group shall be applied to future costs associated with the maintenance and operation of the equipment and connections.

d. The voting parties shall resolve any question as to whether maintenance or repair of a system component should be shared among the parties or instead should be paid by the party making the request, based on whether an act or omission of the party making the request is the primary cause of the need for maintenance or repair. Security of this system is crucial and the maintenance provider must meet all requirements associated with access to a criminal justice information system in addition to being technically qualified.

5. Financial Management Hillsboro will hold in trust for the benefit of all parties, all

funds payable by the parties for any and all of the goods and services to be purchased from all persons, including members of the PPDS user group and external third parties, according to this Agreement and shall pay invoices from those vendors or agencies, after the User Group Chairperson has approved payment, from those same funds. Hillsboro shall follow current generally accepted accounting principles and current government accounting and financial reporting rules in managing those funds. Hillsboro shall have no independent authority to adjust the terms of contracts with such vendors or adjust the price or rates payable to those vendors for goods and services without express prior approval of the User Group with the exception of the costs associated with the fiber optic connection which are defined and regulated under separate intergovernmental agreement (IGA) between Portland's Integrated Regional Network Enterprise (IRNE) and Hillsboro.

6. Technical Management The PPDS User group will enter into a mutually agreed upon contract with a qualified, technically competent entity to provide firewall maintenance and account management on the firewall. This agreement must, at a minimum, provide for:

- i. Hardware maintenance and troubleshooting of firewall equipment including upgrades and patches.
- ii. Software maintenance and troubleshooting of firewall software including upgrades and patches.
- iii. Qualified technical personnel meeting all requirements associated with access to criminal justice systems.
- iv. 4 hour response time for all requests during normal, non holiday work days between 8 AM and 5 PM.
- v. A single contact number for assistance during normal, non holiday work days between 8 AM and 5 PM and a single contact number for all other times.

County shall have the first right of refusal of the parties' offer to contract for these services on the terms and price offered by the parties. If County refuses and no other party is willing to provide the management services under the terms defined by the voting members, an acceptable 3rd party can be contracted to provide these services.

7. Security. All parties agree to enforce the policy to be devised and approved by the voting parties for controlling access to the PPDS system by each party's employees and for controlling use of information gained from authorized access. Access to the system shall be controlled by the maintenance provider as described in section 6, via the firewall at Hillsboro, and by Portland via the firewall at the PPDS server(s) and by restricting access to fixed IP addresses for each party. No additional addresses may be assigned without approval of the voting parties, an appropriate re-allocation of ownership shares and the cost of buy-in and maintenance, and the express acknowledgment of Portland. The approved maintenance provider and Portland shall agree on any minor operational changes necessary to maintain the system in the desired state of working order and shall communicate those changes to all parties before the changes become effective. Major changes to operational procedures shall

require approval by majority vote of the voting parties. Guidelines and examples of the distinction between major and minor changes shall be defined in the Procedures Manual.

8. Procedures. The voting parties shall approve a Procedures Manual that will contain operational definitions and participant responsibilities in a format that may change as the parties' needs change over time. The Procedures Manual once adopted may be amended at any meeting of the User Group by a majority vote of voting parties present provided that all existing parties have at least fourteen (14) days prior written notice of the proposed amendment. The Manual shall be reviewed at least annually during a regular PPDS User Group meeting for any changes deemed necessary or desirable.

9. Additional Parties. Additional parties to this Agreement are limited to those entities defined as "units of local government" in ORS Chapter 190 and authorized by Oregon law to conduct sworn law enforcement activity. Additional parties may join this Agreement only by approval by majority vote of the voting parties present at a PPDS User Group meeting providing all current parties have been notified of the proposed addition at least fourteen (14) days notice in advance of the vote. At this meeting the voting parties shall set the fee to be charged to the new party. If a majority of the voting parties present, as defined above, can not agree on an appropriate fee to be charged, the new party shall pay a fee of \$400 for each device that they connect to the new system during the first year of its membership. The buy in fee shall be applied, in equal shares, to offset the annual maintenance charges of Beaverton, County, Hillsboro, Lake Oswego, and Tigard. A new party shall also pay a fee that reflects a pro-rata share of the annual maintenance cost of the system proportional to the number of fixed IP addresses (for microcomputers and printers) that the party desires to connect to the system in relation to the total number of such addresses in the system including the new addresses. Additional parties thereafter shall share in the costs of continuing maintenance (for those system components for which maintenance costs are shared) in the same proportion (number of addresses / total addresses).

Additional parties may be granted status as a voting party only by approval by majority vote of the voting parties present at a PPDS User Group meeting providing all current parties have been notified in writing of the proposed addition at least fourteen (14) days in advance of the vote. Once granted voting rights, the party is allowed to participate as defined in Section 3. Additional parties not granted a voting right shall be allowed to send representatives to user group meetings but will not be allowed to participate in any votes called during those meetings.

10. Ownership; Termination; Dissolution. Each party shall own a partial, undivided common interest in all hardware and software purchased and installed for common use from and after the date this Agreement is executed, and in all unexpended and unencumbered funds held by Hillsboro for the parties' joint use, in the same proportion as the party pays for maintenance and continuing costs for hardware and software upgrades and for new equipment with the exception of the original firewall hardware and software which is owned by Beaverton, County, Hillsboro, and Tigard and the original

IRNE related network hardware which is owned by Beaverton, County, Hillsboro, Lake Oswego, and Tigard. This Agreement shall be of unlimited duration so long as Portland continues to serve as an access provider as defined in the separate individual agreements, and so long as Hillsboro and at least one other local government body continue to be parties. Any party may terminate its participation in this Agreement prior to dissolution by giving not less than 60 days' advance notice of its intent to terminate. The termination will not be considered effective, regardless of notice, until the party requesting to terminate its participation has paid the full costs associated with its participation for the entire fiscal year in which it requests termination. On termination a party shall not be entitled to any refund of amounts already paid by that party for start-up, maintenance or continuing costs whether or not any portion of the amount paid remains unencumbered or unexpended. On termination a party's further financial obligations as to the User Group shall cease but the party shall forfeit any and all legal and equitable claims it may have to any goods or services purchased (or held for future such purchases) for use by the parties to this Agreement. On dissolution of this Agreement, Hillsboro shall cause the then existing hardware and software to be sold and shall distribute the proceeds of the sale (and the balance of any unexpended and unencumbered funds held by Hillsboro under this Agreement) to the parties according to each party's proportional ownership interest in same. The proceeds associated with the sale of the original firewall equipment shall be divided equally among Beaverton, County, Hillsboro, and Tigard. The proceeds associated with the sale of the networking equipment purchased under the IGA with Portland for IRNE services shall be divided equally between Beaverton, County, Hillsboro, Lake Oswego, and Tigard.

11. Indemnification. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party.

SUBSCRIBED TO AND ENTERED INTO by the appropriate officer (s) who are duly authorized by resolution to execute this Agreement on behalf of the governing body of the below-named unit of local government.

Dated this _____ day of _____, 2005

City of Beaverton

City Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2005

City of Hillsboro

City Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2005

City of Lake Oswego

City Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2005

City of Tigard

City Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2005

Washington County

City Attorney
APPROVED AS TO FORM

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Bid Award Printing and Distribution of Your City Newsletter

FOR AGENDA OF: 05-02-05 **BILL NO:** 05089

Mayor's Approval: *[Signature]*
DEPARTMENT OF ORIGIN: Mayor's Office

DATE SUBMITTED: 04-25-05

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

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS:

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$6,777 FY 2004-05*	BUDGETED \$ 6,800 FY 2004-05	REQUIRED \$0
\$48,966 FY2005-06**	\$65,000 FY 2005-06	

*For the remainder of FY 2004-05, the printing and mailing of one issue would fall under the new contract in the amount of \$6,777. Funding is currently budgeted in 001-10-0657-461 (General Fund Community Events Program) for the printing and distribution of a special edition newsletter devoted to Solid Waste/ Recycling.

**For FY2005-06, \$65,000 is included in the proposed FY 2005-06 budget for the newsletter printing and distribution.

HISTORICAL PERSPECTIVE:

The City publishes and distributes a newsletter entitled *Your City* that is mailed to every household in Beaverton. There are six regular issues produced every other month. In addition, the City produces a special issue two times a year devoted to specific topics such as public safety, economic development or solid waste & recycling.

INFORMATION FOR CONSIDERATION:

On March 10, 2005 the City advertised a request for proposals (RFP) for the printing and mailing of the *Your City* newsletter in the Portland Daily Journal of Commerce with a response due date of March 29, 2005. Six proposals were submitted to the City. A committee consisting of Mayor's Office staff and a representative from purchasing reviewed the proposals and made recommendations to the Chief of Staff.

The committee examined many factors to evaluate the proposals including: mail preparation experience, ability to meet City timelines, ability to meet technical specifications of the proposal, experience and professional services provided by the vendor, standards of production, budget, and completeness of the proposal. After reviewing the submissions the committee recommended that the bid for printing and distribution of the city newsletter be awarded to Community Newspapers of Portland, Oregon. The Chief of Staff concurred with the recommendation. Community Newspapers is the current printer and distributor of the *Your City* newsletter and the City has been very satisfied with their work product.

The City currently has the newsletter printed on 50 pound uncoated white bookstock paper. Staff recommend upgrading to a 60 pound uncoated white bookstock paper. The advantage to the paper change is the paper is less likely to show the printing on the other side of the paper. The costs for the six, two-color issues will be \$5,902 per issue. The costs for the two special issues will be \$6,777 per issue. Estimating eight issues per fiscal year the total would be \$48,966.

RECOMMENDED ACTION:

Council, acting as the Contract Review Board, award the contract for Printing and Distribution of the Your City Newsletter to Community Newspapers of Portland, Oregon, for \$5,902 per regular issue and \$6,777 per special issue and in a form approved by the City Attorney. The initial term of service shall be one year with an automatic renewal for four additional one-year options. The maximum duration of the service would not exceed five years.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: APP 2005-0002 Appeal of Garden Grove Preliminary PUD (CU 2004-0021), and Decision on Final PUD Development Plan

FOR AGENDA OF: 05-02-05 **BILL NO:** 05090

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 04-19-05

CLEARANCES: Dev. Services *[Signature]*

City Attorney *[Signature]*

PROCEEDING: Public Hearing

EXHIBITS: Council Agenda Packet of 04-04-05
Staff memo dated April 18, 2005
Staff memo dated April 19, 2005
and attachments

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

CES-NW submitted a Conditional Use application for a Planned Unit Development (PUD) to allow a 15-lot single-family residential development (Garden Grove PUD; CU 2004-0021). On February 16, 2005, the Planning Commission conducted a public hearing and approved the application finding the proposal met the relevant criteria for approval. On March 1, 2005, the Commission adopted Order No. 1784 memorializing the decision with supplemental findings. On March 11, 2005, Ms. Susan Greer submitted a Notice of Appeal, objecting to the Commission's decision.

Upon the request of the applicant, City Council continued the public hearing from April 4, 2005 to May 2, 2005. The purpose of the continuance was to provide the ability for Council to consider and approve a Final Planned Unit Development (PUD) request and not be limited to a decision only on the appeal of the Preliminary PUD. The Director has determined that the appropriate decision-making body for the Type 3 Final PUD is the City Council. A new public notice that advertises both the pending appeal and the Final PUD has been provided. The attached staff memorandum dated April 18, 2005 provides findings for approval of the Final PUD request.

The development site is located on vacant property south of SW Canby Street and north of SW Multnomah Boulevard, and is specifically identified as Tax Lot 301 on Washington County Assessor's Tax Map 1S1-24DA. The property is approximately 2.8 acres in size and is zoned R-7 Urban Standard Density, a zone in which single-family detached dwellings are permitted outright and requiring Conditional Use approval for a PUD.

INFORMATION FOR CONSIDERATION:

This appeal hearing will consider the application *de novo*. The appellant alleges in the Notice of Appeal, dated March 11, 2005, that the Planning Commission erred in its decision to approve CU 2004-0021 based upon traffic issues and compatibility of future homes with the surrounding area. In this appeal, staff provides responses to the appeal in the Memorandum to Council, dated March 23, 2005. Documents including the Notice of Appeal, the Commission's Land Use Order on this matter, the Staff Report, Memoranda, Planning Commission hearing minutes, and all exhibits presented to the Commission, including letters, were presented to the Council in AB# 05066 dated April, 4, 2004. Those materials, in addition to two memorandums and attachments, are attached for the Council's consideration.

The City Council has asked staff if there are current vehicle trip counts for traffic on SW Canby Street. The City has completed a traffic count and speed study on SW Canby Street. The location of the study was between the north and south leg of SW 68th Avenue. The average weekday traffic volume was 900 vehicles per day. Saturday traffic volume was 850 vehicles per day and Sunday was 750 vehicles per day. The 85 percentile speed was 28 mph meaning 85 percent of the drivers were traveling at this speed or slower.

The City Council may conduct a single public hearing that includes both the Appeal of the Preliminary PUD and the Final PUD. The Council may make one of the following decisions after the hearing closes: approve or deny the application, continue the hearing, reverse or affirm the Planning Commission decision, or remand the matter to the Planning Commission for public hearing. The deadline for a final notice of decision by the City is May 20, 2005.

RECOMMENDED ACTION:

Conduct a public hearing, deny the appeal (APP 2005-0002), and approve CU 2004-0021 as a Final PUD. Further, it is recommended that Council direct staff to prepare findings and a final order that embodies the Council's decision.

MEMORANDUM

City of Beaverton
Office of the City Recorder

To: Mayor Drake and Councilors
From: Sue Nelson, City Recorder
Date: April 26, 2005
Subject: **Agenda Bill 05066 from Council Meeting of
04/04/05: APP 2005-0002 Appeal of Garden
Grove PUD; Conditional Use Approval (CU
2004-0021)**

Agenda Bill 05066, from the Council Meeting of April 4, 2005, was previously scanned with the Council Packet for April 4, 2005.

The complete agenda bill and attachments are available for review in the City Recorder's Office on the third floor of Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, OR. The office is open weekdays between 8:00 a.m. and 5:00 p.m.

If you have any questions regarding this item, please call (503) 526-2650.



**MEMORANDUM
City of Beaverton
Community Development Department**

"make it happen"

To: Mayor and City Council
From: John Osterberg, Senior Planner
Date: April 18, 2005
Subject: *APP 2005-0002, CU 2004-0021; Garden Grove PUD Appeal and Final Planned Unit Development Decision*

Background

Upon the request of the applicant, CES-NW, the City Council continued the public hearing on the Garden Grove Appeal from April 4, 2005 to May 2, 2005. The purpose of the continuance was to provide the ability for Council to approve a Final Planned Unit Development (PUD) request and not be limited to a decision only on the appeal of the Preliminary PUD.

In an effort to combine the Appeal and Final PUD requests, in accordance with the provisions of Section 50.15 of the Development Code, the Director has determined that the appropriate decision making body for the Type 3 Final PUD is the City Council, and that public notice of the combined applications before the Council shall be subject to the applicable notice provisions of Section 50.45 which affords the greatest amount of public notice provided by the Development Code. Therefore, staff have provided new public notice by mail, newspaper and on-site signs, that advertises both the pending appeal and the Final PUD, as per Section 50.45, for a decision by Council

The City Council should conduct a public hearing that includes both the Appeal of the Preliminary PUD and which includes testimony and findings on the Final PUD criteria for approval in accordance with Beaverton Development Code. The Council may make one of the following decisions after the hearing closes: approve or deny the application, continue the hearing, reverse or affirm the Planning Commission decision, or remand the matter to the Planning Commission for public hearing.

Final Planned Unit Development Criteria

Section 40.15.15.6.C lists the ten (10) approval criteria for Final PUD approval. A majority of the criteria are the same as the Preliminary PUD criteria that have been addressed by staff in the January 5, 2005 staff report (Exhibit 2.1, page 67), as amended by staff memoranda dated February 9, 2005 (Exhibit 16 page 58, and March 23, 2005, (Exhibit 6, page 13). Staff will address the Final PUD criteria below, providing a response to each criterion.

Staff Memo to Council: April 18, 2005

Section 40.15.15.6.C. Approval Criteria:

In order to approve a Conditional Use application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Final PUD application.

Facts and Findings:

Section 40.15.15.6.A Threshold: An application for Final Planned Unit Development of a Conditional Use shall be required when one or more of the following thresholds apply:

- 1. "A Final Planned Unit Development (PUD) application is the second application of a two-step application process with a Preliminary PUD as the first step. A Final PUD application may also be a one-step application process which is an alternative to the two-step process required when an applicant chooses to apply for a Preliminary PUD. The option of a one-step or two-step process rests with the applicant. The requirements for a Final PUD may be applied to properties within any City zoning district except Residential-Agricultural."*

The applicant requests approval of the proposed development as a Final Planned Unit Development. Planned Unit Developments are permitted in the R-7 zoning district by approval of a Conditional Use Permit. It is at the applicant's discretion whether to request approval through a two-step process (a Preliminary PUD request and then a Final PUD request) or through a one-step process (a request for a Final PUD only). Public notice requirements for the Council render a decision on the requested Final PUD have been met. Therefore, staff find that the criterion is met.

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

Facts and Findings:

The City has received the fee of \$1,274.00 for a Type 3 Conditional Use – PUD application. The amount of the fee is the same whether the applicant submits a Preliminary or Final PUD request. Therefore, staff find that the application fee, which can be applied to a Final PUD, has been paid by the applicant. Therefore, staff find that the criterion is met.

Staff Memo to Council: April 18, 2005

Garden Grove PUD

3. *If a Preliminary PUD has been approved, the Final PUD is filed within two (2) years or the Preliminary PUD has received an extension approval pursuant to Section 50.93 of this Code.*

Facts and Findings:

The applicant has elected to request the Final PUD application process in accordance with Development Code Section 40.15.15.6.A.1. Therefore, Preliminary PUD approval is not necessary for Final PUD approval if the applicant has requested and the City has provided public notice of a Conditional Use Permit for a Final PUD. Therefore, staff find this approval criterion is not applicable.

4. *The final PUD complies with the approved Preliminary PUD, if any.*

Facts and Findings:

As stated under Criterion 3 (above), the applicant requests approval of a Final Planned Unit Development through the one-step Final PUD option, so that Preliminary PUD approval is not required for approval of a Final PUD. Therefore, staff find this criterion is not applicable.

5. *The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless the setbacks are approved as an Adjustment, Flexible Setback or Variance which shall be considered concurrently with the subject proposal.*

Facts and Findings:

Final PUD Criterion 5 (above) is the same as Preliminary PUD Criterion 3. Staff cite the applicable findings contained in the January 5, 2005 staff report (Exhibit 2.1, page 81), as amended by staff memoranda dated February 9, 2005 (Exhibit 16, page 58, and March 23, 2005, (Exhibit 6, page 13), as applicable to Final PUD Criterion 5. Therefore, staff find this criterion is met.

6. *The proposal will comply with the applicable policies of the Comprehensive Plan.*

Facts and Findings:

Final PUD Criterion 6 (above) is the same as Preliminary PUD Criterion 4. Staff cite the applicable findings contained in the January 5, 2005 staff report (Exhibit 2.1, page 81-87), as amended by staff memoranda dated February 9, 2005 (Exhibit

16, page 58, and March 23, 2005, (Exhibit 6, page 13), as applicable to Final PUD Criterion 6. Therefore, staff find this criterion is met.

7. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.

Facts and Findings:

Final PUD Criterion 7 (above) is the same as Preliminary PUD Criterion 5. Staff cite the applicable findings contained in the January 5, 2005 staff report (Exhibit 2.1, page 87-88), as amended by staff memoranda dated February 9, 2005 (Exhibit 16, page 58, and March 23, 2005, (Exhibit 6, page 13), as applicable to Final PUD Criterion 7. Therefore, staff find this criterion is met.

8. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.

Facts and Findings:

Final PUD Criterion 8 (above) is the same as Preliminary PUD Criterion 6. Staff cite the applicable findings contained in the January 5, 2005 staff report (Exhibit 2.1, page 88-89), as amended by staff memoranda dated February 9, 2005 (Exhibit 16, page 58, and March 23, 2005, (Exhibit 6, page 13), as applicable to Final PUD Criterion 8. Therefore, staff find this criterion is met.

9. The lessening of the Site Development Requirements results in benefits to the enhancement of site, building, and structural design or preservation of natural features.

Facts and Findings:

Final PUD Criterion 9 (above) is the same as Preliminary PUD Criterion 7. Staff cite the applicable findings contained in the January 5, 2005 staff report (Exhibit 2.1, page 89), as amended by staff memoranda dated February 9, 2005 (Exhibit 16, page 58, and March 23, 2005, (Exhibit 6, page 13), as applicable to Final PUD Criterion 9. Therefore, staff find this criterion is met.

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

Facts and Findings:

Final PUD Criterion 10 (above) is the same as Preliminary PUD Criterion 8. As noted under Final PUD Criteria 1, 2 and 3 above, it is at the applicant's option to request approval of a one-step Final PUD instead of a two-step process. Staff cite the applicable findings contained in the January 5, 2005 staff report (Exhibit 2.1, page 90), as amended by staff memoranda dated February 9, 2005 (Exhibit 16, page 58, and March 23, 2005, (Exhibit 6, page 13), as applicable to Final PUD Criterion 10. Staff find that, in addition to the appeal on the Preliminary PUD (APP 2005-0002), the applicant's request to have a Final PUD reviewed by Council, is consistent with proper sequencing of applications and documents. Therefore, staff find that the approval criterion is met.

Recommendation In support of Approval of Garden Grove PUD:

Based on the facts and findings contained in the following documents:

- (1) Planning Commission Land Use Order 1784,
- (2) the January 5, 2005 staff report,
- (3) and staff memoranda dated February 9, 2005, March 23, 2005, and April 18, 2005,

Staff recommend **DENIAL** of APP 2005-0002: Appeal of CU 2004-0021 Garden Grove PUD, and **APPROVAL** of a Final PUD request for the Garden Grove development proposal.



MEMORANDUM
City of Beaverton
Community Development Department

"make it happen"

To: Mayor and City Council
From: John Osterberg, Senior Planner
Date: April 19, 2005
Subject: *APP 2005-0002, CU 2004-0021; Garden Grove PUD Appeal and Final Planned Unit Development Decision*

Additional Material Submitted by Staff

(1) Staff is submitting the minutes of the Planning Commission hearing of January 5, 2005 (as Exhibit 15.1), as that was the first of two hearings by the Commission on the Garden Grove PUD. The minutes of January 5, 2005 were inadvertently not included with the Council's agenda packet for the hearing of April 4, 2005.

(2) Staff is submitting a copy of the color original of the PUD and Land Division site plan, dated 2/16/05, that was viewed by the Planning Commission. This plan is the amended plan approved by the Commission. Staff note that the 8.5 x 11 inch plans found on pages 163-170 is also the plan set approved by the Commission. Staff did not provide Council with the original submitted site plan in order to reduce potential confusion between multiple plan sets in the record. If Council wishes to view the original plans, staff will have them available at the public hearing.

Comment by Staff on Garden Grove Access to Multnomah Boulevard.

Documents pertaining of the proposed development's access to Multnomah Blvd. are found in the Council's packet on pages 174 – 176 and page 291. Multnomah Boulevard is located within the City of Portland and the north edge of the street right-of-way forms the southern boundary of the Garden Grove site. The documents in the record indicate that the applicant contacted the City of Portland's Office of Transportation in 2001 asking for comment on the proposed development (at that time known as the 'Mossyrock PUD'), and specifically requesting confirmation of the City of Portland's jurisdiction over Multnomah Blvd. and comment on the applicant's access proposal.

Glen Pierce, of the Portland's Office of Transportation provided comment, dated August 24, 2001, (page 176). Because Mr. Pierce's comments may be difficult to read, staff provide the following transcription:

Staff Memo to Council: April 19, 2005

Garden Grove PUD

“Very reasonable plan - Preserves option for future public street connection to SW Multnomah at appropriate location with intermediate bike/ped and emergency access. See notes re: possible alignment through T.L. 300. I have no objections to this concept. Glen Pierce, Portland Transportation, Aug. 24, 2001.”

Staff cannot fully determine the additional notes on Tax Lot 300 (Power Plumbing 6611 SW Multnomah Blvd.) that Mr. Pierce refers to. The plan (page 176) shows the future street extension through the Power Plumbing site with two alternative alignment concepts. In either case, both street alternatives align with the intersection of SW Kelsi Court on the south side of Multnomah Blvd. Council should be aware that Power Plumbing is a non-conforming use within Beaverton’s R-7 zone, so that discussion of a future street extension through that site, (between Multnomah Blvd. and the proposed Garden Grove) is based upon redevelopment of Power Plumbing at some future time, for a residential development.

Staff has contacted the City of Portland’s Transportation Office in March of 2005 and has been advised that Mr. Pierce’s 2001 comments are consistent with Portland staff’s current opinion on street access to Multnomah Blvd. The City of Portland continues to express support for the applicant’s future street alignment concept and the interim pedestrian, bike and emergency access within Garden Grove PUD to Multnomah Blvd. It is noted that in 2001 Mr. Pierce indicated the necessity for the interim emergency access to meet Portland’s engineering design standards at Multnomah Blvd. (see page 291).

1 **PLANNING COMMISSION MINUTES**

2
3 **January 5, 2005**

4
5 **CALL TO ORDER:** Chairman Eric Johansen called the meeting
6 to order at 6:30 p.m. in the Beaverton City
7 Hall Council Chambers at 4755 SW Griffith
8 Drive.

9
10
11 **ROLL CALL:** Present were Chairman Eric Johansen,
12 Planning Commissioners Bob Barnard, Alan
13 DeHarpport, Dan Maks, Shannon Pogue,
14 and Scott Winter. Planning Commissioner
15 Gary Bliss was excused.

16
17 Development Services Manager Steven
18 Sparks, AICP, Senior Planner John
19 Osterberg, Senior Planner Colin Cooper, Site
20 Development Project Engineer Jim Duggan,
21 Associate Planner Liz Jones, Assistant
22 Planner Jeff Caines, Assistant City Attorney
23 Ted Naemura, and Recording Secretary
24 Sheila Martin represented staff.

25
26
27 The meeting was called to order by Chairman Johansen, who
28 presented the format for the meeting.

29
30 **VISITORS:**

31
32 Chairman Johansen asked if there were any visitors in the audience
33 wishing to address the Commission on any non-agenda issue or item.
34 There were none.

35
36 **STAFF COMMUNICATION:**

37
38 Staff indicated that there were no communications at this time.

39 **NEW BUSINESS:**

40
41 **PUBLIC HEARINGS:**

- 42
43 A. **FLOODPLAIN TEXT AMENDMENT**
44 1. **TA2004-0008 – TEXT AMENDMENT**

1 This proposal updates Beaverton Development Code regulations
2 that affect property within the City that is also within the
3 floodplain of Fanno Creek.
4

5 Chairman Johansen opened the Public Hearing and read the format
6 for Public Hearings. There were no disqualifications of the Planning
7 Commission members. No one in the audience challenged the right of
8 any Commissioner to hear any of the agenda items, to participate in
9 the hearing or requested that the hearing be postponed to a later date.
10 He asked if there were any ex parte contact, conflict of interest or
11 disqualifications in any of the hearings on the agenda. There was no
12 response.
13

14 Chairman Johansen provided a brief description of the hearing
15 process.
16

17 Associate Planner Liz Jones presented the Staff Report and described
18 the proposal, observing that this would involve modification to
19 Development Code Section 60.10 pertaining to the floodplain
20 regulations. She pointed out that the purpose of this modification is to
21 adopt by reference the most current Federal Emergency Management
22 Act (FEMA) study and maps for the Fanno Creek Floodplain, adding
23 that this required a Measure 56 notice which had been mailed out to
24 the owners of all of the properties potentially affected by this proposal.
25 Observing that the notices had generated approximately ten telephone
26 calls from affected property owners, she noted that the majority of
27 these calls involved clarification with regard to the effect on the
28 property. Concluding, she recommended that the Planning
29 Commission recommend approval of the text amendments to the City
30 Council, and offered to respond to questions.
31

32 Referring to pages 3 and 8 of the Staff Report, Commissioner
33 DeHarport requested clarification that the effective date of the flood
34 insurance study is February 18, 2005.
35

36 Ms. Jones confirmed that February 18, 2005 is the effective date of the
37 study.
38

39 **PUBLIC TESTIMONY:**
40

41 No member of the public testified with regard to this proposal.
42

43 Site Development Project Engineer Jim Duggan referred to
44 illustrations on the wall and explained that the map on the left

1 illustrates an existing floodplain map that has been effective since
 2 1987 while the map on the right is an example of the new floodplain
 3 map for the same area, observing that the updated version is more
 4 user-friendly and precise.

5
 6 The public portion of the Public Hearing was closed.

7
 8 Commissioners Maks, DeHarpport, Pogue, Barnard, and Winter and
 9 Chairman Johansen expressed their support and approval of the
 10 proposal.

11
 12 Commissioner Pogue **MOVED** and Commissioner Barnard
 13 **SECONDED** a motion to **APPROVE** TA 2004-0008 – Floodplain Text
 14 Amendment, based upon the testimony, reports and exhibits, and new
 15 evidence presented during the Public Hearings on the matter, and
 16 upon the background facts, findings and conclusions found in the Staff
 17 Report dated December 29, 2004, and providing for a recommendation
 18 for approval to the City Council.

19
 20 Motion **CARRIED** by the following vote:

- 21
 22 **AYES:** Pogue, Barnard, DeHarpport, Maks, Winter, and
 23 Johanssen.
 24 **NAYS:** None.
 25 **ABSTAIN:** None.
 26 **ABSENT:** Bliss.

- 27
 28 **B. GARDEN GROVE 15-LOT PUD**
 29 **1. LD2004-0030 – LAND DIVISION**
 30 **2. CU2004-0021 – CONDITIONAL USE**
 31 **3. FS2004-0017 – FLEXIBLE SETBACK**
 32 **4. TP2004-0018 – TREE PLAN**

33 The applicant requests Conditional Use approval for a Final
 34 Planned Unit Development (PUD) and associated Land Division for
 35 a Preliminary Subdivision to create a 15 single family residential
 36 development. In association with the proposed PUD and
 37 subdivision, the applicant requests approval of a Tree Plan Two
 38 application to remove Community Trees on the site, and a Flexible
 39 Setback application to request a “zero” side and rear yard setbacks
 40 in two proposed open space tracts within portions of the parent
 41 parcel. One open space tract is proposed on the north side of the
 42 parent parcel, adjacent to Canby Street. The other open space tract
 43 is proposed on the south side of the parent parcel, adjacent to
 44 Multnomah Blvd. The PUD request is to provide flexibility to the

1 dimensional standards of the R-7 zoning district to accommodate
2 the development, including but not limited to the reduction to
3 minimum lot size, reduction to the internal building setback
4 requirements within the parent parcel, and the modification of
5 street standards, and the construction of a private street serving
6 three (3) lots, while creating approximately 20% of open space. The
7 Preliminary Subdivision application is a request to create 15 single
8 family lots, two open space tracts, and one tract for a private street.
9 The subject site is approximately 2.8 acres in size and is located on
10 SW Canby Street, west of SW Canby Lane.

11
12 Chairman Johansen briefly described the hearing process.

13
14 Commissioner Barnard disclosed that he had at one point met with the
15 builders involved in this project, adding that while they had discussed
16 building a personal residence on this site, this project had not been
17 completed and this discussion would not affect his ability to participate
18 in an impartial decision on the applications associated with this
19 proposal.

20
21 Commissioner DeHarpport disclosed that he has a professional
22 relationship with the applicant's engineers, CES Northwest,
23 emphasizing that this would not affect his ability to participate in an
24 impartial decision on the applications associated with this proposal.

25
26 Commissioners Maks, Bliss, DeHarpport, and Pogue and Chairman
27 Johansen indicated that they had visited the site and had no contact
28 with any individual(s) with regard to this proposal.

29
30 Commissioner Barnard indicated that he had not had an opportunity
31 to visit the site.

32
33 Assistant Planner Jeff Caines submitted the Staff Report and
34 provided several corrections, as follows:

- 35
36 1. The Public Notice should indicate a preliminary Planned Unit
37 Development (PUD), rather than a final PUD.
38
39 2. Page 17 of the Staff Report should indicate SW Kelsi Avenue,
40 rather than SW Crestwood Drive.
41
42 3. Page 19 of the Staff Report, Section 40.15.15.6.C should be
43 Section 40.15.15.5.C.
44

1 Observing that these revisions do not change any of staff's
2 recommendations pertaining to these applications, Mr. Caines briefly
3 described the four applications associated with this proposal.
4 Observing that staff recommends approval of the Flexible Setback
5 (FS) and the Tree Plan (TP), he discussed the recommendation for
6 denial of both the Conditional Use (CU) and the Land Division (LD).
7 He pointed out that the City Engineer has denied the applicant's
8 application for a Street Design Modification (SDM) for SW Kelsi
9 Avenue. Concluding, he mentioned that the applicant would be
10 required to provide a standard Neighborhood Route on the site,
11 rather than curb tight sidewalks, which the City Engineer does not
12 find are justified, and offered to respond to questions.

13
14 Commissioner Winter described several necessary corrections to the
15 Staff Report, as follows:

- 16
17 1. Page 23, Section 5.6.1.a. "...units with sewer a sewer
18 connection which shall be connectsed with the City sewer..."
- 19
20 2. Page 23, Section 5.7.1.f. "The City of Beaverton has notified
21 the Beaverton School District as of the scope..."
- 22
23 3. Page 25, lines 4-6. "As SW Kelsi Avenue is, a local street and
24 bicycle lanes are not being proposed, Bbike access will be..."

25
26 Referring to paragraph 5 of page 10, Commissioner Maks requested
27 clarification with regard to the status of the applicant's request for a
28 SDM.

29
30 Mr. Caines responded that he had discussed this issue with the City
31 Engineer who had advised him that the City Engineer had reviewed
32 the request and determined that a SDM is not warranted. He
33 pointed out that the current situation involves a 15-unit PUD with a
34 SDM that would not be approved and that this could potentially alter
35 the shape, size and square footage of the lots.

36
37 Commissioner DeHarpport questioned how Criterion 4 could be met
38 if the SDM is not approved.

39 Mr. Caines explained that at the time that the Staff Report was
40 prepared, the City Engineer had not yet made a decision with regard
41 to the SDM and that a revised plan set indicating the standard street
42 width has not been submitted.

43

1 Observing that the Facilities Review Committee Meeting had
2 occurred on December 8, 2004, Commissioner DeHarpport pointed
3 out that the applicant has had nearly one month to provide this
4 revised plan set. Noting that he understands that the applicant
5 intends to meet with Tualatin Valley Fire and Rescue (TVF&R) with
6 regard to Conditions of Approval Nos. 22, 23, and 27, without a
7 Service Provider Letter, the decision-making body has no way to
8 determine whether this critical service is necessary.

9
10 Mr. Caines indicated that he had discussed the issue with Fire
11 Marshall John Dalby, adding that he would be signing off on the Site
12 Development Permit, at which point he would closely review the fire
13 access and recommend any necessary changes. On question, he
14 advised Commissioner DeHarpport that the proposed turnaround
15 meets code requirements and that TVF&R has given verbal approval
16 of the design, and that no budget has been submitted.

17
18 Referring to Criterion 6 on page 11 of the Staff Report,
19 Commissioner DeHarpport noted that he had found no Condition of
20 Approval pertaining to the requirement for a minimum setback of
21 18.5 feet for the garage area.

22
23 Mr. Caines responded that it would most likely be necessary to add
24 this Condition of Approval if the project is approved.

25
26 Referring to Criterion 7 on page 12 of the Staff Report,
27 Commissioner DeHarpport requested clarification with regard to the
28 intersection spacing requirement for SW Canby Street.

29
30 Mr. Duggan explained that there is no particular spacing
31 requirement on local streets such as SW Canby Street, adding that
32 in this particular situation, the City Traffic Engineer has reviewed
33 and deemed that the proposed street location is appropriate for a
34 new street connection.

35
36 Referring to page 20 of the Staff Report, specifically with regard to
37 the request for the FS, Commissioner DeHarpport questioned
38 whether there has been a Director's Interpretation pertaining to the
39 intent of Development Code Section 60.35.15.2.

40
41 Development Services Manager Steven Sparks responded that while
42 there is no prepared Director's Interpretation, this does involve a
43 Planning Director's Determination/Interpretation to the
44 Development Code as it applies to a specific application. Observing

1 that the Planning Director and staff make interpretations on a daily
2 basis on issues without the benefit of a formal Director's
3 Interpretation, he explained that this had been brought to the
4 attention of the Community Development Director.

5
6 Expressing his appreciation of Mr. Sparks' comments, Commissioner
7 DeHarpport expressed concern with the definite distinction between
8 parent parcel setbacks and the proposed lot setbacks, adding that he
9 wants to make certain that the intent of this interpretation is to
10 exclude parent parcel setbacks from the 20% open space
11 requirement.

12
13 Referring to the first paragraph of page 25 of the Staff Report and
14 noting that this section had already been revised by Commissioner
15 Winter, Commissioner DeHarpport requested that staff re-evaluate
16 and correct the language appropriately. He questioned whether
17 there is bicycle access over the open space out to Multnomah
18 Boulevard.

19
20 Mr. Caines responded that there is a pedestrian walkway/emergency
21 access/bicycle/walking space in this area, adding that this is not
22 actually designated within the Comprehensive Plan.

23
24 Referring to page 25 of the Staff Report, specifically Policy 6.2.2.f,
25 Commissioner DeHarpport pointed out that Tri-Met Bus Route 45
26 travels within 1/10 of a mile of that intersection of the pedestrian/
27 emergency access and Multnomah Boulevard.

28
29 Observing that he is aware of Route 45, Mr. Caines advised
30 Commissioner DeHarpport that this route travels through Garden
31 Home rather than Multnomah Boulevard, adding that while Route 1
32 (Vermont) is also within $\frac{3}{4}$ of a mile, it turns off prior to reaching
33 this area.

34
35 Referring to page 25 of the Staff Report, specifically Policy 6.2.3.b,
36 Commissioner DeHarpport pointed out that page 3 of 6 of the plan
37 set notes that the property line for SW Kelsi Avenue ends at Station
38 4.63.59, which is approximately 463 feet from the centerline of
39 Canby Road. He expressed concern that any future connectivity
40 from SW Kelsi Avenue to Multnomah Boulevard should be public as
41 far as the southern terminus, adding that he would get clarification
42 from the applicant.

43

1 Referring to the Conditions of Approval on the Tree Plan, specifically
2 Condition of Approval No. 13.d, Commissioner Maks pointed out that
3 this needs to be under 13.b and 13.c, emphasizing that this should be
4 addressed during the site development phase.

5
6 Commissioner Barnard referred to page 30 of the Staff Report, and
7 questioned the feasibility of meeting Criteria 3, 4, and 5 when the
8 location of the road is still uncertain.

9
10 Mr. Caines explained that the proposed project includes a large Tract
11 "C" abutting Multnomah Boulevard and agreed that relocating the
12 road could potentially revise the location of the lots.

13
14 Referring to the 20% open space requirement described in Criteria 3
15 on page 20 of the Staff Report, Commissioner Pogue questioned
16 whether this requirement has been met.

17
18 Mr. Caines advised Commissioner Pogue that staff attempts to
19 provide some flexibility to allow the applicant to address this
20 requirement.

21
22 Referring to Criteria 4 on page 10 of the Staff Report, Chairman
23 Johansen pointed out that while staff is suggesting that the current
24 proposal does not adequately meet the open space requirement, they
25 are indicating that applicable approval criteria has been met.

26
27 Mr. Caines described several options that are available for
28 addressing the 20% open space requirement.

29
30 **APPLICANT**

31
32 **KIRSTEN VAN LOO**, Principal Planner representing *CES Northwest*,
33 on behalf of the applicant, suggested that it might be appropriate to
34 respond to some of the technical questions prior to the presentation.

35
36 On question, Chairman Johansen advised Ms. Van Loo that she has
37 the ability to proceed as she sees fit within the 20 minutes allowed for
38 her presentation.

39
40 Observing that she has represented the applicant with regard to this
41 proposal for 2½ years and that three pre-application conferences have
42 been involved, Ms. Van Loo pointed out that there have been several
43 changes to the Development Code during this time. She noted that by
44 the time the numerous encroachment issues and design problems on

1 this project have been addressed, the standards and criteria for the
2 various application processes have changed, resulting in a PUD
3 application involving standards that are very different from those that
4 were originally involved. Emphasizing that the applicant has prepared
5 a minimum of 30 different site plans for this project, including
6 apartments, row houses, duplexes, and single-family homes, she
7 expressed her opinion that this is the most difficult in-fill site she has
8 addressed in 27 years. She explained that the applicant team had
9 attempted to create a design that makes sense, adding that this had
10 involved creating various lot sizes and meeting with the neighbors,
11 who have expressed concern with the compatibility of this project with
12 the existing neighborhood. She mentioned that creating a very urban
13 project in the midst of this non-urban area has been a great challenge,
14 noting that the applicant has prepared the best possible design.
15 Referring to CC&Rs and maintenance fee issues, she stated that she
16 has never been asked by any staff to submit draft CC&Rs or budgets
17 for maintenance of open space, adding that she would be happy to offer
18 this documentation if necessary for approval.

19
20 Ms. Van Loo noted that there is a technical issue that she would like to
21 clarify on page 15 of the Staff Report, as follows: Proposed Lot
22 Building Setbacks, Lots 8, 9, and 10, should be 15 feet, rather than 20
23 feet, in order to provide a 20-foot rear yard to address concerns
24 expressed by the neighbors. She pointed out that she believes that
25 there may be some confusion on the part of the Planning Commission
26 with regard to the agreements made between staff and the applicant at
27 the Facilities Review Meeting, noting that this involved a request for a
28 modification to the street standards for a curb-tight sidewalk versus a
29 five-foot planter strip and sidewalk, which would narrow the overall
30 right-of-way for a nominal amount.

31
32 Ms. Van Loo discussed staff's concern with the corner turning radii to
33 allow the street sweepers to function and observed that this issue could
34 be addressed through an appropriate Condition of Approval,
35 emphasizing that it would not be necessary to revise or recreate the
36 drawings. Noting that an appropriate amount of open space appears to
37 be a major issue, she discussed various methods of determining this
38 amount. She described her extensive qualifications with regard to
39 land use planning and pointed out that while they may disagree with
40 her position, she is obligated to advise the Planning Commission that
41 the Development Code defines a Setback as the "minimum allowable
42 horizontal distance from a given point or line of reference to the
43 nearest vertical wall or other element of a principal building or
44 structure". She explained that this clearly indicates that the intent of

1 a setback is from a property line or edge of a space to a building,
2 adding that there is no reference to setbacks in an open space where no
3 building exists. Observing that she has been involved in land use
4 planning for many years, she noted that it is her professional
5 experience that the intent of that section of a PUD Ordinance that this
6 language has generally been utilized to preclude the use of a front yard
7 or a rear yard in an individual lot from being used as common open
8 space because it is private open space, rather than public open space.

9
10 Ms. Van Loo referenced a letter dated November 4, 2004, from Mr.
11 Caines, specifically a certain paragraph, as follows:

- 12
13 1. Staff has reviewed your calculations for the required Open
14 Space tracts. It appears that you included the required set-
15 backs for the parent parcel in your calculations. As indicated on
16 the incomplete letter dated August 20, 2004, setback
17 requirements cannot be included in the required open space
18 calculations. Section 60.35.15.2 states: Land required to be set
19 aside as setbacks or buffers shall not be included in the
20 calculation of required open space. If any portion of the required
21 20% open space is located within the parent parcel setback, staff
22 **will not** be able to support your findings for CUP – PUD
23 approval. Please note, however, that it may be possible to
24 reduce the parent parcel setback requirement via the
25 application for Flexible Setback. Your application for flexible
26 setback might consider a reduction to respective parent parcel
27 setbacks applicable to the area where the open space tract is
28 shown.

29
30 Referring to page 8 of her findings, Ms. Van Loo indicated that she had
31 done exactly what was recommended by staff, observing that she had
32 submitted an application for a Flexible Setback to the parent parcel
33 setbacks. She agreed that she may have been slightly testy in her
34 word “hypothetical”, observing that while she has a difficult time
35 understanding the rationale for a setback to something that does not
36 exist, she had followed staff’s recommendation. Expressing her opinion
37 that it was not appropriate for staff to encourage her to apply for a
38 setback reduction through the Flexible Setback option only to indicate
39 that they did not mean what they had indicated. Observing that she
40 feels that this approach was disingenuous, she pointed that this had
41 cost her client an additional \$800.00 and several hundred dollars
42 worth of her own time in order to prepare the findings. She noted that
43 if the Planning Commission actually believes that the definition of
44 setback is irrelevant, that the intent of the Open Space PUD

1 Ordinance means other than what it says, and that the Flexible
2 Setback Ordinance, which never indicates any intent to not apply to
3 the parent setbacks, she has a plan that is substantially similar to the
4 one that has already been provided. Noting that there are several
5 differences, she explained that the Open Space tract is slightly larger,
6 the individual lots are narrower and there are additional Open Space
7 tracts between Lots 2 and 3, Lots 4 and 5, Lots 12 and 13, and between
8 Lots 14 and 15. She pointed out that this particular plan meets the
9 specific requirements and has 41,289 square feet of Open Space,
10 including the area that does not count as Open Space although it is
11 located within the Open Space. Emphasizing that 25.82% of the site is
12 set aside as Open Space, she explained that while this more than
13 meets the numerical criteria of 20% Open Space, the lots and homes
14 would be narrower and less similar to the lots and homes that
15 currently exist in this area. Concluding, she mentioned that she is
16 willing to consider a continuance to provide the Commissioners with
17 adequate time to review the materials, and offered to respond to
18 questions.

19
20 Referring to Ms. Van Loo's statement with regard to a "nominal" street
21 width change, Commissioner Maks asked her to define "nominal".
22

23 Ms. Van Loo responded that it would be possible to create easements
24 that would not revise the right-of-way, adding that the sidewalks and
25 easements could be located behind the property line and that the
26 actual width of the total improvement would involve 50 feet, rather
27 than 40 feet, from the back of the sidewalk to the back of the sidewalk.
28 She explained that instead of being curb-tight, the sidewalk would
29 move five feet further from the edge of the curb, including a planter
30 strip, which would reduce the effective building depth of the lot by five
31 feet on each side.
32

33 Referring to page 4 of 24 of Ms. Van Loo's submittal, specifically
34 Criterion No. 5, Commissioner Maks requested clarification of how
35 CC&R provisions would address the maintenance and replacement of
36 private and common facilities associated with this project.
37

38 Ms. Van Loo indicated that the CC&Rs are generally submitted as part
39 of the Final Plat Review and that it is not typical to submit this
40 document in draft form at this stage of the review process.
41

42 Commissioner Maks advised Ms. Van Loo that the CC&Rs for the PUD
43 process that includes public facilities, common and shared areas
44 involve different issues than a standard subdivision.

1
2 Ms. Van Loo assured Commissioner Maks that she would be happy to
3 submit this information for review by the Commission.
4

5 Referring to Ms. Van Loo's comments with regard to the open space,
6 Commissioner Maks pointed out that the Development Code serves to
7 reinforce the Purpose Statement, which indicates that a PUD is
8 intended to encourage more creative approaches for developing land.
9 He requested that Ms. Van Loo clarify the creativity within either of
10 the subdivisions that have been presented.
11

12 Ms. Van Loo pointed out that the definition of creativity is subjective,
13 adding that the applicant had prepared approximately 30 different
14 plans for this site. Observing that many various options were
15 considered, she noted that the Neighborhood Meeting had been well
16 attended and that there had been an overwhelming desire for this
17 development to be as similar and compatible to the development that is
18 in the vicinity at this time. She expressed her opinion that the
19 creativity had involved getting any type of a development on this
20 extremely difficult site while meeting all Development Code standards,
21 including street standards, open space requirements, and minimum
22 density requirements.
23

24 Commissioner Maks discussed the Purpose Statement and standards
25 outlined within the Development Code, and asked how the proposed
26 design enhances and preserves the values, spirit and integrity of the
27 surrounding areas by meeting the open space requirement. He
28 suggested that the second plan would address the two criteria much
29 better by eliminating one lot.
30

31 Referring to page 19 of her findings, Ms. Van Loo mentioned Goal
32 4.2.1.1: "...maximize the use of buildable residential land in the City,
33 increase residential capacity in the City to substantially comply with
34 the requirements of Title 1 of the Metro Urban Growth Functional
35 Plan." She stated that she would argue, as a professional land use
36 planner that increasing the residential capacity of the City or
37 maximizing the residential capacity of a given piece of land is as
38 important as any other goal or criteria. Observing that this property is
39 within close proximity to shopping, schools, light rail, places of
40 worship, and places of employment, she noted that Metro has indicated
41 that it is necessary to make the best use possible of our infill parcels.
42

43 Ms. Van Loo expressed her opinion that losing a usable lot is not a
44 viable option that serves to meet the goals and policies of the City of

1 Beaverton. She pointed out that the applicant had reduced the width
2 of the proposed lots, added some nominal open spaces between some of
3 the lots, and widened the open space to meet the statutory
4 requirement. Noting that they had met the goals of the City of
5 Beaverton, she explained that this proposal provides an adequate
6 variety of quality housing and promotes the production of new and
7 affordable housing units in the City of Beaverton. Emphasizing that
8 one less house on this lot means that each house would cost more, she
9 expressed her opinion that this is a valid argument under the City's
10 Comprehensive Goals and Policies. At the request of Commissioner
11 Maks, she noted that she was reading page 20 and advised him that
12 she intends to continue until she had read all of the information with
13 regard to the goals and policies.

14
15 Referring to Ms. Van Loo's assertion that maximizing the residential
16 capacity of a given piece of land is as important as any other goal or
17 criteria, Commissioner Maks suggested that the size of the lots should
18 be decreased to allow for 17 rather than 16 new housing units. He
19 questioned whether she has any quantifiable evidence that supports
20 her statement that there will be no impact on the livability of adjacent
21 existing homes and the construction of 15 new houses will increase the
22 overall appraisal value of the neighborhood.

23
24 Ms. Van Loo responded that while she does not have this quantifiable
25 evidence available at this time with regard to the appraisal value, with
26 20 years of experience in land development she has provided very
27 accurate information with regard to other developments in the City of
28 Beaverton indicating that new development in a community invariably
29 raises the value of adjacent properties.

30
31 Commissioner DeHarpport advised Ms. Van Loo that while there is no
32 reason that adequate means could not be private, it would be helpful to
33 have access to the HOA budget and CC&Rs to clarify the dues and how
34 the maintenance responsibilities would function.

35
36 Observing that she had not anticipated such a request, Ms. Van Loo
37 pointed out that she had never been requested to provide this type of
38 detail at this level, adding that if necessary, she would request a
39 continuance in order to have the opportunity to provide this data. She
40 expressed her opinion that this is something that could be resolved
41 outside of the public hearing process. She discussed pages 15 and 16 of
42 the Staff Report, which specifically addresses lot setbacks, and pointed
43 out that there is no 0 setback mentioned on either of these pages.

44

1 Chairman Johansen requested clarification with regard to the
2 applicant's indirect statement indicating that she might like to request
3 a continuance in order to resolve some of these issues.
4

5 Ms. Van Loo discussed the letter dated November 4, 2004 from staff,
6 expressing her opinion that this letter indicated a significant
7 possibility and tacit staff support for some type of a Flexible Setback.
8 She further stated that she finds this somewhat unprofessional,
9 duplicitous, unethical and inappropriate for staff to advise her to
10 submit an application for a Flexible Setback and pay \$800 or \$1200 for
11 something that does not apply. She pointed out that this letter had led
12 her to believe that an application for Flexible Setbacks was a viable
13 action for meeting some or all Open Space requirements, and reminded
14 the Commissioners that as a decision-making body, they are totally
15 independent from staff.
16

17 Observing that a member of the public has requested the opportunity
18 to provide his testimony at this time because he needs to leave,
19 Chairman Johansen indicated that this testimony would be allowed
20 prior to a short break followed by the remaining public testimony.
21

22 PUBLIC TESTIMONY

23
24 CRAIG KRECH expressed his concern with traffic issues on SW
25 Canby Street. Observing that this street has become very busy, he
26 indicated that he would like a traffic count to track this traffic and
27 requested that his concerns with traffic safety be addressed.
28

29 8:30 p.m. through 8:35 p.m. – recess.
30

31 SUSAN GREER mentioned that she has lived in the area for 45 years
32 and one house away from the proposed development for the past 20
33 years, adding that she is very familiar with the infill and development
34 in the area. Observing that she is very concerned with traffic impacts,
35 she pointed out that there are no sidewalks in the area and one man
36 had been killed while riding his bicycle on that street. Noting that 10
37 vehicular trips per day per unit means 150 additional vehicular trips
38 per day added to what is already on SW Canby Street, she expressed
39 her opinion that it is very discouraging to realize that neither
40 Washington County nor the City of Beaverton has any specific
41 standards with regard to the amount of additional vehicular trips that
42 can be added to Neighborhood Streets. She mentioned a letter
43 submitted by Mr. and Mrs. Hayes who live on SW 68th Avenue, noting
44 that SW Canby Street, SW 60th Avenue and SW 68th Avenue are cut-

1 through streets between SW Vermont Avenue and either SW Oleson
2 Road or SW Multnomah Boulevard. She pointed out that those who
3 cut through often do so at excessive speeds, emphasizing that while the
4 neighborhood has submitted applications for speed humps, they have
5 been denied three times. She explained that there are many people
6 walking and biking on SW Canby Street, which has no shoulders,
7 bicycle lanes, or pedestrian pathways, adding that it is necessary to
8 walk in the street or somebody's yard.

9
10 Ms. Greer explained that she is also concerned with the topography
11 and physical features of this proposal, adding that she is not certain
12 whether there has ever been any designation of this proposed site as
13 an official wetland area. Referring to a letter from CWS, she pointed
14 out that sensitive areas potentially exist on or within 200 feet of the
15 site and that the applicant must perform a Site Certification prior to
16 issuance of a Service Provider Letter or a Storm Water Connection
17 Permit, adding that if sensitive areas exist on or within 200 feet of the
18 site or adjacent properties, a Natural Resources Assessment Report
19 may also be required. She described the site as a sponge, oozing water,
20 noting that a culvert empties on the north side of SW Canby Street and
21 drains down past another PUD on the north side of the site, adding
22 that she is concerned with where any additional runoff would go.

23
24 Observing that the applicant had followed up with this issue,
25 Commissioner DeHarpport advised Ms. Greer that they had received a
26 Service Provider Letter from CWS dated August 24, 2004.

27
28 Ms. Greer noted that it appears that small isolated wetlands are not
29 important.

30
31 AL HOGUET pointed out as the owner of property on SW Canby
32 Street since 1973, he supports the testimony of Mr. Krech and Ms.
33 Greer and the concerns expressed in the letter submitted by Mr. and
34 Ms. Hayes.

35
36 On question, no other member of the public testified with regard to
37 this proposal.

38 APPLICANT'S REBUTTAL

39
40 Referring to traffic issues, Ms. Van Loo pointed out that both staff and
41 the Commissioners understand that the applicant has met all
42 standards statutory requirements. Observing that she understands
43 the concerns of the neighbors, she pointed out that the proposal
44 includes sidewalks on all of the portions of SW Canby Street on which

1 the applicant has frontage, emphasizing that this is all that the
2 applicant has any obligation or authorization to address. She
3 explained that the applicant has addressed all requirements related to
4 drainage issues as well, expressing her opinion that this project would
5 resolve some of the existing problems. Observing that it is apparent to
6 her that the Planning Commission requires additional information, she
7 requested a continuance and offered to respond to questions.

8
9 On question, Assistant City Attorney Ted Naemura recommended that
10 staff comments be accepted prior to taking action on the applicant's
11 request for a continuance.

12
13 The public portion of the Public Hearing was closed.

14
15 Senior Planner John Osterberg clarified staff's position on several
16 issues, as follows:

- 17
18 1. Any discrepancies between staff's recommendation for approval
19 of the Flexible Setbacks and staff's comments to the applicant.
20 While staff essentially chose to focus on the earlier request by
21 the applicant for building setback approval and their intentions
22 were good, this has caused confusion. He explained that
23 originally the applicant had proposed Flexible Setbacks for
24 building locations, noting that this had been amended to be only
25 as it related to the Open Space tract requirements. While staff
26 did not support the Open Space tract portion of the Flexible
27 Setbacks, they had recommended approval of the application
28 because they had determined that there would be some value in
29 allowing greater flexibility on building locations as they had
30 thought that the layout would be somewhat fluid on this site.
31 This is partially because it had appeared that the City Attorney
32 would not be willing to support the Street Design Modification
33 (SDM) and it seemed that this flexibility would be helpful to the
34 applicant. He pointed out that the applicant has made it clear
35 that they do not intend to request any building setback
36 reductions and that they only desire the Open Space reduction.
37 He noted that staff's position on the Flexible Setback is dated
38 based upon the applicant's previous proposal (prior to the
39 amendment, and the applicant has clearly stated what they
40 would like the Commission to consider at this time. Concluding,
41 he explained that staff recommends denial of the Flexible
42 Setback application.
43

- 1 2. In the Completeness Letter dated November 4, 2004, Staff had
2 advised the applicant of the potential for a Flexible Setback
3 application for a reduction of the amount of the Open Space
4 requirement. He emphasized that this letter does not indicate
5 that staff is in favor of or would support the application, noting
6 that they had merely identified in what he believes was a
7 neutral way that there was an application that could potentially
8 result in approval of the applicant's proposal. Observing that
9 staff often provides information of this nature to a variety of
10 applicants, he pointed out that this does not indicate that there
11 is any obligation to recommend approval.
12
- 13 3. Staff based the recommendation for denial of the subdivision in
14 the Conditional Use PUD largely after seeking the opinion of the
15 Planning Director as well as the Planning Commission's recent
16 opinion with regard to the Washington Commons PUD, which
17 involved virtually the same request. He pointed out that the
18 applicant for Washington Commons had amended their plan and
19 eliminated one of their lots in order to meet the 20% Open Space
20 requirement.
21
- 22 4. Staff does not agree with the applicant's comments with regard
23 to Policy 4.2.3.2 which addresses affordable housing within the
24 City of Beaverton. Observing that affordable housing is a very
25 specific issue, he pointed out that this housing is expected to be
26 affordable to residents with incomes that are at or below 60% of
27 the median family income within the City of Beaverton. He
28 expressed his opinion that this policy is not applicable to this
29 application because this is not a proposal for housing that meets
30 the definition of affordable housing within the Comprehensive
31 Plan.
32

33 Concluding, Mr. Osterberg suggested that the Commission clearly
34 identify any elements that the applicant should work on in the event
35 that their request for a continuance is approved and offered to respond
36 to questions.
37

38 Referring to Section 7.63, Mr. Naemura clarified that any party,
39 including the applicant, may request an opportunity to submit further
40 evidence and the Commission must accommodate and respond to this
41 request. He suggested that the Commission should keep the record
42 open and postpone making a decision until further information is
43 submitted by the applicant.
44

1 Mr. Osterberg requested that the applicant provide clarification with
2 regard to how much time would be needed to obtain the necessary
3 information prior to another continuance. He explained that this
4 information should be submitted at least two weeks prior to the
5 continued hearing to allow staff adequate time to review the
6 information and prepare a Memorandum for the Commission to review
7 for one week before the hearing.

8
9 Ms. Van Loo requested a continuance for five weeks, adding that the
10 applicant is willing to sign the waiver for the 120 day rule in order to
11 accommodate this continuance.

12
13 Chairman Johansen instructed the Commissioners to provide direction
14 for issues that the applicant needs to address prior to the continued
15 hearing.

16
17 Commissioner Pogue indicated that the applicant needs to provide
18 resolution of issues pertaining to the street design, open space, and
19 information with regard to the CC&Rs and financial impacts to the
20 individual homeowners.

21
22 Chairman Johansen suggested that the applicant needs to make
23 certain that all of the Service Provider Letters are in order based upon
24 the revised street design, emphasizing that he is particularly
25 concerned with TVF&R.

26
27 Ms. Van Loo pointed out that the City of Beaverton's land review
28 process does not afford her the opportunity to obtain Service Provider
29 Letters.

30
31 Chairman Johansen advised Ms. Van Loo that she could provide the
32 new information for staff to submit to TVF&R to determine whether
33 the design is acceptable.

34
35 Ms. Van Loo emphasized that she has no control over whether or not
36 TVF&R responds.

37
38 Observing that he is aware of this issue, Chairman Johansen informed
39 Ms. Van Loo that she could submit the design ahead of time to allow
40 adequate time for review.

41
42 Commissioner Barnard expressed his opinion that removing open
43 space and locating little strips between the homes is not a viable

1 option, emphasizing that this does not create usable open space, and
2 suggested that Ms. Van Loo could be more creative.

3
4 Commissioner Maks agreed with the comments of Commissioner
5 Pogue, adding that as a follow up to Commissioner Barnard's
6 comments, he does not approve of this application as proposed.

7
8 Commissioner DeHarpport concurred with the comments of his fellow
9 Commissioners, reiterating that an HOA budget would be helpful, and
10 emphasized that it is necessary to obtain the approval of TVF&R.

11
12 Commissioner Winter concurred with the comments of his fellow
13 Commissioners.

14
15 Commissioner Pogue **MOVED** and Commissioner DeHarpport
16 **SECONDED** a motion to **CONTINUE** LD 2004-0030 – Garden Grove
17 15-Lot PUD Land Division, CU 2004-0021 – Garden Grove 15-Lot PUD
18 Conditional Use, FS 2004-0017 – Garden Grove 15-Lot PUD Flexible
19 Setback, and TP 2004-0018 – Garden Grove 15-Lot PUD Tree Plan to a
20 date certain of February 16, 2005.

21
22 Observing that this application has been on the table for some time,
23 Chairman Johansen expressed his opinion that the applicant has had
24 adequate time to respond to issues relating to the Open Space and
25 street design. He pointed out that the applicant has been very aware
26 of the Planning Commission's decision with regard to the Washington
27 Commons PUD, adding that he objects to continuing applications that
28 he does not feel are responsive to staff concerns until the issues are
29 incrementally solved and that he is not in support of a continuance.

30
31 Motion **CARRIED**, as follows:

- 32
- 33 **AYES:** Pogue, DeHarpport, Barnard and Winter.
- 34 **NAYS:** Maks and Johansen.
- 35 **ABSTAIN:** None.
- 36 **ABSENT:** Bliss.
- 37

38 Mr. Osterberg reminded the applicant that the revised plans and
39 narratives must be submitted to staff no later than February 2, 2005.
40
41
42
43
44

1 **APPROVAL OF MINUTES:**

2
3 Minutes of the meeting December 1, 2004, were submitted.
4 Commissioner DeHarpport requested that page 5 of 20, line 22 be
5 amended to read, "...~~satisfactory~~ *adequate means for* ..." He also
6 requested that page 8 of 20, lines 43 – 44, and page 9 of 20 lines 1 – 2
7 be amended to read, "... demonstrated that ~~appropriate~~ *adequate*
8 maintenance can be achieved, he expressed concern. ~~with~~ *He also*
9 *stated that* the restrictive covenant *is legally enforceable by*
10 *Division of State Lands that is not an approval criteria. In*
11 spite of staff assurances that this issue would not be a problem, ~~adding~~
12 *he was still concerned that the City approval may not get built*
13 *if the Division of State Lands exercises their right to enforce the*
14 *restrictive covenant. In conclusion,* he reluctantly ~~supports~~
15 *supported ..."*

16
17 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**
18 a motion that the minutes be amended as written.

19
20 Motion **CARRIED** by the following vote:

21
22 **AYES:** Maks, Winter, DeHarpport, and Johansen.
23 **NAYS:** None.
24 **ABSTAIN:** Barnard and Pogue.
25 **ABSENT:** Bliss.

26
27 Motion **CARRIED**, unanimously.

28
29 Minutes of the meeting December 15, 2004, were submitted.
30 Commissioner DeHarpport requested that the minutes reflect that he
31 was absent from the meeting, and to remove his name from the
32 motions on pages 7 and 8.

33
34 Commissioner Pogue **MOVED** and Commissioner DeHarpport
35 **SECONDED** a motion that the minutes be approved as written.

36
37 Motion **CARRIED** by the following vote:

38
39 **AYES:** Pogue, DeHarpport, Maks, and Johansen.
40 **NAYS:** None.
41 **ABSTAIN:** Barnard.
42 **ABSENT:** Bliss.

43
44 Motion **CARRIED**, unanimously.

1
2
3
4

MISCELLANEOUS BUSINESS:

The meeting adjourned at 9:27 p.m.

LEGEND

ROW

OPEN SPACE WITHIN PARENT PARCEL SETBACK

NET OPEN SPACE

LOTS

TOTAL AREA

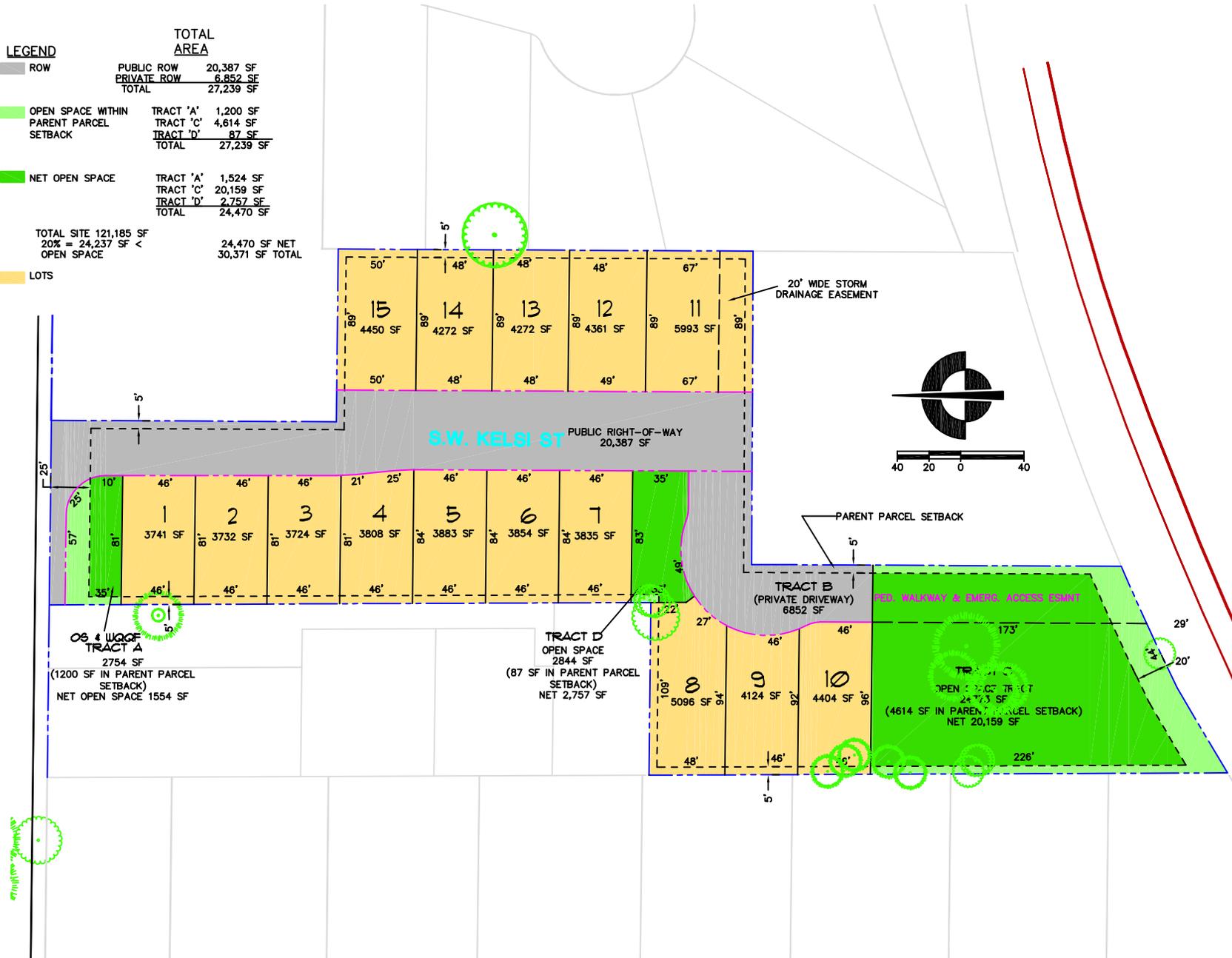
PUBLIC ROW	20,387 SF
PRIVATE ROW	6,852 SF
TOTAL	27,239 SF

TRACT 'A'	1,200 SF
TRACT 'C'	4,614 SF
TRACT 'D'	87 SF
TOTAL	27,239 SF

TRACT 'A'	1,524 SF
TRACT 'C'	20,159 SF
TRACT 'D'	2,757 SF
TOTAL	24,470 SF

TOTAL SITE 121,185 SF
20% = 24,237 SF < OPEN SPACE

24,470 SF NET
30,371 SF TOTAL



GARDEN GROVE

LD-2004-0030

MITCHELL HARDY HOMES
PO BOX 1137 OR 97035
503-388-6873

CES | NW

LAKE OSWEGO, OREGON 97035
503.968.6655 www.cesnw.com

REVISIONS

PROJECT NO. 1887
DESIGNED BY: DVL
DATE: 2/16/05
DRAWN BY: AM

SITE PLAN

1
1

VERTICALLY-DOWN

April 18, 2005

City Recorder
P.O. Box 4755
Beaverton, OR 97076

REF Case File # / Project Name: APP2005-0002 & CU 2004-0021; Review by the City Council of Garden Grove Conditional Use – Planned Unit Development (PUD)

ATTN: John Osterberg

My family and I live on Canby St. between Oleson Rd. and the above referenced planned development. We are very concerned with the increase in traffic through our neighborhood that will accompany these additional dwellings. The street is already the only feasible access in & out of the neighborhood for several new developments up stream from us, and traffic is becoming quite heavy. The houses in the neighborhood are all built close to the roadway, so noise and safety from passing cars are already really affecting our quality of life. This new development threatens to make matters even worse.

If the Council approves the development, please limit the number of units to the minimum to lessen the impact. Furthermore, we strongly believe that the intersection of Canby and 68th Ave. is in dire need of a STOP sign and street lighting. Traveling speeds are too fast, especially with impatient drivers cutting off of Multnomah Blvd and using 68th to Canby St as a detour to Oleson Rd. Plus, this intersection is very dark and sight distances are not good. My wife and I have to take extra special precautions when walking down the street with our kids.

We would be happy to discuss any of these ideas with you further before the Council meeting on May 2. In the meantime, we can be reached at the following:

Stephen and Angela Whittington
6820 SW Canby St
Beaverton, OR 97223
503-452-7052 (hm)
503-227-3251 (wrk)

Sincerely,



Stephen Whittington

cc Mayor
105
West
Osterberg
Happley

cc: Council, Grillo, Sparks
CA, Adlard
Vej

April 17, 2005

Mayor Robert Drake
P.O. Box 4755
Beaverton, OR 97076-4755

Re: LD 2004-0030/CU 2004-0021/TP2004-0018-Garden Grove PUD

Dear Mayor Drake:

This letter is to protest approval by the Beaverton Planning Commission (Order #1783, 84 and 85) for development of a 15-lot Garden Grove PUD on SW Canby Street. As established residents of SW Canby Street, we object to the proposal on the following grounds:

1. The proposed PUD is inconsistent and incompatible with surrounding homes.

At the Planning Commission meeting on February 16, 2005, Commissioner Maks described the proposed homes as akin to "army barracks" and indicated that the PUD application did "not encourage, enhance, or preserve the value of spirit or character in the entirety of the site." We agree.

SW Canby and the adjacent residential streets are located in a wooded area with large lots, recessed homes, and gardens. Within this neighborhood, the PUD calls for development of 15 densely packed, single-family dwellings on a 2.8-acre lot. The dwellings will be crowded together, with only a 3-foot side setback and very small yards. Their density, size, and style is completely out of character with existing homes in the neighborhood and will violate compatibility requirements set forth in the Land Use Element of the Beaverton Comprehensive Plan Policies (3.13.1c).

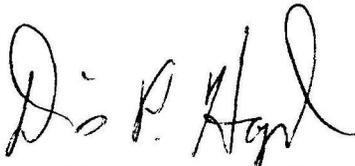
At the January 5, 2005 Planning Commission meeting, Ms. Kirsten Van Loo, Principal Planner for CES Northwest, admitted that her project was at variance with the existing neighborhood, stating that she was attempting to create a "very urban project in the midst of a non-urban area" and that "maximizing the residential capacity" of the lot was her foremost goal. When asked, Ms. Van Loo could provide no evidence to support her claims that the proposal would have "no impact on the livability of adjacent existing homes" and would "increase the overall appraisal value of the neighborhood". In our opinion, both livability and property values will suffer.

2. The proposed PUD will negatively impact traffic and safety on SW Canby Street.

It has been estimated that the 15-lot subdivision will add approximately 150 vehicle trips per day to SW Canby Street, resulting in increased risk to current residents and their children. No analysis of traffic impact has been provided, and no provisions have been made to address safety and congestion concerns. As physicians, we find this failure unconscionable.

We respectfully request that approval of the Garden Grove PUD be revoked until compatibility and traffic issues are adequately addressed. A hearing on this issue is planned before the City Council on May 2, 2005. Thank you for considering our views.

Sincerely,



David P. Hopkins, M.D



Katharine L. Hopkins, M.D.

6420 SW Canby Street
Portland, OR 97219

503-246-3301

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Annexing Property Located Immediately North of the Sunset Highway and Generally Southwest of NW Barnes Road to the City of Beaverton: Expedited Annexation 2004-0015

FOR AGENDA OF: 05/02/05 **BILL NO:** 05091

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 04/14/05

CLEARANCES: City Attorney [Signature]

Planning Services [Signature]

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report Dated 04/13/05

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

This request is to annex one tax parcel with no assigned street address. The property is approximately 1.5 acres and is undeveloped. No one resides on the property. The property owner has consented to the annexation. This consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

INFORMATION FOR CONSIDERATION:

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

Beaverton Code Section 9.06.035A provides the City Council the option of adding this property to an appropriate Neighborhood Association Committee (NAC) at the time of annexation. The Neighborhood Office does not recommend adding this parcel to a Neighborhood Association Committee (NAC) boundary at this time.

In December the City and Washington County entered into an Intergovernmental Agreement that established an area "A", in which the City could proceed with annexations without County consent, and an area "B", in which the City would need to obtain County consent to proceed with annexation. This proposed annexation is in area "B". The Washington County Board of Commissioners consented to the City of Beaverton annexing this property at its February 1, 2005 Board meeting.

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

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4353

AN ORDINANCE ANNEXING PROPERTY LOCATED IMMEDIATELY NORTH OF THE SUNSET HIGHWAY AND GENERALLY SOUTHWEST OF NW BARNES ROAD TO THE CITY OF BEAVERTON: EXPEDITED ANNEXATION 2004-0015

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby the owner of the property, with no electors, has consented to annexation; and
- WHEREAS,** This property is in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** City policy as adopted in Resolution No. 2660, Sections 2 and 4, is to extend City services to properties through annexation; and
- WHEREAS,** In accordance with the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" the Washington County Board of Commissioners consented to the annexation of this property by the City of Beaverton at its February 1, 2005 Board meeting; 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 attached hereto as Exhibit C, and finds that:
- a. There are no provisions in urban service provider agreements adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
 - b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services in that partial responsibility for sanitary and storm sewer facilities within the area annexed will transfer to the City upon this annexation.
- Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:
- a. The part of the property that lies within the Washington County Urban Road Maintenance District will be withdrawn from the district; and
 - b. The part of the property that lies within the Washington County Enhanced Sheriff Patrol District will be withdrawn from the district; and
 - c. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall be annexed to or remain within that district; and
 - d. The territory will remain within boundaries of the Tualatin Valley Water District.

Section 4. The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.

Section 5. The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five days of the effective date.

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

First reading this _____ day of _____, 2005.

Passed by the Council this _____ day of _____, 2005.

Approved by the Mayor this _____ day of _____, 2005.

ATTEST:

APPROVED:

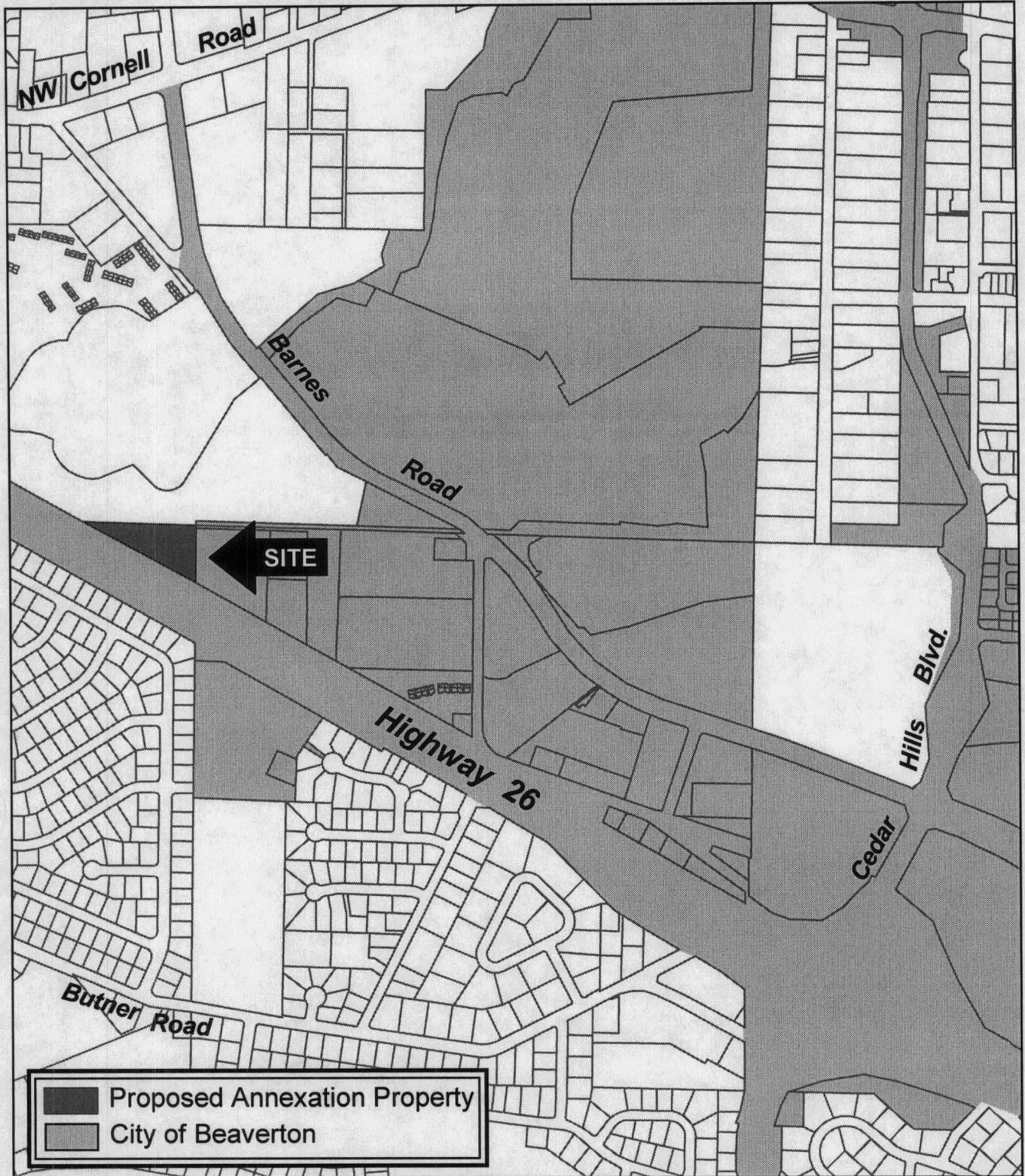
SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

ORDINANCE
NO. 4353

EXHIBIT A



CITY OF BEAVERTON

Elkins Family Partnership Expedited Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

11/24/04

Map #
1s104AA00100

Application #
ANX 2004-0015

N



EXHIBIT B

Elkins Family Partnership Expedited Annexation

ANX 2004-0015

That certain parcel of land located in the Northeast Quarter of the Northeast Quarter of Section 4, Township 1 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the Northeast Corner of Section 4, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence west along the north line of said Section 4 to a point where said north line intersects the Northerly right of way line of US Highway 26 (Sunset Highway); thence southeasterly along the Northerly right of way line of US Highway 26 to a point where said Northerly right of way line intersects with the east line of said section 4; thence North along the east line of said Section 4 to the point of beginning.



CITY of BEAVERTON

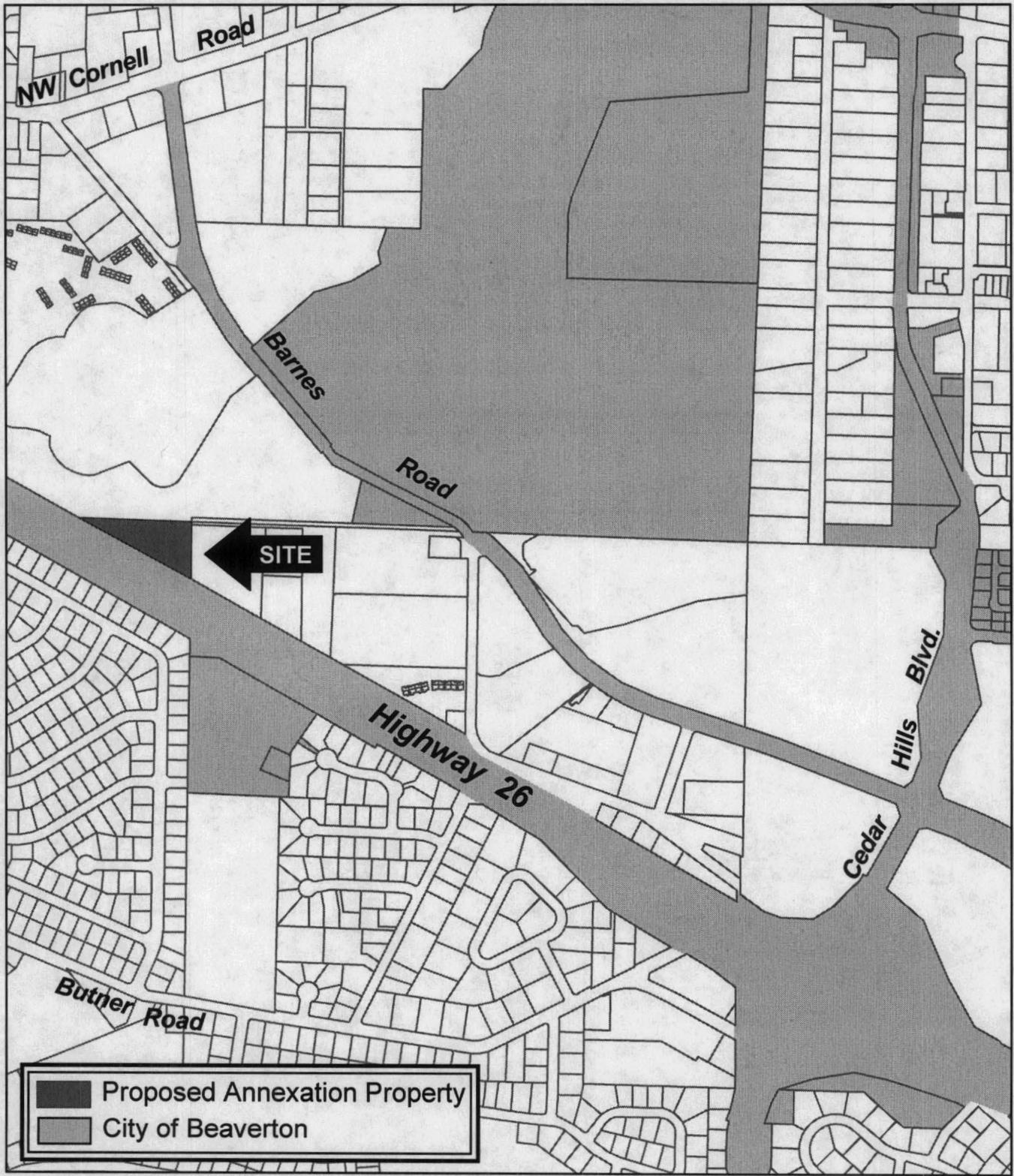
EXHIBIT C

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

STAFF REPORT**TO:** City Council **REPORT DATE:** April 13, 2005**AGENDA****DATE:** May 2, 2005**FROM:** Community Development Department
Alan Whitworth, Senior Planner**SUBJECT:** Elkins Family Partnership Expedited Annexation (ANX 2004-0015)**ACTIONS:** Annexation to the City of Beaverton of one parcel with no assigned street address. The property is shown on the attached map, identified as tax lot 1S104AA 00100, and more particularly described by the attached legal description. The annexation of the property is owner initiated (petition attached) and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.**NAC:** This property is not currently within a Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that this property not be added to a NAC at this time.**AREA:** Approximately 1.5 acres**TAXABLE BM 50 ASSESSED VALUE:** \$ 71,130**ASSESSOR'S REAL MARKET VALUE:** \$ 156,670**NUMBER OF LOTS:** 1**EXISTING COUNTY ZONE:** Transit Oriented: Residential 24-40 units to the acre**RECOMMENDATION**

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective thirty days after the Mayor's signature or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, which ever is later.

VICINITY MAP



Proposed Annexation Property
 City of Beaverton



City of Beaverton

Elkins Family Partnership Expedited Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

11/24/04

Map #
1s104AA00100

N



Application #
ANX 2004-0015

BACKGROUND

The request is to annex one tax parcel located with no assigned street address. The parcel is approximately 1.6 acres and vacant. The property owner has consented to the annexation. This consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

The Neighborhood Office is recommending that this property not be added to Neighborhood Association Committee.

In December the City and Washington County entered into an Intergovernmental Agreement that established an area "A", in which the City could proceed with annexations without County consent, and an area "B", in which the City would need to obtain County consent to proceed with annexation. This proposed annexation is in area "B". The Washington County Board of Commissioners consented to the City of Beaverton annexing this property at its February 1, 2005 Board meeting.

EXISTING CONDITIONS

SERVICE PROVISION:

The following analysis details the various services available to the property to be annexed. Cooperative, urban service and intergovernmental agreements affecting provision of service to the subject property are:

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District, Tualatin Valley Water District and Clean Water Services.
- The City has entered into an agreement with Tualatin Valley Water District that has been designated an ORS 195.065 Urban Service Agreement by the parties. (No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this decision.)
- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services.
- The City has been a party to a series of ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon", the last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency situation outside its jurisdiction when requested by another law enforcement agency.
- On December 22, 2004 the City entered into an intergovernmental agreement with Washington County defining areas that the City may annex for ten

years from the date of the agreement without opposition by the County. The property proposed for annexation by this application is not within one of those areas, but as noted in the background section of this report, the Washington County Board of Commissioners consented to the City's annexation of this property at its February 1, 2005 meeting, as evidenced by the attached minutes of that meeting.

This action is consistent with those agreements.

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

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

SEWER: There currently is a 12-inch sanitary sewer pipe that crosses the western portion of the property that is available to serve this property. Upon annexation the City will be responsible for billing.

WATER: Tualatin Valley Water District (TVWD) provides water service to the area. ORS 222.520 allows cities to assume water service responsibilities when annexing less than an entire district. However, the City entered into an intergovernmental agreement with TVWD in 2002 that we would not withdraw property from the District when we annex it. TVWD will continue to provide service, maintenance and perform billing.

STORM WATER DRAINAGE: This parcel is currently undeveloped and drainage is provided by a stream, Cedar Mill Creek, that crosses the property and then flows under the Sunset Highway. If the site develops in the future, storm drainage should be reviewed in the development review process. Upon annexation, billing responsibility will transfer to the City.

STREETS and ROADS: Access to this property is via W. Stark Street, which is a narrow gravel road (driveway) on a separate parcel also owned by the petitioner. Stark connects to Barnes Road. Better road access would be required if this parcel were to develop.

PARKS and SCHOOLS:

The proposed annexation is within both the Beaverton School District and the Tualatin Hills Parks and Recreation District. Neither services nor district boundaries associated with these districts will be affected by the proposed annexation.

PLANNING, ZONING and BUILDING:

Washington County currently provides long-range planning, development review and building inspection for the property. Upon annexation, the City will provide those services. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations will be applied to this parcel in a separate action within six months of annexation.

PUBLIC INVOLVEMENT

Consistent with Metro Code Section 3.09.045, the City sent notice of the proposed annexation on or before April 12, 2005 (20 days prior to the agenda date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, the City sent notice to the following parties:

- Dianne Harr, representing Elkins Family Limited Partnership, the property owner;
- The Central Beaverton and Five Oaks Neighborhood Association Committees and the Cedar Hills/Cedar Mill Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

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

CRITERIA FOR APPROVAL

REGIONAL ANNEXATION CRITERIA:

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

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

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

Findings: *This staff report addresses the provision of services in detail and the provision of these services is consistent with cooperative agreements between Beaverton and the service providers. The City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the city, although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan. The City has entered into one agreement that has been designated an ORS 195.065 Urban Service Agreement with Tualatin Valley Water District and this proposed action is consistent with that agreement, as explained in the findings above under existing conditions relating to water service .*

As previously noted, On December 22, 2004 the City entered into an intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan" defining areas that the City may annex for ten years from the date of the agreement without opposition by the County, and referencing ORS 195.065(1). The property proposed for annexation by this application is just outside the ten year annexation areas but consistent with the agreement, the County Board of Commissioners has agreed to its annexation. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.

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

Findings: *The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. Exhibit 'A' to the new agreement defines subject areas as being within the "Beaverton Area of Assigned Service Responsibility" where, subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would transfer to the City of July 1 of any year if so requested by the City by January 1 of that year. A letter from Gary Brentano, Director of the Beaverton Operations Department, to Robert Cruz, Deputy General Manager of Clean Water Services dated December 21, 2004 notes that the City is engaged in efforts to annex a number properties that are expected to continue into 2005, and that the City wishes to provide service to all areas annexed by the City by July 1, 2005. According to Mr. Brentano, subsequent*

discussions with Clean Water Services staff members confirm that sanitary sewers less than 24" in diameter and the storm drainage system in the areas proposed for annexation by this application will become the City's maintenance responsibility as of July 1 of 2005 if the proposed annexation is approved.

The acknowledged Washington County - Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. The UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process.

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

Findings:

Comprehensive Plans: *The only relevant policy of the City of Beaverton's Comprehensive Plan is Policy 5.3.1.d, which states "The City shall seek to eventually incorporate its entire Urban Services Area." The subject territory is within Beaverton's Assumed Urban Services Area, which is Figure V-1 of the City of Beaverton's Acknowledged Comprehensive Plan.*

After reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 598) as well as ordinances adopted subsequently up to the date of this staff report that amended the Comprehensive Framework Plan, staff finds that the following provisions may be applicable to this proposed annexation:

- *A paragraph in the "County-Wide Development Concept" at the beginning of the Comprehensive Framework Plan which states:*

As development occurs in accordance with this development concept, issues of annexation or incorporation may arise. Annexation or incorporation issues will necessarily relate to various other planning issues such as community identity, fiscal impacts of growth and service provision, coordination between service providers to achieve efficiencies and ensure availability, etc. As such issues arise; the County should evaluate community identity as an issue of equal importance with public service provision issues when developing policy positions on specific annexation or incorporation proposals.

Staff views this statement as direction to the County itself in how to evaluate annexation proposals, and not guidance to the City regarding this

specific proposal. As a necessary party, the County has an opportunity to comment on and appeal this proposed boundary change if it appears at the scheduled February 7, 2005 hearing on the proposal and states reasons why they believe the boundary change is inconsistent with the approval criteria (see Metro Code section 3.09).

- *Policy 15 of the Comprehensive Framework Plan, relating to Roles and Responsibilities for Serving Growth, says:*

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Two implementing strategies under Policy 15 that relate to annexation state:

The County will:

- f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:*
 - 3. Service district or city annexation*
- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.*

The City of Beaverton, Washington County and the other urban service providers for the subject area have been working off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues have been resolved, a few issues remain between the County and the City that have prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. As previously noted the County and the City have entered into an intergovernmental agreement that sets an interim urban services plan area in which the County commits to not oppose annexations by the City.

Staff has reviewed other elements of the County Comprehensive Plan, particularly the Cedar Hills/Cedar Mill Community Plan that includes the subject property, and was unable to identify any provision relating to this proposed annexation.

Public Facilities Plans: *The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, 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, sewerage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. The only relevant urban services defined by Metro Code Section 3.09.020(m) that will change subsequent to annexation are the maintenance of sanitary sewer lines under 24" in diameter and the maintenance of local and collector roads.*

The change in sanitary sewer line maintenance is consistent with the aforementioned IGA between the City and Clean Water Services, which in turn is consistent with facilities master plans of both agencies.

The change in local and collector road maintenance is not specifically prescribed by any element of the Beaverton Comprehensive Plan or the Washington County Comprehensive Plan, but an understanding in 2002 between the Manager of the Washington County Operations Division, which currently maintains local and collector roads through the County's Urban Road Maintenance District, and the Director of the City's Operations Department, generally defines the conditions under which the City would assume maintenance responsibility subsequent to annexation. The proposed annexation should not adversely affect the Urban Road Maintenance District. Although revenues received by the District may be reduced slightly as a result of the annexation, the District's maintenance costs will also be reduced by the City assuming local and collector road maintenance in the area. Policy 6.2.7(g) of the City's Comprehensive Plan is to "Provide adequate funding for maintenance of the capital investment in transportation facilities." According to the Transportation Element of the Comprehensive Plan (page VI-62), the majority of the City's gas tax revenues are used for maintenance. "The City's pavement management program tracks pavement condition so that repairs can be made at an optimum time in pavement life. Pavement management projects are scheduled and funded through the City's capital improvement plan."

Staff could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.

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

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

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

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

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

Findings: The property lies within the Urban Growth Boundary.

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

Findings: OAR 660-001-0310 states "A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) shall be considered by Land Conservation and Development Commission to have been made in accordance with the goals...". Compliance with the Comprehensive Plan was addressed in number 3 above. The applicable Comprehensive Plan policy cited under number 3 above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003, meaning it became unnecessary for the City to address the Statewide Planning Goals after that date in considering proposed annexations. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton does have Annexation Policies (attached) adopted by resolution and this proposed annexation is consistent with those policies. Staff finds this voluntary annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above.

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

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

Exhibits: Annexation Petition
 Legal Description
 City Annexation Policies
 Board of County Commissioners Consent Item and Consent Agenda Minutes

Annexation Petition



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

PETITION FOR A CONSENT ANNEXATION PURSUANT TO ORS 222.125

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE USE	FILE NAME: <u>Elkins Family Partnership Expedited Annexation</u>
	FILE NUMBERS: <u>ANX 2004-0015</u>

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

PROPERTY INFORMATION

MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNERS	# OF RESIDENT VOTERS	# OF RESIDENTS
1S14AA-00100	None	1	0	0

CONTACT PERSON USE MAILING ADDRESS FOR NOTIFICATION

Diane M. Harr	Elkins Family Limited Partnership	503 255-8151
<small>PRINT OR TYPE NAME</small>	<small>BUSINESS NAME</small>	<small>PHONE #</small>
4127 NE 131 st Place Portland, OR 97230-1419		
<small>ADDRESS</small>		

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

		<input checked="" type="checkbox"/> OWNER
		<input type="checkbox"/> ELECTOR
<small>PRINT OR TYPE NAME</small>	<small>SIGNATURE</small>	<small>DATE</small>
Diane M. Harr, Owner/Manager	<i>Diane M. Harr</i>	11/8/04
<small>MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS</small>		
4127 NE 131 st Place Portland, OR 97230-1419		

LEGAL DESCRIPTION

Elkins Family Partnership Expedited Annexation

ANX 2004-0015

That certain parcel of land located in the Northeast Quarter of the Northeast Quarter of Section 4, Township 1 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the Northeast Corner of Section 4, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence west along the north line of said Section 4 to a point where said north line intersects the Northerly right of way line of US Highway 26 (Sunset Highway); thence southeasterly along the Northerly right of way line of US Highway 26 to a point where said Northerly right of way line intersects with the east line of said section 4; thence North along the east line of said Section 4 to the point of beginning.

**RESOLUTION 3785
CITY ANNEXATION POLICY**

RESOLUTION NO. 3785

A RESOLUTION ESTABLISHING CITY OF BEAVERTON URBAN SERVICE AREA AND CORPORATE LIMITS ANNEXATION POLICIES

WHEREAS, the City of Beaverton presently has no defined policies regarding annexation of adjacent urban unincorporated areas, including unincorporated islands; and

WHEREAS, the City's progress toward annexing its assumed urban services area has been slow; and

WHEREAS, previous incremental annexations have resulted in City limits that are odd and create confusion about their location, with many unincorporated "islands" surrounded by properties within the City; and

WHEREAS, the City desires to create more logical boundaries and create complete incorporated neighborhoods; and

WHEREAS, a more assertive policy toward annexation of certain types of properties could improve the City's ability to provide services to its residents efficiently and at a reasonable cost; and

WHEREAS, a more assertive annexation policy could result in more City control of development in adjacent unincorporated areas that could affect the City; and

WHEREAS, the Washington County 2000 policy is to have all urban unincorporated areas annexed by cities over time; now, therefore,

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

Council directs the Mayor to pursue the annexation of properties in adjacent urban unincorporated areas in accordance with the policies in Attachment A to this resolution.

Adopted by the Council this 1st day of November, 2004.

Approved by the Mayor this 2ND day of NOVEMBER 2004.

Ayes: 4

Nays: 0

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor

City of Beaverton Urban Service Area and Corporate Limits Annexation Policies

A. City of Beaverton Urban Service Area Policy

The City remains committed to annexing its urban services area over time, but the City will be selective regarding the methods of annexation it chooses to use. The City of Beaverton prefers to avoid use of annexation methods that may force annexation against the will of a majority of voters in larger unincorporated residential neighborhoods. The City is, however, open to annexation of these areas by other means where support for annexation is expressed, pursuant to a process specified by State law, by a majority of area voters and/or property owners. The City is open to pursuing infrastructure/service planning for the purposes of determining the current and future needs of such areas and how such areas might best fit into the City of Beaverton provided such unincorporated residents pursue an interest of annexing into the City.

B. City of Beaverton Corporate Limits Policy

The City of Beaverton is committed to annexing those unincorporated areas that generally exist inside the City's corporate limits. Most of these areas, known as "islands", generally receive either direct or indirect benefit from City services. The Washington County 2000 Policy, adopted in the mid-1980s, recognizes that the County should not be a long-term provider of municipal services and that urban unincorporated areas including unincorporated islands should eventually be annexed to cities. As such, primarily through the use of the 'island annexation method', the City's objectives in annexing such areas are to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In order to achieve these stated objectives, the City chooses to generally pursue the following areas for 'island annexation' into the City of Beaverton:

- Undeveloped property zoned for industrial, commercial uses or mixed uses;
- Developed or redevelopable property zoned for industrial, commercial or mixed uses;
- Undeveloped or redevelopable property zoned for residential use;
- Smaller developed property zoned residential (within a neighborhood that is largely incorporated within the City of Beaverton).

**Board of County Commissioners
Consent Item and Consent Agenda Minutes**

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Consent – County Administrative Office

Agenda Title: CONSENT TO ANNEXATION BY CITY OF BEAVERTON

Presented by: Charles Cameron, County Administrator

SUMMARY

On December 21, 2004 your Board approved an intergovernmental agreement with the City of Beaverton that defines an interim urban services plan for the Beaverton Urban Service Area. The area is divided into two sub areas, Area A represents the area the City aspires to serve first and Area B represents the City's longer term areas of interest.

The agreement provides that the County will not object to annexations by the City of urban unincorporated properties within Area A. It further provides that the City will not promote, initiate or accept annexation of any property outside of the Area A boundary without written consent from the County.

The City has requested the County consent to the annexation of a parcel (tax lot 1S104AA00100) adjacent to, but outside of Area A. This City received a petition for annexation from the property owner, Elkins' Family Limited Partnership, on November 8, 2004. The annexation process had not been completed prior to adoption of the intergovernmental agreement. The parcel is approximately 1.52 acres. The subject property is identified on the attached map.

Attachments: Map

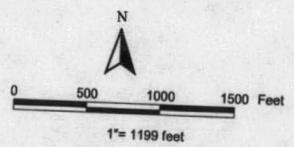
COUNTY ADMINISTRATOR'S RECOMMENDATION:

Consent to the annexation of TL 1S104AA00100 to the City of Beaverton.

Agenda Item No.	<u>1.i.</u>
Date:	02/01/05

County- Beaverton IGA

-  Subject Property
-  City of Beaverton Current City Boundary
-  Area A - Short Term
-  Area B - Long Term



This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, notification of errors would be appreciated.

MINUTES

WASHINGTON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 1, 2005

CONVENED: 10:15 a.m.

BOARD OF COMMISSIONERS:

Chairman Tom Brian

Vice Chair Andy Duyck

Commissioner Dick Schouten

Commissioner John Leeper

Commissioner Roy Rogers

STAFF:

Dan Olsen, County Counsel

Loretta Skurdahl, Senior Assistant County Counsel

Kathy Lehtola, Director, LUT

Dave Schamp, Operations Manager, LUT

Suzanne Savin, Senior Planner, LUT

James Elam, County Surveyor, LUT

Jeff Friend, AudioVisual Specialist

Recording Secretary

Minutes by Barbara Hejtmanek

PRESS:

Henry Stern, *The Oregonian*

APPROVAL OF MINUTES:

January 18, 2005

CONSENT AGENDA

Chairman Brian announced the following modifications to the Consent Agenda:

- An off docket item from Land Use and Transportation and County Counsel entitled "Request Authority to File Measure 37 Ordinance" is added to the Consent Agenda.
- Item h. is deferred to February 15, 2005.
- Item j. is removed from today's agenda.

It was moved to adopt the Consent Agenda, as modified.

Motion – Rogers

2nd – Leeper

Vote – 5-0

1.a.
CWS MO 05-9
Award Contract for Purchase of Hydrated Lime from Ash Grove Cement Company
(Approved Under Consent Agenda)

LAND USE AND TRANSPORTATION

1.b.
RO 05-19
Approve Declaration of Necessity and Protective Rent Payments for the Cornelius Pass
Road/Frances to Johnson Project (CPO 6, 9) (Approved Under Consent Agenda)

1.c.
RO 05-20
Accept Local Improvement District Petition and Direct Preparation of a Feasibility
Report for Creps Road (CPO 14) (Approved Under Consent Agenda)

1.d.
RO 05-21
Establish the Roads in Chiland Heights and Brittany Place as a County Road (CPO 6)
(Approved Under Consent Agenda)

1.e.
RO 05-22
Approve Establishment of a Road Maintenance Local Improvement District (MLID) for
Copper Canyon Estates (CPO 1) (Approved Under Consent Agenda)

1.f.
RO 05-23
Approve Establishment of a Road Maintenance Local Improvement District (MLID) for
Newville (CPO 1) (Approved Under Consent Agenda)

1.g.
RO 05-24
Establish the Roads in Willow Creek Heights, Willow Creek Heights No. 2, and Partition
Plat as a County Road (CPO 7) (Approved Under Consent Agenda)

COUNTY ADMINISTRATIVE OFFICE

1.h.
MO 05-27
Adopt the Fiscal Year 2005-06 Budget Policies (Continued to February 15, 2005)

1.i.
MO 05-28
Consent to Annexation by City of Beaverton (Approved Under Consent Agenda)

COMMUNITY DEVELOPMENT

1.j.
MO 05-29
Approve Community Development Block Grant Project Agreement – Community Partners for Affordable Housing’s Greenburg Oaks Apartments Project (Removed From Agenda)

HEALTH AND HUMAN SERVICES

1.k.
MO 05-30
Grant Waiver/Authorization to Contract for Mental Health Services for Indigent, Uninsured Adults and Children (Approved Under Consent Agenda)

1.l.
MO 05-31
Grant Waiver/Authorization to Contract for Emergency Medical Services Consultant (Approved Under Consent Agenda)

SUPPORT SERVICES

1.m.
MO 05-32
Accept Proposal and Award Contract for Clinical Laboratory Services (Approved Under Consent Agenda)

1.n.
MO 05-33
Approve Option to Extend Contract and Increase Contract Expenditure for Liability Claims Adjusting Services (Approved Under Consent Agenda)

SERVICE DISTRICT FOR LIGHTING NO. 1-A COUNTY SERVICE DISTRICT

1.o.
SDL RO 05-6
Form Assessment Area, Authorize Maximum Annual Assessment and Impose a First Year Assessment for Renaissance Point III AKA Renaissance Point II Phase II (CPO 6) (Approved Under Consent Agenda)

1.p.

SDL RO 05-7

Form Assessment Area, Authorize Maximum Annual Assessment and Impose a First Year Assessment for Alvina Estates (CPO 6) (Approved Under Consent Agenda)

2. ORAL COMMUNICATION (2 MINUTE OPPORTUNITY)

None.

3. BOARDS AND COMMISSIONS

3.a.

MO 05-24

Announce Vacancies on Boards and Commissions

Chairman Brian announced vacancies on the Children and Families Commission and invited interested parties to contact the Administrative Office for a volunteer application. He indicated that there are a number of other Boards and Committees on which the public can participate.

4. PUBLIC HEARING – LAND USE AND TRANSPORTATION

4.a.

MO 05-25

Consider Appeal under Resolution and Order 77-76 of Right-of-Way Permit (CPO 14)

Chairman Brian summarized today's procedure for this hearing:

1. Staff Report
2. Appellant has 5 minutes to state his/her grounds for having the denial of the previous action overturned.
3. Any other interested parties have 3 minutes to state concerns with upholding or overturning the staff decision.
4. The appellant has a rebuttal period of 2 minutes.
5. The public hearing will be closed.
6. Board discussion and deliberation on the matter will ensue.

Dave Schamp referenced a packet of information, which was provided to the Board and interested parties by Kathy Lehtola. He said that the packet includes a copy of his letter to Mr. Boyk denying his request to modify permit 696-I, which outlines the reason for that denial. Mr. Schamp stated that Mr. Boyk was granted the opportunity to provide additional information relevant to this request. He told the Board the packet contains Mr. Boyk's request for modification. Mr. Schamp summarized that Mr. Boyk desires to provide a concrete bumper at the southwest corner of an existing concrete wall. He went on to say that the packet also holds portions of the original permit that was issued to Mr. Boyk for construction of that wall in 1994.

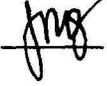
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

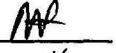
SUBJECT: An Ordinance Annexing Nine Parcels
Located in the Cornell Oaks Corporate
Center to the City of Beaverton: Annexation
2005-0002

5/02/05
FOR AGENDA OF: ~~4/18/05~~ **BILL NO:** 05080

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 4/1/05

CLEARANCES: City Attorney 
Planning Services 

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

EXHIBITS: Ordinance
Exhibits A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report Dated 3/15/05

BUDGET IMPACT

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

This request is to annex nine parcels consisting of approximately 23 acres in several islands in the Cornell Oaks Corporate Center to the City of Beaverton. This is what is commonly referred to as an island annexation and may proceed without the consent of the property owners or residents after the City Council holds a public hearing. It is being processed under ORS 222.750 and Metro Code Chapter 3.09.

INFORMATION FOR CONSIDERATION:

This ordinance and the staff report address the criteria for annexation in Metro Code Chapter 3.09. Beaverton Code Section 9.06.035A provides the City Council the option of adding property to an appropriate Neighborhood Association Committee (NAC) area at the time of annexation. These properties are not currently within a NAC. The Neighborhood Office is recommending that these parcels not be added to a NAC at this time.

Staff recommends that the City Council adopt an ordinance annexing the referenced property, effective 30 days after Council approval and the Mayor's signature on this ordinance or the date the ordinance is filed with the Secretary of State, whichever is later.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

ORDINANCE NO. 4349

AN ORDINANCE ANNEXING NINE PARCELS LOCATED IN THE CORNELL OAKS CORPORATE CENTER TO THE CITY OF BEAVERTON: ANNEXATION 2005-0002

- WHEREAS,** This annexation was initiated under authority of ORS 222.750, whereby the City may annex territory that is not within the City but that is surrounded by the corporate boundaries of the City, or by the corporate boundaries of the City and a stream, with or without the consent of property owners or residents; and
- WHEREAS,** The properties are in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City and this action implements those policies; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The properties shown on Exhibit A and more particularly described in Exhibit B are hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor or the date the ordinance is filed with the Secretary of State, whichever is later.
- Section 2.** The Council accepts the staff report attached hereto as Exhibit C, and finds that:
- a. This annexation is consistent with provisions in the agreement between the City and the Tualatin Valley Water District adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
 - b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services in that partial responsibility for sanitary and storm sewer facilities within the area annexed will transfer to the City subsequent to this annexation.
- Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:
- a. The properties will be withdrawn from the Washington County Urban Road Maintenance District and the Washington County Enhanced Sheriff Patrol District ; and
 - b. The properties that lie within the Washington County Street Lighting District #1, if any, will be withdrawn from the district; and
 - c. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the properties to be annexed by this Ordinance shall remain within that district; and
 - d. The territory will remain within boundaries of the Tualatin Valley Water District.

Section 4. The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.

Section 5. The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.

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 April 18th, 2005
Date

Second Reading and Passed _____
Date

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

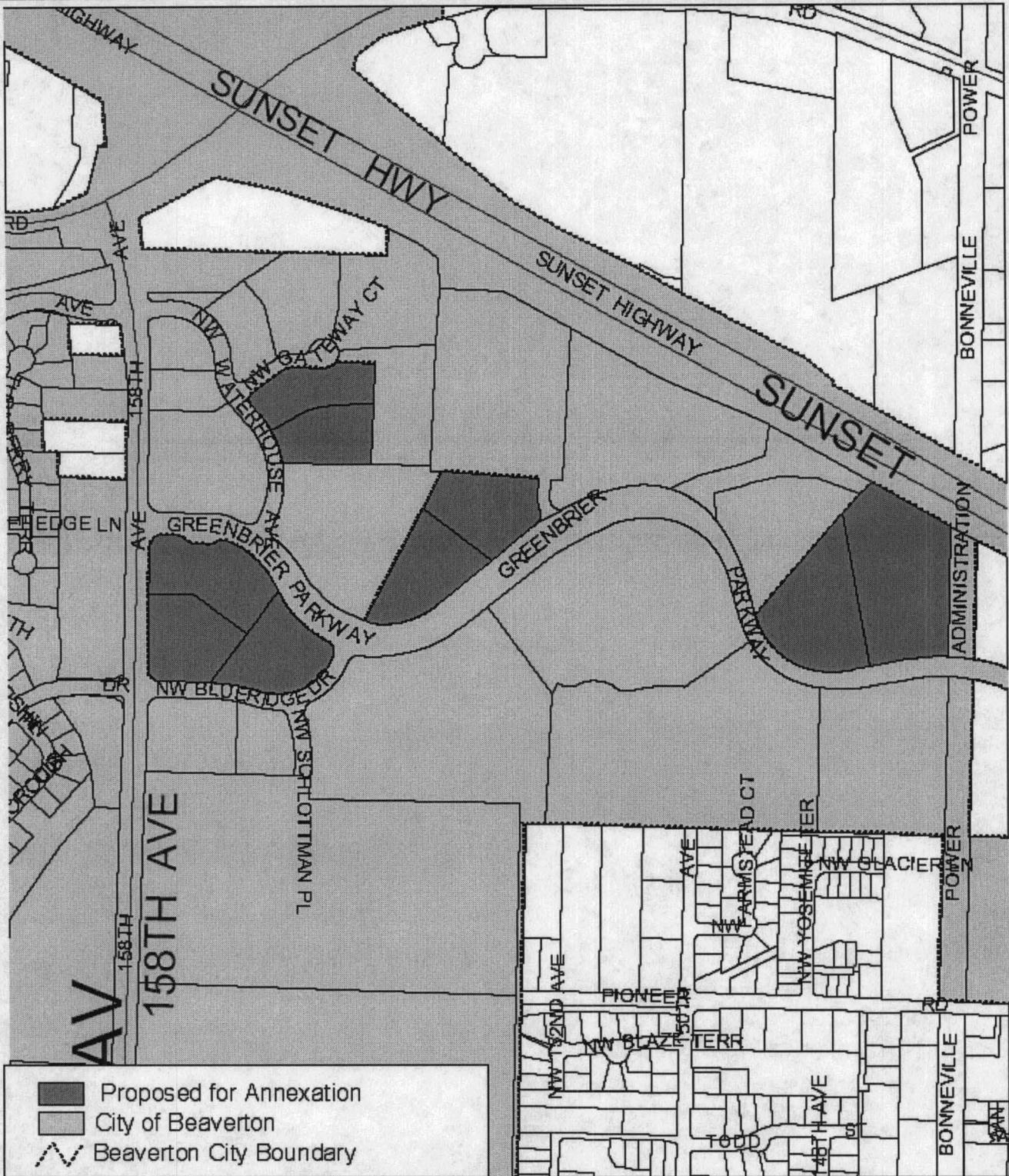
Date

Date

VICINITY MAP

ORDINANCE
NO. 4349

EXHIBIT "A"



Cornell Oaks Area Islands Annexations
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

01/31/05

Map #
Various



As of 3/31/05 #
ANX 2005-0002

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Annexing Five Parcels
Located in the Vicinity of the Cornell Oaks
Corporate Center, owned by Leupold &
Stevens, Inc. to the City of Beaverton:
Annexation 2005-0003

FOR AGENDA OF: ^{5/02/05}~~4/18/05~~ BILL NO: 05081

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 4/1/05

CLEARANCES: City Attorney AA
Planning Services HFB

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

EXHIBITS: Ordinance
Exhibits A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report Dated 3/29/05

BUDGET IMPACT

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

This request is to annex five parcels consisting of approximately 28 acres in the vicinity of Cornell Oaks Corporate Center to the City of Beaverton. This is what is commonly referred to as an island annexation and may proceed without the consent of the property owners or residents after the City Council holds a public hearing. It is being processed under ORS 222.750 and Metro Code Chapter 3.09.

INFORMATION FOR CONSIDERATION:

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

Beaverton Code Section 9.06.035A provides the City Council the option of adding property to an appropriate Neighborhood Association Committee (NAC) area at the time of annexation. These properties are not currently within a NAC. The Neighborhood Office is recommending that these parcels not be added to a NAC at this time.

Staff recommends that the City Council adopt an ordinance annexing the referenced property, effective June 30, 2006.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

ORDINANCE NO. 4350

AN ORDINANCE ANNEXING FIVE PARCELS LOCATED IN THE VICINITY OF THE CORNELL OAKS CORPORATE CENTER, OWNED BY LEUPOLD & STEVENS, INC. TO THE CITY OF BEAVERTON: ANNEXATION 2005-0003

- WHEREAS,** This annexation was initiated under authority of ORS 222.750, whereby the City may annex territory that is not within the City but that is surrounded by the corporate boundaries of the City, or by the corporate boundaries of the City and a stream, with or without the consent of property owners or residents; and
- WHEREAS,** The properties are in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City and this action implements those policies; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The properties shown on Exhibit A and more particularly described in Exhibit B are hereby annexed to the City of Beaverton, effective June 30, 2006.
- Section 2.** The Council accepts the staff report attached hereto as Exhibit C, and finds that:
- a. This annexation is consistent with provisions in the agreement between the City and the Tualatin Valley Water District adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
 - b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services in that partial responsibility for sanitary and storm sewer facilities within the area annexed will transfer to the City subsequent to this annexation.
- Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:
- a. The properties will be withdrawn from the Washington County Urban Road Maintenance District and the Washington County Enhanced Sheriff Patrol District ; and
 - b. The properties that lie within the Washington County Street Lighting District #1, if any, will be withdrawn from the district; and
 - c. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the properties to be annexed by this Ordinance shall remain within that district; and
 - d. 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 as demonstrated in the staff report attached as Exhibit C.

Section 5. The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.

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 April 18th, 2005
Date

Second Reading and Passed _____
Date

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

Date

Date

VICINITY MAP

Ordinance No. 4350

EXHIBIT "A"



Leupold & Stevens Island Annexation
 COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

01/31/05	N
Map #	
Various	
Application # ANX 2005-0003	

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: An Ordinance Adopting TA 2004-0009 to Amend Development Code Section 50.25.7 (Completeness Processing Amendment)

5/02/05
FOR AGENDA OF: ~~04-18-05~~ **BILL NO:** 05082

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: CDD *mg*

DATE SUBMITTED: 04-05-05

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

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

- EXHIBITS:**
1. Ordinance
 2. Land Use Order No. 1789
 3. Draft PC Minutes
 4. Proposed Text Amendment
 5. Staff Report dated 03-09-05

BUDGET IMPACT

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

On March 16, 2005, the Planning Commission held a public hearing to consider TA 2004-0009 to update Development Code Section 50.25.7 (Completeness Processing Amendment) to prevent land use applicants or their representatives from providing written refusal to provide information identified as required by the Planning Director or the Development Code to process a land use application in order to avoid the normal completeness process simply to then submit the required information in an untimely manner.

Following the close of the Public Hearing on March 16, 2005, the Planning Commission voted 5-1 (Pouge absent) to recommend approval of the proposed text amendment to Section 50.25.7, as memorialized in Land Use Order No. 1789

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill are Land Use Order No. 1789, the recommended text, the draft Planning Commission meeting minutes, and the staff report.

RECOMMENDED ACTION:

Staff recommend the City Council approve the recommendation of the Planning Commission for TA 2004-0009 (Completeness Processing Amendment) as set forth in Land Use Order No. 1789. Staff further recommends the Council conduct a First Reading of the attached Ordinance.

Second Reading and Passage

ORDINANCE NO. 4351

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTER 50;
TA 2004-0009 (Completeness Processing Amendment)

WHEREAS, the Beaverton Community Development Department has proposed a text amendment application to: Amend Development Code 50.25.7 (Completeness Processing Amendment) to prevent land use applicant's or their representatives from providing written refusal to provide information identified as required by the Planning Director or the Development Code to process a land use application in order to avoid the normal completeness process simply to then submit the required information in an untimely manner; 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 March 9, 2005, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on March 16, 2005; and,

WHEREAS, on March 16, 2005, the Planning Commission conducted a public hearing for TA 2004-0009 (Completeness Processing Amendment) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1789; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2004-0009 (Completeness Processing Amendment) following the issuance of the Planning Commission Land Use Order No. 1789; and,

WHEREAS, in accordance with City Council Rules of Procedure, the Council conducted a first reading of the Ordinance on April 18, 2005; and,

WHEREAS, specific to the proposed amendments to Section 50.25.7 (Completeness Processing Amendment) of the Development Code as summarized in Planning Commission Land Use Order No. 1789, the Council consents to and adopts as to facts and findings for this Ordinance the materials described in Land Use Order No. 1789 dated March 16, 2005, 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. 4332, the Development Code, Chapter 50, Section 50.25.7, 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 18th day of April, 2005.

Passed by the Council this ___ day of _____, 2005.

Approved by the Mayor this ___ day of _____, 2005.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

Exhibit "A"

Proposed Text is Underlined

50.25. Application Completeness

50.25.7

7. The application will be deemed complete for the purpose of this section upon receipt by the Community Development Department of:
 - a. All the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided;
or
 - c. Written notice from the applicant that none of the missing information will be provided.
8. If an applicant has chosen to refuse to submit missing information as specified in Section 50.25.7, the information identified as missing may only be submitted if the applicant agrees to a new 30 day timeline to determine completeness of the application and a new 120-day timeline pursuant to ORS 227.178 to render a final decision. An applicant may not invoke Section 50.25.11. when written refusal to submit information identified through the completeness process has been submitted in order to deem an application complete.
89. Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to subsection 9 or unless State law provides otherwise. [ORD 4282; January 2004]
910. The 120 calendar day time line specified in Section 50.25.8 may be extended at the written request of the applicant. The total of all extensions may not to exceed 240 calendar days from the date the application was deemed complete. [ORD 4282; January 2004]

1011. The applicant may amend the application up to and including fourteen (14) calendar days after the application has been deemed complete. Amendments to an application submitted more than fourteen (14) calendar days after the application is deemed complete may be determined by the Director to be so substantial that the application should be treated as having been refiled. In such a case, the Director shall provide the applicant with the following options: provide the City with a waiver of the 120-day timeframe set forth in ORS 227.178 of a minimum of fourteen (14) calendar days from the date the amendment was submitted; treat the application as having been refiled as of the date the amendment was submitted; or, decide the application on the basis of the applicant's materials without the amendment.
- 1112 .Pursuant to Section 50.25.3, an application will not be complete until the required fee has been received by the City. For any application which has been on file with the City for more than 180 calendar days and the applicant has not paid the required fee, the application will be deemed withdrawn.

AGENDA BILL

04-01-2004

**Beaverton City Council
Beaverton, Oregon**

5/02/05

SUBJECT: An Ordinance Amending Beaverton Code Chapter 2 by Repealing Sections 2.03.141 to 2.03.148 Providing for a Historic Resource Review Committee.

FOR AGENDA OF: ~~04-18-05~~ **BILL NO:** 05083

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney's 

DATE SUBMITTED: 04-04-05

CLEARANCES: CDD/Planning Svcs 

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

EXHIBITS: Ordinance

BUDGET IMPACT

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

The Historic Resource Review Committee was established in 1987. The Committee has now completed its inventory of historic resources and has implemented goals and policies for their preservation and protection as indicated in the Comprehensive Plan.

INFORMATION FOR CONSIDERATION:

The Historic Resource Review Committee may now be abolished. Any follow up will now be assumed by Planning staff and the Planning Commission.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

ORDINANCE NO. 4352

AN ORDINANCE AMENDING BEAVERTON CODE CHAPTER 2
BY REPEALING SECTIONS 2.03.141 TO 2.03.148
PROVIDING FOR A HISTORIC RESOURCE REVIEW COMMITTEE.

WHEREAS, the Historic Resource Review Committee completed its task of inventorying historic resources and assisting the City in protecting these resources as identified in its Comprehensive Plan; and

WHEREAS, the Historic Resource Review Committee has not met for many months; and

WHEREAS, to increase efficiency in the City the duties of the Historic Resource Review Committee can easily be assumed by staff and the Planning Commission; and

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Historic Resource Review Committee is hereby abolished.

Section 2. Sections 2.03.141 to 2.03.148 of the Beaverton City Code are hereby repealed.

First reading this 18th day of April, 2005.

Passed by the Council this day of _____, 2005.

Approved by the Mayor this day of _____, 2005.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor