



FINAL AGENDA

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

REGULAR MEETING
FEBRUARY 6, 2006
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

PRESENTATIONS:

- 06015 Presentation on Metro-Proposed Bond Measure for the Protection of
Natural Areas, Clean Water, and Fish and Wildlife Habitat

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of January 23, 2006

- 06016 Traffic Commission Issue No. TC 589 - Parking Restrictions on the Public
Streets of Murray Grove Townhomes (Eagle Ridge)
- 06017 Authorize Purchase of Taxlots 1S1 16AD 2600 (4675 SW Main Avenue
and 4605 SW Main Avenue) and 1S1 16AD 2700 (12820 SW First Street)
and Transfer Resolution (Resolution No. 3849)
- 06018 Resolution Authorizing the Mayor to Apply for and Enter into a \$1 Million
Loan with State of Oregon, Department of Energy to Expand and Extend
the Beaverton Central Plant at The Round (Resolution No. 3850)
- 06019 Transfer of Road Jurisdiction from the Oregon Department of
Transportation (ODOT) to the City of Beaverton (Resolution No. 3851)

Contract Review Board:

- 06020 Waiver of Sealed Bidding and Award Contract to Provide Structural Engineering Services for Seismic Upgrade Project for City Hall from the Beaverton School District Contract and Approve CM/GC Solicitation Process for Construction of the Project

WORK SESSION:

- 06021 Work Session on Graffiti Issues

PUBLIC HEARINGS:

- 06022 Development Services Fee Schedule Amendment (Resolution No. 3852)
- 06023 A Public Hearing to Determine a List of Projects to Submit to Metro for Receiving Local Legacy Program Funds from the Proposed 2006 Metro Nature In Neighborhoods Bond Measure

ORDINANCE:
First Reading

- 06024 An Ordinance Amending Provisions of the Nuisance Code Chapter 5.05 of the Beaverton Code (Ordinance No. 4380)

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.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Presentation on Metro Proposed Bond
Measure for the Protection of Natural Areas,
Clean Water, and Fish and Wildlife Habitat

FOR AGENDA OF: 02-06-06 **BILL NO:** 06015

Mayor's Approval:



DEPARTMENT OF ORIGIN: Mayor

DATE SUBMITTED: 1/27/06

CLEARANCES:

PROCEEDING: PRESENTATION

EXHIBITS: None

BUDGET IMPACT

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

INFORMATION FOR CONSIDERATION:

Metro Council President David Bragdon and Councilor Susan McLain will present information to the City Council on the development of a proposed bond measure, currently under consideration by the Metro Council, for the protection of natural areas, clean water, and fish and wildlife habitat. The Metro Council is expected to refer the measure to the voters at the November 2006 election.

RECOMMENDED ACTION:

Listen to presentation.

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
JANUARY 23, 2006

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, January 23, at 6:30 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Dennis Doyle and Fred Ruby. Coun. Stanton 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, Library Director Ed House, Operations/Maintenance Director Gary Brentano, Human Resources Director Nancy Bates, Police Chief David Bishop and City Recorder Sue Nelson.

PRESENTATIONS:

06010 Tualatin Hills Park and Recreation District Comprehensive Plan Update
Presentation

Doug Menke, Assistant General Manager for Tualatin Hills Park and Recreation District (THPRD) introduced himself and Jim McElhinny, the Director of Park and Recreational Services. He thanked Council for the opportunity to present the Comprehensive Plan Update. He said THPRD had always considered the City of Beaverton to be a great partner and the park district was the service provider for the City as well as unincorporated areas of Washington County.

He explained the Project Overview (in the record) included some key objectives that the park district would be attempting to reach through the Comprehensive Plan Update. He said those key objectives involved vision and mission statements, critical inventory for the parks as well as facilities, identifying future needs and priorities, goals, policies, standards, and action plans. He said a critical component was to involve district residents in planning for the future and ensure THPRD was listening to the needs of the residents.

He noted that in the project schedule they were well in their kickoff stage, which included identifying future needs. He said reaching out to all respective agencies that were involved with the park district as well as the public was part of that determination. He said they were moving well into the third phase as far as development of the Comprehensive Plan and aiming for adoption of the Plan in September 2006.

Menke said the THPRD project team was made up of a variety of different committees including the THPRD Board, THPRD Staff with Sarah Cleek as Project Manager, an in-house Staff Advisory Committee and a Project Management Team. He noted there was a consulting firm covering a variety of different topics, a Project Technical Advisory Committee and a Project Public Advisory Committee. He said that Alan Whitworth from the City of Beaverton Planning Department was involved with the Technical Advisory Committee and Councilor Dennis Doyle was involved with Public Advisory Committee. He explained that the Advisory Committee served as an opportunity to reach out to residents and individuals that have a particular interest in the district. He said the Technical Committee reached out to the School District, the Cities of Beaverton, Tigard and Hillsboro, respective other special districts within the area and some key planning groups. He noted that they would reach out to the public with surveys and different areas of commitment that would help the district better understand what the public wanted.

Menke said they had several general community meetings and the advisory committee groups had started to meet. He noted that they had recently completed their telephone survey which they had provided as a handout (in the record) to Council. He said the survey was interesting and it was intriguing to find that the residents were active, engaged and had an opinion.

He said the THPRD Project Website was another tool they used for interaction with the public. He explained that there were opportunities to fill out surveys on the website and that the park district would provide surveys in an effort to collect input from a broad base of individuals.

Jim McElhinny addressed Council and said the consultant team they had put together for the Comprehensive Plan Update was an interesting group. He said they were led by the Cogan-Owens Cogan Group from Portland, Oregon. He noted they were a great firm that had done a wonderful job of guiding the direction of the Comprehensive Plan. He said they had put together a team which consisted of Alta Planning and Design which assisted the park district with an update of the Trails Master plan. He said another member of the team was Ballard*King, a consulting firm based out of Denver, Colorado. He said they provided an outside set of eyes that looked at how the park district operated on a day-to-day basis. He said that included everything from programming, maintenance operations and the financial structure of THPRD. He said they were made up of individuals who had worked for park and recreation

departments across the country; they had an interesting outlook concerning how other agencies operated. He said this outside look had been very beneficial for the park district.

McElhinny said Davis, Hibbitts, and Midgehall was the firm that helped with public outreach, and surveying. He explained that they developed the questionnaire Council would be receiving. He said that Opsis Architects was analyzing THPRD buildings and facilities to help evaluate those buildings and facilities and how they currently served the park district as well as their life span.

McElhinny referred to project elements included in the Plan as current and future facility and program needs. He said they wanted to look at how the facilities were serving the community currently and what facilities and buildings the park district would need in the future. He said another element was maintenance and operation standards and practices. He said they were looking to see if all neighborhood or community parks would be maintained the same way or if there should be different levels of maintenance. He explained the financing mechanisms and revenue sources element would evaluate future needs. He said THPRD had just completed a long term financial plan along with the Twenty Year Plan update that would give them a good direction. He said the Trails Plan Element was for trails that were off-street as well as in the district, multi-use in nature and designed to connect neighborhoods to schools to commercial areas to mass transit. He said the Action Plan included Goals, Policies and Actions and was an explanation of how they would get to where they wanted to be after they analyzed all the feedback they were seeking. He said the supporting maps would also help guide the district.

McElhinny said there were core questions they hoped to answer from the Comprehensive Plan update. He said these questions were reflected in the questionnaire he distributed to Council (in the record). He said THPRD wanted to know what the most important needs were for the future park district facilities, programs and services. He said they wanted to look at the types of buildings and programs to be offered in the future.

McElhinny said THPRD was currently doing well, but they were interested in finding out what the significant gaps were in the program and facility areas and what they would need to focus on in the future. He said they would look at specific geographic areas within the park district to see if some had greater needs than others.

McElhinny noted that Councilor Bode had been a great help and supporter of a new program called the Recmobile. He said the RecMobile was an ambulance van that had been donated to THPRD by Metro West Ambulance and would be filled with recreational equipment. He said THPRD staff would take the RecMobile to neighborhoods within the district for residents that typically could not get to the recreation facilities for a number of different reasons. He said

those reasons might include kids that could not get to a park facility because the parents were working. He said they were looking at that sort of vehicle for getting THPRD's message out to the community.

McElhinny noted that recreational needs in the park district were changing. He described how the 1997 Twenty-year Master Plan had recommended the development of skate parks. He noted that a skate park had been built at the district complex on 158th and Walker Road and it was very popular. He said they were seeking to find out what kinds of change would need to take place for future demands on facilities and parks and what should the district do to respond to those changes.

McElhinny said the park district would involve others through an active public outreach as explained earlier in the presentation. He said information about upcoming public meetings or other opportunities to be involved in the study could be found on THPRD's Website, the Speaker's Bureau, and through the planned open houses. He noted the next open house would be in July 2006. He said they would like the opportunity to go out and speak to other interested groups in the community.

McElhinny thanked Council for the opportunity to speak that evening. He said for more information the contact person for this project was Sarah Cleek at (503) 629-6305, ext. 2931.

Coun. Doyle referred to members of the Consultant Team Ballard*King and asked what kind of a product would be realized from their work. He asked if it would be a substantial document to help with day-to-day operations as well as recommendations for maintenance and standards.

McElhinny said that was what they were anticipating and that would be folded into the rest of the Comprehensive Plan.

Menke said they were hoping for some interesting outcome information. He said that as McElhinny indicated, THPRD believed they were very good at what they did. He noted that they wanted to find out if the surveys said they were as good as they thought they were.

Coun. Doyle said the questions THPRD raised in the presentation were critical to the costs that drove the district in terms of maintenance and follow up. He said the presentation asked excellent questions that needed answers. He said he thought it was excellent that they were using a company removed from the day-to-day operations; it was a great way to get a good perspective.

Coun. Arnold commended THPRD for their outreach to the community, especially with the Citizens with Disabilities community. She referred to current

and future facilities and program needs of residents and asked if they were looking at areas outside their current boundaries.

McElhinny said they were looking in all areas of the park district and also the alternate service area as set by the Senate Bill 122 process. He said a good example of the park district in a partnership with Portland Community College (PCC) was to use 33 acres on the Rock Creek Campus. He said the park district was going to construct a recreation facility to be used by the college and the citizens in that fast growing area. He said THPRD would not have to acquire 33 acres of land at the current prices. He said they were seeking out those sorts of opportunities as well.

Coun. Arnold asked if THPRD was planning for the Bull Mountain area and other areas that may or may not concede to coming into the park district boundaries.

Menke said presently Bull Mountain was outside their service area and would not be included in the Comprehensive Update.

Coun. Arnold asked how they were looking at Regional Plans for areas not currently in the service area, but could be included in the area someday.

Menke said that Bull Mountain specifically would be part of Tigard's planning area. He said there was a good deal of unincorporated areas at the north end of the park district (the Bethany area) that were currently not in the park district area, but within the planning area.

Coun. Arnold asked how they were looking at regional plans for connective trails.

Menke said THPRD was very involved in regional planning. He said they made the same presentation to the Metro Council earlier as well as having on going discussions regarding the west-side trails, including the Beaverton Powerline Trail. He said whenever possible the trails were linked and working with other agencies was a critical tool in that process since the park district was not a permitting agency.

Coun. Arnold noted that she had seen a device for park districts that was a trash can that was 10-12 feet tall that was installed below ground level.

Menke said the park district currently had some of those trash cans. He explained that one could only see the portion of the trash can that was above the ground. He said this type of trash can enabled compaction and reduced maintenance costs. He said the Center Street Park had several of these trash cans.

Coun. Ruby said he was part of the group that toured the Mt. Williams Property. He said he enjoyed walking up to the high point of the property and viewing the

natural connection of the trail from Chehalem Elementary School to an existing trail park. He noted that would be a splendid project in the future.

Menke thanked Mayor Drake and said he was a critical component in the leadership meetings.

Coun. Bode said THPRD's presentation was excellent. She asked if the Harmon Center was the only therapeutic pool in the district. She said the sector of the population that thought they would be retiring and moving away was now retiring and staying in the area and would be looking for more pool facilities like the Harmon Center.

Menke said the Harmon Pool was primarily used as a heated and dedicated therapeutic and adaptive programming pool. He said part of the Comprehensive Plan update was to find out if more facilities like the Harmon Pool would be needed to accommodate senior programming.

Coun. Bode explained that the park district had taken an old vehicle, the RecMobile, and loaded it with outdoor sports equipment and planned to take it to apartment complexes for use by the apartment residences. She said the Virginia Garcia Clinic had noted a large influx of African refugees that required training in things as simple as basic street skills. She said the introduction of team sports through use of the RecMobile would be a great cultural and beneficial help for them and others. She said she was looking forward to seeing the RecMobile out and about.

Coun. Bode asked if Menke wanted the Council to complete the survey he had distributed and turn it in by February 7, 2006.

Menke said they would appreciate the Council's participation in the survey.

VISITOR COMMENT PERIOD:

Reverend Ja West, Beaverton, addressed Council about various personal and religious concerns.

Doris Lang, Beaverton, said she was concerned about parking; she showed the Council a map and pictures of a building on the corner of Farmington Road and Watson Ave. She said the area of concern was right next door to where the proposed First Street and Angel development would be built. She said she had owned a building in that area since 1975; in the 1980's there had been an Urban Renewal Bureau and the City had promised at that time that if they could take the Lang's parking in front of their building that parking would be available on Farmington and Angel Street. She said the current problem was a new business had gone into that area and the owners were towing cars that parked there. She

said she had discussions with the City regarding possible parking on the street, which had been denied.

Mayor Drake said Council had not been previously apprised (with the exception of Coun. Ruby) of the correspondence between Mrs. Lang and the City. He said that prior to the untimely death of Mrs. Lang's husband he had met with the Lang's regarding the parking. He noted that Mrs. Lang had recently retained the services of Attorney Bill Cox, and that in addition Beaverton's City Attorney staff had talked to Mr. Cox.

Mayor Drake explained there wasn't any evidence that substantiated a discussion the Lang's may have had with the City in either the City's Archives or Land Use Action records. He noted that Mrs. Lang had not been able to provide any records to corroborate some kind of formal action. He said they were at a dead end.

Lang said that at the time they did not get the parking issue in writing, but she wanted Council to know about the current parking problems.

Mayor Drake said he understood Lang's comments but noted that without any formal action or anything that City Council or the Planning Commission would have passed; there was nothing in the files and consequently no evidence that staff found that would corroborate Lang's comments. He explained that the City could not deed or will over property without formal action or evidence that the Lang's paid for the property. He said that after talking to Mr. Lang over a year ago, he had instructed City staff to try and find something to corroborate the story. He said staff had found nothing. He said that put the City in a position of having no evidence supporting that information.

Lang said that she had not been compensated for the parking being taken away from the front of the building. She said they had been trying to cooperate with the City at that time.

Mayor Drake said there was no one present that had been part of that decision. He said that it made it extremely difficult for the City to go back and resurrect a history where there was no evidence that a commitment had been made. He said he had instructed staff to take time to look at City records to see if there was any evidence of a formal, legal commitment on the City's part. He said that without that the City could not be bound to a commitment. He asked if the City Attorney could provide any further information.

Alan Rappleyea, City Attorney, said the City had done research, reviewed the Beaverton Urban Renewal Minutes and retained the services of a Title Company to look at deed records. He said the City had removed on-street parking or public parking, but had not removed any private parking and had widened Farmington Road. He noted that there may have been discussions regarding

parking on a lot, but the City currently needed the lot for a health clinic. He noted that the health clinic would be a very valuable service for the Citizens of Beaverton. He said there were permits for day time parking and there was also overnight on street parking in other parts of the downtown area. He noted that the City Traffic Engineer, Randy Wooley had an agenda at the Traffic Commission where there had been amendments in the Parking Requirements to aid in this situation. He said there were parking permits available at very minimal costs for downtown parking.

Mayor Drake said the City Attorney explained that the City was in the process of trying to help the situation as much as they legally could. He said the City could not provide free parking for Lang's tenants and that research had proven a written provision did not exist. He said parking was not a provision that was included with the building.

Lang replied that in the past she had understood the City to say that if she cooperated with the City, she would be given that parking.

Mayor Drake said he understood and that Mr. Lang had explained the same issue. He said that the City had looked in earnest to see if any formal action had been taken by the City. He noted that with the absence of formal action, the City could not be obligated to something that did not show as a formal existing record. He said he could not speak to what happened 31 years ago, because he wasn't there.

Lang said she recalled that it had all been done verbally.

Mayor Drake said the reason for formal actions was to memorialize decisions so these kinds of situations will not happen thirty-one years later.

Coun. Doyle said if staff was working on plans for the area there may be a resolution that had not been discovered yet.

Lang said the parking situation was critical right now.

Coun. Doyle said that City staff had certainly heard Lang's message and that they were a good resource to review the situation.

Henry Kane, Beaverton, said he had very good news for the people of Beaverton who did not want their access to and from Highway 217 at Allen and Denney to be blocked. He said the Highway 217 recommendations of last November 2005, had run into several roadblocks, which included the Joint Policy Advisory Committee on Transportation (JPACT) Alternatives Committee adoption of a complicated resolution and in the process pointed out that the Oregon Department of Transportation (ODOT) refused to make Highway 217 a Project of Statewide Significance. He said that would enable ODOT to rebuild it without a

toll road in less than eighty years. He said Highway 217 should be made into a Project of Statewide Significance.

Mayor Drake said he was at the JPACT meeting and the interim Region One Director for ODOT preferred that it not be designated a Project of Statewide Significance at this time. He said that she suggested it would be better solved by being a public/private partnership, meaning a toll road. He said part of the issue was that ODOT did not want to open up the idea of Projects of Statewide Significance because if Highway 217 became one, it would mean that other parts of the state would also ask to open Statewide Significance Projects. He said he was just putting a different spin on Mr. Kane's information.

David James, Beaverton, asked if any of the Councilors had walked Walker Road in regard to his request from a few weeks ago.

Coun. Doyle said he had walked part of it and commented that Walker Road was missing sidewalks and other safety issues.

James asked if Coun. Doyle would still consider Walker Road a lower priority than construction on Cornell Road.

Coun. Doyle said there were many streets within the City that needed improvement.

James said he agreed that many streets needed improvement, but Cornell was not one of them. He said Cornell had sidewalks.

Mayor Drake said he was out by Walker Road and agreed that the road needed improvements. He said what made it so difficult in comparing Walker Road to Cornell was that Cornell had 20 to 25% more cars traveling on it per day. He said Washington County was looking at doing some interim steps along the roadway. He commented that he would like to think that the City's interest and Mr. James interest had been a good combination. He said the County was part of the study between Canyon and 185th and they were better convinced today than when the Coordinating Committee first started talking about it, that the emphasis should be somewhere west of 158th and not east of there, where they were originally focused. He said the County was talking about putting a signal and lighting along the roadway.

James said a pedestrian bridge over Willow Creek was needed. He said that would allow people to walk along Walker Road.

Mayor Drake said he agreed.

COUNCIL ITEMS:

There were none.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

Minutes of the Regular Meeting of January 9, 2006

- 06011 Liquor License - Change of Ownership - Mandarin Palace Restaurant and Lounge
- 06012 Liquor License - New Outlet - Juan Colorado Mexican Restaurant
- 06013 Authorize the City Attorney to Enter into a Professional Services Contract with Outside Counsel to Provide Legal Review and Consultation
- 06014 Boards and Commissions Appointments – Nancy Scott and Jason Ridge to Board of Design Review

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

ORDINANCES:

Second Reading:

Rappleyea said there were slight revisions to the two ordinances that had been read by title only at the Council Meeting of January 9, 2006. He said that pursuant to the Charter those provisions had to be read out loud as part of the title reading. He said the issue the City became aware of was that there was a State Statute that did not allow annexation to become effective to within ninety-days prior to a primary election. He said the annexations in question would have overlapped by two or three days for the ninety-day window. He said new language was added that said the annexations would be effective pursuant to the Statute.

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

- 06007 An Ordinance Annexing One Parcel Located at 16930 SW Spellman Drive to the City of Beaverton. ANX 2005-0012 (Ordinance No.4378)

06008 An Ordinance Annexing Three Parcels and Associated Right of Way Located at 16655 SW Scholls Ferry Road in the City of Beaverton and Adding Property to the Neighbors Southwest Neighborhood Association Committee. ANX 2005-0009 (Ordinance No. 4379)

Coun. Ruby MOVED, SECONDED by Coun. Bode, that the amended ordinances embodied in Agenda Bills 06007 and 06008 and as read by the City Attorney, now pass. Roll call vote. Couns. Arnold, Bode, Doyle and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0)

Other Business:

Coun. Doyle commented that it would be a good idea if the Library mobile unit could tag along with the THPRD Recmobile.

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 , 2006.

Rob Drake, Mayor

AGENDA BILL

Beaverton City Council Beaverton, Oregon

SUBJECT: Traffic Commission Issue No. TC 589 –
Parking Restrictions on the Public
Streets of Murray Grove Townhomes
(Eagle Ridge)

FOR AGENDA OF: 2-06-06 **BILL NO:** 06016

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: Engineering *TJR*

DATE SUBMITTED: 1-24-06

CLEARANCES: Transportation *DR*
City Attorney *MR*

PROCEEDING: Consent

- EXHIBITS:**
1. Vicinity Map
 2. City Traffic Engineer's report on Issue TC 589
 3. Materials received at the hearing
 4. Final Written Order on TC 589
 5. Draft minutes of the meeting of January 5, 2006 (excerpt)

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On January 5, 2006, the Traffic Commission considered the subject traffic issue. The staff report is attached as Exhibit 2.

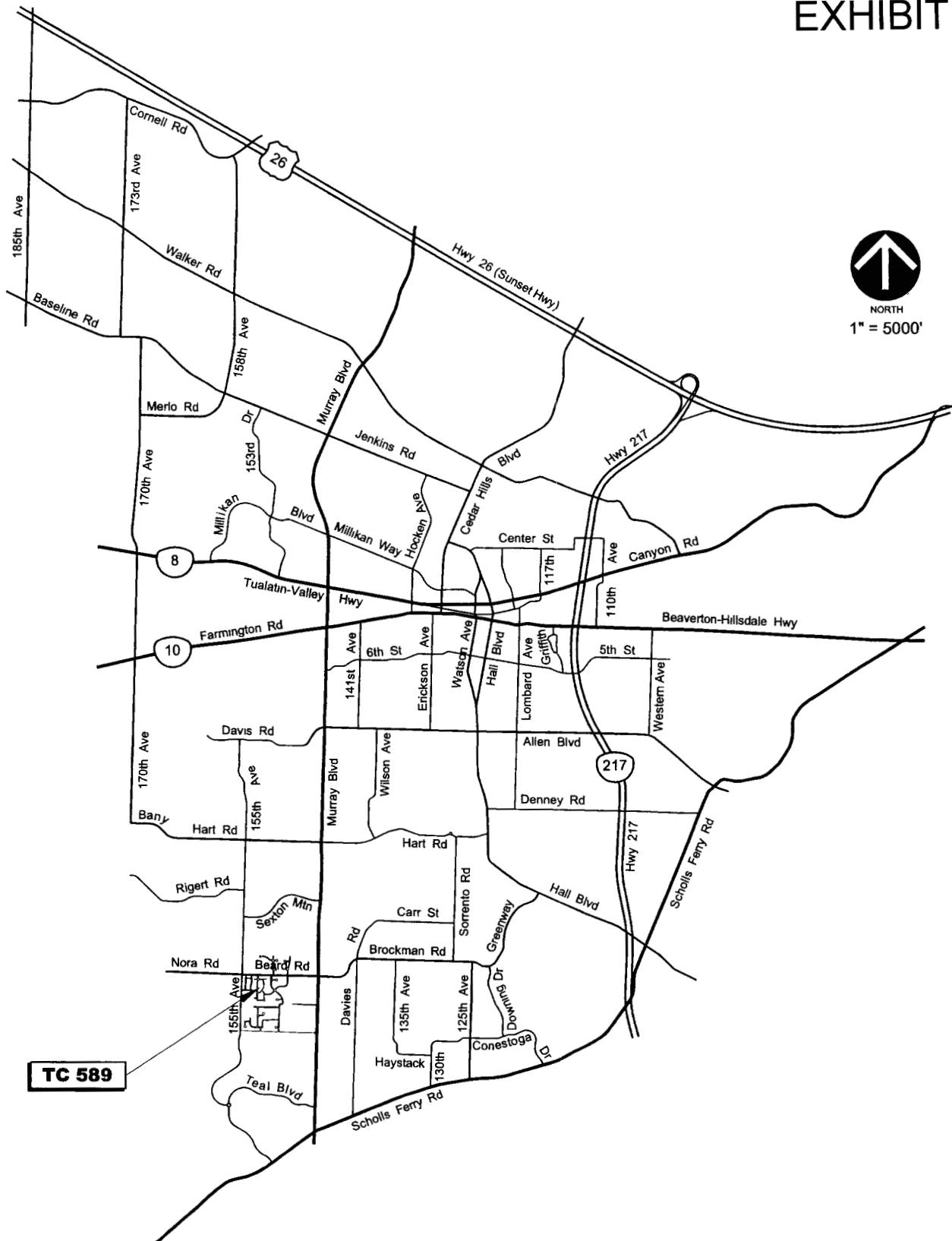
INFORMATION FOR CONSIDERATION:

A public hearing was held on Issue TC 589. Following the hearing, the Commission voted to approve the staff recommendation to establish parking restrictions within the subdivision.

RECOMMENDED ACTION:

Approve the Traffic Commission recommendation on Issue TC 589.

EXHIBIT 1



Y:\Traffic\Drawings\TC Vicinity Map\VICINITY MAP TC 589 1-06.dwg



City Of Beaverton

Vicinity Map for January 2006
TC Issue: 589

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: MC Date: 12/27/05

Reviewed By: Date:

Approved By: Date: 001

CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 589

Parking Restrictions on the Public Streets of Murray Grove Townhomes (Eagle Ridge)

December 14, 2005

Background Information

The subdivision named Murray Grove Townhomes was approved in 1998. The development within this subdivision is called Eagle Ridge. The subdivision has narrow streets that would typically have parking prohibitions on one or both sides. However, the conditions of approval for this subdivision contain no mention of parking restrictions. Therefore, any required parking restrictions will need to be created through the Traffic Commission process.

John Dalby of Tualatin Valley Fire & Rescue (TVF&R) requested restricting parking on the public streets of Murray Grove Townhomes. The request originated when TVF&R responded to a call from the Murray Grove neighborhood and encountered access difficulty due to parked cars on the street. Staff also received calls from Murray Grove residents requesting on-street parking restrictions to maintain emergency access.

The street widths within the Murray Grove Development range between 20–32 feet (see attached drawing). The narrow lot configuration and close driveway spacing throughout the development limit the on-street parking opportunities.

Under the current standards of the City's Engineering Design Manual, parking should not be allowed on 20-foot wide streets and should not be allowed on both sides on 24-foot wide streets.

Staff met with the Home Owners Association Transition Advisory Committee and reached a consensus on the areas where parking should be restricted while maintaining emergency access and the parking needs of the residents.

Staff propose to prohibit parking in the subdivision of Murray Grove Townhomes on both sides of 20-foot wide streets and on one side of streets wider than 20 feet as shown on the attached drawing.

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); and
- 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion);
- 1e (assure safe access and reasonable response times for emergency vehicles).

Conclusions:

1. Prohibiting parking on one side on 24-foot or wider streets and on both sides on 20-foot wide streets in the Murray Grove Townhomes subdivision would improve vehicular safety and ensure orderly and predictable movement of vehicles, satisfying Criterion 1a and 1b.
2. The proposed parking restrictions are the minimum needed to provide safe access to the subdivision in accordance with City standards. On-street parking will still be available to accommodate the parking needs of residents, satisfying Criterion 1d.
3. The proposed parking restrictions will provide adequate width for access of emergency vehicles, satisfying Criterion 1e.

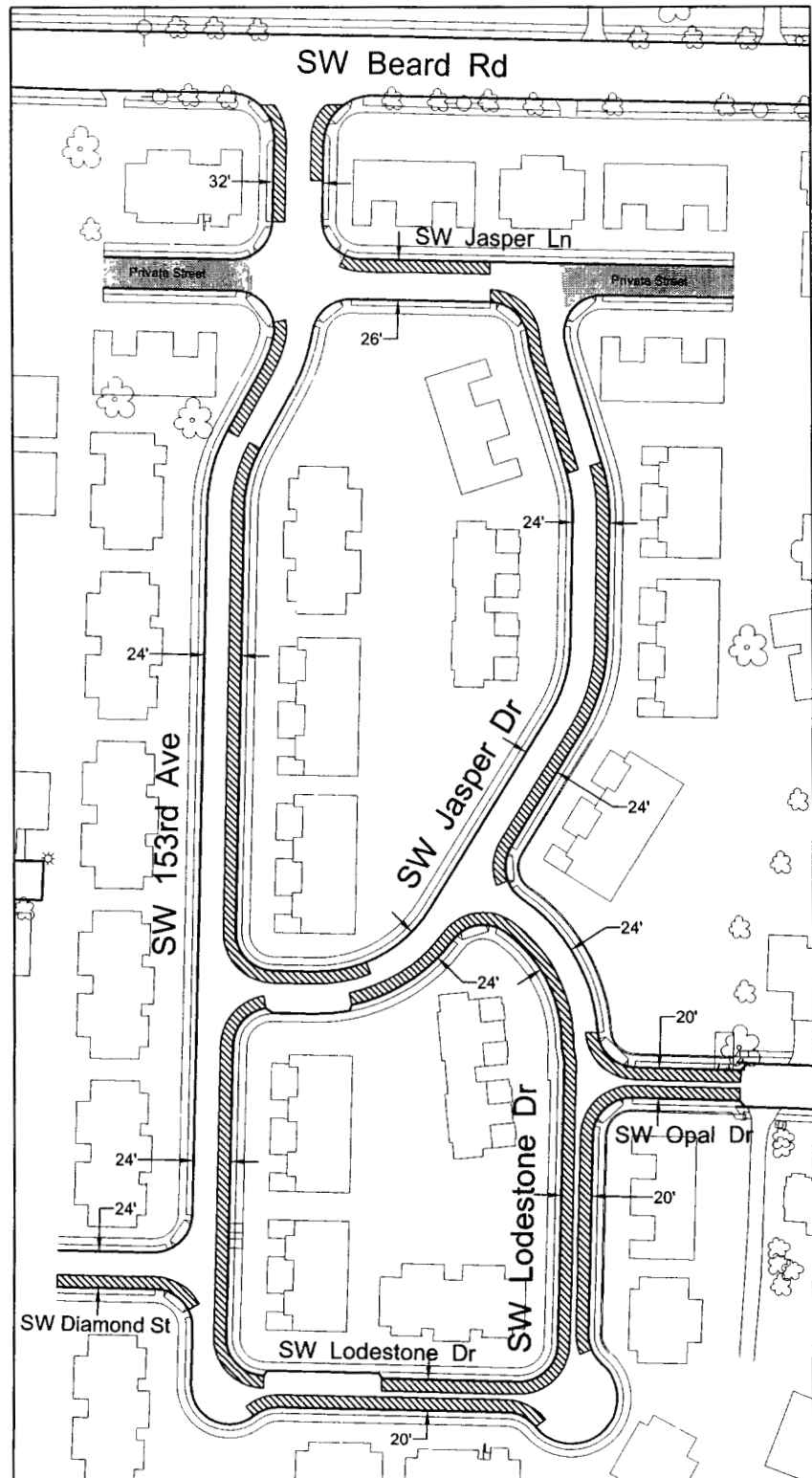
Recommendation:

Prohibit parking on one side of the street on 24-foot or wider streets and on both sides on 20-foot wide streets in the subdivision of Murray Grove Townhomes as shown on the attached drawing.

TC 589



 Proposed
"No Parking"
Areas



Y:\Traffic\Drawings\ 2005 \ 05-129 153rd near Beard Signing.dwg



City Of Beaverton

Parking Restrictions on the Public Streets
of Murray Grove Townhomes (Eagle Ridge)

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: MC/JW Date: 12/15/05

Reviewed By: _____ Date: _____

Approved By: _____ Date: 004

RECORD COPY

Randy Wooley

From: Renfro, Jerry L. [Jerry.Renfro@tvfr.com]

Sent: Friday, December 23, 2005 1:33 PM

To: Randy Wooley

Subject: Eagle Ridge Issue No. TC 589

RECEIVED

DEC 23 2005

ENGINEERING DEPT.

Randy Wooley

Traffic Engineer

Beaverton Oregon

This memo is to confirm the approval and endorsement of the Parking Restriction scheme for the public streets located within the Murray Grove Town homes (AKA Eagle Ridge)

This proposal will be before the Beaverton Traffic Commission on January 5th 2006. Issue No. TC 589

I have reviewed the proposal and find it would be very beneficial to the community as well as to Tualatin Valley fire and Rescue. The proposal would allow for much improved fire and emergency access for the community.

Sincerely

Jerry Renfro DFM

Traffic Systems Manager

Tualatin Valley Fire and Rescue

005

12/23/2005

RECORD COPY

MEMORANDUM
Beaverton Police Department

DATE: December 27, 2005

TO: Randy Wooley

FROM: Jim Monger

SUBJECT: TC 589

RECEIVED

DEC 27 2005

ENGINEERING DEPT.



Chief David G. Bishop

TC 589. I concur with the recommendation to prohibit parking as detailed in the Traffic Engineer's drawing dated 12/15/05 for the Murray Grove Townhomes.

EXHIBIT 3

January 5, 2006

Mr. Randall Wooley
City Transportation Engineer
City of Beaverton
4755 SW Griffith Drive
Beaverton, Oregon 97007

01-05-06 P02:56 IN

RE: Parking Restrictions on Public Streets
In Murray Grove Subdivision. (TC 589)

Dear Mr. Wooley,

Pursuant to our conversation today, I am submitting the following information for consideration in tonight's meeting.

The subdivision currently being discussed has a designation, which allows 22 units per acre. During the developmental meetings and in accordance with requests from adjacent neighbors and the city to preserve as many trees as possible, the land was developed at 11 units per acre. The community is one to be proud of with beautiful open spaces and mature vegetation. Mayor Drake was involved in the meetings and many concessions were made to develop this land into its current appeal.

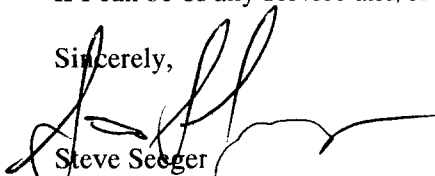
You are now proposing to decrease the available parking some 38 spaces. In a development of 111 town homes, this is substantial.

I do agree that some measures do need to take place and some areas need to be dealt with. 153rd avenue has become somewhat of an access road for the new condo development (Montarosa) off Diamond Street. There are however, areas off Lodestone and Jasper Drive, which warrant allowed parking to increase the livability of the community and still provide health and safety access to the community as a whole. Both of these areas are located off the main access street of 153rd. In addition you have proposed parking areas, which are in front of mailboxes and fire hydrants and requested no parking on the opposite sides of the street where there are no obstructions.

I highly request you revisit the proposal to meet the needs of the community and government as a whole.

If I can be of any service and/or clarify any items, which I have brought up, please don't hesitate to contact me.

Sincerely,



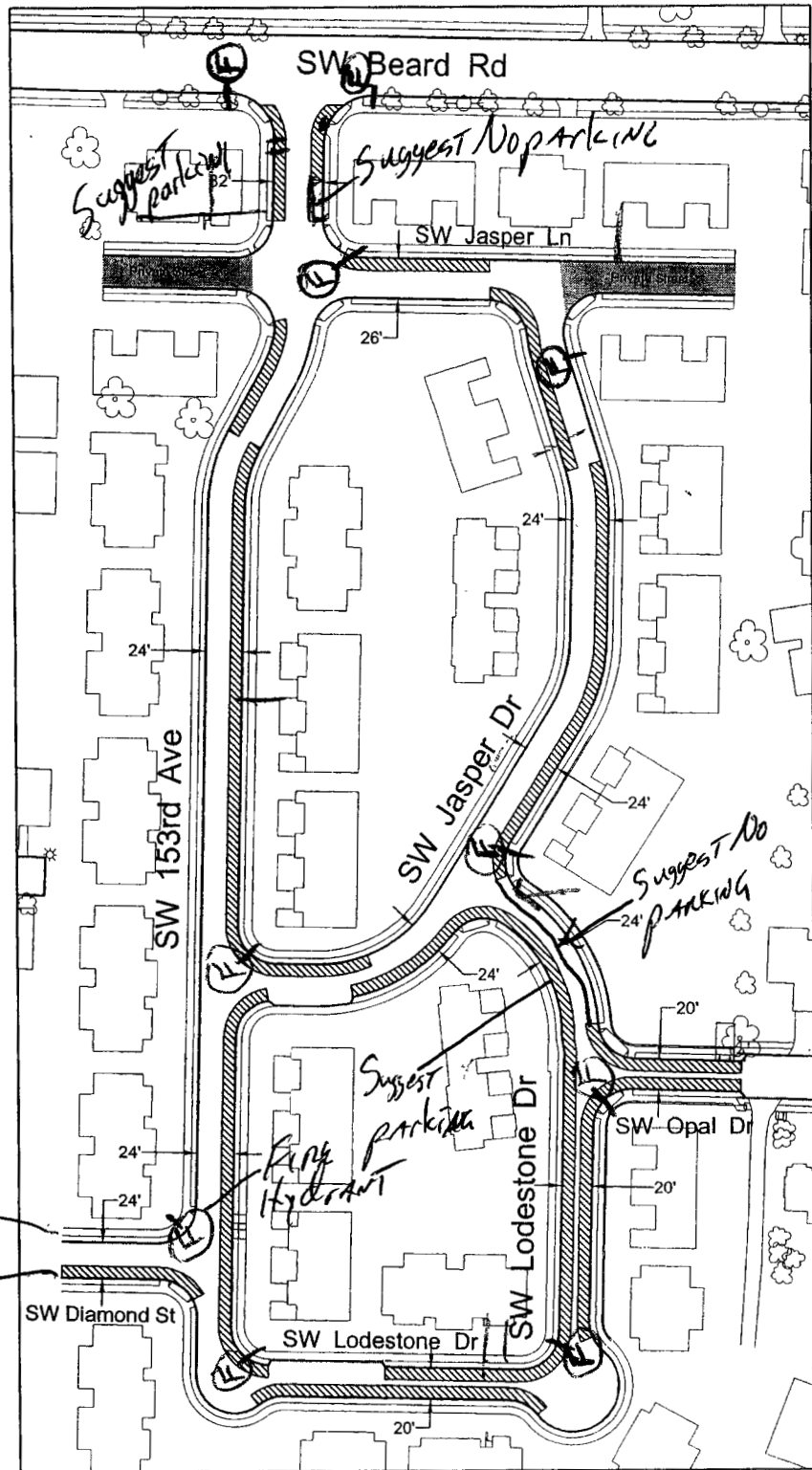
Steve Seeger
President, Eagle Ridge HOA
9490 SW 153rd Avenue
Beaverton, Oregon 97007
503 888-2525
steve@steveeeger.com

CC: Mayor Drake
attachment

TC 589



 Proposed
"No Parking"
Areas



Y:\Traffic\Drawings\2005\05-129 153rd near Beard Signing.dwg



City Of Beaverton

Parking Restrictions on the Public Streets
of Murray Grove Townhomes (Eagle Ridge)

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: MC/JW Date: 12/15/05

Reviewed By: _____ Date: _____

Approved By: _____ Date: 08

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 589


Parking Restrictions on Public Streets of Murray Grove Townhomes (Eagle Ridge)

1. A hearing on the issue was held by the Traffic Commission on January 5, 2006.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
 - 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion);
 - 1e (assure safe access and reasonable response times for emergency vehicles).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - Parking restrictions were requested by Tualatin Valley Fire and Rescue to assure adequate street width to accommodate fire vehicles.
 - Staff reviewed their recommended parking restrictions with the Home Owners Association Transition Advisory Committee of Eagle Ridge.
 - The streets of Eagle Ridge range in width from 20 feet to 32 feet. The City's Engineering Design Manual indicates that parking should not be allowed on a 20-foot wide street and should not be allowed on both sides on a 24-foot wide street.
4. Following the public hearing, the Traffic Commission voted (7 aye, 0 nay) to recommend the following action:
 - Prohibit parking on one side of the street on 24-foot or wider streets and on both sides on 20-foot wide streets in the subdivision of Murray Grove Townhomes as shown on the attached drawing.
5. The Traffic Commission decision was based on the following findings:
 - Prohibiting parking on one side on 24-foot or wider streets and on both sides on 20-foot wide streets in the Murray Grove Townhomes subdivision would improve vehicular safety and ensure orderly and predictable movement of vehicles, satisfying Criterion 1a and 1b.
 - The proposed parking restrictions are the minimum needed to provide safe access to the subdivision in accordance with City standards. On-street parking will still be available to accommodate the parking needs of residents, satisfying Criterion 1d.
 - The proposed parking restrictions will provide adequate width for access of emergency vehicles, satisfying Criterion 1e.

RECORD COPY

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

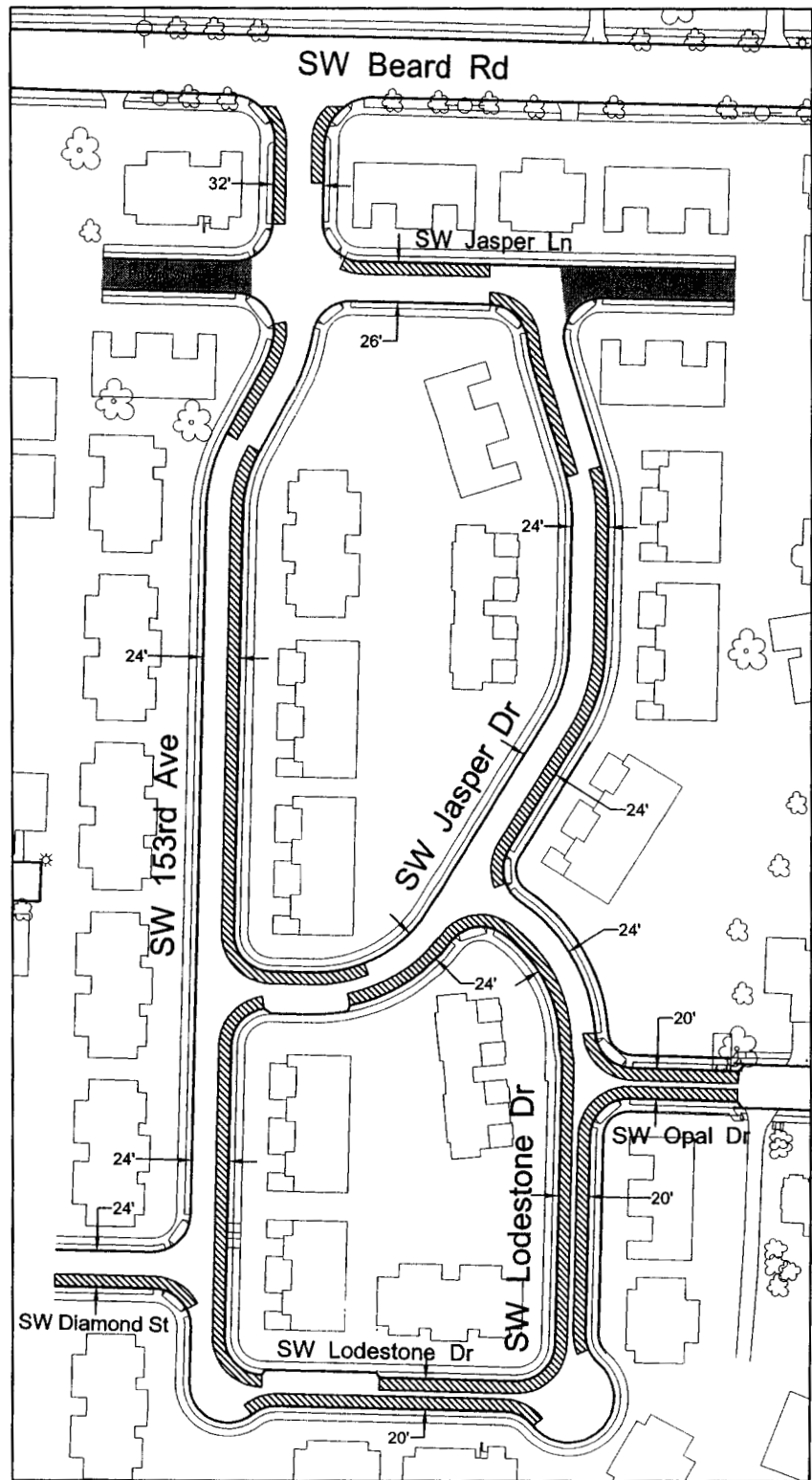
SIGNED THIS 5th DAY OF JANUARY 2006



Traffic Commission Chair



 Proposed
"No Parking"
Areas



Y:\Traffic\Drawings\2005\05-129 153rd near Beard Signing.dwg



City Of Beaverton

Parking Restrictions on the Public Streets
of Murray Grove Townhomes (Eagle Ridge)

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: MC/JW Date: 12/15/05

Reviewed By: _____ Date: _____

Approved By: _____ Date: _____

011

DRAFT

City of Beaverton

TRAFFIC COMMISSION

Minutes of the January 5, 2006, 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, Carl Teitelbaum, Bob Sadler, Ramona Crocker, Kim Overhage, Maurice Troute and Tom Clodfelter constituted a quorum. Alternate Member Tom Wesolowski was in the audience to observe.

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

— EXCERPT START —

CONSENT ITEMS

Chairman Knees reviewed the consent item, approval of the December 1, 2005, Traffic Commission minutes.

On discussion, Commissioner Overhage noted a spelling correction to the minutes.

Commissioner Teitelbaum **MOVED** and Commissioner Clodfelter **SECONDED** a **MOTION** to approve the minutes of the December 1, 2005, Traffic Commission meeting.

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

PUBLIC HEARING**ISSUE TC 589: PARKING RESTRICTIONS ON THE PUBLIC STREETS OF MURRAY GROVE TOWNHOMES (EAGLE RIDGE)**

Chairman Knees opened the public hearing on Issue TC 589.

Staff Report

Mr. Wooley clarified that the subdivision's name is Murray Grove Townhomes. The name of the development is Eagle Ridge.

Mr. Wooley said this is a townhouse subdivision with narrow streets. When this development went through the conditions of approval process, both the City and Tualatin Valley Fire and Rescue (TVF&R) overlooked the need to install no parking zones during their reviews. Per existing City standards, parking should not be allowed on 20-foot wide streets and should not be allowed on both sides of 24-foot wide streets. Staff now needs to correct this omission.

Mr. Wooley said staff heard complaints from residents for several months. He had understood from those conversations that Eagle Crest was in the process of forming an owners' association and that the association would let him know from which side of each street they wanted parking removed.

The owners' association was still not functional after several months. Deputy Fire Marshal John Dalby of TVF&R said emergency vehicles must have access to this neighborhood and they could wait no longer. TVF&R requested that the City act to restrict parking. Project engineer Jabra Khasho investigated and staff proposed a parking plan. The owner's association transition advisory committee requested a meeting with Mr. Khasho to review the plan and together they made a few adjustments.

Mr. Wooley explained that the developer initially was the owners' association. Then, as the townhomes were purchased and occupied, the new owners began to organize a transition advisory committee for the owner's association. Mr. Wooley said this explains why the Commission has before them a letter from the subdivision developer, Steve Seeger, who refers to himself as president of the Eagle Ridge Home Owner's Association.

Regarding Mr. Seeger's letter and the changes he suggests for the plan, Mr. Wooley said staff could generally be flexible about which sides of the streets have restricted parking. He sees no problem with switching the no parking zone from one side to another on the subdivision entry at 153rd and Beard

Road. Mr. Seeger also suggested that parking on Lodestone Drive be restricted only on one section of the east side. Mr. Wooley said Lodestone is not wide enough for that. The east side has no driveways and it is the outside of the curve. Based on the need for sight distance on the curve, staff considered the west side preferable for a parking restriction. Mr. Seeger would prefer that the parking restriction be moved to the north side of Diamond Street. Staff chose the south side because it matches the parking restriction to the west in the adjoining subdivision.

Chairman Knees called for questions on the staff report.

Commissioner Troute asked if each townhome had both a driveway and a garage.

Mr. Khasho said they all have driveways and garages; some have a single garage while others have a double garage.

Commissioner Crocker noted that TVF&R sent a memo showing their support for staff's plan. She assumes that they checked out the location of the no parking zones in relationship to the fire hydrants; yet Mr. Seeger marked the location of the hydrants on the drawing attached to his letter.

Mr. Wooley said most of the fire hydrants are on corners. Drivers cannot legally park on street corners blocking a pedestrian crossing area. Staff does not consider fire hydrant placement to be a problem.

Public Testimony

The Commission reviewed written testimony submitted for this hearing from Traffic Sergeant Jim Monger of the Beaverton Police and from Deputy Fire Marshal Jerry Renfro of Tualatin Valley Fire & Rescue.

Rich Unrein, Beaverton, Oregon, said he is a member of the home owners' transition committee. That committee was responsible for investigating the parking situation for the Eagle Ridge community. Part of this task was to contact the City of Beaverton Engineering Department. He was pleased to learn that the City was already looking into the parking situation and that they were developing a plan. They met with project engineer Jabra Khasho in the middle of December to review the proposed plan. They made some small revisions together and were satisfied with the result. They are eager to correct the unsafe parking problems.

Mr. Unrein said he had not planned to testify tonight; however, he spoke with Mr. Seeger today and learned that Mr. Seeger had contacted the mayor about the loss of 38 parking spaces in the subdivision. Mr. Unrein said if they truly are losing 38 parking spaces, he hopes they can reevaluate the plan and make

more parking available. Staff has shown that many of the streets are only 20-foot wide, so it is unlikely parking could be allowed on those streets.

Mr. Unrein said he owns one of the townhomes with a single car garage. One vehicle can just fit into the garage and he parks his second vehicle on the driveway. Mr. Unrein understands that parking restrictions might be difficult for some of his neighbors. He asked the Commission to consider carefully possible changes to the plan before approval.

Commissioner Teitelbaum said there are so many driveways on 153rd, it would be nearly impossible to park there anyway. He doubts Mr. Seeger's estimate that 38 parking spaces will be lost.

Mr. Unrein said 38 also seemed high to him. He said Beard at 153rd, the subdivision entrance, might be a place where parking could remain. In addition, removing the restriction on one side of the curved part of Lodestone at Jasper might create a few more parking spaces.

Commissioner Teitelbaum said it is critical for fire trucks to have easy access to this neighborhood. Parked cars currently block fire trucks. They must decide if it is worth risking the potential loss of life and property in order to keep a few extra parking spaces.

Mr. Unrein said he does not want a neighbor to lose their life just because those responsible failed to act. On the other hand, he wants to be sure all viewpoints and possibilities have been considered.

Commissioner Overhage asked if evening parking is currently a problem in Eagle Ridge.

Mr. Unrein said his end of the development is typically very crowded in the evening with a first-come first-served parking arrangement. Some households park their vehicles illegally and block driveways. He added that although the blocked driveway might belong to the property owner, they are still illegally blocking street and pedestrian traffic.

Commissioner Clodfelter observed that homes in this development typically have a short length of driveway then a curb. Is Mr. Unrein saying people park in front of their own driveway?

Mr. Unrein said that is correct. Residents either parallel park or park at an angle with their vehicle half in their driveway and half in the street.

Harry Bartley, Beaverton, Oregon, said he has lived in the Eagle Ridge townhome subdivision for about three years. He said several times he has had to go knock on neighbors' doors to ask them to move their car so he could

have enough room to drive down the street. This occurred on Lodestone. He was so concerned about vehicles blocking the thoroughfare, that he contacted TVF&R about the problem.

Mr. Bartley has tried to determine how many vehicles can park on the streets and still allow emergency vehicles to pass. Mr. Bartley wants the fire department and paramedics to reach his house quickly if there is a fire or if they have a medical emergency.

Mr. Bartley said he personally measured the width of Lodestone and he agrees with staff that it is only 20-feet wide. The only part of Lodestone that is clear of driveways is the northerly corner by Jasper. Even then, vehicles parked on Jasper nearly block it.

Mr. Bartley related that one day the garbage truck driver had to go door-to-door looking for the owner of a vehicle that was parked blocking the roadway. When the driver finally found the vehicle's owner, he was told they were busy right now and the garbage truck would have to wait.

Mr. Bartley said he owns a corner townhouse with a two-car garage that includes a parking apron with room for two additional guest cars. He said many people who park on Lodestone could park in their own garage. He still expects some residents to have trouble finding enough guest parking; nevertheless, he is satisfied with the parking restrictions proposed by staff.

Commissioner Sadler asked if the sidewalks are kept clear of vehicles so residents can comfortably walk through the neighborhood in the evening. When he drove through in the evening, he observed three vehicles parked up on the sidewalk because another vehicle was parked directly across the street. These vehicles were blocking pedestrians from using the sidewalk.

Mr. Bartley said he too has observed vehicles parked on the sidewalks. These people are actually more considerate than those who park on the street in such a way that cars can just barely squeeze past.

Commissioner Troute asked about the proportion of owners compared to renters.

Mr. Bartley said, to the best of his knowledge, the majority of townhomes are owner occupied.

Chairman Knees asked if Mr. Bartley is involved in the transition owners' association.

Mr. Bartley said he is. Mr. Wooley's description of the status of the organization is accurate. Based on recent communication, he said the number

of owners has reached the appropriate level for the association to be turned over to the owners. He understands that a community meeting is to be called within the first quarter of this year.

Chairman Knees observed that the letter the Commission received from Mr. Seeger appears to represent only Mr. Seeger's ideas, not a consensus of members of the home owners' transition advisory committee. Does Mr. Bartley agree with this opinion?

Mr. Bartley agreed. He said Mr. Seeger attended one meeting of the transition advisory committee. He was supposed to turn over specific documents to the transition advisory committee. That has not happened. Mr. Bartley said that Mr. Seeger has been "unavailable" for about the last three months. Mr. Bartley has tried to contact him by both phone and email with no success.

Commissioner Teitelbaum asked if the developer is still building more units in this subdivision.

Mr. Bartley said they are.

Commissioner Teitelbaum said that fact makes it appear to him that the developer has a stake in maximizing the number of parking spaces for marketing reasons.

Mr. Bartley thought prospective townhouse buyers might find the no parking signs unattractive.

Chairman Knees asked if the address shown on Mr. Seeger's letter is his home or a business office.

Mr. Bartley believes the address belongs to the model unit that doubles as a temporary development office.

Commissioner Clodfelter asked if Mr. Bartley is speaking on behalf of the owners' transition advisory committee.

Mr. Bartley said he is a member of that committee but he is speaking for himself tonight. It was at a transition advisory committee meeting that he first met Mr. Unrein. Although they live on opposite ends of the development, they had both been working to remedy the parking problem. Mr. Unrein had contacted the City of Beaverton and Mr. Bartley had contacted TVF&R.

Commissioner Clodfelter asked if the transition advisory committee had communicated with other owners about the parking problems in Eagle Ridge.

Mr. Bartley said they had distributed a newsletter before the holidays that included the parking recommendations. Every household has received a copy of the recommendation.

Commissioner Clodfelter wanted to know if they had requested feedback on the parking changes.

Mr. Bartley did not recall. He added that the City put up notice signs for this hearing so everyone in the neighborhood saw those.

Commissioner Overhage asked if there are driveways on the bump-out at the corner of Lodestone and Lodestone.

Mr. Bartley said there is a three unit building with a driveway coming in at an angle.

Commissioner Overhage asked if there might be room for pull-in parking there.

Mr. Bartley could not say.

Staff Comments

Mr. Wooley said staff had no additional comments.

Chairman Knees closed the public hearing on Issues TC 589.

Commission Deliberation

Commissioner Teitelbaum wanted to know if TVF&R had reviewed and commented on Mr. Seeger's proposed changes.

Mr. Wooley said Mr. Seeger's letter only arrived this afternoon so there was no chance for the fire department to review his proposed changes. He added that TVF&R did review the staff report and the attached drawing.

Commissioner Teitelbaum said he is reluctant to adopt any of Mr. Seeger's suggestions without knowing that TVF&R has reviewed and approved them. He has read the TVF&R response to the staff report proposal.

Chairman Knees asked staff if they could add additional parking spaces to the proposed plan without jeopardizing the safety and livability of the neighborhood.

Mr. Wooley said probably not, particularly if fire access is to be maintained. Making a change at the development's entry on Beard Road is possible;

however, he believes staff's proposal makes more sense. Staff could look at the bulb out at Lodestone and Lodestone. Fire trucks might also find the bulb out useful to turn around. He cannot support changes at the bulb out without reviewing it more closely. The Commission could make that a separate issue and staff could bring it back at another meeting.

Commissioner Overhage thanked the owners for attending this meeting and for their work to get the parking problem corrected. She believes staff's plan is workable. Safety is the City's foremost concern. Although Mr. Seeger has a large financial interest in this neighborhood, he is not a resident of Eagle Ridge. Commissioner Overhage said the two home owners who showed up tonight live and park in the neighborhood every day. She also appreciates that the transition advisory committee distributed the proposed parking plan to every home in the neighborhood. In addition, the City posted public notice signs for this hearing several weeks ago on neighborhood streets. Any of the neighbors who objected had an opportunity to speak tonight. Commissioner Overhage will support the plan described in the City Engineer's report.

Commissioner Troute said he lives in a similar type of community so he is familiar with this kind of parking issue. He is very concerned about the safety of the neighborhood and the ability of the fire department to have fast access. The no parking signs described in the proposed plan sound best. Commissioner Troute is also concerned about enforcement. In his neighborhood, people regularly ignore the no parking signs. Public safety is the most important consideration from his point of view.

Commissioner Sadler agreed. He drove through this neighborhood in the early evening and saw a moderate number of vehicles parked on the street. At the intersection of Jasper and 153rd, he observed a large pickup truck parked legally at the curb. The opposite side of the street was empty, yet the roadway is so narrow that he was barely able to squeeze his compact car past the truck. Safety is the most important issue in his view. He supports the staff report proposal.

Commissioner Clodfelter asked Mr. Wooley whether staff would install no parking signs or stripe the curb, if this proposal is adopted.

Mr. Wooley answered that the City generally installs signage. Sometime the signs are augmented with painted curbs; however, painting is no longer typical because of the high maintenance cost.

Commissioner Clodfelter said he was glad Mr. Wooley stated that the City should have caught this problem before the subdivision was approved. Since it was overlooked, the issue needs to be corrected now. He observed that the subdivision has few available areas for extra parking. This is a critical safety

issue and residents will have to adjust to the change and learn to use their garages or driveways for parking. He concurs with the staff recommendation.

Commissioner Crocker thanked the citizens who gave their opinions tonight. She said it is helpful to hear directly from those who live with the issue day to day. She commended them on their work with the newly formed owners' transition advisory committee.

Commissioner Crocker said her first impression upon reading Mr. Seeger's letter was that he was a resident of the development. Other testimony showed this was not true. She believes safety is the principal concern in making a decision on this issue. Tight, congested conditions limit fire department access to the neighborhood and this is dangerous. TVF&R has approved the plan proposed by staff and she will support that plan.

Chairman Knees believes Mr. Seeger's interests are not the same as the interests of the home owners. It is his impression that Mr. Seeger's interests relate to business and finance and the home owners are concerned about personal safety and livability. He supports the staff recommendation.

Commissioner Teitelbaum noted that the final written order refers to specific street widths and not to the proposed plan.

Mr. Wooley said the plan should be attached to the final written order so the restricted parking areas would be completely clear.

Commissioner Teitelbaum **MOVED** and Commissioner Clodfelter **SECONDED** a **MOTION** to adopt the staff recommendation on Issue TC 589 and to accept the draft final written order.

There was no further discussion.

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

As a point of clarification, Chairman Knees and Mr. Wooley confirmed that the requestor on Issue TC 589 was not the owners' transition advisory committee or any individual citizen. TVF&R initiated the request because they believe the current situation is unsafe. The red public notice signs were on the street to encourage any interested party to express an opinion on this issue.

Commissioner Overhage commented that all those present should be able to sleep well tonight knowing that their action might have saved lives by allowing fire trucks into the neighborhood.

— EXCERPT END —

AGENDA BILL

B averton City Council
Beaverton, Oregon

SUBJECT: Authorize Purchase of Taxlots 1S1
16AD 2600 (4675 SW Main Avenue
and 4605 SW Main Avenue) and 1S1
16AD 2700 (12820 SW First Street)
and Transfer Resolution

FOR AGENDA OF: 02/06/06 **BILL NO:** 06017

Mayor's Approval:

Lida G. Giddens
Mayor Pro Tem

DEPARTMENT OF ORIGIN: Mayors Office *La*

DATE SUBMITTED: 01/18/06

CLEARANCES: City Attorney
Finance

WS
400

PROCEEDING: Consent Agenda

EXHIBITS: Transfer Resolution
Vicinity Map

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$785,000	BUDGETED \$657,816*	REQUIRED \$127,184

* Account Number 106-10-6012-651 Community Development Block Grant 12th Program Year Property Acquisition Account adopted budget of \$197,866 and Account Number 106-10-6001-651 CDBG Prior Program Projects Property Acquisition Account adopted budget of \$459,950 for a total amount of \$657,816. The \$127,184 appropriation required is available from existing appropriations in account number 106-10-6001-511 CDBG Prior Program Projects' Professional Services Account and the attached Transfer Resolution provides the necessary transfer of appropriation.

HISTORICAL PERSPECTIVE:

The City has allocated Community Development Block Grant (CDBG) funds over each of the last three years to acquire land for affordable housing. The intention was to look for properties downtown that would be good sites for housing, as well as serving as a catalyst for further redevelopment of the downtown core.

INFORMATION FOR CONSIDERATION:

After exploring a number of possible opportunities, staff learned that the adjacent properties at 4605 SW Main, 4675 SW Main, and 12820 SW First were for sale by one owner. These properties comprise two tax lots (1S1 16AD 2600 and 1S1 16AD 2700) at the southwest corner of SW First Street and SW Main Avenue.

Three buildings occupy the site now: a single family rental home, another home divided into three apartments, and a two-story apartment block with six apartments and a ground-floor office space. As an allowable use of CDBG funds, the City is able to acquire the properties and preserve them as affordable housing, provided that at least half the units remain affordable to households under 80% of the Area Median Income. City staff believe none of the current residential tenants would be displaced by CDBG-funded acquisition. The office space is occupied by a small business (a CPA's office) that would be required to eventually leave, although not before the current lease expires in August 2006.

This is a significant opportunity to preserve affordable housing downtown, and in the long term could be a key redevelopment opportunity adjacent to the Virginia Garcia clinic to be built directly northeast of this site.

Per the CDBG Action Plans for Program Years 2003, 2004, and 2005, \$657,816 was set aside for the acquisition of affordable housing; this amount is already in the 2005-2006 budget for land acquisition. Completion of the purchase will require re-allocating unspent prior year CDBG not currently committed to a project.

Ag nda Bill No: 06017

Funding for the additional \$127,184 appropriation needed to acquire the properties is available from existing appropriations in the CDBG Fund's Materials and Services – Professional Services Account. Attached is a Transfer Resolution that will transfer the \$127,184 from the Materials and Services – Professional Services Account to the Capital Outlay Property Acquisition Account.

The City has entered into a Purchase and Sale Agreement with the Seller, which expressly includes Council approval as a condition of the sale. The City expects to turn management of the apartments over to a nonprofit with a solid record in managing affordable housing.

RECOMMENDED ACTION:

Authorize the purchase of 4605 SW Main Avenue, 4675 SW Main Avenue, and 12820 SW First Street in Beaverton and approve the attached Transfer Resolution.

RESOLUTION NO. 3849

A RESOLUTION APPROVING TRANSFER OF APPROPRIATION WITHIN THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND OF THE CITY DURING THE FY 2005-06 BUDGET YEAR AND APPROVING THE APPROPRIATIONS FOR THE FUND

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

WHEREAS, during the year the Council must authorize the transfers of appropriations from one category of a fund to another fund or from categories within a fund; and,

WHEREAS, a transfer appropriation of \$127,184 is needed in the Capital Outlay Category of the Community Development Block Grant Fund to acquire real property, and the expenditure appropriation is available in the Materials and Services Category of the fund; now therefore,

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

Section 1. The Finance Director is hereby authorized and instructed to transfer the following appropriations:

\$127,184 out of the Materials and Services Category of the Community Development Block Grant Fund into the Capital Outlay Category as indicated below:

Capital Outlay	106-10-6001-651	\$127,184
Materials and Services	106-10-6001-511	<\$127,184>

Adopted by the Council this _____ day of _____, 2006.

Approved by the Mayor this _____ day of _____, 2006

Ayes: _____

Nays: _____

ATTEST:

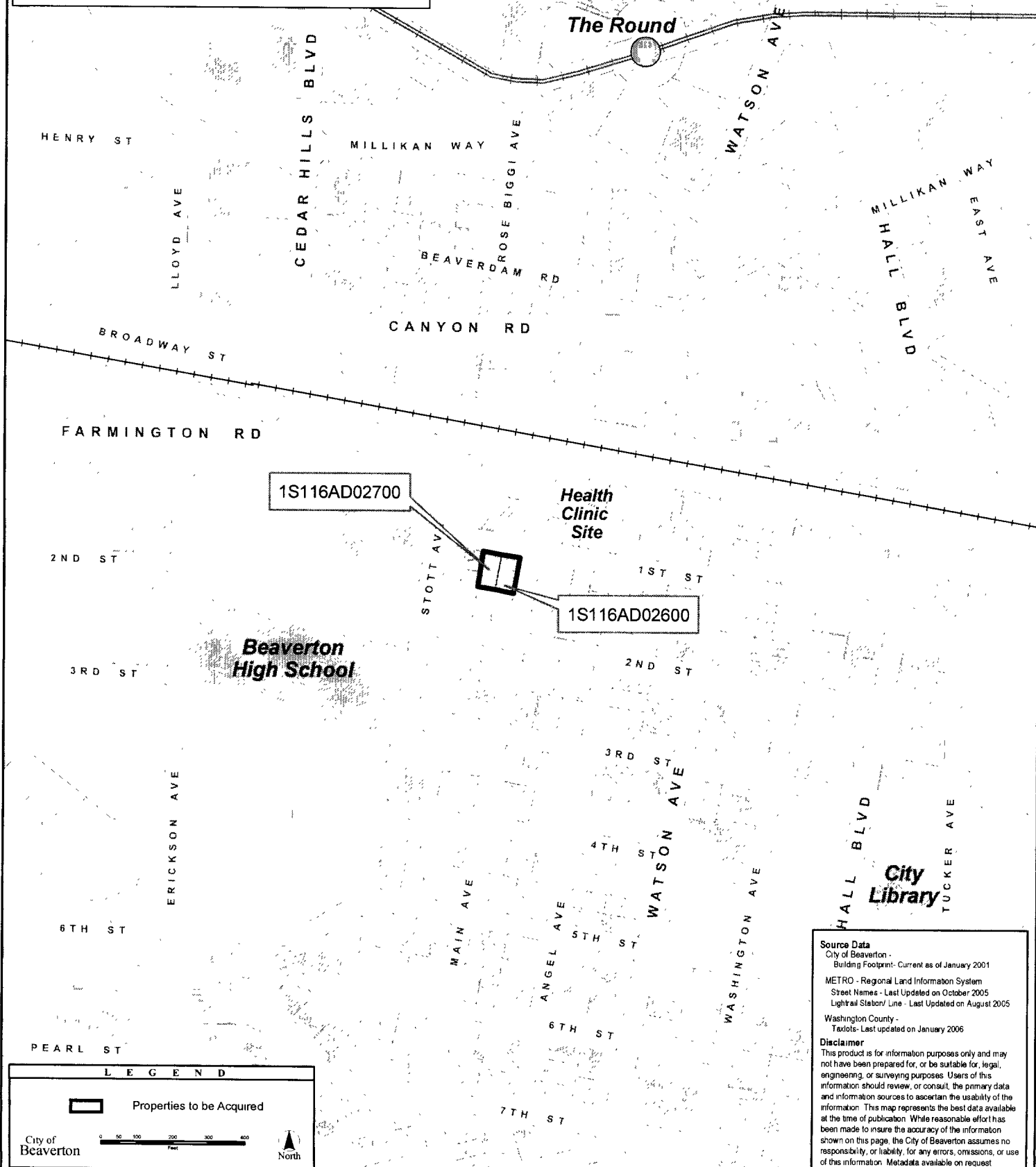
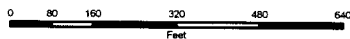
APPROVED:

Sue Nelson, City Recorder

Rob Drake, Mayor

RESOLUTION NO. 3849

1st and Main Property Location

City of
Beaverton

LEGEND



Properties to be Acquired

City of
Beaverton

Source Data

City of Beaverton -
Building Footprint: Current as of January 2001
METRO - Regional Land Information System
Street Names - Last Updated on October 2005
Lightrail Station/ Line - Last Updated on August 2005
Washington County -
Taxlots - Last updated on January 2006

Disclaimer

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

AGENDA BILL

Beaverton City Council Beaverton, Oregon

SUBJECT: Resolution Authorizing the Mayor to Apply for and Enter into a \$1 Million Loan with State of Oregon, Department of Energy to Expand and Extend the Beaverton Central Plant at The Round


FOR AGENDA OF: 02/06/06 **BILL NO:** 06018

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office 

DATE SUBMITTED: 01/31/06

CLEARANCES: City Attorney
Central Pl.
Finance



PROCEEDING: Consent

EXHIBITS: 1: Resolution
2: Capital budget schedule

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$6,000	BUDGETED \$154,651	REQUIRED \$-0-

*Account Number 001-13-0006-511 – General Fund Non-Departmental Central Plant Program Professional Services Account. The \$6,000 is comprised of a \$1,000 loan application fee and a \$5,000 underwriting fee.

HISTORICAL PERSPECTIVE:

The City owns the Beaverton Central Plant which provides space conditioning to all the buildings at The Round. The plant also provides domestic hot water to homes and some retail customers as well. As per agreements signed with DPP Commercial Investments LLC (the developer), the City is committed to serve new buildings at The Round as they come on line. The Round is approximately half built out with another 300,000 square feet scheduled to be built over the next two years.

As part of the acquisition of the Beaverton Central Plant in June 2005, the City assumed an existing SELP (Small Energy Loan Program) loan provided by the State of Oregon, Department of Energy. The loan was in the amount of \$607,977 and the principal and interest on the loan is paid by the revenues generated by the Beaverton Central Plant.

INFORMATION FOR CONSIDERATION:

As part of the City's acquisition of the Central Plant, it agreed to provide service to existing as well as new buildings as they were brought on line as per the DDA (Development and Disposition Agreement) between the City and DPP Commercial Investments LLC. That work is well underway, with the garage now scheduled to open March of this year. In order to fund construction of extended lines at The Round and provide service to new buildings, it is proposed the City enter into a second SELP loan with the State of Oregon in the amount of \$1 Million. More specifically, the loan proceeds will be used to connect the garage building now under construction, building "E" located between the Tri-Met tracks and the 24-hour Fitness building, the to-be-built building located on Lot 1, extension of lines to serve the newly acquired Westgate property, in addition to certain other plant equipment. It is expected the loan term will be up to 15 years with a rate of approximately 6.5 percent. As with the existing loan in place, it is anticipated loan debt service payments will be fully paid by the revenues generated by the Beaverton Central Plant.

RECOMMENDED ACTION:

Approve the attached Resolution, authorizing the Mayor to sign the SELP loan application in the amount of \$1 Million and authorizing the City to enter into a SELP loan with the State of Oregon, Department of Energy.

RESOLUTION NO. 3850

A RESOLUTION AUTHORIZING THE APPLICATION AND ENTERING INTO A LOAN OF UP TO \$1 MILLION WITH THE STATE OF OREGON, DEPARTMENT OF ENERGY TO EXPAND AND EXTEND THE BEAVERTON CENTRAL PLANT AT THE ROUND.

WHEREAS, the City Council (the "Council") of the City of Beaverton, Oregon (the "City"), a municipal corporation of the State of Oregon, finds:

1. That it is financially feasible for the City and that is in the City's best interest to authorize to finance the costs of additions, expansions and other improvements to the City's Central Plant which serves The Round project and includes but not limited to:

- (i) Install the connection to the garage building now under construction;
- (ii) Install the connection to building "E";
- (iii) Install the connection to the building on lot 1;
- (iv) Install the connection to serve the Westgate property;
- (v) heating, cooling and other equipment necessary to expand and extend service;

2. The City is authorized to finance the Project by entering into a loan with the State of Oregon, Department of Energy and the Small Energy Loan Program;

3. The loan will be in the amount of up to \$1 Million;

4. Budgeting for the loan payments will occur in the City's next supplemental for FY 2005-06 and will also be included in the budget process for FY 2006-07;

5. The Council authorizes the Mayor to enter into those loan and other agreements necessary to apply for and enter into a loan of up to \$1 Million with the State of Oregon, Energy Department and Small Energy Loan Program to expand and extend the Beaverton Central Plant; Now, therefore,

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

1. The Council hereby authorizes the Mayor to apply for and enter into a loan of up to \$1 million with the State of Oregon, Department of Energy, Small Energy Loan Program to expand and extend the Beaverton Central Plant at The Round.
2. The Finance Director is hereby authorized to include the budget for the loan payment in the City's budget in the next supplemental and subsequent budget years.

Adopted by the Council this _____ day of February 2006.

Approved by the Mayor this _____ day of February 2006.

Ayes: _____

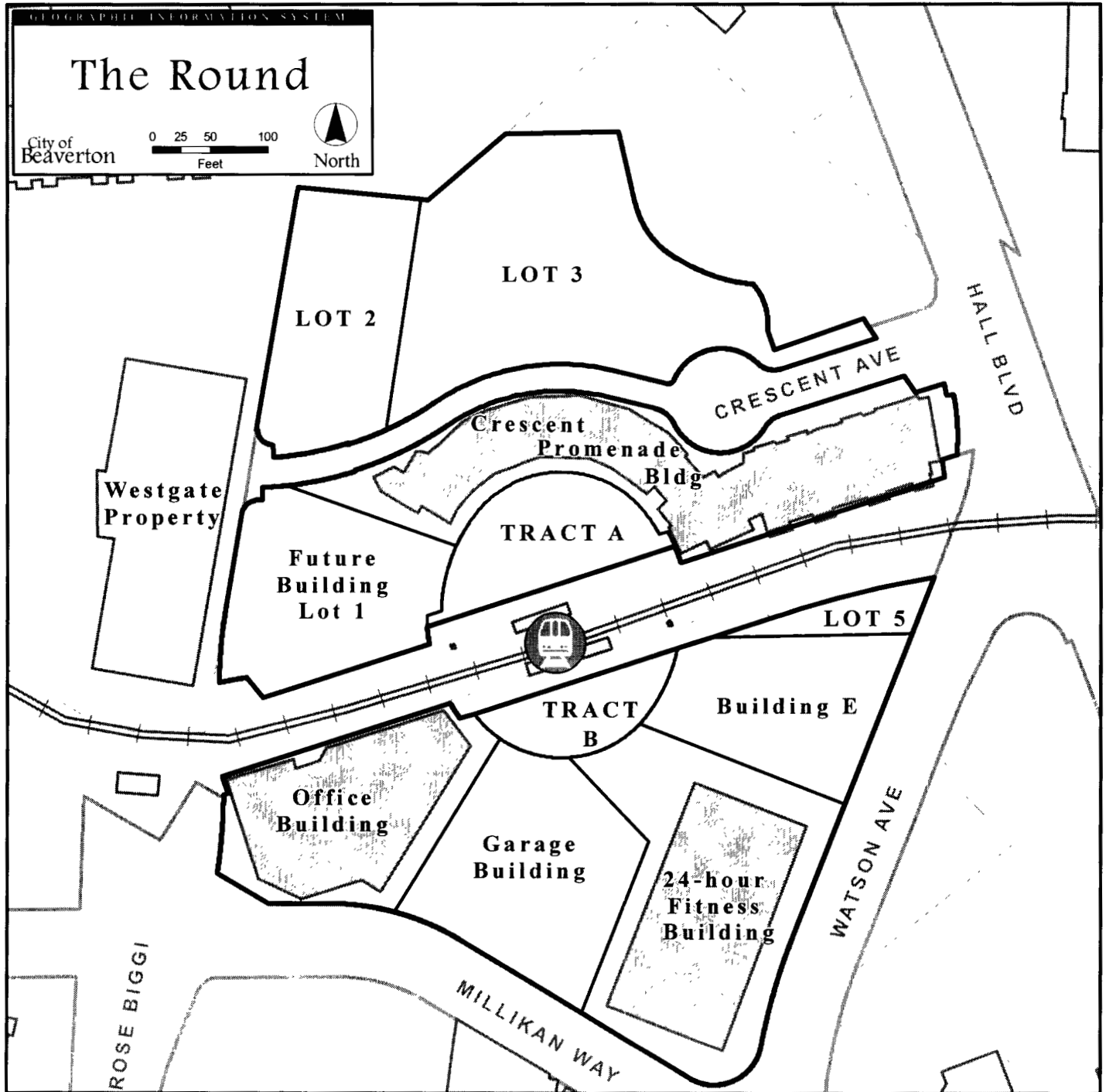
Nays: _____

ATTEST:

APPROVED:

Sue Nelson, City Recorder

Rob Drake, Mayor



PDF Version of this map is Available Online @ T:\MAPS\Mayor\06_0034_a.pdf

Capital/Construction Costs - 7-1-06 Thru 6-30-07

Revised-1/12/06			2006						2006	2005-2006		2006-2007	2006			
			Jan	Feb	Mar	Apr	May	Jun	Total		Budget	Jul	Aug	Sep	Oct	
Central Plant Capital Projects		Cost														
CMMS Software	\$	3,500				\$ 500	\$ 1,000	\$ 2,000	\$ 3,500							\$ 100,000
1000 T Chiller	\$	385,000														\$ 30,000
2mm Btu Condensing Boiler	\$	66,000														
Central Plant Pipe Painting	\$	10,000										\$ 2,000	\$ 1,500	\$ 1,500	\$ 1,500	
Central Plant Floor Finishing	\$	16,000														
Fiber Communication Btwn. Bldgs.	\$	9,000										\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	
Control Programming Opt.	\$	5,000		\$ 1,000	\$ 1,000				\$ 2,000				\$ 1,000	\$ 1,000	\$ 1,000	
Subtotal	\$	494,500														
Construction Projects																
Lot 6 (Bldg E) Service Install		Cost														
Engineering	\$	11,000		\$ 11,000					\$ 11,000							
Piping installation	\$	30,000					\$ 30,000		\$ 30,000							
Mechanical Room Equip.	\$	75,000														\$ 25,000
Controls	\$	15,000														
Subtotal (E)	\$	131,000														
Lot 1 Service Install		Cost														
Engineering (1)	\$	10,000		\$ 10,000					\$ 10,000							
Piping installation (1)	\$	7,500					\$ 7,500		\$ 7,500							
Mechanical Room Equip. (1)	\$	65,000														\$ 21,667
Controls (1)	\$	15,000														
Subtotal (1)	\$	97,500														
Lot 8 Service Install		Cost														
Engineering (3)	\$	5,000	\$ 5,000						\$ 5,000							
Piping installation (3)	\$	5,000		\$ 5,000					\$ 5,000							
Mechanical Room Equip. (3)	\$	40,000		\$ 20,000	\$ 20,000				\$ 40,000							
Controls (3)	\$	5,000			\$ 5,000				\$ 5,000							
Subtotal (3)	\$	55,000														
West Expansion		Cost														
Engineering (WE)	\$	30,000	\$ 30,000						\$ 30,000							
Piping installation (WE)	\$	50,000					\$ 25,000	\$ 25,000	\$ 50,000							
Subtotal (WE)	\$	80,000														
TOTALS																
Engineering	\$	56,000	\$ 35,000	\$ 21,000					\$ 56,000							
Pipe Installation	\$	92,500		\$ 5,000			\$ 62,500	\$ 25,000	\$ 92,500							
Equipment Installation	\$	709,500		\$ 21,000	\$ 26,000	\$ 500	\$ 1,000	\$ 2,000	\$ 50,500			\$ 3,500	\$ 4,000	\$ 4,000	\$ 180,667	
Contingency	\$	171,900	\$ 5,250	\$ 7,050	\$ 3,900	\$ 43,275	\$ 9,525	\$ 4,050	\$ 73,050			\$ 525	\$ 600	\$ 600	\$ 27,100	
Total	\$	\$1,029,900	\$ 40,250	\$ 54,050	\$ 29,900	\$ 43,775	\$ 73,025	\$ 31,050	\$ 272,050			\$ 4,025	\$ 4,600	\$ 4,600	\$ 207,767	

Nov	Dec		2007 Jan	Feb	Mar	Apr	May	2007 Jun	2006-2007 YEAR	18 Month Total	2007-2008 Budget	2007 Jul	Aug	Sep	Oct	Nov	2007 Dec
	\$ 285,000								\$ 385,000	\$ 385,000							
	\$ 36,000								\$ 66,000	\$ 66,000							
\$ 1,500	\$ 2,000									\$ -							
			\$ 3,000	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 3,000	\$ 16,000	\$ 16,000							
\$ 1,500	\$ 1,500								\$ 9,000	\$ 9,000							
									\$ 3,000	\$ 5,000							
\$ 25,000	\$ 25,000								\$ 75,000	\$ 11,000							
	\$ 15,000								\$ 15,000	\$ 30,000							
										\$ 75,000							
										\$ 15,000							
										\$ -							
\$ 21,667	\$ 21,667								\$ 65,000	\$ 10,000							
	\$ 15,000								\$ 15,000	\$ 7,500							
										\$ 65,000							
										\$ 15,000							
										\$ -							
										\$ 5,000							
										\$ 5,000							
										\$ 40,000							
										\$ 5,000							
										\$ -							
										\$ 30,000							
										\$ 50,000							
										\$ 56,000							
\$ 49,667	\$ 401,167		\$ 3,000	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 3,000	\$ 659,000	\$ 92,500							
\$ 7,450	\$ 60,175		\$ 450	\$ 375	\$ 375	\$ 375	\$ 375	\$ 450	\$ 98,850	\$ 709,500							
\$ 57,117	\$ 461,342		\$ 3,450	\$ 2,875	\$ 2,875	\$ 2,875	\$ 2,875	\$ 3,450	\$ 757,850	\$ 1,029,900							

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Transfer of Road Jurisdiction from the Oregon Department of Transportation (ODOT) to the City of Beaverton

FOR AGENDA OF: 02-06-06 **BILL NO:** 06019

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Operations 

DATE SUBMITTED: 01-31-06

CLEARANCES: City Attorney
Engineering
Comm.Dev.



PROCEEDING: Consent Agenda

EXHIBITS: Resolution No. 3851
Agreement Document
Exhibit A, (Vicinity Map)

BUDGET IMPACT

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

This action authorizes the transfer of jurisdiction of S.W. Pointer Road to the City from the Oregon Department of Transportation. The Jurisdictional Transfer Agreement including appropriate area maps prepared by ODOT is attached as Exhibit A. The Pointer Road Right of Way was annexed to the City of Beaverton as part of the Canyon Lane Annexation (ANX 96004), approved by the Boundary Commission and effective on June 30, 1997 (Boundary Commission number 3644). S.W. Pointer Road remained within the jurisdiction of ODOT pending completion of the Canyon Road/Highway 26 improvements in the Sylvan to Highway 217 interchange section. By prior agreement with Washington County, the jurisdiction of S.W. Pointer Road was to be transferred following those improvements. Based upon the annexation of this area, the City is now the appropriate jurisdiction to accept transfer of the road.

INFORMATION FOR CONSIDERATION:

The Operations Department has inspected Pointer Road and finds it acceptable. The pavement surface is three years old and all other infrastructure is in good repair. If Council approves the recommended action to authorize the Mayor to sign the transfer agreement, it will be forwarded to ODOT for signatures to complete the road transfer.

RECOMMENDED ACTION:

Approve the attached resolution.

RESOLUTION NO. 3851

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

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

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

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

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

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

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

AYES: _____

NAYS: _____

ATTEST:

APPROVED:

SUE NELSON, CITY RECORDER

ROB DRAKE, MAYOR

**JURISDICTIONAL TRANSFER AGREEMENT
CONTINUING MAINTENANCE AGREEMENT
SW POINTER ROAD, WASHINGTON COUNTY**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Transportation Commission, hereinafter ODOT and the CITY OF BEAVERTON, a municipal corporation of the State of Oregon, acting by and through its Elected Officials, hereinafter CITY. (Referred to hereinafter collectively as the "Parties").

WITNESSETH

RECITALS

1. Sunset Highway No. 47 (US Route 26) and portions of SW Pointer Road south of Sunset Highway are part of the State Highway System under jurisdiction and control of the Oregon Transportation Commission (OTC).
2. SW Camelot Court (excluding the structure over US Route 26) is part of the city street system under jurisdiction and control of the City of Beaverton.
3. By the authority granted in ORS 366.395, ODOT may relinquish title to any of its property not needed by it for highway purposes to any other governmental body or political subdivision within the State of Oregon, subject to such restrictions, if any, imposed by deed or other legal instrument or otherwise imposed by ODOT.
4. By the authority granted in ORS 190.110, 366.572 and 366.576 ODOT may enter into cooperative agreements with units of local government for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
5. Pursuant to ORS 373.010, whenever the routing of any State Highway passes through the corporate limits of any city, ODOT may locate, relocate, reroute, alter or change any routing when in its opinion the interests of the motoring public will be better served.

NOW THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed between ODOT and CITY as follows:

TERMS OF AGREEMENT

1. ODOT agrees to eliminate from its jurisdiction and control that portion of SW Pointer Road within the right of way boundaries south of Sunset Highway. Said portion of SW Pointer Road shall be referred to herein as Unit 1 and is shown on

2. Exhibit "A" attached hereto and by reference made a part hereof. Unit 1 is described as follows:

Unit 1: all that portion of the right of way boundaries of the Sunset Highway No. 47 lying Easterly of the Westerly curb line of SW Pointer Road, said curb line being at approximately Engineer's Station "P" 0+998.424, mile point F70.38; Westerly of the Westerly curb line and its Northerly extension of Camelot Court at approximately Engineer's Station "P" 1+422.462, Mile point F70.64; Southerly of the Northerly curb of said S.W. Pointer Road and Northerly of the Southerly right of way of the Sunset Highway No. 47.

ALSO those permanent easements for slopes to the State of Oregon, by and through its Department of Transportation, recorded July 5, 2000 as Microfilm Document No. 2000-053651 and recorded August 11, 2000 as Microfilm Document No. 2000-064616, both of Washington County Book of Records.

AND ALSO those permanent easements for slopes designated as Parcel 1 and those permanent easements for utilities designated as Parcel 2 to the State of Oregon by and through its Department of Transportation, recorded June 2, 2000 as Microfilm Document No. 2000-050658 and recorded July 5, 2000 as Microfilm Document No. 2000-053650, both of Washington County Book of Records.

AND ALSO that permanent easement for slopes and utilities designated as Parcel 1, to the State of Oregon, by and through its Department of Transportation, recorded June 6, 1997 as Microfilm Document No. 97-052252 of Washington County Book of Records.

Said transfer includes all responsibility for landscape and irrigation of the Unit.

3. ODOT agrees to retain an easement along SW Pointer Road for the sound wall which stands between the Sunset Highway and SW Pointer Road. Said easement will be referred to herein as Unit 2 and is shown on Exhibit "A" attached hereto. Unit 2 is described as:

Unit 2: a parcel of land lying in the William Pointer D.L.C. No. 62, Washington County, Oregon and being a portion of the right of way of the Sunset Highway No. 47; the said parcel being that portion of said right of way lying Easterly of a line at right angles to the "P" center line of SW Pointer Road at Engineer's Station "P" 1+017.000; Westerly of a line at right angles to said "P" center line at Engineer's Station "P" 1+415.000;

Southerly of the Northerly curb line of said SW Pointer Road and
Northerly of the following described line:

Beginning at a point opposite and 2.500 meters Northerly of Engineer's
Station "P" 1+017.000 on the center line of SW Pointer Road; thence
Easterly parallel with said center line to Engineer's Station "P"
1+190.000; thence Southerly at right angles to said center line 0.300
meters to a point opposite and 2.200 meters Northerly of said center line;
thence Easterly parallel with said center line to Engineer's Station "P"
1+415.000 and the terminus of said described line.

The "P" center line of SW Pointer Road is described in that Easement
Deed to the State of Oregon, by and through its Department of
Transportation, recorded June 26, 2000 as Microfilm Document No. 2000-
050658 of Washington County Book of Records.

4. ODOT agrees to eliminate its maintenance and repair responsibility for that
portion of a storm water facility as described below and shown on sheet 6 of 6 of
the attached Exhibit "A". Said storm water facility will be referred to as Unit 3
and is described as:

Unit 3: that underground storm water facility located within the right of
way of the Sunset Highway, beginning in SW Pointer Road near its
intersection with Camelot Court and running Easterly across said Camelot
Court and along that frontage road lying on the Southerly side of said right
of way and Easterly of said Camelot Court.

5. Subject to the provisions of this Agreement, ODOT and CITY agree, conditioned
upon approval by the OTC, that Unit 1 described herein will be eliminated from
the State Highway System and the Unit will pass to and vest in CITY; and that
CITY maintain the Unit as a portion of its CITY Street System as long as needed
for the service of persons living thereon or a community served thereby. If said
right of way is no longer used for public street purposes, it shall automatically
revert to ODOT.
6. ODOT shall retain Unit 2.
7. Maintenance responsibility for Unit 3 shall be eliminated from ODOT control and
shall transfer to CITY. Maintenance responsibility shall remain with CITY for the
useful life of the facility described in that Unit.
8. This Agreement becomes effective on the date all required signatures are obtained
and shall remain in effect for the purpose of ongoing maintenance, repair, and
liability over the transferred Units for the useful life of the facilities involved

herein. ODOT shall pursue approval by OTC, or designee, and the legal transfer of Unit 1 shall be accomplished by acceptance and recording of a Jurisdictional Transfer Document.

ODOT OBLIGATIONS

1. Upon adoption of a Resolution by the OTC, or designee, providing for the elimination of Unit 1, as described herein, as a portion of the State Highway System, and acceptance and recording of a Jurisdictional Transfer Document, ODOT shall formally eliminate Unit 1 from the state highway system as shown in Exhibit A. All right, title, and interest of ODOT, including all jurisdiction, maintenance, and control shall pass to and vest in CITY. If said right of way is no longer used for public street purposes, it shall automatically revert to ODOT.
2. ODOT hereby relinquishes all maintenance and repair responsibilities and liability over Units 1 and 3, and CITY hereby accepts all maintenance responsibility for Units 1 and 3 upon execution of this Agreement
3. ODOT shall maintain the sound wall and sound wall footings described herein as Unit 2. ODOT will continue to maintain landscape and irrigation which lies northerly of the curb line of SW Pointer Road and westerly from the end of the sound wall at Engineer's Station "P" 1+017.000.
4. ODOT agrees to furnish CITY with any maps, plans, permits, records and any other related data in their possession, which may be required to administer the transferred Units.

CITY OBLIGATIONS

1. CITY agrees to accept all of ODOT's right, title and interest in Unit 1, to accept jurisdiction and control over the Unit and to maintain the Unit as a portion of its CITY Street System as long as needed for the service of persons living thereon or a community is served thereby (including all traffic signals, signs, illumination and all things and appurtenances within the transferred right of way) Any right of way being transferred in which ODOT has any title shall be vested in CITY so long as used for public street purposes, it shall automatically revert to ODOT.
2. CITY agrees to accept responsibility for traffic and/or parking signage relevant to SW Pointer Road in Unit 1.
3. CITY agrees to accept responsibility for maintenance of landscape vegetation and drip irrigation system between curb and sound wall from Engineer's Station "P" 1+017.000 Easterly to Engineer's Station "P" 1+415.000.

4. CITY agrees to accept maintenance and repair responsibility for that portion of the underground storm water facility described herein as Unit 3.
5. CITY shall insure that all employers, including CITY, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Worker's Compensation coverage unless such employers are exempt under ORS 656.126. CITY shall ensure that each of its contractors and subcontractors complies with these requirements.
6. CITY shall comply with all federal, state and local laws regulations, executive orders and ordinances applicable to work done under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, CITY expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
7. CITY shall hold ODOT harmless from all utility costs, property taxes, assessments, permit fees or other costs which may be associated with construction, maintenance, repair or operation of the Units being transferred.
8. CITY shall by Resolution authorize approval and signature of this Agreement and acceptance of the Units being transferred.
9. CITY is aware that jurisdictional transfer will not be complete until the subsequent Jurisdictional Transfer Document is fully executed by ODOT and recorded with Washington County. However, CITY agrees to accept all liability and maintenance responsibilities for Units 1 and 3 immediately upon execution of this Agreement.
10. CITY shall return permit files, utility permit files, right of way maps and as-built files to ODOT if any or a portion of Unit 1 reverts to ODOT, or in the event that the OTC or designee does not approve the transfer.

GENERAL PROVISIONS

1. The Units transferred under this Agreement are relinquished and transferred subject to the rights of any utilities located within said Units and further subject to the rights of the owner of said existing utility, if any there be, to operate, reconstruct and maintain their utility facilities presently located within said Units.

2. Each party hereby grants the other party authority to enter onto each other's right of way for the purpose of performing any work or maintenance services required on the Units transferred herein.
3. To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, both entities to this Agreement will indemnify, defend, save and hold harmless each other from any and all claims, suits and liabilities which may occur in the performance of work within the Units.
4. Notwithstanding the foregoing defense obligations under paragraph number 3 above, neither CITY nor any attorney engaged by CITY shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that CITY is prohibited from defending the State of Oregon, or that CITY is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue any claims it may have against CITY if the State of Oregon elects to assume its own defense.
5. This Agreement may be terminated by mutual written consent of both parties. ODOT may terminate this Agreement effective upon delivery of written notice to CITY, or at such later date as may be established by ODOT, under any of the following conditions:
 - a) If the OTC fails to adopt a resolution approving the Jurisdictional Transfer of the Units to CITY;
 - b) CITY fails to adopt an ordinance authorizing the transfer of Units.
 - c) If CITY fails to perform any of the other provisions of this Agreement or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from ODOT, fails to correct such failures within ten (10) days or such longer period as ODOT may authorize.
 - d) If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if ODOT is prohibited from paying for such work from the planned funding source.
6. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.

7. If CITY fails to maintain facilities in accordance with the terms of this Agreement, ODOT, at its option, may maintain the facility and bill CITY, seek an injunction to enforce the duties and obligations of this Agreement, or take any other action allowed by law.
8. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change, if made, shall be effective except in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this Agreement shall not constitute a waiver by ODOT of that or any other provision.

IN WITNESS WHEREOF, the Parties hereto have set their hands as of the day and year hereinafter written.

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 3 which authorizes the Director and Deputy Director, Highways to approve and execute all Agreements pertaining to real property transactions, abandoning or vacating ODOT-owned right of way and transferring ODOT interests in such right of way when the property is not required for future ODOT use.

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On October 8, 2004, the Director and Deputy Director, Highways approved Subdelegation Order No. 4 in which the Director and Deputy Director, Highways delegates authority to the Technical Services Manager/Chief Engineer to approve and execute all agreements pertaining to real property transactions, abandoning or vacating state owned right of way and transferring ODOT interests in such right of way, when the property is not required for future ODOT use.

Pursuant to a Letter of Authority dated November 14, 2002, the Technical Services Manager/Chief Engineer authorized the Right of Way Manager to approve and execute agreements abandoning state owned right of way when the property is not required for future ODOT use.

APPROVED BY

CITY OF BEAVERTON

By _____
Mayor

Date _____

By _____
Recorder

Date _____

**STATE OF OREGON, by and
through its Dept, of Transportation,**

By _____
Deolinda Jones, R/W Mgr.

Date _____

APPROVAL RECOMMENDED

By _____
Manager, Region 1 ODOT

Date _____

By _____
Manager, District 2A ODOT

Date _____

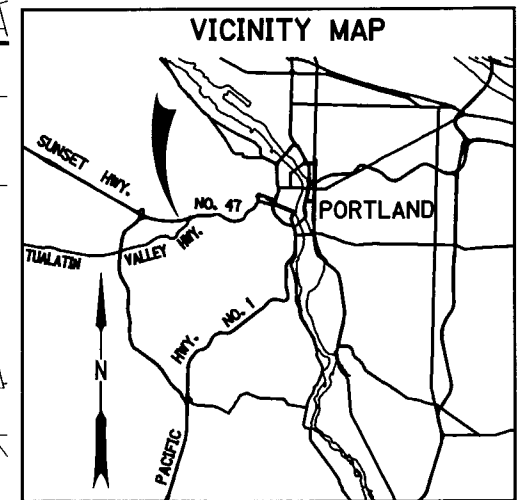
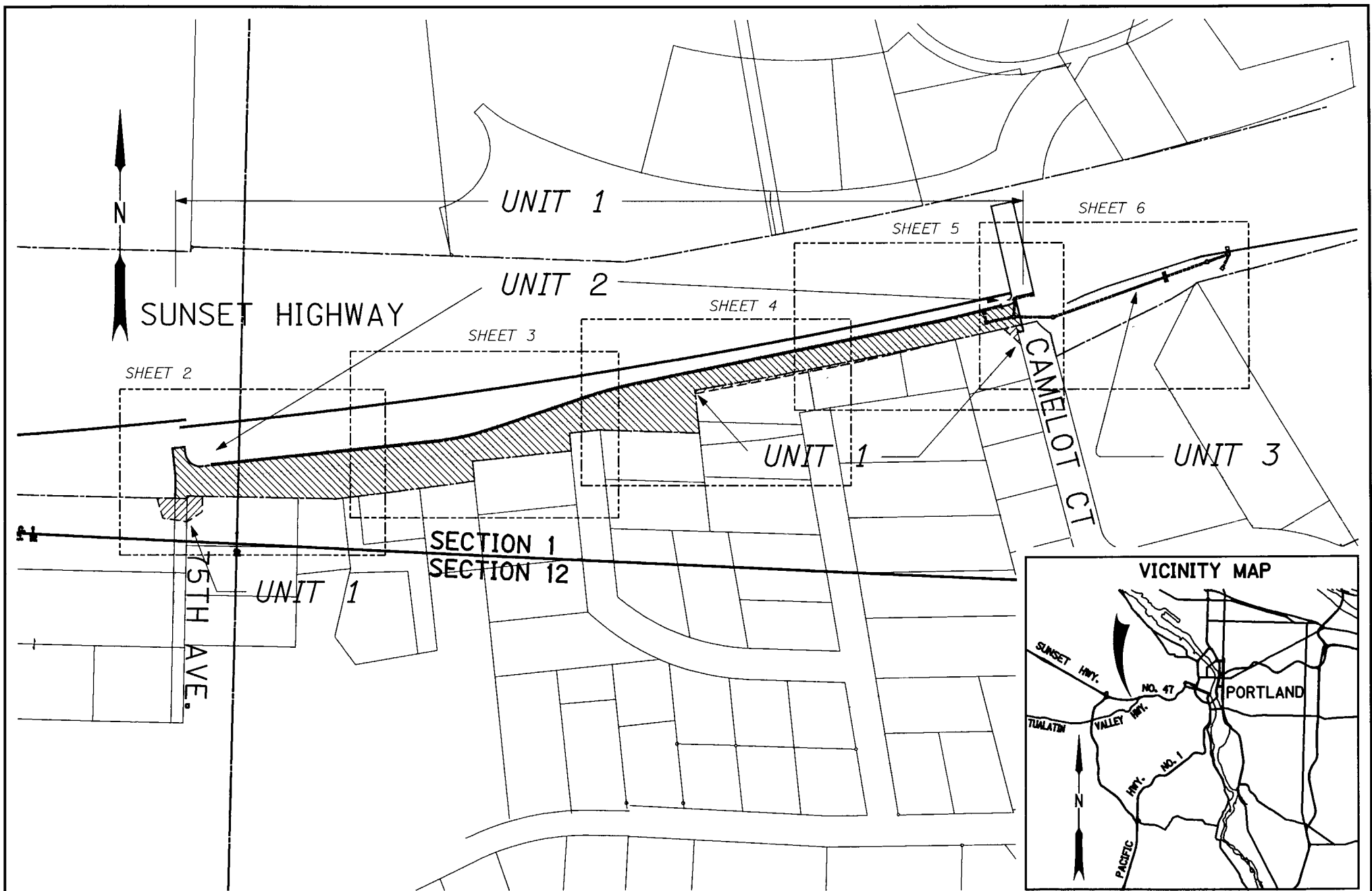
APPROVED AS TO LEGAL SUFFICIENCY

By _____
Asst. Attorney General

Date _____

By _____
City Counsel

Date _____



OREGON DEPARTMENT OF TRANSPORTATION



JURISDICTIONAL
TRANSFER

EXHIBIT A SHEET 1 OF 6

Section

Camelot Intchge. - Sylvan Intchge.

Highway

Sunset Highway

County

Washington County

Scale

1:2000 Meters

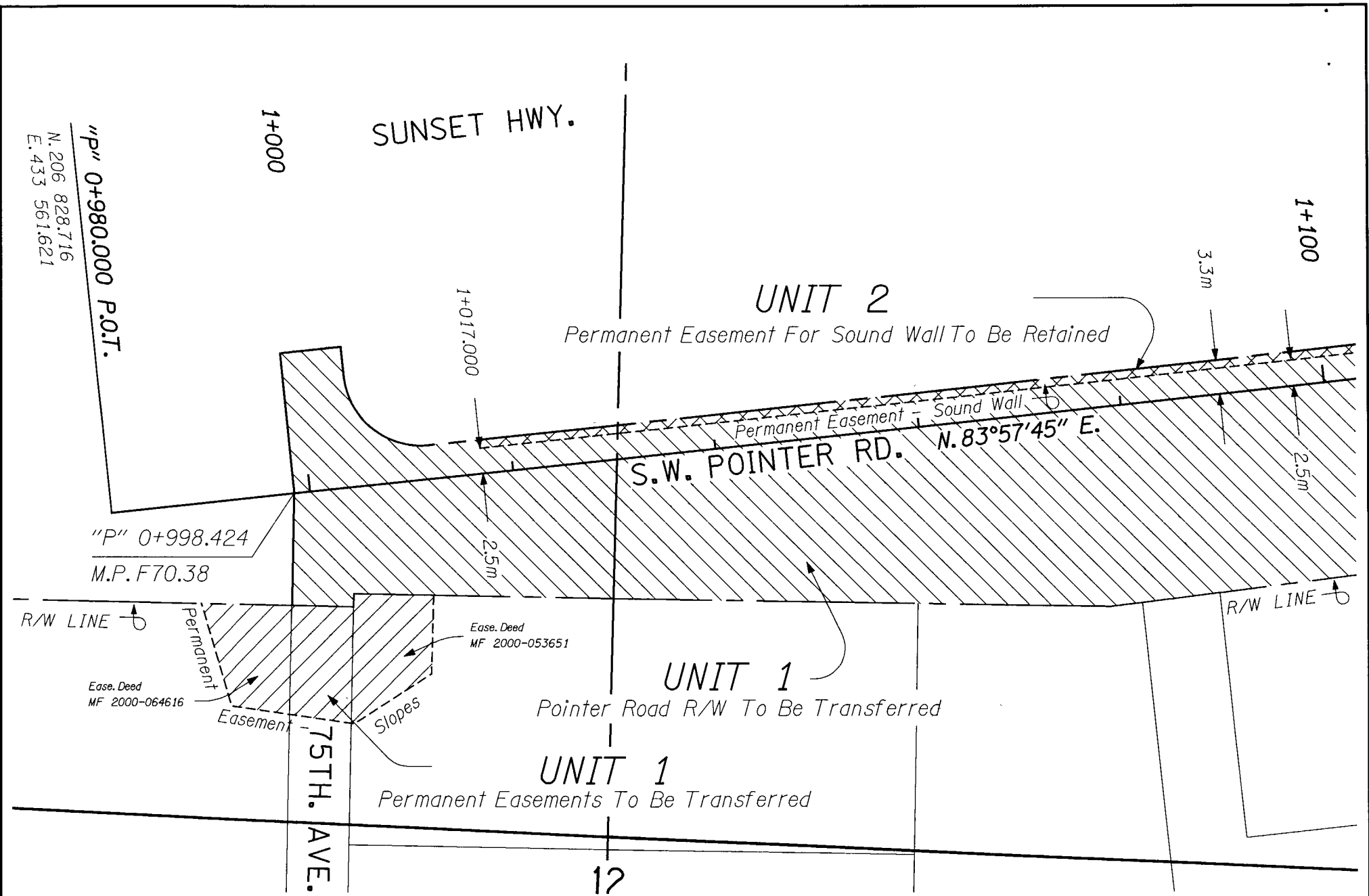
Date


September, 2005

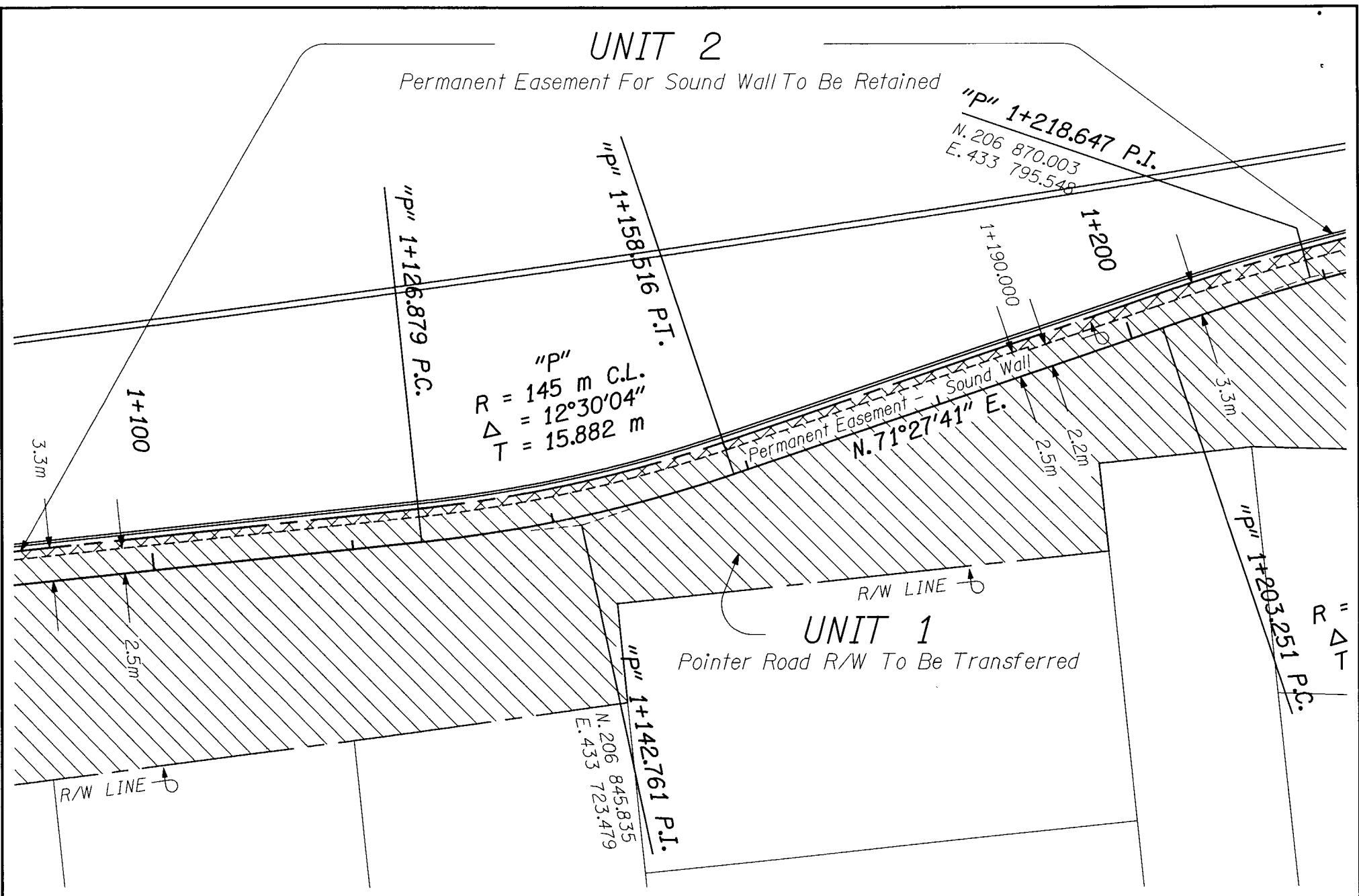
File


JT769

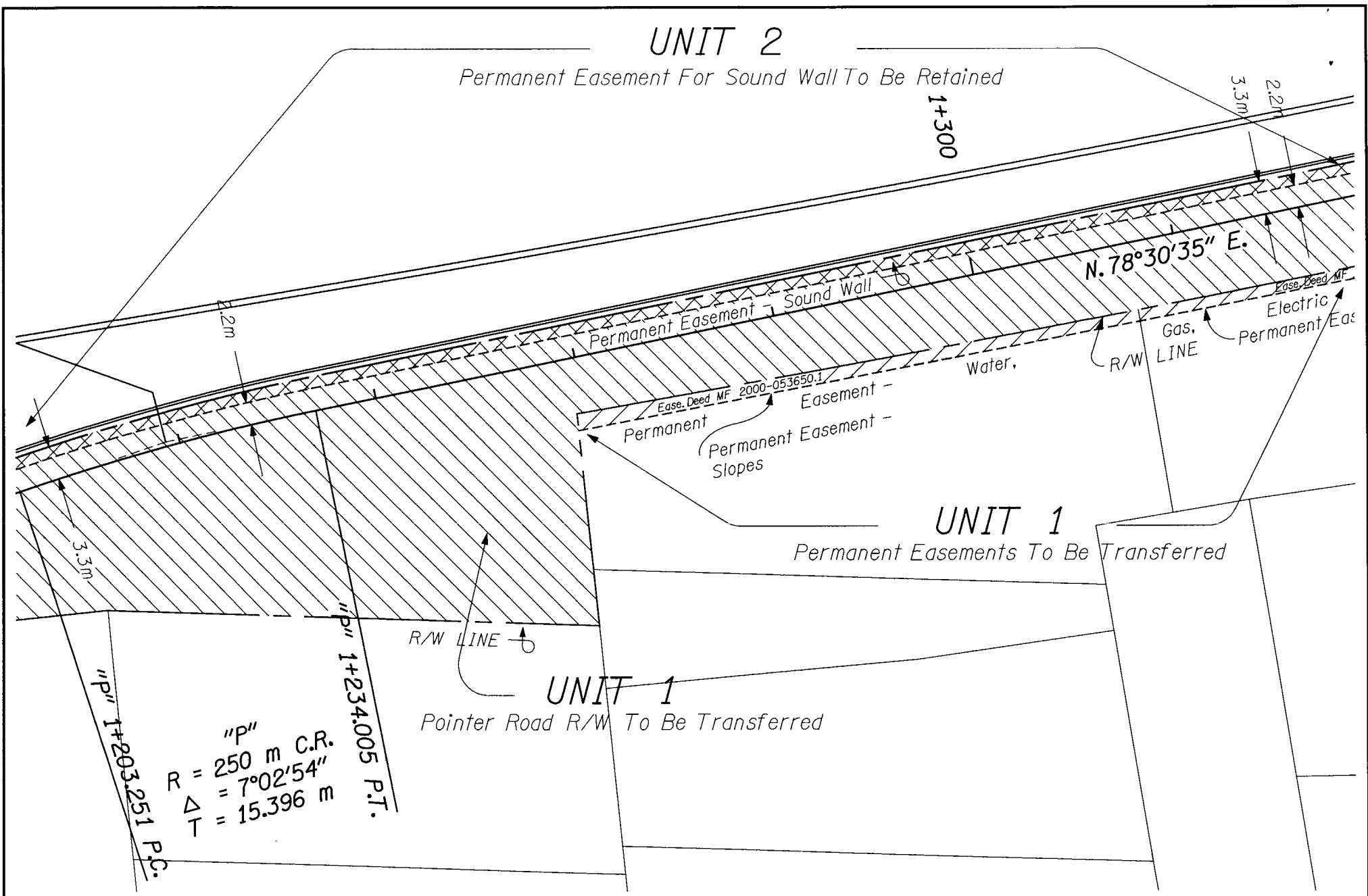
See Drawing 1A-22-20



<div> <div>OREGON DEPARTMENT OF TRANSPORTATION</div> <div>  <div> <div>JURISDICTIONAL</div> <div>TRANSFER</div> </div> </div> <div>EXHIBIT A SHEET 2 OF 6</div> </div>	Section	Camelot Intchge. – Sylvan Intchge.	Scale	1:500 Meters
	Highway	Sunset Highway	Date	September, 2005
	County	Washington County	File	JT769
			See Drawing 1A-22-20	



OREGON DEPARTMENT OF TRANSPORTATION  JURISDICTIONAL TRANSFER EXHIBIT A SHEET 3 OF 6	Section	Camelot Intchge. - Sylvan Intchge.	Scale	1:500 Meters
	Highway	Sunset Highway	Date	September, 2005
	County	Washington County	File	JT769
			See Drawing 1A-22-20	



OREGON DEPARTMENT OF TRANSPORTATION



**JURISDICTIONAL
TRANSFER**

EXHIBIT A SHEET 4 OF 6

Section

Camelot Intchge. - Sylvan Intchge.

Highway

Sunset Highway

County

Washington County

Scale

1:500 Meters

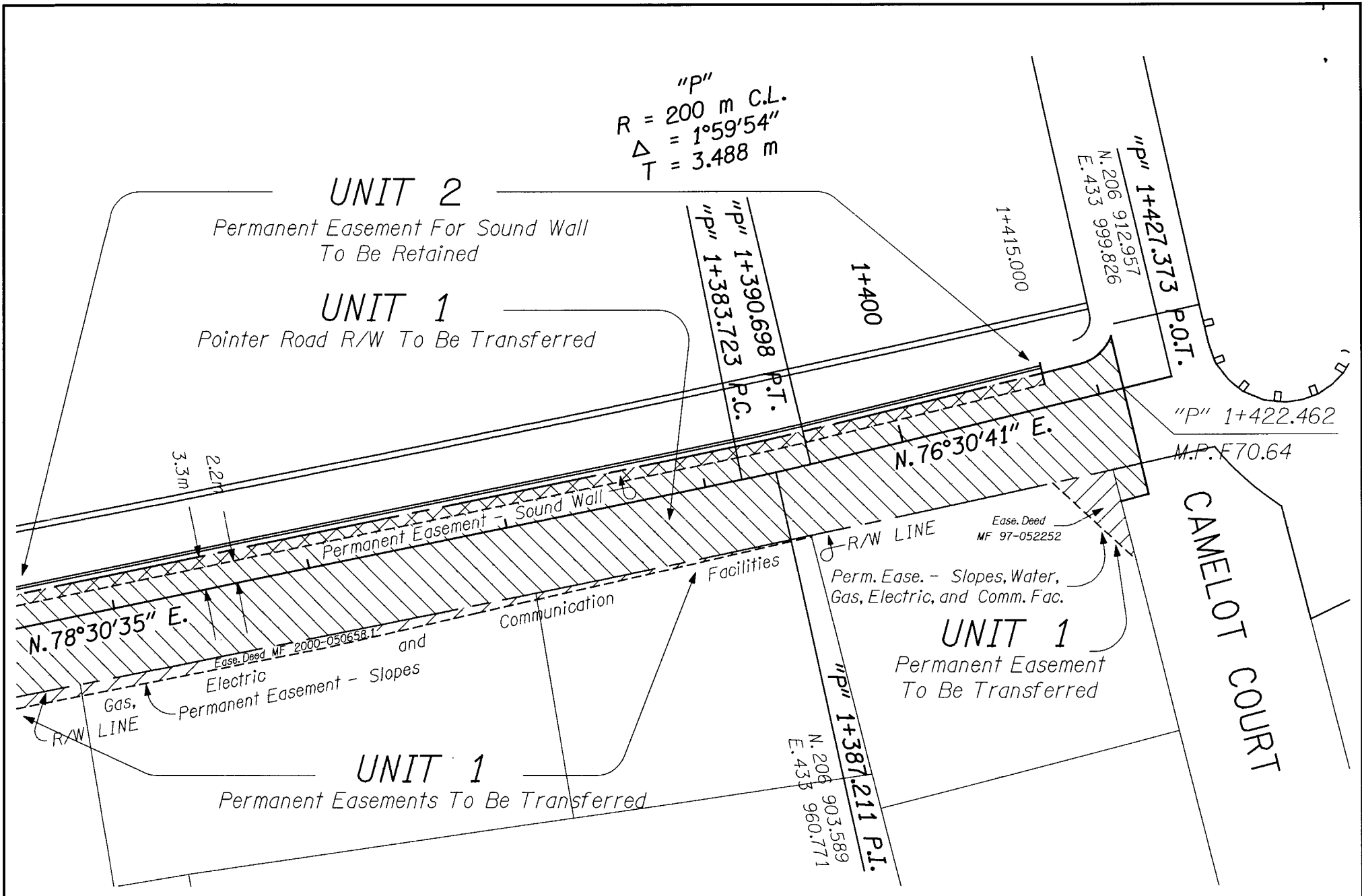
Date

September, 2005

File

JT769

See Drawing 1A-22-20



OREGON DEPARTMENT OF TRANSPORTATION



JURISDICTIONAL
TRANSFER

EXHIBIT A SHEET 5 OF 6

Section

Camelot Intchge. - Sylvan Intchge.

Highway

Sunset Highway

County

Washington County

Scale

1:500 Meters

Date

September, 2005

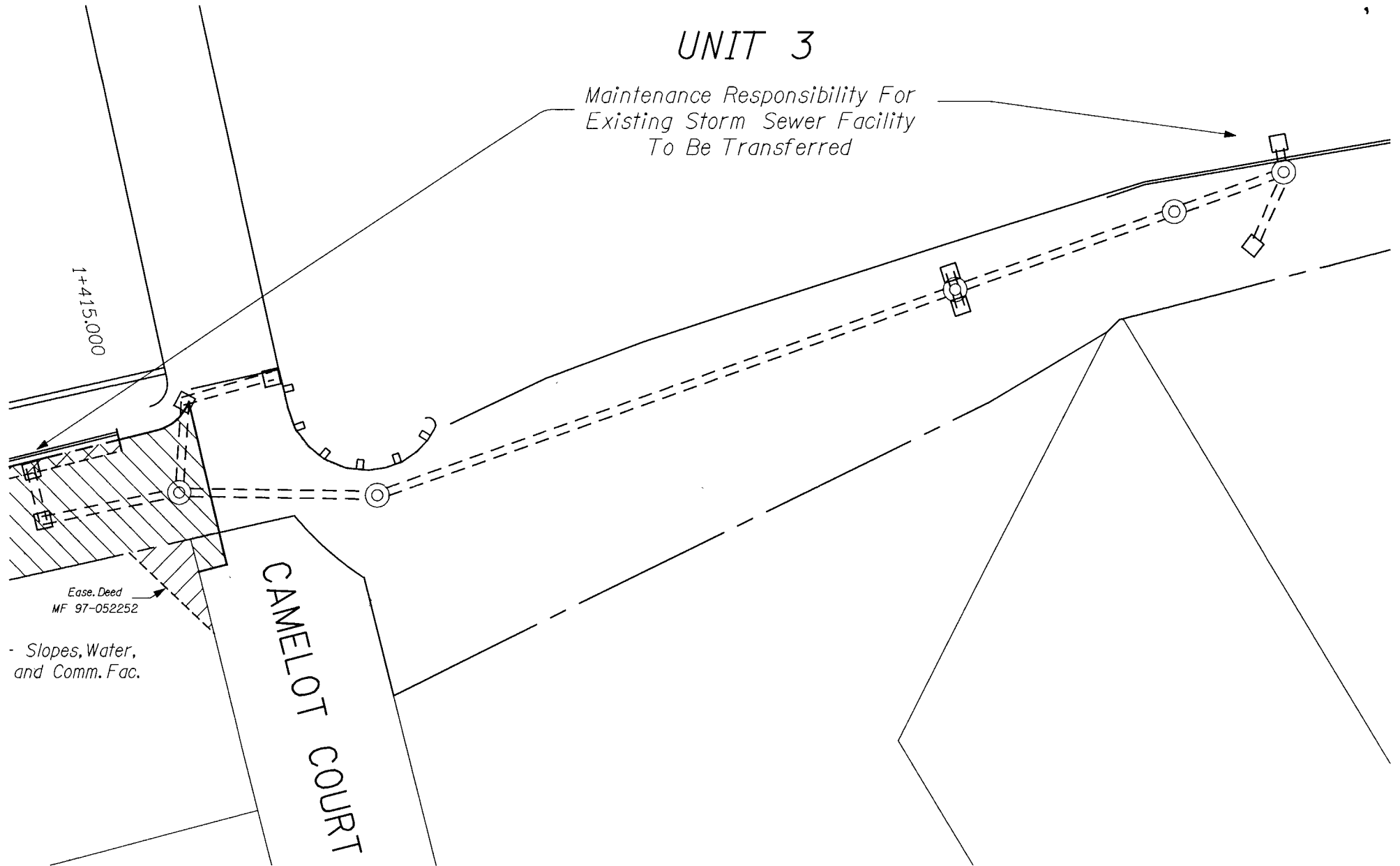
File

JT769

See Drawing 1A-22-20

UNIT 3

Maintenance Responsibility For
Existing Storm Sewer Facility
To Be Transferred



OREGON DEPARTMENT OF TRANSPORTATION



JURISDICTIONAL
TRANSFER

EXHIBIT A SHEET 6 OF 6

Section

Camelot Intchge. - Sylvan Intchge.

Highway

Sunset Highway

County

Washington County

Scale

1:500 Meters

Date

September, 2005

File

JT769

See Drawing 1A-22-20

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Waiver of sealed bidding and award contract to provide structural engineering services for Seismic Upgrade Project for City Hall from the Beaverton School District contract and approve CM/GC solicitation process for construction of the project.

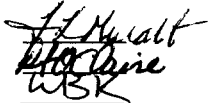
FOR AGENDA OF: 02-06-06 **BILL NO:** 06020

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Operations 

DATE SUBMITTED: 01-27-06

CLEARANCES: Purchasing
Finance
City Attorney



PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS:

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$118,900	BUDGETED \$1,169,000*	REQUIRED \$-0-

*Account Number 001-13-0451-682 and 683 General Fund - Non-departmental – Disaster Mitigations Grant Program – Construction and Design and Engineering Accounts.

HISTORICAL PERSPECTIVE:

City Hall was built to comply with 1982 building codes. Those codes were upgraded in 1993, but no improvements have been made to the structure for protection in the event of an earthquake or other disaster. In the late 1990's, bids were received from construction firms to laterally support stairwells, modify expansion joints, and tie floors to the support beams. Since the estimates exceeded the architects' estimates at the time, the project was cancelled.

In March of 2005, the City's Emergency Manager applied for a Pre-Disaster Mitigation Grant from the Federal Emergency Management Agency (FEMA). FEMA awarded a \$1,353,450 Grant in September 2005 with the expectations that the City would match 25%, or \$338,362.50, for completion of the Seismic Upgrade Project. To qualify, FEMA has given the City until September 15, 2008 to complete the Project.

INFORMATION FOR CONSIDERATION:

A Task Force consisting of City staff met to discuss the Project and recommended that we contact the Beaverton School District for references on their recent seismic upgrade. Beaverton School District had completed a formal bid process to acquire a retainer list of Engineering firms that included structural engineering firms. Cooperative language that allows other governmental agencies to use the contract was included in the solicitation. City staff contacted James G Pierson Incorporated, who was on the Beaverton School District's retainer list, to obtain a proposal as they were the firm that designed the building that now houses City Hall. Pierson submitted a proposal in the amount of \$118,900. Staff contacted the Beaverton School District regarding Pierson's work on the various seismic upgrade projects. The District responded that "Pierson was the primary structural engineer on all of their seismic upgrades – both one and two story buildings. They are very good to work with." Pierson's proposal to the City includes all architectural, structural, mechanical and geotechnical consultation for

Agenda Bill No: 06020

- the Seismic Upgrade of City Hall. Their scope of work incorporates newer technology using Taylor Damping Devices, similar to shock absorbers, which could lower the overall construction costs. City staff would like Council to approve a contract for structural engineering to James G. Pierson, Incorporated ("Pierson"), of Portland, Oregon.

In conjunction with this proposal, City staff would like Council to approve the preparation of a Construction Manager/General Contractor ("CMGC") solicitation process for the construction phase of the project. Once approved, a new team consisting of City Staff, Pierson, and an architect selected jointly by the City and Pierson will work together to solicit bids from and recommend a construction firm.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, waive the sealed bidding requirements and authorize a contract to James G. Pierson, Incorporated, of Portland, Oregon, for Design Engineering in the amount of \$118,900, and also approve the preparation of a CMGC solicitation process for construction during the Seismic Upgrade.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Work Session on Graffiti Issues

FOR AGENDA OF: 02-06-06 **BILL NO:** 06021

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Police Department 

DATE SUBMITTED: 02-01-06

CLEARANCES:

PROCEEDING: Work Session

EXHIBITS:

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The Beaverton Police Department has seen a significant increase in the number of reported cases of graffiti in 2005 compared to 2004. Graffiti is a City-wide problem that, beyond its unsightliness, is very expensive and presents a picture of apathy and decay. It can result in reduction of property values and may discourage new businesses and families from moving into, and investing in a neighborhood. When left unchecked, graffiti will spread. A united removal effort makes a clear statement that offenders, and their destructive graffiti and other activities, will not be tolerated. An ordinance to address graffiti concerns is before the Council at tonight's meeting.

INFORMATION FOR CONSIDERATION:

The Police Department has prepared a brief PowerPoint presentation to discuss the scope of the graffiti problem, what we are currently doing to address it, and future efforts for improvements. Two chairs from the Central Beaverton and Vose NACs have requested to testify on the graffiti problems in their neighborhoods.

RECOMMENDED ACTION:

Hear police presentation and NAC leaders' testimony.

AGENDA BILL

Beaverton City Council Beaverton, Oregon

SUBJECT: Development Services Fee Schedule
Amendment

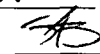
FOR AGENDA OF: 2-06-06 **BILL NO:** 06022

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 1-23-06

CLEARANCES: City Attorney 

Devel. Services 

PROCEEDING: PUBLIC HEARING

- EXHIBITS:**
1. Resolution approving the Community Development Department's development services fee schedule.
 2. Proposed Development Services Fee Schedule.

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On May 17, 2006, the annexation of parcels identified as tax lot identification numbers 2S1060000101 and 102 located at the southwestern corner of the City is scheduled to become effective. The annexation case file is ANX 2005-0009. At the same time as annexation, the City intends to enact a zoning map amendment to designate the subject parcels Urban Medium Density residential (R-4).

Because the previous zoning on the site was a Washington County "future development - 20 acre minimum" zone, the new City zoning would increase the number of vehicle trips from the subject parcels. Therefore, a Transportation Impact Analysis (TIA) report was necessary as a part of the zoning map amendment process. The property owner did not want to pay for the preparation of a TIA report at the time of annexation and zoning designation. The property owner negotiated with the City to have the City prepare the TIA report as a part of the annexation and zoning map amendment. The property owner agreed that the subsequent development of the subject parcels would reimburse the City for the cost of preparing the TIA report.

The City has contracted with CTS Consulting for the preparation of a TIA report for zoning map amendment of the subject parcels. The cost for the TIA report was \$5,000. To recover this cost, staff are recommending an amendment to the City's Development Services Fee Schedule. When a development application for the subject parcels is submitted to the City, the applicant would be required to reimburse the City the \$5,000 as part of the application fee. The extra charge would be a one time fee and the fee schedule would be amended again to eliminate the fee once it had been collected by the City. Staff anticipate that the subject parcels would be developed as one parcel. However, if the parcels were developed by separate parties at separate times, the fee would be collected with the first land use development application.

INFORMATION FOR CONSIDERATION:

Please refer to the attached exhibits.

RECOMMENDED ACTION:

Staff recommend that the City Council approve the attached resolution adopting a new Development Services Fee Schedule.

RESOLUTION NO. 3852

**A RESOLUTION SUPERSEDING RESOLUTION NO. 3813 AND
ESTABLISHING FEES FOR PLANNING PERMITS, APPEALS, AND
OTHER SERVICES PURSUANT TO SECTION 10.55 OF THE BEAVERTON
DEVELOPMENT CODE, ORDINANCE 2050.**

WHEREAS, Section 10.55 of the Beaverton Development Code (Ordinance 2050) provides that the City may charge and collect filing and other fees as established by resolution of the Council in order to defray expenses incurred in connection with the processing of applications, preparation of reports, publications of notices, issuance of permits and other matters; and,

WHEREAS, the City Council has agreed to change the zoning of parcels identified as tax and map lot numbers 2S1060000101 and 2S1060000102 from Washington County zone Future Development 20 Acre (FD-20) to City of Beaverton zone Urban Medium Density residential (R4); and,

WHEREAS, the new City zoning will increase the potential amount of traffic generated from the subject parcels; and,

WHEREAS, the City has agreed to fund and to have prepared a Traffic Impact Analysis (TIA) report which will evaluate the potential increase in traffic from the subject parcels; and,

WHEREAS, the current property owner of the subject parcels has agreed to reimburse the City the cost of preparing the TIA once the subject parcels are proposed for development under the City's zoning for the subject parcels; and,

WHEREAS, the obligation to reimburse the City for the cost of preparing the TIA is assigned to any future property owner of the subject parcels; and,

WHEREAS, the reimbursement is a one time fee to be collected with the first development application for either or both of the subject parcels; and

WHEREAS, the Beaverton City Council met at a regularly scheduled meeting on February 6, 2006 to consider, at a public hearing, the adjustment to the City's Development Services Fee Schedule; now therefore,

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

Section 1: The Council adopts the amended fee schedule of the Community Development Department Development Services Division as shown in Exhibit A to this Resolution, attached and incorporated herein by this reference.

Section 2: The Council directs the Mayor annually to adjust the fee schedule adopted by this Resolution effective for land development applications received on and after July 1 of each succeeding calendar year according to the United States Department of Labor Consumer Price Index West-C published for the interval last preceding that effective date. The Mayor shall endeavor to give 60 days public notice of the fee adjustment prior to the effective date of each adjustment, but failure to give such notice shall not invalidate the adjustment.

Section 3: This Resolution supersedes anything to the contrary in Resolution No. 3760 and in all prior resolutions setting fees for Development Services Division actions on land development approvals.

Section 4: This Resolution shall take effect on May 17, 2006.

Adopted by the Council this ____ day of _____, 2006.

Approved by the Mayor this ____ day of _____, 2006.

Ayes: _____

Nays: _____

Attest:

Approved:

Sue Nelson, City Recorder

Rob Drake, Mayor

VICINITY MAP



City of Beaverton

16655 SW SCHOLLS FERRY RD

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

07/21/05

Map #

VARIOUS

Application #



CITY OF BEAVERTON DEVELOPMENT SERVICES FEE SCHEDULE MAY 17, 2006 TO JUNE 30, 2006	
APPLICATION TYPE	Fees
ACCESSORY DWELLING UNIT	\$ 134
ADJUSTMENT	
MINOR	\$ 305
MAJOR	\$ 939
APPEALS	
TYPE 1 AND TYPE 2 DECISIONS*	\$ 250
TYPE 3 AND TYPE 4 DECISIONS	\$ 638
BALLOT MEASURE 37 CLAIM (Deposit)	\$ 1,000
COMPREHENSIVE PLAN AMENDMENT	\$ 2,325
CONDITIONAL USE	
MINOR MODIFICATION	\$ 304
MAJOR MODIFICATION	\$ 1,274
ADMINISTRATIVE	\$ 612
NEW CONDITIONAL USE	\$ 1,274
PRELIMINARY PLANNED UNIT DEVELOPMENT	\$ 1,274
FINAL PLANNED UNIT DEVELOPMENT	\$ 1,274
DESIGN REVIEW	
DESIGN REVIEW COMPLIANCE LETTER	\$ 100
DESIGN REVIEW TWO	\$ 803
DESIGN REVIEW THREE	\$ 1,766
DEVELOPMENT COMPLIANCE FEES	
DMV REVIEW (License Renewal)	\$ 34
DMV REVIEW (New Business)	\$ 84
DIRECTOR'S INTERPRETATION	\$ 640
FLEXIBLE & ZERO YARD SETBACKS	
INDIVIDUAL LOT (with endorsement)	\$ 100
INDIVIDUAL LOT (without endorsement)	\$ 804
PROPOSED RESIDENTIAL LAND DIVISION	\$ 804
PROPOSED ANNEXATION	\$ 804
ZERO SETBACK - PROPOSED RESIDENTIAL LAND DIVISION	\$ 804
ZERO SETBACK - PROPOSED NON-RESIDENTIAL LAND DIVISION	\$ 359
HISTORIC REVIEW	
ALTERATION	\$ 303
EMERGENCY DEMOLITION	\$ 303
DEMOLITION	\$ 303
NEW CONSTRUCTION WITHIN HISTORIC DISTRICT	\$ 303
HOME OCCUPATION	
HOME OCCUPATION ONE	\$ 112
HOME OCCUPATION TWO	\$ 225
LAND DIVISION	
LOT LINE ADJUSTMENT	\$ 327
PRELIMINARY PARTITION	\$ 656
PRELIMINARY SUBDIVISION	\$ 2,108
PRELIMINARY FEE-OWNERSHIP PARTITION	\$ 656
PRELIMINARY FEE-OWNERSHIP SUBDIVISION	\$ 2,108

Exhibit A

APPLICATION TYPE	Fees
LAND DIVISION - Continued	
FINAL LAND DIVISION	
PARTITION	\$ 607
SUBDIVISION	\$ 1,948
EXPEDITED LAND DIVISION	\$ 2,950
LOADING DETERMINATION	\$ 262
PARKING DETERMINATION	
PARKING REQUIREMENT DETERMINATION	\$ 262
SHARED PARKING	\$ 262
USE OF EXCESS PARKING	\$ 131
PREAPPLICATION CONFERENCE	\$ 107
PROJECT MANAGEMENT DEPOSIT (minimum charge)	\$ 2,887
PUBLIC NOTICE (Ballot Measure 56) (deposit)	\$ 10,000
PUBLIC TRANSPORTATION FACILITY	\$ 803
RE NOTIFICATION	\$ 133
RESEARCH / PER HOUR	\$ 67
SIGN	\$ 72
SOLAR ACCESS	\$ 348
STREET NAME CHANGE	\$ 911
STREET VACATION	\$ 883
TEMPORARY USE	
MOBILE SALES	\$ 84
NON-MOBILE SALES	\$ 84
STRUCTURE	\$ 84
REAL ESTATE OFFICE	\$ 84
NON-PROFIT EVENT	\$ 84
TEXT AMENDMENT	\$ 2,115
TREE PLAN	
TREE PLAN ONE	\$ 281
TREE PLAN TWO	\$ 460
TREE PLAN THREE	\$ 638
TREE PLAN FOUR	\$ 817
VARIANCE	\$ 939
WIRELESS FACILITY	
WIRELESS FACILITY ONE	\$ 304
WIRELESS FACILITY TWO	\$ 612
WIRELESS FACILITY THREE	\$ 1,274
ZONE CHANGE	
QUASI-JUDICIAL	\$ 1,333
LEGISLATIVE	\$ 1,333
ANNEXATION RELATED - NON DISCRETIONARY	N/C
ANNEXATION RELATED - DISCRETIONARY	N/C
REIMBURSE TRAFFIC IMPACT ANALYSIS COST**	\$ 5,000

* Pursuant to ORS 227.175(10), if a land use decision has not previously been heard in a public hearing format, the fee for an appeal of that decision cannot be greater than \$250 00. This fee is not to be charged to any local government agencies. If the appellant prevails in this appeal, this appeal fee is to be refunded

** Pursuant to Resolution No. _____, this fee is applicable only to the development of parcels identified as tax map lot identification nos. 2S1060000101 and 2S1060000102 The fee is a one time fee and will be assessed with the initial development proposal of either or both parcels.

Pursuant to Resolution No. 3724, fees have been adjusted based upon the CPI-W city size B/C for May 2003 - May 2004.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: A Public Hearing to Determine a List of Projects to Submit to Metro for Receiving Local Legacy Program Funds from the Proposed 2006 Metro Nature In Neighborhoods Bond Measure

FOR AGENDA OF: 2/06/06 **BILL NO:** 06023

Mayor's Approval: Linda G. Adland
Mayor Pro Tem

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED: 1/25/06

CLEARANCES: City Attorney MR
Planning Services HB

PROCEEDING: Public Hearing

EXHIBITS: Map of Proposed Projects
Proposed Projects Table
Metro Letter to Hal Bergsma, with attachments, Dated 12/16/05

BUDGET IMPACT

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

In 1995 voters approved a Metro bond measure for open spaces, parks and streams. The bond measure's primary goal was to purchase natural areas and greenways for public parks, trails acquisitions and improvements, and fish and wildlife habitat restoration. Metro acquired property in 14 regional natural areas and six regional trails and greenway corridors. In addition, a "local share" portion of the bond monies funded more than 100 local park projects located in almost every city, county, and park district in the region. As of June 8, 2005, Metro had acquired more than 8,130 acres of land for regional natural areas and regional trails and greenways, in 261 separate property transactions. These properties protect nearly 74 miles of stream and river frontage. (These numbers include Metro's local share purchases.)

In an effort to continue the successes of the 1995 bond measure, Metro is preparing to place a bond measure on the Fall 2006 ballot. The 2006 Bond Measure will focus on the acquisition and restoration of natural areas and corridors to protect water quality and fish and wildlife habitat. The measure will include both Metro and local government acquisitions and projects designed to benefit clean water and protect existing and new natural areas for future generations. As presently conceived, the 2006 bond measure will have several components, including a Local Legacy Fund, a Nature in Neighborhoods Capital Fund, and funds targeted at acquiring from willing sellers land in certain areas deemed to be of regional significance.

INFORMATION FOR CONSIDERATION:

The proposed projects, as brought forward by staff, are associated with the Local Legacy Fund. Local Legacy funds are to be distributed to park providers. As with the 1995 Greenspaces Bond, the City of Beaverton will receive these funds for the population of the City of Beaverton based upon 2005 population estimates. If passed by the voters, the City of Beaverton will receive \$2.5 to \$3 million dollars from the Local Legacy Fund component for projects that satisfy the guidelines.

Agenda Bill No: 06023

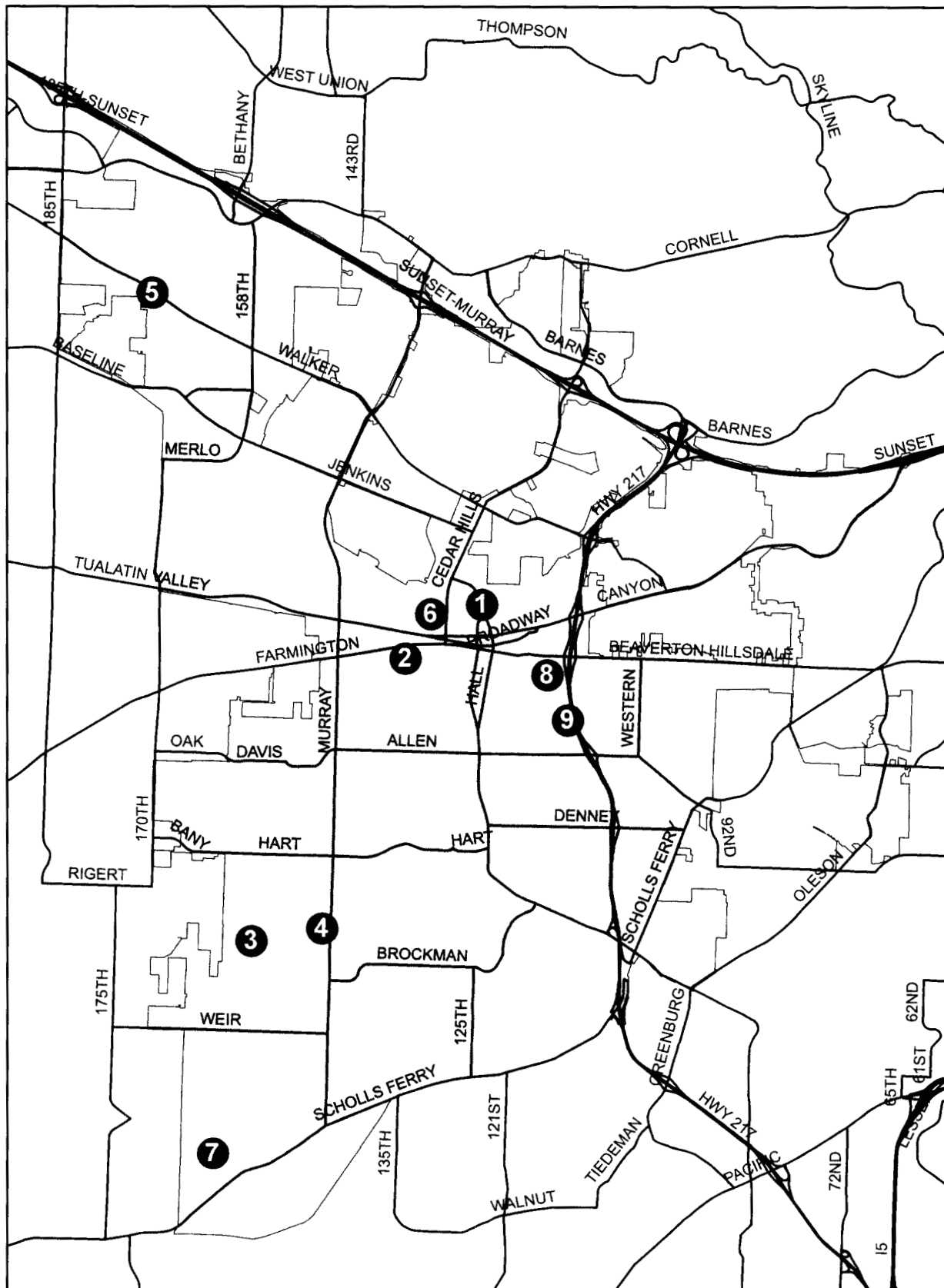
Staff has provided analysis for nine projects from an original list of 19. Of the nine projects, staff consider seven as preferred and two as secondary. Seven of the projects have a THPRD association.

On February 6th City of Beaverton staff will present City Council with information regarding projects proposed for funding with the Local Legacy portion of the Bond Measure. Staff has scheduled adoption of a resolution as an agenda item for the February 13, 2006 Council meeting. A list of projects, adopted by City Council, is due to Metro by March 1, 2006.

RECOMMENDED ACTION:

Conduct the public hearing, then provide direction to staff regarding a final list of projects to include in a resolution for adoption.

Map of Proposed Projects – City Council Public Hearing – February 6, 2006
Nature in Neighborhoods – Local Legacy Program



**PROPOSED CITY OF BEAVERTON PROJECTS TO BE FUNDED BY MONEY FROM THE PROPOSED 2006
“NATURE IN THE NEIGHBORHOODS” BOND MEASURE LOCAL LEGACY PROGRAM COMPONENT**

MAP #	LOCATION	PROJECT	ESTIMATED COST (thousands)	PRIORITY	COMMENTS
1	North side of Beaverton Creek and LRT line between Hall and Lombard	Acquire easements/ construct a portion of the Beaverton Creek Trail and enhance native vegetation	\$500	Primary	THPRD supports this project and is willing to help fund it. Pedestrians have unofficially carved out a pathway in this area on private property. The improvement will provide all-weather publicly maintained access and restoration of surrounding vegetation. It is projected that this trail connection will be well used.
2	SE corner of Farmington and Menlo	Acquire property and plant native vegetation along Erickson Creek	\$375	Primary	This is a subset of a larger project that addresses drainage issues. Property to the northeast is owned by the City and will also be planted with native vegetation as part of this project. There is a THPRD park to the west across Menlo. Property owner likely to be a willing seller, but acquisition may not occur if asking price is above the appraisal.
3	West side of 155 th , south of Sexton Mountain Drive	Acquire about 1 acre of property abutting an unnamed THPRD park.	\$250	Primary	Most of the property is a wetland. It and the adjacent park are just south of Sexton Mountain Elementary School. It has restoration potential, and could be used by school students for environmental studies. Property owner likely to be a willing seller, but acquisition may not occur if asking price is above the appraisal.
4	Sexton Mountain Reservoir SW of Sexton Mountain Drive and Murray	Enhance vegetative cover on the site by removing invasive plant species and replanting with native vegetation	\$300	Primary	The reservoir site is next to Sexton Mountain Meadows Park. Revegetation will reduce erosion of soils into the Johnson Creek, Hiteon Creek and Summer Creek subwatersheds, enhance the appearance of the area and improve wildlife habitat. If not funded with Local Legacy money, revegetation may occur using City general fund money, but over several years.
5	East side of 173 rd , between Cornell and Walker	Acquire undeveloped portion of property on Willow Creek adjacent to Walker Road	\$250	Primary	Along Willow Creek, this acquisition would link two existing parks, and provide an opportunity site for riparian corridor restoration. This is the only proposed project in north Beaverton. Property owner likely to be a willing seller, but acquisition may not occur if asking price is above the appraisal.

MAP #	LOCATION	PROJECT	ESTIMATED COST (thousands)	PRIORITY	COMMENTS
6	Beaverton Creek between Cedar Hills Blvd. and Hocken	Construct terraced retaining walls and plant with native vegetation to restore channel.	\$500	Primary	This project will also require use of other funds. Public access is not possible, but revegetation of the stream corridor and stabilization of the banks should improve its appearance, water quality and habitat value. Adjacent property owners support and are willing to grant easements.
7	West side of 155 th at Snowy Owl and Siskin Terrace	Acquire up to six acres near the UGB	\$500	Primary	THPRD supports this project and would be the primary source of funds. Seller willingness is uncertain, however. This area is generally in need of more park land. The property to the west is open space owned by a homeowners' association that could be combined with this property. This part of the property contains mature trees, primarily Douglas Fir.
8	Griffith Park	Construct a trail along the edge of the park	\$250	Secondary	THPRD supports this project and is willing to help fund it, but it may not meet Metro guidelines for local natural areas projects. It is anticipated the trail would be designed to avoid removal of or damage to the roots of existing trees, and use pervious pavement. Project may be paired with a project to remove sediment from the bottom of the park to increase its detention capacity.
9	West side of HWY 217 between 5 th and Allen	Acquire trail connection	\$250	Secondary	This site is owned by the Union Pacific railroad company. Although zoned industrial, most of this site is wetland with natural vegetation. It is shown on the THPRD Trails Master Plan as part of the Beaverton Creek Trail and as a link to the Fanno Creek Trail. However, owner willingness to sell is unknown, and access across RR tracks an issue.

Total Estimated Primary: \$2,675,000

Total Estimated Secondary: \$500,000



METRO

December 16, 2005

Hal Bergsma
Principal Planner
City of Beaverton
PO Box 4755
Beaverton OR 97076

Dear Mr. Bergsma:

This letter serves as the formal notice of Metro's request for a project list to be funded by funds from the per capita portion of the "Local Legacy Program" in Metro's November 2006 Natural Areas bond measure. Your project list must be received at Metro, sent to my attention, not later than March 1, 2006.

I wrote on August 17, 2005 asking the jurisdictions in each county to work towards a consensus on how local share funds could be distributed in each county. To date, consensus was reached only among Clackamas County jurisdictions. I appreciate Dan Zinzer's hard work in pulling that together so effectively. We have a letter signed by all but one city in Multnomah County and nothing formal from Washington County. However, there have been various forums in Washington County where this matter has been discussed and I've been in extensive contact with many of you from Washington County and know there is a considerable amount of consensus there on the distribution question.

For now the Metro Council has directed me to assume the distribution set forth on Attachment A hereto. If the Multnomah or Washington County jurisdictions inform us that they have reached a different consensus before the bond is referred in time for them to still submit their project lists as outlined herein below, Metro Council is likely to accept new direction on those allocations.

As I believe all of you know, the Blue Ribbon Committee of business and community leaders was formed by Metro Council to make recommendations on the issues surrounding the bond measure. The Committee has completed its work and issued its report, attached at Attachment B hereto.

The Metro Council has reviewed that report and decided to accept some key recommendations:

- The total amount of the measure will be \$220 million.
- The amount of the per capita portion of the Local Legacy Program will be \$44 million.

- The guidelines for eligible projects for the per capita local share fund will be considerably more flexible than those for the 1995 program, as urged by many of you and recommended by both the Blue Ribbon Committee and Metro's Greenspaces Policy Advisory Committee. The proposed guidelines are set forth in Attachment C hereto.

The Metro Council would like more time and more public input before making other decisions regarding the bond components, particularly those related to the regional target areas, regional trails, regional capital projects (what the Blue Ribbon Committee called the "Peopling Nature Projects"), and the grant component of the Local Legacy Program (both its size and criteria).

The Metro Council has agreed on a schedule for the measure's referral, with final action due on March 9. The complete schedule of various forums and public meetings is included in Attachment D. We hope you will publicize these meetings, as appropriate so interested members of your community will attend. These meetings and other information related to the bond measure will also be available on Metro's Web site, www.metro-region.org.

Selecting Your Local Projects

With the amount and criteria of the per capita portion of the Local Legacy Program now settled, we ask that you begin the formal process of identifying your projects. In my letter dated August 17, 2005, I let you know that we will need your list by March 1, 2006, so we will stick with that date. However, if we can get your project list before February 23, 2006, to attach to the first reading of the resolution referring the measure, we could better promote your local efforts, so we urge you to get your project list submitted as soon as possible. *However, we must have it by March 1, 2006, in the form of an adopted resolution by your governing Council, Commission or Board.*

Our Councilors have indicated their interest in attending your public meetings where the local projects under the bond will be discussed, as inevitably there will be questions about the other elements of the bond as well as your local project selection process. We want to assist your staff and elected officials in any way we can with this process and be available for, or complement, your public meetings. Please coordinate through Metro Public Affairs liaison Ken Ray (rayk@metro.dst.or.us; 503.797.1508).

We do not yet need the amount of Metro bond money assigned to each of your local projects; we simply need the overall list. If the bond measure passes, we will then sign an intergovernmental agreement with each jurisdiction that governs the payout process and amounts for each project, how to declare project infeasible and substitute another project, etc. All of this will very closely follow the process we used for the 1995 measure, so if you have questions about this, please refer first to those documents and feel free to contact me for further information.

The Council will also consider the request that interest be paid to each local jurisdiction on their unspent per capita funds. Our finance staff has some concerns about the expense and logistics that we are working through.

For our March 1 deadline, what we will need is a list of projects with this level of specificity (the project list below is an example only):

City of Tigard: \$1,326,780

Projects:

- Fanno Creek Trail – complete Hall Rd. to Durham segment
- Bull Mountain – acquisition for future neighborhood park
- Tualatin River land acquisition and non-motorized boat access improvements
- Cook Park restoration and wetlands enhancement project
- Westside Powerline Trail – acquire and develop neighborhood connection
- Acquire site for future Duane Roberts Park in the currently park-deficient Northwest quadrant of the city.

The Grant Program

The Metro Council will continue to deliberate about the grant program, a program that could significantly add to the overall Local Legacy Program. The Blue Ribbon Committee recommended an additional \$11 million for that program, while Metro's Greenspaces Policy Advisory Committee recommended 10% of the bond measure total, which would now be \$22 million. However, other individuals and entities such as the Clackamas County Board of Commissioners and various jurisdictions in Clackamas County have urged there be no grant program at all, while non-profit organizations and many jurisdictions, as reflected our meeting with local parks providers and advocates at the Audubon Society's offices on December 9, are strongly supportive of the proposed grant program and would like to see it made as large as possible.

The grants will need to be designated for capital projects, and they will have to be spent on land acquisition or improvements owned at least in part by a public agency. This program is designed to provide local jurisdictions with an additional opportunity to fund projects that may not have been known when per capita local share projects were selected. The grants would be made over a period of years (probably six or 10 years), so the program would give prospective grantees even greater flexibility to fund future local and neighborhood projects. The fund is being designed to spur more activities at the grassroots and neighborhood levels to protect water quality and habitat, and promote the "re-naturing" of urban neighborhoods.

Some have asked me how this proposed Local Legacy Grant program fits in with the new Nature in Neighborhoods grant program recently announced by Metro, for which pre-applications are due January 12, 2006. The Nature in Neighborhoods grants are not limited to capital projects. The programs are separate, though both reflect Metro Council's commitment to protect fish and wildlife habitat in the region. The awarding of one grant will not disqualify the applicant from seeking funding from the other program. For more information about the Nature in Neighborhood grants, a \$1 million program funded by funds from solid waste excise taxes, please contact Janelle Geddes (geddesj@metro.dst.or.us; 503.797.1550).

We are excited to launch the 2006 Metro Natural Areas Bond Measure. We are confident that the Local Legacy portion of this bond, recommended by the Blue Ribbon Committee to be \$55 million (\$44 million in a per capita pass-through and \$11 in a new grant program), will support significant projects in every one of our communities.

Local Legacy Program Project List Letter
December 16, 2005
Page 4

We look forward to receiving, no later than March 1, 2006, your list of projects in the form of an adopted resolution by your governing body. If my staff or I can help you in the process of selecting your projects, please let me know (desmondj@metro.dst.or.us; 503.797.1914).

Best regards,

A handwritten signature in black ink, appearing to read "Jim Desmond". The signature is fluid and cursive, with a large initial "J" and a stylized "D".

Jim Desmond
Director
Regional Parks and Greenspaces

Attachments:

- A - Local Legacy Per Capita Allocation Formula
- B - Blue Ribbon Committee report dated December 3, 2005
- C - Local Legacy Guidelines
- D - Public Outreach Schedule

ATTACHMENT A - LOCAL LEGACY PER CAPITA ALLOCATION FORMULA

2006 Natural Areas Bond Measure

Local Share Allocation - \$44 million distribution

Total Amount allocated based on Taxable Assessed Values

	<u>Percent</u>	<u>Amount</u>
Clackamas County	23.88%	10,507,200
Multnomah County	43.69%	19,223,600
Washington County	32.43%	14,269,200
	<u>100.00%</u>	<u>44,000,000</u>

Clackamas County

Methodology: the Cities within Clackamas County, the North Clackamas Park District and the County met and came to a consensus decision on their preferred local share distribution formula.

	<u>Percent</u>	<u>Amount</u>
Gladstone	3.69%	387,716
Happy Valley	4.59%	482,280
Lake Oswego	10.92%	1,147,386
Milwaukie	6.26%	657,751
Oregon City	9.41%	988,728
Portland (portion)	0.24%	25,217
Rivergrove	0.10%	10,507
Tualatin (portion)	0.88%	92,463
West Linn	8.30%	872,098
Wilsonville	7.18%	754,417
No. Clackamas Park District	22.90%	2,406,149
Clackamas County	18.44%	1,937,528
Johnson City	0.19%	19,964
Damascus	6.90%	724,997
Total	100.00%	10,507,200

Multnomah County

Methodology: The cities within Multnomah County met to discuss a preferred allocation methodology.

While there was not a consensus among all of the cities, 4 of the cities agreed to the following formula, based on the formula used in 1995:

City share = (total available - base alloc for small cities) * population percentage + basic alloc.

	<u>Base Alloc.</u>	<u>±</u>	<u>(Pop. %</u>	<u>x</u>	<u>Avail)</u>	<u>=</u>	<u>Amount</u>	<u>%</u>
Portland	0	+	81.6%	x	18,623,600	=	15,196,858	79.05%
Gresham	0	+	14.0%	x	18,623,600	=	2,607,304	13.56%
Troutdale	200,000	+	2.1%	x	18,623,600	=	591,096	3.07%
Fairview	200,000	+	1.4%	x	18,623,600	=	460,730	2.40%
Wood Village	200,000	+	0.5%	x	18,623,600	=	293,118	1.52%
Lake Oswego (portion)	0	+	0.4%	x	18,623,600	=	74,494	0.39%
	<u>600,000</u>		<u>100.0%</u>		<u>18,623,600</u>		<u>19,223,600</u>	<u>100.00%</u>

Washington County

Methodology: Allocated by PSU Population Research Center population estimates for July 1, 2004. For THPRD overlapping jurisdiction allocation: city of Beaverton will receive allocated for population within the city, THPRD will receive allocation based on population of 2005 THPRD minus city of Beaverton population, and Washington County will receive allocation for unincorporated population outside of THPRD boundaries but inside Metro boundary.

NOTE: THPRD population number on this sheet is an **estimate**, based on 2000 census data with the Metro-wide growth rate from 2000 to 2004 (est.) applied. The THPRD population estimate for 2005 (prepared by PSU on special contract) is anticipated to be completed by December 30, 2005. When that study is complete, the amounts and percentages will need to be recalculated. Until then these numbers for Washington County should be considered **estimates for discussion purposes only**, and do not represent the actual allocation under the Local Share program.

	<u>2004 Pop.</u>	<u>% of total</u>	<u>Amount</u>
Beaverton	79,350	16.52%	2,357,895
Cornelius	10,150	2.11%	301,608
Durham	1,400	0.29%	41,601
Forest Grove	19,200	4.00%	570,530
Hillsboro	79,940	16.65%	2,375,427
King City	2,100	0.44%	62,402
Lake Oswego (portion)	20	0.004%	594
Portland (portion)	1,440	0.30%	42,790
Sherwood	14,190	2.96%	421,658
Tigard	44,650	9.30%	1,326,780
Tualatin	24,940	5.19%	741,095
Wilsonville (portion)	1,655	0.34%	49,179
THPRD	121,227	25.25%	3,602,266
Uninc. Washington County (inside Metro; outside THPRD)	79,938	16.65%	2,375,376
	<u>480,200</u>	<u>100.00%</u>	<u>14,269,200</u>

2006 Natural Areas Bond Measure
Local Share Allocation - \$44 million distribution

<u>Summary</u>	<u>2006 Allocation</u>	<u>1995 Allocation</u> (for comparison)
Gladstone	387,716	156,857
Happy Valley	482,280	35,305
Lake Oswego (combined)	1,222,475	697,166
Milwaukie	657,751	334,856
Oregon City	988,728	268,322
Rivergrove	10,507	5,673
West Linn	872,098	333,385
Wilsonville (combined)	803,595	218,222
No. Clackamas Park District	2,406,149	1,043,025
Clackamas County	1,937,528	1,876,235
Johnson City	19,964	0
Damascus	724,997	0
Portland (combined)	15,264,865	7,480,868
Gresham	2,607,304	1,164,474
Troutdale	591,096	257,327
Fairview	460,730	169,109
Wood Village	293,118	169,109
Multnomah County	0	3,415,711
Beaverton	2,357,895	1,372,654
Cornelius	301,608	147,186
Durham	41,601	28,538
Forest Grove	570,530	321,226
Hillsboro	2,375,427	989,745
King City	62,402	0
Sh rwood	421,658	103,705
Tigard	1,326,780	757,954
Tualatin (combined)	833,558	388,528
THPRD *	3,602,266	2,315,771
Washington County *	2,375,376	949,049
	<u>44,000,000</u>	<u>25,000,000</u>

* Estimate only (waiting for study to be complete - see detail sheet for explanation)

ATTACHMENT B – BLUE RIBBON COMMITTEE REPORT DATED DECEMBER 3, 2005

2006 Bond Measure Blue Ribbon Committee

Recommendations & Considerations December 3, 2005

Background

Over the past ten years, several planning efforts and other collective actions have been undertaken to develop a vision for our region that defines how it should grow and what qualities should be protected. Responsible development that builds strong local communities, the protection of ecologically significant lands and providing people with the experiences of nature that they value so highly are central tenets in all of them.

In 1995 citizens strongly approved Metro's \$135 million Open Spaces, Parks and Streams bond measure to protect the landscapes that help define our region. Since then more than 8,100 acres of river, stream and interconnected wildlife and trail corridors, buttes, wetlands and prairies have been protected.

In 2000 – 2001, the Metro Policy Advisory Committee (MPAC), a task force composed of elected officials from throughout the region, stated the need to protect and improve the ecological health of fish and wildlife habitat in the region and urged the Metro Council to extend its land acquisition efforts beyond the scope of the successful 1995 bond measure.

In December 2004, the Council adopted resolution No. 04-3506A, which resolved to take before the voters an acquisition and restoration program bond measure by November 2006. In accordance with this resolution, the Council established the Blue Ribbon Committee in September 2005 (Resolution No. 05-3612). The committee, a short-term task force, was to advise and make preliminary recommendations to the Council on the content of such a bond measure program.

Committee Process and Charge

The Committee, composed of 18 business, civic and citizen representatives recruited by Council President Bragdon, met for three sessions - October 25, November 2 and November 9, 2005 - and was asked by the Council to provide advice on the following questions:

1. What should the overall size of the bond be, within a range of \$140 to \$270 million?

2. Which regional-scale target areas should be prioritized for future acquisition by Metro?
3. What type, if any, of regional capital projects should be included – for example, open some previously acquired open spaces for public use, complete regional trails, build a few high profile capital improvements (e.g. trailhead facilities for Forest Park)
4. How much of the bond should be dedicated to the “local share per capita” component, as implemented under the 1995 measure?
5. Should the “local share” fund be limited to acquisitions and capital projects related to natural areas as in the 1995 bond, or be open to any parks or public space projects at the discretion of the local jurisdictions, including soccer fields, tennis courts, urban plazas, etc.?
6. Should the bond also contain a more flexible, opportunity-driven fund, such as the proposed competitive “Nature in Neighborhoods” capital grant program? If the committee favors this approach, what should be its primary focus and how large should it be?

In March 2006, Council will decide on a final bond sum and program after it considers and reviews the Blue Ribbon Committee’s recommendations, recommendations from Metro’s Greenspaces Policy Advisory Committee (GPAC) and seeks input from local jurisdictions and the community at large.

R commendations & Considerations

1. Size of a 2006 Bond Measure. Protection of water quality and fish and wildlife habitat is essential in order to protect our quality of life, manage regional growth and leave a legacy for future generations. The Committee recommends a 2006 natural areas acquisition bond measure of a maximum of \$220 million in order to, as one member stated, “maintain a keen eye on what’s doable, sustainable and what protects our natural and cultural heritage.” It is critical to balance an investment in water quality and natural resource protection with strong voter support. The Committee believes that \$220 million is the “break point” between what will be gained from such an investment and where public support may fall off in the face of competing measures. A majority of the committee felt that going higher than \$220 would jeopardize support for the measure. \$220 million also translates into a \$32 per year contribution by the average homeowner, or \$2.67, approximately, per month for the protection of water quality, natural areas and fish and wildlife habitat – a sum consistent with preferences reflected in recent polling.

The Committee was asked by the Metro Council to consider a range of between \$140 million and \$270 million based on the size of the 1995 bond and indications of an acceptable ceiling provided from recent polling. In-depth discussions about the success of the last bond measure (\$135.6 million) weighed against lessening voter tax tolerance and the urgency of and opportunity for protecting remaining headwaters and areas critical to fish and wildlife habitat led the Committee to conclude that a balance must be achieved between these competing concerns in order for the measure to be enthusiastically embraced by voters. The Committee understands and strongly supports

the need to continue investing in the region's landscape in order to protect essential values but the investment must be made at a level palatable to citizens. \$220 million will provide a substantial local component and provide Metro with \$165 million to acquire ecologically significant lands and develop public access to previously acquired natural areas.

2. Protection of ecologically significant lands. The Blue Ribbon Committee recommends acquisition of lands in ecologically significant headwaters, rivers and stream corridors, forests and other critical habitat areas throughout all parts of the region in order to protect water quality and fish and wildlife habitat for the long term. The Committee also strongly supports the methodology of specific, justified target areas being clearly identified in advance on scientific grounds, and in pursuing only those acquisitions which are consistent with those standards.

The Committee recommends eleven new target areas (acquisition goal: 4,200 acres, approximately), six regional greenways, and continued acquisition (850 acres, approximately) of critical lands in specific target areas remaining from the 1995 bond measure. The recommendation is based on the assessment of over 40 public and private scientists from throughout the region who identified these areas as essential to the continued protection of water quality and fish and wildlife habitat. The protection of these proposed new target areas, when taken together with the lands acquired under Metro's 1995 bond measure, will help protect a vital ecological landscape for current and future generations, maintaining the values that make this region a desirable place to live, raise a family and do business.

The eleven Proposed Target Areas include (see attached map and target area descriptions on back):

Damascus Butte
Deep Creek and Tributaries
Clackamas River Bluffs
Abernethy Creek
Stafford/Wilson Creek
Lower Tualatin Headwaters

Chehalem Ridge
Wapato Lake
Rock Creek Watershed
Columbia Slough
Johnson Creek Watershed

The six proposed regional greenways include:

Tonquin Trail
Willamette River Greenway
Fanno Creek Greenway

Westside Powerline Trail
Cazadero Trail
Gresham-Fairview Trail

Remaining 1995 Target Areas include:

East Buttes and Boring Lava Domes
Clear Creek Canyon
Clackamas River Greenway
Newell Creek Canyon

Tonquin Geologic Area
Cooper Mountain
Gales Creek
Jackson Bottoms/Dairy-McKay Creeks

Tryon Creek Linkages
Willamette Narrows
Canemah Bluff
Sandy River Gorge

Forest Park
Springwater Trail Corridor
Rock Creek

The Committee recommends the removal of Hayden Island as a proposed target area because of its land use designation (industrial) and the owner's documented unwillingness to sell, but encourages continued exploration of potential opportunities in the existing East Buttes Target Area, given its location in the region relative to population growth. Metro staff will continue analyzing opportunities in each target area in order to produce "an ecologically meaningful portfolio."

3. 'Peopling Nature' Projects. The Committee recommends that no more than a few (approximately six) highly visible capital improvement projects on public land, regardless of jurisdiction, be included to improve peoples' access to previously acquired public sites and to help protect and improve water quality and fish and wildlife habitat.

Some capital projects, only if they clearly reflect the ecological intent of the measure and provide opportunities for citizens to use and appreciate previously acquired natural areas, will increase park provider and citizen support without eroding support overall. Completion of important land and water trail corridors, new trailheads and other projects that help citizens be in and enjoy natural areas should receive consideration. Metro staff will continue to develop a compatible package in close coordination with local park providers that own key elements of the current regional system (e.g., Forest Park). Current potential projects include \$16.5 million, approximately, of total bond funds. We believe this level of involvement is advisable, but to go further would undermine the purpose by inappropriately diluting the land acquisition and water quality protection focus of the bond.

4. Local Legacy Program. Local government and community involvement in the implementation of the bond measure provides an opportunity for communities to contribute to the protection of water quality, fish and wildlife habitat and the presence of nature in neighborhoods throughout the region. Such efforts will reinforce the regional vision by integrating natural areas, wildlife and trail corridors, and nature-related parks and parklands into local areas.

The Committee recommends that twenty-five percent (25%) of the total bond be provided for local projects. Twenty percent (20%) should be allocated as a per capita share to be used by local jurisdictions and park providers. Five percent (5%) should be allocated to a capital fund made available to a variety of community groups, on a competitive basis, for projects that produce the same results – improve water quality, protect or enhance fish and wildlife habitat and return nature to deficient neighborhoods throughout the urban and exurban parts of the region.

5. Local Legacy Criteria. Local projects should directly complement the larger regional vision by focusing on the protection of water quality and fish and wildlife habitat, and the restoration of areas important to our quality of life. The Committee embraces and recommends use of the attached local share project selection criteria but encourages some flexibility to accommodate communities with multiple park needs. However, the Committee reiterates that projects should connect directly to or complement the ecological intent of the bond measure, and cautions against deviating from that intent. Hence, land acquisition for future neighborhood parks may be eligible, but construction of active recreation facilities should not be considered eligible (see attached criteria).

6. Community Water and Restoration (Opportunity) Grant Program. A new capital fund would provide an additional opportunity for more people to engage in local efforts that reinforce the regional vision. The restoration of natural areas, wetlands and stream corridors, construction of rain gardens, and the replanting of streets are a few examples of the types of projects that can re-nature neighborhoods and build strong constituencies that will help protect natural processes at all scales. The Committee embraces and recommends the attached project selection criteria. The Committee discussed and reached unanimous agreement that these funds should not be used to develop facilities such as farmers markets, interpretive centers, or other heavily developed public spaces. (see attached criteria).

Meeting Summaries

The following brief summaries present the interim issues and direction set by the Committee in each of its three meetings.

October 25, 2005

Council President Bragdon reiterated the Committee's charge and the need for the Committee's scrutiny in recommending elements of the 2006 bond measure. Regional Parks Department staff presented background on the composition and success of the 1995 Open Spaces, Parks and Streams bond measure and articulated the current need for continued acquisition of critical lands to protect water quality and fish and wildlife habitat for the future. Staff described the 2006 bond measure as contemplated to date and provided a computer flyover of proposed regional target areas selected through a survey of scientists and biologists, a local share per capita component and a new opportunity grant program designed to include and engage a wide range of local partners. Patricia McCaig presented poll results from a recent survey of 600 residents that indicates strong interest across all populations in a regional measure focused on the protection of water quality and fish and wildlife habitat. Mike Ragsdale, chair of Metro's Greenspaces Policy Advisory Committee (GPAC), presented that committee's recommendations concerning the bond measure.

Issues Identified for Discussion:

- Competition from other bond measures (i.e., schools, jails)
- Inclusion of active recreation projects as part of the measure
- Operation and maintenance revenue needs for current and future land management

Direction: Chair Miller asked that Parks staff provide millage rates, population by county, and generate three acquisition and cost estimate scenarios - \$140 million, \$195 million and \$270 million - including acreages for new target areas, acreages for land still to be acquired in the 1995 bond target areas, regional greenway acquisitions and regional capital improvement projects. All three scenarios would assume a local component of 25% of the total sum for discussion purposes.

November 2, 2005

Committee members discussed the three acquisition scenarios and the proposed target areas, and concluded the meeting with a brief discussion of the local share and opportunity fund. The acquisition of the total acreages outlined in all target areas is estimated to cost \$800 million. Parks staff stated that given the program's willing seller approach, \$270 million is the sum required to sustain all these areas to protect water quality and the current biological functions identified by the science community. Staff described the target areas using biologic and landscape ecology principles and their compatibility with Metro's regional growth management goals. A \$140 million scenario would provide little ability to acquire acreages that would contribute significantly to sustaining future water quality or fish and wildlife habitat unless several proposed target areas were dropped, particularly those located within the current Urban Growth Boundary (UGB). Chair Miller emphasized the need to reach agreement on the total program in the third meeting on November 9.

Issues Identified for Discussion:

- Inconsistency of 'signature' projects with intent of the measure based on recent polling and Council's Nature in Neighborhood directive.
- Need for flexibility in local share to maintain support for the measure.
- Focus of opportunity grant fund - need for clear criteria and types of projects.
- Relationship of target areas to vision for region (Metro's 2040 Framework Plan). Need for target areas to be defined in the context of the Regional Framework Plan and current growth management efforts.
- Need for target areas and local share to include growing cities and new areas in order to maintain residents' enthusiasm for the measure.

Direction: Committee members decided to recommend funding the local component of the measure at 20% per capita and 5% opportunity grant fund. The majority rejected the concern of some members about 'signature' projects and decided to retain them to improve public access to nature and to strengthen local support for the measure. They also requested cost estimates for each project. Committee members rejected the \$140 million bond total as too low for success in maintaining regional water quality and fish and wildlife habitat. Chair Miller directed staff to generate a \$200 million package and to prioritize proposed target areas using four overarching criteria: water quality, ecological

significance, public usability and compatibility with regional growth goals. Committee members requested that Hayden Island be identified for deletion due to its inclusion as industrial land in Metro's 2040 Regional Framework Plan. Members also requested that the opportunity grant fund and local share criteria be made more explicit. Finally, members requested a list of potential ballot measures slated for November 2006.

November 9, 2005

Chair Miller asked the group to reach as much agreement as possible on the bond total, proposed target areas and criteria of the local funding programs, and to make clear additional considerations for Council on issues not fully resolved. GPAC Chair Mike Ragsdale reiterated GPAC's recommendation of a \$270 million bond measure. Members agreed to decide the largest prudent number for the measure in the context of tax weariness, competition with other measures and the need to balance the right target areas with the right locations. Members negotiated a total number after weighing the risk of a higher measure losing with the overall broad regional ecological landscape vision being diluted further in a lower measure by public process or a Council decision. The Committee reiterated the need for the measure to remain consistent with water quality and fish and wildlife habitat protection goals.

Issues Identified for Discussion:

- Addition of Scouter Mountain (East Buttes Target Area) as a proposed target area
- Opportunity grant fund needs tighter focus – needs to reflect poll results and keep 're-naturing' and water quality focus
- Retention of regional capital improvement projects vs. trimming; addition of other capital improvement projects (e.g. Willamette River railroad bridge from Milwaukie to Lake Oswego)

Direction. The Committee agreed on a \$220 million bond that includes \$16 million, approximately, for regional capital improvement projects. The local component was set at 25%. Committee members urged Metro to make every effort to acquire land in the 1995 East Buttes Target Area, if financially feasible. Members approved the local share and opportunity grant fund criteria and recommended that community gardens be included under project eligibility criteria.

Blue Ribbon Committee Members

Fred Miller, Chair
Fred Bruning, President, CenterCal Properties
Richard Cantlin, Partner, Perkins Coie LLP
Debbie Craig, Trustee, Meyer Memorial Trust
Carol Dillin, Vice President for Government Affairs and Public Policy, PGE
Ashleigh Flynn, Director, Cascadia Behavioral Health Care
John Griffiths, Business Development Manager, Intel
Mike Houck, Director, Urban Greenspaces Institute
Charles Jordan, Board member, The Conservation Fund
Lynn Lehrbach, Representative for Joint Council #37, Teamsters Union

Lori Luchake, President, Miles Fiberglass
Patricia McCaig, McCaig Communications and Opinion Research, Inc.
Randy Miller, President, The Moore Co., and chairman, Portland Ambassadors
Don Morissette, President, Don Morissette Homes
Larry Sitz, CEO, Emerick Construction
Hans Van de Meer, President and CEO, The Parati Company
Sara Vickerman, Senior Director of Biodiversity, Defenders of Wildlife
Dilafruz Williams, Professor of education policy, PSU; Portland School Board

ATTACHMENT C – LOCAL LEGACY GUIDELINES

DRAFT 2006 Bond Measure Local Share Guidelines

In order to be eligible for Local Share Funds, projects or associated costs must meet the following criteria:

1. Eligible agency is a city or park provider as of November 6, 2006.
2. Funds must be expended only on natural area-related activities or acquisition of land for parks, including:

Acquisition

- Fee Simple (or easement) purchase of natural areas, wildlife and/or trail corridors identified in the Metropolitan Greenspaces Master Plan, Regional Greenspaces System Concept Map (adopted 2002), the Regional Trails Plan Map (adopted 2002), the Nature in Neighborhood Map (Fish & Wildlife Habitat Protection Program, Resource Classification Map), and/or locally determined significant natural areas, neighborhood and pocket parks, wildlife and/or trail corridors.
- Out of pocket costs associated with property acquisition.

Capital Improvement Projects

- Restoration or enhancement of fish and wildlife habitat.
- Improvements to existing parks to enhance the integrity of habitat and increase natural plantings.
- Improvements to existing natural area amenities to provide universal access to the public (meets Americans with Disabilities (ADA) requirements).
- Public use facilities such as trailheads, rest rooms, picnic tables and shelters, children's play areas, viewing blinds, water systems, camp sites and barbeque pits, fishing piers, associated accessories such as information signs, fences, security lighting, and circulation facilities (i.e. entry, egress and circulation roads, parking areas).

- Environmental education structures or accessories (e.g. nature centers and/or interpretive displays).
 - Trail design, engineering, construction and landscaping.
3. The city or park provider will enter into an Intergovernmental Agreement (IGA) to be approved by the Metro council and the governing board of the city or park provider. The IGA shall require signage at the project site in an appropriate location(s) to acknowledge Metro, the park provider, and other project partners for project funding; funds from the bond measure shall not be used to replace local funds on the project; and funds from the bond measure should leverage other sources of revenue when possible.
 4. A list of local share projects approved by the governing board of each jurisdiction shall be delivered to Metro no later than March 1, 2006 to be eligible for local share funding.
 5. Greenspace sites subject to local share funding will be maintained for their intended natural area, trail or recreation activities. Any decision by a park provider to convey title or grant real property rights to property that said park provider purchased with bond proceeds shall be made by vote of its duly elected or appointed governing body at a public meeting, in accord with said governing body's adopted public meeting procedures. Any proceeds from the sale of the property or from the rights to the property shall be used for the purpose set out in the appropriate local share Intergovernmental Agreement (IGA).
 6. Local share funds should be used to the greatest extent possible to fund new projects and not pay agency overhead or indirect costs. In no event shall the staff, overhead and indirect costs on local share projects exceed 10% of the cost of the projects.

ATTACHMENT D – PUBLIC OUTREACH SCHEDULE

Public Forums on Proposed 2006 Natural Areas Bond Measure as of December 14, 2005

Tuesday, January 17, 7-9 p.m.
Light and Power Building Auditorium
1818 B St., Forest Grove

Wednesday, January 25, 1-3 p.m.
Metro Regional Center
600 NE Grand Avenue, Portland
(this will focus mostly on trails; Bicycle Transportation Alliance is co-hosting)

Tuesday, January 31, 7-9 p.m.
Athey Creek Middle School
2900 SW Borland Rd., West Linn

Thursday, February 2, 7-9 p.m.
Tualatin Hills Nature Park "Beaver Den"
15655 SW Millikan Blvd., Beaverton
(co-hosted by Tualatin Hills Parks and Recreation District and Tualatin Riverkeepers)

Saturday, February 4, 9 -11 a.m.
Deep Creek School
15600 SE 232nd Drive, Boring

In addition, the Metro Council will hold three public hearings to receive public testimony on the proposed bond measure:

Thursday, February 23, 5 p.m., Hillsboro Civic Center Auditorium, 150 E. Main St.

Thursday, March 2, 2 p.m., Damascus City Hall, 19920 SE Highway 212

Thursday, March 9, 5 p.m., Metro Council Chamber (final consideration and referral vote)

Contact information

Ken Ray
Metro
(503) 797-1508
rayk@metro.dst.or.us

AGENDA BILL
Beaverton City Council
Beaverton, Oregon

SUBJECT: An Ordinance Amending Provisions of the Nuisance Code, Chapter 5.05 of the Beaverton Code

FOR AGENDA OF: 02/06/06 **BILL NO:** 06024

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Code Services 

DATE SUBMITTED: 01/30/2006

CLEARANCES: City Attorney
Operations
Police



PROCEEDING: First reading

EXHIBITS: Ordinance

BUDGET IMPACT

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

Chapter 5.05 of the Beaverton Code is titled "Nuisances" and describes many issues regarding the maintenance of private property. Currently the municipal code does not contain any restrictions or regulations concerning graffiti.

INFORMATION FOR CONSIDERATION:

Graffiti is a crime when applied without the permission of the property owner. The Beaverton Police Department investigates graffiti crimes, and a number of perpetrators are arrested each year for graffiti vandalism. Last year, 230 graffiti reports were investigated, up from 80 the year before, a 188% increase.

The City's Operations Department removes graffiti from public buildings and structures, and most property owners remove graffiti quickly from private property. Occasionally, a private property owner will fail to remove graffiti. This most often occurs on vacant or abandoned properties with absentee landlords. In the absence of a code provision declaring graffiti to be a nuisance, there is little the City can do to compel the removal of graffiti. With the adoption of this ordinance, the City will be able to abate graffiti just like any other nuisance if the private property owner fails to respond in a timely manner.

The proposed ordinance adds Section 5.05.093 to the Beaverton Code to:

- define graffiti,
- prohibit the placement of graffiti,
- prohibit allowing graffiti to remain on property for more than seven days, and
- require property owners or occupants to remove graffiti within seven days of its appearance.

Agenda Bill No: 06024

The adoption of this ordinance will allow the Code Services program to work with the Police Department and property owners, who are the victims of graffiti, to facilitate the prompt removal of graffiti. In the unusual circumstance of an uncooperative property owner, or where a property owner cannot be contacted, Code Services will be able to obtain a warrant to enter onto private property to abate the nuisance. Thereafter, a lien for the cost of the abatement, if any, will be placed on the private property in accordance with the existing abatement code.

RECOMMENDED ACTION:

First reading.

AN ORDINANCE AMENDING PROVISIONS OF
CHAPTER FIVE OF THE BEAVERTON CITY CODE
RELATING TO NUISANCES AFFECTING PUBLIC SAFETY.

WHEREAS, the City has the legal authority to and currently does regulate nuisances affecting public safety; and

WHEREAS, the Council finds that graffiti tends to attract other types of criminal behavior, contributes to juvenile delinquency, tends to reduce property values, and contributes to a feeling of community disorder and may affect public safety; and

WHEREAS, graffiti is often associated with gang activity and allowing graffiti to remain may promote gang activity; and

WHEREAS, the City will continue to seek to apprehend, prosecute and obtain restitution from graffiti vandals, the City recognizes the need for property owners to act quickly to remove these blemishes from their property; and

WHEREAS, the City needs a means to encourage and, if necessary, quickly enforce the removal of the graffiti by property owners; and

WHEREAS, the City seeks to help prevent the spread of graffiti vandalism, to establish an orderly means for the removal of graffiti from public and private property, and to promote public safety; Now therefore;

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. BC 5.05.093 is added as follows:

“5.05.093 Graffiti

No person shall place, or cause to be placed, graffiti upon any property in the City of Beaverton.

No owner or occupant of property shall allow graffiti to be on the property. Property upon which graffiti has been placed and has remained for more than seven (7) days is hereby declared to be a public nuisance, and shall be subject to the provisions of BC 5.05.230 relating to summary abatement.

A. Definitions

Graffiti: Any unauthorized drawing, inscription, etching, or scratching made on a wall, fence, building, sidewalk, or other structure, that is visible from public rights of way, bike paths, walking paths, sidewalks, publicly owned property, or premises open to the public.

B. Graffiti Removal Required

The owner or occupant of any property in the City shall remove, or cause to be removed, any graffiti from such property within seven (7) days of the graffiti's appearance. The failure of any owner or occupant of property to remove or to cause the removal of graffiti within seven (7) days shall be a Class 1 civil infraction."

First reading this ___ day of _____, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor