



FINAL AGENDA

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

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

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

Mediation Month: November 2006

PRESENTATIONS:

- 06197 Presentation of Shields and Swearing In of Newly Appointed Captain and Lieutenant and Four Officers to the Beaverton Police Department
- 06198 Open Technology Business Center (OTBC) Presentation and Update
- 06199 Presentation of Solid Waste and Recycling Program

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

- Minutes of the Regular Meeting of October 16, 2006
- 06200 Swearing In of Newly Appointed Municipal Judge Pro Tem, Mr. Les Rink
- 06201 Liquor Licenses: New Outlet - El Perico Y Taqueria, Wine Styles, Noodles & Company; Change of Ownership - King's Restaurant
- 06202 Classification Changes
- 06203 Traffic Commission Issue No.:
TC 599 Removal of Two-Hour Parking Limit in Downtown Parking Lots;
and TC 600 Crosswalk on SW 6th Street at Westbrook Club House

06204 Authorize the Mayor to Sign an Intergovernmental Agreement with Metro Regional Government for Implementation of the Annual Waste Reduction Plan

06205 Authorize the Mayor to Sign an Intergovernmental Agreement with Metro Regional Government for Recycle At Work Program

Contract Review Board:

06206 Bid Award - Mixed Bulk Concrete Requirements Contract

PUBLIC HEARING:

06207 Public Hearing to Consider Bids Submitted to Purchase the Declared Surplus Property at the Southwest Corner of SW 153rd Avenue and SW Jenkins Road

ORDINANCES:

First Reading:

06208 An Ordinance Amending Comprehensive Plan Chapters 1, 2 and the Glossary (Ordinance No. 4187) Related to CPA 2006-0001 (Ordinance No. 4395)

06209 TA 2006-0008 (Design Review Threshold Modifications) (Ordinance No. 4410)

06210 ZMA 2006-0006 Momeni Property at Main Avenue and Allen Boulevard Zoning Map Amendment (Ordinance No. 4411)

EXECUTIVE SESSION:

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

ADJOURNMENT

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

PROCLAMATION

OFFICE OF THE MAYOR CITY OF BEAVERTON



WHEREAS, the Beaverton Dispute Resolution Center has provided mediation services, conflict resolution education and training to Beaverton area citizens for the past eighteen years; and

WHEREAS, the City of Beaverton is committed to providing mediation services as an effective method for resolving conflicts within our community, and

WHEREAS, the Beaverton Dispute Resolution Center is primarily staffed by volunteers who devote hundreds of hours annually providing mediation services to the community; and

WHEREAS, the Beaverton Dispute Resolution Center is well recognized throughout the State of Oregon for its excellence; and

NOW, THEREFORE, I, ROB DRAKE, MAYOR of the City of Beaverton, Oregon, do hereby proclaim the month of November 2006 as:

Mediation Month

in the City of Beaverton, and encourage all citizens to take advantage of the mediation services provided by the Beaverton Dispute Resolution Center as a first step toward resolving conflict within our community.



A handwritten signature in cursive script that reads "Rob Drake".

Rob Drake, Mayor

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Presentation of Shields and Swearing In of Newly Appointed Captain and Lieutenant and Four Officers to the Beaverton Police Department

FOR AGENDA OF: 11/06/06 **BILL NO:** 06197

MAYOR'S APPROVAL:



DEPARTMENT OF ORIGIN:

Police

DATE SUBMITTED:

10/05/06

PRESENTATION: Presentation

EXHIBITS:

BUDGET IMPACT

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

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

INFORMATION FOR CONSIDERATION:

The department is pleased to swear in Tim Roberts as the newly promoted captain and Dan Gill as a lieutenant. Both of the officers are being promoted from within the agency.

The department is also pleased to swear in David Bankston, Jeffrey Gill, Amy Colcord, and Christopher Crosslin.

RECOMMENDED ACTION:

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Open Technology Business Center (OTBC)
Presentation and Update

FOR AGENDA OF: 11-06-06 **BILL NO:** 06198

Mayor's Approval: *Linda C. Calland*
Mayor
DEPARTMENT OF ORIGIN: Mayor's Office *hc*

DATE SUBMITTED: 10-27-06

CLEARANCES: None

PROCEEDING: Presentation

EXHIBITS: None

BUDGET IMPACT

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

Steve Morris, Executive Director for the Open Technology Business Center (OTBC) will give a presentation and update on the accomplishments of OTBC. OTBC is an organization devoted to supporting the growth of technology startups in Beaverton and the City of Beaverton is a founding sponsor of the organization.

INFORMATION FOR CONSIDERATION:

None.

RECOMMENDED ACTION:

Listen to the presentation.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Presentation of Solid Waste and Recycling Program

FOR AGENDA OF: 11-06-06 **BILL NO:** 06199

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office 

DATE SUBMITTED: 10-18-06

PROCEEDING: Presentations

EXHIBITS:

BUDGET IMPACT

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

The Office of the Mayor consists of several programs serving staff and citizens of Beaverton. The Solid Waste and Recycling Program is one of these programs.

RECOMMENDED ACTION:

The Mayor will introduce Chief of Staff Linda Adlard who will have Program Manager Scott Keller provide an overview of the Solid Waste & Recycling Program.

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
OCTOBER 16, 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, October 16, 2006, at 6:40 p.m.

ROLL CALL:

Present were Mayor Drake, Counc. Catherine Arnold, Betty Bode, Bruce S. Dalrymple, Dennis Doyle and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Captain Ed Kirsch and City Recorder Sue Nelson.

Mayor Drake acknowledged that Cub Scout Pack 769, Den 11, who attend Jacob Wismer Elementary School, were in the audience with Mr. Robert Armstrong, the Webelos Den Leader.

PRESENTATIONS:

06184 Presentation on Beaverton School District Measure 34-139 General Obligation Bonds to Construct and Upgrade Schools

Priscilla Turner, Beaverton School District Board Chair, said the District's Bond Measure on the November 7, 2006 ballot would be for \$195 million, which was the same amount that the District requested in May 2006. She said the Bond Measure would cost taxpayers \$0.51/\$1,000 assessed value (AV). She said these funds would be used for two new elementary schools, to acquire land for a future high school, to add 139 classrooms and to provide funding for two options high schools to relieve overcrowding in all the high schools. She said last year the District had 700 new students and as of September 30, 2006, they had an additional 915 new students. She said all the schools were full and many did not have room to accommodate more portable classrooms. She said the District's needs were great and urgent.

Turner said four years ago the District's Long-Range Facilities Planning Committee (which was made up of business and community members, teachers and District staff) began studying this issue. She said the Committee found \$320 million was needed to meet the District's needs. She said the District Board pared that figure down to \$195 million in order to keep the cost to the taxpayer under \$2/\$1,000 AV.

Turner said 69% of the bond would go to new construction, 6% to land acquisition and 17% to facility improvement. She referred to an informational piece, *District 88 School Talk*, that was mailed to Beaverton residents and provided full information on the Bond Measure. She said this measure was well thought out and sorely needed by the children in the District.

Mayor Drake said he had drafted a Resolution supporting the Bond Measure for Council's consideration. He explained that in the May 2006 election the Bond did pass; however, due to the double-majority voting requirement, it was not approved because voter turnout was not sufficient.

Turner said in May 2006, 61% of the voters voted in favor of the Bond Measure. She said there was 42% voter turnout in the Primary Election but 50% was required to pass the Bond Measure. She said the 8% who did not vote ruled that decision. She said in the General Election the 50% voter turnout requirement does not apply and it was hoped that the community would realize that the need is urgent.

Mayor Drake said that between 28-30% of the homes in Beaverton have a student in school, but the other 70% also need to share in the responsibility of funding the schools.

Turner said she believed it was around 27% of the homes had students and that was a national trend. She stressed strong schools were needed for a healthy community.

Coun. Stanton said she remembered when her oldest child had attended a classroom in a closet. She said it was to everyone's economic benefit to support the schools. She said her Dad had always volunteered in their school activities and always supported school bonds, because he said he needed an educated public working in the community. She noted an educated work force is needed to contribute to the security of those who will be retiring.

Turner said the drop out rates were down at every high school and student scores were high. She asked for everyone's support.

Coun. Doyle said he has always found Beaverton an excellent place to live and the District has worked hard to maintain its reputation for excellence. He said that was why there were so many students coming into this District. He said he believed the Bond Measure would pass.

Turner said Beaverton was the fastest growing school district in Oregon.

Coun. Arnold asked what the average attendance was at an elementary school.

Turner said they vary quite a bit; McKay is 360; Finley, which has experienced the most growth, is over 900. She said the Bond Measure would relieve the crowding at the schools. She said they try to hold the attendance at the largest elementary school to between 600 and 700. She said because of the economics of land costs, some large schools are necessary. She said of the two new schools, one will be K-5 and the other a K-8 out by Portland Community College. She said the K-8 model schools have been very successful.

Coun. Arnold MOVED, SECONDED by Coun. Stanton that the Council approve the Resolution Supporting the Beaverton School District's \$195 Million Capital Bond Measure on the November 7, 2006 ballot. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

06185 Presentation on Tualatin Valley Fire and Rescue Measure 34-133 General Obligation Bond Authorization

Tualatin Valley Fire and Rescue (TVF&R) Chief Jeff Johnson said TVF&R serves eight cities, including Beaverton, and regional areas in three counties. He said Measure 34-133 on the November 7, 2006, ballot is a \$77 million Bond request. He said the proceeds from the Bond Measure would be used as follows: 25% to replace fire apparatus; 25% to rebuild five fire stations, including Station 68 on Kaiser Road and Station 53 on Progress Road near Washington Square; 10% to build two new fire stations, one in the Bethany area and one in west Tigard. He said 13% of the funds would be used to correct safety and operational issues (seismic upgrades and building updates) in eight fire stations. He said 15% of the funds would be used to close the offices in West Linn, Tualatin and Beaverton; these offices will be consolidated into a new office in north Wilsonville. He said the office in Aloha would remain open. He said 12% would be used to acquire land for future fire stations.

Mayor Drake complimented the Chief and TVF&R. He said the City annexed to TVF&R ten years ago and he has never regretted that decision. He said TVF&R has always included the City as a key member of its team and has always been very responsive to the City and its citizens. He thanked them for doing an outstanding job on behalf of the 85,000 citizens in Beaverton.

Johnson said TVF&R understands the taxpayers are the customers and makes sure that it provides the highest level of service that it can to the customers. He said they know they have to bring all the efficiencies a regional fire station can provide to the cities. He said those were two strong cultural imperatives in TVF&R.

Coun. Doyle said the annexation into TVF&R has continued to save citizens money each year. He noted the City of Portland was addressing its seismic needs and they raised a good point; if there is an earthquake and the fire stations collapsed, who would help the citizens. He said the cost was minimal and the improvements were needed; he hoped the voters would approve the measure.

Johnson said they understood there was a lot of competition on the November ballot among money measures. He said it was not their position to decide what citizens should vote for; but rather to make the business case of what is best for TVF&R, explain that to the citizens and let the voters make their choice. He said the challenge in running fire departments today was to balance the economy that people expect when they do not need your service with the perfection they expect when they do. He said he hoped they were hitting that target.

Coun. Bode said he had her support as a citizen. She said infrastructure was critical to a community and this was not an option. She said she lived close to one of the fire stations and she had heard the siren going off more often than in the past. She noted the Progress Road Fire Station was the one that was closest to Washington Square and she asked if that was going to be rebuilt or remodeled.

Johnson said the plans are to totally rebuild the structure. He said that facility cannot house the type of apparatus and personnel needed to serve that region. He said when that station was built it was to serve a population that was about 20% of what it is today. He said a completely different configuration is needed for that station and they recently acquired the land needed for that facility from the City of Portland (the property had been leased).

Coun. Bode asked if that station served the largest structures in TVF&R's service district, such as the Embassy Suites.

Johnson said that was correct; that station and Station 51 in downtown Tigard served the largest buildings.

Coun. Stanton explained how TVF&R had helped her neighbors when they had a fire and had helped her personally when she had a brain aneurism eight years ago. She thanked them for their excellent service and for the opportunity to support TVF&R. She added there were four important money issues on the ballot in Washington County; serial levies for public safety and library services, and two capital bonds for TVF&R and Beaverton School District. She said all four were critical. She referred to Station 53 on Progress Road and asked if Stations 65 would take up the slack.

Johnson said while the Station 53 is being rebuilt, they have a double-wide mobile home that they will work from. He added that every fire unit had a paramedic and they respond to all medical assistance and fire calls. He said their performance expectation is to make it to 90% of their calls in six minutes or less.

Coun. Doyle asked what percent of the calls received are for rescue. He said he thought that was a very busy part of their job.

Johnson said about 80% of their calls are Code 3 medical; the rest could be classified as fire, extrication and assistance categories. He said paramedical is the predominant part of their industry and it is critical.

Coun. Dalrymple said there were a number of women that were part of the fire district. He asked if part of the remodeling would be to provide facilities for women firefighters and paramedics.

Johnson said that was correct. He said many of the facilities were built in an era when women were not part of the firefighting work force. He said TVF&R was very proud to have women firefighters and paramedics. He said currently the men and women share restrooms and locker facilities. He said those needs would be addressed as the facilities are updated.

Coun. Arnold said she attended TVF&R's Citizen's Academy and she learned a great deal. She said she had not realized that they responded to automobile accidents and how critical their services were during an accident. She said she also never realized how important six minutes were in an emergency situation; it can be the difference between life and death or the total destruction of a property. She said she was also impressed with the high quality of employees and their personable and caring attitudes. She thanked them for all their efforts.

Johnson said the question he gets most frequently is why they take the big fire truck everywhere they go. He said the fire engine is the Swiss army knife of the fire department; it has all the tools for the full spectrum of calls for service. He said they need to be ready to handle whatever comes up.

Mayor Drake thanked him for the presentation. He said he and the Council strongly support TVF&R's Bond Measure and they hope the voters will pass it.

Johnson thanked the Mayor and Council for their support.

VISITOR COMMENT PERIOD:

Barbara Wilson, Beaverton, said she spoke to Council on August 14, 2006, about global warming and Coun. Bode asked her to check back with them. She said Mayor Drake told her he had given the Mayors Climate Protection Agreement to the City Attorney to review by the end of October. She said she would come back to Council in November to see what comments the City Attorney may have had. She said this agreement is non-binding; it is an acknowledgement to the community that global warming exists and they are willing to do something about it. She asked the Council to sign the agreement and form a citizen's ad hoc committee for the purpose of public outreach and education. She asked that the Council take an official position on the preservation of large trees for that is critical for clean air. She said the City could do wonderful things through public outreach and she noted the City of Seattle was doing a great deal in this area. She spoke about the evidence that supports global warming. She urged the Council to consider this issue.

COUNCIL ITEMS:

Coun. Stanton said tomorrow night, October 17, there would be a Voters' Forum in the Council Chambers at City Hall. She also noted on Wednesday, October 18, at 6:30 p.m. in City Hall, staff would present the Tualatin Basin Goal 5 Program Implementation Plan to the Planning Commission. She said the consequences of the Goal 5 Implementation Plan would affect stream corridors and wetlands, and the City would follow the Goal 5 Program. She said also on the evening of October 18, Governor Kulongoski and Howard Dean would be speaking in downtown Portland at Montgomery Park.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

Minutes of the Regular Meetings of September 18 and October 2, 2006.

06186 Liquor License: New Outlet - Bias Salon & Spa; 88 Asia Market

06187 A Resolution Establishing a Fee for Payday Lender Permits (Resolution No. 3876)

06188 Traffic Commission Issue No.:

TC 596 - Stop Control on SW Tierra del Mar Drive at Palmer Way;
TC 597 - Left Turn Prohibition on SW Canyon Lane at SW Canyon Road;
TC 598 - Speed Limit on SW Valeria View Drive

06189 Declaration of Surplus Property at Southwest Corner of SW 153rd Avenue and SW Jenkins Road

06190 Authorize Acceptance of FY06 Law Enforcement Terrorism Prevention Program Grant Awarded to the City of Beaverton and Approve the Specific Purpose Grant Budget Adjustment Resolution (Resolution No. 3877)

06191 Authorize Acceptance of FY06 State Homeland Security Program Grant Awarded to the City of Beaverton and Approve the Specific Purpose Grant Budget Adjustment Resolution (Resolution No. 3878)

06192 Authorize Acceptance of FY06 Citizen Corps Program Grant Awarded to the City of Beaverton and Approve the Specific Purpose Grant Budget Adjustment Resolution (Resolution No. 3879)

Coun. Arnold said the left turn prohibition on SW Canyon Road (Agenda Bill 06188) was brought forward by the Neighborhood Association Committee (NAC) as a concern. She urged people to work with their NACs to get things done in their neighborhoods.

Coun. Stanton said she had some minor changes to the minutes which she gave to the City Recorder.

Question called on the motion. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0) Coun. Dalrymple abstained from voting on the September 18, 2006, Minutes and Coun. Bode abstained from voting on the October 2, 2006, Minutes for they were not in attendance at those meetings.

RECESS:

Mayor Drake called for a brief recess at 7:35 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 7:50 p.m.

PUBLIC HEARINGS:

06193 Weil Ballot Measure 37 Claim for Compensation

Community Development Director Joe Grillo read a prepared statement defining the process to be followed for the hearing, including various required disclosure statements (in the record).

Grillo asked if there was any bias or conflict of interest by any members of the Council, that they state so now.

There were none.

Grillo asked if there were any objections to jurisdiction or participation by any Council member at this time.

Mayor Drake asked if there was anyone in the audience who wished to question the City's jurisdiction, or the right of any Councilor or the Mayor to consider this claim.

There were none.

Mayor Drake opened the public hearing.

Development Services Manager Steven Sparks reviewed the staff report for the Weil Measure 37 Compensation Claim. He said Weil LLC has filed a \$12 million claim. He said Weil Enterprises submitted a title report showing ownership of these two parcels in 1967 and 1969. He said in the staff report it is indicated that because the ownership changed to a Limited Liability Corporation (LLC), that a new ownership started as of 1997. He said Council received a supplemental staff memorandum dated October 13, in response to a letter from David Peterson; in the letter Peterson indicated that the 1997 date in the staff report is incorrect and Weil Enterprises took possession of the property in 1993. He said the staff report was supplemented by the staff memorandum and the recommendation has changed from the 1997 date to the 1993 date.

City Attorney Alan Rappleyea said one of the main issues with this claim is the date of ownership. He said the initial claim states Weil acquired the property in 1967 and 1969. He said there were two transfers, one to a general partnership and later to a LLC. He said Measure 37 has a compensation component and a waiver component. He said the compensation is a non-issue as the cities do not have the funds to pay for the claims. He said the issue is waiving land use regulations. He said Measure 37 says that the waiver only applies since the owner acquired the property. He said this property was transferred to a general partnership in 1993 and staff was recommending using that date. He said based on a recent circuit court case in Deschutes County, they were fairly confident this could go back to when the present owner acquired the property, though it may be decided differently in appellate court.

Mayor Drake said when considering either date 1993, 1996 or 1997, claims are always made that a government is keeping someone from maximizing their investment. He said he thought there had been some discussion about there being fewer restrictions in 1996 or 1997; why would someone want to go back to 1993 and not have the most optimum opportunity to develop their land.

Rappleyea said he discussed this issue with Peterson. He said there were fewer restrictions in the 1996 Code, but despite that the owners want to go back to 1993 so the City has conceded to that date.

Coun. Stanton referred to page 2 of Peterson's October 11 letter "Instead, a business entity that converts to a limited liability company 'continues its existence despite its conversion' ORS 63.479(1)(a)." She asked Rappleyea to respond to that.

Rappleyea said he reviewed that statute and that was one of the ambiguities. He said if he was risk adverse, he would say that the 1996 date would be the clearest cut off point. He said to take issues off the table and because there were legal arguments raised that may potentially cloud the issue, he recommended going back to the 1993 date. He said they were being extremely cautious about this because applicants get their attorney's fees which can be enormous. He said he was being extremely cautious about granting waivers.

Coun. Stanton asked if the ORS 63.479(1)(a) does not change the fact that the LLC was incorporated when it was incorporated; would he willing to waive the technicality.

Rappleyea responded that that provision would not directly affect ownership; the property is still owned in a different entity. He said it is a legal argument; to be risk adverse and to avoid any chance of attorney's fees, and because there is so little difference between the 1993 and 1996 Codes, he would recommend going back to the 1993 Code.

Coun. Stanton referred to Measure 37 and asked when she reverted back to 1993, would that mean that they have to use the Code as it was written in 1993 or could she apply sections of the 1997 or 1999 Codes.

Rappleyea responded the 1993 Code would apply and they could not pick and choose sections from other Codes.

Coun. Stanton referred to the applicant's Exhibit D, (page 38) of the staff report that listed various Code sections. She asked if a Measure 37 claim could choose to apply sections from several Codes, such as 1993 and 1999.

Rappleyea said if the applicant was asking for a wholesale waiver of that section, they would be saying that everything in that Code is problematic and reduces the property's value, they would have to apply the whole Code that existed at that time. He said there would be applications coming up in the future and more would be known about how Measure 37 is interpreted by the courts at that time. He said more guidance will be available then on how to apply the Code. He said this was his current recommendation for now.

Coun. Stanton said page 16 refers to Exhibit C and pages 71, 72 and 73 all reference this document and yet all three have a different date. She asked if he looked at the documents to check their validity.

Rappleyea said they were relying on the most recent statements of the applicant as to what date they wished to apply to the waiver.

Coun. Stanton asked Sparks about the dates and if they had any bearing on this issue.

Sparks said staff stayed focused on the 1997 date for cross referencing the material. He said he did look at that but there were no Code changes in the weeks reflected in those dates, so it did not appear to be a significant issue to raise in the staff report since they were focusing on the 1997 date.

Coun. Stanton asked if someone could look at the documents and tell her which one takes precedent, as it is confusing to have three different dates for the same document.

Sparks said Ordinance No. 3975 was adopted in 1997, so for the record when 1996 has been mentioned in this discussion it should be 1997. He said Ordinance No. 3975 revised the uses allowed in commercial and industrial zones. He said in the supplemental memorandum it was noted there are three uses which were not listed in 1993; eating and drinking establishments, financial institutions and temporary living quarters. He said the 1993 Code was silent and did not list these activities as permitted uses; they are permitted uses in the current Code.

Coun. Stanton referred to the permitted uses listed on page 4; she noted under the TC Zone the memorandum says there are eight permitted uses but she counted ten in the table.

Sparks said the 1997 Code and the current Code do not match exactly. He said in the 1997 Code Churches/Places of Worship also included Social & Fraternal Organizations as one use classification. He said in the current Code those two are separated. He said the eight permitted uses in the 1997 Code resulted from combining Churches/Places of Worship/Social and Fraternal Organizations as one use, and Single/Multi-Family Dwelling/Attached Dwellings as one use.

Coun. Arnold said she had not reviewed the supplemental memorandum and asked staff to explain who the owners were in 1993 and since 1997.

Rappleyea said in 1993 the property that was in the sole ownership of the Weils as people, was transferred to a general partnership; then in 1996 that partnership was converted into a Limited Liability Corporation. He said in Peterson's October 11 letter, he indicated that there are new arguments for going back to 1993.

Coun. Arnold asked if the City was setting precedents by taking one date over the other and if there were any ramifications from that.

Rappleyea said he did not think the City was setting precedents as this area of the law was in considerable flux right now.

Coun. Arnold asked Sparks if he knew what differences were in the Codes for those years.

Sparks said the City had an extensive history of all the ordinances that have ever been passed by the City. He said the Codes could be recreated for these years. As an example, he noted the Code was changed six times between 1993 and 1997; of those six ordinances, one does affect these two properties and two others might affect the properties. He said the ordinance covering neighborhood review meeting was a process requirement; while this might apply to the properties, the process does not devalue the property. For example, requiring a property owner to go through design review would not devalue the property.

Coun. Arnold asked if the City accepted 1993 as the effective date and the owner later decided it should have been 1997 what action could the City take.

Rappleyea said the City would have the prior claim and the owner's arguments that this Code section was reducing the value would be in question if the owner was now saying the exact opposite. He said there could be some waiver arguments if they ever tried to raise the claims again. He said one of the ambiguities of Measure 37 is in determining when a claim is over. He said he did not think the courts would look kindly on a claimant if that happened.

Coun. Arnold asked if the City could agree to a signed waiver that would say "This is what you really want and this is what you're going to get." She asked if the Council could ask for that now.

Rappleyea said that was what the Council was doing now. He noted the City had the property owner's request and their latest letter from October 11, and there is a catch-all at the end of the waiver that basically says " Furthermore the waiver shall be construed to mean that upon a land use application for permit, the City shall waive any land use regulation that was enacted after (a date) that the City believes restricts the use of real property and reduces the value of the property." He said these claims should take place in the context of a land use application and he said in this broad waiver is where the "rubber would hit the road." He said this was the safety valve for the issues that Coun. Arnold raised.

Coun. Stanton asked what the height limit was in 1993.

Sparks said it was 60 feet, which is the same as in 1997.

CLAIMANT:

David Petersen, Tonkon Torp LLP, Portland, attorney for Weil Enterprises, LLC reviewed the ownership history of the two properties. He said in 1967 and 1960 the Weil family acquired the property. He said on May 19, 1993, Robert Weil conveyed the property to Weil Enterprises General Partnership that consisted of Robert Weil and his three

daughters. He said on September 11, 1996, the Partnership converted to a Limited Liability Company, still owned by Robert Weil and his three daughters. He said on October 3, 1996, his firm recorded a Real Estate Records Notice, to give public notice that the Enterprise had become an LLC. He said he assumed that sometime between then and April 30, 1997, some party advised them that the notice needed to be done by deed, not by Real Estate Records Notice, so a deed was recorded that memorialized the event that took place on September 11, 1996.

Peterson agreed with Rappleyea that Measure 37 was in flux and said he wanted to be on the record that he was not waiving any claims that the waiver should go back to the dates in the 1960's. He said for the purposes of this hearing, and because he understood where staff's recommendation was coming from based on current case law, the current owner of the property became the owner of the property on May 19, 1993. He said it changed form on September 11, 1996. He said those were the two dates under consideration and the subsequent recording of documents was only for purposes of notice; it did not cause anything substantive to happen.

Peterson said he wished to address what a Measure 37 waiver entailed. He said it was a waiver of regulations, not a waiver of a Code. He said the entire Development Code would not be thrown out and replaced by the 1993 Code. He said this application was permitted under Measure 37 in its first two years of its existence, which expires December 2, 2006. He said it was a waiver without an underlying land use application. He said after December 2, 2006, any land owner who wants to claim a Measure 37 waiver will first have to apply for something, have it denied and then seek compensation or a waiver of regulations that affected its denial. He said until December 2, land owners could apply for a blanket waiver, which says that land use regulations that reduce the value of your property and were enacted after the date the present owner acquired the property, should be waived. He said if the Council should grant a waiver effective May 19, 1993, if two years from now the Weils come in with a land use application and that application is thwarted by a regulation enacted after the relevant date, then they are entitled to a waiver of that regulation. He said it was regulation specific and it depends on an evaluation at that time to determine if the regulation has a negative impact on property value. He said they are not entitled to a waiver of every regulation in the Code; it is only the regulations that negatively impact property value. He said with the waiver, all they were doing was fixing the date at which any regulations enacted after that date should be waived upon request.

Peterson said this was the prevailing interpretation at this time. He said Measure 37 was an ambiguous measure and case law would change over time as the courts interpret the measure. He said under current interpretation from two cases, the waiver is to the date the current owner acquired the property, it is a blanket waiver of any regulation enacted after that date that negatively impacts property value.

Peterson said there was some uncertainty about eating and drinking establishments in the 1993 Code vs. 1996 Code, as it was not mentioned in the 1993 Code as a permitted or prohibited use. He said a Burgerville Restaurant has been on the property since 1969 so he suspects that in 1993 eating and drinking establishments were a permitted use on the property. He said there was no evidence that this was a non-conforming use.

Peterson referred to Coun. Arnold's question concerning the claimant getting a one-time shot at this and then coming back later if the facts change. He said any changes in law as they go forward, would entitle the claimant to revisit their request based on the change in the law. For example if there was a change in the law that said the applicable date was in 1967, then the claimant could come back and apply for a new waiver going back to 1967.

Peterson referred to Code Section 2.07.045(A)(3) that describes the waiver. He said this section says the waiver is non-transferable, which is the Attorney General's opinion at this time. He said regarding the waiver, he would like to preserve for the record the possibility that it is transferable, if that is how the law develops. He said that section says the waiver is only valid for as long as the claimant owns the property to the same extent that they owned it on the day of the waiver. He said that was contrary to the provision in Measure 37 that says "The present owner of the property is the owner of the property, or any interest therein." He said it would seem that as long as Weil Enterprises, LLC owns an interest in the property, the waiver would be good; not just for as long as they own 100% of the property as it currently exists.

Coun. Stanton asked Peterson if they wanted to pick and choose what they wished to comply with under the different Codes (1993 and 1997). She said she did not understand his statement that the 1993 Code would not be the Code being applied.

Peterson referred to Sparks' earlier comment that procedural regulations do not negatively impact property value. He said Measure 37 only applies to regulations that impact property value. He said the many regulations that do not impact property value would continue to apply to an application made at any time. He said there were other regulations that do affect the property value, such as the building height which is the regulation they addressed in their claim. He said the building height in the 1993 Code was 60 feet; currently it is 30 feet. He said an argument can be made that that reduces the value of the property; and when the Weils apply to develop the property they could use the blanket waiver to apply the 60 foot regulation, assuming they could demonstrate that the 30 foot regulation negatively impacts property values.

Coun. Stanton said she was more concerned about use than height. She asked how the change in uses would affect the whole process; there is more flexibility in uses in 1997 than there was in 1993.

Peterson said the analysis is the same. He said if the Weils applied for a use that was prohibited today, and there was a regulation enacted in 1993 that caused that prohibition, and that regulation negatively impacts property value, there would be a give and take between the claimant and the City to determine if using a property for one use (financial institution) was worth more than not using the property for that use. He said with the blanket waiver currently being considered, that analysis is being deferred to the future when there may be an application. He said for the record he was using the current state of the law which could change.

Mayor Drake said he thought the Council should take this request on its face value and if there are any changes from future court decisions or legislative actions, they should be dealt with at a later time.

Coun. Arnold asked if he was saying that it was not relevant if their understandings are different on what they are passing.

Mayor Drake said at this point all that was being asked was that the Council pick a date to determine the effective date of the claim for Measure 37. He said Peterson also stated this was simply a process to set a waiver in place and after December 2, if the applicant returns with an application the project will be evaluated based on the effective date.

Coun. Arnold asked if when the applicant returns with a real application would they have to show there would be a decreased value.

Rappleyea explained what Council was doing now was setting the date and waiving the specific Code sections that are set out in the claim. He said there was a broad blanket waiver that says when the land use application is made, the City can evaluate it to see if it actually does release value. He said there may be no argument; they may submit an application that completely complies with the Code and there would be no issue. He said they were taking a wait-and-see approach.

Petersen said there is a right answer in terms of what is the correct date. He said in his opinion the applicant is entitled to the date in 1993.

Coun. Bode said Measure 37 had to do with land use and it was interesting that this comes before the Council without a land use plan. She said they were getting half the story; it was also interesting that the three daughters now own the LLC and Petersen's interpretation is that as long as they are a party to the ownership it would apply. She said the daughters could sell off 99% of the right to the LLC and because they retained 1%, that would still give them the right to a Measure 37 claim. She asked if that was what he was saying.

Petersen said they could sell off 99% interest in the property, which is different than an interest in the company. He said if Weil Enterprises LLC had 1% interest in the property, then it is an owner of the property as defined in Measure 37 and therefore entitled to the waiver.

Rappleyea said that was one of the hot-button issues of Measure 37 and he has heard arguments on both sides. He said he would disagree with Peterson's interpretation and he would say it is a proportionate share. He said it is a difficult question to answer right now.

Mayor Drake said that question would be handled in the future.

Rappleyea said last year the Oregon Legislature tried to resolve some of these issues and failed. He said hopefully they may have some answers this year.

Coun. Bode said she was hesitant because there is no land use application to consider and this was frustrating as the Council does not have full knowledge.

Mayor Drake said if there is a fear that the City may lose something or the development would not fit in with what is currently in place, the 1993 and 1997 Codes are very similar.

Mayor Drake asked if there was anyone in opposition to the claim.

No one indicated opposition to the claim.

Rappleyea stated there was no rebuttal.

Mayor Drake closed the public hearing.

Coun. Dalrymple MOVED, SECONDED by Coun. Doyle that in the matter of the Weil Measure 37 Claim (M37 2006-0001) that Council deny the request for compensation but grant a waiver of the use restrictions as of May 19, 1993, as described in the staff report and direct staff to prepare a final written order for the Mayor's signature.

Coun. Stanton said she would never sign a blank permission slip and that is how she feels this is being done. She said she is not comfortable with this but she understands that the City is constrained in this matter.

Coun. Doyle said he would support the motion as the task before Council was to establish a date for the future. He said this is a starting point for everyone and it may never come into play. He said he was comfortable with this decision.

Coun. Dalrymple said that the Council needed to act this evening because of the reasons stated by Coun. Doyle. He said that was why he made the motion.

Call for the question. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

WORK SESSION:

06194 PULLED - TA 2006-0003 (PUD Text Amendment) (This item is to be brought back at a future meeting; no discussion or action was taken by Council.)

ORDINANCES:

06195 PULLED - TA 2006-0003 (PUD Text Amendment) (Ordinance No. 4409) (This item is to be brought back at a future meeting; no discussion or action was taken by Council.)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 8:50 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2006.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Swearing in of Newly Appointed Municipal Judge Pro Tem, Mr. Les Rink

FOR AGENDA OF: 11/06/06 **BILL NO:** 06200

Mayor's Approval: 

DEPARTMENT OF ORIGIN: HR 

DATE SUBMITTED: 10-31-06

PROCEEDING: Consent Agenda

EXHIBITS:

BUDGET IMPACT

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

After the departure of one of our municipal judges pro tem, the City recently conducted a recruitment process for a new judge. The position has been offered to and accepted by Mr. Les Rink, an attorney who has practiced in Beaverton for many years and who has served as a Court Appointed Attorney in the Beaverton Municipal Court. Mr. Rink passed all background checks required of all City employees.

The City Recorder will swear in Mr. Rink as the new Municipal Judge Pro Tem.

RECOMMENDED ACTION

Listen to swearing in.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: LIQUOR LICENSES

FOR AGENDA OF: 11/06/06 **BILL NO:** 06201

NEW OUTLET

El Perico Y Taqueria
12000 SW Allen Blvd.

Wine Styles
4655 SW Griffith Dr. #160

Noodles & Company
5644 SW Griffith Dr. #135

CHANGE OF OWNERSHIP

King's Restaurant
12800 SW Canyon Rd.

MAYOR'S APPROVAL: 

DEPARTMENT OF ORIGIN: Police 

DATE SUBMITTED: 10/24/06

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

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

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

INFORMATION FOR CONSIDERATION:

El Perico Y Taqueria, Inc., has made application for a Limited On-Premises Sales License under the trade name of El Perico Y Taqueria. The establishment will serve Mexican food. It will operate Monday through Thursday from 3:00 p.m. to 11:00 p.m., Friday and Saturday from 9:00 a.m. to 2:30 a.m., and Sunday from 11:00 a.m. to 11:00 p.m. There will be karaoke offered as entertainment. A Limited On-Premises Sales License allows the sale of malt beverages, wine and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

S&H Wine, LLC, has made application for a Limited On-Premises Sales License and an Off-Premises Sales License under the trade name of Wine Styles. The establishment will be a wine and gift shop. It will operate Sunday through Thursday from 11:00 a.m. to 8:00 p.m., and Friday and Saturday from 11:00 a.m. to 9:00 p.m. There will be no entertainment offered. A Limited On-Premises Sales License allows the sale of malt beverages, wine and cider for consumption at the licensed business, and the

Agenda Bill No: 06201

sale of kegs of malt beverages to go. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

The Noodle Shop, Co. – Colorado, Inc. has made application for a Limited On-Premises Sales License under the trade name of Noodles & Company. The establishment will serve various types of noodles, pasta, and related dishes. It will operate Sunday through Saturday from 11:00 a.m. to 10:00 p.m. There will be no entertainment offered. A Limited On-Premises Sales License allows the sale of malt beverages, wine and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

King's Restaurant, formerly licensed by the OLCC to Pich Enterprise, LLC, is undergoing a change of ownership. Rouse Enterprise, Inc., has made application for a Limited On-Premises Sales License under the same trade name of King's Restaurant. The establishment will serve Korean/Chinese food. It will operate Sunday through Saturday from 7:00 a.m. to 2:00 a.m. There will be no entertainment offered. A Limited On-Premises Sales License allows the sale of malt beverages, wine and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

RECOMMENDED ACTION:

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC licenses.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Classification Changes

FOR AGENDA OF: 11/06/06 **BILL NO:** 06202

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: HR

DATE SUBMITTED: 10-31-06

CLEARANCES: Police
Finance

[Signature]
[Signature]

PROCEEDING: Consent Agenda

EXHIBITS:

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$44,169	BUDGETED \$57,428*	REQUIRED \$-0-

* The Amount Budgeted of \$57,428 represents the remaining appropriation for the position that is being reclassified in this Agenda Bill. The reason that the remaining appropriation exceeds the expenditure required is that the position was vacant for the first 3 ½ months of this fiscal year due the staff member being on active military duty

HISTORICAL PERSPECTIVE:

The Beaverton Police Department Public Information Officer (PIO) has historically been a police officer who is given an assignment with responsibility for managing the Public Information program, to include 24-hour per day, 7-day per week coverage of department needs for media contact and distribution of material for public dissemination. This position assists and advises the Chief of Police and speaks for the agency in public forum or media events as requested.

INFORMATION FOR CONSIDERATION:

The main objective of requesting an analysis of the placement of this assignment is to prevent the PIO from having to go through certain command levels to be able to obtain information from other police officers. The Human Resources Department conducted a survey of local law enforcement agencies to determine at what level this position typically is placed. Of the eight agencies--Albany, Portland, Hillsboro, Eugene, Bend, Vancouver, and Clackamas County--that responded, three use non-sworn civilians, and the rest are at a sworn supervisory level, including sergeant, lieutenant and commander. As a result, it is recommended that this position be placed at a sergeant level in Pay Grade 10. The base wage for this position will be \$33.46.

RECOMMENDED ACTION:

Council reclassify one police officer position to a sergeant position which will allow the Chief of Police to assign Police Information Officer at a supervisory level.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Traffic Commission Issue No. :
• TC 599 Removal of Two-Hour
Parking Limit in Downtown
Parking Lots
• TC 600 Crosswalk on SW 6th
Street at Westbrook Club
House

FOR AGENDA OF: 11-06-06 **BILL NO:** 06203

Mayor's Approval: *Neil Drake*

DEPARTMENT OF ORIGIN: Public Works

DATE SUBMITTED: 10-24-06

CLEARANCES: Transportation *ML*
City Attorney *ML*

PROCEEDING: Consent

EXHIBITS:

- 1 Vicinity Map
- 2 City Traffic Engineer's reports on Issues TC 599 and 600
3. Final Written Orders on TC 599 and 600
4. Written testimony
5. Approved minutes of the September 7, 2006, meeting and draft minutes of the October 5, 2006, meeting (excerpts)

BUDGET IMPACT

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

On October 5, 2006, the Traffic Commission considered the subject traffic issues. The staff reports are attached as Exhibit 2.

INFORMATION FOR CONSIDERATION:

Issue TC 599 is a proposal for revisions to parking restrictions in Downtown parking lots. The Commission held a hearing on the issue in September and continued the hearing to the October meeting. In October the Commission determined that there should be no changes in Downtown parking restrictions until the Downtown Parking Study is completed.

A hearing was held on Issue TC 600 and staff recommendations were approved by the Commission.

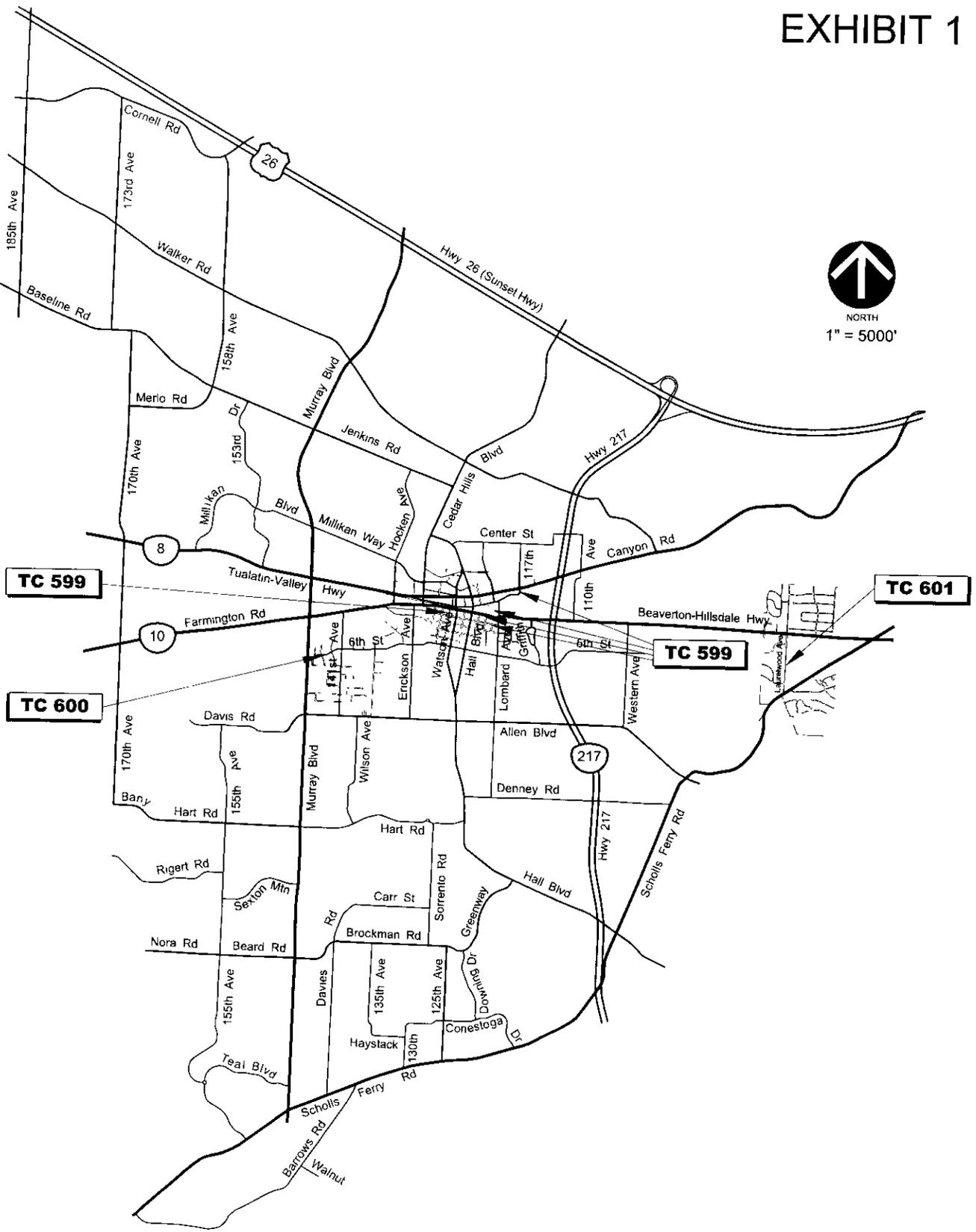
The Commission also held a hearing on Issue TC 601 regarding traffic calming rankings and heard an appeal of staff's eligibility determination related to a request for traffic calming on SW 6th Street. The Commission continued the hearing to next spring and asked that additional data be collected after TC 600 is implemented.

RECOMMENDED ACTION:

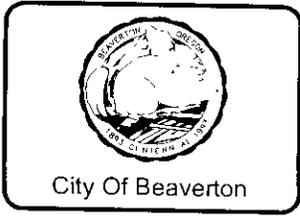
Approve the Traffic Commission recommendations on Issues TC 599 and 600.

Agenda Bill No: 06203

EXHIBIT 1



Y:\Traffic\Drawings\TC Vicinity Map\VICINITY MAP TC 599-601_10-05.dwg



Vicinity Map for October 2006
 TC Issues: 599 - 601

**PUBLIC WORKS DEPARTMENT
 ENGINEERING DIVISION
 TRANSPORTATION SECTION**

Drawn By: MC Date: 9/25/06
 Reviewed By: _____ Date: _____
 Approved By: _____ **1**

**CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 599**

Removal of Two-Hour Parking Limit in Downtown Parking Lots

August 15, 2006

Background Information

Based on a recent survey of downtown parking lots, staff is recommending the removal of existing two-hour parking limits in five City parking lots in the downtown area. The lots are shown as locations 7 through 11 on Attachment A.

Recently, the Traffic Commission has had several discussions regarding parking restrictions and permit parking in the Downtown Beaverton area. Several of the Commissioners have asked if the existing parking controls are still appropriate. In response, staff conducted a survey of the usage of the downtown public parking lots. The survey indicates that most of the lots have substantial unused capacity.

Attachment B shows the survey results. The table shows the range of occupied spaces in the lot during the various survey visits and the number of parked vehicles displaying parking permits. The survey was conducted between July 31 and August 4, 2006. The lots were visited each day at times between 9 am and 3 pm. As a check, to see if usage varies with time of year, aerial photos from March 2005 were also used as a reference. The 2005 aerial photos appear to have been taken mid-day (based on shadow patterns and the substantial number of vehicles in the parking lots of the shopping centers and City Hall).

In all of the lots, there were a substantial number of empty parking spaces on each visit.

No documentation has been found to confirm the reasons that the two-hour parking was established in the downtown lots. However, long-term employees have indicated that they recall there was a concern about the lots being used as park and ride lots in the days when the transit center was on the site of the current B-H Highway parking lot. Now that the transit center has been moved north of Canyon Road and with the addition of light rail transit, the demand for park and ride facilities has changed. Removal of the two-hour parking limits may lead to an increase in use of the lots by bus commuters; however, staff estimates that the increase would be small. Based on the calls received at City Hall, it appears that the demand for park and ride for bus riders is now in the areas east of Highway 217. Removal of the two-hour limit on Angel Avenue in 2004 has not led to any noticeable increase in parking on the street.

Removal of the two-hour limit in the lots near the post office is likely to increase use of the lots by Post Office employees. Based on past testimony before the Commission, it appears that these employees are currently parking on Franklin Avenue and 2nd Street. Post Office employees may fill the Chapman lot. However, overflow parking will be available in the Betts/Farmington lot and on the south side of 2nd Street across from the Chapman lot. In the other three lots, staff anticipates little change in usage.

Staff also proposes to improve signing at the lot entrances to help the public to locate the lots and to know that they are open to the public.

Risks

There is a risk that the observations and conclusions made by staff are incorrect and that removal of the existing 2-hour limits will cause the demand for parking in the lots to exceed capacity. If so, it may become necessary to restore the 2-hour parking in the future in selected parking lots.

It is possible that removal of the parking limits could result in use of the lots for long-term storage of vehicles or that there will be no basis for removal of abandoned vehicles. To avoid this problem, staff recommends that overnight parking be prohibited by establishing parking restrictions in the late-night hours. Such restrictions already exist in the Angel lot.

It is possible that there are other issues known to lot users and to downtown property owners. If so, the hearing on this proposal is intended to bring out those issues. Hearing notices will be posted in each lot.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion);

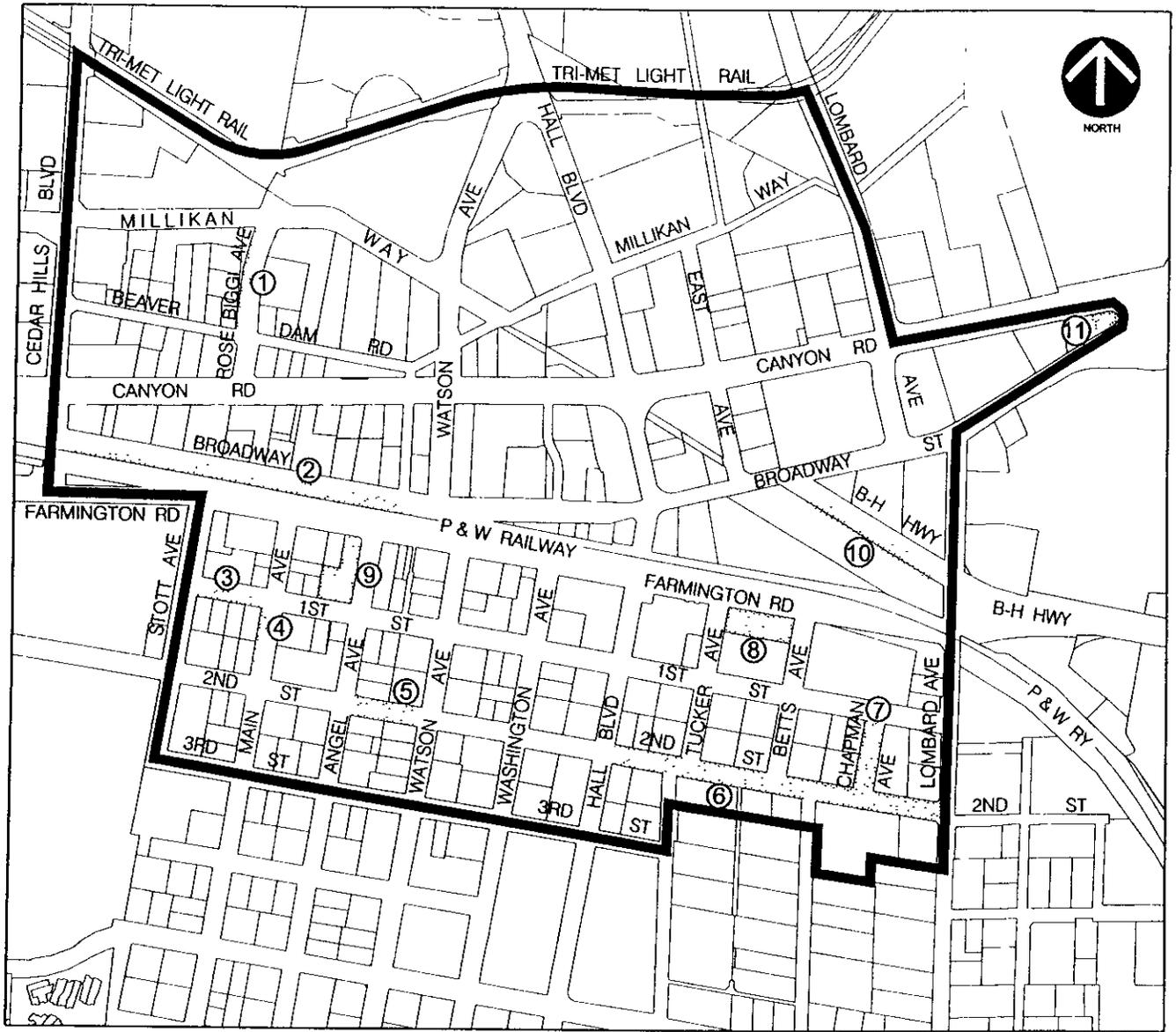
Conclusions:

- It appears that removal of the existing two-hour limits in the downtown parking lots will provide additional parking for downtown residents and businesses and will reduce the need for them to obtain quarterly downtown parking permits, thereby satisfying Criterion 1d.
- Prohibition of parking between 3:30 a.m. and 6 a.m. will prevent the use of the lots for long-term storage of vehicles, so that the parking remains available for downtown residents, employees and business customers, satisfying Criterion 1d.

Recommendations:

1. Remove the existing two-hour parking limits in the City-owned parking lots at the following locations:
 - Chapman Street
 - Betts and Farmington Road
 - Angel and Farmington Road
 - Beaverton-Hillsdale Highway between Broadway and Lombard Avenue
 - Broadway and Canyon
2. Prohibit parking between 3:30 a.m. and 6:00 a.m. each day in the parking lots shown in #1 above.
3. Improve signing at the parking lot entrances to make the public aware of the public parking lots.

BEAVERTON DOWNTOWN PERMIT PARKING DISTRICT



-  BOUNDARY LINE
-  EXISTING PERMIT PARKING LOTS AND STREETS

PERMIT ELIGIBILITY

A person who lives or works within the boundaries of the Downtown Permit Parking District is eligible for a parking permit. The permit allows a permit holder to park beyond the posted time limits in the Permit Parking Lots and on the Permit Parking Streets listed here.

PERMIT PARKING STREETS

- ① SW Rose Biggi (west side) between Beaverdam & Millikan
- ② SW Broadway between Watson & Cedar Hills
- ③ SW 1st (south side) between Stott & Main
- ④ SW Main (west side) between 1st & 125 feet south of 1st
- ⑤ SW 2nd between Watson & Angel
- ⑥ SW 2nd between Hall & Lombard

PERMIT PARKING LOTS

- ⑦ SW Chapman between 1st & 2nd
- ⑧ SW Betts & Farmington
- ⑨ SW Angel & Farmington
- ⑩ B-H Highway between Broadway & Lombard
- ⑪ SW Broadway & Canyon (east of gas station)



CITY OF BEAVERTON
ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

TC 599

ATTACHMENT B: OCCUPANCY OF SPACES IN DOWNTOWN PARKING LOTS

	Parking Lot	Total Spaces	Occupied March 2005	Occupied August 2006	Vehicles with Permits	Times of 2-Hour Parking Limit
7.	Chapman	27	14	14 to 20	10 to 15	7 AM – 6 PM Mon - Sat
8.	Betts & Farmington	35	16	4 to 10	3 to 5	7 AM – 6 PM Mon - Sat
9.	Angel & Farmington	27	2	0 to 10	0 to 2	7 AM – 6 PM Mon - Sat
10.	BH Highway	36	26	16 to 22	13 to 21	7 AM – 6 PM Mon - Fri
11.	Broadway & Canyon	28	0	0 to 2	0	7 AM – 6 PM Mon - Sat



MEMORANDUM
City of Beaverton
Public Works Department
Transportation Engineering Section

To: Traffic Commission
From: Randy Wooley, City Traffic Engineer 
Date: September 22, 2006
Subject: *Issue TC 599: Removal of Two-Hour Parking Limit in Downtown Parking Lots*

When this issue was initiated in July, the downtown parking study was waiting for completion of the grant funding agreements and it appeared that any study recommendations were at least a year away. Since then, the grant funding agreement has been completed and the study is progressing at an ambitious pace.

Also, in July it was not clear how much detail the study would provide regarding potential short-term changes to existing parking regulations. It now appears that the study will provide substantial detailed recommendations and that the recommendations will be known early in 2007.

The staff coordinators for the downtown study is not able to attend the October meeting of the Traffic Commission as requested by the Commission. Instead, they have provided the attached written answers to questions raised by the Commission in September.

Based on this new information, the staff recommendation on TC 599 has been revised. We now recommend that the proposals of TC 599 be defeated. We will return with any appropriate new proposals following completion of the downtown parking study recommendations.

The data collected for TC 599 has been shared with the downtown parking consultant.

Revised Recommendation: Reject the proposed parking changes.

Attached is a draft final written order implementing this recommendation.

Randy Wooley

From: Rob Pochert
Sent: Thursday, September 21, 2006 4:58 PM
To: Randy Wooley
Cc: Margaret Middleton; Jennifer Polley
Subject: Response to Traffic Commission Questions

Hi Randy

Here are the responses to the questions from the Traffic Commission regarding the Parking Study. Sorry for the delay.

Question One: When will the parking study be completed?

The analysis of existing conditions, recommended opportunities, and proposals on shared parking, parking districts, and parking structures are scheduled for completion in February 2007. Proposals to the Planning Commission and City Council are expected in March 2007.

Question Two: Will the study provide recommendations on immediate changes to existing downtown parking regulations, or will it be focused more on long-term needs?

The study will make recommendations for immediate changes to the downtown parking regulations. In addition, the study will make recommendations for modifications to the Development Code and the location of shared, public parking lots.

Question Three: Will it mess up the study if we make adjustments to existing downtown parking restrictions during the time that the study consultants are taking the inventory of current parking usage?

The consultant has recommended that the Traffic Commission hold off on making any adjustments to the downtown parking restrictions until the study is complete.

Randy, I agree with the consultant's recommendations, would urge that the Commission do not implement any changes to the existing parking time limits until the Study is completed and we have some concrete recommendations to evaluate. It is also probably not appropriate for us to make a presentation regarding the Parking Study at this time, because again we do not have any real information to share.

Rob Pochert, CEcd, EDFP | Economic Development Program Manager | Office of the Mayor
City of Beaverton | P.O. Box 4/55 | Beaverton, OR 97076
503.526.2456 (Office) | 503.526.2479 (Fax)
rpochert@ci.beaverton.or.us

CITY TRAFFIC ENGINEER'S REPORT

ISSUE NO. TC 600 (Crosswalk on SW 6th Street at Westbrook Club House)

September 13, 2006

Background Information

The Westbrook Home Owners Association requested traffic calming, including a crosswalk, on SW 6th Street between Murray Boulevard and 141st Avenue. Based on data collected by the City, the street did not qualify for the traffic calming program. See attached copies of related letters.

Subsequently, several of the residents have requested that the City consider the crosswalk request as a separate issue. The crosswalk is the subject of this report.

SW 6th Street is designated as a collector street. It is 34 feet wide, measured from curb to curb. It carries approximately 2700 vehicles per day. City data indicates that most of those vehicles are traveling near the speed limit of 25 mph. City records show only one reported collision on 6th Street within the Westbrook neighborhood during the past three years for which records are available. The reported collision involved a motorcycle hitting the back of a car that had slowed to make a turn.

Typically staff does not recommend the marking of mid-block crosswalks. Staff policy is based on recent national studies indicating that the marking of crosswalks in unprotected mid-block locations may actually reduce pedestrian safety. However, those same studies indicate that the safety risks diminish as the street width and traffic speeds are reduced. The studies indicate that the safety concerns are not applicable on a street like 6th Street where vehicle speeds are low. On SW 6th Street, there may be some safety advantage to focusing pedestrian crossings to one location where sight distance is good.

The residents have asked for the crosswalk to align with the pathway to the club house, which is located approximately 220 feet east of Normandy. The requested location has over 400 feet of sight distance in both directions. Because the club house is a major destination for walkers and because that location appears to provide the best sight distance, the requested location appears to be the best location for a crosswalk in the Westbrook neighborhood.

To further improve the safety of the crossing, staff proposes to add curb extensions at the crossing. The curb extensions will reduce the crossing width, better accommodating the users with a slower-than-average walking speed. In addition, the curb extensions will tend to reduce traffic speeds and will prevent the parking of vehicles close to the crosswalk.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);

Conclusions:

Recent national studies indicate that narrow streets with low traffic speeds are relatively safe locations for marked mid-block crosswalks. SW 6th Street at the Westbrook club house entrance is such a location. The proposed curb extensions will further narrow the street and encourage lower vehicle speeds. Sight distance is good at the proposed location. Therefore, Criterion 1a is satisfied.

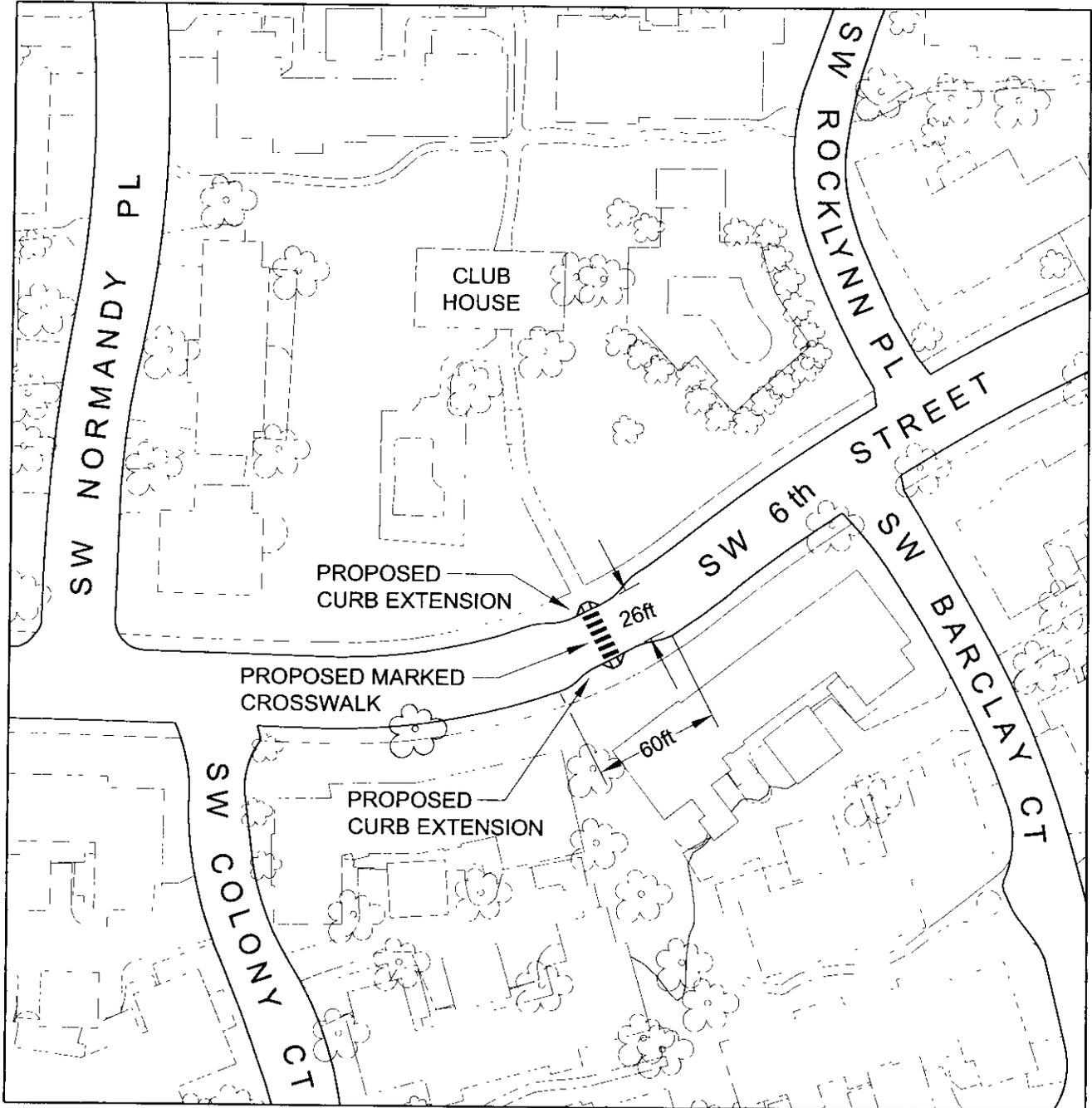
Recommendation:

- Install a marked crosswalk across SW 6th Street at the pathway to the Westbrook Club House, located approximately 220 feet east of Normandy.
- Install curb extensions with curb ramps at the crosswalk location.



TC 600

1"=75'



Y:\Traffic\Drawings\2006\06-95 6th Clubhouse Crossing TC 600.dwg



City Of Beaverton

Crosswalk on SW 6th Street
at Westbrook Club House

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

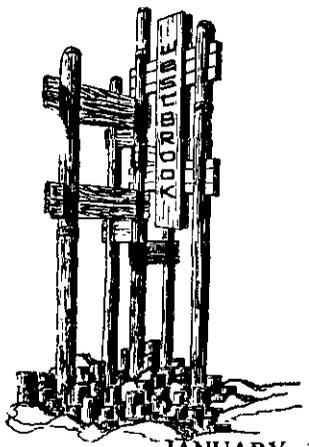
Drawn By: JR Date: 9/13/06

Reviewed By: _____ Date: _____

Approved By: _____

WESTBROOK

home owners association



CLUB HOUSE
14255 S.W. 6th Street
Beaverton, Oregon 97005

RECEIVED
FEB 22 2006
ENGINEERING DEPT.

JANUARY 30, 2006

CITY TRAFFIC ENGINEER
MR. RANDY WOOLEY
P. O. BOX 4755
BEAVERTON, OREGON 97076

IN RE: WESTBROOK REQUEST

THE WESTBROOK BOARD OF DIRECTORS, IN RESPONSE TO NUMEROUS REQUESTS FROM THE HOMEOWNERS, ASKS THE CITY OF BEAVERTON TO INSTALL CALMING BUMPS ON S. W. 6TH STREET, BETWEEN THE INTERSECTIONS OF 6TH AND MURRAY AND 6TH AND 141ST.

THEY FURTHER REQUEST THAT A CROSSWALK BE PAINTED ON 6TH STREET IN THE OF THE CLUBHOUSE TO MAKE A SAFER CROSSING TO THE CLUBHOUSE, THE POOLS AND FOR THE CONVENIENCE AND SAFETY OF WALKERS IN THE NEIGHBORHOOD.

THE WESTBROOK COMMUNITY OF 253 HOMES IS POPULATED BY MANY OLDER PEOPLE AS WELL AS SOME WHO ARE DISABLED AND BLIND. THEY ARE FREQUENT WALKERS AND USERS OF THE COMMUNITY POOLS AND CLUBHOUSE. WE ARE ALSO NEIGHBOURS TO AN ASSISTED CARE CENTER ON SW NORMANDY AND FARMINGTON. THESE PEOPLE ALSO USE OUR STREETS FOR WALKING.

ALL OF THESE PEOPLE FEEL THREATENED BY THE CONSTANT TRAFFIC THAT COMES THROUGH OUR NEIGHBOURHOOD IN AN ATTEMPT TO AVOID MURRAY BLVD TRAFFIC.

I AM ENCLOSING A PETITION SIGNED BY WESTBROOK HOMEOWNERS WHO ARE IN AGREEMENT WITH THIS REQUEST.

IF YOU HAVE ANY QUESTIONS OF WISH MORE INFORMATION PLEASE CONTACT ME AT 503-644-7511.

THANK YOU.

WESTBROOK HOMEOWNERS ASSN.

Joyce Handel
JOYCE HANDEL, PRESIDENT

RECEIVED

FEB 22 2006

ENGINEERING DEPT.

WE, THE UNDERSIGNED, ALL RESIDENTS OF THE COMMUNITY KNOWN AS WESTBROOK, CONCUR WITH THE BOARD OF DIRECTORS OF OUR COMMUNITY IN REQUESTING CALMING BUMPS AND A CROSSWALK ON S. W. 6TH ST. BETWEEN 141ST AND MURRAY BLVD.

Print Name	Signature
Roger Lehman	Roger Lehman
Edward Buecher	Edward Buecher
ALBERT KARPSTEIN	Albert Karpstein
Marjie Ennes	Marjorie A. Ennes
Janet Dahl	Janet Dahl
JUNE SHEPHERD	June M. Shepherd
JENORA S. LYONS	Jenora S. Lyons
Janet Dahl	Janet Dahl
NORMA COLLINS	Norma Collins
VITO COLLINS	Vito Collins
DAVID CUMMINGS	David Cummings
GLENN L. HENDRICKSEN	Glenn L. Hendrickson
SHIRLEY LASK	Shirley Lask
Querry A. Burkhardt	Querry A. Burkhardt
Mary Bunsen	Mary Bunsen
Aileen Sapp	Aileen Sapp
Mavis Neely	Mavis Neely
	Don McGeehan

Colony/Mayfair

WE, THE UNDERSIGNED, ALL
RESIDENTS OF THE COMMUNITY
KNOWN AS WESTBROOK, CONCUR
WITH THE BOARD OF DIRECTORS OF
OUR COMMUNITY IN REQUESTING
CALMING BUMPS AND A CROSSWALK
ON S. W. 6TH ST. BETWEEN 141ST
AND MURRAY BLVD.

Print Name	Signature
HENRY H. LAKANEN	H H Lakanen
Helen LAKANEN	Helen Lakanen
Ted Nessling	Theodore Nessling
JUDY KAY	Judy Kay
DORIS MOORE	Doris Moore
Rita Mahoney	
FRANCES HANSEN	Frances Hansen
IDA WHITE	Ida White
Jo Phillips	"Jo" Phillips
Florence GARNETT	Florence Garnett
Michaelene Tomczyk	Michaelene Tomczyk
Nancy Guilford	Nancy Guilford
MARION RHINE	Marion Rhine
RICHARD LIPSCOMB	Richard Lipscomb
Loyle McKee	Loyle McKee
Frankie McKee	Frankie B McKee
Frank W. Haight	Frank W. Haight

WE, THE UNDERSIGNED, ALL
RESIDENTS OF THE COMMUNITY
KNOWN AS WESTBROOK, CONCUR
WITH THE BOARD OF DIRECTORS OF
OUR COMMUNITY IN REQUESTING
CALMING BUMPS AND A CROSSWALK
ON S. W. 6TH ST. BETWEEN 141ST
AND MURRAY BLVD.

Print Name	Signature
LOUISE P. FELDMAN	Louise P. Feldman
NANCY L. KREITZ	Nancy L. Kreutz
FRANK T. KREITZ	Frank T. Kreutz
Arlene G. Ledoux	Arlene G. Ledoux
Martha I. Tynor	Martha I. Tynor
Louise Hankenson	Louise Hankenson
BARBARA STUART	Barbara Stuart
ELLEN HAIGHT	Ellen Haight

RECEIVED

FEB 22 2006

WE, THE UNDERSIGNED, ALL RESIDENTS OF THE COMMUNITY KNOWN AS WESTBROOK, CONCUR WITH THE BOARD OF DIRECTORS OF OUR COMMUNITY IN REQUESTING CALMING BUMPS AND A CROSSWALK ON S. W. 6TH ST. BETWEEN 141ST AND MURRAY BLVD.

ENGINEERING DEPT.

[Handwritten signature]

Don R. Dorn

[Handwritten signature]

Howard D. Baines

Larry Tammulevich

E. Green R. Miller

John H. Miller

[Handwritten signature]

[Handwritten signature]

[Handwritten signature] Carmen M. Dunnington

[Handwritten signature] Vick Williams

[Handwritten signature] Sharon E. Rastin

[Handwritten signature]

[Handwritten signature] Katny Deal

[Handwritten signature] Jaime Swarthout

[Handwritten signature]

[Handwritten signature]

[Handwritten signature] Sally Van Zile

RECEIVED

FEB 22 2006

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Henry Brown

Alycia M. Davis

Suzanne Mc Cambridge

[Signature]

MAREN COLLIS

Kathleen Hecht

[Signature]

Ellen Tewik

Alice Jean Warner

Leta M. Buskirk

Thomas C. Buskirk

Kaylene [unclear]

[Signature]

Masha [unclear]

14120 SW 6th St
Beaverton, OR 97005

5155 S/W 14 Lane
Beaverton, OR, 97005

5180 SW Barclay Ct
Beaverton, OR. 97005

5222 SW. ~~Barclay Ct~~
Beaverton, OR, 97005

5252 SW BARCLAY CT.
BUTN, OR 97005

5292 SW BARCLAY CT
BEAVERTON, OR 97005

5350 SW. BARCLAY CT.
BEAVERTON, OR 97005

5212 SW [unclear]
5290 SW Barclay Ct
Beaverton, OR 97005

5270 SW Barclay Ct
Beaverton, OR, 97005

5270 SW Barclay Ct.
Beaverton, OR, 97005

5280 SW Barclay Ct.
Beaverton, OR 97005

5320 SW Barclay Ct.
Beaverton, OR 97005

RECEIVED

FEB 22 2006

ENGINEERING DEPT.

WE, THE UNDERSIGNED, ALL
RESIDENTS OF THE COMMUNITY
KNOWN AS WESTBROOK, CONCUR
WITH THE BOARD OF DIRECTORS OF
OUR COMMUNITY IN REQUESTING
CALMING BUMPS AND A CROSSWALK
ON S. W. 6TH ST. BETWEEN 141ST
AND MURRAY BLVD.

Lisa J. Jolley 14190 S.W. 6th ST

Holly Lewis 14170 SW 6TH ST

Kathleen J. Hoshorn
14158 SW 6TH ST

Vivian O. Saltwater
14140 SW 6TH

Aileen N. Haasen
14110 SW 6th ST

Lisa J. Perkins
14140 S.W. 6th ST

Judith Taylor
5220 S.W. Barclay Ct.

Judy A. Peck
5230 S.W. Barclay Ct.

Violet Handon
14200 S.W. 6th ST.

WE, THE UNDERSIGNED, ALL
RESIDENTS OF THE COMMUNITY
KNOWN AS WESTBROOK, CONCUR
WITH THE BOARD OF DIRECTORS OF
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CALMING BUMPS AND A CROSSWALK
ON S. W. 6TH ST. BETWEEN 141ST
AND MURRAY BLVD.

RECEIVED
FEB 22 2006
ENGINEERING DEPT.

Norma Donahugh
Beverly Thomas
Jean Maloney
Barthie Caplan
Beth Slater
Valerie L Cooper
Peg Braslart
Mary Hallen
Andrew Wood

Mr & Mrs. Jim Van Hook
Tracy Wood
Marion L Ross
Kim W. Rusk
Pam Willet
Sandra L Hill
Aleen Tracy
Cory Ladd
Jayce Carter



CITY of BEAVERTON

 **COPY**

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

May 2, 2006

Joyce Handle, President
Westbrook Home Owners Association
14255 SW 6th Street
Beaverton, Oregon 97005

Re: Traffic calming request on SW 6th Street between Murray Blvd. and 141st Avenue.

We have completed preliminary review of your request for traffic calming work on SW 6th Street between Murray Blvd. and 141st Avenue. The review was based on the criteria that were adopted for the Neighborhood Traffic Calming Program.

Based on our review, 6th Street does not qualify for the City's traffic calming program at this time. Traffic speeds and traffic volumes were below the threshold levels required by the eligibility criteria. Traffic on 6th Street was recorded at approximately 2700 vehicles per day. The 85th percentile speed was 27 mph (meaning that 85 percent of the vehicles were traveling at this speed or slower).

If you have questions about the traffic calming criteria or other work on your street, please contact Jabra Khasho, project engineer at (503) 526-2221.

If you disagree with our determinations, a process has been established to formally appeal any decision of the City Traffic Engineer. To learn more about the appeal process, please contact our office at (503) 526-3726. If you feel that conditions have changed on your street, you may resubmit your request for traffic calming at any time.

Sincerely,

Randall R. Wooley
City Traffic Engineer

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 599

Removal of Two-Hour Parking Limit in Downtown Parking Lots

1. A hearing on the issue was held by the Traffic Commission on September 7, 2006, and continued on October 5, 2006.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion);
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The original request was for changes in parking regulations in downtown parking lots.
 - A study of downtown parking needs is now under way with an estimated completion in early 2007.
 - The study will provide recommendations regarding changes to existing downtown parking regulations.
 - The study consultants have requested that the City make no changes to existing regulations until the study work is completed.
4. Following the public hearing, the Traffic Commission voted (5 aye, 0 nay) to recommend the following action:
 - Reject all changes proposed in Issue TC 599.
5. The Traffic Commission decision was based on the following findings:
 - Parking study consultants and City staff have recommended that any changes to downtown parking regulations should wait until completion of the downtown parking study.
 - The study will provide new recommendations on the best way to meet downtown parking needs, thereby satisfying Criterion 1d.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 5th DAY OF OCTOBER 2006



Traffic Commission Chair

CITY OF BEAVERTON

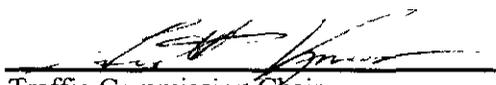
FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 600

(Crosswalk on SW 6th Street at Westbrook Club House)

1. A hearing on the issue was held by the Traffic Commission on October 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).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The crosswalk was requested by the Westbrook Home Owners Association.
 - Speed studies report low traffic speeds on SW 6th at the proposed crosswalk location.
 - Staff proposes to further narrow the street with curb extensions.
 - National studies indicate that the safety concerns with mid-block crosswalks diminish as traffic speeds and street widths are reduced.
 - Sight distance along SW 6th Street at the proposed location is good.
4. Following the public hearing, the Traffic Commission voted (5 aye, 0 nay) to recommend the following action:
 - Install a marked crosswalk across SW 6th Street at the pathway to the Westbrook Club House, located approximately 220 feet east of Normandy Place.
 - Install curb extensions with curb ramps at the crosswalk location.
5. The Traffic Commission decision was based on the following findings:
 - National studies indicate that narrow streets with low traffic speeds are relatively safe locations for marked mid-block crosswalks. The proposed location meets these criteria.
 - Proposed curb extensions will further narrow the street and encourage lower vehicle speeds
 - Sight distance is good at the proposed location.
 - Therefore, Criterion 1a is satisfied.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 5th DAY OF OCTOBER 2006



Traffic Commission Chair

Fresh Start Detail Co.

EXHIBIT 4

TC 599

12130 SW Broadway Beaverton OR 97005

RECEIVED

AUG 28 2006

Thursday, August 24, 2006

ENGINEERING DEPT.

RE. Issue TC 599
Removal of 2 hour limit in downtown parking lots.

We oppose the proposed change in the 2 hour parking time limits in downtown Beaverton parking lots.

Retail businesses need customers to have easy access to downtown parking areas. The existing 2 hour parking limit makes this possible. If the limit is removed then the lots will become choked with long-term parkers, forcing customers to search for parking further away, or worse... they will take their business elsewhere. Removing the 2 hour limit will hurt downtown businesses.

We understand that employees of local businesses need parking also. These people can already use these spaces with a permit, or they can use our efficient mass transit system, a MAX station is only two blocks away! This proposed change is a bad idea for small businesses in downtown Beaverton.

If the 2 hour limit is removed, what is to keep a local auto dealership from using these lots as temporary daily storage?

Who does this proposed change benefit? We can only think of people this proposed change can hurt. Please do not accept this proposed parking change

Thank you,



Jason Barker, President
503 641-3285

Fresh Start Detail Co.

"Drive Proud"

JASON BARKER, President
JACOB BAURER, General Manager

www.FreshStartDetail.com
Beaverton, OR 97005
(503) 641-3285 • Fax: (503) 350-1392

RECORD COPY

To: City of Beaverton

Re: Maximum use of city parking lots

From: The undersigned employees of the USPS Beaverton Main Office

To Whom It May Concern:

We whole-heartedly support the suggested changes in the use of the City of Beaverton parking lots. Currently some forty for fifty of us park on nearby residential streets daily because we cannot park on city owned lots without payment. This results in parking congestion for all streets within six blocks of the post office. Off-lot parking causes particular problems on Saturday when the Beaverton Farmer's Market is in session. We begin work each Saturday early in the morning and use up many parking spaces close to the farmer's market before any shoppers arrive. A decision to free up city owned parking lots would greatly benefit those of us in the USPS who deliver your mail six days a week. It would also greatly benefit citizens who need to park on residential streets be they locals or shoppers.

Please consider our petition with enthusiasm and remove payment requirements for the city owned parking lots in downtown Beaverton, especially those near the post office. Your decision to eliminate fees will result in maximum use of city property for the benefit of those who make Beaverton thrive. It will also result in freeing residential streets for parking, both for locals and for those who visit downtown businesses, including the farmer's market. We believe that a City of Beaverton Council decision to maximize the use of city owned parking lots is a win-win solution for all involved.

Thank you!

Michael R. James
Karen R. Randolph
Matthew Bradford
Vance R. Howard
Judy Greenfell
Jim Haggel
Diane E. James
Robert Paul

Karla Ketcham Johnson
Michael
J. Paul
By Purple
John King
John
Sara Hauer
DR. Hanson

George W. Schryer
David S. Ong
John

Kestie Villanual
Thomas

Jim Teulimay
Gary J. Pilling
Donald J. Peters

Ysa Sandall
John M. Hoaghy

Chet Reynolds

the
Bell Mountain

Paul
Satan

77

Cindy Baker
Steve
Beth
Greg Duggan

Si-jiang

Yong Kim
Din M. Duenzi

Joel A. Dupre
Mindy

Nicoles Bentley
Dennis

Fred Winton
Howard
Michael
Kent Boyd
Alan

George

RECEIVED

SEP - 7 2005

ENGINEERING DEPT.

RECORD COPY

MEMORANDUM
Beaverton Police Department

RECORD COPY



Chief David G. Bishop

DATE: August 29, 2006
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 599

TC 599. I concur with the recommendation as detailed in City Traffic Engineer's Report TC 599 dated August, 15, 2006.

RECORD COPY

Randy Wooley

From: Renfro, Jerry L. [Jerry.Renfro@tvfr.com]
Sent: Wednesday, August 23, 2006 8:06 AM
To: Randy Wooley
Subject: Comments Regarding Traffic Commission Issues No. 596-599

Randy, thank you once again for allowing TVF&R to comment on these and other issues that may have a direct affect on emergency response! I place a very high value upon our continued close working relationship; as does the TFV&R administrative staff.

Regarding Issues TC 596 through TC 599, the District has no objections or additional comments at this time.

Sincerely,

Jerry L. Renfro DFM

Transportation Systems Manager

Tualatin Valley Fire and Rescue

VT 7-7-06

Two-hour limit at city lots running out of time

Beaverton's Traffic Commission could decide tonight to drop the two-hour limit on a smattering of city parking lots.

The decision would affect five small city lots with 153 parking spaces.

Commission members meet at 7 p.m. in City Hall, 4755 S.W. Griffith Drive. The two-hour limit change is one of two public hearings on the agenda.

For about two decades, the city has imposed a two-hour limit on most of its downtown parking lots, and required parking permits for some areas where employees of local businesses park all day on

■ See PARKING, A19



JONATHAN HOUSE / The Times

SPACE LIMITED — City officials might drop a two-hour limit on five downtown parking lots.

Parking: Not everyone agrees with time limit drop

■ Continued from A1

city streets.

City officials were mostly worried that commuters would fill up downtown streets and parking lots, leaving no place for customers of downtown businesses to park.

The idea of dropping the limit has some detractors. Jason Barker of Fresh Start Detail Co. on Southwest Broadway wrote in an Aug. 24 letter to the commission that the decision would be a disaster for downtown's small businesses that depend on easy parking for customers.

"If the limit is removed, then the lots will become choked with long-term parkers, forcing customers to search for parking further away, or worse, they will take their business elsewhere," Barker wrote.

Traffic commissioners first discussed the possible change in June when they received a letter from Jay Stanich of the Beaverton Post Office asking that the city lift the two-hour limit on parking lots near the post office so nearly five dozen employees wouldn't have to park so far away.

Commissioners were skeptical of the request, but decided to consider dropping the limit on the city's five lots.

In July, they discussed a simi-

Park at the hearing

Beaverton's Traffic Commission meets at 7 p.m. in City Hall, 4755 S.W. Griffith Drive. The commission's agendas and minutes can be found on the city Web site, www.beavertonoregon.gov

lar issue of parking permits for some downtown streets for employees of local businesses.

Changing the parking limit would require approval by the Traffic Commission and the City Council.

If the plan is adopted, the limit would be dropped from downtown parking lots:

- Chapman Avenue (27 spaces)
- Betts Avenue and Farmington Road (35 spaces)
- Angel Avenue and Farmington Road (27 spaces)
- Beaverton-Hillsdale Highway between Broadway and Lombard Avenue (36 spaces)
- Broadway and Canyon Road (28 spaces).

An informal survey of the lots between July 31 and Aug. 4, found that most were not full during the day.

TC 600

5065 SW Normandy Pl.
Beaverton, Or. 97005
September 21, 2006

Beaverton Accessibility Counsel:

I would like to make a request for a crosswalk and curb cuts on Sixth Street at 14255 SW Sixth Street. This is located in Westbrook which is home for a majority of older citizens with a number who use canes, walkers, wheelchairs and scooters. There aren't any marked crosswalks in this area and the cross streets do not align to make an intersection where a crosswalk could reasonable be expected. And since the crosswalk wouldn't be at an intersection of cross roads, speed bumps would enhance safety for the folks using the crosswalk.

Thank you for any assistance you may be able to provide.

Sincerely,
Sharon Chambers

(503) 644-5941

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: October 2, 2006
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 600

TC 600. I concur with the recommendation to install curb extensions with curb ramps as well as a marked crosswalk across SW 6th Street as detailed in the City Traffic Engineer's Report TC 600 dated September 13, 2006.

City of Beaverton

TRAFFIC COMMISSION

Minutes of the September 7, 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, Bob Sadler, Ramona Crocker, Kim Overhage, Maurice Trout and Tom Clodfelter constituted a quorum. Commissioner Carl Teitelbaum was absent by prearrangement. Alternate Member Tom Wesolowski was in the audience to observe.

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

— EXCERPT START —

PUBLIC HEARING

**ISSUE TC 599: REMOVAL OF TWO-HOUR PARKING LIMIT IN
DOWNTOWN PARKING LOTS**

Chairman Knees opened the public hearing on Issue TC 599.

Staff Report

Mr. Wooley noted that the Commission has recently heard several issues regarding downtown permit parking. He said an article in the September 7, 2006, issue of The Valley Times (article is on file) stated that the Traffic Commission had already discussed downtown parking lots and made a previous decision regarding these lots. This is incorrect.

Mr. Wooley is the applicant for this issue. He closely observed downtown parking during the past several months. Mr. Wooley noticed that the five City-owned parking lots have many vacant spaces most of the time. During July and August, staff studied these lots and tallied the number of cars using each lot. (See TC 599 staff report Attachment B.) To avoid having the data distorted by summer vacations, Mr. Wooley repeated the study this week. Most usage ranges

stayed consistent. The only exception was the lot on Beaverton Hillsdale Highway, which had fewer cars this week.

Mr. Wooley reviewed the details of each downtown lot. The Chapman lot has 27 spaces and is mostly used by post office employees. The Commission has before them a petition signed by 53 Beaverton Post Office employees. The petition asks the Commission to remove the two-hour parking limit on downtown parking lots (petition is on file). Most days the Chapman lot has 10-15 unused spaces. Interestingly, about 10-15 vehicles park nearby on Second Street during the day in the area where the Commission removed the two-hour parking restrictions (Issue TC 593, heard June 1, 2006). If the Commission removes the two-hour restriction from the Chapman lot, it is likely many of those vehicles will begin parking in that lot.

Parking in the Betts lot is light. Most of the parked vehicles at Betts have parking permits. There are about 30 unused parking spaces at Betts.

Most days the lot on Angel Street contains only two to three vehicles. One day Mr. Wooley counted 10 and one day he counted zero. These vehicles do not have parking permits and it appears they use the Angel lot only for short-term parking while shopping at nearby businesses. The Commission might recall that several years ago they removed the two-hour parking restriction along nearby Angel Avenue. Staff heard no complaints about that change.

Regarding the Beaverton-Hillsdale Highway lot, the Commission has before them a letter from Jason Barker owner of Fresh Start Detail Company, which is located on SW Broadway Street. Mr. Barker requests that the Commission retain the two-hour parking limit on this lot.

Mr. Wooley said Mr. Barker's letter makes a good point. Auto dealers have begun using the adjoining gravel lot to store extra vehicle stock. If the two-hour limit were removed on the B-H Highway lot, auto dealers might monopolize that parking as well. Mr. Wooley suggested keeping the two-hour parking limit at the BH Highway lot.

Mr. Wooley said the parking lot at Broadway and Canyon Road is rarely used. Removing the two-hour parking limit might encourage some use.

In summary, Mr. Wooley said removing the two-hour parking limit would be a positive change for all downtown parking lots, with the exception of the Beaverton-Hillsdale Highway lot.

Commissioner Overhage asked how the TC 599 request relates to the planned downtown parking study. Is there a relationship?

Mr. Wooley said the Downtown Beaverton Parking Solutions Strategy project has agreed to look at current downtown parking regulations as part of their study. He emphasized that the study's focus is to develop a long-term master plan. Mr.

Wooley said this type of study requires some time to complete. In the meantime, he believes it is worthwhile to explore ways to improve parking for downtown residents and businesses.

Commissioner Troute asked how many people apply to the City for parking permits each month.

Mr. Wooley did not have that data at hand. Since most people with permits park on the street, the cars parked in the lots during the inventory (TC 599 staff report, Attachment B) provide a general estimate of the number of permit holders using the lots.

Commissioner Clodfelter asked if overnight parking will be allowed in the lots.

Mr. Wooley said it would not.

Commissioner Clodfelter asked if this would be a problem for residents living near the lots.

Mr. Wooley said residents would need to park on the street rather than in a lot. He said the Angel Avenue lot experienced a series of overnight parking problems, including abandoned vehicles and long-term motor home storage. The City restricted overnight parking in the Angel lot for several years. Mr. Wooley added that City Code limits on-street parking to a maximum of 48 hours.

Public Testimony

The Commission reviewed written testimony submitted for this hearing from Traffic Sergeant Jim Monger of the Beaverton Police, Deputy Fire Marshal Jerry Renfro of Tualatin Valley Fire & Rescue, Jason Barker owner of Fresh Start Detail Company, and Karen D. Randolph with a petition signed by 53 Post Office employees. (All written testimony is on file.)

Karen Randolph, Portland, Oregon, is a letter carrier for the Beaverton Post Office. Ms. Randolph said postal employees would greatly appreciate Beaverton's removing the parking restrictions at the Chapman and Betts lots. She added that postal employees make up a large part of Beaverton's downtown workforce. Removing restrictions at these lots would encourage employees to park in the lots, rather than on residential streets. That would also free-up more on-street parking on Farmer's Market days. She estimates that 10-12 of the people who use the Chapman lot have purchased parking permits.

Ms. Randolph said letter carriers are a big part of what makes Beaverton business thrive. She said their petition is especially directed at removing the parking restrictions in the Betts and Chapman lots. Ms. Randolph suggested adding another one to two disabled parking spaces in each lot.

Commissioner Overhage asked how many employees work at the Beaverton Post Office.

Ms. Randolph said there are between 100 and 150 employees depending on need. Sorters arrive around 2-3:00 a.m. and can easily park on the street. Supervisors park on a private lot within the facility. She estimated about 60 employees need parking in the Chapman and Betts lots.

Commissioner Overhage said she is especially concerned about parking at the post office during the December holiday mailing rush.

Ms. Randolph suggested designating some of the parking spaces in the Betts lot as 20-minute spaces in order to increase parking turnover during peak customer periods.

Commissioner Overhage agreed that might work.

Commissioner Crocker said that parking for postal customers is in short supply. She would not like to see the Betts lot filled with postal employee vehicles. She does not like to parallel park on the street and she wants to be assured that parking lot spaces are available.

Hayley Nunn, Portland, Oregon, is manager of the Beaverton Planned Parenthood office located at First and Betts. Most of her staff park in the Betts lot. Ms. Nunn purchases 13 to 14 City parking permits for her 17 employees. At \$30 each, the quarterly cost is nearly \$400. She said \$1600 per year is a great deal of money for a non-profit organization to spend on parking. She supports removing the two-hour parking limit in downtown parking lots.

Commissioner Overhage asked which end of the Betts lot Planned Parenthood staff used.

Ms. Nunn said they park on the east end near the post office.

Commissioner Sadler asked if she was concerned that, if the two-hour restriction was lifted, the 60 post office employees might fill the lot and Planned Parenthood employees would have no place to park.

Ms. Nunn said her staff come and go at various hours. Competing with the post office might be a challenge, but not a problem. She added that some of her staff use mass transit or carpool.

Commissioner Crocker thanked Ms. Nunn for supporting the community by willingly purchasing parking permits for the Planned Parenthood employees. She said these fees aid Beaverton to be a vibrant community. On the other hand, she said the postal employees appear to believe they are entitled to free parking. That attitude does not aid the community.

Chairman Knees asked if parking is readily available for Planned Parenthood clients.

Ms. Nunn said some patients park in the office parking lot, but most park on the street in the two-hour parking zones. Staff makes sure patients know about the two-hour limit and that Beaverton Police ticket violators.

Chairman Knees asked if most patients complete their business within two-hours.

Ms. Nunn said most patient visits last only 15 to 60 minutes so the two-hour parking limit is rarely a problem.

Staff Comments

Mr. Wooley said the reason he scheduled this issue as a hearing was to get public input. He heard no objections to removing the restrictions in the parking lots located on Angel, Chapman and Canyon-Broadway.

Commissioner Overhage asked about Ms. Randolph's suggestion that some of parking spaces in the Betts lot have 20-minute parking restrictions. Would this be too confusing?

Mr. Wooley said that would be fine. It would be similar to the various parking restrictions marked along public streets.

Commissioner Troute asked Sgt. Monger for data on the number of parking citations issued in downtown Beaverton.

Sgt. Monger said he has not worked parking enforcement for 20 years. He has no current data.

Commissioner Crocker asked if there is current data available. Are police writing citations for cars that park more than two hours?

Sgt. Monger said two parking enforcement officers actively patrol downtown parking.

Chairman Knees closed the public hearing on Issues TC 599.

Commission Deliberation

Commissioner Troute said it is still a question of "the chicken and the egg." Do people not use the lots because no one needs the parking space, or do they need the parking space but are unwilling to pay for the parking space? If the restrictions were removed, would the lots suddenly fill with cars? The current parking code appears antiquated. He believes the focus should be to encourage people to visit downtown and do business there. To do that, they need plenty of easy parking.

Commissioner Troute said parking permits are a service that businesses can utilize if they desire. He wants to see a parking situation that is stable and fair to everyone who needs the services. He opposes the recommendation.

Commissioner Overhage would like to see a consistent, long-term parking plan for downtown Beaverton. If the TC 599 recommendation is separate from that long-term plan, then that might be good reason to deal with it now. She said the Chapman, Angel the Canyon-Broadway lots do not need two-hour parking restrictions. The Broadway-Lombard lot does need restrictions. The Betts lot needs to be partially restricted to accommodate holiday parking needs at the post office.

Commissioner Clodfelter said the occupancy table in the staff report closely matches what he observed. He pointed out the downtown lots are no longer troubled with all day commuter parking as they were in the past. Commissioner Clodfelter would like to split the use of the Betts lot to accommodate both post office customers and downtown employees. He believes that the Broadway-Lombard lot should be removed from this discussion. Other than that, he supports the staff recommendation.

Commissioner Sadler said staff's occupancy table agrees with what he saw on his visits to the various parking lots. The Broadway-Lombard lot should be removed from the recommendation. A portion of the Betts lot should continue to be restricted; otherwise, postal employees would fill it completely.

Commissioner Crocker agrees the Broadway-Lombard lot should remain restricted. The Betts lot should be balanced between short-term customer parking and all-day employee parking.

Chairman Knees noted that the City has hired a consultant to review downtown parking. The Chairman attended the consultant's kick-off meeting last week. At that meeting, he learned that if a city's downtown area does not have a parking problem, then the city is failing in its success and appeal. In that sense, downtown parking problems show that downtown Beaverton is vital and thriving. The parking needs of both customers and employees should be balanced. Chairman Knees said the consultant discussed the possibility of increasing mass transit use by making vehicle parking harder to find. He does not know what the City's parking policy really is at this time.

Chairman Knees is mainly concerned about the "overlap" between the TC 599 recommendation and the long-term study. He believes hard data is needed to make Beaverton's downtown parking system more effective. That means the parking lots and their restrictions should be left as they are until the City's parking study is complete. He does not support the recommendation.

Commissioner Overhage asked Chairman Knees how long the study would take to complete. She also asked if he believes changing parking restrictions now will influence the study's results.

Chairman Knees said the study committee plans to meet about six times over a period of eight to nine months. He believes the study will be complete in six months to one year. He does not know how long it might take to implement any possible recommendations coming from the study. If the study recommends funding and building parking structures, the solution might be far in the future. He is concerned that parking changes made at this point will change the data the consultant collects.

Commissioner Troute said he does not believe these parking lots have a problem today. The only issue is that some downtown employees want to park beyond the two-hour limit, without paying even a minimal fee for a parking permit. By tinkering with the parking system, we could potentially create new problems.

Commissioner Clodfelter is concerned because City parking lots get only minimal use. This is a waste. He urged the Commission to open up the lots for those who want to use them. When local business grow to the point that they need to have these lots reserved for customer parking, then the decision can again be reviewed.

Commissioner Sadler agreed. He calculated that only 37 percent of the spaces are currently utilized. That is a lot of wasted space. Commissioner Sadler said downtown employees are entitled to a good quality of life as much as their customers are. At this time, we can only speculate what would happen if the restrictions were removed. Perhaps usage would increase to 80 or 90 percent. Removing the two-hour parking restriction is a useful experiment. The Broadway-Lombard lot remains the exception.

Commissioner Crocker is concerned that removing the two-hour parking restriction will set new expectation on the part of some downtown employees. Based on those new expectations, employees might not be content with the solutions the study group develops.

Commissioner Crocker asked if the study group has any influence or funding to back their recommendations.

Chairman Knees said the study group is a consulting firm that will make recommendations to the City. They might recommend policy changes, parking structures, City Code or zoning changes; however, they serve only as an advisory group and cannot implement any of these changes on their own.

Commissioner Crocker wants to wait until after the study is complete before making changes to downtown parking. She is not convinced that there is a parking problem in downtown, with the exception of Saturday parking for Farmer's Market. She noted that the new coffee shop on Second Street at Hall Boulevard is attracting a lot of business. She referred to a recent article in The

Oregonian written by columnist Jerry Boone that said this is just the kind of new business downtown Beaverton needs. Commissioner Crocker said she is willing to go either way with the recommendation.

Commissioner Trout agreed that the new coffee shop is vibrant and exciting. He said the customers, not the people working behind the counter, create vibrancy. Customers might lose the chance to find easy parking if employees are parked in all the best spaces.

Commissioner Clodfelter pointed out that TC 599 would benefit customers as well as employees.

Commissioner Overhage said the accuracy of the parking study might be damaged if variables are changed in the middle of the study. She would like to take this information to the study committee, wait for results, and then set a future date to review the parking lot issue.

Commissioner Overhage **MOVED** to **TABLE** TC 599 until either the parking study produces a recommendation or 12 month, whichever is the shorter length of time.

Commissioner Crocker **SECONDED** the **MOTION**. There was no discussion. The **MOTION FAILED** 3:3. Commissioners Knees, Crocker and Overhage voted "aye." Commissioners Sadler, Clodfelter and Trout voted "nay."

Commissioner Trout **MOVED** to reject the staff recommendation for TC 599. There was no second and the **MOTION FAILED**.

Commissioner Sadler said he is not opposed to tabling the issue until there is more information about the study and its actual timeline for change.

Chairman Knees asked to have a staff representative associated with the parking study appear before the Commission to answer questions.

Mr. Wooley said he could arrange that.

Commissioner Sadler **MOVED** that the Commission **CONTINUE** the hearing until the regular October 5, 2006, meeting at which time the City's Economic Development Division will present additional information on the parking study.

Commissioner Trout **SECONDED** the **MOTION**.

On discussion, Commissioner Clodfelter asked if the Commission would make a decision on this issue in October.

Chairman Knees said a decision would be their objective.

The Chairman called for a vote. The **MOTION CARRIED** unanimously, 6:0.

Commissioner Overhage asked if TC 599 would remain open for new testimony.

Mr. Wooley said the Commission could vote at any time to reopen the hearing because a written final order was not signed.

Commissioner Trout **MOVED** that the hearing on TC 599 remain open for both written and oral testimony until next month. Commissioner Sadler **SECONDED** the **MOTION**. There was no discussion. The **MOTION CARRIED** unanimously, 6:0.

It was agreed that the October staff report would include an Economic Development staff member who will present the additional information.

— EXCERPT END —

DRAFT

City of Beaverton

TRAFFIC COMMISSION

Minutes of the October 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, Ramona Crocker, Maurice Troute and Tom Clodfelter constituted a quorum. Commissioners Bob Sadler and Kim Overhage were absent by prearrangement. Alternate Member Tom Wesolowski was in the audience to observe.

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

— EXCERPT START —

PUBLIC HEARINGS

**ISSUE TC 599: REMOVAL OF TWO-HOUR PARKING LIMIT IN
 DOWNTOWN PARKING LOTS
 (Hearing continued from the meeting of September 7,
 2006.)**

Chairman Knees reopened the public hearing on Issue TC 599.

Staff Report

Mr. Wooley said the Downtown Beaverton parking study is rapidly moving forward and has an estimated completion date of early 2007. The study consultants have requested that the City make no changes to existing parking regulations until the parking study is completed.

For these reasons, Mr. Wooley suggested that the Commission reject the proposed Issue TC 599 that was originally heard at their September 7, 2006, meeting.

Public Testimony

At the September 7, 2006, meeting the Commission reviewed written testimony submitted by Traffic Sergeant Jim Monger of the Beaverton Police, Deputy Fire Marshal Jerry Renfro of Tualatin Valley Fire & Rescue, Jason Barker owner of Fresh Start Detail Company, and Karen D. Randolph with a petition signed by 53 Post Office employees. The Commission received no additional written testimony at this meeting. (All written testimony is on file.)

No one in the audience testified.

Staff Comments

Staff had no additional comments.

Chairman Knees closed the public hearing on Issues TC 599.

Commission Deliberation

Commissioner Troute **MOVED** and Commissioner Clodfelter **SECONDED** a **MOTION** to reject all parking changes proposed in TC 599 and to accept the draft final written order.

There was no discussion. The **MOTION CARRIED** unanimously, 5:0.

On discussion, Commission Crocker referred to Rob Pochert's memo dated September 21, 2006. Mr. Pochert says the proposal from the parking study will go to the Planning Commission and City Council. Commissioner Crocker asked why the Traffic Commission was ignored?

Mr. Wooley said the study is primarily a long-term planning study. It might recommend changes to the Comprehensive Plan and the Development Code. The Planning Commission would consider these issues. Any recommendations to revise current parking regulations would come before the Traffic Commission.

Commissioner Troute **MOVED** and Commissioner Clodfelter **SECONDED** a **MOTION** to accept the revised draft final written order on TC 599.

There was no further discussion. The **MOTION CARRIED** unanimously, 5:0.

ISSUE TC 600: CROSSWALK ON SW 6TH STREET AT WESTBROOK CLUBHOUSE

Chairman Knees opened the public hearing on Issue TC 600.

Staff Report

Mr. Wooley said the request is for a crosswalk on SW 6th Street at the Westbrook Clubhouse. Joyce Handel, President of the Westbrook Homeowner's Association, initiated the request and sent the City a petition signed by 97 neighbors.

Mr. Wooley said traffic engineers typically do not recommend marking mid-block crosswalks. Studies show crosswalks in unprotected locations actually reduce pedestrian safety. In this case, staff is not objecting because the street is narrow, traffic speeds are relatively slow, and the chosen location is the safest location in the area to cross the street. At that point, the street has straight alignment and good sight distance.

The crosswalk would include curb ramps and curb extensions. Many of the neighbors who would use the crossing report that they walk at slower speeds. The curb extensions would shorten the amount of time pedestrians spend walking in the street. Curb extensions also act as a traffic calming measure and can slow vehicle speeds.

Staff recommends approval of TC 600.

Commissioner Teitelbaum asked about the type of warning signs that would accompany the crosswalk.

Mr. Wooley said, typically, advance signs are installed to warn drivers about the crosswalk. They would also install a standard warning sign, probably located in the curb extension area.

Commissioner Teitelbaum reasoned that this many signs might also serve as a type of traffic calming.

Commissioner Crocker asked for the criteria that determines whether traffic calming requests are approved.

Mr. Wooley turned to the City's Traffic Calming Program Procedures. Criteria includes a posted speed of less than 30 mph, the 85th percentile speed must be at least 5 mph higher than the posted speed, and/or a high volume of cut-through traffic. The street must be no wider than two lanes and cannot be a primary emergency response route.

Public Testimony

The Commission reviewed written testimony submitted for this hearing from Traffic Sergeant Jim Monger of the Beaverton Police and Sharon Chambers.

Victor Saltveit, Beaverton, Oregon, said he lives in the Westbrook neighborhood and he is in favor of installing a crosswalk on 6th Street at the clubhouse.

Mr. Saltveit said some cars drive at excessive speeds on 6th Street. Several years ago while he was walking his dog along 6th, a car jumped the curb and ended up on the sidewalk right in front of him.

Mr. Saltveit said a crosswalk would slow traffic and make the neighborhood safer.

Lynne Sherley, Beaverton, Oregon, also lives in Westbrook and is in favor of installing a crosswalk in the street near the clubhouse. She said one of her neighbors cannot see well enough to cross 6th Street on his own. Ms. Sherley brought this to her neighbors' attention. The result was the petition to the City asking for a crosswalk on 6th at the clubhouse.

Chairman Knees said each Commissioner had read a copy of the petition. It is clear that many in the neighborhood agree with Ms. Sherley's suggestion.

Louise Feldman, Beaverton, Oregon, also favors a crosswalk. Ms. Feldman said that two years ago she had to use either a walker frame or cane to get outdoors. She was not agile enough to cross 6th Street safely. Lowering the walker frame from the curb to the street was another challenge. Ms. Feldman has fully recovered, though she still has many neighbors who struggle each day as they try to cross 6th Street safely. A marked crosswalk with curb extensions and a ramp would increase safety in their neighborhood.

Helen Hansen, Beaverton, Oregon, said she lives directly across 6th Street from the clubhouse. Ms. Hansen often observes pedestrians trying to cross 6th to get to the clubhouse. When the clubhouse is rented for a private party, cars typically park on both sides of 6th. She has noticed groups of people standing between the parked cars waiting for a break in traffic so they can safely cross. Ms. Hansen worries that some drivers might not see the people waiting to cross.

Ms. Hansen also talked about the increased traffic on 6th.

Commissioner Trout asked if there is a streetlight anywhere near the proposed crosswalk.

Ms. Hansen said most homes have small lampposts at the end of their walkway. There is one streetlight between the clubhouse entrance and Normandy Place.

Gordon Rogers, Beaverton, Oregon, said he is a new resident in Beaverton. Mr. Rogers walks 6th Street in the morning and afternoon and has a first-hand view of the heavy traffic moving through the neighborhood. Sometimes, he has to wait several minutes to find a break in traffic to cross the street.

Mr. Rogers wants a crosswalk installed, along with stop signs in both directions. He does not want speed humps in the neighborhood because they would not help pedestrian traffic.

Mr. Rogers believes a crosswalk with stop signs would be much better because cars would come to a complete stop for pedestrians. Police officers could then write a traffic citation for anyone who drives through the stop signs. He thinks people have more respect for stop signs than they do for speed humps. He believes his plan would save the City money.

Commissioner Crocker asked if he meant for a stop sign to be posted on each side of the crosswalk.

Mr. Rogers confirmed that is what he wants.

Commissioner Crocker explained that means drivers would have to come to a complete stop—even if no one was waiting to cross the street.

Mr. Rogers said drivers are “going at full speed” on that part of 6th. He still thinks a crosswalk with stop signs in both directions is appropriate.

Commissioner Troute said he believes state law requires all traffic to stop at a crosswalk if a pedestrian is waiting to cross. It is not necessary to have cars stop if no pedestrians are waiting.

Sgt. Monger said the pedestrian waiting on the curb needs to make a movement to indicate they are waiting to cross the street. Once the pedestrian makes the commitment to cross the street, vehicles need to stop and yield to the pedestrian. If vehicles are too close to the crosswalk to safely stop, then it is the pedestrian’s responsibility to not enter the crosswalk until it is safe to do so.

Commissioner Teitelbaum asked what amounts to “movement” on the part of the pedestrian.

Sgt. Monger answered that the pedestrian would need to step toward the street or begin to enter the roadway. That is enough to indicate a commitment to cross the street. Sgt. Monger added that the Police Department conducts pedestrian sting activities to enforce driver compliance with crossing laws. They measure back a specific length from the edge of the crosswalk before enforcement begins. This means that when the police decoy steps into the street, the driver has a fair opportunity to see the pedestrian and stop.

Sgt. Monger reiterated that it is the duty of the driver to yield to the pedestrian, if the driver is far enough back to stop safely. It is the duty of the pedestrian to make sure approaching vehicles are far enough back that they do not have to slam on their brakes to stop for the pedestrian. Both parties must exercise care.

Mr. Rogers agreed those are all good points. He still thinks that many drivers fail to pay attention when a pedestrian indicates they are waiting to cross the street, and a stop sign could help. It might be a nuisance to drivers when no pedestrians are waiting, but the City should do what is most effective.

Don McCollum, Beaverton, Oregon, said he is legally blind and has only three percent vision. This is still enough vision so he can enjoy walking outdoors every day. Regrettably, he can only walk in the north section of Westbrook because he feels unsafe crossing 6th Street. He carries a white and red cane to alert drivers that he is blind, but many pay no attention.

Mr. McCollum said curb ramps and curb cuts make it much easier for a blind person to step from the curb down to the street. The proposed curb extensions would make him more visible to approaching vehicles.

Commissioner Teitelbaum asked if traffic on 6th is always heavy or if there are peak traffic hours around Beaverton High School start and dismissal times.

Mr. McCollum said traffic on 6th has increased so the street is busy all day. Because he cannot judge the speed of approaching vehicles, he said traffic is always too heavy for him to safely cross the street.

Chairman Knees gave the audience notice that he would shortly close the public testimony portion of the hearing. He thanked the audience for their interest in this issue.

Staff Comments

Staff had no additional comments.

Chairman Knees closed the public hearing on Issues TC 600.

Commission Deliberation

Commissioner Troute said this proposal sounds like a good idea that would benefit the community. He supports the proposal.

Commissioner Clodfelter said when he drove 6th Street last night there was a large event at the clubhouse. Vehicles were parked solid along both sides of 6th. He wonders if the proposed curb extensions will stop cars from parking next to the crosswalk area.

Mr. Wooley said there would be about one car length between the crossing and the first legal parking space. This would improve the chance that pedestrians and drivers would see each other.

Commissioner Clodfelter concurs with the staff recommendation. It is clear to him from driving the area that a protected crosswalk is needed on that part of 6th.

Commissioner Crocker drove 6th Street late last night and she noticed that the area near the proposed crosswalk is fairly dark. She asked if staff planned to install additional street lighting if the proposed crosswalk is installed.

Mr. Wooley said a streetlight is not part of the proposed crosswalk plan. Staff could request an additional streetlight and try to find funding.

Commissioner Crocker noticed a flashing yellow light installed at the crosswalk to the Elsie Stuhr Senior Center on Hall Boulevard. She asked if that light was funded as part of a traffic calming project.

Mr. Wooley did not recall how they funded that flasher. The City installed it about 10 years ago. He added that, in a residential neighborhood, residents might object to a flashing light.

Chairman Knees summarized that the Commission appears to support the crosswalk proposal. He called for a motion.

Commissioner Teitelbaum **MOVED** and Commissioner Troute **SECONDED** a **MOTION** to approve the staff recommendation on TC 600 and to adopt the draft final written order.

Commissioner Crocker would like the motion to include additional nighttime illumination at the crosswalk.

Chairman Knees said Commissioners Teitelbaum and Troute might consider amending the current motion or Commissioner Crocker could initiate a second motion.

After Commission and staff discussion, it was agreed that additional illumination could be introduced as a separate motion, after the vote on the first motion was complete.

The **MOTION CARRIED** unanimously, 5:0.

Comm. Crocker **MOVED** and Teitelbaum **SECONDED** a **MOTION** to direct staff to investigate the feasibility of including additional illumination at the crosswalk in order to increase nighttime safety.

On discussion, Commissioner Clodfelter asked if the crosswalk markings are illuminated.

Mr. Wooley said crosswalk markings are "reflectorized" so drivers can clearly see them at night.

Commissioner Troute thought it would be more appropriate for the neighborhood to propose additional street lighting, not the Commission.

Commissioner Teitelbaum agreed that additional illumination is something the homeowners' association might want to review first. We should not assume we know what they prefer.

Commissioner Crocker agreed with that reasoning. She **WITHDREW** the **MOTION**. Commissioner Teitelbaum supported the withdrawal.

— EXCERPT END —

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Authorize the Mayor to Sign an Intergovernmental Agreement with Metro Regional Government for Implementation of the Annual Waste Reduction Plan

FOR AGENDA OF: 11/06/06 **BILL NO:** 06204

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office 

DATE SUBMITTED: 10/18/06

CLEARANCES: Finance 
City Attorney 

PROCEEDING: Consent Agenda

EXHIBITS:
Metro IGA
Year 17 Partnership Plan

BUDGET IMPACT

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

All jurisdictions in the service area of Metro are required under Metro's *Regional Solid Waste Management Plan* (RSWMP) to implement an annual waste reduction work plan. The regional plans emphasize waste prevention and reduction and resource conservation with a commitment to public education, technical assistance and consistent cooperation with local governments. Representatives from each jurisdiction create partnership plans for waste reduction and meet regularly with one another and private industry representatives throughout the year to coordinate waste reduction efforts. Each year participating jurisdictions are asked to sign an intergovernmental agreement and approve the work plan.

INFORMATION FOR CONSIDERATION:

This is the 17th year (FY 06-07) Metro will provide funding to local jurisdictions to support regional solid waste and recycling efforts. In accordance with Metro requirements, staff submitted and Metro accepted, Beaverton's "Year 17 Metro and Local Government Partnership Plan for Waste Reduction" (see exhibits) in June 2006. Based on the submittal, Beaverton's funding will be \$35,448.00, which is \$1,891 more than the \$33,557 that was received in FY 2005-06. The FY 2006-07 Adopted Budget included \$33,557 as the amount that the City anticipated would be received for the grant; therefore, the FY 2006-07 Budget should be adjusted to reflect the additional \$1,891 in grant funding.

RECOMMENDED ACTION:

Council authorize the Mayor to sign an Intergovernmental Agreement with Metro Regional Government for implementation of the Annual Solid Waste Plan in a form approved by the City Attorney, and direct the Finance Director to include the additional \$1,891 in grant revenue and the associated grant expenditures in the next Supplemental Budget.

INTERGOVERNMENTAL AGREEMENT

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

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

1. Purpose. The purpose of this Agreement is to establish the responsibilities of the parties in implementing the Year 17 Metro and Local Government Annual Waste Reduction Plan.

2. Term. This Agreement shall be effective July 1, 2006, and shall remain in effect through June 30, 2007 unless earlier terminated in conformance with this Agreement.

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

4. Payment for Services. Metro shall pay Contractor for services performed and materials delivered in the maximum sum of THIRTY-FIVE THOUSAND, FOUR HUNDRED FORTY-EIGHT AND NO/100THS DOLLARS (\$35,448.00) in the manner and at the time designated in the Scope of Work, Attachment A.

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

Disability, Retirement and Death Benefits Plan.

6. Indemnification. To the maximum extent permitted by law, Contractor shall hold harmless Metro, its officers and employees from any claims or damages to property or injury to persons or for any penalties or fines, which may be occasioned in whole or in part by Contractor's performance of this Agreement.

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

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

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

For Contractor:

Scott Keller
City of Beaverton
PO Box 4755
Beaverton, OR 97076

For Metro:

Office Of Metro Attorney
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

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

managers:

For Contractor:

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

For Metro:

Jennifer Erickson
Metro
600 NE Grand Ave.
Portland, OR 97232
(503) 797-1647
FAX (503) 797-1795

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

10. Attorney Fees. In the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court.

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

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

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

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

CITY OF BEAVERTON

METRO

By: _____

By: _____

Print name and title

Print name and title

Date

Date

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Attachment A

SCOPE OF WORK

I. Task: Funding for Year 17 of the Metro and Local Government Annual Waste Reduction Plan.

a) Term: July 1, 2006 to June 30, 2007

b) Contractor's responsibilities. Contractor shall:

1. Provide to Metro a copy of the Contractor's Resolution or Ordinance approving this Intergovernmental Agreement including all of its attachments.
2. Ensure that by June 30, 2007, the activities specified in Attachment B have been completed.
3. On or before August 1, 2007, submit the following:
 - A) A completed reporting worksheet.
 - B) Demonstrated compliance with OAR 340-090-0040.

c) Metro Responsibilities. Metro shall:

1. Provide technical assistance to Contractor as necessary to develop, execute, monitor, and evaluate the project.
2. Provide assistance to Contractor on promotional and educational activities.
3. Monitor the general project progress and review as necessary the Contractor's accounting records relating to project expenditures.

d) Budget and Terms of Payment:

Upon completion of tasks in section (b)(1) of this Scope of Work, but no later than June 30, 2007, Metro shall pay contractor \$35,448 in one lump sum. Contractor and Metro recognize that the Metro and Local Government Annual Waste Reduction Plan is a multi-year program and that future rounds of funding will depend in part on Contractor's performance in implementing program activities during the term of this contract.

Attachment B

YEAR 17 (FY 2006-07) LOCAL GOVERNMENT ANNUAL WORK PLAN

Jurisdiction: City of Beaverton Contact: Scott Keller

PROGRAM OVERVIEW

The Solid Waste and Recycling Program provides franchise oversight, recycling education, solid waste and recycling planning, site plan review, and general assistance to City events inside Beaverton city limits. Our programs reach single family, multifamily, and commercial residents. Program staff participates in various regional work groups and strive to create and implement a program consistent with regional outreach by neighboring jurisdictions. Those work groups include Business Recycle at Work, LGRC, Construction & Demolition, Multifamily, Organics, and regional outreach campaigns.

The City of Beaverton has 2.5 FTE assigned to the Solid Waste and Recycling Program in the Office of the Mayor. The manager of the program is 0.5 FTE (remaining time is in other programs) and performs overall program planning supervision; the Commercial Waste Reduction Coordinator is 1.0 FTE and provides technical assistance to Beaverton businesses and commercial waste reduction and recycling planning; the Community Liaison is 1.0 FTE and is focused on residential (including multi-family) solid waste and recycling education and planning. Collectively, staff works on a number of issues that include maintenance of the solid waste and recycling franchise, monitoring of independent recyclers, an annual review of residential and commercial fees, design of residential recycling education, design review for commercial construction, and updates of solid waste and recycling rules and ordinance. The FY 2006-07 Metro allocation for the City of Beaverton's Solid Waste and Recycling Program is \$35,448. This represents 10.1% of the overall \$332,000 Beaverton Solid Waste & Recycling Program budget.

The Commercial Waste Reduction Coordinator is funded partially by Recycle-At-Work grant funds. The City has hired several part-time staff members to assist with commercial and multifamily outreach, and intends to continue these activities in FY 2006-07.

A phone line dedicated to solid waste and recycling issues is published in phone directories and City publications for easy access of citizens to information. This phone line is actively used by citizens as the main source of information about recycling issues and franchised hauler's service levels. City staff is in frequent contact with Metro RIC staff to provide accurate information to citizens and businesses.

A city newsletter (YOUR CITY) is published six to eight times per year. Each regular issue is distributed to approximately 51,000 households and businesses and includes a page dedicated to information on recycling and waste prevention issues. In addition to the newsletter, the Solid Waste and Recycling Program makes information available to residents and businesses at various City functions such as: the annual Holiday Open House, the Mayor and City Council's four summer Picnics in the Park, and self-help stands in City Hall. We offer educational brochures produced in house and obtained from Metro through several published articles and on the City's Web site.

The Solid Waste and Recycling Program has maintained its full scale education program for Beaverton's multi-family complexes to improve recycling opportunities for apartment residents (approximately 50% of Beaverton's population). In FY 2006-07, the City will continue to provide resources to all multifamily properties through direct mail, site visits, and frequent follow up phone calls. Currently, those resources consist of a 16 page educational booklet, metal signs for enclosures, magnets for refrigerators, stickers for containers, and red tote bags for storage and transportation.

Status Key:

O = Ongoing (minor administrative updates and changes only.)

R = Revised (major program policy or implementation adjustments.)

N = New (brand new program, or substantially revised or reconstituted.)

Single Family Residential
(Includes home composting)

Tasks	Status
1. Identify and undertake a specific curbside outreach activity: Evaluate the level of contamination following the roll out of residential roll-carts in February/March of 2006 and take appropriate steps for further residential education.	O
2. Articles in six regular issues of the YOUR CITY newsletter regarding waste prevention, recycling, and home composting, and community gardens.	O
3. Distribute information about Neighborhood Clean-Up Day to residents. Neighborhood Clean-Up Day usually occurs on the 1 st Saturday in June, but is not yet officially scheduled in 2007.	O
4. Distribute recycling and waste prevention information at Beaverton events: open houses, collection events, and the Mayor's Picnics in the Park.	O
5. Provide Junk Mail Kits to residents at events and upon request.	O
6. Provide City and Metro brochures to residents upon request.	O
7. Monitoring commingling program, recycling participation, and contamination with new roll cart program.	N
8. Provide information and brochures about year-round compost bin sales and home composting instructions to Beaverton residents	O

Multifamily Residential

Tasks	Status
1. Monitor recycling practices and procedures at apartment complexes.	O
2. Provide results of bag/booklet survey to property managers.	N
3. Provide City and Metro brochures to residents upon request.	O
4. Continue outreach and maintenance of the "In The Bag" recycling education program for apartment complexes in Beaverton. Property managers call our program to request materials when they are out of supply in addition to accepting resources when we follow up with them.	O
5. Provide a new version of the multifamily Property Manager Toolkit to the 220+ Beaverton apartment managers in the spring of 2007.	N
6. Participate in regional Multifamily Work Group and comply with agreed upon quarterly reporting requirements.	N
7. Upgrade the Beaverton multifamily database	N

Business

Tasks	Status
1. Advertise Recycle-At-Work program assistance to businesses via City mailings, website, and regional outreach campaign .	O
2. Distribute a recycling/waste reduction newsletter or outreach mailing to businesses semi-annually.	O
3. Provide waste evaluations to businesses.	O
4. Provide desk-side and central collection recycling containers to businesses upon request as a part of the City's on-site visitation program.	O
5. Work with haulers to evaluate and improve services at businesses.	O
6. Participate in regional Business Recovery Work Group.	O
7. Develop Recycle At Work outreach strategy targeting the City's government facilities and new and large businesses.	O

Construction & Demolition	
Tasks	Status
1. Participate in regional Construction and Demolition Work Group.	O
2. Continue working with City planning staff and developers to review garbage service options when plans are submitted to planning department.	O
3. Evaluate education needs and opportunities for required dry load MRF'ing if/when region finalizes requirements.	N

Commercial Organics	
Tasks	Status
1. Evaluate opportunity for developing small scale commercial organics pilot in Beaverton and begin implementation before June 30, 2007.	N
2. Participate in regional Organics Work Group.	O

School Outreach & Education	
Tasks	Status
1. Provide information to Beaverton schools on available resources for waste prevention and recycling curriculum.	O

Toxicity Reduction	
Tasks	Status
1. Include an article in a Your City newsletter about reducing toxics at homes in Beaverton.	N
2. Household hazardous waste brochures available at self-help stand at City Hall.	O
3. Offer information about Metro's Hazardous Waste Round-ups, facilities and general information.	O
4. Evaluate opportunities for additional future focus on reducing toxics in solid waste	N
5. Either provide a City sponsored electronics recycling event or work with a local business to provide an ongoing public resource for electronics collection.	N

Other/Special Events	
Tasks	Status
1. Report jurisdictional solid waste and recycling data to Metro (required).	O
2. Participate in at least one regional waste reduction planning group (required).	O
3. Update and review the 2006 Recycling Guide for a consolidated 2007 distribution.	O
4. Full revision of City's Solid Waste and Recycling Program website.	N
5. Participate in a regional residential outreach campaign and implement a local extension of that outreach campaign.	N

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AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Authorize the Mayor to Sign an Intergovernmental Agreement with Metro Regional Government for Recycle At Work Program

FOR AGENDA OF: 11/06/06 **BILL NO:** 06205

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office 

DATE SUBMITTED: 10/18/06

CLEARANCES: Finance 
City Attorney 

PROCEEDING: Consent Agenda

EXHIBITS: Metro IGA

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

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

As part of the effort to meet RSWMP goals, Metro created the Recycle At Work program (formerly known as the Commercial Technical Assistance Program) to aid local governments in providing assistance to businesses. The City's Commercial Waste Reduction Coordinator is primarily responsible for the implementation of this task. Each year participating jurisdictions are asked to implement an intergovernmental agreement and Recycle At Work program scope of work.

INFORMATION FOR CONSIDERATION:

This is the seventh IGA in which Metro has provided funding to local jurisdictions to support waste reduction and recycling assistance to businesses. Beaverton's allocation for FY 2006-07 is \$53,032, the same amount that was received in FY 2005-06 and this amount was included in the FY 2006-07 Adopted Budget.

The scope of work remains consistent with the previous agreements (including the priority of providing assistance to local government jurisdictions themselves to assure that governments lead by example in waste reduction and recycling efforts) as well as prioritizing efforts to large businesses (those with over 100 employees).

Since the inception of this program, Beaverton staff has provided on-site recycling information and assistance to over 1,600 Beaverton businesses and distributed over 10,000 desk-side recycling boxes

as part of the City's Commercial Waste Reduction program.

RECOMMENDED ACTION:

Council authorize the Mayor to sign, in a form approved by the City Attorney, an Intergovernmental Agreement with Metro Regional Government for implementation of the Recycle at Work Program for the period July 1, 2006 through June 30, 2007.

INTERGOVERNMENTAL AGREEMENT

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

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

1. Purpose. The purpose of this Agreement is to establish the responsibilities of the parties in implementing a business assistance program called the Recycle At Work Program. Metro will provide funds to local governments to hire staff for the Recycle At Work Program who will assist businesses in increasing their recycling, waste prevention and sustainable purchasing efforts. Funding is not intended to replace currently funded non-Recycle At Work business assistance programs.

2. Term. This Agreement shall be effective July 1, 2006, and shall remain in effect through June 30, 2007 unless earlier terminated in conformance with this Agreement.

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

4. Payment for Services. Upon completion of section (E)(1), Outreach Strategy Plan, of the Scope of Work (Attachment A), and full execution of this Agreement, Metro shall pay the City \$53,032. The City may submit an invoice to Metro anytime prior to June 30, 2007.

5. Funding Level. The City shall hire at a minimum the equivalent of .86 FTE as business recycling specialists. This number is calculated at \$62,000 per 1.0 annual fully-loaded FTE.

6. Eligible Business. All businesses, institutions, government facilities, schools (internal and business operations and not education of students) within the city of Beaverton.

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

8. Indemnification. To the maximum extent permitted by law, the City shall hold harmless Metro, its officers and employees from any claims or damages to property or injury to persons or for any penalties or fines, which may be occasioned in whole or in part by the City's performance of this Agreement.

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

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

11. Confidentiality of Information. The City shall consider the data and information submitted or otherwise made available to it by private parties during the City's performance of its responsibilities in the business assistance program to be information submitted to a public body in confidence and not otherwise required by law to be submitted under ORS 192.502(4). Pursuant to ORS 192.502(4), the City shall oblige itself in good faith not to disclose such information.

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

For City:

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

For Metro:

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

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

For City:

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

For Metro:

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

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

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

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

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

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

CITY OF BEAVERTON

METRO

By: _____

By: Margaret Norton

Print name and title

MARGARET NORTON
Print name and title DEPUTY CFO

Date

8/24/06
Date

HR:gbc

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ATTACHMENT A
SCOPE OF WORK

A) Key Terms

1. *Business Recovery Work Group (BRWG)* – The BRWG is a regional waste reduction initiative that comprises Metro and local government representatives who develop and implement strategies to meet the region’s recovery goals and encourage waste reduction behavior change in the business sector. Immediate emphasis is on recovery, with importance and long-term emphasis given to waste prevention and sustainable purchasing.
2. *Recycle at Work Program* (formerly named the Commercial Technical Assistance Program (CTAP)) - The program is designed to provide local governments the resources to hire recycling specialists to provide on-site (whenever possible and appropriate), one-on-one customized assistance to businesses in the region on recycling, waste prevention and/or sustainable purchasing. Resources and training are developed, as needed, to support the assistance program.
3. *Baseline Evaluation* – A baseline evaluation occurs at a recycling specialist’s first site visit with a business to evaluate programs in one or more of the following core action areas (recycling, waste prevention or sustainable purchasing). As a result, a set of mutually agreed-upon recommendations are provided to the business on the core actions and other practices.
4. *Follow-up Evaluation* – A follow-up evaluation occurs within six months of a recycling specialist’s first site visit with a business to review the status of recommended actions and to offer additional service. Follow up is an important component to the Recycle At Work Program as it builds a relationship and rapport with a business.
5. *Core Actions* – Core actions are the minimum set of required actions in recycling, waste prevention and sustainable purchasing that every business is evaluated on as designated by the BRWG. Recommendations as a result of the evaluation of these core actions are made by the recycling specialist and presented to the business. The core actions are listed in the Recycle At Work database.
6. *Outreach* – Outreach is an umbrella term that refers to media campaigns that Metro and/or the City develop and implement, and all other recruitment and solicitation strategies by the City (such as cold calling, direct mailings, targeting business sectors, etc.) of businesses to the assistance program.
7. *Metro* – In this document, “Metro” refers to staff in the Solid Waste & Recycling Department who convene and facilitate the BRWG.
8. *The City of Beaverton*– In this document, “City” refers to staff who participate in the BRWG.
9. *Recycling Specialists* – In this document, the term “recycling specialists” refers to individuals who focus on business waste reduction assistance, who are hired as City staff, as contractors who work in City offices or as external contractors.

B) Metro responsibilities.

Metro shall:

1. Convene the Business Recovery Work Group (BRWG).
2. Notify the City of media outreach campaigns and any other business recruitment scheduled for the term of the IGA. BRWG members will review and advise on all media outreach campaigns and recruitment to the business sector. In conjunction with the BRWG, develop and provide to the City an overview of the outreach that will occur. This overview will include draft guidelines and protocols for the City to respond to requests by businesses and to provide assistance. The overview should also include a timeline for the campaigns and recruitment and a process for notifying the City of press releases.
3. Provide the City with a standardized format for the Outreach Strategy Plan the City will submit to Metro (Attachment B).
4. As part of the City's Outreach Strategy Plan to recruit new and large businesses provide the City with a list of the new and large businesses and questions that recycling specialists shall use when calling potential businesses (Attachment C).
5. Develop, in conjunction with the BRWG, the list of core actions in recycling, waste prevention and buy recycled that shall be addressed by the City in its on-site visits to businesses and that will be incorporated into the Recycle At Work database.
6. Develop, in conjunction with the BRWG and recycling specialists, the resources, such as desk-side paper collection containers, that shall be provided to businesses, and the training that will be given to recycling specialists.
7. Provide the City with a database of businesses in the City's jurisdiction to be used by the City or its contractors only for outreach to businesses related to the recycling, waste prevention and buy-recycled product focus of the Recycle At Work program.
8. Provide technical assistance and resources to the City as needed to develop, execute, monitor and evaluate the Recycle At Work program.
9. Provide the City with guidelines and protocols on the Recycle At Work database, on-going support and updates.
10. Provide the City with standardized reporting forms for mid-year progress (Attachment D) and final (Attachment E) reports. The report forms will include quantitative data generated from the database and anecdotal information.
11. Coordinate and convene quarterly roundtables and trainings for recycling specialists as determined by the BRWG.
12. Act as a liaison for information to flow to, between and among recycling specialists in each jurisdiction. Coordinate and facilitate ongoing communication with recycling specialists and BRWG members on activities such as Metro's website on commercial recycling, waste prevention and buy-recycled activities, e-mail between and among jurisdictions, listserv dialogue, trainings and roundtables.
13. If applicable, work with local government recycling specialists to evaluate Metro buildings and facilities in recycling, waste prevention and sustainable purchasing.

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14. Develop and review the program goals and budget in conjunction with the BRWG.
15. Conduct an evaluation of the Recycle At Work Program as needed, which may include on-site visits to regional businesses by Metro staff or independent third-party contractors.

C) City of Beaverton responsibilities.

The City shall:

1. Hire individuals as staff, contractors who work in City offices or external contractors whose primary responsibilities and duties are to provide waste evaluations and technical assistance services to businesses.
2. Provide technical assistance to businesses by conducting baseline and follow-up site evaluations in recycling, waste prevention and sustainable purchasing, following the Recycle At Work Program core actions.
3. Provide other education and technical assistance in waste reduction to businesses, as needed.
4. Develop an Outreach Strategy Plan that will be provided to Metro that identifies the City's strategy for targeting businesses (e.g., sector, size, tenure at location or some other criteria) and the recruiting elements (e.g., media campaigns, direct mail, calls, cold visits, partnerships with trade associations or business councils, etc.) associated with each strategy that will be used to reach these businesses. The plan must include the following two strategies to provide waste reduction technical assistance: 1. a focus on assisting the City's government facilities and ensuring that each facility is implementing at least two waste reduction practices in any of the following four areas: recycling, waste prevention, buy recycled, and operational activities and 2. a focus on new and large (100 or more employees) businesses. An alternate plan or an element of the new and large business strategy may be captured in your plan. In addition, the plan should take into account the City's participation in regional media outreach campaigns. Other elements of the Outreach Strategy Plan should include estimated hours to be spent on outreach, businesses or institutions that are targeted and desired outcomes.
5. Participate in regional media outreach campaigns as developed by the BRWG and provide follow-up technical assistance and evaluation as required by the media outreach program design.
6. Provide waste evaluation reports, information and documents related to the Recycle At Work Program to businesses and Metro electronically or printed on recyclable, double-sided recycled paper (minimum 30% post-consumer content).
7. Make available resources to businesses as identified by the BRWG and appropriate for the jurisdiction.
8. Collect data for each business that summarizes key contact information and the actions taken in recycling, waste prevention and sustainable purchasing. Enter all data in the Recycle At Work Access database developed by Metro and the BRWG, whose design allows for regional analysis of program data.
9. Provide a copy of the City's Recycle At Work Access database to Metro upon request.
10. Conduct a follow-up evaluation at each business that has received technical assistance and provide on-site assistance, whenever possible and appropriate, of the changes the business has

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made. Follow-up evaluation visits and assistance should occur no later than six months after receiving the initial visit.

11. Prepare mid-year progress and final reports as indicated in Section E, Deliverables 4 and 5. The City shall submit a copy of the Recycle At Work database with each report.
12. Assist Metro in a regional evaluation of businesses that have received technical assistance under Recycle At Work and those businesses that have not.

D) Metro Deliverables.

Metro shall:

1. Provide a database of businesses in the City's jurisdiction to the City one time per year to use in outreach to businesses.
2. Act as liaison between each jurisdiction's recycling specialists.
3. Provide resources, including information on the availability of recycled-content products in the region, desk-side containers, trainings and printed material, to City recycling specialists as determined by the BRWG.
4. Work with BRWG to identify elements to be included in the Outreach Strategy Plan due to Metro on July 31, 2006.
5. Provide to the City a list of new and large businesses and questions that recycling specialists shall use when calling potential businesses.
6. Work with BRWG to identify additional items to be included in mid-year progress and final reports.
7. Create standardized report forms for mid-year progress and final reports.
8. Create report forms in the database that will generate reports for the mid-year progress and final reports.

E) City of Beaverton Deliverables.

The City shall:

1. Develop an Outreach Strategy Plan that identifies media outreach campaigns and a proactive recruitment and solicitation approach to get businesses to request or accept Recycle At Work assistance. The written Outreach Strategy Plan is due to Metro on or before July 31, 2006 for the 06-07 fiscal year period (July 1, 2006 – June 30, 2007) and on or before June 1, 2007 for the 07-08 fiscal year.
2. Identify the primary contact responsible for receiving referrals from the Recycling Information Center (RIC) and forwarding them on to the recycling specialists.
3. Prepare a mid-year progress report on the accomplishments of the Recycle At Work Program that will include administrative information, mid-year review of the program, the number of businesses contacted, visited and assisted, evaluations performed, actions recommended and implemented, resources delivered, and successes and challenges. For the term of this contract, the mid-year progress report for the period of July 1, 2006 through December 31, 2007 will be due on or before January 30, 2007.

4. A final report will be due on or before August 1, 2007 for the previous fiscal year period. This report will include the following elements:
- Fiscal summary of program budget, including dollars received and spent from Metro for this program and contribution by the City.
 - Employee hour distribution by activity, such as work on recruitment plan actions and regional media outreach campaigns, travel, on-site assistance, progress evaluations, resources delivered, market research, trainings, data entry and report preparation to businesses.
 - Results of outreach plan and recommendations for changes.
 - Summary of all accomplishments as requested in the mid-year progress report (Section E, 3) and progress toward the program's goals.

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ATTACHMENT B



Recycle At Work Program [Name of Jurisdiction] Outreach Strategy [Month, Year]

- I. **Goal:**
[EXAMPLE: To implement a progressive outreach strategy tailored to a multitude of industry sectors. Why? Because half the waste landfilled each year in Oregon comes from the commercial sector – 1.3 million tons! Implementing waste prevention efforts and educational materials will help preserve natural resources while preventing further pollution.]
- II. **Program Duration:** [Timeframe: July 1, 2006 through June 30, 2007]
- III. **Staff:** [List program manager, staff and FTE]
- IV. **Targets and Timeline:**
 1. **Government Facilities** – [Explain your process for implementing two waste reduction initiatives at each government facility]
 2. **New and Large Businesses** – [Include total number for each category (provided by Steve Apotheker) and recruitment goal and contact strategy]
 3. **Targeted Businesses** -
[EXAMPLE: Businesses with 20 employees or more. Once initial outreach to businesses of 20 or more is completed, offices with 5 or more employees will be targeted.]

Targeted Sectors:

Priority Sectors

Healthcare
Mall/Strip mall
Big Box
Restaurants/Fork-It-Over
Religious Organizations
Schools
Advertising/Insurance

Secondary Priority Sectors

Nurseries/Garden Centers
Beauty Shops
Colleges & Universities
Engineering Services
Real Estate/Legal/Financial Offices

Resources to identify targets:

[EXAMPLE:

- a. Hauler Referrals
- b. Inside Prospects (IP) Database
- c. Other Referrals
- d. Business-to-business Networks and Referrals
- e. Resource Development
- f. New Referrals from Metro
- g. Business Journal Book of Lists]

V. Outreach Strategies:

[EXAMPLES:

1. Coordinate with haulers and jurisdiction to “roll out” commingling recycling education
2. Continue the present system of dividing the workload according to geography/hauler jurisdiction when it is referral generated. However, each recycling specialist will also specialize in a different industry sector. Initially they will target 15 – 20 of the top businesses in a sector that have not previously received services from Recycle At Work. The specialist will become an “expert” in this sector’s waste issues through research and outreach. Later in the project, each specialist will train the others on the best practices and methods to address these businesses needs. The specialists will then apply this training to similar businesses in the specialist's territory
3. Resource development in a specific industry sector
4. Calls to schedule follow-up evaluations
5. Referrals from “Fork It Over” campaign
6. Referrals from Chamber of Commerce outreach
7. Presentations at professional and business groups
8. Participation in regional outreach efforts including the spring-time box campaign]
9. RIC referral

VI. Criteria for Selection (Why these targets?):

[EXAMPLE:

- a. 20+ employee and government facilities
- b. Fits into Recycle At Work model
- c. Estimated waste composition for target type supports need]

VII. Reporting:

1. Mid-Year report – July 1, 2006 through December 31, 2006
Due: January 30, 2007
2. Final report – July 1, 2006 through June 30, 2007
Due: August 1, 2007

*[EXAMPLE: *Regularly scheduled meetings every Thursday to discuss progress and outreach efforts]*

ATTACHMENT C



Recycle At Work Program Business Recovery Work Group Business Recycling Survey *Example*

This survey can be used for cold calling to businesses and can serve as a baseline evaluation. All businesses contacted should be entered into the database. If the business didn't respond or did not want to talk to the recycling specialist it should be noted in the database and follow-up should happen at a later date.

Survey Objectives:

- Contact large (100+ employees) and new businesses (low hanging fruit) to see if they have recycling collection programs in place.
- Determine that recycling collection programs are comprehensive (all paper, containers) and effective (deskside boxes, commingling).
- Provide assistance to get new programs started.
- Determine barriers or reasons why businesses elect not to have recycling programs so BRWG can figure out ways to overcome these barriers.

Questions:

1. Do you have a recycling collection program for paper and containers at your businesses?

If yes, go to #5 below --

If No, go to #2 below

NO:

2. Would you be interested in assistance to start a program?
3. If no, what are the reasons or barriers why starting a recycling program is not something you are able to do at this time?
4. One last question, how long has your business been in operation at this address?
 - A) Less than 6 months
 - B) 6 months to one year
 - C) More than one year

YES:

5. Do employees have deskside paper recycling boxes?
6. Can you recycle the following types of paper:
 - A) Corrugated cardboard
 - B) Newspapers and magazines
 - C) Office paper, plain and glossy
 - D) Other scrap paper, including junk mail and office supply boxes
7. Do you have any questions on what paper can be recycled?
8. Can you recycle the following containers?
 - A) Plastic bottles
 - B) Cans and scrap metal
 - C) Glass containers

If no, offer to help add these containers to program?

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9. Can you commingle all paper together?
10. Can you commingle all paper and plastic/metal containers?
11. One last question, how long has your business been in operation at this address?
 - A) Less then 6 months
 - B) 6 months to one year
 - C) More than one year

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ATTACHMENT D

Mid-Year Progress Report

Recycle At Work Program
[Name of Jurisdiction]
Mid-Year Progress Report
[Month, Year]

- I. **Overview:** [Brief overview describing the program, successes and challenges]
- II. **Report Period:** [Timeframe: July 1, 2006 through December 31, 2006]
- III. **Administrative:**
 - Program Staff - [List Program Manager and Program Staff] – [area of focus] – [FTE]
 - Narrative – [List any changes in staffing, etc.]
- IV. **Trainings/Meetings:**
 - [List any trainings, like the Cold Calling Seminar or a facility tour, or special meetings, like the Roundtable, staff attended and time spent]
- V. **Outreach Strategy Plan Review:**
 - [Review status of Plan, any changes and results]
- VI. **Mid-Year Progress Review:**
 - [List the targeted businesses worked with and why they were focused on]
 - [List the outreach methods used – media and recruitment strategies]
 - [List any special projects worked on]
 - [List any new programs started that affect the Recycle At Work program]
- VII. **Outcomes:**
 - Number of Businesses Contacted:
 - Number of Businesses Visited:
 - Number of Businesses Assisted:
 - Number of New Evaluations Performed:
 - Number of Actions Recommended:
 - Number of Follow-up Assistance Performed:
 - Number of Actions Implemented:
 - Number of Businesses in each Industry Category
 - [Example: 0 Architectural/Engineering Firms
 - 8 Financial/Legal/Insurance/Real Estate
 - 1 Property Management
 - 6 Hospitality Industry
 - 2 Manufacturing
 - 7 Non-Profit
 - 7 Government
 - 1 Restaurant

- 2 Misc]
- Resources Delivered:
 - [Example: 420 Desk-side Boxes
 - 620 Central Collection Boxes
 - 4 Recycled Paper
 - 23 Initial Packets
 - 74 Commingling Brochure
 - 80 Commingling Poster
 - 8 Commingling Flyer
 - 139 Commingling Sticker
 - 72 Kids Can Workbooks
 - 1 Recycle Batteries Information Sheet
 - 1 Fluorescent Bulb Information Sheet
 - 2 Metro C&D Toolkit
 - 25 Food Donation Brochure
 - 23 Reduce / Reuse Poster
 - 16 Metro Magnet
 - 1 Junk Mail Kit
 - 15 Remanufactured Toner Information Sheet]

VIII. Field Successes:

- [Anecdotal Information and source]

IX. Field Challenges:

- [Anecdotal Information and source]

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Queue

ATTACHMENT E

Final Progress Report

Recycle At Work Program [Name of Jurisdiction] Final Progress Report [Month, Year]

- I. **Overview:** [Overview describing the program, successes and challenges]
- II. **Report Period:** [Timeframe: July 1, 2006 through June 30, 2007]
- III. **Administrative:**
 - Program Staff - [List Program Manager and Program Staff] – [area of focus] – [FTE]
 - [Staffing hour distribution by activity]
 - Narrative – [List any changes in staffing, etc.]
- IV. **Trainings/Meetings:**
 - [List any trainings, like the Cold Calling Seminar or a facility tour, or special meetings, like the Roundtable, staff attended and time spent]
- V. **Outreach Strategy Plan Review:**
 - [Review status of Plan implementation, changes and results, and recommend changes for 07-08]
- VI. **Annual Progress Review:**
 - [List the targeted businesses worked with and why they were focused on]
 - [List the outreach methods used – media and recruitment strategies]
 - [List any special projects worked on]
 - [List any new programs started that affect the Recycle At Work program]
- VII. **Fiscal Summary:**
 - [Review of budget, including dollars received and spent from Metro, and contribution by jurisdiction]
- VIII. **Outcomes:**
 - Number of Businesses Contacted:
 - Number of Businesses Visited:
 - Number of Businesses Assisted:
 - Number of New Evaluations Performed:
 - Number of Actions Recommended:
 - Number of Follow-up Assistance Performed:
 - Number of Actions Implemented:
 - Number of Businesses in each Industry Category
 - [Example: 0 Architectural/Engineering Firms]

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- 8 Financial/Legal/Insurance/Real Estate
- 1 Property Management
- 6 Hospitality Industry
- 2 Manufacturing
- 7 Non-Profit
- 7 Government
- 1 Restaurant
- 2 Misc]
- Resources Delivered:
 - [Example: 420 Deskside Boxes
 - 620 Central Collection Boxes
 - 4 Recycled Paper
 - 23 Initial Packets
 - 74 Commingling Brochure
 - 80 Commingling Poster
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 - 2 Metro C&D Toolkit
 - 25 Food Donation Brochure
 - 23 Reduce / Reuse Poster
 - 16 Metro Magnet
 - 1 Junk Mail Kit
 - 15 Remanufactured Toner Information Sheet]

IX. Field Successes:

- [Anecdotal information and source]

X. Field Challenges:

- [Anecdotal information and source]

XI. Independent Evaluations:

- [Summary of any independent surveys your jurisdiction has sent to businesses on your own]

XII. Conclusions:

- [Anecdotal Information and source]

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Bid Award – Mixed Bulk Concrete
Requirements Contract

FOR AGENDA OF: 11-06-06 **BILL NO:** 06206

Mayor's Approval: 

DEPARTMENT OF ORIGIN: 
PUBLIC WORKS

DATE SUBMITTED: 10-17-06

CLEARANCES: Purchasing 
Finance 
City Attorney 

PROCEEDING: CONSENT AGENDA
(CONTRACT REVIEW BOARD)

EXHIBITS: BID SUMMARY

BUDGET IMPACT

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

The FY 2006-07 Budget will include funding for mixed bulk concrete for the repair and maintenance of sidewalks and curbs by the Public Works Department. In FY 2005-06 the Public Works Department used \$90,573 worth of mixed bulk concrete for a variety of projects and maintenance requirements. Several different concrete vendors were used in FY 2005-06 based on availability of delivering the product.

INFORMATION FOR CONSIDERATION:

Invitation to bid was advertised on August 25, 2006. Bids were opened on September 13, 2006 at 2:00 p.m. in the Finance Conference Room. Baker Rock Resources located in Beaverton, Oregon, submitted the only bid. The invitation to bid and specifications called for a one-year contract with an option to renew for two additional one-year periods with the total term not to exceed three years. The contract will allow the Public Works Department to purchase mixed bulk concrete on an as-needed basis for FY 2006-07 and FY 2007-08 and FY 2008-09.

Prices are firm for the first year. The prices shall not be changed more often than every six months and contractor shall not propose prices that are above prevailing market prices. Revised prices will be accepted if industry-wide price changes or increased costs can be documented.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, award contract to Baker Rock, for the purchase of mixed bulk concrete in the estimated amount of \$30,000 for FY 2006-07 and approval for City staff to extend the contract for the two additional years based on Council's approval of the future FY 2007-08 and FY 2008-09 Budgets. The estimated usage for FY 2007-08 is \$60,000 and estimated usage for FY 2008-09 is \$70,000.

BID SUMMARY

CITY OF BEAVERTON

TO: Mayor & City Council

FROM: Purchasing Division

SUBJECT: Bid Opening

Bids were opened on SEPTEMBER 13, 2006 at 2:00PM in the **FINANCE DEPT**

For: **MIXED BULK CONCRETE REQUIREMENT CONTRACT, FY 2006-07**

Witnessed by: **JJ SCHULTZ**

VENDOR NAME AND CITY, STATE
BAKER ROCK RESOURCES BEAVERTON OR

The Purchasing process has been confirmed.

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

The above amounts have been checked: YES NO

Date: 9/13/06

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Public Hearing to Consider Bids Submitted to Purchase the Declared Surplus Property at the Southwest Corner of SW 153rd Avenue and SW Jenkins Road

FOR AGENDA OF: 11-06-06 **BILL NO:** 06207

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Finance *[Signature]*

DATE SUBMITTED: 11-01-06

CLEARANCES: Eco. Dev *[Signature]*
City Attorney *[Signature]*

PROCEEDING: Public Hearing

EXHIBITS: Agenda Bill 06189

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On October 16, 2006 the Council declared property at the corner of 153rd Avenue and Jenkins Road as surplus to the City's needs and set a public hearing for November 6, 2006 to consider any and all offers submitted (by the sealed bid due date) to purchase the property and consider generally whether to sell the property.

ORS 221.725 requires publishing a notice of the proposed Declaration of Surplus Property in a newspaper of general circulation and holding a public hearing to consider the "general terms" of any sale no less than five days after the publication date. The City's purchasing code additionally requires that the Council publish an Invitation to Bid. The Council set \$244,000, cash due at closing, as the minimum price for the property.

INFORMATION FOR CONSIDERATION:

The Notice of Declaration of Surplus Property, Invitation to Bid (ITB) and Notice of Public Hearing was advertised in the Valley Times on October 26, 2006, with a sealed bid response due date of November 2, 2006 at 2:00 PM. Since the sealed bid opening date is after the date that the agenda packet materials are due, the details of the submitted bids will be distributed separately to the City Council on Friday, November 3, 2006 along with staff's recommendation.

RECOMMENDED ACTION:

Hold the Public Hearing and discuss generally whether to sell the property; if so, consider the bid(s) received and direct staff to prepare a purchase and sale agreement and authorize the Mayor to execute a deed for the property; or, if the Council decides not to sell the property, reject all bids and so inform all bidders.

Revised Agenda Bill:
Revisions made on 10/16/06 (as shown on draft agenda bill) have been incorporated into this agenda bill.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: DECLARATION OF SURPLUS PROPERTY
AT SOUTHWEST CORNER OF SW 153RD
AVENUE AND SW JENKINS ROAD

FOR AGENDA OF: 10-16-06 **BILL NO:** 06189

Mayor's Approval: 

DEPARTMENT OF ORIGIN: MAYOR'S OFFICE

DATE SUBMITTED: 09-27-06

CLEARANCES: Eco. Dev
City Attorney
Planning



PROCEEDING: CONSENT AGENDA

EXHIBITS: None

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The parcel is the remnant piece at the corner of 153rd Avenue and Jenkins Road remaining from the alignment of 153rd Avenue built in the course of the St. Mary's LIDS in the mid-1980's. The 1.25 acre property is adjacent to the Reser's Foods operation's Trailer Maintenance area and abuts the BPA easement to the west, 153rd Avenue to the east and Jenkins Road to the north. The northern portion of the site is in the Cedar Mill Creek flood plain according to FEMA and Metro maps. The southern portion is developable. The property is zoned Light Industrial and is currently vacant. The legal address as listed on the Washington County Map # 1S1080000109.

INFORMATION FOR CONSIDERATION:

ORS 221.725 requires that the council publish notice of the proposed Declaration of Surplus Property in a newspaper of general circulation and hold a public hearing to consider the "general terms" of any sale in the week after the publication (at least five days must elapse between the date of published notice and the date of hearing). City's purchasing code additionally requires that the Council publish an invitation for bids, thus it is appropriate for the Council to set the terms of sale now so that interested persons can submit informed bids. The Council thus should direct staff as to the minimum terms it will accept for the sale of the property. Staff recommends that the property be sold to the first bidder who offers to purchase for cash at or above the price set for the property. A market study appraisal by a licensed MAI appraiser establishes the current market value of the property, using the current zoning to establish the highest and best use, at a minimum of **\$244,000**. The City of Beaverton will control any development approvals for the property. The Council can consider any bids received or discuss generally whether to sell the property, or both, in the course of the public hearing to be set.

RECOMMENDED ACTION:

Declare the property owned by the City at the SW corner of SW Jenkins Road and SW 153rd Avenue to be surplus, set the minimum terms of sale as a price of not less than **\$244,000** in cash due at closing, direct staff to publish notice as required by the ORS and invite bids as per city code and set Monday, November 6, 2006 as the date for a public hearing.

Agenda Bill No: _____

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Comprehensive Plan Chapters 1, 2, and the Glossary (Ordinance No. 4187) Related to CPA 2006-0001

FOR AGENDA OF: 11/6/06 **BILL NO:** 06208

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 10/19/06

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

PROCEEDING: First Reading

EXHIBITS: A. Proposed Ordinance and Exhibit A – Proposed Text
B. New text responding to Neighborhood Association Committee notification

BUDGET IMPACT

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

On September 11, 2006, the City Council held a work session to discuss to the Planning Commission's recommended amendments and concluded minor changes should be made to a proposed ordinance scheduled for first reading that evening. Based on the City Attorney's advice, the ordinance's first reading was pulled from the agenda so it could be revised and rescheduled for first and second readings. On October 2, 2006, continuing concerns about the Neighborhood Association Committee (NAC) notification resulted in removing the item from the Council's agenda.

INFORMATION FOR CONSIDERATION:

Staff, the City Attorney, and two Councilors who raised the NAC notification issue met to discuss solutions. The new text is shown in Exhibit B. Exhibit A contains a proposed ordinance that embodies the Planning Commission Order as well as changes agreed to by the Council at the September 11, 2006 work session and in Exhibit B.

The ordinance is ready for the required readings.

RECOMMENDED ACTION:

First Reading.

Ordinance No. 4395
An Ordinance Amending
the Comprehensive Plan Chapters 1, 2, and the
Glossary (Ordinance No. 4187), Related to CPA 2006-
0001

WHEREAS, the purpose of the proposed amendment to the City of Beaverton's Comprehensive Plan Chapters 1, 2, and Glossary is to revise and update public involvement, amendment procedures, and definitions to be consistent with revised state law, Development Code procedures, and Development Code definitions; and

WHEREAS, the Planning Commission held a public hearing on March 15, April 5 and April 12, 2006, to consider CPA 2006-0001, consider comments, and take testimony; and

WHEREAS, on April 12, 2006, the Planning Commission recommended approval of the proposed CPA 2006-0001 application based upon the Staff Report dated February 13, 2006, for the March 15, 2006, Public Hearing, the Supplemental Staff Report dated March 15, 2006, and Staff Memoranda dated March 20, 2006, March 31, 2006, and April 12, 2006 that presented the final draft amendment, addressed approval criteria, and made findings that demonstrated that adoption of the proposed ordinance would comply with applicable approval criteria; and

WHEREAS, the final order was prepared memorializing the Planning Commission's decision and no appeal therefrom has been taken; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Chapters 1, 2, and the Glossary, as amended and set forth in Exhibit A and incorporated herein by reference, is adopted.

Section 2. All Comprehensive Plan provisions adopted prior to this Ordinance which are not expressly amended herein shall remain in full force and effect.

Section 3. Severability. It shall be considered that it is the legislative intent, in the adoption of this Ordinance, that if any part of the ordinance should be determined by any tribunal of competent jurisdiction, i.e., the Land Use Board of Appeals or the Land Conservation and Development Commission to be unconstitutional, contrary to other provision of law, or not acknowledged as in compliance with applicable statewide planning goals, the remaining parts of the ordinance shall remain in force and acknowledged unless: (1) the tribunal determines that the remaining parts are so essential and inseparably connected with and dependent upon the unconstitutional or unacknowledged part that it is apparent the remaining parts would not have been enacted without the unconstitutional or unacknowledged part; or (2) the remaining parts, standing

alone, are incomplete and incapable of being executed in accordance with legislative intent.

First reading this ___ day of _____, 2006.

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

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

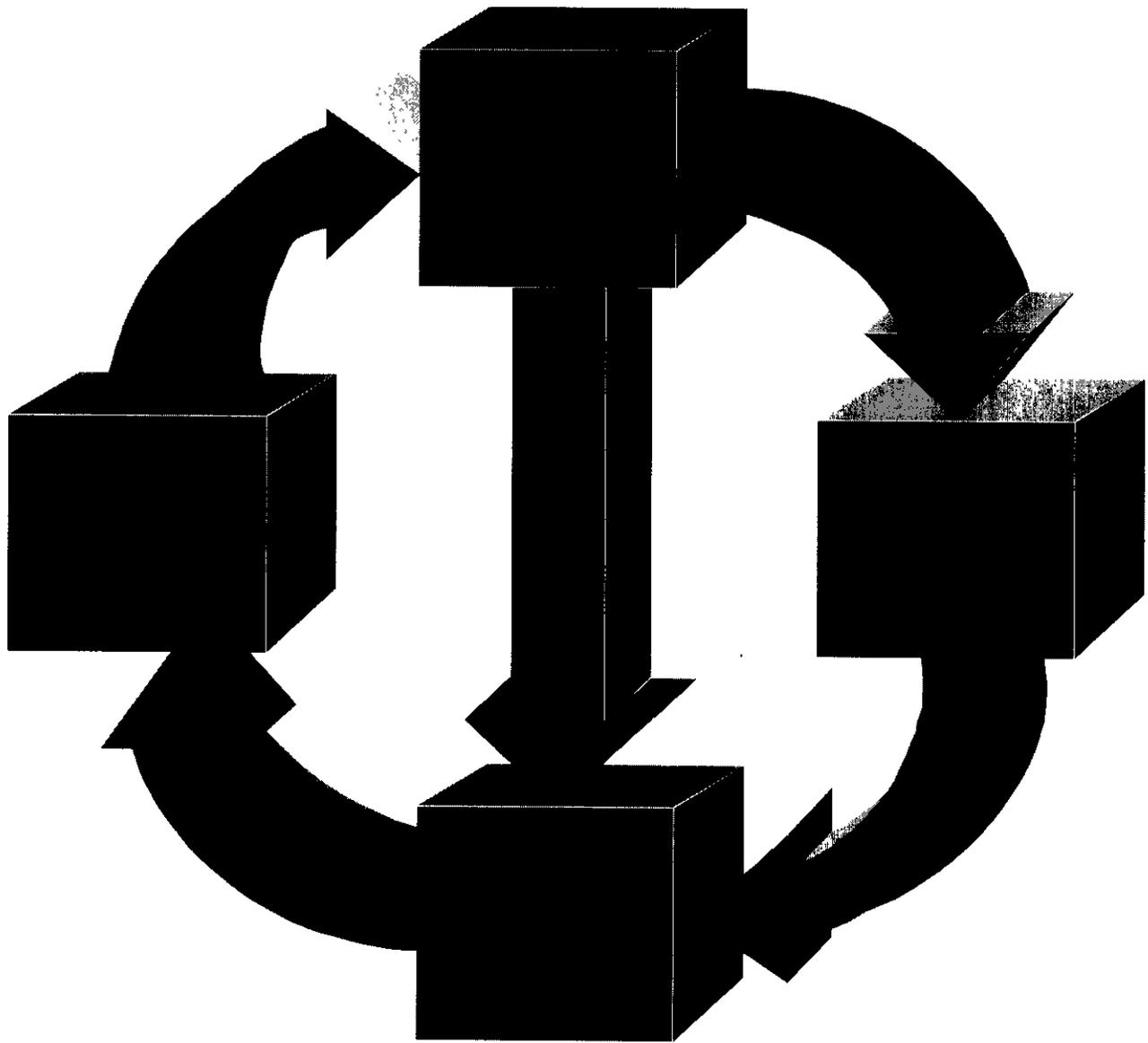
ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

CHAPTER ONE: COMPREHENSIVE PLAN AMENDMENT PROCEDURES ELEMENT



COMPREHENSIVE PLAN AMENDMENT PROCEDURES

1.1 AMENDMENT INITIATION.

Amendments to the Comprehensive Plan may be initiated by City Council, the Planning Commission, the Mayor, the Community Development Director, or the Engineering Director at any time. Landowners may also initiate an amendment to the Land Use Map pertaining only to their property at any time.

1.1.1 City-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council have the right to accept, reject or modify any specific request for amendment in accordance with the City's policies and procedures. The Planning Commission or City Council may enlarge or reduce the geographic area of proposed map amendments, investigate alternative land use designations to those requested, or combine the request with other City-initiated amendments for comprehensive study and determination. If the decision to modify a requested amendment is made after public hearing notice has been provided, the notice shall be reissued and, if necessary, the hearing rescheduled.

1.1.2 Property Owner-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing. The Planning Commission and City Council reserve the right to approve, approve with conditions, or deny any specific request for amendment in accordance with the City's policies and procedures.

1.1.3 Amendment Processing

Proposed amendments shall be processed as expeditiously as possible, subject to the availability of staff and budgetary resources and project priorities set by the Mayor. Amendments shall be processed in compliance with the procedures established by this Plan as well as Oregon Revised Statutes, Oregon Administrative Rules, Metro Code, the City Charter, and City Ordinances. Property owner-initiated amendments should be processed in the order in which they are submitted and accepted as complete, but the City Council may, by resolution, postpone processing proposed amendments to accelerate processing other amendments to which they give a higher priority.

1.2 PERIODIC REVIEW

Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and follow separate notice procedures outlined in the Oregon Revised Statutes and Oregon Administrative Rules governing Periodic Review.

1.3 AMENDMENT PROCEDURAL CATEGORIES

Comprehensive Plan Amendments fall into five general categories: Legislative, Quasi-Judicial, Historic Landmark, District and Tree designation removal, Non-Discretionary, and Statewide

Planning Goal 5 Inventory Document Amendments.

Legislative Amendments are amendments to the Comprehensive Plan text or map of a generalized nature initiated by the City that applies to an entire land use map category or a large number of individuals or properties or that establishes or modifies policy or procedure. Legislative amendments include additions or deletions of text or land use map categories.

Quasi-Judicial Amendments are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties or locations.

Historic Landmark, District or Tree Designation Removal are amendments, requested from the property owner, to remove said designation pursuant to ORS 197.772. Upon receipt of a letter request to remove said designation, the Community Development Director shall issue a letter removing said designation based on ORS 197.772 and shall cause such letter to be mailed to the property owner and the property owners within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the subject property.

Non-Discretionary Amendments are amendments to the Comprehensive Plan Land Use Map to add an annexed property, or properties, to the Map with a Land Use Map designation assigned through direct application of the Washington County-Beaverton Urban Planning Area Agreement (UPAA). The County land use classification(s) remain in effect under provisions of Oregon Revised Statutes (ORS 197.175(1) and ORS 215.130(2)(a)) until the City acts to implement its own Comprehensive Plan Land Use designation(s) for the annexed territory.

The UPAA requires the City to assign a particular, or most similar, City Comprehensive Plan Land Use designation to the annexed property based on the Washington County designation. Exhibit "B" of the UPAA contains a chart describing a one-to-one relationship between County and City land use designations. The UPAA and the chart referenced as Exhibit "B" is found within Chapter 3 of the Comprehensive Plan in Section 3.15. Where UPAA Exhibit "B" provides a one-to-one relationship and the annexed property is **not** subject to any special policies within the applicable Washington County Community Plan, the decision to apply a specific Land Use Map designation is made under land use standards that do not require interpretation or the exercise of policy or legal judgement. Consequently, the decision is not a land use decision as defined by Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

Statewide Planning Goal 5 Inventory Resource Document Amendments are amendments to Volume III of the Comprehensive Plan. Amendments may be legislative, such as periodic review, or annual updates to maps, or quasi-judicial. Updates to the Significant Natural Resources Map (Local Wetland Inventory Map) incorporating changes approved by the Department of State Lands are non-discretionary map amendments the public notice, decision-making and appeal of the decision occurs when the Division of State Lands approves the wetland delineation and fill or removal permit (OAR 141-086-005 through OAR 141-090-0230, OAR 141-085-0018, OAR 141-085-0025, OAR 141-085-0028, OAR 141-085-0029, OAR 141-085-0031, OAR 141-085-0066, ORS 227.350 (2), and ORS 196.600 to 196.990). As noted under Non-Discretionary Amendments above, when no discretion is exercised, the decision is not a land use decision under Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

1.4 NOTICE REQUIREMENTS

The claim of a person to have not received notice, who may be entitled to notice as provided in this section, shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was given.

If the Community Development Director or City Council determine that the proposed amendment substantially changes from the proposal described in the initial notice, then notice is required to be sent again as described in the appropriate subsection with specific notation that the proposal has changed and that a new hearing will be held on the matter.

1.4.1 Legislative Amendments.

A. Notice of the initial hearing shall be provided as follows:

1. By mailing the required inter-agency Department of Land Conservation and Development (DLCD) notice to DLCD, Metro, and Washington County at least forty-five (45) calendar days prior to the initial hearing. When the legislative amendment is required through Periodic Review, DLCD notice is not required, therefore, it is not provided;
2. By mailing the required inter-agency DLCD notice to all Neighborhood Association Committee (NAC) chairs and Community Participation Organizations (CPO) in whose area there is property that in the Director's opinion could be affected by the proposed ordinance if adopted, and the Chair of the Committee for Citizen Involvement, at least forty-five (45) calendar days prior to the initial hearing;
3. Mail notice to owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land
 - a) The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
 - b) If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing;
4. By publication of a notice with the information specified in subsections 1.4.1 B.1.,

- 2., and 3. in a newspaper of general circulation within the City;
5. By posting a notice with the applicable information specified in subsection 1.4.1.B. at Beaverton City Hall and the Beaverton City Library; and
6. By placing a notice with the applicable information specified in subsection 1.4.1.B. on the City's website.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing Notices required by numbers 3 through 6 of this subsection, shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

For Legislative Periodic Review notices, notice described in 1.4.1.B shall be mailed at least 45 days in advance of the initial hearing to Metro, Washington County, all Neighborhood Association Committee (NAC) chairs in whose area there is property that in the Director's opinion could be affected by the proposed ordinance if adopted, and the Chair of the Committee for Citizen Involvement.

- B. Mailed notice required in subsection 1.4.1.A.3., posted notice required in subsection 1.4.1.A.5., and web notice required in subsection 1.4.1.A.6. shall:
 1. State the date, time and location of the hearing, and the hearings body;
 2. Explain the nature and purpose of the hearing;
 3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
 4. List the applicable approval criteria by Comprehensive Plan by section numbers that apply to the application at issue;
 5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
 6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost and include the days, times and location where available for inspection;
 7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
 8. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue; and
 9. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186 also known as Ballot Measure 56).
- D. Notice of remand hearings, whether they be the entire legislative amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City

Council to Planning Commission, shall be given following subsections 1.4.1.A. and 1.4.1.B. with the following additional information:

1. The deadline for submitting written testimony and the place it is to be submitted;
2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
3. The scope of the testimony; and
4. Whether the testimony is de novo or limited to the record and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection D. shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

1.4.2 Quasi-Judicial Amendments

A. Notice of the initial hearing shall be provided as follows:

1. By mailing the required inter-agency DLCD notice to DLCD, Metro, and Washington County at least forty-five (45) calendar days prior to the initial hearing;
2. By mailing the required inter-agency DLCD notice to the chair(s) of any City-recognized Neighborhood Association Committee (NAC) or County-recognized Citizen Participation Organization whose boundaries include the property for which the change is contemplated, and the Chair of the Committee for Citizen Involvement, at least forty-five (45) calendar days prior to the initial hearing;
3. By publication of a notice with the information specified in 1.4.2.B.1., 2., 3. and 4. in a newspaper of general circulation within the City;
4. By posting notice with the information specified in 1.4.2.B. at Beaverton City Hall and the Beaverton City Library;
5. By mailing notice with the information specified in 1.4.2.B. to property owners included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and
6. By placing notice with the information specified in 1.4.2 (B) on the City's web site.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing notices required by numbers 3 through 6 of this subsection shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. Notice required in subsection 1.4.2.A.4., 5. and 6. shall:

1. State the date, time, and location of the hearing, and the hearings body;
2. Explain the nature of the application and the use or uses, which could be authorized;
3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
4. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue;

5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
 6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost include the days, times and location where available for inspection;
 7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
 8. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue;
 9. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing; and
 10. Set forth the street address or other easily understood geographical reference to the subject property and include a map, if applicable.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186.3. also known as Ballot Measure 56).
- D. Notice of remand hearings, whether for the entire quasi-judicial amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission shall be given following subsection 1.4.2.A. and B. with the following additions:
1. Any deadline for submitting written testimony and the place it is to be submitted;
 2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
 3. The scope of the testimony;
 4. Whether the testimony is limited to the record or de novo and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection D. shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

1.4.3 Non-Discretionary Map Amendments

A Notice for Non-Discretionary Map Amendments shall be provided as follows:

1. By publication of a notice with the information specified in 1.4.3.B.1., 2. and 3. in a newspaper of general circulation within the City;
2. By mailing notice with the information specified in 1.4.3.B. to the Chair of the Committee for Citizen Involvement (CCI), Neighborhood Association Committee (NAC), Community Participation Organization (CPO) and owners of record of the subject property on the most recent property tax assessment roll; and
3. By placing notice with the information specified in 1.4.3.B. on the City's web site.

All notices required by 1. through 3. of this subsection (A) shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date the item initially

appears on the City Council agenda.

B. Notice required by subsection 1.4.3.A. shall:

1. State the time, date, place, and purpose of the City Council agenda item;
2. Explain the nature of the application;
3. Include the case file number, title or both of the proposed ordinance to be considered;
4. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;
5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the meeting and will be provided at reasonable cost and include the days, times and location where available for inspection;
7. Include the name and phone number of the City staff person assigned to the application from who additional information may be obtained; and
8. Set forth the street address or other easily understood geographical reference to the subject property, including a map.

C. Notice of Decision for Non-Discretionary Map Amendments

Within five working days after the City Council decision on a Non-Discretionary Map Amendment, notice of the decision shall be mailed to the owner of record, DLCD, and the Chairperson of the Committee for Citizen Involvement (CCI). The notice of decision shall include the following:

1. A statement that the decision is final but may be appealed in a court of competent jurisdiction, and
2. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

1.4.4 Statewide Planning Goal 5 Inventory Resource Document (Volume III) Amendments

- A. If the proposal is legislative in nature, as in an update to one of the Statewide Planning Goal 5 Inventory Resource Documents or an addition of a new category of Statewide Planning Goal 5 Inventory Resource Documents, then notice shall follow the legislative notice procedure identified under subsection 1.4.1.
- B. If the proposal is quasi-judicial in nature, as in a change on one property or a limited group of properties, the notice shall follow the quasi-judicial notice procedure under subsection 1.4.2.
- C. If the proposal is to update the Local Wetland Inventory map of the Significant Natural Resource maps based on approvals of wetland delineations or fill or removal permits issued by the Oregon Department of State Lands, the amendment shall be deemed non-discretionary and shall be updated administratively by City Council ordinance adoption,

following the Non-Discretionary Map Amendment procedure under 1.4.3.

1.5 CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments

- A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;
- B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan;
- C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and
- D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

1.5.2 Criteria for Non-Discretionary Map Amendments

A. Annexation-Related

Discretion occurs when the Washington County-Beaverton Urban Planning Area Agreement (UPAA) is adopted or amended by the County and the City. The UPAA provides specific City-County Land Use Designation Equivalents. Specifically, the UPAA states in Section II (D) "Upon annexation, the city agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations. Such conversion shall be made according to the tables shown on Exhibit "B" to this agreement." Consequently, when the conversion from County to City designation is shown on Exhibit B, the City has no discretion.

B. Statewide Planning Goal 5

The Department of State Lands (DSL) and the US Army Corps of Engineers (COE) exercise discretion when these agencies approve wetland delineations and fill/removal permits (OAR 141-085, ORS 227.350, and ORS 196.600 to 196.990). Because the decision is made by another agency, acknowledging the locations of the delineated wetlands and fill/removal activities on the City's Local Wetland Inventory map involves no discretion.

1.5.3 Criteria for Statewide Planning Goal 5 Inventory Resource Document (Volume III) Comprehensive Plan Amendments

- A. Local Wetland Inventory Amendments require following the criteria for adoption of a local wetland inventory found within Oregon Revised Statutes and Oregon

Administrative Rules (as of November 2004, ORS 196 and OAR 141-086 and OAR 660-023).

B. Criteria for Addition of Historic Landmarks and Districts

To qualify as a historic landmark or district, the proposal must meet criterion 1 and at least one factor listed as criteria 2 through 5:

1. Conforms with the purposes of the Beaverton Comprehensive Plan; and
2. The proposed landmark or district is associated with natural history, historic people, or with important events in national, state, or local history; or
3. The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or
4. The proposed landmark is a notable work of a master builder, designer, or architect; or
5. The proposed landmark or district would serve one or more of the following purposes:
 - a) To preserve, enhance, and perpetuate landmarks and districts representing or reflecting elements of the City's cultural, social, economic, political, and architectural history;
 - b) To safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in said landmarks and districts;
 - c) To complement any National Register properties or Historic Districts;
 - d) To stabilize and improve property values in such districts;
 - e) To foster civic pride in the beauty and accomplishments of the past;
 - f) To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
 - g) To strengthen the economy of the City; and
 - h) To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City's current and future citizens.

C. Criteria for Adding Historic Trees

The adoption by City Council and Planning Commission of any amendment to add a historic tree to the Historic Tree Inventory shall be based on the following criteria:

1. Conforms with applicable goals and policies of the Beaverton Comprehensive Plan;
2. The proposed historic tree designation is requested by the property owner as determined by the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and
3. The proposed historic tree is associated with historic properties, historic people, or with important events in national, state, or local history, or general growth and development of the city.

1.6 HEARINGS PROCEDURES

Before the City Council may adopt any amendment to the Comprehensive Plan, the procedures within this section shall be followed. In the case of Non-Discretionary amendments, no hearing will be held. Consideration of the proposal shall be placed on the City Council Agenda for adoption by ordinance.

- 1.6.1. After appropriate notice is given, as provided in section 1.4, the Planning Commission or City Council shall hold a public hearing on the amendment, except for Non-Discretionary amendments.
 - A. At the beginning of the hearing an announcement shall be made to those in attendance that:
 1. States the applicable approval criteria by Comprehensive Plan section number.
 2. States testimony, arguments and evidence must be directed toward the applicable criteria.
 3. States failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the Planning Commission or City Council and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.
 4. States failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue may preclude an action for damages in circuit court.
 5. If a quasi-judicial application, states the Planning Commission and City Council must be impartial and that members of the Planning Commission and City Council shall not have any bias or personal or business interest in the outcome of the application.
 - a) Prior to the receipt of any testimony, members of the Planning Commission or City Council must announce any ex parte contacts. The Planning Commission or City Council shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest or ex parte contacts.
 - b) If any member of the Planning Commission or City Council has visited the site (if applicable), they should describe generally what was observed.
 6. Summarizes the procedure of the hearing.
 7. States that the hearing shall be recorded on audio only or audio and video tape.
 8. States any time limits for testimony set by the Planning Commission or City Council at the beginning of the hearing.
 - B. After the aforementioned announcements, the Chair or Mayor shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
 - C. After the presentation of the staff report, the Chair or Mayor shall call for the applicant's testimony, if the City is not the applicant.
 - D. After the applicant's testimony, the Chair or Mayor shall call for other evidence or testimony in the following sequence unless the Planning Commission or City Council consents to amend the sequence of testimony:
 1. First, evidence or testimony in support of the application.
 2. Second, evidence or testimony in opposition to the application.
 3. Third, evidence or testimony that is neither in support nor in opposition to the application.

- E. If the City is not the applicant, the Chair or Mayor shall call for rebuttal by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Chair or Mayor shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.
- F. The Chair or Mayor shall offer staff an opportunity to make final comments and answer questions.
- G. Provisions for holding a record open or continuing a hearing set forth in Oregon Revised Statutes (ORS 197.763 (6)) shall apply to this Chapter of the Comprehensive Plan, in accordance with the statute.

1.6.2. Following the conclusion of the hearing, the Planning Commission shall take one of the following actions:

- A. Continue the hearing to a date, time and location certain, which shall be announced by the Chair. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
- B. Deny the application, approve the application, or approve the application with conditions.
 - 1. If the Planning Commission proposes to deny, approve, or approve with conditions, the Planning Commission shall announce a brief summary of the basis for the decision and that an order shall be issued as described in 1.7.; provided, the proceedings may be continued for the purpose of considering such order without taking new testimony or evidence.
 - 2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763(6) shall apply under this Ordinance in a manner consistent with state law.
 - 3. If the Planning Commission proposes to approve, or approve with conditions, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.
 - 4. In conjunction with their adoption of an ordinance approving or approving with conditions a Comprehensive Plan Amendment, the City Council shall adopt written findings which demonstrate that the approval complies with applicable approval criteria.

1.7. FINAL ADOPTION AND APPEALS

1.7.1 Final Order

- A. The written decision in the form of a final order shall be prepared regarding the application. The final order shall include:
 - 1. A listing of the applicable approval criteria by Comprehensive Plan section number.
 - 2. A statement or summary of the facts upon which the Planning Commission or City Council relies to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. The Planning Commission or City Council may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the final order to satisfy this requirement.

3. A statement of conclusions based on the facts and findings.
 4. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
- B. Within five (5) working days after the Final Decision (City Council Ordinance or Final Order adoption), mail the required DLCD Notice of Adoption to DLCD, pursuant to ORS 197.610 and OAR Chapter 660- Division 18.
- C. Within five (5) working days from the date that the Planning Commission or City Council adopts a final order, the Community Development Director shall cause the order to be signed, dated, and mailed to the applicant, the property owner, the Neighborhood Association Committee or County Participation Organization in which the subject property is located, and other persons who appeared orally or in writing before the public record closed. The final order shall be accompanied by a written notice which shall include the following information:
1. In the case of a Planning Commission decision, a statement that the Planning Commission decision can be appealed to the City Council following the procedures listed in 1.7.2. The appeal date and the statement that the appeal must be filed within ten (10) calendar days after the date of the signed notice is dated and mailed shall be placed on the notice, with the appeal closing date shown in boldface type. The statement shall generally describe the requirements for filing an appeal and include the name, address and phone number of the Community Development Director.
 2. In the case of a City Council decision, a statement that the decision is final, but may be appealed to the Land Use Board of Appeals as provided in Oregon Revised Statutes (ORS 197.805 through 197.860) or to the Land Conservation and Development Commission as provided in Oregon Revised Statutes (ORS 197.633), in the case of Periodic Review Amendments.
 3. A statement indicating the Amendment application number, date, and brief summary of the decision. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the proposal.
 4. A statement of the name and address of the applicant.
 5. If applicable, an easily understood geographic reference to the subject property and a map.

1.7.2 Notice of Intent to Appeal

- A. The Planning Commission decision may be appealed to the City Council only by the applicant, a person whose name appears on the application, or any person who appeared before the Planning Commission either orally or in writing. An appeal shall be made by filing a Notice of Intent to Appeal with the Community Development Director and within ten (10) calendar days after the signed written order was dated and mailed.
- B. A notice of Intent to Appeal shall be in writing and shall contain:
1. A reference to the application number and date of the Planning Commission order;
 2. A statement that demonstrates the appellant is the applicant or their representative, a person whose name appears on the application, or a person who appeared before the Planning Commission either orally or in writing;
 3. The name, address, and signature of the appellant or the appellant's representative;

- 4 An appeal fee, as established by Council resolution; if more than one person files an appeal on a specific decision, the appeals shall be consolidated and the appeal fee shall be divided equally among the multiple appellants; and
 5. A discussion of the specific issues raised for Council's consideration and specific reasons why the appellant contends that the Planning Commission's findings and/or recommendation is incorrect or not in conformance with applicable criteria.
- C. The Community Development Director shall reject the appeal if it
1. is not filed within the ten (10) day appeal period set forth in subsection A of this section,
 2. is not filed in the form required by subsection B. of this section, or
 3. does not include the filing fee required by subsection B. of this section.

If the Community Development Director rejects the appeal, the Community Development Director will so notify the appellant by letter. This letter shall include a brief explanation of the reason why the Community Development Director rejects the appeal. A decision of the Community Development Director to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to the City Council. The appellant shall be allowed to correct a failure to comply with subsection B of this section if the correction can be made and is made within the 10 day appeal period provided in subsection A of this section.

- D. If a Notice of Intent to Appeal is not filed, or is rejected, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.

If the application is denied, the City Council will adopt a final order which sets forth its decision together with any reasons therefor. The Council's final order or the ordinance is the final decision of the City on the application. Notice of the decision shall be given as provided in 1.7.1.

- E. Notwithstanding the provisions of this section, City Council on its own motion, may order a public hearing before the City Council at any time prior to adopting a Council final order or ordinance.

1.7.3 Notice of Appeal Hearing

- A. Written notice of the appeal hearing before the City Council will be sent
1. by regular mail,
 2. no later than twenty (20) days prior to the date of the hearing
 3. to the appellant, the property owner, the applicant, if different from the appellant, persons whose names appear on the application, and all persons who previously testified either orally or in writing before the Planning Commission.
- B. Notice of the hearing shall:
1. State the date, time and location of the hearing;
 2. State that an appeal has been filed, set forth the name of the appellant or appellants and contain a brief description of the reasons for appeal;
 3. Reference the CPA file number or numbers and the appeal number;

4. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue
5. State that a copy of the Planning Commission's written order, the application, all documents and evidence contained in the record, and the applicable criteria are available for inspection at no cost at least seven (7) calendar days prior to the hearing and can be provided at reasonable cost including the days, times and location where available for inspection;
6. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
8. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing; and
9. Set forth the street address or other easily understood geographical reference to the subject property, if applicable.

1.7.4 Preparation of the Record; Staff Report; Transcript

- A. Following receipt of a Notice of Intent to Appeal filed in compliance with 1.7.2., the Community Development Department Director shall prepare a record for Council review containing:
 1. All staff reports and memoranda prepared regarding the application that were presented to the Planning Commission;
 2. Minutes of the Planning Commission proceedings at which the application was considered;
 3. All written testimony and all exhibits, maps documents or other written materials presented to and or rejected by the Planning Commission during the proceedings on the application; and
 4. the Planning Commission's Final written order.
 5. The appellant may request, and the City Council may allow, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission public hearing. If such a request is made and granted, a transcript of the Planning Commission proceeding is required. The appellant shall remit a fee to cover the cost fo the transcript of the Planning Commission hearing within five (5) calendar days after the Community Development Director estimates the cost of the transcript. Within ten (10) calendar days of notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. In the event that the Council denies the request for an on the record appeal hearing, and holds a de novo hearing, the transcript fee may be refunded. If the transcription fee estimate exceeds the transcription cost, the balance shall be refunded to the appellant.
- B. The Community Development Department Director shall prepare a staff report on the appeal explaining the basis for the Planning Commission's decision as relates to the reason for appeal set forth in the Notice of Intent to Appeal, and such other matters relating to the appeal as the Director deems appropriate.

1.7.5 Scope of Review

- A. ~~1.~~ The City Council appeal hearing shall be de novo, which means any new evidence and argument can be introduced in writing, orally, or both. The City Council may allow, at the appellant's request, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission hearing.
- B. The Council may take official notice of and may consider in determining the matter any material which may be judicially noticed pursuant to the Oregon Rules of Evidence, ORS 40.060 through 40.090, including an ordinance, comprehensive plan, resolution, order, written policy or other enactment of the City.
- C. Preliminary Decision.

At the conclusion of deliberations, the Council shall make a preliminary oral decision. The Council may affirm, reverse or modify the Planning Commission's order in whole or in part, or may remand the decision back to the Planning Commission for additional consideration. (Procedures for noticing a remand hearing are found in sections 1.4.1.D. and 1.4.2.D.) The preliminary oral decision is not a final decision. At any time prior to adoption of the final order or Ordinance pursuant to subsection D. of this section, the Council may modify its decision based upon the record or may reopen the hearing.

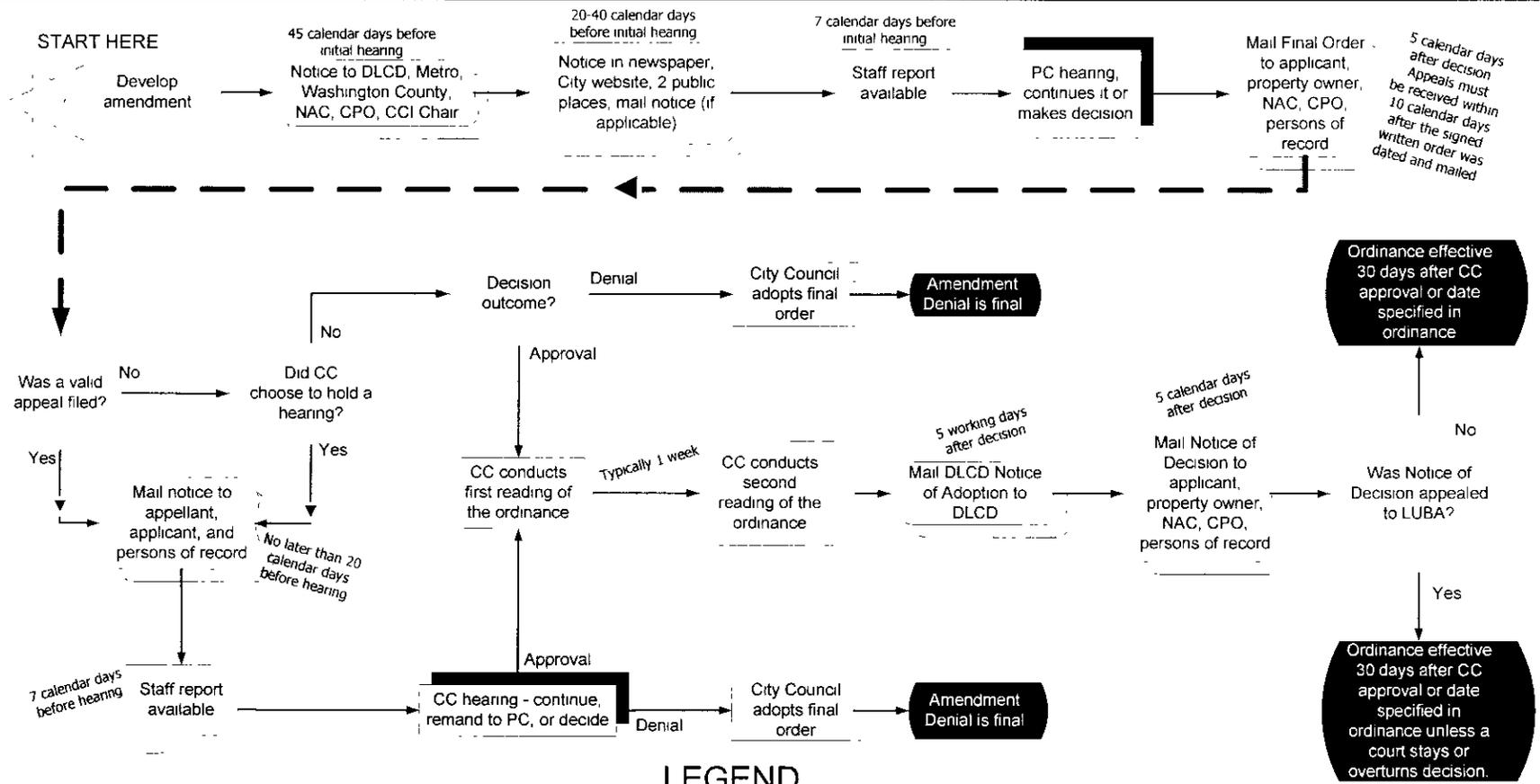
- D. Final Order or Ordinance

In the case of a denial, the City Council shall direct staff to prepare a final order or in the case of approval, the Council shall cause the preparation of an Ordinance. The Ordinance or final order shall consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied on in rendering the decision, and explaining the justification for the decision based upon the criteria and facts set forth. The final order, or Ordinance, is the final decision on the application and the date of the order, or Ordinance, for purposes of appeal is the date on which it is signed by the Mayor.

Procedures for preparation of the Final Order, Ordinance and distribution of the Notice of Decision are found in section 1.7.

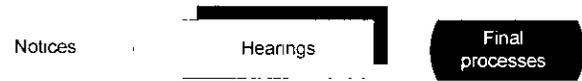
The following diagrams, Diagram I-1 through I-4, are intended for illustrative purposes only and are not adopted as procedural requirements within this ordinance. Thus, periodic updates to Diagrams I-1 through I-4 will not require a Comprehensive Plan Amendment.

**Diagram I-1
Legislative Process**



LEGEND

DLCD DEPARTMENT OF LAND CONSRVATION AND DEVELOPMENT
 CCI COMMITTEE FOR CITIZEN INVOLVEMENT
 PC PLANNING COMMISSION
 NAC NIGHBORHOOD ASSOCIATION COMMITTEE
 CPO COMMUNITY PARTICIPATION ORGANIZATION
 CC CITY COUNCIL



3/15/06 Supp SR

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

**Diagram I-2
Quasi-Judicial Process**

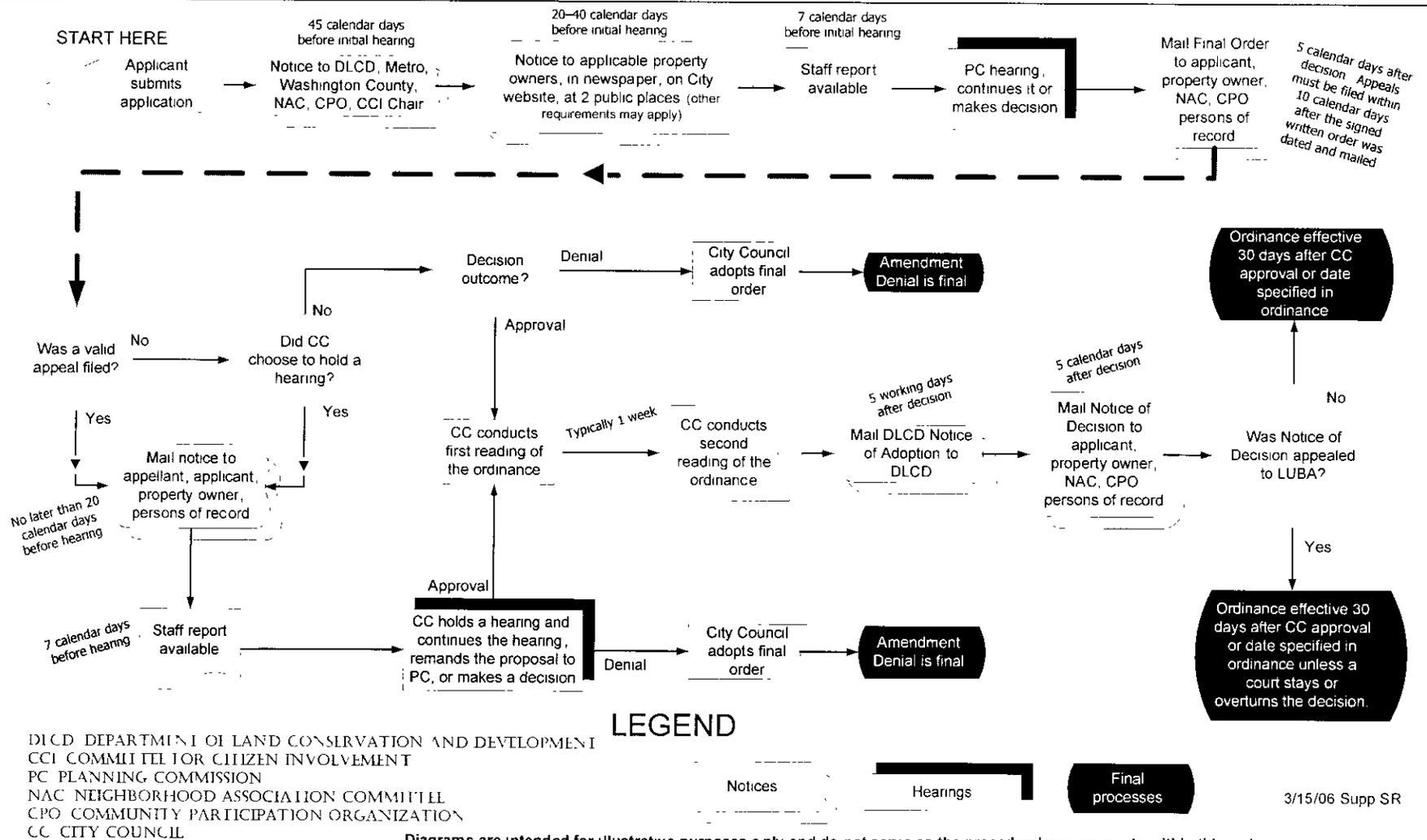
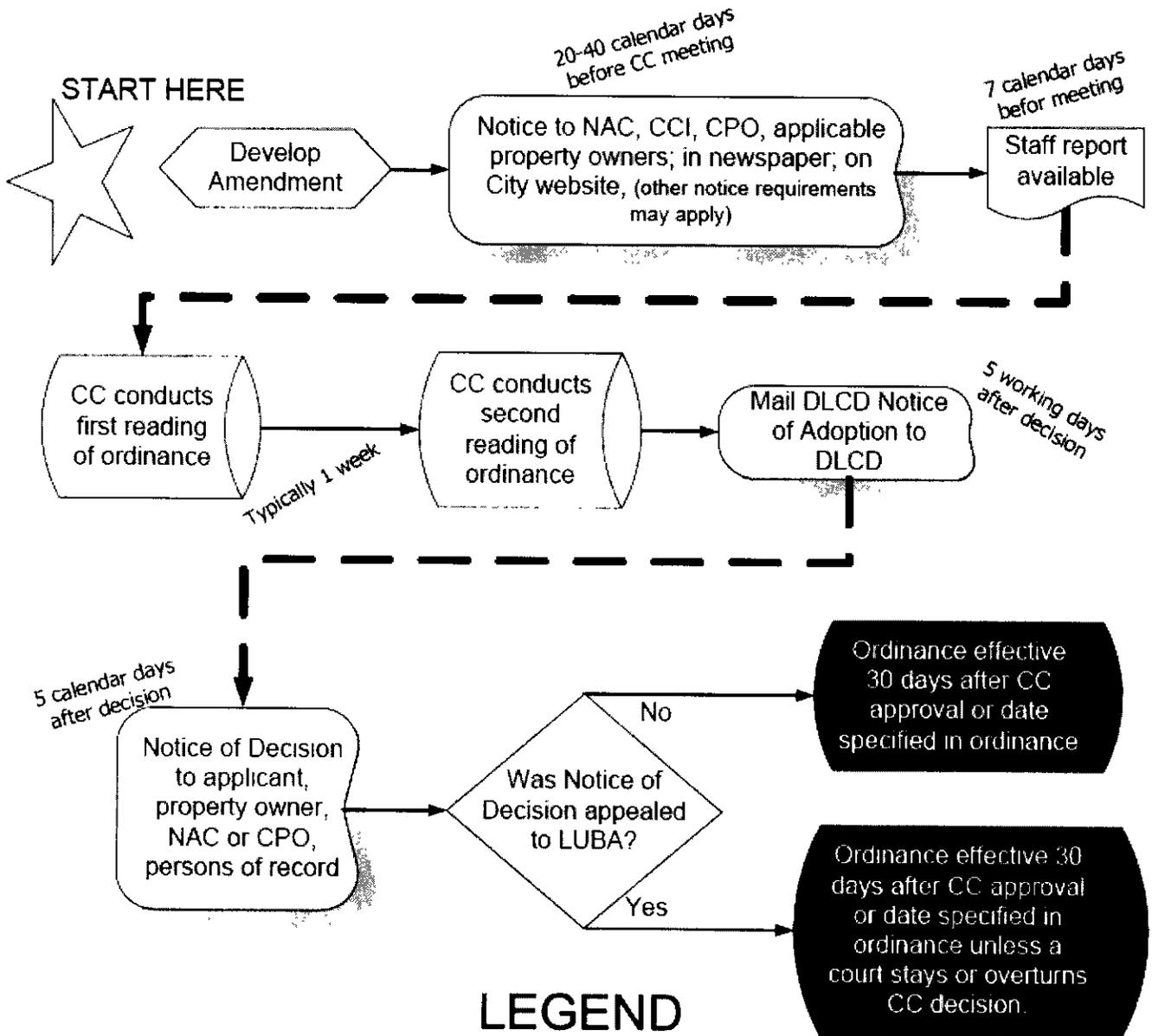


Diagram I-3 Non-Discretionary Process



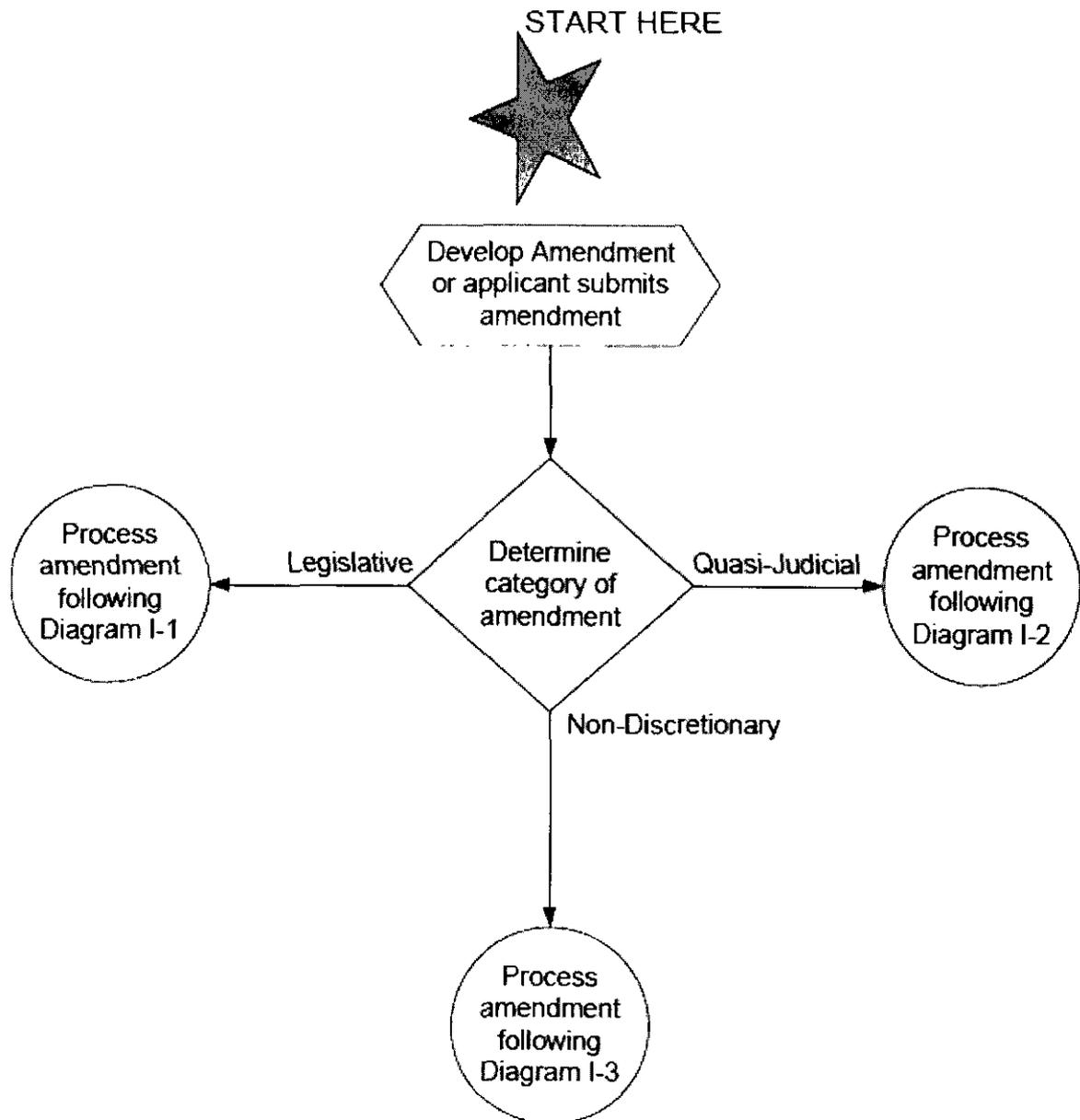
LEGEND

- DLCD: DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
 - CCI: COMMITTEE FOR CITIZEN INVOLVEMENT
 - CPO: COMMUNITY PARTICIPATION ORGANIZATION
 - NAC: NEIGHBORHOOD ASSOCIATION COMMITTEE
 - PC: PLANNING COMMISSION
 - CC: CITY COUNCIL
- Notices

Final processes

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

Diagram I-4 Statewide Planning Goal 5 Inventory Resource Document Process



3/15/06 Sup SR

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

1.8 APPLICATION FEES

In order to defray expenses incurred in connection with the processing of applications, the City has established a reasonable fee to be paid to the City upon the filing of an application for a Plan amendment. Fees for privately initiated Plan amendments requiring extraordinary staff time or expertise beyond the scope of the average process may be subject to an additional project management fee as established by Council Resolution 3285.

CHAPTER TWO: PUBLIC INVOLVEMENT ELEMENT



PUBLIC INVOLVEMENT ELEMENT

2.1 OVERVIEW

Engaging the public early and often in the decision-making process is critical to the success of any planning effort, especially in relation to land use and transportation issues. In addition, numerous state and federal laws, as well as local policies, require public review and feedback at critical points in public policy development. For example, the federal Intermodal Surface Transportation Efficiency Act of 1991 underscores the need for public involvement, calling on planning agencies to provide the public, affected public and private agencies, and other interested parties “with a reasonable opportunity to comment” on plans and programs.

2.2 PUBLIC INVOLVEMENT GOALS

Oregon’s Statewide Planning Goal 1 charges the governing body with preparing and adopting a comprehensive program for public involvement that clearly defines the procedures by which the general public can become involved in the planning process:

Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. (Department of Land Conservation and Development, adopted 1974, amended 1988)

The City of Beaverton’s commitment to ensure an optimum level of public participation is reflected in its public involvement goals:

City Council Goal: Enhance citizen involvement and participation.

Comprehensive Plan Public Involvement Goal: The Planning Commission, Council, and other decision making bodies shall use their best efforts to involve the public in the planning process.

In response to these goals, the City has developed a Public Involvement program aimed at expanding opportunities for public involvement throughout the planning process.

2.2 PUBLIC INVOLVEMENT PROGRAM

In order to encourage public participation it is critical that issues important to different groups be identified and addressed early in the planning process. The need for and desirable level of public participation should be determined in the early stages of any planning activity.

Public participation provides information and assistance to staff and policy makers in dealing with issues of interest to the public. When the community and its decisionmakers

work from a common base of information, an active, rather than reactive program can evolve. Such a program will provide information more suitable to the public's needs.

2.3 PUBLIC INVOLVEMENT PROGRAM OBJECTIVES

- A. To involve a cross section of the community in the community planning process.
- B. To ensure effective two-way communication between the City and the public.
- C. To provide an opportunity for the public to be involved in all phases of the planning process (e.g., scoping, analysis, plan preparation, adoption, implementation, and monitoring).
- D. To ensure that technical information is presented in an understandable form.
- E. To ensure that the public will receive a response from policy-makers.
- F. To ensure appropriate funding for the public involvement program.

2.4 PROGRAM IMPLEMENTATION

2.4.1 CITY-WIDE PUBLIC INVOLVEMENT OUTREACH MECHANISMS

Several existing mechanisms ensure city-wide public involvement in Beaverton's planning process. The City's primary outreach mechanisms are through:

- A. The Committee for Citizen Involvement, an advisory committee to the City Council;
- B. The Neighborhood Program Office;
- C. The Neighborhood Association Committees;
- D. Specific committees and special interest groups;
- E. *Your City*, a newsletter published six times per year, subject to continued funding, that is designed to keep the public informed and invite participation;
- F. Periodic news releases in area newspapers;
- G. Contact with the local media;
- H. The City's public internet web site;
- I. Public workshops and focus groups; and

J. Public hearings.

Each public involvement opportunity is tailored to meet the needs and conditions of the outreach effort, and techniques are often combined.

2.4.2 PUBLIC INVOLVEMENT IN CITY DECISION MAKING PROCESSES

The City's formal decision making processes include several opportunities for public involvement. The public is invited to present their views at the various City board and committee meetings, including but not limited to City Council, Planning Commission, Traffic Commission, and Board of Design Review. Public notices, complete with the hearing date, time, location, and hearing body, are mailed out at least twenty (20) calendar days prior to the date of the public hearing. Notices of public hearings are primarily published in the advertisement section of *The Valley Times*. On occasion, public hearing notices are published in *The Oregonian*. Notices are also posted on the City's web site.

Final agendas are posted at least seven calendar days in advance of the meeting at City Hall, located at 4755 S.W. Griffith Drive and the Beaverton Library at 12375 SW Fifth Street. Agendas and meeting notices are available upon request from the City. Documents containing the proposals to be considered at the public hearings are available at the Public Counter of the Community Development Department at least seven (7) calendar days in advance of the hearing, at least twenty (20) calendar days for Comprehensive Plan Amendments..

The public is encouraged to provide staff with written comments or copies of presentations, particularly if the statement is too long to be orally presented in its entirety at a meeting. Individuals unable to attend meetings can submit concerns and ideas in writing to the Community Development Department office prior to the close of the public comment period. Copies of all materials submitted prior to distribution to the appropriate decision making body are included in documentation provided for the deliberation on the matter.

All meetings are held in locations accessible to persons with disabilities. Listening devices or other auxiliary aids, sign language interpreters for people with hearing impairments, and readers for people with visual impairments are provided if requested at least three working days (72 hours) prior to the meeting.

The City may also conduct public meetings, workshops, and focus groups on particular issues to solicit input and involvement in various planning issues. Adopted plans are also available to the public for review at the Community Development Department and the Beaverton Library, and are posted on the City's internet web site. Copies may be acquired for the cost of duplication at the Community Development Department.

2.4.3 CITY-SPONSORED PUBLIC GROUPS

2.4.3.1. Committee for Citizen Involvement (CCI)

Council Resolution 2058 (1978) established the CCI, defining its responsibilities as an advisory committee to the City Council. The *Beaverton Code* specifies membership of CCI as five at-large members appointed by the Mayor and confirmed by the Council and one member from each recognized Neighborhood Association Committee. The CCI's role is to assure that the community has a continuous opportunity to exchange ideas and information with the City, and to monitor and evaluate City programs as specified in the *Beaverton Code, 1982*, as amended (BC 2.03.050 through 2.03.054).

The Citizen Involvement Program, adopted by Resolution 2229 (1980), established a formalized public participation program for the CCI and provided a method by which the committee and other members of the community could communicate their opinions, inquiries, or complaints about City departments, committees, or the Council.

The program also provides for a newsletter and calendar of City meetings, information flyers, community meetings, and funding for these activities as well as staff support and public hearing notices. The City is committed to providing financial support for public outreach and public participation processes. Staff and resource needs are determined during work program development for each plan, program, and project. In addition, the City's Neighborhood Program Office staff are available to coordinate outreach and work with City departments to realize the full potential of each public participation effort.

2.4.3.2 Neighborhood Association Committees (NACs)

The *Beaverton Code* identifies the procedures by which residents can form Neighborhood Association Committees, add or delete areas of acknowledged NACs and provides a process for termination of NAC Recognition and NAC Grievances (BC 9.06.010 through 9.06.040) Boundaries of the NACs are shown on maps available at City Hall or on the City's website .

NACs provide a forum to identify, discuss, and offer solutions to neighborhood concerns such as traffic, safety, land use, and economic development. Supported by the Neighborhood Program Office, Beaverton's NACs are organized by volunteers, meet regularly, and participate in the public comment process. Monthly agendas and minutes are mailed to active participants. Neighborhood and city-wide issues are usually the main agenda topics.

2.4.3.3. The *Beaverton Code* (Section 2.03.002 – 2.03.300) identifies other City Boards, Commissions and Committees created by ordinance. Additional committees or review commissions may be established to address special projects, such as the Code Review Advisory Committee. These committees provide input to staff as they develop specific proposals, such as amendments to the Development Code.

2.4.4. **Citizen's Participation Organizations (CPOs)**

Washington County CPOs bordering the City limits are also involved in City planning

issues through their newsletters and processes. Each CPO's newsletter details issues of county, city, and region-wide interest to its readers. Public hearing notices and articles of interest concerning Beaverton issues are often included in the CPO newsletters.

2.4.5 PUBLICATIONS AND MAIL NOTIFICATION

"Your City" newsletter is distributed city-wide. It provides information on current issues to the residents of Beaverton. Published approximately six times per year, subject to available funding, "Your City" includes notification of regularly scheduled Board, Commission, Advisory Committee and Neighborhood Association Committee meetings and hearings, articles of interest to residents, and educational opportunities relating to planning and other community issues. Specific mailings, public notices, flyers, surveys and questionnaires, as well as the City's web site, cable broadcasts and other media, are used by the City to obtain input and provide information.

2.5 OPPORTUNITIES FOR PUBLIC INVOLVEMENT

Many City planning processes incorporate specific public involvement procedures, which are identified in Chapter I of this Plan and in the City of Beaverton Development Code.

In addition to the City's public participation processes, Metro requires transportation plans and programs to conform with its adopted Local Public Involvement Policy. This policy defines procedures and includes a certification process for projects proposed for federal funding through Metro.

Early public participation is critical to identifying needs and issues, evaluating alternatives, and developing, implementing, and evaluating projects. Opportunities for public involvement are available during preparation and review phases of City plans. Comments received during plan preparation and review are also made part of the public record. At public hearings, comments are recorded and responses are noted. Public participation opportunities and public notice requirements for city plan and code revisions and updates are specified in the respective plan or code.

GLOSSARY OF COMPREHENSIVE PLAN TERMS

The terms in this Plan embody the legislative intent of the City Council. Terms of ordinary usage are to be given their usual and reasonable meanings. Key words and concepts used in this Plan are explained below.

When the meaning ascribed to a term in this section conflicts with an identical or nearly identical term appearing in a closely-related state, regional, or federal law, the intent under this ordinance shall prevail unless a superior source of law requires a different result.

Where terms are not defined in this section, and a term conflicts with a provision of statewide, regional, or City of Beaverton law, the more restrictive interpretation will prevail unless it leads to an unlawful result.

ACCESS	The place, means or way by which pedestrians, vehicles, or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement. (Beaverton Development Code) ACCESSIBILITY The amount of time required to reach a given location or service by any mode of travel. (Metro Code 3.07.1010(a)) (Also Metro Regional Framework Plan)
ACCESSORY DWELLING UNIT	A dwelling unit incidental or subordinate to the principal use of a building or project and located on the same site.
ACCESSORY STRUCTURE OR USE	A structure or use incidental, appropriate and subordinate to the main structure or use. (Beaverton Development Code)
ACKNOWLEDGEMENT	A Land Conservation and Development Commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro Urban Growth Management Functional Plan, amendments to Metro planning goals and objectives or amendments to the Metro Urban Growth Management Functional Plan comply with the statewide planning goals. (ORS 197.015(1))
ACQUIRE OR ACQUISITION	The acquisition of land by purchase, lease, gift, grant, or devise.
ACTIONS	With regard to implementation actions identified in this Plan: Direct specific City activities or events, consistent with the Comprehensive Plan goals and policies.
ADJACENT	Near or close <i>or next to</i> . For example, an Industrial District across the street from a Residential District shall be considered as “adjacent”. (Beaverton Development Code)
ADVERSE IMPACT	A negative consequence, demonstrated through evidence, to the physical, social or economic environment resulting from an action or development.
AFFORDABLE HOUSING	For the purposes of complying with Metro’s Title 7 provisions, affordable housing is defined as housing that is affordable to residents earning less than 50% of the Metro area median income whereby no more than 30% of the household’s gross income is expended toward housing costs.
ALTERNATIVE MODES	Alternative methods of travel to the automobile, including public transportation (light rail, bus and other forms of public transportation), bicycles and walking.
APARTMENT	(1) One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose; (2) A separate suite, not owner occupied, which includes kitchen facilities and is designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.



APPROPRIATE	An act, condition, or state suitable <i>under the circumstances</i> .
AQUIFER	An underground, water bearing layer of earth, porous rock, sand, or gravel, through which water can seep or be held in natural storage.
ARCHAEOLOGICAL	Relating to the material remains of past human life, culture, or activities.
ARTERIAL STREET	Arterial streets serve to interconnect and support the freeway system. These streets link major areas of the city. Arterial streets are typically spaced about one mile apart to assure accessibility and reduce the incidence of traffic using collectors, neighborhood routes, or local streets in lieu of an arterial street.
AWNING	A roof like structure of fabric stretched over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection. (Beaverton Development Code)
BEAVERTON CODE	The Beaverton Code, 1982, as amended.
BEAVERTON DEVELOPMENT CODE	Development Code of the City of Beaverton, Ordinance 2050, as amended, is an ordinance establishing the zoning standards, regulations and procedures, providing related development requirements and providing penalties and otherwise implementing this Plan.
BEAVERTON ENGINEERING DESIGN MANUAL AND STANDARD DRAWINGS	A compilation of resolutions and ordinances setting forth the technical engineering standards that implement the City's Site Development Ordinance.
BICYCLE LANE (BIKE LANE)	Bicycle lane means the area within the street right-of-way designated specifically for use by bicyclists. The same area may also be referred to as a "bike lane." Bicycle lanes are striped and accommodate only one-way travel. (Beaverton Development Code)
BIKEWAY	Bikeway means any path or roadway facility that is intended and suitable for bicycle use. (Beaverton Development Code)
	BOULEVARD DESIGN A design concept that emphasizes pedestrian travel, bicycling and the use of public transportation, and accommodates motor vehicle travel.
BUFFER ZONE	An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.
BUILDABLE LANDS	Lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. Buildable lands includes both vacant land and developed land likely to be redeveloped. (ORS 197.295(1))

B

BUS A motor vehicle designed for carrying 15 or more passengers, exclusive of the driver, and used for the transportation of persons. (ORS 184.675(6))

C

CAPITAL IMPROVEMENT Physical assets constructed or purchased to provide, improve or replace a public facility and that are large in scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing.

CAPITAL IMPROVEMENT PROGRAM (CIP)

A multi-year (usually five or six) schedule of capital improvement projects, including cost estimates and priorities, budgeted to fit financial resources. The CIP is administered by a city or county government and reviewed by its planning commission. It schedules permanent improvements needed in the future, taking into consideration the projected fiscal capability of the local jurisdiction. The CIP is generally reviewed annually for conformance to and consistency with the comprehensive plan. In Beaverton, the CIP is called the Capital Improvements Plan.

CLUSTER DEVELOPMENT Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.

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

COMMERCIAL USES Activities within land areas that are predominantly connected with the sale, rental and distribution of products, or performance of services.

COMMUNITY DEVELOPMENT DIRECTOR The Director of Community Development for the City of Beaverton, Oregon, or designee.

COMMUNITY PLAN Volume V of the Comprehensive Plan. These documents describe policies and action statements and map designations specific to a particular geographic location.

COMPATIBLE	Capable of existing together without discord or disharmony.
COMPREHENSIVE PLAN	A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. (ORS 197.015(5))
CONDOMINIUM	A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units.
CONGESTION	Occurs when traffic demand nears or exceeds the available capacity of the system.
CONNECTIVITY	The degree to which the street systems in a given area are interconnected. (Metro Code 3.07.1010(j))
CONSERVATION EASEMENT	An easement specifically written to maintain or protect a natural resource.
CORRIDORS	<p>While some corridors may be continuous, narrow bands of higher-intensity development along arterial roads, others may be more 'nodal,' that is, a series of smaller centers at major intersections or other locations along the arterial that have high-quality pedestrian environments, good connections to adjacent neighborhoods and good transit service. As long as the average target densities and uses are allowed and encouraged along the corridor, many different development patterns--nodal or linear--may meet the corridor objective. (Metro Regional Framework Plan)</p> <p>Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities. (Metro Code 3.07.130) An average of 25 persons per acre is recommended. (Metro Code 3.07.170)</p>
CRITICAL PUBLIC FACILITIES	Critical public facilities and services shall include public water, public sanitary sewer, storm water system (including storm water quality and quantity facilities), transportation, and fire protection. (Engineering Design Manual and Standard Drawings Proposed Definition)
CULTURAL RESOURCES	Areas characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs, and social forms. For example, an archaeological site, such as an Indian burial ground could be an important cultural site.

DECISION, DISCRETIONARY	An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project. (See <i>Decision, Quasi-Judicial</i>)
DECISION, LEGISLATIVE	A decision of a local official or entity based upon the decision-maker's perception of the best course of action. The city typically employs legislative decisions in adopting an ordinance or resolution establishing a basic principle or policy. Examples are decisions to adopt a comprehensive plan, apply a plan designation to a large number of properties, or decisions which affect a large geographic area or number of persons.
DECISION, QUASI-JUDICIAL	Quasi-judicial decisions bear different aspects than legislative decisions. For example, requests of quasi-judicial decisions usually must actually result in a decision; quasi-judicial decisions are bound to apply pre-existing criteria to concrete facts; and they are customarily directed at a closely-circumscribed factual situation or small number of persons. The more a local government decision bears these emblems, the more it is a quasi-judicial decision.
DEDICATION	The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses are often made conditions for approval of development.
DENSITY	The ratio of dwelling units or employees per unit of area (square feet, acre, square mile, etc.). Density generally refers to residential uses. A measure of the intensity of the development generally expressed in terms of dwelling units (du) per acre (i.e., less than 7.5 du per acre = low density; 7.5 to 15 du per acre = medium density, etc.) It can also be expressed in terms of population density (people per acre). It is useful for establishing a balance between potential local service use and service capacities.
DENSITY BONUS	The allocation of development rights that allows a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is planned or zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location.
DENSITY CREDIT	The transfer of development density rights from one piece of one property to another piece of the same property. A project site that contains environmentally sensitive areas or other lands that should not be developed, as defined in this comprehensive plan, may be entitled to a density credit.
DENSITY, GROSS	The number of dwelling units per gross acre. Gross acreage is the total amount of raw land, including all developable and undevelopable portions.

D

DENSITY, NET	The number of dwelling units allowed on the total acreage of developable portions of the site (net developable acre) within a given land area.
DENSITY, RESIDENTIAL	The number of permanent residential dwelling units per acre of land. Densities specified in the comprehensive plan may be expressed in units per gross acre or per net developable acre (See Gross Acres and Net Acres).
DESIGN PLAN	A plan for a defined geographic area in a single or multiple ownership that is consistent with the Comprehensive Plan and includes, but is not limited to, a land use and circulation plan, development standards, design guidelines, an open space plan, utilities plans and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the Design Review process. (Beaverton Development Code)
DESIGN TYPE	The conceptual areas described in the Metro 2040 Growth Concept text and map in Metro's regional goals and objectives, including central city, regional centers, town centers, station communities, corridors, main streets, inner and outer neighborhoods, industrial areas, and employment areas. (Metro Code 3.07.1010(m))
DEVELOPER	An individual who or business that prepares land for the construction of buildings or causes to be built physical space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental to another business or activity.
DEVELOPMENT	Generally, any man-made change to existing or proposed use of real property. Development activities include: land divisions, lot line adjustments, construction or alteration of structures, construction of roads and any other accessway, establishing utilities or other associated facilities, grading, deposit of refuse, debris or fill, and clearing of vegetative cover. Does not include routine acts of repair or maintenance.
DWELLING UNIT	A structure or part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. (ORS 90.010(9))
EARTHQUAKE HAZARDS	Ground shaking, landslides, liquefaction and amplification are all earthquake hazards that can cause damage to structures and infrastructure. (Beaverton Natural Hazards Mitigation Plan)
EASEMENT	A form of nonpossessory right to use property owned by another for specific purposes or to gain access to some portion of another's property. For example, utility companies often have

E

easements on the private property of individuals in order to install and maintain utility facilities.

EMPLOYMENT AREAS

Areas of mixed employment that include various types of manufacturing, distribution and warehousing uses, commercial and retail development as well as some residential development. Retail uses should primarily serve the needs of people working or living in the immediate employment area. Exceptions to this general policy can be made only for certain areas indicated in a functional plan. Commercial uses are to be limited.

ENCROACHMENT AREA

Areas in floodplains and floodways where development is restricted due to potential impacts on natural hydrologic characteristics. Development or raising of the ground level (e.g., to avoid flood damage) in encroachment areas will obstruct flood water flows, raising the water surface level. Demand to build structures in the flood plain, regardless of potential flooding dangers, is common in urban areas. Reasons typically include lack of suitable land or lower flat land development costs compared to building on steeper gradients.

ENDANGERED SPECIES

A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes. (See Title 50 of the Code of Federal Regulations)

ENGINEERING DIRECTOR

The director of the Engineering Department of the City of Beaverton, Oregon, or designee.

ENHANCE

To improve existing conditions by increasing the quantity or quality of beneficial uses.

ESSENTIAL PUBLIC FACILITIES

Essential facilities and services shall include schools, transit improvements, police protection, and public pedestrian and bicycle facilities.

ESTABLISHED NEIGHBORHOOD

A neighborhood where platted lands are at least eighty percent developed and occupied, and where substantial deterioration since development has either not occurred or been reversed.

FAMILY	(1) Two or more persons related by birth, marriage or adoption [U.S. Bureau of the Census]. (2) An individual or a group of persons living together who constitute a <i>bona fide</i> single family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club or other group of persons occupying a hotel, lodging house or institution of any kind.
FEASIBLE	Capable of being done, executed, or managed successfully from the standpoint of the physical and/or financial abilities of the implementer(s).
FLOODPLAIN	Land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events. The floodplain includes the land area identified and designated by the United States Army Corps of Engineers, the Oregon Department of State Lands, FEMA, or Washington County that has been or may be covered temporarily by water as a result of a storm event of identified frequency and the area along a watercourse enclosed by the outer limits of land that is subject to inundation in its natural or lower floodway fringe, and equal to the FIRM designation of an area of special hazard.
FLOODWAY	The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights.
FLOOR AREA RATIO (FAR)	The amount of gross floor area in relation to the amount of net site area, expressed in square feet. (Beaverton Development Code)
FREEWAY	Freeways provide the highest level of connectivity. These roadways generally span several jurisdictions and are often of statewide importance.
FUNCTIONAL CLASSIFICATION OR MAP	Street Functional Classification
FUNCTIONAL PLAN	in the context of the Comprehensive Plan, Functional Plan means the Metro Urban Growth Management Functional Plan. Metro's Urban Growth Management Functional Plan is one of several Metro Functional Plans.

F

GOAL	A general, long term aim or end toward which programs or activities are ultimately directed.
GOALS	The mandatory statewide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS chapters 195, 196, and 197. (ORS 197.015(8)) (OAR 660-018-0010(10))
GROSS ACRES	The entire acreage of a site, including proposed rights of way, easements, environmental lands, etc. Gross acreage is measured from the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.
GROUNDWATER	Water under the earth's surface, often confined <i>in</i> aquifers, capable of supplying wells and springs.
GROWTH CONCEPT	As defined in the Metro Regional Framework Plan, the Growth Concept is a concept for the long-term growth management of our region stating the preferred form of the regional growth and development, including where and how much the UGB should be expanded, what densities should characterize different areas, and which areas should be protected as open space.
GROWTH CONCEPT MAP	The conceptual map demonstrating the 2040 Growth Concept design types attached to the Urban Growth Management Functional Plan Appendix and adopted as Metro Code 3.07.1010(z).
GROWTH MANAGEMENT	A method to guide development in order to minimize adverse environmental and fiscal impacts and maximize the health, safety, and welfare benefits to the residents of the community.

G

H

HABITAT	Any area where there is naturally occurring food and cover for wildlife.
HAZARDOUS MATERIALS	Hazardous material or substance includes but is not limited to a substance designated under 33 U.S.C. §1321 (b)(2)(A), any element, compound, mixture, solution or substance designated under 42 U.S.C. §9602, any hazardous waste having characteristics identified under or listed under 42 U.S.C. §6921, any toxic pollutant listed under 33 U.S.C. §1317 (a), any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action under 15

U.S.C. §2606, and any residue classified as hazardous waste pursuant to ORS 466.020(3). (CWS Design and Construction Standards)

- HIGH CAPACITY TRANSIT** Transit routes that may be either a road designated for frequent bus service or for a light-rail line. (Metro Regional Framework Plan definition)
- HIGH OCCUPANCY VEHICLE (HOV)**
Any vehicle other than a single occupancy vehicle (e.g., a vanpool, a bus, or two or more persons to a car).
- HIGHWAY** High speed, high capacity, limited access transportation facility serving regional and countywide travel. Highways may cross at a different grade level.
- HILLSIDE AREAS** Land that has an average percent of slope equal to or exceeding fifteen percent.
- HISTORIC** An historic building or site is one that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts.
- HISTORIC BUILDINGS OR STRUCTURES** Also known as Historic Resources, these are all areas, districts or sites containing properties listed on the city of Beaverton List of Historic Properties, or the State Historic Preservation Office, or the National Register of Historic Places.
- HOUSEHOLD** All those persons, related or unrelated, who occupy a single housing unit. (See *Family*)
- HOUSING AFFORDABILITY** The availability of housing such that no more than 30 percent (an index derived from federal, state and local housing agencies) of the monthly income of the household need be spent on shelter. (Metro Regional Framework Plan definition)
- HOUSING UNIT** The place of permanent or customary abode of a person or family. A housing unit may be a single family dwelling, multifamily dwelling, condominium, modular home, mobile home, cooperative, or any other residential unit considered real property under State law. A housing unit has, at least, cooking facilities, a bathroom, and a place to sleep.

I

IMPACT	The effect of any direct manmade actions or indirect repercussions of manmade actions on existing physical, social, or economic conditions.
IMPACT FEE	A fee, also called a development fee, levied on the developer of a project by a city, county, or other public agency as compensation for otherwise unmitigated impacts the project will produce.
INDUSTRIAL	Activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, distribution and research and development. Industrial uses may have unique land, infrastructure and transportation requirements. Industrial uses tend to have external impacts on surrounding uses and cluster in traditional or new industrial areas where they are segregated from other non-industrial activities. (OAR 660-009-0005(2))
INDUSTRIAL AREAS	An area set aside for industrial activities. Supporting commercial and related uses may be allowed, provided they are intended to serve the primary industrial users. Residential development shall not be considered a supporting use, nor shall retail users whose market area is notably larger than the industrial area be considered supporting uses. (Metro Regional Framework Plan)
INDUSTRIAL PARK	See City of Beaverton Development Code
INFILL DEVELOPMENT	Development on scattered vacant sites within the urbanized area of a community.
INFLUENT	Wastewater coming into a treatment plant.
INFRASTRUCTURE	Component of a functioning, orderly urban fabric, such as roads, water systems, sewage systems, systems for storm drainage, telecommunications and energy transmission and distribution systems, bridges, transportation facilities, parks, schools and public facilities developed to support the functioning of the developed portions of the environment. Areas of the undeveloped portions of the environment such as floodplains, riparian and wetland zones, groundwater recharge and discharge areas and Greenspaces that provide important functions related to maintaining the region's air and water quality, reduce the need for infrastructure expenses and contribute to the region's quality of life. (Metro Regional Framework Plan definition)
INNER NEIGHBORHOODS	Areas in Portland and the older cities that are primarily residential, close to employment and shopping areas, and have

slightly smaller lot sizes and higher population densities than in outer neighborhoods. (Metro Regional Framework Plan) Beaverton's Land Use Designation Neighborhood Residential identifies its Inner Neighborhoods.

INSTITUTIONAL

(1) Privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools; (2) churches and other religious institutions; and (3) other nonprofit activities of an education, youth, welfare, or philanthropic nature that cannot be considered a residential, commercial or industrial activity (4) academic, governmental and community service uses, either publicly owned or operated by nonprofit organizations; and (5) facilities including transportation, sewer, solid waste, drainage, potable water, and parks and recreation systems or facilities.

INTENSITY

A measure of land use activity based on density, use, mass, size, and/or impact.

L

LANDSCAPING

The combination of natural elements such as trees, shrubs, ground covers, vines and other living organic and inorganic material which are installed for purposes such as creating an attractive and pleasing environment and screening unsightly views. Other improvements that promote an attractive and pleasing environment that may be included as landscaping includes features such as fountains, patios, decks, fences, street furniture and ornamental concrete or stonework areas. (Beaverton Development Code)

LANDSCAPE STRIP

The portion of public right-of-way located between the sidewalk and curb. (Metro Code 3.07.1010(ee))

LAND USE

The occupation or use of land or water area for any human activity or any purpose defined in a comprehensive plan.

LAND USE MAP (SERIES)

The graphic aid(s) intended to depict the spatial distribution of various land uses by land use category, subject to the goals, policies, implementation measures; and the exceptions and

provisions of the Land Use Element text and applicable land development regulations.

LAND USE REGULATION

Any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. (OR 197.015(11))

LEVEL OF SERVICE (LOS)

An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service generally indicates the capacity per unit of demand for a public facility.

LIGHT RAIL TRANSIT (LRT) STATION SITE

Land currently or eventually to be owned or leased by Tri-Met, on which facilities will be located related to a light rail transit station. The station site may include station platforms, park and ride lots, bus stops, and other similar facilities. (Beaverton Development Code)

LOCAL STREET

Local streets have the primary function of providing access to adjacent land. Service to through-traffic movement on local streets is deliberately discouraged by design. Residential local streets serve a traffic function as well as being important to neighborhood identity.

LOCAL TRIP

A trip of 2½ miles or less in length.

LOT OF RECORD

A lot that is part of a subdivision, the plat of which has been recorded in the Office of the Washington County Surveyor; or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the County Surveyor, provided such lot met the minimum dimensions for lots in the zoning district in which it was located at the time of recording, or was recorded prior to the effective date of zoning in the area where the lot is located and met the requirements of any subdivision regulations in effect at the time of the recording.

LOT

A single unit of land such as a tract, lot, block or parcel. A continuous area owned or under the lawful control and in the lawful possession of one distinct ownership undivided by a dedicated street, alley, or other ownership. An abutting "platted lot, or property described by metes and bounds, in the same ownership, shall be considered part of such 'lot'."



MAJOR PEDESTRIAN ROUTE	Any pedestrian way in a public right-of-way or easement which assists access to a light rail station or transit stop, that is presently used or is likely to be to be used by pedestrians to access public transportation service including light rail or transit stations. (Beaverton Development Code)
MAIN STREETS	Neighborhood shopping areas along a main street or at an intersection, sometimes having a unique character that draws people from outside the area. Beaverton's main streets generally include two nodes on Allen Boulevard 1) between Hall Boulevard and Murray Road, and 2) at Oleson Road.
MANUFACTURED HOME	A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. (ORS 446.003(26)(a)(C)(i))
MASS TRANSIT	Passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rapid rail transit, light rail transit, fixed guideway transit, express bus, and local fixed route bus.
MASTER PLAN	A plan for a defined geographic area in single or multiple ownership that is consistent with the Comprehensive Plan and includes a land use and circulation plan, land use regulations, development standards, design guidelines, open space plan, utilities plans, and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the land use review process, pursuant to the City of Beaverton Development Code. (Beaverton Development Code)
METRO	The Metropolitan Services District of the Portland metropolitan area, a municipal corporation established and existing pursuant to Section 14 of Article XI of the Oregon Constitution, ORS Chapter 268 and the Metro Charter. (Metro Code 1.01.040(e))
METRO PLANNING GOALS AND OBJECTIVES	
	The land use goals and objectives that a metropolitan service district is required to adopt under ORS 268.380. (1). The goals and objectives do not constitute a comprehensive plan. (ORS 197.015(15))
	METRO REGIONAL FRAMEWORK PLAN
	The regional framework plan and implementing ordinances required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual

components constitute a comprehensive plan. (ORS 197.015(16))

METRO URBAN GROWTH BOUNDARY

The urban growth boundary as adopted and amended by the Metro Council, consistent with state law. Also referred to as “UGB”. (Metro Code 3.07.1010(kk))

Means the Urban Growth Boundary for Metro pursuant to ORS 268.390 and 197.005 through 197.430. (Metro Code 1.01.010(v))

METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

The functional plan that implements regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. (Metro Code 3.07.010)

METROPOLITAN AREA

The area which on October 4, 1997, lies within the boundaries of Clackamas, Multnomah and Washington Counties (ORS 268.020(3))

METROPOLITAN HOUSING RULE

A rule (OAR 660, Division 7) adopted by the Land Conservation and Development Commission to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro UGB. This rule establishes minimum overall net residential densities for all cities and counties within the UGB, and specifies that 50 percent of the land set aside for new residential development be zoned for multi-family housing.

METROPOLITAN SIGNIFICANCE

An issue or action with major or significant impact throughout the metropolitan area.

MIXED USE

Comprehensive plan or implementing regulations that permit a mixture of commercial and residential development.

Properties on which various uses, such as office, commercial, institutional and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. Land uses, which when combined constitute mixed or multiple uses, exclude parks, golf courses, schools, and public facilities (fire stations, utility substations, etc.).

Mixed- use development is a type of multiple-use in which one or more structures on a lot or contiguous lots in common ownership, accommodate any of the following combinations of uses

- (1) Residential Mixed-Use Project with residential units occupying a minimum of 25 percent of the total floor area and the remaining floor area occupied by retail, office, light industrial, community service or other residentially compatible uses or combinations thereof;
- (2) Non-Residential Mixed-Use Project consisting of office retail, light industrial, community service or other compatible uses or combination thereof with retail space or other pedestrian oriented commercial uses occupying a minimum of 60% of the street level building frontage.

A building or groups of buildings under one ownership, to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses.

MOBILE HOME

A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.**MULTI-FAMILY DWELLING UNITS**

Means attached housing where each dwelling unit is not located on a separate lot. (OAR 660-007-0005(11))

MULTI-MODAL

Transportation facilities or programs designed to serve many or all methods of travel, including all forms of motor vehicles, public transportation, bicycles and walking. (Metro Code 3.07.1010(rr))

MULTI-USE OR SHARED-USE PATH

Multi-use or Shared-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Multi-use paths accommodate two-way travel.

MULTIPLE USE DEVELOPMENTS A building or groups of buildings designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, recreational, light industrial, and other miscellaneous uses. (Beaverton Development Code)

NATURAL AREA

Any landscape unit substantially without any human development that is substantially in a native and unaffected state and may be composed of plant and animal communities, water bodies, soil and rock and mitigated habitat. Natural areas must be identified in a city, county or special district open space inventory or plan. (Metro Code 3.01.010(h))

Natural areas may include, but are not limited to, wetlands, riparian areas, Significant Natural Resource Areas, and significant groves of trees. (Beaverton Development Code)

N

NEEDED HOUSING

Housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing" also means:

- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated dwelling subdivisions. (ORS 197.303(1)) (OAR 660-007-00005(12))

NEIGHBORHOOD ROUTE	A street that is usually long relative to local streets and provides connectivity to collectors or arterials. Neighborhood routes generally have more traffic than local streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide or large area circulation.
NET DEVELOPABLE ACRE	<p>The net developable acreage for a site is defined as the proposal size expressed in acreage minus any unbuildable area. The following areas are deemed undevelopable for the purposes of calculating net developable acreage:</p> <ol style="list-style-type: none"> 1) Street dedications and those areas used for private streets and common driveways; and 2) Environmentally constrained lands, such as open water areas, floodplains, water quality facilities, wetlands, natural resource areas and tree preservation areas set aside in separate tracts or dedicated to a public entity, and 3) Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space purposes. (Beaverton Development Code)
NET BUILDABLE LAND	See Net Developable Acre.
NET DEVELOPED ACRE	<p>Consists of 43,560 square feet of land, after excluding present and future rights-of-way, school lands and other public uses. (Metro Code 3.07.1010(vv))</p> <p>Consists of 43,560 square feet of residentially designated buildable land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces and restricted resource protection areas. (OAR 660-0007-0005(1))</p>
NEWSPAPER	A newspaper of general circulation, published in the English language for the dissemination of local or transmitted news or for the dissemination of legal news, made up of at least four pages of at least five columns each, with type matter of a depth of at least 14 inches, or, if smaller pages, then comprising and equivalent amount of type matter, which has bona fide subscribers representing more than half of the total distribution of copies circulated, or distribution verified by an independent circulation auditing firm, and which has been established and regularly and uninterruptedly published at least once a week during a period of at least 12 consecutive months immediately preceding the first publication of a public notice. (ORS 193.101(2))
NOTICE	Any notice that is required by law to be published. (ORS 193.310(2))

O

OBJECTIVE	A specific, measurable, intermediate end that is achievable and marks progress toward a goal. An objective should be achievable and, where possible, should be measurable and time specific.
OFFICE	A structure for conducting business, professional, or governmental activities in which the showing or delivery from the premises of retail or wholesale goods to a customer is not the typical or principal activity. Office uses include general business offices, medical and professional offices, administrative or headquarters offices for large wholesaling or manufacturing operations, and research and development.
OPEN SPACE	Publicly and privately-owned area of land, including parks, natural areas and areas of very low density development inside the UGB. Open spaces may include active or passive recreation. (Metro Regional Framework Plan)
PARCEL	A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.
PARK	Open space land on which the primary purpose is recreation. A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district .
PARK AND RIDE	A parking facility near a transit station or stop for the purpose of parking motor vehicles by transit riders. (Beaverton Development Code)
	A mode of travel usually associated with movements between work and home that involves use of a private auto on one portion of the trip and a transit vehicle (i.e., a bus or a light-rail vehicle) on another portion of the trip. A park-and-ride trip could consist of an auto trip from hoem to a parking lot, and transfer at that point to a bus in order to complete the work trip. (Metro Regional Transportation Plan Definition)
PARKING RATIO	The number of parking spaces provided per employee or per 1,000 square feet of floor area (e.g., 2:1 or "two per thousand").
PARKING STRUCTURE	A parking garage located above or underground consisting of two (2) or more levels.

P

PEAK HOUR/PEAK PERIOD	For any given roadway, a daily hour/ or longer period of time during which traffic volume is highest, usually occurring during morning and evening commute times. Where "F" Levels of Service exist, the "peak hour" may stretch into a "peak period" of several hours duration.
PEDESTRIAN ORIENTED DESIGN	Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic. (Adapted from the Model Development Code and User's Guide for Small Cities, Funded by the Transportation and Growth Management Program of the Oregon Department of Transportation and Oregon Department of Land Conservation and Development)
PEDESTRIAN SCALE	Site and building design elements that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering. Examples include ornamental lighting no higher than twelve feet; bricks, pavers or other paving modules with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the perception of the height of walls; and signage and signpost details designed for viewing from a short distance.
PEDESTRIAN WAY	Any paved public or private route intended for pedestrian use, including a multi-use path and esplanade, regardless of use by other transportation modes. A general term used to describe any sidewalk or walkway that is intended and suitable for pedestrian use. (Beaverton Development Code) "Paved" can include any Americans with Disability Act approved surface including pavements and surfaces that are pervious.
PERSON	A natural or artificial person, including but not limited to, a human, corporation, partnership, unit of government, an agency, a trust or descendant's estate, or other legal entity whatsoever.
PEOPLE OR PERSONS PER ACRE	This is a term expressing the intensity of building development by combining residents per net acre and employees per net acre. (Metro Code 3.07.1010(zz)) (Metro Regional Framework Plan definition)
PLANNING COMMISSION	The Planning Commission of the City or any subcommittee thereof. (Beaverton Development Code)

POLICY	The way in which programs and activities are conducted to achieve an identified goal. A general direction that a governmental agency sets to follow, in order to meet its goals through implementation measures or action programs.
PRACTICABLE	Capable of being accomplished after taking into consideration barriers both existing and reasonably foreseeable.
PRINCIPLE	An assumption, fundamental rule, or doctrine that will guide comprehensive plan policies, proposals, standards and implementation measures.
PROGRAMMED	A facility that has been officially scheduled for construction in a Capital Improvements Program, Budget, or other local, state, or federal funding document.
PUBLIC FACILITIES	A public facility includes water, sewer and transportation facilities.
PUBLIC RIGHT-OF-WAY	Land that by deed, conveyance, agreement, easement, dedication, usage or process of law is conveyed, reserved for or dedicated to the use of the general public for street, road or highway purposes, including curbs, gutters, parking strips, pedestrian ways, and sidewalks and bicycle trails. (BC 5.05.015)
PUBLIC ROAD	Every public way, road, highway thoroughfare and place including bridges, viaducts and other structures, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right. (BC 6.02.030)
RARE OR ENDANGERED SPECIES	A species of animal or plant listed in Title 50, Code of Federal Regulations, Section 17.11 or 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.
RECREATION	The pursuit of leisure time activities occurring in an indoor or outdoor setting.
RECREATION, ACTIVE	A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment.
RECREATION, PASSIVE	A type of recreation or activity that does not require the use of organized play areas, and which may function as a view shed (an elevation in the earth's surface from which a view may be seen.), etc. (See <i>Open Space</i>)
REDEVELOPABLE LAND	Land on which development has already occurred which, due to present or future market forces, there exists the strong likelihood that existing development will be converted to more intensive uses during the planning period. (Metro Code 3.07.1010(d))

R

REDEVELOPMENT	Development of land that replaces previous development, usually to achieve a higher return on the owner's investment. Redevelopment may occur due to market forces if the value of land equals or exceeds the value of improvements on that land. A local government may assist in redevelopment by means such as paying for certain on or off-site facilities (e.g. streets or parking structures), assembling small parcels to create a larger site, reducing or deferring up-front development fees, or reducing property taxes over a certain time period. For purposes of the City's commercial and industrial, and residential, buildable lands inventories (Volume II of the Comprehensive Plan) any parcel with a land value to improvement value ratio of 1.25: 1 or greater is assumed to have development or redevelopment potential.
REGIONAL	Pertaining to activities or economies at a scale greater than that of a single city, county, or combination thereof, and affecting a broad, related area. (Metro Regional Framework Plan definition)
REGIONAL CENTER	Areas of mixed residential and commercial use that serve hundreds of thousands of people and are easily accessible by different types of transit. Examples include traditional centers such as downtown Gresham and new centers such as Clackamas Town Center. (Metro Regional Framework Plan) Seven regional centers in the Metro region are the focus of compact development, redevelopment and high-quality transit service and multi-modal street networks. (Metro Code 3.07.130, updated) An average of 60 persons per acre is recommended. (Metro Code 3.07.170)
REGIONAL FRAMEWORK PLAN	Required of Metro under the Metro Charter, the Regional Framework Plan must address nine specific growth management and land use planning issues (including transportation), with the consultation and advice of the Metropolitan Policy Advisory Committee.
REGIONAL TRANSPORTATION PLAN	The official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area. (Metro Framework Plan definition)
REGIONAL URBAN GROWTH GOALS AND OBJECTIVES	The land use goals and objectives that Metro is required to adopt under ORS 268.380(1). (Metro Code 3.07.1010(eee)) An urban growth policy framework that represents the starting point for the agency's long-range planning program. (Metro Regional Framework Plan definition)
REGULATION	A rule or order prescribed for management of government.
RESIDENTIAL USE	Activities within land areas used predominantly for housing.

RESIDENTIAL, MULTIPLE FAMILY

See Multi Family Dwelling Unit

RESIDENTIAL, SINGLE FAMILY A single dwelling unit on a building site.

RETAIL Activities which include the sale, lease or rent of new or used products to the general public or the provisions of product repair or services for consumer and business goods.

RIGHT-OF-WAY Land in which the state, a county, or a municipality owns the fee simple title or holds an easement or dedication dedicated or required for a transportation or utility use. A strip of land over which transportation and public use facilities are built, such as roadways, railroads, and utility lines.

RIPARIAN A zone of transition from an aquatic ecosystem to a terrestrial ecosystem as defined in ORS 541.351(10). (OAR 141-085-0010(188))

RIPARIAN AREA A zone of transition from an aquatic ecosystem to a terrestrial ecosystem, dependent upon surface or subsurface water, that reveals through the zone's existing or potential soil-vegetation complex the influence of such surface or subsurface water. A riparian area may be located adjacent to a lake, reservoir, estuary, pothole, spring, bog, wet meadow, muskeg or ephemeral, intermittent or perennial stream. (ORS 541.351(10)) (OAR 690-300-0010(44))

RIPARIAN CORRIDOR The water influences area adjacent to a river, lake or stream consisting of the area of transition from a aquatic ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. It can be identified primarily by a combination of geomorphologic and ecologic characteristics. (Metro Code 3.07.1010(iii)) A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary (OAR 660-023-090(1)(c))

RISK The danger or degree of hazard or potential loss.

ROAD The entire right -of- way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways or alleys;

(b) Road-related structures that are in the right-of-way such as tunnels, culverts or similar structures; and

(c) Structures that provide for continuity of the right of way such as bridges. (ORS 368.001(6))

RUNOFF

That portion of precipitation that does not percolate into the ground and is instead discharged into streams.

S

SCALE

Generally refers to relative size or extent.

SCENIC VIEWS AND SITES

Lands that are valued for their aesthetic appearance. (OAR 660-023-230(1))

."

SEISMIC

Caused by or subject to earthquakes or earth vibrations.

SETBACK

The distance between the property line and any structure.

The minimum allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a principal building or structure as defined herein. The point of line of reference will be the lot line following any required dedication, or a special or reservation line if one is required pursuant to this ordinance. (Beaverton Development Code)

SHALL, MUST OR MAY

"Shall and must" are mandatory and "may" is permissive. (BC)

SHALL (WILL), V.

A directive verb signifying the action is obligatory or necessary.

SHARED ROADWAY

A shared roadway is a street that is recommended for bicycle use but does not have a specific area designated within the right-of-way. (Beaverton Development Code)

SHARED-USE OR MULTI-USE PATH

Shared-use or Multi-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Shared-use paths accommodate two-way travel. (Beaverton Development Code)

SHOULD, V.

A directive verb signifying the action is to be carried out unless circumstances make it impracticable .

SIGNIFICANT NATURAL RESOURCES Areas identified on the City's Statewide Planning Goal 5 Inventories, Volume III of the Comprehensive Plan. (Beaverton Development Code)

SINGLE FAMILY ATTACHED DWELLINGS

A structure containing two or more single family dwelling units with both side walls (except end units of building) attached from ground to roof.

SINGLE FAMILY DETACHED DWELLING

A dwelling unit that is free standing and separate from other dwelling units. (OAR 660-007-0005(4))

SINGLE FAMILY DWELLING

A structure containing one or more single family units with each unit occupying the building from ground to roof.

SINGLE OCCUPANT VEHICLE (SOV)

Private passenger vehicle carrying one occupant. (Metro Code 3.07.1010(000)) (Metro Regional Framework Plan definition)

SITE

Any tract, lot or parcel of land or combination of tracts, lots or parcels of land that are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project. **SLOPE** Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.

SOIL

The unconsolidated material on the immediate surface of the earth created by natural forces that serves as natural medium for growing land plants.

SOLID WASTE

“Solid Waste” shall have the same meaning as given that term under Beaverton Code section 4.08.030.

SPECIAL DISTRICT

Any unit of local government, other than a city, county, metropolitan service district formed under ORS Chapter 268 or an association of local governments performing land use planning functions under ORS 195.025 authorized and regulated by statute and includes but is not limited to: Water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts. (ORS 197.015(19))

Any “district” formed under ORS 198.

STANDARDS

(1) A rule or measure establishing a level of quality or quantity that must be complied with or satisfied.

STATE IMPLEMENTATION PLAN

A plan for ensuring that all parts of Oregon remain in compliance with federal air quality standards.

STATEWIDE PLANNING GOALS The mandatory state-wide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS Chapters 195, 196 and 197. (ORS 197.015(8))

STATION COMMUNITIES That area generally within a ¼ - to ½ - mile radius of light-rail stations or other high-capacity transit that is planned as a multi-modal community of mixed uses and substantial pedestrian accessibility improvements. (Metro Regional Framework Plan)

Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment. (Metro Code 3.01.130)
An average of 45 persons per acre is recommended. (Metro Code 3.01.170)

STORM WATER The water that runs off only from impervious surfaces during rain events. (CWS Design and Construction Standards)

STREAM Means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment. (Metro Code 3.01.1010(qqq)).

STREAM CHANNEL

A natural (perennial or intermittent stream) or human made (e.g. drainage ditch) waterway of perceptible extent that periodically or continuously contains moving water and has a definite bed and banks that serve to confine the water. (OAR 141-085-0010(22))

STREET (1) means a public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures used or intended for use of the general public for pedestrian, bicycle, and vehicular travel as a matter of right, or

(2)when used with the word "private" as a modifier, means a non-public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures, exclusively used or intended for the exclusive use of the underlying property owner or, other persons, for pedestrian, bicycle, and vehicular travel. (Proposed Engineering Design Manual and Standard Drawings Definition)

STREET FUNCTIONAL CLASSIFICATION

The assignment of streets into categories according to the character of service they provide in relation to the total street network. Basic functional categories in Beaverton include freeways, arterials, collectors, neighborhood routes, and local streets. Functional classification reflects mobility, access

needs, and connectivity. Where appropriate, the levels may be further grouped into urban and rural categories.

STREET FURNITURE

Those features associated with a street that are intended to enhance its physical character and use by pedestrians, such as benches, trash receptacles, kiosks, lights, newspaper racks.

STEWARDSHIP

A planning and management approach that considers environmental impacts and public benefits of actions as well as public and private dollar costs.

SUBDIVISION

The division of a tract of land into defined lots, parcels, tracts, or other divisions of land as defined in applicable State statutes and local land development regulations, subdivided lots can be separately conveyed by sale or lease, and altered, or developed.

SUBURBAN

Generally, development on the periphery of urban areas, which is predominantly residential in nature and has most urban services available. The intensity of suburban development is usually lower than in urban areas.

SURFACE WATER

Water that drains from the landscape via overland flow or ground water resurgence. Surface water flows can and often do include storm water runoff. (CWS Design and Construction Standards)

SYSTEM DEVELOPMENT CHARGE Means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the local government for its average cost of inspecting and installing connections with water and sewer facilities. (ORS 223.299(4)(a))

TARGET DENSITIES

The average combined household and employment densities established for each design type in the Regional Urban Growth Goals and Objectives 2040 Growth Concept. (Metro Code 3.07.1010(ttt))

T

TOWN CENTERS

Areas of mixed residential and commercial use that serve tens of thousands of people. Examples include the downtowns of Forest Grove and Lake Oswego. (Metro Regional Framework Plan) Town centers provide local shopping, employment and cultural and recreational opportunities within a local market area. They are designed to provide local retail and services, at a minimum. They would also vary greatly in character.

Compact development and transit service should be provided in town centers. An average of 40 persons per acre is recommended. (Metro Code 3.07.170)

TOWNHOUSES

Two or more attached single family dwelling units within a structure having common side walls, front and rear yards, and individual entryways. (See Single Family Attached Dwellings)

TRAFFIC CALMING

A traffic management program usually designed to address safety and aesthetic issues related to automobile use in residential areas, and which reduces the operating speed of motor vehicles. Features include, landscaping, walkways, speed swales, roadway narrowing and/or increasing the width of bicycle lanes and sidewalks.

TRAFFIC INTENSIVE USES

A land use that attracts or generates a relatively high level of traffic activity. A non exhaustive list of such uses would include drive through facilities, supermarkets, and most retail shopping centers. The ITE Trip Generation manual shall be the city's primary reference source for determining whether a particular proposed use is traffic intensive or not.

TRANSIT

For the purposes of the Comprehensive Plan, this term refers to publicly funded and managed transportation services and programs within the urban area, including light-rail, regional rapid bus, frequent bus, primary bus, secondary bus, minibuses, paratransit and park-and-ride. (Metro Regional Transportation Plan definition)

TRANSPORTATION OR TRAVEL DEMAND MANAGEMENT (TDM)

A strategy or action for reducing demand on the road system by reducing the number of vehicles using streets and roads, and/or increasing the number of persons per vehicle. Typically, TDM attempts to reduce the number of persons who drive alone during peak commute periods and to increase the number of people commuting via carpools, vanpools, buses and trains, walking, and biking.

TRANSPORTATION PLANNING RULE The implementing rule of statewide land use planning Goal #12 dealing with transportation, as adopted by the State Land Conservation and Development Commission. (Metro Framework Plan definition)

TRANSPORTATION SYSTEM PLAN A plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas. (Metro Regional Framework Plan definition) (OAR 660-012-0005(32))

TREES, STREET

Any tree located within public or private right of way or an easement for vehicular access, or associated public utility easements. (Beaverton Development Code)

TRIP GENERATION

The dynamics that account for people making trips in automobiles or by means of public transportation. Trip generation is the basis for estimating the level of use for a transportation system and the impact of additional development or transportation facilities on an existing, local transportation system.

TURBIDITY

A measure of water agitation.

URBAN

Generally, an area having the characteristics of a city, with intensive development and a full or extensive range of public facilities and services.



URBAN FORM

The net result of efforts to preserve environmental quality, coordinate the development of jobs, housing and public services and facilities, and interrelate the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another.

URBAN GROWTH BOUNDARY

An acknowledged urban growth boundary contained in a city or county comprehensive plan or an acknowledged urban growth boundary that has been adopted by a metropolitan service district council under ORS 268.390 (3). (ORS 195.060(2))

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

See Metro Urban Growth Management Functional Plan.

URBAN PLANNING AREA

A geographical area within an urban growth boundary. (OAR 660-003-0005(6))

URBAN SERVICES

The term includes the following services and facilities: a public sanitary and storm sewer system, a public water supply, a street system, police and fire protection, public schools, public parks and library services. (Beaverton Development Code)

URBAN SERVICE AREA

The area for which the City is the appropriate and agreed-upon long-term provider of municipal services except for those services that are to be provided by a special or county service district. (Beaverton – Washington County Intergovernmental Agreement Interim Urban Services Plan)

URBAN SERVICE BOUNDARY

The boundary establishing the extent of the City's direct interest and involvement in planning for and coordination of public facilities and services and the extent of the City's annexation interest.

USE

	The main or primary purpose of which land or a structure is designed, arranged or intended or for which it is occupied or maintained. (Beaverton Development Code)
USE PERMIT	The discretionary and conditional review of an activity or function or operation on a site or in a building or facility.
VACANT	Lands or buildings that are not actively used for any purpose.
VACANT LAND	Land identified in the Metro or local government inventory as undeveloped land. (Metro Code 3.07.1010(zzz))
VARIANCE	A discretionary decision to permit modification of the terms of an implementing ordinance based on a demonstration of unusual hardship or exceptional circumstance unique to a specific property. (Metro Code 3.07.1010(aaaa))
VEGETATIVE CORRIDOR	A corridor adjacent to a water quality sensitive area that is preserved and maintained to protect the water quality functions of the water quality sensitive area. (CWS Design and Construction Standards)
VIEW CORRIDOR	The line of sight, identified as to height, width and distance, of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewers' attention.
VOLUME-TO-CAPACITY RATIO	A measure of the operating capacity of a roadway or intersection, in terms of the number of vehicles passing through, divided by the number of vehicles that theoretically could pass through when the roadway or intersection is operating at its designed capacity. Abbreviated as "v/c". At a v/c ratio of 1.0, the roadway or intersection is operating at capacity. If the ratio is less than 1.0, the traffic facility has additional capacity. Although ratios slightly greater than 1.0 are possible, it is more likely that the peak hour will elongate into a "peak period." (See <i>Peak Hour</i> and <i>Level of Service</i>)
WAREHOUSE	A structure that is primarily used for storage and distribution facilities.

WATER QUALITY SENSITIVE AREA

or "sensitive area" A) shall include the following:

1. Existing or created wetlands;
2. Rivers, streams, and springs, whether flow is perennial or intermittent;
3. Natural lakes, ponds and in-stream impoundments

B) Sensitive areas shall not include:

1. Stormwater infrastructure
2. A vegetated corridor (a buffer) adjacent to the sensitive area;
3. An off-stream recreational lake, lagoon, fire pond or reservoir; or

V

W

4. Drainage ditches. (CWS Design and Construction Standards)

WATERSHED

The entire land area drained by a stream or system of connected streams such that all stream flow originating in the area is discharged through a single outlet. (ORS 541.351(14))

WETLANDS

Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Categories of wetlands include:

- a) **Created Wetlands:** those wetlands developed in an area previously identified as non-wetland to replace, or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.
- b) **Constructed Wetlands:** those wetlands developed as a storm water facility, subject to change and maintenance as such. These areas must be clearly defined or separated from existing or created wetlands. Constructed wetlands shall be regulated as created wetlands only if they serve as wetland mitigation.
- c) **Existing Jurisdictional Wetlands:** jurisdictional wetlands as determined by the Department of State Lands (DSL) or the US Army Corps of Engineers (COE). (CWS Design and Construction Standards)

Z

ZONE, TRAFFIC

In a mathematical traffic model the area to be studied is divided into zones, with each zone treated as producing and attracting trips. The production of trips by a zone is based on the number of trips to or from work or shopping, or other trips produced per dwelling unit.

ZONING

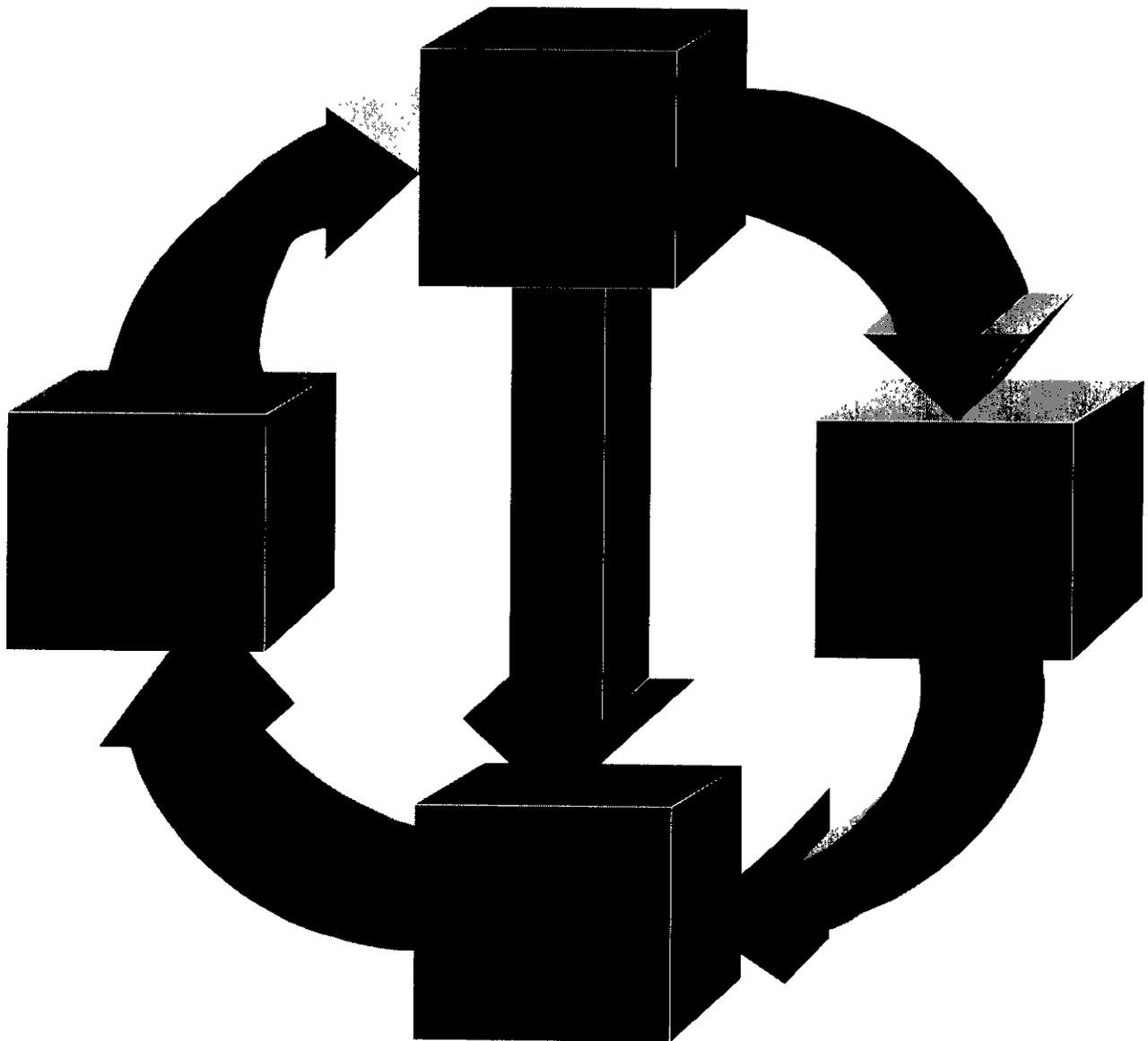
In general, the demarcation of an area by ordinance (text and map) into zones and the establishment of regulations to govern the uses within those zones (commercial, industrial, residential, type of residential) and the location, bulk, height, shape, use, and coverage of structures within each zone.

ZONING, INCLUSIONARY

Regulations that increase housing choice by requiring construction of more diverse and economical housing to meet the needs of low income families. Such regulations often require

a minimum percentage of housing for low and/or moderate income households in new housing developments.

CHAPTER ONE: COMPREHENSIVE PLAN AMENDMENT PROCEDURES ELEMENT



COMPREHENSIVE PLAN AMENDMENT PROCEDURES

1.1 AMENDMENT INITIATION.

Amendments to the Comprehensive Plan may be initiated by City Council, the Planning Commission, the Mayor, the Community Development Director, or the Engineering Director at any time. Landowners may also initiate an amendment to the Land Use Map pertaining only to their property at any time.

1.1.1 City-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council have the right to accept, reject or modify any specific request for amendment in accordance with the City's policies and procedures. The Planning Commission or City Council may enlarge or reduce the geographic area of proposed map amendments, investigate alternative land use designations to those requested, or combine the request with other City-initiated amendments for comprehensive study and determination. If the decision to modify a requested amendment is made after public hearing notice has been provided, the notice shall be reissued and, if necessary, the hearing rescheduled.

1.1.2 Property Owner-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing. The Planning Commission and City Council reserve the right to approve, approve with conditions, or deny any specific request for amendment in accordance with the City's policies and procedures.

1.1.3 Amendment Processing

Proposed amendments shall be processed as expeditiously as possible, subject to the availability of staff and budgetary resources and project priorities set by the Mayor. Amendments shall be processed in compliance with the procedures established by this Plan as well as Oregon Revised Statutes, Oregon Administrative Rules, Metro Code, the City Charter, and City Ordinances. Property owner-initiated amendments should be processed in the order in which they are submitted and accepted as complete, but the City Council may, by resolution, postpone processing proposed amendments to accelerate processing other amendments to which they give a higher priority.

1.2 PERIODIC REVIEW

Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and follow separate notice procedures outlined in the Oregon Revised Statutes and Oregon Administrative Rules governing Periodic Review.

1.3 AMENDMENT PROCEDURAL CATEGORIES

Comprehensive Plan Amendments fall into five general categories: Legislative, Quasi-Judicial, Historic Landmark, District and Tree designation removal, Non-Discretionary, and Statewide

Statewide Planning Goal 5 Inventory Resource Document Amendments are amendments to Volume III of the Comprehensive Plan. Amendments may be legislative, such as periodic review, or annual updates to maps, or quasi-judicial. Updates to the Significant Natural Resources Map (Local Wetland Inventory Map) incorporating changes approved by the Department of State Lands are non-discretionary map amendments the public notice, decision-making and appeal of the decision occurs when the Division of State Lands approves the wetland delineation and fill or removal permit (OAR 141-086-005 through OAR 141-090-0230, OAR 141-085-0018, OAR 141-085-0025, OAR 141-085-0028, OAR 141-085-0029, OAR 141-085-0031, OAR 141-085-0066, ORS 227.350 (2), and ORS 196.600 to 196.990). As noted under Non-Discretionary Amendments above, when no discretion is exercised, the decision is not a land use decision under Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

1.4 NOTICE REQUIREMENTS

The claim of a person to have not received notice, who may be entitled to notice as provided in this section, shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was given.

If the Community Development Director or City Council determine that the proposed amendment substantially changes from the proposal described in the initial notice, then notice is required to be sent again as described in the appropriate subsection with specific notation that the proposal has changed and that a new hearing will be held on the matter.

1.4.1 Legislative Amendments.

A. Notice of the initial hearing shall be provided as follows:

1. By mailing the required inter-agency Department of Land Conservation and Development (DLCD) notice to DLCD, Metro, and Washington County at least forty-five (45) calendar days prior to the initial hearing. When the legislative amendment is required through Periodic Review, DLCD notice is not required, therefore, it is not provided-;
2. By mailing the required inter-agency DLCD notice to all Neighborhood Association Committee (NAC) chairs and Community Participation Organizations (CPO) in whose area there is property that in the Director's opinion could be affected by the proposed ordinance if adopted, and the Chair of the Committee for Citizen Involvement, at least forty-five (45) calendar days prior to the initial hearing;
3. Mail notice to owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land
 - a) The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
 - b) If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing-;
34. By publication of a notice with the information specified in subsections 1.4.1

- (B)~~2~~, (1)~~2~~, (2)~~2~~, and (3)~~2~~, in a newspaper of general circulation within the City;
- 4~~5~~. By posting a notice with the applicable information specified in subsection 1.4.1.~~(B)~~ at Beaverton City Hall and the Beaverton City Library; and
- 5~~6~~. By placing a notice with the applicable information specified in subsection 1.4.1.~~(B)~~ on the City's website; and
6. ~~By mailing notice with the information specified in subsection 1.4.1.(B) to all Neighborhood Association Committee chairs in whose area there is property that in the Director's opinion could be affected by the proposed ordinance if adopted and the Chair of the Committee for Citizen Involvement.~~

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing Notices required by numbers 2-3 through 5-6 of this subsection, shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

For Legislative Periodic Review notices, notice described in 1.4.1.B shall be mailed at least 45 days in advance of the initial hearing to Metro, Washington County, all Neighborhood Association Committee (NAC) chairs in whose area there is property that in the Director's opinion could be affected by the proposed ordinance if adopted, and the Chair of the Committee for Citizen Involvement.

- B. Mailed notice required in subsection 1.4.1.~~(A)~~~~2~~~~3~~, posted notice required in subsection 1.4.1.~~(A)~~~~45~~, and web notice required in subsection 1.4.1.~~(A)~~~~56~~ shall:
1. State the date, time and location of the hearing, and the hearings body;
 2. Explain the nature and purpose of the hearing;
 3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
 4. List the applicable approval criteria by Comprehensive Plan by section numbers that apply to the application at issue;
 5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
 6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost and include the days, times and location where available for inspection;
 7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
 8. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue; and
 9. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property

to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186~~(3)~~) also known as Ballot Measure 56).

D. Notice of remand hearings, whether they be the entire legislative amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission, shall be given following subsections 1.4.1~~-(A.)~~ and 1.4.1~~-(B.)~~ with the following additional information:

1. The deadline for submitting written testimony and the place it is to be submitted;
2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
3. The scope of the testimony; and
4. Whether the testimony is de novo or limited to the record and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection ~~(D.)~~ shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

1.4.2 Quasi-Judicial Amendments

A. Notice of the initial hearing shall be provided as follows:

1. By mailing the required inter-agency DLCD notice to DLCD, Metro, and Washington County at least forty-five (45) calendar days prior to the initial hearing;
2. By mailing the required inter-agency DLCD notice to the chair(s) of any City-recognized Neighborhood Association Committee (NAC) or County-recognized Citizen Participation Organization whose boundaries include the property for which the change is contemplated, and the Chair of the Committee for Citizen Involvement, at least forty-five (45) calendar days prior to the initial hearing;
3. By publication of a notice with the information specified in 1.4.2~~-(B.)~~-(1.), (2.), (3.) and (4.) in a newspaper of general circulation within the City;
34. By posting notice with the information specified in 1.4.2~~-(B.)~~ at Beaverton City Hall and the Beaverton City Library;
45. By mailing notice with the information specified in 1.4.2~~-(B.)~~ to property owners included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and
5. ~~By mailing notice with the information specified in 1.4.2 (B) to any City-recognized Neighborhood Association Committee (NAC) chair or County-recognized Citizen Participation Organization (CPO) whose boundaries include the property for which the change is contemplated and the chair of the Committee for Citizen Involvement; and~~
6. By placing notice with the information specified in 1.4.2 (B) on the City's web site.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing notices required by numbers 23 through 6 of this subsection shall be given not

less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. ~~Mailed~~ Notice required in subsection 1.4.2-(A.) (4., 5.) and ~~(5)6.~~ shall:

1. State the date, time, and location of the hearing, and the hearings body;
2. Explain the nature of the application and the use or uses, which could be authorized;
3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
4. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue;
5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost include the days, times and location where available for inspection;
7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
8. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue;
9. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing; and
10. Set forth the street address or other easily understood geographical reference to the subject property and include a map, if applicable.

C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3), also known as Ballot Measure 56).

D. Notice of remand hearings, whether for the entire quasi-judicial amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission shall be given following subsection 1.4.2-(A.) and 1.4.2-(B.) with the following additions:

1. Any deadline for submitting written testimony and the place it is to be submitted;
2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
3. The scope of the testimony;
4. Whether the testimony is limited to the record or de novo and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

1.4.3 Non-Discretionary Map Amendments

A Notice for Non-Discretionary Map Amendments shall be provided as follows:

1. By publication of a notice with the information specified in 1.4.3.~~(B.)~~(1.), (2.) and (3.) in a newspaper of general circulation within the City;
2. By mailing notice with the information specified in 1.4.3.~~(B.)~~ to the ~~Beaverton Neighborhood Office~~, Chair of the Committee for Citizen Involvement (CCI), Neighborhood Association Committee (NAC), Community Participation Organization (CPO) and owners of record of the subject property on the most recent property tax assessment roll; and
3. By placing notice with the information specified in 1.4.3.~~(B.)~~ on the City's web site.

All notices required by 1. through 3. of this subsection (A) shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date the item initially appears on the City Council agenda.

B. Notice required by subsection 1.4.3.~~(A)~~ shall:

1. State the time, date, place, and purpose of the City Council agenda item;
2. Explain the nature of the application;
3. Include the case file number, title or both of the proposed ordinance to be considered;
4. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;
5. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
6. State that a copy of the staff report will be available for inspection at no cost at least seven (7) clandar days prior to the meeting and will be provided at reasonable cost and include the days, times and location where available for inspection;
7. Include the name and phone number of the City staff person assigned to the application from who additional information may be obtained; and
8. Set forth the street address or other easily understood geographical reference to the subject property, including a map.

C. Notice of Decision for Non-Discretionary Map Amendments

Within five working days after the City Council decision on a Non-Discretionary Map Amendment, notice of the decision shall be mailed to the owner of record, DLCD, and the Chairperson of the Committee for Citizen Involvement (CCI). The notice of decision shall include the following:

1. A statement that the decision is final but may be appealed in a court of competent jurisdiction, and
2. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

1.4.4 Statewide Planning Goal 5 Inventory Resource Document (Volume III) Amendments

- A. If the proposal is legislative in nature, as in an update to one of the Statewide Planning Goal 5 Inventory Resource Documents or an addition of a new category of Statewide Planning Goal 5 Inventory Resource Documents, then notice shall follow the legislative notice procedure identified under subsection 1.4.1.
- B. If the proposal is quasi-judicial in nature, as in a change on one property or a limited group of properties, the notice shall follow the quasi-judicial notice procedure under subsection 1.4.2.
- C. If the proposal is to update the Local Wetland Inventory map of the Significant Natural Resource maps based on approvals of wetland delineations or fill or removal permits issued by the Oregon Department of State Lands, the amendment shall be deemed non-discretionary and shall be updated administratively by City Council ordinance adoption, following the Non-Discretionary Map Amendment procedure under 1.4.3.

1.5 CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments

- A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;
- B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan;
- C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and
- D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

1.5.2 Criteria for Non-Discretionary Map Amendments

A. Annexation-Related

Discretion occurs when the Washington County-Beaverton Urban Planning Area Agreement (UPAA) is adopted or amended by the County and the City. The UPAA provides specific City-County Land Use Designation Equivalents. Specifically, the UPAA states in Section II (D) "Upon annexation, the city agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations. Such conversion shall be made according to the tables shown on Exhibit "B" to this agreement." Consequently, when the conversion from County to City designation is shown on Exhibit B, the City has no discretion.

B. Statewide Planning Goal 5

The Department of State Lands (DSL) and the US Army Corps of Engineers (COE) exercise discretion when these agencies approve wetland delineations and fill/removal permits (OAR 141-085, ORS 227.350, and ORS 196.600 to 196.990). Because the decision is made by another agency, acknowledging the locations of the delineated wetlands and fill/removal activities on the City's Local Wetland Inventory map involves no discretion.

1.5.3 Criteria for Statewide Planning Goal 5 Inventory Resource Document (Volume III) Comprehensive Plan Amendments

A. Local Wetland Inventory Amendments require following the criteria for adoption of a local wetland inventory found within Oregon Revised Statutes and Oregon Administrative Rules (as of November 2004, ORS 196 and OAR 141-086 and OAR 660-023).

B Criteria for Addition of Historic Landmarks and Districts

To qualify as a historic landmark or district, the proposal must meet criterion 1 and at least one factor listed as criteria 2 through 5:

1. Conforms with the purposes of the Beaverton Comprehensive Plan; and
2. The proposed landmark or district is associated with natural history, historic people, or with important events in national, state, or local history; or
3. The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or
4. The proposed landmark is a notable work of a master builder, designer, or architect; or
5. The proposed landmark or district would serve one or more of the following purposes:
 - a) To preserve, enhance, and perpetuate landmarks and districts representing or reflecting elements of the City's cultural, social, economic, political, and architectural history;
 - b) To safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in said landmarks and districts;
 - c) To complement any National Register properties or Historic Districts;
 - d) To stabilize and improve property values in such districts;
 - e) To foster civic pride in the beauty and accomplishments of the past;
 - f) To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
 - g) To strengthen the economy of the City; and
 - h) To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City's current and future citizens.

C. Criteria for Adding Historic Trees

The adoption by City Council and Planning Commission of any amendment to add a historic tree to the Historic Tree Inventory shall be based on the following criteria:

1. Conforms with applicable goals and policies of the Beaverton Comprehensive Plan;
2. The proposed historic tree designation is requested by the property owner as determined by the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and
3. The proposed historic tree is associated with historic properties, historic people, or with important events in national, state, or local history, or general growth and development of the city.

1.6 HEARINGS PROCEDURES

Before the City Council may adopt any amendment to the Comprehensive Plan, the procedures within this section shall be followed. In the case of Non-Discretionary amendments, no hearing will be held. Consideration of the proposal shall be placed on the City Council Agenda for adoption by ordinance.

- 1.6.1. After appropriate notice is given, as provided in section 1.4, the Planning Commission or City Council shall hold a public hearing on the amendment, except for Non-Discretionary amendments.
 - A. At the beginning of the hearing an announcement shall be made to those in attendance that:
 1. States the applicable approval criteria by Comprehensive Plan section number.
 2. States testimony, arguments and evidence must be directed toward the applicable criteria.
 3. States failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the Planning Commission or City Council and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.
 4. States failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue may preclude an action for damages in circuit court.
 5. If a quasi-judicial application, states the Planning Commission and City Council must be impartial and that members of the Planning Commission and City Council shall not have any bias or personal or business interest in the outcome of the application.
 - a) Prior to the receipt of any testimony, members of the Planning Commission or City Council must announce any ex parte contacts. The Planning Commission or City Council shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest or ex parte contacts.
 - b) If any member of the Planning Commission or City Council has visited the site (if applicable), they should describe generally what was observed.
 6. Summarizes the procedure of the hearing.
 7. States that the hearing shall be recorded on audio only or audio and video tape.

8. States any time limits for testimony set by the Planning Commission or City Council at the beginning of the hearing.
 - B. After the aforementioned announcements, the Chair or Mayor shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
 - C. After the presentation of the staff report, the Chair or Mayor shall call for the applicant's testimony, if the City is not the applicant.
 - D. After the applicant's testimony, the Chair or Mayor shall call for other evidence or testimony in the following sequence unless the Planning Commission or City Council consents to amend the sequence of testimony:
 1. First, evidence or testimony in support of the application.
 2. Second, evidence or testimony in opposition to the application.
 3. Third, evidence or testimony that is neither in support nor in opposition to the application.
 - E. If the City is not the applicant, the Chair or Mayor shall call for rebuttal by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Chair or Mayor shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.
 - F. The Chair or Mayor shall offer staff an opportunity to make final comments and answer questions.
 - G. Provisions for holding a record open or continuing a hearing set forth in Oregon Revised Statutes (ORS 197.763 (6)) shall apply to this Chapter of the Comprehensive Plan, in accordance with the statute.
- 1.6.2. Following the conclusion of the hearing, the Planning Commission shall take one of the following actions:
- A. Continue the hearing to a date, time and location certain, which shall be announced by the Chair. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
 - B. Deny the application, approve the application, or approve the application with conditions.
 1. If the Planning Commission proposes to deny, approve, or approve with conditions, the Planning Commission shall announce a brief summary of the basis for the decision and that an order shall be issued as described in 1.7.; provided, the proceedings may be continued for the purpose of considering such order without taking new testimony or evidence.
 2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763(6) shall apply under this Ordinance in a manner consistent with state law.
 3. If the Planning Commission proposes to approve, or approve with conditions, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.
 4. In conjunction with their adoption of an ordinance approving or approving with conditions a Comprehensive Plan Amendment, the City Council shall adopt written findings which demonstrate that the approval complies with applicable approval

criteria.

1.7. FINAL ADOPTION AND APPEALS

1.7.1 Final Order

- A. The written decision in the form of a final order shall be prepared regarding the application. The final order shall include:
 1. A listing of the applicable approval criteria by Comprehensive Plan section number.
 2. A statement or summary of the facts upon which the Planning Commission or City Council relies to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. The Planning Commission or City Council may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the final order to satisfy this requirement.
 3. A statement of conclusions based on the facts and findings.
 4. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
- B. Within five (5) working days after the Final Decision (City Council Ordinance or Final Order adoption), mail the required DLCD Notice of Adoption to DLCD, pursuant to ORS 197.610 and OAR Chapter 660- Division 18.
- C. Within five (5) working days from the date that the Planning Commission or City Council adopts a final order, the Community Development Director shall cause the order to be signed, dated, and mailed to the applicant, the property owner, the Neighborhood Association Committee or County Participation Organization in which the subject property is located, and other persons who appeared orally or in writing before the public record closed. The final order shall be accompanied by a written notice which shall include the following information:
 1. In the case of a Planning Commission decision, a statement that the Planning Commission decision can be appealed to the City Council following the procedures listed in 1.7.2. The appeal date and the statement that the appeal must be filed within ten (10) calendar days after the date of the signed notice is dated and mailed shall be placed on the notice, with the appeal closing date shown in boldface type. The statement shall generally describe the requirements for filing an appeal and include the name, address and phone number of the Community Development Director.
 2. In the case of a City Council decision, a statement that the decision is final, but may be appealed to the Land Use Board of Appeals as provided in Oregon Revised Statutes (ORS 197.805 through 197.860) or to the Land Conservation and Development Commission as provided in Oregon Revised Statutes (ORS 197.633), in the case of Periodic Review Amendments.
 3. A statement indicating the Amendment application number, date, and brief summary of the decision. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the proposal.
 4. A statement of the name and address of the applicant.
 5. If applicable, an easily understood geographic reference to the subject property and a map.

1.7.2 Notice of Intent to Appeal

- A. The Planning Commission decision may be appealed to the City Council only by the applicant, a person whose name appears on the application, or any person who appeared before the Planning Commission either orally or in writing. An appeal shall be made by filing a Notice of Intent to Appeal with the Community Development Director and within ten (10) calendar days after the signed written order was dated and mailed.
- B. A notice of Intent to Appeal shall be in writing and shall contain:
 - 1. A reference to the application number and date of the Planning Commission order;
 - 2. A statement that demonstrates the appellant is the applicant or their representative, a person whose name appears on the application, or a person who appeared before the Planning Commission either orally or in writing;
 - 3. The name, address, and signature of the appellant or the appellant's representative;
 - 4. An appeal fee, as established by Council resolution; if more than one person files an appeal on a specific decision, the appeals shall be consolidated and the appeal fee shall be divided equally among the multiple appellants; and
 - 5. A discussion of the specific issues raised for Council's consideration and specific reasons why the appellant contends that the Planning Commission's findings and/or recommendation is incorrect or not in conformance with applicable criteria.
- C. The Community Development Director shall reject the appeal if it
 - 1. is not filed within the ten (10) day appeal period set forth in subsection A of this section,
 - 2. is not filed in the form required by subsection B₂ of this section, or
 - 3. does not include the filing fee required by subsection B₂ of this section.

If the Community Development Director rejects the appeal, the Community Development Director will so notify the appellant by letter. This letter shall include a brief explanation of the reason why the Community Development Director rejects the appeal. A decision of the Community Development Director to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to the City Council. The appellant shall be allowed to correct a failure to comply with subsection B of this section if the correction can be made and is made within the 10 day appeal period provided in subsection A of this section.

- D. If a Notice of Intent to Appeal is not filed, or is rejected, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.

If the application is denied, the City Council will adopt a final order which sets forth its decision together with any reasons therefor. The Council's final order or the ordinance is the final decision of the City on the application. Notice of the decision shall be given as provided in 1.7.1.

- E. Notwithstanding the provisions of this section, City Council on its own motion, may order a public hearing before the City Council at any time prior to adopting a Council final order or ordinance.

1.7.3 Notice of Appeal Hearing

A. Written notice of the appeal hearing before the City Council will be sent

1. by regular mail,
2. no later than twenty (20) days prior to the date of the hearing
3. to the appellant, the property owner, the applicant, if different from the appellant, persons whose names appear on the application, and all persons who previously testified either orally or in writing before the Planning Commission.

B. Notice of the hearing shall:

1. State the date, time and location of the hearing;
2. State that an appeal has been filed, set forth the name of the appellant or appellants and contain a brief description of the reasons for appeal;
3. Reference the CPA file number or numbers and the appeal number;
4. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue
5. State that a copy of the Planning Commission's written order, the application, all documents and evidence contained in the record, and the applicable criteria are available for inspection at no cost at least seven (7) calendar days prior to the hearing and can be provided at reasonable cost including the days, times and location where available for inspection;
6. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
8. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing; and
- 9) Set forth the street address or other easily understood geographical reference to the subject property, if applicable.

1.7.4 Preparation of the Record; Staff Report; Transcript

A. Following receipt of a Notice of Intent to Appeal filed in compliance with 1.7.2., the Community Development Department Director shall prepare a record for Council review containing:

1. All staff reports and memoranda prepared regarding the application that were presented to the Planning Commission;
2. Minutes of the Planning Commission proceedings at which the application was considered;
3. All written testimony and all exhibits, maps documents or other written materials presented to and or rejected by the Planning Commission during the proceedings

- on the application; and
 - 4. the Planning Commission's Final written order.
 - 5. The appellant may request, and the City Council may allow, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission public hearing. If such a request is made and granted, a transcript of the Planning Commission proceeding is required. The appellant shall remit a fee to cover the cost fo the transcript of the Planning Commission hearing within five (5) calendar days after the Community Development Director estimates the cost of the transcript. Within ten (10) calendar days of notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. In the event that the Council denies the request for an on the record appeal hearing, and holds a de novo hearing, the transcript fee may be refunded. If the transcription fee estimate exceeds the transcription cost, the balance shall be refunded to the appellant.
- B. The Community Development Department Director shall prepare a staff report on the appeal explaining the basis for the Planning Commission's decision as relates to the reason for appeal set forth in the Notice of Intent to Appeal, and such other matters relating to the appeal as the Director deems appropriate.

1.7.5 Scope of Review

- A.
 - 1. The City Council— appeal hearing shall be de novo, which means any new evidence and argument can be introduced in writing, orally, or both. The City Council may allow, at the appellant's request, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission hearing.
 - B. The Council may take official notice of and may consider in determining the matter any material which may be judicially noticed pursuant to the Oregon Rules of Evidence, ORS 40.060 through 40.090, including an ordinance, comprehensive plan, resolution, order, written policy or other enactment of the City.

C. Preliminary Decision.

At the conclusion of deliberations, the Council shall make a preliminary oral decision. The Council may affirm, reverse or modify the Planning Commission's order in whole or in part, or may remand the decision back to the Planning Commission for additional consideration. (Procedures for noticing a remand hearing are found in sections 1.4.1.-(D) and 1.4.2.-(D).) The preliminary oral decision is not a final decision. At any time prior to adoption of the final order or Ordinance pursuant to subsection D₂ of this section, the Council may modify its decision based upon the record or may reopen the hearing.

D. Final Order or Ordinance

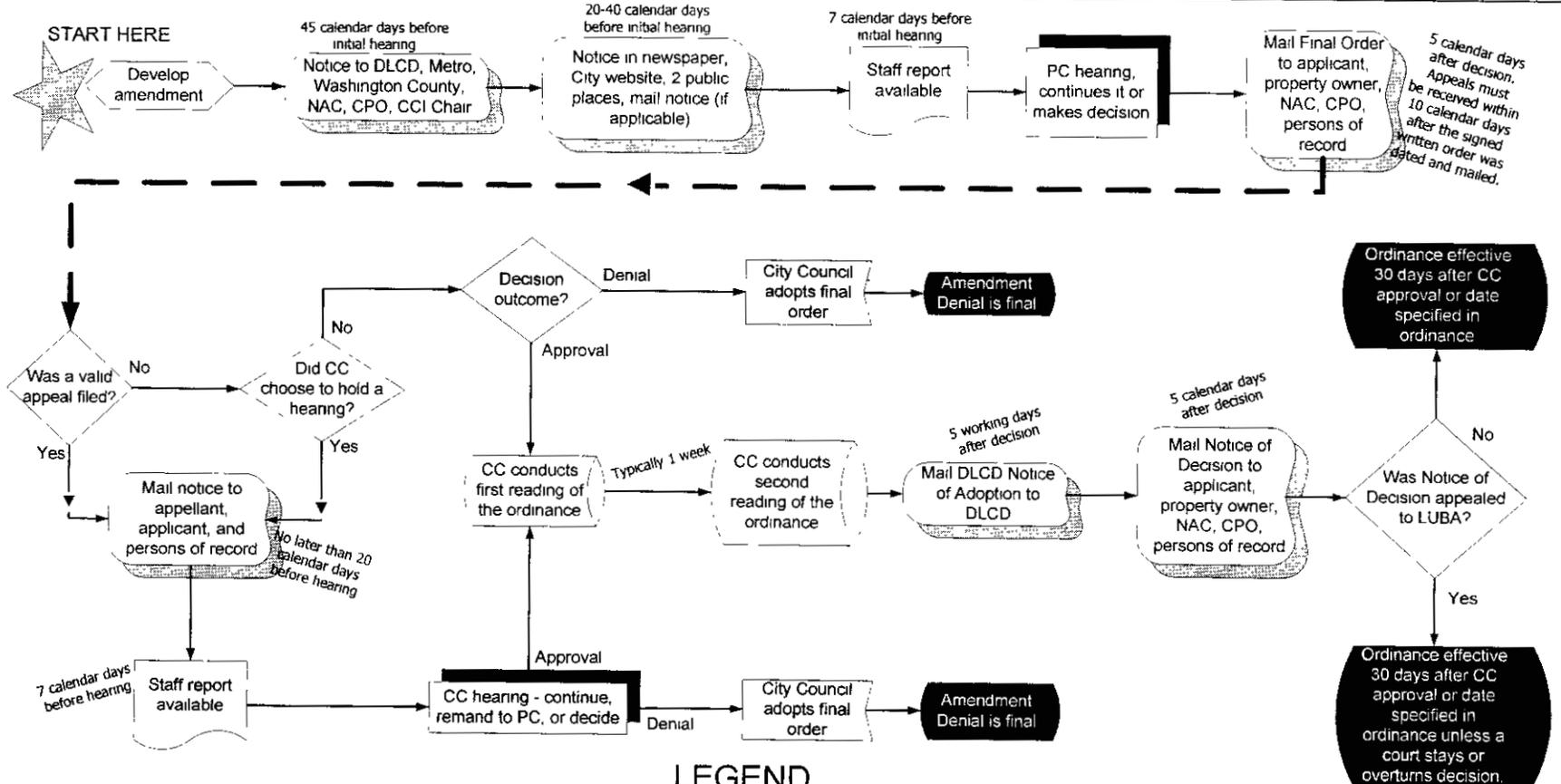
In the case of a denial, the City Council shall direct staff to prepare a final order or in the case of approval, the Council shall cause the preparation of an Ordinance. The Ordinance

or final order shall consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied on in rendering the decision, and explaining the justification for the decision based upon the criteria and facts set forth. The final order, or Ordinance, is the final decision on the application and the date of the order, or Ordinance, for purposes of appeal is the date on which it is signed by the Mayor.

Procedures for preparation of the Final Order, Ordinance and distribution of the Notice of Decision are found in section 1.7.

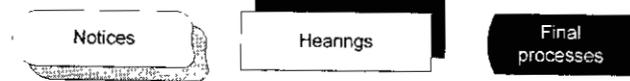
The following diagrams, Diagram I-1 through I-4, are intended for illustrative purposes only and are not adopted as procedural requirements within this ordinance. Thus, periodic updates to Diagrams I-1 through I-4 will not require a Comprehensive Plan Amendment.

**Diagram I-1
Legislative Process**



LEGEND

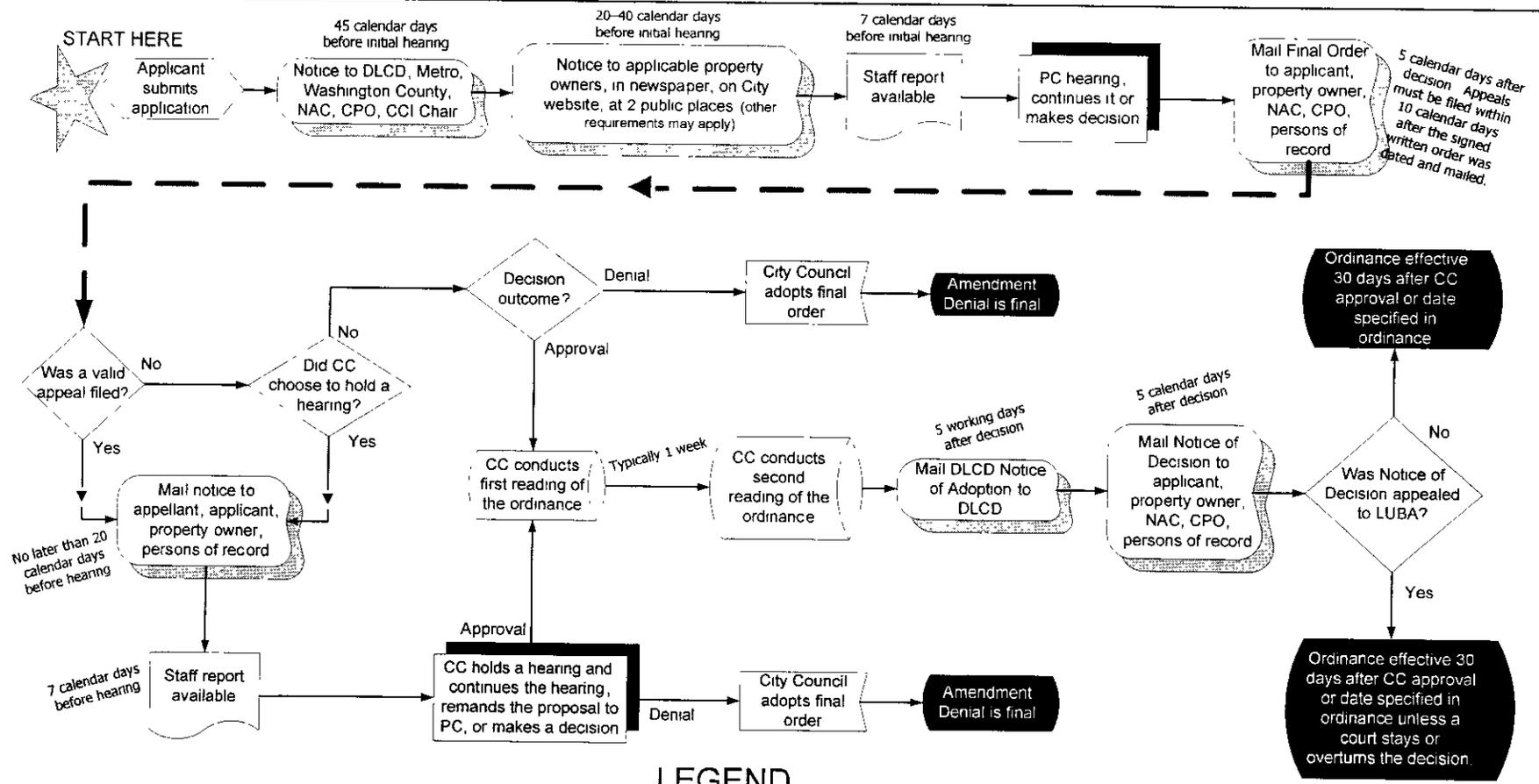
DLCD DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
 CCI: COMMITTEE FOR CITIZEN INVOLVEMENT
 PC PLANNING COMMISSION
 NAC NEIGHBORHOOD ASSOCIATION COMMITTEE
 CPO- COMMUNITY PARTICIPATION ORGANIZATION
 CC CITY COUNCIL



3/15/06 Supp SR

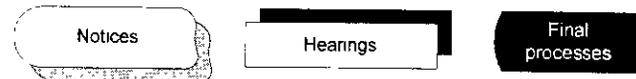
Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

Diagram I-2
Quasi-Judicial Process



DLCD DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
 CCI COMMITTEE FOR CITIZEN INVOLVEMENT
 PC: PLANNING COMMISSION
 NAC NEIGHBORHOOD ASSOCIATION COMMITTEE
 CPO COMMUNITY PARTICIPATION ORGANIZATION
 CC CITY COUNCIL

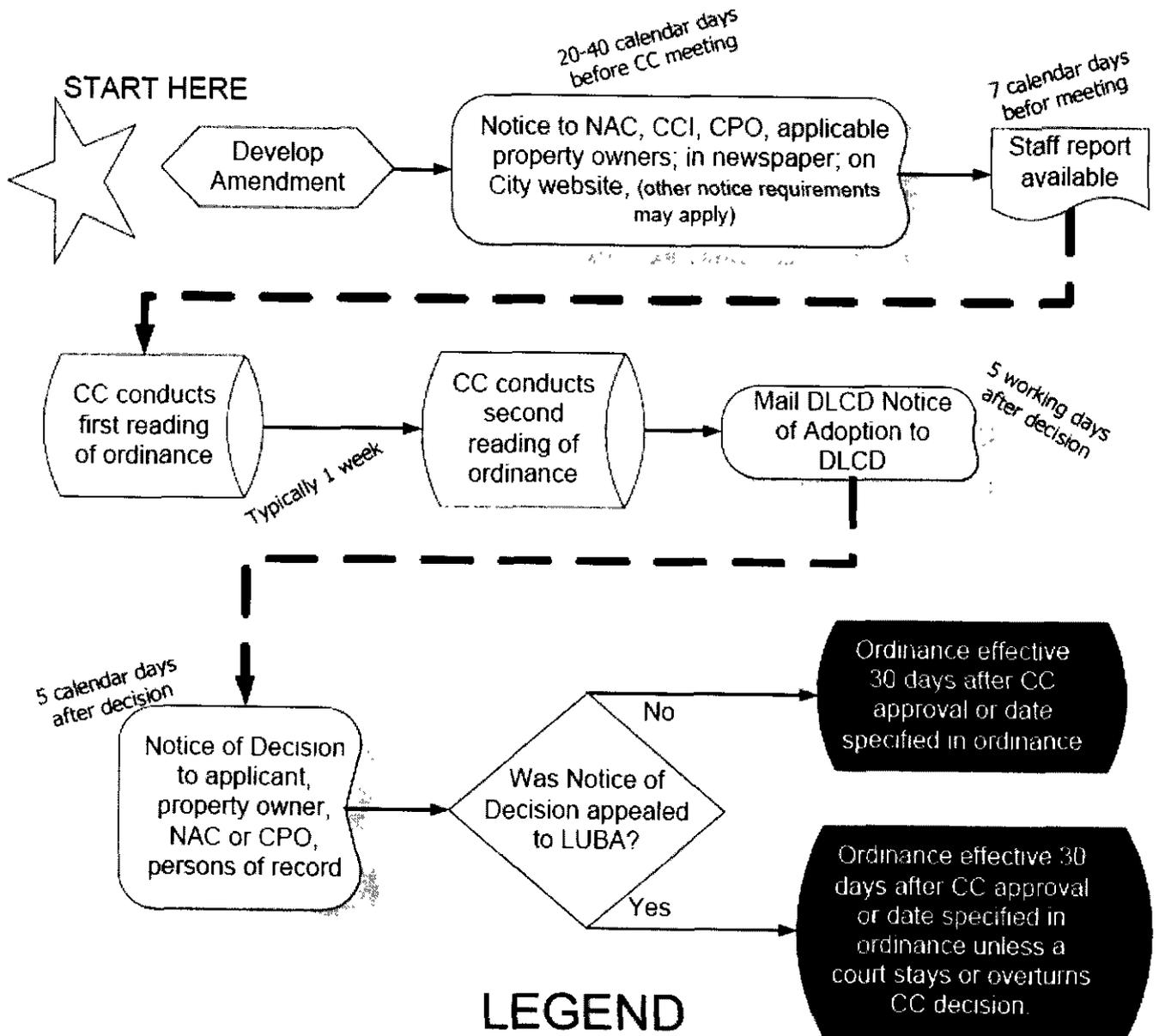
LEGEND



3/15/06 Supp SR

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

Diagram I-3 Non-Discretionary Process

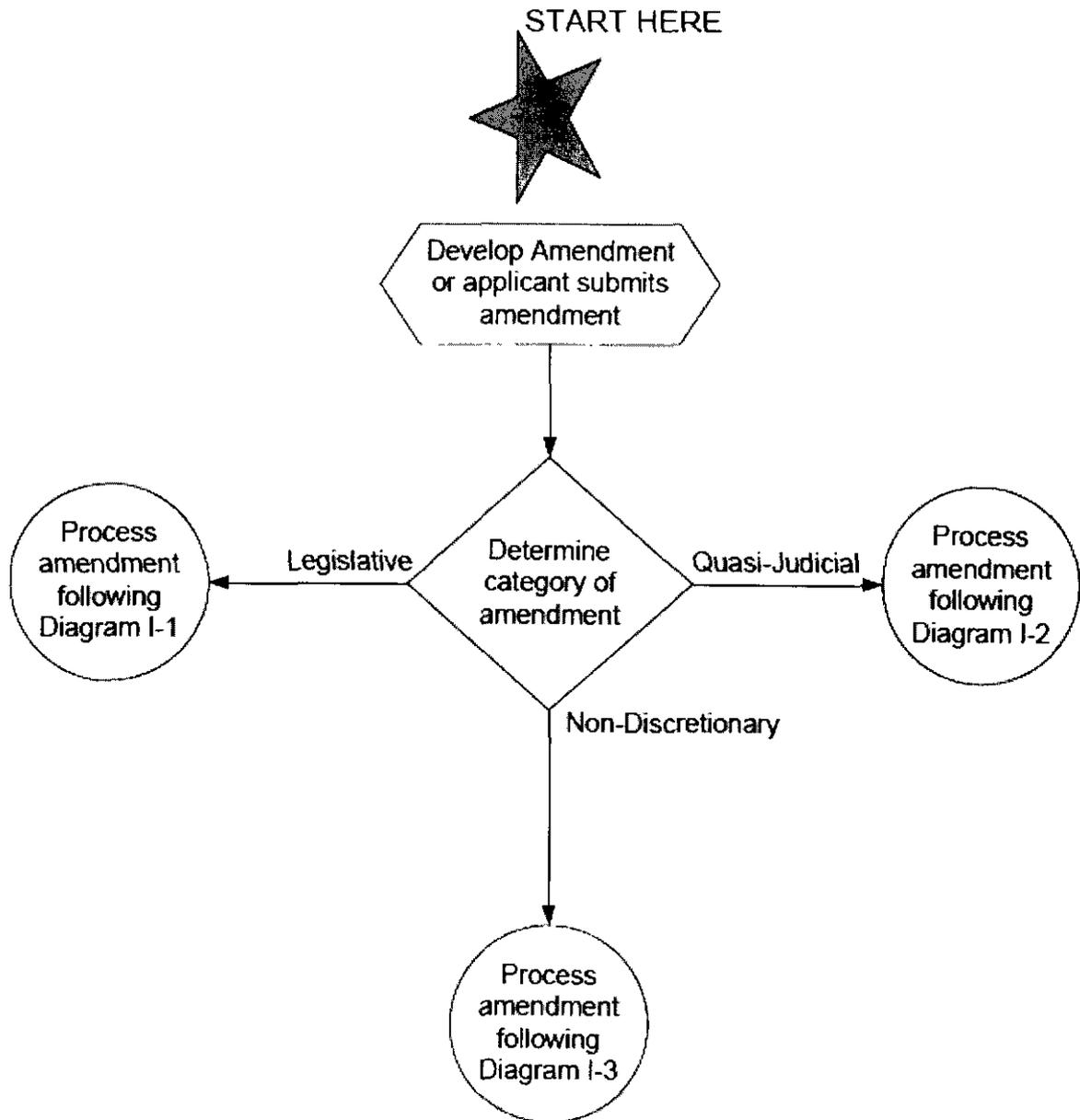


DLCD: DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
 CCI: COMMITTEE FOR CITIZEN INVOLVEMENT
 CPO: COMMUNITY PARTICIPATION ORGANIZATION
 NAC: NEIGHBORHOOD ASSOCIATION COMMITTEE
 PC: PLANNING COMMISSION
 CC: CITY COUNCIL

Notices
Final processes

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

Diagram I-4 Statewide Planning Goal 5 Inventory Resource Document Process



3/15/06 Sup SR

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

1.8 APPLICATION FEES

In order to defray expenses incurred in connection with the processing of applications, the City has established a reasonable fee to be paid to the City upon the filing of an application for a Plan amendment. Fees for privately initiated Plan amendments requiring extraordinary staff time or expertise beyond the scope of the average process may be subject to an additional project management fee as established by Council Resolution 3285.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: TA 2006-0008
(Design Review Threshold Modifications)

FOR AGENDA OF: 11-06-06 **BILL NO:** 06209

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD



DATE SUBMITTED: 10-10-06

CLEARANCES: City Attorney
Dev. Serv.



PROCEEDING: First Reading

- EXHIBITS:**
1. Ordinance
 2. Land Use Order No. 1914
 3. Draft PC Minutes 10-04-06
 4. Staff Report dated 09-27-06

BUDGET IMPACT

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

On October 4, 2006, the Planning Commission held a public hearing to consider TA 2006-0008 (Design Review Threshold Modification) that proposes to amend Section 40.20.05, Design Review, of the Beaverton Development Code currently effective through Ordinance 4397 (August 2006). Pursuant to Oregon Revised Statute 197.307, residential development permits must be provided an opportunity to be processed with clear and objective approval standards. Design Review Three Threshold No. 1, requires the public hearing review of any development over 50,000 square feet inclusive of residential development when not abutting an existing residential zone and Threshold No. 2, requires the public hearing review of any development over 30,000 square feet inclusive of residential when abutting an existing residential zone. These two thresholds are not consistent with ORS 197.307 because they require residential development to be subject to the subjective approval criteria of the Design Guidelines instead of the clear and objective "safe harbor" Design Standards. The text amendment proposes to amend the existing Design Review Three application by removing the thresholds requiring review of residential development, and amending the existing Design Review Two thresholds to be inclusive of all residential development as applicable with clear and objective approval standards.

Following the close of the public hearing on October 4, 2006, the Planning Commission voted 5-0 to recommend approval of the proposed Design Review Threshold Modification text amendment as memorialized in Land Use Order No. 1914. Staff modified the text slightly since passage in order to provide additional clarity regarding the type of residential development subject to the Design Review Two threshold. However, the staff changes do not affect the intent of the proposed text amendment passed by the Planning Commission.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed text, Land Use Order No. 1914, the draft Planning Commission meeting minutes, and staff report.

RECOMMENDED ACTION:

Staff recommend the City Council adopt the recommendation of approval forwarded by the Planning Commission for TA 2006-0008 (Design Review Threshold Modification). Staff further recommend the Council conduct a First Reading of the attached ordinance.

ORDINANCE NO. 4410

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE,
CHAPTER 40;
TA 2006-0008 (Design Review Threshold Modification).

WHEREAS, the purpose of the Design Review Threshold Modification Text Amendment is to amend Chapter 40, Design Review Threshold, Sections 40.45.15.2 and 40.45.15.3 of the Beaverton Development Code currently effective through Ordinance 4397 (August 2006) by removing a Design Review Three threshold for residential development and amending the Design Review Two thresholds to be inclusive of all attached residential development. The intent of the threshold is to ensure that the Development Code is consistent with ORS 197.307 and the requirement to provide clear and objective approval standards for residential development.

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on September 27, 2006, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on October 4, 2006; and,

WHEREAS, on October 4, 2006, the Planning Commission conducted a public hearing for TA 2006-0008 (Design Review Threshold Modification) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code based upon the criteria, facts, and findings set forth in the staff report dated September 27, 2006, and as summarized in Planning Commission Land Use Order No. 1914; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0008 (Design Review Threshold Modifications) following the issuance of the Planning Commission Land Use Order No. 1914; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1914 dated October 10, 2006, and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4397, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this ___ day of _____, 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

40.20.15.

2. Design Review Two.

A. Threshold. An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal:

1. New construction of up to and including 50,000 gross square feet of floor area where the development does not abut any residential zone.
2. New construction of up to and including 30,000 gross square feet of floor area where the development abuts or is located within any residential zone.
3. New construction of attached residential dwellings, excluding duplexes, in any zone where ~~detached or~~ attached dwellings are a permitted or conditional use.
34. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet of floor area.
45. Proposed additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet.
56. Any change in excess of 15 percent of the square footage of on-site landscaping or pedestrian circulation area with the exception for an increase in landscape art of up to 25 percent.[ORD 4397; July 2006]
67. Any new or change to existing on-site vehicular parking, maneuvering, and circulation area which adds paving or parking spaces.
78. New parks in non-residential zoning districts.

89. [ORD 4365; September 2005] Removal of more than five (5) and up to and including ten (10) Landscape Trees on a site within a one calendar year period.

40.20.15.

3. Design Review Three.

- A. Threshold. An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:
1. New construction of more than 50,000 gross square feet of non-residential floor area where the development does not abut any residential zone. [ORD 4397; July 2006]
 2. New construction or addition of more than 30,000 gross square feet of non-residential floor area where the development abuts or is located within any residential zone.
 3. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet of floor area.
 4. Additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet.
 5. Projects proposed utilizing the options described in Section 40.20.10.5.
 6. New parks in residential zoning districts.
 7. A project meeting the Design Review Compliance Letter thresholds which does not meet an applicable design standard(s).

Exhibit A

8. A project meeting the Design Review Two thresholds which does not meet an applicable design standard.

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

IN THE MATTER OF A REQUEST TO AMEND) ORDER NO. 1914
BEAVERTON DEVELOPMENT CODE) TA2006-0008 RECOMMENDING APPROVAL
CHAPTER 40 (APPLICATIONS) SECTION) OF DESIGN REVIEW THRESHOLD
40.20, DESIGN REVIEW (DESIGN REVIEW) MODIFICATIONS AMENDMENT.
THRESHOLD MODIFICATIONS). CITY OF)
BEAVERTON, APPLICANT.)

The matter of TA2006-0008 (Design Review Threshold Modifications) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4397, Section 50.50 (Type 4 Application), and Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria) the Planning Commission conducted a public hearing on October 4, 2006, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code.

TA2006-0008 (Design Review Threshold Modifications) proposes to amend Development Code Chapter 40 (Applications), Section 40.20, Design Review. Pursuant to Oregon Revised Statute 197.307 the City must provide a clear and objective approval standards when processing residential permit applications. Therefore, Design Review Threshold No. 1, which require the review of any development over 50,000 square feet inclusive of residential development when not abutting existing residential development; and Threshold No. 2, which require the review of any development over 30,000 square feet inclusive of residential when abutting existing residential development are not consistent with ORS 197.307. The text amendment

proposes to amend the existing Design Review Three application to by removing the Design Review Three threshold requiring review of residential development, and amending the existing Design Review Two thresholds to be inclusive of all for residential development as applicable with clear and objective approval standards.

The Planning Commission adopts by reference the September 27, 2006, Staff Report, as to criteria contained in Section 40.85.15.1.C.1-7 applicable to this request contained herein; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** of Chapter 40 (Applications), Section 40.20, Design Review contained within TA2006-0008. The Planning Commission finds that evidence has been provided demonstrating that all of the approval criteria specified in Section 40.85.15.1.C.1-7 are satisfied for the modification to Chapter 40 (Applications), Section 40.20, Design Review of the Development Code.

Motion **CARRIED** by the following vote:

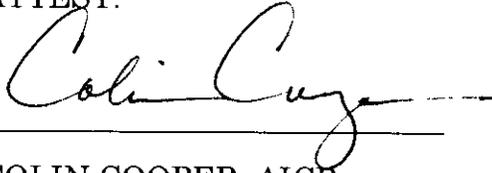
AYES: Maks, Bobadilla, Stephens, Winter, and Pogue.
NAYS: None.
ABSTAIN: None.
ABSENT: Johansen and Kroger.

Dated this 10th day of October, 2006.

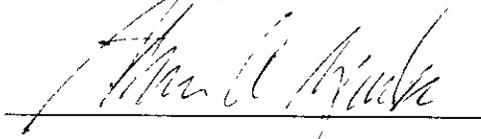
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1914, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on Friday, October 20, 2006.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

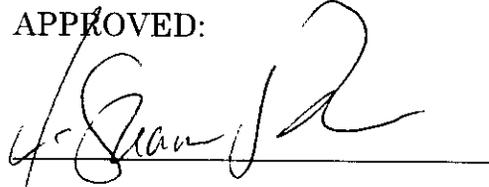


COLIN COOPER, AICP
Senior Planner



STEVEN A. SPARKS, AICP
Development Services Manager

APPROVED:



J. SHANNON POGUE
Vice Chairman

1 **PUBLIC HEARINGS:**

2
3 **II. TA 2006-0008 – DESIGN REVIEW THRESHOLD**
4 **MODIFICATION – NEEDS HOUSING**

5 The proposed text amendment would modify the existing Design
6 Review application threshold so that any residential project could be
7 processed as a Type 2 application in compliance with Oregon case law
8 that requires that any design review related to “needs housing” shall
9 be processed with clear and objective approval criteria.

10
11 Vice-Chairman Pogue outlined the applicable approval criteria with
12 regard to this application and briefly described the hearing process.

13 Mr. Cooper presented the Staff Report and explained that this
14 proposed text amendment is intended to respond to ORS 197.307 to the
15 fact that residential development review is intended to have clear and
16 objective standards. He mentioned that he had distributed copies of a
17 communication from Seth Alford that had been received with regard to
18 this issue. Concluding, he offered to respond to questions.

19
20 **PUBLIC TESTIMONY:**

21
22 **HENRY KANE** noted that his review of the file had not shown any
23 indication that the Board of Design Review had been asked to
24 comment with regard to this proposal, observing that this is a serious
25 matter when the City has indicated that an advisory body of citizens
26 will rule on design review matters. He referred to the letter from Seth
27 Alford, noting that this letter takes exception, and pointed out that he
28 has reviewed the case statement which stipulates *clear and objective*
29 *approval criteria*. He explained that does not allow for the taking
30 away of private property owners and residential developments,
31 emphasizing that this criteria should be clear and objective for both
32 the Planning Director and the Board of Design Review. He expressed
33 his opinion that this is yet another step in taking away the vested
34 rights of the property owners, and requested that the record be held
35 open for a period of seven (7) days.

36
37 Mr. Cooper responded that while the Board of Design Review had not
38 been requested to review this proposed text amendment, staff typically
39 does not submit many of their text amendments to that decision-
40 making body. He pointed out that these proposals are generally
41 submitted to the Planning Commission as the policy-making board. He
42 briefly discussed the various differences between the noticing
43 requirements for Type 2 and Type 3 applications.

44

1 The public portion of the Public Hearing was closed.

2
3 Commissioner Winter stated that he is confused with regard to Mr.
4 Cooper's last statements.

5
6 Mr. Cooper explained that he had been responding to Mr. Kane's
7 allegation that this proposal is taking away the ability for a citizen to
8 receive a hearing through the Board of Design Review. He explained
9 how it is determined whether an application would be presented to the
10 Planning Commission or the Board of Design Review, noting that staff
11 has proposed a new threshold that provides that a residential
12 development application would be considered a Type 2 if it meets the
13 clear and objective standards and would be considered a Type 3 if it
14 fails to meet these standards.

15
16 Commissioners Winter, Stephens, Bobadilla, and Maks, and Vice-
17 Chairman Pogue expressed their support of the proposal.

18
19 Commissioner Maks **MOVED** and Commissioner Bobadilla,
20 **SECONDED** a motion to **APPROVE** TA 2006-0008 – Design Review
21 Threshold Modification, based upon the facts and findings presented in
22 the Staff Report dated September 27, 2006.

23
24 Motion **CARRIED** 5:0.

25
26 **AYES:** Maks, Bobadilla, Winter, Stephens, and Pogue.

27 **NAYS:** None.

28 **ABSTAIN:** None.

29 **ABSENT:** Johansen and Kroger.

30
31 **MISCELLANEOUS BUSINESS:**

32
33 The meeting adjourned at 8:58 p.m.



CITY of BEAVERTON

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

CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

TO: Planning Commission

STAFF REPORT DATE: Wednesday, September 27, 2006

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

SUBJECT: TA 2006-0008 (Design Review Threshold Modification)

REQUEST: Text Amendment to the Beaverton Development Code Chapter 40, Applications, Section 40.20, Design Review. The text amendment proposes to amend the existing Design Review Three by removing residential development and adding a new Design Review Two threshold for residential development.

APPLICANT: City of Beaverton - Development Services Division

AUTHORIZATION: Ordinance 2050 (Development Code), effective through Ordinance 4397.

APPLICABLE CRITERIA: Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING DATE: Wednesday, September 27, 2006

RECOMMENDATION: Staff recommend APPROVAL of text amendment application TA 2006-0008 (Design Review Threshold Modification)

I. Proposed Legislative Text Amendment

The purpose of the proposed Text Amendment is to modify the Design Review Three and Design Review Two thresholds to comply fully with Oregon Revised Statute 197.307, which requires the City to review residential development permits using clear and objective standards as stated below:

ORS 197.307(3)(b) “ *“A local government shall attach only clear and objective approval standards or special conditions regulating, in whole or in part, appearance or aesthetics to an application for development of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential development. The standards or conditions may not be attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.”*

One of the main objectives of the Design Review Text Amendment (TA 2003-0005) adopted by the City Council in 2004 was to create clear and objective standards for residential development as called for in ORS 197.307. However, a threshold requiring any residential development over 50,000 square feet be subject to a Design Review Three process was adopted during the Design Review Text Amendment process. The approval criteria used for Design Review Three applications are the Design Review Guidelines, which are subjective as described in Section 40.20.05 of the Development Code. The City Attorney has interpreted that ORS 197.307 applies to all residential development. The City must provide a clear and objective process for the approval of residential permit applications. Therefore, Design Review Threshold No. 1, which require the review of any development over 50,000 square feet inclusive of residential development when not abutting existing residential development; and Threshold No. 2, which require the review of any development over 30,000 square feet inclusive of residential when abutting existing residential development are not consistent with ORS 197.307. The proposed text amendment would remedy this conflict with ORS by placing the review of all residential development under a Design Review 2 application.

The proposed text amendment would not change the ability of an applicant to voluntarily propose a unique residential development that does not meet the clear and objective design standards used in processing a Design Review Two and have the application reviewed as a Design Review Three.

Proposed Text:

Section 1: The Development Code, Ordinance No. 2050, Ordinance 4248, Chapter 40, Applications, Section 40.20.15.2, Design Review Two, will be amended to read as follows:

40.20.15.

2. Design Review Two.

- A. Threshold. An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal:
1. New construction of up to and including 50,000 gross square feet of floor area where the development does not abut any residential zone.
 2. New construction of up to and including 30,000 gross square feet of floor area where the development abuts or is located within any residential zone.
 3. New construction of residential dwellings in any zone where detached or attached dwellings are a permitted or conditional use.
 34. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet of floor area.
 45. Proposed additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet.
 56. Any change in excess of 15 percent of the square footage of on-site landscaping or pedestrian circulation area with the exception for an increase in landscape art of up to 25 percent.[ORD 4397; July 2006]

67. Any new or change to existing on-site vehicular parking, maneuvering, and circulation area which adds paving or parking spaces.
78. New parks in non-residential zoning districts.
89. [ORD 4365; September 2005] Removal of more than five (5) and up to and including ten (10) Landscape Trees on a site within a one calendar year period.

Section 2: The Development Code, Ordinance No. 2050, Ordinance 4248, Applications, Section 40.20.15.3, Design Review Three, will be amended to read as follows:

40.20.15.

3. Design Review Three.

- A. Threshold. An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:
 1. New construction of more than 50,000 gross square feet of non-residential floor area where the development does not abut any residential zone. [ORD 4397; July 2006]
 2. New construction or addition of more than 30,000 gross square feet of non-residential floor area where the development abuts or is located within any residential zone.
 3. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet of floor area.
 4. Additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet.

5. Projects proposed utilizing the options described in Section 40.20.10.5.
6. New parks in residential zoning districts.
7. A project meeting the Design Review Compliance Letter thresholds which does not meet an applicable design standard(s).
8. A project meeting the Design Review Two thresholds which does not meet an applicable design standard.

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

II. Facts and Findings

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2006-0008 (Design Review Threshold Modification):

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

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2006-0008 (Design Review Threshold Modification) proposes to amend Chapter 20 of the Beaverton Development Code currently effective through Ordinance 4397 (August 2006).

Therefore, staff find that approval criterion 1 one has been met.

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

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

Therefore, staff find that approval criterion 2 is not applicable.

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

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

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

Title 7: Affordable Housing
Title 8: Compliance Procedures and
Title 9: Performance Measures

TA 2006-0008 (Design Review Threshold Modification) proposes to amend Development Code Chapter 40, Design Review, by amending Design Review Three threshold No. 1 and 2 to clarify that residential development is not subject to a Type 3 process and by adding a new threshold to the Design Review Two application threshold that includes all residential development. The changes are made to be consistent with ORS 197.307, often referred to as the "Needs Housing" statute. The proposed text amendment reduces the regulatory process for proposed housing thus making the achievement of Title One Housing targets easier.

Therefore, staff finds that the proposed text amendment is consistent with approval criteria 3.

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

The proposed amendment adds a new process for which the City does not currently have a process and will in turn ensure that the City has the opportunity to ensure that the consolidation of two or more lots of record will be consistent with the City's Development Code and thus is consistent with the City's Comprehensive Plan.

Therefore, staff finds that the proposed text amendment is consistent with this approval criterion.

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

The proposed amendments do not create impacts or conflicts with other provisions within the Development Code. The proposed text amendment to Development Code Chapter 40, Design Review, amending Design Review Three threshold No. 1 and 2 to clarify that residential development is not subject to a Type 3 process and the addition of a new threshold to the Design Review Two application threshold are consistent with Section 40.20.04, Design Review Purpose. Furthermore, these threshold modifications are consistent with Chapter 50, Procedures, and Chapter 60, Special Regulations.

Therefore, staff finds that approval criterion 5 has been met.

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

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

Therefore, staff finds that approval criterion 6 has been met.

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

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

Therefore, staff finds that approval criterion 7 has been met.

III. Conformance with Statewide Planning Goals

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

GOAL ONE - CITIZEN INVOLVEMENT

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

The City is in compliance with this Statewide Planning Goal through the establishment of a Committee for Citizen Involvement (CCI). The City has gone even further by establishing Neighborhood Association Committees (NACs) for the purpose of providing widespread citizen involvement, and distribution of information. The proposed text amendments to the Development Code will not change the City of Beaverton's commitment to providing opportunity for citizen involvement, or place the City out of compliance with Statewide Planning Goal One. The CCI was notified of the proposed text amendment through a monthly report and by public notice that was mailed on September 15, 2006.

GOAL TWO - LAND USE PLANNING

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

The City of Beaverton has adopted a Comprehensive Plan that includes text and maps (Ordinance 1800, and most recently amended by Ordinance 4397) along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4397). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text amendment proposal. The proposed Development Code amendment has been processed in accordance with Section 40.85 (Text Amendment) and Section 50.50 (Type 4 Application) of the Development Code. Section 40.85 contains specific approval criteria for the decision-making authority to apply during its consideration of the text amendment application. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. The City of Beaverton's Comprehensive Plan is consistent with Statewide Planning Goal 2.

IV. Conclusion and Staff Recommendation

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7. Therefore, staff recommend the Planning Commission **APPROVE** TA 2006-0008 (Design Review Threshold Modification) at the Oct. 4, 2006 regular Commission hearing.

V. Exhibits

Exhibit 1.1 Proposed Text Amendment

2. Design Review Two.

- A. Threshold. An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal:
1. New construction of up to and including 50,000 gross square feet of floor area where the development does not abut any residential zone.
 2. New construction of up to and including 30,000 gross square feet of floor area where the development abuts or is located within any residential zone.
 3. New construction of residential dwellings in any zone where detached or attached dwellings are a permitted or conditional use.
 34. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet of floor area.
 45. Proposed additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet.
 56. Any change in excess of 15 percent of the square footage of on-site landscaping or pedestrian circulation area with the exception for an increase in landscape art of up to 25 percent.[ORD 4397; July 2006]
 67. Any new or change to existing on-site vehicular parking, maneuvering, and circulation area which adds paving or parking spaces.
 78. New parks in non-residential zoning districts.

89. [ORD 4365; September 2005] Removal of more than five (5) and up to and including ten (10) Landscape Trees on a site within a one calendar year period.

40.20.15.

3. Design Review Three.

- A. Threshold. An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:
 1. New construction of more than 50,000 gross square feet of non-residential floor area where the development does not abut any residential zone. [ORD 4397; July 2006]
 2. New construction or addition of more than 30,000 gross square feet of non-residential floor area where the development abuts or is located within any residential zone.
 3. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet of floor area.
 4. Additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet.
 5. Projects proposed utilizing the options described in Section 40.20.10.5.
 6. New parks in residential zoning districts.
 7. A project meeting the Design Review Compliance Letter thresholds which does not meet an applicable design standard(s).

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: ZMA 2006-0006, Momeni Property at Main Avenue and Allen Boulevard Zoning Map Amendment

FOR AGENDA OF: 11-06-06 **BILL NO:** 06210

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 10-27-06

CLEARANCES: Devel Serv [Signature]

City Attorney [Signature]

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A Zoning Map
Land Use Order No. 1912

BUDGET IMPACT

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

On September 13, 2006 and October 4, 2006, the Planning Commission held public hearings to consider an application to amend Ordinance No. 2050, the Zoning Map, by redesignating the site located at 12720 SW Allen Boulevard from Residential – Urban Medium Density (R-2) to Commercial – Neighborhood Service Center (NS).

The Planning Commission has recommended approval of the request to rezone the property from Residential – Urban Medium Density (R-2) to Commercial – Neighborhood Service Center (NS) on the Zoning Map.

INFORMATION FOR CONSIDERATION:

The site of the zoning map amendment is specifically identified as Tax Lot 1900 on Washington County Assessor's Tax Map 1S1-21AA, which is generally located on the southwest corner of SW Allen Boulevard and SW Main Street. The property is approximately 9,060 square feet in size.

Since no City Council hearing is required and no appeal was filed from the Planning Commission's decision, this ordinance making the appropriate change to the Zoning Map is being presented for first reading at this time.

RECOMMENDED ACTION:

First reading

SS:sp

ORDINANCE NO. 4411

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE ZONING MAP, REZONING THE PARCEL AT 12720 SW ALLEN BOULEVARD
FROM RESIDENTIAL – URBAN MEDIUM DENSITY (R-2) TO COMMERCIAL
NEIGHBORHOOD SERVICE CENTER (NS); ZMA 2006-0006, MOMENI PROPERTY AT
MAIN AVENUE AND ALLEN BOULEVARD ZONING MAP AMENDMENT

WHEREAS, on September 13, 2006 and October 4, 2006, the Planning Commission conducted public hearings to consider an application to amend Ordinance No. 2050, the Zoning Map, redesignating the site located at 12720 SW Allen Boulevard from Residential - Urban Medium Density (R-2) to Commercial - Neighborhood Service Center (NS); and

WHEREAS, the Planning Commission received testimony and exhibits and recommended approval of this zone change; and

WHEREAS, no appeals were filed with the City; and

WHEREAS, the Council adopts as to criteria applicable to this request and findings thereon the Development Services Division Staff Report dated September 6, 2006 and Planning Commission Land Use Order No. 1912. Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, the Zoning Map, is amended to redesignate approximately 9,060 square feet, located at 12720 SW Allen Boulevard, from Residential - Urban Medium Density (R-2) to Commercial - Neighborhood Service Center (NS).

Section 2. The property affected by this ordinance is depicted in the attached map, marked Exhibit "A" and incorporated herein. The property is more specifically described on the records of the Washington County Department of Assessment and Taxation as Tax Lot 1900 of Washington County Assessor's Map 1S1-21AA, Beaverton, Washington County, Oregon.

First reading this _____ day of _____, 2006.

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

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

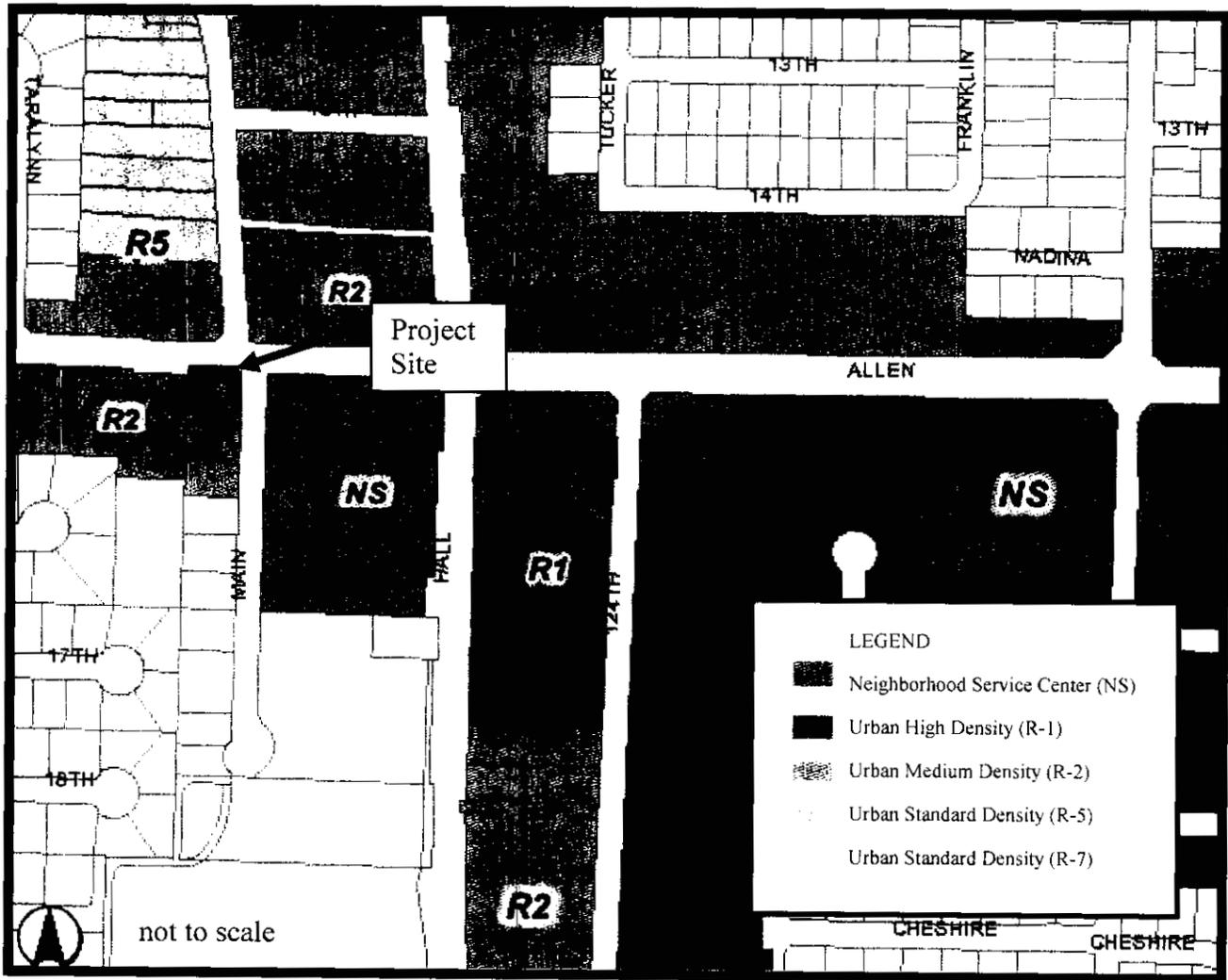
ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

MOMENI PROPERTY AT MAIN AND ALLEN ZONING MAP AMENDMENT (ZMA2006-0006)



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

After recording return to:
City of Beaverton, City Recorder:
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076



IN THE MATTER OF A REQUEST FOR A ZONING MAP)
AMENDMENT TO MODIFY THE ZONING DISTRICT OF)
A PARCEL CONTAINING A VACANT FACILITY) **ORDER NO. 1912**
PREVIOUSLY USED AS A DAY CARE FACILITY. THE) **ZMA2006-0006 ORDER**
ZONING MAP AMENDMENT REQUESTS THE ZONING)
DISTRICT OF THE PARCEL CHANGE FROM)
RESIDENTIAL - URBAN MEDIUM DENSITY (R-2) TO)
COMMERCIAL - NEIGHBORHOOD SERVICE (NS))
(MOMENI PROPERTY AT MAIN AND ALLEN). MOJI)
MOMENI, CJR, INC., APPLICANT.)

The matter came before the Planning Commission on September 13, and October 4, 2006, on a request for a Zoning Map Amendment to modify the zoning district of a parcel containing a vacant facility previously used as a day care facility. The Zoning Map Amendment requests the zoning district of the parcel change from Residential - Urban Medium Density (R-2) to Commercial - Neighborhood Service (NS). The development site is generally located on 12720 SW Allen Boulevard and is more specifically identified as Tax Lot 1900 on Washington County Tax Assessor's Map 1S1-21AA.

Pursuant to Ordinance 2050 (Development Code), Sections 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission adopts the following supplemental findings in support of the final action, in response to key issues of concern, as identified herein.

Zoning District Requirement. The Commission raised concern that a district requirement in the NS zone requires districts to be a minimum of one mile apart. The applicant stated that the spacing of the zoning district currently is less than one mile and is not the result of the proposed zoning map amendment. Staff explained to the Commission that the one mile restriction addresses the development of new NS zoning districts in the area. The applicant's request does not create a new district, but instead is adding to the existing zoning district. Therefore this district requirement does not apply. The Commission agreed with the staff's conclusions.

Traffic Analysis. The Commission raised concern that the traffic information provided by the applicant did not adequately address potential adverse traffic impacts from the proposed zone change. The applicant requested a continuance to provide additional information to the Commission. At the October 4, 2006 hearing, the applicant's traffic engineer provided additional detail on the additional trips potentially created in a worse case scenario and determined that the additional trips would not create an adverse impact to the surrounding transportation system. The Commission agreed.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated September 6, 2006,

as amended, as findings in response to the applicable approval criteria contained in Section 40.97.15.1.C of the Development Code (ORD 4302)

Therefore, IT IS HEREBY ORDERED that ZMA2006-0006 is APPROVED, based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report, dated September 6, 2006.

Motion CARRIED, by the following vote:

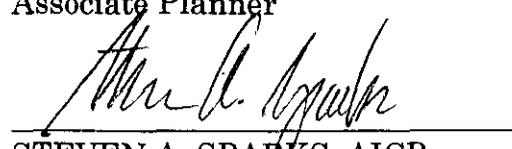
AYES: Stephens, Bobadilla, Maks, Winter, and Pogue.
NAYS: None.
ABSTAIN: None.
ABSENT: Johansen and Kroger.

Dated this 19th day of October, 2006.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1912, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on Monday, October 30, 2006.

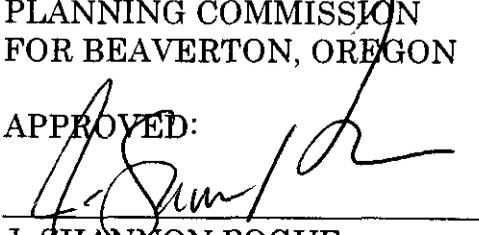
ATTEST


SAMBO KIRKMAN
Associate Planner


STEVEN A. SPARKS, AICP
Development Services Manager

PLANNING COMMISSION
FOR BEAVERTON, OREGON

APPROVED:


J. SHANNON POGUE
Vice-Chairman