



## TELEVISED

## FINAL AGENDA

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

REGULAR MEETING  
JULY 19, 2004  
6:30 p.m.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

- 04155      A Presentation to Brief the Council on a Proposed Comprehensive Plan Amendment to Implement Tools and Strategies for Development of More Affordable Housing in Beaverton

CITIZEN COMMUNICATIONS:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes for the Regular Meeting of July 12, 2004

- 04148      Final Order for Traffic Commission Issue No. TC 500 Regarding Left Turn Restrictions on SW Greenway at the Driveway Near Hall Boulevard (Carried over from meeting of 7/12/04)
- 04156      Establish a Special Assignment Pay Rate for Deputy Police Chief Duties
- 04157      Approve Application for ODOT Bicycle and Pedestrian Grant and Adopt Resolution of Support (Resolution No. 3767)
- 04158      Traffic Commission Issues No. TC 557-661
- 04159      Special Purpose Grant Budget Adjustment Resolution for 2003 Local Law Enforcement Block Grant (LLEBG) (Resolution No. 3768)
- 04160      Special Purpose Grant Budget Adjustment Resolution for FY 2004 State Homeland Security Program/Law Enforcement Terrorism Prevention Program (Resolution No. 3769)
- 04161      A Resolution Authorizing the Mayor to Sign an Interagency Agreement with the Oregon Department of Transportation (ODOT) to Receive Grant Funds to Enforce Traffic Laws Related to the 2003-05 Work Zone Enforcement Project (Resolution No. 3770)

04162 A Resolution Authorizing the Filing of an Application for a Local Law Enforcement Block Grant for the 2004 Fiscal Year (Resolution No.3771)

Contract Review Board:

04163 Exemption from Competitive Bids and Authorize a Sole Seller/Brand Name Purchase of I/TX SI 2000 Mugshot System

PUBLIC HEARINGS:

04164 Appeal Hearing on Traffic Commission Issue TC 556 Regarding Parking Restrictions on SW 158<sup>th</sup> Place South of Rigert Road

ORDINANCES:

First Reading:

04165 An Ordinance Amending Ordinance 4187, the Comprehensive Plan, to Adopt Various Affordable Housing Policies and Action Statements in order to Comply with Title 7 of Metro's Urban Growth Management Functional Plan and Advance the City Toward Meeting its Affordable Housing Target (Ordinance No. 4319)

Second Reading:

04151 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 South of NW Cornell Road and West of NW 114<sup>th</sup> Avenue; CPA 2004-0008/ZMA 2004-0008 (Ordinance No. 4316)

04152 An Ordinance Renaming SW Millikan Boulevard Between Murray Boulevard and Tualatin Valley Highway to "SW Millikan Way"; SNC 2004-0001 (Ordinance No. 4317)

04153 An Ordinance Amending Ordinance No. 2050, the Zoning Map, as to a Specific Parcel, From Office Commercial (OC) to Community Service (CS); ZMA 2004-0006 Summit View Zoning Map Amendment (Ordinance No. 4318)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (1) (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 (1) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations and in accordance with ORS 192.660 (1) (e) to deliberate with persons designated by the governing body to negotiate real property transactions. 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:** A Presentation to Brief the Council on a Proposed Comprehensive Plan Amendment to Implement Tools and Strategies for Development of More Affordable Housing in Beaverton.

**FOR AGENDA OF:** 07/19/04 **BILL NO:** 04155

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 07/02/04

**CLEARANCES:** Planning Services HB

**PROCEEDING:** Presentation

**EXHIBITS:** None

**BUDGET IMPACT**

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

Toward fulfilling the requirements outlined in Metro Functional Plan Title 7 (affordable housing) provisions, the City Council adopted Resolution 3742 in December of 2003. This resolution authorized the Mayor to submit the second of three compliance reports to Metro which described the City's consideration of a variety of tools designed to encourage the development of affordable housing. Additionally, it directed staff to proceed in advancing the recommendations that resulted as Comprehensive Plan amendments that would serve in implementing them. On June 23, 2004, the Planning Commission considered such Comprehensive Plan amendments drafted by staff in a public hearing. After receiving public testimony and deliberating, the Planning Commission voted to recommend approval with minor revisions.

**INFORMATION FOR CONSIDERATION:**

The purpose of this presentation is to summarize the recommended Comprehensive Plan amendments, and their implications, contained in an ordinance which appears on tonight's agenda for first reading.

**RECOMMENDED ACTION:**

Listen to presentation.

## DRAFT

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
JULY 12, 2004

### 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 12, 2004, at 6:00 p.m.

Mayor Drake said concerning Agenda Bill 04154, the Council would adjourn to the First Floor Conference Room and hold a joint meeting with the Metro Council and due to the logistics that portion of the meeting would not be televised. He said the City received a grant from Metro for the development of a Beaverton Downtown Regional Center Development Strategy and the consultant who prepared the report would present a summary of the strategy.

### ROLL CALL:

Present were Mayor Drake, Couns. Dennis Doyle, Fred Ruby, Forrest Soth and Cathy Stanton. Coun. Betty Bode was excused. Also present were Chief of Staff Linda Adlard, City Attorney Alan Rappleyea, Assistant Finance Director Shirley Baron-Kelly, Director Tom Ramisch, Operations/ Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop, City Recorder Sue Nelson and Deputy City Recorder Catherine Jansen.

### PRESENTATIONS:

04143 Presentation of Shields and Swearing In of Eight Officers to the Beaverton Police Department

Mayor Drake welcomed the eight new officers to the City.

Police Chief David Bishop swore in the following eight new Police Officers to the Beaverton Police Department: Nicholas W. Coplin; Bryan J. Dalton; Ryan J. Garbutt; Gregory A. Gottschalk; Michael J. Hanada; Jessica T. Hull; Michael P. Smith; and Christopher R. Warren. He thanked the officers' families and friends for their support.

Mayor Drake presented the shields to the new officers.

### CITIZEN COMMUNICATIONS:

Mayor Drake welcomed Tommy Williams, Boy Scout Troop 850, Highland Park Middle School, who explained he was working on his Citizenship-in-the-Community Badge.

COUNCIL ITEMS:

Coun. Soth reported he attended a meeting of the National League of Cities Board of Directors. He said it was a good conference and they discussed advocacy for cities, unfunded mandates, and impacts of legislation on cities' bonding capabilities. He said he appreciated being able to attend the conference.

Coun. Stanton said at the end of the week she would be attending Metro's tour of the east side light rail stations. She said she was interested in seeing what the east side had done with the density issues along the light rail line.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

Minutes for the Regular Meeting of June 28, 2004

- 04144 Liquor Licenses: Change of Ownership – Mai Thai Restaurant
- 04145 A Resolution Certifying that the City of Beaverton Provides Certain Services Necessary to be Eligible to Receive State-Shared Revenues Under ORS 221.760 (Resolution No. 3765)
- 04146 A Resolution Expressing the City of Beaverton's Election to Receive Distribution of a Share of Certain Revenues of the State of Oregon for Fiscal Year 2004-2005, Pursuant to ORS 221.770 (Resolution No. 3766)
- 04147 Traffic Commission Issues TC 552-555
- 04148 Final Order for Traffic Commission Issue No. TC 500 Regarding Left Turn Restrictions on SW Greenway at the Driveway Near Hall Boulevard (Pulled and Carried over to meeting of July 19, 2004)
- Contract Review Board:
- 04149 Bid Award – Cardlock Fueling Services
- 04150 Waiver of Sealed Bidding – Purchase One Backhoe/Loader From the State of Oregon Price Agreement

Coun. Stanton asked about Agenda Bill 04149 (Cardlock Fueling Services) if there was a market rate and if the bid amount (\$2.07 per gallon) was a ceiling.

Operations Director Gary Brentanno explained the procurement provided price fluctuation based on the market price of petroleum; it was tied to a formula and there was a fixed discount. He said the price fluctuated daily depending on the market.

Coun. Stanton asked what would happen if the price went up substantially; would it have to come back to Council or was the \$2.07 per gallon a ceiling.

Brentanno replied the \$2.07 was not a ceiling and if a change was needed, it would typically come back as part of a supplemental budget.

Coun. Stanton said she wanted to revise the Final Order on Agenda Bill 04148 (Final Order for Traffic Commission Issue No. TC 500 Regarding Left Turn Restrictions on SW Greenway at the Driveway Near Hall Boulevard), to include the language she added on her original motion which said *"the left turn could be revisited after 125<sup>th</sup> was built."* She said in the Final Order it stated: *"The turn restriction shall remain in place until such time as SW 125<sup>th</sup> Avenue is completed and opened to traffic between Greenway and Hall Boulevard."* She said that was part A of her motion and part B was that the left turn restrictions could be looked at again after 125<sup>th</sup> was built. She said that was the intent of the motion she made and asked that the audio tape of the meeting be checked.

Mayor Drake pulled Agenda Bill 04148 from the agenda and asked that staff listen to the audio tape concerning this issue.

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

#### ORDINANCES:

##### Suspend Rules:

Coun. Doyle MOVED, SECONDED by Coun. Soth, that the rules be suspended, and that the ordinances embodied in Agenda Bills 04151, 04152 and 04153 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. Doyle, Soth, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

##### First Reading:

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

- 04151 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 South of NW Cornell Road and West of NW 114<sup>th</sup> Avenue; CPA 2004-0008/ZMA 2004-0008 (Ordinance No. 4316)
- 04152 An Ordinance Renaming SW Millikan Boulevard Between Murray Boulevard and Tualatin Valley Highway to "SW Millikan Way"; SNC 2004-0001 (Ordinance No. 4317)

04153 An Ordinance Amending Ordinance No. 2050, the Zoning Map, as to a Specific Parcel, From Office Commercial (OC) to Community Service (CS); ZMA 2004-0006 Summit View Zoning Map Amendment (Ordinance No. 4318)

RECESS:

Mayor Drake called for a recess at 6:25 p.m.

RECONVENE:

Mayor Drake reconvened the meeting at 6:38 p.m. in the City Hall First Floor Conference Room.

04154 Beaverton Downtown Regional Center Development Strategy

The Council held a Joint Dinner Meeting with the Metro Council to hear a presentation on the Beaverton Downtown Regional Center Development Strategy. Metro Councilors present were: President David Bragdon; Couns. Brian Newman, Carl Hosticka, Susan McLain and Rod Park. Also present were consultants Jerry Johnson, Johnson Gardner; Terry Moore, ECONorthwest; Bob Yakas, Group MacKenzie.

Mayor Drake said the Beaverton Downtown Regional Center Development Strategy study was developed and funded by a grant from Metro. He added the study was prepared by Johnson Gardner, Group MacKenzie and ECONorthwest, with assistance from City and Metro staff.

Consultant Jerry Johnson, Johnson Gardner, reviewed the highlights and findings of the Beaverton Downtown Regional Center Development Strategy study. He summarized the components of the Study (in the record). He reviewed the Regional Center area and said there was a great deal of parcelization in key areas, which created a development challenge because of parcel size and multiple ownerships. He added there were some large tracts with low density which were viable but difficult to redevelop. He stated there were several large vacant parcels in contiguous ownership which could help in getting redevelopment to occur. He said there was a low level of improvement-to-land-base in the Center (value of the structure improvement on the land was low relative to the value of the land) which in the long-term provided a higher expectation for redevelopment within the foreseeable future.

Johnson reviewed the key assets of the Center area: The Park/Library/Farmer's Market concentration on the southern edge of the Center; The Round; Transit availability; Stable school district; Diversity of retail uses; Mature trees; Free parking; Central Beaverton demographics; Auto dealerships (were seen as a positive and negative); High level of unutilized property which allowed redevelopment; Character of older buildings; and Central location. He explained the barriers were: Perception of visual appeal; People were unclear where the downtown area was located; Pedestrian environment was very difficult; Congestion on Canyon Road/Farmington; Parking availability; Auto-oriented nature of development; Lack of housing density that limited the type of retail that could be developed; Property configuration (parcelization and fragmentation into odd-shaped parcels); North/south division; Street pattern; and Auto dealerships.

Johnson reviewed the opportunities in the area: Anything that would improve traffic congestion was seen as a positive; More mixed use development; Downtown advocate within the City for downtown development and businesses; Clarified parking structure; More cohesive district better established the presence/location of the downtown area; Building on small business concentrations; Packaging opportunity sites to attract development in a proactive manner; Leverage transit linkages and public amenities.

Coun. Stanton asked what "leverage transit linkages" meant.

Johnson explained there were vacant sites next to the transit center which were not being utilized, though they were amenities. He said an individual parking structure would be difficult to maintain because it would not generate the revenue needed to support the structure. He suggested instead a parking district with publicly-owned garages to deal with the parking. He said without going to structure parking, densities would be kept relatively low; consistent with the existing condition, but not consistent with the objectives of the Regional Center designation. He said the parking was convoluted and surfaced on all sides of the issue.

Johnson said the current office and apartment markets were soft due to overbuild; that would take a few years to change. He said the condominium market was strong. He said one of the problems in this Regional Center area was it was not achieving the significant pricing premium in comparison to nearby suburban areas. He said the hope in the long-term was to develop a higher level and selection of activities in the Center area, which allowed for a pricing premium.

Coun. Stanton asked if the other Regional Centers were achieving the significant pricing premium.

Johnson said with exception of Portland's Downtown Center and Lloyd Center, this was a common problem. He said there wasn't sufficient population in the Beaverton Center to support a lot of retail; the retailers that were there were auto-dependent. He said the Center area did not have the density needed to support further walk-up pedestrian retail, which was the goal of the Regional Centers. He said the Center area could attract regional-draw retail (auto-oriented), but there was not much to serve the local needs.

Consultant Bob Yakas, Group MacKenzie, reviewed four sites in the Center area (Sites D, H, I and J) and the development opportunities that were possible for those sites to fulfill the obligations of the downtown goals. He explained they worked within the bounds of the City's existing Zoning Ordinance and reviewed the details of the sites and opportunities available (in the record-Chapter 4, Pages 4-45 through 4-49 of Study).

Coun. Soth asked if the consultant considered the possibility of the owners of the small sites getting together as a consortium or partnership to redevelop their area.

Johnson replied assembly was a common problem and they had not approached the property owners on this subject. He said if one of the sites had assembly potential, the first step would be to contact the property owners and determine their level of interest.

Yakas reviewed in detail Site D, a 1.95-acre area bordered by SW Milliken Way/SW Canyon Road/SW Hall Blvd/SW Watson Avenue (in the record).

Coun. Stanton asked why the Conceptual Plan in the study was different from the recommendation for Site D in the Study.

Yakas explained the Conceptual Plan was the first attempt in the study to identify what was feasible under existing zoning. He said the development team and staff then reviewed the Conceptual Plan and that resulted in the final recommendation. The Conceptual Plan was rejected it was what currently exists on that site.

Coun. Stanton how many stalls were in structured parking for Site D.

Yakas replied 339 stalls, four to five stories in height.

Yakas reviewed in detail Site H, old downtown Beaverton (in the record).

Coun. Stanton asked how many stories there would be in the parking structure on Site H.

Yakas replied it would be two stories.

Coun. Stanton noted there would be a long wall on that structure.

Yakas reviewed in detail Site I, Beaverton old town area/residential site (in the record).

Coun. Soth asked if the proposed development of Site I would serve as an impetus for other developments in that area.

Yakas said it would not because the proposed development matched the current development in Site I; it was not establishing a new type of development. He said the big task would be the land assembly and the property owner already completed most of that. He said a mixed use with higher density would be more helpful in bringing in new development. He said they discussed with developer-focused groups getting a higher level of support from local populations for pedestrian-oriented retail concentration and the south side was seen as the area where that made more sense. He said increasing residential density in the boundaries of the area made increased retail supportable and establishing a retail price point would help. He said Site I was recommended because they were sure it would work if surface parking was included.

Coun. Stanton noted most of the homes on Second Street contained businesses and she thought the residential area began on Third Street.

Yakas said Second Street was residential and the property owner was considering mixed use and possibly Service Office on the ground floor. He said one of the advantages to the older buildings was that the rent was lower than it would be in new construction, so they were not sure new construction was economically feasible. Yakas reviewed in detail Site J, an 8.5-acre "gateway" site on the east end of the Center bordered by the Max line/SW Canyon Road/Highway 217 off-ramp/114<sup>th</sup> Avenue (in the record).

Mayor Drake explained on the southwest area there were discussions when the light rail was being planned about adding a station stop there. He asked if that would enhance the broader area.

Yakas replied a well-planned commuter stop helped enhance and develop an area but the difficulty with this site was its close proximity to the existing transit center; operationally it would be difficult for the Transit District.

Johnson said commuter stops worked well in developments of multi-family residential and office uses.

Coun. Stanton confirmed the structured and surface parking totaled 724 parking stalls for Buildings A, B and C; and Building D had 103 stalls of surface parking.

Yakas said the key findings indicated that condominium units and ground floor commercial space, by themselves, were largely viable. He said the structured parking and rental-rate apartments imploded the yields significantly. He said the pro forma indicated this did not represent attractive returns. He said the primary problem was structured parking because it was impossible to recover the costs.

Consultant Terry Moore, ECONorthwest, reviewed Chapter 5 which covered incentive-based and regulatory-based approaches that could help achieve the Center design (in record). He explained anything that could be done to reduce development costs would make development more likely; however, funding was needed to do this.

Coun. Stanton said she thought providing financial incentives and financial assistance to developers were different; one was an incentive, the other was actual assistance.

Moore stated in the context of the Study, the assistance was an incentive and the assistance was in the context of direct financial assistance or doing something for the developers that they would otherwise have to pay for; density could be achieved without structured parking. He said with three spaces for every 1,000 square feet, for 10,000 square feet of building space, you needed 10,000 square feet of parking next door. He said with a 20,000 square foot lot, there would be 10,000 square feet of building and 10,000 square feet of parking; the next step would be to build up. He said the taller the building, the more surface space was used for parking, which was what existed now.

Moore then reviewed regulatory approaches and incentives (in the record).

Coun. Stanton said she was trying to determine at what point this was not just theory. She noted the City was already building at 80% of density. She said if the City required higher density levels, and no one could build because the market would not allow it, then nothing happened. She said buildings lasted for thirty years or more and questioned how something could be done in the interim.

Johnson explained one of the options was phased development which could allow for higher density. He said if sites phased, it could help in the transition stage. He said it was hard to get redevelopment to work if there were existing cash-flowing operations. He noted one of the problems in Beaverton was that there was a lot of vital low-density development and as long as there was positive value to the improvements, it was hard

to get redevelopment to occur. He said phasing allowed potential redevelopment with higher intensities without having to remove or lose the value of the improvements. He said most developers preferred this. He agreed this was theory because they had not seen Phase 2 in any of this yet.

Mayor Drake said this was where the City was trying to go with the modification of the Regional Center's zoning and densities five years ago. He said this was shadow platting, where future development would be allowed to modify existing successful businesses but they could not develop in the old patterns. He said that was where the City was today with The Round and part of this Study was acknowledging the City was ready for the next phase.

Johnson stated if it made sense, developers would do this on their own, but sometimes they needed assistance so it would make sense. He said an easy step to take was to not preclude it.

Moore explained their conclusion in Chapter 5 was that the financial viability of the project was the primary obstacle to achieving higher densities. He said the largest obstacle to getting the type of development for the Center was that eventually structured parking was needed. He reviewed tools that could be used to achieve this development, that included tax abatements, direct subsidies, subordinated debt and tax credits.

Johnson explained the tax abatements were currently available for the City and tax credits were through the State. He said both have a significant impact on development. He stressed financial viability was the major problem Beaverton faced and these were the most effective tools.

Mayor Drake asked which tool the development community preferred.

Johnson said there were complications with public taxing districts from a financing standpoint, because banks wanted dedicated parking spaces tied to the loan, so the property space was secure. He said abatements were simple and clean, and developers were used to them. He said subordinated debt was high risk as it was unsecured debt and he would not recommend it. He said tax credits were good because it was Federal money administered by the State; often projects can be put together without any equity in the project, which is a good situation for developers.

Johnson advised the next step for the City was to clarify which tools they were willing to use, so that developers would know what assistance the City was offering. He said it was useful to have an on-going group monitoring what was happening downtown. He said a development advocate was needed to ensure the City was presenting the proper face and doing the proper outreach to the development community. He noted the catalyst projects (the sites reviewed earlier) provided the opportunity for redevelopment. He said collateral (marketing) materials needed to be prepared and matchmaking was needed to help match willing property owners with developers. He said the Center should be "branded" to identify the area and develop a positive marketable image, which would enhance the desirability and achievable lease rates of the area.

Johnson said this was a regional issue for all the centers. He said there was a need for funding and Metro's involvement as it worked to meet its own regional goals.

Coun. Soth asked how to address the perception that existing businesses should have some sort of tax credit, like the new businesses coming into the area.

Johnson explained this was not a subsidy of a developer, it was a subsidy of a development style that made no sense; the City was asking the developer to build something that without the subsidy they would have no return. He stressed this was needed to cover the structured parking.

Johnson said density worked well in Seattle because they had a poor transportation system. Transportation costs effected how far people were willing to commute to work; higher prices were paid to live close to work to avoid the highway congestion.

Coun. McLain said the tools the consultant recommended were good, but she had hoped they would have developed more creative ideas the City could use to attract developers into Beaverton rather than downtown Portland or Kruse Way. She asked what was available other than grants.

Johnson said the catalyst projects make a difference and that was what the Metro project achieved; these projects could be completed and the results firmly established. He said they were called catalysts because they were small projects that could be done and, if successful, they could get other development started.

Moore said the transit access was exceptionally good in Beaverton and could be used as a "niche" to attract development. He said another factor was that Beaverton was the center of Washington County which was a great benefit. He said another unique factor was that there was a lot of underdeveloped property in the Regional Center.

Mayor Drake explained auto dealers were bound by auto franchise areas. He said there had to be an alternative to relocate the auto dealers to an area where they stay within their franchise area, where the property was developable and it was at a place where the viable business was still viable. He said that made the redevelopment of healthy businesses difficult.

Moore explained over time, if activity and use increased, a more intense use of the property developed.

Coun. Doyle asked if the City should proceed with an aggressive campaign, when the examples showed development would not "pencil out" unless the City solved the Study's perception of the problem.

Moore said he felt the City could achieve redevelopment with other tools. He said the City could probably accomplish residential development in the short term using tax credit and/or tax abatement. In the long term, he said, it would take time to accomplish some goals. He said there were probably some actions the City could take to help the situation. He said between the focus groups, developers and some owners, there seemed to be some informal matchmaking being done that was not being conducted by the City. He added phased developments were viable in the short-term. He emphasized from a market perspective, they were saying *"Here is what the market is doing right now and there is a reason the market is doing that; there is a gap. That could change over time, but in the short-run, if you want to make things happen faster, some*

*public money is going to have to fill that gap.*” He explained since the City could not do this all at once, it could use an incremental approach to first decide what it wanted the Center to look like, then allow incremental growth to come at a workable density but pay attention to what it wanted the Center to ultimately become and make sure that other policies (infrastructure and transportation) take the Center in that direction.

Coun. Stanton said the City as a whole did not have sufficient transit links though the Regional Center had excellent connections. She said Beaverton was not a high-density, traditional urban city. She said she saw some of those components in the area of The Round and she felt the intensity of development belonged in that corridor.

Moore said they felt the areas around The Round would be easy to develop so they were not included in the catalyst site list. He said the catalyst sites that were recommended were to handle specific issues that were being addressed.

There was general discussion about hypothetical regional paid parking issues and market trends and changes.

Coun. Soth commented on the auto-oriented nature of society today and in the future.

Moore said transit planners were not planning on turning automotive transportation “on its head.” He said several factors (changes in demographics, oil price changes) could make transit-oriented development a useful and viable concept for a “niche” market. He said transit-oriented development did not mean “no automobiles.” He said what it meant was lowering the parking standards for the automobile, as there will be a “niche” market that will only need one automobile per unit. He said some of the densities being discussed still required structured parking.

President David Bragdon thanked Mayor Drake and the Council for hosting this meeting and thanked the consultants for the presentation. He commended the Mayor and staff for being awarded the grant noting there had been strong competition. He made general comments on the costs of development for the entire region.

Mayor Drake thanked the Metro Council for attending and thanked the consultants for their presentation.

#### ADJOURNMENT

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

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Sue Nelson, City Recorder

#### APPROVAL:

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Rob Drake, Mayor

**AGENDA BILL**

7/12/04: Carried Over to  
Council Meeting of 7/19/04.

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Final Order for Traffic Commission  
Issue No. TC 500 Regarding Left Turn  
Restrictions on SW Greenway at the  
Driveway Near Hall Boulevard

Final Order revised to add  
language requested by Councilor  
Stanton (second bullet in  
Section 5 of the Order).

7-19-04  
**FOR AGENDA OF:** ~~7-12-04~~ **BILL NO:** 04148

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Engineering *[Signature]*

**DATE SUBMITTED:** 6-29-04

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

**PROCEEDING:** Consent

**EXHIBITS:** 1. Final Order

**BUDGET IMPACT**

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

On June 14, 2004, the City Council held a hearing on Traffic Commission Issue TC 500 in accordance with a 2003 direction by the Council. Following the hearing, the Council voted 3-2 to continue the left turn restrictions ordered in 2003 at the commercial driveway on Greenway.

Council also directed staff to prepare a budget proposal for the installation of flashing beacons in conjunction with the "no left turn" signing. Staff had estimated the cost of the beacons at \$20,000.

**INFORMATION FOR CONSIDERATION:**

Section 6.02.065.H of the Beaverton Code requires that a final written order of the Council shall be prepared and presented to the Council for approval. The required final order has been prepared and is included as Exhibit 1.

After discussions with the Operations Department, it appears that the flashing beacons can be installed by Operations staff. Costs for materials will be funded from existing accounts for traffic control devices. Installation, which is the primary cost, will be performed by City staff at no additional cost to the City. Because the work will be performed as time permits between other responsibilities, the installation may take longer but is expected to cost less than work by an outside electrical contractor. The City currently has staff with the necessary electrical licenses to perform the work. Because the work will be done in-house using existing funding, no appropriation is needed.

**RECOMMENDED ACTION:**

Approve the final order on Traffic Commission Issue No. TC 500 as presented in Exhibit 1.

**BEFORE THE CITY COUNCIL  
FOR THE CITY OF BEAVERTON, OREGON**

**APPEAL FROM APPROVAL OF  
THE TRAFFIC COMMISSION  
ORDER ON ISSUE NO. TC 500  
TITLED "LEFT TURN  
RESTRICTIONS ON SW  
GREENWAY AT THE DRIVEWAY  
NEAR HALL BOULEVARD"**

**FINAL ORDER  
GRANTING THE APPEAL  
AND IMPOSING CONDITIONS**

1. Hearings on the issue were held by the Traffic Commission on December 5, 2002, and April 3, 2003. A Final Written Order of the Traffic Commission was approved on April 3, 2003. The Final Written Order recommended that left turns be prohibited at all times from southbound Greenway into the commercial driveway located approximately 250 feet south of Hall Boulevard, except motor trucks with a gross vehicle weight rating over 20,000 pounds. Mark Whitlow appealed the Traffic Commission's final order to the City Council on April 14, 2003. Whitlow included a request that the appeal hearing be de novo, which request was granted. The City Council conducted a hearing on June 16, 2003.
2. Following the June 2003 appeal hearing, the City Council adopted a final written order dated July 14, 2003. The final written order revised the left turn restrictions to apply only between 3 p.m. and 7 p.m. and eliminated the exemption for trucks. The order further established a trial period and directed that a new hearing be scheduled following the end of the trial period. The new hearing was held on June 14, 2004.
3. The following criteria (from BC 6.02.060.A) were found by the City Traffic Engineer to be relevant to the issue:
  - 1a (provide for safe vehicle, bicycle and pedestrian movements);
  - 1c (meet the overall circulation needs of the City)
  - 1g (carry anticipated traffic volumes safely).
4. In making its decision, the City Council relied upon the following facts from the staff report, the record of the Traffic Commission hearing, and from public testimony:
  - The City has received complaints about left turns from the southbound lane of SW Greenway into the driveway to the Albertson's store.
  - While waiting to turn left into the driveway, a vehicle blocks the single southbound lane of Greenway.

- A curve in Greenway limits the sight distance of a stopped vehicle for southbound motorists.
  - During peak hours, a stopped vehicle may cause southbound traffic to queue into the Hall Boulevard intersection.
  - At the intersection of Hall and Greenway, traffic demand frequently exceeds the intersection capacity during peak periods.
  - Alternative access to the Albertson's store is available via a driveway on Hall Boulevard.
  - The manager of the Albertson's store reported that trucks must use the Greenway driveway in order to safely access the store's loading dock.
  - At the City Council hearing in June 2003, a report from Kittelson and Associates presented evidence that 3 pm to 7 pm is the time period when left turns are likely to cause traffic delays on Greenway. The report provided new evidence that had not been available at the Traffic Commission hearings.
  - The City Council heard testimony that a full-time turn restriction would cause significant economic impact to the adjoining Albertson's store.
  - The City Council heard testimony that Greenway could be widened to provide a separate turn lane in Greenway at the driveway, with estimated costs ranging from \$70,000 to \$115,000.
  - At the June 2004 hearing, the Council received additional testimony from Kittelson and Associates indicating that the turn restrictions had reduced the incidence of queuing of southbound Greenway traffic but had not eliminated the problem.
  - At the June 2004 hearing, the Council heard recommendations that the signing for the turn restrictions should be made more visible by using larger signs or by adding flashing beacons.
5. Following the public hearing, the City Council voted (3 aye, 2 nay) to reaffirm the decision to grant the appeal with the following revised conditions:
- Prohibit left turns from the southbound lane of SW Greenway into the commercial (Albertson's) driveway located approximately 250 feet south of the Hall Boulevard intersection between the hours of 3 p.m. and 7 p.m. Monday through Friday. Staff is authorized and directed to install the appropriate signing.
  - The turn restrictions shall remain in place until such time as SW 125<sup>th</sup> Avenue is completed and opened to traffic between Greenway and Hall Boulevard, at which time the issue of left turn restrictions can be revisited.
  - Staff is directed to add flashing beacons to the "no left turn" signs with the beacons programmed to flash only during the times that left turns are prohibited.
6. The City Council decision was based on the following findings:
- Restricting left turns will reduce the potential for rear-end collisions on Greenway at the driveway and will reduce the conflicts between left-turn traffic and northbound traffic, satisfying Criterion 1a.

- Prohibiting left turns during peak hours will reduce restrictions to traffic capacity on Greenway. Limiting the prohibition to peak hours will allow the needed truck circulation during the remainder of the day. The proposal is a compromise to satisfy the circulation needs per Criterion 1c and to improve the ability of Greenway to carry peak hour traffic volumes safely per Criterion 1g.

Approved and adopted this \_\_\_\_\_ day of July 2004.

Signed by: \_\_\_\_\_  
Mayor Rob Drake

Attest: \_\_\_\_\_  
City Recorder

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**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Establish a Special Assignment Pay Rate  
for Deputy Police Chief Duties

**FOR AGENDA OF:** 7-19-04 **BILL NO:** 04156

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Human Resources

**DATE SUBMITTED:** 7-12-04

**CLEARANCES:** Finance  
Police



**PROCEEDING:** CONSENT AGENDA

**EXHIBITS:** Exhibit 1 – Deputy Police Chief  
Salary Data

**BUDGET IMPACT**

EXPENDITURE REQUIRED: \$2,600	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED: \$2,600
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**HISTORICAL PERSPECTIVE:**

In December 2003, the Police Department recommended and Council approved the establishment of a third Police Captain position as part of a new organization structure to help build a stronger police agency to meet the current and future challenges of our growing community. At that time, the Police Chief envisioned the future creation of a Deputy Police Chief appointment as a means to lead the agency in the absence of the Chief of Police and serve as the second in command.

**INFORMATION FOR CONSIDERATION:**

If approved, this appointment will be for an undetermined length of time. Therefore, the decision was made not to create a separate Deputy Police Chief classification but, instead, to provide a special assignment percentage to be added to the pay rate of a Police Captain while performing the Deputy Police Chief duties. The Human Resources staff conducted a market study and found only two good matches among our comparable cities. The rates are included on Exhibit 1. This exhibit also includes the market factor rates for the City of Beaverton Police Captain classification and for salary range E21, the first salary range for City of Beaverton executive management (Department Heads). Based upon this information, a 2% adjustment appears appropriate. This would create a very competitive salary for the employee while appointed to the Deputy Chief position and, at the same time, maintain a pay rate that is below the first level executive salary range (when certification pay is excluded) .

**RECOMMENDED ACTION:**

Council approve a 2% special assignment adjustment to be added to the pay rate for a Police Captain appointed as the Deputy Police Chief, effective July 19, 2004; Council authorize the Finance Director to include the necessary funds in the first supplemental budget of fiscal year 2004-05.

**Deputy Police Chief Salary Data**  
*July 1, 2004*

<b>Jurisdiction</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Comments</b>
Hillsboro	\$5,981	\$7,631	Adjusted for retirement plan.
Vancouver	\$6,317	\$8,075	Adjusted for retirement plan.
Beaverton E21	\$5,937	\$7,956	
Beaverton (Proposed Premium Rate )	\$5,937	\$7,926	COB Police Captain rate + 2%.
Beaverton Police Captains	\$5,798	\$7,771	Without certification pay

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Approve Application for ODOT Bicycle and Pedestrian Grant and Adopt Resolution of Support

**FOR AGENDA OF:** 7-19-04 **BILL NO:** 04157

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Engineering 

**DATE SUBMITTED:** 7-6-04

**CLEARANCES:** Finance   
City Attorney 

**PROCEEDING:** Consent

**EXHIBITS:** 1. Application  
2. Resolution

**BUDGET IMPACT**

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

The Oregon Department of Transportation (ODOT) Bicycle and Pedestrian Program has limited funds available every two years for bicycle and pedestrian construction projects. Proposed projects should serve an important corridor, have high potential use, remove a barrier to cycling or walking, and be designed to high standards. The first half of the grant amount is available July 1, 2005. The second half is available upon completion and inspection of the project. Construction must begin before July 1, 2006. The 113<sup>th</sup>/Cabot/110<sup>th</sup> bicycle and pedestrian project was funded through this source in 1998.

**INFORMATION FOR CONSIDERATION:**

Providing safe, direct bike and pedestrian connections to important commuter, recreational, and transit routes implements local, regional, and State goals. After comparing potential projects with the ODOT grant criteria, staff identified one project that meets the criteria: improving the 5<sup>th</sup> Street railroad crossing to ODOT safety standards by constructing a bicycle and pedestrian path that will take users across the tracks at more near a right angle.

Bicyclists' continual safety complaints about the railroad crossing on 5<sup>th</sup> Street along with crash and near-crash information make this improvement a high priority safety concern for the City. Bicyclists must cross three sets of railroad tracks at an angle that ranges from 19 to 37 degrees. This forces bicyclists attempting to cross the tracks at more near a 90-degree angle into the path of motorists. Most cyclists avoid riding in the auto lane due to conflicts and must slow down substantially and often get off their bicycles to cross to assure they do not slip on the tracks and/or catch a wheel in the flange opening. A curve in 5<sup>th</sup> Street increases confusion and restricts sight distance for eastbound motorists and bicyclists. Construction of a shared-use path that takes both bicyclists and pedestrians across the tracks at more near a right angle is proposed. The improvement project includes new concrete crossing panels to replace existing slippery rubber panels, and securing an easement to upgrade the railway bed and ties. Both ODOT Rail Division and the Portland & Western Railroad support the City's application.

If the ODOT grant application is successful, the State could fund \$93,700 of the project cost of \$105,300. The City would be responsible for all costs above the State share. The City match would be for design costs. This 11 percent local match adds to the competitiveness of the request. City funds must be available by the time the project is initiated.

Should the application be successful, City funds would be included in the FY 2005-06 and FY 2006-07 budgets for Council consideration. The City match portion of the project would be funded through the Street Fund. Grant applications are due to ODOT by July 30, 2004. Notification of whether the State approves the grant is expected in early 2005.

**RECOMMENDED ACTION:**

1. Council approve the application for ODOT's Bicycle and Pedestrian Program and direct staff to submit the application to ODOT.
2. Council adopt the resolution informing ODOT that the proposed project has strong support from the City Council.

**APPLICATION FOR ODOT**

**EXHIBIT 1**

**PEDESTRIAN OR BICYCLE IMPROVEMENT GRANTS FY 2006-2007**

**Applicant Information:**

Organization Name:  Date:

City and/or County:   
(Project Location)

Contact Person Name and Title:

Address:

Email:  Phone:

ODOT Region:  District:

1. **Type of project:** Sidewalks  Bike Lane Striping  Shoulder Widening  Streetscape   
 Intersection Improvement  Pedestrian Crossing Improvement  Other
- Check all that apply. If Intersection Improvement, Pedestrian Crossing Improvement, or other please describe:*

2. **Street, road or highway project is located on:**  
*Indicate whether it is a state highway or a local facility, or both in case of an intersection improvement*

Cross street or other reference point: begin:  end:   
 (Include milepost if on state hwy)

Length in feet, where applicable:  Side of street (Both, N, S, E, W, etc.):

3. a. Total project cost, including engineering & local match:	<input type="text" value="\$105,300"/>
b. State's share (Grant amount you are seeking):	<input type="text" value="\$93,700"/>
c. Local share (If soft match, describe): <input type="text" value="Design by City staff"/>	<input type="text" value="\$11,600"/>
d. Other funding source: (Describe) <input type="text"/>	<input type="text" value="\$"/>

4. **Can the project be divided into two phases?** If it can, please indicate the two sections, costs and your priority for completion. This may affect project selection if there is insufficient funding for your entire project as submitted:

5. **Briefly define the problem and describe the proposed solution. Include the following information:**

- Describe the need, the current conditions and how the project will improve the situation. *Note: see questions 18 & 19 for drawings & map requirements*
- Does the project fill in missing gaps or provide connectivity to other facilities?

Bicyclists' continual safety complaints about the railroad crossing on 5<sup>th</sup> Street along with crash and near-crash information make this improvement a high priority safety concern for the City. Bicyclists must cross three sets of railroad tracks at an angle that ranges from 19 to 37 degrees. This forces bicyclists attempting to cross the tracks at more near a 90-degree angle into the path of motorists. Most avoid traveling in the auto lane due to conflicts and must slow down substantially and often get off their bicycles to cross to assure they do not slip on the tracks and/or catch a wheel in the flange opening. A curve in 5<sup>th</sup> Street increases confusion and restricts sight distance for eastbound motorists and bicyclists. Construction of a shared-use path on the north side and bike lane/path on the south side that fills a gap in the system and takes users across the tracks at more near a right angle is proposed. The improvement project includes concrete crossing panels at all crossing points and securing an easement from the railroad to make the improvement.

6. Is the project included in a local, adopted plan? Y  N

Please identify: Comprehensive Plan Transportation Element (Bicycle Master Plan)

If not, has the need been identified elsewhere? Y  N

Where? [ ]

7. Have local elected officials formally expressed support for this project? \* Y  N

a. Are there currently accesses, driveways, or on street parking within the project limits? Y  N

b. If so, have local elected officials indicated support for any proposed changes? \* Y  N

c. Are you prepared to hold public hearings, if required? Y  N

\* Please fill in appropriate box on signature page

8. Does the proposed facility lie within road or street rights-of-way? Path easement necessary. Y  N

Projects in parks or abandoned railway lines are not eligible.

Will extra right-of-way need to be purchased? An easement from P&W is necessary. Y  N

9. Does an agency other than the applicant have jurisdiction over the right-of-way? Y  N

If yes, who? Portland & Western Railroad

a. Do they concur with your project request? Please fill in appropriate box on signature page Y  N

b. Will they agree to maintain the facility (including landscaping)? City will maintain. Y  N

Please fill in appropriate box on signature page

10. Is the proposed project to be included in a larger project? Y  N

(Projects that add sidewalks or bikeways as part of road construction or reconstruction are not eligible. Projects that tie into other work, such as surface preservation, utility or drainage work, are eligible, even encouraged.)

Please describe project, timeline, and other funding sources:

An engineering study by DKS Associates was completed. The improvement project corrects the safety deficiency on this primary east/west bicycle route in Metro's designated Beaverton Regional Center. 5th Street is a designated bypass for bicyclists avoiding congested Beaverton-Hillsdale Highway. The City's Bicycle Master Plan calls for 5th Street to be improved to include bike lanes. Providing a 6-foot bike path on the south side in this gap between existing bike lane segments and a 10-foot shared use path on the north side that ties into existing sidewalks and bike lanes fulfills this need.

11. Who will primarily be served by this project? (e.g. school children, commuters, recreational users, seniors, disabled, etc.)

Commuter and recreational bicyclists and pedestrians will be served. This route is the main east/west connector in the Beaverton Regional Center. Motorists are also served since bicyclists will not need to use the auto lane in this constrained area. It will be a safety improvement for all modes.

12. Does the proposed facility provide a link to transit or park-and-ride facilities? Y  N

This east/west bicycle route connects to nearby north/south bicycle routes to Beaverton Transit Center bus transfer/MAX Station/Commuter Rail Station and Beaverton Central MAX station at The Round development, both within Beaverton's designated Regional Center.

13. Does the project include a railroad crossing? Y  N

If yes, do the railroad and the ODOT Rail Crossing Safety Unit concur with your project request? Y  N

(ODOT Rail Crossing Safety Unit phone number: 503-986-4273) Please fill in appropriate box on signature page

14. Are there any Travel Information Council (TIC) signs located within the project? Y  N

If yes, please contact the TIC (503-378-2244) to coordinate replacement or relocation.

15. Will the project accommodate both pedestrians and bicyclists? Y  N

If not, is the other mode provided for, or will it be? Describe:

Due to railroad spurs on the south side of 5th Street, pedestrians use shared use paths and sidewalks on the north side of the street that connect users to office, residential, and industrial uses.

16. Are any bridges, tunnels, retaining walls or other structures required?

Y  N

If yes, describe:

[Empty rectangular box for describing structures]

Describe how the project increases the appreciation of cultural, aesthetic or environmental values, community pride, environmental quality or livability. Or describe any other outstanding project features or local circumstances that reviewers should be aware of. If the space below is insufficient, you may instead attach a 1 page letter, at a font size no smaller than 12 pt.

The City contracted with DKS Associates, Inc. to prepare an engineering report with findings based on a field investigation and engineering evaluation of the 5<sup>th</sup> Street railroad crossing. The report concludes that the bicycle and pedestrian crossings on the north and south side of 5<sup>th</sup> Street are well below the minimum angle of crossing and warrant a revised alignment to a 90 degree angle consistent with AASHTO and ODOT guidelines for at-grade bicycle and pedestrian crossing of railroad tracks. It defines the improvement project and states, "The proposed project should significantly improve the safety of the crossings. Additionally, ADA accessibility issues associated with the rail crossings (not present today) can be addressed, including items such as tactile warning and definition of crossing area."

The City talked with representatives of Portland & Western Railroad who are supportive of the proposed improvements and will consider track upgrades along with the City improvements should this proposal be funded. 5<sup>th</sup> Street ADT: 9540 (12/02); Speed: 30 mph

The Beaverton Bicycle Advisory Committee repeatedly complains about the 5<sup>th</sup> Street railroad crossing primarily on the south side. One member even studied motorists' behavior around bicyclists over the tracks and documented aggressive driver behavior toward bicyclists using the auto lane in order to cross at more near a right angle. The City regularly maintains the crossing and removes the asphalt that builds up around each track due to the curvature of the tracks, constructed ingress and egress points on existing sidewalks, and has signed the crossing for bicyclists. Though no official crash reports exist because bicyclists typically do not report their own crashes and near crashes, anecdotal data collected by the City and Bicycle Advisory Committee documents testimony about the safety problems associated with the crossing. One resident fell though he was not seriously hurt. Another resident testified how his adult daughter fell and had to be transported to the hospital with injuries. Advisory Committee members and members of the Washington County Bicycle Transportation Alliance also provided personal experiences of falls and near falls on the tracks.

Presently, there are approximately 12 to 15 trains per day crossing 5<sup>th</sup> Street at this location. Conflicts will increase when Commuter Rail begins service adding approximately 20 additional crossings per day. The Commuter Rail project does not include any improvements at this location; therefore it is critical that the City and P & W Railroad work together to solve this safety issue.

18. Include a black & white 8.5" x 11" vicinity map that shows where the project lies within the community. Indicate adjacent land use and nearby destinations, as well as existing or planned pedestrian and/or bicycle facilities, within reasonable walking or biking distance of the project.

(See page 167 of the Oregon Bicycle and Pedestrian Plan for an example of coding to be used, as well as approximate scale.)

Is the vicinity map included?

Y  N

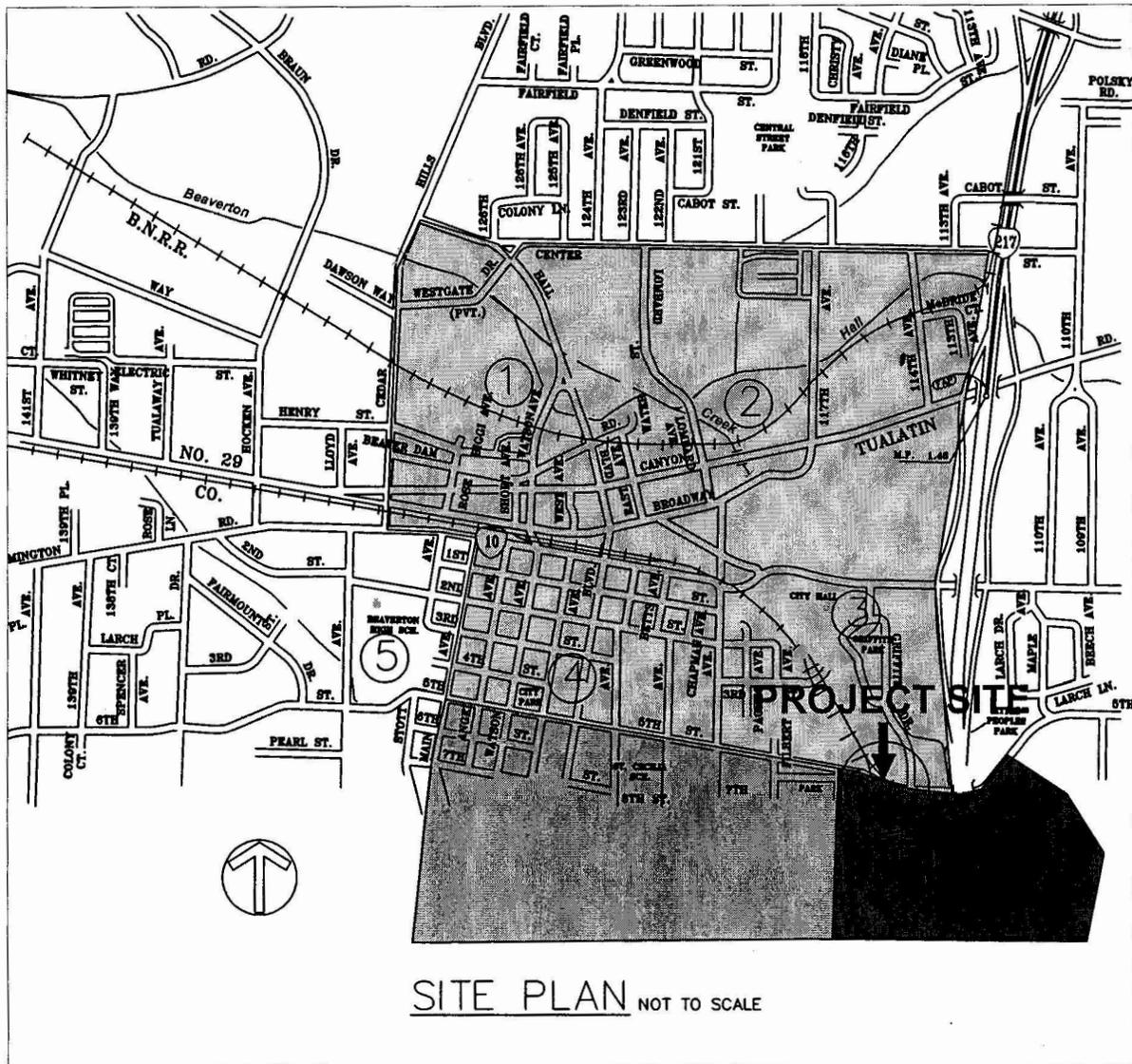
19. On a separate 8.5"x11" sheet of paper, attach typical cross-sections of the existing roadway or a diagram of the intersection or crossing treatment and proposed solution; include width, surfacing, and other features.

**DO NOT attach large plans or blueprints.**

Is the cross-section or diagram included?

Y  N

Mail application package to: Michael Ronkin  
Bicycle & Pedestrian Program Manager  
Traffic Management Services, 5th floor  
355 Capitol St NE Salem OR 97301-3871  
503-986-3555 fax 4063



SITE PLAN NOT TO SCALE

NEARBY DESTINATIONS

- ① 'THE ROUND' AT BEAVERTON CENTRAL TRANSIT STATION
- ② BEAVERTON TRANSIT CENTER (COMMUTER RAIL STATION)
- ③ CITY HALL
- ④ LIBRARY
- ⑤ BEAVERTON HIGH SCHOOL

ADJACENT LAND USES

-  REGIONAL CENTER
-  LIGHT INDUSTRIAL
-  RESIDENTIAL



City Of Beaverton

**CAPITAL  
PROJECTS  
DIVISION**

CITY ENGINEER  
TERRY WALDELE

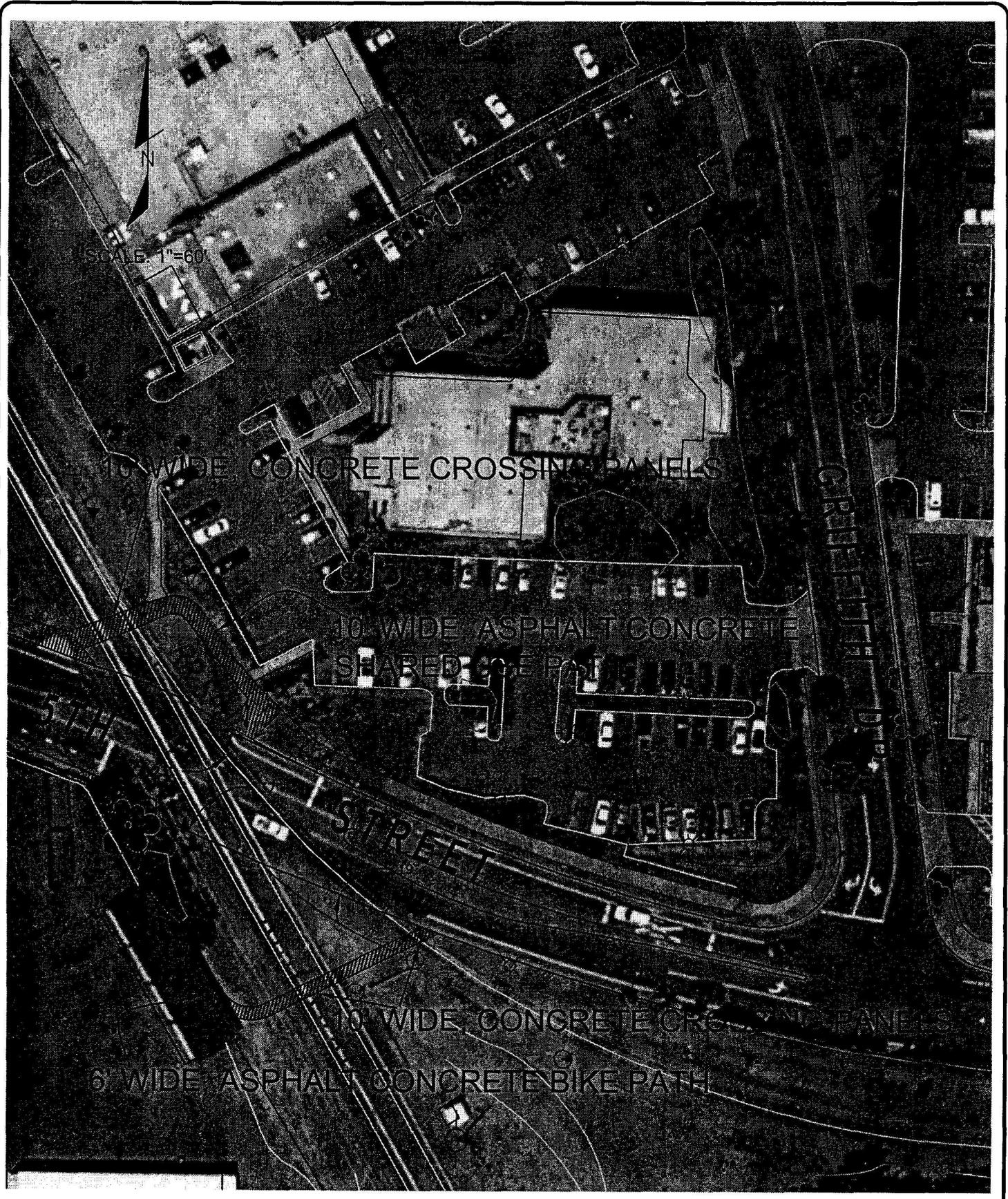
DATE  
6-24-02

**FIFTH STREET BIKE/PED  
RAILROAD CROSSING  
SITE PLAN**

DRAWN BY  
CG

DRAWING NO.  
1

FILE: Y:\Sds\K3226-5TH-RAIL-ROAD\base.dwg 06/25/2002 09:23:28 AM PDT



City Of Beaverton

CAPITAL  
PROJECTS  
DIVISION

**FIFTH STREET BIKE/PED  
RAILROAD CROSSING  
PROJECT PLAN**

CITY ENGINEER  
TERRY WALDELE

DATE  
6-24-02

DRAWN BY  
CG

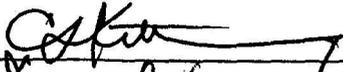
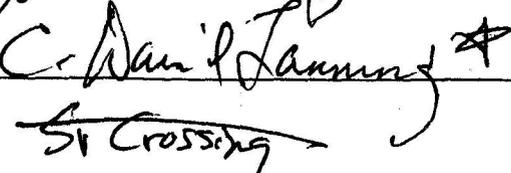
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2

5

## ODOT PEDESTRIAN OR BICYCLE IMPROVEMENT GRANTS

### Endorsements

Complete all sections relevant to your project

<b>Applicant:</b> City of Beaverton	
<b>Contact person:</b> Jim Brink	
<b>Project Name:</b> 5 <sup>th</sup> Street Railroad Crossing Improvement	
<b>Question 7: Elected official support for project, &amp; modification to accesses, driveways, or on-street parking</b> The Beaverton City Council supports the application as evidenced by a Resolution of Support. (Original on file; available upon request.)	
Name:	Title: Mayor
Signature:	Date:
<b>Question 9a: Agency support if project is on right-of-way not owned by applicant (Region or District Manager for projects on ODOT Highways)</b>	
Name: See P&W Railroad signature below	Title:
Signature:	Date:
<b>Question 9b: Agreement from appropriate agency to maintain the facility</b>	
Name:	Title:
Signature:	Date:
<b>Question 13: Concurrence from railroad and ODOT Rail Crossing Safety Unit if project includes a railroad crossing</b>	
Name: CHARLES S. KETTENRING	Title: VP ENGINEERING, P&W RR
Signature: 	Date: 6/21/04
Name: David Lanning	Title: Sr. Crossing Spec
Signature:  *	Date: 6/30/04

*St Crossing*

\* Conditional upon City's agreement to file application for an Order to alter the 5<sup>th</sup> St. grade crossing consistent with Washington County Commuter Rail.

RESOLUTION NO. 3767

**A RESOLUTION SUPPORTING A CITY OF  
BEAVERTON APPLICATION FOR ODOT'S  
BICYCLE AND PEDESTRIAN PROGRAM**

**WHEREAS**, Oregon Department of Transportation's (ODOT's) Bicycle and Pedestrian Program has solicited grant applications to fund new projects through its grant process; and

**WHEREAS**, the City of Beaverton's acknowledged Comprehensive Plan Transportation Element provided recommended bicycle and pedestrian improvement projects to the City's multi-modal transportation system; and

**WHEREAS**, after comparing the City's recommended 5<sup>th</sup> Street Railroad Crossing bicycle and pedestrian improvement project from the Transportation Element and ODOT's project criteria under the Bicycle and Pedestrian Program, City staff identified this project as a project that appears to respond to the funding criteria; and

**WHEREAS**, City staff prepared the project application for the above-named project for submission to ODOT; and

**WHEREAS**, a resolution of support is required for proposed projects from the governing body of agencies sponsoring candidate projects; now, therefore,

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

The Council hereby strongly supports the City of Beaverton's project application for potential funding through the ODOT Bicycle and Pedestrian Program and directs staff to submit the application to ODOT by July 30, 2004, for potential funding.

ADOPTED by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, CITY RECORDER

\_\_\_\_\_  
ROB DRAKE, MAYOR

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Traffic Commission Issues No. TC 557-561

**FOR AGENDA OF:** 7-19-04 **BILL NO:** 04158

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Engineering *[Signature]*

**DATE SUBMITTED:** 7-06-04

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

**PROCEEDING:** Consent

- EXHIBITS:**
1. City Traffic Engineer's reports on Issues TC 557-561
  2. Final Written Order on Issue TC 561
  3. Written comments received
  4. Draft minutes of the meeting of July 1, 2004 (excerpt)

**BUDGET IMPACT**

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

On July 1, 2004, the Traffic Commission considered the following issues:

- TC 557, Turn Restrictions for Southbound Driveway Traffic at SW Erickson Avenue and Farmington Road;
- TC 558, Thursday Morning Parking Restrictions on SW Tucker Avenue Near Cady Lane;
- TC 559, Revision to Limits of School Speed Zone on SW Fifth Street Near Franklin Avenue;
- TC 560, Removal of Parking Restrictions on SW Satterberg Road;
- TC 561, Parking Restrictions Near the Intersection of SW Second Street and Main Avenue.

Staff reports for Issues TC 557 - 561 are attached as Exhibit 1.

**INFORMATION FOR CONSIDERATION:**

The Commission approved the staff recommendations on Issues TC 557 through 560 on consent agenda.

A public hearing was held on Issue TC 561. Based on information received at the public hearing, the Commission rejected both the applicant's request and the staff recommendation. The Commission recommended that current parking restrictions at Second and Main remain unchanged.

**RECOMMENDED ACTION:**

Approve the Traffic Commission recommendations on Issues TC 557 through TC 561.

## CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 557

### (Turn Restrictions for Southbound Driveway Traffic at SW Erickson Avenue and Farmington Road)

June 11, 2004

#### **Background Information**

In December of 2003, the Traffic Commission approved the installation of a traffic signal at the intersection of SW Farmington Road and Erickson Avenue.

The intersection of Farmington Road and Erickson Avenue is a T-intersection with Erickson Avenue making up the south leg. On the north side of the intersection, opposite Erickson Avenue, a driveway provides access to an auto dealership. This driveway is only used by the dealership employees to move vehicle stock. The driveway is not used as a public access to the site.

Since the parcel of land to the north of the intersection may be redeveloped in the future and is not currently used as a public access, it is proposed not to signalize the driveway leg of the intersection. Staff is proposing to allow the driveway to remain open, but is proposing to restrict the exiting traffic to right turn only.

The southbound driveway approach to the intersection will be controlled by a stop sign. The Manual on Uniform Traffic Control Devices (MUTCD) allows the use of a stop sign in conjunction with a traffic signal under the following condition: "If a minor street or driveway is located within or adjacent to the area controlled by the traffic control signal, but does not require separate traffic signal control because an extremely low potential for conflict exists." Since the driveway will be only used by the dealership to rotate stock and not for the general public, this type of traffic control is adequate.

#### **Applicable Criteria:**

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and, where allowed, pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
- 2 (all proposed new traffic control devices shall be based on the standards of the MUTCD)

#### **Conclusions:**

1. Requiring southbound traffic to turn right at the intersection of Farmington Road and Erickson Avenue will provide safe vehicular, bicycle and pedestrian movements in a

predictable manner. The turn restriction will eliminate the left turn conflict from vehicles exiting the driveway. This satisfies Criteria 1a and 1b.

2. A turn restriction at this location is compliant with the MUTCD, satisfying Criteria 2.

**Recommendations:**

Recommend that southbound traffic from the driveway at the intersection of Farmington Road and Erickson Avenue be restricted to right turn only.

TC 557



1" = 100'

Proposed TURN  
RESTRICTION  
Location



Y:\Traffic\Drawings\2004\04-R3 Frickson at Farmington Turn Restrict (TC.557) rwr



City Of Beaverton

Turn Restrictions for Southbound Driveway Traffic  
at SW Erickson Ave & Farmington Rd

**ENGINEERING DEPARTMENT**  
**TRANSPORTATION DIVISION**

Drawn By: JR Date: 5/09/04

Reviewed By: pm Date: 5/10/04

Approved By: \_\_\_\_\_ Date: 3

**CITY TRAFFIC ENGINEER'S REPORT  
ISSUE NO. TC 558**

**(Thursday Morning Parking Restrictions on  
SW Tucker Avenue Near Cady Lane)**

**June 10, 2004**

**Background Information**

Mendenhall Homeowners Association has requested parking restrictions along their frontage on Tucker Avenue on Thursday mornings to facilitate trash collection. The Association represents the owners of condominiums along Cady Lane, a narrow private roadway connecting to Tucker Avenue.

Due to limited space on their site, the residents place their trash containers along the Tucker curb on Thursday mornings. Due to the spacing required for the trash truck mechanism, the containers occupy the entire site frontage. In addition, some residents place their trash containers along the existing "no parking" area on Hall Boulevard on the west side of the site.

From staff observation, the area of Tucker Avenue near Cady Lane has a low parking demand on Thursday mornings.

**Applicable Criteria**

Applicable criteria from Beaverton Code 6.02.060A are:

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

**Conclusions:**

The proposed parking restrictions will directly impact only the residents of Cady Lane who requested the restrictions. On Thursday mornings, there is typically adequate parking elsewhere on Tucker Avenue to accommodate any on-street parking needs. The restrictions will only affect Thursday morning parking. Therefore, Criterion 1d is satisfied.

**Recommendation:**

Prohibit parking on the west side of SW Tucker Avenue from 50 feet north of Cady Lane to 50 feet south of Cady Lane on Thursdays between 6 a.m. and 11 a.m.

## Randy Wooley

---

**From:** Randy Wooley  
**Sent:** Thursday, May 20, 2004 9:59 AM  
**To:** 'FUTBOL4@aol.com'  
**Subject:** RE: Mendenhall Homeowners Association Request

Mr. Zamorano:

We will add this issue to the Traffic Commission agenda for July. We will recommend "no parking" on Tucker by your property on Thursdays between 6 a.m. and 11 a.m.

Randy Wooley

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

**From:** FUTBOL4@aol.com [mailto:FUTBOL4@aol.com]  
**Sent:** Tuesday, May 11, 2004 10:53 AM  
**To:** Randy Wooley  
**Subject:** Mendenhall Homeowners Association Request

Mr. Wooley,

I was wondering if we could request a street sign on Tucker St. near 5th at the entrance of our new townhouse development. We have trash pickup every Thursday, usually between 6-11:00 AM and we leave our trash cans out after 7:00 Wednesday night. I was told the traffic development commission's agenda is full in June, so could we please bring the issue up at the July meeting?

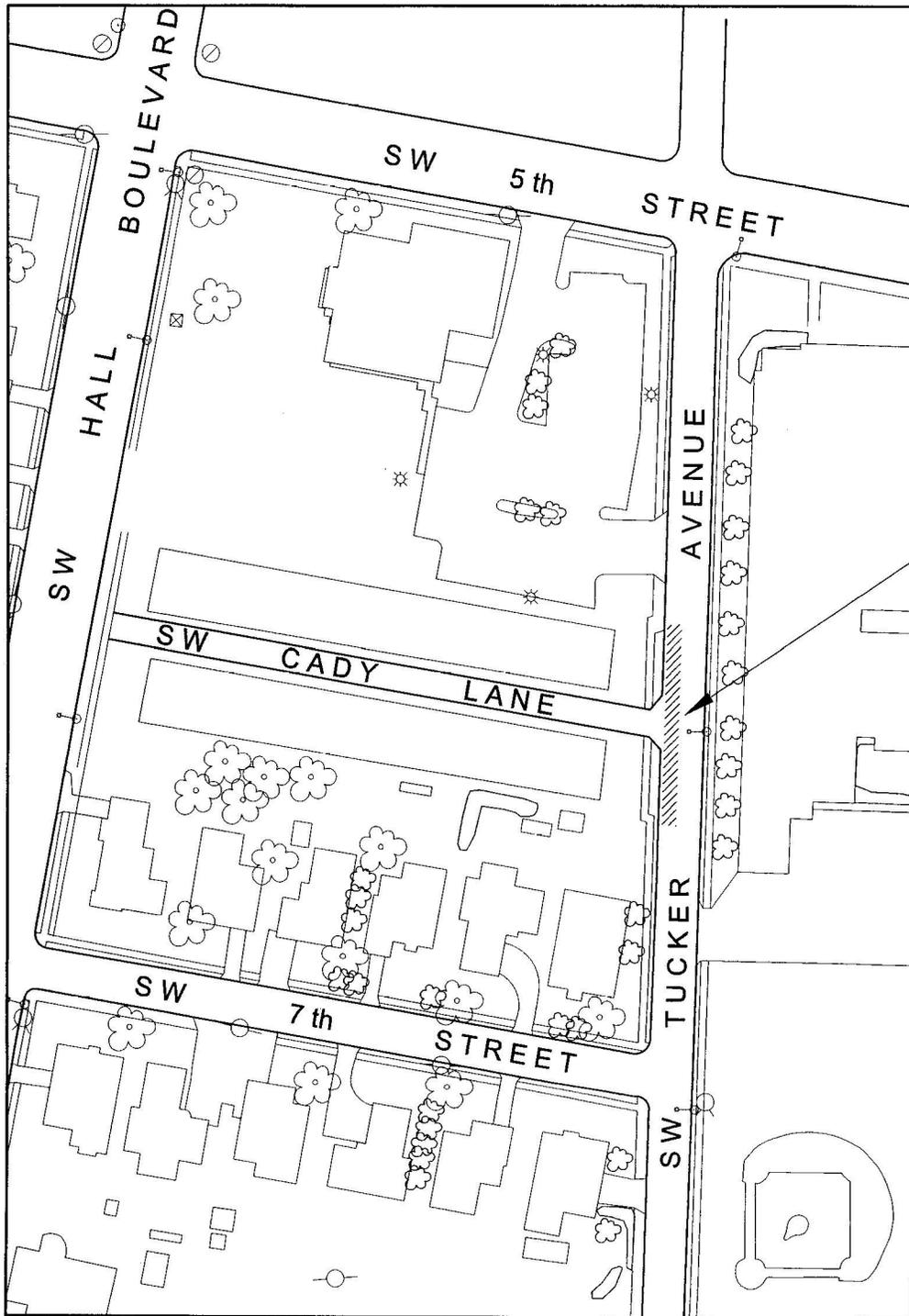
Thanks for your help,

Jorge Zamorano  
President,  
Mendenhall Homeowners Association  
12365 SW Cady Lane  
Beaverton, Oregon 97005  
(503) 524-6723(h), 998-1558(cell)  
[bossanouveau.com](http://bossanouveau.com) [Electronic Press Kit](#)

TC 558



1"=100'



Proposed  
Parking  
Restrictions

Y:\Traffic\Drawings\2004\04-45 Tucker at Cady Parking (TC 558).dwg



City Of Beaverton

Thursday Morning Parking Restrictions on  
SW Tucker Ave near Cady Lane

**ENGINEERING DEPARTMENT**  
**TRANSPORTATION DIVISION**

Drawn By: JR Date: 6/10/04

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: 6

# CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 559

## (Revision to Limits of School Speed Zone on SW Fifth Street Near Franklin Avenue)

June 11, 2004

### Background Information

Requested by Staff. Currently the school speed zone on Fifth Street in front of St. Cecilia's Elementary School is 700 feet long. It extends from approximately 100 feet east of Franklin Avenue to 150 feet west of Tucker Avenue. Within this school zone there is a marked school crossing at the east side of the intersection of Fifth Street and Tucker Avenue. The posted speed limit on Fifth Street at this location is 25 mph except in the school zone the speed is 20 when children are present.

Under Senate Bill 179 which will become effective July 1, 2004, the 20 mph speed limit will be effective at all times within the school speed zone.

The students at St. Cecilia's School are transported by parents and the school crossing is not utilized for regular student access to the school. It appears the established school zone is longer than needed. Staff is concerned that the very long school zone will reduce driver respect for this type of traffic control, especially when the school speed becomes effective at all times.

City staff met with the St. Cecilia's School staff to inquire about the possibility of removing the school speed zone or shortening it to just serve the school crossing on Tucker. The school indicated that at times students use the crossing after school to go to the Beaverton Library. Therefore, they want to keep the school zone but they do not object to shortening the school speed zone.

Staff proposes to revise the easterly limit of the school speed zone on Fifth Street by Franklin Avenue, reducing the length of the school speed zone by 270 feet. This revision will better focus driver attention on the marked crossing at Tucker. Staff believes that the shorter school speed zone will better maintain the respect of drivers and reduce violations.

### Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);

### Conclusions:

Revising the easterly limit of the school speed zone on Fifth Street by Franklin Avenue 270 feet to the west will provide safe and orderly movements of vehicles, bicycles and pedestrians, satisfying Criteria 1a and 1b.

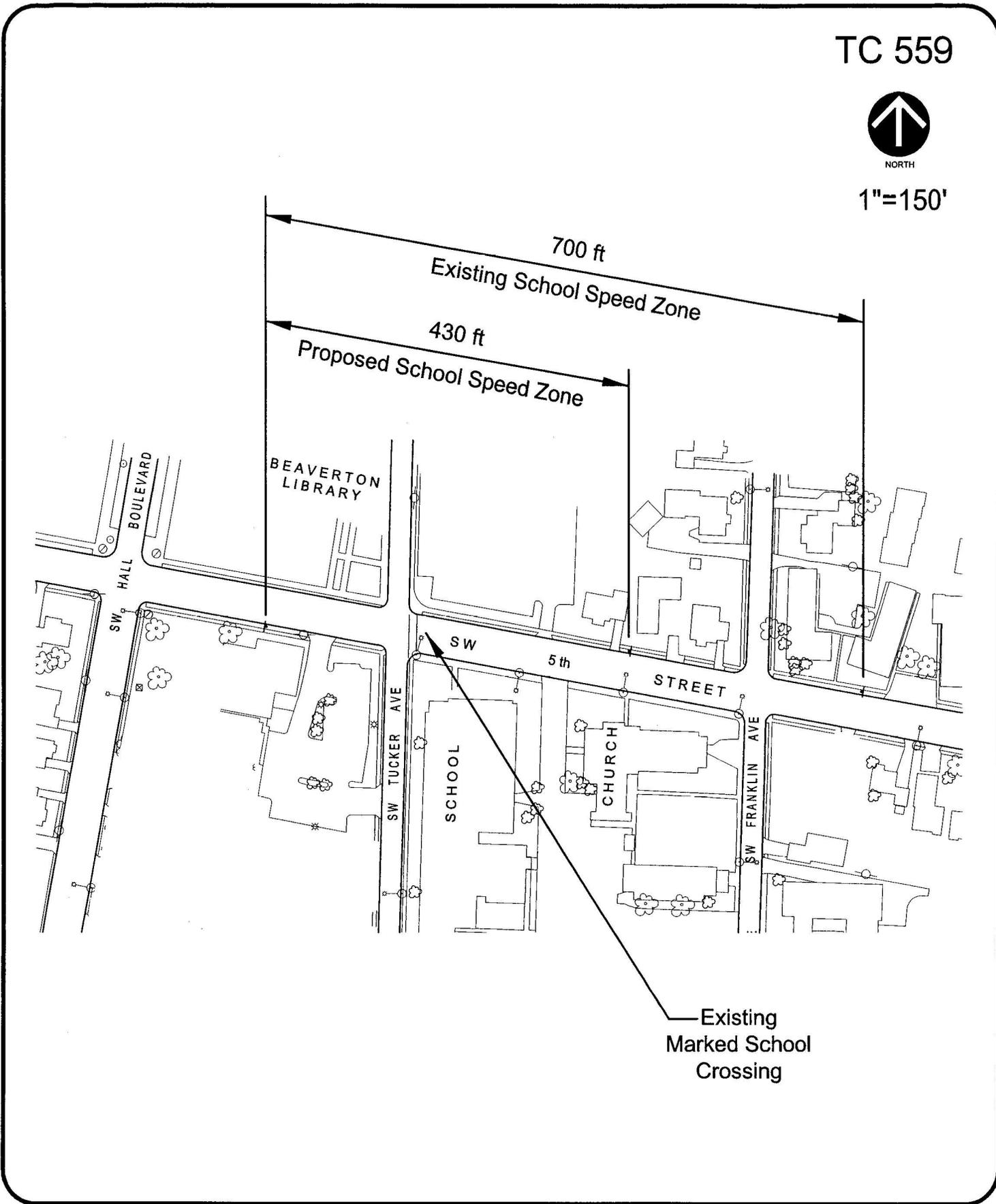
**Recommendation:**

Revise the easterly limit of the school speed zone on Fifth Street by Franklin Avenue by moving the limit 270 feet to the west.

TC 559



1"=150'



Y:\ Traffic \ Drawings \ 2004 \ 04-64 5th at Franklin School Zone (TC 559).dwg



Revision to Limits of School Speed Zone on  
SW 5th Street near Franklin Ave

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**ENGINEERING DEPARTMENT**  
**TRANSPORTATION DIVISION**

Drawn By: JR Date: 6/15/04  
 Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved By: \_\_\_\_\_ Date: 9

# CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 560

## (Removal of Parking Restrictions on SW Satterberg Road)

June 10, 2004

### Background Information

Sexton Mountain Elementary School requested the removal of existing parking restrictions along the south side of Satterberg Road. Satterberg Road is the extension of Sexton Mountain Drive west of 155<sup>th</sup> Avenue, currently used as the access drive to Sexton Mountain School. The school will be using this area as part of their parking lot circulation plan during student pickup and drop off times.

Currently parking is prohibited on the south side of SW Satterberg Road between 6 am and 6 pm Monday through Friday. The parking restriction was implemented in 1996 when 155<sup>th</sup> Avenue was redeveloped in front of the school and a pedestrian signal was installed at the south side of the intersection of 155<sup>th</sup> Avenue and Sexton Mountain Drive. The parking restriction was needed to keep the area clear for students using the signalized crossing and walking to school. The school walking route was along Satterberg Road.

In 1999 an all-way stop control was installed at the intersection of 155<sup>th</sup> Avenue and Sexton Mountain Drive and the pedestrian signal was converted to a red flashing beacon. The school crossing was moved to the north side of the intersection. At that time, the School District constructed a new sidewalk to the school from 155<sup>th</sup> Avenue at a location north of the intersection. Satterberg Road is no longer used as a pedestrian route.

Staff recommends the removal of parking restrictions on the south side of Satterberg Road as requested by the school except for 70 feet west of 155<sup>th</sup> Avenue where parking will be restricted at all times for pedestrian and sign visibility.

### Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion);

### Conclusions:

1. Removing the parking restrictions on the south side of Satterberg Road will accommodate the parking needs in a safe and equitable fashion, satisfying Criterion 1d.
2. Restricting parking on the south side of Satterberg Road for approximately 70 feet west of 155<sup>th</sup> Avenue will provide for safe vehicle and pedestrian movements at the intersection, satisfying Criterion 1a.

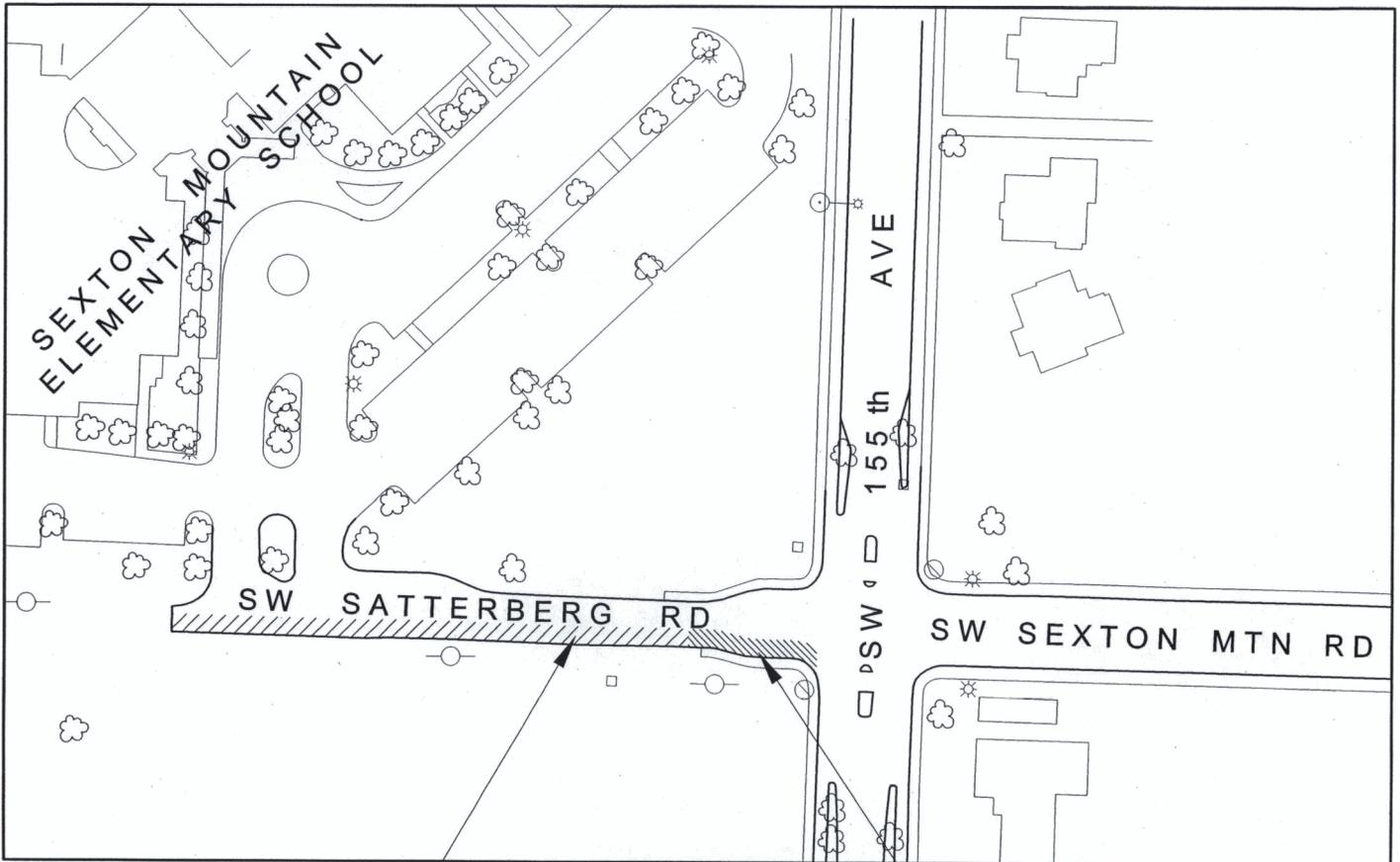
**Recommendation:**

1. Remove existing parking restrictions on the south side of Satterburg Road west of 155<sup>th</sup> Avenue.
2. Prohibit parking on the south side of Satterburg Road for approximately 70 feet west of 155<sup>th</sup> Avenue.

TC 560



1"=100'



Parking Restrictions to be Removed

Proposed Parking Restrictions

Y:\Traffic\Drawings\2004\04-61 Satterberg Parking (TC 560).dwg



City Of Beaverton

Removal of Parking Restrictions on SW Satterberg Road

**ENGINEERING DEPARTMENT  
TRANSPORTATION DIVISION**

Drawn By: JR Date: 6/10/04

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: 12

# CITY TRAFFIC ENGINEER'S REPORT

## ISSUE NO. TC 561

### (Parking Restrictions Near the Intersection of SW Second Street and Main Avenue)

June 10, 2004

#### Background Information

Ms. Lourdes D'Silva has requested two loading zones along the frontage of her shop, Main Street Florist of Beaverton, located at the intersection of SW Second Street and Main Avenue. See attached request. She has requested that the loading zones be long enough to accommodate two to three cars or one truck. To meet this request, each loading zone would need to be 50 to 60 feet in length.

In February 2003, at a hearing on Issue TC 510, the Traffic Commission considered three separate requests for parking changes near Second and Main, including a request for two-hour parking along the north side of Second Street in front of the florist shop. Following a hearing on the requests, the Commission recommended the restrictions which currently exist. Current restrictions are as follows:

- On Main north of Second, there is a two-hour limit Monday through Friday on the west side of the street (adjacent to the florist shop) and no restrictions on the east side of the street.
- On Main south of Second, there is a two-hour limit Monday through Friday on the east side and no restrictions on the west side.
- On Second west of Main, there is a two-hour limit Monday through Saturday on the south side of the street and no restrictions on the north side (adjacent to the florist shop).
- On Second east of Main, there is a two-hour limit Monday through Friday on both sides of the street.

At the time of the 2003 hearing, the request for two-hour parking on Second by the florist shop was rejected by the Traffic Commission due to a shortage of parking for Beaverton High School students and questions about the need for two-hour parking. Portions of Second Street are used by Beaverton High School students for all-day parking. Since the 2003 hearing, the High School has provided additional parking in a new lot on Erickson Avenue.

In discussion with Ms. D'Silva, she has indicated that the loading zone would be used typically by one to three trucks per month. It would be used every day by the florist shop van and by customers. Since submitting the written request, she has indicated that two loading zones are not necessary and that one loading zone on Second Street is preferred.

Beaverton Code Section 6.02.330 provides that "No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone..." and "If no time limits are posted, then the use of the zone shall not exceed 30 minutes."

Staff recommends consideration of a 30-minute parking zone instead of a loading zone to better accommodate both customers and loading.

### **Applicable Criteria**

Applicable criteria from Beaverton Code 6.02.060A are:

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

### **Conclusions**

There is not adequate evidence to justify the requested loading zones. It appears that usage would be limited and the loading zones would be unoccupied during much of the business day. The parking removed by the loading zones would no longer be available for other businesses in the area nor for customer parking. Therefore, Criterion 1d is not satisfied by the request as presented.

A 30-minute parking zone on the north side of Second would provide additional short-term parking for customers of the florist shop and clients of other nearby businesses. A 30-minute zone could be used for loading and unloading. The 30-minute zone would displace all-day parking for up to three vehicles of high school students. However, additional parking has been provided by the school that more than compensates for the potential loss of parking on Second Street. In addition, other streets in the area provide unrestricted parking that could be used by the students. Therefore, a 30-minute parking zone on Second Street would satisfy Criterion 1d.

### **Recommendation**

- Reject the request for loading zones on Second Street and Main Avenue.
- Restrict parking along the north side of SW Second Street for 75 feet west of Main Avenue to a maximum duration of 30 minutes between 7 a.m. and 6 p.m. Monday through Friday.

### **Alternative**

If the Commission determines that a loading zone is appropriate, staff recommends that the loading zone be established on the north side of SW Second Street for a distance of 75 feet from Main Avenue. The existing "no parking" area at the intersection would be excluded from the loading zone, leaving an actual loading zone length of 50 feet.

5/26/04

To: City Traffic Engineer

Dear Sir/Mada:

I am the owner of  
A Main St. Flower of Beaverton  
My name is Louder Disher.  
I would like to request  
you to kindly permit me  
with 2 loading zones in  
front of my shop.

The Shop is located on  
2<sup>nd</sup> Main in Beaverton.  
The loading zone would  
probably require 2/3 cars,  
or 1 Big truck.  
I hope you can expedite.

this matter as soon as possible  
as it is very inconvenient to  
~~do~~ run my flower business.

Thank you and I appreciate  
your help.

Sincerely

Louise D'Silva

503-644-2890

503-807-8314

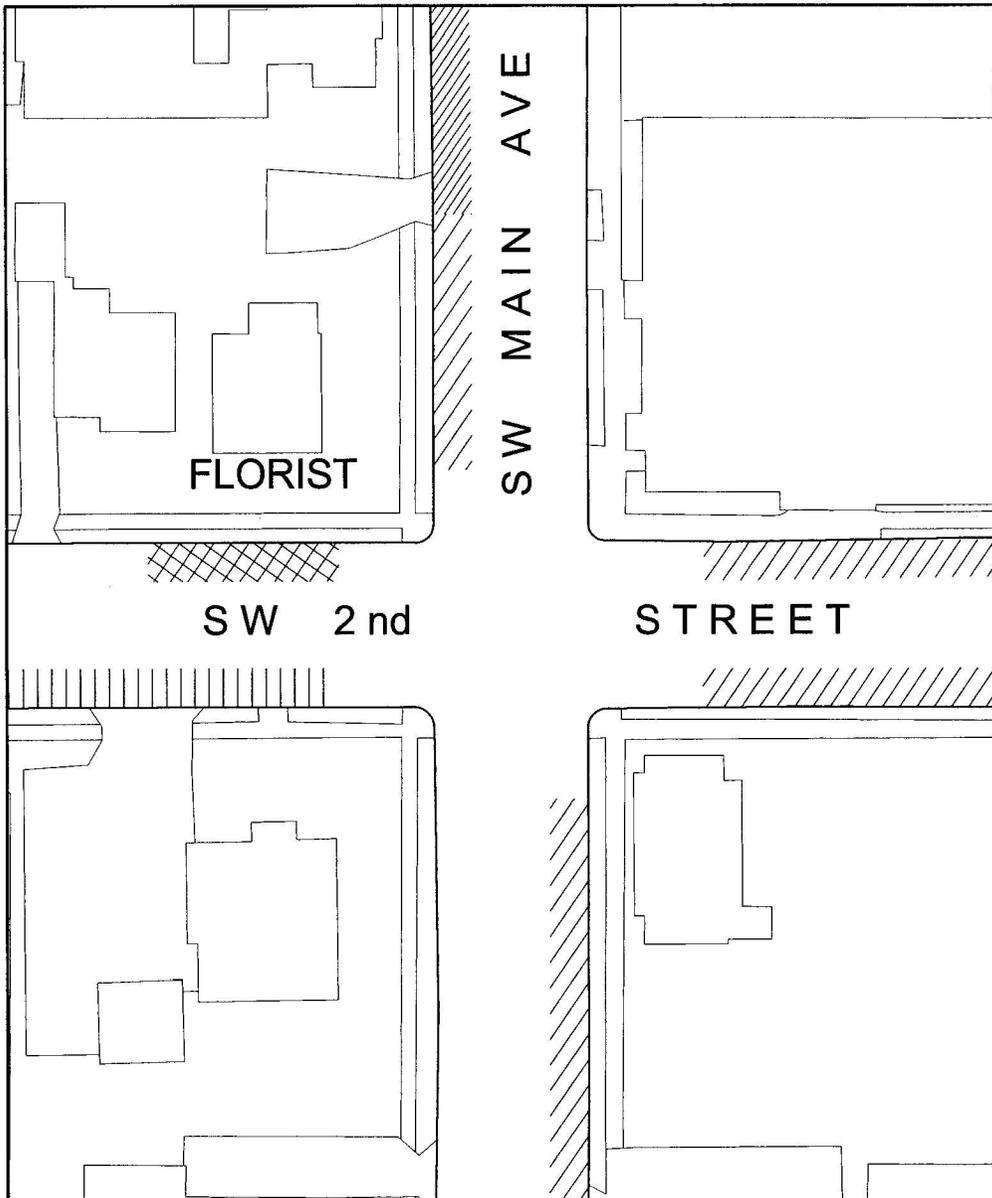
A Main St - 1st St of Beaverton  
12825 SW 2nd Street  
Beaverton 97005 -



TC 561

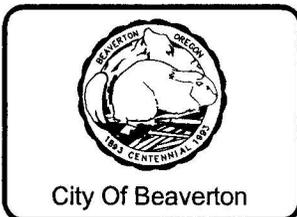


1"=50'



-  *Proposed 30 Minute Parking, 7am-6pm, Monday - Friday Zone. (Staff Recommendation)*
-  *Existing 2 Hour Parking, 7am-6pm, Monday - Friday except by permit.*
-  *Existing 2 Hour Parking, 7am-6pm, Monday - Friday Zone.*
-  *Existing 2 Hour Parking, 7am-6pm, Monday - Saturday Zone.*

Y: \ Traffic \ Drawings \ 2004 \ 04-62 2nd at Main Parking (TC 561).dwg



Parking Restrictions near the intersection of  
SW 2nd Street & Main Ave

**ENGINEERING DEPARTMENT**  
**TRANSPORTATION DIVISION**

Drawn By: JR Date: 6/11/04  
 Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved By: \_\_\_\_\_ Date: 17

## CITY OF BEAVERTON

## FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

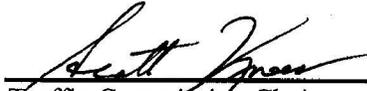
## REGARDING ISSUE NUMBER TC 561

## (Parking Restrictions Near the Intersection of SW Second Street and Main Avenue)

1. A hearing on the issue was held by the Traffic Commission on July 1, 2004.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
  - 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
  - Lourdes D'Silva requested loading zones along the frontage of her shop on the northwest corner of SW Second Street and Main Avenue.
  - The City Traffic Engineer recommended a 30-minute parking zone on SW Second Street along the frontage of the shop as an alternative to a loading zone.
  - Currently, the west side of Main Avenue is a two-hour parking zone. The north side of Second Street has no parking time restrictions.
  - The Traffic Commission previously reviewed parking in the area under Issue TC 510 and denied a request for a two-hour parking zone on the north side of Second Street.
  - The north side of Second Street is used by Beaverton High School students for all-day parking on school days.
  - During the past year, a parking lot has been added on Erickson Avenue to provide additional parking for the high school students.
  - The Beaverton Code provides that a loading zone can be used only when loading. A loading zone would not be available for customer parking.
  - In oral testimony, Ms. D'Silva indicated that she preferred no restrictions over 30-minute or two-hour parking restrictions if she could not have on-street dedicated parking.
4. Following the public hearing, the Traffic Commission voted (5 aye, 2 nay) to recommend the following action:
  - Reject the request for loading zones on Second Street and Main Avenue.
5. The Traffic Commission decision was based on the following findings:
  - There is not adequate evidence to justify the requested loading zones. It appears that usage would be limited and the loading zones would be unoccupied during much of the business day. The parking removed by the loading zones would no longer be available for other businesses in the area nor for customer parking. Therefore, Criterion 1d is not satisfied by the request as presented.
  - Ms. D'Silva indicated that she preferred no restrictions over 30-minute or two-hour parking restrictions if she could not have on-street dedicated parking.

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

SIGNED THIS 02 DAY OF JULY 2004

  
\_\_\_\_\_  
Traffic Commission Chair

# MEMORANDUM

## Beaverton Police Department



Chief David G. Bishop

DATE: June 15, 2004  
TO: Randy Wooley  
FROM: Jim Monger  
SUBJECT: TC 557-561

---

TC 557. I concur with the traffic control changes as proposed for turn restrictions for southbound driveway traffic at SW Erickson Avenue and Farmington Road.

TC 558. I concur with the traffic control changes as proposed for parking restrictions on SW Tucker Avenue near SW Cady Lane.

TC 559. I concur with the traffic control changes as proposed for the revision of the school speed zone on SW Fifth Street near SW Franklin Avenue.

TC 560. I concur with the traffic control changes as proposed for removal of parking restrictions on SW Satterberg Road west of SW 155<sup>th</sup> Avenue.

TC 561. I concur with the traffic control changes as proposed for parking restrictions near the intersection of SW Second Street and SW Main Avenue.



① 2 loading zones  
② 1 customer parking



# DRAFT

City of Beaverton

## TRAFFIC COMMISSION

Minutes of the July 1, 2004, Meeting

### CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:02 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall, Beaverton, Oregon.

### ROLL CALL

Traffic Commissioners Scott Knees, Tom Clodfelter, Ramona Crocker, Holly Isaak, Louise Clark, Kim Overhage, and Carl Teitelbaum were present.

Chairman Knees welcomed newly-appointed Commissioner Carl Teitelbaum.

Staff representing the City of Beaverton included City Traffic Engineer Randy Wooley, Officer Jeff DeBolt, and Pro Tem Recording Secretary Sandra Pearson.

### VISITORS

No member of the public testified with regard to any traffic issues that were not on the agenda.

### STAFF COMMENTS

City Traffic Engineer Randy Wooley introduced members of staff, including Officer DeBolt, substitute for Traffic Sergeant Monger, who is on vacation, and Sandra Pearson, substitute for Recording Secretary Debra Callender, who is preparing to leave on vacation.

### CONSENT ITEMS

Commissioner Clodfelter referred to TC 559, which pertains to the school speed zone on SW 5<sup>th</sup> Street near SW Franklin Avenue, and pointed out that new regulations for school

zones became effective today. Observing that he has two specific issues, he requested clarification with regard to the previous regulation at the time that the existing school speed zone became effective.

Mr. Wooley explained that while the previous school speed zone was effective only when children are present, under the new regulation, the school speed zone is effective at all times.

Commissioner Clodfelter questioned whether there would be any uniformity in the speed zones throughout Beaverton if this speed zone is implemented, and whether others would be considered for revisions.

Mr. Wooley responded that staff has reviewed all of the school speed zones, adding that it would be necessary to change the signing during July and August. He pointed out that at this time staff is only proposing to change the speed zone at St. Cecilia's. Previously, the speed zone on SW Farmington Road near Beaverton High School was eliminated.

Observing that the proposal would shorten the school speed zone on SW 5<sup>th</sup> Avenue, Commissioner Crocker requested clarification with regard to the anticipated speed of a vehicle entering this zone, assuming that it is approved. She requested an explanation of the difference between a school zone and a school speed zone.

Observing that a school zone and a school speed zone are identical under the new regulation, Mr. Wooley explained that the speed zone is located between the speed signs at the ends of a school speed zone.

Observing that she has a question with regard to TC 560, Commissioner Isaak questioned whether this is in response to the school reexamining their traffic patterns as a result of last month's discussion pertaining to SW 158<sup>th</sup> Place.

Mr. Wooley said that this request was received prior to the hearing on 158<sup>th</sup> Place. He pointed out that all of the schools are continuously reexamining their traffic control.

Chairman Knees reviewed the consent agenda, including approval of the June 3, 2004, Traffic Commission minutes and Issues Number TC 557, 558, 559, and 560.

Commissioner Overhage **MOVED** and Commissioner Clark **SECONDED** a **MOTION** to approve the consent items consisting of the June 3, 2004, Traffic Commission minutes, and the staff recommendations for Issues Number TC 557, 558, 559, and 560.

The **MOTION CARRIED** unanimously, 7:0; Commissioners Overhage and Clark abstained from voting with regard to the minutes as they were not present at the June 3, 2004 meeting.

## **PUBLIC HEARING**

### **ISSUE TC 561: PARKING RESTRICTIONS NEAR THE INTERSECTION OF SW SECOND STREET AND MAIN AVENUE**

*Chairman Knees opened the public hearing on TC 561.*

#### **Staff Report**

Mr. Wooley referred to an illustration of the subject site and explained that Ms. D'Silva, the owner of the florist shop, has requested loading zones at that location. He discussed the existing parking restrictions, including two-hour parking zones at specific locations, and pointed out that parking in certain areas is unrestricted. Mr. Wooley further noted that Ms. D'Silva indicated that she does not really require two loading zones and that the students at the nearby high school manage to work around the two hour parking zones. Mr. Wooley expressed his opinion that a 30-minute parking zone would serve to prevent the students from parking there all day while allowing Ms. D'Silva and other stores in the area to provide parking for their customers. He then offered to respond to questions.

Commissioner Clark questioned whether the students utilize the new student parking lot.

Mr. Wooley observed that while some of the students do use the student parking lot, many of the students attempt to obtain the closest parking.

Commissioner Overhage questioned whether the student parking creates an issue only during the school year.

Mr. Wooley responded that the majority of the parking problems exist during the school year.

#### **Public Testimony**

Prior to the hearing, the Commission received written testimony on this issue from Traffic Sergeant Jim Monger. (*Written testimony is on file.*)

Lourdes D'Silva, Beaverton, Oregon, explained that she had requested customer parking and a loading zone when she had first opened the florist shop a year ago, adding that she had submitted a letter to Mr. Wooley, who had suggested 30-minute parking, which would not resolve her issue. She provided pictures of her florist shop, noting that she needs two customer parking places and one loading zone, and pointed out that because she provides her own deliveries, it is not feasible for her to move her own vehicle every 30 minutes. She discussed the operation of her shop, particularly on holidays and vacations, noting that it is vital for her to have access to her delivery vans immediately in front of her shop, plus the two additional parking spaces for her customers. She pointed out that customers for weddings and funerals often take greater than three hours, adding

that clients of the new doctor's practice, which includes two family practitioners, often park in front of the entrance to her shop.

Commissioner Overhage requested clarification with regard to whether the problem exists primarily during the school year or whether it has changed due to the new doctor's office and is now a problem throughout the year.

Ms. D'Silva pointed out that employees have to park in the back of the shop because the students begin parking in front of her shop as early as 7:00 a.m. She noted that although she placed buckets in the street at one point, the police made her move the buckets, noting that the doctors' patients now park there as well. She explained that she does not park her van in the back of the shop because the steps are dangerous.

Commissioner Overhage observed that Ms. D'Silva could provide a ramp as a safe alternative to the dangerous steps.

Ms. D'Silva responded that she prefers to avoid the expense of a ramp.

Emphasizing that he would like Ms. D'Silva to clarify her proposal, Commissioner Teitelbaum questioned whether she is requesting two parking spaces reserved for the use of her shop, rather than a loading zone.

Ms. D'Silva advised Commissioner Teitelbaum that she would prefer a loading zone, rather than two parking spaces.

Commissioner Teitelbaum emphasized that a loading zone would be limited to 30 minutes only, pointing out that she is requesting to reserve three parking spaces, one for her van and two for her customers. He explained that reserved parking and a loading zone are not the same.

Commissioner Clark questioned where the doctor's office is located.

Ms. D'Silva informed Commissioner Clark that the doctor's office is located in a house across the street from her shop, adding that the doctors have many customers and that these vehicles park in their parking lot and on the street.

Commissioner Clodfelter expressed his opinion that it would be convenient for Ms. D'Silva to utilize her driveway and pull up alongside the shop to unload her flowers.

Referring to the illustration, Ms. D'Silva explained that she does not have the funding at this time to make the improvements that would be necessary to utilize her driveway.

Commissioner Clodfelter explained how the driveway could provide parking to load and unload Ms. D'Silva's van.

Ms. D'Silva described the inconvenience of parking her van at locations other than the front of her shop.

Commissioner Clodfelter suggested pulling her van up and unloading into the grassy area.

Ms. D'Silva advised Commissioner Clodfelter that this would be very inconvenient.

Commissioner Crocker expressed her opinion that while Ms. D'Silva is requesting convenience for herself, she is willing to inconvenience others, adding that options are available to adjust or adapt her property to meet her needs.

Ms. D'Silva stated that she is not attempting to be selfish to other businesses, adding that they are also my customers, emphasizing that the 30-minute limit is both difficult for customers and impossible during the school year. She explained that while there are no issues after 3:00 p.m., the current situation is inconvenient and difficult, particularly during the morning hours, adding that she operates 24-hours a day seven days a week.

Commissioner Overhage pointed out that the Commission is attempting to address Ms. D'Silva's needs while meeting the existing criteria, and suggested the possibility of a two-hour parking zone.

Ms. D'Silva advised Commissioner Overhage that a two-hour parking zone would not resolve the issue.

Ms. Overhage suggested that Ms. D'Silva determine whether she would prefer the 30-minute parking proposed by staff, a two-hour parking limit, or no restrictions at all.

Ms. D'Silva responded that she would prefer no restrictions at all.

Ms. Overhage informed Ms. D'Silva that she appreciates that this involves a difficult choice.

Commissioner Teitelbaum questioned the legality of reserving street parking for a single business.

Mr. Wooley responded that the City is unable to provide individual reserved parking.

Commissioner Teitelbaum emphasized that Ms. D'Silva's request for two specific parking spaces for her business is not an option under City Code.

### **Staff Comments**

Mr. Wooley indicated that staff had no further comments pertaining to TC 561.

*Chairman Knees closed the public hearing on TC 561.*

### **Commission Deliberation**

Commissioner Crocker questioned the possibility of allowing Ms. D'Silva to obtain a permit for parking in front of her business.

Mr. Wooley advised Commissioner Crocker that while this has been allowed in other jurisdictions, he is not aware of any situation where this has been done in the City of Beaverton, adding that he would have to discuss the issue with the City Attorney.

Commissioner Crocker questioned whether this type of permit has been issued for residences only.

Mr. Wooley pointed out that there is a permit available to downtown employees, at a cost of \$30 per quarter, noting that this allows these individuals to park in excess of the existing two-hour parking limit.

Commissioner Teitelbaum questioned the possibility of creating a permit to park for longer than the 30 minutes.

Observing that this is a possibility, Mr. Wooley pointed out that the permits simply allow the individual to park for longer than the posted limit, and explained that these permits are registered to an individual, rather than a specific vehicle and can be hung on the rearview mirror. He noted that these permits are available to the residents and employees of the downtown area, rather than to customers or students.

Chairman Knees requested clarification of an item in the staff report, specifically whether a loading zone would automatically default to a 30-minute time limit.

Mr. Wooley advised Chairman Knees that while the Commission could potentially establish other time limits to the loading zone. In the event there is no different time limit posted, a loading zone would be effective for a maximum time of 30 minutes. He emphasized that this zone is for the expeditious loading and unloading of a vehicle, rather than for the storage of this vehicle.

Commissioner Clark noted that she has an issue with utilizing public streets for personal parking, expressing her opinion that a business should provide parking for customers on their own rather than relying on the City. Observing that there is an area in the back of the house that could be utilized for parking purposes, she pointed out that while this may be inconvenient, Ms. D'Silva has demonstrated that her request addresses a parking convenience, rather than a parking need. Reiterating that it is not the responsibility of the City to provide parking for her customers, she explained that while she is not in favor of granting this request, she supports Ms. D'Silva's preference for no time limitations instead of staff's recommendation for a 30-minute time limit.

Commissioner Teitelbaum emphasized that setting aside three parking spots to be dedicated to one business would serve to establish a dangerous precedent, adding that he cannot support this request. Observing that there may be a possibility of granting a permit to park for longer time periods, he pointed out that Ms. D'Silva may not be eligible, as the owner of the building.

Commissioner Overhage stated that she concurs with her fellow Commissioners, adding that the issue had been difficult to juggle, and pointed out that this issue also involves the patients at the physician's office. Emphasizing that everybody should have an opportunity to park, she noted that she would support leaving the parking situation as it is with no changes.

Commissioner Isaak explained that while the Commission has addressed loading zones in the past and established a precedent with *Tuesday Mornings*, this particular situation involved the use as a straight loading zone. She pointed out that while these older homes are attractive, they are not set up to accommodate a business, adding that she is hesitant to utilize a lawn area to create parking spaces.

Commissioner Clodfelter clarified that the staff recommendation serves two purposes, noting that it creates the 30-minute parking zone for customers and creates a loading zone as well. He pointed out that one to three trucks on a monthly basis is not very excessive, adding that SW Main Avenue currently provides two-hour parking for customers.

Commissioner Crocker stated that she concurs with the comments of Commissioner Clodfelter, adding that she supports one 30-minute loading zone, which provides an option to load and unload van for deliveries.

Commissioner Clark pointed out that she had not intended to indicate that a parking lot should be located where there is grass, noting that the area is actually the original driveway consisting of gravel, rather than grass, at this time.

Ms. Isaak mentioned that she has no problem with utilizing an existing parking area, emphasizing that she is opposed to any expansion.

Commissioner Clark questioned whether this two-hour parking zone would create an enforcement issue.

Officer DeBolt explained how enforcement would occur, noting that this would depend upon the Community Service Officers (CSOs) that are responsible for the parking enforcement in the downtown area. He noted that while there have been some issues created by this two-hour parking zone, they have not been significant or frequent.

Chairman Knees pointed out that while the City does make a significant effort to accommodate businesses, all of these businesses are in the position of having to share the limited parking that is available and that the City is not able to provide parking for the use of only one business. Observing that it is necessary to consider what action is in the

best interest of the City, he emphasized that this issue is not a City problem, but a problem with this particular business at this specific location. Noting that it is the responsibility of Ms. D'Silva to explore other options and exhaust all possible resources before requesting assistance from the City, Chairman Knees stated that he is not supportive of this request and that City streets are for public use.

Commissioner Crocker observed that she is surprised at Ms. D'Silva's preference for no restrictions.

Commissioner Clodfelter agreed with Commissioner Crocker, suggesting that Ms. D'Silva would be back to square one when school starts, and that staff's recommendation for a 30-minute restriction would resolve the issue.

Commissioner Teitelbaum expressed his opinion that Ms. D'Silva's preference may differ from what is actually feasible to address her situation.

Commissioner Overhage stated that the Commission should respect Ms. D'Silva's request and knowledge of her own business situation.

Chairman Knees commented that sometimes a change might not be as tolerable as a current situation, adding that while Ms. D'Silva might not fully understand what the results of this change might involve, it might be easier to determine that she is able to tolerate the familiar situation.

Commissioner Overhage **MOVED** and Commissioner Clark **SECONDED** a **MOTION** to deny the staff recommendation TC Issue 561 and deny imposing parking restrictions near SW 2<sup>nd</sup> Street & SW Main Avenue.

Commissioner Crocker stated that she concurs, in spite of the fact that she is puzzled with Ms. D'Silva's request.

Commissioner Teitelbaum questioned the possibility of creating a temporary loading zone to allow Ms. D'Silva to more fully explore that option for a specific period of time.

Chairman Knees observed that a temporary loading zone has never been attempted in the City of Beaverton.

Commissioner Teitelbaum suggested the possibility of postponing this decision in order to allow Ms. D'Silva more time to reconsider her options.

Observing that the greatest impact would occur when school is in session, Chairman Knees pointed out that it is necessary to vote on the motion that is on the table.

The **MOTION** carried 5:2, with Commissioners Clodfelter and Teitelbaum voting nay.

Commissioner Clark explained that Ms. D'Silva has the option of resubmitting her request at any time, and pointed out that the Traffic Commission would be making a recommendation to the City Council.

Mr. Wooley recommended revisions to the final written order, as follows:

4.  
➤ ~~Restrict parking along the north side of SW Second Street for 75 feet west of Main Avenue to a maximum duration of 30 minutes between 7 a.m. and 6 p.m. Monday through Friday.~~
3.  
➤ **In oral testimony, Ms. D'Silva indicated that she preferred no restrictions rather than 30-minute zoning or two-hour zoning.**
5.  
➤ ~~A 30 minute parking zone on the north side of Second would provide additional short term parking for customers of the florist shop and clients of other nearby businesses. A 30 minute zone could be used for loading and unloading. The 30 minute zone would displace all day parking for up to three vehicles of high school students. However, additional parking has been provided by the school that more than compensates for the potential loss of parking on Second Street. In addition, other streets in the area provide unrestricted parking that could be used by the students. Therefore, a 30-minute parking zone on Second Street would satisfy Criterion 1d. **In oral testimony, Ms. D'Silva indicated that she preferred no restrictions rather than 30-minute zoning or two-hour zoning.**~~

Commissioner Teitelbaum suggested that the final written order should clarify that while Ms. D'Silva requested a loading zone, her request actually involved reserved parking for her business, rather than a loading zone.

Mr. Wooley advised Commissioner Teitelbaum that this information could be included in the findings.

Commissioner Overhage **MOVED** and Commissioner Clark **SECONDED** a motion to adopt the final written order as drafted with the following revisions.

4.  
➤ ~~Restrict parking along the north side of SW Second Street for 75 feet west of Main Avenue to a maximum duration of 30 minutes between 7 a.m. and 6 p.m. Monday through Friday.~~

3.
  - In oral testimony, Ms. D'Silva indicated that she preferred no restrictions rather than 30-minute zoning or two-hour zoning if she could not have on-street dedicated parking.
  
5.
  - ~~A 30 minute parking zone on the north side of Second would provide additional short term parking for customers of the florist shop and clients of other nearby businesses. A 30 minute zone could be used for loading and unloading. The 30 minute zone would displace all day parking for up to three vehicles of high school students. However, additional parking has been provided by the school that more than compensates for the potential loss of parking on Second Street. In addition, other streets in the area provide unrestricted parking that could be used by the students. Therefore, a 30-minute parking zone on Second Street would satisfy Criterion 1d.~~ In oral testimony, Ms. D'Silva indicated that she preferred no restrictions rather than 30-minute zoning or two-hour zoning if she could not have on-street dedicated parking.

The MOTION CARRIED, unanimously, 7:0.

— EXCERPT END —

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

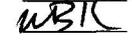
**SUBJECT:** Special Purpose Grant Budget Adjustment Resolution for 2003 Local Law Enforcement Block Grant (LLEBG)

**FOR AGENDA OF:** 07-19-04 **-BILL NO:** 04159

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Police 

**DATE SUBMITTED:** 07-12-04

**CLEARANCES:** Finance   
City Attorney 

**PROCEEDING:** Consent Agenda

- EXHIBITS:**
1. Special Purpose Grant Budget Adjustment Resolution
  2. Agenda Bill 03256

**BUDGET IMPACT**

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

**HISTORICAL PERSPECTIVE:**

On November 17, 2003, Council held a Public Hearing on the proposed use of the 2003 Local Law Enforcement Block Grant funds. Following the Public Hearing, Council approved Agenda Bill 03256, which authorized the acceptance of the grant in the amount of \$28,832, approved the use of \$3,204 in matching forfeiture funds, and directed staff to bring forward an agenda bill authorizing a Special Purpose Grant Budget Adjustment Resolution and authorization to use up to \$17,964 in additional forfeiture funds to make up the difference to purchase a new mugshot system.

**INFORMATION FOR CONSIDERATION:**

On December 18, 2003, the Beaverton Police Department was notified that the U.S. Department of Justice had approved the grant and that the grant funds would be deposited into the City's bank account within five business days. On December 19, 2003, the City received (electronically) the grant funds in the amount of \$28,832. With the receipt of the grant funds, staff expects that approximately \$338 will be earned in interest income. The grant requires that any interest income received be used for the purposes of the grant.

Since the funds have been received, staff recommends that the corresponding appropriations be established through a transfer resolution. Oregon Budget Law [ORS 294.326(3)] permits the acceptance of special purpose grants and their associated appropriations through a resolution. Attached is a Special Purpose Grant Budget Adjustment Resolution that establishes the receipt of the special purpose grant revenue, the matching and additional funds from the forfeiture funds, the anticipated interest income, and provides the appropriations for the mugshot equipment, including hardware (up to \$8,488), and the software system (\$41,850), which is outlined in the accompanying Contract Review Board agenda item that is also on the July 19, 2004, Council agenda.

**RECOMMENDED ACTION:**

Council, authorize the attached Special Purpose Grant Budget Adjustment Resolution for the 2003 Local Law Enforcement Block Grant.

A RESOLUTION APPROVING THE ACCEPTANCE OF A SPECIFIC PURPOSE GRANT AND THE ASSOCIATED APPROPRIATIONS IN THE GENERAL FUND OF THE CITY DURING THE FY 2004-05 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 may authorize the acceptance of special purpose grant funds and the associated appropriations through a special purpose grant budget adjustment resolution; and,

WHEREAS, a Special Purpose Grant entitled "Local Law Enforcement Block Grant" was received in the amount of \$28,832 with a matching requirement of \$3,204 and up to \$17,964 additional funds approved by Council that is available from the forfeiture funds, and an estimated \$338 in interest income, and the Council desires to appropriate the grant award and the matching requirement in the General 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 adjust the General Fund's budget to reflect receipt of the special purpose grant revenue, the matching requirement from the forfeiture funds, the interest income, and the associated appropriation:

General Fund

Revenues:

Grants – Federal	001-03-0000-327	\$28,832
Confiscated (Forfeited) Property	001-03-0000-393	\$21,168
Investment Interest Earnings	001-03-0000-384	<u>\$ 338</u>
		\$50,338

Expenditures:

Police LLEBG Grant Expenses	001-60-0622-463	\$50,338
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Adopted by the Council this \_\_\_\_\_ day of \_\_\_\_\_ 2004

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_ 2004

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

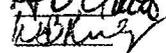
**SUBJECT:** Public Hearing on the Proposed Use of the  
2003 Local Law Enforcement Block Grant  
(LLEBG) Funds

**FOR AGENDA OF:** 11-17-03 **BILL NO:** 03256

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Police 

**DATE SUBMITTED:** 11-06-03

**CLEARANCES:** Finance   
City Attorney 

**PROCEEDING:** Public Hearing

**EXHIBITS:**

**BUDGET IMPACT**

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

On November 3, 2003, the City Council adopted a resolution authorizing the filing of an application for a 2003 Local Law Enforcement Block Grant (LLEBG) through the U.S. Department of Justice. The LLEBG program provides funds to units of local government to underwrite projects that reduce crime and improve public safety. The LLEBG program is a formula program based on the jurisdiction's number of Uniform Crime Reports (UCR) Part I violent crimes reported to the FBI.

The City of Beaverton has been awarded a 2003 Local Law Enforcement Block Grant (LLEBG) through the U.S. Department of Justice in the amount of \$28,832 with a matching fund requirement of \$3,204. The Beaverton Police Department is requesting grant funds to assist in the purchase of an updated mugshot system.

The purpose of the public hearing is to provide an opportunity for public input on the proposed use of funds, and meet grant requirements. Likewise, the Chief's Advisory Board met on November 12, 2003, as a condition of the grant, and approved the proposed use of funds to purchase a new mugshot system.

**INFORMATION FOR CONSIDERATION:**

The Beaverton Police Department proposes the purchase of a new mugshot system to enhance its law enforcement capabilities. An updated mugshot system would enable Beaverton to be compatible with Washington County's system, and allow information sharing between agencies. Currently, the county and other agencies are unable to access mugshots generated in Beaverton.

The Beaverton Police Department recently subscribed to the Western Identification Network service (Winpho) that allows access to the Oregon Department of Motor Vehicle's (DMV) photographs. Without an updated system, Beaverton police may only view DMV's photographs, but cannot share Beaverton's

**Ag nda Bill No:** 03256

mugshot information with DMV and other agencies. Subscribers of the Winpho service are encouraged to share mugshot information; currently this is not possible.

It is essential that agencies have the ability to share information in identifying individuals, and linking criminals to help prevent and solve crime. The proposed new system would have e-mail capabilities, which would allow officers to communicate with other agencies by forwarding information and photographs. Officers would have greater access and the ability to download more information for investigative purposes. Likewise, an updated system would have multiple viewing stations compared with one station with the current system, and the ability to copy multiple photographs on portable disks.

A new mugshot system is expected to cost approximately \$50,000, including system software, hardware, a digital camera, professional services, installation, and training. The total grant, including the required city matching funds is \$32,036. Based on cost estimations, the difference between the cost of the mugshot system and the grant (with matching funds) is \$17,964. The Finance Director has indicated that additional forfeiture funds are available to make up the difference to purchase the mugshot system.

**RECOMMENDED ACTION:**

Hold a public hearing to solicit public input into the proposed use of LLEBG grant funds, and authorize the acceptance of \$28,832, and the use of \$3,204 in matching funds from the forfeiture fund for a new mugshot system.

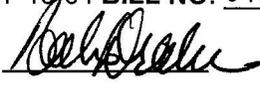
Direct staff to bring forward an agenda bill with a specific grant adjustment resolution authorizing the expenditure appropriations, and authorization to use up to \$17,964 in additional forfeiture funds to make up the difference to purchase a new mugshot system.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Special Purpose Grant Budget Adjustment  
Resolution for FY 2004 State Homeland  
Security Program/Law Enforcement  
Terrorism Prevention Program

**FOR AGENDA OF:** 07-19-04 **BILL NO:** 04160

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Police 

**DATE SUBMITTED:** 07-12-04

**CLEARANCES:** Finance   
City Attorney 

**PROCEEDING:** Consent Agenda

**EXHIBITS:** Special Purpose Grant Budget  
Adjustment Resolution

**BUDGET IMPACT**

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

The Beaverton Police Department submitted a grant application in February 2004 through the Law Enforcement Terrorism Prevention Program (LETPP) as part of the FY 2004 Office of Domestic Preparedness (ODP) Homeland Security Grant Program. The ODP Homeland Security Grant Program is intended to significantly enhance the ability of state and local agencies to prevent, deter, respond to, and recover from threats and incidents of terrorism.

As part of a County-wide strategy, the Police Department requested funding for Personal Protection Equipment (PPE) to increase Weapons of Mass Destruction (WMD) response capability of Clandestine Lab Team members. Additionally, the Department requested funds to phase in private wireless network "hot spots," referred to as "Wi Fi," to increase the level and speed of access patrol officers have to information and resources.

**INFORMATION FOR CONSIDERATION:**

On June 4, 2004, the Beaverton Police Department was notified by the Oregon Department of Police Criminal Justice Services Division that the Office of Domestic Preparedness awarded the City of Beaverton a grant in the amount of \$179,739 of which \$49,739 is for PPE and \$130,000 is for the "Wi-Fi." The ODP elected to fund only 50 percent of the original "Wi-Fi" request, which was \$260,000.

Staff recommends that the corresponding appropriations be established immediately through a transfer resolution, and that the City Council approve expenditure of Personal Protection Equipment (PPE) and installation of a subsystem of "hot spots" to create a backbone in pursuit of a private wireless network system that is compatible with Washington County's. The City of Beaverton and Washington County will be jointly using LETPP grant funds to create "hot spots" throughout the County, which will serve as a foundation for a future "Wi-Fi" system. Oregon Budget Law [ORS 294.326(3)] permits the acceptance of special purpose grants and their associated appropriations through a resolution. Attached is a special purpose grant budget adjustment resolution that establishes the special purpose grant revenue, and provides the appropriations for the purchase of PPE and installation of a subsystem of a private wireless network "Wi-Fi" System.

**RECOMMENDED ACTION:**

Authorize the attached special purpose grant budget adjustment resolution for the FY 2004 Law Enforcement Terrorism Prevention Program.

RESOLUTION NO. 3769

A RESOLUTION APPROVING THE ACCEPTANCE OF A SPECIFIC PURPOSE GRANT AND THE ASSOCIATED APPROPRIATIONS IN THE GENERAL FUND OF THE CITY DURING THE FY 2004-05 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 may authorize the acceptance of special purpose grant funds and the associated appropriations through a special purpose grant budget adjustment resolution; and,

WHEREAS, a special purpose grant entitled "Law Enforcement Terrorism Prevention Program" was received in the amount of \$179,739, and the Council desires to appropriate the grant award in the General 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 adjust the General Fund's budgets to reflect receipt of the special purpose grant revenue, and the associated appropriation:

General Fund

Revenues:

Grants – Federal	001-03-0000-327	\$179,739
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Expenditures:

Police LETPP Grant Expenses		
Department Equip. Expense	001-60-0629-304	\$ 49,739
Computer Equipment	001-60-0629-317	<u>\$130,000</u>
		<u>\$179,739</u>

Adopted by the Council this \_\_\_\_\_ day of \_\_\_\_\_ 2004

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_ 2004

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** A Resolution Authorizing the Mayor to Sign an Interagency Agreement with the Oregon Department of Transportation (ODOT) to Receive Grant Funds to Enforce Traffic Laws Related to the 2003-05 Work Zone Enforcement Project

**FOR AGENDA OF:** 07-19-04 **BILL NO:** 04161

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Police 

**DATE SUBMITTED:** 07-12-04

**CLEARANCES:** Finance   
City Attorney 

**PROCEEDING:** CONSENT AGENDA

**EXHIBITS:** 1. Resolution Authorizing Agreement  
2. Draft Interagency Agreement

**BUDGET IMPACT**

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

The Oregon Department of Transportation is enlisting state and local law enforcement agencies to patrol specified work zones on state highways. The cooperative effort is part of the Work Zone Enforcement Project funded by the Federal Highway Administration. The objectives of the Project are: 1) Increase driver attentiveness; 2) Reduce traffic-related deaths and injuries in roadway work zones by reducing average speeds through these zones; 3) Concentrate on reducing vehicle speeds transition zone prior to the work area, and 4) Provide information to local media sources.

**INFORMATION FOR CONSIDERATION:**

By authorizing the Mayor to sign the attached Interagency Agreement (Exhibit 2), the Beaverton Police Department will make a commitment to provide overtime enforcement of traffic laws of specified work zones on state highways, which will be reimbursed at a maximum total of \$70,000 by ODOT. The Police Department agrees to make a 22 percent in-kind match of regular time highway work zone enforcement for overtime hours billed.

The City Attorney previously reviewed and commented on a draft of the Interagency Agreement. The final draft will be subject to further legal review and approval prior to signature by the Mayor.

**RECOMMENDED ACTION:**

Authorize Mayor to sign Interagency Agreement with ODOT for increased work zone enforcement, such agreement to be in a form approved by City Attorney.

RESOLUTION NO. 3770

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERAGENCY AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) TO RECEIVE GRANT FUNDS TO ENFORCE TRAFFIC LAWS RELATED TO THE 2003-05 WORK ZONE ENFORCEMENT PROJECT**

**WHEREAS**, ODOT wishes to retain the services of the Beaverton Police Department to patrol specified work zones on state highways in an effort to increase driver awareness and reduce traffic related deaths and injuries within highway work zones, by reducing speeds within these work zones; and

**WHEREAS**, pursuant to ORS 190.110, state agencies may enter into agreements with units of local government to perform any or all functions and activities that a party to the agreement, its officers, or agents have authority to perform; and

**WHEREAS**, ODOT has proposed an interagency agreement with the Beaverton Police Department for the 2003-05 Work Zone Enforcement Project (currently identified as Project #030505WKZN-421 005) related to traffic law enforcement to reduce traffic related deaths and injuries within highway work zones; now, therefore,

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

The Mayor is authorized to sign the interagency agreement with ODOT for the Work Zone Enforcement Project. A proposed interagency agreement is attached to this Resolution and will be subject to review and approval by the City Attorney prior to the signature by the Mayor.

Adopted by the Council this \_\_\_\_ day of \_\_\_\_\_ 2004.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_ 2004.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**SUE NELSON, City Recorder**

\_\_\_\_\_  
**ROB DRAKE, Mayor**

RESOLUTION NO. 3770

Agenda Bill No. 04161



**OREGON DEPARTMENT OF TRANSPORTATION**  
**Transportation Safety Division**

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## GRANT PROJECT APPLICATION

*Project No:* 030505WKZN-421 005

*Project Name:* City of Beaverton

Answer each question in the boxes provided. Answer each question completely and according to the instructions in *Italics*. All fields are required. Do not attempt to paste images or Excel tables into the text fields provided.

### I. Project Description

Overtime patrols in specified work zones

### II. Problem Statement

- A. Describe the problem(s) this project will try to impact:  
*(Describe the problem(s) you intend to impact with this grant.)*

Speed and other hazardous traffic violations in work zones.

- B. Provide summary data about the problem(s):  
*(Give summary data regarding the problem as it exists in your jurisdiction.)*

Oregon Traffic Related			
	Deaths	Crashes	Injuries
2000	6	350	221
2001	6	321	199
2002	5	421	290
2003	2	486	327

- C. List current activities and associated agencies already involved in solving the problem(s):  
*(Include all related activities and agencies involved. If you have a current project, list the objectives of that project and progress in achieving them.)*

Enforcement and Work zone safety and coordination by ODOT, OSP, Washington County Sheriff's Office's, PPB and City of Hillsboro PD.

**III. Objectives**

*(Describe quantifiable products or outcomes that address those problems identified in Section I that should result from the proposed activities. Normally at least three very specific objectives should be given and each should include beginning and ending date.*

**The following are examples:**

*"To increase safety belt usage in (funded jurisdiction) from 85% to 90% by September 30, 2004, with the use rate determined by conducting observed use surveys."*

*"To reduce nighttime fatal and injury crashes occurring in (funded jurisdiction) by 20% from 60, the average for the 1998-2001 period, to 48 during the 12-month period starting October 1, 2003, and ending September 30, 2004."*

*"To provide intensive probation supervision to a minimum of 30 additional persons convicted of DUII in (funded jurisdiction) by making at least three face-to-face contacts with each person weekly from October 1, 2003, through September 30, 2004."*

*"To complete an evaluation by July 1, 2004, to determine if using photo radar will lead to a significant reduction in fatal and injury traffic crashes in that location."*

	<b>Start Date</b>	<b>End Date</b>	<b>Objective</b>
1.	7/1/2004	6/30/2005	Reduce Crashes in Work Zones
2.			
3.			
4.			
5.			
6.			

7.			
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**IV. Proposed Activities**

**A. Major Activities**

*(List major activities to be carried out to achieve objectives stated in Section II above. List the start and end date for each activity, and include in your description what will be done, who will do it, and who will be affected.)*

	Start Date	End Date	Activity
1.	7/1/2004	6/30/2005	Provide Enforcement in High Risk Work Zones.
2.			
3.			
4.			
5.			
6.			

Plans for sharing the project activities with others:

ODOT, OSP, Washington County Sheriff's Office's, PPB and City of Hillsboro PD.

**B. Coordination**

*(List the groups and agencies with which you will be cooperating to complete the activities of the project. Explain how you will be working together. Include Letters of Commitment in Exhibit C if you will be relying on other agencies to accomplish the objectives of the project. In those projects not requiring the involvement of other agencies, a statement justifying the ability of the applicant to carry out the project independently should be included.)*

Is coordination with outside agencies or groups required? If **yes**, check here:

**1) If you checked the box above, please fill in the following. Otherwise skip to item 2) below:**

Name/role of groups and agencies involved:

ODOT, OSP, Washington County Sheriff's Office's, PPB and City of Hillsboro PD.  
 ODOT to coordinate work zones needing enforcement, billings etc. and all noted police agencies to coordinate enforcement on work zones being patrolled by multiple agencies.

2) Fill this if you did not check the box above:

Ability to complete the project independently:

C. Continuation

Plans to continue the project activities after funding ceases:

N/A

V. Evaluation Plan

A. Evaluation Questions

*(You will be reporting on your objectives in your Project Evaluation. At a minimum each objective should be rephrased as an evaluation question. For example, what percentage of the public in (funded jurisdiction) wears a safety belt? What percentage increase is this? Add questions that demonstrate expected or potential impact of the project on the state or jurisdiction's traffic safety environment. Avoid yes/no evaluation questions.)*

Evaluation Question	
1.	Was work zone enforcement provided? If so, how many hours, citations, warnings were paid enforcement.
2.	Was work zone enforcement provided as match? If so, how many hours, citations, warnings were match enforcement funded.
3.	
4.	
5.	

6.	
7.	

**B. Data Requirements**

1. Data to be collected: The Data Table presented as Exhibit A will be submitted with required quarterly reports.

2. Data System

Describe how the data will be collected, stored, and tabulated:

Data will be collected by work zone, by day, hour, month, identifying citations and warnings. Paid enforcement and match enforcement will be provided separately.

**C. Evaluation Design**

Describe how the data will be analyzed:

Data will be analyzed to identify contacts made per hour but mainly through reduction in work zone crashes.

**D. Project Evaluation Preparation**

A Project Evaluation Report will be submitted to TSD following the requirements given in the Agreements and Assurances, Section B, Paragraph 6.

**VI. Grant Project Budget Summary**

**A. List of major budget items:**

Patrol Overtime

**B. Budget Allotment**

The agency named in this document hereby applies for \$59,996 in Transportation Safety funds to be matched with \$6,405 in funds from source City of Beaverton Police Department to carry out a traffic safety project described in this document.

**VII. Budget and Cost Sharing**

**(Complete Form 737-1003 Budget and Cost Sharing. You may attach one page to explain specific requests. If you are applying for a multiple-year grant, you must include a separate budget for each year for which you are requesting funding.)**

**VIII. Exhibits**

- A. Exhibit A: Data Table  
*(To be developed at a later date.)*
- B. Exhibit B: Job Descriptions  
*(Provide copy of job descriptions of all positions assigned to the project 500 hours or more paid with grant funds.)*
- C. Exhibit C: Letters of Commitment  
*(Provide copies of letters of commitment from those agencies you will be relying upon to accomplish the objectives of the project.)*
- D. Exhibit D: Conditions of Approval  
*(To be developed at a later date.)*

**IX. Agreements and Assurances**

***(READ, but do not sign until grant is approved by TSD and returned to you for signature. Do not attach to the grant project application.)***

**X. Approval Signatures**

I have read and understand the Agreements and Assurances stipulating the conditions under which the funds for which are being applied will be available and can be utilized. **The agency named in this document is prepared to become a recipient of the funds should the grant funds be awarded.**

A. Agency Information

Agency Name\*: City of Beaverton Police Department  
Street Address: 4755 SW Griffith Drive  
City: Beaverton  
State: OR  
Zip: 97005

C. Project Director

First Name: Andrea Last Name: Moore  
Title: Lieutenant Email: Agatrell-  
moore@ci.beaverton.  
or.us

Phone: 503-526-2513 Fax: 503-526-2484  
Street Address: 4755 SW Griffith Drive  
City: Beaverton  
State: Or  
Zip: 97005

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
D. Authorizing Official of Agency Completing Application

First Name: Rob Last Name: Drake  
Title: Mayor Email: rdrake@ci.beaverton.  
or.us  
Phone: 503-526-2481 Fax: 503-526-2571  
Street Address: 4755 SW Griffith Drive  
City: Beaverton  
State: Or  
Zip: 97005

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*Non-profit agencies must submit proof of exempt status under Code Sec. 501(c)(3)

Mail signed copies to: Oregon Dept. of Transportation  
Transportation Safety Division  
235 Union Street NE  
Salem, OR 97301-1054  
Email completed electronic copy to your TSD Program Manager.

## VIII. AGREEMENTS AND ASSURANCES

The following Agreements and Assurances apply to all grants funded by the Transportation Safety Division (TSD), Oregon Department of Transportation:

### A. General

1. The activity described in this grant is undertaken under the authority of Title 23, United States Code, Sections 154-164 and 402-411, and is subject to the administrative regulations established by OMB Circulars A-21, A-87, A-122, A-128, A-133, 23 CFR Chapter II, 45 CFR Part 74, 48 CFR Part 31, 49 CFR Part 18, Part 19, and the Highway Safety Grant Funding Policy for NHTSA/FHWA Field-Administered Grants.
2. Any federal funds committed shall be subject to the continuation of funds made available to TSD by the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA) by statute or administrative action. Projects are funded for the federal fiscal year, which is October 1 through September 30. Typical grants are for one year but may be continued for up to two additional years. Public information and education projects are continued indefinitely.
3. The grantee shall ensure compliance with 49 CFR Part 18.42 which addresses retention and access requirements for grant-related records. The State, the federal grantor agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any books, documents, papers or other records of the grantee which are pertinent to the grant. These records must be retained for a period of five years starting on the date the grantee submits its final request for reimbursement for this grant.
4. Any obligation of grant funds extends only to those costs incurred by the grantee after "Authorization to Proceed" for the particular part of the program involving costs.
5. Grant funds shall not be used for activities previously carried out with the grantee's own resources (supplanting).
6. Income earned through services conducted through the project should be used to offset the cost of the project and be included in the Budget and Cost Summary.
7. The grantee shall ensure that all grant-related expenditures are included as a part of entity-wide audits conducted in accordance with the Single Audit Act of 1984 (31 USC 7561-7). The grantee shall provide TSD a copy of all Single Audit Reports covering the time period of the grant award as soon as they become available. Federal funds received have the following Catalog of Federal Domestic Assistance (CFDA) numbers: 20.600, State and Community Highway Safety; 20.601, Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grants; 20.602, Occupant Protection Incentive Grants; 20.603, Highway Safety Data Improvements Incentive Grants; 20.604, Safety Incentive Grants for Use of Seat Belts; and, 20.605, Safety Incentive Grants to Prevent Operation of Motor Vehicles by Intoxicated Persons.
8. The grantee shall reimburse TSD within 30 days for any ineligible or unauthorized expenditures as determined by a state or federal review for which grant funds have been claimed and payment received.
9. In accordance with The Anti-Lobbying Act, 18 U.S.C. § 1913, and The Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), 49 U.S.C. § 30105:
  - The grantee and its contractors are prohibited from the use of appropriated federal funds, directly or indirectly, to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence in any manner members of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy or appropriation.
  - Additionally, these prohibitions apply to any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.
  - The grantee and its contractors must submit disclosure documentation when non-federal funds are used to influence the decisions of federal officials on behalf of specific projects. Signing this Agreement constitutes a certification of compliance with these lobbying restrictions.
10. The grantee, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656-017, which requires them to provide workers' compensation coverage for all their subject workers.
11. The grantee shall make purchases of any equipment, materials, or services pursuant to this Agreement under procedures consistent with those outlined in the Oregon Department of Administrative Services Administrative Rules (Oregon Administrative Rules, Chapter 125: and Oregon State Law, ORS Chapter 279).
12. The grantee shall defend, save and hold harmless the State of Oregon, including the Oregon Transportation Commission, the Oregon Transportation Safety Committee, the Department of Transportation, the Transportation Safety Division, and their members, officers, agents, and employees from all claims, suits, or actions of whatever nature arising out of the performance of this Agreement, except for claims arising out of the negligent acts or omissions of the State of Oregon, its employees, or representatives. This provision is subject to the limitations, if applicable, set forth in Article XI, Section 10 of the Oregon Constitution and in the Oregon Tort Claims Act, ORS 30.260 to 30.300.

## B. Project Director's Responsibilities

The Project Director is responsible for fulfilling this Agreement and establishing and maintaining procedures that will ensure the effective administration of the project objectives. The Project Director shall:

1. Establish or use an accounting system that conforms to generally accepted accounting principles, and ensure that source documents are developed which will reliably account for the funds expended.
2. Maintain copies of job descriptions and resumes of persons hired for all project-related positions which are funded at 0.25 FTE or more.
3. Maintain records showing actual hours utilized in project-related activity by all grant-funded personnel and by all other staff personnel or volunteers whose time is used as in-kind match.
4. Complete a Quarterly Highway Safety Project Report, including a Data Table as provided in the Traffic Safety Grant Application Packet. Each report must be signed by the Project Director or the Designated Alternate, and submitted to TSD by the tenth of the month following the close of each calendar quarter for the duration of the grant period. The Designated Alternate is an individual who is given the authority to sign Quarterly Highway Safety Project Reports for the Project Director, in the event he/she is unable to sign due to circumstances beyond his/her control.
5. Submit a Claim for Reimbursement within 35 days of the end of the calendar quarter in which expenses were incurred, using the form provided by TSD as follows:
  - a. Copies of invoices and/or receipts for all specified items must be submitted to TSD upon request with the Claim for Reimbursement;
  - b. claims may be submitted monthly, and must be submitted at least quarterly; and,
  - c. claims must be signed by the Project Director or the Designated Alternate (duplicated signatures will not be accepted).
6. Prepare a Project Directors Final Evaluation Report in accordance with the Evaluation Plan described in the grant document. The report will be no more than ten pages and will include the following elements:
  - a. A summary of the project including problems addressed, objectives, major activities, and accomplishments as they relate to the objectives;
  - b. a summary of the costs of the project including amount paid by TSD, funded agency, other agencies, and private sources. The amount of volunteer time should be identified;
  - c. discussion of implementation process so that other agencies implementing similar projects can learn from your experiences; What went as planned? What didn't work as expected? What important elements made the project successful or not as successful as expected?
  - d. responses to Evaluation Questions. List each question and answer(refer to Data Table); and,
  - e. completed Data Table.

The Project Director's Final Evaluation Report must be submitted within 35 days following the last day of the grant period.

## C. Project Revision

1. Any proposed changes in the project objectives, key project personnel, time period, budget, or mailing address must be requested in writing, and receive approval by TSD. A Grant Adjustment Form will be signed by both TSD and the grantee.
2. Any time extension in the project period must be requested at least six weeks prior to the end of the project period and approved by the federal grantor agency if the end of federal fiscal year is involved.

## D. Non-Discrimination Assurance

1. The grantee and its contractors will comply with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (ADA) of 1990, and as implemented by 49 CFR parts 21 and 27, and with the Executive Order 11246, entitled "Equal Employment Opportunity" as amended by Executive Order 11375 and supplemented by Department of Labor regulations 41 CFR Part 60, and shall ensure that no person shall on the grounds of race, color, creed, sex, national origin or disability be excluded from participation, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity under this project.
2. The grantee and its contractors shall ensure that employment and procurement of goods and services made in connection with the project will be provided without regard to race, color, national origin or handicap.
3. The grantee and its contractors shall take all necessary affirmative steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises and/or business enterprises owned and controlled by women have the maximum opportunity to compete for and to perform contracts.
4. The grantee and its contractors shall ensure that no otherwise qualified handicapped person shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity related to this grant.
5. The grantee shall ensure that any contracts and subcontracts awarded in excess of \$10,000 shall contain a provision requiring compliance with the standards set forth in paragraphs 1 through 4 of this section.

## E. Contracts and Other Service Agreements

1. Any contracts or other service agreements that are entered into by the grantee as part of this project shall be reviewed and approved by TSD to determine whether the work to be accomplished is consistent with the objectives of the project, and whether the

provisions of paragraphs 2 through 4 of this section are considered.

2. All contracts awarded by the grantee shall include the provision that any subcontracts include all provisions stated in this section or the provision that no subcontracts shall be awarded.
3. The grantee shall ensure that each contractor adhere to applicable requirements established for the grant and that each contract include provisions for the following:
  - a. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate;
  - b. mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (PL 94-163);
  - c. access by the grantee, the state, the federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract, for the purpose of making audit, examination, excerpts, and transcriptions. Grantees shall require contractors to maintain all required records for three years after grantees make final payments and all other pending matters are closed;
  - d. notice of grantor agency requirements and regulations pertaining to reporting, requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract, and requirements and regulations pertaining to copyrights and rights in data; and,
  - e. requirements given in Section A. 9-12.
4. Where applicable, contracts shall include the following provisions:
  - a. Termination for cause and for convenience by the grantee including the manner by which it will be effected and the basis for the settlement (Contracts in excess of \$10,000);
  - b. Compliance with Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967 and supplemented in Dept. of Labor regulations (41 CFR Part 60) (Contracts in excess of \$10,000);
  - c. Compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by Dept. of Labor regulations (29 CFR Part 5) (Contracts in excess of \$2,500);
  - d. Bidders, proposers, and applicants must certify that neither they nor their principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any federal agency or department (Contracts in excess of \$25,000).

#### **F. Travel**

1. The grantee shall keep a record of all significant travel. In-state trips outside the grantee's jurisdiction should be summarized on Quarterly Highway Safety Project Reports.
2. All out-of-state travel must be pre-approved by TSD. To receive authorization, the trip must be detailed on the project budget or requested in a grant adjustment. Reports on out-of-state trips shall be summarized on Quarterly Highway Safety Program Report.
3. Reimbursement will only be authorized for travel of persons employed by the grantee in project-related activities unless prior written approval is granted by TSD.

#### **G. Development of Printed or Production Materials**

1. The grantee shall provide TSD with draft copies of all materials developed using grant funds. TSD may suggest revisions and must approve production.
2. All brochures; course, workshop and conference announcements; and other materials that are developed and/or printed using grant funds shall include a statement crediting TSD and federal participation.
3. Materials produced through this project shall be provided to TSD for its use and distribution and may not be sold for profit by either the grantee or any other party.

#### **H. Equipment Purchased with Grant Funds**

1. A Residual Value Agreement shall be completed and submitted to TSD if grant funds are used in whole or in part to acquire any single item equipment costing \$5,000 or more or at TSD discretion. A copy of the original vendor's invoice indicating quantity, description, manufacturer's identification number and cost of each item will be attached to the signed agreement. All equipment should be identified with a property identification number.
2. All material and equipment purchased shall be produced in the United States in accordance with Section 165 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424; 96 Stat. 2097) unless the Secretary of Transportation has determined under Section 165 that it is appropriate to waive this agreement.
3. Material and equipment shall be used in the program or activity for which it was acquired as long as needed, whether or not the project continues to be supported by grant funds. Ownership of equipment acquired with grant funds shall be vested with the grantee. Costs incurred for maintenance, repairs, updating, or support of such equipment shall be borne by the grantee.
3. If any material or equipment ceases to be used in project activities, the grantee agrees to promptly notify TSD. In such event, TSD may direct the grantee to transfer, return, keep, or otherwise dispose of the equipment.

**I. Debarment**

The grantee, in accepting this Agreement, certifies that the agency or its officials are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any state or federal agency or department.

**J. Termination**

1. TSD may terminate this Agreement for convenience in whole or in part whenever:
  - a. The requisite state and/or federal funding becomes unavailable through failure of appropriation or otherwise; or,
  - b. The requisite local funding to continue this project becomes unavailable to grantee; or,
  - c. Both parties agree that continuation of the project would not produce results commensurate with the further expenditure of funds.
2. TSD may, by written notice to grantee, terminate this Agreement for any of the following reasons:
  - a. The grantee takes any action pertaining to this Agreement without the approval of TSD and which under the provisions of this agreement would have required the approval of TSD; or,
  - b. The commencement, prosecution, or timely completion of the project by grantee is, for any reason, rendered improbable, impossible, or illegal; or,
  - c. The grantee is in default under any provision of this Agreement.

**K. Conditions of Project Approval**

Actions taken by the Oregon Transportation Safety Committee, if any, regarding conditions under which this project is approved are given in the Conditions of Approval. The grantee agrees to follow these conditions in implementing the project.

**L. Contract Provisions and Signatures**

It is understood and agreed that the grantee shall comply with all federal, state, and local laws, regulations, or ordinances applicable to this agreement and that this Agreement is contingent upon grantee complying with such requirements.

This Agreement shall be executed by those officials authorized to execute this Agreement on the grantee's behalf. In the event grantee's governing body delegates signature of the Agreement, grantee shall attach to this Agreement a copy of the motion or resolution which authorizes said officials to execute this Agreement, and shall also certify its authenticity.

Project Director

Title

Date

Designated Alternate

Title

Date

Authorizing Government Official

Title

Date

TO BE COMPLETED BY TSD

Project #: 030505 WKZN 421 005

Title: Work Zone Enforcement

OTC approval date: \_\_\_\_\_

Total project cost: \$76,995

TSD grant funds: \$60,000

All matching funds: \$17,000

Match source(s): City of Beaverton Police Department

Authority to approve modifications to this agreement is delegated to the Transportation Safety Division grant manager.

Manager, Transportation Safety Division  
Oregon Department of Transportation

Date: \_\_\_\_\_

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

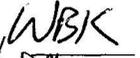
**SUBJECT:** A Resolution Authorizing the Filing of an Application for a Local Law Enforcement Block Grant for the 2004 Fiscal Year.

**FOR AGENDA OF:** 07-19-04 **BILL NO:** 04162

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Police 

**DATE SUBMITTED:** 07-12-04

**CLEARANCES:** City Attorney   
Finance 

**PROCEEDING:** Consent Agenda

**EXHIBITS:** Resolution

**BUDGET IMPACT**

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

Each year, the City applies for a Local Law Enforcement Block Grant from the US Department of Justice. In that process, the City must certify that it has the legal authority to apply for the grant. The Department of Justice currently asks that the legal authority to apply for the grant be established by "a resolution, motion or similar action" duly adopted as an official act of the grant applicant's governing body.

**INFORMATION FOR CONSIDERATION:**

The adoption of the attached Resolution will satisfy the requirement that the City demonstrate that it has the legal authority to apply for a Local Law Enforcement Block Grant.

**RECOMMENDED ACTION:**

Adopt Resolution.

RESOLUTION NO. 3771

A RESOLUTION  
AUTHORIZING THE FILING OF AN APPLICATION  
FOR A LOCAL LAW ENFORCEMENT BLOCK GRANT  
FOR THE 2004 FISCAL YEAR

**Whereas**, the City of Beaverton seeks award from the US Department of Justice of a Local Law Enforcement Block Grant for the 2004 fiscal year; and

**Whereas**, a condition of receipt of such grant is that the City's governing body adopt a resolution authorizing the filing of the application for the grant; and

**Whereas**, a condition of receipt of such grant is that a person be identified as the official representative of the grant applicant, and that the person be authorized to file all grant documentation and take such other action required in connection with the application, including providing such additional information as may be required by the US Department of Justice; now, therefore,

**The City of Beaverton Resolves as Follows:**

**Section 1.** The City is hereby authorized to apply to the US Department of Justice for a Local Law Enforcement Block Grant for the 2004 fiscal year.

**Section 2.** Michelle Harrold is hereby identified as the official representative of the City to file all grant documentation and take such other action as may be required in connection with the grant application, including providing such additional information as may be required by the Department of Justice.

Passed by the Council this \_\_\_ day of \_\_\_\_\_ 2004.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_ 2004.

ATTEST:

APPROVED:

\_\_\_\_\_  
Sue Nelson, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Exemption from Competitive Bids and  
Authorize A Sole Seller/Brand Name  
Purchase of I/TX SI 2000 Mugshot System

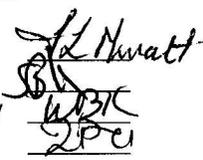
**FOR AGENDA OF:** 07-19-04 **BILL NO:** 04163

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Police 

**DATE SUBMITTED:** 07-12-04

**CLEARANCES:** Purchasing  
Finance  
City Attorney  
ISD



**PROCEEDING:** Consent Agenda  
(Contract Review Board)

**EXHIBITS:** 1. Agenda Bill 03256

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$41,850	BUDGETED \$-0-	REQUIRED \$41,850*

\*The Appropriation Required will be established with Council's approval of a companion Agenda Bill that is also on the Council's Agenda. The companion Agenda Bill requests approval of a Special Purpose Grant Budget Adjustment Resolution for 2003 Local Law Enforcement Block Grant (LLEBG), which will establish the appropriations for the mugshot software system and the associated hardware components.

**HISTORICAL PERSPECTIVE:**

On November 17, 2003, Council held a Public Hearing on the proposed use of the 2003 Local Law Enforcement Block Grant funds (Exhibit 1). Following the public hearing, Council approved the use of 2003 Local Law Enforcement Block Grant (LLEBG) funds for the purchase of a new mugshot system.

**INFORMATION FOR CONSIDERATION:**

The Beaverton Police Department has researched several mugshot software systems. The Department is recommending the purchase of the SI 2000 System from I/TX of Delhi, Iowa. The cost of the system is \$41,850. Washington County, our major partner in jail custody systems, utilizes the same system. Purchasing the same system as the County will eliminate compatibility problems that would likely occur with other software systems, thus providing a savings to the City in staff time and resources.

The City's current mugshot system does not have the capability to share information with other law enforcement agencies, including the Washington County Jail and Sheriff's Office. This sharing of information is an essential function in law enforcement to identify individuals and link criminals to cases to help prevent and solve crimes. The SI 2000 System not only provides sharing capabilities, but also provides access to e-mail (not currently available), which allows officers to efficiently communicate with other agencies by exchanging information and photographs.

In an accompanying agenda bill, the Beaverton Police Department is requesting approval of a special purpose grant budget adjustment resolution accepting LLEBG grant funds and appropriations in the General Fund for the FY 2004-05 budget year. Grant, matching, and forfeiture funds will cover the expense of the SI 2000 Software System and up to \$8,488 in hardware costs.

Under the City's Purchasing Rules, the Contract Review Board may authorize an exemption from the sealed bid process if it finds that one or more of the following conditions are met:

1. The exemption is not likely to encourage favoritism in the awarding of public contracts or substantially diminish competition;
2. The specification of a product by brand name or the product of a particular manufacturer would result in substantial cost savings to the city;
3. There is only one manufacturer or seller of the product of the quality required; or
4. Efficient utilization of existing equipment or supplies requires acquisition of compatible equipment or supplies.

In this case, the Police Department recommends that the Contract Review Board find that sufficient justification under conditions 2 and 4 exists to authorize purchase of a brand name product from a sole source.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, make the finding recommended by staff as above and declare an exemption from competitive bids and authorize the purchase of a mugshot software system from I/TX of Delhi, Iowa, in the amount of \$41,850.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Public Hearing on the Proposed Use of the  
2003 Local Law Enforcement Block Grant  
(LLEBG) Funds

**FOR AGENDA OF:** 11-17-03 **BILL NO:** 03256

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Police *[Signature]*

**DATE SUBMITTED:** 11-06-03

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

**PROCEEDING:** Public Hearing

**EXHIBITS:**

**BUDGET IMPACT**

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

On November 3, 2003, the City Council adopted a resolution authorizing the filing of an application for a 2003 Local Law Enforcement Block Grant (LLEBG) through the U.S. Department of Justice. The LLEBG program provides funds to units of local government to underwrite projects that reduce crime and improve public safety. The LLEBG program is a formula program based on the jurisdiction's number of Uniform Crime Reports (UCR) Part I violent crimes reported to the FBI.

The City of Beaverton has been awarded a 2003 Local Law Enforcement Block Grant (LLEBG) through the U.S. Department of Justice in the amount of \$28,832 with a matching fund requirement of \$3,204. The Beaverton Police Department is requesting grant funds to assist in the purchase of an updated mugshot system.

The purpose of the public hearing is to provide an opportunity for public input on the proposed use of funds, and meet grant requirements. Likewise, the Chief's Advisory Board met on November 12, 2003, as a condition of the grant, and approved the proposed use of funds to purchase a new mugshot system.

**INFORMATION FOR CONSIDERATION:**

The Beaverton Police Department proposes the purchase of a new mugshot system to enhance its law enforcement capabilities. An updated mugshot system would enable Beaverton to be compatible with Washington County's system, and allow information sharing between agencies. Currently, the county and other agencies are unable to access mugshots generated in Beaverton.

The Beaverton Police Department recently subscribed to the Western Identification Network service (Winpho) that allows access to the Oregon Department of Motor Vehicle's (DMV) photographs. Without an updated system, Beaverton police may only view DMV's photographs, but cannot share Beaverton's

**Ag nda Bill No:** 03256

mugshot information with DMV and other agencies. Subscribers of the Winpho service are encouraged to share mugshot information; currently this is not possible.

It is essential that agencies have the ability to share information in identifying individuals, and linking criminals to help prevent and solve crime. The proposed new system would have e-mail capabilities, which would allow officers to communicate with other agencies by forwarding information and photographs. Officers would have greater access and the ability to download more information for investigative purposes. Likewise, an updated system would have multiple viewing stations compared with one station with the current system, and the ability to copy multiple photographs on portable disks.

A new mugshot system is expected to cost approximately \$50,000, including system software, hardware, a digital camera, professional services, installation, and training. The total grant, including the required city matching funds is \$32,036. Based on cost estimations, the difference between the cost of the mugshot system and the grant (with matching funds) is \$17,964. The Finance Director has indicated that additional forfeiture funds are available to make up the difference to purchase the mugshot system.

**RECOMMENDED ACTION:**

Hold a public hearing to solicit public input into the proposed use of LLEBG grant funds, and authorize the acceptance of \$28,832, and the use of \$3,204 in matching funds from the forfeiture fund for a new mugshot system.

Direct staff to bring forward an agenda bill with a specific grant adjustment resolution authorizing the expenditure appropriations, and authorization to use up to \$17,964 in additional forfeiture funds to make up the difference to purchase a new mugshot system.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Appeal Hearing on Traffic Commission Issue TC 556 Regarding Parking Restrictions on SW 158<sup>th</sup> Place South of Rigert Road

**FOR AGENDA OF:** 7-19-04 **BILL NO:** 04164

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Engineering *[Signature]*

**DATE SUBMITTED:** 6-29-04

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

**PROCEEDING:** Public Hearing

- EXHIBITS:**
1. City Traffic Engineer's report of 5-12-2004 on Issue TC 556
  2. Final Written Order of the Traffic Commission on Issue TC 556
  3. Minutes of Traffic Commission meeting of 6-3-2004 (portions related to Issue TC 556)
  4. Written comments received at 6-3-2004 Traffic Commission meeting
  5. Notice of Intent to Appeal
  6. Staff memo of 6-29-2004, comments on the appeal

**BUDGET IMPACT**

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

**HISTORICAL PERSPECTIVE:**

On June 3, 2004, the Traffic Commission held a hearing on Traffic Commission Issue Number TC 556 regarding parking issues on SW 158<sup>th</sup> Place south of Rigert Road. Residents are concerned about traffic that uses 158<sup>th</sup> Place for parking and passenger loading for the nearby Sexton Mountain School.

**INFORMATION FOR CONSIDERATION:**

On June 3, 2004, after hearing testimony on Issue TC 556, the Traffic Commission voted 4-0 to recommend creation of a "no stopping or standing" zone within 60 feet of the school pathway during certain hours on school days, as shown in the final written order (Exhibit 2). On June 9, 2004, an appeal was received from Macie Mackey (Exhibit 5).

The procedures for the Council appeal hearing are set forth in Beaverton Code section 2.11.020-G.2.

**RECOMMENDED ACTION:**

Conduct a public hearing on the appeal. Staff recommendation is included in Exhibit 6.

## CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 556

### (Parking Restrictions on SW 158<sup>th</sup> Place South of Rigert Road)

May 12, 2004

#### Background Information

On April 26, 2004, a petition was submitted by Mr. Patrick Freeman representing residents of SW 158<sup>th</sup> Place (copy attached). The petition requests that the City prohibit non-residents from using the street as a drop-off zone or parking for Sexton Mountain School. Staff informed Mr. Freeman that the City could not legally establish separate parking regulations for residents and non-residents. Staff requested that the residents be more specific as to the parking restrictions desired.

On May 6, 2004, Mr. Freeman submitted a revised request (copy attached) with no signatures. The May 6 letter requests that parking be prohibited on SW 158<sup>th</sup> from 7:45 to 8:30 a.m. and from 2:45 to 3:30 p.m.

As shown on the attached drawing, SW 158<sup>th</sup> Place extends south from Rigert Road to the unimproved right of way of Satterberg Road. The Comprehensive Plan calls for the future connection of Sexton Mountain Drive between 155<sup>th</sup> Avenue and 160<sup>th</sup> Avenue. The future connection would roughly follow the unimproved Satterberg right of way. SW 158<sup>th</sup> Place is expected to connect to the future street.

Currently, SW 158<sup>th</sup> Place dead ends with no turn around area. Drivers must use driveways to turn around. The street has a curb-to-curb width of 32 feet. This width leaves a travel lane of 16-18 feet when cars are parked on both sides. The width is adequate to accommodate an emergency vehicle.

SW 158<sup>th</sup> serves 26 single family homes. Typically, 26 houses would generate approximately 260 vehicle trips per day. The school-related traffic adds approximately 50 trips per day. Any volume less than 1000 trips/day is usually considered a low traffic volume typical of local residential streets.

The original subdivision plat provided a public walkway between 158<sup>th</sup> Place and the site of Sexton Mountain School. Some parents use this location to drop off or pick up students.

City staff first heard about this issue from Mr. Freeman and his wife in September of 2002. Observations by staff in 2002 showed a range of 10 to 25 vehicles using 158<sup>th</sup> in the morning for school drop-off and in the afternoon for school pick-up. The only safety concern observed by staff was near the entrance to the school pathway. In the afternoon, some of the students appeared to come from the pathway and cross 158<sup>th</sup> without adequately checking for traffic. Safety would be improved by prohibiting parking on the east side of 158<sup>th</sup> at the pathway during the afternoon school departure times. The street crossing is generally not a problem in the morning, as most parents use the east side of 158<sup>th</sup> for morning drop-off and students do not cross the street.

In May of 2004, staff again monitored the site during school start and end periods. Vehicle counts and other observations were similar to 2002, with as few as 8 and as many as 17 vehicles observed during school pick-up and drop-off times.

Creating a “no parking” zone would not legally prevent use of the street for school drop-off and pick-up. The Oregon Vehicle Code, under ORS 811.560, provides an exemption from parking restrictions for a vehicle “stopped, standing or parked momentarily to pick up or discharge a passenger.” Only a “no stopping” zone would prevent the use of the street for passenger pick-up or drop-off. It would be extremely unusual to designate an entire residential street as a “no stopping” zone.

Staff concludes that placing of parking restrictions on the entire street is unwarranted and would not achieve the residents’ desire to exclude non-residents. It would still be legal to use the street for passenger pick-up and drop-off.

Staff concludes that it would improve safety to prevent vehicles from stopping or standing on the east side of 158<sup>th</sup> near the school pathway during the period of afternoon school discharge. Therefore, staff proposes a “no stopping” zone be created on the east side of 158<sup>th</sup> for 60 feet each side of the pathway. This would include the frontage of the houses immediately adjacent to the pathway. These residents have previously indicated that they do not need on-street parking in front of their homes on school days.

#### **Applicable Criteria**

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion).

#### **Conclusions:**

- Parking restrictions near the school pathway will improve safety for school pedestrians, especially in the afternoon. Parking restrictions elsewhere on the street will have little impact on safety. Criterion 1a is satisfied by both the staff proposal and the residents’ proposal.
- Accommodating the parking needs of residents does not appear to be an issue. There is ample parking on 158<sup>th</sup>, even during the brief times of routine school activity. Therefore, Criterion 1d appears to be satisfied both with and without any parking restrictions. If the school is included as part of “residents and businesses,” parking restrictions on all of 158<sup>th</sup> Place would probably not be considered equitable to most users.

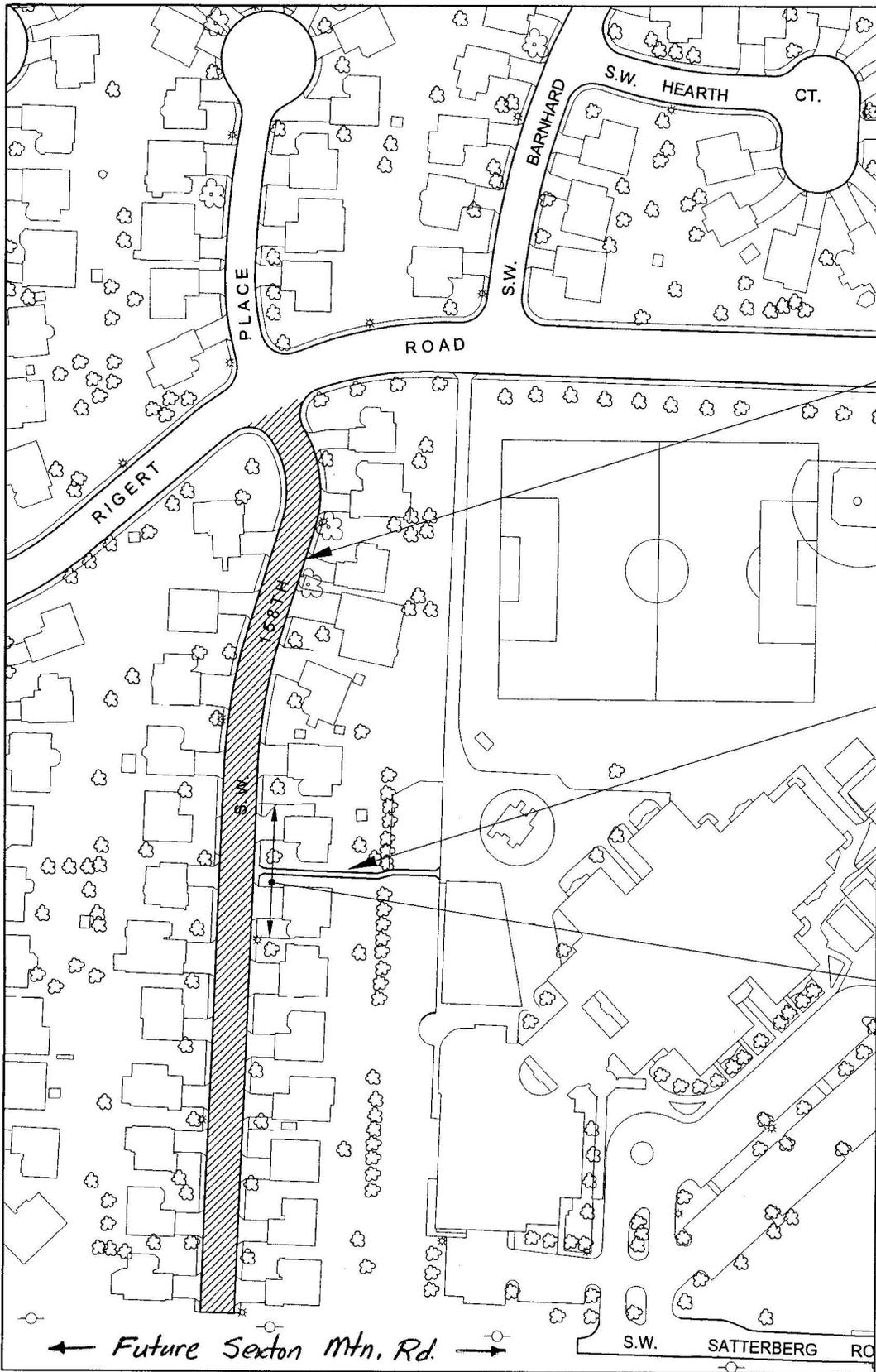
#### **Recommendation:**

Prohibit stopping or standing along the east curb of SW 158<sup>th</sup> Place within 60 feet of Tract E of Wellington Heights No. 3 (the school pathway) between the hours of 2 p.m. and 4 p.m. on school days.

TC 556



1"=150'



Parking Restrictions Requested by Residents

Public Pathway

"NO STOPPING" ZONE Proposed by Staff

← Future Sexton Mtn. Rd. →

Y:\Traffic\Drawings\2004\04-52\158th at Rigert Parking (TC 556).dwg



City Of Beaverton

Proposed Parking Restrictions on SW 158th Place south of Rigert Road

**ENGINEERING DEPARTMENT  
TRANSPORTATION DIVISION**

Drawn By: JR Date: 5/12/04

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: 3

This is a petition regarding the repeated use of 158<sup>th</sup> pl. being used as a drop off and pickup place and parking lot for Sexton Mt. Grade school parents. The intention is to gather enough signatures from the residents to take to the City of Beaverton traffic board to put a stop to this use of 158<sup>th</sup> pl. Listed below are the reasons that the residents of 158<sup>th</sup> pl. insist that this activity of using our street for a drop off and pick up place and parking lot be stopped by the City of Beaverton. ENGINEERING DEPT.

Issue: There is a small path that is owned by the City that runs from 158<sup>th</sup> pl. to the back playground area of the school.

1-Many of the children that live on 158<sup>th</sup> pl. and the surrounding neighborhood uses this path as a safe way to walk to school. With the excessive vehicle traffic by parents, many of the children are put in unnecessary danger of being hit by a car. Children regularly run into the street without looking and the odds that a child will be hurt is that much greater.

2-158<sup>th</sup> pl. is not a through street. It was not designed for this type of traffic and use. Parents regularly use resident's driveways as a way to turn around to leave the street. This activity causes undo wear and tear on resident's private property.

3- Parents will pull into residents driveways, park and let their children in and out of their vehicles with little or no consideration for the homeowner.

4- Parents are always blocking driveways, making it difficult for residents to come and go freely from their homes.

5- Parents constantly are blocking mailboxes and fire hydrants, which is a violation of traffic laws.

6-This type of excessive traffic occurs several times a day (before and after school, sporting events, and school events.) It would be very difficult for emergency vehicles such a fire truck or ambulance to navigate down our street in case of an emergency. This puts the residents and pedestrians at risk of not being able to get emergency help if need be.

7-This type of excessive traffic activity brings down the livability and peace of our street. The residents of 158<sup>th</sup> pl. take pride in our neighborhood, up-keep of our homes, and the safety of our children and pets. Excessive traffic by the parents is jeopardizing that peace and livability.

8-Sexton Mt. Grade School has made several attempts by newsletter to get parents to stop this activity. The parents have ignored all attempts by the School.

Residents of 158<sup>th</sup> pl. are asking that the City of Beaverton prohibit Non residents from using our street as a drop off or parking alternative for Sexton Mt. Grade school.

Signature List

ENGINEERING DEPT.

REQ\*

Name	Street Address	Date	Signature
BRUCE HAGESTEDT	8365 SW 158 <sup>TH</sup> PL BVTN	4-22-04	Bruce Hagstedt
Patrick Freeman	8320 SW 158 <sup>TH</sup> PL	4-22-04	Patrick Freeman
Eva Hamaker	8270 SW 158 <sup>TH</sup> PL	4-22-04	Eva Hamaker
Lugh Young	8255 SW 158 <sup>TH</sup> PL	4/22/04	Lugh Young
STEVE ROUSH	8340 SW 158 <sup>TH</sup> PL	4-22-04	Steve Roush
Holly Lisy	8295 SW 158 <sup>TH</sup> PL	4/22/04	Holly Lisy
JOEL MACKAY	8315 SW 158 <sup>TH</sup> PL	" "	Joel Mackay
Paul Hillman	8396 SW 158 <sup>TH</sup> PL	" "	Paul Hillman
BICK CHUNG	8480 SW 158 <sup>TH</sup> PL	" "	Bick Chung
ART BUSH	8460 SW 158 <sup>TH</sup> PL	" "	Art Bush
Robert Savoie	8485 SW 158 <sup>TH</sup> PL	" "	Robert Savoie
Evadee Wilson	8445 SW 158 <sup>TH</sup> PL	" "	Evadee Wilson
Stacy Cagle	8425 SW 158 <sup>TH</sup> PL	" "	Stacy Cagle
Deb Hohenberger	8380 SW 158 <sup>TH</sup> PL	4-22-04	Deb Hohenberger
M. EMMANZADEH	8335 S.W 158 <sup>TH</sup> PL	4/22/04	M. EMMANZADEH
M. Smith	8275 SW 158 <sup>TH</sup> PL	4/22/04	M. Smith
Judi Gatling	8229 SW 158 <sup>TH</sup> PL	4-22-04	Judi Gatling
RE BANCROFT	8204 SW 158 <sup>TH</sup> PL	4-22-04	RE Bancroft
Wm Folck	8298 SW 158 <sup>TH</sup> PL	4-22-04	Wm Folck
Mike Skrydlak	8250 SW 158 <sup>TH</sup> PL	4-22-04	Mike Skrydlak
Linda Hoskins	8178 SW 158 <sup>TH</sup> PL	4-23-04	Linda Hoskins
Kim Shaw	8383 SW 158 <sup>TH</sup> PL	4-23-04	Kim Shaw
CINDY POWERS	8490 SW 158 <sup>TH</sup> PL	4/23/04	Cindy Powers

May 06, 2004

City of Beaverton.  
Engineering Department.  
Transportation Division

Dear traffic Board,

This is a petition regarding the repeated use of 158th pl. being used as a drop off and pickup place and a parking lot for Sexton MT. Grade School. The intention is to give you our signatures so that you will understand the seriousness and frustration that the residents of 158th PL have for this on going problem that grows worse on a daily basis.

1-Many of the children that live on 158th pl. and the surrounding neighborhood use our street and path as a safe way to walk to school. Because of the excessive vehicle traffic by parents , many of the children are put in unnecessary danger of being struck by a vehicle. Children regularly run into the street without looking and have almost been hit several times by parents that are speeding or not paying attention.

2-158th pl. is not a through street , and was not designed for this type of traffic and use. Parents regularly use residents driveways as a way to turn around and exit the street. Some parents go so far as to pull into residents driveways , park and wait for their children to enter or exit their vehicles.

3-Parents will block residents drive ways constantly , block mailboxes , and firehydrants.

4-This type of excessive traffic occurs several times a day (before and after school , school events , and sporting events.) It would be very difficult for emergency vehicles such as a firetrucks or ambulance to navigate down our street in case of an emergency. This puts residents and pedestrians at risk at not being able to get emergency help if needed.

5-This type of excessive traffic activity brings down the livability and peace of our street. The residents of 158th pl. take pride in our neighborhood , up keep of our homes , and the safety of our children and pets. Excessive traffic by the parents is jeopardizing our peace and livability.

The residents of 158th pl. are requesting from the traffic board to put parking restrictions on our street between 7:45am till 8:30am and 2:45pm till 3:30pm. or any other resolutions that may have been used by other neighborhoods with simular problems such as ours.

Sincerely,  
Residents of SW 158th Pl.  
Beaverton ,Or. 97007.

Beaverton Traffic Commission  
c/o City Traffic Engineer  
City of Beaverton  
P.O. Box 4755  
Beaverton, OR 97076-4755

**RECEIVED**  
MAY 19 2004  
ENGINEERING DEPT.

May 18, 2004

Re: Notice of Traffic Commission Public Hearing  
Issue No. TC 556: Parking Restrictions on SW 158<sup>th</sup> Place South of Rigert Road

To Whom It May Concern:

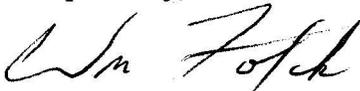
Prior to the meeting on June 3, 2004 I wanted to drop you a line and give you some idea how the residents of 158<sup>th</sup> Place South of Rigert Road feel about the current level of traffic on our street. I've been a homeowner on 158<sup>th</sup> Place for over 12 years and know firsthand how traffic has increased. I've talked with many of my neighbors and know they have concerns about safety, noise, vehicles in our driveways and people stopping or parking illegally.

The root of our concern is the walkway from 158<sup>th</sup> Place to the backside of Sexton Mountain Elementary School. This shortcut was intended for children and adults living on our street and not as a drop off and pick up point for the school or activities involving property owned by the school and Tualatin Valley Parks and Recreation.

My neighbors and I have talked at great length and have come up with 2 viable courses of action. We request the traffic commission to post at least 2 signs (1 at the corner of 158<sup>th</sup> Place and Rigert Road, the other next to the entrance to the walkway). The signs would advise anyone driving into the area that vehicles are not to stop or park on 158<sup>th</sup> Place for any activity concerning the school or adjacent property. We would need the police to issue warnings and tickets as needed. The other option we have discussed is the possibility of closing the walkway to all foot traffic. While this 2<sup>nd</sup> option is not my personal choice, it would certainly put an end to the additional traffic and put this matter to rest. If and when 158<sup>th</sup> Place South of Rigert Road does go through this problem will get worse.

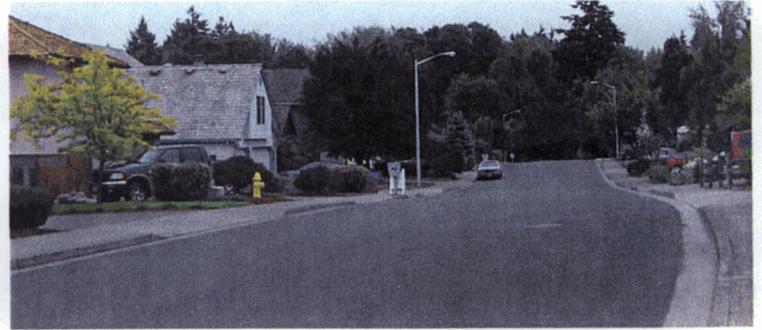
We urge the traffic commission to take immediate and lasting action to preserve the livability of our neighborhood. Please find enclosed, 2 sheets of photographs illustrating some of our concerns.

Respectfully,



William H Folck  
8298 SW 158<sup>th</sup> Place  
Beaverton, OR 97007-5837

RECORD COPY



158th PLACE - BEFORE  
SCHOOL STARTS



PARKED NEXT TO  
FIRE HYDRANT



PARTIALLY BLOCKING  
DRIVEWAY



TRAFFIC ASSOCIATED  
WITH PATH LEADING  
TO SCHOOL



Sign on MAILBOX  
READS "Do NOT BLOCK  
8AM - 4PM". PICTURE  
TAKEN DURING SCHOOL  
HOURS.



## Signature List

Name	Street Address	Date	Signature
BRUCE HAGESTEDT	8365 SW 158 <sup>TH</sup> PL BWN	4-22-04	Bruce Hagstedt
Patrick Freeman	8320 SW 158 <sup>TH</sup> PL	4-22-04	Patrick Freeman
Eva Hamaker	8270 SW 158 <sup>TH</sup> PL	4-22-04	Eva Hamaker
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M. EMANZADEH	8335 S.W. 158 <sup>TH</sup> PL	4/22/04	M. Emanzadeh
Jim Smith	8275 SW 158 <sup>TH</sup> PL	4/22/04	Jim Smith
Judi Gatlif	8229 SW 158 <sup>TH</sup> PL	4-22-04	Judi Gatlif
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CINDY POWERS	8490 SW 158 <sup>TH</sup> PL	4/23/04	Cindy Powers

## RECORD COPY

Randy Wooley

**From:** BRIAN SMITH [b.smith223@verizon.net]  
**Sent:** Thursday, May 20, 2004 12:22 PM  
**To:** Randy Wooley  
**Subject:** Fw: TC556

RECEIVED

MAY 20 2004

ENGINEERING DEPT.

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

**From:** BRIAN SMITH  
**To:** rwooley@c1.beaverton.or.us  
**Sent:** Thursday, May 20, 2004 12:18 PM  
**Subject:** TC556

**To:** Randy Wooley  
City Traffic Engineer

**From:** Brian & Monika Smith  
8275 SW 158th Place  
Beaverton, OR 97007  
503-671-0102

A few weeks ago, I signed a petition that was brought to my door by Patrick Freeman concerning the traffic problem on our street. We were under the impression that Mr. Freeman was working with the city to find a way to control the traffic on our street which gets busy for 30 minutes before and after school at Sexton Mt. Elementary.

Mr. Freeman recently distributed a letter to the neighborhood suggesting that the resolution to our problem be to close the path that runs next to his home to the school. We absolutely **DISAGREE** with this suggestion. Our family and many other neighbors have used this path in the past and will continue to use it. I believe that we were deceived by Mr. Freeman and that his intention all along was to close the path, not control the traffic. He does not have any children and should have considered his purchase of a home with a path that services our neighborhood to the school grounds. I know it was important to us when we purchased our home that we were close to the school and the safety and convenience that having the path brings our family. We can watch our daughter walk all the way to school.

**Please remove our name from the petition!!**

Brian & Monika Smith

## CITY OF BEAVERTON

## FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 556  
(Parking Restrictions on SW 158<sup>th</sup> Place South of Rigert Road)

1. A hearing on the issue was held by the Traffic Commission on June 3, 2004.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
  - 1a (provide for safe vehicle, bicycle and pedestrian movements);
  - 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
  - Residents of SW 158<sup>th</sup> Place submitted a petition asking that the City prohibit non-residents from using the street as a drop-off zone or parking for Sexton Mountain School.
  - An existing public pathway provides access between SW 158<sup>th</sup> Place and Sexton Mountain School.
  - Staff indicated that approximately 10 to 25 vehicles use SW 158<sup>th</sup> in the morning and afternoon for access to the pathway.
  - The residents' petition indicates that the additional traffic is excessive, creates safety concerns and diminishes the livability of the neighborhood.
  - The City Traffic Engineer reported that any restrictions imposed on SW 158<sup>th</sup> must apply equally to both residents and non-residents.
  - The City Traffic Engineer found that the most significant safety concern related to school students exiting from the pathway in the afternoon. The students were observed to cross the street without adequate caution. Sight distance was restricted due to vehicles stopped near the pathway.
  - In testimony, residents suggested a variety of ways to discourage the use of SW 158<sup>th</sup> Place by school-related traffic.
  - The City Traffic Engineer recommended that parking and stopping be prohibited near the pathway between 2 p.m. and 4 p.m. on school days.
4. Following the public hearing, the Traffic Commission voted (4 aye, 0 nay) to recommend the following action:

Prohibit stopping or standing along the east and west curbs of SW 158<sup>th</sup> Place within 60 feet of Tract E of Wellington Heights No. 3 (the school pathway) between the hours of 7 a.m. and 9 a.m. and between the hours of 2 p.m. and 4 p.m. on school days.

5. The Traffic Commission decision was based on the following findings:
  - Parking restrictions near the school pathway will improve safety for school pedestrians. Parking restrictions elsewhere on the street will have little impact on safety. Criterion 1a is satisfied by both the staff proposal and the residents' proposal.
  - Accommodating the parking needs of residents does not appear to be an issue. There is ample parking on 158<sup>th</sup>, even during the brief times of routine school activity. Therefore,

Criterion 1d appears to be satisfied both with and without any parking restrictions near the pathway.

- If the school is included as part of “residents and businesses,” parking restrictions on all of 158<sup>th</sup> Place would not be considered equitable to many users. Therefore, the request for school-time parking restrictions along all of 158<sup>th</sup> Place is rejected.

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

SIGNED THIS 7 DAY OF JUNE 2004

  
\_\_\_\_\_  
Traffic Commission Chair

# DRAFT

City of Beaverton

## TRAFFIC COMMISSION

Minutes of the June 3, 2004, Meeting

### CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:05 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall, Beaverton, Oregon.

### ROLL CALL

Traffic Commissioners Scott Knees, Tom Clodfelter, Ramona Crocker, and Holly Isaak constituted a quorum.

Commissioners Louise Clark and Kim Overhage were absent and excused. Commissioner Andrea Soltman has resigned from the Commission.

The City of Beaverton was represented by Traffic Engineer Randy Wooley, Project Engineer Jabra Khasho, and Recording Secretary Debra Callender.

— EXCERPT START —

### **ISSUE TC 556: PARKING RESTRICTIONS ON SW 158<sup>TH</sup> PLACE SOUTH OF RIGERT ROAD**

*Chairman Knees opened the public hearing on TC 556.*

### **Staff Report**

Mr. Wooley said staff advertised TC 556 as a parking restriction issue. This title is generic enough that discussion could include parking regulation alternatives. Mr. Wooley said the issue was first raised in a letter and petition (attached to the staff report) that asked the City to "...prohibit non residents from using our street as a drop off or parking alternative for Sexton Mtn. Grade School."

Another neighbor's letter raised the idea of completely closing the pathway. Mr. Wooley said that action is beyond the scope of the advertised title of this hearing. If the Commission is interested in this solution, it is necessary to advertise the path closure issue separately and hold a new public hearing.

Mr. Wooley returned to the neighborhood's request that non residents not be allowed to park on 158<sup>th</sup> Place. The City Attorney has confirmed that a public street cannot be reserved for resident use only. Any restrictions would need to apply equally to all drivers. He added that this neighborhood does not qualify under the current Beaverton Code for residential permit parking.

Turning to a map, Mr. Wooley pointed out the pathway linking 158<sup>th</sup> Place and Sexton Mountain School. He said the Commission needs to determine if parking at the path is an issue that justifies City regulation and if it creates a safety problem. He pointed out that the staff recommendation is different from the solutions proposed by the neighborhood.

Chairman Knees observed that the staff recommendation prohibits "stopping or standing." Is there a similar prohibition anywhere else in Beaverton?

Mr. Wooley said there is a no stopping or standing zone on the east side of the Beaverton Library on Tucker Avenue at the crosswalk leading to the parking lot. Patrons had talked with the library director about people blocking the crosswalk while they waited to load or unload passengers, mostly children. Other than that, it is not a common sign in Beaverton. Mr. Wooley said the Library request was not processed through the Traffic Commission because the zone is less than 50 feet long. Staff approved the restriction administratively.

Chairman Knees noted that both the City Library and the school path are focal points for children.

### **Public Testimony**

Prior to the hearing, the Commission received and reviewed written testimony on this issue from Traffic Sergeant Jim Monger, William H. Folck, Brian and Monika Smith, and Macie Mackey. (*Written testimony is on file.*) The Commission also reviewed two letters and a petition signed by 23 residents of 158<sup>th</sup> Place (these documents are included in the staff report).

Patrick Freeman, Beaverton, Oregon, is the requestor for this issue. Mr. Freeman's home abuts the school path on the north side.

Mr. Freeman said until a few years ago, parents picked up their children in front of the school, so there were no parking problems on 158<sup>th</sup> Place. As the school became more and more crowded, some parents discovered that the path on 158<sup>th</sup> was an easier place to load or unload students.

Mr. Freeman has watched students run from the path directly into the roadway without looking. Some parents also speed down the street. At times, the road is so congested with parents waiting in parked cars that he believes it would be difficult for an emergency vehicle to get through.

Mr. Freeman said some parents pull into resident's driveways and park while waiting for their children. Because 158<sup>th</sup> Place is a dead end street, parents also use the neighbor's driveways to turn around. He added that children have vandalized some parts of his fence that abut the path.

Mr. Freeman said the neighbors who live near the fence have talked together about ways to solve this problem. Options they have discussed include, parking restrictions, closing the path, "privatizing" the street, permit parking, and other options. He said conversations with City Traffic Engineer Randy Wooley established that the City of Beaverton owns the path. Mr. Freeman has talked to school officials about these problems. The principal wrote an article for the school newsletter to remind parents to load and unload their children in front of the school. Most parents did not change their behavior.

Mr. Freeman said some older troublemakers use the path to reach the back of the school grounds where they have recently held parties, participated in illegal activities, and started small fires. When neighbors call the police and the police arrive at the front of the school, the culprits use the path as a convenient means of escape.

Mr. Freeman asked the Commission to restrict parking on 158<sup>th</sup> Place near the school path.

Chairman Knees asked Mr. Freeman for his opinion of staff's recommendation to install no standing or stopping signs to resolve this problem.

Mr. Freeman pointed out that the recommendation deals only with the east side of the street. That bothers him because waiting cars will be pushed over to wait on the unrestricted west side of the street. He believes staff's recommendation will not completely solve the problem.

Chairman Knees asked if he thinks the recommendation should be implemented.

Mr. Freeman answered that "at this point, nothing would hurt and probably anything would help."

Joni Roush, Beaverton, Oregon, said her home's property abuts the south side of the student path. Ms. Roush worries that the path invites into the neighborhood persons who pose a "stranger danger" to their children. She pointed out that there is no way to know if the people waiting in cars at the path are really parents—or not. She is also concerned that a child will be hit by a car when they emerge from the path onto the street. Some day, when 158<sup>th</sup> Place is connected to Sexton Mountain Road, she believes even more cars will come into the neighborhood to wait at the path. This will increase the danger.

Ms. Roush indicated the audience and said "all but three people out there are from our neighborhood; we're all into this." She described a recent experience where someone went through two gates to get into her backyard. She has also observed children throwing gum and paper into her yard, and she saw one child break out part of the latticework on the top of her fence. A few weeks ago, a bike was stolen from a neighbor's garage when they left the garage door open. She has seen broken beer bottles left behind in the school yard after clandestine parties. She agreed with Mr. Freeman that the troublemakers escape down the path when police arrive at the front of the school. She once believed she lived in a safe neighborhood because 158<sup>th</sup> Place is a dead end street. She no longer feels safe. Ms. Roush said something must be done soon to protect the children and the livability of the neighborhood.

Ms. Roush asked the Commission who would enforce the recommended no stopping or standing zone if it is installed.

Chairman Knees said usually the City's Traffic Sergeant is on hand at Commission meetings to address this kind of question. The Chairman said that, based on his experience, enforcing this signage is likely to be a fairly low police priority. They might be on hand a few times when the signs are first installed to give friendly reminders about the change.

Based on that information, Ms. Roush said she doubts this solution will solve the problem. She added that the traffic patterns around the school changed when the bus drop-off area was moved from the front of the school to Rigert Road.

Commissioner Isaak asked Mr. Wooley if the police could identify and talk with the individuals who are vandalizing.

Mr. Wooley said he can request that. The School Resource Officer (SRO) might help.

Commissioner Clodfelter said he field checked the designated student loading area in front of the school and found the area to be quite large. He finds it odd that anyone would prefer to use 158<sup>th</sup> Place to pick up their students.

Ms. Roush said parents loading or unloading at the front of the school have to pull in, drive through the parking lot, and pull up to a circular driveway. Older students, called Mountain Guides, direct traffic. Parents then exit through a four-way intersection with a school crossing guard at Sexton Mountain Drive and 155<sup>th</sup> Avenue. Ms. Roush said this intersection becomes congested and parents grow impatient with the wait.

Commissioner Clodfelter asked about the wide area along Rigert Road. It looks like an excellent place to load and unload students.

Ms. Roush said that area is sometimes used. She has noticed that more parents use 158<sup>th</sup> on rainy days.

Commissioner Crocker asked who holds the evening parties on the school grounds since Sexton Mountain is an elementary school.

Ms. Roush said her husband has gone down and talked with the partiers several times. He told her the partiers are teenagers and young adults.

Tracy Freeman, Beaverton, Oregon, said she is often home during the day and she has observed students running out of the path and directly into the street. Several times she has seen children almost collide with a car. Ms. Freeman said some sport utility vehicles are so large nowadays, that the risk of colliding with a child is much greater. Parents who park in the residents' driveways, or back up from a driveway while turning around, cannot easily see students running by on the sidewalk or street.

Ms. Freeman said it would be safer if parents loaded and unloaded students on Rigert and the children then walked down 158<sup>th</sup> Place to enter the school grounds via the path. What she objects to is the congestion in front of her home. She explained that the school buses now enter the grounds along a very narrow roadway that leads from Rigert to the back of the school. Students are not allowed to walk along that roadway because it is too narrow to be shared with school buses.

Ms. Freeman finds the rude attitude of some parents irritating. She has personally talked with parents and pointed out that they would not like it if large groups of people parked on their street. A few listened, but many were outright rude or just ignored her. Ms. Freeman said that if she comes home at 3 p.m. on a school day, there is a chance that the street will be too congested for her to even pull into her own driveway. The whole situation is creating animosity between the neighbors, the waiting parents, and the school.

Commissioner Crocker asked for more details about the school entry off Rigert that students are not allowed to use.

Ms. Roush described it as a paved, one-lane driveway. There are no curbs and no sidewalk to accommodate pedestrians. She reiterated that the neighborhood would like to solve the congestion problem now, while 158<sup>th</sup> Place is still a dead end.

William Folck, Beaverton, Oregon, said he lives two houses north of the school path on the east side of the street. Mr. Folck read much of his testimony directly from a letter he earlier submitted to the Commission (*letter is attached to the staff report*).

Mr. Folck said his home has a three car garage with an extra wide driveway. Unfortunately, that makes it a favorite place for parents to turn around. Some parents are so ill-mannered that they pull in and use his driveway like a public parking lot. Studded snow tires have already damaged his driveway.

Mr. Folck asked the Commission to install two signs advising drivers that they are not allowed to stop or park on 158<sup>th</sup> Place for any activity related to the school or adjacent ball fields. He understands that the Commission might have limited authority and that

legal issues could be involved. He said the second option is to permanently close the path. That option would immediately remove the traffic and parking problems.

Mr. Folck said staff's recommendation addresses only a small part of the east side of the street. That still leaves the west side and the remainder of the street vulnerable to parking and cars turning around in private driveways. One day he was standing in his own driveway and a parent actually told him to move so they could have more room to turn around. He said the street is wide enough that even a large vehicle should be able to turn around without pulling into a driveway. Mr. Folck asked the Commission to clarify the difference between trespassing on private property and using a resident's private driveway to turn around. What are the residents' rights he asked?

Discussion with staff clarified that it is legal to use a private driveway to make a "K turn." The sidewalk and planting strip are part of the public right of way and are open to the public; however, the driveway from the sidewalk to the home is the private property of the owner. This private property can be closed with a gate or barrier if that is the homeowner's choice.

Chairman Knees noted that this roadway is 32 feet wide. That seems to be plenty of room to turn around without using homeowner's driveways. He guessed some drivers must feel safer using a driveway than the street.

Commissioner Isaak discussed turnaround problems on NW 183<sup>rd</sup> and Walker Road.

Mr. Folck said he likes to use the path, as do many other families in the neighborhood. He would prefer that the path not be closed, unless that is the only way to control this congestion. He stressed that the vehicle traffic is the problem, not the path. Mr. Folck said staff's recommended signage is too limited in scope to solve the problem. He said it is not necessary for parents to load and unload their children on 158<sup>th</sup>; other reasonable options are available.

Commissioner Crocker asked him to estimate how many hours each day the street actually has congestion related to the school.

Mr. Folck estimated about 40 minutes, beginning at 2:45 p.m. and ending at 3:20 p.m. A little later in the day, traffic begins for sporting events that are scheduled for the school playing fields. Most of this traffic parks on 158<sup>th</sup> Place, rather than just dropping off children. He said on the weekend, the parked cars are "just incredible" with numerous sporting events being held on the school fields. He added that parents also park on Rigert Road and in front of the school. The Park District has scheduled games at this school for many years.

Joel Mackey, Beaverton, Oregon, said he has lived on 158<sup>th</sup> Place for more than 12 years and he has children who attend Sexton Mountain School. His home is directly across the street from the path entrance. Mr. Mackey is concerned the proposed restriction will force the parking problem to other parts of 158<sup>th</sup> Place.

Mr. Mackey would like to have the path remain open. He detailed several ideas that might alleviate the problem. He suggested a sign at the entry to 158<sup>th</sup> Place that says school drop offs and pick ups are prohibited. He would like the school to more strongly encourage parents to not use this street as a loading and unloading site and to instruct students to stop littering along the path.

As for unlawful after-hours activities on the school grounds, Mr. Mackey said one solution could be to close the path after 8 p.m. He cited examples of public parks where this strategy is used. He has observed that people using the school grounds in the evening also park on Rigert Road. He suggested restricting parking there, too.

Sharon Skrydlak, Beaverton, Oregon, said she has lived on this street 15 years. All three of her children attended Sexton Mountain Elementary and she feels very strongly that the path must stay open. She said many students living in the immediate neighborhood use the path to go to school. This is what it was designed for. The path was never intended to be used as a loading and unloading zone for students from outside the immediate neighborhood.

Ms. Skrydlak said her home has a three-car driveway that these parents regularly use to load and unload their children. She described a routine where parents pull into her driveway, park and wait, load students, and then back out of her driveway. This becomes especially dangerous because students run by on the sidewalk and it would be very easy for a distracted parent to run over a child when backing out of her driveway.

Kim Shaw, Beaverton, Oregon, said she lives on the west side of 158<sup>th</sup> Place, several houses south of the path entry. She has lived there for six years and has two children attending Sexton Mountain Elementary School. She said the Parent Teacher Committee (PTC) has tried to notify parents about the parking and vandalism problems through their weekly newsletter.

Ms. Shaw wants it on record that she is adamantly opposed to closing the school path. She promised to do everything possible to make sure that never happens.

Ms. Shaw does not believe the staff recommendation will solve the traffic problems on 158<sup>th</sup> Place. It will only push the problem onto other parts of the street. She suggested, instead, that the school paint a line down the one-way school bus lane that runs between Rigert Road and the school. This would be used as a designated student walkway. This line would allow student pedestrians to safely share the roadway with safety-trained school bus drivers. She thinks this solution is preferable to trying to change the driving behavior of parents who are often in a hurry. Ms. Shaw said Rigert is wide enough that parents could safely load and unload their children near the bus driveway and then easily pull back into traffic.

Chairman Knees asked if there is a long history of buses using the one-way driveway.

Ms. Shaw did not know. She said even though her children could easily walk down the path to school, she drives them to school each morning. She said the school has a policy of not allowing any children on the school grounds until 8:05 a.m. This conflicts

with her work schedule so she drives her children to the front of the school where there is adult supervision. She uses a convenient turnout on the side of 155<sup>th</sup> Avenue to quickly unload her children. Occasionally, she drives her children right to the school's front door. She said the unloading queue looks worse than it actually is. On another point, she has noticed empty school buses lined up on Rigert in the morning, but she does not know why.

Commissioner Clodfelter asked about the turnout on 155<sup>th</sup> directly in front of the school. How is that area utilized?

Ms. Shaw said, for some reason, few parents use these turnouts to load and unload children. The turnouts provide overflow parking during school events.

Randy Kayfes, School District Safety and Security Director, and Dr. Joseph Hunter, Sexton Mountain School principal addressed the Commission together.

Mr. Kayfes said the School District has no legal authority to tell parents not to use private driveways to park or to turn around. The District has no way to know if the property owner has given a specific parent permission to use their driveway. He agrees with staff that driving beyond the sidewalk into a private driveway is trespassing. The property owner could legally make a trespass arrest if desired. On the other hand, the District can legally direct vehicles using school property, including where they may park, which direction they may drive, and where children are to be loaded and unloaded. Mr. Kayfes said the school's front loading area runs efficiently and traffic moves through quickly.

Mr. Kayfes said he stood with Randy Wooley on 158<sup>th</sup> Place and watched parents behaving exactly as described in testimony tonight. He said he really has not heard any complaints about elementary children misusing the path. Mr. Kayfes encourages students to walk in groups. He firmly believes that pedestrian "compression" is an important safety practice and that the path itself effectively compresses students into groups. If the path closes, students would need to walk to school on Rigert Road.

Addressing another issue from testimony, Mr. Kayfes explained that the buses enter the school grounds along the one-way driveway off Rigert Road. This separates the buses from the front of the school and the area where parents load or unload children. If buses moved to the front of the school, traffic congestion on 155<sup>th</sup> would increase to the point where some parents would look for alternative pick up sites—for example 158<sup>th</sup> Place. Mr. Kayfes said the District's safety goal is to, "Separate our walkers, from our drivers, from our buses." It is not practical or safe to have students walking along the bus driveway from Rigert Road as Ms. Shaw suggested.

Mr. Kayfes said he will ask for assistance from the SRO in carrying out any decision the Commission makes. Tonight's testimony also pointed to a problem with people who park on 158<sup>th</sup> Place during Park District league games. Mr. Kayfes said the Park District's permission to use school ball fields is contingent upon the players and parents being respectful of the school property and of the surrounding neighborhood. The coaches can influence parents' behavior.

Mr. Kayfes said he has consistently found that the best way to keep School District property safe is to “encourage the use of the property by good people.” He is pleased that the school’s neighbors came to the Commission to ask for help restoring safety in their neighborhood, because safe neighborhoods mean safer schools. On the other hand, Mr. Kayfes has found that cutting off school ground access in order to keep out people who engage in illegal activity also cuts off access for people who want to use the grounds for positive activities, including keeping a watchful eye on school property. He believes the best solution is to keep a “community-oriented atmosphere” on school property.

Mr. Kayfes said the Police Department and the School District have signed a trespass agreement that enables police to enter school property and make arrests for illegal activity without first calling the school principal. He doubts that troublemakers will be kept out by closing the path; however, that action is more likely to stop the positive, community-oriented activity. He said the District wants to assist the neighborhood in any way they legally can.

Dr. Hunter began by saying he has been principal at Sexton Mountain School for three years. He said he first spoke with Mr. Freeman several years ago. At that time, the problem was students banging on the fences along the path. After meeting with Mr. Wooley in 2002 about path problems, he started spreading the message that they expect students and parents to behave respectfully in the surrounding neighborhoods. Both he and his assistant have spent time at the path after school to watch for any students behaving in an unsafe manner. They have called parents to remind them that children must walk on the sidewalks, not in the street. Dr. Hunter said this communication is always a temporary solution, at the very most.

In addition to articles in the school newsletter, Dr. Hunter has asked the Parent Teacher Committees (PTC) to talk with their neighbors about using the front of the school for loading and unloading students. Teachers also mention this problem in their classroom newsletters; however, he is well aware that some letters and newsletters never reach parents. He said the SRO has recently investigated small fires built on the playground. He asked that neighbors immediately call police if they see illegal activity anywhere on the school grounds.

Dr. Hunter explained that he became a professional educator because he cares about children and wants them to grow and stay safe. Unfortunately, he has learned that a few parents are very poor examples for their children, to the point of blatant rudeness to him and the teachers. Even while directing loading and unloading at the front of the school, he said some parents are extremely rude when asked to follow the driving and loading rules. Dr. Hunter stressed this rudeness comes from individuals, not the parent community as a whole.

Dr. Hunter said he regularly times the loading process at the front of the school. It only takes an average of eight minutes to get all the children into parent’s waiting cars and off the school grounds. He stressed again that this process is a fast, efficient, and safe operation. He will follow through on any suggestions the Commission might make.

Mr. Kayfes said if parents are restricted from using the path on 158<sup>th</sup> Place as a loading site, the traffic load in front of the school would increase by about 15 vehicles twice a day. This is not enough to significantly increase the school's overall loading time.

Commissioner Clodfelter asked for more information about where buses enter and leave the school grounds.

Dr. Hunter used a drawing to point out the bus route.

Commissioner Clodfelter asked about the long turn-out areas along 155<sup>th</sup> Avenue. This appears to be an excellent place for parents to quickly load or unload students.

Dr. Hunter said some parents do drop students there. He does not encourage this because it is safer for students to be loaded and unloaded as close to the school entry as possible.

Commissioner Clodfelter asked Dr. Hunter if he has received parent feedback regarding the newsletter's suggestion that parents not use 158<sup>th</sup> Place for student loading.

Dr. Hunter said those few parents who already tend to be rude ignored the newsletter request and the personal requests from the PTC. The school communicated the message to parents in several ways, yet some parents simply refuse to follow the suggestion.

Commissioner Crocker asked when the path was built.

Mr. Kayfes said to the best of his knowledge it was part of the original subdivision design. He does not know who originally was the intended path users. As the City of Beaverton owns the path, the School District will abide by whatever the City decides.

Commissioner Crocker asked about the path's original purpose.

Mr. Wooley said the original plat map only says this is a pedestrian walkway. The subdivision developer dedicated the path to the City. Nothing else is known.

Chairman Knees said there is nothing the Commission can do to change the path itself. He suggested that the remainder of the testimony focus instead on the safety of the children in the areas surrounding the school grounds.

Mr. Kayfes said School District policy states that reversing and backing any motor vehicle in the vicinity of children is a very dangerous activity. He said backing a large SUV or van compounds these dangers because many children are shorter than the vehicle's visibility range allows.

When asked to recommend a solution for this issue, Mr. Kayfes said he will first contact the Park District to resolve their part of the problem. He said there is an enormous community demand for youth sports. To participate, youngsters must be delivered to

the playing fields in their parents' personal vehicles. Coaches can instruct parents to use the parking lot in front of the school.

Mr. Kayfes said parking restrictions on 158<sup>th</sup> Place can work, but only with enforcement to back up the signs. The SRO and police would provide the enforcement. It would help with both parking and vandalism enforcement if the school can rely on neighbors to phone police when they observe problems. As for the testimony about troublemakers running away from the school grounds via the path when police arrive at the front of the school, he will personally make sure police know this is happening and respond appropriately. He stressed the School District "definitely wants the criminal mischief at the school to stop." The school and the neighborhood must work as partners to achieve this goal.

Dr. Hunter said that he can increase the school-parent communication by including written information in the school orientation packet each student receives at the start of the year. He will continue to encourage teachers and the PTC to talk about this in their newsletters.

Mr. Kayfes stated that parking on 158<sup>th</sup> Place must be regulated before restrictions can be enforced. He noted that one person who testified by letter stated that parking restrictions devalue neighborhood homes. He said neighbors will have to decide what they want.

Discussion confirmed that at the time of this public hearing there are only eight school days remaining before summer break. The restrictions and enforcement would need to begin in late August, just before school resumes.

Commissioner Isaak suggested that the school assign someone to pass out flyers to parents waiting at the end of the path. She acknowledged that this person could be in for some abuse from those who do not want to comply.

Dr. Hunter said he insists that school staff abide by the same rules of respect for others that they teach the students. His vice principal's experience approaching waiting parents on this issue has been that some parents will intentionally ignore her or give her a cold stare.

Mr. Kayfes said parents know school staff has no legal authority to stop them from parking in homeowner's private driveways. That puts the School District in a tight spot. Perhaps homeowners could sign standing trespass orders with the police so police could ticket parents for trespassing on private driveways. Many apartment complexes have made similar arrangements. He said it is terribly inconvenient for neighbors to have to lock a chain across their driveway every time they leave home.

Dr. Hunter is sorry homeowners have encountered rude parents. He said the school tries hard to set a positive example of respect for all, but they have yet to find a way to change a few parents' bad manners.

Eva Hamaker, Beaverton, Oregon, thinks the traffic problems started three years ago when the School District adjusted school attendance boundaries. Ms. Hamaker believes that most children loaded and unloaded on 158<sup>th</sup> Place live in the Satterberg Heights area. The Satterberg households were assigned to Sexton Mountain School, but they were not provided with school bus service to transport their children. The District could eliminate much of the parking congestion on her street by providing bus service for these children.

As for the Park District sporting events on the school grounds, Ms. Hamaker said many of the children on 158<sup>th</sup> Place participate in these games, too. She has always found the sport parents to be respectful of the neighborhood.

Tracey Freeman, Beaverton, Oregon, returned to the testimony table to say she does not think the path is supervised as well as school staff claim it is. Ms. Freeman said some of the trash thrown over the fence and into her yard consists of elementary school assignments, so she knows elementary school students are the culprits. The school could insist that students are only allowed to be loaded and unloaded from parents' cars in front of the school. She supports parking restrictions on 158<sup>th</sup> Place.

Kim Shaw, Beaverton, Oregon, returned to the testimony table to say she agrees with Ms. Hamaker that Park District parents are not a problem. She said most of these vehicles park on Rigert Road because it is more convenient to the playing fields.

Ms. Shaw thinks Dr. Hunter should review his policy about discouraging parents from using the turnout areas along 155<sup>th</sup> Avenue. She said the crossing guard already directs students to walk along this part of the sidewalk after they cross 155<sup>th</sup>. This is a good place to load students, especially for parents who cannot wait eight minutes to go through the drop-off maze in front of the school.

Ms. Shaw continues to believe the one-direction bus driveway leading from Rigert to the school would be a good place for student pedestrians if the school set up a barricade to separate the walkers from the buses. She also suggested that the school install a crossing guard at the end of the path on 158<sup>th</sup> Place to increase safety.

Patrick Freeman returned to the testimony table to thank the Commission for hearing this issue. He then thanked his neighbors for attending and giving testimony. He said School District testimony showed the school to be more proactive on this issue than many had expected.

Mr. Freeman said the discussion about the path might have sidetracked the more important traffic issues. He stated that the signatures on the petition were gathered to promote traffic safety, not to promote closing the path. Closing the path was merely a suggestion raised by several neighbors who thought that would quickly resolve the traffic issues. He said he uses the path as much as anyone in the neighborhood. He hopes a solution will be devised by next fall when school reopens.

**Staff Comments**

Mr. Wooley reviewed several points discussed in testimony. He said one person had proposed that the street entry be posted with signs prohibiting all loading or unloading of students. When Mr. Wooley earlier discussed this with the City Attorney, it was established that as a public right of way, the street is open to anyone who wants to use it. Signs the City installs apply equally to everyone in the community.

Mr. Wooley repeated that merely using no parking signs would not prohibit parents from pulling to the curb and loading or unloading children. That is why he suggested signage that prohibits stopping and standing. He said this is actually a fairly common sign in congested urban areas.

Mr. Wooley said that this week he spoke with a citizen who lives in a neighborhood near Southridge High School. Neighbors there have problems with both students and parents turning around in their driveways. A few homeowners have posted signs at the end of their driveways stating: "This Is Not a Turn Around." They reported the signs have mixed results, with the students being most likely to comply with the request.

Chairman Knees asked if both sides of Rigert near the school are still available for parking.

Mr. Wooley confirmed that they are. There are restrictions near the bus driveway and nearby intersections to preserve sight distance.

*Chairman Knees closed the public hearing on TC 556. The meeting recessed at 9:38 p.m. and reconvened at 9:52 p.m.*

**Commission Deliberation**

Commissioner Crocker said the Traffic Commission's only authority is over the traffic situation. The traffic situation has been created by the fact that there is a pedestrian path between the school and 158<sup>th</sup> Place. Closing the path would eliminate the traffic problem. Clearly, based on testimony, this is not what most neighbors want, nor is it what the school wants.

Chairman Knees likened the path to a "runway" that funnels the students to an exit point where all they want to see is their parent's car. Restricting parking would result in students first pausing to look for their car when they reach the path's exit point. Then if some students have to cross the street to reach their car, at least they are not emerging from between parked cars. Forcing the students to walk an additional 60 to 100 feet would increase safety.

Chairman Knees said there is little the Commission can do to guarantee a solution. Restricting parking with either no stopping or standing signs, or creating a no parking zone, will get the parent's attention. He said a comprehensive solution will have to involve the School District, the Park District, and the Beaverton Police.

Commissioner Isaak said closing the path would limit connectivity. She suggested increasing the length of the no stopping zone and including the west side of the street as well. Parents who could no longer park on the east side of the street would also be restricted from parking on the west side of the street. She said it is important to stop students from “darting across the street” when they see their parent’s car. Restricting parking on both sides will make it more likely drivers will clearly see students. She has no suggestions on how to stop cars from turning around in private driveways.

Commissioner Clodfelter said it is completely unnecessary for parents to drive into this neighborhood to load or unload students at the path. He reasons that the school has provided an adequate, supervised, and efficient area for this on the school grounds. He is disappointed that ill-mannered parents pull onto private property to turn around.

Commissioner Clodfelter wants the school to continue their proactive campaign to discourage parents from dropping students on 158<sup>th</sup> Place. He concurs with Commissioner Isaak that it would be safest to restrict parking on both sides of 158<sup>th</sup> Place near the path in order to create a protected “buffer zone.” The Commissioner thinks the zone should extend 60 feet from the path and include both sides of the street in both directions.

Commissioner Clodfelter asked the School District to rethink their reluctance to let parents load or unload students along the turnouts on 155<sup>th</sup> Avenue.

Chairman Knees called for a motion.

Commissioner Isaak **MOVED** to prohibit stopping or standing along the east and west curbs of SW 158<sup>th</sup> Place within 60 feet of Tract E of Wellington Heights Number 3 (the school path) between the hours of 2 to 4 p.m. on school days.

Commissioner Isaak commented that her motion follows the staff recommendation, but includes both the east and west side of the street.

Commissioner Clodfelter suggested adding morning hours to the motion.

Commissioner Isaak said the staff recommendation only includes afternoon hours. She asked that the motion be seconded before adding amendments.

Commissioner Clodfelter **SECONDED** the **MOTION**.

Chairman Knees asked for discussion.

Commissioner Isaak asked to **AMEND** the **MOTION** to include the hours of 7 to 9 a.m. on school days.

Commissioner Clodfelter **ACCEPTED** the **AMENDMENT**.

Commissioner Clodfelter asked staff if the curb will be striped as well as signed.

Mr. Wooley answered that curb striping would not work in this case because the restrictions cover only certain hours of the day. The rest of the day parking or stopping at this location remains legal. Signing is the best method to explain the restriction's specific hours.

Commissioner Isaak said her goal is to just see if this solution helps.

Commissioner Crocker asked if police will monitor compliance and cite those who do not comply.

Mr. Wooley said we need to assume police cannot spend much time monitoring this site. He assumes police will work with the SRO on enforcement, especially at the beginning of the new school year.

Commissioner Crocker said without enforcement, the "scofflaw" parents will ignore the restrictions.

Chairman Knees said the school year will soon be over. It will be necessary to remind drivers of the traffic change in September. The Chairman asked staff to please remind Sgt. Monger in September, if the Commission decides to make this change.

Mr. Wooley said he would follow through.

Commissioner Isaak asked staff to monitor the success of this restriction and report back to the Commission next November.

Mr. Wooley said he would follow through.

As there was no further discussion, Chairman Knees called for a vote on the motion and amendment.

The **MOTION CARRIED** unanimously, 4:0.

Discussion showed that the wording of the draft final written order would need changes to include the motion's modifications.

Mr. Wooley said Item 4 should include the words "east and west" curbs and also add "between the hours of 7 a.m. and 9 a.m." He directed attention to the bulleted items in Number 5, the findings section of the draft order. Does this wording still match the Commission's thinking?

Chairman Knees suggested removing the phrase "especially in the afternoon." The rest of the draft order appears to be correct.

Commissioner Isaak **MOVED** and Commissioner Clodfelter **SECONDED** a **MOTION** to accept the draft final written order for Issue Number TC 556, parking restrictions on SW 158<sup>th</sup> Place south of Rigert Road as modified.

There was no further discussion. The **MOTION CARRIED** unanimously, 4:0.

Chairman Knees and the Commissioners thanked the audience for attending and giving testimony on this issue.

— EXCERPT END —

RECORD COPY  
RECEIVED

EXHIBIT 4

MEMORANDUM  
Beaverton Police Department

JUN - 1 2004  
ENGINEERING DEPT.



Chief David G. Bishop

DATE: June 1, 2004  
TO: Randy Wooley  
FROM: Jim Monger  
SUBJECT: TC 552-556

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TC 552. I concur with the traffic control changes as proposed for removal of parking restrictions on SW Angel Avenue between Farmington Road and First Street.

TC 553. I concur with the traffic control changes as proposed for parking restrictions on SW Davies Road near SW Deer Lane.

TC 554. I concur with the traffic control changes as proposed for a Traffic Calming Plan on NW 170<sup>th</sup> between Walker Road and 173<sup>rd</sup>.

TC 555. I concur with the traffic control changes as proposed for Saturday parking limits on SW First Street between SW Betts Avenue and SW Lombard and on SW Betts Avenue between SW First and SW Second Streets.

TC 556. I concur with the traffic control changes as proposed for parking restrictions on SW 158<sup>th</sup> south of Rigert Road. I do not believe "Resident Only" parking on SW 158<sup>th</sup> is a reasonable alternative.

TC 556

RECORD COPY

FROM:  
MACIE MACKEY  
(503) 641-3536 home  
(503) 644-3469 work  
8315 S.W. 158th Place  
Beaverton, OR 97005<sup>7</sup>

**RECEIVED**  
JUN - 3 2004  
ENGINEERING DEPT.

TO:  
RANDY WOOLEY  
City of Beaverton Traffic Engineer

June 2, 2004

Mr. Wooley –

As one of the few remaining original home owners of Wellington Heights, I must admit that I am frustrated that the drop off issues, related to Sexton Mountain Elementary School, has become so intolerable for some of the residents on 158<sup>th</sup> Place. I purchased my home prior to the school opening, yet was fully aware that there was a school. In my opinion, the proximity to the school, aids the property value of my home. Posting signage may negatively affect that value.

With that being said:

I absolutely **DISAGREE** with posting restricted parking hours.

I also absolutely **DISAGREE** with closing the path to the school.

Communication is critical. Inserting a flyer in the, “back to school packets”, would certainly be helpful. If parents are not able to use the front of the school as a drop off, perhaps they could use the 4-way stop signs, at Rigert and 158<sup>th</sup>, where the crossing guard is posted.

Please feel free to contact me if you desire further information.

Sincerely,

Macie Mackey

MACIE MACKEY  
8315 S.W. 158<sup>th</sup> Place  
Beaverton, OR 97007

June 8, 2004

City Recorder  
City Of Beaverton  
4755 S.W. Griffith Drive  
P.O. Box 4755  
Beaverton, OR 97076



06-09-04P03:58 RCVD

**RE: Appeal of the Traffic Commission Decision Regarding Issue TC 556  
Parking Restrictions on SW 158<sup>th</sup> Place South of Rigert Road**

To Whom It May Concern –

I am appealing the final written decision of TC 556 that was signed on June 7, 2004.

Per the eligibility requirements of those whom may appeal:

- Written testimony in opposition of the proposal was submitted.
- I was in attendance of the public hearing held on June 3, 2004.
- This notice of written appeal is being made within ten (10) days of the final written order.
- A check in the amount of \$250 accompanies this notice of appeal.

There are four homes located on SW 158<sup>th</sup> Place that are directly affected by the final decision - Two on the **east** side, and two on the **west** side:

**East** side residents from north to south:

- 8320 FREEMAN
- 8340 ROUSH

**West** side residents from north to south:

- 8315 MACKEY
- 8335 EMAMZADEH

Due to no other option, both of the **west** side residents park their personal vehicles in their driveways. Their guests use on-street parking.

My objections are based on the following:

- Written testimony in opposition was submitted.
- The staff report clearly states that the **east** side residents have previously indicated that they do not need on-street parking in front of their homes on school days. **West** side residents are not mentioned.

**West** side residents DO NEED on-street parking in front of their homes on school days for the following reasons:

8315 MACKEY resident:

- I am a small business owner and need the on-street parking for colleagues and business associates, as well as for family and guests.
- To comply with city code when my parents visit, they must park their RV in our driveway. During such visits, we need the on-street parking.

8335 EMAMZADEH resident:

- Operates an in home day care service and needs the on-street parking for business purposes, family, and guests.

Conclusion:

- Both **west** side residents will be unjustly affected by the parking restrictions.
- Signage to prohibit stopping or standing may adversely affect the property value of such a family oriented and highly valued neighborhood.
- The signage may present a safety issue for those that use the sidewalks for bicycling and pedestrian traffic.

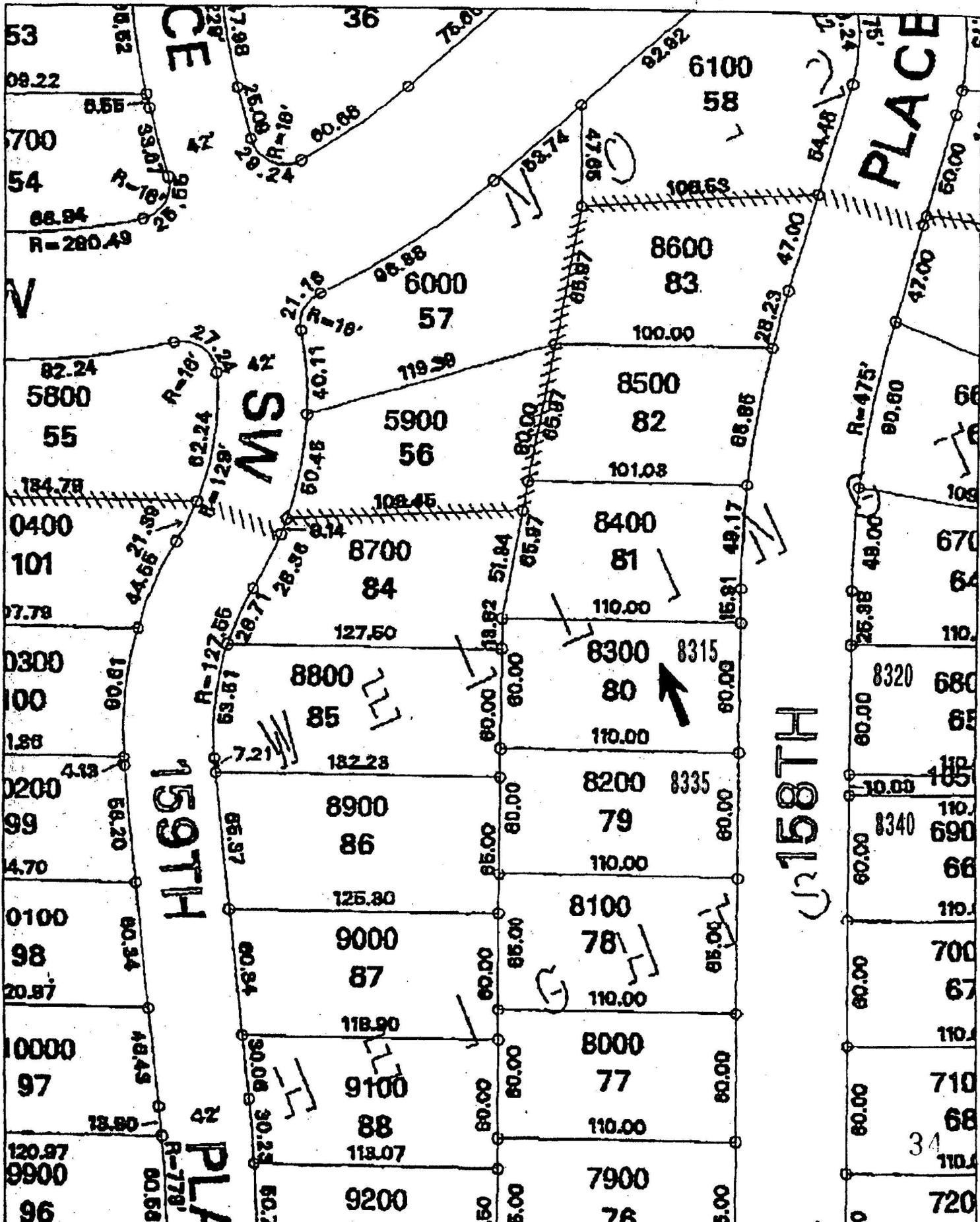
Respectfully Submitted,



Macie Mackey

Enclosures

cc: Douglas M. Fellows, Attorney At Law



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159TH

PLA

PLACE

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# MEMORANDUM

City of Beaverton  
Engineering Department  
Transportation Division

**To:** Mayor and Council  
**From:** Randy Wooley, City Transportation Engineer *R. Wooley*  
**Date:** June 29, 2004  
**Subject:** *Appeal of Traffic Commission Issue Number TC 556*

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## Discussion:

Testimony received at the Traffic Commission hearing was primarily about the problems which concern the residents. The problems include increased traffic on the street, pedestrian safety near the school pathway and the use of private driveways for vehicles to turn around. Some of the testimony related to issues outside of normal school hours; the School District's Security Director agreed to work with Beaverton Police and others to address these concerns.

The request before the Commission was a proposal to prohibit all parking on the street between 7:45 and 8:30 a.m. and between 2:45 and 3:30 p.m. At the hearing, the Commission heard no testimony specifically in support or opposition to this proposal.

The requests from the neighborhood were generally to exclude all school-related traffic from the street. However, it would be very difficult to craft a legally supportable policy that would allow the City to create separate rules for residents and non-residents. SW 158<sup>th</sup> Place is a public street and open to all users. This area does not qualify for an existing residential parking permit district. BC 6.02.080. To expand that policy to include this area would open up most of the City to such a restricted parking policy. Almost all local streets that are near schools are affected by the activities at those schools. These activities routinely create traffic and parking issues in the adjacent neighborhoods. If the City creates a policy to resolve the issue in this instance, it should be prepared to extend that policy to all the other neighborhoods that are impacted by school traffic and to any congested street where the neighborhood does not like non-residents parking.

The Commission's recommendation attempts to address safety concerns near the school pathway and to discourage use of the street as a school loading zone. The recommendation is to prohibit all stopping on both sides of 158<sup>th</sup> near the pathway at the start and end of the school day. The recommendation would improve safety by maintaining a clear area near the pathway during the times that elementary students are going and coming from school. It would discourage the use of the street for school drop-off as the users would no longer be able to stop immediately adjacent to the pathway; it would thereby encourage parents to use the established school loading zones on the east side of the school.

The Commission's recommendation would prohibit stopping in front of the four homes closest to the school pathway during certain hours. It would not affect parking elsewhere on the street. During the designated times, Ms. Mackey would not be allowed to park directly in front of her home, but she could still park elsewhere on the street.

Ms. Mackey suggests that the "no stopping" signs would present a safety hazard on the sidewalk. However, the signs can be installed at the back of the sidewalk and should not pose a hazard to pedestrians.

**Alternatives:**

The Traffic Commission recommendation prohibits stopping during two-hour periods in the morning and afternoon. However, the daily school-related traffic typically lasts for approximately 15 to 20 minutes before and after school. The hours of the stopping prohibition could be reduced substantially while still covering the critical times of school traffic.

The Traffic Commission requested Police monitoring and, if necessary, enforcement of the "no stopping" zone in the fall when school resumes. The Commission also requested that Engineering staff monitor the location in the fall and report the results to the Commission in November. Staff agreed to these requests but the agreement is not reflected in the final order. The direction could be added to the final order as reassurance to Ms. Mackey and her neighbors that changes can be reconsidered after a trial period.

**Staff Recommendation:**

Revise the recommendations of the Traffic Commission and direct staff to prepare a final order as follows:

- Prohibit stopping or standing along the east and west curbs of SW 158<sup>th</sup> Place within 60 feet of Tract E of Wellington Heights No. 3 between the hours of 8:00 a.m. and 8:30 a.m. and between the hours of 2:45 p.m. and 3:30 p.m. on school days.
- Direct staff to monitor the success of the new parking restrictions at the start of the new school year in September 2004 and to report the results to the Traffic Commission.

## AGENDA BILL

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Ordinance 4187, the Comprehensive Plan, to Adopt Various Affordable Housing Policies and Action Statements in order to Comply with Title 7 of Metro's Urban Growth Management Functional Plan and Advance the City Toward Meeting its Affordable Housing Target.

**FOR AGENDA OF:** 07/19/04 **BILL NO:** 04165

**Mayor's Approval:** *Bob Bush*

**DEPARTMENT OF ORIGIN:** CDD *Jrey*

**DATE SUBMITTED:** 07/02/04

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

**PROCEEDING:** First Reading

**EXHIBITS:** Exhibit A - Ordinance  
Exhibit B - Planning Commission Order 1718  
Exhibit C - Draft PC Minutes Dated 6/23/04  
Exhibit D - Staff Report Dated 05/21/04  
Exhibit E - Addendum Memo Dated 06-23-04  
Exhibit F - Written Testimony

### **BUDGET IMPACT**

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

On January 18, 2001, Metro Council adopted amendments to Metro's Regional Framework Plan and Urban Growth Management Functional Plan to address the regional need for affordable housing. The amendments (incorporated under Title 7 of Metro's Functional Plan), require that cities and counties in the region formally consider the adoption of various tools and strategies designed to promote the development of affordable housing. They further require each city and county to submit a series of three reports to Metro recounting their efforts. In November of 2002 the City of Beaverton submitted the first of these reports reviewing previous efforts the City had made to promote the development of affordable housing prior to the adoption of Title 7. The second report (prepared by the consulting firm Cogan Owens Cogan) examined 17 affordable housing tools and made recommendations as to which tools should be implemented. The findings and recommendations in the Cogan report subsequently received the City Council's endorsement by resolution and in December of 2003 the resolution was offered to Metro as an exhibit to Compliance Report No 2.

### **INFORMATION FOR CONSIDERATION:**

In preparation of the third and final compliance report, staff have reviewed the Council approved recommendations for the second compliance report and proposed a series of Comprehensive Plan Amendments to implement them. On June 23, 2004 the Planning Commission considered staff's proposed amendments in a public hearing. After receiving testimony and deliberating, the Planning Commission voted to recommend approval with minor revisions. The ordinance that is the subject of this agenda bill incorporates the Planning Commission's recommended Comprehensive Plan Amendments. The Council's action on this ordinance will be reported back to Metro in Compliance Report No. 3 and thereby will address the City's obligation in meeting Metro's Title 7 affordable housing requirements.

### **RECOMMENDED ACTION:**

First reading.

**Agenda Bill No:** 04165

**EXHIBIT A**  
**Ordinance**

ORDINANCE NO. 4319

AN ORDINANCE AMENDING ORDINANCE 4187, THE COMPREHENSIVE PLAN, TO ADOPT VARIOUS AFFORDABLE HOUSING POLICIES AND ACTION STATEMENTS IN ORDER TO COMPLY WITH TITLE 7 OF METRO'S URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN AND ADVANCE THE CITY TOWARD MEETING ITS AFFORDABLE HOUSING TARGET.

- WHEREAS,** Title 7 of Metro's Urban Growth Management Functional Plan requires all cities and counties within Metro's jurisdiction to formally consider a variety of affordable housing tools and submit a series of three reports recounting progress toward implementing those tools in order to advance the jurisdiction toward its voluntary affordable housing production goal; and
- WHEREAS,** In November 2002, the City submitted the first of these Title 7 Functional Plan Compliance Reports to Metro which described the City's standing in regard to its existing affordable housing policies; and
- WHEREAS,** In May 2003 the City secured the services of a consultant to 1) analyze a variety of affordable housing production tools, 2) make recommendations as to which tools were most appropriate for implementation, and 3) draft the second City of Beaverton Title 7 Functional Plan Compliance Report; and
- WHEREAS,** In December 2003 the City Council adopted Resolution 3742 authorizing staff to submit the City's Second Functional Plan Compliance Report to Metro and directing staff to prepare Comprehensive Plan and Code Text Amendments to implement recommended affordable housing production tools; and
- WHEREAS,** The proposed Comprehensive Plan amendment contained in this ordinance achieves the Resolution 3742 directive; and
- WHEREAS,** the Planning Commission held a Public Hearing on the proposed Comprehensive Plan amendment on June 23, 2004 and after reviewing public testimony and deliberating recommended approval of the proposed amendment with minor revisions as memorialized in Planning Commission Order No. 1718; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

- Section 1.** The Comprehensive Plan, Ordinance No. 4187 (as amended), Chapter 4 – Housing Element, Sections 4.2.2 and 4.2.3, will be amended to read as shown in Exhibit 1 to this ordinance, and
- Section 2.** The Council accepts the staff report, dated May 21, 2004, attached hereto as Exhibit D, which includes a highlight/strikethrough version of the text amendment,

and the addendum memo dated June 23, 2004 as an adequate factual basis for this decision and incorporates that report into this decision by reference, and

**Section 3.** Severability. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance.

First reading this 19 day of July, 2004.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2004.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

## EXHIBIT 1

### 4.2.2 Availability of Housing Types

Statewide Planning Goal 10 (Housing), ORS 197.296 – 314, .480, & .677, and OAR 660-007-0030 all have provisions requiring that jurisdictions assess the availability of, and provide for, a variety of housing types. Specifically, the intent of these provisions is to “...encourage availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density”. To satisfy the directives expressed in these provisions, the City of Beaverton conducted a buildable lands analysis and a residential mix and density study. ORS 197.296 requires that local jurisdictions “determine the actual density and actual average mix of housing types of residential development that have occurred within the urban growth boundary since the last periodic review...” Upon examining the results of these studies the City found that for the development occurring between the City’s last Periodic Review in 1988 through 12/31/99, over 66% of new development consisted of multiple family residential units. Broken down into individual types, percentages of units developed were 33.6% single family dwellings, 4.1% townhouses & rowhouses, .9% condominiums, .4% duplexes, and 61% apartments. In total, the City’s housing base consists of approximately 50% single family residential (sfr) and 50% multiple family residential (mfr) units with a healthy mix of housing types.

Apart from Beaverton’s existing inventory, OAR 660-007-0018 provides that “Sufficient buildable lands shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection.” In attempting to address the requirements of this provision and determine the City’s future need, the City also conducted a Housing Types Needs Analysis. This study examined the City’s capacity to accommodate future need by first examining which income groups occupy which housing types, by proportion, and then applying those ratios to Metro’s 20-year housing need projection. Types included in the model include sfr dwellings, apartments, 2-, 3-, & 4-plex buildings, condominiums, and mobile homes. In identifying which types were associated with each income segment, special consideration was given to that segment of the population under 50% of the median income in order to determine if the City could accommodate Metro’s projected affordable housing goal for the City. The study then determined which housing types were permitted in which zones and then proceeded to cross check the need with the buildable lands analysis to derive an estimation of the number of units able to be accommodated in each zone. The study concluded that the City contains adequate buildable land to accommodate housing types associated with each price range and rent level. The map depicting the City’s buildable lands is associated with this element as a supporting document labeled Figure 1 in the Housing Inventory section of Comprehensive Plan - Volume 2.

The Housing Type Needs Analysis succeeded in identifying a nexus between income level and housing type. However, three housing types requiring attention were not considered in this study and are therefore be addressed separately below. They include seasonal farmworker housing, manufactured housing, and government assisted housing.

ORS 197.675 requires that every state and local government agency address the health, safety, and welfare needs of seasonal farmworker housing.

- **Seasonal Farmworker Housing:** Activities associated with this group are centered in the western portion of Washington County. No need to develop or maintain housing for farmworkers in Beaverton has been identified. Therefore provisions to address the development and maintenance of farmworker housing are not considered to be applicable to the City.

OAR 660-007-0033 provides that “Each local government shall consider the needs for manufactured housing and government assisted housing within the Portland Metropolitan UGB [Urban Growth Boundary] in arriving at an allocation of housing types.”

- **Manufactured Housing:** The City’s Development Code allows for manufactured homes in the City’s RA, R5, R7, & R10 zones, mobile home parks in the City’s R5 zone and conditionally in the City’s R2 zone, and manufactured subdivisions in the City’s R5 zone. The City does retain a set of clear and objective criteria relating to the design and placement of manufactured housing without having the effect of discouraging manufactured housing through unreasonable cost or delay. To this extent, the City finds that no further provisions are necessary in order to demonstrate compliance.
- **Government Assisted Housing:** According to the City of Beaverton’s year 2000 Housing Survey, approximately 3% of the City’s households receive public housing assistance of one sort or another (10% - 15% of which are in non-affordable housing). Washington County’s Housing Authority is the agency responsible for administering public housing authority-related programs in Beaverton. The City has no role in allocating public housing assistance funding. The City can assist the Washington County Housing Authority in a limited capacity, however, by referring qualified households to the agency.

Although the City’s Housing Types Needs Analysis indicated that the City of Beaverton does possess enough buildable land to accommodate a mix of needed housing types, the City recognizes the value of accessory dwelling units as a sensible housing type alternative. This housing type has the effect of increasing urban densities with minimal impact to neighborhood character. Further, this housing type is often accessible to lower income and special needs populations. In response to Metro’s Title 1 requirements, the City recently updated its Development Code provisions to allow for accessory dwelling units within all zoning districts allowing single family residential uses.

The following provisions reflect the City’s intent to allow a variety of needed housing types.

**4.2.2.1 Goal: *Provide an adequate variety of quality housing types to serve Beaverton’s citizenry***

**Policies:**

- a) Allow development of a wide variety of housing types in the City.

*Action 1: Work in partnership with the Washington County Housing Authority to preserve its portfolio of federally assisted housing at rent levels affordable to extremely and very low-income households.*

*Action 2: Determine if Development Code restrictions exist that might impede the development of co-housing, halfway houses, or other innovative housing types and, where evident, make amendments to eliminate or reduce those restrictions.*

- b) Maintain the quality and safety of existing Beaverton housing stock.

*Action 1: Investigate the possibility of establishing a Housing Code Enforcement Program to insure that various housing quality and safety standards are met in order assure that low income renters are provided with decent living conditions.*

**4.2.3 AVAILABILITY OF AFFORDABLE HOUSING**

Conventional wisdom among those closest to the affordable housing issue is that the problems associated with the lack of affordable housing must be addressed from a regional perspective. This outlook derives from an acknowledgement that those local governments that bear a disproportionate share of the region's low-income housing are often the least equipped to bear the fiscal impacts that result. Therefore, in a metropolitan region where fiscal resources are unequally distributed among local governments, each local government should play a role in addressing the problem. It is from this premise that Metro developed its Urban Growth Management Functional Plan (UGMFP) Title 7 provisions. This section specifies that "The Metro Council shall adopt a "fair share" strategy for meeting the housing needs of the urban population in cities and counties based on a subregional analysis..." and proceeds to identify specific affordable housing related factors to be considered. Further, it provides that an Affordable Housing Technical Advisory Committee (H-TAC) be convened in order to formulate policy recommendations that may later be incorporated into Metro's UGMFP.

HTAC did produce a Regional Affordable Housing Strategy (RAHS) and in it established both production targets (which the City has used in conducting its housing needs analysis) as well as a set of recommended "tools" which can be used by local governments to encourage the development of affordable housing. In the years 2002, 2003, and 2004, the City formally considered these tools and other strategies for implementation and where appropriate, has incorporated them into them into the policies that follow.

To address the City's need to provide affordable housing, two areas of concern should receive consideration: 1) the retention of the City's existing affordable housing stock and 2) the production of new units.

**1) Retention of Existing Housing Stock:**

The City should adopt measures to minimize loss of its existing affordable stock. As the value of Beaverton's housing continues to appreciate, additional cost burdens are placed upon City residents. For city residents deemed "at risk" as a result of their low or fixed income status, this prospect has the potential to cause them to move from their place of residence or spend limited income or resources to retain their residence. Typically, residents under these circumstances will alleviate the escalating burden by drawing upon either the equity invested in their home or upon any disposable income they may have in order to cover costs associated with maintaining their housing. As the burden increases however, they may be forced to deprive themselves of some basic living necessities such as heat or divert funds away from costs associated with housing maintenance. Substandard living conditions that may ensue could pose a risk to the resident's health and safety. Low income renters can also be at risk when they neglect to demand building improvements from their landlords out of fear that their tenant status may be compromised.

The City can assist residents in this predicament by continuing to provide funding through its Community Development Block Grant and H.O.M.E. programs to service providers that assist this "at risk" population. Additionally, the City can explore the idea of establishing a housing code enforcement program to monitor apartment maintenance as both Tigard and Portland have done. Finally, the City has developed a sound relationship with its community housing development organization (CHDO) partner Tualatin Valley Housing Partners (TVHP). This relationship has resulted in the retention of almost 100 multifamily units affordable to those at or below 60% of the MFI that most likely would have been converted to higher market rate housing. The City can continue to work with this organization to retain endangered affordable housing stock.

***4.2.3.1 Goal: Promote the retention of existing affordable housing stock in the City.***

**Policies:**

- a) Support low-income homeowners with housing rehabilitation needs through continued funding and administration of the Citywide Housing Rehabilitation Loan Program.
- b) Continue to devote funding through the City's CDBG and HOME Programs to local non-profit agencies in order to aid in the rehabilitation of existing long-term affordable housing in the City.
- c) Provide continued CDBG funding support to local non-profit service providers so that they may continue to supply needed living and service assistance to low income homeowners and renters.

- d) Work in partnership with TVHP, the Bridge Housing Corporation, Community Partners for Affordable Housing, the Housing Development Corporation, and Habitat for Humanity to preserve housing that is affordable to households at or below 60% of the MFI.
- e) Assure the long term affordability of City funded housing projects.

*Action: 1 Review CDBG and HOME program requirements that relate to housing assistance and where necessary, establish long term affordability requirements, standards, and guidelines.*

**2) Production of new affordable housing stock:**

According to Metro’s RAHS report, the City of Beaverton should seek the development of an additional 656 affordable units within the next five years. Of that number, 229 units should be available to households earning between 30-50% MFI and 427 should be available to households earning under 30% MFI. This task is by no means a small endeavor. The problem in providing these units lies in the fact that it is very difficult for the free market to produce this housing and still realize the profit necessary to make it stay in business. Often, the only housing developers able to make projects of this kind work are non-profit Community Housing Development Organizations (CHDOs) who receive their funding via public subsidy and private donations of money, materials, or labor, and are able to structure their housing development financing near the break even point. These organizations are proficient in not only creating units affordable to low-income residents, but also play a role in maintaining the affordability status of rented units through their continuous monitoring and effective property management activities.

**4.2.3.2 Goal: Promote the production of new affordable housing units in the City.**

**Policies:**

- a) Inform Beaverton’s residents, property owners, and business owners of the need for additional affordable housing within the City.

*Action 1: Continue participation in statewide efforts to fund affordable housing programs.*

*Action 2: Conduct outreach to local media to raise public awareness of affordable housing needs and build public support for such programs.*

*Action 3: Continue to support and participate in efforts being undertaken by other groups to develop affordable housing in and around Beaverton (e.g., the Washington County Vision Action Network, the Inter-religious Action Network, and the Housing Advocacy Group).*

- b) Partner with and assist local non-profit developers (including TVHP, the Bridge Housing Corporation, Community Partners for Affordable Housing, the Housing Development Corporation, and Habitat for Humanity) in supplying additional affordable units throughout the City for “at risk” populations including those at or below 60% of the MFI.

***Action 1:** Assign the responsibility of coordinating and responding to inquiries about the development review process that involve the development of affordable housing to a specific staff member.*

***Action 2:** Whenever possible, assist developers of affordable housing in the development application and review process by providing a single staff contact to assist with application processing.*

***Action 3:** Whenever possible, assign a priority status in the development review and permitting process to applications where affordable housing is being proposed so that application processing time may be reduced.*

***Action 4:** Assist housing developers in determining market demand for low income, elderly and special needs housing in the City and identify specific buildable parcels for affordable housing to serve these populations.*

***Action 5:** Consider comments received from developers of affordable senior and disabled housing when considering amendments to the City’s Development Code in order to minimize impediments to such projects.*

***Action 6:** Consider refining and clarifying criteria for approving alternative parking requirements to reduce the cost of providing parking for affordable housing projects.*

***Action 7:** Establish a revolving loan program to assist affordable housing developers with system development charges, development review and permit fees.*

***Action 8:** In the interest of leveraging the fund raising capacity of the City’s non-profit housing developers, dedicate funding to the Washington County Community Housing Fund. Dedication of funding will be contingent upon establishment by fund trustees of award criteria that would result in allocation of a reasonable proportion of that fund to projects located within or near the City.*

***Action 9:** Establish criteria that qualify affordable housing development proposals for property tax abatements.*

- c) Continue to devote funding through the City’s CDBG/HOME Program to local non-profit housing development agencies in order to aid in the development and maintenance of new long-term affordable housing in the City.

**Action 1:** Establish a land banking program utilizing the City's CDBG/HOME entitlement to acquire and make available to developers land for the purpose of increasing the City's inventory of affordable housing units.

**Action 2:** Explore the idea of establishing a program using City funds to leverage employer efforts to secure affordable housing for their lower-income employees.

**Action 3:** Explore establishing a Community Land Trust that would acquire and hold land for affordable housing projects in Beaverton or Washington County as a whole.

- d) Pursue sources of revenue to be directed toward increasing the City's inventory of affordable housing units.

**Action 1:** Support efforts to establish a real estate transfer tax or fee with revenues dedicated to assisting in the provision of affordable housing.

- e) Continue to comply or substantially comply with Metro Urban Growth Management Functional Plan (UGMFP) provisions that pertain to affordable housing.

**Action 1:** Annually monitor the progress of efforts to increase the supply of affordable housing in Beaverton, and report the findings to Metro as specified by relevant provisions of the UGMFP.

- f) Continue over time to explore various tools and strategies that may serve to encourage the development of affordable housing in Beaverton.

**Action 1:** Consider implementing a density bonus or density credit program that focuses on achieving the City's affordable housing goals.

**Action 2:** Consider future implementation of a residential demolition delay policy targeted for residentially zoned properties where redevelopment of the property could result in the loss of affordable units.

**Action 3:** Explore implementing a voluntary inclusionary housing program to be used in combination with various affordable housing incentives.

**EXHIBIT B**  
Planning Commission Order

**BEFORE THE PLANNING COMMISSION**  
**FOR THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF A REQUEST FOR	)	ORDER NO. 1718
	)	
APPROVAL OF A COMPREHENSIVE PLAN	)	CPA 2004-0005
	)	
AMENDMENT TO COMPLY WITH METRO'S	)	ORDER APPROVING
	)	
TITLE 7 (AFFORDABLE HOUSING)	)	REQUEST
	)	
REQUIREMENTS. JEFF SALVON, ON	)	
	)	
BEHALF OF THE MAYOR OF BEAVERTON,	)	
	)	
APPLICANT.	)	

This matter came before the Planning Commission on June 23, 2004, on a proposal to amend Chapter 4: Housing Element of the Comprehensive Plan to comply with the Metro's Title 7 (Affordable Housing) requirements.

Pursuant to Ordinance 1800 (Comprehensive Plan) and Ordinance 2050, the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Planning Commission adopts by reference the Staff Report dated May 21, 2004, and Addendum Memorandum dated June 23, 2004, as to applicable approval criteria contained in Sections 1.3.1.1 through 1.3.1.6 of the Comprehensive Plan.

**IT IS HEREBY ORDERED** that CPA 2004-0005 is approved, based upon the testimony, reports, and exhibits presented during the public hearing on the matter and upon the background facts and findings and conclusions found in the Staff Report dated May 21, 2004, and Addendum Memorandum dated June 23, 2004, and contained in this order subject to the

following modifications to the proposed amendments to Chapter 4: Housing Element of the Comprehensive Plan:

- Page IV-11; Action 3: Whenever possible, assign a priority status in the development review and permitting process to applications where affordable housing is being proposed so that application processing time may be reduced ~~to reduce processing time~~
- Page IV-11; Action 5: Consider comments received from developers of affordable senior and disabled housing when considering amendments to the City's Development Code in order to minimize impediments to such projects
- Page IV-11; Action 6: ~~Amend the Development Code to allow the appropriate City decision making authority to approve affordable housing projects that do not meet design standards for the purpose of reducing project costs while not significantly affecting project design quality~~
- Page IV-11; Action 8: ~~Consider ways of subsidizing the development of parking for affordable housing projects located in high density areas of the City in order to reduce project costs~~

Motion **CARRIED** by the following vote:

AYES: Johansen, Winter, Bliss, and Barnard.  
NAYS: None.  
ABSTAIN: Maks.  
ABSENT: None.

Dated this 1<sup>ST</sup> day of July, 2004.

To appeal the decision of the Planning Commission, as articulated in Land Use Order 1718, an appeal must be filed with the City of Beaverton Recorder's Office no later than 5:00 p.m., on July 12, 2004.

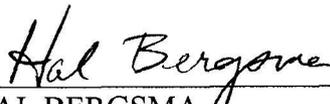
PLANNING COMMISSION  
FOR BEAVERTON, OREGON:

ATTEST:

  
\_\_\_\_\_  
JEFF SALVON  
Associate Planner

APPROVED:

  
\_\_\_\_\_  
BOB BARNARD  
Chairman

  
\_\_\_\_\_  
HAL BERGSMA  
Principal Planner, Planning Services

**EXHIBIT C**  
**Draft Planning Commission Minutes**

## PLANNING COMMISSION MINUTES

June 23, 2004

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6 **CALL TO ORDER:**

Chairman Bob Barnard called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

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11 **ROLL CALL:**

Present were Chairman Bob Barnard, Planning Commissioners, Eric Johansen, Dan Maks, Scott Winter, Gary Bliss and Shannon Pogue. Commissioner Alan DeHarpport was excused.

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Planning Services Manager Hal Bergsma, Associate Planner Jeff Salvon, Assistant City Attorney Ted Naemura and Recording Secretary Sheila Martin represented staff.

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

26 **VISITORS:**

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

32 **STAFF COMMUNICATION:**

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Staff indicated that there were no communications at this time.

36 **NEW BUSINESS:**

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Chairman Barnard opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or

1 disqualifications in any of the hearings on the agenda. There was no  
 2 response.

3  
 4 **A. OREGON EPISCOPAL SCHOOL BUS BARN**

- 5 1. SDM2003-0012 – OREGON EPISCOPAL SCHOOL BUS
- 6 BARN STREET DESIGN MODIFICATION
- 7 2. FS2003-0011 – OREGON EPISCOPAL SCHOOL BUS
- 8 BARN FLEXIBLE SETBACK
- 9 3. CU2003-0019 – OREGON EPISCOPAL SCHOOL BUS
- 10 BARN CONDITIONAL USE
- 11 4. DR2003-0170 – OREGON EPISCOPAL SCHOOL BUS
- 12 BARN DESIGN REVIEW THREE
- 13 5. TP2003-0028 – OREGON EPISCOPAL SCHOOL BUS
- 14 BARN TREE PLAN THREE

15 (Request for continuance to August 25, 2004)

16 The applicant is requesting Conditional Use, Design Review Three,  
 17 Tree Plan Three, Street Design Modification, and Flexible Setback  
 18 approval for the construction of an approximately 4,000 square foot  
 19 bus barn and grounds storage building, wash area, parking spaces for  
 20 eight (8) school buses and 23 on-site automobile parking spaces for  
 21 employees. The project scope includes the replacement of an existing  
 22 steel plate bridge over Fanno Creek with a pre-cast bridge, which will  
 23 span the jurisdictional boundaries of the creek. The project proposal is  
 24 located on a parcel of land located within the jurisdiction of the city of  
 25 Beaverton. A Conditional Use is requested for the bus barn facility.  
 26 The bus barn and its associated uses is a secondary use to the  
 27 previously approved Washington County Special Use for Oregon  
 28 Episcopal School. The Design Review request includes building design,  
 29 site layout, landscaping, and associated public and private  
 30 improvements. A Tree Plan Three request is required as 18 trees  
 31 within the identified Significant Grove are proposed to be removed. A  
 32 Street Design Modification is requested to modify from the standard  
 33 City street design for SW Vermont Street. In addition, the applicant  
 34 requests a Flexible Setback application to reduce the front yard  
 35 setback requirement for the proposed building of 20 feet in the R7 zone  
 36 to approximately 14.5 feet.

37  
 38 Observing that the Commission had prepared for the OES Bus Barn  
 39 hearing, Commissioner Maks requested that Staff and the applicant  
 40 highlight any new changes to the Staff Report or any new materials  
 41 associated with this application.  
 42  
 43

1 Commissioner Maks **MOVED** and Commissioner Pogue **SECONDED** a  
 2 motion to continue Oregon Episcopal School Bus Barn to a date certain  
 3 of August 25, 2004.

4  
 5 Motion **CARRIED** by the following vote:

6  
 7 **AYES:** Maks, Pogue, Bliss, Johansen, and Barnard.

8 **NAYS:** None.

9 **ABSTAIN:** None.

10 **ABSENT:** DeHarpport.

11  
 12 Motion **CARRIED** unanimously.

13  
 14 **PUBLIC HEARINGS:**

15  
 16 **IMPLEMENTATION OF CITY'S TITLE 7 COMPLIANCE**  
 17 **REPORT**

18 **CPA2004-0005- COMPREHENSIVE PLAN AMENDMENT**

19 The Comprehensive Plan Amendment is being proposed in order to  
 20 comply with the Metro's Urban Growth Management Functional Plan  
 21 Title 7 Requirements and advance the City's efforts toward meeting its  
 22 recognized affordable housing target.

23  
 24 Planning Services Manager, Hal Bergsma introduced Associate  
 25 Planner Jeff Salvon and presented the Staff Report on the proposed  
 26 amendment. He briefly described Title 7 of Metro's Urban Growth  
 27 Management Functional Plan, observing that all cities and counties  
 28 within Metro's jurisdiction are required to consider implementing a  
 29 variety of affordable housing tools and strategies in order to advance  
 30 the jurisdictions toward meeting their predetermined affordable  
 31 housing targets. He explained that in order to perform these tasks,  
 32 Metro required each jurisdiction to submit a series of three compliance  
 33 reports recounting the progress that had been made. Observing that  
 34 the City had submitted the first of these reports in November of 2002,  
 35 and the second in December of 2003, he indicated that the  
 36 recommendations provided in the second report (produced under  
 37 contract by Cogan Owens Cogan and endorsed by the City Council in  
 38 December of 2003), serve as the basis for the implementation actions  
 39 proposed in the Staff Report, adding that the adoptions derived from  
 40 the proposal will be reported back to Metro in the Compliance Report  
 41 #3, thereby satisfying the City's obligation in meeting Metro's  
 42 affordable housing requirement. Concluding, he recommended  
 43 approval of CPA2004-0005 amending Beaverton's Comprehensive Plan

1 to include the proposed affordable housing provisions and offered to  
2 respond to questions.

3  
4 Associate Planner Jeff Salvon reviewed the proposed amendments  
5 including their implications related to affordable housing in the City's  
6 Comprehensive Plan. He offered to answer questions during the  
7 review process.

- 8  
9
- 10 • Page IV-7 Action 2: Determine if Development Code restrictions  
11 exist that might impede the development of co-housing, halfway  
12 houses or other innovative housing types and, where evident,  
13 make amendments to eliminate or reduce those restrictions.  
14 **(Ranking – Medium Priority) – Source: Cogan's**  
15 **Affordable Housing Tool #5.**
  - 16 • Page IV-9, Policy D of Goal 4.2.3.1: Work in partnership TVHP,  
17 the Bridge Housing Corporation, Community Partners for  
18 Affordable Housing, the Housing Development Corporation, and  
19 Habitat for Humanity to preserve housing that is affordable to  
20 households at or below 60% of the MFI.

21  
22 Mr. Salvon noted that Policies D was added due to several community  
23 development corporations that have expressed interest in doing  
24 business with the City.

- 25
- 26 • Page IV-9, Policy E of Goal 4.2.3.1: Assure the long term  
27 affordability of City funded housing projects. **(Ranking – High**  
28 **Priority) – Source: Cogan's Affordable Housing Tool #15.**
  - 29  
30 • Page IV-10, , Action 1 under Policy E of Goal 4.2.3.1:  
31 Review CDBG and HOME program requirements that relate to  
32 housing assistance and where necessary, establish long term  
33 affordability requirements, standards, and guidelines.  
34 **(Ranking – High Priority) – Source: Cogan's Affordable**  
35 **Housing Tool #15.**
  - 36  
37 • Action 1, Page IV-10, under Policy A of Goal 4.2.3.2:  
38 Continue participation in statewide efforts to fund affordable  
39 housing programs. **(Ranking – High Priority) – Source:**  
40 **Cogan's Affordable Housing Tool #8.**
  - 41  
42 • Action 2, Page IV-10, Policy A of Goal 4.2.3.2:  
43 Conduct outreach to local media to raise public awareness of  
44 affordable housing needs and build public support for such

programs. (Ranking – High Priority) – Source: Cogan's Affordable Housing Tool #8.

- Action 3, Page IV-10, Policy A of Goal 4.2.3.2:  
Continue to support and participate in efforts being undertaken by other groups to develop affordable housing in and around Beaverton (e.g., the Washington County Vision Action Network, the Inter-religious Action Network, and the Housing Advocacy Group).
- Page IV-10, Policy B of Goal 4.2.3.2:  
Partner with and assist local non-profit developers (including TVHP, the Bridge Housing Corporation, Community Partners for Affordable Housing, the Housing Development Corporation, and Habitat for Humanity) in supplying ~~and maintaining~~ additional affordable units throughout the City for "at risk" populations including those at or below 60% of the MFI.

Mr. Salvon added that Policy B is an update which included non-profit housing developers that have expressed an interest in partnering with the City.

**Under Policy B of Goal 4.2.3.2, Page IV-11:**

- Action 1: Assign the responsibility of coordinating and responding to inquiries about the development review process that involve the development of affordable housing to a specific staff member. (Ranking – Medium Priority) – Source: Cogan's Affordable Housing Tool #6.
- Action 2: Whenever possible, assist developers of affordable housing in the development application and review process by providing a single staff contact to assist with application processing. (Ranking – Medium Priority) – Source: Cogan's Affordable Housing Tool #6.
- Action 3: Whenever possible, assign a priority status in the development review and permitting process to applications where affordable housing is being proposed to reduce processing time. (Ranking – Medium Priority) - Source: Cogan's Affordable Housing Tool #6.
- Action 4: Assist housing developers in determining market demand for low income, elderly and special needs housing in the City and identify specific buildable parcels for affordable

1                    housing to serve these populations. (Ranking – High Priority)  
2                    **– Source: Cogan's Affordable Housing Tool #5.**

- 3
- 4                    • Action 5: Consider comments received from developers of  
5                    senior and disabled housing when considering amendments to  
6                    the City's Development Code in order to minimize impediments  
7                    to such projects. (Ranking – High Priority) – Source:  
8                    **Cogan's Affordable Housing Tool #5.**
- 9
- 10                    • Action 6: Amend the Development Code to allow the  
11                    appropriate City decision making authority to approve affordable  
12                    housing projects that do not meet design standards for the  
13                    purpose of reducing project costs while not significantly affecting  
14                    project design quality. (Ranking – Medium Priority) –  
15                    **Source: Cogan's Affordable Housing Tool #6.**
- 16

17                    Referring to Action 6, Mr. Salvon noted that the City is currently  
18                    reassessing its design criteria to apply more objective standards, and  
19                    noted that this component was added to allow for some flexibility.

20

21                    Commissioner Maks observed that he does not support Action 6,  
22                    adding that the Code Rewrite Advisory Committee, of which he was a  
23                    member, spent considerable time reaching agreement on proposed  
24                    design standards, and that it was a tremendous task getting  
25                    compromise among the various community stakeholders in that  
26                    process. He explained that this community has defined design  
27                    standards that they want met and that Action #6 deviates from this  
28                    intent.

29

30                    Anticipating that Action #6 would cause some concern, Mr. Bergsma  
31                    explained that there was quite a lot of discussion about this issue at  
32                    staff level. He expressed his opinion that they would like to take a look  
33                    at the Code and make sure the standards that haven't yet been  
34                    adopted are going to be workable for affordable housing projects, and if  
35                    problems are identified, they want to be able to allow for some  
36                    flexibility through a separate Code amendment.

37

38                    Commissioner Maks noted that Action 5 may better address Staff's  
39                    concern if they add affordable housing along with senior and disabled.  
40                    He interprets Action 5 to mean that Staff does not want the City's  
41                    Development Code to produce impediments to such projects. He  
42                    noted that the stakeholders that sat on the design review group will  
43                    not buy this, adding that they want everything to follow along with  
44                    those design standards that these neighborhood people in a community

1 had set. He noted that if Action 5 was combined with Action 6 then it  
2 would meet the design criteria that the people of this community  
3 would like to see as they drive down the street.

- 4
- 5 • Action 7: Consider refining and clarifying criteria for  
6 approving alternative parking requirements to reduce the cost of  
7 providing parking for affordable housing projects. (Ranking –  
8 Low Priority) – Source: Cogan's affordable housing tool  
9 #7.

10

11 Mr. Bergsma explained that this Action was added at the request of  
12 Joe Grillo, the City's Community Development Director. He noted that  
13 Mr. Grillo had indicated that he wasn't comfortable with some of the  
14 subjective provisions allowed for shared parking, for example, and  
15 exactly when that should be allowed administratively, adding that he  
16 would like some clarification of these provisions, not just in relation to  
17 affordable housing, but in all situations.

18

19 Chairman Barnard clarified that once the Cogan report is incorporated  
20 into the Comprehensive Plan, the ranking of each affordable housing  
21 tool will be considered of equal value.

- 22
- 23
  - 24 • Action 8: Consider ways of subsidizing the development of  
25 parking for affordable housing projects located in high density  
26 areas of the City in order to reduce project costs. (Ranking –  
27 Low Priority) – Source: Cogan's affordable housing tool  
28 #7.

29

30 Mr. Bergsma pointed out that currently this issue is being considered  
31 in conjunction with the preparation of the development strategy for the  
32 downtown area, adding that this is a common problem.

33

34 Commissioner Maks questioned whether this change had been made in  
35 other areas of the Comprehensive Plan, adding that he's trying to  
36 figure out why he's subsidizing the parking in affordable housing when  
37 it's just as important in a multiple use district.

38

39 Mr. Bergsma concurred, adding that staff just wanted to highlight the  
40 need to assist affordable housing in this section. He believes that there  
41 are provisions relating to parking in other sections of the  
42 Comprehensive Plan and stated that if there's not now it'll probably be  
43 there fairly soon as they implement the Downtown Beaverton  
44 development strategy that's being prepared.

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Mr. Maks noted that it's more important looking at parking standards as opposed to subsidization.

Mr. Bergsma noted that the real issue is subsidy, and emphasized that at a certain point you need a certain number of parking spaces for development or it's not going to work in the market. He explained that to achieve a higher density development, there will be a need for structured parking, which is very expensive and that is why they are looking at how they might be able to provide assistance whether it's for high density affordable housing or high density of some other kind.

Commissioner Johansen referred to Action 8 and noted that it seems to be odd that we would currently call out subsidizing parking as opposed to subsidizing the creation of units; maybe the way to approach this kind of thing is talk about the forms of subsidy and just note that the subsidization of parking is part of a larger development assistance strategy. He pointed out that it seems awkward to him if somebody were to come back and read this five years later, the context may have been forgotten, specifically calling out subsidized parking.

- Action 9: Establish a revolving loan program to assist affordable housing developers with system development charges, development review and permit fees. (Ranking – High Priority) – Source: Cogan's affordable housing tool #9.
- Action 10: In the interest of leveraging the fund raising capacity of the City's non-profit housing developers, dedicate funding to the Washington County Community Housing Fund. Dedication of funding will be contingent upon establishing by fund trustees of award criteria that would result in allocation of a reasonable proportion of that fund to projects located within or near the City. (Ranking – High Priority) – Source: Cogan's affordable housing tool #10.
- Action 11: Establish criteria that qualify affordable housing development proposals for property tax abatements. (Ranking – Medium Priority) – Source: Cogan's affordable housing tool #10.

Referencing Action 11, Commissioner Johansen expressed his opinion it should be noted how long the abatements last so that there's a limited capacity to provide the abatement.

1 Mr. Bergsma noted that there are all kinds of property tax  
2 abatement programs under State statute, such as one recently  
3 adopted relating to vertical housing. There are tax abatement  
4 programs specifically set up for affordable housing projects. He  
5 believes that each section of statute relating to abatements has  
6 limitations on the time frame of the abatement, usually about 10  
7 years, adding that it can't go on forever. A decision by the City  
8 Council to grant tax abatements would be a major financial  
9 commitment by the City to affordable housing, but the language of  
10 the proposed action statement indicates the City intends to do it  
11 after establishing specific qualifying criteria. Doing so will take  
12 some more work. Mr. Bergsma said he understood what  
13 Commissioner Johansen was saying, that if the statute itself does  
14 not limit the time frame for abatement, we probably should have  
15 some limitation in the approval criteria.  
16

17 **Under Policy C of Goal 4.2.3.2, Page IV-12:**  
18

- 19 • Action 1: Establish a land banking program utilizing the  
20 City's CDGB/HOME entitlement to acquire and make available  
21 to developers land for the purpose of increasing the City's  
22 inventory of affordable housing units. (Ranking - High  
23 Priority) - Source: Cogan's affordable housing tool #11.  
24
- 25 • Action 2: Explore the idea of establishing a program using  
26 City funds to leverage employer efforts to secure affordable  
27 housing for their lower-income employees. (Ranking - High  
28 Priority) - Source: Cogan's affordable housing tool #17.  
29
- 30 • Action 3: Explore establishing a Community Land Trust that  
31 would acquire and hold land for affordable housing projects in  
32 Beaverton or Washington County as a whole. (Ranking - High  
33 Priority) - Source: Cogan's affordable housing tool #11.  
34

35 **Policy D of Goal 4.2.3.2, Page IV-12:**  
36

- 37 d) Pursue sources of revenue to be directed toward increasing the  
38 City's inventory of affordable housing units.  
39
- 40 • Action 1: Support efforts to establish a real estate transfer tax  
41 or fee with revenues dedicated to assisting in the provision of  
42 affordable housing. (Ranking - Medium Priority) - Sources:  
43 Cogan's affordable housing tool #13.  
44

1 Emphasizing that there is substantial opposition to a real estate  
 2 transfer tax with revenues dedicated to providing affordable housing,  
 3 Mr. Salvon noted that the payoff is immense and stated that Mayor  
 4 Drake backed this when he was on the group that came up with Title 7  
 5 and that the progress that we're going to be able to make toward  
 6 meeting our affordable housing targets are going to be limited until we  
 7 can actually secure a real estate transfer tax.

8  
 9 Commissioner Maks recognizes that Mayor Drake is in support of this  
 10 and the Council is in support of it; but let the record show that he is  
 11 not in support of it. It may be a windfall for the development of  
 12 affordable housing, but it would also make a tremendous contribution  
 13 to the capitol construction of schools. He noted that it is ironic that we  
 14 pass bond measures in this state to build schools, which increases  
 15 property tax bills, which raises housing costs including affordable  
 16 housing costs. Because of this relationship, Commissioner Maks said  
 17 he thinks that if efforts to adopt an enhanced real estate transfer tax  
 18 ever succeed; its revenues would be better spent on school construction;  
 19 therefore, he does not support this proposed action statement.

20  
 21 **Policy F of Goal 4.2.3.2, Page IV-13:**

- 22  
 23 e) Continue over time to explore various tools and strategies that  
 24 may serve to encourage the development of affordable housing  
 25 in Beaverton.  
 26  
 27 • Action 1: Consider implementing a density bonus or density  
 28 credit program that focuses on achieving the City's affordable  
 29 housing goals. (Ranking – Medium Priority) – Source:  
 30 Cogan's affordable housing tool #1.  
 31  
 32 • Action 2: Consider future implementation of a residential  
 33 demolition delay policy targeted for residentially zoned properties  
 34 where redevelopment of the property could result in the loss of  
 35 affordable units. (Ranking – Low Priority) – Source:  
 36 Cogan's affordable housing tool #2.  
 37  
 38 • Action 3: Explore implementing a voluntary inclusionary  
 39 housing program to be used in combination with various  
 40 affordable housing incentives. (Ranking – Low Priority) –  
 41 Source: Cogan's affordable housing tool #3.  
 42

43 Commissioner Maks questioned Action 2 on page IV-13, the residential  
 44 demolition delay policy, and requested clarification on how this works.

1  
2 Mr. Bergsma said that this would simply allow a delay in the issuance  
3 of the demolition permit for a building with affordable housing units so  
4 that the City has an opportunity to determine if there's a way of saving  
5 those units through acquisition of the property. Mr. Salvon noted this  
6 is done in the City of Portland.

7  
8 Mr. Maks recalled that this was done in Portland, but if the City is  
9 going to delay the demolition process in any way to save affordable  
10 housing units it should be a short period of time.

11  
12 Following on that point, Commissioner Johansen noted that on Page 6  
13 of the staff report, it discusses the ability of the city to acquire projects  
14 on short notice and suggests that one of the things that Portland has is  
15 the benefit of having of liquid assets necessary to move quickly. To  
16 clarify, he thinks it's not so much the availability of liquid assets but  
17 that the City of Portland has a line of credit with a local commercial  
18 bank that gives the city the ability to obtain funds for acquisition of a  
19 property with affordable housing when these opportunities come along.  
20 It's not so much that you have the money just sitting in cash ready to  
21 go, but you've got access to the capital markets that allow you to come  
22 in and purchase the property on temporary basis until a permanent  
23 owner can be found. Typically he thinks the goal was to keep such a  
24 property for no more than two years. During that time the city tries to  
25 find along term non profit owner. He said the program has been used  
26 pretty frequently by the City of Portland and has been around for  
27 about three or four years. He thinks that this is something that is not  
28 so far out of Beaverton's range because the city has a high financial  
29 rating and has access to capital markets. He said he imagines that for  
30 the City to establish that kind of a program it would probably require  
31 putting the city's general fund behind the obligation to ensure that it  
32 ultimately is repaid. He said he thinks long term that kind of program  
33 really does have a merit for the City to consider.

34  
35 Referencing page IV.11, Action 3, Commissioner Johansen suggested  
36 changing the draft to read: Whenever possible, assign a priority status  
37 in the development review and permitting process to applications  
38 where affordable housing is being proposed to reduce processing time.  
39 He said that we're not proposing the housing to reduce processing time  
40 as the present wording suggests, so after the word proposed, insert so  
41 that applications processing time maybe reduced. It makes the intent  
42 a little clearer.

1 Mr. Bergsma submitted into the record two letters received from  
2 Beaverton School District and Community Partners. He said the letter  
3 from the Beaverton School District, written by Jan Youngquist of the  
4 District's staff, did raise concerns about our findings addressing Goal  
5 11, so Jeff Salvon had provided the Commissioner's with a memo  
6 suggesting one change to the staff report findings to address her  
7 concerns.

8  
9 Commissioner Pogue commended Mr. Salvon on an excellent staff  
10 report, noting that it was concise and very well written.

11  
12 **PUBLIC TESTIMONY:**

13  
14 **Patrick Rogers** with Community Action of Washington County said  
15 he is involved in housing and homeless services at the Hillsboro shelter  
16 and that he's in support of the proposed amendments and discussed at  
17 length the issues that many families face as they enter the homeless  
18 shelters.

19  
20 **Gordon Teufel, Networking Director with families for**  
21 **independent living** testified that he's in support of the proposed  
22 amendment and emphasized the need for affordable housing for special  
23 adult needs.

24  
25 **Becky Smith**, Homeless Services Manager with Community Action,  
26 testified that she is in support of the proposed amendment and  
27 discussed the issues derived from the Cogan's Owen report.

28  
29 **Tom Benjamin** – Executive Director of Tualatin Valley Housing  
30 Partners submitted a letter into the record. He said he would like to  
31 compliment city staff and the consultants on their work, but would like  
32 to recommend a couple of changes to the staff report on the property  
33 tax abatement issues. Property tax abatement for a housing project for  
34 low income people significantly reduces operating costs. Mr. Benjamin  
35 complimented the City's cooperation on the Bridge affordable housing  
36 project to defer payment of \$90,000 in fees. The way we work together  
37 in this community is important. He said the members of the Housing  
38 Advocacy Group and the City are communicating better than he's ever  
39 seen it in this county.

40  
41 Commissioner Maks concurs with Mr. Benjamin regarding the tax  
42 abatement stating that it is the most important tool. He questioned if  
43 the tax abatement works best with organizations as opposed to private  
44 developers and expressed his concern regarding the many problems

1 that were going on, for example, people in people out, maintenance  
2 issues in the affordable housing aspect. He pointed out that if a non-  
3 profit is operating an affordable housing project, then he is less  
4 concerned if the project is operated by a private developer, but if a  
5 property owner receives tax abatement and it's supposed to translate  
6 into reduced rents and more affordable housing, how does one know  
7 that it's as affordable as it should be and that the property owner is  
8 not going to defer long term maintenance for 8 or 10 years and then  
9 sell the project.

10

11 Mr. Benjamin stated that he understands Commissioner Maks  
12 concern, and noted that the issue is a difficult one because if you're  
13 working on a 3 percent margin or even a 5 or a ten percent margin and  
14 you get hit with a big issue, such as a meth lab in an affordable  
15 housing unit, even if you manage to catch it within two weeks after  
16 they started, it could cost 10,000 dollars to bring it back on line. That  
17 hits a thinly fronted project pretty hard. He said there are several  
18 ways to address it, explaining that when one does a housing project  
19 like the Bridge, his organization is in it for 40 years. They'll have  
20 inspection of the housing units by the federal Department of Housing  
21 and Urban Development (HUD), the County and the City on an annual  
22 basis. The land that the City provided for the Bridge project requires  
23 his organization to provide affordable housing, defined as housing  
24 units affordable to households with incomes below 60 percent of  
25 median income, for 99 years. His organization never intends to sell  
26 any of their properties. They invest in a project essentially forever,  
27 and it's in their interest to maintain those projects as well as they can  
28 because there's not much money to fix them up later.

29

30 Commissioner Maks said that, based on what Mr. Benjamin said, it  
31 sounds like if the City decides to implement a tax abatement program  
32 conditions could be placed on receiving the abatement that would be  
33 consistent with what a non profit would have to do, anyway.

34

35 Mr. Benjamin said that most of his organization's funding requires 30  
36 years minimum timing. Most of non-profit housing developers agree to  
37 60 years as sort of an arbitrary time. Sometimes the subsidy programs  
38 will require a certain number of units to be subsidized to achieve a  
39 very low rent level; his organization's target is 50 percent of median  
40 income. He noted that the population that Mr. Trapp represents has  
41 an average income of about 8 percent of the median income level for  
42 the region, and it is very tough to subsidize housing units affordable  
43 for them.

44

1 Sharon Bosserman-Benson, a Beaverton resident, testified on behalf of  
2 the proposed CPA. She noted she is also a contracted staff person for  
3 the Community Housing Fund. She asked that the City of Beaverton  
4 support the Community Housing Fund. She emphasized that the  
5 Community Housing Fund is one long term solution to this ongoing  
6 problem of affordable housing, and the effort that is put together is  
7 very much a broad based community fund raising campaign to get all  
8 different people involved in this type of project. She mentioned the  
9 Fund's board members and stated that she believes that they  
10 represent some of the various community constituencies involved.

11  
12 **Monique and Tim Busch**, residents of Beaverton, testified that they  
13 are a married couple with 2 children. Due to the high cost of childcare  
14 they survive on one income, and are unable to afford housing that is  
15 safe and affordable. They explained that due to high rent costs and  
16 rapid increases, they've had to move 7 times in the last 12 years; five of  
17 which have been to different apartment complexes.

18  
19 **Anastasia Mata**, a resident of Beaverton, testified that she is a single  
20 mother of 5 children, and is unable to afford decent shelter due to the  
21 high cost of housing. She mentioned that she'd lived twice in  
22 government housing, which at the time, was plagued with rats and  
23 asbestos. She emphasized that she is trying to raise healthy children  
24 that will contribute to the community, and for her family to be put in  
25 housing that is not up to code, is more than one can handle, and would  
26 like to see newer subsidized housing available.

27  
28 The public portion of the Public Hearing was closed.

29  
30 Commissioner Maks expressed his opinion that 95 percent of the  
31 document is fantastic, but he's uncertain if he's going to support it.

32  
33 Commissioner Winter stated that he is in support of the proposed  
34 document.

35  
36 Commissioner Johansen commented on the testimony presented, and  
37 commended those who made specific comments to the document that  
38 the Planning Commission is dealing with, adding that for the Planning  
39 Commission purposes this was very helpful since they are dealing  
40 specifically with the Comprehensive Plan. He expressed his opinion  
41 that there are a couple of areas that he's not sure about, but will  
42 support the document.  
43

1 Commissioner Bliss expressed that he had some reservations  
 2 regarding tonight's hearing, but had reconsidered due to some of the  
 3 comments made; specifically the letter submitted from the School  
 4 District and will support the document.

5  
 6 Commissioner Pogue expressed his opinion that there is a substantial  
 7 amount to consider for implementing this document. He commented  
 8 on the real estate transfer tax, which he believes to be contrary to Title  
 9 8 of the Metro Urban Growth Management Functional Plan  
 10 (Compliance Procedures), and Beaverton Comprehensive Plan  
 11 Amendment criterion 1.3.1.4. He commended staff on an excellent  
 12 report and will support the document.

13  
 14 Chairman Barnard stated that he's in support of the document and  
 15 expressed his opinion that there are some areas of the document that  
 16 he strongly disagrees with. He concurs with Commissioner Johansen  
 17 that he appreciates the specific comments made to the document as it  
 18 relates to the Comprehensive Plan.

19  
 20 Commissioner Johansen **MOVED** and Commissioner Winter  
 21 **SECONDED** approval of CPA2004-0005 Implementation of City's  
 22 Title 7 Compliance Report based upon the testimony, reports and  
 23 exhibits and new evidence presented during the Public Hearings on the  
 24 matter, and upon the background facts, findings and conclusions found  
 25 in the Staff Report dated May 21, 2004, and Addendum Memorandum  
 26 dated June 23, 2004, including the following modifications to the  
 27 proposed amendments to Chapter 4: Housing Element of the  
 28 Comprehensive Plan:

- 29  
 30 • IV-11, Action 3: "Whenever possible, assign a priority status in  
 31 the development review and permitting process to applications  
 32 where affordable housing is being proposed **so that application**  
 33 **processing time may be reduced** ~~to reduce processing time.~~"  
 34  
 35 • IV-11, Action 5: "Consider comments received from developers  
 36 of **affordable**, senior and disabled housing when considering  
 37 amendments to the City's Development Code in order to  
 38 minimize impediments to such projects.  
 39  
 40 • IV-11, Deletion of Action Item No.'s 6 and 8.

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 42 Motion **CARRIED** by the following vote:

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 44 **AYES:** Johansen, Winter, Bliss, and Barnard.

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**NAYS:** None.  
**ABSTAIN:** Maks.  
**ABSENT:** DeHarpport.

**APPROVAL OF MINUTES:**

Minutes of the meeting of June 9, 2004, were submitted. Being the only Commissioner in attendance at the meeting, Commissioner Maks **ACCEPTED** the minutes as written.

**MISCELLANEOUS BUSINESS:**

The meeting adjourned at 8:38 p.m.

EXHIBIT D  
Staff Report  
Dated 05/21/04



# CITY of BEAVERTON

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

May 21, 2004

## STAFF REPORT

**TO:** Planning Commission

**HEARING DATE:** June 23, 2004

**STAFF:** Jeff Salvon, Associate Planner   
(503) 526-3725 jsalvon@ci.beaverton.or.us

**SUBJECT:** Implementation of the City's Title 7 Compliance Report Recommendations (CPA2004-0005)

**REQUEST:** In compliance with the Metro's Urban Growth Management Functional Plan Title 7 Requirements, staff proposes to add various affordable house policy and action statements to the City's Comprehensive Plan in order to advance the City's efforts toward meeting its affordable housing target.

**APPLICANT:** City of Beaverton

**AUTHORIZATION:** Ordinance 1800 (Comprehensive Plan) and Ordinance 2050 (Development Code)

**SUMMARY:** Title 7 of Metro's Urban Growth Management Functional Plan requires that all cities and counties within Metro's jurisdiction consider implementing a variety of affordable housing tools and strategies in order to advance the jurisdictions toward meeting their predetermined affordable housing targets. In performing this task, Metro requires that each jurisdiction submit a series of three compliance reports recounting the progress that has been made. The City submitted the first of these reports in November of 2002, and the second in December of 2003. The recommendations provided in the second report (produced under contract by Cogan Owens Cogan and endorsed by City Council in December of 2003), serve as the basis for the implementation actions proposed in this staff report. Adoptions that derive from this proposal will in turn be reported back to Metro in Compliance Report #3 and thereby satisfy the City's obligation in meeting Metro's affordable housing requirement.

**RECOMMENDATION:** Approve CPA2004-0005 amending Beaverton's Comprehensive Plan to include the proposed affordable housing provisions.

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Staff Report (CPA2004-0005)

Implementation of the City's Title 7 Compliance Report Recommendations

## I APPLICATION PROCESSING:

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### **Processing:**

City staff propose legislative Comprehensive Plan text amendments requiring a public hearing before the Planning Commission. Notice was given in accordance with Section 1.3 of the Comprehensive Plan, and Section 50.35 of the Development Code.

The Commission, after the public hearing, shall approve, approve with modification, continue, or reject the amendment proposal.

This application type requires a final Order be prepared and mailed to any person submitting written or oral testimony to the Planning Commission.

### **Appeals:**

An appeal of the Commission decision regarding the proposed amendments is to the City Council. The procedure for filing such an appeal and the manner of the hearing is governed by the provisions found within Section 1.3 of the Comprehensive Plan and Section 50.40 of the Development Code. The appeal request must be made in writing and delivered to the city within 10 calendar days from the date of the Land Use Order memorializing the Commission's decision. In addition, there is a non-refundable \$620.00 fee (subject to change in the near future), which must accompany the request for hearing.

An appeal of the City Council decision regarding this proposal shall be made to the Land Use Board of Appeals (LUBA). The procedure for filing such an appeal and the manner of the hearing shall be governed by ORS 197.620 and ORS 197.845.

### **120 Day Requirement:**

Legislative amendments to the Comprehensive Plan are not subject to the 120 rule (Oregon Revised Statute 227.178).

### **Public Notice:**

1. Legal notice was published in the Beaverton Valley Times on May 20, 2004.
2. No property posting is required.
3. Notice was posted in three public places, Beaverton City Hall, Beaverton Library, and Beaverton Post Office.

All notice requirements have been satisfied.

## II. METRO TITLE 7 COMPLIANCE REQUIREMENTS

On January 18, 2001, Metro Council adopted amendments to the Regional Framework Plan and Urban Growth Management Functional Plan (UGMFP) to further the implementation of the Regional Affordable Housing Strategy (RAHS). The Adoption of these amendments culminated more than a year of work by a multi-jurisdictional Affordable Housing Technical Advisory Committee. The amendments (incorporated under Title 7 of Metro's Code), require that local jurisdictions submit a series of three compliance reports to Metro recounting the efforts made to consider comprehensive plan and development code amendments to implement seven land-use tools and strategies designed to promote the production and retention of affordable housing. As exemplified in the code provisions below, each report has a specific function in how local jurisdictions address the problem. In regard to the first reporting requirement, Section 3.07.740(A) of the Metro Code specifies that:

*“... cities and counties within the Metro region shall submit a brief status report to Metro as to what items they have considered and which items remain to be considered. This analysis could include identification of affordable housing land use tools currently in use as well as consideration of the land use tools in Section 3.07.730(B)”.*

In November of 2002 the City of Beaverton submitted this first of three reports. Among the findings presented, staff identified various actions taken by the City to address the affordable housing shortage over the years (many of which were not identified within the Title 7 provisions). Included among the items required was the City's formal recognition of Metro's affordable housing target within its Comprehensive Plan.

Reporting requirements pertaining to the second report were outlined in Section 3.07.740(B) of the Metro Code. They require that:

*“... each city and county within the Metro region shall provide a report to Metro on the status of its comprehensive plan and implementing ordinances explaining how each tool and strategy in subsection 3.07.730B was considered by its governing body. The report shall describe comprehensive plan and implementing ordinance amendments pending or adopted to implement each tool and strategy, or shall explain why the city or county decided not to adopt it”.*

This second report, prepared by the consulting firm Cogan Owens Cogan, was endorsed by the City Council by resolution and presented to Metro in December of 2003. In the report, the consultants reviewed the City's affordable housing problem, identified and examined 17 affordable housing tools and strategies (including the original 7 required by Metro), interviewed

stakeholders, and offered recommendations to the City based upon their findings. The recommendations in the second report are the basis for Comprehensive Plan and Development Code Text Amendments proposed in this report. A copy of the second compliance report is provided as attachment B of this staff report.

Finally, Metro Code Section 3.07.740(C) outlines the reporting requirements for Compliance Report #3:

*“...each city and county within the Metro region shall report to Metro on the outcome of the amendments to its comprehensive plan and implementing ordinances pending at the time of submittal of the report described in subsection B of this section and on the public response, if any, to any implementation adopted by the city or county to increase the community’s stock of affordable housing, including but not limited to the tools and strategies in subsection 3.07.730B”.*

The plan amendments proposed within this report and any subsequent adoptions resulting from the recommendations represent the City’s attempt to comply with the provisions of this third Title 7 reporting requirement as specified above.

### **III. AFFORDABLE HOUSING TOOLS AND STRATEGIES**

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#### **Overview**

Having formally recognized the recommendations that derived from the Cogan Owens Cogan study, the City is now left with the charge of implementing those recommendations agreed to by the City Council. This staff report constitutes the City’s next step in addressing Metro’s affordable housing requirements and carrying forward the recommendations established in Metro Compliance Report #2. Subsequent to formal review via a hearings process, a report summarizing the conclusions and policy amendments that emerge from this process will be submitted to Metro as Compliance Report #3. Submission of this final report will position City to achieve compliance under Metro’s Title 7 obligation.

Because the content of this report is based upon the reasoning and conclusions set forth in the previous report however, staff will not attempt to re-examine the findings and recommendations established within the Cogan report. Reference relating to the original analysis may be directed back to Compliance Report #2 – offered as Attachment B. The amendments proposed in this section are merely attempts to devise plan provisions that appropriately address the recommendations identified in that report and endorsed by the City Council in December of 2003. For purposes of clarity, the recommendations that follow are sequenced in the same order as they appear in Compliance Report #2. The amended version of the Comprehensive Plan’s Housing Element containing a summation of the amendments proposed appears as attachment A of this report.

## **Consultant Recommendations and Staff Proposals**

In the following section, each affordable housing tool (evaluated in the Cogan report) is identified, its relative ranking among all the tools is highlighted, the recommendations put forth in the Cogan analysis are outlined, and specific policies or actions are considered for implementation.

### **1. Density Bonuses or Credits (Ranking – Medium Priority)**

A density bonus is a provision to allow a builder or developer to exceed maximum allowable densities in a given zone under certain conditions. For example, density bonuses could be tied to construction of a certain percentage of affordable units in a given development. In recommending consideration of this tool, Metro recognizes that it may have limited potential given regional requirements for increased and minimum densities, particularly in town and regional centers. In many areas, there may not be adequate market demand for higher densities. This technique also may be applied to give a developer a density credit, i.e., allow development at lower than minimum densities in one area, in exchange for building at higher densities and guaranteeing a certain amount of affordable housing in another area.

*Cogan Recommendation:* The Cogan team recognized the fact that the City has substantially increased many of its zoning density allowances in response to Metro's Title 1 requirements. In considering this tool however, they also recognized that the many development proposals the City receives request a density lower than the maximum allowed. Upon applying the various opportunity and constraint criteria, this alternative received a "medium priority" ranking. It was therefore not identified as an alternative favored for implementation. The Cogan team did recommend however that the City pursue further exploration of this tool in the future when conditions for higher density may be more favorable. They further urged the city to consider using this tool in combination with the newly enacted "vertical housing" tax exemption or to attract development that caters specifically to senior or disabled populations that are particularly in need of affordable housing.

*Staff Proposal:* In response to this recommendation presented in the Second Metro Title 7 Functional Plan Compliance Report, staff propose that the City add a new policy 4.2.3.2(f) to the Housing Element of the Comprehensive Plan, stating:

*Continue over time to explore various tools and strategies that may serve to encourage the development of affordable housing in Beaverton.*

Under this policy, staff propose adding the following action item:

*Action: Consider implementing a density bonus or density credit program that focuses on achieving the City's affordable housing goals.*

## 2. Replacement Housing (Ranking – Low Priority)

Replacement housing strategies are intended to prevent the involuntary displacement of low-income residents from existing affordable housing, which is lost due to demolition, conversion to market rate units, or price inflation. Replacement strategies typically require restoration of lost housing units by requiring an equal number of similarly sized, priced, and located units be developed by an agency or individual deemed responsible for loss of the original units.

In examining this tool, the Cogan team pointed out that ORS 197.309 specifically prohibits cities and counties from enacting mandatory replacement housing or “no net loss” provisions. All replacement housing provisions would therefore have to remain voluntary on the part of the developer. Because of this limiting legislation, no city in Oregon has a mandatory no net loss requirement. In evaluating this tool’s effectiveness against the opportunity and constraint criteria the team ranked this alternative as being “low priority” and thus did not emphasize its use as a preferred option. The Cogan team did point out however that the City of Portland maintains a related policy that requires prospective development requiring demolition of existing residential units to delay demolition for a period of 30 days. This regulation provides the City with an opportunity to prepare a public notice of impending demolitions and for coordination by various City bureaus. During that period, options such as moving the structure, finding a purchaser for the site, or an alternative to demolition may be evaluated.

*Cogan Recommendation:* Despite the inherent shortcomings involved with the use of this tool, the Cogan team did recommend that the City consider adopting policies similar to Portland’s to help delay demolition of and attempt to preserve affordable units where possible. Although this issue has not been identified as a problem for the City in the past, the firm felt that a proactive approach to addressing it before it becomes a problem was advisable.

*Staff Proposal:* Staff has considered the Cogan recommendation and although staff agrees with the conclusions they cited in the report, staff also recognizes that jurisdictions of Portland’s size have the advantage of operating at greater economies of scale than is possible in Beaverton – a characteristic which allows for a degree of spontaneity and flexibility required to administer such a program. Unlike Portland, the City of Beaverton does not maintain the liquid assets necessary to act on these matters in the short-term. This of course may change over time as the City grows and becomes more sophisticated in addressing affordable housing issues. In the interim, however, staff propose adding the following action item under new policy 4.2.3.2(f) of the Comprehensive Plan in order to allow for future consideration of this tool:

*Action:* Consider future implementation of a residential demolition delay policy targeted for residentially zoned properties where redevelopment of the property could result in the loss of affordable units.

## 3. Voluntary Inclusionary Housing (Ranking – Low Priority)

Inclusionary zoning or housing programs consist of mandatory regulations or voluntary provisions which typically assign a certain percentage of housing units in new residential developments to be sold or rented to lower or moderate income households at an affordable rate. The legislation described in the previous section on replacement housing (ORS 197.309) limits cities' abilities to enact both mandatory replacement housing and inclusionary housing ordinances. As a result, only voluntary inclusionary housing provisions can legally be implemented. Given this restriction, it is more likely that this alternative will only be useful if combined with an incentive that would encourage developers to provide a certain percentage of units at prices affordable to low income households. Incentives frequently used in conjunction with inclusionary housing programs include density bonuses, financial subsidies, city-paid development fees, options to produce inclusionary units off-site, relaxed development standards, delayed or city-paid system development charges, donations of land or money, and property tax abatement.

*Cogan Recommendation:* Due to many of its inherent shortcomings, this affordable housing tool received a "low priority" ranking among the alternatives. The Cogan team did not therefore recommend that the City adopt this tool outright. The team did however recommend that the City dedicate further consideration to this tool especially if used in combination with other incentive provisions such as density bonuses, tax abatements, fee waivers, or flexible landscaping and parking standards.

*Staff Proposal:* In response to the Cogan recommendation, staff propose that the City add the following action item under new Policy 4.2.3.2(f) of the Comprehensive Plan:

*Action: Explore implementing a voluntary inclusionary housing program to be used in combination with various affordable housing incentives.*

#### **4. Transfer of Development Rights (Ranking – Low Priority)**

This tool is designed to direct development from one site to another to preserve a publicly valued resource or meet other objectives. Property owners or developers in one area transfer a portion of their development rights from a "sending" area where lower densities are desired, to a "receiving" area where higher densities are permitted if TDRs are acquired. A local government must establish and administer a process for transferring rights from one area to another.

*Cogan Recommendation:* Although the consultant team identified instances where this tool may be effective in deflecting development away from areas where valued resources require protection, they stress the fact that this tool is not typically used in smaller jurisdictions as a means to encourage production of affordable housing. It was also not recommended for use in Beaverton by stakeholder interview participants. In terms of the opportunities and constraints criteria, it ranked near the bottom and received a low priority rating among the affordable housing tools evaluated.

Staff Proposal: In response to the Cogan recommendation, staff propose that no further action be taken to implement this strategy.

## **5. Reduce Barriers to Development of Housing for Elderly and Disabled Populations (Ranking – High Priority)**

While this item is identified as a strategy or technique by Metro, it is really more of a category of housing to which a variety of techniques can be applied. Strategies for local governments can include: focusing development of housing for this group in transit-friendly areas; allowing for the existence of accessory dwelling units (granny flats); encouraging the development of integrated communities; encouraging the use of the community land trust model as a tool to stop rent increases for seniors in mobile home developments; and examining zoning codes for conflicts in meeting locational needs of these groups (e.g. allowing mixed-use development in commercial and residential areas).

Cogan Recommendation: In their report the Cogan team acknowledged that the City is in fairly good standing in regard to this area. They acknowledged that 1) Small residential care facilities (for not more than five non-related persons) are permitted outright in most of the City's residential zones; 2) Residential care facilities without size restrictions are allowed as conditional uses in the City's higher density residential zones and allowed outright in the City's regional center and station community multiple use zones; and 3) the City has lower parking requirements for residential care facilities than other types of residential uses.

In ranking this strategy among the other affordable housing tools the consultants found that even though the City's regulations were relatively supportive of the development of housing for elderly and disabled populations, it is possible that more could be done to further such development. The strategy had ranked in the "high priority" category due to the low cost associated with it, a favorable political feasibility, and a reasonably good ability to implement the tool in the short term. The team therefore recommended that the City dedicate additional consideration to this strategy. Among the suggested measures that could be implemented, they suggested the City 1) work with developers of senior and disabled housing to ensure that the City's development code, including proposed new design standards, does not create impediments to such projects 2), assess the market demand and determine which areas of the City will best support this type of housing (e.g. areas adjacent to supportive services and public transportation), and 3) identify specific buildable parcels that would be appropriate for senior housing and offer incentives for construction on these properties.

Staff Proposal: In response to the Cogan recommendation, staff propose that the City add the following action item under policy 4.2.3.2(b) of the Comprehensive Plan:

***Action:** Consider comments received from developers of senior and disabled housing when considering amendments to the City's Development Code in order to minimize impediments to such projects.*

***Action:** Assist housing developers in determining market demand for low income, elderly and special needs housing in the City and identify specific buildable parcels for affordable housing to serve these populations.*

## **6. Regulatory Constraints (Ranking – Medium Priority)**

Local regulations can impact the cost of development by reducing the number of units that can feasibly be built on a parcel, increasing the amount of time or resources spent on meeting permitting requirements, and/or increasing the cost of construction or development (e.g. design standards, landscaping, or other requirements). Among the tools identified in Title 7 to encourage the development of affordable housing, this topic might be considered more of an adjustment of existing policy.

### *Cogan Recommendation:*

Overall, this factor (tool) achieved an overall ranking of “medium priority” among the affordable housing alternatives evaluated in the report. While the Cogan team acknowledged the City’s previous and ongoing efforts to reduce affordable housing constraints, they also identified possible improvements that could be made and recommended that the City devote further consideration. The team broke down those possible improvements into six specific approaches.

1. Provide a single staff contact to aid in the review process
2. Give priority to developments involving affordable housing to alleviate time constraints
3. Hold concurrent reviews and/or hearings in order to expedite the overall process
4. Relax design standards (based upon cost impacts) for affordable housing developments
5. Investigate code restrictions which might impact innovative housing types
6. Evaluate disparities that exist in fee requirements for single- vs. multi-family developments

Staff will address these recommended approaches on-by-one.

### *Staff Proposal:* (Approach #1- Provide a single staff contact to aid in the review process.)

As the Cogan team correctly pointed out in their report, the City has previously provided a staff contact to curtail difficulties that arise as well as assist in the application processing. Given that the City shares an interest in advancing its affordable housing inventory staff regards this function as in the City’s best interest. Assistance of this sort also reinforces the sense of partnership that the City would like to maintain with the affordable housing development community. Staff propose therefore that this form of assistance be continued and formally articulated as action statements under policy 4.2.3.2(b) of the Comprehensive Plan as follows:

***Action:** Assign the responsibility of coordinating and responding to inquiries about the*

*development review process that involve the development of affordable housing to a specific staff member.*

***Action:** Whenever possible, assist developers of affordable housing in the development application and review process by providing a single staff contact to assist with application processing.*

*Staff Proposal:* (Approach #2- Give priority to developments involving affordable housing to alleviate time constraints.) The second approach recommended by the Cogan team involves giving a priority status to development applications that involve affordable housing. Like every jurisdiction throughout the State or Oregon, the City of Beaverton is subject to the 120-day rule – a state mandate requiring that all development applications receive a formal decision within 120 days of the day their application is deemed complete. The prospect of placing one application ahead of others can present staff with significant scheduling problems. The confusion derives from the fact that each application involves the review of various departments throughout the City as well as other service districts outside the City. Moving an application upward in the queue can disrupt the schedules of every party involved in the review – many of which are deadline driven at a capacity level of workload. Although it is possible to modify the process in this way, it is not uncommon for this activity to create review related complications that can have an adverse affect upon other projects that are forced to take a backseat. Reviewing a development application out of the order in which it was received is periodically performed however for projects deemed to have a high priority. Staff propose therefore that this tool be made available when conditions warrant and that an action statement be added under policy 4.2.3.2(b) as follows:

***Action:** Whenever possible, assign a priority status in the development review and permitting process to applications where affordable housing is being proposed, to reduce processing time.*

*Staff Proposal:* (Approach #3- Hold concurrent reviews and/or hearings in order to expedite the overall process.) Approach #3 recommends that the City of Beaverton allow for concurrent reviews and/or hearings in order to expedite the overall development review and permitting process. Typically, a development proposal consists of numerous sets of plans – each addressing a different aspect of the development. Until recently, much of the City’s development review and permitting process was linear in nature to the extent that various review segments depended upon the completion of a prior review. For example, a hearings for design review and a conditional use permit were held separately. In 2002, however, new procedures were implemented that allow for consolidated hearings by the Planning Commission. Staff regard the existing provisions as adequate and therefore proposes that no further action be taken in regard to this approach.

*Staff Proposal:* (Approach #4- Relax design standards (based upon cost impacts) for affordable housing developments.) The prospect of relaxing the City’s design standards for affordable housing developments is likely to be a controversial. To begin with, it is typical for local

communities to associate affordable housing with increased levels of crime, nuisance, and devaluation of property values. To allow what might already be perceived as a suspect use to be permitted with a substandard design could raise a significant amount of opposition. However, given that design factors can contribute significantly to the cost of development, staff agrees with the Cogan team that this alternative may be worth further consideration. Currently, the City is reassessing its design criteria to apply more objective standards. Staff propose that an action statement be added under policy 4.2.3.2(b) of the Comprehensive Plan as follows:

***Action:** Amend the Development Code to allow the appropriate City decision making authority to approve affordable housing projects that do not meet design standards for the purpose of reducing project costs while not significantly affecting project design quality.*

Staff Proposal: (Approach #5 - Investigate code restrictions which might impact innovative housing types.) The Cogan team identified what might be considered alternative affordable housing types such as co-housing and halfway houses that should be explored. Although the City does contain a number of group housing quarters and has recently expanded its Code provisions to allow for accessory dwelling units, these alternatives and other forms of innovative housing can provide an excellent means for communities with low-income or recovering populations to work their way into the mainstream of society. While establishing some of these housing types may arouse controversy, staff agrees with the Cogan team in their assertion that the City's development code should be examined for impediments that would exclude such uses. Staff propose that an action statement be added under policy 4.2.2.1(a) of the Comprehensive Plan as follows:

***Action:** Determine if Development Code restrictions exist that might impede the development of co-housing, halfway houses, or other innovative housing types and, where evident, make amendments to eliminate or reduce those restrictions.*

Staff Proposal: (Approach #6- Evaluate disparities that exist in fee requirements for single- vs. multi-family developments.) In most cases it is easier for a developer to reduce costs to an affordable level if they concentrate their efforts on multi-family developments. This is due to the fact that these units share walls and other utilities. The Cogan team considered that a price disparity which favored single over multi-family housing would disproportionately impact the developer's ability to keep their development costs down – and thereby pass those savings on to the eventual residents. Staff recently completed an analysis which evaluated the permit fees charged for single and multiple family dwellings in order to assess how accurately the price corresponded to the actual review costs. In this review it was determined that the price of fees corresponded to the actual costs and that no significant disparity existed. It was further noted that the fee schedule is periodically updated to reflect the actual cost of review. Staff therefore proposes that no action be taken in regard to this approach.

## 7. Parking (Ranking – Low Priority)

The cost of parking facilities affects housing development costs. These specifications vary by number of bedrooms and type of use (e.g., fewer spaces required for residential care facilities and accessory dwelling units). Requirements do not differ by cost or affordability of unit however.

Cogan Recommendation: The Cogan team examined the City's parking requirements and concluded that although Beaverton's requirements are consistent with Metro standards and appear to address varying needs of different types of residential development, further flexibility could be provided for affordable housing developments if applicants can demonstrate a reduced need for parking spaces based on a lower than average rate of car ownership. They also suggested that shared parking agreements between affordable housing developments and adjacent non-residential developments also should be encouraged and that the City should apply objective criteria in reviewing and approving exceptions to parking requirements.

In ranking this alternative among the other affordable housing tools, the consultants found that this tool achieved a "low priority" ranking. However, although they found the City's standing in this area to be fairly good, the Cogan team did indicate that there remains some room for improvement. Therefore, limited further consideration of this tool was recommended.

Staff Proposal: In reviewing this alternative staff found that the City's parking standards generally allow for reduced parking ratios where certain conditions are present, at the discretion of the Community Development Director, but there is a lack of detail about when such reductions are appropriate, such as for shared parking, off-site parking, and parking for "Special Needs Residential" projects. Therefore, in response to the Cogan recommendation, staff propose that the City add the following action item under policy 4.2.3.2(b) of the Comprehensive Plan:

*Action: Consider refining and clarifying criteria for approving alternative parking requirements to reduce the cost of providing parking for affordable housing projects.*

*Action: Consider ways of subsidizing the development of parking for affordable housing projects located in high density areas of the City in order to reduce project costs.*

## 8. Public Education Efforts (Ranking – High Priority)

For Beaverton to implement recommended affordable housing strategies and actions, it will need broad-based support from city residents, property owners, and business owners as well as elected officials and developers. This is particularly important, given shrinking state and municipal budgets and rising housing costs. Awareness of these issues is relatively high, given the impact of spiraling housing prices over the last several years and resulting effects on affordability. At the same time, most local governments typically have spent a limited amount of money on

addressing this issue. More awareness and support will be needed if the City intends to increase its role in funding affordable housing programs and activities.

Cogan Recommendation: Due to the relatively low cost / high return quality associated with this tool, it received a “high priority” status against the evaluation criteria. In their report, the Cogan team acknowledged the City’s Comprehensive Plan policy to “inform Beaverton’s residents, property owners, and business owners of the need for additional affordable housing within the City” and stressed that the City continue its efforts. Specifically, they urged the City to adopt a strategy similar to what the City of Ashland had adopted and offered three specific actions that should be followed. First, it is recommended that the City continue high-profile participation in statewide efforts to fund affordable housing programs. Toward this end they acknowledged the City’s previous and ongoing support of statewide legislation to allow for local Real Estate Transfer Taxes – an effort which although politically challenging, could reap a substantial reward toward achieving the City’s affordable housing production target. Second, the team suggested the City conduct outreach to local media to raise public awareness of affordable housing needs and build public support for such programs. And finally, they advocated continued support for efforts being undertaken by other groups to develop affordable housing in and around Beaverton – specifically, the Washington County Vision Action Network and the Washington County Housing Advocacy Group (HAG). As an additional item, they recommend continued participation in upcoming training sponsored by the Neighborhood Partnership Fund which is currently in process.

Staff Proposal: The City is currently engaged in all the activities that the Cogan team has recommended. Staff acknowledges the central role that a public education effort plays in advancing the City’s affordable housing goals. Although the City is engaging in these activities there is currently no specific policy language in the Comprehensive Plan that articulates the City’s position in this matter. Staff therefore propose that several action items be added under policy 4.2.3.2.(a) of the Comprehensive Plan in place of the existing action statement. The existing action item under that policy advocates that the City:

*“Formulate and implement a strategy for educating the City’s residents, property owners, and business owners of the need for more affordable housing in Beaverton”.*

Staff propose that this item be stricken from the Plan and replaced with the following action statements:

*Action 1: Continue participation in statewide efforts to fund affordable housing programs.*

*Action 2: Conduct outreach to local media to raise public awareness of affordable housing needs and build public support for such programs.*

*Action 3: Continue to support and participate in efforts being undertaken by other groups to develop affordable housing in and around Beaverton (e.g., the Washington*

*County Vision Action Network, the Inter-religious Action Network, and the Housing Advocacy Group).*

## **9. Revolving fund for payment of permitting or development fees (Ranking – High Priority)**

The biggest challenge in providing affordable housing to households earning under 50% of the area median income lies in the fact that it is very difficult for private sector developers to produce this housing and still realize the profit necessary to stay in business. Often, the only housing developers able to make projects of this kind work are non-profit developers who receive their funding via public subsidy and private donations of money, materials, or labor, and are able to structure their housing development financing near the break even point. These organizations are proficient in not only creating housing units affordable to low-income residents, but also play a role in maintaining the affordability of rented units through their continuous monitoring and effective property management activities. In attempting to make an affordable housing project pencil out, one of the biggest cost obstacles that these organizations face lies in covering up-front costs such as permit fees and system development charges. In stakeholder interviews conducted by the Cogan team, the non-profit housing developers indicated that permitting fees and system development charges can make up 10% of a project budget. These non-profit developers emphasized the fact that any tool that reduces upfront costs for the affordable housing developer can reduce final costs for occupants. The non profit developers interviewed emphasized the cash flow issue during the initial start up of a project. Their recommendations to assist with this issue were to defer fees until occupancy, or extend fees into a 5 – 10 year payment period.

A revolving fund would, in effect, provide a loan to an affordable housing development to be repaid over time once the project has been developed and rented. Repayment of the loan would be placed in the revolving fund in order to provide loans for future affordable housing projects. An alternative to providing a loan would be for the City or other service providers to pay for or waive these fees for affordable housing developments meeting specific income or affordability criteria, with no expectation of being repaid. Finally, the City could implement a hybrid approach, where it would pay fees for certain categories of affordable housing projects and provide loans/deferments for fees for other categories of affordable housing.

*Cogan Recommendation:* In assessing the value of this tool the Cogan team noted that the City of Beaverton has partnered with non-profit housing developers on multiple occasions. This collaboration was particularly clear upon reviewing section 4.2.3.2.(b) of the Comprehensive Plan where it is advocated that the City “partner with and assist local non-profit developers in supplying and maintaining additional affordable housing units throughout the City”. Further, in their endorsement of Compliance Report #2 in the Fall of 2003, the Cogan team noted the City Council’s willingness to address the issue as they concurred with staff to consider creation of a Development Fee Revolving Fund.

In assessing the relative value of this tool against the evaluation criteria, the Cogan team found that it ranked “high priority” due to its political feasibility and ability to leverage other resources. The team therefore recommended that the City devote further exploration and consideration to this tool, pursuant to direction from the Beaverton City Council.

*Staff Proposal:* Pursuant to the Cogan recommendation as well as the relative ranking that this tool achieved in the Cogan study, staff propose establishing a revolving SDC/Development Review/Permit Fee loan program to assist the City’s non-profit development partners in the financing of their affordable housing projects. As the program parameters are eventually devised, the City should consider an initial \$50,000 minimum dedication to the fund (from a source yet to be determined) and establish program guidelines in order to facilitate its use. Staff proposes that the City Council take the first step in formulating such a program by articulating its intention in the following action item to be added under policy 4.2.3.2.(b) of the Comprehensive Plan:

*Action: Establish a revolving loan program to assist affordable housing developers with system development charges, development review and permit fees*

## **10. Tax Abatements (Ranking – Medium Priority)**

A tax abatement is a reduction in a tax. Property tax abatements allow owners of qualifying low-income housing developments to reduce rents or allow homeowners to reduce monthly housing costs. Although examples of this tool are in use in the City’s of Tigard, Gresham, and Portland, the City of Beaverton currently offers no property tax abatements for low-income housing projects. Stakeholders that were interviewed in the Cogan study from local/state government, not-for-profit housing developers and for-profit housing developers were very supportive of this strategy. Not-for-profit developers point out that property taxes add to operational costs and affect rent levels. Possible types of tax abatement or exemptions recommended include those for vertical housing and transit oriented development.

*Cogan Recommendation:* Although this tool has received a high level of support from various housing providers, tax abatement achieved an overall “medium priority” ranking when assessed against the report’s evaluation criteria because, when measured against the other tools, it’s overall feasibility was regarded as moderate. Despite this, the Cogan team did recommend that Beaverton consider using this strategy to help provide for affordable housing. Among the alternatives available, they pointed out that such a program could:

- Stimulate the construction or rehabilitation of single or multifamily housing on existing vacant or underutilized land.
- Increase the supply of single family and multifamily housing opportunities within the City.
- Accomplish planning goals and the promotion of affordable housing required under Metro’s Function Plan.

- Promote community development and neighborhood revitalization.
- Encourage additional housing in areas that are consistent with planning for public transit systems.

Staff Proposal: Pursuant to the Cogan team recommendation, staff propose that the City add the following action item under policy 4.2.3.2(b) of the Comprehensive Plan

*Action: Establish criteria that qualify affordable housing development proposals for property tax abatements.*

## **11. Land Banking and Assembly (Ranking – High Priority)**

Land banking is the process of purchasing land or improved property and holding it for future use. Through land banking, the City of Beaverton or a community land trust could purchase land at today's prices and develop the land, as appropriate, in the future. At this time, there is relatively little developable land available within the City. However areas outside the current city limits could present opportunities for future development and acquisition, as could selected infill properties in the City. The 2003 Legislature in HB 3224 widened the permitted uses of eminent domain so that Beaverton, as a city over 70,000, could use such powers for the acquisition of land for affordable housing. This legislation also authorizes the City to make loans, including mortgage loans, from bond proceeds to finance eligible projects or lease and/or sublease projects to public and private persons or corporations

Cogan Recommendation: Among the tools assessed by the Cogan team land banking and assembly ranked in the “high priority” category due to its relative feasibility, expected return, and ability to leverage other resources. In regard to the last asset the team suggested that the City could seek to establish a housing trust or partner with/support non-profit housing developers. Another intriguing variation on land banking that they point out is the concept of working cooperatively with major organizations in the Beaverton area that own land that is underutilized or have parcels that are no longer needed for corporate purposes. Beaverton could work with these companies on corporate land sales or acquisitions where there might be excess land or additional parcels that could be purchased or sold to make land available for affordable housing. This would require Beaverton staff to work with land and facilities development staff in these organizations.

Staff Proposal: Although the City has engaged in various land acquisition related affordable housing partnership endeavors over the years, a program with funding sources allocated for that purpose does not currently exist. However, in recognizing that land is a significant cost factor in the provision of affordable housing, the City's CDBG/HOME Program allocated \$259,950 for land acquisition in the 03/04 budget and proposes to dedicate \$200,000 in the 04/05 budget toward a land acquisition program that will be directed toward affordable housing in some form. Staff is in the process of identifying potential sites and development partners. Staff believes that this initial effort can serve as an effective starting point in the development of such a program.

Therefore, in devising an action statement which reflects the City's initial efforts, staff propose that the City add the following action items under policy 4.2.3.2(c) of the Comprehensive Plan.

***Action:** Establish a land banking program utilizing the City's CDBG/HOME entitlement to acquire and make available to developers land for the purpose of increasing the City's inventory of affordable housing units.*

***Action:** Explore establishing a Community Land Trust that would acquire and hold land for affordable housing projects in Beaverton or Washington County as a whole.*

## **12. Housing Trust Fund (Ranking – High Priority)**

The biggest challenge of building or rehabilitating affordable housing is obtaining the money needed to fund the projects. Money is needed to plan the housing, purchase land, provide equity to secure loans, and cover up-front costs. While there are many state and federal sources for funding affordable housing, in almost all cases some local funds are needed to match or supplement grants and loans. Housing trust funds provide a flexible pool of funding to promote affordable housing. What makes housing trust funds unique is that they have dedicated sources of ongoing, public revenues. Housing trust funds also can accept donations of property or funds from individuals and corporations as well as receive funds from foundations.

The City of Beaverton could establish a fund of its own or contribute to the State of Oregon's established fund. However, the Community Housing Fund, a non-profit organization established by the Washington County Vision Action Network (VAN), received a \$310,000 challenge grant from the Washington County Board of Commissioners in May 2003 to establish a Community Housing Fund. The grant represents seed money and was awarded with the expectation that the Community Housing Fund can raise twice this amount from city governments, businesses, non-profit organizations and the faith community by Spring of 2005. To date, the fund has secured an additional approximately \$183,000 in pledges from a variety of faith organizations, non-profit service organizations, and private individuals.

The mission of the Fund is to combine public, private and philanthropic resources to create a new source of capital that will leverage financing for the construction and rehabilitation of rental and ownership housing targeted to serve people neglected by the mainstream housing market. The 10-year vision of the Fund is to secure \$15 million in capital that will significantly leverage additional resources to create approximately 1,000 affordable housing units in Washington County.

***Cogan Recommendation:** Because of its ability to leverage resources, partner with other parties, and lack of administrative complexity, this tool achieved an overall "high priority" ranking among the alternatives. The Cogan team recommended this strategy stressing the tool's unique ability to leverage other sources of funding. In the report they identified the option of establishing a City run program but highlighted the Community Housing Fund for its existing*

administrative capacity and unique opportunity to match the recently allocated Washington County contribution.

*Staff Proposal:* Staff supports the Cogan recommendation and favors the Community Housing Fund contribution alternative. This option is capable of leveraging the County's contribution if a match is provided. Staff propose that the City consider an initial contribution of \$100,000 to the Community Housing Fund and consider a prerogative of building additional capacity in subsequent years through future funding initiatives. The City should also consider adoption of the following action item under policy 4.2.3.2(b) of the Comprehensive Plan:

*Action:* *In the interest of leveraging the fund raising capacity of the City's non-profit housing developers, dedicate funding to the Washington County Community Housing Fund. Dedication of funding will be contingent upon establishment by fund trustees of award criteria that would result in allocation of a reasonable proportion of that fund be dedicated to projects located within or near the City.*

### **13. Real Estate Transfer Taxes (Ranking – Medium Priority)**

A real estate transfer tax is applied when a home is sold and could potentially provide the state with a significant funding source. However, state legislation currently prohibits new real estate transfer fees in Oregon. Legislation to allow a pilot program in the Portland metropolitan area was narrowly defeated in the Oregon Legislature in 2003. Advocates for such a fee likely will introduce similar legislation in the next legislative session. Therefore, this option is included as a possible funding source for a Housing Trust Fund or other affordable housing funding tools.

*Cogan Recommendation:* The real estate transfer tax achieved an overall rank of "medium priority" among the various tools evaluated. The Cogan team pointed out that although any new use of this tool is currently illegal, the potential revenues that could be gained from its passage would go far in helping the City advance toward meeting its affordable housing target. The report noted, however, that this is a long-term strategy and given the potential benefits, worth pursuing. The team therefore stressed that Beaverton should continue to support such a tax and assist in building acceptance for legislation that would allow localities in the Portland metropolitan area to voluntarily adopt such programs.

*Staff Proposal:* Pursuant to the Cogan team recommendation, staff propose that the City substitute the following policy statement and action item for the existing policy and action items under section 4.2.3.2(d) of the Comprehensive Plan.

*Policy:* *Pursue sources of revenue to be directed toward increasing the City's inventory of affordable housing units.*

*Action:* *Support efforts to establish a real estate transfer tax or fee with revenues dedicated to assisting in the provision of affordable housing.*

#### **14. Document Recording Fee (Ranking – Low Priority)**

Many jurisdictions in other states use a document recording fee to raise revenues to support affordable housing or other government programs. Typically, such fees apply to documents related to property acquisition or sale and are applied by county tax assessment departments. In some cases, fee revenues are used both for government purposes and to provide information and/or support to the real estate industry, increasing the potential for industry support (and reducing opposition) for fees. Washington County records documents including deed records and lien records. Current fees for deeds are \$22 for the first page and \$5 for additional pages. Liens are \$16 for the first page and \$5 additional pages.

*Cogan Recommendation:* Use of a recording fee to raise funds for affordable housing achieved an overall ranking of “low priority” among the other tools identified. The primary reason it ranked so poorly was a lack of political feasibility. First of all, as the Cogan team pointed out in the report, to take advantage of existing or additional document recording fees, the City would have to work out arrangements with the County which has the responsibility and administrative arrangements for recording documents. This factor in itself could generate administrative resistance. Additionally, because Washington County already charges a document recording fee, the prospect of adding an additional fee to support affordable housing endeavors could be considered burdensome and would likely encounter resistance from real estate interests. Based upon these considerations the Cogan team did not recommend that the City adopt this tool.

*Staff Proposal:* In response to the recommendations identified above, staff proposes that no further action be taken to adopt this strategy.

#### **15. Long Term Affordability Requirement (Ranking – High Priority)**

Long-term affordability of housing is an important feature of assisted housing. Even when homes are built for an affordable cost, rising property values can make them no longer affordable for future renters and owners. To curb this tendency most government funded rental housing projects incorporate a long-term affordability requirement into the development plans. Non-profit housing developers are especially proficient in securing housing affordability for the long-term. Finally, community land trusts are very effective in their use of long-term affordability requirements for owned units. Through deed restrictions or financing mechanisms, residents benefit with some increase in equity, the main advantage of ownership, while long term affordability is maintained. Long-term affordability requirements also typically are incorporated in federal and state affordable housing and lending programs, including tax credits.

The tendency for housing to become unaffordable over time is a concern for Beaverton. However, the City does have several tools available which insure that government assisted

housing does remain affordable. Beaverton participates in the HOME program for example which requires that new construction projects remain affordable for at least 20 years.

*Cogan Recommendation:* Due largely to the low administrative complexity, low cost to the City, and potential to produce or retain affordable housing in the lowest income ranges, this tool achieved an overall “high priority” ranking among the tools that the Cogan team examined. In their report, the team recommended that Beaverton review its policies for long-term affordability and make it a condition for receiving financial assistance such as CDBG Funds or housing assistance from a Housing Trust. An approach used for assisted home-ownership is to share the equity appreciation between the owner and the public entity (the City or a Housing Trust Fund).

*Staff Proposal:* Staff concurs with the Cogan team that the City should attempt to insure that City sponsored affordable housing remain affordable in the long term wherever possible. Specific regulations that implement this provision should be implemented through the City’s CDBG/HOME program. In regard to a City administrated Housing Trust Fund however, staff is proposing that the City devote funds to the Community Housing Trust Fund which will perform administrative functions over a county-wide area. In this case, provisions pertaining to long-term affordability will be left to the managers of that fund. Aside from this, a formal policy statement articulating the CDBG requirement should be adopted as an amendment to the Comprehensive Plan’s housing element. Therefore, staff proposes the addition of a new policy 4.2.3.1.(e) to the Comprehensive Plan and an implementing action statement, as follows:

*Policy:* Assure the long term affordability of City funded housing projects.

*Action:* Review CDBG and HOME program requirements that relate to housing assistance and where necessary, establish long term affordability requirements, standards, and guidelines.

## **16. Non-profit Organization Partnerships, which include Faith-based Organizations (Ranking – High Priority)**

Non-profit housing developers play an essential role in developing and providing affordable housing. Faith-based organizations also participate in development activities, have land that can potentially be used for affordable housing, and offer services to residents who need it. Among non-profit agencies, faith-based organizations also specialize in attracting volunteer support and in-kind donations that enhance affordable housing efforts.

Included among these groups are the Tualatin Valley Housing Partners and the Bridge Housing Corporation – both of whom have entered into partnership with the City in either the development or rehabilitation of affordable housing. Other non-profit housing developers within the area with which the City has not had any formal engagement include Habitat for Humanity, Community Partners for Affordable Housing, and Housing Development Corporation. Finally, in Washington County, the Inter-religious Action Network, a coalition created through the

Washington County Vision Action Network (VAN), has begun to convene a variety of faith leaders, social service organizations, and elected and appointed local officials to explore ways that the faith-based community could support or participate in development of affordable housing.

Cogan Recommendation: Due largely to its potential for partnering with others, ability to leverage other resources, and political feasibility, this tool achieved a “high priority” ranking in the Cogan report. In regard to this tool, the Cogan Team made four specific recommendations:

- Assist non-profit partners in identifying potential sites for affordable housing development. This could include lands the City has prioritized for future development, including transit-oriented developments.
- Investigate opportunities to use land for affordable housing owned by the faith organizations in partnership with the City and non-profits.
- Continue to support non-profit development efforts through assistance in permitting and application processes.
- Continue to monitor, participate in and support efforts to provide affordable housing, including participation in events and processes sponsored or attended by the faith community and other non-profit groups.

Staff Proposal: In evaluating the Cogan team’s recommendations in regard to this tool, staff observed some level of overlap between these recommendations and recommendations presented previously in the report. Staff will cite below where that overlap exists and address recommendations pertaining to this tool accordingly. It should be noted that in cases where a previous proposed action covered some of the recommendations associated with this tool but left some element unaddressed, staff revised the previous proposed action so that it is responsive to the recommendation associated with each tool.

In regard to the first two recommendations offered by the Cogan team above, staff believes that both are addressed in an action statement proposed to address the strategy “Reduce Barriers to Development of Elderly and Disabled Populations”. That proposal is:

*Action: Assist housing developers in determining market demand for low income, elderly and special needs housing in the City and identify specific buildable parcels for affordable housing to serve these populations.*

The third Cogan team recommendation listed above is addressed by the action items proposed to address tool #6 – Regulatory Constraints. Those items are:

*Action: Assign the responsibility of coordinating and responding to inquiries about the development review process that involve the development of affordable housing to a specific staff member.*

*Action: Whenever possible, assist developers of affordable housing in the development application and review process by providing a single staff contact to assist with application processing.*

Finally, the last Cogan team recommendation listed above is addressed by the action item proposed to address tool #8 – Public Education Efforts. That proposal is:

*Action: Continue to support and participate in efforts being undertaken by other groups to develop affordable housing in and around Beaverton (e.g., the Washington County Vision Action Network, the Inter-religious Action Network, and the Housing Advocacy Group).*

Since the action statements above adequately address the recommendations associated with tool #16 – Non-profit Organization Partnerships, including Faith-based Organizations, staff propose no additional changes to the Comprehensive Plan text to implement this tool.

## **17. Employer Assisted Housing (Ranking – High Priority)**

Employer involvement in providing affordable housing may be necessary to attract and retain employees for businesses located in and near Beaverton. Employer assisted housing is limited in Washington County and in Oregon, although Fannie Mae and the Oregon Division of Housing have promoted such programs in the past. “Demand programs” help employees finance housing. These are helpful to employees and there are a number of approaches that employers can take. However, demand programs do not increase the number of affordable housing units. On the other hand, “supply programs” increase the supply of affordable housing. In programs of this sort private employers work in partnership with local non-profit developers by donating, leasing, or selling excess land at a discount, providing cash contributions or construction financing, and/or providing purchase guarantees to reduce the level of risk.

Cogan Recommendation: Since many of the major employers in the County are outside of Beaverton, a County-wide approach would be appropriate with Beaverton participating in a coordinated effort. Such a coordinated effort could include:

- attempting to attract employers that pay wages that allow their workers to afford adequate housing in the Beaverton area.
- developing a strategy to encourage employers to establish employer assisted programs, creating an information program targeting employers, and providing technical assistance to employers interested in establishing programs.

Staff Proposal: In regard to the first recommendation above, both the Economy Element of the City’s Comprehensive Plan and the City’s Economic Development Strategy promote attracting knowledge based industries. These industries provide jobs that pay at levels that typically exceed the median income. Therefore existing Comprehensive Plan policies will satisfy the first recommendation.

In regard to the second recommendation, staff propose that the City explore the possibility of establishing an affordable housing employer assisted program which offers a HOME funding match for employer contributions that are directed toward affordable housing for its employees. Although the amount of HOME assistance, applicant screening specifications, and type of assistance has yet to be determined, staff believe that a down payment assistance program might be an appropriate option. Therefore, to implement this recommendation, staff propose that the City Council add the following action statement under policy 4.2.3.2.(c) of the Comprehensive Plan :

***Action:** Explore the idea of establishing a program using City funds to leverage employer efforts to secure affordable housing for their lower-income employees.*

## **Other Amendments**

In the process of incorporating the proposed amendments into the Comprehensive Plan various revisions to the existing text were deemed to be necessary. Some of the revisions are simple changes to the letters and numbers of policies and underlying actions. Others involve deleting existing text and replacing it with information that is either more current or more specific to comply with Metro's Title 7 requirements. Finally, in several cases, new policy statements needed to be written in order to sufficiently categorize the action statements recommended in this report. Most of these revisions, which are shown in Attachment A, are minor. The following explains these proposed changes.

- Narrative Update: a segment of narrative contained in section 4.2.3 "Availability of Affordable Housing" is proposed to be stricken and supplemented with text that reflects the City's current standing in regard to Title 7.
- Text Enhancement: Over the last several years several non-profit organizations (other than TVHP) have approached the City with proposed affordable housing projects. Revisions to reflect this are proposed for policies 4.2.3.1(d) and 4.2.3.2.(b).
- Deletion of Text: Original policy 4.2.3.2.(d) and underlying Actions 1, 2, & 3; and policy 4.2.3.2.(e) and underlying Action 1 are proposed to be stricken because the text amendments proposed herein fulfill their intent.
- New Policy Category: As noted previously, a new policy 4.2.3.2.(f) is proposed stating: "Continue over time to explore various tools and strategies that may serve to encourage the development of affordable housing in Beaverton", in order to provide a context for the action items that follow.
- Text Elaboration: Action 1 under policy 4.2.3.2(a) is proposed to be stricken because proposed action items 1, 2, & 3 fulfill and elaborate upon its intent.

- **Resequencing:** Insertions and deletions of various items required that several existing policy and action items be renumbered.

## **Implementation Measures & Next Steps**

Many of the actions recommended in this report require implementation in the near future. While delayed consideration is being proposed for some lower priority tools addressed in this report, implementation action subsequent to action on this proposal is generally required for the tools and strategies that received a “high priority” ranking as well as Tool #5 (Regulatory Constraints, Tool #10 (Tax Abatements), and Tool #13 (Real Estate Transfer Tax) – all of which received a ranking of medium. A summary of these items are listed below.

### **1. Reduce Barriers to Development of Housing for Elderly and Disabled Populations**

- *-Consider comments received from developers of senior and disabled housing when considering amendments to the City's Development Code in order to minimize impediments to such projects.*
- *Assist housing developers in determining market demand for low income, elderly and special needs housing in the City and identify specific buildable parcels for affordable housing to serve these populations.*

### **2. Regulatory Constraints**

- *Whenever possible, assist developers of affordable housing in the development application and review process by providing a single staff contact to assist with application processing*
- *Whenever possible, assign a priority status in the development review and permitting process to applications where affordable housing is being proposed to reduce processing time.*
- *Amend the Development Code to allow the City's appropriate decision making authority to approve affordable housing projects that do not meet design standards for the purpose of reducing project costs while not significantly affecting project design quality.*
- *Determine if Development Code restrictions exist that might impede the development of co-housing, halfway houses, or other innovative housing types and, where evident, make amendments to eliminate or reduce those restrictions.*

### **3. Public Education Efforts**

- *Continue participation in statewide efforts to fund affordable housing programs.*
- *Conduct outreach to local media to raise public awareness of affordable housing needs and build public support for such programs.*
- *Continue to support and participate in efforts being undertaken by other groups to develop affordable housing in and around Beaverton (e.g., the Washington County Vision Action Network, the Inter-religious Action Network, and the Housing Advocacy Group).*

### **4. Revolving fund for payment of permitting or development fees**

- *Establish a revolving loan program to assist affordable housing developers with system development charges, planning review, and permit fees*

#### **5. Tax Abatements**

- *Establish criteria that qualify affordable housing development proposals for property tax abatements.*

#### **6. Land Banking and Assembly**

- *Establish a land banking program utilizing the City's CDBG/HOME entitlement to acquire and make available to developers land for the purpose of increasing the City's inventory of affordable housing units.*
- *Explore establishing a Community Land Trust that would acquire and hold land for affordable housing projects in Beaverton or Washington County as a whole.*

#### **7. Housing Trust Fund**

- *In the interest of leveraging the fund raising capacity of the City's non-profit housing developers, dedicate funding to the Washington County Community Housing Fund. Dedication of funding will be contingent upon establishment by fund trustees of award criteria that would result in allocation of a reasonable proportion of that fund be dedicated to projects located within or near the City.*

#### **8. Real Estate Transfer Taxes**

- *Support efforts to establish a real estate transfer tax or fee with revenues dedicated to assisting in the provision of affordable housing.*

#### **9. Long Term Affordability Requirement**

- *Review CDBG and HOME program requirements that relate to housing assistance and where necessary, establish long term affordability requirements, standards, and guidelines.*

#### **10. Non-profit Organization Partnerships, which include Faith-based Organizations**

- *Assist housing developers in determining market demand for low income, elderly and special needs housing in the City and identify specific buildable parcels that would be appropriate for affordable housing to serve these populations. (Previously Stated).*
- *Whenever possible, assist developers of affordable housing in the development application and review process by providing a single staff contact to assist with application processing (Previously Stated).*
- *Continue to support and participate in efforts being undertaken by other groups to develop affordable housing in and around Beaverton (e.g., the Washington County Vision Action Network, the Inter-religious Action Network, and the Housing Advocacy Group (HAG)). (Previously Stated).*

#### **11. Employer Assisted Housing**

- *Explore the idea of establishing a program using City funds to leverage employer efforts to secure affordable housing for their lower-income employees.*

## **IV. COMPREHENSIVE PLAN AMENDMENT ANALYSIS**

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Facts and findings, based on the record, demonstrating the amendment criteria have been met must support adoption of any amendment to the Comprehensive Plan by the City Council and Planning Commission. The City Council and Planning Commission may adopt by reference

facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings relative to all of the following criteria are the minimum required for a Plan amendment. Each criterion is applied to the proposal. The criteria and any applicable goals, policies and objectives are shown in *bold italic type print*. Staff discussion follows in normal text.

**1.3.1.1        *The proposed amendment is consistent and compatible with the Statewide Planning Goals***

**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 has an adopted and acknowledged Comprehensive Plan, which outlines the citizen involvement program for the comprehensive planning process. Specifically, Chapter One: Comprehensive Plan Amendment Procedures Element describes procedures for ensuring public involvement regarding comprehensive plan amendments. Under the contract provisions outlined in the Cogan Owens Cogan agreement, the City provided numerous opportunities for public input in the preparation of Compliance Report #2. In the process of preparing its recommendations, the team conducted numerous interviews with various stakeholders and allowed for public testimony offered in the hearings process that led to eventual Council adoption by resolution.

Opportunities for additional public input will be available in the hearings process prior to action on this proposal. Notice of this hearing was mailed to City neighborhood association committees, and interested citizens thirty days in advance of the first Planning Commission hearing of June 23, 2004. Notice was provided on May 24, 2004. Thus, the City met its obligation of providing for Citizen Involvement under Statewide Planning Goal One, as defined through the City's adopted procedures.

**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 proposed amendment assumes implementation of various goals and policies in the proposed Land Use Element of the City's Comprehensive Plan. No new amendments to the City's land use policies or regulations are recommended within the proposal. Therefore, the proposal anticipates that any development occurring as a result of the element will be within the limits of the City's land use policies and regulations.

**Goal Three: Agricultural Lands**

***To conserve and maintain agricultural lands.***

The proposal does not contain policies associated with Goal Three that are inconsistent with those established by either the City's Comprehensive Plan or other Goal related regulations. Goal Three is therefore not applicable to this proposal.

**Goal Four: Forest Lands**  
***To conserve forest lands.***

The proposal does not contain policies associated with Goal Four that are inconsistent with those established by either the City's Comprehensive Plan or other Goal related regulations. Goal Four is therefore not applicable to this proposal.

**Goal Five: Open Spaces, Scenic and Historic Area, and Natural Resources**  
***To conserve open space and protect natural and scenic resources.***

The proposal does not contain policies associated with Goal Five that are inconsistent with those established by either the City's Comprehensive Plan or other Goal related regulations. Goal Five is therefore not applicable to this proposal.

**Goal Six: Air, Water and Land Resources Quality**  
***To maintain and improve the air, water and land resources of the state.***

The proposal does not contain policies associated with Goal Six that are inconsistent with those established by either the City's Comprehensive Plan or other Goal related regulations. Goal Six is therefore not applicable to this proposal.

**Goal Seven: Areas Subject to Natural Disasters and Hazards**  
***To protect life and property from natural disasters and hazards.***

The proposal does not contain policies associated with Goal Seven that are inconsistent with those established by either the City's Comprehensive Plan or other Goal Seven related regulations. Goal Seven is therefore not applicable to this proposal.

**Goal Eight: Recreational 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 proposal is not recommending goals, policies or actions that will adversely affect the City's ability to address its recreational needs. Goal Eight is therefore not applicable to this proposal.

**Goal Nine: Economic Development**

*To provide adequate opportunities through the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The policy recommendations pertaining to Goal 9 are limited in this proposal to the provision of affordable housing to low-income residents. The Economic Development aspects of this proposal would enhance the economic welfare and commercial activity indirectly through an increase of Beaverton's consumer base. In addressing the housing concerns of area employees and proposing employer participation in addressing those concerns, the proposal seeks to provide a healthier living and working environment in which low wage workers are provided additional opportunities to obtain housing within close proximity to their place of employment. Additionally, by accommodating the low-income segment of the workforce, the City also expands its capacity to attract a larger CDBG allocation, HOME funds, and increases its ability to draw outside investment through tax credits – thus building investment capacity.

**Goal Ten: Housing**

*To provide for the housing needs of citizens of the state.*

The Housing Element of the City's Comprehensive Plan was acknowledged by the State Department of Land Conservation and Development in 2003 to comply with Goal Ten. The amendments recommended in this proposal directly address the housing needs of City and regional area residents. The resulting Comprehensive Plan Housing Element update as proposed will advance the City toward compliance with Metro's Urban Growth Management Functional Plan requirements and thereby further fulfill the intent of Goal Ten.

**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.*

Provision of public facilities and services, including expansion of facilities, is directed through the City's agreements with service districts (THPRD, Tualatin Valley Water District, Tualatin Valley Fire and Rescue, Clean Water Services, et. al.) and through provision of city facilities and services including water, sewer and storm drainage lines, police protection and general governance. All provided facilities and services are subject to plans adopted by the individual agencies after coordination pursuant to intergovernmental agreements (IGAs), cooperative agreements and urban service agreements.

**Goal Twelve: Transportation**

*To provide and encourage a safe, convenient and economic transportation system.*

The Transportation System Plan was updated and adopted in June 2003. To assure compliance with the Regional Transportation Plan, the transportation network was reviewed and amended to accommodate projected traffic volumes through the forecast year 2020 planning horizon.

**Goal Thirteen: Energy Conservation**

*To conserve energy.*

The proposal is not recommending goals, policies or actions that will adversely affect the City's ability to address its energy conservation issues. Goal Thirteen is therefore not applicable to this proposal.

**Goal Fourteen: Urbanization**

*To provide for an orderly and efficient transition from rural to urban land use.*

All areas subject to this proposal are within the regional urban growth boundary; therefore, this goal does not apply.

**Goals Fifteen through Seventeen: Willamette River Greenway, Estuarine Resources, Coastal Shorelines**

These goals are not applicable. Neither the City nor its Urban Service Area are within the Willamette River Greenway, Estuarine Resource or a Coastal Shoreline.

**FINDING: CRITERION 1.3.1.1 IS MET FOR THE PROPOSED COMPREHENSIVE PLAN AMENDMENT. THE PROPOSAL COMPLIES WITH ALL APPLICABLE STATEWIDE PLANNING GOALS.**

***1.3.1.2. The proposed amendment is consistent and compatible with Metro Regional Urban Growth Goals and Objectives and the Metro Regional Framework Plan***

The City is not directly subject to the Regional Urban Growth Goals and Objectives (RUGGOs) or the Framework Plan, but is subject to requirements of Metro's Urban Growth Management Functional Plan. The following addresses the various chapters or titles of that Plan.

**Title 1: Requirements for Housing and Employment Accommodation**

The City submitted a Compliance Report Metro which demonstrated compliance with the Urban Growth Management Functional Plan (Metro Code section 3.07). In that report, staff found that the City would substantially meet the target capacities for Housing Units following adoption of the minimum requirements

**Title 2: Regional Parking Policy**

The proposed amendment will not affect the City's ability to implement citywide regional parking ratios.

**Title 3: Water Quality and Flood Management Conservation**

Adoption of the proposed amendment will not preclude nor promote adoption of Title 3 provisions.

**Title 4: Retail in Employment and Industrial Areas**

Adoption of the proposed amendment will not preclude nor promote adoption of Title 4 provisions.

**Title 5: Neighbor Cities and Rural Reserves**

Neighbor Cities and Rural Reserves are not relevant to the City with its current Comprehensive Plan area.

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

Title 6 requires that individual jurisdictions develop strategies that will enhance urban centers by encouraging development in these Centers that will improve the critical roles they play in the region and by discouraging development outside Centers that will detract from those roles. Local implementation of Title 6 is exercised through City planning, zoning, and code provisions. Although the intent of the proposed Title 7 amendments is to encourage the development of affordable housing throughout the City, all provisions adopted in this proposal will stand within the context of the City's planning, zoning, and development code provisions which must comply with the requirements outlined in Title 6. Therefore, adoption of the proposed amendments will neither preclude nor promote adoption of Metro's Title 6 provisions.

**Title 7: Affordable Housing**

Section 3.07.740 of Metro's Urban Growth Management Functional Plan identifies the reporting requirements that must be fulfilled in order to demonstrate Title 7 compliance. Specifically, it provides that:

By June 30, 2004, each city and county within the Metro region shall report to Metro on the outcome of the amendments to its comprehensive plan and implementing ordinances pending at the time of submittal of the report described in subsection B of this section and on the public response, if any, to any implementation adopted by the city or county to increase the community's stock of affordable housing, including but not limited to the tools and strategies in subsection 3.07.730B.

The proposed amendments contained in this report comprise the City of Beaverton's attempt to fulfill the requirements of this title. Specifically it attempts to implement the tools and strategies the City formally considered in the Cogan Owen Cogan study (cited in subsection 3.07.730B).

Prior to this action, the City submitted two reports to Metro. In accordance with the provisions of Title 7, the first report illustrated what measures the City had taken to address the affordable

housing issue and demonstrated the City's formal recognition of the regional affordable housing target Metro allocated to the City. The Second report prepared by Cogan Owens Cogan and cited above, formally considered the implementation of the seven affordable housing tools required under section 3.07.730B and described the reasons as to why these tools were either favored for adoption or rejection. The report further detail additional tools and strategy considerations that are not under Metro's authority to require.

If adopted, the amendments contained herein will not only satisfy the provisions of this title upon which Metro has the authority to mandate, but will exceed those required provisions and establish measures above and beyond what is mandated under the provisions of Title 7.

**Title 8: Compliance Procedures**

Title 8 requires that local jurisdictions amend their comprehensive plans and implementing ordinances to comply with the provisions of the functional plan. The City is proposing this set of amendments in anticipation of submitting the third of three reports to Metro demonstrating its compliance with Metro Title 7 provisions.

**FINDING: THE PROPOSED AMENDMENT IS CONSISTENT WITH THE METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN. CRITERION 1.3.1.2 HAS BEEN MET FOR THIS PROPOSED AMENDMENT.**

***1.3.1.3 The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans***

The proposed amendments do not directly affect the provisions of any other Comprehensive Plan Element, but rather, the proposal is compatible with the other elements of the City's Comprehensive Plan.

**FINDING: CRITERION 1.3.1.3, CONSISTENCY AND COMPATIBILITY WITH THE COMPREHENSIVE PLAN AND OTHER APPLICABLE LOCAL PLANS, IS MET FOR THE PROPOSED AMENDMENT.**

***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.***

The amendments proposed herein are intended to increase the City's inventory of affordable housing units. The policy modifications resulting from this proposal should not only decrease the economic, public health, safety, and welfare concerns of current residents at a risk of losing their housing, but it should enable a broader cross-section of socio-economic and demographic groups

who otherwise might find it difficult to occupy affordable housing locally, to live in the City. All affordable housing development that occurs as a result of these amendments will continue to be subject to the same overall code requirements that regulate other development. Should subsequent Development Code amendments eventually be proposed in order to alleviate impediments to the development of affordable housing, the proposal will undergo a separate analysis and hearings process in order to determine potential quality of life effects. Staff evaluated the potential adverse effects of the current proposed amendments however and determined that assisting financially marginal populations will improve their quality of life and in so doing will cumulatively benefit the City's citizenry overall. Therefore, staff has determined that no detrimental effect was found to negatively impact the quality of life, economy, environment, public health, safety or welfare of City residents as a result of the amendments being proposed.

**FINDING: THIS PROPOSAL WILL NOT BE DETRIMENTAL TO THE QUALITY OF LIFE, INCLUDING THE ECONOMY, ENVIRONMENT, PUBLIC HEALTH, SAFETY OR WELFARE. THUS, CRITERION 1.3.1.4 HAS BEEN MET FOR THE PROPOSED AMENDMENT.**

***1.3.1.5 The benefits of the proposed amendment will offset potential adverse impacts on surrounding areas, public facilities and services.***

As previously stated, all affordable housing development that may be stimulated by the proposed amendments will be subject to the same standards that govern other development. Should subsequent Development Code amendments eventually be proposed in order to alleviate impediments to the development of affordable housing, the proposal will undergo a separate analysis and hearings process in order to determine potential impacts on surrounding areas, public facilities, and services. In regard to the this proposal, it should be acknowledged however, that development of housing that caters to low-income and special needs populations (typically regarded as "in need of affordable housing"), will likely increase the need for supportive social services. Nevertheless, delivery of these services are a regional function and is administered through County and non-profit agencies throughout the area. Because the City does not directly serve in the administration of these services, no adverse impacts are anticipated.

**FINDING: CRITERION 1.3.1.5 REGARDING BENEFITS OF THE PROPOSAL OFFSETTING POTENTIAL ADVERSE IMPACTS IS MET FOR THE PROPOSED AMENDMENT.**

**1.3.1.6** *There is a demonstrated public need, which will be satisfied by the amendment as compared with other properties with the same designation as the proposed amendment.*

In its Comprehensive Plan, the City has recognized Metro's 2000 estimate which projects the City's share of the regional affordable housing shortage will exceed 6,000 by 2017. It is anticipated that the proposed amendments would require some level of financial outlay and/or property tax abatement on the part of the City. However, staff believe that the fiscal impacts resulting from the proposed amendments will be offset by alleviating various impacts that are not commonly associated with the affordable housing issue. First of all, the majority of individuals that are in need of those units are classified as low-income and special needs populations. A majority of the low paying jobs available to these groups fall within the retail and service employment sector. Given that these sectors occupy almost one-half of the City's overall employment, it stands to reason that many of these individuals work in the City but may not be able to afford living here. Staff believes that encouraging the development of additional affordable units will not only assist existing low income residents to maintain their housing here in the City but will provide the City with a more diverse and equitable demographic cross section of residents. In addition, the policies proposed will provide the City with a diverse employment base and alleviate the region's traffic congestion problems by enabling the City's employees to live near their place of employment.

**FINDING: PUBLIC NEED, CRITERION 1.3.1.6, IS MET WITH RESPECT TO THE PROPOSED AMENDMENT.**

In conclusion, staff find that the proposal meets the burden of proof regarding comprehensive plan amendment criteria 1.3.1.1 through 1.3.1.6

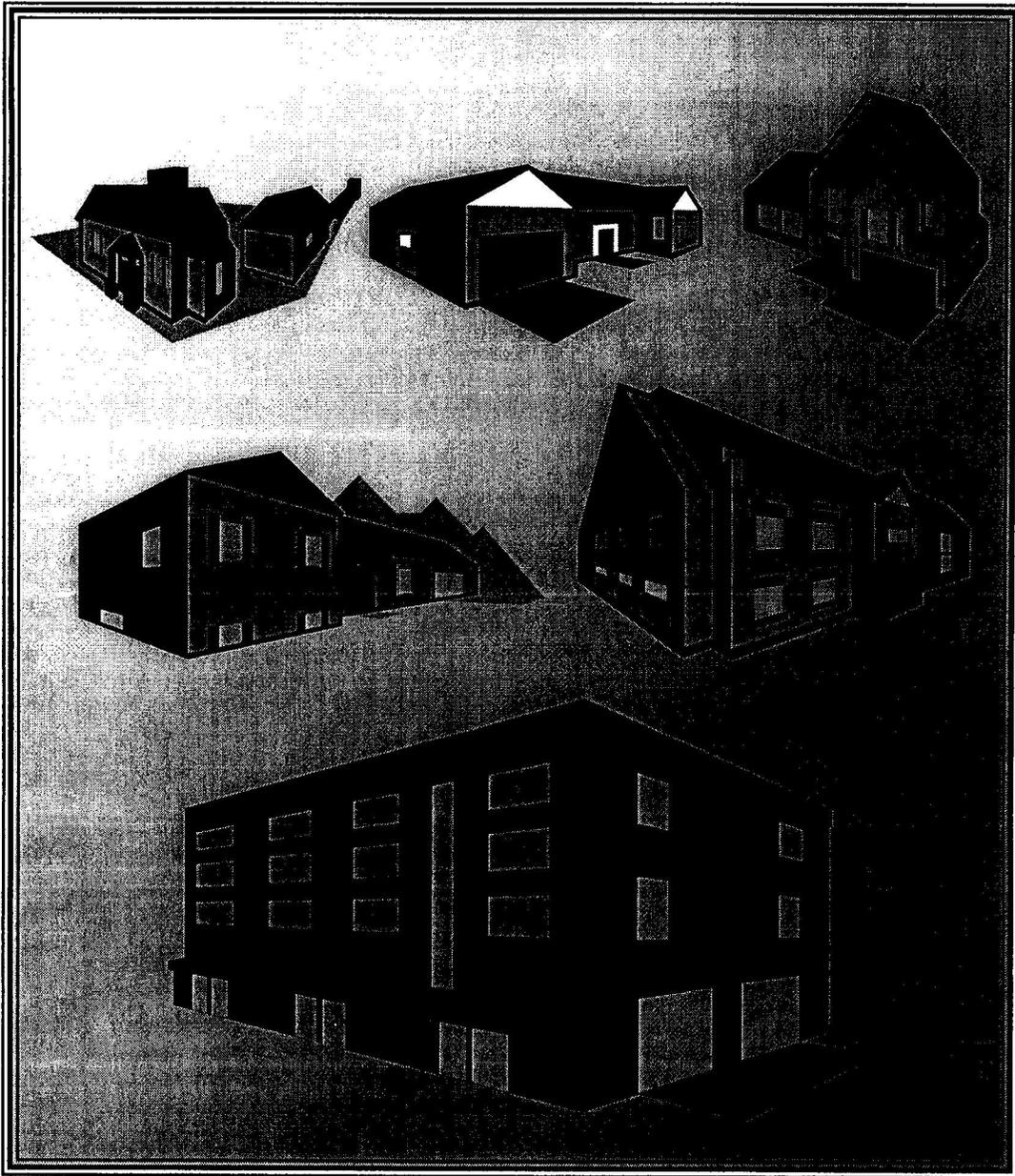
**ATTACHMENTS:**

- A. Amended Housing Element of the City's Comprehensive Plan
- B. City of Beaverton Title 7 Second Functional Plan Compliance Report (Cogan Owens Cogan)
- C. Metro Urban Growth Management Functional Plan Title 7 (Affordable Housing) provisions

Attachment A

Amended Comprehensive Plan Housing Element  
Proposed for Adoption

# CHAPTER FOUR: HOUSING ELEMENT



# HOUSING

## 4.1 OVERVIEW

Over the last several decades, Beaverton has undergone many changes in its residential housing makeup. Forty years ago the City's population stood at about 6,000 residents. By the year 2000, that number has increased to almost 70,000 residents. The City's housing market has been subject to various trends over this time span and changed in a variety of ways. Predominant housing characteristics which have occurred in response to this growth become particularly evident when viewing the City's housing trends from the perspective of three indicators – 1) housing supply, 2) mix of housing types, and 3) housing affordability.

### **1) Housing Supply and Density:**

Although the last forty years has seen a tremendous amount of housing production in the City, the rate at which this growth has occurred has not been constant. Examination of how that growth has occurred over time can reveal some interesting patterns. In the year 2000, it is estimated that the City of Beaverton has 32,202 housing units - 15% of which were produced in the 1960s, 21% in the 1970s, and 33% in the 1980s. The steady escalation of growth indicated by these numbers has taken a downturn during the 1990s however to reveal that only 25% of the City's housing units were built during that decade. Further, an examination of the City's building permits data reveals that production of new units has declined from over 2000 issued in fiscal year 1989-90 to just over 200 in fiscal year 1999-00.

Continual production of new housing throughout the City coupled with restrictions imposed by the City's inability to develop outside the Urban Growth Boundary has resulted in a drastic slowdown in growth over the last several years. Although some of this slowdown can be attributed to market fluctuations, a significant measure can also be explained by the fact that while the City's population has increased, the amount of land capable of absorbing the need for new housing has decreased. In essence, the City has nearly depleted its inventory of vacant land. Over the last several years the private market has responded to this trend by modifying their production strategies to focus upon "infill" opportunities while the City has adopted policies designed to increase housing unit densities and maximize the development potential of the land remaining. As a result, development during 1980s was characterized by fewer projects but at much larger scales while the 1990s has seen more projects but at significantly smaller scales.

### **2) Housing Type:**

Back in 1960, housing units in Beaverton were predominately single-family residential, making up approximately 78% of the city's total housing stock. Although much of the housing built in the 1960s catered to residents who commuted to downtown Portland, expansion of the city's consumer base infused the emerging local economy. As a result, the demand for labor needed to staff new businesses expanded the market for multi-family rental housing which grew over the next several decades to occupy a significant segment of the housing market. The supply of multiple-family housing increased further with the emergence

of condominiums which were introduced in the late 1970s. In year 2000, it is estimated that the ratio of single-family to multi-family development stands at 51% to 49%.

In recognition of the fact that Beaverton suffers from a shortage of buildable residential land, the City has begun to examine alternatives associated with housing types that emphasize increasing the density potential for new residential development. Recent policy changes designed to address these factors include the adoption of an R4 zone (allowing for a minimum lot size of 4,000 sq. feet per dwelling unit), the easing of restrictions associated with accessory dwelling units and manufactured housing, adoption of mixed use zones, as well as development code text amendments requiring that all new development achieve a minimum density of 80% of allowable capacity.

### **3) Housing Affordability:**

The affordability of housing has become a topic of great concern over the past decade. The crux of the problem lies in the fact that, throughout the region, wage rates have not been able to keep pace with escalating housing costs. The result is an ever widening affordability gap which has the potential of dislocating area residents. In general, a unit is considered unaffordable when its residents are allocating over 30% of their gross income toward housing costs. However, the population segment considered specifically "at-risk" is identified under Metro's Regional Affordable Housing Strategy (RAHS) as that portion earning below 50% of the area Median Family Income (MFI). According to this document, this population segment not only represents the area of greatest need, but reflects a demographic group regarded as the most vulnerable to losing their housing in a time of personal crisis. Specific groups within this category are particularly affected. These include the elderly on fixed incomes who may find that increasing tax liabilities and maintenance costs exceed their ability to pay for them, single parent households who are overly burdened with extensive childcare costs, and first time homebuyers who may have grown up in an area they can no longer afford to live in.

According to Oregon's Multiple Listing Service the average home price for the Beaverton area was \$175,700 in 1999 – up from \$91,633 in 1990. In essence, Beaverton's housing prices have almost doubled in the past nine years. While a segment of this increase can be attributed to escalating costs in permit fees, transportation impact fees, and system development charges, the bulk of the change derives from an increase in the value of land. Many upwardly mobile residents receive a windfall in equity appreciation from this trend, however, others less able to bear the costs resulting from property tax increases find it increasingly difficult to make ends meet. Ballot Measure 50 (a referendum which has limited the amount of property taxes local governments are able to levy) has alleviated this burden to some extent but in general the problem continues. In the case of renters, costs associated with these tax liabilities are passed on in the form of higher rents. In Beaverton that amounts to a 50% increase from an average rent of \$455 in 1990 to approximately \$700 in 1999.

In January 2000 the City conducted a housing survey in order to determine the breadth of its non-affordability problem. The survey found that approximately 17% of Beaverton's households earned under 50% MFI and 7% under 30% MFI. Of the households earning under 50% MFI, somewhere between 54% and 85% could be classified as living in non-affordable units. Overall, that segment accounts for somewhere between 8% and 12% of Beaverton's

population (the exact number for non-affordability could not be determined by the survey given that the definition varies with family size). These numbers are somewhat misleading in defining the depth of the problem, however, because they do not reflect the region as a whole.

Because some jurisdictions are burdened with a disproportionate share of the region's low-income housing while others are lacking in that market segment, solutions to the affordability problem are generally addressed from a regional need perspective. In June 2000, Metro's Affordable Housing Technical Advisory Committee (H-TAC) released its Regional Affordable Housing Strategy (RAHS). That report identifies Beaverton's share of the regional need as 7.2% or approximately 6,500 units (about 40% - 60% above the City's internal need). From that total it also sets a performance goal of 656 affordable units to be developed over the next five years.

## **4.2 GOALS AND POLICIES**

Through comprehensive planning, the City of Beaverton can help guide the quantity, types, and affordability of its housing. Goal 10 of Oregon's Statewide Planning Goals and Guidelines pertains specifically to housing. It stipulates that in preparing Comprehensive Plans, "Buildable lands for residential use shall be inventoried and plans shall encourage availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density." In conformance with this provision, as well as those specified in Oregon Revised Statute (ORS) section 197.295 -.314, Oregon Administrative Rules (OAR) section 660-007-008, Metro's Urban Growth Management Functional Plan (UGMFP) - Title 1, and Metro's Regional Affordable Housing Strategy (RAHS), the City conducted a buildable lands analysis and various housing needs studies and has adopted the following goals, policies, and actions to address the City's housing needs as they pertain to the availability of housing supply, housing type, and housing affordability as specified below.

### **4.2.1 HOUSING SUPPLY AND DENSITY**

Like every city and county throughout the state, Beaverton is required under ORS 197.296 to provide enough buildable land to accommodate a future housing need extended out to a twenty year planning horizon. In the Portland Metropolitan Area, Metro is the agency charged with regulating supplies of land within the Portland Metropolitan Urban Growth Boundary and therefore is the agency charged with making the determination as to what that supply of land should be for each jurisdiction under its purview. Determination as to whether local jurisdictions are in compliance with state provisions are made through the Title 1 provisions of Metro's Urban Growth Management Functional Plan. In attempting to address the provisions of this plan, the City conducted a Buildable Lands Analysis and determined that Beaverton would be able to accommodate 12,194 of the 13,580 dwelling units projected by Metro to occur over the next twenty years. This put the City's growth capacity at 91% of

what had been targeted by Metro and allowed the City to obtain a standing of substantial compliance under Metro's regulations.

One component of Title 1 was instrumental in permitting the City to achieve this standing. Section 4 of that title required the City to demonstrate that all residential development occurring between 1990 to 1995 had achieved an overall average net density of 80% of what the applicable zone allows for. If the jurisdiction is not able to demonstrate that it has achieved that required density, the provision suggests that the jurisdiction consider adoption of at least two of five measures specified to increase residential densities. In 1996, the City conducted such a study, (Beaverton's Title 1 Density Study), in order to determine if Beaverton's residential development met Metro's 80% density threshold. The City found that past development densities had not met Metro's 80% minimum, exhibiting instead a 63% measure of development density relative to what the zone allowed. This prompted the City to adopt several Plan and Code amendments identified below.

As indicated above, the most fundamental way to accommodate new development where the land supply is limited, as in Beaverton's case, is to increase unit/acre residential densities. In order to control the degree of sprawl that occurs with an expansion of the urban growth boundary, the state requires cities to demonstrate that their use of land is efficient. They encourage local governments to take measures that have the effect of increasing residential densities. In addition to the Metro required Buildable Lands and Title 1 Density studies mentioned above, the City also conducted several comparable studies to determine if the City is making progress in increasing their overall densities.

OAR 660-007-0035 requires that the City provide for an overall residential density of 10 or more dwelling units per net buildable acre. Since its last periodic review in 1988, net development density surpassed this requirement and achieved an overall average density of 11.23 units/acre. Additionally, OAR 660-007-0600 requires that "During each periodic review local government shall prepare findings regarding the cumulative effects of all plan and zone changes affecting residential use." In consideration of the fact that the City of Beaverton was in Periodic Review at the time this element was being adopted, the City conducted an analysis of its rezoning activity occurring since its last Periodic Review. This Analysis of the Cumulative Effects of City Rezoning study found that the City of Beaverton has accrued the increased capacity to accommodate approximately 5,882 additional units on vacant or buildable land as a result of its rezone approvals over a time span of twelve years. Overall, this amounts to a 377% increase in capacity over what had been previously permitted. Therefore, aside from the conclusions drawn from the Metro Title 1 Density Study, where the City demonstrated a shortfall from the 80% capacity measure, Beaverton has made strides to increase its overall residential densities. The following provisions are adopted in order to continue this trend.

**4.2.1.1 Goal: Maximize use of buildable residential land in the City.**

**Policies:**

- a) Increase residential capacity in the City to substantially comply with requirements of Title 1 of the Metro Urban Growth Management Functional Plan.

*Action 1: Adopt and apply a Development Code provision to require that net residential development density occur at a minimum of 80% of the maximum density a zone allows for.*

*Action 2: Adopt and apply a new zoning designation allowing for a minimum lot size of 4,000 square feet per dwelling unit.*

- b) To the extent practical, ease the review process and standards for higher density residential projects.

*Action 1: Amend the City's flexible setback provisions to allow more flexibility in residential design alternatives.*

*Action 2: Consider adopting a two track development review process for higher density development projects proposed outside of established neighborhoods, whereby projects that meet clear and objective design and development standards can be approved administratively. Alternatively, projects whose developers would propose to vary from the standards would be subject to a public hearing process.*

**4.2.2 AVAILABILITY OF HOUSING TYPES**

Statewide Planning Goal 10 (Housing), ORS 197.296 – 314, .480, & .677, and OAR 660-007-0030 all have provisions requiring that jurisdictions assess the availability of, and provide for, a variety of housing types. Specifically, the intent of these provisions is to "...encourage availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density". To satisfy the directives expressed in these provisions, the City of Beaverton conducted a buildable lands analysis and a residential mix and density study. ORS 197.296 requires that local jurisdictions "determine the actual density and actual average mix of housing types of residential development that have occurred within the urban growth boundary since the last periodic review..." Upon examining the results of these studies the City found that for the development occurring between the City's last Periodic Review in 1988 through 12/31/99, over 66% of new development consisted of

multiple family residential units. Broken down into individual types, percentages of units developed were 33.6% single family dwellings, 4.1% townhouses & rowhouses, .9% condominiums, .4% duplexes, and 61% apartments. In total, the City's housing base consists of approximately 50% single family residential (sfr) and 50% multiple family residential (mfr) units with a healthy mix of housing types.

Apart from Beaverton's existing inventory, OAR 660-007-0018 provides that "Sufficient buildable lands shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection." In attempting to address the requirements of this provision and determine the City's future need, the City also conducted a Housing Types Needs Analysis. This study examined the City's capacity to accommodate future need by first examining which income groups occupy which housing types, by proportion, and then applying those ratios to Metro's 20-year housing need projection. Types included in the model include sfr dwellings, apartments, 2-, 3-, & 4-plex buildings, condominiums, and mobile homes. In identifying which types were associated with each income segment, special consideration was given to that segment of the population under 50% of the median income in order to determine if the City could accommodate Metro's projected affordable housing goal for the City. The study then determined which housing types were permitted in which zones and then proceeded to cross check the need with the buildable lands analysis to derive an estimation of the number of units able to be accommodated in each zone. The study concluded that the City contains adequate buildable land to accommodate housing types associated with each price range and rent level. The map depicting the City's buildable lands is associated with this element as a supporting document labeled Figure 1 in the Housing Inventory section of Comprehensive Plan - Volume 2.

The Housing Type Needs Analysis succeeded in identifying a nexus between income level and housing type. However, three housing types requiring attention were not considered in this study and are therefore be addressed separately below. They include seasonal farmworker housing, manufactured housing, and government assisted housing.

ORS 197.675 requires that every state and local government agency address the health, safety, and welfare needs of seasonal farmworker housing.

- **Seasonal Farmworker Housing:** Activities associated with this group are centered in the western portion of Washington County. No need to develop or maintain housing for farmworkers in Beaverton has been identified. Therefore provisions to address the development and maintenance of farmworker housing are not considered to be applicable to the City.

OAR 660-007-0033 provides that "Each local government shall consider the needs for manufactured housing and government assisted housing within the Portland Metropolitan UGB [Urban Growth Boundary] in arriving at an allocation of housing types."

- **Manufactured Housing:** The City's Development Code allows for manufactured homes in the City's RA, R5, R7, & R10 zones, mobile home parks in the City's R5 zone and conditionally in the City's R2 zone, and manufactured subdivisions in the

City's R5 zone. The City does retain a set of clear and objective criteria relating to the design and placement of manufactured housing without having the effect of discouraging manufactured housing through unreasonable cost or delay. To this extent, the City finds that no further provisions are necessary in order to demonstrate compliance.

- **Government Assisted Housing:** According to the City of Beaverton's year 2000 Housing Survey, approximately 3% of the City's households receive public housing assistance of one sort or another (10% - 15% of which are in non-affordable housing). Washington County's Housing Authority is the agency responsible for administering public housing authority-related programs in Beaverton. The City has no role in allocating public housing assistance funding. The City can assist the Washington County Housing Authority in a limited capacity, however, by referring qualified households to the agency.

Although the City's Housing Types Needs Analysis indicated that the City of Beaverton does possess enough buildable land to accommodate a mix of needed housing types, the City recognizes the value of accessory dwelling units as a sensible housing type alternative. This housing type has the effect of increasing urban densities with minimal impact to neighborhood character. Further, this housing type is often accessible to lower income and special needs populations. In response to Metro's Title 1 requirements, the City recently updated its Development Code provisions to allow for accessory dwelling units within all zoning districts allowing single family residential uses.

The following provisions reflect the City's intent to allow a variety of needed housing types.

**4.2.2.1**      ***Goal: Provide an adequate variety of quality housing types to serve Beaverton's citizenry***

**Policies:**

- a) Allow development of a wide variety of housing types in the City.

*Action 1: Work in partnership with the Washington County Housing Authority to preserve its portfolio of federally assisted housing at rent levels affordable to extremely and very low-income households.*

*Action 2: Determine if Development Code restrictions exist that might impede the development of co-housing, halfway houses, or other innovative housing types and, where evident, make amendments to eliminate or reduce those restrictions.*

- b) Maintain the quality and safety of existing Beaverton housing stock.

*Action 1: Investigate the possibility of establishing a Housing Code Enforcement Program to insure that various housing quality and safety standards are met in order assure that low income renters are provided with decent living conditions.*

#### **4.2.3 AVAILABILITY OF AFFORDABLE HOUSING**

Conventional wisdom among those closest to the affordable housing issue is that the problems associated with the lack of affordable housing must be addressed from a regional perspective. This outlook derives from an acknowledgement that those local governments that bear a disproportionate share of the region's low-income housing are often the least equipped to bear the fiscal impacts that result. Therefore, in a metropolitan region where fiscal resources are unequally distributed among local governments, each local government should play a role in addressing the problem. It is from this premise that Metro developed its Urban Growth Management Functional Plan (UGMFP) Title 7 provisions. This section specifies that "The Metro Council shall adopt a "fair share" strategy for meeting the housing needs of the urban population in cities and counties based on a subregional analysis..." and proceeds to identify specific affordable housing related factors to be considered. Further, it provides that an Affordable Housing Technical Advisory Committee (H-TAC) be convened in order to formulate policy recommendations that may later be incorporated into Metro's UGMFP.

HTAC did produce a Regional Affordable Housing Strategy (RAHS) and in it established both production targets (which the City has used in conducting its housing needs analysis) as well as a set of recommended "tools" which can be used by local governments to encourage the development of affordable housing. ~~However, at the time of the preparation of this element, Metro had not yet adopted HTAC's recommendations into its UGMFP. Given that Beaverton has prepared this element to meet a Periodic Review requirement and wishes to adopt the element before Metro is likely to incorporate the HTAC recommendations in the UGMFP, the City has performed a cursory evaluation of HTAC's recommended tools and is adopting several in order to demonstrate its willingness to address the problem. In the years 2002, 2003, and 2004, the City formally considered these tools and other strategies for implementation and where appropriate, has incorporated them into them into the policies that follow.~~

To address the City's need to provide affordable housing, two areas of concern should receive consideration: 1) the retention of the City's existing affordable housing stock and 2) the production of new units.

##### **1) Retention of Existing Housing Stock:**

The City should adopt measures to minimize loss of its existing affordable stock. As the value of Beaverton's housing continues to appreciate, additional cost burdens are placed upon City residents. For city residents deemed "at risk" as a result of their low or fixed income status, this prospect has the potential to cause them to move from their place of residence or spend limited income or resources to retain their residence. Typically, residents under these

circumstances will alleviate the escalating burden by drawing upon either the equity invested in their home or upon any disposable income they may have in order to cover costs associated with maintaining their housing. As the burden increases however, they may be forced to deprive themselves of some basic living necessities such as heat or divert funds away from costs associated with housing maintenance. Substandard living conditions that may ensue could pose a risk to the resident's health and safety. Low income renters can also be at risk when they neglect to demand building improvements from their landlords out of fear that their tenant status may be compromised.

The City can assist residents in this predicament by continuing to provide funding through its Community Development Block Grant and H.O.M.E. programs to service providers that assist this "at risk" population. Additionally, the City can explore the idea of establishing a housing code enforcement program to monitor apartment maintenance as both Tigard and Portland have done. Finally, the City has developed a sound relationship with its community housing development organization (CHDO) partner Tualatin Valley Housing Partners (TVHP). This relationship has resulted in the retention of almost 100 multifamily units affordable to those at or below 60% of the MFI that most likely would have been converted to higher market rate housing. The City can continue to work with this organization to retain endangered affordable housing stock.

***4.2.3.1 Goal: Promote the retention of existing affordable housing stock in the City.***

**Policies:**

- a) Support low-income homeowners with housing rehabilitation needs through continued funding and administration of the Citywide Housing Rehabilitation Loan Program.
- b) Continue to devote funding through the City's CDBG and HOME Programs to local non-profit agencies in order to aid in the rehabilitation of existing long-term affordable housing in the City.
- c) Provide continued CDBG funding support to local non-profit service providers so that they may continue to supply needed living and service assistance to low income homeowners and renters.
- d) Work in partnership with TVHP, the Bridge Housing Corporation, Community Partners for Affordable Housing, the Housing Development Corporation, and Habitat for Humanity to preserve housing that is affordable to households at or below 60% of the MFI.
- e) Assure the long term affordability of City funded housing projects.

*Action: 1 Review CDBG and HOME program requirements that relate to housing assistance and where necessary, establish long term affordability requirements, standards, and guidelines.*

**2) Production of new affordable housing stock:**

According to Metro's RAHS report, the City of Beaverton should seek the development of an additional 656 affordable units within the next five years. Of that number, 229 units should be available to households earning between 30-50% MFI and 427 should be available to households earning under 30% MFI. This task is by no means a small endeavor. The problem in providing these units lies in the fact that it is very difficult for the free market to produce this housing and still realize the profit necessary to make it stay in business. Often, the only housing developers able to make projects of this kind work are non-profit Community Housing Development Organizations (CHDOs) who receive their funding via public subsidy and private donations of money, materials, or labor, and are able to structure their housing development financing near the break even point. These organizations are proficient in not only creating units affordable to low-income residents, but also play a role in maintaining the affordability status of rented units through their continuous monitoring and effective property management activities.

**4.2.3.2 Goal: Promote the production of new affordable housing units in the City.**

**Policies:**

- a) Inform Beaverton's residents, property owners, and business owners of the need for additional affordable housing within the City.

~~*Action 1: Formulate and implement a strategy for educating the City's residents, property owners, and business owners of the need for more affordable housing in Beaverton.*~~

*Action 1: Continue participation in statewide efforts to fund affordable housing programs.*

*Action 2: Conduct outreach to local media to raise public awareness of affordable housing needs and build public support for such programs.*

*Action 3: Continue to support and participate in efforts being undertaken by other groups to develop affordable housing in and around Beaverton (e.g., the Washington County Vision Action Network, the Inter-religious Action Network, and the Housing Advocacy Group).*

- b) Partner with and assist local non-profit developers (including TVHP, the Bridge Housing Corporation, Community Partners for Affordable Housing, the Housing Development Corporation, and Habitat for Humanity) in supplying and maintaining

additional affordable units throughout the City for “at risk” populations including those at or below 60% of the MFI.

**Action 1:** Assign the responsibility of coordinating and responding to inquiries about the development review process that involve the development of affordable housing to a specific staff member.

**Action 2:** Whenever possible, assist developers of affordable housing in the development application and review process by providing a single staff contact to assist with application processing.

**Action 3:** Whenever possible, assign a priority status in the development review and permitting process to applications where affordable housing is being proposed to reduce processing time.

**Action 4:** Assist housing developers in determining market demand for low income, elderly and special needs housing in the City and identify specific buildable parcels for affordable housing to serve these populations.

**Action 5:** Consider comments received from developers of senior and disabled housing when considering amendments to the City's Development Code in order to minimize impediments to such projects.

**Action 6:** Amend the Development Code to allow the appropriate City decision making authority to approve affordable housing projects that do not meet design standards for the purpose of reducing project costs while not significantly affecting project design quality.

**Action 7:** Consider refining and clarifying criteria for approving alternative parking requirements to reduce the cost of providing parking for affordable housing projects.

**Action: 8** Consider ways of subsidizing the development of parking for affordable housing projects located in high density areas of the City in order to reduce project costs.

**Action 9:** Establish a revolving loan program to assist affordable housing developers with system development charges, development review and permit fees.

**Action 10:** In the interest of leveraging the fund raising capacity of the City's non-profit housing developers, dedicate funding to the Washington County Community Housing Fund. Dedication of funding will be contingent upon establishment by fund trustees of award criteria that would result in allocation of a reasonable proportion of that fund to projects located within or near the City.

**Action 11:** Establish criteria that qualify affordable housing development proposals for property tax abatements.

- c) Continue to devote funding through the City's CDBG/HOME Program to local non-profit housing development agencies in order to aid in the development and maintenance of new long-term affordable housing in the City.

*Action 1: Establish a land banking program utilizing the City's CDBG/HOME entitlement to acquire and make available to developers land for the purpose of increasing the City's inventory of affordable housing units.*

*Action 2: Explore the idea of establishing a program using City funds to leverage employer efforts to secure affordable housing for their lower-income employees.*

*Action 3: Explore establishing a Community Land Trust that would acquire and hold land for affordable housing projects in Beaverton or Washington County as a whole.*

- d) ~~Work in partnership with TVHP to create housing that is affordable to households at or below 60% of the MFI.~~

~~*Action 1: Explore the possibility of creating a land banking revolving fund.*~~

~~*Action 2: Investigate the possibility of establishing a property tax abatement program to promote the development of affordable housing.*~~

~~*Action 3: Explore the possibility of creating a discretionary fund that pays building permit and system development fees for projects that address affordable housing needs.*~~

- d) Pursue sources of revenue to be directed toward increasing the City's inventory of affordable housing units.

*Action 1: Support efforts to establish a real estate transfer tax or fee with revenues dedicated to assisting in the provision of affordable housing.*

- e) Continue to comply or substantially comply with Metro Urban Growth Management Functional Plan (UGMFP) provisions that pertain to affordable housing.

~~*Action 1: Consider adoption of affordable housing land use tools and strategies including those identified in Metro's UGMFP. Such measures might include density bonus incentives, voluntary inclusionary zoning programs, an affordable housing replacement ordinance, and fast tracking for affordable housing project applications.*~~

*Action 2<sub>1</sub>: Annually monitor the progress of efforts to increase the supply of affordable housing in Beaverton, and report the findings to Metro as specified by relevant provisions of the UGMFP.*

- f) Continue over time to explore various tools and strategies that may serve to encourage the development of affordable housing in Beaverton.

Action 1: Consider implementing a density bonus or density credit program that focuses on achieving the City's affordable housing goals.

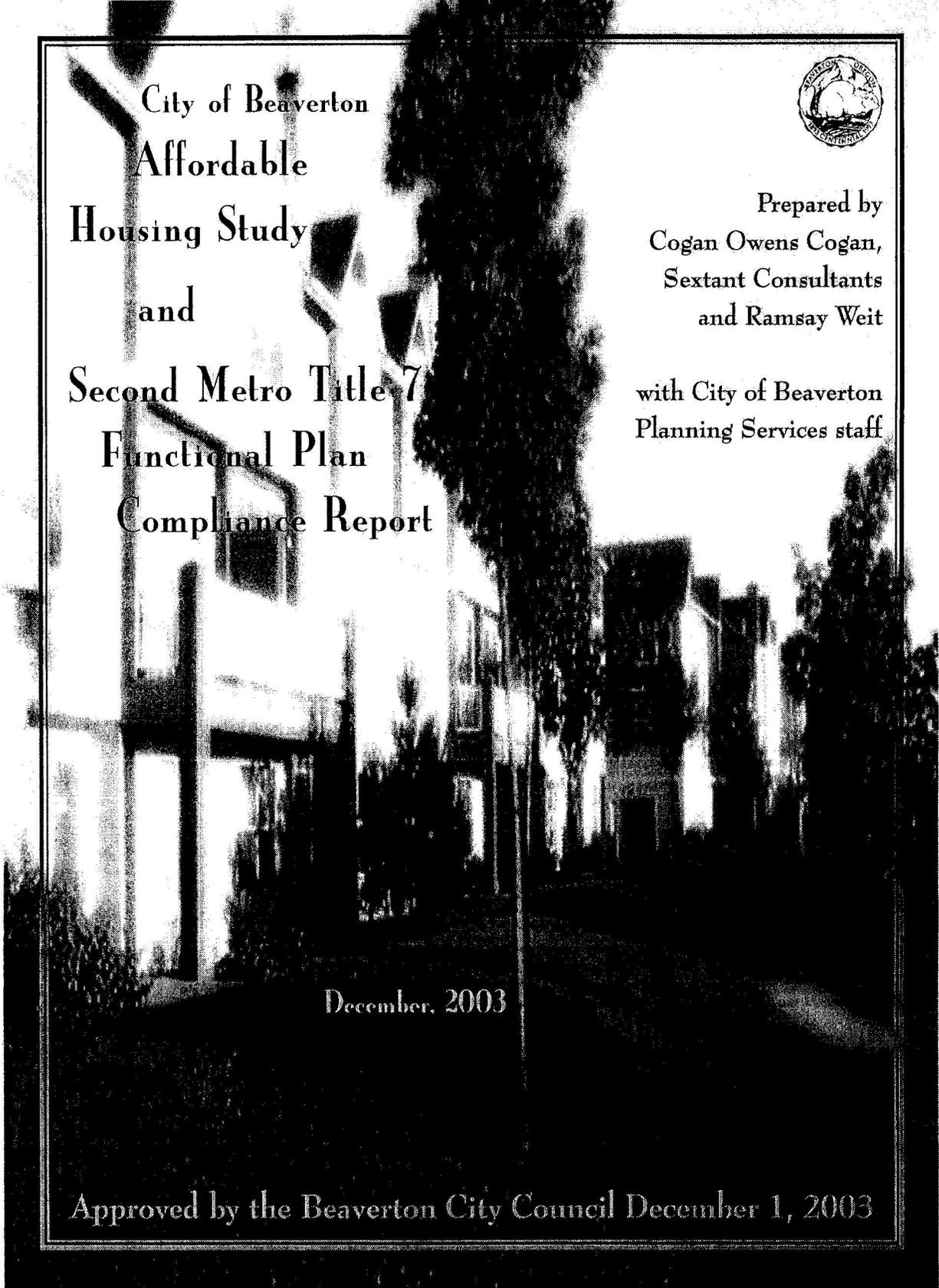
Action 2: Consider future implementation of a residential demolition delay policy targeted for residentially zoned properties where redevelopment of the property could result in the loss of affordable units.

Action 3: Explore implementing a voluntary inclusionary housing program to be used in combination with various affordable housing incentives.

Attachment B

City of Beaverton Title 7  
Second Functional Plan Compliance Report

by Cogan Owens Cogan



City of Beaverton  
Affordable  
Housing Study  
and  
Second Metro Title 7  
Functional Plan  
Compliance Report



Prepared by  
Cogan Owens Cogan,  
Sextant Consultants  
and Ramsay Weit

with City of Beaverton  
Planning Services staff

December, 2003

Approved by the Beaverton City Council December 1, 2003

# **City of Beaverton**

## **AFFORDABLE HOUSING STUDY AND SECOND METRO TITLE 7 FUNCTIONAL PLAN COMPLIANCE REPORT**

**Approved by the  
Beaverton City Council  
December 1, 2003**

Prepared by  
Cogan Owens Cogan,  
Sextant Consultants  
and Ramsay Weit

with City of Beaverton  
Planning Services staff

December, 2003

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## EXECUTIVE SUMMARY

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This report meets Metro's requirements for complying with Title 7 of Metro's Functional Plan. Metro requires local jurisdictions to consider a variety of techniques to meet regional and local needs for affordable housing. Metro's Functional Plan and Regional Affordable Housing Strategy establishes regional and local goals for future production of affordable housing units. This report describes the City of Beaverton's efforts to consider affordable housing strategies required by Metro and others in the City Comprehensive Plan and identified independently. The report also describes current housing conditions in Beaverton, as well as recent and ongoing City efforts to encourage the development affordable housing. The report concludes with a series of recommendations and priorities for helping address future affordable housing needs.

Like many other cities in the Washington County and the region, demographic and housing conditions in Beaverton have changed significantly during the last several decades. The City's population has increased by more than 50% in the last decade and its ethnic diversity also has increased significantly in the last several decades (from 1% minority in 1960 to 33% minority in 2000). The percentage of traditional two-parent family households has decreased, while the percent of "non-family" households has increased. On average, the population has aged and the number of people in each household has dropped. These changing conditions necessitate a focused effort by the City to encourage and assist in developing affordable housing that meets the varied needs of Beaverton residents.

The type of housing also has changed, with increases in the percentage of multi-family and rental housing. Currently, Beaverton has a nearly even split of single family (detached) homes and multi-family units and a similar mix of owner-occupied and rental housing. The proportion of multi-family and rental housing in Beaverton is higher than most other jurisdictions in Washington County. The value of owner-occupied housing has risen significantly during the last decade (60% after accounting for inflation), though the increase in cost has been lower (21%). In other words, housing sales prices have gone up considerably, while decreasing interest rates and flat property tax trends have resulted in more modest increases in the actual cost of owner-occupied housing. The cost of rental housing has remained relatively stable during this period.

Like other jurisdictions throughout the region, Beaverton faces challenges in meeting residents' needs for affordable housing, particularly for households with the lowest incomes (those earning less than 30% of median household income). Previous regional analyses and an updated local analysis indicate a significant current and expected future gap in the supply of affordable housing units for households in this income

category. These assessments indicate a smaller but significant gap for the next highest income category (households earning between 30% median household income (MHI) and 50% MHI).

In the past several years, Beaverton has undertaken a variety of efforts to help produce or encourage development of affordable housing, including:

- Used federal funds, including community development block grants (CDBG) and HOME Investments Partnership Program (HOME) funds to finance affordable housing developments.
- Paid for or deferred payment of city permitting or development fees for affordable developments and households in the City's housing rehabilitation program.
- Participated in local and regional advocacy, educational and other efforts to raise awareness and support for affordable housing programs.
- Lobbied for state legislation to create additional funding mechanisms for affordable housing.
- Adopted policy measures related to affordable housing in the City's Comprehensive Plan to provide a basis of support for additional future implementation actions.

These efforts have been productive and important. However, more can and should be done in the future to meet affordable housing needs and goals. As noted above, the City is required to consider use of several specific strategies to comply with Metro requirements. These include:

- Density Bonuses
- Replacement Housing
- Voluntary Inclusionary Housing
- Transfer of Development Rights
- Reduce Barriers to Development of Housing for Elderly and Disabled Populations
- Reduction of Regulatory Constraints
- Reduced Parking Requirements

These strategies are described in more detail in subsequent sections of this report. In addition, the City has evaluated a number of other possible affordable housing strategies, including the following:

- Public Education Efforts
- Revolving Fund for Payment of Permitting or Development Fees
- Land Banking and Land Assembly

- Property Tax Abatement
- County Housing Trust Fund Contributions
- Real Estate Transfer Taxes
- Document Recording Fee
- Long-Term Affordability Requirements
- Non-profit Organization Partnerships, Including Faith-based Organizations
- Employer Assisted Housing

This report describes each of these strategies in detail, drawing on experiences in other jurisdictions in this region and other parts of the state, opinions of stakeholders in the development community, affordable housing advocates and others, and additional research and analysis. Based on this information, a qualitative evaluation of these techniques has been conducted using the following criteria:

- Cost to the City in monetary or administrative resources
- Likely political feasibility or support
- Potential to produce or retain affordable housing units in the lowest income ranges (i.e., 30% median household income or lower)
- Administrative complexity
- Ability to implement in the short term (one to two years)
- Consistency with existing City policies
- Potential for partnering with others
- Ability to leverage other resources
- Overall feasibility

Based on the results of this assessment, strategies have been prioritized in terms of their overall feasibility and effectiveness. Preliminary recommendations for further consideration and implementation of them follow.

### High Priority

- **Public Education Efforts.** The cost to implement this strategy is relatively low, while the potential benefit in terms of political and public support for affordable housing initiatives is high. The potential for partnering with other organizations also is relatively high.
- **Revolving Fund for Deferral or Payment of Permitting or Development Fees.** This strategy rates high in terms of potential to produce or retain affordable units,

leverage other resources, and likely political support. It also is consistent with current city policy direction.

- **Land Banking and Assembly.** This technique also rates relatively high in terms of potential to produce or retain affordable units, leverage other resources, and ease of administration, assuming another entity manages land-banking efforts.
- **Housing Trust Fund (partnering with Washington County).** This strategy rates high in terms of the potential to leverage other resources and partner with others, and medium/high in terms of potential to produce or retain affordable units.
- **Long-term Affordability Requirements.** This strategy, which requires assisted housing to be kept affordable either permanently or for a defined period of time between 20 to 60 years, is low in cost and administrative complexity and important to maintaining a supply of affordable units.
- **Reducing Barriers to Development of Housing for Seniors and People with Disabilities.** This strategy is likely to have high political support and low costs to the City. It also is rated high in the potential to partner with others.
- **Non-Profit Organization Partnerships, Including Faith-based Organizations.** This strategy rates high in terms of the potential to leverage other resources and partner with others. It is also relatively low in terms of cost and administrative complexity.
- **Employer Assisted Housing.** This strategy has high potential for partnering with others and leveraging other resources. It also has a relatively low cost to the City.

### Medium Priority

- **Density Bonuses or Credits.** Given high existing densities and current market conditions, this technique is expected to have limited impact on producing new affordable units in larger developments. However, it could be effective as a tool for promoting housing for seniors and the disabled in medium-density areas with modest increases over currently allowed densities. It is assumed that housing for seniors and the disabled would have a lesser impact on public facilities and services than standard housing, and would therefore be more acceptable to existing neighborhood residents even if built at somewhat higher densities than surrounding residences. This technique also may be applied to give a developer a density credit, i.e., allow development at lower than minimum densities in one area, in exchange for building at higher densities and guaranteeing a certain amount of affordable housing in another area. In general, this tool offers limited ability to partner with others or leverage other resources.
- **Property tax abatements** for affordable housing projects or to encourage voluntary inclusionary housing. This strategy would be relatively costly to the City, though it rates relatively high in terms of ability to produce or retain affordable units and ability to leverage other resources.

- **Real Estate Transfer Tax.** This is a very important long-term strategy for funding affordable housing units and has been strongly supported by Beaverton's Mayor and other elected officials. However, little can be done at the local level to implement it until the state legislature authorizes its use.

### Low Priority

- **Replacement Housing Ordinance.** This can be done only on a voluntary basis. If used, it could delay demolition or loss of affordable units but also could be relatively costly and difficult for the City to implement and administer.
- **Transfer of Development Rights.** This technique is difficult to administer, has few precedents in Oregon or elsewhere for use in retaining or development affordable housing, and limited potential to produce new units.
- **Reducing Regulatory Constraints.** The City already has implemented this strategy to a large degree. Expanded implementation is expected to be of limited value in producing or retaining affordable housing units. It also has limited potential for leveraging other resources or partnering with others.
- **Reducing Parking Standards.** The City already has implemented this technique to a large extent. Opportunities for expanded implementation are expected to be limited.
- **Voluntary Inclusionary Housing.** This can be done only on a voluntary basis. If used, it can be implemented in combination with other techniques and incentives such as Density Bonuses on a limited basis, which also show as a low priority. This technique could be costly to the City and would be less effective than other tools in leveraging other resources.
- **Document Recording Fee.** The City does not have legal authority to adopt such a fee. Washington County currently charges such fees but does not dedicate revenues to affordable housing programs. Consequently, such use of existing fees or increases in fees to do so is expected to have limited public or political support.

These priorities may be further refined pursuant to direction from the Beaverton City Council.

Detailed results of the assessment of these strategies are included in the last section of this report.

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## REGIONAL AFFORDABLE HOUSING GOALS AND REQUIREMENTS

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In 1998, as part of regional planning efforts undertaken by Metro in cooperation with local jurisdictions in the Portland metropolitan region, Metro prepared a Regional Affordable Housing Strategy (RAHS). This document includes regional and local targets for production of affordable housing units and a summary of strategies and tools to increase the supply of affordable housing. Title 7 of Metro's Urban Growth Management Functional Plan furthermore requires local jurisdictions to consider several specific strategies to meet affordable housing needs. Consideration and implementation of other strategies also is encouraged.

Estimating the regional need for affordable housing and distributing responsibility for addressing the need among cities and counties is a complex task. Metro's RAHS contains a complete report of the methodology and assumptions used in generating estimates. For simplicity, this section only discusses the outcome of that analysis and its implications for Beaverton.<sup>1</sup>

The RAHS projects that the region needs 90,479 additional housing units affordable to households with incomes at or below 50% of median household income (affordable at 50% MHI). This includes 66,246 units affordable at 0 - 30% MHI and 24,234 units affordable at 30 - 50% MHI. The RAHS defined an affordable unit as one requiring no more than 30% of household income for housing costs.

The same "supply and demand" analysis determined that the region, as a whole will have more units than projected 2017 households at 51 - 80% MHI and 81 - 120% MHI. The analysis projects an excess of 43,198 units affordable at 80% MHI and 19,414 units affordable at 120% MHI. Some of these units are and will be occupied by households with lower incomes that pay rents or make mortgage payments that are in excess of 30% of their income.

RAHS also developed a methodology to distribute demand for affordable housing among jurisdictions in the region. The methodology attempted to give jurisdictions "credit" for their existing affordable units. In an effort to be equitable and to simplify the analysis, the methodology assumes that the income distribution across the region would be homogeneous in 2017. While it is unlikely that this will actually occur, the RAHS used this methodology to ensure that no one jurisdiction would be expected to provide a proportionally larger percentage of affordable units than another. Beaverton's estimated need is summarized in Table 1.

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<sup>1</sup> Regional Affordable Housing Strategy, Metro, June 2000. Chapters 2 and 3 provided further detail on how the projections and targets were developed.

**Table 1. Beaverton's Share of Regional Housing Need in 2017.**

<b>Income Group</b>	<b>Units Needed in 2017</b>
0 – 30% MHI	4,276 units needed
30 – 50% MHI	2,291 units needed
51 – 80% MHI	(777) excess units
81 – 120 MHI	944 units needed
<b>Total</b>	<b>6,734 units needed</b>

Source: Regional Affordable Housing Strategy, Metro, June 2000.

Consistent with other jurisdictions, this table shows that Beaverton's greatest need is for units serving the lowest income households. The table also shows that due to Beaverton's position within the housing market, Metro estimates an "excess" in the 51 - 80% income range and a relatively small deficit above 80% MHI. It should be noted that while Beaverton has a deficit of units in the 80 - 120% MHI range, the region as a whole has a surplus of affordable units in this range. This is due to the fact that housing units in different price ranges are not distributed equally across the region.

In 1999, the RAHS also recommended that jurisdictions adopt five-year (2004) production goals that represent 10% of the total affordable housing need for 2017 for households with incomes at or below 50% MHI. Beaverton's goals are shown in Table 2.

**Table 2. Beaverton's Five Year Housing Production Goals**

<b>Income Group</b>	<b>Units Needed by 2004</b>
0 – 30% MHI	427 units needed
30 – 50% MHI	229 units needed
<b>Total</b>	<b>656 units needed</b>

Source: Regional Affordable Housing Strategy, Metro, June 2000.

### **Cost of Meeting Targets**

Using the methodology prescribed in RAHS, meeting Beaverton's Affordable Housing Production Goals would require approximately \$42.7 million in subsidy in 5 years. The RAHS assumes a subsidy of \$82,500 per unit to build or rehabilitate housing affordable at 30% MHI and \$33,000 in subsidy per unit to build housing affordable at 50% MHI. In estimating average construction costs, the RAHS assumes a 50/50 split between new and rehabilitated units.<sup>2</sup> The City of Beaverton currently receives approximately \$1 million per year in total CDBG and HOME allocations. Over the next five years, it is

<sup>2</sup> Regional Affordable Housing Strategy, Metro, June 2000.

likely to receive about \$5 million or approximately 12% of the cost of meeting Metro's five-year targets.

Often the City's non-profit development partners bring to the table subsidy from other sources. However, it is not likely that they would be able to provide \$37 million in subsidy in 5 years.

As noted in the Executive Summary, the City of Beaverton assisted in efforts to pass legislation during the 2002/03 session to allow local jurisdictions to establish Real Estate Transfer Taxes, which currently are prohibited by state law. Beaverton Mayor Rob Drake was a leader in a coalition supporting passage of this legislation. While the legislature did not act on this recommendation, similar proposals are expected to be considered in future legislative sessions.

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## **EXISTING CONDITIONS IN BEAVERTON**

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This section describes the supply of housing in Beaverton, including the affordability of market rate housing in the City. It also includes a general discussion of the supply and location of buildable residential land within the City.

### **Housing Characteristics**

Beaverton has a diverse mix of housing and people. It has a nearly even split of single family (detached) homes and multi-family units and a similar mix of owner-occupied and rental housing. The proportion of multi-family and rental housing in Beaverton is higher than most other jurisdictions in Washington County. The monthly cost of owner occupied housing has risen 21% in the last decade. The cost of rental housing has remained relatively stable during this period. According to Census data, housing costs are similar in Beaverton to other surrounding jurisdictions in Washington County. They are about 10% higher than Hillsboro, nearly equal to those in Tigard, and about 10% lower than in Tualatin. Costs are higher in Beaverton than in most of the communities in western Washington County (e.g., Forest Grove, Banks, etc.).

In 2000, there were 30,821 (occupied and unoccupied) housing units in Beaverton. Approximately 48% (14,714) were owner-occupied; the remaining 52% (16,107) were rental housing units. Vacancy rates were 2.0% for owner-occupied housing and 6.0% for rental housing. Average household size was 2.67 for owner-occupied units and 2.23 for renter -occupied units. About 45% of the City's housing stock consists of single-family detached homes. The remaining 55% includes 6% single-family attached units, less than one percent mobile homes, and a combined 48% multi-family units. Multi-family units are relatively evenly distributed among small (2 - 4 units), medium (5 - 19 units) and large (20 or more units) developments. Approximately 28% of the City's

housing stock has been constructed since 1990. Nearly 80% was constructed after 1970.<sup>3</sup>

4

According to US Census data, the median value of owner-occupied units in 2000 was \$189,800, representing an increase of nearly 60% since 1990 after accounting for inflation. However, as noted above, monthly housing costs increased by only 21% during this period, due to decreasing interest rates and the effects of property tax limitation measures. The median monthly rent for renter-occupied units was \$706, representing an increase of only 4% during the last decade (after accounting for inflation). This information is summarized in the Table 3.

There are 15 group and assisted living facilities in Beaverton, housing just over 1,000 residents. They include 11 senior or assisted living facilities, two convents, one youth facility, and one rehabilitation facility. In addition, three manufactured home parks house another 255 residents.<sup>5</sup> A list of facilities is included in Appendix A.

**Table 3. Housing Characteristics, City of Beaverton, 2000**

<i>Characteristic</i>	<i>Number</i>	<i>Percent</i>
<i>Housing Tenure and Vacancy (vacant and occupied units)</i>		
Owner-occupied housing units	14,714	47.7%
Renter-occupied housing units	16,107	52.3%
Total housing units	30,821	100.0%
Vacant owner-occupied housing units	616	2.0%
Vacant renter-occupied housing units	1,849	6.0%
<i>Housing by Structure Type</i>		
Single-family detached	14,468	46.9%
Single-family attached	1,940	6.3%
2 – 4-unit structures	2,798	9.1%
5 – 9-unit structures	3,747	12.2%
10 – 19-unit structures	3,731	12.1%
20 or more unit structures	5,514	17.9%
Mobile home, other	309	1.0%
<i>Population living in group quarters</i>		
Total population in group quarters	917	1.2%
Seniors in group quarters	647	9.5%
<i>Construction period</i>		
Units constructed before 1970	6,990	22.7%

<sup>3</sup> 2000 U.S. Census of Population and Housing is the source for all data in this section, except as noted.

<sup>4</sup> 1.2% of Beaverton's population lives in group quarters. Just under 10% of seniors (65 and older) live in group quarters.

<sup>5</sup> City of Beaverton Community Development Department.

<b>Characteristic</b>	<b>Number</b>	<b>Percent</b>
Units constructed 1970 – 1990	16,375	53.1%
Units constructed 1990 – 2000	9,142	29.7%
<i>Housing cost</i>		
Median value of owner-occupied units	\$189,800	NA
Median monthly housing costs for homeowners	\$1,387	NA
Median rent of renter-occupied units	\$706	NA

Sources: 2000 U.S. Census; Washington County Housing Study for Washington County Department of Housing Services, Portland State University, 2003

## Population Trends

Over the last several decades, the population of Beaverton has grown in both size and diversity. The population also has aged, with a decreasing number of traditional families and smaller household sizes.

- **Growing population.** The number of residents increased by 43% between 1990 and 2000.<sup>6</sup>
- **Increasing diversity.** Over the last three decades, the percentage of white residents has decreased from nearly 99% in 1970 to just over 67% in 2000 (not including the Hispanic/Latino population). The Hispanic/Latino population has been the fastest growing and largest minority group in the City with a 2000 population of 8,463 (11.1% of the total population). The Asian population is the second largest minority group, with 7,349 residents (10% of the total population).
- **Aging.** As the baby boom population has matured nationally, the average age of City residents has steadily increased. The percentage of residents over 55 has increased from less than 10% in 1970 to 15.7% in 2000.
- **Fewer traditional families.** An increasing percentage of households are categorized as “non-family households.” The percentage of family households as a percentage of all households has decreased from 80% in 1970 to 60% in 2000. The percentage of “married-couple” family households (among all households) has dropped from 73% in 1970 to 47% in 2000.
- **Smaller average household size.** The average household size has decreased from 3.1 in 1970 to 2.44 in 2000.

Most of these characteristics mirror national and/or county/regional trends. For example, the populations of Hillsboro and Tigard grew by 87% and 40%, respectively, during the last decade and Hillsboro has seen similar increases in its minority populations (to 30% in 2000). Other jurisdictions have seen similar changes in household size and family structure as well, though the average household size in

<sup>6</sup> 2000 U.S. Census of Population and Housing and Beaverton Demographic Profile, Portland State University, 1995.

Beaverton is lower than in most other jurisdictions in the County. The percentage of non-family households is higher in Beaverton than in most other Washington County communities.

## **Housing Affordability**

Affordable housing typically is defined as housing which does not cost more than 30% of a given household's total income. This rule-of-thumb has been used historically and continues to be used today by most housing analysts (e.g., in Metro's Regional Affordable Housing Strategy, federal housing documents prepared by the Department of Housing and Urban Development, and others). According to US Census data, median monthly mortgage costs for homeowners in Beaverton were \$1,387 in the year 2000. Median rents were \$706 in that same year. Median household income was \$47,863; median family income was \$60,289 in 2000. Median family income tends to be higher because households classified as families, on average have more employed adults in the household. Approximately 23% of all homeowners paid more than 30% of total income in housing costs. About 35% of renters paid more than 30% of total income in housing costs. About 28% of all households in Beaverton (8,633 households) paid more than 30% of total income in housing costs.

A housing survey and report completed for the City by Campbell Delong Resources, Inc. in 2000 also provides information about household incomes and affordability in Beaverton. The study found the following for 1998:

- The number of owner-occupied and renter-occupied dwellings were approximately equal.
- The number of households in single-family and multi-family dwellings were approximately equal.
- About one-third of survey respondents had incomes below 80% of the median household income, with about 19% of households earning between 51 and 80% of median, 10% between 31 and 50% of median, and 7% below 30% of median.
- Between 8 and 12% of households were below 50% of median household income and paid more than 30% of total income for housing.

This information is fairly consistent with the U.S. Census data cited above.

In looking at housing affordability, housing professionals also typically identify the percentage of housing units affordable to households or families at different income levels. As noted above, income levels generally are classified in terms of the percentage or proportion of median household income. Ranges evaluated generally include those households below 30% MHI, between 30% and 50% MHI and between 50% and 80% MHI.

Census data does not provide information about affordability for households in these different income ranges. However, rough estimates of average affordability have been extrapolated from Census data and are described in the tables below, which summarize the number of units affordable to households in each income range. These are compared to the number of households in each range to identify a rough estimate of the affordability gap in each range.

Table 4 assesses affordability for owner and renter-occupied housing at median prices. Census data indicates that, on average, median priced owner-occupied housing would be affordable to households earning 116% of MHI. In other words, less than half of all households have the potential to obtain affordable owner-occupied housing since the median cost of owner-occupied housing is greater than 30% of the median household income. Census data also indicates that, on average, median priced rental housing would be affordable to families earning 64% of MHI. Rental housing therefore is more affordable than owner-occupied housing and meets a significant portion of the need for affordable housing for families and households with lower incomes.

**Table 4. Affordability of Median Priced Housing in Beaverton**

Median monthly home owner costs <sup>1</sup>	\$1,387
Median monthly rental costs (including \$55 utilities allowance) <sup>1</sup>	\$761
Annual median income <sup>1</sup>	\$47,863
Monthly median income <sup>1</sup>	\$3,989
30% of monthly median income <sup>2</sup>	\$1,197
Percentage of median annual income needed to afford buying a median cost dwelling <sup>2</sup>	116% MHI <sup>7</sup>
Percentage of median annual income needed to afford renting a median cost dwelling <sup>2</sup>	64%MHI <sup>8</sup>

Sources:

1. 2000 U.S. Census
2. Cogan Owens Cogan

Assumptions:

- Affordable housing = no more than 30% of household income on housing costs
- Utility figures based on year 2000 Housing Authority of Portland (HAP) Section 8 estimates. Includes electricity and gas heat, hot water and cooking

<sup>7</sup> The monthly cost of owner-occupied housing for median priced housing is \$1,387. To determine the percentage of median monthly income needed to "afford" this housing, given that housing is affordable if 30% or less of income is spent on housing, monthly housing costs are divided by 30% of monthly median income  $\$1,387 \div \$1,197 = 1.16 = 116\%$ .

<sup>8</sup> The monthly cost of renter-occupied housing for median priced housing is \$761. To determine the percentage of median monthly income needed to "afford" this housing, given that housing is affordable if 30% or less of income is spent on housing, monthly housing costs are divided by 30% of monthly median income  $\$761 \div \$1,197 = 0.64 = 64\%$ .

Table 5 assesses the supply of affordable housing for households in different income ranges. The table indicates that there is not enough affordable housing to meet the needs of families or households earning less than 30% MHI. It indicates a smaller gap in the supply of housing affordable to households earning between 30% and 50% MHI. The analysis indicates a surplus in the supply of units affordable to households earning between 50% and 80% MHI. Overall, owner-occupied housing makes up a very small percentage of the supply of housing affordable to households at these income levels.

This approach is focused solely on Beaverton and does not consider the supply and need for affordable housing across the entire Portland metropolitan region. It assesses Beaverton's ability to provide affordable housing to its low income residents. The fair share target for Beaverton described in the sections above (RAHS target) is based upon a regional assessment which assumes all cities equally share the responsibility of providing housing affordable to households of all income groups within the region.

**Table 5. Affordable Housing Units by Income Range (%MHI)**

Household income	Affordable Units			Percent of units	Households	Percent of households	"Gap"
	Owner	Renter	Total				
Below 30% MHI	39	503	543	2.0%	2,609	8.5%	2,066
30% MHI - 50% MHI	290	2,496	2,783	10.2%	3,253	10.5%	470
50%MHI - 80% MHI	1,658	8,700	10,360	38.1%	6,067	19.7%	4,239 (surplus)
Total below 80%MHI	1,987	11,699	13,686	50.3%	11,929	38.7%	1,757 (surplus)

Sources:

1. 2000 U.S. Census
2. Cogan Owens Cogan

There are a number of caveats that accompany this analysis. It is based on median costs for housing and median incomes. It does not distinguish among households of different sizes which may find housing more or less affordable given varying income levels and housing needs. For some household income levels and sizes, the need may be overstated; for others, it may be understated. In addition, this information is based on year 2000 US Census data. It assumes that the number of housing units in different cost ranges are evenly distributed within those ranges and similarly, that households are evenly distributed within different income ranges. The analysis also does not reflect the fact that many households with higher incomes choose to rent or buy housing in lower price ranges, further reducing the supply of affordable housing for households with lower incomes.

Finally, since 2000, housing market conditions have changed in at least two ways. First, housing prices for owner-occupied homes have continued to increase. At the same time, interest rates have decreased significantly. To some degree, these two trends have cancelled each other out in terms of their impacts on the monthly cost and affordability of owner-occupied housing. Rental housing prices have been more stable during this period, with relatively little fluctuation in Washington County, according to the Barry Apartment Report.

Low interest rates also have allowed renters in the upper margin into homeownership. This has affected rental vacancy rates, especially in the upper income categories. This influx could accelerate the process of filtering certain types of housing down to lower income groups.

This assessment identifies estimated current affordable housing needs and gaps. It is similar to the results of Metro's Regional Affordable Housing Study described below. However, that study evaluates short-term (five years) and long-term (20 years) needs for affordable housing within the entire Portland metropolitan area, as well as for specific jurisdictions such as Beaverton.

### **Buildable Land Supply**

The City of Beaverton has a relatively limited supply of buildable land available for development of affordable housing. Buildable land includes properties that are vacant, considered redevelopable based on the ratio of property to improvement value, or could accommodate additional development considering allowable zoning regulations (i.e., densities). A number of potential opportunity areas for future affordable housing have been identified both in the City and outside its limits. They include the following:

- Medium and large vacant or underdeveloped parcels in close proximity to light rail.
- Small and medium sized vacant or redevelopable parcels in the Downtown area, including south of Tualatin Valley Highway and west of Highway 217, and south of Center Street. Land assembly efforts likely would be needed to develop affordable housing in this area; in some cases, high land values could make affordable housing development challenging without subsidies.
- Large undeveloped properties north of Springville Road in the Bethany area recently included within the Urban Growth Boundary and likely to be developed within the next five to ten years. Devoting even a relatively small portion of these properties to affordable housing could result in a significant number of new units. However, given the limited transit service to this area, this may not be the best location for housing for those in lowest income range.

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## CITY EFFORTS TO ENCOURAGE AFFORDABLE HOUSING DEVELOPMENT

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As noted in the City's first Functional Plan Compliance Report for Title 7, the City's Comprehensive Plan includes policies directed at complying with Title 7. These include considering adoption of affordable housing tools and strategies and monitoring progress in increasing the supply of affordable housing. Recent activities include the following efforts:

- Administered Housing Rehabilitation Program to help low to moderate income homeowners in Beaverton with basic home repairs. Homeowners earning up to 80% of median family income (MFI) are eligible. The programs provide low interest (0-5%) loans for home repairs and grants for mobile homes. Since 1996, the City has committed more than \$1 Million to the program, which has helped more than 80 Beaverton homeowners.
- Used Community Development Block Grant (CDBG) funds to assist with four single-family home rehabilitation projects and contribute \$25,000 in grants to shelters and support of fair housing programs during the past year.
- Used HOME funds for construction of affordable special needs housing in The Bridge development. The City has invested nearly \$500,000 in this project for developmentally disabled residents and very low income adults. The City contributed nearly \$280,000 in CDBG funds for purchase of the land, \$63,500 in CDBG funds/grants for off-site improvements, and \$150,000 in HOME funds for construction.
- Awarded \$50,000 in CDBG funds in 2000 to assist with replacing the roof of one of the buildings at Spencer House - an affordable multifamily complex run by Tualatin Valley Housing Partners.
- Set aside nearly \$260,000 in the 2003-2004 budget year to purchase land for a future affordable housing. The City also has allocated nearly \$180,000 in HOME funds during the same year to assist construction of a low-income senior housing project to be developed in downtown Beaverton.
- Worked with other local jurisdictions and affordable housing advocates across the state to support passage of legislation to allow local governments to establish real estate transfer taxes. This legislation was not adopted.
- Began work on a study of affordable housing tools and strategies; recommendations of that study are incorporated in this compliance report.
- Collaborated with Tualatin Valley Fire and Rescue (TVF&R) through an intergovernmental agreement to conduct fire safety inspections of mobile homes at no cost to the homeowner.
- Paid for the cost of building permits for work done through the City's housing rehabilitation program (typically \$700 - \$1,000 per year).
- The City agreed to pay up to \$20,000 in city fees for the Bridge Housing Corporation development.
- Participated in the following collaborative efforts:

- Washington County's Housing Programs Advisory Subcommittee, which reports and advises the Community Development Policy Advisory Board and the County Board of Commissioners on housing policy issues.
- The Portland Regional Lead Hazard Control Program, which administers a \$6 million federal grant to reduce lead hazards in low-to-moderate income homes across the Portland-Vancouver region.
- The Bi-State Regional Housing Partnership, which has funded several initiatives to improve the regional coordination of affordable housing efforts, including support of HousingConnections.org, developing Census analysis for the region, and writing a regional summary to be incorporated in each jurisdiction's Consolidated Plan. The City has placed a link on its Web site to the HousingConnections.org Web site.
- The Housing and Supportive Services Network, which promotes coordinated efforts to address homelessness in Washington County, and develops the Washington County Consortium's Continuum of Care (McKinney grant) application each year.
- The Interreligious Action Network through housing forums to investigate faith-based efforts to meet affordable housing needs.
- The Housing Advocacy Group, which serves as a focal point of efforts to promote affordable housing in Washington County. The City contributes annual dues to the HAG, which funds various educational and research efforts around affordable housing.

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## STRATEGIES

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This section of the report summarizes the results of preliminary research and analysis of a variety of techniques for increasing the supply of affordable housing units in Beaverton. These include the seven tools that must be considered pursuant to Title 7 of the Metro Functional Plan, as well as additional techniques identified at the outset and during the course of this study. For each strategy or type of tool, the following information is provided:

- Brief description
- Current City of Beaverton efforts to implement the tool
- Findings from stakeholder interviews
- Experience from other local jurisdictions
- Other research conducted
- Preliminary findings and conclusions

Results are based on the following:

- Four stakeholder meetings conducted with non-profit housing developers, for profit residential developers, city and state housing agency staff, and social service providers in Washington County.
- Additional interviews with staff from other jurisdictions in Oregon, mainly in the Portland Metropolitan area.
- Research of affordable housing programs and financing tools used by selected jurisdictions in other states.
- Review of Beaverton's zoning and development code.
- Internet and other research.

## **Techniques Identified by Metro as Requiring Consideration**

As part of the task of complying with Metro Title 7, cities must consider seven specific techniques to provide or encourage development of affordable housing. Cities also may explore other strategies. Following is a description of how Beaverton has considered the seven required techniques, including recommendations for further consideration or implementation of each technique.

### **1. Density Bonuses or Credits**

#### ***Background/Current Conditions***

A density bonus is a provision to allow a builder or developer to exceed maximum allowable densities in a given zone under certain conditions. For example, density bonuses could be tied to construction of a certain percentage of affordable units in a given development. In recommending consideration of this tool, Metro recognizes that it may have limited potential given regional requirements for increased and minimum densities, particularly in town and regional centers. In many areas, there may not be adequate market demand for higher densities. This technique also may be applied to give a developer a density credit, i.e., allow development at lower than minimum densities in one area, in exchange for building at higher densities and guaranteeing a certain amount of affordable housing in another area.

Beaverton's Comprehensive Plan goals and policies call for the City to "maximize use of residential land" and "increase residential capacity to comply with requirements of Title 1 of Metro's Urban Growth Management Functional Plan."<sup>9</sup> The City has implemented these policies through significant increases in allowable densities in many areas, including minimum densities for high density residential and mixed use zones.

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<sup>9</sup> City of Beaverton Comprehensive Plan, Housing Element.

Maximum allowable densities vary from 4.2 to 10.6 units per acre in detached residential zones and from approximately 12 to 42 units per acre in attached residential zones. These density numbers do not include increased density allowed from accessory dwelling units that are permitted in all residential zoning districts. Maximum densities are based on minimum per dwelling land area requirements for each zone. The Regional Center - Transit Oriented district has allowable densities of from 20 to 60 units per acre for residential only buildings and densities in multiple use building limited only by the maximum building height of 120 feet that can be increased to 200 feet with an Adjustment or Variance. Densities could be higher for multi-story, multi-family dwellings. The City has minimum densities in all zones. These are "gross" densities, which do not reflect land needed for circulation or protection of environmentally constrained lands. These factors, as well as height limitations, design standards, floor area ratios (FARs) and other factors affect actual achievable densities.

In Beaverton, it is expected that this technique most frequently would be applied to new or infill development on vacant or redevelopable sites. Its application would be most effective in the following types of areas:

- Those which already allow for relatively high densities or on large vacant lots where a mix of densities could be developed, with density bonuses applied to at least a portion of the development. These could include the City's higher density residential zones (R 3.5, R2 and R1) and multiple use districts (Regional Center, Town Center and Station Community). There are a relatively modest number of buildable (vacant and redevelopable) parcels in these areas, with just a few medium to large vacant parcels in the city limits.
- Areas that have recently been or are planned to be brought into the urban growth boundary. These areas include large buildable properties that may have the potential for targeted application of density bonuses.
- Areas with medium densities targeted to developments for senior or disabled housing, with modest increases in allowable density.

### *Stakeholder Interview Findings*

Stakeholders are generally neutral toward or not supportive of this tool for the following reasons:

- A more compact downtown is needed before developers will take advantage of and achieve higher densities.
- There is a limited supply of buildable land in Beaverton, resulting in limited opportunities to achieve high densities and make use of density bonuses.
- The sites that are buildable already are zoned for relatively high densities, making density bonuses unnecessary.

- Building costs increase with density, making it difficult to build high-density affordable units, without an even greater level of subsidy.

### *Experience from Other Communities*

- **Portland.** The city allows density bonuses for developments for elderly and handicapped residents. For other types of developments, density bonuses are seen as problematic because they generate concerns about compatibility with surrounding land uses.
- **Clackamas County.** The county offers a density bonus for any development of four or more dwelling units, based on the development code performance criteria. Developments that include living units qualifying and approved for housing for low-income family assistance or for the elderly under a federal, state or local programs are eligible for a five percent density increase for low density developments and up to an eight percent increase for medium, medium-high or high density developments. According to county design review staff, no developers have taken advantage of this tool for at least the past five years.<sup>10</sup>
- **Eugene.** The city offers a density bonus for projects that use Community Development Block Grants (CDBG) or Home Interest Partnership Program (HOME) funds. These controlled income and rent housing projects are eligible to build at 150% of the site's allowable density. Allowable densities per acre include: R-1 (no minimum; 14 units maximum); R-2 (10 units minimum; 28 units maximum); R-3 (20 units minimum; 56 units maximum); and R-4 (20 units minimum; 112 units maximum). The city also allows an R 1.5- Rowhouse zone where the maximum building size is 8 rowhouses, no more than 180 feet in width. A minimum of 400 square feet of rear open space is required per rowhouse with a minimum smallest dimension of 14 feet. According to city staff, non-profit affordable housing developers often take advantage of this tool.
- **Hillsboro.** The city offers density bonuses for two types of development. In Planned Unit Developments (PUD), developers are allowed to build at the next highest plan designation than that which is normally allowable in the base zone. According to city staff, this option is used quite frequently as land prices continue to escalate. It is most often applied to infill projects, and can be controversial. For example, a low density parcel zoned for 5 units per acre is allowed to build at the next highest density or 8 units per acre. The city of Hillsboro's medium density zone allows 8 to 16 units per acre, but the density bonus only allows building at the lowest number of units per acre in the next highest plan designation. In the Light Rail zone, developers can build at higher densities if they demonstrate better than average compliance with design standards. This option has not been used as the Light Rail zone already has very high densities.

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<sup>10</sup> Clay Glasgow, Clackamas County, 503-353-4520.

- **Tigard.** The city has not implemented density bonuses for affordable units or developments because they would require ongoing monitoring of those developments to ensure that required units continue to be rented at affordable rates. The city notes that this could be difficult and costly. In addition, the city expects that density bonuses would have limited impact on either increasing density or the supply of affordable housing, given current market conditions.
- **Gresham.** The city has not implemented density bonuses because Gresham's code was amended in recent years to provide higher citywide minimum densities. Many areas are rezoned to allow mixed-use housing, mixed tenancy, and mixed-type housing resulting in substantially more opportunities to provide for low and moderate-income housing needs. In addition, Gresham's Development Planning staff confirms that developers are not seeking higher densities than those provided in the code. In some cases, developers view the minimum densities as being difficult to achieve due to market factors. Gresham has rezoned approximately seventy percent of the land within the City to comply with Metro Title 1: Functional Plan requirements.
- **Tualatin.** The city does not allow for density bonuses.

Minimum densities can be difficult to achieve in developments that include larger units with multiple bedrooms. To address this problem, the City could consider defining densities in terms of numbers of bedrooms, rather than units. Few cities in Oregon have taken this approach. In response to queries for this project, Bend, Hillsboro, Eugene and Gresham indicate that they do not use this approach. The only city identified to date that uses this approach is Blackburg, Virginia, though other examples may exist.

### *Other Research*

The Oregon Legislature recently enacted a law that provides tax exemptions for "vertical housing developments." The new law provides a partial tax exemption for certified projects that include a ground floor or lower floors occupied by commercial uses and one or more upper floors of residential uses. The allowable exemption is for 20% of assessed value on land and improvements for each floor, up to four floors of residential use with a maximum partial tax exemption of 80%. Developers could be encouraged to take advantage of this program in conjunction with affordable housing projects and multi-story developments. Density bonuses may be needed to make such developments feasible.

### *Preliminary Findings and Recommendations*

Further exploration of this tool is recommended, including targeting use on larger parcels where issues of compatibility with surrounding uses can be adequately addressed. Use of this technique may be more effective in the long term, given the following conditions:

- Relatively high existing minimum densities in many zones and potential lack of a market for higher densities in most areas.
- Limited supply of large parcels where density bonuses could work.
- High cost of constructing very high density developments (i.e., five or more stories) because of the need for elevators and use of more expensive construction materials and techniques.

However, approaches similar to those implemented by Eugene and Hillsboro described above merit further consideration and could be effective for specific developments. Application in areas with medium densities and modest increases in allowable densities also should be investigated. In using this tool, it is important to ensure that density increases correspond to areas with public transit lines and do not adversely impact existing or future infrastructure capacity. This tool can work in conjunction with the strategy to support development of housing for seniors and people with disabilities.

It also is recommended that the City explore opportunities to provide density credits to developers who commit to developing affordable housing. For example, development at lower than minimum densities could be allowed in one area, in exchange for building at higher densities and guaranteeing a certain amount of affordable housing in another area.

## **2. Replacement Housing**

### *Background/Current Conditions*

Replacement housing strategies are intended to prevent the involuntary displacement of low-income residents from existing affordable housing, which is lost due to demolition, conversion to market rate units, or price inflation. Replacement strategies typically require restoration of lost housing units by requiring an equal number of similarly sized, priced, and located units be developed by an agency or individual deemed responsible for loss of the original units.

Oregon Revised Statute (ORS) 197.309, as recently amended, states that “a city, county or metropolitan service district may not adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178, a requirement that has the effect of establishing the sales price for a housing

unit or residential building lot of parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale to any particular class or group of purchasers.” This legislation essentially prohibits cities from enacting mandatory replacement housing or “no net loss” provisions, as such requirements would force a building owner to provide housing in that building only to people in a specific income class. Because of this requirement, no city in Oregon has a mandatory no net loss requirement.

As a result, without legislative change, the City may only enact voluntary replacement housing provisions. These could incorporate incentives such as tax abatements or city fee waivers for building owners that continue to provide affordable housing units when not formally required to do so through programs such as the Section 8 voucher system. A voluntary replacement housing ordinance would be consistent with the City’s goal to “promote the retention of existing affordable housing stock in the City,” as well as other supporting policies.<sup>11</sup>

### *Stakeholder Interview Findings*

Participants are generally neutral towards this tool, though they agree that it could be a useful tool in the event that affordable housing units are threatened with demolition. At that point, the City would work with the owner to try and save the property or supply of affordable units. Stakeholders also indicated that legal restrictions make it difficult to require preserving or rebuilding affordable units, though a city can negotiate with and encourage a property owner to meet those objectives.

### *Experience from Other Communities*

- **Portland.** The city requires a delay in demolition of residential housing in areas with a residential Comprehensive Plan map designation. The regulations provide an opportunity for public notice of impending demolitions and for coordination by various City bureaus. There is a 35-day notice period during which demolition is delayed, and a possible 120-day extension of the demolition delay period. During the extension period, options such as moving the structure, finding a purchaser for the site, or an alternative to demolition may be evaluated.
- **Other cities.** The cities of Eugene, Tualatin and Hillsboro do not use a replacement housing tool.

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<sup>11</sup> City of Beaverton Comprehensive Plan, Housing Element.

### *Preliminary Findings and Recommendations*

Given legal restrictions, further consideration of this technique should be limited to an approach similar to the City of Portland's demolition delay program described above. It is recommended that the City consider adopting policies and regulations to help delay demolition of and attempt to preserve affordable units where possible. This would require staff to identify and monitor the supply of affordable units and take relatively quick action when any are threatened. Though this issue has not been identified as a problem in the past in Beaverton, a proactive approach to addressing it before it becomes a problem is recommended.

### **3. Voluntary Inclusionary Housing**

#### *Background/Current Conditions*

Inclusionary zoning or housing programs are mandatory or voluntary provisions to assign a certain percentage of housing units in new residential developments to be sold or rented to lower or moderate income households at an affordable rate. The legislation described in the previous section on replacement housing (ORS 197.309) limits cities' abilities to enact both mandatory replacement housing and inclusionary housing ordinances. As a result, only voluntary inclusionary housing provisions can be implemented. In addition, some incentive would be needed to encourage most developers to provide a certain percentage of units at prices affordable to low income households. Incentives frequently used in conjunction with inclusionary housing programs include: density bonuses, financial subsidies, city-paid development fees, options to produce inclusionary units off-site, relaxed development standards, delayed or city-paid system development charges, donations of land or money, and property tax abatement.

#### *Stakeholder Interview Findings*

Developers agree that this can be a useful tool, particularly if negotiated during site planning and development review and/or if the subject development contains multiple uses. Local government representatives note that it is useful if adopted in concert with housing subsidies and that monitoring by the City is required. One participant suggests that this tool be applied to existing properties or developments.

#### *Experience from Other Communities*

- **Gresham.** In December 2000, the Gresham City Council adopted changes to its list of approved uses for CDBG and HOME funds.<sup>12</sup> This provides a financial incentive

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<sup>12</sup> First Annual Report to Metro, City of Gresham, 2002.

to help implement voluntary inclusionary housing. For example, developers may apply for HOME funds to assist with the development of mixed-income housing which meets the following requirements:

- *Containing 50 or fewer units.* This threshold was chosen to encourage infill and neighborhood-scale development. Historically, the trend in Gresham was towards development of large, poorly designed affordable housing complexes.
- *Consisting of a mixed income project.* This is defined as project in which at least 10% of the units are affordable to households with incomes at or below 30% Median Family Income (MFI) and at least 10% of the units are affordable to households with incomes at 50% to 80% MFI. Preference is given to projects that have a substantial number of units affordable at or below 50% MFI. (The subsidy may only apply to the units affordable at 60% MFI and below. The city prefers to limit the subsidy to units affordable at 50% MFI and below.) The intent of this requirement is to allow the developer the choice of building remaining units for high or low income households. The average renter falls within 52% median family income (MFI) range, so requiring development in the 30 - 50% range has not been deemed necessary by the City.
- *Located in areas designated by the city as not currently having a high concentration rental housing.* (This incentive would be allowed in 9 of the city's 15 Census Tracts.)
- *Complying with the city's Multi-Family Design Standards.*

As of September 2003, the City has not received any applications for developments using this tool. Staff suggest that reasons may include: slow market, political sensitivity to building family housing as opposed to special needs housing, and the fact that the most active community development corporation (CDC) in the area primarily focuses its efforts in the City of Portland.

### ***Preliminary Findings and Recommendations***

Further consideration of this technique as a voluntary measure is recommended. It could be implemented in a variety of ways for developments where a certain percentage of units are affordable to very low (0 - 30% MFI) or low (30 - 50% MFI) income households, including the following:

- Provide density bonuses.
- Provide other incentives such as tax abatements or fee waivers.
- Consider continued application of flexible landscaping, design or parking standards (e.g., if a particular low-income housing developer can demonstrate a lower need for parking). The City's code currently provides for flexible parking standards. For example, residential care facilities, defined as "living facilities for more than five (5)

non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents" are required to have a minimum of 0.25 parking spaces per bed and a maximum of 0.5 spaces per bed. Other ordinance provisions allow for additional or alternative reductions under specific conditions.

#### **4. Transfer of Development Rights (TDRs)**

##### ***Background/Current Conditions***

This tool is designed to direct development from one site to another to preserve a publicly valued resource or meet other objectives. Property owners or developers in one area transfer a portion of their development rights from a "sending" area where lower densities are desired, to a "receiving" area where higher densities are permitted if TDRs are acquired. A local government must establish and administer a process for transferring rights from one area to another.

##### ***Stakeholder Interview Findings***

Most participants are neutral towards this tool. They note that it has not been used much in Oregon, particularly as a way to encourage affordable housing. They also note that it requires a market for development rights or density bonuses, which may not be practical in Beaverton.

##### ***Experience from Other Communities***

- **Gresham.** The city does not consider this a practical tool. According to city staff, the market is not meeting maximum allowable densities provided by code. Between 1999 and 2002, the city approved 118 residential development applications. Of those, only five achieved the maximum allowed density.
- **Portland.** In order to preserve existing single room occupancy (SROs) hotels, the City of Portland allows transfer and sale of excess floor area ratio to a receiving site within the Central City. One successful use of this tool is the former Athens Hotel. The site was purchased by a non-profit development corporation for rehabilitation into housing and treatment services for very low-income individuals. The excess floor area, amounting to 50,000 square feet, was sold to the adjoining owners on the block. The rehabilitated facility is required by a covenant to remain as very low-income housing indefinitely.
- **Seattle.** The City of Seattle effectively requires all new office development built within the downtown core at a floor area ratio between 15:1 and 20:1 to obtain development rights from a housing TDR pool. The housing TDR pool is collected from sending sites of existing and rehabilitated low and moderate income rental housing. The sending site must retain the housing at a specified affordability level

for twenty years. The sending sites can be located in most areas of downtown, but the receiving sites are limited to the office core. (Source: Metro's Regional Affordable Housing Strategy, 2000)

### *Preliminary Findings and Recommendations*

Detailed exploration and/or implementation of this technique is not recommended at this time for the following reasons:

- This technique is typically used on a regional or county-wide basis, primarily to protect natural resource areas. It rarely is used in smaller jurisdictions as a means to encourage production of affordable housing.
- This tool was not recommended for use in Beaverton by stakeholder interview participants, including staff from the City of Portland, one of the few local jurisdictions in the Pacific Northwest to use this tool for this purpose.
- As noted earlier, incentives may be used to encourage voluntary inclusionary housing or to provide opportunities for increased density in specific areas of the City. These techniques are likely to be as or more effective than a transfer of development rights program, given the cost to establish and administer such a program.

## **5. Reduce Barriers to Development of Housing for Elderly and Disabled Populations**

While this is identified as a strategy or technique by Metro, it is really more of a category of housing to which a variety of techniques can be applied, most of which also are discussed in other sections of this report.

### *Background/Current Conditions*

Nearly half of elderly renters in Oregon spend over 35% of income on rent. A majority of people with disabilities are at 30% or less of the median household income. Hence, these populations are particularly in need of options for affordable housing and some tools may be targeted specifically toward them. Strategies for local governments can include: focusing development of housing for this group in transit-friendly areas; encouraging the development of integrated communities; encouraging the use of the community land trust model as a tool to stop rent increases for seniors in mobile home courts; and examining zoning codes for conflicts in meeting locational needs of these groups (e.g. allowing mixed-use development in commercial and residential areas). As discussed below, the City already uses a number of these strategies.

Small residential care facilities (for not more than five non-related persons) are permitted outright in most of the City's residential zones. Residential care facilities without size restrictions are allowed as conditional uses in the City's higher density residential zones and allowed outright in the City's regional center and station community multiple use zones. Consistent with Metro Title 2 standards, the City has lower parking requirements for residential care facilities than other types of residential uses (between one-quarter to one-half of the average number of spaces required for other uses). These strategies are consistent with the City's policy to "allow development of a wide variety of housing types in the City."<sup>13</sup>

As discussed under the section on density bonuses, the City has a relatively modest supply of large developable properties in zones where these types of uses would be allowed and would be well served by transit and other needed services. At the same time, there may be an opportunity to develop smaller-scale care facilities on infill lots in other residential neighborhoods.

Other types of affordable housing typically used by elderly and disabled populations include accessory dwelling units. Beaverton allows these units as outright permitted uses in virtually all the City's residential zones.

### *Stakeholder Interview Findings*

Participants generally support use or further exploration of strategies to facilitate or encourage development of affordable housing for seniors and people with disabilities. They note that developments for seniors have been built in Hillsboro and Forest Grove and that such projects can work in residential neighborhoods with a moderate scale. At the same time they note that housing for seniors and people with disabilities have several locational and other requirements, including appropriate densities and close proximity to transit lines and other services. Non-profit developers recommend reducing parking requirements and/or paying or deferring development fees associated with transportation, utility systems, and parks and recreation for such developments. They also suggest use of publicly issued bonds as a funding mechanism and incentive for developers.

### *Experience from Other Communities*

- **Hillsboro.** The city approves variances for a reduction in parking requirements for this type of project. In one example, the Tualatin Valley Housing Partners (TVHP) documented a lesser need for parking in a proposed project, resulting in a reduced

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<sup>13</sup> City of Beaverton Comprehensive Plan, Housing Element.

parking requirement by the City. All TVHP projects are in the high density light rail zone. Parking requirements were reduced due to proximity to light rail.

- **Tualatin.** The city offers a 150% increase in density from the base plan designation for retirement housing.
- **Gresham.** Mainstream Housing, Inc. is developing an affordable housing project in Gresham called On Your Own. This project responds to needs in Multnomah County for affordable rental units with support services for people with developmental disabilities. The project will provide six new one-bedroom, single story apartments for developmentally disabled adults. An existing single family home will be rehabilitated for an on-site manager. The project also incorporates individualized daily assistance plans created and provided for residents by Community Vision, a service organization that works with developmentally disabled adults to assist them to live independently in the community.<sup>14</sup>

### *Other Research*

Tualatin Valley Housing Partners (TVHP) is very interested in developing housing for the elderly or disabled if there is a demonstrated need. However, a detailed market analysis for elderly housing is needed to show demonstrated need. The demand and financial success of renting elderly housing depends upon the size of the elderly population, current homeowner and rental rates, income, and availability of services such as a senior center, medical offices, and hospitals.

Community Partners for Affordable Housing, which serves the Tigard-Tualatin areas of Washington and Multnomah Counties, is considering developing senior housing in the Beaverton area. Whether this happens depends on the market for senior housing in Beaverton or other specific areas. Locations near existing senior centers would be advantageous from a market perspective. One such location in Beaverton is the Elsie Stuhr Center Senior Center at 5550 SW Hall Boulevard, which is operated by the Tualatin Valley Parks and Recreation District for seniors 60 and over.

The two primary sources of public funding for senior housing are:

1. **Federal Housing and Urban Development (HUD) Department 202 Senior Housing program.** These funds are limited and are highly competitive.

HUD does not allow project budgets to include funding for overhead and administrative costs for non-profit developers. Consequently, Section 202 Senior Housing projects are less attractive to non-profits. If project funding or excess revenue from operations were allowed to support non-profits, this source of project funding would be more attractive to non-profits.

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<sup>14</sup> [http://www.mainstreamhousing.org/program\\_descriptions.html](http://www.mainstreamhousing.org/program_descriptions.html).

2. **The State of Oregon's Elderly and Disabled Loan Program** provides below-market interest rate permanent mortgage loans by issuing tax-exempt bonds. For profit and not-for-profit borrowers may apply for such loans for newly constructed properties or for acquisition/rehabilitation of existing properties.

This program also finances apartments, congregate care, residential care, and assisted living facilities for persons 58 years and older, as well as group care homes for persons with mental and physical disabilities.

### *Preliminary Findings and Recommendations*

Further consideration of this tool is recommended. The City already has done much to allow for development of housing for seniors or people with disabilities in the form of residential care facilities and accessory dwelling units. The City allows such development as a permitted or conditional use in most residential and multiple use districts, and requires fewer parking spaces for such developments. Additional efforts could include identifying specific buildable parcels that would be appropriate for senior housing and offering incentives for construction of affordable housing for seniors and people with disabilities, similar to other recommendations described previously. Developments undertaken by St. Anthony's, REACH and other organizations can provide good models for further exploration by the City.

In addition, it is recommended that the City work with developers of senior and disabled housing to ensure that the City's development code, including proposed new design standards, do not create impediments to such projects. The first step in this process would be to ask such developers to review and comment on existing and proposed new development regulations.

Because a successful senior project depends on market demand, City staff could keep informed about market rate senior housing. Recent Census data and housing data compiled by Washington County appears to indicate a demand for such housing. The City may be able to assist non-profit developers in further analyzing the potential demand for affordable housing for seniors. For example, the City could cooperate with a non-profit interested in senior housing to commission a senior housing market analysis. The City also could keep track of existing and proposed market rate and subsidized senior housing developments including the number of units by size, rents, and vacancy rates, information needed to assess the market for senior housing

## 6. Regulatory constraints

### *Background/Current Conditions*

Local regulations can impact the cost of development by reducing the number of units that can feasibly be built on a parcel, increasing the amount of time or resources spent on meeting permitting requirements, and/or increasing the cost of construction or development (e.g., design standards, landscaping, or other requirements).

One of the City's policies is "to the extent possible, ease the review process and standards for higher density residential projects."<sup>15</sup> Existing permit approval and design review processes appear to be relatively straightforward and do not appear onerous. In the past, design standards for residential zones have been fairly basic with reasonable approval criteria. However, design standards for multiple use districts are more substantial and the City is currently updating residential design standards for all single family attached and multi-family units. New design standards include a variety of requirements related to building articulation, roof forms, materials, screening for roof-mounted equipment, buffering and landscaping. While these new standards will undoubtedly help create and maintain high quality of design and appearance for new housing, they may affect the cost and ability to develop affordable units. Further review of these standards and their impacts on the cost of development should be undertaken as the City proceeds with their preparation and adoption.

In the past, the City has assisted affordable housing developers with permit and approval processes and has paid selected development fees for some projects. The City also is in the process of completing an assessment of its development review and approval processes, including ways to make them more efficient.

### *Stakeholder Interview Findings*

Interviewees generally indicated that the City's regulations do not hinder the development of affordable housing and opportunities for streamlining the city's permitting process are limited. Both not-for-profit and for-profit developers indicate that landscaping requirements are not an issue or impediment to affordable housing in Beaverton.

### *Experience from Other Communities*

Staff from the cities of Eugene, Hillsboro and Tualatin did not describe use of any specific flexible provisions such as a streamlined approval process for affordable

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<sup>15</sup> City of Beaverton Comprehensive Plan, Housing Element.

housing developments. However, all of these jurisdictions have staff that assist affordable housing developers with the application and development processes.

### *Other Research*

Enforcement of municipal housing codes also can affect the supply of affordable housing. Enforcement can force some landlords to better maintain residences. If the cost of making such improvements or performing major maintenance is high, such development may close or rents may increase to the extent that these developments are no longer affordable. Without intervention, this may result in a loss of affordable units.

The City charges a variety of permit, review and inspection fees. Some fees vary by dwelling type, with higher per unit fees for multi-family dwellings in comparison to single-family housing in some cases. An initial analysis indicates that these fees are equitable. Building fees are based on the estimated value of proposed developments. Higher fees per unit for multi-family units are partly offset by lower values per square foot used in setting building values. The higher fees also reflect the higher costs of inspecting multi-family units. Additional, in-depth analysis could be done to further evaluate this issue, particularly in relation to systems development charges set by other agencies. SDCs constitute the majority of upfront development and building fees.

### *Preliminary Findings and Recommendations*

Further exploration and consideration of this technique is recommended, including the following specific approaches:

- Continue to assist affordable housing developers in the application and review process. Possible actions could include: give priority to development/design review processes that include affordable housing units; provide a single staff contact for affordable housing projects; and hold concurrent reviews and/or hearings.
- Implement recommendations from a current effort to identify improvements to the City's development review and approval processes.
- Consider relaxing new design standards for affordable housing developments. At a minimum, identify those standards that may have the most significant impact on the cost of development and allow for flexibility in meeting them when reviewing and approving affordable housing developments.
- Further evaluate differences in fees for single and multi-family dwellings, as needed.
- Investigate opportunities and applicable development code provisions for innovative types of affordable housing such as cooperative housing. Communities which currently have development code provisions for such housing (e.g., Eugene or Corvallis) could provide model language.

## 7. Parking

### *Background/Current Conditions*

The cost of parking facilities affects housing development costs. Strategies to reduce costs can include: review parking requirements to ensure they meet the needs of residents of all types of housing; coordinate strategies with developers, transportation planners and other regional efforts to reduce costs of providing parking for affordable housing; and evaluate off street parking requirements for infill housing development, ensuring that their requirements are not greater than what currently exists.

Beaverton's parking requirements are consistent with Metro Title 2 regulations and very similar to those applied in other jurisdictions in the region. Requirements include minimum and maximum numbers of required off-street parking spaces for specific types of residential uses. They vary by number of bedrooms and type of use (e.g., fewer spaces required for residential care facilities and accessory dwelling units). Requirements do not differ by cost or affordability of unit.

Shared parking is another technique that can be used to reduce parking requirements. Shared parking typically is applied when adjacent property owners share their parking lots and reduce the number of parking spaces that each would provide on their individual properties. This technique has been shown to reduce the amount of parking necessary by 40-60% compared with standard off-street parking requirements for each destination if developed separately.<sup>16</sup>

There are two main approaches to shared parking: contractual agreements and parking management districts. Under a contractual agreement, the circumstances under which parking paces are shared are explicitly defined in the contract. In a parking district, all uses within the district have access to all parking spaces at any given time. Each property is levied a fee, based on the assess value of the property.

The City of Beaverton Development Code (Section 60.30.10.8.B.) does allow parking spaces that meet the needs of one establishment to serve another establishment on the same parking lot provided there is sufficient evidence showing the times of peak parking demand for the various establishments do not coincide, and that adequate parking will be available at all times when the various establishments are in operation.

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<sup>16</sup> Thomas P. Smith, *Flexible Parking Requirements*, PAS Report 377, American Planning Association (Chicago; [www.planning.org](http://www.planning.org)) 1983.

### *Stakeholder Interview Findings*

Generally, stakeholders support using or further exploring this technique. While some participants say that existing requirements are not a hindrance to development of affordable housing, others suggest implementing flexible parking ratios on a site-by-site basis for certain types of development where parking needs may be less. Furthermore, they urge resulting requirements not become too low. They note that shared parking with adjacent commercial uses can be effective and that residents must have clear information when they move in about available parking spaces.

### *Experience from Other Communities*

**Gresham.** The city requires similar requirements for residential parking ratios as the City of Beaverton, although Gresham requires more parking for duplex and triplex units than Beaverton. Gresham also requires a modest amount of visitor parking for attached dwellings containing four or more units (about one space to three or four units). Gresham's parking requirements also are consistent with Metro Title 2 regulations. Gresham's code does not include any other special provisions for reduced requirements for affordable housing developments.

### *Preliminary Findings and Recommendations*

Limited further consideration of this tool is recommended. The City's parking requirements currently are consistent with Metro standards and appear to address varying needs of different types of residential development. However, further flexibility could be provided for affordable housing developments if applicants can demonstrate a reduced need for parking spaces based on a lower than average rate of car ownership. Shared parking arrangements among affordable housing developments and adjacent commercial or mixed use developments also should be encouraged. It is recommended that the City identify criteria for use of this tool, including types of adjacent uses to which it could be applied, a process for entering into contractual agreement, and sample agreements. Sample agreements may be available from Metro. It also is recommended that the City apply consistent requirements and standards in reviewing and approving exceptions to parking requirements.

### **Other strategies and tools**

In addition to the seven techniques that Beaverton is required to consider under Title 7, the City may explore other strategies and tools for providing or encouraging development of affordable housing. As part of its first compliance report, the City identified several strategies for further consideration, including a revolving fund for development fees, creating a revolving fund for land banking, and formulating and implementing a public involvement program to inform residents about the need for

affordable housing. These strategies are called out in the Housing Element of the City's Comprehensive Plan. Additional strategies for consideration were identified by City staff and the consulting team that assisted in preparing this report, as well as through meetings with affordable housing stakeholders. The following is a summary of these techniques.

## **8. Public education efforts**

### ***Background/Current Conditions***

One of Beaverton's housing policies is to "inform Beaverton's residents, property owners, and business owners of the need for additional affordable housing within the City."<sup>17</sup> For Beaverton to implement recommended affordable housing strategies and actions, it will need broad-based support from these parties, as well as elected officials and developers. This is particularly important, given shrinking state and municipal budgets and rising housing costs. Awareness of these issues is relatively high, given the impact of spiraling housing prices over the last several years and resulting effects on affordability. At the same time, most local governments typically have spent a limited amount of money on addressing this issue. More awareness and support will be needed if the City intends to increase its role in funding affordable housing programs and activities.

In addition to providing general information about affordable housing needs, it also is important to provide information about the supply of affordable housing, as well as specific properties or sites with potential for affordable housing development. Developing a referral service to connect people who need affordable housing with those who can provide it can be a valuable tool. The Housing Connections initiative is being used to create this type of electronic referral service of landlords and potential tenants in the Portland metropolitan region, including the City of Beaverton. Information about this service is featured prominently on the City's Web site.

Participation in non-profit and other organizations pursuing affordable housing goals also is an important way to increase public awareness and support for affordable housing development. Beaverton is a non-voting member of the Housing Advisory Group of Washington County (HAG). In addition to regular information sharing, the group has monitored affordable housing-related activities, organized several regional affordable housing symposiums, and maintains a Web site. The City currently participates with the HAG in a state-wide advocacy training and lobbying program sponsored by the Neighborhood Partnership Fund. This program will provide valuable training in working with the media, elected officials and others to build public awareness and support for affordable housing initiatives.

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<sup>17</sup> City of Beaverton Comprehensive Plan, Housing Element.

### *Stakeholder Interview Findings*

Several stakeholder interview participants emphasized the importance of educating the public about affordable housing issues and needs. They noted that this is particularly important for people who face a combination of obstacles to obtaining and retaining affordable housing units (e.g., residents who are unemployed or underemployed, have substance abuse problems, have mental or developmental disabilities, or face other adverse conditions). For these individuals, finding affordable housing is not enough. Receiving continued support to address these other obstacles is equally important.

### *Experience from Other Communities*

- **Ashland.** In preparing an *Affordable Housing Action Plan* for the City of Ashland, the consulting team for this project recommended the city undertake a variety of efforts to enhance and focus public knowledge of affordable housing issues, programs and initiatives. Recommended activities included options such as distributing the city's Action Plan to community leaders; maintaining information about affordable housing on the city's Web site; encouraging local media to cover stories about affordable housing; and making presentations to local service clubs and community groups about affordable housing issues and programs.
- **Eugene.** The city has an intergovernmental Housing Policy Board that has established a priority for creating and reviewing affordable housing policy. The board is made up of representatives from Lane County, City of Springfield, City of Eugene, the housing developers and other community representatives.

### *Preliminary Findings and Recommendations*

Similar to the strategies suggested in the Ashland Housing report, we recommend the City of Beaverton increase awareness and support for affordable housing programs through a variety of efforts, possibly including:

- Continued high-profile participation in statewide efforts to fund affordable housing programs (e.g., Mayor Rob Drake's previous and ongoing support of statewide legislation to allow for local Real Estate Transfer Taxes).
- Outreach to local media to raise public awareness of affordable housing needs and build public support for such programs. Participation in upcoming training sponsored by the Neighborhood Partnership Fund will help achieve this goal.
- Continue to support efforts being undertaken by other groups to develop affordable housing in and around Beaverton (e.g., Washington County Vision Action Network and the HAG).

- Discussion of affordable housing issues and programs on the City’s Web site and with neighborhood and civic groups.

**9. Revolving fund for payment of permitting or development fees**

***Background/Current Conditions***

Beaverton has a policy to permit a reduction or waiver of fees providing there is “just cause” (Development Code 10.55.2).

There are other fees for systems development costs that also could be reduced, paid or loaned for affordable housing, providing there are other sources of funds to pay these costs. Most of these fees are for reimbursement for existing capital projects or improvements charges for future infrastructure. They include fees charged by the City of Beaverton, as well as other service providers in the City (See Table 6).

**Table 6. Permits and Fees for Housing Development**

<i>Type of Fee</i>	<i>Jurisdiction</i>	<i>Typical Fee Amount</i>	<i>Status</i>
Development permits	Beaverton	Varies from \$291 for a minor adjustment to \$1,270 for a zone change. Other charges are higher	May be paid if the application is for the general welfare of the City or neighborhoods.
Domestic water supply, Systems development charges	Beaverton	\$1,475 reimbursement fee \$1,127 improvement fee \$2,602 Total	May not be paid unless other funds are made available to pay them.
Domestic water supply	Tualatin Valley Water District	\$2,924 (40% of Beaverton is served by TVWD)	May not be paid unless other funds are made available to pay them
Stormwater	Beaverton	\$726 Improvement fee	May not be paid unless other funds are made available to pay them
Transportation Impact Fee	Beaverton	\$2,390	May not be paid unless other funds are made available to pay them
Regional parks and recreation	Tualatin Hills Parks and Recreation District	\$2,399 single family/unit \$1,845 multi-family/unit	May not be paid unless other funds are made available to pay them
Sanitary Sewer	Clean Water Services	\$2,924	May not be paid unless other funds are made available to pay them

Source: City of Beaverton

In addition to these fees, the City similarly could defer or pay fees for planning and permit review and approval. In reviewing the Housing Element of the Comprehensive Plan, the City Council concurred with staff to consider creation of a Development Fee Revolving Fund. Furthermore, such an initiative would be consistent with City policy to “partner with and assist local non-profit developers in supplying and maintaining additional affordable housing units throughout the City.”<sup>18</sup> A revolving fund would, in effect, provide a loan to an affordable housing development to be repaid over time once the project has been developed and rented. Repayment of the loan would be placed in the revolving fund in order to provide loans for future affordable housing projects. An alternative to providing a loan would be for the City or other service providers to pay for or waive these fees for affordable housing developments meeting specific income or affordability criteria, with no expectation of being repaid. Finally, the City could implement a hybrid approach, where it would pay fees for certain categories of development and provide loans/deferments for fees for others.

### *Stakeholder Interview Findings*

Non-profit housing developers indicated that systems development charges and permit fees are a significant factor in development costs. Some note that system fees can make up 10% of a project budget. They recommend either waiving the fees or providing ways for the fees to be paid out over time after the housing is developed.

Any tool that reduces upfront costs for the affordable housing developer can reduce final costs for occupants. The non profit developers interviewed emphasized the cash flow issue during the initial start up of a project. Their recommendations to assist with this issue are to defer fees until construction begins, or extend fees into a 5 - 10 year payment period.

### *Experience from Other Communities*

- **Salem.** SDCs are waived for housing provided by the Salem Housing Authority and any unit that receives city administered federal housing funds and is affordable to families below 80% of the city’s median household income (MHI).
- **Portland.** The Portland Development Commission annually sets aside up to \$500,000 for fee waivers for non-profit organizations that develop affordable housing. Fees can be waived for building permits or zoning applications. The Portland Bureau of Buildings also waives inspection, plan review and other fees for qualifying non-profit affordable housing developers within certain guidelines. Additional information about the PDC program and sample application forms is included in Appendix B.

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<sup>18</sup> City of Beaverton Comprehensive Plan, Housing Element.

- **Eugene.** SDCs are waived for rental housing for low-income persons (less than 60% MFI) and owner-occupied housing for persons with less than 80% MFI. The city also waives planning and development permit fees for affordable housing projects for up to \$50,000 per year.
- **Lake Oswego.** The city has a graduated SDC. The SDC may be proportionately reduced if “evidence indicates that construction, alteration, additional, replacement or change in use does not increase the parcel’s or structure’s use of the systems to the degree calculated in or anticipated by the methodology for the particular SDC.”
- **Ashland.** The city defers SDCs for affordable housing projects for the initial developer/buyer. The SDC is secured by a second mortgage that is recorded, treated as a loan and accrues six percent interest each year. If the developer/buyer maintains the project as affordable for 20 years, then the debt and interest are forgiven. If the home is sold to a subsequent non-qualified buyer, the principal and interest are due. The program has been in place for approximately 12 years and has been utilized in approximately 100 projects.<sup>19</sup> Additional information about Ashland’s requirements is found in Appendix C.
- **Tigard.** The city imposes two SDCs, park and water. SDCs for sewer systems, road and other infrastructure are imposed by other agencies or by Washington County. In 2001, the city provided a special, one-time park SDC fee reimbursement of \$8,000 to a non-profit housing provider. As part of the 2002-03 budget process, Council established a set aside of \$10,000 within the Social Services and Events Fund to offset fees and charges on affordable housing development. Typical fees and charges imposed on a single family house in Tigard are between \$10,000 - 11, 000. Typical fees and charges for a multi-family housing project are approximately \$3,000 per unit.<sup>20</sup>

### *Preliminary Findings and Recommendations*

Further exploration and consideration of this tool, pursuant to direction from the Beaverton City Council is recommended. Major up-front charges for infrastructure costs cannot be waived unless there is another source of funds to pay them. A Revolving Loan Fund would have the advantage of providing a source of funding to pay for future affordable housing infrastructure charges. This could include systems development charges as well as plan review and permitting fees. By deferring such charges until the project is developed and revenue begins to accrue through rents, the initial development costs would be reduced and non-profit housing developers would be better able to finance projects. It is recommended that this fund be used for fees charged by both Beaverton and local service providers or that Beaverton enlist the support of those providers in providing similar fee deferrals or payments.

<sup>19</sup> Interview with Bill Molnar, City of Ashland - 541-552-2042.

<sup>20</sup> Affordable Housing Program, City of Tigard.

To establish a Revolving Load Fund for systems development charges, it will be necessary to identify appropriate sources of funds. Possible sources include: CDBG funds, City General Fund, bonds, or funds from a Housing Trust funded by a charge such as a real estate transfer tax.

Additional steps to implement this recommendation include:

- Review and categorize fees which are reimbursements to the City of Beaverton for services such as planning, building permits and sewer and water connections, and which are reimbursements or paid directly to other entities such as the Tualatin Valley Water District (water), Clean Water Services (sewer), and Tualatin Hills Parks and Recreation District (parks).
- Estimate the dollar amount of such deferrals or payments that will be requested based upon a forecast of the number of affordable housing units to be developed each year.
- Determine the annual dollar amount that the City can pay or defer based upon the budgets of affected departments.
- Estimate the annual dollar amount that will have to be provided to other governmental units. This is the amount that will have to be provided from the Revolving Fund.
- Calculate the income from fee deferrals or payments over time. (For example, a fee that is deferred for five years may have a payback schedule of 20% per year.)
- Enlist the support of other local service providers in implementing this strategy.
- Establish criteria for approval of fee deferrals or payments (e.g., certain percentage of units affordable to households in specific income ranges - below 30% MHI, 30 - 50% MHI or 50 - 80% MHI).

## **10. Tax Abatement**

### ***Background/Current Conditions***

Tax Abatement is a reduction in or waiver of a tax, debt or any other required payment. Property tax exemptions allow owners of qualifying low-income housing developments to reduce rents or allow homeowners to reduce monthly housing costs. The City currently offers no tax exemptions or abatement for housing projects.

### ***Stakeholder Interview Findings***

Stakeholders from local/state government, not-for-profit housing developers and for-profit housing developers were very supportive of this strategy. Not-for-profit developers point out that property taxes add to operational costs and affect rent levels. Possible types of tax abatement or exemptions recommended include those for vertical housing and transit oriented development.

### *Experience from Other Communities*

- **Tigard.** Tigard has provided a tax abatement program for owners or leaseholders of property used to provide affordable housing within the city since 1996. To qualify for an abatement by Washington County, the housing provider must meet the requirements of the city process and apply to overlapping jurisdictions that represent a minimum of 51% of the taxes levied on the subject property. The property tax exemption must be applied for each assessment year. As of mid 2002, three projects had received the exemption.<sup>21</sup>
- **Gresham.** The city has established a Transit Oriented Tax Exemption (TOTE) as a targeted development incentive for new transit-oriented developments in the Downtown, Civic Neighborhood and Rockwood Plan Districts. The TOTE provides a full tax exemption based on assessed value. In order to take advantage of the TOTE, a new residential or mixed-use development must meet several criteria including, but not limited to the following:
  - **Housing:** The development must include a minimum of 10 dwelling units and meet minimum density standards.
  - **Accessibility:** The housing must be financially accessible to a broad range of the general public.
  - **Design Elements Benefiting the Public:** Some element(s) of the project must benefit the general public. This could include parks improvements, certain types of commercial uses, public daycare facilities, transit or pedestrian access facilities, etc.
  - **Financial Necessity:** It must be shown that the TOTE is necessary to make the project financially feasible.

As of January 2002, three projects in the Downtown area have taken advantage of the TOTE, they include a large transit-oriented multi-family development at the Gresham Central Transit Center, an attached single-family development with adjacent urban park improvements, and a mixed-use development of ground floor office/commercial with apartments above.<sup>22</sup>

- **Portland.** The Portland Development Commission (PDC) administers property tax exemption programs for the city. The city offers six different tax exemption programs targeting various development and rehabilitation goals. The programs include:
  - The *Transit Oriented Development Property Tax Exemption (TOD)* program serves all income levels with an affordability component. Its purpose is to promote high-density residential and mixed-use development in transit oriented areas.

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<sup>21</sup> City of Tigard, Affordable Housing Program.

<sup>22</sup> First Annual Report to Metro, City of Gresham.

- The *New, Multiple-Unit (Central City) Housing Property Tax Exemption* program serves all income levels. Its purpose is to promote new multiple-unit housing in the Central City areas and in urban renewal areas.
- The *Rental Rehabilitation Limited Property Tax Exemption* program serves high, moderate and low income levels. Its purpose is to promote rehabilitation of rental housing.
- The *Owner-Occupied Rehabilitation Limited Property Tax Exemption* program serves mostly low and moderate income homeowners. Its purpose is to promote rehabilitation of housing in "Homebuyer Opportunity Areas" as designated by the Planning Commission.
- The *Single-Family New Construction Limited property Tax Exemption* program serves households with income no greater than 100% Median Family Income for a household size up to four and is adjusted upward for a household of more than four persons. Its purpose is to promote new single family housing in "Homebuyer Opportunity Areas" as designated by the Planning Commission.
- The *Non-Profit Owners of Low-Income Housing Tax Exemption* program serves household incomes earning less than 60% of Median Area Income. Its purpose is to promote housing for low income renters.

Further descriptions and requirements of each program are included in Appendix D.

- **Spokane.** Spokane created a Multifamily Tax Exemption Program in April 2000. Several residential target areas are covered by the program. There is no affordability requirements associated with the housing developed under the program. The application fee is \$225 plus \$40 per dwelling unit up to a maximum total fee of \$525. Since inception of the program, Spokane has approved three applications for tax exemption, totaling 134 housing units.
- **Tacoma.** Tacoma has employed a multifamily tax exemption program since 1996. Tacoma uses a Tax Incentive Review Committee to determine if the application meets qualification criteria. Application fees range from \$250 to \$400 depending on project size.

In the first three years (1996 - 1999) of implementation, the city approved 12 qualifying projects, resulting in the development of more than 700 housing units, representing an investment of more than \$33 million. As stated on the City's Web site, "The properties impacted by this tax incentive program are currently producing minimal tax revenues. This program will not reduce the amount of property taxes currently collected because it only exempts taxes on new improvements to the property, and not the existing land or building(s) located on the property. After the 10-year exemption period, these properties will be taxed to include the improvement value. This will ultimately result in much higher tax revenues than would be realized if the properties remained unimproved for ten years." Tacoma does not impose any affordability requirements on the residential units developed under the program.

### ***Other Research***

A study produced by the City of Portland Auditing Services Department, *2002 Housing Audit*, indicates tax abatements affect more units than all other subsidies. The City of Eugene also offers a tax abatement program for affordable housing.

### ***Preliminary Findings and Recommendations***

It is recommended that Beaverton consider using this strategy to help provide for affordable housing. The City could establish Tax Abatement programs targeting single family and/or multifamily rehabilitation or new development projects. The purpose of such programs might include:

- Stimulating the construction or rehabilitation of single or multifamily housing on existing vacant or underutilized land.
- Increasing the supply of single family and multifamily housing opportunities within the City.
- Accomplishing planning goals and the promotion of affordable housing required under Metro's Function Plan.
- Promoting community development and neighborhood revitalization.
- Encouraging additional housing in areas that are consistent with planning for public transit systems.

## **11. Land and housing banking/Land assembly**

### ***Background/Current Conditions***

Land Banking is the process of purchasing land or improved property and holding it for future use. Through land banking, the City of Beaverton or a Community Land Trust could purchase land at today's prices and develop the land, as appropriate, in the future. At this time, there is relatively little developable land available within the City. However areas outside the current city limits could present opportunities for future development and acquisition, as could selected infill properties in the City. The 2003 Legislature in HB 3224 widened the permitted uses of eminent domain so that Beaverton, as a city over 70,000 could use such powers for the acquisition of land for affordable housing. This legislation also authorizes the City to make loans, including mortgage loans, from bond proceeds to finance eligible projects or lease and/or sublease projects to public and private persons or corporations.

Community Land Trusts often maintain ownership of land that a building occupies, which removes the land from the market and maintains permanent affordability. City

or county governments can form land banks or partner with non-profit land trusts to acquire vacant or underutilized sites for future use for affordable housing. This technique increases the availability of land for affordable housing and reduces acquisition costs. Strategies to create a land bank include using local, regional or federal (CDBG) funds to support the development of the land bank.

In addition to pursuing land banking and assembly, the City could consider "housing banking," i.e., purchasing affordable housing units or market rate units that could be converted to affordable units, as they come on the market. This would help maintain the supply of existing affordable housing or add to the supply of affordable housing and be less costly (per housing unit) than building new housing. This could be done in partnership with the non-profit organizations that manage affordable housing facilities.

### *Stakeholder Interview Findings*

Participants in the stakeholder meetings agreed that it is difficult to locate and purchase vacant land for affordable housing, in part because of the limited amount of vacant or redevelopable land in the City and high land costs. Steps to lower costs for affordable housing developers could include land assembled by the City, land banking, and land gifts.

### *Experience from Other Communities*

- **Eugene.** The City uses a land bank to address affordable housing needs. Land is purchased and reserved until it is determined there is a need for new affordable housing development. The pre-development work is completed by City staff at which time an RFP is released. The winning developer is awarded land at no cost. Generally, the non-profit who receives the grant takes out a small loan and covers the rest of development costs using tax credits.<sup>23</sup>
- **Portland.** In 1999 The Enterprise Foundation provided Portland with \$20 million to create and administer a fund to be used to promote appropriate development within Metro's Urban Growth Boundary. This program is used to hold land in the short term until developments can commence.
- The Sabin Community Development Corporation, which serves inner Northeast Portland, was the first in the region to develop a community land trust. The Land Trust Homeownership programs serves families between 50-70% of median family income with a lease-to-own program.
- **Other cities.** The cities of Ashland, Milwaukie, The Dalles, Corvallis, and Bend utilize land trusts to assist in development of affordable housing. Typically funding

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<sup>23</sup> Interview with Sunna Murray, City of Eugene - 541-682-5529

for land trusts comes from Community Development Block Grants, General Funds, and foundations.

### *Other Research*

Land banking for affordable housing works best where vacant land is available as the community is developing and can be purchased, held, and then developed or sold for affordable housing. Examples of land banking by municipalities in other states include:

- Boulder, Colorado, which held land for ten to fifteen years, and developed it as needs emerged. In 1985, land for a mixed-income residential community in North Boulder was purchased; the community was developed in 2000-2001 by Boulder Housing Partners. The cost to rent a two bedroom four-plex with 972 square feet is \$975.
- Orange County, North Carolina developed a land banking program that gave the county the ability to purchase land and then sell it to affordable housing developers.

### *Preliminary Findings and Recommendations*

Land banking is a potential strategy for Beaverton to consider providing for affordable housing. The City could seek to establish a housing trust or partner with/support non-profit housing developers. Reducing the cost of or providing land for development is a major component of developing affordable housing. As noted above, another recommended variation on this technique is "housing banking."

An intriguing variation on land banking is the concept of working cooperatively with major organizations in the Beaverton area that own land that is underutilized or have parcels that are no longer needed for corporate purposes. Beaverton could work with these companies on corporate land sales or acquisitions where there might be excess land or additional parcels that could be purchased or sold to make land available for affordable housing. This would require Beaverton staff to work with land and facilities development staff in these organizations.

Since some of the larger organizations are outside of Beaverton, it may be more effective for the City to do this through a cooperative effort among Beaverton, other cities and Washington County.

## **12. Housing trust fund**

### *Background/Current Conditions*

The crux of the challenge of building or rehabilitating affordable housing is obtaining the money needed to fund the projects. Money is needed to plan the housing, purchase

land, provide equity to secure loans, and cover up-front costs. While there are many state and federal sources for funding affordable housing, in almost all cases some local funds are needed to match or supplement grants and loans.

Housing Trust Funds provide a flexible pool of funding to promote affordable housing. What makes housing trust funds unique is that they have dedicated sources of ongoing, public revenues. There are a wide range of funding sources used in the over 275 housing trust funds that now operate in the U.S. Sources include: funds from government bonds, sale of publicly owned lands, lottery earnings, property taxes, development fees, and fees on recording mortgages. Housing trust funds also can accept donations of property or funds from individuals and corporations as well as receive funds from foundations.

Legislation currently being developed in Congress will provide a National Housing Trust Fund to match funds for local communities with local Trust Funds. The National Low Income Housing Coalition is spearheading these efforts. House and Senate bills were introduced in March and July of 2003, respectively. Each bill would designate at least a partial funding source for trust fund dollars, establishing local and state matching requirements, require a certain percentage of moneys be spent on rental housing, establish a formula for distributing funds to local and state governments, and institute 50-year affordability requirements for housing developed with funds from the trust fund. More information on these initiatives can be found at the Web site for the National Housing Trust Fund Campaign (<http://www.nhtf.org/>). A summary of the legislation is provided in Appendix E.

### *Experience from Other Communities*

#### **State Housing Trust Funds**

There are housing trust funds in at least 37 states, including Oregon, Washington and California. There are 42 city housing trust funds in 22 states, plus another 142 in New Jersey where a state law allows cities to levy fees on developers to raise funds for trust funds.

Oregon's Housing Development Grant Program was created in 1991 and endowed with an initial amount of \$20 million. About \$14 million was placed in a trust fund and \$6 million was provided for grants. This state housing program has received supplemental funds every biennium and from state lottery winnings from 1991 - 1997. Currently the trust fund has about \$15.5 million in assets and generates \$1 million per year for housing development. The trust fund does not have a dedicated source of revenue such as a real estate transfer tax.

Oregon also operates a Low Income Housing Rental Program collecting interest from tenant security deposits and eviction court fees. Approximately 300 households with

incomes of less than 50% of the median are assisted each year, a small number compared to the overall need.

### **Washington County Housing Trust Fund**

The Community Housing Fund, a non-profit organization established by the Washington County Vision Action Network (VAN), received a \$310,000 challenge grant from the Washington County Board of Commissioners in May 2003 to establish a Community Housing Fund. The grant represents seed money and was awarded with the expectation that the Community Housing Fund can raise twice this amount from city governments, businesses, non-profit organizations and the faith community.

The mission of the Fund is to combine public, private and philanthropic resources to create a new source of capital that will leverage financing for the construction and rehabilitation of rental and ownership housing targeted to serve people neglected by the mainstream housing market. The 10-year vision of the Fund is to secure \$15 million in capital that will significantly leverage additional resources to create approximately 1,000 affordable housing units in Washington County.

### ***Preliminary Findings and Recommendations***

A new Housing Trust Fund specific to Beaverton could be a source of funding for affordable housing. Typically, housing trust funds do not build or own housing. Rather, the funds distribute monies to non-profit and government organizations that are experienced in building and owning affordable housing. The funds act as a conduit for housing funds.

A Housing Trust Fund for Beaverton could be established as a non-profit corporation or could be a City program. Alternatively, the City could support the Washington County Community Housing Fund with the goal of ultimately using its funds to provide housing for Beaverton residents. This latter approach provides an additional leveraging component such that City funding directed to this cause will be matched by Washington County to a cap of \$620,000. For this reason, this latter strategy is recommended for the City of Beaverton.

In the long-term sources of funding to establish and maintain a Housing Trust Fund could include a real estate transfer tax (for a County trust fund), described in more detail below.

### **13. Real estate transfer taxes**

#### ***Background/Current Conditions***

A real estate transfer tax is applied when a home is sold. Currently, state legislation prohibits new real estate transfer fees in Oregon. Legislation to allow a pilot program in the Portland metropolitan area was narrowly defeated in the Oregon Legislature in 2003. Advocates for such a fee likely will introduce similar legislation in the next legislative session. Therefore, this option is included as a possible funding source for a Housing Trust Fund or other affordable housing funding tools.

#### ***Stakeholder Interview Findings***

Additional sources of funding for affordable housing are needed. Stakeholders supported the idea of following the legislative proposals for a real estate transfer tax as a long-range option.

#### ***Experience from Other Communities***

##### **Washington County Real Estate Transfer Tax**

Washington County is the only county in Oregon with a real estate transfer tax. Passed in the 1970s, the tax is .001% or \$1.00 per thousand of the sale price of a home. The funds go into the County's General Fund and are not set aside for housing.

##### **Other States with Real Estate Transfer Taxes**

Some 38 states have real estate transfer taxes. Rates vary from state to state, ranging from a low in several states of 0.1% to 1.5% in New Hampshire where half the fee is paid by the buyer and half by the seller. Washington State has a tax of 1.28% of the sales price, and California has a tax of 0.11%. Other state programs reviewed include those in Maryland and Florida.

#### ***Preliminary Findings and Recommendations***

A Real Estate Transfer Tax could provide a dedicated source of funding for affordable housing in Beaverton. However, until the Oregon Legislature passes a law allowing at least a pilot program, such a tax cannot be used.

Beaverton can continue to support such a tax and assist in building acceptance for legislation that would allow localities in the Portland metropolitan area to voluntarily adopt such programs. This is a long-term strategy, primarily aimed at participating and supporting statewide efforts to ensure future passage of state legislation.

## **14. Document recording fee**

### ***Background/Current Conditions***

Many jurisdictions in other states use a document recording fee to raise revenues to support affordable housing or other government programs. Typically, such fees apply to documents related to property acquisition or sale and are applied by county tax assessment departments. In some cases, fee revenues are used both for government purposes and to provide information and/or support to the real estate industry, increasing the potential for industry support (and reducing opposition) for fees.

Washington County records documents including deed records and lien records. Current fees for deeds are \$22 for the first page and \$5 for additional pages. Liens are \$16 for the first page and \$5 additional pages.

### ***Experience from Other Communities***

Programs in other jurisdictions are enabled by or coordinated through statewide legislation or programs, and administered at the county level. Following are examples of programs implemented in counties where states allow for such fees.

- **Monterey and Kern counties, California.** Counties in this state charge a recording fee for a variety of documents. For example, Monterey County charges \$6 - \$8 for the first page and \$3 for each additional page for recording documents such as property deeds, marriage licenses and birth and death certificates. Kern County charges similar fees, which vary by type and size of document.
- **Chelan County, Washington.** The County Auditor charges a basic fee of \$19 for the first page and \$1 for each additional page to record most county documents. It charges higher fees to record selected documents such as survey maps (\$85), plat alternations (\$65), and federal tax lien documents (\$38).
- **Wisconsin.** The state recently increased allowable recording fees. In doing so, it committed to using a portion of the revenues for counties to convert real estate-related data into an electronic format and make it more accessible to the public through the Internet. This garnered support for the increase in recording fees from the real estate industry there.

### ***Preliminary Findings and Recommendations***

Since there already is a document recording fee for the County, adding an additional fee could be considered burdensome and likely would meet resistance from real estate interests, if proposed. To take advantage of existing or additional document recording fees, the City would have to work out arrangements with the County which has the

responsibility and administrative arrangements for recording documents. A document recording fee increase is not recommended.

## **15. Long-term affordability requirements**

### ***Background/Current Conditions***

Long-term affordability of housing is an important feature of assisted housing. Typically, long-term affordability is structured into the development plans for rental housing. For example, in evaluating applications for housing loans from non-profit organizations, the State of Oregon gives the maximum number of points for projects, which will remain affordable for 60 years.

### **Affordability policy for assisted projects**

HUD requirements for long-term affordability vary for different programs. Beaverton participates in the HOME program, which requires that new construction projects remain affordable for at least 20 years.

For housing projects receiving CDBG funds, it is the expectation of Beaverton that the projects remain affordable permanently. The board of Tualatin Valley Housing Partners has a similar view.

### **Community land trust**

A Community Land Trust creates affordable housing by taking the cost of land out of the purchase price of a home. It keeps housing affordable for future buyers by controlling the resale price of houses on Land Trust land through a ground lease and resale formula. Homeowners leasing Land Trust land under their home enjoy the security, control, tax advantages and ability to build equity just like any homeowner. At the same time, if they sell their home, the resale formula insures that the home remain affordable for the next family. When land values skyrocket, the inflated value of the property remains a community asset in the form of stable, affordable housing.

### ***Experience from Other Communities***

As mentioned previously, in Oregon there are several community land trusts in Portland (Portland Community Land Trust, Sabin Community Development Corporation, Clackamas County) as well as in other jurisdictions, including Eugene, Columbia County, the Dalles, St. Helens, and Ashland.

### ***Preliminary Findings and Recommendations***

Long-term affordability is a concern for Beaverton because of the increasing value of residential property. Even when homes are built for an affordable cost, rising property values can make them no longer affordable for future renters and owners.

Non-profit housing developers can secure affordable housing through construction and purchase and keep the housing as affordable for the long-term.

Beaverton should review its policies for long-term affordability and make it a condition for receiving financial assistance such as CDBG Funds or housing assistance from a Housing Trust. An approach used for assisted home-ownership is to share the equity appreciation between the owner and the public entity (the City or a Housing Trust Fund).

Because Community Land Trusts typically utilize long-term affordability requirements (e.g., through deed restrictions or financing mechanisms), while allowing for some increase in equity, they can help maintain long-term affordability while providing home owners with advantages and security of ownership. Long-term affordability requirements also typically are incorporated in federal and state affordable housing and lending programs, including tax credits.

### **16. Non-Profit Organization Partnerships, Including Faith-based Organizations**

#### ***Background/Current Conditions***

Non-profit housing developers play an essential role in developing and providing affordable housing. Faith-based organizations also participate in development activities, have potential land that can be used for affordable housing, and offer services to residents who need it. Among non-profit agencies, faith-based organizations also specialize in attracting volunteer support and in-kind donations that enhance affordable housing efforts.

A variety of non-profit housing developers and community development corporations are active in Beaverton and Washington County, including the Tualatin Valley Housing Partners, the Bridge Housing Corporation, Habitat for Humanity, Community Partners for Affordable Housing and Housing Development Corporation.

In Washington County, the Interreligious Action Network, a group created through the Washington County Vision Action Network (VAN), has begun to convene a variety of faith leaders, social service organizations, elected and appointed local officials to explore ways that the faith-based community could support or participate in development of affordable housing.

### *Stakeholder Interview Findings*

Stakeholders are supportive of activities and events taking place in Washington County and specifically lauded the efforts of the VAN.

### *Experience from Other Communities Related to Faith-Based Initiatives*

- **Washington County.** The Interreligious Action Network sponsored a seminar on affordable housing and the faith community on May 29, 2003. Over 50 people including the Mayor of Beaverton attended the seminar. According to Craig MacColl, VAN Executive Director, the group has great vision, but is in the early stages of implementing it. Their focus includes affordable housing and homelessness issues. An initial follow-up meeting from the seminar has occurred and additional future meetings are planned.
- **St. Anthony's,** located in SE Portland, recently funded and completed a relatively large senior housing development. **Clean and Sober Living** is another example of a faith-based organization that provides affordable housing.
- **Ashland.** A church in this community has expressed interest in working with the City or local land trust to develop affordable housing on excess property owned by the church. This would be an important contribution, given the very high cost of buildable land in Ashland.

### *Preliminary Findings and Recommendations*

The City should undertake the following steps to support faith-based and other non-profit affordable housing efforts:

- Assist non-profit partners in identifying potential sites for affordable housing development. This could include lands the City has prioritized for future development, including transit-oriented developments.
- Investigate opportunities to use land for affordable housing owned by the faith organizations in partnership with the City and non-profits.
- Continue to support non-profit development efforts through assistance in permitting and application processes.
- Continue to monitor, participate in and support efforts to provide affordable housing, including participation in events and processes sponsored or attended by the faith community and other non-profit groups.

## **17. Employer Assisted Housing**

### ***Background/Current Conditions***

Some employers develop housing programs as part of a benefits package available to all employees. While the general purpose of such programs is to attract and retain employees, there sometimes are other specific objectives. For example, in deteriorating inner cities, major employers such as hospitals and universities have used employer assisted housing to stabilize neighborhoods and prevent flight to the suburbs. For major employers in and near Beaverton, employer assisted housing could provide housing near employers, thus reducing long commutes and facilitating use of flexible hours and scheduling.

Some housing benefit programs help employees finance housing already available on the market. These programs are called "demand programs" and do not increase the supply of housing in the market, but rather help employees finance housing. These demand programs include:

- Group mortgage orientation plans, such as volume discount programs where a lender reduces mortgage interest rates, closing points, or application fees.
- Closing cost assistance programs.
- Mortgage guarantees where the employer guarantees a mortgage which reduces down payments or reduces underwriting criteria.
- Down payment loans, sometimes incorporating reduced interest rates or forgivable loan if the employee remains for a certain period of time.
- Mortgage buy-down programs where employer subsidizes the mortgage interest rate.

Another category of housing benefit programs actually increases the supply of housing by providing subsidies for building or renovating housing. These are called supply programs. They include:

- Housing site subsidies where companies either have excess land or work together to purchase a site and sell at a discount, donate, or lease the land to a non-profit housing developer.
- Construction financing where a large corporation borrows funds at or near the prime rate and loans the funds to non-profit housing developers for the period of construction; typically construction loans are at a much higher rate.
- Cash contributions to non-profit developers in return for priority for employees for rental or sales housing
- Purchase guarantees where the employer purchases a number of units thus reducing the market risk of the developer.

### *Stakeholder Interview Findings*

Non-profit developers identified the potential for local employers in Washington County to provide assistance to their employees in housing. Examples included St. Vincents, Nike, and Intel. Model programs in the Portland area include those offered by Wacker-Siltronix, Emmanuel Hospital and Rejuvenation House Parts. Several large employers in Washington County own large areas of land for corporate purposes, some of which are undeveloped. Also, large employers at times are active in purchasing and assembling land for corporate expansion. These land development processes offer opportunities for collaboration between corporations and non-profit developers in assembling land, purchasing or leasing land from corporations for affordable housing.

### *Preliminary Findings and Recommendations*

Employer assisted housing is a possible strategy that could be of interest to employers in attracting and retaining employees. Employer assisted housing is limited in Washington County and in Oregon, although Fannie Mae and the Oregon Division of Housing have promoted such programs in the past.

“Demand programs” help employees finance housing. These are helpful to employees and there are a number of approaches that employers can take. However, demand programs do not increase the number of affordable housing units. On the other hand, “supply programs” increase the supply of affordable housing.

Since many of the major employers in the County are outside of Beaverton, a County-wide approach would be appropriate with Beaverton participating in a coordinated effort. Such a coordinated effort could include developing a strategy to encourage employers to develop employer assisted programs, creating a targeted information program of employers, and providing technical assistance to employers interested in developing programs. The City also should work to attract employers that pay wages that allow their workers to afford adequate housing in the Beaverton area.

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## **CONCLUSIONS AND PRIORITIES**

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### **Summary Findings**

Following is a brief summary of the recommendations provided in the preceding pages. After further discussion with City staff, we will identify relative priorities and more detailed evaluations for selected tools.

<i>Technique</i>	<i>Key Issues</i>	<i>Recommended for Further Consideration or Implementation</i>
1. Density Bonuses or Credits	<ul style="list-style-type: none"> <li>• Limited supply of appropriate buildable sites</li> <li>• Possibly insufficient market for increased density in many areas</li> <li>• Potential to use in a targeted manner or tie to affordability requirements</li> </ul>	<p>Use in a targeted manner for specific sites or as a long-term approach</p> <p>Consider credits to exchange density modifications in one area for those in another area</p>
2. Replacement Housing	<ul style="list-style-type: none"> <li>• State law prohibits direct application</li> <li>• Demolition delay efforts would require staff monitoring</li> </ul>	<p>Establish an inventory of affordable units.</p> <p>Consider enacting a demolition delay ordinance.</p>
3. Voluntary Inclusionary Housing	<ul style="list-style-type: none"> <li>• State law prohibits mandatory programs</li> <li>• Apply as an incentive-based tool through use of density bonuses, reduced fees or flexible standards</li> </ul>	Yes, as a voluntary measure
4. Transfer of Development Rights	<ul style="list-style-type: none"> <li>• Costly to administer</li> <li>• Relatively little experience in Oregon and elsewhere for this purpose</li> </ul>	No
5. Reduce barriers to development of housing for elderly and disabled populations	<ul style="list-style-type: none"> <li>• Existing zoning code already allows for development; sites may be limited</li> <li>• Non-profit developers interested in producing, but lack detailed market analysis</li> <li>• Existing housing rehabilitation programs help achieve this goal</li> </ul>	Yes, by identifying specific sites or market need
6. Regulatory constraints	<ul style="list-style-type: none"> <li>• Most regulations are adequate and don't represent burdens to developers</li> <li>• New design standards could increase housing costs</li> </ul>	Yes, through evaluation of impacts of new design standards and staff assistance to affordable housing developers in permit review processes, and assistance with preparing initial applications

<i>Technique</i>	<i>Key Issues</i>	<i>Recommended for Further Consideration or Implementation</i>
7. Parking	<ul style="list-style-type: none"> <li>Existing parking requirements are consistent with standards adopted by Metro and other cities</li> <li>Standards already provide for lower requirements for multi-family dwelling and residential care facilities</li> </ul>	Yes, through flexible requirements for specific developments and shared parking arrangements between adjacent affordable housing and other uses
8. Public education efforts	<ul style="list-style-type: none"> <li>Public education essential to future support of affordable housing development and funding</li> </ul>	Yes
9. Revolving fund for payment of permitting or development fees	<ul style="list-style-type: none"> <li>Funding source needed to ensure ability to implement</li> <li>Can reduce short or long term costs and stimulate production of affordable housing</li> </ul>	Yes, pending identification and commitment to funding source
10. Tax Abatements	<ul style="list-style-type: none"> <li>This strategy can be used to promote specific objectives.</li> <li>Stakeholder interviews indicate strong support for this strategy among affordable housing providers.</li> </ul>	Yes
11. Land banking & Land Assembly	<ul style="list-style-type: none"> <li>May be complex to administer</li> <li>Land trusts in other communities provide instructive models</li> </ul>	<p>Consider pursuing, possibly in partnership with other organizations. City could assist by identifying potential sites for land assembly, using eminent domain powers if necessary.</p> <p>Consider banking housing in addition to land</p>
12. Housing trust fund	<ul style="list-style-type: none"> <li>Focus on supporting Washington County effort, rather than establishing a separate City fund</li> </ul>	Support recently established Washington County fund and lobby for use of funds in Beaverton

<i>Technique</i>	<i>Key Issues</i>	<i>Recommended for Further Consideration or Implementation</i>
13. Real estate transfer taxes	<ul style="list-style-type: none"> <li>• Current state law does not allow use</li> <li>• Effort to update law for use in Portland area failed to pass in 2003 legislative session</li> <li>• Likely to be proposed in future sessions</li> </ul>	Yes, continue to support future legislative efforts to allow use in the long term
14. Document recording fee	<ul style="list-style-type: none"> <li>• Primarily used by counties in recording legal documents</li> <li>• May not be analogous city function</li> </ul>	Do not pursue fee increases or separate fee
15. Long-term affordability requirements	<ul style="list-style-type: none"> <li>• Community land trusts provide a good model for ensuring affordability</li> <li>• Federal and state programs and funding sources are tied to affordability requirements</li> </ul>	Yes, through examination of city policy and support for land trusts
16. Non-profit organization housing partnerships, including faith-based organizations	<ul style="list-style-type: none"> <li>• Washington County Vision Action Network exploring approaches</li> <li>• City can treat as another category of community development corporations or non-profit developers</li> </ul>	Yes, through monitoring, support, participation of faith-based efforts
17. Employer Assisted Housing	<ul style="list-style-type: none"> <li>• While some programs exist in the Portland area, none are available in Washington County or Beaverton</li> <li>• Donation of surplus land by large employers could be an alternative strategy</li> </ul>	Participation in a county-wide approach is recommended; activities could include encouraging adoption of programs and providing information and technical assistance

In addition to the tools described above, two general strategies are recommended:

1. Create and foster linkages and collaboration among for-profit and non-profit affordable housing developers, faith-based organizations, affordable housing advocates, neighboring jurisdictions and others. Bringing these groups and people together can be very beneficial in sharing information about development techniques, funding opportunities, potential sites for development, proposed projects, and other issues.

2. Maintain comprehensive, accurate data about the supply of and demand for affordable of housing in Beaverton, as well as potential buildable lands that could represent opportunity sites for future development. Recently completed studies, such as the City's buildable lands inventory, Housing Survey, Demographic Analysis and Washington County Housing Report are good sources of information. They should be updated periodically, used regularly by City staff, and made available to affordable housing developers and other stakeholders.
3. Encourage provision of reliable and convenient transit to affordable housing developments and target sites with such services for potential affordable projects. Frequent and reliable transit service (bus or light rail) is essential to the success of housing developments for households with low incomes.

In addition, Beaverton is in the unusual position of having the ability to increase its tax revenues through charging its full allowable rate. Currently, the City imposes a property tax rate below its allowable rate.

### **Evaluation and Priorities**

As described in the Executive Summary, the techniques described above have been evaluated and prioritized based on the following criteria:

- Cost to initiate and implement
- Likely political feasibility/support
- Potential to produce affordable housing in lowest income ranges (i.e., for households earning 30% MHI or below)
- Administrative complexity
- Ability to implement in the short term (one to two years)
- Consistency with other City policies and objectives
- Potential for partnering with others
- Ability to leverage other resources

This evaluation is summarized in the following matrix:

Technique	Cost to City (high, medium, low)	Likely political feasibility/support (high, medium, low)	Potential to produce or retain affordable housing in lowest income ranges (high, medium, low)	Administrative complexity (high, medium, low)	Ability to implement in the short term/1 - 2 years (yes/no)	Consistency with other City policies and objectives (yes/no)	Potential for partnering with others (high, medium, low)	Ability to leverage other resources (monetary or in-kind)	Overall perceived feasibility (high, medium, low)	Relative priority (high, medium, low)
1. Density Bonuses/Credits	L	M	L/M	L/M	Y	NA	M	L	L	M
2. Replacement Housing	M	M	M	M	Y	NA	M	L	L/M	L
3. Voluntary Inclusionary Housing	M	M	M	M	Y	NA	M	L	L/M	L
4. Transfer of Development Rights	M/H	L	L	H	N	NA	L	L/M	L	L
5. Reduce Barriers to Development of Elderly and disabled populations	L	H	M	L	Y	Y	H	M/H	M/H	H
6. Regulatory constraints	L	M	L	L/M	Y	Y	M	L	L	M
7. Parking	L	M	L	L	Y	NA	M/H	L/M	L	L
8. Public education efforts	M	H	L/M	M	Y	Y	M/H	M/H	M/H	H
9. Revolving fund for payment of permitting or development fees	M/H	H	M/H	M	Y	Y	M	H	H	H
10. Tax abatements	M/H	M	M/H	L/M	Y	NA	M	M/H	M	M
11. Land banking and assembly	M/H	M/H	M/H	M/H	Y	Y	M/H	H	M/H	H

Technique	Cost to City (high, medium, low)	Likely political feasibility/support (high, medium, low)	Potential to produce or retain affordable housing in lowest income ranges (high, medium, low)	Administrative complexity (high, medium, low)	Ability to implement in the short term/1 - 2 years (yes/no)	Consistency with other City policies and objectives (yes/no)	Potential for partnering with others (high, medium, low)	Ability to leverage other resources (monetary or in-kind)	Overall perceived feasibility (high, medium, low)	Relative priority (high, medium, low)
12. Housing trust fund	M	M/H	M/H	L	Y	NA	H	H	H	H
13. Real estate transfer taxes	L	M	H	L/M	N	NA	M	H	M	M
14. Document recording fee	L	L	L/M	L/M	N	NA	L/M	L/M	L/M	L
15. Long-term affordability requirements	L	H	H	L	Y	NA	M	L/M	M/H	H
16. Non-profit organization partnerships, including Faith-based organizations	L/M	H	M/H	L/M	Y	NA	H	M/H	H	H
17. Employer-assisted housing	L/M	M	M	L/M	Y	NA	H	H	M	H

Notes: Y = yes; L = low; M = medium; H = high; NA = not applicable

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**APPENDIX A - LIST OF GROUP QUARTERS FACILITIES**

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**GROUP QUARTER FACILITIES, July, 2003**

	<u>NAME OF GROUP QUARTERS FACILITY</u>	<u>NUMBER OF RESIDENTS</u>
1	Beaverton Rehab (formerly Highland Hills)	84
2	Edgewood Place Retirement Inn	34
3	Maryville Nursing Home	151
4	St. Theresa Convent	7
5	St. Mary's Convent	54
6	St. Mary's Home for Boys	57
7	Our Lady of Peace Retirement Home	19
8	Farmington Square Retirement Home	59
9	Canfield Place Assisted Living	93
10	Hearthstone Assisted Living	62
11	Alterra Clare Bridge Assisted Living	37
12	Edgewood Point (Portion of Edgewood Downs)	80
13	Beaverton Hills Assisted Living	63
14	Beaverton Lodge	122
15	Creekside Village	121
		<hr/>
		1043

**MOBILE HOMES**

	<u>NAME OF GROUP QUARTERS FACILITY</u>	<u>NUMBER OF UNITS</u>
1	Pioneer Mobile Park	103
2	Hidden Village	105
3	Glen Tualatin	47
		<hr/>
		255

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## APPENDIX B - PORTLAND DEVELOPMENT COMMISSION FEE WAIVER PROGRAM

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### Development Fee Waiver Program for Affordable Housing Non-Profit Organizations Only

The PDC Development Fee Waiver Program, for Non-Profit Affordable Housing projects in the City of Portland, offsets some of the development fees associated with the rehabilitation or new construction of affordable housing units. The Fee Waiver benefit amount is calculated from the number of affordable units created for any given project. The developer will receive a "gift certificate," which can be applied towards certain development fees. The following is a summary of the PDC Development Fee Waiver Program.

#### For Sale Criteria

Buyers must be first time homebuyers, earn less than 100% of MFI adjusted to household size (see attached income levels) at time of initial occupancy and the maximum sales price for each unit may not exceed \$170,000.

#### Rental Criteria

Units must be leased or rented to tenants whose gross household income is equal to or less than 60% of the MFI, and the maximum rent burden must be at 60% of MFI (see attached rent levels) for a minimum of 60 years. If a tenant's income increases above the threshold, the next available unit must be rented to tenant(s) who meet the affordability standard.

The PDC Development Fee Waiver program may be applied to the following development fees:

1. Bureau of Buildings and Bureau of Planning fees (fee code 100-299, 808, 810, 817).
2. Bureau of Transportation Plan Review, Turnaround Surcharge, Curb and Sidewalk fees (fee codes 303, 304, 305, 365 and 366).
3. Bureau of Parks and Recreation Tree Inspection fees (fee code 601, 602).
4. Fire Bureau's Fire Code Enforcement Fee (fee code 701).

The PDC Fee Waiver Program is intended to reduce development costs by waiving a portion of those fees listed above and is unlikely to cover all of the development fees associated with a project.

The maximum total Development Fee Waiver given for qualified units, regardless of fees assessed, may not exceed the following:

Multi-Family New Constr.:	\$5000 for two units; \$500 for each additional unit
Multi-Family Rehab.:	\$5000 for two units; \$350 for each additional unit
Single Family New Construction:	\$1,700 per unit
Single Family Rehabilitation:	\$1,500 per unit
Maximum Per Organization:	\$50,000/fiscal year

Fee waivers are subject to the availability of PDC funds. PDC will cease to issue Development Fee Waivers when the annual allocation of PDC Development Fee Waiver funding has been reserved and/or expended, or, when an organization has reserved up to their annual maximum of \$50,000.

Eligible Properties:

- Applicant must be a Non-Profit developer not receiving other funding from PDC.
- Applicant must have site control of the property.

To Apply:

Submit the following paperwork to PDC once you are ready to submit your plans to the Permit Center.

1. A fully completed application form. For Sale units require individual applications for each unit. Rental units may use one application per property.
2. Evidence of an organization's status as an Eligible Non-Profit Organization.
3. A Warranty Deed, clearly stating that the applicant has site control and/or ownership of the land, and a full and recorded legal description.
4. A Partition, Plat or Title Report Map clearly identifying the property.

The Fee Waiver is valid for a period of four months for projects with one to four units and for nine months for projects with more than four units. If the fee waiver is not drawn down prior to the expiration date, the Project Sponsor must reapply.

It is the Applicant's responsibility to track fee waiver expenditures closely. If the Applicant exceeds the fee waiver amount, the Applicant is required to reimburse the PDC for any overage.

Please note that units which do not meet the criteria of the program in Mixed-Income or Mixed-Use projects, are not eligible for the waiver. However, Mixed-Income or Mixed-Use projects may apply for the portion of the project that meets the affordability requirements.

PDC also administers the Affordable Housing System Development Charge (SDC) Exemption Program for the Water, Transportation and Parks Bureau. These exemptions are available for Organizations developing new residential units that meet similar affordability requirements.

To receive additional information on the Fee Waiver or SDC Exemption Program or if you have any questions please contact the PDC Program Administrator at 503-823-3269.



DEPARTMENT PERmissible UNIT CAPACITY - AFFORDABLE HOUSING		
NEW CONSTRUCTION OF AFFORDABLE HOUSING		
FISCAL YEAR 2017		
<b>MULTI FAMILY NEW CONSTRUCTION</b>		
Fee Rate: \$5,000 for first 2 units	_____ units @ 5,000	<b>\$5,000</b>
\$500 for each additional unit	_____ units @ \$500	\$ _____
<b>MULTI FAMILY REHABILITATION</b>		
Fee Rate: \$5,000 for first 2 units	_____ units @ 5,000	<b>\$5,000</b>
\$350 for each additional unit	_____ units @ \$350	\$ _____
<b>SINGLE FAMILY NEW CONSTRUCTION</b>		
Fee Rate: Single Family \$1,700	_____ units @ \$1,700	\$ _____
<b>SINGLE FAMILY REHABILITATION</b>		
Fee Rate: Single Family \$1,500	_____ units @ \$1,500	\$ _____
	_____ Total Units	\$ _____
<b>ORGANIZATION CAP: \$50,000/per year</b>	<b>BALANCE REMAINING AFTER THIS PROJECT</b>	\$ _____

*This exemption is only needed for Newly Constructed Units. Rehabbed units are not charged these SDCs.*

<input type="checkbox"/>	For-Profit	<input type="checkbox"/>	# of Units applying for Transportation Bureau Exemption
<input type="checkbox"/>	Non-Profit	<input type="checkbox"/>	# of Units applying for Water Exemption
<input type="checkbox"/>		<input type="checkbox"/>	# of Units applying for Parks Bureau Non-Profit Exemption

**APPLICANT INFORMATION** (This will be written into the Regulatory Agreement)

Organization as it is registered: \_\_\_\_\_ (This will be written into the Regulatory Agreement)

What type of Organization? (Inc, LLC, LLP, sole proprietor, etc.) \_\_\_\_\_

Is the project receiving PDC funding? (If so, you won't need to sign the Regulatory Agreement) \_\_\_\_\_

Who will sign the Regulatory Agreement? (Signatory must have authorization) \_\_\_\_\_

What is their position within the organization? (owner, president, member, partner, incorporator) \_\_\_\_\_

Official Company Address: \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**PROJECT INFORMATION** (Applications missing information will require longer processing time)

Total number of units in project: \_\_\_\_\_ (# of Ownership: \_\_\_\_\_ # of Rental: \_\_\_\_\_)

Project Address (for-profits must have one application for each unit, unless rental project): \_\_\_\_\_

Property Tax ID Number(s): \_\_\_\_\_ Permit # \_\_\_\_\_

Project lot and block # \_\_\_\_\_

OWNER OCCUPIED UNITS	RENTAL HOUSING UNITS
Affordable to Households Up to 100% of Median (see attached for incomes by family size)	Affordable to Households @ 60% MFI or Below (see attached for allowable rents by family size)

**REQUIRED EXHIBITS FOR APPLICATION (PLEASE ATTACH)**

<input type="checkbox"/>	Articles of Incorporation and By-Laws (not necessary if they have been previously submitted)
<input type="checkbox"/>	Corporate Borrowing Resolution
<input type="checkbox"/>	Evidence Of Property Ownership Or Site Control Partition Map and Warranty Deed identifying the above property specifically- each property applying for an exemption must have its own recorded legal description.

\*This information is not necessary if the project is receiving PDC funding, and has already been submitted.

**CERTIFICATION**

**Applicant certifies the following:**

- For **rental projects**, 1) unit(s) rents will be restricted to 0-60% Median Family Income or less 2) for a period of not less than 60 years by a public agency (PDC, State or other) and 3) tenants will meet income guidelines.
- Units must be rented or leased at rent levels that do not exceed the maximum allowable rents for the targeted income during the required Term of Affordability. Please see attached for current rent schedules.
- Applicant will provide PDC certification of rents and occupancy requirement within 60 days of occupancy.
- For **homeownership projects**, 1) Buyers must be **First Time Homebuyers**, and 2) have household incomes **not exceeding 100% of Median Family Income**.
- The Applicant has the burden of proving to the Administrator's satisfaction that rents and housing prices, in fact, qualify for this exemption. In the event a qualifying Low Income Housing development fails to maintain qualifying rent or price levels, the amount the Owner must repay will be based on the cost of the SDC on the date the Owner receives a notice of default of this Agreement by PDC, and not the cost of the SDC's on the date the waiver was

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**TRANSPORTATION BUREAU SDC AFFORDABLE HOUSING PROGRAM**

The Water Bureau will only allow an exemption for a 5/8" meter for single family units. The developer will be responsible to pay any balance for single family units requiring a meter larger than 5/8".

<p align="center"><b>SINGLE FAMILY</b></p> <p><b>DETACHED OR ROW HOUSE</b> Fee Rate: \$1,563 per unit</p> <p>_____ Units @ \$1,563</p>	<p align="center"><b>MULTI FAMILY</b></p> <p><b>CONDOMINIUMS OR RENTAL UNITS</b> Fee Rate: \$1,007 per unit</p> <p>_____ Units @ \$1,007      \$ _____</p>
<p><b>Total Units</b>                      \$ _____</p>	

**WATER BUREAU SDC AFFORDABLE HOUSING PROGRAM**

The Water Bureau will only allow an exemption for a 5/8" meter for single family units. The developer will be responsible to pay any balance for single family units requiring a meter larger than 5/8".

<p align="center"><b>SINGLE FAMILY</b></p> <p><b>DETACHED</b> Fee Rate: \$1,491 per unit</p> <p>_____ Units @ \$1,491      \$ _____</p>	<p align="center"><b>MULTI FAMILY</b></p> <p><b>CONDOMINIUMS OR RENTAL UNITS</b> Fee Rate: \$1,071 per unit</p> <p>_____ Units @ \$1,071      \$ _____</p>
<p><b>ROW HOUSE</b> Fee Rate: \$947 per unit</p> <p>_____ Units @ \$947      \$ _____</p>	
<p><b>Total Units</b>                      \$ _____</p>	

**WATER BUREAU SDC AFFORDABLE HOUSING PROGRAM**

The Water Bureau will only allow an exemption for a 5/8" meter for single family units. The developer will be responsible to pay any balance for single family units requiring a meter larger than 5/8".

5/8 Meter	\$1,453	X _____ units =
3/4 Meter	\$2,180	X _____ units =
1" Meter	\$3,633	X _____ units =

\_\_\_\_\_ **Total Units**                      \$ \_\_\_\_\_

**PARKS SDC EXEMPTION (CREDIT POOL) PROGRAM**

This Program can only be accessed for projects which demonstrate a financial need and meet one or more of the City's housing goals. This separate program is only needed for units that do not already meet the Parks Bureau Non Profit SDC exemption criteria.

\_\_\_\_\_ **Units x (fee)**                      \$ \_\_\_\_\_

**TOTAL SDC EXEMPTIONS FOR PROJECT**

<b>Parks Bureau Non Profit SDC Exemption Program</b>	_____	Units exempting a total of	\$ _____
<b>Transportation Bureau SDC Exemption Program</b>	_____	Units exempting a total of	\$ _____
<b>Water Bureau SDC Exemption Program</b>	_____	Units exempting a total of	\$ _____
<b>Parks Credit Pool Program</b>	_____	Units exempting a total of	\$ _____
<b>Grand Total:</b>			\$ _____

## CITY OF ASHLAND AFFORDABLE HOUSING PROGRAM SDC DEFERRAL

The City's systems development charges (SDC's) went into effect July 5, 1991 in order to meet certain requirements and to be in compliance with state law. These charges are fees to new development authorized for local governments by the 1989 Oregon legislature and are for capital improvements to expand system capacity. In Ashland the charges cover water, sewer, transportation, storm drains, and parks and recreation. These fees, along with all other pertinent fees, are collected at the time the Building Permit is issued.

In 1991, the City of Ashland adopted a program designed to provide affordable housing for its citizens. In order to offer developers an incentive to provide affordable housing, it was decided the deferment of SDC's should be incorporated into the program. Few Building Permits end up costing the same because there are many variables. The same is true of SDC's. A typical new home with two bathrooms will have SDC's in the amount of \$5,000 to \$6,000 and up. This portion of the Building Permit fees is the portion that is deferred for affordable housing and is secured by a second mortgage (in the form of a Trust Deed) which is recorded in the County Clerk's office. The City treats it as a loan and it accrues 6% interest per year. The accrued interest and principal are only due upon the sale of the property to a buyer that does not qualify for affordable housing and/or you sell it for more than the maximum purchase price, which is adjusted every May 1<sup>st</sup>. If the property is sold and it remains in the affordable housing program, the deferred SDC's plus the interest roll over to the qualified buyer. If the property remains in the affordable housing program for 20 years, the fees are canceled and forgiven by the City.

# APPENDIX D - PORTLAND DEVELOPMENT COMMISSION SUMMARY OF CITY-WIDE PROPERTY TAX EXEMPTION PROGRAMS

## Summary of City-Wide Property Tax Exemption Programs

Program Title (City Code) (State Statute)	Non-Profit (3.101)	Rental Rehab (3.102)	Owner-Occupied Rehab (3.102)	New Single-Family Housing Construction (3.102)	Transit-Oriented Development (3.103)
<b>Program Goal</b>	Promote housing for low-income renters	Promote rehabilitation of rental housing	Promote rehabilitation of housing in "Homebuyer Opportunity Areas" as designated by the Planning Commission	Promote new single-family housing in "Homebuyer Opportunity Areas" as designated by the Planning Commission	Promote high-density residential and mixed use development in transit-oriented areas.
<b>Household Incomes Served</b>	Earn less than 60% of Median Area Income	High/moderate/low-income	Mostly low and moderate income	Household income no greater than 100% MFI for a household size up to four. Adjusted upward for a household of more than four persons. Applies to subsequent ownership.	All income levels with some affordability component
<b>Applicant/Project Eligibility</b>	Non-profit housing developer certified by IRS as 501(c)(3) or (4) organization or qualifying partnership.	1. Owner enters into Affordability Agreement; 2. Code violations determined by Title 29; 3. Initial and final inspection; 4. For structures built before 1961, sums spent on improvements must equal or exceed 5% of assessed value of land and improvements; or if sums are spent on improvements after 1990, improvements must be worth more than 50% of cash value of land and improvements.	1. Property in Homebuyer Opportunity Area; 2. Owner Occupied Single-Family Unit; 3. Code violations as determined by Title 29; 4. Initial and final inspections; 5. For structures built before 1961, sums spent on improvements must equal or exceed 5% of assessed value of land and improvements; or if sums are spent on improvements after 1990, improvements must be worth more than 50% of cash value of land and improvements.	1. Property located within the Homebuyer Opportunity Area; 2. Single-family dwelling unit; 3. Household income not greater than 100% of MFI for a family of four; 4. Application process must be finished within 2-years of completion date or from the date of application, whichever is sooner; 5. Not to exceed maximum sales/appraisal price; 6. Owner Occupied; 7. Subsequent buyers must meet MFI qualifications.	1. For-profit or non-profit development of vacant or underutilized sites; 2. For-profit or non-profit development of multi-unit housing of 8 or more rental or for-sale dwelling units; 3. Development of units at rental rates or purchase accessible to a broad income range of the general public; 4. Located within an eligible area; 5. Applicant must demonstrate property tax exempt necessary to achieve economic feasibility.
<b>Restrictions</b>	Resident income must be at or below 60% of median area income	Owner signs "Affordability Agreement," keeping 20% of the units in projects with 5 or more units, 100% of the units in case of a single-family house, 50% of the units in a duplex, 30% of the units in a triplex, and 25% of the units in a four plex affordable to tenants with household income of 60% or less of medium-family income.	Only houses in "Homebuyer Opportunity Areas" are eligible	City Council sets yearly maximum sales or appraisal price, as recommended by the Planning Bureau, for new homes in "Homebuyer Opportunity Areas" based on percentage of previous year's median sales price.	Owner must provide one or more public benefits in code. May include rent and sales price limits.
<b>Public Benefit Requirements</b>	See restrictions above.	See restrictions above.	See Applicant/Project Eligibility above.	See Applicant/Project Eligibility and restrictions above.	Affordability: more than 25 units. Rental: 20% of units at 60% MFI For-Sale: initial purchase price not to exceed 95% of loan limit. As an alternative to affordability above (applicant chooses one): 1. 10% of units at 30% MFI 2. 20% of units dedicated to persons with special needs 3. 20% of rental units include 3 or more bedrooms 4. provide childcare on-site or support child care facilities 5. provide residential unit per acre density equivalent 80% of max. density In addition include one of the following: 1. Permitted ground floor services or commercial use 2. Office space or meeting room for community organizations 3. publicly accessible open space 4. family-oriented recreational facilities 5. transit amenities (bench, shelter)

Program Title (City Code) (State Statute)	Non-Profit (3.101)	Rental Rehab (3.102)	Owner-Occupied Rehab (3.102)	New Single Family Housing Construction (3.102)	Transit Oriented Development (3.103)
Designated Areas	Applicable within City of Portland	Applicable within City of Portland	City neighborhoods designated as "Homebuyer Opportunity Areas" reviewed by the Planning Commission.	City neighborhoods designated as "Homebuyer Opportunity Areas" reviewed by the Planning Commission.	Areas within 1/4 mile of transit lines and light rail stations shown on maps as adopted by City Council.
Project Review & Approval	Planning Bureau (staff only); No PDC role	Portland Development Commission staff evaluates exemption based on defined approval criteria in City Code 3.102. If a project meets the City Code defined approval criteria then project is entitled to an exemption. PDC role limited to establishing City Code compliance. Denial may be appealed to City Council.	Portland Development Commission staff evaluates exemption based on defined approval criteria in City Code 3.102. If a project meets the City Code defined approval criteria then project is entitled to an exemption. PDC role limited to establishing City Code compliance. Denial may be appealed to City Council.	Portland Development Commission staff approves exemption based on defined approval criteria in City Code 3.102. If a project meets the City Code defined approval criteria then exemption is required. PDC role limited to establishing City Code compliance. Denial may be appealed to City Council.	Portland Development Commission makes recommendation to City Council based on approval in City Code 3.103. City Council has approval authority.
Length of Abatement	One year with annual renewals.	Maximum ten years with annual review. May be extended if meets specific criteria.	Ten years	Maximum ten years. With review of owner occupancy and income if sold.	Up to 10 successive years*
Extent of Abatement	Ineligible (e.g., commercial) land/improvements	Assessed Value before rehabilitation, and any incremental increase allowed under Measure 50	Assessed Value before rehabilitation and any incremental increase allowed under Measure 50	Land taxed but not improvements. Partial improvement value added if County appraisal exceeds current year maximum value.	Land taxed but not improvements. No any improvement part of the multiple unit housing except for those improvements deemed a public benefit.
Application Fee	\$250 new, \$50 renewals	\$300 plus \$5 for every unit over two and \$75 appraisal fee	\$300 plus \$75 appraisal fee	\$300 plus \$75 appraisal fee	\$5,000

Revised 6/12/03 by Portland Development Commission.

APPENDIX E – NATIONAL HOUSING TRUST FUND LEGISLATION



# THE NATIONAL HOUSING TRUST FUND CAMPAIGN

c/o National Low Income Housing Coalition ■ 1012 Fourteenth Street, NW, Suite 610  
 Washington, D.C. 20005 ■ (202) 662-1530 phone ■ (202) 393-1973 fax

[Home](#) | [About the Campaign](#) | [On Capitol Hill](#) | [In your Community](#) | [Get Involved](#) | [Press Room](#) | [Contact Us](#)

## Comparison of the legislation

Below you will find a comparison of the House bill and the Campaign's policy proposal during the 108th Congress.

	<i>H.R. 1102</i>	<i>Campaign Proposal</i>
	<b>National Affordable Housing Trust Fund Act of 2003 (Introduced March 5, 2003 by Reps. Sanders, Lee &amp; Simmons)</b>	<b>National Housing Trust Fund Campaign Proposal</b>
<b>Source Funds</b>	Establishes a Trust Fund with revenue from FHA Mutual Mortgage Insurance Fund surplus in excess of that necessary to maintain 2% capital ratio and GNMA surplus above what is necessary to maintain GNMA's safety and soundness. Goal of producing, rehabilitating and preserving at least 1.5 million units over the next decade	Establishes a Trust Fund with FHA and GNMA surplus above what is necessary to maintain safety and soundness of those funds. Other funding sources should be identified and appropriations should be used. Goal of producing, rehabilitating and preserving 1.5 million units over the next decade
<b>Match</b>	States or participating local jurisdictions must provide \$0.25 of non-federal money for every \$1 federal provided. 50% of the following are considered non-federal sources: funds allocable to tax credits; revenue from mortgage revenue bonds, proceeds of sale of tax-exempt bonds; HOME; CDBG; rural housing assistance; and project-based voucher assistance. TANF funds and any general state revenue not derived from federal sources	If state or locality receiving funds uses state, local or private resources, it will receive \$2 federal for every \$1 it provides. If the state or locality uses locally controlled federal resources (HOME, CDBG, LIHTC, private activity bonds, TANF, project-based vouchers), it will receive \$1 federal for every \$1 it provides. Match can be waived for fiscal distress. Revenue used for services will count toward the match, as will payments

	<b>H.R. 1102</b>	<b>Campaign Proposal</b>
	are considered non-federal. Match can be reduced or eliminated for fiscal distress.	by state or locality to cover increased educational costs resulting from siting of Trust Fund units. Siting in areas of high job growth, areas undergoing gentrification, or areas where regulatory barriers were overcome should count toward match for year following.
<b>Affordability</b>	Must remain affordable for 50 years.	Must remain affordable for 50 years.
<b>Eligible Activities</b>	Eligible activities include construction of new housing, acquisition of real property, site preparation and improvement, including demolition, rehabilitation, provision of project-based rental assistance for no more than 12 months, and incentives to maintain existing housing as affordable and establish or extend low income affordability restrictions for such housing. States may use up to 5% of grant amounts for operating costs of non-profits involved in developing affordable rental housing.	Eligible activities include construction of new housing, preservation of existing federally assisted housing and rehabilitation of existing private market affordable housing. At least 75% of funds should be used for eligible activities relating to rental housing; no more than 25% should be used for homeownership activities, as long as low income people are served.
<b>Income Targeting</b>	Not less than 45% of funds for development of rental housing (including limited equity cooperatives) affordable to families with incomes not greater than 30% of area or state median income, whichever is higher. 30% of funds for development of rental housing (including limited equity cooperatives) affordable to families with incomes equivalent to federal or state full time minimum wage. The other 25% is for development, preservation or rehabilitation of existing affordable housing for rental or homeownership (including cooperatives) affordable to families with incomes above those provided for by the other targeting goals but not exceeding 80% of area or state median income, whichever is higher.	At least 45% of funds should be used for housing that is affordable for families with incomes less than 30% of area or state median income, whichever is higher. At least 30% of funds should be used for housing that is affordable to households with incomes at or below the equivalent of full-time employment at the prevailing minimum wage. No more than 25% of the total funds can be used for households up to 80% of state or area median income, whichever is higher, provided these funds are restricted to production, preservation, rehabilitation in low income neighborhoods. In all cases, no one should pay more than 30% of their income for rent. Cooperatives are eligible as long as income targeting requirements are met.
<b>Distribution</b>	100% of funds will be distributed on a formula basis to states and localities, with 40% to states and 60% to localities. The formula will consider the following factors: percent of families in state in substandard housing; percent of families paying more	100% of funds to be distributed to states and localities on formula basis as established by HUD, to reflect proportion of need, with 60% to localities and 40% to states. Distribution should ensure that urban, suburban and rural jurisdictions all

	<b>H.R. 1102</b>	<b>Campaign Proposal</b>
	<p>than 50% of income for rent; percent of families below poverty line; cost of development and rehabilitation; percent of families residing in counties with vacancy rates of less than 2%; percent of housing stock that is over 45 years. old; and other appropriate factors. There is a minimum of 1% of the total funding for each state. For states that fail to establish an allocation plan or have insufficient matching funds, the HUD Secretary will award funds to non-profits and public entities directly.</p>	<p>have access to funds. If eligible state or locality fails to apply, alternative process should be established for other entities to receive and distribute funds. If eligible entities do not qualify to receive all unclaimed funds allocated to jurisdiction, unclaimed funds should provide bonus payments to jurisdictions that expedite development or reduce development costs through state or local laws, policies or procedures.</p>
<b>Operating Subsidy</b>	<p>Trust fund assistance may be used for up to one year for operating subsidy. Project-based Section 8 rental assistance is authorized for Trust Fund units.</p>	<p>To make Trust Fund units affordable to ELI families, Trust Fund assistance could be used for operating subsidy for one year, after which operating subsidy could be Thrifty Vouchers or regular project-based vouchers renewed through the Housing Certificate Fund or another operating subsidy mechanism. (Thrifty Vouchers provide a rent subsidy based on actual operating costs and are typically less expensive than regular vouchers.) Projects with lower energy costs should receive a preference.</p>
<b>Leveraging Private Funds</b>	<p>Encouraged through the match requirement.</p> <p>Preferences for entities and subrecipients include the amount of assistance leveraged from private and other non-federal sources and from local sources.</p>	<p>Encouraged through the match requirement.</p>
<b>Mixed Income</b>	<p>States and localities distribute funds to non-profit and for-profit entities and government agencies. Each state's allocation plan must include preferences, including, but not limited to:</p> <ul style="list-style-type: none"> <li>the extent to which the applicant has worked to address issues of siting and exclusionary zoning or other policies that are barriers to affordable housing with the unit of general local government in which housing to be assisted will be located;</li> <li>the degree to which the project will have residents of</li> </ul>	<p>New housing production must be done in a way that does not segregate extremely low income households from other income groups and units should be located in proximity to public transportation, services, economic opportunities, or contribute to comprehensive community revitalization. Trust Fund assistance should be used in conjunction with other funds to create mixed income communities. Units for extremely low income households should comprise less than 50% the total units in a project. This may not be necessary for economic integration in the case of small projects serving low poverty</p>

	<b>H.R. 1102</b>	<b>Campaign Proposal</b>
	<p>various incomes;</p> <ul style="list-style-type: none"> <li>• the extent of employment and economic opportunities;</li> <li>• the extent to which the housing will be located in proximity to public transportation, child care and community revitalization projects; and</li> <li>• the extent to which the funds will be used in census tracts where the number of families having incomes less than the poverty line is less than 20%.</li> </ul> <p>Entities applying for funds must certify that not more than 50% of the units will be initially rented to extremely low income families, except in the case of small projects located in low poverty areas, rural areas or serving special populations.</p>	<p>areas, rural areas, or special populations.</p>
<b>Consistency with Other Federal Provisions</b>	<p>Entities applying for funds must certify that they will uphold the obligation to affirmatively further fair housing and those receiving funds must ensure that contracts comply with the requirements of Davis-Bacon.</p>	<p>Trust Fund assistance should be used in a manner compatible with other federal provisions, including, but not limited to tenant protections and rights to participate; public participation mechanisms, such as the Consolidated Plan, Qualified Allocation Plan and Public Housing Plan; Davis-Bacon; and fair housing laws and laws relating to accessibility (and units not required to be accessible under current law should meet basic visitability standards).</p>

Attachment C

Metro Urban Growth Management Functional Plan  
Title 7 (Affordable Housing) provisions

## **TITLE 7: AFFORDABLE HOUSING**

### 3.07.710 Intent

The Regional Framework Plan stated the need to provide affordable housing opportunities through: a) a diverse range of housing types, available within the region, and within cities and counties inside Metro's Urban Growth Boundary; b) sufficient and affordable housing opportunities available to households of all income levels that live or have a member working in each jurisdiction and subregion; c) an appropriate balance of jobs and housing of all types within subregions; d) addressing current and future need for and supply of affordable housing in the process used to determine affordable housing production goals; and e) minimizing any concentration of poverty. The Regional Framework Plan directs that Metro's Urban Growth Management Functional Plan include voluntary affordable housing production goals to be adopted by local jurisdictions in the region as well as land use and non-land use affordable housing tools and strategies. The Regional Framework Plan also directs that Metro's Urban Growth Management Functional Plan include local governments' reporting progress towards increasing the supply of affordable housing.

Title 1 of this functional plan requires cities and counties to change their zoning to accommodate development at higher densities in locations supportive of the transportation system. Increasing allowable densities and requiring minimum densities encourage compact communities, more efficient use of land and should result in additional affordable housing opportunities. These Title 1 requirements are parts of the regional affordable housing strategy.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 00-882C, Sec. 2.)

### 3.07.720 Voluntary Affordable Housing Production Goals

Each city and county within the Metro region should adopt the Affordable Housing Production Goal indicated in Table 3.07-7 for their city or county as a guide to measure progress toward meeting the affordable housing needs of households with incomes between 0% and 50% of the regional median family income.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 00-882C, Sec. 2; Ordinance No. 03-1005A.)

3.07.730 Requirements for Comprehensive Plan and Implementing Ordinance Changes

- A. Cities and counties within the Metro region shall ensure that their comprehensive plans and implementing ordinances:
1. Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.
  2. Include in their plans actions and implementation measures designed to maintain the existing supply of affordable housing as well as increase the opportunities for new dispersed affordable housing within their boundaries.
  3. Include plan policies, actions, and implementation measures aimed at increasing opportunities for households of all income levels to live within their individual jurisdictions in affordable housing.
- B. Cities and counties within the Metro region shall consider amendment of their comprehensive plans and implementing ordinances with the following affordable housing land use tools and strategies identified below. Compliance with this subsection is achieved when the governing body of a city or county considers each tool or strategy in this subsection and either amends its comprehensive plan and implementing ordinances to adopt the tool or strategy or explains in writing why it has decided not to adopt it.
1. Density Bonus. A density bonus is an incentive to facilitate the development of affordable housing. Local jurisdictions could consider tying the amount of bonus to the targeted income group to encourage the development of affordable units to meet affordable housing production goals.
  2. Replacement Housing. No-Net-Loss housing policies for local jurisdictional review of requested quasi-judicial Comprehensive Plan Map amendments with approval criteria that would require the replacement of existing housing that would be lost through the Plan Map amendment.
  3. Inclusionary Housing.
    - a. Implement voluntary inclusionary housing programs tied to the provision of incentives such as Density Bonus incentives to facilitate the development of affordable housing.

- b. Develop housing design requirements for housing components such as single-car garages and maximum square footage that tend to result in affordable housing.
  - c. Consider impacts on affordable housing as a criterion for any legislative or quasi-judicial zone change.
- 4. Transfer of Development Rights.
  - a. Implement TDR programs tailored to the specific conditions of a local jurisdiction.
  - b. Implement TDR programs in Main Street or Town Center areas that involve upzoning.
- 5. Elderly and People with Disabilities. Examine zoning codes for conflicts in meeting locational needs of these populations.
- 6. Local Regulatory Constraints; Discrepancies in Planning and Zoning Codes; Local Permitting or Approval Process.
  - a. Revise the permitting process (conditional use permits, etc.).
  - b. Review development and design standards for impact on affordable housing.
  - c. Consider using a cost/benefit analysis to determine impact of new regulations on housing production.
  - d. Regularly review existing codes for usefulness and conflicts.
  - e. Reduce number of land use appeal opportunities.
  - f. Allow fast tracking of affordable housing.
- 7. Parking.
  - a. Review parking requirements to ensure they meet the needs of residents of all types of housing.
  - b. Coordinate strategies with developers, transportation planners and other regional efforts

so as to reduce the cost of providing parking in affordable housing developments.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 00-882C, Sec. 2; Ordinance No. 03-1005A, Sec. 1.)

3.07.740 Requirements for Progress Report

Progress made by local jurisdictions in amending comprehensive plans and implementing ordinances and consideration of land use related affordable housing tools and strategies to meet the voluntary affordable housing production goals shall be reported according to the following schedule:

- A. By January 31, 2002, cities and counties within the Metro region shall submit a brief status report to Metro as to what items they have considered and which items remain to be considered. This analysis could include identification of affordable housing land use tools currently in use as well as consideration of the land use tools in Section 3.07.730(B).
- B. By December 31, 2003, each city and county within the Metro region shall provide a report to Metro on the status of its comprehensive plan and implementing ordinances explaining how each tool and strategy in subsection 3.07.730B was considered by its governing body. The report shall describe comprehensive plan and implementing ordinance amendments pending or adopted to implement each tool and strategy, or shall explain why the city or county decided not to adopt it.
- C. By June 30, 2004, each city and county within the Metro region shall report to Metro on the outcome of the amendments to its comprehensive plan and implementing ordinances pending at the time of submittal of the report described in subsection B of this section and on the public response, if any, to any implementation adopted by the city or county to increase the community's stock of affordable housing, including but not limited to the tools and strategies in subsection 3.07.730B.

(Ordinance No. 00-882C, Sec. 2. Amended by Ordinance No. 03-1005A, Sec. 1.)

3.07.750 Metro Assessment of Progress

- A. Metro Council and MPAC shall review progress reports submitted by cities and counties and may provide comments to the jurisdictions.

B. Metro Council shall:

1. In 2003, estimate 2000 baseline affordable housing units affordable to defined income groups (less than 30 percent, 31-50 percent, 51-80 percent of the region's median family income) using 2000 U.S. Census data;
2. By December 2004, formally assess the region's progress made in 2001-2003 to achieve the affordable housing production goals in Table 3.07-7;
3. By December 2004, review and assess affordable housing tools and strategies implemented by local governments and other public and private entities;
4. By December 2004, examine federal and state legislative changes;
5. By December 2004, review the availability of a regional funding source;
6. By December 2004, update the estimate of the region's affordable housing need; and
7. By December 2004, in consultation with MPAC, create an ad hoc affordable housing task force with representatives of MPAC, MTAC, homebuilders, affordable housing providers, advocate groups, financial institutions, citizens, local governments, state government, and U.S. Housing and Urban Development Department to use the assessment reports and census data to recommend by December 2005 any studies or any changes that are warranted to the existing process, tools and strategies, funding plans or goals to ensure that significant progress is made toward providing affordable housing for those most in need.

(Ordinance No. 00-882C, Sec. 2. Amended by Ordinance No. 03-1005A, Sec. 1.)

3.07.760 Recommendations to Implement Other Affordable Housing Strategies

- A. Local jurisdictions are encouraged to consider implementation of the following affordable housing land use tools to increase the inventory of affordable housing throughout the region. Additional information on these strategies and other land use strategies that could be considered by local jurisdictions are described in Chapter

Four of the Regional Affordable Housing Strategy and its Appendixes.

1. Replacement Housing. Consider policies to prevent the loss of affordable housing through demolition in urban renewal areas by implementing a replacement housing ordinance specific to urban renewal zones.
  2. Inclusionary Housing. When creating urban renewal districts that include housing, include voluntary inclusionary housing requirements where appropriate.
- B. Local jurisdictions are encouraged to analyze, adopt and apply locally-appropriate non-land use tools, including fee waivers or funding incentives as a means to make progress toward the Affordable Housing Production Goal. Non-land use tools and strategies that could be considered by local jurisdictions are described in Chapter Four of the Regional Affordable Housing Strategy and its Appendixes. Cities and Counties are also encouraged to report on the analysis, adoption and application of non-land use tools at the same intervals that they are reporting on land-use tools (in Section 3.07.740).
- C. Local jurisdictions are also encouraged to continue their efforts to promote housing affordable to other households with incomes 50% to 80% and 80% to 120% of the regional median household income.
- D. Local jurisdictions are encouraged to consider joint coordination or action to meet their combined affordable housing production goals.

(Ordinance No. 00-882C, Sec. 2.)

**Table 3.07-7**  
**Five-Year Voluntary Affordable Housing Production Goals**  
 (Section 3.07.720)

<b>Jurisdiction</b>	<b>2001-2006 Affordable Housing Production Goals</b>		
	<i>Needed new housing units for households earning less than 30% of median household income</i>	<i>Needed new housing units for households earning 30-50% of median household income</i>	<i>Total</i>
Beaverton	427	229	656
Cornelius	40	10	50
Durham	6	4	10
Fairview	42	31	73
Forest Grove	55	10	65
Gladstone	43	10	53
Gresham	454	102	556
Happy Valley	29	28	57
Hillsboro	302	211	513
Johnson City	0	0	0
King City	5	0	5
Lake Oswego	185	154	339
Maywood Park	0	0	0
Milwaukie	102	0	102
Oregon City	123	35	158
Portland	1,791	0	1,791
Rivergrove	1	1	2
Sherwood	67	56	123
Tigard	216	103	319
Troutdale	75	56	131
Tualatin	120	69	189
West Linn	98	71	169
Wilsonville	100	80	180
Wood Village	16	1	17
Clackamas County, Urban, Unincorporated	729	374	1,103
Multnomah County, Urban, Unincorporated*	81	53	134
Washington County, Urban Unincorporated	1,312	940	2,252
<b>Total</b>	<b>6,419</b>	<b>2,628</b>	<b>9,047</b>

\* Strategies and implementation measures addressing these housing goals are in the Progress Reports of the Cities of Portland, Gresham and Troutdale.

(Ordinance No. 00-882C, Sec. 2.)

EXHIBIT E  
Addendum Memo  
Dated 06/23/04



**MEMORANDUM**  
**City of Beaverton**  
**Community Development Department**

*"make it  
happen"*

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**To: Planning Commission**  
**From: Jeff P Salvon, Associate Planner**  
**Date: June 23, 2004**  
**Subject: Addendum**

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In her June 14<sup>th</sup> letter to Mayor Drake, Councilors, and Commissioners, Ms Youngquist of the Beaverton School District has pointed out that under Goal Eleven in the Comprehensive Plan amendment analysis of the staff report associated with this proposal, staff neglected to address the impact of this proposal on schools. In response to this concern staff would like to submit the following statement as an addendum to section IV of the staff report.

Section 5.7 of the Comprehensive Plan addresses planning for schools and establishes the following Goal:

Cooperate with the Beaverton School District in its efforts to provide the best possible educational facilities and services to Beaverton residents.

To achieve this goal the City of Beaverton adopted the Beaverton School District's Facility Plan. In the interest of complying with the provisions of that document and relevant policies of the Comprehensive Plan, staff fully intends to collaborate with the district to address any impacts that might occur as result of the proposed amendment.

**EXHIBIT F**  
Written Testimony



Jan Youngquist  
Facilities Planning Manager  
jan\_youngquist@beaverton.k12.or.us  
16550 SW Merlo Road • Beaverton, OR 97006  
503.591.4319 • Fax 503.591.4484

June 14, 2004

Beaverton City Councilors  
Beaverton Planning Commissioners  
PO Box 4755  
Beaverton, OR 97076

RECEIVED  
JUN 16 2004  
COMMUNITY DEVELOP DEPT

RE: CPA2004-0005  
Title 7 Comprehensive Plan Amendment

Dear Mayor Drake, Councilors and Commissioners:

The Beaverton School District commends the City of Beaverton on its efforts to specifically address the issue of affordable housing in the area. The rapidly escalating cost of land, as well as the recent increases in the price of building materials make development of affordable housing very challenging. The ever-increasing price of market rate housing, changing area demographics and a slow economy make affordable housing a critical issue for the City of Beaverton, as well as for the entire metropolitan area.

It is evident that the City has evaluated a number of tools and strategies for providing affordable housing and complying with Metro's Title 7 requirements. *However, the Beaverton School District respectfully requests that the City of Beaverton not overlook the impact to our schools from implementation of these strategies.*

The comprehensive plan amendment analysis of Goal Eleven—Public Facilities and Services in the staff report did not address the impact of this proposal on schools. Some of the strategies outlined, including density bonuses, could present a significant impact to school capacity, especially if the housing development is located in areas already experiencing rapid growth. This proposal may also affect District programs and services, such as school lunch benefits.

As the City of Beaverton is implementing these strategies, the District welcomes the opportunity to work with the City as planning partners. We are happy to share information on area school capacity and programs. We look forward to working with the City of Beaverton in this crucial endeavor to create housing as well as educational opportunities for all citizens.

Sincerely,

  
Jan Youngquist

cc: Jerome Colonna, Superintendent  
Robert Fisher, Assistant Superintendent



June 23, 2004

Planning Commission Members  
City of Beaverton  
P.O. Box 4755  
Beaverton, OR 97076

Re: City of Beaverton's Title 7 Recommendations

Dear Planning Commission Members:

Thank you for the opportunity to provide comments on your recommendations for action related to Title 7 / Affordable Housing. Staff and consultants involved with this process did an excellent job of ensuring that diverse interests were consulted prior to the development of these recommendations.

On behalf of Community Partners for Affordable Housing (CPAH), an affordable housing developer serving Southeastern Washington County and Southwest Portland, I'd like to offer the following comments:

Obviously, the factors used to evaluate the ultimate recommendations may conflict with each other—those which cost the City the least and have the most political feasibility and ability to implement with the least administrative complexity may also have the least potential to produce or retain units for those in the lowest income ranges.

Balancing the “feasibility and effectiveness factors” identified by Beaverton, CPAH still believes that the **highest priority** strategy for implementation should be **tax abatement**. Those cities who have adopted provisions under Oregon Revised Statutes to assist affordable projects in this way (Portland, Eugene, Hood River, Cottage Grove, Tigard and Grants Pass), have found this to be the “most bang for the buck” they can provide, reducing rents dollar for dollar for the duration of the abatement. Measure 5 has not prevented the above mentioned jurisdictions from making this program work, as tax revenues have escalated quickly enough to cover the shift in tax burden. No other incentive on your list will have the capacity to lower actual rents more dramatically.

We generally agree with those strategies which have been accorded low priority, for the reasons stated in the staff report. In addition to tax abatement, however, there is another medium priority item which we think should be high. Local jurisdictions can make a difference in building support for the Real Estate Transfer Fee as an

affordable housing funding source. If this money could be secured and utilized through Washington County's existing Community Housing Fund it would benefit projects in Beaverton and other jurisdictions immensely. As Beaverton has accorded high priority to public education, it should focus educational efforts around its highest priority items for implementation, including a funding source such as the RETF would provide.

One high priority item that we would suggest lowering to medium, is the reduced barriers for seniors and the disabled. In the case of seniors, these are typically some of the easiest affordable housing projects to site and fund. For those with disabilities this may be less so, particularly for AIDS or recovery housing. But more difficult than either of these groups is family housing, particularly when low-income families tend to be diverse. The ugliest NIMBY ("Not in My Backyard") battles in Washington County have been around family and farmworker housing, at least partly based on racial, socio-economic and property value fears. By singling families out of this item, you are not addressing the largest overall category unmet need for affordable units. Likewise, long term affordability could be reduced from high to medium given that most assisted projects will already have these long term use restrictions because of their state or federal funding.

We applaud the effort to leverage City funds by supporting nonprofit and faith-based groups, who tend to assemble the most diverse funding sources, including significant in-kind donations of volunteer time and materials. Employer assisted housing is a good programmatic goal area, but as mentioned, will require partnering with those outside Beaverton to hit the largest area employers. It seems unlikely this strategy will lead to significant units for the lowest income groups. Historically, these programs have addressed first-time-homebuyers with interest rate buydowns or downpayment assistance. If they were tied to strategies like land banking, the Community Housing Fund, and partnering with nonprofits and faith based groups, there may be more potential to impact the lower income populations.

Again, we want to acknowledge the commitment and professionalism of both staff and elected officials in Beaverton to this critical issue. We look forward to seeing many of these strategies implement in the next few years!

Sincerely,



Sheila Greenlaw-Fink, Executive Director



# Tualatin Valley Housing Partners

*A Community Development Corporation  
Serving Washington County*

June 23, 2004

Beaverton Planning Commission

Comments from TVHP and HAG

Title 7 (affordable housing) policy implementation hearing

My name is Tom Benjamin and I'm representing two affordable housing organizations tonight – Tualatin Valley Housing Partners and the Housing Advocacy Group.

TVHP is a non-profit affordable housing developer and manager that serves Washington County outside of Tigard. In Beaverton, TVHP has 107 existing units in 2 projects, a 15-unit project for the developmentally disabled that is about to start construction, and an 80 unit project for families under development. We have a total of 5 projects with 369 units in the County.

HAG is composed of non-profit affordable housing developers, social service providers, and other interested parties that were organized to work with local government and its members to improve funding, communication, operation, and development of additional affordable housing in the County.

First, I'd like to thank and complement the City on its extensive cooperative efforts with both organizations. We consider the City to be an important partner in our efforts. As just one example of Beaverton's support, it has provided TVHP's project for the developmentally disabled with the land, provided a grant to cover off-site work, HOME funding to supplement the basic Federal funding, a \$20,000 waiver of permits, a deferral of System Development Charges, and countless hours of very cooperative staff time over a 5 year period. A ground-breaking ceremony is now being planned by a parent support group, Families for Independent Living, for July 23.

Housing for the most needy of our population is a difficult and complex undertaking that requires a multitude of financial sources and good cooperation among a host of parties.

TVHP and HAG are in strong support of the staff report items you are considering today. It is a major effort that will help our delivery system to provide more and better affordable into the future.

However, we would like to make the following specific recommendations:

## Item 10 – Tax Abatements

We support the findings of the Cogan report and understand the “medium ranking” in their recommendations. However, we think that this is one of the most important tools available to local government for the production and preservation of affordable housing. Since it is one of

  
6160 SW Main Street, Beaverton, OR 97005  
PO Box 1505, Beaverton, OR 97075  
PH: 503-641-5437 • FX: 503-350-0707

the few financial tools available to a city to reduce the cost of operating affordable housing, we feel that the City should take a stronger position on the issue.

Property tax abatement is an especially important consideration since affordable housing projects are often funded with little margin, rent increases are restricted, and our mission is to keep the rents as low as possible. We spend a great deal of time and funds in addressing the needs of low-income residents. The lower the income, the more important these services and cooperation with service agencies are to the improvement of the lives of the residents.

This tool can also be used as an incentive to spur additional development and to attract more investment and financing of affordable housing. In Beaverton, it may be an especially important incentive for redevelopment of older neighborhoods.

Enactment of this tool is the highest priority for HAG as discussed at its most recent meetings and we all urge your consideration of a stronger initiative from the City.

Therefore, we recommend that this be provided the highest priority and that an Action item be added for Beaverton to immediately begin discussions with the other taxing jurisdictions about enacting a program similar to that in Tigard.

#### Item 9 - Revolving fund

Beaverton has been very cooperative in working with TVHP on our project for the developmentally disabled by waiving some permit fees and deferring SDC payment. Because pre-development funds are very scarce and non-profit developers must struggle for every dollar needed to just get to construction, deferral of payment of these fees can be very important to our ability to initiate a project.

Therefore in addition to supporting the proposed action item, we recommend adding an action item that Beaverton formalize a policy and system for deferral of permit and SDC fees for affordable housing projects similar to that recently granted for The Bridge project.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

7-19-04

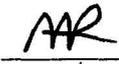
**SUBJECT:** An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located South of NW Cornell Road and West of NW 114th Avenue; CPA 2004-0008/ZMA 2004-0008

**FOR AGENDA OF:** ~~07/12/04~~ **BILL NO:** 04151

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 06/28/04

**CLEARANCES:** City Attorney   
Planning Services 

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

**EXHIBITS:** Ordinance  
Exhibit A – Map  
Planning Commission Order No. 1708  
Draft PC Minutes of 06/16/04 Hearing  
Staff Report Dated 05/25/04

**BUDGET IMPACT**

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

On June 16, 2004, 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 being annexed to the City through a different process. The request is to designate this parcel Town Center (TC) on the City's Comprehensive Plan Land Use Map and to designate it 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 a parcel being annexed into the City and are governed by the Washington County – Beaverton Urban Planning Area Agreement (UPAA). In this case, the UPAA was not specific as to the appropriate Land Use Map and Zoning Map designations and discretion was necessary to assign our most similar designations to the County's designations.

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

**RECOMMENDED ACTION:**

~~First Reading~~  
Second Reading and Passage

**ORDINANCE NO. 4316**

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 SOUTH OF NW CORNELL ROAD AND WEST OF NW 114TH AVENUE; CPA 2004-0008/ZMA 2004-0008

**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 a parcel annexed into the City through a different process; and

**WHEREAS,** On June 16, 2004, 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 designation of Transit Oriented: Residential 24-40 units per acre (TO: R 24-40); and

**WHEREAS,** The Council incorporates by reference the Community Development Department staff report on CPA 2004-0008/ZMA 2004-0008 by Senior Planner Alan Whitworth, dated May 25, 2004; 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 south of NW Cornell Road and west of NW 114th Avenue (Tax Map 1S134C0, Tax Lot 101), 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 12th day of July, 2004.  
Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.  
Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

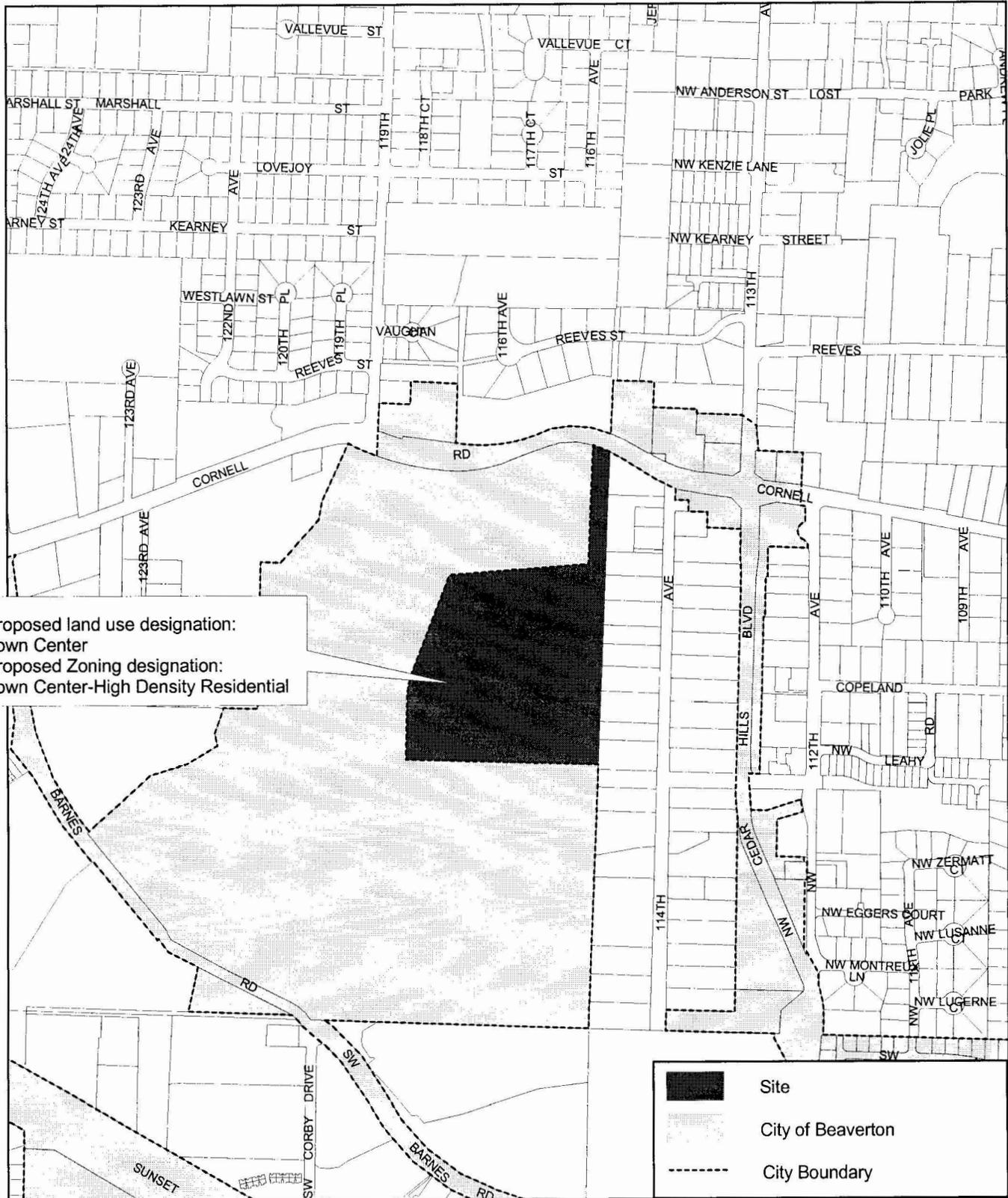
\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

# CPA/ZMA MAP

ORDINANCE NO. 4316

Exhibit "A"



City of Beaverton

BEAVERTON SCHOOL DISTRICT SITE COMPREHENSIVE PLAN  
LAND USE MAP AMENDMENT AND ZONING MAP AMENDMENT

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

04/22/04

Map #

1n134c000101

Application #

CPA 2004-0008/  
ZMA 2004-0008



2

**BEFORE THE PLANNING COMMISSION**  
**FOR THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF A REQUEST TO	)	
	)	ORDER NO. 1708
AMEND THE CITY COMPREHENSIVE PLAN	)	
	)	CPA 2004-0008
LAND USE MAP TO ADD A DESIGNATION	)	
	)	ZMA 2004-0008
OF TOWN CENTER AND AMEND THE	)	
	)	ORDER APPROVING
ZONING MAP TO ADD TOWN CENTER -	)	
	)	REQUEST
HIGH DENSITY RESIDENTIAL (TC -- HDR)	)	
	)	
TO ONE LOT BEING ANNEXED INTO THE	)	
	)	
CITY THROUGH A DIFFERENT PROCESS,	)	
	)	
ALAN WHITWORTH, CITY OF BEAVERTON,	)	
	)	
APPLICANT.	)	

The matter came before the Planning Commission on June 16, 2004, on a proposal to amend the Beaverton Comprehensive Plan Land Use Map to show Town Center and to amend the Zoning Map to show Town Center – High Density Residential (TC – HDR) for one lot that is being annexed into the City through a different process. There is no assigned street address. The property is located south of NW Cornell Road and west of NW 114<sup>th</sup> Avenue and more specifically identified as Tax Lots 00101 on Washington County Tax Assessor’s Map 1N1-34C0.

Pursuant to Ordinance 4187 (Comprehensive Plan), Section 1.3.4.3 and Ordinance 2050 (Development Code), Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Planning Commission adopts the Staff Report dated May 25, 2004, as to applicable criteria contained in Section 1.3.1 of the Comprehensive Plan and Section 40.97.15.4.C of the Development Code and findings thereon; now, therefore:

**IT IS HEREBY ORDERED** that CPA 2004-0008 is **APPROVED** based on the facts and findings of the Planning Commission on June 16, 2004.

**IT IS HEREBY ORDERED** that ZMA 2004-0008 is **APPROVED** based on the facts and findings of the Planning Commission on June 16, 2004.

Motion **CARRIED** by the following vote:

**AYES:** Maks, Winter, Bliss, Pogue and Barnard.  
**NAYS:** None.  
**ABSTAIN:** None.  
**ABSENT:** DeHarpport and Johansen.

Dated this 25<sup>th</sup> day of June, 2004.

To appeal the decision of the Planning Commission, as articulated in Order No. 1708 an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on July 6, 2004.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

  
\_\_\_\_\_  
ALAN WHITWORTH  
Senior Planner

  
\_\_\_\_\_  
HAL BERGSMA  
Planning Services Manager

APPROVED:

  
\_\_\_\_\_  
BOB BARNARD  
Chairman

## PLANNING COMMISSION MINUTES

June 16, 2004

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7 **CALL TO ORDER:**

Chairman Bob Barnard called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

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12 **ROLL CALL:**

Present were Chairman Bob Barnard, Planning Commissioners Gary Bliss, Eric Johansen, Dan Maks, Shannon Pogue, and Scott Winter. Commissioner Alan DeHarpport and Eric Johansen were excused.

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Senior Planner John Osterberg, Senior Planner Alan Whitworth, Associate Planner Sambo Kirkman, Assistant City Attorney Ted Naemura and Recording Secretary Sheila Martin represented staff.

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

30 **VISITORS:**

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

36 **STAFF COMMUNICATION:**

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Staff indicated that there were no communications at this time.

A request was made to change the order of the agenda starting with New Business followed by Old Business portion.

1 **NEW BUSINESS:**

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3 **PUBLIC HEARINGS:**

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5 A. 5. **BEAVERTON SCHOOL DISTRICT SITE LAND USE MAP**  
6 **AMENDMENT AND ZONING MAP AMENDMENT**

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This proposal is to amend the Land Use Map in the Comprehensive Plan and Zoning Map to designate one parcel being annexed into the City, by a separate process, Town Center on the Land Use Map and Town Center – High Density Residential on the Zoning Map in place of the current Washington County designation of Transit Oriented Residential: 24-40 units to the acre (TO; R24-40) with a Town Center design type. These are Beaverton’s most similar land use and zoning designations to those that Washington County has placed on this property. The parcel is located south of NW Cornell Road, north of NW Barnes Road and west NW 114<sup>th</sup> Avenue.

Senior Planner Alan Whitworth presented the Staff Report and offered to respond to questions.

**PUBLIC TESTIMONY:**

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

The public testimony portion of the Public Hearing was closed.

Observing that the proposal meets applicable approval criteria, Commissioners Maks, Winter, Pogue, Bliss and Chairman Barnard expressed their support of this application.

Commissioner Maks **MOVED** and Commissioner Winter **SECONDED** a motion for approval of CPA2004-0008/ZMA2004-0008 – Beaverton School District Site Land Use Map Amendment and Zoning Map Amendment, based upon the testimony, reports and exhibits, and new evidence presented during Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated May 25, 2004.

Motion **CARRIED** by the following vote:

- AYES:** Maks, Winter, Bliss, Pogue and Barnard.
- NAYS:** None.
- ABSTAIN:** None.
- ABSENT:** DeHarpport and Johansen.



# 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

**FROM:** Alan Whitworth, Senior Planner *Alan*

**REPORT DATE:** May 25, 2004

**HEARING DATE:** June 16, 2004

**REQUEST:** **CPA2004-0008/ZMA2004-0008 (Beaverton School District Site Land Use Map Amendment and Zoning Map Amendment)** Quasi-judicial plan and zoning map amendments to add a City Comprehensive Plan Land Use Map designation of Town Center (TC) and Zoning designation of Town Center – High Density Residential (TC - HDR) to one lot that is being annexed into the City, through a different process. Involves tax lot 1N134C0 00101 that is shown on the attached map and described by the attached legal description.

**APPLICANT:** City of Beaverton

**APPROVAL CRITERIA:** Comprehensive Plan Section 1.3.1 and Development Code Section 40.97.15.4.C.

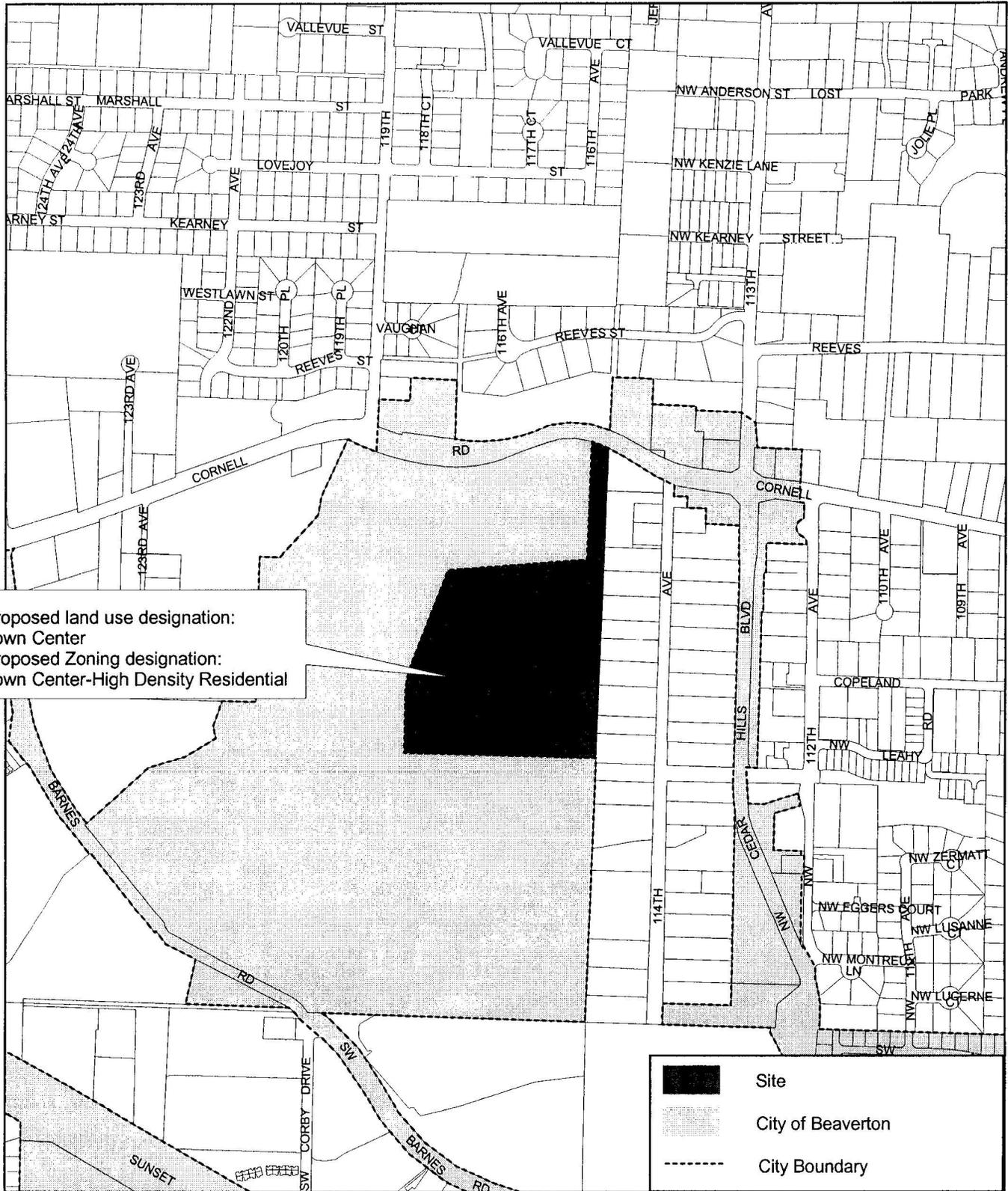
**LOCATION:** There is no assigned street address. The property is located south of NW Cornell Road and west of NW 114th Avenue.

**EXISTING USE:** The property is approximately 18 acres and undeveloped. Until recently the property functioned as a plant nursery.

## 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 Comprehensive Plan Land Use Map designation and Town Center – High Density Residential on the Zoning Map for tax lot 1N134C0 00101 that is shown on the attached map and described by the attached legal description.

# CPA/ZMA MAP



City of Beaverton

BEAVERTON SCHOOL DISTRICT SITE COMPREHENSIVE PLAN  
LAND USE MAP AMENDMENT AND ZONING MAP AMENDMENT

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

04/22/04

Map #

1n134c000101



Application #

CPA 2004-0008/  
ZMA 2004-0008

## **ANALYSIS OF COMPREHENSIVE PLAN AMENDMENT**

The purpose of the proposed amendments to the Comprehensive Plan Land Use Map and Zoning Map is to assign appropriate City Land Use and Zoning designations to a parcel being 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 and Zoning Map designations to those of the County's. This parcel is designated/zoned Transit Oriented: Residential 24-40 units to the acre by Washington County on the Cedar Hills-Cedar Mill Community Plan. In 2000 the County amended their Comprehensive Framework Plan to place a Town Center design type on this property. 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 this property 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 design type is our Town Center designation. For these reasons staff recommends the Comprehensive Plan Land Use Map be amended to show this parcel as Town Center.

## **ANALYSIS OF ZONING MAP AMENDMENT**

Washington County has designated this property Transit Oriented Residential: 24-40 units per acre (TO: R 24-40). The UPAA is not specific as to our appropriate zoning designation because this zoning designation did not exist when the UPAA was adopted. According to Section 3.14 of Beaverton's Comprehensive Plan, the Comprehensive Plan and Zoning District Matrix; Town Center - Multiple Use (TC-MU), High Density Residential (TC-HDR) or Medium Density Residential (TC-MDR) are the only zoning districts that can be applied to implement a Town Center Land Use Map designation. The TC-MU designation allows development that is primarily commercial and, therefore, is not a match for a designation that is primarily residential. The other two districts are primarily residential with the TC-HDR having a minimum density of 24 units per net acre and TC-MDR having a minimum density of 18 units to the net acre. Clearly the density of TC-HDR most closely matches that of Washington County's TO: R 24-40. For these reasons staff recommends the Zoning Map be amended to show TC-HDR on this property.

The UPAA requires the City to review the relevant Community Plan, which in this case is the Cedar Hills-Cedar Mill Community Plan. This property is in Area of Special Concern Number 4 of that Plan. The Community Plan has numerous conditions for the development of the former Teufel Nursery site. The County became aware that the School District was in the process of acquiring a portion of the Teufel Nursery property for a school site prior to adoption of a major amendment to the Community Plan relating to the Cedar Mill Town Center. The

County amended the Community Plan to exempt the School site from special conditions that applied to the former Teufel Nursery site. The County adopted the following:

*D. At the time of adoption of the Cedar Mill Town Center Plan, the Beaverton School District had identified the need for additional school facilities in the area and was proceeding with condemning a portion of the Teufel Property at the northeast corner of the property for a future school site. If and when the School District acquires a portion of the property, a plan amendment changing the area to an institutional land use designation would need to be approved in order to build a school on the site. Additionally, if and when the School District condemns a portion of the Teufel Property for a future school site, the 1,946 residential units designated for the site will be commensurately reduced for the area taken by the School District for the school site. No other land use designation applicable to the Teufel Property will be affected by the School District's siting of a school on the Teufel Property. Development of a school on the site may proceed on the Property prior to the process outlined in A. above.*

The last sentence in the above Section D. exempts the School site from the requirements of Section A, which represents most of the special requirements contained in Area of Special Concern # 4.

Area of Special Concern # 4 Section B states:

*Regarding street connectivity, the Teufel Property shall be developed consistent with the Design Option listed in Section 3.07.630 of Metro's Urban Growth Management Functional Plan.*

Metro's 2000 Regional Transportation Plan states the following:

*Prior to completion of this updated RTP, several transportation planning requirements were included in the Urban Growth Management Functional Plan (UGMFP), which was enacted to address rapid growth issues in the region while the Regional Framework Plan and other long-range plans were under development. This 2000 RTP now replaces and expands the performance standards required for all city and county comprehensive plans in the region contained in Title 6 of the UGMFP.*

The UGMFP is section 3.07 of Metro Code. The section of Metro Code referenced above was deleted in 2002. The City of Beaverton is in full compliance with the 2000 Regional Transportation Plan and with the recently adopted 2004 Regional Transportation Plan including all required amendments to our Development Code regarding street connectivity. This condition is no longer relevant because it has been superseded by new regulations that the City is in compliance with.

Area of Special Concern #4 Section C. states:

*Except for the 22-acre portion designated TO: RC, the property shall be primarily developed as an area of high density housing. In keeping with*

*regional objectives for intensification of development in mixed use areas well-served by transit to accommodate future population growth within the present urban area, the minimum amount of residential development on the property at build-out shall be 1,946 dwelling units. Provided that future plan amendments are for non-institutional uses, this number shall be achieved even if future plan amendments change the plan designations on the property. However, this number shall be reduced proportionally for future plan amendments which change residential development areas to institutional land use designations.*

The last sentence of this section clearly is referencing the School District site because it would be the only part of the former Teufel Nursery site that would qualify for an institutional designation. The City does not have an institutional designation (educational institutions are an allowed use in Town Center – High Density Residential District) but it is clearly the intent of the last sentence to exempt the School District site from the density requirements.

The Community Plan does not indicate any wetlands or historic sites on the School District property. The Area of Special Concern conditions have been addressed and none of them require further action on the City's part.

## **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, Goal One: Citizen Involvement and Goal Two: Land Use Planning are applicable to the proposed map amendments.

#### **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 and Development Code Section 50.45. 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 CCI Chair at least forty-five days prior to the 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 have been followed.

***Finding:*** *Staff finds that the City through its Charter, Comprehensive Plan and Development Code and the State through numerous statutes have created proper procedures to insure citizens the opportunity to have input in these proposed Comprehensive Plan Map amendments and that those procedures have been or 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 on 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. In 1989, the City and Washington County adopted the Washington County - Beaverton Urban Planning Area Agreement (UPAA), which is now section 3.15 of the Comprehensive Plan. The land use planning processes and policy framework described in the UPAA, Development

Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments. In addition, both the Development Code and the Comprehensive Plan provide procedures to follow when assigning land use designations and zoning related to annexations.

Section II.D. of the UPAA states:

*The CITY and the COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan. Upon annexation, the CITY agrees to convert COUNTY plan and zoning designations to CITY plan and zoning designations which most closely approximate the density, use provisions and standards of the COUNTY designations. Such conversions shall be made according to the tables shown on Exhibit "B" to this agreement.*

This property is currently designated Transit Oriented Residential: 24-40 units per acre (TO: R 24-40). The Washington County Comprehensive Framework Plan places the property within a Town Center design type, consistent with the Metro 2040 Growth Concept. The UPAA does not reference either of these 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 both adopted Land Use District Maps and related Plan text. Each Community Plan Map shows the adopted land use designation for each parcel within the planning area. 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 for relevant site-specific policies. The subject parcel is identified as being within Area of Special Concern No. 4. As discussed earlier in this report, the County has exempted this parcel owned by the Beaverton School District from the special policies that apply to the remainder of the former Teufel Nursery property. The Community Plan does not indicate any areas of significant natural resources, historic sites, or scenic views on the School District property.

***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. This amendment complies with Goal Two.*

***SUMMARY FINDING:*** Staff finds that the requested Comprehensive Plan change to Town Center 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.***

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.

The Metro 2040 Growth Concept Map shows this property as a Town Center design type.

***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.***

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: R 24-40 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. 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 design type. Staff is unaware of any other relevant plans affecting this decision. The Town Center Land Use designation allows for the TC-HDR zoning designation. Staff concludes that Town Center is the appropriate Land Use Map designation.

***Finding:*** Staff finds that the requested Comprehensive Plan change to Town Center is consistent and compatible with Comprehensive Plan Sections 2.6.3 and 3.15 (UPAA), which are the relevant sections of the Plan. 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 Town Center 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 annexation (ANX 2004-0009). 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 Comprehensive Plan and zoning designations in place of the County designations.

***FINDING: Criterion 1.3.1.6 does not apply to annexation related Comprehensive Plan Land Use Map amendments.***

## 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.1. *The proposal satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.***

There is one threshold requirement that 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: R 24-40 because the designation did not exist at the time it was written.

***FINDING: Staff finds that the proposed request satisfies the threshold requirement for a Discretionary Annexation Related Zoning Map Amendment application.***

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

***FINDING: Since there are no fees for annexation related Land Use Map and Zoning Map Amendments. Staff finds that this criterion is not applicable.***

**40.97.15.4.C.3. *The proposed zoning designation most closely approximates the density, use provisions, and development standards of the Washington County designation which applied to the subject property prior to annexation.***

The UPAA does not list TO: R 24-40. The County has placed this area in a Town Center design type in their Framework Plan and staff is recommending that the Land Use Map show this 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 designation allows development that is primarily commercial and, therefore, is not a match for a designation that is primarily residential. The other two districts are primarily residential with the TC-HDR having a minimum density of 24 units per net acre and TC-MDR having a minimum density of 18 units to the net acre. Clearly the density of TC-HDR most closely matches that of Washington County’s

TO: R 24-40. For these reasons staff recommends the Zoning Map be amended to show TC-HDR on this property.

***FINDING:*** *Staff finds that the proposed zoning designation is the closest available district to the County's as specified by the UPAA given the County's overlay designation of Town Center.*

**40.97.15.4.C.4** *The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.*

The UPAA does not reference the current County zoning designation but does require that we assign our most similar zoning designation to the one 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 is not an appropriate match for a primarily residential district. The TC-HDR requires a minimum of 24 units to the net acre, whereas, the TC-MDR has a minimum requirement of 18 units to the net acre. Since the TO: R 24-40 has a minimum of 24 units to the acre, the TC-HDR is our most similar zoning for their TO: R 24-40 as specified by the UPAA and is in compliance with the guidance provided by the UPAA

***FINDING:*** *Staff finds that the proposed zoning designation is our most similar designation to that applied by the County as specified by the UPAA and, therefore, is consistent with it.*

**40.97.15.4.C.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 further City approvals related to this request other than the Planning Commission, City Council and Mayor's approvals of this CPA/ZMA. The property owner may, in the future, submit a request to the City for modification or redevelopment of the property, but that is not related to this request.

***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. An annexation petition has been submitted and an annexation agreement is in the process of being approved.

**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. 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 June 16, 2004 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 must be provided not less than twenty (20) calendar days prior to the City Planning Commission hearing and rezones must provided notice not less than seven (7) days prior to the hearing with the exception of the property owner who must, as required by the City Charter, be sent notice by certified mail at least thirty (30) calendar days prior to the hearing.

1. Legal notice was published in the Beaverton Valley Times on May 20, 2004.
2. Notice was posted at the Post Office, Beaverton Library and City Hall on or before May 27, 2004.
3. Notice was mailed to the Central Beaverton Neighborhood Association Committee and the Cedar Hills-Cedar Mill Citizen Participation Organization and persons within 500 feet of the proposed rezones on or before May 27, 2004.
4. Notice was mailed to the property owner by certified mail on or before May 27, 2004.

Notice was also mailed to Metro and the State Department of Land Conservation and Development on April 26, 2004 more than the 45 days in advance of the initial hearing as required by the Metro Code and Section 660-018-0020 of the Oregon Administrative Rules.

The Planning Commission has not directed staff to provide additional notice for this amendment beyond the notices described above. The notice requirements for this CPA/ZMA will be met.

**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. This fee is likely to increase effective July 1, 2004.

**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.***

**Based on the findings in this report, staff concludes amending the Land Use Map to show Town Center, and the Zoning Map to show Town Center-High Density Residential, is appropriate.**

Attachment: Legal Description

**LEGAL DESCRIPTION**  
**CPA 2004-0008/ZMA 2004-0008**  
**BEAVERTON SCHOOL DISTRICT SITE CPA/ZMA**

A parcel of land (consisting entirely of tax lot 1N 1 34C 101) situated in the West 1/2 of Section 34, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

Beginning at the Center (as restored in Washington County survey no. 15,810) of said Section 34; thence along the East line of the Southwest 1/4 of said Section 34, South 00° 43' 21" East, a distance of 1415.60 feet; thence South 88° 26' 51" West, a distance of 899.67 feet; thence North 02° 01' 43" West, a distance of 270.54 feet, to a point of curvature; thence along the arc of a circular curve to the right (radius of 378.00 feet, central angle of 20° 55' 03", long chord bears North 08° 25' 48" East, a distance of 137.24 feet), a distance of 138.00 feet; thence North 18° 53' 20" East, a distance of 463.22 feet; thence North 82° 45' 19" East, a distance of 652.67 feet; thence North 00° 43' 21" West, a distance of 540.66 feet, to a point on the South line of NW Cornell Road; thence along said South line and the arc of a non-tangent circular curve to the right (radius point bears southwesterly 386.70 feet, central angle of 12° 36' 22", long chord bears South 71° 08' 30" East, a distance of 84.91), a distance of 85.08 feet; thence, leaving said South line, South 00° 43' 21" West, a distance of 4.26 feet, to the point of beginning.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Renaming SW Millikan  
Boulevard Between Murray Boulevard and  
Tualatin Valley Highway to "SW Millikan  
Way"; SNC2004-0001.

7-19-04  
**FOR AGENDA OF:** July 12, 2004 **BILL NO:** 04152

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 06-29-04

**CLEARANCES:** City Attorney 

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

**EXHIBITS:** Ordinance  
Exhibit A - Map

**BUDGET IMPACT**

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

On June 14, 2004 the City Council voted to uphold the Planning Commission's recommendation of "SW Millikan Way" as the new street name for SW Millikan between Murray Boulevard and Tualatin Valley Highway.

**INFORMATION FOR CONSIDERATION:**

The attached ordinance implements this new name pursuant to BC9.02.060 and will be filed with Washington County and the Postmaster following second reading and signing by the Mayor.

**RECOMMENDED ACTION:**

~~First Reading~~  
Second Reading and Passage

**ORDINANCE NO. 4317**

**AN ORDINANCE RENAMING SW MILLIKAN BOULEVARD BETWEEN MURRAY BOULEVARD AND TUALATIN VALLEY HIGHWAY TO "SW MILLIKAN WAY"; SNC 2004-0001.**

**WHEREAS**, the City of Beaverton processed an application for a street name change to establish a consistent street name along the entirety of Millikan, which should eliminate the potential for confusion due to multiple street names along this route; and

**WHEREAS**, the Planning Commission conducted a hearing on April 28, 2004 pursuant to B.C. 9.02.060 and after considering testimony and evidence presented, recommended that the City Council approve a name change for Millikan Boulevard to that of "SW Millikan Way"; and

**WHEREAS**, the proposed street of SW Millikan Way would extend from TV Highway on the west to Murray Boulevard on the east; and

**WHEREAS**, the Council conducted a public hearing on June 14, 2004 and heard and considered testimony and evidence presented on behalf of the proposed name change; and

**WHEREAS**, based upon the evidence and testimony presented at the public hearing, the City staff report dated April 21, 2004 and the Planning Commission Land Use Order No. 1700, the Council finds that it is in the best interest of the residents of the City and the public generally, that the application for street name change be granted as more specifically set forth below.

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** SNC 2004-0001 affecting a portion of SW Millikan, currently designated as SW Millikan Boulevard, depicted in Exhibit A, shall become known as "SW Millikan Way".

**Section 2.** The City Recorder is hereby directed to file a certified copy of this ordinance with the Washington County Recorder, the Washington County Department of Assessment and Taxation, the Washington County Surveyor and the Postmaster.

First reading this 12th day of July, 2004.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2004.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

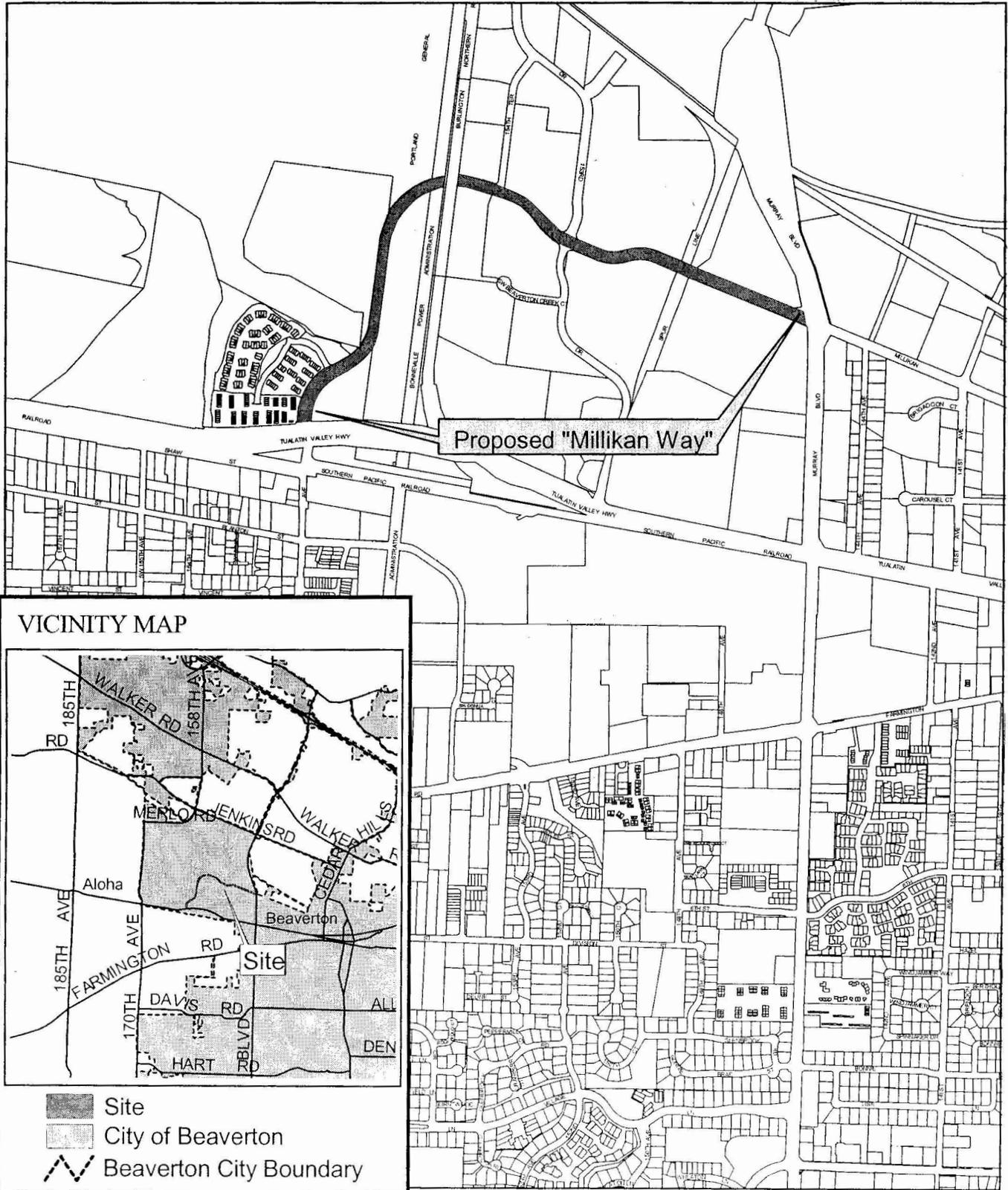
\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

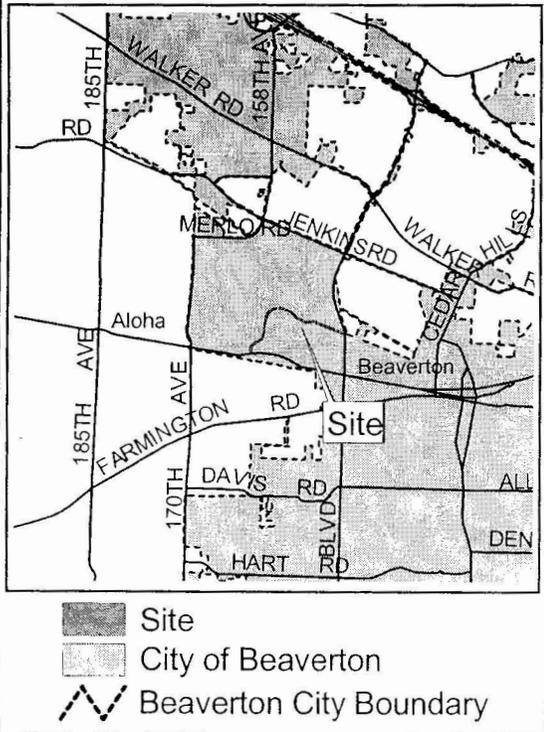
# DETAIL MAP

ORDINANCE NO. 4317

EXHIBIT # A



## VICINITY MAP



City of Beaverton

Millikan Boulevard to Millikan Way Street Name Change

COMMUNITY DEVELOPMENT DEPARTMENT

Development Services Division

3/3/04

Map #

N



Application #

SNC 2004-0001

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Ordinance No. 2050, The Zoning Map, As To A Specific Parcel, From Office Commercial (OC) to Community Service(CS); ZMA2004-0006 Summit View Zoning Map Amendment

7-19-04  
**FOR AGENDA OF:** ~~07-12-04~~ **BILL NO:** 04153

**Mayor's Approval:** *Linda C. Hulland*

**DEPARTMENT OF ORIGIN:** CDD *[Signature]*

**DATE SUBMITTED:** 07-01-04

**CLEARANCES:** Devel Serv *[Signature]*  
City Attorney *[Signature]*

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

**EXHIBITS:** Vicinity Map  
Draft Ordinance  
Land Use Order No. 1701

**BUDGET IMPACT**

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

On May 19, 2004, the Planning Commission held a public hearing to consider an application to amend Ordinance No. 2050, the Zoning Map, by redesignating the site located at 15900 SW Regatta Lane from Office Commercial (OC) to Community Service (CS).

The development site is specifically identified as Tax Lot 1500 on Washington County Assessor's Tax Map 1S1-05BA, which is generally located west of SW 158<sup>th</sup> Avenue and south of SW Walker Road. The property totals approximately 1.2 acres in size.

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:**

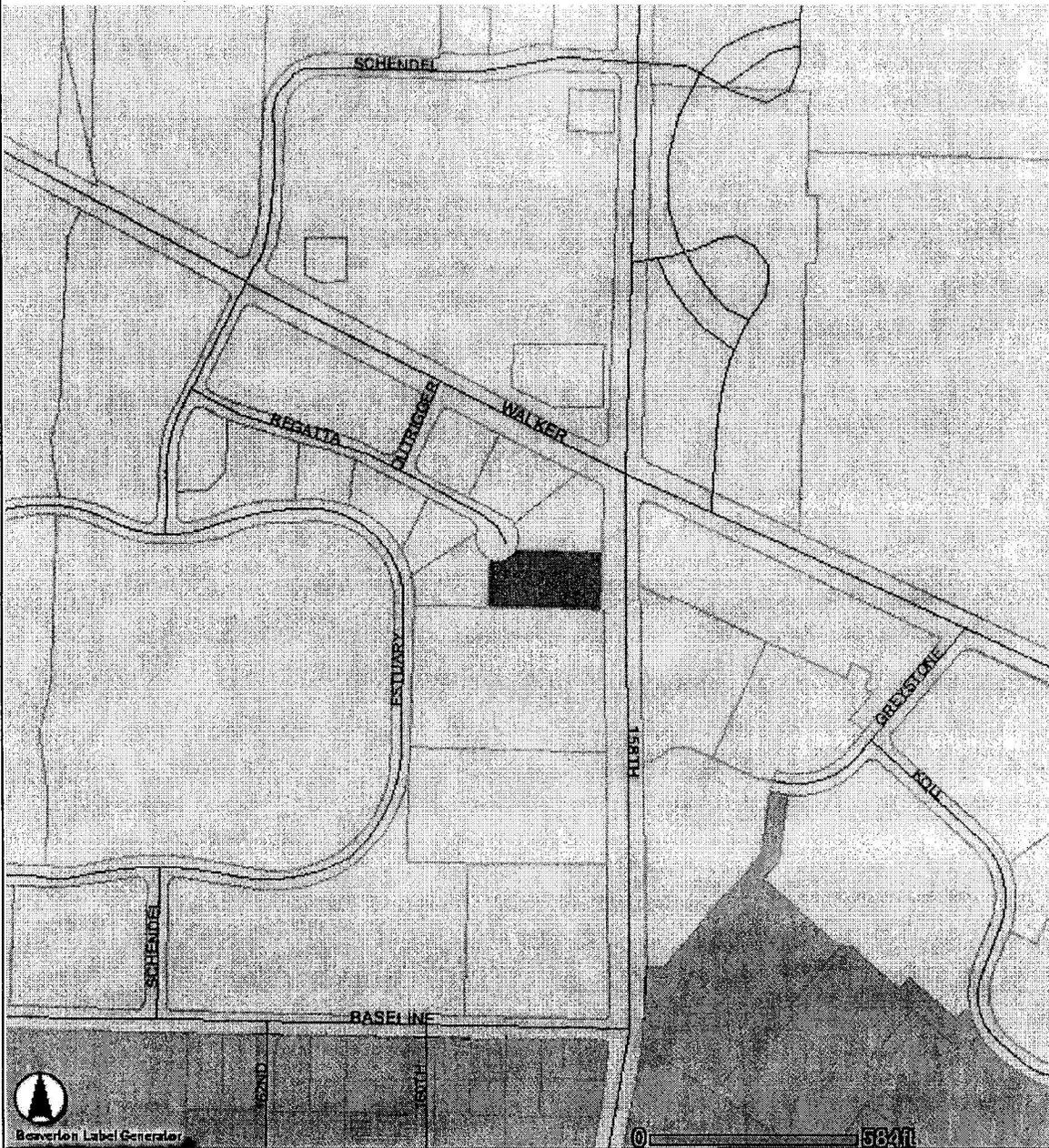
Since no City Council hearing is required and no appeal was filed from the Planning Commission's decision, this ordinance making the appropriate change to the Zoning Map is being presented for first reading at this time.

**RECOMMENDED ACTION:**

~~Conduct First Reading-~~  
Second Reading and Passage

SS:sp

# VICINITY MAP



<b>Project: SUMMIT VIEW EVANGELICAL COVENANT CHURCH</b>	Date: 03/12/04	<b>N</b>
	Map Number 1S105BA01500	
<i>Department: COMMUNITY DEVELOPMENT</i> <i>Division: Development Services</i>	Application # ZMA2004-0006	

ORDINANCE NO. 4318

AN ORDINANCE AMENDING ORDINANCE NO. 2050,  
THE ZONING MAP, AS TO A SPECIFIC PARCEL, FROM OFFICE COMMERCIAL (OC) TO  
COMMUNITY SERVICE (CS); ZMA 2004-0006.

**WHEREAS**, on May 19, 2004, the Planning Commission conducted a public hearing to consider an application to amend Ordinance No. 2050, the Zoning Map, redesignating the site located at 15900 SW Regatta Lane 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 Council adopts as to criteria applicable to this request and findings thereon Development Services Division Staff Report dated May 12, 2004 and Planning Commission Land Use Order No. 1701. Now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 2050, the Zoning Map, is amended to redesignate approximately 1.2 acres, located at 15900 SW Regatta Lane from Office Commercial (OC) to Community Service (CS).

**Section 2.** The property affected by this ordinance is depicted in the attached map, marked Exhibit "A" and incorporated herein. The property is more specifically described on the records of the Washington County Department of Assessment and Taxation as Tax Lot 1500, on Map 1S1-05BA, Beaverton, Washington County, Oregon.

First reading this 12th day of July, 2004.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

APPROVED:

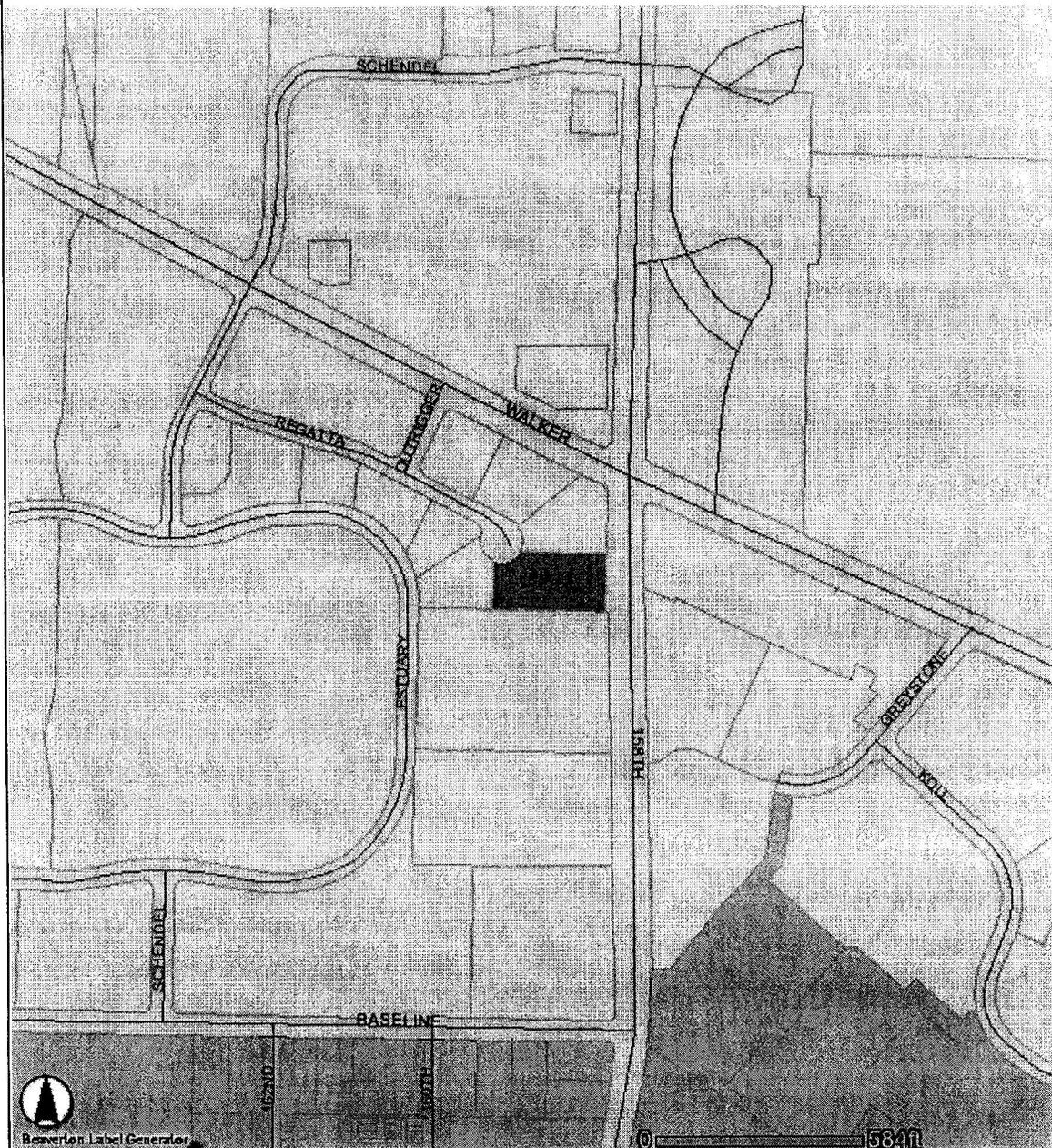
\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

**VICINITY MAP**

ORDINANCE NO. 4318

**EXHIBIT A**



  
Beaverton Label Generator

<b>Project: SUMMIT VIEW EVANGELICAL COVENANT CHURCH</b>	Date: 03/12/04	<b>N</b>
	Map Number 1S105BA01500	
<i>Department: COMMUNITY DEVELOPMENT</i> <i>Division: Development Services</i>	Application # ZMA2004-0006	

**BEFORE THE PLANNING COMMISSION**  
**FOR THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF A REQUEST FOR	)	
	)	ORDER NO. 1701
AN AMENDMENT TO THE CITY ZONING	)	
	)	ZMA 2004-0006
MAP APPLICABLE TO 15900 SW REGATTA	)	
	)	ORDER APPROVING
LANE, (SUMMIT VIEW ZONING MAP	)	
	)	REQUEST
AMENDMENT FROM 'OC' TO 'CS'), SUMMIT	)	
	)	
VIEW EVANGELICAL CHURCH, APPLICANT	)	

The matter came before the Planning Commission on May 19, 2004, on a request for an amendment to the City Zoning Map, providing for a change to the zoning designation on property located at 15900 SW Regatta Lane, specifically identified as Tax Lot 1500 on Washington County Assessor's Map 1S1-05BA. The zoning map designation for this property is currently Office Commercial (OC), which the applicant requests to change to Community Service (CS).

Pursuant to Ordinance 2050 (Development Code) Sections 50.45, the Planning Commission (Commission) conducted a public hearing and considered testimony and exhibits on the subject proposal, and approved the amendment.

The Commission adopts the following supplemental findings in support of its action, in response to key issues of concern, as identified herein.

*Traffic Impacts:* The Commission raised concern that the proposed zoning map amendment would increase the potential for future uses of the parcel to not comply with

the Commission's findings for the original Waterhouse Commons Subdivision approval, which anticipated a greater amount of office development in comparison to the retail development that is predominant in the subdivision today. The applicant stated that the zoning map amendment would not affect the findings or conditions of the Subdivision as they are not subject to the current zoning map amendment. Further, as the zoning map amendment required the applicant to address the worst-case scenario with regard to traffic generation on the subject site, both the 'CS' and the 'OC' zones allow for financial institutions which is a high traffic generating use. Therefore, the worst-case traffic impacts of the 'CS' zone analyzed by the amendment, are no greater than that allowed by the 'OC' zone. The Commission found that the proposed change in the zoning district for this parcel would not create a greater traffic impact to the area, and that the conditions of approval of the original Waterhouse Commons Subdivision would remain applicable to this property under the 'CS' zone.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated May 12, 2004, and the supplemental findings contained herein, as applicable to the approval criteria contained in Sections 40.03 and 40.97.15.1.C of the Development Code.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that ZMA 2004-0006 is **APPROVED**, based on the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts and findings and conclusions found in the Staff Report dated May 12, 2004.

Motion **CARRIED** by the following vote:

**AYES:** DeHarpport, Bliss, Johansen, Maks, Pogue, Winter, and  
Barnard.  
**NAYS:** None.  
**ABSTAIN:** None.  
**ABSENT:** None.

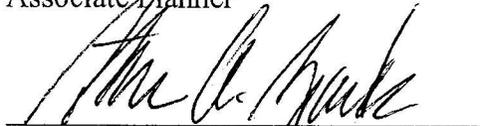
Dated this 27<sup>th</sup> day of May, 2004.

To appeal the decision of the Planning Commission, as articulated in Land Use  
Order No. 1701, an appeal must be filed with the City of Beaverton Recorder's Office by  
no later than 5:00 p.m. on Monday, June 7, 2004.

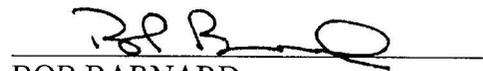
PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

  
\_\_\_\_\_  
SAMBO KIRKMAN  
Associate Planner

  
\_\_\_\_\_  
STEVEN SPARKS, AICP  
Development Services Manager

APPROVED:

  
\_\_\_\_\_  
BOB BARNARD  
Chairman