



FINAL AGENDA

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

REGULAR MEETING
SEPTEMBER 10, 2007
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

07186 Presentation of the Oregon Building Officials Association "Building Official of the Year Award"

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of August 20, 2007

ACTION ITEM:

07187 Selection of Respondents to Request for Qualifications – Westgate
Redevelopment

PUBLIC HEARING:

07185 Appeal of Pebblestone Subdivision (APP 2007-0014/APP 2007-0015/
APP 2007-0016/APP 2007-0017/APP 2007-0018)

WORK SESSION:

07188 Work Session Regarding Establishing the Beaverton Municipal Court as a Court
of Record

ORDINANCES:

First Reading:

07189 An Ordinance Amending Ord. 2050 Beaverton Development Code Chapter 60, Special Regulations, Section 60.05 Design Review, 60.05.55.1 Regional Center Major Pedestrian Route Map TA 2007-0001 (Ordinance No. 4453)

Second Reading:

07184 An Ordinance Amending Chapter 2 of the Beaverton City Code to Adopt Procedures for Reviewing Candidate Statements in City Voter's Pamphlet (Ordinance No. 4452)

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 Oregon Building Officials Association "Building Official of the Year Award". **FOR AGENDA OF** 09-10-07 **BILL NO:** 07186

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 08-02-07

CLEARANCES:

PROCEEDING: Presentation

EXHIBITS:

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The Oregon Building Officials Association presented the "John E. Boss" Building Official of the Year Award at its Annual Business Meeting on July 19, 2007. The annual award is presented to an individual who has demonstrated outstanding leadership and dedicated service to the Association. The recipient of the 2007 Building Official of the Year Award is the City's Building Official, Brad Roast.

The Oregon Building Officials Association (OBOA) recognized Mr. Roast for his various leadership contributions over the years to OBOA. His past contributions to OBOA include: a longtime member of OBOA's Code Committee, a member of the Board, a past officer and then President of the Association. He has served as a member of the Permits Protect Advisory Committee. He is currently a member of OBOA's Legislative Committee and the Outreach Task Force. He has been an active member for over 20 years and has contributed to the organization greatly.

INFORMATION FOR CONSIDERATION:

The Oregon Building Officials Association would like to present a plaque to recognize Brad Roast as the 2007 Oregon Building Officials Association's Building Official of the Year.

RECOMMENDED ACTION:

City Council support the presentation of the plaque.

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
AUGUST 20, 2007

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, August 20, 2007, at 6:37 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Bruce Dalrymple, Dennis Doyle, and Cathy Stanton. Coun. Betty Bode was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Principal Planner Hal Bergsma, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop, Public Works Operations Manager Terry Priest, City Recorder Sue Nelson and Deputy City Recorder Catherine Jansen.

PRESENTATIONS:

07177 Presentation of Shields and Swearing In of Newly Appointed Captain, Lieutenant, Sergeants, and Four Officers to the Beaverton Police Department

Mayor Drake said that the police have a positive impact on livability in the city therefore the swearing-in ceremony would be conducted at the Council meetings to introduce the new officers and those officers who were recently promoted, to the community. Police Chief Dave Bishop swore in newly-promoted Captain Terry Merritt, Lieutenant Adam Spang, Sergeants Mark Groshong, Steven Schaer and Michael Smith, and new Police Officers Evin Eustice, David Newland, Viola Valenzuela and James White.

Mayor Drake presented their new shields to the officers.

Bishop thanked the families and friends of all of the officers and noted the officers could not do this job without their support.

07178 Stream Enhancement Program Status Update

Public Works Operations Manager Terry Priest presented a PowerPoint presentation on the City's Stream Enhancement Program (in the record). He said the Stream Enhancement Program began in 2004 on Beaverton Creek. He reviewed the work completed on Beaverton Creek from 2004 to 2007, noting 10,230 trees and 30,689 shrubs were planted on public water quality facilities and stream banks.

Priest said that volunteers were an integral part of the Program, for the projects were completed through the assistance of many volunteer groups and organizations including SOLV, Tualatin Hills Park and Recreation District, local schools, the Girl Scouts and Cub Scouts and the Southridge High School Football Teams. He thanked all those who volunteered.

Lisa Mathews, Beaverton, representing the Southridge High School Football Teams spoke on the positive experience that the team members had when they worked on the stream enhancement projects. She said through these projects, the students utilized skills they learned in school, they worked hard, accomplished a great deal and gave back to the community.

Priest reviewed the work completed on Hiteon Creek and the future projects planned for Sterling Park Pond, and the Johnson Creek and Summer Creek tributaries.

Mayor Drake said this Program was impressive and was part of an overall process that was occurring county-wide.

Priest said Clean Water Services helped initially with the Program and provided the plants. He said the City now administered the program.

Coun. Arnold said she appreciated this presentation for it was good to see City projects that were being done to promote the environment and improve the community. She commended Priest and everyone involved in this work.

Coun. Doyle thanked everyone for their work and said it was good to see the quick success of these projects. He said that anyone interested in volunteering for this Program could contact Priest at 503-526-2568.

Coun. Dalrymple said this was a great Program for it allowed the citizens to buy into projects and participate, in a hands-on fashion, in improving their community.

Mayor Drake thanked Priest for the presentation.

VISITOR COMMENT PERIOD:

Scott MacTarnahan, Portland, referred to the interim zoning for the Washington Square Regional Center (Agenda Bill 07182). He said this matter involved his family's property on Cascade Avenue which was currently developed as retail shops and a racetrack. He expressed concern that the proposal would change the zoning designation on his property from General Commercial to Urban Center which was a much higher use. He questioned the timing and eventuality of this decision. He compared Washington Square to Clackamas Town Center, stressing that Sunnyside Road (Clackamas Town Center) was very accessible; and Highway 217 (Washington Square) was like an iron curtain for it did not provide the vehicular access needed for that area. He said in the future that area might be an Urban Center but he did not wish to be precluded from developing his property with a current permitted use because there was a future possibility that there may be a higher use. He stressed there was no funding available to build the necessary transportation improvements for an Urban Center.

MacTarnahan said that as a developer he favored a higher density for that was more profitable. He said the reality was that his property was across the freeway in the shadow of Washington Square and the businesses in that area were not as profitable as Washington Square. He said he would like to see the property restrictions enacted at the proper time and that time was not now. He stated that many factors in this area have to change before it would support some of these ideas.

Coun. Doyle urged staff and MacTarnahan to stay in coordination through this process, for there would be ample opportunity to develop good ideas for that area.

MacTarnahan asked if the City of Beaverton had to accommodate the City of Tigard.

Coun. Doyle responded that Beaverton could plot its own destiny.

Coun. Stanton explained that the Council considered this issue at a work session in July and decided it was not necessary to take action at that time. She said the recommendation for Agenda Bill 07182 was that Council directs the Mayor to begin the process to study this issue. She assured MacTarnahan that he and other stakeholders would be involved and the process would not be rushed. She said there would be no surprises along the way for anyone.

COUNCIL ITEMS:

Coun. Stanton said that on Thursday, August 23rd, the Westside Economic Alliance was holding a breakfast forum on Urban Form.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

07179 A Resolution Declaring the 2007 Fire Prevention Code of the Tualatin Valley Fire and Rescue District Effective Within the City of Beaverton and Repealing City of Beaverton Resolution 3800 (Resolution No. 3907)

07180 Authorize Additional Funding for a Professional Services Contract with Outside Counsel to Provide Legal Review and Consultation

07183 A Resolution Expressing the City of Beaverton's Opposition to Using Urban Renewal and Tax Increment Financing to Pay for Needed Infrastructure Improvements in North Bethany and Other Urban Expansion Areas (Resolution No. 3906) (*Resolution was carried over from meeting of 08/13/07*)

Contract Review Board:

07181 Waiver of Sealed Bidding – Purchase Seven Vehicles From the State of Oregon Price Agreement

Question called on the motion. Couns. Arnold, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED. (4:0) Coun. Dalrymple voted no on Agenda Bill 07183.

Coun. Dalrymple explained he had voted no on Agenda Bill 07183, Resolution No. 3906 which expressed the City's opposition to using Urban Renewal financing for infrastructure improvements in North Bethany because he preferred to let the process work. He said he wished to let the County stakeholders determine what they needed to do and then the County could advise the City on its needs. He added the County would discuss this on August 21st.

Coun. Arnold said she agreed with Coun. Dalrymple that it was a bit early to oppose any proposal, but she did not think it was too early to express concerns with certain options. She said this resolution expressed these concerns and she agreed with that intent so she supported it.

ACTION ITEMS:

07182 A Resolution Directing the Mayor Regarding Interim Zoning for Beaverton's Part of the Washington Square Regional Center (Resolution No. 3908)

Mayor Drake noted the Council held a work session on this issue in July.

City Attorney Alan Rappleyea said the Comprehensive Plan and the Zoning Map have different designations for this area. He said the intent of this resolution was to direct staff to develop interim Zoning Map regulations for this area.

Mayor Drake explained the interim period was undetermined at this time.

Coun. Stanton said she wished to confirm that this resolution would develop a list of prohibited uses in a Regional Center and it would direct different development and design standards than those prescribed by the base zone.

Rappleyea confirmed that that was the direction given in this resolution.

Coun. Stanton asked if this would come back to the City Council prior to its being presented to the Planning Commission.

Mayor Drake said he spoke with Coun. Stanton and she wished to see the direction of the recommendations, so that the Council could submit its comments. He agreed that a progress report could be brought to Council for review and comment.

Rappleyea agreed this could be brought to Council first.

Coun. Stanton said that she wanted the opportunity for Council comment for the Council was not in full agreement on what should transpire in that area. She said it was incumbent on the Council to see the report before it goes to the Planning Commission.

Mayor Drake clarified that the progress report would not be considered in a hearing process, nor would it be a final stop prior to going to the Planning Commission. He said normally this would go to the Planning Commission first, but because this came to

Council under general direction, he agreed that it made sense to bring this back to Council to have the initial discussion.

Coun. Stanton said she felt it was necessary that this come to Council first if the City was going to go in a different direction than what it previously committed to for the Washington Square Regional Center.

Coun. Dalrymple said that at the work session he was against proceeding with this. He said he did not support preserving the Regional Center designation for Washington Square for the City was entering a visioning process and had other priorities. He said the City had little funding and needed to figure out the best use of those limited funds. He said the City needed to concentrate on identifying downtown Beaverton and the more the City looked at fringe areas would take away from the downtown. He said it would be wiser to spend the funds on the downtown.

Coun. Doyle said he would support this resolution. He said the City was not obligated to spend money on this process and this complemented the visioning for a regional center. He said it was a good idea to look at this area as a regional center and all the economic good it could bring. He said though funds were not available to construct the needed transportation improvements for that area, it was important to keep the vision and see if the City could help make this work for everyone.

Coun. Arnold said she wished to receive more information on this issue since there were practical and legal concerns that have to be addressed.

Mayor Drake said all of the Councilors shared the right answers. He agreed with Coun. Dalrymple that funding was limited; a finite amount of money was projected for the next 20 years and only 40% of the needed transportation dollars have been identified. He said on the other side, the City participated heavily in the Washington Square Regional Center process and there was a great deal of industrial land in the area surrounding Washington Square and having Council take a hard look at that area would be the right thing to do. He agreed with Coun. Doyle that the City did not have to spend funds on that area. He said the City had not completed its job initially through the Washington Square process and this would complete that task; it would not obligate the City to anything in terms of short-term infrastructure improvements. He said everyone was right in the sense that the City had not finished its job in that area and now it could do so.

Coun. Dalrymple said the City was beginning a long visioning process on what Beaverton would look like in the future and looking at this area individually, and not as part of the larger visioning process could be a mistake. He said he did not know how long this would take if this resolution was adopted by Council. He stressed this area should not be considered individually; it should be part of the bigger plan.

Coun. Stanton said the City was a partner with Tigard and Metro over the Regional Center and she agreed with Coun. Doyle that the City needs to start the process.

Coun. Stanton MOVED, SECONDED by Coun. Arnold, that the Council adopt Resolution No. 3908 Directing the Mayor to Initiate Legislative Text and Map Amendment Processes to Adopt and Apply an Interim Washington Square Regional Center Overlay District. Couns. Arnold, Doyle and Stanton voting AYE, Coun. Dalrymple voting NAY, the MOTION CARRIED. (3:1)

ORDINANCES:

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that the rules be suspended, and that the ordinance embodied in Agenda Bill 07184 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, Doyle and Stanton voting AYE, Coun. Dalrymple voting NAY, the MOTION CARRIED. (3:1)

First Reading:

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

07184 An Ordinance Amending Chapter 2 of the Beaverton City Code to Adopt Procedures for Reviewing Candidate Statements in City Voter's Pamphlet (Ordinance No. 4452)

Second Reading:

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

07150 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Standard Density (NR-SD) Plan Designation and Ordinance No. 2050, the Zoning Map, to Apply the City's R-7 Zone to Property Located at 12730 SW Fairfield Street CPA 2007-0013/ZMA 2007-0013 (Ordinance No. 4444)

07173 An Ordinance Adding Chapter 8.07 of the Beaverton Code, Regarding Residential Property Maintenance (Ordinance No. 4448)

07174 An Ordinance Amending Ord. 4187 Figure III-1 the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Medium Density (NR-MD) Plan Designation and Ord. 2050 the Zoning Map to Apply the City's R-2 Zone to One Property Located in Northeastern Beaverton CPA 2006-0009/ZMA 2006-0012, City of Beaverton Applicant (10925 SW Fifth Street) (Ordinance No. 4449)

07175 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 on the North and East Side of SW Merlo Drive Between SW 170th Avenue and SW Merlo Road, and South of the Westside Light Rail Transit Line; CPA 2007-0012/ZMA 2007-0011 (Ordinance No. 4450)

07176 ZMA 2007-0015 Greenway Park Zoning Map Clean-Up (Ordinance No. 4451)

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that the ordinances embodied in Agenda Bills 07150, 07173, 07174, 07175 and 07176, now pass. Roll call vote. Couns. Arnold, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:38 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2007.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Selection of Respondents to Request for Qualifications—Westgate Redevelopment

FOR AGENDA OF: 09-10-2007 BILL NO: 07187

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office

DATE SUBMITTED: 09-05-2007

CLEARANCES: City Attorney 

PROCEEDING: Action: To select developers from the respondents to the Request for Qualifications—Westgate Redevelopment, to proceed to prepare proposals to the Request for Proposals—Westgate Redevelopment.

EXHIBITS: none

BUDGET IMPACT

EXPENDITURE REQUIRED \$ none	AMOUNT BUDGETED \$ none	APPROPRIATION REQUIRED \$ none
---	------------------------------------	---

HISTORICAL PERSPECTIVE:

In 2004, the Beaverton Downtown Regional Center Development Strategy was presented to a joint meeting of the Beaverton City Council and Metro Council. The action plan included identifying catalyst project sites and facilitating the development of those properties. The City subsequently identified the Westgate property as a strategic development opportunity and joined with Metro, specifically the Metropolitan Transportation Improvements Program, to acquire the Westgate property at the end of 2005. The funding arrangement between the City and Metro was memorialized by way of an Intergovernmental Agreement (IGA), which also set forth minimum development goals, including the mix of uses and density.

On June 26, 2007, the Westgate Redevelopment RFQ, jointly prepared by the City and METRO, was posted to the website www.westgatesale.com. At that same time, City staff contacted (via email) over 500 individuals and firms across the U.S (24 states) and Canada (five Provinces). Subsequently, over 100 of the most likely candidates were contacted a second time by phone or email. To further encourage RFQ responses on July 7, 2007 City staff held a conference call whereby interested parties could call in with questions on the RFQ process or project.

The deadline for responses to the RFQ was July 25, 2007, at which time the City had received seven submittals. City Staff along with Metro and consultant Jeff Cole reviewed and evaluated the responses to identify the most qualified applicants.

INFORMATION FOR CONSIDERATION:

The respondents to the Request for Qualifications included Apex Investment Group, Elman Development, LLC, Alliance Residential/Pacific Commercial Group (Mire), Remold Companies, Specht Development, Inc., Urban Renaissance Group, and finally Windmill Development Group. Partway through the evaluation process Windmill notified the City it was not able to proceed due to other project commitments. Of the six remaining parties, the information contained in the proposals and subsequently provided by the firms was evaluated based on criteria identified in the RFQ. These criteria included success with comparable projects, public sector collaboration, green building/sustainability, energy-efficiency expertise, architectural and urban design quality of representative projects, and financing capacity. These criteria were weighted for relative importance, with emphasis given to financial capacity, success with comparable projects, and green building experience. A ranking was derived for each RFQ criterion by comparing pairs of development teams to one another. The overall developer ranking was determined by applying the criteria weightings previously assigned.

Through the ranking process, it was determined that two firms, Apex Investment Group and Urban Renaissance Group, placed significantly above the rest. These two firms shared the following strengths:

1. They possess substantial financial resources
2. They have an intent to meet and exceed development goals
3. They have experienced and comprehensive teams
4. They have significant mixed-use and sustainable development project experience

The remaining firms were determined to lack one or more of the above attributes, or were not responsive to the stated development goals contained in the RFQ.

In summary, City and Metro staff and their consultant, based on their evaluation of the submittals, have identified two highly qualified respondents (Apex Investment Group and Urban Renaissance Group) and recommend they be selected to prepare proposals to the Request for Proposals-Westgate Redevelopment.

RECOMMENDED ACTION:

To select developers Apex Investment Group and Urban Renaissance Group from the respondents to the Request for Qualifications-Westgate Redevelopment to proceed to prepare proposals to the Request for Proposals – Westgate Redevelopment.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Appeal of Pebblestone Subdivision
(APP2007-0014/APP2007-0015/APP2007-0016/APP2007-0017/APP2007-0018)

FOR AGENDA OF: 9-10-07 **BILL NO:** 07185

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD HB

DATE SUBMITTED: 8-29-07

CLEARANCES: City Attorney AAR
Devel. Services HB for SS

PROCEEDING: Public Hearing

EXHIBITS: 1. Vicinity Map
2. Table of Contents and Exhibit List

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On July 18, 2007 the Planning Commission conducted a public hearing and denied applications associated with the Pebblestone Subdivision development proposal, including a Land Division Preliminary Subdivision, a Design Review Three, a Tree Plan Two, (2) Minor Adjustment, and (2) Major Adjustment applications.

The appellant Ms. Kirsten Van Loo, representing Alpha Community Development, is appealing the denial of the Land Division Preliminary Subdivision and Design Review Three applications specifically with regards to the interpretation of open space in the R2 zoning district and the matter of design and adequacy of refuse storage and removal. In addition, the appellant is appealing the denial of the Major Adjustment for lot depth, the Minor Adjustment for maximum building height, and the Tree Plan Two application. The appellant is providing additional findings for the Adjustment criteria identified in Code Section 40.10.15.1.C and 40.10.15.2.C.

The Pebblestone Subdivision proposal originally included two additional Adjustment applications, which were withdrawn by the applicant before the land use orders were finalized.

The applicant received Commission approval for two of the associated Pebblestone Subdivision land use applications: 1) Flexible Setback – Side Yard (FS2007-0002) and 2) Flexible Setback – Zero Side Yard (FS2007-0003). In order for the Flexible Setback approvals to be implemented, the associated Land Division, Design Review, Tree Plan, and Adjustments must be approved.

INFORMATION FOR CONSIDERATION:

The entire Commission record is attached to this agenda bill. The appellant asserts that the Planning Commission erred in its decision to deny DR2007-0015, LD2007-0005, ADJ2007-0003, ADJ2007-0011, and TP2007-0003 pursuant to the appellant's notice of appeal dated August 20, 2007, which is attached as Exhibit E.

As described in the appellant's notice of appeal, aspects of the Pebblestone Subdivision are proposed to be revised to address a number of the concerns identified at the July 18, 2007 Commission meeting. Due to the fact that the applicant / appellant informed staff of their intention of revising the application to address some of the Commission's concerns, staff recommended the applicant request the City Council to remand the decision back to the Commission for their review. The appellant is choosing not

Agenda Bill No: 07185

to request a remand to the Commission and is requesting the appeals and applications be heard by the Council. As of the date of this agenda bill cover, no revised materials have been submitted by the appellant. The City Council will be distributed revised application materials upon the City's receipt of such materials.

Staff's response to the issues raised by the appellants will be provided under separate cover. The Commission's Land Use Order on this matter, Nos. 1990, 1991, 1992, 1993, 1994, 1995, and 1996, the Staff Report, draft minutes, and all exhibits, including letters and materials presented prior to and at the hearings, are attached for the Council's consideration. The final written decision date by the City is due no later than September 27, 2007. This appeal hearing is a *de novo* hearing.

RECOMMENDED ACTION:

A recommendation will be forwarded upon receipt and analysis of the appellant's materials.

MEMORANDUM

City of Beaverton

Office of the City Recorder

To: Mayor Drake and Councilors
From: Sue Nelson, City Recorder
Date: September 6, 2007
Subject: **Agenda Bill 07185: Appeal of Pebblestone
Subdivision APP 2007-0014/APP 2007-
0015/APP 2007-0016/ APP 2007-0017/APP
2007-0018**

The complete agenda bill and all attachments for Agenda Bill 07114 are available for review in the City Recorder's Office on the third floor of Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, OR. The office is open weekdays between 8:00 a.m. and 5:00 p.m. Due to the large volume of the attachments, they were not included with the agenda bill and staff report on the Web site.

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Ord. 2050
Beaverton Development Code Chapter 60,
Special Regulations, Section 60.05 Design
Review, 60.05.55.1 Regional Center Major
Pedestrian Route Map TA2007-0001

FOR AGENDA OF: 09/10/07 **BILL NO:** 07189

Mayor's Approval: *Ash Drake*

DEPARTMENT OF ORIGIN: CDD *CAS*

DATE SUBMITTED: 08/28/07

CLEARANCES: City Attorney *HR*
Planning Services *HB*

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Staff Report
Exhibit C - Planning Commission Order
Exhibit D - Draft PC Minutes 08/08/07

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The Planning Commission held a hearing on August 8, 2007 to consider TA 2007-0001 that proposes to amend Section 60.05.55, Design Review, 60.05.55.1 Regional Center Major Pedestrian Route Map. The purpose of the amendment is to apply the Class 2 Major Pedestrian Route design standards and guidelines to property fronting existing and proposed collector streets in the Downtown Beaverton Regional Center and two trails along the LRT tracks.

Following the close of the public hearing on August 8, 2007, the Planning Commission voted 6-0 to recommend approval of the proposed text amendment as memorialized in Planning Commission Order No. 1997. No appeals have been filed.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed Major Pedestrian Route Map, the staff report, Planning Commission Order No. 1997, and draft Planning Commission meeting minutes.

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4453

AN ORDINANCE AMENDING ORD. 2050 BEAVERTON DEVELOPMENT CODE CHAPTER 60, SPECIAL REGULATIONS, SECTION 60.05 DESIGN REVIEW, 60.05.55.1 REGIONAL CENTER MAJOR PEDESTRIAN ROUTE MAP TA2007-0001

- WHEREAS,** the purpose of TA2007-0001 is to amend Chapter 60, Special Regulations, Section 60.05 Design Review, 60.05.55.1 Regional Center Major Pedestrian Route Map; and
- WHEREAS,** pursuant to Ordinance 2050 Section 50.50, written notice was mailed to the property owners subject to the amendment and the Neighborhood Association Chair, and was published in the Beaverton Valley Times; and
- WHEREAS,** pursuant to Ordinance 2050 Section 50.50.5, the Beaverton Planning Services Division, on August 1, 2007 published a written staff report and recommendation a minimum seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on August 8, 2007; and
- WHEREAS,** the Planning Commission conducted a public hearing on August 8, 2007, and considered testimony and exhibits on the subject proposal, and at the conclusion of the hearing, the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code based on the criteria, facts and findings set forth in the Community Development Department staff report by Senior Planner Barbara Fryer dated August 1, 2007, and attached hereto as Exhibit "B"; and Planning Commission Order No. 1997 attached hereto as Exhibit "C"; and
- WHEREAS,** no written appeal pursuant to Ordinance 2050 Section 50.75 was filed by persons of record for TA2007-0001, following the issuance of the Planning Commission Order No. 1997; and
- WHEREAS,** the City Council adopts as to criteria, facts and findings described in Planning Commission Order No. 1997 dated August 15, 2007 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute adequate factual basis for this ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** Ordinance No. 2050, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.
- Section 2.** All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this _____ day of _____, 2007.

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

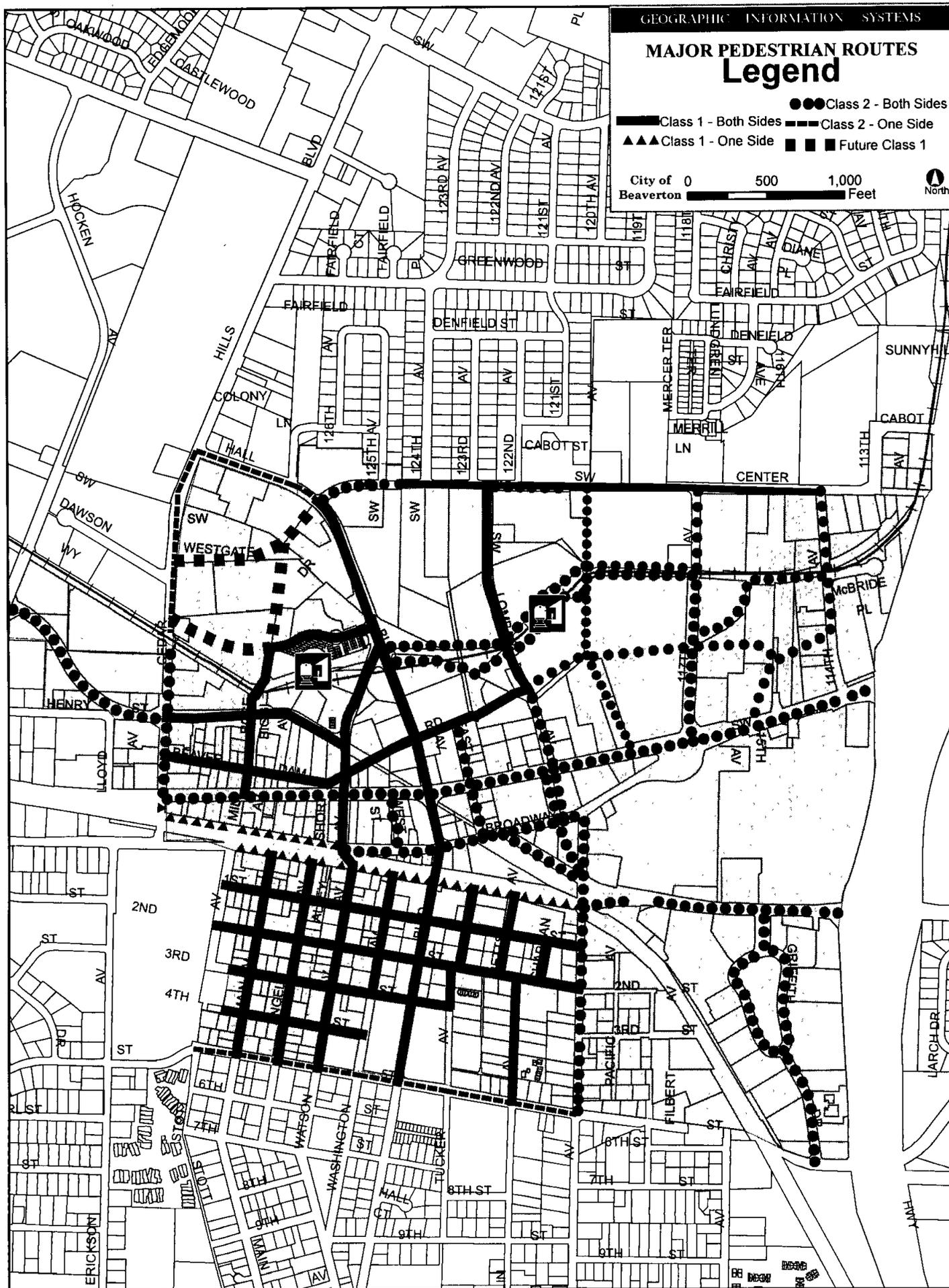
Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor



ORDINANCE NO. 4453**STAFF REPORT**

TO: Planning Commission

AGENDA DATE: August 8, 2007 **REPORT DATE:** August 1, 2007

FROM: Barbara Fryer, AICP, Senior Planner 

APPLICATION: TA2007-0001 (Regional Center Major Pedestrian Route Extension)

LOCATION: Collectors proposed for designation as Class 2 Major Pedestrian Routes include: Center Street from current designation east to 114th, 114th south to a point where it intersects with a proposed new alignment then along that alignment to a traffic signal at Canyon and 115th, 117th from Center south to LRT tracks, a proposed new north-south collector located between 117th and Lombard from Center Street south to Canyon, the easterly extension of Millikan from the current eastern terminus at Lombard to 114th. Additionally, two trails are proposed for designation as Class 2 Major Pedestrian Routes: an existing trail along the south side of the LRT tracks from 114th west and then along Golf Creek to 117th; and a proposed route along the north side of the LRT tracks from 117th west to the current trail terminus approximately 250 feet east of the LRT station (see Major Pedestrian Route Map).

NEIGHBORHOOD ASSOCIATION: Central Beaverton

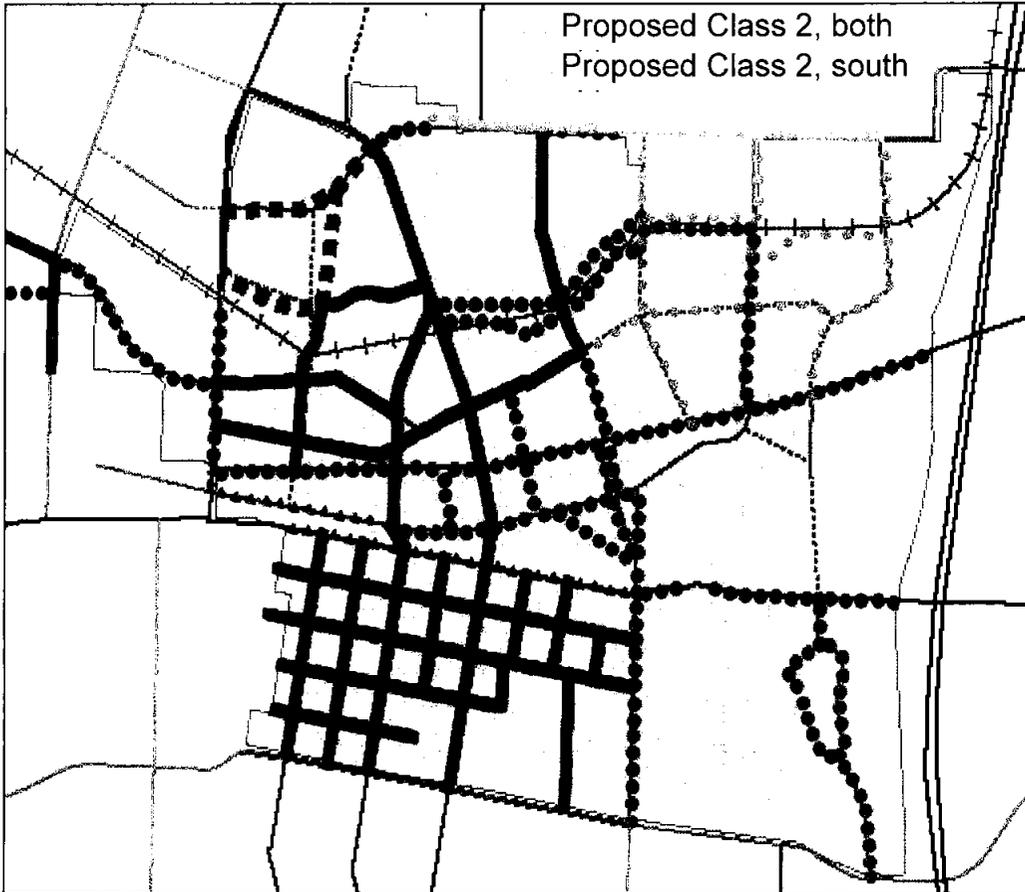
REQUEST: Text Amendment to the Beaverton Development Code Chapter 60, Special Regulations, Section 60.05 Design Review, 60.05.55.1 Regional Center Major Pedestrian Route Map to extend the Class 2 Major Pedestrian Route designation to existing and proposed collectors and trails near the LRT tracks in the eastern third of the Regional Center making the Major Pedestrian Route design standards applicable to additional properties.

APPLICANT: City of Beaverton Community Development Director

APPROVAL CRITERIA: Development Code Section 40.85.15.1.C.

RECOMMENDATION: Adopt a final order recommending that City Council adopt an ordinance extending the Class 2 Major Pedestrian Route designation (TA2007-0001) along the light rail transit line, SW 117th Avenue and SW Center Street, SW 114th/115th Avenue, Millikan, and an unnamed proposed north-south collector between SW Lombard and SW 117th.

MAJOR PEDESTRIAN ROUTE MAP



Proposed Class 2, both
Proposed Class 2, south

Major_Ped_Routes

- 1, BOTH
- ▲▲▲▲** 1, ONE
- 2, BOTH
- 2, ONE
- ■ ■ ■** FUTU, BOTH

Legend

- Freeway
- Principal Arterial
- Arterial
-** Proposed Arterial
-** Collector
-** Proposed Collector
- Neighborhood Route
-** Proposed Neighborhood Route



CITY OF NEVELTON

TA2007-0001

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division



Downtown
Regional Center

Figure 1 Proposed Major Pedestrian Route Map

BACKGROUND

TA2007-0001 proposes amendment of Development Code Section 60.05, Design Review, Regional Center Major Pedestrian Route Map. The amendment is requested in order to implement the City's Regional Center.

The purpose of the proposed text amendment to the Regional Center Major Pedestrian Route Map (60.05.55.1) is to extend the Major Pedestrian Route Class 2 standards and guidelines to the property along the LRT line, 117th Avenue, 114th/115th Avenue, Millikan, Center Street, and a proposed new north-south collector between Lombard and 117th. The Major Pedestrian Route designation is used to distinguish the design elements of new and modified buildings and development on sites in areas that are expected to be supportive of Light Rail Stations, Transit Stations and Regional Centers. Design standards include building location on and orientation to the major Pedestrian Route, minimum building height, 35% of the first floor in window glazing, weather protection for pedestrians such as awnings, maximum off-street parking frontage on the Major Pedestrian Route street and ground floor retail required in parking structures. The standards are found in Section 60.05 of the Beaverton Development Code.

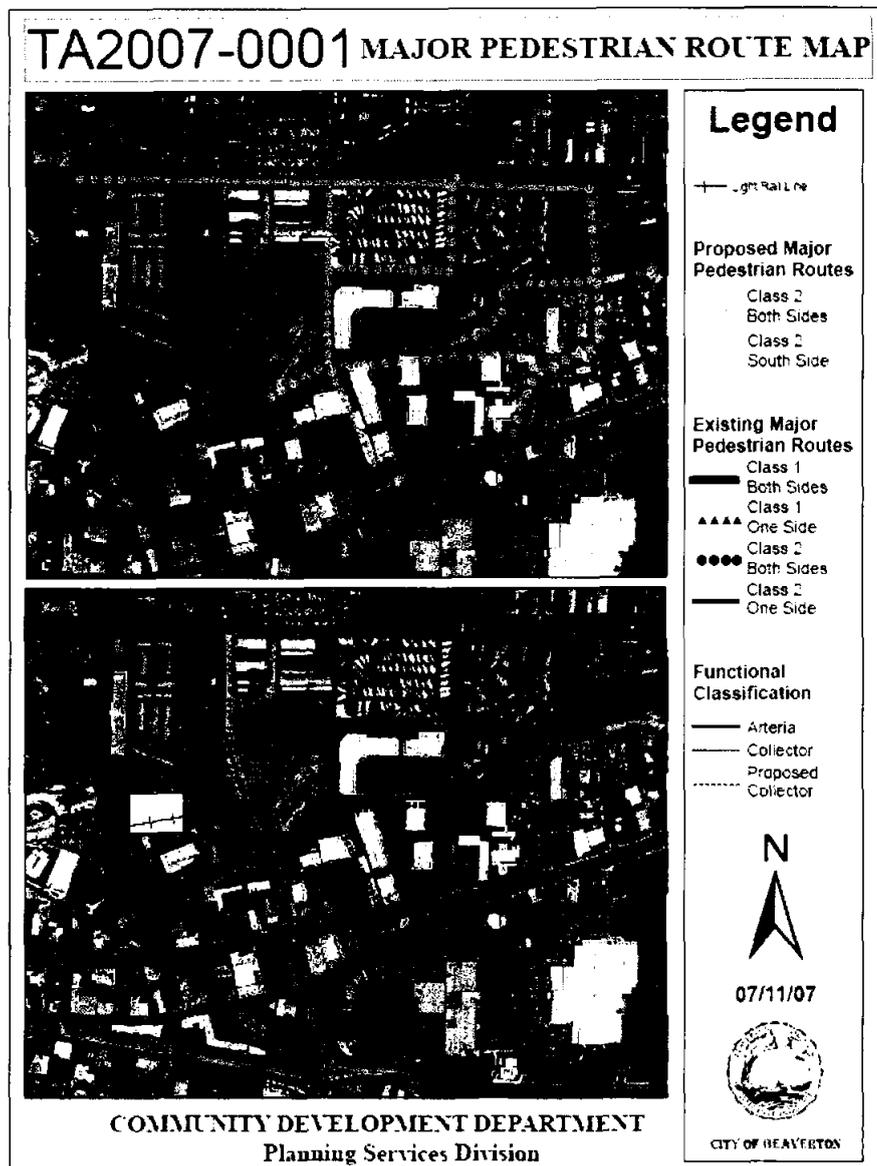


Figure 2 Proposed Major Pedestrian Route with Aerial Photo

PROCESS

THRESHOLD

Development Code Process.

Text Amendment The text amendment threshold is as follows:

40.85.15.1.A “Any change to the Development Code, excluding changes to the zoning map.”

The proposal is to amend a Development Code diagram, specifically, the Regional Center Major Pedestrian Route Map (60.05.55.1).

PROCEDURE TYPE

The Type 4 procedure and process applies to the Development Code Text amendment per 40.85.15.1.B of the Development Code.

SUBMISSION REQUIREMENTS

The Text Amendment application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

However, Section 50.20.1 states:

“With the exception of an application filed by the City, a pre-application conference shall be required for all proposals which require Type 2, Type 3, or Type 4 applications.”

This city-initiated application contains all necessary application information.

PUBLIC NOTICE

ORS 197.610 and OAR Chapter 660, Division 18 requires notice to be received by the Department of Land Conservation and Development at least 45 days prior to the hearing. Metro Code 3.07.820.A. requires notice to the Metro Chief Operating Officer 45 days prior to the first evidentiary hearing for any amendment to a comprehensive plan or land use regulation which requires notice to the Department of Land Conservation and Development. The Beaverton – Washington County Urban Planning Area Agreement requires the City to notice the county no less than 45 days prior to the final hearing on adoption of any proposed amendment to the comprehensive plan or implementing regulation.

Development Code Section 50.50.2 requires notice to be sent, between 20 and 40 days prior to the hearing, to the applicant, if other than the City, all NAC Chairs in whose boundary there is property that in the Director’s opinion could be affected by the proposed ordinance, if adopted and owners of property within the City for which the proposed ordinance, if adopted may in the Director’s opinion affect the permissible uses of land.

Notice is also required to be published in a newspaper of general circulation and posted at City Hall and the City Library at least 10 days in advance of the hearing.

In response to these requirements:

1. On June 22, 2007, notice was mailed to DLCD, Metro, Washington County Land Use and Transportation.. This notice was also emailed to the DLCD to meet the 45 day receipt deadline. While not required by the Development Code, notice was also mailed to the Chair of the Central Beaverton Neighborhood Association Committee and the Chair of the Beaverton Committee for Citizen Involvement (CCI).
2. On July 19, 2007, notice was published in the Beaverton Valley Times.
3. On July 20, 2007, notice was posted at the Beaverton City Library and Beaverton City Hall, and posted on the City's web site.
4. On July 20, 2007, notice was sent to the affected property owners. (See Exhibit 1 Memo To File for more information).

The notice requirements for this TA have been met.

CRITERIA FOR APPROVAL

TEXT AMENDMENT CRITERIA

Development Code Section 40.85.15.1.C., which contains Text Amendment Approval Criteria, states:

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

- 1. *The proposal satisfies the threshold requirements for a Text Amendment application.***

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2007-0001 proposes to amend Chapter 60 of the Beaverton Development Code currently effective through Ordinance 4442 (June 2007). While the proposed amendment is a map, it is not the zoning map that is being amended. Therefore, the TA process is the correct process to amend the Major Pedestrian Route map.

Finding: Staff find that this criterion is met.

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

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Community Development Department, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

Finding: Staff find that this criterion is inapplicable to the proposed amendment.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan (UGMFP).

Title 1: Requirements of Housing and Employment Accommodation

Section 3.07.830 of the UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:

“For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the

general locations shown on the 2040 Growth Concept Map...” The *2040 Growth Concept Plan* map designates the parcels included in this proposal under the Regional Center design type. Section 3.07.130 of the UGMFP describes Regional Centers as follows: “Seven regional centers will become the focus of compact development, redevelopment and high-quality transit service and multimodal street networks.” The proposed Major Pedestrian Routes are within Beaverton's Downtown Regional Center.

The proposed text amendment will increase the number properties subject to the Major Pedestrian Route Design Standards and Guidelines found in Section 60.05. Although the proposed text amendment does not directly impact the City's compliance with Metro's Urban Growth Management Functional Plan, increasing the number of properties subject to Major Pedestrian Route regulations improves land use efficiency through building orientation toward public right-of-ways. This change may make it easier to reach Title 1 Housing and Employment Targets.

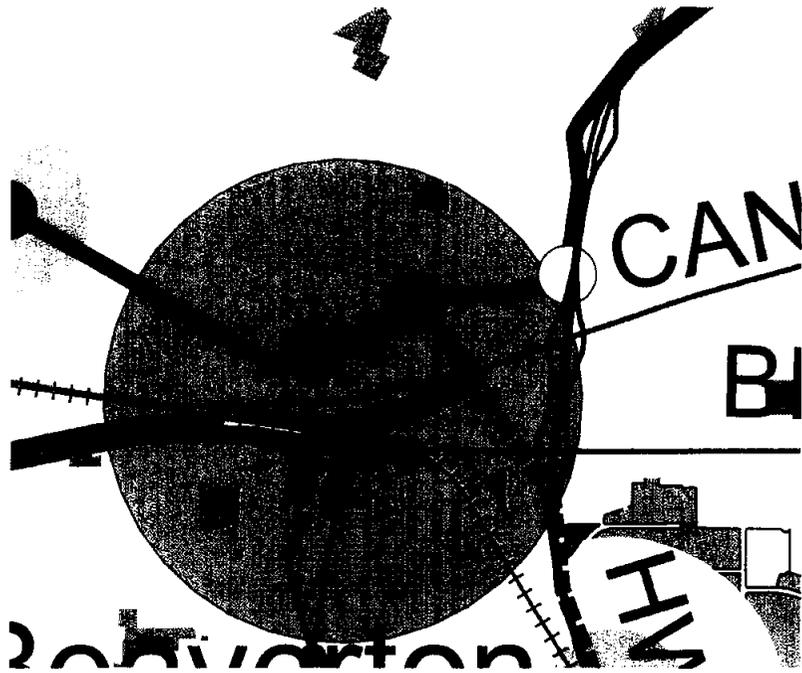


Figure 4 2040 Growth Concept Map

Title 2: Regional Parking Policy

The City has an established minimum and maximum parking ratio related to zones A and B. The subject property is within Parking Zone A. The subject property is within one-quarter mile walking distance of Beaverton Transit, which has 20 minute bus and light rail transit service. Consequently, both the Required Parking Spaces identified under Multiple Use Zones and the Maximum Permitted Parking Spaces per Zone A applies to the subject property.

Additionally because the Major Pedestrian Route standards require pedestrian and transit orientation, there is a greater likelihood of increased pedestrian trips, which in turn may have a corresponding reduction in automobile trips enhancing the City's implementation of lower parking standards required in Title 2 Regional Parking Policy.

Title 3: Water Quality and Flood Management Conservation

In concert with other local governments in Washington County, the City partnered with Clean Water Services to enact legislation acknowledged to comply with Title 3.

Title 4: Industrial and Other Employment Areas

The subject area is not designated as Employment or Industrial Land on the Title 4 Industrial and Employment Land Map. The proposal will not affect the City's ability to provide for industrial or other employment areas.

Title 5: Neighbor Cities and Rural Reserves

Title 5 concerns Neighbor Cities and Rural Reserves. The proposal is within the City of Beaverton; therefore, this Title does not apply.

Title 6: Central City, Regional Centers, Town Centers and Station Communities

Title 6 predominantly focuses on local government strategies to improve implementation of Centers. As noted earlier in this report, the subject property is designated Regional Center on the 2040 Growth Concept Map. Local jurisdictions are given the latitude to determine where the boundaries for each design type should be located.

This Title requires local governments to develop strategies to enhance Centers in their jurisdictions. This strategy is to include analysis of physical and regulatory barriers to development, an accelerated review process, analysis of incentives to encourage development, a schedule for implementation of Title 6, an analysis of the need to identify one or more Neighborhood Centers within or close proximity to Inner and Outer Neighborhoods to serve as a convenient location of neighborhood commercial services, and a work plan to implement the findings in the analysis.

Each local government is to develop the strategy no later than December 31, 2007. The City of Beaverton has a strategy for the Beaverton Downtown Regional Center that was prepared by a team of consultants through Metro as an example for the rest of the region. While the strategy has been reviewed by City Council in a work session, there is no formal schedule for adoption.

Title 7: Affordable Housing

The intent of Title 7 is to enact a “fair share” housing strategy for each jurisdiction which includes a diverse range of housing types, specific goals for low- and moderate-income housing, housing densities consistent with the regional transportation system, and a balance of jobs and housing. The City adopted Comprehensive Plan Chapter Four to comply with this Metro Title. Application of the proposed Major Pedestrian Route designation to the specified collectors and trails will not affect the ability to implement the policies and programs in Chapter Four.

Title 8: Compliance Procedures

Information about the proposal was sent to the Chief Operating Officer on June 22, 2007, 45 days prior to the first evidentiary hearing as required by Metro Code Section 3.07.820.

Title 9: Performance Measures

Title 9 directs Metro to measure the progress of the region in implementing the Urban Growth Management Functional Plan.

Title 10: Functional Plan Definitions

Title 10 provides definitions for use in the UGMFP and is, therefore, irrelevant to the compliance of this proposal to the UGMFP.

Title 11: Planning for New Urban Areas

Title 11 concerns planning for new urban areas. This proposal is within the Urban Growth Boundary and is within the corporate limits of the City of Beaverton. This Title does not apply to the amendment.

Title 12: Protection of Residential Neighborhoods

The proposed Major Pedestrian Routes are not within established residential neighborhoods.

Title 13

The City, as a member of the Tualatin Basin Natural Resources Coordinating Committee, complies with Title 13.

Finding: Staff find that this criterion is met.

4. The proposed text amendment is consistent with the City’s Comprehensive Plan.

The proposed text amendment expands the geographic area where Major Pedestrian Route standards will be applicable. The following Comprehensive Plan Goals, Policies and Community Plan Policy and Action items support the expansion of the applicability of the Major Pedestrian Route Design Standards and Guidelines.

3.5.1 Goal: Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

- c) *Design streets and adjacent buildings within mixed use land use designations to ensure a setting that is attractive and accessible to multiple transportation modes, including pedestrians, bicyclists, transit riders and motor vehicles.*

The Major Pedestrian Route designation applies design standards related to building height, massing, siting, and detailing to achieve an appearance, micro-climate, and scale along designated streets to encourage walking. These Major Pedestrian Routes promote slow vehicular movements and attention to pedestrian traffic. Additionally, the standards concentrate retail activity along the pedestrian oriented streets and limit uses generating little pedestrian traffic on ground floor frontages. For Major Pedestrian Routes that are not streets, such as those along the LRT tracks and Beaverton Creek, only building scale, glazing, weather protection, and ground floor uses in parking structures standards and guidelines apply (60.05.15.7 and 8, 60.05.20.9, 60.05.35.7 and 8, 60.05.40.9).

3.5.1 Goal: Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

3.6.1 Goal: Regional Centers that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

- a) *Regulate new development in Regional Centers to maximize the public infrastructure investment in light rail.*

The proposed text amendment is consistent with the above Comprehensive Plan Goals and Policy because it applies the Major Pedestrian Route designation to public right-of-ways and along the light rail line within the Beaverton Regional Center and among existing and proposed collectors in the north eastern quadrant of the Regional Center. The Regional Center is a mixed use area by definition, and thereby establishes the highest level of design standards available in Section 60.05 of the Development Code. The Major Pedestrian Route standards will require building orientation, glazing, and building entrance standards that maximize the public investment in light rail and improve the pedestrian environment of both the Regional Center.

- d) *Adopt Community Plans identifying Comprehensive Plan Policies applicable to each regional center to provide community vision.*

Downtown Beaverton Regional Center Community Plan

This Community Plan recognizes the need to establish gateways to downtown uses located within the boundary of the Regional Center and also recognizes the need to increase the intensity of development and pedestrian and transit orientation as new development occurs or older development is expanded. Community Plan Goal 3 stresses the importance of establishing a multi-modal network.

Community Plan Goal 3: Provide multi-modal connections within downtown and between downtown and other parts of the community.

- a) *Connect the Beaverton Central and Beaverton Transit light rail station areas to designated pedestrian routes providing pedestrian serving retail streets and plazas.*

Action 2: Develop a long-term strategy to promote public transit and improve the pedestrian experience in Downtown Beaverton through signage, public information, street furniture inviting to pedestrians, and other strategies to increase pedestrian traffic in Downtown.

- b) *Develop a pedestrian, bicycle, open space network in the Regional Center. Use corridors along Beaverton Creek and its tributaries as routes for bicycle and pedestrian travel.*

Action 1: Adopt and apply land use regulations requiring pedestrian and bicycle connectivity in the Regional Center.

Assigning the Major Pedestrian Route designation to the subject collectors will result in improved pedestrian connections throughout the regional center. This will allow direct access along pedestrian friendly routes to retail and housing in the subject amendment area.

Finding: Staff find that this criterion is met.

5. The proposed text amendment is consistent with other provisions within the City's Development Code.

The proposed amendments do not affect or create conflicts with other Development Code provisions. The proposed text amendment to Development Code Chapter 60, Design Review Principals, Guidelines, and Standards, Sections 60.05.55.1, does not conflict with other provisions in any of the following Chapters of the Development Code: Chapter 20 (Land Uses), Chapter 30 (Non-Conforming Uses), Chapter 40 (Applications), Chapter 50 (Procedures), or Chapter 60.

Finding: Staff find that this criterion is met.

6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.

The current Development Code and Comprehensive Plan are applicable to the proposed text amendment and are addressed in the findings for text amendment approval criteria four and five. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by or would conflict with the proposed Major Pedestrian Route text amendment.

Finding: Staff find that this 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.

No other applications are proposed.

Finding: Staff find that this criterion is met.

IV. Conclusion and Staff Recommendation

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7. Therefore, staff recommends the Planning Commission **APPROVE** TA2007-0001 to apply the Class 2 Major Pedestrian Route designation as shown on Figure 1 of this staff report at the August 8, 2007 regular Commission hearing.

Exhibit 1: Memo to File regarding Notice for TA 2007-0001 Beaverton Downtown Regional Center Major Pedestrian Routes.

ORDINANCE NO. 4453

BEFORE THE PLANNING COMMISSION FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST TO AMEND THE)
 CITY'S DEVELOPMENT CODE CHAPTER 60,) ORDER NO. 1997
 SPECIAL REGULATIONS, SECTION 60.05 DESIGN) APPROVING REQUEST
 REVIEW, 60.05.55.1 REGIONAL CENTER MAJOR)
 PEDESTRIAN ROUTE MAP TO EXTEND THE)
 CLASS 2 MAJOR PEDESTRIAN ROUTE)
 DESIGNATION TO EXISTING AND PROPOSED)
 COLLECTORS AND TRAILS NEAR THE LRT)
 TRACKS IN THE EASTERN THIRD OF THE)
 REGIONAL CENTER MAKING THE MAJOR)
 PEDESTRIAN ROUTE DESIGN STANDARDS)
 APPLICABLE TO ADDITIONAL PROPERTIES,)
 TA2007-0001, CITY OF BEAVERTON APPLICANT)

The matter came before the Planning Commission on August 8, 2007, on a request for an amendment to the City Development Code Chapter 60, Special Regulations, Section 60.05 Design Review, 60.05.55.1 Regional Center Major Pedestrian Route Map to extend the Class 2 Major Pedestrian Route designation to existing and proposed collectors and trails near the LRT tracks in the eastern third of the Regional Center making the Major Pedestrian Route design standards applicable to additional properties. The properties are located north of Canyon Road, west of Highway 217, east of Hall Boulevard, and generally south of Center Street.

Pursuant to Ordinance 2050 (Development Code) Section 50.50.1, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Planning Commission adopts the Staff Report dated August 1, 2007, as to applicable criteria contained in Section 40.85.15.1.C of the Development Code.

IT IS HEREBY ORDERED that TA2007-0001 is **APPROVED**, based on the facts, findings, and conclusions found in the Staff Report dated August 1, 2007.

Motion CARRIED, by the following vote:

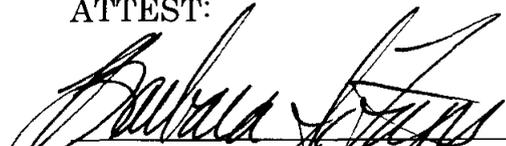
AYES: Winter, Platten, Bobadilla, San Soucie, Stephens, and Maks.
NAYS: None.
ABSTAIN: None.
ABSENT: Johansen.

Dated this _____ day of _____, 2007.

To appeal the decision of the Planning Commission, as articulated in Order No. 1997 , 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 5:00 p.m. on _____, 2007.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



BARBARA FRYER, AICP
Senior Planner



HAL BERGSMA
Planning Services Manager

APPROVED:



DAN MAKES
Chairman

PLANNING COMMISSION MINUTES

August 8, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

CALL TO ORDER: Chairman Dan Maks called the meeting to order at 6:45 p.m. in the Beaverton City Library, Meeting Room B, 12375 SW 5th Street.

ROLL CALL: Present were Chairman Dan Maks; Planning Commissioner's Scott Winter, Ric Stephens, Melissa Bobadilla, Marc San Soucie, and Jack Platten. Planning Commissioner Eric Johansen was excused.

Senior Planner Barbara Fryer, AICP, Senior Planner John Osterberg, Associate Planner Sambo Kirkman, Assistant City Attorney Bill Scheidrich and Recording Secretary Sheila Martin represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

VISITORS:

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

STAFF COMMUNICATION:

Staff indicated that there were no communications at this time.

NEW BUSINESS:

PUBLIC HEARING:

- A. **REGIONAL CENTER – MAJOR PEDESTRIAN ROUTES**
 - 1. TA2007-0001 – TEXT AMENDMENT

1 The proposed text amendment is to extend the Major Pedestrian Route
2 Class 2 standards and guidelines to the property along the LRT line,
3 117th Avenue, 114th/115th Avenue, Millikan, Center Street, and a
4 proposed new north-south collector between Lombard and 117th.

5
6 Chairman Maks briefly described the hearing process and applicable
7 approval criteria pertaining to this proposal.

8
9 All Commissioners indicated that they had visited and/or are familiar
10 with the site.

11
12 Senior Planner Barbara Fryer presented the Staff Report and briefly
13 described the application associated with this proposal. She explained
14 that the proposal meets the criteria for a Text Amendment application,
15 and pointed out that additional notice was provided to indicate that
16 the hearing location on this item had changed from City Hall to the
17 Beaverton City Library. She discussed the distributed written
18 comments from a prospective buyer of a property in the area
19 requesting a continuance, and noted that staff had no opinion or
20 preference in regard to this request. Concluding, she stated that staff
21 recommends approval of this application and offered to respond to
22 questions.

23
24 No member of the public testified with regard to this proposal.

25
26 The public portion of the Public Hearing was closed.

27
28 Commissioners San Soucie, Winter, Bobadilla, Platten, Stephens, and
29 Chairman Maks expressed their opinion that the application meets
30 applicable approval criteria and indicated that they would support a
31 motion for approval.

32
33 Commissioner Winter **MOVED** and Commissioner San Soucie
34 **SECONDED** a motion to **APPROVE** TA2007-0001, based upon the
35 facts and findings presented in the Staff Report dated August 1, 2007.

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

38
39 **AYES:** Winter, San Soucie, Bobadilla, Platten, Stephens and
40 Maks.

41 **NAYS:** None.

42 **ABSTAIN:** None.

43 **ABSENT:** Johansen.
44

AGENDA BILL
Beaverton City Council
Beaverton, Oregon

SUBJECT: An Ordinance Amending Chapter 2 of the Beaverton City Code to Adopt Procedures for Reviewing Candidate Statements in City Voter's Pamphlet.

9/10/07
FOR AGENDA OF: ~~8-20-07~~ **BILL NO:** 07184

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney 

DATE SUBMITTED: 8-07-07

CLEARANCES:

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

EXHIBITS: Ordinance
Minutes dated 4/16/2007 and
Minutes dated 7/23/07

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The City Charter, Chapter VI, Section 30, provides that "if there is a material misstatement of fact published in the city voter's pamphlet which was submitted by or in behalf of a person nominated or elected to the council, the nominations or election of that person is nullified." During the last election, questions arose on how to interpret this section and what procedures would the City use to review a claim. The Council directed the City Attorney to draft an ordinance for its review. The Council held work sessions on April 16 and July 23, 2007. The minutes from those work sessions are attached. Councilor Doyle asked about why this provision was added to the Charter. City Recorder and Attorney reviewed the 1986 Charter Review Committee's discussion of this section. The Charter Review Committee was presented with a series of questions. One of which was "should Charter provide for penalty in case of candidates' inadvertent or deliberate misstatements in voter's pamphlet regardless of source?" They answered negatively and proposed the existing language. There was little discussion about this section and no discussion about why this section was added. Former Councilor Forrest Soth stated that the Council needed to "police itself." There was a brief discussion about changing the wording from "significant" to "material" misstatement of fact and the authority of the Council to nullify elections.

INFORMATION FOR CONSIDERATION:

At the work sessions, the Council discussed two different versions of the ordinance. Both versions required signed statements as to the truthfulness of the materials and both authorize the City to obtain information from third parties. In both versions, the City can make the final decision as to whether the election or nomination was nullified. The first version provided that the City Council made the determination as to whether there was a "material misstatement of fact." The second version had the circuit court make that factual determination. The circuit court process is the same process that is described in state law and used across the state. Although there were differences of opinion, the majority favored the second version (attached) wherein the circuit court makes the determination as to whether there was a material misstatement of fact. The City will still conduct its own research and citizens can still ask that this be done. It is likely that if the City adopted the first version wherein the Council made the decision, any decision made under this ordinance would be appealed to circuit court. The circuit court could then overturn the City's decision. It is the intent that the attached version should speed up the process and limit the amount of time that an election is in doubt.

RECOMMENDED ACTION:

~~First Reading--~~
Second Reading and Passage.

AN ORDINANCE AMENDING CHAPTER 2 OF THE BEAVERTON CITY CODE
TO ADOPT PROCEDURES FOR
REVIEWING CANDIDATE STATEMENTS IN
CITY VOTER'S PAMPHLET.

WHEREAS, a candidate for public office in Oregon may discuss his or her qualifications and background in a public circular known commonly as the voter's pamphlet; and

WHEREAS, the Charter of the City of Beaverton provides that the City shall publish a voter's pamphlet for any primary, general, or special election; and

WHEREAS, Chapter VI, Section 30.B of the Charter also authorizes the Council to verify a claim that a candidate or official stood for election upon a material misstatement in the voter's pamphlet, and further provides that Council shall remove a person from office upon so finding; and

WHEREAS, a voter's pamphlet misstatement submitted by a candidate or on behalf of a candidate being a matter of citywide importance, it is appropriate to create a public process for the consideration of such a misstatement; now, therefore,

BE IT ORDAINED BY THE CITY OF BEAVERTON:

Section 1. The Beaverton Code is amended in Chapter 2 by adding the following sections.

2.06.487 Voter's pamphlet submission requirements. To accept a statement for publication in the voter's pamphlet, whether submitted by the candidate or on behalf of a candidate:

1. The candidate shall sign an affidavit that attests to the truthfulness of the voter's pamphlet submission statement.
2. The signed statement in subsection (1) shall also contain a provision that the candidate agrees to provide supporting information if requested by the City, and shall release and authorize third parties to participate in an investigation under this ordinance.

2.06.488 A candidate who makes a material misstatement of fact in a City voter's pamphlet is subject to civil and criminal causes of action as found in ORS 260.532 and ORS 260.715.

2.06.489 If the circuit court enters a judgment finding that a candidate has made a material misstatement of fact published in the City's voter's pamphlet, the City Council may nullify the election or nomination of that person.

Section 2. This ordinance is not intended to displace any other civil or criminal remedy allowed under law.

Section 3. Severability. If any part of this ordinance should be determined by any tribunal of competent jurisdiction to be unconstitutional, the remaining parts of the ordinance shall remain in full force and effect.

First reading this 20th day of August, 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