



FINAL AGENDA

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

REGULAR MEETING
JANUARY 8, 2007
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PRESENTATION:

Oath of Office to City Council Positions 1, 2 and 5
Bruce S. Dalrymple, Betty Bode and Dennis Doyle

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

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

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

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)

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 – Increase Court Clerk Position from .75 FTE (Full Time Equivalent) to a 1.0 FTE and Transfer Resolution (Resolution 3887)

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

PUBLIC HEARING:

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

ORDINANCES:

First Reading:

- 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 20006-0014/ 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:

- 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)

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

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Presentation 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

FOR AGENDA OF: 01/08/07 **BILL NO:** 07001

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Finance 

DATE SUBMITTED: 12/21/06

CLEARANCES: None

PROCEEDING: Presentation

EXHIBITS: Award Letter from GFOA
Copy of Certificate of Recognition for Budget Preparation

BUDGET IMPACT

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

The Government Finance Officers Association of the United States and Canada (GFOA) has presented a Distinguished Budget Presentation Award to the City of Beaverton for its annual budget document for fiscal year beginning July 1, 2006. In order to receive this award, the City must publish a budget document that meets program criteria as a policy document, as an operations guide, as a financial plan, and as a communications device. This award is the highest form of recognition in governmental budgeting. This is the nineteenth consecutive year that the City has received this award.

INFORMATION FOR CONSIDERATION:

When the Distinguished Budget Presentation is awarded, a Certificate of Recognition is also presented to the individual designated by the City as the person primarily responsible for having earned the certificate. The Certificate of Recognition will be presented to Joanne Harrington as the person primarily responsible for preparing the award-winning document.

RECOMMENDED ACTION:

Present the Distinguished Budget Presentation Award plaque and the Certificate of Recognition to Joanne Harrington.



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

November 27, 2006

The Honorable Rob Drake
Mayor
City of Beaverton
4755 SW Griffith Drive
Beaverton, OR 97005

Dear Mayor Drake:

I am pleased to notify you that City of Beaverton, Oregon has received the Distinguished Budget Presentation Award for the current fiscal year from the Government Finance Officers Association (GFOA). This award is the highest form of recognition in governmental budgeting and represents a significant achievement by your organization.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to:

Joanne Harrington, Budget Coordinator

We hope you will arrange for a formal public presentation of the award, and that appropriate publicity will be given to this notable achievement. A press release is enclosed for your use.

We appreciate your participation in GFOA's Budget Awards Program. Through your example, we hope that other entities will be encouraged to achieve excellence in budgeting.

Sincerely,

A handwritten signature in cursive script that reads "Stephen J. Gauthier".

Stephen J. Gauthier, Director
Technical Services Center

Enclosure



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

November 27, 2006

PRESS RELEASE

For Further Information Contact
Stephen J. Gauthier (312) 977-9700

Chicago--The Government Finance Officers Association of the United States and Canada (GFOA) is pleased to announce that **City of Beaverton, Oregon** has received the GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories to receive the award.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to **Joanne Harrington, Budget Coordinator**.

For budgets including fiscal periods 2004, 1,027 entities received the Award. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

The Government Finance Officers Association is a nonprofit professional association serving 16,000 government finance professionals throughout North America. The GFOA's Distinguished Budget Presentation Awards Program is the only national awards program in governmental budgeting.



The Government Finance Officers Association
of the United States and Canada

presents this

CERTIFICATE OF RECOGNITION FOR BUDGET PREPARATION

to

**Joanne Harrington, Budget Coordinator
City of Beaverton, Oregon**

The Certificate of Recognition for Budget Preparation is presented by the Government Finance Officers Association to those individuals who have been instrumental in their government unit achieving a Distinguished Budget Presentation Award. The Distinguished Budget Presentation Award, which is the highest award in governmental budgeting, is presented to those government units whose budgets are judged to adhere to program standards.

Executive Director

Date

November 27, 2006

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: 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

FOR AGENDA OF: 01/08/07 **BILL NO:** 07002

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Finance *[Signature]*

DATE SUBMITTED: 12/21/06

CLEARANCES: None

PROCEEDING: Presentation

EXHIBITS: Award Letter from GFOA
Copy of Award of Financial Reporting Achievement

BUDGET IMPACT

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

The Government Finance Officers Association of the United States and Canada, (GFOA) has awarded the Certificate of Achievement for Excellence in Financial Reporting to the City of Beaverton for its comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2005. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. This is the twenty-seventh consecutive year that the City has received the certificate.

In order to receive this Certificate, the City must publish an easily readable and efficiently organized CAFR that conforms to program standards. The CAFR must satisfy generally accepted accounting principles and be audited in accordance with generally accepted auditing standards. The City's CAFR has been judged by an impartial panel to meet the program's high standards including demonstrating a constructive 'spirit of full disclosure' to clearly communicate its financial story to potential users and user groups.

INFORMATION FOR CONSIDERATION:

When a Certificate of Achievement is awarded, an Award of Financial Reporting Achievement is also presented to the individual designated by the City as the person primarily responsible for having earned the certificate. The Achievement Award will be presented to J.J. Schulz as the individual primarily responsible for preparing the award-winning document.

RECOMMENDED ACTION:

Present the Certificate of Achievement plaque and the Award for Financial Reporting Achievement to J.J. Schulz.



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

RECEIVED

APR 24 2006

April 19, 2006

The Honorable Rob Drake
Mayor
City of Beaverton
P.O. Box 4755
Beaverton OR 97076-4755

Dear Mayor Drake:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended **June 30, 2005** qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Certificate of Achievement plaque will be shipped to:

Patrick F. O'Claire
Finance Director

under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. To assist with this, enclosed are a sample news release and the Certificate Program "Results" for reports with fiscal years ended during 2004 representing the most recent statistics available.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,
Government Finance Officers Association

Stephen J. Gauthier, Director

Technical Services Center

SJG/ds



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

04/19/2006

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **City of Beaverton** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

J. J. Schulz, Senior Accountant

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 16,000 government finance professionals with offices in Chicago, IL, and Washington, D.C.



The Government Finance Officers Association
of the United States and Canada

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

J. J. Schulz
Senior Accountant
City of Beaverton, Oregon



The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

Executive Director

Date April 19, 2006

DRAFT

BEAVERTON CITY COUNCIL
BUSINESS ROUNDTABLE
SPECIAL CITY COUNCIL MEETING
JULY 24, 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, July 24, 2006, at 6:30 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce Dalrymple, Dennis Doyle, and Cathy Stanton. Staff present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Economic Development Program Manager Robert Pochert and City Recorder Sue Nelson. Others in attendance were Governor Kulongoski's Economic Revitalization Team Member Mark Ellsworth; Economic Intelligence Specialist Christine Hamilton-Pennell, City of Littleton, Colorado; Director Dan Ripke, Center for Economic Development, California State University at Chico.

CONSENT AGENDA:

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

06131 Authorization for the Mayor to Award Contract for Beaverton Central Plant West Expansion

Coun. Stanton said she wished to amend the Recommended Action for Agenda Bill 06131, to ensure that the bid award does not exceed the budget allocation.

Coun. Stanton MOVED, SECONDED by Coun. Bode that the Recommended Action under Agenda Bill 06131 be amended by adding the phrase that the bid award "is not to exceed \$727,950, without coming back to the City Council."

Coun. Stanton said the agenda bill authorized the Mayor to award the bid to the lowest responsible bidder. She said she wanted to ensure that the bid award would not be over the amount budgeted for the project; and that if the bid is higher than the budgeted amount that the award would be brought back to the Council. She said she wished to take this extra step since this project was not in the Capital Improvements Plan (CIP).

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

PRESENTATION:

06132 Economic Gardening Presentation

Chief of Staff Linda Adlard said the Council has considered the question of how the City could support local businesses; and how to handle economic development. She said when she reviewed the information on economic gardening, she thought it was a concept the City should consider. She said economic gardening helps businesses with initiative grow. She said the speakers had a great deal of experience and success with their economic gardening programs.

Christine Hamilton-Pennell, Economic Intelligence Specialist, City of Littleton, Colorado, reviewed Littleton's history and demographics, and gave an overview of Littleton's Economic Gardening Program. She said in the 1980's Littleton's local industries suffered an economic setback with massive layoffs and many businesses closed. To help the local economy recover, the Council hired Economic Development Manager Chris Gibbons whose charge was to help strengthen and grow local businesses. She said Gibbons and the Deputy City Manager Jim Woods connected with a Think Tank called Center for the New West and through their study, they developed the concept of economic gardening.

Hamilton-Pennell said that Gibbons and Woods investigated why the traditional economic development approach toward job recruitment had not worked. She said throughout the study they shared the information they learned with the Council and citizens. She said what they discovered was that country-wide 75-95% of all new jobs come from existing businesses; and 81% of those businesses have less than ten employees and generally less than \$200,000 in revenue. She said they also discovered that three to five percent of all the companies produced the majority of the jobs; these were entrepreneurial companies that grew about 25% per year. She summarized that what they learned was that economic gardening is about entrepreneurs; entrepreneurs are people who perceive an opportunity and create an organization to do it. She said these entrepreneurial companies that are producing the majority of the jobs are called gazelles. Entrepreneurs create businesses, jobs, events and they are involved in essential and supportive activities. She reviewed entrepreneurial statistics world-wide.

Hamilton-Pennell said they learned that entrepreneurs need places where there is support for new ideas and innovations, where there is a favorable regulatory environment, and where there is support for the arts and diversity. She said they also need a workforce, peer networks, basic infrastructure, marketing and finance information. She said from this Littleton created an Economic Gardening Program that has an entrepreneurial approach to economic development. She said it was their strong belief that entrepreneurs create the jobs, not economic development. She said this program was built on growing and improving local businesses; it is a long-term commitment, not a quick fix. She said the city had to be willing to take its assets and use them differently over a period of time; it would not have immediate returns. She said additional information was available on Littleton's Web site www.littletongov.org.

Hamilton-Pennell reviewed what local government could do to support entrepreneurs. She said the three areas where government could help were information, infrastructure and connections. She said regarding infrastructure, Littleton: invested heavily in light rail; has a historic preservation program; developed/improved its trail systems and parks; rebuilt the street systems; helped improve the theater and museum; has a high-quality library; and has several programs to help counsel and support the youth (this resulted from the Columbine incident). She said Littleton also: developed education connections between the schools and local industries; Councilors and staff know and support local businessmen and businesses; provides connections to various resources such as the Small Business Administration, financial experts, etc.; and provides newsletters and information to the businesses to keep them informed on what is happening in the city and what services are available in all government levels.

Hamilton-Pennell concluded that in 1990 Littleton had 15,000 jobs; in 2005 they had almost 35,000 jobs. She said during that same period of time, the population grew only 23%; in the Denver metro area the population only grew 37%. She said while they could not positively say this was due to economic gardening, during that period Littleton did not spend any money in recruitment incentives or tax breaks to bring businesses into the city. She said also during this time, the sales tax revenue tripled.

Hamilton-Pennell reviewed the services that Littleton provides the businesses. Geographic Information Systems (GIS) provide computer mapping and database research to help businesses improve marketing, decision making and competitiveness. She said Littleton subscribes to several information services, including demographic, economic marketing, and lifestyle data services and provides this information to the businesses. She reviewed how this information is used to help businesses improve marketing and services. She reviewed how the city staff works with businesses to help them grow, including helping develop business strategies and niche marketing, identifying markets/customers, and providing access to early notice of construction and development projects. She said over the years they have had strong support from the Councils and the citizens for this program. She said there were several communities throughout the country that were following this program.

Coun. Stanton asked at what levels jurisdictions fall into the category of gazelle; such as the State of Colorado. She referred to the statistic that 3-5% of the companies were gazelles and produced 70-80% of the jobs; she asked if that was job growth or jobs.

Hamilton-Pennell said there were states that were more entrepreneurial than other states and Colorado was high on that list. She said those statistics were national and the gazelle companies produced 70-80% of the new jobs. She said this refers to businesses not jurisdictions.

Dan Ripke, Director Center for Economic Development, California State University at Chico, reviewed their experience with economic gardening. He said their original funding was from the Federal Government and their first model was a single county. He said the problem they encountered in the rural areas was that they did not educate the people. He said they did have success with the first grant; they created 47 jobs and seven new businesses in the community.

Ripke said the second pilot program was done through an Economic Development Administration Grant for a multi-county area, again in a poverty stricken area, and they had to do a Swiss-cheese approach to identify rural areas and businesses in that area. He said this program worked well because they worked with partners (other cities, counties and workforce pools) to get the word out about the program. He said the third pilot program was a rural technical assistance program and they partnered with a small company and used venture capital. He said these programs were very successful. He said three years ago Governor Schwarzenegger eliminated funding for economic development in California. He said as a result the State's economic development offices were adopted by other jurisdictions. He said in his office, they adopted six of the economic development offices. He said that increased their resource pool and they are using the additional resources to track the results of their economic gardening efforts.

Ripke said they were able to teach business owners how to use the information resources to improve their business. He said business success rates have increased and new markets have been created. He said business owners saw this as a positive use of their tax dollars. He reviewed cases of companies that were successful under this program. He explained how demographic trends are important in market planning and future projections. He reviewed workforce and population demographics and how planning for future marketing relies heavily on identifying the population's customer and workforce demographics.

Ripke said critical success factors for their program were: having a comprehensive resource center; a fast response time, especially with information; getting the best advertising; having a proactive system; understanding the information and knowing how to use the resources you provide; developing the infrastructure; and not treating all entrepreneurs the same.

Coun. Doyle asked if there were business owners who provide this service, at a higher cost, who are upset that the city or university provide the service.

Hamilton-Pennell said they were not trying to displace the private sector. She said if someone comes to them and says the city is displacing their service, then the city does not provide that service. She said in Littleton's experience that only happened once with a video conferencing company, so the city stopped offering that service. She said the majority of their clients are so small that they are not good potential clients for the private sector. She said once the companies get bigger, they often go off on their own. She said they also have a policy of not spending more than \$150 per year per business in out-of-pocket costs; that does not count database subscriptions.

Coun. Doyle said he appreciated what they were doing and he knew there were businesses in this area that would use these services if they were available at a lower cost.

Hamilton-Pennell said if they find that a company is large enough to pay for these services, they will refer them to others who can do the work for them. She said they do this because they do not have the time to be a marketing department for a business.

Ripke said these programs were a walking brochure for the value of the information. He said the consulting firms like to send their clients to get the service. He said clients will go to the Small Business Development Centers (SBDC) and see the value of counseling, mentoring and coaching, but they need a great deal of hand-holding. He noted the SBDCs cannot do the clients' work for them. He said consulting firms will do the work but they are expensive. This is why these programs are valuable.

Hamilton-Pennell said they do have marketing consultants who do free seminars and provide free training to these businessmen.

Coun. Stanton noted California and Colorado received more taxes from businesses than Oregon. She asked what this would do for Beaverton as it only receives property tax. She questioned what niche this would fit into since this was not coming from tax dollars; the City could not say that it was giving value back to the businesses that had given value to the City.

Hamilton-Pennell said one way would be to focus on the fact that economic gardening creates jobs. She said if the community has good jobs with good salaries, then value will be captured at the business and retail level which makes those businesses more successful and raises the total value of the community. She said that was more indirect than sales tax revenue.

Ripke said in Chico they used money from different programs. He said in Mendocino County the Workforce Investment Board financed the program and through this program funded other regional initiatives (regional and sustainable agriculture, and the retirement cluster). He said Sonoma County financed its program and targeted specific industries they wanted in the region. He said they are now speaking with two Native American tribes to target their resources. He said they can focus the programs efforts in specific areas. He said it would help if the City could prove the economic impact potential of the program; and partnering with the private sector, particularly with financial institutions that stand to profit from such a program, is possible. He noted Umpqua Bank has sponsored their brochures; so the bank's logo goes on the information brochure that they use. He said a pilot project could also be done.

Hamilton-Pennell said funds could also be leveraged through the Workforce Development Centers and many economic gardening programs were going in that direction.

Ripke said Oregon also received a Kellogg Grant for a pilot program in eastern Oregon.

Coun. Bode asked if they did partnerships with community colleges for education. She said in this region there were many high-tech engineers looking for venture capital which is not in abundance in this area, as it is in Seattle. She asked if they helped people by showing them how to present their company and develop their business plans.

Hamilton-Pennell said venture capital is such a small part of financing that it can never be guaranteed that someone will get it. She said venture capital sources are not interested in investing until a company has been in business three to five years, they're showing high return on investment, they are looking for an exit strategy and some way they can be involved in that business. She said good ideas attract money if they are

really solid and the majority of people who get their companies off the ground do not get venture capital; they get funding from friends, banks, their own personal investments and credit card loans. She said even if the business was in Seattle, the chances of getting venture capital were very slim. She said people have to understand how to turn their idea into a business without venture capital. She said very few of the really successful companies were started with outside financing.

Ripke said there are recognized regional angel networks and regional venture capital resources working to keep capital investments in the region to ensure that the business and its management stay local. He said the dark side of venture capital is that the investors wish to make a return on their investment and if a decision has to be made to off-shore a business to keep it profitable, the board of governance will decide to do what is profitable.

Mayor Drake said one of the interesting concepts in this region is that of working together; the cities have gotten together and realized it is better to work together toward each others mutual benefit rather than to cannibalize one another in developing business.

Hamilton-Pennell agreed and said they support any community that wants to start an economic gardening program because they are not seen as competitors; the region as a whole can benefit from all businesses being successful.

Ripke gave an analogy of growing a business and having a garden. He said while the factors are different, the nurturing factors are the same. He said they found that business, like gardening, is regional. Just as a redwood would not survive in the desert, if a business is doing well in a region it is better to strengthen and help that entrepreneur. The help they provide to businesses through economic gardening is like providing a little water and fertilizer to the plant.

Mayor Drake asked if they had encountered much criticism regarding government helping private business.

Hamilton-Pennell said this was a politically charged issue. She said on the whole, people have no objection to government helping small business. She said in Littleton there is a large Libertarian sector that is adamantly opposed to government subsidizing companies to come into the community. She said a Wal-Mart is proposing to come into Littleton and the Libertarian group is opposed to that; they think the city is supporting this development. She said the same group is very supportive of the Economic Gardening Program because they see it as supporting the independent business owner. She said because they are working with small business, they have not had that criticism.

Ripke said economic gardening is an opportunity to reinvest in the local business just like Beaverton's facade improvement program.

Coun. Doyle said this makes a great deal of sense in combination with the Open Business Technology Center. He said such a program could serve comprise 80% of the businesses in Beaverton; and if the City could help that 80%, it could not hit a bigger home run. He said he hoped the City could pursue this as this is the type of thing municipal government should do for its community.

Mayor Drake said this was a major policy issue so staff was asking for Council approval to go in this direction.

Coun. Stanton asked if they had heard anything about the Open Technology Business Center. She said when this was discussed three years ago, she was extremely supportive because it was infrastructure; it provided the ground for someone with an idea to come in and grow a business that would benefit the community. She said she would need a different model to embrace this as it does not fall into the same infrastructure level. She said while she would like to support this, she wanted to hear an update on the incubator before the City decides to branch out.

Hamilton-Pennell said when Littleton started the program the first year the budget was \$70,000; that was for the director's salary and supplies. She said the first employee the director hired was a half-time reference librarian because of the value of the database research. She said their current budget was just under \$600,000, which is less than the economic development budget of most cities and it is less than the subsidy most cities give to Wal-Mart to locate to their town.

Ripke said there were many different ways to do economic gardening. He said Littleton's was very unique and very successful, which was why they continued to invest in the program. He said the Tomato on Steroids out of Kern County was another example; he said it was targeted at certain businesses. He said that could be another way to handle a first-run program.

Coun. Dalrymple asked if Littleton was as big as it would get or was there additional land that could be annexed for growth.

Hamilton-Pennell said Littleton was at 95% build out and would not be getting any additional land.

Coun. Dalrymple asked Ripke if they had any outreach programs related to areas that were outside of the city limits of Chico.

Ripke said they did not have outreach programs, but his work was regional and he covered more than 30% of the State of California. He said he worked with counties and cities individually to develop programs to meet their specific needs.

Coun. Stanton noted that Ripke did not differentiate between incorporated and unincorporated boundaries.

Ripke said that was correct. He said because everything is regional, especially in terms of business, employment and spending, one cannot differentiate between the two.

Coun. Arnold noted Ripke had referred to having strong well-educated local partners. She asked if he was talking about other districts or the Chamber of Commerce.

Ripke said the Chamber of Commerce was an excellent partner and they have excellent network connections; as were workforce organizations, labor organizations, business improvement districts, historic districts and redevelopment agencies. He said the education involves knowing what can and cannot be done, especially within the industry.

He said it was important to meet with business and industry representatives as they are very vocal about what should and should not be done within the community. He said when the benefit of economic gardening can be proven to business and industry, they will support the program.

Hamilton-Pennell said in Littleton they worked closely with the Arapahoe Community College and industry leaders, to help start curriculum that relates to the needs of industry. She said they worked with them to develop an e-commerce course study. She said higher education has lost 90% of its state funding so the biggest challenge has been how to get the education sector back up to what it can be, to support the needs of business and industry throughout the state.

Coun. Bode said Oregon was experiencing the same disparity between education and industry needs. She used the health industry and education in this region as an example of the disparity between where services are needed and where the education centers are located.

Ripke said they were working to bring the two together in northern California.

Hamilton-Pennell reviewed a few examples of where education has responded quickly to industry needs.

Mayor Drake thanked them for sharing their expertise.

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 8:40 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2007.

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
NOVEMBER 13, 2006

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, November 13, 2006 at 6:34 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce S. Dalrymple, and Dennis Doyle. Coun. Cathy Stanton was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop, Development Services Manager Steve Sparks, Principal Planner Hal Bergsma, Senior Planner Barbara Fryer, Associate Planner Leigh Crabtree and Deputy City Recorder Catherine Jansen.

PRESENTATIONS:

06211 2006 International Association of Chiefs of Police/Motorola Webber Seavey Award for Quality in Law Enforcement

Mayor Drake said the City received the Webber Seavey Award from the International Association of Chief of Police (IACP). He said focus work completed by the Beaverton Police Department staff led to the City competing for and receiving this award. He said the City, through the help of Senator Gordon Smith, received a grant to develop an Identity Theft and Fraud Prevention Program. It was for this program that the City received the Seavey Award. He read a letter from Senator Smith congratulating the City for receiving the award. He presented the award to Police Chief David Bishop and said it was being presented to all the members of the Police Department.

Bishop thanked Mayor Drake and said he was accepting this award for the entire community, the Police Department and the City Council and Mayor. He presented a medallion to the Mayor and explained the IACP provided medallions that would be given to all the key people responsible for achieving this award. He said he was giving this to Mayor Drake for he was the first person to start the dialogue with Senator Smith that resulted in the formation of this program. He said the Police Department was extremely proud of the Program and its partnership with the community.

Mayor Drake thanked him for the medallion and said it would be displayed at City Hall.

06212 Presentation of Shields and Swearing In of Newly-Appointed Sergeant and Five Officers to the Beaverton Police Department

Mayor Drake said he started the tradition of swearing in the police officers at the Council meetings to introduce them to the community and welcome them to the City.

Police Chief David Bishop swore in newly-promoted Sergeant Jeffrey DeBolt and the five new officers Nathaneal Brown, Christopher Freeman, Marlin Kendall, Matthew Reed and Bradley Sutton.

Mayor Drake presented the shields to the sergeant and officers.

Bishop thanked the families and friends who were present and said the officers could not do this job without their support.

06220 U. S. Mayors Climate Protection Agreement (Resolution No. 3882)

Mayor Drake said this summer Beaverton citizen Barbara Wilson asked that the Council review and consider adopting the Mayors Climate Protection Agreement. He said he reviewed the information available on-line regarding the agreement and he conferred with staff to determine what work the City has done to promote a healthier environment. He said the City has intentionally embarked on environmental programs in order to be an eco-friendly and more responsive agency. He said this agreement was not a binding document, but it was about looking forward and it was consistent with programs the Council has supported in the past. He invited Ms. Wilson to speak.

Barbara Wilson, Beaverton, and Steve Couche, Portland, introduced themselves. Wilson thanked the Mayor for moving the agreement along expeditiously. She said global warming was an environmental emergency to which no one was paying attention. She said she appreciated the City's efforts to consider the Climate Protection Agreement. She explained how Mayor Nicholson from Seattle became interested in global warming and spearheaded the movement to have cities adopt this agreement. She said as an avid hiker, she has noticed the environment changing over the last 25 years, especially in glacial and wetland areas. She said the phenomena of glaciers receding was occurring world wide and has affected the global climate. She urged the Council to pass the Climate Protection Agreement.

Steve Couche said his first eight years were spent in Cedar Hills and he had memories of the extensive wetlands in this area. He said these wetlands and glaciers were disappearing with the climate change. He said scientists are predicting that ocean levels could increase by 40 feet and that would seriously damage the coastal cities. He said the environment has already experienced an increase in droughts; as that worsens it will bring more famine and shrinking food supplies. He said this is a potential calamity for the world and something has to be done. He said he appreciated that the City has joined the many other cities in signing this agreement. He said it was important to tell the legislators in Washington D.C. that this is a crisis and action is needed at a national level because this country was one of the worst offenders.

Coun. Dalrymple referred to page three, Item seven of the agreement, "Practice and promote sustainable building practices using the U. S. Green Building Council's LEED program or a similar system." He said he was concerned about the immediate impact that would have on the budget if this was adopted now versus ramping up to this through the next budget cycle. He asked what the best way would be to approach this issue.

Mayor Drake said this agreement was a guideline, not a contract. He said this would not upset the budget, but the City would look at how it could gradually honor the points in the agreement in the future. He said the City could move toward being more conservation-minded. He said this does not have a timeline and overnight changes are not intended because the City would not want to increase costs unduly or upset the budget.

Coun. Dalrymple said that was good as long as it was a guideline that the City could work towards. He said this would also give the City the opportunity to do research and understand what this provides; and also to determine which points were of the most benefit to the community and which were affordable.

Mayor Drake said the intent was that this was the first step in this journey. He said the City has been smart in its approach to being conservation-minded; the steps the City has taken were done incrementally for good fiscal management, and to be a good steward and role model for the community. He said the City has practiced this for a number of years. He noted the City has been recognized as a Tree City USA since 1995 and the planting of trees does a great deal to promote a healthy community.

Coun. Bode said she appreciated how Wilson partnered with the City in getting this agreement adopted. She said on page 2 of Agenda Bill 06220 there was a list of the many activities that the City has been engaged in for a number of years that were conservation minded. She noted this agenda bill was posted on the City's Web site for those who may wish to read it in full. She said the City would continue to do more and she thanked Wilson for bringing this forward.

Coun. Arnold said she appreciated her bringing this forward and she was pleasantly surprised to see what City has done so far. She said this was a great move forward.

Coun. Arnold MOVED, SECONDED by Coun. Doyle, that the Council adopt Agenda Bill 06220 and endorse the U.S. Mayors Climate Protection Agreement as presented in Resolution No. 3882.

Coun. Doyle said that adopting this agreement gives the City credence to go to the national legislators and let them know that Beaverton, which is the fifth largest city in the state, supports this agreement and urges the legislators to follow the example being set by the mayors in this country. He said since the city councils were the closest governing bodies to the citizens of this country, that should speak volumes to the federal legislators who are making these laws. He said it was long overdue.

Coun. Dalrymple said he has known Wilson for a long time as she had previously brought environmental issues to the Tualatin Hills Parks and Recreation District Board. He said he appreciated her dedication to the issue and that she worked with the agencies to create good stewardship.

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

Wilson thanked the Council for adopting the agreement. She said she saw this as the beginning and asked how the public could be brought on board. She said this has to be accepted by the 83,000 citizens of Beaverton and they have to be informed that they have an important part in making this agreement successful. She asked how the City could inform the citizens of their role in this issue.

Mayor Drake said there were many ways this could be done. He said by adopting the agreement the City has made a strong statement. He said the City was already doing many of the things that it needed to do and citizens were seeing this. He said the City looks at this agreement to determine how it can meet the standards of the agreement in an economically responsible manner and possibly stretching itself a bit to meet the goals. He said there was always opportunity for input through the budget process or as the City crafts new programs. He said the City would need to think further on ways to provide public outreach.

Wilson stressed that this issue needs to be addressed and public outreach is needed. She said experts on this subject have said that there is only ten years to get this under control; after that, the problem cannot be corrected. She said the reason for this was that the problem increases exponentially; once the arctic ice cap is gone, there is no way to get it back. She said there were things that everyone must do in order to reduce the carbon emissions that come from Beaverton. She said individuals have to know what their carbon footprint is and what they can do to reduce it.

Mayor Drake said this was a team effort and covered much more than just the City of Beaverton.

Wilson asked that the Council and Mayor let the legislators, and others in their sphere of influence, know that the City has passed this agreement and it is important.

VISITOR COMMENT PERIOD:

Bill Kroger, Beaverton, said he was the Chair of the Washington County Behavioral Health Council. He said the Council is an advisory board to the Washington County Commissioners and the Department of Health and Human Services, and deals with mental health and addiction problems in Washington County. He said the Council was comprised of professionals in the field, lay volunteers, consumers and family members. He said there were many pressing mental health and addiction problems facing the County. He said the top five problems they were facing in the community were: Oregon Health Plan issues; service improvements for people with addiction problems; implementing the evidence-based practices program; employment services for the mentally ill; and improvement of community based services for children. He said they have presented this information to the Washington County legislators and candidates, who have a great interest in this issue. He said it was their hope that the Council would become familiar with these issues and help them to spread the word.

Coun. Doyle said this was a critical issue in the community. He asked if the legislators gave them any feedback on their true awareness of what the community and state are facing in relation to these issues; and if the legislators offered any guidance as to what they may try to accomplish in the next session.

Kroger said they had a lively discussion. He said Mitch Greenwick, who was well aware of these issues, wanted the three counties to work in tandem. He said that had been tried but it does not work well. He said the discussion went on for an hour and the candidates learned from the discussion. He said it was hard to say if it specifically helped. He said at least they were more informed now than they had been.

Mayor Drake thanked Kroger for speaking. He added that the mental health professionals in this group were the top professionals in the County. He said the Council has excellent connections in its membership but the challenge they face is bigger than the resources available.

Coun. Bode asked what phone number people could use to reach the Council.

Kroger said he could be reached at 971-645-6889 and he could refer them to the proper individual for whatever services were needed.

COUNCIL ITEMS:

Coun. Arnold said the City's Holiday Tree Lighting would be on December 1, 2006, at The Round at 6:00 p.m. She invited everyone to attend. It was noted that public parking would be available at the Westgate Theater parking lot and there would be guides to assist people with parking.

STAFF ITEMS:

Chief of Staff Linda Adlard reminded the Council that the Budget Committee meeting would be held on Thursday, November 16, 2006. She also noted that the Council's holiday greeting would be recorded by Tualatin Valley Community Television on December 4 at 6:00 p.m., in the Council Chambers.

CONSENT AGENDA:

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

Minutes of the Regular Meeting of October 16, 2006

06213 Liquor Licenses: Change of Ownership - Izzy's Restaurant

06214 Classification Changes

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

Coun. Arnold said that at last week's meeting the Council passed a motion and had first reading of an ordinance to amend the Comprehensive Plan. She said one of the changes that was approved also needs to be reflected in the Development Code.

Coun. Arnold MOVED, SECONDED by Coun. Doyle, that the Council direct staff to initiate an application to amend the appropriate sections of the Development Code text so that the hearing notice for Type 3 and 4 applications to amend the Development Code and the Zoning Map is provided to Neighborhood Association Committee (NAC) Chairs and the Committee for Citizen Involvement Chair in the same manner as what was proposed in Ordinance No. 4187 to amend the Comprehensive Plan.

Mayor Drake explained this was the second step of what Council had already adopted; it implements what Council has already passed.

Coun. Dalrymple asked if this was missed in the motion at the last meeting.

Mayor Drake said that was correct.

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

WORK SESSION:

06194 TA 2006-0003 (PUD Text Amendment) (*Rescheduled from 10/16/06 meeting*)
(NOTE: Discussion of this item also covered Bill 06195, Ordinance First Reading for the PUD Text Amendment)

Mayor Drake said he discussed this item with Coun. Dalrymple today and after the work session the ordinance may be referred back to the Planning Commission for additional review and public comment.

Senior Planner Colin Cooper introduced Shelly Holly and Magnus Bernhardt from Parametrix, the land use consultant firm that prepared the draft Planned Unit Development (PUD) Ordinance. Cooper presented a PowerPoint presentation on the history of PUDs in Beaverton. He said in 2002 the Development and PUD Codes underwent a significant reorganization. He said the changes to the PUD Code included the removal of the four-acre minimum area requirement, the 20% open space requirement was quantified, and minimum yard setbacks were specified. He said the PUD Code was currently being revisited because the Planning Commission was not happy with the PUD developments that it was reviewing. He said staff had also promised to revisit sections of the reorganized Code to determine how they were working. He reviewed examples of PUD applications that were not well received by the Planning Commission or the surrounding neighborhoods.

Magnus Bernhardt, Parametrix, consultant, gave an overview of the process used to review and revise the PUD Code. He said the purpose of the Code amendment was to improve the quality of the PUD applications that the City receives. He said they developed good baseline standards and incentives that would improve the quality of the applications.

Bernhardt said that they reviewed the City's PUD Code, and the PUD ordinances of six other jurisdictions; then they tested the proposed PUD revisions using an existing site in Beaverton. He said they also researched form-base code and low-impact development code as they felt those codes would generate innovative ideas that they could test in developing concepts for the existing site in Beaverton. He said the critical PUD elements that were discussed by staff and the Planning Commission were: thresholds; minimum open space standards; parking; design review; density requirements; setback restrictions; minimum parcel size; incentives for increased density and reduction in open space; and design flexibility. He said the model site had many of the challenges that developers face when developing property (natural resources, wetlands, trees, irregular shape and was in an existing neighborhood). He said the proposed project yielded 13 units and one open space lot. He said they looked at form-base code (where function follows form to encourage development flexibility by regulating the form of environment, not the land use or density), at zoning, site character, and architectural components. He reviewed the three plans they developed for this site. He said they developed three ideas as development incentives: a green roof; encouraging more solar passive gain; and cohesive open space within the PUDs. He said the proposed PUD Code has graphics that support the narrative and the new incentives would lead to better projects.

Cooper reviewed the major issues that were raised and resolved. He said the minimum threshold was important to the Planning Commission, so the bar was raised to two acres. He said the Commission was concerned with ensuring compatibility and attractive infill PUD development, so the minimum setback was set at 15 feet. He said the Commission's other major concern was having useable open space, rather than many small lots, so a minimal dimensional standard was created. The Commission was concerned about the lack of innovative, high-quality design within the single-family lots, so design standards for single-family residential were created for PUDs only, not throughout the City. He said bonuses were included for innovative work, such as solar gain and affordable housing. He said also a new threshold was included, so that when a developer asks for more than three variances, adjustments or flexible setbacks (in any combination), that they then would be required to do a PUD. He said with all these new factors, the Commission enthusiastically supported these revisions.

Coun. Arnold asked for information on the development bonuses.

Cooper said the Planning Commission wanted to see innovative development so the ordinance contained a variety of incentives. He said there were incentives for open space, architectural incentives such as solar access and green roof features, and there was an affordable housing component to provide for one or two units in a project.

Coun. Arnold referred to page 27 of the proposed ordinance (Agenda Bill 06195), "Affordable housing is defined as housing affordable to households earning up to 100% of the median household income in Washington County, or less as adjusted for family size as determined by the U.S. Department of Housing and Urban Development (HUD). Housing prices and or rents shall be limited to that level through deed restriction." She asked what "that level" referred to.

Cooper said that referred to two thresholds, the 100% of the median or as determined by the U.S. Department of Housing.

Mayor Drake explained HUD sets income standards and what a family of certain size would need to earn to qualify at a certain level. He said affordable housing in the region is set by HUD as a certain percentage of the median income level. He said the percentage was flexible but HUD would set the standard.

Coun. Arnold asked what percentage of the 100% income represents the affordable amount.

Mayor Drake said HUD sets standard and it could vary.

Coun. Bode said the current standard was 40%.

Coun. Arnold said it seemed that some PUDs were designed to do infill development and the open spaces were an after thought. She said she did not like that because it created the need for a homeowners association which did not make sense as they were not maintaining a real planned community. She said she appreciated the work that was done to make these more functional, so that they are creating something that has value in those open spaces. She said she appreciated the time staff gave her outside of the meeting to help her understand these issues.

Coun. Doyle asked if builders look for these incentives to design innovative projects.

Cooper said he thought the likelihood was low, but the City wants to provide the opportunity for a developer who does want to do these things. He said as an example, a homebuilder might partner with Habitat for Humanity to take advantage of the incentive for affordable housing.

Coun. Doyle said it was commendable that the Planning Commission and staff incorporated this into the Code and that it was easy to understand. He said he was glad to see the opportunity provided in a manner that is fair to the developer. He said he looked forward to seeing what type of applications this will bring forward.

Coun. Dalrymple said he had a number of items to discuss. He said his first concern was phasing (page 8, Agenda Bill 06195). He said if he was putting a development together with its many components, it might take longer than the two years that this program would allow. He said a developer doing a large project has another element of risk, because if it has to come back in two years to go through another process, that might mean there are other restrictions or impacts to the original approval that might negatively impact the ownership and the original master plan. He said from that perspective he would like this to be longer than two years. He said his second concern was density and lot dimensions (page 14). He asked what would happen if the adjacent parcels were not developed to the Comprehensive Plan level. He questioned how a developer could coordinate. He said he thought it would be best served if it was coordinated with the Comp Plan, at the maximum use decided for a site. He said he did not think that was clear in the text.

Coun. Dalrymple referred to page 14, Item B (Agenda Bill 06195) that referenced "Area over 25% slope" when talking about the transfer of density. He questioned what that meant. He said if he was doing a PUD, he hoped he could take the area that could not be built upon and transfer that density to another area and then try to do the best

possible project for the type of building unit being developed. He said he needed clarity on that issue for he was not sure he was thinking along the same lines as the Planning Commission. He said as a developer, he was thinking of the highest and best use and getting the maximum potential out of the property, for livability and for equity investors.

Coun. Dalrymple asked if open space could be less than 20%. He said in this area with the Urban Growth Boundary and other constraints, property values were soaring. He said it costs a lot to buy property; if 20% has to be dedicated to open space, the cost of that 20% will have to be spread among the other units, so this pushes the price of homes up. He said this will make housing more difficult for people to afford. He said he did not know if that had been considered from a financial impact as much as more from a perception of what will be provided in the community. He said he thought in that regard there was a balance in how one looked at open space.

Coun. Dalrymple referred to page 85, Item A.1 (Agenda Bill 06195) which set limits on attached single family units to four units per structure in the R-10 and R-7 residential zone. He said in other parts of the country new architectural practices were introducing a big-house concept. He said the big-house design was a new innovative style for high-density housing, that has six to 12 units in a building that looks like a large estate home. He said that might be something the City wants to foster. He referred to the standards on page 94, Item C, that said "No more than 40% of the gross land dedicated may have slopes greater than five percent." He confirmed this refers to open space and said that this standard becomes a penalty because of the high cost of the land. He said that could be negative and questioned how this was reviewed by the team members.

Coun. Dalrymple said his biggest concern was the issue of pocket parks. He said from his many years on the Tualatin Hills Park and Recreation District (THPRD) Board, pocket parks were too small and the cost to maintain them was significantly higher. He noted THPRD is the park provider for the City and asked if the District was involved in reviewing these amendments. He said the THPRD was in the midst of doing its 20-year Master Plan Update and it would be to the City's advantage to have the District comment on these standards. He highly encouraged involving the THPRD. He referred to the reduction of setbacks on page 106, Item 2, and said that in looking at many developments throughout the country, the setbacks are minimal on many street frontages and when automobiles are parked in front of the garage, they lap over onto the sidewalk blocking the walking area. He said he hoped setback standards would be set for standard automobile size so that there would be no lapping over into the walking area. He said in considering the American Disabilities Act, reduced visibility and negotiating around cars that block the sidewalk become an issue especially for seniors and children at play.

Coun. Dalrymple said that for these reasons he would like to send this proposed ordinance back to the Planning Commission and staff. He stressed it was important to get everyone's buy-in and include THPRD in this review.

Mayor Drake asked staff if THPRD was in the noticing process and if the issue of pocket parks was discussed with the District.

Cooper said THPRD was notified but there was no joint discussion on the pocket parks issue.

Mayor Drake said it would be good to send the document back for input from the THPRD. He asked for additional Council comments.

Coun. Bode said she was concerned with the 15-foot setback due to visibility. She asked if the 20% open space was contiguous. She said in the past it seemed that the open space was divided into small parcels and spread throughout the developments. She said when she was on the Planning Commission she felt duped when one of the projects that was presented as an affordable housing project, was not what she considered affordable housing once it was built. She said as the amount of land decreases, the City needs to be cautious in its development regulations. She said she thought it would be good to go back and look at these issues.

Coun. Doyle said he had no problem referring this back to the Planning Commission and staff. He said many good issues were raised and he would like to hear the response to Coun. Dalrymple's comments.

Mayor Drake said Coun. Dalrymple's comments from a developer's viewpoint were valuable and presented in a constructive manner.

Coun. Bode said the issues of pocket parks, traffic, development costs and open space were important and she agreed this should be referred back to the Commission and staff.

Coun. Dalrymple said they had discussed what constitutes acceptance in open space (setback areas, buffer areas and vegetative corridors). He said all this was important when trying to attract developers. He said without real clarity on this standard, developers might choose to pass on potential development. He said he was very appreciative of the work the Commission and staff did to develop this ordinance. He said he was trying to take a proactive approach to enhance the ordinance and make it an outstanding document.

Coun. Dalrymple MOVED, SECONDED by Coun. Doyle, that the Council refer TA 2006-0003 (PUD Text Amendment) back to the Planning Commission and staff for additional review to include input from THPRD, to consider comments made at the Council Work Session, to hold an additional public hearing at the Planning Commission level, and to bring the ordinance back to Council.

Mayor Drake said Council was not suggesting a wholesale rewrite of the ordinance, rather a consideration of the comments and suggestions raised at the work session. He said he was intrigued by Coun. Dalrymple's comparisons of projects and how they could be handled differently. He said he thought the proposed document and proposed modifications would promote flexibility and creativity, which the City always tries to do as it evolves as an agency.

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

RECESS:

Mayor Drake called for a brief recess at 8:13 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 8:22 p.m.

06215 Tualatin Basin Goal 5 Implementation

(Discussion on this item included Agenda Bills 06216, 06217 and 06218, the first reading of ordinances to amend the Comprehensive Plan, Development Code and Beaverton Code related to the Tualatin Basin Goal 5 Program.)

Senior Planner Barbara Fryer and Associate Planner Leigh Crabtree presented a PowerPoint presentation on the Tualatin Basin Goal 5 Program. Fryer said they have worked on this Program for six years; it started with Metro adopting the inventory of regionally significant resources and was now at the point where the Program was to be adopted by the City. She said the proposed amendments to the Comprehensive Plan and Development Code comply with the Statewide Planning Goal and the Metro Urban Growth Management Functional Plan. She said the proposal was to amend five chapters of the Comprehensive Plan, the Glossary, and the Natural Resources Inventory. Also, the Development Code would be amended to add a new section to Chapter 60 and definitions to Chapter 90. She said City Code Section 5.05 would have minor edits and Section 9.05 was amended to include maintenance as a requirement for storm water facilities.

Fryer reviewed Habitat Benefit Areas (HBA) on two sites and the HBA Preservation Program (in the record). She said this was a voluntary program; incentives are offered to get developers to do preservation activities.

Associate Planner Leigh Crabtree reviewed HBAs in relation to the Development Code. She said the new section in Chapter 60 was in response to comments that the Tualatin Basin Goal 5 Steering Committee received from stakeholders, the Citizen Involvement Committee, the Development Liaison Committee and the Planning Commission. She said it was determined that instead of changing multiple sections of the Development Code, it would be better to write one chapter that deals with providing incentives. She said the first major incentive was HBA Preservation, including preservation, enhancement, mitigation and creation of HBAs. She said the proposed incentives mostly apply to non-single-family residential areas, but there are opportunities for single-family residential. The Planning Commission made the decision that it wished to have single family residential match what already exists, but flexibility has been provided as needed. She said the incentive that would apply to single family residential was open space reduction for an equal amount of HBA preserved. She said incentives for other zones included changing the building envelope and building height bonus.

Fryer reviewed low-impact development techniques. She reviewed examples of eco-roofs and roof-top gardens, and described the features of each. She said eco-roofs are appearing on new and retro-fitted buildings. She also reviewed parking lot landscape islands, landscape swales, storm water planters and rain gardens. She reviewed projects where these techniques were used in Hillsboro, Portland and Milwaukie.

Crabtree reviewed the credits for use of low-impact development techniques (in the record). She said the objective was to convert normal landscaping to capture storm water. She said on streets, the landscape standard reduction meant that standard landscaping was swapped for detention landscaping.

Fryer said at this meeting Council would consider three ordinances to amend the Beaverton Code, the Comprehensive Plan and the Development Code to enact the Tualatin Basin Goal 5 Program. She said the ordinances would receive first reading at this meeting and second reading on December 4, 2006. She said the timeline was to have the Program adopted by January 2007. She said Tigard, Tualatin and Sherwood have adopted these amendments; Hillsboro and Washington County have not yet completed their amendments. She said staff would report back to Council in a year on how well the Program was working. She said they did not know if these incentives were sufficient so that a developer would take advantage of the Program. She said the Planning Commission, the Committee for Citizen Involvement and the Development Liaison Committee supported this proposal. She said the City of Portland has provided greater incentives and that is why so many of these features are seen in Portland. She said staff also developed a guidance manual that will explain to developers how to implement this Program; the manual will be brought to Council for adoption in January.

Coun. Bode thanked staff for their hard work. She said it was interesting to see the high amount of public involvement that went into this project. She said she would support this program and favored moving forward.

Coun. Dalrymple said he was glad to see this Program has moved forward. He asked staff if they knew why Washington County was lagging behind, since it was always in the lead in trying to make this happen.

Fryer said the County's ordinance went before County Planning Commission and the Commission asked to pull the Planned Unit Development section. She said that section would go through the cycle next year as they missed the window for this year.

Coun. Dalrymple said in his experience, there were times when a municipality would not approve a gravel parking lot because oil dripping from automobiles would contaminate the soil; so the parking lot would have to be paved. He said now they were talking about using pervious materials such as grasscrete for parking areas. He questioned how these materials were used in this process and if they were part of the Program.

Fryer said pervious materials were included to a certain extent. She said pervious concrete and pavement, paver blocks, grasscrete and a plastic cell product were being considered for the Program. She said they were still working with the engineering division to get a particular process approved. She said they want to be sure that groundwater contamination does not occur, that the life of the product will meet the standards, and that maintenance issues are accommodated. She said they want to be sure that these issues are taken care of before the materials become a part of the Program. She said this will probably be included in the guidance manual.

Coun. Dalrymple said he was concerned about maintenance issues; that he did not want the City to have to cut the grass on people's parking lots because of these materials. He said he supported its use in other areas but was cautious about using it in parking lot

areas. He asked if a property was in the HBA, and this Program is voluntary, what would happen in the future. He asked if this was a voluntary program because of Ballot Measure 37.

Fryer said that the program was voluntary because of Measure 37; this basin area already has regulations in place that protect the land that is not protected in other jurisdictions. She said they wanted to go above the norm through a voluntary incentive-based program.

Coun. Dalrymple asked if this would come back for adoption by elected officials before it reached a regulatory standpoint.

Fryer confirmed that was correct. She said if the Program was ever considered to be anything but voluntary, it would first go through an extensive public process.

Mayor Drake said with Ballot Measure 37, anything that the City would do beyond a voluntary approach would be susceptible to a Measure 37 claim. He said if the voters ever invalidated Ballot Measure 37, any change to the Comprehensive Plan or Development Code would go through a public process with an intense notification procedure.

Coun. Arnold said she thought it sounded like no areas have any regulation, it is all voluntary. She stressed that was not true. She said there are areas in the inventory that have regulations in place.

Fryer said that was correct; the City was not repealing any regulations that are already in place. She said Clean Water Services' Vegetative Corridors were still applicable in all the inventory areas. She said the areas beyond the vegetative corridors are considered the Habitat Benefit Areas and would be part of this voluntary program. She said the low-impact development techniques would be applied throughout the city, regardless of whether it is a HBA or not.

Coun. Arnold asked that staff explain Section 60.12.47.C2 (page 25, Agenda Bill 06218). She said it sounds like if they build a structure parking place it is one less space overall in the total count of the parking requirements.

Crabtree said a better explanation was that by providing incentives for structured parking, they were trying to reduce the impervious area of the surface parking lot. She said currently parking requirements were tied to surface parking only, not parking structures. She said a developer would receive a credit for eliminating surface parking spaces by integrating the required parking into a parking structure.

Coun. Arnold asked if she had a requirement for 40 parking spaces, if she built two-tiered parking how many spaces would she have to provide.

Fryer said she would still need to provide 40 spaces but the number of surface spaces would be reduced by the number of spaces in the parking structure.

Principal Planner Hal Bergsma said that under Metro Code requirements, cities and counties have to set maximum parking ratios. He said if the requirement was for a minimum of 30 spaces and maximum of 40, if 20 spaces were provided in a parking structure, then the surfacing parking requirement would be reduced to 20 spaces. The objective is to reduce the amount of impervious area.

Mayor Drake said the goal was to reduce the imprint. He noted that by building a multi-story parking structure less flat land surface has to be paved for a parking lot that does not allow the ground to absorb the water runoff.

Coun. Arnold asked how the trees and existing canopy intermesh with existing tree requirements.

Crabtree said the current Code requires mitigation for trees in a significant grove, significant trees, historic trees and trees in significant resource areas. She said the Planning Commission asked staff to develop an incentive for developers to keep the trees and canopy for water absorption and to preserve the trees that do not fall into the significant tree categories. She said in order to maintain the canopy and water absorption; they were trying to preserve the trees that do not require mitigation.

Coun. Arnold asked if that meant if there were trees on a property that were not significant trees and they wanted to keep the trees, the developer could do less landscaping somewhere else. She also asked if the developer used this incentive and the trees died due to the construction, would he be required to replace the tree.

Crabtree said the incentives are to allow less landscaping in another area in order to preserve the trees. She said a developer would have to replace the trees that died if this was done as an incentive. She said developers were required to take specific actions to protect the trees from the construction and keep the failure from occurring.

Coun. Arnold asked what would happen if a new owner decided to cut the trees down.

Crabtree said that would fall into a different category of Code violation and violation of a land use order. She said it would have to come back in for a land use review.

Mayor Drake said Code Enforcement would deal with that and there would be some impact so that they would have to offset the loss of the trees.

Coun. Arnold asked what tree box filters were.

Fryer said it was an underground vault that looks like a gutter system, where water flows and drains into a large tree area; the water flows through the tree box and through the filter system that is established as part of that tree. She said the water would be taken up and filtered by the tree system that could reduce the amount of water discharged through the storm system.

Coun. Arnold said there was some overlap in the section on Open Space Development Incentive Options and the HBA section. She asked if there was a way to reference the Open Space section in the PUD.

Fryer said the intent of these regulations was that one would not need to go through a PUD to get these incentives.

Coun. Arnold asked what open space meant in this ordinance, since it was not the PUD's definition of open space; and if someone doing a PUD could take advantage of these incentives.

Fryer said there were requirements for multi-family developments to have a certain amount of open space and that is what this ordinance addressed. She reiterated that one did not have to do a PUD to get these incentives, though someone doing a PUD could use these incentives.

Mayor Drake thanked staff for the presentation.

ORDINANCES:

Mayor Drake noted that Agenda Bill 06195 was being pulled and referred back to the Planning Commission as result of the previous work session. Also, Agenda Bill 06219 was being pulled and would be brought back in the future.

Coun. Doyle MOVED, SECONDED by Coun. Bode, that the rules be suspended, and that the ordinances embodied in Agenda Bills 06216, 06217, 06218, 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, and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

First Reading:

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

- 06195 PULLED - TA 2006-0003 (PUD Text Amendment) (Ordinance No. 4409).
(Rescheduled from 10/16/06 meeting) - This ordinance was referred back to the Planning Commission and did not receive first reading.
- 06216 An Ordinance Amending Chapters Five and Nine of the Beaverton Code Related to the Tualatin Basin Goal 5 Program (Ordinance No. 4412)
- 06217 An Ordinance Amending Comprehensive Plan Chapters 3, 4, 5, 6, 7, 8, the Glossary and Volume III (Ordinance No. 4187) Related to CPA 2006-0012 (Ordinance No. 4413)
- 06218 An Ordinance Amending Development Code Chapters 60 and 90 (as Amended through Ordinance 4265) Related to TA 2006-0009 (Ordinance No. 4414)
- 06219 PULLED - An Ordinance Repealing the 72-Hour Parking Prohibition, Section 6.02.310 of the Municipal Code (Ordinance No. 4415). This was pulled prior to the meeting for revisions and will be brought back to Council at a future meeting.

Second Reading:

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

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

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

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

Coun. Doyle MOVED, SECONDED by Coun. Bode, that the ordinances embodied in Agenda Bills 06208, 06209 and 06210 now pass. Roll call vote. Couns. Arnold, Bode, Dalrymple, and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

OTHER BUSINESS:

Mayor Drake said he received statistics comparing traffic on Highway 217 with other key roads in the metro area (I-5, I-205, US 26 and Oregon 99). He said Highway 217 received 114,000 cars per day; I-5 has 134,000 cars per day; and the other roads are in between the two. He said the amount of traffic that Highway 217 carries is significant.

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 9:13 p.m.

Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this day of , 2007.

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
DECEMBER 4, 2006

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, December 4, 2006, at 6:39 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 Captain Stan Newland, Building Official Brad Roast and Deputy City Recorder Catherine Jansen.

Mayor Drake explained for the audience that the public hearing for the Text Amendment Appeal (APP 2006-0005 - Appeal of TA 2006-0007 Code Applicability for Annexed Areas Amendment - Agenda Bill 06255) would be continued to February 12, 2007, at the request of Washington County.

PRESENTATIONS:

06222 Presentation by Susan McLain, Metro Councilor

Mayor Drake introduced Metro Councilor Susan McLain and said this was McLain's final month in office. He thanked her for her service and said he has enjoyed working with her. He said her replacement Kathryn Harrington would be an outstanding councilor.

McLain thanked Mayor Drake and said she has enjoyed working with the City and Mayor Drake. She said she enjoyed her 16 years of service and was excited about going back to teaching at Glencoe High School. McLain said this would be her last report and she would concentrate on the three areas where she has spent most of her time in the last six months.

McLain said she and Metro Councilor Rod Park have been trying to develop ways for the Metro area cities and counties to work more closely with outlying areas such as Yamhill and Banks on land use issues. She said these cities are interested in sharing resources and experiences to better serve the public and be conscientious in dealing with infrastructure costs. She said they have worked on having these cities participate in the Mayor's seminar, on sharing technical information, e-mail connections and mapping resources.

McLain said she also worked on reviewing the issues that have come to Metro over the last 16 years to determine what worked well and what did not. She said she was doing this to figure out what issues needed to be brought to the Legislature this year and to determine where the cities and counties can work together on a legislative agenda that can be presented in a unified voice to Salem. She said they have three or four issues that looked promising.

McLain said she spent a great deal of time working on the Greenspace Bond Measure. She said it was delightful to have this as a going-out project for she was on the Council when the first bond measure was passed in 1995. She said everyone has been a winner with this measure and it has been a pleasure to watch the greenspace programs develop. She noted the Measure was passed in all three counties and in almost all jurisdictions. She said that was a reaffirmation of the public's support for this type of endeavor. She said 2007 would be an exciting year as the Metro Council works through the refinement process.

McLain said she wished to remind the City of the Nature in the Neighborhoods Grant Program. She noted the City previously received these grants for Camille Park and the Golden Pond area. She said the second round of grants was coming and grant proposals were due January 18, 2007. She said there was over \$500,000 in grant money available. She noted there were many important projects on which work should continue and there were various grant funds available. She said Metro has always been happy to support partnerships with other jurisdictions and parks projects have exceeded all of Metro's and the cities' expectations.

McLain concluded by saying that she has known Kathryn Harrington for many years and she is delighted that Harrington is her replacement. She said Harrington was dedicated, hard working, has high goals and high visibility, and she understands the diversity of District 4. She said she has enjoyed being a Metro Councilor but she is looking forward to having more time with her family.

Coun. Doyle thanked her for her service and dedication.

VISITOR COMMENTS PERIOD:

There were none.

COUNCIL ITEMS:

Coun. Arnold said that the City's Holiday Open House would be held on December 12, from 5:00 p.m. to 7:00 p.m., in the City Hall Council Chambers. She invited everyone to attend.

Coun. Doyle said last Wednesday the Beaverton Police Athletic League (PAL) had its annual dinner and silent auction and raised \$3,500, which was double the amount they hoped to raise. He said PAL had reopened, was doing well and hoped to grow. He said PAL makes a difference in the lives of many children.

Coun. Stanton said the National League of Cities Conference would begin December 5 in Reno, Nevada. She said she was going along with the Mayor and Couns. Arnold and Doyle.

Coun. Stanton invited everyone to view the beautiful Christmas tree in the plaza at The Round. She said the tree came from the back yard of Vern Williams, a long-time Beaverton resident. She said the City's tree lighting was last Friday and she heard it was wonderful.

STAFF ITEMS:

Community Development Director Joe Grillo said today was the filing deadline for phase one of the Ballot Measure 37 claims. He said as of 5:00 p.m. today, the City had received a total of ten additional Measure 37 claims; one each from Mr. Williams, Harmony Investments, Mr. Grabhorn, Mr. Hemstreet, Mr. Oulman, Mr. Jaihouni and four claims from the various interests in the Peterkort properties. He said staff has not had the opportunity to review the claims. He added the City has 180 days to conduct a hearing and render a decision.

CONSENT AGENDA:

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

Minutes of the Regular Meeting of November 6, and the Special Meeting of November 16, 2006.

06223 Liquor Licenses: New Outlet – Blue Iguana Bar and Grill

Contract Review Board:

06224 Ratification of Contract Award for Chiller Procurement for the Beaverton Central Plant.

Coun. Arnold said she had a few corrections to the minutes of November 6 that she gave to the City Recorder.

Question called on the motion. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0) Coun. Stanton abstained from voting on both sets of minutes as she was not in attendance at those meetings.

PUBLIC HEARING:

06225 APP 2006-0005 – Appeal of TA 2006-0007 (Code Applicability for Annexed Areas Amendment)

Mayor Drake said a request had been received from Washington County Planning Manager Brent Curtis for a continuance of this matter for at least 60 days. He said February 12, 2007, was the closest meeting after the 60 days requested.

Coun. Stanton MOVED, SECONDED by Coun. Doyle that Council continue the public hearing on APP 2006-0005, the appeal of TA 2006-007 (Code Applicability for Annexed Areas Amendment) to February 12, 2007, at 6:30 p.m. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE; the MOTION CARRIED unanimously. (5:0)

06226 Adopt Resolution and Authorize Implementation of Building, Mechanical, Plumbing and Electrical Permit Fee Increases (Resolution No. 3883)

Coun. Stanton referred to a question she submitted earlier as to why the Plumbing Fee Schedule did not have the Other Inspections and Fee Charges that all the other fee tables and schedules have. She asked if she understood his answer to say that the Other Inspection and Fee Charges would be incorporated in the future.

Building Official Brad Roast replied that was the intention; the similar language would be incorporated in the future when appropriate.

Coun. Stanton said she would appreciate the standardization as that helps her find things when she is reviewing the schedule. She thanked Roast for doing an excellent job and said that she preferred doing small increases incrementally every year.

Coun. Dalrymple said Roast was forecasting the five and ten percent increases, in relationship to the number of permits and inspections. He asked why Roast picked these percentages for the fee increases.

Roast said he arrived at the five percent increase for the building and mechanical permits by reviewing the forecasted revenues and expenditures for the upcoming fiscal year and analyzing the revenues generated from a two percent and ten percent increase to determine where the City would be financially. He said he wanted to keep the fee revenue sufficient to maintain the Contingency Fund so the City would not be losing money. He said for the electrical permits, the City was doing a small catch-up. He said the true percentage to make the electrical permits self-supporting was in the range of 25% to 50%. He said the City was doing smaller incremental increases because the development industry does not want to see large increases. He said the ten percent increase for electrical permits was reasonable to continue to improve the fee structure. He said the increase would continue annually until the fee schedule covers operation costs and maintains the Contingency Fund level.

Coun. Dalrymple asked regarding the fees, if there were any performance standards for any of the departments relative to monitoring expenses in the departments for the work that is done; or if staff was just forecasting based on what they felt the workload would be.

Roast said it was based on the anticipated workload. He said regarding performance measures, they did not know what the workload would be daily or month-to-month, so staff has to do an educated guess based on past development and what is anticipated in the future. He said staff then does a spreadsheet of the percentages to forecast anticipated revenues based on anticipated activity.

Coun. Dalrymple said for this year the bottom line was that the City was doing catch-up and trying to maintain a certain contingency level and net aggregate.

Roast said that was correct.

Coun. Doyle asked that next time this is presented he would like to see that information and also the other cities' fees in comparison to what Beaverton charges.

Mayor Drake opened the public hearing and asked if anyone wished to testify.

No one came forward to testify.

Mayor Drake closed the public hearing.

Coun. Doyle **MOVED, SECONDED** by Coun. Stanton that Council approve Agenda Bill 06226 containing Resolution No. 3883, A Resolution to Increase Building, Mechanical, Plumbing, and Electrical Permit Fees.

Coun. Stanton said she would support the motion because the responsible thing for the City to do is to make these permits as self-supporting as possible, to cover the City's costs.

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

ORDINANCES:

Mayor Drake noted Coun. Stanton had a question regarding the 72-hour parking prohibition (Agenda Bill 06219, Ordinance 4415).

Coun. Stanton said she was remembering that the Council previously discussed towing cars that were on the street for either 48 or 72 hours. She said she thought it was a Code Enforcement issue and asked if anyone else remembered this discussion.

Chief of Staff Linda Adlard said the City previously reduced the amount of time that an automobile, that was not registered to the owner of the property that it was parked in front of, could sit on a street before towing could be implemented. She said what is currently happening is that if a car is parked in front of its registered owner's home and sits for more than 72 hours, they are being ticketed for \$10.00. She said this is irritating to the homeowners. She said this section should have been removed earlier.

Mayor Drake said the intent of the original Code amendment was to deal with abandoned vehicles, not to inconvenience people who park their cars in front of their own homes.

Coun. Arnold asked about vehicles parked in citizen's yards and not used at all.

Adlard explained that parking a vehicle in a yard is illegal in the City of Beaverton. She said Code Enforcement would notify the owner, tag the car, and if it is not removed it would be towed away.

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the rules be suspended, and that the ordinance embodied in Agenda Bill 06219 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:

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

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

Second Reading:

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

06216 An Ordinance Amending Chapters Five and Nine of the Beaverton Code Related to the Tualatin Basin Goal 5 Program (Ordinance No. 4412)

06217 An Ordinance Amending Comprehensive Plan Chapters 3, 4, 5, 6, 7, 8, the Glossary and Volume III (Ordinance No. 4187) Related to CPA 2006-0012 (Ordinance No. 4413)

06218 An Ordinance Amending Development Code Chapters 60 and 90 (Ordinance No. 2050 as Amended through Ordinance 4265) Related to TA 2006-0009 (Ordinance No. 4414)

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the ordinances embodied in Agenda Bills 06216, 06217 and 06218 now pass. Roll call vote. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 7:26 p.m.

Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this day of , 2007.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

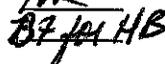
SUBJECT: A Resolution Adopting the City of
Beaverton Habitat Friendly
Development Practices Guidance
Manual

FOR AGENDA OF: 1/08/07 **BILL NO:** 07003

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 12/26/06

CLEARANCES: City Attorney 
Planning 

PROCEEDING: Consent

EXHIBITS: A. Proposed Resolution
B. Guidance Manual

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

Local governments in the Tualatin Basin collaborated on a program to implement Metro's Goal 5 Nature in the Neighborhoods Program. On November 13, 2006, City Council held a work session on the Tualatin Basin Goal 5 Implementation. Staff noted the necessity of bringing back a guidance manual in January to assist in implementation of the program and to provide some guidelines for construction of the low-impact development techniques. The Tualatin Basin program is a voluntary incentive-based program of habitat friendly development practices and low-impact development techniques that the City Council approved on December 4, 2006 through Ordinances 4412, 4413, and 4414.

INFORMATION FOR CONSIDERATION:

Staff conducted an internal review of the document. Staff anticipates that this will be a fluid document with appropriate changes as necessary through adoption of subsequent resolutions. A final document will be produced in color with improved graphics. The content will remain the same, but the format, clarity of graphics, and location of the graphics will be improved.

RECOMMENDED ACTION:

City Council approve the resolution adopting the City of Beaverton Habitat Friendly Development Practices Guidance Manual.

RESOLUTION NO. 3885

**A RESOLUTION ADOPTING THE CITY OF BEAVERTON HABITAT FRIENDLY
DEVELOPMENT PRACTICES GUIDANCE MANUAL**

WHEREAS, the City of Beaverton collaborated with local governments in the Tualatin Basin to form the Tualatin Basin Partners for Natural Places; and

WHEREAS, the Tualatin Basin Partners for Natural Places, through an intergovernmental agreement with Metro, developed a program that facilitates and encourages habitat friendly development practices and low impact development techniques in the Tualatin River Basin; and

WHEREAS, the City of Beaverton adopted Ordinance Numbers 4412, 4413, and 4414 to implement the Tualatin Basin Goal 5 Program; and

WHEREAS, the overall program called for a guidance manual to provide guidelines to implement the habitat friendly development practices and low impact development techniques; and

WHEREAS, the City of Beaverton prepared a Guidance Manual to assist in preparing development applications using habitat friendly development practices and low impact development techniques.

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

The City Council adopts the City of Beaverton Habitat Friendly Practices Guidance Manual attached as Exhibit A.

Adopted by Council this _____ day of _____, 2007

Approved by the Mayor this _____ day of _____, 2007

Ayes: _____

Nays: _____

ATTEST: _____

APPROVED: _____

SUE NELSON, City Recorder

ROB DRAKE, Mayor

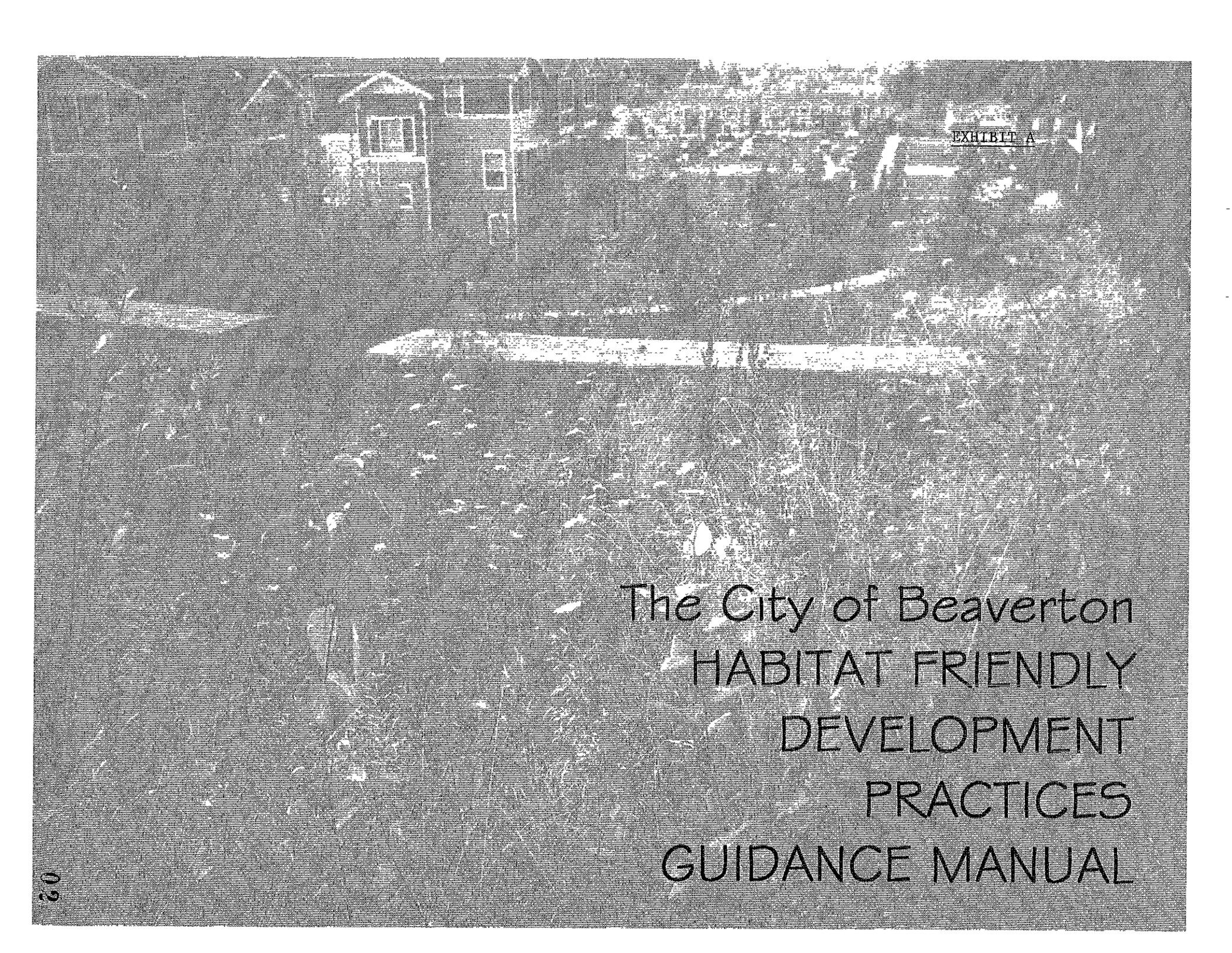


EXHIBIT A

The City of Beaverton
HABITAT FRIENDLY
DEVELOPMENT
PRACTICES
GUIDANCE MANUAL

December 2006

HABITAT FRIENDLY DEVELOPMENT
PRACTICES
GUIDANCE MANUAL

Principal Author
Barbara Fryer
Senior Planner
Planning Services Division
City of Beaverton

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1. INTRODUCTION

1.1 Purpose of these Guidelines

Developed and reviewed through inter-departmental staff, this manual presents key information that will help elected officials, City staff, property owners and land developers understand and implement habitat friendly development practices in the City of Beaverton.

1.2 Background

Beginning in 1999, Metro began review of riparian corridors and wildlife habitat on a regional basis. Statewide Planning Goal 5 empowers Metro to conduct this review and to determine which resources might be regionally significant. Metro accomplished this by identifying regionally significant riparian corridors and wildlife habitat as Classes I, II and III and upland habitat as Classes A, B and C. Metro determined that the regional program applies to only Classes I and II habitat. Metro's inventory completes step 1 of the Goal 5 process.

Statewide Planning Goal 5 -
Natural Resources, Scenic and
Historic Areas, and Open Spaces

Three steps to comply with the
Goal:

1: Inventory Resources

2: Analyze the Environmental,
Social, Economic, and Energy
consequences of allowing, limiting
and prohibiting conflicting uses
(such as development) in the areas
identified in step 1.

3. Develop a program to implement
the decision in step 2.

In 2002, local governments in the Tualatin River Basin formed the Tualatin Basin Partners for Natural Places (Partners). The Partners signed an intergovernmental agreement with Metro that stipulated that the basin governments would use the Metro inventory and would work together to conduct an Environmental, Social, Economic and Energy (ESEE) consequences analysis and develop a cooperative program (steps 2 and 3 of the Goal 5 process). The Partners prepared an ESEE analysis and determined that the program would facilitate and encourage habitat friendly development practices in Classes I and II riparian corridors/wildlife habitat and in Class A upland habitat. These areas are named Habitat Benefit Areas (HBA). The City of Beaverton decided to include riparian corridor class III as a Habitat Benefit Area.

These guidelines implement the program described above. The document provides additional tools to address habitat protection, tree preservation, and stormwater quality and quantity facilities. While all the tools may not be technologically feasible throughout the city, each technique has merit. Tools may be more effective if trained together as railcars in a train as using more than one treatment can effectively treat stormwater quality. Some techniques, depending upon the design, may reduce the need to provide stormwater quantity facilities on site.

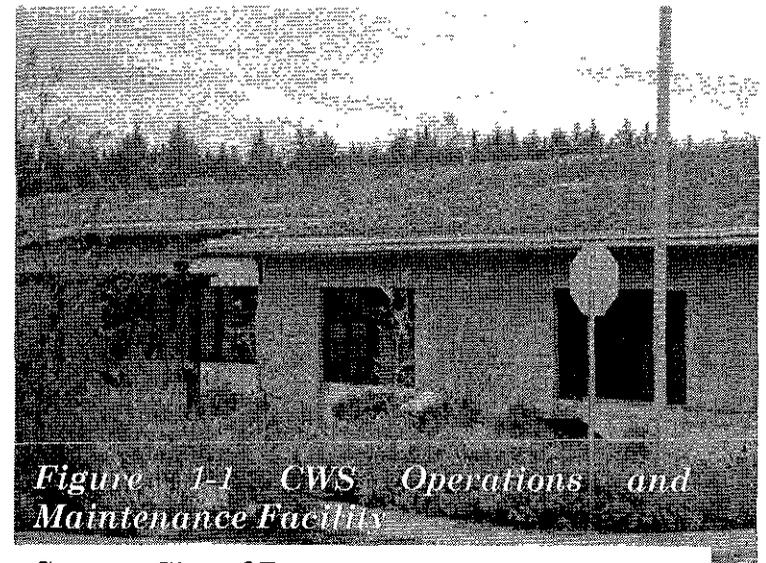


Figure 1-1 CWS Operations and Maintenance Facility

Source: City of Beaverton

1.3 Habitat Friendly Development Practices

Habitat friendly development practices approved by the City include:

- preserving, enhancing, mitigating and creating habitat benefit areas,
- providing additional and preserving existing tree canopy,
- amending site soils,
- redirecting flows from downspouts,
- constructing eco-roofs and rooftop gardens,
- building rain gardens,
- integrating parking into the development,
- integrating tree box filters,
- using pervious pavement or reducing pavement, and
- using cutoff lighting near habitat benefit areas.

All the practices are described in the chapters that follow.

1.4 Connections of these Guidelines to Other Efforts and Policies

Overlapping jurisdictions, purposes, and resources combine to form the basis for the program. Initially, the Federal Endangered Species Act, triggered by the listing of salmonid species, activated Metro and Clean Water Services to develop their respective Nature in the Neighborhoods Program and Healthy Streams Plan. Further, Clean Water Services regulates discharges to the Tualatin River and its tributaries pursuant to the Federal Clean Water Act and Total Maximum Daily Load allocations, as determined by the Department of Environmental Quality. Clean Water Services' Design and Construction Standards require erosion control practices, construction of stormwater quality pretreatment, and preservation of vegetated corridors for clean water. Metro developed water quality, flood management and fish and wildlife

conservation regulations in the mid to late 1990s. Also in the late 1990s, Metro began developing the Nature in the Neighborhoods program by inventorying resources according to the Statewide Planning Goal 5 processing requirements. Figure 1-1 graphically depicts the inter-relationship between federal, state, regional, Tualatin Basin and local regulations.

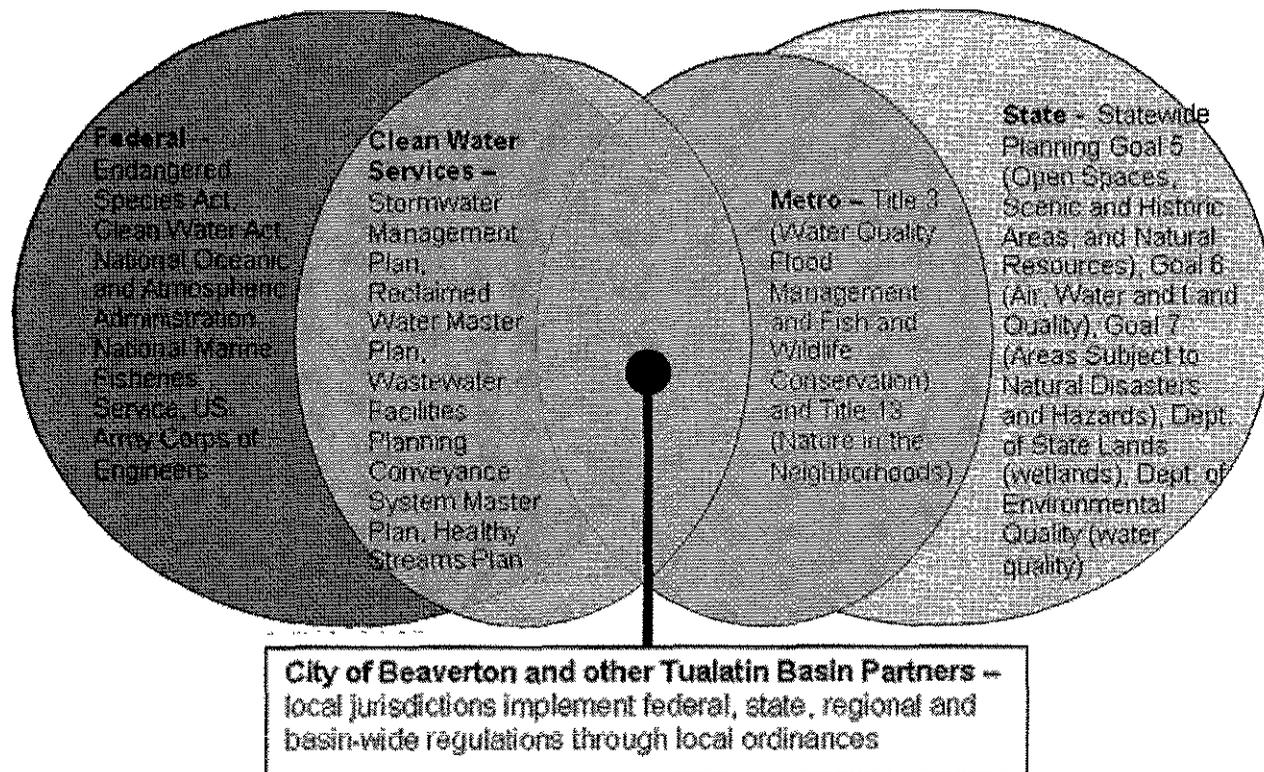


Figure 1-2 Overlapping Natural Resource Programs

Source: Modified graphic from City of Sherwood

1.5 How to Use these Guidelines

These guidelines serve as the starting point for addressing water quality and quantity on a particular site. The guidelines expand the toolbox beyond the tools provided in the Clean Water Services Design and Construction Standards. The tools include the habitat friendly development practices noted earlier. The manual explains some design criteria for these techniques and suggests the benefits of using these techniques.

The manual is organized by topic of interest.

2. BACKGROUND CONCEPTS

2.1 The Hydrologic Cycle

Figure 2-1 pictorially describes the relationship between precipitation, evaporation, surface runoff and groundwater recharge known as the hydrologic cycle. Precipitation evaporates or transpires, flows across the surface to a stream corridor or other water body, or moves into the soil.

Surface runoff occurs when the infiltration capacity of the soil is exceeded. Surface runoff also occurs when materials do not allow water to pass through. Pervious surfaces allow water to infiltrate or percolate into the soil. Impervious surfaces do not allow the soil to absorb any water. Examples of impervious

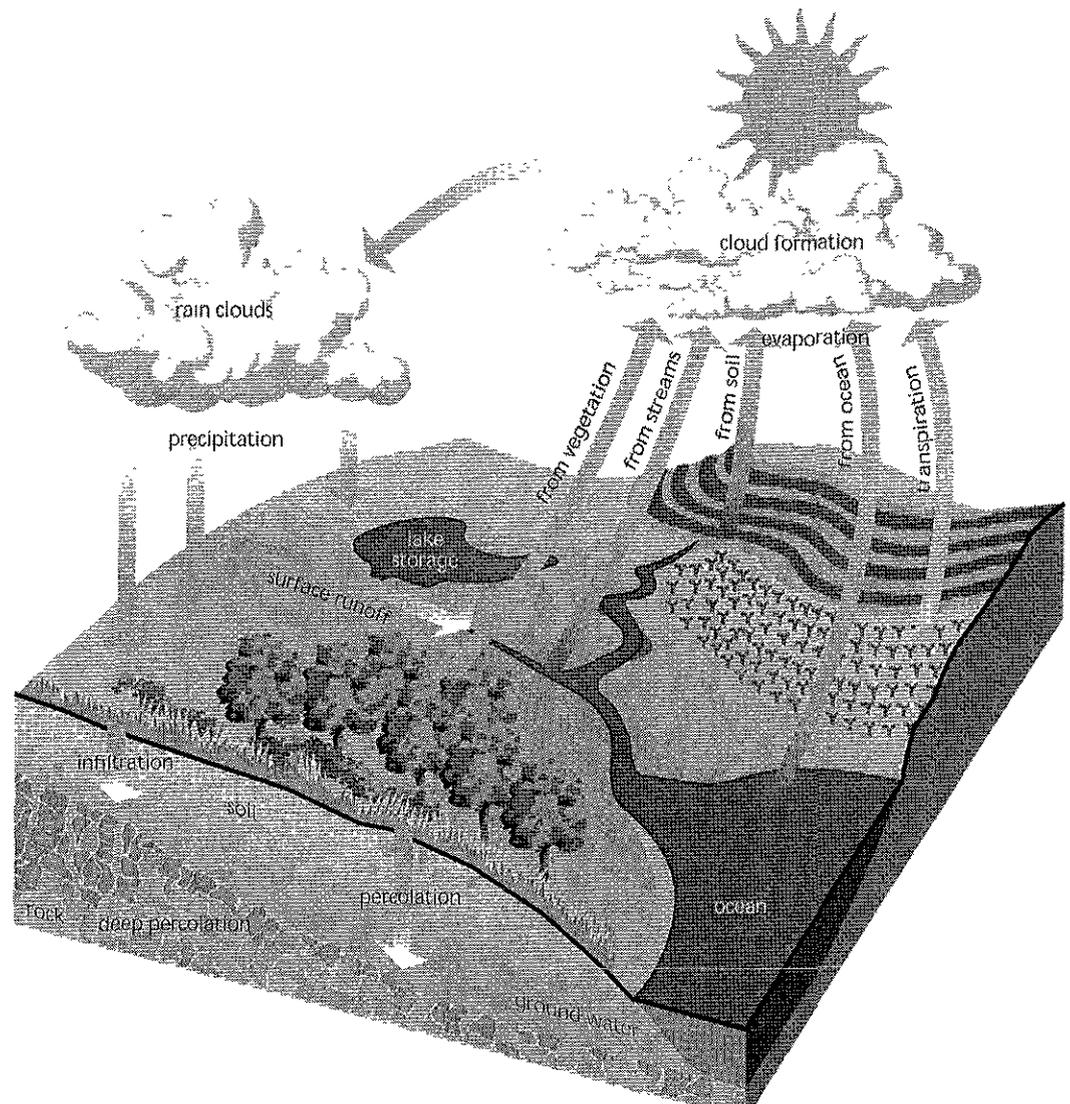


Figure 2-1: The hydrologic cycle.

Source: Stream Corridor Restoration: Principles, Processes, and Practices, 10/98, the Federal Interagency Stream Restoration Working Group (FISRWG).

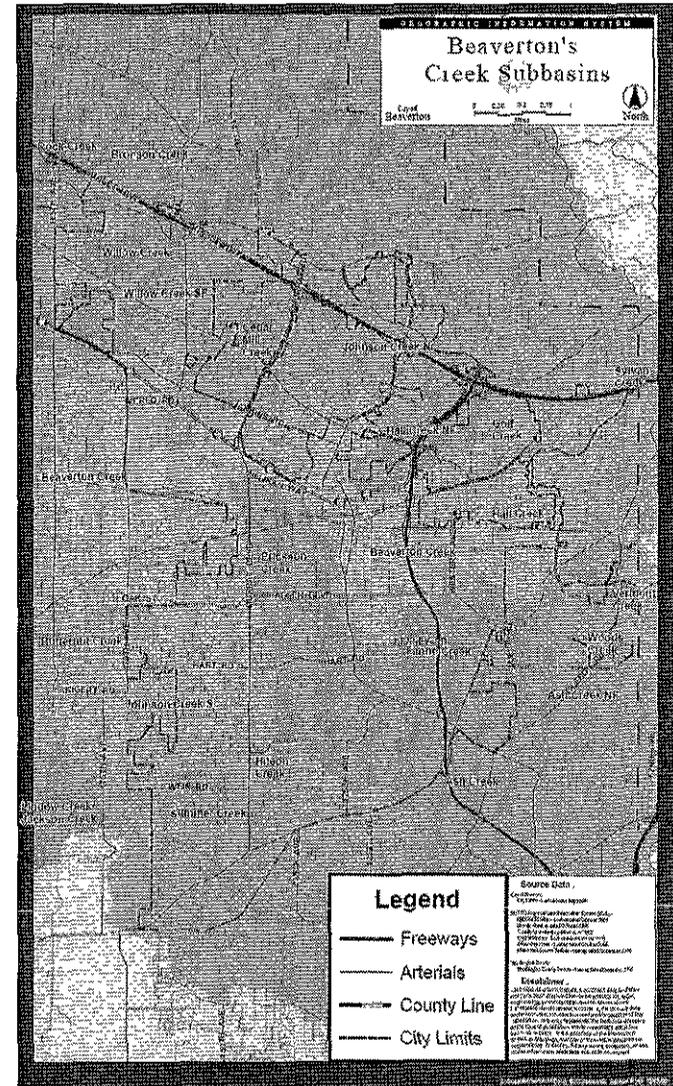
surfaces include asphalt and concrete, hard packed soil and gravel, and roofs.

2.2 Tualatin Basin Watershed

The Tualatin River watershed extends from the Coast Range to the West Hills to the Chehalem-Parret Mountains. The Tualatin River includes over 900 miles of streams. Beaverton includes three major creek basins: Beaverton Creek, Fanno Creek and Summer Creek. These basins are divided into smaller subbasins as shown at right.

Each subbasin has varying degrees of Effective Impervious Area. Reducing or eliminating Effective Impervious Area on site can assist in maintaining and restoring the health of the stream. Low Impact Development practices are the key tool in maintaining consistent hydrology.

Many of the stream basins in the Tualatin Basin, especially within the city limits of Beaverton, have been modified from their original state by development. Clean Water Services' vegetated corridor requirements regulate retention of riparian habitat and bioremediation of stormwater. The soils, plants, and microorganisms in the vegetated corridor break down pollutants before they reach the Tualatin River.

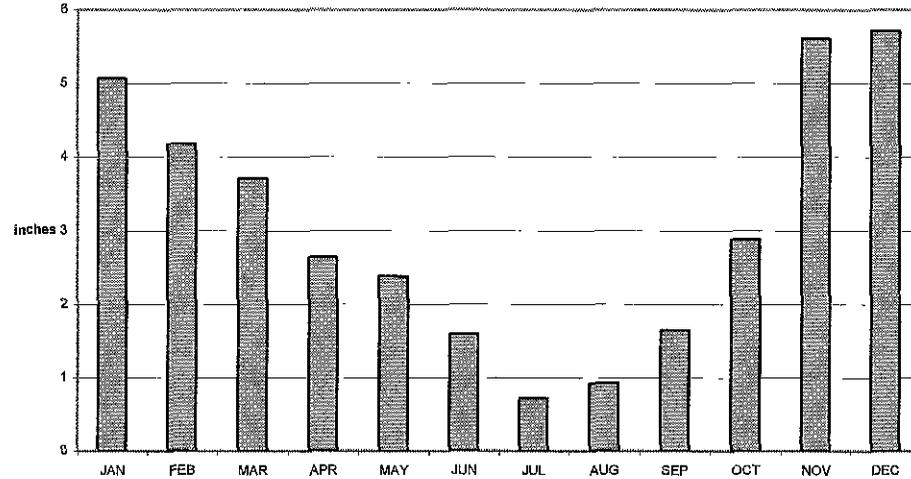


2.3 Tualatin Basin Hydrology

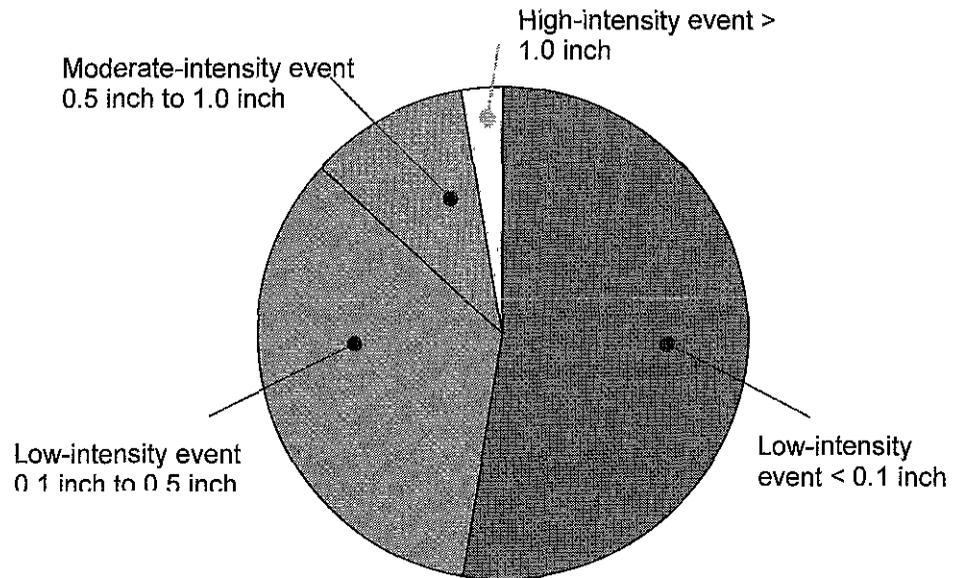
Hydrology is the study of how water flows into and through stream corridors. How fast, how much, how deep, how often, and when water flows all influence hydrology.

Rainfall, in a 24-hour period, varies from an annual average of 0.5 inches in August to an annual average of 6.41 inches in December. Looking at the percent occurrence of 24-hour rainfall volumes, over 80 percent are 0.5 inches or less. Most of the stormwater falls in low-intensity storms from September through June. Moderate-intensity storms occur throughout the year and occur more frequently from October to April. The frequency of high-intensity storms increases from November through

Average Monthly Precipitation
1971 through 2000



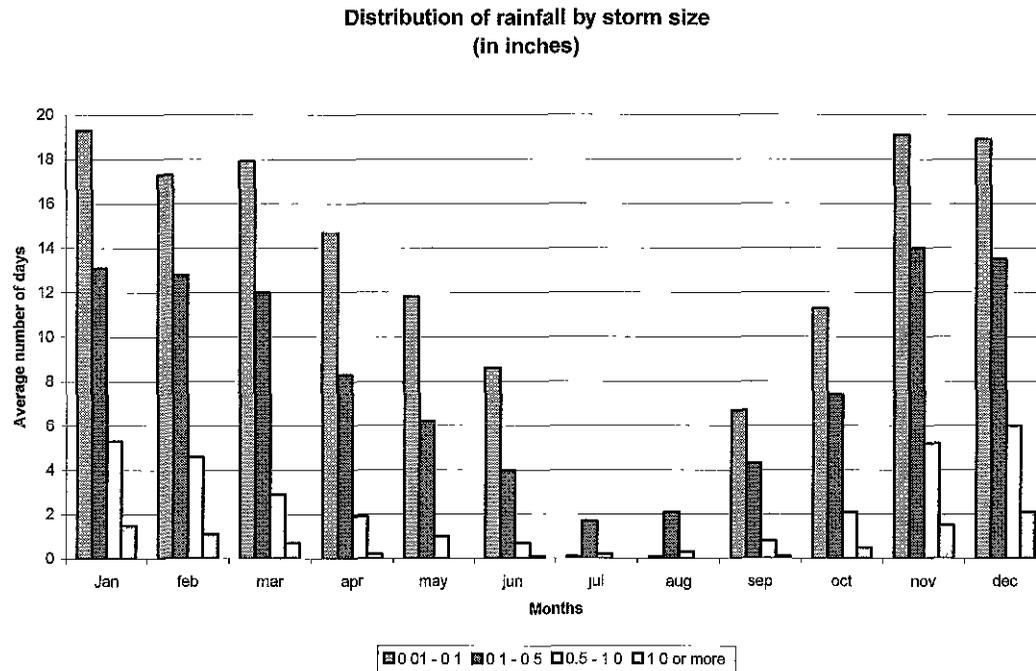
Percent Occurrence of
24-hour Rainfall Volumes



February. (Source: Oregon Climate Service, Oregon State University)

Low impact development techniques work best on small events, less than 0.5 inches of rainfall in a 24-hour period. The rainfall data to the right suggests that LID techniques will successfully reduce runoff from the majority of storms. Low-intensity events that are

less than 0.5 inches of rain in a 24 hour period typically produce runoff only if there has been at least 0.05 inches of rainfall per hour. September brings the first consistent small storms, which initially remove dust, pollutants, trash, and debris accumulated on roads, parking lots, roofs, and other hard or paved surfaces. These storms carry significantly greater concentrations of pollutants than later storms, although the first rainfall of any storm event carries more pollutants than rainfall towards the end of the storm. LID techniques help mitigate this first flush of pollutants.



2.4 Soil and Groundwater Conditions

Soil structure, farming, drain tiles, logging and development affect the permeability of soils. Most of the deposits in the Tualatin Valley are silts and clays or a mixture of both. In the headwaters areas, above 200 feet in elevation, cobble and rock are the predominant soil structure. Soils are grouped according to hydrologic characteristics. The groups are indicators of infiltration rates, porosity, and degree of water transmission.

The Natural Resource Conservation District, US Department of Agriculture, classifies hydrologic soil groups as A through D.

- Group A consist of soils having a high infiltration rate (low runoff potential) when thoroughly wet. These soils are deep, well drained to excessively drained sands or gravels. These soils have a high rate of water transmission.
- Group B consist of soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well or well drained soils that have moderately fine to moderately coarse texture.
- Group C have a slow infiltration rate when thoroughly wet. These consist chiefly of soils that have a layer that impedes the downward movement of water or soils that have moderately fine or fine texture. These soils have slow rate of water transmission.

- Group D soils have a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clay soils that have a high shrink-swell potential, soils that have a permanent high water table, soils that have a fragipan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Hydrologic group A does not exist in Beaverton. Review of the Washington County Soil Survey, published by the Natural Resource Conservation District, reveals that Beaverton includes predominantly hydrologic groups B, C, and D. As noted above, A and B soils are generally well suited for infiltration, while C and D soils are poorly suited for infiltration. Soil testing is important in hydrological groups C and D to determine the actual infiltration rate of the soil at the depth proposed for the low impact development technique.

Beaverton's water table fluctuates season to season and year to year. Individualized tests are needed to determine actual depth to water table.

2.5 Impacts of Urbanization

The amount of impervious cover increases dramatically with development. Typical single family development in an area like Beaverton is greater than 35% impervious. Development in Beaverton's downtown area is between 75% to 100% impervious materials (e.g. roads, sidewalks, parking lots, rooftops). Figure 2-2 displays the water table affected by varying degrees of impervious surface. As noted in the figure, higher percent impervious material results in greater runoff. Impervious cover directly affects surface runoff and stream degradation. This increase in surface runoff directly affects the peak

discharge to a stream. As noted in Figure 2-3, these changes affect the amount and speed of surface water runoff in the watershed.

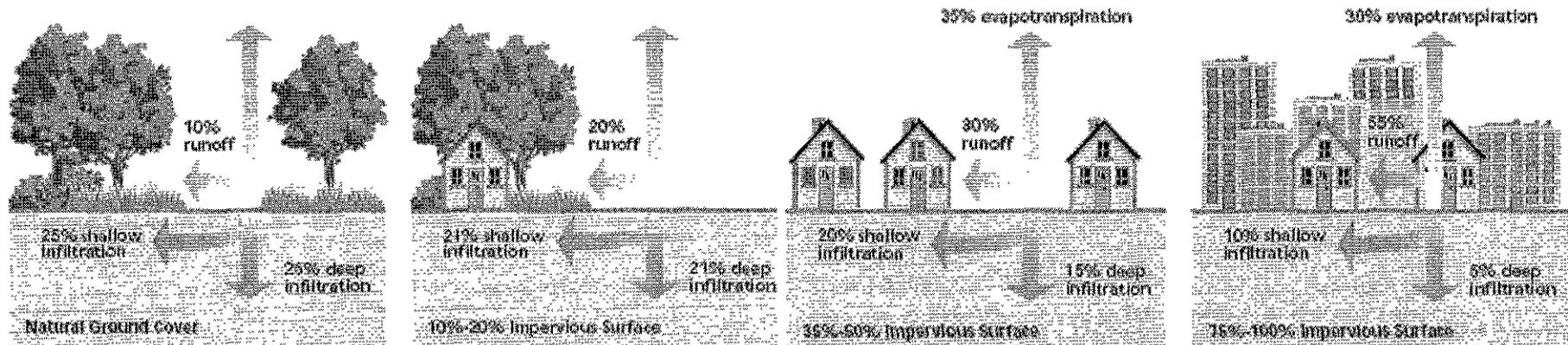


Figure 2-2: Effects of urbanization on the hydrologic cycle.

Source: Stream Corridor Restoration: Principles, Processes, and Practices, 10/98, by the Federal Interagency Stream Restoration Working Group (FISRWG).

Changes in land use from forest and agriculture to urban impervious cover affect the hydrologic cycle. More specifically, the increase in impervious cover raises the discharge curve higher and steeper (Q shown on Figure 2-3).

Impervious areas include rooftops, roadways, parking lots, sidewalks and driveways. Because these areas create such a sharp jump in the amount of water entering the stream and at much greater velocities, less water percolates into the groundwater table and streams become incised and eroded. Effective

Impervious Area (EIA) is impervious area that is directly connected to the storm drainage system. Rooftops, parking lots, sidewalks and driveways are typically directly connected to the storm drainage system. By reducing EIA and by absorbing and holding water on site using various techniques described in this manual, streams can return to a lower and less steep runoff curve (volume and speed of water flow).

2.5 Current Stormwater Management

Current stormwater management includes stormwater regulations, storm system capital improvements, pollution prevention, maintenance and water quality monitoring. Storm water regulation guides new development in the design and construction of stormwater facilities, including pre-treatment of stormwater. Capital improvements include stormwater outfalls, facilities, pretreatment, and pipes. Regulation, inspection, and enforcement of erosion control and pollutant source controls helps prevent pollution. Maintenance includes catch basins, storm lines, water quality and quantity facilities, and street sweeping. Water quality monitoring occurs on selected streams throughout the Tualatin Basin. In Beaverton, there are four monitoring stations, one on Beaverton Creek, two on Bronson Creek, and one on Fanno Creek.

Despite implementing the Best Management Practices (BMPs), water quality in the Tualatin Basin continues to decline due to continuing development.

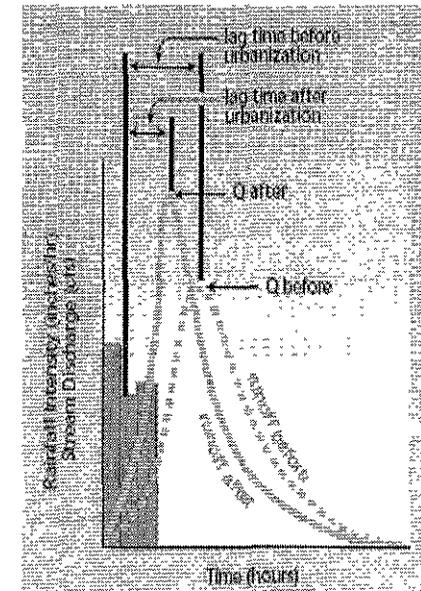


Figure 2-3 A comparison of hydrographs before and after urbanization

Source: Stream Corridor Restoration: Principles, Processes, and Practices, 10/98, by the Federal Interagency Stream Restoration Working Group (FISRWG).

Older development, not constructed under current regulations, contributes more pollutants in the Basin on average compared to newer development. Primary pollutants include phosphorus, bacteria, volatile solids (affecting the amount of dissolved oxygen in the stream), and high water temperature in streams and effluent discharge from the sanitary sewer system.

2.6 Sustainable Stormwater Management

Sustainable stormwater management strives to achieve and maintain the hydrologic balance that existed before development. This is the goal of LID techniques found in this manual. While the goal is laudable, achieving it on all properties, even through a voluntary incentive-based program, will be

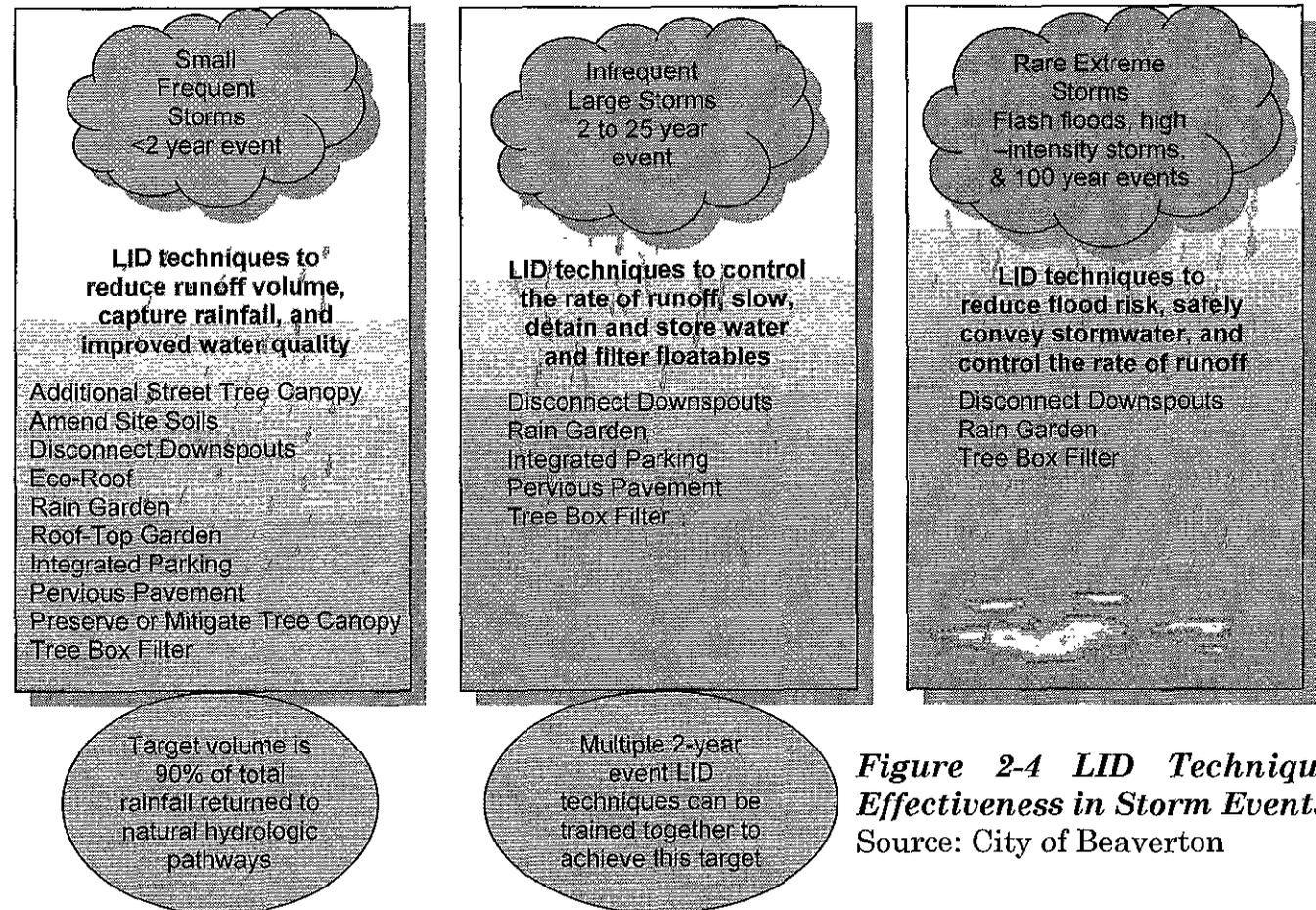


Figure 2-4 LID Technique Effectiveness in Storm Events
Source: City of Beaverton

difficult. As noted above, the soils in Beaverton typically have slow rates of infiltration. The best result that most development sites can aspire to is reducing the time, velocity and volume of the flow entering the storm water system, streams and the Tualatin River.

Sustainable stormwater tries to maintain the hydrologic cycle through the use of natural systems. LID techniques can contain the water flow from most small, low-intensity storms. Medium storms require larger detention facilities, while large storms rely on detention facilities and pipes to carry water through the storm water system. In all cases, low impact development techniques provide some relief by slowing storm water flow. For example, rain gardens, when sized correctly, can slow or infiltrate the roof runoff from buildings. Figure 2-4 compares the intensity of storm with the type of low impact development that may be beneficial. All techniques can slow stormwater, some can detain the flow, and some can retain the flow. Slowing the flow increases the lag time in Figure 2-3. Detaining the flow increases the lag time, reduces the peak, and extends the time of the curve (flattens the curve). Retaining the flow eliminates the curve by retaining the storm water on-site. Retention basins evaporate and infiltrate stormwater to eliminate runoff from the site. Beaverton's hydrologic soil groups infiltrate slowly, limiting the effectiveness of retention basins as useful solutions in this area.

LID techniques are discussed in detail in Chapter 7.

3. GOALS

The goals of the integrated program begin at the statewide level and filter down to the local level as shown in the following bullet points:

- Statewide Planning Goal 5 protects and conserves natural resources, historic resources, scenic resources and open space.
- Metro's Goal 5 program goal attempts to provide uniform definition of regionally significant fish and wildlife habitat and baseline techniques (Habitat Friendly Development Practices or HFDPs) for local governments to limit impacts to those habitat areas.
- Clean Water Services' goal is to implement the Clean Water Act to improve water quality by reducing water temperature, bacteria and other pollutants in the Tualatin Basin Watershed.

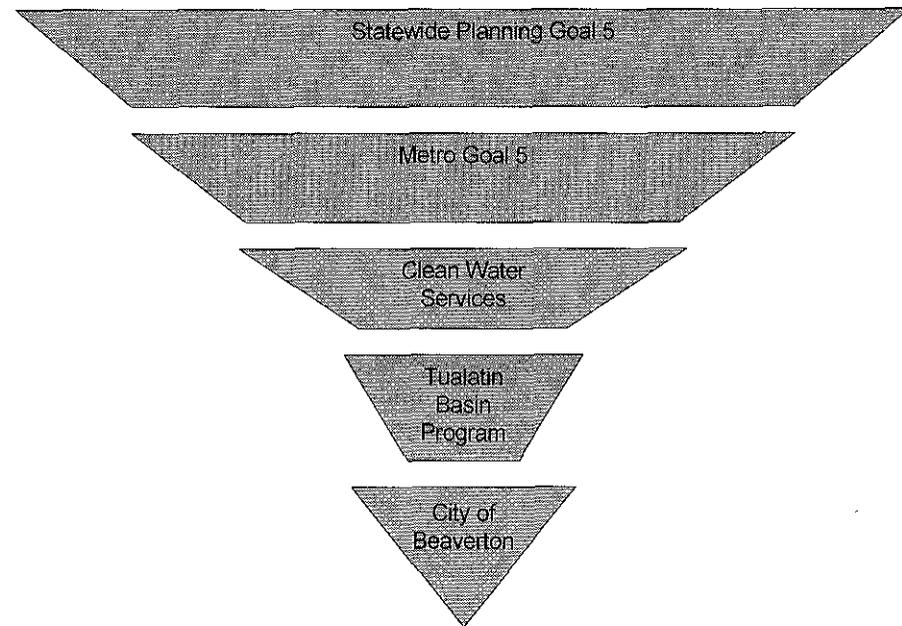


Figure 3-1 Hierarchy of Interrelated Programs
Source: City of Beaverton

- The Tualatin Basin program goals are to facilitate and encourage HFDPs to support natural systems that provide wildlife with food, shelter, and clean water and to limit impacts to the Tualatin River watershed.
- The City's Goal 5 program attempts to:
 - Limit impacts on Fanno, Beaverton and Summer Creeks and their tributaries by working toward sustainable development and zero EIA on all sites. HFDPs, low impact development (LID) and Clean Water Act implementation work toward this goal.
 - Promote preservation, enhancement and restoration of HBAs.
 - Promote smart growth infill and redevelopment practices through incentives to use LID and preserve, enhance, mitigate and create HBA.
 - Build with natural functions and retain natural systems.
 - Use best management practices to guide decisions regarding site design, development and construction.
 - Encourage HFDPs by adopting options that allow for flexibility in site design.

4. SITE ASSESSMENT

“Site assessment includes an inventory of on-site and adjacent off-site conditions. Specifically, the site assessment process should evaluate topography, soils, hydrology, vegetation, and water features to identify how stormwater moves through the site prior to development. The site should align roads, lots, and structures and implement construction practices to preserve and use these

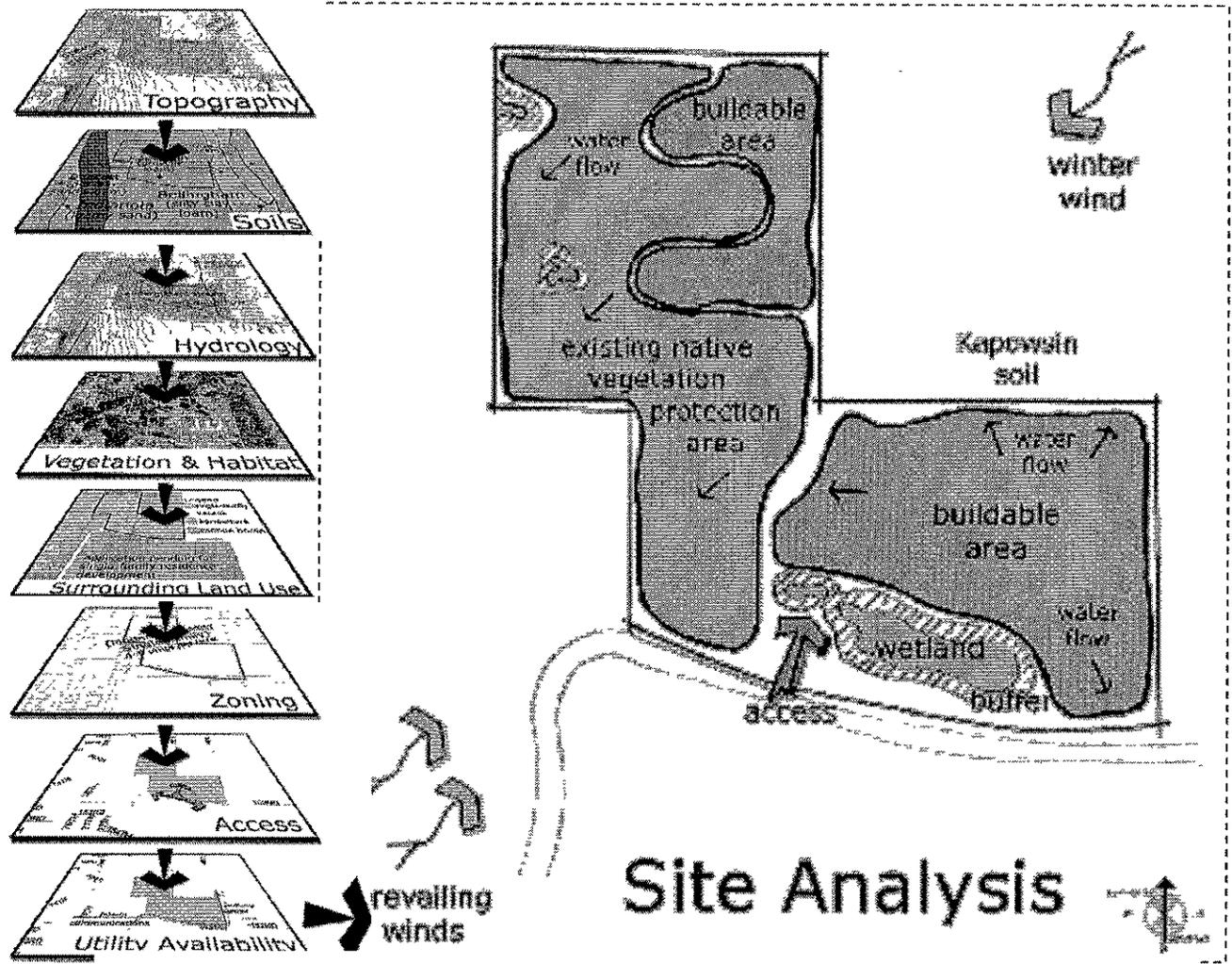


Figure 4-1 Site Analysis Overlay
Source: Puget Sound Action Team

features to retain natural hydrologic functions. In almost all cases, low impact development requires on-site inventory and assessment and cannot be properly planned and implemented through map reconnaissance alone.” (LID Technical Guidance Manual for Puget Sound)

4.1 Soil Analysis

Soil analysis is necessary to learn if any soils on site are suitable for infiltration. If the soils do not allow for infiltration, then the retention techniques (those that retain water and allow it to infiltrate and evaporate) are not recommended. Knowledge of soils types is also necessary to determine the amount of gravel to place under structures for water storage.

Assessment Techniques

Methods recommended for determining infiltration rates fall into two categories:

1. Texture or grain size analysis using U.S. Department of Agriculture (USDA) Soil Textural Classification (Rawls survey) or ASTM D422 Gradation Testing at Full Scale Infiltration Facilities.
2. In-situ infiltration measurements using a Pilot Infiltration Test, small-scale test infiltration pits (septic test pits), and groundwater monitoring wells.

Grain size analysis and infiltration test present important but incomplete information. Soil stratigraphy should also be assessed for low permeability layers, highly permeable sand/gravel layers, depth to groundwater, and other soil structure variability necessary to assess subsurface flow patterns. Soil

characterization for each soil unit (soil strata with the same texture, color, density, compaction, consolidation and permeability) should include:

- Grain size distribution
- Texture class
- Percent clay content
- Cation exchange capacity
- Color/mottling
- Variations and nature of stratification

(Washington Department of Ecology (August 2001) *Stormwater Management Manual for Western Washington*. (Publication Numbers 99-11 through 99-15). Olympia, Washington: Water Quality Program. (Through PSAT)

Consult a geotechnical engineer or soil scientist for initial assessment and soil pit recommendations.

4.2 Hydrologic Patterns and Features

Hydrology provides the foundation for the use of LID techniques. Knowing the site hydrology determines the types of LID techniques to use and the potential locations.

Assessment Techniques

- Identify hydrologic features on site.
- Identify and map surface flow patterns.
- Identify volume, duration and energy of storm flows.
- Identify ground water table levels with shallow hand-augured monitoring wells.

4.3 Vegetation and Habitat

Protection of native tree canopy and the understory beneath the canopy reduces the effective impervious area and maintains natural stormwater evapotranspiration. Native tree canopy also provides habitat for small mammals and birds, and open space. Vegetated corridor, wetland, and habitat benefit area protection provides the following functions:

- Dissipate stream energy and erosion associated with high-flow events.
- Filter sediment and maintain floodplain.
- Improve flood water retention and groundwater recharge.
- Provide nutrients to the aquatic food web.
- Provide habitat for a high diversity of terrestrial and aquatic biota.
- Provide shade and temperature regulation.

4.3.1 Tree Canopy and Understory Assessment Techniques

The following are steps to conduct a basic inventory and assessment of the function and value of on-site native vegetation:

- Identify forest areas on the site by size
- Identify species and condition of ground cover and shrub layer,
- Identify tree species and canopy cover.

4.3.2 Vegetated Corridors Assessment Techniques (Clean Water Services' Stormwater Permit Process)

Clean Water Services (CWS) is a service district formed under ORS Chapter 451 with lead responsibility for urban surface water management in urban Washington County, including the city of Beaverton and other cities. To protect water quality, the District adopted rules that affect how and where development can occur by requiring vegetated corridors, enhancement, and mitigation for impacts to Water Quality Sensitive Areas.

Water Quality Sensitive Areas are land features which serve as water quality filtering systems, protect aquatic communities, or that improve the water quality and quantity management of the storm and surface water system, and include any drainage system with a basin greater than 10 acres, wetlands, rivers, streams, springs, lakes and ponds. Stormwater facilities are not considered sensitive areas. The vegetated corridor, adjacent to a Water Quality Sensitive Area should be preserved and maintained to protect the water quality functions of the sensitive areas. Vegetated corridor rules apply to development, which is as all human-induced changes to improved or unimproved real property.

Section 1.02.14, the CWS Design and Construction Standards (CWS Resolution and Order 04-9) requires a Stormwater Connection Permit for all development. However, prior to issuance of the Stormwater Connection Permit, a developer will need either:

- A. **A Pre-Screen Site Assessment** by CWS that states that no Water Quality Sensitive Areas are on or within 200 feet of the development site; or

B. A Service Provider Letter from CWS, which states that CWS has reviewed and concurs with the proposed site plan. (NOTE: A Service Provider Letter must be included with a land use or building permit application to the City.)

In order to get a Service Provider Letter and a Stormwater Connection Permit from Clean Water Services, a development applicant must comply with the current Design and Construction Standards, available at <http://www.cleanwaterservices.org/>. This means that if a project is proposed that meets the definition of “development”, a Pre-Screen Site Assessment must be completed and a Site Certification and Natural Resource Assessment may be required. Chapter 3 of the Design and Construction Standards contains the regulations pertaining to Water Quality Sensitive Areas. Appendix C outlines the Natural Resource Assessment Methodology, and Appendix D provides information on Landscape Standards.

The CWS Permit FAQs section on their website has answers to common questions. For additional questions about Clean Water Services’ water quality protection regulations or the permitting process, contact: Clean Water Services, 2550 SW Hillsboro Highway, Hillsboro, OR 97213, Phone: (503) 681-5100, Fax: (503) 681-4439 web site: <http://www.cleanwaterservices.org/>

4.3.3 Wetland Assessment Techniques

Wetland assessments are required for wetlands greater than 0.25 acres and follow the US Army Corps of Engineers (Corps) Wetlands Delineation Manual. *Corps of Engineers Wetlands Delineation Manual*

(Technical Report Y-87-1), Document # ADA 176 734. NTIS: Order Department, Springfield, Virginia 22161. Phone (703) 487-4650, FAX Order (703) 321-8547.

A Corps permit may be required if filling wetlands greater than 0.25 acres. A Department of State Lands permit may be required for fill and removal of wetlands. More information can be found at <http://www.usace.army.mil/> and <http://www.oregon.gov/DSL/index.shtml>

4.3.4 Habitat Benefit Area Assessment Techniques

City of Beaverton Habitat Benefit Areas consist of Metro's Regionally Significant Riparian Corridors Classes I, II, and III and Upland Wildlife Habitat Class A. Habitat Benefit Area maps are found in the City's Comprehensive Plan, Volume III: Statewide Planning Goal 5 Resource Inventory Documents and on the City of Beaverton web site <http://www.beavertonoregon.gov/> These areas exclude lands already regulated through the City's Goal 5 program and the Clean Water Services' Design and Construction Standards for Sensitive Areas and Vegetated Corridors.

4.3.5 Avoid, Minimize, Mitigate Impacts to Vegetation, Vegetated Corridors, Wetlands and Habitat Benefit Areas

Vegetation, vegetated corridors, wetlands and HBA are important resources providing flood control and water quality functions. Avoiding damage to existing wildlife habitat through preservation of HBA, native vegetation, vegetated corridors and wetlands maintains these functions currently provided by the natural

Resource. Minimizing impacts to natural resources can be accomplished by limiting the amount of habitat disturbance to only those areas required for development of a site. Mitigating impacts to existing wildlife habitat should be used when avoidance and minimization options are limited. Mitigation using LID techniques, enhancement of vegetation can improve remaining on-site habitat and/or down-stream habitat.

- Preservation is an important component to managing stormwater in the Tualatin Basin. In Beaverton, limited riparian habitat is left to preserve. The few habitat areas that exist are mostly developed floodplain. Tree preservation provides significant opportunities to manage stormwater on site. Preservation retains habitat in its natural state. The most important aspect of watershed health is retention of natural systems.
- Enhancement minimizes impacts to areas that have been preserved. Developed floodplain, degraded habitat, vegetated corridors, degraded wetlands and piped streams provide opportunities for enhancement. Enhancement includes removing invasive plant species, planting a mix of native vegetation, and removing impervious surfaces – such as compacted earth.
- Mitigation is the act of compensating for impacts to habitat benefit areas, vegetation, vegetated corridors, and wetlands. Mitigation can include using low impact development techniques adjacent to the habitat benefit areas, removing piped systems or removing impervious surfaces within habitat benefit areas and enhancing preserved areas. Mitigation can occur off-site, but preferably is within the same subbasin.

- Creation includes constructed wetlands and streams with a mix of wetland or riparian vegetation and constructed upland habitat with a plant palette including herbaceous, shrub and tree layers. Creation can also include creating a native plant forested area with a mix of hardwoods and conifers, short and tall shrubs, and small herbs. Creation of new habitat requires close monitoring, weeding and may require irrigation in the first few years.

4.4 Floodplains

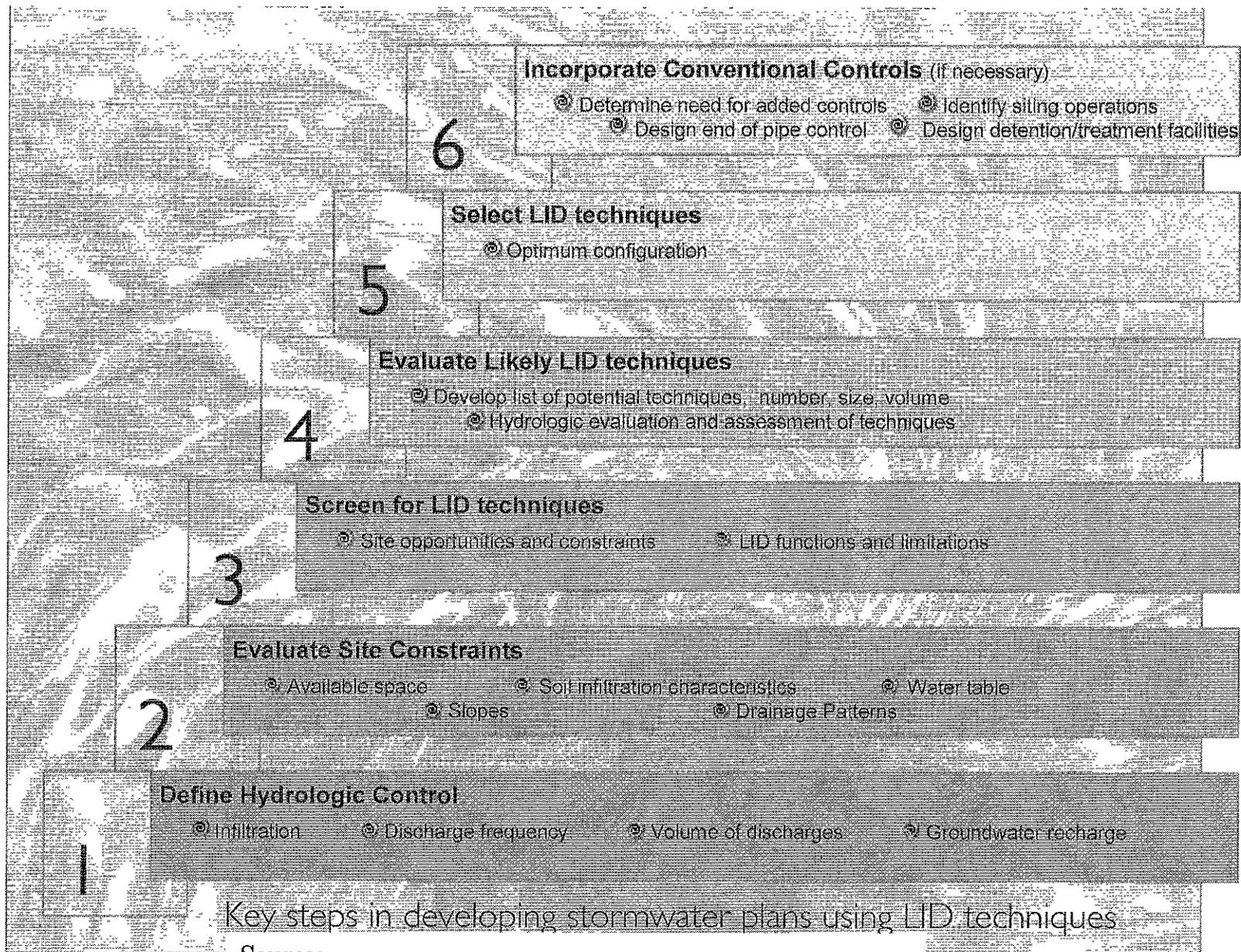
The objective for floodplain area assessment and management is to maintain or restore: (1) the connection between the stream channel, floodplain, and off channel habitat; (2) mature native vegetation cover and soils; and (3) pre-development hydrology that supports the above functions, structures, and flood storage of the basin.

Floodplain Assessment Technique

- Identify the 100-year floodplain and channel migration zone.

4.5 Site Assessment

Multiple levels of site assessment produce the overall site assessment map. Each level provides key information that is placed on top of one another to direct site development and LID choice. The graphic to on the next page provides a summary of the site assessment process.



5. CLEARING AND GRADING

Modern site development techniques result in compacted soils, little topsoil, and few soil micro-organisms, if any. Native soils provide water storage and infiltration, while engineered soils provide little, if any water storage and infiltration. “Minimizing site disturbance as a primary strategy to control erosion reduces the extent of grading, retains vegetation cover, and is the most cost-efficient and effective method for controlling sediment yield (Corish, 1995).” (LID Technical Guidance Manual for Puget Sound). Native vegetation and soils can be protected and integrated into the project, provided cuts and fills do not impact the root zones of the vegetated areas.

Tools to assess the minimum amount of clearing and grading include:

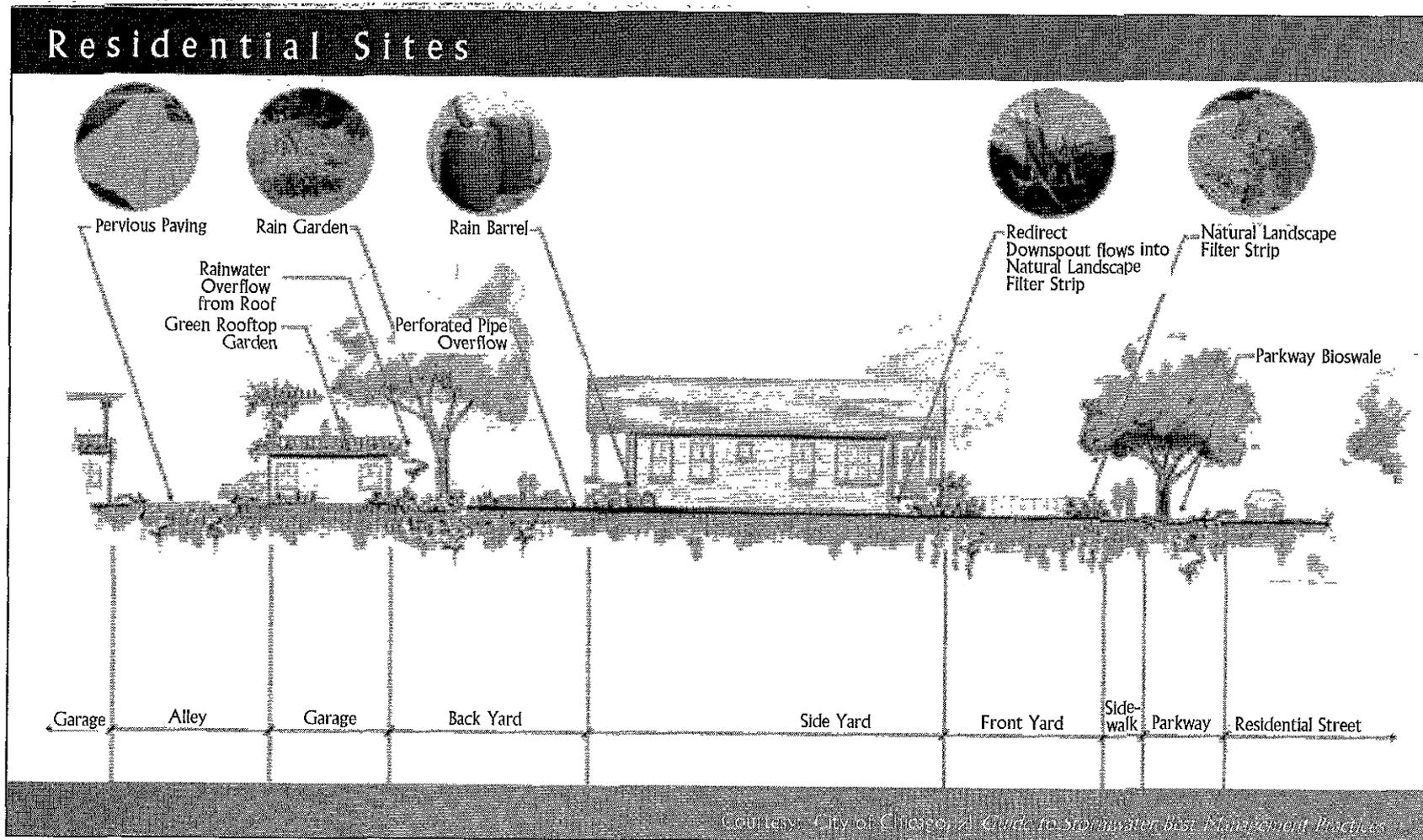
- Analyze site conditions and minimize alteration of contours, topography, native vegetation and soils.
- Design smaller building envelopes or construct special foundation designs that fit the building onto the land rather than reshaping the land to fit the building to protect native soils and vegetation.
- Use minimal foundation excavation techniques.
- Minimize unnecessary mass grading and soil compaction, wherever possible.
- Stockpile topsoil and replace after construction.
- Inventory and protect a diversity of native trees as part of the site design and construction processes.
- In areas intended for stormwater management and infiltration, deep-till and loosen soils compacted during site grading to restore their natural infiltration capacity.
- Plant native vegetation in lieu of turf grass and non-native ornamental plants.
- Fence preserved areas, both the vegetation and the topsoil stock pile.
- Install signs on the fenced areas to remind construction personnel to eliminate activity in these areas.

- Hold pre-construction meetings with construction personnel to note the stock pile and vegetated areas and the importance of staying out of those areas.

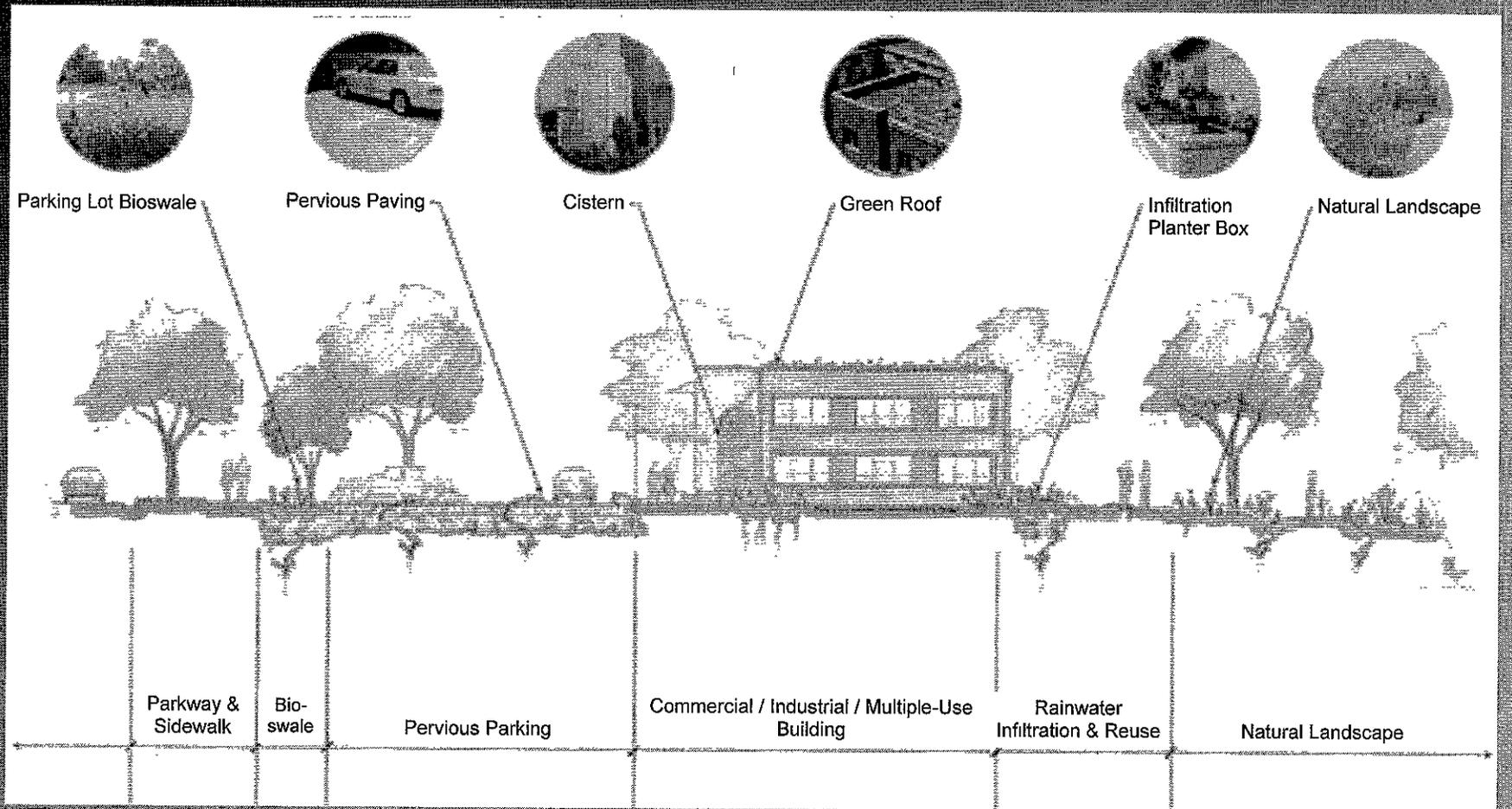
6. SITE DESIGN AND SOLUTIONS

6.1 Facilities Illustration

The following two graphics illustrate how the various techniques may be used on a residential site and a commercial, industrial or multiple-use site.



Commercial / Industrial / Multiple-Use Sites

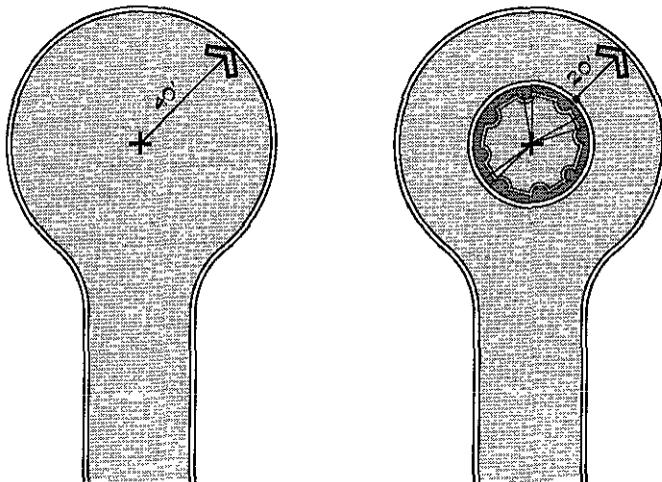


Courtesy: City of Chicago, *A Guide to Stormwater Best Management Practices*

6.2 Roads and Parking

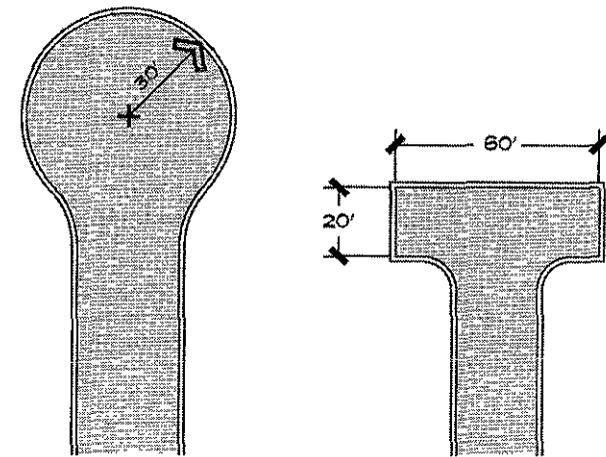
Reducing impervious area, minimizing or eliminating effective impervious area and concentrated flows are results of using low impact development techniques for road construction. Goals of LID type streets include designing to avoid natural resources, providing a connected network of streets and multi-use pathways, and providing sufficient access for emergency vehicles.

The following techniques can be used to minimize the amount of pavement on a site. Cul-de-sacs can be modified to include bioretention in the center. This reduces the overall impervious area while continuing to provide emergency vehicle and automobile access. Hammerheads can be used instead of cul-de-sacs, where feasible to eliminate impervious area.



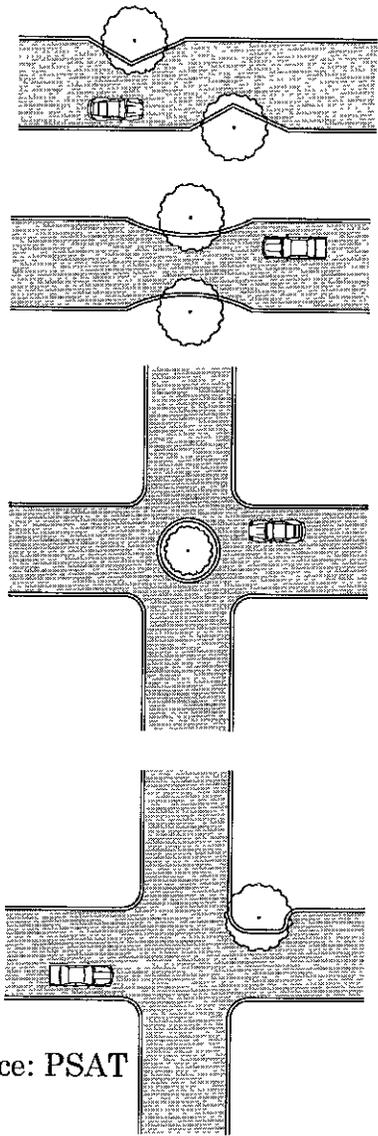
40 foot cul-de-sac. 5,026 sq. ft. of impervious cover, compared to 3,770 sq. ft. with bioretention. Maximum cul-d-sac length is 150 feet unless sprinklers are provided

Figure 6-1: Cul-de-sac alternatives
Source: PSAT

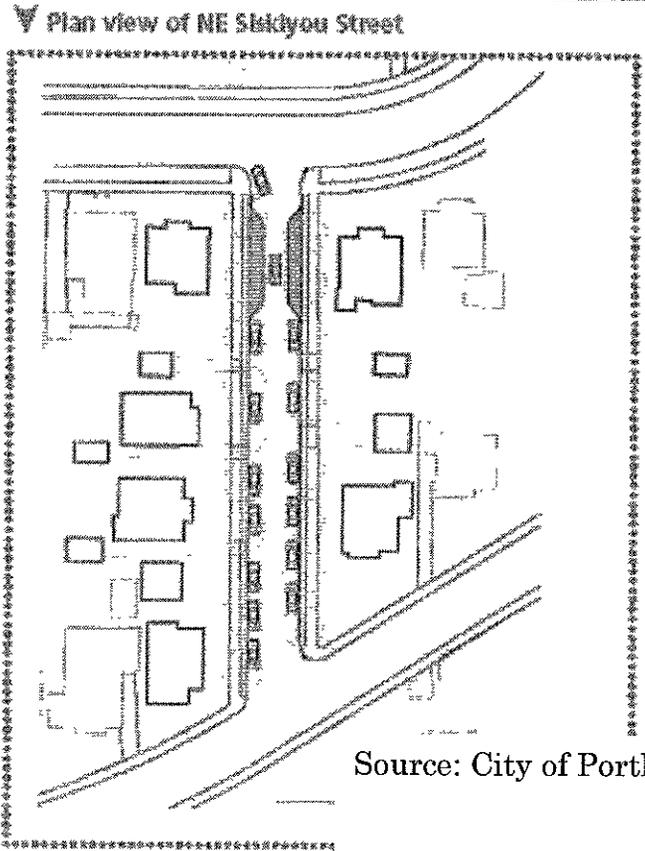


30 foot cul-de-sac. 2,827 sq. ft. of impervious cover, compared to 1,200 sq. ft. with a hammerhead. Private streets only

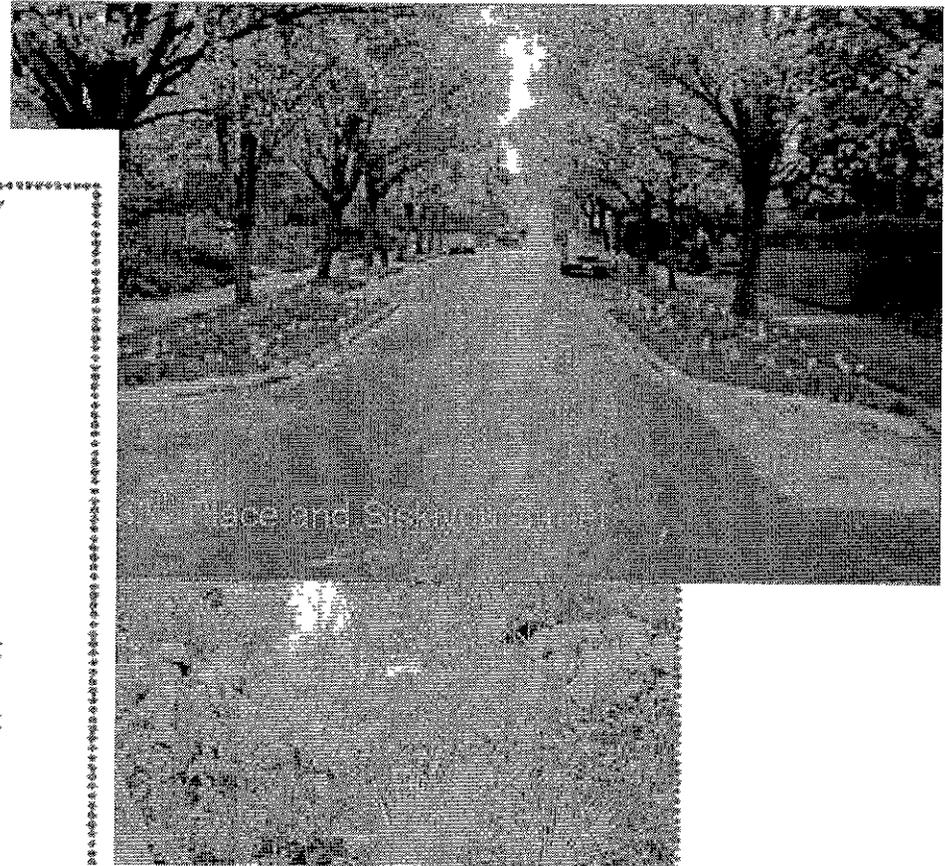
Streets can be designed with traffic calming to reduce overall impervious area and to increase bioretention. An example constructed in the city of Portland is shown in the photos below.



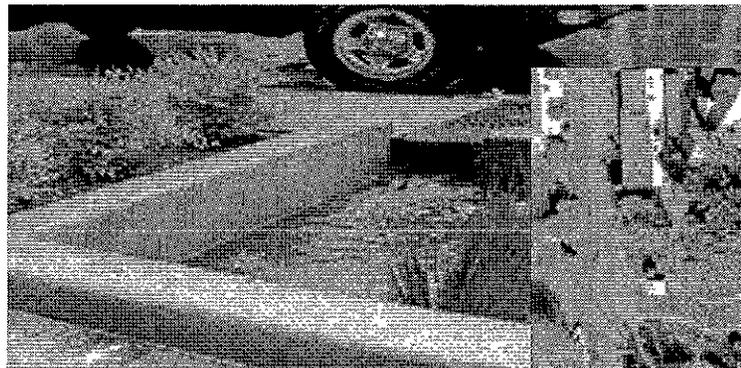
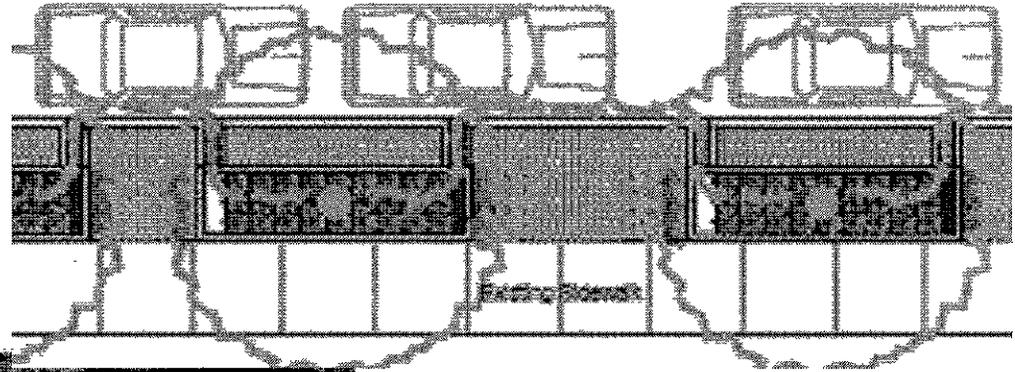
Source: PSAT



Source: City of Portland



Streets designed with flow-through planters, tree box filters, and bio swales attenuate stormwater and are aesthetic alternatives to turf. A flow-through planter at SW 12th Avenue in the city of Portland is featured to the right and below



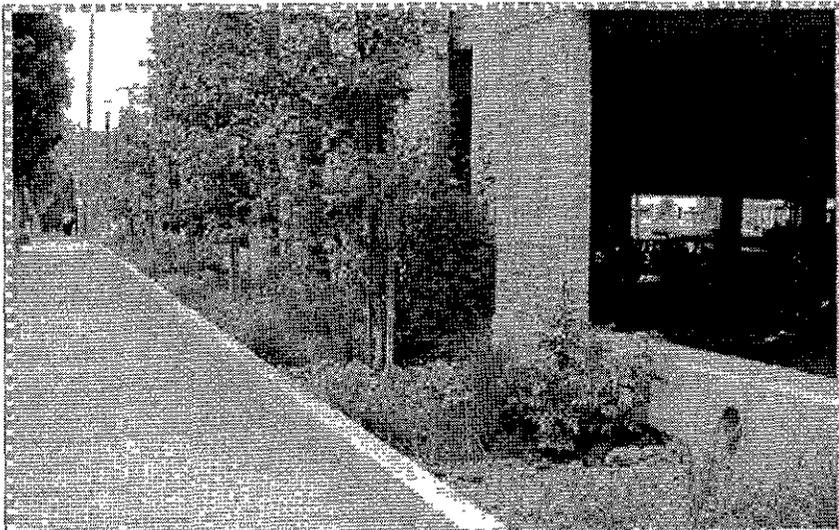
This project,

constructed in Seattle, features a green street with a narrowed drive width, traffic calming, parking bays for homeowners, a sidewalk on one side and a bio-swale.

The curvilinear roadway, one of the most prominent features of the project, is 14 feet wide (18 feet wide at the intersections). The project team was focused on reducing the paved surfaces where possible. The roadway is wide enough for 2 standard size cars to pass each other slowly.

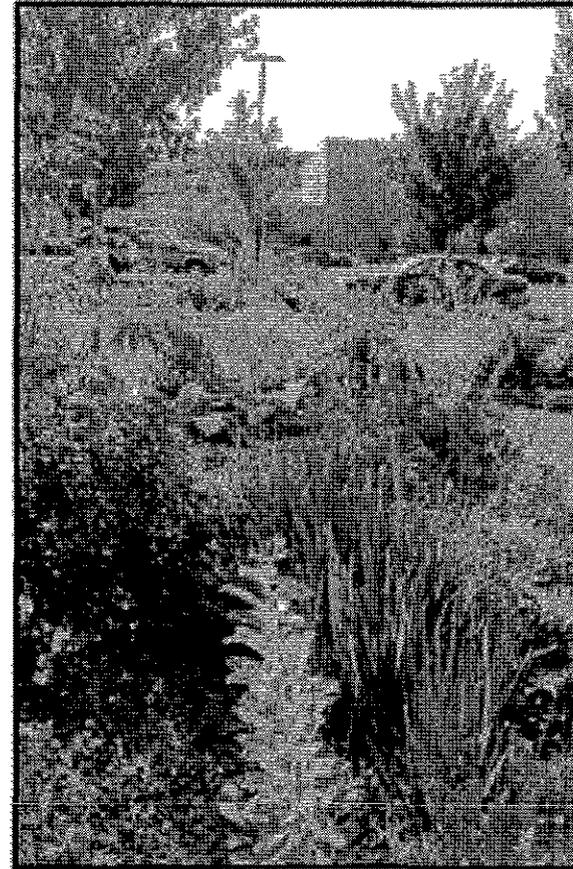
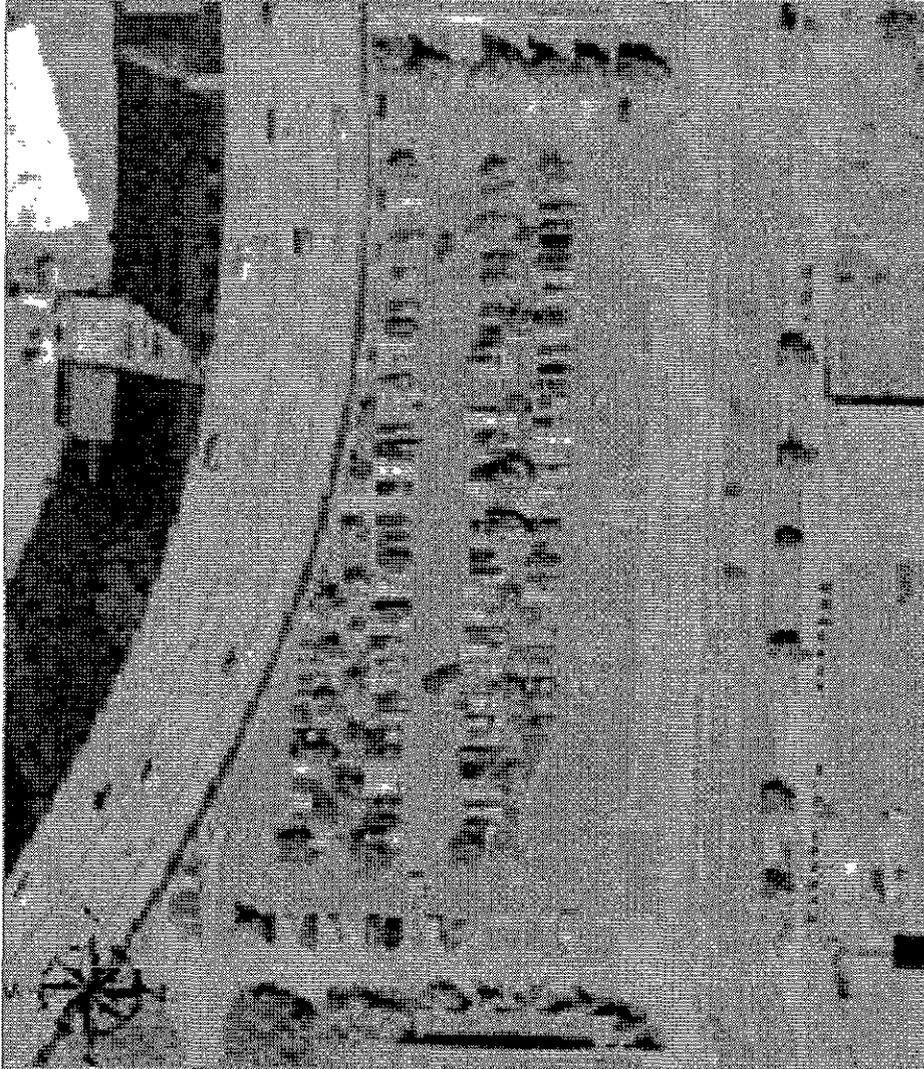


Parking lots can be designed with bioswales, bioretention, and flow-through planters to provide for additional storm attenuation and quality treatment. The photographs on this page and the next depict different parking lot treatments.



Glencoe Elementary School Parking Lot
825 SW 51st, Portland Oregon
Project: Landscape Swale
Impervious Area: 15,000 sq ft of parking lot

Liberty Center Parking Garage
650 NE Holladay, Portland Oregon
Project: Landscape Swales
Impervious Area: 35,000 sq ft of parking garage



Parking lot swales integrated into the landscaping between parking rows at the Oregon Museum of Science and Industry (OMSI) in Portland Oregon. Landscape swales are monitored through OMSI.

6.4 Landscape

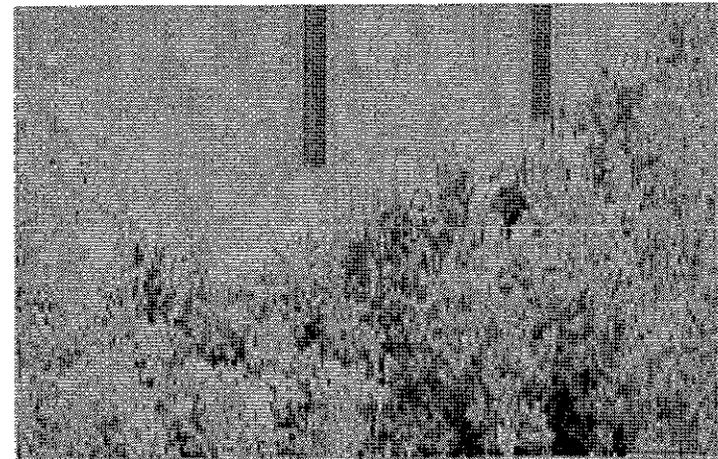
Landscaping adds drama and visual appeal to a development. Native plants in the landscaping provide food for wildlife and additional stormwater attenuation. In lieu of native plants, drought tolerant non-native species minimize the need for watering and maximize the storage capability of the site. Conifer trees absorb water all year long. Deciduous trees absorb more water than conifers while the leaves are present on the trees. The following photos depict natural or drought tolerant landscapes. Lists and photos of native plants can be found at the following three web sites:

<http://www.portlandonline.com/bes/index.cfm?c=32142&a=40732>

<http://www.cleanwaterservices.org/EducationAndOutreach/NativePlantFinder/default.aspx>

<http://www.metro-region.org/article.cfm?ArticleID=13547>





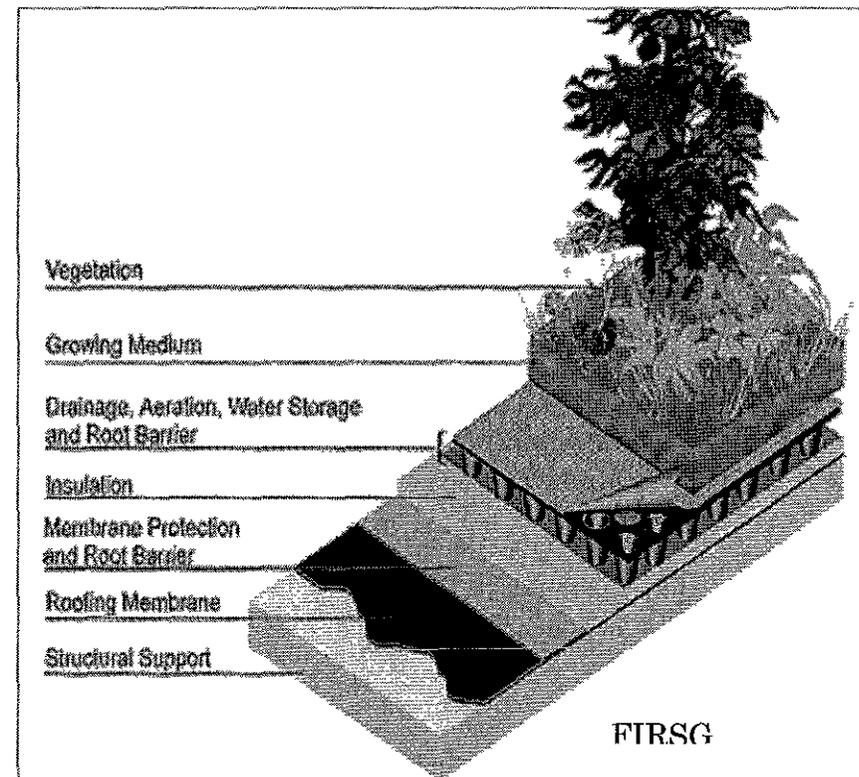
7. LOW IMPACT DEVELOPMENT (LID) TECHNIQUES

Low Impact Development techniques include eco-roofs, roof gardens, rainwater collection systems, bioretention areas, construction site soil amendments, alternate pavement surfaces, trees, contained planters, flow-through planters, and infiltration planters. Each technique may be applied on its own or in groups called trains. When multiple techniques are trained together, water quality and quantity may be addressed. This section includes information about the technique and specifications, where possible.

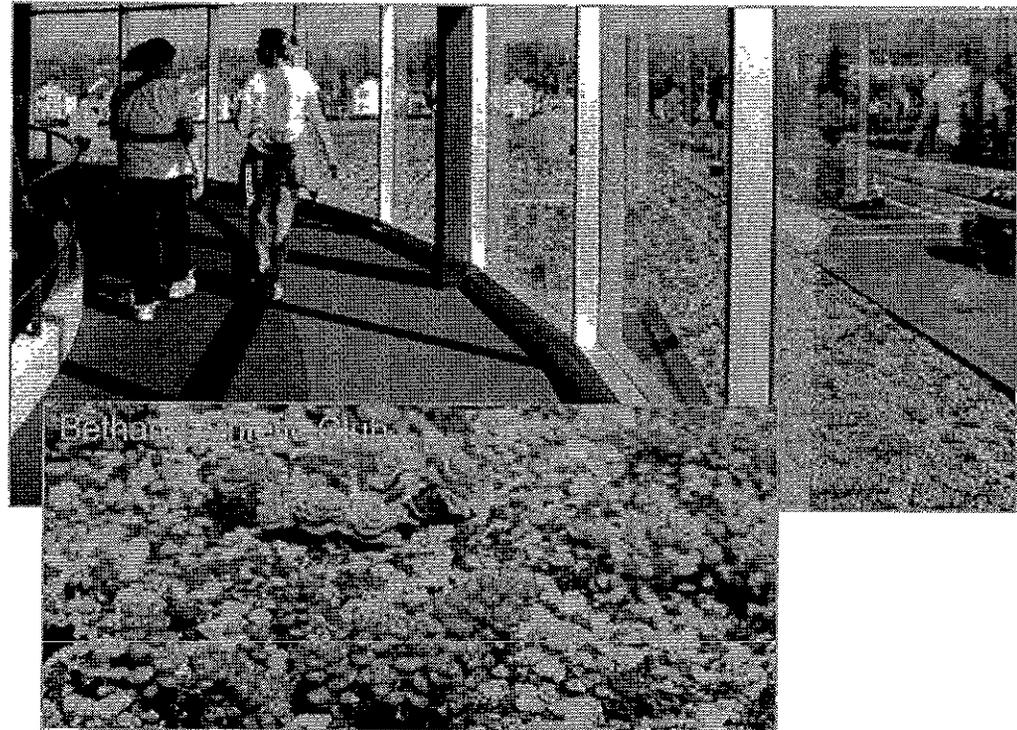
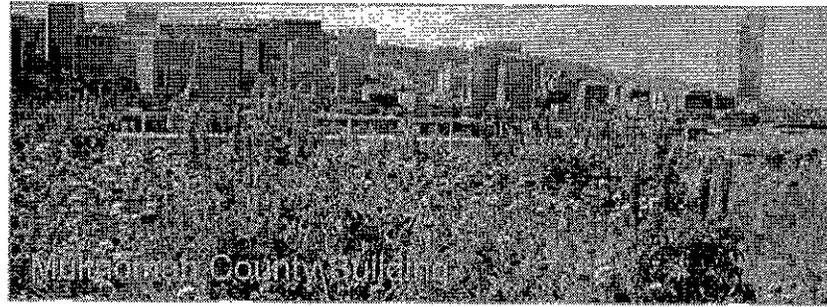
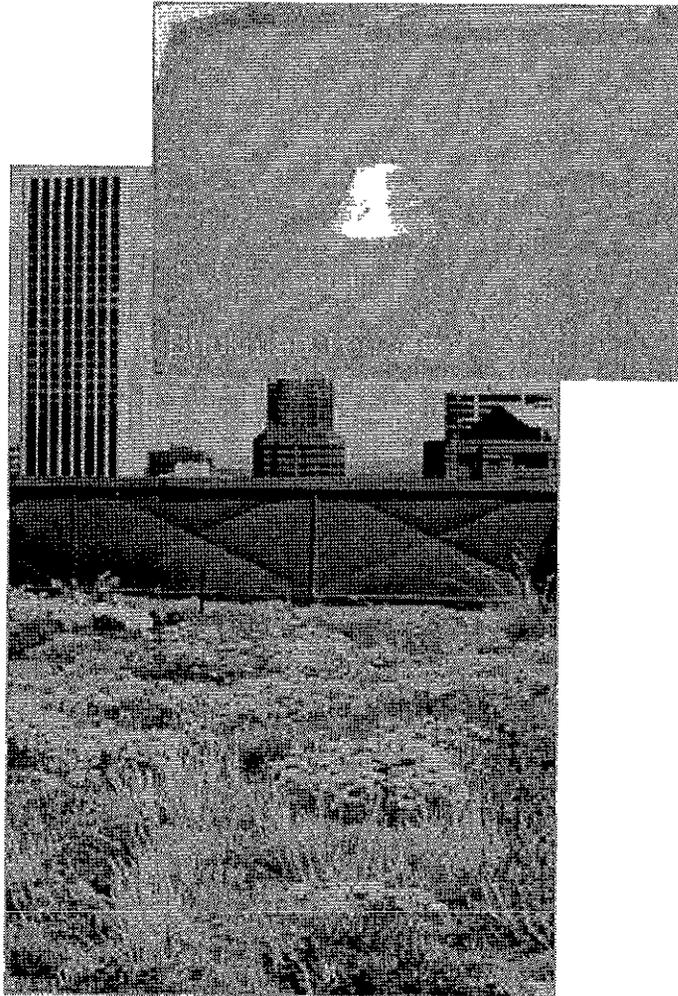
7.1 Eco-roof

Eco-roofs are designed with shallow, light-weight soil profiles (1 to 5 inches) and ground cover plants adapted to the harsh conditions of the roof top environment. Eco-roofs can be installed on almost any roof with slopes up to 40 degrees, but slopes between 5 and 20 degrees are most effective. Roofs sloped greater than 20 degrees require a lath grid to hold the soil substrate and drainage aggregate in place.

Many manufacturers market proprietary systems that include the root barriers, growing medium and suggested vegetation. Construction of the structural support commensurate is with the anticipated water



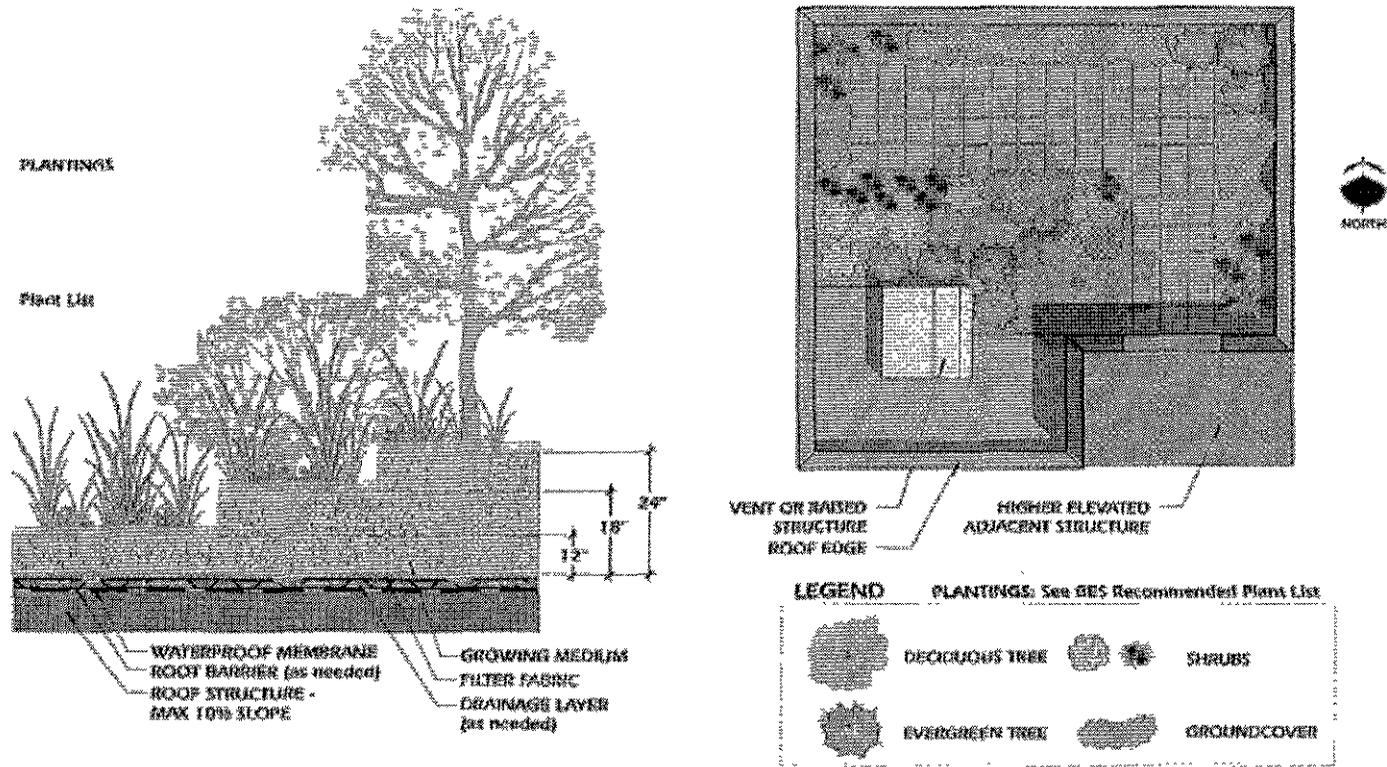
storage, following appropriate building codes. A leak detection system is recommended to quickly detect and locate leaks. A signed document from a structural engineer is necessary to certify that the design is appropriate. A plumbing permit is also required.

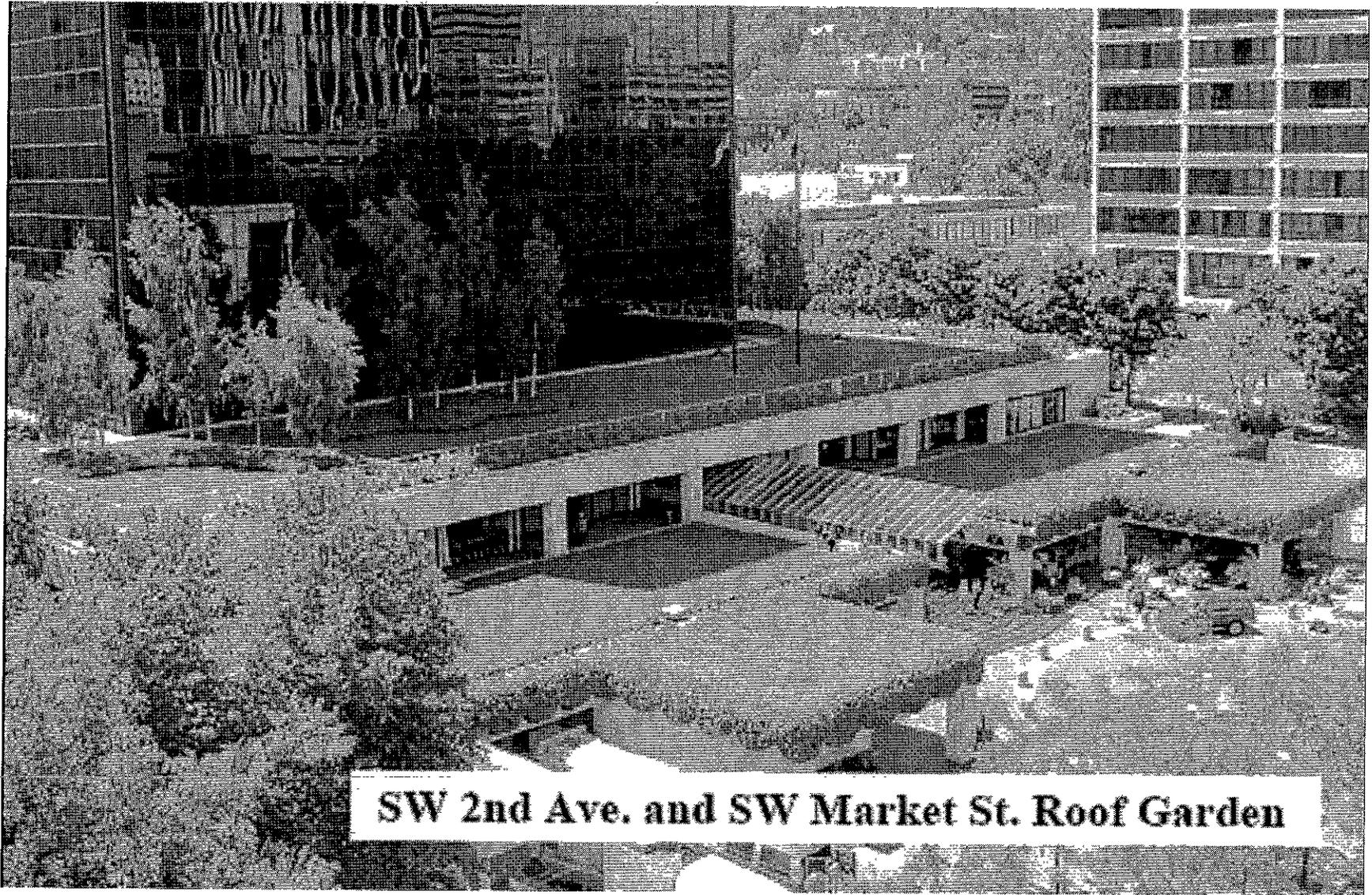


7.2 Roof gardens

Roof gardens are designed with a relatively deep soil profile (6 inches and deeper) and are often planted with groundcovers, shrubs and trees. Flat roofs function best for this type of roof. Public spaces are often provided as in the graphic on the right. A signed document from a structural engineer is needed to certify that the design is appropriate. A plumbing permit is also required.

(Graphics City of Portland Stormwater Management Manual)





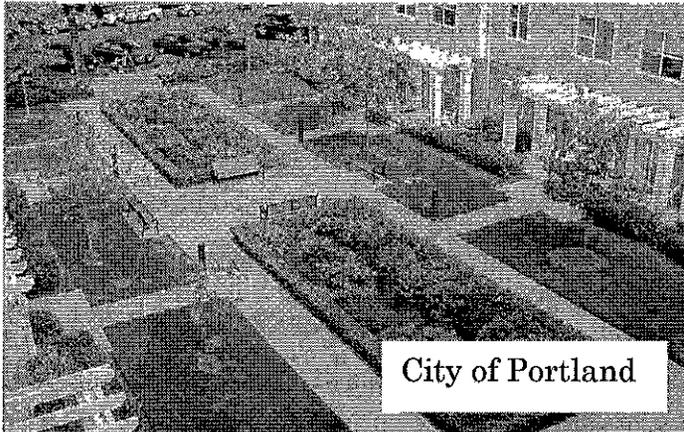
SW 2nd Ave. and SW Market St. Roof Garden

7.3 Roof Rainwater Collection Systems / Water Storage and Harvesting

Typically, the collection or harvesting of rainwater from rooftops is applied to landscaping and sometimes used as domestic, non-drinking water supplemental supply.. The practice is particularly applicable in medium to high-density development where the roof is likely to be equal to or greater than the road, driveway and sidewalk impervious surface contribution. The practice serves the purpose of water conservation and elimination or a large reduction of the stormwater contribution from rooftops. This LID technique can be used for new or retrofit projects in residential, commercial or industrial development. Rainwater harvesting technology is well developed and components are readily available, but they should be designed by a qualified engineer or experienced designer. The highest precipitation occurs during the time when the lowest demands for irrigation exist, so to make rainwater harvesting effective at reducing storm flows and to provide a summer water source the system requires use of large storage reservoirs or cisterns. Therefore large reservoirs or cisterns are needed to make rainwater harvesting effective for the dual purpose of reducing storm flows and providing a summer irrigation supply.

A general rule for sizing rain barrels or cisterns is that one inch of rainfall on a 1,000 square foot roof will yield approximately 600 gallons of runoff.

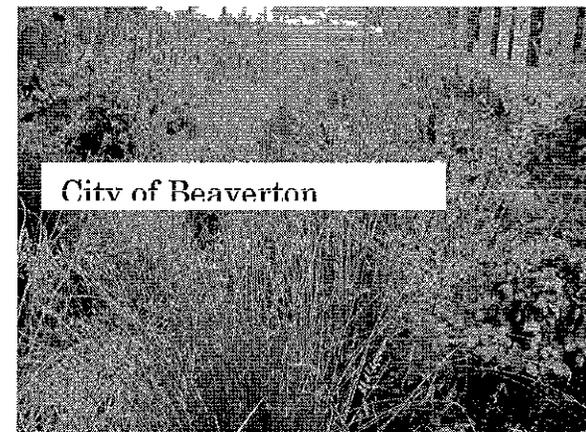
7.4 Bioretention Cells



Bioretention cells are also called rain gardens. These are very similar to current stormwater detention facilities. They are typically shallow landscaped depressions with a designed soil mix and plants adapted to the local climate and soil moisture conditions that receive stormwater from small contributing areas. These facilities are designed to closely mimic natural conditions; they are small-scale, dispersed facilities that are integrated into the site as a landscape amenity. These landscaped amenities

can be applied to individual lots for rooftop, driveway and other on-lot impervious surfaces; shared facilities located in common areas for individual lots, areas within loop roads or cul-de-sacs, landscaped parking lot islands, within rights-of-way along roads and in common landscaped areas in apartment complexes or other multi-family housing designs.

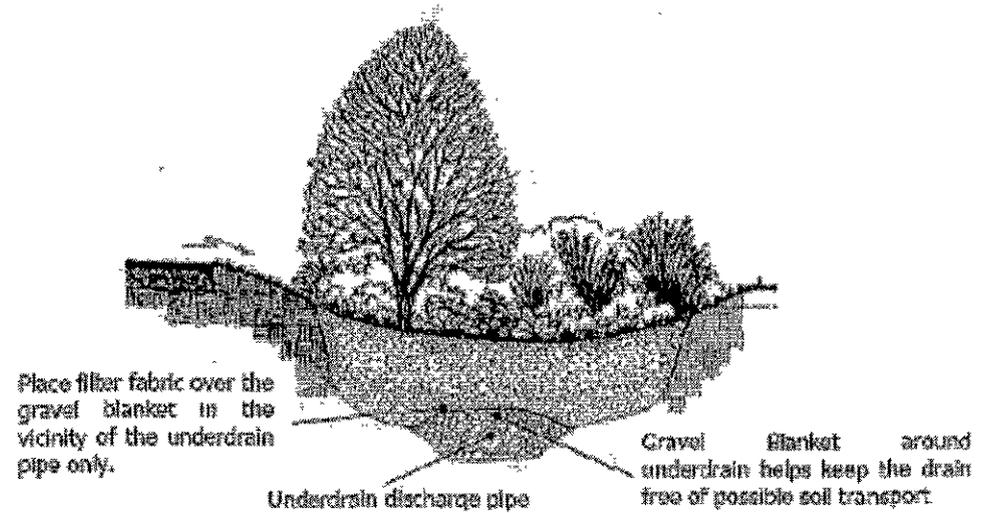
Bioretention cells include an overflow drain piped to the stormwater system. They incorporate the same design features as the cells, have gentle side slopes and flow depths less than 12 inches. Biodetention is a design that uses vegetated barriers arranged in hedgerows across a slope to disperse, infiltrate and treat stormwater. Common design elements include pretreatment, flow entrance, ponding area, under-drain, filter materials, surface overflow, hydraulic restriction layers, plant



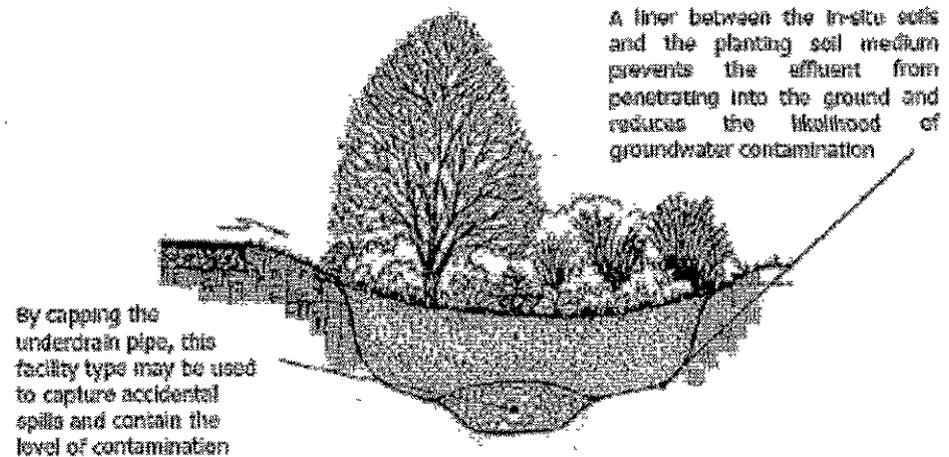
material, mulch layer, soil and compost.

Infiltration requires suitable soils. Bioretention cells should be setback a minimum 10' and located down grade from home foundations and property lines. This application functions best in drainage areas with relatively flat slopes (5%) but will work in slopes greater than 1% to less than 33%. Drainage area for filtration design is 2 acres maximum per 1 acre maximum impervious.

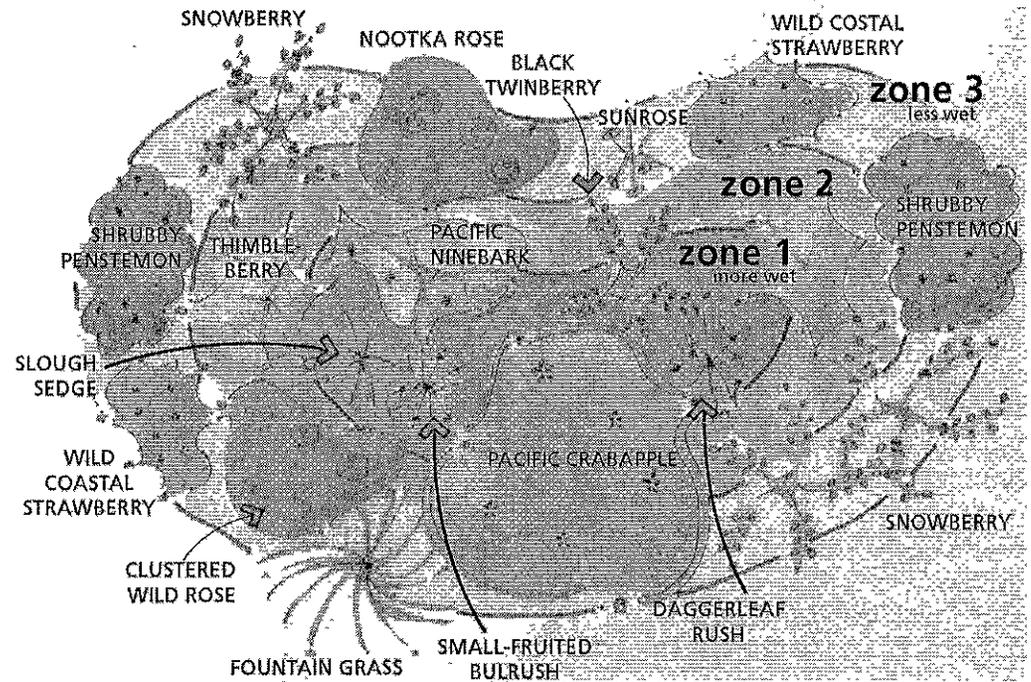
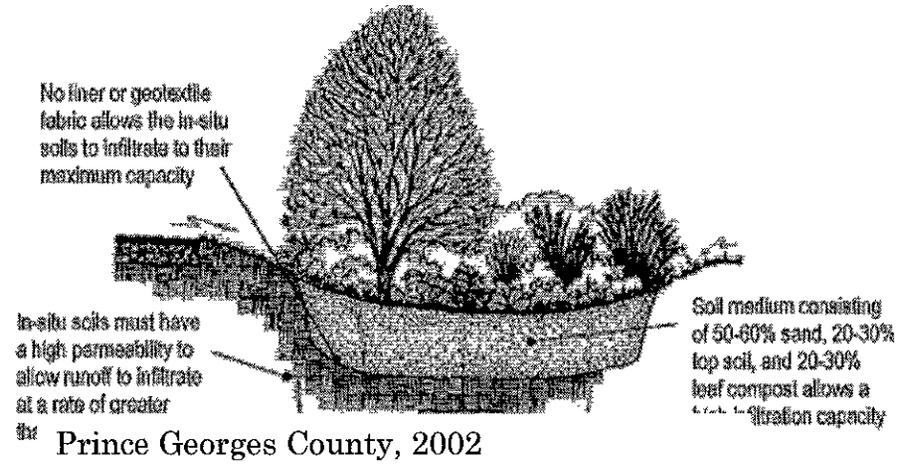
NRCS soil types A and B work well for infiltration while soil types C and D require an underdrain. The drainage area for infiltration design is 2 acres maximum per ½ acre maximum impervious. The minimum depth to bedrock and seasonally high water table is 3 feet. Side slopes of the cell shall not be greater than 3:1, slope of the surface shall not exceed 1%, ponding depth should be no greater than 6 inches, and maximum allowable pooling depth is 18 inches. The elevation difference from the inflow to the outflow should be approximately 4-6 feet when an underdrain is used.



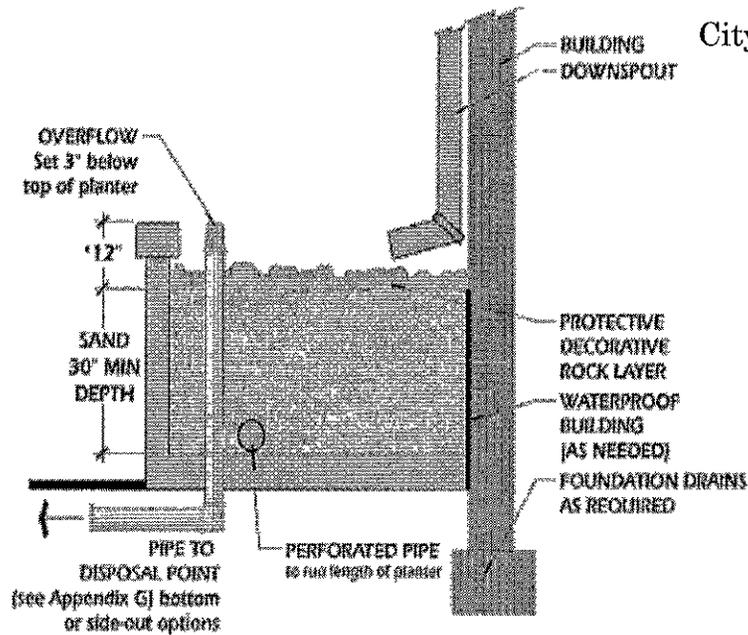
Prince Georges Co. Maryland, 2002



Soils used in construction of the Bioswale should be a well blended homogenous mixture of 50-60 % construction sand (AASHTO M-6 or ASTM C-33 with grain size of 0.02" to 0.04"); 20-30% top soil (sandy loam, loamy sand, or loam texture per USDA textural triangle with less than 5 % clay content); and 20-30% organic leaf compost is necessary to provide a soil medium with a high infiltration/filtration capacity. Soil shall be a minimum depth of 30 inches. Underdrain gravel blanket shall be double washed stone, 1 ½ inch in size. Pea gravel shall be washed, river-run, round diameter, ¼ - ½ in size. Mulch shall be fresh shredded bark not exceeding 3" in depth.



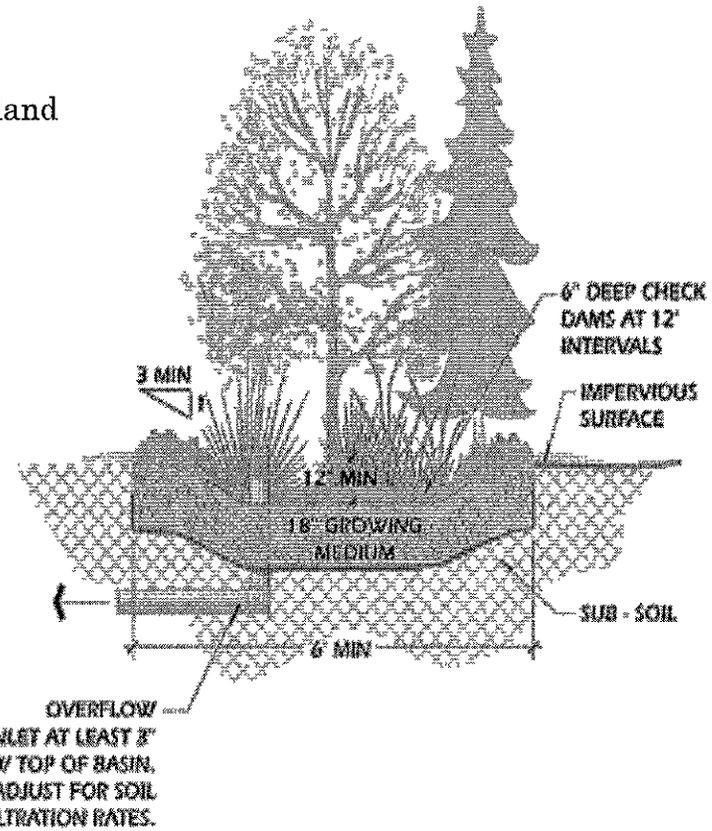
Graphics Courtesy City of Portland



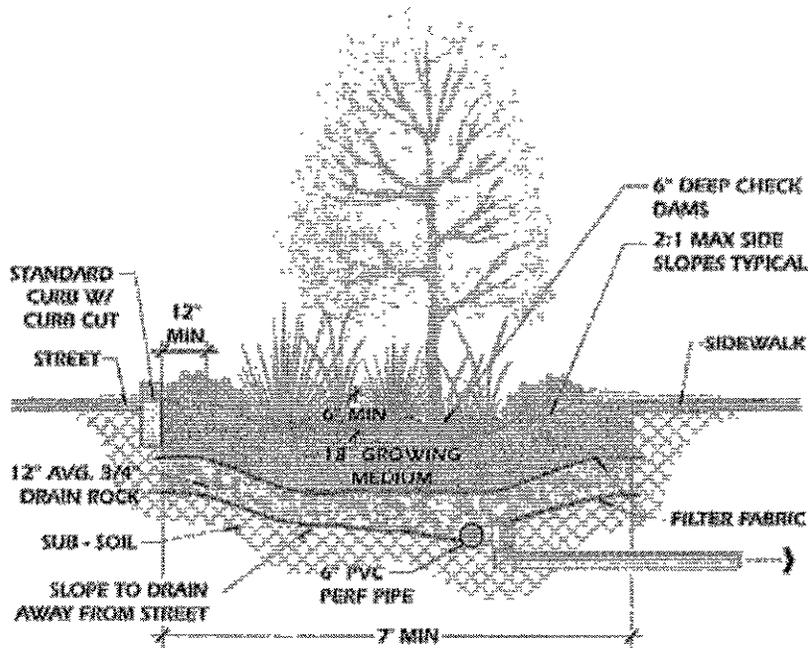
*Water reservoir depth may be reduced
if planter surface area is increased.

Sand Filter Planter

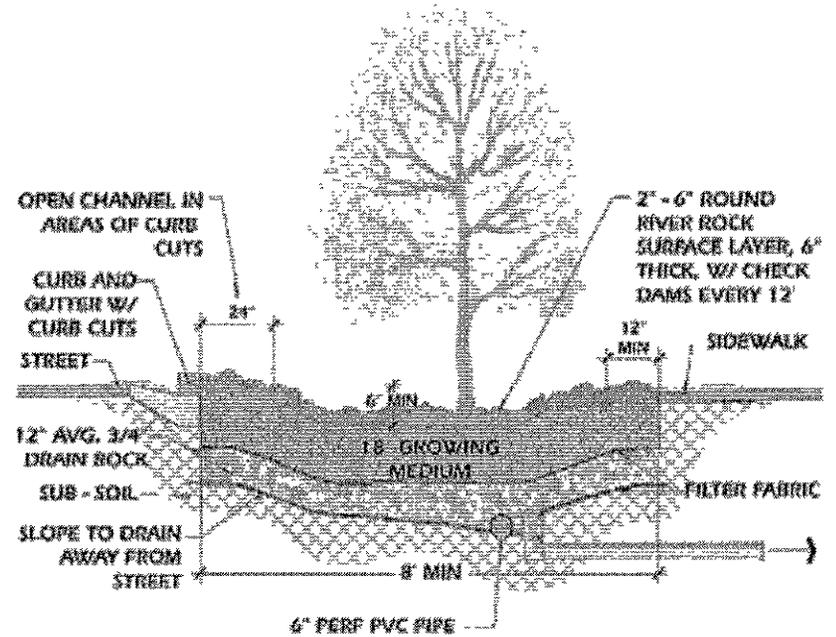
City of Portland



Vegetated Infiltration Basin

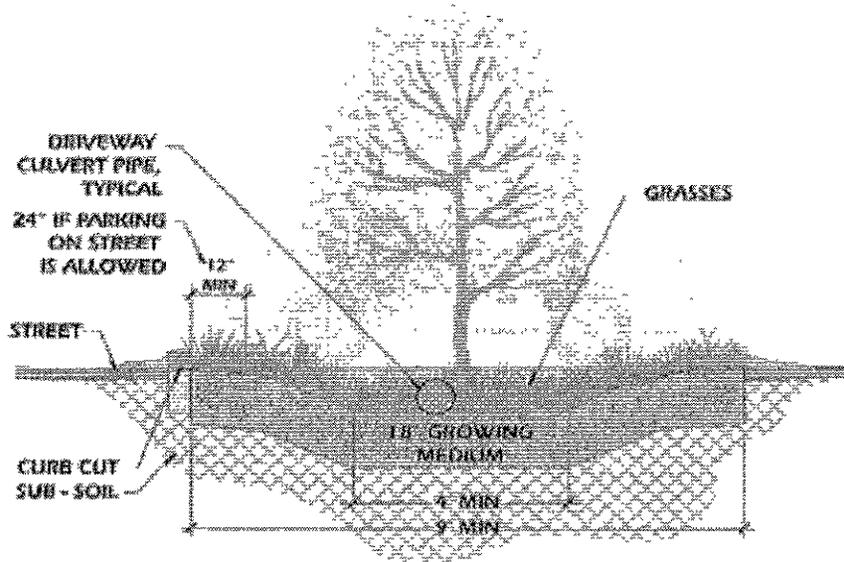


SIMPLIFIED APPROACH DESIGN CRITERIA
Lowered Planter Strip - Private Street Design

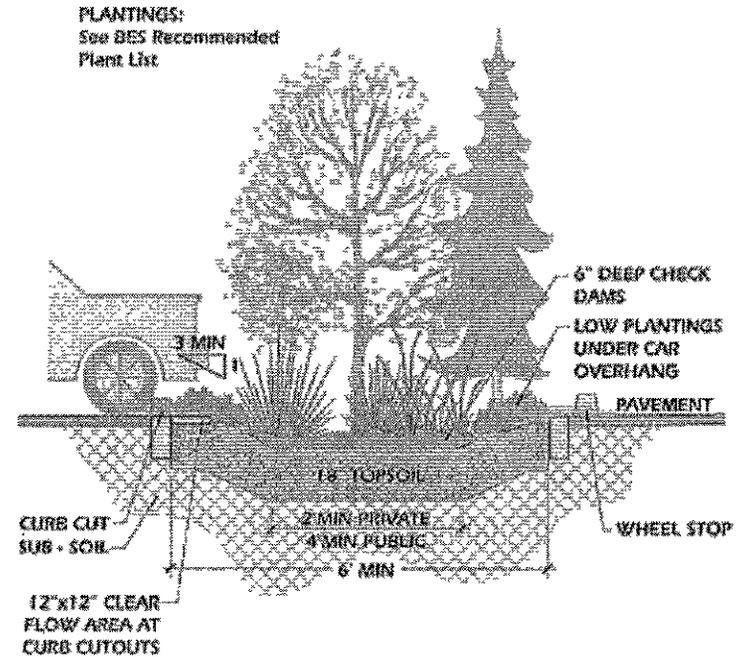


SIMPLIFIED APPROACH DESIGN CRITERIA
Lowered Planter Strip - Parking Allowed

City of Portland



SIMPLIFIED APPROACH DESIGN CRITERIA
Side Swale - Cross Section



Vegetated Swale

Parking Lot Application

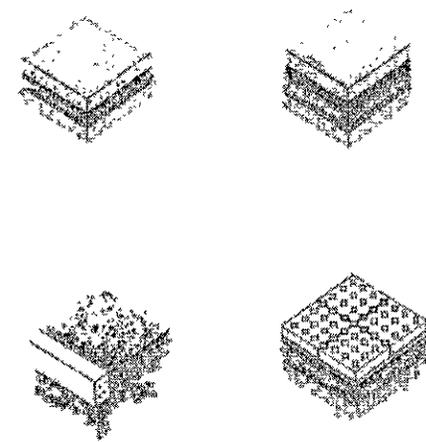
7.5 Amending Construction Site Soils

Construction practices typically remove the upper layers of soil, compact exposed sub-soils low in organic matter, and alter the site's hydrology by converting the predominately subsurface flow to predominantly surface flow. These areas can be enhanced with the addition of organic matter. The landscape component of the project enhances water storage, attenuates storm flows and when property installed and maintained, incorporates compost into the disturbed soils and can restore hydrologic functions, pollutant absorption and

biofiltration, reducing erosion, and increasing sediment infiltration as well as other functions. To effectively enhance the hydrologic capability of the soils, the topsoil should have a minimum organic content of 10% by dry weight for all planting beds and other landscaped areas, pH should be between 5.5 and 7.0 or as required by the individual plants selected for the site, minimum depth should be 8 inches, except within dripline of trees where it should be 3 to 4 inches in depth, planting beds should be mulched within 2 to 3 inches of organic material and subsoils (except around trees) should be scarified to a depth of at least 4 inches and some topsoil should be mixed to prevent stratification.

7.6 Alternate Pavement Surfaces

Alternate pavement surfaces are designed to accommodate pedestrian, bicycle and motor vehicle traffic while allowing infiltration, treatment and storage of stormwater. Alternate pavement surfaces are designed with aggregate storage to function as infiltration facilities with relatively low infiltration rates (as low as 0.1 inch/hour). When water is not introduced from adjacent areas, these systems have a lower contribution to infiltration area ratio than conventional infiltration facilities (1:1) and are less likely to have excessive hydraulic loading. Directing surface flows to permeable paving surfaces from adjacent areas is not recommended due to potential sediment loading. Flows from buildings can be piped underground to a quality facility and slowly released into the infiltration facility, if the facility is designed to accommodate the additional flows. Types of alternate pavement surfaces include open-graded concrete (Portland cement permeable concrete), hot-mix asphalt pavement (permeable hot-mix asphalt), aggregate pavers (EcoStone permeable interlocking concrete pavers), and plastic grid systems (Gravelpave2 flexible plastic grid system). (Puget Sound Action Team)

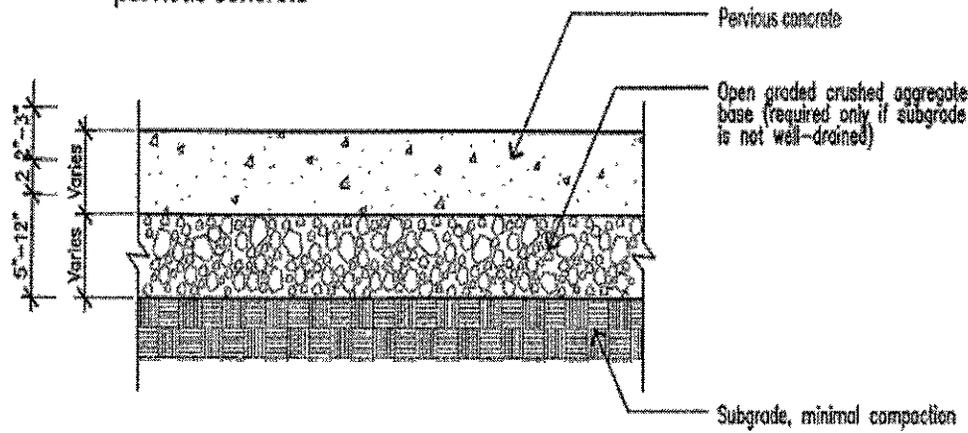


Source: City of Portland

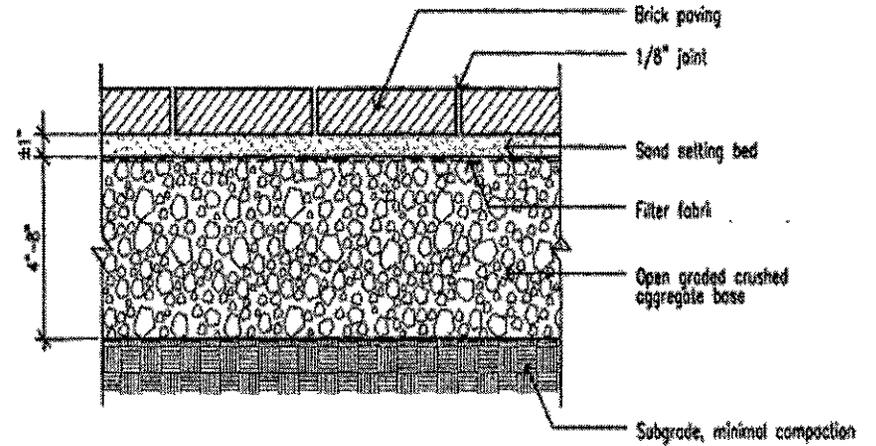
Types C and D soils require summer storm quality treatment of pervious pavement drainage.

porous asphalt

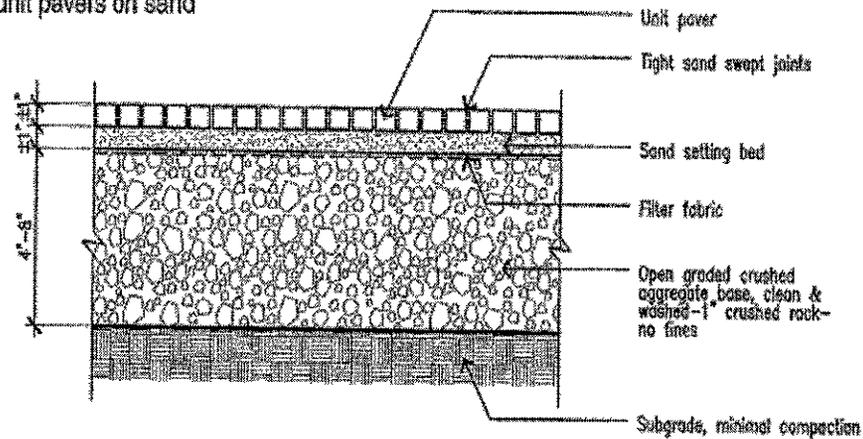
pervious concrete



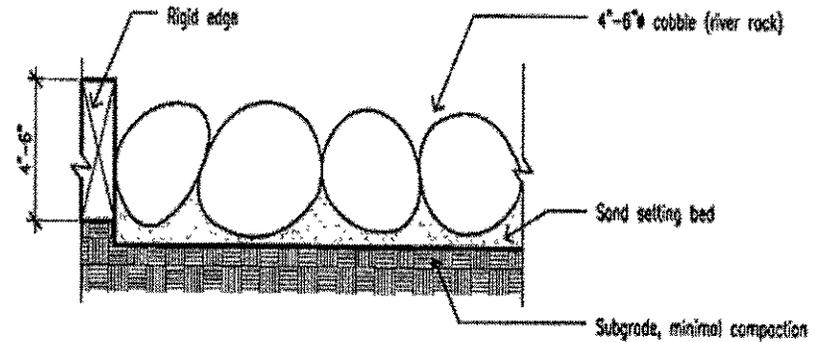
brick



unit pavers on sand



cobbles



Alternate pavement surfaces may substitute for conventional pavement on parking areas and areas with light traffic, provided that the grades, subsoils, drainage characteristics, and groundwater conditions are suitable. Slopes should be flat or very gentle. Soils should have field-verified permeability rates of greater than 1.3 centimeters (0.5 inches) per hour, and there should be a 1.2 meter (4-foot) minimum clearance from the bottom of the system to bedrock or the water table. Two common modifications made in designing porous pavement systems are (1) varying the amount of storage in the stone reservoir beneath the pavement and (2) adding perforated pipes near the top of the reservoir to discharge excess storm water after the reservoir has been filled. The use of alternate pavement surfaces is highly constrained, requiring highly permeable soils, restricted traffic, and specific maintenance agreements.

The base layer is often composed of larger aggregate (1.5 to 2.5 inches) with smaller stone (leveling or choker course) between the larger stone and the surface. Typical void space in base layers ranges from 20 to 40 percent. Depending on the target flow control standard and physical setting, retention or detention requirements can be partially met in the aggregate base. Aggregate base depths of 18 to 36 inches are common depending on storage needs and provide the additional benefit of increasing the strength of the surface by isolating underlying soil movement and imperfections that may be transmitted to the surface. The final layer is the separation and water quality treatment layer. The separation layer is a non-woven geotextile fabric that provides a barrier to prevent fine soil particles from migrating up and into the base aggregate. If required, the water quality treatment layer filters pollutants from surface water and protects groundwater quality. The treatment media can consist of a sand layer or an engineered amended soil. (Puget Sound Action Team)

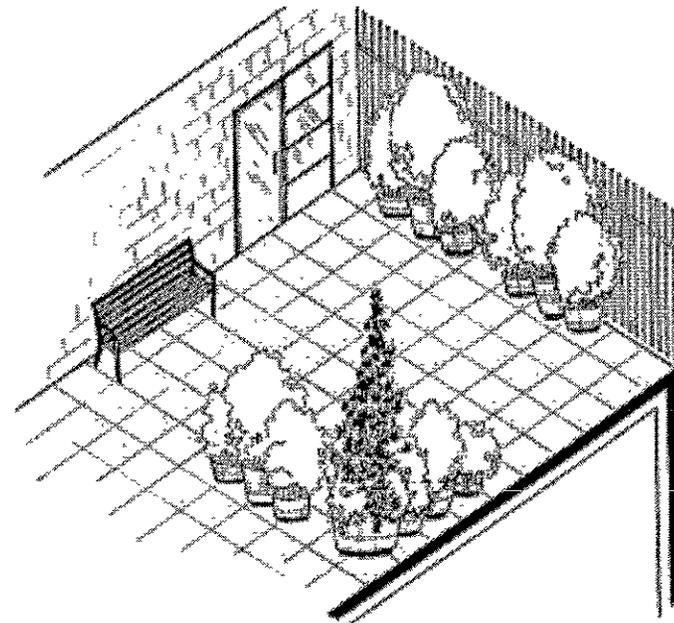
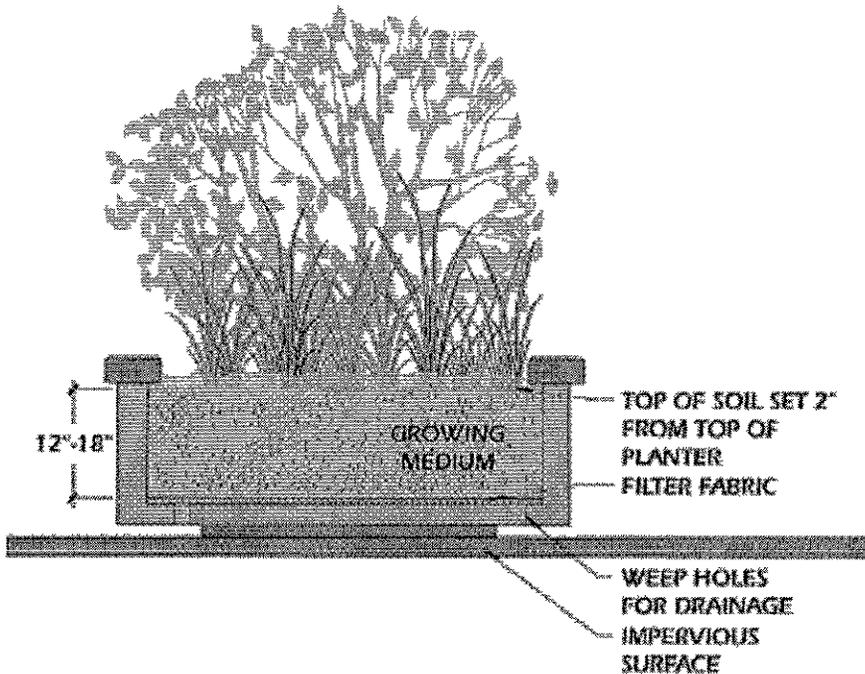
7.7 Trees

Tree surfaces provide stormwater management by intercepting, evaporating and storing rainfall before the rainfall can accumulate as surface runoff. The city of Beaverton protects certain trees through its tree preservation program. Groves and individual trees designated as significant are regulated. Community trees are limited to removal of up to 4 trees per year without a development permit. For more information about the City's tree program, go to http://www.beavertonoregon.gov/departments/CDD/CDD_devcode_chap60.html The Trees and Vegetation section can be located alphabetically in this Development Code chapter. Additionally, a tree permit is required for tree removal in the right-of-way. Other points to consider when developing around trees are:

- Voluntary preservation of trees that are not regulated is encouraged.
- To preserve the health of the tree during construction, the fencing requirements in Chapter 60 of the Development Code, link found above, should be followed. The fence is located outside the tree canopy.
- Trees of all kinds should not be topped.
- Homeowners with Oregon white oak trees should limit watering under the canopy of the tree and should limit planting to native vegetation under the tree canopy. Planting grass can invite disease in these oak species.
- Regular inspection of the trees should be made to ensure that the tree is healthy. If in doubt, contact an arborist for an evaluation of your tree.
- Trees should be selected based on soil type, intensity of sunlight and space. Tree canopy provides the main benefit for stormwater quality.

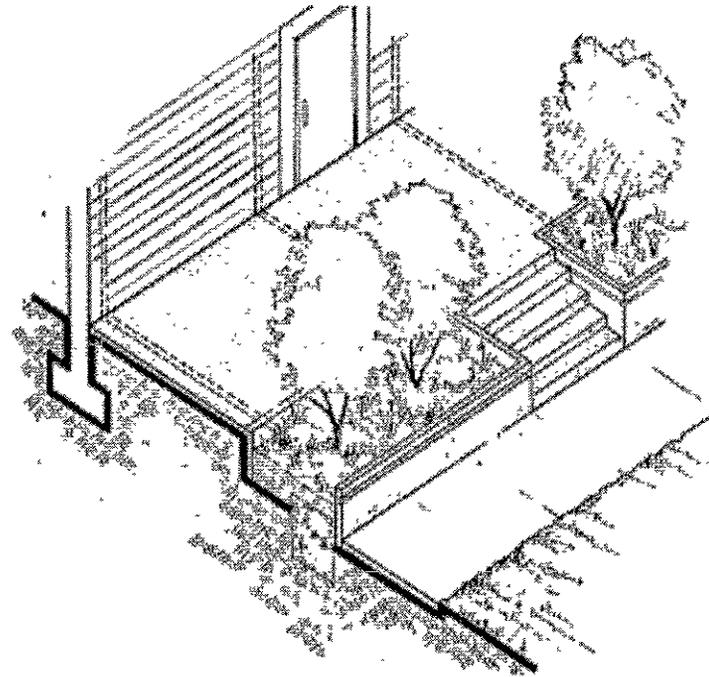
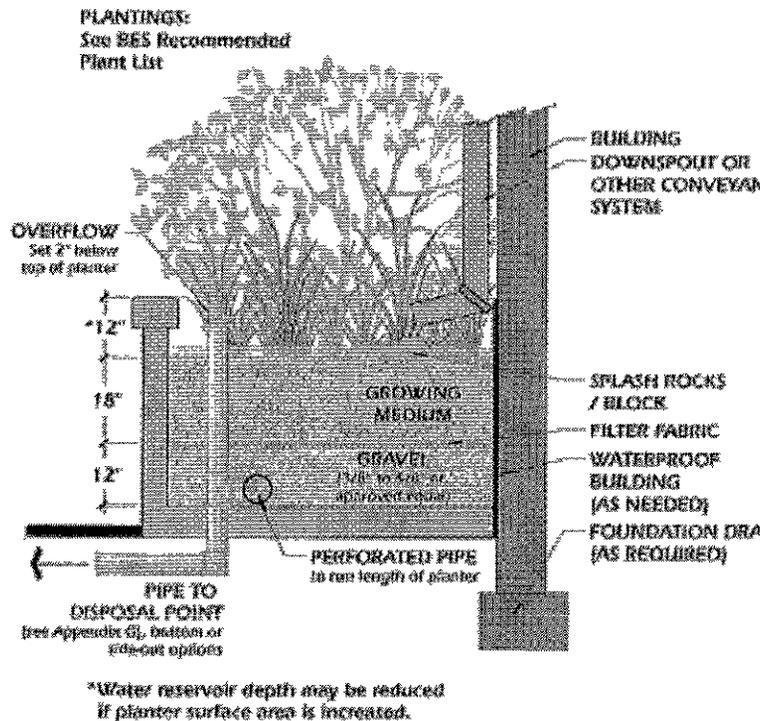
7.8 Contained planter

Contained planters are basically plants in a planter at least 12 deep with a growing mix and filter fabric. Contained Planters can be used in ultra urban locations to provide additional filtration and aesthetic features. While the contained planters do not provide nearly as much stormwater quality and quantity relief that the other techniques in this chapter provide, contained planters do reduce the overall effective impervious area of hardscapes where they are used.



7.9 Flow-through planters

Flow-through planters typically slow and detain stormwater runoff from a roof, street, sidewalk or site in general. Planters can be incorporated into the landscape in developments, especially ultra urban landscapes to provide attenuation and water quality treatment. Flow-through planters are fully contained so they are ideal for soil conditions C and D and for retrofit sites with compacted soils. Examples include Liberty Parking Garage, SW 12th Street (shown in Roads and Parking, Chapter 6), and Portland State University.



Flow-Through Planter Box

LEGEND



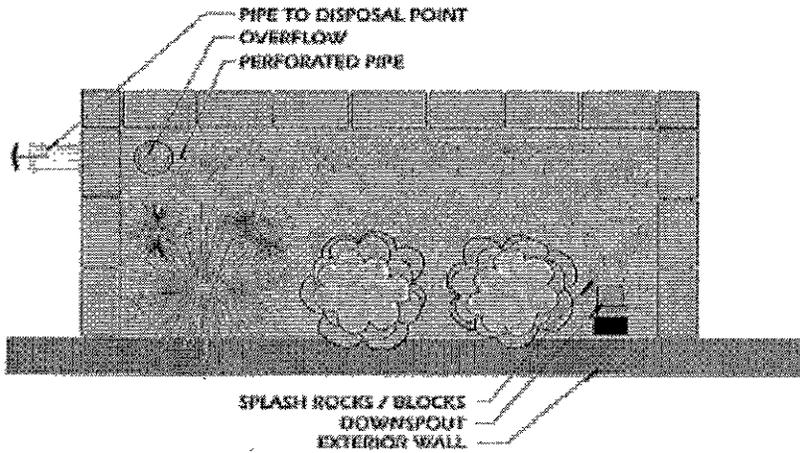
Large Shrub / Small Tree



Shrub / Large Grasslike Plants



Groundcover and Grass / Grasslike Plants



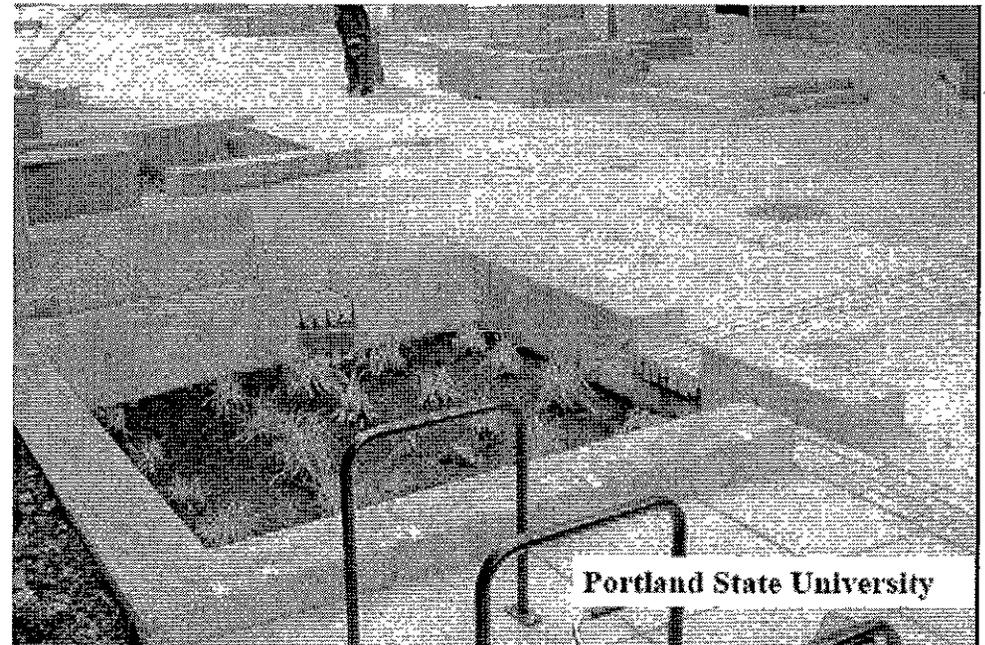
Planter Area = Approx. 50 sq. ft.

Not to Scale

Notes:

1. At least 50% of the facility shall be planted with grasses or grasslike plants, primarily in the flow path. Large grass like plants can be considered as shrubs.
2. See BES recommended plant list, and quantity requirements.

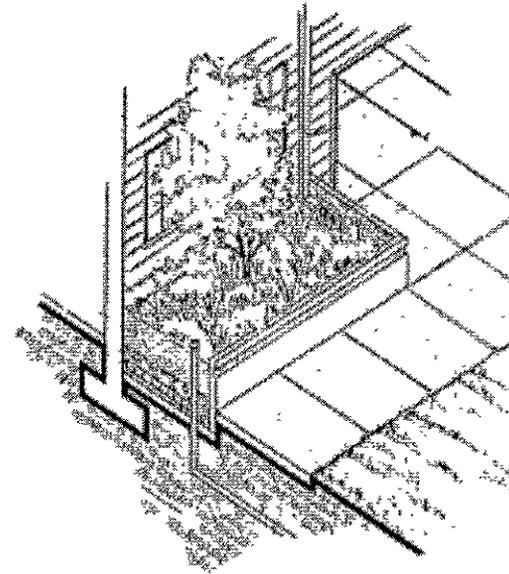
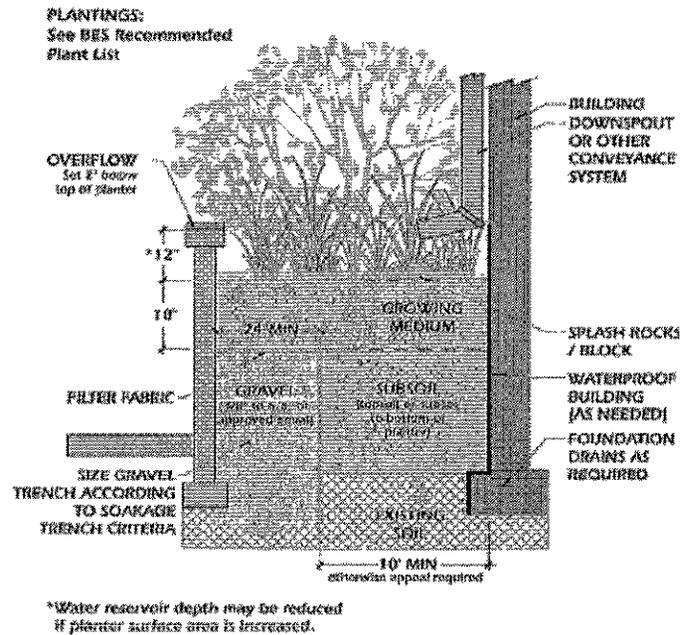
Flow-Through Planter - Plan



Portland State University

7.10 Infiltration planters

Beaverton soils in hydrologic groups C and D limit the applicability of infiltration planters. In areas where soils drain well, hydrologic groups A and B, infiltration planters effectively return stormwater to the ground instead of the storm system. Infiltration planters are not recommended next to building unless there is adequate fall away from the building to prevent long term saturation of the soils.



Infiltration Planter

8.0 CREDITS

The City of Beaverton encourages use of the LID techniques through a credit program administered in the Beaverton Development Code, Chapter 60. The new section is titled “Habitat Friendly Development”. In order to approve a requested credit, engineered drawings and calculations need to be completed and submitted with the land use application for development review. Credits may be earned through preservation of habitat or by using LID techniques. Credits must be used on site. Use of credits is limited to the amount of credit given on a particular project. Preservation credits are commensurate with the amount of land preserved. Credits toward landscape standard, parking lot island standard, or open space standard, the cumulative credit value cannot exceed 50 percent of the standard for the project site, with the exception of credit for installation of a rain garden, which is 75 percent.

In exchange for preserving habitat, enhancing habitat, mitigating habitat loss or creating habitat, the building envelope may be moved, up to 5 feet from the property line, in order to preserve an equal amount of habitat on the opposite side of the offset. Additionally, the lot sizes can be averaged in exchange for preservation. In order to qualify for lot size averaging, the preservation area must equal one lot within the underlying zoning district. No lot can be reduced below 80 percent of the minimum lot size and no lot may be increased greater than 120 percent of the underlying zoning district lot area standard. If the preservation is equal to two or more lots, then the applicant can use both lot size averaging and offset set backs.

Preservation of habitat also qualifies for an open space requirement reduction. The reduction cannot exceed 50 percent of the open space standards in the Development Code.

A building height increase of 12 feet is given for Eco-roofs, Roof top gardens and habitat preservation. In Multiple-Use zoning districts the height can be increase up to 3, 12-foot increments. For proposals abutting the R4, R5, R7, R10, and RA zoning districts the additional building height must be set back two feet for every one feet of height increase. For example, a 36 foot height increase, would require a 72 foot setback for the building height area.

9.0 Maintenance

Operation and maintenance of facilities is the key to success. Site designers must prepare an Operations and Maintenance Manual for owners and maintenance staff to reference when they have questions about the techniques used on the project. Contents should include: as-built plans, operating instructions for weirs and valves, a vegetation list, vegetation maintenance schedule and maintenance checklists. A legally binding and enforceable maintenance agreement will be executed

Operation and Maintenance Responsibility for Stormwater Management Facilities by Land Use and Facility Storm Event Size			
Storm Events	New single family residential	New multi-family residential	New commercial, industrial, multiple use
Small Events < 2 year storms on-site retention	property owners or home owners' association (on lots)	property owner	property owner
Small Events < 2 storms on-street retention (public streets)	City of Beaverton	City of Beaverton	City of Beaverton
Medium Events 2 to 25 year storms detention	City of Beaverton property owner (single Lot)	property owner (single lot)	property owner (single lot)
Flood Risk Management Events > 25 year storms contain and convey	City of Beaverton property owner	City of Beaverton property owner	City of Beaverton Property owner

Source: City of Beaverton

between the practice owner and the City.

9.1 Eco Roofs and Roof Gardens

Maintenance is important and the system should be inspected for proper operation throughout its life span. At a minimum, eco-roofs should be inspected twice annually and roof gardens should be inspected four times annually. The facility owner should keep a maintenance log recording inspection dates, observations and important horticultural cycles. Structural and drainage components must be maintained as well as drain inlets. Vegetation should be maintained at a minimum of 90 % coverage. Weeding, plant removal and replacement, and invasive or nuisance plant removal should be completed regularly according to the manufacturer's recommendations. Irrigation is generally not required, but should be applied to the subsurface or by drip irrigation, if need. Written guidance and training for operating and maintaining roof gardens should be provided along with operation and maintenance agreement to all property owners and tenants.

9.2 Roof rainwater collection systems

Maintenance is specialized and must be completed regularly. Maintenance includes debris removal from the roof, gutter cleaning, downspout screens cleaned and in good condition, pre-filters cleaned monthly, filters changed every six months, UV units cleaned every six months and bulb changed at 12 months (for potable water), storage tanks should be chlorinated quarterly and inspected and debris removed. Additional maintenance may be required.

9.3 Raingardens and bioretention cells

Maintenance includes some watering until plants are established, erosion control of flow entrances, ponding area, and surface overflow areas, weeding and occasional plant material replacement and annual mulching. Nutrient amendments and pesticide application should not be needed.

Table 1. Typical maintenance activities for bioretention areas (Source: ETA and Biohabitats, 1993)

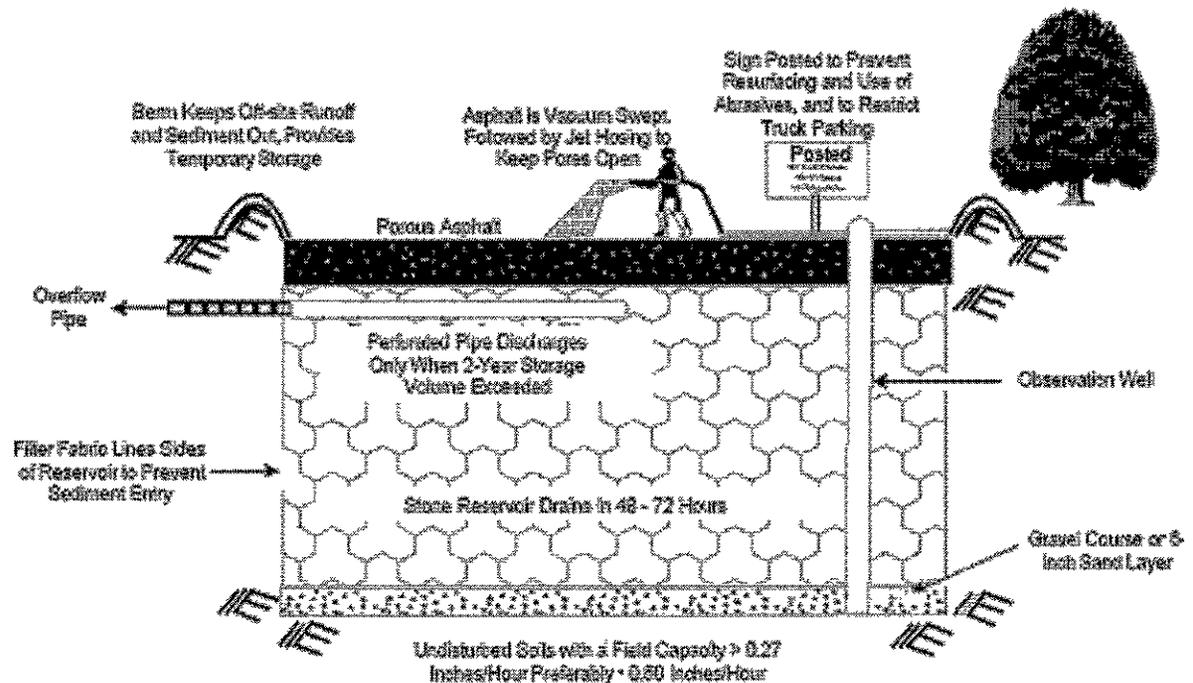
Activity	Schedule
<ul style="list-style-type: none"> Remulch void areas Treat diseased trees and shrubs Mow turf areas 	As needed
<ul style="list-style-type: none"> Water plants daily for 2 weeks 	At project completion
<ul style="list-style-type: none"> Inspect soil and repair eroded areas Remove litter and debris 	Monthly
<ul style="list-style-type: none"> Remove and replace dead and diseased vegetation 	Twice per year
<ul style="list-style-type: none"> Add mulch Replace tree stakes and wires 	Once per year

9.4 Soil Amendment

Maintenance predominantly focuses on minimizing foot traffic and equipment to prevent compaction and erosion, planting immediately after amending soil, and minimizing or eliminating the use of pesticides and fertilizers.

9.5 Alternative Pavements

Annual or semi-annual sweeping or vacuuming of surface debris is recommended for pavement or pavers. If clogging occurs, the filtration media below the surface may need to be replaced. Manufacturers should be consulted for specific maintenance requirements. Porous pavements need to be maintained. Maintenance should include vacuum sweeping at least four times a year (with proper disposal of material), followed by high-pressure hosing to free pores in the top layer from clogging. Potholes and cracks can be filled with patching mixes unless more than 10 percent of the surface area needs repair. Spot-clogging may be fixed by drilling 1.3 centimeter (half-inch) holes through the porous pavement layer every few feet. The pavement should be inspected several times during the first few months following installation and annually



thereafter. Annual inspections should take place after large storms, when puddles will make any clogging obvious. The condition of adjacent pretreatment devices should also be inspected. (US EPA Office of Water EPA 832-F-99-023)

9.6 Trees

Tree maintenance includes watering in the summer during the first one to three years. Annual maintenance requires raking and disposing of leaves and debris, weeding, pruning dead branches and controlling pests.

9.7 Contained Planters

Maintenance includes occasional watering, weeding, and checking drainage.

9.8 Flow-Through Planters

Maintenance includes replacing overgrown or dead plants, removing sediment, cleaning and repairing pipes, and maintaining proper drainage. Inlet areas require periodic debris removal.

9.9 Infiltration Planters

Replace overgrown or dead plants, remove sediment, clean and repair pipes, and clear debris from inlets.

10. CASE STUDIES

10.1 Clean Water Services, Operations & Maintenance Facility, Beaverton, OR

Location: 2025 SW Merlo Court, Beaverton Oregon

Summary: This project represents a state of the art stormwater facility. The building is a showcase and model for those wishing to use alternative stormwater techniques.

Site Area: 5.08 Acres

Design: WBGS in Eugene Oregon

Owner: Clean Water Services

General Contractor: Baugh-Skanska

Date Completed: fall of 2003

Stormwater Benefits: The facility employs a green roof, porous pavement, green street without curbs swales, gardens, reinforced gravel in storage yard and the traditional roof directs runoff to scupper gardens. All aspects of the site are functioning well. About 2/3 of the plants on the green roof were replaced because they weren't spreading to cover the roof. Some of the soil medium was replaced to achieve the proper pH. Native plants from the Tualatin Hills Park and Recreation District to the south have migrated to the site. The porous pavement is used by employees only and has held up to use and has not needed vacuuming maintenance. The site has been oversized to accommodate stormwater and impervious surfaces from the proposed low income development to the north of the site.

APPENDICIES

11.2 Buckman Heights and Terrace, Portland, OR

Location: 430 and 303 NE 16th Avenue, Portland Oregon

Summary: These two projects represent an example of green, mixed use and mixed income developments. The buildings have been widely recognized locally and nationally, particularly for their transportation/land use strategies and stormwater management techniques.

Site Area: 2.8 acres

Units: 274

Density: 72 units per acre and 152 units per acre

Parking: 128

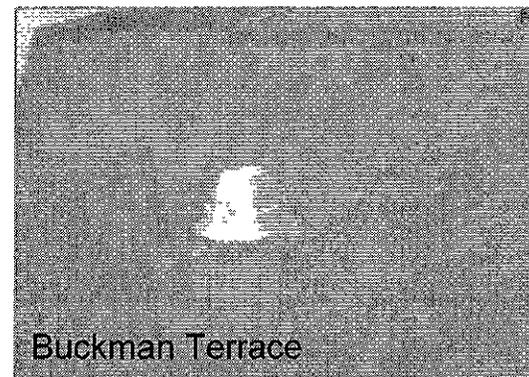
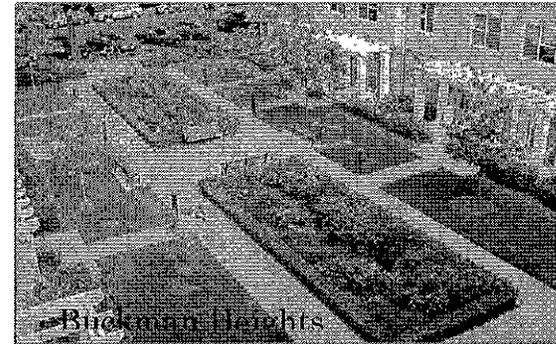
Design: Murase

Developer: Prendergast & Associates

Owner: Prendergast & Associates

General Contractor: Walsh Construction

Date Completed: 1998, 2000



Stormwater Benefits: Stormwater infrastructure includes: landscape infiltration, landscaped swales, permeable surfaces, stormwater planters, a 2,000 square foot green roof, and a back-up dry well. Native plants in landscaped areas reduce the need for irrigation. Rain sensors in irrigation system shut off irrigation when it isn't needed.

Parking Strategies: Bicycle facilities provide incentives not to use a car. Included in the facilities are the following: secure indoor bike storage for 90 bikes, a loaner bike, a bike repair work stand, tire pump, lockers, and the presence of bike lanes in the surrounding area. Another alternative to owning a car (and parking it) is the car sharing program offered by the development. When residents cannot get somewhere via the four high-frequency bus lines, light rail, bike lanes or pedestrian routes, then can call and reserve a car, enter a code to access it in the garage, and return it when finished (trip data is sent wirelessly to the service provider). The parking that is offered at the apartments is mostly under-building parking to reduce impervious surface coverage.

11.3 New Seasons – Division St, Portland, OR

Location: Corner of SE Division and 10th Avenue in Portland Oregon

Summary: The project exemplifies sustainable stormwater management by integrating stormwater into building and site development.

Parking: 78 spaces

Owner: New Seasons Market

Stormwater Benefits: The interconnected stormwater facilities ring the building and received runoff from the building's rooftop, outdoor plaza and parking lot. Three stormwater planters within a 6-foot planting strip between the curb and sidewalk slows and filters runoff from Division Street. Stormwater from a roof downspout showers a sculpture at the buildings entrance. The design has the potential to removed about 1,000,000 gallons of stormwater runoff from the sewer system. Landscape spaces are designed to manage stormwater runoff as a resource instead of a waste.

11.4 New Columbia, Portland, OR

Location: South Columbia Boulevard in North Portland

Summary: An affordable housing project with rental, senior, and for sale units. The site includes new parks and public facilities.

Site Area: 82 acres

Units: 850

Design: Mithun, Inc, Robertson Merryman Barnes Architects, Micheal Willis Architects, Urbsworks, Inc, KPFF Consulting Engineers, ABHT Structural Engineers, Murase Associates, Greenworks, Blumac International, Parametrix, Inc.

Owner: Housing Authority of Portland

General Contractor: Walsh Construction

Date Completed: 2005, 2006

Stormwater Benefits: Seven acres of land is set aside in park space with a 4 acre park featured in the middle of the development. The site uses a 28' wide skinny street to reduce impervious area. The stormwater design includes an education exhibit, the irrigation system uses no potable water, and landscaping and building envelopes are designed to reduce heat islands. Low Impact Development used on site includes 101 pocket swales, 31 flow-through planters boxes and 40 public infiltration dry wells. Storm water from the public streets is treated in biofiltration areas, located within the public rights-of-way. Additionally, the alleys in the project use porous pavement. At the centerline of the alleys a strip of porous pavers sits on top of a soakage trench. Stormwater from the private property enters the soakage trench through the pavers and filters to 30' deep drywells located at either end of the alley. Finally, mature broad-canopy trees were preserved on site to reduce stormwater runoff and reduce soil erosion.

Glossary

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Acknowledgements

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Mark Boguslawski
Leigh Crabtree
Jim Duggan
Margaret Middleton
Puget Sound Action Team
City of Portland

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Appendix 1: Street Tree List

All trees shall be healthy grown nursery stock, be a minimum of 1-1/2 inch caliper at 6 inches above ground level, and be at least 8-10 feet high. All trees shall have a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

Bare root stock shall leave a root system sufficient to insure survival and healthy growth. Balled and burlap (B&B) stock shall leave a natural sound ball sufficient to insure survival and healthy growth. All trees that are grafted are to be grafted at a minimum height of 7 inches above ground level.

<http://www.beavertonoregon.gov/departments/publicworks/opsmaintenance/streettrees.aspx>

Street Trees

1. Trees permitted in minimum 3-foot planting area with no overhead utility wire conditions:

- Cherry, Columnar Sargent Flowering - *Prunus sargentii* 'Columnaris'
- Dogwood, Cornelian Cherry - *Cornus mas*
- Dogwood, Eastern - *Cornus florida*
- Dogwood, Kousa - *Cornus kousa* 'chinesis'
- Hornbeam, Pyramidal European - *Carpinus betulus* 'Fastigiata'
- Maple, Norwegian Sunset - *Acer truncatum* x *A. platanoides* 'Keithsform'
- Maple, Pacific Sunset - *Acer truncatum* x *A. platanoides* 'Warrenred'

- Oak, Skyrocket English - *Quercus robur* 'Fastigiata'
- Pear, Aristocrat Flowering - *Pyrus calleryana* 'Aristocrat'
- Pear, Autumn Blaze Flowering - *Pyrus calleryana* 'Chanticleer'
- Pear, Capital Flowering - *Pyrus calleryana* 'Capital'
- Pear, Princess Flowering - *Pyrus calleryana* 'Princess'
- Pear, Redspire Flowering - *Pyrus calleryana* 'Princess'
- Plum, Krauter's Vesuvius Flowering - *Prunus cerasifera* 'Krauter's Vesuvius'
- Plum, Newport Flowering - *Prunus cerasifera* 'Newport'
- Plum, Thundercloud Flowering - *Prunus cerasifera* 'Thundercloud'

2. Trees permitted in minimum 4-foot planting area where no overhead utility wire conditions exist:

- Ash, Flowering - *Fraxinus ornus*
- Ash, Globe European - *Fraxinus excelsior* 'Globosum'
- Ash, Golden Desert - *Fraxinus oxycarpa aurea* 'Golden Desert'
- Cherry, Shubert Select Flowering or Canada Red Chokecherry - *Prunus virginiana* 'Shubert'
- Cherry, Yoshino Flowering - *Prunus x yedoensis*
- Chokecherry, Red Canada or Shubert Select Flowering - *Prunus virginiana* 'Shubert'
- Crabapple, Profusion - *Malus* 'Profusion'
- Crabapple, Red Baron - *Malus* 'Red Baron'
- Crabapple, Royalty - *Malus* 'Royalty'

- Crabapple, Spring Snow - *Malus* 'Spring Snow'
- Crabapple, Sugar Tymne - *Malus* 'Sugar Tyme'
- Ginkgo, Mayfield - *Ginkgobiloba* 'Mayfield'
- Glorybower, Harlequin - *Clerodendrum trichotomum*
- Goldenrain - *Koelreuteria paniculata*
- Goldenrain, Columnar - *Koelreuteria paniculata* 'Fastigiata'
- Hawthorn, Columnar - *Crataegus monogyna* 'Stricta'
- Hawthorn, Lavalley - *Crataegus x lavalleyi*
- Hawthorn, Washington - *Crataegus phaenopyrum*
- Lilac, Japanese Tree - *Syringa reticulata*
- Maple, Crimson Sentry Norway - *Acer platanoides* 'Crimson Sentry'
- Maple, Doric Red - *Acer rubrum* 'Doric'
- Maple, English Hedge - *Acer campestre*
- Maple, Flame Amur - *Acer ginnala* 'Flame'
- Maple, Globe Norway - *Acer platanoides* 'Globosum'
- Maple, Paperbark - *Acer griseum*
- Maple, Tatarian - *Acer tataricum*
- Olive, Russian - *Elaeagnus angustifolia*
- Pear, Chanticleer Flowering - *Pyrus calleryana* 'Chanticleer'
- Pear, Cleveland Select Flowering - *Pyrus calleryana* 'Cleveland Select'

- Pear, Trinity Flowering - *Pyrus calleryana* 'Trinity'
- Redbud, Eastern - *Cercis canadensis*
- Serviceberry, Cumulus - *Amelanchier laevis* x *grandiflora* 'Cumulus'
- Serviceberry, Pyramidal Shadblow - *Amelanchier canadensis* 'Pyramidalis'
- Serviceberry, Robin Hill Apple - *Amelanchier* x *grandiflora* 'Robin Hill'
- Snowbell, Japanese - *Styrax japonica*

3. Trees permitted in minimum 6-foot planting area with no overhead utility wire conditions:

- Ash, Flame - *Fraxinus osycarpa* 'Flame'
- Ash, Raywood - *Fraxinus osycarpa* 'Raywood'
- Beech, Tricolor European - *Fagus sylvatica* 'Purpurea Tricolor'
- Ginkgo - *Ginkgo biloba*
- Ginkgo, Autumn Gold - *Ginkgo biloba* 'Autumn Gold'
- Ginkgo, Fairmont - *Ginkgo biloba* 'Fairmont'
- Ginkgo, Princeton Sentry - *Ginkgo biloba* 'Princeton Sentry'
- Ginkgo, Shangri-la - *Ginkgo biloba* 'Shangri-la'
- Honeylocust, Skyline - *Gleditsia triacanthos* 'Skyline'
- Horsechestnut, Briotii Red - *Aesculus* x *carnea* 'Briotii'
- Horsechestnut, Ruby Red - *Aesculus* x *carnea* 'Ruby Red'
- Katsura - *Cercidiphyllum Japonicum*

- Linden, DeGroot Littleleaf - *Tilia cordata* 'DeGroot'
- Linden, Glenleven Littleleaf - *Tilia cordata* 'Glenleven'
- Linden, Redmond Crimean - *Tilia cordata* 'Greenspire'
- Locust, Globe - *Robinia pseudocacia* 'Umbraculifera'
- Magnolia, Southern - *Magnolia grandiflora*
- Maple, Armstrong - *Acer x freemanii* 'Armstrong'
- Maple, Bowhall Red - *Acer rubrum* 'Bowhall'
- Maple, Cavalier Norway - *Acer platanoides* 'Cavalier'
- Maple, Columnar Norway - *Acer platanoides* 'Columnare'
- Maple, Crimson King Norway - *Acer platanoides* 'Crimson King'
- Maple, Green Mountain Sugar - *Acer saccharum* 'Green Mountain'
- Maple, Greencolumn Black - *Acer nigrum* 'Greencolumn'
- Maple, Karpick Red - *Acer rubrum* 'Karpick'
- Maple, Legacy Sugar - *Acer saccharum* 'Legacy'
- Maple, Parkway Norway - *Acer platanoides* 'Columnarbroad'
- Maple, Scanlon Red - *Acer rubrum* 'Scanlon'
- Oak, Skymaster English - *Quercus robur* 'Pyramich'
- Pagoda Tree, Regent Japanese - *Sophora japonica* 'Regent'
- Stewartia, Japanese - *Stewartia pseudocamellia*
- Tuliptree, Arnold - *Liriodendron tulipifera* 'Fastigiatum'

4. Trees permitted in minimum 8-foot planting area with no overhead utility wire conditions:

- Ash, Autumn Applause White - *Fraxinus americana* 'Autumn Applause'
- Ash, Autumn Purple White - *Fraxinus americana* 'Autumn Purple'
- Ash, Bergeson Green - *Fraxinus pennsylvanica* 'Bergeson'
- Ash, Patmore Green - *Fraxinus pennsylvanica* 'Patmore'
- Ash, Summit Green - *Fraxinus pennsylvanica* 'Summit'
- Birch, Jacquemontii - *Betula jacquemontii*
- Birch, River - *Betula nigra*
- Blackgum, Sourgum, or Black Tupelo - *Nyssa sylvatica*
- Coffeetree, Kentucky - *Gymnocladus dioicus*
- Cork Tree, Amur - *Phellodendron amurense*
- Elm, Chinese or Lacebark Elm - *Ulmus parvifolia*
- Elm, Homestead - *Ulmus* 'Homestead'
- Elm, Lacebark or Chinese Elm - *Ulmus parvifolia*
- Filbert, Turkish - *Corylus*
- Hackberry, Common - *Celtis occidentalis*
- Hophornbeam, American - *Ostrya virginiana*
- Linden, Green Mountain Silver - *Tilia tomentosa* 'Green Mountain'
- Linden, Redmond - *Tilia americana* 'Redmond'

- Linden, Redmond Crimean - *Tilia euchlora* 'Redmond'
- Linden, Sterling Silver - *Tilia tomentosa* 'Sterling'
- Maple, Arrowhead Sugar - *Acer saccharum* 'Arrowhead'
- Maple, Autumn Blaze - *Acer rubrum* x *A. saccharinum* 'Autumn Blaze'
- Maple, Autumn Flame Red - *Acer rubrum* 'Autumn Flame'
- Maple, Celebration - *Acer* x *freemanii* 'Celzam'
- Maple, Cleveland Norway - *Acer platanoides* 'Cleveland'
- Maple, Emerald Queen Norway - *Acer platanoides* 'Emerald Queen'
- Maple, October Glory Red - *Acer rubrum* 'October Glory'
- Maple, Red Sunset Red - *Acer rubrum* 'Red Sunset'
- Maple, Schwedleri Norway - *Acer platanoides* 'Schwedleri'
- Maple, Spaethii Sycamore - *Acer pseudoplatanus* 'Atropurpureum'
- Maple, Superform Norway - *Acer platanoides* 'Superform'
- Mulberry, Kingan Fruitless - *Morus alba* 'Kingan'
- Oak, Burr - *Quercus macrocarpa*
- Oak, English - *Quercus robur*
- Oak, Forest Green Hungarian or Italian - *Quercus frainetto* 'Schmidt'
- Oak, Northern Red - *Quercus rubra*
- Oak, Pin - *Quercus palustris*
- Oak, Sawtooth - *Quercus acutissima*

- Oak, Scarlet - *Quercus coccinea*
- Oak, Shingle - *Quercus imbricaria*
- Oak, Shumard - *Quercus shumardii*
- Oak, Swamp White - *Quercus bicolor*
- Oak, Westminster Globe - *Quercus robur* 'Michround'
- Poplar, Yellow or Tuliptree - *Liriodendron tulipifera*
- Rubber Tree, Hardy - *Eucommia ulmoides*
- Sourgum, Black Tupelo, or Blackgum - *Nyssa sylvatica*
- Sweetgum - *Liquidambar styraciflua*
- Sweetgum, Festival - *Liquidambar styraciflua* 'Festival'
- Sweetgum, Golden - *Liquidambar styraciflua aurea* 'Golden'
- Tuliptree or Yellow Poplar - *Liriodendron tulipifera*
- Tupelo, Black, Blackgum or Sourgum - *Nyssa sylvatica*
- Yellow Wood - *Cladrastis kentuckia*
- Zelkova, Green Vase - *Zelkova serrata* 'Green Vase'
- Zelkova, Village Green - *Zelkova serrata* 'Village Green'

5. Trees permitted by PGE and City of Beaverton for use under power wires:

- Amur Maple - *Acer ginnala*
- Hedge Maple - *Acer campstre*

- Paper Bark Maple - *Acer griseum*
- Apple Service Berry - *Amelanchier*
- Shadblow Service Berry - *Amelanchier canadensis*
- Eastern Redbud - *Cercis canadensis*
- Glorybower - *Clerodendrum trichotomum*
- Flowering Dogwood - *Cornus florida*
- Japanese Dogwood - *Cornus kousa*
- Washington Hawthorn - *Crataegue phaenopyrum*
- Lauele Hawthorn - *Crataegus x lavellei*
- Globe-Headed European Ash - *Fraxinus excelsior globosum*
- Flowering Ash - *Fraxinus ornus*
- Golden Desert Ash - *Fraxinus oxycarpa aureopolia*
- Golden Rain Tree - *Koelreuteria paniculata*
- Golden Chain Tree - *Laburnum x waterii*
- Flowering Crabapple - 'Spring snow' or 'Indian magic' - *malus*
- Flowering Cherry - 'Mt. fugi' - *prunus*
- Flowering Pear - 'Cleveland select' - *pyrus calleryana*
- Japanese Snowball - *Styrax japonia*

PARKING LOT TREE LIST

Native Trees (on the Portland Plant List):

Species Name	Common Name
<i>Abies grandis</i>	Grand Fir
<i>Acer macrophyllum</i>	Big Leaf Maple
<i>Alnus rubra</i>	Red Alder
<i>Crataegus douglasii</i> , var. <i>douglasii</i>	Black Hawthorn, wetland form
<i>Fraxinus latifolia</i>	Oregon Ash
<i>Pinus ponderosa</i> , ssp. <i>Valley</i>	Ponderosa Pine, Valley subspecies
<i>Pseudotsuga menziesii</i>	Douglas Fir
<i>Quercus garryana</i>	Oregon White Oak
<i>Rhamnus purshiana</i>	Cascara
<i>Thuja plicata</i>	Western Red Cedar
<i>Thuja plicata</i>	Western Red Cedar 'Hogan'

Ornamental (non-native) Trees:

Species name	Common Name
<i>Abies concolor</i>	Silver Fir
<i>Acer campestre</i>	Hedge maple
<i>Acer campestre</i>	Hedge maple 'Evelyn'
<i>Acer pseudoplatanus</i>	Sycamore maple
<i>Acer rubrum</i>	Red maple 'Embers Red,' 'October Glory,' 'Red Sunset,' 'Gerling,' 'Autumn Flame'
<i>Acer saccharum</i>	Sugar Maple (Except 'Legacy')
<i>Calocedrus decurrens</i>	Incense Cedar
<i>Carpinus betulus</i>	European Hornbeam
<i>Celtis occidentalis</i>	Hackberry
<i>Cercidiphyllum japonicum</i>	Katsura Tree
<i>Chamaecyparis lawsoniana</i>	Yellowwood
<i>Cornus kousa</i> var. <i>chinensis</i>	Chinese Dogwood
<i>Crataegus x lavallei</i>	Lavalle Hawthorn
<i>Fagus grandifolia</i>	American Beech
<i>Fagus sylvatica</i>	European Beech
<i>Fagus sylvatica</i>	European Beech 'Roseo-marginata,' 'Tricolor'
<i>Fraxinus americana</i>	White Ash
<i>Fraxinus excelsior</i>	European Ash
<i>Fraxinus pennsylvanica</i>	Green Ash 'Marshall,' 'Patmore,' 'Summit,' 'Urbanite'
<i>Ginkgo biloba</i>	Ginkgo 'Shangri-la,' 'Saratoga'
<i>Liquidambar styraciflua</i>	Sweetgum

Appendix 2: Plant Lists

Appendix 3: Alternate Pavement Surfaces Design Specifications

The general categories and specifications of paving systems include:

- Open-graded concrete or hot-mix asphalt pavement, which is similar to standard pavement, but with reduced or eliminated fine material (sand and fines) and special admixtures incorporated (optional). As a result, channels form between the aggregate in the pavement surface and allow water to infiltrate.
 - Permeable hot-mix asphalt is similar to standard hot-mix asphalt; however, the aggregate fines (particles smaller than No.30 sieve) are reduced, leaving a matrix of pores to conduct water to the underlying aggregate base and soil. This surface can be used for light to medium duty applications including residential access roads, driveways, utility access, parking lots and walkways; however, porous asphalt has been used for heavy applications such as highways. (PSAT)

Properly installed and maintained permeable asphalt has a service life that is comparable or longer than conventional asphalt. As long as runoff is not directed to the permeable asphalt from adjacent surfaces, the estimated long term infiltration rate may be as low as 0.1 inch/hour. Soils with low infiltration rates should have under-drains to prevent prolonged saturated soil conditions at or near the ground surface within the pavement section. (PSAT)

Specifications from the Puget Sound Action Team Low Impact Development Technical Guidance Manual for the Puget Sound:

Subgrade

- Soil conditions should be analyzed by a qualified engineer for load bearing given anticipated soil moisture conditions.
 - After grading, the existing subgrade should not be compacted or subjected to excessive construction equipment traffic.
 - If using the base course for retention in parking areas, excavate the storage bed level to allow even distribution of water and maximize infiltration across entire parking area.
 - Immediately before base aggregate and asphalt placement, remove any accumulation of fine material from erosion with light equipment and scarify soil to a minimum depth of 6 inches.

Aggregate base/storage bed

- Minimum base depth for structural support should be 6 inches (Washington State Department of Transportation, 2003).
- Maximum depth is determined by the extent to which the designer intends to achieve a flow control standard with the use of a below-grade storage bed. Aggregate base depths of 18 to 36 inches are common depending on storage needs.
- Coarse aggregate layer should be a 2.5 to 0.5 inch uniformly graded crushed (angular) thoroughly washed stone (AASHTO No. 3).
- Choker course should be 1 to 2 inches in depth and consist of 1.5 inch to U.S. sieve size number 8 uniformly graded crushed washed stone for final grading of base reservoir. The upper course is needed to reduce rutting from construction vehicles delivering and installing asphalt and to more evenly distribute loads to the base material (Diniz, 1980)

Installation of aggregate base/storage bed

- Stabilize area and install erosion control to prevent runoff and sediment from entering storage bed.
- Install approved non-woven filter fabric on subsoil according to manufacturer's specifications. Where installation is adjacent to conventional paving surfaces, filter fabric should be wrapped up sides to top of base aggregate to prevent migration of fines from densely graded material to the open graded base, maintain proper compaction, and avoid differential settling.

- Overlap adjacent strips of fabric at least 24 inches. Secure fabric 4 feet outside of storage bed to reduce sediment input to bottom of area storage reservoir.
- Install coarse (1.5 to 2.4 inch) aggregate in maximum of 8 inch lifts and lightly compact each lift.
- Install a 1 to 2 inch choker course evenly over surface of coarse aggregate base.
- Following placement of base aggregate and again after placement of the asphalt, the filter fabric should be folded over placements to protect installation from sediment inputs. Excess filter fabric should not be trimmed until site is fully stabilized (U.S. Army Corps of Engineers, 2003).

Top Course

- Parking lots: 2 to 4 inches typical.
- Residential access roads; 2 to 4 inches typical.
- Permeable asphalt has similar strength and flow properties as conventional asphalt; accordingly, the wearing course thickness is similar for either surface given equivalent load requirements (Diniz, 1980)
- Choker course should be 1 to 2 inches in depth and consist of 1.5 inch to U.S. sieve size number 8 uniformly graded crushed washed stone for final grading of base reservoir. The upper course is needed to reduce rutting from construction vehicles delivering and installing asphalt and to more evenly distribute loads to the base material (Diniz, 1980).
- A small percentage of fine aggregate is necessary to stabilize the larger porous aggregate fraction. The finer fraction also increases the viscosity of the asphalt cement and controls asphalt drainage characteristics.
- Total void space should be approximately 16 percent (conventional asphalt is 2 to 3 percent) (Diniz, 1980).

Bituminous asphalt cement

- Content: 5.5 to 6.0 percent by weight dry aggregate. The minimum content assures adequate asphalt cement film thickness around the aggregate to reduce photo-oxidation degradation

and increase cohesion between aggregate. The upper limit is to prevent the mixture from draining during transport.

- Grade: 85 to 100 penetration recommended for northern states (Diniz, 1980).
- An elastomeric polymer can be added to the bituminous asphalt to reduce drain-down.
- Hydrated lime can be added at a rate of 1.0 percent by weight of the total dry aggregate to mixes with granite stone to prevent separation of the asphalt from the aggregate and improve tensile strength.

General installation

- Install permeable asphalt system toward the end of construction activities to minimize sediment problems. The subgrade can be excavated to within 6 inches of final grade and grading completed in later stages of the project (Cahill et al., 2003).
 - Erosion and introduction of sediment from surrounding land uses should be strictly controlled during and after construction. Erosion and sediment controls should remain in place until area is completely stabilized with soil amendments and landscaping.
 - Adapting aggregate specifications can influence bituminous asphalt cement properties and permeability of the asphalt wearing course. Before final installation, test panels are recommended to determine asphalt cement grade and content compatibility with the aggregate. (Diniz, 1980).
 - Insulated covers over loads during hauling can reduce heat loss during transport and increase working time (Diniz, 1980). Temperatures at delivery that are too low can result in shorter working times, increased labor for hand work, and increased cleanup from asphalt adhering to machinery (personal communication Leonard Spodoni, April 2004).
- Portland cement permeable concrete is used extensively for stormwater management in Florida and Georgia. The cities of Seattle and Olympia have tested materials and installed several projects including parking lots, sidewalks and driveways. Permeable Portland cement is similar to conventional concrete without the fine aggregate (sand) component. The mixture is a washed coarse aggregate (3/8 or 5/8 inch), hydraulic cement, admixtures and water, yielding a surface with a matrix of pores that

conducts water to the underlying aggregate base and soil. Permeable concrete can be used for light to medium duty applications including residential access roads, driveways, utility access, parking lots and walkways. Permeable concrete can also be used in heavy load applications. The City of Renton Washington is testing sections in their aggregate recycling yard within preliminary results of good structural performance after being subjected to regular 50,000 to 100,000 pound vehicle loads for three years. As with the asphalt surface, if properly installed and maintained, the surface should have a surface life comparable to conventional concrete.

Three classes of permeable concrete are prevalent: (1) the standard mix using washed course aggregate (3/8 or 5/8 inch), hydraulic cement, admixtures and water; (2) a Stonecrete mixture which is similar to the standard mix, but incorporates a strengthening additive; and (3) Percocrete which uses a higher percentage of sand, incorporates an additive to enhance strength and the pore structure, and produces a smoother surface texture. Specifications for Stonecrete and Percocrete can be obtained from the manufacturers. As long as runoff is not directed to the permeable asphalt from adjacent surfaces, the estimated long term infiltration rate may be as low as 0.1 inch/hour. PSAT

Specifications from the Puget Sound Action Team Low Impact Development Technical Guidance Manual for Puget Sound:

Subgrade

- Soil conditions should be analyzed by a qualified engineer for load bearing given anticipated soil moisture conditions.
- After grading, the existing subgrade should not be compacted or subjected to excessive construction equipment traffic.

- Immediately before base aggregate and asphalt placement, remove any accumulation of fine material from erosion with light equipment and scarify soil to a minimum depth of 6 inches (U.S. Army Corps of Engineers, 2003).

Aggregate base/storage bed

- Minimum base depth for structural support should be 6 inches (FCPA, n.d.).
- Maximum depth is determined by the extent to which the designer intends to achieve a flow control standard with the use of a below-grade storage bed. Aggregate base depths of 18 to 36 inches are common when designing for retention or detention.
- The coarse aggregate layer varies depending on structural and stormwater management needs. Typical placements include round or crushed washed drain rock (1 to 1.5 inches) or 1.5 to 2.5 inch crushed washed base rock aggregate (e.g., AASHTO No.3).
- The concrete can be placed directly over the coarse aggregate or a choker course (e.g., 1.5 inch to US Sieve size number 8, AASHTO No. 57 crushed washed stone) can be placed over the larger stone for final grading.

Installation of aggregate base/storage bed

- Stabilize area and install erosion control to prevent runoff and sediment from entering storage bed.
- If using the aggregate base for retention in parking areas, excavate storage bed level to allow even distribution of water and maximize infiltration across entire parking area.
- Install approved non-woven filter fabric on subsoil according to manufacturer's specifications. Where installation is adjacent to conventional paving surfaces, filter fabric should be wrapped up sides to top of base aggregate to prevent migration of fines from densely graded material to the open graded base, maintain proper compaction, and avoid differential settling.
- Overlap adjacent strips of fabric at least 24 inches. Secure fabric 4 feet outside of storage bed to reduce sediment input to bottom of area storage reservoir.
- Install coarse (1.5 to 2.4 inch) aggregate in maximum of 8 inch lifts and lightly compact each lift.
- If used, install a 1 to 2 inch choker course evenly over surface of coarse aggregate base (typically No. 57 AASHTO) and lightly compact.

- Following placement of base aggregate and again after placement of the asphalt, the filter fabric should be folded over placements to protect installation from sediment inputs. Excess filter fabric should not be trimmed until site is fully stabilized (U.S. Army Corps of Engineers, 2003).

Top Course

- Parking lots: 2 to 4 inches typical.
- Residential access roads; 2 to 4 inches typical.
- Unit weight: 120 to 130 pounds per cubic foot (permeable concrete is approximately 70 to 80 percent of the unit weight of conventional concrete) (FCPA, n.d.)
- Void space: 15 to 21 percent according to ASTM C 138.
- Water cement ratio: 0.27 to 0.35.
- Aggregate to cement ratio: 4:1 to 5:1.
- Aggregate: several aggregate specifications are used including:
 - 3/8 inch to No. 16 washed crushed or round per ASTM C 33.
 - 3/8 inch to No. 50 washed crushed or round per ASTM D 448.
 - 5/8 inch washed crushed or round
 - In general the 3/8 inch crushed or round produces a slightly smoother surface and is preferred for sidewalks, and the 5.8 inch crushed or round produces a slightly stronger surface.
- Portland cement; Type I or II conforming to ASTM C 150 or Type IP or IS conforming to ASTM C 595.
- Admixtures: Can be used to increase working time and include: Water Reducing/Retarding admixture in conformance with ASTM C 494 Type D and Hydration stabilizer in conformance with ASTM C 494 Type B.
- Water: Use potable water.
- Fiber mesh can be incorporated into the cement mix for added strength.

Installation of top course

- See testing section below for confirming correct mixture and proper installation.
- If mixture contains excess water the cement paste can flow from the aggregate, resulting in a weak surface layer and reduced void space in the lower portion of surface. With the correct

water content, the delivered mix should have a wet metallic sheen, and when hand squeezed the mix should not crumble or become a highly plastic mass (FCPA, n.d.)

- Cement mix should be used within 1 hour after water is introduced to mix, and within 90 minutes if an admixture is used and concrete mix temperature does not exceed 90 degrees Fahrenheit (U.S. Army Corps of Engineers, 2003).
- Base aggregate should be wetted to improve working time of cement.
- Concrete should be deposited as close to its final position as possible and directly from the truck or using a conveyor belt placement.
- A manual or mechanical screed can be used to level concrete at ½ inch above form.
- Cover surface with 6-mil plastic and use a static drum roller for final compaction (roller should provide approximately 10 pounds per square inch vertical force).
- Edges that are higher than adjacent materials should be finished or rounded off to prevent chipping (standard edging tool is applicable for pervious concrete).
- Cement should be covered with plastic within 20 minutes and remain covered for curing time.
- Curing: 7 days minimum for Portland cement Type I and II. No truck traffic should be allowed for 10 days (US Army Corps of Engineers, 2003).
- Placement widths should not exceed 15 feet unless contractor can demonstrate competence to install greater widths.
- High frequency vibrators can seal the surface of the concrete and should not be used.
- Jointing: shrinkage associated with drying is significantly less for permeable than conventional concrete. Florida installations with no control joints at 60 foot spacing cut to ¼ the thickness of the pavement (FCPA, n.d. and US Army Corps of Engineers, 2003) Expansion joints can also facilitate a cleaner break point if sections become damaged or are removed for utility work.

Testing

Differences in local materials, handling, and placement can affect permeable concrete performance. The following tests should be conducted even if the contractor has experience with the material to ensure proper performance.

- The contractor should place and cure two test panels, each covering a minimum of 225 square feet at the required project thickness, to demonstrate that specified unit weights and permeability can be achieved on-site (Georgia Concrete and Products Association [GCPA], 1997).

- Test panels should have two cores taken from each panel in accordance with ASTM C 42 at least 7 days after placement (GCPA, 1997).
 - Untrimmed cores should be measured for thickness according to ASTM C 42.
 - After determining thickness, cores should be trimmed and measured for unit weight per ASTM C 140.
 - Void structure should be tested per ASTM C 138.
 - If the measured thickness is greater than ¼ inch less than the specified thickness, or the unit weight is not within ± 5 points per cubic foot, or the void structure is below specifications, the panel should be removed and new panels with adjusted specifications installed (US Army Corps of Engineers, 2003). If test panel meets requirements, panel can be left in place as part of the completed installation.
 - Collect and sample delivered material once per day to measure unit weight per ASTM C 172 and C 29 (FCPA, n.d.).
- Aggregate or plastic pavers that include cast-in-place or modular pre-cast blocks. The cast-in-place systems are reinforced concrete made with reusable forms. Pre-cast systems are either high-strength Portland cement concrete or plastic blocks. Both systems have wide joints or openings that can be filled with soil and grass or gravel.
 - Eco-Stone permeable interlocking concrete pavers are high-density concrete pavers that allow infiltration through a built-in pattern of openings filled with aggregate. When compacted, the pavers interlock and transfer vertical loads to surrounding pavers by shear forces through fine aggregate in the joints. Eco-stone interlocking pavers are placed on open-graded sub-base aggregate topped with a finer aggregate layer that provides a level and uniform bedding material. Properly installed and maintained, high-density pavers have high load bearing strength and are capable of carrying heavy vehicle weight at low speeds. Properly installed and maintained

pavers should have a service life of 20 to 25 years. This system is applicable to industrial and commercial parking lots, utility access, residential access roads, driveways and walkways. As long as runoff is not directed to the permeable asphalt from adjacent surfaces, the estimated long term infiltration rate may be as low as 0.5 inch/hour. Soils with lower infiltration rates should have under-drains at the bottom of the base course and the drain-down time for the base should not exceed 24 hours. (PSAT)

Specifications from the Puget Sound Action Team Low Impact Development Technical Guidance Manual for Puget Sound:

Subgrade

- Soil conditions should be analyzed by a qualified engineer for load bearing given anticipated soil moisture conditions. California Bearing Ratio Values should be at least 5 percent.
- For vehicle traffic areas, grade and compact to 95 percent modified proctor density (per ASTM D 1557) and compact to 95 percent standard proctor density for pedestrian areas (per ASTM D 698) (Smith, 2000). Soils with high sand and gravel content can retain useful infiltration rates when compacted; however, many soils become essentially impermeable at this compaction rate. For detention designs on compacted soils that will provide very low permeability, adequate base aggregate depths and under-drain systems should be incorporated to reduce risk of continued saturation that can weaken subgrades subject to vehicle traffic (Smith, 2000)

Aggregate base/storage bed

- Minimum base thickness depends on vehicle loads, soil type, and stormwater storage requirements and freeze thaw conditions. Typical depths range from 6 to 22 inches; however, increased depths can be applied for increased storage capacity (Smith, 2000). Interlocking concrete Paver Institute guidelines for base thickness should be followed.
- Minimum base depth for pedestrian and bike applications should be 6 inches (Smith, 2000)

- ASTM No. 57 crushed aggregate or similar gradation is recommended for the sub-base (Smith, 2000).
- ASTM No. 8 is recommended for the leveling or choker course.

Installation of Aggregate Base/Storage Bed

- Stabilize area and install erosion control to prevent runoff and sediment from entering storage bed.
- If using the base course for retention in parking areas, excavate storage bed level to allow even distribution of water and maximize infiltration across entire parking area.
- Install approved non-woven filter fabric on subsoil according to manufacturer's specifications. Where installation is adjacent to conventional paving surfaces, filter fabric should be wrapped up sides to top of base aggregate to prevent migration of fines from densely graded material to the open graded base, maintain proper compaction, and avoid differential settling.
- Overlap adjacent strips of fabric at least 24 inches. Secure fabric 4 feet outside of storage bed to reduce sediment input to bottom of area storage reservoir.
- Install No. 57 aggregate in 4 to 6 inch lifts
- Compact the moist No. 57 aggregate with at least 4 passes of a 10-ton (minimum) steel drum roller. Initial passes can be with vibration and the final two passes should be static (Smith, 2000). Testing for appropriate density per ASTM D 698 or D 1557 will likely not provide accurate results. The Interlocking Concrete Pavement Institute specification recommends that adequate density and stability are developed when no visible movement is observed in the open-graded base after compaction (personal communication, Dave Smith ICPI).
- Install three inches of No.8 aggregate for the leveling or choker course and compact with at least 4 passes of a 10-ton roller. Surface variation should be within $\pm \frac{1}{2}$ inch over 10 feet. The No. 8 aggregate should be moist to facilitate compaction into the sub-base (Smith, 2000).
- Asphalt stabilizer can be used with the No.57 stone if additional bearing support is needed, but should not be applied to the No.8 aggregate. To maintain adequate void space, use a minimum of asphalt for stabilization (approximately 2 to 2.5 percent by weight of aggregate). An asphalt grade of AC20 or higher is recommended. The addition of stabilizer will reduce storage capacity of base aggregate and should be considered in the design (Smith, 2000).

- Following placement of base aggregate and again after placement of pavers, the filter fabric should be folded over placements to protect installation from sediment inputs. Excess filter fabric should not be trimmed until site is fully stabilized.
- Designs for full infiltration of stormwater to the subgrade should have a positive overflow to prevent water from entering the surface layer during extreme events. Designs with partial or no exfiltration require under-drains. All installations should have an observation well (typically 6 inch perforated pipe) installed at the furthest downslope area (Smith, 2000)

Top Course Installation

- Pavers should be installed immediately after base preparation to minimize introduction of sediment and to reduce the displacement of base material from ongoing activity (Smith, 2000).
- Loosen and evenly smooth $\frac{3}{4}$ to 1 inch of the compacted No. 8 stone.
- Place pavers by hand or with mechanical installers and compact with a 5000 lbf, 75 to 90 Hz plate compactor. Fill openings with No.8 stone and compact again. Sweep to remove excess stone from surface. The small amount of finer aggregate in the No.8 stone will likely be adequate to fill narrow joints between pavers in pedestrian and light vehicle applications. If the installation is subject to heavy vehicle loads, additional material may be required for joints. Sweep additional material (ASTM No. 89 stone is recommended) and use vibratory compaction to place joint material (Smith, 2000).
- Do not compact within 3 feet of unrestrained edges (Pentec Environmental, 2000).
- Sand placed in paver openings or used as a leveling course will clog and should not be applied for those purposes.
- Cast-in-place or pre-cast concrete (approximately 6 inches wide by 12 inches high) are the preferred material for edge constraints. Plastic edge confinement secured with spikes is not recommended (Smith, 2000).
- Gravelpave2 flexible plastic grid system is a lightweight grid of plastic rings in 20" wide x 20" long x 1" high units with a geotextile fabric heat fused to the bottom of the grid. Flexible grid systems conform to the grade of the aggregate base, and when backfilled with appropriate aggregate top

course, provide high load bearing capacity and has an expected service life of 20 years when properly installed and maintained. Typical uses include alleys, driveways, utility access, loading areas, trails and parking lots with low traffic speeds (15 to 20 mph maximum). If runoff is not directed to the system from adjacent surfaces, the estimated long-term infiltration rate may be as low as 0.5 inch/hour. Soils with lower infiltration rates should have underdrains in the base course to prevent prolonged saturated soil conditions within the top course section. (PSAT LID Technical Guidance Manual for Puget Sound).

Specifications from the Puget Sound Action Team Low Impact Development Technical Guidance Manual for Puget Sound:

S Subgrade

- Soil conditions should be analyzed by a qualified engineer for load bearing given anticipated soil moisture conditions.
- After grading, the existing subgrade should not be compacted or subject to excessive construction equipment traffic.
- Immediately before base aggregate and top course, remove any accumulation of fine material from erosion with light equipment.

Aggregate base/storage bed

- Minimum base thickness depends on vehicle loads, soil type, and stormwater storage requirement. Typical minimum depth is 4 to 6 inches for driveways, alleys, and parking lots (less base course depth is required for trails) (personal communication, Andy Gersen, July 2004). Increased depths can be applied for increased storage capacity.
- Base aggregate is a sandy gravel material typical for road base construction (Invisible Structures, 2003).

Aggregate Grading:	U.S. Standard Sieve	Percent Passing
	$\frac{3}{4}$	100

3/8	85
4	60
8	15
40	30
200	<3

Base Course

- Stabilize area and install erosion control to prevent runoff and sediment from entering storage bed.
- If using the base course for retention in parking areas, excavate storage bed level to allow even distribution of water and maximize infiltration across entire parking area.
- Install approved non-woven filter fabric on subsoil according to manufacturer’s specifications. Where installation is adjacent to conventional paving surfaces, filter fabric should be wrapped up sides to top of base aggregate to prevent migration of fines from densely graded material to the open graded base, maintain proper compaction, and avoid differential settling.
- Overlap adjacent strips of fabric at least 24 inches. Secure fabric 4 feet outside of storage bed to reduce sediment input to bottom of area storage reservoir.
- Install in 4 to 6 inch lifts maximum.
- Compact each lift to 95 percent modified proctor.

Top Course Aggregate

Aggregate should be clean, washed angular stone with a granite hardness.

Aggregate Grading:	U.S. Standard Sieve	Percent Passing
	4	100
	8	80
	16	50
	30	30
	50	15
	100	5

Top Course Installation

- Grid should be installed immediately after base preparation to minimize introduction of sediment and to reduce the displacement of base material from ongoing activity.
 - Place grid with rings up and interlock male/female connectors along unit edges.
 - Install anchors at an average rate of 6 pins per square meter. Higher speed and transition areas (for example where vehicles enter a parking lot with a plastic grid system from an asphalt road) or where heavy vehicles execute tight turns will require additional anchors (double application of pins). Loosen and evenly smooth $\frac{3}{4}$ to 1 inch of the compacted No.8 stone.
 - Aggregate should be back dumped to a minimum depth of 6 inches so that delivery vehicle exists over aggregate. Sharp turning on rings should be avoided.
 - Spread gravel using power brooms, flat bottom shovels or wide asphalt rakes. A stiff bristle broom can be used for finishing.
 - If necessary, aggregate can be compacted with a plate compactor to a level no less than the top of the rings or no more than 0.25 inch above the top of the rings (Invisible Structures, 2003).
 - Provide edge constraints along edges that may have vehicle loads (particularly tight radius turning). Cast-in-place or pre-cast concrete edging is preferred.
 - Do not compact within 3 feet of unrestrained edges (Pentec Environmental, 2000).
 - Sand placed in paver openings or used as a leveling course will clog and should not be applied for those purposes.
 - Cast-in-place or pre-cast concrete (approximately 6 inches wide by 12 inches high) are the preferred material for edge constraints. Plastic edge confinement secured with spikes is not recommended (Smith, 2000).
-

Limitations of the alternate pavement systems include construction and landscaping material yards and other similar places that can deposit excessive sediment on the surface, steep erosion prone areas, concentrated

pollutant spill areas such as gas stations, stuck stops, and industrial chemical storage sites, seasonally high groundwater areas, fill soils, areas where maintenance is unlikely, uses where sealing the surface may be performed, where regular, heavy application of sand is used to maintain traction in winter, and placement with less than 2 feet clearance above bedrock.

Performance has been tested over a size-year period at the University of Washington. Typical rainfall rates are approximately 0.05 inch/hour in the Puget Sound region with brief downpours of 1 to 2 inches/hour. Porous asphalt infiltrated 13 in/hr after 3 years of service with NO MAINTENANCE. Pervious concrete infiltrated 240 in/hr after 6 years of service with NO MAINTENANCE. Pervious pavers infiltrated 0.58 in/hour (no information on length of service or maintenance regime). In terms of pollutant removal, a six-year parking lot demonstration project found toxic concentrations of copper and zinc in 97 percent of the surface runoff samples from an asphalt control parking stall. Copper and Zinc in 31 of 36 samples from the permeable parking stall – that produced primarily subsurface flow – fell below toxic levels and a majority of samples fell below detectable levels. Motor oil was detected in 89 percent of the samples from the surface flow off the asphalt stall. No motor oil was detected in any samples that infiltrated through the permeable paving sections.

Permeable pavement should have field-verified minimum permeability rates greater than 0.3 inches/hour. Contributing runoff from offsite should be limited to a 3:1 ratio of impervious area to pervious pavement area. Design storms should be infiltrated within 48 hours. 2% maximum slope. 3 foot minimum depth to bedrock and depth to water table. SCS Soil Type A, B.

Species name	Common Name
<i>Liriodendron tulipifera</i>	Tulip Tree or Tulip Poplar
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Magnolia kobus</i>	Kobus Magnolia
<i>Metasequoia glyptostroboides</i>	Dawn Redwood
<i>Nothofagus dombeyi</i>	South American Beech or Southern Beech
<i>Nothofagus obliqua</i>	Roble Beech
<i>Nyssa sylvatica</i>	Black Gum or Black Tupelo
<i>Ostrya virginiana</i>	American Hornbeam
<i>Pinus contorta</i>	Shore Pine
<i>Pinus monticola</i>	Western White Pine
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus frainetto</i>	Hungarian Oak 'Forest Green'
<i>Quercus nigra</i>	Water Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus robur</i>	English Oak
<i>Quercus rubra</i>	Northern Red Oak
<i>Quercus velutina</i>	Black Oak
<i>Sequoia sempervirens</i>	Coast Redwood
<i>Sequoiadendron giganteum</i>	Giant Sequoia
<i>Sophora japonica</i>	Japanese Pagoda Tree
<i>Taxodium distichum</i>	Bald Cypress
<i>Umbellularia californica</i>	California Laurel, Oregon Myrtle, Bay
<i>Zelkova serrata</i>	Sawleaf Zelkova 'Green Vase,' 'Halika,' 'Village Green'

AGENDA BILL

Beaverton City Council Beaverton, Oregon

SUBJECT: 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

FOR AGENDA OF: 1/8/07 **BILL NO:** 07004

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Emergency Management *[Signature]*

DATE SUBMITTED: 12/15/06

CLEARANCES: Finance
Police
City Attorney
Mayor's Off. *[Signatures]*

PROCEEDING: Consent Agenda

- EXHIBITS:**
1. Resolution
 2. Amendment
 3. Original Agreement
 4. FY06 UASI Grant Agreement
 5. Summary of amount awarded to Beaverton

BUDGET IMPACT

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

In December 2004 the City Council approved the City of Beaverton entering into an agreement with Washington County in order to participate in two grants awarded to the Portland metropolitan area by the Department of Homeland Security under the Urban Area Security Initiative (UASI). The grants were provided to the State, who, in turn, sub-granted to (i.e., contracted with) the city of Portland, who, in turn, entered into agreements with the counties participating in the UASI program. These agreements are intended to ensure compliance with the grant requirements and the procurement and reporting processes.

INFORMATION FOR CONSIDERATION:

The original IGA with Washington County covered the FY-03 and FY-04 grant awards and the first amendment incorporated the FY05 grant award; this second amendment is required to incorporate the FY06 grant award. The contract between the State and Portland is nearly identical in content to the FY 06 contracts the City of Beaverton signed with the state for its State Homeland Security, Citizen Corps, and Law Enforcement Terrorism Prevention Program grants.

The grant will be providing \$37,000 for the purchase of Type II 800 MHz portable radios and chargers for the Beaverton Police Department. The equipment will actually be purchased by the City of Portland through their procurement process and then it will be delivered to the City of Beaverton. There are no match requirements for these grants and all of the equipment and supplies purchased will belong to the City once the paperwork is done.

RECOMMENDED ACTION:

Council authorize the Mayor to sign the amendment to the IGA with Washington County.

RESOLUTION NO. 3886

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

WHEREAS, the City Council approved the City of Beaverton entering into an agreement with Washington County in order to participate in two grants awarded to the Portland metropolitan area by the Department of Homeland Security under the Urban Area Security Initiative (UASI); and,

WHEREAS, the City Council approved an amendment to the agreement to enable the City to receive an additional grant under the Urban Area Security Initiative (UASI) award in FY05; and,

WHEREAS, these agreements are intended to ensure compliance with the grant requirements and the procurement and reporting processes; and,

WHEREAS, the City has received another award under the Urban Area Security Initiative (UASI) for FY06;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beaverton approves the amendment to the Intergovernmental Agreement to continue to participate in the Department of Homeland Security's Urban Area Security Initiative grant awarded to the City of Portland and authorizes the Mayor to execute said agreement

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

AMENDMENT

This is the second amendment to an existing intergovernmental agreement (IGA) between Washington County, Oregon (County) and the City of Beaverton, Oregon (City) for the coordination of activities related to the purchase of equipment, supplies, professional services, and training being funded by the United States Department of Homeland Security's Urban Areas Security Initiative (UASI) grant program. A copy of the original IGA, identified as BCC #04-1267, and the previous amendment, identified as BCC #05-1096, are attached.

Background

Washington County entered into an agreement with the City on January 10, 2005 for management of FY-03 and FY-04 UASI grant funds awarded to the City. The agreement committed the County to coordinate grant-related procurement, reimbursement and reporting activities with the City and obligated the City to comply with the terms of the FY-03 and FY-04 grant contracts and with the grant procurement and reimbursement processes. The County's agreement with the City was amended on November 10, 2005 following award of a FY-05 UASI grant to the Portland Urban Area. That amendment extended the initial agreement, committed both parties to compliance with the FY-05 grant contract and conditions, and continued the relationships and obligations contained in the initial agreement.

The County's agreement with the City, as amended, is open-ended and remains in effect until the mutual covenants expressed in the agreement have been fully satisfied or until it is terminated due to the failure of one of the parties.

Since adoption and amendment of the initial agreement, the Portland Urban Area has been awarded a FY-06 UASI grant totaling \$8,240,000 and the adopted grant program budget includes funding for the City. With one exception, the FY-06 UASI grant contract is similar to those for the FY-03, 04, and 05 grants and the procurement and reimbursement procedures remain unchanged. The major exception in the FY-06 grant contract is a requirement that all agencies directly benefiting from UASI grant funds must certify their compliance with the FY-06 implementation requirements of the National Incident Management System (NIMS).

Both parties to the earlier agreement, as amended, desire to continue the relationships and obligations contained in that agreement, while acknowledging and committing themselves to compliance with the FY-06 UASI grant contract and conditions.

Agreement

1. The County agrees:

To continue coordination of grant-related procurement, reimbursement, and reporting activities with the City consistent with the processes developed to manage those activities and with the City's prior UASI grant agreement with the County.

2. The City agrees:

- a) That it has read the award conditions and certifications for the FY-06 UASI grant, that it understands and accepts those conditions and certifications, and that it agrees to comply with all the obligations and be bound by any limitations applicable to the grantee under that grant document; and
 - b) To continue compliance with the purchasing and reimbursement processes required by the grants, the City's prior UASI grant agreement with the County, and the grant administrator; and
 - c) To continue compliance with all other obligations contained in the City's prior UASI grant agreement with the County.
3. The parties agree to incorporate by this reference the entire FY-06 UASI grant into this amended IGA, with the specific intent that the City will be obligated to adhere to the FY-06 UASI grant terms, obligations and conditions to the same extent and under the exact same conditions agreed to for the FY-03, 04, and 05 UASI grants.
4. This amendment shall be effective upon final signature of the parties, and shall continue in effect until all mutual covenants expressed in the original agreement, as previously amended, and this amendment have been fully satisfied or until the agreement, as amended, is terminated due to the failure of one of the parties hereto to perform. All other provisions of the original intergovernmental agreement shall remain in effect.

APPROVED WASHINGTON COUNTY BOARD OF COMMISSIONERS

MINUTE ORDER # 06-385
Washington County DATE 12-5-06
 BY Barbara Hejtmanek DEC 06 2006
 CLERK OF THE BOARD Date
Dave Maertens

APPROVED AS TO FORM

[Signature] Date 12/4/06
 Attorney

City of Beaverton

 Date _____

APPROVED AS TO FORM

 Attorney Date _____

INTERGOVERNMENTAL AGREEMENT

Between

**WASHINGTON COUNTY, OREGON
and
THE CITY OF BEAVERTON, OREGON**

THIS IS an intergovernmental (IGA) between Washington County (County) and the city of Beaverton (Agency) entered into pursuant to the authority granted in ORS Chapter 190 for the coordination of activities related to the purchase of equipment, supplies, professional services, and training being funded by the United States Department of Homeland Security's Urban Area Security Initiative (UASI) grant program.

Recitals

WHEREAS, the United States Department of Homeland Security, Office for Domestic Preparedness, provided UASI grant funding in the amount of \$6,764,956 in Fiscal Year 2003 and \$8,112,992 in Fiscal Year 2004 to the state of Oregon for distribution to the Portland, Oregon Urban Area to address the area's unique equipment, training, planning, and exercise needs and to assist the area in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism; and

WHEREAS, the state of Oregon awarded UASI Grant # 03-071 to the city of Portland, Office of Emergency Management (POEM), as Grantee, for Fiscal Year 2003 in the amount of \$6,764,956, a copy of which is attached to this Agreement and incorporated herein as Exhibit A; and

WHEREAS, the state of Oregon awarded UASI Grant #04-071 to the city of Portland, Office of Emergency Management (POEM), as Grantee, for Fiscal Year 2004 in the amount of \$8,112,992, a copy of which is attached to this Agreement and incorporated herein as Exhibit B; and

WHEREAS, UASI Grants #03-071 and #04-071 are intended to increase the ability of the Portland, Oregon Urban Area, which includes jurisdictions in Multnomah, Clackamas, Columbia and Washington counties in Oregon and Clark County in Washington, to prevent, respond to, and recover from chemical, biological, radiological, nuclear and explosive (CBRNE) events; and

WHEREAS, after extensive, coordinated discussions between state and urban area officials, a list of equipment, supplies, professional services, and training to be purchased for or by jurisdictions in the urban area has been developed; and

WHEREAS, the city of Portland, as Grant Administrator, is required to oversee and coordinate the expenditure of the UASI grant funds and has developed procedures to guide the procurement, delivery, and reimbursement processes; and

WHEREAS, the city of Portland, as Grant Administrator, is required to make periodic reports to the state of Oregon regarding the expenditure of the UASI grant funds and has developed procedures to coordinate the collection and submission of information and documents needed to support the reporting process; and

WHEREAS, the city of Portland and all other urban area jurisdictions that receive direct benefit from UASI grant purchases are required to comply with all terms of the UASI grants including, but not limited to, obligations regarding access to records and supplanting of funds; and

WHEREAS, the city of Portland entered into agreements with the urban area counties to secure their commitment to follow the city-developed procurement, delivery, reimbursement, and reporting procedures, to ensure their compliance with all terms of the UASI grants, and to obligate them to coordinate with and obtain similar assurances from directly benefiting jurisdictions within the respective counties; and

WHEREAS, the County entered into an agreement with the city of Portland on September 1, 2004 and accepted responsibility for coordinating the UASI grant processes within the County.

NOW, THEREFORE, the Parties agree as follows:

1. The County agrees:

To coordinate grant-related procurement, reimbursement, and reporting activities with directly benefiting jurisdictions in the County consistent with the processes developed by the city of Portland to manage those activities.

2. The Agency agrees:

- a) That it has read the award conditions and certifications for grants #03-071 and #04-071, that it understands and accepts those conditions and certifications, and that it agrees to comply with all the obligations, and be bound by any limitations applicable to the city of Portland, as grantee, under those grant documents;
- b) To comply with the purchasing and reimbursement processes required by the grants, this Agreement, and the city of Portland;

- c) To appropriately use and conserve all UASI funded equipment, supplies and/or materials provided for CBRNE incident prevention, preparedness, response, and recovery;
- d) That all equipment, supplies, and services provided by the city of Portland to the Agency are as described in the approved grant budget documents, which the Agency has seen.
- e) To treat all single items of equipment valued over \$5,000 as fixed assets and to provide the city of Portland with a list of such equipment showing dates of purchase, equipment description, serial numbers, and locations where the equipment is housed or stored.
- f) That any request or invoice it submits for reimbursement of costs for Agency staff training is consistent with the training identified in the approved grant budget documents, which the Agency has seen.
- g) That the Agency understands and accepts full financial responsibility and may not be reimbursed for costs incurred for training which has not been approved by the state and the U.S. Department of Homeland Security, Office for Domestic Preparedness, even though that training may appear on the approved grant budget documents.
- h) That the Agency will not deviate from the items listed in the approved grant budget documents without first securing written authority from the city of Portland.
- i) That any public statement by the Agency referring to the receipt of UASI funded equipment, supplies, services, or training shall indicate that the funds for the purchase came from the U.S. Department of Homeland Security, Office for Domestic Preparedness, Urban Area Security Initiative grant program and the percent or dollar amount of federal funds used in the purchase.
- j) To maintain and retain accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP) and the standards of the Office of Comptroller set forth in the May 2002 Office of Justice Program (OJP) Financial Guide, including without limitation in accordance with the Office of Management and Budget (OMB) Circulars 87, A-102, A-122, A-128, A-133. [All of these documents are to be retained for a minimum of six years after the contract has been awarded and available for review, upon request, to federal, state, and city of Portland employees or their agents or officers. Review may occur at any time, even after six years, if the records are still available.]

- k) To obtain copies of all federal regulations with which the Agency must comply.
 - l) Not to supplant its local funds with federal and to, instead, use the federal funds to increase the amount of funds that, in the absence of federal aid, would be made available to the Agency to fund programs within the Urban Area Security Initiative grant program guidelines.
 - m) To list the city of Portland as a party to be held harmless and, subject to the limits of the Oregon Tort Claims Act and the Oregon Constitution, indemnified by the Agency and any contractor or subcontractor thereof, for any injury to person or property arising out of the equipment, supplies, or services provided under this Agreement, and as a party to whom a listed duty is due.
3. **Effective Date and Duration.** This Agreement shall be effective from the date both parties have signed and shall continue in effect until all mutual covenants expressed herein have been fully satisfied or until the Agreement is terminated due to the failure of one of the parties hereto to perform.
4. **Amendment.** This Agreement may be amended by written agreement of both parties but must remain consistent with the requirements of the Urban Area Security Initiative program, the UASI grants from the state to the city of Portland, and the city of Portland's UASI grant agreement with the County.
5. **Termination.** Either party may terminate this Agreement in the event the other fails to comply with its obligations under the Agreement. If the Agreement is terminated due to the Agency's failure or inability to comply with the provisions of the grants or the Agreement, the Agency will be liable to the city of Portland for the full cost of any equipment, materials, or services provided by the city of Portland to the Agency, and of any penalties imposed by the state or federal government. Each party will notify the other, in writing, of its intention to terminate this Agreement and the reasons therefore. The other party shall have fourteen days, or such other time as the parties may agree, from the date of the notice in which to correct or otherwise address the compliance failure which is the subject of the notice.
6. **Governing Law.** This contract shall be governed by and construed in accordance with the laws of the state of Oregon, without regard to principles of conflicts of law. Any claim, action, suit or proceeding that arises from or relates to this contract shall be brought and conducted exclusively within the Circuit Court of Washington County for the state of Oregon. In the event a claim is brought in a federal forum, then it shall be brought and conducted solely and exclusively in the United States District Court for the District of Oregon.

7. **Counterparts.** This contract may be executed in several counterparts, each of which shall be an original, all of which shall constitute one and the same instrument.
8. **Survival.** The terms, conditions, representations and all warranties in this contract shall survive the termination or expiration of this contract.
9. **Force Majeure.** Neither party shall be held responsible for delay or default caused by fire, riot, acts of God, or war where such cause was beyond reasonable control. Each party shall make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligations under this contract.
10. **Indemnification.** Subject to the limits of the Oregon Tort Claims Act and the Oregon Constitution, the Agency shall hold harmless, indemnify and defend the County, its commissioners, employees and agents from any and all claims, damages, losses, and expenses, including but not limited to reasonable attorneys fees arising out of or resulting from agency's performance of or failure to perform the obligations of this contract.
11. **Third Party Beneficiaries.** The County and the Agency are the only parties to this contract and are the only parties entitled to enforce its terms. Nothing in this contract gives, or is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such persons are individually identified by name herein.
12. **Successors in Interest.** The terms of this Agreement shall be binding upon the successors and assigns of each party hereto.
13. **Entire Agreement.** The parties agree and acknowledge that this Agreement is a complete, integrated agreement that supersedes any prior understandings related to implementation of the FY-03 and FY-04 UASI program grants and that it is the entire agreement between them relative to those grants.

Washington County

Tom Brian

Date 12-14-04

APPROVED AS TO FORM

Ellen M Dickens
Attorney

Date 12/6/04

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS
MINUTE ORDER # 04-445
DATE 12-14-04
BY Barbara Heitmanek
CLERK OF THE BOARD

City of Beaverton

[Handwritten Signature]

Date 1/10/05

APPROVED AS TO FORM

[Handwritten Signature]
Attorney

Date 1/10/05

AMENDMENT

This is an amendment to an existing intergovernmental agreement (IGA) between Washington County, Oregon (County) and the City of Beaverton, Oregon (City) for the coordination of activities related to the purchase of equipment, supplies, professional services, and training being funded by the United States Department of Homeland Security's Urban Area Security Initiative (UASI) grant program. A copy of the original IGA, identified as BCC # 04-1267 is attached.

Background

Washington County entered into an agreement with the City on January 10, 2005 for management of FY-03 and FY-04 UASI grant funds awarded to the City. The agreement committed the County to coordinate grant-related procurement, reimbursement and reporting activities with the City and obligated the City to comply with the terms of the FY-03 and FY-04 grant contracts and with the grant procurement and reimbursement processes. The County's agreement with the City is open-ended and remains in effect until the mutual covenants expressed in the agreement have been fully satisfied or until it is terminated due to the failure of one of the parties.

Since adoption of the earlier agreement, the Portland Urban Area has been awarded a FY-05 UASI grant totaling \$10,391,037 and the adopted grant program budget includes funding for the City. The FY-05 UASI grant contract is substantially similar to those for the FY-03 and FY-04 grants and the procurement and reimbursement procedures remain unchanged.

Both parties to the earlier agreement desire to continue the relationships and obligations contained in that agreement, while acknowledging and committing themselves to compliance with the FY-05 UASI grant contract and conditions.

Agreement

1. The County agrees:

To continue coordination of grant-related procurement, reimbursement, and reporting activities with the City consistent with the processes developed to manage those activities and with the City's prior UASI grant agreement with the County.

2. The City agrees:

- a) That it has read the award conditions and certifications for the FY-05 UASI grant, that it understands and accepts those conditions and certifications, and that it agrees to comply with all the obligations and be bound by any limitations applicable to the grantee under that grant document; and

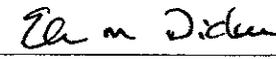
- b) To continue compliance with the purchasing and reimbursement processes required by the grants, the City's prior UASI grant agreement with the County, and the grant administrator; and
 - c) To continue compliance with all other obligations contained in the City's prior UASI grant agreement with the County.
3. The parties agree to incorporate by this reference the entire FY-05 UASI grant into this amended IGA, with the specific intent that the city will be obligated to adhere to the FY-05 UASI grant terms, obligations and conditions to the same extent and under the exact same conditions agreed to for the FY-03 and FY-04 UASI grants.
 4. This amendment shall be effective upon final signature of the parties, and shall continue in effect until all mutual covenants expressed in the original agreement and this amendment have been fully satisfied or until the agreement, as amended, is terminated due to the failure of one of the parties hereto to perform. All other provisions of the original intergovernmental agreement shall remain in effect.

Washington County



Date OCT 18 2005

APPROVED AS TO FORM


Attorney

Date OCT 5, 2005

City of Beaverton



Date 11/10/05

APPROVED AS TO FORM



Date November 8, 2005

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS
MINUTE ORDER # 05-366
DATE 10-18-05
BY Barbara Hejmanek
CLERK OF THE BOARD

**OREGON OFFICE OF HOMELAND SECURITY
CRIMINAL JUSTICE SERVICES DIVISION
URBAN AREAS SECURITY INITIATIVE – CFDA # 97.008**

GRANT AWARD CONDITIONS AND CERTIFICATIONS

PROGRAM NAME:	Portland Urban Area FY06 UASI Grant	GRANT NO:	#06-071
GRANTEE:	City of Portland	FY 2006 AWARD:	\$8,240,000
ADDRESS:	Portland Office of Emergency Management (POEM) 1001 SW Fifth Avenue, Suite 650 Portland, OR 97204	AWARD PERIOD:	9/1/06 thru 6/30/08
PROGRAM CONTACT:	Shawn Graff shawn.graff@ci.portland.or.us	TELEPHONE:	(503) 823-2691
		FAX:	(503) 823-3903
FISCAL CONTACT:	Sarah Liggett	TELEPHONE:	(503) 823-2055

BUDGET

REVENUE

Federal Grant Funds \$8,240,000

TOTAL REVENUE: \$8,240,000

EXPENDITURES

Equipment	
CBRNE Incident Response Vehicle	\$1,091,000
CBRNE Operational and Search and Rescue	\$300,000
Information Technology	\$32,000
Interoperable Communications	\$1,146,067
Medical Supplies - MCI/POD	\$13,800
Other Equipment	\$60,000
Physical Security Enhancement	\$200,000
Power Equipment	\$10,920
Exercises	\$1,500,000
Planning	\$2,834,213
Training	\$640,000
Administration	\$412,000

TOTAL EXPENDITURES: \$8,240,000

This document along with the terms and conditions and grant application attached hereto and any other document referenced constitutes an agreement between the Criminal Justice Services Division (CJSD) of the Oregon Office of Homeland Security and the Grantee. No waiver, consent, modification or change of terms of this agreement shall be binding unless agreed to in writing and signed by both the Grantee and CJSD. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The Grantee, by signature of its authorized representative, hereby acknowledges that he/she has read this agreement, understands it, and agrees to be bound by its terms and conditions (including all references to other documents). Failure to comply with this agreement and with applicable state and federal rules and guidelines may result in the withholding of reimbursement, the termination or suspension of the agreement, denial of future grants, and/or damages to CJSD.

TERMS AND CONDITIONS

I. CONDITIONS OF AWARD

- A. The Grantee agrees to operate the program as described in the application and to expend funds in accordance with the approved budget unless the Grantee receives prior written approval by CJSD to modify the program or budget. CJSD may withhold funds for any expenditure not within the approved budget or in excess of amounts approved by CJSD. Failure of the Grantee to operate the program in accordance with the written agreed upon objectives contained in the grant application and budget will be grounds for immediate suspension and/or termination of the grant agreement.
- B. The Grantee agrees that all publications created with funding under this grant shall prominently contain the following statement: "This document was prepared under a grant from the Office of Grants and Training, United States Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the Office of Grants and Training or the U.S. Department of Homeland Security."
- C. The Grantee agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."
- D. By accepting FY 2006 funds, the Grantee certifies that it has met NIMS compliance activities outlined in the NIMS Implementation Matrix for State, Tribal, or Local Jurisdictions or will meet these requirements by September 30, 2006. The NIMS Implementation Matrix is available in Appendix G of the FY 2006 Homeland Security Grant Program Guidance and Application Kit at: <http://www.ojp.usdoj.gov/odp/docs/fy2006hsgp.pdf>
- E. Maintenance, Retention, and Access to Records; Audits.
1. Maintenance and Retention of Records. The Grantee agrees to maintain accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP) and the standards of the Office of Grants and Training, Office of Grant Operations (OGO) set forth in the January 2006 Financial Management Guide, including without limitation in accordance with Office of Management and Budget (OMB) Circulars A-87, A-102, A-122, A-128, A-133. All financial records, supporting documents, statistical records and all other records pertinent to this grant or agreements under this grant shall be retained by the Grantee for a minimum of five years for purposes of State of Oregon or Federal examination and audit. It is the responsibility of the Grantee to obtain a copy of the OGO Financial Management Guide from the Office of Grants and Training and apprise itself of all rules and regulations set forth. A copy is available at: http://www.dhs.gov/interweb/assetlibrary/Grants_FinancialManagementGuide.pdf
 2. Retention of Equipment Records. Records for equipment shall be retained for a period of three years from the date of the disposition or replacement or transfer at the discretion of the awarding agency. Title to all equipment and supplies purchased with funds made available under the State Homeland Security Grant Program (SHSGP) shall vest in the Grantee agency that purchased the property, if it provides written certification to CJSD that it will use the property for purposes consistent with the Homeland Security Grant Program.
 3. Access to Records. CJSD, Oregon Secretary of State, the Office of the Comptroller, the General Accounting Office (GAO), or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of Grantee and any contractors or subcontractors of Grantee, which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. The right of access is not limited to the required retention period but shall last as long as the records are retained.

4. Audits. If Grantee *expends* \$500,000 or more in Federal funds (from all sources) in its fiscal year, Grantee shall have a single organization-wide audit conducted in accordance with the provisions of OMB Circular A-133. Copies of all audits must be submitted to CJSD within 30 days of completion. If Grantee *expends* less than \$500,000 in its fiscal year in Federal funds, Grantee is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials as provided in Section I.E.1 herein.
5. Audit Costs. Audit costs for audits not required in accordance with OMB Circular A-133 are unallowable. If Grantee did not *expend* \$500,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to the grant.

F. Funding.

1. Matching Funds. **This Grant does not require matching funds.**
2. Supplanting. The Grantee certifies that federal funds will not be used to supplant state or local funds, but will be used to increase the amount of funds that, in the absence of federal aid, would be made available to the Grantee to fund programs consistent with Homeland Security Grant Program guidelines.

G. Reports. **Failure of the Grantee to submit the required program, financial, or audit reports, or to resolve program, financial, or audit issues may result in the suspension of grant payments and/or termination of the grant agreement.**

1. Progress Reports, Initial Strategy Implementation Plan (ISIP), and Biannual Strategy Implementation Report (BSIR). The Grantee agrees to submit two types of semi-annual reports on its progress in meeting each of its agreed upon goals and objectives. One is a narrative progress report that addresses specific information regarding the activities carried out under the FY 2006 Homeland Security Grant Program and how they address identified project specific goals and objectives. Progress reports are due **January 15, 2007; July 16, 2007; January 15, 2008; and July 15, 2008 or whenever Requests for Reimbursement are submitted, whichever comes first.** Narrative reports may be submitted separately or included in the "Project Notes" section of the BSIR.

The second is a set of web-based applications that details how funds are linked to one or more projects, which in turn must support specific goals and objectives in the State or Urban Area Homeland Security Strategy. The first report, the Initial Strategy Implementation Plan (ISIP), is due by **August 29, 2006 and will be completed by the Criminal Justice Services Division.**

Biannual Strategy Implementation Reports (BSIR) must be received no later than **January 15, 2007; July 16, 2007; January 15, 2008; and July 15, 2008.** A final BSIR will be due 90 days after the grant award period.

Examples of information to be captured in the ISIP and BSIR include:

- Total dollar amount received from each funding source (e.g., Law Enforcement Terrorism Prevention Program, State Homeland Security Program, Citizen Corps).
- Projects(s) to be accomplished with funds provided during the grant award period.
- State or Urban Area Homeland Security Strategy goal or objective supported by the project(s).
- Amount of funding designated for each discipline from each grant funding source.
- Solution area which expenditures will be made and the amount that will be expended under each solution area from each grant funding source.
- Metric and or narrative discussion indicating project progress / success.

Any progress report, Initial Strategy Implementation Plan, or Biannual Strategy Implementation Report that is outstanding for more than one month past the due date may cause the suspension and/or termination of the grant. Grantee must receive prior written approval from CJSD to extend a progress report requirement past its due date.

2. Financial Reimbursement Reports.

- a. In order to receive reimbursement, the Grantee agrees to submit a signed Request for Reimbursement (RFR) which includes **supporting documentation for all grant expenditures**. RFRs may be submitted quarterly but no less frequently than semi-annually during the term of the grant agreement. **At a minimum, RFRs must be received no later than January 31, 2007; July 31, 2007; January 31, 2008; and July 31, 2008.**

Reimbursements for expenses will be withheld if progress reports are not submitted by the specified dates or are incomplete.

- b. Reimbursement rates for travel expenses shall not exceed those allowed by the State of Oregon. Requests for reimbursement for travel must be supported with a detailed statement identifying the person who traveled, the purpose of the travel, the times, dates, and places of travel, and the actual expenses or authorized rates incurred.
- c. Reimbursements will only be made for actual expenses incurred during the grant period. The Grantee agrees that no grant funds may be used for expenses incurred before **September 1, 2006** or after **June 30, 2008**.
- d. Grantee shall be accountable for and shall repay any overpayment, audit disallowances or any other breach of grant that results in a debt owed to the Federal Government. CJSD shall apply interest, penalties, and administrative costs to a delinquent debt owed by a debtor pursuant to the Federal Claims Collection Standards and OMB Circular A-129.

3. Procurement Standards

- a. Grantees shall follow the same policies and procedures it uses for procurement from its non-Federal funds. Grantees shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable Federal and State law and standards.
- b. All procurement transactions, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. All sole-source procurements in excess of \$100,000 must receive prior written approval from the Criminal Justice Services Division. Interagency agreements between units of government are excluded from this provision.
- c. The Grantee shall be alert to organizational conflicts of interest or non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, and/or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to the Criminal Justice Services Division.
- d. All non-state procurement transactions shall be conducted in such a manner that provides, to the maximum extent practical, open and free competition. However, should a recipient elect to award a contract without competition, sole source justification may be necessary. Justification must be provided for non-competitive procurement and should include a description of the program and what is being contracted for, an explanation of why it is necessary to contract noncompetitively, time constraints and any other pertinent information. Grantees may not proceed with a sole source procurement without prior written approval from the Criminal Justice Services Division.

4. Audit Reports. Grantee shall provide CJSD copies of all audit reports pertaining to this Grant Agreement obtained by Grantee, whether or not the audit is required by OMB Circular A-133.

H. Indemnification. The Grantee shall, to the extent permitted by the Oregon Constitution and by the Oregon Tort Claims Act, defend, save, hold harmless, and indemnify the State of Oregon and CJSD, their officers, employees, agents, and members from all claims, suits and actions of whatsoever nature resulting from or arising out of the activities of Grantee, its officers, employees, subcontractors, or agents under this grant.

Grantee shall require any of its contractors or subcontractors to defend, save, hold harmless and indemnify the State of Oregon, Criminal Justice Services Division, and the Oregon Office of Homeland Security, their officers, employees, agents, and members, from all claims, suits or actions of whatsoever nature resulting from or arising out of the activities of subcontractor under or pursuant to this grant.

Grantee shall, if liability insurance is required of any of its contractors or subcontractors, also require such contractors or subcontractors to provide that the State of Oregon, Criminal Justice Services Division, and the Oregon Office of Homeland Security and their officers, employees and members are Additional Insureds, but only with respect to the contractor's or subcontractor's services performed under this grant.

I. Copyright and Patents.

1. Copyright. If this agreement or any program funded by this agreement results in a copyright, the CJSD and the U.S. Department of Homeland Security reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for government purposes, the work or the copyright to any work developed under this agreement and any rights of copyright to which Grantee, or its contractor or subcontractor, purchases ownership with grant support.

2. Patent. If this agreement or any program funded by this agreement results in the production of patentable items, patent rights, processes, or inventions, the Grantee or any of its contractors or subcontractors shall immediately notify CJSD. The CJSD will provide the Grantee with further instruction on whether protection on the item will be sought and how the rights in the item will be allocated and administered in order to protect the public interest, in accordance with federal guidelines.

J. No Implied Waiver, Cumulative Remedies. The failure of Grantor to exercise, and any delay in exercising any right, power, or privilege under this Agreement shall not operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or privilege under this Agreement preclude any other or further exercise thereof or the exercise of any other such right, power, or privilege. The remedies provided herein are cumulative and not exclusive of any remedies provided by law.

K. Governing Law, Venue, Consent to Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit, or proceeding (collectively, "Claim") between Grantor (and/or any other agency or department of the State of Oregon) and Grantee that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court for the State of Oregon; provided, however, if the Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. **Grantee, By Execution Of This Agreement, Hereby Consents To The In Personam Jurisdiction Of Said Courts.**

L. Notices. Except as otherwise expressly provided in this Section, any communications between the parties hereto or notice to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same by registered or certified mail, postage prepaid to Grantee or Grantor at the address or number set forth on page 1 of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this section. Any communication or notice so addressed and sent by registered or certified mail shall be deemed delivered upon receipt or refusal of receipt. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. Any communication or notice by personal delivery shall be deemed to be given when actually delivered. The parties also may communicate by telephone, regular mail or other means, but such communications shall not be deemed Notices under this Section unless receipt by the other party is expressly acknowledged in writing by the receiving party.

M. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of Grantor, Grantee, and their respective successors and assigns, except that Grantee may not assign or transfer its rights or obligations hereunder or any interest herein without the prior consent in writing of Grantor.

- N. Survival. All provisions of this Agreement set forth in the following sections shall survive termination of this Agreement: Section I.C (Maintenance, Retention and Access to Records; Audits); Section I.E (Reports); and Section I.F (indemnification).
- O. Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.
- P. Relationship of Parties. The parties agree and acknowledge that their relationship is that of independent contracting parties and neither party hereto shall be deemed an agent, partner, joint venturer or related entity of the other by reason of this Agreement.

II. Grantee Compliance and Certifications

- A. Debarment, Suspension, Ineligibility and Voluntary Exclusion. The Grantee certifies by accepting grant funds that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, nor voluntarily excluded from participation in this transaction by any Federal department or agency. (This certification is required by regulations published May 26, 1988, implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 69 and 28 CFR Part 67.)
- B. Standard Assurances and Certifications Regarding Lobbying. The Anti-Lobbying Act, 18 U.S.C. § 1913, was amended to expand significantly the restriction on use of appropriated funding for lobbying. This expansion also makes the anti-lobbying restrictions enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each individual occurrence of lobbying activity. These restrictions are in addition to the anti-lobbying and lobbying disclosure restrictions imposed by 31 U.S.C. § 1352. The Office of Management and Budget (OMB) is currently in the process of amending the OMB cost circulars and the common rule (codified at 28 C.F.R. part 69 for DOJ grantees) to reflect these modifications. However, in the interest of full disclosure, all applicants must understand that no federally-appropriated funding made available under this grant program may be used, either directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government, without the express approval of the U.S. Department of Justice. Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. This prohibition applies to all activity, even if currently allowed within the parameters of the existing OMB circulars.
- C. Compliance with Applicable Law. The Grantee agrees to comply with all applicable laws, regulations, and guidelines of the State of Oregon, the Federal Government and CJSD in the performance of this agreement, including but not limited to:
1. The provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Non-Discrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures, and Federal laws or regulations applicable to Federal assistance programs.
 2. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646).
 3. Section 102(a) of the Flood Disaster Protection Act of 1973, P.L. 93-234, 87 Stat.97, approved December 31, 1976.
 4. Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.)
 5. National Environmental Policy Act of 1969, 42 USC 4321 et seq.
 6. Flood Disaster Protection Act of 1973, 42 USC 4001 et seq.
 7. Clean Air Act, 42 USC 7401 et seq.
 8. Clean Water Act, 33 USC 1368 et seq.
 9. Federal Water Pollution Control Act of 1948, as amended, 33 USC 1251 et seq.
 10. Safe Drinking Water Act of 1974, 42 USC 300f et seq.

11. Endangered Species Act of 1973, 16 USC 1531 et seq.
12. Wild and Scenic Rivers Act of 1968, as amended, 16 USC 1271 et seq.
13. Historical and Archaeological Data Preservation Act of 1969, as amended, 16 USC 469 et seq.
14. Coastal Zone Management Act of 1972, 16 USC 1451 et seq.
15. Coastal Barrier Resources Act of 1982, 16 USC 3501 et seq.
16. Indian Self-Determination Act, 25 USC 450f.
17. Hatch Political Activity Act of 1940, as amended, 5 USC 1501 et seq.
18. Animal Welfare Act of 1970, 7 USC 2131 et seq.
19. Demonstration Cities and Metropolitan Development Act of 1966, 42 USC 3301 et seq.
20. Federal Fair Labor Standards Act of 1938 (as appropriate), as amended, 29 USC 201 et seq.

D. Certification of Non-discrimination.

1. The Grantee, and all its contractors and subcontractors, certifies that no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any activity funded under this agreement on the basis of race, color, age, religion, national origin, handicap, or gender. The Grantee, and all its contractors and subcontractors, assures compliance with the following laws:
 - a. Non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;
 - b. Title IV of the Civil Rights Act of 1964, as amended;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended;
 - d. Title II of the Americans with Disabilities Act (ADA) of 1990,
 - e. Title IX of the Education Amendments of 1972;
 - f. The Age Discrimination Act of 1975;
 - g. The Department of Justice Nondiscrimination Regulations 28 CFR Part 42, Subparts C, D, E, and G;
 - h. The Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
2. In the event that a Federal or State court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, age, religion, national origin, handicap or gender against the Grantee or any of its contractors or subcontractors, the Grantee or any of its contractors or subcontractors will forward a copy of the finding to the Criminal Justice Services Division (CJSD). CJSD will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

- E. Civil Rights Compliance. All recipients of federal grant funds are required, and Grantee agrees, to comply with nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq. (prohibiting discrimination in programs or activities on the basis of race, color, and national origin); Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3789d(c)(1) (prohibiting discrimination in employment practices or in programs and activities on the basis of race, color, religion, national origin, and gender); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et seq. (prohibiting discrimination in employment practices or in programs and activities on the basis of disability); Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 (prohibiting discrimination in services, programs, and activities on the basis of disability); The Age Discrimination Act of 1975, 42 U.S.C. § 6101-07 (prohibiting discrimination in programs and activities on the basis of age); and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. (prohibiting discrimination in educational programs or activities on the basis of gender).

F. Equal Employment Opportunity Program. If the Grantee, or any of its contractors or subcontractors, has 50 or more employees, is receiving more than \$25,000 pursuant to this agreement, and has a service population with a minority representation of three percent or more, the Grantee, or any of its contractors or subcontractors, agrees to formulate, implement and maintain an equal employment opportunity program relating to employment practices affecting minority persons and women. If the Grantee, or any of its contractors or subcontractors, has 50 or more employees, is receiving more than \$25,000 pursuant to this agreement, and has a service population with a minority representation of less than three percent, the Grantee or any of its contractors or subcontractors, agrees to formulate, implement and maintain an equal employment opportunity program relating to its practices affecting women. The Grantee, and any of its contractors and subcontractors, certifies that an equal employment opportunity program as required by this section will be in effect on or before the effective date of this agreement. Any Grantee, and any of its contractors or subcontractors, receiving more than \$500,000, either through this agreement or in aggregate grant funds in any fiscal year, shall in addition submit a copy of its equal employment opportunity plan at the same time as the application submission, with the understanding that the application for funds may not be awarded prior to approval of the Grantee's, or any of its contractors or subcontractors, equal employment opportunity program by the Office for Civil Rights, Office of Justice Programs.

If required to formulate an Equal Employment Opportunity Program (EEOP), the Grantee must maintain a current copy on file which meets the applicable requirements.

G. Services to Limited English Proficient (LEP) Persons. Recipients of ODP financial assistance are required to comply with several federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services. National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Grantees are encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. For additional information, please see <http://www.lep.gov>.

H. National Environmental Policy Act (NEPA): Special Condition for U.S. Department of Justice Grant Programs.

1. Prior to obligating grant funds, Grantee agrees to first determine if any of the following activities will be related to the use of the grant funds. Grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the Grantee, a contractor, subcontractor or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:
 - a. new construction;
 - b. minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year floodplain;
 - c. a renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
 - d. implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.
2. Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the Grantee's or its contractors' or subcontractors' existing programs or activities that will be funded by these grant funds, the Grantee, upon specific request from the Office for Domestic Preparedness, agrees to cooperate with the Office for Domestic Preparedness in any preparation by the Office for Domestic Preparedness of a national or program environmental assessment of that funded program or activity.

- I. Certification Regarding Drug Free Workplace Requirements. Grantee certifies that it will provide a drug-free workplace by:
1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 2. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The Grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 3. Requiring that each employee engaged in the performance of the grant be given a copy of the employer's statement required by paragraph (a).
 4. Notifying the employee that, as a condition of employment under the award, the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
 5. Notifying the Grantee within ten days after receiving notice from an employee or otherwise receiving actual notice of such conviction.
 6. Taking one of the following actions, within 30 days of receiving notice, with respect to any employee who is so convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by federal, state, or local health, law enforcement, or other appropriate agency.
 7. Making a good faith effort to continue to maintain a drug-free workplace.

III. Suspension or Termination of Funding

The Criminal Justice Services Division may suspend funding in whole or in part, terminate funding, or impose another sanction on a State Homeland Security Grant Program recipient for any of the following reasons:

- A. Failure to comply substantially with the requirements or statutory objectives of the Urban Area Security Initiative guidelines issued thereunder, or other provisions of federal law.
- B. Failure to make satisfactory progress toward the goals and objectives set forth in the approved Project Justification(s).
- C. Failure to adhere to the requirements of the grant award and standard or special conditions.
- D. Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected.
- E. Failing to comply substantially with any other applicable federal or state statute, regulation, or guideline. Before imposing sanctions, the Criminal Justice Services Division will provide reasonable notice to the Grantee of its intent to impose sanctions and will attempt to resolve the problem informally.

IV. Grantee Representations and Warranties

Grantee represents and warrants to Grantor as follows:

- A. Existence and Power. Grantee is a political subdivision of the State of Oregon. Grantee has full power and authority to transact the business in which it is engaged and full power, authority, and legal right to execute and deliver this Agreement and incur and perform its obligations hereunder.
- B. Authority, No Contravention. The making and performance by Grantee of this Agreement (a) have been duly authorized by all necessary action of Grantee, (b) do not and will not violate any provision of any applicable law, rule, or regulation or order of any court, regulatory commission, board or other administrative agency or any provision of Grantee's articles of incorporation or bylaws and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Grantee is a party or by which Grantee or any of its properties are bound or affected.
- C. Binding Obligation. This Agreement has been duly authorized, executed and delivered on behalf of Grantee and constitutes the legal, valid, and binding obligation of Grantee, enforceable in accordance with its terms.
- D. Approvals. No authorization, consent, license, approval of, filing or registration with, or notification to, any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Grantee of this Agreement.

Carmen McIno

10.20.06

Carmen McIno, Director
Criminal Justice Services Division
Oregon Office of Homeland Security
4760 Portland Road NE
Salem, OR 97305
(503) 378-4145 ext 545

Date

Tom Potter

10.12.06

Signature of Authorized Grantee Official

Date

Tom Potter, Mayor

Name/Title

Sheela Cruz

10.18.06

Signature of Authorized Fiscal Representative of Grantee Agency

Date

**FY 06 UASI Grant
Beaverton Award**

UA06-0053	Beaverton PD	Power Equipment	Wall Mount Battery Charges for XTS 2500 Radios Not a Motorola Charger	4,000.00
UA06-0022	Beaverton PD	Interoperable Communications Equipment	800 MHz Type II Radios (Motorola XTS 2500) Includes extra battery, shoulder microphone and extended warranty.	33,000.00
			Total Award	\$37,000.00

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: LIQUOR LICENSE

FOR AGENDA OF: 01/08/07 **BILL NO:** 07005

NEW OUTLET

Pizza Schmizza – Cedar Hills
3180 SW Cedar Hill Boulevard

MAYOR'S APPROVAL: 

DEPARTMENT OF ORIGIN: Police 

CHANGE OF OWNERSHIP

Tanya's European Deli
3821 SW 117th Avenue

DATE SUBMITTED: 12/26/06

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

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

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

INFORMATION FOR CONSIDERATION:

Pizza Schmizza, Inc. is opening a new establishment and has made application for a Limited On-Premises Sales License under the trade name of Pizza Schmizza – Cedar Hills. The establishment will serve pizza and will operate seven days a week from 11:00 a.m. to 10:00 p.m. There will be no entertainment offered. A Limited On-Premises Sales License allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

Tanya's European Deli, formerly licensed by the OLCC to Tatiana and Bill Fleisher, is undergoing a change of ownership. German and Yelena Shteyman, have made application for an Off-Premises Sales License under the same trade name of Tanya's European Delis. The establishment is a deli. It will operate Monday through Friday from 10:00 a.m. to 9:00 p.m., and Saturday from 11:00 a.m. to 6:00 p.m. There will be no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

RECOMMENDED ACTION:

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

Agenda Bill No: 07005

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Staffing Change – Increase Court Clerk Position from .75 FTE (Full Time Equivalent) to a 1.0 FTE and Transfer Resolution

FOR AGENDA OF: 01-08-07 **BILL NO:** 07006

Mayor's Approval: 

DEPARTMENT OF ORIGIN: HR 

DATE SUBMITTED: 01-02-07

CLEARANCES: Finance 

PROCEEDING: Consent Agenda

EXHIBITS: Transfer Resolution

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$64,296	BUDGETED \$57,750*	REQUIRED \$6,546*

* Account Number 001-45-0751-233 General Fund – Municipal Court Operations Program – Court Clerk position. The Amount Budgeted represents the wages, payroll taxes and fringe benefits for a .75 FTE (full time equivalent) Court Clerk position. The Expenditure Required represents increasing this position to a 1.0 FTE effective January 1 through the end of the fiscal year. The Additional Appropriation is available from the General Fund Contingency Account and would be established in the attached Transfer Resolution.

HISTORICAL PERSPECTIVE:

The Beaverton Municipal Court Administration function operates with a staff that includes six Court Clerks (5.75 FTE).

INFORMATION FOR CONSIDERATION:

In the last year:

- Cases Filed by Charge over all have increased **11%**. This does not take into account, nor can we measure how many times our court clerks deal with a defendant from the time they are charged until the case is closed.
- Criminal Hearings and Violations Hearings have increased **10%**.
- Other Hearings Held per FTE have increased **17%**, which means every Court Clerk is doing **17%** more this year than last.
- Cases Filed per FTE has risen **22%**
- Warrants Issued per FTE has risen **22%**
- Collection Letters are new this year and we estimate an average of 750 per court clerk.
- Cases sent to Collection, which involves several letters and data tracking are new this year and will average 700 per court clerk.

RECOMMENDED ACTION:

City Council adopt the attached transfer resolution.

RESOLUTION NO. 3887

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 additional appropriation of \$6,546 is needed in the Personal Services Category of the Municipal Court Fund to increase Court Clerk headcount by .25 FTE, 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:

- \$6,546 out of the Contingency Category of the General Fund into the Personal Services Category as indicated below:

Personal Services – Court Clerk	001-45-0571-223	\$ 4,970
Fringe Benefits	001-45-0571-299	\$ 1,576
Contingency	001-13-0003-991	<\$6,546>

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**

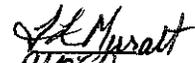
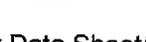
SUBJECT: Bid Award – Wilson Drive Waterline Replacement Project

FOR AGENDA OF: 01-08-07 **BILL NO:** 07007

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Public Works 

DATE SUBMITTED: 12-21-06

CLEARANCES: Purchasing 
Finance 
City Attorney 
Capital Project 

PROCEEDING: Consent Agenda
(Contract Review Board)

- EXHIBITS:**
1. CIP Project Data Sheet/Map
 2. Bid Summary
 3. Funding Plan
 4. Agenda Bill No. 06179

BUDGET IMPACT

EXPENDITURE REQUIRED *	AMOUNT BUDGETED *	APPROPRIATION REQUIRED *
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* See attached Funding Plan (Exhibit 3). The Wilson Drive Waterline replacement project is one of many projects budgeted in Program 3701 (Water System Improvements with a total budgeted appropriation of \$1,185,000) and Program 3950 (Storm Maintenance and Replacements with a total budgeted appropriation of \$760,000). As shown in Exhibit 3, this project's cost is \$35,306 more than the amount budgeted for this project. The original budget did not include either the proposed storm drainage repairs or street subsurface repairs from previous waterline breaks. The cost of the additional work can be absorbed within the existing appropriations in Programs 3701 and 3950.

HISTORICAL PERSPECTIVE:

The Wilson Drive Water Replacement project has been added to the FY 2006/07 Capital Improvements Plan (CIP) under CIP Project Number 4070 (Exhibit 1) as an emergency waterline replacement project.

The existing 8-inch cast iron waterline between 142nd Avenue and Wilson Court has broken several times in the recent past resulting in damaged street pavement and major inconvenience and irritation to adjacent residents.

The City plans to repave the street in the spring of 2007 after the underground utility work is complete.

The project was first advertised in September 2006; however, at that time only one bid was received. The City Council rejected the bid on September 18, 2006, because the bid was excessively expensive (\$219,154.85 – see Exhibit 4).

INFORMATION FOR CONSIDERATION:

The invitation for bid was advertised in the *Daily Journal of Commerce* on November 14, 2006. A mandatory pre-bid meeting was held on November 28, 2006. Twelve contractors attended the pre-bid meeting. Eight (8) bids were received and opened on December 14, 2006, at 2:00 p.m. in the Finance Department conference room (Exhibit 2). Werbin West Contracting of Portland, Oregon, submitted the lowest responsive bid in the amount of \$135,305.60. The overall bid amount is \$27,992 or 17 percent less than the Engineer's Estimate (Exhibit 3). The primary reason for the difference was that the bid amount for temporary and final pavement restoration was approximately one-half the Engineer's Estimate (\$34,589).

Staff reviewed the qualifications of Werbin West and investigated their recent performance on projects for Tualatin Valley Water District (TVWD). TVWD gave Werbin West high marks. In the fall of 2003, Werbin West completed the Lombard Avenue (Farmington Road - Broadway) Waterline project for the City in a satisfactory manner. Staff finds that Werbin West Contracting has satisfied the bid requirements to construct waterline improvements in a built-up, urban environment.

With City Council approval of the bid award, a Notice to Proceed (NTP) would be issued to the Contractor on or about January 22, 2007. The project contract requires substantial completion, which includes all work other than punch-list corrections and final cleanup, within 60 days of the NTP. This means the project's estimated substantial completion date is March 22, 2007.

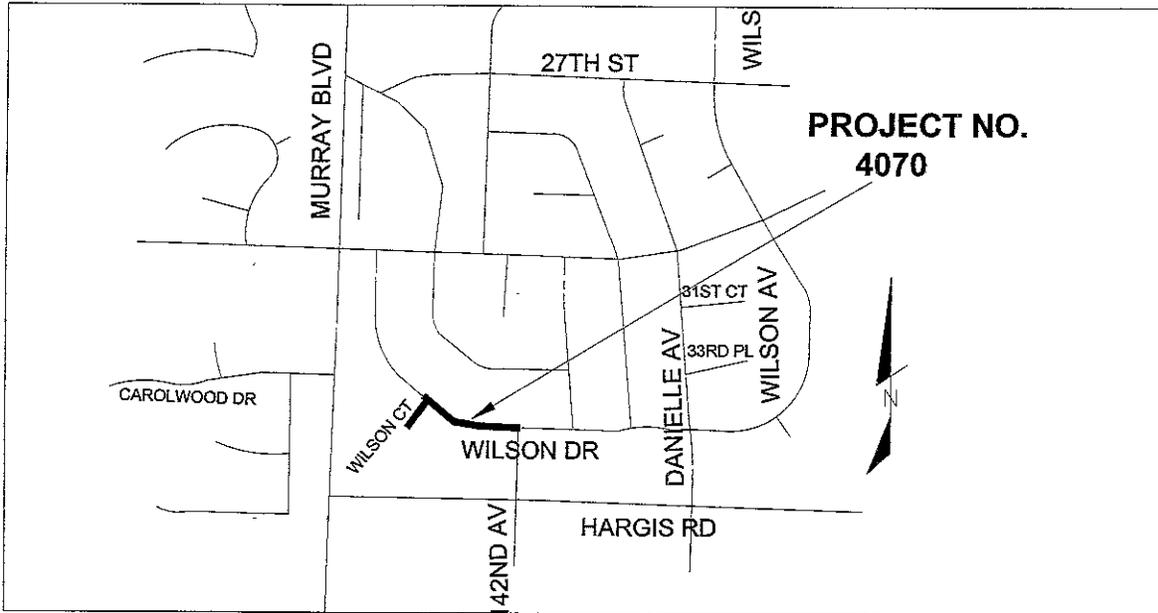
RECOMMENDED ACTION:

Council, acting as Contract Review Board, award the contract to Werbin West Contracting in the amount of \$135,305.60, in a form approved by the City Attorney, as the lowest responsive bid received for the Wilson Drive Waterline Replacement Project.

Project Data

Project Number: 4070
Project Name: Wilson Dr Waterline Replacement
Project Description: Replace approximately 430 lineal feet of existing 8-inch cast iron water line on Wilson Dr from 142nd Ave to Wilson Ct and 140 feet of 2-inch water line on Wilson Ct. Also install two storm drainage manholes, two catchbasins and 33 feet of 10-inch PVC pipe at Wilson Ct.

Map:



Project Justification: The existing cast iron water main experiences frequent breaks and damages the roadway. The storm manholes improve maintenance access.

Project Status: Design was completed by City staff in Aug 2006. The project was advertised and bid in Sep 2006; however, only one bid was received and rejected by City Council in Sep 2006. Project was readvertised for construction in Nov 2006 and scheduled to be awarded to Werbin West Contracting in Jan 07. Estimated project start date is 1-22-07.

Estimated Date of Completion: 03/22/2007

Estimated Project Cost: \$175,000

First Year Budgeted: FY06/07

Funding Data:

<u>Project No.</u>	<u>Fund No.</u>	<u>Fund Name</u>	<u>Amount</u>	<u>FY</u>
4070	3701	Water Improvements	\$128,878	FY2006/07
	3950	Storm Maint/Replacement	\$16,428	FY2006/07
Total for FY:			\$145,306	

**BID SUMMARY
CITY OF BEAVERTON**

TO: Mayor & City Council

FROM: Purchasing Division

SUBJECT: Bid Opening

Bids were opened on DECEMBER 14TH, 2006 at 2:00 PM in the FINANCE DEPARTMENT

For: WILSON DRIVE WATERLINE IMPROVEMENTS FY 2006-07

Witnessed by: JIM BRINK

VENDOR NAME AND CITY, STATE	SCHEDULE "A" GENERAL	SCHEDULE "B" WATER IMPROVEMENTS	SCHEDULE "C" STORM DRAINAGE IMPROVEMENT	BID AMOUNT
Landis & Landis Construction, Portland, OR	\$69,013.70	\$80,308.00	\$15,154.00	\$164,475.70
Canby Excavating Canby, OR	\$54,415.12	\$72,216.40	\$22,119.90	\$148,751.42
C & B Construction Hillsboro, OR	\$49,079.96	\$76,993.40	\$22,012.04	\$148,085.40
Civilworks NW Inc. Vancouver, WA	\$59,639.00	\$63,855.00	\$15,127.00	\$138,621.00
Clackamas Construction Inc Boring, OR	\$94,397.20	\$95,720.00	\$23,913.00	\$214,030.20
Cipriano & Sons Construction Boring, OR	\$76,699.20	\$85,201.00	\$19,799.80	\$181,700.00
Integrity Excavating & Construction Battleground, WA	\$65,994.50	\$70,247.00	\$18,092.00	\$154,333.50
Werbin West Contracting Inc. Portland, OR	\$49,313.60	\$72,030.00	\$13,962.00	\$135,305.60

The Purchasing process has been confirmed.

Signed: *Larry L. Musalt*
Purchasing Division-Finance Dept.

The above amounts have been checked: YES NO

Date: 12-14-06

Funding Plan - Wilson Drive Waterline Replacement Project					
Project No. 4070					
Fund Number and Name	FY2006-07 Fund Budget	Project Budget	Engineer's Estimate	Project Cost As Bid	Additional Funding For Project
501-75-3701-682	\$1,185,000	\$100,000	\$143,270	\$118,878	\$18,878
Water System Improvements					
513-75-3950-682	\$760,000	\$0	\$20,027	\$16,428	\$16,428
Storm Maintenance & Replacement					
Totals		\$100,000	\$163,297	\$135,306	\$35,306

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Reject Bid – Wilson Drive Waterline Replacement Project

FOR AGENDA OF: 09-18-06 **BILL NO:** 06179

Mayor's Approval: *Bob Brown*

DEPARTMENT OF ORIGIN: Public Works *[Signature]*

DATE SUBMITTED: 09-14-06

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

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: 1. CIP Project Data Sheet/Map
2. Bid Summary

BUDGET IMPACT

EXPENDITURE REQUIRED	AMOUNT BUDGETED	APPROPRIATION REQUIRED
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HISTORICAL PERSPECTIVE:

The Wilson Drive Water Replacement project has been added to the FY 2006/07 Capital Improvements Plan (CIP) under CIP Project No. 4070 (Exhibit 1) as an emergency waterline replacement project.

The existing 8-inch cast-iron waterline between 142nd Avenue and Wilson Court has broken several times in the recent past resulting in damaged street pavement and inconvenience and concern to adjacent residents.

The City plans to repave the street in the spring of 2007 after the underground utility work is complete.

INFORMATION FOR CONSIDERATION:

The invitation to bid was advertised in the *Daily Journal of Commerce* on August 30, 2006. A mandatory pre-bid meeting was held on September 7, 2006. Six contractors attended the pre-bid meeting. Only one (1) bid was received and opened on September 13, 2006, at 2:00 p.m. in the Finance Department conference room (Exhibit 2). The bid from CR Woods Trucking of Sherwood, Oregon, in the amount of \$219,154.85 was \$84,898.45, or 63% higher than the Engineer's Estimate of \$134,256.40.

Many of the unit prices of the only bid received are excessively high compared to those provided for recent projects, even considering the increased costs for ductile iron products. For example, the unit price provided for a 6-inch gate valve was \$1,088 whereas the unit price provided in May 2006 for another capital improvement project was \$550.

Staff recommends that the bid received be rejected and the project be rebid because the bid price is considered well above market value and that a more competitive bid can be obtained.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, reject the bid received from CR Woods Trucking of Sherwood, Oregon, finding that price is too costly to justify the acceptance of the offer and that it does not serve in the best interest of the City and direct staff to rebid the project.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

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

FOR AGENDA OF: 01/08/07 **BILL NO:** 07008

Mayor's Approval: *Linda C. Holland*

DEPARTMENT OF ORIGIN: Mayors Office *LC*

DATE SUBMITTED: 12-22-06

CLEARANCES: Purchasing *SBH*
Finance *SBH*
City Attorney *LC*
Central Plant *LC*

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: 1. Linc Facility Services Letter
2. Bid Schedule

BUDGET IMPACT

EXPENDITURE REQUIRED	AMOUNT BUDGETED	APPROPRIATION REQUIRED
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HISTORICAL PERSPECTIVE:

The City owns the BCP (Beaverton Central Plant) which provides space conditioning to all the buildings at The Round. As a result of agreements signed with DPP Commercial Investments LLC (the developer), the City is committed to serve new buildings as they are developed. The Round is approximately half built out with another 300,000 square feet scheduled to be built over the next two years.

The construction of Building "F" located to the north of the Tri-Met tracks and across from the Coldwell Banker building has begun. Construction on Building "E" located on the south side Tri-Met tracks and next to the 24 Hour Fitness building is expected to begin within the next 30 days. BCP service to these buildings was anticipated in the approved budget and capital plan.

In order to assure reasonable coordination with building site utilities, construction of BCP's service extension is planned to begin within the next 60 days. Project timing is also driven by BCP's use of specialty ductile iron pipe which can take as much as six weeks for delivery.

INFORMATION FOR CONSIDERATION:

The invitation for bid was advertised in the *Daily Journal of Commerce* on December 4, 2006. There was no pre-bid meeting held. Only one (1) bid was received and opened on December 19, 2006 at 2:00 p.m. in the Finance Department conference room (Exhibit 2). The bid from Triad Mechanical Inc. of Portland, Oregon, in the amount of \$366,045.00 for Building "E" and \$231,397.00 for Building "F" for a grand total of \$597,442.00 was \$297,000 or 99% higher than the Engineer's Estimate of \$300,000.00. Linc, Construction Manager for the BCP build out, has reviewed the Triad Mechanical Inc. bid and recommends that it be rejected based on the high bid price.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, reject the bid from Triad Mechanical, Incorporated, because it does not serve in the best interest of the City and direct staff to re-bid the project.

EXHIBIT

EXHIBIT 1

Stan Maier, Facility Manager
12725 SW Millikan Way, Suite 110 • Beaverton, OR. 97005
Phone: 503.626.4040 • Fax: 503.627.0650 • www.lincfs.com



Date: 12/20/06

To: Lonnie Dicus

From: Stan Maier

Subject: Triad Proposal for Buildings E & F Underground Piping and Mech. Rm. Project

I have reviewed the bid proposal submitted by **Triad Mechanical Inc.** for the Beaverton Central Plant – Building “E” and “F” Underground Piping and Mechanical Room Project that was presented on December 19, 2006. As you are aware this was the “only” proposal received from the RFP that was posted by the City of Beaverton on December 4, 2006. The Total combined proposal cost is \$597,443 less a \$7,000 discount if they are selected for the combined work which would put the total project cost at \$590,443, this cost is significantly above our engineers estimate and budget for this project.

In light of the fact the city received only one proposal for this project leads me to believe the city may be paying a premium for how the underground piping and mechanical room installations were bundled together in the request for bid. We should also consider that given only a single proposal was received a more aggressive solicitation may be warranted as regulations allow. Accordingly, I believe it is probable the city can secure more competitive bids for the above-mentioned work and recommend the **Triad Mechanical Inc.** bid be formally rejected.

By the end of this week I will have a specific recommendation on how the city may want to proceed in re-bidding this project to insure we are receiving the best possible price for this project.

BID SCHEDULE FOR BID PROPOSAL
BEAVERTON CENTRAL PLANT – BUILDING “E” & “F” UNDERGROUND PIPING AND
MECHANICAL ROOM PROJECT #2027-07, (PAGE 1 OF 2)

CLOSES: DECEMBER 19, 2006 AT 2:00 PM

1. Contractors may choose to bid on one or both Bid Schedules. If contractor chooses to bid on both schedules, indicate any discount available. The City reserves the right to award Bid Schedule -“A” or Bid Schedule - “B” separately or award both “A” and “B” to the same contractor, or to award no bid, whichever is in the best interest of the City. Contract will be awarded based on the lowest responsive bid from a responsible bidder.

1. BID SCHEDULE “A”

BUILDING “E”

ITEM NO.	DESCRIPTION	UNIT	TOTAL
1.	Underground Piping	Lump Sum	\$ 235,712.00
2.	Mechanical Room Installation	Lump Sum	\$ 130,333.60

TOTAL FOR BUILDING “E” \$ 366,046.00

2. BID SCHEDULE “B”

BUILDING “F”

Item No.	Description	Unit	Total
1.	Underground Piping Installation	Lump Sum	\$ 73,197.00
2.	Mechanical Room Installation	Lump Sum	\$ 158,200.00

TOTAL FOR BUILDING “F” \$ 231,397.00

3. BID DISCOUNT – Will only be applied if bidder is awarded both Schedule “A” & “B”

Item No.	Description	Unit	Total
1.	Bidder Discount <u>if</u> awarded both Schedule “A” & “B” (shown in dollars)	Lump Sum	(\$ 7,000.00)

AGENDA BILL

12-19-06 10:09 AM R010

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Rose Biggi Avenue Street Vacation
(SV2004-0002)

FOR AGENDA OF: 01-08-07 **BILL NO:** 07009

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 12-19-06

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

PROCEEDING: Public Hearing

EXHIBITS: Staff Report dated 12-19-06,
including petitions from area
property owners consenting to
street vacation approval.

BUDGET IMPACT

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

On July 22, 2004, Mr. Domonic Biggi, the applicant representing property owners along the west side of SW Rose Biggi Avenue, submitted the proposal for SV2004-0002 requesting that City Council approve the vacation of public right-of-way located along the west side of that street. Since that time, the applicant revised the proposal and worked to make the application complete by receiving the necessary petition signatures of property owners in the area. The application was deemed complete on November 8, 2006. The applicant intends that the portion of right-of-way to be vacated be limited to that area not necessary for future street improvements to SW Rose Biggi Avenue. The purpose of vacating right-of-way is to provide additional land for future development of private properties. The area under consideration for street vacation is located along the west side of the street generally between SW Beaverdam Road and the Tri-Met Light Rail trackway.

INFORMATION FOR CONSIDERATION:

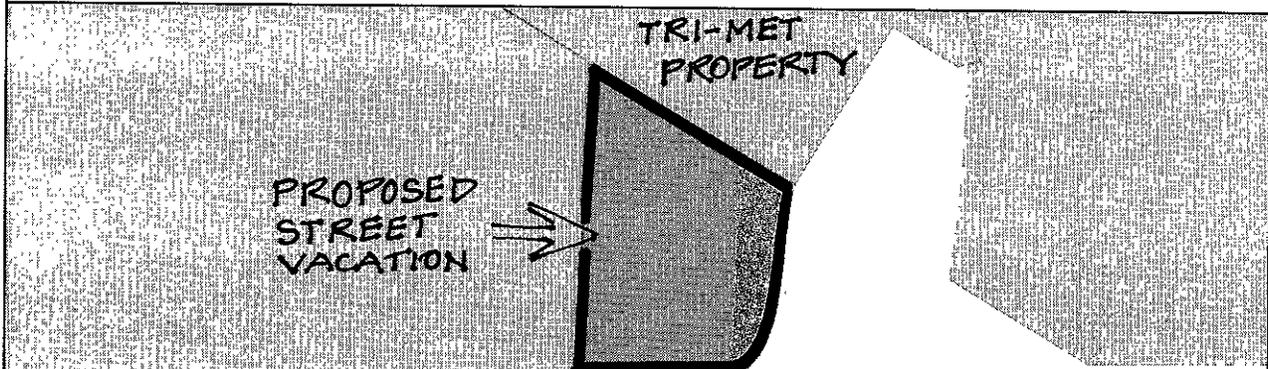
Staff has prepared the report, dated December 19, 2006, that evaluates Development Code criteria for a street vacation and the relevant sections of ORS 271-080. Findings are provided within the staff report that concludes the applicant's request meets the applicable criteria for approval.

RECOMMENDED ACTION:

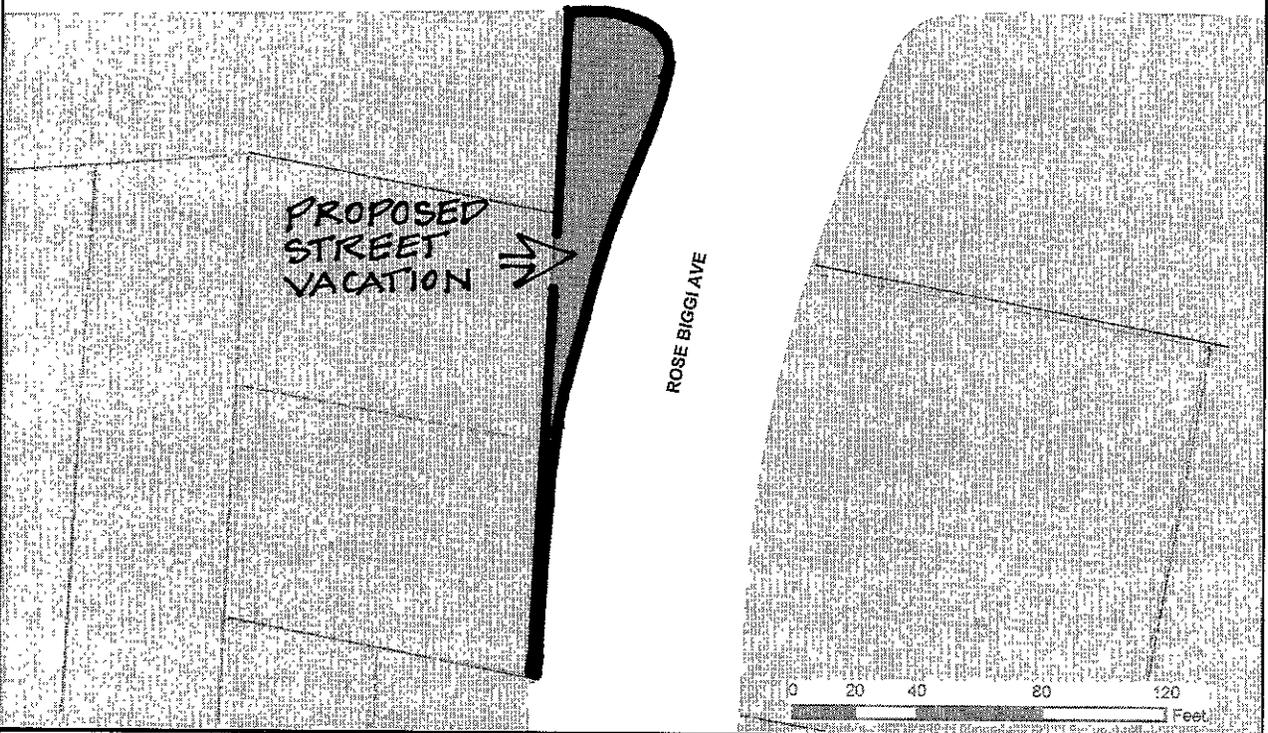
Staff recommends that the Council conduct a public hearing and approve SV2004-0002 with conditions. Staff further recommends that the City Council direct staff to prepare findings based on the Council's decision and return to Council with an ordinance for adoption. If the vacation is approved, some of the recommended conditions of approval are to be satisfied prior to adopting an ordinance.

Exhibit Name: Detail Map

Exhibit Number: 1



MILLIKAN WAY



**Project: SV 2004-0002 ROSE BIGGI AVENUE
STREET VACATION**

Date:
11/20/2006

Map Number:
Right of Way

N



*Department: Community Development
Division: Development Services*

Application #: SV2004-0002

TABLE OF CONTENTS and EXHIBITS LIST

ROSE BIGGI AVE. STREET VACATION TO CITY COUNCIL SV 2004-0002

Council Packet
Page Number

Exhibits listed in approximate reverse chronological order

1	Exhibit 1 <u>Vicinity – Detail Map</u>
2 – 3	Table of Contents
4 - 7	Exhibit 2 <u>Materials Submitted by Staff</u> Exhibit 2.1 Staff Report for SV 2004-0002, dated December 17, 2006, including map of Estimated Street Vacation Affected Area, and the following attachments:
8 - 12	Attachment A: Analysis and Findings of Street Vacation approval criteria
13 – 18	Attachment B: Facilities Review Committee Technical Review and Recommendations
19 – 20	Attachment C: Recommended Conditions of Approval
21	
22	Exhibit 2.2 Tri-Met letter, dated December 5, 2006
23	Exhibit 2.3 Map of SW Rose Biggi Avenue showing proposed street vacation area
23	Exhibit 2.4 Map of proposed Rose Biggi Avenue Improvement showing proposed street vacation area

24	Exhibit 3. <u>Materials Submitted by Applicant</u>
	Exhibit 3.1 Applicant's Revised Materials for SV 2004-0002, dated October 2006, containing:
25	<ul style="list-style-type: none"> • Map showing Proposed Street Vacation, Property Ownership and Affected Area.
26	<ul style="list-style-type: none"> • List of Owners and Properties in Affected Area
27	<ul style="list-style-type: none"> • List of Owners and Properties Consenting to Street Vacation Petition
28 – 37	<ul style="list-style-type: none"> • Street Vacation Petition Signature forms
38	Exhibit 3.2 Applicant's Original Materials for SV 2004-0002, dated July 22, 2004, containing:
39 - 41	<ul style="list-style-type: none"> • Letter of Incompleteness, by City of Beaverton, dated August 12, 2004
42 -44	<ul style="list-style-type: none"> • Application form and Letters, received July 22, 2004
45 – 46	<ul style="list-style-type: none"> • Maps showing Original Proposal
47	<ul style="list-style-type: none"> • Clean Water Services documentation
48 – 52	<ul style="list-style-type: none"> • Neighborhood Review Meeting Materials, occurring on July 15, 2004
53	<ul style="list-style-type: none"> • Pre-Application Conference letter, January 15, 2003



CITY of BEAVERTON

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

STAFF REPORT

HEARING DATE: Monday, January 8, 2007

TO: City Council

FROM: John Osterberg, Senior Planner *JO.*

PROPOSAL: **Street Vacation of a portion of SW Rose Biggi Avenue right-of-way**

LOCATION: Between SW Beaverdam Road and the Tri-Met Light Rail trackway, along the west side of SW Rose Biggi Avenue. The proposed vacation abuts Tax Lots 1100, 1200, 1401 and 7100 of County Tax Assessor Map 1S1-16AA.

SUMMARY: The applicant, Dominic Biggi, representing abutting property owners, Pinion, Chesney, Davis, and Umrein, has submitted a petition requesting approval of a Street Vacation (SV) for a portion of the Rose Biggi Avenue right-of-way, located along the west side of that street. The applicant intends that the portion to be vacated be limited to that area of right-of-way which is not necessary for future street improvements to Rose Biggi Avenue. The purpose of vacating right-of-way is to provide additional land for future development of private properties.

APPLICANT'S REPRESENTATIVE: Peter Finley Frye, AICP
2153 SW Main St. #105
Portland, OR 97205

APPLICANT: Domonic Biggi
PO Box 687
Beaverton OR 97075-0687

RECOMMENDATIONS: **Approval of SV2004-0002 (Street Vacation of a portion of SW Rose Biggi Avenue right-of-way), subject to conditions identified at the end of this report.**

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Deemed Complete
SV2004-0002	July 22, 2004*	November 8, 2006

* Street Vacation requests are not subject to a 120 day decision requirement.

Existing Conditions Table

Zoning	Regional Center – Transit Oriented (RC-TO)	
Current Development	The subject area is linear in shape located along the west side of SW Rose Biggi Avenue, north and south of SW Millikan Way. The site is undeveloped, except that it contains underground public utilities and vehicle access to the Tri-Met signal building to the north	
Site Size	Unknown until a legal description is submitted to the City, as a condition of approval.	
NAC	Central Beaverton	
Comprehensive Plan	<p><u>Land Use:</u> Regional Center (RC)</p> <p><u>Street Functional Classification Plan:</u> SW Rose Biggi Avenue and SW Millikan Way are designated as “Collector” streets. (Figure 6.4: 06/10/04)</p> <p><u>Street Improvement Master Plan:</u> The Street Improvement Master Plan (Table 6.3 date: 06/10/04) identifies improvements to SW Rose Biggi Avenue to provide a 2-Lane Collector street in the subject area.</p> <p><u>Bicycle Master Plan:</u> SW Rose Biggi Avenue is not identified on the plan.</p> <p><u>Pedestrian Master Plan:</u> SW Rose Biggi Avenue is identified as proposed for sidewalks in the future, as part of street improvements.</p>	
Surrounding Uses	<p><u>Zoning:</u></p> <p>North: RC-TO</p> <p>South: RC-TO</p> <p>East: RC-TO</p> <p>West: RC-TO</p>	<p><u>Uses:</u></p> <p>North: Tri-Met LRT trackway and Signal Building</p> <p>South: retail development</p> <p>East: undeveloped area across street for retail uses</p> <p>West: partially developed area for retail uses</p>

Processing Requirements

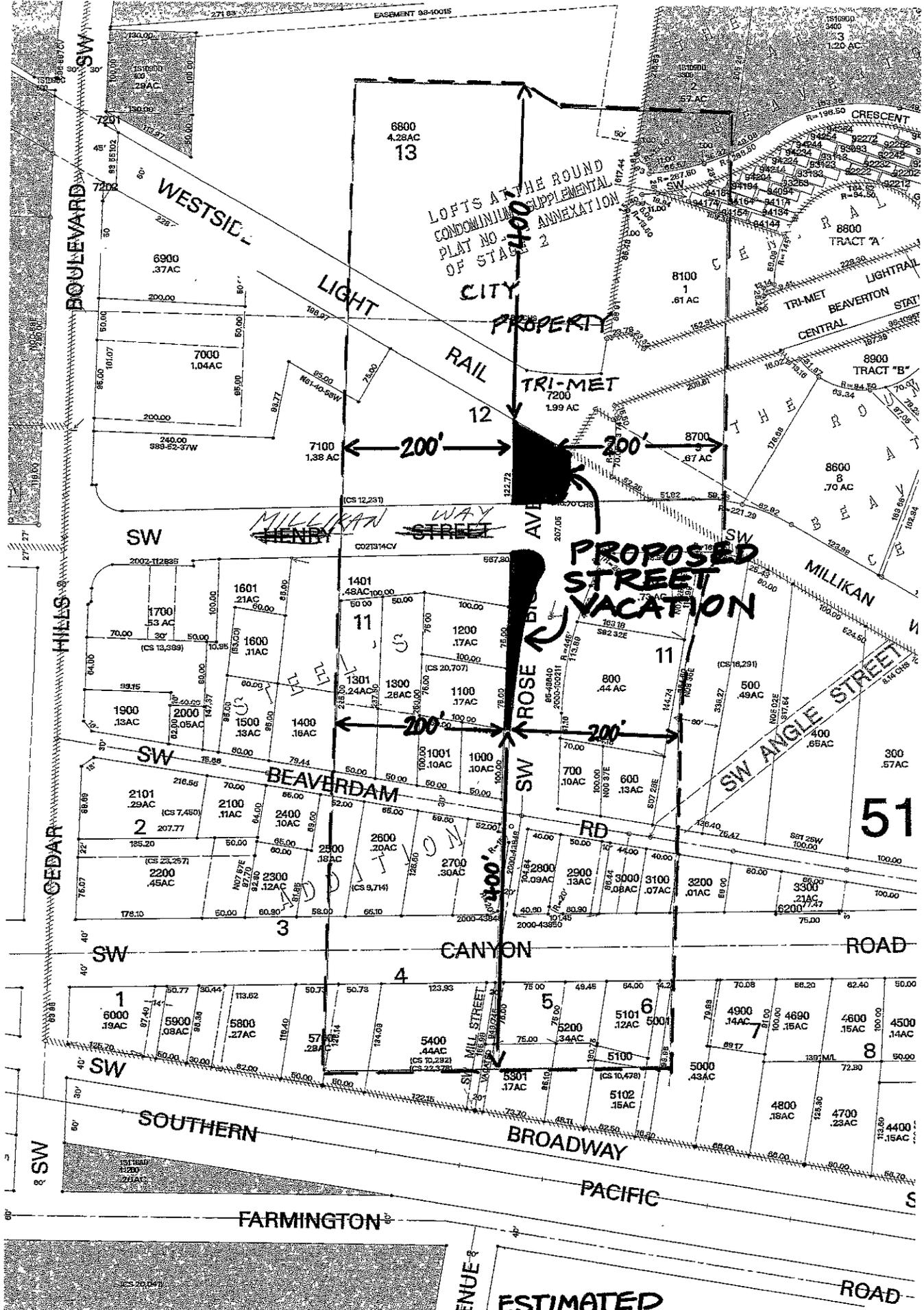
Street Vacations are a Type 3 procedure, in accordance with Section 50.45.6 of the Development Code, with the decision making authority the City Council. Specific additional noticing requirements for Street Vacations include newspaper noticing of two (2) consecutive weeks prior to the public hearing. The notice was published on November 23 and 30, 2006. A copy of the notice was available at City Hall and the City Library. The site was posted on December 13, 2006, which was greater than minimum 15 days prior to the hearing of January 8, 2007, as required by the Code.

STAFF REPORT ATTACHMENTS

Attachment A: SV2004-0002 - Analysis and Findings:
Criteria for Street Vacation Approval.

Attachment B: Facilities Review Committee:
Technical Review and Findings for Street Vacation Approval.

Attachment C: Conditions of Approval for SV2004-0002.



SCALE: ONE INCH = 100 FEET

ESTIMATED STREET VACATION AREA & AFFECTED AREA

**ANALYSIS and FINDINGS of
STREET VACATION APPROVAL CRITERIA**

**SV2004-0002 (SW Rose Biggi Avenue;
Vacation of a Portion of the Right-of-Way).**

Section 40.75.15.1.C of the Development Code states that in order to approve a Street Vacation, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all of following criteria are satisfied:

Provided below are the staff responses to the Street Vacation approval criteria as cited above.

1. *The proposal satisfies the threshold requirements for a Street Vacation application.*

(Section 40.75.15.A.1) Threshold:

“Abandonment or otherwise vacation of an existing public transportation right-of-way or public easement that is within the City of Beaverton.”

The applicant’s proposal is to vacate existing City of Beaverton street right-of-way for a portion of SW Rose Biggi Avenue. Staff find that the proposal to meets the threshold for a Street Vacation, meeting the criterion for approval.

Therefore, staff find that the criterion is met.

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

On July 27, 2004, the City of Beaverton received the appropriate fee of \$857.00 for a Type 3 Street Vacation (SV) application. Staff find the payment of the application fee meets the criterion for approval.

Therefore, staff find that the criterion is met.

3. *The proposed Street Vacation meets the eligibility provisions of ORS 271.080.*

**ORS 271.080 Vacation in incorporated cities; petition;
consent of property owners:**

(1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefore setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted.

In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

State law requires a street vacation submittal to include a petition containing the names of all property owners abutting the right-of-way to be vacated and consenting property owners of land representing a minimum of two-thirds of the affected land area surrounding the proposed vacation. The affected area for this request is that area, (shown on Exhibit 2.1) which extends 200 feet to the east and west and 400 feet to the south and north from the portion of SW Rose Biggi Ave. right-of-way, that is proposed to be vacated. The application materials, under Exhibit 3, includes area calculations and petition signatures that show that all abutting owners, and owners of real property representing

approximately 67 percent of the affected area, have satisfactorily consented to the vacation. (See Exhibit 3.1). Therefore, the eligibility portions of ORS 271.080 are met.

Staff note the portion of ORS 271.080 (2) regarding vacation of subdivision plats does not apply to the current proposal. State law also requires newspaper notice and notice signs to be posted on the site. Staff find that the all provisions of state law have been met.

Therefore, staff find that the criterion is met.

4. *The proposed Street Vacation will not adversely impact street connectivity as identified in the Transportation Element of the Comprehensive Plan.*

The City of Beaverton's Comprehensive Plan Chapter 6 Transportation Element; *Functional Classification Plan* depicts Rose Biggi Avenue as a Collector street. Table 6.3, the *Street Improvement Master Plan* lists Rose Biggi Avenue as a north/south connection that is needed within the Beaverton Regional Center.

Previous land use approval by the City of PTF 2006-0001, the Rose Biggi Street Improvement (CIP Project #3314), was final on May 30, 2006. This street improvement is for an approximately 500 foot street extension between SW Millikan Way and SW Crescent. The proposed vacation of a portion of the Rose Biggi right-of-way is subject to only the portion of right-of-way that is not necessary for the street improvement; so that the vacation, if approved, will not modify the street improvement plan approved by the City. Staff find future north/south connectivity will be achieved as intended by the Comprehensive Plan's Transportation Element and that approval of the street vacation will not adversely impact street connectivity.

Therefore, staff find that the criterion is met.

5. *The proposed Street Vacation will not adversely impact police, fire, and emergency service in the area.*

Staff have provided the opportunity for City Police and Tualatin Valley Fire and Rescue to comment on the proposed street vacation, but neither agency has provided responses to indicate an adverse impact would occur to the delivery of emergency service in the area if the street vacation was approved.

North of Millikan Way, the current right-of-way is not being utilized as a street. Previous review of the Rose Biggi Street Improvement project found that the street, when completed, would satisfactorily provide access for emergency services. In the interim period until the Rose Biggi street extension is completed, SW Millikan Way is available for emergency access to serve properties at the northwest and southwest corners of its intersection with Rose Biggi Ave. Approval of the street vacation will allow for private use of right-of-way not that is not necessary for the future street alignment, and will not reduce the ability of emergency services to serve properties in the area.

Therefore, staff find that the criterion is met.

6. That the vacation of the street will not hinder accessibility to any above ground or underground public facilities.

Through the Facilities Review Committee review and associated conditions of approval, the Committee has recommended four (4) conditions of approval requiring the applicant to submit easements and related documentation to ensure that maintenance access to City utilities and to Tri-Met facilities, will be provided. Staff cite the findings contained in the Facilities Review report for Criteria #1 and #2, (Development Code Section 40.03.1 and 40.03.2, respectively), as applicable to Street Vacation Criterion #6.

Therefore, staff find that by satisfying conditions of approval, the criterion is met.

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

The SV application requires a public hearing with the City Council, pursuant to Section 50.45 of the Development Code. Four (4) conditions of approval are recommended, which require the applicant to submit easements and related documentation to ensure that maintenance access to City utilities and to Tri-Met facilities, will be provided to the City prior to adoption of a final ordinance by City Council. Therefore, required documents will be submitted to the City in the proper sequence.

Therefore, staff find that the criterion is met.

SUMMARY OF FINDINGS: For the reasons identified above, staff find that the applicant's Street Vacation petition satisfies the approval criteria pursuant to Section 40.03 and 40.75.15.1.C of the Development Code. The Street Vacation also complies with the applicable portions of ORS 271.080 through 271.230.

At the discretion of the City Council, recommended conditions of approval in the Facilities Review Technical Review and Recommendation Report may be adopted, modified, deleted, or added to the recommended conditions of approval. Additional findings may be required if the conditions of approval are modified, deleted, or added.

STREET VACATION CONCLUSION

Based on the facts and findings presented, staff conclude the proposal, **SV2004-0002 (SW Rose Biggi Avenue; Street Vacation)**, meets the criteria for approval.

RECOMMENDATION

Based on the facts and findings presented, staff can recommend approval of **SV2004-0002 (SW Rose Biggi Avenue; Street Vacation)**, subject to the conditions of approval found in Attachment C of this report.

FACILITIES REVIEW COMMITTEE TECHNICAL REVIEW AND RECOMMENDATIONS

ROSE BIGGI AVE. STREET VACATION SV2004-0002

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the applications, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the City Council's Decision and Order, the Facilities Review Conditions, found under Attachment C, may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

- **The Street Vacation, SV2004-0001 is applicable only to Facilities Review Committee Criteria #1, #2, and #11.**

1. *All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.*

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection.

The proposal for vacation of a portion of the Rose Biggi right-of-way now before City Council does not modify the previous approval by the City for PTF 2006-0001, the Rose Biggi Street Improvement. The design of the street improvement does not require the use of existing right-of-way along the west side of Rose Biggi Avenue, north of Beaverdam Road. The Committee supports the street vacation request to vacate right-of-way that is unnecessary for the future street alignment.

The Committee has identified the need for a combined public utility and maintenance vehicle access easement for critical facilities over the entire portion of the area to be vacated north of Millikan Way and a public utility easement for the entire portion of the area to be vacated south of Millikan Way. Easements are necessary in order to provide the City and franchised private utilities with maintenance access to a substantial number of existing underground water, sewer stormwater drainage, power, communication, and natural gas facilities. In addition, access to the existing Tri-Met LRT signal building is needed; however, such access can be provided over the

same area as the City's easements. Because the only available maintenance vehicle access must come from the existing driveway apron on Millikan, west of the area to be vacated north of Millikan Way, an access easement through the applicant's parking lot is needed.

At the time of completeness review, a need was identified by staff for additional access easements or authorization by private utilities for access. Staff also determined there was a need to document existing and planned facilities due to the vacation and to learn of any requests from the utilities. The applicable utilities are Comcast Cable, Northwest Natural Gas, Verizon Telephone, Portland General Electric, and Beaverton Central Plant (formerly known as Micro-Climates). The Committee conclude that a blanket-type easement over the property would provide the City and Tri-Met with maintenance access and would be adequate to serve as access for the private utilities listed above. Because draft easement language to address the City's and to Tri-Met's access needs have yet to be provided for review, staff recommend conditions of approval to require the necessary easements prior to the adoption of an ordinance vacating right-of-way.

Therefore, by meeting the conditions of approval, the Committee find that the criterion for approval will be met.

2. *Essential facilities and services are available or can be made available prior to occupancy of the development. In lieu of providing essential facilities and services, a specific plan strategy may be submitted that demonstrates how these facilities, services, or both will be provided within five years of occupancy.*

Chapter 90 of the Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way. The applicant's narrative addresses this criterion for each of the proposed applications.

The proposal for vacation of a portion of the Rose Biggi right-of-way now before City Council does not modify the previous approval by the City of PTF 2006-0001, the Rose Biggi Street Improvement. Also, potential future development of the property, after vacation of right-of-way, will be reviewed according to the requirements of the Development Code in effect at that time.

Tri-Met currently uses a substantial portion of the right-of-way proposed for vacation (north of Millikan Way), to access the LRT signal building. Tri-Met has submitted comments, dated December 5, 2006, which note Tri-Met's support for the vacation provided that needed access easements are provided and recorded and that LRT related utilities shall either be relocated or otherwise protected by a utility easement.

The Committee find that the provision of transit improvements is an essential facility, and that staff's recommended conditions of approval are satisfactory to address the matter of Tri-Met's access and easement needs. As part of the conditions intended to establish easements to provide the City and franchised private utilities with maintenance access to existing underground water, sewer stormwater drainage, power, communication and natural gas facilities, the access to the Tri-Met LRT signal building will be provided over the same area as the City's easements.

The Committee have reviewed the proposal for adequate essential facilities and have found that vacation of the unnecessary portion of the Rose Biggi Ave. right-of-way, as conditioned, will not reduce the ability of the City or Tri-Met to provide essential street and transit facilities, respectively. Such street facilities that will accommodate police and emergency service to the surrounding area, including Tri-Met facilities, will be provided by the City's Rose Biggi Street Improvement project. By meeting the conditions of approval, the Committee find that the criterion for approval will be met.

3. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.*

The street vacation is not a proposed development of land and therefore Criterion #3 is not applicable. Potential future development of the property, after vacation of right-of-way, will be reviewed according to the requirements of the Development Code in effect at that time.

Therefore, the Committee find the criterion is not applicable to the street vacation request.

4. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Regulations) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.*

The street vacation is not a proposed development of land and therefore Criterion #4 is not applicable. Potential future development of the property, after vacation of right-of-way, will be reviewed according to the requirements of the Development Code in effect at that time.

Therefore, the Committee find the criterion is not applicable to the street vacation request.

5. *Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency;*

The street vacation is not a proposed development of land and therefore Criterion #5 is not applicable. Potential future development of the property, after vacation of right-of-way, will be reviewed according to the requirements of the Development Code in effect at that time.

Therefore, the Committee find the criterion is not applicable to the street vacation request.

6. *There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site.*

The street vacation is not a proposed development of land and therefore Criterion #6 is not applicable. Potential future development of the property, after vacation of right-of-way, will be reviewed according to the requirements of the Development Code in effect at that time.

Therefore, the Committee find the criterion is not applicable to the street vacation request.

7. *The on-site vehicular and pedestrian circulation system connects to the surrounding circulation system in a safe, efficient, and direct manner.*

The street vacation is not a proposed development of land and therefore Criterion #7 is not applicable. Potential future development of the property, after vacation of right-of-way, will be reviewed according to the requirements of the Development Code in effect at that time.

Therefore, the Committee find the criterion is not applicable to the street vacation request.

8. *Structures and public facilities and services serving the site are designed in accordance with adopted City codes and standards at a level which will provide adequate fire protection, including, but not limited to, fire flow, and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development;*

The street vacation is not a proposed development of land and therefore Criterion #8 is not applicable. Potential future development of the property, after vacation of right-of-way, will be reviewed according to the requirements of the Development Code in effect at that time.

Therefore, the Committee find the criterion is not applicable to the street vacation request.

9. *Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.*

The street vacation is not a proposed development of land and therefore Criterion #9 is not applicable. Potential future development of the property, after vacation of right-of-way, will be reviewed according to the requirements of the Development Code in effect at that time.

Therefore, the Committee find the criterion is not applicable to the street vacation request.

10. *That access and facilities for physically handicapped people are incorporated into the site and building design, with particular attention to providing continuous, uninterrupted access routes.*

The street vacation is not a proposed development of land and therefore Criterion #10 is not applicable. Potential future development of the property, after vacation of right-of-way, will be reviewed according to the requirements of the Development Code in effect at that time.

Therefore, the Committee find the criterion is not applicable to the street vacation request.

11. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

The applicant submitted the application on July 22, 2004 and was deemed complete on November 8, 2006. At the time of completeness review, the City identified a need for access easements or authorization by private, franchised utilities and to document existing facilities or planned facilities for this street right-of-way and learn of any requests from the utilities. Because draft easement language to address the City's, Tri-Met's or private utility access needs were not submitted with the application, staff have recommended conditions of approval to require necessary easements to preserve the existing rights of the utilities and Tri-Met or require the independent authorizations of the interested parties. The Committee find that all applicable submittal requirements, identified in Section 40.75.15.1.D and 50.25.1 are contained within this proposal or are otherwise addressed by recommended conditions.

Therefore, the Committee find the proposal meets the criterion for approval.

Summary of Findings

SV2004-0002 Street Vacation Application

The Facilities Review Committee finds that the proposal complies with all applicable the technical criteria of Section 40.03. The Committee recommends that the decision-making authority APPROVE the proposal and adopt the conditions of approval found under Attachment C.

CONDITIONS OF APPROVAL

**STREET VACATION of portion of SW ROSE BIGGI AVE.
SV2004-0002**

If the application is ultimately approved staff recommend the following conditions of approval to the City Council:

SV2004-0002 Street Vacation

Prior to final adoption of the Street Vacation Ordinance, the applicant shall:

1. Have the owner of Tax Lot 1S116AA07100 (4220 SW CEDAR HILLS Legal: STEEL'S ADDITION TO BEAVERTON, LOT PTS 11-12, ACRES: 1.38) grant to the City of Beaverton and to Tri-Met a 20 foot wide vehicular-access easement from the most easterly driveway of the property onto Millikan Way, across the property or other suitable path, so that the facilities within the vacated right-of-way area can be accessed for maintenance purposes. The exact area encumbered shall be as approved by the City's Public Works Director and Tri-Met in consideration of maintenance-vehicle turning radius tolerances and the exact location of the most easterly terminus of the easement in relation to the existing facilities. (Site Development Div./JJD).
2. Either provide a blanket public utility easement over the entire area to be vacated, and provide a blanket vehicular access easement over the area north of Millikan Way to be vacated, prior to the City's adoption of the vacation ordinance,

OR

Submit a letter from each utility authorized to work in City right-of-ways that documents existing or planned facilities for this street right-of-way, and which state requests from the utilities in regard to use of the vacated area. Additionally, provide documentation from Tri-Met regarding any needed easements for access to the service building, or any appurtenances thereof, located in the area north of Millikan Way. The applicable utilities subject to this condition are Comcast Cable, Northwest Natural Gas, Verizon Telephone, Portland General Electric, and Beaverton Central Plant (formerly known as Micro-Climates). (Site Development Div./JJD)

Approval is also subject to the following conditions:

3. The final vacation ordinance may include measures that address and preserve any rights requested by the above listed parties, under Condition #2, above, or as otherwise determined under the legal authority of the City Council to consider such matters. (Site Development Div./JJD)
4. Easements, required under Condition's #1 and #2 above, shall be executed by the property owner except that Tri-Met may choose to prepare and record the Tri-Met easement documents. Easements and a legal description of the area encumbered, shall be prepared in a form ready for recording by Washington County, and shall be recorded after their approval by the City Engineer and City Attorney, and Tri-Met staff. (Site Development Div./JJD).

DEC 06 2006
COMMUNITY DEVELOP DEPT.

December 5, 2006

Doc C: CP020567

John Osterberg, Senior Planner
Development Services Division
City of Beaverton
P.O. Box 4755
Beaverton, OR 97076

Re: SV 2004-0002 Rose Biggi Street Vacation

Dear Mr. Osterberg:

TriMet currently uses a significant portion of the area proposed for vacation to access a signal/communications building, which supports light rail operation. The area proposed for vacation may also include utilities associated with light rail operation.

As previously discussed with the petitioner's representative, TriMet's support for the vacation is conditioned on:

- Provision of a permanent access easement across Biggi-controlled property to the signal/communications building.
- The applicant shall provide TriMet with a legal description and map of the access easement for review and approval.
- TriMet will prepare the final easement document for the petitioner to execute. TriMet will record the document.
- Any utility systems in the area proposed for vacation which serve TriMet property shall be relocated into public right of way or otherwise protected by a utility easement.

TriMet requests that the vacation be granted only when the above conditions are satisfied.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Detweiler".

Jillian Detweiler
Land Development Planner

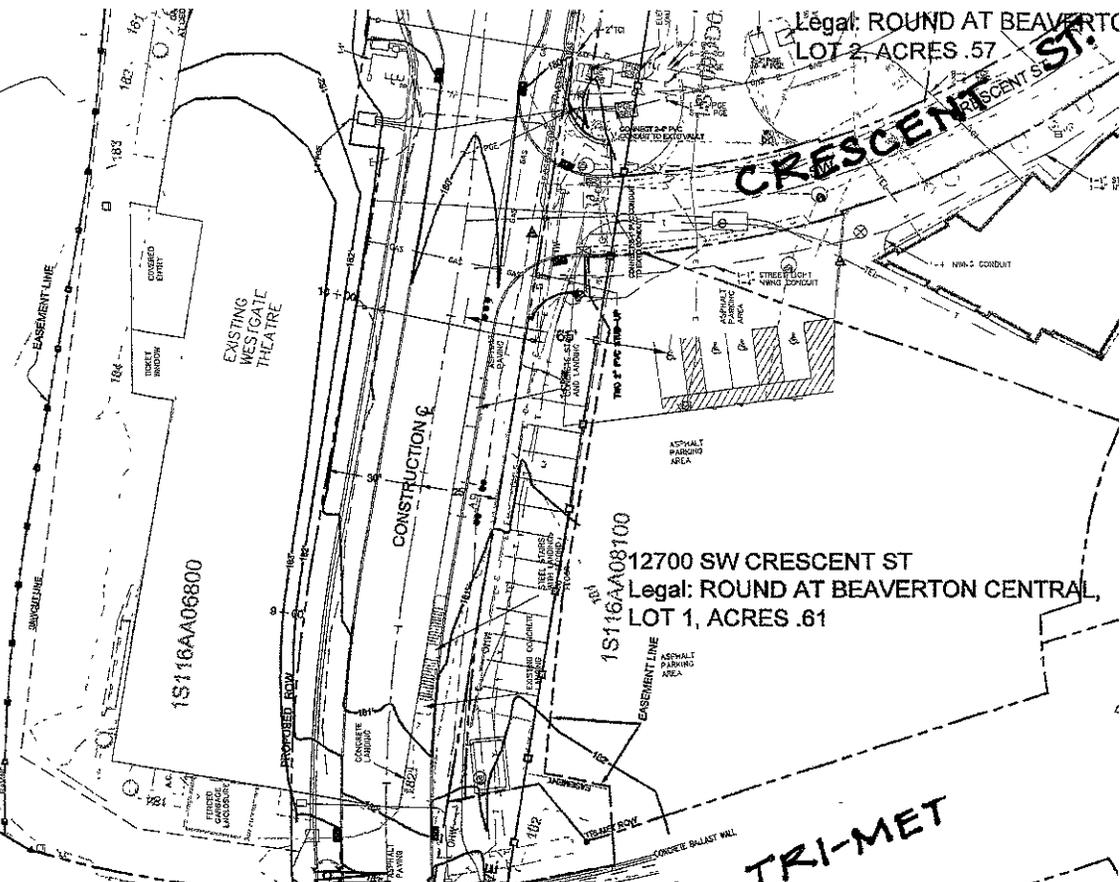
C: John Baker, Real Property Manager, TriMet

Legal: ROUND AT BEAVERTON CENTRAL LOT 2, ACRES .57

ATRE HILLS ADDITION TO BEAVERTON, LOT PT 13,

CRESCENT ST.

STIC NCE MUST SENT. SINCE. 1.48"x48" USED GINNING DRK.

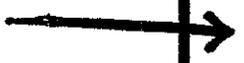


12700 SW CRESCENT ST Legal: ROUND AT BEAVERTON CENTRAL LOT 1, ACRES .61

1S116AA07200 TRI-MET PERF PIPE

10 SW CEDAR HILLS at: STEEL'S ADDITION TO BEAVERTON, PTS 11-12, ACRES 1.38

STREET VACATION AREA

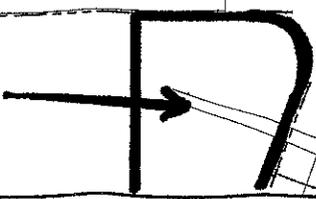


12725 SW MILLIKAN WAY Legal: ROUND AT BEAVERTON CENTRAL LOT 9, ACRES .67

BEGIN PROJECT STA: 6+67.56

TRI-MET LIGHT RAIL

STREET VACATION AREA



PROPOSED ROSE BIGGI AVE. IMPROVEMENT SHOWING PROPOSED STREET VACATION AREA EXHIBIT 2.4

Exhibit 3. Materials Submitted by Applicant

Exhibit 3.1 Applicant's Revised Materials for SV 2004-0002, dated October, 2006, containing:

- Map showing Proposed Street Vacation, Property Ownership and Affected Area.
- List of Owners and Properties in Affected Area
- List of Owners and Properties Consenting to Street Vacation Petition
- Street Vacation Petition Signature forms

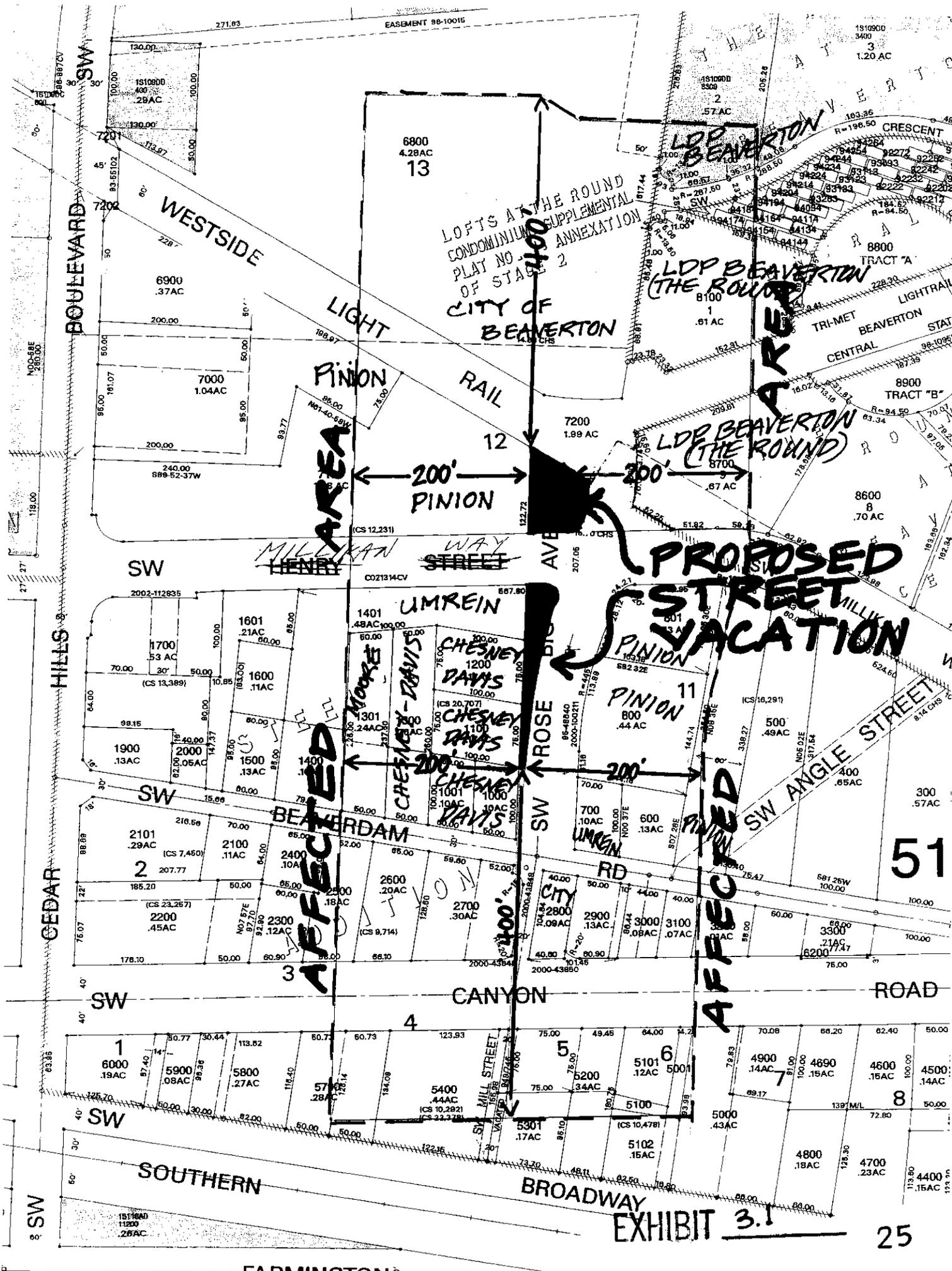


EXHIBIT 3.1

MAP LOT	OWNER	MAILING ADDRESS	SITE	LAND WITHIN AFFECTED AREA	SQUARE FEET
1S116AA 06800	R57271 City of Beaverton		3950 SW Cedar Hills	65,465	
1S116AA 07200	R2048816 Tri-Met	4012 SE 17th, Portland 97202	4055 SW Watson	31,204.55	
1S116AA 07100	R57263 Louise R Pinion	19831 NW Rock Creek 97229	4220 SW Cedar Hills	28,687.50	
1S116AA 08100	R2117007 The Round		12700 SW Crescent	20,925	
1S116AA 01401	R123743 Kathleen Johnson	11 VanWinkle, San Anselmo CA 94960	no address	20,908.80	
1S116AA 00800	R123645 Louise R Pinion	19831 NW Rock Creek 97229	4250 SW Rose Biggi	19,166.40	
1S116AA 08700	R2117015 The Round		12725 SW Millikan	16,150	
1S116AA 00801	R123654 Louise R Pinion	19831 NW Rock Creek 97229	12755 SW Beavercreek	15,628.00	
1S116AA 05400	R124216 Caeae Center LLC	P.O. Box 3821, Bellview, WA 98009	12870 SW Canyon	13,332	
1S116AA 02700	R123887 Richard Sotehan & Elizabeth Kim	12775 SW Beavercreek 97005	12855 SW Canyon	13,068	
1S116AA 05200	R124190 Preston Baseel	6977 SW Terra Del Mar 97007	12850 SW Canyon	11,400	
1S116AA 01300	R123716 Pam & Les Davis/Joseph & Linda Chesney	6770 NW Century, Hillsboro 97124	12875 SW Beavercreek	11,325.60	
✓ 1S116AA 01301	R123725 Shiley Moore	2500 SW 178th, Aloha 97007	12905 SW Beavercreek	10,454.40	
1S116AA 02600	R123878 Carolyn Gutzler	12925 SW Canyon 97005	12925 SW Canyon	8,712	
1S116AA 01100	R123690 Pam & Les Davis/Joseph & Linda Chesney	6770 NW Century, Hillsboro 97124	4275 SW Rose Biggi	7,405.20	
1S116AA 01200	R123707 Pam & Les Davis/Joseph & Linda Chesney	6770 NW Century, Hillsboro 97124	4255 SW Rose Biggi	7,405.20	
1S116AA 03300	R2117008 The Round		12625 SW Crescent	6,900	
1S116AA 05700	R124243 Eton Lane Ltm/Herbert Walker	P.O. Box 14746, Portland 97294	12920 SW Canyon	5,825	
1S116AA 00600	R123627 Richard Sotehan & Elizabeth Kim	12775 SW Beavercreek 97005	12775 SW Beavercreek	5,662.80	
1S116AA 02900	R123912 Steve & Laura Biggi	P.O. Box 1698 97075	12825 SW Canyon	5,662.80	
1S116AA 05101	R124172 Thompson Adams	4500 SW Hall 97005	12800 SW Canyon	4,875	
1S116AA 05100	R124163 Thompson Adams	4500 SW Hall 97005	12810 SW Canyon	4,845	
1S116AA 00700	R123636 Kathleen Johnson	11 VanWinkle, San Anselmo CA 94960	12825 SW Beavercreek	4,356	
1S116AA 01001	R123681 Pam & Les Davis/Joseph & Linda Chesney	6770 NW Century, Hillsboro 97124	12855 SW Beavercreek	4,356	
1S116AA 01000	R123672 Pam & Les Davis/Joseph & Linda Chesney	6770 NW Century, Hillsboro 97124	4245 SW Rose Biggi	4,356	
1S116AA 02500	R123859 Carolyn Gutzler	12925 SW Canyon 97005	12925 SW Canyon	4,055	
1S116AA 02800	R123903 Beaverton	P.O. Box 4755 97076	2320-2390 SW Rose Biggi	3,920.40	
1S116AA 03000	R123912 Patricia Hunkapillar	21185 NW Evergreen 101, Hillsboro 97124	12795 SW Canyon	3,484.80	
1S116AA 03100	R123921 Patricia Hunkapillar	21185 NW Evergreen 101, Hillsboro 97124	12775 SW Canyon	3,039	
1S116AA 07000	R57299 Louise R Pinion	19831 NW Rock Creek 97229	4190 SW Cedar Hills	2,625	
1S116AA 05301	R124207 Preston Baseel	6977 SW Terra Del Mar 97007	no address	1,875	
1S116AA 05001	R124154 Thompson Adams	4500 SW Hall 97005	no address	1,342	
1S116AA 05000	R124145 Michael & Jane Vaden	12750 SW Canyon	12750 SW Canyon	584	
1S116AA 05102	R124181 Thompson Adams	4500 SW Hall 97005	no address	300	
1S116AA 03200	R123949 Richard & Alice Lincke	6744 SW Raleighwood, Portland 97225	12755 SW Canyon	280.00	
				<u>369,561</u>	TOTAL ACRES
				2/3	246,374

OWNERS CONSENTING TO STREET VACATION PETITION

MAP LOT	OWNER	MAIL ADDRESS	SITE	OWNER'S PETITION LAND AREA
✓ 1S116AA 06800	R57271 City of Beaverton		3950 SW Cedar Hills	65,465
✓ 1S116AA 07100	R57253 Louise R Pinion	19831 NW Rock Creek 97229	4220 SW Cedar Hills	28,687.50
✓ 1S116AA 08100	R2117007 The Round		12700 SW Crescent	20,925
✓ 1S116AA 01401	R123743 Kathleen Johnson <i>UMIREIN</i>	11 VanWinkle, San Anselmo CA 94960	no address	20,908.80
✓ 1S116AA 00800	R123645 Louise R Pinion	19831 NW Rock Creek 97229	4250 SW Rose Biggi	19,166.40
✓ 1S116AA 08700	R2117015 The Round		12725 SW Millikan	16,150
✓ 1S116AA 00801	R123654 Louise R Pinion	19831 NW Rock Creek 97229	12755 SW Beaverdam	15,628.00
✓ 1S116AA 01300	R123716 Pam & Les Davis/Joseph & Linda Chesney	6770 NW Century, Hillsboro 97124	12875 SW Beaverdam	11,325.60
✓ 1S116AA 01100	R123690 Pam & Les Davis/Joseph & Linda Chesney	6770 NW Century, Hillsboro 97124	4275 SW Rose Biggi	7,405.20
✓ 1S116AA 01200	R123707 Pam & Les Davis/Joseph & Linda Chesney	6770 NW Century, Hillsboro 97124	4255 SW Rose Biggi	7,405.20
✓ 1S116AA 03300	R2117008 The Round		12625 SW Crescent	6,900
✓ 1S116AA 00700	R123636 Kathleen Johnson	11 VanWinkle, San Anselmo CA 94960	12825 SW Beaverdam	4,356
✓ 1S116AA 01001	R123681 Pam & Les Davis/Joseph & Linda Chesney	6770 NW Century, Hillsboro 97124	12855 SW Beaverdam	4,356
✓ 1S116AA 01000	R123672 Pam & Les Davis/Joseph & Linda Chesney	6770 NW Century, Hillsboro 97124	4245 SW Rose Biggi	4,356
✓ 1S116AA 02800	R123903 Beaverton	P.O. Box 4755 97076	2320-2390 SW Rose Biggi	3,920.40
✓ 1S116AA 07000	R57299 Louise R Pinion	19831 NW Rock Creek 97229	4190 SW Cedar Hills	2,625

✓ 1S116AA 01301 R123725 Shirley Moore 2506 SW 178th Aloha 97007
 12905 SW Beaverdam 10,454.50

250,034.5

Need: 246,374

REVISED STREET VACATION
 OCTOBER, 2006

MINIMUM REQUIREMENT
 FOR 246,374 sq. ft.
 IS EXCEEDED WITH THE
 SUBMITAL OF OWNERS
 NAMES REPRESENTING
 250,034.5 square feet.

70

STREET VACATION PETITION

The petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the affected area (as shown on the attached Street vacation Map). All signatures must be in ink and properly notarized. Individual and corporate notary forms are attached for your use.

We, the owners in fee simple of the following described property, consent to the vacation of all of that portion of SW Rose Biggi Avenue, in the City of Beaverton, Washington County, Oregon, as shown on the attached Street Vacation Map.

Louise R Pinion
Property Owner's Name (please print)

Louise R. Pinion
Signature

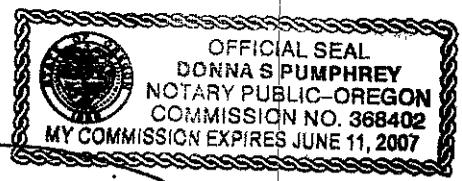
Signature

Signature

1511 6AA 07100
1511 6AA 00800
1511 6AA 00801
1511 6AA 07000
Property Description

(Property Description Continued)

Donna S Pumphrey
Notary



RECEIVED

AUG 18 2006

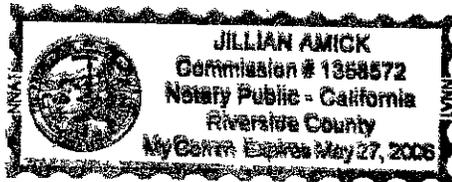
COMMUNITY DEVELOP DEPT.

ALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of Riverside } ss.

On May 12, 2003 before me, Jillian Amick, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared Louise Rose Pinion
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she they executed the same in his her their authorized capacity(ies), and that by his her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Jillian Amick
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

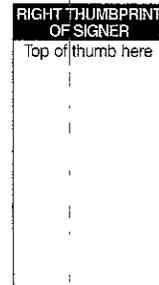
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



July 17, 2006

RECEIVED
JUL 19 2006
COMMUNITY DEVELOP DEPT.

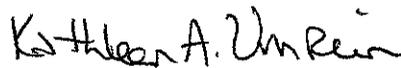
John Osterberg
City of Beaverton
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

Re: Map & Tax Lot No. 1S116AA-01401

Dear Mr. Osterberg:

With this letter I am stating my support of the potential City Council motion to consent to the vacation of property along Rose Biggi Street that was not developed as a public street. I am the owner of Tax Lot 1S116AA-01401 and property at the corner of Rose Biggi and Beaverdam Road which is commonly known as 12825 Beaverdam Road.

Very truly yours,



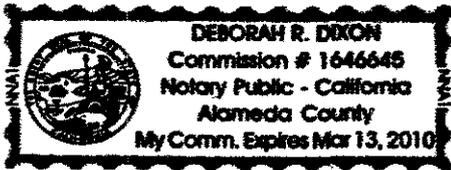
Kathleen A. Umrein (Johnson)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Alameda } ss.

On July 17, 2006 before me, Deborah R. Dixon, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Kathleen A. Umrein (Johnson)
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.
Deborah R. Dixon
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Letter to John Osterberg, City of Beaverton
Document Date: July 17, 2006 Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: Kathleen A. Umrein (Johnson)
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney-in-Fact
 Trustee
 Guardian or Conservator
 Other: _____
Signer Is Representing: Self



STREET VACATION PETITION

The petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the affected area (as shown on the attached Street vacation Map). All signatures must be in ink and properly notarized. Individual and corporate notary forms are attached for your use.

We, the owners in fee simple of the following described property, consent to the vacation of all of that portion of SW Rose Biggi Avenue, in the City of Beaverton, Washington County, Oregon, as shown on the attached Street Vacation Map.

Les DAVIS
Property Owner's Name (please print)

Les Davis
Signature

Signature

Signature

Notary

LOTS 1000, 1001, 11000
Property Description' 1300, 1200

(Property Description Continued)

John O

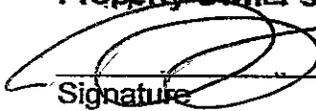
STREET VACATION PETITION

The petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the affected area (as shown on the attached Street vacation Map). All signatures must be in ink and properly notarized. Individual and corporate notary forms are attached for your use.

We, the owners in fee simple of the following described property, consent to the vacation of all of that portion of SW Rose Biggi Avenue, in the City of Beaverton, Washington County, Oregon, as shown on the attached Street Vacation Map.

The Round
Property Owner's Name (please print)

~~15116AA03300~~
15116AA 08700
15116AA 08100
Property Description


Signature

(Property Description Continued)

Signature

Signature

Notary

OCT 26 2006

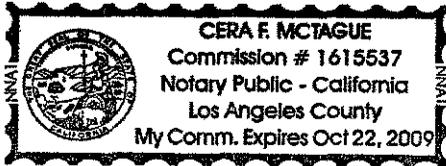
COMMUNITY DEVELOP DEPT.

ALL-PURPOSE ACKNOWLEDGMENT

State of California } ss.
 County of Los Angeles }

On October 17, 2006 before me, Cera F. McTague, Notary Public, personally appeared
*****Mark Knapp*****,

X personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person (X) whose name (X) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their signature(s) on the instrument the person(X), or the entity upon behalf of which the person (X) acted, executed the instrument.



Cera F. McTague
 NOTARY'S SIGNATURE
Cera F. McTague
 NOTARY (PRINT)
10/22/09
 NOTARY'S COMMISSION EXPIRES

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgment to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- Individual
- Corporate Officer

_____ TITLE(S)

- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Guardian/Conservator
- Other: _____

SIGNER IS REPRESENTING:
 NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

_____ TITLE OR TYPE OF DOCUMENT

_____ NUMBER OF PAGES

_____ DATE OF DOCUMENT

Other: _____

CHERIE HENRY
906-7881

STREET VACATION PETITION

The petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the affected area (as shown on the attached Street vacation Map). All signatures must be in ink and properly notarized. Individual and corporate notary forms are attached for your use.

We, the owners in fee simple of the following described property, consent to the vacation of all of that portion of SW Rose Biggi Avenue, in the City of Beaverton, Washington County, Oregon, as shown on the attached Street Vacation Map.

LDP Beaverton, LLC
Property Owner's Name (please print)

The Round
Property Description

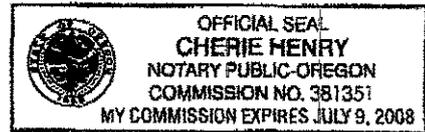
[Signature]
Signature

(Property Description Continued)

Signature

Signature

[Signature]
Notary



STREET VACATION PETITION

The petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the affected area (as shown on the attached Street vacation Map). All signatures must be in ink and property notarized. Individual and corporate notary forms are attached for your use.

We, the owners in fee simple of the following described property, consent to the vacation of all of that portion of SW Rose Biggi Avenue, in the City of Beaverton, Washington County, Oregon, as shown on the attached Street Vacation Map.



City of Beaverton
Property Owner's Name (please print)
Ash Drake, Mayor
Signature

1S116AA02800
1S116AA06800
Property Description:
3950 SW Cedar Hills
2320-2390 SW Rose Biggi
(Property Description Continued)

Signature

Solely for purpose
of making the
street vacation application.

Signature

Notary

Exhibit 3. Materials Submitted by Applicant

Exhibit 3.2 Applicant's Original Materials for SV 2004-0002, dated July 22, 2004, containing:

- Letter of Incompleteness, by City of Beaverton, dated August 12, 2004
- Application form
- Maps showing Original Proposal
- Clean Water Services documentation
- Neighborhood Review Meeting Materials, occurring on July 15, 2004
- Pre-Application Conference materials, January 15, 2003



CITY of BEAVERTON

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

August 12, 2004

Domonic Biggi
7140 SW Crestdale Ct.
Portland, OR 97225

RE: SV 2004-0002 Rose Biggi Street Vacation - Completeness Status:

Dear Mr. Biggi:

Thank you for submitting the application materials for the vacation of public right-of-way of a portion of Rose Biggi Avenue. On August 11, 2004, the City of Beaverton Facilities Review Committee finished its review of the application and determined that the application was incomplete. The Committee's determination is based solely on the failure to supply required information and fee. In order for the application to be deemed complete, we respectfully request that following issues be addressed.

COMPLETENESS ISSUES -

Application Checklists for each application requires certain elements to be identified on the plans submitted for review. Provided below is a listing of the items found not to have been included with your application submittal. The following items must be addressed and submitted in order for the application to be deemed complete. In some instances, staff provide information, under 'FYI', that are not completeness requirements, but have been included in this letter for your assistance.

1.C WRITTEN STATEMENT REQUIREMENTS

Staff Response: Overview: Staff received information that is not complete.

1. Submittal of petition information required by Oregon Revised Statutes (ORS 271.080):

The map submitted of the surrounding 'affected area' was not correctly determined. Primarily, the map does not illustrate any area north of the Tri-Met property, and this is part of the affected area required by ORS. Staff have included an approximate map, that is up to date, of the correct affected area with this letter.

Currently, the submittal does not contain adequate information. Information is necessary from you that will show that, the ORS requirement for evidence that the owners of two-thirds of the land area support your request, is met. Without such information it would be difficult for City Council to determine whether the ORS

requirements have been met. In an effort to make it clear what new or revised information is needed, staff recommend the following:

- (1). Provide a map of "affected area" outer boundary and label that map with the names of property owners on each lot.
- (2). Provide a calculation of the net "real property" in acres, within the boundary. To determine net area:
 - [a]: Do not include street right-of-way area as real property.
 - [b]: Do include Tri-Met property used for Westside LRT in your real property calculation, in addition to all privately owned real property.
- (3). State the number of acres that represents two-thirds (66.7%) of the net affected area of real property.
- (4). State the total number of acres under ownership of the persons listed in your petition and/or separate letters. This figure must equal or exceed the acreage of item 3, above.

2. Fee Payment:

To address the recent change in fees, effective July 1, 2004, please submit a check for \$26.00 to provide the additional fee. Bring in the check at the time when you submit the addition materials listed above.

FYI: Not Completeness Items

3. Facilities Review Criteria

The Development Code requires that all Type 3 applications must be found to be consistent with the Facilities Review criteria of Section 40.03. A Street Vacation application is such a Type 3 request. Because the application form did not list this as an application requirement, staff cannot require that it now be required. However, please familiarize yourself with the criteria and feel free to submit written comment on how the street vacation request will be consistent with those criteria.

4. Utility and Access Easements

Prior to approval, the applicant will need to provide evidence that easements are in place or will be provided to the City, Tri-Met and private utilities (such as NW Natural Gas; PGE, Verizon, Comcast, etc) to ensure access to above or below ground utilities. Staff recommend at this time that the applicant begin contacting these utilities to determine their needs for access and determine what easements will be needed across private property, assuming approval of the street vacation. The City will require that service provider letters by affected utilities and Tri-Met be submitted prior to final approval.

APPLICATION COMPLETENESS OPTION

Per the provisions of Oregon Revised Statute (ORS) 227.178(2), "If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information.

The application shall be deemed complete for the purpose of subsection (1) of this section upon receipt by the governing body or its designee of the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete for the purpose of subsection (1) of this section on the 31st day after the governing body first received the application.”

Due to issues remaining on this project, two Application Completeness Option forms are provided as an attachment to this letter. Please check the appropriate box, sign, date, and return to the Development Service Division as soon as possible. If Option 1 is requested, the form should be sent back to the Development Services Division, immediately, by Monday, August 16, 2004.

If Option 2 is requested, the 180th day of this application will be February 7, 2004.

RE-SUBMITTAL

When you are ready to re-submit your applications, and submit your application for a Street Vacation, please provide three (3) collated sets that each include: copies of the street vacation maps and area calculations. Additional copies will be required at a later time when your project has been scheduled for final review and processing.

One set of the original application materials is kept on file at the Development Services Division. At the time of a future application, we can provide the information on file to assist you in preparing your materials. For information about application requirements, forms, fees and schedules, please contact the Development Services Counter at 503-526-2420.

If you have any questions regarding this letter or any other aspect of our process, please don't hesitate to call. I am including a list of the primary members of the Facilities Review Committee who were involved in the completeness review.

LAND USE & PROCESS: John Osterberg – 503-526-2416

TRANSPORTATION PLANNING: Don Gustafson – 503-350-4057

SITE ENGINEERING & UTILITIES: Jim Duggan – 503-526-2442

Thank you and we look forward to working with you to complete your application.

Sincerely,


John Osterberg
Senior Planner

cc: Don Gustafson, Senior Transportation Planner
(5): Lampa; Whyte (2); Counter; Dept. file

Attachments: 1. Staff map of the approximate boundary of the affected area.
2. Application Completeness Option form



CITY OF BEAVERTON
 Community Development Department
 Development Services Division
 4755 SW Griffith Drive
 PO Box 4755
 Beaverton, OR. 97076
 Tel: (503) 526-2420
 Fax: (503) 526-3720
 www.ci.beaverton.or.us

RECEIVED
 JUL 22 2004

City of Beaverton
 Development Services

OFFICE USE ONLY	
FILE #:	SV2004-0002
FILE NAME:	Rose Biggi Street Vacation
TYPE:	SV
RECEIVED BY:	RSB
FEE PAID:	
CHECK/CASH:	
SUBMITTED:	7/22/04
LWI DESIG:	
COMP. PLAN:	ROW
NAC:	Central Beav.

DEVELOPMENT APPLICATION- STREET VACATION

APPLICANT: Use mailing address for meeting notification.

COMPANY: _____
 ADDRESS: _____
 (CITY, STATE, ZIP) _____
 PHONE: _____
 SIGNATURE: _____
 (Original Signature Required)

SAME AS APPLICANT REP

CONTACT: _____

APPLICANT'S REPRESENTATIVE:

COMPANY: DOMONIC BIGGI
 ADDRESS: 7140 SW CRESTDALE CT.
 (CITY, STATE, ZIP) PORTLAND, OR 97225
 PHONE: (503) 924-4639 FAX: (503) 924-4010
 SIGNATURE: Domonic Biggi CONTACT: Domonic Biggi
 (Original Signature Required)

PROPERTY OWNER(S): Attach separate sheet if needed.

COMPANY: GENE BIGGI PROPERTIES LOUISE PINION
 ADDRESS: 3806 SW CLEAR HILLS BLVD 19831 NW ROCK CREEK BLVD
 (CITY, STATE, ZIP) BEAVERTON, OR 97005 PORTLAND, OR 97229
 PHONE: (503) 645-4397 FAX: N/A
 SIGNATURE: Domonic Biggi CONTACT: LOUISE PINION
 (Original Signature Required) ROSE BIGGI TRUST

PROPERTY INFORMATION (REQUIRED)

SITE ADDRESS: MILKEN + ROSE BIGGI AVE AREA TO BE DEVELOPED (s.f.): _____
 ASSESSOR'S MAP & TAX LOT # 1S116AA LOT SIZE _____ ZONING DISTRICT TC-RC EXISTING USE OF SITE: _____
 PROPOSED DEVELOPMENT ACTION: STREET VACATION
 PRE-APPLICATION DATE: _____

July 21, 2004

RECEIVED
JUL 22 2004
City of Beaverton
Development Services

Scott Whyte
City of Beaverton
Community Development Department
4755 SW Griffith Drive
Beaverton, OR 97005

Dear Scott

Thank you for your help and input on this project. As a non-professional consultant, your patience with me is appreciated.

Pursuant to Beaverton City code, let this letter serve as our written statement for Street Vacation approval for the 500 square feet located on the far east end of tax lot 7100 (1S116AA). The property is located on the northwest corner of Rose Biggi Avenue and Milliken Way.

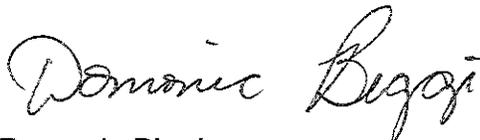
The proposed Street Vacation will not have any adverse affect on street connectivity, the City Transportation Plan, police service, fire service, or any other emergency service. Nor does the proposed Street Vacation affect any water, sewerage, or storm drain issues.

This proposal does not hinder any above ground or underground public facilities. The property owners have already granted perpetual service easements for all public services on or around the property.

We have obtained consent from over 2/3 of abutting property owners as required by ORS 271.080

Enclosed and attached is all other support documentation and application fees.

Regards,



Domonic Biggi
Applicant's Representative

Dombg@beavertonfoods.com
Direct phone (503)924-4039

RECEIVED

JUL 22 2004

City of Beaverton
Development Services

June 9, 2003

(415) 457-0649

Dominic Biggi
% Beaverton Foods
7100 NW Century Blvd
Hillsboro, Oregon

Dear Dominic:

I wanted to let you know that Mr. and Mrs. Chesney and I met with Colin Cooper, Senior Planner for the City of Beaverton on June 2, 2003. This meeting fulfilled our "Pre-Application Conference" requirement for our petition to vacate property located along Rose Biggi Way in Beaverton.

One of things that came out of this conference was the suggestion that we combine our application with yours, both for cost effectiveness and because we were told that the Beaverton City Counsel prefers to take these Street Vacation Petitions on a group basis rather than individually.

I know that you have already initiated your Street Vacation Petition, however, those present at the meeting from the City of Beaverton did not think it was too late for us to still combine forces. This would simplify things for all involved and I believe that I speak for the Chesney's when I say that we are all willing to split at least the \$1193. in fees associated with this process.

You mentioned on the phone that you had retained someone to move this process forward. We may be willing to split the costs of the service as well, if we have more information. I understand that we will need a survey as well. Have you already retained someone for the survey of the area affected by your street vacation petition? There may be some cost saving by the three property holders combining forces on this issue as well.

At the meeting, I was nominated to contact you about these issues which I am doing by this letter. The next step, as I understand it, is a report to be issued by Colin Cooper regarding the proposed street vacation.

Could you contact me at your earliest convenience?

Best,

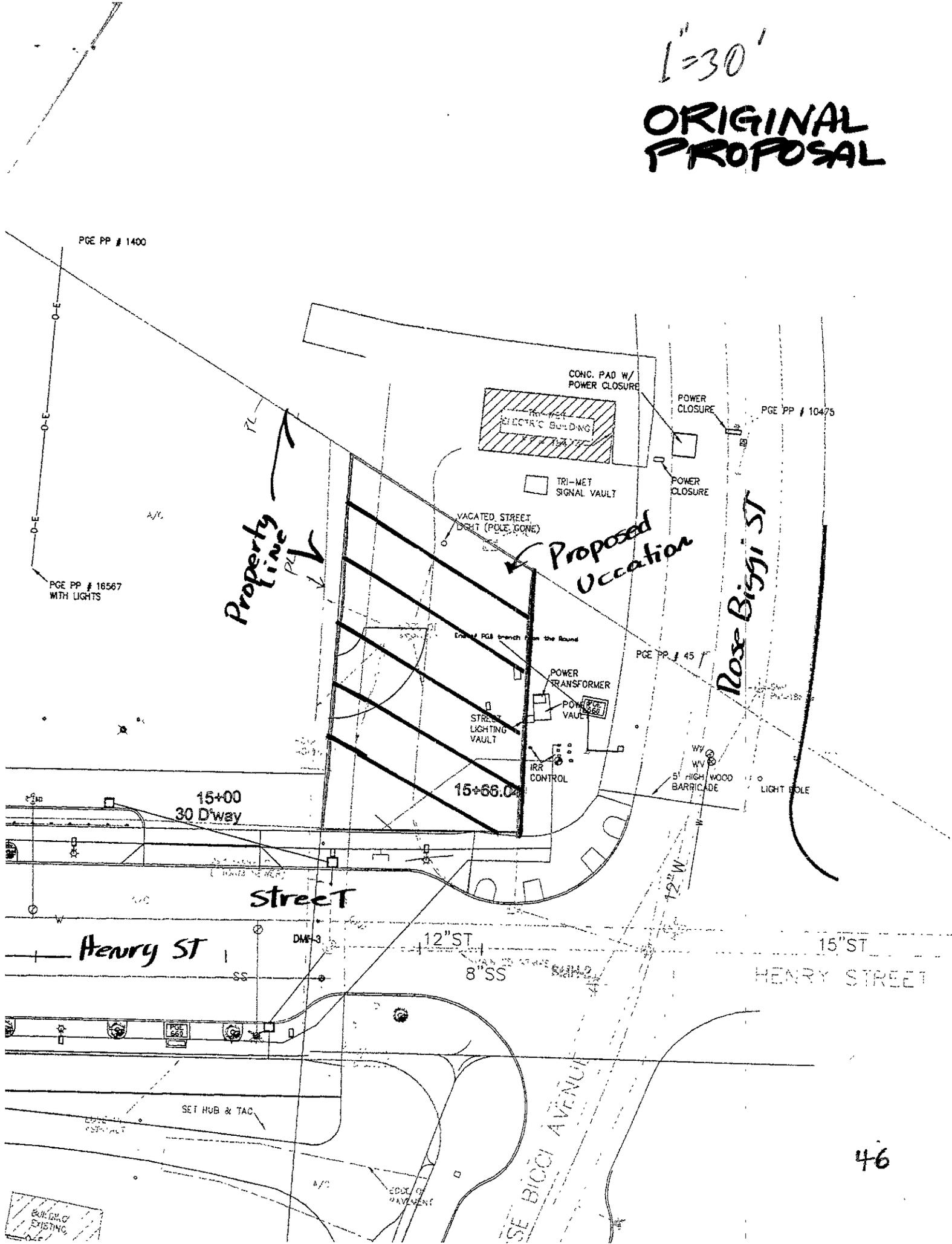


Kathleen Umrein

Cc: Linda Chesney
Colin Cooper

W VAN WINKLE RA
SAN ANSELMO, CA
94960

1"=30'
ORIGINAL PROPOSAL





ATTN: Chuck Buckallew
(503) 681-4439

RECEIVED
Clean Water Services
Our commitment is clear.
JUL 22 2004
City of Beaverton
Development

File Number **4302**
MAY 07 2004
Sensitive Area Pre-Screening Site Assessment

Jurisdiction	<u>BEAVERTON</u>	Date	<u>5/6/04</u>
Map & Tax Lot	<u>13116AA</u>	Owner	<u>LOUIS FINIAN</u>
Site Address	<u>4200 SW CEDAR HILLS BLVD.</u>		<u>ROSE BIGGI TRUST</u>
Proposed Activity	<u>BEAVERTON OR 97005</u>	Contact	<u>DOMONIC BIGGI - TRUSTEE</u>
	<u>STREET VARIATION</u>	Address	<u>7100 NW CENTURY BLVD.</u>
		Phone	<u>HILLSBORO, OR 97124</u> <u>(503) 924-4039</u>

Official use only below this line

Y	N	NA		Y	N	NA	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sensitive Area Composite Map Map # <u>151WB</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stormwater Infrastructure maps QS # <u>3516</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Locally adopted studies or maps Specify _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Specify _____

Based on a review of the above information and the requirements of Clean Water Services Design and Construction Standards Resolution and Order No. 04-9:

- Sensitive areas potentially exist on site or within 200' of the site. THE APPLICANT MUST PERFORM A SITE CERTIFICATION PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER OR STORMWATER CONNECTION PERMIT. If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- Sensitive areas do not appear to exist on site or within 200' of the site. This pre-screening site assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered on your property. NO FURTHER SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED. THIS FORM WILL SERVE AS AUTHORIZATION TO ISSUE A STORMWATER CONNECTION PERMIT.
- The proposed activity does not meet the definition of development. NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.

Comments:

Reviewed By: Chuck Buckallew Date: 5/12/04

Returned to Applicant
Mail Fax Counter
Date 5/12/04 By CW

NEIGHBORHOOD MEETING

RECEIVED

JUL 22 2004

City of Beaverton
Development Services

June 23, 2004

Re: Proposed Street Vacation at
NW corner of Rose Biggi Ave. & Millikan Way
Beaverton, Oregon

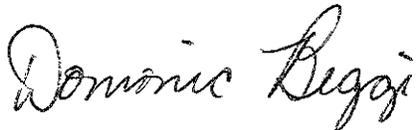
Dear Property owner, NAC Representative and Beaverton resident,

I am writing this letter on the behalf of Louise Biggi Pinion and the Rose Biggi Trust. In 2000, the named parties gave the City of Beaverton property needed for the expansion of Mill Street. Mill Street has since been renamed Rose Biggi Ave. There remains approximately 500 square feet of land that was not needed for the road project. It borders the site that Beaverton Foods previously occupied and is owned by Louise Biggi Pinion and the Rose Biggi Trust. They are attempting to have the unused land vacated back to its original ownership

We are scheduled to discuss our application in detail for the member of the NAC as prescribed by Beaverton City Code on July 15th, 2004 @ 8:00pm in the Community Center on 5th Ave. across from the Library.

Thank you for your consideration and we look forward to chatting with you.

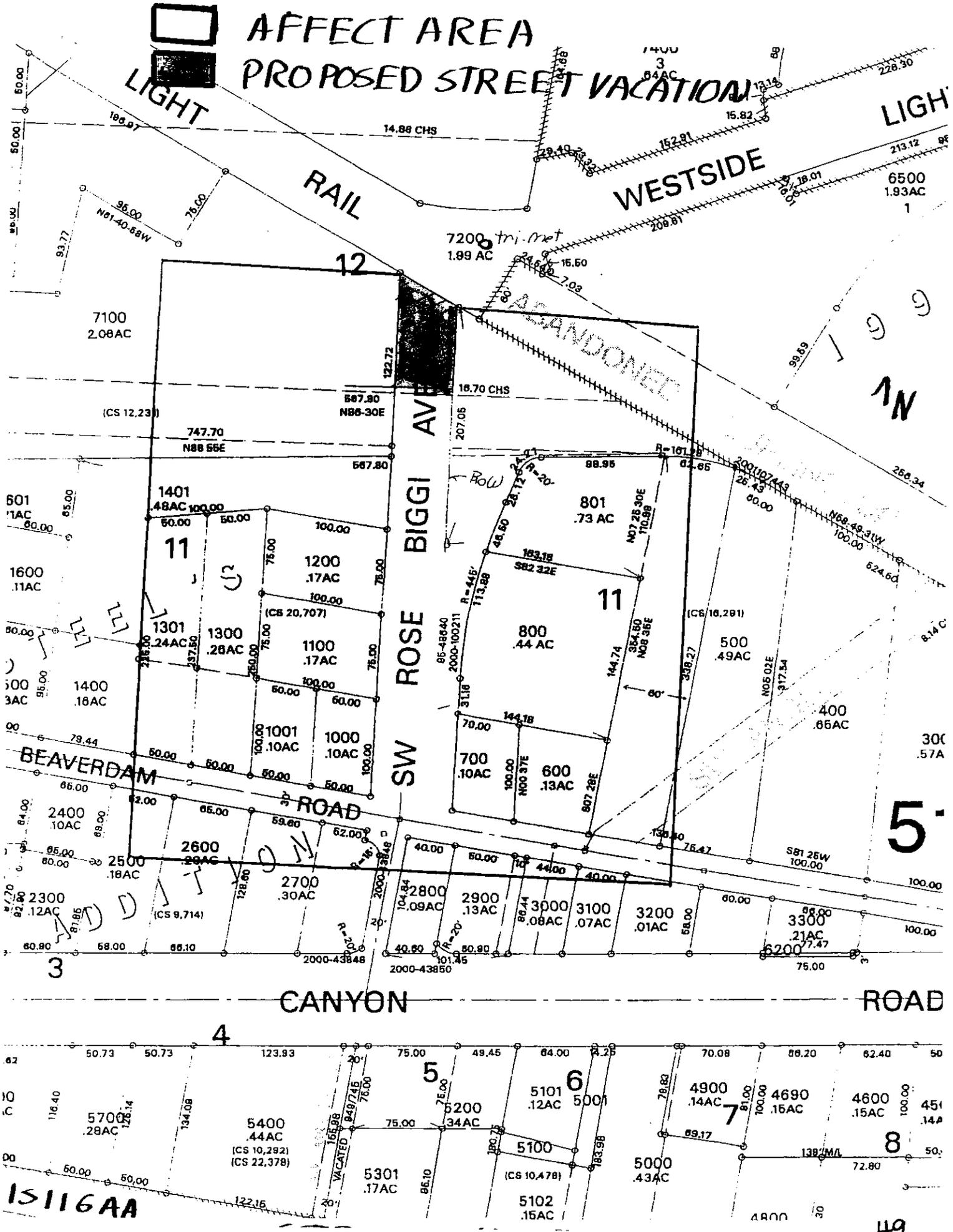
Regards,



Domonic Biggi
Trustee for the Rose Biggi Trust
Phone (503) 924-4039
Dombg@beavertonfoods.com



AFFECT AREA PROPOSED STREET VACATION



15116AA

CENTRAL BEAVERTON NEIGHBORHOOD ASSOCIATION

MINUTES OF THE JULY 15, 2004 MEETING

The July meeting was called to order by Chairman Charles Wilson at 7:05 p.m. at the Beaverton Community Center at Fifth and Hall. Committee members present were Chairman Charles Wilson, Vice Chair Carol Franklin, Recorder Vern Williams, CCI Representative Alfred Louchs., and D.A.Tobiason (Toby). Also attending were Officer Nathan Maycou, Janet Young, of the City of Beaverton, and Domonic Biggi.

The minutes of the last meeting were corrected to read that one Kiosk is located at Fifth and Hall (not Sixth), and will be opened on July 21st, not July 1. The minutes were approved as corrected.

Officer Nathan Maycou gave an update on recent happenings in law enforcement. Graffiti seems to be down, thieves were apprehended stealing goods from a "Bait" auto. Fraud and identity theft is a continuing problem. We are advised to lock our cars at all times and to avoid identity theft by collecting mail from mail boxes as soon as possible after delivery and destroying all documents containing personal identification numbers and financial account numbers before placing them in the trash. Thieves have been known to reassemble shredded documents to obtain these identity numbers. Not much can be done about persons soliciting funds at the freeway ramps and other locations on public rights of way.

Janet Young of the City of Beaverton presented a report and discussion on the Beaverton Downtown Regional Center Development Strategy. A major concern in high-density development is parking. Such development may necessitate structured parking, and problems in financing parking structures.

Janet also reported on the Hall and Watson venue improvements. The Hall street improvements are essentially completed, but some work on Watson remains to be completed pending financing. She also reported that about twenty thousand people patronized the Farmers Market on July 3.

→ Domonic Biggi presented the case for the rededication of a small parcel of land (less than 5000 square feet) at the north end of Rose Biggi Avenue. The Committee saw no problem with this proposal.

Al Louchs reported that the Citizens for Community Involvement (CCI) has again asked for a letter concerning the proposals for increasing the carrying capacity of Hwy.217.

The treasury balance is now \$1635.86, but will be reduced by \$200.00 upon payment of that amount to the "Flicks in the Park" program authorized by the Committee on June 17.

Vern Williams moved to adjourn, seconded by Toby Tobiason, passed unanimously.
Adjourned at 9:03.

VSW, 7/19/04

NOTICE SIGN MOCK-UP

PUBLIC MEETING
On A
Preliminary Development Proposal
Affecting

TAX Lot 7100
15116AA

PROPOSED

STREET VACATION

A meeting to discuss the preliminary
development proposal is scheduled for

July 15TH @ 7:00
BEAVERTON COMMUNITY CENTER

ALL INTERESTED PERSONS MAY ATTEND

FOR MORE INFORMATION
CONTACT:

DOMONIC BIGGI
924-4039

[Use this form and fill in the blank spaces with the information you provided on the notice sign posted at the site if you used the signs available from the City]

h:\forms\neighborhood meeting\current nrmtngpacket elements\mockup.doc

January 15, 2003

RECEIVED
JUL 22 2004

City of Beaverton
Development Services

REQUEST FOR A PREAPPLICATION CONFERENCE

Applicant/Owner: Domonic Biggi
P.O. Box 687
Beaverton, Oregon 97075-0687

503-924-4039

Applicant/Consultant: Peter F. Fry
2153 SW Main Street #105
Portland, Oregon 97205

503-274-2744
503-274-1415 FAX

Location: Westside Light Rail/SW Rose Biggi Avenue/Henry Street
1S116AA

Proposal: We propose to vacate the unused and, now, unnecessary portion of the SW Rose Biggi Avenue north of Henry Street and south of the Westside Light Rail. SW Rose Biggi Avenue has now been fully constructed and it curves to the east rendering this right-of-way of no public value

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Ordinance No. 4060, Engineering Design Manual and Standard Drawings

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

EXHIBITS: 1. Ordinance

BUDGET IMPACT

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

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 ___ 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

EXHIBIT A

Strikeouts are deletions, bold underlined text are additions.
Notes to provide the reader with information about the proposed changes are in italics.

Section 1: For brevity, the Engineering Design Manual and Standard Drawings is amended to delete “and Standard Drawings” from the title. The Standard Drawings shall remain in Chapter VIII after adoption of this amendment.

Section 2: The Engineering Design Manual and Standard Drawings Abbreviations and Definitions chapter is amended to read:

Common driveway means a private drive serving two or more tax lots.

Driveway means a private drive primarily giving vehicle access from a public or private street to a building or structure or other improvement on abutting property.

Parking lot means paved surfaces on **public or** private property intended for the movement and storage of 6 (six) or more vehicles.

Parking lot aisle means a passage for parking lot vehicle circulation.

Parking lot driveway means a private drive giving vehicle access between a public street and a parking lot.

Street means

- (1) a public way, road, **highway**, street, thoroughfare and **or** place, including bridges, viaducts and other structures, used or intended for use of the general public for pedestrian, bicycle, and vehicular travel **as a matter of right**, or
- (2) **when used with the word “private” as a modifier, means a non-public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures, exclusively used or intended for the exclusive use by the owners of the underlying property, or, with the owner’s consent, other persons, for pedestrian, bicycle, vehicular, including emergency vehicle travel.**

Section 3: The Engineering Design Manual and Standard Drawings, Chapter I, General Design Requirements, 115 Submittal Requirements is amended to read:

115 SUBMITTAL REQUIREMENTS

115.2 Design Plan Format

D. Site Development Plans shall be organized as follows:

6. Approved Preliminary Plat (if it the proposed development is a subdivision land division).

115.5 Other Requirements

E. Other Submittals

Final Plat (if the proposed development is a land division). For any proposed subdivision and any land division with public improvements, if the Final Plat is designed/drawn on a CAD system, and the digital file is readily available as an AutoCAD DWG file, the applicant is encouraged to submit to the City, in addition to the Mylar copy of the Final Plat, a digital file for the Final Plat or a "partial" Final Plat showing only the interior and exterior lot lines, right-of-way lines, and street centerlines, as a DWG file provided on a CD or by email or on the Design Engineer's ftp site. (While not mandatory, submittal of this DWG file may expedite the City's acceptance of the completed development's public improvements.

✓	✓	✓
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115.7 Review Procedure

Seven (7) hardcopy sets of complete plans for the development, meeting the requirements of Sections 115.1 through 115.6, or as directed by the City Engineer, shall be submitted for review. In addition to the hardcopy sets of the complete plans submitted for review, the design engineer shall submit to the City digital copies of each of the files listed below and in the format prescribed below. (It is understood that these files shall be provided exclusively for the City's internal uses as described below.)

1. The digital files for the plans submitted for review, on CD-RW (to be used by the City primarily for interim updating of its road and utility system maps until the complete plans are approved by the City), and

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2. A digital file for the Plat of the development, on CD-RW (also to be used by the City primarily for interim updating of its GIS maps of the City until the plat is approved by the City.)
3. Format.
 - a. If the plans or plat were prepared using AutoCAD Land Desktop software, the digital file shall be submitted in AutoCAD DWG format.
 - b. If the plans or plat were prepared in software other than AutoCAD Land Desktop, they shall be converted to DWG format, except that design engineers not equipped to make such conversions in-house shall, as an alternative, submit their plans or plat in hardcopy form to the City for scanning.
 - c. If the plans or plat were hand-drawn, the design engineer shall submit a hardcopy set of the plans and plat to the City for scanning.
 - d. Plans submitted in hardcopy format shall be full-sized copies.
 - e. Digital copies of plans and plats initially submitted pursuant to these requirements shall be marked "PRELIMINARY – NOT FOR CONSTRUCTION" and, at the discretion of the design engineer, shall display a disclaimer as to completeness, accuracy or other characteristics as deemed appropriate by the design engineer.

Once the complete plans have been approved by the City, the design engineer shall submit to the City digital copies of the drawing files for the approved plans (for use by the City in permanently updating the City's road and utility system maps and GIS maps.) The format for these plans shall be as prescribed for the initial plan submittal in paragraphs 1 and 3 above.

Section 4: The Engineering Design Manual and Standard Drawings, Chapter I, General Design Requirements, 14 Structures is amended to read:

140 STRUCTURES

140.1 General

Structures in public rights-of-way and easements shall be designed, constructed, inspected, and tested in accordance with the requirements of the *Oregon Standards for Construction*, the Structural Design Section of ODOT; Clean Water Services (CWS), and ACI, **as applicable, and the additional or exclusionary requirements contained in this Manual.** and in In cases of conflict or disagreement, the most stringent requirements among them, as determined by the City Engineer, shall take precedence.

140.2 Design Criteria

Major roadway, roadside, and drainage structures shall conform to the design criteria in this section and section 210.13 of this Manual. The project construction drawings and Special Provisions **for bridges and other major roadway, roadside, and drainage structures** shall state the ODOT requirements and design criteria for bridges and other structures that apply to the project.

These **The detailed design criteria requirements for major roadway, roadside, and drainage structures** are contained in **the ODOT/APWA Oregon Standard Specifications for Construction, ODOT's Manual of Field Test Procedures, Bridge Design Manual and Accompanying Standard Drawings, AASHTO's Roadside Design Guide, and AASHTO's Load and Resistance Factor Design (LRFD) Bridge Specifications, and ODOT's Manual of Field Test Procedures,** which are **hereby** incorporated herein by reference. **Unless otherwise provided herein, major concrete and steel structures shall conform to the ODOT/APWA Oregon Standard Drawings. Major concrete structures not addressed by these standards, and the characteristics of major concrete structures not fully addressed by these standards, shall conform to the design criteria in the** The latest editions of **the Uniform International Building Code (UBC), the "ACI Manual of Concrete Practice," "ACI Manual of Concrete Inspection," and the "ACI Guide for Concrete Inspection," or other ACI codes, standards, specifications, and guidelines, at the discretion of the City Engineer. , shall govern those structures and characteristics of structures not addressed by the aforementioned standards.**

For purposes of this Manual, the following structures are not considered major structures: curb, curb and gutter, sidewalks, driveways, catch basins, street inlets and other drainage inlets connected to storm drain pipes 15-inches in diameter or smaller. These structures shall conform to this Manual, the City's Standard Drawings, and the ODOT/APWA Oregon Standard Specifications for Construction, but not to ODOT's or CWS's standard drawings unless said standard drawings are explicitly referenced. For drainage structures, in cases of conflict or disagreement between the City's standards and CWS's standards, the City's standards shall govern, unless directed otherwise by the City Engineer.

Concrete for **major roadway, structures and roadside, and drainage structures** shall be Class 5000 - $\frac{3}{4}$ concrete **unless otherwise specified in the ODOT/APWA Oregon Standard Specifications for Construction or approved by the City Engineer. Reinforcing steel for all structures shall be as specified in the ODOT/APWA Oregon Standard Specifications for Construction.** Concrete for **poured-in-place curb, curb and gutter, sidewalks, and driveways, catch basins, street inlets, and other drainage inlets shall be Class 4000 - $\frac{3}{4}$ concrete. Concrete for pre-cast catch basins, street inlets, and other pre-cast drainage inlets shall be Class 4000 - $\frac{3}{4}$ unless otherwise specified or approved. The concrete for poured-in-place underground utility structures shall be Class 3000 - $\frac{3}{4}$ concrete. The concrete for pre-cast underground utility structures shall conform to the applicable ASTM standard(s).**

Section 5: The Engineering Design Manual and Standard Drawings, Chapter I, General Design Requirements, 145 Design Modifications is amended to read:

145 DESIGN MODIFICATIONS

145.1.1 Requested Modification

- A. **An applicant or** design engineer may request that the City Engineer modify a City standard relating to, and only for, a specific project by submitting a written request for such modification to the City engineer. The written request shall state the desired modification, the reason for the requested modification, the conditions in subsection 145.1.5 that apply to the desired modification, and a comparison between the City's existing standard and the proposed modification.
- B. **The written request shall be in a form approved by the City and shall include, at a minimum, the following:**
1. **A completed "Request for Design Modification" form.**
 2. **An accompanying letter or narrative providing the following:**
 - a. **The information required in 145.1.1.A for the requested Design Modification(s) organized in a manner that addresses each requested Design Modification separately;**
 - b. **A statement for each requested Design Modification describing how it is justified in terms of one or more of the criteria in subsection 145.1.5 that the applicant believes to be applicable to the development and explaining the applicant's rationale for selecting each of the criteria that the applicant submits as a basis for approval of the requested Design Modification(s);**
 - c. **A description of existing and future conditions that are relevant to each requested Design Modification, and;**
 - d. **The causative relationship between said conditions and the requested Design Modification(s).**
- C. **The written request shall be accompanied by three (3) copies of a development plan or set of development plan(s), depending on the scope and complexity of the development, for evaluation by the City Engineer. Such plan or plans shall depict the entire proposed development and all of the proposed public improvements to be included in the development and other information required by sections 115.1 through 115.4 of this manual, all at the level of detail required by the City Engineer.**
- D. **If land use approval is required for the proposed development, the applicant shall submit the written request, supporting information, and three (3) copies of the development plan(s) to the City Engineer prior to or concurrent with submittal of the land use application.**

E. If land use approval is not required, the applicant is encouraged to submit the written request, supporting information, and three (3) copies of the engineering plan(s) at the conceptual or schematic stage of plan preparation for the development that would ordinarily be required by the City for a land use application submittal.

In such cases, the applicant should submit the written request and the required supporting information and plan(s) to the City Engineer no later than when the application for a Site Development Permit is submitted. Failure to do so may result in delay of the permit process.

F. Any request for modification of a City standard for a specific project should be supported with reference to pertinent nationally accepted specifications or standards.

Section 6: The Engineering Design Manual and Standard Drawings, Chapter I, General Design Requirements, 150.4 Safety Requirements is amended to read:

150.4 Safety Requirements

The contractor is responsible for observing the safety of the work and of all persons and property coming into contact with the work. The contractor shall conduct his work in such a manner as to comply with all the requirements prescribed by OSHA. Traffic control in work zones shall conform to the MUTCD. Lane closures, if required, shall conform to the City Traffic Engineer's "Traffic Control Procedures for Construction and Maintenance Work," latest edition. **For short-term projects, the "Oregon Temporary Traffic Control Handbook for Operations of 3 Days or Less," published by ODOT, is used by the City as a guideline. In general, lane closures will not be approved on arterial or collector streets for the period between Thanksgiving and New Years Day. The City Traffic Engineer may restrict the hours when lane closures are allowed, where necessary to maintain traffic capacity.** At the city's discretion, a traffic control plan shall be submitted and approved prior to construction.

Section 7: The Engineering Design Manual and Standard Drawings, Chapter I, General Design Requirements, 120 Street Design is moved into Chapter II 210 Street Design. Both Chapter I and Chapter II are renumbered appropriately and Chapter II text is amended to read:

210 STREET DESIGN

210.1 Subgrade Elevation

210.2 Structural Section

~~120~~ **STREET DESIGN**

~~120.1~~ 210.3 **Functional Classification**

The functional classification of existing and proposed roads is established by the City of Beaverton *Comprehensive Plan*. Streets shall be designed to the minimum standards of this manual. The design of regionally significant streets designated in Metro's *Regional Transportation Plan* shall consider the function of the street and character of surrounding land uses. Metro's publications *Creating Livable Streets: Street Design for 2040* and *Green Streets: Innovative Solutions for Stormwater and Street Crossings* are resources.

~~120.2~~ 210.4 **Access**

Access to public streets shall conform to the requirements of the *Comprehensive Plan* and the *Development Code*. The City Engineer shall have the authority to limit access and designate access locations on public streets under the jurisdiction of the City. Access to streets and highways under Washington County or State of Oregon jurisdiction must be formally approved by those entities at the applicant's initiative and expense.

~~120.5~~ 210.5 **Design Speed**

Design speeds shall be as follows:

Arterials	45 miles per hour
Collectors	35 miles per hour
Neighborhood Routes	25 miles per hour
Locals	25 miles per hour

Design speed is the maximum safe speed that can be maintained over a specified section of roadway when traffic, weather, and other conditions are so favorable that the design features of the roadway govern. The City Engineer may approve a lower alternative design speed where it can be shown that the 85th percentile speed of traffic will be lower than the design speed standard during all hours. The design speed is the minimum speed that shall be used in design of safe road geometry. The design speed shall not prohibit the use of traffic calming features or signing, where appropriate, to encourage lower traffic speeds.

~~210.3~~ 6 **Horizontal Alignment**

Alignments shall meet the following requirements:

- A. Center line alignment of improvements should be parallel to the center line of the right-of-way.
- B. Center line of a proposed street extension shall be aligned with the existing street center line.

- C. Horizontal curves in alignments shall meet the minimum radius requirements as shown in Table II-a.

Reversing horizontal curves shall be separated by no less than 50 feet of tangent. On arterials, the separation shall be no less than 100 feet.

TABLE II a – DESIGN SPEED / CENTER LINE RADIUS – MINIMUMS

DESIGN SPEED (MPH)	FRICTION FACTOR (F)	MINIMUM CURVE RADIUS (FT.) FOR VARIOUS CROSS SLOPES				
		(e) - 2.5%	(e) 0%	(e) 2.5%	(e) 4%	(e) 6%
15	0.330	50	45	45	40	40
20	0.300	100	90	85	80	75
25	0.252	185	165	150	145	135
30	0.221	305	275	245	230	215
35	0.197	475	415	370	345	320
40	0.178	700	600	525	490	450
45	0.163	980	830	720	665	605

Notes: For Table II a - off right-of-way runoff shall be controlled to prevent concentrated cross flow in superelevated sections. The above tables are to be used unless otherwise directed by the City Traffic Engineer.

Superelevations will be required as directed by the City Traffic Engineer. Where superelevation is used, street curves should be designed for a maximum superelevation rate of 4 percent. If terrain dictates sharp curvature, a maximum superelevation of 6 percent is justified if the curve is long enough to provide an adequate super elevation transition.

On local streets, requests for design speeds less than 25 miles per hour shall be based on topography, right-of-way, or geographic conditions, which impose an economic hardship on the applicant. Requests must show that a reduction in centerline radius will not compromise safety. There will be posting requirements associated with designs below 25 miles per hour.

Source: American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets 2001*, Fourth Edition. (Standards for Low-Speed Urban Streets).

210.4 7 Vertical Alignment

Alignments shall meet the following requirements:

- A. Minimum tangent street gradients shall be one-half (0.5) percent along the crown and curb.
- B. Maximum street gradients shall be fifteen (15) percent for local streets and neighborhood routes, and ten (10) percent for all other streets. Grades in excess of fifteen (15) percent must be approved by the City Traffic Engineer on an individual basis.
- C. Local streets intersecting with a neighborhood route or greater functional classification street, or streets intended to be posted with a stop sign, shall provide a landing averaging five (5) percent or less. Landings are that portion of the street within twenty (20) feet of the projected curb line of the intersecting street at full improvement.

- D. Grade changes of more than one (1) percent shall be accomplished with vertical curves.
- E. At street intersections, the crown of the major (higher classification) street shall continue through the intersection. The roadway section of the minor street will flatten to match the longitudinal grade of the major street at the projected curb line.
- F. Street grades, intersections, and super elevation transitions shall be designed to not allow concentrations of storm water to flow across the travel lanes.
- G. Off-set crowns shall be allowed only with the specific prior approval of the City Traffic Engineer and must conform to the Standard Drawing for off-set crowns.
- H. Slope easements shall be dedicated or obtained for the purposes of grading outside of the right-of-way.
- I. Streets intersected by streets not constructed to full urban standards shall be designed to match both present and future (as far as practicable) vertical alignments of the intersecting street. The requirements of this manual shall be met for both present and future conditions.

When new streets are built adjacent to or crossing drainage ways, the following standards shall govern the vertical alignment:

<u>Functional Classification</u>	<u>Vertical Standard</u>
Freeways and Arterials	Travel lanes shall be at or above the 100 year flood elevation.
Collectors	Travel lanes shall be at or above the 50 year flood elevation but not lower than 6 inches below the 100 year flood elevation.
Neighborhood Routes and Local streets (residential)	Travel lanes shall be at or above the 25 year flood elevation but not lower than 6 inches below the 100 year flood elevation.
Local streets (non-residential)	Travel lanes shall be at or above the 25 year flood elevation but not lower than 6 inches below the 50 year flood elevation.

If alternate access is available for properties served by a particular local street, a design could be considered for approval by the City Engineer that would set the travel lanes at or above the 10 year flood elevation but not lower than 6 inches below the 25 year flood event.

Vertical curves shall conform to the values found in Table II b.

Table II b – DESIGN CONTROLS FOR CREST AND SAG VERTICAL CURVES

DESIGN SPEED (MPH)	MINIMUM RATE OF VERTICAL CURVATURE, K	
	CREST	SAG
15	3	5
20	7	9
25	12	13
30	19	19
35	29	26
40	44	34
45	61	44

Source: American Association of State Highway and Transportation Officials, *A Policy of Geometric Design of Highways and Streets 2001*, Fourth Edition.

Table II-b assumes that street lighting exists. The City Traffic Engineer may require a higher K value for sag vertical curves if the roadway will not be lighted.

120.3 210.8 Width

The street standard drawings in Chapter VIII provide the minimum road width standards by functional classification of the road. **Modifications to minimum street design standards to allow deviations from the City’s street width standard may be requested by the applicant per section 145 of this manual.**

It should be noted that public utility easements beyond the right-of-way are typically required.

In locations where traffic signals exist or are anticipated for installation within five years, provide additional right-of-way to accommodate signal poles and cabinets clear of the sidewalk.

When the standard drawings show on-street parking, parking may be allowed but is not required. In determining the locations of on-street parking, consideration should be given to sight distance, truck access, and emergency access as appropriate for existing and proposed development along the street.

When the standard drawings show no on-street parking, parking may be allowed if the street section is widened to add a parking lane. On local streets, the minimum width of a parking lane is seven (7) feet. On collector streets and arterial streets, the minimum width of a parking lane is eight (8) feet.

Where on-street parking is allowed on local streets, curbtight sidewalks may be allowed, but only with the City Engineer’s express approval. When curbtight sidewalks adjacent to the on-street parking are allowed, the width of the curbtight sidewalk adjacent to on-street parking shall be the standard curbtight sidewalk width plus one (1) additional foot.

Transitions from the one-foot wider curbtight sidewalk width to the standard sidewalk width shall be accomplished by a section of sidewalk that is at least ten (10) feet long, the 1:10 taper in the sidewalk width.

Deviations from the City's sidewalk design standard require a Sidewalk Design Modification per the *Development Code*.

Street right of way shall extend a minimum of 0.5 feet beyond the outside edge of the sidewalk.

Half streets.—The required **standard** street width may be developed in stages when development is occurring on only one side of the proposed street and where staging is essential to the reasonable development of properties. Staging may be allowed if necessary to maintain minimum depth and setbacks on adjoining lots or to match the existing alignments of abutting streets.

Staging shall only be approved where future development of adjoining properties can reasonably be expected to complete the full **standard width** street width Staging shall only be approved where sufficient right-of-way for completion to standard width already exists or will be provided by future development.

If staging is approved, the initial stage shall provide improvements to the standards of the City's Engineering Design Manual and Standard Drawings on the side of the street adjacent to the proposed first stage of development. that will assure a total These improvements shall include a minimum 20-foot pavement width for vehicular travel and any additional right-of-way, shoulder improvements, and drainage improvements as required for the half street to be fully functional. *moved from Development Code*

120.4- 210.9 Number of Lanes

The *Comprehensive Plan* identifies the number of lanes for each class of street. Additional lanes may be required at intersections in excess of the minimum street standards shown in Chapter VIII. Right-of-way may also be needed in addition to that shown in the minimum street Standard Drawings to accommodate the increased number of lanes at intersections.

210.5- 10 Intersection Sight Distance Policy

Section 8: The Engineering Design Manual and Standard Drawings, Chapter II Streets, renumbered subsection 210.10.1 Visibility at Intersections is amended to read:

210.10.1 Visibility at Intersections

All work within the public right-of-way and adjacent to public streets and accessways shall comply with the standards of this section.

1. Except as otherwise provided in this section, no fence, berm, wall, **commercial sign**, vehicle, hedge, **off-street parking space**, or other planting or structure shall be erected, planted, placed, or maintained within a sight clearance area. If the relation of the surface of the lot to the streets is such that visibility is already obscured, nothing shall be done to reduce visibility within the sight clearance area.

Section 9: The Engineering Design Manual and Standard Drawings, Chapter II Streets, 210.12 Cul-de-sacs, Eyebrows, Turnarounds is amended to read:

210.12. Cul-de-sacs, Eyebrows, Turnarounds

- B. Cul-de-sacs shall not be more than 200 feet in length, ~~except for the modified-infill design cul-de-sac, which shall not be more than 150 feet in length.~~ The length of a cul-de-sac shall be measured along the center line of the cul-de-sac from the near side right-of-way of the nearest through traffic intersecting street to the farthest point of the cul-de-sac right-of-way. See the standard drawings for cul-de-sac right-of-way and pavement requirements in Chapter VIII.
- C. The minimum curb radius for transitions into cul-de-sac bulbs shall be 25 feet, and the right-of-way radius shall be sufficient to maintain the same right-of-way to curb spacing as in the adjacent portion of the road.
- D. **In a cul-de-sac serving only residential uses and having no more than five (5) abutting residential units, the dimensions of the cul-de-sac bulb may be reduced as shown in the standard drawing "minimum cul-de-sac standards."**

Section 10: The Engineering Design Manual and Standard Drawings, Chapter II Streets, subsection 210.8 Driveways is renumbered 210.13 and is amended to read as follows:

210.8 **210.13** Driveways

- A. **Design standards. Driveways shall be designed and constructed to City standards per this Manual and the appropriate Standard Drawings in Chapter VIII.**
- B. **Elevations of Driveways. Driveways and private property access providing primary emergency vehicle access to habitable structures shall be designed with travel lanes at**

or above the 25-year flood elevation but not lower than six (6) inches below the 100-year flood elevation.

- C. Corner Clearance for Driveways. Corner clearance shall be based on an intersection analysis and shall conform to the following minimum distances:

FOR LOTS FRONTING ON:	DESIGN SPEED (MILES PER HOUR)	MINIMUM DISTANCE BETWEEN FACE OF CURB OF INTERSECTING STREET AND NEAR SIDE EDGE OF DRIVEWAY (FEET)
Arterials and Collectors	25	150
	30	180
	35	180
	40	200
	45	230
	50	350
Neighborhood Routes		50
Local Streets		25

Note: Street Functional Classifications are identified in the *Comprehensive Plan Transportation Element* Figure 6.4.

- D. If the minimum standards in this subsection would prohibit access to the site, a driveway with restricted turn movements acceptable to the City Traffic Engineer maybe approved.
- E. Minimum driveway spacing between driveways on arterials and collectors shall also conform to the corner clearance standards of this section.

F. Driveway Approaches

The City Traffic Engineer has the authority to limit access and access locations (Ordinance No. 4303). Access to streets and highways under Washington County or State of Oregon jurisdiction must be formally approved by those entities at the applicant's initiative and expense.

The following specifies the minimum requirements for driveways:

1. **Driveways shall be constructed to City standards per this Manual and the appropriate standard drawing in Chapter VIII.**
2. Driveways shall not be permitted **in conflict with existing or proposed** ~~on streets with existing or proposed non-access reserve strips.~~
3. Concentrated surface runoff shall not be allowed to flow over commercial driveways or sidewalks into the street.

4. Driveways **approaches** shall meet the minimum intersection sight distance requirements for street intersections.

G. Driveway Grades.

1. The minimum and maximum longitudinal grades for driveways shall be as shown on the Standard Drawings for driveways.
2. The maximum longitudinal grades shown on the Standard Drawings do not apply to driveways less than 20 feet in length and driveways behind curbside sidewalks. Such driveways, including their aprons, shall be designed individually by qualified designers to ensure that the slope of each driveway is not so steep as to prohibit adequate undercarriage clearance for any conventional unmodified passenger vehicle using the driveway.
3. On common residential driveways (i.e., driveways serving two or more single family residential tax lots or condominium units), the maximum longitudinal slope of the shared driveway within its intersections with each individual driveway shall be no steeper than 5 percent.
4. The finished grade elevations of common driveways in residential areas shall be designed at or above the 25-year flood elevation but not lower than 6 inches below the 100-year flood elevation.

H. Driveway Width.

1. Residential Driveway Width.

- a. For a residential driveway serving a single tax lot or condominium unit, the required hard surface shall have a minimum and maximum unobstructed width as shown in the Standard Drawings. It shall be the applicant's responsibility to determine the correct width of the driveway consistent with these minimum and maximum widths and with the dimensions of the parking area or garage served by the driveway.
- b. For a residential driveway or private street serving four or more than three single-family residential tax lots or condominium units, the required hard surface, not including the width of the driveway apron in the right-of-way, shall have a minimum and maximum unobstructed width of 20 feet as shown in the Standard Drawings.

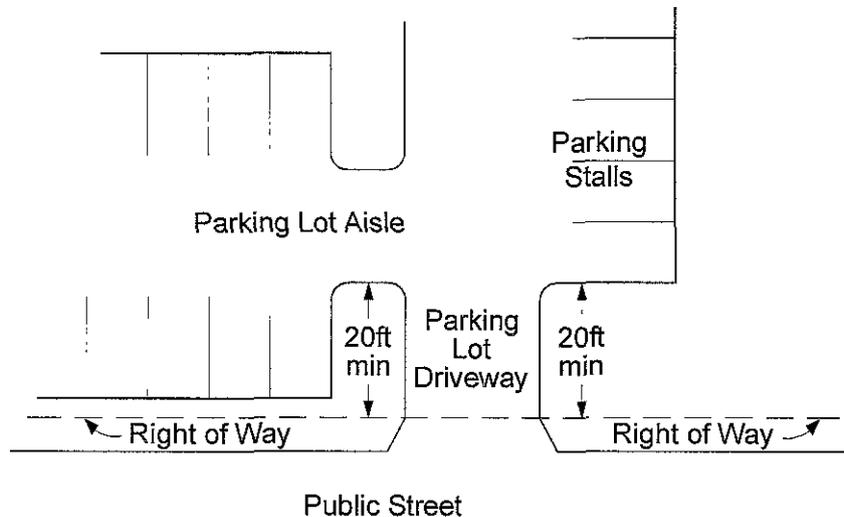
2. Commercial Driveway Width.

- a. For a commercial driveway, the required hard surface shall have a minimum and maximum unobstructed width as shown in the Standard Drawings.
- b. If the driveway will serve more than one tax lot, an easement or similar written agreement shall assure the following: (1) that safe access and egress is provided for each tax lot; (2) that maintenance of the driveway pavement to ensure safe access and egress is provided; and, (3) that control of storm drainage from the driveway and surrounding area is provided to protect property that is contiguous to the driveway.

The easement or agreement shall be submitted to the City Engineer for approval. Once approved, the maintenance easement or agreement shall be recorded with Washington County and a copy of the recorded agreement or easement shall be provided to the City Engineer.

J. Parking Lot Driveways and Parking Stalls.

1. Parking Lot Driveway Width. For a parking lot driveway, the required hard surface shall have a minimum and maximum unobstructed width as shown in the Standard Drawings.
2. Driveway Location. Parking lot driveways shall be located not closer than ten (10) feet to a side lot line, except that driveways serving two adjacent properties may be provided at the common lot line.
3. Parking Stall Location. On parking lot driveways that connect to a public or private street, there shall be no parking stalls within 20 feet of the public street right-of-way or within 20 feet of the back of sidewalk on a private street.



K. Joint-use Agreement for Common Driveways.

The applicant seeking a permit for a common driveway shall provide documents defining ownership, use rights, and allocation of space ("lanes") for vehicles and pedestrians using the driveway.

1. The documents shall provide perpetual joint-use rights for each of the tax lots served by the driveway in a joint-use agreement or similar document and shall include a drawing of the driveway, lot lines, and adjacent buildings drawn to scale.

2. If a driveway serving more than one tax lot is within a development for which a plat is not required, the driveway may be allowed only when provision of perpetual joint-use rights for each tax lot served by the driveway is demonstrated in writing by the applicant in a joint-use agreement or similar document with the aforementioned accompanying drawing, and the documents shall be submitted to the City Engineer at the time of application for a Site Development Permit or Right-of-Way Permit. Once the agreement is approved, the applicant shall have the agreement recorded with Washington County and shall provide a copy of the recorded agreement to the City Engineer.
3. If the driveway is within a development requiring a plat, the documents shall include the aforementioned information and accompanying drawing and shall be submitted with the plat for review.

L. Maintenance Agreement for Common Driveways

1. The applicant seeking a permit for a common driveway shall provide documents defining ownership, use rights, and rights and allocation of liability for maintenance and for damages arising out of neglect. The documents shall provide for perpetual maintenance of the driveway in a joint-use agreement or similar document and shall include a drawing of the driveway, lot lines, and adjacent buildings drawn to scale.
2. If a driveway serving more than one tax lot is within a development for which a plat is not required, the driveway may be allowed only if the provision of perpetual maintenance of the driveway is demonstrated in writing by the applicant in a joint-use agreement or similar document with the aforementioned accompanying drawing. These documents shall be submitted to the City Engineer at the time of application for a Site Development Permit or Right-of-Way Permit. Once the agreement is approved, the applicant shall have the agreement recorded with Washington County and shall provide a copy of the recorded agreement to the City Engineer.

If the driveway is within a development requiring a plat, the documents shall include the aforementioned information and accompanying drawing and shall be submitted with the plat for review.
3. If a driveway serving two or more multi-family residential tax lots, three or more commercial or industrial tax lots, or four or more single family residential tax lots or condominiums units is within a development for which a plat is not required, the driveway may be allowed only when the provision by the property owners for perpetual driveway maintenance, safe access and egress, and safe and controlled conveyance of storm drainage from the common driveways connected to individual driveways and adjacent areas is demonstrated in writing in a maintenance agreement or other approved document provided by the applicant. The document shall ensure perpetual maintenance of the entire driveway. The

document shall define ownership of the driveway, use rights, and allocation of liability among the owners of the property for maintenance, and shall include a drawing of the driveway(s), lot lines and adjacent buildings drawn to scale. The agreement shall be submitted to the City Engineer at the time of application for a Site Development Permit or Right-of-Way Permit. Once the maintenance agreement is approved, the applicant shall have the maintenance agreement recorded with Washington County and shall provide a copy of the recorded agreement to the City Engineer prior to approval of the Site Development Permit.

If the driveway is within a development requiring a plat, the maintenance documents, including the information prescribed above, and the aforementioned accompanying drawings(s) shall be submitted with the plat for review.

M. Documentation to be provided by the applicant.

As a minimum, the applicant shall submit the following documentation to the City Engineer for approval of common driveways prior to approval of the Site Development Permit for the proposed development:

1. A joint-use agreement or crossover easement as described above.
2. A maintenance agreement or similar dedication as described above.
3. A description of the applicant's physical provisions for driveway maintenance, safe access and egress, and conveyance of storm drainage from the common driveways in the design of the development, including but not limited to the following::
 - a. The type(s) of maintenance to be performed on the common driveways to ensure the safe conveyance of storm drainage, prevention of the transport of soil and other erodable materials adjacent to and deposited on the driveways to the storm drainage system, unobstructed access and egress for private utility and other service vehicles and emergency vehicles, unobstructed sight clearance at intersections, and free drainage of the driveways in the proposed development in conformance with all other storm drainage requirements of this Manual.
 - b. The proposed finished grades of the common driveways and adjacent areas.
 - c. Typical driveway cross-sections for the common driveways.
 - d. The method(s) to be used for ensuring proper drainage of the common driveways, connected individual driveways, and adjacent unpaved areas, including but not limited to site grading, the layout of the public and private storm water collection system serving the common driveways and parking lots, related easements, and point(s) of connection of the private system to the public storm drainage system.

Applicants are hereby advised that the information required herein is not for Plumbing Code approval, but for review of the coordination of on-site grading and drainage.

- e. The name or names of the entity or entities responsible for driveway maintenance, safe access and egress, and controlled conveyance of storm drainage from the driveway and surrounding area.

N. Driveway and Parking Lot Pavement Design and Construction

1. Applicability. The requirements of this subsection apply to new driveways, new parking lots, and to reconstruction of existing driveways and parking lots in which the reconstruction involves installation of new curb.
2. Storm Water Detention. If a proposed parking lot is to include a storm water drainage detention pond, the applicant is advised to refer to Chapter III for related requirements pertaining to the design and construction of parking lot detention ponds, because those requirements may affect the overall design of the proposed parking lot and its driveway(s).
3. Pavement Standards. Pavements for driveways, parking lots, and parking maneuvering areas shall be constructed to the following minimum standards:
 - a. Pavement Strength. The pavement structural section submitted by the Engineer shall be designed to support an 80,000-pound truck in all local weather conditions and ground conditions.
 - b. Subgrade. The parking surface shall be placed on a stable well-compacted subgrade.
 - c. Pavement Thicknesses.
 - i. Residential Areas. On private property, in all residential areas, the minimum pavement section shall be 2-1/2 inches of asphalt over 4 inches of 1 ½ inch – 0 inch compacted crushed rock aggregate base course or shall be 4 inches of Portland cement concrete over 2 inches of 1 ½ inch – 0 inch crushed rock aggregate base course over subgrade compacted to 95 percent AASHTO T-99 or shall be 4 inches of portland cement concrete over 2 inches of 1 ½ inch – 0 inch compacted crushed rock aggregate base course over subgrade compacted to 95 percent AASHTO T-99.
 - ii. Commercial and Industrial Areas. On private property, in commercial and industrial areas, the minimum pavement section shall be 3 inches of asphalt over 2 inches of compacted ¾ inch – 0 inch compacted crushed rock aggregate leveling course over 8 inches of compacted 1 ½ inch – 0 inch crushed rock aggregate base course or shall be 5 inches of Portland cement concrete over 2 inches of compacted 1 ½ inch – 0 inch crushed rock aggregate base course over subgrade compacted to 95 percent AASHTO T-99.
4. All required parking lot spaces shall be striped. Compact spaces shall be identified by pavement markings using the word “Compact.” Letter size for pavement marking shall be minimum 12-inch high letters. A sign may be used to supplement the pavement marking.

5. Parking spaces **in parking lots** along the outer boundaries of a parking area, except where specifically prohibited, shall be designed to include a continuous curb a minimum of four (4) inches high located not less than six (6) feet from the property line. The purpose of the curb is to prevent a motor vehicle from extending over an adjacent property line or a street right-of-way. The curb shall be a barrier-type curb per the standard drawing for "Type A Replacement Curb," except that it may be four (4) to six (6) inches high rather than six (6) inches high as shown in that standard drawing.

Section 11: The Engineering Design Manual and Standard Drawings, Chapter II Streets, 210.15 Sidewalks is amended to add:

- E. **The connection of sidewalks of different widths shall be accomplished by a transition section of sidewalk. The transition section shall be at least ten (10) feet long. Its deflection angles from the centerlines of the two connected sidewalks shall not exceed 45 degrees without the City Engineer's express prior approval.**

Section 12: The Engineering Design Manual and Standard Drawings, Chapter II Streets, 210.22 Private Streets is added to read:

210.22 Private Streets

- A. **When allowed in development, private streets** shall meet the requirements of the *Development Code* and ~~this manual~~ **the public street design standards in Chapter VIII.**
- B. **Private streets shall also comply with Fire Code for load and fire apparatus access requirements.** The Engineer shall provide a pavement section designed to support an 80,000-pound truck in all local weather conditions and ground conditions. ~~Minimum unobstructed street width shall be 20 feet.~~
(from 210.17)
- C. **Modifications to minimum street design standards to allow deviations from the City's street width standard may be requested by the applicant per section 145 of this manual. Deviations from the City's sidewalk design standard require a Sidewalk Design Modification per the Development Code.**
- D. **Documents defining ownership, use rights, and allocation for liability for maintenance shall be submitted to the City prior to or in conjunction with final approval.**

- E. A sign per Standard Drawing 416 Private Street Sign shall be posted at each entrance to a private street from a public street.
- F. A request for a private street to become a public street under City jurisdiction may be made to the City Engineer and shall include:
 - 1. Documentation that the subject street meets all City standards or standards acceptable to the City Engineer, or written assurance that any repairs or improvements needed to meet the City's standards will be completed prior to acceptance of the street for maintenance by the City, and that any improvements required will meet all City permitting requirements.
 - 2. Documentation that the street pavement has a Pavement Condition Index (PCI) of 70 or greater. The City's Operations Department shall be the only agency approved by the City to determine the PCI, and upon receiving a written request from the applicant, shall provide the PCI to the applicant in writing within a reasonable time after receiving said request.
 - 3. Documentation demonstrating that right of way exists to City standard, or evidence that property owners are prepared to dedicate the right of way.

210.18 211 Utilities and Other Work in a Public Right-of-Way

A. General

210.19 212 Trenching and Street Cuts

Section 13: The Engineering Design Manual and Standard Drawings, Chapter II subsection 210.17 is deleted and subsequent sections renumbered:

~~210.17 Private Streets, Parking Lots, and Common Driveways~~

~~Streets, parking lots, and common driveways on private property shall meet the requirements of the *Development Code* and this manual. The Engineer shall provide a pavement section designed to support an 80,000 pound truck in all local weather conditions and ground conditions. This design must meet or exceed the following minimum standards:~~

~~A. Areas used for City required parking or for maneuvering of vehicles shall have a durable hard surface as follows:~~

- ~~1. In all residential areas, a the minimum pavement section shall be 3 inches of asphalt over 2 inches of ¾ inch — 0 inch compacted crushed rock aggregate leveling course over 8 inches~~

~~of compacted 1 ½ inch — 0 inch crushed rock aggregate base course or shall be 4 inches of portland cement concrete over 2 inches of 1 ½ inch — 0 inch compacted crushed rock aggregate base course over subgrade compacted to 95 percent AASHTO T-99.~~

~~2. In commercial and industrial areas, the minimum pavement section shall be 3 inches of asphalt over 4 inches of compacted 1 ½ inch — 0 inch crushed rock aggregate base course or shall be 5 inches of portland cement concrete over 2 inches of compacted 1 ½ inch — 0 inch crushed rock aggregate base course over subgrade compacted to 95 percent AASHTO T-99.~~

~~B. The parking surface shall be placed on a well compacted subgrade.~~

~~C. All required parking spaces shall be striped.~~

~~Private streets serving residential areas shall be designed with travel lanes at or above the 25-year flood elevation but not lower than 6 inches below the 100-year flood elevation.~~

~~For a driveway or private street serving more than three single family homes, the required hard surface shall have a minimum unobstructed width of 20 feet. An easement or similar dedication shall be provided to assure maintenance of the required unobstructed width.~~

~~-Diagram~~

~~Parking access drives shall not be more than 50 feet in width.~~

~~On access drives that connect to a public street, there shall be no parking stalls within 20 feet of the right-of-way of the public street.~~

~~Access drives shall be located not closer than five (5) feet to a side lot line, except that a common access drive to two adjacent properties (width not exceeding 50 feet) may be provided at the common lot line.~~

~~Parking spaces along the outer boundaries of a parking area, except where specifically prohibited, shall be designed to include a continuous curb a minimum of four (4) inches high located not less than six (6) feet from the property line. The purpose of the curb is to prevent a motor vehicle from extending over an adjacent property line or a street right-of-way. The curb shall be a barrier type curb per the standard drawing for "Type A Replacement Curb," except that it may be four (4) to six (6) inches high rather than six (6) inches high as shown in that standard drawing.~~

~~The maximum longitudinal grade for private streets and driveways serving two or more single family homes shall be 15.0 percent, with intersection areas no steeper than 5.0 percent. Access grades shall not exceed 20 percent unless approved by the City Engineer. In instances where grades exceed 20 percent, it must be demonstrated to the City Engineer that the access grade will allow a standard automobile to pass the grade.~~

~~*****~~

Section 14: The Engineering Design Manual and Standard Drawings, Chapter III, Storm Drainage, 310 is amended to read:

310 GENERAL

C. The City does not allow outside drop manholes in new sewer lines. All enclosed inside drops, pollution control, and flow control manholes shall be constructed with pipe or structural partition. No fiberglass or plastic panel partitions will be allowed. ~~no partitions will be allowed.~~ Water quality vaults with a minimum horizontal dimension of five feet by seven and one-half feet may have a partition as specifically approved by the City Engineer on a case-by-case basis.

L. Manhole barrels that are less than 36-inches high from top of manhole cover to top of pipe shall be constructed using short cones (or "shorty" cones) rather than "flat-tops" unless otherwise specified by the City Engineer. Short cones shall be as manufactured by Cascade Concrete Products, Inc., Scappoose, Oregon, or Hanson Pipe and Products, Portland, Oregon. (Other manufacturers' short cones may be approved by the City Engineer as a Design Modification if, in the judgment of the City Engineer, the manufacturer has submitted sufficient structural calculations demonstrating that their short cone meets all City requirements.) Flat-tops may only be used in the construction of shallow manholes that are less than 20-inches high from top of manhole cover to top of pipe (i.e., in cases where the shortest available approved short cone would be too high). The use of a flat-top in such cases requires the express prior approval of the City Engineer as a Design Modification pursuant to Section 145. The structural design of flat-tops shall conform to CWS standards, except that the CWS "optional rubber gasket flat top" is not approved by the City. Manhole barrels that are less than 36-inches high (i.e. section total length) shall be constructed using "shorty cones" rather than flat-tops. Flat-tops may only be used in constructing manholes less than 29-inches high, from top of manhole cover to top of pipe, and with the express approval of the City Engineer.

M. All manholes, including 60-inch and larger oversized manholes (manholes with diameters greater than 48-inches), shall have tongue and groove or key lock joints with flush exterior walls at the joints. Bell and spigot pipe with the outside diameter of the bells larger than the outside diameter of the pipe is not acceptable. This precludes the use of Clean Water Services' (CWS) standard drawing No. 030 "Precast Rubber Gasket Manhole" in CWS's "Design and Construction Standards for Sanitary Sewer and Surface Water Management." The manhole joints shown in this standard drawing are not approved for use in the City of Beaverton.

N. Pipe manufacturers supplying oversized manholes (manholes with diameters greater than 48-inches) in the City of Beaverton shall use the wet pour pre-cast process for the manufacture of flush-walled manhole joints. During the wet pour process, the

manufacturer shall provide block-out openings in the walls of the manholes for pipe penetrations. Each such opening shall be provided with additional steel reinforcement around it where required to meet ASTM standards for manholes.

- O. All manhole joints shall be grouted with “Tams Speedcrete Redline” non-shrink grout or “Allcrete” non-shrink grout. Contractor shall not re-temper grout after initial mixing. Any re-tempered grout shall be rejected.
- P. Contrary to ASTM Standard Specification No. C 478, Section 9, the City of Beaverton does not allow the repair of manhole products used in new manholes, except that the City may allow a repair on a project-specific basis where the City finds that there are sufficient extenuating circumstances, a repair method acceptable to the City is proposed, and sufficient additional maintenance securities are submitted to the City before the repair(s) is/are made. Any manhole products exhibiting imperfections in manufacture, damage during handling or other damage shall be rejected, except in the following cases:
1. The City Engineer may approve a repair of a new manhole if the applicant submits a Request for Design Modification detailing the extent of the defect or damage, the method of repair and all other documentation required by section 145 of the Manual and the City Engineer, the repair is made in accordance with the repair method that the City Engineer has approved previously, and the repair passes all tests required by the City.
 2. The City Engineer may allow the repair of a manhole with a pre-cast opening for a pipe penetration that becomes unnecessary or is incorrectly located if the repair is performed by the manufacturer pursuant to ASTM C 478, section 8.2.1.6 and passes all tests required by ASTM C 478 and the City.
 3. Generally, the City Engineer will only approve Requests for Design Modifications for field repairs if the repairs are very minor and do not affect the structural integrity of the manhole. Manhole products that are field-repaired and do not pass the tests referenced above shall be rejected. Rejected repairs may be corrected no more than three (3) times, after which the City Engineer may require that the unsatisfactorily repaired product or products be replaced by a new, defect-free product or products meeting all City requirements, and at no cost to the City. Field repairs made without the City Engineer’s prior approval shall be rejected without exception.
 4. Manhole channels constructed with insufficient depth shall be repaired only by removing the defective channel completely and re-pouring the channel to the correct depth in accordance with CWS standards. Adding a layer of non-shrink grout to the top of the manhole floor to increase the channel’s depth is not acceptable.
- Q. Storm water structures employing proprietary water quality equipment within the structure shall be drawn to scale. The equipment’s manufacturer, model number, outside dimensions, “in” and “out” pipe sizes, materials, invert elevations and method(s) of attachment, shall be clearly noted in the drawings. The minimum

clearance between any equipment, supports, or connections that requires side access for maintenance, repair or replacement and any interior wall shall be twenty-seven (27) inches except for removable filter-cartridge canister installations.

R. Non-shrink grout used in storm water structures shall be "Tams Speedcrete Redline" non-shrink grout or "Allcrete" non-shrink grout. Contractor shall not re-temper grout after initial mixing. Any re-tempered grout shall be rejected.

S. M. Type CG-2 catch basins may be used as access structures, but in no case shall two (2) consecutive catch basins on a storm sewer line be used as access structures.

T. N. Unless expressly approved by the City Engineer, no repair sleeves shall be installed on new lines.

U. O. No manhole shall be placed where future maintenance access cannot be assured. Where practical, a hard all-weather surface capable of supporting an 80,000-pound vehicle in all weather conditions shall be constructed to provide access to manholes in common areas or parks. Maintenance accesses shall conform to the following requirements:

1. The hard, all-weather surface shall meet the following minimum criteria:

- a. Three (3) inches of class "C" asphaltic concrete; over two (2) inches of ¾ inch - 0 inch compacted crushed rock; over six (6) inches of 1½ inch - 0 inch compacted crushed rock; over subgrade compacted to 95-percent AASHTO T-99; or,
- b. The design engineer may submit a certified road design capable of supporting an 80,000-pound vehicle in all weather conditions.

2. The access shall include strengthened sidewalk sections designed for driveway crossings per the Standard Drawings for sidewalks where maintenance vehicles will cross.

3. Maximum grade shall be ten (10) percent with a maximum three (3) percent cross slope. All turn-arounds and landings shall have a maximum slope of five (5) percent in any direction.

4. The minimum pavement width shall be 12 feet on straight runs and 15 feet on curves. Curves shall be designed with a minimum of a 40-foot interior radius.

5. The access shall be designed with approved grading and drainage to protect the access and adjacent land from erosion and flooding from concentrated and diverted surface drainage.

V. P. To the extent commercially reasonable and practicable, catch basins in private roads or streets serving residential lots shall only be of the type approved by the City for public streets and for the specific conditions of service. (Catch basins of the type approved for

private drainage systems are discouraged by the City in residential subdivisions because they require frequent maintenance, which often becomes an onerous burden on the lot owners served by the private streets.) Private-type catch basins shall be used only within residential subdivisions as expressly directed by the City Engineer. An engineer desiring to include a private-type catch basin in a private road or street design within a residential subdivision shall submit to the City Engineer a written request for approval accompanied by cost data, technical information, references, and documentation in support of the request. The requirements of this paragraph shall not in any way obligate the City to maintain catch basins connected to private drainage systems, regardless of catch basin type, whether approved by the City Engineer or not.

- W.** ~~Q.~~ Prior to acceptance, all new public storm sewer lines shall be thoroughly cleaned, mandrelled and TV scanned in accordance with the City's requirements for such work. Such work shall be performed prior to paving over said lines and again a second time during the maintenance period or as directed by the City Engineer.

Section 15: The Engineering Design Manual and Standard Drawings, Chapter III, Storm Drainage, add new section 316 Parking Lot Detention Ponds to read:

316 Parking Lot Detention Ponds

- A. This section applies to parking lot detention ponds that occupy all, or parts of, the paved or landscaped areas of a parking lot, or a combination thereof.**
- B. Applicants are advised to refer to Chapter II for related requirements pertaining to parking lots and their driveways, because those requirements may affect the design of the parking lot detention pond.**
- C. A person requesting the City's consideration of an on-site parking lot storm water detention pond as an alternative to other methods of storm water detention storage shall submit to the City Engineer a written application for a section 145 Design Modification containing the information required by that section, for preliminary approval of the general concept described in the application. However, for the applicant's initial request for City consideration of parking lot detention storage, the City does not require submittal of the formal application form typically required for such requests, which is entitled "Request for a Modification of the Engineering Design Manual." If an applicant wishes to use the formal application form, copies are available in hard copy at the City's Engineering Department or online from the Engineering Department's webpage at the City's Internet website. Otherwise, the applicant may use any application format s/he prefers. In any case the request shall be well organized and reasonably clear and shall contain at least the information required by section 145 of the Manual. In addition, the request shall be accompanied by preliminary construction plans containing a site plan, a grading plan, and a plan showing the approximate area of the proposed detention ponding in plan view, subject to completion of the final grading plan.**

If the general concept is given preliminary, conceptual approval by the City Engineer, the applicant shall submit a completed formal Request for Design Modification form, supporting information, and construction plans to the City for review in accordance with section 145 of the Manual. Three (3) copies of the completed formal request form, supporting information, and the construction plans shall be submitted in hard copy form to the City Engineer for review. The City Engineer may require additional information for clarification purposes. If the application is incomplete, the City Engineer shall return it to the applicant with comments indicating the parts of the application that must be completed. Once the City Engineer deems the application to be complete, s/he may approve the design of the detention pond, approve the design of it with conditions, or deny the application. If the City Engineer denies the application, s/he shall notify the applicant in writing within a reasonable time and explain the reason(s) for denying the application.

- D. When a parking lot storm water detention pond is authorized by the City Engineer, the following standards shall apply:
1. Maximum depth of standing water in all parking lot detention ponds shall not exceed six (6) inches. An unrestricted catch basin, approved overflow device, approved overflow conveyance route or other approved means shall be provided to ensure the maximum pond depth is not exceeded.
 2. No more than fifty (50) percent of the area of any parking lot on a property shall be designed to be inundated by detention ponding.
 3. When any part of a landscaped area of a parking lot is within a detention pond area, the landscaped area shall be surfaced with lawn grass, bricks, asphalt concrete, stone or concrete pavers or other hard, durable surfacing, or a combination thereof. Trash cans, bark products, trees, shrubs, and plants (other than lawn grass) are not allowed in parking lot detention pond areas. To prevent debris from plugging detention pond drains, the landscaped areas shall be properly and regularly maintained, and shall be kept free of lawn cuttings, trash, and other loose debris at all times.
 4. No parking lot detention pond shall be located within the primary ingress/egress portions of a site. Parking lot detention ponds shall be designed so that, at maximum water level for the design storm, a minimum twenty (20) foot wide emergency vehicle lane to the buildings will remain unflooded, including during storm drainage system overflow conditions.
 5. No more than thirty (30) percent of the area of any parking stall shall be within a parking lot detention pond area except as otherwise required by subsections 6. and 7. below.
 6. No parking lot detention pond shall obstruct pedestrian access to vehicles, buildings or other improvements or areas served by the parking lot.

7. No part of a parking lot detention pond area shall be located within any parking stall, access aisle or accessible route provided for persons with disabilities.
8. In areas of parking lots designed for vehicular traffic, the detention pond areas may not slope less than one (1) percent or more than five (5) percent.
9. All parking lot detention ponds shall be designed and constructed in such a manner so as to provide a maximum water surface elevation 0.25 feet lower than any and all structures designed to contain the pond (i.e., a 0.25-foot freeboard shall be provided.)
10. Where curbing is used to contain a parking lot detention pond, extruded curbing shall not be used. A standard "Type A Replacement Curb," as shown in the Standard Drawings, shall be used.
11. No parking lot detention pond shall have a maximum or overflow water surface elevation that is higher than one (1) foot below the lowest habitable floor elevation of buildings within the proximity of the pond. Under no circumstance shall detention ponds or related storm water facilities be designed in such a manner that system failure would cause flooding in any habitable building area or compromise the structural integrity of the foundation of a habitable building.
12. No parking lot detention pond shall be designed to occupy any part of a parking lot under a building. Whenever the possibility of flooding an underground parking facility or other uninhabited building area exists, care shall be taken to floodproof electrical equipment areas and other building appurtenances with overflow and/or private pump systems being provided to drain such a flooded facility.
13. All construction plans relating to parking lot detention pond areas shall include a note stating that "Grading is critical to proper functioning of the detention system, and grades for detention pond areas shown on the plan(s) must be strictly followed."
14. The design volumes of parking lot detention ponds shall be shown on the plans and, prior to paving, all detention pond areas shall be inspected for consistency with the design volumes. The Design Engineer or Architect shall certify that the design pond volume(s) has/have been properly constructed in full accordance with the plans.
15. In addition to meeting the requirements above, those areas of parking lots serving as detention ponds shall meet all other requirements of the Manual.

Section 16: The Engineering Design Manual and Standard Drawings, Chapter IV, Traffic Devices and Street Illumination, section 450 Street Illumination is amended to read:

450 STREET ILLUMINATION

450.1 General Design

All street lighting shall be designed using the Illuminating Engineering Society guidelines as modified in this manual. **Street lighting fixture style and aesthetic elements shall be determined through the development review process.** All street light poles should be located near property lines and at least 25 feet from any trees, unless otherwise pre-approved in writing by the Operations Director.

Section 17: The Engineering Design Manual and Standard Drawings, Chapter V, Sanitary Sewer System, 510 General is amended and renumbered to read:

510.B.

- 4. All manholes, including 60-inch and larger oversized manholes, shall have tongue and groove or key lock joints with flush exterior walls at the joints. Bell and spigot pipe with the outside diameter of the bells larger than the outside diameter of the pipe is not acceptable. This precludes the use of Clean Water Services' (CWS) standard drawing No. 030 "Precast Rubber Gasket Manhole" in CWS's "Design and Construction Standards for Sanitary Sewer and Surface Water Management." The manhole joints shown in this standard drawing are not approved for use in the City of Beaverton.**
- 5. Manhole barrels that are less than 36-inches high from top of manhole cover to top of pipe shall be constructed using short cones (or "shorty" cones) rather than "flat-tops" unless otherwise specified by the City Engineer. Short cones shall be as manufactured by Cascade Concrete Products, Inc., Scappoose, Oregon, or Hanson Pipe and Products, Portland, Oregon. (Other manufacturers' short cones may be approved by the City Engineer as a Design Modification if, in the judgment of the City Engineer, the manufacturer has submitted sufficient structural calculations demonstrating that their short cone meets all City requirements.) Flat-tops may only be used in the construction of shallow manholes that are less than 20-inches high from top of manhole cover to top of pipe (i.e., in cases where the shortest available approved short cone would be too high). The use of a flat-top in such cases requires the express prior approval of the City Engineer as a Design Modification pursuant to Section 145. The structural design of flat-tops shall conform to CWS standards, except that the CWS "optional rubber gasket flat top" is not approved by the City.**
- 6. Pipe manufacturers supplying oversized manholes (manholes with diameters greater than 48-inches) in the City of Beaverton shall use the wet pour pre-cast**

process to manufacture manholes with flush-walled manhole joints. During the wet pour process, the manufacturer shall provide block-out openings in the walls of the manholes for pipe penetrations. Each such opening shall be provided with additional steel reinforcement around it as required to meet ASTM standards for pre-cast manholes.

7. All manhole joints shall be grouted with "Tams Speedcrete Redline" non-shrink grout or "Allcrete" non-shrink grout. Contractor shall not re-temper grout after initial mixing. Any re-tempered grout shall be rejected.

8. Paving rings are not allowed without the City's Engineer's written approval except on overlay projects.

9. Adjustment of manhole castings shall conform to the City's standard drawing for same.

C. Contrary to ASTM Standard Specification No. C 478, Section 9, the City of Beaverton does not allow the repair of manhole products used in new manholes, except that the City may allow a repair on a project-specific basis where the City finds that there are sufficient extenuating circumstances, a repair method acceptable to the City is proposed, and sufficient additional maintenance securities are submitted to the City before the repair(s) is/are made. Any manhole products exhibiting imperfections in manufacture, damage during handling or other damage shall be rejected, except in the following cases:

Repair of new manhole components shall conform to the following requirements:

1. The City Engineer may approve a proposed repair of a new manhole component that is defective or damaged if the applicant submits a Request for Design Modification detailing the extent of the defect or damage, the method of repair and all other documentation required by Section 145 of the Manual and the City Engineer, the repair is made in accordance with the City Engineer's prior approval of the repair method, and the repair passes all tests required by the City.
2. Generally, the City Engineer will approve Requests for Design Modifications for field repairs only if the repairs are very minor and do not affect the structural integrity of the manhole. Manhole products that are field-repaired and do not pass the tests referenced above shall be rejected. Rejected repairs may be corrected no more than two (2) times, after which the City Engineer may require that the unsatisfactorily repaired product or products be replaced by a new, defect-free product or products meeting all City requirements, and at no cost to the City. If a field repair is made without the City Engineer's prior approval, the City Engineer may reject the field-repair and require correction of the repair or may require that the repaired manhole product be replaced with a new one.
3. The City Engineer may allow the repair of a manhole with a pre-cast opening ("block-out") for a pipe penetration that is incorrectly located or becomes unnecessary if the repair is performed by the manufacturer pursuant to ASTM C 478, section 8.2.1.6 and passes all tests required by ASTM C 478 and the City.

4. Manhole channels constructed with insufficient depth shall be repaired only by removing the defective channel completely and re-pouring the channel to the correct depth in accordance with CWS standards. Adding a layer of non-shrink grout to the top of the manhole floor to increase the channel's depth is not acceptable.

~~E.D.~~ The City does not allow outside drop manholes in new sewer lines. All enclosed inside drops must be constructed with pipe; no partitions will be allowed.

~~F.E.~~ All inside drop manholes must be 60-inch diameter or larger diameter structures, or equivalently sized rectangular structures approved by the City Engineer.

~~G.~~ Manhole barrels that are less than 36 inches high (i.e., section total length) shall be constructed using "shorty cones" rather than flat tops. Flat tops may only be used in constructing manholes less than 20 inches high, from top of manhole cover to top of pipe and with the express approval of the City Engineer.

Section 18: The Engineering Design Manual Chapter VII Bicycle and Pedestrian Facilities is amended to read:

720.9 Structures

Shared-use paths constructed on steep hillsides slopes or along drainage ditches where the fill is steeper than 3 to 1 shall be protected with a handrail system.

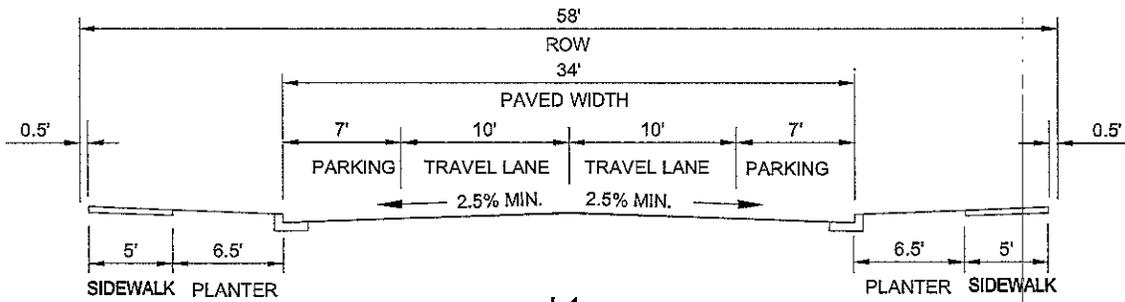
An overpass, underpass, small bridge, or facility on a highway bridge may be necessary to provide continuity to a shared-use path. ~~On new structures,~~ The minimum clear width **shall** ~~should~~ be the same as the approach **clear width of the** paved shared-use path and the desirable clear width should include the minimum 1-foot side clear areas **as required by 720.1.**

Section 19: The Engineering Design Manual and Standard Drawings Chapter VIII is amended as follows:

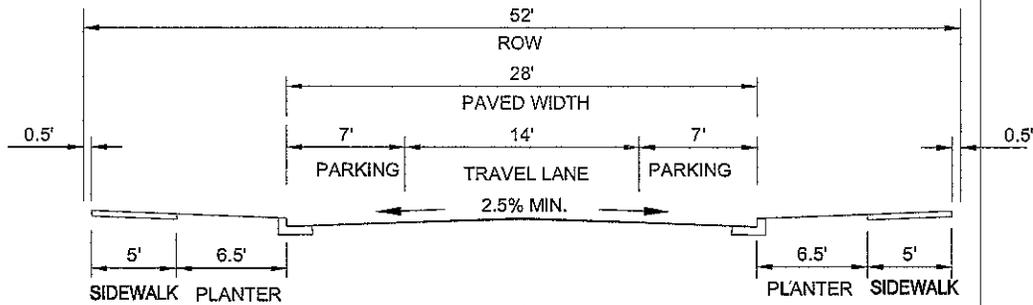
1. Drawing No. 104 and Drawing No. 111 minimum infill standards are deleted.
2. Drawing No. 103 is amended to add a Note 5: Note 5: **For cul-de-sac requirements, see Beaverton Standard dwg 110.**
3. Drawing No. 110, Notes 2 through 5 are deleted, Note 6 renumbered as Note 2, and Note 3 added as follows: **Note: 3. On a cul-de-sac serving only residential uses and having no more than five abutting residential units, the dimensions of the cul-de-sac bulb may be reduced to provide a minimum 24-foot radius to face of curb, a minimum 30-foot**

radius to right of way, a minimum 5-foot wide curb tight sidewalk (measured from back of curb) and easements for street trees and street lighting outside the right of way.

4. Drawing No. 130 shall be replaced by new or re-numbered Drawings No. 130, 131 and 135 through 138.
5. In Drawing No. 210, "NTS" (Not To Scale) shall be removed from this drawing because it duplicates the explanation in Section 810.2 and therefore does not appear in other drawings. Also, the reference to "2" of $\frac{3}{4}$ " - 0 gravel base" shall be changed to read "2" of compacted $\frac{3}{4}$ " - 0 crushed rock aggregate base."
6. In Drawing No. 211, the reference to "2" of $\frac{3}{4}$ " - 0 gravel base" shall be changed to read "2" of compacted $\frac{3}{4}$ " - 0 crushed rock aggregate base."
7. In Drawing No. 215, the reference to "2" of $\frac{3}{4}$ " - 0 rock" shall be changed to read "2" of compacted $\frac{3}{4}$ " - 0 crushed rock aggregate base.
8. In Drawing No. 216, the reference to "2" of $\frac{3}{4}$ " - 0 rock" shall be changed to "2" of compacted $\frac{3}{4}$ " - 0 crushed rock aggregate base."
9. Drawing No. 217, "Sidewalk Transition Section" is added.
10. Drawing No. 236, "Standard Block Wall" is added.
11. Drawing No.s 300 "Pipe Trench Backfill and Surface Restoration," 301 "Conduit Trench Backfill and Surface Restoration," 302 Street Resurfacing on Asphalt Concrete Paved Streets," 305 Street Cut in PCC Pavement Perpendicular or Skewed to Centerline," 306 "Street Cut in PCC Pavement Parallel to Centerline," 310 Corrective A.C. Pavement Inlay Example 'A-1' for Utility Cut or Trench," 311 "Corrective AC Pavement Inlay Example 'A-2' for Utility Cut or Trench," 312 "Corrective AC Pavement Inlay Example 'A-3' for Utility Cut or Trench," 313 "Corrective AC Pavement Inlay Example 'B-1' for Utility Cut or Trench," 314 "Corrective AC Pavement Inlay Example 'B-2' for Utility Cut or Trench," 315 "Corrective AC Pavement Inlay Example 'B-3' for Utility Cut or Trench," 336 "Short Manhole Cone" are added. All of the existing 300 series drawings are renumbered.
12. In Drawing No. 400, add note #3.
13. In Drawing No. 415, the type face is changed, and notes and dimensions shall be added.
14. Drawings No. 416 "Private Street Sign" and No. 417, "Private Driveway Sign" are added.
15. In Drawings No. 665, No. 670, and No. 671, the sump is added or changed and the notes are reorganized for clarity.

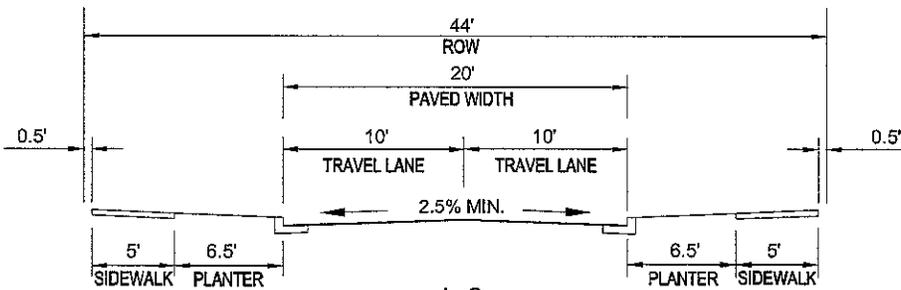


L1



L2

FOR ADT OF ≤500 VEHICLES PER DAY



L3

NO PARKING

FOR ADT OF ≤500 VEHICLES PER DAY

NOTES:

1. A planter strip is required on all Local Streets.
2. Paved width and planter strip are measured to face of curb.
3. Provide 0.5 feet from right-of-way line to the back of sidewalk for maintenance and survey monument protection.
4. Street trees and street lights are required and shall be located within the planter strip.
5. For cul-de-sac requirements, see *Beaverton Standard dwg 110*.



City Of Beaverton

PUBLIC WORKS
DEPARTMENT

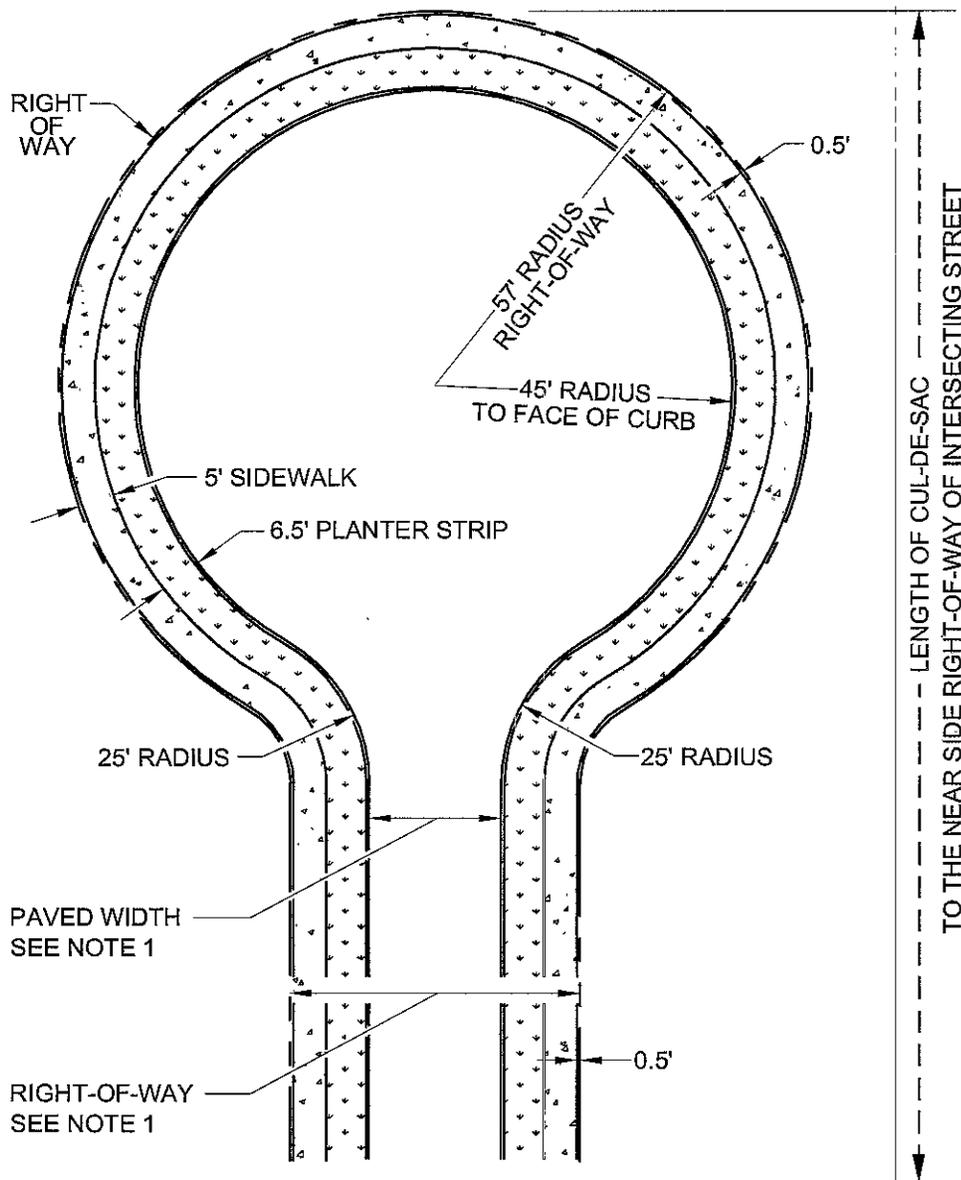
MINIMUM
LOCAL STREET WIDTHS

TRAFFIC ENGINEER
Randall R. Wooley

DATE
3 - 20 - 06

DRAWN BY
JR - CPD

DRAWING NO.
103



NOTES:

1. See *Beaverton Standard Dwg 103* for Local Street right-of-way and paved width standards.
2. Length of cul-de-sac shall not exceed 200 feet.
3. On a cul-de-sac serving only residential uses and having no more than five abutting residential units, the dimensions of the cul-de-sac bulb may be reduced to provide:
 - a. a minimum 24 foot radius to face of curb,
 - b. a minimum 30 foot radius to right of way,
 - c. a minimum 5 foot wide curb tight sidewalk (measured from back of curb) with easements for street trees and street lighting outside of the right of way.



City Of Beaverton

PUBLIC WORKS
DEPARTMENT

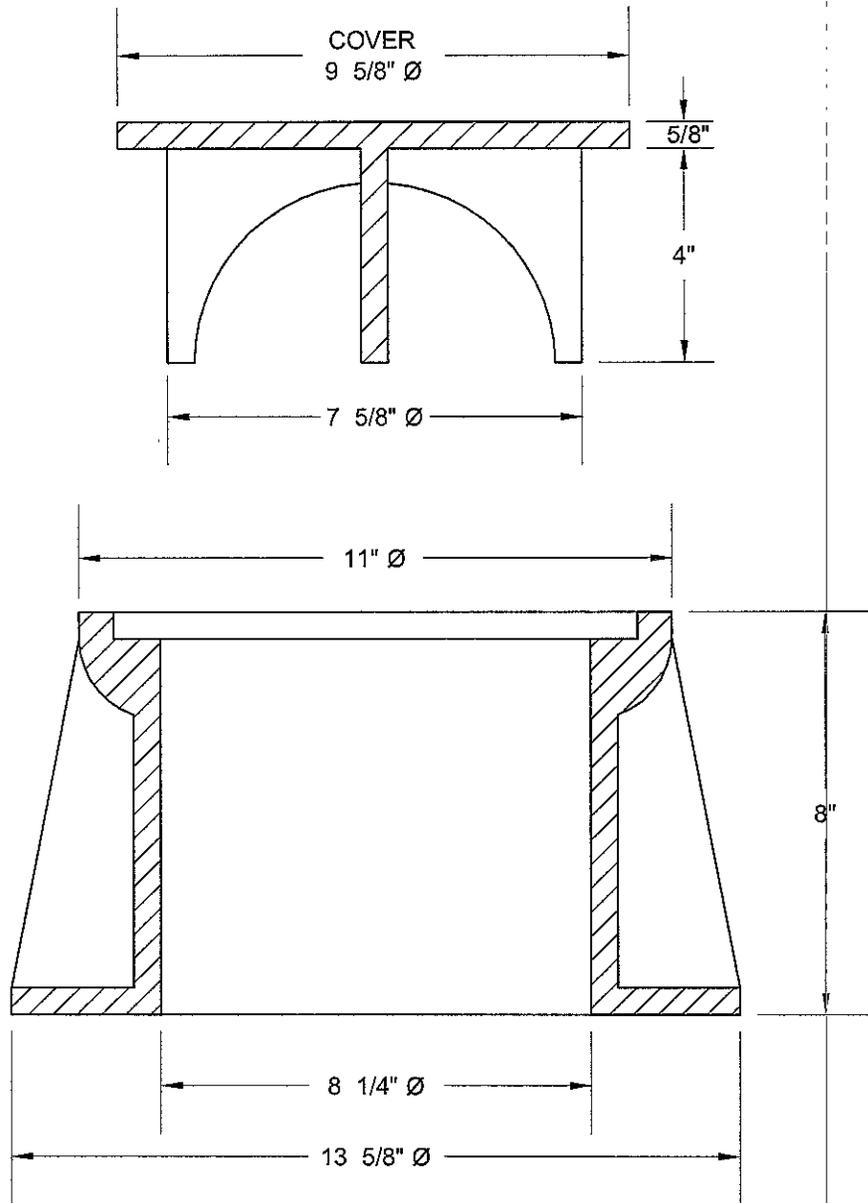
MINIMUM
CUL-DE-SAC STANDARDS

TRAFFIC ENGINEER
Randall R. Wooley

DATE
3 - 20 - 06

DRAWN BY
JR - CPD

DRAWING NO.
110



BOX SECTION

NOTES:

1. Standard monument box for AC pavement shall be cast iron with 8-inch minimum inside diameter, *Olympic Foundry # M1014* or equal.
2. Matching monument box cover shall be cast iron with MON or MONUMENT cast into the top face, *Olympic Foundry # 14 - 6169* or equal.
3. New manholes are to be located a minimum of 4 feet from center of its base to monument box.



City Of Beaverton

**PUBLIC WORKS
DEPARTMENT**

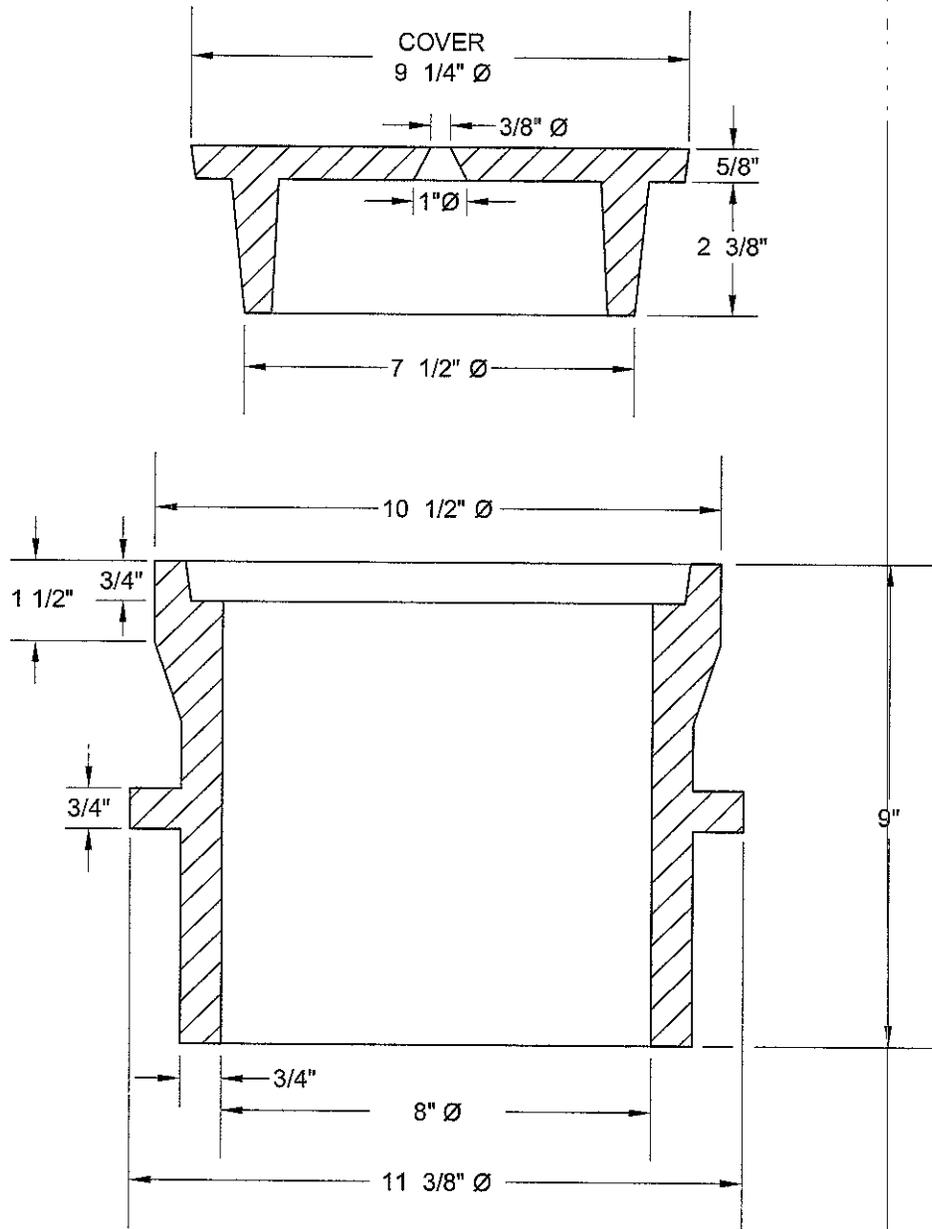
STANDARD AC MONUMENT BOX

CITY ENGINEER
Terry Waldele, P.E.

DATE
5 - 09 - 06

DRAWN BY
JR - CPD

DRAWING NO.
130



BOX SECTION

NOTES:

1. Monument box for PCC pavement shall be cast iron with 8 inch minimum inside diameter, *Olympic Foundry # M1015* or equal.
2. Matching monument box cover shall be cast iron with MON or MONUMENT cast into the top face, *Olympic Foundry # 14 - 6174* or equal.
3. New manholes are to be located a minimum of 4 feet from center of its base to monument box.



City Of Beaverton

**PUBLIC WORKS
DEPARTMENT**

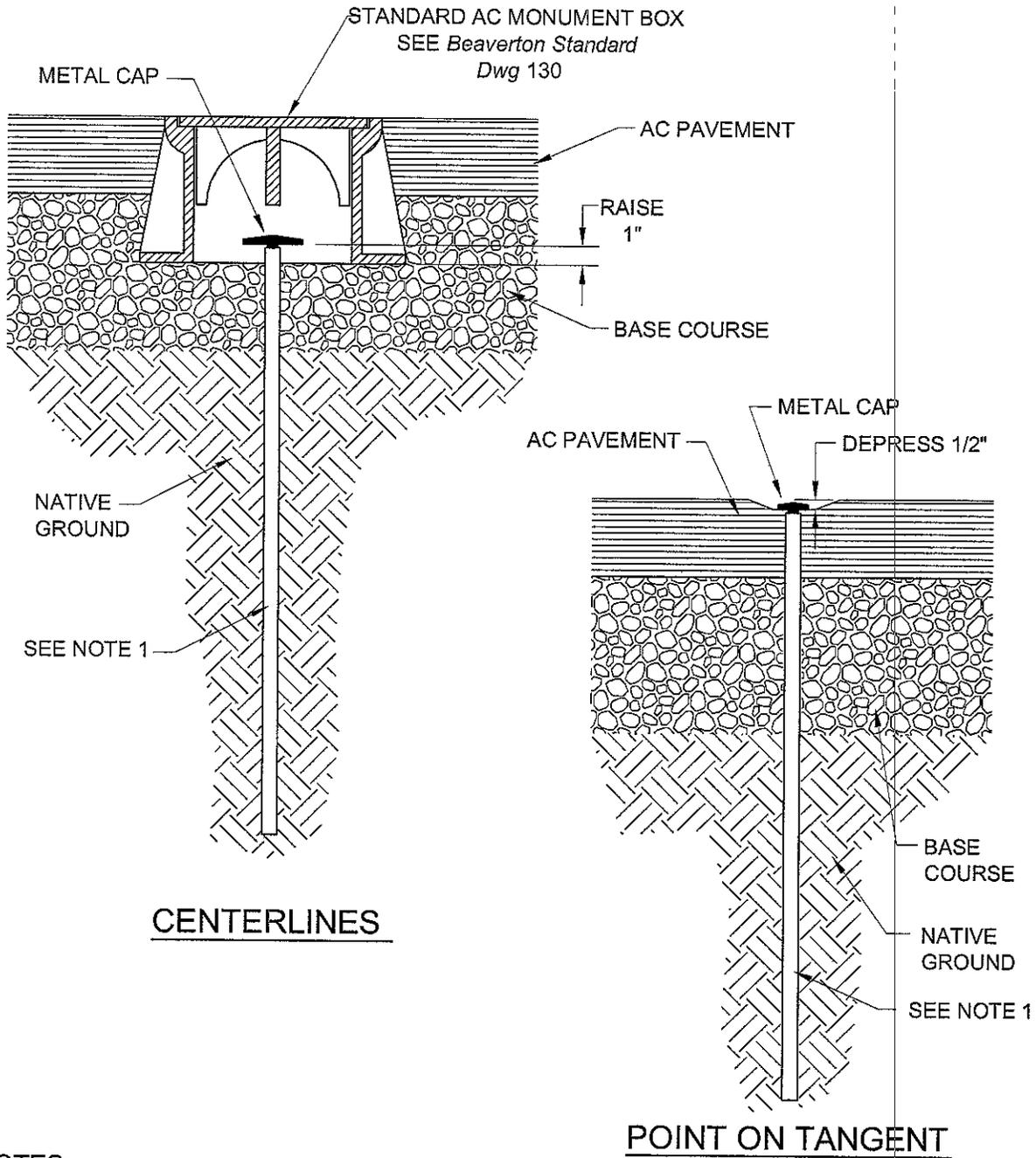
PCC MONUMENT BOX

CITY ENGINEER
Terry Waidele, P.E.

DATE
4 - 27 - 06

DRAWN BY
JR - CPD

DRAWING NO.
131



NOTES:

1. All monuments shall use either $\frac{5}{8}$ inch \varnothing x 30 inches long iron rod or $\frac{3}{4}$ inch \varnothing x 30 inches long iron pipe.
2. All monuments shall be in accordance with the *Oregon Revised Statutes* Chapters 92 and 209.
3. For post-construction monumentation on existing asphalt surfaces, see *Beaverton Standard Dwg 133*.



City Of Beaverton

**PUBLIC WORKS
DEPARTMENT**

**ASPHALT
CENTERLINE MONUMENTS**

CITY ENGINEER
Terry Waldele, P.E.

DATE
4 - 27 - 06

DRAWN BY
JR - CPD

DRAWING NO.
135

METAL CAP SET AT
MIDPOINT OF BOX

PCC PAVEMENT

PCC MONUMENT BOX
SEE *Beaverton Standard
Dwg 131*

6" LENGTH OF 6" Ø THINWALL
PVC PIPE EXTENDING 1"
BELOW SPACER BLOCKS

2" SPACER BLOCK
SEE NOTE 3

BASE COURSE
(IF REQUIRED)
COMPACTED
TO MIN 95%

SUBGRADE
COMPACTED
TO MIN 95%

SEE NOTE 1

CENTERLINES

METAL CAP
PCC PAVEMENT
DEPRESS 1/2"

BASE
COURSE

NATIVE
GROUND

SEE NOTE 1

POINT ON TANGENT

NOTES:

1. All monuments shall use either $\frac{5}{8}$ inch \varnothing x 30 inches long iron rod or $\frac{3}{4}$ inch \varnothing x 30 inches long iron pipe.
2. All monuments shall be in accordance with the *Oregon Revised Statutes* Chapters 92 and 209.
3. Place 3 - 2"x2" spacers, cut from 2" concrete patio block, evenly spaced to match finish grade.
4. For post-construction monumentation on existing asphalt surfaces, see *Beaverton Standard Dwg 133*.



City Of Beaverton

PUBLIC WORKS
DEPARTMENT

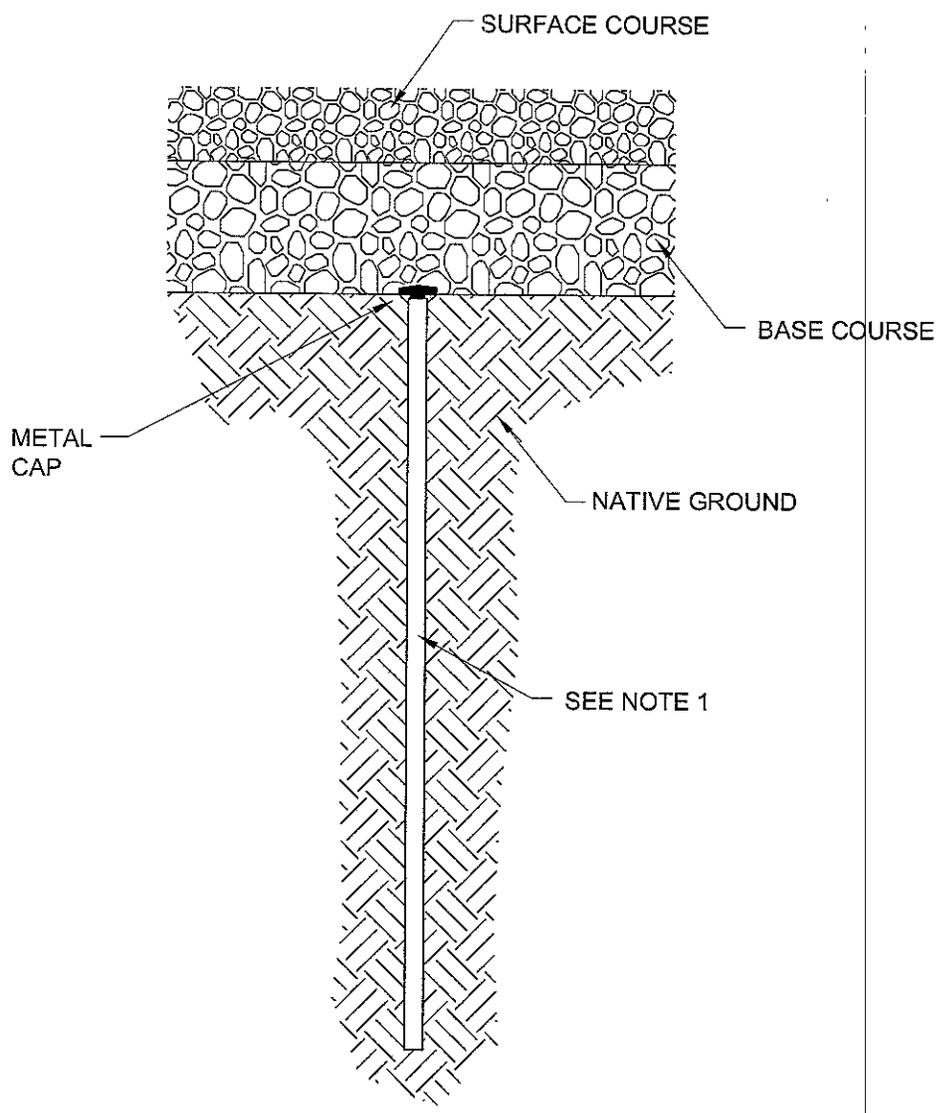
CONCRETE
CENTERLINE MONUMENTS

CITY ENGINEER
Terry Waldele, P.E.

DATE
5 - 10 - 06

DRAWN BY
JR - CPD

DRAWING NO.
136



CENTERLINES

NOTES:

1. All monuments shall use either $\frac{5}{8}$ inch \varnothing x 30 inches long iron rod or $\frac{3}{4}$ inch \varnothing x 30 inches long iron pipe.
2. All monuments shall be in accordance with the *Oregon Revised Statutes* Chapters 92 and 209.



City Of Beaverton

PUBLIC WORKS
DEPARTMENT

GRAVEL
CENTERLINE MONUMENTS

CITY ENGINEER
Terry Waldele, P.E.

DATE
4 - 27 - 06

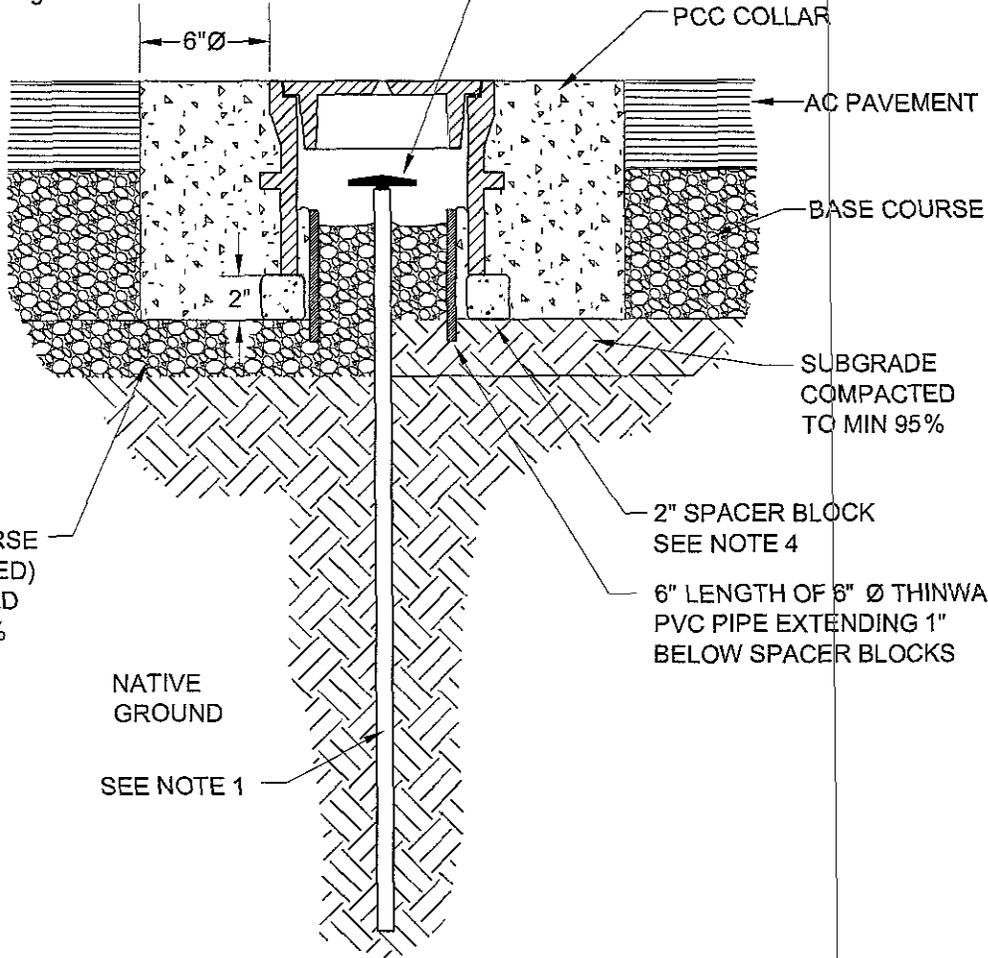
DRAWN BY
JR - CPD

DRAWING NO
137

PCC MONUMENT BOX
SEE *Beaverton Standard*
Dwg 131

METAL CAP SET AT
MIDPOINT OF BOX

PCC COLLAR



CENTERLINES

NOTES:

1. All monuments shall use either $\frac{5}{8}$ inch Ø x 30 inches long iron rod or $\frac{3}{4}$ inch Ø x 30 inches long iron pipe.
2. All monuments shall be in accordance with the *Oregon Revised Statutes* Chapters 92 and 209.
3. Monument box shall be set within a 6 inch wide, round collar of 5,000 psi, high-early Portland Cement Concrete.
4. Place 3 - 2"x2" spacers, cut from 2" concrete patio block, evenly spaced to match finish grade.
5. For post-monumentation on existing concrete surfaces, core-drill or diamond saw-cut is required.



City Of Beaverton

PUBLIC WORKS
DEPARTMENT

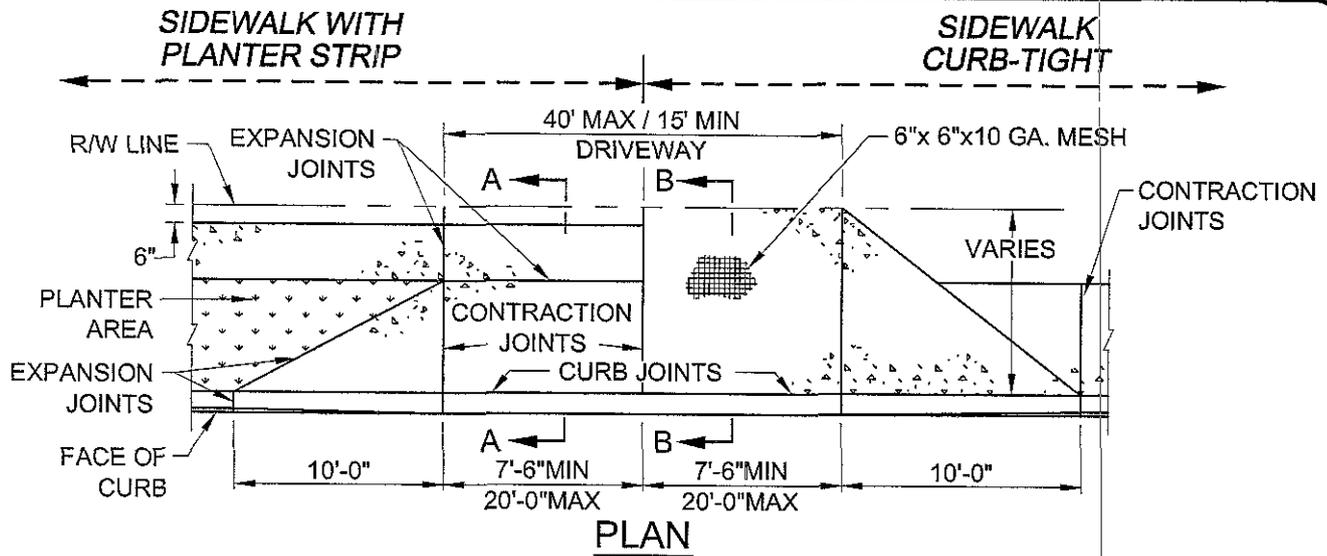
POST-CONSTRUCTION
CENTERLINE MONUMENTS

CITY ENGINEER
Terry Waldele, P.E.

DATE
5 - 10 - 06

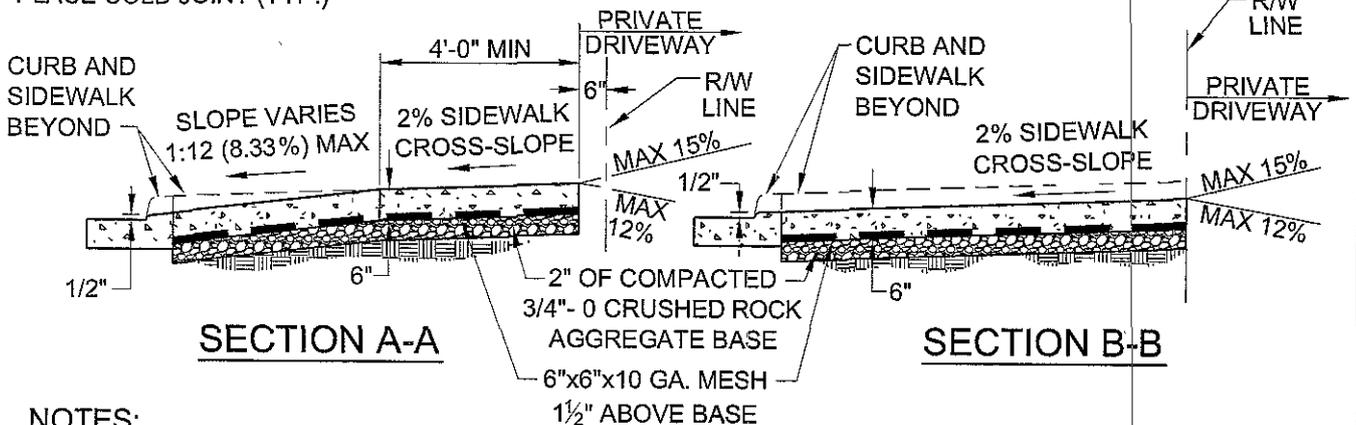
DRAWN BY
JR - CPD

DRAWING NO.
138



ELEVATION

USE EXTG EXPANSION JOINT OR SAWCUT AND PLACE COLD JOINT (TYP.)



NOTES:

1. Section A-A may be used for curb-tight sidewalk driveway aprons if sidewalk's width is 10' or more.
2. Concrete shall have a minimum breaking strength of 4,000 psi after 28 days.
3. Curb joint shall be a troweled joint with a minimum 1/2 inch radius along back of curb.
4. Expansion joints shall be 1/2 inch pre-molded asphalt impregnated material, cedar or approved equal extending from top of base to finished grade.
5. For driveways 24 feet wide or greater, concrete to be increased to a 7 inch depth.
6. Finish with broom and edge all joints.
7. Weepholes not to be placed in wing.
8. If curbing is being removed to install a driveway and the gutter should become separated from the driving surface in excess of 1/16 inch, then the gutter shall also be removed and replaced.
9. Wings of the commercial driveway which are a portion of the sidewalk shall not exceed 8.333% (1:12).
10. ODOT Standard Drawings for driveways may be used when preapproved by City Engineer.
11. Slope of the driveway may be away from the curb when preapproved by City Engineer.



City Of Beaverton

**PUBLIC WORKS
DEPARTMENT**

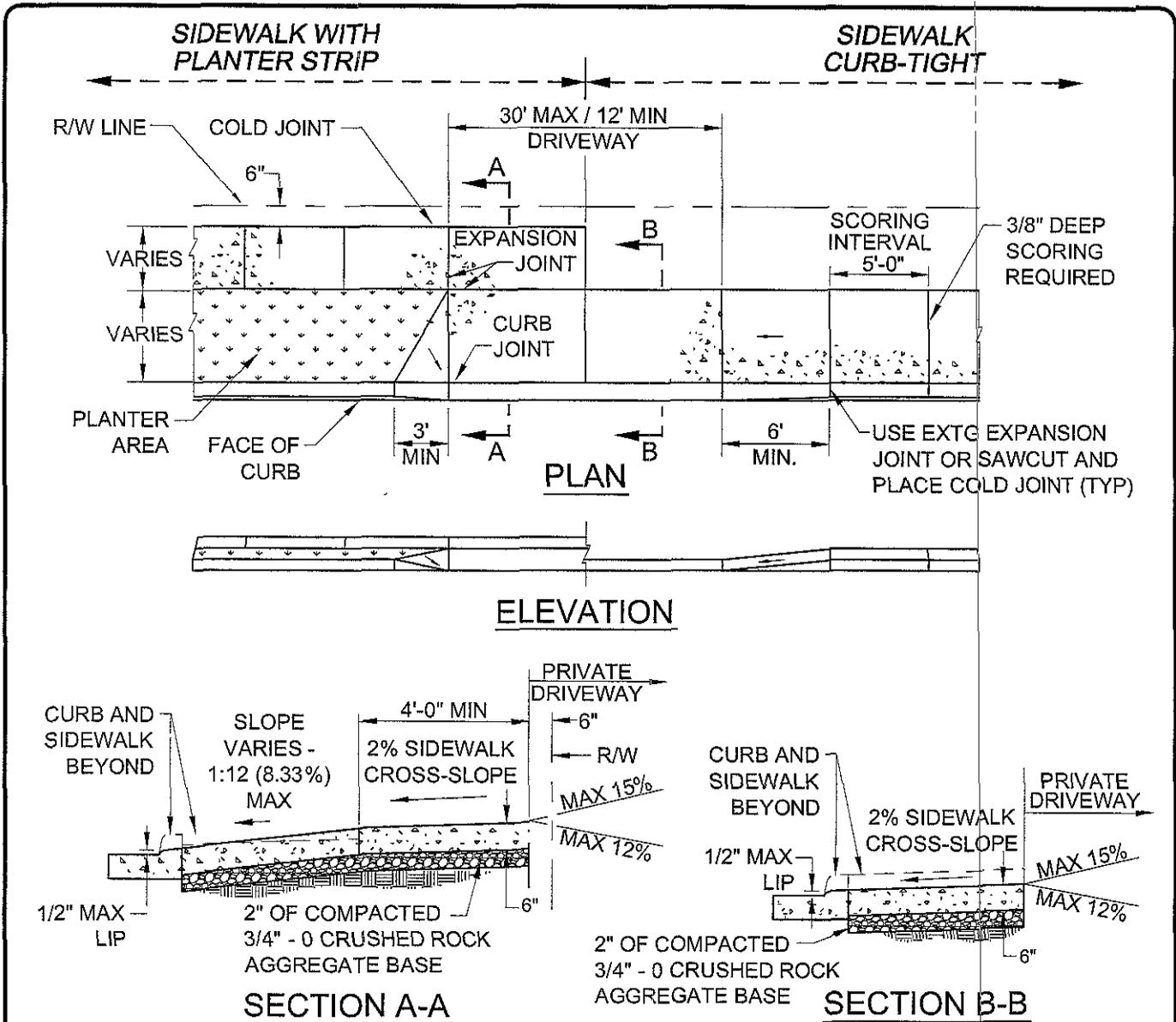
**STANDARD COMMERCIAL
DRIVEWAY**

CITY ENGINEER
Terry Waldele, P.E.

DATE
5 - 05 - 06

DRAWN BY
JR - CPD

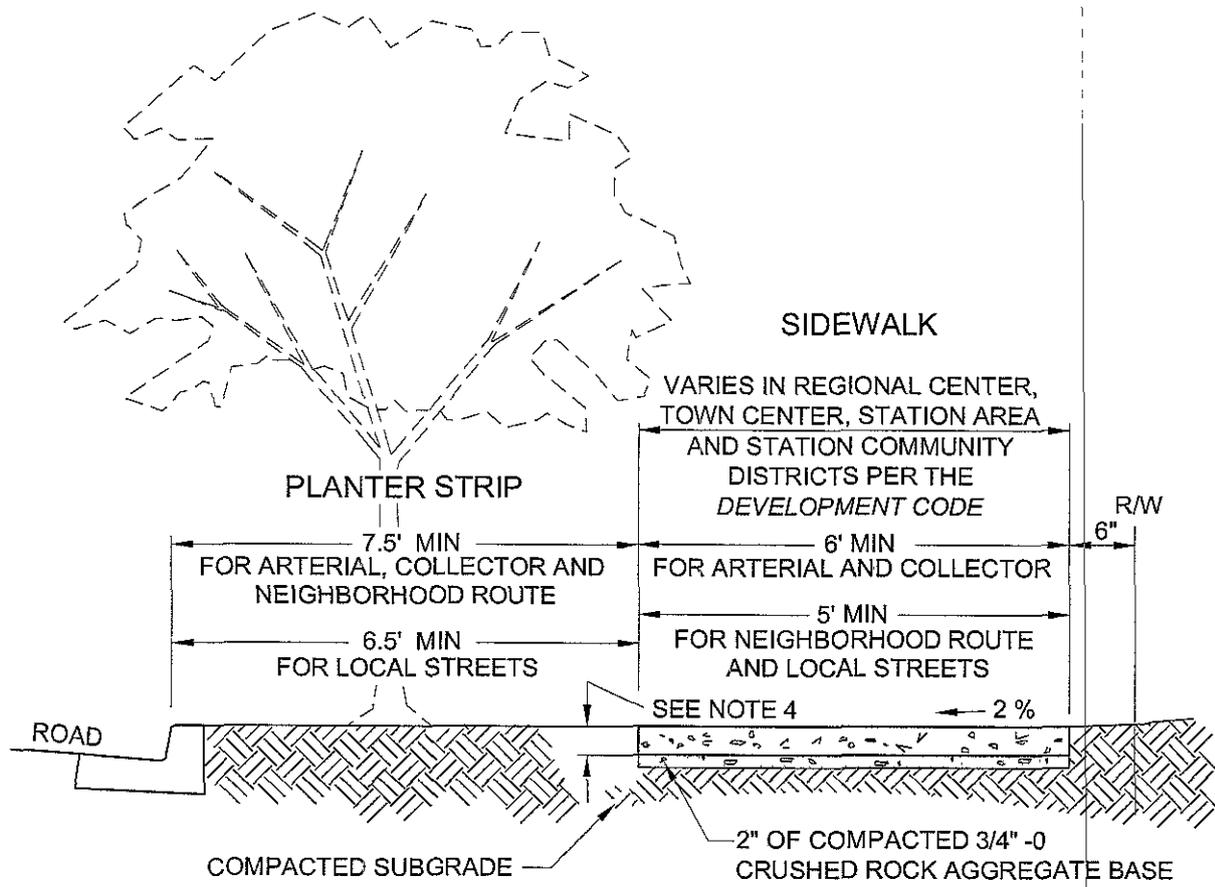
DRAWING NO.
210



- NOTES:**
1. Section A-A may be used for curb-tight sidewalk driveway aprons if sidewalks width is 10' or more.
 2. Concrete shall have a minimum breaking strength of 4,000 psi after 28 days.
 3. Finish with broom and edge all joints.
 4. If curbing is being removed to install a driveway and the gutter should become separated from the driving surface in excess of 1/16 inch, then the gutter shall also be removed and replaced.
 5. Curb joint shall be a troweled joint with a minimum 1/2 inch radius along back of curb.
 6. Expansion joints shall be 1/2 inch pre-molded asphalt impregnated material, cedar or approved equal extending from top of base to finished grade.
 7. Weepholes shall not be placed in wing.
 8. Slope of the driveway may be away from the curb when preapproved by City Engineer.
 9. Refer to *Beaverton Development Code* for additional driveway requirements.



PUBLIC WORKS DEPARTMENT		STANDARD RESIDENTIAL DRIVEWAY	
CITY ENGINEER Terry Waldele, P E	DATE 5-05-06	DRAWN BY JCH - CPD	DRAWING NO. 211



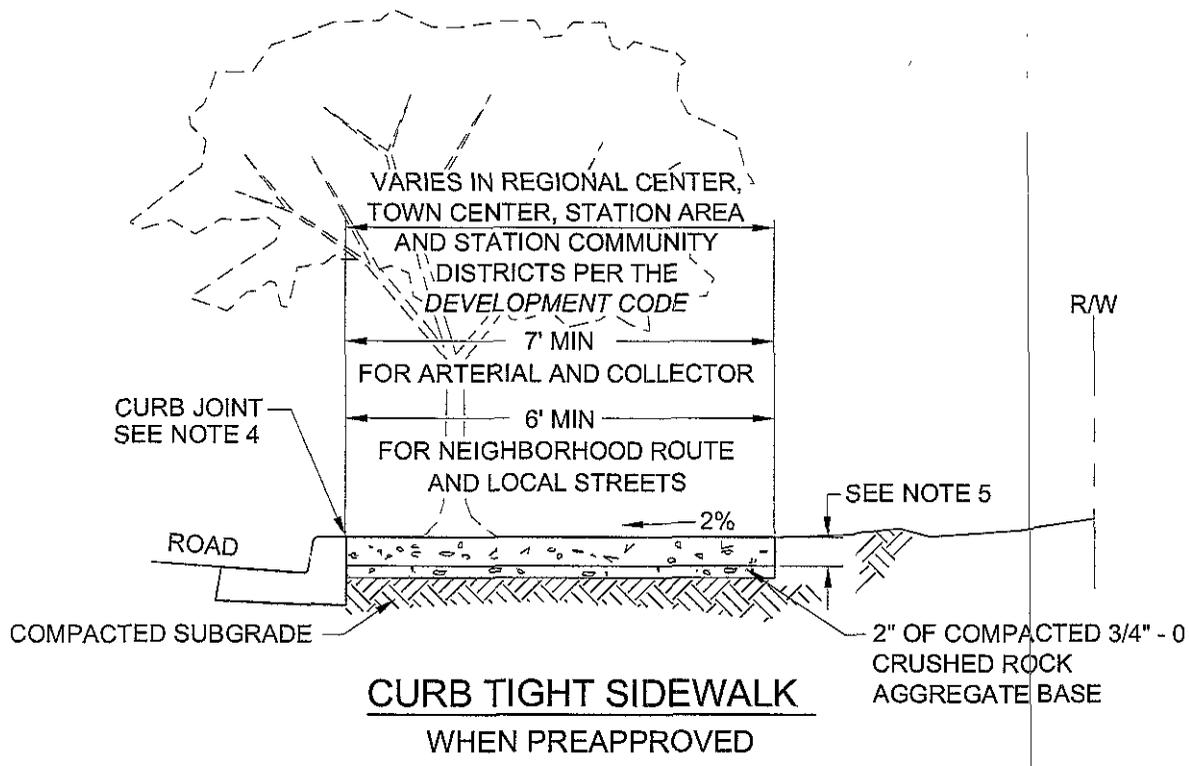
STANDARD SIDEWALK & PLANTER STRIP

NOTES:

1. Concrete shall have a minimum compressive strength of 4,000 psi at 28 days. For slump see specifications.
2. Sidewalk panels shall be square with their length equal to the sidewalk's width, except that sidewalks in the Regional Center, Town Center, Station Area and Station Community districts may be wider than 6 feet, in which cases their panels may be 4 to 6 feet square, but all of equal size.
3. Expansion joints to be placed at sides of driveway approaches, utility vaults, sidewalk ramps and/or at points of tangency in curb as shown on the standard drawings for sidewalk ramps and at spacing not to exceed 45 feet.
4. Sidewalk shall have a minimum thickness of 4 inches, except that sidewalk that is intended as a portion of a driveway shall have a minimum thickness of 6 inches. See *Beaverton Standard Dwgs* 210 & 211.
5. Finish with broom and edge all joints.
6. Width of curb is included in planter strip width.
7. Street trees are required except where specifically modified or waived in writing by the City Engineer.
8. For sidewalk repairs, replacements and installations in existing developments, match existing width of sidewalks, and sidewalk panels' widths and lengths.



PUBLIC WORKS DEPARTMENT		STANDARD SIDEWALK	
TRAFFIC ENGINEER <u>Randall R. Wooley</u>	DATE 5-05-06	DRAWN BY JR - CPD	DRAWING NO. 215



NOTES:

1. Concrete shall have a minimum compressive strength of 4,000 psi at 28 days, For slump see specifications.
2. Sidewalk panels shall be square with their length equal to the sidewalk's width, except that sidewalks in the Regional Center, Town Center, Station Area and Station Community districts may be wider than 6 feet, in which cases their panels may be 4 to 6 feet square, but all of equal size.
3. Expansion joints to be placed at sides of driveway approaches, utility vaults, sidewalk ramps and/or at points of tangency in curb as shown on the standard drawings for sidewalk ramps and at spacing not to exceed 45 feet.
4. For sidewalks adjacent to the curb and poured at the same time as the curb, the joint between them shall be troweled with a minimum 1/2 inch radius.
5. Sidewalk shall have a minimum thickness of 4 inches, except that sidewalk that is intended as a portion of a driveway shall have a minimum thickness of 6 inches. See *Beaverton Standard Dwg 210 & 211*.
6. Where vehicular access across sidewalk is required by City, a 40 foot long section of sidewalk shall be provided in the access area, shall be 6-inches thick and shall be reinforced with 6"x6"x10 ga. steel mesh. Location of 40 foot long section to be as directed by City Engineer.
7. Finish with broom and edge all joints.
8. Street trees, treewells and grates are required except where specifically modified or waived in writing by the City Engineer.
9. For sidewalk widths around grated treewells, and tree grate requirements, see *Beaverton Standard Dwg 241*.
10. For sidewalk repairs, replacements and installations in existing developments, match existing width of sidewalks, and sidewalk panels' widths and lengths.



City Of Beaverton

**PUBLIC WORKS
DEPARTMENT**

**CURB TIGHT SIDEWALK
(WHEN PREAPPROVED)**

TRAFFIC ENGINEER
Randall R. Wooley

DATE
5-05-06

DRAWN BY
JR - CPD

DRAWING NO.
216

SEE NOTE 3

6" R/W

6' OR 7'

CURB & GUTTER

SIDEWALK

10' R

R/W SHIFT

20' TRANSITION

5' R

10' R

PLANTER STRIP

6.5' OR 7.5'

SEE NOTE 2

5' OR 6'

STRAIGHT ROADWAY

SEE NOTE 3

6" R/W

6' OR 7'

CURB & GUTTER

SIDEWALK

45' R
SEE NOTE 4

PRC

PC

5' R

PLANTER STRIP

6.5' OR 7.5'

5' OR 6'

SEE NOTE 2

CUL-DE-SACS & CURVES

NOTES:

1. Design of transition from Standard Sidewalk with planter strip to Curb Tight Sidewalk requires a specific project approved by City Engineer.
2. For Standard Sidewalk information see *Beaverton Standard Dwg 215*.
3. For Curb Tight Sidewalk information see *Beaverton Standard Dwg 216*.
4. Curb radius shown is for cul-de-sac. Other curves as approved by City Engineer.



City Of Beaverton

PUBLIC WORKS
DEPARTMENT

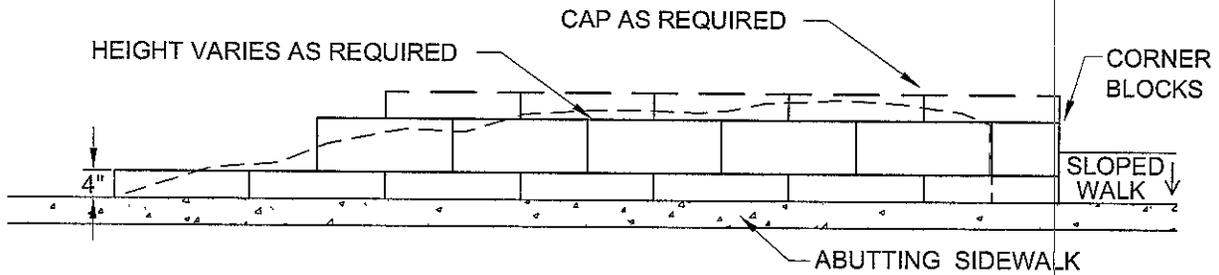
STANDARD TO CURB TIGHT
SIDEWALK TRANSITION

TRAFFIC ENGINEER
Randall R. Wooley

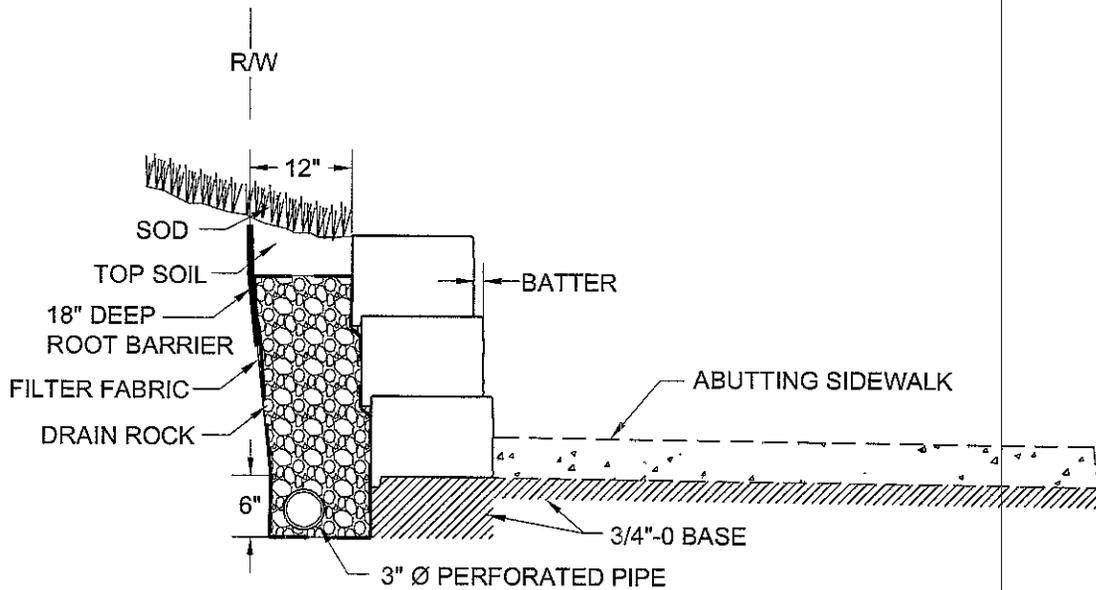
DATE
5 - 09 - 06

DRAWN BY
JR - CPD

DRAWING NO.
217



CORNER FRONT VIEW



CROSS SECTION

NOTES:

1. Install per manufacturer's recommendations. Block style, size and batter may vary, see specifications.
2. Connect 3" PVC drain pipe with 45° bend to perforated pipe. Daylight with Weephole through curb at 8' minimum from end of retaining wall.



City Of Beaverton

PUBLIC WORKS
DEPARTMENT

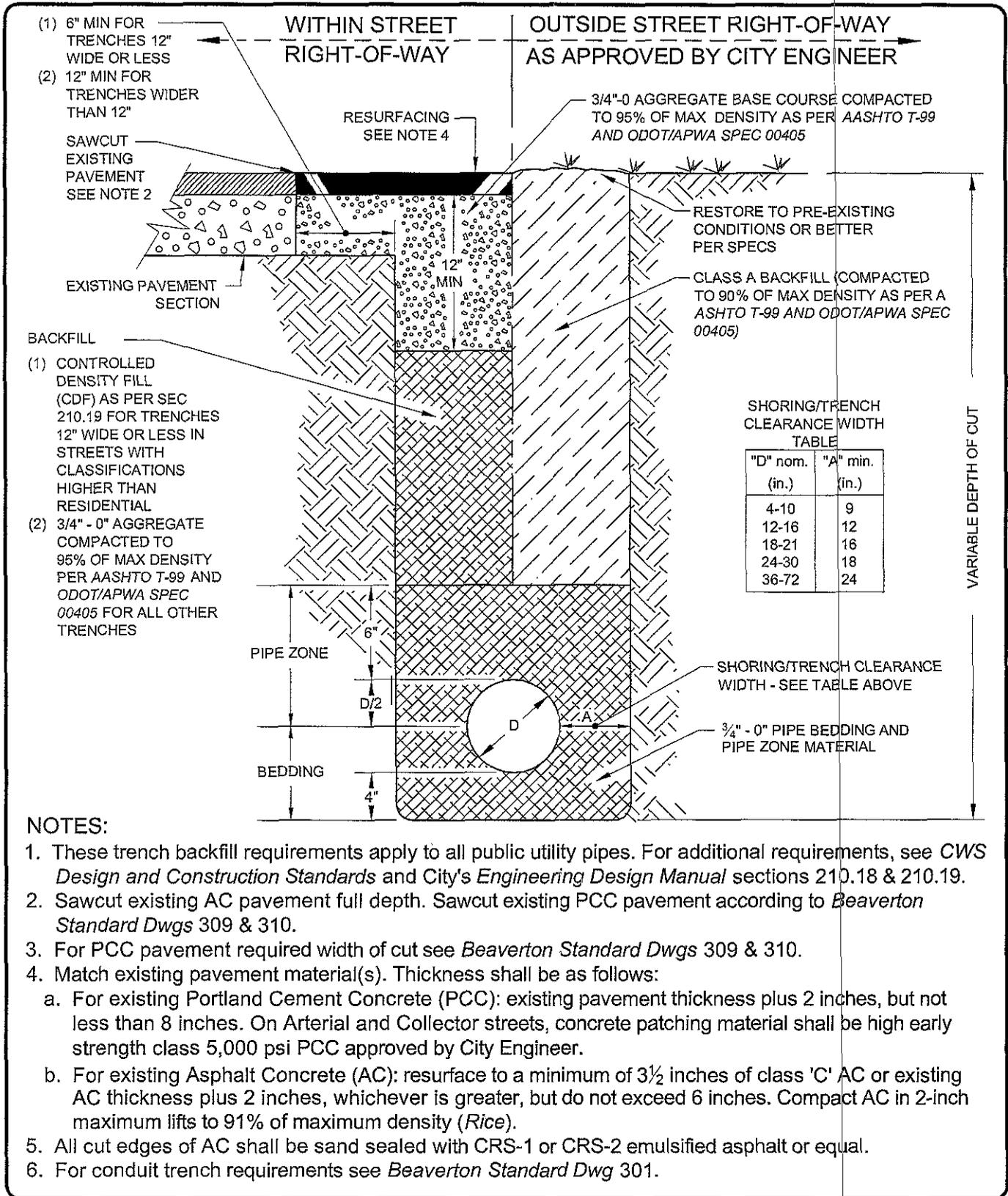
STANDARD BLOCK WALL

CITY ENGINEER
Terry Waidele, P.E.

DATE
5 - 12 - 06

DRAWN BY
JR - CPD

DRAWING NO.
236



City of Beaverton

PUBLIC WORKS
DEPARTMENT

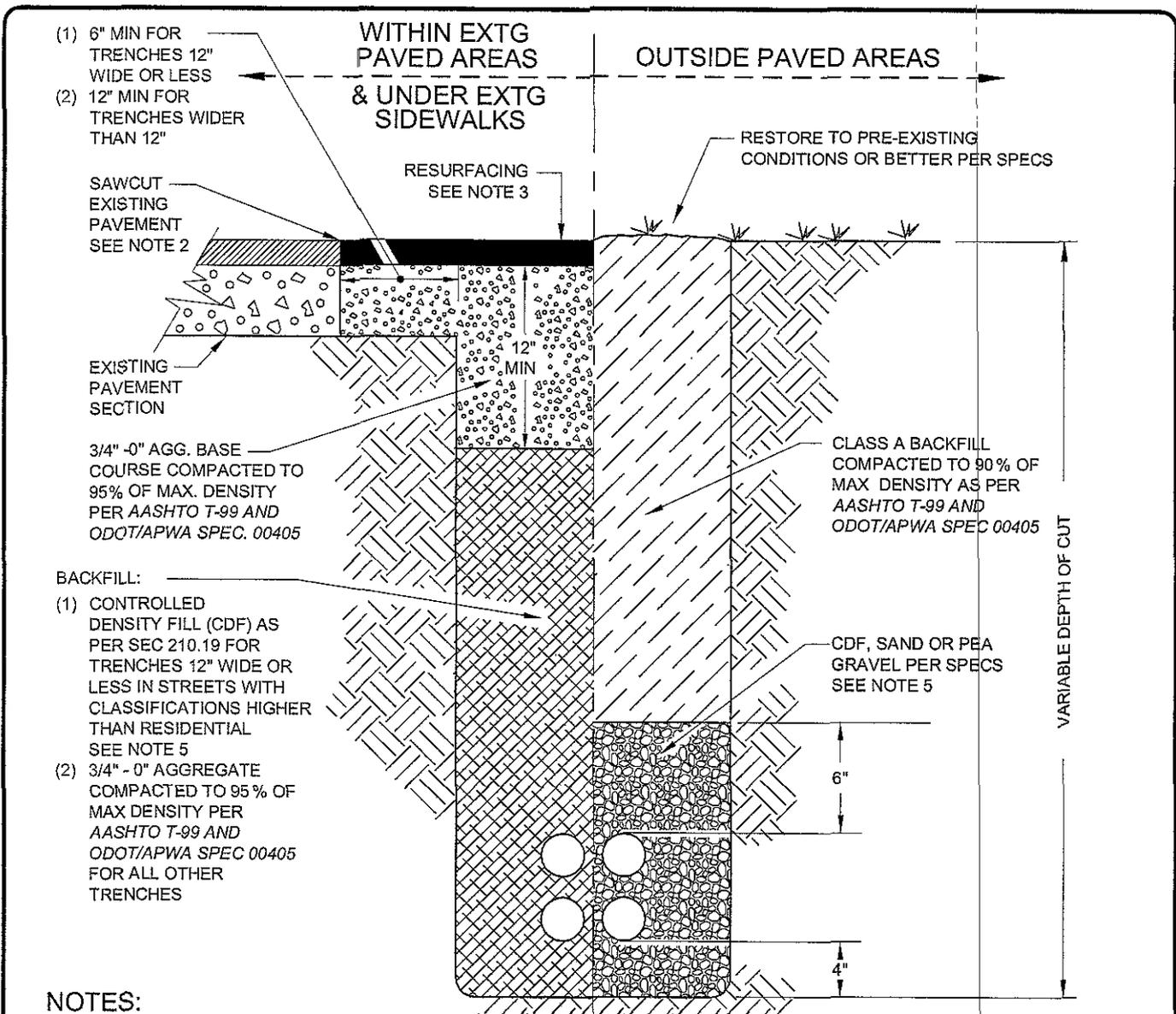
PIPE TRENCH BACKFILL
AND SURFACE RESTORATION

CITY ENGINEER
Terry Waidele, P.E.

DATE
6 - 10 - 04

DRAWN BY
JR - CPD

DRAWING NO.
300

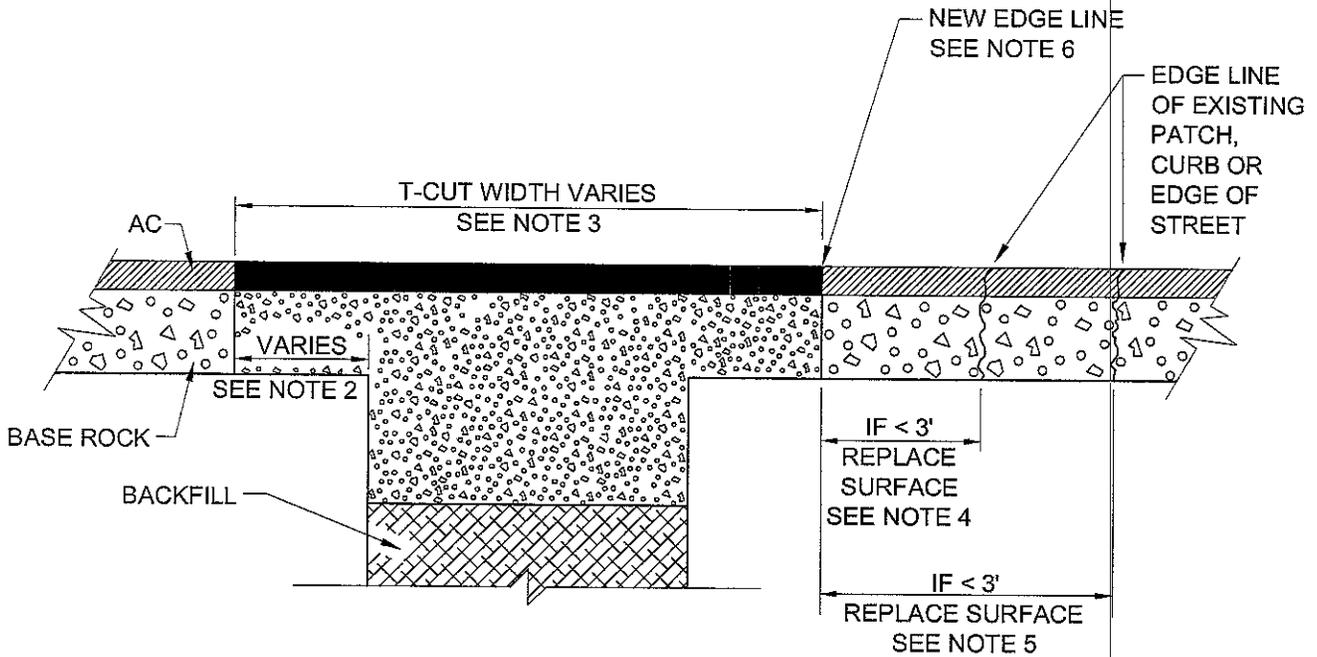


NOTES:

1. These trench backfill requirements apply to all private utility conduit installations. For additional requirements, see *Engineering Design Manual* sections 210.18 & 210.19.
2. Sawcut existing AC pavement full depth. Sawcut existing PCC pavement according to *Beaverton Standard Dwgs* 309 & 310.
3. Match existing pavement material(s). Thicknesses shall be as follows:
 - a. For existing Portland Cement Concrete (PCC): existing pavement thickness plus 2 inches, but not less than 8 inches. On Arterial and Collector streets, concrete patching material shall be high early strength class 5,000 psi PCC concrete approved by City Engineer.
 - b. For existing Asphalt Concrete (AC): resurface to a minimum of 3½ inches of Class 'C' AC or existing AC thickness plus 2 inches, whichever is greater, but do not exceed 6-inches. Compact AC in 2-inch maximum lifts to 91% of maximum density (*Rice*).
4. All cut edges of AC shall be sand sealed with CRS-1 or CRS-2 emulsified asphalt or equal.
5. The City does NOT allow Portland Cement Concrete to be placed around City-owned conduits.



PUBLIC WORKS DEPARTMENT		CONDUIT TRENCH BACKFILL AND SURFACE RESTORATION	
CITY ENGINEER <u>Terry Waldele, P.E.</u>	DATE 6 - 10 - 04	DRAWN BY JR - CPD	DRAWING NO. 301



CROSS SECTION

NOTES:

1. This drawing applies to trench cuts and other kinds of street cuts.
2. For T-cut dimensions, see *Beaverton Standard Dwgs 300 & 301*.
3. On all non-local streets, width of T-cut shall be a minimum of three feet. On all local streets, width of T-cut shall be a minimum of twelve-inches plus the trench width.
4. If new edge of pavement is less than three feet from another patch, curb or edge of street, replace the pavement in between.
5. If more than one existing patch edge is within the three foot zone, remove pavement to the far edge of the pre-existing patch.
6. New edge of pavement (edge line) shall not lie in a wheel path. Width of T-cut shall be widened where necessary to move the edge line out of the wheel path and either:
 - a. to location that is 6 inches from the nearest lane line, or
 - b. to the location required by note 3 or 4 above as applicable, whichever is the nearest of (a) or (b).



City Of Beaverton

**PUBLIC WORKS
DEPARTMENT**

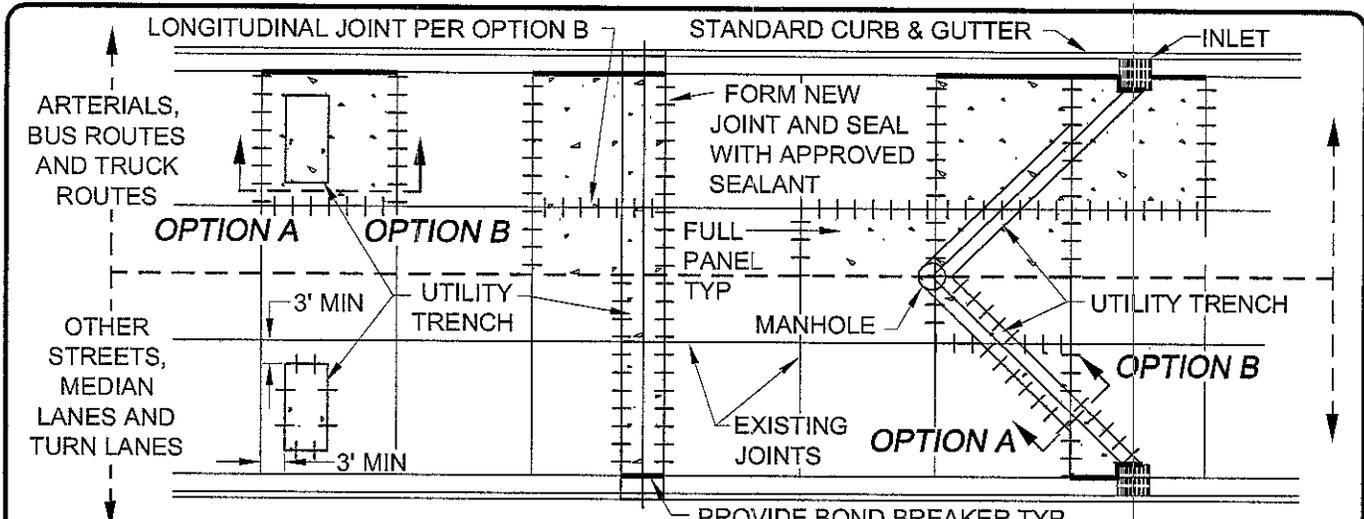
**STREET RESURFACING ON
ASPHALT CONCRETE
PAVED STREETS**

CITY ENGINEER
Terry Waldele, P.E.

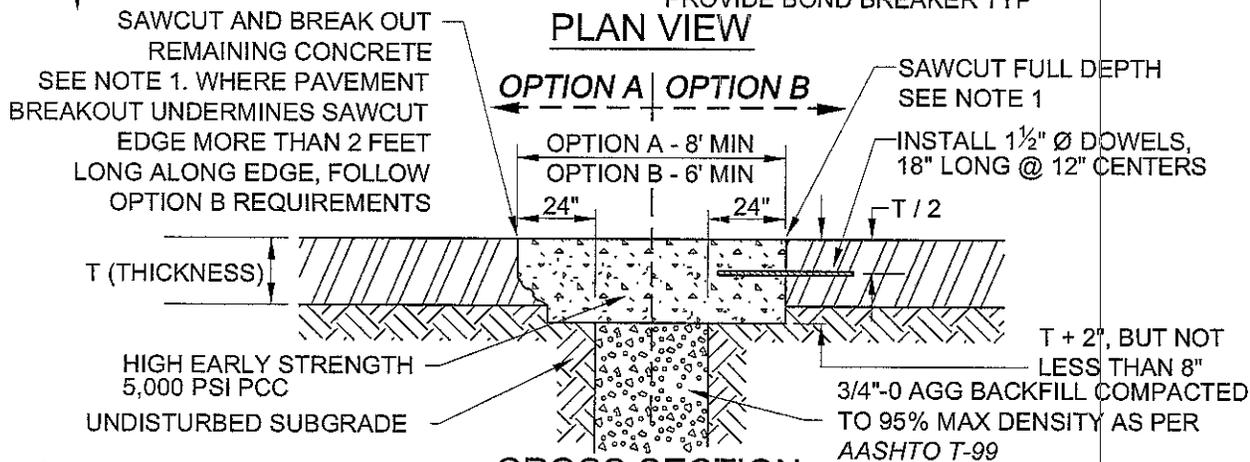
DATE
5 - 09 - 06

DRAWN BY
JCH - CPD

DRAWING NO.
302



PLAN VIEW



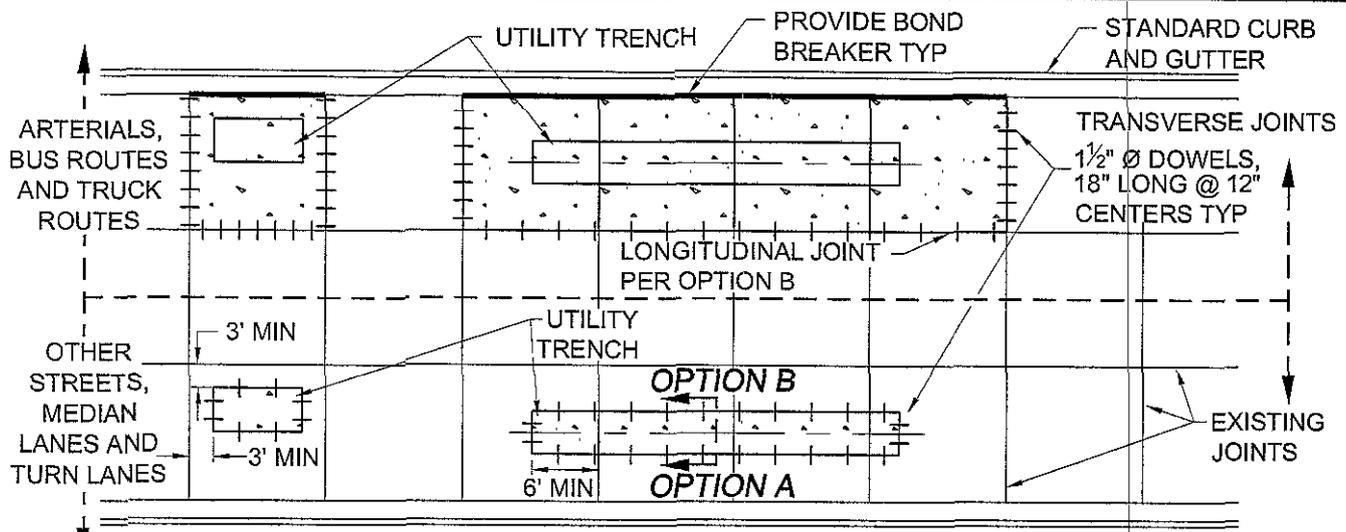
CROSS SECTION

NOTES:

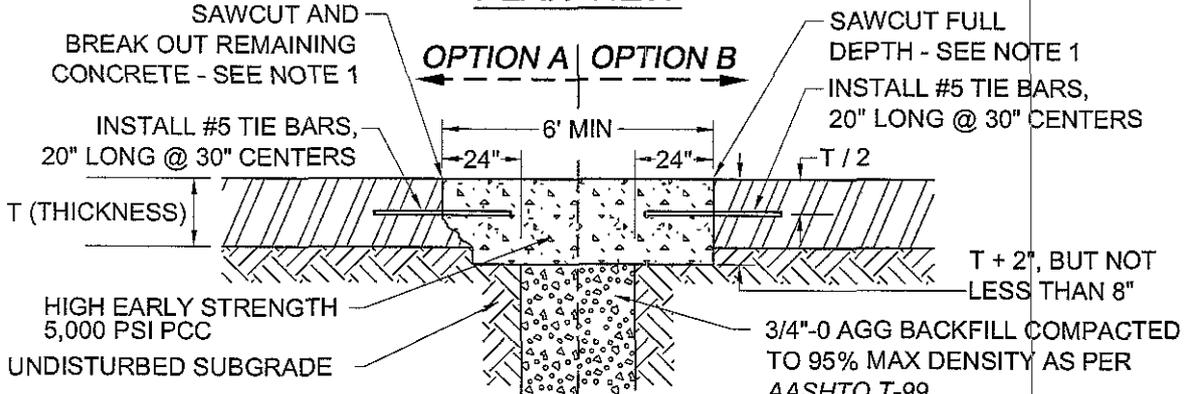
1. OPTION A (not allowed on Arterial streets, bus routes or truck routes.): Sawcut pavement 4 inches deep or 1/2 the panel thickness (T), whichever is greater, before removal. Break out with mechanical hammer and carefully remove remaining concrete next to joint so as not to disturb the pavement surface to remain. One side of utility cut is to be along existing joint. OPTION B: Sawcut pavement full depth and install 1 1/2 inch Ø dowels as shown. After drilling holes, place non-shrink grout in back of holes before inserting dowels. (Note: At interfaces of two adjacent new panels, an approved keyway may be substituted for dowels. For sawcuts through existing panel joints, sawcut existing panel joint(s) full depth before removing existing pavement.)
2. Partial panel replacement may be approved by the City Engineer per the *Engineering Design Manual*.
3. If utility trench width is greater than 1/2 of the panel width, then remove pavement to the next joint.
4. If utility trench wall must be closer than 3 feet from the joint, then remove pavement to the joint.
5. When panels are offset or irregular in any manner, the City Engineer shall determine the area of pavement replacement.
6. After placement of pavement, re-sawcut the joints that intersect the trench. The depth of sawcut is to be T/3. Seal the new joints per the *Engineering Design Manual*.
7. If pavement is undermined during repair, sawcut and remove pavement back to undisturbed subgrade.
8. If pavement is damaged during repair, sawcut and remove back to undamaged pavement.
9. For trenching parallel to centerline, see *Beaverton Standard Dwg 310*.



PUBLIC WORKS DEPARTMENT		STREET CUT IN PCC PAVEMENT PERPENDICULAR OR SKEWED TO CENTERLINE	
CITY ENGINEER Terry Waldele, P.E.	DATE 5 - 09 - 06	DRAWN BY JR - CPD	DRAWING NO 305



PLAN VIEW



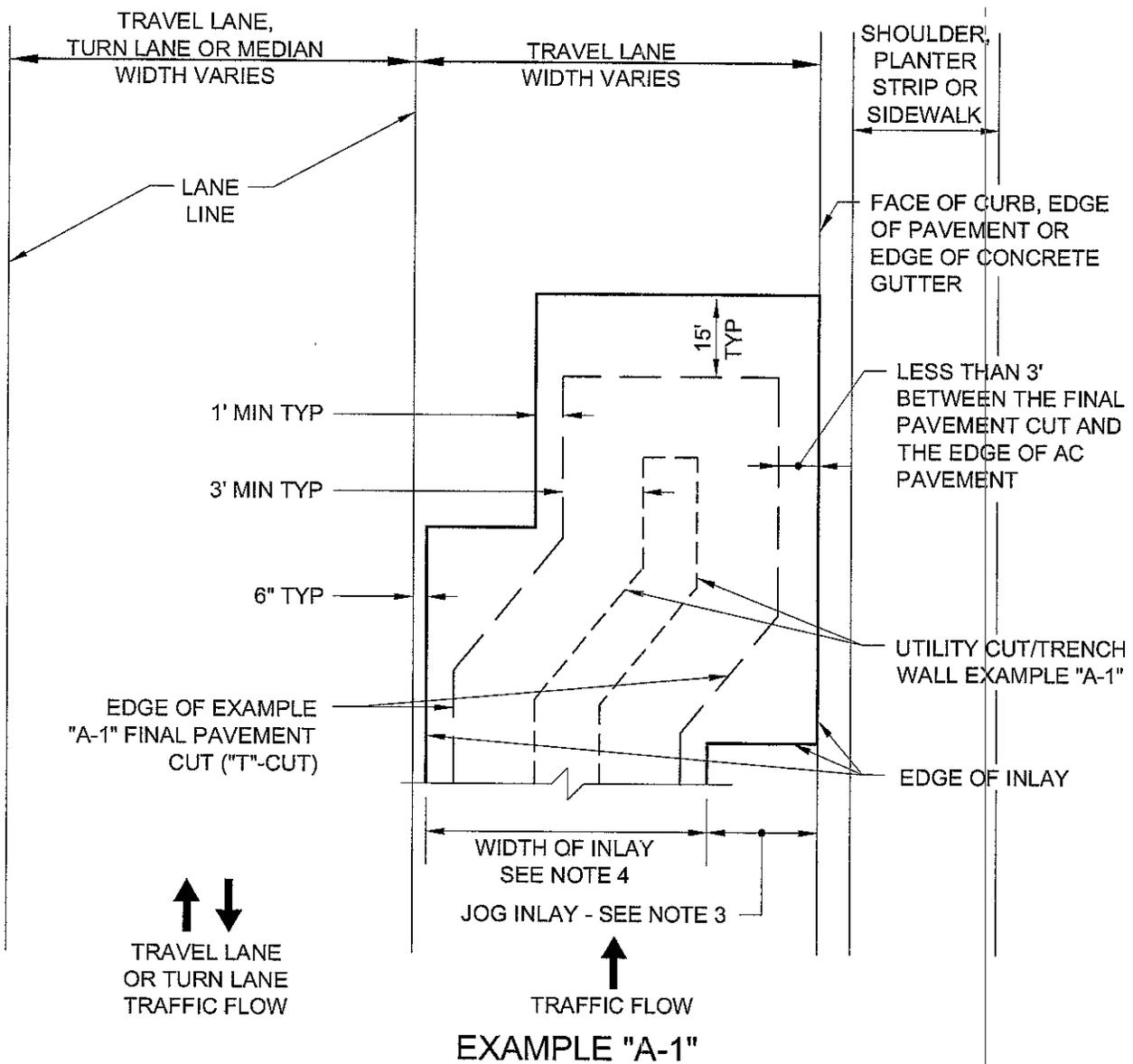
CROSS SECTION

NOTES:

1. OPTION A : Sawcut pavement 4 inches deep or 1/2 the panel thickness (T), whichever is greater, before removal. Break out with mechanical hammer and carefully remove pavement next to joint so as not to disturb the pavement surface to remain. OPTION B: Sawcut pavement full depth and install #5 tie bars and 1 1/2 inch Ø dowels as shown (minimum of 2). (Note: At interfaces of two adjacent new panels, an approved keyway may be substituted for dowels.)
2. Tie bars: after drilling holes, place non-shrink grout in back of holes before inserting tie bars.
3. Partial panel replacement may be approved by the City Engineer per the *Engineering Design Manual*.
4. If utility trench width is greater than 1/2 of the panel width, then remove pavement to the next joint. For sawcuts through existing panel joints, sawcut existing panel joint(s) full depth before removing existing pavement.
5. If utility trench wall must be closer than 3 feet from the joint, then remove pavement to the joint.
6. When panels are offset or irregular in any manner, the City Engineer shall determine the area of pavement replacement.
7. After placement of pavement, re-sawcut the joints that intersect the trench. The depth of sawcut is to be T/3. Seal the new joints per the *Engineering Design Manual*.
8. If pavement is undermined during repair, sawcut and remove pavement back to undisturbed subgrade.
9. If pavement is damaged during repair, sawcut and remove back to undamaged pavement.
10. For trenching perpendicular or skewed to centerline, see *Beaverton Standard Dwg 309*.



ENGINEERING DEPARTMENT		STREET CUT IN PCC PAVEMENT PARALLEL TO CENTERLINE	
CITY ENGINEER Terry Waldele, P.E.	DATE 5 - 09 - 06	DRAWN BY JR - CPD	DRAWING NO. 306



NOTES:

1. If any part of an AC pavement restoration fails, a corrective inlay will be required. The width and length of the inlay will be determined by the City Engineer pursuant to these *Standard Drawings*.
2. In this example, the utility cut or trench is located within an AC roadway without a bike lane or parking lane, and there is less than 3 feet between the final pavement cut and the edge of AC pavement. Therefore, the permittee shall grind and inlay to the edge of the pavement as shown.
3. Where there is 3 feet or more between final pavement cut and edge of AC pavement, permittee may "jog" the grind and inlay as shown. The number of jogs shall be kept to a minimum.
6. The width of example "A-1" grind/mill and inlay shall be 9 feet minimum, 13 feet maximum.



City Of Beaverton

**PUBLIC WORKS
DEPARTMENT**

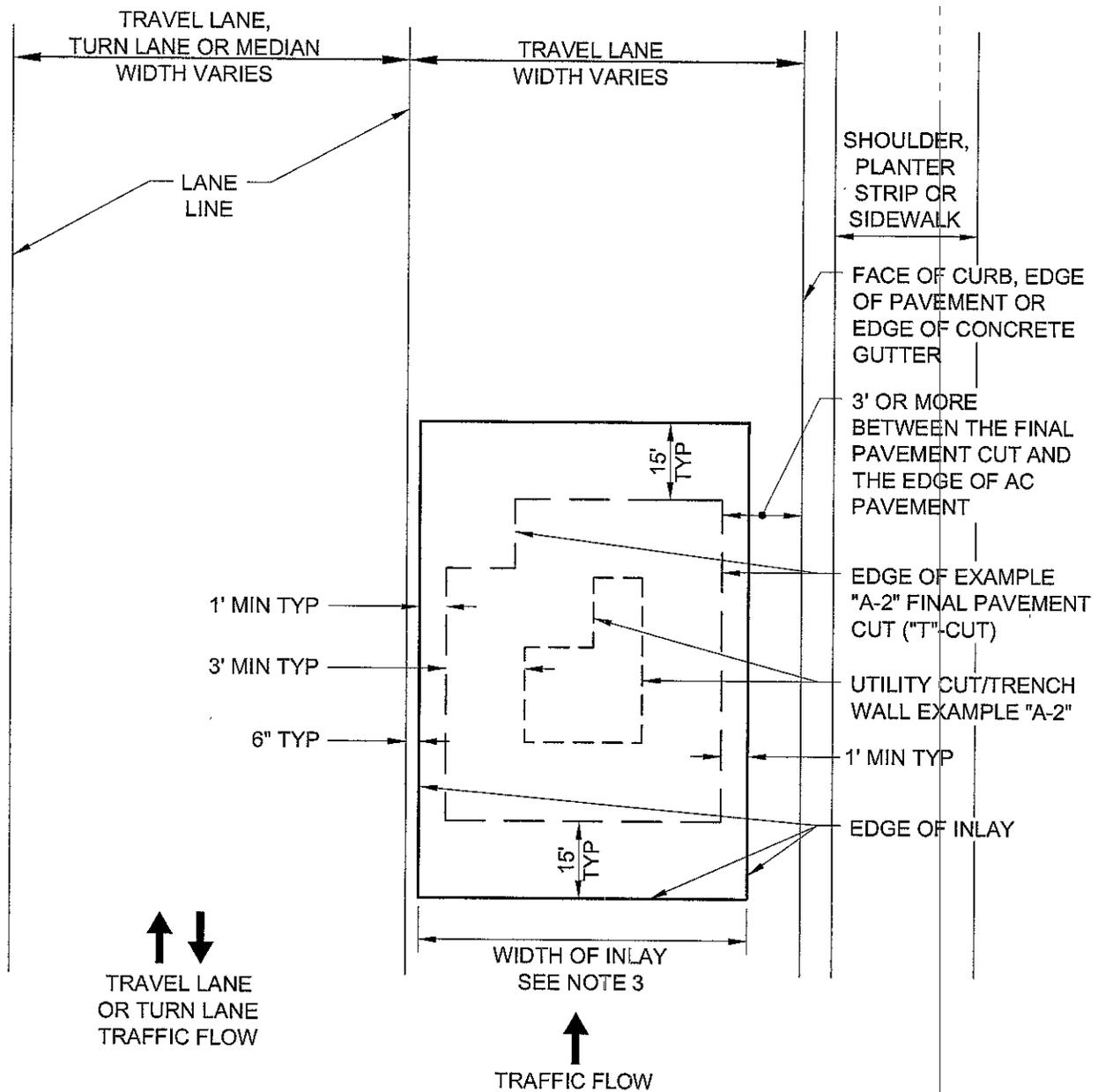
**CORRECTIVE A.C. PAVEMENT INLAY
EXAMPLE "A-1"
FOR UTILITY CUT OR TRENCH**

CITY ENGINEER
Terry Waldele, P.E.

DATE
5 - 09 - 06

DRAWN BY
JCH - CPD

DRAWING NO.
310



NOTES:

1. If any part of an AC pavement restoration fails, a corrective inlay will be required. The width and length of the inlay will be determined by the City Engineer pursuant to these *Standard Drawings*.
2. In this example, the utility cut or trench is located within an AC roadway without a bike lane or parking lane, and there is 3 feet or more between the final pavement cut and the edge of AC pavement.
3. The width of example "A-2" grind / mill and inlay shall be 9 feet minimum, 13 feet maximum.

EXAMPLE "A-2"



City Of Beaverton

**PUBLIC WORKS
DEPARTMENT**

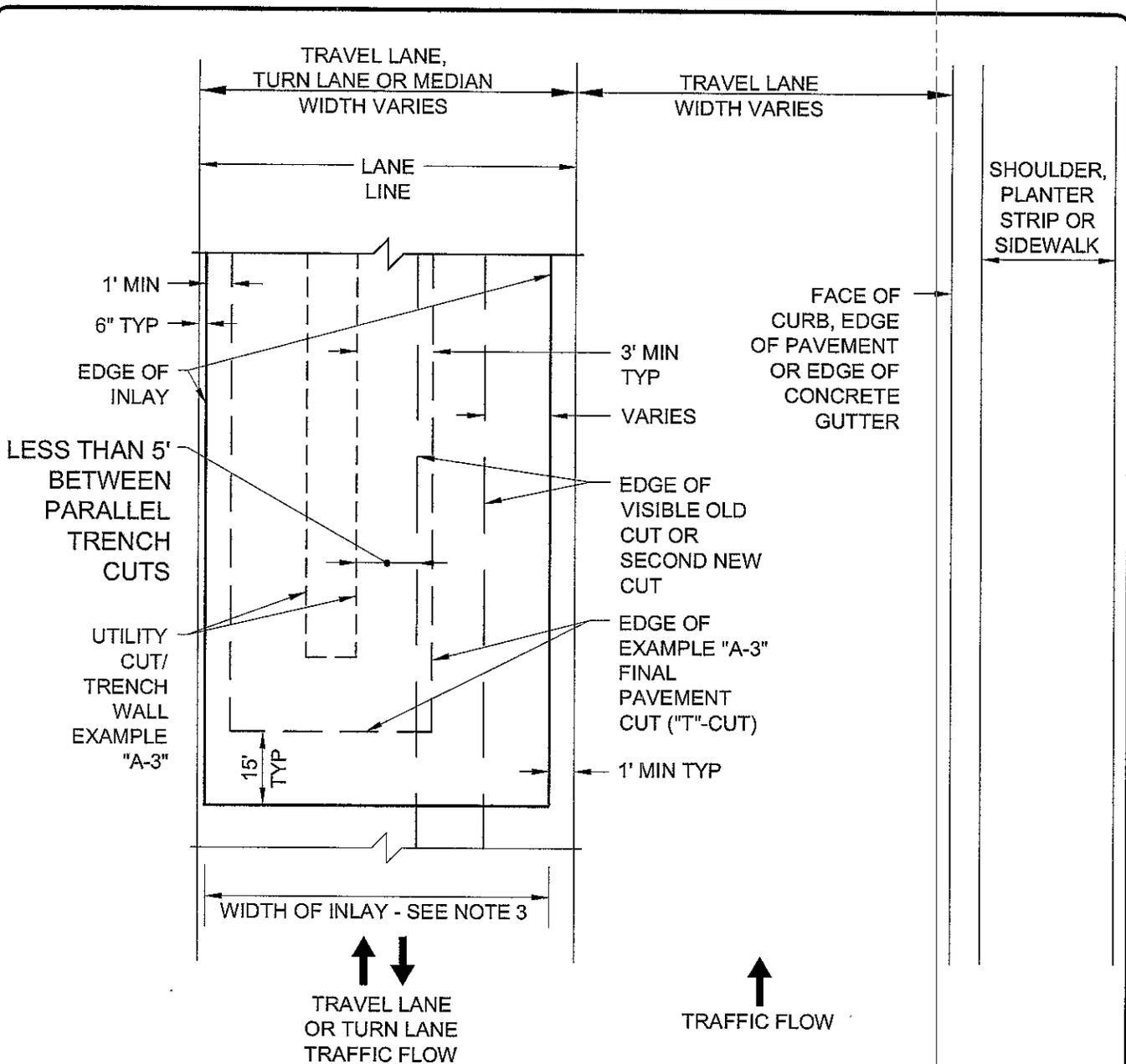
**CORRECTIVE AC PAVEMENT INLAY
EXAMPLE "A-2"
FOR UTILITY CUT OR TRENCH**

CITY ENGINEER
Terry Waldele, P.E.

DATE
5 - 06 - 06

DRAWN BY
JCH - CPD

DRAWING NO.
311



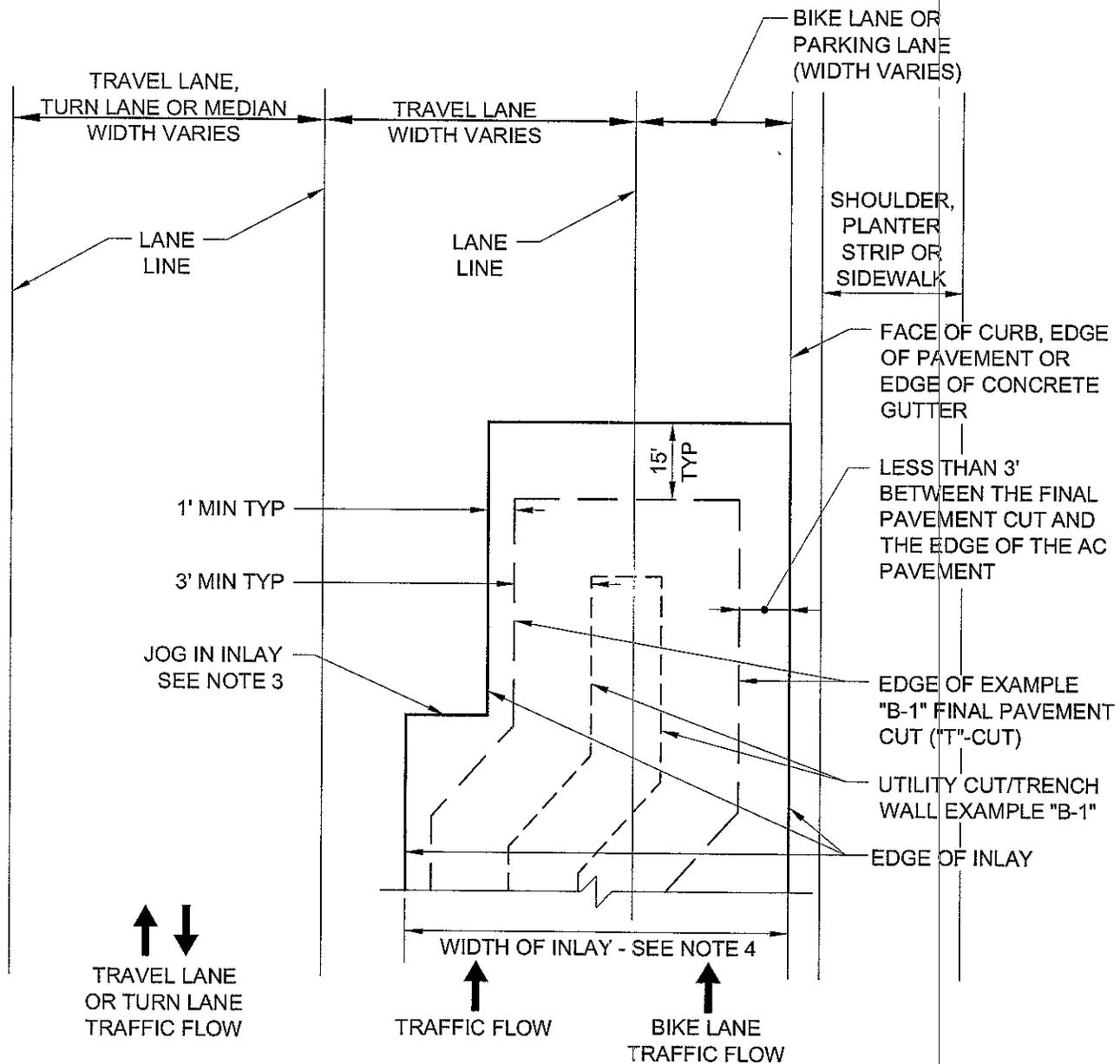
EXAMPLE "A-3"

NOTES:

1. If any part of an AC pavement restoration fails, a corrective inlay will be required. The width and length of the inlay will be determined by the City Engineer pursuant to these *Standard Drawings*.
2. In this example, the utility cut or trench is located within an AC roadway without a bike lane or parking lane, and there is less than 5 feet between parallel trench cuts.
3. The width of example "A-3" grind/mill and inlay shall be 9 feet minimum, 24 feet maximum, and shall not encroach on adjacent travel lane or turn lane unless one of the two parallel pavement cuts is in each lane, and then not more than 2 feet.



PUBLIC WORKS DEPARTMENT		CORRECTIVE A.C. PAVEMENT INLAY EXAMPLE "A-3" FOR UTILITY CUT OR TRENCH	
CITY ENGINEER <u>Terry Waldele, P.E.</u>	DATE 5 - 09 - 06	DRAWN BY JCH - CPD	DRAWING NO. 312



EXAMPLE "B-1"

NOTES:

1. If any part of an AC pavement restoration fails, a corrective inlay will be required. The width and length of the inlay will be determined by the City Engineer pursuant to these *Standard Drawings*.
2. In this example, the utility cut or trench is located within an AC roadway with a bike lane or parking lane, and there is less than 3 feet between the final pavement cut and the edge of AC pavement.
3. The number of jogs in the inlay shall be kept to a minimum.
4. The width of example "B-1" grind / mill and inlay shall be 9 feet minimum, 13 feet maximum.



City Of Beaverton

PUBLIC WORKS
DEPARTMENT

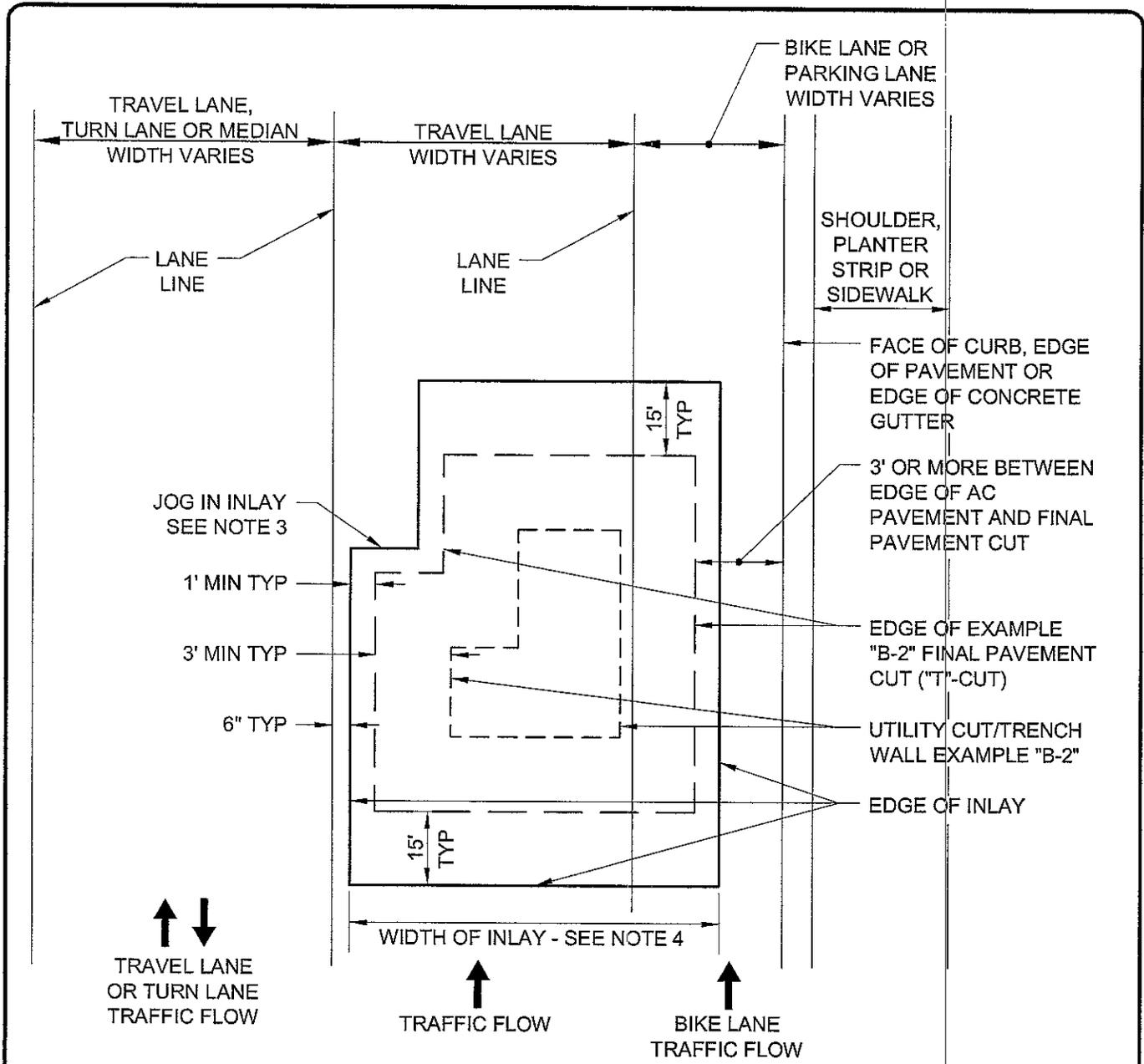
CORRECTIVE A.C. PAVEMENT INLAY
EXAMPLE "B-1"
FOR UTILITY CUT OR TRENCH

CITY ENGINEER
Terry Waldele, P.E.

DATE
5 - 09 - 06

DRAWN BY
JCH - CPD

DRAWING NO.
313



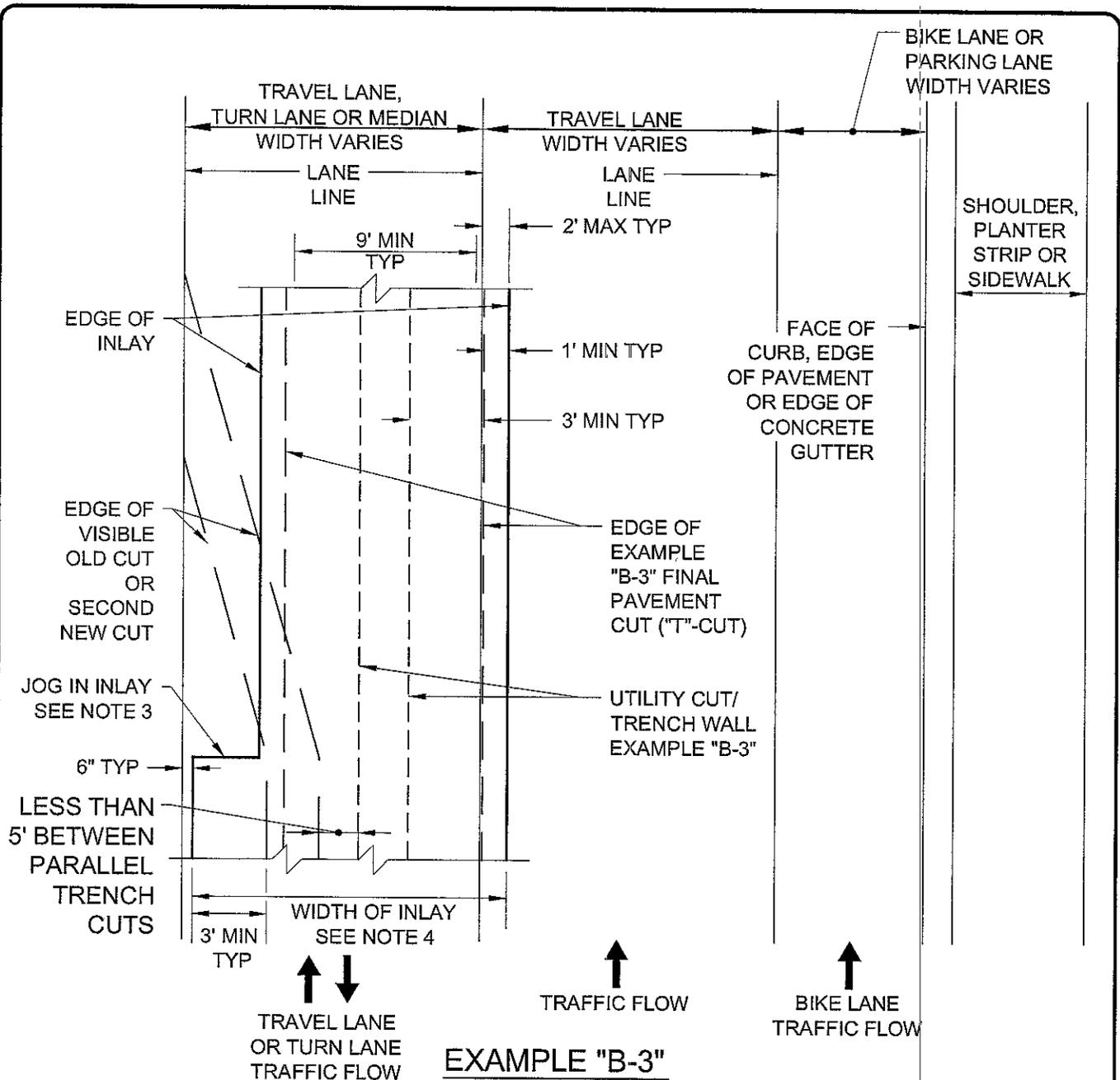
EXAMPLE "B-2"

NOTES:

1. If any part of an AC pavement restoration fails, a corrective inlay will be required. The width and length of the inlay will be determined by the City Engineer pursuant to these *Standard Drawings*.
2. In this example, the utility cut or trench is located within an AC roadway with a bike lane or parking lane, and there is 3 feet or more between the edge of AC pavement and final pavement cut.
3. The number of jogs in the inlay shall be kept to a minimum.
4. The width of example "B-2" grind / mill and inlay shall be 9 feet minimum, 13 feet maximum.



PUBLIC WORKS DEPARTMENT		CORRECTIVE A.C. PAVEMENT INLAY EXAMPLE "B-2" FOR UTILITY CUT OR TRENCH	
CITY ENGINEER Terry Waldele, P.E.	DATE 5 - 09 - 06	DRAWN BY JCH - CPD	DRAWING NO. 314



NOTES:

1. If any part of an AC pavement restoration fails, a corrective inlay will be required. The width and length of the inlay will be determined by the City Engineer pursuant to these *Standard Drawings*.
2. In this example, the utility cut or trench is located within an AC roadway with a bike lane or parking lane, and there is less than 5 feet between parallel trench cuts.
3. The number of jogs in the inlay shall be kept to a minimum.
4. The width of example "B-3" grind / mill and inlay shall be 9 feet minimum, 24 feet maximum, and shall not encroach on adjacent travel lane or turn lane unless one of the two parallel pavement cuts is in each lane, and then the grind / mill and inlay shall not encroach more than 2 feet.



City Of Beaverton

PUBLIC WORKS
DEPARTMENT

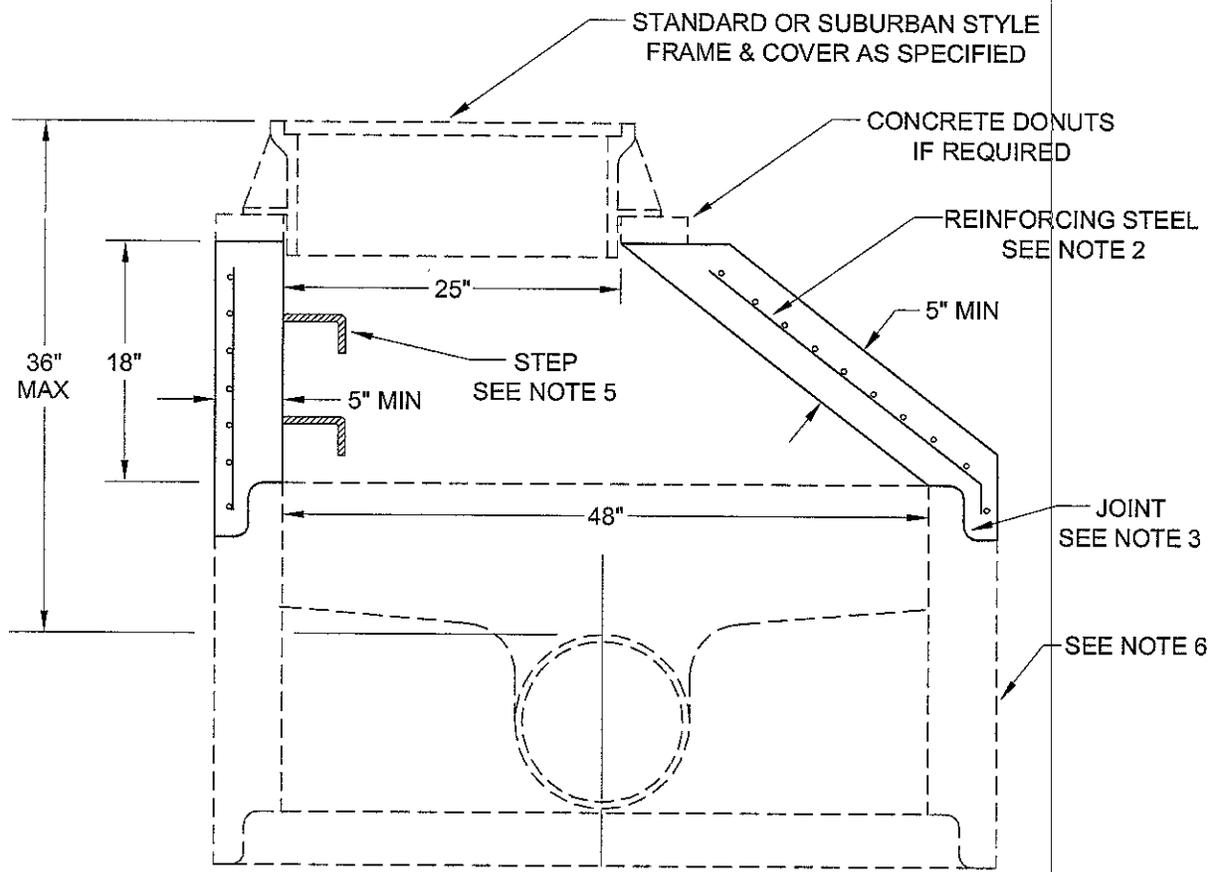
CORRECTIVE A.C. PAVEMENT INLAY
EXAMPLE "B-3"
FOR UTILITY CUT OR TRENCH

CITY ENGINEER
Terry Waldele, P.E.

DATE
5 - 09 - 06

DRAWN BY
JCH - CPD

DRAWING NO.
315



NOTES:

1. Manhole cone shall be manufactured by *Cascade Concrete Products Inc, Hanson Pipe & Products Inc* or approved equal and conform to the requirements of *ASTM C-478* and applicable provisions of *Beaverton Standard Dwg 304*,
2. Reinforcing steel is grade 60. Steel area is 0.12 square inch per foot, (D3 on 3 inch spacing), 2 inches clear of the external surface.
3. All joints and rubber gaskets shall conform to the requirements of *ASTM C-433*.
4. Concrete shall have a 28 day ultimate strength of 4000 psi.
5. Two reinforced polypropylene steps shall be provided at the locations shown.
6. Lower section height varies and is to be determined by engineer.



City Of Beaverton

**PUBLIC WORKS
DEPARTMENT**

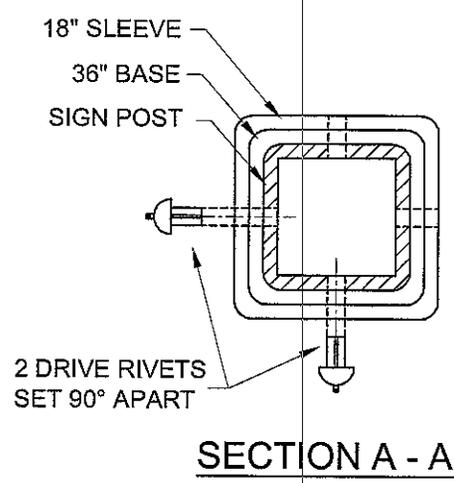
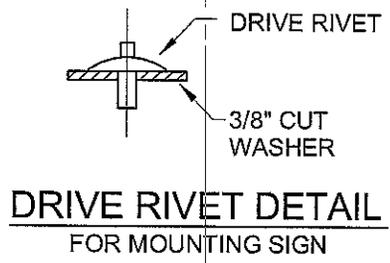
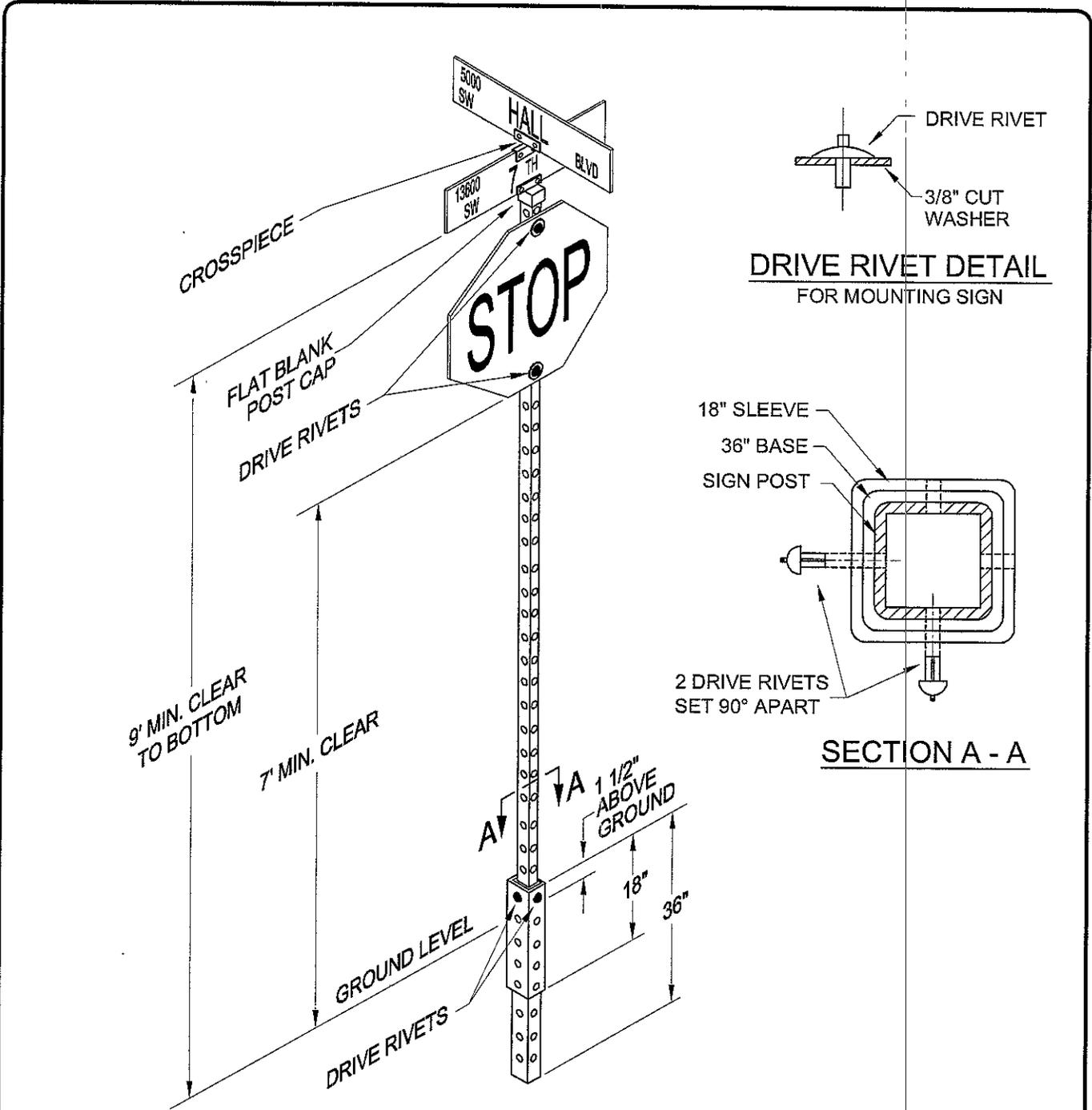
**SHALLOW MANHOLE
CONE**

CITY ENGINEER
Terry Waldele, P.E.

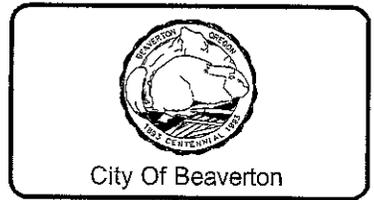
DATE
5 -10 - 06

DRAWN BY
JR - CPD

DRAWING NO.
336



- NOTES:
1. Sign post shall be inserted a minimum of 12-inches into the 36-inch base.
 2. See Chapter 4 of the *Engineering Design Manual* for the material specifications.
 3. Cap and crosspiece to be of the same style.



PUBLIC WORKS DEPARTMENT		TYPICAL SIGN ASSEMBLY	
TRAFFIC ENGINEER Randall R. Wooley	DATE 5 - 03 - 06	DRAWN BY JR - CPD	DRAWING NO. 400



NOTES:

1. Flat blanks shall be 0.080 inch gauge with 6063 T6 alodine coated aluminum substrate.
2. All letters shall be black and series are as noted.
3. Background shall be white *3M Scotchlite* brand High Intensity Reflective sheeting.
4. For sign mounting, see *Beaverton Standard Dwg 400*.



City Of Beaverton

PUBLIC WORKS
DEPARTMENT

FUTURE STREET EXTENSION
SIGN

TRAFFIC ENGINEER
Randall R. Wooley

DATE
3-21-08

DRAWN BY
JR - CPD

DRAWING NO.
415



NOTES:

1. Flat blanks shall be 0.080 inch gauge with 6063 T6 alodine coated aluminum substrate.
2. All letters shall be black series "C".
3. Background shall be white 3M Scotchlite brand High Intensity Reflective sheeting.
4. For sign mounting, see *Beaverton Standard Dwg 400*.



City Of Beaverton

PUBLIC WORKS
DEPARTMENT

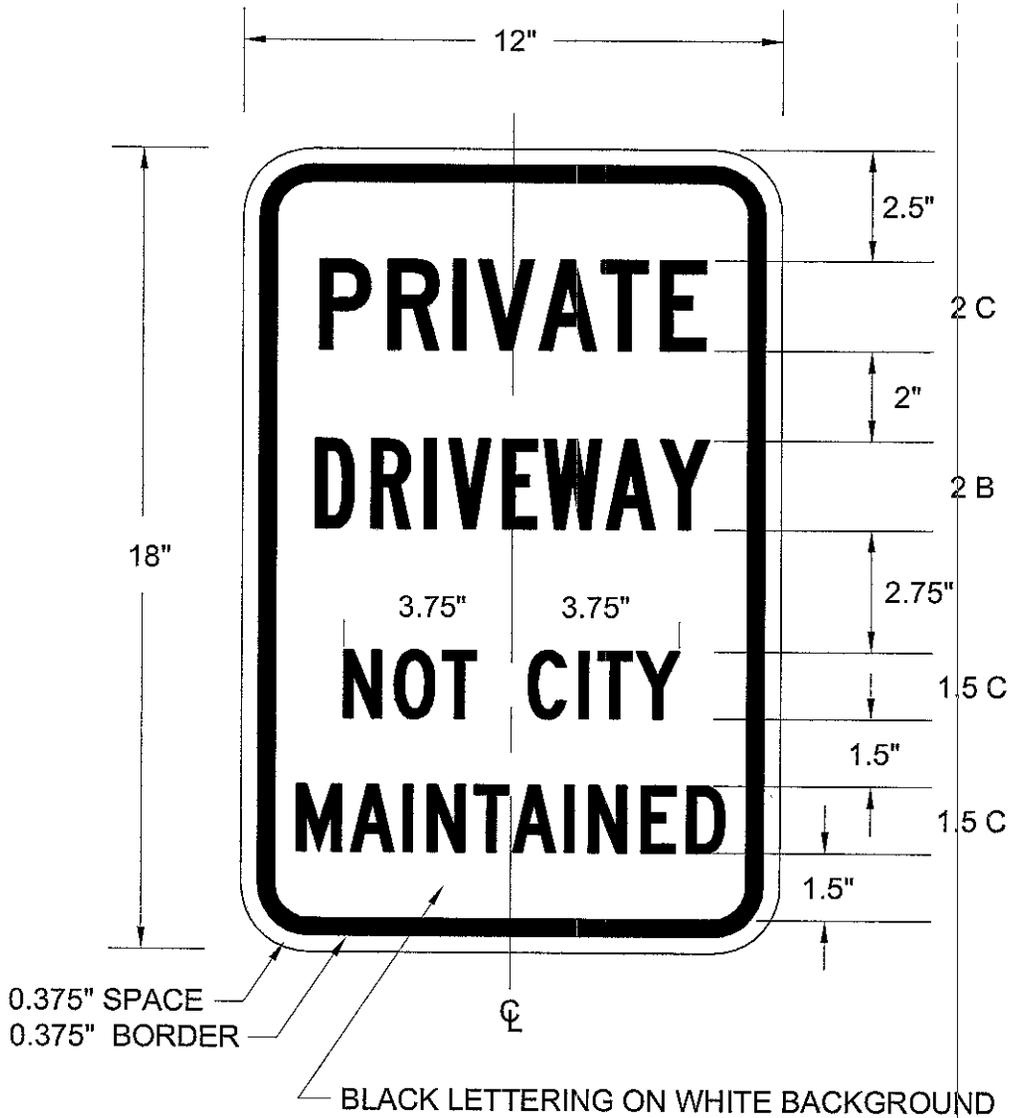
PRIVATE STREET
SIGN

TRAFFIC ENGINEER
Randall R. Wooley

DATE
3 - 22 - 06

DRAWN BY
MC - TD

DRAWING NO.
416



NOTES:

1. Flat blanks shall be 0.080 inch gauge with 6063 T6 alodine coated aluminum substrate.
2. All letters shall be black and series are as noted.
3. Background shall be white *3M Scotchlite* brand High Intensity Reflective sheeting.
4. For sign mounting, see *Beaverton Standard Dwg 400*.



City Of Beaverton

PUBLIC WORKS
DEPARTMENT

PRIVATE DRIVEWAY
SIGN

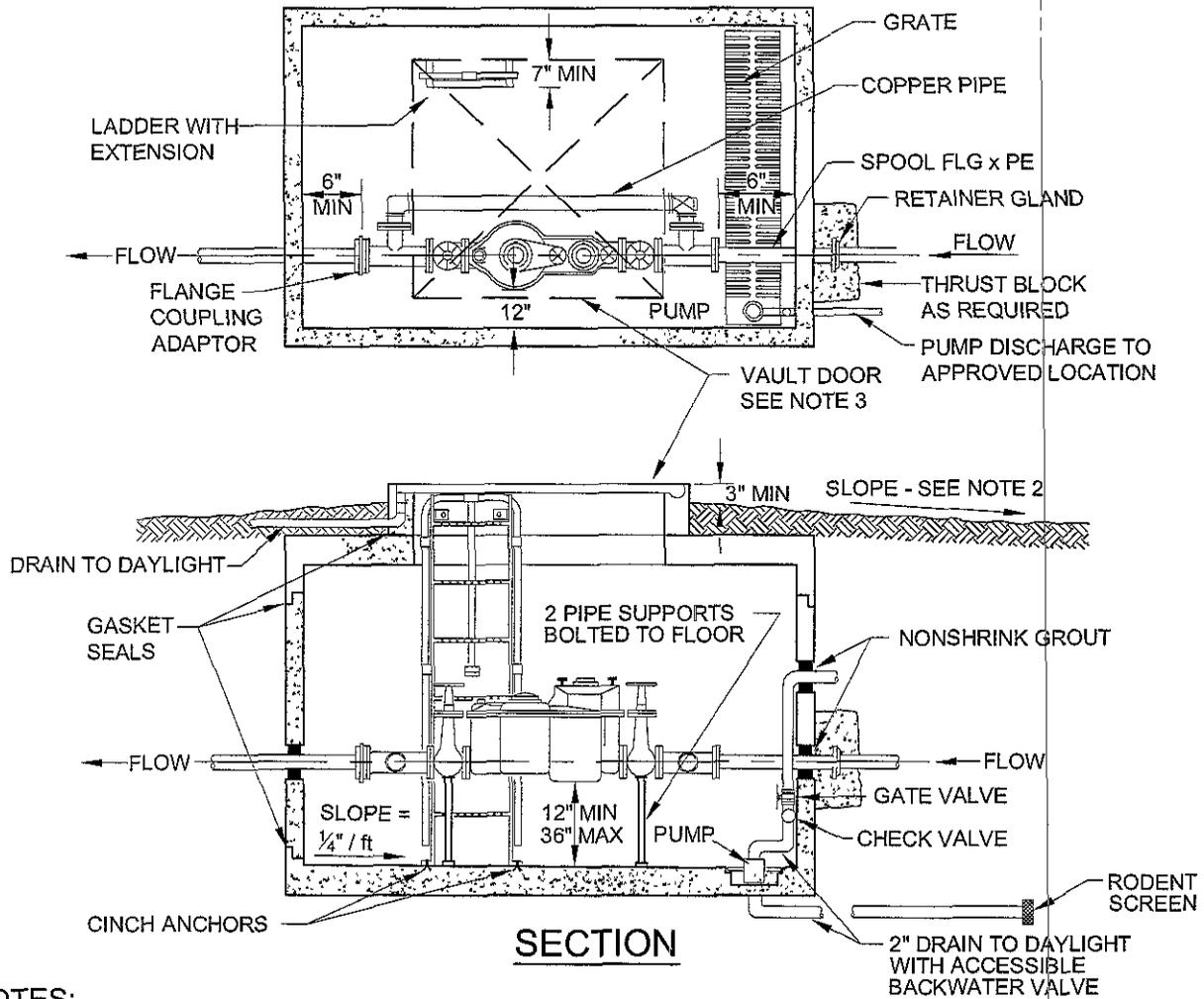
TRAFFIC ENGINEER
Randall R. Wooley

DATE
3 - 21 - 06

DRAWN BY
MC - TD

DRAWING NO.
417

WATER SERVICE LINE AND METER VAULT (AS SHOWN BELOW) PROVIDED BY CUSTOMER. INSTALLATION OF METER BY CITY. METER COST PAID BY CUSTOMER.



NOTES:

1. This is a public facility, governed by *UPC, SOPC* and *Oregon Dept. of Human Services*, as applicable.
2. Finished grade shall slope away from the vault cover to prevent ponding around the cover.
3. Vault door mechanisms shall not project below the ceiling of the vault interior.
4. Aluminum ladder with extension to be *O.S.H.A.* approved, (*Utility Vault Co. 1672* or equal). Ladder to have clear access from vault door.
5. Seal pipe penetrations with nonshrink grout to achieve a water tight seal. Piping shall not be directly imbedded in concrete or masonry. Provide pipe straps for thrust resistance per *State of Oregon Plumbing Code (SOPC)*.
6. Check valve to be union style (compression) or install union with check valve.
7. Slope interior toward end of floor for sump or gravity drain outlet. Trim floor drain grating as required for pump installation. For alternate floor center drain, see *Beaverton Std Dwg 670*.

METER SIZE	UTILITY VAULT CO. VAULT MODEL NO.	BILCO - VAULT DOOR MODEL NO.
3"	676-WA	J-5AL
4" & 6"	687-WA	J-5AL
8"	810-LA	JD-3AL



City Of Beaverton

PUBLIC WORKS DEPARTMENT

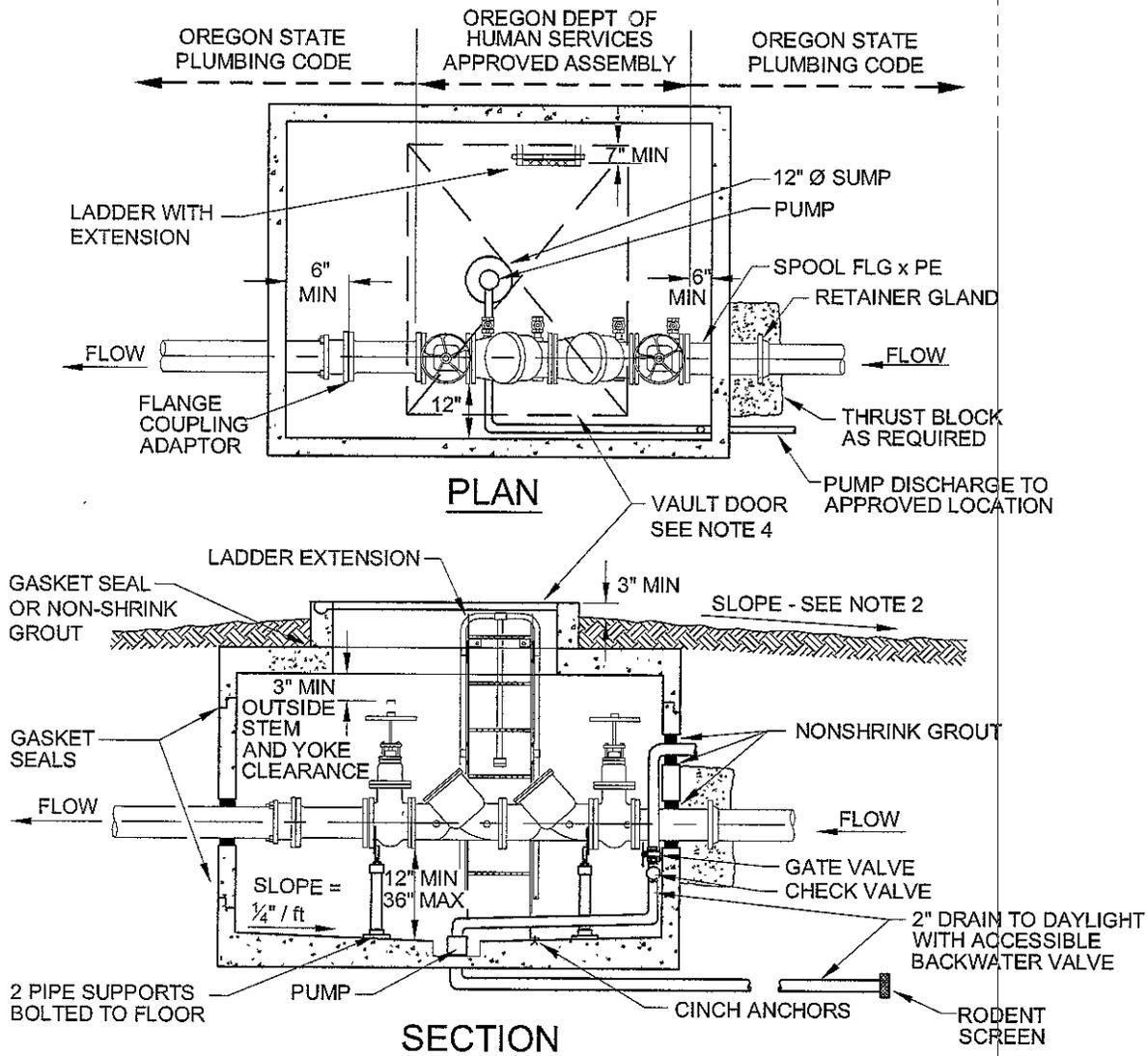
COMPOUND WATER METER VAULT

UTILITIES ENGINEER
David A. Winship, P.E.

DATE
5 -09 - 06

DRAWN BY
CDH - WD

DRAWING NO.
665



NOTES:

1. This is to be a private facility, governed by *UPC* and *Oregon Dept. of Human Services*, as applicable.
2. Finished grade shall slope away from the vault cover so as to prevent ponding around the cover.
3. Seal pipe penetrations with nonshrink grout to achieve a water tight seal. Piping shall not be directly imbedded in concrete or masonry. Provide pipe straps for thrust resistance per *State of Oregon Plumbing Code (SOPC)*.
4. Vault door mechanisms shall not project below the ceiling of the vault interior.
5. Aluminum ladder with extension to be *O.S.H.A.* approved, (*Utility Vault Co. 1672* or equal). Ladder to have clear access from vault door.
6. Slope interior toward center of floor for sump or gravity drain outlet. For alternate floor end drain, see *Beaverton Standard Dwg 665*.

DOUBLE CHECK SIZE	UTILITY VAULT CO. - MODEL NO.	
	VAULT	VAULT DOOR
3" & 4"	677-LA	332P
6"	676-WA	332P
8"	687-WA	332P



City Of Beaverton

**PUBLIC WORKS
DEPARTMENT**

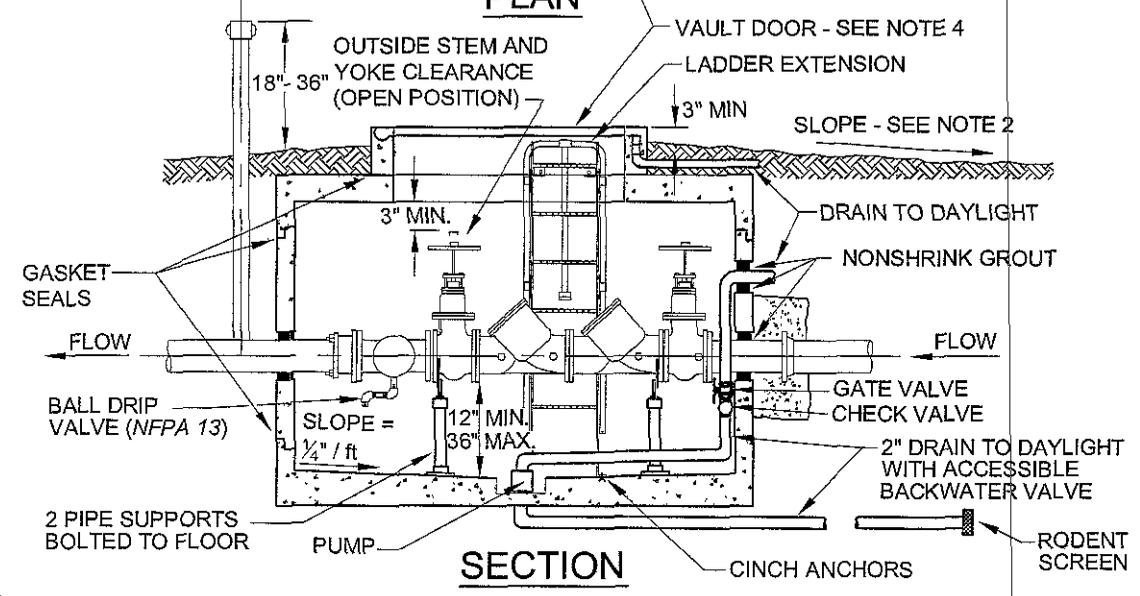
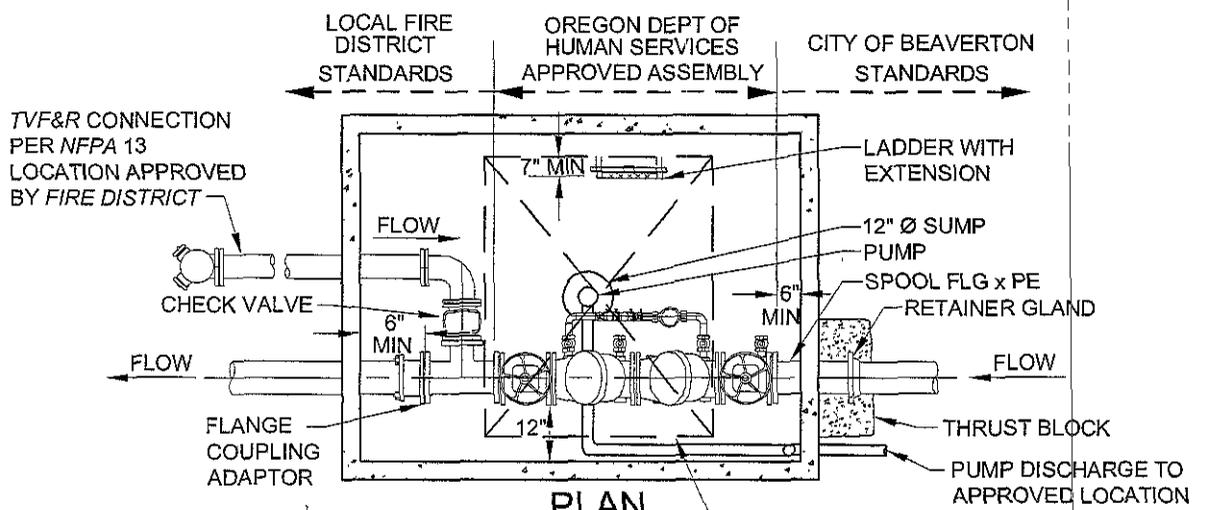
**PRIVATE
DOUBLE CHECK
BACKFLOW PREVENTER VAULT**

UTILITIES ENGINEER
David A. Winship, P.E.

DATE
4 - 19 - 06

DRAWN BY
CDH - WD

DRAWING NO.
670



NOTES:

1. This is to be a private facility, governed by *UPC, NFPA, Oregon Dept. of Human Services* and Fire Marshall, as applicable.
2. Finished grade shall slope away from the vault cover so as to prevent ponding around the cover.
3. Seal pipe penetrations with nonshrink grout to achieve a water tight seal. Piping shall not be directly imbedded in concrete or masonry. Provide pipe straps for thrust resistance per *State of Oregon Plumbing Code (SOPC)*.
4. Aluminum ladder with extension to be *O.S.H.A.* approved, (*Utility Vault Co. 1672* or equal). Ladder to have clear access from vault door.
5. Vault door mechanisms shall not project below the ceiling of the vault interior.
6. Slope interior toward center of floor for sump or gravity drain outlet. For alternate floor end drain, See *Beaverton Standard Dwg 665*.

DOUBLE DETECTOR CHECK SIZE	UTILITY VAULT CO. - MODEL NO.		BILCO - VAULT DOOR MODEL NO.
	VAULT WITH FIRE DEPT. CONNECTION	VAULT WITHOUT FIRE DEPT. CONNECTION	
4"	676-WA	577-WA	J-5AL
6"	687-WA	676-WA	J-5AL
8" & 10"	5106-LA	687-WA	JD-3AL



City Of Beaverton

PUBLIC WORKS DEPARTMENT		PRIVATE FIRE SERVICE VAULT	
UTILITIES ENGINEER David A. Winship, P.E.	DATE 05 - 09 - 06	DRAWN BY CDH - WD	DRAWING NO. 671

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

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

- 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.

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 ___ 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

Exhibit A

Strikeouts are deletions; bold underlined text are insertions.

Section 1: The Development Code section 40.57 is amended to read:

40.57. PUBLIC TRANSPORTATION FACILITY [ORD 4332; November 2004]

40.57.05 Purpose

The purpose of the Public Transportation Facility application is to ~~identify development review standards and procedures for the review of public transportation improvements that are subject to such review~~ **establish a process for review of new construction or significant expansion of major transportation facilities.**

40.57.10 Applicability

This section applies to the ~~design and construction of public transportation facilities including roadways and bridges, and transit, bicycle and pedestrian facilities within public rights of way and the areas adjacent to the rights of way where physical changes occur as a result of such design and construction.~~ Unless exempted by Section 40.57.10.2, **Public Transportation Facility application approval shall be required for Collectors, Arterials, Principal Arterials, and Freeways, and the areas adjacent to the rights of way where physical changes will occur as a result of such construction.**

- ~~2. Unless specified in the applicable thresholds for Public Transportation Facility, approval shall not be required for the following:~~
 - ~~A. Local and Neighborhood Route streets.~~
 - ~~B. Public transportation facility improvements which were required as a part of another development application.~~
 - ~~C. Maintenance, preservation, and repair of existing public roads, transportation facilities and structures within all existing rights of way and easements.~~
 - ~~D. Modifications within all existing rights of way and easements including, but not limited to striping, addition of curbs, curb extensions, or medians, sidewalks, speed humps, street lighting, signalization, reflectors, buttons, signs, flashing beacons, or other similar modifications.~~
 - ~~E. Bus turnouts within all existing rights of way.~~

- ~~F. Reconstruction or matching replacement of a public transportation facility within all existing rights of way, including the enlargement or removal of culverts, pilings or similar structures, provided they are not located in a floodplain, special flood hazard area, or Significant Natural Resource Area.~~
- ~~G. Contractor construction staging areas and stockpiling of materials within all public rights of way or easements.~~
- ~~H. Repairs, improvements, detours and traffic pattern changes that are made in response to an emergency.~~
- ~~I. Private Streets~~

40.57.15 Application.

There is a single Public Transportation Facility application which is subject to the following requirements.

1. Public Transportation Facility.

A. Threshold. An application for Public Transportation Facility shall be required for construction or modification of Collectors, Arterials, Principal Arterials, and Freeways when the applicability statements listed in Section 40.57.10.1 apply, none of the exemptions listed in Section 40.57.10.2 apply, and when one or more of the following thresholds describe the proposal:

- 1. A new facility will be constructed where no transportation facility existed previously.
- 2. The work includes construction activities outside a public right of way or easement, including contractor staging areas and stockpiling of materials.
- 3. The work involves the acquisition of new right of way.
- 4. The work includes the construction of transit shelters.

- ~~1. New transportation facilities which:

 - ~~a. Require the acquisition of right of way, or~~
 - ~~b. Are located within existing public right of way where no transportation facility currently exists.~~~~
- ~~2. The extension or widening of existing transportation facilities which:

 - ~~a. Require the acquisition of right of way, or~~
 - ~~b. Are located within an existing public right of way.~~
 - ~~c. Increases the combined width of existing street improvements by six (6) feet or more.~~~~

3. ~~Construction activities including contractor construction staging areas and stockpiling of materials outside a public right of way or easement.~~
4. ~~Transit shelters.~~

Section 2: The Development Code is amended to add a new section 40.70 to read:

40.70. SIDEWALK DESIGN MODIFICATION

40.70.05 Purpose.

The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City's street design standards relating to the locations and dimensions of sidewalks or required street landscaping can be modified to address existing conditions and constraints as a specific application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This section is implemented by the approval criteria listed herein.

40.70.10. Applicability.

The Sidewalk Design Modification application shall be applicable to all streets in the City.

40.70.15. Application.

There is a single Sidewalk Design Modification application which is subject to the following requirements.

A. Threshold. An application for Sidewalk Design Modification shall be required when one of the following thresholds apply:

1. The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.

2. The dimensions or locations of street tree wells specified in the Engineering Design Manual are proposed to be modified.

B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Sidewalk Design Modification. The decision making authority is the Director.

C. Approval Criteria. In order to approve a Sidewalk Design Modification application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.

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

3. One or more of the following criteria are satisfied:

a. That there exist local topographic conditions, which would result in any of the following:

i. A sidewalk that is located above or below the top surface of a finished curb.

ii. A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.

b. That there exist local physical conditions such as:

i. An existing structure prevents the construction of a standard sidewalk.

ii. An existing utility device prevents the construction of a standard sidewalk.

F. Appeal of a Decision. Refer to Section 50.65.

G. Expiration of a Decision. Refer to Section 50.90.

H. Extension of a Decision. Refer to Section 50.93.

Section 3: The Development Code section 60.55.20 is amended to read:

60.55.20 Traffic Impact Analysis.

60.55.20.4.

F. Mitigation Identification. In order to protect the public transportation system from potentially adverse impacts of the proposal, to fulfill an identified need for public services within the impacted area related to the development, or both, the Traffic Impact Analysis shall identify methods of mitigating on-site and off-site deficiencies for present and proposed phases of the development.

The analysis shall make recommendations for improvements necessary for safe and efficient traffic flow and bicycle, pedestrian, and transit movement and access based on and roughly proportional to the identified impacts. Buildout Year, Long-Range Forecast Year, and project phasing impacts shall be considered.

The traffic impact analysis shall discuss the estimated levels of impact, improvements, and mitigations, and shall demonstrate how the recommended mitigations are roughly proportional to the identified impacts. . . .

G. Recommendations. The Traffic Impact Analysis report shall clearly state the mitigation measures recommended by the analysis and shall summarize how the recommended mitigations are roughly proportional to the identified impacts. The recommended street and highway mitigation measures shall be shown on a scaled drawing that depicts existing and recommended improvements.

Section 4: The Development Code section 60.55.30 is amended to read:

60.55.30 Minimum Street Widths. Minimum street widths are depicted in the Engineering Design Manual, and Standard Drawings. Street width includes right-of-way width, paved width, and widths of sidewalks and planter strips.

1. Any project specific modifications of the standards contained in the Engineering Design Manual regarding the widths of features relating to the movement of vehicles, including but not limited to rights of way, travel lanes, parking lanes, bike lanes, driveway aprons, curb radii, or other such features shall be processed in accordance with the provisions contained in the section 145 Design Modifications of the Engineering Design Manual.
2. Any project specific modifications of the standards of the Engineering Design Manual relating to the location and dimensions of required street landscaping and pedestrian features including, but not limited to, sidewalks, planter strips, street trees, street tree wells, street tree easements, or street furniture are subject to the procedures contained in Chapter 40 (Applications). The required application will depend on the scope of the proposed project and the type of application filed with the City.
- ~~1. The decision-making authority shall determine the appropriate street width. The decision shall be based on the following considerations:
 - ~~A. Street function within the existing, proposed, and future developing area and circulation networks;~~
 - ~~B. Existing and long range forecast traffic volumes;~~
 - ~~C. The recommendations of the development impact analysis, Traffic Management Plan, and/or Traffic Impact Analysis;~~
 - ~~D. Individual property access needs;~~
 - ~~E. Topographic variations, environmental conditions, existing development, and other field conditions.
 - ~~1. The decision-making authority may approve reduction of the minimum widths for sidewalks and planter strips if the reduction is required to accommodate unique conditions due to topography, environmental protection requirements, or existing development and the applicant has demonstrated that the standard widths would impose an economic hardship or immitigable loss of environmental resources. Changes may include but are~~~~~~

~~not limited to meandering or curb tight sidewalks with or without tree wells.~~

~~2. The recommendation shall be based on the development impact analysis, which fulfills the requirements of section 60.55.10.3.~~

~~3. The recommendation shall provide for safe and efficient circulation and access per section 60.55.25.1.~~

~~F. Regionally significant streets designated in Metro's Regional Transportation Plan shall be designed to reflect the function of the street and the adjacent zoning.~~

~~2. In Station Areas, Station Communities, Town Centers, and Regional Centers, the decision-making authority may approve alternative sidewalk widths consistent with the requirements of sections 20.20.50 and 20.20.60 and may waive the requirement for planter strips.~~

~~3. Infill Street Designs. A modified infill residential street design or infill cul-de-sac design may be approved for local streets to optimize the developable land on R-1, R-2, R-3.5, R-5, R-7, and R-10 residential sites subject to the following requirements. The street design is intended to provide public street access to lots created as part of an infill process. Use of the modified infill design is subject to approval by the decision-making authority through the development review process. The applicant shall provide documentation to demonstrate that use of the standard residential street cross section would result in non-conforming lot dimensions per section 20.05.50., and/or use of the standard street cross section is impractical due to physical or topographical constraints such as freeways, railroads, slopes in excess of City standards for maximum slopes, wetlands or other bodies of water, or the constraints of section 60.55.30.1.E.~~

~~4. Half streets. The required street width may be developed in stages when development is occurring on only one side of the proposed street and where staging is essential to the reasonable development of properties. Staging may be allowed if necessary to maintain minimum depth and setbacks on adjoining lots or to match the existing alignments of abutting streets. Staging shall only be approved where future development of adjoining properties can reasonably be expected to complete the full street width. If staging is approved, the initial stage shall provide improvements to the standards of the City's Engineering Design Manual and Standard Drawings that will assure a total minimum 20-foot pavement width for vehicular travel and any additional right of way, shoulder improvements, and drainage improvements as required for the half street.~~

~~5. Use of a cul-de-sac design is limited to situations where barriers prevent through streets from being constructed. Use of a cul-de-sac design may be approved by the decision-making authority based on~~

~~documentation that demonstrates that the use of a through street design is impractical and would result in non-conforming lot dimensions per section 20.05.50, is impractical due to environmental constraints on the site or on land adjacent to the site, or is impractical due to existing development on the site or on land adjacent to the site.~~

- ~~6. No more than 25 dwelling units may have access onto a closed-end street system. An exception may be approved by the decision-making authority based on documentation that demonstrates that a through street is not practical due to environmental constraints or existing development on the site or on land adjacent to the site, and exceeding the standard maximizes the developable portion of the site.~~

60.55.35 Access Standards. [ORD 4302; May 2004]

1. The development plan shall include street plans that demonstrate how safe access to and from the proposed development and the street system will be provided. The applicant shall also show how public and private access to, from, and within the proposed development will be preserved. [ORD 4103; April 2000]
2. No more than 25 dwelling units may have access onto a closed-end street system unless a greater number is authorized pursuant to Section 40.70.15.2. of this Code.

3. 2. Intersection Standards.

Section 5: The Development Code is amended to acknowledge the name change from the *Engineering Design Manual and Standard Drawings* to the *Engineering Design Manual*.

Section 6: The Development Code Section 90 is amended to add the following definition:

Jurisdictional Wetland. A wetland identified by a jurisdiction's Local Wetland Inventory or as determined by either the Oregon Division of State Lands or the United States Army Corp of Engineers. In general, it is a wetland that a government body requires to be considered or reviewed as defined under its regulations.

EXHIBIT 2

BEFORE THE PLANNING COMMISSION FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST TO AMEND) ORDER NO. 1932
BEAVERTON DEVELOPMENT CODE SECTIONS) TA2006-0011 RECOMMENDING APPROVAL OF
40.57 (PUBLIC TRANSPORTATION FACILITY),) TRANSPORTATION - RELATED TEXT
40.70 (SIDEWALK DESIGN MODIFICATION),) AMENDMENT
60.55.20 (TRAFFIC IMPACT ANALYSIS), 60.55.30)
(MINIMUM STREET WIDTHS), 60.55.35 (ACCESS)
STANDARDS) AND CHAPTER 90 (DEFINITIONS))
(TRANSPORTATION - RELATED TEXT)
AMENDMENT). CITY OF BEAVERTON,)
APPLICANT.)

The matter of TA2006-0011 (Transportation - related Text Amendment) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4405, Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearing on November 29, and December 13, 2006, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code.

TA2006-0011 (Transportation - related Text Amendment) proposes to amend Development Code Section 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 Chapter 90 (Definitions), and acknowledge the name change of the Engineering Design Manual.

The Planning Commission adopts by reference the November 9, 2006, Staff Report, as amended by the Memorandum dated December 6, 2006, as to criteria contained in Section 40.85.15.1.C.1-7 applicable to this request contained herein; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** of TA2006-0011 with the following changes to TA2006-0011:

- Section 4, subsections 60.55.30.1. and 60.55.30.2. will be revised to read:
Any project-specific modifications ~~to~~ of the standards...
- Section 4, add criterion 6. The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.
- Section 5 will be clarified to read: The Development Code is amended to acknowledge the name change from *Engineering Design Manual and Standard Drawings* to *Engineering Design Manual*.
- Section 6, the word Engineers will be capitalized.

Motion CARRIED by the following vote:

AYES: Maks, Kroger, Bobadilla, Winter, and Johansen.
 NAYS: None.
 ABSTAIN: None.
 ABSENT: Pogue and Stephens.

Dated this 19th day of December, 2006.

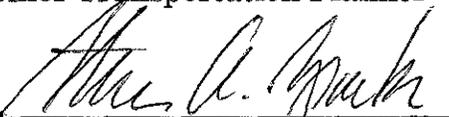
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1932 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on Friday, December 29, 2006.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

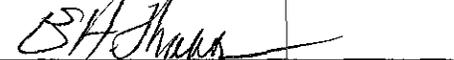


MARGARET MIDDLETON
Senior Transportation Planner



STEVEN A. SPARKS, AICP
Development Services Manager

APPROVED:



ERIC H. JOHANSEN
Chairman

EXHIBIT 3

PLANNING COMMISSION MINUTES

November 29, 2006

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5 **CALL TO ORDER:**

Chairman Eric Johansen called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

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10 **ROLL CALL:**

Present were Chairman Eric Johansen, Planning Commissioners Scott Winter, Ric Stephens, Shannon Pogue, Wendy Kroger, Melissa Bobadilla, and Dan Maks.

Senior Planner John Osterberg, Associate Planner Laura Kelly, City Transportation Engineer Randy Wooley, Senior Transportation Planner Margaret Middleton, Assistant City Attorney Ted Naemura, and Recording Secretary Sheila Martin represented staff.

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

27
28 **VISITORS:**

29
30 Chairman Johansen asked if there were any visitors in the audience
31 wishing to address the Commission on any non-agenda issue or item.
32 There were none.

33
34 **STAFF COMMUNICATION:**

35
36 Staff indicated that there were no communications at this time.

37
38 **NEW BUSINESS:**

39
40 Chairman Johansen opened the Public Hearing and read the format
41 for Public Hearings. There were no disqualifications of the Planning
42 Commission members. No one in the audience challenged the right of
43 any Commissioner to hear any of the agenda items, to participate in
44 the hearing or requested that the hearing be postponed to a later date.

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Motion **CARRIED**, unanimously.

2. TA 2006-0011 - TRANSPORTATION-RELATED TEXT AMENDMENTS

The City is seeking approval of a text amendment to the Development Code that clarifies text on Public Transportation Facilities applications, proposes a new Sidewalk 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.

Chairman Johansen outlined the applicable approval criteria with regard to this application and described the hearing process.

Senior Transportation Planner Margaret Middleton introduced City Transportation Engineer Randy Wooley and presented the Staff Report for a Text Amendment to the Development Code. Observing that this Transportation Text Amendment is necessary for three reasons, as follows:

- The amendment is part of the City’s effort to continually improve upon the current Code and the current Engineering Design Manual by simplifying and clarifying existing text and adding new text to address the challenges of new development;
- In updating, simplifying, and clarifying the portions of the Code and the Engineering Design Manual, staff continue to find engineering standards within the Code and need to remove them and place the properly into the Engineering Design Manual, which staff is currently amending, concurrent with this amendment; and
- The Engineering Design Modification process in the Engineering Design Manual does not adequately address the need for a process to modify the location and dimension of sidewalks or required street landscaping to address existing conditions or constraints with a “stand alone” application with the proposed removal of the Street Width standards (which included sidewalk and landscape widths) . Therefore, a new Type 1 application is proposed to retain Commission review of this component.

1 Ms. Middleton described the different sections of the proposed
2 amendment, recommended approval of the proposal, and offered to
3 respond to questions.
4

5 Chairman Johansen questioned whether the established criterion
6 creates a situation where the addition of any additional lots would not
7 be consistent with the criteria.
8

9 Ms. Middleton responded that staff has attempted not to create this
10 situation, adding that this involves existing development and
11 environmental factors.
12

13 Commissioner Kroger expressed concern with conflicts between the
14 public process and standardizing these issues into the Design Manual,
15 and specifically with providing the public with the opportunity to
16 provide input into these standards. Ms. Middleton responded that the
17 Engineering Design Manual receives public review through the City
18 Council process.
19

20 Referring to page 3 of 9, which addresses the purpose statement of
21 sidewalk design, Commissioner Winter questioned whether this could
22 involve sidewalk ramps that are not connected to any sidewalks.
23

24 Ms. Middleton responded that the ramp is part of the sidewalk.
25

26 Chairman Johansen requested further information with regard to the
27 sidewalk design modification.
28

29 Ms. Middleton advised Chairman Johansen that this had been
30 requested by the Community Development Department, based on the
31 removal of the street width standards from the Code, adding that there
32 had been concern with regard to the absence of any process to deal
33 with environmental and existing conditions that constrain the location
34 and dimensions of sidewalks and landscape strips. The new
35 application allows review of such constraints to assure pedestrian
36 connectivity.
37

38 PUBLIC TESTIMONY 39

40 MARK SAN SOUCIE observed that while he is generally in favor of
41 this proposal, he would like to comment on Sections 3, 4, 5, and 6. He
42 pointed out that the approval criteria for a design review modification
43 do not detail modifications to the standards and design review, adding
44 that he is not clear with regard to any constraints on design

1 modification as permitted through this type of application. He
2 expressed his opinion that the contents of the Engineering Design
3 Manual do receive public review as appropriate.
4

5 City Transportation Engineer Randy Wooley explained the types of
6 modifications allowed by design review, noting that this would involve
7 a judgment call.
8

9 Commissioner Maks expressed concern with potential issues that
10 might arise with the design review modifications.
11

12 Chairman Johansen suggested including some type of guarantee that
13 this type of process can not be used simply for the purpose of
14 increasing the number of lots.
15

16 Ms. Middleton agreed that this could be addressed.
17

18 Commissioner Maks expressed his opinion that the procedure for
19 modifying a sidewalk should be simplified, and suggested that staff
20 should make some changes to this section.
21

22 The public portion of the Public Hearing was closed.
23

24 Expressing his approval of most of the issues involved in this Text
25 Amendment, Commissioner Maks emphasized that he would like to
26 direct staff to review the sidewalk design review modification section.
27

28 Commissioner Winter concurred with the comments of Commissioner
29 Maks.
30

31 Observing that he agrees with Commissioners Maks and Winter,
32 Commissioner Stephens suggested that staff also consider expanding
33 the possibilities for sidewalk design in order to limit revisions to an
34 existing design standard, adding that there are new options for
35 flexibility with regard to sidewalk designs.
36

37 Commissioner Kroger noted that she is more concerned with the
38 relationship between the Planning Commission and the administrators
39 of the Engineering Design Manual.
40

41 Commissioner Bobadilla expressed her agreement with her fellow
42 Commissioners, adding that she is also concerned with the fact that
43 the Commission will no longer have the ability to review these
44 applications or receive input from the public.

1
2 Commissioner Pogue and Chairman Johansen expressed their
3 approval of this proposal.

4
5 Commissioner Pogue **MOVED** and Commissioner Kroger
6 **SECONDED** a motion to **CONTINUE** TA 2006-0011 -
7 Transportation-Related Text Amendments, to a date certain of
8 December 13, 2006.
9 Motion **CARRIED**, unanimously.

10
11 **APPROVAL OF MINUTES**

12
13 Minutes for the July 12, 2006, meeting submitted. Commissioner
14 Maks **MOVED** and Commissioner Kroger **SECONDED** a motion that
15 the minutes be approved, as amended.

16
17 Motion **CARRIED**, unanimously, with the exception of Commissioners
18 Bobadilla and Stephens, who abstained from voting on this issue.

19
20 Minutes for the September 6, 2006, meeting submitted. Commissioner
21 Maks **MOVED** and Commissioner Kroger **SECONDED** a motion that
22 the minutes be approved as submitted.

23
24 Motion **CARRIED**, unanimously, with the exception of Commissioner
25 Kroger, who abstained from voting on this issue.

26
27 Minutes for the September 13, 2006, meeting submitted.
28 Commissioner Kroger **MOVED** and Commissioner Winter
29 **SECONDED** a motion that the minutes be approved, as amended.

30
31 Motion **CARRIED**, unanimously, with the exception of Commissioners
32 Bobadilla and Stephens, who abstained from voting on this issue.

33
34 Minutes for the October 11, 2006, meeting submitted. Commissioner
35 Maks **MOVED** and Commissioner Kroger **SECONDED** a motion that
36 the minutes be approved as submitted.

37
38 Motion **CARRIED**, unanimously, with the exception of Commissioners
39 Kroger and Pogue, who abstained from voting on this issue.

40
41 Minutes for the November 1, 2006, meeting submitted. Commissioner
42 Winter **MOVED** and Commissioner Kroger **SECONDED** a motion
43 that the minutes be approved as submitted.
44

1 **PLANNING COMMISSION MINUTES**

2
3 **December 13, 2006**

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

10
11 **ROLL CALL:** Present were Chairman Eric Johansen,
12 Planning Commissioners Scott Winter,
13 Wendy Kroger, Melissa Bobadilla, and Dan
14 Maks. Commissioners Ric Stephens and
15 Shannon Pogue were excused.

16
17 Senior Transportation Planner Margaret
18 Middleton, City Transportation Engineer
19 Randy Wooley, Associate Planner Liz Jones,
20 Senior Planner Colin Cooper, AICP, Senior
21 Planner John Osterberg, Assistant City
22 Attorney Ted Naemura and Recording
23 Secretary Sheila Martin represented staff.

24
25
26
27 The meeting was called to order by Chairman Johansen, who
28 presented the format for the meeting.

29
30 **VISITORS:**

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

35
36 **STAFF COMMUNICATION:**

37
38 Staff indicated that communications would be addressed later in the
39 meeting.

40
41 **OLD BUSINESS:**

42
43 Chairman Johansen opened the Public Hearing and read the format
44 for Public Hearings. There were no disqualifications of the Planning

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

7
8 **CONTINUANCE:**

9
10 **I. CPA 2006-0011 -- TRANSPORTATION - RELATED TEXT**
11 **AMENDMENTS**

12 *(Continued from November 29, 2006)*

13 The City is seeking approval of a text amendment to the Development
14 Code that clarifies text on Public Transportation Facilities
15 applications, proposes a new Sidewalk Modification application and
16 process for modifications to the location and dimensions of sidewalks to
17 accommodate constraints, clarifies two Traffic Impact Analysis
18 subsections, removes engineering standards from the Street Widths
19 subsection, updates references, and adds a definition for jurisdictional
20 wetland.

21
22 Chairman Johansen outlined the applicable approval criteria and
23 explained the hearing process.

24
25 Senior Transportation Planner Margaret Middleton introduced herself,
26 City Transportation Engineer Randy Wooley, and Senior Planner Colin
27 Cooper and explained that staff transmitted a Memorandum to the
28 Commission dated December 6, 2006, addressing the concerns
29 expressed at the Public Hearing of November 29, 2006. She mentioned
30 that staff also received the memo from Marc San Soucie dated
31 December 7, 2006. She responded to his question by stating that staff
32 does still require an application for a Public Transportation Facility for
33 an extension. This requirement is stated in the Purpose section of
34 40.57.

35
36 Senior Planner Colin Cooper explained that he is available to respond
37 to questions that had been brought up at the previous hearing,
38 specifically related to the developer to use the process to "bundle" some
39 requirements. He clarified that what is proposed with this text
40 amendment does not actually change the potential for an applicant to
41 do that.

42
43 City Transportation Engineer Randy Wooley discussed the history of
44 this proposal and staff's intentions with this text amendment.



EXHIBIT 4

CITY of BEAVERTON

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

CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

TO: Planning Commission

STAFF REPORT DATE: November 9, 2006

SUBJECT: TA 2006-0011 (Transportation-related Text Amendment)

REQUEST: Amendment to 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, 90 Definitions that clarifies text on Public Transportation Facilities applications, proposes a new Sidewalk 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.

APPLICANT: City of Beaverton

AUTHORIZATION: Ordinance 2050 (Development Code), effective through Ordinance 4405)

APPLICABLE CRITERIA: Ordinance 2050, effective through Ordinance 4405, Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING DATE: Wednesday, November 29, 2006

RECOMMENDATION: Staff recommends the following:

1. Open the public hearing.
2. Receive all public testimony.
3. Close the public hearing.
4. Considering the public testimony and the facts and findings presented in the staff report, deliberate on issues identified by the Commission and the public.
5. Recommend **APPROVAL** of text amendment application **TA 2006-0011 (Transportation-related Text Amendment)** to the City Council.

PROPOSAL OVERVIEW

The text amendment proposal is necessary in order to clarify when a Public Transportation Facility application is necessary, to clarify minimum street width provision applicability, to delete engineering standards that have been moved to the *Engineering Design Manual*, and to add an application for Sidewalk Design Modification that will provide a mechanism to modify the location and/or dimensions of sidewalks, planter strips, and associated elements in order to account for physical, environmental, existing development, or other field conditions. The Sidewalk Design Modification application can be used if there is a needed modification, but no other application with which it can be included. The proposal also adds a definition of jurisdictional wetland. TA 2006-0011 Transportation-related Text Amendment is attached as Exhibit A.

PUBLIC COMMENTS

The notice of application specified November 17, 2006, as the due date for written comments to be addressed in the staff report and recommendation. As of the date of issuance for the staff report and recommendation, there were no written comments submitted to the record.

FACTS AND FINDINGS

A. CONFORMITY TO TEXT AMENDMENT APPROVAL CRITERIA:

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact based on evidence provided by the applicant that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2006-0011 (Transportation-related Text Amendment):

1. *The proposal satisfies the threshold requirements for a Text Amendment application.*

Section 40.85.15.1.C specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2006-0011 (Transportation-related Text Amendment) proposed to amend various sections of the Development Code. Therefore, staff find that approval criterion one has been met.

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

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City-initiated application are not required where the application fee would be paid from the City's General Fund. The Public Works Department, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

3. *The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.*

The requested changes to the Development Code improve upon the City's implementation of and consistency with the Regional Transportation Plan, which is a component of the Urban Growth Management Functional Plan. Specifically, the amendment improves upon current development review processes dealing with street components by clarifying requirements. It completes the current effort to remove engineering standards from the Development Code and properly place them in the Engineering Design Manual. Additionally, it proposes a new Development Code application that will address sidewalk design modifications necessary to accommodate existing topographic and environmental conditions. This application has become necessary as the City continues to infill and redevelop. Finally, the amendment provides clarifications for these same reasons to the Public Transportation Facility, traffic impact analysis, and Minimum Street Width sections. In conclusion, the new sections, deletions, and clarifications enable the City to develop and redevelop consistent with Metro plans. Staff find that approval criterion three is met.

4. *The proposed text amendment is consistent with the City's Comprehensive Plan.*

The proposed text amendment implements and is thus consistent with the City's Comprehensive Plan because it adds Development Code text and refines existing text that carries out the policies of the Comprehensive Plan. The text amendment responds directly to the following Comprehensive Plan goals, policies, and actions:

6.2.1. Goal: Transportation facilities designed and constructed in a manner to enhance Beaverton's livability and meet federal, state, regional, and local requirements.

6.2.1.a) Policy: Maintain the livability of Beaverton through proper location and design of transportation facilities.

Action: Design streets and highways to respect the characteristics of the surrounding land uses, natural features, and natural hazards, and community amenities.

Action: Recognizing that the magnitude and scale of capital facilities also affect aesthetics and environmental quality the City will continue to require design plans and impact analyses as specified in the Development Code.

6.2.2. Goal: A balanced transportation system.

6.2.2.a) Policy: Develop and provide a safe, complete, attractive, efficient, and accessible system of pedestrian ways and bicycle ways, including bike lanes, shared roadways, multi-use paths, and sidewalks according to the pedestrian and bicycle system maps and the Development Code and Engineering Design Manual and Standard Drawings requirements.

The amendment clarifies several requirements of the Development Code and removes engineering standards that are more appropriately housed in the Engineering Design Manual. The amendment also provides a new application that will make it easier for development to deal with site constraints; as the City infills, such constraints are more common. The new application will set up a process to acknowledge and address constraints within the application, thus making it easier for both the developer and City. Therefore, the amendment more closely implements the

above goals and policies. Staff find that the proposed text amendment is consistent with the Comprehensive Plan. Therefore, staff find that approval criterion four has been met.

5. *The proposed text amendment is consistent with other provisions within the City's Development Code.*

The proposed changes to the Development Code refine and clarify existing text and at times add new text related to development requirements. Therefore, staff find that approval criterion five has been met.

6. *The proposed amendment is consistent with all applicable City ordinance requirements and regulations.*

The proposed amendment is consistent with Comprehensive Plan goals and policies as demonstrated above in approval criterion four and five, responds to and is consistent with the Development Code and its amendment requirements and procedures, is authorized by the Beaverton Code, and moreover responds to ORS 197.175 city-related responsibilities. Therefore, staff find that approval criterion six has been met.

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

All application documentation is submitted in proper sequence. If approved, documentation for a fee for the new application will be submitted to the City in the proper sequence. Therefore, staff find that approval criterion seven has been met.

B. CONFORMANCE WITH STATEWIDE PLANNING GOALS:

Since the proposal is a text amendment to the Development Code, a demonstration of compliance with the Statewide Planning Goals is not required. ORS 197.225 requires that Statewide Planning Goals only be addressed for Comprehensive Plan amendments. Nevertheless, staff make it a practice to review the Statewide Planning Goals as useful tools to ensure that the proposed amendments remain consistent with the City's position on the proposed amendment. The proposed text amendment's conformance to relevant Stateside Planning Goals is briefly discussed:

Goal One – Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City is in compliance with this goal through its establishment of the Committee for Citizen Involvement and the Neighborhood Association Committees. These committees provide widespread citizen involvement and distribution of information. The proposed text amendment to the Development Code will not change the City's commitment to providing opportunity for citizen involvement or cause the City to be out of compliance with Goal One. Notice of the proposed amendment was distributed using adopted procedures. On October 4, 2006, notice was sent to the Department of Land Conservation and Development a minimum of 45 days prior to the initial hearing. On October 26, 2006, notice was sent to the Committee for Citizen

Involvement, other local governments and posted at City Hall and the Library. On October 12, 2006, notice was published in the *Beaverton Valley Times*.

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 along with implementing measures, the Development Code. These land use planning processes and policy framework form the basis for decisions and actions, such as the proposed amendment. The proposed Development Code amendment was processed in accordance with Section 40.85 Text Amendment and Section 50.50 Type 4 Application. Section 40.85 contains approval criteria for the decision-making authority to apply during its consideration of the text amendment. Section 50.50 Type 4 Application specifies the required notice procedures to ensure public involvement in the decision process. The policies and processes are established and have been adhered to; therefore, Goal Two is satisfied.

CONCLUSIONS

Based on the facts and findings presented, staff conclude that the proposed text amendment to the Development Code is consistent with all of the applicable text amendment approval criteria in Section 40.85.15.1.C.1-7.

STAFF RECOMMENDATION

Staff recommend the following:

1. Open the public hearing.
2. Receive all public testimony.
3. Close the public hearing.
4. Considering the public testimony and the facts and findings presented in the staff report, deliberate on issues identified by the Commission and the public.
5. Recommend **APPROVAL** of text amendment application herein incorporated as Exhibit A, **TA 2006-0011 (Transportation-related Text Amendment)**, to the City Council.

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Exhibit A

Strikeouts are deletions; bold underlined text are insertions.

Section 1: The Development Code section 40.57 is amended to read:

40.57. PUBLIC TRANSPORTATION FACILITY [ORD 4332; November 2004]

40.57.05 Purpose

The purpose of the Public Transportation Facility application is to ~~identify development review standards and procedures for the review of public transportation improvements that are subject to such review~~ **establish a process for review of new construction or significant expansion of major transportation facilities.**

40.57.10 Applicability

This section applies to the ~~design and construction of public transportation facilities including roadways and bridges, and transit, bicycle and pedestrian facilities within public rights of way and the areas adjacent to the rights of way where physical changes occur as a result of such design and construction.~~ **Unless exempted by Section 40.57.10.2, Public Transportation Facility application approval shall be required for of Collectors, Arterials, Principal Arterials, and Freeways, and the areas adjacent to the rights of way where physical changes will occur as a result of such construction.**

- ~~2. Unless specified in the applicable thresholds for Public Transportation Facility, approval shall not be required for the following:~~
 - ~~A. Local and Neighborhood Route streets.~~
 - ~~B. Public transportation facility improvements which were required as a part of another development application.~~
 - ~~C. Maintenance, preservation, and repair of existing public roads, transportation facilities and structures within all existing rights of way and easements.~~
 - ~~D. Modifications within all existing rights of way and easements including, but not limited to striping, addition of curbs, curb extensions, or medians, sidewalks, speed humps, street lighting, signalization, reflectors, buttons, signs, flashing beacons, or other similar modifications.~~
 - ~~E. Bus turnouts within all existing rights of way.~~

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- ~~F. Reconstruction or matching replacement of a public transportation facility within all existing rights of way, including the enlargement or removal of culverts, pilings or similar structures, provided they are not located in a floodplain, special flood hazard area, or Significant Natural Resource Area.~~
- ~~G. Contractor construction staging areas and stockpiling of materials within all public rights of way or easements.~~
- ~~H. Repairs, improvements, detours and traffic pattern changes that are made in response to an emergency.~~
- ~~I. Private Streets~~

40.57.15 Application.

There is a single Public Transportation Facility application which is subject to the following requirements.

1. Public Transportation Facility.

A. Threshold. An application for Public Transportation Facility shall be required for construction or modification of Collectors, Arterials, Principal Arterials, and Freeways when the applicability statements listed in Section 40.57.10.1 apply, none of the exemptions listed in Section 40.57.10.2 apply, and when one or more of the following thresholds describe the proposal:

1. A new facility will be constructed where no transportation facility existed previously.
2. The work includes construction activities outside a public right of way or easement, including contractor staging areas and stockpiling of materials.
3. The work involves the acquisition of new right of way.
4. The work includes the construction of transit shelters.

- ~~1. New transportation facilities which:
 - ~~a. Require the acquisition of right of way, or~~
 - ~~b. Are located within existing public right of way where no transportation facility currently exists.~~~~
- ~~2. The extension or widening of existing transportation facilities which:
 - ~~a. Require the acquisition of right of way, or~~
 - ~~b. Are located within an existing public right of way.~~
 - ~~c. Increases the combined width of existing street improvements by six (6) feet or more.~~~~

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3. ~~Construction activities including contractor construction staging areas and stockpiling of materials outside a public right-of-way or easement.~~
4. ~~Transit shelters.~~

Section 2: The Development Code is amended to add a new section 40.70 to read:

40.70. SIDEWALK DESIGN MODIFICATION

40.70.05 Purpose.

The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City's street design standards relating to the locations and dimensions of sidewalks or required street landscaping can be modified to address existing conditions and constraints as a stand alone application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This section is carried out by the approval criteria listed herein.

40.70.10. Applicability.

The Sidewalk Design Modification application shall be applicable to all streets in the City.

40.70.15. Application.

There is a single Sidewalk Design Modification application which is subject to the following requirements.

A. Threshold. An application for Sidewalk Design Modification shall be required when one of the following thresholds apply:

1. The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.

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2. The dimensions or locations of street tree wells specified in the Engineering Design Manual are proposed to be modified.

B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Sidewalk Design Modification. The decision making authority is the Director.

C. Approval Criteria. In order to approve a Sidewalk Design Modification application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.

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

3. One or more of the following criteria are satisfied:

a. That there exist local topographic conditions, which would result in any of the following:

i. A sidewalk that is located above or below the top surface of a finished curb.

ii. A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.

b. That there exist local physical conditions such as:

i. An existing structure prevents the construction of a standard sidewalk.

ii. An existing utility device prevents the construction of a standard sidewalk.

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Section 3: The Development Code section 60.55.20 is amended to read:

60.55.20 Traffic Impact Analysis.

60.55.20.4.

F. Mitigation Identification. In order to protect the public transportation system from potentially adverse impacts of the proposal, to fulfill an identified need for public services within the impacted area related to the development, or both, the Traffic Impact Analysis shall identify methods of mitigating on-site and off-site deficiencies for present and proposed phases of the development.

The analysis shall make recommendations for improvements necessary for safe and efficient traffic flow and bicycle, pedestrian, and transit movement and access **based on and roughly proportional to the identified impacts.** Buildout Year, Long-Range Forecast Year, and project phasing impacts shall be considered.

The traffic impact analysis shall discuss the estimated levels of impact, improvements, and mitigations, **and shall demonstrate how the recommended mitigations are roughly proportional to the identified impacts. . . .**

G. Recommendations. The Traffic Impact Analysis report shall clearly state the mitigation measures recommended by the analysis **and shall summarize how the recommended mitigations are roughly proportional to the identified impacts.** The recommended street and highway mitigation measures shall be shown on a scaled drawing that depicts existing and recommended improvements.

Section 4: The Development Code section 60.55.30 is amended to read:

60.55.30 Minimum Street Widths. Minimum street widths are depicted in the Engineering Design Manual. ~~and Standard Drawings. Street width includes right of way width, paved width, and widths of sidewalks and planter strips.~~

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1. Any project specific modifications to the standards contained in the Engineering Design Manual regarding the widths of features relating to the movement of vehicles, including but not limited to rights of way, travel lanes, parking lanes, bike lanes, driveway aprons, curb radii, or other such features shall be processed in accordance with the provisions contained in the section 145 Design Modifications of the Engineering Design Manual.
2. Any project specific modifications to the standards of the Engineering Design Manual relating to the location and dimensions of required street landscaping and pedestrian features including, but not limited to, sidewalks, planter strips, street trees, street tree wells, street tree easements, or street furniture are subject to the procedures contained in Chapter 40 (Applications). The required application will depend on the scope of the proposed project and the type of application filed with the City.
- ~~1. The decision-making authority shall determine the appropriate street width. The decision shall be based on the following considerations:
 - A. Street function within the existing, proposed, and future developing area and circulation networks;
 - B. Existing and long range forecast traffic volumes;
 - C. The recommendations of the development impact analysis, Traffic Management Plan, and/or Traffic Impact Analysis;
 - D. Individual property access needs;
 - E. Topographic variations, environmental conditions, existing development, and other field conditions.
 1. The decision-making authority may approve reduction of the minimum widths for sidewalks and planter strips if the reduction is required to accommodate unique conditions due to topography, environmental protection requirements, or existing development and the applicant has demonstrated that the standard widths would impose an economic hardship or inmitigable loss of environmental resources. Changes may include but are not limited to meandering or curb tight sidewalks with or without tree wells.
 2. The recommendation shall be based on the development impact analysis, which fulfills the requirements of section 60.55.10.3.
 3. The recommendation shall provide for safe and efficient circulation and access per section 60.55.25.1.~~

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- F. ~~Regionally significant streets designated in Metro's Regional Transportation Plan shall be designed to reflect the function of the street and the adjacent zoning.~~
2. ~~In Station Areas, Station Communities, Town Centers, and Regional Centers, the decision-making authority may approve alternative sidewalk widths consistent with the requirements of sections 20.20.50 and 20.20.60 and may waive the requirement for planter strips.~~
3. ~~Infill Street Designs. A modified infill residential street design or infill cul de sac design may be approved for local streets to optimize the developable land on R-1, R-2, R-3.5, R-5, R-7, and R-10 residential sites subject to the following requirements. The street design is intended to provide public street access to lots created as part of an infill process. Use of the modified infill design is subject to approval by the decision-making authority through the development review process. The applicant shall provide documentation to demonstrate that use of the standard residential street cross section would result in non-conforming lot dimensions per section 20.05.50., and/or use of the standard street cross section is impractical due to physical or topographical constraints such as freeways, railroads, slopes in excess of City standards for maximum slopes, wetlands or other bodies of water, or the constraints of section 60.55.30.1.E.~~
4. ~~Half streets. The required street width may be developed in stages when development is occurring on only one side of the proposed street and where staging is essential to the reasonable development of properties. Staging may be allowed if necessary to maintain minimum depth and setbacks on adjoining lots or to match the existing alignments of abutting streets. Staging shall only be approved where future development of adjoining properties can reasonably be expected to complete the full street width. If staging is approved, the initial stage shall provide improvements to the standards of the City's Engineering Design Manual and Standard Drawings that will assure a total minimum 20-foot pavement width for vehicular travel and any additional right-of-way, shoulder improvements, and drainage improvements as required for the half street.~~
5. ~~Use of a cul de sac design is limited to situations where barriers prevent through streets from being constructed. Use of a cul de sac design may be approved by the decision-making authority based on documentation that demonstrates that the use of a through street design is impractical and would result in non-conforming lot dimensions per section 20.05.50, is impractical due to environmental constraints on the site or on land adjacent to the site, or is impractical due to existing development on the site or on land adjacent to the site.~~
6. ~~No more than 25 dwelling units may have access onto a closed end street system. An exception may be approved by the decision-making~~

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~~authority based on documentation that demonstrates that a through street is not practical due to environmental constraints or existing development on the site or on land adjacent to the site, and exceeding the standard maximizes the developable portion of the site. moved below~~

60.55.35 Access Standards. [ORD 4302; May 2004]

1. The development plan shall include street plans that demonstrate how safe access to and from the proposed development and the street system will be provided. The applicant shall also show how public and private access to, from, and within the proposed development will be preserved. [ORD 4103; April 2000]
2. No more than 25 dwelling units may have access onto a closed-end street system unless a greater number is authorized pursuant to Section 40.70.15.2. of this Code. *moved from previous section*

3. 2. Intersection Standards.

Section 5: The Development Code is amended to acknowledge the name change of the *Engineering Design Manual*.

Section 6: The Development Code Section 90 is amended to add the following definition:

Jurisdictional Wetland. A wetland identified by a jurisdiction's Local Wetland Inventory or as determined by either the Oregon Division of State Lands or the United States Army Corp of engineers. In general, it is a wetland that a government body requires to be considered or reviewed as defined under its regulations.

EXHIBIT 5



MEMORANDUM

City of Beaverton
Public Works Department
Engineering Division

To: Planning Commission
From: Margaret Middleton, Senior Transportation Planner
Date: December 6, 2006
Subject: *TA 2006-0011*

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. Other comments are addressed as well.

In response to the Planning Commission's request that staff review the possibility of the Sidewalk Design Modification section being misused to avoid the sidewalk requirement altogether, Transportation and Development Services staff reviewed the application. As you know, the process proposed by the text amendment is currently available to an applicant through an Engineering Design Manual Modification request. Such modifications do not require notice and are under the authority of the City Engineer.

In reviewing the proposed Development Code text contained in Section 2, staff remain confident of the original analysis. We reviewed all of the regulations found in Chapter 40 in the Facilities Review, Design Review, and Land Division sections, as well as the regulations found in Chapter 60 Special Requirements, which ensure that an applicant cannot use the Sidewalk Design Modification application as a way to not respond to the sidewalk requirement. To provide additional assurance that safe pedestrian circulation will not be compromised, staff suggest the addition of the following approval criterion to the proposed Sidewalk Design Modification application requirements of proposed Section 40.70.15.C.:

6. The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.

Development Services staff will attend the continued hearing to address this issue further.

The Commission also asked staff to make sure that Approval Criteria was comprehensive and all potential situations covered. The subject amendment has undergone rigorous review by engineering, operations, and development services staff since mid 2005 and most recently DLC and the development community in fall 2006. At this point, it is felt that unless there are specific instances the Commission can provide that need to be addressed, this exhaustive review has identified the appropriate constraints and left sufficient flexibility to cover others that might arise.

Section 4: The Commission was concerned that deleting the engineering standards from the Code is counterproductive to their ability to perform their function. The subject amendment contains a subsection that was inadvertently left in the Code during the final 2004 amendments to the Code and Engineering Design Manual. To correct this oversight, the Street Widths subsection is proposed to be removed from the Code. However, the sidewalk component is retained with its own

application so that the link to development is maintained. A stand-alone application for Sidewalk Design Modification is necessary so that each component of a development may be reviewed separately. This avoids a situation where the whole development is challenged due to one constrained component. For example, the City cannot require a developer to acquire additional right-of-way from an unwilling seller in order to build a sidewalk and landscape strip to City standard, when, perhaps, the sidewalk could be built curb-tight.

Additional concerns discussed at the meeting:

- The Engineering Design Manual should be reviewed by the public.
Response: The Manual is under the authority of the Beaverton Code and implements the City's Site Development Ordinance. The Manual is adopted by ordinance and undergoes public review through the ordinance process. In developing the subject amendments, the Development Liaison Committee reviewed both the Code and Manual amendments. In addition, the Westside Economic Alliance did outreach on the Manual amendment, publishing an article and providing the link to access the amendment that was posted on the City's public website in late September 2006.
- The Code should allow low impact development strategies.
Response: The subject amendment is not intended to address this issue. Commission's September 6 and October 11 work sessions and action at the October Public Hearings on Code and Comprehensive Plan amendments for Tualatin Basin Goal 5 Implementation approved the Low Impact Development (LID) practices that the City will encourage. This effort also resulted in a draft guidance manual for new development that promotes LID practices, some with credits. The Commission approved the Goal 5 implementing amendments and City Council adopted them on December 4. Please contact Barbara Fryer at 526-3718 or Leigh Crabtree at 526-2458 if you need additional information.

RECOMMENDATION:

Based on the staff report, public hearing, and Commission consideration and discussion, staff recommends the following:

1. Consider public testimony and the facts and findings presented in the staff report, deliberate on the issues identified; and,
2. Recommend **APPROVAL** of TA 2006-0011 to the City Council with the following requested changes and any additional changes from deliberation at the December 13 meeting:
 - **Section 4**, subsections 60.55.30.1. and 60.55.30.2. will be revised to read: Any project-specific modifications to of the standards...
 - **Section 4**, add criterion **6. The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.**
 - **Section 5** will be clarified to read: The Development Code is amended to acknowledge the name change from *Engineering Design Manual and Standard Drawings* to *Engineering Design Manual*.
 - **Section 6**, the word Engineers will be capitalized.

EXHIBIT 6

Date: December 7, 2006

Beaverton Planning Commission
Comments re: TA 2006-0011, Transportation-Related Amendment
Public Hearing Date: December 13, 2006

I am afraid I cannot attend the December 13 hearing, and so these written comments.

At the November 29, 2006 hearing on TA 2006-0011, I brought up a few points, most of which were addressed in the hearing. One item did not receive discussion, however, and I still have some questions about it.

Comparing old and new wording, the new wording of section 40.57.15.1.A (Ex A, 2 of 9) appears to no longer require a Public Transportation Facility application for an extension or widening of facilities located within an existing right of way. Is this intentional? My concern is that aspects of some of these widening projects could conceivably be of general public interest, and excepting them from this application type could reduce public review in these cases.

Thank you for your consideration.



Marc San Soucie
17970 NW Rapid St.
Beaverton OR 97006
503-645-5229

DEC 11 2006
COMMUNITY DEVELOP DEPT.

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: 01/08/07 **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

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

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

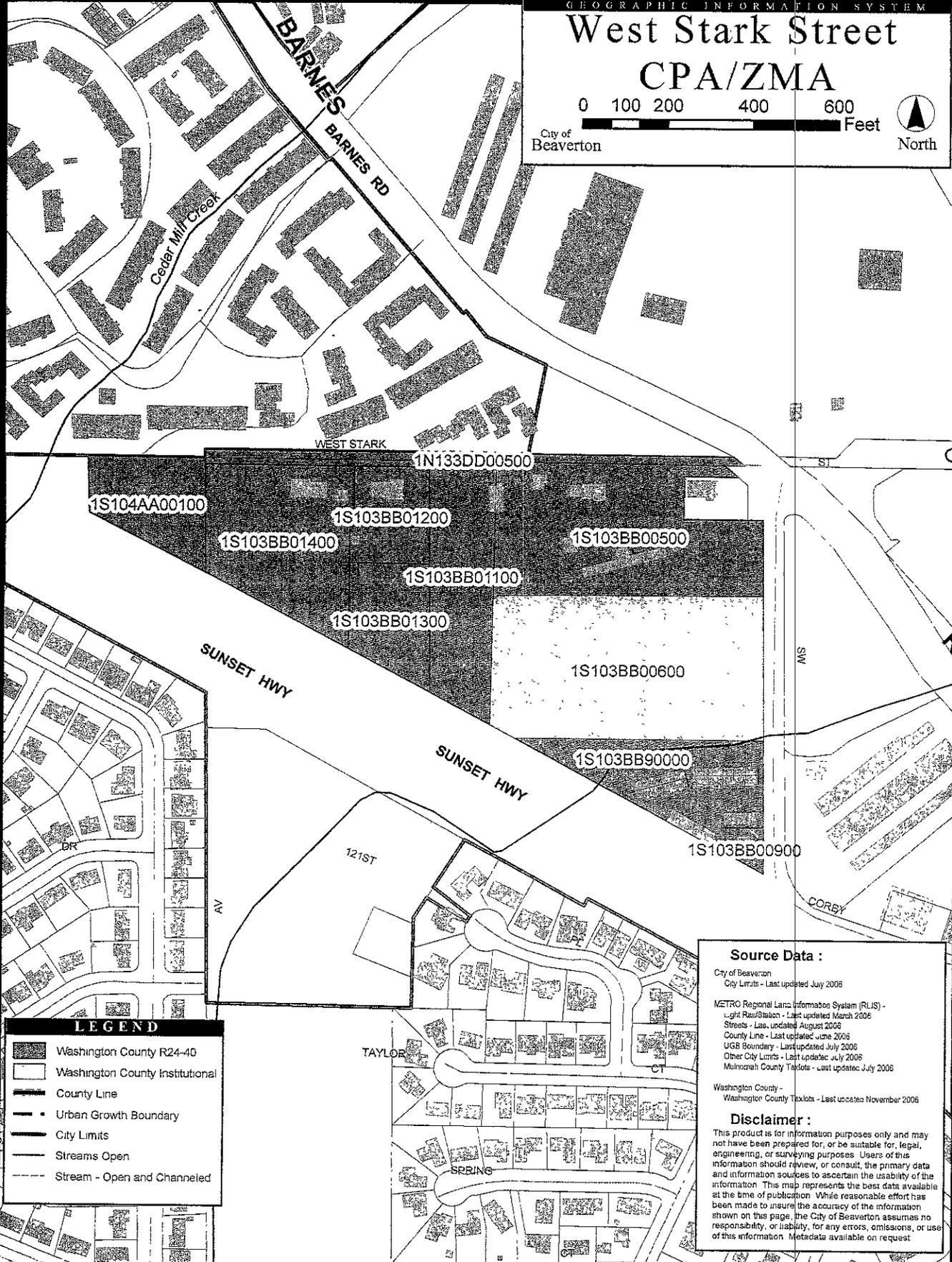
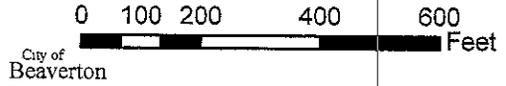
ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

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.



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 **REPORT DATE:** November 16, 2006

AGENDA DATE: December 6, 2006

FROM: Laura Kelly, Associate Planner, Development Services *JK*

SUBJECT: To designate twenty eight parcels with a new City Land Use designation (CPA2006-0014) and new zoning district (ZMA2006-0017). The properties were annexed under two (2) separate annexations, which became effective on January 8, 2005 and May 17, 2005.

REQUEST: Amend the City's Comprehensive Plan Land Use Map to show Town Center, and the City's Zoning Map to show TC-HDR (Town Center- High Density Residential) designations in place of the current Washington County designations of TO:R24-40 (Transit Oriented: Residential 24-40 dwellings per acre district) and Inst (Institutional).

APPLICANT: City of Beaverton

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

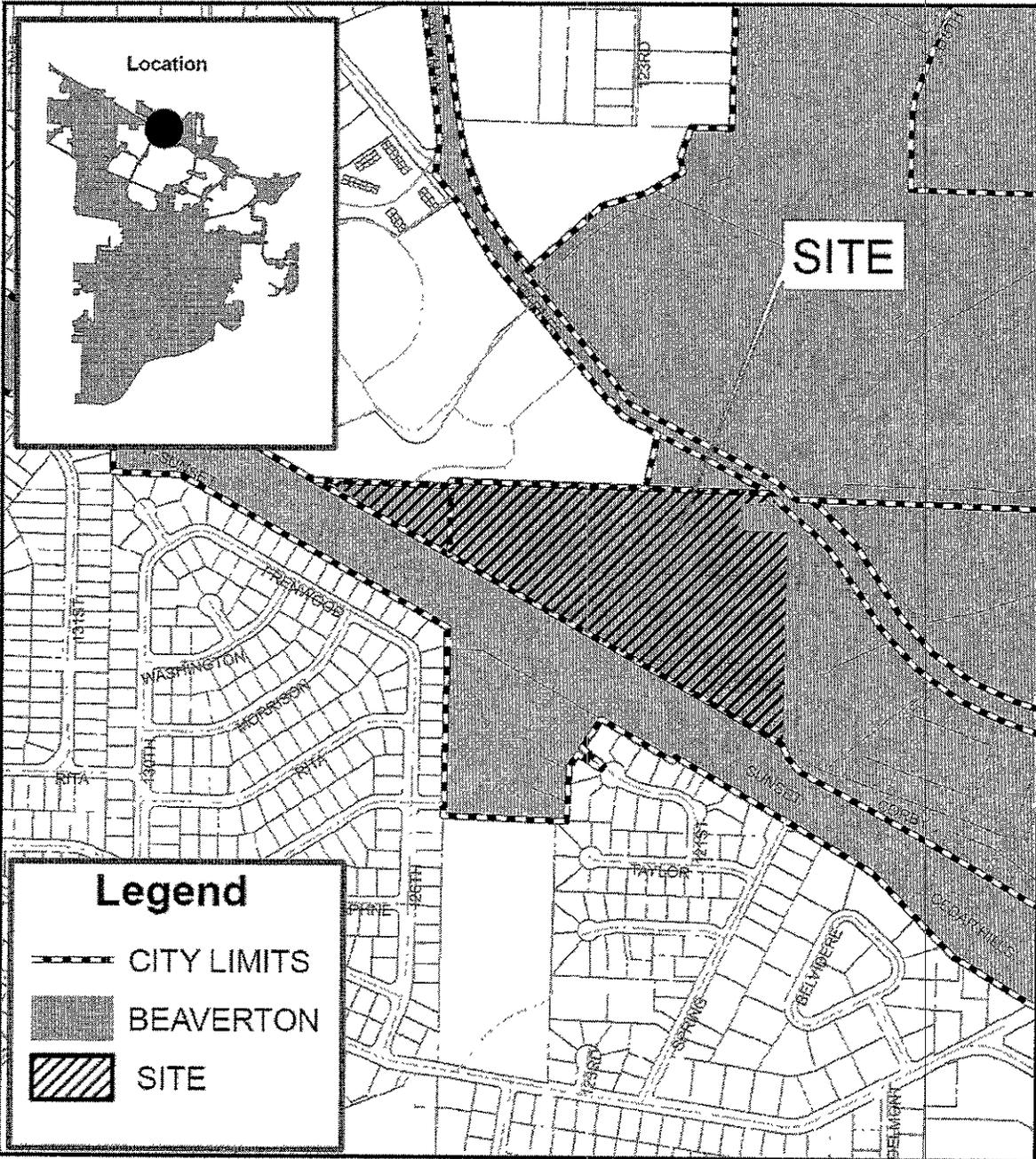
LOCATION: The properties are located on West Stark Street, west of Corby Drive and north of US:26 (Sunset Highway).

EXISTING USE: See the following section

RECOMMENDATION

Based on findings in this report that the criteria contained in Comprehensive Plan Section 1.3.1 and Development Code Section 40.97.15.4.C. are met, staff recommends approval of the Town Center (TC) Comprehensive Plan Land Use Map designation and Zoning Map designation of Town Center – High Density Residential (TC-HDR) for the subject properties as shown on the attached map.

VICINITY MAP



 CITY OF BEAVERTON	CPA2006-0014 / ZMA2006-0017	9/22/06 Various Tax lots	
	COMMUNITY DEVELOPMENT DEPARTMENT Planning Services division	West Stark Street	

EXISTING CONDITIONS

EXHIBIT 1.2

Twenty seven properties are designated County TO:R24-40 (Transit Oriented Residential – 24-40 dwellings per acre district) and one property (1S103BB00600) is designated INST (Institutional) by Washington County. The twenty-eight parcels total approximately 17.9 acres. The property information includes:

TAX LOT ID	SITE ADDRESS	EXISTING LAND USE	LOT SIZE (ACRES)
1N133DD00500	no address	ACCESS DRIVE	0.5
1S103BB00500	12170 W STARK ST	HOUSE	4.22
1S103BB00600	11994 SW CORBY DR	UNDEVELOPED- WETLANDS	4.89
1S103BB00900	11980 SW CORBY DR	HOUSE	0.17
1S103BB01100	no address	BARN	2.37
1S103BB01200	12310 W STARK ST	HOUSE	0.98
1S103BB01300	no address	UNDEVELOPED	1
1S103BB01400	12350 W STARK ST	HOUSE	2.52
1S103BB90000	11900 SW CORBY DR	COMMON CONDO PROPERTY	N/A- CONDO
1S103BB90011	11990 SW CORBY DR #1	CONDO	N/A- CONDO
1S103BB90022	11990 SW CORBY DR #2	CONDO	N/A- CONDO
1S103BB90031	11990 SW CORBY DR #3	CONDO	N/A- CONDO
1S103BB90042	11990 SW CORBY DR #4	CONDO	N/A- CONDO
1S103BB90051	11990 SW CORBY DR #5	CONDO	N/A- CONDO
1S103BB90062	11990 SW CORBY DR #6	CONDO	N/A- CONDO
1S103BB90071	11990 SW CORBY DR #7	CONDO	N/A- CONDO
1S103BB90082	11990 SW CORBY DR #8	CONDO	N/A- CONDO
1S103BB90091	11990 SW CORBY DR #9	CONDO	N/A- CONDO
1S103BB90102	11990 SW CORBY DR #10	CONDO	N/A- CONDO
1S103BB90111	11990 SW CORBY DR #11	CONDO	N/A- CONDO
1S103BB90122	11990 SW CORBY DR #12	CONDO	N/A- CONDO
1S103BB90131	11990 SW CORBY DR #13	CONDO	N/A- CONDO
1S103BB90142	11990 SW CORBY DR #14	CONDO	N/A- CONDO
1S103BB90151	11990 SW CORBY DR #15	CONDO	N/A- CONDO
1S103BB90162	11990 SW CORBY DR #16	CONDO	N/A- CONDO
1S103BB90171	11990 SW CORBY DR #17	CONDO	N/A- CONDO
1S103BB90182	11990 SW CORBY DR #18	CONDO	N/A- CONDO
1S104AA00100	no address	UNDEVELOPED	1.22

SUMMARY OF COMPREHENSIVE PLAN AMENDMENT

The purpose of the proposed amendment to the Comprehensive Plan Land Use Map is to assign appropriate City Land Use designations to parcels annexed into the City of Beaverton through a different process. The Washington County - Beaverton Urban Planning Area Agreement (UPAA) calls for the City to assign our most similar Land Use Map designations to those of the County's. Twenty seven of the properties are designated Transit Oriented by Washington County on the Cedar Hills – Cedar Mill Community Plan. The UPAA is not specific as to the correct Comprehensive Plan designation because these designations did not exist when the

UPAA was adopted. The Metro 2040 Growth Concept Map also shows these as Town Center and both the County and the City adopted the Town Center to comply with Metro requirements. Staff finds that the City Land Use Map designation most similar to the County's Town Center overlay and Transit Oriented designation is our Town Center designation. For these reasons staff recommends the Comprehensive Plan Land Use Map be amended to show these parcels as Town Center.

The remaining parcel is designated Institutional. The UPAA directs the City to apply land use designations for properties with Institutional designations based on the most restrictive abutting land use designation. Since the only properties abutting the parcel are proposed for the City's Town Center designation, staff finds the most restrictive abutting City Land Use designation is our Town Center designation.

SUMMARY OF ZONING MAP AMENDMENT

The purpose of the proposed amendment to the Zoning Map is to assign appropriate City Zoning designations to parcels annexed into the City of Beaverton through a different process. The Washington County - Beaverton Urban Planning Area Agreement (UPAA) calls for the City to assign our most similar Zoning designations to those of the County's. Twenty seven of the properties are designated Transit Oriented R:24-40 by Washington County on the Cedar Hills - Cedar Mill Community Plan. The UPAA is not specific as to the correct Zoning Map designation because these designations did not exist when the UPAA was adopted. Staff finds that the City Zoning Map designation most similar to the County's Transit Oriented R:24-40 designation is our Town Center-High Density Residential (TC-HDR) designation. For these reasons staff recommends the Zoning Map be amended to show these parcels as TC-HDR.

The remaining parcel is designated Institutional. The UPAA directs the City to apply Zoning designations for properties with Institutional designations based on the most restrictive abutting Zoning designation. Since the only properties abutting the parcel are proposed for the City's TC-HDR designation, staff finds the most restrictive abutting City Zoning designation is our TC-HDR designation.

CITY COMPREHENSIVE PLAN AMENDMENT FINDINGS

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

Compliance with Plan Amendment Criteria:

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

Of the 19 Statewide Planning Goals, Goals 1,2 and 5 are applicable to the proposed map amendment. All 19 goals are addressed below:

Goal One: Citizen Involvement

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

This proposed application for a Comprehensive Plan Land Use Map amendment and zone change is subject to the public notice requirements of the City Charter, Comprehensive Plan Section 1.3.4.3, Development Code Section 50.45 and Metro Code Section 3.07.1130. The following summarizes public involvement opportunities and notification requirements specified in these sections:

- Mailing notice to DLCD, Metro, the City's Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty-five days prior to the initial public hearing.
- A Public Hearing before the Planning Commission that must be advertised 20 days in advance in the Valley Times and posted in three conspicuous places. Thirty days prior to the hearing, notice must be mailed to the owners of the subject property by certified mail and twenty days prior to the hearing notice must be mailed to residents and owners of property within 500 feet of the subject property.

The Planning Commission at their hearing considers written comments and oral testimony before they make a decision. The procedures outlined in Comprehensive Plan Section 1.3.4.3 and Development Code Section 50.45 allow for proper notice and public hearing opportunities on the proposed Comprehensive Plan Land Use Map amendment and zone change as required by this Statewide Planning Goal. These procedures will be followed.

Finding: Staff finds that the City through its Charter, Comprehensive Plan and Development Code, Metro through applicable requirements of the Urban Growth Management Functional Plan and the State through numerous statutes have created proper procedures to insure citizens the opportunity to have input in this proposed Comprehensive Plan Map amendment process and that those procedures will be complied with.

Goal Two: Land Use Planning

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

The City of Beaverton adopted a Comprehensive Plan, which includes text and

maps, in a three-part report (Ordinance 1800) along with implementation measures, including the Development Code (Ordinance 2050) in the late 1980's. The City adopted a new Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The proposed Plan, including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before being adopted. The adopted Plan and findings supporting adoption were deemed acknowledged pursuant to a series of Approval Orders from the Department of Land Conservation and Development, the last of which was issue on December 31, 2003. The land use planning processes and policy framework described in the Development Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments.

This property is currently designated INST and TO: R24-40. The Washington County Comprehensive Framework Plan places the property within a Town Center design type, consistent with the Metro 2040 Growth Concept. The UPA does not reference any of the Transit Oriented designations because they did exist when it was written. Since the County has designated this property Town Center in their Comprehensive Framework Plan staff recommends the Comprehensive Plan Land Use Map be amended to show this parcel as Town Center.

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

City staff has reviewed the Cedar Hills-Cedar Mill Community Plan Significant Natural and Cultural Resources (SNCR) map to determine if any for relevant site-specific policies. The map shows Johnson Creek, which flows through the subject property, as a water area area/wetland. Land along the creek is not identified as wildlife habitat. The significance of these designations will be addressed below under Statewide Planning Goals 5, 6 and 7.

Most of the subject property is identified in the Cedar Hills-Cedar Mill Community Plan as Area of Special Concern (ASC) Number 16. The text of the most recent version of the community plan states the following about ASC #16:

“Regarding street connectivity, properties within ASC #16 shall be developed consistent with the Design Option listed in Section 3.07.630 of Metro's Urban

Growth Management Functional Plan.”

At the time this text was adopted by Washington County, in 2000, the referenced section of the Urban Growth Management Functional Plan related to transportation issues. In 2002 the section was amended by Metro. It no longer relates to transportation issues. All such issues are now addressed in the Regional Transportation Plan. Staff contacted Metro staff to determine what the referenced section said, and found that it relates to design standards for street connectivity, calling for mapping local street, bike and pedestrian connections to adjacent developing residential and mixed use areas at intervals no more than 530 feet “...except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers.” Washington County subsequently adopted a local street connectivity map for the Cedar Hills – Cedar Mill Community Plan that identifies “Local Street Connectivity Lands” and required and potential street connections. The subject area was not identified on the map, and is not identified on similar maps adopted by the City that are located in Chapter Six, the Transportation Element of the Comprehensive Plan.

Connectivity between the subject area and adjacent properties is hampered by the presence of the Sunset Highway (a freeway) to the west, Johnson Creek (a major stream) to the south and existing development (an apartment project) to the north. The area can only be accessed via Barnes Road to the east. The City has adopted provisions in its Development Code (Section 60.55.25) establishing street, bicycle and pedestrian connection requirements pursuant to requirements of Statewide Planning Goal 12, Transportation and the Metro Regional Transportation Plan. When the subject area develops it will be subject to these requirements.

Pursuant to the UPAA (Section III.A.) the City is only required to determine whether City adoption of policies applicable to annexed areas is appropriate and act accordingly. The City is not obligated to incorporate County policies applicable to specific areas into its Comprehensive Plan when those areas are annexed. In this case, the intent of the Community Plan language pertaining to ASC #16 will be met through application of the provisions of Development Code Section 60.55.25.

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

Goal Three: Agricultural Lands

To preserve and maintain agricultural lands.

The City of Beaverton is an urban incorporated city with land use authority only within its city limits. Properties designated as Agricultural Lands occur within Washington County; however these lands do not abut the City of Beaverton. The ORS cited in this section of OAR 660-015-0000(3) only applies to counties. OAR Chapter 660, Division 33, Section 0020 (1) (c) states that “Agricultural Land”, as applied to Goal 3, does not include land within acknowledged urban growth

boundaries. The proposed amendment will not affect any property outside the Metro Urban Growth Boundary; therefore, the proposal will not affect any property designated as agricultural land.

Finding: OAR 660-033-0020(1) (c) applies the term “agricultural lands” only to areas outside urban growth boundaries. The City of Beaverton is within the Metro urban growth boundary. Therefore, this goal is inapplicable to this proposed amendment.

Goal Four: Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

The guidelines for this goal indicate that “forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment.” Similar to Goal 3, the ORS cited for implementation of this goal only apply to counties. OAR 660-006-0020 states that Goal 4 does not apply within urban growth boundaries and therefore, the designation of forest lands is not required. The City of Beaverton is an urban incorporated city having land use authority only within its limits, which is inside the Metro urban growth boundary. The City proposed amendment will not affect any property designated as forest land.

Findings: OAR 660-006-0020 states that Goal 4 does not apply within urban growth boundaries. The City of Beaverton is within the Metro urban growth boundary. This goal does not apply to this amendment.

Goal Five: Natural Resources, Scenic and Historic Areas, and Open Spaces
To protect natural resources and conserve scenic and historic areas and open spaces.

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

Metro’s Nature in the Neighborhoods Program became effective in May 2006. The Metro program requires local governments to implement a program to:

- Conserve, protect, and resource a continuous ecologically viable streamside corridor system, from the stream’s headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and

- Control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

The local governments in the Tualatin River Basin collaborated to develop a voluntary, incentive-based program to achieve the goals of the Metro Program. The Tualatin Basin local governments have 60 days from the date that the Department of Land Conservation and Development acknowledges the Metro amendment to complete implementation of the Tualatin Basin program. DLCD is expected to acknowledge Metro's amendment in late November. The city of Beaverton passed the first ordinance reading for the proposed implementing language on November 13, 2006. Second reading is scheduled for December 4, 2006. If the second reading occurs as planned, the ordinances adopting the City's program would be effective in early January, consistent with the expected 60 day timeline. Upon adoption, voluntary, incentive-based tools will be available for complying with the City's water quality, water quantity and landscape standards. The proposed amendment will not affect the City's implementation of this program.

Existing regulations within the City's Development Code and Clean Water Services Design and Construction Standards for Sanitary Sewer and Surface Water Management (CWS D&C Standards) will apply to development proposals on the subject properties. Thus, existing regulations such as the City's tree preservation plan requirements, CWS Vegetated Corridors regulations, and Division of State Lands wetland delineation and removal/fill permitting requirements would limit development of the resources. Additionally, the largest property in the area, tax lot 1S103BB00600, is owned by the Wetlands Conservancy and therefore is protected.

Finding: *Staff finds that the regionally significant natural resources in the area will be adequately protected through CWS, City, and State regulations as well as ownership of the largest property by the Wetlands Conservancy.*

Goal Six: Air, Water and Land Resources Quality

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

The proposed amendment does not physically affect the landscape. Air quality implementation measures are found in Chapter Six: Transportation Element of the City's Comprehensive Plan. Water quality implementation measures are adopted in Chapters 5 (Public Facilities and Services Element) and 8 (Environmental Quality Element). Chapter 8 also provides a means to protect the land quality. Implementation measures for air, water and land quality are found in the *Beaverton Development Code*. The *Beaverton Engineering Design Manual and Standard Drawings*, the *Beaverton Municipal Code*, and the *Clean Water Services Design and Construction Standards* contain additional water quality implementation measures, such as erosion control. Thus, this Statewide Planning Goal does not apply to the proposed amendment.

Finding: Staff finds that the proposed amendment does not change the landscape or the mechanisms to implement this goal, thus this goal does not apply.

Goal Seven: Areas Subject to Natural Disasters and Hazards

To protect people and property from natural disasters and hazards.

The proposed amendment does not physically affect the landscape. The City has appropriate measures in place through Comprehensive Plan Chapter 8 (Environmental Quality and Safety), the Beaverton Development Code, the Beaverton Municipal Code, and the Beaverton Engineering Design Manual and Standard Drawings. The proposed amendment will not affect any of the measures cited above. Thus, this Statewide Planning Goal does not apply to the amendment.

Finding: Staff finds that the proposed amendment does not change the landscape or any implementation measure for this goal, thus this goal does not apply.

Goal Eight: Recreation Needs

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

The proposed amendment does not physically affect the landscape. The Tualatin Hills Park and Recreation District (THPRD), Metro, and the City work in tandem to provide for the recreational needs of the area residents and visitors. "Destination resorts" are applicable to rural lands within counties. The area subject to this proposed amendment is urban incorporated lands. The proposed amendment will not affect the City's ability to implement proposals for recreational facilities. Thus, this Statewide Planning Goal does not apply to the amendment.

Findings: Staff finds that the proposed amendment doesn't change the landscape and does not affect the City's ability to implement proposals for recreational facilities, thus this goal does not apply.

Goal Nine: Economy of the State

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Economic development, proposed industrial facilities or employment centers are not affected by the proposed amendment. The permitted uses in the TC-HDR zone are substantially similar to the uses permitted in the TO: R24-40 zone. Neither the CPA or ZMA action affects the City's ability to provide areas for industrial facilities, employment centers or provide for economic development. Thus, this Statewide

Planning Goal does not apply to the amendment.

Finding: Staff finds that the proposed amendment doesn't affect the City's ability to implement this goal, thus this goal does not apply.

Goal Ten: Housing

To provide for the housing needs of citizens of the state.

Oregon Administrative Rules (OAR) Chapter 660, Division 7 provides guidelines to the Portland Metropolitan Area with regard to compliance with Goals Ten and Fourteen, referred to as the Metropolitan Housing Rule. The statement of purpose for this rule is as follows: "The purpose of this rule is to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs. OAR 660-007-0030 through 660-007-0037 is intended to establish by rule regional density and mix standards to measure Goal 10 Housing compliance for cities and counties within the Metro urban growth boundary, and to ensure the efficient use of residential land within the regional UGB consistent with Goal 14 Urbanization." The rule requires in OAR 660-007-0035 that new development in Beaverton achieve an overall density of ten or more dwelling units per net buildable acre.

The proposed amendment does not physically affect the landscape. The permitted uses in the TC-HDR zone are substantially similar to the uses permitted in the TO: R24-40 zone. The proposal would not affect the City's ability to implement the Metropolitan Housing Rule or other implementing procedures for Goal 10. The proposed amendment will not affect the City's buildable land supply, manufactured homes, or potential government-assisted housing nor needed housing units. Thus, this Statewide Planning Goal does not apply to the amendment.

Findings: Staff finds that the Town Center Comprehensive Plan designation and the TC-HDR zoning designation comply with Goal Ten, OAR 660-007-0035 and Metro's Inner Neighborhood design type.

Goal Eleven: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The City of Beaverton adopted a Comprehensive Plan (Ordinance 4187) in January 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). Chapter 5, Public Facilities and Services Element, implements the requirements of Oregon Administrative Rules (OAR660-011-0000 through 660-011-0050) providing guidelines for compliance with Goal 11.

All public facilities, as defined by OAR 660-011-0005(7), are available to and adequate to serve this site at this time and this amendment does not affect compliance with this goal.

Finding: Staff finds that the proposed amendment doesn't affect compliance with Goal 11, thus this goal does not apply.

Goal Twelve: Transportation

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

Oregon Administrative Rules (OAR) 660-012-000 through 660-012-0070, referred to as the Transportation Planning Rule (TPR), provide guidance on compliance with Statewide Planning Goal Twelve. Transportation System Plan (TSP), adopted pursuant to OAR Division 12, fulfills the requirements for public facilities planning required under Oregon Revised Statutes (ORS 197.712(2)(e)), Goal 11 and OAR Chapter 660, Division 12 as they relate to transportation facilities. Volume 4 of the Comprehensive Plan contains the City's adopted TSP; effective June 6, 2003. OAR 660-012-0060 requires local governments to review Comprehensive Plan and land use regulation amendments with regard to the affect of the amendment on existing or planned transportation facilities. This section is cited as follows:

"A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan."

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps, in five volumes. The first volume includes a Chapter on transportation planning in the City.

The proposal will not allow uses or levels of development that are not currently

allowed or that are inconsistent with the functional classification of a transportation facility, will not reduce the performance standard identified in the TSP or comprehensive plan, or worsen the performance of an existing or planned transportation facility. This Statewide Planning Goal does not apply to the amendment.

Finding: Staff finds that the proposed amendment doesn't change the allowed density or uses on any property nor does it change the landscape, thus this goal does not apply.

Goal Thirteen: Energy Conservation

To conserve energy.

The City of Beaverton has adopted a section of Chapter 7 of the Comprehensive Plan addressing Goals 5 and 13 with regard to energy resources. The proposed amendment does not physically affect the landscape, or change the City's ability to implement Chapter 7 of the Comprehensive Plan. Statewide Planning Goal 13 guidelines state "Land and uses developed on the land shall be managed and controlled so as to maximize conservation of all forms of energy, based upon sound economic principles." Techniques included in the guideline are as follows: a) lot size, dimension, and siting controls; b) building height, bulk and surface area; c) density of uses, particularly those which relate to housing densities; d) availability of light, wind and air; e) compatibility of and competition between competing land use activities; and f) systems and incentives for the collection, reuse and recycling of metallic and nonmetallic waste. The Beaverton Development Code and Beaverton Municipal Code incorporate techniques a through f into the land development or solid waste disposal processes. Thus, this Statewide Planning Goal has been implemented but will be unaffected by this proposed amendment.

Finding: Staff finds that the proposed amendment does not affect the City's ability to implement the Comprehensive Plan related to energy resources, thus this goal does not apply.

Goal Fourteen: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Metro, the regional government for Clackamas, Multnomah, and Washington Counties, amends the regional urban growth boundary to maintain the 20 year land supply. The City of Beaverton abuts land which is outside the regional urban growth boundary only on its southwest flank. All lands brought inside the UGB by Metro must be planned pursuant to Title 11 of the Metro Urban Growth Management Functional Plan prior to urbanization.

The subject properties have been inside the Regional UGB since its inception. Thus, this goal is not applicable.

Finding: Staff finds that the Metro, Washington County and the City have appropriate mechanisms in place to provide for the orderly and efficient transition from rural to urban land. This goal is not applicable to this amendment.

Goal Fifteen: Willamette River Greenway

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The City of Beaverton stream resources flow into the Tualatin River. The Tualatin River flows into the Willamette River. However, the Willamette River is at least 10 miles from the city's corporate limits. Thus, this goal is inapplicable to properties within the City of Beaverton.

Finding: Staff finds that the Willamette River is at least 10 miles from the city limits. Therefore, this goal is inapplicable to this proposed amendment.

Goal Sixteen: Estuarine Resources

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

The City of Beaverton is a land locked jurisdiction over 80 miles from the Pacific Ocean. The City does not have any river resources; however, the city has many tributaries of the Tualatin River. The Tualatin River flows into the Willamette River, so it does not have estuarine resources. Consequently, this goal is inapplicable to this proposal.

Finding: Staff finds that the City does not have estuarine resources in the vicinity of the city limits. The nearest estuarine resources may be as far as 80 miles away. Therefore, this goal is inapplicable to this proposed amendment.

Goal Seventeen: Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of adjacent coastal water; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands; and to reduce the hazard to human life and property, and the adverse effects on water quality and fish and wildlife habitat resulting from use and enjoyment of Oregon's coastal shorelands.

The City of Beaverton is over 80 miles from a coastal shoreland. Thus, this goal is inapplicable to this amendment.

Finding: Staff finds that the City is greater than 80 miles from the nearest coastal shoreland. Therefore, this goal is inapplicable to this proposed amendment.

Goal Eighteen: Beaches and Dunes

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

The City of Beaverton is at least 80 miles from the nearest beach and dune area. Consequently, this goal is inapplicable to this proposal.

Finding: Staff finds that the City is greater than 80 miles from coast beaches and dunes. Therefore, this goal is inapplicable to this proposed amendment.

Goal Nineteen: Ocean Resources

To conserve marine resources and ecological functions for the purposes of providing long-term ecological, economic, and social value and benefits to future generations.

The City of Beaverton is an inland city approximately 80 miles inland from the Pacific Coast. Therefore, Goal Nineteen is inapplicable to this application.

Finding: Staff finds that the City is approximately 80 miles inland. Therefore, this goal is inapplicable to this proposed amendment.

SUMMARY FINDING: Staff finds that the proposed Comprehensive Plan Amendment is consistent with the Statewide Planning Goals and the requirements of Criterion 1.3.1.1 are met.

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

Facts and Findings:

Metro's Urban Growth Management Functional Plan Section 3.07.830 requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. The City is only required to address provisions in the Urban Growth Management Functional Plan, which is an Element of the Framework Plan. The Regional Framework Plan (which includes the RUGGOs and the Urban Growth Management Functional Plan) does not contain policies or criteria directly applicable to decisions of this type. Washington County went through a comprehensive planning process and determined that a Town Center design type should be applied to the property, with land use designations of Transit Oriented: Residential 24-40 units to the acre and Institutional.

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

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

Facts and Findings:

The following Comprehensive Plan Chapters are addressed below: 1, 2, 3, 4, 5, 6, 7, 8, and 9.

Chapters 1 and 2, Procedures and Public Involvement Elements, respectively

The procedures for amending the Comprehensive Plan found within Chapter 1 have been complied with, including appropriate noticing. The Planning Commission will hold an initial hearing where public testimony and evidence will be entered into the record and used for the Planning Commission's deliberations. The Planning Commission will make a recommendation to City Council, who will follow appropriate procedures for holding a hearing or adopting the appropriate Planning Commission findings.

Finding: Staff finds that the proposal is a quasi-judicial map amendment. Staff finds that the appropriate procedures in Chapter 1 and summarized in Chapter 2 of the Comprehensive Plan have been met. Thus, this proposal is in compliance with Chapters 1 and 2.

Chapter 3 Land Use Element.

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

Finding: Staff finds that the policies found in Chapter 3 are met.

Chapter 4 Housing Element.

The City is implementing City Comprehensive Plan And Zoning designations consistent with the requirements of the UPAA. The County's current Comprehensive Framework Plan design type designation for the properties, adopted pursuant to Title 1 of the Metro Urban Growth Management Functional Plan, is Town Center, To be consistent with the requirement in the UPAA that the City should, "...convert COUNTY plan and zoning designations to CITY plan and zoning designation which most closely approximate the density, use provisions and standards of the COUNTY designations", the City proposes to place its Town Center Comprehensive Plan Map designation on the property. The City zoning designation that most closely approximates the existing County designations of the Transit Oriented- Residential (R24-40 units per acre) is the Town Center-High Density Residential (TC-HDR) zone. The City TC-HDR zone allows for a maximum of 40 dwelling units per acre, which is analogous to the County zoning.

Finding: Staff finds that the policies found in Chapter 4 are inapplicable to the proposed amendment.

Chapter 5 Public Facilities and Services Element.

As noted in the Goal 11 discussion, the proposal does not physically affect the landscape, or affect corporate boundaries, or the City's public facility plans. The permitted uses in the TC-HDR zone are substantially similar to the uses permitted in the TO: R24-40 zone. The proposal would not affect the City's ability to implement the Public Facilities Plans, Capital Improvement Plan, Urban Planning Area Agreement (UPAA), Urban Service Area, Storm Water and Drainage System, Potable Water System, Sanitary Sewer System, Schools, Parks and Recreation, or Police and Fire and Emergency Medical Services. Urban Planning Area, Urban Services and Urban Service Area definitions have been added based on Oregon Administrative Rules, the Beaverton Development Code and the Beaverton-

Washington County UPAA. Thus, the policies, plans and actions found in this chapter are inapplicable to the proposed amendment.

Finding: Staff finds that the policies found in Chapter 5 are inapplicable to the proposed amendment.

Chapter 6 Transportation Element.

Discussion under Goal 12 assists in the understanding of the applicability of the Transportation Element and the policies and actions found therein to this amendment. The proposal does not affect any of the text found in Chapter 6 or implement a change to the physical landscape of any property. Proposed and existing transportation facilities in the TSP, and the tables and figures within Chapter 6 of the Comprehensive Plan remain unaffected by this amendment

Finding: Staff finds that the policies found in Chapter 6 are inapplicable to the proposed amendment.

Chapter 7 Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources Element.

The proposed amendment does not affect the City's ability to implement the provisions in this chapter.

Finding: Staff finds that the proposed amendment does not affect the City's ability to implement this Chapter.

Chapter 8 Environmental Quality and Safety Element.

This proposed amendment does not affect Sections 8.2 Water Quality, 8.3 Air Quality, 8.4 Noise, 8.5 Seismic Hazards, 8.6 Geologic Hazards, 8.7 Flood Hazards, or 8.8 Solid and Hazardous Wastes.

Finding: Staff finds that the policies found in Chapter 8 are inapplicable to the proposed amendment.

Chapter 9 Economy Element.

Economic development, proposed industrial facilities or employment centers are not affected by the proposed amendment. The permitted uses in the TC-HDR zone are substantially similar to the uses permitted in the TO: R24-40 zone. Neither the CPA or ZMA action affects the City's ability to provide areas for industrial facilities, employment centers or provide for economic development.

Finding: Staff finds that the policies found in Chapter 9 are inapplicable to the proposed amendment.

Summary Finding: Staff finds that the proposed Comprehensive Plan amendment are generally consistent and compatible with the Comprehensive Plan, Development Code, Engineering Design Manual and Standard Drawings, Clean Water Services

Design and Construction Standards and the Beaverton Municipal Code. Thus, the requirements of Criterion 1.3.1.3 are met.

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

It is the intent of the UPAA to provide for a smooth transition from County designations to City designations by adopting designations that most closely approximate the County's designations. The transition does not significantly impact public services, economic factors or environmental elements. Residents and business owners may benefit from the application of City designations to their property when applying for development services since City employees are more familiar with City regulations than County regulations. Staff finds that the proposed amendments will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare.

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

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

The UPAA was developed to ensure that City designation of annexed parcels would have minimal impact to surrounding areas, public facilities and services. The assumption behind this is that the County went through a proper planning, evaluation and review process prior to assigning plan designations and issuing development approvals. The City reviewed impacts on public facilities and services as part of the annexation review process prior to approving the annexations (ANX2004-0013 and ANX2004-0015). No adverse impacts on public facilities and services were identified.

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

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

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

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

SUMMARY FINDING: Staff finds that Comprehensive Plan Criteria 1.3.1.1 through 1.3.1.6 are satisfied based on the findings above

CITY ZONING MAP AMENDMENT FINDINGS

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

40.97.15.4. C Approval Criteria

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

There is one threshold requirement, which is "The change of zoning to a City zoning designation as a result of annexation of land to the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation." The UPAA does not list TO: R24-40 because the designation did not exist at the time it was written. The UPAA directs the City to apply Zoning designations for properties with Institutional designations based on the most restrictive abutting Zoning designation. Although the designation of the Institutional property has been included in this Zoning Map Amendment request, it does not require discretion and has therefore been excluded from findings for Criteria 2-5.

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

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

Because the City is acting as the applicant of this rezone, no fees are required.

FINDING: Staff finds that this criterion is not applicable.

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

The UPAA does not list TO: R24-40. The County has designated this area Town Center in their Framework Plan and staff is recommending that the Land Use Map show this area as Town Center. The Comprehensive Plan and Zoning District Matrix which is contained in Section 3.14 of the Comprehensive Plan only allows for TC-HDR, TC-MU or TC-MDR in Town Center areas. The TC-MU is primarily retail/commercial in nature and, therefore, is not an appropriate match for their TO: R24-40. TC-HDR has a minimum of 24 units per net acre and a maximum of 36. TC-MDR has a minimum of 18 units per net acre and a maximum of 24. TC-HDR is our closest available match to their TO: R24-40.

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

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

The UPAA does not reference the currently County zoning designations but does require that we assign our most similar zoning designations to the ones assigned by the County. The zoning matrix contained in section 3.14 of the Comprehensive Plan allows three zoning districts in the Town Center Land Use Category those being TC-HDR, TC-MU and TC-MDR. The TC-MU is primarily retail/commercial in nature and, therefore, is not an appropriate match for their TO: R24-40. TC-HDR has a minimum of 24 units per net acre and a maximum of 36. TC-MDR has a minimum of 18 units per net acre and a maximum of 24. TC-HDR is our closest available match to their TO: R24-40 as specified by the UPAA and is in compliance with the guidance provided by the UPAA.

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

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

The City processes Land Use Map and Zoning Map Amendments (CPA/ZMA) for property being annexed into the City and there are no other applications relating to this property pending. The property owner may, in the future, submit a request to the City for modification or development of the property, but nothing has been proposed at this time.

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

PROCESS

Submission Requirements: An application for a Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. The properties were annexed under two (2) separate annexations, which became effective on January 8, 2005 and May 17, 2005. .

Public Hearing: Annexation Related Land Use Map amendments follow the procedures in the Comprehensive Plan and Annexation Related Zoning Map amendments follow the procedures in the City Charter and the Development Code. When the UPAA is not specific as to exactly which designations to assign, both processes require a public hearing before the Planning Commission. In this case the UPAA is not specific about either the Land Use Map or Zoning Map designations nor is it applicable. This circumstance requires the Land Use Map and Zoning Map amendments to have a public hearing before the Planning Commission. The Zoning Map amendment will be processed as a Type 3 application. A public hearing has been scheduled before the Planning Commission on November 15, 2006 for the proposed amendments.

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

Notice as described below for hearings on annexation related CPA's and ZMA's must be provided not less than twenty (20) calendar days prior to the City Planning Commission hearing. Property owners must, as required by the City Charter, be sent notice by certified mail at least thirty (30) calendar days prior to the hearing.

- Notice was mailed to DLCD, Metro, the City's Neighborhood Office and the CCI Chair on September 28, 2006 (See Exhibit 1.3)
- Notice of the hearing was advertised in the Beaverton Valley Times on November 9, 2006 (See Exhibit 1.4).
- Notice was posted at three locations, the Beaverton City Library, Beaverton City Hall and the Beaverton Community Center on October 31, 2006.
- Notice was mailed on October 31, 2006 (See Exhibit 1.5).
- No other notice has been required by Planning Commission or City Council as of the date of this report.

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

Appeals: Appeals of the Commission decision regarding CPA's and rezones are made to the City Council. The procedure for filing such an appeal and the manner of the hearing is governed by Section 1.3.6 of the Comprehensive Plan for the CPA and Section 50.70 of the Development Code for the ZMA. The appeal request must be made in writing and delivered to the City within 10 calendar days of the land use order date. In addition, there is a non-refundable \$620.00 fee, which must accompany the request for hearing.

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

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

CONCLUSION

Based on the findings in this report, staff concludes that amending the Land Use Map to show Town Center, and the Zoning Map to show Town Center-High Density Residential (TC-HDR) in place of the County's Transit Oriented: Residential 24-40 (TO: R24-40), and Town Center-High Density Residential (TC-HDR) in place of their Institutional (INS) is appropriate.

Exhibits: 1.1 through 1.5



CITY of BEAVERTON

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

AFFIDAVIT OF NOTICE MAILING

ANX/CPA/ ZMA NUMBER CPA 2006-0017/ ZMA 2006-0014
ANX/CPA/ ZMA NAME: STARK AND CORBY DRIVE AND US:26

I, Nancy Marshall, hereby confirm that on the 28th day of September, 2006, I mailed the notice shown in Attachment A to those listed on Attachment B.

Nancy Marshall
Signature

State of OREGON)
County of Washington)

Signed and sworn/affirmed before me this 28th day of September 2006 by Nancy Marshall

Sheila Martin
Notary Public for the State of Oregon

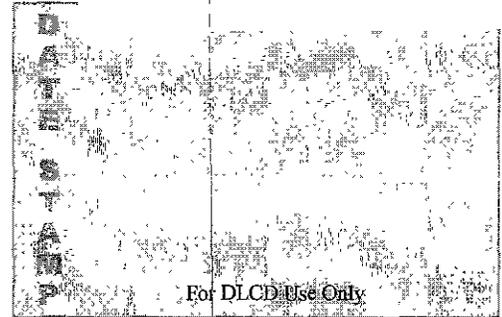
My commission expires: 07-21-09

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FORM 1

Notice of Proposed Amendment



THIS FORM **MUST BE RECEIVED BY DLCD**
45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18 AND SENATE BILL 543,
EFFECTIVE JUNE 30, 1999

Jurisdiction: City of Beaverton Local file number: ZMA2006-0017/CPA2006-0014

Date First Evidentiary hearing: 11/8/2006 Date of Final Hearing: 12/11/2006

Date this Notice of Proposed Amendment was mailed to DLCD: 9/22/2006

Is this a **REVISED** Proposal previously submitted to DLCD? YES NO Date Submitted: _____

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Briefly Summarize Proposal. Do not use technical terms. Do not write "See Attached". (limit of 500 characters)

Amend the City Comprehensive Plan Map and Zoning Map to assign zoning to ten annexed parcels located on Stark Street between Corby Drive and US:26 (Sunset Highway). All parcels are currently zoned County TO:R24-40 except one parcel which is zoned County Institutional.

Plan Map Changed from: County R24-40 & Institutional to: City of Beaverton Town Center

Zone Map Changed from: County R24-40 & Institutional to: City of Beaverton TC-HDR

Location: Stark Street, west of Corby Drive Acres Involved: 18

Specify Density: Previous: 24-40 units/acre (R24-40) & 0 units/acre New: 24-36 units/acre

Applicable Statewide Planning Goals: 1, 2, 5, 10, 14

Is an Exception Proposed? YES NO

Affected State or Federal Agencies, Local Governments or Special Districts:

Washington County, Clean Water Services

Local Contact: Laura Kelly Phone: (503) 526-2548 Extension: _____

Address: 4755 SW Griffith Drive City: Beaverton Zip: 97005

Fax Number: 503-526-3720 Email Address: lkelly@ci.beaverton.or.us

DLCD File No.: _____

SUBMITTAL REQUIREMENTS

This form **must be received** by DLCD **at least 45 days prior to the first evidentiary hearing**
per ORS 197.610, OAR Chapter 660 - Division 18
and Senate Bill 543 effective on June 30, 1999.

1. This form must be submitted by local **jurisdictions only**.
2. When submitting, please print this form on **green paper**.
3. **Send this Form and TWO (2) Copies of the Proposed Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

4. Unless exempt by ORS 197.610 (2), proposed amendments must be **received** at the **DLCD's SALEM OFFICE** at least **FORTY-FIVE (45) days before the first evidentiary hearing on the proposal**. The **first evidentiary hearing** is usually the **first public hearing** held by the jurisdiction's planning commission on the proposal.
5. Submittal of proposed amendments shall include the text of the amendment and any other information the local government believes is necessary to advise DLCD of the proposal. Text means the specific language being added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal is not adequate.
6. Submittal of proposed map amendments must include a map of the affected area showing existing and proposed plan and zone designations. The map should be on 8-1/2 x 11 inch paper. A legal description, tax account number, address or general description is not adequate. Text of background and / or reason for change request should be included.
7. Submittal of proposed amendments which involve a goal exception must include the proposed language of the exception.
8. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ATTACHMENT B

**PRE-CPA/ ZMA
MAILING LIST for NOD
METRO - CCI'S
BEAVERTON NEIGHBORHOOD OFFICE
CPA2006-0017 / ZMA2006-0014**

**CCI
BEAVERTON NEIGHBORHOOD
OFFICE
METRO**

RESPECTIVE Neighborhood ASSN.
West slope, Five Oaks, Triple Creek,
Central Beaverton, Raleigh West, Vose,
West Beaverton, Highland, Sexton Mtn
Denney Whitford, South Beaverton,
Neighbors Southwest, Greenway

**METRO DATA RESOURCE CENTER
ROBERT KNIGHT
600 NW GRAND, AVE.
PORTLAND OR 97232-2736**

**BOB TENNER
CCI
7695 SW WILSON AVE
BEAVERTON OR 97008**

Beaverton Neighborhood Office



6605 SE Lake Road, Portland, OR 97222 • PO
Box 22109 • Portland, OR 97269-2109
Phone: 503-684-0360 Fax: 503-620-3433
Email: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION
State of Oregon, County of Washington, SS

I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of the *Beaverton Valley Times*, a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Beaverton
CPA2006-0014/ZMA 2006-0017
VT7473

A copy of which is hereto annexed, was published in the entire issue of said newspaper for
1

Successive and consecutive weeks in the following issues
November 9, 2006

Charlotte Allsop
Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
November 9, 2006

Suzette I. Curfan
NOTARY PUBLIC FOR OREGON
My commission expires Nov. 28, 2007

Acct#297979 PO 76995
Renee Coker
City of Beaverton
PO Box 4755
Beaverton, OR 97076

Size: 2 x 6.25
Amount Due: \$94.37
*remit to address above



RENOTICE, NOTE NEW PUBLIC HEARING AND COMMENT DATES

NOTICE IS HEREBY GIVEN that at 6:30 PM on Wednesday, December 6, 2006 a public hearing will be held before the City of Beaverton Planning Commission to initially consider approving the applications described below. The Planning Commission will meet at the Beaverton City Hall located at 4755 SW Griffin Drive, Beaverton, Oregon, in the Council Chambers. The Planning Commission will conduct the hearing in accordance with the adopted rules of procedure and make a decision after the hearing is closed.

CPA 2006-0014/ZMA 2006-0017 WEST STARK STREET LAND USE MAP AND ZONING MAP AMENDMENTS

This proposal is to amend the Land Use Map in the Comprehensive Plan and the Zoning Map to designate twenty-eight parcels, that have been annexed to the City, Town Center on the City's Land Use Map and to show TC-HDR (Town Center- High Density Residential) on the Zoning Map in place of the current Washington County designations of TO-R24-40 (Transit Oriented Residential 24-40 dwellings per acre district) and Inst (Institutional). The properties are located on West Stark Street, west of Corby Drive and north of US:26 (Sunset Highway). They are identified on Tax Map 1S103BB as Lots 500, 600, 900, 1100, 1200, 1300, 1400, 90000, 90011, 90022, 90031, 90042, 90051, 90062, 90071, 90082, 90091, 90102, 90111, 90122, 90131, 90142, 90151, 90162, 90171, 90182, Map 1N133DD as Lot 500, and Map 1S104AA as Lot 100. Any person may appear before the Planning Commission at the hearing and be heard in support of or in opposition to the request. Written testimony is acceptable if received by the Commission prior to the hearing. However, interested parties are encouraged to submit their written comments to the Community Development Department by the end of the business day on **December 6, 2006**. For further information, you may contact Laura Kelly at (503)526-2548 or by e-mail at lkelly@ci.beaverton.or.us. Failure to raise an issue during the Planning Commission hearing on these applications, in person or by letter, accompanied by statements or evidence with sufficient specificity to afford the Planning Commission an opportunity to respond to the issue precludes appeal to a court of competent jurisdiction based on that issue. Dated this 2nd day of November, 2006

Hal Bergsma
Planning Services Manager
City of Beaverton
Publish 11/9/2006 VT7473

NOV 27 2006
COMMUNITY DEVELOP DEPT. 31



CITY of BEAVERTON

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

AFFIDAVIT OF NOTICE MAILING

CPA/ ZMA NUMBER CPA 2006-0014/ ZMA 2006-0017

CPA/ ZMA NAME: West Stark Street

I, Nancy Marshall, hereby confirm that on the 31st day of October, 2006, I mailed the notice shown in Attachment A to those listed on Attachment B.

Nancy Marshall
Signature

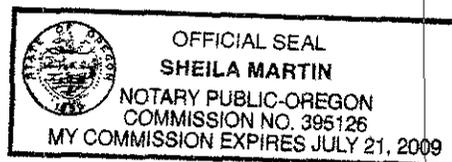
State of OREGON)
County of Washington)

Signed and sworn/affirmed before me this 31st day of October 2006 by Nancy Marshall.

Sheila Martin
Notary Public for the State of Oregon

My commission expires: 07-21-09

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NOTICE TO MORTGAGEE, LIENHOLDER VENDOR OR SELLER: IF YOU RECEIVE THIS NOTICE, IT MUST BE PROPERLY FORWARDED TO PURCHASER



Notice of Planning Commission Hearing

City of Beaverton Notice of a Comprehensive Plan Land Use
Map Amendment and Zoning Map Amendment

RENOUNCE: NOTE NEW PUBLIC HEARING AND COMMENT DATES

Notice is hereby given that a public hearing will be held before the City of Beaverton Planning Commission at the Beaverton City Hall in the Council Chambers located at 4755 SW Griffith Drive, Beaverton, Oregon, on Wednesday, **December 6, 2006**, at 6:30 p.m. on the following applications:

CPA2006-0014 & ZMA2006-0017 (WEST STARK STREET LAND USE MAP AND ZONING MAP AMENDMENTS)

This proposal is to amend the Land Use Map in the Comprehensive Plan and the Zoning Map to designate twenty eight parcels, which have been annexed to the City by a separate process, with City designations in place of the current Washington County designations. The City's Comprehensive Plan Land Use Map would be amended to show Town Center, and the City's Zoning Map would be amended to show TC-HDR (Town Center- High Density Residential) designations in place of the current Washington County designations of TO:R24-40 (Transit Oriented Residential – 24-40 dwellings per acre district) and Inst (Institutional). These are Beaverton's most similar land use and zoning designations to those that Washington County has placed on these parcels. The properties are located on West Stark Street, west of Corby Drive and north of US:26 (Sunset Highway). They are identified on Tax Map 1S103BB as Lots 500, 600, 900, 1100, 1200, 1300, 1400, 90000, 90011, 90022, 90031, 90042, 90051, 90062, 90071, 90082, 90091, 90102, 90111, 90122, 90131, 90142, 90151, 90162, 90171, 90182, Map 1N133DD as Lot 500, and Map 1S104AA as Lot 100.

You may contact Laura Kelly, Associate Planner, if you have any questions or need further information on this matter at (503) 526-2548, at the Beaverton Community Development Department second floor of City Hall, or by email at lkelly@ci.beaverton.or.us

The hearing is conducted for the purpose of receiving testimony from interested persons on the proposal described above. The Comprehensive Plan and Development Code require that notice be sent to property owners and residents within 500 feet of the subject property and to the chairperson of Community Planning Organization (CPO) 1.

Any person may appear before the Planning Commission at the hearing and be heard in support of or in opposition to the request. Specific criteria for the Comprehensive Plan Map Amendment are listed in section 1.3.1 of the Comprehensive Plan. The specific criteria for the Zoning Map Amendment are contained in Development Code Section 40.97.15.4.C. Written testimony is acceptable if received by the Commission prior to the hearing. However, interested parties are encouraged to submit their written comments to the Community Development Department by the end of the business day on **December 6, 2006**. Department office hours are 8:00am to 4:30 pm Monday through Friday except holidays. Written comments should be directed to Laura Kelly, City of Beaverton Community Development Department, P.O. Box 4755, Beaverton, Oregon 97076-4755. Copies of the application, supporting documents and the staff report will be available for inspection at no cost on or after October 17, 2006 (at least twenty (30) calendar days prior to the public hearing) and a copy will be provided at reasonable cost at the City of Beaverton, Community Development Department. **Copies of the staff report will not be available at the public hearing.** The staff report can also be viewed online at http://www.ci.beaverton.or.us/departments/cdd/cdd_dev_projects.html

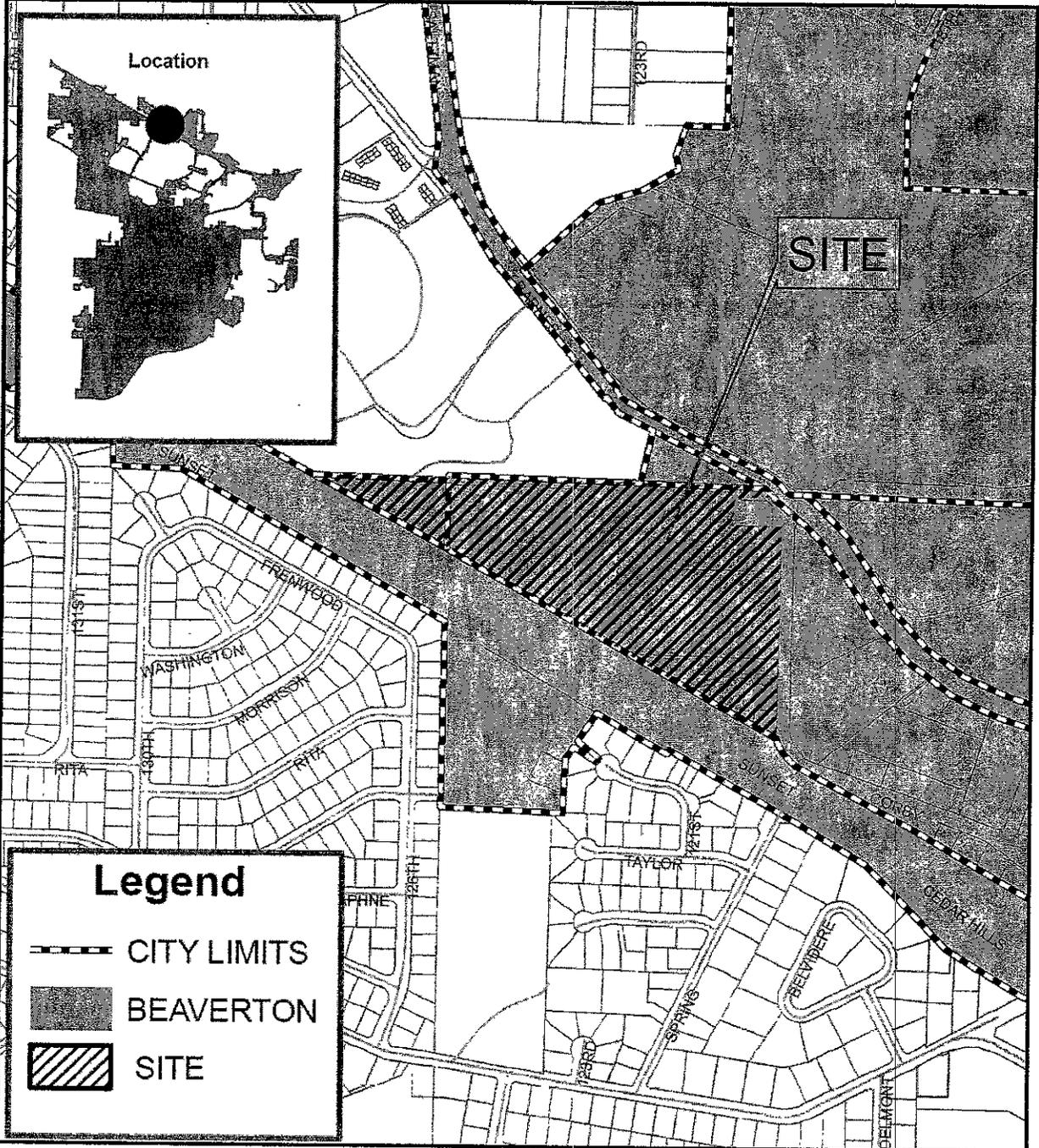
Following the public hearing, the Planning Commission can do one of the following:

- 1) Recommend denial of the application to the City Council.
- 2) Recommend approval of the application to the City Council.
- 3) Continue the application to a future hearing date.

A participant in the hearing may request, before the close of the hearing, that the record remain open for at least seven days after the hearing. An appeal must be filed within ten days of the Planning Commission's order and be in writing, and must meet the requirements of Section 1.3.6.4. of the Comprehensive Plan and/or Section 50.70 of the Development Code. Failure of an issue to be raised in person or by letter with sufficient specificity to afford decision makers an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.

THIS INFORMATION IS AVAILABLE IN LARGE PRINT OR AUDIOTAPE UPON REQUEST. IN ADDITION, ASSISTED LISTENING DEVICES, SIGN LANGUAGE INTERPRETERS, OR QUALIFIED BILINGUAL INTERPRETERS CAN BE MADE AVAILABLE AT ANY PUBLIC MEETING WITH 72 HOURS ADVANCE NOTICE. TO REQUEST THESE SERVICES, PLEASE CALL (503) 526-2222/VOICE TDD OR EMAIL cddmail@ci.beaverton.or.us.

VICINITY MAP



Legend

-  CITY LIMITS
-  BEAVERTON
-  SITE



CPA2006-0014 / ZMA2006-0017

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services division

9/22/06
 Various Tax lots
 N
 West Stark Street

PADILLA, JEANETTE R & MARTIN
306 SW FRENWOOD WAY
BEAVERTON OR 97005

DARLOW, GREG A
324 SW FRENWOOD ST
BEAVERTON OR 97005

JOHNSON, THEODORE J
342 SW FRENWOOD WAY
BEAVERTON OR 97005

CARLSON, BRENT & NEELAN, IAN
PO BOX 124
MARYLHURST OR 97036

KEHAGIARAS, EPAMINONDAS A
JO ANNE
335 SW FRENWOOD WAY
BEAVERTON OR 97005

FREEMAN, MICHAEL & MERRILEE
305 SW FRENWOOD WAY
BEAVERTON OR 97005

JACOBSON, ERIK
275 SW FRENWOOD WAY
BEAVERTON OR 97005

ZUCKERMAN, JOHN M & PAMELA
JONES
10627 SW MCKINNEY ST
TUALATIN OR 97062

MORALES, LEOPOLDO &
MORALES, MANUELA
234 SW FRENWOOD WAY
BEAVERTON OR 97005

WALKER, SUSAN
216 SW FRENWOOD WAY
BEAVERTON OR 97005

FISHER, GLEN & CATHEY
10120 N MIDWAY
PORTLAND OR 97203

FLOERSCH, BERNARD P &
PATRICIA A TRUSTEES
862 SW TROY
PORTLAND OR 97219

SILASKI, KELLI & GAVIN W
162 SW FRENWOOD WAY
BEAVERTON OR 97005

BRAMBANI, JOAN
144 SW FRENWOOD WAY
BEAVERTON OR 97005

PADDOCK, CHARLES BRYAN AND
DIANE MAE
126 SW FRENWOOD WAY
BEAVERTON OR 97005

RODEN, EILEEN I & RONALD R CO-
TR
108 SW FRENWOOD WAY
BEAVERTON OR 97005

GARRISON, GREGORY D &
CAMILLE L
90 SW FRENWOOD WAY
BEAVERTON OR 97005

KAINZ, PHYLLIS J
145 SW FRENWOOD WAY
BEAVERTON OR 97005

MCMURRICK, DEBBIE
181 SW FRENWOOD WAY
BEAVERTON OR 97005

WOODYARD, GREGG BART AND
JANET ANNE
199 FRENWOOD WAY
BEAVERTON OR 97005

ZNOAR, NEDO & ANA
217 SW FRENWOOD WAY
BEAVERTON OR 97005

GSL CEDAR MILL INVESTORS LLC
1107 NW 14TH AVE
PORTLAND OR 97208

PORTLAND GENERAL ELECTRIC C
121 SW SALMON ST 17TH FL
PORTLAND OR 97204

TEUFEL PROPERTIES LLC ET AL
12345 NW BARNES RD
PORTLAND OR 97229

BARNES RD PROFESSIONAL
CAMPUS BLDG B LLC
3275 DOGWOOD DRIVE S
SALEM OR 97302

BARNES PROFESSIONAL CAMPUS
LOTS 1-6
6750 NW GALES CREEK RD
FOREST GROVE OR 97116

STORAGE EQUITIES INC
DEPT PT-OR-20197
P O BOX 25025
GLENDALE CA 91221-5050

WETLANDS, CONSERVANCY, INC,
PO BOX 1195
TUALATIN OR 97062

CHOBAN, GEORGE
4245 NW 174TH
PORTLAND OR 97229

MASSINGILL, KEITH L
12020 SW BARNES RD
PORTLAND OR 97225

KOREAN FIRST SOUTHERN
BAPTIST CH
12170 W STARK ST
PORTLAND OR 97229

WETLANDS CONSERVANCY, THE
PO BOX 1195
TUALATIN OR 97062

THOMASON, JON S & VALERIA
12990 SW ALLEN BLVD
BEAVERTON OR 97005

POLLOCK, RALPH B AND LUCIE L
12310 W STARK STREET
PORTLAND OR 97229

EBY, HAZEL A & MARVIN D
TRUSTEES
12350 W STARK ST
PORTLAND OR 97229

WASHINGTON, JESSE JR
505 SW SPRING LN
PORTLAND OR 97225

RODRIGUEZ, ROBERTO & MEJIA,
LIZANDRO &, REGINO
490 SW 121ST AVE
PORTLAND OR 97225

HOUCK, HUGH S REV TRUST
12765 SW 17TH AVE
BEAVERTON OR 97008

YOUNG, EDWIN
2322 CORONET BLVD
BELMONT CA 94002

CAMPBELL, DIANA
3512 E 13TH ST
VANCOUVER WA 98661

ABRAMOWITZ, ROY AND HOPE,
LINDA G
448 SW 121ST PLACE
PORTLAND OR 97225

PEDERSON, WILLIAM JR & SUSAN
32655 NW BEACH RD
HILLSBORO OR 97123

NUNEZ, GERARDO & SANDOVAL,
ALBERTO
404 & 406 SW 121ST PL
PORTLAND OR 97225

WATSON, RONALD A & CLAUDIA
4359 NW TAM-O-SHANTER WAY
PORTLAND OR 97229

MCDONALD, DAVID H
17314 NW BRICKSTONE CT
BEAVERTON OR 97006

TIMM, BRYAN L AND KATHRYN A
2664 NW 126TH AVE
PORTLAND OR 97229

GREGG, DENA
37518 SODAVILLE CUTOFF DRIVE
LEBANON OR 97355

MONROE, RODNEY G MERRISS,
JOSEPH P & COLEEN D
17755 NW FIELDSTONE DR
BEAVERTON OR 97006

LARSON, LESTER L AND
DARLENE C
1425 NW 87TH AVE
PORTLAND OR 97229

TUALATIN HILLS PARK AND
RECREATION DISTRICT
15707 SW WALKER RD
BEAVERTON OR 97006

MCPHERSON, DONALD S
11990 SW CORBY DR #1
PORTLAND OR 97225

KERSEY, ANGELA D
11990 SW CORBY DR #2
PORTLAND OR 97225

WEBSTER, JANE L
11990 SW CORBY DR #3
PORTLAND OR 97225

IVERSON, TAMRA
11990 SW CORBY DR #4
PORTLAND OR 97225

COLLINS, RYAN E & KING, SARA M
11990 SW CORBY DR #5
PORTLAND OR 97225

WALKER, PAUL R
11990 SW CORBY DR #6
PORTLAND OR 97225

MILES, BEN
11990 SW CORBY DR #7
PORTLAND OR 97225

GRIFFIN, JEROME
11990 SW CORBY DR #8
PORTLAND OR 97225

NACHTIGALL, IAN & T ANNE
11990 SW CORBY DR #9
PORTLAND OR 97225

HEDDINGER, TASHA L
11990 SW CORBY DR #10
PORTLAND OR 97225

ANNETT, JOSEPH R & COLVIN,
THOMAS I JR
1849 N KILPATRICK ST
PORTLAND OR 97217

BELSHEE, RODNEY & HOAG,
FRANCIS
11990 SW CORBY RD #12
PORTLAND OR 97225

CLARK, LINDSAY ANNE
11990 SW CORBY DR #13
PORTLAND OR 97225

NASMAN, KATIE
11990 SW CORBY DR #14
PORTLAND OR 97225

STIPKALA, GREG
1730 SE 72ND AVE
PORTLAND OR 97215

ANNETT, JOSEPH R & COLVIN,
THOMAS I JR
1849 N KILPATRICK ST
PORTLAND OR 97217

BATISTA, SACARIA & ANA
4281 SE CEDAR ST
HILLSBORO OR 97123

BELSHEE, ROD & HOAG, FRAN
11990 SW CORBY DR #18
PORTLAND OR 97225

BLY, ROGER B & JENNIFER M
11905 SW BELVIDERE PL
PORTLAND OR 97225

VOLK, IRENE M
560 SW SPRING LN
PORTLAND OR 97225

WATSON, SIDNEY EARL & MARIA
FELICIA
520 SW SPRING LN
PORTLAND OR 97225

SHURTLEFF, LINDA J
540 SW SPRING LANE
PORTLAND OR 97225

ORDWAY, GREGORY J & BROWN-
ORDWAY, PAMELA
14138 NW LAKESHORE CT
PORTLAND OR 97229

CHENG, SHERLY
12081 SW TAYLOR CT
PORTLAND OR 97225

KRIBS, JUSTIN & AKIKO
12063 SW TAYLOR CT
PORTLAND OR 97225

SMITH, THOMAS CHARLES &
GRACE H
12039 SW TAYLOR CT
PORTLAND OR 97225

PORTLAND GENERAL ELECTRIC
CO
121 SW SALMON ST 17TH FL
PORTLAND OR 97204

FREEMAN, KATHLEEN I & JASON
252 SW FRENWOOD WAY
BEAVERTON OR 97005

THOMPSON, RANDY L
270 SW FRENWOOD WAY
BEAVERTON OR 97005

BODILY, DENNIS L & PRISCILLA
288 SW FRENWOOD WAY
BEAVERTON OR 97005

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).

FOR AGENDA OF: 1/8/07 **BILL NO:** 07013

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 12/22/06

CLEARANCES: City Attorney [Signature]

Planning Services [Signature]

PROCEEDING: First Reading

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

HB:js

ORDINANCE NO. 4420

AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE ZONING MAP FOR TWO PROPERTIES LOCATED IN NORTH BEAVERON, 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 _____ day of _____, 2007.

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

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

ATTEST:

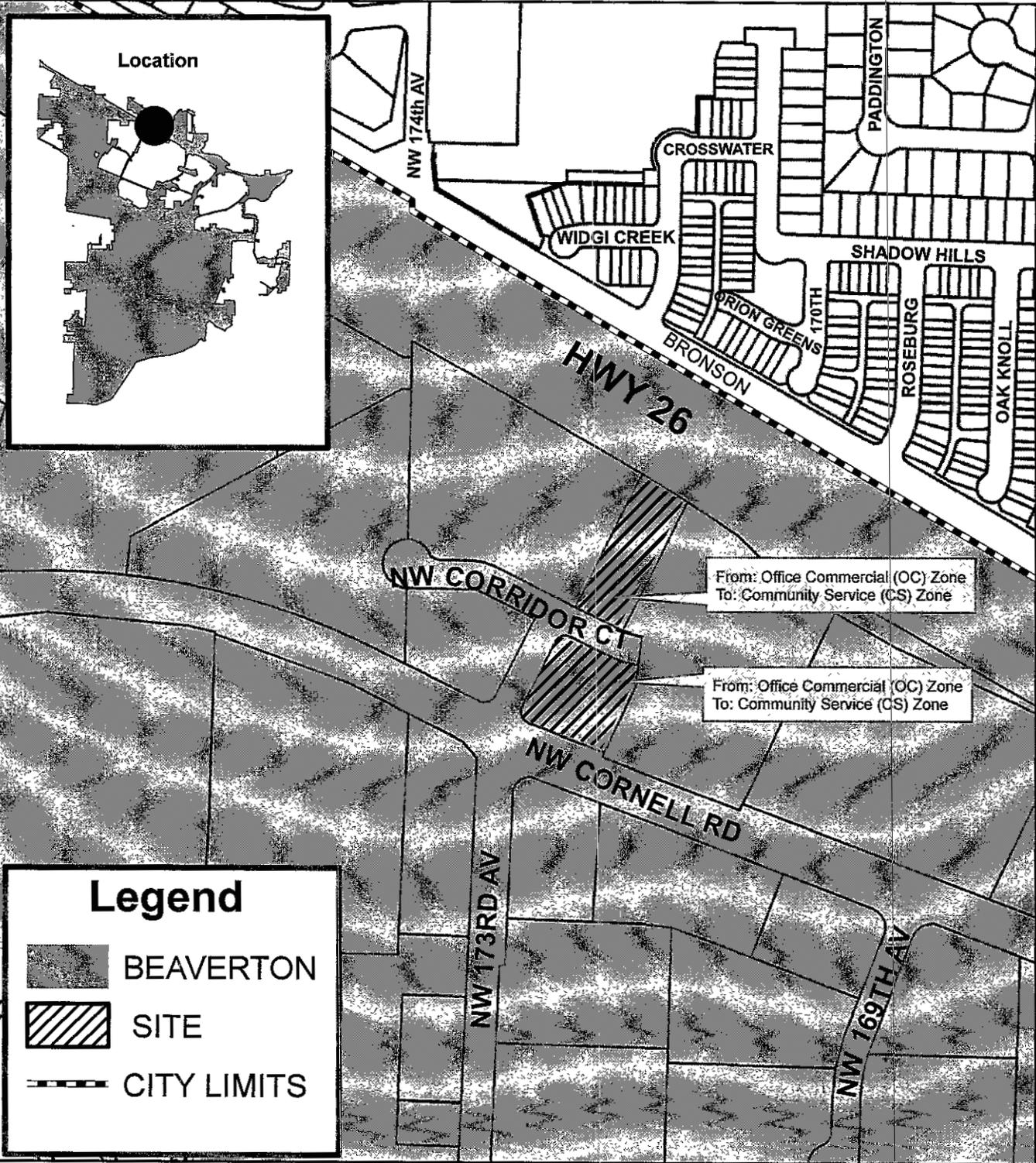
APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

Exhibit A



Legend

-  BEAVERTON
-  SITE
-  CITY LIMITS



CITY OF BEAVERTON

ZMA2006-0018

COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

10/18/06 N
 1N130DC01100
 1N130DC01001

17200 & 17225
 NW CORRIDOR CT



CITY of BEAVERTON

EXHIBIT B

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

STAFF REPORT

TO: Planning Commission **REPORT DATE:** October 17, 2006

AGENDA DATE: December 06, 2006

FROM: Jeff Salvon, Senior Planner, Planning Services

SUBJECT: **ZMA2006-0018, 17200 and 17225 NW Corridor Court Zoning Map Amendment:** To assign a City Zoning Map designation to parcels recently annexed to the City through a different process. The parcels are identified on tax map 1N130DC as lots 01100 and 01001.

REQUEST: Amend the City's Zoning Map to show Community Service (CS).

APPLICANT: City of Beaverton

APPROVAL CRITERIA: Development Code Section 40.97.15.1.C

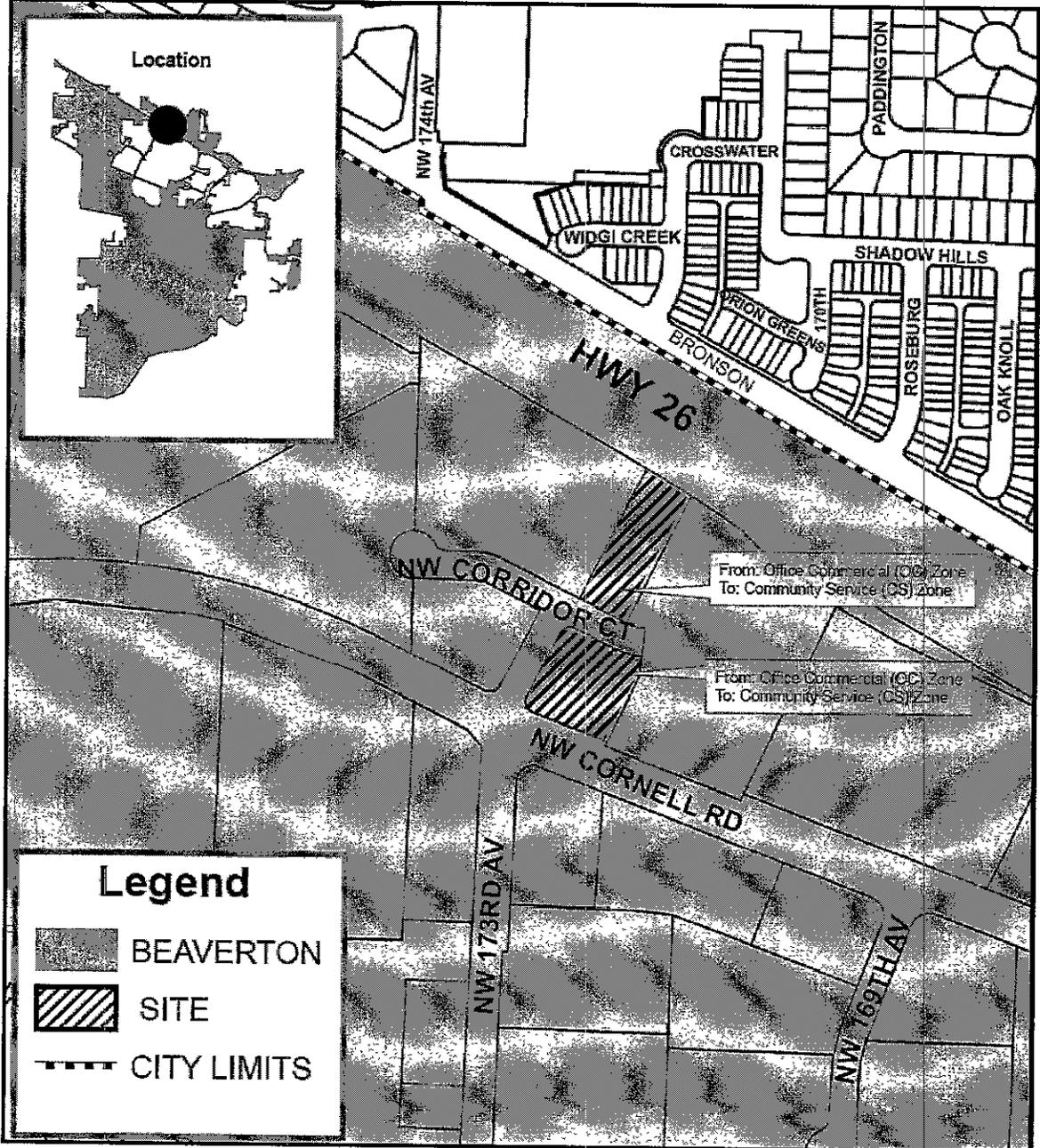
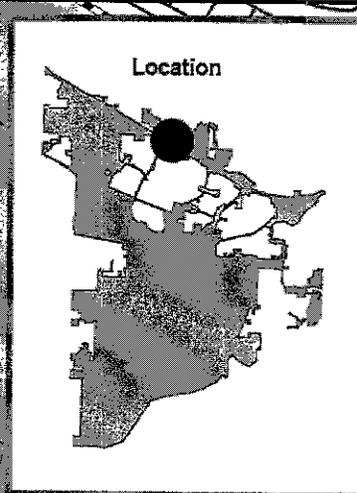
LOCATION: The properties are located at 17200 & 17225 NW Corridor Court. They are located on the north side of Cornell Rd and south of Highway 26.

EXISTING USE: The property at 17200 NW Corridor Court is 0.84 acres and contains an office building. The property at 17225 NW Corridor Court is 0.77 acres and is developed with a day-care facility.

RECOMMENDATION

Based on findings in this report that the criteria contained in Development Code Section 40.97.15.1.C, are met, staff recommends approval of the request.

VICINITY MAP



Legend

- BEAVERTON
- SITE
- CITY LIMITS

<p>CITY OF BEAVERTON</p>	<h2>ZMA2006-0018</h2>	<p>10/18/06 N</p> <p>1N130DC01100 1N130DC01001</p>
	<p>COMMUNITY DEVELOPMENT DEPARTMENT Planning Services Division</p>	<p>17200 & 17225 NW CORRIDOR CT</p>

SUMMARY

The properties proposed for rezone contain a single story office building on a 0.84 acre parcel and a day-care facility on a 0.77 acre parcel. Both properties are located within a small commercial area which is primarily devoted to retail nestled between the Sunset Highway (classified as a freeway in the City's Comprehensive Plan) and Cornell Road (classified as an arterial).

BACKGROUND

The parcels proposed for this rezone were annexed into the City in 2005 and subsequent to that action were rezoned from Washington County's Office Commercial designation to Beaverton's Office Commercial (OC) designation. The decision as to how these properties should be redesignated after being annexed was determined in 1988 by the adoption of the Urban Planning Area Agreement (UPAA) between the Washington County and the City of Beaverton. Under this agreement, properties that are annexed into the City of Beaverton will be assigned the City zoning classification which most closely approximates the designation that had been assigned to the properties by Washington County. Since the choice as to which city zone designation is to be applied has been evaluated and approved in advance of the rezone, the actual zone reassignment process requires no discretion at the time it is processed. The current proposal follows that process, does not qualify under the terms of the UPAA, and is discretionary in nature requiring a public hearing.

The current proposal is being made at the request of the owner of the property at 17200 Corridor Court who has expressed a concern over an inconsistency that exists between the Washington County's Office Commercial and the City of Beaverton's Office Commercial designations. The point of contention involves the fact that although the zoning that was applied to the property is consistent with the UPAA, the City's OC designation contains use restrictions (specifically retail sales) that were previously permitted under the County designation. As the property owner has pointed out, the resulting use restriction imposed upon him could serve as a basis for a Measure 37 claim. That owner subsequently signed a Measure 37 claim waiver on the condition that the property's zoning is changed to Community Service.

An additional inconsistency exists in the fact that the day care facility, which currently exists on the 17255 Corridor Court property, is not permitted in the City's OC zone – although it qualifies as a legal non-conforming use. Other retail use inconsistencies that exist between the County's OC designation and the City's OC zone can be viewed in the following table:

Common Retail Uses	Wash. Co. OC District	Beaverton OC Zone
Day care	Type 2	Not permitted
Service station – car wash	Type 2	Not permitted
Drive-in restaurants	Accessory use* – type 2	Conditional use
Personal service businesses such as laundry, dry cleaner, photo studio, barber, shoe repair up to 5,000 square feet/use	Accessory use* -- type 2	Not permitted
Retail businesses such as hardware, variety, drug, clothing stores up to 10,000 square feet/use	Accessory use* – type 2	Not permitted
Eating & drinking establishments	Accessory use* – type 2	Conditional use
Convenience store	Accessory use* – type 2	Not permitted

**uses are accessory to office commercial complex and scaled to serve the tenants of the complex or surrounding office commercial area*

ANALYSIS OF ANNEXATION RELATED ZONING MAP AMENDMENT

The choice as to which zone is most appropriate for meeting the needs of the City as well as the property owner was based upon several considerations. First, preference was given to zoning that would not require changing the Comprehensive Plan designation for each property. Section 3.1. (b) identifies **Cornell Road** as an appropriate area for which the Corridor designation was conceived and should be applied. Maintaining the Corridor designation would safeguard the conceptual objectives that had previously been established for the area.

Second, in regard to application of the CS District, section 20.10.05 of the City's Development Code states that; "the Community Service" or "CS" District is intended to provide for businesses compatible with and of similar scale to existing commercial activity found principally along Beaverton-Hillsdale Highway, Canyon Road, T.V. Highway, Cedar Hills Boulevard, **Sunset Highway** and Highway 217.

Finally, section 3.2 of the Comprehensive Plan states that "...corridors provide nodes of residential and employment that may be integrated, but more likely reside side by side". Adjacent parcels, to the east of the 12700 Corridor Ct. property and to the east and west of the 17225 Corridor Court property are zoned CS creating a commercial node centered around the cul-de-sac. Maintaining consistency among adjacent properties would contribute to the nodal concept and fulfill the intentions of both the Comprehensive Plan and Development Code cited above.

A comparison of use discrepancies that will result from rezoning of the property

from OC to CS reveals that while rezoning the properties will permit retail sales, office uses will be restricted to those that involve on site service provision only. Such uses include medical, insurance, real estate, and attorney services. Where those services straddle the line between corporate administration and on site service provision, a determination as to compliance would be the subject of a director's interpretation. It should be noted however that given the size and retail exposure of the subject parcels it is likely that office uses directed toward on site service provision will prevail in securing lease agreements on the property. Currently, office uses on the property are confined to on-site medical services and are fully compliant with both the OC and CS zones. Given this consideration, staff regards the likelihood of future M37 claims resulting from the proposed zone change as remote.

COMPLIANCE WITH REZONE CRITERIA

Ordinance 2050 (Development Code) Section 40.97.15.C details the requirements for quasi-judicial zoning map amendments:

40.97.15.1.C. Approval Criteria

1. *The proposal satisfies the threshold requirements for a Quasi-Judicial Zoning Map Amendment application.*

Section 40.97.15.1.A.1 of the City of Beaverton Development Code specifies that the threshold criterion for a quasi-judicial zoning map amendment is "the change of zoning designation for a specific property or limited number of specific properties." The proposal applies to two specific properties.

FINDING: Staff finds that the proposed rezone satisfies the threshold requirements for a quasi-judicial Zoning Map amendment.

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

Because the City is acting as the applicant of this rezone, no fees are required.

FINDING: Staff finds that this criterion is not applicable to this application.

3. *The proposal conforms with applicable policies of the City's Comprehensive Plan.*

The Zoning District Matrix (Section 3.14 of the Comprehensive Plan) identifies which specific zoning designations are compatible within the more generalized Comprehensive Plan designations. As can be seen in the table below, both the OC and CS Zones are compatible and fall under the umbrella of the Corridor Comp Plan designation concept.

This point relates directly to the provisions expressed within the City's Comprehensive Plan. Section 3.10 of the Comprehensive Plan addresses what development within the corridor designation should look like, what specific areas and streets of the City this designation was tailored to influence, and which zoning districts are appropriate for this designation. As demonstrated in the Comprehensive Plan and Zoning District Matrix (below), both the OC and CS zones are regarded as acceptable zoning applications within the conceptual framework associated with the Corridor designation.

FINDING: Staff finds that the proposed amendment conforms with applicable policies of the City's Comprehensive Plan

4 Applications and documents related to the request, which will

COMPREHENSIVE PLAN AND ZONING DISTRICT MATRIX	
Comprehensive Plan Designation	Zoning District
Regional Center	RC-E, RC-OT, RC-TO
Station Community	SC-HDR, SC-MU, SA-MDR, SA-MU
Town Center	TC-HDR, TC-MU, TC-MDR
Main Street	Office Commercial, Neighborhood Service, Convenience Service Center, R-1, R-2
Corridor	General Commercial, Convenience Service Center, Office Commercial, Community Service, Neighborhood Service, R-1, R-2, R-3.5, R-4, Corridor-Multiple Use
Employment Areas	Campus Industrial
Industrial	Industrial Park, Light Industrial, Campus Industrial
Neighborhood Residential (equivalent to Metro's Inner and Outer Neighborhood Design Types)	
Low Density	R-10
Standard Density	R-7, R-5
Medium Density	R-4, R-3.5, R-2
High Density	R-1
Any of the plan designations cited above	Institutional

require further City approval, shall be submitted to the City in the proper sequence.

In fulfilling the role as the applicant of this proposal, staff has compiled all necessary documentation to provide adequate review of the proposal.

FINDING: Staff finds that all documents related to the request, which will require further City approval, have been provided in the proper sequence.

5 In addition to the criteria stated in Section 40.97.15.1.C.1 through 4, above, the following criteria shall apply to Quasi-Judicial Zoning Map Amendment which would change the zone designation to the Convenience Service (C-V) zoning district.

- a. *There is a public need for the proposal and that this need will be served by changing the zoning district classification of the property in question as compared with other available property.*

- b. *The public interest is best carried out by approving the proposal at this time.*

FINDING: Staff finds that these criteria are not applicable to proposed rezone.

6. *The proposal shall include a Traffic Impact Analysis that meets the requirements of 60.55.20. The analysis shall demonstrate that development allowed under the proposed zoning can meet the requirements of 60.55.10.1, 60.55.10.2, 60.55.10.3, and 60.55.10.7. The analysis shall identify the traffic impacts from the range of uses allowed under the proposed zoning and demonstrate that these impacts can be reasonably mitigated at the time of development. [ORD 4302; May 2004]*

This criterion is particularly relevant where a new development is being proposed. However, the proposed amendment involves the rezoning of properties where improvements are already in place and no change in the specific use is being anticipated. Therefore, in attempting to determine if a traffic impact is warranted for the purposes of this application, staff opted to meet criterion #7 provided in the following section.

FINDING: Staff finds that this criterion is not applicable to proposed rezone.

7. *As an alternative to 40.97.15.1.C.6, the applicant may provide evidence that the potential traffic impacts from development under the proposed zoning are no greater than potential impacts from development under existing zoning. [ORD 4302; May 2004]*

In attempting to determine if a traffic impact analysis is warranted for this application, staff observed the variety of uses permitted in each zone and consulted the ITE manual to identify a worst case traffic impact scenario that might result. Ultimately, among all the uses that could occur, staff determined that fast food restaurants with a drive-through window possessed the greatest potential to generate traffic in each case. This use is permitted outright in the CS zone and conditionally in the OC zone. Because this use has the potential to impact both zoning designations, staff determined that the prospect of rezoning from OC to CS would not impart significant traffic impacts. Staff has determined that the requirement that a traffic impact analysis be conducted for the sake of this proposal is not required.

PROCESS:

Quasi-judicial zoning map amendments require a public hearing before the Planning Commission. A public hearing has been scheduled before the Planning Commission on December 6, 2006 for the proposed amendments. Notice has been or will be given in accordance with Section 50.45 of the Development Code.

Appropriate notice has been given to the Department of Land Conservation and Development (DLCD), Metro, the NAC, and to Washington County LUT.

1. Legal notice was published in the Beaverton Valley Times on November 16, 2006.
2. Notice will be posted at the Post Office, Beaverton Library and City Hall on or before November 9, 2006.
3. Notice will be mailed to the Neighborhood Association Committee (NAC), property owners within 500 feet of the proposed rezones on or before November 9, 2001.

Notice for proposed quasi-judicial rezones must be provided at least twenty (20) calendar days prior to the City Planning Commission hearing. The notice requirements for this rezone will be met or exceeded. The Planning Commission has not requested staff to provide additional notice for this amendment.

Following a Planning Commission action, a land use order will be prepared and mailed to the property owner and any person submitting written comments or testifying before the Planning Commission during the process.

Appeals of the Commission decision regarding rezones are made to the City Council. The procedure for filing such an appeal and the manner of the hearing is governed by Section 50.70 of the Development Code for the Rezone. The appeal request must be made in writing and delivered to the City within 10 calendar days of the land use order date. In addition, there is a non-refundable \$1,314.00 fee, which must accompany the request for hearing.

FINDING: Applicable procedural requirements have been met for this proposed rezone application.

SUMMARY FINDINGS:

Staff finds that the proposed rezoning conforms to the City's Comprehensive Plan and all applicable statutory and ordinance requirements in effect at this time.

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

IN THE MATTER OF ZMA2006-0018, A)	
REQUEST TO AMEND THE CITY ZONING)	
MAP APPLICABLE TO THE PROPERTIES)	ORDER NO. 1929
LOCATED AT 17200 & 17225 NW)	APPROVING REQUEST
CORRIDOR COURT.)	
CITY OF BEAVERTON, APPLICANT.)	

The matter came before the Planning Commission on December 6, 2006, on a request for a City Zoning Map amendment to assign a designation to parcels annexed to the City through a prior process. The properties are located at 17200 & 17225 NW Corridor Court on the north side of Cornell Road and south of Highway 26 and are more specifically described as Tax Lots 01100 and 01001 on Washington County Assessor's Map 1N130DC. The property at 17200 NW Corridor Court is 0.84 acres and contains an office building. The property at 17225 NW Corridor Court is 0.77 acres and is developed with a day-care facility.

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

The Planning Commission adopts the Staff Report dated October 17, 2006, as to the applicable criteria contained in Section 40.97.15.1.C of the

Development Code (effective prior to adoption of Ordinance 4404 -
Development Code update) and findings thereon; now, therefore:

IT IS HEREBY ORDERED that **ZMA2006-0018** is **APPROVED**
based on the facts and findings of the Planning Commission on December 6,
2006.

Motion **CARRIED** by the following vote:

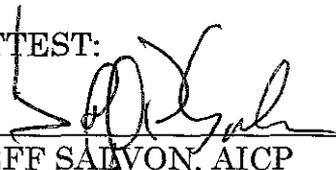
AYES: Maks, Bobadilla, Bobadilla, Kroger, Stephens,
Winter, and Johansen.
NAYS: None.
ABSTAIN: None.
ABSENT: Pogue.

Dated this 14th day of December, 2006.

To appeal the decision of the Planning Commission, as articulated in
Land Use Order No. 1929, an appeal must be filed on an Appeal form
provided by the Director at the City of Beaverton Community Development
Department's office by no later than 4:30 p.m. on
December 24th, 2006.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:


JEFF SALVON, AICP
Senior Planner

APPROVED:


ERIC H. JOHANSEN
Chairman


HAL BERGSMA
Planning Services Manager

ORDINANCE NO. 4416

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; CPA2006-0015/ZMA2006-0020 (Mobile Home Corral)

WHEREAS, The two properties were annexed under Ordinance 4335 in January 2005, thus the properties are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations as specified by the Beaverton – Washington County Urban Planning Area Agreement (UPAA); and

WHEREAS, Since the UPAA is specific on the appropriate designations for this parcel, this is not a discretionary land decision and, therefore, no public hearing is required; and

WHEREAS, The Council adopts as to criteria applicable to this request and findings thereon the Community Development Department staff report by Senior Planner Jeff Salvon, dated October 30, 2006, attached hereto as Exhibit "B"; 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 properties on Map and Tax Lots 1S110CD00800 and 1S110CD00801 Neighborhood Residential – High Density, as shown on Exhibit "A" and in accordance with the UPAA.

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate properties on Map and Tax Lots 1S110CD00800 and 1S110CD00801 Residential – 1,000 square foot per dwelling unit, as shown on Exhibit "A" and in accordance with the UPAA.

First reading this 11th day of December, 2006.

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

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

ATTEST:

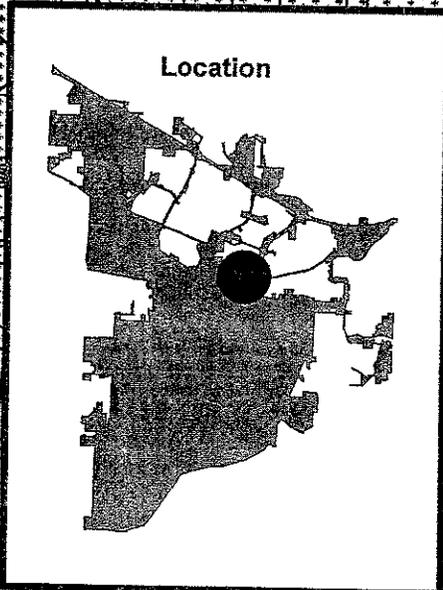
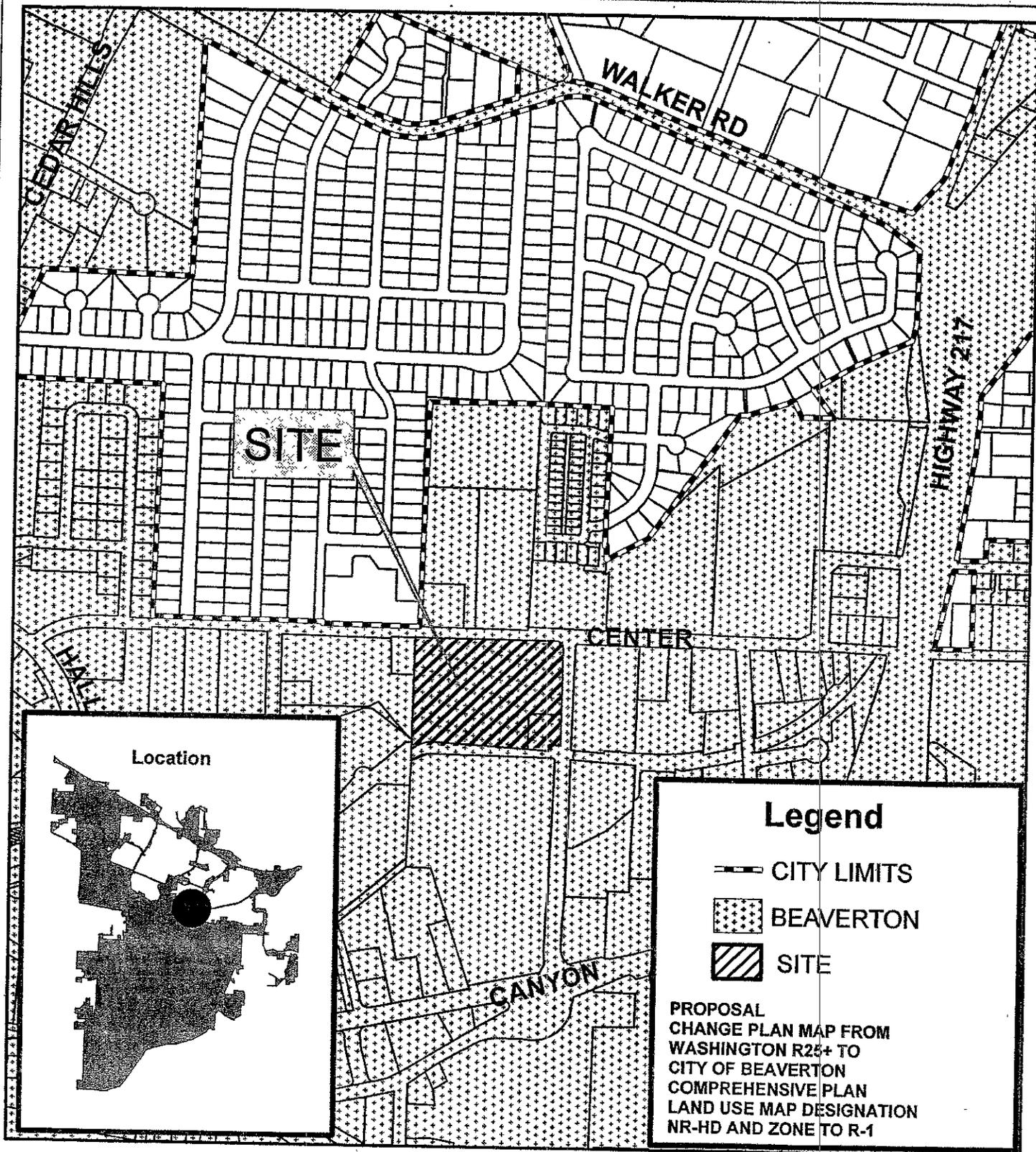
APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

EXHIBIT "A"



CITY OF BEAVERTON

CPA2006-0015 ZMA2006-0020

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services division

10/24/06

TAX LOTS
1S110CD00801
1S110CD00800

N



MOBILE HOME
CORRAL

002