



FINAL AGENDA

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

REGULAR MEETING
JANUARY 22, 2007
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PRESENTATION:

07015 Human Rights Advisory Commission 2006 Diversity Awards

07016 Mayor's Diversity Award Presentation

07017 Presentation by Community Action Organization

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meetings of December 11, 2006 and January 8, 2007

07018 Boards and Commissions Appointments - Kevin Hoover to Beaverton Arts Commission and Deborah Borchers to Citizens with Disabilities Advisory Committee

07019 Traffic Commission Issue No:

-TC 602: Parking Restrictions on SW Mesa Court and Blakeney Street

-TC 603: Speed Zoning Near the Intersection of SW 92nd Avenue and Allen Boulevard

-TC 604: Stop Signs on SW Palomino Place and Saddle Drive at Stallion Drive

-TC 605: Short-term Parking on SW Broadway

-TC 606: Parking on SW Stratus Street

07020 Authorization to Purchase Property From TriMet at SW 160th and TV Highway and Transfer Resolution (Resolution 3889)

07021 Approve Request of Residents in the Peterkort Area to Become Involved in the Neighborhood Association Committee (NAC) Program and Designate that this Area be Temporarily Included in the Central Beaverton NAC

PUBLIC HEARING:

07022 An Ordinance Regulating the Possession of Replica Firearms in Public Places

ORDINANCES:

First Reading:

07023 An Ordinance Annexing a Parcel Located at 12730 SW Fairfield Street to the City of Beaverton and Adding the Property to the Central Beaverton Neighborhood Association Committee: Expedited Annexation 2006-0003 (Ordinance 4421)

07024 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for 25 Properties Located in North Beaverton; CPA 2006-0016/ZMA 2006-0021 (Ordinance 4422)

07025 An Ordinance Regulating the Possession of Replica Firearms in Public Places (Ordinance 4423)

Second Readings:

07010 An Ordinance Amending Ordinance No. 4060, Engineering Design Manual and Standard Drawings (Ordinance No. 4417)

07011 An Ordinance Amending Ordinance No. 2050, the Development Code, by Amending and Adding Provisions Relating to Transportation TA2006-0011 (Ordinance 4418)

07012 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located in the General Vicinity of West Stark Street, North of US 26 and West of SW Corby Drive; CPA2006-0014/ZMA2006-0017 (Ordinance No. 4419)

07013 ZMA 2006-0018, Corridor Court Rezone; An Ordinance Amending Ordinance No. 2050, the Zoning Map for Two Properties Located in North Beaverton from Office Commercial (OC) to Community Service (CS) (Ordinance No. 4420)

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

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

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Human Rights Advisory Commission 2006 Diversity Awards

FOR AGENDA OF: 1/22/07 **BILL NO:** 07015

Mayor's Approval: 

DEPARTMENT OF ORIGIN: HR

DATE SUBMITTED: 01/16/07

PROCEEDING: Presentation

EXHIBITS:

BUDGET IMPACT

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

In April of 2003, City Council approved the creation of the City of Beaverton Diversity Award to promote appreciation for diversity, human rights, and cultural understanding in the City of Beaverton. The award can be granted to individuals, community or non-profit groups, and/or companies. In 2006, the Human Rights Advisory Commission gathered the nominations and on December 05, 2006, the Commission voted to award the City's annual diversity award to two recipients.

Additionally, the Beaverton Human Rights Advisory Commission would like to present its first Certificate of Appreciation to a City of Beaverton employee for his efforts to promote cultural understanding within Beaverton's community.

Individual Achievement Award: Wade Willis, the former drama teacher at Southridge High School, was instrumental in bringing the topics of intolerance, hatred, and injustice to the forefront of discussion at Southridge High School and the Beaverton community. His struggle to bring the play *The Laramie Project* to Southridge High School had a lasting impact in the community and inspired many students, parents and community members to work towards tolerance, understanding and justice.

Business and Industry Award: At IBM Beaverton, the Women in Technology Diversity Group sponsored and hosted a weeklong camp for middle school girls to demonstrate that science and technology can be an interesting and rewarding career choice for females. Twenty-six girls from diverse cultures and backgrounds participated in activities ranging from robotics to crime lab methodology. Employees from IBM continue to mentor the participants throughout the school year.

Certificate of Appreciation: Due to recent resettlement programs there has been a large increase in the Somali and Bantu populations in Beaverton. Sergeant Adam Spang of the Beaverton Police Department realized the implications of the resettlement program and sought to learn as much as he could about Beaverton's new residents. He then took it upon himself to pass along his knowledge to others and to create new programs for the Somali and Bantu communities to ease their transition into the Beaverton community. He continues to work with a support committee that addresses livability issues within Washington County's Somali community.

INFORMATION FOR CONSIDERATION:

Mayor Rob Drake and 2006 Human Rights Advisory Commission Chair Susi Brothers will recognize Wade Willis and IBM Beaverton as the recipients of the 2006 City of Beaverton Diversity Awards and present each recipient with a plaque.

Chair Susi Brothers will present Beaverton Police Sergeant Adam Spang with a Certificate of Appreciation.

RECOMMENDED ACTION:

City Council members acknowledge the recipients during a City Council meeting.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Mayor's Diversity Award Presentation

FOR AGENDA OF: 1/22/07 **BILL NO:** 07016

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office

DATE SUBMITTED: 1/11/07

PROCEEDING: Presentation

EXHIBITS:

BUDGET IMPACT

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

The Outreach / Interfaith office of the Bilal Mosque was formed in 2001 with the goal of creating better understanding of Islam and Muslims amongst friends and neighbors of different faiths. The group has engaged in many activities that seek to foster open dialogue to help clear public misconceptions about Islam and Muslims. The Bilal Mosque participates in events that benefit the community at large. The Mosque has actively reached out to the Beaverton community, especially after the tragic events of September 11, 2001, to promote mutual respect and understanding among members of our community in different faiths. Their efforts have made a difference and deserve the special recognition of being named the recipient of Beaverton's first Mayor's Diversity Award.

INFORMATION FOR CONSIDERATION:

Mayor Rob Drake wishes to recognize the Bilal Mosque Association, located in Beaverton, as an outstanding community partner in promoting diversity, cultural awareness, and mutual understanding among diverse groups. The efforts of founding members of the Bilal Mosque, such as Shahriar Ahmed, have helped to educate our community about the Islam faith and demonstrate a spirit of friendship and peace amongst diverse groups. Mayor Rob Drake wishes to acknowledge the tireless efforts and good deeds of the members of the Bilal Mosque Association and thank them for their positive contributions to promoting a diverse and tolerant community.

RECOMMENDED ACTION:

Listen to presentation of the award.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Presentation by Community Action Organization

FOR AGENDA OF: 01/22/07 **BILL NO:** 07017

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor

DATE SUBMITTED: 01/16/07

CLEARANCES:

PROCEEDING: PRESENTATION

EXHIBITS:

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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INFORMATION FOR CONSIDERATION:

Jerralyn Ness, Executive Director of the Community Action Organization (CAO), and her two Program Directors Marilyn Harrison and Renee Bruce, will give a presentation to Council on the CAO's services to low-income Beaverton residents, the needs they are seeing in our community and the partnership they have with the City of Beaverton. They will also show a short video on the Head Start Program and will be available to answer any questions.

RECOMMENDED ACTION:

Listen to presentation.

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
DECEMBER 11, 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 City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, December 11, 2006, at 6:40 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Dennis Doyle and Cathy Stanton. Coun. Bruce S. Dalrymple was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, 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 Chief David Bishop and City Recorder Sue Nelson.

PRESENTATIONS:

06227 City of Beaverton's Community Emergency Response Team's Annual Glenn Perry Award

Community Emergency Response Team (CERT) Coordinator Ted Morris explained that in 2003 the City established the CERT Program to train citizen volunteers on how to respond and help their neighborhoods in times of disaster and emergencies, such as earthquakes and fires. He reviewed statistics on the City's CERT Program.

Morris said Glenn Perry was a 2004 graduate of the CERT Class. He said from the beginning Perry was a dedicated volunteer; he assumed a leadership role and was the first to help train the citizens of Beaverton to become more self-sufficient during times of crisis. He said Perry was a motivated and resourceful man of compassion and creativity, and worked with many people to foster stability, knowledge and justice for one another. He said Perry also volunteered in community mediation, public standards training and was in the process of becoming a Beaverton police reserve officer. He said Perry always worked to make things better; but Perry had passed away unexpectedly in 2005.

Morris said the Glen Perry Award was established by the CERT Program to recognize CERT members who take CERT training to the highest level to make the city safer during an emergency or disaster, and who make exceptional contributions to the community and its citizens.

Morris said Wilbur (Bill) Fast was chosen as the first recipient of the Glenn Perry Award. He said Fast is a resident of Seminole Mobile Estates which has 211 residents. He said Fast has encouraged over a dozen of these residents to take the CERT training, he has organized team leaders to take control of sections of his community during times of emergency, he has established portable generator locations, has organized a mobile radio system, has organized alternate shelters for his neighbors, and has provided drills and training for other members in his community. He said Fast has given over 50 hours to help in CERT training and he is currently on the CERT Steering Committee.

Mayor Drake and Morris presented the Glenn Perry Award to Bill Fast.

Mayor Drake thanked Fast for all he has done for the whole community.

Fast thanked the City and Morris for this honor.

06228 Update on Influenza Pandemic Planning

Sue Landré, Washington County Public Health Preparedness Coordinator, presented a PowerPoint presentation concerning the influenza pandemic planning (in the record). She reviewed the Avian, Seasonal and Pandemic flus and stressed they were not the same. She said the Avian or "bird flu" was a highly contagious group of viruses found naturally among birds that rarely infects humans. She said one type of the Avian flu virus is the H5N1, which infected a few humans and was fatal. She said the public health industry was concerned about this flu but she repeated it rarely infected humans. She said there have been 250 cases world-wide of H5N1 since 2003 and it did not pass from person to person. She said close contact with sick birds was the main route of infection in humans.

Landré stressed the world was not experiencing an influenza pandemic from Avian flu. She said the United States has no H5N1 bird flu currently though it was expected to arrive at some point. She repeated this flu was rarely spread person-to-person. She said if the virus mutates to become easily transmissible between humans, it would cause a pandemic. She said of the 250 cases that caught the H5N1, half died. She said that was why they were concerned about this virus.

Landré said Human Influenza was a viral infection of the nose, throat and lungs. It is spread easily between people and there are yearly epidemics in the winter. She reviewed how the virus was transmitted. She said every year 10-20% of the population caught the flu and about 36,000 people in the United States die from the flu or its complications. She said the flu was preventable by vaccine.

Landré said a pandemic influenza would be a worldwide outbreak of the flu. She said it would be caused by a new flu virus to which humans have no immunity. She said a new flu virus could result from changes to a bird or other non-human virus; therefore they would be watching the H5N1 virus. She said a pandemic could last 12 to 18 months, or more. She stressed there was no human flu pandemic in the world right now. She said there had been an average of three pandemic's per century, since the 16th Century and they occur every ten to fifty years. She said the last pandemic was in 1968.

Landré said Washington County was currently involved in pandemic planning to keep the community intact, to delay the outbreak and to minimize economic and social disruption; also, the World Health Organization was concentrating on pandemic planning to minimize the impact world wide. She reviewed scenarios for Washington County if a moderate pandemic were to occur (in the record). She stressed a pandemic would require local response; there would be no Federal assistance. She said a vaccine would not be available for the first six to nine months of a pandemic and antibiotics would not help; antiviral medications may or may not help.

Landré said the best way to protect yourself from influenza was to wash your hands, cover your mouth when you cough and stay home when you are sick. She reviewed how vaccines would be distributed and the health care systems availability. She said community control measures would range from isolation of the ill to community quarantine. She said she has been speaking with many groups about developing plans for business continuity if the work force was reduced by 20-40%. She reviewed the policy and work force issues that need to be considered in planning for a pandemic emergency (in the record). She stressed the importance of planning, communication and education in preparing for a pandemic.

Coun. Bode asked what people could do at home to plan for a pandemic.

Landré said one should make sure that they have a 72 hour food supply at home as a minimum; also everything needed for family members and pets to cover the 72 hours. She said it was very important to have a one-to-three month's supply of medication on hand, especially prescription drugs. She said the Red Cross has an excellent 72-hour guide on hand. She said pandemic hospitals would only be able to take in the seriously ill, so most people would have to stay home and family and friends will need to care for them. She said Washington County also had a long list of resources on its Web site which could be viewed by "Googling" Washington County Oregon Public Health Pandemic Flu.

Coun. Bode asked how people could get 90 day prescriptions for their vital medicines when most prescriptions were for 30 days.

Landré encouraged people to speak with their physicians to get a 90-day prescription for their vital medicines and talk to them about the need to plan for a pandemic.

Coun. Stanton said she liked the quote that "A community that fails to plan, fails." She referred to page 19 of the presentation that said antibiotics would not help. She noted that while antibiotics would not help the flu, they would help the secondary infections such as bronchitis and pneumonia, which could cause death. She referred to page 21 of the presentation that referred to vaccines and asked who would determine the priority populations.

Landré said this was being widely discussed and at this time the Center for Disease Control (CDC) had made recommendations to the State Health Department; the State in turn would make recommendations to counties and cities.

Coun. Stanton asked what the City could do to be prepared.

Landré said she would recommend reviewing the City's Human Resources policies to see what changes are needed to deal with a pandemic. She said the City should educate the employees about the basics of what to do in a pandemic.

Coun. Stanton said there were several presentations on pandemic influenza at the National League of Cities Convention in Reno, Nevada this year. She said she knew there were broad-spectrum antibiotics, but she did not think there were broad-spectrum viral shots available. She said she was skeptical about this and asked Landré if she had heard of this or had any additional information.

Landré said she would be highly skeptical of anyone offering to provide such vaccines. She said the Federal government will offer legitimate vaccines and each county has a distribution plan to make the vaccines available free of charge during a pandemic.

Coun. Stanton thanked her for the excellent information and help offered by the County.

Coun. Arnold asked what difference there was between pandemic flu and other diseases like small pox, the bubonic plague, HIV and hepatitis A.

Landré said a pandemic flu was just a world wide outbreak of the influenza virus. She said there were places in the world where HIV was a large epidemic within a country. She said the black plague in the middle ages was a pandemic. She said a pandemic was a description of a world wide epidemic.

Coun. Arnold asked about the definition for influenza and if it came from birds.

Landré said there were many types of influenzas, including bird, human and other animal influenzas; many species have their own influenza viruses. She said influenza viruses could mutate which was why they watch the different viruses carefully.

Coun. Arnold asked if small pox and HIV were influenza and if not, what made them different.

Landré said influenza, small pox and HIV were all different diseases, just as a horse is different from a cow. She said viruses were simpler than bacteria and could mutate more easily.

Coun. Arnold asked how people had been infected from the Avian flu.

Landré explained the Avian (bird) flu is harder for people to catch. She said the people who were getting sick had heavy exposure to many of the viruses and they eventually were infected. She said birds were the most common carriers of viruses.

Coun. Arnold said the concern was that the Avian flu virus could mutate and transmit to people. She asked if people were infected could the virus be transferable from person-to-person.

Landré explained that if a virus was transferable from person-to-person, it is primarily spread by droplets from coughing. She said the best protection was to wash your hands frequently, covering your mouth when coughing and being sanitary in your environment.

Coun. Doyle asked Landré if she was working with local hospitals and physicians to develop a plan to handle a pandemic.

Landré replied they were working with hospital and physicians regionally. She said a pandemic would require a regional response and they are planning on a regional basis. She said regions are being funded nation-wide to develop their pandemic plans. She said they were close to having a final pandemic plan, including a pandemic exercise that was conducted in November this year. She said the exercise was to determine how hospitals throughout Oregon would deal with a pandemic.

Coun. Doyle suggested this information also be presented to the Chamber of Commerce and businesses, as well as the media.

Mayor Drake said Washington County was one of the best prepared counties in the State and he thought it would be good to educate the public on the coordinated effort that is occurring between public and private entities. He suggested following up with this topic after the first of the year. He thanked Landre for the presentation.

Coun. Stanton confirmed with Mayor Drake that staff would return in a couple of months to present an update on preparedness issues.

VISITOR COMMENT PERIOD:

Kim Graboyes, Beaverton, said she wanted to thank the City for some of the traffic changes and patterns that have occurred over the years. She said with the photo radar there have been fewer people running the red lights. She said the yellow blinking lights at some of the left-turn signals were also good. She said she was a bit concerned about the speed humps as they slow down the police cars and ambulances. She thanked the Council for the traffic signal changes.

Mayor Drake thanked Graboyes for her comments and noted that she brought the scouts from Boy Scout Troop 605 to the meeting. He said the old-style humps did slow down emergency vehicles. He said the new hump fit the wheel base of the fire trucks and do not slow them down at all. He said the old humps will be replaced with the new humps when the streets are repaved.

Brian Thompson, Portland, said he owned a company called in Portland called Northwest Parking Control. He said for the past 11 years he has worked to convince large high-traffic property owners to abandon towing in favor of more customer-friendly means of enforcing parking restrictions. He said he was uniquely qualified to address the issue of private property towing in Beaverton. He said many of the people who live in the large apartment complexes were from other countries and did not understand the signage. He said in the countries where they come from, a painted curb was a decoration. He said once a vehicle is towed, the towing company can charge any amount they desire to get your car back. If the vehicle owner does not pay the fee within 30 days, the towing company can keep the car. He said he did not understand how the City could allow an industry to operate in this fashion.

Mayor Drake said the Chief of Staff has spoken with Thompson and the City Attorney on this issue. He asked that she comment to the Council on the outcome of these discussions.

Chief of Staff Linda Adlard said she has spoken with Mr. Thompson about this issue. She said she advised Thompson that the City was in the midst of performing a parking study that will identify private lots and other parking solutions for the city. She said that study should be completed in the spring. She said at that time they will look at the parking study, including an evaluation that staff was completing on franchising tow trucks. She said through a franchise the City could establish towing fees. She said Thompson's business provides private citations and he has been hired by private parking complexes; rather than being towed away, the vehicles receive a citation. She said they would look at his solution at that time. She said she has discussed this with the City Attorney and it is his opinion that at this point that unless there is an ordinance that allows the service that Thomas provides, it is an illegal activity in Beaverton.

City Attorney Alan Rappleyea said that was correct and was based on the Attorney General's interpretation of the law. He said a City ordinance would be needed to support that activity.

Mayor Drake asked Adlard if she had received a formal presentation or proposal from Thompson.

Adlard replied she had not; she had spoken with him on the telephone.

Mayor Drake suggested that Thompson provide information to the City on a specific proposal. He asked that Thompson send information to the Chief of Staff and City Attorney explaining the service he currently provides in Portland. He said staff could then analyze his service and see if it could be incorporated into the parking plan that the City was developing.

Coun. Arnold suggested that if Thompson had a brief summary that he send it to the Council.

Thompson said he would do so.

RECESS:

Mayor Drake called for a brief recess at 7:45 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 7:55 p.m.

PRESENTATION/WORK SESSION:

06229 An Ordinance Regulating the Possession of Replica Firearms in Public Places

Mayor Drake explained that the work session was to introduce the Council and the public to an ordinance regulating the possession of replica firearms in public places, which has been recommended by the Police Department. He said the proposed ordinance would be brought back for a public hearing in January 2007.

Police Chief Dave Bishop introduced Police Officers Andrew Halbert and Mike Hanada who gave the presentation. He noted Randy Cape, Security Director for the Beaverton School District, would also be present to testify. He noted that Assistant City Attorney Ted Naemura was also present to answer legal questions. He said the proposed ordinance was a pro-active step to deal with a problem that has become a serious concern within the Police Department. He said the purpose of the ordinance was to foster a safe environment for the community. He said these replica guns were extremely important for officers responding to a call and having to make a decision on whether or not to shoot. He said individuals who display these replica guns in a public place put themselves at a great risk and this ordinance is also intended to protect them. He said this ordinance would not ban the sale of replica firearms or ban the possession of replica firearms in a citizen's home or private property; he stressed they were addressing toy guns that were manufactured to look like real guns. He noted there were several of these guns displayed on the testimony table. He said a brochure was created for distribution to the public and merchants to educate citizens about this ordinance. He said this ordinance was requested by the officers in the Police Department and it was forwarded to the City Attorney for serious consideration.

Police Officer Andrew Halbert said he and Hanada started work on this project about a year ago. He said nation wide they have seen instances where police officers have had to make a decision to use deadly force and then young adults and juveniles who were using replica firearms were shot. He said this has happened in several cities throughout the country. He said their focus was on public education and awareness to avoid the tragic incidents that have occurred elsewhere.

Halbert said the replica guns were not regular firearms or BB guns. He said these guns are toy guns that fire small plastic projectiles, and are used in such games as Capture the Flag. He reviewed the Federal restrictions on these guns (in the record) and noted they only dealt with the commerce, transport and sale of these toys. He reviewed the types of guns that were made as replica firearms. He said there were no Federal regulations governing what a person can do with a replica firearm; because of this, it was not illegal for a person to remove the orange tip on the barrel that identifies the replica gun. He said other states have put restrictions on the replica guns, though Oregon and Washington have not. He said New York City has the strongest restrictions; they have a total ban on sales and possession within New York City, alterations are prohibited and only fluorescent or brightly colored firearms are allowed. He said the sanctions range from fines to jail sentences. He said California prohibits displaying replica firearms in a public place and he reviewed other sanctions in that state. He said Michigan had the least strict regulations on the firearms; the State requires licenses for businesses selling the firearms and they regulate the size of the projectile. He said while there were only a few cities and states that currently regulate the replica firearms, this was a growing trend. He recommended taking a proactive approach to this problem to avoid tragedies similar to what has happened in other cities.

Halbert reviewed statistics from the Washington County Consolidated Communications Agency Dispatch Center (911) to see how many situations involving replica firearms had occurred. He noted they only used verified calls that were coded as gun calls. He said from July 1, 2005 to December 1, 2006, there were 26 gun calls that resulted in seven arrests and six school lock downs.

Randy Cape, Beaverton School District Security Director, said this year they disciplined nine students for replica guns. He said these situations were treated seriously and discipline ranges from expulsion to suspension. He said other students were affected by the expulsions and they did pay attention to the school's rules. He said this year they had six lock downs in relation to replica guns. He said they cannot take a chance with student's lives so lock downs were required. He said they also had one incident where a school bus was forced into a felony stop because the police officers felt they had to take proactive measures to keep themselves safe in encountering this school bus. He said the kids playing with the fake guns put everyone on the bus in jeopardy.

Police Officer Hanada said it takes an average of 80.64 minutes to handle an average gun call; he noted it takes almost all the officers on a shift to handle the call for over an hour. He said an average cost for each call was \$271.37 and \$4,884.58 was spent on officers investigating toy guns, believing that they were real.

Hanada said there was no current City statute or ordinance addressing the problems that these replica guns have created. He said the popularity of these guns was growing, particularly among adolescents. He said this was a safety and community livability issue. He showed replica guns displayed on the table and pictures of other replica guns. He said the Police Department was not the only agency impacted by these replica guns; private security guards, private investigators, people who have firearms in their homes and the general public reporting incidents to Police were also impacted. He said the purpose of the ordinance would be to allow people to have the replica firearms and play their games in a protected environment that will not disturb the rest of the community.

Hanada said the ordinance specifically would address possession of these weapons in a school in order to prevent false alarms and the negative perceptions that can be created of the schools. He reiterated the impact to police officers in situations where the threat appears real and decisions have to be made in seconds. He reviewed research data from a study of replica firearms conducted by the University of Durham, London, England, which showed the difficulty people have in identifying real versus replica guns in situations when they have only 10 to 30 seconds to identify the gun. He stressed that police officers have only a few seconds to identify if they are in a "threat" situation and if the use of force would be needed. He repeated the ordinance would not ban these guns; it would allow people to have the guns and play with them in protected environments.

Halbert said the focus of the ordinance is education and public awareness through the guise of the City ordinance. He said the City would do an intensive public media campaign for the public and in the schools. He distributed a copy of a pamphlet that will be used to educate the public on the safe use of these guns. He said they have worked with Peer Court to make this a Peer Court violation. He said there would be a sixty day implementation during which emphasis will be on advising and educating the public. After the sixty-day period, violation citations would be issued.

Assistant City Attorney Ted Naemura reviewed the draft ordinance. He noted there were two changes to the ordinance. He said on page 9 of the staff report, Subsection C.3. of the ordinance should read "The replica firearm, if present in a public place, is being used for or in the production of television programs....". He said on page 11, Section 3.D. of the ordinance should read "This section does not prohibit the discharge of a device otherwise lawfully...." He said the change to the word device was being recommended to distinguish the difference between a BB gun and a replica (air-soft) gun.

Halbert concluded that the focus of the ordinance was to deter the public use of weapons that look significantly like real firearms. He said they were taking corrective action and would track the results long-term.

Mayor Drake thanked them for an excellent presentation.

Coun. Doyle thanked staff for taking a leadership and a proactive approach to protect the community. He asked what their expectations were for this ordinance.

Halbert said they did not expect to see results overnight; it will be a public awareness issue much like photo radar. He said the purpose was to foster a safe environment.

Hanada said it was important to note that these guns were mainly used by older adolescents (16 to 20 years old) who could make adult decisions. He said the purpose is to educate them so they will make the right decision and to inform parents to become accountable for what their child is doing.

Coun. Doyle thanked staff for taking the middle-of-the-road approach as he felt it would be more palatable to the public. He asked if the ordinance would still allow games like paintball to be played in Highland Park Forest.

Naemura said this would depend on how the court would apply the definition of public place. He said possibly there might be a process, through a permit, to use a park or a public place for such an activity.

Coun. Doyle asked if this had been brought up at the State level.

Bishop said it has not been brought up at the State level but it has been discussed by the Police Chief's Association. He said it has been discussed across the country.

Coun. Doyle offered to help bring this matter to the State legislature.

Bishop said if the Council approves the ordinance, the Department will closely measure the results and report back to Council.

Mayor Drake said that if the ordinance is successful in the City, then one of the concerns for the Beaverton School District will be to see if the Washington County Commission would adopt a similar ordinance to cover those District schools that are not within the City limits.

Naemura said they may see that this ordinance has a large scope; Beaverton's problems are not like New York City's problems, even though the implements are similar. He said the discussions may be different depending on the location and the scope of the problem.

Coun. Stanton referred to one of the slides that was labeled Solutions and one of the solutions said this went beyond Federal standards. She said there were no Federal standards on this and she was not expecting the Federal government to do anything on this issue. She said one of the citation penalties was a possible loss of the firearm. She asked why not make it a definite loss of the firearm.

Bishop said they would support such a modification to the ordinance if the Council would approve it.

Coun. Stanton said she assumed this would apply to confiscating orange-tipped replicas, as well as replica guns that have had the orange tip removed.

Bishop said that would depend on the use and how it was applied. He said if it was in a public place, orange tip or not, it would be confiscated.

Naemura said the penalty would apply to all replicas, whether or not there is an orange tip; the penalty for obscuring the orange tip would be higher.

Coun. Stanton said she appreciated this proactive approach and the community policing. She said it was scary to know that from the 18 calls received, five could not tell if the guns were replicas or not. She said she always wants to know that citizens in the community are safe.

Bishop thanked Stanton for her comments. He noted the officers in Beaverton are extremely well trained and he has been amazed that with the incidents that have occurred that no one has been shot, because officers have been put in harms way.

Mayor Drake noted these incidents were very real and had even affected his son one day at school. He said the fear was very real.

Coun. Stanton asked what the speed was for replica (air-soft) projectiles.

Hanada noted the speeds could go from three to five hundred feet per second.

Coun. Stanton asked if kids could play with these guns in their own cul-de-sac.

Bishop replied that if they received a call, or encountered a situation, the officers will have a discussion with the people involved about safety and finding a better place to play.

Coun. Arnold stressed this will need a great deal of education. She asked if they considered banning all other replica guns.

Bishop said they only considered the guns that are manufactured to look real.

Coun. Arnold said she agreed with confiscating the replicas that have an orange tip, to make a strong effort to educate parents that they should not buy toys that look like real guns.

Bishop said they concurred with this change.

Coun. Arnold stressed it is a traumatic experience to shoot a human being; an extreme experience for officers and families.

Coun. Bode said she would prefer a stronger social statement and not allow the practice or imitation of violence as a form of entertainment. She said she did not agree with saying it is okay to just pretend to be violent in play. She said she would prefer stronger language and shortening the waiting period to 30 days instead of 60. She said for livability in the community and schools there was no room for this type of activity in public places. She encouraged citizens to submit their comments at the public hearing on January 22, 2007.

Cape said Halbert came to him a year ago after one of these incidents, and brought forward this idea. He said Halbert thought about this for a long time and the City should be very proud of its police officers because they were clearly saying they want to save lives. He said the officers have put a lot of work into this ordinance. He said he felt this ordinance would work. He said the Beaverton School District supports the work of these fine officers.

Coun. Doyle said it was good that the Department empowered its officers to do this work. He confirmed the public hearing would be January 22, 2007.

Coun. Stanton asked all interested citizens to submit their comments at the public hearing or send in their written testimony on-line or through the mail.

Bishop noted there was a team of officers who developed this ordinance. He thanked the Council.

CONSENT AGENDA:

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

06230 Liquor License: New Outlet - Yasmin Restaurant & Lounge

06231 2007 Boards and Commissions Appointments

06232 A Resolution Stating the Official Results of the November 7, 2006, General Election (Resolution No. 3884)

06233 Classification Change - Amendment

Coun. Stanton thanked staff for answering her questions.

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

COUNCIL ITEMS:

Coun. Stanton said there was a nice Employee Holiday Lunch today. She noted tomorrow night that the City would have its Holiday Open House from 5:00 to 7:00 p.m., in the City Hall Council Chamber. She invited everyone to attend.

STAFF ITEMS:

There were none.

ORDINANCES:

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that the rules be suspended, and that the ordinance embodied in Agenda Bill 06234 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

First Reading:

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

06234 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Two Properties Located in Central Beaverton; CPA 2006-0015/ZMA 2006-0020 (Mobile Home Corral) (Ordinance No. 4416)

Second Reading:

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

06219 An Ordinance Repealing the 72-Hour Parking Prohibition, Section 6.02.310.F of the Municipal Code (Ordinance No. 4415)

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the ordinance embodied in Agenda Bill 06219 now pass. Roll call vote. Couns. Arnold, Bode, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 9:25 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day ,2007,

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
JANUARY 8, 2007

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, January 8, 2007, at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce S. Dalrymple, Dennis Doyle and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, 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 Chief David Bishop and City Recorder Sue Nelson.

Couns. Bruce S. Dalrymple, Betty Bode and Dennis Doyle were sworn into office as City Councilors by City Recorder Sue Nelson.

Coun. Bode thanked the citizens of Beaverton for re-electing her to a second term. She said the election process was as vigorous and challenging as the first time she ran for City Councilor. She said she appreciated the support she received from the community as it gave her the energy to go through the entire process. She said she believes that the city can meet the challenges of growth, economic stability, transportation, land use, and public safety for all of the citizens. She said the community demographics have changed over the years. There are now multi-generational families and groups calling Beaverton their home including refugees from foreign countries who never dreamed that they would ever be in Beaverton. She said there is a wonderful population of retired individuals who have made Beaverton their home; this group has wisdom and history and they also contribute to the future.

Coun. Bode stated that she is aware that as Beaverton grows it is becoming an intricate partner in regional development, especially in the counties of Multnomah and Washington. She said as a Councilor she is prepared and open to looking at the growth in the collaborative efforts that are needed for regional sustainability. She said that she would continue to be very thoughtful in her consideration of the questions and deliberations that are asked of her during the next term and she looks forward to the work at hand and will try to be ready for the surprises and challenges that none of us are prepared for today. She thanked the community for allowing her to be a community steward representing all of the citizens of Beaverton.

Mayor Drake stated that he would accept a motion for the position of Council President.

Coun. Stanton thanked everyone for allowing her to be Council President for 2006, and made a motion to nominate Coun. Dennis Doyle for Council President for 2007.

Coun. Stanton MOVED, SECONDED by Coun. Bode, that Dennis Doyle be elected Council President for 2007. Roll Call vote. Couns. Arnold, Bode, Dalrymple and Stanton voting AYE, the MOTION CARRIED unanimously (4:0).

Coun. Bode thanked Coun. Stanton for the great job she did as Council President.

PRESENTATIONS:

- 07001 Presentation of the Distinguished Budget Presentation Award and Certificate of Recognition for Budget Preparation to Joanne Harrington for the City's FY 2006-07 Annual Budget Document

Finance Director Patrick O'Claire introduced J.J. Schulz and JoAnne Harrington. He said this was the City's 19th consecutive year for receiving the award, which demonstrated the high quality of the budget document that the City produces. He said the budget document would soon be available on the City's website in full form.

- 07002 Presentation of the Certificate of Achievement for Excellence in Financial Reporting and the Award of Financial Reporting Achievement to J.J. Schulz for the City's FY 2004-05 Comprehensive Annual Financial Report.

O'Claire presented this award to Schulz, and stated that this was the City's 27th consecutive year of receiving this award.

Mayor Drake commended O'Claire's managerial effectiveness and credited him for his ability to work with the citizen's with fiscal integrity. He commented that there was a high standard set every year and O'Claire and his staff have been great partners within the City.

O'Claire also acknowledged the excellent work of Assistant Finance Director Shirley Baron-Kelly and said she had been instrumental in motivating staff to accomplish and achieve these awards.

Mayor Drake agreed that Baron-Kelly was to be commended and he thanked them for serving the City with dignity and distinction.

Mayor Drake and Coun. Doyle commended the Finance Department staff and thanked them for the citizens as well.

Coun. Stanton explained what the Certificate of Achievement for Excellence in Financial Reporting was and said it showed that the City was financially healthy and its funds are well managed. She said the "Spirit of Full Disclosure" was a term that should be viewed as transparency for the City and was available on the City's Website. She said the guideline for the Budget Document awards was a policy document; it explained why the City wanted to spend the money that it requested to spend. She explained it was also a

financial plan to show where the City obtained the funds, how it secured the funds, and what it did with the interest on the funds that had accumulated interest. She said it was an operations guide because it was viewed by every department and documented each department's plan for the coming year. She said everyone could view where the City will be spending its money; it was a comprehensive look at what the City will be doing this next year.

Coun. Stanton encouraged everyone to take an opportunity to read the Finance document, and thanked the Finance Department staff for their hard work.

VISITOR COMMENT PERIOD:

Barbara Wilson said on November 13, 2006, the Mayor signed a Climate Protection Agreement that was approved by Council. She said the document was non-binding, but it was her hope that there would be commitment to the document. She talked about her global warming concerns.

Wilson said City crews went to Berthold Street and removed a 50-year old, 55- foot healthy tree (weighing 9,000 pounds) for the purpose of holiday decoration at The Round. She asked how that fit with City policies. She reviewed the price and cost of moving a tree, the City's involvement, and the safety of a City crew removing a tree of that size. She questioned the administrative guidelines within the City. She said she did not want to see City employees searching for trees to cut. She commented that if the Operations Department continued to cut trees for holiday trees, the City would lose a lot of trees. She said an alternative would be to dig a hole and plant a tree at The Round, or use an artificial tree or for a live tree, go to a tree farm. She stated that she was searching for a policy on this issue. She closed by saying that she thought that the removal of this tree was totally unnecessary, environmentally insensitive and wasteful.

Mayor Drake said that Ms. Wilson had a lengthy conversation with the Public Works Director last week. He explained that Mr. Williams (property owner) was going to cut the tree down and if the City had gone out and cut another tree that would have been two trees. He said the trees for the previous two years at The Round were removed for projects, so the City was recycling these trees. He said the City always follows all requirements of OSHA and good common sense. He said some of the work was contracted out in the removal of Mr. William's tree. He said Beaverton was proud to be a "Tree City USA." He said the City valued trees and it was Mr. Williams' right to take the tree down.

Wilson concluded that she didn't want the City facilitating the cutting down of trees.

Coun. Bode asked for clarification that the homeowner, Mr. Williams, wanted the tree removed and verified that he was willing to pay for a service to come and take the tree out. She clarified that the City was not entering into a tree removal service, reiterating the importance of building community and traditions.

Henry Kane said the purpose of his letter was to assist the City to enforce Measure 37 (in the record). He said the documents he had attached explain the intention. He said the City Council was not supposed to be a rubber stamp; the applicant had the burden. He said the City has adopted regulations that Measure 37 authorizes and those

regulations have the force of the statute. He said a lot was at stake; livability, unacceptable development, or simple compliance with the Oregon Constitution that states if property was taken for a public use, then the owner is entitled to compensation. He said he would be submitting a detailed analysis of the Peterkort claim of \$9,000,000.00 and that will be copied to the Peterkort representative so they would have an opportunity to respond and if there was no response, there would be a reason for it.

Harry Bodine said he and Pat Biggs wished to recognize Mayor Drake for stepping forward and assisting with county wide library levy. He said the Mayor brought in mayors and councilors to help with the campaign.

Bodine said "People for Libraries", a political action committee that was formed many years ago for the single purpose of passing county-wide library service levies in Washington County, would continue to work as the organization has to be maintained. He said people will need to hold the committee together until the next campaign in 2010.

Bodine thanked Michele Caldwell and Tony Lemay (Library employees) for working on the library levy.

Mayor Drake said the two of them had been the inspiration and he had chaired the campaign for they all loved the library. He said Bodine had been active in the Cedar Mill Library, which was not within the city, but that the library has done very well thanks to the Bales family and their passion for the library. He said the City employees campaigned for the levy on their own time.

Biggs stated that Washington County had a really good concept that a citizen can check out a book from one library and return it to another library within the district. She said if that Library did not have the book, they could order it from another library and it would be in your library the next day if it was available. She said that was a very efficient way to run a system. She stated that it was their "Sayonara;" that she and Harry were getting old but they were leaving a fairly extensive suggestion list and timeline of how the committee works and how to campaign.

Coun. Arnold said that she wanted to thank Bodine and Biggs for all of their hard work and help with the libraries throughout the years.

Coun. Stanton seconded the thank you for all of their hard work over the years.

COUNCIL ITEMS:

Coun. Stanton said as of the first of this year the Library was now open at 10:00 a.m. every morning except Sunday (those hours remain 1:00p.m. to 5:00 p.m.). She stated that there was a Volunteer Day coming up at Greenway Park where they would be planting native trees and shrubs to expand the natural habitat areas, tools, gloves, snacks, and water would be provided. She suggested that citizens access the Greenway Association website; there will be volunteer days coming up in February, the 10th and 24th, and in March, the 3rd and 10th from 9:00 a.m. to 1:00 p.m. She asked citizens to come and plant some trees!

Coun. Dalrymple said it seemed that when a property comes into the city it does not have a land use designation. He said he would like for staff to respond by informing the Council why they can not define what the land use should be by the time the property is brought into the city.

Mayor Drake said because of Ballot Measure 37, and also because of the uncertainty of the appeals, they did not go the next step to make the date of the actual zone change closer to the annexation. He said there were a lot of uncertainties, and they did not want to go through the drill of doing it and having potential reversals due to Measure 37.

Coun. Dalrymple said he would like a staff response.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Coun. Doyle **MOVED, SECONDED** by Coun. Dalrymple, that the Consent Agenda be approved as follows, noting that Agenda Bill 07003 would be pulled for a later date:

Minutes of the Special Meeting of July 24, 2006, and the Regular Meetings of November 13 and December 4, 2006

07003 A Resolution Adopting the City of Beaverton Habitat Friendly Development Practices Guidance Manual (Resolution No. 3885) Pulled

07004 Authorize the Mayor to Sign an Amendment to the Intergovernmental Agreement with Washington County Oregon, to Continue to participate in the Department of Homeland Security's Urban Area Security Initiative Grant Awarded to the City of Portland (Resolution No. 3886)

07005 Liquor License: New Outlet – Pizza Schmizza; Change of Ownership - Tanya's European Deli

07006 Staffing Change - Court Clerk (Resolution 3887)

07014 Establish two Nine-Month limited Duration Positions in Support of a the Locating Program and Special Purpose Budget Adjustment Resolution (Resolution 3888)

Contract Review Board:

07007 Bid Award – Wilson Drive Waterline Replacement Project

07008 Rejection of Bid – Beaverton Central Plant Building E & F Underground Piping and Mechanical Room Project #2027-07

Coun. Stanton said she would abstain from voting on the November 13, 2006, minutes as she was not at that meeting. She said she had a change for the December 4, 2006, minutes and she had two questions regarding the July 24, 2006, minutes.

Coun. Doyle asked about AB 07008, the rejection of the bid for the Central Plant.

O'Claire responded that the project had been bid, but it had been separated out for two separate bids. He said the bids would not close for another week or so.

Coun. Stanton said they put a stipulation that it not exceed a certain dollar amount. She inquired about the fact that now that it had been split into two separate pieces, would there be some mechanism for the dollar amount to be reflected.

O'Claire said as part of the bid process each piece will be identified.

Question called on the motion. Roll call vote. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

RECESS:

Mayor Drake called for a brief recess at 7:30 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 7:45 p.m.

PUBLIC HEARING:

07009 Rose Biggi Avenue Street Vacation (SV 2004-0002)

Senior Planner John Osterberg read a prepared statement defining the process that needed to be followed for this hearing, including various required disclosure statements (in the record).

Osterberg asked if any City Councilor had a potential or actual conflict of interest.

There were none.

Osterberg asked if any City Councilor had any ex parte contact to declare.

Mayor Drake noted that, serving as the City's Chief Executive, he had questions raised by Mr. Beech regarding procedure and process but that he felt that none of that would be an issue in the event that he would have to vote to break a tie, nor would he have any bias in any way and said he would be very comfortable with doing it if it came to that.

Coun. Stanton stated that she was acquainted with Mr. Biggi.

Coun. Dalrymple stated he was a friend of Mr. Biggi.

Coun. Doyle said he was a friend of Mr. Biggi but that would not influence him.

Coun. Arnold said she also knew the Biggi's.

Osterberg asked if any Councilor wished to declare any site visits.

Mayor Drake stated that it might be fair to say that they had all driven by the site and were familiar with it.

Osterberg asked if any member of the audience wished to challenge the right of any Councilor to participate in this hearing, or wished to request a continuance of the hearing to a later date.

There were no challenges.

Osterberg explained the order of the public hearing process (in the record).

Osterberg presented the staff report. He said the applicant, also referred to as the Petitioner as required by law, was requesting a portion of the Rose Biggi Avenue for a street vacation. He said that was the portion that was being requested for the Street Vacation and that would transfer the ownership back to the private property owner. He said staff had made findings that there was no impact to the Rose Biggi improvement and the recommendation was that the City Council approve the request.

Coun. Stanton referred to the maps (pages 25 and 46) strike out for the proposed vacation and the streetlight involved; she referred to page 25 and asked if that piece was part of the street vacation. She asked what rights the City would have for access to that site. She asked if the utilities were underground and accessible or were they above ground.

Osterberg said the two maps were different. He said one reflects the submittal by the applicant. He said the transmitter was above ground. He said the easements were needed for the access.

APPLICANT

Mr. Dominic Biggi said originally this was going to be a fire lane, from Beaverdam Road and Tualatin Valley Highway back to the vault, for the power for the light rail station. He said his family didn't want a nice bike path there; they thought a roadway would be more valuable to the City for redevelopment in the long term, so his father donated the land. He said they had followed cumbersome State law over a two-year application process and he expressed gratitude to the staff for sticking with him over that time. He said he supported the staff approval to recommend the action. He stated that he did not want to go through a ballot Measure 37 claim, that he didn't feel that would be the proper process but that he should just go through the State process to do this the right way, even though it took a long time. He said he was grateful that everyone stayed with it.

Mr. Umrein asked if the easement concerned his property.

Mayor Drake stated that his property was southwest of the location that was being discussed.

Mayor Drake closed the public hearing.

Coun. Stanton MOVED/SECONDED by Coun. Bode, that the Council approve the Street Vacation SV 2004-0002. Roll call vote. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously (5:0).

ORDINANCES:

Coun. Doyle MOVED, SECONDED by Coun. Bode, that the rules be suspended, and that the ordinances embodied in Agenda Bills 07010, 07011, 07012, and 07013 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

First Reading:

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

- 07010 An Ordinance Amending Ordinance No. 4060, Engineering Design Manual and Standard Drawings (Ordinance No. 4417)
- 07011 An Ordinance Amending Ordinance No. 2050, the Development Code, By Amending and Adding Provisions Relating to Transportation TA 2006-0011 (Ordinance No. 4418)
- 07012 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located in the General Vicinity of West Stark Street, North of US 26 and West of SW Corby Drive; CPA 2006-0014/ZMA 2006-0017 (Ordinance No. 4419)
- 07013 ZMA 2006-0018, Corridor Court Rezone; An Ordinance Amending Ordinance No. 2050, the Zoning Map for Two Properties Located in North Beaverton from Office Commercial (OC) to Community Service (CS) (Ordinance No. 4420)

Second Reading:

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

- 06234 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Two Properties Located in Central Beaverton; CPA 2006-0015/ ZMA 2006-0020 (Mobile Home Corral) (Ordinance 4416)

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the ordinance embodied in Agenda Bill 06234 now pass. Roll call vote. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

EXECUTIVE SESSION:

Coun. Bode MOVED, SECONDED by Coun. Stanton, that Council move into executive session in accordance with 192.660 (2) (d) labor negotiations Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

The executive session convened at 8:15 p.m.

The executive session adjourned at 8:50 p.m.

The regular meeting reconvened at 8:50 p.m.

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 ,2007,

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Boards and Commissions Appointments – Kevin Hoover to Beaverton Arts Commission. and Deborah Borchers to Citizens with Disabilities Advisory Committee

FOR AGENDA OF: 01-22-07 **BILL NO:** 07018

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office/Neighborhood Program

DATE SUBMITTED: 01-12-07

CLEARANCES:

PROCEEDING: CONSENT AGENDA

EXHIBITS: Applications for new appointments

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

There is currently a vacancy on the Beaverton Arts Commission. Mayor Rob Drake is forwarding Kevin Hoover's application with the recommendation that he be appointed to fill the vacancy. Mr. Hoover's term is effective immediately and will expire on December 31, 2007.

There is also a vacancy on the Citizens with Disabilities Advisory Committee. Mayor Rob Drake is forwarding Deborah Borchers' application with the recommendation that she be appointed to fill the vacancy. Ms. Borchers' term is effective immediately and will expire on December 31, 2009.

RECOMMENDED ACTION:

Confirm recommended appointments to the Beaverton Arts Commission and the Citizens with Disabilities Advisory Committee.

Community Database
Web Application Request Detail Listing
Application # 126

Status: <input type="text" value="Processed"/>		
Choice #1: <input type="text" value="Beaverton Arts Commission"/>		
Choice #2: <input type="text" value="Traffic Commission"/>		
First Name: <input type="text" value="Kevin"/>	Last: <input type="text" value="Hoover"/>	Customer #: <input type="text"/>
Street: <input type="text"/>	Home Phone: <input type="text"/>	
City: <input type="text"/>	Work Phone: <input type="text"/>	Extension: <input type="text"/>
State: <input type="text"/>	Zip: <input type="text"/>	E-Mail: <input type="text"/>
City Resident: <input checked="" type="checkbox"/>	How Long: <input type="text" value="5 years"/>	Employer: <input type="text" value="ISSPRO, Inc."/>
<input checked="" type="checkbox"/> Keep Name on List (if not appointed)		Position: <input type="text" value="Purchasing Manager"/>
Heard How? <input type="text" value="Mailer"/>		
Background: <input type="text" value="I am high technology professional with an extensive background in a variety of manufacturing and service industries. I have worked with small groups and very large corporations in problem solving and conflict resolution. I can be a team leader or an individual contributor to any board or commission by listening to the facts, participating in discussions and building consensus."/>		
Skills: <input type="text" value="Arts Commission: I have been an amateur and a professional photographer for 25+ years, working in commercial environments and freelance work."/>		
<input type="text" value="Traffic Commission: I am a volunteer with the Beaverton Police Department and do the logistics/scheduling for the Phantom Car Program in addition to being part of the group that moves the car each week."/>		
Motivation: <input type="text" value="I would like to expand the volunteer work that I current do. I am a volunteer for the Beaverton Police Department (Sue Hayes), participating in the Phantom Car Program, S.M.A.R.T. Program, Shredding Day events and the ID Theft Resource Group. I am a graduate of the Beaverton/Washington County C.E.R.T. Program (Ted Morris) and participate in a number of their events including the Flicks at the Fountain series. I have just started volunteering for the Willamette West Habitat for Humanity program in Hillsboro. I would like to participate in the decisions that impact the residents of Beaverton in a more direct way."/>		
Goals: <input type="text" value="To help develop a sustainable and healthy environment for the long term growth and stability of Beaverton."/>		
Felony / Crime? <input type="checkbox"/>		
Description: <input type="text"/>		

Community Database
Web Application Request Detail Listing
Application # 107

Status:

Choice #1:

Choice #2:

First Name: **Last:** **Customer #:**

Street:

City: **Work Phone:** **Extension:**

State: **Zip:** **E-Mail:**

City Resident: **How Long:** **Employer:**

Keep Name on List (if not appointed) **Position:**

Heard How?

Background:

Skills:

Motivation:

Goals:

Felony / Crime?

Description:

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Traffic Commission Issue No. :

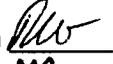
- TC 602: Parking Restrictions on SW Mesa Court and Blakeney Street
- TC 603. Speed Zoning Near the Intersection of SW 92nd Avenue and Allen Boulevard
- TC 604: Stop Signs on SW Palomino Place and Saddle Drive at Stallion Drive
- TC 605: Short-term Parking on SW Broadway
- TC 606: Parking on SW Stratus Street

FOR AGENDA OF: 1-22-07 **BILL NO:** 07019

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Public Works 

DATE SUBMITTED: 1-16-07

CLEARANCES: Transportation 
City Attorney 

PROCEEDING: Consent

- EXHIBITS:**
1. Vicinity Map
 2. City Traffic Engineer's reports on Issues TC 602, 603, 605 and 606 including written testimony.
 3. Final Written Order on TC 605 and 606
 4. Draft minutes of the meeting of December 7, 2006 (excerpt)

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On December 7, 2006, the Traffic Commission considered the subject traffic issues. The staff reports are attached as Exhibit 2.

INFORMATION FOR CONSIDERATION:

On consent agenda, the Commission approved staff recommendations on Issues TC 602 and 603.

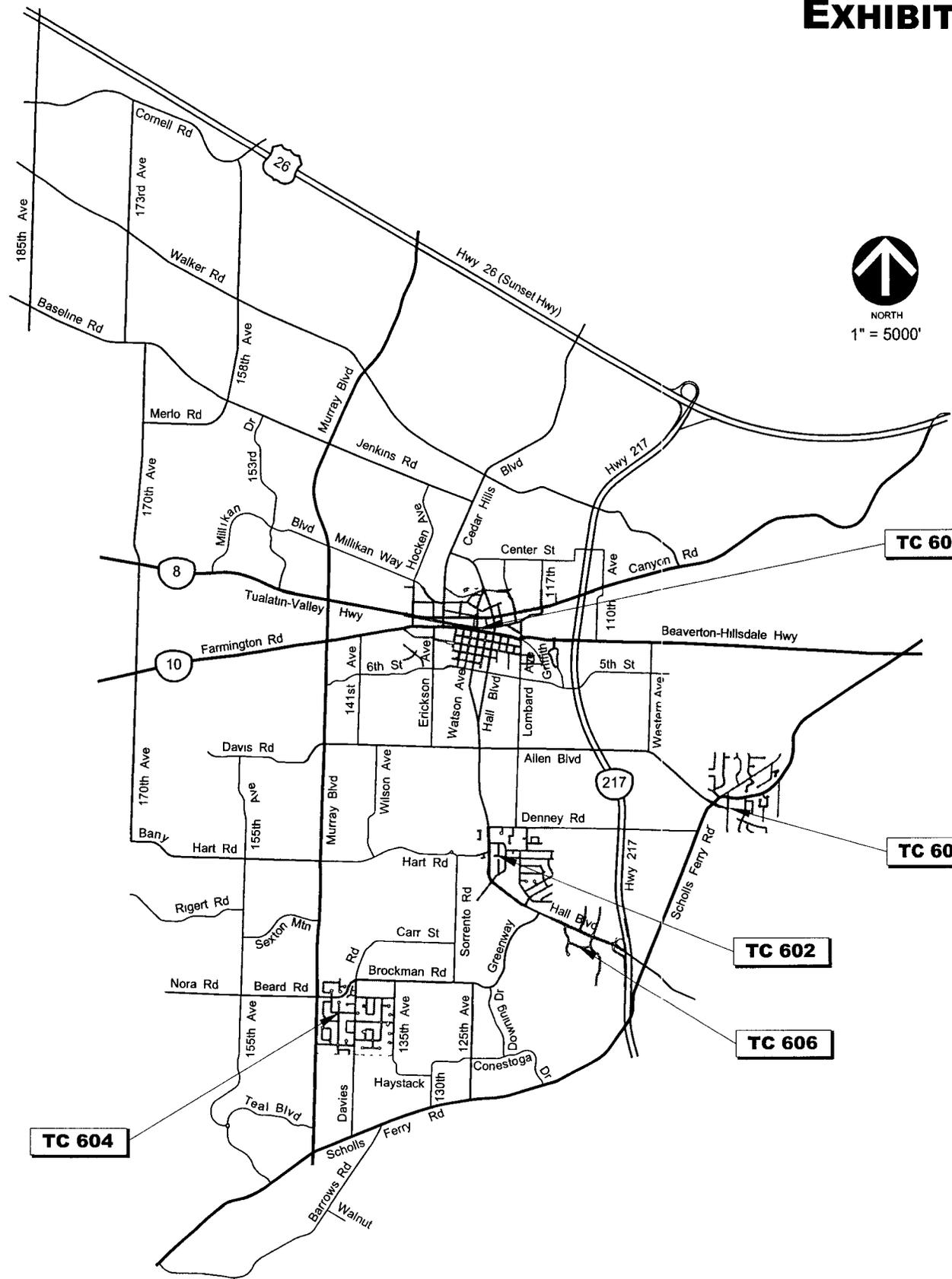
Following a hearing on Issue TC 604, the Commission voted to deny the request. The issue was continued to allow preparation of a final written order. This issue will appear on a future Council agenda bill after the Commission adopts the final order.

Following hearings on Issues TC 605 and 606, the Commission adopted the staff recommendations on both issues. Final orders are shown in Exhibit 3.

RECOMMENDED ACTION:

Approve the Traffic Commission recommendations on Issues TC 602, 603, 605 and 606

EXHIBIT 1



Y: \ Traffic \ Drawings \ TC Vicinity Map \ VICINITY MAP TC 602-606 12-07-06.dwg



Vicinity Map for December 2006
 TC Issues: 602 through 606

PUBLIC WORKS DEPARTMENT
TRANSPORTATION SECTION

Drawn By: JM Date: 11/14/06
 Reviewed By: Date:
 Approved By: Date: 1

CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 602

Parking Restrictions on SW Mesa Court and SW Blakeney Street

November 15, 2006

Background Information

Attached is a letter from the residents of SW Mesa Court requesting that parking be prohibited along the south side of Mesa Court and the narrow portion of SW Blakeney Street. The property abutting the south side of the street is undeveloped and is fenced off from the street. Two additional lots abut the narrow portion of the street but are not represented in the petition. Those two properties front on Alpine Drive and appear to have adequate on-street parking on Alpine.

Currently, the narrow portion of the street is only 17 feet wide. City design standards call for streets of this width to have no on-street parking.

In the future, when the property along the south side of the street is developed, the street will be completed to standard widths and on-street parking can be allowed. Until then, it appears advisable to restrict parking as requested to assure a clear route for emergency vehicle access.

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);
- 1e (assure safe access and reasonable response times for emergency vehicles).

Conclusions:

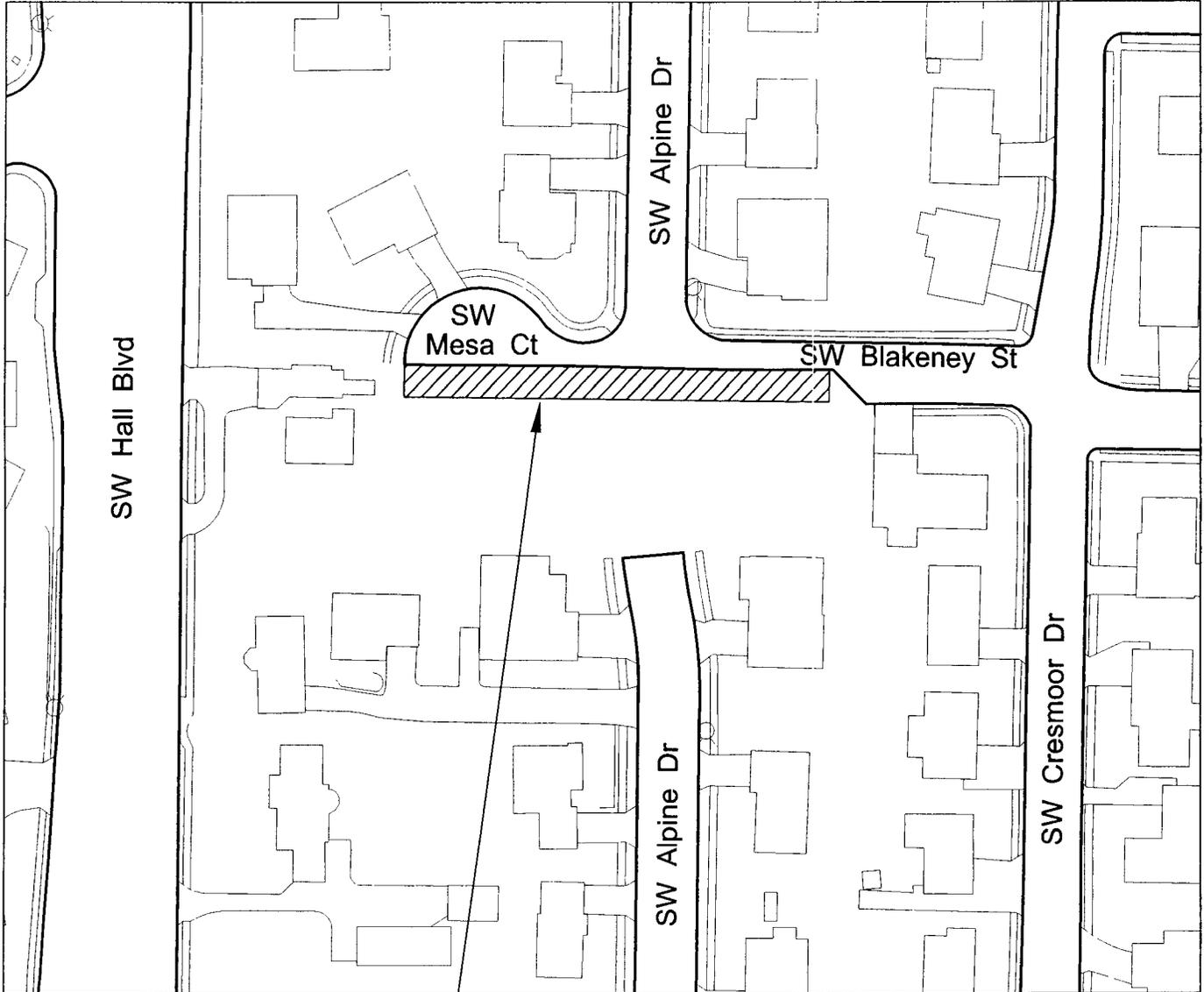
- The proposed parking restrictions have been requested by the residents most impacted by the restrictions. Parking restrictions are needed to provide safe emergency access. Therefore, it appears that the proposed restrictions satisfy Criterion 1d.
- The proposed parking restrictions will provide more room for emergency vehicle access, satisfying Criterion 1e.

Recommendation:

- Prohibit parking along the south side of SW Mesa Court.
- Prohibit parking along the south side of SW Blakeney Street in locations where the street width is less than 20 feet.



NORTH
1" = 100'



Proposed "No Parking" Zone

Y:\Traffic\Drawings\2006\06-114 Mesa at Blakeney Signing.dwg



City Of Beaverton

Parking Restriction of SW Mesa Court
and SW Blakeney Street

**PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
TRANSPORTATION SECTION**

Drawn By: MC Date: 11/3/06

Reviewed By: _____ Date: _____

Approved By: _____ Date: _____

RECEIVED
OCT - 6 2006
ENGINEERING DEPT.

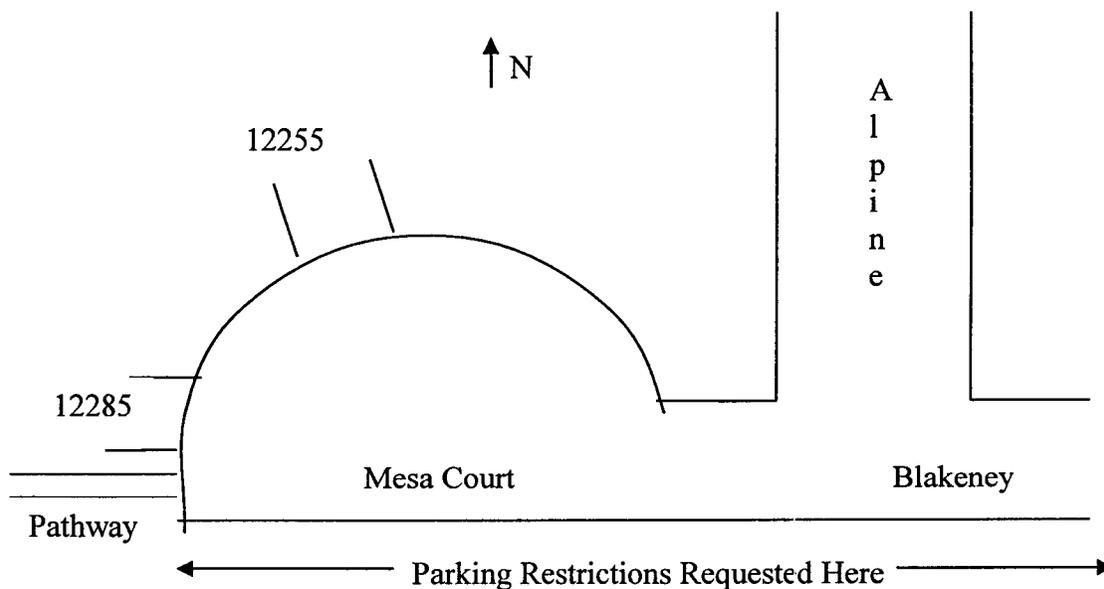
September 29, 2006

City Traffic Engineer
PO Box 4755
Beaverton, OR 97076

Subject: Petition for Parking Restrictions Mesa Court and Blakeney Street

The undersigned residents of Mesa Court hereby petition the Beaverton City Traffic Engineer to restrict parking to service vehicles only on the south side of SW Mesa Court and the adjoining narrow section of Blakeney Street. The reasons for this petition are as follows:

1. Mesa Court is a half cul-de-sack with limited space for resident, service (e.g. garbage) and emergency vehicles to navigate. Access can be restricted or blocked when vehicles are parked on both sides of the street.
2. There is a pedestrian/bicycle path with cutout entering Mesa Court from the west end. When vehicles park on the south side, they block this path and cause dangerous conditions when visibility is limited.



Sincerely,

Aaron Sahlstrom, 12285 SW Mesa Court

Rosario and Janet Bonafede, 12255 SW Mesa Court

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: November 22, 2006

TO: Randy Wooley

FROM: Jim Monger

SUBJECT: TC 602

TC 602. I concur with the recommendation to prohibit parking as detailed in the City Traffic Engineer's reports dated November 15, 2006.

CITY TRAFFIC ENGINEER'S REPORT

ISSUE NO. TC 603

(Speed Zoning Near the Intersection of SW 92nd Avenue and SW Allen Boulevard)

November 15, 2006

Background Information

Approximately 500 feet east of Scholls Ferry Road, Allen Boulevard makes a 90-degree turn and becomes SW 92nd Avenue. Approximately 140 feet south of the 90-degree turn, the road leaves the City and becomes a County road.

Speed zoning on SW 92nd Avenue was last reviewed in 1957. At that time, a posted speed of 35 mph was established for 92nd Avenue from Garden Home Road to Scholls Ferry Road. Sometime in the past 50 years Allen Boulevard was extended to connect to 92nd Avenue. Allen is now the arterial route. North of Allen, 92nd is now a local street. No speed zone has ever been established for the portion of Allen between 92nd and Scholls Ferry.

Washington County has requested that the Oregon Department of Transportation conduct a speed study on SW 92nd. The County has requested that ODOT reduce the posted speed from the current 35 mph to a new speed of 30 mph. Under Oregon law, all speed limits are established by the State through ODOT.

ODOT has suggested that the City join in the request for a speed study, so that the study can review all of SW 92nd Avenue. City staff agree that the entire roadway section should be reviewed at the same time to provide a consistent speed limit along the road and to avoid having a higher posted limit near the 90-degree curve. In addition, staff propose that the speed study include Allen between 92nd and Scholls Ferry, since Allen and 92nd work jointly as the arterial route. Staff also propose that the speed zoning should be removed on the portion of 92nd north of Allen, allowing that local street to revert to the statutory speed limit.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1h (comply with Federal and State regulations).

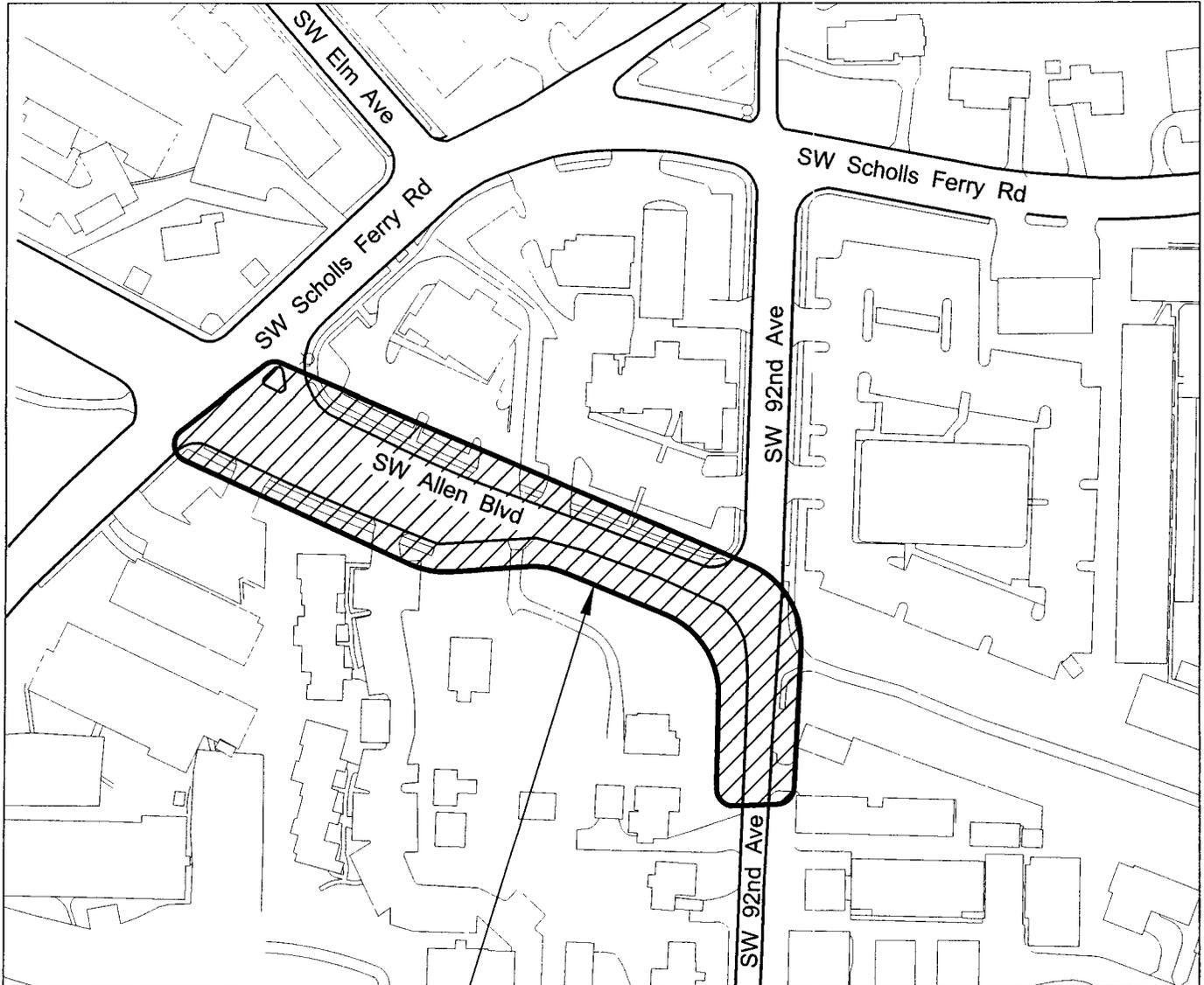
Conclusions:

1. The ODOT review will determine the appropriate speed limit for the roadway. The ODOT review will consider safety of all roadway users in its determination. A consistent speed limit along all of 92nd will encourage more orderly movement of vehicles and better compliance with the speed limit. Therefore, a request for ODOT review is consistent with Criteria 1a and 1b.

2. The speed limit will be established by ODOT as required by state law, satisfying Criterion 1h.

Recommendation:

- Request that ODOT review the posted speed on SW 92nd Avenue south of Allen Boulevard and establish a new speed limit consistent with the posted speed established for the County portion of SW 92nd Avenue:
- Request that ODOT establish a posted speed for SW Allen Boulevard between 92nd Avenue and Scholls Ferry Road consistent with the speed limit established for 92nd Avenue.
- Request that ODOT repeal the speed zoning for 92nd Avenue between Allen Boulevard and Scholls Ferry Road.



Proposed Speed Zone Study

Y:\Traffic\Drawings\2006\06-115 Allen and 92nd Speed Study Area.dwg



City Of Beaverton

Speed Zoning Near the Intersection
of SW 92nd Ave and SW Allen Blvd

**PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
TRANSPORTATION SECTION**

Drawn By: MC Date: 11/3/06

Reviewed By: _____ Date: _____

Approved By: _____ Date: _____

RECORD COPY

RECEIVED

DEC - 5 2006

December 45, 2006

ENGINEERING DEPT.

Beaverton Traffic Commission
Beaverton City Hall
PO Box 4755
Beaverton, Oregon 97076

Dear Members of the Traffic Commission:

I write in regard to Issue TC 603 on the Consent Agenda of your December 7, 2006 meeting, speed zoning near the intersection of SW 92nd Avenue and Allen Boulevard.

I support the staff's recommendation that the study requested by Washington County include the portion of two streets within the jurisdiction of the city and that the new posted speed be 30 mph. I also support the staff's recommendation that the posted speed on the portion of SW 92nd north of Allen be changed to 25 mph.

I believe it would improve the city's position (and that of Washington County) if your action were to include the many reasons for the speed study and for ODOT support of Washington County's request that the speed be reduced from its current 35 mph to 30 mph on the 92nd/Allen route. A few of those reasons are: the street has multiple residential driveways, there are five driveways in the short distance on Allen between Scholls Ferry and 92nd, there is a major pedestrian crossing at the Fanno Creek regional trail at the intersection of 92nd and Allen, the approaches to the 90-degree turn are posted with an advisory 15 mph speed sign.

I hope you will remove this item from your Consent Agenda to add the above and other considerations supporting your request of ODOT, and to add your requested action — that the posted speed be made 30 mph on the portion of Allen and 92nd south of Allen within the city's jurisdiction, and 25 mph on the portion of 92nd north of Allen within the city's jurisdiction.

Sincerely,



Terry S.H. Moore
8440 SW Godwin Court
Garden Home, Oregon 97223

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: November 22, 2006
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 603

TC 603. I concur with the recommendations as detailed in the City Traffic Engineer's report dated November 15, 2006.

**CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 605**

Short-Term Parking on SW Broadway

November 15, 2006

Background Information

Attached is a letter from Beaverton Honda requesting a short-term parking zone on SW Broadway near their garage. The attached sketch shows the location. The intention is to provide a place where delivery trucks can stop briefly during loading and unloading. The many trucks that make daily deliveries to Beaverton Honda and other Broadway businesses have been double parking in the street or parking partially on the sidewalk near the Watson intersection, causing traffic restrictions and safety concerns that have led to parking citations.

In recent years we have been signing these short-term loading zones as 15-minute parking, so that there is a clear time limit that can be enforced. A similar zone on the south side of Broadway near West Avenue currently has a 15-minute limit from 7 a.m. to 6 p.m. Monday through Saturday. Staff proposes to apply the same time limits to the requested parking zone.

The issue has been scheduled as a hearing to allow an opportunity for comment by other users, including nearby businesses and the various delivery drivers.

In order to compensate for the resulting loss in parking for customers, the Public Works Director proposes to relocate an existing fire hydrant to a corner location and to eliminate an existing curb extension on the south side of Broadway near West Avenue.

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:

The proposed parking restrictions have been proposed by the adjoining business. Through the public hearing, other businesses in the area will have an opportunity to comment. Unless opposition is expressed in the hearing, it appears the Criterion 1d is satisfied.

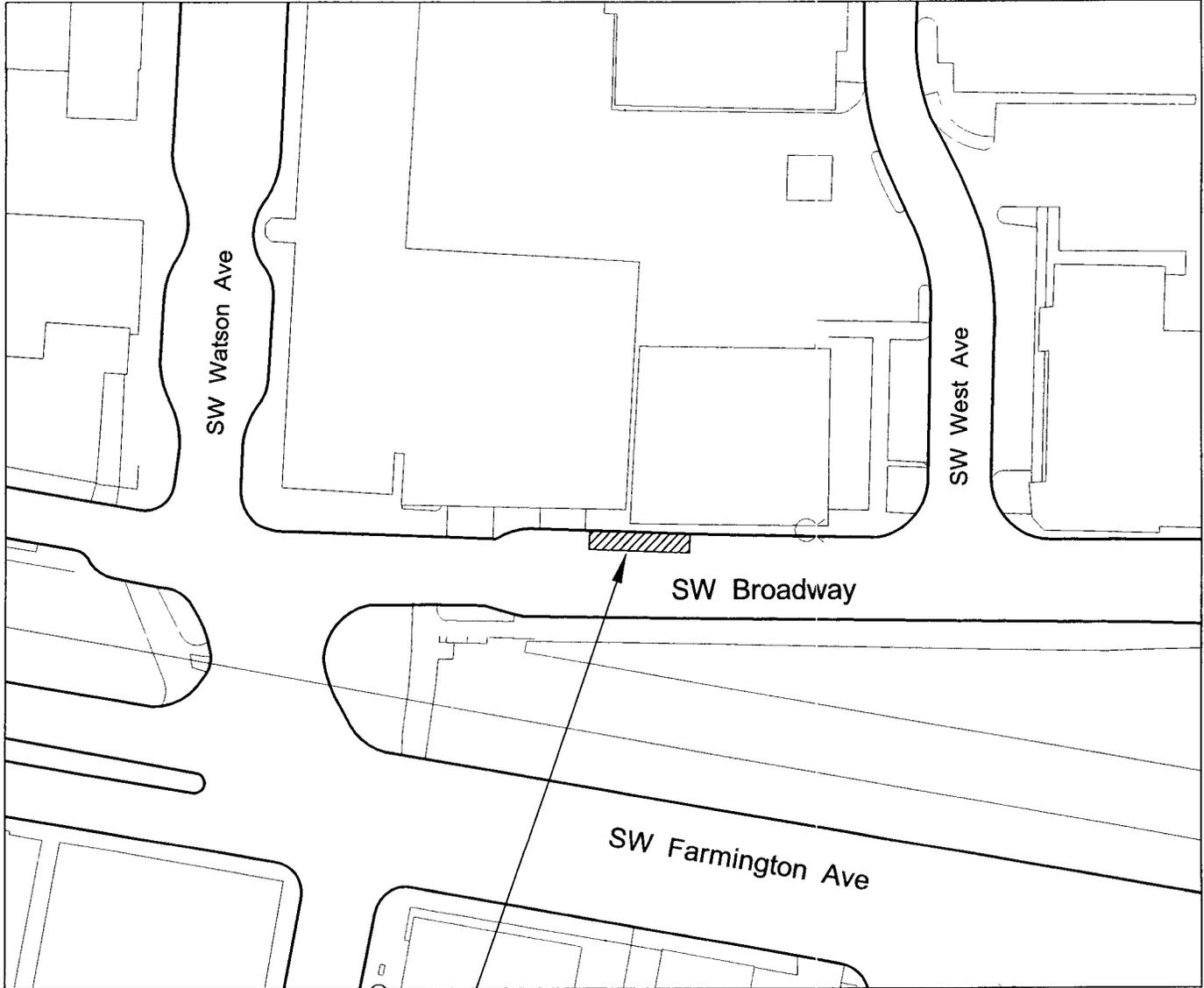
Recommendation:

- Along the north side of SW Broadway, from a point 150 feet west of West Avenue to a point 105 feet west of West Avenue, limit parking to a maximum duration of 15 minutes between 7 a.m. and 6 p.m. Monday through Saturday.

TC 605



NORTH
1" = 75'



Proposed Loading Zone

Y:\Traffic\Drawings\2006\06-116 Broadway at Watson Loading Zone.dwg



City Of Beaverton

Loading Zone Near the Intersection
of SW Broadway and SW Watson Ave

**PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
TRANSPORTATION SECTION**

Drawn By: MC Date: 11/6/06

Reviewed By: _____ Date: _____

Approved By: _____ Date: **13**

12520 SW Canyon Rd
Beaverton, Or 97005

Beaverton Honda

November 13, 2006

City Traffic Engineer
PO Box 4755
Beaverton Or 97076

To whom it may concern

We request that a short-term parking zone be created on the north side of Broadway extending east approximately 45 feet from the east exit from our garage. The short-term parking is needed to provide a loading zone for the many trucks that make frequent deliveries to our parts department and to other nearby businesses.

Sincerely,



Lynea Wells
Beaverton Honda

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: November 22, 2006
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 605

TC 605. I concur with the recommendation to consider public hearing testimony in this manner, and unless persuasive arguments in opposition are made, to restrict parking on SW Broadway as detailed in the City Traffic Engineer's report dated November 15, 2006.

CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 606

Parking on SW Stratus Street

November 15, 2006

Background Information

Attached is a letter from PS Business Parks and their architect requesting removal of the center turn lane on SW Stratus Street and removal of existing parking restrictions on one or both sides of the street.

Stratus Street has a width of 44 feet and is currently marked as a three-lane street, with the center lane reserved for left turns. Parking is currently prohibited on both sides of the street. PS Business Parks owns three of the four parcels abutting Stratus Street.

Based on the traffic impact report from a recent development proposal, the current traffic volume on Stratus is approximately 1100 vehicles per day. By 2020, this volume is anticipated to increase to approximately 1300 vehicles per day. At these volumes, the street can be expected to function well and to have little traffic delay without the left-turn lane, except at the Nimbus intersection. Staff recommends that the left-turn lane be retained at the Nimbus intersection in order to accommodate peak-hour traffic volumes.

Without the center turn lane, no lane markings are required on Stratus. The MUTCD only requires a centerline marking on streets with a traffic volume in excess of 6,000 vehicles per day. Therefore, staff recommends removal of all lane markings except near the Nimbus intersection.

Without the center lane, the street is wide enough to accommodate parking on both sides. Parking restrictions should remain near the Nimbus intersection to accommodate the turn lane, to provide adequate room for turning vehicles and to maintain good sight distance. The recommended change would provide potential on-street parking for approximately 40 vehicles.

Staff recommends retaining existing lane markings and parking restrictions within 200 feet of Nimbus (roughly from Nimbus to a point 20 feet west of the first driveway on the south side).

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);
- 1g (carry anticipated traffic volumes safely)

Conclusions:

- The proposed parking changes have been requested by the owners of adjoining properties. The proposed changes will provide additional parking that is not currently available. Therefore, it appears that the proposed changes satisfy Criterion 1d.
- The City Traffic Engineer has determined that the center turn lane is not needed to accommodate existing traffic volumes except at the Nimbus intersection. Due to the low speeds and relatively low traffic volumes on the street, a separate turn lane is not needed for safety. Therefore, the recommended changes satisfy Criterion 1g.

Recommendation:

- Delete all existing lane markings on SW Stratus Street except for the portion of the street within 200 feet of Nimbus Avenue.
- Remove existing parking restrictions on both sides of SW Stratus Street except for the portion of the street within 200 feet of Nimbus Avenue and except for the bus pull-out area on the north side of the street.

RECEIVED

NOV - 7 2006

ENGINEERING DEPT.

L R S

October 30, 2006

Randall Wooley
City Transportation Engineer
City of Beaverton
4755 SW Griffin Drive
Beaverton, OR 97076

RECORD COPY

Attention Traffic Commission:

Per our conversation on October 3rd, I am writing to you on the behalf of PS Business Parks to request adding street parking to Stratus Drive within Creekside Corporate Park. PS Business Parks owns and maintains the property on both sides of this street, and would like to provide their tenants and business visitors with all available parking options.

Originally, Stratus Drive was designed for use by a high volume of large trucks delivering goods to warehouses envisioned in the adjacent commercial buildings. Since the original design in the early 1980s, warehousing inventory is no longer the universal business practice it once was. For many years now, the nature of business operations in these commercial buildings no longer necessitate the services of fleets of large delivery vehicles. This renders the blocks along Stratus Drive and the turning lane obsolete.

Therefore, we are proposing Stratus Drive be re-striped to allow for street parking along one or both sides of the street, as the current street dimensions would dictate. Allowing street parking in this location would also afford public parking for the users of the historic Fanno House and the Greenway Park footbridge over Fanno Creek, located at Stratus and Creekside Place. The attached document provides an overview of the existing street conditions at and around Stratus Drive, illustrating the minor arterial nature of this route.

I appreciate your time in reviewing this proposal, and will supply any additional information by request.

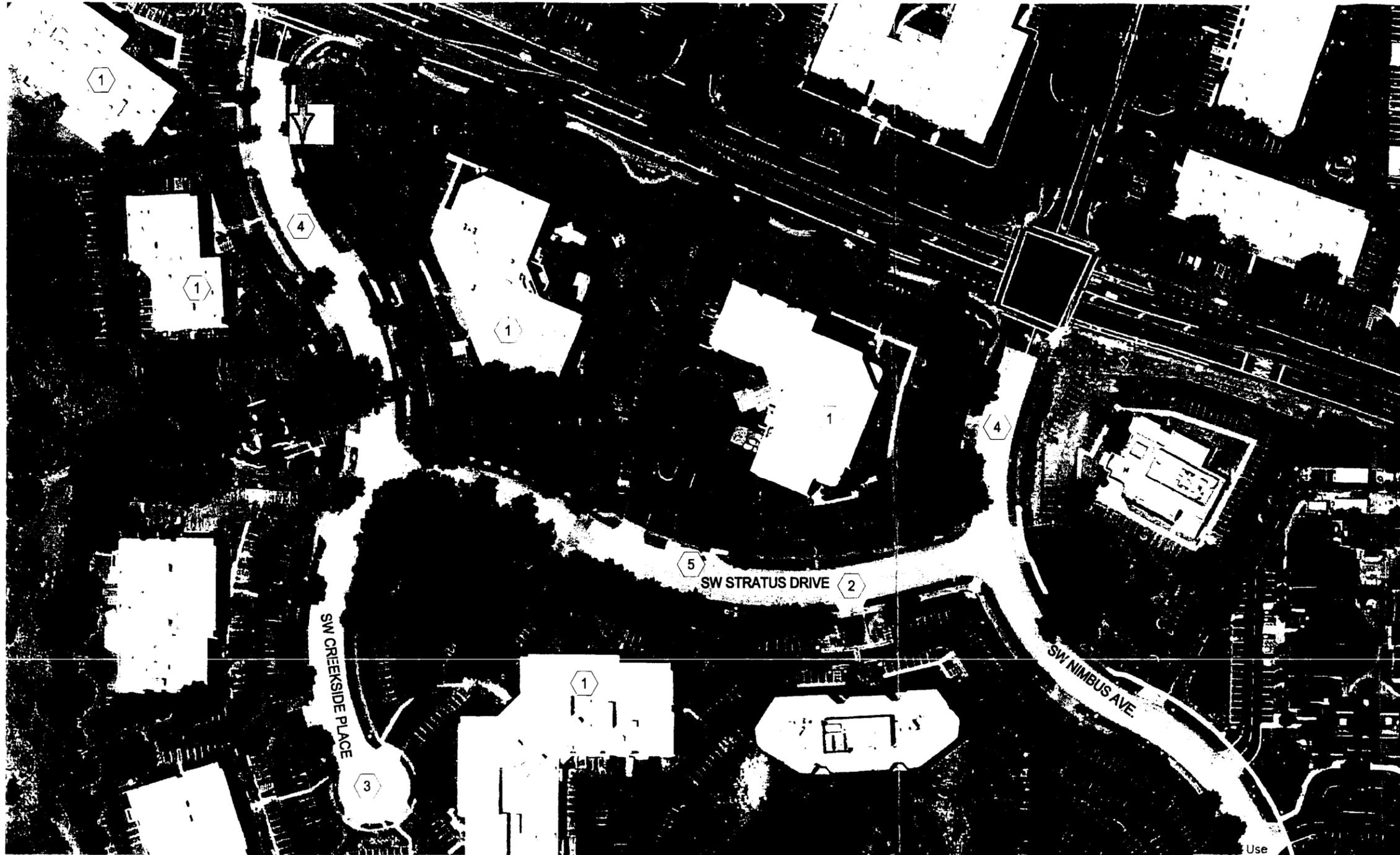
Sincerely,


Michelle Startt, Associate
LRS Architects, Inc.

Property Owner Authorization:
PS BUSINESS PARKS


Coby Holley
Vice President, PNW Division

1121 SW Salmon Suite 100 Portland OR 97205 Fax 503.221.2077 Tel 503.221.1121 Email LRS@LRSARCH.COM



KEYNOTES

- ① PS OWNED PROPERTIES
- ② SW STRATUS DRIVE EXISTING CENTER TURNING LANE - AREA OF STREET PARKING PROPOSAL
- ③ EXISTING DEAD END STREET
- ④ MAIN ARTERIAL STREET
- ⑤ DESIGNATED BUS ZONE

CREEKSIDE CORPORATE PARK EXISTING STREET CONDITIONS - SW STRATUS DRIVE

NTS

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: November 22, 2006
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 606

TC 606. I concur with the recommendation as detailed in the City Traffic Engineer's report dated November 15, 2005.

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

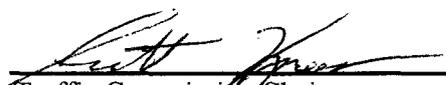
REGARDING ISSUE NUMBER TC 605

Short-Term Parking on SW Broadway

1. A hearing on the issue was held by the Traffic Commission on December 7, 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:
 - Beaverton Honda requested a short-term parking restriction on the north side of Broadway near their garage entrance to provide legal parking for truck deliveries.
 - Staff has recommended that the zone be signed for a 15-minute parking limit to provide a clear and enforceable time limit.
 - The Public Works Director plans to relocate an existing fire hydrant and to remove an existing curb extension to provide additional on-street parking and to compensate for parking displaced by the short-term zone.
4. Following the public hearing, the Traffic Commission voted (__ aye, __ nay) to recommend the following action:
 - Along the north side of SW Broadway, from a point 150 feet west of West Avenue to a point 105 feet west of West Avenue, limit parking to a maximum duration of 15 minutes between 7 a.m. and 6 p.m. Monday through Saturday.
5. The Traffic Commission decision was based on the following findings:

The proposed parking restrictions have been proposed by the adjoining business. Through the public hearing, no objections were received from other Broadway businesses. Therefore, it appears the Criterion 1d is satisfied.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 7th DAY OF DECEMBER 2006



Traffic Commission Chair

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 606

Parking on SW Stratus Street

1. A hearing on the issue was held by the Traffic Commission on December 7, 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);
 - 1g (carry anticipated traffic volumes safely).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - An owner of adjoining property requested that the center turn lane be removed on SW Stratus Street and that parking be allowed on one or both sides of the street.
 - The City Traffic Engineer indicates that traffic volumes on Stratus Street are low enough to allow removal of the center turn lane except near the intersection with Nimbus.
 - The street has sufficient width to accommodate two-way traffic with parking on both sides of the street.
4. Following the public hearing, the Traffic Commission voted (7 aye, 0 nay) to recommend the following action:
 - Delete all existing lane markings on SW Stratus Street except for the portion of the street within 200 feet of Nimbus Avenue.
 - Remove existing parking restrictions on both sides of SW Stratus Street except for the portion of the street within 200 feet of Nimbus Avenue and except for the bus pull-out area on the north side of the street.
5. The Traffic Commission decision was based on the following findings:
 - The proposed parking changes have been requested by the owners of adjoining properties. The proposed changes will provide additional parking that is not currently available. Therefore, it appears that the proposed changes satisfy Criterion 1d.
 - The City Traffic Engineer has determined that the center turn lane is not needed to accommodate existing traffic volumes except at the Nimbus intersection. Due to the low speeds and relatively low traffic volumes on the street, a separate turn lane is not needed for safety. Therefore, the recommended changes satisfy Criterion 1g.

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

SIGNED THIS 11 DAY OF DECEMBER 2006



Traffic Commission Chair

RECORD COPY

DRAFT

City of Beaverton

TRAFFIC COMMISSION

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

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

— EXCERPT START —

CONSENT ITEMS

Chairman Knees reviewed the December consent agenda comprised of the draft October 5, 2006, meeting minutes, Issue TC 602 "Parking Restrictions on SW Mesa Court and SW Blakeney Street" and Issue TC 603 "Speed Zoning Near the Intersection of SW 92nd Avenue and SW Allen Boulevard."

No one asked for items to be pulled for separate consideration.

Commissioner Overhage **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to approve the consent agenda as presented. There was no discussion.

The **MOTION CARRIED**, unanimously, 7:0. Commissioners Overhage and Sadler abstained from approving the minutes because they were not at the October meeting.

The Commission decided to move Issue TC 606 to the top of the public hearing agenda because most people in the audience were waiting to testify on that issue.

PUBLIC HEARINGS

ISSUE TC 606: PARKING ON SW STRATUS STREET

Chairman Knees opened the public hearing on Issue TC 606.

Staff Report

Mr. Wooley said the request to remove the center turn lane and add parking on SW Stratus Street came from PS Business Parks. That company owns or manages most of the buildings on Stratus Street. He said staff reviewed traffic volumes on Stratus and agree that the street can function without a center turn lane. The only exception is the intersection of Nimbus.

Commissioner Overhage asked if there would still be adequate parking if the roadway was striped with a yellow centerline.

Mr. Wooley said marking a centerline is an option and would not change the parking availability. He believes such a marking is unnecessary.

Commissioner Teitelbaum asked about the parking setbacks near driveways.

Mr. Wooley said Oregon law sets no minimum parking distance around driveways. City Code allows the City Traffic Engineer to prohibit parking for a maximum of 50 feet along roadways. Any sight distance problems at the driveways can be resolved through this administrative authority.

Commissioner Trout asked about the cost of restriping Stratus.

Mr. Wooley said that currently Stratus has raised markers that are well worn and need to be removed or replaced. Because this work would be done anyway, there would be no additional costs.

Public Testimony

The Commission reviewed written testimony submitted by Traffic Sergeant Jim Monger of the Beaverton Police; Michelle Startt, LRS Architects; and Coby Holley, PS Business Parks. *(All written testimony is on file.)*

Coby Holley, Beaverton, Oregon, is vice president of PS Business Parks, a national real estate investment company. Three of the four buildings on Stratus Street belong to PS. Mr. Holley said this business park has changed over the years from industrial use to office use. Office use increases the need for parking.

Mr. Holley said PS hired an architect to redesign the landscaping and parking lot striping scheme to accommodate more cars. He would like the City to assist in

this effort by lifting restrictions so additional employee parking is available on Stratus.

Commissioner Troute asked for statistics on how PS parking lots are used.

Mr. Holley said the company tracks parking use twice a day. At the Nextel building on the corner of Hall Boulevard and Nimbus, lot usage is close to 100 percent during the business day. The Welch-Allen building, to the west, might have ten to 15 open spaces during shift changes.

Commissioner Troute asked how many spaces they hope to gain on Stratus.

Mr. Holley deferred this question to his architect, Michelle Startt.

Michelle Startt, Portland, Oregon, said they hope to gain 25 to 30 parking spaces on Stratus if the Commission supports their request.

Commissioner Crocker asked if the parking spaces around the buildings are occupied by employees.

Mr. Holley said they were. The on-street parking could be used by employees or visitors. He added that Nextel has a service center that attracts the public.

Commissioner Troute said he is familiar with the Nextel building and can attest that the lot is often full. He remembers that the lot parking parallel to Hall Boulevard was often empty. Has this changed?

Mr. Holley said building use has increased dramatically in the past 12 months and the buildings are now 100 percent occupied. He said 25 to 50 additional parking spaces will make a significant difference to the tenants.

Commissioner Overhage asked if he wants a yellow centerline striped on Stratus.

Mr. Holley said he sees no real benefit in it.

Commissioner Teitelbaum asked if many "tractor trailer type rigs" use Stratus.

Mr. Holley said years ago the buildings had an industrial use that required heavy truck traffic. He repeated that the buildings are now used as offices. Large truck traffic is rare. Most deliveries arrive via UPS or FedEx size vans.

Commissioner Clodfelter asked if Mr. Holley believes cars parked on Stratus will block the view for exiting drivers during peak traffic hours.

Mr. Holley believes "there will be a period of adjustment." He assumes drivers will use caution.

Commissioner Troute asked what other options PS has investigated to relieve the business park's parking problems.

Mr. Holley said they are pursuing three methods: 1) requesting on-street parking for Stratus; 2) analyzing and reconfiguring the parking spaces within the existing parking lots; and 3) removing parking lot landscaping to increase the number of available parking spaces.

Ms. Startt said the parking lots are not uniformly striped. A new striping plan will add about 25 more spaces, including some compact vehicle spaces. Removing landscaping could add another 25 spaces.

Mr. Holley said the historic Fanno Farm House meeting center, located on the west end of Stratus on Creekside Place, has almost no event parking. He believes it is in the public interest to open Stratus Drive to on-street parking because it would also serve guests at the Fanno Farm facility.

Chairman Knees said he appreciates that PS is working to resolve the lack of parking with a "partnership scenario." The company is doing their share by redesigning their parking lots and they are asking the City to help by allowing on-street parking.

Commissioner Teitelbaum said cars park too close to the bakery exit on 5th Street. This is dangerous because it is almost impossible to see on-coming traffic when exiting. He does not want a similar situation on Stratus if on-street parking is approved. Reasonable parking setbacks would help.

Mr. Holley said that all three of their Stratus Drive office buildings have an alternative egress available for drivers.

Darci Duffy, Beaverton, Oregon, is the Senior Leasing Director for PS Business Parks. Ms. Duffy described the needs of the businesses currently leasing PS buildings. She said customers need short-term parking at Nextel. That company also has groups of 35-40 visitors who need parking during training seminars.

Ms. Duffy said Genesis Financial Services has many employees, but they work staggered shifts. Welch Allyn Inc. occupies the building on the west end of Stratus Drive. That company has a manufacturing facility with workers who arrive very early and who leave from 2-3:00 p.m. They also operate a swing shift with up to 50 people. Ms. Duffy emphasized the high demand for the available spaces, even with the extensive parking turnover during the day.

Ms. Duffy asked the Commission to approve the request for street parking.

Commissioner Troute asked if any of the businesses have products delivered to their loading docks.

Ms. Duffy said Welch Allyn has several loading docks; however, most deliveries are made in UPS or FedEx size delivery vans. The loading docks were regularly used when the buildings had industrial use in the 1980s. At that time, it was common to see large trucks making deliveries to the buildings.

Penney Douglas, Beaverton, Oregon, works in an office on the corner of Stratus and Nimbus so she is very familiar with traffic on Stratus. Ms. Douglas is also the chair of Beaverton's Vose Neighborhood Association Committee (NAC).

Ms. Douglas said it has been nice to have a wide street, but she understands the parking issues. This week she saw a 53-foot tractor trailer loaded with building materials parked on Status. This was probably temporary. Her main concern is safety for drivers entering and exiting the parking lots adjacent to Stratus. She asked how near the intersection of Creekside Place and Stratus cars would be allowed to park. She did not see this information in the staff report. Will drivers on Stratus be able to see oncoming traffic from Creekside before turning? Ms. Douglas said her company has about 300 employees who use Stratus.

Ms. Douglas said there are also office workers who use the sidewalks along Stratus as a walking path. Drivers need to see any pedestrians crossing the driveways. She would like to see a centerline painted on the road to keep traffic in a clear lane. Ms. Douglas said she mainly sees tractor trailers delivering office furniture or delivering remodeling supplies.

She said safety and visibility are her main concerns.

Commissioner Troute asked if staff received comment from Tualatin Valley Fire and Rescue (TVF&R) on this issue. He wondered if fire trucks and rescue vehicles could still easily enter the driveways if cars parked next to the driveways.

Mr. Wooley said TVF&R had the opportunity to review the staff report, but they did not provide comments. He added that there would still be at least 24 feet of free street space on Stratus, even with parking. This is more space than TVF&R typically requires. Twenty feet is their minimum standard.

Ms. Douglas questioned the traffic count in the staff report. She said traffic will increase when the new construction is complete on the corner of Hall and Nimbus. The projects includes restaurants and a large Starbucks store. This will draw more traffic to the area.

Commissioner Troute asked if Ms. Douglas supports this proposal for Stratus.

Ms. Douglas said she knows the parking is needed. She would prefer parking on only one side of the street.

Tom Wesolowski, Beaverton, Oregon, asked the Commission to support staff's recommendation on TC 606. Mr. Wesolowski works for Genesis Financial Solutions and he said parking is one of the most critical issues for his employees.

His business has grown about 40 percent in the past year. Mr. Wesolowski said the industrial park was built with one parking space for every 1000 square feet of building space. Since the use changed to offices, this parking ratio is completely inadequate.

Mr. Wesolowski said Genesis organizes their employees into work shifts. The company operates seven days per week, from 6:00 a.m. to 7:00 p.m. Their peak time is Tuesday to Thursday, 10:00 a.m. to 3:00 p.m. Employees working that shift have a very difficult time finding a place to park. This leads to employees "parking any place they can, even along curbs and in driveway areas." This is a safety issue because rescue vehicles cannot get to the building in an emergency.

Mr. Wesolowski said Genesis has office space for about 40 more employees; however, they cannot hire more employees until they find more parking spaces.

Mr. Wesolowski said Genesis proactively encourages carpooling by providing front line parking spaces. They also provide free bus passes to any employees willing to use them. He said PS has done their best to come up with solutions to their employee parking problems.

Commissioner Crocker supports the company's use of staggered work shifts.

Commissioner Overhage commended Genesis for providing free bus passes to employees. Although expensive for the company, it is good for the neighborhood and the environment.

George Kyler, Portland, OR, works at Riverside Credit Union, which is just south of the Fanno Farm House on Creekside Place. Mr. Kyler supports this proposal. Mr. Kyler would like to see each available parking space on the street striped. He believes this would maximize the parking potential. He also wants a centerline striped on Stratus. He is glad to hear that the City Traffic Engineer has the authority to modify any parking issues that arise near driveways.

Mr. Kyler said the intersection at Stratus Drive and Creekside Place is dangerous. Drivers southbound on Creekside can make a left turn onto eastbound Stratus without stopping. Likewise, westbound drivers on Stratus can make a right turn onto northbound Creekside without stopping. This will become even more dangerous once cars begin to park on Stratus and block the view. He said the lack of a stop sign especially confuses visitors. Mr. Kyler suggested that the City designate Creekside as a through street and then install a stop sign on Stratus.

Staff Comments

Mr. Wooley agrees with Mr. Kyler's request to place a stop sign on Stratus at Creekside. Mr. Wooley will bring the issue back to the Traffic Commission next month on the consent agenda.

Regarding concerns about sight distance at Creekside and Stratus, Mr. Wooley reminded the Commission that only Stratus is being considered for on-street parking. There is a clear view from Creekside across the marked crosswalk. Parking is not allowed within 20 feet of a marked crosswalk.

Mr. Wooley said streets without marked centerlines or other markings encourage slower driving.

As for the suggestions to mark individual parking spaces along Stratus, Mr. Wooley said it is more efficient from a vehicle volume standpoint to not mark individual spaces. Marked spaces have to be large enough to accommodate a SUV or large pickup. Parking studies show that when the street is unmarked, drivers with small and medium sized cars park closer together, leaving more overall parking space available.

Commissioner Overhage asked if drivers might crossover the centerline on the curved section of Stratus. Does Mr. Wooley think this section of Stratus should be striped?

Mr. Wooley said this curve is gentle and he does not expect problems there. He discussed how updates to the Manual on Uniform Traffic Control Devices (MUTCD) affects this location and he made comparisons to Hart Road.

Commissioner Troute asked if there is now a stop sign on Stratus at Creekside.

Mr. Wooley said there is a stop sign for the northbound and westbound directions, and a sign on Stratus that says "Right Turn Permitted Without Stopping."

Commissioner Troute agrees it would be a good idea to put the stop on Stratus. The street has a marked crosswalk, but it is possible that a car could quickly turn the corner without seeing a pedestrian.

Mr. Wooley said he has never liked that style of signing, so he would like to see it changed.

Chairman Knees closed the public hearing on Issues TC 606.

Commission Deliberation

Commissioner Teitelbaum supports the proposal as long as parking is set back from driveways and intersections enough to provide an unobstructed line of sight.

Commissioner Overhage supports the proposal as written. During her site visit she observed that a significant number of cars were parked next to white curbs. This could block access for emergency vehicles. She also observed one driver repeatedly circling the parking lot looking for just one empty place to park. She agrees that it is more efficient not to mark parking spaces on the street.

Commissioner Overhage especially appreciates that PS hired an architect to redesign and maximize parking around their buildings before asking the City for parking changes on the street. She is content to leave decisions about line of site setbacks at the driveways to Mr. Wooley's discretion.

Commissioner Troute supports the proposal as written.

Commissioner Clodfelter supports recommendation. He also appreciates that the property owner is willing to redesign and restripe their parking lots. Commissioner Clodfelter is still concerned about safety on Stratus. He believes centerline striping on Stratus would increase safety by slowing traffic, especially considering that the street is 44-foot wide.

Commissioner Sadler supports the staff recommendation as written. He sees no need for centerline striping. Drivers tend to "gravitate toward the center" when there is no centerline. He believes this will provide even more sight distance and visibility at driveways.

Commissioner Crocker concurs and supports the report as written. She thinks the center stripe gives drivers the false idea that the street is a highway and higher speeds are acceptable. As for Commissioner Clodfelter's concerns, she said the street would look narrower once cars begin parking along both sides.

Chairman Knees believes a center stripe is not necessary. It could be added later if it is clearly needed.

Commissioner Overhage **MOVED** and Commissioner Troute **SECONDED** a **MOTION** to accept the staff recommendation on Issue TC 606 as written and to accept the draft final written order on TC 606 as written.

On discussion, Commissioner Teitelbaum referred to the final written order and questioned whether the first bullet on point No. 5 is still accurate. This sentence reads: "At the hearing, no testimony was received in opposition to the requested changes." He believes the testimony from Ms. Penney Douglas opposes placing parking on both sides of the street, as described in the staff recommendation.

Commissioner Overhage **AMENDED** the **MOTION**. The final written order should be rewritten to delete that sentence. Commissioner Troute supported the amendment to delete that sentence.

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

ISSUE TC 604: STOP SIGNS ON SW PALOMINO PLACE AND SW SADDLE DRIVE AT STALLION DRIVE

Chairman Knees opened the public hearing on Issue TC 604.

Staff Report

Mr. Khasho said the request for stop signs came from Mr. Tony Schmidt who thought drivers might be confused about who has the right of way. Mr. Khasho said staff working at the intersection were approached by a neighbor who was worried that a stop sign would increase pollution from car exhaust.

Mr. Khasho said this is a four-legged intersection with a low traffic volume of only about 400 vehicles in a 24-hour period. There are no traffic control signs at the intersection. Typically, neighborhood intersections with low traffic volumes and good sight distance do not need stop signs.

Mr. Khasho is concerned about the sight distance on the north/south leg of the intersection. A neighbor built a retaining wall topped with shrubbery that might block the view for some drivers. The MUTCD warrants the placement of stop signs if the sight distance is restricted. This intersection meets that warrant. The MUTCD also recommends minimizing the number of vehicles having to stop at a controlled intersection by installing the stop sign on the street with the lowest traffic volumes. In this case, Palomino Place and Saddle Drive have the lowest traffic volumes.

Mr. Khasho said approving the stop signs would increase safety and clarify the right-of-way assignment.

Commissioner Troute asked if the retaining wall and shrubbery violate City building codes. Mr. Khasho said residents can build a wall or fence up to four feet high without permits.

Commissioner Clodfelter asked why staff wanted to install a stop sign on Saddle Drive. He sees no sight distance problem there.

Mr. Khasho said that four-legged intersections typically need to have stop signs in two directions. Posting only one sign creates confusion for drivers.

Commissioner Overhage asked if staff considered installing a yield sign.

Mr. Khasho said stop signs are more appropriate when there is a sight distance problem. This forces the drivers to stop and look. Yield signs do not.

Public Testimony

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

John Addis, Beaverton, Oregon, said he is against installing stop signs. Mr. Addis said the northeast corner of Palomino at Stallion does have a potential sight distance problem. He believes the shrubbery causes the problem, not the retaining

wall. Cars parked on that corner can also block sight distance. He believes this problem can be resolved without resorting to stop signs.

Mr. Addis said stop signs would also bring more car noise and pollution into the neighborhood. He has lived on Palomino Drive for 26 years and he had never seen a collision at this intersection. He thinks the City would be better served to spend the stop sign money elsewhere.

Commissioner Clodfelter said the juniper bushes growing in the parking strip block the sight distance for drivers making a left or right turn out of Palomino. Even if the property owner trimmed the bushes, he still believes sight distance is obscured. He thinks a stop sign is needed.

Mr. Addis responded that he knows this corner very well. He pulls onto Stallion slowly to get a better view of oncoming traffic. If a stop sign is installed, he will still have to roll slowly out onto Stallion to view oncoming traffic. He stated that a stop sign is not the solution to this problem.

Commissioner Teitelbaum asked how many properties are located on Palomino Place.

Mr. Addis said there are ten driveways on Palomino Place.

Commissioner Overhage asked if Mr. Addis would prefer a yield sign instead of stop signs.

Mr. Addis said adding a yield sign will not change how Palomino residents approach the intersection. Drivers will still need to roll out slightly onto Stallion to see if there are cars approaching. Mr. Addis thinks it is the City's responsibility to ask the corner neighbor to trim the overgrown shrubbery.

Susan Spencer, Beaverton, Oregon, is against installing stop signs. Mrs. Spencer has lived on Saddle Drive for 30 years and she sees no need to install stop signs at this quiet intersection. Mrs. Spencer said she is outdoors in her garden nearly every day. She emphasized that this is an extremely quiet neighborhood and she sees few cars driving by on the streets.

Mrs. Spencer said Oregon law is clear that drivers must yield to traffic approaching from the right. That law fully answers any right-of-way questions.

As an avid walker, Mrs. Spencer said she noticed more auto emission pollution when a three-way stop was installed on Davies Road at Weir. She also remembered a day when traffic was detoured from Murray Boulevard to Stallion Drive while Murray was closed with a serious collision. She smelled the increased air pollution even before she was aware of the detour through her neighborhood.

Mrs. Spencer said the man who requested this change lives out of the neighborhood and he likely uses Stallion Drive as a cut-through route. People who live in the neighborhood understand that this is a quiet residential street and they approach the intersection with that in mind. As for the overgrown shrubbery in the parking strips, she thought the City had the power to regulate that. The overgrown shrubbery should be cut back before considering stop signs.

Mrs. Spencer said the ten homeowners on the Palomino Drive cul-de-sac all know they need to use reasonable caution at this intersection. She reiterated that this intersection is not a problem for people living in the neighborhood. She asked the Commission to not install stop signs in this quiet neighborhood. She has seen no crashes in 30 years.

Chairman Knees asked where Mrs. Spencer lives in relation to this intersection.

Mrs. Spencer said she lives two houses south of the intersection. She can clearly see the intersection from her front garden.

Commissioner Crocker asked if Palomino is sloped.

Mrs. Spencer answered that there is a very slight up grade to the north. It is a very short street.

Don Spencer, Beaverton, Oregon, said if this was a real safety issue, the people who live near the intersection would be here tonight asking the City for stop signs. This request came from a man who lives outside of the immediate neighborhood. Mr. Spencer said this person is cutting through their neighborhood instead of driving on the main roads.

Staff Comments

Staff had no additional comments.

Chairman Knees closed the public hearing on Issues TC 604.

Commission Deliberation

Commissioner Trout said the neighborhood does not support this request and the person who made the request lives outside the immediate neighborhood. He opposes the recommendation.

Commissioner Teitelbaum agreed. Installing stop signs would be an overreaction. He said residents living on Palomino know about the sight distance problem. They also know how to enter the intersection without having a collision. He does not support the recommendation. The Commissioner asked staff to contact the City's Municipal Code Services and have them request that the homeowner cut back the overgrown shrubbery.

Mr. Khasho said staff will work with Municipal Code Services regardless of what the Commission decides.

Commissioner Clodfelter believes there is a sight distance problem at this intersection, yet there is no history of accidents. He sees no justification for placing a second stop sign on Saddle Drive. Based on testimony, he does not support the recommendation on TC 604.

Commissioner Sadler also opposes the recommendation. He wants to keep it simple; after all, the intersection has worked well for 30 years.

Commissioner Sadler **MOVED** and Commissioner Troute **SECONDED** a **MOTION** to oppose the staff recommendation on TC 604.

Mr. Wooley said the draft final written order will be rewritten and returned for Commission approval at the next meeting.

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

ISSUE TC 605: SHORT-TERM PARKING ON SW BROADWAY

Chairman Knees opened the public hearing on Issue TC 605.

Staff Report

Mr. Wooley said this request started as a loading zone request. Staff prefers designating these areas as 15-minute parking zones instead of loading zones. The requested restriction is only 45 feet long.

Although Mr. Wooley could have approved this change under his own authority, he scheduled it as a public hearing so any businesses that opposed the change have an opportunity to object. He said one business owner contacted the City to say they disagreed; however, they did not send a letter and they do not appear to be in the audience to give testimony.

Mr. Wooley asked the Commission to approve this short, 15-minute parking zone.

Public Testimony

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

No one came forward to give oral testimony.

Staff Comments

Staff had no additional comments.

Chairman Knees closed the public hearing on Issues TC 605.

Commission Deliberation

Commissioner Overhage **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to approve TC 605 and the draft final written order as written.

On discussion, Commissioner Teitelbaum asked for the cost of moving the fire hydrant and changing the curbing (as described in the staff report).

Mr. Wooley had no estimate. He said City crews would do the work.

Commissioner Trouté said moving the fire hydrant and changing the curbing sounds expensive. Crews will have to dig up the street and sidewalk. He said this request asks the City to incur a substantial expense just so delivery drivers have a more convenient place to park.

Mr. Wooley said these changes and their cost are not part of the question before the Commission. That decision was already made by the Public Works Director.

Chairman Knees said he supports anything the City can do to bring jobs and commerce to Beaverton.

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

— EXCERPT END —

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Authorization to Purchase Property From
TriMet at SW 160th and TV Highway and
Transfer Resolution

FOR AGENDA OF: 01/22/07 **BILL NO:** 07020

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney *US*

DATE SUBMITTED: 10/10/05

CLEARANCES: Finance
Community
Development



PROCEEDING: Consent Agenda

EXHIBITS: Transfer Resolution
Map of the Area

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$222,540	BUDGETED \$-0-	REQUIRED \$222,540*

* Funding available form General Fund Contingency as per the attached Transfer Resolution

HISTORICAL PERSPECTIVE:

The City and TriMet own the former Transit Station at SW 160th and TV Highway. Beaverton owns tax lot 1S1080001800 (approximately 2.28 acres) and TriMet owns tax lot 1S108CD00900 (approximately .92 acres), both shown as West Parcel on the attached area map. The City also owns adjacent tax lot 1S117AB00100 (approximately 1.32 acres) shown as East Parcel on the map. City-owned parcels originally were acquired by BURA at about the time that Burlington Northern Railroad abandoned some of its trackbeds in the city. TriMet long ago terminated its lease of the City-owned portion and has since negotiated a sale of the property to the City at its appraised price. City staff propose to market a portion of the assembled properties (Parcels A, B & C) with a total of approximately 4.52 acres in order to better position City property assets elsewhere, as in downtown.

INFORMATION FOR CONSIDERATION:

TriMet commissioned third-party appraisals of the combined parcels, most recently in July 2005, resulting in a value opinion allocating \$222,540 in value to the TriMet portion. Staff has reviewed the appraisal and finds it acceptable. The additional value attributable to combining this one parcel with the city-owned properties on either side is offset by local price inflation since the appraisal. Staff will return to the Council with a recommended marketing plan if the Council approves this purchase. Prior to marketing, staff will initiate a rezoning from LI (Light Industrial) to C-MU (Corridor Mixed Use) to more properly reflect the City's Comprehensive Plan.

RECOMMENDED ACTION:

Authorize the purchase of Tax Lot 1S108CD00900 from TriMet in the amount of \$222,540 in a form approved by the City Attorney, approve the attached Transfer Resolution that provides the appropriation for the property purchase and direct staff to initiate a rezone of the combined properties.

RESOLUTION NO. 3889

A RESOLUTION APPROVING TRANSFER OF APPROPRIATION WITHIN THE GENERAL FUND OF THE CITY DURING THE FY 2006-07 BUDGET YEAR AND APPROVING THE APPROPRIATIONS FOR THE FUND

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

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

WHEREAS, an appropriation of \$222,540 is needed in the Capital Outlay Category of the General Fund to purchase Tax Lot 1S108CD00900 at SW 160th Avenue and SW TV Highway from TriMet, and the expenditure appropriation is available in the Contingency Category of the fund; now therefore,

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

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

- \$222,540 out of the Contingency Category of the General Fund into the Capital Outlay Category as indicated below:

Capital Outlay	001-13-0003-651	\$222,540
Contingency	001-13-0003-991	<\$222,540>

Adopted by the Council this _____ day of _____, 2007

Approved by the Mayor this _____ day of _____, 2007

Ayes: _____

Nays: _____

ATTEST:

APPROVED:

Sue Nelson, City Recorder

Rob Drake, Mayor



AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Approve Request of Residents in the Peterkort Area to Become Involved in the Neighborhood Association Committee (NAC) Program and Designate that this Area be Temporarily Included in the Central Beaverton NAC.

FOR AGENDA OF: 01-22-07 **BILL NO:** 07021

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office

DATE SUBMITTED: 01-12-07

CLEARANCES: City Attorney 

PROCEEDING: Consent Agenda

- EXHIBITS:**
1. Letter from Linda Popkin requesting temporary designation
 2. Map of area north of Highway 26
 3. Map of area north of Highway 26 in relation to Central Beaverton NAC
 4. Estimated population of each NAC
 5. Emails and letters supporting temporary designation
 6. Central Beaverton NAC meeting minutes from 11/06/06

BUDGET IMPACT

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

Interest has grown in the area north of Highway 26 to become involved in Beaverton's Neighborhood Association Committee (NAC) Program. The area is currently within the City, but not associated with a specific NAC. Linda Popkin, a resident within the Peterkort area, has been working with interested neighbors and staff in the Neighborhood Program to explore the options that are available.

INFORMATION FOR CONSIDERATION:

Chapter 9 of the Beaverton Municipal Code provides four options for Council to consider for including newly annexed areas into the Neighborhood Association Committee (NAC) program. The area north of Highway 26 that is shown on the attached maps was annexed after the current NAC boundaries were developed so the following considerations are applicable.

Chapter 9, Section 9.06.035 of the City of Beaverton Municipal Code provides the following options for newly annexed areas:

1. That the area be added to the territory of an existing NAC;
2. That the area be recognized as immediately appropriate for one or more NACs and its citizens encouraged immediately to seek formal recognition as a new NAC;
3. That the area be recognized as appropriate in the future for one or more NACs, but because it is yet undeveloped or is too small a size, it should be represented temporarily by another NAC, until such time as it is appropriate to be formally recognized as a separate NAC; or
4. That some other treatment of the area is deemed appropriate under the circumstances.

The area north of Highway 26 that is depicted on the attached maps currently contains 630 residents and the average population of Beaverton's NACs currently stands at 6,844. Refer to Exhibit #4 for the estimated population of each NAC. The area currently contains too few residents to sustain its own viable NAC, but due to the potential for new development in the area it may be large enough in population over the next several years to be a viable NAC.

Three current NACs in the northern part of the City were considered for this temporary designation including Central Beaverton, West Slope, and Five Oaks/Triple Creek. Staff recommends Central Beaverton for the following reasons:

1. The Central Beaverton NAC discussed and approved the request to add this area temporarily to its boundaries during its November 6, 2006 meeting. The meeting minutes are attached as Exhibit #6. The reasons that were mentioned included common interests related to transportation and new development. The NAC leaders also acknowledged that they have enough time on their agendas to discuss new issues, concerns, and other ideas. The current Central Beaverton NAC leaders are excited about the possibility of having new people get involved in their activities.
2. West Slope discussed the idea and felt that their interests and the area north of Highway 26 are not similar enough to warrant temporarily joining together.
3. Five Oaks/Triple Creek did not have any objections to having the area north of Highway 26 temporarily join them, but questions arose as to whether or not they would have time to take on new issues, concerns, and other ideas given their current body of work related to other concerns.

RECOMMENDED ACTION:

Add area north of Highway 26, as shown on the attached maps, temporarily to the boundaries of the Central Beaverton Neighborhood Association Committee (NAC) until the area has grown in population and is appropriate to be formally recognized as a separate NAC.

Linda Popkin
10680 SW Adelle Drive
Portland, OR 97225

Mayor Rob Drake & Beaverton City Council
4755 SW Griffith Drive
Beaverton, OR 97076

December 7, 2006

Dear Mayor Drake & City Council,

On behalf of the residents of the Peterkort area, this letter is our request to be temporarily recognized as part of the Central Beaverton Neighborhood Association Committee (NAC). We would like City Council to approve this request as described until the Peterkort area is large enough to be considered for its own viable NAC. This is within the guidelines of the City NAC Ordinance, Section 9.06.035 B, which says the following for Newly Annexed Areas,

“That the area be recognized as appropriate in the future for one or more associations but, because it is yet undeveloped or is of too small a size, it should be represented temporarily by another association, until such time as it is appropriate to be formally recognized as a separate association.”

The Neighborhood Program staff has assisted us in recognizing the number of residents north of Highway 26, which the Peterkort area is a part of. The attached map illustrates the area under consideration and the attached summary illustrates the estimated population of each NAC. The Peterkort area currently contains 630 residents. The average size of Beaverton's NACs currently stands at 6,844. If this request is approved the Peterkort area would be temporarily designated part of the Central Beaverton NAC and the neighborhood would be invited to actively participate in their monthly meetings, which are held on the 1st Monday of each month at the Beaverton Community Center.

On behalf of the residents of Peterkort we thank you for your consideration and are excited for the opportunity to participate in the City of Beaverton's NAC program. I would be more than happy to discuss this request with you and can be reached at (503) 644-4568.

Sincerely,

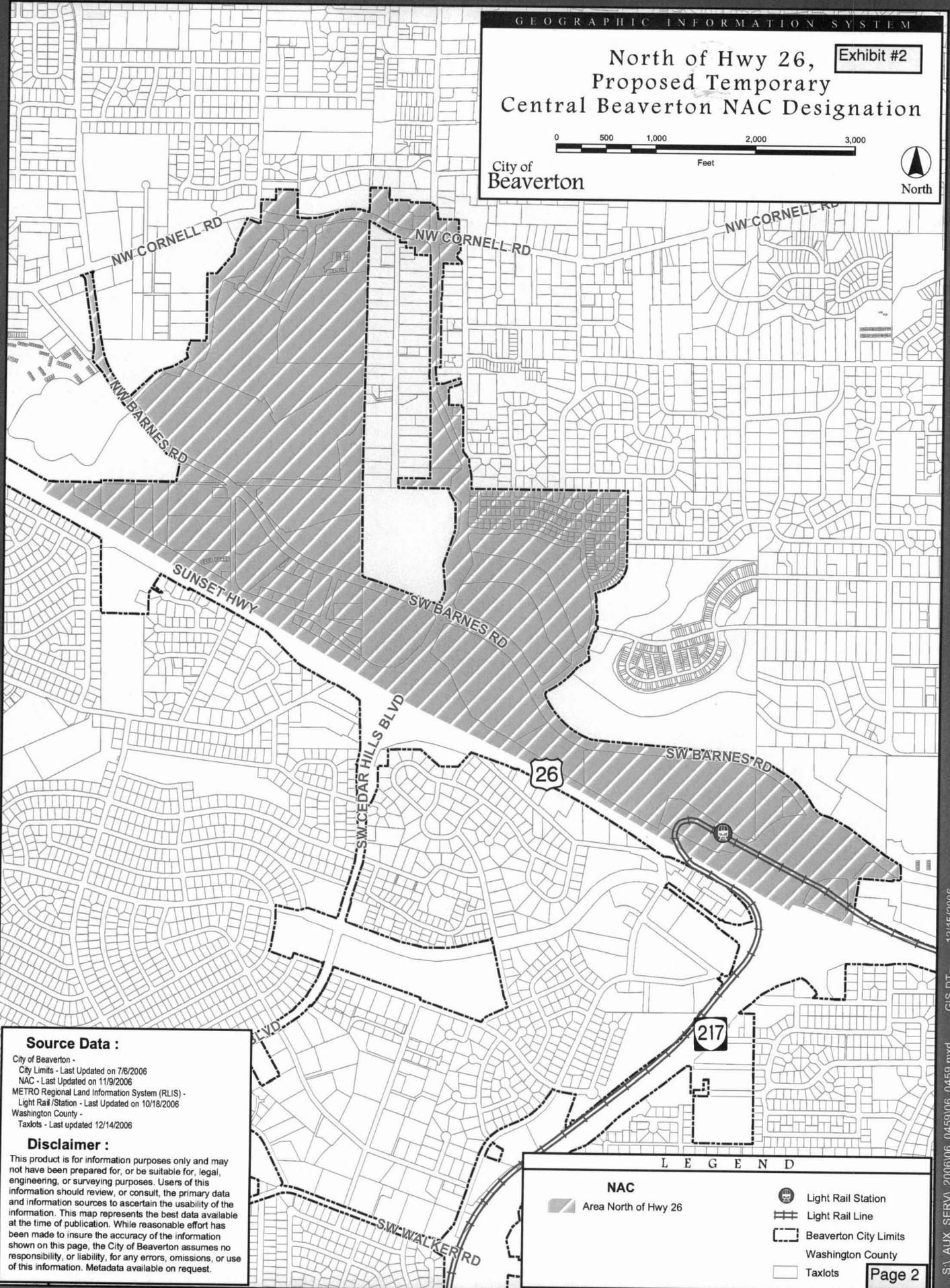

Linda Popkin

North of Hwy 26, Proposed Temporary Central Beaverton NAC Designation

Exhibit #2



City of
Beaverton



Source Data :

- City of Beaverton -
- City Limits - Last Updated on 7/6/2006
- NAC - Last Updated on 11/9/2006
- METRO Regional Land Information System (RLIS) -
- Light Rail / Station - Last Updated on 10/18/2006
- Washington County -
- Taxlots - Last updated 12/14/2006

Disclaimer :

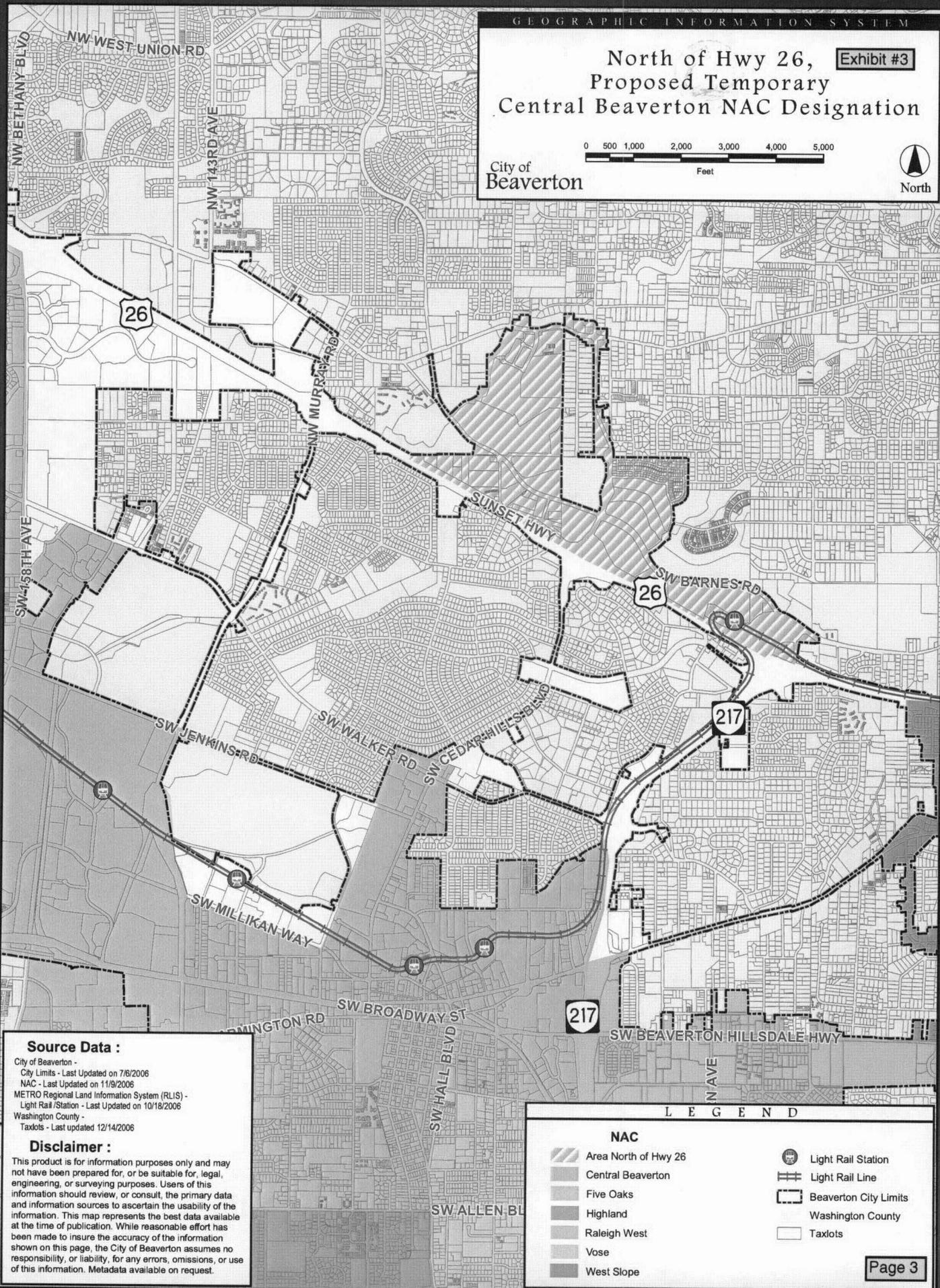
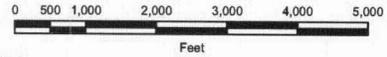
This product is for information purposes only and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review, or consult, the primary data and information sources to ascertain the usability of the information. This map represents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

LEGEND

- | | |
|----------------------|-----------------------|
| NAC | Light Rail Station |
| Area North of Hwy 26 | Light Rail Line |
| | Beaverton City Limits |
| | Washington County |
| | Taxlots |

North of Hwy 26, Exhibit #3 Proposed Temporary Central Beaverton NAC Designation

City of
Beaverton



Source Data :

City of Beaverton -
City Limits - Last Updated on 7/6/2006
NAC - Last Updated on 11/9/2006
METRO Regional Land Information System (RLIS) -
Light Rail/Station - Last Updated on 10/18/2006
Washington County -
Taxlots - Last updated 12/14/2006

Disclaimer :

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LEGEND

- | | |
|----------------------|-----------------------|
| Area North of Hwy 26 | Light Rail Station |
| Central Beaverton | Light Rail Line |
| Five Oaks | Beaverton City Limits |
| Highland | Washington County |
| Raleigh West | Taxlots |
| Vose | |
| West Slope | |

**Neighborhood Association
Committee (NAC) Populations
As of January 2007**

NAC	Estimated Population
Central Beaverton	11,956
Five Oaks	10,382
Neighborhood Southwest	10,353
Sexton Mountain	8,852
South Beaverton	8,801
Vose	7,584
West Beaverton	7,161
Greenway	6,556
Highland	6,332
Triple Creek	4,860
Raleigh West	2,272
Denney Whitford	1,964
West Slope	1,893
Total	88,966

Average Population of NACs	6,844
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Study Areas for Future NACs	
Study Area	Estimated Population
City Limits - North of Highway 26	630
City Limits - Garden Home	781

**Emails and Letters from Peterkort Area Residents
In Support of Temporarily Joining the
Central Beaverton Neighborhood Association Committee (NAC)**

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

From: CVOGEL1556@aol.com

To: milee503@comcast.net

Sent: Wednesday, November 29, 2006 9:04 AM

Subject: Re: Joining the Central Beaverton NAC

Linda,

Thank you so much for clarifying the differences in the NAC and HOA. It makes so much more sense to me now. I certainly support the idea of our joining the Beaverton NAC in order to have a voice in public matters.

Craig Vogel

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

From: "Jung" <jung@carolwilsonfinearts.com>

To: <milee503@comcast.net>

Sent: Tuesday, November 28, 2006 11:44 AM

Subject: Neighborhood Action Committee

The undersigned residents of Peterkort Village would like to become part of the Central Beaverton Neighborhood Association until our area is deemed large enough to form our own.

Jung Lee and Tom Hassell
10663 SW Adele Drive1
Portland, OR 97225

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

From: "Surya Bhamidipaty" <suryabhamidipaty@hotmail.com>

To: <iimelda@msn.com>; <milee503@comcast.net>

Sent: Tuesday, November 28, 2006 9:53 AM

Subject: RE: Fw: URGENT- POSSIBLE CRITERIA CHANGE OF PETERKORT PROPERTY

The undersigned residents of Peterkort Village would like to become part of the Central Beaverton Neighborhood Association until our area is deemed large enough to form our own.

Name: Surya and Lakshmi Bhamidipaty
Address: 10851 SW Adele Dr
e-mail or phone # (optional) suryabhamidipaty@hotmail.com; phone #
503-520-9276

Surya & Lakshmi Bhamidipaty

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

From: Lesley Barnes
To: milee503@comcast.net
Sent: Monday, November 27, 2006 9:04 PM
Subject: NAC

The undersigned resident(s) of Peterkort Village would like to become part of the Central Beaverton Neighborhood Association until our area is deemed large enough to form our own.

Eric and Lesley Barnes
29 NW 107th Avenue
Portland, OR 97229
lesleybarnes@mac.com
(503) 644-0831

From: Linda Popkin [milee503@comcast.net]
Sent: Friday, December 08, 2006 8:48 PM
To: Jason Wachs
Subject: CBNAC

The undersigned residents if Peterkort Village would like to join CBNAC until we are large enough to form our own NAC.

Linda & Ron Popkin
10680 SW Adele Dr
Portland OR 97225
503-644-4568

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

From: Zhi-Gen Jiang
To: milee503@comcast.net
Cc: iimelda@msn.com
Sent: Tuesday, November 28, 2006 2:14 PM
Subject: Re: Fw: URGENT- POSSIBLE CRITERIA CHANGE OF PETERKORT PROPERTY

Hi, Linda & Imelda,

The undersigned resident(s) of Peterkort Village would like to become part of the Central Beaverton Neighborhood Association until our area is deemed large enough to form our own.

Name: Zhi-Gen Jiang & Yu-Qin Yang
Address: 91 SW 106th PL. Portland, OR 97225
e-mail or phone # (optional): yangyu@ohsu.edu, 503-643-5637

Thanks.

Joan L. Hartley
11003 SW Wshington Street
PORTLAND OR 97225-6964
503-626-2865
queenofup@comcast.net

November 28, 2006

To Whom It May Concern

As a homeowner and resident of Peterkort Village I would like to become part of the Central Beaverton Neighborhood Association until our neighborhood is deemed large enough to form our own.

Sincerely,

Joan L. Hartley

CENTRAL BEAVERTON NEIGHBORHOOD ASSOCIATION

MINUTES OF THE NOVEMBER 6, 2006 MEETING

Chairperson Darla King called the meeting to order in the Community room at 7:05 pm. Committee members present were Chairperson Darla King, Treasurer Rita McCormick, and Recorder Vern Williams. A quorum was not present. We have had a quorum present in but three of the nine meetings that we have held this year. Association member Lynne Sherley, and Neighborhood Program Coordinator, Jason Wachs, were also present.

Officer Scott Audler of the Beaverton police department gave an update of recent and current police activities. Identity theft continues to require much of the Department's time and effort. The Fraud Unit has been very effective in combating identity theft, but the problem persists. Theft from vehicles continues to be a problem, particularly at parking lots near theaters and spas where car owners usually are occupied for a period of time and thieves may operate with minimum risk of being caught. The continuing heavy rains has contributed to many auto collisions, fortunately mostly with few injuries.

Margaret Middleton, Beaverton City Planner, presented plans for the widening of the intersection at Farmington Road and Murray Blvd. This project would help move traffic through this busy intersection.

Rita McCormick reported that the CBNAC earned \$404.29 for its participation in the spring cleanup project and \$388.61 from the farmer's market cinnamon roll sales. The treasury was at \$1667.55 as of Sept 30. There was some discussion about potential matching funds projects and contributions to charities. No action was taken. Members are asked to bring in ideas for matching funds projects at the next meeting.

Linda Popkin who lives in that part of the Petercourt area that was recently brought into the city asked that this area be included in the Central Beaverton Neighborhood Association until a separate neighborhood association is formed in that area. Lynne Sherley moved that this area be permitted to be included in the CBNAC. Seconded by Rita McCormick and approved by the Committee members present and Darla King will poll the absent committee members on this issue.

Minutes of the October meeting were approved as written.

Meeting adjourned at 9:15 pm.


Vern S. Williams, Recorder
11/07/06

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Regulating the Possession of Replica Firearms in Public Places **FOR AGENDA OF:** 1-22-07 **BILL NO:** 07022

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney 

DATE SUBMITTED: 1-17-07

CLEARANCES: Police 

PROCEEDING: PUBLIC HEARING

- EXHIBITS:**
1. Draft Ordinance dated 1-17-07 (p. 1)
 2. Annotated Draft Ordinance dated 1-17-07 (p. 6)
 3. Conceptual Draft Ordinance dated 12-11-06 (p.15)
 4. Wikipedia Articles (p. 20)
 5. Beaverton Background Information (p. 46)
 6. Background from Other Jurisdictions (p. 51)

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0.00	BUDGETED \$0.00	REQUIRED \$0.00

HISTORICAL PERSPECTIVE:

In Summer, 2006, the Chief of Police asked the City Attorney to study and draft an ordinance regulating the possession of realistic-appearing toy guns in public places. The Police Department furnished a copy of New York City provisions pertaining to such regulations. The two departments compiled additional information and drafted legislative provisions. Thereafter, a Council Presentation/Work Session was held on December 11, 2006, to explain why the City may want to regulate realistic-appearing toy guns and to allow the Council to comment on a conceptual draft of the attached Draft Ordinance.

INFORMATION FOR CONSIDERATION:

The Draft Ordinance applies to imitation guns that substantially resemble real firearms. One common term for such replicas is an "AirSoft" gun. Despite their appearance as a real gun, these replicas discharge a non-lethal plastic pellet. The Draft Ordinance forbids the visible possession of a replica firearm in a public place and the pointing or discharging of a replica firearm at another person if the other person is in a public place. A first offense is punishable as a civil violation. Repeat offenses, and any offense involving a replica firearm committed on or within 1,000 feet of school premises, is punishable as a misdemeanor.

Exhibts to this Agenda Bill include the Draft Ordinance, which was revised from the conceptual draft ordinance circulated for comment at the December 11 work session, an Annotated Draft Ordinance

with explanatory comments explaining rationale underlying certain provisions of the Draft Ordinance, a copy of the Conceptual Draft Ordinance circulated at the December 11 Presentation/Work Session, and background information in support of the policy directions contained in the Proposed Ordinance.

A separate Agenda Bill has been prepared for the first reading of the Ordinance. First reading is tentatively scheduled for January 22, 2007, after this public hearing on the attached Draft Ordinance concludes, provided no significant revisions to the Draft Ordinance are required as a consequence of that hearing.

RECOMMENDED ACTION:

Conduct Public Hearing on Draft Ordinance.

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE POSSESSION OF REPLICA FIREARMS IN
PUBLIC PLACES

WHEREAS, non-projectile toys and non-lethal projectile weapons such as one commonly known as an "AirSoft" gun, can be manufactured with coloring and dimensions identical to genuine, lethal firearms; and

WHEREAS, such replica firearms can be indistinguishable from authentic weapons, even to a trained and knowledgeable observer such as a police officer; and

WHEREAS, the appearance of a replica firearm in a public place can create a public disturbance or alarm, which distress can escalate into an unnecessary fatality if deadly force is employed to overcome the reasonably perceived lethal threat; and

WHEREAS, it is appropriate to regulate the appearance of replica firearms in public places to reduce the possibility of unnecessary harm or death; and

WHEREAS, Council instructs city staff to create a public information campaign about the public risks of imitation firearms, which campaign shall precede the effective date of this Ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended in Chapter Five by adding the following:

"5.08.250 Short Title. BC 5.08.250 – .270 shall be known and may be cited as the 'Replica Firearms Ordinance' and may also be referred to herein as 'this ordinance.'

"5.08.255 Definitions. For the purposes of this ordinance the following terms have the stated meanings:

Blaze orange tip - Either a plastic plug or a permanent marking which is colored blaze orange, which covers the barrel of a replica firearm from the muzzle end for a depth of at least 6 millimeters, the placement of which is required by Federal law.

Laser pointer - A device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

Replica firearm - Any device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm. A device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm shall

not be deemed a replica firearm if:

A. The device is constructed entirely of opaque materials colored bright red, bright orange, bright yellow, bright pink or bright purple, either singly or as the predominant color in combination with other listed colors; or

B. The device is constructed entirely of transparent or translucent materials that permit unmistakable observation of the complete contents of the device; or

C. The device is constructed entirely of a mixture of materials described in subsections (A) and (B) of this definition.

Replica firearm merchant - A retail operation, such as a hobby shop, sporting goods store, or firearms store, that is a place of sale to ultimate consumers of replica firearms for direct consumption, operating in a commercial structure or storefront, with premises open to the general public during business hours.

School premises - The real property comprising a public or private elementary, secondary or career school attended primarily by minors.

“5.08.260 Prohibitions.

A. No person shall possess a replica firearm in a public place.

B. No person shall intentionally, knowingly, recklessly, or with criminal negligence point or discharge a replica firearm at another person, said other person being located in a public place.

C. No person shall possess on school premises a device that otherwise would be a replica firearm but for the fact that:

1. The entire exterior surface of the device is colored bright red, bright orange, bright yellow, bright pink or bright purple, either singly or as the predominant color in combination with other listed colors; or

2. The device is constructed entirely of transparent or translucent materials that permit unmistakable observation of the complete contents of the device.

“5.08.265 Affirmative Defenses.

A. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(A) that:

1. The defendant possessed the replica firearm in a public place other than on school premises and the replica firearm was completely concealed within an opaque container;

2. The defendant possessed the replica firearm on school premises, the defendant was an employee or agent of the school acting within his or her official duties, and the replica firearm was completely concealed within an opaque container;

3. The defendant was employed as a peace officer as defined in ORS 133.005 and possessed the replica firearm within his or her official duties;

4. When the defendant possessed the replica firearm, he or she was using or intending to use it for or in the production of a motion picture, television program or

theatrical presentation, and one or more of the following circumstances is present:

- a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or
- b. All of the persons involved in the production are at least 18 years of age; or
- c. One or more person involved in the production holds a valid membership in The Associated Actors and Artistes of America (4As) or The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE).

5. The defendant possessed the replica firearm where all the following conditions are present:

- a. The replica firearm is possessed in the course of commerce, or for service or repair, by a replica firearm merchant, or a patron or wholesaler of such a merchant; and
- b. The replica firearm is possessed within the merchant's commercial storefront or structure in which the merchant's business is located; and
- c. The replica firearm merchant holds a current, valid City of Beaverton business license; and
- d. The replica firearm does not bear an attached laser pointer.

B. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(B) that:

1. The defendant was employed as a peace officer as defined in ORS 133.005 and discharged the replica firearm within his or her official duties;
2. When the defendant discharged the replica firearm, he or she was discharging it for or in the production of a motion picture, television program or theatrical presentation, and one or more of the following circumstances is present:

- a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or
- b. All of the persons involved in the production are at least 18 years of age; or
- c. One or more person involved in the production holds a valid membership in either The Associated Actors and Artistes of America (4As) or The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE).

C. A defendant may establish by a preponderance of the evidence an affirmative

defense to a charge of violating BC 5.08.260(C) that:

1. The defendant possessed the device on school premises, the defendant was an employee or agent of the school acting within his or her official duties, and the device was completely concealed within an opaque container;

2. The defendant was employed as a peace officer as defined in ORS 133.005 and possessed the device on school premises within his or her official duties;

3. When the defendant possessed the device, he or she was using or intending to use it for or in the production of a motion picture, television program or theatrical presentation, and one or more of the following circumstances is present:

a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or

b. All of the persons involved in the production are at least 18 years of age; or

c. One or more person involved in the production holds a valid membership in either The Associated Actors and Artistes of America (4As) or The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE).

“5.08.270 Penalties.

A. Except as provided in subsections (B), (C) and (D) of this section, violation of BC 5.08.260 is a Class A violation punishable by a fine of not less than \$250.

B. Violation of BC 5.08.260(A) or (B) is a Class A violation punishable by a fine of not less than \$500 if the unlawfully possessed or discharged replica firearm bears an attached laser pointer or has had its blaze orange tip removed or covered with paint, tape, or similar opaque substance.

C. Violation of BC 5.08.260(A) or (B) is a Class C misdemeanor if the offense occurs on or within 1,000 feet of school premises.

D. Violation of BC 5.08.260(A), (B) or (C) is a Class A misdemeanor if within five years to the date of the current offense the defendant has been convicted previously of a violation of BC 5.08.260(A), (B) or (C) or a counterpart thereof in another jurisdiction.

E. In addition to and not in lieu of any other sentence a court may impose, a court may require a defendant convicted under BC 5.08.560 to forfeit any rights of the defendant in the device or replica firearm unlawfully possessed or discharged.”

Section 2. This Ordinance shall take effect on March 31, 2007. A 30-day public information campaign shall precede the effective date of this Ordinance to inform citizens about the public risks of replica firearms. At minimum, the publication of a City news release on or before March 30, 2007, sent to selected major media covering the Beaverton area announcing the enactment

and the effective date of this Ordinance shall fulfill the requirements of this section.

Section 3. BC 5.08.225 of the Beaverton Code, Discharging a Weapon, is amended to read:

“5.08.225 Discharging a Weapon.

A. No person shall intentionally discharge a firearm into or across a public place or while located in a public place.

B. No person shall intentionally discharge a pellet gun, BB gun, bow and arrow, sling shot, or other similar weapon that expels a projectile by means other than by the action of smokeless powder.

C. This section shall not prohibit the discharge of a firearm or a weapon that expels a projectile by means other than by the action of smokeless powder while at a reasonably safe and regularly operated firing range.

D. This section does not prohibit the discharge of a replica firearm displayed in accordance with the Replica Firearms Ordinance or the discharge of a weapon that expels a projectile by means other than by the action of smokeless powder, so long as the projectile expelled upon discharge is one of the following:

1. A commercially-manufactured spherical projectile which contains paint and which is designed to break and splatter upon impact, commonly known as a “paintball;”

2. A commercially-manufactured spherical projectile with a diameter between and including 5.98 and 8 millimeters, constituted of common styrene plastic or biodegradable plastic, weighing no more than .36 gram per sphere.

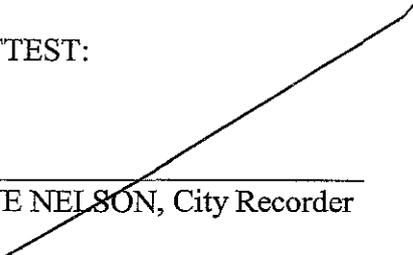
E. A person who violates this section commits a Class B misdemeanor.”

First reading this ____ day of _____, 2007.

Passed by the Council this ____ day of _____, 2007.

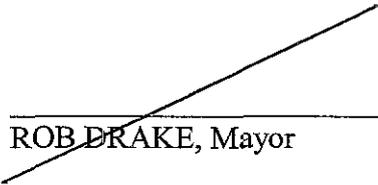
Approved by the Mayor this ____ day of _____, 2007.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

ORDINANCE NO. _____

**AN ORDINANCE REGULATING THE POSSESSION OF REPLICA FIREARMS IN
PUBLIC PLACES**

WHEREAS, non-projectile toys and non-lethal projectile weapons such as one commonly known as an "AirSoft" gun, can be manufactured with coloring and dimensions identical to genuine, lethal firearms; and

WHEREAS, such replica firearms can be indistinguishable from authentic weapons, even to a trained and knowledgeable observer such as a police officer; and

WHEREAS, the appearance of a replica firearm in a public place can create a public disturbance or alarm, which distress can escalate into an unnecessary fatality if deadly force is employed to overcome the reasonably perceived lethal threat; and

WHEREAS, it is appropriate to regulate the appearance of replica firearms in public places to reduce the possibility of unnecessary harm or death; and

WHEREAS, Council instructs city staff to create a public information campaign about the public risks of imitation firearms, which campaign shall precede the effective date of this Ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended in Chapter Five by adding the following:

"5.08.250 Short Title. BC 5.08.250 – .270 shall be known and may be cited as the 'Replica Firearms Ordinance' and may also be referred to herein as 'this ordinance.'

"5.08.255 Definitions. For the purposes of this ordinance the following terms have the stated meanings:

Blaze orange tip - Either a plastic plug or a permanent marking which is colored blaze orange, which covers the barrel of a replica firearm from the muzzle end for a depth of at least 6 millimeters, the placement of which is required by Federal law.

(Definition adapted from 15 U.S.C. Sec. 5001, and rules promulgated thereunder. Federal law requires a 6 millimeter tip be present on the barrel end of a toy, imitation, or look-alike firearm. The tip identifies the object as a look-alike or replica and must be present for the item to be placed into commercial sales or

ORDINANCE NO. _____ - Page

[ANNOTATED DRAFT 1-17-07]

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transportation. End users of a toy gun may remove or obscure the orange tip, as is the case at present, but if a weapon so modified is used in an offense of this Ordinance then that offense is punishable by a higher minimum fine. See the Penalty subsection for more information.)

Laser pointer - A device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

(Definition adapted from ORS 163.709.)

Replica firearm - Any device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm. A device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm shall not be deemed a replica firearm if:

A. The device is constructed entirely of opaque materials colored bright red, bright orange, bright yellow, bright pink or bright purple, either singly or as the predominant color in combination with other listed colors; or

B. The device is constructed entirely of transparent or translucent materials that permit unmistakable observation of the complete contents of the device; or

C. The device is constructed entirely of a mixture of materials described in subsection (A) and (B).

(Definition modeled after the definition for a toy or imitation firearm found in New York City's ordinance.)

Replica firearm merchant - A retail operation, such as a hobby shop, sporting goods store, or firearms store, that is a place of sale to ultimate consumers of replica firearms for direct consumption, operating in a commercial structure or storefront, with premises open to the general public during business hours.

School premises - The real property comprising a public or private elementary, secondary or career school attended primarily by minors.

(Definition adapted from ORS chapter 475 relating to drug offenses.)

“5.08.260 Prohibitions.

A. No person shall possess a replica firearm in a public place.

(Prohibits possession of replica firearm in a public place.)

B. No person shall intentionally, knowingly, recklessly, or with criminal negligence point or discharge a replica firearm at another person, said other person being located in a public place.

(Prohibits pointing or discharging a replica firearm at another person if the other person is in a public place.)

C. No person shall possess on school premises a device that otherwise would be a replica firearm but for the fact that:

1. The device is constructed entirely of opaque materials colored bright red, bright orange, bright yellow, bright pink or bright purple, either singly or as the predominant color in combination with other listed colors; or

2. The device is constructed entirely of transparent or translucent materials that permit unmistakable observation of the complete contents of the device; or

3. The device is constructed entirely of a mixture of materials described in subsection (1) and (2).

(All forms of replica firearms are forbidden on school premises no matter their color or transparency and there is hereby reiterated in this ordinance a "zero tolerance" approach to firearms of any kind on school premises. Limited exceptions are provided for in the affirmative defenses set forth at BC 5.08.265, such as using a replica firearm in a school play.)

"5.08.265 Affirmative Defenses. *(Each of the three prohibition set forth in BC 5.08.260 has a group of affirmative defenses associated with it. The defenses overlap but are not identical for each violation.)*

A. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(A) that:

(The five affirmative defenses of this subsection are available to a defendant

charged with possession of a replica firearm in a public place.)

1. The defendant possessed the replica firearm in a public place other than on school premises and the replica firearm was completely concealed within an opaque container;

(The harm sought to be regulated by this ordinance is eliminated if a replica firearm is carried in public hidden from view. School premises are excepted from this defense but are specifically addressed in subsection C of this section.)

2. The defendant possessed the replica firearm on school premises, the defendant was an employee or agent of the school acting within his or her official duties, and the replica firearm was completely concealed within an opaque container;

(This defense allows an employee or agent of a school, acting within his or her official duties, to possess a replica firearm on school premises if the replica firearm is hidden from view. Such a situation will arise if the replica firearm is being taken to school for bona fide educational purposes, including a school play.)

3. The defendant was employed as a peace officer as defined in ORS 133.005 and possessed the replica firearm within his or her official duties;

(This subsection is consistent with established law and acknowledges that under the correct circumstances and in the course of their official duties, law enforcement officers may be justified in possessing a replica firearm.)

4. When the defendant possessed the replica firearm, he or she was using or intending to use it for or in the production of a motion picture, television program or theatrical presentation, and one or more of the following circumstances is present:

a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or

b. All of the persons involved in the production are at least 18 years of age; or

c. One or more person involved in the production holds a valid membership in The Associated Actors and Artistes of America (4As) or The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE).

(This defense allows use of a replica firearm in bona fide commercial dramatic performances. The presence of a person belonging to one of the listed unions of the entertainment industry constitutes adequate assurance as to the genuine nature of the performance.)

5. The defendant possessed the replica firearm where all the following conditions are present:

- a. The replica firearm is possessed in the course of commerce, or for service or repair, by a replica firearm merchant, or a patron or wholesaler of such a merchant; and
- b. The replica firearm is possessed within the merchant's commercial storefront or structure in which the merchant's business is located; and
- c. The replica firearm merchant holds a current, valid City of Beaverton business license; and
- d. The replica firearm does not bear an attached laser pointer.

(This defense allow for the continued free commerce of replica firearms within commercial storefronts where such goods may be bought and sold. Sales and service that occur among private parties only will have to be conducted on private premises or, if in a public place, with a replica firearm that is within its container or other suitable opaque covering and without an attached laser pointer.)

B. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(B) that:

(The two affirmative defenses of this subsection are available to a defendant charged with pointing or discharging a replica firearm at another person who is in a public place. The two defenses duplicate two of the five defenses set out in subsection A of this section. The other three defenses are not applicable to circumstances involving the pointing or discharging of a replica firearm.)

1. The defendant was employed as a peace officer as defined in ORS 133.005 and discharged the replica firearm within his or her official duties;

2. The defendant discharged the replica firearm for or in the production of a motion picture, television program or theatrical presentation, and one or more of the following circumstances is present:

a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or

b. All of the persons involved in the production are at least 18 years of age; or

c. One or more person involved in the production holds a valid membership in The Associated Actors and Artistes of America (4As) or The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE).

C. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(C) that:

(The three affirmative defenses of this subsection are available to a defendant charged with possessing any form of a replica firearm on school premises. The three defenses duplicate two of the five defenses set out in subsection A of this section. The other two defenses are not applicable to circumstances involving school premises.)

1. The defendant possessed the device on school premises, the defendant was an employee or agent of the school acting within his or her official duties, and the device was completely concealed within an opaque container;

2. The defendant was employed as a peace officer as defined in ORS 133.005 and possessed the device on school premises within his or her official duties;

3. When the defendant possessed the device, he or she was using or intending to use it for or in the production of a motion picture, television program or theatrical

presentation, and one or more of the following circumstances is present:

- a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or
- b. All of the persons involved in the production are at least 18 years of age; or
- c. One or more person involved in the production holds a valid membership in either The Associated Actors and Artistes of America (4As) or The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE).

“5.08.270 Penalties.

A. Except as provided in subsections (B), (C) and (D) of this section, violation of BC 5.08.260 is a Class A violation punishable by a fine of not less than \$250.

(Establishes a minimum fine of \$250 for violation of the ordinance. The maximum fine for a Class A violation is already established by the Beaverton Code and currently may not exceed \$720.)

B. Violation of BC 5.08.260(A) or (B) is a Class A violation punishable by a fine of not less than \$500 if the unlawfully possessed or discharged replica firearm bears an attached laser pointer or has had its blaze orange tip removed or covered with paint, tape, or similar opaque substance.

(Establishes a minimum fine of \$500 for violation of the ordinance where certain aggravating circumstances are found to exist.)

C. Violation of BC 5.08.260(A) or (B) is a Class C misdemeanor if the offense occurs on or within 1,000 feet of school premises.

(Enhances penalty for violation of the ordinance from Class A civil infraction to a Class C misdemeanor where an offense involving a replica firearm occurs on or within 1,000 feet of school premises.)

D. Violation of BC 5.08.260(A), (B) or (C) is a Class A misdemeanor if within five years to the date of the current offense the defendant has been convicted previously of a violation of BC 5.08.260(A), (B) or (C) or a counterpart thereof in another jurisdiction.

(Enhances penalty for violation of the ordinance from a Class A civil infraction to a Class A criminal misdemeanor for any repeat offenses.)

E. In addition to and not in lieu of any other sentence a court may impose, a court may require a defendant convicted under BC 5.08.560 to forfeit any rights of the defendant in the device or replica firearm unlawfully possessed, pointed or discharged.”

(Allows for the forfeiture upon conviction of any device or replica firearm unlawfully possessed, pointed or discharged.)

Section 2. This Ordinance shall take effect on March 31, 2007. A 30-day public information campaign shall precede the effective date of this Ordinance to inform citizens about the public risks of replica firearms. At minimum, the publication of a City news release on or before March 30, 2007, sent to selected major media covering the Beaverton area announcing the enactment and the effective date of this Ordinance shall fulfill the requirements of this section.

(Section 2 mandates the city conduct a public awareness regarding the ordinance prior to its enforcement. The section establishes the minimum required publicity, but the city may do more to publicize the new law.)

Section 3. Section 5.08.225 of the Beaverton Code, Discharging a Weapon, is amended to read:

“5.08.225 Discharging a Weapon.

A. No person shall intentionally discharge a firearm into or across a public place or while located in a public place.

B. No person shall intentionally discharge a pellet gun, BB gun, bow and arrow, sling shot, or other similar weapon that expels a projectile by means other than by the action of smokeless powder.

C. This section shall not prohibit the discharge of a firearm or a weapon that expels a projectile by means other than by the action of smokeless powder while at a reasonably

safe and regularly operated firing range.

D. This section does not prohibit the discharge of a replica firearm displayed in accordance with the Replica Firearms Ordinance or the discharge of a weapon that expels a projectile by means other than by the action of smokeless powder, so long as the projectile expelled upon discharge is one of the following:

1. A commercially-manufactured spherical projectile which contains paint and which is designed to break and splatter upon impact, commonly known as a "paintball;"
2. A commercially-manufactured spherical projectile with a diameter between and including 5.98 and 8 millimeters, constituted of common styrene plastic or biodegradable plastic, weighing no more than .36 gram per sphere.

(The described projectiles include almost every kind of AirSoft projectile commercially produced, according to readily-available information. Not included [on the basis of their greater weight, and hence increased danger,] are AirSoft projectiles made from metallic substances or coated with graphite.)

E. A person who violates this section commits a Class B misdemeanor."

(Section 3 harmonizes the Replica Firearms Ordinance with the existing offense of Discharging a Weapon. Section 3 allows discharge of common plastic spheres from a replica such as an AirSoft, however, this is provided that the replica is in the first instance brought out into view in accordance with the Replica Firearms Ordinance.)

First reading this _____ day of _____, 2007.

Passed by the Council this _____ day of _____, 2007.

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

ORDINANCE NO. _____ - Page

[ANNOTATED DRAFT 1-17-07]

000014

ORDINANCE NO.

AN ORDINANCE REGULATING THE POSSESSION OF REPLICA FIREARMS IN PUBLIC PLACES

WHEREAS, non-projectile toys and non-lethal projectile weapons such as one commonly known as an "AirSoft" gun, can be manufactured with coloring and dimensions identical to genuine, lethal firearms; and

WHEREAS, such replica firearms can be indistinguishable from authentic weapons, even to a trained and knowledgeable observer such as a police officer; and

WHEREAS, the appearance of a replica firearm in a public place can create a public disturbance or alarm, which distress can escalate into an unnecessary fatality if deadly force is employed to overcome the perceived lethal threat; and

WHEREAS, it is appropriate to regulate the appearance of replica firearms in public places to reduce the possibility of unnecessary harm or death; and

WHEREAS, Council instructs city staff to create an information program about the public risks of imitation firearms, which program shall precede full implementation of this ordinance; now, therefore,

BE IT ORDAINED BY THE CITY OF BEAVERTON,

Section 1. The Beaverton Code is amended in Chapter 5 by adding the following sections.

"5.08.250 Unlawful possession of a replica firearm.

A. For the purposes of this ordinance the following terms have the stated meanings:

1. Blaze orange tip - Either a plastic plug or a permanent marking which is colored blaze orange, which covers the barrel of a replica firearm from the muzzle end for a depth of at least 6 millimeters, the placement of which is required by Federal law.
2. Firearm - A weapon, by whatever name known, which is designed to expel a projectile by the action of powder and which is readily capable of use as a weapon.
3. Laser pointer - A device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

4. Public place - A place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation.

5. Replica firearm

a. Definition. Any toy or imitation which substantially duplicates a firearm or can reasonably be perceived to be an actual firearm unless:

(1) The entire exterior surface of such toy or imitation is colored bright red, bright orange, bright yellow, bright pink or bright purple, either singly or as the predominant color in combination with other listed colors; or such toy or imitation is constructed entirely of transparent or translucent materials which permit unmistakable observation of the replica or imitation's complete contents.

(2) The qualifications of subsection (1), above, and the affirmative defense of 5.08.250(C)(1) do not apply to replica firearms present on school premises in the possession of persons under 25 years of age.

(3) Imitation guns which may lawfully be seen in public nonetheless may not bear an attached laser pointer.

6. Replica firearm merchant. A retail operation such as a hobby shop, sporting goods store, or firearms store, which is a place of sale to ultimate consumers of replica firearms for direct consumption, operating in a commercial structure or storefront, with premises open to the general public during business hours.

B. No person shall:

1. Possess a replica firearm in a public place; or

2. Intentionally, knowingly, recklessly, or with criminal negligence point or discharge a replica firearm at another person, said other person being located in a public place.

C. In any action under this ordinance, it is an affirmative defense to be established by a preponderance of the evidence by the defendant that:

1. A person is transporting the replica firearm in a public place and the replica firearm is completely concealed within an opaque container;
2. A person is employed as a peace officer as defined in ORS 133.005 and is acting within his or her official duties;
3. The replica firearm, if present in a public place, is being used for or in the production or television programs or theatrical or motion picture presentations if one of the following is present:
 - a. the possession is taking place on a stage in an auditorium for which admission requires purchase of a ticket; and it is acceptable that this stage may be located within school premises notwithstanding subsection 5.08.250(A)(5)(a); or
 - b. all the persons involved in the acting and production or recording are at least 18 years of age; or
 - c. one person involved in the production holds a valid membership in either of the following organizations:
 - (1) The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE); or
 - (2) The Associated Actors and Artistes of America.
4. The replica firearm is possessed in a situation where all the following conditions are present:
 - a. the replica firearm is possessed in the course of commerce, or for service or repair, by a replica firearm merchant, or a patron or wholesaler of such a merchant;
 - b. the replica firearm is possessed within the merchant's commercial storefront or structure in which the merchant's business is located; and
 - c. the replica firearm merchant holds a current, valid City of Beaverton business license.

D. Replica firearms used in violation of this Ordinance shall be seized as contraband or for their evidentiary value, whichever may be applicable, and may be subject to forfeiture to the maximum extent allowed under law.

E. Penalties.

1. Violations of this ordinance are non-criminal violations punishable by a fine of no less than \$250. If the offense involves a replica firearm on which the blaze orange tip has been removed or covered with paint, tape, or similar opaque substance, the offense is punishable by a fine of no less than \$500.

2. Notwithstanding subsection 1, above, violation of this ordinance upon school premises is a Class C misdemeanor.

3. A violation of this ordinance is a Class A misdemeanor if the defendant has been previously convicted of violating this ordinance within five years prior to the date of the current offense.”

Section 2. This Ordinance shall take effect on _____, 2007. A 60-day public information campaign shall precede the effective date of this Ordinance to inform citizens about the issues addressed in this Ordinance.

Section 3. Section 5.08.225, the crime of discharging a weapon, is amended to read:

“5.08.225 Discharging a Weapon.

A. No person shall intentionally discharge a firearm into or across a public place or while located in a public place.

B. No person shall intentionally discharge a pellet gun, BB gun, bow and arrow, sling shot, or other similar weapon that expels a projectile by means other than by the action of smokeless powder.

C. This section shall not prohibit the discharge of a firearm or other weapon while at a reasonably safe and regularly operated firing range.

D. This section does not prohibit the discharge of a weapon otherwise lawfully displayed in accordance with the Replica Firearms Ordinance, so long as the projectile thus expelled is one of the following:

1. A commercially-manufactured spherical projectile which contains paint and which is designed to break and splatter upon impact, commonly known as a “paintball;”

2. A commercially-manufactured spherical projectile with a diameter between and including 5.98 and 8 millimeters, constituted of common styrene plastic or biodegradable plastic, weighing no more than .36 gram per sphere.

E. A person who violates this section commits a Class B misdemeanor.”

Section 4. This ordinance may be cited by the short title of, “~~Replica Firearms Ordinance.~~”

First reading this _____ day of _____, 200_.

Passed by the Council this _____ day of _____, 200_.

Approved by the Mayor this _____ day of _____, 200_.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

Exhibit 4

Wikipedia Online Encyclopedia Materials

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Airsoft

From Wikipedia, the free encyclopedia

Airsoft refers to a sport or recreational pastime in which players participate in the simulation of military- or law enforcement-style combat using smoothbore airsoft guns designed as replicas of real firearms.

Airsoft has its roots in late-1970s Asia, specifically Japan where firearms were difficult or impossible to obtain due to local laws and gun hobbyists sought a legal alternative for enjoying their passion. It is therefore unsurprising that airsoft is still today most popular in several Asian regions, such as Japan, China, Hong Kong, Taiwan, Macau, South Korea, and to a certain extent, the Philippines and Indonesia. There is information that shows Airsoft is gaining popularity in Vietnam, although toy guns were banned. The vast majority of airsoft guns, accessories, and aftermarket upgrade parts are also manufactured in these countries.

There is also a growing interest in North America and Europe, especially in the United States, Canada, United Kingdom, Germany, Austria, Switzerland, France, Spain, Poland, Lithuania, Portugal, Sweden, Finland, Norway, Italy, Belgium (which is also visited by Dutch players, as the game is illegal in the Netherlands), Denmark, and Chile, bolstered by an active and expanding Internet scene.



A player with an airsoft G36E takes aim during a game

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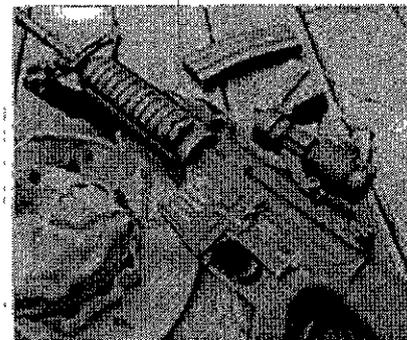
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 - 1.3 Game modifiers
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 - 2.1 Personal Protective Gear
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Methods and structures of play

Fundamentally, airsoft is a game played within a reasonably large predetermined area - generally outdoors as in paintball, where the objective is to "hit" or "tag" other players with the projectile fired from an airsoft gun (termed a "BB"). Unlike paintball or laser tag where hits are almost always obvious, however, airsoft games usually function on an "honor system" - airsoft BBs are made of plastic and generally do not leave any visible marks on clothing, and although they can sometimes cause welts on the skin, this is not a practical or reliable method of judging hits. It is generally accepted that when a player is hit, they will declare it, usually by raising their hand, shouting something like "Hit!", and then leaving the area, or sometimes merely sitting or lying down and remaining "dead in place", depending on the specific rules of the match.



Classic Army M15A4 Automatic Electric Gun

MilSim

MilSim (MILitary SIMulation) generally combines airsoft play with some military live action role-playing elements. Several goals or missions are assigned to each team as a foundation for confrontation in firefights and othkugigiuiyving quarters, maintaining perimeter security and the like are added to the experience.

Another aspect of MilSim-style airsoft gaming that ties into the live action element is the global desire for players to look and feel the part they are playing. Hence, MilSim-style games may have uniform or clothing requirements specific to the scenario being played.

One variation of the MilSim-style is that of Spies and Mercs.

Re-enactment

On occasion, airsoft games will be played in which the structure and/or conditions are designed to emulate a specific real-world battle as a form of historical or modern reenactment, depending on the historical period. This type of play can vary from a simple skirmish emulating a small-scale battle (like that of Pegasus Bridge) to a full reenactment of the Battle of Mogadishu ^[1] or the Battle of the Bulge.

For earlier historical eras such as that of World War II, equipment restrictions may be imposed on players for some historical accuracy. This may include restricting players to the use of replica firearms that were available during the historical battle. To include players without the correct airsoft guns, organizers may set up rules restricting them to semi-automatic fire or restricting the amount of ammunition they may carry (to better simulate firearm performance of that era and ensure equal capability among players).

How closely the historically-based airsoft game replicates the historical battle is up to the game organizer. Sometimes a historic battle will merely be inspiration for the structure of a standard skirmish, while sometimes the players may be actual reenactors seeking another way to enjoy their hobby.



Airsoft players in a World War II reenactment are guarding a piece of mock artillery. Note that while the player's uniform is designed to resemble that of the time period, the SIG 552 he is holding is not.

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11/29/2006

Game modifiers

It is often the case that specialized rules are implemented to introduce certain tactical or strategic elements to gameplay. These can vary widely from game to game.

Examples of popular game rule modifiers include:

Medics

Selected players are able to "revive" "dead" team mates, who must usually stay "dead" in place until they are "healed".

Weapon hits

Players are required to switch to their side arm if they take a hit to their primary weapon.

In many airsoft environments, you are not constituted as "dead" if your weapon is hit.

Ammo limits

Restrictions are made on the amount of ammo available per each team, player, base or round of play.

Immortals

Specific players are chosen who cannot "die" or die only under special conditions.

Mercy rules

Players who sneak up on opponents are given the option of eliminating them without firing by simply calling out, "mercy" or some other code word.

Respawn

Respawn is usually used to allow players who have been hit to return to their starting position and re-enter the game. Usually this rule is used if there is a large amount of people, or if the scenario is planned to last for a long time. There can be modifications to this rule, such as the "medic spawn". "Medic spawn" negates the player from having to spawn in their base and instead can respawn at the nearest medic. This modifier is often used when the playing area is very large. If respawning is implemented, the event organizers must be careful not to produce a scenario in which *spawn camping can occur*.

Safety Precautions

A direct hit from a BB on bare skin is usually only mildly painful, but can be dangerous to areas of soft tissue. Therefore, a standard of safety guidelines and equipment has evolved in the airsoft community. Like many competitive sports, airsoft inherently involves a certain risk of injury, but it is the consensus of most players that airsoft is a fairly safe activity when appropriate precautions are observed. It is important to note however that when playing it is the responsibility of the participants to make conscious decisions about where their shots will land. This means avoiding shots to places such as the head when possible.

Personal Protective Gear

Eye and Face Protection



Airsoft player shooting from behind cover. Note the safety gear; the goggles that fully seal the area around the eyes, and the balaclava to keep the face protected.

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The minimum safe level of gear required to participate in most games includes a pair of impact-rated goggles to protect the eyes of the participants. Traditional prescription glasses or sunglasses are almost never accepted as they can cause a serious injury, and the player runs the risk of permanently losing their vision in that eye.

For this reason nearly all organized groups of airsoft players and fields require that eye protection fully seals the area around the eyes, and also meets or ANSI's Z87.1-2003 goggle standard for eye protection (resists 3 joules of impact energy without damage). However, it is not uncommon for players in less organized games to use shooting glasses, which do not provide complete protection from projectiles. Some players will opt for paintball goggles, which are held to higher impact rating standards, ASTM's F1776. ^[2] It is worth noting, however, that Z87.1-2003 rated goggles are specifically intended for use in industry and manufacturing, and are not for use in sports.

According to ANSI publications as of June 2006, The ASTM is currently developing a more specific standard for the sport - ASTM Z1535Z - Standard Specification for Eye Protective Devices for Airsoft Sports. ^[3]

The best overall protection is offered by paintball masks. These masks provide an additional level of protection by creating a full seal around the face and ears. The lens is a solid piece of impact resistant plastic. Some airsoft masks are made with mesh screens, though these screens do not offer protection from cheaper BBs that fragment upon impact of hard objects.

Other Safety Precautions

Some other rules such as a maximum BB velocity and distance guidelines are used in different ways by groups depending of their location. For more information regarding velocity limits and BB ballistics refer to Airsoft pellets#Pellet ballistics.



Airsoft replica of a H&K G36C. Note that this replica is not in use on a field, and therefore has the magazine removed (and the chamber cleared), and has a barrel bag placed over the muzzle

When not actively playing, many fields require barrel blockers, such as "barrel bags" or "barrel condoms" first introduced in paintball. Many airsoft guns (especially AEGs) come with small red plastic barrel blockers that fit over the muzzle, but these can be shot off the gun, and it doesn't provide for the very quick visual check that a barrel bag does. The magazine is usually removed as well, and the gun fired to clear the chamber. Many fields also require players to leave their guns set to the safety position when they are not shooting, even during active gameplay.

Blind Man

One commonly adopted practice is for players to shout the words "Blind Man" and halt an ongoing game if a player or bystander is seen in the designated gameplay area without proper eye protection, proper eye protection being goggles and helmet. Any player hearing the words must in turn stop and also shout the words, resulting a chain reaction which halts and alerts the whole game. Once the situation is resolved (by properly protecting the person from harm and/or "removing" them from harm), the game is usually resumed at the same point at which it was stopped.

A player is required to keep thier face mask/goggles/shooting glasses on at all times. This is basic safety upon an airsoft site and this law is always enforced by the marshall in charge to ensure that all players remain safe and no accidents occur during the gameplay

Comparisons with paintball

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Airsoft was developed in Japan in the late 1970s to provide an alternative for gun hobbyists because local laws prevented individuals from privately owning firearms. A heavy emphasis was therefore placed on making accurate replicas of real firearms. In contrast, paintball was developed in the United States in 1976 as a variation of hide and seek tag, through the use of utility companies' paint marking guns, which mark power/util poles, and continues to focus more on their function than their form or aesthetic qualities. Paintball has quickly gained greater popularity than airsoft in the United States. However, in Asia, airsoft is much more popular and paintball is nearly non-existent. In the interests of a more family-friendly image, paintball as an industry usually avoids direct analogies to the military and war (seen by the movement towards spectator-friendly speedball). Similarly airsoft has taken a dual route, moving away from this (as seen in airsoft) as well as embracing them. This sometimes extends to full MilSim play.

For more information, see Public Perception of Paintball.

Sometimes questions arise on how airsoft players know when they have hit a target, and when they have been hit by a BB themselves. Unlike paintball, where paint splatter clearly identifies hits, airsoft BB's leave no such marks. Furthermore, since airsoft BB's are much lighter than paint balls, sometimes a player can take a hit from an airsoft BB without feeling anything, depending on the thickness of apparel and gear they are wearing. The audible sound a hit can make or seeing a BB bounce off from a player are often used as alternative indicators. However, in all cases, an honor system is required to be used among players. Further incentive to abide by such rules of the game is added by close-knit airsoft communities that often have little tolerance for cheating. On some sites, blatant cheating will lead to players being banned. In many cases, paintball requires the same honor system, since paintball hits can be hard to see in the heat of battle and can be wiped off by dishonest players.

Kinetic energy transfer is relatively minimal in Airsoft compared to that of Paintball. A standard 0.68 caliber paintball averages a weight of 2.84 grams. Paintball fields limit the maximum allowable muzzle velocity to be 300 feet per second in most events. A paintball projectile weighing approximately 2.84 grams and traveling at 300 feet per second is able to transfer approximately 11.8 joules of energy. Although there is a considerable difference between airsoft and paintball energy levels, the type of collisions that occur must also be considered (refer to Airsoft pellets#Pellet ballistics for more information).

To a new player choosing between airsoft and paintball, a beginning package for either is roughly equivalent in terms of apparel and cost. One major difference, however, can be seen in the cost of ammunition and upkeep of the packages - due to the type of ammunition used, airsoft guns are less prone to "jamming", and airsoft BB's are considerably cheaper to manufacture than paintballs.

There is considerable debate between players of the two sports over which is preferable, though overall the two communities function separately.

Legal issues

Airsoft guns and playing airsoft is legal in many parts of the world, but not all. Some countries have specific restrictions such as maximum muzzle energy, rules against using the trademarks of real firearms, and special marking requirements (such as brightly colored barrel tips). This can sometimes draw airsoft into the "grey area" of law, where airsoft gun occupies a niche in between toy guns and firearms.

Sample airsoft laws from around the world

In Japan and the United States, the restrictions on airsoft guns are fairly light, while in Canada and other countries, airsoft is much more strictly regulated.

- As of August 1, 2006, Japanese airsoft guns are legal but may not shoot with a muzzle energy above point nine eight (.98) joule.
- Airsoft guns entering the United States are considered to be "toy guns" for legal purposes, and therefore must have a blaze orange tip present during sale and transport. All Airsoft replica bb guns include a safety orange muzzle tip (at least 1/4 of an inch) in accordance with Federal law. Any attempt to remove the orange tip is a violation of Federal law. ^[4]
- In Australia, Airsoft guns are much more heavily regulated, as they are imitation firearms according to law, which means that, they cannot look like a real firearm, and if a replica looks like a real weapon, it is legally restricted (You need a Class A firearms Licence and written consent from police to import and hold the replica in your state or territory.)
 - Airsoft Australia (<http://www.airsoftaustralia.com/>) is aiming to get airsoft redefined as a sport and allow it to be legally accepted. This will only be possible by restrictions on how replicas can be obtained (Over 18 and an airsoft specific license (is hoped) to be required of the player), for protection of the sport in general and others.
- In Canada, airsoft guns are considered replica firearms, not a toy nor an airgun, which is illegal in the general sense, importation and acquisition requires a license. If an airsoft gun fires above a specific muzzle velocity (500 ft/s) **and** delivers a specific kinetic energy on impact (5.7 joules) then it is classified as a Firearm under the Criminal Code of Canada.
- In the United Kingdom, the purchase, sale and import of replica firearms has recently become the subject of a proposed bill which may stop the importation of new weapons, essentially killing off the sport as new players will only be able to borrow existing weapons. However the UKASGB (UK Airsoft Sites Governing Body) and other airsoft organizations are negotiating with the government hoping to come to a compromise, possibly by raising the legal purchase age of airsoft replicas to 18 (Currently 14 for all but the most powerful airsoft guns) and even introducing a airsoft license much like what has been suggested in Australia.
- In Hong Kong, all airsoft guns are legal but may not shoot with a muzzle energy above two (2) joule.
- In the Netherlands airsoft is illegal and owning a airsoft gun is a violation of Federal law.

Hazards of being mistaken for a real firearm

There have been many cases of airsoft guns being mistaken for real firearms, and some cases where armed law enforcement units have responded to tips of unlawful firearm use. In rare cases, individuals have also been shot by police officers after failing to yield to warnings because of airsoft guns' focus on realistic weapon reproduction. This is the main reason that laws require orange tips to be present on all "toy guns" (including airsoft replicas) imported into the United States. However, the effectiveness of such measures remains open to debate, because these tips can be easily removed or painted away. Furthermore, their use means that criminals can attempt to disguise real firearms as toys by painting the tip of the barrel orange. A measure that is often employed by airsoft players is informing local law enforcement officials where and when airsoft games will take place, so that such misunderstandings can be avoided.

In many jurisdictions, using an imitation firearm to commit a crime (which often includes the generic term of "brandishing") carries the same penalty as if a real firearm were used.

Airsoft in schools

Perhaps the most common legal issue involving airsoft guns in the United States involves possession in schools. The punishment can depend on the intention and use, but common actions include a temporary suspension or permanent expulsion. The worst known case occurred in Longwood, Florida when 15-year-old Chris Penley threatened students with an airsoft pistol at his middle school and was subsequently shot dead when he aimed it towards an officer. The orange tip mandated by US Federal law had been painted black. ^[5]

Airsoft equipment

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Airsoft equipment encompasses many types of equipment used in the sport of airsoft, including the gun used to shoot airsoft pellets at opponents, safety goggles, and all sorts of tactical gear including vests, equipment holders, and gun accessories.

Airsoft guns

The guns used in airsoft are typically **replicas** of real firearms. Airsoft guns can be divided into three groups by what powers them: spring-, electric- or gas-powered.

The choice of airsoft guns is determined by either the performance (e.g. battery life, range, pellet magazine capacity) or the realism required (players might want to recreate a specific military force with the correct clothing and equipment). While the first line of airsoft guns were gas-powered from an external tank (this style is now known as *classic airsoft*), the most popular choice at the moment is electric, as reliability and range are often better from a stock electric rifle than any other form of power.

The most popular airsoft guns are replicas of the real firearms; the AR-15 and its variants, guns in the Kalashnikov family, the FAMAS, the G36 series, the Sig Sauer assault rifles, or the MP5

Many airsoft guns can also be fitted with accessories designed for their real counterparts, such as fore grips and receivers. However, this does not mean that airsoft guns can be converted to fire actual ammunition used by real firearms.

Airsoft guns have three general classifications depending on their use in the game. These classifications are generally dependent on the speed of the BB's and energy generated. CQB (Close Quarter Battle) is a type of situation used to simulate close combat such as house entry and ranges of 20 feet or less. The airsoft guns used in these scenarios typically fire less than 300 FPS for safety reasons and the participants wear appropriate clothing. Most airsoft guns typically fire 300-400 FPS, since they are used outdoors for most operations, balancing good speed and range with energy generated. A sniper's gun is typically upgraded to fire over 400 FPS (often 500 and sometimes up to 600 FPS). These generate greater range and consequently energy giving somewhat sniper range in a close game. As a general rule they are commonly not used under a 100 feet for safety reasons (energy generated).

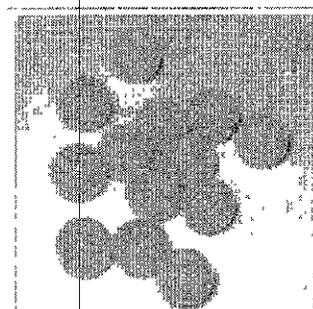
Airsoft projectiles

Most airsoft models use plastic projectiles ranging from 0.12 to 0.88 grams in weight, though the most popular weights are between .20 and .30 grams. The pellets are usually approximately 6 mm in diameter, but some guns shoot 8 mm pellets instead. There are small paintballs for airsoft guns, but although they do prevent cheating, they are prone to breaking in the gun and sometimes cause damage.

While airsoft projectiles are often called "BBs", the BB gun is so named because it originally fired BB sized shotgun shot or metric Ball Bearings of .177 caliber (steel "BBs" are actually sized .174 inches (4.3 mm) in diameter).

Airsoft hop-up devices apply a backspin to the pellet so that the pressure force acts on the pellet opposite to the direction that gravity is pulling it. This causes the pellet to fall less over a given distance than it would without the spin applied to it.

Clothing



6mm plastic pellets. (the edges on the sides of some, which is indicative of low quality.)

Most players typically wear BDUs consisting of separate pants and shirts or jackets when playing, because it not only provides protection against the impact of the plastic pellets, but also, just as with real soldiers, helps conceal oneself from opponents. Some participants also aim to faithfully replicate one or other military force by their choice in clothes, equipment and weapons.

The choice of camouflage pattern of the BDUs are normally determined by which pattern suits an area best or simply by what is locally available. Typically military surplus stores are a good source for such items and in the U.S. this is normally in the "American Woodland" camouflage pattern, but recently MARPAT (as used by the United States Marine Corps) and the ACUPAT (as used by the United States Army) have also become popular choices in North America.

Similarly in Europe their local military uniforms are more readily available and probably more suitable to local conditions. Popular patterns include the German Flecktarn, British DPM, or Swiss alpenflage (http://www.kamouflage.net/camouflage/en_00014.php) would be more popular.

Tactical gear

It is fairly common for players to wear tactical clothing such as vests and holsters using the MOLLE or ALICE systems. Drop-leg and belt holsters are also quite common. Although most gear used by airsoft players looks realistic, sometimes gear is made with low-quality materials. Although this replica-style gear typically is much cheaper, durability can be largely sacrificed. However, there are a couple of exceptions, one of Guarder's FSBE, a replica of the Full Spectrum Battle Equipment, have been said to have durability and quality that is significantly better than most other similar replica-style tactical gear.

Along with vests, holsters, and magazine holders, other gear utilized by real soldiers in the field is often employed by airsoft players. One such example is the Camelbak (<http://www.camelbak.com/>) system, best described as a canteen worn on one's back with a "bite" that leads to the player's mouth that allows drinking on the move. Other pieces of equipment used by airsofters are handles or vertical grips, and stock accessories like a telescoping stock.

Most players carry multiple magazines per game. Hi-cap magazines carry more ammunition than standard magazines, generally 40-50% more, although in some instances this amount can be much higher. For example, a standard magazine on an AK-47 replica holds around 68 BB's, while a high-capacity magazine on this gun can hold up to 600 BB's. Hi-cap magazines generally do not feed as efficiently as standard magazines. While standard magazines use a spring under constant tension to feed BB's into the airsoft gun, hi-cap magazines must be wound up after a few dozen rounds are fired to keep the loading spring under enough tension to fire the gun. For some players this not only can be an inconvenience, but also can reveal their position with the clicking sound made from winding the magazine. Most of this can be solved by using magazines made by high-end companies which only need around 1-2 extra winds to empty 300 rounds. A very few such as the TM P90's hicap need only one wind to fire all their rounds.

Pyros

Some airsoft sites allow the use of pyros, which are small explosive-driven replicas of ordinance such as grenades. There are several types: BB grenades which fire out BBs to replicate the shrapnel of a fragmentation grenade; smoke grenades which provide cover to move and fire from behind; and flashbangs/thunderflashes which lets out a very bright light, sometimes accompanied by loud sound, for the purpose of disorientating the opponent.

Other equipment

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Airsoft players usually buy other types of equipment that help them play more effectively, including clothing, tactical gear, gun accessories, and even items like night-vision goggles. Another common item is a Balaclava, or Ski Mask. Players use a Balaclava/Goggle combination sometimes rather than a paintball mask because of the MILSim aspect, and freedom of movement while protecting the face.

See also

- Airguns
- Airsoft pellets
- Airsoft guns
- BB gun
- Classic airsoft
- Firearm
- Laser tag
- Legal issues in airsoft
- List of Airsoft Manufacturers
- Paintball
- Spies and Mercs



Wikimedia Commons has media related to:
Airsoft

External links

- [Airsoftgunguide.net](http://www.airsoftgunguide.net/) (<http://www.airsoftgunguide.net/>) - Guide on getting started with airsoft, links to retailers and local leagues.
- [National Airsoft Association](http://nationalairsoftassociation.co.nr/) (<http://nationalairsoftassociation.co.nr/>) Website for the protection of airsoft rights and education of new players.
- [Airsoft Safety Manual](http://www.mnairsoft.info/safety/Safety_Manual.htm) (http://www.mnairsoft.info/safety/Safety_Manual.htm)
- [Mechbox.com](http://www.mechbox.com/) (<http://www.mechbox.com/>) - Airsoft upgrade, repair and maintenance tips

References

1. ^ Operation Irene: <http://www.oplionclaws.com/irene/irene-index.php>
2. ^ ASTM F1776 standard for paintball goggles: http://www.medem.com/MedLB/article_detailb.cfm?article_ID=ZZZD5TRRSKC&sub_cat=32
3. ^ ASTM Z1535Z: Proposed standard for airsoft eye protection: <http://public.ansi.org/ansionline/Documents/Standards%20Action/SAV3723.pdf> (see page 12)
4. ^ Penalties for entering into commerce of imitation firearms: http://www4.law.cornell.edu/uscode/html/uscode15/usc_sec_15_00005001----000-.html
5. ^ The real problem with fake guns: <http://www.recordonline.com/archive/2006/03/19/news-ralfakedraft2-03-19.html>

Retrieved from "<http://en.wikipedia.org/wiki/Airsoft>"

Categories: Articles lacking sources | All articles lacking sources | Wikipedia articles needing factual verification | Pneumatic weapons | Outdoor locating games | Gun politics

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Airsoft guns

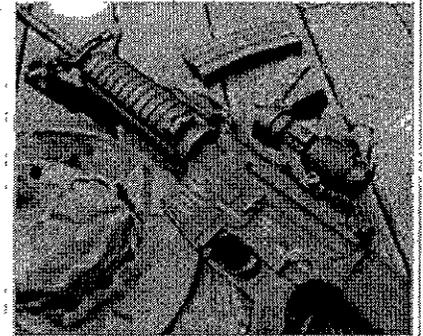
From Wikipedia, the free encyclopedia

Airsoft guns (also known as **Soft Air guns** by some manufacturers, such as Cybergun and Crosman) are spring, electric, or gas powered air guns that fire small spherical plastic pellets of either 6 mm or 8 mm diameter (0.24 or 0.32 inches). Inexpensive airsoft guns are often used as toys, while more expensive modes may be used for firearms training or in the sport of Airsoft, which is similar in concept to Paintball.

Generally they are replicas (in appearance only) of real firearms, but occasionally fictional firearms are available, such as the M41A Pulse Rifle from the *Aliens* films. Some very inexpensive airsoft guns are reduced scale models (such as the *Boys* models by some makers) or caricatures (like the *mini-electrics*) of firearms.

Because airsoft guns are visually accurate replicas they are often used as movie props.

While in essence the three types of airsoft guns, spring, gas, and electric, all work on the same principle of compressed gas expanding to force a BB down the gun's barrel, each type has its own advantages and disadvantages.



Classic Army M15A4 AEG

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Types

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Spring powered

Spring-powered airsoft guns are single-shot devices that use potential energy stored in a spring to launch an airsoft pellet down the barrel of the gun. The user must cock a spring gun prior to each shot much as you would a real shotgun or bolt-action rifle. This is typically achieved by pulling back the slide (pistols) or bolt (rifles), which in turn compresses the spring and makes the gun ready to fire. Because of this, these guns are by definition incapable of automatic or semi-automatic fire.

While most electric guns also use springs for propulsion of the airsoft pellet, they are not considered to be in the same category as the single-shot spring-powered guns. Low-end spring guns tend to be much cheaper than their electric-powered equivalents due to their simplicity and cost of components (spring assembly, electric motor, battery, and battery charger) and thus are widely available. These guns are less suited for competition because they are at a disadvantage against automatic guns in close combat and do not provide enough accuracy and power for long-range uses. Some exceptions: higher-end spring-powered airsoft rifles can be quite expensive; these guns are typically suited for "marksman" applications in airsoft matches and can provide competitive muzzle velocities. Additionally, pump shotguns are sometimes used, especially in CQB (Close Quarters Battle). In colder weather, spring pistols may actually be the best possible backup gun, as gas pistols function very poorly (see below), and even the batteries on AEPs (Automatic Electric Pistols) won't do too well in extremely cold weather.

This represents one of the major advantages of a spring powered airsoft gun, as it can be fired in any situation, without the need of an outside force. In a situation where the user is either out of gas or his/her batteries have died, it renders their selected weapon useless whereas one using a spring-powered weapon is not hindered by problems such as this. Also, while not often thought of or even considered, a spring gun may be completely immersed in water and still function with little or no effect on the weapon's performance. In the case of an electric or gas weapon, the concept would be unthinkable and would cause the obvious damage one would expect that water would cause, but in the case of a springer, the only real damage that the gun can suffer is possible rusting of metal parts which can be avoided by thoroughly drying the weapon.

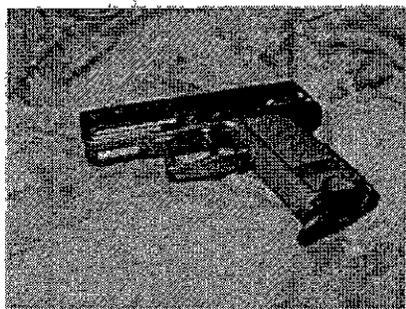
The other major advantage that spring weapons hold over other powered airsoft guns is price. True AEGs can range from \$200-\$500 and high-end gas pistols can cost well over \$120, each also requiring extra equipment; gas, batteries etc. Spring guns tend to not exceed \$50 except in cases of high end "sniping" rifles and average out to be around \$100-\$370 in price. Most players start with a spring pistol as their first, which will usually cost about \$20-\$30. Because of their price spring's tend to act as "training guns" to bring new players to airsoft games and are considered the primary weapon of "backyard skirmishes." Almost all airsoft players at one point in their interest in the sport own a spring weapon, whether for its actual application or for the replica value as there are examples of certain firearms that only exist in airsoft renditions as spring weapons.

Traditionally, spring pistols or low quality rifle are used as low-end side arms, and high end sniper rifles used for marksman applications.

Gas powered

Gas-powered airsoft guns use pressurized gas to propel pellets. These guns are capable of automatic and semi-automatic operation. The most common gases used are "green gas" (which consists of a mixture of propane and a polysiloxane lubricant) and HFC-134a. Less commonly used gases include "red gas" (which is actually HCFC-22), CO₂ and nitrogen/high pressure air. Red gas is usually avoided unless the airsoft gun has undergone modification, as its relatively high critical pressure can cause damage to the airsoft gun. CO₂, nitrogen, and high pressure air are less common because they need to be stored at higher pressures than "green gas" or HFC-134a.

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A gas blowback Heckler and Koch USP Compact replica, made by KSC.

The first ever gas powered airsoft gun are commonly referred to as 'classic' guns, owing to their age. These guns were most commonly powered by liquid propellants such as R-12 (Which was marketed by the Japanese as FLON-12 or brand name Freon-12) freon feed system with a majority of the configurations containing two tanks, one containing the R-12 and one used as an expansion tank, and the gun itself. R-12 was commonly used in car air conditioning systems. It is also illegal in some states and parts of the world because it is not environmentally friendly. Later users modified these old guns to be powered by regulated CO₂ canisters or nitrogen/high pressure air bottles to increase power and consistency. However, these guns have largely been superseded by the newer and more versatile AEGs, or automatic electric guns. One of the reasons for this is because the most commonly available propellant, R-

12, is costly. Additionally, at high flow rates, liquid propellants tend to cool down, eventually freezing. As cooldown progresses, the rate of fire gradually decreases until the gun ceases operation. The user would then be forced to wait for the propellant to warm up again. CO₂ is not affected as badly by this tendency, and nitrogen/high pressure air is immune to it. Furthermore, if liquid propellant is introduced into the gun's mechanism, rubber parts can freeze and eventually damage the gun.

Gas power tends to be used in airsoft pistols where size constraints make electric-powered mechanisms impractical. Other instances where gas is favored are where adjustable velocities are required or where a blowback feature is desired. A blowback feature is a mechanism which cycles a slide or bolt to better simulate a real firearm's operation. Because of the mechanical complexities involved with distributing and regulating gas, these guns have largely given way to electric guns for less specialized applications, however, they still remain a favorite amongst airsofters and no competitive airsoft game is ever complete without a 'pistols-only' match. They are not just limited to pistols; submachine gun airsoft replicas and sniper rifle airsoft replicas commonly use gas mechanisms. Whilst the submachine gun replicas typically feature a blowback mechanism similar to the pistol replicas, sniper rifle replicas usually omit the blowback mechanism in favour of reduced recoil and increased muzzle velocity.

Along with using gas to power guns, it is also applied for use in replica grenades. These grenades are both projectiles, fired from a grenade launcher such as the M203 or GP-25, or throw able. The shells work on the system of an internal piston, filled with gas. Either a series of BBs or in some cases a rubber or soft foam head is seated in or on top of the shell. When the pressure is released the projectile(s) are shot from the launcher sent downrange.

In the case of the throwable grenades, inside the grenade there is a similar piston to the one used in the shells, but is on a literal "timer" that allows the user to clear the area of effect. BBs or powder act as the projectile in the case of these grenades. Currently both types of grenades are not very common, mostly because grenade launchers quite expensive and the throwable grenades are not very reliable; but with innovations in design they are becoming a much more promising concept and may soon become part of an airsofters' stock arsenal.

Electric powered

Electric-powered airsoft guns typically use a rechargeable battery to drive an electric motor, which cycles an internal piston/spring assembly in order to launch pellets. Automatic and semi-automatic operation is possible which gives these guns the popular name "automatic electric guns" or AEGs. These guns often attain muzzle velocities of 200 to 400 ft/s (60 to 120 m/s) and rates of fire of between 300 and 1000 rounds per minute. They are the most

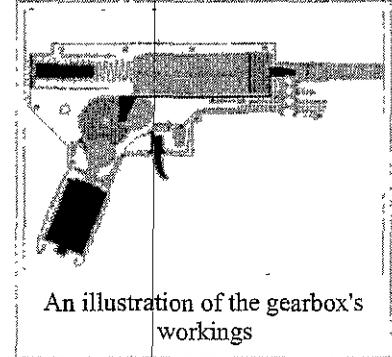


commonly used and widely available type of airsoft gun.

An AEG modeled after an AK-47

These type of guns were developed in Japan and the Japanese company Tokyo Marui dominates the market. In a Tokyo Marui AEG, the motor drives a series of 3 gears mounted inside a gearbox. The gears then compress a piston assembly against a spring. Once the piston is released, the spring drives it forward through the cylinder to push a pellet into the chamber, through the barrel, and forward from the muzzle. Many manufacturers have now more or less replicated this basic model, adding reinforced parts or minor improvements.

These guns are powered primarily by nickel cadmium (NiCad) or nickel metal hydride (NiMH) with varying voltages and milliampere hours ratings. The most common battery is an 8.4 V large battery (usually about 2400 mA•h.) Also available are 8.4 V "mini" batteries, which generally have 600 mA•h capacities. Voltages for large batteries range from 7.2 V, all the way up to 12 V. The rule of thumb usually is the higher the mAh, the longer the battery lasts while the higher voltage, the higher Rate of Fire (RoF).



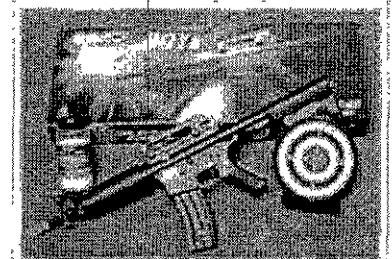
An illustration of the gearbox's workings

External modifications, such as metal bodies and reinforced plastics that make AEGs look and feel even more realistic, have become very popular. AEG manufacturers such as Classic Army (Yick Fung) produce replicas that are visually nearly identical to their real counterparts, boasting metal bodies and stronger furnishings. Most AEGs produced as of late are designed to be as visually realistic as possible.

The two most common AEGs fielded by players are the AR-15 series (M16 rifle, M4 carbine, etc.; sometimes referred to as the Armalite or Colt series) and the Heckler & Koch MP5 series, because parts for repairs or modifications/customization are commonly available. Also popular are the AK or Kalashnikov and FAMAS and more recently the Heckler & Koch G36 and even more recently, the springfield M14.

LPEG

Some cheaper and lowered powered AEGs are called *low powered electric guns* (LPEGs) to distinguish them from the original, more expensive and more powerful AEGs even though their mechanical/electrical design and operation is similar and are not to be confused *Mini Electrics* (described below). Originally they were only of novelty value, often regarded below spring operated guns due to their cheap building materials and extremely poor performance (attributed to velocities under 100 ft/s).



KWA selective fire "Boys" Colt Commando electric rifle, approx. 3/4 scale, pictured with .12 gram Crosman ammunition and Cybergun sticky target

Some companies - like UTG with their popular MP5 and AK47 models - have improved their quality to such an extent that some models are now considered simply as mid ranged AEGs that are more affordable but still effective.

Since there are spring action guns that can notably outperform the true low end LPEGs and can be found at comparable prices, they are generally considered to be better choices.

AEP

Automatic Electric Pistols (AEP) was first introduced by the Tokyo Marui company with their Glock-18C

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(followed later by a Beretta 93R model). They were the first handguns to incorporate an electric powered system, capable of full-automatic operation.

In cold weather, they are considered better sidearms than gas powered pistol, because batteries are not as badly affected by very cold weather. Gases like CO₂ and green gas are stored in liquid form and require heat in order to turn into a gaseous form. A gas pistol in 10°F will usually only get one to two usable shots from a full magazine.

Because the AEP technology is relatively new, the velocity of the pellets is considered slow for airsoft play. The velocity of the AEP is usually between 200 to 225 ft/s. However, the advanced hop up units on these new guns tend to compensate for the low power and can produce an effective range comparable to those of an AEG.

An AEP differs from what is commonly known as an "Electric Blow Back" or "EBB" in that the mechanical operation of an EBB attempts to simulate of the "blow back" in the slide experienced in a real pistol or Gas Blow Back (GBB). An AEP, however, has a fixed slide where there is no external movement by the slide during operation. At present, Marui Glock 18C is the only EBB pistol which provides full-auto fire power. Like all other Marui EBBs, it is marketed towards beginners and thus has a lower power, using four AAA batteries.

The latest AEP style gun is the Marui replica of the Heckler & Koch MP7. It is considerably larger than either of the other guns, but uses the same system and is therefore classified as an AEP not an AEG. It is slightly more powerful than the others and is a suitable choice for CQB (Close Quarter Battle) games due to its small size and decent barrel length relative to its size.

Mini Electrics

Recently, the company UHC, well known for its spring guns, began manufacturing a range of electric guns in miniature size that fire only full automatic. They differ from LPEGs in that they are not replicas of real firearms, being miniturized version of real fireams - sometimes also in clear plastic - suitable for playing indoors or in neighborhoods where a real looking gun is unacceptable. They have a small ammo capacity (50 or so rounds), but they have good range and functional hop-up. Even among experienced airsofters, they are great for impromptu games and for kids. They have become very popular in recent years, and are now being imitated by the Taiwanese company HFC, which are still functional but less sturdy. These "minis," as they are referred to, are not a viable option in games against AEGs since their small ammo capability and short range would be a huge disadvantage. Tokyo Marui also makes these "minis."

Classic Guns

Classic airsoft guns are usually older variety airsoft guns which are gas powered. Unlike gas pistols of today can run on a either an internal tank using conventional airsoft gas, or use a external CO2 tank much like a paintball gun. They generally cost more than the standard AEG but provide a more realistic approach to airsoft. There is usually a little bit of "recoil" provided by these guns. These guns also have a lot more power than the average AEG, usually reaching up to around 500 fps stock. They also have a higher rate of fire because a spring doesn't need to be pulled back each time a shot must be fired.

BB Guns

This pneumatic gun is usually powered by a compressed gas, an electric revolution, or a spring. Most BB guns are shaped like normal guns but can look like toys. BB guns are never used in airsoft skirmishes, because they fire at an unsafe velocity, despite sharing a similar design to some airsoft pistols.

The name of the gun is due to the original ammunition it used, which came from the lead shot used in a shotgun shell. "BB" (0.18 inch) was the size between "B" and "BBB"; modern rounds are made of non-toxic steel, lead or

copper, and are usually .177 caliber (4.5 mm).

Components

The various internal components of airsoft guns can usually be replaced or upgraded. The following is a short list of commonly referred to parts. Not all of these parts apply to all airsoft types (spring and gas-powered guns don't use batteries, for example).

- **Barrel** - Serves the same purpose as in real firearms: guides the pellet and maintains the stream of pressure behind it. Upgraded versions are of a tighter bore, sometimes as close to exactly 6 mm as .02 mm.
- **Battery** - Powers the motor that moves the spring assembly. These are typically NiCad rechargeable batteries but may also be NiMH. There is also a growing trend towards Lithium Polymer batteries, which have the advantage of high capacity and high discharge packaged in cells of a smaller dimension. In an airsoft gun that contains upgraded internals a larger, more powerful battery may be required, either in higher voltage and/or mAh.
- **Gearbox** - Also referred to as the * Mechbox (<http://www.mechbox.com/>). Typically a metal housing that contains a gear assembly that transfers the electric motor's drive to the air piston assembly. There are many versions in existence, the difference referring to the receiver that it is inside, i.e. the Mechbox of a P90 is going to be very different from that of a M4A1. In the case of Mid-Ranged AEG's or LPEG's, the Mechbox is typically plastic instead of metal, and hence does not react to upgrades as well and can wear out and break eventually from simple use of the weapon.
- **Hop-up** - A small rubber bucking that applies a backspin to the pellets to improve range and accuracy. The level of hop-up is adjustable on many models of airsoft guns. The hop-up adjustment can be mostly found on the ejection port of the guns on most AEGs.
- **Electric motor** - Used to provide rotational energy to turn the gearset in AEG's, ultimately compressing the spring and firing the weapon. Aside from the standard, default motor that comes with stock AEG's, upgraded high-torque or high-speed motors exist to create either a stronger spring pull or a faster spring pull, respectively.
- **Gearset** - Airsoft guns contain a set of 5 gears used to fire the weapon. The first gear, the pinion gear, is located on the tip of the motor. The immediate gear it connects to is the bevel gear. The bevel gear connects to the spur gear, which, in turn, connects to the sector gear. The sector gear has a set of half teeth, which pulls and releases the final gear, which is a rack gear. The rack gear is the piston assembly, which displaces the air from the cylinder assembly through the nozzle in order to fire the projectile. Gearset with different ratio is used in a upgraded gun. A higher torque gearset is used for higher power while a high speed gearset is used for higher rate of fire.
- **Air nozzle** - A plastic or metal piece that connects the hop-up assembly to the air piston. This too can be upgraded and can, although argued among "airsmiths," have a significant effect on weapon performance.
- **Spring** - Spring and electric guns both use springs to propel the pellets. The stronger the spring, the more powerful a gun will be, but rate of fire will decrease with the spring's stiffness increasing. In AEG's springs rarely exceed 190% of a stock gun's spring, but a spring-powered sniper may extend as far as 300%.
- **Valve** - high-flow valves are often added to gas guns to increase power (although on blow back guns these usually need to be coupled with a metal slide upgrade, as the high-flow valve increases blow back power as well as bb velocity and will break a plastic slide)

Sights

Optical sights are fairly common for use on rifles; mostly red dot sights for short-range use, and telescopic sights for longer-range use. These range from inexpensive sights designed for use on BB guns and .22 rifles, to mid-range sights, usually inexpensive replicas of actual rifle sights (such as replicas of the famous M68 Aimpoint), to actual sights designed for use on rifles, including the EOTech Sights, and the Trijicon ACOG TA01NSN. Most of these sights are mounted on a MIL-STD-1913 Rail.

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Magazines

Magazines are realistic looking replicas of real firearm's magazines and as such are made of the same materials like stamped metal or high impact plastic occasionally also featuring markings and/or engravings that match or mimic their real counterparts.

Gas blowback magazines are usually made out of thicker metal, since they contain compressed gas, and not just pellets. They are designed to be similar in weight to a fully loaded magazine from a real firearm.

Airsoft Magazines are divided into the following classes according to the number of pellets they hold:

Standard

These type of magazines aren't classified according to their capacity (in some cases up to 300 rounds), but by the fact that they are the standard unmodified magazines originally included with the weapon itself. They are normally loaded by inserting BBs down a shaft compressing a spring held inside.

Standard magazines offer quiet operation (no rattle or manual winding of *high-capacity* magazines) and are sometimes the only alternative available for certain airsoft gun models. They are also useful to help players limit their ammunition consumption.

Standard magazines almost only come with Tokyo Marui guns whereas some companies like Classic Army or ICS supply *high-capacity* magazines with their guns. However, most magazines will not feed every single pellet, making some magazines not feed 2-3 pellets at the end of the magazine.

Medium capacity (Mid-Cap)

This is a loose category used to describe a *standard* type of magazine that has been modified to hold more rounds - usually between 100 and 200.

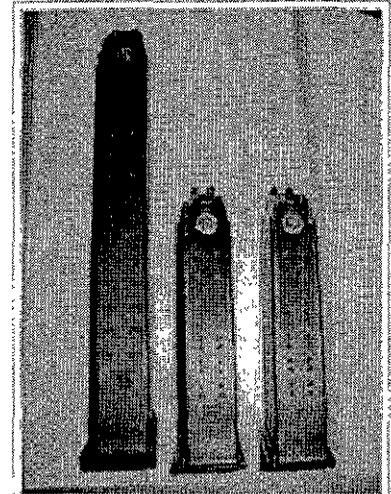
Mechanically they still function like a standard magazine and as such keep the advantage of quiet operation over *high-capacity* magazines (that also require a winding mechanism), but minimize the disadvantage of a *standard* magazine's lower number of rounds.

High capacity (Hi-Cap)

This term is used for all magazines with capacities in excess of 250 pellets (some up to 20,000) and can be one of two types, manual or battery controlled.

With both types a toothed wheel is rotated to bring pellets from a reservoir, along a track and up into a channel into the gun. With one type this gear is turned manually while in the other a pressure sensitive pad is used to operate a battery powered electrical motor to perform the same function.

These magazines are almost exclusively used in AEG type of guns and the obvious advantages is the greater



KSC Glock magazines for their gas blowback models. Interesting features: the valve up top which releases gas when depressed by the hammer, and the lack of Glock logo on the right-hand magazine, as it came with a KWA Glock

number of rounds, which can be especially useful for automatic fire. The disadvantage is that the loose pellets can rattle and the noise could betray a player's position to other competitors. Also, Hi-cap magazines are not allowed at most major airsoft events, where realism is often looked for.

Real capacity (Low-Cap)

Real-Caps, or Low-Caps are identical in operation compared to standard magazines, but they carry the same amount of ammunition that the real version of the magazine can carry, which is often much less than the standard magazine, e.g. an M-16 Real-Cap will hold 30 rounds instead of 68 of a standard magazine.

These tend to be used solely by those wanting the most realistic MILSIM games. Again they offer the stealth of no rattling rounds, but their main use is for the realistic qualities.

Performance

Airsoft guns shoot 0.2 g BBs at velocities from 100 ft/s (30 m/s) for a low-end spring pistol, to 550 ft/s (170 m/s) and beyond for heavily-upgraded customized sniper rifles. Most non-upgraded AEG's using the Tokyo Marui system are in the middle, producing velocities from 270 to 300 ft/s (80 to 90 m/s), but upgrades to the internal components can increase the pellet velocity significantly.

Internal modifications revolve around increasing the rate of fire and the velocity of the pellets. The velocity of the pellets is increased by installing a stronger spring. M120(120m/s) is a common upgrade around the world. The rate of fire is increased by using a battery with a voltage of 9.6 volts or higher and high speed ratio gears, together with a high speed motor, ROF25 can be easily achieved. In extreme case, some guns are modified to ROF50. As with any modification, an upgrade on one internal part means the other internal components might have to be upgraded as well.

If done by a professional, most guns take upgrades quite well, often changing the weapons performance enough that the user is compelled to continue upgrading. There are however certain guns that not only are hard to upgrade, but shouldn't be. Airsoft guns made by ICS Olympic Arms are noted to be very well made and very reliable in stock form, but when a user attempts to do even minor upgrades, such as a higher-pressure spring, the rest of the AEG can break. Also, Mid-Ranged AEG's and LPEG's don't take to upgrades well. While it is becoming a common thing for people to attempt to upgrade the newer, better made Mid-Ranged AEG's such as the UTG MP5 or CSI XM8, the nature of the cheap plastics, and in the case of the CSI XM8's plastic gearbox, these weapons do not take upgrades well and can damage the gun. If one does feel the need to attempt an upgrade on one of these lower-end AEG's it is only suggested that the piston head, piston, and possibly the spring are replaced. In any case though, upgrades can alter the performance of any airsoft gun if done correctly and is something that every airsofter should at least look into to if he/she plans to use it in a real competition.

Airsoft guns commonly come with mounts on which you can add external accessories. Some common upgrades added are flashlights, scopes, lasers etc. Since some airsoft guns have the exact external frame as real guns you can use these external upgrades meant for real guns. This is not the case going the other way. In no way can an airsoft rifle be modified to shoot real ammunition. In most cases, scopes and flashlights have little effect on the performance of the airsoft gun itself, rather the user's ability to use their gun effectively in different situations. In most cases these types of add-ons are more for aesthetics rather than performance.

Airsoft gun care

Barrels should be cleaned after every use especially in sandy environments. After playing airsoft, you should fire

two to three shots in semi-automatic mode to decompress the gearbox spring. Empty the magazine in order to preserve the strength of the magazine spring. For guns with Hop-Up, you should turn off your Hop-Up if you are not planning to use your gun within two to three days. Not doing so may cause the O-Ring to expand and eventually break. It is also smart to spray a non-corrosive silicon spray into the gun barrel and hop-up chamber from time to time, as suggested in most AEG and other airsoft gun manuals.

Magazines for gas guns should be left pressurized so that all of the internals stay functional. If the gas used has silicon lubricant in it, then further lubrication usually isn't necessary; if not, a drop or two on the internals will do. Enough gas should be stored in the magazine to last, at most 5 shots, and at minimum, 2 shots.

Some longtime airsoft gun owners complain about their gun's paint either scratching or wearing off. While in most situations its a bad idea to do "touch ups," if a full repainting is needed it is suggested that you use spray paint, preferably an enamel paint, and that it is a flat. More and more airsoft online stores are offering custom paint jobs as well and for guns that have seen many skirmishes this can be a very good way of returning it to its original glory.

Another important part of gun care, specifically in the case of AEG's, is using the correct battery. A too strong or too weak battery can severely damage your gun's motor, gears, and piston. A battery which is too weak will not be able to pull back the spring enough and will put strain on the motor. A battery which is too strong may strip gear teeth or piston teeth. It is highly recommended that a player make certain what the appropriate battery voltage is, depending on what, if any, upgrades an airsoft gun contains.

Trademark Problems

Some airsoft guns can be such accurate replicas that they violate intellectual property laws (specifically those regarding trademarks), most notably some models from Tokyo Marui bearing Colt or Heckler & Koch trademarks that may not be imported into the United States. Certain companies such as Classic Army or ICS avoid this problem by licensing their replicas from the original manufacturers like ArmaLite or Olympic Arms. Trademark problems are usually avoided through the removal of trademarks with a sander, such as a Dremel, or having them covered up.

Misconceptions

There are rumours - driven by the realistic look of airsoft guns - that they can be modified to kill. There are also rumors that the Japanese Yakuza and Chinese Triad converted airsoft guns to fire real pistol cartridges, but are limited to a single shot.

Airsoft guns are also occasionally confused with other, higher powered types of air guns which are dangerous and potentially lethal. BB Guns and other Air guns use actual BB's which are metal pellets and are not to be confused with the plastic ones airsoft guns use. BB's that are used in air guns have a much, much higher velocity and can break the skin and can possibly be fatal. Airsoft guns do not have as high velocities and the plastic pellets do little except leave a sting. However, proper protection is recommended in any type of skirmish like paintball and the like.

It is, however, impossible to convert or modify any airsoft replica to fire a real bullet due to the materials (mostly plastic), internal design (battery/gas powered) and construction that differ completely from real firearms.

See also

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Airsoft related

- Airsoft
- Airsoft pellets

Other air powered guns

- BB gun
- Airguns
- Paintball

Manufacturers

- List of Airsoft Manufacturers
- Classic Army
- Tokyo Marui
- Sheriff

External links

Manufacturers

- Guay&Guay (G&G) (<http://www.guay2.com/>)
- ICS (<http://www.icsbb.com/>)
- KSC (<http://www.ksc-guns.co.jp/>)
- KWC (<http://www.kwc.com.tw/>)
- Systema Engineering (<http://www.systema-engineering.com/>), airsoft guns designed for realistic firearms training.
- Tokyo Marui (<http://www.tokyo-marui.co.jp/>)
- Umarex (<http://www.umarex.com/>), officially licensed airsoft and airgun replicas of Colt, Beretta, Walther and Smith and Wesson.
- Western Arms (<http://www.wa-gunnet.co.jp/>)

- Airsoft Safety Manual (http://www.mnairsoft.info/safety/Safety_Manual.htm)

How-to Guides

- Mechbox.com (<http://www.mechbox.com/>) - Airsoft repair, upgrade and modification tips

Retrieved from "http://en.wikipedia.org/wiki/Airsoft_guns"

Categories: Articles lacking sources | All articles lacking sources | Articles with unsourced statements | Pneumatic weapons | Airsoft Guns | Recreational weapons

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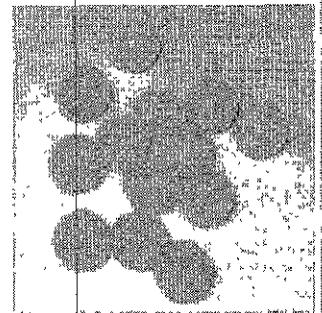
Airsoft pellets

From Wikipedia, the free encyclopedia

Airsoft pellets are spherical projectiles used in Airsoft models. Typically made of plastic, they typically range in size from 5.98 to 6.00 mm in diameter, though some long range models use 8 mm pellets. Often called "BBs", after the ammunition for BB guns, this is a misnomer; true BBs are named for BB sized shotgun shot, which is 0.18 inches (4.5 mm) in diameter, much smaller than an airsoft pellet.

Contents

- 1 Composition
- 2 Varieties of pellets
- 3 Pellet weights
- 4 Pellet ballistics
 - 4.1 Pellet velocity, energy and weight
 - 4.2 Dangers to humans
 - 4.3 Hop-up & Bernoulli's principle
- 5 External links



Some 6 mm plastic airsoft pellets. (Note the edges on the sides of the pellets, indicating that they are not of the best quality)

Composition

In addition to (crude oil derived) plastic, starch-based biodegradable plastic, metal or graphite-coated and solid-steel pellets are also available. Pellets other than 6 mm, 0.12 g, 0.20 g, or 0.25 g plastic or biodegradable pellets are not commonly used outside of Japan, where the sport of Airsoft skirmishing originates. Pellets are most commonly found in white and yellow, but since the plastics most commonly used are readily colored, many other colors are produced. Such colors include green, blue, orange, gold, red, and phosphorescent colors. Non-plastic pellets are generally the color of the material used for the exterior of the pellet.

Varieties of pellets

Glow-in-the-dark pellets, known colloquially as *tracer*, can be used in conjunction with a device that "charges" the pellets by flashing them with a burst of visible light on leaving the barrel, so that they remain luminescent in flight for use during nocturnal games/operations. This tracer unit is usually hidden from view, often disguised as a suppressor (silencer).

There have also been airsoft models that use non-spherical pellets. The best known of these is the Asahi "Blade Bullet", which are now extremely difficult to find and quite expensive to buy. These were designed to be shot from the short-lived Asahi M700 and M40 premium grade rifles, which were produced in 1993. Compatibility with other airsoft guns is highly limited, especially due to their incompatibility with hop-up features.

Paint-filled pellets are also available. Airsoft models equipped with the HOP-Up projectile stabilising system are not able to use these, as the thin shells are liable to break in the barrel, soiling it with paint. These special pellets are also incompatible with Airsoft models using mechanised feed systems, such as clockwork magazines, for the same reason.

Also, during the early 1980s, most airsoft makers used their own proprietary pellets. Companies such as

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Masudaya and tradeMark Airguns had varieties of ammo, such as the flat-headed "Long Range" ammo used in the Masudaya Bolt series, or the soft rubber conical pellets used in the tradeMark Falcon-077.

Pellet weights

Heavier pellets retain velocity better than lighter weight pellets, but require a more powerful gun. In guns with adjustable power, such as a gas gun, a lighter pellet can give more shots per charge than a heavy pellet, but with a corresponding loss in range. Heavier pellets retain their velocity better due to higher sectional density (see external ballistics) but will have a lower muzzle velocity and a more curved trajectory.

6 mm pellet weights and their usage

- 0.12 g - Used by some gas and spring weapons. High velocity and low stability. Not to be used in high end AEGs such as Tokyo Marui and Classic Army
- 0.15 g - Same uses as 0.12 g. Uncommon. Not to be used in high end AEGs such as Tokyo Marui and Classic Army
- 0.20 g - Standard weight for most weapons. AEGs use these or slightly heavier pellets.
- 0.23 g - Heavier pellets for AEGs. Blends speed of 0.20 g with range and accuracy of 0.25 g. Made popular by Tsunami Airsoft.
- 0.24 g - An oddity. Only known manufacturers are Airstrike (a subsidiary of Daisy) and Crosman.
- 0.25 g - Heaviest weight for standard AEGs, blowback and spring guns. Tokyo Marui standard AEG, gas, and spring guns are set at the factory for 0.25 gram BB's, and they usually include a package of 200 of these with the gun.
- 0.28 g - For highly upgraded AEGs or sniper rifles. Significantly cheaper than 0.30 g but yields similar performance
- 0.29 g - Maruzen Super Grandmaster BBs, designed for their Air Precision Shooting series of guns. One of the most precisely ground and accurate BBs available, but cost more than other alternatives.
- 0.30 g - Standard weight for most sniper rifles. Western Arms pellets for their gas blowback pistol series. Uncommon.
- 0.36 g - Heavier pellets for sniper rifles. Very slow but have high stability.
- 0.43 g - For the highest level of upgrades in spring and gas sniper rifles. Usually graphite coated.
- 0.88 g - Possibly the heaviest type of BB available. Usually made of steel and comes with a polished finish. Rarely used and often hard to find. Can only be used on extremely high power (usually CO2 based) guns.

8 mm pellet weights

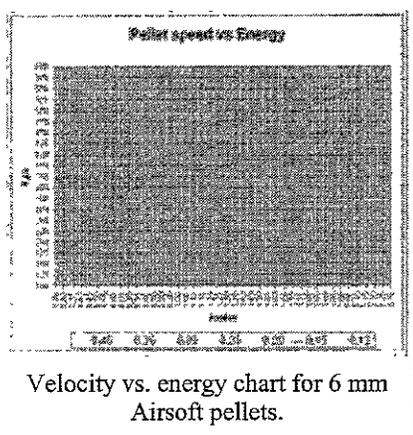
- 0.27 g - Low weight
- 0.34g(Normal)0.35g(Biodegradable)- Standard weight
- 0.45 g - Heaviest weight

Pellet ballistics

Pellet velocity, energy and weight

The pellet velocity of automatic electric guns is determined in large part by the tension of their main spring and so there tends to be a stratification of values. The most common airsoft velocity limits are between 300 to 400 ft/s for AEGs and 400 to 500 ft/s for single shot guns (sniper rifles). Below are some common speeds of airsoft pellets.

- As for comparison purposes, 3.00 g is the typical weight for a paintball pellet. At this weight a pellet flying at 90 m/s results in 12.54 J and 14.99 J for 100 m/s. Such energy levels and weight are not used on Airsoft, but comparing them with airsoft energy levels is useful to show the presence of different collisions in these sports. Higher energy but



Velocity vs. energy chart for 6 mm Airsoft pellets.

different collisions read Elastic collisions (airsoft) and Inelastic collisions (paintball) topics for further information. Red line in speed vs energy image is the usual Crony (chronograph) weight for 6 mm (0.20 g).

Dangers to humans

Airsoft pellets typically leave small welts on human targets. While mildly painful, pellets are not especially damaging to the skin. Eye protection is universally required to prevent damage to eyes. It is also often recommended that full face masks be used during airsoft matches to protect the players' teeth and ears. On very rare occasions players have had teeth chipped or knocked out or ears injured by a pellet.

Although there have been no documented cases in airsoft, there is a possible hazard when dealing with graphite-coated pellets. In the early days of paintball some players would coat their rounds with graphite so that they would feed into the gun better. Players started to find that if any rounds broke the skin the wound would not properly heal, leaving a scar. Players and field owners should be aware that this problem may exist in the realm of airsoft as well.

The following excerpts are from the United Kingdom Parliament's "Principles of firearms control", Home Affairs Select Committee Second Report, 6 April 2000, expound on the level of danger involved with low-energy projectiles:

"25. The Firearms Act 1968 defines a firearm "a lethal barreled weapon of any description from which any shot, bullet or other missile can be discharged".[51] In this context, a "lethal weapon" means a weapon capable of firing a projectile with sufficient force to inflict more than a trivial injury, i.e. with a force sufficient to puncture the skin.[52] The force with which a firearm is able to deliver a projectile is normally expressed in terms of the kinetic energy it generates at its muzzle—the "muzzle energy". This energy is normally expressed in units of foot-pounds (ft-lbf) or joules (J).[53]

"26. The Home Office and the Forensic Science Service considers that the lowest level of muzzle energy capable of inflicting a penetrating wound is one foot pound force (1.35 J); below these power levels, weapons are "incapable of penetrating even vulnerable parts of the body, such as the eye".[54] However, more recent analysis by the Forensic Science Agency for Northern Ireland has indicated that a more reasonable assessment of the minimum muzzle energy required to inflict a penetrating wound lies between 2.2 and 3.0 ft-lbf (3 to 4 J).[55] We will deal more fully with this discrepancy at paragraphs 123 to 130 below."

"123. The power level at and above which an air weapon is considered a firearm in law is presently set at 1 ft-lbf. However, we note above that the Forensic Science Agency of Northern Ireland has more recently assessed the power level at which a barreled weapon is capable of inflicting a lethal wound as between 2.2 and 3 ft-lbf, and the Secretary of State for Northern Ireland has proposed that the law relating to firearms in Northern Ireland be amended to take this into account.[201]"

On another document also regarding firearms, "The Eleventh Annual Report of the Firearms Consultative Committee", the penetration levels lies between 2 and 3 J based on a research for US Army and DiMaio's work in "Minimal Velocities Necessary for Perforation of Skin by Air Pellets and Bullets, Journal of Forensic Sciences".

Date	Reference	Energy level	Observations
April 2000	Principles of firearms control [paragraph 26], Home Office and the Forensic Science Service;	1,35J	penetrating wound (later changed by paragraph

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11/29/2006

April 2000	Principles of firearms control [paragraph 123], Forensic Science Agency for Northern Ireland;	3,00J~4,00J	123, see below) penetrating[26]/lethal [123] wound
March 2002	The Eleventh Annual Report of the Firearms Consultative Committee DiMaio's work in Minimal Velocities Necessary for Perforation of Skin by Air Pellets and Bullets,Journal of Forensic Sciences;	2,00J~3,00J	penetration level

Hop-up & Bernoulli's principle

The term **Hop-up** describes the back-spin put on airsoft pellets and BB's to increase their range and (vertical) accuracy via Bernoulli's principle. Hop-up acts somewhat like the rifling on the barrel of a firearm, but without the increase in horizontal accuracy. Also, being light-weight, airsoft pellets are still affected by wind when fired.

Airsoft hop-up devices apply a backspin to the pellet so that the pressure force acts on the pellet opposite to the direction that gravity is pulling it. This causes the pellet to fall less over a given distance than it would without the spin applied to it.

In airsoft guns this is often implemented as a rubber piece at the rear of the barrel that is thicker at the top of the barrel than the bottom. As the pellet moves past this piece it tends to roll, inducing a backspin. This is usually adjustable so that the effect can be tuned to suit the weight or speed of the pellet, and each player's preference.

Bernoulli's principle as applied to an airsoft pellet is as follows. As a spinless spherical pellet flies along its trajectory through the air (the air being the "fluid" in this case) the pressures on all sides of the pellet are equal because the air is traveling the same velocity relative to the surface of the pellet. If a spin is applied to the pellet about an axis perpendicular to the velocity vector (for example a backspin) the air will be rushing slower (relative to the pellet surface) on the side that is spinning away from the velocity vector and faster on the side that is spinning towards the velocity vector. Bernoulli's principle says this difference in fluid velocity implies a difference in pressures, which is a force that will cause the pellet to move in a direction perpendicular to the velocity vector.

Another cause of the apparent lift on an airsoft pellet is the Magnus effect. There is a layer of non-moving air on the surface of the pellet (boundary layer). This is why a golf ball has dimples; this layer acts like ball bearings. In the case of a spinning ball, this layer gets thrown off at an angle. Newton's laws say that in order for air to be thrown in one direction, the ball has to move in the other direction. According to the Magnus explanation, the rotating ball would throw air downward and to the rear, thus giving lift. The air on the bottom of the ball is slowed down, so when the separated air comes back together, it is lower than the middle of the ball, appearing like a comet's tail pointing down. This can be verified in wind tunnels and is very well documented in fluid dynamics textbooks.

External links

- U. Va. site (<http://landaul.phys.virginia.edu/classes/311/notes/aero/node2.html>)
- Airsoft Gun Pellet (<http://www.theairsoftgun.net/airsoft-equipment/airsoft-gun-pellet.php>)
- Tsunami Airsoft (<http://tsunamiairsoft.com/>)

Retrieved from "http://en.wikipedia.org/wiki/Airsoft_pellets"

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Categories: Articles with unsourced statements | Wikipedia articles needing factual verification | Pneumatic weapons

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Exhibit 5

City of Beaverton Background Materials

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MEMORANDUM

Beaverton Police Department



DATE: 29 November 2006
TO: Mayor Drake and City Council
FROM: Officer Andrew Halber *AH*
SUBJECT: Replica Firearm Statistics

The following incidents occurred between July of 2005 and July of 2006 within the city limits of Beaverton. These two pages summarize what occurred during each incident. Of the below listed incidents police arrested four people, some on unrelated charges.

- 06/10/06 A vehicle occupied by three juveniles was driving at the intersection of Cedar Hills Blvd. and Walker Road. One juvenile male was standing outside the vehicle pointing a gun at passing motorists. The juveniles were later contacted by police and it was determined that the weapon was an AirSoft gun.
- 05/30/06 A Citizen spots an 11 year old juvenile walking down the street at Gleneden and 155th. The juvenile is observed tucking a gun into his shorts. The gun was later determined to be a replica.
- 05/10/06 A passerby observed a 13 or 14 year old male in the area of 170th and Ivy Glen riding a bike. The passerby observed a gun sticking out of the backpack. The juvenile then gathered with a group of other juveniles displaying the gun. The weapon was later determined to be an AirSoft.
- 04/24/06 An anonymous citizen spots a group of boys in front of Conestoga Middle School. One of the males has his face painted red and black with a gun in his back pocket. Conestoga was then locked down (at that time school was being released). The male was later contacted by police and the weapon turned out to be an AirSoft gun.
- 02/12/06 A Tri Met employee is notified by a citizen who spotted a juvenile male at the Beaverton Transit Center with a gun. A juvenile male was subsequently contacted, police determine the gun was an AirSoft.
- 02/10/06 Two Juvenile males on skateboards near Hwy 26 and 185th are spotted placing a gun into their back pocket. The juveniles were then seen entering the Tanasbourne shopping complex.
- 01/01/06 A neighbor spots three people standing in front of a house near Trigger and 130th. The neighbor stated the people had silver and black guns. The involved individuals placed the guns into their pants and departed the scene. The neighbor then heard

yelling and popping sounds. The subjects were later contacted and it was determined they were teenagers displaying AirSoft guns.

- 11/12/05 An apartment complex manager in Northwest Beaverton observes two kids shooting "pellet guns" at vehicles that drive by. A second caller also observes the same situation.
- 11/12/05 Two males are seen pointing handguns at each other at Schendel and Walker. It was later determined that the males were play fighting with AirSoft Guns.
- 10/31/05 A citizen observes a male pointing a gun at another male at Walker Road and Cedar Hills Blvd. Upon contacting the individuals it was determined that the males were taking pictures for a Halloween prank.
- 10/14/05 A citizen at the intersection of Farmington Road and Menlo observed two males flash a silver gun whilst walking. The males continue towards a convenience store in the area. The males are contacted and the weapon is determined to be a replica.
- 09/15/05 Eight males with guns are seen in the Barrows area. The caller describes the guns as possibly being automatic. The guns were later determined to be AirSoft and paintball guns.
- 09/25/05 A thirteen year old male is spotted in front of a convenience store in Southwest Beaverton adjusting a gun into his pants. The male was said to be walking back and forth in front of the convenience store. The juvenile was contacted and an AirSoft gun was found in his possession.
- 09/03/05 A group of juveniles is spotted in Central Beaverton pointing guns at each other. The witness stated that the juveniles were pulling the trigger and there was distinct click with no projectile.
- 09/03/05 A 15 year old male is seen walking around an apartment complex in North Beaverton with a gun. The caller stated that they were unable to tell if it was real or fake.
- 08/25/05 Two juvenile males are seen in the Vose area of Beaverton. One is described to be carrying a rifle and one hid a handgun in his pants. The juveniles continued down the street with the rifle in the air. The males were contacted and it was determined that they were AirSoft guns.
- 08/25/05 A male was observed walking past a house with a carrying a handgun in plain view. The male was then seen pulling the magazine from the weapon and loading ammunition. The male was later contacted and observed with an AirSoft gun.
- 08/05/05 A juvenile male is observed placing a hand gun in his pocket in the area of SW 144th Ave. The witness observed the gun to be black in color and remove and replace the gun in his pocket several times. The male then entered a house and was then seen shooting the gun. The gun was later determined to be a replica.

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: July 10, 2006

TO: Alan Rappleyea, City Attorney

FROM: David G. Bishop, Chief of Police

SUBJECT: Gun Replica Ordinance

Alan,

I would appreciate consideration in adopting a toy or imitation gun ordinance for the City of Beaverton. I have attached a copy of the ordinance New York uses as I feel this is the most effective.

Unfortunately, we are seeing an increase in the number of these incidents, and I would like us to be proactive on this issue and not wait until the worst case scenario occurs.

If you have any questions, please advise.

DGB/cr

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d or nailed in violation of section 10-119 of the faced or destroyed in violation of section 10-120 deemed to be the subject of a separate violation for a fine or civil penalty shall be imposed.

HISTORICAL NOTE

L. 2/2003 § 3, eff. Jan. 7, 2003.
L. 29/2003 § 1, eff. July 10, 2003.
L. 2/2003 § 3, eff. Jan. 7, 2003.
2/2003 § 3, eff. Jan. 7, 2003.

s for providing information leading to criminal for unlawful posting. The mayor, upon the recitation commissioner, the transportation commissioner, the citywide administrative or the police commissioner, shall be authorized to in an amount not exceeding five hundred dollars des information leading to the criminal conviction have violated the provisions of section 10-119 or etc. No police officer, peace officer or any other and no officer, official or employee of the city titled, directly or indirectly, to collect or receive

HISTORICAL NOTE

2003 § 4, eff. Jan. 7, 2003.

of bathing suits on streets prohibited.

HISTORICAL NOTE

15/1997 § 1, eff. Apr. 1, 1997.
17/1985 § 1.

DERIVATION

8/1942 § 1.

on of alcohol on streets prohibited.

CASE NOTES

in effect, for a mandamus order, directing the copy with the statute, which requires it to submit for contents of any container seized under the Open court refused to grant the relief sought. Where, as and in a public place having a container with the brewery company, the police had reasonable cause violation of the law. However, although petitioner lanket injunction, he could challenge a particular d that the liquid in the container was not tested. the police department failed to adhere to proper as also potentially liable to petitioner in damages. L.J., Nov. 21, 2000.

ument under this section must allege that defen- ned an open container containing alcoholic bev- : 2003 WL 23100935 (App.Term 1st Dept.).

and over the city.

CASE NOTES

(Federal Aviation Admin.) which refer to para- takeoffs and landings, do not pre-empt the City

front enforcing its own regulations as to where parasail planes can take off and land. People v. Santoriello, 180 Misc.2d 533, 689 N.Y.S.2d 388 (Crim.Ct. New York Co. 1999).

¶ 2. Santoriello was later charged with a violation of 10-126(d)(1), which prohibits advertising in the form of towing banners from or upon an aircraft within City limits. However, the court declared this statute to be unconstitutional as pre-empted by federal laws which (under certain conditions) permitted this type of towing banner. The court said that if the City statute had merely provided safeguards to prevent hazards in congested areas, it might have survived, but a statute that completely prohibited the towing banners conflicted directly with federal law and could not stand. People v. Santoriello, 183 Misc.2d 54, 702 N.Y.S.2d 539 (Crim.Ct. New York Co. 1999).

§ 10-131 Firearms.

[Subdivision a]

2. Every license to carry or possess a pistol or revolver in the city may be issued for a term of no less than one or more than three years. Every applicant for a license to carry or possess a pistol or revolver in the city shall pay therefor, a fee of three hundred forty dollars for each original or renewal application for a three year license period or part thereof, a fee of ten dollars for each replacement application of a lost license.

3. Every applicant to whom a license has been issued by any person other than the police commissioner, except as provided in paragraph five of this subdivision, for a special permit from the commissioner granting it validity within the city of New York, shall pay for such permit a fee of three hundred forty dollars, for each renewal a fee of three hundred forty dollars, for each replacement of a lost permit a fee of ten dollars.

g. 1. It shall be unlawful for any person to sell or offer for sell, possess or use or attempt to use or give away, any toy or imitation firearm which substantially duplicates or can reasonably be perceived to be an actual firearm unless:

(a) the entire exterior surface of such toy or imitation firearm is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple, either singly or as the predominant color in combination with other colors in any pattern; or

(b) such toy or imitation firearm is constructed entirely of transparent or translucent materials which permits unmistakable observation of the imitation or toy firearm's complete contents; and

(c) the barrel of such toy or imitation firearm, other than the barrel of any such toy or imitation firearm that is a water gun, is closed with the same material of which the toy or imitation firearm is made for a distance of not less than one-half inch from the front end of said barrel, and;

(d) such toy or imitation firearm has legibly stamped thereon, the name of the manufacturer or some trade name, mark or brand by which the manufacturer can be readily identified; and

(e) such toy or imitation or firearm does not have attached thereto a laser pointer, as defined in paragraph one of subdivision a of section 10-134.2 of this code.

2. Paragraph one of this subdivision shall not apply to:

(a) the possession or display of toy or imitation firearms by a manu-

New York

Exhibit 6

Background Materials from Other Jurisdictions

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METRO



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NEWSROOM@NEWS.OREGONIAN.COM

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NEWS FROM THE PORTLAND AREA AND THE NORTHWEST

Man with fake gun killed by police



Courtesy KATU-TV

A man identified by a friend as Douglas Damon was photographed late Saturday or early Sunday by the friend after the pair found a fake gun, displayed on Damon's shoulder.

Vancouver | The victim points what turns out to be a "replica" weapon at an officer, who fires one fatal shot

By PAIGE PARKER
THE OREGONIAN

VANCOUVER — A Vancouver police officer shot and killed a man who pointed a fake gun at him Sunday morning.

The shooting happened just before noon on a grassy slope behind the Wal-Mart on Northeast 104th Avenue at Interstate 205, said Acting Chief Mitch Barker of the Vancouver Police Department.

The officer, whose name was not immediately released, responded about 11:35 a.m. to a report of an unwanted person behind the store. He found the man seated on the ground with his back to the officer, Barker said.

The officer told the man at least three times to show him his hands, which were not visible under a bulky coat. When he finally did, the man turned toward the officer with what appeared to be a handgun in one hand and pointed it at the officer, Barker

said. The officer fired his weapon once, killing the man.

The victim's identity had not been confirmed by late afternoon. Police believe he was a transient who may have been camping behind the store.

The black and silver "replica gun" had no colored markings to identify it as a fake, Barker said.

"If someone turned toward me with that weapon, I would have fired on him," Barker said.

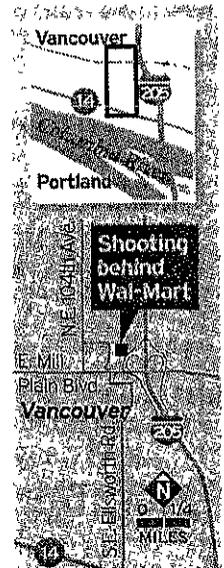
Police did not immediately identify the type of replica gun.

Toy aisles inside the store on Sunday carried the "Legends of the West replica series," a line of toy shotguns and pistols with names such as Durango, Laramie and Montana. The toys' muzzles are outfitted with bright orange pieces of plastic and are shelved six aisles down from the real guns that Wal-Mart sells from behind locked glass cases.

Police said they did not know whether the replica gun came from Wal-Mart. Store officials referred questions to a media hot line, and a phone call to it was not returned.

Wal-Mart paid \$200,000 in civil penalties to settle a

Please see **SHOOTING**, Page B3



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Shooting: Police chief repeats warning on replica guns



OLIVIA BUCKS/THE OREGONIAN

Chalin Dickens, 31, talks about the man he identified as Douglas Damon, who was shot and killed behind a Vancouver Wal-Mart on Sunday. Dickens said the pair camped out behind the store and panhandled at the nearby I-205 exit ramp.

Continued from Page B1

lawsuit brought by the state of New York in 2003 over toy guns that had been sold without non-removable orange strips along the length of the barrel. The settlement prohibited the store from selling toy guns in realistic colors.

Law enforcement officials in Clark County warned parents, in particular, about replica guns when highly realistic ones entered the market. The fake guns look so real that law enforcement officials have been concerned that a child playing with one would be injured or killed by police.

Barker repeated the warning Sunday. "We don't want another tragedy."

Chalin Dickens, 31, a man who identified himself as the victim's friend, said he and Douglas Damon had camped behind the Wal-Mart and panhandled at a nearby I-205 exit ramp for about a week. He estimated Damon's age at 62, though public records Sunday showed a Washington-based Douglas Damon at 64.

Dickens said he and Damon found the fake gun, which he called a toy, lying in the street behind the store Saturday night.

Dickens said he and Damon drank a couple of beers when they woke up Sunday morning, then Dickens left the camp to get them something to eat.

"I went to go get my (friend) a cheeseburger, and came back and was confronted by police," Dickens said.

The officer, whom Barker described as a veteran, answering a

routine call, was not injured and was placed on paid administrative leave. He will be interviewed by detectives within 48 hours of the shooting. Barker said the time was to decompress.

The case is being handled by the Vancouver Major Crimes Team and by detectives from the Clark County Sheriff's Office. An autopsy by the Clark County medical examiner is planned.

A store employee, who was at an unspecified distance behind the officer, witnessed the shooting. Barker said video cameras mounted on the Wal-Mart building recorded at least some of the incident, but the quality of the tapes is poor, Barker said.

Dickens described Damon as soft-spoken and witty. He said the two had traveled together for about three years and had been arrested in the past for unlawful camping.

Dickens said he wasn't sure where he would spend Sunday night. "Somewhere where there's music and beer and a couple of cigars," he said.

Holly Gilbert and Bill Stewart of The Oregonian staff contributed to this report.

Paige Parker 503-221-8305
paigeparker@news.oregonian.com

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Oregonian
Fri Aug 18
TRO

La Grande Police shot kills man said to be holding a BB gun

A man was shot to death Thursday as he apparently brandished a BB gun in a confrontation with police in a rural home on Pumpkin Ridge north of La Grande.

Mark A. Harrell, 33, was pronounced dead at the scene, said Monte G. Ludington, a Union County deputy district attorney in La Grande.

Oregon State Police, Union County sheriff's deputies and police officers from nearby Elgin converged shortly after midnight on the home where Harrell lived with his mother.

Authorities received a report that Harrell had threatened to kill himself, Ludington said in a news release. It was the second time in a month that police were called to the home for the same type of complaint, he said.

Officers entered the home after learning that Harrell had injured himself and was bleeding, Ludington said. Harrell confronted them carrying what appeared to be a rifle and was shot to death when he refused to drop it, he said.

Harrell's mother, Elaine Campbell, said her son had a BB gun.

A spokeswoman for the district attorney's office refused to identify the officer or agency involved in the shooting.

The shooting was being investigated by the Oregon State Police Criminal Investigation Division, with help from the Union County Sheriff's Office and La Grande Police Department, Ludington said.

Richard ...

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Links for Airsoft Headlines

<http://www.latimes.com/news/local/la-me-fakegun27jul27,1,70191.story?coll=la-headlines-california>

Ontario Officer Shoots Teenage Boy Holding Toy Gun

Four youths were reportedly aiming the replicas at cars. A youth fled, then was shot after beginning to pull out what appeared to be a handgun.

By Maeve Reston, Times Staff Writer
July 27, 2006

An Ontario police officer shot and wounded a 15-year-old boy Tuesday night after chasing the youth behind a Kmart where officials say the boy pulled out what appeared to be a .44-caliber magnum handgun. The weapon turned out to be a toy.

The chase began shortly before 9 p.m. after a witness reported four boys hiding in bushes, pointing guns at motorists.

When police arrived, two of the juveniles fled, ignoring the officers' order to halt and drop their weapons. The other two surrendered.

One youth scaled a wall and initially escaped. The other dropped what appeared to be a black Uzi-style gun, but he refused to follow an officer's command to lie on the ground, Officer Anthony Ortiz said.

Instead, the boy lifted his T-shirt and began pulling out what appeared to be a large black handgun from the waistband of his pants, Ortiz said. The officer fired two rounds, striking the boy in the thigh.

Ortiz could not say how far the officer was from the boy at the time of the shooting.

"The kid made a threatening move. The officer is in fear for his safety, so he shoots," Ortiz said. "You have to assume it's a real one. If you wait a split second, you're dead."

Police later determined the weapons were Airsoft replica guns, which generally shoot rubber or plastic pellets.

A 1988 federal law requires fake guns to have an orange tip to help officers determine which guns are real, but Ortiz said the orange tip of the Chino boy's air gun was not visible to the officer.

Police confiscated seven Airsoft guns at the scene, including four fake handguns, two imitation rifles and one replica shotgun.

In photos released by Ontario police, most of the confiscated air guns appeared to have bright orange tips.

Ortiz said officers in his department had recently received crime-trend bulletins warning that "bad guys are painting the tops of real guns orange to make them look like toy guns."

Municipalities across the nation have passed ordinances banning the realistic-looking guns within city limits. The 15-year-old was handcuffed at the scene and then treated at Arrowhead Regional Medical Center in Colton for non-life-threatening wounds, police said.

The Chino boy faces misdemeanor charges of exhibiting an imitation firearm at another person and of violating an Ontario law that bars minors from having air guns within city limits.

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Shortly after the shooting incident, police found the boy who had fled. The four boys were released after being issued citations for having air guns.

The Ontario Police Department was investigating the incident, and the officer involved in the shooting was put on three days' paid administrative leave, which is customary for officers involved in shootings.

The officer, who has not been identified, has worked at the Ontario Police Department for seven years.

Police did not release the teenagers' names because they are juveniles.

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Article Launched: 1/13/2006 11:00 PM

Dangerous game**Florida 8th-grader wielding pellet gun shot down**

Selicia Kennedy-Ross, Staff Writer
San Bernardino County Sun

A 15-year-old Florida boy who brandished a pellet gun at school was on life support Friday after he was shot by a deputy during a confrontation.

Last week, a fourth-grader in San Bernardino brought a similar gun to school and sprayed plastic pellets at his classmates during recess. No lives were lost, but some of the students hit had bruises.

There's no waiting period, no background check, no license needed to own one of these guns -- but even retailers say they should not be considered toys. They look, feel and operate like the real thing. The difference is, these guns aren't lethal -- although some say they are still dangerous.

A growing number of homicides involving children and teens in San Bernardino and surrounding cities has heightened awareness of violence in the community and also what prompts it -- including whether having children familiar with deadly weapons, fake or real, is a contributing factor.

Considered a sport by some and a dangerous pastime by others, the growing popularity of so-called ``airsoft" pellet or BB guns have made them a favorite with all ages. But even airsoft enthusiasts and retailers say the guns are not toys and should be treated with safety in mind.

It was an airsoft pellet gun a fourth-grader at Davidson Elementary School in San Bernardino brought to campus last week. He shot at some classmates during recess. Although none of the children were seriously injured, several were hit by the plastic rounds from the imitation gun, leaving some students bruised and many parents shaken.

The heightened awareness of violence in homes, schools and the community in recent months has prompted school officials to take the incident at Davidson seriously, said Art Delgado, superintendent of the San Bernardino City Unified School District.

School officials are sending out a districtwide mailer to parents asking them to monitor students' backpacks and what they are bringing to school.

Delgado said he was concerned many pellet guns are being sold at swap meets or 99-cent stores that do not have the type of regulations in place such as Wal-Mart.

``I don't think any parent would buy it with the thought in mind that their child is going to take it to school," he said.

Christopher Penley, the eighth-grader shot and wounded by a SWAT team officer in a suburban Orlando school bathroom, brought the gun to school in his backpack, authorities said.

Sheriff Don Eslinger said two Milwee Middle School students saw the toy gun and one persuaded the other to report it, causing a scuffle.

Penley allegedly ordered one of the students into a closet, dimmed the lights and ran from the classroom. Deputies eventually isolated him in a restroom, and the school was evacuated. Negotiators tried unsuccessfully to start a dialogue with the boy, Eslinger said.

The boy did not respond, Eslinger said.

When the boy raised the gun at a deputy, he shot the youth, the sheriff said. Penley was taken to a hospital, where he was on ``advanced life support."

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No one else was injured. The sheriff's office later confirmed the weapon was a pellet gun fashioned to look like a 9-mm handgun. The tip of the gun had been painted black, covering brightly colored markings that would have indicated it was nonlethal.

Delgado called the incident in Longwood, Fla., ``every parent's and community's nightmare."

For some, "airsoft" guns are simply recreational equipment that can be used responsibly.

The sport originated in Japan in the 1980s and the guns are used in marksmanship or recreational training games similar to paintball. Depending on the model, the replica guns are spring-loaded and gas- or battery-powered.

``It's the fastest-growing action pursuit sport," said Joe Hulog, manager of the Airsoft Extreme shop in San Diego.

Safety is key when handling even imitation firearms, said Hulog, who runs an airsoft team known as Omega Force Airsoft.

Safety is the ``No. 1 priority" for most airsoft enthusiasts, who follow the same regulations as with paintball, using full face masks and sealed goggle protection.

``We emphasize safety," said Hulog, whose team has played with children. ``Any time you handle a replica firearm, you have to teach the children about gun safety because it looks and feels and works the same as a regular firearm and must be taught about the dangers."

Customers must also sign a waiver stating they are 18 and will play only on private property or a regulated sporting facility or field, Hulog said.

Wal-Mart also sells the Airsoft pellet guns in its sporting goods section but raised the age restriction for buying them from 16 to 18 in 2003, said Karen Burk, spokeswoman for Wal-Mart's corporate office. Prices are \$15 and up.

``We certainly recognize that this item is not a toy," Burk said. ``As a responsible retailer, we treat them with the same respect as a firearm."

The store's cash registers are even set to prompt the cashier to ask for identification verifying a customer's age when purchasing the product, she said.

``This is an item that you want to make sure does not get into the wrong hands," Burke said.

Yucaipa resident Larry Brewer, who has two sons, said he has never allowed his children to play with imitation or toy guns.

Children who play with pellet guns ``have no regard for what a weapon can do," Brewer said. ``If you give your kids that kind of a gun, you're teaching your kids how to use a weapon."

In September 2004, Gov. Arnold Schwarzenegger signed legislation prohibiting pellet or BB guns from being displayed in public, unless they are made of clear plastic or painted a bright color to ensure they won't be mistaken for real firearms.

The law allows prosecutors room to bring extra charges if a toy gun is displayed at a public building, airport or a school campus.

The mandate also requires that imitation guns manufactured and sold in California after July 1, 2005, come with a warning label informing the purchaser about the law. Breaking the law can result in consequences that range from a fine of \$100 to a misdemeanor.

Federal law also requires retailers to sell guns outfitted with a plastic orange tip that keeps it from being mistaken for a real weapon. Altering or removing markings on a replica gun, such as the orange tip, is illegal.

John Loveil, a lobbyist for California Police Chiefs Association and a former Los Angeles County prosecutor, said even markings like the orange tip may not be enough because they can be removed.

Jeanie Kocher, whose daughter was hit by the plastic rounds her classmate fired at Davidson Elementary, had bought her own son a similar pellet gun. She now regrets buying it and has since destroyed it.

``Oh, my God," she said. ``What was I thinking?"

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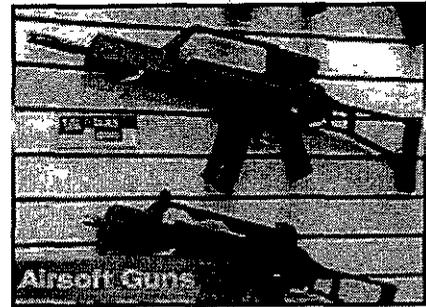
Police Warn Of Airsoft Gun Dangers

July 25, 2006

By Akiko Fujita

BELLEVUE - Bellevue Police issued a warning Tuesday about Airsoft guns, after officers pulled their guns on teenagers who were playing with the realistic looking pellet guns last week

On Friday, the six teenaged boys were shooting pellets at cars near Southeast Newport Way and 129th Place Southeast. When police arrived on scene, they ordered the boys to lie on the ground.



"Basically took them down at gun point," said Bellevue Police spokesman Greg Grannis. "Officers had their guns ready not knowing whether or not they were real."

The teens were eventually released and nobody was injured, but Grannis says this raises concerns about the way people are using the weapons.

"Those juveniles got an eye opening experience and it reiterated the problem we've historically had with airsoft weapons," he said.

The replica guns were first introduced in Japan but they've gained popularity in the U.S. in recent years. "It's just exploded in the last two years," said Erik Fenner, an Airsoft gun user.

Fenner also sells the guns at the Sir Plus store in Woodinville. He says children as young as nine years old buy guns at the store to take part in military type combat games.

"You can sit in a chair and play a video game or go out and be physical," he said.

The replicas have all the markings of the real guns including the trademarks of the real gun manufacturers.

The only thing that distinguishes them are the orange tips on each Airsoft gun. Police say that orange tip isn't always visible and they're concerned they won't recognize the difference in time.

"This is happening at a frequency that is alarming," said Bellevue Police Lieutenant Dan Mathieu.

Customers at Sir Plus can't buy the guns unless they're at least 18 years old, or have written permission from parents. The store also has strict restrictions in place.

"It has to be on private property, you always have your eye protection on, and if you take it out in public and someone gets a little scared, you immediately drop it on the ground, you let it break," Fenner said.

But Grannis says the restrictions aren't required by law, and firearm legislation doesn't apply to Airsoft guns.

He says some children color the orange tips to make the guns look more real. Gangs in some cities are joining the trend, by painting the tips of real guns orange to confuse police officers.

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Grannis says that increases the risk for officers responding to shootings, whether they involve airsoft guns or real guns.

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Deputy shoots teen wielding pellet gun

Teen painted weapon to make it look real, sheriff says

(CNN) -- A sheriff's deputy shot a 15-year-old he believed was armed with a 9 mm handgun at a Florida middle school Friday only to learn later that the weapon was a modified pellet gun, the Seminole County sheriff said.

The student is on "advanced life support" at Orlando Regional Medical Center, Sheriff Don Eslinger said, adding, "It was a terrible situation."

Eslinger said that the student, Christopher David Penley, painted the brightly colored tip of the pellet gun black to make it look like a real gun.

The sheriff's deputy was a member of the SWAT team and shot the eighth-grader only after the student raised the gun and threatened officers, Eslinger said.

The shooting occurred about 9:30 a.m. at the 1,100-student Millwee Middle School in Longwood, Florida. ([Watch the aftermath of the shooting -- 1:54](#))

The suburban Orlando school was evacuated after the shooting.

The incident began when the teen's fellow students saw a gun in his backpack. The students were planning to tell a teacher about it, the sheriff's office said.

One of the students confronted the teen, who responded by pointing the weapon at the student and putting him in a closet, Eslinger said. The armed teen then fled, and a school resource officer and others gave chase.

Deputies were called to the scene, and the teen led them on a foot chase across campus to an isolated alcove area where police cornered him in a bathroom, the sheriff's office said.

Deputies tried to talk the teen into surrendering, but he refused to speak with them, Eslinger said.

"I'm going to kill myself or I'm going to die somehow," Eslinger quoted the boy as saying. "He refused to even comment. All he said was his first name. He did not drop the firearm."

The student eventually exited the bathroom and pointed the gun at his own head and throat. When he "raised the firearm in a tactical position and pointed it" at one of the SWAT team members, the officer "decided to use deadly force," Eslinger said.

"From what the deputies explained to me, (the teen) was suicidal," the sheriff said.

Florida Department of Law Enforcement investigators, who respond any time an officer fires a gun, determined the teen's weapon was an airsoft pellet gun, which shoot BBs or small paintballs, Eslinger said.

Authorities showed the gun alongside a real 9 mm handgun, and there appeared to be little difference between the two.

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The teen's motive was not clear, but authorities were looking into some things from his past, Eslinger said without elaborating.

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Sheriff's Office Issues Warning On BB Gun Use After School Trespassing Case

Dan Telvock

07/11/2006 -- When a group of armed teenagers stormed into Potowmack Elementary School last month, sheriff's office deputies had no idea what to expect.

It turned out that the incident was not a Columbine-like attack, but just a few students playing with Airsoft BB guns in the empty hallways and rooms after school hours. Now those students face criminal charges.

Loudoun Sheriff's Office spokesman Kraig Troxell said deputies were warned about the June 2 incident by the school's alarm system and 24-hour security center. Surveillance video released Monday showed five teenagers dressed in dark clothing, some with hoods or masks on, entering the school carrying what looked like rifles. The sheriff's office responded to the school at about 10:27 p.m. with three deputies, one armed with an assault rifle.

□The school can monitor the surveillance remotely. They could see that someone was in there, unknown ages, with what appeared to be assault rifles, □ Troxell said. □It turned out to be 14-year-old kids playing an Airsoft game. We had no idea what was going on in there. You see these images and the way they are dressed. You look back now and you see they are playing a game.□

No students or teachers were in the building and school was out of session.

□The teens had been playing on the grounds of the school when it started to rain and they found an unlocked door into the school, □ Troxell said.

A source familiar with the incident said the teens staked out the school and waited for the janitor to leave before they were able to enter the school by keeping a door unlocked with a piece of cardboard.

Troxell said Airsoft BB guns are replicas of firearms and can be divided into three groups by what powers them: spring powered, electric powered, and gas-powered.

Troxell said the BB guns can be discharged only in the unincorporated areas of Loudoun County in areas zoned A-3, A-10, or A-25 under the Loudoun County Zoning Ordinance. Those zoning classifications for the most part fall west of Rt. 15, he said.

The five teens were located and released to their parents. No one was injured.

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Petitions have been obtained for each teen for unlawful entry and trespassing and weapons violations.

School system spokesman Wayde Byard said, contrary to some news reports, none of the teenagers had been expelled. He did say that the charges are expellable offenses. Since the incident, Byard said school administrators conducted a security check of the school, met with principals to show them the video and discussed the incident.

Byard praised the sheriff's office response, saying the situation could have ended much worse.

"We are very thankful it ended the way it did," he said. "They showed real professionalism with what they were faced with and they did not overreact."

In May, the Leesburg Police Department responded to a school bus stop on Heritage Way where a student had shot a 10-year-old girl several times with an Airsoft BB gun. Punishment for the Smarts Middle School student who had the gun was done internally through the school system.

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Petty crimes plague campus

by Jill Beaudry

A recent increase of crime on campus, including Airsoft gun shootings and seven smashed car windows in the last week, has heightened security on campus and frustrated students and staff.

The first weapons episode occurred May 10. Linfield Campus Safety Director Mike Dressel said he received a report from a student who explained two male students were shooting at the Hewlett-Packard Park Apartments with Airsoft or BB guns from the area of the soccer and baseball fields.

The next morning, junior Kyle Williams posted an angry message about the shootings on StudentForum.

"Whoever thought it was a fun idea to throw rocks or shoot a pellet gun at people's windows in the HPs at midnight is a moron," Williams wrote.

Dressel said campus safety went looking for evidence in the area of the HP Apartments but didn't find any.

Associate Dean of Students and Director of Residence Life Jeff Mackay said the next incident occurred May 12 when a male Linfield staff member reported to campus safety that his car had been shot at by a person with a pellet gun while driving on Linfield Avenue in front of Miller Hall. A search was conducted outside of Miller, and Mackay said plastic pellets were found on the ground.

Mackay and Dressel speculate that the guns were being shot out of a window in Miller toward the street. Mackay said this was a very serious situation because it could have caused a traffic accident.

He sent an e-mail to the residents of Miller notifying them that Residence Life would be conducting room searches soon and reminding students of Linfield's weapons policy.

The 2005-06 Linfield Residence Life Student Policy Guide states that "firearms, dangerous weapons and ammunition may not be kept or taken into the halls...Use of propellant guns of any kind, including Airsoft guns, BB guns and paint guns, are prohibited on campus and within city limits."

Area Director for Volunteer Services Tina Dumonceaux and a member of Linfield Campus Safety led the search of four rooms on the third floor southeast side of Miller.

Miller third floor residents freshmen Rich Minice and Eric Miller said their room was searched last Friday at 2 or 3 in the afternoon.

"[The search] totally took us by surprise," Minice said. "My room was a total mess."

Minice and Miller explained that the search was extremely thorough, looking under mattresses, through garbage cans and through dirty laundry. They said they had pellets found in their room, but Dumonceaux was nice about it and she didn't think that they were the boys shooting out of the window.

After 40 minutes of searching, pellets were found in the hall, in three of the four rooms searched in places such as in closets and on dressers, but no actual guns were found.

Many residents on the third floor play with the guns, Minice and Miller said, and that when they received Mackay's e-mail about the searches, they got rid of the guns.

Mackay explained that because no guns were found, the male residents could not be found in

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violation. He had a meeting with the residents and told them to spread the word about Linfield's policy.

"[The search] was really effective because of the psychological impact of it," Miller said.

If a student is found guilty of having a weapon such as this in his or her room, Mackay said it would be confiscated, and the student would be held responsible for damages. In addition, the student could be removed from college housing and recommended for suspension or expulsion by the college president.

Mackay said there may be a connection between the shooting from Miller and the shooting at the HP Apartments.

"[The incidents] happened so close together that there has to be a link," he said. "But we don't know for sure, and we probably never will."

Minice and Miller said they don't think the incidents are connected because they asked the other residents, and as far as they knew, the guns were never taken out of the building.

Mackay explained that the students were lucky the police were not called because they may have made arrests. He said there have been other occasions of weapons like Airsoft guns on campus.

"We tell students, and they're fairly compliant," Mackay said. "Typically [students are] just playing around with them in the halls."

According to the Office of PostSecondary Education's Web site, there were not any Linfield students arrested or disciplined through the school's judicial board for illegal weapons possession from 2002-2004. The Linfield College Crime Statistics Web site, part of the Campus Safety Web site, said that there were also no arrests made for weapons violation between 2000 and 2002.

Dressel said there were two other weapons incidents two years ago during summer, but neither involved Linfield students.

"I'm hoping that the students get the message that [guns are] not allowed on campus," Mackay said. "Our main concern is the safety of students and everyone on campus."

Another frightening occurrence was vandalism last Saturday night, when someone smashed the windows of seven cars on campus. Dressel said Campus Safety investigated and didn't find any pellets or BB's in the area.

Campus Safety received a report of a broken window, and the McMinnville Police Department was called.

Dressel said one patrolman was driving around on campus looking for suspects and took note of a brightly colored car that stood out from the others. It did not have any windows broken at the time. However, later that evening they found the car's window smashed, and the others followed.

"They were very opportunistic," said Dressel. "Someone was waiting for [Campus Safety] to be gone, and then [began] breaking the windows."

Dressel said the windows were broken with a blunt object like a bat or hammer. He also suggested that it may have been a car escape tool, which he described as a small tool used to break windows and small enough to conceal in a pocket.

Senior Alexandra Jacobs was dropping a friend off after a party Saturday night and left her Toyota Corolla on the side of the Miller Fine Arts Center for about 20 minutes. When she

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returned, the glass on her car was broken. She said she believed that someone was targeting newer cars.

Jacobs also said she is upset because Linfield Campus Safety and the police can't do anything about the situation.

"It's frustrating because I have to pay \$275 to fix it," she said. "It is money gone to waste for no reason. You would think that things would be more secure [at Linfield] than at a state school or university campus."

Dressel said campus safety increased patrols on campus and asked the police department to do the same.

He said he has lived in McMinnville for 30 years, and vandalism often occurs in spurts in neighborhoods.

"We've had cases of cars broken before, graffiti and plants uprooted," Dressel said "Pick vandalism, and [Linfield's] had it."

Currently, there are no leads, and Dressel said the general community is not reporting similar occurrences.

"You don't come [to Linfield] to get your car vandalized, and finals are coming up," Dressel said. "This isn't something you need to deal with right now."

Because of the recent incidents on campus, Dressel urges students to report suspicious activity to Linfield Campus Safety at 503-883-5300, and take prevention measures to stay safe.

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Chino teen shot after waving fake firearm

By Sara A. Carter, Staff Writer

Article Launched: 07/27/2006 12:00:00 AM PDT

ONTARIO -- Even fake guns can kill.

A Chino teenager and his friends came uncomfortably close to finding out how Tuesday night, after the 15-year-old refused to drop two replica handguns and was shot by an Ontario police officer in a Kmart parking lot.

The boy, who was shot in the leg, did not sustain a life-threatening injury, Ontario police Officer Dereck Anthony said Tuesday night.

Related Article:

- Ontario officer shoots teenager in leg

Others who have pulled out fake guns in front of police have not been so lucky. Recent history is peppered with examples:

- In January, 15-year-old Christopher Penley was gunned down by Florida SWAT officers after brandishing a pellet gun. Officers didn't know it wasn't the real thing.

- At a Halloween party in October 2000, actor Anthony Dwain Lee, 39, who appeared in the movie "Liar, Liar" and television shows such as "ER" and "NYPD Blue," was shot numerous times after pointing a fake weapon at an LAPD officer who had been called to the rowdy party. Lee died that night.

CHILDREN AND TOY GUNS

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Children with fake guns should be supervised at all times by adults.

2. The fake guns should not be taken out to public places.

3. Local police departments should be notified by parents if their children are playing with the fake guns outside or at a nearby park.

4. All fake guns must have an orange cap on the front of the barrel.

5. Parents should check with their city of residence to see if possession of Airsoft shotguns or handguns, or similar products, are prohibited.

6. Police officers recommend that the guns should not be purchased at all.

— Source: Ontario Police Department

Hundreds of other people across the nation have been killed because they've made the mistake of brandishing replica weapons or air guns at law enforcement officials, Ontario police Officer Anthony Ortiz said Wednesday.

"These types of fake guns should be banned," he said of authentic-looking weapons like the ones the Chino boy

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and three of his friends were carrying Tuesday. "As an officer and a parent, I would not want to put my children's safety in jeopardy. Once you fire a bullet, it doesn't come back.

"Still, stores everywhere sell these types of fake guns," he said. "(They) look almost identical to the real thing, and in the heat of the moment, it's impossible to tell the difference.

"This situation could have ended much worse than it did."

The boys, ages 14 to 16, were reported to police about 8 p.m. Tuesday by a passerby in the 200 block of Euclid Avenue. The caller said the boys were running through the Kmart parking lot with what appeared to be a handgun and a shotgun, pointing the weapons at passing vehicles.

The boys ran away when they were confronted by the first officer who responded to the call. When a second officer found the group behind the store about 8:45 p.m., he saw what appeared to be handgun in one of the boy's hands, and another in his waistband, according to police reports. The officer ordered the boy to drop the guns. When he did not comply, the officer – who also has not been identified – fired a single shot.

The boy was taken to Arrowhead Regional Medical Center in Colton. His condition could not be checked because he has not been identified by police.

One of the other three teens was taken into custody at the scene. The other two turned themselves in later that evening, Ortiz said.

The boys -- none of whom were identified because they are under 18 -- will face misdemeanor charges of drawing and exhibiting an imitation firearm against another person, police said. They also will be charged with violating a city code that prohibits minors from possessing or using air rifles/guns in the city.

Officers found seven Airsoft air guns at the scene, Ortiz added, including four handguns, two rifles and a shotgun. Airsoft replicas resemble real firearms, but shoot only rubber or plastic balls and pellets. They can be purchased at any local sporting goods store or retailer.

"There is no way to know if they are real or fake," Ortiz said.

States and cities have taken legal steps the past few years to prevent the needless deaths caused by fake firearms.

In February 2001, New York State Attorney General Elliot Spitzer and Manhattan Borough President C. Virginia Fields sued three Manhattan stores -- one of them a major retailer -- for selling toy guns in violation of state law.

Under New York law, plastic, wood or metal imitation guns must have a non-removable orange stripe to clearly distinguish them from real weapons.

"Our children and our communities are at risk when illegal guns, which are indistinguishable from the real thing, are being sold," Spitzer said at the time. "We are trying to make parents and kids aware of the dangers these fake guns present, especially when a police officer may believe his life is in danger."

In California, a bright orange cap is required on fake guns sold at retail stores, Ortiz said. But children -- and criminals -- frequently thwart the system: Criminals paint orange "caps" on their weapons to make them look like toy guns, and children frequently remove the orange cap and paint their toys to make them look real, he said.

"It's just impossible for the officer to know," Ortiz said. "All the four juveniles would have needed to do was just listen to the officer. They may have received just a citation, if that. But instead they chose to run, point the gun at the officer and disobey the officer's orders."

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Is Airsoft Better Than Paintball?
By Niall Roche

This question is bound to stir debate and controversy amongst the most ardent of airsoft or paintball fans.

Both airsoft and paintball are both hobbies based on replica firearms and wargames. Is this unhealthy? That depends moreso on the person themselves rather than the hobby. An interest in pursuing a hobby that involves weaponry only becomes unhealthy if taken to extremes - which is true of most things in life. Paintball and airsoft are not morbid hobbies and only run the risk of being dangerous when participated in by dangerous people.

Paintball itself is a more mobile sport. It requires a certain level of physical fitness, mobility and skill - if you paintball then you gotta be able to move fast. The weapons themselves are functional and are only designed to serve the purpose of the sport as opposed to looking good. Paintball rifles are designed to take a real beating when it comes to their use. Paintball fans fall into the 'extreme sport' category and enjoy the pure adrenaline of each paintball match and are driven by the desire to win.

Airsoft is a somewhat different sport. The guns used in airsoft are both conversation pieces and are also functional sports 'weapons'. Airsoft rifles and pistols are capable of firing both small plastic pellets and paint filled pellets so are useful both in the sport itself and also for backyard target practice.

The major difference is the power of the guns themselves. Paintball guns are driven by high powered gas cylinders whereas airsoft guns fire projectiles either through springs, electronic firing mechanisms or with compressed gas. The issue is that most airsoft guns lack the range and accuracy of the larger paintball guns simply because

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they were never designed with long range fire in mind.

Conversely airsoft guns are available in a huge range of styles and models. Everything from a Glock handgun to a sniper rifle to a CAR15 assault rifle. Airsoft guns are equally at home hanging in your livingroom or at use on the airsoft playing field. You can even go as far as buying an airsoft minigun. Many airsoft fans simply collect the guns and never get involved in airsoft wargames at all. This is the much the same as many sword collectors - they display the weapons at home but don't go running around waving them at people.

The truth is that neither airsoft nor paintball is superior. They're both a case of personal preference. If you're the extreme sports type then paintball will suit you more. *If you're more of a collector then airsoft will be more your thing.*

Regardless of whether you're a paintball fan or an airsoft fan it's essential to take proper safety precautions when using these guns. Proper eye protection in the form of safety goggles should always be worn and suitable protective clothing to cover your neck and upper torso should also be worn. Even though some people see these as guns as toys they are capable of causing injury either through accident or even deliberate malice.

This article was written by Niall Roche and provided courtesy of Airsoft-Guns-Guide.com where you can find lots of information on air soft guns.

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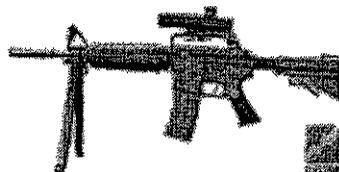
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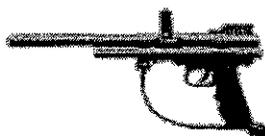
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USA

from the January 02, 2003 edition



NOT CHILD'S PLAY: New York police officer Eric Adams talked about toy-gun dangers after a fatal misunderstanding in 1998. GINO DOMENICO/AP/FILE

New York's latest crime-buster: muzzling toy guns

By Ashley Chapman | *Special to The Christian Science Monitor*

NEW YORK – Her voice is impish and feminine, but her gun is menacing. "Give me your money," she says through a ski mask to a bank teller in New Jersey. The teller hands over \$3,050, and the robber and another female speed off in a getaway car.

But this wasn't exactly a Thelma & Louise duo. These robbers were 14-year-old twin girls who held up a bank with a toy air-pellet gun this fall.

Their crime added fuel to a toy-gun scare that's sweeping the country: Baltimore just passed a law that makes it a misdemeanor to sell a BB gun to a minor; Chicago has introduced a bill to ban toy-pellet guns; Wal-Mart recently raised its age restriction for air-powered paint guns to 18; and Carrollton, Texas, has banned the public use of replica guns.

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And in New York, the site of many toy-gun fatalities, City Council members have introduced a bill to ban the sale of all toy guns - a ban that has not yet passed anywhere in the US. If the bill is approved, officials think it could help blaze the trail for the state, as well as cities nationwide.

"We recognize that you can't pull all guns off the streets: If people have a criminal mind, they'll make a gun out of a stick," says Bill Wren, deputy chief of staff for Brooklyn Councilman Al Vann, who coauthored the bill. "But the bill is about how [a toy gun] makes people feel. If I feel threatened, I'm threatened."

According to the most recent study by the Bureau of Justice Statistics in 1990, police departments nationwide reported 31,650 imitation guns seized between January 1985 and September 1989 during crime-related incidents. In New York City alone, more than 1,400 toy guns were used in crimes in 1987, 80 percent more than four years earlier.

New York City's current law, signed in 1998, prohibits the sale of toy guns unless they are brightly colored or transparent or have a prominent trademark. But some City Council members think the law is ineffective: Kids can make toy guns look real simply by spray-painting a gun black, or hiding the toy trademark with tape. And even though Toys "R" Us and KB Toys removed realistic-looking weapons from shelves in 1994, some manufacturers still sell replica guns elsewhere.

"If a kid has a toy gun that looks real, he could be in danger," says David Weprin, a Queens councilman and co-author of the bill. "We shouldn't glorify guns by giving them to our kids as toys," says the father of five.

Toy manufacturers are opposed to the outright ban, since there is already a federal restriction on toy guns. Current federal law prohibits manufacturers from selling imitation firearms unless there is a orange plug in the barrel or a marking designated by the Commerce secretary. According to the law, imitation firearms include BB guns, air rifles, and pellet guns. The bill in City Council, on the other hand, would ban anything that can "reasonably be perceived to be an actual firearm," which would mean a total ban on imitation firearms - regardless of color or markings.

"If the federal law needs to be strengthened, we support it," says Tom Conley, president of the Toy Industry Association. "But if a product in no way resembles a real gun, we want to ensure that it reaches the market."

Still, grass-roots interest in a blanket ban on toy guns is growing. "Giving our kids toy guns and then telling them to stay away from the real thing sends a mixed message," says Farideh Kioumehr, founder of the Anti-Violence Campaign in Sherman Oaks, Calif. She encourages children to turn in toy guns, which are then used in pieces of art. The program, Replacing Violence With Art, has collected more than 20,000 toy guns.

Meanwhile, the impact of deaths from toy guns is ricocheting across the country, and more people in New York are thinking twice about buying them.

Christopher Industrious of Manhattan, who was shopping in Times Square, would support the new ban. "Kids are imitating whatever they see in the movies and on TV," he says, motioning to his 3-year-old son. He says that one time when disciplined, his son "pointed his water gun at me."

"Like toy cigarettes, they're promoting something violent," adds Donna Csolak of Princeton, N.J.

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who was at the Times Square Toys "R" Us. But she concedes she's against the ban because people should have a choice in their purchases. "Everyone has a right to buy what they want, but parents should have control over what [their kids] buy."

For Maurice Davis, a salesman at Toys "R" Us, his unfortunate childhood encounters with both real and toy guns are seared on his memory. Growing up in Brooklyn, Mr. Davis was forbidden to play with toy guns. But when he was 11, a playmate pointed a toy gun at a police car. The cops mistook the toy for a real weapon, and sprinted toward them, brandishing guns. "I told my friend, 'Just drop the gun!' " says Davis.

Now, standing next to a shelf of oversize paint guns, Davis says, "If they're gonna ban some, they might as well ban them all."

For further information:

- * [Local Law...in relation to banning the sale of toy guns](#) Council of the City of New York
- * [Is New York turning into bright lights, dull city?](#) Straits Times
- * [Toy Guns: A Deadly Game](#) Oxnard Police Department

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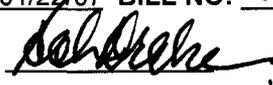
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AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

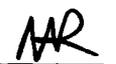
SUBJECT: An Ordinance Annexing a Parcel Located at 12730 SW Fairfield Street to the City of Beaverton and Adding the Property to the Central Beaverton Neighborhood Association Committee: Expedited Annexation 2006-0003

FOR AGENDA OF: 01/22/07 **BILL NO:** 07023

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 01/09/07

CLEARANCES: City Attorney 
Planning Services 

PROCEEDING: First Reading

EXHIBITS: Ordinance

BUDGET IMPACT

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

In 2005 the City approved an application to develop a piece of property for commercial uses located on the southeast corner of Cedar Hills Boulevard and SW Fairfield Street (directly west of the property proposed for annexation). In reviewing the proposal, the City determined that the property's proximity to the adjacent intersection could disrupt vehicle stacking and impose traffic hazards to oncoming traffic as vehicles attempt to enter or exit the property from the adjacent streets. To address this hazard, the City imposed a condition of approval specifying that if the adjacent parcel (the property proposed for annexation) develops for commercial purposes in the future, the existing access point on Fairfield Street would be removed, a shared access agreement between the two properties would be established, and a new access point would be located further from the intersection on the subject property.

The owner of the parcel proposed for annexation recently approached the City to express his intent to develop the subject property with access and parking facilities designed to serve a related commercial development on a property located further south on Cedar Hills Boulevard. If completed, this activity would enable the condition of approval imposed upon the neighboring property to be implemented.

INFORMATION FOR CONSIDERATION:

For the City to review the application involving the development of both properties, the owner must petition to annex the subject parcel, which is currently unincorporated. This annexation proposal is being initiated in order to fulfill that requirement. Subsequent to annexation, the property owner intends to rezone the property to a City commercial zone and submit an application to develop both properties for commercial uses as proposed. This ordinance and the staff report address the approval criteria for annexation in Metro Code Chapter 3.09.

Beaverton Code Section 9.06.035A provides City Council the option of adding property to an appropriate Neighborhood Association Committee (NAC) area at the time of annexation. This parcel is not currently in a NAC. The Neighborhood Office is recommending that this property be added to the Central Beaverton NAC boundary.

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4421

AN ORDINANCE ANNEXING ONE PARCEL LOCATED AT 12730 SW FAIRFIELD STREET AND ADJACENT RIGHT-OF-WAY TO THE CITY OF BEAVERTON AND ADDING THE PROPERTY TO THE BEAVERTON CENTRAL NEIGHBORHOOD ASSOCIATION COMMITTEE: EXPEDITED ANNEXATION 2006-0003

- WHEREAS,** ORS 222.125 grants the City authority to initiate an expedited annexation process with the consent of all land owners and at least 50 percent of the electors of the territory to be annexed; and
- WHEREAS,** The owner of 12730 SW Fairfield Street has signed and submitted a petition to annex the property into the City; and
- WHEREAS,** No electors reside on the property; and
- WHEREAS,** This property is in Beaverton's Assumed Urban Services Area, and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** This property is in area "A" as set forth in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" and, as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area "A"; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City, and this action implements those policies; and now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The property shown on Exhibit A, and more particularly described in Exhibit B, is hereby annexed to the City of Beaverton, effective 30 days after the signing of this Ordinance.
- Section 2.** Pursuant to Beaverton Code Section 9.06.035A, this property shall be added to the Beaverton Central Neighborhood Association Committee Boundary
- Section 3.** The Council accepts the findings in the staff report attached hereto as Exhibit C as adequate demonstration of compliance with all applicable approval criteria.
- Section 4.** The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.

Section 5. The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First Reading _____
Date

Second Reading and Passed _____
Date

Approved by the Mayor _____
Date

ATTEST:

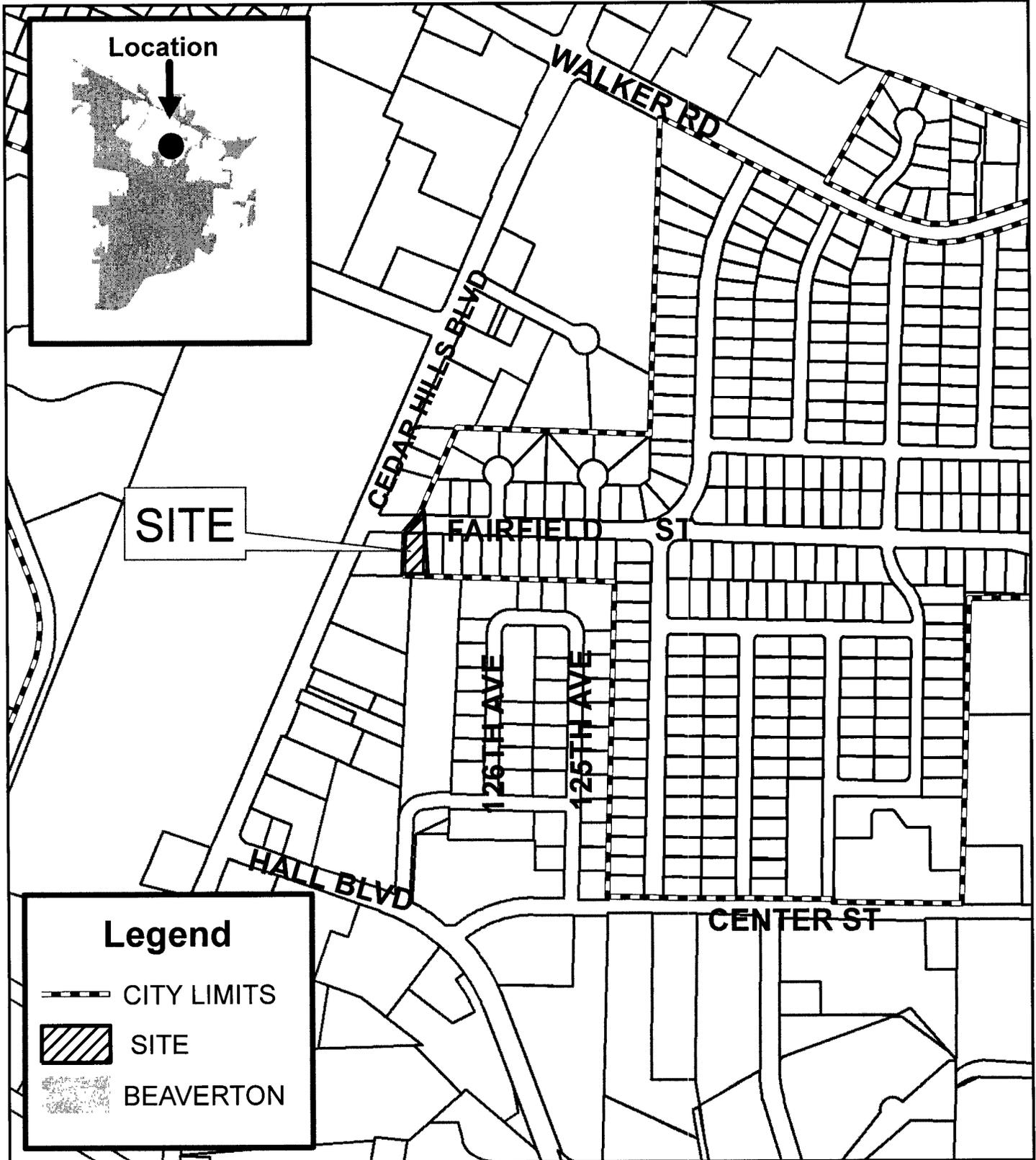
APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

EXHIBIT "A"



City of Beaverton	12730 SW FAIRFIELD STREET	12/12/06	N
	COMMUNITY DEVELOPMENT DEPARTMENT Planning Services Division	1S109DA02900	Application # ANX2006-0003

**ANNEXATION
FOR
CITY OF BEAVERTON, OREGON
ANX 2006-0003**

A parcel of land being situated in the northeast quarter of the southeast quarter of Section 9, Township 1 South, Range 1 West, Willamette Meridian, Washington County, State of Oregon. Said parcel of land being more particularly described as follows:

Lot 29, Block 17 of CEDAR HILLS, a duly recorded subdivision in the County of Washington, State of Oregon.

ALSO TOGETHER WITH the following described lands: BEGINNING at the northeast corner of the aforementioned Lot 29 of CEDAR HILLS;

Thence, northerly along the projection of the east line of said Lot 29 for a distance of 60.00 feet to a point on the south line of Lot 36, Block 9 of said CEDAR HILLS;

Thence, North 89°32'30" West along the south line of said Lot 36 for a distance of 15.95 feet, more or less to the southwest corner of said Lot 36, said corner also being on the existing city limits line for the City of Beaverton, Oregon;

Thence, South 22°32'30" West along the projection of the west line of said Lot 36 and along the said existing city limits line for a distance of 32.38 feet more or less, to the centerline of S.W. Fairfield Street (CR 1754) and an angle point in the existing city limits line;

Thence, North 89°32'30" West along the centerline of said S.W. Fairfield Street for a distance of 36.87 feet to a point on the northerly projection of the west line of the aforementioned Lot 29 and an angle point in the existing city limits line;

Thence, South 00°27'30" West along the projection of the west line of Lot 29, Block 17 of CEDAR HILLS and the existing city limits line for the City of Beaverton, Oregon for a distance of 30.00 feet to the northwest corner of said Lot 29;

Thence, South 89°32'30" East along the north line of said Lot 29 for a distance of 65.00 feet to the Point of Beginning.



CITY of BEAVERTON

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

STAFF REPORT

TO: City Council

AGENDA DATE: January 22, 2007 **REPORT DATE:** 1/15/07

FROM: Jeff Salvon, AICP, Senior Planner
Community Development Department

SUBJECT: Expedited Annexation (ANX2006-0003)

ACTIONS: Annexation to the City of Beaverton of one parcel located at 12730 SW Fairfield Street and a small section of right-of-way on Fairfield Street directly in front of the property. The property proposed for annexation is identified as parcel 1S109DA02900 as shown on the attached map, and more particularly described by the attached legal description (Attachment A). Annexation of the property is owner initiated and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

NAC: This property is adjacent to the boundary of the Central Beaverton Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that staff include an ordinance to amend the Central Beaverton NAC boundary to include the subject parcel.

AREA: The parcel totals approximately 0.22 acres

TAXABLE BM 50 ASSESSED VALUE: \$ 28,960

ASSESSOR'S REAL MARKET VALUE: \$ 140,000

NUMBER OF LOTS: 1

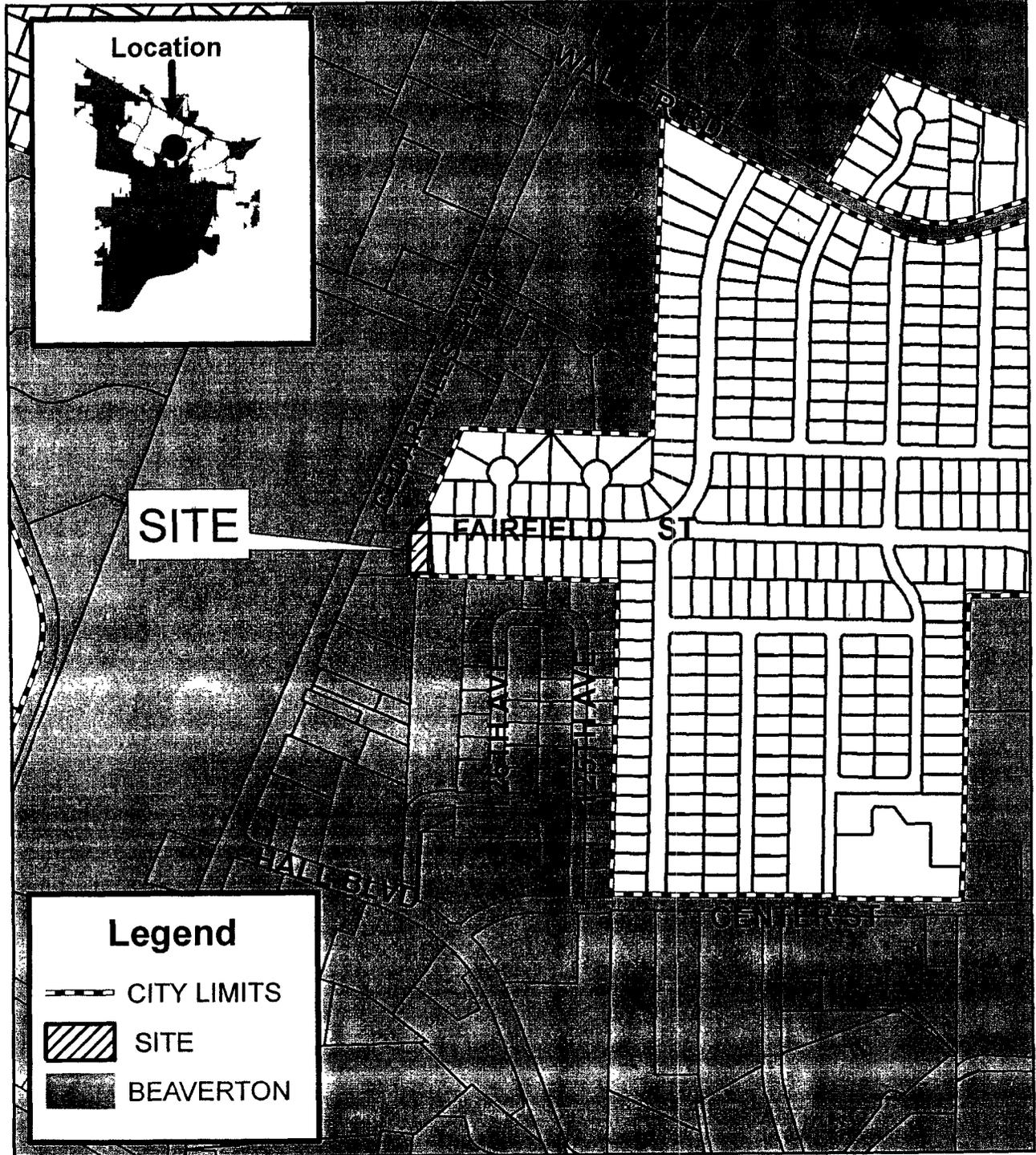
EXISTING COUNTY ZONE: The subject parcel is designated Residential – 5 units to the acre by Washington County.

RECOMMENDATION

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective 30 days after the Mayor's signature or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.

CPA 2006-0015/ZMA 2006-0020
12/11/06 Agenda Date

VICINITY MAP



City of Beaverton	12730 SW FAIRFIELD STREET	12/12/06	N
	COMMUNITY DEVELOPMENT DEPARTMENT Planning Services Division	1S109DA02900	Application # ANX2006-0003

CPA 2006-0015/ZMA 2006-0020

12/11/06 Agenda Date

BACKGROUND

The proposed annexation is being submitted so that the developer of the property at 3250 SW Cedar Hills Blvd. (located two lots south of the Cedar Hills Blvd./Fairfield St. intersection), may include development of the annexed parcel as part of a development application for an adjacent property. If approved, the applicant intends to apply for a rezone of the property to a commercial district and to develop the property with parking and street access that will augment planned retail development of the adjacent properties.

In 2005, in an unrelated process, the owner of the property at 3180 SW Cedar Hills Blvd. (located adjacent to the subject property on the southeast corner of Cedar Hills Blvd. and Fairfield Ave.), submitted an application to the City proposing to develop his property with retail. As that site was located at a major intersection, staff expressed concerns that over time, cars entering and exiting the site would disrupt the orderly stacking of cars at the traffic signal. Staff noted that although the site does have a driveway access on Fairfield Ave., it is too close to the intersection to allow proper stacking of vehicles and could impose hazards. To remedy this defect the City placed a condition of approval on the project requiring that the property owner enter into a shared access agreement with the owners of the adjacent properties – which includes the property proposed for annexation. The agreement specified that if the subject property were to develop with an alternative access point off of Fairfield Street to serve retail businesses located on Cedar Hills Blvd., then the existing Fairfield access on the corner parcel near the intersection would be curbed to encourage usage of the alternative access point.

Staff recently processed a pre-application to develop parcel 1S109DA03200 located approximately 150 feet south of the Cedar Hills/Fairfield intersection with retail. Part of that proposal included development of the subject parcel to provide parking and access off of Fairfield Street. In order for the City to review a development application which includes the subject property, the City requires that property owner petition to annex the property into the City. This proposal to annex the property is an attempt to satisfy that requirement.

Consent on the part of the landowner allows this proposal to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 so no public hearing is required. In addition, in December 2004, the City and Washington County entered into an Intergovernmental Agreement for an Interim Urban Services Plan that established an area “A”, in which the City could proceed with annexations without County opposition and an area “B”, in which the City would need to obtain County consent to proceed with annexation. This proposed

annexation is in area "A" thus allowing the proposal to proceed without further approval on the County's part. Finally, it is understood that changing the property from County R-5 to City commercial plan and zoning designations will occur through a quasi-judicial process requiring a public hearing before the Planning Commission because the Urban Planning Area Agreement between the City and the County does not envision a change of this sort.

EXISTING CONDITIONS

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Land Use
1S109DA02900	12730 SW FAIRFIELD ST	0.22	Vacant

SERVICE PROVISION:

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

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District, and Clean Water Services.
- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services.
- The City has been a party to a series of ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon", the last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency situation outside its jurisdiction when requested by another law enforcement agency.
- On December 22, 2004, the City entered into an intergovernmental agreement with Washington County defining areas that the City may annex for ten years from the date of the agreement without opposition by the County. The property proposed for annexation by this application is included in the areas the City may annex without County opposition.

This action is consistent with those agreements.

POLICE: The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District

(ESPD). The property will be withdrawn from the ESPD, and the City will provide police service upon annexation. In practice, whichever law enforcement agency is able to respond first, to an emergency, does so in accordance with the mutual aid agreement described above.

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

SEWER: The property is within the Clean Water Service Sewer District and is served by a lateral connection that runs into an 8 inch east/west sanitary sewer line within the SW Fairfield Street right-of-way. A manhole access is also located directly in front of the property within 30 feet of the lateral connection. Under the terms of the City's agreement with CWS, jurisdiction of the sewage lines that fall within the annexed area will transfer over to the City after annexation. Tualatin Valley Water District (TVWD) will continue to bill the property for servicing those lines and reimburse the City for fees collected for that service.

WATER: TVWD provides water service to the area. ORS 222.520 allows cities to assume water service responsibilities when annexing less than an entire district. The City may seek permission from TVWD to take over service of the property at some point in the future but in the interim, TVWD will continue to serve the property. If the property develops into a parking facility as proposed, the City may postpone transfer of service responsibility to the property and service responsibilities will remain with the district.

STORM WATER DRAINAGE: The property currently has adequate drainage. If the property redevelops, storm drainage will be reviewed as part of the development review process. After annexation, the City will maintain storm water drainage facilities adjacent to the property, and TVWD will continue to bill the property owner for fees related to maintenance of storm water facilities and reimburse the City for fees collected.

STREETS and ROADS: Access to this property is from SW Fairfield Street (a County maintained Neighborhood Route). Maintenance responsibilities will be negotiated between the City and the County at a future date.

**PARKS and
SCHOOLS:**

The proposed annexation is in the Beaverton School District and the Tualatin Hills Parks and Recreation District. If the property remains vacant or is rezoned to commercial as the owner has proposed, then neither services nor district boundaries associated with these districts will be affected. Alternatively, if the property is redeveloped with a residential dwelling unit consistent with its current zoning, then the impact will be minimal.

**PLANNING,
ZONING and
BUILDING:**

Washington County currently provides long-range planning, development review, and building inspection for the property. Upon annexation, the City will provide those services. City Comprehensive Plan and Zoning Designations will be applied to this parcel in a separate hearings process.

CRITERIA FOR APPROVAL

REGIONAL ANNEXATION CRITERIA

In December 1998 the Metro Council adopted Metro Code Chapter 3.09 (Local Government Boundary Changes). Pursuant to Metro Code Section 3.09.045, Metro Code Sections 3.09.050(d) and (g) include the following minimum criteria for expedited annexation decisions:

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

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

This staff report addresses the provision of services in detail and the provision of these services is consistent with cooperative agreements between Beaverton and the service providers. Although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties, the City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the city. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan.

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

FINDING: Staff finds that where applicable, the proposed annexation is consistent with urban service agreements in place as demonstrated in the staff report and as such the proposal satisfies Metro Code Criterion 3.09.050 (d)(1).

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

The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. Exhibit 'A' to the new agreement defines areas within the "Beaverton Area of Assigned Service Responsibility" where, subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would transfer to the City as of July 1 of the year if so requested by the City by January 1 of that year. The subject property is not included in this Area of Assigned Service Responsibility and therefore maintenance responsibilities pertaining to the property will remain with the district or be negotiated between the two parties at a later date.

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

FINDING: Staff finds that the proposed annexation falls within the "Beaverton Area of Assigned Service Responsibility" and complies with established terms outlined in UPAA. Therefore, the proposed amendment satisfies Metro Code Criterion 3.09.050 (d)(2).

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

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

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

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

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

Staff views this statement as direction to the County itself in how to evaluate annexation proposals, and not guidance to the City regarding this specific proposal. As a necessary party, the County has an opportunity to comment on and appeal this proposed boundary change if they believe the boundary change is inconsistent with the approval criteria (see Metro Code section 3.09).

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

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

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

The County will:

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

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

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

Public Facilities Plans: The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewerage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. No relevant urban services as defined by Metro Code Section 3.09.020(m) will change subsequent to this annexation.

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

FINDING: *Staff finds that the proposed annexation is consistent with specific directly applicable standards or criteria for boundary changes*

contained in comprehensive land use plans and public facilities plans. Therefore, the proposed amendment satisfies Metro Code Criterion 3.09.050 (d)(3).

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

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

FINDING: This criterion does not contain policies applicable to this proposal. Criterion 3.09.050 (d)(4) has been met

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

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

FINDING: The proposed annexation will not interfere with the timely, orderly and economic provisions of public facilities and services. Criterion 3.09.050 (d)(5) has been met.

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

The property lies within the Urban Growth Boundary.

FINDING: Criterion 3.09.050 (d)(6) has been met.

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

OAR 660-001-0310 states "A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) shall be considered by Land Conservation and Development Commission to have been made in

CPA 2006-0015/ZMA 2006-0020
12/11/06 Agenda Date

accordance with the goals...” Compliance with the Comprehensive Plan was addressed in number 3 above. The applicable Comprehensive Plan policy cited under number 3 above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003, meaning it became unnecessary for the City to address the Statewide Planning Goals after that date in considering proposed annexations. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton does have Annexation Policies (Attachment B) adopted by resolution and this proposed annexation is consistent with those policies.

FINDING: Staff finds this voluntary annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above. Criterion 3.09.050 (d)(7) has been met

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

The territory in question was inside of the Portland Metro Urban Growth Boundary at the time the petition is complete and has been since its adoption.

FINDING: The proposed annexation satisfies criterion 3. 09.050 (g).

PROCESS

Consistent with Metro Code Section 3.09.045, the City sent notice of the proposed annexation on or before January 2, 2007 (20 days prior to the agenda date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, the City sent notice to the following parties:

- Allan B. Grantes, P.O. Box 80340 Rancho Santa Margarita, CA 92688, the property owner
- The Central Beaverton Neighborhood Association Committee (NAC) and the Cedar Hills / Cedar Mill Citizen Participation Organization (CPO 1)

The notice and a copy of this staff report will be posted on the City’s web page.

CONCLUSION

Based on the findings in this report, staff concludes that approval of owner initiated annexation of parcel # 1S109DA02900 and adjacent right-of-way satisfies all pertinent criteria as illustrated in the findings above.

Attachments: A) Legal Description
B) City Annexation Policies

ANNEXATION
FOR
CITY OF BEAVERTON, OREGON
ANX 2006-0003

A parcel of land being situated in the northeast quarter of the southeast quarter of Section 9, Township 1 South, Range 1 West, Willamette Meridian, Washington County, State of Oregon. Said parcel of land being more particularly described as follows:

Lot 29, Block 17 of CEDAR HILLS, a duly recorded subdivision in the County of Washington, State of Oregon.

ALSO TOGETHER WITH the following described lands: BEGINNING at the northeast corner of the aforementioned Lot 29 of CEDAR HILLS;

Thence, northerly along the projection of the east line of said Lot 29 for a distance of 60.00 feet to a point on the south line of Lot 36, Block 9 of said CEDAR HILLS;

Thence, North 89°32'30" West along the south line of said Lot 36 for a distance of 15.95 feet, more or less to the southwest corner of said Lot 36, said corner also being on the existing city limits line for the City of Beaverton, Oregon;

Thence, South 22°32'30" West along the projection of the west line of said Lot 36 and along the said existing city limits line for a distance of 32.38 feet more or less, to the centerline of S.W. Fairfield Street (CR 1754) and an angle point in the existing city limits line;

Thence, North 89°32'30" West along the centerline of said S.W. Fairfield Street for a distance of 36.87 feet to a point on the northerly projection of the west line of the aforementioned Lot 29 and an angle point in the existing city limits line;

Thence, South 00°27'30" West along the projection of the west line of Lot 29, Block 17 of CEDAR HILLS and the existing city limits line for the City of Beaverton, Oregon for a distance of 30.00 feet to the northwest corner of said Lot 29;

Thence, South 89°32'30" East along the north line of said Lot 29 for a distance of 65.00 feet to the Point of Beginning.

City of Beaverton Urban Service Area and Corporate Limits Annexation Policies

A. City of Beaverton Urban Service Area Policy

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

B. City of Beaverton Corporate Limits Policy

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

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

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

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for 25 Properties Located in North Beaverton; CPA2006-0016/ZMA 2006-0021

FOR AGENDA OF: 01/22/07 **BILL NO:** 07024

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 01/09/07

CLEARANCES: City Attorney 
Planning Services HB

PROCEEDING: First Reading

EXHIBITS: Ordinance

BUDGET IMPACT

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

The proposal is to give City Zoning and Comprehensive Plan Land Use Map designations to 25 parcels annexed to the City through Ordinances 4339, 4347, and 4349 in 2005. The parcels are proposed for redesignation from Washington County Industrial to City Employment and Industrial on the Comprehensive Plan Land Use Map and to Campus Industrial (CI) and Light Industrial (LI) on the Zoning Map. The Planning Commission unanimously approved the proposal at their December 20, 2006 meeting. No written or oral testimony was received before or at the meeting.

INFORMATION FOR CONSIDERATION:

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map to implement CPA2006-0016/ZMA2006-0021

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4422

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR 25 PROPERTIES LOCATED IN NORTHERN BEAVERTON; CPA2006-0016/ZMA2006-0021

WHEREAS, the properties were annexed to the City of Beaverton through Ordinances 4339, 4347, and 4349 in 2005, granting the City authority to apply Beaverton's Comprehensive Land Use Map and Zoning Map designations to the properties; and

WHEREAS, the Planning Commission held a public hearing on December 20, 2006, to consider CPA2006-0016/ZMA2006-0021, consider comments, and take testimony; and

WHEREAS, on December 20, 2006, the Planning Commission recommended approval of the application based upon the Staff Report dated November 9, 2006, attached hereto as Exhibit B, and

WHEREAS, final orders (#1935 and #1936) were prepared memorializing the Planning Commission's decision and no appeal therefrom was submitted; now, therefore

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map (Figure III-1) is amended to designate the subject properties identified as Tax Lots 1N132BD00200, 1N132BD01200, 1N132BD01300, 1N132CA01200, 1N132CA01100, 1N132CA01000, 1N132CA00600, 1N132CA00700, 1N132DA01000, 1N132DA01100, 1N131AB01100, 1N131AB01200, 1N131AB01300, 1N131AB00900, 1N131AB00700, 1N131AB00600, 1N131AB00500, 1N131AB00400, 1N131AB00300, 1N131AB00200, 1N131AB00100, 1N131AA01400, 1N131AA00400, and 1N131AA00200 Employment and 1N131AA00201 Industrial as shown on Exhibit "A".

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate properties identified as Tax Lots 1N132BD00200, 1N132BD01200, 1N132BD01300, 1N132CA01200, 1N132CA01100, 1N132CA01000, 1N132CA00600, 1N132CA00700, 1N132DA01000, 1N132DA01100, 1N131AB01100, 1N131AB01200, 1N131AB01300, 1N131AB00900, 1N131AB00700, 1N131AB00600, 1N131AB00500, 1N131AB00400, 1N131AB00300, 1N131AB00200, 1N131AB00100, 1N131AA01400, 1N131AA00400, and 1N131AA00200 Campus Industrial (CI) and 1N131AA00201 Light Industrial (LI) as shown on Exhibit "A".

First reading this _____ day of _____, 2007.

Passed by the Council this _____ day of _____, 2007.

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

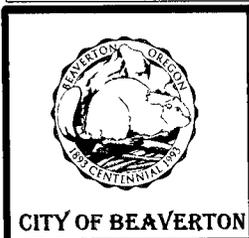
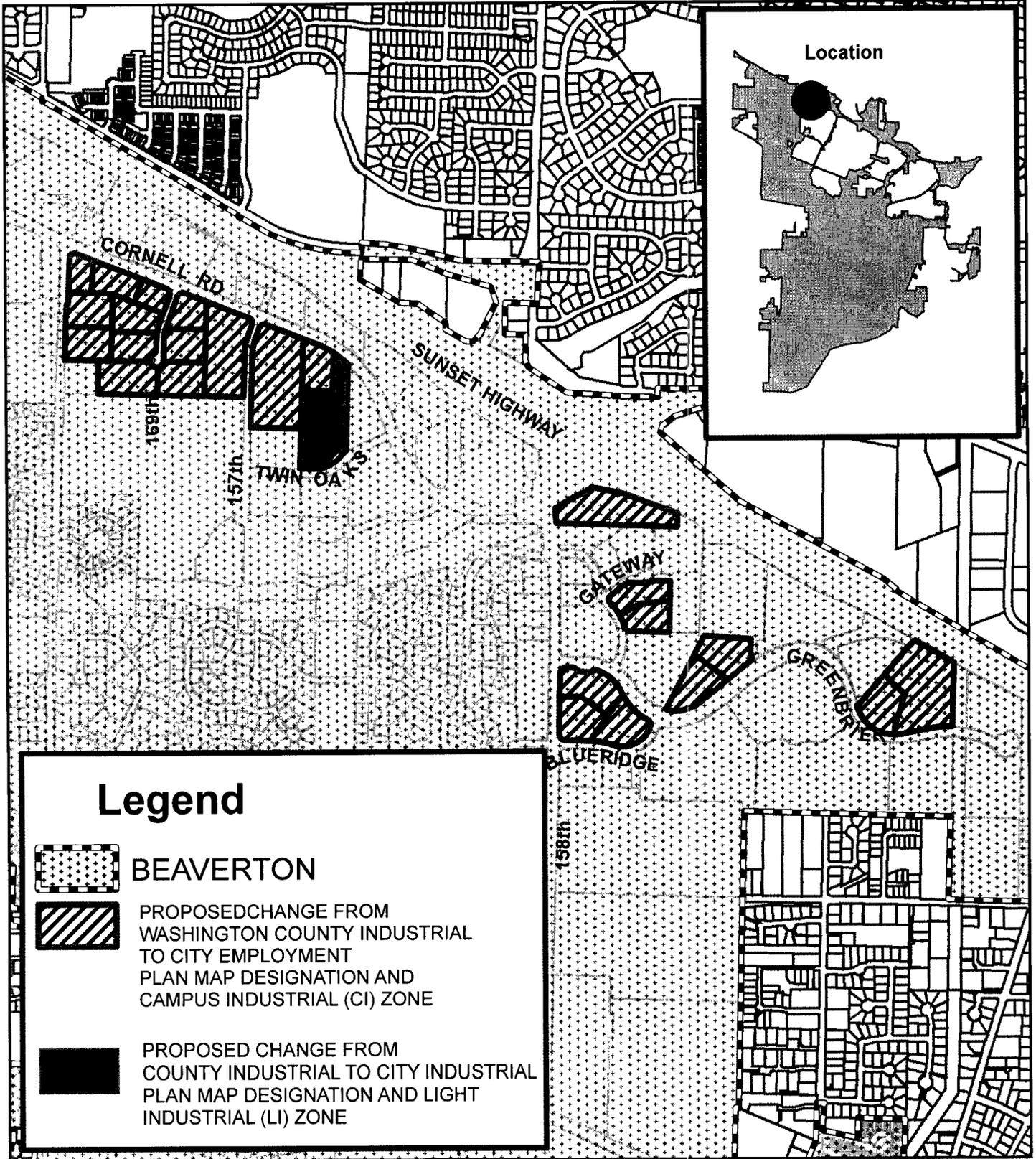
APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

EXHIBIT "A"



CPA2006-0016 ZMA2006-0021

COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

10/24/06
 TAX LOT #'S
 VARIOUS



CORNELL
 OAKS 2
 0003



CITY of BEAVERTON

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

STAFF REPORT

TO: Planning Commission

AGENDA DATE: December 13, 2006 **REPORT DATE:** 11/9/2006

FROM: Jeff Salvon, AICP, Senior Planner

SUBJECT: Land use (CPA2006-0016) and zoning (ZMA2006-0021) designations for twenty-five properties located in the Cornell Oaks and Twin Oaks industrial areas in the northern area of the City, annexed into the City in two separate actions. These annexations became effective on March 29th and June 2nd of 2005.

LOCATION: The Cornell Oaks industrial area is located south of Highway 26 and east of 158th Ave. The Twin Oaks industrial area is located south of Cornell Road and east of 173rd Ave.

REQUEST: Amend the City's Comprehensive Plan Land Use Map to show Employment (EMP) and the Zoning Map to show Campus Industrial (CI) for 24 properties, and Industrial (IND) and Light Industrial (LI) for one property.

APPLICANT: City of Beaverton Planning Services Division

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

RECOMMENDATION: **Adopt a final order recommending that the City Council adopt an ordinance applying the EMP land use designation and the CI zone to 24 of the subject properties, and the IND land use designation and the LI zone to one property.**

BACKGROUND

The twenty-five parcels, totaling approximately 47.91 acres, accommodate a variety of industrial and commercial uses. The property information includes:

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Land Use
1N131AB01100	1865 NW 169 TH PL. #100, 105, 120, 121, 200,201, 203 & 204.	1.09	services, office, low impact industrial
1N131AB00900	1885 NW 169 TH PL., 1889 NW 169 TH PL., 1895 NW 169 TH PL.	1.83	child care, office
1N131AB00700	1905 NW 169 TH PL.	1.07	office, services
1N131AB01200	1870 NW 173 RD AVE., 1890 NW 173 RD AVE.,	2.04	low impact office/ industrial
1N131AB00600	1815 NW 169 TH PL. #1040, 1060 &1080	1.8	medical lab, high tech
1N131AB01300	1815 NW 169 TH PL. # 5000, 5010, 5050, 5060, 6020 6022, 6025 & 6030	2.02	high tech, low impact office/ industrial
1N131AB00500	1815 NW 169 TH PL. # 2030, 2040, 2060, 2070, 2090 & 2100	1.67	medical, high tech office, low impact industrial
1N131AB00400	1815 NW 169 TH PL. # 3020, 3050, 3060, 3070, 3090 & 4020	2.57	high tech office, low impact industrial
1N131AB00300	1800 NW 169 TH PL. # C100, C700 & D100	2.13	high tech office, low impact industrial
1N131AB00200	1800 NW 169 TH PL. # B100, B150, B200, B250, B300 & B700	1.81	high tech office, low impact industrial
1N131AB00100	1800 NW 169 TH PL. # A200, A250, A300, A302, A305, A310 & A400	1.55	service, office, low impact industrial
1N131AA01400	1725 NW 167 TH PL. & 1825 NW 167 TH PL.	4.83	high tech office / low impact industrial
1N131AA00400	1600 NW 167 TH PL. # 300, 310, 325, 330, 345, 1700 NW 167 TH PL. # 210, 220, 230, 245, 1800 NW 167 TH PL. # 100, 110, 115, 130, 150 & 160	6.59	high services, tech, office, low impact industrial

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Use	Land Use
1N131AA00200	None	1.97	electrical substation	
1N131AA00201	16501 NW TWIN OAKS DR.	5.32	Automotive repair, storage, rental	RV truck
1N132BD00200	None	4.58	Vacant	
1N132BD01200	None	1.76	Vacant	
1N132BD01300	None	1.68	Vacant	
1N132CA01200	None	2.47	Vacant	
1N132CA01100	None	2.23	Vacant	
1N132CA01000	None	2.21	Vacant	
1N132CA00600	None	2.27	Vacant	
1N132CA00700	None	2.27	Vacant	
1N132DA01000	None	2.28	office, low impact industrial	
1N132DA01100	None	5.9	office, low impact industrial	

Compatibility of Washington County Plan/Zoning with Beaverton Comprehensive Plan Land Use Designations

The Urban Planning Area Agreement (UPAA) specifies that the appropriate City Comprehensive Plan Map designation for the County Industrial designation is divided between the City's Industrial Park, Campus Industrial, and Light Industrial designations. This is specified in Exhibit B of the UPAA titled "City-County Land Use designation Equivalents", which shows the following for industrial designations:

COUNTY	BEAVERTON	
<u>Plan/Zoning</u>	<u>Plan</u>	<u>Zoning</u>
Industrial	Industrial Park	IP
	Campus Industrial	CI
	Light Industrial	LI

In 2002 these three City Comprehensive Plan land use designations were collapsed into a single Industrial designation. At the same time, an Employment designation was added. Therefore, discretion is involved in determining whether the appropriate City designation when converting from a County Industrial designation is City Industrial or Employment.

Compatibility of Washington County Plan/Zoning with Beaverton Zoning

The UPAA specifies that the appropriate City zone for the County Industrial designation can be one of three City zoning districts – Community Service (CS), Campus Industrial (CI), or Light Industrial (LI). According to the Comprehensive Plan and Zoning District Matrix in Section 3.14 of the Comprehensive Plan, all three zones are implementing zoning districts for the City Industrial land use designation, but only the CI zone is the implementing zoning district for the Employment designation. Typically, but not always, the City has applied the Employment designation when the CI zone is applied. As to which zoning district is the most appropriate match to the County's designation, the UPAA specifies the following in a footnote to Exhibit B:

Planning Director shall determine the appropriate industrial designation based upon prevailing industrial land uses and the characteristics of individual activities, i.e., extensive outside storage, non-conforming characteristics, etc.

To fulfill this directive, staff concentrated attention upon three areas of assessment; 1) staff reviewed the Washington County policies to determine the intent associated with the development that occurred on the subject properties, 2) staff reviewed the City's original intent in the formulation of the Campus Industrial zone, and 3) staff surveyed the uses contained in the study area to determine the suitability of those uses to the City's Campus Industrial zone.

1. Washington County's Industrial Business Park Concept

Although all the subject properties are designated Industrial in Washington County, the County applied a special use standard to the subject properties. This special use provision allows a mix of non-industrial uses in industrial areas on the condition that the proportion of those uses is regulated so that quasi-industrial and non-industrial uses remain accessory to the prevailing industrial base use. This special use standard, referred to as the Industrial Business Park concept, is described in Section 430-71 of the County Development Code as follows:

Any planned industrial development which occurs on a single lot or parcel or contiguous lots or parcels designed as a coordinated environment for a variety of industrial and industrially related activities, having a development plan that ensures internal compatibility as well as compatibility with adjacent uses which occur on a parcel or contiguous parcels under single ownership or development control

This concept is intended to permit a mix of low-impact industrial and office uses with accessory restaurants and recreation and day care facilities to encourage employees working within the complex to patronize these businesses and thereby reduce the number of trips that would otherwise contribute to street traffic. The minimum site size is ten acres. In applying this concept, the County Community Development Code contains provisions requiring that development

follow a master plan that meets specific scale and interior access standards. The properties that are the subject of this application were master planned and developed under this concept.

2. The City of Beaverton's Campus Industrial Zone

The City has three industrial zones -- Light Industrial, Industrial Park, and Campus Industrial. While the first two are fairly restrictive in the uses they permit focusing primarily on industrial uses, the Campus Industrial permits a broader mix of uses in a similar manner to what the County did in establishing the Industrial Business Park concept.

Beaverton adopted the Campus Industrial Zone in 1981. The formulation of this zone was as a response to a surplus supply of underutilized industrially zoned land and a growing demand for office space that existed at the time. In a series of issue papers, the City developed their "Employment Activity Center" concept that explored the idea of combining industrial, office, retail, and services into "development control areas". The City structured the permitted distribution of these uses to limit the role of commercial retail and service as accessory to the base of industrial and office in a similar manner to what Washington County did.

This idea was proposed in large part as a response to a traffic study contained in one of the issue papers predicting that over time, trip generation patterns deriving from traditional industrial areas would generate a significant number of trips with destinations located outside the City. This scenario depicted traffic patterns that over time would severely affect street capacity. To protect against what was termed a "through traffic" phenomenon and respond to an increasing demand for office space, staff formulated the Employment Activity Center concept which combined land uses to a limited degree to reduce trip generation by reducing destinations located outside the campus.

In consideration of the similarities that exist between these two designations, staff has come to the conclusion that the City's Campus Industrial Zone most closely approximates areas characterized by the County's Industrial Business Park concept that are designated County Industrial. This is the same conclusion that has been reached in the past when annexed properties were given City plan and zoning designations.

3. Existing Uses

Staff performed a field survey of businesses that occupy the area proposed for Land Use Map and Zoning Map amendment and observed the overall character of development to generally be consistent with the Campus Industrial zoning concept. Staff observed a variety of uses within close proximity to one-another occupying single story building complexes. Uses observed include manufacturers of machine components, high tech and communication companies which combined manufacturing with office functions, corporate headquarters, and medical research laboratories.

A variety of services were also included ranging from mortgage brokerages, law offices, insurance firms, real estate firms, and travel agencies, to a day-care facility. While there were instances where a single business was the sole occupant of a building, most businesses inhabited a unit within a larger complex. These complexes featured internal traffic features, well maintained landscaping, were devoid of exposed machinery and outdoor storage, and incorporated attractive design elements that gave the development an integrated campus feel – consistent with the City's Campus Industrial Zone. Finally, staff observed that the Campus Industrial zoning predominates the area surrounding and adjacent to the subject parcels that are within the City limit.

All uses observed would be permitted either outright or with some measure of discretion under either County Industrial or City Campus Industrial with one exception. Tax lot 1N131AA00201 contains an auto repair facility which is expressly prohibited under Beaverton's Campus Industrial Zone, and an RV storage facility which is prohibited by omission. In the interest of insuring that the existing uses on this property comply with the underlying zoning designation and do not become non-conforming uses, staff is recommending that the City apply the Industrial Land Use Map designation and the Light Industrial Zoning district to this piece of property.

Development Control Area requirements - It should be noted that although the existing uses currently on the ground are permitted under the County's Industrial designation, many are non-industrial in nature and would be subject to criteria that limit or may in some cases prohibit the amount of non-industrial use that can occur in the City's Campus Industrial Zone. Under the Development Control Area provision, development proposals for uses that are restricted to a percentage of the area zoned CI must demonstrate that the proportion of CI that allows that use has not been exceeded. Specifically, office employment activities are grouped with various other non-industrial uses and together limited to no more than 60 percent of the area zoned CI. Retail uses are limited to 10 percent of the area zoned CI. If the proportion allocated to that use has reached or surpassed the allotted capacity then the developer's proposal would normally be prohibited.

Washington County has a similar restriction under the Industrial Business Park provision that roughly resembles the City's Development Control Area concept. Under the County's rules, the proportion of office, restaurants, recreational facilities, and other non-industrial uses are similarly restricted by proportion. Section 430-71.2 of the County Community Development Code states that no more than 50 percent of the maximum allowable lot coverage may utilized for specified non-industrial uses. The disparity of proportional allowance for non-industrial uses would indicate that the County's requirements are more restrictive than the City's. Therefore, if would follow that in rezoning the proposed properties, the City will not have exceeded its non-industrial cap. In making this

assumption however, staff presumes that the County's threshold criteria concerning proportional limits on non-industrial uses have been appropriately applied. Staff regards all existing uses as legally compliant and exempts these properties from meeting the City's development control area test should the proposed rezone result in exceeding the maximum proportion permitted under the City's Development Control Area specifications.

Given the nature of the uses that exist on the subject properties, and the observed ability of these uses to comply with the provisions contained in the City's Development Control Area concept, staff believes that, with the one exception discussed above, the City's Campus Industrial Zone most closely compares to areas characterized by the County's Industrial Business Park concept and thereby most closely approximates the County Industrial designation. Given that previous annexation related Comprehensive Plan Land Use Map amendments in this area have consistently applied the Employment designation in association with the application of the CI zone, staff concludes that would be the appropriate designation to apply to all the subject properties so zoned.

Sunset West Community Plan

The property depicted on Map 1 is located in Washington County's Sunset West Community Plan Area. Staff reviewed the text of the Sunset West Community Plan and determined that there are three significant natural and cultural resources that must be addressed as part of this proposal. They are as follows:

1. Willow Creek – The south fork traverses the Cornell Oaks Industrial Park as a very defined and localized open channel. Although no design elements or area of special concern designations apply to this feature, this channel is identified on the Significant Natural and Cultural Resources map under the Water Area and Wetland category. No segment of this waterway passes through any of the properties in this proposal. However, the southern boundary of tax lot 1N132CA01000 (at the southwestern edge of Greenbrier Parkway and Gateway Court) is defined by this feature. Staff has assessed the channel and determined that the drainage is directed under the street into a pipe sufficient to contain the flow capacity that would occur in a 100 year flood. Therefore, since no flood encroachment would occur on the tax lot, it is not considered to be within a drainage hazard area.

2. Willow Creek wetland – a large portion of tax lot 1N132BD00200 contains a wetland identified on the Plan as a Significant Natural Resource. This feature has a small water inlet that is piped under Highway 26 from a small area just south of Cornell Road and an outlet into Willow Creek primary channel. The wetland also functions as a drainage basin for the on-ramp to Highway 26 from Cornell Road. Although the Sunset West Plan does not associate any areas of special concern or specific design elements with this feature, this wetland does have standing water on a year-round basis and is vegetated with native wetland

vegetation. This in itself would make the prospect of development on the property very difficult. Staff observed that limited development may be possible on the eastern portion of the property (limited perhaps to an extension of an existing parking lot). However, that development (if at all feasible), will require that the proposal satisfy rules and standards enforced by the Federal Emergency Management Administration, the Army Corp of Engineers, the Oregon Department of State Lands, and Clean Water Services. Since these rules supersede both Washington County and the City of Beaverton's authority, the proposed Plan designation and zoning change will have no effect upon preservation of this feature or the kind of development that could occur.

3. The PGE power line easement – A significant portion of tax lot 1N131AA00201 is occupied by a PGE power line easement. This feature is addressed specifically among the design elements contained in the Sunset West Community Plan. The Plan states:

The power line easement through the Tanasbourne subarea has been identified as a part of the proposed off right-of-way bike route system in the Transportation Plan. For development that occurs adjacent to the power line easement, the opportunity to establish a bike route using the power line easement shall be considered an important site design element in the development review process.

The alignment of the trail conforming to the PGE power line easement is being planned by the Tualatin Hills Park and Recreation District (THPRD) as part of their Trails Master Plan. Identified in the Plan as the Waterhouse Powerline Trail, the segment of trail that is proposed to follow the PGE power line corridor does not extend on to the subject property. Instead, the alignment of the trail is proposed to divert from the easement just south of the property. Following the map, the trail occupies the power line easement from SW Jenkins Road northward to the Bethany Court which is approximately 600 feet south of taxlot #1N131AA00201. At that juncture a proposed alignment diverts from the PGE power line easement and extends east on Bethany Court to its intersection with Bethany Blvd. It then proceeds on Bethany Blvd. around the subject property, over Highway 26, and continues west on NW Bronson Rd. where it reconnects with the PGE power line corridor. The City of Beaverton's Bicycle Master Plan conforms to this diversion so as to conform to THPRD's Trails Master Plan. Because the trail is not indicated on either of these plans to affect the subject property, this design element does not apply to this proposal.

Special Policy II.A. of the UPA states in part "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has not advised the city of adopted policies which may apply to the annexed area.

PROCESS

Threshold: The subject properties are all designated on the County's Sunset West Community Plan Map as Industrial. The Urban Planning Area Agreement specifies that the appropriate City Comprehensive Map designation for County Industrial can be one of three City Plan designations – Community Service, Campus Industrial, or Light Industrial. In 2002 the City amended its Comprehensive Plan to replace these three designations with a single "Industrial" designation but also added an "Employment" designation. Because the City has discretion in determining whether to apply the Industrial or the Employment designation to the subject properties, the CPA qualifies as a discretionary annexation related map amendment.

According to Development Code Section 40.97.15.4.A, "An application for Discretionary Annexation Related Zoning Map Amendment shall be required when the following threshold applies:

1. The change of zoning to a City zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation."

Pursuant to the UPAA, the City can apply one of three zones to the subject property -- IP, CI or LI. Since this involves the exercise of discretion, the ZMA qualifies as a Discretionary Annexation Related Zoning Map Amendment.

Procedure Type: The Type 3 procedure applies to these types of applications as described in Section 1.3 of the Comprehensive Plan and Section 50.45 of the Development Code.

Submission Requirements: According to Development Code Section 40.97.15.4.D. an application for a Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. Because the annexations of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement was submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinances 4339 and 4349.

Public Notice: Section 1.3.4.3(a) of the Comprehensive Plan prescribes the notice to be provided for these types of applications. Notice must be mailed to the State Department of Land Conservation and Development (DLCD), Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement at least 45 days prior to the initial hearing. At least 20 days from the

hearing notice must be mailed to the affected NAC and CPO and surrounding property owners within 500 feet, posted in three conspicuous places in the city, and published in a local newspaper. Additionally, for a zoning map amendment the City Charter requires sending notice of the public hearing by certified mail to all owners of record of the subject properties at least 30 days in advance.

In response to these requirements:

1. Legal notice will be published in the Beaverton Valley Times on 11/16/06.
2. Notice was mailed to the Five Oaks/Triple Creek Neighborhood Association Committee, the Sunset West Citizen Participation Organization, and Chair of the Committee for Citizen Involvement (CCI) on 10/26/06.
3. Notice was mailed to the owners of the subject properties by certified mail on 11/6/06. On the same date notice was mailed to owners of surrounding properties within 500 feet of the subject properties.

Neither the City Council nor the Planning Commission has directed staff to provide additional notice for this amendment beyond the notices described above. However, notice and this staff report will be posted on the City of Beaverton's public web site. The notice requirements for this CPA/ZMA will be met.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.3.1 includes the following minimum criteria for amendment decisions:

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

Of the 19 Statewide Planning Goals, Goals One, Two, Five, Nine and Twelve are applicable to the proposed map amendment.

Goal One: Public Involvement

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

This proposed amendment is subject to the public notice requirements of the City Charter and Comprehensive Plan Section as described in the previous section of this report on process.

At the hearing, the Planning Commission considers written comments and oral testimony before they make a decision. The amendment procedures outlined in Comprehensive Plan Section 1.3 allow for proper notice and public comment opportunities on the proposed Comprehensive Plan amendment as required by this Statewide Planning Goal. As noted above, these procedures have been followed.

Findings: Staff finds that the City through its Charter, Comprehensive Plan and the State through numerous statutes have created proper procedures to insure citizens the opportunity to have input in the proposed Comprehensive Plan Land Use Map amendments and that those procedures have been complied with.

Goal Two: Land Use Planning

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

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps, in a three-part report (Ordinance 1800) along with implementation measures, including the Development Code (Ordinance 2050) in the late 1980's. The City adopted a new Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The proposed Plan, including a new Land Use Map, was the subject of numerous

public hearings and considerable analysis before being adopted. The adopted Plan and findings supporting adoption were deemed acknowledged pursuant to a series of Approval Orders from the Department of Land Conservation and Development, the last of which was issued on December 31, 2003. In 1989, the City and Washington County adopted the Urban Planning Area Agreement (UPAA), which is now section 3.15 of the Comprehensive Plan. The land use planning processes and policy framework described in the UPAA, Development Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments.

As noted earlier in this report, the UPAA dictates that the Planning Director shall determine which of the three City industrial zone designations is most appropriate for land designated Industrial under the County's standards based on prevailing industrial land uses and characteristics of individual activities, i.e., extensive outside storage, non-conforming characteristics, etc. Staff assessed the prevailing characteristics in the analysis provided earlier in this report, and determined that the City's Campus Industrial most closely approximates the County's industrial and more specifically, the County's Industrial Business Park standards applied to the area.

In 2002, in attempting to implement Metro Code Section 3.07.130, which requires that local governments incorporate 2040 Growth Concept Design Types into the Comprehensive Plan, the City adopted Employment as one of its land use designations. As part of that action, the City amended Section 3.14 of the Comprehensive Plan which specifies that for any application of the Campus Industrial Zone to a piece of property, the City's Employment or Industrial designations be applied as a corresponding Land Use Plan designation. This component of the Plan has been acknowledged by the State of Oregon to comply with Goal 2. In applying this policy as part of the proposed amendment, the proposal meets the criteria of Goal 2.

Findings: Staff finds that in applying the state acknowledged Comprehensive Plan provisions to this proposal, the requirements contained of Goal 2 have been met.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
To protect natural resources and conserve scenic and historic areas and open spaces.

The City of Beaverton has a *Significant and Important Natural Resources and Other Important Natural Resources* inventory completed in 1984, a significant tree inventory (not Goal 5) adopted by the Board of Design Review in 1991, a *Local Wetland Inventory* and an *Urban Riparian Assessment* from 2000. These inventories, with the exception of the Significant Tree Inventory, are found in Volume 3 of the Comprehensive Plan. The City has also adopted a *Historic*

Resources Inventory with Important and Significant resources subject to special regulations in the Development Code. No property proposed for the amendments is within a mapped area on the Beaverton Local Wetland Inventory.

Parcel number 1N132BD00200 is within the City's Habitat Benefit Areas map classified as Riparian Corridor Habitat Classes I and II. The site is a large wetland covering the 4.58 acre property. The lowest part of the site is at 200 feet elevation above sea level with the property sloping to 220 feet at the highest point. This area serves as a drainage basin for the on-ramp to Highway 26 from Cornell Road. The site, according to summer aerial photos, appears to hold water year round. The site also appears to have been contoured to store and retain water prior to flowing into the main stem of Willow Creek.

The proposal to apply the City's Employment Land Use Plan designation and the City's Campus Industrial Zoning Map designation will not affect the city's ability to implement its natural resource regulations.

Findings: Staff finds that the City has an adopted Goal 5 inventory and appropriate land use regulations to protect or conserve the resources in the inventory as required by Goal 5. Therefore, staff finds that this goal is inapplicable to the amendment.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 9 specifies that Comprehensive plans for urban areas shall; "...[p]rovide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies". Goal 9 also specifies that Comprehensive plans for urban areas shall "[l]imit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses."

As indicated in the City/County zone compatibility analysis section of this report, the City established the Campus Industrial Zone in 1981 as a response to prevailing market conditions that reflected a lagging demand for industrial uses and an increasing demand for office space. In establishing the development control area concept as part of the CI Zone, the City not only fulfilled the intent to develop properties in the appropriate areas to their highest and best use, but also followed the concept of limiting the number and length of auto trips by employees working within those complexes to buy consumer goods and services. Given that both the County's and the City's concepts were established to maximize economic potential for properties suitable for a mix of industrial and commercial uses, staff regards the proposal to apply the City's CI zoning and compatible

Employment Comprehensive Plan Map Land Use designation to the subject properties as complying with the intentions expressed in Goal 9.

Findings: Staff finds that in establishing the Industrial Business Park planning standards, and in establishing the Development Control criteria applicable to the Campus Industrial Zone for the purpose of creating jobs and meeting the economic conditions applicable to the demand for new land uses, Washington County and the City of Beaverton provided adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. This amendment complies with Goal 9 of the Statewide Goals.

Goal 12: Transportation

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

As indicated in the City/County zone compatibility analysis section of this report, it was established that a crucial motivation in establishing the Campus Industrial Zone in 1981 was to reduce the number of auto trips that derive from CI developments on surrounding streets. Similarly, Washington County established standards for their Industrial Business Park concept requiring that for institutions such as banks, savings and loans and credit unions have access on interior streets – a standard that is meant to encourage trips that begin and end within the same or an adjacent complex.

Findings: Staff finds that applying the City's CI Zoning District and Employment Comprehensive Plan Land Use Map Designation to the to properties conforms with the provisions expressed in Oregon's Goal 12.

Summary Findings: Staff finds that the City and Washington County have established a land use planning process and policy framework as a basis for assigning land use and zoning designations for recently annexed land. The proposed actions are those specified by the acknowledged Urban Planning Area Agreement between the City and Washington County. This amendment complies with Goals One, Two, Five, Nine, and Twelve. Criterion 1.3.1.1 is met.

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

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

3.07.830 of the UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:

“For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map...” The 2040 Growth Concept Plan map designates the parcels included in this proposal under the Employment Area design type. Section 3.07.130 of the UGMFP describes Employment Areas as: “[v]arious types of employment and some residential development are encouraged in employment areas with limited commercial uses.” The City adopted the Employment Land Use Map designation in 2002 (Ordinance 4187) and in so doing, achieved compliance with Urban Growth Management Functional Plan (UGMFP).

In regard to the individual parcel for which the Industrial Comprehensive Plan Land Use designation is proposed, staff determined it to be an appropriate alternative to Metro’s application of the Employment designation. This assessment derives from the fact that the City’s Industrial designation is as restrictive or more restrictive than Employment, depending on the implementing zone applied.

Findings: The Employment and Industrial Land Use Map designations with their implementing Zoning Map designation of Campus Industrial and Light Industrial are compatible with the Employment design type. The proposed amendment is simply to apply these designations to the subject properties. Criterion 1.3.1.2 is met for the proposed amendments.

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

Applicable Comprehensive Plan procedures are found in Sections 1.3 (Amendment Procedures) and 2.6.3 (Annexation Related Map Amendments). These Sections require that annexation related Comprehensive Plan and Zoning Map amendments should be those stipulated by the UPAA. The UPAA specifies that when an annexed property has a Industrial designation it is to be given the City’s Industrial Park, Campus Industrial, or Light Industrial Comprehensive Plan Map land use designation and either a I.P., C.I., or L.I. Zoning Map designation. The UPAA further requires that the “Planning Director shall determine the appropriate industrial designation based upon prevailing industrial land uses and the characteristics of individual activities, i.e., extensive outside storage, non-conforming characteristics, etc.

Staff provided analysis in this report to determine which Comprehensive Plan Land Use Map designation was most appropriate for the County's Industrial designation, taking into consideration various amendments that have been made to the City's Zoning and Plan Map designations since the UPAA was adopted. The UPAA further requires the City to review the appropriate Community Plan, which in this case, is the Sunset West Community Plan. The subject properties are not in an Area of Special Concern; however, there is one specific design element applicable to a single property and two properties that have County Significant Natural and Cultural Resources Map features associated with them. These features were addressed earlier in this report and the proposed amendments determined to have no affect upon these features.

Findings: This amendment is consistent with the Urban Planning Area Agreement and therefore Criterion 1.3.1.3 is met.

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

It is the intent of the UPAA to provide for a smooth transition from County designations to City designations by identifying designations that most closely approximate the County's designations and establishing the terms of related amendments subsequent to annexation. As such, the general premise of the UPAA of devising a process for coordinating comprehensive planning efforts in the annexation of property in order to minimize impacts that would be detrimental to quality of life, including the economy, environment, public health, safety or welfare. Staff analyzed numerous aspects of the proposal and found no significant impacts. To the contrary, property owners may benefit from the application of City designations to their property when applying for development services since City employees are more familiar with City regulations than County regulations. Staff finds that the proposed amendments will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare.

Findings: Criterion 1.3.1.4 is met for the proposed amendment.

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

The UPAA was developed to ensure that City designation of annexed property would have minimal impact to surrounding areas, public facilities and services. Existing public facility capacity is addressed in the separate annexation process

and adequate public facility capacity for any proposed development will be addressed in the development review process. No adverse impacts on public facilities and services have been identified in connection with this proposal.

Findings: Criterion 1.3.1.5 is met for the proposed amendment.

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

This amendment is associated with an annexation that added property to the City. Annexation amendments are governed by the UPAA, which stipulates that the City designation most similar to the County designation, at the time of annexation, will be applied.

Findings: Criterion 1.3.1.6 does not apply to Comprehensive Plan Map or Zoning Map amendments associated with an annexation.

ZONING MAP AMENDMENT CRITERIA

Pursuant to Development Code Section 40.97.15.4.C (Discretionary Annexation Related Zoning Map Amendment - Approval Criteria) " In order to approve a Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:"

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

As noted in the Process section of this report, the UPAA is not specific in regard to which of three City industrial zones should be applied to the County's Industrial zone. Instead, the UPAA specifies that the "Planning Director shall determine the appropriate industrial designation based upon prevailing industrial land uses and the characteristics of individual activities, i.e., extensive outside storage, non-conforming characteristics, etc".

Finding: Staff finds that the proposed request satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.

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

The City is assuming the role of the applicant in the proposed rezone and does not require that the City collect a fee from itself. No fees are due nor have any been collected.

Finding: Staff finds that this criterion is not applicable.

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

In the City / County Zone Compatibility Analysis section of this report, staff compared and identified the zoning district most similar to the County's Industrial designation – focusing primarily on the County's Industrial Business Park provision that reflects the kind of prevailing uses that exist on the subject properties. With one exception, the analysis concluded that the City's Campus Industrial Zone most closely approximates the Industrial Business Park provisions permitted in Washington County's Industrial district. The one exception, Tax lot 1N131AA00201, contains an auto repair facility which is expressly prohibited under Beaverton's Campus Industrial Zone, and an RV storage facility which is prohibited by omission. In the interest of insuring that the existing uses on this property comply with the underlying zoning designation and do not become non-conforming uses, staff is recommending that the City apply the Industrial Land Use Map designation and the Light Industrial zoning district to this piece of property.

Finding: Staff finds that after detailed analysis and for the reasons provided in the City / County Zone Compatibility Analysis section of this report, the Campus Industrial Zone most closely approximates the Washington County Industrial Zone for all but one of the subject properties. For that property, the Light Industrial Zone is most appropriate.

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

In comparing the suitability of the City's industrial zones with Washington County's Industrial designation staff examined the County Comprehensive Framework Plan, the Sunset West Community Plan, and Community Development Code. Staff examined possible impacts that might be incurred upon the properties from restrictions associated with both the County's Industrial Business Park and the City's development control areas. Staff also assessed the County's areas of Special Concern, general design elements, specific design elements and significant natural and cultural resource designations to insure that

where restrictions associated with special plan provisions apply to the subject properties, they were properly addressed.

Finding: *The proposed zoning designations are consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.*

CONCLUSION

Based on the findings in this report, staff concludes amending the Comprehensive Plan Land Use Map to show the City Employment designation and the Zoning Map to show the Campus Industrial Zoning District is appropriate for all subject properties with the exception of 1N131AA00201 for which the Industrial designation and the Light Industrial Zoning District is most appropriate.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: An Ordinance Regulating the Possession of Replica Firearms in Public Places **FOR AGENDA OF:** 1-22-07 **BILL NO:** 07025

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney 

DATE SUBMITTED: 1-17-07

CLEARANCES: Police 

PROCEEDING: FIRST READING

EXHIBITS: 1. Ordinance

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0.00	BUDGETED \$0.00	REQUIRED \$0.00

HISTORICAL PERSPECTIVE:

In Summer, 2006, the Chief of Police asked the City Attorney to study and draft an ordinance regulating the possession of realistic-appearing toy guns in public places. The Police Department furnished a copy of New York City provisions pertaining to such regulations. The two departments compiled additional information and drafted legislative provisions. Thereafter, a Council Presentation/Work Session was held on December 11, 2006, to explain why the City may want to regulate realistic-appearing toy guns and to allow the Council to comment on a conceptual draft of the attached Ordinance. Based on comments received at the Council Presentation/Work Session, a draft ordinance was prepared. A public hearing on the draft ordinance was held on January 22, 2007, prior to first reading of this Ordinance.

INFORMATION FOR CONSIDERATION:

The Ordinance applies to imitation guns that substantially resemble real firearms. One common term for such replicas is an "AirSoft" gun. Despite their appearance as a real gun, these replicas discharge a non-lethal plastic pellet. The Ordinance forbids the visible possession of a replica firearm in a public place and the pointing or discharging of a replica firearm at another person if the other person is in a public place. A first offense is punishable as a civil violation. Repeat offenses, and any offense involving a replica firearm committed on or within 1,000 feet of school premises, is punishable as a misdemeanor. Additional information about the Ordinance is included in the exhibits to the Agenda Bill pertaining to the December 11, 2006, Council Presentation/Work Session and the January 22, 2007, public hearing. Those materials are incorporated herein by this reference.

RECOMMENDED ACTION:

First Reading of Ordinance.

Agenda Bill No: 07025

ORDINANCE NO. 4423

AN ORDINANCE REGULATING THE POSSESSION OF REPLICA FIREARMS IN PUBLIC PLACES

WHEREAS, non-projectile toys and non-lethal projectile weapons such as one commonly known as an “AirSoft” gun, can be manufactured with coloring and dimensions identical to genuine, lethal firearms; and

WHEREAS, such replica firearms can be indistinguishable from authentic weapons, even to a trained and knowledgeable observer such as a police officer; and

WHEREAS, the appearance of a replica firearm in a public place can create a public disturbance or alarm, which distress can escalate into an unnecessary fatality if deadly force is employed to overcome the reasonably perceived lethal threat; and

WHEREAS, it is appropriate to regulate the appearance of replica firearms in public places to reduce the possibility of unnecessary harm or death; and

WHEREAS, Council instructs city staff to create a public information campaign about the public risks of imitation firearms, which campaign shall precede the effective date of this Ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended in Chapter Five by adding the following:

“5.08.250 Short Title. BC 5.08.250 – .270 shall be known and may be cited as the ‘Replica Firearms Ordinance’ and may also be referred to herein as ‘this ordinance.’

“5.08.255 Definitions. For the purposes of this ordinance the following terms have the stated meanings:

Blaze orange tip - Either a plastic plug or a permanent marking which is colored blaze orange, which covers the barrel of a replica firearm from the muzzle end for a depth of at least 6 millimeters, the placement of which is required by Federal law.

Laser pointer - A device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

Replica firearm - Any device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm. A device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm shall

not be deemed a replica firearm if:

A. The device is constructed entirely of opaque materials colored bright red, bright orange, bright yellow, bright pink or bright purple, either singly or as the predominant color in combination with other listed colors; or

B. The device is constructed entirely of transparent or translucent materials that permit unmistakable observation of the complete contents of the device; or

C. The device is constructed entirely of a mixture of materials described in subsections (A) and (B) of this definition.

Replica firearm merchant - A retail operation, such as a hobby shop, sporting goods store, or firearms store, that is a place of sale to ultimate consumers of replica firearms for direct consumption, operating in a commercial structure or storefront, with premises open to the general public during business hours.

School premises - The real property comprising a public or private elementary, secondary or career school attended primarily by minors.

“5.08.260 Prohibitions.

A. No person shall possess a replica firearm in a public place.

B. No person shall intentionally, knowingly, recklessly, or with criminal negligence point or discharge a replica firearm at another person, said other person being located in a public place.

C. No person shall possess on school premises a device that otherwise would be a replica firearm but for the fact that:

1. The entire exterior surface of the device is colored bright red, bright orange, bright yellow, bright pink or bright purple, either singly or as the predominant color in combination with other listed colors; or

2. The device is constructed entirely of transparent or translucent materials that permit unmistakable observation of the complete contents of the device.

“5.08.265 Affirmative Defenses.

A. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(A) that:

1. The defendant possessed the replica firearm in a public place other than on school premises and the replica firearm was completely concealed within an opaque container;

2. The defendant possessed the replica firearm on school premises, the defendant was an employee or agent of the school acting within his or her official duties, and the replica firearm was completely concealed within an opaque container;

3. The defendant was employed as a peace officer as defined in ORS 133.005 and possessed the replica firearm within his or her official duties;

4. When the defendant possessed the replica firearm, he or she was using or intending to use it for or in the production of a motion picture, television program or

theatrical presentation, and one or more of the following circumstances is present:

- a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or
- b. All of the persons involved in the production are at least 18 years of age; or
- c. One or more person involved in the production holds a valid membership in The Associated Actors and Artistes of America (4As) or The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE).

5. The defendant possessed the replica firearm where all the following conditions are present:

- a. The replica firearm is possessed in the course of commerce, or for service or repair, by a replica firearm merchant, or a patron or wholesaler of such a merchant; and
- b. The replica firearm is possessed within the merchant's commercial storefront or structure in which the merchant's business is located; and
- c. The replica firearm merchant holds a current, valid City of Beaverton business license; and
- d. The replica firearm does not bear an attached laser pointer.

B. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(B) that:

1. The defendant was employed as a peace officer as defined in ORS 133.005 and discharged the replica firearm within his or her official duties;
2. When the defendant discharged the replica firearm, he or she was discharging it for or in the production of a motion picture, television program or theatrical presentation, and one or more of the following circumstances is present:

- a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or
- b. All of the persons involved in the production are at least 18 years of age; or
- c. One or more person involved in the production holds a valid membership in either The Associated Actors and Artistes of America (4As) or The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE).

C. A defendant may establish by a preponderance of the evidence an affirmative

defense to a charge of violating BC 5.08.260(C) that:

1. The defendant possessed the device on school premises, the defendant was an employee or agent of the school acting within his or her official duties, and the device was completely concealed within an opaque container;
2. The defendant was employed as a peace officer as defined in ORS 133.005 and possessed the device on school premises within his or her official duties;
3. When the defendant possessed the device, he or she was using or intending to use it for or in the production of a motion picture, television program or theatrical presentation, and one or more of the following circumstances is present:
 - a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or
 - b. All of the persons involved in the production are at least 18 years of age; or
 - c. One or more person involved in the production holds a valid membership in either The Associated Actors and Artistes of America (4As) or The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE).

“5.08.270 Penalties.

- A. Except as provided in subsections (B), (C) and (D) of this section, violation of BC 5.08.260 is a Class A violation punishable by a fine of not less than \$250.
- B. Violation of BC 5.08.260(A) or (B) is a Class A violation punishable by a fine of not less than \$500 if the unlawfully possessed or discharged replica firearm bears an attached laser pointer or has had its blaze orange tip removed or covered with paint, tape, or similar opaque substance.
- C. Violation of BC 5.08.260(A) or (B) is a Class C misdemeanor if the offense occurs on or within 1,000 feet of school premises.
- D. Violation of BC 5.08.260(A), (B) or (C) is a Class A misdemeanor if within five years to the date of the current offense the defendant has been convicted previously of a violation of BC 5.08.260(A), (B) or (C) or a counterpart thereof in another jurisdiction.
- E. In addition to and not in lieu of any other sentence a court may impose, a court may require a defendant convicted under BC 5.08.560 to forfeit any rights of the defendant in the device or replica firearm unlawfully possessed or discharged.”

Section 2. This Ordinance shall take effect on March 31, 2007. A 30-day public information campaign shall precede the effective date of this Ordinance to inform citizens about the public risks of replica firearms. At minimum, the publication of a City news release on or before March 30, 2007, sent to selected major media covering the Beaverton area announcing the enactment

and the effective date of this Ordinance shall fulfill the requirements of this section.

Section 3. BC 5.08.225 of the Beaverton Code, Discharging a Weapon, is amended to read:

“5.08.225 Discharging a Weapon.

A. No person shall intentionally discharge a firearm into or across a public place or while located in a public place.

B. No person shall intentionally discharge a pellet gun, BB gun, bow and arrow, sling shot, or other similar weapon that expels a projectile by means other than by the action of smokeless powder.

C. This section shall not prohibit the discharge of a firearm or a weapon that expels a projectile by means other than by the action of smokeless powder while at a reasonably safe and regularly operated firing range.

D. This section does not prohibit the discharge of a replica firearm displayed in accordance with the Replica Firearms Ordinance or the discharge of a weapon that expels a projectile by means other than by the action of smokeless powder, so long as the projectile expelled upon discharge is one of the following:

1. A commercially-manufactured spherical projectile which contains paint and which is designed to break and splatter upon impact, commonly known as a “paintball;”

2. A commercially-manufactured spherical projectile with a diameter between and including 5.98 and 8 millimeters, constituted of common styrene plastic or biodegradable plastic, weighing no more than .36 gram per sphere.

E. A person who violates this section commits a Class B misdemeanor.”

First reading this ____ day of _____, 2007.

Passed by the Council this ____ day of _____, 2007.

Approved by the Mayor this ____ day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Ordinance No. 4060, Engineering Design Manual and Standard Drawings

01/22/07
FOR AGENDA OF: ~~01/08/07~~ **BILL NO:** 07010

Mayor's Approval: 
DEPARTMENT OF ORIGIN: Public Works 

DATE SUBMITTED: 12/26/06

CLEARANCES: City Attorney 
Transportation 

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

EXHIBITS: 1. Ordinance

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The *Engineering Design Manual and Standard Drawings* amendment responds to updates and additions of engineering standards. A multi-year coordinated effort by Public Works, Community Development, City Attorney departments and Tualatin Valley Fire and Rescue produced the draft ordinance that is proposed for adoption as Exhibit 1.

INFORMATION FOR CONSIDERATION:

The proposed changes to the *Engineering Design Manual and Standard Drawings* ("the Manual") include simplifying the title, defining and clarifying standards for driveways, private streets, parking lot driveways and parking lot aisles, adding new text, and clarifying and at times reorganizing existing text. The amendments are proposed in order to continue to improve the Manual and keep it up to date. Several new drawings are added and several existing drawings are updated and clarified.

The process for review and comment on the proposed changes in Exhibit 1 began in early 2005 with the development of initial text amendments to define driveways and private streets and establish standards. After meeting with the development community through the Development Liaison Committee, staff proceeded with an intergovernmental and interdepartmental discussion of these standards. Tualatin Valley Fire and Rescue and City staff concluded that for health and safety reasons, private streets need to be built to public standards. The flexibility to modify street design remains through the Manual's Design Modification Process. Subsequent in-house reviews of the amendment resulted in additional updates and clarifications to various other chapters and sections.

The proposed Ordinance embodies the changes made to the Manual. The Ordinance is ready for the required readings. It is important to process this ordinance with the ordinance that amends the *Development Code*, TA 2006-0011, which is also scheduled for First Reading at this meeting. Together, these amendments clarify and at times add related transportation provisions to the *Development Code* and remove engineering standards from the *Development Code* and place them in the updated *Engineering Design Manual*. The amendments have completed their final City review and are ready to be processed for first reading.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

EXHIBIT 1

ORDINANCE NO. 4417

**AN ORDINANCE AMENDING ORDINANCE NO. 4060,
THE ENGINEERING DESIGN MANUAL AND STANDARD DRAWINGS,
BY REVISING TEXT AND ADDING STANDARD DRAWINGS**

WHEREAS, BC 9.05.045(C) authorizes the City Engineer to maintain the “Engineering Design Manual and Standard Drawings” as the working compilation of all applicable technical standards adopted by the City Council; and,

WHEREAS, the purpose of the proposed amendment is to update, clarify, add, and delete text where appropriate in the Engineering Design Manual to keep the information and standards up to date and understandable;

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Findings and Purpose. As developments are constructed within the city, the city may require that public improvements be included in those developments. Uniformity in the design, construction, and administration of such public improvements is required to allow the improvements associated with one development to work well with public improvements associated with other developments and to ensure the safety of the public through consistency in the operational characteristics of public improvements.

To aid in the consistent interpretation, application, and implementation of its development requirements, the City has authorized its City Engineer to propose technical standards relating to the design, construction, and administration of public improvements.

As required by the BC 9.05.045(C), the City Engineer will continue to maintain and update as appropriate the “Engineering Design Manual and Standard Drawings” as the working compilation of all applicable technical standards adopted by the City Council, whether by resolution or ordinance.

Section 2. The Engineering Design Manual and Standard Drawings, Ordinance No. 4060, is hereby amended as set forth in Exhibit A, which is hereby incorporated therein by reference and adopted.

Section 3. Savings Clause.

A. Nothing in this Ordinance shall affect a site development permit or other permit related to the development of land issued before the effective date of this Ordinance.

B. Nothing in this Ordinance shall affect a site development permit or other permit related to the development of land issued on or after the effective date of this Ordinance, provided the City first received the application for the permit before the effective date of this Ordinance.

C. Nothing in this Ordinance shall affect the City's consideration of an application for a site development permit or other permit related to the development of land, provided the City first received the application for the permit before the effective date of this Ordinance.

Section 4: 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 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 8th day of January, 2007.

Passed by the Council this ___ day of _____, 2007.

Approved by the Mayor this ___ day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

01/22/07

SUBJECT: An Ordinance Amending Ordinance No. 2050, the Development Code, By Amending and Adding Provisions Relating to Transportation TA 2006-0011

FOR AGENDA OF: 01/08/07 **BILL NO.:** 07011

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Public Works *[Signature]*

DATE SUBMITTED: 12/26/06

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

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

- EXHIBIT:**
1. Ordinance
 2. Land Use Order No. 1932
 3. PC Minutes 11/29/06 and 12/13/06
 4. Staff Report Dated 11/9/06
 5. Staff Memo Dated 12/6/06
 6. Comment Memo Dated 12/7/06

BUDGET IMPACT

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

On November 29, 2006, the Planning Commission held a public hearing to consider TA 2006-0011 Transportation-related Text Amendment. TA 2006-0011 proposes to amend Development Code Sections 40.57 Public Transportation Facility, 40.70 Sidewalk Design Modification, 60.55.20 Traffic Impact Analysis, 60.55.30 Minimum Street Widths, 60.55.35 Access Standards, and 90 Definitions. The amendment clarifies text in Public Transportation Facilities applications, proposes a new Sidewalk Design Modification application and process for modifications to the location and dimensions of sidewalks to accommodate constraints, clarifies two Traffic Impact Analysis subsections, removes engineering standards from the Street Widths subsection, updates references, and adds a definition for jurisdictional wetland.

At the November 29 Public Hearing, the Planning Commission continued the public hearing on TA 2006-0011 and asked staff to address issues identified in the public discussion. Concerns focused on Section 2, Sidewalk Design Modification, and Section 4, Minimum Street Widths. The hearing was continued so that staff could address the issues. In a December 6, 2006, memo to the Planning Commission, staff recommended approval of TA 2006-0011 to the City Council with the changes identified in that memo. The Commission deliberated and recommended approval of TA 2006-0011 with the modifications proposed in the December 6, 2006, memo.

INFORMATION FOR CONSIDERATION:

The proposed ordinance (Exhibit 1) embodies TA 2006-0011. The Ordinance is ready for the required readings. It is important to process this ordinance with the ordinance that updates the *Engineering Design Manual* that is also scheduled for First Reading at this meeting. Together, these

Agenda Bill No: 07011

amendments clarify and at times add related transportation provisions to the *Development Code* and remove engineering standards from the *Development Code* and place them in the updated *Engineering Design Manual*. These two amendments have completed their final City review and are ready to be processed for first reading.

RECOMMENDED ACTION:

~~First Reading-~~

Second Reading and Passage

EXHIBIT 1

ORDINANCE NO. 4418

**AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, BY AMENDING AND ADDING PROVISIONS
RELATING TO TRANSPORTATION TA 2006-0011**

WHEREAS, the purpose of the proposed amendment to the City of Beaverton's Development Code is to clarify text within the Public Transportation Facilities application section, propose a new Sidewalk Design Modification application and process for modifications to the location and dimensions of sidewalks to accommodate constraints, clarify two Traffic Impact Analysis subsections, remove engineering standards from the Street Widths subsection that are more appropriately contained in the Engineering Design Manual, update references, and add a definition for jurisdictional wetland; and

WHEREAS, the Planning Commission conducted a public hearing on November 29, 2006, and continued the item and made a decision on December 13, 2006, recommending approval of proposed TA 2006-0011 based upon the Staff Report dated November 9, 2006, as modified by the Memorandum dated December 6, 2006; and

WHEREAS, the land use order was prepared memorializing the Planning Commission's recommendation; and

WHEREAS, the Council consented to approval and adoption of criteria applicable to this request and findings thereon in the Staff Report dated November 9, 2006, as modified by the Memorandum dated December 6, 2006, and, further, approved the Development Code amendment as set forth in Exhibit A, and incorporated herein by reference.

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, Development Code, is hereby amended as set forth in Exhibit A, which is hereby incorporated therein by reference and adopted.

Section 2. Savings Clause.

A. Nothing in this Ordinance shall affect a site development permit or other permit related to the development of land issued before the effective date of this Ordinance.

B. Nothing in this Ordinance shall affect a site development permit or other permit related to the development of land issued on or after the effective date of this Ordinance, provided the City first received the application for the permit before the effective date of this Ordinance.

C. Nothing in this Ordinance shall affect the City's consideration of an application for a site development permit or other permit related to the development of land, provided the City first received the application for the permit before the effective date of this Ordinance.

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 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 8th day of January, 2007.

Passed by the Council this day of _____, 2007.

Approved by the Mayor this day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located in the General Vicinity of West Stark Street, North of US 26 and West of SW Corby Drive; CPA 2006-0014/ZMA 2006-0017

FOR AGENDA OF: ^{01/22/07}~~01/08/07~~ **BILL NO:** 07012

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 12/26/2006

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

PROCEEDING: First Reading
Second Reading and Passage

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Staff Report

BUDGET IMPACT

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

On December 6, 2006, the Planning Commission held a public hearing on the request to assign a Comprehensive Plan Land Use Map designation and Zoning Map designation to property that was annexed to the City in 2005. The request is to designate these parcels Town Center (TC) on the City's Comprehensive Plan Land Use Map and to designate them Town Center - High Density Residential on the Zoning Map. The Planning Commission voted to approve the requests as submitted. These decisions have not been appealed.

The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

These Comprehensive Plan Land Use Map and Zoning Map Amendments are to assign designations for parcels that have been annexed into the City and are governed by the Washington County - Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was not specific as to the appropriate Land Use Map and Zoning Map designations, and discretion was necessary to assign our most similar designations to the County's designations.

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

First Reading
Second Reading and Passage

ORDINANCE NO. 4419

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED IN THE GENERAL VICINITY OF WEST STARK STREET, NORTH OF US 26 AND WEST OF SW CORBY DRIVE; CPA 2006-0014/ZMA 2006-0017

WHEREAS, The intent of the proposed amendments to the Comprehensive Plan Land Use Map and Zoning Map is to assign appropriate City land use designations to parcels that have been annexed into the City through a different process; and

WHEREAS, On December 6, 2006, the Planning Commission held a public hearing to consider these amendments to the Comprehensive Plan Land Use and Zoning Maps and voted to recommend approval of the Town Center (TC) Comprehensive Plan Land Use Map designation and the Town Center – High Density Residential (TC - HDR) Zoning Map designation in place of the County designations of Transit Oriented: Residential 24-40 units per acre (TO: R 24-40) and Institutional (Inst); and

WHEREAS, The Council incorporates by reference the Community Development Department staff report on CPA 2006-0014/ZMA 2006-0017 by Associate Planner Laura Kelly, dated November 16, 2006; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject property located in the general vicinity of West Stark Street, north of US 26 and west of SW Corby Drive, Town Center (TC) on the Comprehensive Plan Land Use Map, as shown on Exhibit "A", in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA).

Section 2. Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1 Town Center – High Density Residential (TC – HDR), as shown on Exhibit "A", in accordance with the UPAA.

First reading this 8th day of January, 2007.
Passed by the Council this _____ day of _____, 2007.
Approved by the Mayor this _____ day of _____, 2007.

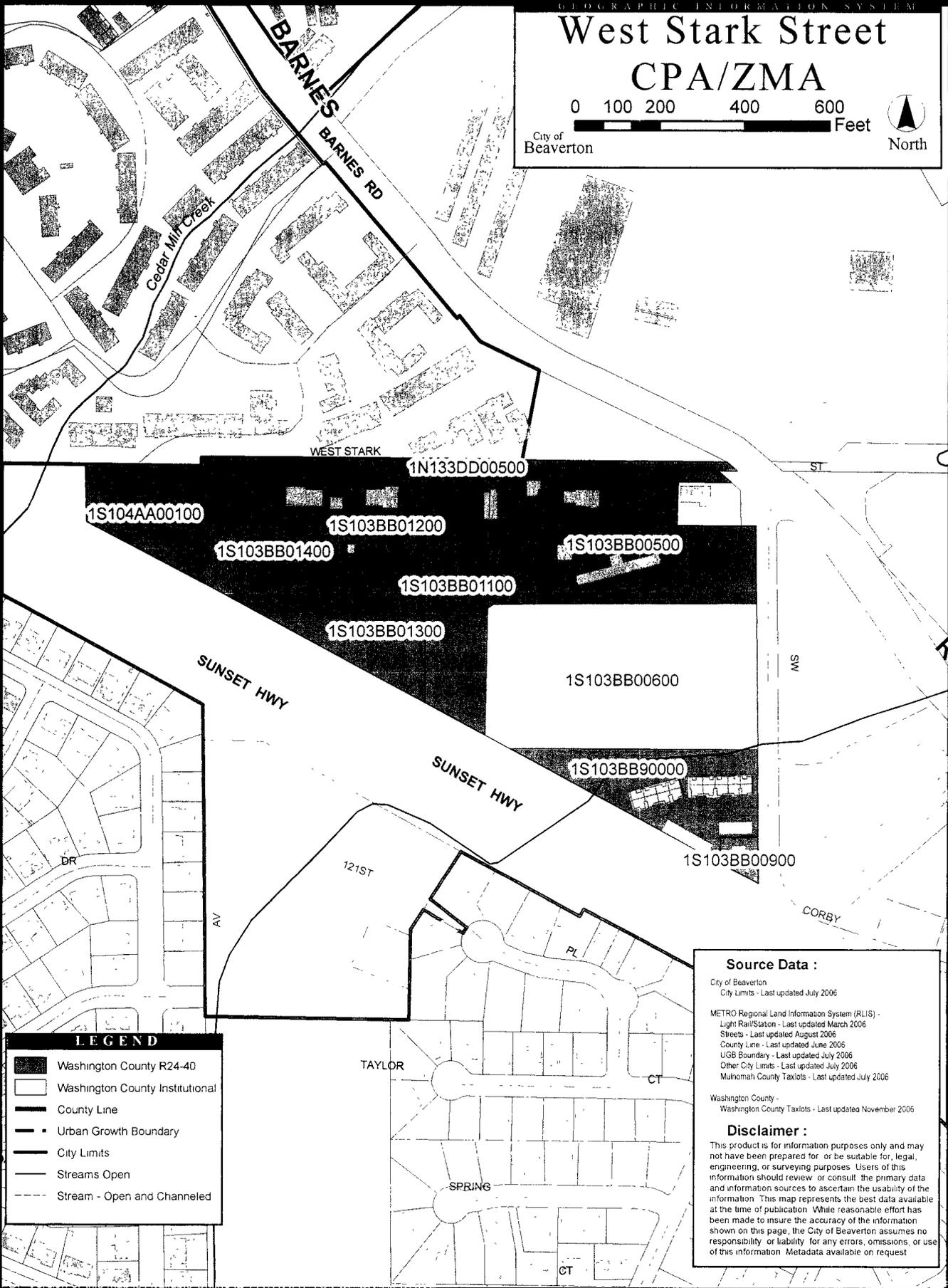
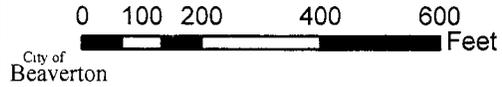
ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

West Stark Street CPA/ZMA



LEGEND

- Washington County R24-40
- Washington County Institutional
- County Line
- Urban Growth Boundary
- City Limits
- Streams Open
- Stream - Open and Channeled

Source Data :

- City of Beaverton
 - City Limits - Last updated July 2006
- METRO Regional Land Information System (RLIS) -
 - Light Rail/Station - Last updated March 2006
 - Streets - Last updated August 2006
 - County Line - Last updated June 2006
 - UGB Boundary - Last updated July 2006
 - Other City Limits - Last updated July 2006
 - Multnomah County Taxlots - Last updated July 2006
- Washington County -
 - Washington County Taxlots - Last updated November 2006

Disclaimer :

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: ZMA2006-0018, Corridor Court Rezone; an Ordinance Amending Ordinance No. 2050, the Zoning Map for Two Properties Located in North Beaverton, from Office Commercial (OC) to Community Service (CS).

1/22/07
FOR AGENDA OF: ~~1/8/07~~ **BILL NO:** 07013

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 12/22/06

CLEARANCES: City Attorney 

Planning Services 

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

EXHIBITS: 1. Ordinance
2. Land Use Order No. 1929

BUDGET IMPACT

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

On December 6, 2006, the Planning Commission held a public hearing to consider an application to amend Ordinance No. 2050, the Zoning Map, by redesignating the properties located at 17200 and 17225 NW Corridor Court from Office Commercial (OC) to Community Service (CS).

The Planning Commission has recommended approval of the request to rezone the property from Office Commercial (OC) to Community Service (CS) on the Zoning Map.

INFORMATION FOR CONSIDERATION:

The sites of the Zoning Map amendment are specifically identified as Tax Lots 01100 and 01001 on Washington County Tax Assessor's Map 1N130DC, and are generally located on the north side of Cornell Road and south side of Highway 26. Tax Lot 01100 is 0.84 acres in size and Tax Lot 01001 is 0.77 acres in size.

Since no City Council hearing is required and no appeal was filed from the Planning Commission's decision, this ordinance making the proposed change to the Zoning Map is being presented for a first reading at this time.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage
HB:js

ORDINANCE NO. 4420

AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE ZONING MAP FOR TWO PROPERTIES LOCATED IN NORTH BEAVERTON, FROM OFFICE COMMERCIAL (OC) TO COMMUNITY SERVICE (CS); ZMA2006-0018

- WHEREAS,** on December 6, 2006, the Planning Commission conducted a public hearing to consider an application to amend Ordinance No. 2050, the Zoning Map, redesignating two properties located at 17200 and 17225 NW Corridor Court from Office Commercial (OC) to Community Service (CS); 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 City Council adopts as to criteria applicable to this request and findings thereon the Planning Services Division Staff Report dated October 17, 2006 attached hereto as Exhibit B and the Planning Commission Land Use Order No. 1929; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** Ordinance No. 2050, the Zoning Map, is amended to designate properties on Tax Lots 1N130DC01100 and 1N130DC01001 Community Service (CS) on the City of Beaverton Zoning Map, as shown on Exhibit A.

First reading this 8th day of January, 2007.

Passed by the Council this _____ day of _____, 2007.

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

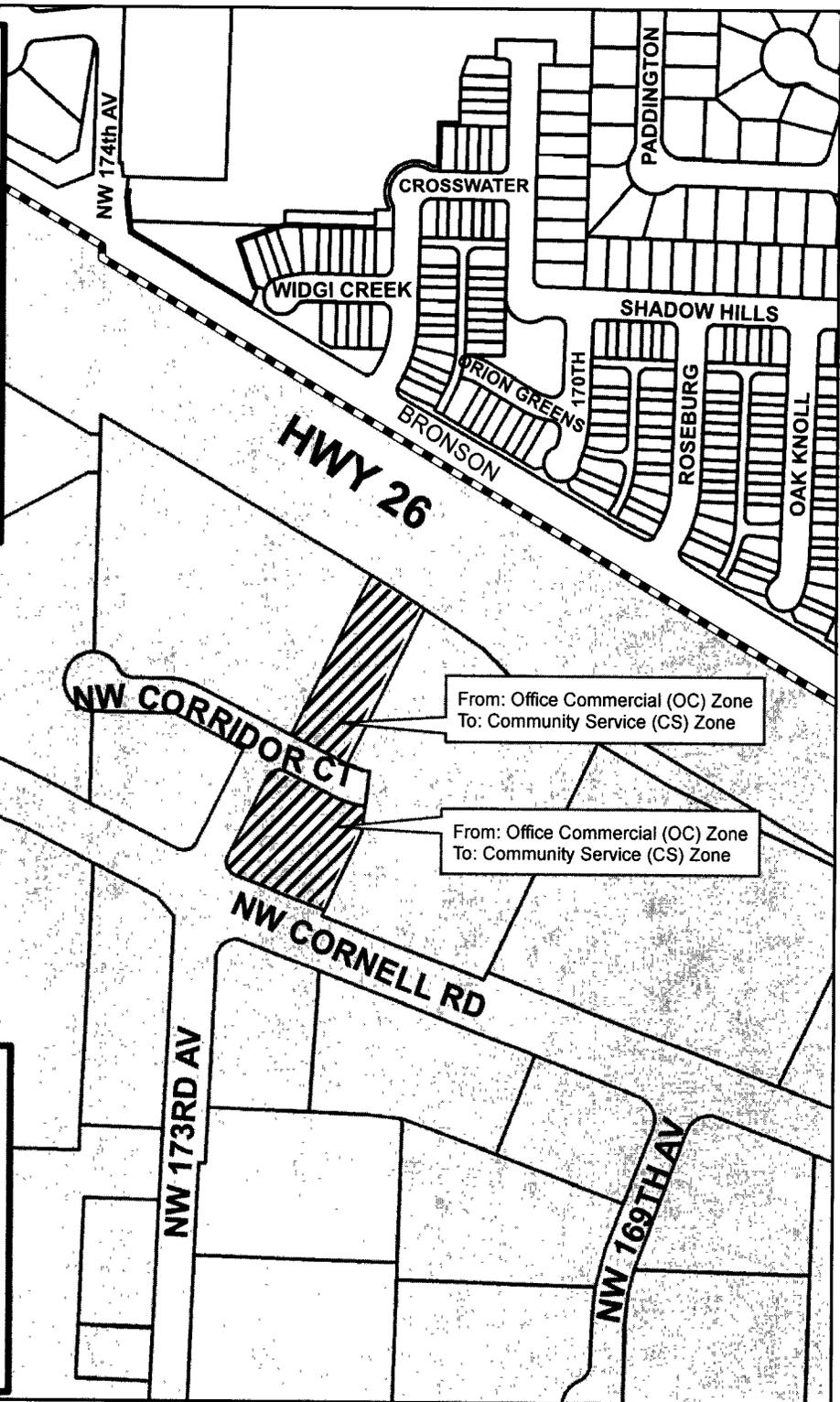
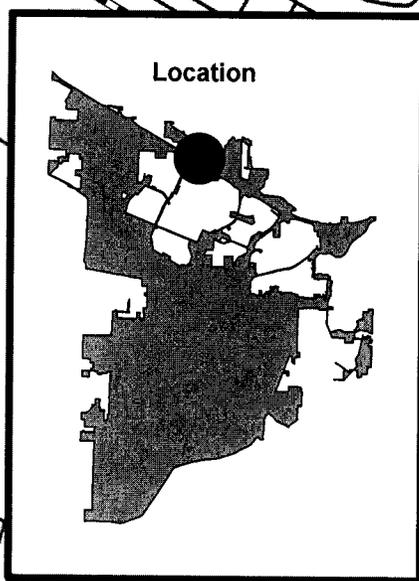
APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

Exhibit A



Legend

- BEAVERTON
- SITE
- CITY LIMITS



ZMA2006-0018

COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

10/18/06
 1N130DC01100
 1N130DC01001



17200 & 17225
 NW CORRIDOR CT